

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, OCTOBER 7, 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 September 23, 2021.

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

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 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). **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS MATTER.**

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

taken on all 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.

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: October 21, 2021

City of Franklin
Plan Commission Meeting
September 23, 2021
Minutes

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the September 23, 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 Burckhardt and Leon, City Engineer Glen Morrow and Alderwoman Hanneman. Absent were Commissioners Kevin Haley and Patricia Hogan. Also present were Principal Planner Régulo Martínez-Montilva, Planning Manager Heath Eddy, Economic Development Director Calli Berg, and City Attorney Jesse Wesolowski.

B. Approval of Minutes

1. Regular Meeting of September 9, 2021

Commissioner Leon moved and Alderwoman Hanneman seconded approval of the September 9, 2021 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (4-0-2).

D. Business Matters

1. BOSCH PROPERTY LAND DIVISION. Certified Survey Map application in conjunction with a Land Division Variance application, by Dorothy Bosch Common Trust, applicant and property owner, to split an approximately 80 acre lot into two separate lots (to provide the current property owner the option to sell the existing farmhouse in the future and to also retain a large track of land for current and future use), Lot 1 being vacant of structures and having an area of 74.96 acres with a lot width of 1,006 feet along South 92nd Street, and Lot 2 containing the existing structures (house, barn, silo and other accessory structures) and having an area of 4 acres and a lot width of 319.5 feet along the same roadway (1.21 acres is dedicated for South 92nd Street right-of-way), and this Certified Survey Map requires a land division variance to allow for the creation of Lot 2 with an area of 4 acres, while the minimum lot area in the A-2 Prime Agricultural District is 35 acres,

Principal Planner Martínez-Montilva presented the request by Dorothy Bosch Common Trust, applicant and property owner, to split an approximately 80 acre lot into two separate lots (to provide the current property owner the option to sell the existing farmhouse in the future and to also retain a large track of land for current and future use), Lot 1 being vacant of structures and having an area of 74.96 acres with a lot width of 1,006 feet along South 92nd Street, and Lot 2 containing the existing structures (house, barn, silo and other accessory structures) and having an area of 4 acres and a lot width of 319.5 feet along the same roadway (1.21 acres is dedicated for South 92nd Street right-of-way), and this Certified Survey Map requires a land division variance to allow for the creation of Lot 2 with an area of 4 acres, while the minimum lot area in the A-2 Prime Agricultural District is 35 acres, per Unified Development Ordinance Table 15- 3.0315, property located at 10757 South 92nd Street, zoned A-2 Prime Agricultural District, FW Floodway District and C-1 Conservancy District; Tax Key No. 986-9997-000

Land Division Variance

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution conditionally approving a Land Division Variance for a 2 lot Certified Survey Map, being the North 1/2 of the Southeast 1/4 of Section 32, Township 5 North, Range 21 East, City of

per Unified Development Ordinance Table 15- 3.0315, property located at 10757 South 92nd Street, zoned A-2 Prime Agricultural District, FW Floodway District and C-1 Conservancy District; Tax Key No. 986-9997-000.

3. WOODLAND TRAILS CONDOMINIUMS

FAÇADE/WINDOW CHANGES.

Unified Development Ordinance §15-3.0430 Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties) Minor Amendment application by Woodland Trails Condominium Association, Inc., to replace the existing cobblestone façades with HardiePlank siding panel and to replace the windows on seven buildings within the condominium complex, properties located at 9301, 9325, 9337, 9363, 9375, 9399, and 9411 Cobblestone Way, zoned Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties; Tax Key Nos. 882-0146-000, 882- 0135-000, 882-0124-000, 882-0118-000, 882-0111-000, 882-0101-000 and 882-0152- 000.

C. Public Hearing Business Matters

1. PAYNE & DOLAN, INC. QUARRY RECLAMATION PLAN.

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

Franklin, Milwaukee County, Wisconsin (at 10757 South 92nd Street). On voice vote, all voted 'aye'. Motion carried (4-0-2).

Certified Survey Map

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map, being the North 1/2 of the Southeast 1/4 of Section 32, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 10757 South 92nd Street). On voice vote, all voted 'aye'. Motion carried (4-0-2).

Planning Manager Eddy presented the request by Woodland Trails Condominium Association, Inc., to replace the existing cobblestone façades with HardiePlank siding panel and to replace the windows on seven buildings within the condominium complex, properties located at 9301, 9325, 9337, 9363, 9375, 9399, and 9411 Cobblestone Way, zoned Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties; Tax Key Nos. 882-0146-000, 882- 0135-000, 882-0124-000, 882-0118-000, 882-0111-000, 882-0101-000 and 882-0152- 000.

Minor Amendment Determination

Alderman Hanneman moved and Commissioner Leon seconded a motion determining the proposed amendment to be a Minor Amendment. On voice vote, all voted 'aye'; motion carried. (4-0-2).

Planned Development District Ordinance Amendment

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend §15-3.0430 of the Unified Development Ordinance, Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties) to allow for façade changes within the Woodland Trails Condominiums complex (9301, 9325, 9337, 9363, 9375, 9399 and 9411 Cobblestone Way). On voice vote, all voted 'aye'; motion carried. (4-0-2).

The Official Notice of Public hearing was read into the record by Planning Manager Eddy and the Public Hearing was opened at 7:30 p.m. and closed at 7:34 p.m.

Principal Planner Martínez-Montilva explained that this meeting is for informational purposes only and the meeting for a Plan Commission recommendation is tentatively scheduled for October 21st.

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

Clint Wenninger, Payne & Dolan, Inc., presented the Franklin Aggregates Nonmetallic Mining Reclamation Plan. No action needed.

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.

D. Business Matters

2. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) SLEEP INN & MAINSTAY SUITES HOTEL CONSTRUCTION. Site Plan application by Michael E. Zimmerman, BPC County Land, LLC (BPC County Land, LLC property owner), to allow for the construction of a dual branded Sleep Inn & MainStay Suites Hotel with 98 rooms, 47 conventional hotel rooms branded as Sleep Inn and 51 MainStay Suites rooms for extended stay, the proposed site improvements including the following: 4-story wood frame hotel building with a 13,775 square foot building footprint, 53,100 square foot total floor area which will include an indoor pool, guest laundry, fitness and community rooms; exterior patio between the hotel building and Ballpark Drive; surface parking lot with a total of 111 stalls, 106 regular parking stalls and 5 accessible stalls, including landscape islands, landscape buffers and light poles; new driveway connection to South Ballpark Drive; relocation of existing driveway connection to South Ballpark

Principal Planner Martínez-Montilva presented the request by Michael E. Zimmerman, BPC County Land, LLC (BPC County Land, LLC property owner), to allow for the construction of a dual branded Sleep Inn & MainStay Suites Hotel with 98 rooms, 47 conventional hotel rooms branded as Sleep Inn and 51 MainStay Suites rooms for extended stay, the proposed site improvements including the following: 4-story wood frame hotel building with a 13,775 square foot building footprint, 53,100 square foot total floor area which will include an indoor pool, guest laundry, fitness and community rooms; exterior patio between the hotel building and Ballpark Drive; surface parking lot with a total of 111 stalls, 106 regular parking stalls and 5 accessible stalls, including landscape islands, landscape buffers and light poles; new driveway connection to South Ballpark Drive; relocation of existing driveway connection to South Ballpark Drive which may impact on-street parking on both sides of Ballpark Drive and existing crosswalk; stormwater management facilities (to be reviewed separately by the Engineering Department) and signage (subject to separate approvals); [This 3.56 acre property is located in the Ballpark Commons Sports Village Commercial/Mixed Use Area of Planned Development District No. 37 where hotel is a permitted use. The minimum front setback in this area is 25 feet. The applicant is requesting to allow for a 15 foot front setback due to utility easements located near the rear lot line, which limit the property's buildable area. According to the Planned Development District Ordinance Section 15-30442.B., the Plan Commission has the authority to waive setback requirements in this area.] property

Drive which may impact on-street parking on both sides of Ballpark Drive and existing crosswalk; stormwater management facilities (to be reviewed separately by the Engineering Department) and signage (subject to separate approvals); [This 3.56 acre property is located in the Ballpark Commons Sports Village Commercial/Mixed Use Area of Planned Development District No. 37 where hotel is a permitted use. The minimum front setback in this area is 25 feet. The applicant is requesting to allow for a 15 foot front setback due to utility easements located near the rear lot line, which limit the property's buildable area. According to the Planned Development District Ordinance Section 15-30442.B., the Plan Commission has the authority to waive setback requirements in this area.] property located at 6868 South Ballpark Drive (Building C6 on the west side of South 76th Street), zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1010-000.

4. STRAUSS BRANDS LLC MEAT PROCESSING FACILITY CONSTRUCTION.

A Resolution to Amend Resolution No. 2020-7681, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant), to Extend the Time for Commencement of the Special Use Development; and A Resolution to Amend Resolution No. 2020-024, A Resolution Approving a Site Plan for Construction of a Meat Processing Facility with Associated Cattle Pen, a Harvest Floor, Carcass Coolers, Fabrication Areas, Packaging Areas, Warehouse Areas, Shipping Docks, Operations Offices, Employee Welfare

located at 6868 South Ballpark Drive (Building C6 on the west side of South 76th Street), zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1010-000.

Motion 1

City Engineer Morrow moved and Alderwoman Hanneman seconded a motion to remove condition #5. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Motion 2

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to add the following condition: "The developer agrees to bear the cost and donate the land for a potential trail on S. 76th Street". On voice vote, all voted 'aye'. Motion carried (4-0-2).

Motion 3

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to a motion to adopt a Resolution approving a Site Plan for construction of a Sleep Inn & Mainstay Suites hotel within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) (6868 South Ballpark Drive), subject to amendments as discussed. On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Attorney Wesolowski recommended the Plan Commission go into closed session, as posted on the agenda, to discuss legal matters pertaining to the litigation concerning these previously approved applications.

Motion 1

Meeting went into closed session at 8:37 p.m.. Alderwoman Hanneman moved City Engineer Morrow seconded to move the meeting into closed session. On voice vote, all voted 'aye'; motion carried. (3-1-2).

Motion 2

Meeting was moved to open session at 8:52 p.m. Commissioner Leon moved Alderman Hanneman seconded to reopen the meeting at 8:52 p.m. On voice vote, all voted 'aye'; motion carried. (4-0-2).

Motion 3

Commissioner Leon moved Alderman Hanneman seconded a motion to recommend approval of a Resolution amending Resolution No. 2020-7681 to extend the approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis

Spaces, Associated Mechanical Support Facilities and Spaces, a Future Development Area, Stormwater Ponds, Parking Lot and Truck and Employee Vehicle Entrance Drives (the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant), to Extend the Time for Commencement of the Site Plan Use Development. As the subject Special Use development upon which the Site Plan Use approval is conditioned is a subject in the litigation matter *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court Case No. 20-CV-7031, which litigation matter is in process and pending at this time, the Plan Commission may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Plan Commission who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Adjournment

Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant), to Extend the Time for Commencement of the Special Use Development. On voice vote, all voted ‘aye’; motion carried. (4-0-2) (2-1).

Motion 4

Commissioner Leon moved Alderman Hanneman seconded a motion to approve a Resolution amending Resolution No. 2020-024 to extent the approval for a Site Plan for Construction of a Meat Processing Facility with Associated Cattle Pen, a Harvest Floor, Carcass Coolers, Fabrication Areas, Packaging Areas, Warehouse Areas, Shipping Docks, Operations Offices, Employee Welfare Spaces, Associated Mechanical Support Facilities and Spaces, a Future Development Area, Stormwater Ponds, Parking Lot and Truck and Employee Vehicle Entrance Drives (the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision). On voice vote, all voted ‘aye’; motion carried. (4-0-2) (2-1).

City Engineer Morrow moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of September 23, 2021 at 8:53 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).



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.

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

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.

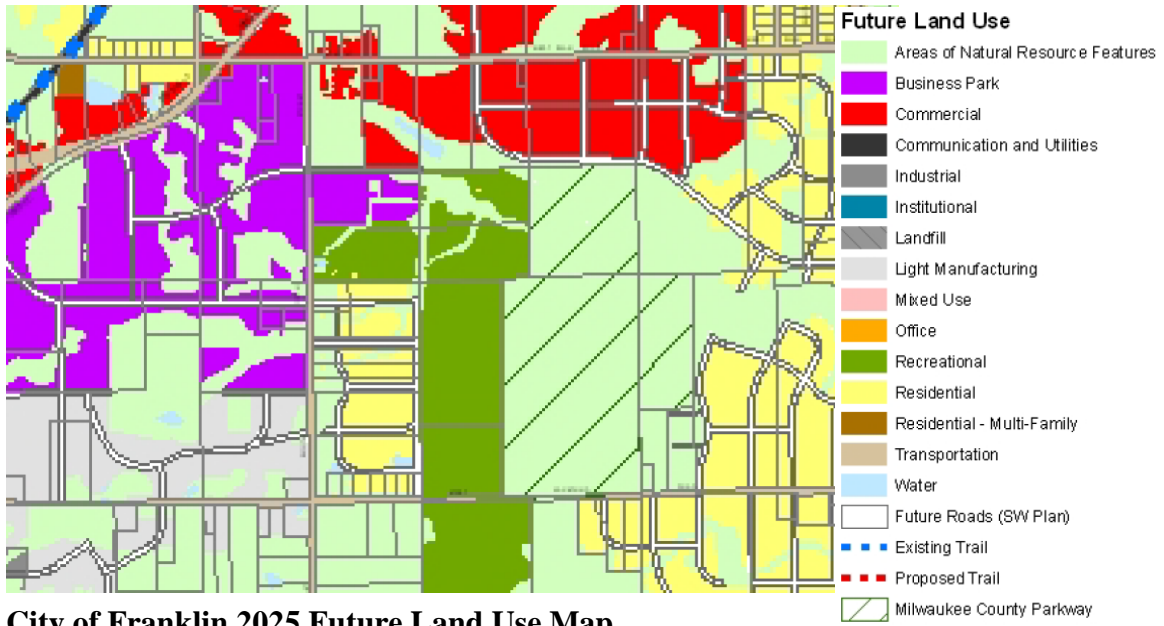
Current zoning

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 conversion 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

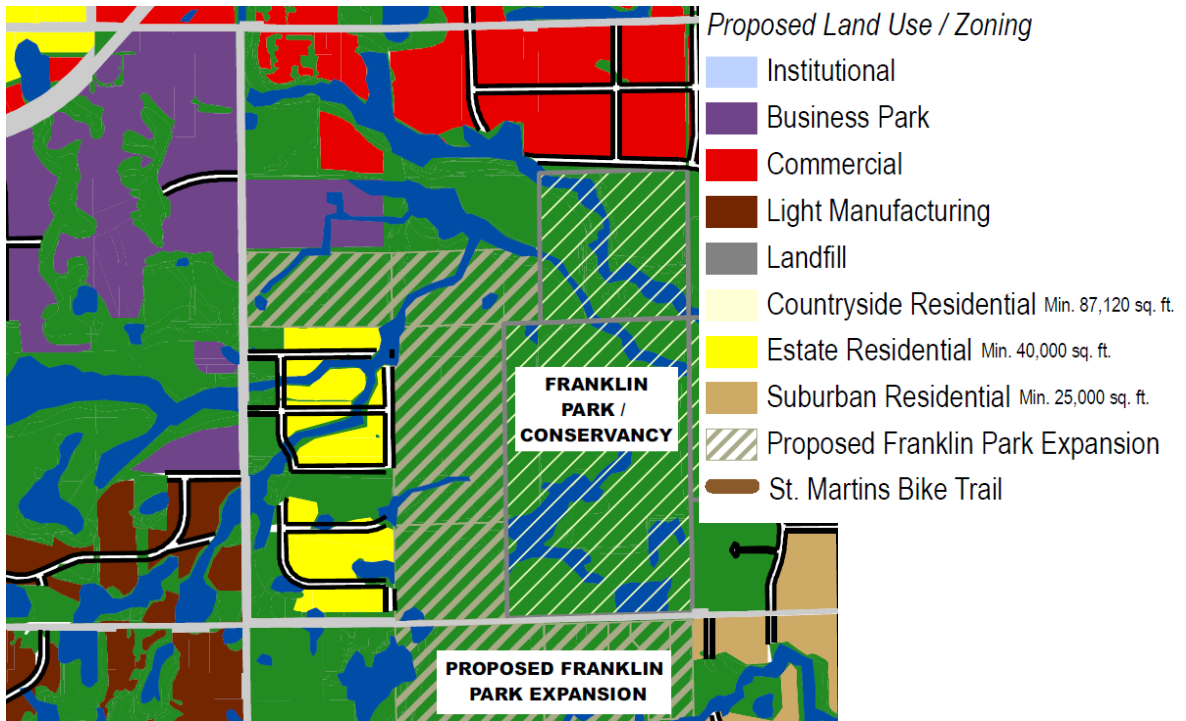
As part of the Concept Review, City Development staff informed the applicant that residential development at this location is not “consistent with” any of the adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the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

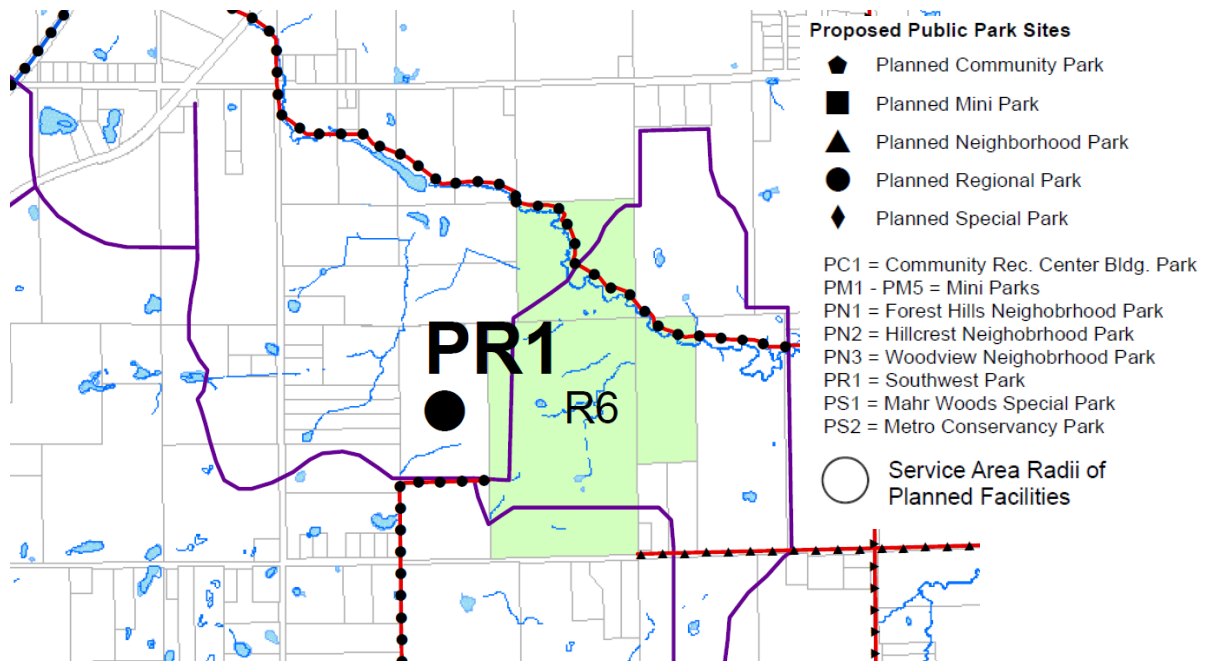
- b. **Not consistent with the southwest subarea plan.** According the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the comprehensive plan is identified as “Proposed Franklin Park Expansion”. This designation as park expansion 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:

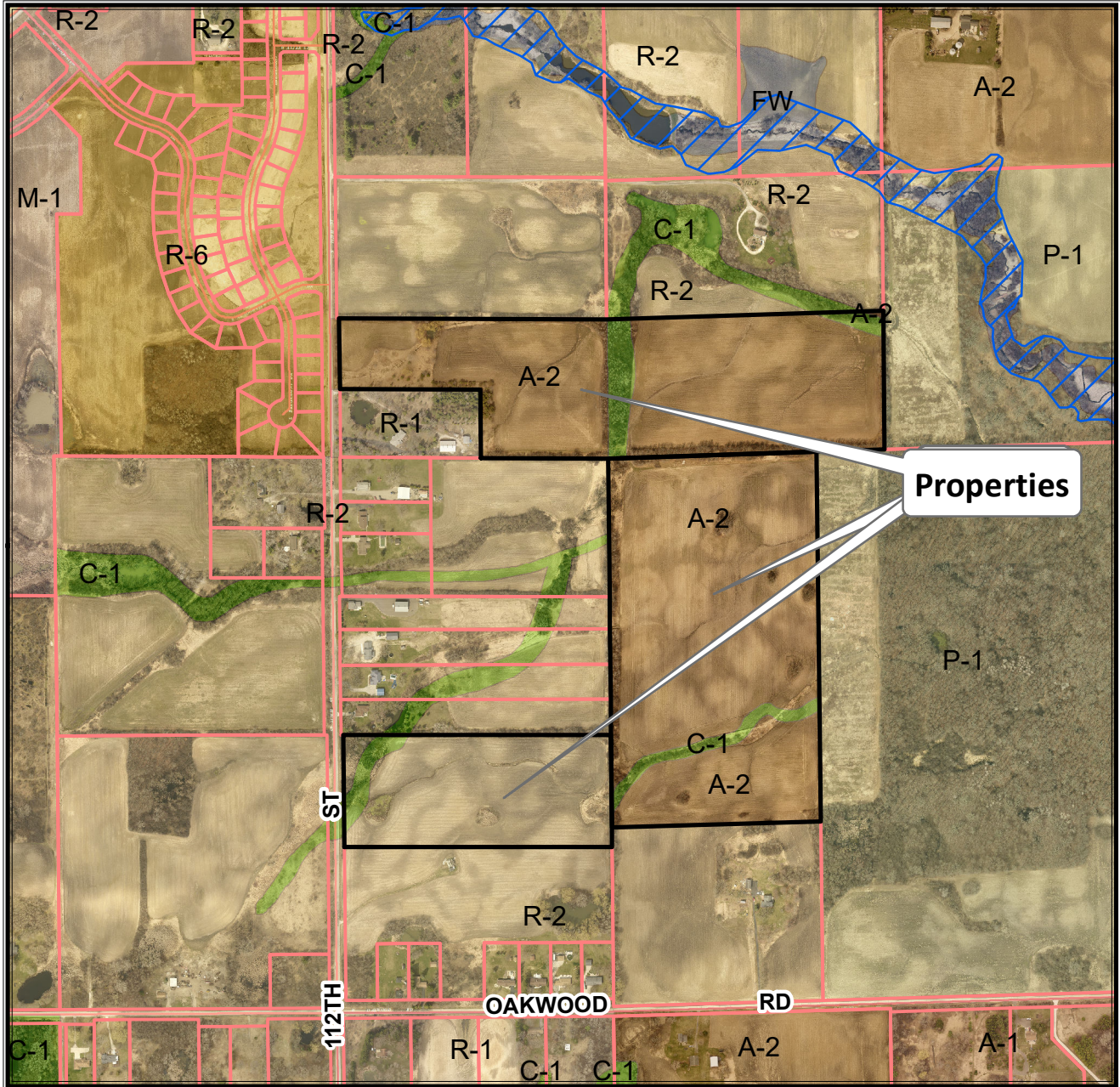
Stephen R. Olson, Mayor

ATTEST:

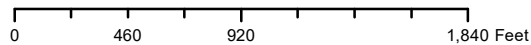
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

TKNs: 892 9999 002
 937 9999 004
 938 9999 011

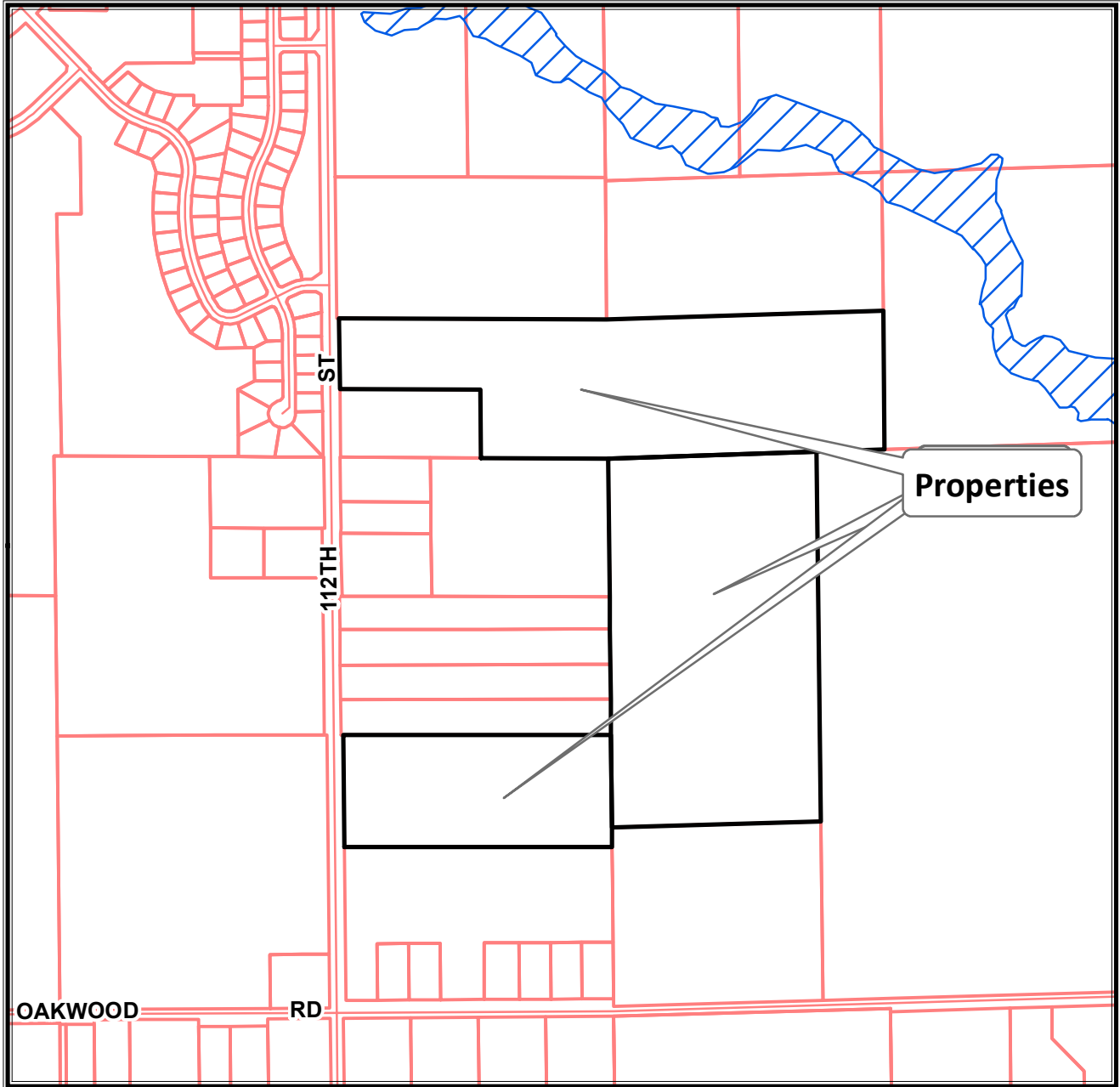


Planning Department
 (414) 425-4024

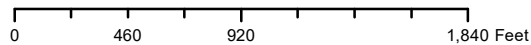


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

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.

112th 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 112th 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.

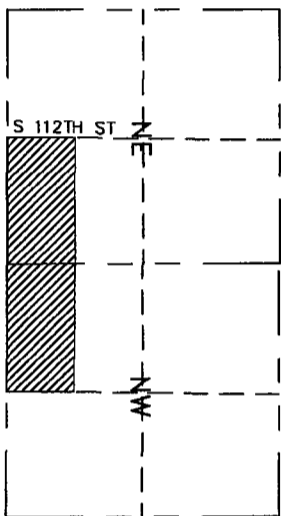
CERTIFIED SURVEY MAP NO. 8293

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

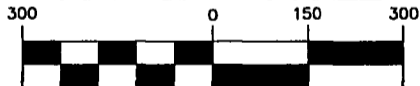
- - DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING A MINIMUM OF 113 LBS PER LINEAL FOOT



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

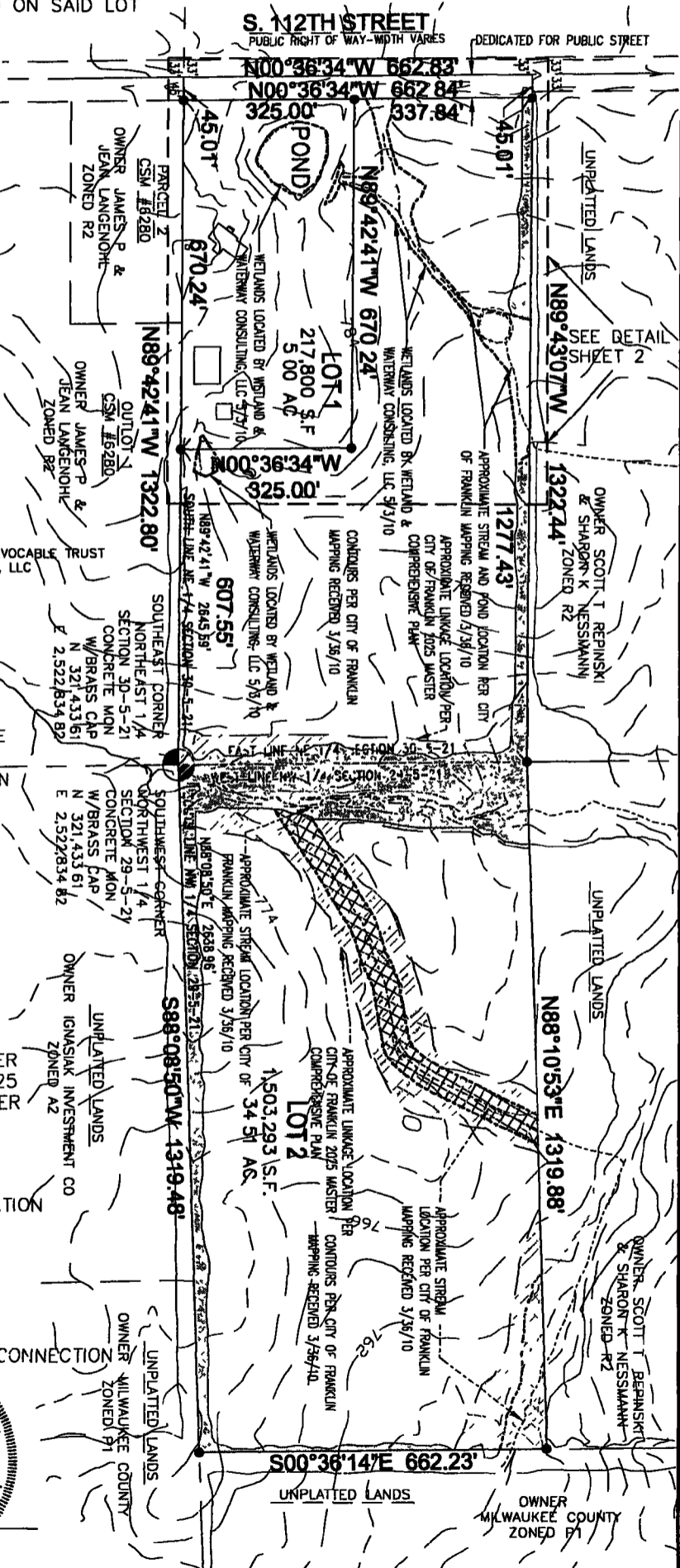
PROBABLE GREENWAY CONNECTION PER SEWERAGE DISTRICT

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
countyparks.com

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov



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

Date of Application: _____

REZONING APPLICATION

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

Applicant (Full Legal Name[s]): 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>	Applicant Is Represented by: (contact person)(Full Legal Name[s]) 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>
Project Property Information: 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 & 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 & 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
S.R. Mills Pres

Name & Title (PRINT)
Date: 8.19.21

Signature - Applicant's Representative
Daniel Szczap Project Mgr.

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 112th 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

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

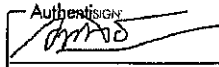
Re: Letter of Consent – Comprehensive Plan Amendment & Rezoning for Bear Development

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).

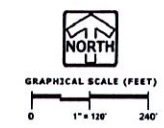
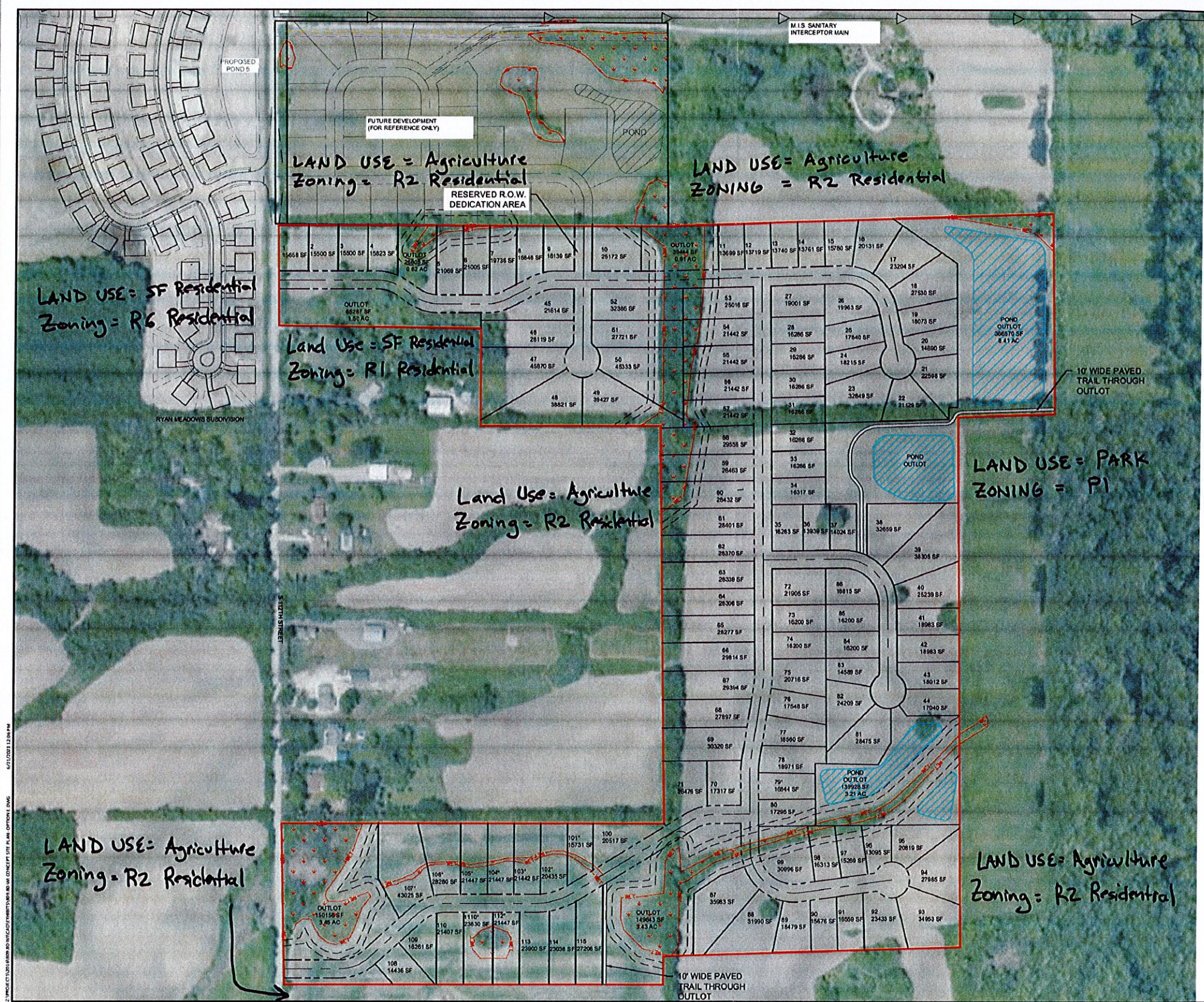
Dated: 8/18, 2021

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 112th 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 112th 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 7, 2021

Certified Survey Map

RECOMMENDATION: Department of City Development staff recommends approval of the Certified Survey Map (CSM).

Project Name:	HSA Commercial Real Estate CSM
General Project Location:	W. Oakwood Road and S. 27 th St. (TKN 951 9994 001)
Property Owner:	JAMS-4 LLC
Applicant:	HSA Commercial Real Estate
Agent:	Pinnacle Engineering Group
Current Zoning:	PDD 39
2025 Comprehensive Plan:	Recreational and Areas of Natural Resources
Use of Surrounding Properties:	PDD 39 to the South and West. The eastern ~½ along the North property line is B-7 South 27 th St. Mixed Use Office District. West of this is R-2 Estate Single-Family Residence and R-3 Suburban Estate Single-Family Residence, and P-1 Park along the western portion of the northern property line. The East property line is Oak Creek Zoning: Rs-2 Single-Family Residential and I-1 Institutional.
Applicant's Action Requested:	Approval of Certified Survey Map (CSM)
Planner:	Marion Ecks, Associate Planner

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

INTRODUCTION

On November 1, 2016, the Franklin Common Council approved the creation of Planned Development District 39, the Franklin Business Park. The Business Park is intended to attract businesses requiring larger lots and buildings to locate in Franklin. The City is currently investing in public infrastructure for the park, including future roads and stormwater. This Certified Survey Map (CSM) is located in the Northeast corner of the park, at the intersection of Oakwood and S. 27th St.

On September 10, 2021, the applicant submitted an application for a CSM to create two buildable lots and one outlots from this 73.30 acre parcel. Lot 1 and Outlot 1 are located in in the “Business Park” area of PDD 39 and are subject to the standards specific to that area (Section

15-3.0444.B). Lot 2 is located in the “Gateway” area of PDD 39 and is subject to the standards specific to that area (Section 15-3.0444.A).

According to §15-9.0309.C. of the Unified Development Ordinance (UDO), the Common Council shall approve, approve conditionally and thereby require resubmission of corrected Certified Survey Map, or reject such Certified Survey Map within 90 days from the date of filing of the map unless time is extended by agreement with the Subdivider. The applicant submitted this CSM application on September 10, 2021, so Thursday, December 9, 2021, is the 90-day deadline for this application.

The applicants have previously submitted a Site Plan and Special Use request for development of the northwest quarter of the parcel. This application has been expedited to accommodate a closing date for the applicant.

PROJECT DESCRIPTION AND ANALYSIS:

The subject property is about 73.3 acres in size, and is located at the southwest corner of S. 27th Street and W. Oakwood Road. About 52.7 acres is currently farmed, and the remaining 20.6 acres is a woodland (with wetlands and ponds) which has been identified as an Isolated Natural Resource Area by the Southeastern Wisconsin Regional Planning Commission. Public sewer and water is available along W. Oakwood Road.

Certified Survey Map

The proposed CSM divides one existing lot into three proposed lots. The subject property is owned by JAMS-4, LLC and is approximately 73.3 acres in area. The proposed Lot 1 would have approximately 766,548 square feet (17.6 acres), and Lot 2 approximately 1,504,257 square feet (34.53 acres). Minimum lot size in PDD 39 is 40,000 square feet for the Gateway area, and 43,560 square feet for the Business Park area; both lots 1 and 2 meet this requirement. The proposed Outlot 1 is 921,818 square feet (21.16 acres).

Lot 1 will contain future industrial “flex” buildings and related stormwater. The applicants have submitted a Site Plan and Special Use request for development of this portion of the property, which are currently under review. Applications for the end user of Lot 2 have not been provided, but it is anticipated that this development will also contain a mixed industrial and office building. Submittal of plans for this development are anticipated in the near future. Outlot 1 contains areas of natural resources including a pond, stream, and SEWRPC Environmental Corridor.

The current version of the CSM requires numerous corrections of missing or incorrect information detailed in Staff Comments. Incorrect zoning information is currently shown on the CSM and must be revised, among other errors. The application is missing key materials which must be provided. Staff notes, among several issues, that a Natural Resource Protection Plan was not submitted with the application. An NRPP map was received as part of the Plan Commission submittal which is not useable for development purposes (see below – Natural Resource Protection Plan). Also absent are site intensity calculations, and a project summary.

Due to concerns regarding a deadline for closing on the purchase of this property, the applicant has requested that the CSM be put forward for review despite these deficiencies in the hopes that they may receive a conditional approval. Staff notes that this review has been expedited to the extent possible; the applicant believed that a request for a CSM had been submitted by their team at an earlier date, when this was not the case.

A copy of staff comments has been included in the packet for review - staff notes that a majority of comments have not been resolved. Staff recommends that approval of the CSM be conditioned upon technical corrections being made to the CSM by the applicant prior to recording.

Design Standards for Land Divisions

The applicant has not yet submitted stormwater plans for this development, or provided information related to dedication of sidewalks and other pedestrian infrastructure and public improvements. These facilities are required both by PDD 39 (§15-3.0444, ORD. 2016-2238), the 27th St. Overlay, and by UDO Division 15-5.0100. While they are not required elements at this time, these facilities will be required as part of any site plan approval.

PDD 39 requires cross-access between parcels. Staff recommends that cross access be provided between Lots 1 and 2, and a cross access easement shown on the CSM.

Natural Resource Protection Plan (NRPP)

The property contains several areas of natural resources including mature woodland, and wetlands. It also includes SEWRPC Isolated Natural Resource Area which makes up the entirety of the proposed Outlot 1.

As noted earlier, a Natural Resource Protection Plan was not submitted with the application. An NRPP map was received as part of the Plan Commission submittal, and copies of delineation reports were submitted with the NRPP. The NRPP uses SEWRPC delineations conducted for the creation of the Tax Increment District for PDD 39 which were completed in 2015. Wetland delineations used in the NRPP cannot be older than 5 years, as required by §15-4.0102.G.

The NRPP itself requires numerous corrections. Staff notes discrepancies between the CSM and NRPP, including a wetland indicated on the east property line of the parcel, which is not depicted on the NRPP. The NRPP also shows four proposed lots; the CSM is for 3 total lots. Further, there are number of required elements and pieces of information that must be provided.

The applicant must provide mitigation for areas of disturbance of natural resource features beyond what is allowed, and protect that which is to remain. The applicant proposes to remove 9,692 square feet (0.22 acres) of mature woodland. This constitutes approximately 1.4% of the 708,105 square feet (16.3 acres), well within the 30% allowed by UDO Part 4. This woodland area is however also part of the Isolated Natural Resource Area. No disturbances by the applicant are proposed to wetlands, but an unspecified encroachment is proposed in the wetland setback that extends into the future Lot 1.

In short, this draft of the NRPP is not useable for development purposes. The current version of the CSM contains the following codicil:

“The natural resource features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such natural resource feature, a complete NRPP with field surveys is required for said parcel.”

Staff suggests that this codicil remain, and recommends that the NRPP including Site Intensity Calculations be subject to technical corrections for staff approval, prior to approval of any site plan. NRPPs must include field delineations no older than 5 years, as required by §15-4.0102.G.

The applicant has not provided conservations easement exhibits for Plan Commission review. Conservation easements are shown on the CSM, as §15-4.0102.K requires recording of written conservation easements for natural resources as part of the land division process. Given the outdated delineations and other issues, these should be provided prior to a development proposal. Staff recommends that, per §15-4.0102.K, the applicant shall submit written Conservation Easement documents for those natural resources to be protected, for Common Council review and approval and recording with the Milwaukee County Register of Deeds prior to the approval of any site plan on any lot created by this CSM. Staff further recommends that the entirety of Outlot 1 be contained within a Conservation Easement.

STAFF RECOMMENDATION:

While this application has significant deficiencies, the underlying land division is appropriate and consistent with the PDD 39 subdivision requirements. However, it must be noted that deficiencies not resolved with this application will be required of future developers of the individual lots.

With that in mind, the Department of City Development staff recommends conditional approval of the Certified Survey Map, subject to technical corrections, and the conditions in the draft resolution.

RESOLUTION NO. 2021-_____

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 (HSA COMMERCIAL, INC., D/B/A HSA COMMERCIAL REAL ESTATE, APPLICANT) (GENERALLY AT WEST OAKWOOD ROAD AND SOUTH 27TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a 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, more specifically, of the property generally located at West Oakwood Road and South 27th Street, bearing Tax Key No. 951-9994-001, HSA Commercial, Inc., d/b/a HSA Commercial Real Estate, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by HSA Commercial, Inc., d/b/a HSA Commercial Real Estate, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of

HSA COMMERCIAL, INC., D/B/A HSA COMMERCIAL REAL ESTATE – CERTIFIED SURVEY MAP

RESOLUTION NO. 2021-_____

Page 2

separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. HSA Commercial, Inc., d/b/a HSA Commercial Real Estate, successors and assigns, and any developer of the HSA Commercial, Inc., d/b/a HSA Commercial Real Estate 2 lot and 1 outlot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon HSA Commercial, Inc., d/b/a HSA Commercial Real Estate and the 2 lot and 1 outlot certified survey map project for the property generally located at West Oakwood Road and South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant shall provide revised Natural Resource Protection Plans, including complete Site Intensity Calculations, subject to the review and approval of the Department of City Development, prior to the approval of any site plan on any lot created by this CSM. The NRPP must include field delineations field delineations completed within the last 5 years, as required by §15-4.0102.G.
7. The applicant shall resolve any technical corrections to the Certified Survey Map required by the Department of City Development prior to recording of the CSM with the Milwaukee County Register of Deeds.
8. The applicant shall resolve any technical corrections to the Certified Survey Map required by the Engineering Department prior to recording of the CSM. with the Milwaukee County Register of Deeds.

HSA COMMERCIAL, INC., D/B/A HSA COMMERCIAL REAL ESTATE – CERTIFIED SURVEY MAP
RESOLUTION NO. 2021-_____

Page 3

9. All of Outlot 1 shall be included within a Conservation Easement, and the easement shall be indicated on the CSM.
10. Cross access shall be provided between Lots 1 and 2, and a cross access easement shall be indicated on the CSM.
11. The applicant shall provide all required easements, including but not limited to cross-access, bufferyard, or conservation easements, prior to the approval of any site plan on any lot created by this CSM.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, JAMS-4, L.L.C., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, JAMS-4, L.L.C., with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

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

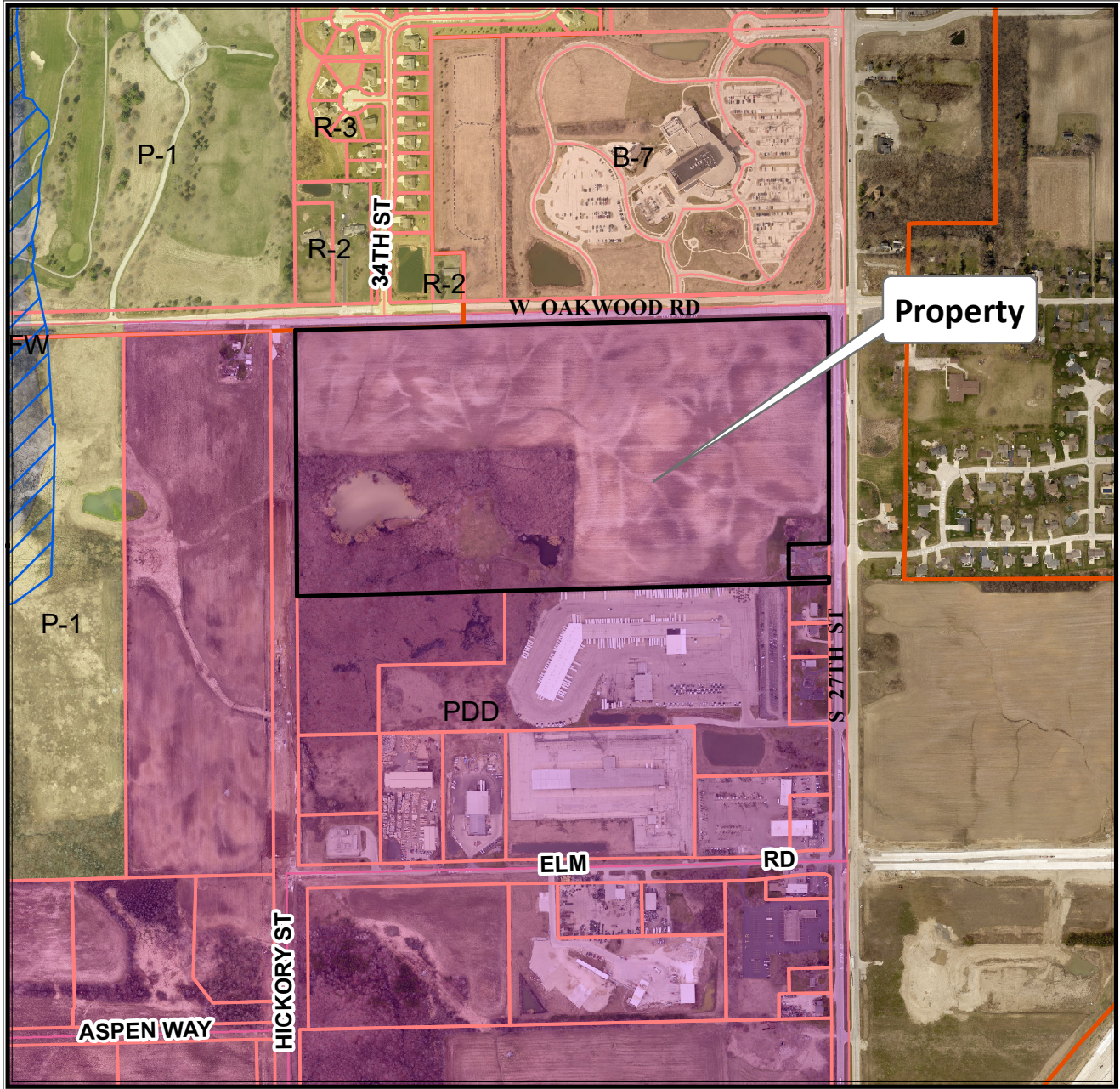
APPROVED:

Stephen R. Olson, Mayor

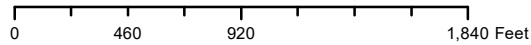
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

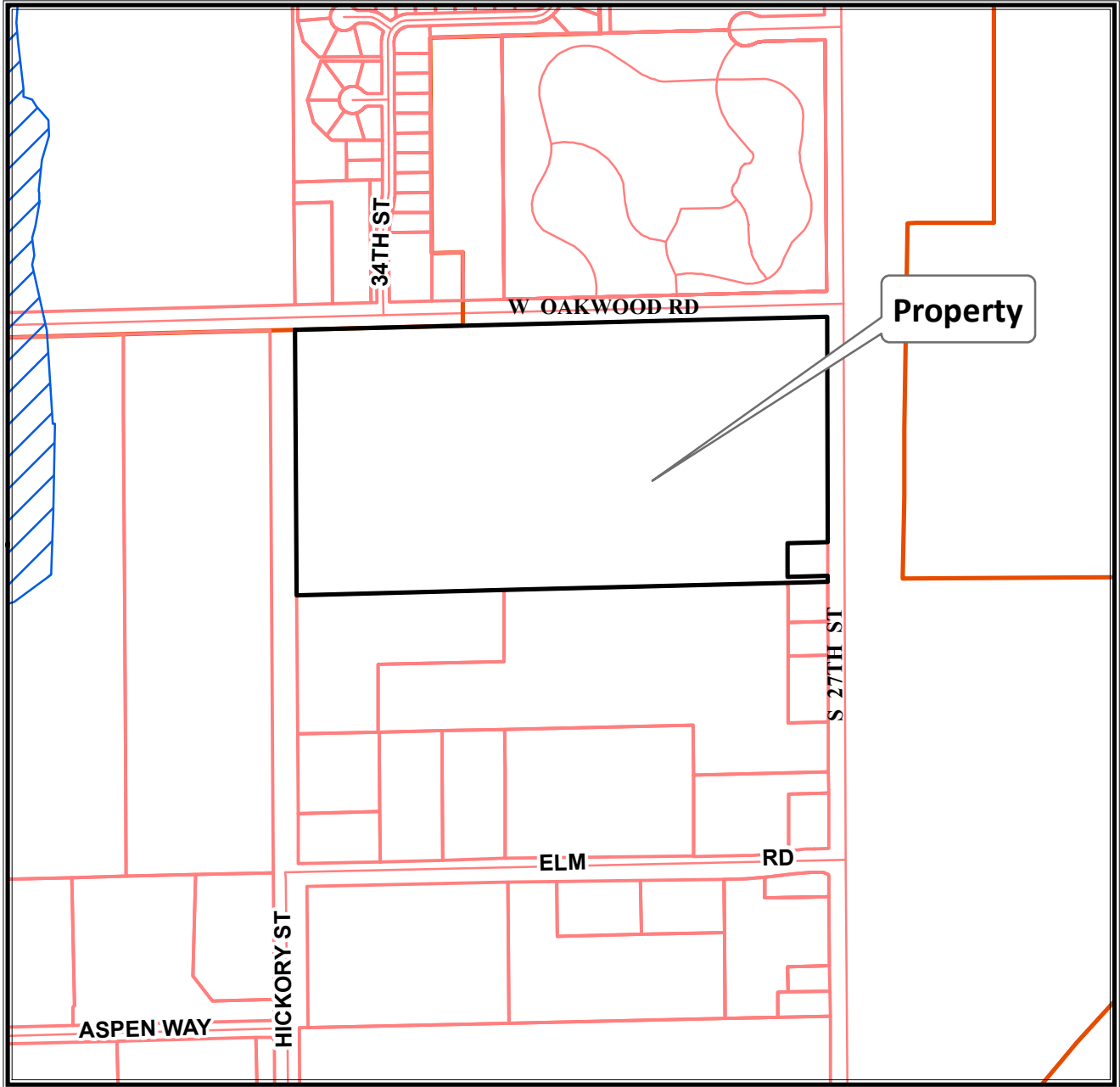


Planning Department
(414) 425-4024

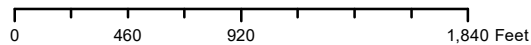


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

TKN: 951 9994 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: September 17, 2021

To: HSA Commercial Real Estate

From: City Development Staff

RE: Tax Key No. 951 9994 001 – Certified Survey Map – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Certified Survey Map submitted by HSA Commercial Real Estate and date stamped by the City of Franklin on Friday, September 10, 2021.

Department of City Development

Planned Development District (PDD) 39 District Standards

This property is located in Planned Development District 39 and is subject to the standards of the district (§15-3.0444, ORD. 2016-2238).

1. Lots 1, 2, Outlot 1 all meet the minimum lot area and lot width requirements of PDD 39 (Table 15-3.0444.A and Table 15-3.0444.B).
 - a. Lot 1 and Outlot 1 are located in in the “Business Park” area of PDD 39 and are subject to the standards specific to that area (Section 15-3.0444.B).
 - b. Lot 2 is located in the “Gateway” area of PDD 39 and is subject to the standards specific to that area (Section 15-3.0444.A).
2. The north property line of Lot 1 is adjacent to the future Hickory St. and is therefore a corner side yard. This property line must meet the 25’ setback requirement for a corner side yard in the Business Park area.
3. The Gateway area requires provision of cross-access for both pedestrian and vehicular circulation between adjacent parcels at the time of any new development or redevelopment (Section 15-3.0444A.B.). Please depict cross access on the CSM, and submit easements for review and approval.
4. The PDD requires the provision of a “a safe, interconnected, and pedestrian-friendly network” of facilities in the district (Section 15-3.0444.B.5). Facilities not provided through this CSM will be incumbent on future development. Staff recommends the provision of sidewalks on both S. 27th St. and W. Oakwood Rd.

Unified Development Ordinance (UDO) Requirements

Certified Survey Map (CSM)

Division 15-7.0700: Certified Survey Map describes the required elements of a CSM:

5. Please provide a project summary (narrative) for this Certified Survey Map.

6. Please be aware that §15-7.0701: General Standards for CSMs, requires that the standards of Part 8: Improvements and Construction be met for all development resulting from this CSM.
7. Depict all existing watercourses, drainage ditches, and other features pertinent to proper land division including natural features and their setbacks and buffers, and all lands reserved for future acquisition (§15-7.0702.A-E).
 - a. Is there a navigable waterway on Outlot 1?
 - b. Please depict setbacks and buffers of water resources located on Outlot 1.
8. Please show the date of the Certified Survey Map with all dates of revision on its face, as required by §15-7.0702.H.
9. §15-7.0702.J. requires that the CSM include the name and address of the owner, Subdivider, and Land Surveyor.
10. Please include existing zoning and zoning boundary lines of each parcel, per §15-7.0702.M.
11. Show the location of Soil Boring Tests (§15-7.0702.O) and Soil Percolation Tests (§15-7.0702.O). The results of these tests must be submitted along with the CSM.
12. Please depict any proposed deed restriction, and landscape or conservation easements, required by §15-7.0702.P. Deed restrictions and/or conservation easements as required by this Ordinance shall be filed with the CSM. Please submit easement(s) for recording.
13. Note that additional information may required by the City Planner, Plan Commission, City Engineer, or Common Council, in accordance with §15-7.0702.R.

Design Standards for Land Divisions

UDO Division 15-5.0100: Design Standards for Land Divisions governs the arrangement of and access to roads, right-of-way and other infrastructure, and the dimensions of lots and easements.

14. §15-5.0105.B requires that blocks of over 900 feet in length include pedestrian facilities in the form of easements or dedicated right-of-way. Ordinance 2016-2288 further requires a safe, interconnected and pedestrian-friendly network of public streets, private roads, sidewalks and trails. Please show locations of future pedestrian amenities on the CSM.
15. The width of lots proposed for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use (§15-5.0105.C). Please verify that the lot meet this requirement and provide a Site Plan for the proposed development on Lot 2.
16. §15-5.0105.D requires the creation of mid-block utility easements on rear lot lines where practicable. Please depict proposed utility easements.
17. Note that when lots larger than the minimum size lot are created, §15-5.0106.J requires they be designed as to allow for future division. Minimum lot size in PDD 39 is 40,000 square feet for the Gateway area, and 43,560 square feet for the Business Park area. Lot 1 therefore will not be divisible in future. Lot 2 will allow for as many as three future divisions.

18. Note that the standards of §15-5.0107 apply to all roads or future roads on the proposed lots, and the standards of §15-5.0108 will apply to setbacks.
19. Please depict the vision triangle on Hickory and Oakwood (§15-5.0201.B)
20. Note that for Certified Survey Maps requiring the installation of public improvements, the Subdivider shall enter into a written contract ("Subdivider's Agreement") prior to approval of the Certified Survey Map (§15-9.0309.F).
21. Stream or lake shores shall have a minimum of 60 feet of public access, as required by §15-5.0101.B.7. Is there a navigable waterway or lake on Outlot 1?
22. Note that the standards of Division 15-3.0350 – the South 27th Street Overlay – will apply to all future development of these parcels.

Natural Resource Protection Plan

Division 15-4.0100 governs the preservation of natural resources. All development in the City of Franklin shall comply with the natural resource protection standards set forth in Table 15-4.0100, and be described by a Natural Resource Protection Plan as defined by Division 15-7.0200.

23. Please submit an NRPP for this CSM request, as required by §15-7.0201. See also §15-7.0702.Q. and §15-9.0309.D.
24. Note that wetland delineations used in the NRPP cannot be older than 5 years, per the standards of §15-4.0102.G. Copies of delineation reports should be submitted with the NRPP.
25. As required by §15-4.0102.K, please submit conservation easement(s) for those natural resources to be protected under the NRPP.
26. Per the requirements of Table 15-4.0100, disturbances to or removal of wetlands or wetland setbacks, or of other natural resources protected under this ordinance, require a Natural Resource Special Exception.
27. If a wetland has been exempted by the Wisconsin Department of Natural Resources, please provide documentation of the exemption and indicate the exemption on the NRPP.
28. Staff notes that the wetland on S. 27th might restrict access to Lot 2.
29. Note that natural resources must be accounted for parcels on adjoining parcels and their setbacks apply.
30. Site Intensity and Capacity Calculations are required by §15-7.0201.N. Please provide site intensity calculations for the CSM using the procedure described by Division 15-3.0500

Landscaping and Mitigation

Division 15-5.0300 stipulates landscaping requirements for bufferyards, parking, and areas where vegetative mitigation is required under §15-4.0103.

31. S. 27th St. is an arterial street; lots adjacent to arterial streets must include a 30 foot bufferyard as required by §15-5.0102.A.. Please indicate any landscape bufferyard easements graphically per §15-7.0301.F.

Department of City Development Staff Recommendations

CSM

32. Staff recommends that no part of a conservation easement be located on an individual parcel, but rather within outlots.

Design Standards for Land Divisions

33. Note that the strip of land on S. 27th street between the house at TNK 951 9995 000 and the southern property line of TKN 951 9994 001 is not adequate for a driveway or public access drive to Lot 2.

Natural Resource Protection Plan (NRPP)

34. Please include a note on the CSM that the woodlands are an Isolated Natural Resource Area as identified by the Southeastern Wisconsin Regional Planning Commission. SEWRPC also indicates that the woodlands are a Critical Species Habitat area.

Landscaping and Mitigation

35. Note that the standards of §15-4.0103 will apply to future parking facilities.

Site Plan

36. It is recommended that the applicant provide site plans for proposed development on the corner of Oakwood and S. 27th St.
37. Note that in PDD 39 (ORD2016-2238) Special Use approval is required for all buildings larger than 40,000 square feet, and for overnight truck parking.

Project Summary/Narrative

38. Staff recommends that the project summary includes an explanation of plans for each of the lots and outlots.

Engineering Comments

1. Resolve any technical omissions and deficiencies identified by Milwaukee County. City comments may be revised to reflect changes required by Milwaukee County.
2. Label the point of beginning (P.O.B.).
3. Every page must be dated.
4. On page 3 of 4, under Surveyor's Certificate, under legal description, change AVENUE to ROAD and, the second to the last line, the word CHAPTER to DIVISION.
5. Access on S 27th Street (WIS 241) must be in coordination with WisDOT.
6. Any driveways along Oakwood should be outside of the 27th/Oakwood intersection limits (beyond any turn lanes), outside of the Oakwood/S Hickory

- intersection limits, and then in accordance with the requirements of §15-5.0107.B.
7. Show the 120-ft strip of land along the west side of lot1 and outlot 1, conveys to the City of Franklin for road purposes (South Hickory Street), Document # 10958156.
 8. Show the vision triangle at the corner of West Oakwood Road & South Hickory Street.
 9. Sidewalks are required on both S. 27th St. and W. Oakwood Rd.

Inspection Services Department Comments

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

Fire Department Comments

No comments at this time. Will have future comments when site plans are submitted.

Milwaukee County

Milwaukee County comments are forthcoming. The applicant will be responsible for resolving any requirements of the County prior to recording of the CSM.

CERTIFIED SURVEY MAP NO.

THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION THIRTY-SIX, IN TOWNSHIP FIVE NORTH, RANGE TWENTY-ONE EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

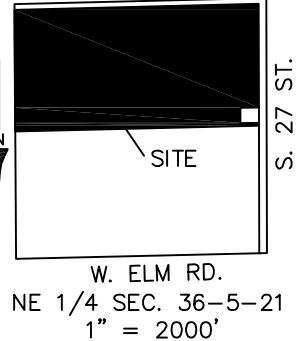
SOUTH HICKORY STREET

(120' WIDE PUBLIC RIGHT OF WAY)

N 00°22'00" W 1266.75'

NW CORNER
NE 1/4
SEC. 36-5-21
CONC. MON.
W/BRASS CAP
FND
N 319,432.88
E 2,546,594.78

VICINITY MAP



CAPITOL SURVEY ENTERPRISES
220 REGENCY CT., SUITE 210
BROOKFIELD, WI 53226
PH: (262) 786-6600
FAX: (262) 786-6608
WWW.CAPITOLSURVEY.COM

PREPARED FOR:
JAMS-4, LLC
10467 S. 27TH STREET
FRANKLIN, WI

TAX KEY NOS.: 951-9994-001

ZONED: PDD NO. 39

MINIMUM SETBACK REQUIREMENTS PER THE CITY OF FRANKLIN ZONING CODE ARE:

PDD NO. 39 GATEWAY AREA (LOT 2);
FRONT = 40'
SIDE YARD = 15'
CORNER SIDE YARD = 30'
REAR YARD = 25'

PDD NO. 39 BUSINESS PARK AREA (LOT 1);
FRONT = 30'
SIDES = 10'
CORNER SIDE YARD = 25'
REAR YARD = 25'

SUBJECT LANDS ARE ZONE "X" PER FLOOD INSURANCE RATE MAP #55079C027E EFFECTIVE DATE SEPTEMBER 26, 2008.

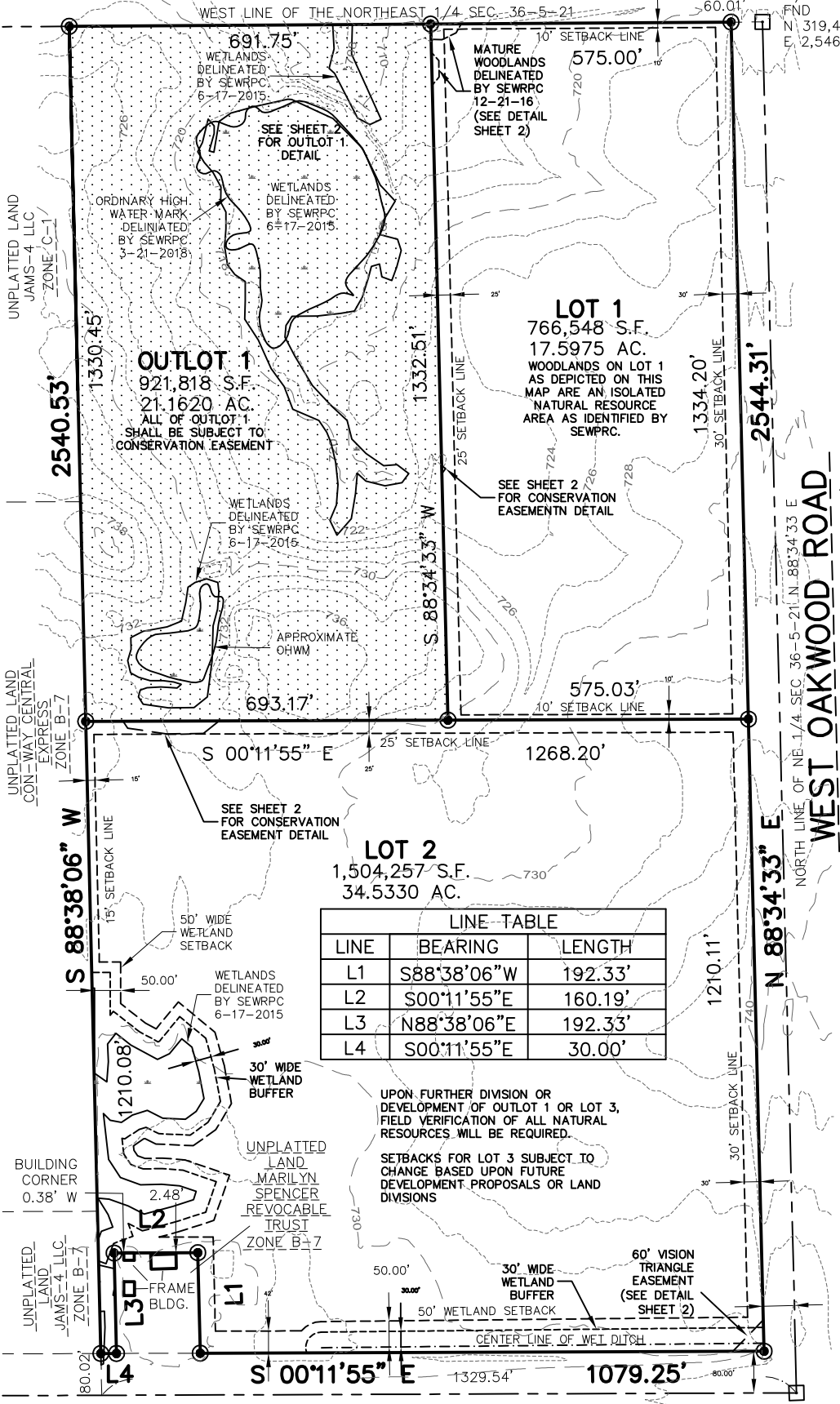
SUBJECT LANDS SERVED BY MUNICIPAL SANITARY, STORM, AND WATER SERVICE.
ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST THOUSANDTH OF A FOOT.

ALL BEARINGS SHOWN ARE MEASURED TO THE NEAREST SECOND.

ALL BEARINGS REFER TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 36-5-21, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE (REVISION DECEMBER, 2013, NAD 27 DATUM) BEARING OF N 88°34'33" E.

● INDICATES 1 INCH DIA. IRON PIPE, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT, SET.

THE NATURAL RESOURCE FEATURES IDENTIFIED HEREIN ARE NOT BASED UPON FIELD SURVEYS. IN THE EVENT OF FURTHER LAND DIVISION OR DEVELOPMENT OF A PARCEL HEREIN WITH ANY SUCH NATURAL RESOURCE FEATURE, A COMPLETE NRPP WITH FIELD SURVEYS IS REQUIRED FOR SAID PARCEL.



LINE-TABLE		
LINE	BEARING	LENGTH
L1	S88°38'06"W	192.33'
L2	S00°11'55"E	160.19'
L3	N88°38'06"E	192.33'
L4	S00°11'55"E	30.00'

UPON FURTHER DIVISION OR DEVELOPMENT OF OUTLOT 1 OR LOT 3, FIELD VERIFICATION OF ALL NATURAL RESOURCES WILL BE REQUIRED.

SETBACKS FOR LOT 3 SUBJECT TO CHANGE BASED UPON FUTURE DEVELOPMENT PROPOSALS OR LAND DIVISIONS



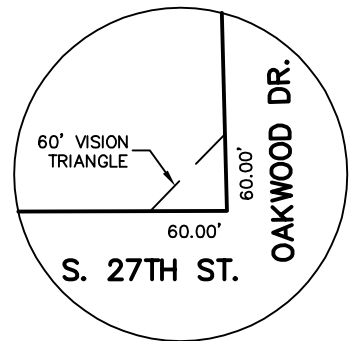
INDICATES LANDS WITHIN CONSERVATION EASEMENT

CERTIFIED SURVEY MAP NO.

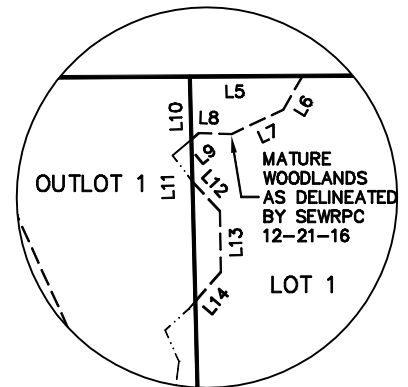
THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION THIRTY-SIX, IN TOWNSHIP FIVE NORTH, RANGE TWENTY-ONE EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

OUTLOT 1 DETAIL

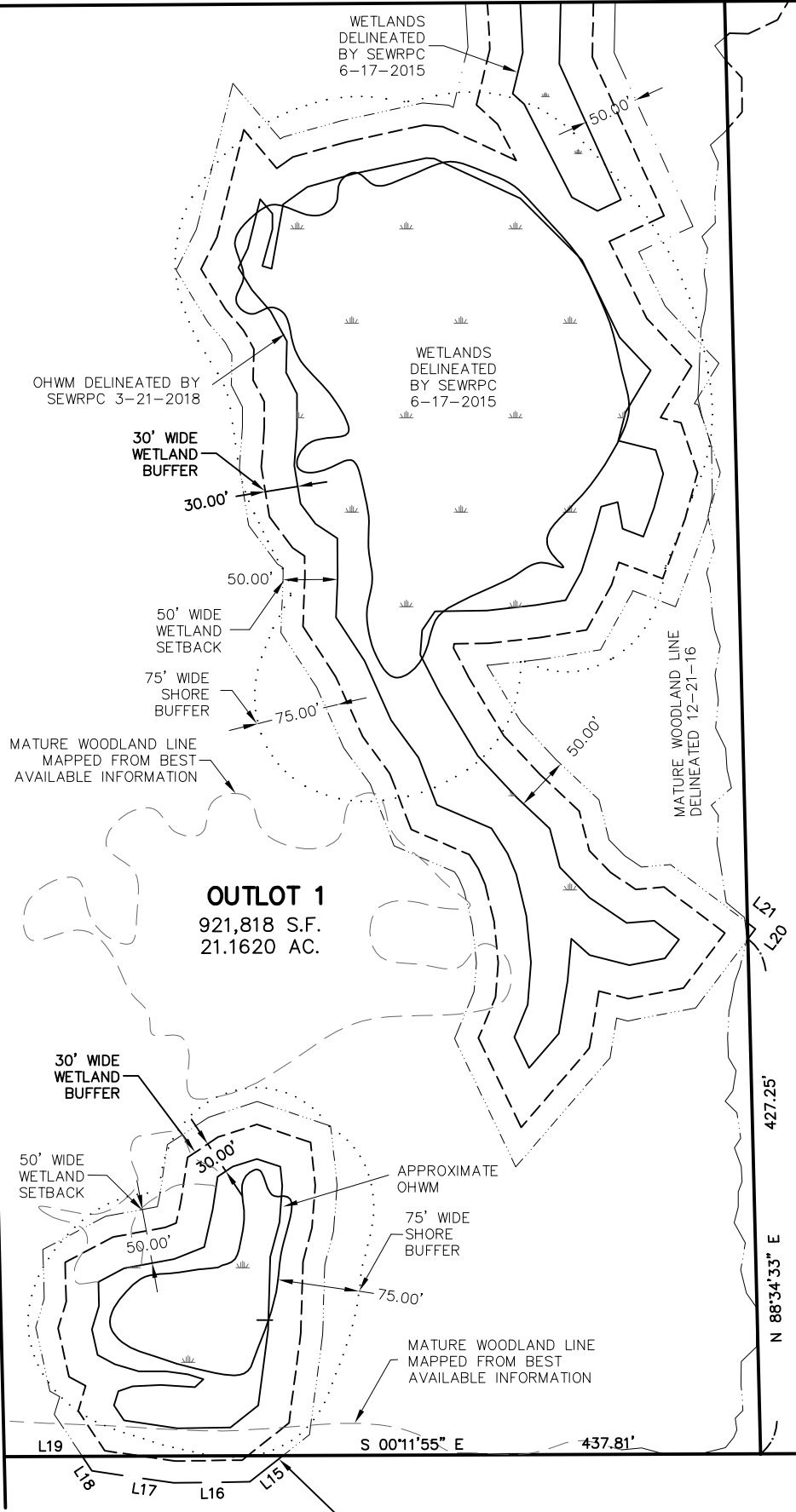
VISION TRIANGLE
DETAIL
SCALE: 1" = 150'



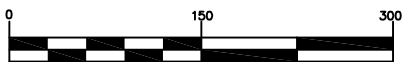
MATURE WOODLANDS
DETAIL
SCALE: 1" = 100'



LINE TABLE		
LINE	BEARING	LENGTH
L5	N 00°22'00" W	58.72'
L6	N 59°51'59" W	20.22'
L7	N 25°28'54" W	29.64'
L8	N 01°36'37" E	17.15'
L9	N 40°19'50" W	5.06'
L10	N 88°34'33" E	32.66'
L11	N 88°34'33" E	21.98'
L12	N 47°07'25" E	21.06'
L13	N 89°09'00" E	31.54'
L14	S 49°09'22" E	20.25'
L15	S 38°27'28" E	38.68'
L16	S 00°47'26" E	69.87'
L17	S 08°20'36" W	75.60'
L18	S 56°19'47" W	16.12'
L19	S 00°11'55" E	71.46'
L20	N 52°52'55" W	11.64'
L21	S 37°07'05" W	9.27'



GRAPHIC SCALE

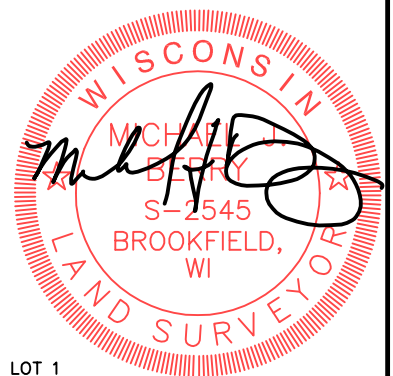


1 INCH = 150 FT.

NORTH



WOODLANDS ON LOT 1 AND OUTLOT ARE AN ISOLATED NATURAL RESOURCE AREA AS DEFINED BY SEWRPC.



CERTIFIED SURVEY MAP NO. _____

THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION THIRTY-SIX, IN TOWNSHIP FIVE NORTH, RANGE TWENTY-ONE EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, MICHAEL J BERRY, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A REDIVISION OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION THIRTY-SIX, IN TOWNSHIP FIVE NORTH, RANGE TWENTY-ONE EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 21 EAST, THENCE S 00°11'55" E 1329.54 FEET ALONG THE EAST LINE OF SAID 1/4 SECTION TO A POINT; THENCE S 88°38'06" W 80.02 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH 27TH STREET AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING S 88°38'06" W 2540.53 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 SECTION; THENCE N 00°22'00" W 1266.75 FEET TO A POINT ON THE SOUTH LINE OF WEST OAKWOOD AVENUE; THENCE N 88°34'33" E 2544.31 FEET ALONG THE SAID SOUTH LINE AND PARALLEL TO THE NORTH LINE OF SAID 1/4 SECTION TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH 27TH STREET; THENCE S 00°11'55" E 1079.25 FEET ALONG SAID WEST LINE TO A POINT; THENCE S 88°38'06" W 192.33 FEET; THENCE S 00°11'55" E 160.19 FEET; THENCE N 88°38'06" E 192.33 FEET; THENCE S 00°11'55" E 30.00 FEET TO THE POINT OF BEGINNING

SAID LANDS CONTAINING: 3,192,623 SQUARE FEET OR 73.2925 ACRES

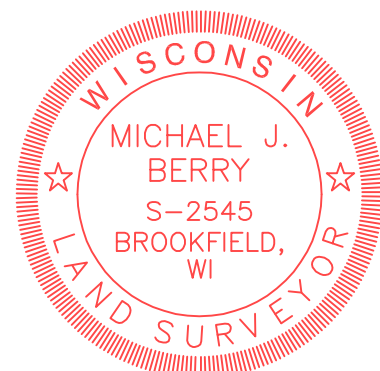
THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF JAMS-4, LLC THE OWNER OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 15-7 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE, DIVIDING, AND MAPPING THE SAME.

DATED THIS 9TH DAY OF JUNE, 2021.


MICHAEL J BERRY
PROFESSIONAL LAND SURVEYOR, S-2545
STATE OF WISCONSIN



CERTIFIED SURVEY MAP NO. _____

THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION THIRTY-SIX, IN TOWNSHIP FIVE NORTH, RANGE TWENTY-ONE EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

JAMS-4, LLC, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFIES THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FRANKLIN CODE OF ORDINANCES.

THIS AGREEMENT SHALL BE BINDING ON THE UNDERSIGNED AND ASSIGNS.
IN WITNESS WHERE OF, JAMS, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY, MARILYN SPENCER, ITS REPRESENTATIVE, AT THE CITY OF FRANKLIN, WISCONSIN, THIS _____ DAY OF _____, 2021.

IN THE PRESENCE OF:

(WITNESS)

MARILYN SPENCER

STATE OF WISCONSIN)
COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2021, MARILYN SPENCER, OF THE ABOVE NAMED CORPORATION, TO ME KNOW AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE THE REPRESENTATIVE OF THE ABOVE CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER AS THE DEED OF THE CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES: _____

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN ON THIS _____ OF _____, 2021.

STEPHEN OLSON, MAYOR

DATE

SANDRA L. WESOLOWSKI, CITY CLERK

DATE



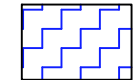
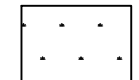
PROPERTY LOCATION

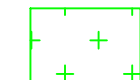




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OWNER
 JAMS-4 LLC
 10467 S. 27TH STREET
 FRANKLIN, WI 53132
 MATT@LAGONPARTNERSRE.COM

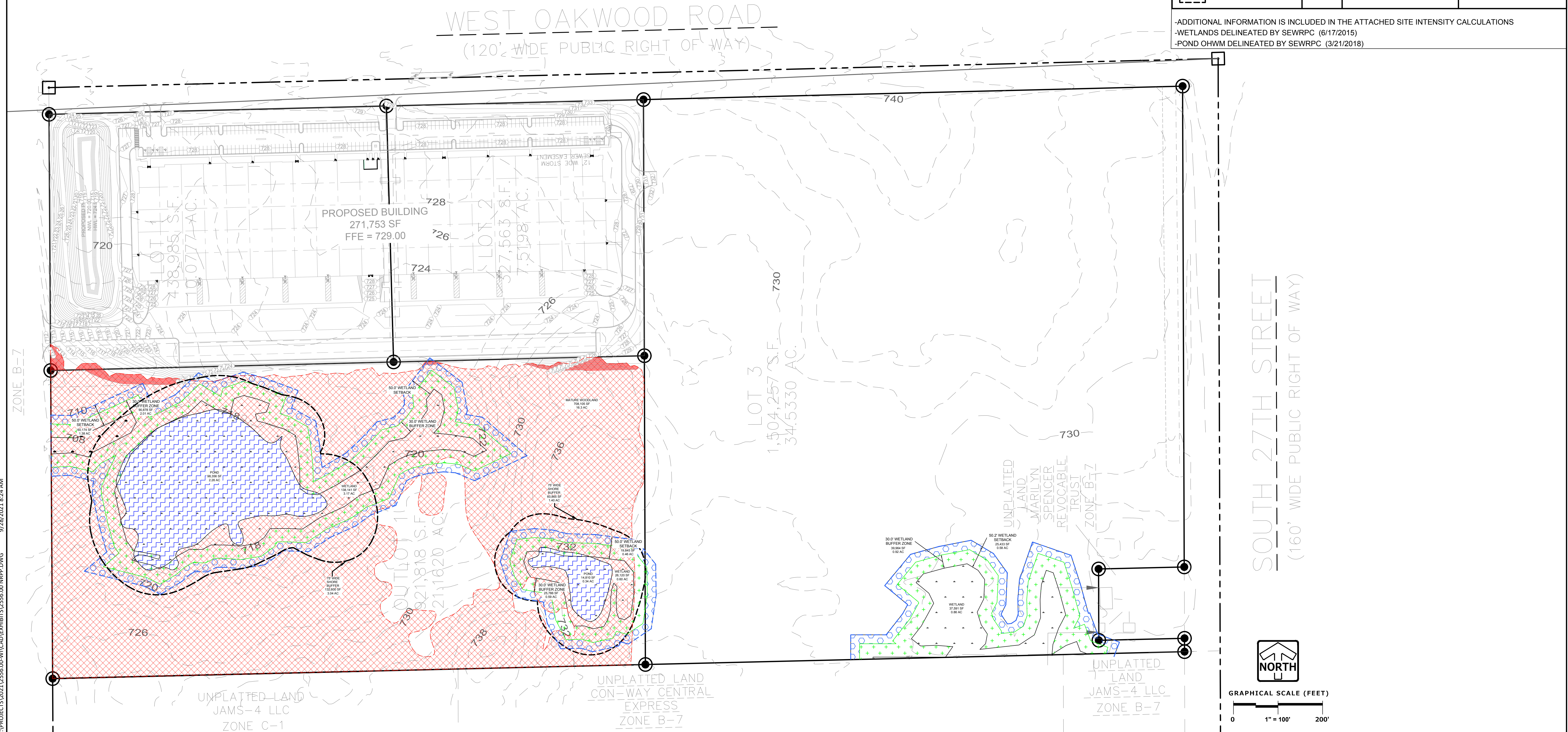
APPLICANT
 MARK TEGROOTENHUIS
 HSA COMMERCIAL REAL ESTATE
 16955 WEST WISCONSIN AVE. BROOKFIELD, WI 53005
 312-683-7224
 TEGROOTENHUIS@HSA COMMERCIAL.COM

NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	TOTAL AREA	NATURAL RESOURCE AREAS TO BE DISTURBED	NATURAL RESOURCE MITIGATION
STEEP SLOPES AREA - 10-19% SLOPES	N/A	N/A	N/A
STEEP SLOPES AREA - 20-30% SLOPES	N/A	N/A	N/A
 PONDS	113,167 SF (2.60 AC)	N/A	NO MITIGATION NECESSARY.
 WETLANDS	201,852 SF (4.63 AC)	N/A	NO MITIGATION NECESSARY.

 WETLAND BUFFER - 30' OFFSET	156,628 SF (3.60 AC)	N/A	NO MITIGATION NECESSARY.
 WETLAND SETBACK - 50' OFFSET (EXCLUDES 30' OFFSET)	105,452 SF (2.42 AC)	DISPLAY ONLY	NO MITIGATION NECESSARY.
 YOUNG WOODLAND	N/A	N/A	N/A
 MATURE WOODLAND	708,105 SF (16.3 AC)	9,692 SF (0.22 AC)	MATURE WOODLAND DISTURBANCE ONSITE IS 1.4%. 30% OF THE MATURE WOODLANDS MUST BE PRESERVED ONSITE BEFORE MITIGATION IS NECESSARY. THEREFORE NO MITIGATION IS NEEDED.
 SHORELAND BUFFER - 75' OFFSET	193,464 SF (4.44 AC)	N/A	NO MITIGATION NECESSARY.

-ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS
 -WETLANDS DELINEATED BY SEWRPC (6/17/2015)
 -POND OHWM DELINEATED BY SEWRPC (3/21/2018)



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