

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN

AGENDA\*

AT 6:30 P.M. OR SUCH LATER TIME AS REQUIRED TO IMMEDIATELY FOLLOW  
THE COMMITTEE OF THE WHOLE MEETING SCHEDULED TO BEGIN AT 6:00 P.M.  
ALL ON TUESDAY, OCTOBER 17, 2017

- A. Call to Order and Roll Call.
- B.
  - 1. Citizen Comment Period.
  - 2. Mayoral Announcements:
    - (a) Government Finance Officers Association Certificate of Achievement for Excellence in Finance Reporting for the Fiscal Year Ended December 31, 2016.
    - (b) Mayoral Proclamation Designating Arbor Day.
- C. Approval of Minutes:
  - 1. Regular Committee of the Whole Meeting on October 2, 2017.
  - 2. Regular Common Council Meeting of October 3, 2017.
- D. Hearings.
- E. Organizational Business.  
Mayoral appointment of Thomas J. Riha as Franklin City Forester, effective November 1, 2017.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Donations to the Franklin Police Department Canine Fund in the amount of \$50 from the Chester W. Grobschmidt Sr. Citizens Center and in the amount of \$1,000 from the Franklin High School Gridiron Club.
  - 2. 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).
  - 3. A Resolution Conditionally Approving a 3 Lot Certified Survey Map (Which Includes the Dedication of a Future Public Road), Being a Part of Lot 2 of Certified Survey Map Number 7905, Located in a Part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Zilber Ltd., Applicant) (7333 South 27th Street).

4. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Multi-Family Residential Development Use Upon Property Located at 7333 South 27th Street (Zilber Ltd., Applicant).
5. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for an Auto Parts Retail Store Upon Property Located at 7251 South 27th Street (O'Reilly Automotive Stores, Inc., Applicant).
6. A Resolution to Amend Resolution No. 2006-6217 Imposing Conditions and Restrictions for the Approval of a Special Use for Woodland Prairie Condominiums (Formerly Carleton Creek Condominiums) Located at 6700-6799 South Prairiewood Lane to Reduce the Number of Condominium Units from 44 Units to 32 Units (Rick & Ron Development, LLC, Applicant).
7. A Resolution Authorizing Certain Officials to Execute a Holding Tank Agreement with Vernon and Lois Schweitzer (10100 South 76th Street) (Tax Key No. 933-9994-000).
8. Southeastern Wisconsin Regional Planning Commission Traffic Study for the Intersection of South 51st Street and West Drexel Avenue.
9. Intergovernmental Agreement Between the City of Franklin and City of Greenfield Health Departments for a Dispensary of Tuberculosis Clinical Services.
10. An Ordinance to Amend Ordinance No. 2016-2240, an Ordinance Adopting the 2017 Annual Budgets for TID3 Fund for the City of Franklin for Fiscal Year 2017, to Provide Appropriations for Fencing in Connection with the Wisconsin Department of Transportation Reconstruction of South 27<sup>th</sup> Street.
11. A Resolution Authorizing the Execution of a State/Municipal Agreement for S. 27th Street Construction Costs (STH 241) in the Amount of \$104,150.
12. An Ordinance to Amend § 245-5.D. of the Municipal Code to Establish Additional Parking Restrictions on S. Preserve Way from S. 51st Street to S. River Lane.
13. Authorize a Contract with Visu-Sewer, Inc. to Provide Services and Materials to Forthwith Repair a Break in the Ryan Creek Interceptor Sewer Main at Approximately South 60th Street and West Ryan Road Caused by an Unrelated Geotechnical Firm Project Equipment Collision with the Main, Without Letting for Bid as an Exception as to Public Emergency Pursuant to Wis. Stat. § 62.15(1b).
14. A Resolution to Waive Water Extension to Serve 3 Lots in the 11800 Block of W. Ryan Road at this Time and Require the Property Owners of CSM 8907 to Connect to Public Water Within One Year of Construction of a Public Water Main Extended to the Properties.
15. A Resolution for Change Order No. 01 to Dome Corporation of North America in the Amount of \$9,200 for Construction of Salt Storage Barn and Authorize Staff to Use up to \$30,000 for Other Miscellaneous Expenditures Related to the Project.
16. An Ordinance Amending City of Franklin Municipal Code § 207-5.K. Regarding Approval of Water Vouchers.

17. An Ordinance to Amend §207-23.C.(2)(b) of the Municipal Code to Change the Maximum Time for Water Extension Potential Cost Reimbursement to Developer from 15 Years to 10 Years to be Consistent with the Public Service Commission of Wisconsin Water Main Extension Rule and to Amend §207-26.C.(2)(b) of the Municipal Code to change the Maximum Time for Sanitary Sewer Service Extension Potential Cost Reimbursement to Developer from 15 Years to 10 Years to be Consistent with the Water Extension Provision.
18. Recommendation from the Committee of the Whole meeting of October 17, 2017: Proposed 2018 Budget.
19. Zilber LTD. Mixed Use Development at 7333 South 27<sup>th</sup> Street and 7273 South 27<sup>th</sup> Street; Tax Incremental District No. 3 Development Agreement Between the City of Franklin and TI Investors of Franklin Apartments, LLC. The Common Council may Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), to Consider the Terms and Negotiation of a Development Agreement with TI Investors of Franklin Apartments, LLC for the Zilber Mixed Use Development at 7333 South 27<sup>th</sup> Street and 7273 South 27<sup>th</sup> Street, for Competitive and Bargaining Reasons, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
20. Development Agreements Public Improvements Return on Developer Investment Provisions, Public Utilities Infrastructure Contributions in Aid of Construction Refund Timelines Provisions, Public Improvement Dedication Requirements and Cost Recoupment Provisions. The Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), to Deliberate Upon Development Agreements Public Improvements Return on Developer Investment Provisions, Public Utilities Infrastructure Contributions in Aid of Construction Refund Timelines Provisions, Public Improvement Dedication Requirements and Cost Recoupment Provisions, for Competitive and Bargaining Reasons, and also Pursuant to Wis. Stat. § 19.85(1)(g), to Confer with Legal Counsel for the Common Council who is Rendering Oral or Written Advice Concerning Strategy to be Adopted by the Body with Respect to in Alternative Situations Potential Litigation in which it is Likely to Become Involved, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H. Licenses and Permits.

1. Miscellaneous Licenses from License Committee Meeting of October 17, 2017.
2. *In the Matter of the Complaint Against: Kimberly D. Leannais*, Holder of an Operator's Alcohol Beverage License as a Bartender for the 2017-2018 Licensing Year; License Committee Recommendation upon Hearing pursuant to Wis. Stats. § 125.12(2) and §158-1 of the Municipal Code of the City of Franklin.

I. Bills.

Request for Approval of Vouchers and Payroll.

# Common Council Meeting Agenda

October 17, 2017

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## 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 19	Plan Commission Meeting	7:00 p.m.
October 29	Trick or Treat Observance	4:00 p.m. to 7:00 p.m.
November 6	Committee of the Whole Meeting	6:30 p.m.
November 7	Common Council Meeting	6:30 p.m.
November 9	Plan Commission Meeting	7:00 p.m.



Government Finance Officers Association

**Certificate of  
Achievement  
for Excellence  
in Financial  
Reporting**

Presented to

**City of Franklin  
Wisconsin**

For its Comprehensive Annual  
Financial Report  
for the Fiscal Year Ended

**December 31, 2016**

*Christopher P. Morill*

Executive Director/CEO

B.2.(b)

# **P** City of Franklin Proclamation

## **TO DESIGNATE MAY 6, 2017 AS ARBOR DAY IN THE CITY OF FRANKLIN**

**WHEREAS**, in 1872 Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, the holiday now known as Arbor Day is celebrated worldwide; and

**WHEREAS**, the City of Franklin Environmental Commission, and the people of Franklin Wisconsin have observed Arbor Day since 1999; and

**WHEREAS**, trees reduce erosion, purify our air and water and provide habitat for wild life, provide a source of spiritual renewal; and

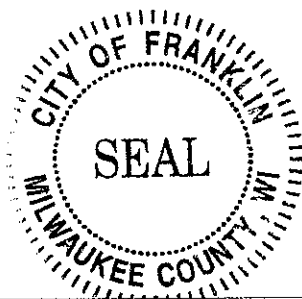
**WHEREAS**, trees increase our property values, enhance our economic vitality, and beautify our community.

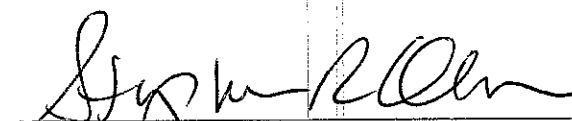
**NOW, THEREFORE, I, STEPHEN R. OLSON**, Mayor of the City of Franklin, Wisconsin proclaim:

## **MAY 6, 2017 AS ARBOR DAY IN THE CITY OF FRANKLIN**

and urge all citizens of the City of Franklin to protect our trees and woodlands and to gladden their hearts by planting trees.

Dated this 6th day of May, 2017 in Franklin, Wisconsin.



  
Stephen R. Olson, Mayor

CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE  
OCTOBER 2, 2017  
MINUTES

The regular meeting of the Committee of the Whole was called to order at 6:30 p.m. by Council President Mark Dandrea. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor (left meeting at 6:51 p.m.), Alderman Mike Barber, and Alderman John R. Nelson. Excused was Mayor Steve Olson. Also present was Dir. of Administration Mark Lubberda, Dir. of Finance & Treasurer Paul Rotzenberg, City Attorney Jesse A. Wesolowski, and City Clerk Sandra Wesolowski.

Alderman Mayer vacated his seat at 7:57 p.m. and returned at 8:03 p.m.

Alderman Barber moved to tentatively amend the Mayor's Recommended 2018 Budget by adding \$12,675 to the Sanitary Sewer Fund Capital Expenditures and a like amount to the 'Amount to be Capitalized' for the purpose of funding capital expenditures requested by the Department Supervisor. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Barber moved to tentatively amend the Mayor's Recommended 2018 Budget by eliminating the following from the Capital Outlay Fund:

- Highway Department wireless access point for \$1,200;
- Highway Department trees for \$11,000;
- Fire Department garage door for \$6,000; and
- City Hall telephone and voicemail system for \$55,000; and

By reducing the following:

- Information Services Windows and Office upgrade by \$4,300;
- Police shotguns by \$1,550;
- LUCAS hands free CPR device by \$4,000;
- Police Department police squad cars by \$45,000; and

By eliminating from the St. Martins Fair Fund State Exempt Computer Aids revenue of \$18,500; All for the purpose of offsetting the loss in State Exempt Computer Aids in accordance with the new State budget. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Barber moved to tentatively amend the Mayor's Recommended 2018 Budget by adding \$25,746 to the Capital Improvement Fund, Expenditures, Highway, for the item S. 68<sup>th</sup> Street Reconstruction (p. 350) as an Approved Project and reduction the Mini Park Land Acquisition expenditure by \$45,168 of which \$19,422 is Impact Fee supported, for the purpose of initiating study and design of needed improvements to S. 68<sup>th</sup> Street. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderwoman Wilhelm moved to direct staff to look for reductions for an additional \$200,000 heading to a 2% increase. Seconded by Alderman Mayer. On roll call, Alderman Mayer, Alderwoman Wilhelm, and Alderman Nelson voted Aye; Alderman Dandrea and Alderman Barber voted No. Motion carried.

CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE MINUTES  
OCTOBER 2, 2017  
PAGE 2

Alderman Barber moved to schedule a Committee of the Whole meeting for continued review of the Mayor's Recommended 2018 Budget for 6:00 p.m. on Tuesday, October 17, 2017. Seconded by Alderman Mayer. All voted Aye; motion carried.

Alderwoman Wilhelm moved to adjourn the meeting at 9:48 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 3, 2017  
MINUTES

- |   |      |   |
|---|------|---|
| ROLL CALL   | A.1. | The regular meeting of the Common Council was held on October 3, 2017 and called to order at 6:32 p.m. by Common Council President Mark Dandrea in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Excused were Mayor Olson and Alderman Dan Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.<br><br>Acting Mayor Dandrea stated that he will vote as Mayor. |
| CITIZEN COMMENT   | B.1. | Citizen comment period was opened at 6:34 p.m. and closed at 6:34 p.m.  |
| MINUTES<br>SEPTEMBER 19, 2017   | C.1. | Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of September 19, 2017 as corrected. Seconded by Alderman Taylor. All voted Aye; motion carried.   |
| MINUTES<br>SEPTEMBER 26, 2017   | C.2. | Alderman Taylor moved to approve the minutes of the special Common Council meeting of September 26, 2017 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.  |
| CHANGE FUTURE LAND<br>USE MAP AT 7333 SOUTH<br>27TH ST. (ZILBER LTD.,<br>APPLICANT)       | G.1. | Alderwoman Wilhelm moved to postpone to October 17, 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 Taylor. All voted Aye; motion carried.  |
| RES. 2017-7304<br>CSM<br>9733 S. 76TH ST<br>(NEUMANN<br>DEVELOPMENTS, INC.,<br>APPLICANT) | G.2. | Alderman Nelson moved to adopt Resolution No. 2017-7304, 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 80TH STREET (NEUMANN   |

DEVELOPMENTS, INC., APPLICANT (APPROXIMATELY 9733 SOUTH 76TH STREET). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2017-7305  
SPECIAL USE  
9733 S. 76TH ST  
(NEUMANN  
DEVELOPMENTS, INC.,  
APPLICANT)

G.3. Alderman Nelson moved to adopt Resolution No. 2007-7305, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CONDOMINIUMS DEVELOPMENT USE UPON PROPERTY LOCATED AT 9733 SOUTH 76TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

PROFESSIONAL  
SERVICES FOR  
BRANDING &  
MARKETING SERVICES

G.4. Alderman Taylor moved to direct staff to distribute a request for qualifications for a professional services contract to provide branding and marketing services to the City of Franklin. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ORD. 2017-2293  
AMEND ORD. 2016-2240  
ADDITIONAL  
APPROPRIATIONS FOR  
STORM SEWER PROJECT  
IN RAWSON HOMES

G.5. Alderwoman Wilhelm moved to adopt Ordinance No. 2017-2293, AN ORDINANCE TO AMEND ORDINANCE 2016-2240, WHICH ADOPTS THE CITY OF FRANKLIN 2017 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND IN FISCAL YEAR 2017 TO PROVIDE ADDITIONAL APPROPRIATIONS TOWARD THE RAWSON HOMES STORM SEWER PROJECT, AS SUPPORTED BY FUNDING THROUGH THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

RES. 2017-7306  
MMSD FUNDING  
AGREEMENT PPII FLOW  
REDUCTION  
AGREEMENT AND  
GREEN SOLUTIONS

G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7306, 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. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2017-7307  
CONTRACT WITH  
RUEKERT MIELKE FOR  
DRAINAGE  
IMPROVEMENTS IN  
RAWSON HOMES

G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7307, 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 contingent on review by the City Attorney and as supported by Milwaukee Metropolitan Sewerage District funding. Seconded by Alderman Taylor. All voted Aye; motion carried.

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|---|-------|--|
| DIRECT PAYMENT FOR<br>ADMINISTRATION OF<br>DEFINED BENEFIT<br>RETIREMENT PLAN | G.8.  | Alderman Taylor moved to direct and authorize the Director of Administration to amend or execute a Service and Expense Agreement with Principal Life Insurance Company (Principal Financial) to adopt the Direct payment option related to the City of Franklin Defined Benefit Retirement Plan. Seconded by Alderman Barber. All voted Aye; motion carried.   |
| MONTHLY FINANCIAL<br>REPORT   | G.9.  | Alderman Taylor moved to receive and place on file the August 2017 Monthly Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.   |
| 2018 RECOMMENDED<br>BUDGET  | G.10. | Following discussion held and action taken at the October 2, 2017 Committee of the Whole meeting, no action at this Common Council meeting was required on the Mayor's Recommended 2018 Budget (including all Funds, Departments, Revenues, Expenditures and Activities).  |
| LICENSES AND PERMITS  | H.1.  | Alderman Taylor moved to approve the following:<br>Hold Class B Combination and Entertainment & Amusement license applications for Rock Snow Park LLC, until October 17, 2017 meeting;<br>Grant Mobile Home license, subject to satisfactory inspections, to Badger MHP, LLC, Manager, Jason Janda, 6405 S. 27th St.;<br>Grant Operator licenses to Richard Elliott, 9461 S. 27th St., Apt. 3, Franklin; Jocelyn Hart, 11522 W. Swiss St., Franklin; and Cathryn Hintz, 5225 S. Brennan Dr., New Berlin.<br>Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.   |
| VOUCHERS AND<br>PAYROLL   | I.    | Alderman Taylor moved to approve the following:<br>City vouchers with an ending date of October 2, 2017 in the amount of \$1,997,140.98; Payroll dated September 29, 2017 in the amount of \$399,676.56 and payments of the various payroll deductions in the amount of \$411,314.59, plus City matching payments; and Estimated Payroll dated October 13, 2017 in the amount of \$370,000.00 and payments of the various payroll deductions in the amount of \$218,000.00, plus City matching payments and Property tax refunds with an ending date of October 2, 2017 in the amount of \$225.22. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried. |
| ADJOURNMENT   | J.    | Alderman Taylor moved to adjourn the meeting at 6:50 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.   |

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 10/17/2017
ORGANIZATIONAL BUSINESS	MAYORAL APPOINTMENT OF THOMAS J. RIHA AS FRANKLIN CITY FORESTER	ITEM NO. <i>E.</i>

### **BACKGROUND**

Jerry Schaefer, Superintendent of the Street Department is expected to retire November 1, 2017. In addition to his duties as Superintendent, Mr. Schaefer has also served the City as the City Forester that has certain duties outlined in the Franklin Municipal Code.

*§ 240-3 City Forester.*

*A. Appointment. There is hereby created the Office of the City Forester, who shall be appointed by the Mayor for an indefinite term, subject to the confirmation of the Council, and shall report to and be supervised by the Director of Public Works.*

### **ANALYSIS**

Tom Riha is a Light Equipment Operator for the City of Franklin. Because of his background and experience, Mr. Riha has performed many of the duties of City Forester with Mr. Schaefer.

### **FISCAL NOTE**

No impact to budget.

### **RECOMMENDATION**

Motion to confirm the Mayoral appointment of Thomas J. Riha as the Franklin City Forester.

## Tom Riha's Biography

Graduated from University of Wisconsin Stevens Point in 2005.

Bachelor Science double major in Urban Forestry and Forest Management

Minor in Geographical Information Systems

International Society of Arboriculture Certified Arborist since 2007

International Society of Arboriculture Municipal Specialist since 2013

Graduate of Wisconsin Department of Natural Resources Community Tree Management Institute

Have been in the tree care profession since 2004

Worked for City of Franklin for 7 years

Hobbies include spending time with family camping, biking, hiking and enjoying the outdoors.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE <i>10/17/2017</i>
REPORTS & RECOMMENDATIONS	DONATIONS TO THE FRANKLIN POLICE DEPARTMENT	ITEM NUMBER <i>G.I.</i>

The City of Franklin Police Department has received the following donations, to be put toward the Canine Donation fund:

- 1) \$50.00 donation from the Chester W. Grobschmidt, Sr. Citizens Center
- 2) \$1000.00 donation from the Franklin High School Gridiron Club

### COUNCIL ACTION REQUESTED

Motion to accept these donations and that they be deposited into the Police Canine Donation Account.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/17/17
REPORTS & RECOMMENDATIONS	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)	ITEM NUMBER <i>G. 2.</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 meeting, the Common Council held and closed the public hearing for the Comprehensive Master Plan Amendment and passed a motion to postpone and continue the subject matter of the ordinance to the October 3<sup>rd</sup> Common Council meeting.

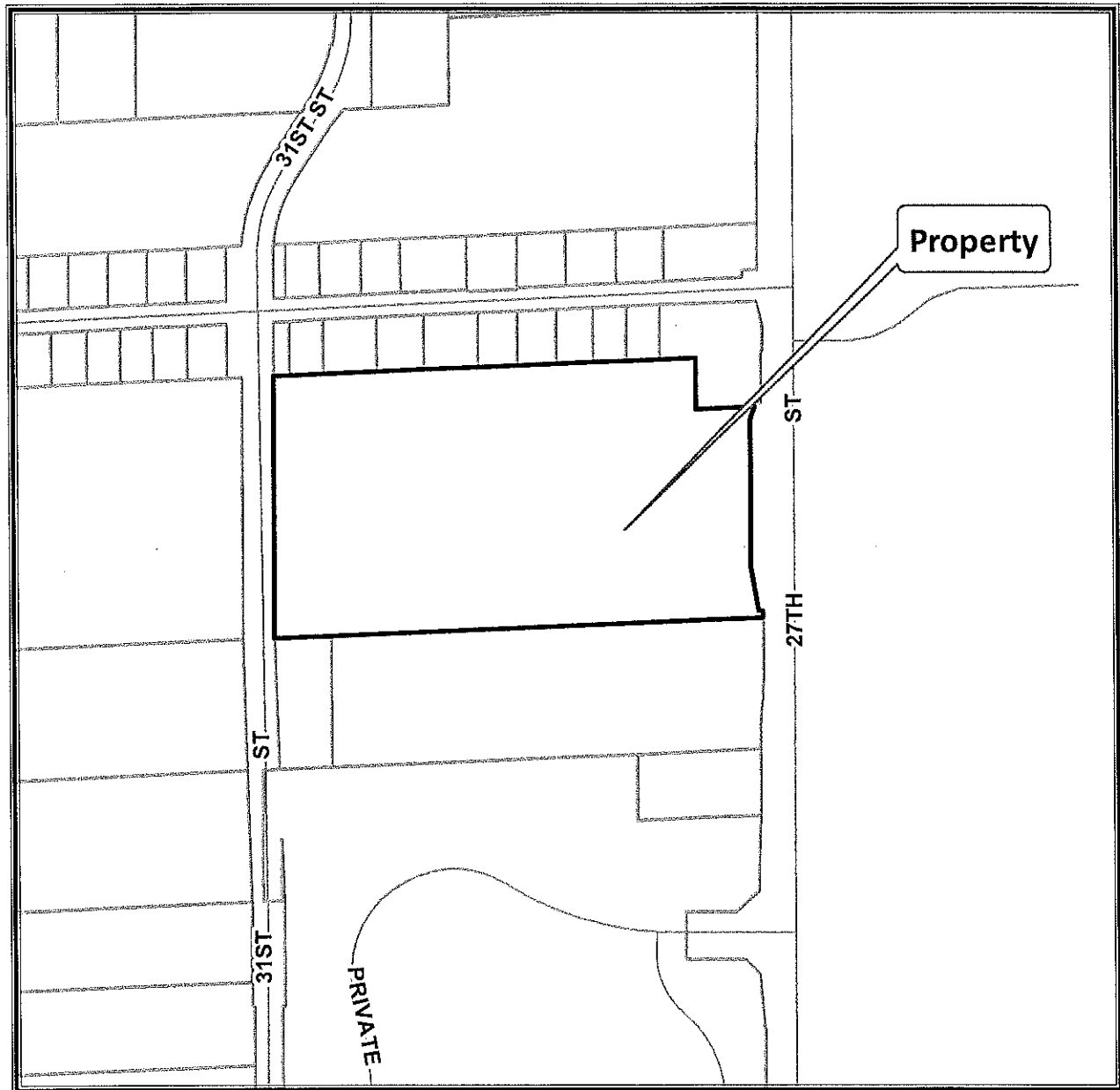
At the October 3, 2017 meeting, the Common Council again held the item over at the applicant's request. The applicant is continuing to work with staff on the draft development agreement and is requesting action on this item at the October 17, 2017 meeting.

#### 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).



7333 S. 27th Street  
TKN 761 9992 004



Planning Department  
(414) 425-4024

0 245 490 980 Feet

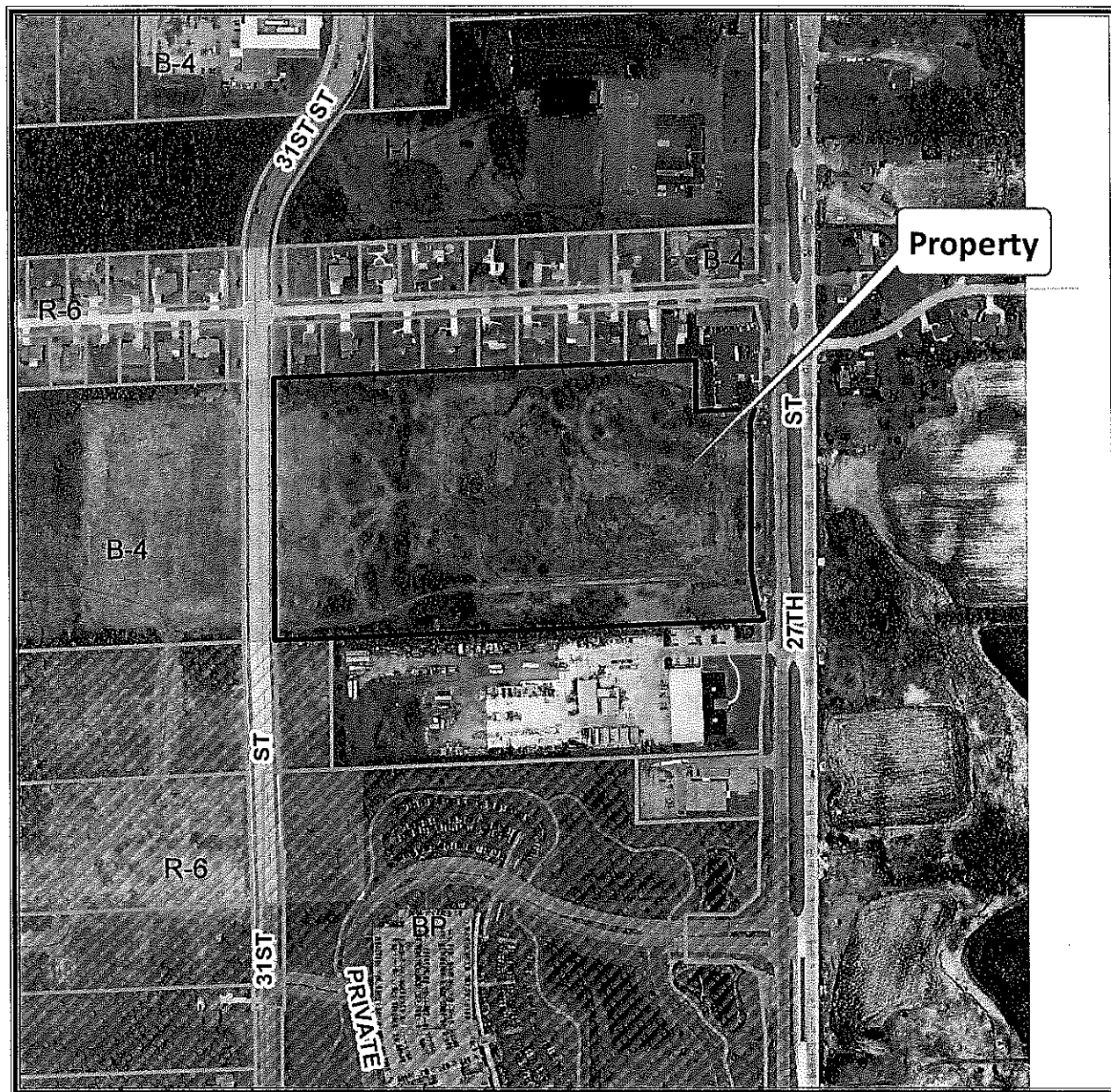


2017 Aerial Photo

*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.*



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:

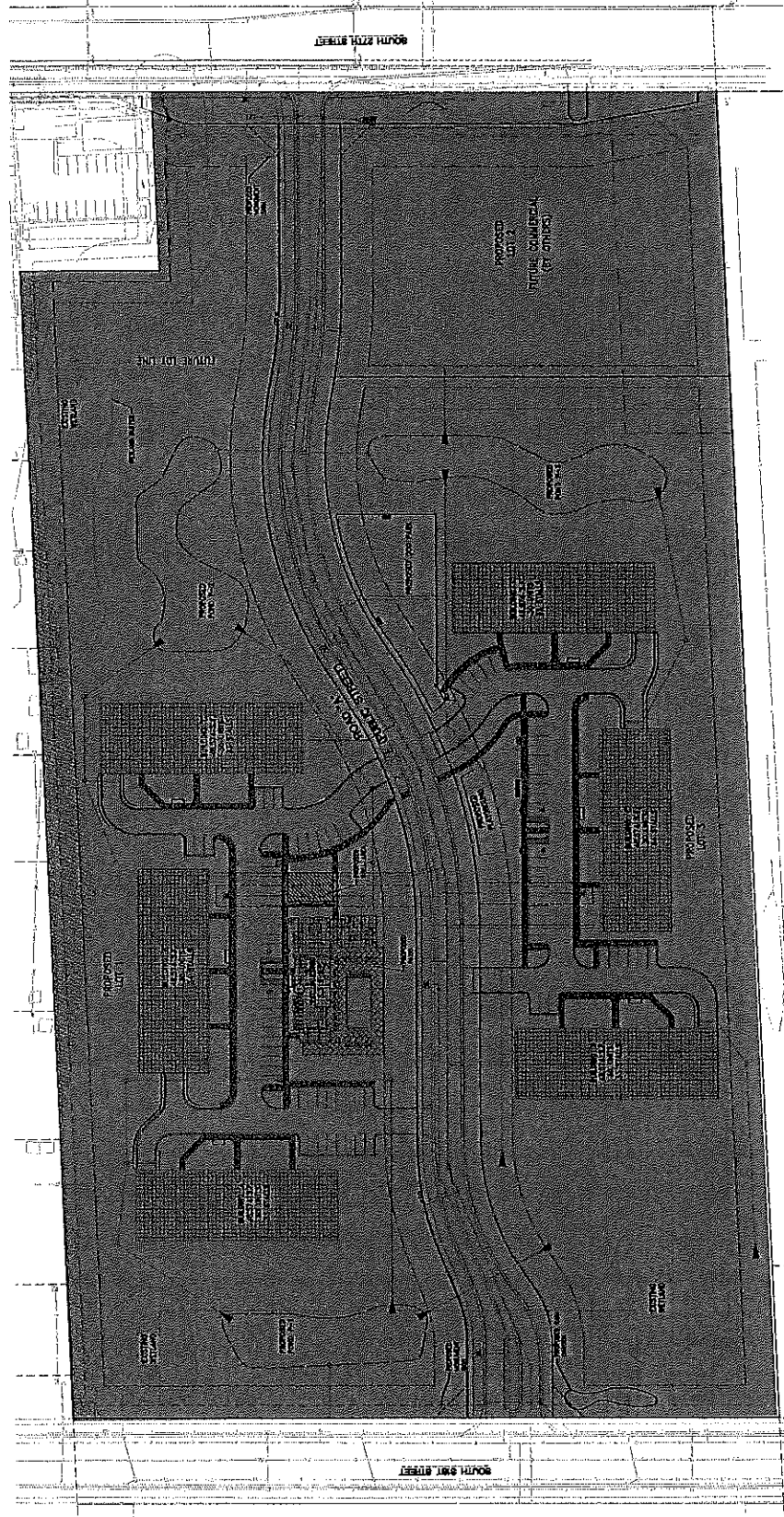
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

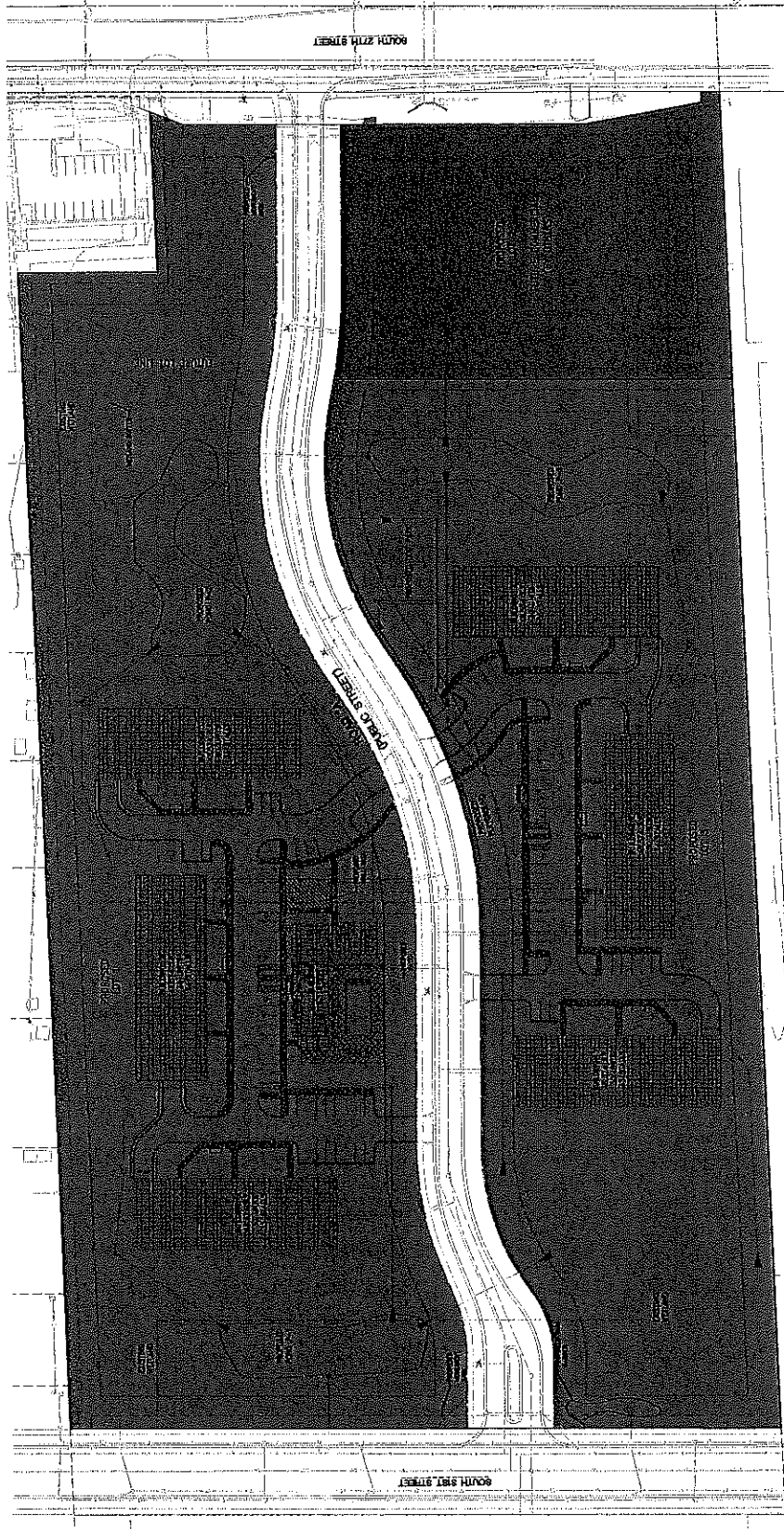
# COMPREHENSIVE MASTER PLAN AMENDMENT EXHIBIT



**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

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  10/17/17
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP (WHICH INCLUDES THE DEDICATION OF A FUTURE PUBLIC ROAD), BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NUMBER 7905, LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (ZILBER LTD., APPLICANT) (7333 SOUTH 27TH STREET)</b>	<b>ITEM NUMBER</b>  <i>6.3.</i>
<p>At its September 7, 2017, meeting the Plan Commission recommended approval of a resolution conditionally approving a 3 lot certified survey map (which includes the dedication of a future public road), being a part of Lot 2 of Certified Survey Map Number 7905, located in a part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Zilber LTD., Applicant) (7333 South 27th Street) with the inclusion of a condition stating that the developer and City shall enter into a Development Agreement prior to issuance of a Building Permit.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2017-_____, a resolution conditionally approving a 3 lot certified survey map (which includes the dedication of a future public road), being a part of Lot 2 of Certified Survey Map Number 7905, located in a part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Zilber LTD., Applicant) (7333 South 27th Street).</p>		

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP (WHICH INCLUDES THE DEDICATION OF A FUTURE PUBLIC ROAD), BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NUMBER 7905, LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(ZILBER LTD., APPLICANT)  
(7333 SOUTH 27TH STREET)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map (which includes the dedication of a future public road), such map being a part of Lot 2 of Certified Survey Map Number 7905, located in a part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7333 South 27th Street, bearing Tax Key No. 761-9992-004, Zilber LTD., applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Zilber LTD., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Pursuant to §236.13(1) and (2), and §236.45, Stats., pertaining to conditions of land division approvals and the provision of public improvements reasonably necessary,

ZILBER LTD. – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-\_\_\_\_\_

Page 2

and the local regulation of land division, respectively, and §15-9.0309 of the Unified Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of certified survey map approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Certified Survey Map for Zilber Ltd; a Development Agreement (“Subdivider’s Agreement”), as may be approved by the Common Council upon the recommendation of the City Engineer, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by Zilber Ltd. prior to the recording of the Final Plat Each and any easement shown on the Certified Survey Map.

4. Zilber LTD., successors and assigns, and any developer of the Zilber LTD. 3 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Zilber LTD. and the 3 lot certified survey map project for the property located at 7333 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant shall revise the Certified Survey Map to incorporate the Engineering Department’s technical review comments prior to recording the Certified Survey Map.
7. 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.
8. The applicant shall enter into a Development Agreement with the City of Franklin, prior to the issuance of a Building Permit.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Michael S. Polsky, Trustee of the Metro Milwaukee YMCA Bank Creditor Trust, C/O Beck,

ZILBER LTD. – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

Chest, Bemberger & Polsky, S.C., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and

procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Michael S. Polsky, Trustee of the Metro Milwaukee YMCA Bank Creditor Trust, C/O Beck, Chest, Bemberger & Polsky, S.C., with the Office of the Register of Deeds for Milwaukee County.

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

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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

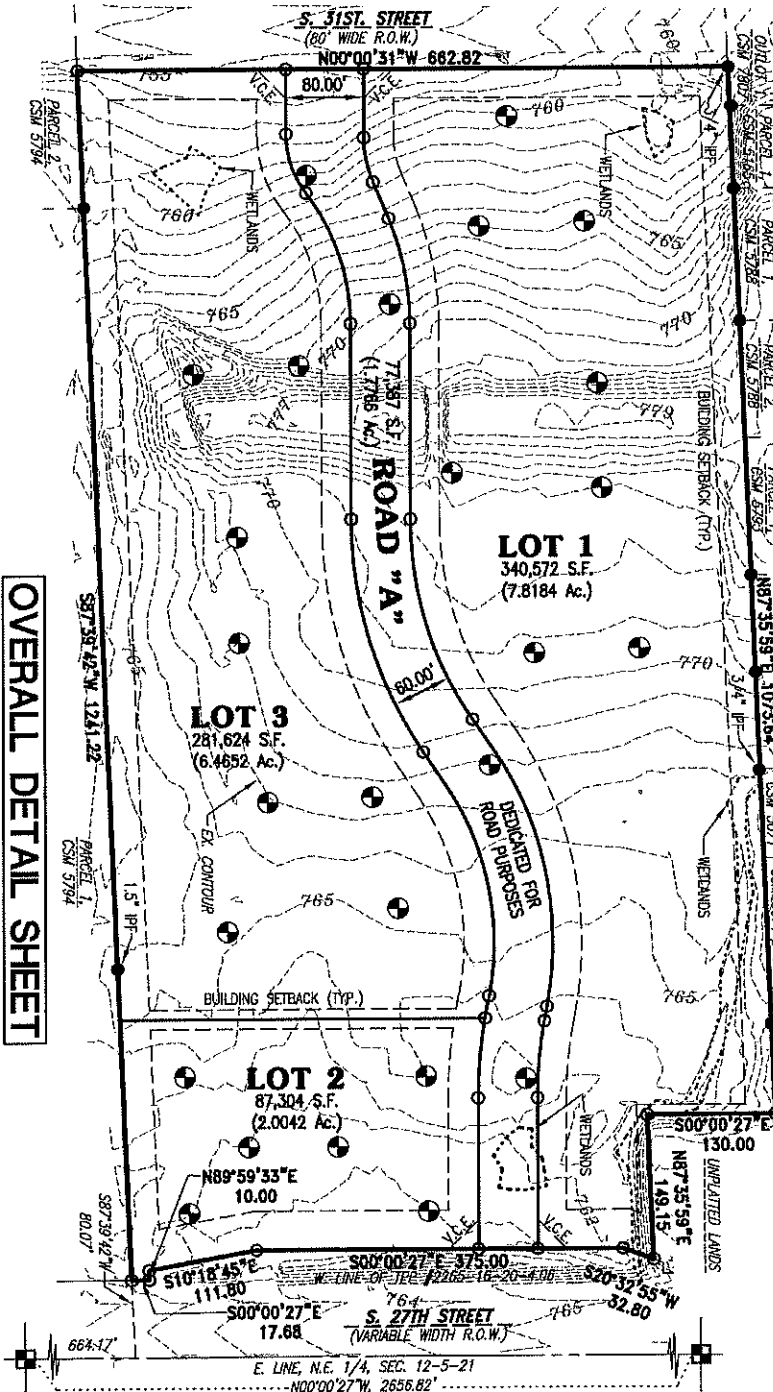
ATTEST:

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

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

# CERTIFIED SURVEY MAP NO.

BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

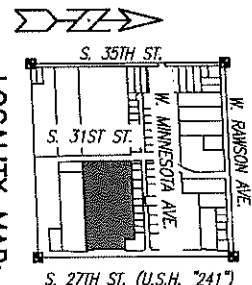


OVERALL DETAIL SHEET

- LEGEND:**
- INDICATES Section Corner (See Plan for Details)
  - INDICATES "Set" 0.750" O.D. X 18" long reinforcing bar weighing 1,502 lbs. per lined foot.
  - INDICATES "Found" 1" iron pipe, unless noted otherwise.
  - INDICATES SOIL BORING

**PREPARED BY:**  
TRIO ENGINEERING, LLC  
12660 W. NORTH AVE., BLDG. "D"  
BROOKFIELD, WI 53005  
PHONE: 262-790-1480  
FAX: 262-790-1481

**ANDREW J. MIAZGA**  
S-2826  
EAST TROY, WI  
LAND SURVEYOR  
REV. 8-25-2017



**P.O.C., SE. CORNER OF THE NE 1/4 SEC. 12-5-21**  
WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE  
FND. CONC. MON. W/ BRASS CAP  
N=338,078.65 E=2,549,153.11  
**SCALE: 1"=150'**  
DRAFTED THIS 21ST DAY OF JULY, 2017  
THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826

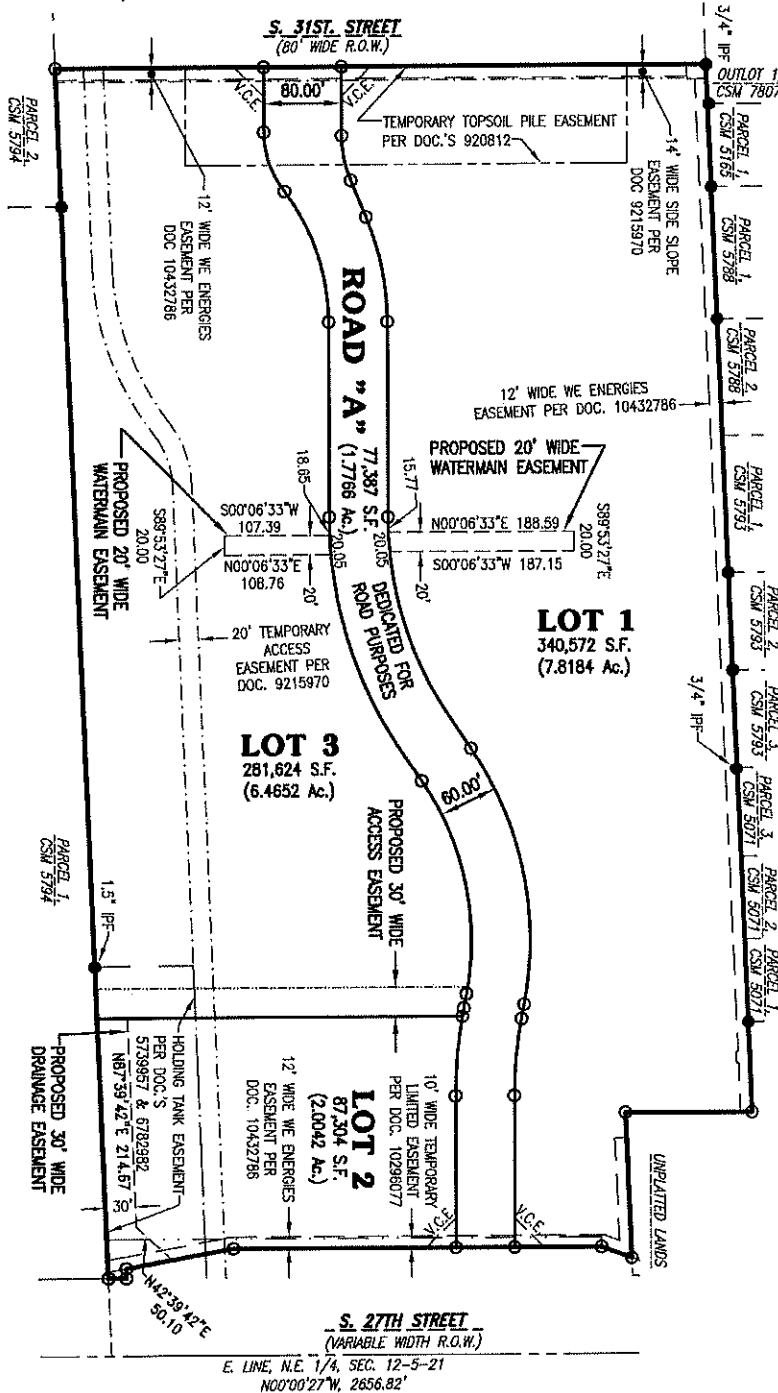
**NE. CORNER OF THE NE 1/4 SEC. 12-5-21**  
WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE  
FND. CONC. MON. W/ BRASS CAP  
N=340,735.29 E=2,549,152.76  
**OWNER:**  
METROPOLITAN MILWAUKEE YMCA  
BANK CREDITOR TRUST  
3244 E. COLLEGE AVE  
CUDAHY, WI 53110  
J. MIAZGA, S-2826

**LOCALITY MAP:**  
NE. 1/4 SEC. 12,  
T. 5 N., R. 21 E.  
SCALE: 1"=2000'

Map 10M50053 (MCS) (June) 10-02081 (02) 100803-14

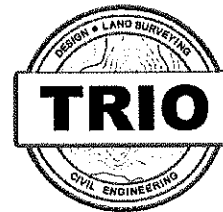
# CERTIFIED SURVEY MAP NO.

BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



## OVERALL EASEMENT DETAIL

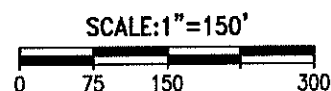
*Andrew J. Miazga*  
 ANDREW J. MIAZGA  
 S-2826  
 EAST TROY, WI  
 LAND SURVEYOR  
 Rev: 8-25-2017



12660 W. North Avenue  
 Building "D"  
 Brookfield, WI 53005  
 Phone: (262) 790-1460  
 Fax: (262) 790-1461

JOB NO. 16-030-620-01  
 SHEET 2 OF 8

Map (10) (MCS) (VMS) (Lands) 10-06081 (002) (0000) 14

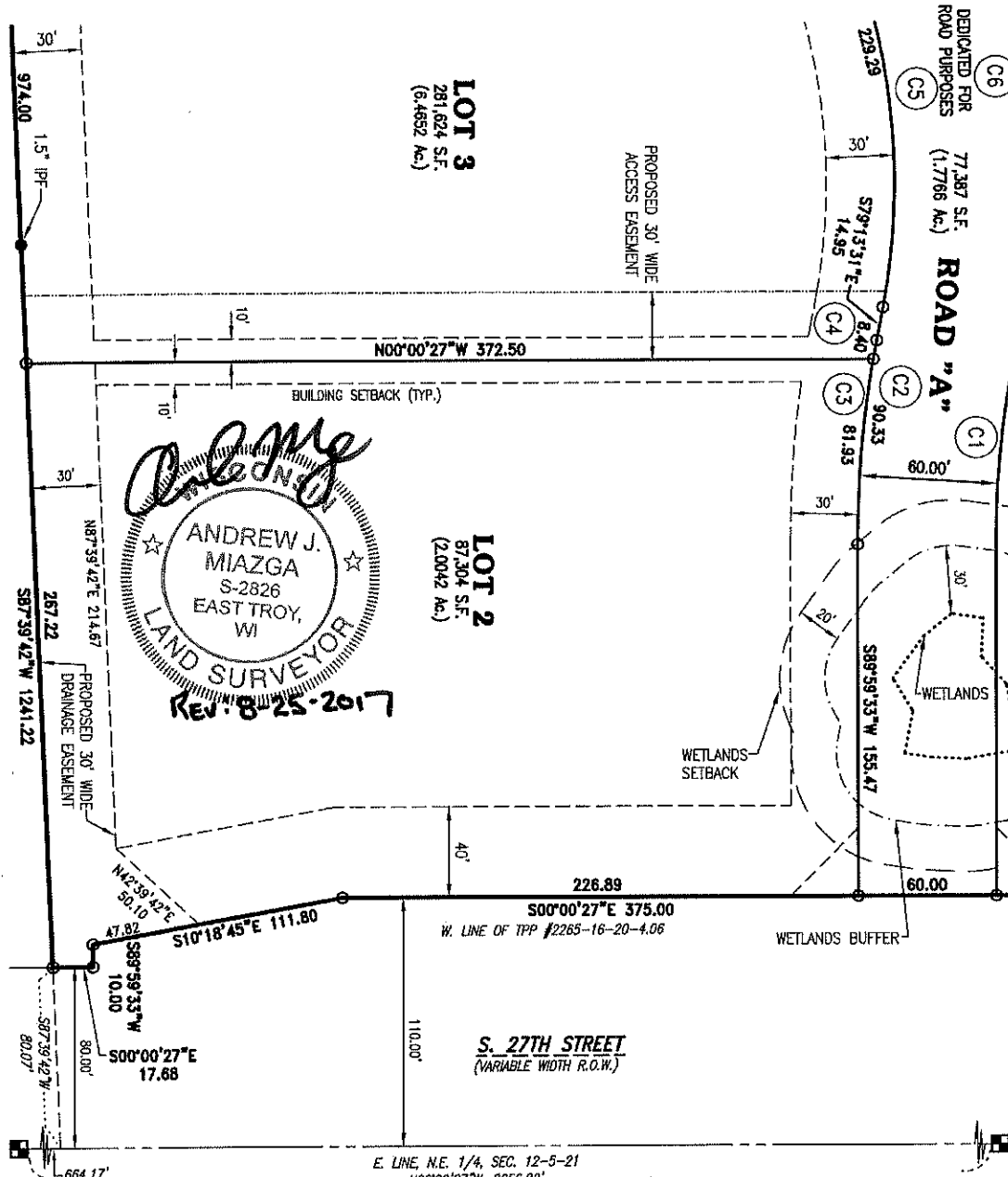


DRAFTED THIS 21ST DAY OF JULY, 2017  
 THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826



# CERTIFIED SURVEY MAP NO.

BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



SE. CORNER OF THE NE 1/4  
SEC. 12-5-21



SCALE: 1"=60'

0 30 60 120

DRAFTED THIS 21ST DAY OF JULY, 2017

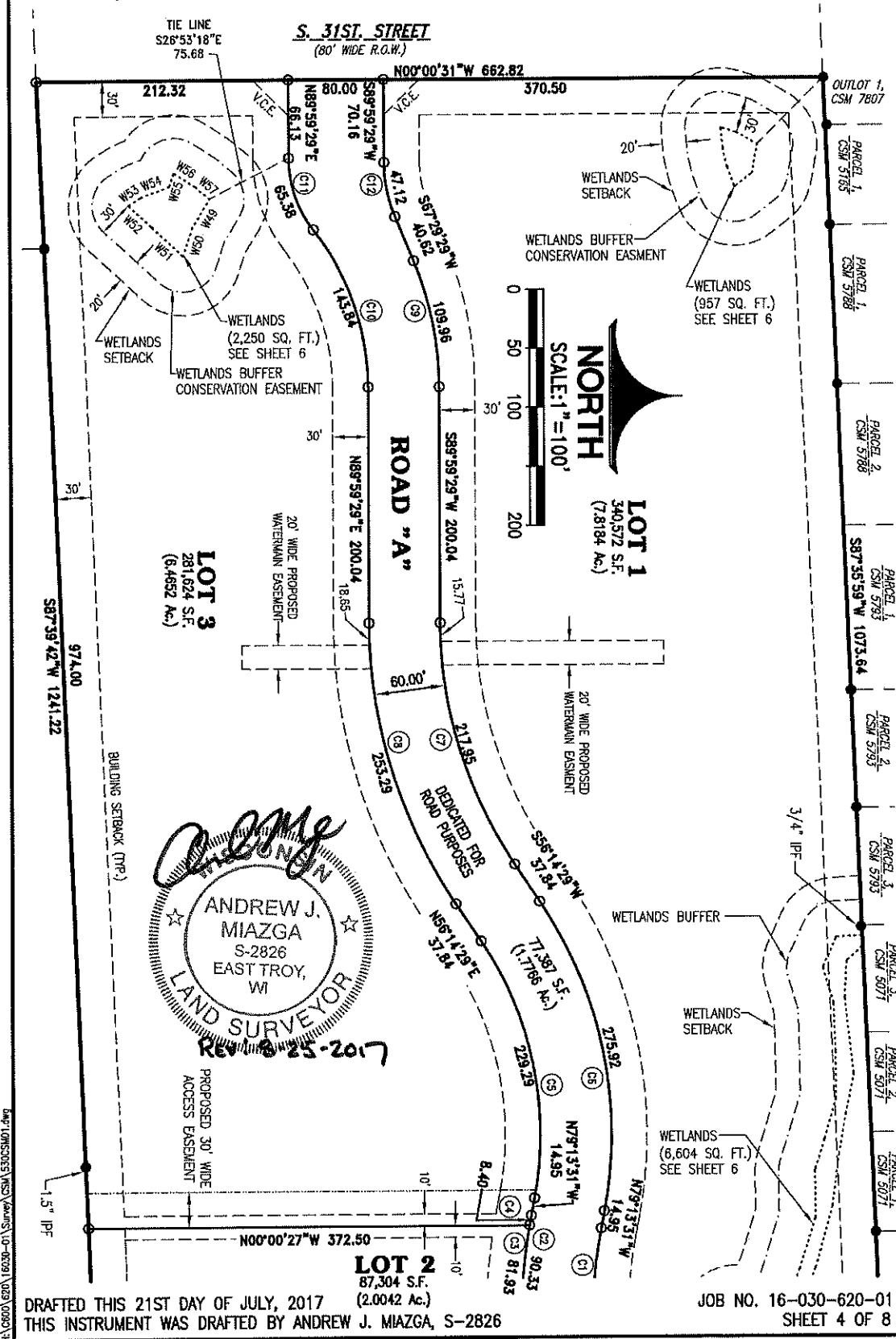
THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826



12660 W. North Avenue  
Building "D"  
Brookfield, WI 53005  
Phone: (262) 790-1480  
Fax: (262) 790-1481

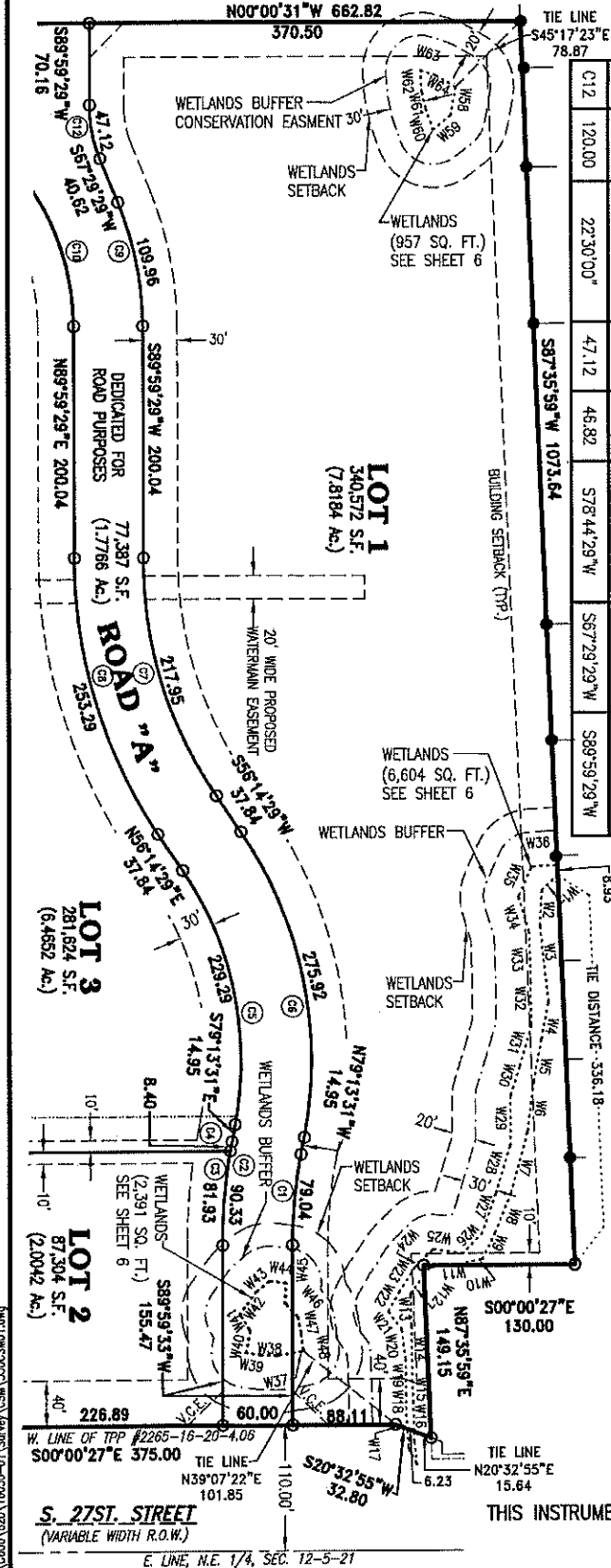
JOB NO. 16-030-620-01  
SHEET 3 OF 8

BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



# CERTIFIED SURVEY MAP NO.

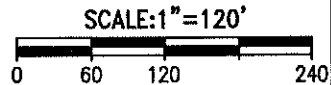
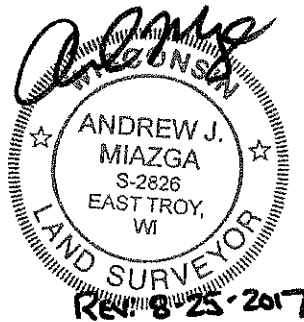
BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



**CURVE TABLE:**

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	420.00	10°46'56"	79.04	78.92	N84°36'59"W	S89°59'33"W	N79°13'31"W
C2	480.00	10°46'56"	90.33	90.20	S84°36'59"E	S79°13'31"E	N89°59'33"E
C3	480.00	9°46'44"	81.93	81.82	S85°07'05"E	S80°13'43"E	N89°59'33"E
C4	480.00	1°00'12"	8.40	8.40	S79°43'37"E	S79°13'31"E	S80°13'43"E
C5	295.00	44°32'00"	229.29	223.56	N78°30'29"E	N66°14'29"E	S79°13'31"E
C6	355.00	44°32'00"	275.92	269.03	S78°30'29"W	N79°13'31"W	S66°14'29"W
C7	370.00	33°45'00"	217.95	214.81	S73°06'59"W	S66°14'29"W	S89°59'29"W
C8	430.00	33°45'00"	253.29	249.64	N73°06'59"E	N69°59'29"E	N66°14'29"E
C9	280.00	22°30'00"	109.96	109.25	S78°44'29"W	S89°59'29"W	S67°29'29"W
C10	220.00	37°27'36"	143.84	141.29	N71°15'41"E	N62°31'53"E	N89°59'29"E
C11	100.00	37°27'36"	65.38	64.22	N71°15'41"E	N69°59'29"E	N62°31'53"E
C12	120.00	22°30'00"	47.12	46.82	S78°44'29"W	S67°29'29"W	S89°59'29"W

NORTH



DRAFTED THIS 21ST DAY OF JULY, 2017  
THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826  
JOB NO. 16-030-620-01  
SHEET 5 OF 8

# **CERTIFIED SURVEY MAP NO.**

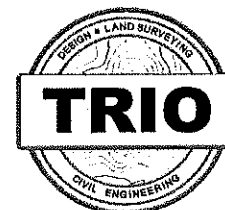
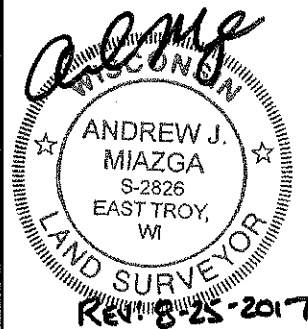
BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

**WETLAND LINE TABLE:**

Line #	BEARING	LENGTH
W1	S42°27'01"E	18.60'
W2	S86°39'13"E	31.16'
W3	N83°30'26"E	65.94'
W4	S78°37'55"E	33.95'
W5	S79°49'23"E	35.10'
W6	S82°38'00"E	44.56'
W7	S74°59'32"E	54.94'
W8	S67°59'00"E	36.72'
W9	S64°23'55"E	25.18'
W10	S10°56'22"E	21.08'
W11	S6°42'14"E	7.44'
W12	S53°48'58"E	19.59'
W13	N87°55'25"E	28.59'
W14	N89°42'22"E	46.78'
W15	N87°12'15"E	17.45'
W16	N88°32'09"E	26.27'
W17	S86°10'54"W	11.82'
W18	S89°27'18"W	17.67'
W19	S88°51'56"W	31.06'
W20	S83°06'30"W	25.58'
W21	S53°06'17"W	19.88'
W22	N59°43'20"W	19.68'
W23	N57°06'59"W	24.36'
W24	N44°37'51"W	22.61'
W25	N8°38'04"E	25.45'
W26	N46°11'47"W	23.78'
W27	N70°54'06"W	35.20'
W28	N73°14'40"W	45.33'
W29	S89°55'26"W	41.33'
W30	N72°54'08"W	28.50'
W31	N73°49'27"W	34.66'
W32	S89°20'28"W	40.18'

**WETLAND LINE TABLE (CONT.):**

Line #	BEARING	LENGTH
W33	S88°10'34"W	41.29'
W34	S73°29'55"W	31.94'
W35	N66°02'10"W	28.26'
W36	N3°12'10"W	22.33'
W37	S9°41'34"E	22.35'
W38	S2°25'14"W	15.20'
W39	S8°53'37"W	11.69'
W40	N78°51'20"W	18.95'
W41	S59°01'33"W	17.07'
W42	N54°08'07"W	23.06'
W43	N40°00'52"W	15.39'
W44	N7°33'20"E	14.06'
W45	S87°26'41"E	17.34'
W46	N48°21'53"E	16.48'
W47	N79°55'45"E	13.20'
W48	N82°16'23"E	16.15'
W49	S58°49'37"E	28.88'
W50	S71°56'42"E	25.13'
W51	S43°23'34"W	36.38'
W52	S43°07'59"W	26.89'
W53	N32°41'17"W	12.56'
W54	N20°33'27"W	25.30'
W55	N70°37'49"W	12.10'
W56	N32°39'52"E	21.85'
W57	N39°40'56"E	15.76'
W58	S79°48'00"E	25.06'
W59	S37°56'16"E	18.79'
W60	S70°01'47"W	18.41'
W61	S77°09'11"W	15.84'
W62	S85°07'09"W	17.57'
W63	N16°51'28"E	14.09'
W64	N30°15'06"E	19.77'



12660 W. North Avenue  
Building "D"  
Brookfield, WI 53005  
Phone: (262) 790-1480  
Fax: (262) 790-1481

DRAFTED THIS 21ST  
DAY OF JULY, 2017  
JOB NO. 16-030-620-01  
SHEET 6 OF 8

THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826

## **CERTIFIED SURVEY MAP NO.**

BEING A PART OF LOT 2 OF CSM NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE  
NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN,  
MILWAUKEE COUNTY, WISCONSIN.

### **SURVEYOR'S CERTIFICATE:**

STATE OF WISCONSIN       )  
                                      )ss  
COUNTY OF WAUKESHA    )

I, Andrew J Miazga, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided, dedicated and mapped Lot 2 of Certified Survey Map Number 7905, located in a part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast Corner of the said Northeast 1/4 Section; Thence North 00°00'27" West along the East line of the Northeast 1/4 of said Section a distance of 664.17 feet to a point; Thence South 87°39'42" West 80.07 feet to a point on the Westerly right-of-way line of "South 27<sup>th</sup> Street", said point being the Northeast corner of Parcel 1 of Certified Survey Map No. 5794 and the place of beginning of lands hereinafter described;

Thence continuing South 87°39'42" West along the North line of said Certified Survey Map No. 5794 a distance of 1241.22 feet to a point on the Easterly right-of-way line of "South 31<sup>st</sup> Street"; Thence North 00°00'31" West along said Easterly right-of-way line 662.82 feet to a point on the South line of Certified Survey Map No. 7807; Thence North 87°35'59" East along said South line and its extension 1073.64 feet to a point; Thence South 00°00'27" East 130.00 feet to a point; Thence North 87°35'59" East 149.15 feet to a point on the West right-of-way line of "South 27<sup>th</sup> Street" as shown on Transportation Project Plat No. 2265-16-20; Thence South 20°32'55" West along said West line 32.80 feet to a point; thence South 00°00'27" East along said West line 375.00 feet to a point; Thence South 10°18'45" East along said West line 111.80 feet to a point; Thence North 89°59'33" East along said West line 10.00 feet to a point; Thence South 00°00'27" East along said West line 17.68 feet to the point of beginning of this description.

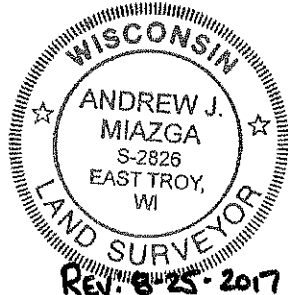
The Gross area of said Parcel contains 786,887 Square Feet (or 18.0644 Acres) of land, more or less. The Net area of said Parcel after the Right-of-Way dedication of "Road A" contains 709,500 Square Feet (or 16.2878 Acres) of land, more or less.

That I have made such survey, land division and map by the direction of **Metropolitan Milwaukee YMCA Bank Creditor Trust**, owner of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the City of Franklin in surveying, dividing and mapping the same.

Dated this 21<sup>st</sup> day of July, 20 17.





Andrew J. Miazga, P.L.S.  
Professional Land Surveyor, S-2826  
**TRIO ENGINEERING, LLC**  
12660 W. North Avenue, Building "D"  
Brookfield, WI 53005  
Phone: (262)790-1480 Fax: (262)790-1481

Drafted this 21st Day of July, 2017

THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826

Job. No. 16-030-620-01

SHEET 7 OF 8

L:\LOBBYS\WPOCS\DOCUMENT\620-16030-01\530-Certified Survey Map\CSM-FRANKLIN MULTIFAMILY.doc

**CERTIFIED SURVEY MAP NO.**

BEING A PART OF LOT 2 OF CSM NO. 7905 LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE  
NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN,  
MILWAUKEE COUNTY, WISCONSIN.

**CORPORATE OWNER'S CERTIFICATE OF DEDICATION:**

**Metropolitan Milwaukee YMCA Bank Creditor Trust**, a Corporation duly organized and existing under and by  
virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation has caused the land  
described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with  
the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the City of Franklin, this  
day of \_\_\_\_\_, 20\_\_\_\_.

**Metropolitan Milwaukee YMCA Bank Creditor Trust**

STATE OF WISCONSIN       )  
  ) ss  
COUNTY OF                    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, Member  
of the above named limited liability company, to me known to be the person who executed the foregoing instrument,  
and to me known to be such Member of said limited liability company, and acknowledged that he executed the  
foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Print Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, WI  
My commission expires: \_\_\_\_\_

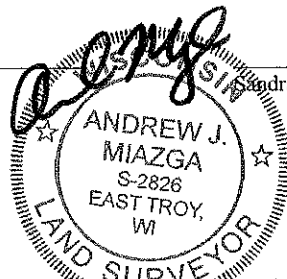
**COMMON COUNCIL APPROVAL CERTIFICATE:**

Resolved that the Certified Survey map, in the City of Franklin, **Metropolitan Milwaukee YMCA Bank Creditor  
Trust**, owner, is hereby approved and dedicated by the Common Council of the City of Franklin by Resolution  
No. \_\_\_\_\_, signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

All conditions have been met as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Date: \_\_\_\_\_  
Steve Olson, Mayor

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



Drafted this 21st Day of July, 2017

THIS INSTRUMENT WAS DRAFTED BY ANDREW J. MIAZGA, S-2826

Job. No. 16-030-620-01  
SHEET 8 OF 8