

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, OCTOBER 21, 2021, 7:00 P.M.

The YouTube channel “City of Franklin WI” will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

<https://www.youtube.com/c/CityofFranklinWIGov>.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of October 7, 2021.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **PAYNE & DOLAN, INC. QUARRY RECLAMATION PLAN: An Ordinance to Approve a Quarry Nonmetallic Mining Reclamation Plan and to Incorporate Same Into Unified Development Ordinance Section 15-3.0428, Ordinance No. 97-1456 (PDD No. 23) Pursuant to §13.26S.5. and Unified Development Ordinance Section 15-3.0429, Ordinance No. 97-1457 (PDD No. 24) Pursuant to §13.27T.5. and to Authorize the Issuance of a Reclamation Permit in Relation Thereto.** Payne & Dolan, Inc., property owner. A Nonmetallic Mining Reclamation Plan and the issuance of a Nonmetallic Mining Reclamation Permit for the Franklin Aggregates Quarry site. The purpose of the Reclamation Plan is to describe the activities necessary to reclaim the Franklin Aggregates Quarry site to a condition whereby future development is feasible after completion of mineral extraction activities. The Franklin Aggregates Quarry is an active limestone quarry to be continued on the site until completion of the mineral extraction activities. Reclamation is an on-going process during mineral extraction, with a majority of the reclamation being completed during active mineral extraction. Final reclamation will consist of reclaiming the quarry perimeter upon completion of the mineral extraction activities. Approximately 75 acres will need to be reclaimed and the remaining 250 acres will become a lake. The proposed land use to which this site will be reclaimed is Green/Open Space. Reclamation of the site will include the 250 acre lake with restored slopes and rock faces surrounding the lake. The stockpiled topsoil and other overburden materials will be placed over the reclaimed areas surrounding the lake, graded to conform with the surrounding land and seeded. The necessary topsoil and overburden are to be re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. This proposed land use (outside of the envisioned lake) is to be considered a temporary use. The final end use for the reclaimed site is not being proposed at this time. The ultimate

land development and end use (beyond grading, vegetation and other requirements detailed in the Plan) will be subject to future land use requirements. No final end-use development proposals shall be implemented prior to submission of detailed end-use plans pursuant to then applicable City of Franklin ordinance requirements, and the granting of detailed zoning and land use approvals in accordance with such applicable ordinance requirements. The site of the proposed Reclamation Plan is upon property zoned Planned Development District No. 23 (Limestone Quarry and Mixed Use) and Planned Development District No. 24 (Limestone Quarry and Mixed Use), 5335 West Rawson Avenue, Franklin, Wisconsin 53132, located within the approximate boundaries of West Rawson Avenue on the north, West Drexel Avenue on the south, South 51st Street on the east and South 68th Street on the west. The properties which are the subject of the application bear Tax Key Nos. (all or portions of parcels) 758 9985 000, 758 9987 002, 758 9994 000, 758 9995 002, 758 9997 000, 758 9998 001, 758 9999 000, 789 9990 001, 789 9992 000, 789 9993 000, 789 9994 000, 789 9995 001, 789 9991 003, 790 9993 000, 757 9999 000, 757 9973 001, 757 9974 000, 757 9974 000, 757 9972 001, 757 9971 001, 757 9970 001, 757 9969 001, 758 9993 000, 758 9992 000 and 758 9991 000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

2. **RAWSON VENTURES LLC COMMERCIAL/RESIDENTIAL DEVELOPMENT.** Rezoning application by David J. Church, Rawson Ventures LLC, to rezone three parcels of land and an outlot along West Rawson Avenue (Brunn family farm property), between the existing McDonalds restaurant and Anderson Family Dental (property is currently partially developed with two residences and a few out buildings and the remaining property is unfarmed farm land (4.50386 acres)), from R-6 Suburban Single-Family Residence District and B-3 Community Business District to B-2 General Business District, properties located at 7401 West Rawson Avenue (R-6 to B-2), 7295 West Rawson Avenue (B-3 to B-2), 7255 West Rawson Avenue (B-3 to B-2) and the upper portion (approximately 18,000 square feet) of 7401A West Rawson Avenue (R-6 to B-2); Tax Key Nos. 756-9993-013, 756-9993-019, 756-9993-018 and 756-9993-005. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
  
3. **BEAR DEVELOPMENT, LLC SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.** Comprehensive Master Plan Amendment and Rezoning applications by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC and Ger Vang and Chia Vang, property owners), to amend the Future Land Use Map designation for an area consisting of three properties (two properties, 892-9999-002 and 937-9999-004, are designated as Recreational Use, covering approximately 74 acres (80% of the site), the remaining property, 938-9999-011, is designated as Residential Use, with a

portion of land adjacent to South 112th Street designated as Areas of Natural Resource Features Use, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to rezone that area of land from A-2 Prime Agricultural District and R-2 Estate Single-Family Residence District [the 2 properties that are designated as Recreational Use are zoned A-2 Prime Agricultural District and the remaining property is zoned R-2 Estate Single-Family Residence District (all three properties contain corridors zoned C-1 Conservancy District which is an obsolete zoning district because the current Unified Development Ordinance requires protection of natural resources through conservation easements) to R-5 Suburban Single-Family Residence District, properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 92 acres). [SUBJECT MATTER FOR THE COMPREHENSIVE MASTER PLAN AMENDMENT CONTINUED FROM THE OCTOBER 7, 2021 MEETING. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER. THE PUBLIC HEARING FOR THE REZONING WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON OCTOBER 7, 2021, AND THEN POSTPONED AND CONTINUED TO THE OCTOBER 21, 2021 PLAN COMMISSION MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.]**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **JUNIPER EVENTS LLC INDOOR RE:CRAFT AND RELIC MARKET, A TICKETED SHOPPING EVENT AT THE MILWAUKEE COUNTY SPORTS COMPLEX.** Temporary Use application by Joshua J. Glidden, co-owner of Juniper Events LLC, for a two-day indoor re:craft and Relic ticketed, curated shopping event with over 150 vendors, featuring vintage, handmade and upcycled goods for sale (a juried event, with primary emphasis being placed on the quality and diversity of the products and the aesthetic of the booth displays), and 15 to 20 vendors for food sales (mainly prepackaged products, with 3-4 vendors selling non-prepackaged food), at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for three periods, Fall Market held November 13-14, 2021, Winter Market held January 28-30, 2022 and Spring Market held April 2-3, 2022, from 10:00 a.m. to 4:00 p.m. on Saturdays, and from 10:00 a.m. to 4:00 p.m. on Sundays (with VIP tickets offering early entrance at 9:00 a.m. on Saturdays) [event staff on-site for each of the three events on Friday, from 6:00 a.m. to 9:00 p.m. (vendor setup from 12:00 p.m. to 8:00 p.m.), Saturday, from 6:30 a.m. to 6:00 p.m., and Sunday, from 8:00 a.m. to 9:00 p.m. (vendor teardown from 4:00 p.m. to 9:00 p.m.)], on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

Franklin Plan Commission Agenda  
10/21/21  
Page 4

E. Adjournment

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

\*\*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[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:

Next Regular Plan Commission Meeting: November 4, 2021



**City of Franklin  
Plan Commission Meeting  
October 7, 2021  
Minutes**

unapproved

**A. Call to Order and Roll Call**

Mayor Steve Olson called the October 7, 2021, regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Olson, Commissioners Adam Burckhardt, Kevin Haley and Patrick Leon, City Engineer Glen Morrow and Alderwoman Shari Hanneman. Absent was Commissioner Patricia Hogan. Also present were Planning Manager Heath Eddy, Principal Planner Régulo Martínez-Montilva, Associate Planner Marion Ecks and City Attorney Jesse Wesolowski.

**B. Approval of Minutes**

1. Regular Meeting of September 23, 2021

Commissioner Leon moved and Commissioner Haley seconded approval of the September 23, 2021 regular meeting minutes with revisions. On voice vote, all voted 'aye'. Motion carried (5-0-1).

**C. Public Hearing Business Matters**

**1. BEAR DEVELOPMENT, LLC SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.**

Comprehensive Master Plan Amendment and Rezoning applications by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC and Ger Vang and Chia Vang, property owners), to amend the Future Land Use Map designation for an area consisting of three properties (two properties, 892-9999-002 and 937-9999-004, are designated as Recreational Use, covering approximately 74 acres (80% of the site), the remaining property, 938-9999-011, is designated as Residential Use, with a portion of land adjacent to South 112th Street designated as Areas of Natural Resource Features Use, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to rezone that area of land from A-2 Prime Agricultural District and R-2 Estate Single-Family Residence District [the 2 properties that are designated as Recreational Use are zoned A-2 Prime Agricultural District and the remaining

Principal Planner Martínez-Montilva presented the request by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC and Ger Vang and Chia Vang, property owners), to amend the Future Land Use Map designation for an area consisting of three properties (two properties, 892-9999-002 and 937-9999-004, are designated as Recreational Use, covering approximately 74 acres (80% of the site), the remaining property, 938-9999-011, is designated as Residential Use, with a portion of land adjacent to South 112th Street designated as Areas of Natural Resource Features Use, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to rezone that area of land from A-2 Prime Agricultural District and R-2 Estate Single-Family Residence District [the 2 properties that are designated as Recreational Use are zoned A-2 Prime Agricultural District and the remaining property is zoned R-2 Estate Single-Family Residence District (all three properties contain corridors zoned C-1 Conservancy District which is an obsolete zoning district because the current Unified Development Ordinance requires protection of natural resources through conservation easements) to R-5 Suburban Single-Family Residence District, properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 92 acres).

property is zoned R-2 Estate Single-Family Residence District (all three properties contain corridors zoned C-1 Conservancy District which is an obsolete zoning district because the current Unified Development Ordinance requires protection of natural resources through conservation easements) to R-5 Suburban Single-Family Residence District, properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 92 acres).

#### **D. Business Matters**

**1. HSA COMMERCIAL REAL ESTATE LOT DIVISION FOR INDUSTRIAL BUILDINGS DEVELOPMENT AND RELATED SITE IMPROVEMENTS IN THE PROPOSED BUSINESS PARK IN PLANNED DEVELOPMENT DISTRICT NO. 39 (MIXED USE BUSINESS PARK).** Certified Survey Map application by HSA Commercial, Inc., d/b/a HSA Commercial Real Estate (JAMS-4, L.L.C., property owner), for a 2 lot and one outlot Certified Survey Map for new development on West Oakwood Road in Planned Development District No. 39 (Mixed Use Business Park), with future Lot 1 located at the northwest corner of the parcel adjacent to the future Hickory Street (proposed lot size 766,548 square feet (17.6 acres)), Lot 2 located at the east portion of the parcel, on the corner of South 27th Street and West Oakwood Road (proposed lot size 1,504,257 square feet (34.5 acres), containing some areas of wetland) and Outlot 1, an area of natural resources, located at the southwest corner of the existing parcel; Tax Key No. 951-9994-001.

#### **Adjournment**

#### **Rezone and Comprehensive Master Plan Amendment**

The Official Notice of Public hearing was read into the record by Planning Manager Eddy and the Public Hearing was opened at 7:09 p.m. and closed at 7:12 p.m.

Alderman Hanneman moved and Commissioner Leon seconded a motion to continue to the October 21, 2021 Plan Commission meeting at the request of the applicant. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

Associate Planner Marion Ecks presented the request by HSA Commercial, Inc., d/b/a HSA Commercial Real Estate (JAMS-4, L.L.C., property owner), for a 2 lot and one outlot Certified Survey Map for new development on West Oakwood Road in Planned Development District No. 39 (Mixed Use Business Park), with future Lot 1 located at the northwest corner of the parcel adjacent to the future Hickory Street (proposed lot size 766,548 square feet (17.6 acres)), Lot 2 located at the east portion of the parcel, on the corner of South 27th Street and West Oakwood Road (proposed lot size 1,504,257 square feet (34.5 acres), containing some areas of wetland) and Outlot 1, an area of natural resources, located at the southwest corner of the existing parcel; Tax Key No. 951-9994-001.

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot and 1 outlot Certified Survey Map, being part of the Northwest 1/4 and part of the Northeast 1/4 of the Northeast 1/4 of Section 36, in Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin (generally at West Oakwood Road and South 27th Street). On voice vote, all voted ‘aye’; motion carried. (5-0-1).

Commissioner Haley moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of October 7, 2021 at 7:27 p.m. On voice vote, all voted ‘aye’; motion carried. (5-0-1).



REPORT TO THE PLAN COMMISSION

Meeting of October 21, 2021

Quarry Reclamation Plan

RECOMMENDATION: City Development staff recommends approval with conditions of the Franklin Aggregates Reclamation Plan submitted by Payne & Dolan, Inc.

Table with 2 columns: Field Name and Value. Fields include Project Name, Applicant, Agent, Project Address/Tax Key, Property Owner, Current Zoning, 2025 Comprehensive Plan, Action Requested, and Staff.

Introduction

Before you is the Franklin Aggregates Reclamation Plan for the limestone quarry located in Planned Development Districts (PDD) No. 23 and 24, both PDDs cover a joint area of approximately 325 acres. According to the PDD ordinances (Ord. 97-1456/57), “the detailed reclamation plan shall explain and show how the Operator will provide a quarry lake with appropriate public access for recreational purposes and adjacent areas suitably situated and graded for private development”, ... “the detailed reclamation plan need not address the Property’s ultimate end-use development but only the activities required to put the land in a condition whereby such development is feasible”.

According to the Guide to Developing Reclamation Plans for Nonmetallic Mining Sites in Wisconsin, “reclamation plans are required by local or county ordinance in the State of Wisconsin and all plans must be prepared in accordance with the uniform reclamation standards detailed in the Nonmetallic Mining Reclamation Rule, Chapter NR 135 of the Wisconsin Administrative Code”. In the City of Franklin, a reclamation plan is required for nonmetallic mining sites per Municipal Code Section 176-13A.

## **Background**

The Planned Development District (PDD) ordinances adopted in 1997 state that “within two (2) years after the Effective Date of the portions of this Ordinance affecting the Extraction Area, the Operator shall submit a detailed reclamation plan to the city for review and approval”, specifically section 13.26.S of Ordinance No. 97-1456 and section 13.27.T of Ordinance No. 97-1457.

Payne & Dolan and Vulcan Materials (former operator) submitted a joint reclamation prior to the deadline (May 23, 2002) as noted in the staff report dated September 4, 2003 (attached to this packet). At its September 9, 2003, the Common Council did not approve the reclamation plan and referred the item back to the Plan Commission (minutes attached). In 2014, the Common Council carried a motion to notify Payne & Dolan “of the need for updating the Reclamation Plan as recommended by the Wisconsin Department of Natural Resources”. None of these efforts came to the formal approval of the reclamation plan.

On March 25, 2021, the Quarry Monitoring Committee (QMC) carried a motion to *recommend that the Reclamation Plan with updates be provided to the Common Council as ready for review by the Plan Commission*. The QMC reviewed previous versions of the reclamation plan at regular meetings on July 29, September 24, and November 12, 2020, and March 25, 2021.

This Plan Commission held an informational hearing about this reclamation plan on September 23, 2021, including a presentation by Clint Weninger of Payne & Dolan and public comments.

It is noted that under Chapter NR 135 of the Wisconsin Administrative Code published in 2000, a non-metallic mine operator needs approval of a reclamation plan and a reclamation permit before beginning of mining operations. Mining sites that were active in 2001, like the subject quarry, were granted automatic reclamation permits.

## **Project Description/Analysis**

This reclamation plan describes the activities necessary to achieve final site reclamation within three (3) years after the cessation of limestone extraction. The proposed land use of this reclamation plan is Green/Open Space, the reclaimed site will include a 250-acre lake with restored slopes and rock faces surrounding the lake. However, the green/open space use surrounding the lake is to be considered as temporary use as the final land use is not being proposed with this reclamation plan. The final land use will be subject to future zoning and comprehensive planning requirements.

Reclamation activities include: removal of buildings and equipment, grading of slopes into lake water, grading of rock face, grading of excess overburden, miscellaneous cleanup, development of public access to the lake, erosion control, revegetation as well as inspection and maintenance.

Following Chapter NR 135, Section 176-13 “Reclamation Plan” of Municipal Codes set forth the requirements to be met by nonmetallic mining reclamation plans:

#### Site Information

The submitted narrative and 5 plans include most of the required information, such as general location, property boundaries, aerial extent, geologic composition of the site, thickness and type of topsoil, location of reclaimed quarry lake with approximate water elevation of 690 feet (1), revegetation plan (2) and existing topography at 2-foot contour intervals (4).

It is noted that the reclamation plan does not include information on biological resources, plant communities and wildlife use adjacent to the operating mine site (3).

#### Post-mining land use

The proposed land use is green/open space which consists of the reclaimed quarry lake with surrounding slopes and rock face, as well as boat ramp and public access area of 5 acres adjacent to Rawson Avenue. As discussed previously, the final land use is not being proposed at this time.

#### Reclamation measures

A reclamation plan must include the methods and procedures to be used to achieve reclamation and proposed schedule. The proposed earthwork (1) is addressed in Section II “Proposed Earthwork and Reclamation” and in plan sheets #3 “Final conditions” and #4 “Cross-sections”; the methods of topsoil removal, storage and stabilization (2) is covered in Section IV “Revegetation Plan”; the anticipated topography (3) and facilities after cessation of mining (4) are included in plan sheet #3 “Final conditions”; the estimated cost of reclamation (5) are listed in Section VI; the standards for revegetation (6-7) are described in Section IV “Revegetation Plan” and VII “Assessing successful reclamation”; erosion control measures (8) are included in Section V; finally, the long-term reclamation safety (10) is addressed in Section IX.

Reclamation of the site shall be completed within three (3) years after the cessation of extraction operations. City Development staff recommends a site-specific engineering analysis to evaluate the proposed earthwork and slope stabilization.

#### Criteria for successful reclamation

In order to assure successful reclamation, the reclamation plan must include measurable standards to be used in the future inspections as part of the certification of completed reclamation. These criteria are listed in Section VII “Assessing Successful Reclamation”, including: removal of all building, structures and mining equipment (except ramps), completion of grading, seeding and mulching, provision of public access and revegetation standards.

City Development staff recommends the addition of a surface water elevation range for the reclaimed quarry lake as a reclamation criterion to be met before the issuance of the certificate of completed reclamation.

#### Certification of reclamation plan

Section X contains a certification signed by Clint G. Wenninger, P.G., Land Resources Manager as duly authorized agent for Payne & Dolan, Inc.

#### Financial Assurance

The Planned Development District (PDD) ordinances required the provision of financial assurance to the City of Franklin in the form of a performance bond, the amount of \$200,000 for each PDD, for a total of \$400,000 (ordinance section 13.26E.1 for PDD No. 23 and section 13.27F.1 for PDD No. 24).

The total reclamation cost estimated by the operator is \$670,460. City Development staff recommends to adjust the financial assurance to match this amount in accordance with PDD ordinances: “The type and amount of the Financial Assurance required by this Ordinance may be amended by the Common Council after the Plan Commission review at the time of approval of the detailed reclamation plan”.

#### **Staff Recommendation:**

City Development Staff recommends approval with conditions of the Franklin Aggregates Reclamation Plan submitted by Payne & Dolan, Inc.

City Development Staff recommends the following conditions of approval for consideration of the Plan Commission, Sections 7-10 in the draft ordinance:

1. The operator shall bear the cost of an independent groundwater study to determine if the water in the lake will reach the level anticipated in this reclamation plan, this study shall be prepared 5 years or less prior to the cessation of the extraction operations. If the independent study indicates that the anticipated lake level cannot be achieved, the operator shall prepare an alternate reclamation plan eliminating the lake and filling the pit (this condition was recommended by former City Development staff in 2003).
2. The operator shall add a water elevation range for the reclaimed quarry lake to the criteria for assessing successful reclamation in Section VII of the Reclamation Plan.
3. Pursuant to Municipal Code Section 176-13D.(1), the operator shall bear the cost of an independent site-specific engineering analysis performed by a registered professional engineer to evaluate the proposed earthwork, including final slopes angles and slopes

stabilization measures, this study shall be prepared 5 years or less prior to the cessation of the extraction operations.

4. The operator shall adjust the financial assurance to match the total cost of reclamation (\$670,460) in accordance with Municipal Code Section 176-14A.(12).

## ORDINANCE NO. 2021-\_\_\_\_\_

AN ORDINANCE TO APPROVE A QUARRY NONMETALLIC MINING RECLAMATION PLAN AND TO INCOPORATE SAME INTO UNIFIED DEVELOPMENT ORDINANCE SECTION 15-3.0428, ORDINANCE NO. 97-1456 (PDD NO. 23) PURSUANT TO §13.26S.5. AND UNIFIED DEVELOPMENT ORDINANCE SECTION 15-3.0429, ORDINANCE NO. 97-1457 (PDD NO. 24) PURSUANT TO §13.27T.5. AND TO AUTHORIZE THE ISSUANCE OF A RECLAMATION PERMIT IN RELATION THERETO (PAYNE & DOLAN, INC., OWNER AND APPLICANT)

---

WHEREAS, on April 29, 2021, Payne & Dolan, Inc. submitted a Reclamation Plan for the quarry and its use upon property zoned Planned Development District No. 23 (Limestone Quarry and Mixed Use) and Planned Development District No. 24 (Limestone Quarry and Mixed Use), 5335 West Rawson Avenue, Franklin, Wisconsin 53132, located within the approximate boundaries of West Rawson Avenue on the north, West Drexel Avenue on the south, South 51st Street on the east and South 68th Street on the west; and

WHEREAS, a reclamation plan is required for nonmetallic mining uses pursuant to Wis. Stat. § 295.12(3)(c) and §176-13A. of the Municipal Code of the City of Franklin, Wisconsin, and City of Franklin Unified Development Ordinance Section 15-3.0428, citing Ordinance No. 97-1456 (PDD No. 23), §13.26S., and Unified Development Ordinance Section 15-3.0429, citing Ordinance No. 97-1457 (PDD No. 24), §13.27T.; and

WHEREAS, the Reclamation Plan was submitted by the applicant following substantial reviews by and upon being recommended for approval by the Quarry Monitoring Committee; and

WHEREAS, a public informational hearing upon the Reclamation Plan was held before the Plan Commission pursuant to Wis. Stat. § 295.12(3)(d) and §176-15 of the Municipal Code of the City of Franklin, Wisconsin, on September 23, 2021; and a public hearing with regard to the issuance of a permit for the Reclamation Plan and the incorporation of the Plan into PDD Nos. 23 and 24, was held before the Plan Commission on October 21, 2021; and

WHEREAS, the Plan Commission having reviewed the Reclamation Plan and having recommended approval thereof, incorporation into PDD Nos. 23 and 24 and the issuance of a permit thereunder to the Common Council, and the Department of City Development and the Engineering Department also having reviewed and recommended, accordingly; and

WHEREAS, a copy of the proposed Reclamation Plan was available and open to inspection by the public, together with a copy of this ordinance in draft form, in the Office of



the City Clerk for not less than two weeks prior to October 21, 2021, pursuant to Wis. Stat. § 66.0103(1), providing in part that some or all of a City's general ordinances in code form may be enacted by an ordinance that incorporates the code by reference, and the Common Council having considered such proposed amendments and having found same to be reasonable and necessary to promote and protect the public health, safety and welfare of the Community.

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

SECTION 1: The Reclamation Plan and the issuance of a permit therefore for the quarry and its use upon property zoned Planned Development District No. 23 (Limestone Quarry and Mixed Use) and Planned Development District No. 24 (Limestone Quarry and Mixed Use), 5335 West Rawson Avenue, Franklin, Wisconsin 53132, located within the approximate boundaries of West Rawson Avenue on the north, West Drexel Avenue on the south, South 51st Street on the east and South 68th Street on the west, dated April 29, 2021, be and the same is hereby approved, subject to review by all applicable City Departments, including, but not limited to the Department of City Development and the Engineering Department, and any conditions required upon and following such reviews, pursuant to Chapter 176 of the Municipal Code, Nonmetallic Mining Reclamation, and subject to and pursuant to obtaining all required reviews and approvals as may be required pursuant to Chapter 295 Subchapter I, Nonmetallic Mining Reclamation, of the Wisconsin Statutes.

SECTION 2: Unified Development Ordinance Section 15-3.0428, citing Ordinance No. 97-1456 (PDD No. 23), §13.26S.5. and Unified Development Ordinance Section 15-3.0429, citing Ordinance No. 97-1457 (PDD No. 24), §13.27T.5., hereby incorporate and include the Reclamation Plan dated April 29, 2021 into and as a part of Unified Development Ordinance Section 15-3.0428 and Unified Development Ordinance Section 15-3.0429, respectively; the Reclamation Plan dated April 29, 2021 is and shall be maintained and available for public inspection in the Office of the City Clerk, the Reclamation Plan having been presented to and approved by the Common Council on \_\_\_\_\_, 2021, and which is incorporated herein by reference pursuant to §66.0103(1) of the Wisconsin Statutes, and as previously proposed had been on file for public inspection in the Office of the City Clerk for more than 2 weeks prior to such date and which as approved by the

Common Council shall so remain, also pursuant to §66.0103(1) of the Wisconsin Statutes.

SECTION 3: The City Clerk is hereby directed to obtain the inclusion in the Municipal Code Unified Development Ordinance of an Editor's Note by the codifier or otherwise, immediately following Unified Development Ordinance Section 15-3.0428, citing "Ordinance No. 97-1456 (PDD No. 23) §13.26S.5." and Unified Development Ordinance Section 15-3.0429, citing "Ordinance No. 97-1457 (PDD No. 24) §13.27T.5.", stating: "The quarry Reclamation Plan dated April 29, 2021 is available for public inspection in the Office of the City Clerk."

SECTION 4: 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 5: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

SECTION 7: The operator shall bear the cost of an independent groundwater study to determine if the water in the lake will reach the level anticipated in this reclamation plan, this study shall be prepared 5 years or less prior to the cessation of the extraction operations. If the independent study indicates that the anticipated lake level cannot be achieved, the operator shall prepare an alternate reclamation plan eliminating the lake and filling the pit.

SECTION 8: The operator shall add a water elevation range for the reclaimed quarry lake to the criteria for assessing successful reclamation in Section VII of the Reclamation Plan.

SECTION 9: Pursuant to Municipal Code Section 176-13D.(1), the operator shall bear the cost of an independent site-specific engineering analysis performed by a registered professional engineer to evaluate the proposed earthwork, including final slopes angles and slopes stabilization measures, this study shall be prepared 5 years or less prior to the cessation of the extraction operations.

SECTION 10:       The operator shall adjust the financial assurance to match the total cost of reclamation (\$670,460) in accordance with Municipal Code Section 176-14A.(12).

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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

ATTEST:

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

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

April 29, 2021

Mr. Regulo Martinez-Montilva  
Department of City Development  
9229 W. Loomis Road  
Franklin, WI 53132

**Subject: Reclamation Plan – Franklin Aggregates**

Dear Mr. Martiez-Montilva:

Enclosed is the final reclamation plan as reviewed and approved by the Quarry monitoring committee for the Franklin Aggregates quarry. We appreciate the amount of time and effort that the Quarry Monitoring Committee has spent in reviewing the plan and feel that the committee's input has led to the development of a quality reclamation plan.

The purpose of this reclamation plan is to describe the activities necessary to reclaim the Franklin Aggregates Quarry site to a condition whereby future development is feasible after completion of mineral extraction activities. The plan was designed to achieve final site reclamation that is in compliance with uniform reclamation standards while fulfilling all the applicable requirements as outlined in PDDs #23 & #24, the City of Franklin Non-Metallic Mining Reclamation Ordinance and the state wide reclamation law referred to as NR-135.

The proposed land use to which this site will be reclaimed is Green/Open Space. This proposed land use (outside of the envisioned lake) is to be considered a temporary use. The final end use for the reclaimed site is not being proposed at this time. The ultimate land development and end use (beyond grading, vegetation and other requirements detailed in this plan) will be subject to future land use requirements.

No final end-use development proposals shall be implemented prior to submission of detailed end-use plans pursuant to then applicable City of Franklin ordinance requirements, and the granting of detailed zoning and land use approvals in accordance with such applicable ordinance requirements.

This approach of reclaiming the site to a temporary Green/Open Space land use, will allow for the site to be reclaimed to a proposed land use as required by NR-135 while maintaining flexibility in the land use and development of the site to meet the communities future needs.

We would appreciate it if the reclamation plan could be sent to the Plan Commission in the near future for their final review and approval.

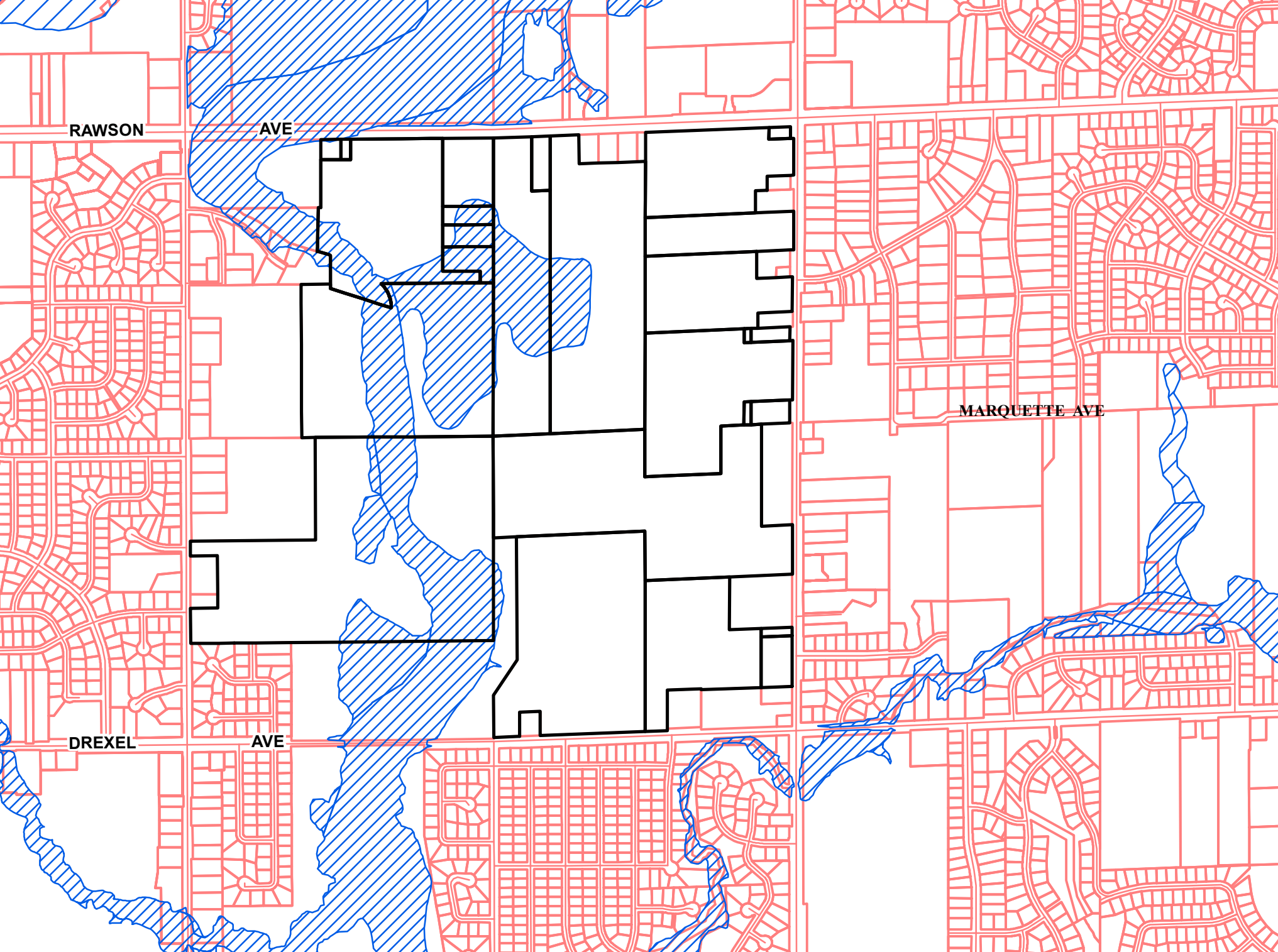
Please do not hesitate to contact me in the office at (262) 524-1258, if you have any additional questions and/or would like some additional information.

Sincerely,

**Payne & Dolan, Inc.**

A handwritten signature in blue ink, appearing to read "Clint S. Weninger". The signature is fluid and cursive, with the first name "Clint" being the most prominent.

Clint Weninger, P.G.  
Land Resources Manager



RAWSON

AVE

DREXEL

AVE

MARQUETTE AVE



# ***FRANKLIN AGGREGATES***

***City of Franklin, Milwaukee County, WI***

***FINAL REVISION – September 1, 2020***

***SUBMITTED – April 29, 2021***

## I. Purpose and Scope

The purpose of this reclamation plan is to describe the activities necessary to reclaim the Franklin Aggregates Quarry site to a condition whereby future development is feasible after completion of mineral extraction activities. The plan was designed to achieve final site reclamation that is in compliance with uniform reclamation standards while fulfilling all the applicable requirements as outlined in PDDs #23 & #24, the City of Franklin Non-Metallic Mining Reclamation Ordinance and the state wide reclamation law referred to as NR-135. Implementation of this reclamation plan shall be completed within three (3) years after the cessation of extraction operations.

Reclamation of the site will result in environmental protection, a stable non-eroding site, productive end land uses, the potential to enhance wildlife habitat and increase land values and tax revenues.

The proposed land use to which this site will be reclaimed is Green/Open Space. This proposed land use (outside of the envisioned lake) is to be considered a temporary use. The final end use for the reclaimed site is not being proposed at this time. The ultimate land development and end use (beyond grading, vegetation and other requirements detailed in this plan) will be subject to future land use requirements.

No final end-use development proposals shall be implemented prior to submission of detailed end-use plans pursuant to then applicable City of Franklin ordinance requirements, and the granting of detailed zoning and land use approvals in accordance with such applicable ordinance requirements.

This approach of reclaiming the site to a temporary Green/Open Space land use, will allow for the site to be reclaimed to a proposed land use as required by NR-135 while maintaining flexibility in the land use and development of the site to meet the communities future needs.

Payne & Dolan has a history of completing successful reclamation at this site. After the crushing, stockpiling and loadout operations that were located adjacent to the Root River for many years where moved unto the floor of the quarry in 2003, Payne & Dolan successfully reclaimed the former operations area. See attached Fact Sheet for additional information.

## II. Proposed Earthwork and Reclamation

Prior to beginning mineral extraction, the topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. Available topsoil and other overburden materials have been stored in berms adjacent to the north, south, and east portions of the active mineral extraction operations. Some overburden materials have also been placed in the bottom of the quarry in areas that have previously been mined.

Reclamation of the site will commence after all non-metallic minerals have been removed from the site. Reclamation of the site will include a 250 acre lake with restored slopes and rock faces surrounding the lake (see Sheet 3 – Final Conditions and Sheet 4 – Cross Sections). The stockpiled topsoil and other overburden materials will be placed over the reclaimed areas surrounding the lake, graded to conform with the surrounding land and seeded. The necessary topsoil and overburden are re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading.



The berms surrounding the extraction area will be removed and regraded (i.e. leveled) as shown on the reclamation plan view (Sheet 3 – Final Conditions). Excess overburden materials; including but not limited to silt, clay, sand, dirt, rock, gravel and other earth materials lying on top of the limestone; not used in the reclamation of the slopes surrounding the quarry will be placed in the bottom of the extraction area.

The reclamation plans has been designed to maintain pre-mine drainage patterns to the greatest extent possible and to improve upon existing conditions where feasible. Existing grading and stormwater features such as road side ditches, storm water drainage pipe, and the stormwater retention pond shall remain. However, the stormwater currently pumped from the quarry to the Root River will cease after the surrounding slopes are reclaimed and the quarry is allowed to fill with water and stormwater from within the site to create the lake.



**Photo Showing Approximate Location of Stormwater Drainage Pipe and Retention Pond**

Note: Constructed per Stormwater Management Plan dated August 8, 1997

Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the attached reclamation plan view (Sheet 3 – Final Conditions). Grading activities along the west extent of the property shall be limited so as to minimize the grading that would occur towards the Root River.

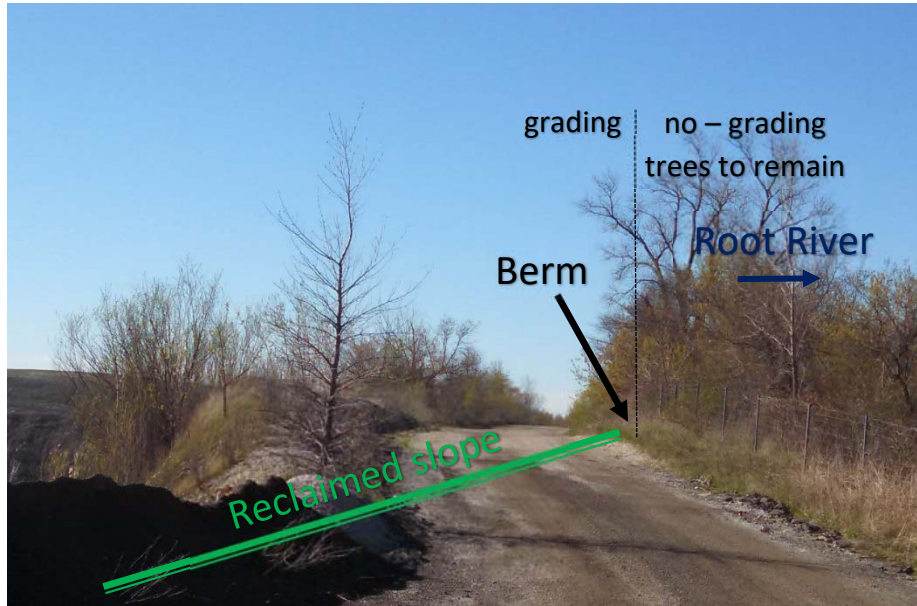


Photo Showing High Road Along West Edge of Quarry (looking South)

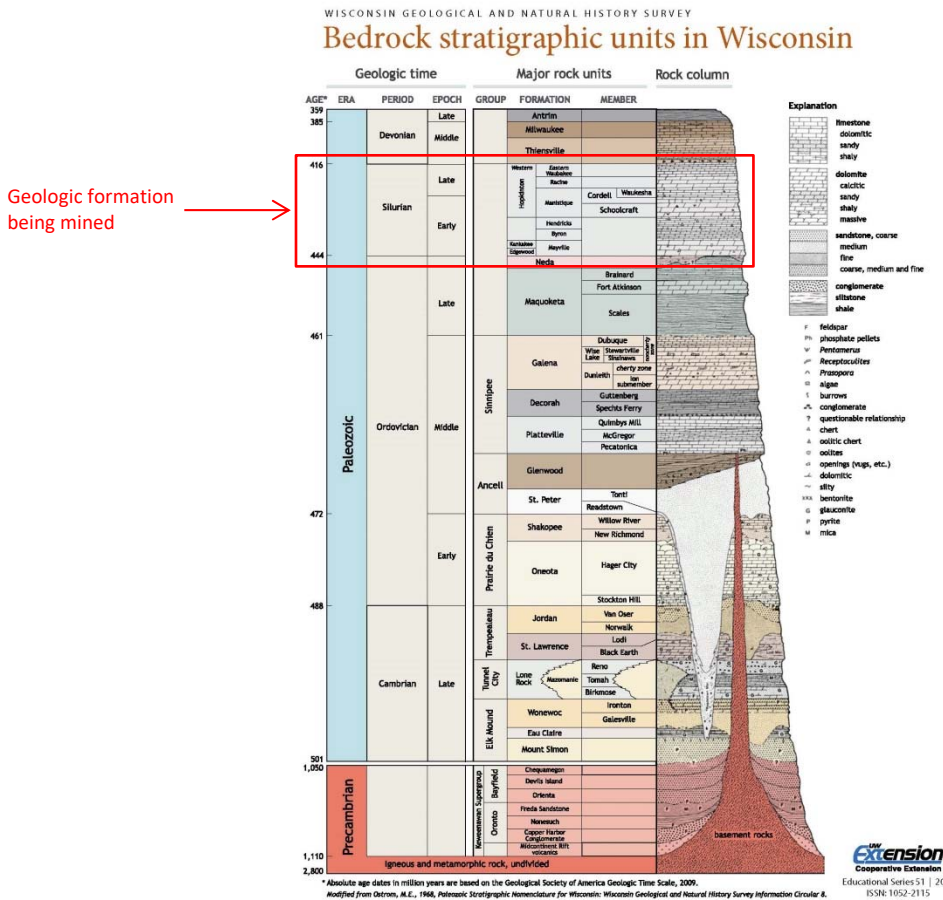
Note: A majority of the grading for the reclaimed slope along western edge of quarry will occur from the outside edge of the “high road” that extends around the quarry in this area.

### III. Geologic Composition of the Site and Depth of the Nonmetallic Mineral Deposit

The mineral deposit currently extracted consists of Silurian age limestone & dolomite, approximately 210 - 250 feet thick, of which over 90% of which will be extracted from under the water table. The amount of overburden overlying the limestone varies across the site but averages approximately 40 feet. The overburden consists of primarily clay and silt.

Groundwater elevation and subsequent lake water elevation was originally obtained from a technical report published by the Southeastern Wisconsin Regional Planning Commission (Source: Groundwater Resources of Southeastern Wisconsin, Technical Report Number 37, 2002, SEWRPC and WSGNS, p 81). This information provided in this report for this location has been confirmed by two consultants; GAS (now Graef) and most recently by GZA GeoEnvironmental.

Also, groundwater elevations in a well monitored by the United States Geological Survey located on S92<sup>nd</sup> Street just south of Grange Ave. has shown little movement of the groundwater table from 1/7/2000 – 33.01 ft below the ground surface (bgs) to 1/28/2016 – 31.19 ft. bgs.



**IV. Revegetation Plan**

After the overburden materials have been placed over the reclaimed slopes, a minimum of 6” of topsoil (PDD’s #23 and #24 specify a 4” minimum) will be spread over the reclaimed slopes, fine graded, seeded and mulched. Seeding activities will be carried out in accordance with accepted seeding specifications provided in the reclamation plan. Marginally steep slopes (greater than 3:1) will have either a minimum of 8” of topsoil or additional erosion control measures, such as coir (coconut fiber) erosion mat, to stabilize the slope during revegetation.

If any slopes toward the Root River must be re-graded, a seed mixture containing native grasses as provided by the City of Franklin or a WI DOT No. 70 series seed mix, shall be used. A mycorrhizal inoculant or acceptable alternative will be used when seeding any slopes toward the Root River.

TABLE 630-2 NATIVE SEED MIXTURES

SPECIES	SPECIES BOTANICAL NAME	PURITY & GERMINATION minimum %	MIXTURE PROPORTIONS in percent				
			NO. 70	NO. 70A	NO. 75	NO. 80	
FORBES	Canada Anemone	<i>Anemone canadensis</i>	PLS	2			
	Butterflyweed	<i>Asclepias tuberosa</i>	PLS		2		
	New England Aster	<i>Aster novae-angliae</i>	PLS	2	2		
	Partridge-pea	<i>Chamaecrista (Cassia) fasciculata</i>	PLS		2		
	Purple Prairie Clover	<i>Dalea (Petalostemum) purpurea</i>	PLS	2	2	4	
	Canada Tick-trefoil	<i>Desmodium canadense</i>	PLS	2			
	Flowering Spurge	<i>Euphorbia corollata</i>	PLS		2		
	Wild Geranium	<i>Geranium maculatum</i>	PLS	2			
	Western Sunflower	<i>Helianthus occidentalis</i>	PLS	3	2		
	Rough Blazingstar	<i>Liatris aspera</i>	PLS		2		
	Prairie Blazingstar	<i>Liatris pycnostachya</i>	PLS	2			
	Lupine	<i>Lupinus perennis</i>	PLS		3		
	Wild Bergamot	<i>Monarda fistulosa</i>	PLS	2			
	Horse Mint	<i>Monarda punctata</i>	PLS		2		
	Yellow Coneflower	<i>Ratibida pinnata</i>	PLS	2	2		
	Blackeyed Susan	<i>Rudbeckia hirta</i>	PLS			1	
	Showy Goldenrod	<i>Solidago speciosa</i>	PLS	2	2		
	Spiderwort	<i>Tradescantia ohioensis</i>	PLS	2	2		
	Golden Alexanders	<i>Zizia aurea</i>	PLS	2			
GRASSES	Big Bluestem	<i>Andropogon gerardi</i>	PLS	15	15	10	
	Sideoats Grama	<i>Bouteloua curtipendula</i>	PLS	15	20	20	25
	Canada Wildrye	<i>Elymus Canadensis</i>	PLS	15	15	35	23
	Slender Wheatgrass	<i>Elymus trachycaulus</i>	PLS				20
	Junegrass	<i>Koeleria macrantha</i>	PLS		5		
	Annual Ryegrass	<i>Lolium multiflorum</i>	<sup>[1]</sup>			10	10
	Switchgrass	<i>Panicum virgatum</i>	PLS				10
	Salt Grass	<i>Puccinella distans</i>	<sup>[1]</sup>				2
	Little Bluestem	<i>Schizachyrium (Andropogon) scoparium</i>	PLS	15	20	10	10
	Indiangrass	<i>Sorghastrum nutans</i>	PLS	15	15	10	
ALTERNATE FORBES	Sky Blue Aster	<i>Aster azureus</i>	PLS	<sup>[2]</sup>	<sup>[2]</sup>		
	White Wild Indigo	<i>Baptisia leucantha</i>	PLS	<sup>[2]</sup>	<sup>[2]</sup>		
	Pale Purple Coneflower	<i>Echinacea pallida</i>	PLS	<sup>[2]</sup>	<sup>[2]</sup>		
	White Prairie Clover	<i>Petalostemum candidum</i>	PLS	<sup>[2]</sup>	<sup>[2]</sup>		
	Stiff Goldenrod	<i>Solidago rigida</i>	PLS	<sup>[2]</sup>	<sup>[2]</sup>		
	Hoary Vervain	<i>Verbena stricta</i>	PLS	<sup>[2]</sup>	<sup>[2]</sup>		

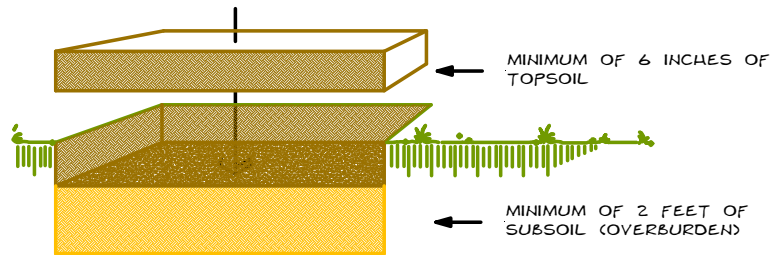
<sup>[1]</sup> Provide the minimum purity and germination specified in 630.2.1.5.1.1.1(3) in the table of highway seed mixtures.

Prepared soil will be seeded at any time during the growing season when soil conditions are suitable but not longer than 7 days after the final grading of reclaimed slopes. Seeding activities should not be carried out immediately following rain, when the ground is too dry, or during windy periods.

Trees that are located within the grading limits as shown on Sheet 3 – Final Conditions shall be removed during the reclamation grading. Trees located outside of the grading limits shall remain.

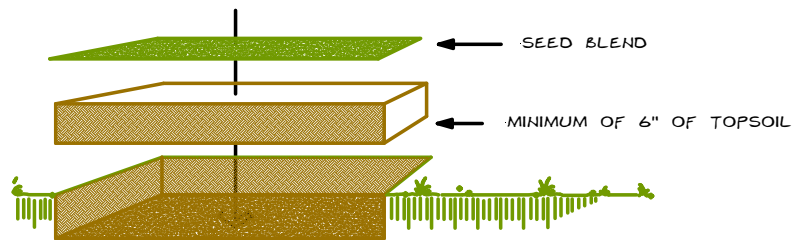
All seeding and mulching will be done in accordance with the State of Wisconsin Department of Transportation Standard Specifications for Seeding and Mulching, Sections 630 and 627, or as updated and amended.

*[QMC recommends use of a wildflower drill such as Tye, Brillion, or modified Truax instead of hydroseeding]*



RETAIN EXISTING TOPSOIL & SUBSOIL FOR DISTRIBUTION DURING RECLAMATION  
 STORE TOPSOIL AND SUBSOIL IN TEMPORARY BERMS DURING MINERAL EXTRACTION  
 NECESSARY TOPSOIL AND OVERBURDEN SHALL BE SPREAD BY GRADING  
 CONTRACTOR TO NON-QUARRIED AREAS ONLY  
 PROJECT MANAGER SHALL APPROVE FINISHED GRADE & UNIFORM  
 SLOPES PRIOR TO THE SOWING OF SEED

**TOPSOIL PRESERVATION**



EXISTING TOPOSIL WILL BE STOCKPILED ON SITE FOR RECLAMATION  
 PROJECT MANAGER SHALL APPROVE FINISHED GRADE & UNIFORM SLOPES  
 PRIOR TO THE SOWING OF SEED  
 ALL SEEDING WILL BE DONE IN ACCORDANCE WITH THE STATE OF  
 WISCONSIN DOT STANDARD SPECIFICATIONS FOR SEEDING AND  
 MULCHING, SECTIONS 630 AND 627  
 SEEDING TO BE COMPLETED WITHIN 7 DAYS OF FINAL TOPSOIL GRADING

**RECLAMATION SEED OEPRTATIONS**



## V. Erosion Control and Post Operational Maintenance

Upon completion of the mineral extraction operations, operator shall obtain a land disturbance permit, or any other permits required by the City of Franklin, prior to the commencement of the proposed earthwork for reclamation as described above.

Erosion control measures will be implemented as necessary to minimize off-site erosion until such time as permanent placement and shaping of overburden and topsoil and seeding is possible. Best Management Practices (BMP's) such as check dams, straw bales, silt fence, surface water diversions, energy dissipaters, mulch or artificial cover, cover crop of vegetation, buffer areas or other appropriate measures will be taken as necessary to limit off-site erosion. All erosion and sediment control practices will be periodically checked for stability and operation on a regular basis by Payne & Dolan and made available to the City.

Erosion control measures shall be inspected within 24 hours of the end of each rainfall event that exceeds 0.25", or daily during periods of prolonged rainfall, or weekly during periods without rainfall. Immediately repair and/or replace any and all damaged, failed, or inadequate erosion control measures. Operator shall maintain records of all inspections and any remedial actions taken on-site.

Remove any sediment reaching a public or private roadway, parking lot, sidewalk, or other pavement. Completely remove any accumulations not requiring immediate attention at least once daily at the end of the workday.

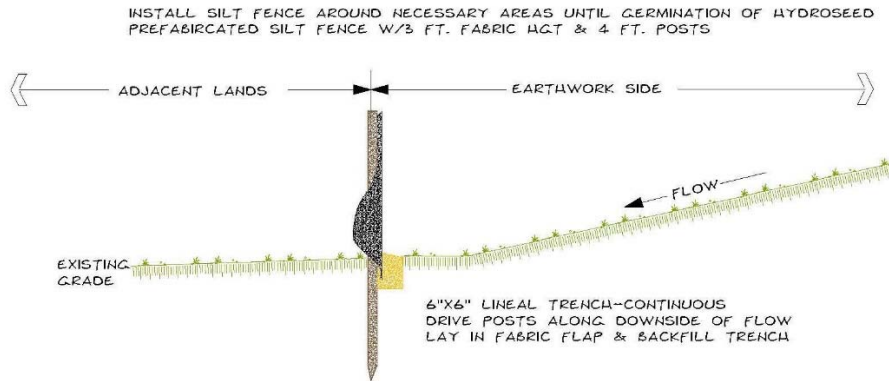
Frequently dispose of all waste and unused construction materials in licensed solid waste or wastewater facilities. Do not bury, dump, or discharge, any garbage, debris, cleaning wastes, toxic materials, or hazardous materials on the site, on the land surface or in detention basins, or otherwise allow materials to be carried off the site by runoff onto adjacent lands or into receiving waters or storm sewer systems.

Environmental pollution mitigation will not be needed if all measures outlined in the reclamation plan are followed and adhered to.

Follow up inspections of all reclaimed and otherwise stabilized surfaces along with all erosion control and sediment control practices will be conducted on a monthly basis to ensure their stability until such time as the vegetation required to support the post-mining land use (Green/Open Space) has been successfully established and the financial assurance has been released.

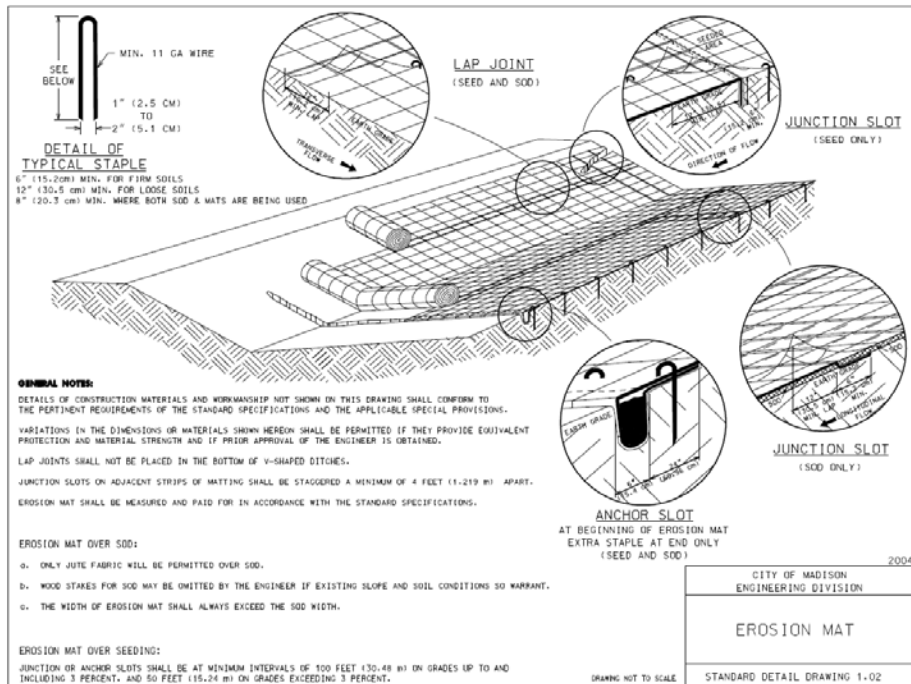
Seeded areas will be reseeded and fertilized as necessary to establish and maintain a dense self-sustaining cover over reclaimed slopes. Re-apply soil stabilizers, tackifiers, polymers and anionic polyacrylamides as needed to prevent erosion of exposed soil. Erosion and sediment control measures will be repaired and /or replaced as necessary. Other preventative measures not mentioned in this reclamation plan will be taken as necessary to minimize off-site erosion.

Such Best Management Practices shall be removed at time of final stabilization, as defined within Section 15-8.0303 of the City of Franklin's UDO as may be amended.



**Typical – Silt Fence**

Note: Silt fence or comparable to be installed around perimeter of site along grading limits as shown on Figure 3 – Final Conditions



**Typical - Coir (coconut fiber) Erosion Mat**

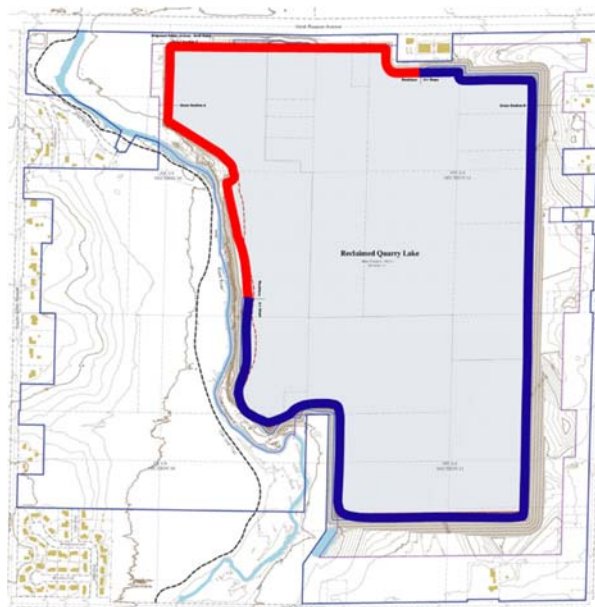
**VI. Costs of Reclamation**

Reclamation is an on-going process during mineral extraction, with a majority of the reclamation being completed during active mineral extraction. Final reclamation will consist of reclaiming the quarry perimeter upon completion of the mineral extraction activities. Approximately 75 acres will need to be reclaimed and the remaining 250 acres will become a lake.

The estimated costs of reclamation shall approximate the actual costs of reclamation including, but not limited to grading and shaping overburden around the lake perimeter as shown on the reclamation plan, distributing and placing of topsoil, developing public access, installing necessary erosion control measures, seeding, mulching, inspection and maintenance.

Activites	Unit	Cost/Unit	Unit	Total
Grade Topsoil & Subsoil - Rock Face	5,600	\$7.35	FT	\$41,160.00
Grade Topsoil & Subsoil - Slope into Water	8,800	\$23.50	FT	\$206,800.00
Grade Excess Overburden	1,000	\$175	Hour	\$175,000.00
Removal of buildings	2	\$20,000	LS	\$40,000.00
Misc. Cleanup	1	\$20,000	LS	\$20,000.00
Public Access Development	1	\$25,000	LS	\$25,000.00
Erosion Control	1	\$25,000	LS	\$25,000.00
Inspection & Maintenance	1	\$10,000	LS	\$10,000.00
Seed, Fertilize & Mulch (per DOT standards)	75	\$1,700	Acre	\$127,500.00
<b>Total</b>				<b>\$670,460.00</b>

**Estimated Costs of Reclamation**



**Map Showing Rock Face (red) and Reclaimed Slope Location (blue)**

Note: All overburden within the quarry extraction area have will have been moved to the floor of the quarry during active extraction operations and thus will not need to be moved during reclamation.



**VII. Assessing Successful Reclamation**

Payne & Dolan will assess successful reclamation with the approved reclamation plan using the following methods:

1. All buildings, structures and equipment associated with the mineral extraction activities, but not the ramps into the quarry, have been removed as part of the reclamation process
2. The available overburden and topsoil have been graded to the contours shown on the grading plan, and have been fine graded, seeded and mulched
3. Public access has been provided at the location specified on the reclamation plan
4. Adequate vegetation has been established to stabilize reclaimed surfaces. Adequate vegetation will be determined by utilizing the guideline outlined in the Wisconsin Technical Note-Agronomy-WI-1, Guidelines for Herbaceous Stand Evaluation, dated May 15, 1991 or by percent cover, which will be determined as total cover (minimum 70%) within one year of planting as measured by the canopy (vertical projection of plant parts) and will be recorded by species. Revegetation will be measured over the entire revegetated site at no less than 1 randomly placed 10 ft. x 10 ft. quadrant for each 1 acre area.
5. The Certification of Reclamation by the City of Franklin as outlined in Chapter 176 Nonmetallic Mining Reclamation.

§ 176-29 **Completed reclamation: reporting, certification and effect.**

- A. Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.
- B. Reporting of interim reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in Subsection A.
- C. Certification of completed reclamation. The City of Franklin shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with § 176-14A(7)(c). If it is determined that interim or final reclamation is complete, including revegetation, as specified in a reclamation plan that conforms with § 176-13, the City of Franklin shall issue the mine operator a written certificate of completion.
- D. Effect of completed reclamation. If reclamation is certified by the City of Franklin as complete under Subsection C for part or all of a nonmetallic mining site, then:
  - (1) No fee shall be assessed under § 176-27 for the area so certified.
  - (2) The financial assurance required by § 176-14 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.
- E. Effect of inaction following/report of completed reclamation. If no written response, as required by Subsection C, for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the City of Franklin for it under § 176-27 shall be refunded.

## **VIII. Public Access**

Upon completion of reclamation, public access to the reclaimed quarry lake will be located on the north side of the site along Rawson Avenue, as shown on the reclamation plan, (Sheet 3 – Final Conditions). The public access will include greenspace and a ramp for lake access. The lake shall be a public resource, owned in common by all Wisconsin citizens under the State’s Public Trust Doctrine.

The public access will be transferred to the City of Franklin and P&D will provide a temporary easement from the public access to the quarry ramp to allow for public access to the lake while the quarry is filling with water.

Such temporary easement shall be made available for public access use on such terms and conditions as are mutually agreed upon by and between Payne & Dolan and the City of Franklin, which shall include an agreement by the City of Franklin to maintain, operate and manage the public access and to defend and hold harmless Payne & Dolan, from and against any claims, actions, or liability arising out of, or relative to public use of the temporary easement, excepting such claims, actions, or liability for which Payne & Dolan would be responsible due to its acts and/or omissions prior to the date of delivery of such temporary easement, but for such agreement. The temporary easement shall expire when water in the quarry reaches the 675 ft. msl elevation. A final contour map of the lake bed shall be provided at that time.

## **IX. Safety**

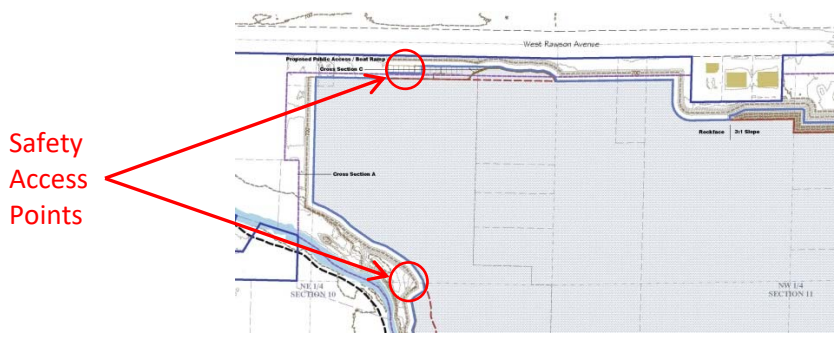
The reclamation of the site will help insure the long term safety to the general public. The site is currently enclosed by a safety fence to limit access. The safety fence shall remain after reclamation until the quarry has filled with water to the projected final lake level.

Approximately 65% of the reclaimed slope around the perimeter of the lake will have 3:1 safety slopes that extend to a minimum depth of 6 ft. as required by NR-135. The remaining 35% of the perimeter of the lake will consist of a rock face. However, there will still be two access points to the lake in this area: (1) the public access ramp and (2) the existing quarry ramp.

The exposed highwalls will have the unconsolidated material scaled back at least 25 feet from the quarry edge (drop-off) to form safety ledges as shown on Sheet 4 – Cross Sections. As an added measure of safety, exposed rock highwalls will be scaled (scraped) to remove loose rock and to minimize the potential for rock-falls.

During the time it takes the quarry lake to fill with water, the existing fence shall remain around the perimeter of the property until the quarry lake fills to the elevation outlined in the reclamation plan. At that time the fence may be removed by Payne & Dolan, however a fence shall remain along the reclaimed rock face high wall areas (as previously shown) until such time as those areas are developed.

Give the close proximity of the northwestern edge of the quarry to West Rawson Avenue, a berm or strategic placement of large boulders or beam guard in addition to the fence shall be added.



**X. Certification of Reclamation**

I hereby certify, as a duly authorized representative or agent, that the reclamation at this nonmetallic mining site will be carried out in accordance with the approved reclamation plan submitted by Payne & Dolan, Inc. I also certify that the information contained herein is true and accurate and complies with the local and statewide nonmetallic mining reclamation standards established in NR-135, Wisconsin Administrative Code.

Signature of representative or agent:

Date signed:

\_\_\_\_ April 29, 2021 \_\_\_\_

\_\_\_\_\_  
Clint G. Weninger, P.G.  
Land Resources Manager  
Payne & Dolan, Inc.

**XI. Soils**

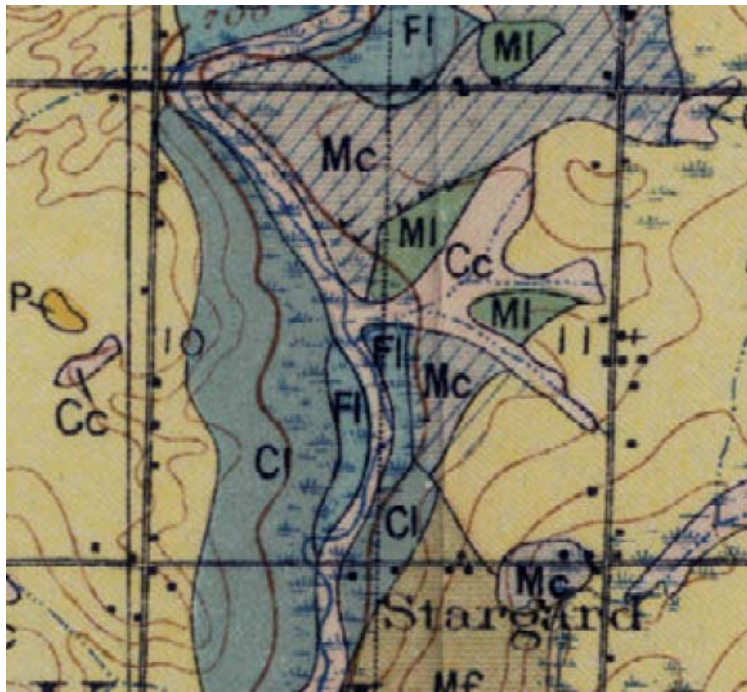


**Current Soils Map**

Source: USDA-NCSS soils information utilizing Google Earth website, 2015

Note: All soils within the quarry extraction area have previously been disturbed.





Historical Soils Map (1918)

Source: USDA Soil Survey of Milwaukee County, WI (1918)

**HISTORICAL SOIL TYPES**

**MI – Miami Loam**

**MIAMI LOAM.**

The surface soil consists of 6 to 10 inches of yellowish or brownish-gray loam to fine sandy loam, and the subsoil differs very little from the soil. At 24 to 30 inches the material is a more compact, sticky yellowish-brown sandy clay loam or loam. Gravelly sandy loam is often encountered at 30 to 36 inches. The soil is slightly variable, being a sticky sandy clay loam in some places and a more open sandy loam in others. Gravel sometimes occurs on sharp knolls, and boulders originally were quite numerous, though most of these have been removed. This soil is intimately associated with the Miami clay loam and silty clay loam, and in places the boundary is largely arbitrary.

**Mc – Miami Clay Loam****MIAMI CLAY LOAM.**

The Miami clay loam consists of 4 to 8 inches of grayish-brown, compact clay loam or silty clay loam, overlying yellowish-brown to reddish-yellow heavy clay loam or clay. Yellowish-brown sandy clay loam or loam occurs at depths of 22 to 30 inches. From 30 to 36 inches the material contains some gravel and often considerable sand.

**Ms – Miami Silty Clay Loam****MIAMI SILTY CLAY LOAM.**

The Miami silty clay loam consists of dark grayish brown compact silt loam, 6 to 10 inches deep, and sometimes containing a relatively large proportion of very fine sand, resting on a subsoil of yellowish-brown clay loam. The material is reddish brown and contains limestone fragments below a depth of 24 to 36 inches.

**Cc – Clyde Clay Loam****CLYDE LOAM.**

The surface soil of the Clyde loam consists of dark-brown to black fine sandy loam, about 8 to 12 inches deep. The upper subsoil is a grayish-yellow or mottled sandy loam containing considerable gravel. The material below 24 to 30 inches is variable, but is generally a sticky clay or yellowish sandy clay loam.

**XII. Groundwater Elevation**

Groundwater elevation and subsequent lake water elevation was originally obtained from a technical report published by the Southeastern Wisconsin Regional Planning Commission. This information provided in this report for this location has been confirmed by two consultants; GAS (now Graef) and most recently by GZA GeoEnvironmental.

Also, groundwater elevations in a well monitored by the United States Geological Survey located on S92<sup>nd</sup> Street just south of Grange Ave. has shown little movement of the groundwater table from 1/7/2000 – 33.01 ft below the ground surface (bgs) to 1/28/2016 – 31.19 ft. bgs.

## Clint Weninger

---

**From:** Bernard Fenelon <bernard.fenelon@gza.com>  
**Sent:** Friday, February 26, 2016 5:16 PM  
**To:** Clint Weninger  
**Subject:** Franklin Quarry Water Levels  
**Attachments:** Recent Construction Reports for Nearby Wells.pdf; Approximate Site Location on SEWRPC Water Table Map.pdf; Map with Well Locations and Water Levels.pdf

You had asked for recent water levels around your Franklin quarry. Sue Karls in our office had this information for me more than a week ago and neglected to send it to you. I have attached a map of the locations of and water elevations in three wells drilled between 1997 and 2014 and after the SEWRPC groundwater flow map. In its map (see attached), SEWRPC had the groundwater elevation around the quarry in the range of 690 feet. Based on the surface elevations of the three homes with recent wells and water depths reported in the wells, the recent groundwater depths have been approximately 685 feet (1997 well) and 693 to 694 feet (2014 wells). Therefore, current groundwater elevations around the Franklin quarry are similar to those reported by SEWRPC. Let me know if you have any additional questions.

### **Bernard G. Fenelon**

#### **Sr. Project Manager**

GZA | 20900 Swenson Drive, Suite 150 | Waukesha, WI 53186

o: 262-754-2567 | c: 262-424-2045 | [bernard.fenelon@gza.com](mailto:bernard.fenelon@gza.com) | [www.gza.com](http://www.gza.com)

**GEOTECHNICAL | ENVIRONMENTAL | ECOLOGICAL | WATER | CONSTRUCTION/MANAGEMENT**



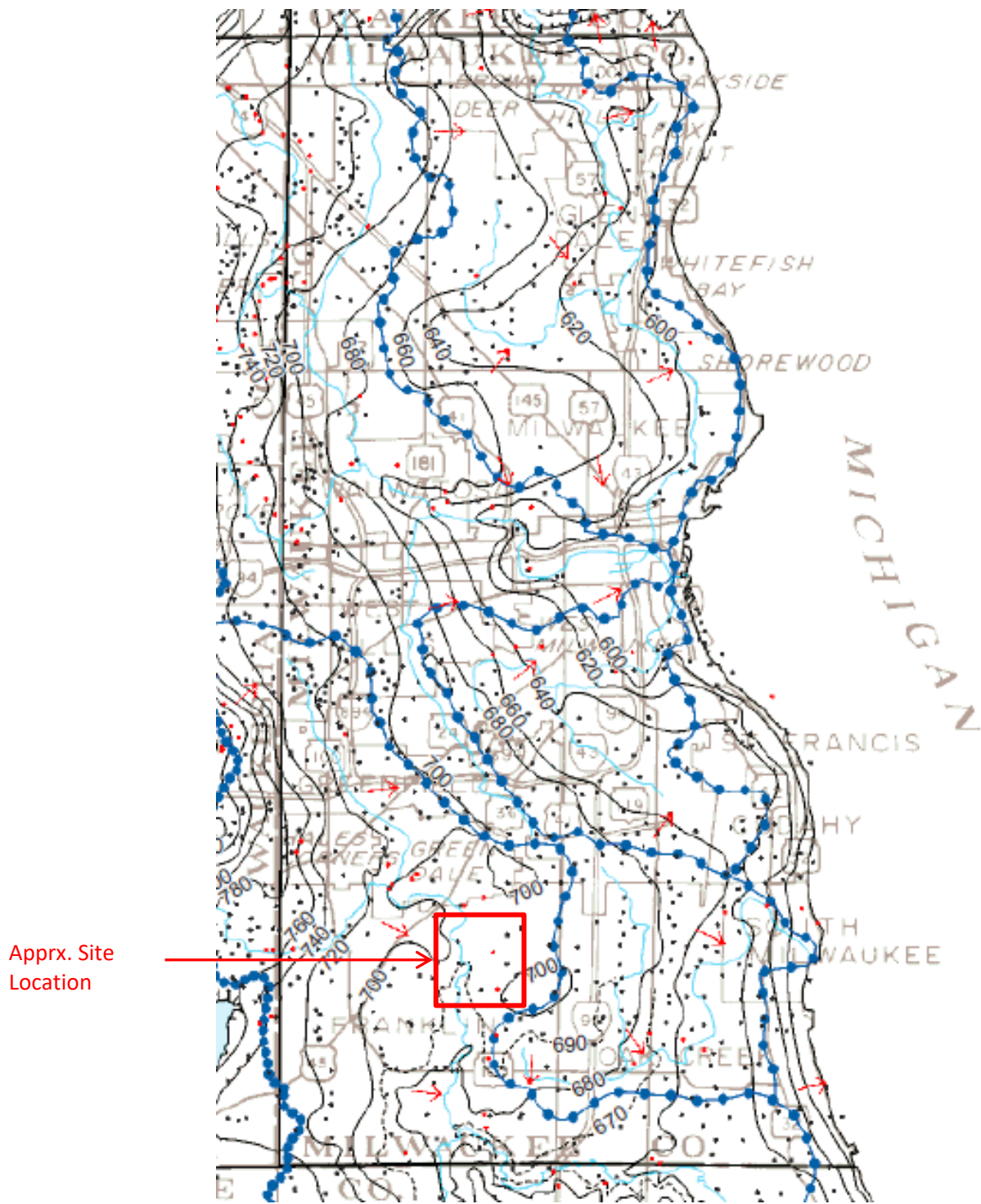
*Proactive by Design. Since 1964.*

---

*This electronic message is intended to be viewed only by the individual or entity to which it is addressed and may contain privileged and/or confidential information intended for the exclusive use of the addressee(s). If you are not the intended recipient, please be aware that any disclosure, printing, copying, distribution or use of this information is prohibited. If you have received this message in error, please notify the sender immediately and destroy this message and its attachments from your system.*

---

*For information about GZA GeoEnvironmental, Inc. and its services, please visit our website at [www.gza.com](http://www.gza.com).*



**Groundwater Elevation Map**

Source: Groundwater Resources of Southeastern Wisconsin, Technical Report Number 37, 2002, SEWRPC and WSGNS, p 81.

Map of the regional water table elevations developed by the Southeastern Wisconsin Regional Planning Commission and the Wisconsin State Geological and Natural History Survey. Note that the site is located at the 690 feet msl auxiliary contour.



PROJECT FACT SHEET

Franklin Aggregates Reclamation Project - Franklin, Wisconsin

Payne & Dolan currently operates Franklin Aggregates, a limestone quarry located in Franklin, Wisconsin. Payne & Dolan recently received approval from the City of Franklin to expand the site. The approval required the processing and operations activities that occurred on grade west of the Root River to be relocated and the area to be reclaimed prior to January 1, 2004. The project included (1) relocating the offices, scale and maintenance facilities to a location north of the Root River; (2) relocating the crushing, processing and stockpiling operations to the floor of the quarry; (3) removing the vehicle and equipment river crossings across the Root River; and (4) reclaiming the 25 acre former operations area.

After the office, scale and maintenance facilities were relocated and the crushing equipment and aggregate stockpiles were removed, clay soils and topsoil were re-distributed across the parcel and fine graded to present a uniform appearance. Upon completion of the fine grading, reclaimed slopes were seeded, fertilized and mulched to establish and maintain a dense self-sustaining vegetative cover. Seeding utilized a blend of grasses consisting of Kentucky Bluegrass, Red Fescue, Hard Fescue, Tall Fescue and perennial Ryegrass. Erosion control measures such as rip-rap, erosion mat, and silt fence were installed to minimize off-site erosion until a dense vegetative cover has been established.



PAYNE & DOLAN  
INCORPORATED





OPERATIONS AREA



RIVER CROSSINGS



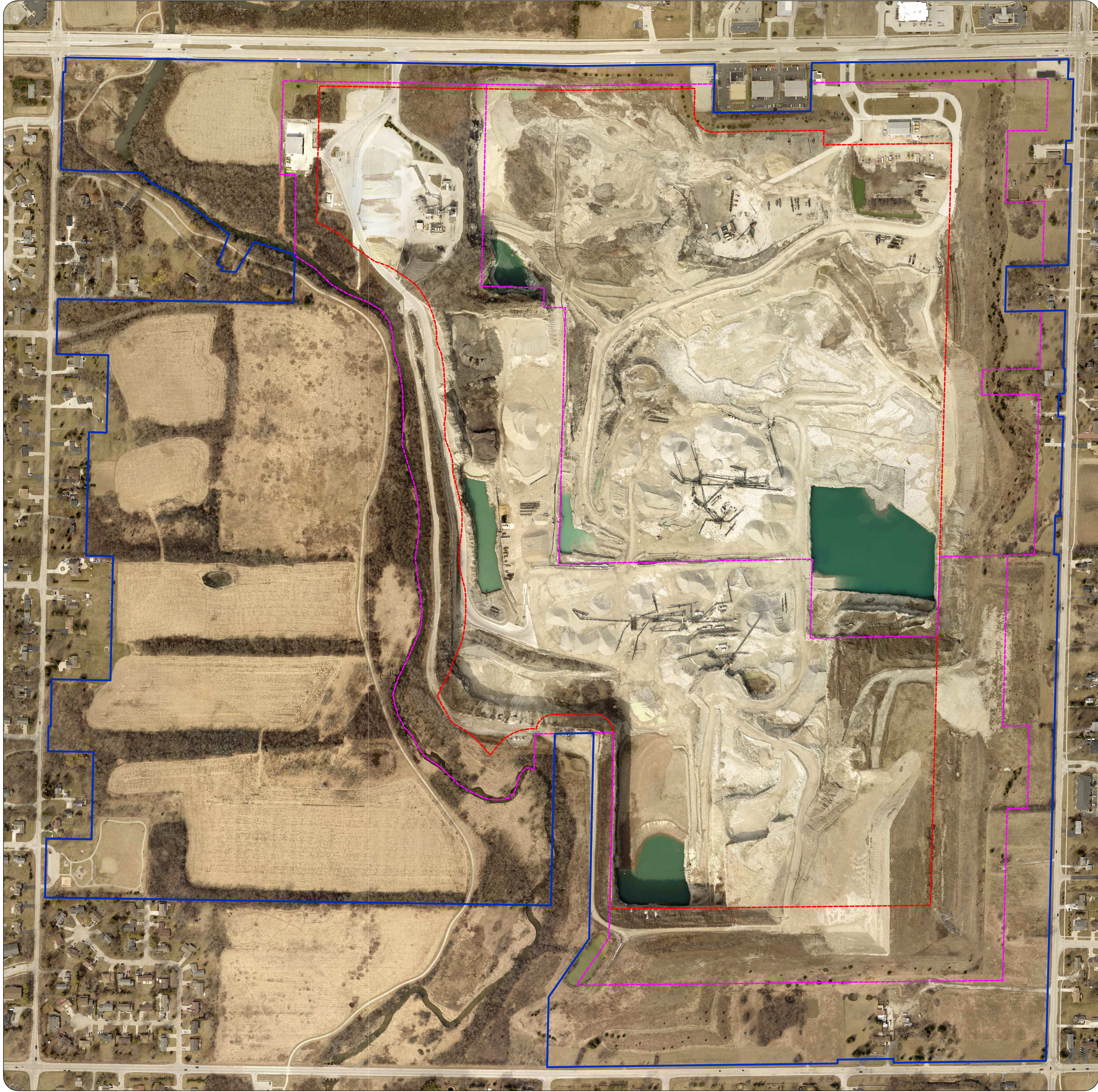




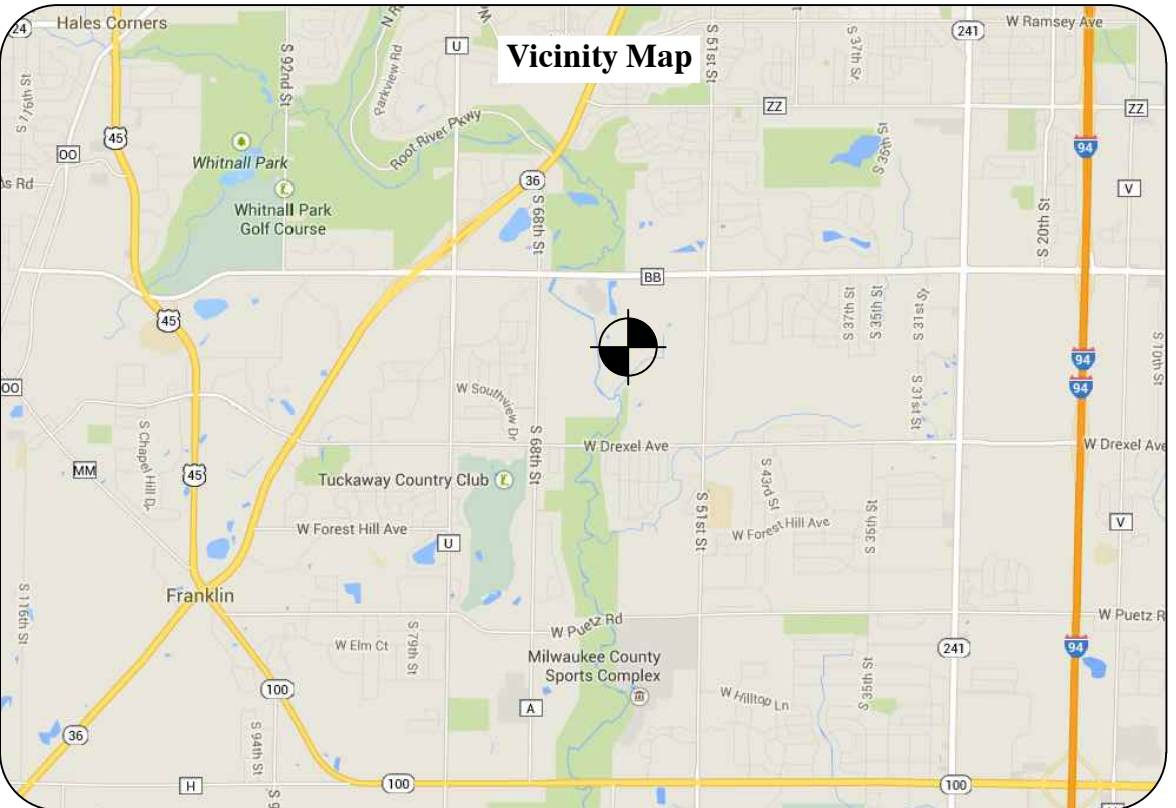
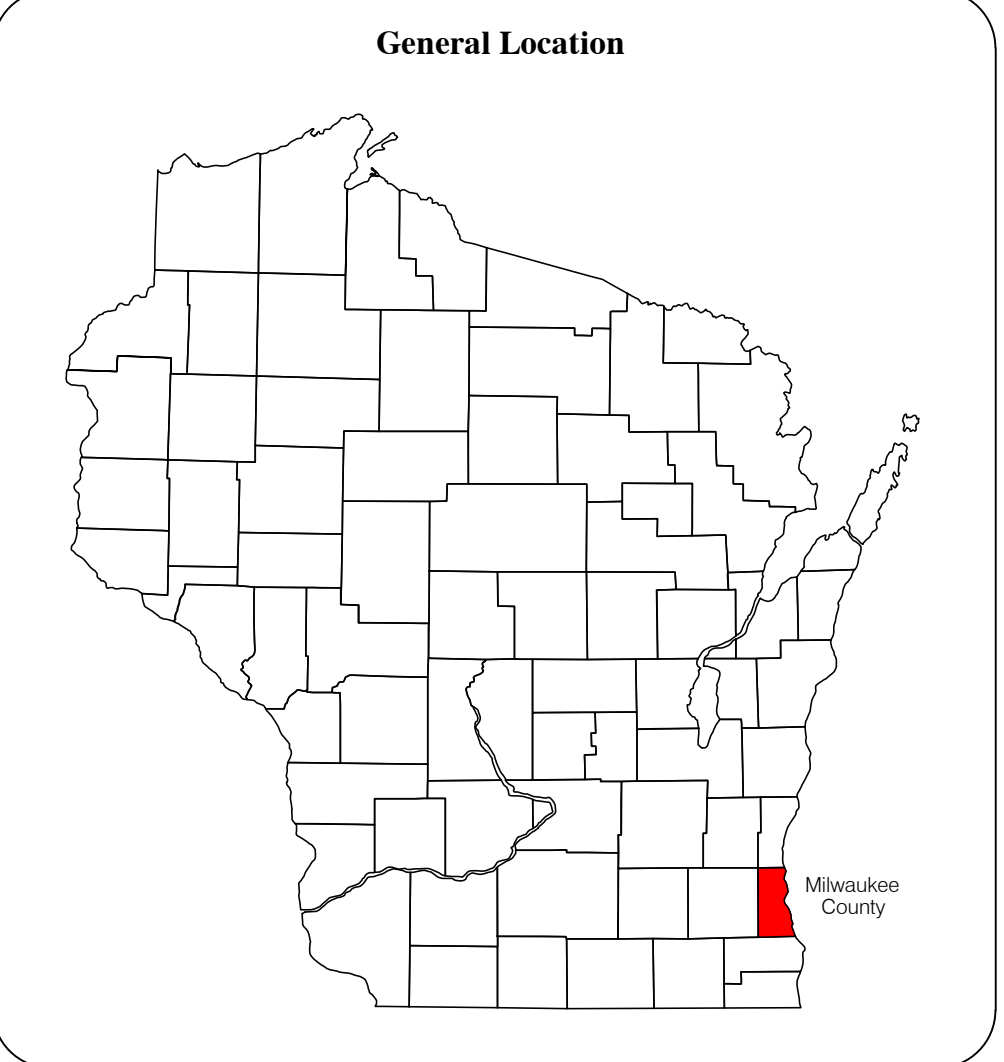
PDD REQUIREMENTS



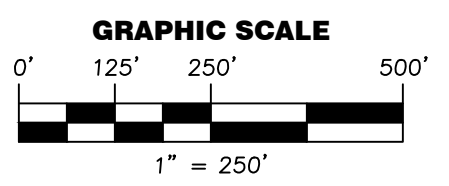




2018 Aerial obtained from Milwaukee County GIS



PLAN INDEX	
SHEET NUMBER	DESCRIPTION
1	AERIAL
2	EXISTING CONDITIONS
3	FINAL CONDITIONS
4	CROSS SECTIONS
5	FINAL CONDITIONS - CONCEPTUAL



**1**

SHEET 1 OF 5

**RECLAMATION PLAN - 2018 AERIAL**

Franklin Aggregate Site  
 Section 10, West 1/2 Section 11  
 Franklin, Wisconsin  
 Milwaukee County, Wisconsin

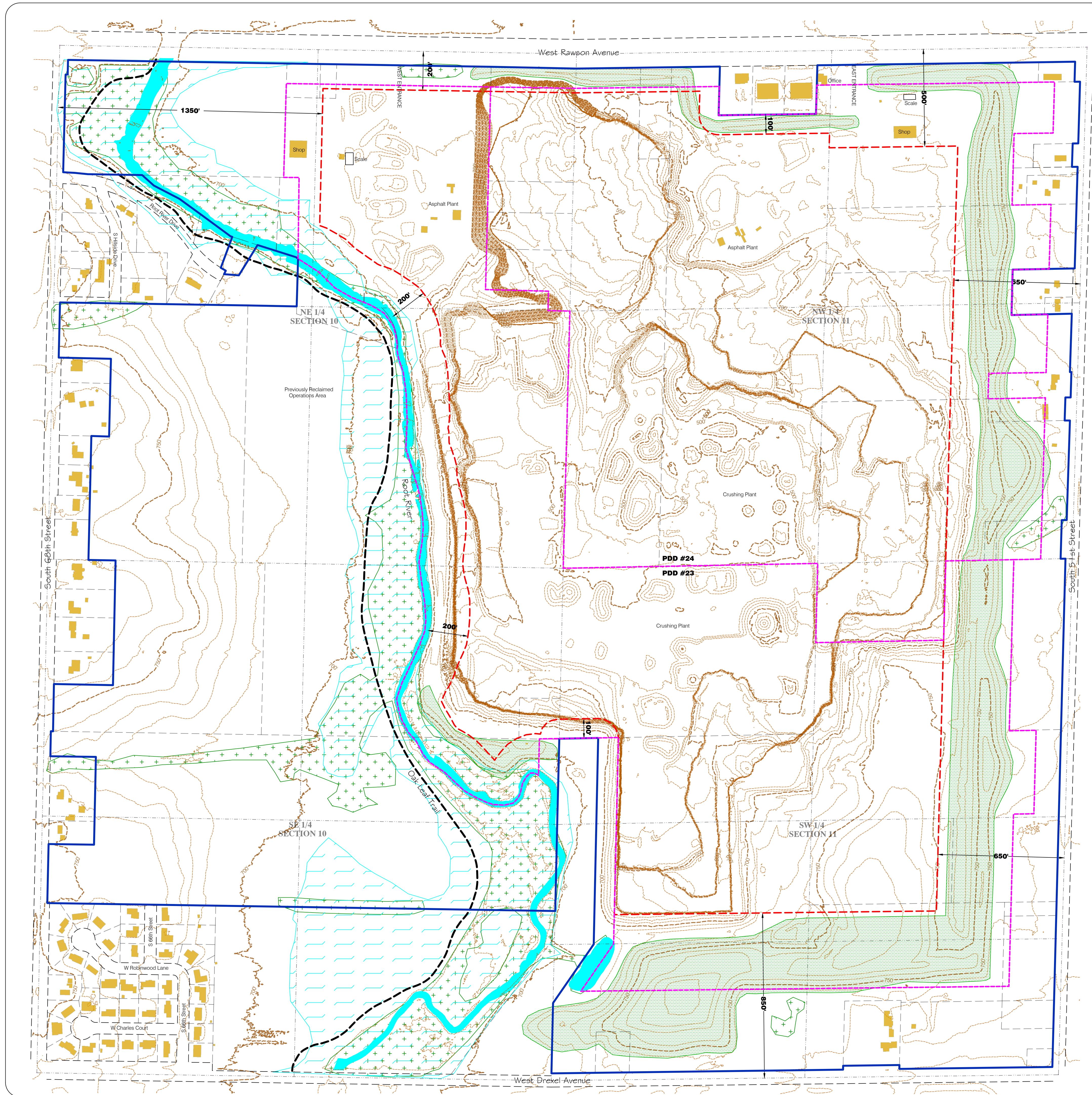
Date: April 2021 Site #: 80370 Drawn By: JS

THIS PRINT IS THE PROPERTY OF PAYNE+DOLAN AND SHOULD BE KEPT CONFIDENTIAL AND NOT REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PAYNE+DOLAN.



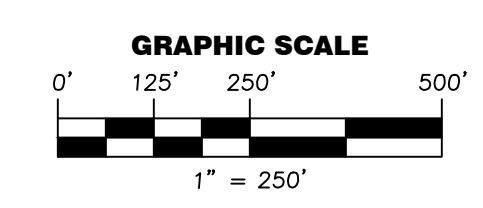


DISCLAIMER: Some of the information shown on these maps has been obtained and compiled from various state, county, municipal and private sources that are maintained by their sources for a wide variety of purposes and are of varying age, reliability and resolution. Therefore, the contents are supplied for reference purposes only and Payne & Dolan cannot guarantee the quality, content, accuracy, completeness or currency of the information obtained from these sources and provided herein.



**Legend**

- Property Boundary
- - - Planned Development District
- - - Mining Limit
- - - Existing Barr
- - - Contour Major - 50' interval
- - - Contour Minor - 10' interval
- - - Section Lines
- - - Tax Parcel Lines
- - - Road Right-of-way
- - - Water Feature
- - - Wetlands
- - - Floodplain



Topographic and Parcel information obtained from Milwaukee County Land Information Office

**2**

**EXISTING CONDITIONS**

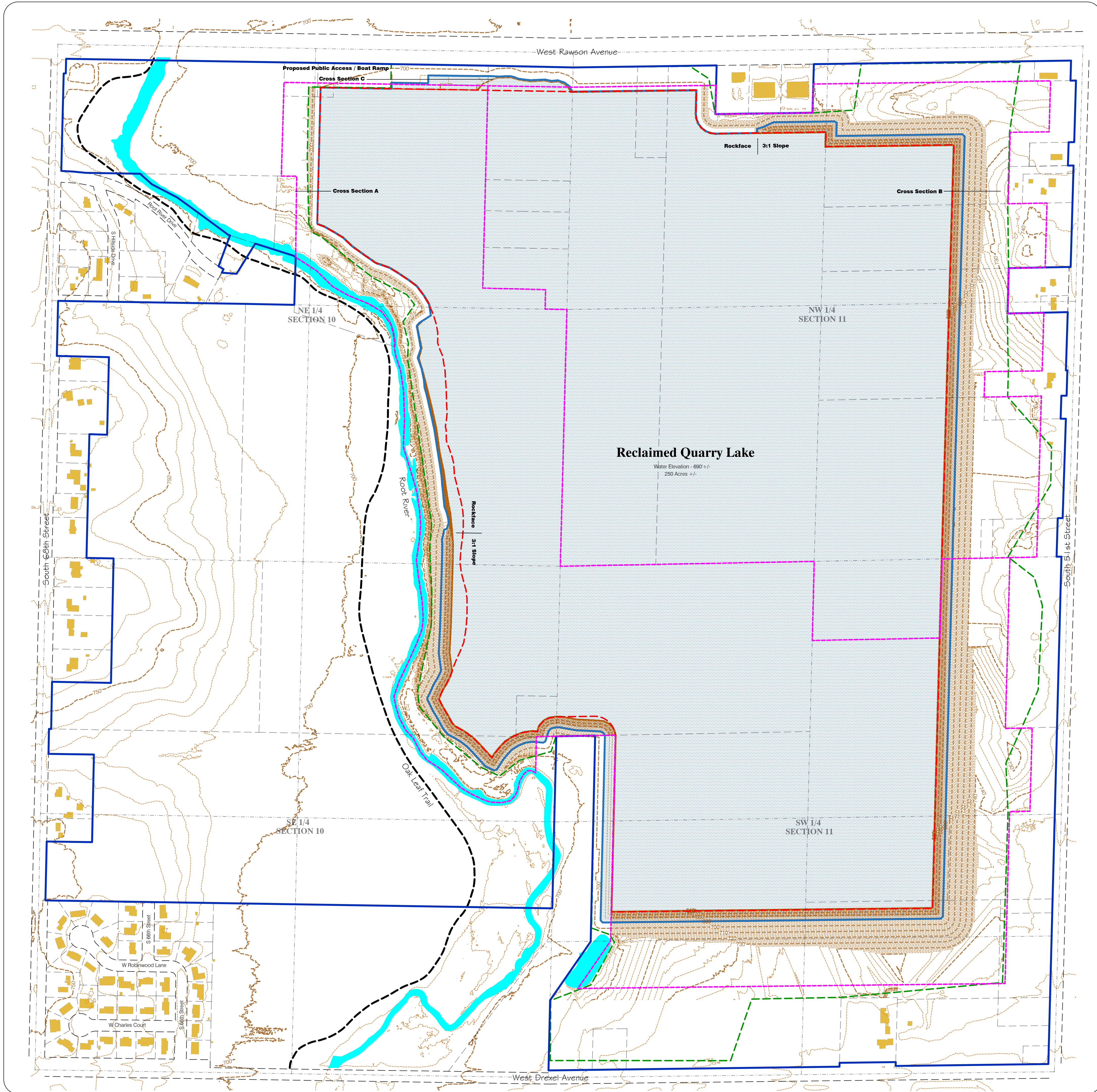
Franklin Aggregate Site  
 East 1/2 Section 10, West 1/2 Section 11  
 Milwaukee County, Wisconsin

Date: April 2021 Site #: 80370 Drawn By: JS SHEET 2 OF 5

**Payne + Dolan**  
 A VALDES COMPANY

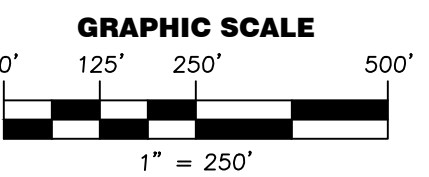
THIS PRINT IS THE PROPERTY OF PAYNE + DOLAN, INC. AND THE CONTENTS HEREIN ARE CONFIDENTIAL AND NOT BE LOANED, REPRODUCED, COPIED, OR OTHERWISE USED WITHOUT THE WRITTEN PERMISSION OF PAYNE + DOLAN, INC.





**Legend**

- Property Boundary
- - - Planned Development District
- - - Mining Limit
- - - Grading Extent
- Proposed Lake
- - - Contour Major - 50' Interval
- - - Inside PDD - 10' Interval
- - - Contour Minor - 10' Interval
- - - Inside PDD - 2' Interval
- - - Section Lines
- - - Tax Parcel Lines
- - - Road Right-of-way
- Water Feature



**3**

**FINAL CONDITIONS**

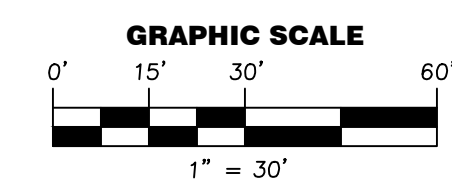
Franklin Aggregate Site  
 East 1/2 Section 10, West 1/2 Section 11  
 Milwaukee County, Wisconsin

THIS PRINT IS THE PROPERTY OF PAYNE+DOLAN, INC. AND THE CONTENTS ARE CONFIDENTIAL AND NOT BE LOANED, REPRODUCED, COPIED, OR OTHERWISE DISSEMINATED OUTSIDE OF THE COMPANY WITHOUT PERMISSION.



Date: April 2021 Site #: 80370 Drawn By: JS SHEET 3 OF 5



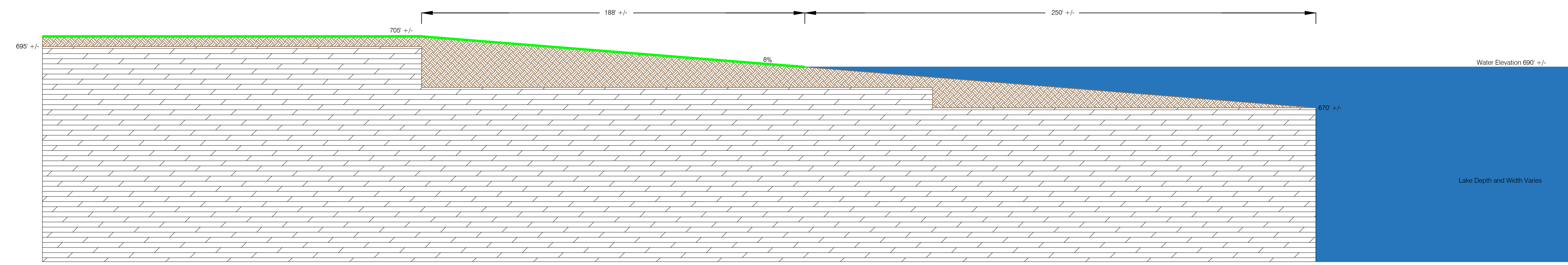


**Cross Section A - RockFace**

**Cross Section B - 3:1 Slope**



**Cross Section C - Boat Ramp**



**4**

SHEET 4 OF 5

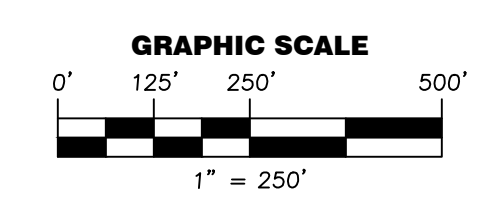
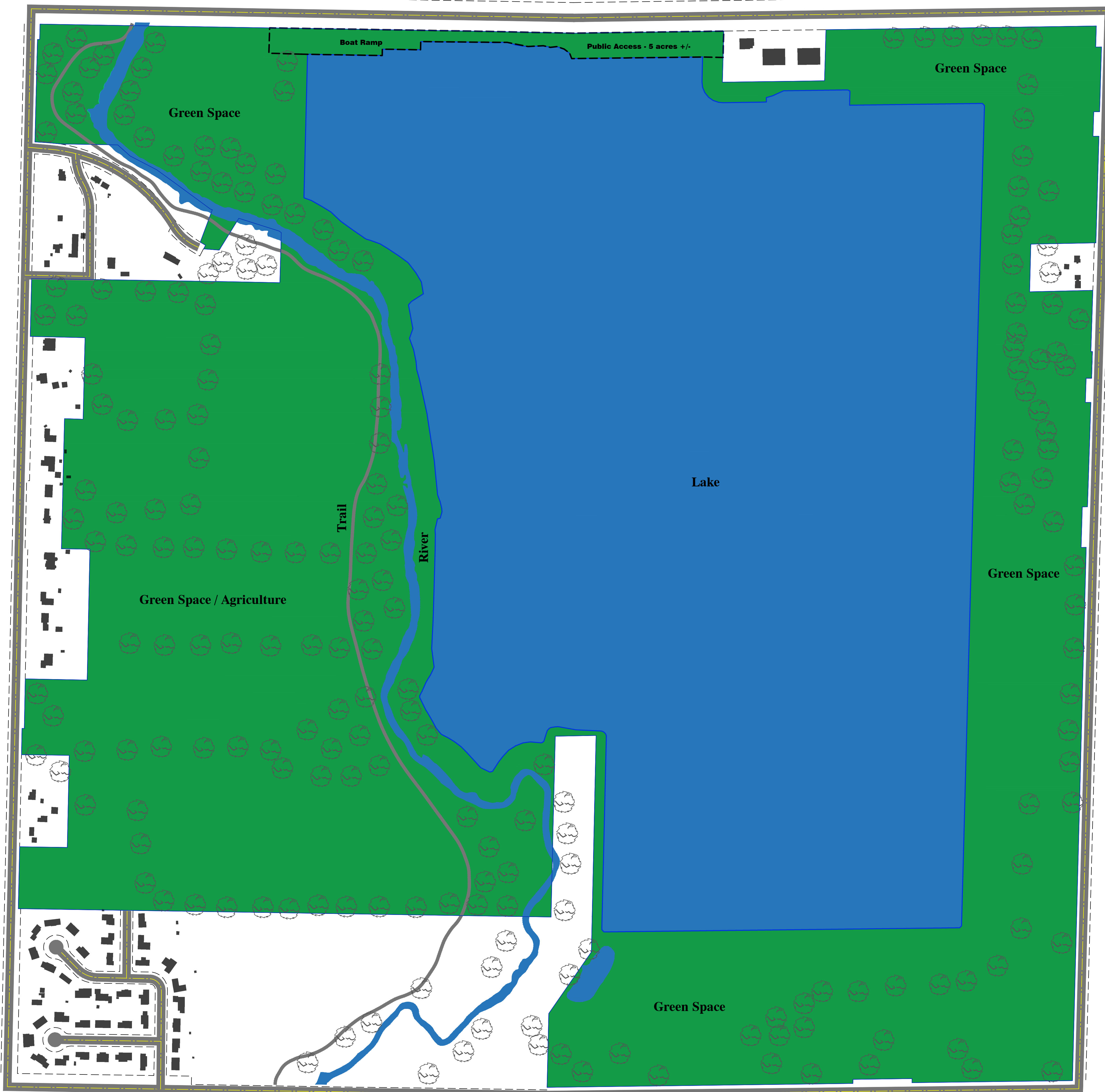
**CROSS SECTIONS**

Franklin Aggregate Site  
East 1/2 Section 10, West 1/2 Section 11  
Township 10 North, Range 12 East  
Milwaukee County, Wisconsin

Date: April 2021 Site #: 80370 Drawn By: JS

THIS PRINT IS THE PROPERTY OF PAYNE+DOLAN AND SHOULD BE KEPT IN CONFIDENTIAL AND PROPRIETARY STATUS. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE COMPANY.





**FINAL CONDITIONS - CONCEPTUAL**

THIS PRINT IS THE PROPERTY OF PAYNE + DOLAN INC. AND THE CONTENTS HEREIN ARE CONFIDENTIAL AND NOT BE LOANED, REPRODUCED, COPIED, OR OTHERWISE DISSEMINATED OUTSIDE OF THE COMPANY WITHOUT PERMISSION.

Franklin Aggregate Site  
 East 1/2 Section 10, West 1/2 Section 11  
 Milwaukee County, Wisconsin

Date: April 2021 Site #: 80370 Drawn By: JS

**5**

SHEET 5 OF 5







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

**Meeting of October 21, 2021**

**REZONING**

**RECOMMENDATION:** Department of City Development Staff recommends approval of this application as submitted by Rawson Ventures, LLC.

<b>Applicant:</b>	David J. Church, Rawson Ventures LLC
<b>Property Owner/Applicant:</b>	Brian Brunn, Steven Brunn, and Dawnn Behrendt
<b>Property Addresses:</b>	7255, 7295, 7401, 7401A West Rawson Avenue
<b>Tax Key Numbers:</b>	756-9993-013, 756-9993-019, 756-9993-018, 756-9993-005
<b>Aldermanic District:</b>	District 5
<b>Agent:</b>	David J. Church, Rawson Ventures LLC Mark Seidl, Pinnacle Engineering Group Adam Stein, logic design & architecture, inc.
<b>Current Zoning:</b>	R-6 Suburban Single-Family Residence District and B-3 Community Business District
<b>Proposed Zoning:</b>	B-2 General Business District
<b>2025 Comprehensive Plan:</b>	Commercial
<b>Action Requested:</b>	Recommendation for approval of rezoning
<b>Staff:</b>	Heath Eddy, AICP, Planning Manager

**APPLICANT’S REQUEST**

The applicant is requesting rezoning approval for four existing parcels (three developable parcels and an outlot) fronting Rawson Avenue just east of the Orchard View Shopping Center and the McDonald’s and just west of the Anderson Dental office. The applicant proposes to redevelop the property as a series of standalone commercial retail, restaurant, financial, or mixed office uses, each with a drive-through facility. The Common Council heard a Concept Review for this development proposal on September 7, 2021 (staff report attached as Appendix 9).

The two western properties (addressed as 7401 and 7401A) are currented zoned R-6 Suburban Single-Family Residence and the other two parcels are zoned B-3 Community Business. The B-3 District is the same zoning for the Orchard View Shopping Center and adjacent commercial lots, while B-2 zoning is currently located on the north side of Rawson Avenue from the Root River

Center west to South 76<sup>th</sup> Street. The applicant is requesting to rezone the road frontage area (a depth of approximately 300 feet from the right-of-way south) to B-2 General Business.

### **PROJECT DESCRIPTION**

The applicant proposed the rezoning in order to maximum the potential commercial uses for the proposed development. The applicant intends to re-designate lot lines in the development to create four lots for commercial development. As shown on the attached Conceptual Site Plan (Appendix 5), the proposed development would establish four commercial lots for development, which are conceptually intended for (left to right):

- Pad 1: A quick-service restaurant on the western parcel adjacent McDonald's, including 3,165 square feet of building, 33 parking spaces, and double drive-through lanes;
- Pad 2: A quick-service coffee tenant, including 2,200 square feet of building, 26 parking spaces, and a single drive-through lane;
- Pad 3: A financial institution (or potential other commercial), including 2,450 square feet of building, 25 parking spaces, and a single drive-through lane; and
- Pad 4: A combination facility with up to three tenants which the applicant indicates could be a sit-down restaurant, general retail, and/or office, with up to 6,000 square feet of building, 62 parking spaces, and a single drive-through lane on the east side of the building.

The total proposed building area is 13,815 square feet combined for the four lots. The proposed design is separate buildings on separate lots with parking varying in ratio from 10.2 spaces/1000 square feet of building area on Pad 3 up to 11.8 spaces/1000 square feet of building area on Pad 2; an average of 10.6 spaces/1000 square feet of building area. At their Concept Review discussion, Council noted that the proposed development was overly dense with parking and drive-through facilities. Based on this, the applicant has revised the proposal to reduce parking on-site. The Conceptual Site Plan in Appendix 5 reflects these changes.

### **STAFF ANALYSIS**

City Development staff notes the following regarding the proposed development of the property:

#### **Consistency with the Comprehensive Plan**

The entire property area is designated "Commercial" by the City of Franklin 2025 Comprehensive Master Plan. To the extent the applicant is requesting a business zoning designation this application is consistent with the Future Land Use Map.

#### **Current Zoning and Proposed Development**

The subject property is currently zoned R-6 Suburban Single-Family Residence and B-3 Community Business. This combination permits a single-family residence (on the two western lots, both of which contain a residential use type) and some combination of service or retail uses, generally similar to the B-2 District but not as expansive in the breadth of commercial uses. The proposed development includes a more expansive list of auto-oriented uses that is included in the B-2 General Business District. However, it should be noted that in either the B-2 or B-3 districts, *any drive-through operation requires a Special Use approval*, therefore additional review and approval by the Common Council would be required for each location in the proposed development. It also should be noted that if the B-2 rezoning is approved, the B-3

District for the Anderson Dental property just east of the proposed development would be a single parcel of B-3 zoning.

Staff compared the B-2 and B-3 districts to ascertain the key differences in the two districts as shown below in Table 1:

**Table 1: B-2 vs. B-3 Development Standards and Use Totals**

<b>Minimum Standard</b>	<b>B-2 General Business</b>	<b>B-3 Community Business</b>
Minimum Landscape Surface Ratio (LSR)	0.35	0.40
Maximum Gross Floor Area Ratio (GFAR)	0.37	0.34
Maximum Net Floor Area Ratio (NFAR)	0.57	0.57
Minimum Lot Area	20,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width @ Setback Line	100 feet	150 feet
Minimum Front Yard	25 feet	40 feet
Minimum Side Yard	10 feet	10 feet
Minimum Corner Side Yard	25 feet	40 feet
Minimum Rear Yard	20 feet	20 feet
Maximum Building Height	2.0 stories/35 feet	2.0 stories/35 feet (retail) 3.0 stories/45 feet (office)
Number of Permitted Uses	151	119
Number of Special Uses	109	42

The difference between the two districts is clear: B-2 is far more permissive of uses allowed and less restrictive in terms of building location. The difference in the amount of building area permitted is negligible (a GFAR of 0.34 vs. 0.37 would be only 1,200 sq. ft. per 40,000 square feet of lot area, a standard which the applicant will not even approach with this development). More restrictive building locations (increased setbacks) also would mean little since the applicant’s design presumes a fairly large front yard to accommodate the cross-access (about which, see below) and generally wide yards elsewhere for additional vehicle parking/drive-through routing. The key reason for this request is greater flexibility for minimum lot area and the number of uses permitted. It’s not necessarily a problem to be more flexible in terms of uses (more flexibility would perhaps permit each lot to continue to be viable over the long-term). However, it should be clear that this is what is being requested.

**Proposed Development Design and Adjacent Properties**

City Development staff provided design requirements with the Concept Review (Appendix 9). What is addressed below are specific comments addressed by the applicant following the Council’s review.

- **Cross-Access.** Access is derived from a single existing commercial driveway currently used by Anderson Dental (just east of the proposed development area). To accommodate this limitation, the site design provides for cross-access, including the dental office.
- **Pedestrian Access.** The plan designates additional pedestrian routes between the proposed buildings, the Rawson sidewalk, and around the buildings. Pedestrian safety will be

paramount with the proposed drive-through facilities.

- **Parking Intensity.** The proposed overall parking ratio (10.6 spaces per 1,000 square feet of floor area) is very high, which means the property is dominated by restaurant-type uses. Staff analysis is provided in Table 2:

**Table 2: Parking Assignment for Proposed Development**

Pad Site Proposed Use	By Use	SF	UDO Parking Ratio	UDO Parking Max*	UDO Parking Max Range	Proposed Parking
Pad 1 Restaurant	Total Building	3,165	20/1000	64	36 - 64	33
	Seating	1,165	20/1000	23		
	Kitchen/Service	2,000	6.5/1000	13		
Pad 2 Coffee Shop	Total Building	2,200	20/1000	44	28 - 44	26
	Seating	1,000	20/1000	20		
	Kitchen/Service	1,200	6.5/1000	8		
Pad 3 Financial	Total Building	2,450	5/1000	13	13	25
Pad 4 Multi-Use**	Total Building	6,000			58	62
	Restaurant	2,000	20/1000	40		
	Retail	2,500	5/1000	13		
	General Office	1,500	3.33/1000	5		
<b>Totals</b>		<b>13,815</b>		<b>179</b>	<b>145 - 179</b>	<b>146</b>

This is still a lot of area devoted to vehicle storage, but the applicant has significantly reduced the amount of parking on the site from the earlier iterations of this plan (which showed 190 spaces or more in the earlier iterations).

- **Landlocked Parcel Access.** The proposed development design creates a “street” access from the single Rawson driveway south to the 10.8-acre landlocked parcel south of the development site, as well as an additional access to the “orphaned” portion of 7401A W. Rawson Avenue that will be developed at a future date. Most of that property is proposed to remain in the R-6 District at this time.

**City Department Comments**

- **Engineering Department.** No comments.
- **Inspection Services Department.** Inspection Services has no comments on the proposal at this time.
- **Fire Department.** No specific comment at this time.
- **Police Department.** The PD has no comment regarding this request.

**STAFF RECOMMENDATION:**

City Development staff continues to have concerns with the direction this development is taking. The proposal remains very intensive for vehicle traffic and there's little support to indicate that this will be an effective development for the City long-term.

Nevertheless, the property is designated as "Commercial" by the Comprehensive Plan, and therefor staff recommends approval of this request, as provide in the draft ordinance attached to this staff report.

**APPENDICES:**

1. City of Franklin Ordinance No. 2021-\_\_\_, draft dated October 11, 2021
2. Planning Maps of Subject Property
3. Rezoning Application, dated May 18, 2021
4. Applicant's Development Summary, revised and submitted October 8, 2021
5. Revised Conceptual Site Plan, revised and submitted October 11, 2021
6. Aerial Map with Conceptual Plan Overlaid, submitted October 11, 2021
7. Legal Description of Subject Property
8. Staff Comments dated June 16, 2021, and Applicant's Responses dated October 11, 2021
9. Common Council Concept Review Staff Report, dated September 7, 2021

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-28-21]*

ORDINANCE NO. 2021-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
(ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-6  
SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT AND B-3  
COMMUNITY BUSINESS DISTRICT TO B-2 GENERAL BUSINESS DISTRICT  
(LOCATED AT 7401 WEST RAWSON AVENUE, 7295 WEST RAWSON AVENUE,  
7255 WEST RAWSON AVENUE AND THE UPPER PORTION (APPROXIMATELY  
18,000 SQUARE FEET) OF 7401A WEST RAWSON AVENUE)  
(4.50386 ACRES)  
(DAVID J. CHURCH, RAWSON VENTURES LLC, APPLICANT)

---

WHEREAS, David J. Church, Rawson Ventures LLC having petitioned for the rezoning of 4.50386 acres of land, from R-6 Suburban Single-Family Residence District and B-3 Community Business District to B-2 General Business District, such land located at 7401 West Rawson Avenue (R-6 to B-2), 7295 West Rawson Avenue (B-3 to B-2), 7255 West Rawson Avenue (B-3 to B-2) and the upper portion (approximately 18,000 square feet) of 7401A West Rawson Avenue (R-6 to B-2); and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of October, 2021, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for lands located at 7401 West Rawson Avenue, 7295 West Rawson Avenue, 7255 West Rawson Avenue and the upper portion (approximately 18,000 square feet) of 7401A West Rawson Avenue, described below, be changed from R-6 Suburban Single-Family Residence District and B-3 Community Business District to B-2 General Business District:

Being all of Parcel 1 of Certified Survey Map No. 5689, part of Parcel 2 of Certified Survey Map No. 4486, all of Outlot 1 of Certified Survey Map No. 6811, all of Parcel 2 of Certified Survey Map 6811 and all of a 60 foot wide road reservation as shown on Certified Survey Map No. 6811, all in the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more particularly described as follows: Commencing at the Northwest corner of said Northwest 1/4; thence N 89°26'56" E, along the north line of said Northwest 1/4, 510.17 feet; thence S 00°08'02" E, 75.00 feet to the point of beginning; thence N 89°26'51" E, 669.11 feet; thence S00°08'04" E, 300.00 feet; thence S 89°26'54" W, 308.48 feet; thence S 89°26'46" W, 269.82 feet; thence N 00°12'35" W, 50.01 feet; thence S 89°26'54" W, 90.76 feet; thence N 00°08'01" W, 250.00 feet to the point of beginning. Said rezoning area containing 196,188 Sq. Ft. (4.50386 Acres). Tax Key Nos. 756-9993-013, 756-9993-019, 756-9993-018 and 756-9993-005.

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 \_\_\_\_\_, 2021, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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

ORDINANCE NO. 2021-\_\_\_\_\_

Page 3

ATTEST:

---

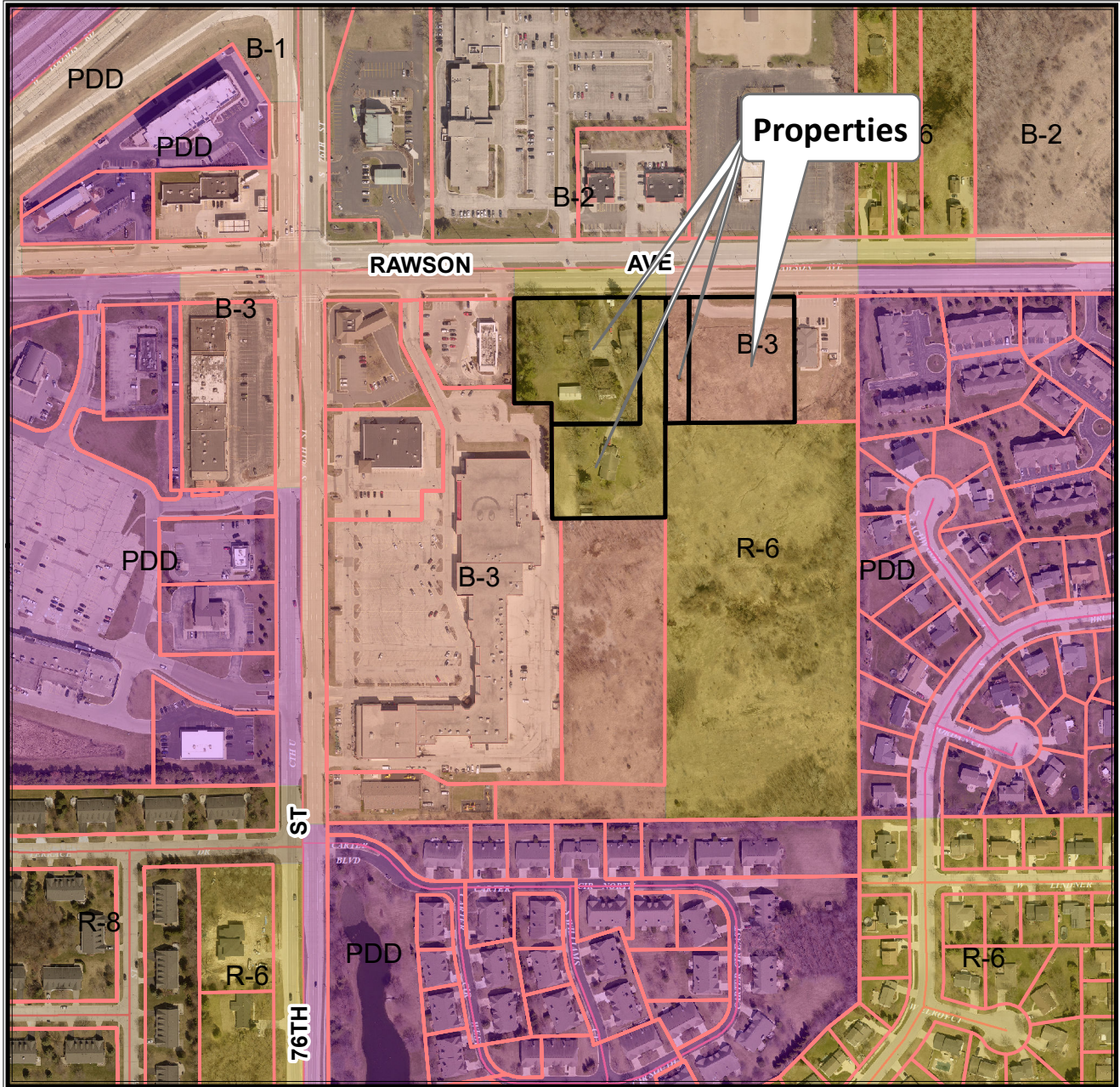
Sandra L. Wesolowski, City Clerk

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

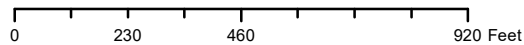


7401, 7295 & 7255 W. Rawson Ave.

TKNs: 756 9993 013, 756 9993 019, 756 9993 018 & 756 9993 005



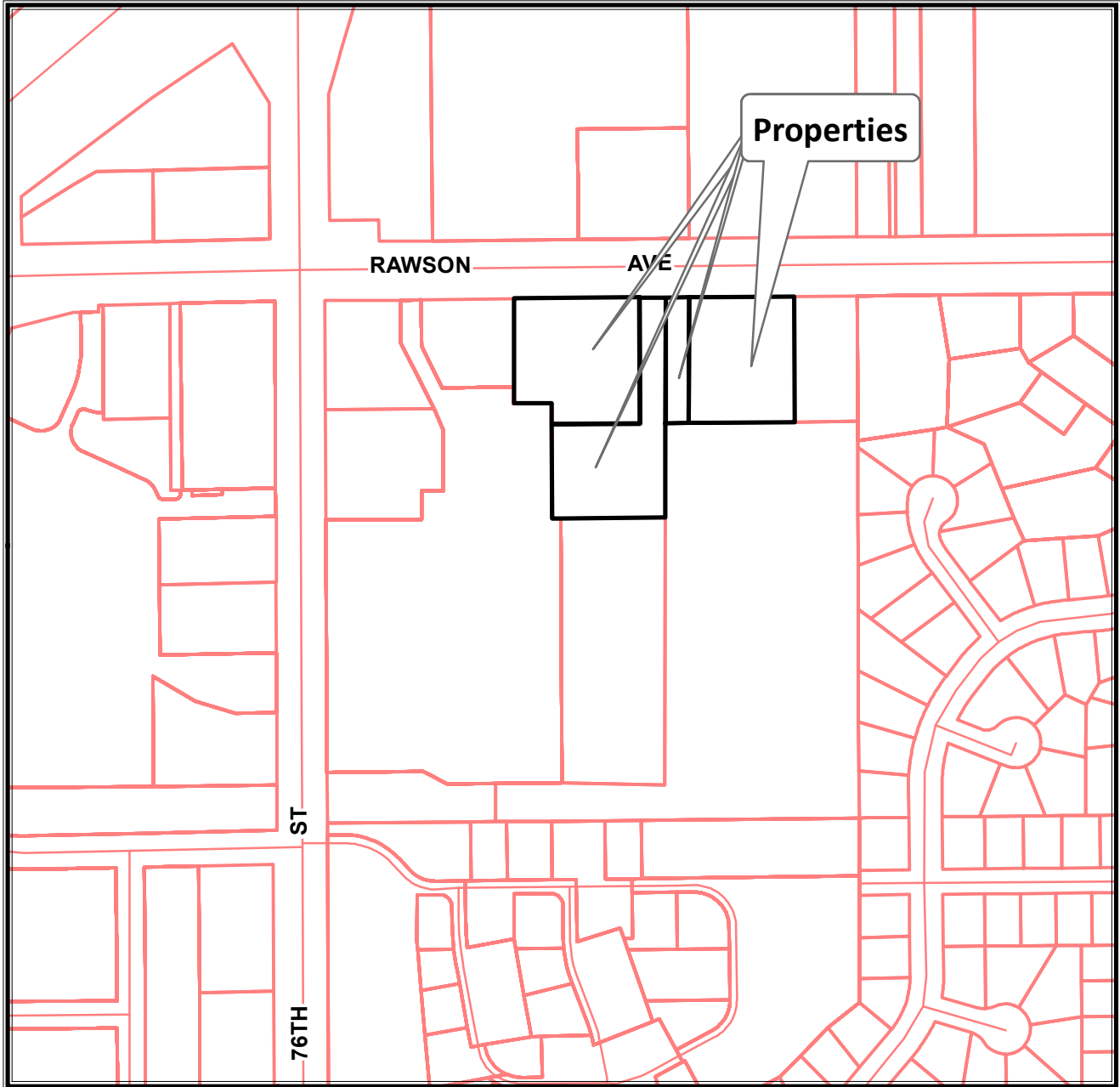
**Planning Department**  
**(414) 425-4024**



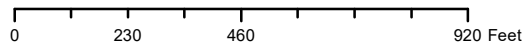
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

7401, 7295 & 7255 W. Rawson Ave.

TKNs: 756 9993 013, 756 9993 019, 756 9993 018 & 756 9993 005



**Planning Department**  
**(414) 425-4024**



*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.*





Date of Application: \_\_\_\_\_

## REZONING APPLICATION

Complete, accurate and specific information must be entered. Please Print.

**Applicant (Full Legal Name[s]):**

Name: David J Church  
 Company: Rawson Ventures LLC  
 Mailing Address: 12610 W. North Ct  
 City / State: New Berlin, WI Zip: 53151  
 Phone: 414-737-1680  
 Email Address: dchurch23@att.net

**Project Property Information:**  
 Property Address: 7401 W. Rawson Ave  
 Property Owner(s): Brian Brunn

Mailing Address: 7401 W Rawson Ave  
 City / State: Franklin, WI Zip: 53132  
 Email Address: dchurch23@att.net

**Applicant is Represented by: (contact person)(Full Legal Name[s])**

Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

7295 W Rawson Ave.  
7255 W Rawson Ave.  
 Tax Key Nos: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_  
 Existing Use: \_\_\_\_\_  
 Proposed Use: \_\_\_\_\_  
 CMP Land Use Identification: \_\_\_\_\_

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

**Rezoning submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$1,250  \$350 (One Parcel Residential)
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete **collated** sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
  - Seven (7) **folded** copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email (or CD ROM) with all plans/submittal materials.
- Additional Information as may be required.

- Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Rezoning requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Dawn R. Behrendt  
 Signature - Property Owner  
Dawn R. Behrendt  
 Name & Title (PRINT)  
 Date: 5-14-21

David J Church  
 Signature - Applicant  
David J. Church  
 Name & Title (PRINT)  
 Date: 5/14/21

\_\_\_\_\_  
 Signature - Property Owner  
 \_\_\_\_\_  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature - Applicant's Representative  
 \_\_\_\_\_  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

## **Development Summary 7401 W Rawson Ave**

### **10-8-21**

Developer David Church is proposing to develop the Brunn Family Farm property that fronts Rawson Ave located at 7401 W Rawson Ave. The property is currently partially developed with 2 residences and a few out buildings with the rest of the property unfarmed farm land. Total acreage of the combined properties is approx. 6 acres, however the proposed development will include approx. 4.5 acres.

Developer plans to subdivide the property into 5 separate parcels. The four parcels along Rawson Ave would be Re-Zoned to B-2 and developed into commercial properties with a retail focus. Businesses to be located here have yet to be finalized however it is likely that the tenants will include National Quick Service Restaurants with drive-thru capability – a National Coffee Business and Multi-Tenant Retail Center. All of the buildings will have patio seating, bike racks and be pedestrian friendly. The fifth parcel which is on the southwest portion of the property is not part of this initial proposal. I will consider the best use of that remaining acreage as the proposed development takes shape. The proposed development will look to uphold the city's standards for architecture, landscaping, access and parking.

#### **The 4 commercial pads I am proposing the following:**

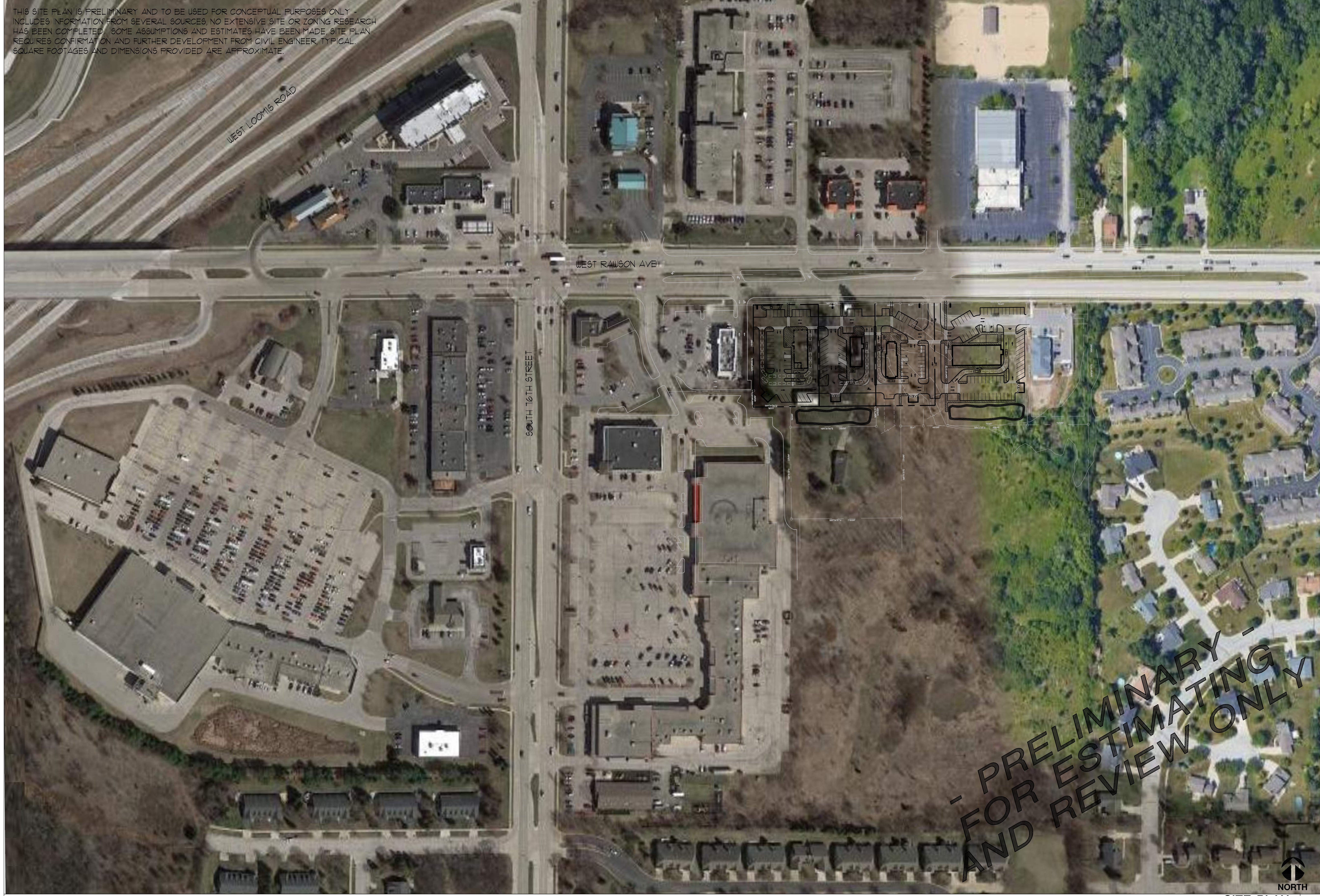
- Western most pad for a national Quick Service Restaurant with a drive-thru.
- East of this pad I am proposing a national coffee tenant with drive-thru.
- East of the coffee pad I am in discussions with retail businesses and restaurants - however would like to retain flexibility to respond to the marketplace for another user type.
- The Eastern most pad, pad east of the proposed road will be a 2-3 tenant retail building that could include a sit-down restaurant & general retail.
- An access road will be installed to provide ingress/egress into the O'Malley property to the south of the proposed.
- Estimated Development Value once stabilized \$8,000,000

The impact of the development will be a natural extension of the existing commercial corridor while enhancing retail-dining-service options for the community. With the success of the development at The Rock I feel that my proposal is a natural extension of the commercial development momentum.

The city's master plan designates the proposed properties as "commercial" so the development fits into the master plan.



THIS SITE PLAN IS PRELIMINARY AND TO BE USED FOR CONCEPTUAL PURPOSES ONLY - INCLUDES INFORMATION FROM SEVERAL SOURCES, NO EXTENSIVE SITE OR ZONING RESEARCH HAS BEEN COMPLETED. SOME ASSUMPTIONS AND ESTIMATES HAVE BEEN MADE. SITE PLAN REQUIRES CONFIRMATION AND FURTHER DEVELOPMENT FROM CIVIL ENGINEER. TYPICAL SQUARE FOOTAGES AND DIMENSIONS PROVIDED ARE APPROXIMATE.



SITE PLAN  
NTS 1



LogicDA.com | 414.909.0080  
Project Manager: TCY  
Job Number: 20-058

Additional Info

PREVIOUS VERSIONS / OPTIONS:  
08.12.20, 08.21.20,  
10.23.20, 11.06.20,  
11.17.20, 01.14.21, 01.18.21,  
01.28.21, 03.24.21,  
04.26.21, 05.03.21,  
05.07.21, 05.11.21

Project Name

**Proposed Outlot Development**  
West Rawson Ave & 76th Street  
Franklin, WI 53132

Dates/Revisions

05.12.21 REVISED  
PRELIM. SITE PLAN  
05.24.21 REVISED  
PRELIM. SITE PLAN  
07.23.21 REVISED  
PRELIM. SITE PLAN  
07.30.21 REVISED  
PRELIM. SITE PLAN  
08.18.21 REVISED  
PRELIM. SITE PLAN  
10.01.21 REVISED  
PRELIM. SITE PLAN

Drawing Title

**CONCEPTUAL  
SITE PLAN  
(W/OVERLAY)**

**SP1.1-P**

COPYRIGHT LOGIC DESIGN & ARCHITECTURE, INC. (LDA), 2021. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF LDA. THE CLIENT AGREES TO INDEMNIFY AND HOLD THE DESIGNER/ARCHITECTS/CORP. HARMLESS FROM ANY DAMAGES, LIABILITY, OR COST, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE LDA, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF LDA.

- PRELIMINARY -  
NOT FOR CONSTRUCTION



Proposed Rezoning Area

Being all of Parcel 1 of Certified Survey Map No. 5689, part of Parcel 2 of Certified Survey Map No. 4486, all of Outlot 1 of Certified Survey Map No. 6811, all of Parcel 2 of Certified Survey Map 6811 and all of a 60 foot wide road reservation as shown on Certified Survey Map No. 6811, all in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more particularly described as follows:

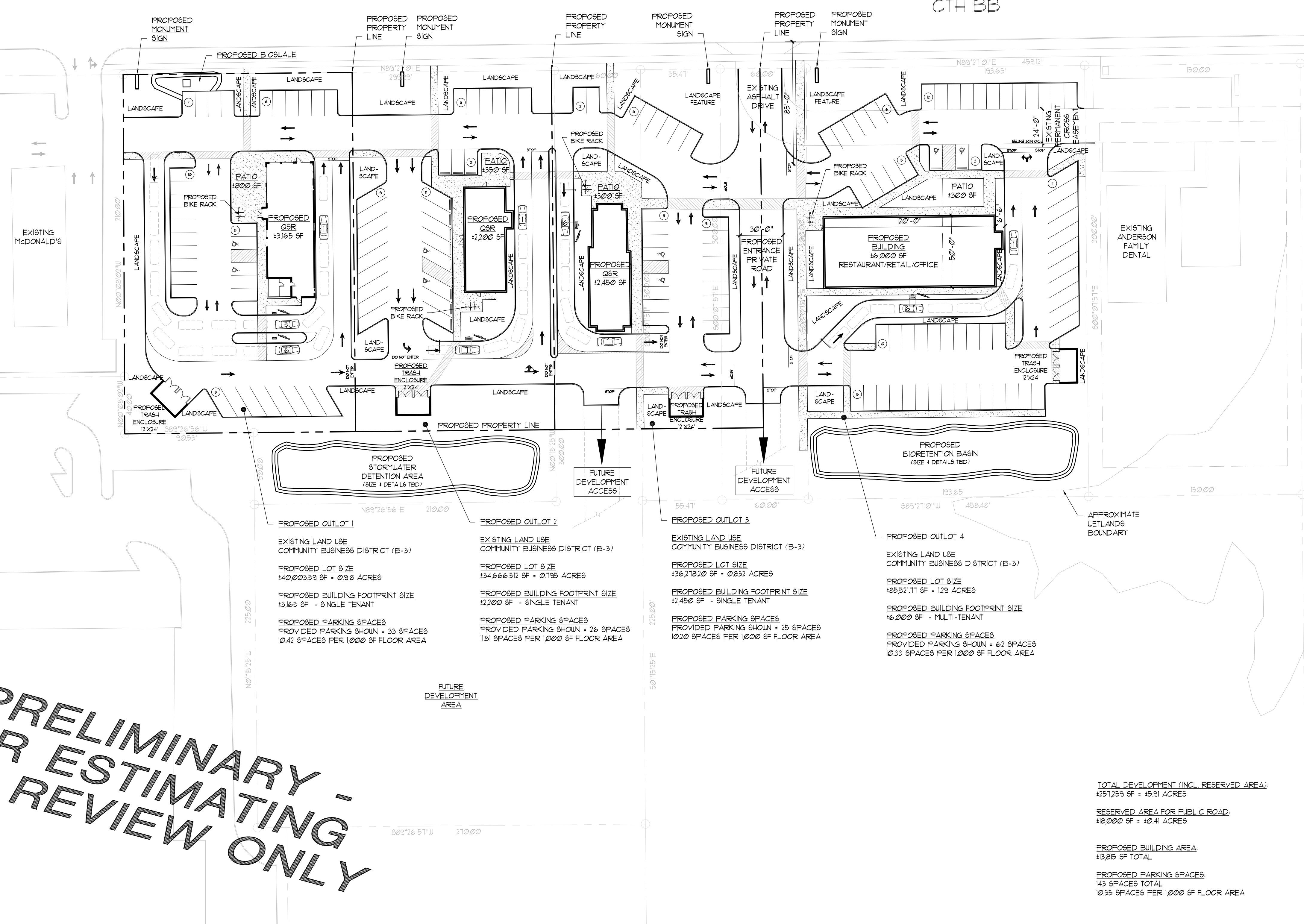
Commencing at the Northwest corner of said Northwest  $\frac{1}{4}$ ; thence N 89°26'56" E, along the north line of said Northwest  $\frac{1}{4}$ , 510.17 feet; thence S 00°08'02" E, 75.00 feet to the point of beginning; thence N 89°26'51" E, 669.11 feet; thence S 00°08'04" E, 300.00 feet; thence S 89°26'54" W, 308.48 feet; thence S 89°26'46" W, 269.82 feet; thence N 00°12'35" W, 50.01 feet; thence S 89°26'54" W, 90.76 feet; thence N 00°08'01" W, 250.00 feet to the point of beginning.

Said rezoning area containing 196,188 Sq. Ft. (4.50386 Acres)

THIS SITE PLAN IS PRELIMINARY AND TO BE USED FOR CONCEPTUAL PURPOSES ONLY - INCLUDES INFORMATION FROM SEVERAL SOURCES, NO EXTENSIVE SITE OR ZONING RESEARCH HAS BEEN COMPLETED. SOME ASSUMPTIONS AND ESTIMATES HAVE BEEN MADE, SITE PLAN REQUIRES CONFIRMATION AND FURTHER DEVELOPMENT FROM CIVIL ENGINEER, TYPICAL SQUARE FOOTAGES AND DIMENSIONS PROVIDED ARE APPROXIMATE.

WEST RAWSON AVE

CTH BB



PROPOSED OUTLOT 1	PROPOSED OUTLOT 2	PROPOSED OUTLOT 3	PROPOSED OUTLOT 4
EXISTING LAND USE COMMUNITY BUSINESS DISTRICT (B-3)	EXISTING LAND USE COMMUNITY BUSINESS DISTRICT (B-3)	EXISTING LAND USE COMMUNITY BUSINESS DISTRICT (B-3)	EXISTING LAND USE COMMUNITY BUSINESS DISTRICT (B-3)
PROPOSED LOT SIZE 140,000.00 SF = 0.918 ACRES	PROPOSED LOT SIZE 134,666.51 SF = 0.795 ACRES	PROPOSED LOT SIZE 136,718.20 SF = 0.837 ACRES	PROPOSED LOT SIZE 185,511.71 SF = 1.29 ACRES
PROPOSED BUILDING FOOTPRINT SIZE 13,165 SF - SINGLE TENANT	PROPOSED BUILDING FOOTPRINT SIZE 12,200 SF - SINGLE TENANT	PROPOSED BUILDING FOOTPRINT SIZE 12,450 SF - SINGLE TENANT	PROPOSED BUILDING FOOTPRINT SIZE 16,000 SF - MULTI-TENANT
PROPOSED PARKING SPACES PROVIDED PARKING SHOWN = 33 SPACES 10.42 SPACES PER 1,000 SF FLOOR AREA	PROPOSED PARKING SPACES PROVIDED PARKING SHOWN = 26 SPACES 11.81 SPACES PER 1,000 SF FLOOR AREA	PROPOSED PARKING SPACES PROVIDED PARKING SHOWN = 25 SPACES 10.22 SPACES PER 1,000 SF FLOOR AREA	PROPOSED PARKING SPACES PROVIDED PARKING SHOWN = 62 SPACES 10.33 SPACES PER 1,000 SF FLOOR AREA

TOTAL DEVELOPMENT (INCL. RESERVED AREA):  
1251,259 SF = 45.91 ACRES

RESERVED AREA FOR PUBLIC ROAD:  
118,000 SF = 10.41 ACRES

PROPOSED BUILDING AREA:  
13,815 SF TOTAL

PROPOSED PARKING SPACES:  
143 SPACES TOTAL  
10.35 SPACES PER 1,000 SF FLOOR AREA

**- PRELIMINARY -  
FOR ESTIMATING  
AND REVIEW ONLY**

**SITE PLAN**  
T=40' 1

Logic design & architecture, inc.  
LogicDA.com | 414.909.0080  
Project Manager: TCY  
Job Number: 20-058

**Additional Info**

**PREVIOUS VERSIONS / OPTIONS:**  
08.12.20, 08.21.20,  
10.23.20, 11.06.20,  
11.17.20, 01.14.21, 01.18.21,  
01.28.21, 03.24.21,  
04.26.21, 05.03.21,  
05.07.21, 05.11.21,  
05.12.21, 05.24.21

**Project Name**

**Proposed Outlot Development**  
West Rawson Ave & 76th Street  
Franklin, WI 53132

**Dates/Revisions**

07.23.21 REVISED  
PRELIM. SITE PLAN  
07.30.21 REVISED  
PRELIM. SITE PLAN  
08.18.21 REVISED  
PRELIM. SITE PLAN  
10.01.21 REVISED  
PRELIM. SITE PLAN  
10.08.21 REVISED  
PRELIM. SITE PLAN

**Drawing Title**

**CONCEPTUAL  
SITE PLAN**

**SP1.1-P**

COPYRIGHT LOGIC DESIGN & ARCHITECTURE, INC. (LDA), 2021. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF LDA. THE CLIENT AGREES TO INDEMNIFY AND HOLD THE DESIGNER/ARCHITECTS CORP. HARMLESS FROM ANY DAMAGES, LIABILITY, OR COST, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE LDA, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF LDA.

- PRELIMINARY -  
NOT FOR CONSTRUCTION

## MEMORANDUM

Date: June 16, 2021 [Responses 10-11-21](#)  
 To: David J. Church  
 CC: Mark Seidl  
 From: Department of City Development. Heath Eddy, Planning Manager  
 RE: Application for Rezoning, 7255, 7295, and 7401 W. Rawson Avenue.

---

Please be advised that city staff has reviewed the above application received on May 18, 2021, for a rezoning of existing properties zoned R-6 Suburban Single-Family Residential and B-3 Community Business to B-2 General Business. The following comments are for your review and consideration.

### **Department of City Development**

1. **Future Land Use Designation.** The specific rezoning request for B-2 is nominally supported by the Comprehensive Master Plan, which designates the property as “Commercial”. However, see specific comments below under Conceptual Site Plan.
2. **Project Summary.** The submitted project summary is a little thin on details. The Common Council is going to want more detail as to what you are proposing in order to feel comfortable with rezoning this property to the specific district you are requesting. [Updated Summary Provided](#)
3. In Re TKN 756-9993-005:
  - A. Your project summary identifies a specific proposed use of the property but the current zoning (R-6) doesn’t support the request. A future rezoning application will be necessary in order to do as you request, and staff cannot verify the number of proposed residential units you are looking to develop. [N/A](#)
  - B. Access from the rest of the proposed development area is problematic. See below. [N/A](#)
  - C. Is a residential use on the remainder (approx. 1.4 acres in area) really going to be marketable? This parcel is located 48 feet from the back side of the Orchard View shopping plaza (the loading area of this retail strip), and will be located right behind what you are proposing as primarily auto-oriented drive-through restaurants and financial institutions. Would single-family attached units really market well from this location? [N/A](#)
4. **Legal Description.** The legal description as submitted is insufficient for preparation of a public hearing notice and for revising the Zoning Map. An updated legal description that creates a continuous metes-and-bounds area is required for this application. [Provided](#)
5. **Landlocked Access/Future Roadway.** The proposed development needs to account for future ingress-egress to the landlocked property to the southeast. The most recent CSM for this project area (CSM #6811) identifies a 60-foot wide strip as “Lands to be Reserved to the City of Franklin for Public Road Purposes”. Whether or not the City wants a public road through this area is not



clear, but access across your development area is required. The Conceptual Site Plan does identify this area, but the design does not integrate the access for this property. **Access Road Included**

6. **Conceptual Site Plan.** The submitted Conceptual Site Plan features a total of 14,800 square feet of building, 194 parking spaces, and 4 monument signs, as well as two cross-access easements (north side and south side) of the development site. **Revised site layout includes ±13,815sf of building with 146 total parking stalls and (4) monument signs**
- A. The proposed parking ratio (13.95 spaces per 1,000 square feet of floor area) is far higher than the minimum required for similar uses by the UDO. Only General Restaurant is listed with a higher ratio (20/1000). UDO Section 15-5.0203B specifies that an applicant “submit [sic] reasonably sufficiently proof that the maximum number of required parking spaces would be insufficient for the proposed use’s project parking demand.” **Revised site layout has reduced parking (per staff and initial Common Council recommendations), now with an overall ratio of 10.57 spaces per 1,000sf of floor area. From our experience, 10/1,000sf is a general current industry standard for mixed developments like this. The current QSR tenants we are working with prefer higher parking ratios consistent with our previous site plan (based on their experience and market intel), but we believe our current layout and adjacent parking opportunities between sites should be sufficient and acceptable. Based on our team’s substantial experience with similar developments and our National Tenants, we strongly recommend not reducing parking below this 10/1,000sf ratio. Important to note that the currently proposed 146 parking stalls is less than staff’s 151-179 stall UDO analysis from the prior Common Council meeting, further supporting our opinion that our proposed revised site is reasonably parked.**
- B. The proposed design with two sets of cross access creates a substantial number of potential conflict points across the development as a whole. **Revised Site layout has made several adjustments to address this concern.**
- i. **Rear cross access is one-way within Outlots 1&2, transitioning to 2-way on Outlot #3 which contain future access points to each Southern property, note that the parking has also been removed from this drive aisle along Outlot #2 & #3 to eliminate conflict points and ease vehicular movement throughout this area.**
  - ii. **Vehicle calming devices such as stop signs, site wayfinding, cross-hatched pedestrian crossings, etc. have been added to alleviate the number of conflict points.**
  - iii. **Parking spaces and Outlot#4 drive-thru entrance previously along the main ‘private road’ were removed/relocated to allow for the free movement of vehicles and lessen the conflict points that may arise from cars backing up into a main thoroughfare in the development.**
- C. A general rule of thumb for commercial evaluation is that 1 acre should have an average of 10,000 square feet of building area, which in this case would yield 59,100 square feet of

building area. The reliance on drive-through facilities increases the amount of paved surface and decreases the available building area potential. **Noted, although the 10,000sf/acre factor sited assumes multi-story development without a private road to provide access to adjacent sites. A 10,000sf multi-tenant retail building appropriately parked with stormwater management will occupy about 2 acres depending on setbacks and other factors. Important to note that our proposed site plan is only developing ±4.5 acres, which includes substantial stormwater facilities and a private road with connections to adjacent otherwise inaccessible properties. We believe that the revised proposed site plan is of appropriate density to not only accommodate the site specific challenges and easements, but also satisfy the requirements of actual tenants that are excited to be a part of this new development. Our development team working on this project consists of Developer, Broker, Civil Engineer, and Architect that all have significant experience and specialize in retail developments in this region - we are working with the active National tenants daily and responding to the actual market demands to transform historically underutilized properties such as this into high quality modern new developments for communities, which not only adds amenities for residents but also tax base for municipalities.**

D. As noted above, the design does not account for future access for the remainder of TKN 756-9993-005. It is noted on the plan but there is not allowance for it. **Connection points added to revised site plan**

7. **Recommendation.** Given the concerns above, staff suggests the applicant should request a Concept Review with the Common Council.

#### **Engineering Department Comments**

8. No comments.

#### **Inspection Services Department Comments**

9. Inspection Services has no comments on the proposal at this time.

#### **Fire Department Comments**

10. No specific comment at this time.

#### **Police Department Comments**

11. The PD has no comment regarding this request.



**CITY OF FRANKLIN**  
**REPORT TO THE COMMON COUNCIL**



**Meeting of September 7, 2021**

**Concept Review**

**RECOMMENDATION:** Provide direction to the applicant regarding the proposed commercial development of four parcels on West Rawson Avenue.

<b>Project Name:</b>	<b>Rawson Ventures, 7401 W. Rawson Avenue</b>
<b>Applicant:</b>	<b>Rawson Ventures, LLC</b>
<b>Agent:</b>	David Church
<b>Project Address/Tax Key:</b>	7255 W. Rawson Avenue (TKN 756-9993-018), 7295 W. Rawson Avenue (TKN 756-9993-019), 7401A W. Rawson Avenue (TKN 756-9993-005), and 7401 W. Rawson Avenue (TKN 756-9993-013)
<b>Property Owner:</b>	Dawnn and Brian Brunn
<b>Current Zoning:</b>	R-6 – Suburban Single-Family Residence District and B-3 – Community Business District
<b>Proposed Zoning:</b>	B-2 – General Business District
<b>2025 Comprehensive Plan:</b>	Commercial
<b>Action Requested:</b>	No action requested
<b>Staff:</b>	Heath Eddy, AICP, Planning Manager

**PROJECT DESCRIPTION**

Rawson Ventures submitted an application for Concept Review for four parcels fronting Rawson Avenue. The applicant is seeking to rezone the properties from the existing R-6 (at 7401 and 7401A W. Rawson Avenue) and B-3 (7255 and 7295 W. Rawson Avenue) to B-2 General Business. This is in order to provide for the maximum number of potential commercial uses for the proposed development.

As shown on the Conceptual Site Plan, the proposed development would establish four commercial lots for development, which are conceptually intended for (left to right)

- A quick-service restaurant on the western parcel adjacent McDonald’s, including 3,165 square feet of building, 38 parking spaces, and double drive-through lanes;
- A coffee tenant on the next parcel, including 2,200 square fet of building, 41 parking spaces, and a single drive-through lane;
- A financial institution (or potential other commercial), including 2,450 square feet of building, 32 parking spaces, and a single drive-through lane; and

- A combination facility with up to three tenants which the applicant indicates could be a sit-down restaurant, general retail, and/or office, with up to 6,000 square feet of building, 77 parking spaces, and a single drive-through lane on the east side of the building.

The total proposed building area is 13,835 square feet combined for the four lots. The proposed design is separate buildings on separate lots with variable parking varying in ratio from 12 spaces/1000 square feet of building area on the east parcel up to 18.6 spaces/1000 square feet of building area on the second parcel; an average of 13.6 spaces/1000 square feet of building area.

The combination of existing zoning districts permits a single-family residence (on the two western lots, both of which contain a residential use type) and some combination of service or retail uses, generally similar to the B-2 District but not as expansive in the breadth of commercial uses.

### **STAFF ANALYSIS**

City Development staff has the following concerns about this proposal:

- **Consistency with the Comprehensive Plan.** The entire property area is designated “Commercial” by the City of Franklin 2025 Comprehensive Master Plan. To the extent the applicant is requesting a business zoning designation this application is consistent with the Comprehensive Plan Future Land Use Map.
- **Current Zoning and Proposed Development.** The subject property is currently zoned R-6 Suburban Single Family Residence and B-3 Community Business, while the proposed development is more expansive in terms of auto-oriented uses that is generally consistent with the B-2 General Business District. It should be noted that in either the B-2 or B-3 districts, any drive-through operation requires a Special Use approval, so even rezoning this area to B-2 will still require additional review by the Common Council. It also should be noted that if the B-2 rezoning is approved, the B-3 District for the Anderson Dental property just east of the proposed development would be a single parcel of B-3 zoning.
- **The “Orphaned” Parcel.** The applicant’s request references the future development of the remainder of TKN 756-9993-005 (also addressed as 7401A W. Rawson Avenue) for residential development. The submitted Development Summary indicates this future development could be side-by-side condominium duplexes. Staff notes:
  - The remainder of this parcel would remain in the R-6 District, which does not permit attached residential units.
  - The access to this proposed future development area would be problematic as it derives from the rear of a commercial access aisle.
  - The remainder is approximately 1.4 acres in area, and is located about 48 feet from the

rear of the Orchard View shopping plaza loading dock area. In effect the future residential area would be located in between two areas dominated by vehicular traffic, including noise, emissions, and other environmental impacts.

- **Future Roadway/Landlocked Access.** The most recent CSM for the proposed development area (CSM #6811) designated a 60-foot wide strip “Lands to be Reserved to the City of Franklin for Public Road Purposes” connecting Rawson Avenue to the 10.81-acre property located southeast of the development area. This reservation area was intended to accommodate Rawson Avenue access for the landlocked property. However, the City Engineer has indicated that a public roadway in this area is not preferred. To accommodate the future access, the Conceptual Site Plan designates a connection between the single Rawson Avenue driveway access to the landlocked property in the form of a parking aisle fronted by 13 parking spaces and a drive-through exit. The future development of the landlocked parcel is undetermined but the access as currently designed would not present as a full “access” capacity. This reflects a lack of connectivity and intention in development design.
- **Mix of Uses and Proposed Design.** The applicant proposes a series of quick-service operations which is reflected in the multiple drive-through lanes (5 total across 4 pads). This is an extremely high-density auto-oriented design. In addition, the Conceptual Site Plan shows 4 building pads with a total building area of 15,200 square feet, along with 189 parking spaces. Of note:
  - Access for each building is from the single existing commercial driveway access which is currently used by Anderson Dental (just east of the proposed development area). To accommodate this limitation, the site design features cross-access between the proposed parcels on the north side of the project area between the proposed lots. This cross-access is generally a good idea, except that all on-site access is vehicle-dominated. There are cut-through lanes located along two of the proposed drive-through lanes on the west side of the proposed development area, which increases the already high number of conflict points between vehicles (staff estimates at least 13 such points between vehicles, and another 19 potential points between vehicles and pedestrians on-site), and renders the property virtually impossible to access by pedestrians, much less cyclists.
  - The overall design leads to single-use development which can be difficult to reuse should one of these businesses close. There is very little flexibility in use, resulting in an economically fragile development pattern.
  - The proposed overall parking ratio (13.6 spaces per 1,000 square feet of floor area) is very high, which means the property is dominated by restaurant-type uses. Staff analysis indicates as follows (from west to east):

Pad Site Proposed Use	By Use	SF	UDO Parking Ratio	UDO Parking Max*	UDO Parking Max Range	Proposed Parking
Pad 1 Restaurant	Total Building	3,165	20/1000	64	50 - 64	38
	Seating	2,165	20/1000	43		
	Kitchen/Service	1,000	6.5/1000	7		
Pad 2 Coffee Shop	Total Building	2,200	20/1000	44	30 - 44	41
	Seating	1,100	20/1000	22		
	Kitchen/Service	1,100	6.5/1000	8		
Pad 3 Financial	Total Building	2,450	5/1000	13	13	32
Pad 4 Multi-Use**	Total Building	6,000			58	77
	Restaurant	2,000	20/1000	40		
	Retail	2,500	5/1000	13		
	General Office	1,500	3.33/1000	5		
<b>Totals</b>		<b>13,835</b>		<b>179</b>	<b>151 - 179</b>	<b>188</b>

These numbers lead to a couple of suggested conclusions:

1. The proposed parking area is enough to cover restaurant uses, but it results in a site developed primarily for vehicle storage.
  2. It's also A LOT of restaurant uses for a site with one commercial access to Rawson Avenue, and A LOT of drive-through facilities in a narrow development area. Drive-through facilities at this density represent a substantial potential for vehicular and other traffic conflicts on-site.
- **Estimated Development Value.** The applicant's Development Summary suggests that the proposed development would increase the total "development value" (assumed to be assessible value) from the current \$1,463,600 for the existing 4 parcels (including the residential remainder; see above), which is \$240,565 per acre, to a value of \$8-10 million dollars (a range of \$1.33-\$1.66 million per acre). To see if this estimate is valid, staff prepared a comparison listing (or comps) of various similar uses nearby to those proposed for this project.

Type of Use	Address	Assessed Value (2020)	Acreage	Value /Acre
Quick Restaurant	7621 W. Rawson Avenue (Arby's)	\$1,411,000	1.0	\$1,411,000
	7501 W. Rawson Avenue (McDonald's)	\$1,601,500	0.93	\$1,722,043
	7041 S. 27 <sup>th</sup> Street (Oscar's)	\$1,526,400	1.665	\$916,757
Financial Institution	7100 S. 76 <sup>th</sup> Street (Chase)	\$868,400	1.239	\$700,888
	7745 W. Rawson Avenue (Landmark)	\$1,476,400	1.193	\$1,237,552
	7151 S. 76 <sup>th</sup> Street (North Shore)	\$1,098,300	1.054	\$1,042,030



Multi-Use Facilities	6955 S. 27 <sup>th</sup> Street (Newlife)	\$1,887,000	1.933	\$976,203
	6503 S. 27 <sup>th</sup> Street (College Plaza)	\$3,066,800	1.367	\$2,243,453
	6531 S. 27 <sup>th</sup> Street (Huang)	\$1,817,400	1.055	\$1,722,654
<b>Average Value/Acre</b>				<b>\$1,330,287</b>

The average assessed value/acre as shown above would result in a relative assessed value for the proposed development of approximately \$7.98 million, which is just under the low end of the applicant’s estimated range.

It should also be noted that the applicant’s proposed use of Pad 4 is for a maximum of 3 tenants; there are no similar types of small scale multi-use facilities nearby, so staff resorted to estimates from other multi-use “shopping center” facilities that have anywhere from 4-8 tenants. Some of these facilities have a fairly high assessed value per acre; if we removed the Multi-Use Facility comps from the calculation above we get an average assessed value of \$1,171,712 per acre, so clearly the larger number of tenants increased the average assessed value significantly. Therefore, it is possible to conclude the applicant’s estimate is high.

**CONCLUSIONS**

The proposed development is overly dominated by restaurant-type “hospitality” uses, which have a high rate of failure. On a site with up to six proposed uses, three of which are such high-potential failures unless they are highly capitalized (or the market share doesn’t shrink), it’s fair to conclude that this proposal represents a substantial risk of failure in the near to moderate time frame (5-10 years). Note: the current Billy Sims BBQ site across the street was vacant for almost 13 years after the prior restaurant closed. These sites are extremely fragile and difficult to reuse.

In addition, it is a general rule of thumb that a parking-oriented development pattern yields approximately 10,000 square feet of building area per acre of ground, which in this case should yield about 59,000 square feet of building area. Though this is best-case (dimensions of land can make a big difference), the proposed development is decidedly underwhelming in terms of massing, orientation, and overall design. The City should seek development/redevelopment that is potentially mixed-use and composed of all of the vacant and underused properties in this vicinity rather than just the road frontage.

**Staff Recommendation:**

Staff has no recommendation. This item does not have a recommended motion and no official action is to be taken.

# MEMORANDUM

Item C.3.

Date: October 14, 2021  
To: Plan Commission  
From: Department of City Development. Régulo Martínez-Montilva, Principal Planner  
RE: 112<sup>th</sup> Street properties residential subdivision  
Comprehensive Master Plan Amendment and Rezoning

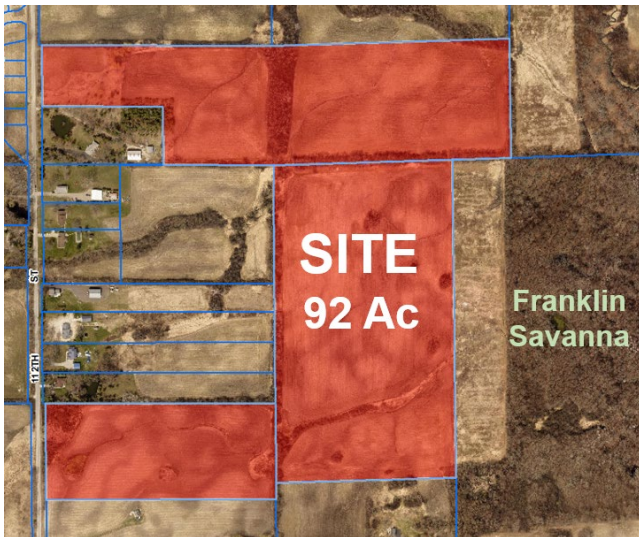
---

The subject items were presented before this Plan Commission at its last regular meeting on October 7. The applicant requested to table both items, the Plan Commission carried “a motion to continue to the October 21, Plan Commission meeting at the request of the applicant”, the vote was 5-0-1.

The two (2) anticipated scenarios for these items are briefly described below:

## Scenario #1

To continue with the current request as is



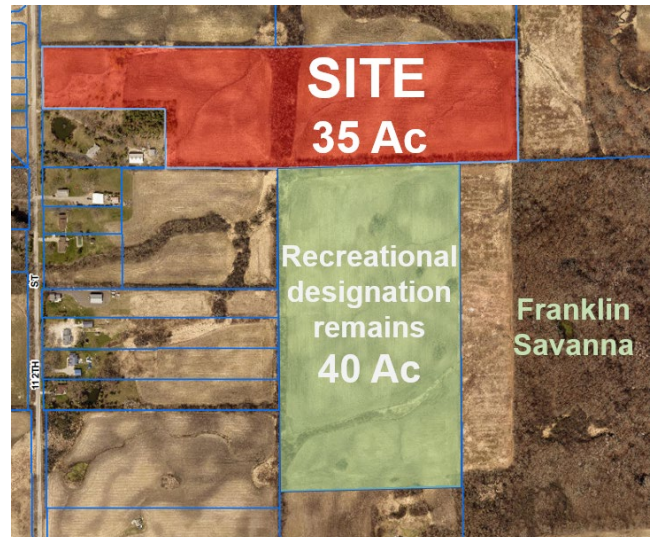
**Site area:** 92 acres

**Future land use:** From Recreational and Areas of Natural Resource Features; to Residential single-family.

**Rezoning:** From R-2 Estate Single-Family Residence District, C-1 Conservancy District, & A-2 Prime Agricultural District; to R-5 Suburban Single-Family Residence District

## Scenario #2

To exclude 2 properties from the request



**Site area:** 35 acres

**Future land use:** From Recreational and Areas of Natural Resource Features; to Residential single-family. 40 acres remain as Recreational.

**Rezoning:** From A-2 Prime Agricultural District and C-1 Conservancy District; to R-5 Suburban Single-Family Residence District.

City Development staff has not received a formal decision from the applicant regarding these 2 scenarios, therefore, City Development staff recommends to table this request until a formal decision is received. The attached report outlines comments and recommendations for Scenario #1.



# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of October 7, 2021

### Comprehensive Master Plan Amendment and Rezoning

---

**RECOMMENDATION:** City Development Staff recommends denial of the Comprehensive Master Plan Amendment and Rezoning applications submitted by Bear Development, LLC.

---

<b>Project Name:</b>	<b>112th Street properties residential subdivision</b>
<b>Applicant:</b>	<b>Bear Development, LLC.</b>
<b>Agent:</b>	Daniel Szczap. Bear Development, LLC.
<b>Project Address/Tax Key:</b>	892-9999-002, 937-9999-004, & 938-9999-011
<b>Property Owner:</b>	Ignasiak Investment Co LLC & Ger Vang
<b>Current Zoning:</b>	R-2 Estate Single-Family Residence District, C-1 Conservancy District, & A-2 Prime Agricultural District
<b>Proposed Zoning:</b>	R-5 Suburban Single-Family Residence District
<b>2025 Comprehensive Plan:</b>	Recreational, residential and areas of natural resource features
<b>Proposed amendment:</b>	Residential
<b>Action Requested:</b>	Recommendation for approval of rezoning and Comprehensive Master Plan amendment
<b>Staff:</b>	Régulo Martínez-Montilva, Principal Planner

---

#### Introduction

Comprehensive Master Plan Amendment and Rezoning applications to allow for a future single-family residential subdivision with 115 home sites on a 92-acre site. The Common Council heard a Concept Review for this development proposal on August 17, 2021.

#### Comprehensive Master Plan Amendment

This site consists of 3 properties: 2 properties (892-9999-002 & 937-9999-004) are designated as Recreational, covering approximately 74 acres (80% of the site), the remaining property (938-9999-011) is designated as Residential with a portion of land adjacent to S. 112th Street designated as Areas of Natural Resource Features. Given the proposed residential subdivision is not consistent with the Recreational designation of the City of Franklin 2025 Comprehensive Master Plan, the applicant is proposing to change the future land use designation from Recreational and Areas of Natural Resources to Residential. It is noted that other adopted planning policies, such as the Comprehensive Outdoor Recreation Plan 2025 (CORP) and the Post-Sanitary Sewer Scenario Map

for the southwest portion of the city, also identify this area as recreational, specifically as a “Planned Regional Park”.

### Rezoning

The 2 properties that are designated as Recreational, are zoned A-2 Prime Agricultural District and the remaining property is zoned R-2 Estate Single-Family Residence District. All three properties contain corridors zoned C-1 Conservancy District, this is an obsolete zoning district because the current Unified Development Ordinance require protection of natural resources through conservation easements. The applicant is proposing to rezone the entire site to R-5 Suburban Single-Family Residential.

### Project Description/Analysis

The applicant is seeking these rezoning and Comprehensive Master Plan amendment to allow for a 92-acre single-family residential subdivision with 115 home sites designed to the development standards of the R-5 Suburban Single-Family Residence District, specifically a gross density of 1.25 dwelling units per acre and average lot size of approximately 22,000 square feet. According to the project narrative submitted for the Concept Review, the estimated site improvement cost is 10 million dollars with a total project value of 51.75 million dollars or \$562,500 per acre.

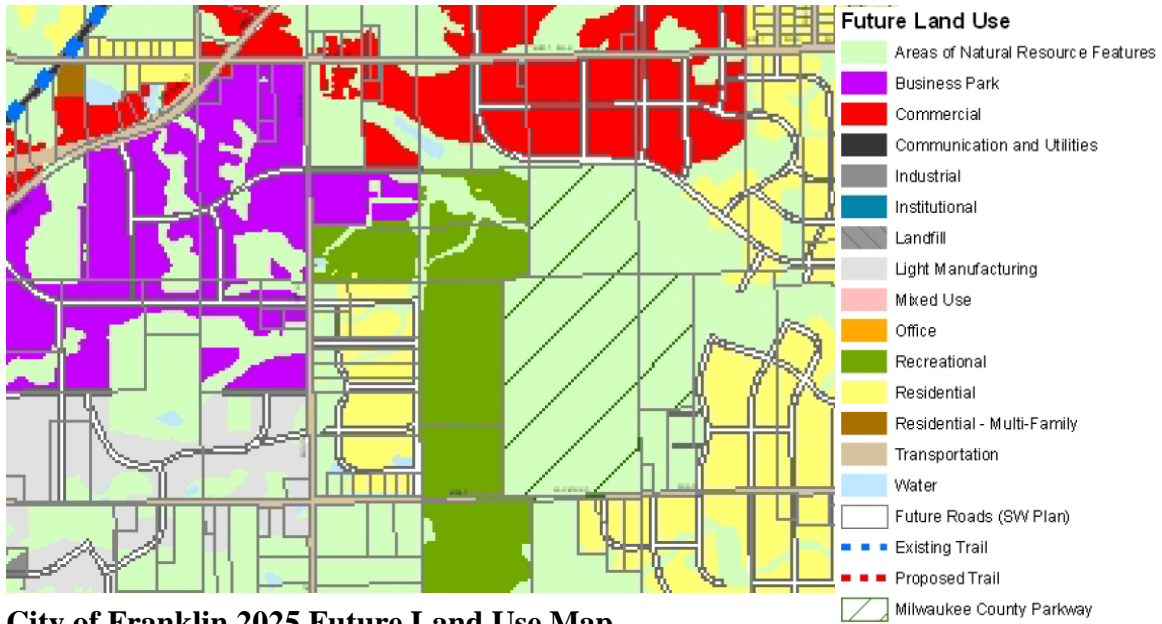
### Current zoning

Approximately 80 % (74 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3.0315, the district’s intent is to “prevent the premature conversation of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses”. It is noted that the A-2 district is limited to “prime agricultural lands”, therefore, this development proposal is contrary to the intent of this zoning district.

### Consistency with adopted planning policies

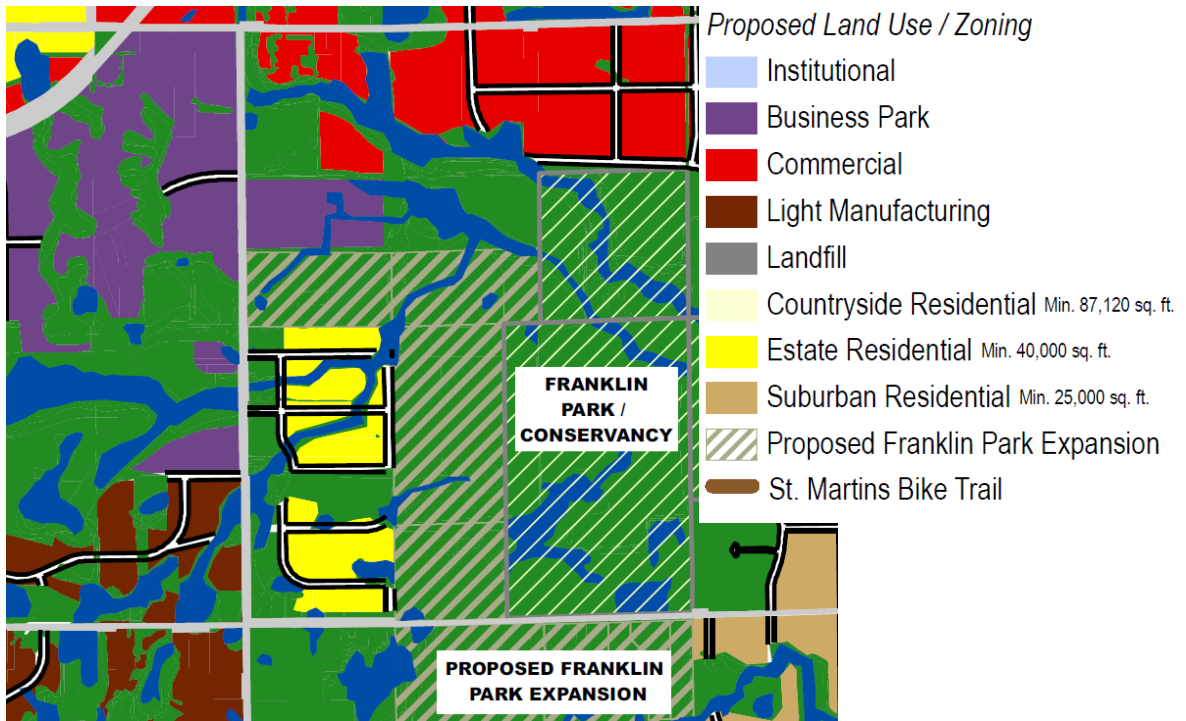
As part of the Concept Review, City Development staff informed the applicant that residential development at this location is not “consistent with” any of the adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the Comprehensive Outdoor Recreation Plan 2025 as noted below:

- a. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal is not consistent with the comprehensive plan. A city zoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin Statutes §66.1001(3), “consistent with” means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan”.



**City of Franklin 2025 Future Land Use Map**

- b. **Not consistent with the southwest subarea plan.** According the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the comprehensive plan is identified as “Proposed Franklin Park Expansion”. This designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County and labeled as “Franklin Park/Conservancy”.

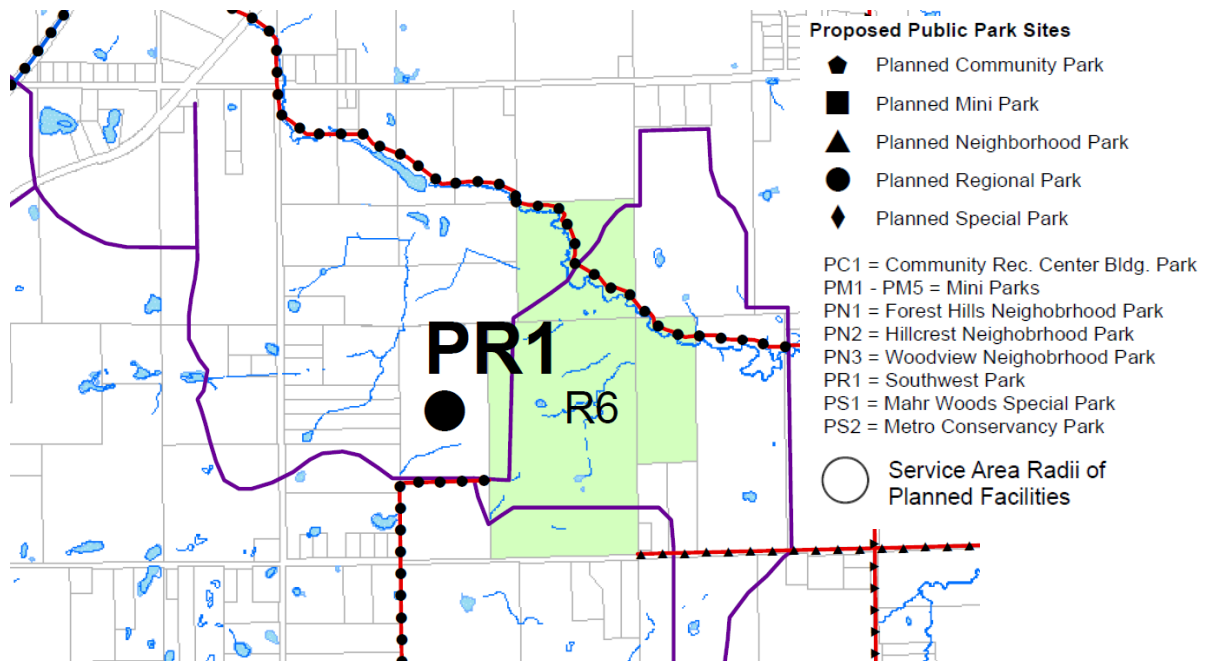


**Post-Sanitary Sewer Scenario Map (2009)**



- c. **Not consistent with the Comprehensive Outdoor Recreation Plan 2025 (CORP).** Following the comprehensive plan and the southwest subarea plan, the “Existing and Planned Public Outdoor Recreation Sites” map of the CORP identifies this area as “Planned Regional Park” PR1. According to the CORP (Chapter 7, page 27), the recommended useable area for the “Southwest Park” should at least 40 acres. The concept plan does not include any park dedications area, therefore, it not consistent with the Comprehensive Outdoor Recreation Plan 2025.

Even though the subdivision design is not being reviewed at this time, it is worth noting that the Unified Development Ordinance (UDO) Section 15-5.0110 “Parks, playgrounds and other recreational and municipal facilities” requires that designated park areas shall be made part of the subdivision plat by either dedication of land, reservation or payment of development fee.



**Existing and Planned Public Outdoor Recreation Sites map**

Natural resources

As previously discussed in the Concept Review staff report, the proposed road layout would be crossing 3 wetlands, separate Natural Resource Special Exceptions would be required to allow for such wetland impacts in addition to state and federal wetland permits. It is worth noting that 2 wetland crossings would also impact environmental linkages identified in the comprehensive plan (Map 3.1). One linkage crossing is approximately located between lots 10 and 11 and the other one between lots 80 and 99. According to the comprehensive plan, wildlife crossings and culverts that allow for the passage of wildlife is recommended for roads that divide linkage areas.

The northernmost property (TKN 892-9999-002) was created by Certified Survey Map (CSM) No. 8293 which states that “The natural resource features identified on lot 2 are not based on field

surveys in the event of further land division or development of lot 2 with any such natural resource feature, a complete natural resource protection plan with field survey is required”. The natural resources identified in the CSM include proposed linkage per comprehensive plan, woodlands per 2008 aerial photography and probable greenway connection per SEWRPC mapping (Southeast Wisconsin Regional Planning Commission).



### **City of Franklin Comprehensive Master Plan, Map 3.1 Linkages**

#### Additional information

**Fiscal Impact analysis.** It is recommended to review the attached fiscal impact analysis memorandum prepared by Planning Manager Heath Eddy with regards to 3 development proposals in the southwest portion of the city, including this residential subdivision.

**Ryan Creek trail.** It is worth noting that the city is evaluating a trail connection to the S. 116th Street trail as part of the Ryan Creek trail. The exact location has not been determined yet but this would be reviewed at the time of an eventual subdivision plat if the rezoning and comprehensive plan amendment are approved.

**Milwaukee County Parks easement request.** Bear Development applied for a “Milwaukee County Parks’ Land Utilization” to request consideration of a new sanitary sewer easement on County parkland known as the Franklin Savanna. Per input received from Milwaukee County Parks, “The proposal from Bear Development did not advance after being reviewed through the Land Utilization process. This decision was largely based on the high potential for environmental and hydrologic impacts caused from construction, as well as the need for routine maintenance access within a County natural area. Additionally, there appear to be several alternative routes within close proximity to the future development”, e-mail attached to the meeting packet.



City Departments comments

Comprehensive Master Plan amendment

- **Inspection Services Department.** Inspection Services has no comments on the proposal at this time.
- **Police Department.** The PD has no comment regarding this request.

Rezoning

- **Fire Department.** No comments at this time.
- **Police Department.** The PD has no comment regarding this request.

**Staff Recommendation:**

City Development staff recommends denial of the proposed Comprehensive Master Plan Amendment and Rezoning requested by the Bear Development, LLC. However, if the Plan Commission wishes to recommend approval, draft ordinances are attached to the meeting packet.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-20-21]*

ORDINANCE NO. 2021-\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF  
LAND FROM A-2 PRIME AGRICULTURAL DISTRICT, R-2 ESTATE  
SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY  
DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT  
(GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,  
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE  
FRANKLIN SAVANNA NATURAL AREA)

(APPROXIMATELY 92 ACRES)

(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT)

---

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having petitioned for the rezoning of approximately 92 acres of land, from A-2 Prime Agricultural District, R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District, such land generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 7th day of October, 2021, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for land generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, described below, be changed from A-2 Prime Agricultural District, R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-5 Suburban Single-Family

Residence District:

Being all of Parcel 1 of Certified Survey Map No. 6316, as recorded in the Register of Deeds office for Milwaukee County as Document No. 7310464, all of Lot 2 of Certified Survey Map No. 8293, as recorded in the Register of Deeds office for Milwaukee County as Document No. 9924693 and additional lands, all located in the Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29, the Southwest 1/4 of the Northwest 1/4 of Section 29, the Southeast 1/4 of the Northeast 1/4 of Section 30 and the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Beginning at the southeast corner of the Northeast 1/4 of said Section 30; thence North 89°42'51" West along the south line of said Northeast 1/4 and a south line of Lot 2 of said Certified Survey Map No. 8293, 607.55 feet; thence North 00°36'44" West along a south line of said Lot 2, 325.00 feet; thence North 89°42'51" West along a said south line, 670.24 feet to the east right of way line of South 112th Street; thence North 00°36'44" West along said east right of way line, 337.84 feet to the north line of said Lot 2; thence South 89°43'17" East along said north line, 1277.47 feet to an intersection with the east line of Northeast 1/4 of said Section 30; thence North 88°10'43" East along said north line, 1319.86 feet to the east line of said Lot 2; thence South 00°36'24" East along said east line, 662.22 feet to the south line of Northwest 1/4 of said Section 29; thence South 88°08'40" West along said south line and the south line of said Lot 2, 329.95 feet to the east line of Tax Key No. 937-9999-004; thence South 00°36'01" East along said east line, 1762.46 feet to the south line of said Tax Key No. 937-9999-004; thence South 88°17'13" West along said south line, 990.95 feet to west line of the Southwest 1/4 of Section 29; thence South 00°33'11" East along said west line and the east line of Parcel 1 of said Certified Survey Map No. 6316, 93.78 feet; thence South 89°56'51" West along the south line of said Parcel 1, 1277.51 feet to east right of way line of South 112th Street; thence North 00°33'50" West along said east right of way line, 534.70 feet to the north line of said Parcel 1; thence North 89°56'51" East, 1277.61 feet to the east line of the Southeast 1/4 of said Section 30; thence North 00°33'11" West along said east line, 1319.11 feet to the Point of Beginning.

Tax Key Nos. 892-9999-002, 937-9999-004 and 938-9999-011.

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 \_\_\_\_\_, 2021, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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

ATTEST:

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

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

ORDINANCE NO. 2021-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
 2025 FUTURE LAND USE MAP FOR THREE PROPERTIES GENERALLY  
 LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET, EAST OF THE RYAN  
 MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN SAVANNA  
 NATURAL AREA FROM RECREATIONAL USE AND AREAS OF  
 NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE  
 (TOTALING APPROXIMATELY 92 ACRES)  
 (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC (IGNASIAK  
 INVESTMENT CO., LLC AND GER VANG AND CHIA VANG, PROPERTY OWNERS)

---

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, Stephen R. Mills, President of Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for three properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on October 7, 2021, 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 three properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential 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 November 2, 2021; 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 three properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use. Such property is more particularly described within Resolution No. 2021 \_\_\_\_ 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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021.

APPROVED:

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

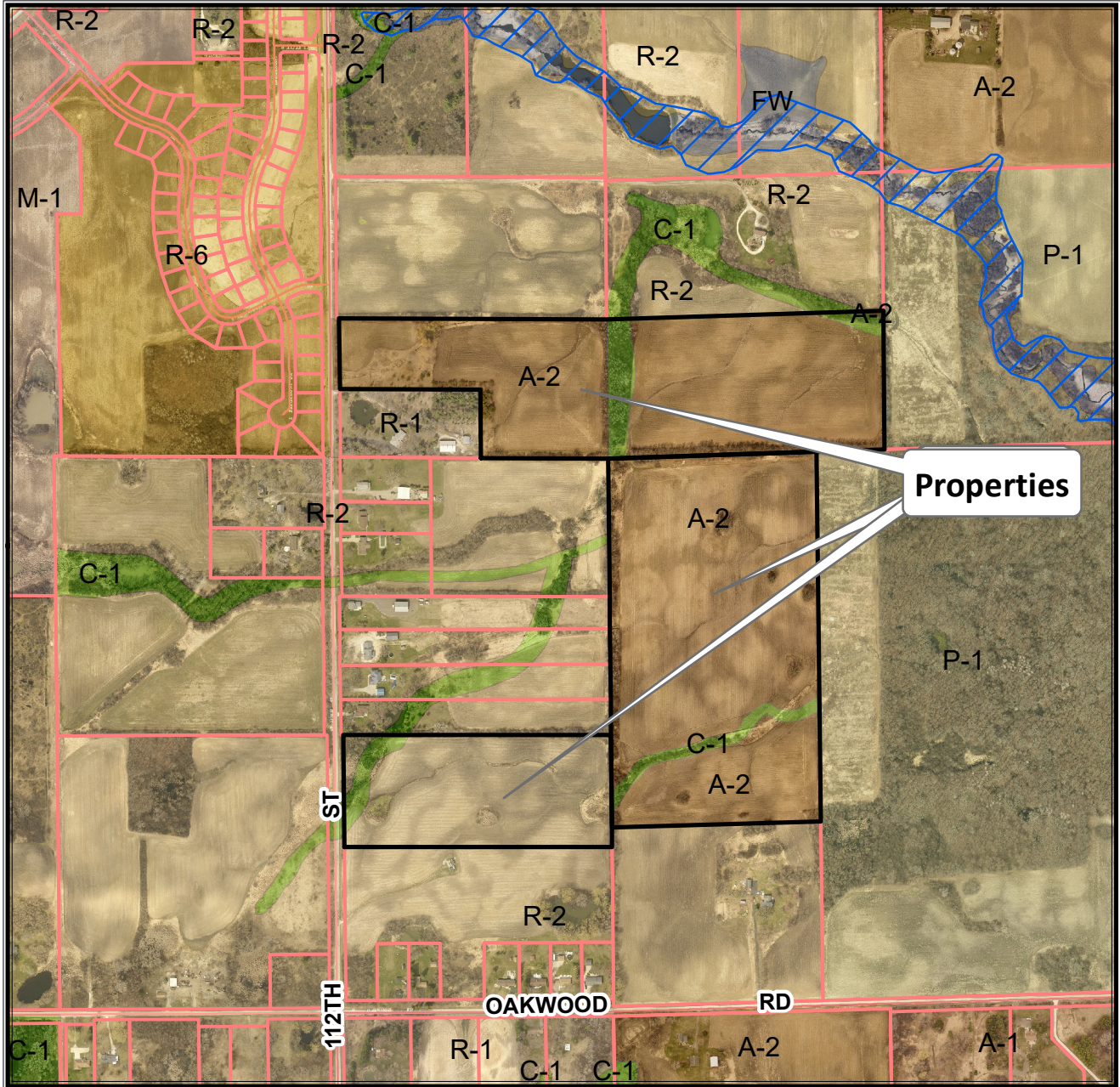
ATTEST:

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

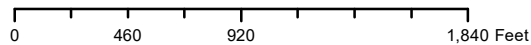
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



TKNs: 892 9999 002  
 937 9999 004  
 938 9999 011



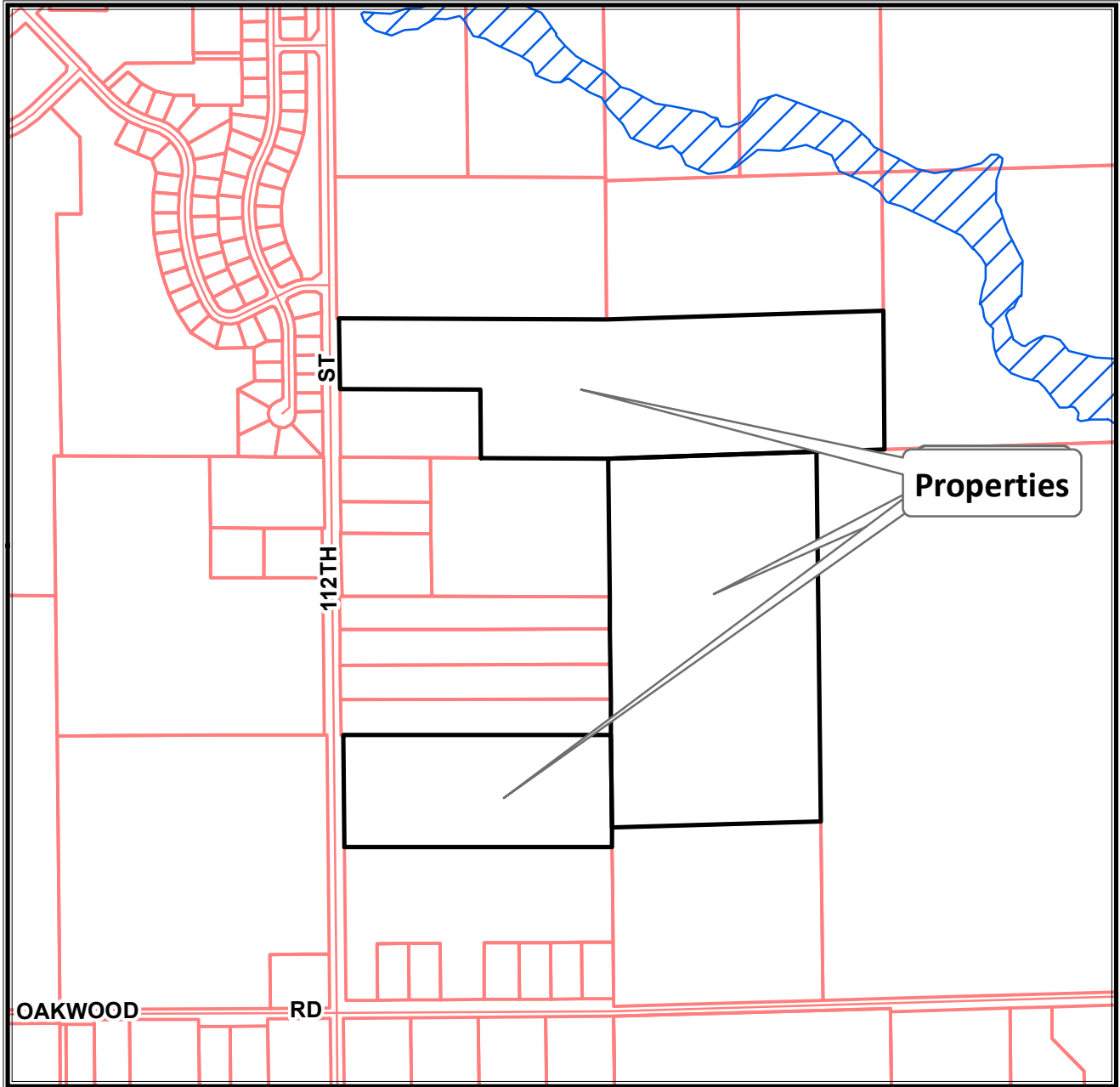
**Planning Department**  
 (414) 425-4024



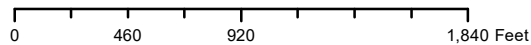
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



TKNs: 892 9999 002  
937 9999 004  
938 9999 011



**Planning Department**  
**(414) 425-4024**



*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.*





**MEMORANDUM:**

**FROM PLANNING MANAGER**

DATE: July 20, 2021

TO: Regulo Martinez-Montilva, AICP

FROM: Heath Eddy, AICP

CC: Marion Ecks

SUBJECT: Fiscal Impacts of New Residential Developments – August 2021  
Roadway Repaving Example

---

I've prepared financial impacts for the three proposed developments to be reviewed by the Committee-of-the-Whole on August 3, 2021. These are estimates based on the information provided by the developers, and are intended strictly for the cost of repaving the proposed roadways. This is a “thinking-out-loud” analysis for discussion purposes.

**12200 West Ryan Road (Neumann Developments, Inc.)**

Proposed Number of Lots:	183
Total Anticipated Property Value:	\$85 million
Total Property Value/Lot:	\$464,480.87
Current Tax Levy	\$4.97/\$1,000 assessed value
Total Anticipated Tax Revenue:	\$422,450/year
Average Tax Revenue/Lot:	\$2,308.47

The development proposes 9,018 linear feet of roadway. The average cost for repaving is currently \$1 million per linear mile, or \$189.40/linear foot. Therefore, the cost to repave the roads in this development will be \$1,707,954.55, or \$9,333.08/lot. If the roadways are anticipated to require repaving in 30 years (the average duration for local roads per DPW), then the total revenue generated per lot would mean that **13%** of revenues over the next 30 years would be dedicated just to repaving the roads in this development.

**9732 West Ryan Road (Neumann Developments, Inc.)**

Proposed Number of Lots:	87
Total Anticipated Property Value:	\$50 million
Total Property Value/Lot:	\$574,712.64
Current Tax Levy	\$4.97/\$1,000 assessed value
Total Anticipated Tax Revenue:	\$248,500/year
Average Tax Revenue/Lot:	\$2,856.32



The development proposes 5,914 linear feet of roadway. The average cost for repaving is currently \$1 million per linear mile, or \$189.40/linear foot. Therefore, the cost to repave the roads in this development will be \$1,120,111.60, or \$12,874.85/lot. If the roadways are anticipated to require repaving in 30 years (the average duration for local roads per DPW), then the total revenue generated per lot would mean that **15%** of revenues over the next 30 years would be dedicated just to repaving the roads in this development.

### **112<sup>th</sup> Street Properties (Bear Development, LLC)**

Proposed Number of Lots:	115
Total Anticipated Property Value:	\$51 million
Total Property Value/Lot:	\$450,000
Current Tax Levy	\$4.97/\$1,000 assessed value
Total Anticipated Tax Revenue:	\$253,470/year
Average Tax Revenue/Lot:	\$2,236.50

The development proposes 7,775 linear feet of roadway. The average cost for repaving is currently \$1 million per linear mile, or \$189.40/linear foot. Therefore, the cost to repave the roads in this development will be \$1,472,585, or \$12,805.09/lot. If the roadways are anticipated to require repaving in 30 years (the average duration for local roads per DPW), then the total revenue generated per lot would mean that **19%** of revenues over the next 30 years would be dedicated just to repaving the roads in this development.

### **Conclusions**

There are several conclusory statements:

1. While the City will incur no costs for the construction itself, assuming the operations and maintenance of the infrastructure (including roads, curbs, sidewalk, sewer lines, water lines, stormwater facilities, plus the costs related to development including parks, etc.) is going to require a considerable commitment. While the total percentage of tax revenues for roadway repaving (13-19 percent) doesn't sound like much, what this means is that between 81 and 87 percent of the actual tax revenues are available for non-road repaving expenses. The City's annual budgets do not commit to 13-19 percent for repaving; they are more like around 5 percent.
2. The counter-argument will be the imposition of Impact Fees to "balance things out", and while they will generate significant funds for capital projects, they won't raise any revenues for road maintenance and/or rebuilding, much less the provision of services. Cost of Community Services studies typically find that the cost of services for residential development outpace revenue by a ratio of \$1.16:\$1 (American Farmland Trust, 2016). A Cost of Community Services study done for the Towns of Gibraltar and Nasawaupsee in Door County (2004) found a slightly lower ratio, between \$1.05 and \$1.07 per every \$1 collected in revenue. For perspective the cost of services for agriculture/open lands in both communities is \$0.23:\$1 and \$0.20:\$1.

3. In order to get closer to where the cost of services is balanced by tax revenue, the City would need to see one or both of the following: (1) Much higher densities to balance the cost of the service provision; or (2) Much higher tax assessments on a per unit basis. This is really the question of supply vs. demand, in the sense that fewer demands for the same strip of roadway (or sewer, or water, or sidewalk, or curb, etc.) means that fewer units are paying a per-unit level of cost of services. Therefore, the alternative would create more payers on a per-unit basis, or requiring a higher revenue per unit.

From my perspective, this means as follows:

- a. All three developments are both too dense (by location) and not dense enough (for the services required for each).
- b. Location matters a lot in this analysis. The City unfortunately (or fortunately, depending on one's perspective) is split up by natural resource constraints within which development is trying to get built. As should have been found in the analysis, we have:
  - A lack of connectivity through these developments;
  - A tendency toward long roadway lengths ameliorated only by occasional intersections, thus funneling traffic into very few travel options, a fixture of suburban design and detrimental to non-vehicular travel;
  - Lack of planning for connections beyond the property boundaries, except with respect to the minimum number of roadway accesses to existing roads (Ryan Road or 112<sup>th</sup> Street);
  - Lack of mixture – these developments are monocultures without variation in type of use, density, form, or anything else – they are widgets punched out of an assembly line; and
  - Developments (2 of 3) that don't ascribe to existing Plan policy, thus requiring amendments on-the-fly. Planning of this type isn't planning; its reaction to localized profit opportunities.
- c. Financially, there is a marked tendency toward making ever-larger plays for revenue. The result will be very much like a Ponzi scheme in execution.

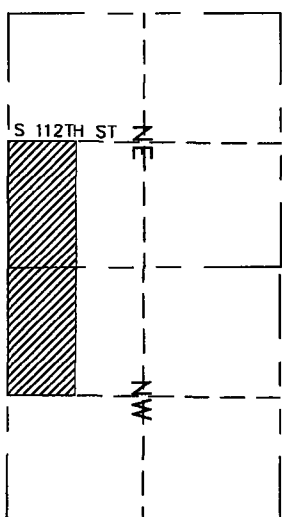
# CERTIFIED SURVEY MAP NO. 8293

**BEING THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29 AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.**

THE NATURAL RESOURCE FEATURES IDENTIFIED ON LOT 2 ARE NOT BASED ON FIELD SURVEYS IN THE EVENT OF FURTHER LAND DIVISION OR DEVELOPMENT OF LOT 2 WITH ANY SUCH NATURAL RESOURCE FEATURE, A COMPLETE NATURAL RESOURCE PROTECTION PLAN WITH FIELD SURVEY IS REQUIRED OF SAID PARCEL A WISCONSIN DEPARTMENT OF NATURAL RESOURCES PERMIT WILL BE REQUIRED IN THE FUTURE TO CROSS ANY NAVIGABLE STREAMS OR WETLANDS PROVEN TO BE LOCATED ON SAID LOT

**"RESTRICTIVE COVENANT"**  
 LOTS 1 AND 2 ARE NOT SERVED BY PUBLIC SANITARY SEWER AND WATER-OWNER OR ANY NEW DEVELOPMENT ON THE SUBJECT LOTS MUST CONNECT WHEN IT BECOMES AVAILABLE

- - DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING A MINIMUM OF 113 LBS PER LINEAL FOOT

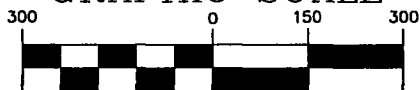


**VICINITY MAP**

NE 1/4 OF SECT 30-5-21  
 NW 1/4 OF SECT 29-5-21  
 1" = 2000'

ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 30-5-21, WHICH IS ASSUMED TO BEAR N89°42'41"W, WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE

**GRAPHIC SCALE**



( IN FEET )  
 1 inch = 300 ft

**ZONING LOT 1**  
 R-1 COUNTRYSIDE ESTATE SINGLE-FAMILY RESIDENCE DISTRICT  
 FRONT SETBACK 100'  
 SIDE SETBACK 30'  
 REAR SETBACK 30'

**ZONING LOT 2**  
 A-2 PRIME AGRICULTURAL DISTRICT  
 FRONT SETBACK 50'  
 SIDE SETBACK 25'  
 REAR SETBACK 50'

PROPOSED LINKAGE PER CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN

BEST AVAILABLE LOCATION OF WOODLANDS PER MCAMLLIS 2008 AERIAL PHOTOGRAPHY

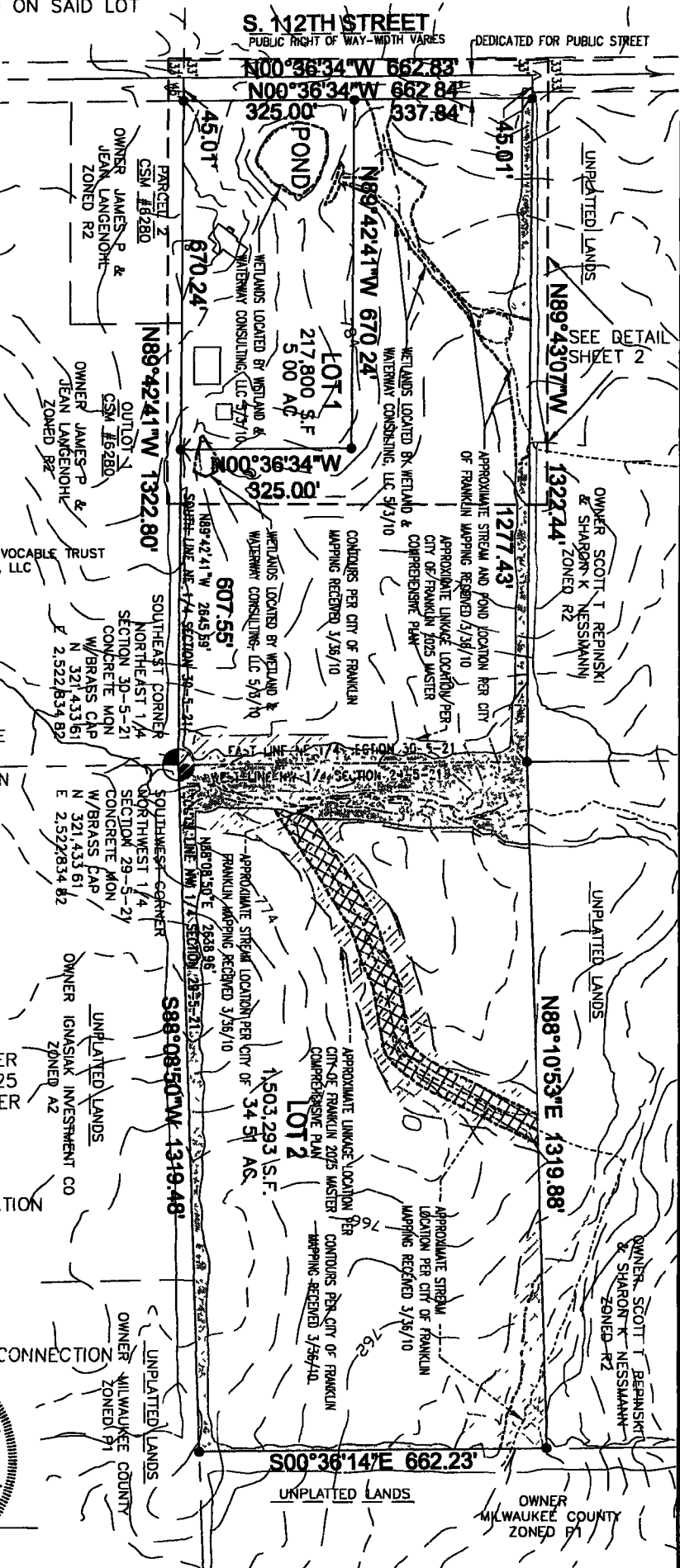
PROBABLE GREENWAY CONNECTION PER SEWERAGE DISTRICT

**SURVEYING ASSOCIATES, INC.**

2554 N 100th STREET  
 WAUWATOSA WI 53226  
 PHN 414-257-2212  
 FAX 414-257-2443

WISCONSIN  
 ★  
 FREDERICK W SHIBILSKI  
 S-1154  
 WAUWATOSA  
 WI  
 ★

FREDERICK W SHIBILSKI



## Regulo Martinez-Montilva

---

**From:** Toomsen, Sarah <Sarah.Toomsen@milwaukeecountywi.gov>  
**Sent:** Friday, September 10, 2021 8:43 AM  
**To:** Regulo Martinez-Montilva  
**Cc:** Lucas, Jeremy  
**Subject:** RE: Common Council 8/3 Agenda Item G2

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

Thanks for your message. The proposal from Bear Development did not advance after being reviewed through the Land Utilization process. This decision was largely based on the high potential for environmental and hydrologic impacts caused from construction, as well as the need for routine maintenance access within a County natural area. Additionally, there appear to be several alternative routes within close proximity to the future development.

Bear Development has the option to revise the project proposal and reapply for a future land utilization review, if desired.

Sincerely,  
Sarah Toomsen

**Sarah Toomsen, PLA, ASLA, LEED AP**  
Manager of Planning & Development

**Milwaukee County Parks**  
T: 414-257-7389  
[Sarah.Toomsen@milwaukeecountywi.gov](mailto:Sarah.Toomsen@milwaukeecountywi.gov)  
countyparks.com



Planning Department  
 9229 West Loomis Road  
 Franklin, Wisconsin 53132  
 Email: [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)



Phone: (414) 425-4024  
 Fax: (414) 427-7691  
 Web Site: [www.franklinwi.gov](http://www.franklinwi.gov)

Date of Application: \_\_\_\_\_

## REZONING APPLICATION

Complete, accurate and specific information must be entered. *Please Print.*

<b>Applicant (Full Legal Name[s]):</b> Name: <u>S. R. Mills</u> Company: <u>Bear Development, LLC</u> Mailing Address: <u>4011 80th Street</u> City / State: <u>Kenosha, WI</u> Zip: <u>53142</u> Phone: <u>(262) 949-3788</u> Email Address: <u>dan@beardevelopment.com</u>	<b>Applicant Is Represented by: (contact person)(Full Legal Name[s])</b> Name: <u>Daniel Szczap</u> Company: <u>Bear Development, LLC</u> Mailing Address: <u>4011 80th Street</u> City / State: <u>Kenosha, WI</u> Zip: <u>53142</u> Phone: <u>(262) 949-3788</u> Email Address: <u>dan@beardevelopment.com</u>
<b>Project Property Information:</b> Property Address: <u>Vacant 112th Street</u> Property Owner(s): <u>Please see attached</u>  Mailing Address: _____ City / State: _____ Zip: _____ Email Address: _____	Tax Key Nos: <u>892-9999-002, 937-9999-004 &amp; 938-9999-011</u>  Existing Zoning: <u>A-1, C-1 and R-2</u> Existing Use: <u>Agriculture</u> Proposed Use: <u>Single Family Residential</u> CMP Land Use Identification: <u>Recreational, Residential &amp; Areas of Natural Resource Features</u>

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

**Rezoning submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$1,250  \$350 (One Parcel Residential)
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete **collated** sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
  - Seven (7) folded copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email (or CD ROM) with all plans/submittal materials.
- Additional Information as may be required.

- Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Rezoning requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

\_\_\_\_\_  
 Signature - Property Owner

\_\_\_\_\_  
 Name & Title (PRINT)

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature - Property Owner

\_\_\_\_\_  
 Name & Title (PRINT)

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature - Applicant

\_\_\_\_\_  
 Name & Title (PRINT)

Date: 8.19.21

\_\_\_\_\_  
 Signature - Applicant's Representative

\_\_\_\_\_  
 Name & Title (PRINT)

Date: 8.19.21





**August 19, 2021**

Mr. Regulo Martinez Montilva  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Rezoning – Franklin Expansion Lands**

Dear Mr. Martinez Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for rezoning. Bear Development is acting with authorization of the owner of record, Ignasiak Investment Company and Ger Vang.

**Project Summary**

Bear Development, LLC is the contract purchaser of approximately 92 acres of land in the City of Franklin. The land is located on the east side of 112<sup>th</sup> Street and south of Ryan Road. Bear Development is respectfully a zoning amendment for the entire property to facilitate a single-family neighborhood. A Conceptual Plan was presented to the Franklin Common Council on August 17, 2021. Common Council comments were perceived as positive with no major objections raised.

**Current Use**

The subject property (approximately 92 acres) is actively farmed for row crops. There are scattered wetlands on the property and established tree lines which separate the agricultural fields

**Current Zoning- Ignasiak Investment Company, LLC**

The subject property is currently zoned A-2 Agriculture with two (2) small areas of C1 Conservancy zoning which follow assumed waterways.

**Current Zoning- Vang**

The subject property is currently zoned R-2 Residential with a small areas of C1 Conservancy zoning which follows an assumed waterway.

**Adjacent Zoning**

North: R-2 Residential  
South: R-1 and R-2 Residential  
East: P1 Parks (Franklin Savanna)  
West: R-6, R-1 and R-2 Residential

**Adjacent Land Use**

North: Agriculture  
South: Agriculture  
East: Public Lands  
West: Residential and Agriculture

**Proposed Zoning**

Bear Development, LLC is respectfully requesting zoning reclassification of the entire subject property to the R-5 Suburban Single Family Residence District.

**Proposed Land Use**

Bear Development is proposing a single-family neighborhood for the subject property. The Conceptual Plan for the neighborhood includes 115 home sites with an average lot size of 22,000 square feet, open space outlots and the incorporation of the Ryan Creek Trail. The Conceptual Plan was presented to the Common Council on August 17, 2021. Generally, the feedback from Council was positive and there were no major objections to the proposed plan.

Bear Development, LLC has retained the services of Pinnacle Engineering Group to develop the Conceptual Site Plan, which is enclosed for your review and reference and is considered a working document. Upon favorable hearing, we will advance the Concept Plan into full engineering design.

We feel the Site Plan offers a realistic land use pattern for this area of Franklin considering the recent development trends and the extension of public sewer and water to this area. The Concept Plan and subsequent land divisions will create a land use pattern that is consistent and compatible with the properties in the general area.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,



Daniel Szczap  
Bear Development, LLC



August 18, 2021

Ger & Chia Vang  
W148N12833 Pleasant View Dr.  
Germantown, WI 53022

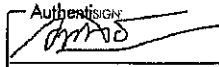
**Re: Letter of Consent – Comprehensive Plan Amendment & Rezoning for Bear Development**

This letter certifies that Ger & Chia Vang, Owner of Parcel Number 938-9999-011, consent to have Bear Development submit application for Comprehensive Plan Amendment (Areas of Natural Resource Features to Residential) and Rezoning (R-2 Residential to R-5 Residential) to the City of Franklin which includes the referenced parcel.

Dated: August 18, 2021

Owner:  
Ger & Chia Vang

By:

Authentisign  


(Authorized Signatory)

Authentisign  


8/19/2021 8:13:37 AM CDT



August 18, 2021

Ignasiak Investment Company, LLC  
Attn: Mike Ignasiak, Sr.  
3132 Ravine Way  
Green Bay, WI 54301

**Re: Letter of Consent – Zoning and Comprehensive Plan Amendment for Bear Development**

This letter certifies that Ignasiak Investment Company, LLC, Owner of Parcel Number 892-9999-002 and 937-9999-004, consent to have Bear Development submit applications for Comprehensive Plan Amendment (Recreational and Areas of Natural Resource Features to Residential) and Rezoning (A-2 Agriculture to R-5 Suburban Single Family).

Dated: 8/18, 2021

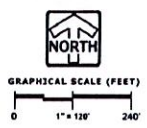
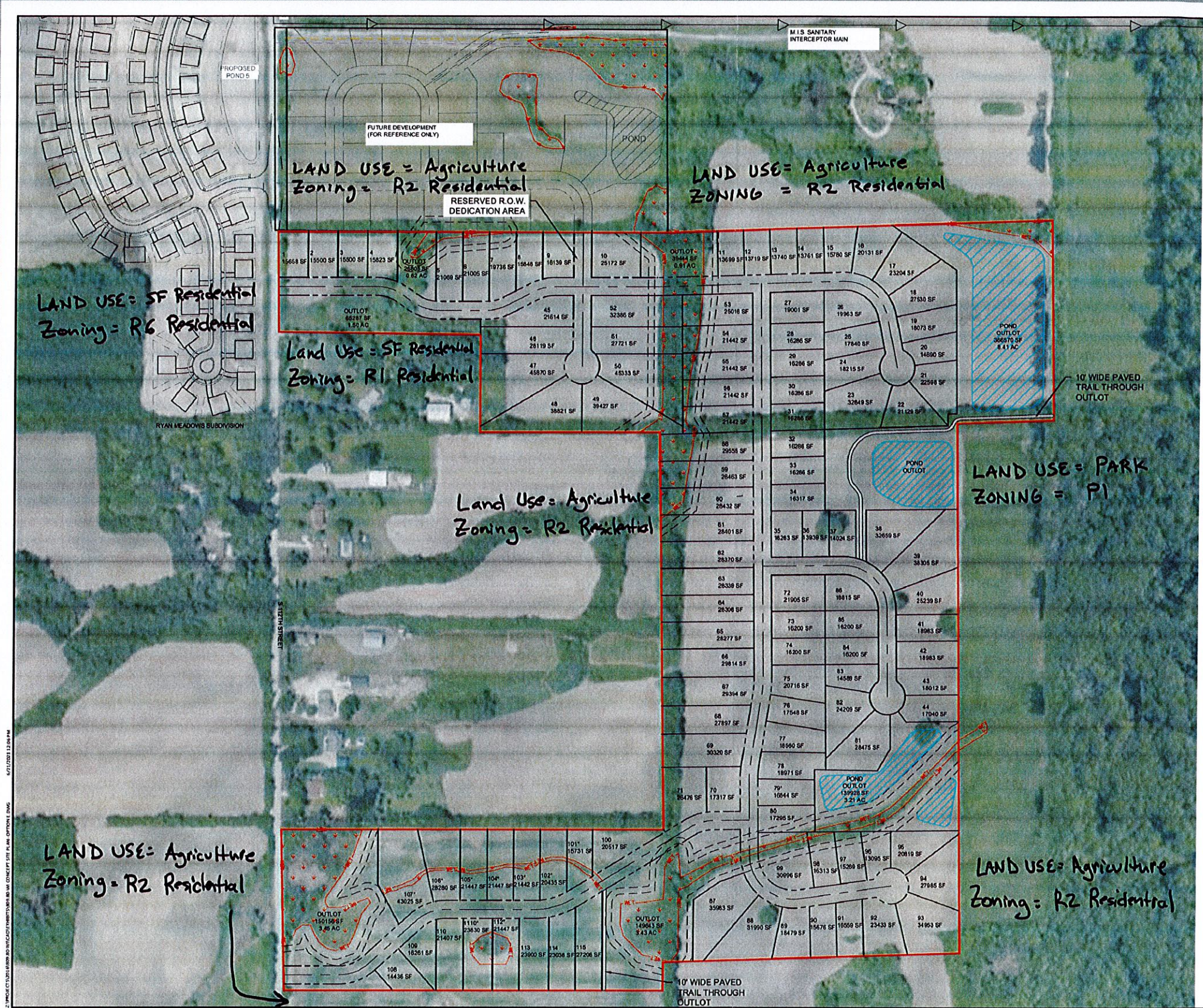
Owner:  
Ignasiak Investment Company, LLC

By:   
(Authorized Signatory)

Being all of Parcel 1 of Certified Survey Map No. 6316, as recorded in the Register of Deeds office for Milwaukee County as Document No. 7310464, all of Lot 2 of Certified Survey Map No. 8293, as recorded in the Register of Deeds office for Milwaukee County as Document No. 9924693 and additional lands, all located in the Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29, the Southwest 1/4 of the Northwest 1/4 of Section 29, the Southeast 1/4 of the Northeast 1/4 of Section 30 and the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Beginning at the southeast corner of the Northeast 1/4 of said Section 30; thence North  $89^{\circ}42'51''$  West along the south line of said Northeast 1/4 and a south line of Lot 2 of said Certified Survey Map No. 8293, 607.55 feet; thence North  $00^{\circ}36'44''$  West along a south line of said Lot 2, 325.00 feet; thence North  $89^{\circ}42'51''$  West along a said south line, 670.24 feet to the east right of way line of South 112<sup>th</sup> Street; thence North  $00^{\circ}36'44''$  West along said east right of way line, 337.84 feet to the north line of said Lot 2; thence South  $89^{\circ}43'17''$  East along said north line, 1277.47 feet to an intersection with the east line of Northeast 1/4 of said Section 30; thence North  $88^{\circ}10'43''$  East along said north line, 1319.86 feet to the east line of said Lot 2; thence South  $00^{\circ}36'24''$  East along said east line, 662.22 feet to the south line of Northwest 1/4 of said Section 29; thence South  $88^{\circ}08'40''$  West along said south line and the south line of said Lot 2, 329.95 feet to the east line of Tax Key No. 937-9999-004; thence South  $00^{\circ}36'01''$  East along said east line, 1762.46 feet to the south line of said Tax Key No. 937-9999-004; thence South  $88^{\circ}17'13''$  West along said south line, 990.95 feet to west line of the Southwest 1/4 of Section 29; thence South  $00^{\circ}33'11''$  East along said west line and the east line of Parcel 1 of said Certified Survey Map No. 6316, 93.78 feet; thence South  $89^{\circ}56'51''$  West along the south line of said Parcel 1, 1277.51 feet to east right of way line of South 112<sup>th</sup> Street; thence North  $00^{\circ}33'50''$  West along said east right of way line, 534.70 feet to the north line of said Parcel 1; thence North  $89^{\circ}56'51''$  East, 1277.61 feet to the east line of the Southeast 1/4 of said Section 30; thence North  $00^{\circ}33'11''$  West along said east line, 1319.11 feet to the Point of Beginning.





SITE DATA TABLE	
ZONING	R-5
TOTAL SITE	91.9 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
SIDE SETBACK (CORNER)	25 FT
REAR SETBACK	30 FT
R.O.W. FRONTAGE	90 FT
R.O.W. FRONTAGE (CORNER)	105 FT
TOTAL LOTS	115
PROPOSED ROADWAY LENGTH	7775 LF

**FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION E)**  
 PINNACLE ENGINEERING GROUP  
 20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 | WWW.PINNACLE-ENGR.COM

PLAN | DESIGN | DELIVER  
 6/18/21  
 PEG JOB# 809.80







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

**Meeting of October 21, 2021**

**Temporary Use**

**RECOMMENDATION:** City Development staff recommends approval of the Temporary Use Application for Juniper Events to hold the re:Craft & Relic event at the Milwaukee County Sports Complex, located at 6000 West Ryan Road, for the dates requested within the application.

<b>Project Name:</b>	Juniper Events – ReCraft and Relic Temporary Use
<b>Project Address:</b>	6000 West Ryan Road
<b>Property Owner:</b>	Milwaukee County
<b>Applicant:</b>	Juniper Events
<b>Agent:</b>	Josh Glidden
<b>Zoning:</b>	P-1 Park District; FW Floodway District, FC Floodplain Conservancy District;
<b>Use of Surrounding Properties:</b>	Agriculture and recreational uses to the north and east, residential uses to the south and east, and floodplain and open space uses to the west.
<b>Comprehensive Plan:</b>	Park District
<b>Planner:</b>	Marion Ecks
<b>Applicant Action Requested:</b>	Approval of a Temporary Use

**INTRODUCTION:**

The applicant, Juniper Events, filed a Temporary Use Application to host their re:Craft & Relic event at the Milwaukee County Sports Complex. The Temporary Use is not specifically listed within Section 15-3.0804 Detailed Standards for Temporary Uses as an allowed temporary use; therefore, it requires Plan Commission review and approval.

re:Craft & Relic is a two-day curated shopping event featuring over 150 vendors selling vintage, handmade, and upcycled goods. The applicant is requesting to host the event at the Milwaukee County Sports Complex on the following dates:

- November 13-14, 2021
- January 28-30, 2022
- April 1-3, 2022

The event is open to the public from 10:00 a.m. to 4:00 p.m. on Saturday and Sunday with VIP tickets offering early entrance at 9:00 a.m. on Saturdays. The event planners will be on site on Friday from



6:00 a.m. to 9:00 p.m. (vendor setup is from 12:00 p.m. - 8:00 p.m.), Saturday from 6:30am to 6:00 p.m., and Sunday from 8:00 a.m. to 9:00 p.m. (vendor teardown is from 4:00 p.m. to 9:00 p.m.).

In addition to the vendors selling goods, the event typically has between 15 and 20 vendors selling food. The applicant estimates that over 4,000 customers will attend and the event is held entirely indoors.

The Milwaukee County Sports Complex has a large parking lot and overflow parking areas and often hosts large events. The applicants plan to designate additional ADA Parking for the event. No other changes to the site are proposed for the event.

The re:Craft & Relic event started in 2015, and Juniper Events has previously hosted events at the Milwaukee Sports Complex.

The Franklin Health Department will require any food vendors to be properly licensed prior to the event.

### **Staff Recommendation**

A motion to approve the Temporary Use Application for Juniper Events to hold the re:Craft & Relic event at the Milwaukee County Sports Complex for the dates requested within the application.

## RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A TEMPORARY USE FOR A RE:CRAFT  
AND RELIC MARKET TICKETED, CURATED SHOPPING EVENT  
FOR PROPERTY LOCATED AT 6000 WEST RYAN ROAD  
(MILWAUKEE COUNTY SPORTS COMPLEX)  
(JOSHUA J. GLIDDEN, CO-OWNER OF JUNIPER EVENTS LLC, APPLICANT)

---

WHEREAS, Joshua J. Glidden, co-owner of Juniper Events LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for an indoor re:craft and Relic ticketed, curated shopping event with over 150 vendors, featuring vintage, handmade and upcycled goods for sale (a juried event, with primary emphasis being placed on the quality and diversity of the products and the aesthetic of the booth displays), and 15 to 20 vendors for food sales (mainly prepackaged products, with 3-4 vendors selling non-prepackaged food), at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for three periods, Fall Market held November 13-14, 2021, Winter Market held January 28-30, 2022 and Spring Market held April 2-3, 2022, from 10:00 a.m. to 4:00 p.m. on Saturdays, and from 10:00 a.m. to 4:00 p.m. on Sundays (with VIP tickets offering early entrance at 9:00 a.m. on Saturdays) [event staff on-site for each of the three events on Friday, from 6:00 a.m. to 9:00 p.m. (vendor setup from 12:00 p.m. to 8:00 p.m.), Saturday, from 6:30 a.m. to 6:00 p.m., and Sunday, from 8:00 a.m. to 9:00 p.m. (vendor teardown from 4:00 p.m. to 9:00 p.m.)], on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Joshua J. Glidden, co-owner of Juniper Events LLC for the approval of a Temporary Use to allow for a re:craft & Relic market curated shopping event, for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall allow for such use for three periods, Fall Market held November 13-14, 2021, Winter Market held January 28-30, 2022 and Spring Market held April 2-3, 2022, from 10:00 a.m. to 4:00 p.m. on Saturdays, and from 10:00 a.m. to 4:00 p.m. on Sundays (with VIP tickets offering early entrance at 9:00 a.m. on Saturdays) [event staff on-site for each of the three events on Friday, from 6:00 a.m. to 9:00 p.m. (vendor setup from 12:00 p.m. to 8:00 p.m.), Saturday, from

JOSHUA J. GLIDDEN, CO-OWNER OF JUNIPER EVENTS LLC – TEMPORARY USE  
RESOLUTION NO. 2021-\_\_\_\_\_

Page 2

6:30 a.m. to 6:00 p.m., and Sunday, from 8:00 a.m. to 9:00 p.m. (vendor teardown from 4:00 p.m. to 9:00 p.m.)] and all approvals granted hereunder expiring at 4:00 p.m. on November 14, 2021, January 30, 2022 and April 3, 2022.

2. [other conditions, etc.]

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

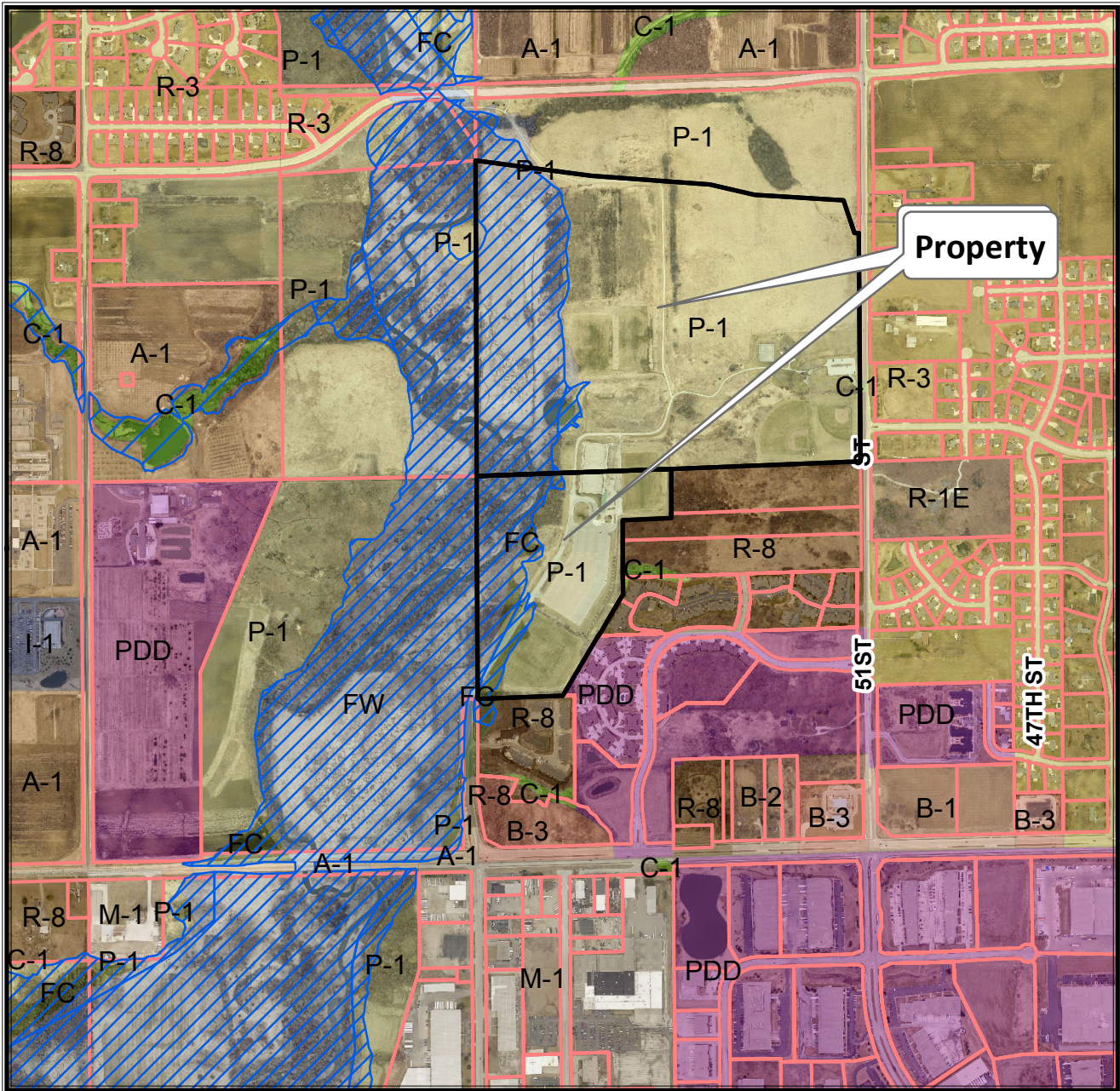
\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

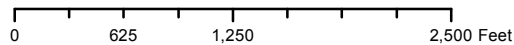
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

6000 W. Ryan Road  
TKN: 852 9999 001 & 882 9987 001



**Planning Department**  
**(414) 425-4024**

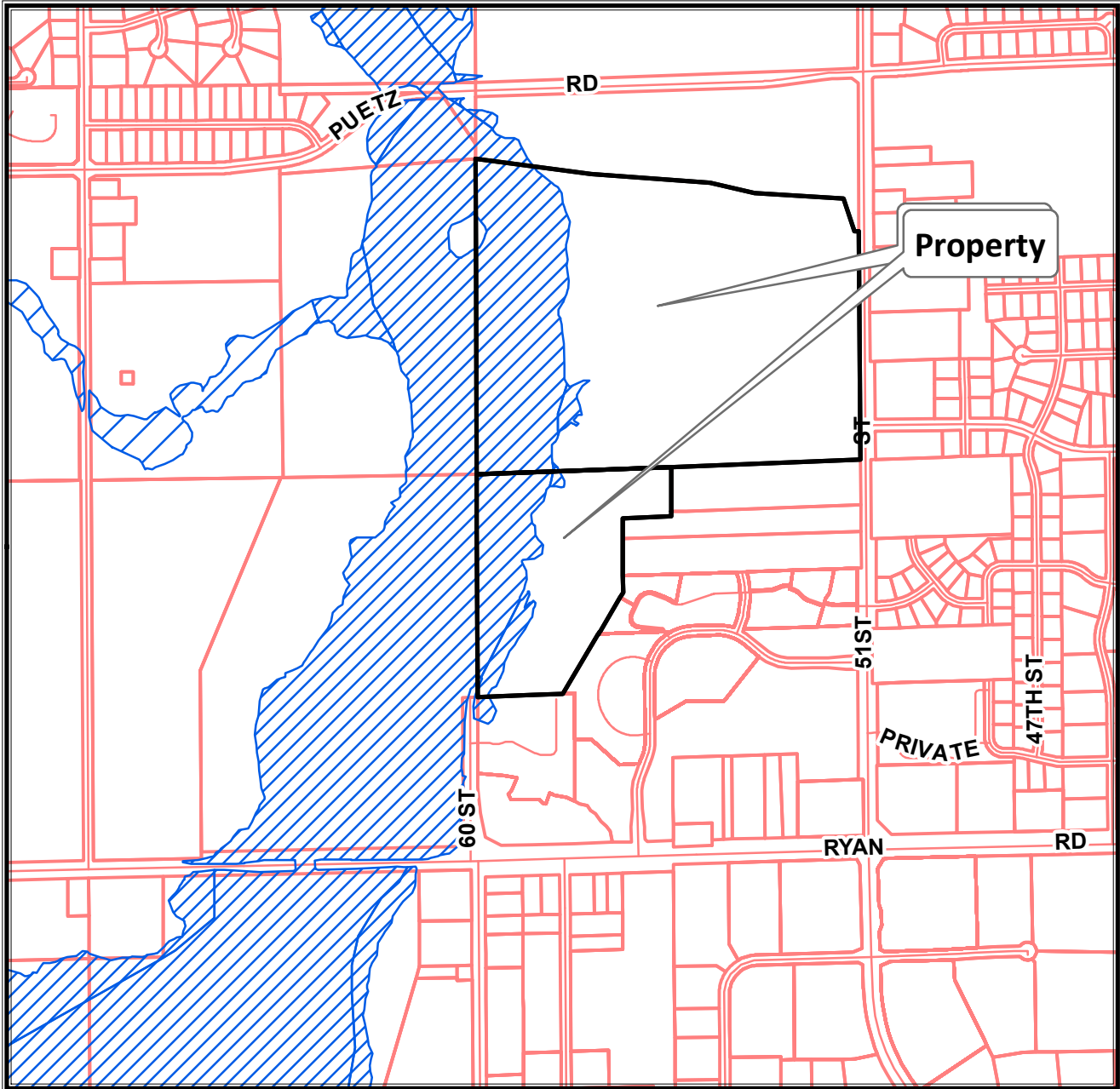


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

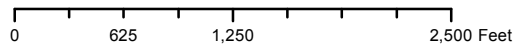




6000 W. Ryan Road  
TKN: 852 9999 001 & 882 9987 001



**Planning Department**  
**(414) 425-4024**



*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

## Department of City Development

Date: October 1, 2021

To: Josh Glidden - Juniper Events

From: Department of City Development Staff

RE: Temporary Use - Juniper Events – ReCraft and Relic – Staff Comments

---

Department comments are as follows for the temporary use application for a the ReCraft and Relic shopping event submitted by Juniper Events, and date stamped by the City of Franklin on September 10, 2021.

### **Department of City Development Staff Comments**

1. Please clarify the requested dates for your request. Are they?:
  - a. November **The dates listed below are correct**
    - i. Friday, November 12 – Setup day
    - ii. Saturday, November 13 - Event
    - iii. Sunday, November 14 – Event and tear-down
  - b. Please provide dates for January and April events.
    - i. **January 28-30, 2022**
      1. **January 28 – Setup day**
      2. **January 29 - Event**
      3. **January 30 – Event and tear-down**
    - ii. **April 1-3, 2022**
      1. **April 1 – Setup Day**
      2. **April 2 – Event**
      3. **April 3 – Event and tear-down**
2. Will there be any changes to the configuration of parking for the event? If so, please provide a drawing or other information describing the changes. **Additional handicap parking spaces will be available for the event.**

### **Engineering Department Staff Comments**

No comments

### **Building Inspection Department Staff Comments**

Temporary Use shall be set up so as not to violate any Building Codes relating to aisle widths, exiting or other obstructions to exits. Reference: Wisconsin Commercial Building Code.

### **Health Department Staff Comments**

FHD has been in contact with staff from Re:Craft and Relic who organizes this event. Staff is aware of FHD requirements regarding food vendors. ReCraft and Relic Staff will submit a list of food vendors with contact information, proof of licensing, and vendor information sheet. Any applicable fees must be paid in advance of event.

**Fire Department Staff Comments**

The fire department has the following comments/concerns/requirements regarding the proposed Temporary Use at this location:

- Egress paths shall be maintained and exit doors shall not be obstructed.
- Fire extinguishers shall be unobstructed and visible.
- The following are the requirements established in NFPA1 (Uniform Fire Code) for displaying vehicles within exposition facilities:

20.1.5.5.4.12.1 All fuel tank openings shall be locked and sealed in an approved manner to prevent the escape of vapors; fuel tanks shall not contain in excess of one-half their capacity or contain in excess of 10 gal (38L), whichever is less.

20.1.5.5.4.12.2 At least one battery cable shall be removed from the batteries used to start the vehicle engine, and the disconnected battery cable shall then be taped.

20.1.5.5.4.12.3 Batteries used to power auxiliary equipment shall be permitted to be kept in service.

20.1.5.5.4.12.4 Fueling or defueling of vehicles shall be prohibited.

20.1.5.5.4.12.5 Vehicles shall not be moved during exhibit hours.

- General requirement regarding exposition facilities:

20.1.5.5.4.13.1 The following items shall be prohibited within exhibit halls:

Compressed flammable gases  
Flammable or combustible liquids  
Hazardous chemicals or materials

- No open flame or gas-fired appliances or cooking equipment are allowed within the building (this is more so a carbon monoxide hazard than fire hazard).

**Police Department Staff Comments**

No comments



## **Project Narrative**

re:Craft and Relic is a two-day, indoor, ticketed shopping event held three times a year at the Milwaukee County Sports Complex in Franklin, WI. It is one of the largest indoor events of its kind in the region, featuring vintage, handmade, and upcycled goods. It is a juried event, with primary emphasis being placed on a) the quality & diversity of the products and b) the aesthetic of the booth displays.

re:Craft & Relic is owned by Juniper Events, a company that primarily runs re:Craft & Relic events but has also launched other events in the Milwaukee area (Shop Small at the Mall and the Mobile Boutique Market).

The first re:Craft & Relic market was in November of 2015. We have since had 13 events total at the Milwaukee County Sports Complex, all the events take place inside the Sports Complex. The event averages around 150 vendors and over 4,000 paid customers.

The dates for our upcoming shows are:

November 13-14, 2021

January 18-30, 2022

April 1-3, 2022

We are on-site the following times for every show:

Friday - 6am to 9pm (vendor setup is from 12pm - 8pm)

Saturday - 6:30am to 6pm

Sunday - 8am to 9pm (vendor teardown is from 4pm to 9pm)

re:Craft & Relic typically has 15-20 vendors at the events that sell food. The majority of these vendors sell prepackaged products. At each event, we typically have 3-4 vendors selling non-prepackaged food.

Our website has more information about our events - [www.recraftandrelic.com](http://www.recraftandrelic.com)

Thank you for considering our event!

Joshua Glidden  
co-owner

Planning Department  
 9229 West Loomis Road  
 Franklin, Wisconsin 53132  
[generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)  
 (414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)

APPLICATION DATE: \_\_\_\_\_

# Franklin

## PLAN COMMISSION REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

#### APPLICANT [FULL LEGAL NAMES]

#### APPLICANT IS REPRESENTED BY [CONTACT PERSON]

NAME: Josh Glidden

NAME:

COMPANY: Juniper Events

COMPANY:

MAILING ADDRESS: 3179 S. 25th Street

MAILING ADDRESS:

CITY/STATE: Milwaukee, WI ZIP: 53215

CITY/STATE: ZIP:

PHONE: 414-418-3994

PHONE:

EMAIL ADDRESS: josh@recreatandrelis.com

EMAIL ADDRESS:

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 6000 W. Ryan Road Franklin, WI 53132

TAX KEY NUMBER:

PROPERTY OWNER: Brian Temke

PHONE:

MAILING ADDRESS: 6000 W. Ryan Road

EMAIL ADDRESS:

CITY/STATE: Franklin, WI ZIP: 53132

DATE OF COMPLETION:

### APPLICATION TYPE

Please check the application type that you are applying for

Building Move  Sign Review  Site Plan / Site Plan Amendment  Temporary Use

Most requests require Plan Commission review and approval.

Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

### SIGNATURES

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

*I, the applicant, certify that I have read the following page detailing the requirements for plan commission approval and submittals and understand that incomplete applications and submittals cannot be reviewed.*

PROPERTY OWNER SIGNATURE:

APPLICANT SIGNATURE:

NAME & TITLE:

DATE:

NAME & TITLE:

DATE:

PROPERTY OWNER SIGNATURE:

APPLICANT REPRESENTATIVE SIGNATURE:

NAME & TITLE:

DATE:

NAME & TITLE:

DATE: