

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, OCTOBER 3, 2017 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
  - 1. Regular Common Council Meeting of September 19, 2017.
  - 2. Special Common Council Meeting of September 27, 2017.
- D. Hearings - A proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 7333 South 27th Street, from Mixed Use to Residential–Multi-Family Use and Commercial Use [Specifically, Lots 1 and 3 of a proposed Certified Survey Map would be designated as Residential–Multi-Family Use and the proposed Lot 2 designated as Commercial Use.] (Zilber LTD., applicant). The property which is the subject of this application bears Tax Key No. 761-9992-004, consisting of approximately 18.0644 total acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d).
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Located at 7333 South 27<sup>th</sup> Street From Mixed Use to Residential Multi-Family Use, Areas of Natural Resource Features Use and Commercial Use (Approximately 18.0644 Acres) (Zilber Ltd., Applicant).
  - 2. A Resolution Conditionally Approving a 3 Lot Certified Survey Map, Being that Part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin and Including the Dedication of Rights-of-Way for Future Roads, Including West Park Circle Way, West Park Circle and Half of the Right-of-Way of South 80<sup>th</sup> Street (Neumann Developments, Inc., Applicant (Approximately 9733 South 76<sup>th</sup> Street).
  - 3. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Condominiums Development Use Upon Property Located at 9733 South 76<sup>th</sup> Street (Neumann Developments, Inc., Applicant).
  - 4. Direct Staff to Distribute a Request for Qualifications for a Professional Services Contract to Provide Branding and Marketing Services to the City of Franklin.

Common Council Meeting Agenda

October 3, 2017

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5. An Ordinance to Amend Ordinance 2016-2240, an Ordinance Adopting the 2017 Annual Budgets for Capital Improvement Fund for the City of Franklin for Fiscal Year 2017 to Provide Additional Appropriations for a Storm Sewer Project in Rawson Homes Neighborhood.
6. A Resolution Authorizing a Professional Services Contract with Ruekert Mielke for Drainage Improvements in Rawson Homes Neighborhood North of W. Madison Boulevard for \$62,925.
7. A Resolution Authorizing MMSD Funding Agreement FR07 Private Property Infiltration and Inflow Reduction Agreement for \$465,830 and Green Solutions Funding Agreement M03076P53 for \$171,858.
8. Adopt the Direct Payment Provision for the Service and Expense Agreement with Principal Life Insurance Company (Principal Financial Group) for Administration of the City of Franklin Defined Benefit Retirement Plan.
9. August 2017 Monthly Financial Report.
10. Committee of the Whole Recommendation: Review of Mayor's Recommended 2018 Budget (Including all Funds, Departments, Revenues, Expenditures and Activities).

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of October 3, 2017.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

\*Supporting documentation and details of these agenda items are available at City Hall during normal business hours.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

October 5	Plan Commission Meeting	7:00 p.m.
October 17	Common Council Meeting	6:30 p.m.
October 19	Plan Commission Meeting	7:00 p.m.
October 29	Trick or Treat	4:00 p.m.-7:00 p.m.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 19, 2017  
MINUTES

ROLL CALL

- A.1. The regular meeting of the Common Council was held on September 19, 2017 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Clerk Sandra Wesolowski.

CITIZEN COMMENT

- B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:33 p.m.

MINUTES  
SEPTEMBER 5, 2017

- C. Alderman Taylor moved to approve the minutes of the regular Common Council Meeting of September 5, 2017 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

PUBLIC HEARING  
CHANGE OF FUTURE LAND  
USE AT 7333 S. 27TH ST.

- D. A public hearing was called to order at 6:35 p.m. regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 7333 South 27th Street, from Mixed Use to Residential Multi-Family Use and Commercial Use [Specifically, Lots 1 and 3 of a proposed Certified Survey Map would be designated as Residential Multi-Family Use and the proposed Lot 2 designated as Commercial Use.] (Zilber LTD., applicant). The property which is the subject of this application bears Tax Key No. 761-9992-004, consisting of approximately 18.0644 total acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public hearing was closed at 6:35 p.m.

ORD. 2017-  
CHANGE FUTURE LAND  
USE MAP AT 7333 S. 27TH  
ST. (ZILBER LTD.,  
APPLICANT)

- G.1. Alderwoman Wilhelm to postpone to the Common Council meeting on October 3, 2017, an Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use map for property located at 7333 South 27th Street from Mixed Use to Residential Multi-Family Use, Areas of Natural Resource Features Use and Commercial Use (approximately 18.0644 Acres) (Zilber Ltd., applicant). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2017-7299  
SALE OF NOTES FOR TID 3,  
TID 4 AND TID 5

- G.2. Alderman Taylor moved to adopt Resolution No. 2017-7299, A RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$42,750,000 NOTE ANTICIPATION

NOTES FOR TID 3 DEVELOPER INCENTIVE, TID 4 SANITARY SEWER INFRASTRUCTURE, TID 5 PROJECT COSTS AND CAPITAL IMPROVEMENT FUND PROJECTS. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

AGREEMENT FOR  
BALLPARK COMMONS  
DEVELOPMENT REVIEW  
ASSISTANCE

- G.3. Alderman Mayer moved to authorize staff to enter into a professional services agreement with a contractor to be selected by the City Engineer for Ballpark Commons Development Review Assistance, not to exceed \$20,000, pending review by City Attorney for technical corrections. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2017-7300  
AGREEMENT WITH THE  
STATE FOR PRE-EMPTION  
EQUIPMENT AT W. LOOMIS  
RD. & S. 76TH ST. AND S.  
27TH ST. & W. OAKWOOD  
RD.

- G.4. Alderman Mayer moved to adopt Resolution No. 2017-7300, A RESOLUTION TO ENTER INTO AN AGREEMENT WITH STATE OF WISCONSIN FOR PRE-EMPTION EQUIPMENT ("EMERGENCY VEHICLE PRE-EMPTION" FOR THE PURPOSE OF GIVING EMERGENCY RESPONSE VEHICLES A GREEN LIGHT ON THEIR APPROACH TO A SIGNALIZED INTERSECTION WHILE PROVIDING A RED LIGHT TO CONFLICTING APPROACHES) AT INTERSECTIONS OF: W. LOOMIS ROAD (STH 36) AND S. 76TH STREET; AND S. 27TH STREET (STH 241) AND W. OAKWOOD ROAD. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7301  
PRELIMINARY PLAT AT  
10100 S. 76TH ST.  
(NEUMANN  
DEVELOPMENTS, INC.,  
APPLICANT)

- G.5. Alderman Nelson moved to adopt Resolution No. 2017-7301, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR OAKWOOD ROAD AT RYAN CREEK SUBDIVISION (AT APPROXIMATELY 10100 SOUTH 76TH STREET) (NEUMANN DEVELOPMENTS, INC. APPLICANT). Seconded by Alderman Taylor.

Alderman Barber moved to suspend the regular order of business to allow Corey O'Donnell to speak. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. Alderman Taylor moved to return to the regular order of business. Seconded by Alderman Mayer. All voted Aye; motion carried.

On the vote to adopt Resolution No. 2017-7301, all voted Aye; motion carried.

RES. 2017-7302  
AMEND RES. 93-4082 FOR  
SPECIAL USE AT 7141 S.  
76TH ST. (SUNDANCE INC.,  
OWNER OF TACO BELL

- G.6. Alderman Mayer moved to adopt Resolution No. 2017-7302, A RESOLUTION TO AMEND RESOLUTION NO. 93-4082, IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT 7141 SOUTH 76TH STREET TO ALLOW FOR

#30410 RESTAURANT,  
APPLICANT)

REMODELING OF THE EXISTING TACO BELL #30410 RESTAURANT BUILDING AND SITE WORK (SUNDANCE INC., BUSINESS OWNER OF TACO BELL #30410 RESTAURANT, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7303  
LAND COMBINATION AT  
4205 W. CARMEL DR.  
(VALERIE E.  
LUKASZEWICZ,  
APPLICANT)

G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7303, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 739-0025-000 AND 739-0111-000 (4205 WEST CARMEL DRIVE AND OUTLOT 21 OF PLAT OF OUTLOTS 1 THROUGH 5 OF TUMBLECREEK) (VALERIE E. LUKASZEWICZ, APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

RENEWAL OF  
DISSEMINATION AGENT  
AGREEMENT

G.8. No action was required on the automatic annual renewal of Dissemination Agent Agreement with Ehlers & Associates for Issuer Continuing Disclosure required under Securities and Exchange Commission Rule 15c2-12.

PRESENTATION OF  
MAYOR'S 2018  
RECOMMENDED BUDGET

G.9. Alderman Barber moved to forward consideration of the Mayor's 2018 Recommended Budget to the October 2, 2017 Committee of the Whole. Seconded by Alderman Nelson. All voted Aye; motion carried.

LICENSES AND PERMITS

H.1. Alderman Taylor moved to approve the following:  
Approve Operator license to Adria Bollendorf, 4025 S. Packard Ave., #7, St. Francis, with corrections to application;  
Approve Operator license with letter of warning from the City Clerk to Danielle Hight, 5604 Apricot Ct., Greendale; and Nicole Lester, 3513 Pierce Blvd., Racine;  
Approve Operator license to Chad Cuellar, 14180 Ranch Rd., Brookfield; Debra Reichart, 25304 Windsong Ct., Wind Lake; Candice Mae Sibila, 4362 S. Nicholson Ave., St. Francis; Kenneth Young, 11401 W. Swiss St.;  
Approve Temporary Entertainment & Amusement license to Faith Community Church (Rev. Stuart Merkel) for their Pumpkin Festival on October 7, 2017.  
Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND PAYROLL I.

Alderman Dandrea moved to approve the following:  
City vouchers with an ending date of September 14, 2017 in the amount of \$908,792.01; Payroll dated September 15, 2017 in the amount of \$377,766.96 and payments of the various payroll deductions in the amount of \$236,848.47, plus City matching payments; and Estimated Payroll dated September 29, 2017 in the

amount of \$404,000.00 and payments of the various payroll deductions in the amount of \$412,000.00, plus City matching payments. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Mayer moved to adjourn the meeting at 7:52 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

CITY OF FRANKLIN  
SPECIAL COMMON COUNCIL MEETING  
SEPTEMBER 27, 2017  
MINUTES

## ROLL CALL

- A. The special meeting of the Common Council was held on September 27, 2017 and called to order at 4:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, and Alderman Steve F. Taylor. Excused were Alderman Mike Barber and Alderman John R. Nelson. Also present was City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski

## CITIZEN COMMENT

- B. Citizen comment period was opened at 4:31 p.m. and closed at 4:31 p.m.

EXTRAORDINARY EVENT  
GAB COUNTRY FEST AT  
CROATIAN PARK

- C. Alderman Taylor moved to approve the granting of an Extraordinary Event and Temporary Entertainment license to GAB (Generations Against Bullying) for Country Fest at Croatian Park on September 30, 2017 from 11:00 a.m. to 11:00 p.m., with music from 12:00 Noon to 10:00 p.m. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

TEMPORARY LICENSES  
APPROVAL/DENIAL  
PROCESS

Alderman Mayer moved to refer the approval/denial process of Extraordinary Event and Temporary Entertainment licenses and Special Class B Beer/Wine Picnic licenses to a future Committee of the Whole meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.

## ADJOURNMENT

- D. Alderman Taylor moved to adjourn the special meeting at 4:36 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

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D.

CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, September 19, 2017, at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 7333 South 27th Street, from Mixed Use to Residential–Multi-Family Use and Commercial Use [Specifically, Lots 1 and 3 of a proposed Certified Survey Map would be designated as Residential–Multi-Family Use and the proposed Lot 2 designated as Commercial Use.] (Zilber LTD., applicant). The property which is the subject of this application bears Tax Key No. 761-9992-004, consisting of approximately 18.0644 total acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft ordinance is also available and open for inspection by the public at the Franklin Public Library, 9151 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. In addition, the draft ordinance is available for review at [www.franklinwi.gov](http://www.franklinwi.gov). Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Joel Dietl, City of Franklin Planning Manager, at 414-425-4024.

Dated this 9th day of August, 2017.

Sandra L. Wesolowski  
City Clerk

N.B. Class I

Publish: August 17<sup>th</sup>

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/03/17</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 7333 SOUTH 27TH STREET FROM MIXED USE TO RESIDENTIAL-MULTI-FAMILY USE, AREAS OF NATURAL RESOURCE FEATURES USE AND COMMERCIAL USE (APPROXIMATELY 18.0644 ACRES) (ZILBER LTD., APPLICANT)</b>	<b>ITEM NUMBER</b> <i>G. I.</i>

At their September 7, 2017 meeting the Plan Commission recommended approval of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 7333 South 27th Street from Mixed Use to Residential – Multi-Family use, Areas of Natural Resource Features use and Commercial use (approximately 18.0644 acres) (Zilber LTD., Applicant).

At the September 19, 2017 Common Council meeting, at the request of the applicant, the public hearing was postponed and continued to the October 3<sup>rd</sup> Common Council meeting.

The applicant is continuing to work with staff on the draft development agreement for Common Council review; however, the document is not ready to proceed at this time. As such, the applicant is requesting that the item be tabled to the October 17, 2017 Common Council meeting.

#### **COUNCIL ACTION REQUESTED**

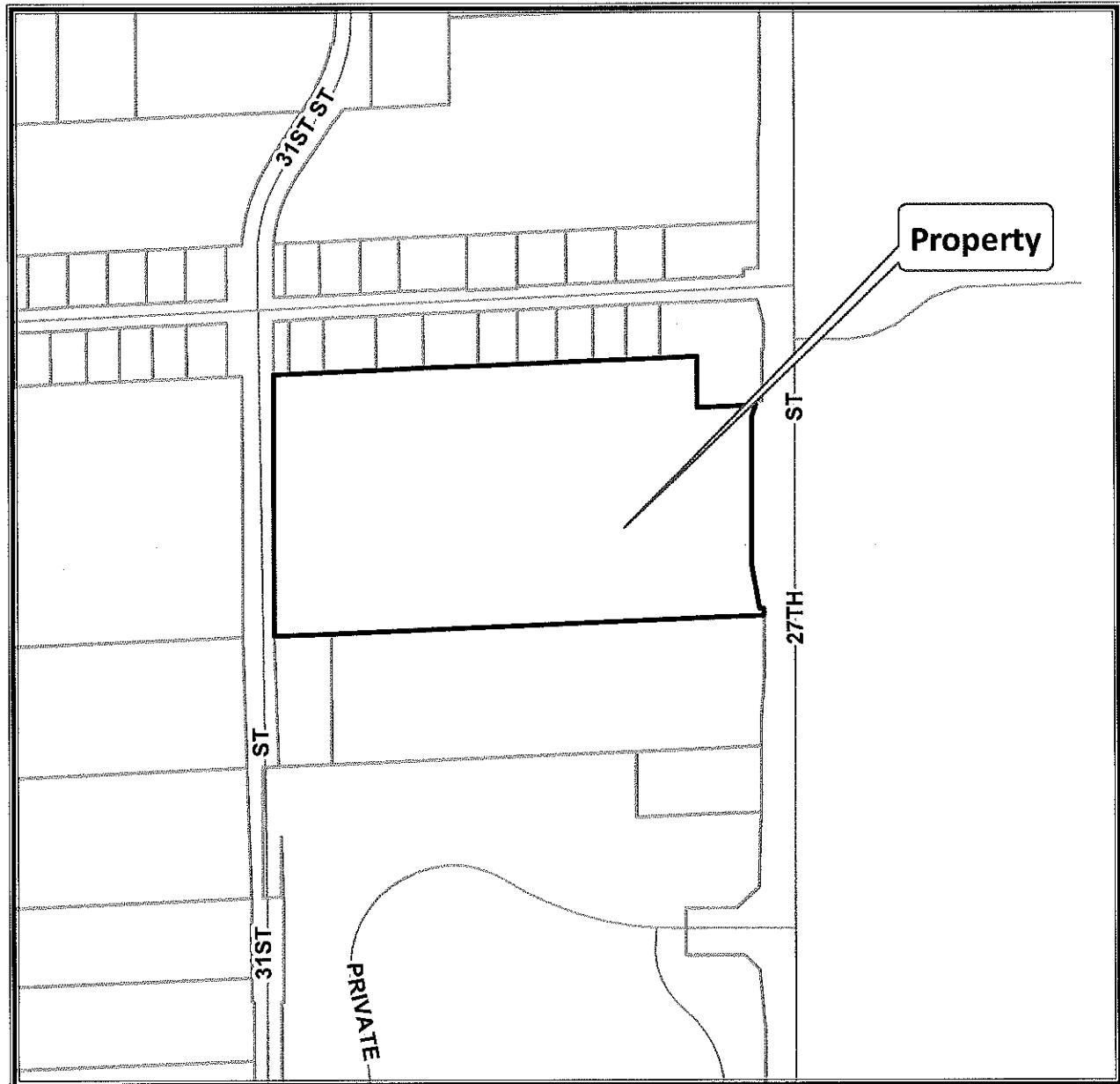
A motion to adopt Ordinance 2017-\_\_\_\_\_, an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 7333 South 27th Street from Mixed Use to Residential – Multi-Family use, Areas of Natural Resource Features use and Commercial use (approximately 18.0644 acres) (Zilber LTD., Applicant).

or

A motion to postpone and continue the subject matter to the October 17, 2017 Common Council meeting.



7333 S. 27th Street  
TKN 761 9992 004



Planning Department  
(414) 425-4024

0 245 490 980 Feet

*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



2017 Aerial Photo



7333 S. 27th Street  
TKN 761 9992 004



Planning Department  
(414) 425-4024

0 245 490 980 Feet



2017 Aerial Photo

*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of September 7, 2017

**Comprehensive Master Plan Amendment, Special Use and Certified Survey Map**


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**RECOMMENDATION:** Department of City Development staff recommends denial of the Comprehensive Master Plan Amendment, Special Use, and Certified Survey Map. If approved, staff recommends approval subject to the conditions in the attached draft ordinance and resolutions.

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<b>Project Name:</b>	Zilber Apartments
<b>General Project Location:</b>	7333 South 27 <sup>th</sup> Street
<b>Property Owner:</b>	Metropolitan Milwaukee YMCA Bank Creditor Trust
<b>Applicant:</b>	Zilber Ltd.
<b>Agent:</b>	Mike King, Zilber Ltd.
<b>Current Zoning:</b>	B-4 South 27 <sup>th</sup> Street Mixed Use Commercial District
<b>2025 Comprehensive Plan:</b>	Mixed Use
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, Platt Construction, Inc. and vacant land to the south, City of Oak Creek to the east and vacant land (zoned B-4 District) to the west
<b>Applicant's Action Requested:</b>	Approval of applications related to the proposed multi-family residential development

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**INTRODUCTION:**

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft ordinance.

On July 26, 2017, Zilber Ltd. filed Comprehensive Master Plan (CMP), Special Use, and Certified Survey Map (CSM) applications for a proposed multi-family residential development located at 7333 South 27<sup>th</sup> Street. These applications are further described below.

**Comprehensive Master Plan Amendment:**

The CMP Amendment application requests to amend the Future Land Use designation of Lot 1 and Lot 3 of the proposed CSM from "Mixed Use" to "Residential – Multi-Family" and "Areas of Natural Resource Features" and the proposed Lot 2 from "Mixed Use" to "Commercial." The applicant does not currently have plans to develop Lot 2; however, staff has recommended the applicant amend the future land use designation to Commercial to be more consistent with the current zoning and the likely anticipated use of the property.

Note that staff neglected to discuss the Areas of Natural Resource Features designation for Lot 1 and Lot 3 with the applicant, which is why it is not currently indicated on the provided Comprehensive Master Plan Amendment Exhibit. Staff will work with the applicant to revise this exhibit to match the attached draft ordinance and resolution, which includes the Areas of Natural Resource Features designation for Lot 1 and Lot 3. The Areas of Natural Resource Features designation will reflect the Conservation Easement area as shown on the final CSM.

### **Special Use:**

The Special Use application has been submitted for development of 180 market rate apartments. Table 15-3.0602 of the Unified Development Ordinance (UDO) allows "Multiple-family dwellings and apartments" as a Special Use in the B-4 District.

The B-4 District requires that new residential development meet the R-8 Multiple-Family Residence District Development Standards in Table 15-3.0209 of the UDO. The applicant is requesting to exceed the R-8 Residence District density standards under Options 1 and 2, which allows a Gross Density of 6.10 for Option 1 and 8.00 for Option 2 and Net Density of 8.00 for either Special Use Option.

### **Certified Survey Map:**

The Certified Survey Map application proposes to divide the existing approximately 18.06-acre property into three separate parcels. Lot 1 of the proposed CSM is about 7.82-acres, Lot 2 is about 2.00-acres and Lot 3 is approximately 6.46-acres.

### **PROJECT DESCRIPTION/ANALYSIS:**

It is important to note that the applicant intends to acquire the motel and restaurant property to the north, to raze and market the motel portion of the property for a future commercial use, and to allow the restaurant portion of the property to remain. However, the applicant has not included that property as part of the current applications. The applicant has indicated that those changes will be submitted for separate City review and approval at some future date.

In regard to Lot 2 of the proposed Certified Survey Map, the applicant envisions that a commercial use will be developed on that property (most likely a daycare) at some point in the future. However, the applicant has not included that project as part of the current applications. Therefore, the applicant will need to submit a Site Plan or Special Use application (depending upon the proposed use) at some future date.

It can also be noted that the subject property is located within Tax Incremental Financing (TIF) District No. 3, and that the applicant has initiated discussions with the City of Franklin for use of TIF funds to assist with development of the subject project.

### **Comprehensive Master Plan Amendment/Consistency:**

- *Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

Comprehensive Master Plan Amendment:

The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as Mixed Use and Areas of Natural Resource Features. The surrounding future land uses are Mixed Use and Office to the south, Mixed Use to the west, and Mixed Use and Residential to the north. The subject area is also part of the South 27<sup>th</sup> Street Corridor Plan which recommends the area's future land use as Mixed Use – Commercial.

At staff's recommendation, and as an apartment complex is proposed for the majority of the subject area (to be planned and developed separately from the potential future daycare and motel/restaurant proposals), the applicant has applied for a CMP Amendment. As previously noted, the Amendment is to change the future land use from Mixed Use to Residential – Multi-Family for the apartment development, and to Commercial for the potential daycare parcel.

Comprehensive Master Plan Consistency:

The Department of City Development believes that the proposed project, and its associated CMP Amendment and Special Use request, are not consistent with certain elements of the City's Comprehensive Master Plan including but not limited to:

- The 70/30 Goal of the City, which seeks to establish a 70/30 ratio of residential to commercial assessed valuation.
- Pursue and achieve business attraction, retention, and expansion.
- Accommodate (where appropriate) mixed-use development within identified districts and commercial areas. Including, "Provide for mixed-use buildings to include housing within identified districts and commercial corridors."
- The future land use map, which envisions that the subject area and surrounding area be developed for mixed use purposes, as opposed to multi-family residential uses.

The subject proposal is also not consistent with the "South 27<sup>th</sup> Street Corridor Plan" which recommends:

- That this area serve as a premiere employment center and as a transition from the large regional retail uses to the north.
- That this area consist of smaller scale commercial, office, civic, institutional and residential uses.
- That the primary uses in this area include retail, office, and institutional uses.
- Approval of the previously proposed YMCA development for this site, which included a medical facility.

Furthermore, staff would note that the subject property is one of a few remaining large parcels along S. 27<sup>th</sup> Street. Staff would likely be supportive of a proposal that was more consistent with a traditional mixed use development, which would better fit the future land use designation of mixed use. A traditional mixed use development would integrate uses more, such as first floor retail with residential apartments above.

On the other hand, the subject proposal is consistent with certain Comprehensive Master Plan goals, objectives, and/or policies including:

- Ensure compatibility with adjacent land uses.



- Provide a wide range of housing opportunities to support the needs of working professionals, seniors, and families.
- Create a plan that provides direction but allows flexibility in the development of residential and non-residential areas.

The subject proposal is also consistent with certain South 27<sup>th</sup> Street Corridor Plan recommendations, including:

- Work with Minnesota Avenue residents and St. James Church to create a Sub-Area Plan for the area designated as “Mixed-Use Commercial”...
- That a new mixed use commercial zoning district be created for this area, which should allow such uses as residential as a permitted or special use.

Based upon the preceding information, the Department of City Development has concluded that the subject proposal is not consistent with a preponderance of the Comprehensive Master Plan’s goals, objectives, and policies.

#### **Director of Economic Development Comments:**

Economic Development staff disagrees with Planning Staff’s assessment of the project’s mixed-use status and therefore the necessity for an amendment to the comprehensive master plan to accommodate the project. When considered in context, the proposed project is mixed-use and will function among a mix of uses in the surrounding area. The area is appropriately zoned B-4 which allows for both multi-family residential and commercial uses. Both types of uses are proposed as part of the Zilber development. Commercial uses along 27<sup>th</sup> Street include; the proposed day-center, the retained restaurant, and the existing motel site, which will be marketed for future commercial/mixed-use development. Land set further back from 27<sup>th</sup> Street will be residential creating a mix of development uses on the site. While it may be argued that a different style of mixed-use development is preferred, the proposed mix of uses provides balance of activity that is generally sought from mixed-use development.

Additionally, the project serves as a transitional use between the single family residential homes to the north and the commercial uses to the south. The mixed-use direction of the project better positions the City for incorporating additional mixed-use development along the 27<sup>th</sup> Street corridor in the future.

On March 21, 2017, the Common Council directed staff to “work with Zilber LTD. regarding a proposed mixed-use development at 7333 S. 27<sup>th</sup> Street and to pursue a development agreement that includes financial support from tax increment finance (TIF) district No. 3 with the understanding that the development agreement will include removal of the hotel, [and with regard to Tax Incremental Financing] “lookback” provision, and “pay as you go” [incentive balance], as outlined in the Council Action Sheet for this item.” Negotiations of the development agreement between the City and Zilber are on-going.

#### **Special Use:**

The applicant is requesting approval to develop 180 market rate apartments within six 30-unit buildings. Each building is anticipated to consist of 13 one-bedroom units and 17 two-bedroom units. In total, there will be 78 one-bedroom units and 102 two-bedroom units. A typical one

bedroom unit will be approximately 789 square feet and two bedroom units are about 1,258 square feet on average. The applicant has indicated a projected average rental rate of \$1.40 per square foot.

The table below summarizes the maximum number of dwelling units allowed and the density proposed by the applicant.

Parcel	Maximum number of dwelling units per maximum ND of 8.00	Maximum number of dwelling units per maximum GD of 8.00	Proposed dwelling units	Proposed ND	Proposed GD
Lot 1 (north multi-family parcel)	47 dwelling units	63 dwelling units	90 dwelling units	15.35	11.51
Lot 3 (south multi-family parcel)	39 dwelling units	52 dwelling units	90 dwelling units	18.56	13.92

Per Section 15-3.0701A.7. of the UDO (below), the Common Council, pursuant to the recommendations of the Plan Commission, may modify regulations of the zoning district.

**Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Pursuant to Section 15-3.0701 of the UDO, the applicant has provided responses to the General Standards for Special Uses, which are included in this submittal. However, as noted above, staff does not agree with the applicant that the proposed project is consistent with the City's Comprehensive Master Plan.

Furthermore, it should be noted that the Fire Department, in its comments provided in its review of this project indicated: "The Fire Department does not support further high-density residential development relative to existing Fire Department staffing levels. Response times for Fire and EMS incidents may exceed Fire Department benchmark goals and/or industry standard recommendations."

#### **Certified Survey Map:**

As previously noted, a three lot Certified Survey Map (CSM) is proposed as part of the subject project and is included in the application submittal. However, the Engineering Department is still reviewing the CSM as well as the associated easements, utilities, infrastructure, erosion control, etc. Therefore, staff recommends that the applicant shall revise the Certified Survey Map to incorporate the Engineering Department's technical review comments prior to recording the Certified Survey Map.

In particular, the applicant has indicated that they are open to discussions about cross access between Lot 1 and the motel/restaurant parcel to the north, but are concerned about the impacts upon the adjacent natural resource features. Therefore, the applicant has not shown such access on the CSM, nor have those natural resources been included within the proposed Conservation Easement.

However, the B-4 South 27<sup>th</sup> Street Mixed Use Commercial District requires, and the South 27<sup>th</sup> Street Corridor Plan recommends, that cross access be provided. Therefore, staff recommends that the applicant shall provide a cross-access easement between Lot 1 and the adjacent motel/restaurant parcel to the north, and revise the Certified Survey Map accordingly, to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment, for Department of City Development review and approval prior to recording of the Certified Survey Map.

It is also important to note that pursuant to Sections 15-2.0303 and 15-8.0101 of the UDO, a Development Agreement (to ensure the proper furnishing, construction, and installation of required improvements), will be required for the subject development, for review by the City Engineer and the City Attorney, and approval by the Common Council, prior to recording of the CSM.

#### **Site Plan:**

The apartment development is located upon Lots 1 and 3 of the proposed CSM. The site plan includes six 30-unit multi-family buildings, a recreation building, outdoor swimming pool, grilling area, playground, dog park and associated parking, landscaping and storm water management facilities. The development is divided in half by a proposed public road with the north side and south side of the development each containing three buildings.

However, the applicant did not provide any site plan details for the grilling area, playground, and dog park. Therefore, staff recommends that the applicant shall revise the Site Plan to include details of the proposed grilling area, playground, and dog park prior for Department of City Development review and approval prior to issuance of a Building Permit. Alternatively, the applicant may apply for a Minor Site Plan Amendment prior to development of the grilling area, playground, and dog park, for Department of City Development review and approval.

The R-8 District requires an Open Space Ratio (OSR) of 0.35 for Option 1 and 0.25 for Option 2. The applicant is proposing an OSR of 0.745 for the north side of the development and 0.750 for the south side, well exceeding the R-8 District Development Standard.

It should be noted that the Engineering Department is still reviewing the Site Plan as well as the associated Sewer and Water Plan, Storm Sewer System Plan, Grading and Drainage Plan, etc. Therefore, staff recommends that the applicant shall revise the Site Plan and associated Sewer, Water, Storm, Grading, etc. plans to incorporate the Engineering Department's technical review comments prior to issuance of a Building Permit.

Ingress and Egress:

The applicant is proposing to extend a public road from S. 27<sup>th</sup> Street to S. 31<sup>st</sup> Street. All access to apartment buildings will be from the new public road. According to the applicant, the Wisconsin Department of Transportation has conceptually approved the access location to S. 27<sup>th</sup> Street and permit documents have been submitted and are currently under review.

Recreation Building and Site Amenities:

The applicant has provided a Site Amenities Plan that includes several facilities for tenants and guests including, a recreation building, swimming pool, grilling area, a playground and a dog park.

The recreation building is located on the north side of the development and includes a fitness center and multipurpose room, restrooms, clubroom and a leasing office. Adjacent to the recreation building is the outdoor pool and a large grilling area.

The playground is located on the south side of the development and will include a jungle gym, slide, swings and other children activities as well as benches and trash receptacles. The dog park is also located on the south side of the property. The pool, playground and dog park are all enclosed or partially enclosed by a 4-foot high aluminum fence.

Additionally, bike racks, benches, trash receptacles and dog waste stations are located throughout the site. Bike racks are located in front of all six buildings. The applicant has included benches adjacent to the playground and within the dog park area. Trash receptacles and dog waste stations with bags are located adjacent to the sidewalk along the north side of the proposed public road at either end of the site.

Parking:

The Unified Development Ordinance requires a Standard Parking Ratio of 1 space per dwelling unit for efficiency and one-bedroom apartments, 2 spaces per dwelling unit for two-bedroom apartments and 2.5 spaces per dwelling unit for three or more bedroom apartments.

The applicant is proposing 180 apartment units, which will be a mix of one bedroom and two bedroom units. The applicant anticipates a total of 78 one-bedroom units and 102 two-bedroom units; therefore, the UDO Standard Parking Ratio is 282 parking spaces.

Four of the buildings will have 33 interior parking spaces and the other two buildings will have 34 parking spaces, totaling 200 parking spaces. In addition, the site plan includes 84 surface parking spaces. Therefore, a total of 284 parking spaces are proposed, which meets the requirements of Section 15-5.0203 of the UDO. The applicant notes that interior parking will be reserved for tenants, but that exterior parking will not, but rather will be available for both tenants and guests. The applicant further notes that the recreational amenities will be available for tenant use only, as such, additional parking is not required.

The 284 parking spaces include 4 exterior ADA compliant parking stalls and one ADA compliant stall is located in each underground parking area. The north side of the development has 50 parking spaces and the south side has 34 parking spaces. Each portion of the development includes two ADA parking stalls, which meets Table 15-5.0202(I)(1) of the UDO.

Additionally, the proposed exterior parking spaces are a minimum of size of 9' wide and 20' long (180 square feet), meeting the UDO required minimum parking space size.

#### Landscaping:

The UDO requires 1.5 canopy/shade trees per dwelling unit, 1 decorative tree per dwelling unit, 1 evergreen per dwelling unit and 3 shrubs per dwelling unit. With this request, the applicant is proposing to construct 180 dwelling units; therefore, a total of 270 canopy/shade trees, 180 evergreen trees, 180 decorative trees and 540 shrubs are required. However, the development abuts less intense single-family residential homes, thus a 20% increase is required per Section 15-5.0302C. of the UDO. This result in 324 canopy/shade trees, 216 evergreen trees, 216 decorative trees and 648 shrubs are required.

The Landscape Plan identifies 229 canopy/shade trees, 144 evergreens, 216 decorative trees and 648 shrubs. This equates to 1.27 canopy/shade trees per unit, 1.2 decorative trees per unit, 0.8 evergreen trees per unit and 3.6 shrubs per unit.

To compensate for the shortfall of 95 canopy/shade trees and 36 evergreens, the applicant has proposed to plant minimum 7-foot tall evergreen trees, opposed to the UDO required minimum of 4 foot tall trees. In addition, the applicant has noted that 180 existing shade trees will be preserved onsite, which is equivalent to 95 shade trees per Section 15-5.0302D. of the UDO. Staff notes, however, that this Section also requires the exact location, size and type of existing trees to be preserved be shown as part of the landscape plan. This information has not been provided. Therefore, staff recommends that the applicant shall revise the Landscape Plan to identify the existing trees to be retained, for Department of City Development review and approval, prior to issuance of a Building Permit.

The applicant has provided hose bibs on the buildings for irrigation. Areas for snow storage are illustrated on the Landscape Plans as well.

The applicant is providing street trees in conformance with Section 15-8.0117 of the UDO, which are not included in the Plant Schedule.

#### Outdoor Lighting:

The applicant provided a Site Lighting Plan, which includes light details and photometrics. Lighting detail/catalog sheets have also been provided. The applicant is proposing 15-foot poles on 3" bases within the north and south parking lots. The north lot includes 7 light poles and the south lot has 6 light poles. Seven street lights are also included on the north side of the public road. Street lights are on 25' poles on a 3" base.

As the proposed project includes a number of outdoor recreational amenities in close proximity to the proposed public street, staff recommends that the applicant shall revise the Lighting Plan to include pedestrian scale decorative lighting at the recreational building, playground, and dog park areas, for Department of City Development review and approval prior to issuance of an Occupancy Permit. Staff suggests that pedestrian scale decorative lighting be provided throughout the subject property.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Tina Meyers of RA Smith National, dated May 5, 2017. According to the NRPP, the site contains four wetlands and the association wetland buffers and wetland setback. The NRPP notes that the tree line along the south property line meets the definition of young woodland; however, approximately 90% of the trees are Green Ash and are diseased/dying due to the Emerald Ash Borer.

The wetlands were delineated by Heather Patti of RA Smith National on October 8, 2015. A full and complete wetland delineation report is on file with the Department of City Development. The cover letter of that report is attached.

In total, approximately 2.3 acres of the site consist of protected natural resource features. The applicant is proposing wetland, wetland buffer and wetland setback impacts for the construction of the proposed public road. Specifically, the applicant is requesting approval to fill approximately 2,391 square feet of wetlands, and about 8,822 square feet of wetland buffer. The applicant did not indicate how many square feet of wetland setback would be impacted. Therefore, staff recommends that the applicant shall revise the Natural Resource Protection Plan to indicate the amount of wetland setback disturbance and loss for Department of City Development review and approval prior to issuance of a Building Permit.

The applicant is not proposing mitigation for the proposed impacts. Although the impact is for a public road, staff recommends that the applicant shall prepare a mitigation plan that includes restoration and/or enhancements to the existing wetlands onsite, for review and approval by Department of City Development, prior to issuance of a Building Permit.

The applicant has illustrated the conservation easement boundary on Sheet EX.1, which includes protection of the wetland and wetland buffer for the two wetlands adjacent to S. 31<sup>st</sup> Street, but not for a third wetland adjacent to S. 27<sup>th</sup> Street. Therefore, staff recommends that the applicant shall revise the Conservation Easement to include protection of the wetland and 30-foot wetland buffer for all three remaining wetland areas onsite. Sheet EX.1, the Site Development Plan (Sheet C300) and the Certified Survey Map shall all be revised to illustrate the boundary as such and be labeled accordingly. In addition, staff suggests that the conservation easement also include the 50-foot wetland setback.

It can be noted that a Natural Resource Special Exception will be required at the time that the cross access between Lot 1 and the motel/restaurant parcel to the north is developed.

Furthermore, staff recommends that the applicant shall prepare a written conservation easement document for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.

Architecture:

The proposed buildings are 3 stories and 40-feet in height. The recreation building is 1 story and just over 19 feet in height. The primary building materials include brick and two styles of fiber cement siding. The front elevations include a storefront entry feature and a metal canopy.

Secondary entrances also have a metal canopy. The building contains balconies, which will be enclosed by painted steel or aluminum railings.

The applicant has indicated that rooftop mechanicals will be screened by the building's parapet walls. Otherwise, mechanicals are located within each building.

It can be noted that the facades for all six buildings are the same, and that the entrances for each building only include a small canopy. As such, little architectural variation and interest is provided to distinguish the buildings from one another, to moderate the scale and mass of the proposed development, and to enhance the pedestrian environment. Furthermore, although the South 27<sup>th</sup> Street Design Standards do not apply to residential development, they do still serve as a guideline through their incorporation into the City's Comprehensive Master Plan, and they still provide valid design and architectural considerations. Therefore, staff recommends that the applicant shall revise the Building Elevations to incorporate at least two different building types, incorporating such features as window treatments, colors, trim/edging materials, and distinct building entrances to distinguish the building types from one another, for Department of City Development review and approval prior to issuance of a Building Permit.

#### Signage:

The site plan includes two monument signs, adjacent to S. 31<sup>st</sup> Street and S. 27<sup>th</sup> Street. Sign details have not been provided; therefore, staff recommends that the applicant shall prepare sign plans for Department of City Development review and approval prior to issuance of a Sign Permit by the Inspection Department. Note that staff anticipates requiring a brick or stone base and that the sign comply with the same monument sign standards for commercial signage per Chapter 210 of the Municipal Code.

#### Stormwater Management:

The Engineering Department is currently reviewing the preliminary storm water management plans. The applicant will provide a final stormwater management plan and stormwater management agreement with the final engineering plans. Staff recommends that the applicant shall submit to the Engineering Department, for review and approval, a final storm water management plan prior to issuance of a Building Permit.

### **PUBLIC STREETS, SIDEWALKS, AND TRAILS PRACTICABLE ALTERNATIVES ANALYSIS:**

The applicant is proposing wetland, wetland buffer, and wetland setback impacts/loss for construction of the proposed public street. Specifically, the applicant is requesting approval to fill 2,391 square feet of wetland and 8,822 square feet of wetland buffer. The applicant has not indicated that amount of wetland setback impact/loss.

The applicant has provided an exhibit (Sheet EX.1) illustrating these impacts as well as an alternative analysis. These impacts may be allowed by the Common Council per Ordinance No. 2016-2224, which states that all public streets, sidewalks and trails construction shall not be subject to the natural resource features protection standards following review and approval by the Common Council. However, the applicant did not address sections i), ii), and iii) of

Ordinance No. 2016-2224 pertaining to conformance with the City's road construction standards, status of other governmental permits, and impacts upon natural resource features located outside of the limits of disturbance associated with the public road construction. Therefore, staff recommends that the applicant shall revise the practicable alternatives analysis to address sections (f) i), ii), and iii). for review and approval by the Common Council prior to issuance of a Building Permit.

#### **STAFF RECOMMENDATION**

Based upon a lack of consistency with a preponderance of the goals, objectives, and policies contained within the City's Comprehensive Master Plan, the Department of City Development recommends denial of the Comprehensive Master Plan Amendment, the Special Use, and the Certified Survey Map.

In addition, as previously noted, the Fire Department indicated concerns with the subject project, specifically, "The Fire Department does not support further high-density residential development relative to existing Fire Department staffing levels. Response times for Fire and EMS incidents may exceed Fire Department benchmark goals and/or industry standard recommendations."

However, if the Plan Commission chooses to recommend approval of the subject proposal, staff recommends such approval be subject to the conditions set forth in the draft Ordinance and draft Resolution.



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF  
FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED  
AT 7333 SOUTH 27TH STREET FROM MIXED USE TO  
RESIDENTIAL–MULTI-FAMILY USE, AREAS OF NATURAL  
RESOURCE FEATURES USE AND COMMERCIAL USE  
(APPROXIMATELY 18.0644 ACRES)  
(ZILBER LTD., APPLICANT)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Zilber LTD. has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 7333 South 27th Street from Mixed Use to Residential–Multi-Family Use, Areas of Natural Resource Features Use and Commercial Use [Specifically, Lots 1 and 3 of a proposed Certified Survey Map would be designated as Residential–Multi-Family Use and Areas of Natural Resource Features Use and the proposed Lot 2 designated as Commercial Use.]; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on September 7, 2017, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 7333 South 27th Street from Mixed Use to Residential–Multi-Family Use, Areas of Natural Resource Features Use and Commercial Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on September 19, 2017; and

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at 7333 South 27th Street from Mixed

Use to Residential- Multi-Family Use, Areas of Natural Resource Features Use and Commercial Use [Specifically, Lots 1 and 3 of a proposed Certified Survey Map would be designated as Residential- Multi-Family Use and Areas of Natural Resource Features Use and the proposed Lot 2 designated as Commercial Use.]. Such property is more particularly described within Resolution No. 2017 \_\_\_\_\_ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

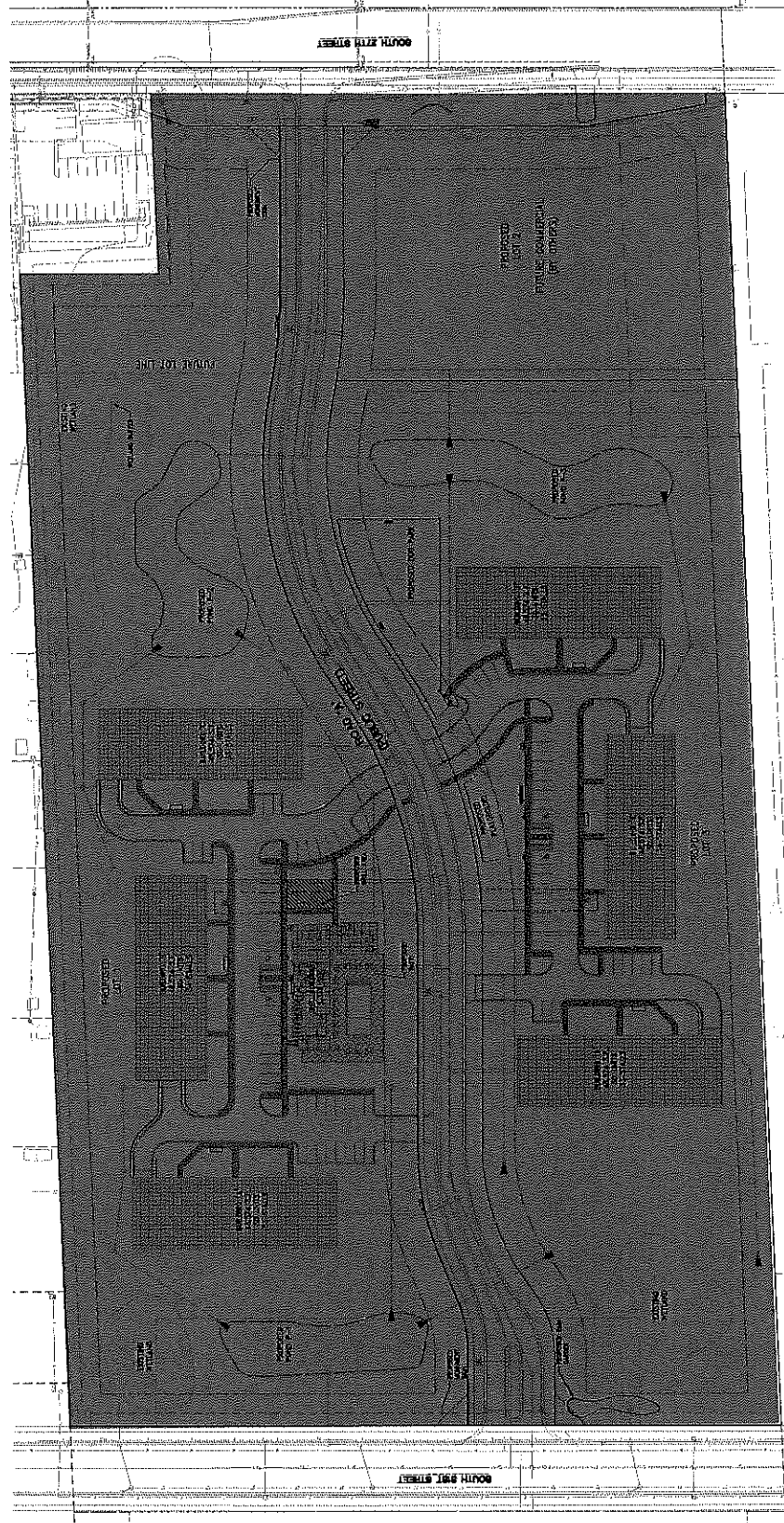
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

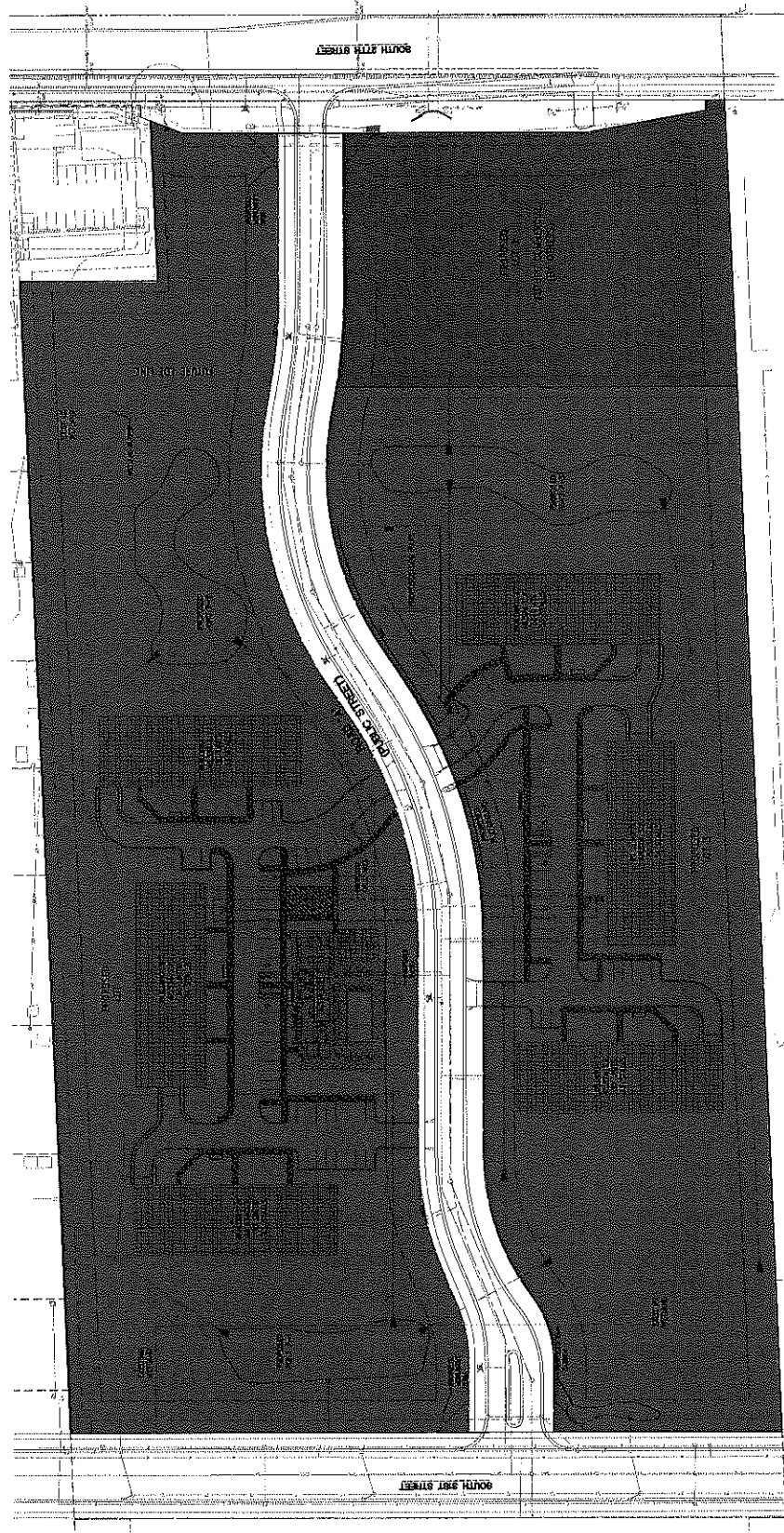
# COMPREHENSIVE MASTER PLAN AMENDMENT EXHIBIT



**CURRENT FUTURE LAND USE MAP**  
**DESIGNATION: MIXED USE**

**7333 SOUTH 27TH STREET MULTI-FAMILY DEVELOPMENT**  
**AUGUST 25, 2017**

# COMPREHENSIVE MASTER PLAN AMENDMENT EXHIBIT



- PROPOSED FUTURE LAND USE MAP  
DESIGNATION: RESIDENTIAL - MULTI-FAMILY
- PROPOSED FUTURE LAND USE MAP  
DESIGNATION: COMMERCIAL

7333 SOUTH 27TH STREET MULTI-FAMILY DEVELOPMENT  
AUGUST 25, 2017