

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, FEBRUARY 17, 2022, 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 January 20, 2022.
2. Approval of regular meeting of February 3, 2022.

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

1. **TESS CREEK ESTATES SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.** Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications by P. Kenneth Servi, Servi Investments, LLC (Forest Home Investors, LLC, property owner), for construction of a residential subdivision with 17 single-family lots:
Comprehensive Master Plan Amendment: to amend the Future Land Use Map designation for property bearing Tax Key Number 751-9001-000 located at 11595 West Forest Home Avenue, containing 3.151 acres, from Residential use to Residential – Multi-Family use;
Rezoning: the project site is approximately 10.10 acres (two properties total, with different zoning designations; southern, previously developed property (11600 West Forest Home Avenue) is entirely zoned R-8 Multiple-Family Residence District, with an area of 5.03 acres; northern, undeveloped property (11595 West Forest Home Avenue) has several zoning designations: R-3 Suburban/Estate Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District, with an area of approximately 5 acres [Section 15-3.0103 “District Boundaries” of the Unified Development Ordinance does not allow newly created lots with multiple zoning designations, also known as split zoning, with the exception of floodplain districts such as FC and FW]; the applicant is requesting to rezone 3.15 acres of the northern property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District in order to avoid split zoning; **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS REZONING APPLICATION;**

Special Use: the Unified Development Ordinance requires a Special Use permit for all residential developments in an R-8 Multiple-Family Residence District regardless of the housing type (single-family, two-family or multiple-family) and therefore, the applicant is requesting a Special Use permit to allow for a single-family residential development use; **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS SPECIAL USE APPLICATION;**

Preliminary Plat: the proposed subdivision consists of a single minor street to be named “Tess Creek”, with a length of 790 feet, 60 foot right-of-way, designed to the typical minor street standards of Unified Development Ordinance Table 15-5.0103 and with a temporary turnaround cul-de-sac (this street may be connected to Mission Hills Court providing access to future development) and in addition to the 17 residential lots, the subdivision would include an outlot for floodplain, natural resource areas, stormwater basin and existing fuel substation [a fuel line easement will cross the entire subdivision];

properties located at 11595 and 11600 West Forest Home Avenue, zoned R-8 Multiple-Family Residence District, R-3 Suburban/Estate Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 751-9001-000 and 796-9987-001. **PUBLIC HEARINGS ARE SCHEDULED FOR THIS MEETING UPON THE REZONING AND SPECIAL USE APPLICATIONS AS AFOREMENTIONED.**

2. **STRAUSS BRANDS LLC MEAT PROCESSING FACILITY CONSTRUCTION** (pursuant to Court Order signed January 24, 2022 and filed January 25, 2022, in *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031). Special Use and Site Plan applications by Strauss Brands LLC, for the development of a 152,035 square foot (total building footprint of the single-story building) meat processing facility (Phases I and II (staffed by approximately 261 employees in the production area and 11 employees in the office area)) designed to process 250 to 500 head of cattle per day, including cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces and associated mechanical support facilities and spaces (this use is classified under Standard Industrial Classification No. 2011, Meat Packing Plants, which is a Special Use in the M-1 Zoning District), on approximately 30.2 acres; the proposed Site Plan includes a building positioned north/south on the site (roughly centered on the site) with employee/visitor parking on the east side of the building (280 spaces) and an access drive located along the south, west, and north sides of the building for truck traffic, with all access to the site via Monarch Drive (two access drives will be provided, one for employee auto parking and one for truck receiving and shipping) (the western portion of the site is identified as future building expansion area) [the site is designed to detain all stormwater on-site in three (3) detention

ponds; the ponds are designed with a capacity to accommodate the future phases of work as indicated on the site drawings], property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision), zoned M-1 Limited Industrial District; Tax Key No. 891-1083-000. The City Administrative Record of the records and documents of the proceedings upon this subject matter and as filed and ordered by the Court in *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031, are available for public inspection and review and may be accessed by entering upon: <https://franklinwi.box.com/s/3dt5qubmyim4caofk7hyine4iup4onv0>

A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE SPECIAL USE APPLICATION OF THIS MATTER.

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

- 1. SANIA INVESTMENTS LLC PARKING LOT EXPANSION.** Site Plan Amendment application by Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC, to expand the existing parking lot into the property immediately to the east of the existing building located at 2735 West Rawson Avenue (10 additional spaces, with the required 10 foot parking setback along the north and south property line, addition of curb and gutter and snow storage area to the proposed parking area) and to install new landscaping for the new lot and along West Rawson Avenue, properties zoned B-4 South 27th Street Mixed-Use Commercial District, located at 2735 West Rawson Avenue and 7103 South 27th Street; Tax Key Nos. 761-9950-003 and 761-9950-001 [applicant previously submitted an application to combine the corner parcel on the southwest corner of South 27th Street and West Rawson Avenue (7103 South 27th Street), recently purchased from the Wisconsin Department of Transportation, with the lot immediately to the west (2735 West Rawson Avenue), said land combination having been approved by the Common Council on November 16, 2021, by Resolution No. 2021-7797].

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: March 3, 2022

**City of Franklin
Plan Commission Meeting
January 20, 2022
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the January 20, 2022, regular Plan Commission meeting to order at 7:08 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Alderwoman Shari Hanneman, Commissioners Patricia Hogan, Patrick Leon, and Adam Burckhardt and City Engineer Glen Morrow. Commissioner Kevin Haley participated remotely and joined the meeting at 7:31 pm. Also present were City Attorney Jesse Wesolowski, Planning Manager Heath Eddy, Principal Planner Régulo Martínez-Montilva and Associate Planner Marion Ecks. Associate Planner Ecks left the meeting at 8:45.

B. Approval of Minutes

1. Regular Meeting of January 6, 2022

Commissioner Hogan moved and Alderwoman Hanneman seconded approval of the January 6, 2022 regular meeting minutes. On voice vote, five 'ayes' and one absent. Motion carried (5-0-2).

C. Public Hearing Business Matters

**1. BEAR DEVELOPMENT, LLC
DUPLEX ONDOMINIUMS/SINGLE-
FAMILY HOME DEVELOPMENT.**

Natural Resource Features Special Exception application by Stephen R. Mills, President of Bear Development, LLC (Boomtown, LLC, property owner), for the purpose of grading of approximately 23,970 square feet of wetland buffer (temporary) and construction impact (building footprint-permanent) to approximately 1,350 square feet of wetland buffer and construction impact (building footprint-permanent) to approximately 3,586 square feet of wetland setback, property located at 12000 West Loomis Road, such property being zoned R-8 Multiple-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-9011-000 and 891-9012-000.

The Official Notice of Public hearing was read in to the record by Planning Manager Eddy and the Public Hearing was opened at 7:32 p.m. and closed at 7:42 p.m.

Associate Planner Ecks presented the request by Stephen R. Mills, President of Bear Development, LLC (Boomtown, LLC, property owner), for the purpose of grading of approximately 23,970 square feet of wetland buffer (temporary) and construction impact (building footprint-permanent) to approximately 1,350 square feet of wetland buffer and construction impact (building footprint-permanent) to approximately 3,586 square feet of wetland setback, property located at 12000 West Loomis Road, such property being zoned R-8 Multiple-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-9011-000 and 891-9012-000.

Natural Resource Special Exception

Motion #1

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to recommend approval of the revised request by Stephen R. Mills, president of Bear Development, LLC Natural Resource Features Special Exception, to allow for only temporary impacts to wetland setback and buffer,

pursuant to the Standards, Findings and Decision Recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations. On voice vote, all voted ‘aye’; motion carried (6-0-1).

Motion #2

Commissioner Haley moved and Commissioner Leon seconded a motion to add conditions of approval to require the applicant to remove all invasive species from both wetland features on the property, and to require a financial surety be imposed for this work. On voice vote, one voted ‘aye’ and five voted ‘nay’; motion failed. (1-5-1).

Motion #3

Commissioner Leon moved and City Engineer Morrow seconded a motion to add conditions of approval to require that the applicant provide for repair of the pond drainage tile/pipe between the pond edge and the outlet at Ryan Road, subject to a revised conservation easement; and for the removal of buckthorn with a minimum expenditure of \$10,000. On voice vote, all voted ‘aye’; motion carried (6-0-1).

2. BEAR DEVELOPMENT, LLC INDUSTRIAL DEVELOPMENT.

Certified Survey Map and Rezoning applications by Stephen R. Mills, President of Bear Development, LLC (Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners), to reconfigure Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th Street:

Certified Survey Map: the proposed Certified Survey Map reconfigures the subject two properties: Lot 84 of Ryan Meadows is owned by Loomis & Ryan, Inc. on the east side of Monarch Drive and south of Chicory Street (approximately 24.06 acres); the other property bearing Tax Key Number 938-9994-004 is owned by Gurjit Singh and Gurmit Kaur (approximately 31.93 acres), [the Certified Survey Map creates three new lots with Lot 1 having an area of approximately 9.39 acres (to be owned by Loomis & Ryan, Inc.); Lot 2 approximately 22.88

The Official Notice of Public hearing was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 8:49 p.m. and closed at 8:56 p.m.

Principal Planner Martinez-Montilva presented the request by Stephen R. Mills, President of Bear Development, LLC (Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners), to reconfigure Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th Street.

Rezoning

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land from M-1 Limited Industrial District and R-2 Estate Single-Family Residence District to M-1 Limited Industrial District (generally located at the end of Monarch Drive in the Ryan Meadows subdivision (lot 84 of Ryan Meadows and an adjacent property located on the west side of South 112th Street) (approximately 22.88 acres) On voice vote, all voted ‘aye’; motion carried (6-0-1).

Certified Survey Map

Commissioner Hogan moved and Alderman Hanneman

acres (to be owned by Loomis & Ryan, Inc.) and Lot 3 with 23.57 acres (to be owned by Singh and Kaur) (the land division request essentially allows Loomis & Ryan, Inc. to purchase about 8 acres of land), also including a temporary turn around easement at the end of Monarch Drive and a 20 foot trail easement.

Rezoning: the applicant is requesting to change the zoning of the proposed Lot 2 from M-1 Limited Industrial District and R-2 Estate Single-Family Residence District to M-1 Limited Industrial District for industrial development; properties generally located at the end of Monarch Drive in the Ryan Meadows subdivision, zoned M-1 Limited Industrial District, R-2 Estate Single-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-1084-000 and 938- 9994-004.

seconded a motion to table the Certified Survey Map to the next meeting. On voice vote, all voted ‘aye’; motion carried. (6-0-1).

D. Business Matters

1. None

Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of January 20, 2022 at 9:25 p.m. On voice vote, all voted ‘aye’; motion carried. (6-0-1).

**City of Franklin
Plan Commission Meeting
February 3, 2022
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the February 3, 2022, regular Plan Commission meeting to order at 5:05 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

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

The following were also in attendance: Commissioner Barbara Wesner, Jamie Groark, as well as Jackie Wells and Ruben Shell of Houseal Lavigne Associates. J.B. Hinds of Birchline Planning LLC joined the meeting remotely at 5:40 p.m.

The Plan Commission entered into recess from 7:00 p.m. to 7:10 pm. Commissioner Patrick Leon joined the meeting at 7:10 p.m.

B. Approval of Minutes

1. Regular Meeting of January 20, 2022

Commissioner Hogan moved and Commissioner Leon seconded to table the January 20, 2022 regular meeting minutes. On voice vote, all voted ‘aye’; motion carried (6-0-1).

C. UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE TASK FORCE: PRESENTATION OF DIAGNOSTIC REVIEW OF THE UDO BY PROJECT CONSULTANTS HOUSEAL LAVIGNE ASSOCIATES AND BIRCHLINE PLANNING LLC

Planning Manager Heath Eddy introduced Jackie Well of Houseal Lavigne Associates who presented the request Diagnostic Review of the UDO by project consultants Houseal Lavigne Associates and Birchline Planning LLC.

D. Public Hearing Business Matters

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

Comprehensive Master Plan Amendment and Rezoning applications by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC,

Planning manager Heath Eddy presented the request by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC, property owner), to amend the Future Land Use Map designation for an area consisting of one property designated as Recreational Use, covering approximately 35 acres, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to

property owner), to amend the Future Land Use Map designation for an area consisting of one property designated as Recreational Use, covering approximately 35 acres, 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 C-1 Conservancy District to R-5 Suburban Single-Family Residence District (area consisting of one property (892-9999-002) and containing a corridor 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), property 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 34.54 acres).

rezone that area of land from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (area consisting of one property (892-9999-002) and containing a corridor 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), property 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 34.54 acres).

Comprehensive Master Plan Amendment

Alderman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution recommending the adoption of an Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 future land use map for property bearing Tax Key Number 892-9999-002, 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, pursuant to Wis. Stat. §66.1001(4)(b). On voice vote, 4 voted ‘aye’ and 2 voted ‘nay’; motion carried (4-2-1).

The Official Notice of Public hearing was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 7:16 p.m. and closed at 7:24 p.m.

Rezone Motion #1

Commissioner Haley moved and Commissioner Burckhardt seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural 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 35 acres). On voice vote, 2 voted ‘aye’ and 4 voted ‘nay’; motion failed (2-4-1).

Motion #2

Alderman Hanneman moved and Commissioner Leon seconded a motion to seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural 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 35 acres). On voice vote, 4 voted ‘aye’ and 2 voted ‘nay’; motion carried (4-2-1).

E. Business Matters

1. BEAR DEVELOPMENT, LLC INDUSTRIAL DEVELOPMENT.

Certified Survey Map with a Land Division Variance application by Stephen R. Mills, President of Bear Development, LLC (Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners), to reconfigure Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th Street (Lot 84 of Ryan Meadows is owned by Loomis & Ryan, Inc. on the east side of Monarch Drive and south of Chicory Street (approximately 24.06 acres); the other property bearing Tax Key Number 938-9994-004 is owned by Gurjit Singh and Gurmit Kaur (approximately 31.93 acres)), [the Certified Survey Map creates three new lots with Lot 1 having an area of approximately 9.39 acres (to be owned by Loomis & Ryan, Inc.); Lot 2 approximately 22.88 acres (to be owned by Loomis & Ryan, Inc.) and Lot 3 with 23.57 acres (to be owned by Singh and Kaur) (the land division request essentially allows Loomis & Ryan, Inc. to purchase about 8 acres of land), also including a 20 foot trail easement, this Certified Survey Map requires a land division variance to allow for a cul-de-sac street (Monarch Drive) exceeding the maximum length of 800 feet per Unified Development Ordinance 15-5.0103A., properties generally located at the end of Monarch Drive in the Ryan Meadows subdivision, zoned M-1 Limited Industrial District, R-2 Estate Single-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-1084-000 and 938-9994-004.

Principal Planner Martinez-Montilva presented the request by Stephen R. Mills, President of Bear Development, LLC (Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners), to reconfigure Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th Street (Lot 84 of Ryan Meadows is owned by Loomis & Ryan, Inc. on the east side of Monarch Drive and south of Chicory Street (approximately 24.06 acres); the other property bearing Tax Key Number 938-9994-004 is owned by Gurjit Singh and Gurmit Kaur (approximately 31.93 acres)), [the Certified Survey Map creates three new lots with Lot 1 having an area of approximately 9.39 acres (to be owned by Loomis & Ryan, Inc.); Lot 2 approximately 22.88 acres (to be owned by Loomis & Ryan, Inc.) and Lot 3 with 23.57 acres (to be owned by Singh and Kaur) (the land division request essentially allows Loomis & Ryan, Inc. to purchase about 8 acres of land), also including a 20 foot trail easement, this Certified Survey Map requires a land division variance to allow for a cul-de-sac street (Monarch Drive) exceeding the maximum length of 800 feet per Unified Development Ordinance 15-5.0103A., properties generally located at the end of Monarch Drive in the Ryan Meadows subdivision, zoned M-1 Limited Industrial District, R-2 Estate Single-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-1084-000 and 938-9994-004.

Certified Survey Map

Alderswoman Hanneman moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution conditionally approving a 3 lot Certified Survey Map, being all of Lot 84 in Ryan Meadows and a part of parcel 1 of Certified Survey Map No. 975, located in the southwest 1/4 and Northwest 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 and the Northeast 1/4 of the Southwest 1/4 and the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 east, city of Franklin, Milwaukee County, Wisconsin (Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th Street (approximately located at the end of Monarch Drive in the Ryan Meadows subdivision)), with additional conditions and suggestions included in the memorandum to the Plan Commission dated February 3, 2022. On voice vote, all voted ‘aye’; motion carried (6-0-1).

Land Division Variance

Alderman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution conditionally approving a Land Division Variance for a 3 lot Certified Survey Map, to allow for a cul-de-sac street exceeding 800 feet in length, which is beyond the length limit set forth in § 15-5.0103a.1. of the Unified Development Ordinance, subject to such length, dimensions, and requirements as approved by the City Engineer and the City Planning Manager, being all of Lot 84 in Ryan Meadows and a part of parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 and the Northeast 1/4 of the Southwest 1/4 and the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th Street (approximately located at the end of Monarch Drive in the Ryan Meadows subdivision)). On voice vote, all voted ‘aye’; motion carried. (6-0-1).

Adjournment

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of February 3, 2022 at 7:54 p.m. On voice vote, all voted ‘aye’; motion carried. (6-0-1).



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item C.1.

Meeting of February 17, 2022

Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat

RECOMMENDATION: City Development staff recommends approval of these Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications for the Tess Creek Estates subdivision, the Special Use and Preliminary Plat shall be subject to the conditions set forth in the attached resolutions.

Table with 2 columns: Label (Project Name, Project Address, Applicant, Agent, Property Owner, Current Zoning, Proposed Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant's Action Requested, Planner) and Description (Tess Creek Estates subdivision, 11595 & 11600 W Forest Home Avenue, Servi Investments, LLC, CJ Engineering, Forest Home Investors, LLC, R-8 Multiple-Family Residence District, R-3 Suburban/Estate Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District, R-8 Multiple-Family Residence District. FC Floodplain Conservancy District and FW Floodway District areas remain, Residential and Residential-Multifamily, Tess Creek and floodplain areas to the north, vacant land zoned residential to the northeast, residential single family (Mission Hills Additions 3&4) to the southeast and south, vacant land zoned commercial, Country Dale Elementary School and recreational trail to the west across Forest Home Avenue, Recommendation for approval of Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications for the Tess Creek Estates subdivision, Régulo Martínez-Montilva, AICP, Principal Planner)

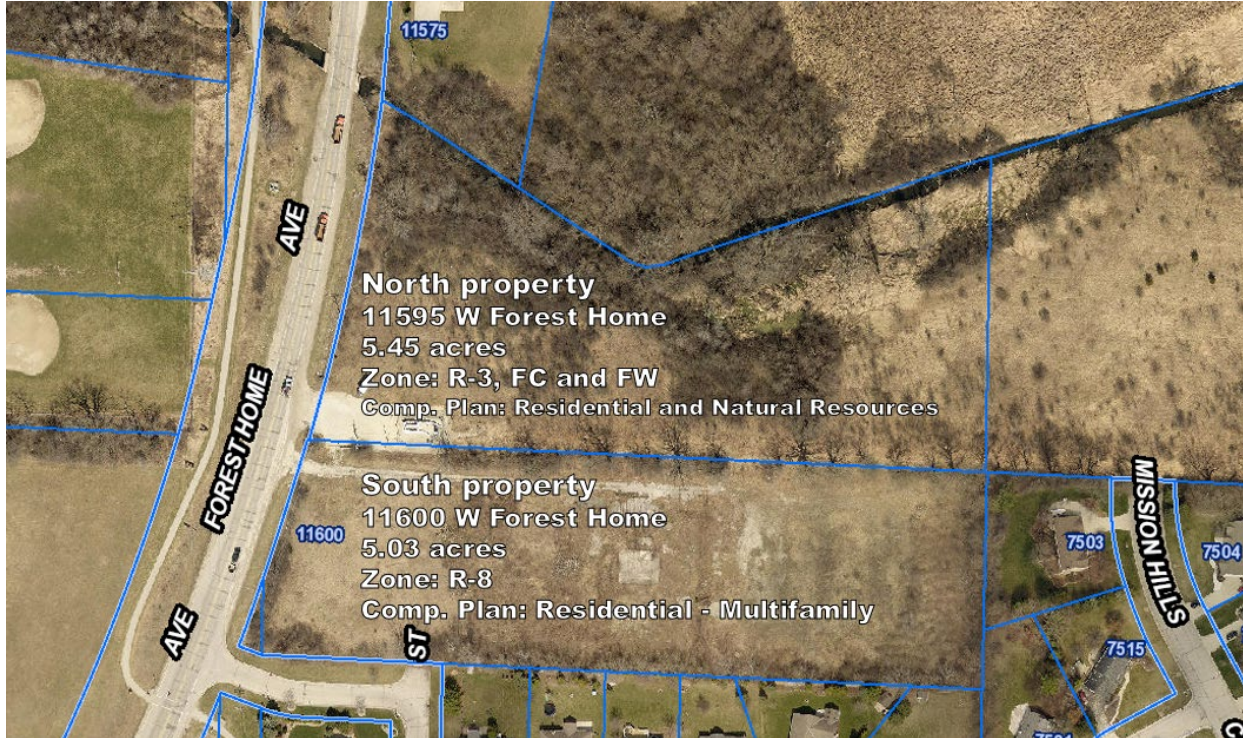
Introduction:

Before you is a proposal for a new single-family residential subdivision to be called "Tess Creek Estates" on a 10-acre site located on 11595-11600 W. Forest Home Avenue. On November 30, 2021, the applicant submitted requests for Rezoning, Special Use and Preliminary Plat, then a Comprehensive Master Plan amendment was submitted on January 25, 2022, following staff comments.

On January 24, 2022, the applicant extended the review time frame for the Preliminary Plat and associated applications to be scheduled for this February 17, Plan Commission meeting and March 15, Common Council.

This 10-acre consist of two properties: 11595 and 11600 W Forest Home Avenue. Certified Survey Map No. 9289 to create 11595 W. Forest Home was recorded in February 2021

(appendix #1). Then, the applicant submitted applications for rezoning, special use and preliminary plat, these previous applications did not advance in the review process due to concerns with the West Shore Pipeline. After revisions to the original subdivision design, the applicant submitted new applications in November 2021.

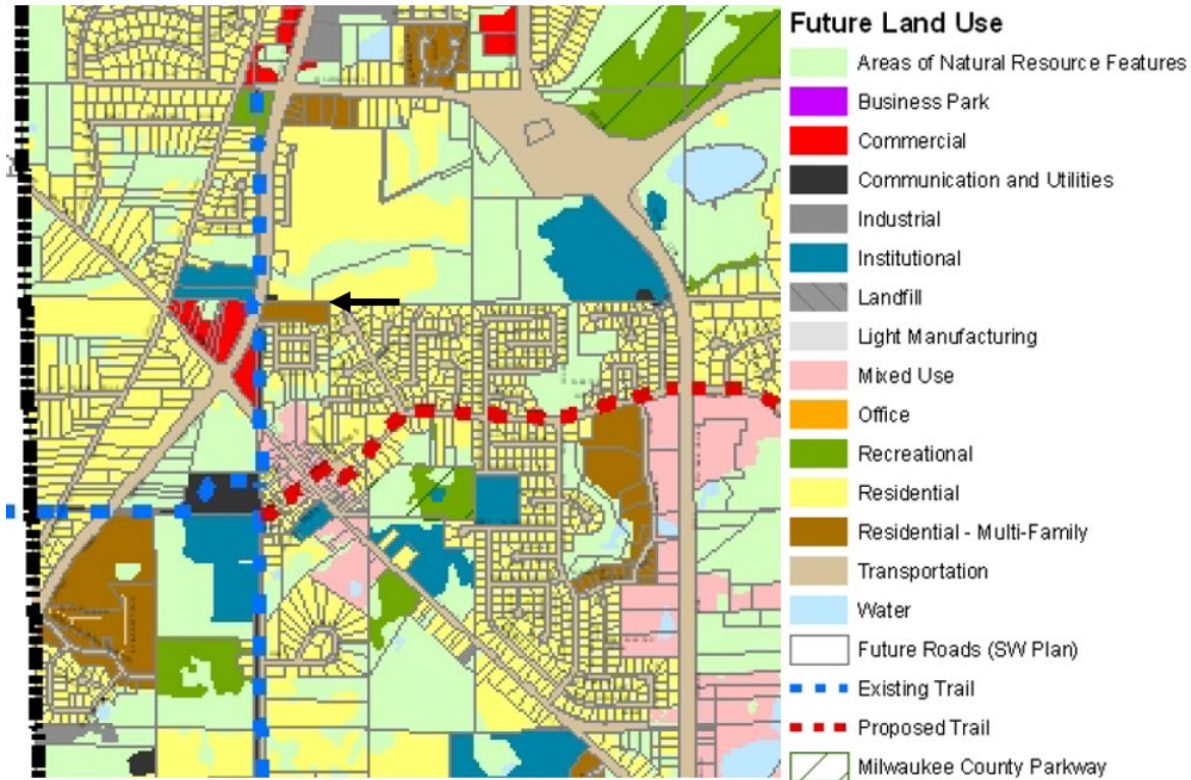


Aerial image (2020) with current lot configuration following Certified Survey Map No. 9289.

Comprehensive Master Plan Amendment:

The subject site has three (3) designations per the future land use map of the City of Franklin 2025 Comprehensive Master Plan. The south property (Tax Key Number TKN 796 9987 001) is designated as Residential-Multifamily, while the north property (TKN 751 9001 000) is designated as Residential and Area of Natural Resource Features. The Tess Creek floodplain corresponds to the Area of Natural Resource Features and no development is proposed in such area.

Even though this proposal is for a single-family residential subdivision, the applicant is requesting a rezoning of a portion of the north property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District as described below in the rezoning section. The R-8 zoning district allows for single-family residential but also for multi-family residential, therefore, an amendment to Comprehensive Master Plan future land use map from Residential to Residential-Multifamily is required because a rezoning ordinance needs to be consistent with the local comprehensive plan pursuant to Wis. Stats. § 66.1001(3).



City of Franklin 2025 Future Land Use Map. Arrow indicates location of subject site, note that the lot configuration is previous to Certified Survey Map (CSM) No. 9289.

Rezoning:

The project site is approximately 10.10 acres in two properties with different zoning designations. The southern property (11600 W Forest Home) is entirely zoned R-8 Multiple-Family Residence District with an area of 5.03 acres, while the northern property (11595) has several zoning designations: R-3 Suburban/Estate Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District. Section 15-3.0103 “District Boundaries” of the Unified Development Ordinance (UDO) does not allow newly created lots with multiple zoning designations, also known as split zoning, with the exception of floodplain districts such as FC and FW. Due to this standard, the applicant is seeking to rezone 3.15 acres of the northern property from R-3 to R-8 in order to avoid split zoning. The areas zoned FC and FW remain with these zoning designations.

The proposed single-family residential subdivision is compatible with adjacent residential subdivisions: Mission Hills West Addition No. 4 to the south and Mission Hills West Addition No. 3 to the southeast. The subdivision abuts Tess Creek to the north and the plat includes the required 75-foot shore buffer from the ordinary high water line and the 50-foot setback from delineated wetlands as indicated in the Natural Resource Protection Plan. To the west, Forest Home Avenue is classified as a Principal Arterial road, no direct access from lots to this avenue is being proposed and a landscape bufferyard easement is depicted on the plat along such avenue. To the east, the new Tess Creek Street is intended to connect to future development on the property bearing TKN 751 9999 001.

Special Use:

The UDO requires a Special Use permit for all residential developments in the R-8 zoning district regardless of the housing type (single-family, two-family or multiple-family). Therefore, the applicant is requesting a Special Use permit to allow for single-family detached residential use. Note that the proposed special use is for single-family residential but the R-8 zoning district may allow two-family residential use. A new special use permit will be required for any two-family residential home in the future Tess Creek Estates subdivision.

The West Shore pipeline St. Martins junction is located on this site as well as the fuel line easement going to the east. The applicant has indicated that the pipeline operator is favorable to the proposed design, see response to review comment #15.



St. Martins fuel line junction and fuel line easement going east. Photograph by City Development staff.

Open Remediation and Redevelopment (RR) Site

It is worth noting that the south property (11600 W Forest Home Ave) is listed as an open Remediation and Redevelopment (RR) site by the Wisconsin Department of Natural Resources (DNR), named as Rawson Contractors Yard (appendix #2). Soil contamination has been detected on this property per the Site Investigation and Remedial Action Plan, prepared by Symbiont, dated July 31, 2008 (appendix #3, executive summary only), specifically “cadmium impacted material” and “fill materials containing asphalt and elevated polycyclic aromatic hydrocarbon concentrations” as indicated in the plan Recommendations (page vi).



Aerial image of the Rawson Contractors yard site, 2005.

City Development staff is also concerned about the vapor intrusion risk for the proposed residential development as noted in letter from the Department of Natural Resources dated April 6, 2021 (appendix #4). Therefore, City Development staff recommends to include the following condition to the Special Use and Preliminary Plat resolutions: The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity. Note that this condition is consistent with the goals listed by Moraine Environmental in Status Report dated May 3, 2021 (appendix #5).

The applicant did not include information about the Remediation and Redevelopment site in the Special Use application. Appendices #2-5 regarding the open Remediation and Redevelopment site were obtained from the Wisconsin Remediation and Redevelopment Database (WRRD) available on-line at <https://dnr.wisconsin.gov/topic/Brownfields/WRRD.html>

Public hearings

Public hearing notices have been sent for the Comprehensive Master Plan amendment, Rezoning and Special Use. Public hearings will be held during the Plan Commission meeting for the Rezoning and Special Use, and a separate public hearing is scheduled before the Common Council on March 15 for the Comprehensive Master Plan amendment.

No public comments have been received by the City Development Department as of writing of this report.

Preliminary Plat:

The proposed 17-lot subdivision consists of a single minor street to be called “Tess Creek Street” with a length of 790 feet, 60-foot right-of-way, designed to the typical minor street standards of UDO Table 15-5.0103 and with a temporary turnaround cul-de-sac. This street may be connected

to Mission Hills Court providing access to future development. In addition to the 17 residential lots, the subdivision would include an outlot for floodplain, natural resource areas, stormwater basin and existing fuel substation (St. Martins junction). It is worth noting the presence of a fuel line easement crossing the entire subdivision from the fuel substation to the east.

The zoning for the proposed plat is R-8 Multiple-Family Residence District, however, it would be a single-family residential subdivision as previously discussed. All lots exceed the R-8 minimum lot area of 6,000 square feet, and meet the requirement for minimum lot width of 60 feet measured at the right-of-way line and setback line.

City Development had concerns with lots 13 and 14 (formerly lots 16 and 17) due to the irregular building footprint that may cause a hardship to future lot owners. The applicant has indicated in a table that the available buildable area within setbacks allows for building footprints over 2,000 square feet, which meets the minimum living area per dwelling unit in the R-8 zoning district of 1,250 square feet, see response to review comment #5.

All single-family lots would have access to the proposed Tess Creek Street. The three lots abutting W. Forest Home Avenue (lots 10, 11 and 12) would not have direct access to this avenue prevented by a landscape bufferyard easement. Note that this landscape bufferyard easement is required per Unified Development Ordinance UDO §15-5.0102.A, because Forest Home Avenue is classified as a Principal Arterial roadway.

Site Intensity calculations have been prepared (UDO §15-3.0500), and that the proposed development meets specifications regarding density and buildable area.

The proposed subdivision will be served by municipal water and public sanitary sewer.

Pedestrian amenities and recreational trail

A sidewalk is proposed on one side (south-east) of Tess Creek Street. Sidewalks are not required in the bulb of the cul-de-sac.

In letter from Milwaukee County Department of Administrative Services dated October 29, 2021, Milwaukee County Parks Department recommends dedication to the City of Franklin or easement for a recreational trail, at least 20-foot wide and outside the 100-year floodplain (appendix #5, page 2).

The applicant has included a 20-foot recreational trail between the Forest Home Avenue right-of-way and the proposed Tess Creek Street. However, the recreational trail is not depicted in the landscape plan.

Stormwater Management and other Engineering approvals and required improvements

A stormwater ponds is proposed within Outlot 1. The applicant must submit a Stormwater Management Plan and calculations to the Engineering Department for review, and will require final Engineering Department approval as part of the review of the Final Plat Application. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions.

Natural Resource Protection Plan (NRPP)

A Natural Resource Protection Plan (NRPP) has been prepared for this subdivision, including wetland delineations by Wetland and Waterway Consulting dated November 6, 2019.

The proposed impact to natural resources is 754 square feet of young woodlands and the total area of this natural resource on this site is 38,831 square feet. Therefore, the proposed impact (1.9%) is within the permitted impact to young woodlands for residential land use of 50%. All other present natural resources would not be impacted: shore buffer, floodplain, wetland, wetland buffer and wetland setback.

Signage:

A subdivision monument or other similar signage would require separate City review and approval.

Other required documents

§15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association prior to approval of the Final Plat.

Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). If complete construction is not practicable, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B). Should the final plat be recorded in two phases, the applicant would need to provide the financial guaranty in the amount required for each phase of the final plat prior to the recording of that phase.

Recommendation

City Development staff recommends approval of these Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications for the Tess Creek Estates subdivision, the Special Use and Preliminary Plat shall be subject to the conditions set forth in the attached resolutions.

Appendices

1. Certified Survey Map No. 9289, recorded in 2021.
2. Remediation and Redevelopment (RR) database record, Rawson Contractors Yard.
3. Site Investigation Report by Symbiont, 2008, Executive Summary only.
4. Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions, letter from the Department of Natural Resources dated April 6, 2021.
5. Status Report by Moraine Environmental, Inc. dated May 3, 2021.
6. Review letter from Milwaukee County dated October 29, 2021.

RESOLUTION NO. 2022-_____

A RESOLUTION RECOMMENDING THE ADOPTION OF AN
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN
2025 FUTURE LAND USE MAP FOR A PORTION OF THE
PROPERTY LOCATED AT 11595 WEST FOREST HOME AVENUE FROM
RESIDENTIAL USE TO RESIDENTIAL – MULTI-FAMILY USE,
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, P. Kenneth Servi, Servi Investments, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use, such property bearing Tax Key No. 751-9001-000, more particularly described as follows:

BEING A PART OF LOT 1, CSM 9289 LOCATED IN THE NORTHEAST 1/4 OF SEC. 7, T5N, R21E, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 7; THENCE N 88°37'15" W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, 1762.29 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508, AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE, CONTINUING ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, N 88°37'15" W 810.33 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVE.; THENCE NORTHEASTERLY 290.20 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVENUE AND ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 2864.79 FEET, AND WHOSE CHORD BEARS N 12°04'11" E 290.08 FEET; THENCE S 58°47'24" E 14.39 FEET; THENCE S 17°42'46" W

34.23 FEET; THENCE S 64°59'51" E 14.94 FEET; THENCE N 79°51'39" E 19.62 FEET; THENCE S 66°24'42" E 18.81 FEET; THENCE N 65°02'19" E 6.45 FEET; THENCE S 73°22'18" E 9.49 FEET; THENCE S 85°17'44" E 22.67 FEET; THENCE S 79°05'48" E 22.47 FEET; THENCE S 88°55'32" E 23.61 FEET; THENCE S 64°29'04" E 23.52 FEET; THENCE S 25°43'03" E 19.96 FEET; THENCE S 21°44'13" E 14.94 FEET; THENCE S 59°05'14" E 24.91 FEET; THENCE S 68°36'13" E 32.76 FEET; THENCE S 48°41'52" E 27.71 FEET; THENCE S 58°46'47" E 26.71 FEET; THENCE S 75°38'44" E 31.70 FEET; THENCE S 55°24'07" E 7.89 FEET; THENCE S 83°55'55" E 17.70 FEET; THENCE N 83°17'42" E 12.82 FEET; THENCE S 68°18'00" E 16.87 FEET; THENCE S 87°23'58" E 11.35 FEET; THENCE S 79°34'12" E 14.94 FEET; THENCE S 76°52'31" E 23.82 FEET; THENCE N 75°13'19" E 33.32 FEET; THENCE N 88°14'47" E 21.07 FEET; THENCE S 84°33'49" E 32.79 FEET; THENCE N 89°29'36" E 29.27 FEET; THENCE N 53°05'51" E 56.04 FEET; THENCE N 61°24'27" E 9.74 FEET; THENCE N 75°17'38" E 23.08 FEET; THENCE S 75°03'43" E 5.94 FEET; THENCE N 66°43'57" E 45.30 FEET; THENCE N 58°49'30" E 42.82 FEET; THENCE N 64°05'09" E 18.45 FEET; THENCE N 61°38'29" E 36.05 FEET; THENCE N 62°07'21" E 29.53 FEET; THENCE S 00°22'09" E 247.71 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508 AND THE POINT OF BEGINNING. SAID LANDS CONTAINING 137,271 SQ. FT. (3.151 ACRES) MORE OR LESS; and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on February 17, 2022, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

RESOLUTION NO. 2022 - _____

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Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2022-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR TESS CREEK ESTATES SUBDIVISION
(AT 11595 AND 11600 WEST FOREST HOME AVENUE)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Tess Creek Estates subdivision, such plat being Parcel 1 of Certified Survey Map No. 6508 and Lot 1 of Certified Survey Map No. 9289 located in the Southeast 1/4 and Northeast 1/4 of Section 7, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, said lands containing 440,001 square feet or 10.101 acres, more specifically, of the properties located at 11595 and 11600 West Forest Home Avenue, bearing Tax Key Nos. 751-9001-000 and 796-9987-001, P. Kenneth Servi, Servi Investments, LLC, applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on February 17, 2022, 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 preliminary plat 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 Preliminary Plat of Tess Creek Estates subdivision, as submitted by P. Kenneth Servi, Servi Investments, LLC, 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.
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. Forest Home Investors, LLC, successors and assigns and any developer of the Tess Creek Estates 17 lot and 1 outlot subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2022-_____

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incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Tess Creek Estates 17 lot and 1 outlot subdivision development, 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.

4. The approval granted hereunder is conditional upon P. Kenneth Servi, Servi Investments, LLC and the Tess Creek Estates 17 lot and 1 outlot subdivision development project for the properties located at 11595 and 11600 West Forest Home Avenue: (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.
5. The Tess Creek Estates 17 lot and 1 outlot subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity.
7. The applicant is responsible for coordination with the West Shore Pipeline operator for utility crossings.
8. The applicant must revise the Preliminary Plat, sheet 1, to exclude the 30-foot wetland buffer from the proposed landscape bufferyard easement.
9. The applicant must revise the Open Space Ratio calculations of the Preliminary Plat, sheet 1, the open space ratio is derived by dividing the open space of the site by the base site.
10. The applicant must revise the proposed grading of the Preliminary Plat, sheet 2, to indicate the 30-foot wetland buffer and the limits of disturbance line.
11. Written conservation easements and landscape bufferyard easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
12. All protected natural resources to remain (as depicted on the Natural Resource Protection Plan) shall be shown on the face of the plat, and included within a

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2022-_____

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Conservation Easement, as part of the Final Plat application. A “Conservation Easement Restrictions” note shall also be depicted on the face of the plat as part of the Final Plat application.

- 13. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
- 14. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
- 15. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 1-31-22]

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
(ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3
SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO
R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT
(A PORTION OF THE PROPERTY LOCATED AT
11595 WEST FOREST HOME AVENUE)
(APPROXIMATELY 3.15 ACRES)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, P. Kenneth Servi, Servi Investments, LLC having petitioned for the rezoning of approximately 3.15 acres of land, from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District, such land located on a portion of the property located at 11595 West Forest Home Avenue; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 17th day of February, 2022, 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 located on a portion of the property located at 11595 West Forest Home Avenue, described below, be changed from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District:

BEING A PART OF LOT 1, CSM 9289 LOCATED IN THE
NORTHEAST 1/4 OF SEC. 7, T5N, R21E, IN THE CITY OF
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN: COMMENCING
AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF

SECTION 7; THENCE N 88°37'15" W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, 1762.29 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508, AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE, CONTINUING ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, N 88°37'15" W 810.33 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVE.; THENCE NORTHEASTERLY 290.20 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVENUE AND ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 2864.79 FEET, AND WHOSE CHORD BEARS N 12°04'11" E 290.08 FEET; THENCE S 58°47'24" E 14.39 FEET; THENCE S 17°42'46" W 34.23 FEET; THENCE S 64°59'51" E 14.94 FEET; THENCE N 79°51'39" E 19.62 FEET; THENCE S 66°24'42" E 18.81 FEET; THENCE N 65°02'19" E 6.45 FEET; THENCE S 73°22'18" E 9.49 FEET; THENCE S 85°17'44" E 22.67 FEET; THENCE S 79°05'48" E 22.47 FEET; THENCE S 88°55'32" E 23.61 FEET; THENCE S 64°29'04" E 23.52 FEET; THENCE S 25°43'03" E 19.96 FEET; THENCE S 21°44'13" E 14.94 FEET; THENCE S 59°05'14" E 24.91 FEET; THENCE S 68°36'13" E 32.76 FEET; THENCE S 48°41'52" E 27.71 FEET; THENCE S 58°46'47" E 26.71 FEET; THENCE S 75°38'44" E 31.70 FEET; THENCE S 55°24'07" E 7.89 FEET; THENCE S 83°55'55" E 17.70 FEET; THENCE N 83°17'42" E 12.82 FEET; THENCE S 68°18'00" E 16.87 FEET; THENCE S 87°23'58" E 11.35 FEET; THENCE S 79°34'12" E 14.94 FEET; THENCE S 76°52'31" E 23.82 FEET; THENCE N 75°13'19" E 33.32 FEET; THENCE N 88°14'47" E 21.07 FEET; THENCE S 84°33'49" E 32.79 FEET; THENCE N 89°29'36" E 29.27 FEET; THENCE N 53°05'51" E 56.04 FEET; THENCE N 61°24'27" E 9.74 FEET; THENCE N 75°17'38" E 23.08 FEET; THENCE S 75°03'43" E 5.94 FEET; THENCE N 66°43'57" E 45.30 FEET; THENCE N 58°49'30" E 42.82 FEET; THENCE N 64°05'09" E 18.45 FEET; THENCE N 61°38'29" E 36.05 FEET; THENCE N 62°07'21" E 29.53 FEET; THENCE S 00°22'09" E 247.71 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508 AND THE POINT OF BEGINNING. SAID LANDS CONTAINING 137,271 SQ. FT. (3.151 ACRES) MORE OR LESS.

Tax Key No.: 751-9001-000.

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 _____, 2022, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

ORDINANCE NO. 2022-____

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF
FRANKLIN 2025 FUTURE LAND USE MAP FOR A PORTION OF THE
PROPERTY LOCATED AT 11595 WEST FOREST HOME AVENUE FROM
RESIDENTIAL USE TO RESIDENTIAL – MULTI-FAMILY USE
(APPROXIMATELY 3.151 ACRES)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

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, P. Kenneth Servi, Servi Investments, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on February 17, 2022, 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 a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family 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 March 1, 2022; 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 a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use. Such property is more particularly described within Resolution No. 2022 ____ 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 _____, 2022, 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 _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A SINGLE-FAMILY
RESIDENTIAL DEVELOPMENT USE IN AN R-8 MULTIPLE-FAMILY
RESIDENCE DISTRICT UPON PROPERTY LOCATED AT 11595 AND
11600 WEST FOREST HOME AVENUE
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, P. Kenneth Servi, Servi Investments, LLC having petitioned the City of Franklin for the approval of a Special Use to allow for a single-family residential development use in an R-8 Multiple-Family Residence District (Tess Creek Estates subdivision with 17 single-family lots), properties located at 11595 and 11600 West Forest Home Avenue, bearing Tax Key Nos. 751-9001-000 and 796-9987-001, more particularly described as follows:

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO 9289, LOCATED IN THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. SAID LANDS CONTAINING 440,001 SQ. FT. (10.101 ACRES) MORE OR LESS; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 17th day of February, 2022, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 2

the City of Franklin, Wisconsin, that the petition of P. Kenneth Servi, Servi Investments, LLC, for the approval of a Special Use for the properties particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject properties by P. Kenneth Servi, Servi Investments, LLC, successors and assigns, as a single-family residential subdivision development use, which shall be developed in substantial compliance with, and operated and maintained by P. Kenneth Servi, Servi Investments, LLC, pursuant to those plans City file-stamped February 7, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. P. Kenneth Servi, Servi Investments, LLC, successors and assigns, 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, for the P. Kenneth Servi, Servi Investments, LLC single-family residential subdivision development, 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.
3. The approval granted hereunder is conditional upon P. Kenneth Servi, Servi Investments, LLC, and the single-family residential subdivision development use, for the properties located at 11595 and 11600 West Forest Home Avenue: (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.
4. The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity.

BE IT FURTHER RESOLVED, that in the event P. Kenneth Servi, Servi Investments, LLC, successors or assigns, or any owner of the subject properties, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 3

Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

APPROVED:

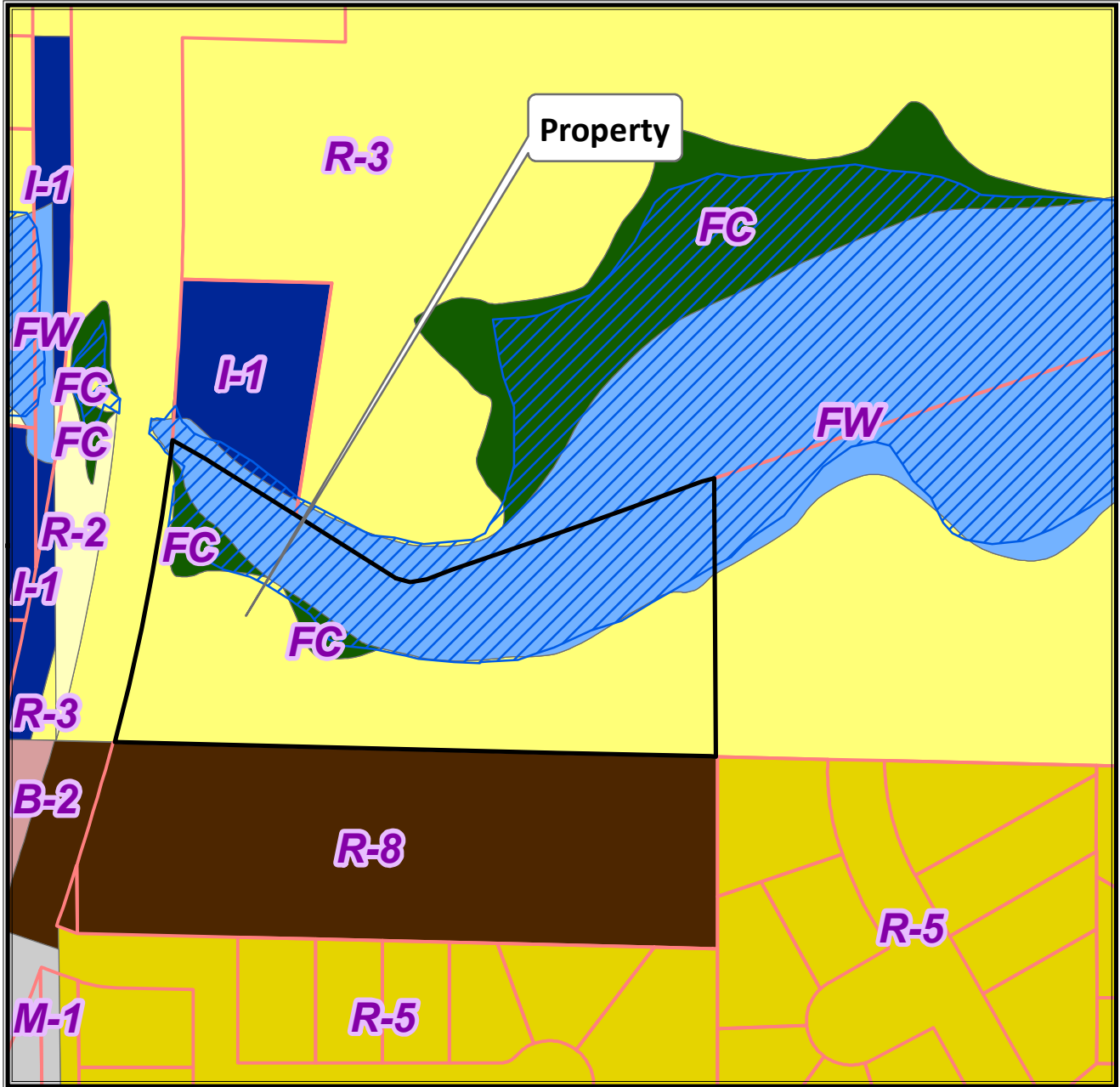
Stephen R. Olson, Mayor

ATTEST:

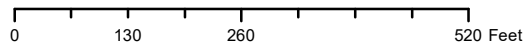
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Address: 11595 W. Forest Home Ave.
TKN: 751 9001 000

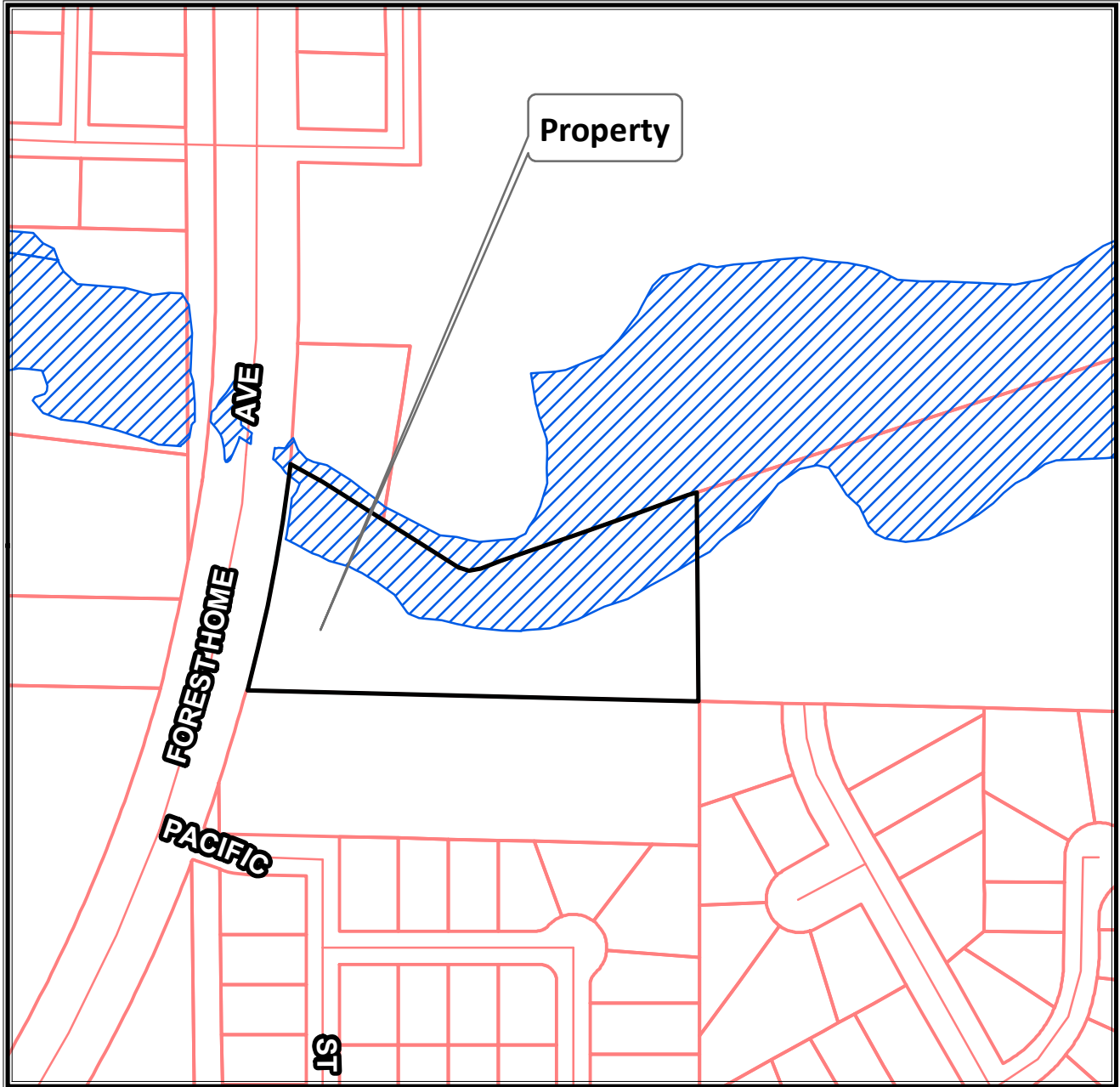


Planning Department
(414) 425-4024

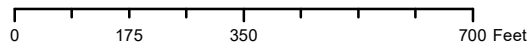


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

Address: 11595 W. Forest Home Ave.
TKN: 751 9001 000



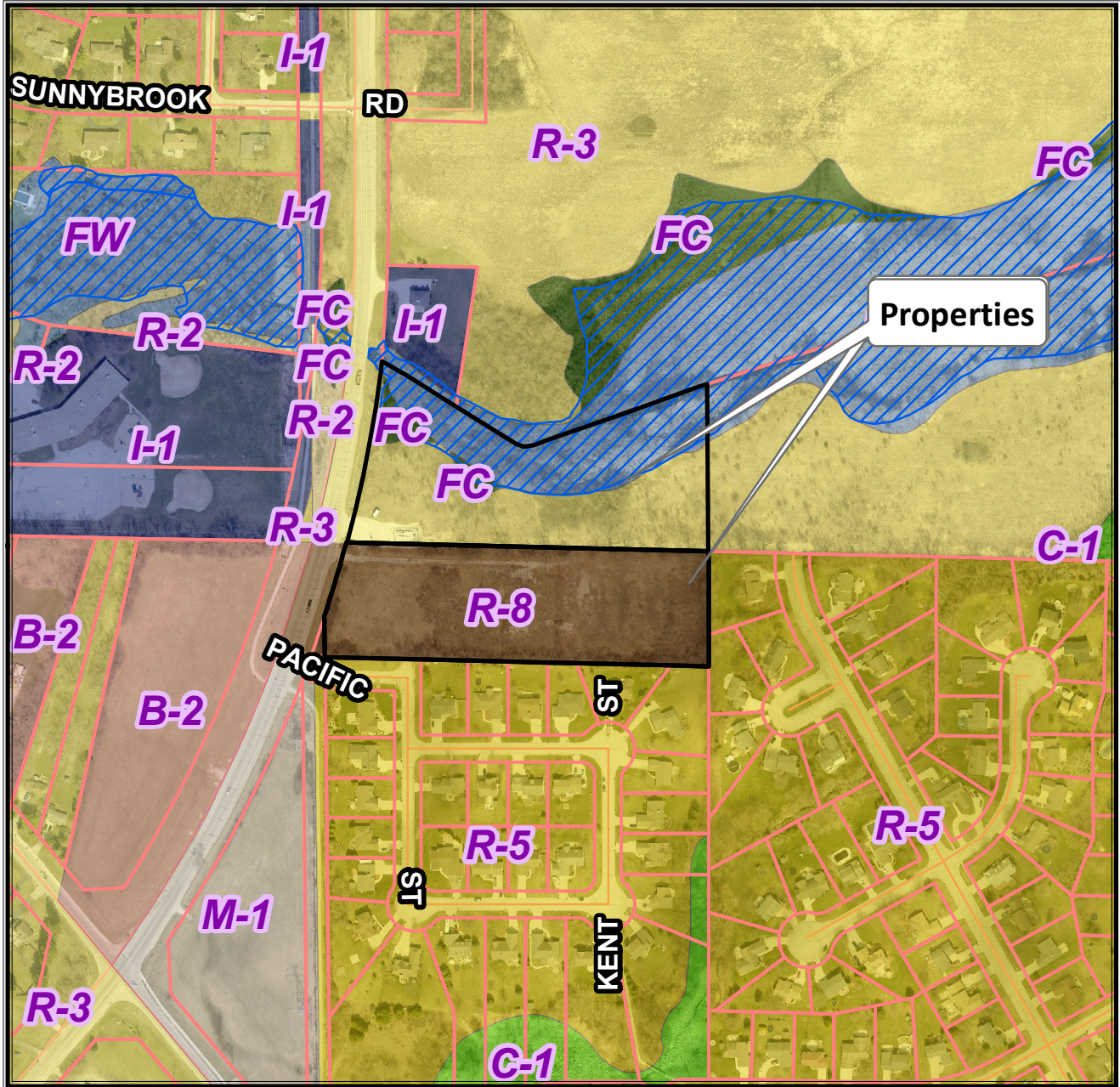
Planning Department
(414) 425-4024



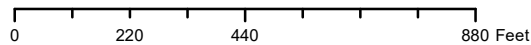
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



11595 & 11600 W. Forest Home Ave.
 TKNs: 751 9001 000 & 796 9987 001

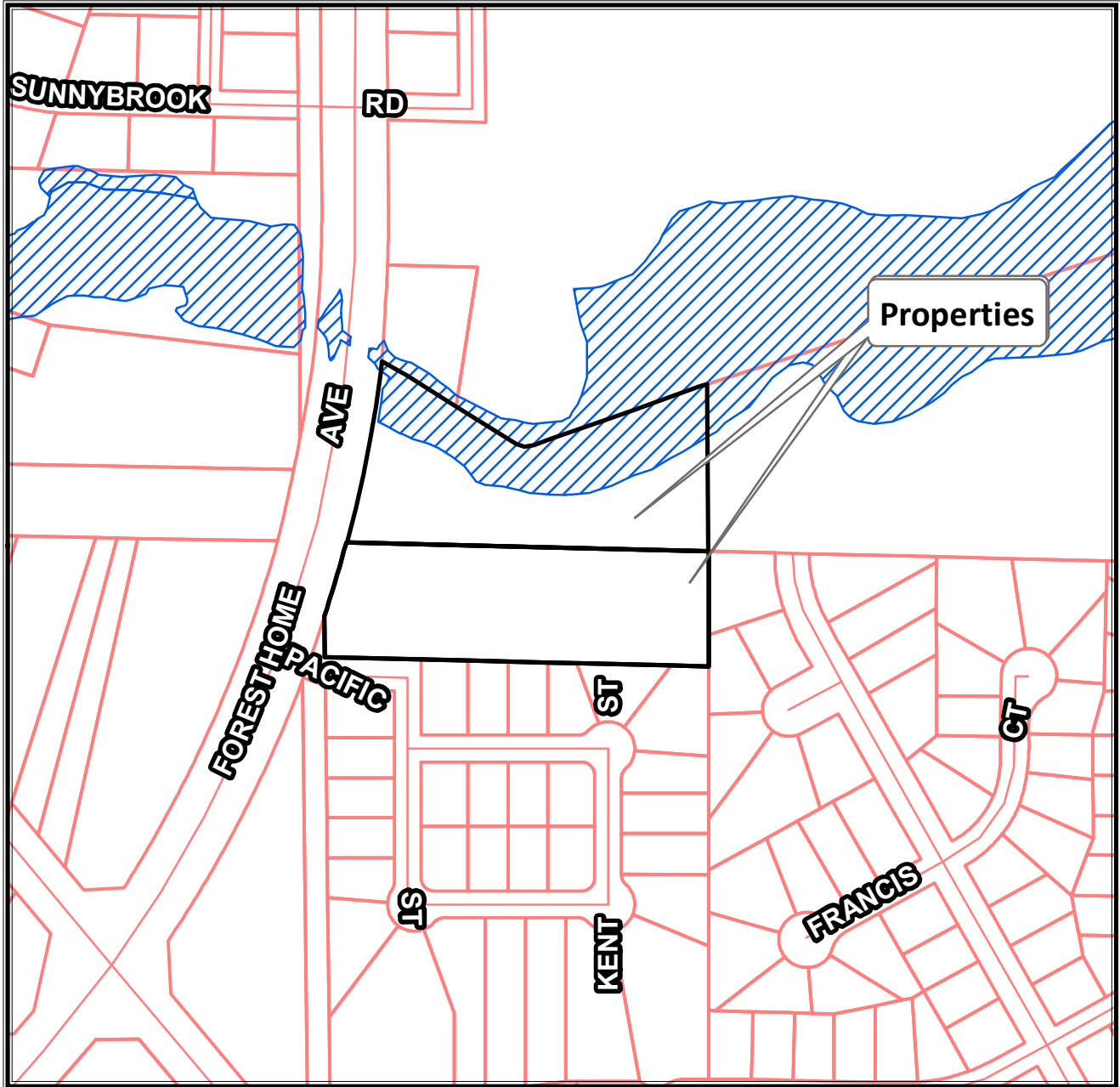


Planning Department
 (414) 425-4024

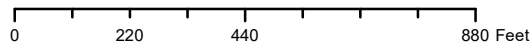


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11595 & 11600 W. Forest Home Ave.
TKNs: 751 9001 000 & 796 9987 001



Planning Department
(414) 425-4024



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



CERTIFIED SURVEY MAP NO. 9289

BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SW COR, NE 1/4 SECTION 7-5-21
CONC MON W/BRASS CAP
N. 337,382.98
E. 2,520,046.43

- ⊙ INDICATES IRON PIPE FOUND
- ⊙ INDICATES 1 INCH DIA. IRON PIPE, 18 INCHES IN LENGTH, WEIGHING 1.13 LBS PER LINEAL FOOT, SET.

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

ALL BEARINGS SHOWN ARE REFER TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 7-5-21, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE, BEARING OF N 88°37'15" W.

LAND SHOWN IS SERVICED BY PUBLIC SANITARY SEWER AND WATER.

PUBLIC TRUST INFORMATION:
ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION

SW COR, SE 1/4 SECTION 7-5-21
CONC MON W/BRASS CAP
N. 334,727.42
E. 2,520,078.71

30' W.E.P.C.O. EASEMENT PER DOC. NO. 3542053

WEST LINE OF THE SOUTHEAST 1/4 OF SEC. 7-5-21
N 00°41'47" W 2655.94'

30' SANITARY SEWER EASEMENT

WEST LINE OF THE NORTHEAST 1/4 SEC. 7-5-21
N 88°37'15" W 2651.52'

PARCEL 1, CSM 6508
ZONE R-3

MISSION HILLS WEST ADDN. NO. 3
LOT 29 BLOCK 2
MISSION HILLS WEST ADDN. NO. 3

SE COR, NE 1/4 SECTION 7-5-21
CONC MON W/BRASS CAP
N. 337,319.17
E. 2,522,697.00

WEST LINE OF THE NORTHEAST 1/4 OF SEC. 7-5-21

WEST FOREST HOME AVENUE
(150' WIDE PUBLIC RIGHT OF WAY)
L=389.60'

R=2864.79
CH. BEAR. N11°04'33"E
CHORD 389.30'

MEANDER LINE (20' FROM THREAD OF CREEK)

LOT 1
221,226 S.F.
5.079 ACRES
(AREA TO MEANDER LINE)

ZONE R-3

ZONE R-3

S00°22'09"E
355.66'

SACRED HEART MONASTERY, FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
UNPLATTED LANDS
ZONE R-3

SE COR, NE 1/4 SECTION 7-5-21
CONC MON W/BRASS CAP
N. 337,319.17
E. 2,522,697.00

ZONE FC

ZONE FW

ZONE FC

ZONE FW

ZONE FC

ZONE FW

ZONE FC

ZONE FW

ZONE FC

ZONE FW

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ZONE FW

ZONE FC

ZONE FW

ZONE FC

ZONE FW

ZONE FC

MILW. METRO SEWERAGE DIST.
UNPLATTED LANDS
ZONE 1-1

SACRED HEART MONASTERY, FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
UNPLATTED LANDS

UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

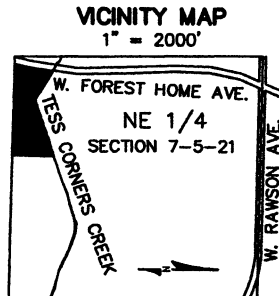
UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3

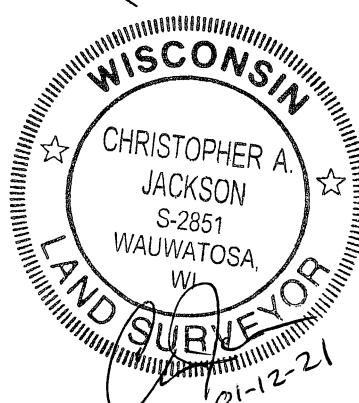
UNPLATTED LANDS
ZONE R-3

UNPLATTED LANDS
ZONE R-3



OWNER:
SACRED HEART MONASTERY, FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.
P.O. BOX 289
HALES CORNERS, WI 53130

CJ
engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com





#2

ENVIRONMENTAL CLEANUP & BROWNFIELDS REDEVELOPMENT BRRTS ON THE WEB

>> [SEARCH](#) >> [ACTIVITY](#)

Click the Location Name or FID below to view the Location Details page. If additional Activities are present at this location, they may be accessed from Location Details.

ACTIVITY DETAILS

02-41-548631 RAWSON CONTRACTORS YARD				
Status OPEN	Activity Type ERP	Jurisdiction DNR RR		
Location Name <u>WEST SHORE - ST MARTINS JUNCTION (JT)</u>		County MILWAUKEE	DNR Region SOUTHEAST	
Address 11600 W FOREST HOME AVE			Municipality FRANKLIN	
PLSS Description NW 1/4 of the SE 1/4 of Sec 07, T05N, R21E	Latitude (WGS84) 42.9086637	Longitude (WGS84) -88.0565159	Google Maps CLICK TO VIEW	RR Sites Map CLICK TO VIEW
Additional Location Description		Additional Activity Details		Acres 5
Facility ID <u>241438230</u>	PECFA No.	EPA ID	Start Date 2007-01-05	End Date





















Characteristics




PECFA Funds Eligible	EPA Superfund	EPA NPL Site	Above Ground Petrol Tank	Underground Petrol Tank	Drycleaner	PFAS	Sediments	WI DOT Site

39 Actions and 19 Documents

Records related to the site are documents that were available at the time the scanned paper or electronic file was uploaded. Records withheld by the department due to confidentiality, attorney-client privilege, and other sensitive records, as well as lab data, may not be included. Additional records associated with the site may or may not be accessible through an open records request through DNR or another state agency (see Jurisdiction above).

Date	Code	Name	File	Comment
2007-01-05	1	Notification of Hazardous Substance Discharge		
2007-01-08	79	Case Closure Review Request Received		REC'D CK# 000846 \$750.00
2007-01-29	2	Responsible Party (RP) letter sent		
2007-04-23	80	Closure Not Recommended		LETTER SENT
2007-07-19	135	Site Investigation Workplan (SIWP) Received (fee)		REC'D CK# 000927 \$500.00
2007-10-03	36	Site Investigation Workplan (SIWP) Approved		LETTER SENT
2008-04-09	35	Site Investigation Workplan (SIWP) Received (non-fee)		

Date	Code	Name	File	Comment
2008-04-09	7	<u>Environmental Consultant Hired</u>		SYMBIONT
2008-05-14	97	<u>Technical Assistance Request Received (fee)</u>		REC'D CK# 1169 \$500.00 - RAWSON CONTRACTORS SITE MEETING
2008-05-14	98	<u>Technical Assistance Provided</u>		REC'D CK# 1169 \$500.00 - RAWSON CONTRACTORS SITE MEETING
2008-08-11	37	<u>Site Investigation Report (SIR) Received (non-fee)</u>		REC'D SI
2008-08-11	99	<u>Miscellaneous</u>		REC'D DISPOSAL EXEMPTION REQUEST
2008-08-11	147	<u>Remedial Action (RA) Design Report Received (non-fee)</u>		REC'D RAP
2009-03-04	149	<u>Remedial Action (RA) Design Report Approved</u>		
2011-09-07	130	<u>DNR Regulatory Reminder Sent</u>		Vapor Intrusion (VI) Assessment Notification Ltr Sent
2012-03-06	200	<u>Push Action Taken</u>		PUSH LETTER SENT
2012-03-19	99	<u>Miscellaneous</u>		REC'D LTR RE STATUS OF REMEDIATION WORK
2014-06-30	200	<u>Push Action Taken</u>		LTR SENT
2014-07-25	99	<u>Miscellaneous</u>		REC'D CALL FROM KEN SERVI (262.695.2900) - WILL FOLLOW UP AND SEND SITE UPDATE
2015-07-10	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2015 - 6/30/2015
2016-01-15	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2015 - 12/31/2015
2016-03-17	200	<u>Push Action Taken</u>		STATUS UPDATE REQUEST LETTER
2016-04-15	99	<u>Miscellaneous</u>		REC'D RESPONSE TO MARCH 2016 UPDATE REQUEST LETTER, RP IS WORKING ON FINANCES.
2016-07-15	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2016 - 6/30/2016
2017-01-23	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2016 - 12/31/2016
2017-07-06	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2017 - 6/30/2017
2018-01-26	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2017 - 12/31/2017
2018-07-02	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2018 - 6/30/2018
2019-01-25	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2018 - 12/31/2018
2019-06-10	200	<u>Push Action Taken</u>		STATUS UPDATED REQUEST
2019-06-24	99	<u>Miscellaneous</u>		EMAIL FROM PROPERTY OWNER: WORKING ON REDEVELOPING PROPERTY, PLANS TO HIRE A CONSULTANT
2019-07-03	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2019 - 6/30/2019
2019-08-21	99	<u>Miscellaneous</u>		REQUEST FOR UPDATE ON REDEVELOPMENT PLANS & CONSULTANT HIRING - OWNER TO INVESTIGATE CONTAMINATION
2020-03-24	99	<u>Miscellaneous</u>		SITE STATUS UPDATE: RP WORKING WITH CITY OF FRANKLIN ON REDEVELOPMENT
2020-08-17	130	<u>DNR Regulatory Reminder Sent</u>		EMERGING CONTAMINANTS REMINDER LETTER
2021-04-06	130	<u>DNR Regulatory Reminder Sent</u>		VAPOR INTRUSION AND TCE REMINDER LETTER

Date	Code	Name	File	Comment
2021-05-13	43	<u>Site Activity Status Update Received</u>		STATUS REPORT - RECENT SOI L BORINGS, ANALYTICAL AND PROJECT OVERVIEW
2021-07-12	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2021 - 6/30/2021
2022-01-04	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2021 - 12/31/2021

Substances

Substance	Type	Amt Released	Units
Petroleum - Unknown Type	Petroleum		
Polynuclear Aromatic Hydrocarbons	Petroleum		

Responsible Party

KEN SERVI 1007 N PINEGROVE CT VILLA 34, HARTLAND, WI 53029

DNR Project Manager

RILEY NEUMANN riley.neumann@wisconsin.gov

BRRS data comes from various sources, both internal and external to DNR. There may be omissions and errors in the data and delays in updating new information.

548631 | 02-41-548631

BOTW Release 3.2.6 | 02/07/2022 | [Release Notes](#) [Help](#) [Disclaimers](#) [Glossary of Terms](#)



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EXECUTIVE SUMMARY

Symbiont was retained by Forest Home Investors, LLC to complete a Site Investigation and prepared a Remedial Action Plan for the former Rawson Contractors Yard site located at 11600 West Forest Home Avenue in Franklin, Wisconsin. The purpose of the Site Investigation was to (a) further evaluate the source, magnitude and extent of the polycyclic aromatic hydrocarbon and other contamination at the site identified during a Phase II Environmental Site Assessment conducted by STS Consultants for Mission Creek LLC in 2006 and 2007 and (b) to provide data necessary to evaluate alternatives and prepare a remedial action plan.

The Site Investigation included re-sampling of three previously installed groundwater monitoring wells, excavation of four test pits, and installation of 16 soil borings using hydraulic probe sampling techniques. The Wisconsin Department of Natural Resources was notified of Symbiont's investigation approach as presented in the *Environmental Consultant Notification and Site Investigation Work Plan* dated April 4, 2008 (Symbiont, 2008).

Based on the results of the Site Investigation, the following conclusions and recommendations are made:

CONCLUSIONS

Site Geology and Hydrogeology

- Geology in the vicinity of the Site consists of an upper asphalt and gravel fill unit present at the ground surface and ranging in thickness from 1 to 2 feet, and underlain by a native clay soil layer that extends to at least 12 feet below ground surface.
- Groundwater at the Site appears to flow towards the northeast based on measurements collected on April 11, 2008, which is consistent with historical measurements.

Soil Quality

- A small area in the southwest corner of the Site in the vicinity of an above ground storage tank and soil boring GP-1 is impacted with cadmium at concentrations that exceed the groundwater pathway and non-industrial direct contact standards to a depth of approximately 4 feet below ground surface. The volume of material in this area is estimated to be approximately 150 cubic yards.
- Asphalt and gravel fill materials in an area in the eastern half of the storage yard containing soil borings B-3, GP-4, GP-8, SB-10 and SB-13 contain one or more polycyclic aromatic hydrocarbon compounds at concentrations that exceed the industrial direct contact and/or groundwater pathway residual contaminant levels. The materials are present within 2 feet of the ground surface and the volume of material that exceeds the industrial residual contaminant levels is estimated to be approximately 1,100 cubic yards.
- Other areas of the asphalt and gravel fill materials present within the 0 to 2-foot depth interval have one or more polycyclic aromatic hydrocarbon compounds at concentrations that exceed the site specific non-industrial direct contact risk for one or more polycyclic

aromatic hydrocarbon compounds. The volume of this material is estimated to be approximately 2,975 cubic yards.

- The fill materials with polycyclic aromatic hydrocarbon impacts appear to be gravel containing asphalt shavings which were reported by the owner to have intentionally been placed at the site for use as a roadway and parking surface for construction equipment. The polycyclic aromatic hydrocarbon impacts in these surficial fill materials are not believed to be attributable to “releases of contaminants to the environment” regulated under NR700 Wisconsin Administrative Code but are instead believed to be associated with petroleum constituents present within asphalt used for road/parking lot construction.
- No polycyclic aromatic hydrocarbons were detected by Symbiont within native clay soil that is present underlying the 2-foot surface layer of gravel/asphalt fill materials. Symbiont resampled the soil twice from the two borings where STS Consultants reported elevated concentrations of one or more polycyclic aromatic hydrocarbons at depths below 10 feet, with no polycyclic aromatic hydrocarbons detected in the samples analyzed by Symbiont. It is suspected that the materials sampled by STS Consultants may have been “sluff” transported from the ground surface into the deeper portions of the boreholes by the hollow stem auger drilling method that was reportedly used by STS Consultants.

Groundwater Quality

- Symbiont resampled the groundwater twice from groundwater monitoring wells where STS Consultants reported elevated concentrations of one or more polycyclic aromatic hydrocarbons and one or more dissolved metals. No polycyclic aromatic hydrocarbons or dissolved metals were detected in the groundwater samples collected by Symbiont using low flow sampling methods.
- Previous detections of metals and polycyclic aromatic hydrocarbons reported by STS Consultants in groundwater samples are suspected to be attributable to sampling methods and the possible presence of significant quantities of sediment in the samples collected by STS Consultants in contrast with the samples collected by Symbiont which were relatively sediment free as a result of the use of low flow sampling methods.

RECOMMENDATIONS

It is recommended that the estimated 150 cubic yards of cadmium impacted material present within the vicinity of the above ground storage tank be excavated and landfilled. Fill materials containing asphalt and elevated polycyclic aromatic hydrocarbon concentrations, should be removed from the Site. A low hazard exemption from the Wisconsin Department of Natural Resources will be applied for so that asphalt removed from the site can be reused as roadbed/parking slab materials at an industrial site owned by Forest Home Investors located in Lisbon, Wisconsin.



April 6, 2021

KEN SERVI
1007 N PINEGROVE CT VILLA 34
HARTLAND WI 53029

Subject: Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions
RAWSON CONTRACTORS YARD
11600 W FOREST HOME AVE, FRANKLIN, WI
BRRTS# 02-41-548631 FID# 241438230

Dear Sir or Madam:

This letter is being sent to all Responsible Parties (RPs) that currently have an active contamination response site on the Department of Natural Resources (DNR's) Bureau for Remediation and Redevelopment Tracking System (BRRTS). It reiterates and enhances information about vapor intrusion risk that has been previously provided to you by DNR, either in a letter sent by DNR in 2011 regarding assessment of the vapor pathway or in your responsible party letter if your case was opened after 2011. Recent studies indicate that vaporized trichloroethylene (TCE) in indoor air is more toxic than previously understood and the risk posed by TCE vapors requires an immediate response when women of child-bearing years are present.

The purpose of this letter is to communicate three points related to vapor intrusion:

- 1. TCE poses short-term risks to human health that justify accelerated assessment, investigation and mitigation of the vapor intrusion pathway.**
2. Assessment of the vapor intrusion pathway is part of the investigation process and should be assessed as early as possible and routinely re-assessed throughout the life of a project.
3. Immediate and interim actions may be necessary early in the site investigation process to protect human health from contaminated vapors.

We encourage you to discuss this information with your environmental consultant. The DNR believes the health risks of TCE vapors are serious enough that it should be one of *the first things* evaluated as part of a site investigation, especially at sites where contamination may impact sensitive populations. RPs should be diligent about screening for TCE in vapors as early in the site investigation process as possible, to determine if immediate actions are warranted to reduce harmful exposure.

Unfortunately, many RPs and consultants wait until late in the site investigation process, or even at case closure, before taking steps to assess the presence of vapors and any needed mitigation efforts. We are encouraging you to do this as one of the first steps in your site investigation.

Health Risk

All volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), some metals (e.g., mercury) and methane have the potential to create harmful vapors with varying degrees of toxicity. Some compounds produce an odor, such as gasoline, but many do not, making expedited assessment critical to identifying exposure. Preferential pathways such as sewers allow vapors to travel long distances from the source in multiple directions, increasing the possibility of exposure to humans. Additional information on the human health hazards from vapor intrusion can be found by going to dnr.wi.gov, search “Vapor” and go to the “Health” tab.

The VOC, trichloroethylene (TCE), poses a short-term (i.e., acute) health risk in indoor air at certain concentrations that justifies expedited assessment, investigation and mitigation as immediate or interim actions (USEPA, 2014; Makris et al., 2016). As discussed in DNR vapor intrusion guidance (see below), quickly identifying demographics is a key component of the risk assessment. This is supported by the Department of Health Services. TCE also poses a long-term (i.e., chronic) health risk.

TCE is a chlorinated solvent commonly used as a parts washer and degreaser of metal equipment. It is also used for spot cleaning and found in household items such as aerosols. TCE is also a breakdown product of tetrachloroethylene (PCE or “perc”). PCE is a chlorinated solvent used in commercial and industrial businesses such as dry cleaners, metal plating, paper mills, etc. When released to the environment, PCE, TCE (either as a source or a breakdown product) and other contaminants readily migrate through soil, groundwater and subsurface air.

Authority – Assessments and Interim and Immediate Actions

Assessment of the vapor intrusion pathway is a critical part of an environmental investigation. Wisconsin Administrative Code (Wis. Admin. Code) Chapter NR 716 outlines the requirements for investigation of contamination in the environment. Specifically, Wis. Admin. Code § NR 716.11(3)(a) requires the field investigation “determine the nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in **all** affected media,” which includes sub-surface and indoor air. In addition, Wis. Admin. Code § NR 716.11(5) specifies that the field investigation include an evaluation of the “potential pathways for migration of the contamination, including drainage improvements, utility corridors, bedrock and permeable material or soil along which **vapors**, free product or contaminated water may flow.”

A vapor intrusion pathway assessment may demonstrate that an immediate or interim action is required under Wis. Admin. Code ch. NR 708. Wis. Admin. Code § NR 708.05(2) states “for hazardous substance discharges that pose an **imminent threat to public health**, safety or welfare or the environment, responsible parties shall conduct all necessary emergency immediate actions.” Under Wis. Admin. Code § NR 708.11(1), appropriate interim actions must be taken when “necessary to... **minimize any threat to public health, safety or welfare** or the environment” and could include “constructing a temporary engineering control, such as low permeability cover, or **installing and operating a vapor mitigation system**” per Wis. Admin. Code § NR 708.11(2)(d).

Immediate and interim actions, such as installation of a vapor mitigation system, can be taken to interrupt human exposure. **However, interim actions are not acceptable long-term remedies.** Wis. Admin. Code chs. NR 722, 724 and 726 address required cleanup actions to address the sources of contamination. More specifically, Wis. Admin. Code § NR 726.05(8)(b)1, states a site is not eligible for closure until “**a remedial action has been conducted and reduced the mass and concentration of volatile compounds to the extent practicable.**”

Guidance and Evolution of Vapor Intrusion Science

The DNR publishes guidance to help RPs and their consultants comply with the requirements in Code. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, RR-800 (v. January 2018) can be found at <https://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>. **As noted above, the presence of TCE may present specific concerns related to demographics. Section 3.4.1 of DNR's guidance discusses the need to quickly identify demographics and prioritize action when TCE is the contaminant of concern. Section 7.1 discusses potentially appropriate immediate actions necessary to limit exposure.**

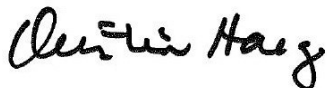
The science of vapor intrusion continues to rapidly evolve. The mechanics of vapor intrusion and risks to human health are being continually researched and discussed on a national and international level. This constant increase in knowledge requires the vapor intrusion pathway to be routinely reassessed throughout the life of a project until case closure. Therefore, in addition to RR-800, the DNR provides videos, fact sheets and additional guidance on vapor intrusion on its website. Go to dnr.wi.gov and search "Vapor." Technical resources developed by other government and private sources are included.

The DNR will continue to update its resources to incorporate advances in science on assessment, investigation and mitigation options, to partner with local and state health departments on the risks to human health, and to routinely communicate with environmental consultants on these advances.

If you have questions regarding this letter, please contact the assigned DNR Project Manager or DNR Site contact:

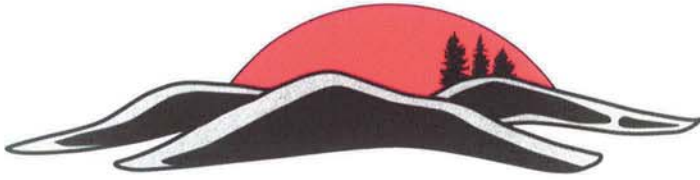
RILEY NEUMANN
(414) 750-7030
riley.neumann@wisconsin.gov

Sincerely,



Christine Haag
Program Director
Remediation & Redevelopment Program

Copy to Consultant(s) on Record



Moraine Environmental, Inc.

Design • Engineer • Construct

#5

May 3, 2021

Project Ref. # 6356

Mr. Ken Servi
Forest Home Investors, LLC
PO Box 91
Sussex, Wisconsin 53089

Via Email: kservi43@gmail.com

RE: Status Report – Recent Soil Borings, Analytical and Project Overview
Rawson Contractors Yard
11600 W. Forest Home Avenue
Franklin, WI 53132
WDNR BRRTS #02-41-548631

Dear Ken,

Moraine Environmental, Inc. (Moraine) has completed the scope of work as described in our March 23, 2021 proposal. Soil probes were completed by our drilling contractor, Horizon Construction & Exploration (Horizon) on March 31, 2021. The goal of this initial scope of work was to define soil contaminant extents from findings of previous investigative efforts completed in 2006 and 2008 on the eastern half of the property. Moraine also intends to provide historic oversight on the activities completed to date, but also provide recommendations moving forward.

The recent work included installation of eight (8) soil probes each to two (2) feet below ground surface (bgs). Soil samples from SP-1 and SP-2, in the vicinity of the former 2,000-gallon diesel fuel UST were analyzed for the metal Cadmium. Soil samples from SP-3 through SP-8 were analyzed for polycyclic aromatic hydrocarbons (PAHs). Figure 1, attached, presents historic information, as well as probe locations completed by Moraine.

Cadmium was identified in GP-1 (2-4) soil above its groundwater pathway residual contaminant level (RCL) in 2006. Analysis of Moraine samples from SP-1 (0-2) and SP-2 (0-2) resulted in no detections of cadmium above its groundwater pathway RCL of 0.75 ug/kg. The extent of shallow cadmium contamination in this small area is now defined.

PAH analysis from samples collected from SP-3 through SP-8 resulted in no PAH detections above WDNR soil standards in samples collected from SP-5 through SP-8. As such, the extent of PAH contamination is defined to the north and east around the PAH soil plume. PAH analytical results for the samples collected at SP-3 and SP-4 resulted in one or more PAH compounds detected at levels above PAH soil direct contact values. Additional soil testing to the south/southeast of SP-3 and to the west/northwest of SP-4 will be required and is recommended to define the extent of PAH contamination.

Moraine created new summary tables for all historic and current soil and groundwater sample results collected since 2006 and updated the summary tables to current standards to complete our review. A total of 55 soil samples from 34 distinct sample locations have been analyzed for one or more of volatile organic compounds (VOCs), PAHs, and the metals lead and cadmium. Sample results collected in 2006 ruled out the presence of VOCs in the yard area, therefore subsequent VOC sampling was not completed, and unless Moraine identifies a problem will not be completed in the future in the former yard area.

Multiple depth sampling for PAHs was completed in 17 of the 34 soil probe locations, as analyzed in 2006 and 2008. The data indicates PAHs are present in the upper 2 feet at levels above soil standards and that deeper sample results are below WDNR standards. The only exception to this trend occurred at B-5 where it appears the deep sample and shallow sample jar (container) labels were likely switched (reversed). Going forward we will consider the shallow sample is the actual contaminated sample and not the deep sample, as evidenced by follow up testing at B-5 in April and June of 2008 suggests.

Overall, there are 13 soil probe locations with one or more PAH compounds detected at levels above direct contact RCLs, each in the shallow (upper 4 feet direct contact zone). Figure 2 represents both the extents of PAH and Cadmium contamination in soil, which encompasses most of the eastern yard area.

The development of the property with residential homes will require direct WDNR involvement to 1) complete the site investigation started in 2006 and 2) develop a soil management plan which ultimately provides for the safety and welfare of the new homeowners. The only way the site can obtain closure is by capping (the soil that is above WDNR standards) which is the most cost effective, or by removal and landfilling at a Bio-remediation site. The best and most cost effective financial option is to cap and/or stockpile in berms and then develop.

Specifically, The direct contact PAH soil contamination can either be removed and hauled to the commercially managed Bio-pile landfill, which will be costly, or it can be bermed and/ or capped with 2 feet of clean fill, with WDNR approval. Considerations in a soil management plan to WDNR will also need to be made for the home excavations such that any of the soil removed for basements will need to remain on-site in pre-designated areas. Current grades and final grade plans, if adding 2 feet of clean cover, will need to be documented to the WDNR as this process moves forward.

We have yet to complete additional investigations, as discussed above, to define the extent around SP-3 and SP-4, but also will need to assess the western ½ of the property, as residential homes will also be constructed in this area. Additionally, there are already 100 or more quad axle loads of dirt placed on the eastern end of the property. This soil will need to be tested prior to being used as a portion of the 2 feet of clean fill in that area. Any other soil needed to bring the site up 2 feet will have to be from a certified clean source. Many times this clean fill is free or it can even become a revenue source, whereas site developers will pay a fee for you to take their clean fill. In addition, the existing monitoring wells need to be tested and a determination will need to be made if additional well installations are necessary. Based on the last round of sampling (third of three rounds only) conducted on the groundwater in 2008, it appears that PAHs, lead, and cadmium should be analyzed from each of the three monitoring wells.

Ken, for your development plan to come to fruition, additional effort will need to be made on the environmental side. Although PAHs are not volatile, they do have extremely low direct contact values due to the carcinogenic nature of many of the compounds in the PAH list.

When public health is concerned, the WDNR takes extreme caution in any plans they approve, and they will expect "as-built" documentation when your development is complete. Thus, as discussed above, the WDNR must be informed of and be an active participant in your plans as you move toward approval.

Essentially, Forest Home Investors, LLC and Moraine have several activities to complete, as follows:

- 1) Define the contaminant extent for PAH's around SP-3 and SP-4.
- 2) Conduct composite sampling and analysis of the estimated 100 truckloads of soil.
- 3) Conduct investigation of western ½ of the property.
- 4) Complete a Soil and Groundwater Subsurface Investigation Report.
- 5) Develop a soil management Plan map with accompanying text for submittal and approval by the WDNR.
- 6) Prepare and Complete a Request for Case Closure Report - this will follow Project Development

At your request Moraine will provide a work scope and cost estimates to complete the above tasks.

The resultant goals will be twofold:

- A sign-off by the WDNR to allow your residential development project to proceed, which will be protective of public health.
- Final Case Closure with Continuing Obligations to properly manage the property during and following the residential subdivision development.

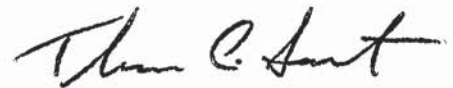
Special note: As stated above, although your project will be able to proceed after a soil management plan approval from WDNR, you will not receive case closure status until the development project is completed and as built drawings are submitted.

If you have any questions, please contact me.

Sincerely,



David M. Lennon, P.E.
Senior Project Manager
Moraine Environmental, Inc.



Thomas C. Sweet
President
Moraine Environmental, Inc.

Attachments

Figure 1
Detailed Site Map
11600 W Forest Home Ave., Franklin, WI

Legend
📍 11600 W Forest Home Ave



Figure 2
Extent of Soil Contamination
11600 W Forest Home Ave., Franklin, WI



DEPARTMENT OF ADMINISTRATIVE SERVICES

Milwaukee County

#6



October 29, 2021

David Bell
Dept. of Administration
Plat Review
101 East Wilson St. FL 9
Madison, WI 53703
P.O. Box 1645
Madison, Wisconsin 53701

**RE: Tess Creek Estates
Preliminary Plat - File C-12-780
State File: 28535**

Dear Mr. Bell:

A copy of the Preliminary Plat of Tess Creek Estates located in the SE ¼ & NE ¼ of Section 7, Township 5 North, Range 21 East in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236.12 of the Wisconsin Statutes.

We object to the above preliminary plat. This objection may be rescinded if certain conditions are met by the developer. The special conditions are as follows:

1. That Outlot 1 shown on the plat be dedicated to the City of Franklin or be owned by the Tess Creek Estates Homeowners Association by means of a fractional ownership.

If the homeowners association elects to own Outlot 1, then the following note shall be placed on the final plat and made as a requirement of the City in the plat approval process.

Outlot 1 of the plat of Tess Creek Estates is owned and shall be maintained by the Tess Creek Estates Homeowners Association and each individual lot owner shall have an undividable fractional ownership of the outlot and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said outlot in an unobstructed condition so as to maintain their intended purpose. Construction of any building, grading, or filling in said outlot is prohibited unless approved by the City of Franklin. The Homeowners Association grants to the City the right (but not the responsibility) to enter upon this outlot in order to inspect, repair or restore said outlot to its intended purpose. Expenses incurred by the City for said inspection, repair or restoration of said outlot may be placed against the tax roll for said association and collected as a special charge by the City.

Any questions regarding item 1 can be directed to Ms. Rhonda Jacobson in Real Estate at 414-278-7860.

2. The following comments are from the Register of Deeds office.
 - **Comment:** \$150.00 Review Fee Not Paid

David Bell
Tess Creek Estates
Preliminary Plat - File C-12-780

- **Comment:** Plat states current owner is Servi Investments, LLC, however our records reflect Forest Home Investors, LLC as current. So, please record a deed prior to recording of plat transferring ownership to Servi Investments, LLC.
- **Comment:** The exterior boundary could not be checked for closure due to legal description calling out Certified Survey Map Numbers only.
- **Comment:** The Plat calls out South Pacific Street, our records show it is platted as West Pacific Street.
- **Comment:** Please comply with State Statute 236.20 for final submission and provide the appropriate certificates pursuant to WI Stat. 236.21 and recording rules 236.25 and the local municipalities ordinances for further questions.

If you require additional information or clarification on the above comments, please contact Ms. Rosita Ross at Milwaukee County Register of Deeds office at 414-278-4047.

3. The following comments are from Milwaukee County Parks Department.

The subject land is shown as an important location for future trail connectivity in planning documents from Milwaukee County Parks, the Route of the Badger, and SEWRPC. Please see attached maps. Future trail planning and the existing trail that the City of Franklin has built from Rawson to Swiss indicate that this will be a very useful connection to Whitnall Park and the Oak Leaf Trail overall.

Milwaukee County Parks requests that accommodations be made for the future Oak Leaf Trail. If the City of Franklin is not willing or able to provide these trail connections, Milwaukee County Parks may be able to do so with a future funding source. Due to budget constraints, a City-built trail is preferred over county-generated resources.

A dedication to the City of Franklin or trail easement to Milwaukee County Parks should be provided that would permit construction and public access with a minimum width of 20', and out of the 100-year floodplain and wetland buffer to preserve best practices in trail design and maintenance.

A dedication to the City of Franklin or trail easement to Milwaukee County Parks should follow the river and connect south to the future ROW dedication for Tess Creek Road.

If you require additional information or would like to discuss the above request further, please contact Ms. Sarah Toomsen, Milwaukee County Parks, Manager of Planning & Development at 414-257-7389.

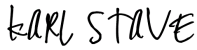
4. The following comments are from Milwaukee County Department of Transportation (MCDOT).

MCDOT has started the design process for project WH0111012, a Highway Reconditioning Project at W. Forest Home Ave (CTH OO) -- Hi View Dr. to W. Speedway Dr and will be impacting S. Pacific Street. MCDOT would like to discuss future planning for any right of way improvements at the intersection of W. Forest Home Ave (CTH OO) & S. Pacific Street. The schedule let date is 03/15/2023.

Please contact Mr. Vernon Singleton, MCDOT at 414-257-5947 or via email at vernon.singleton@milwaukeecountywi.gov to discuss the above request further.

David Bell
Tess Creek Estates
Preliminary Plat - File C-12-780

Very truly yours,



Karl Stave, P.E.

cc: Sarah Toomsen, Parks
Rhonda Jacobson, Real Estate
Rosita Ross, Register of Deeds
Vernon Singleton, MCDOT
Christopher Jackson, Surveyor
Marion Ecks, Associate Planner, City of Franklin

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Off-Street Bicycle Path



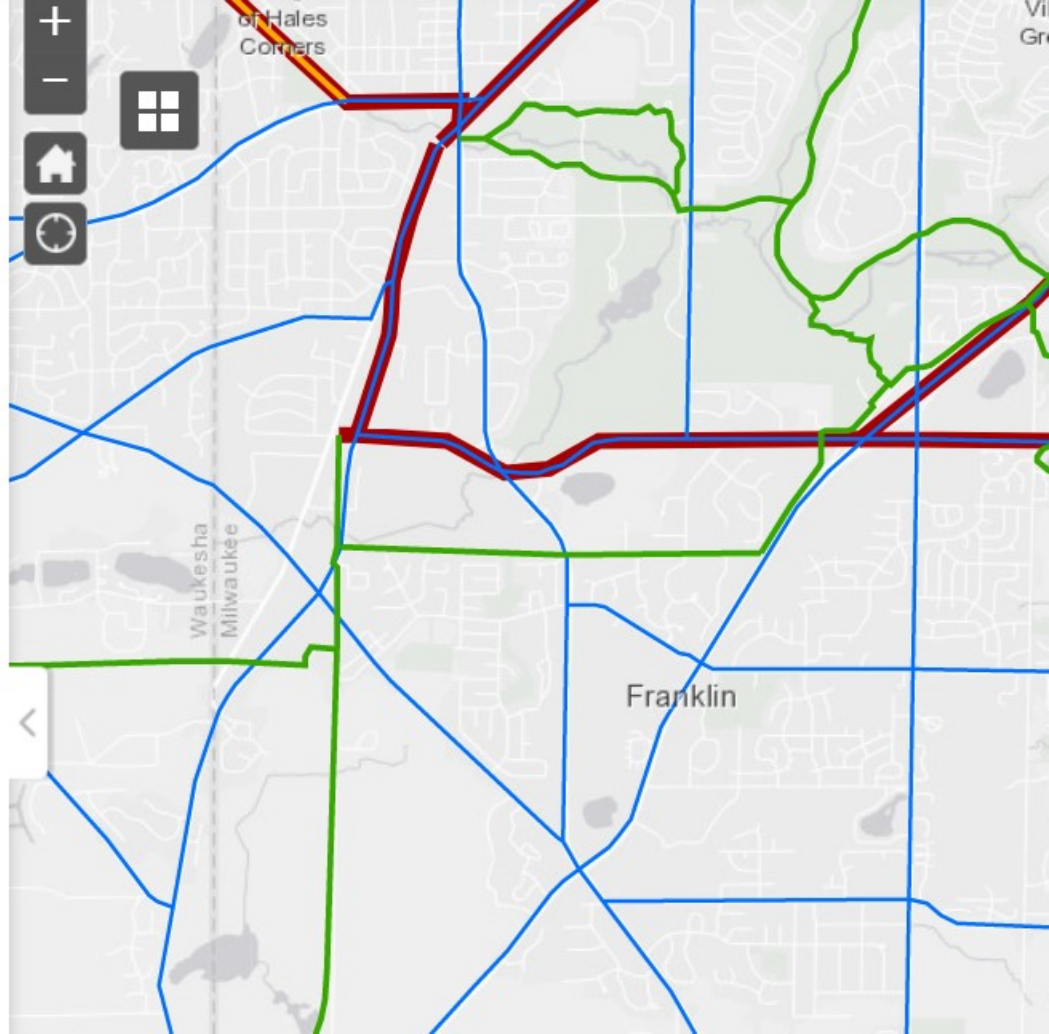
Arterial Street or Highway with Bicycle Accommodation (If Feasible)



Nonarterial Connection to Off-Street Bicycle Network



Potential Corridor for Enhanced Bicycle Facility



HISTORY OF 11600 FOREST HOME AVE

I HAVE BEEN INVOLVED IN THE PROPERTY SINCE THE MID SIXTYS

THIS PROPERTY (5 ACRES) WAS OWNED BY MARY THOMAS AND HER HUSBAND AND THEY RAN A GARBAGE DISPOSAL BUSINESS AT THIS location

The surrounding lands were owned by Grange Construction, and they used it a dump site for excess material from construction projects for many years.

John Reichl purchased these properties and built two residential subdivisions. We were the Sewer and water contractors for these subdivisions

We purchased the remaining 5 acres from Mary Thomas and operated a construction business from this location for many years

WE ultimately sold the 5 acres to Wimmer Developments who proposed and was approved for a 34-unit condominium project at this location.

Due to the poor economy at the time, Wimmer abandoned the project and it was never built.

WE have since purchased an additional 5 acres adjacent to the existing five acres from the Priests of the Sacred Heart.

We now propose to develop a 17-unit single-family subdivision on this site.

WE feel this is a much better use of the property and will conform the existing homes around it.

WE look for and request your approval for this project.

Thank you

Ken Servi

MEMORANDUM

Date: January 6, 2022

To: Christopher Jackson. CJ Engineering, LLC.

From: Régulo Martínez-Montilva, Principal Planner
City of Franklin, Department of City Development

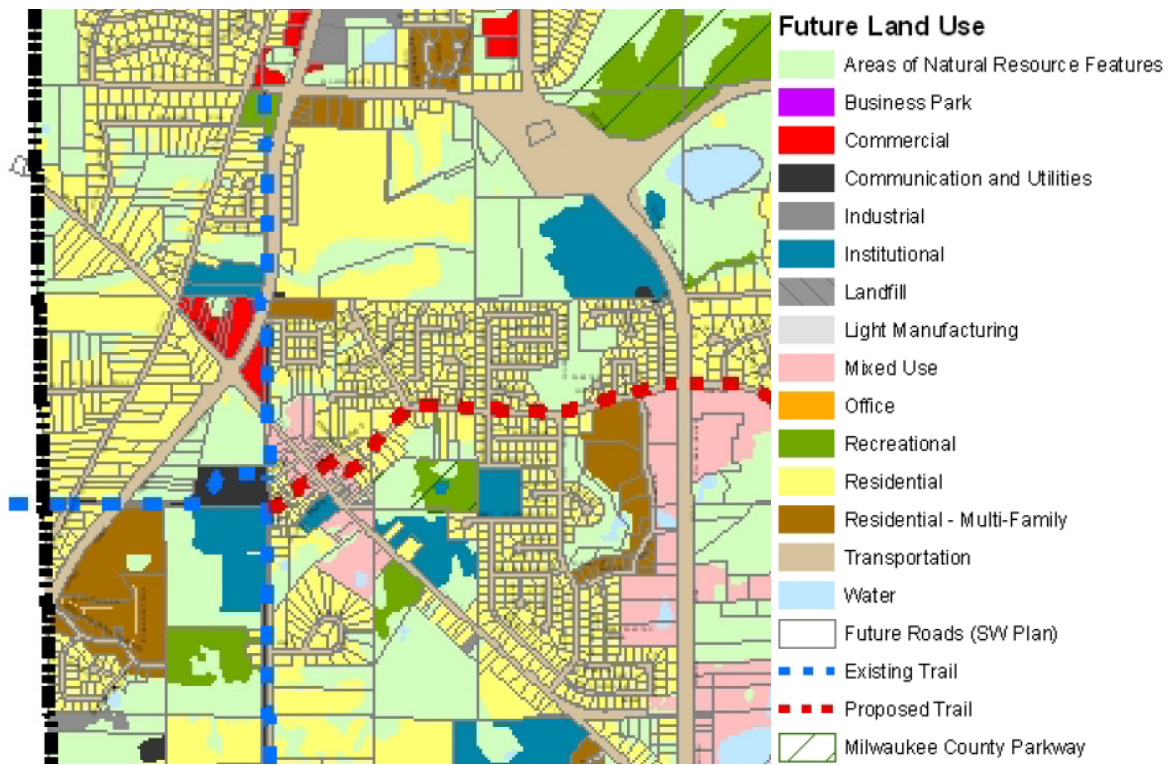
RE: Review comments for rezoning, special use and preliminary plat applications regarding the proposed Tess Creek Estates Subdivision. 11595 & 11600 W Forest Home Avenue.

Below are review comments and recommendations for the above-referenced applications submitted by Servi Investments, LLC and deemed complete for review on November 30, 2021.

REZONING

Department of City Development comments

1. The property to be rezoned (Tax Key Number 751 9001 000) is designated as “Residential” in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Pursuant to Wis. Stats. § 66.1001(3), a rezoning ordinance needs to be consistent with the local comprehensive plan. Even though this proposal is for a single-family residential subdivision, you need to apply for a comprehensive master plan amendment to change the land use designation to “Residential-Multifamily” because the proposed R-8 zoning allows for multi-family development. Application form is attached.



City of Franklin 2025 Future Land Use Map

Response: Comprehensive Master Plan Amendment application and fee has been submitted.

2. Note: in order to meet the 90-day review time frame, the preliminary plat is tentatively scheduled for the February 3, Plan Commission meeting and February 15 Common Council. Given the requirement of a public hearing with public notice at least 30 days prior to the hearing for the not yet submitted comprehensive master plan amendment, it would be difficult to meet this public hearing notice requirement for the February 15, Common Council meeting. It is suggested that the applicant extends the review time frame for at least 45 days from the submittal of the comprehensive master plan amendment application.

Response: Applicant has requested the review time extension.

Engineering Department comments

3. No comments.

Inspection Services Department comments

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

Police Department comments

5. The PD has no comment regarding this request.

SPECIAL USE

Department of City Development comments

1. With regards to the special use standard #1, “Ordinance and Comprehensive Master Plan Purposes and Intent”, an amendment to the future land use map is required as previously noted in comment #1.

Response: Comprehensive Master Plan Amendment application and fee has been submitted.

2. In the response to special use standard #5 “No traffic congestion”, it states that this proposal is for 20 single family lot but the plat is for 17 lots, please revise.

Response: 15-3.0700 Special Use Standards reply #5 revised down to 17 lots.

3. Note: the proposed special use is for single-family residential but the R-8 zoning district may allow two-family residential use. A new special use permit will be required for any two-family residential home in the future Tess Creek Estates subdivision. Alternatively, you may amend your Special Use application to request single-family and two-family residential use as long as the proposal meets the maximum permitted density.

Response: The developer is proposing a single family subdivision.

Inspection Services Department comments

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

Police Department comments

5. The PD has no comment regarding this request.

PRELIMINARY PLAT

Department of City Development comments

1. Pursuant to the Unified Development Ordinance (UDO) Section 15-7.0501 Preliminary Plat, General, the following information must be included on the face of the plat:

H. "Use Statement. A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot, and proposed density". It is recommended that the use statement also includes the proposed open space surface ratio, gross density and net density. See definitions below:

- Open Space Ratio (OSR). "The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource feature(s) to be protected". City Development staff acknowledges that the minimum OSR is 0.00 for single-family subdivisions in the R-8 district but the proposed OSR should be noted.
- Gross Density. "The quotient of the total number of dwelling units on a site divided by the base site area of a site"
- Net Density. "The quotient of the total number of dwelling units divided by the net buildable site area of a site".

Note: the maximum density yields are included in the Natural Resource Protection Plan but it is missing the proposed densities.

Response: Use Statement added to the Plat.

2. Pursuant to the Unified Development Ordinance (UDO) Section 15-7.0502 Preliminary Plat, Plat Data, please add the following information to the preliminary plat:

C. Proposed contours at vertical intervals of not more than two feet. Please confirm that no grading activities will take place within the 30-foot wetland buffer.

Response: Statement added to the Plat. Proposed Grading Plan shown on added sheet 2.

3. **Lot 1** is considered a corner lot, so the required corner side yard setback (south) should be 15 feet per UDO Table 15-3.0209A.

Response: Setback revised.

4. **Vision triangle.** Please depict the corner vision triangle in the northwest corner of the intersection of Pacific Street and the proposed Tess Creek street. UDO Section 15-5.0201.A specifies the restrictions and dimensions for vision triangles: "No Obstructions Permitted. No visual obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines, located a minimum of 30 feet from their intersection".

The plat should include a note to indicate the vision triangle restrictions.

Response: Vision corner and note added to Plat.

5. **Lots 16 & 17.** Even though these lots meet the minimum width (60 feet) and depth (110 feet), the available building footprints are irregular and limited due to the pipeline easement and the wetland setback. In order to avoid hardships for future lot owners, please demonstrate that a single-family home could fit into these lots without the need of variances to reduce the required building and wetland setbacks. Alternatively, City Development staff suggests to combine lots 16 & 17.

Response: Sheet 2 of the Preliminary Plat, the site grading plan, indicates proposed home on lots 13 and 14 (formerly lots 16 & 17) and 15. (Please note that the minimum total living area per dwelling unit for R-8 Single Family Zoning is 1250 s.f.)

Current Lot # (Old Lot #)	Total Buildable Area within setbacks	Bldg. Footprint Area Shown on grading plan
Lot 13 (Lot 17)	3580 s.f.	2500 s.f.
Lot 14 (Lot 16)	2317 s.f.	2015 s.f.
Lot 15	4600 s.f.	2240 s.f.

6. **Lot 13** does not meet the minimum required street frontage of 60 feet set forth in UDO Section 15-5.0106.C “Access” which states as follows: “Every lot shall front or abut for a distance of at least 60 feet on a public street as measured at the right-of-way line and, in the case of a cul-de-sac, as measured at the arc”. City Development staff acknowledges that the R-8 district standards of Table 15-3.0209A states that the minimum lot width should be measured at the setback line. However, the most restrictive standard shall apply. The Engineering Department also has a comment about this matter.

Response: Lot 17 (formerly lot 13) has been revised to 60’ wide at the ROW.

7. Please revise project summary (1st paragraph), it refers to the VR Village Residential as the base zoning district and it should be the R-8 Multiple-Family Residence District.

Response: Market Analysis revised as indicated.

8. Please add a note indicating that the 17 lots will be served by public water and sewer.

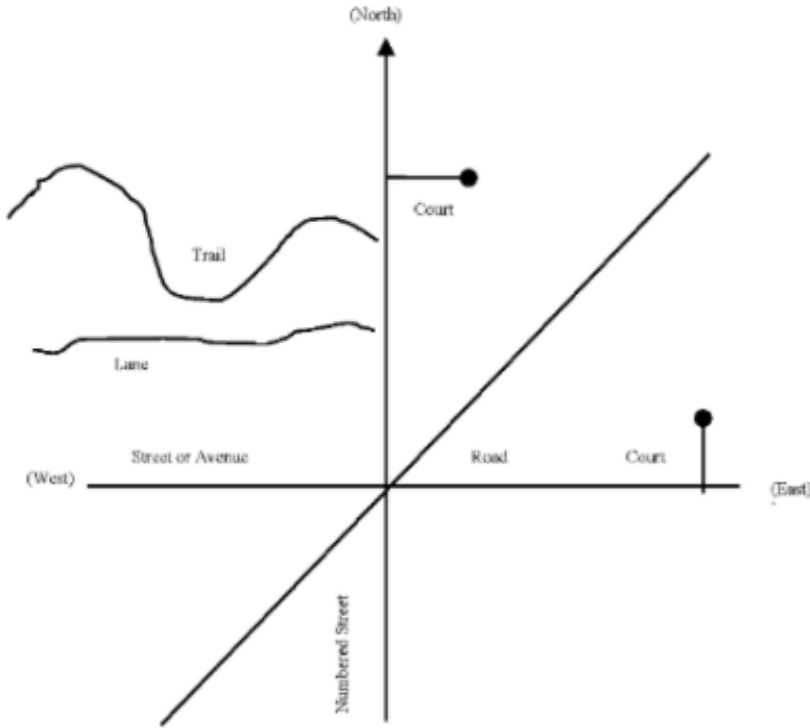
Response: Note has been added to the plat.

9. **Street name.** Per the city’s street naming system shown below, the name “road” is intended for thoroughfares. Therefore, it is recommended to use “Tess Creek Street”.

Response: Street name changed.

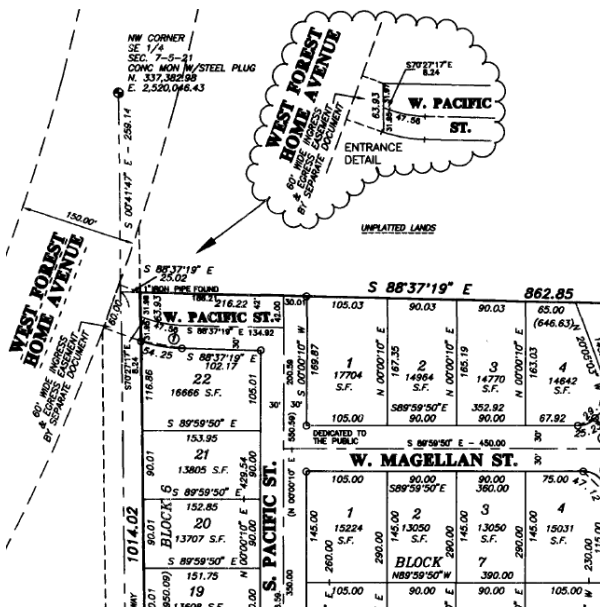
Figure 15-5.0101

STREET NAMING SYSTEM



10. Please revise the direction of Pacific Street, the street segment running west-east should be labeled as West Pacific Street, see below Mission Hills West Addition No. 4 plat for reference.

Response: Pacific Street renamed.



11. **Site Intensity and Capacity Calculations.** Please apply the following corrections:

- Replace “Multiplier” with “Natural Resource Protection Standard”, you may eliminate the agricultural and non-residential columns as this is a residential project.

- Please add a column to indicate the proposed impact to natural resources in square feet and acres. The presented project would not impact natural resources, with the exception of young woodlands (Lot 15). Please also shade this area to be impacted in the Natural Resource Protection Plan.

Response: Site Calculations revised as indicated.

12. **Conservation Easement.** All present natural resource features identified in the Natural Resource Protection Plan (NRPP) shall be protected by a conservation easement. Please shade in the NRPP all the natural resource areas to be protected and use a different color/pattern for the the young woodland areas to be impacted. Attached is city’s conservation easement template, if the Preliminary Plat and Final Plat are approved, this easement must be recorded concurrently with the Final Plat per UDO Sec. 15-7.0603B.

Response: NRPP revised as indicated.

13. **Landscape Plan.** For clarity, please shade the proposed landscape bufferyard easement area. Avoid overlapping of this landscape easement with existing natural resources (wetlands, wetland buffers, shore buffers and/or floodplain), existing utility and fuel line easements. Attached is the city’s landscape bufferyard easement template, if the Preliminary Plat and Final Plat are approved, this easement must be recorded concurrently with the Final Plat.

Response: Landscape bufferyard easement hatched on Preliminary Plat. Landscape plan shaded as well.

14. **Note:** The landscape standards of UDO Table 15-5.0302 indicated on the Landscape Plan (quantity of landscape features per dwelling unit) are not required for single-family developments. These standards are only applicable for multi-family projects.

Response: No minimum requirement for plantings for single-family developments noted.

15. **Fuel line easement.** With regards to lots 13 thru 17, please confirm that driveways and utilities to serve these lots are permitted improvements within the fuel line easement area.

Response: We submitted preliminary plans to West Shore Pipeline and came to a consensus regarding an expanded pipeline easement and proposed setback of lots 13 to 17. An email has been forwarded to the City of Franklin from Jana Olthoff, West Shore Pipeline council, where she expressed that she is “very favorable to the idea” of the current layout and that they will review future plans forwarded to them regarding the profiles of the utilities. West Shore has also provided us guidelines for utility crossings that the developer will be required to adhere to.

16. Note that in letter from Milwaukee County Department of Administrative Services dated October 29, 2021, Milwaukee County Parks Department recommends dedication to the City of Franklin or easement for a recreational trail, at least 20-foot wide and outside the 100-year floodplain. Please revise plat accordingly.

Response: A 20’ Recreational Trail Easement has been provided on Outlot 1 north of lot 12 (formerly lot 3) from the ROW of existing W. Forest Home to the ROW of Proposed Tess Creek Street that is located along the existing driveway access to Parcel 1 CSM 6508.

17. Please note that stormwater management, utilities, grading and erosion control must be submitted separately to the Engineering Department. For more information, please call 414-425-7510.

Response: Civil Plans will be forwarded over to the Engineering Dept. electronically.

Engineering Department comments

18. The proposed lots 17 & 16 may be too small for a house. Please, show the proposed building pad with the setbacks.

Response: Sheet 2 of the Preliminary Plat, the site grading plan, indicates proposed home on lots 13 and 14 (formerly lots 16 & 17) and 15. (Please note that the minimum total living area per dwelling unit for R-8 Single Family Zoning is 1250 s.f.)

Current Lot # (Old Lot #)	Total Buildable Area within setbacks	Bldg. Footprint Area Shown on grading plan
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Lot 14 (Lot 16)	2317 s.f.	2015 s.f.
Lot 15	4600 s.f.	2240 s.f.

19. The proposed lot 13 does not meet the 60-ft minimum frontage.

Response: Lot 17 (formerly lot 13) has been revised to 60' wide at the ROW.

20. May need to check lot 5 for compliance with the lot dimensional requirements.

Response: To our knowledge, this lot meets R-8 Zoning

21. The outside of the proposed turnaround easement must have a 10-ft minimum clearance from the east property line for temporary snow storage.

Response: Temporary cul de sac has been moved 2.2' west of the east property line for a 10' clearance from the edge of the cul de sac to the property line.

Inspection Services Department comments

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

Police Department comments

23. The PD has no comment regarding this request.

Project Summary – 11600 W Forest Home Ave - Tess Creek Estates, Franklin Wisconsin.

Parcel numbers 7969987001 and 7519001000. That land will be herein referred to as Tess Creek Estates. The proposed development will be composed of 17 single-family lots on 10.101 acres. Located to the south and southeast, Mission Hills West Addition number 3 and 4 is zoned R5. Outlot 1 and 2 encompass the northern section of the development. The storm water wet pond is in the northwest section of Outlot 1. Outlot 2 contains wetlands protected by the Wisconsin DNR and a 100-year flood plain along the southern shore of the Tess Corners Creek. No section of any of the lots will be within the flood plain. We are proposing to connect Tess Creek Road from Northeast corner of South Pacific Street. Tess Creek Road will proceed north and east to a future type of connection the master plan for Franklin would call for. Five of the lots will have fully exposed basements facing North with the conservatory and Tess Creek in their back yard view, three of the lots in the Southwest portion of the development will have partially exposed basements facing East and West. The remaining nine lots will have non-exposed basements and reasonably flat yards. The average size of the seventeen (17) lots is .295 acres with the minimum lot size being .207 acres. The largest lot will encompass .449 acres. All frontages of lots at the setback are greater than 70 feet. Minimum lot size for R-8 Multiple-Family Residence District zoning is .20 acres with 60 foot setback width and 75 feet of frontage on corner lots. The Covenants and Restrictions written for this development will be appropriate to the size and style of home these lots will allow. It will take 90-120 days and to be completed all in one phase. The master grading plan is balanced as much as possible, allowing the excavation spoil to be distributed on the individual lots. Underground storm sewer and wastewater exist in the property and Tess Creek Estates will be installing the remaining water and sewer lateral system, as well as asphalt roadways and concrete curb and gutter per City of Franklin's construction specifications. We will install sidewalks on the south side of the street. General landscaping for the proposed development will be performed on the two out-lots containing the storm water wet pond, and the landscape plan would be seeding for grass and installing trees along the west perimeter.

2) Tess Creek Estates does not intend for the construction process to be disturbing to any of the surrounding neighbors and will have an open communication ensuring all neighbors are aware of the project status. The result of the development will be a quaint, high-value community added to the City of Franklin. Financial Plan for Project Implementation – Subdivision is a 10.101-acre development that will have 17 single family homes. Construction timeline for the development to be able to start selling the lots is roughly 90-120 days. Cost of construction for this subdivision is about \$1,600,000 with sidewalks. We believe that the City of Franklin is a very sought-after community to live in; therefore, we believe that we can have all lots sold within the first year. We estimate that each home value will range from \$500,000 to \$650,000 making the total value of the homes in the subdivision over \$10,000,000. The City of Franklin's net assessment value is about .023 so that equivalates to roughly \$230,000 in property taxes per year from these residences. The Declaration of Covenants and Restrictions will state high quality building materials with reasonable square footage requirements. All homes must pass an architectural review approval by Tess Creek Estates to ensure that the quality and value of the community.

3) Market Analysis – The demand for reasonably priced lots in the City of Franklin is high, and the current inventory of these lots is very low. There is a strong market, and we have a very high confidence that there will be few issues selling these lots. We believe that Tess Creek Estates will be the ideal spot to start the path toward home ownership or at the other end of the spectrum downsizing to a well-designed ranch backing to a nature view. This will be a wonderful addition to the City of Franklin

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: The proposed Special Use Permit request is for a single-family development within an R-8 zoning district which conforms with the Comprehensive Master Plan and the Future Land Use Map 2025 for this land.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: The Special Use request for single family conforms to the Comprehensive Master Plan and will be adjacent to an existing single family development.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: The Special Use request for R-8 zoning single family conforms to the Comprehensive Master Plan and is located adjacent to a single family subdivision.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: A proposed public roadway is to be extended to serve the proposed single family subdivision and will be served by public sanitary sewer and water main.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: It is not anticipated that an additional 17 single family lots will negatively affect current traffic counts.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: Site Intensity and Capacity Calculations have been performed as well as the creation of a Natural Resource Protection Plan. The proposed single family subdivision conforms to both analyses.

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

Response: The Special Use for single family residential is permitted under R-8 zoning per City of Franklin UDO.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: Does not apply. Section 15-3.0702 does not refer to a R-8 zoning district and Section 15-3.0703 refers to nonresidential districts.

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: The public benefit is the additional single family housing and additional tax base for the City of Franklin

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: The site was chosen as the developer, Ken Servi, is currently and has been the owner of Parcel 1 CSM 6508 and therefore, no other sites were explored.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: Site Intensity and Capacity Calculations have been performed as well as the creation of a Natural Resource Protection Plan. The proposed single family subdivision conforms to both analyses. Furthermore, a 30' landscape bufferyard easement and landscaping will be provided per Division 15-7.0300.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: The proposed Special Use Permit request is for a single-family development within an R-8 zoning district which conforms with the Comprehensive Master Plan and the Future Land Use Map 2025 for this land.

PROJECT NAME	Tess Creek Estates
PROJECT NUMBER	CJE1931-NRPP
DATE	2/2/2022
ZONING	R-8

	SF	ACRES
TOTAL	440000	10.1010
DEDICATED LAND	0	0.0000
RESERVED OPEN SPACE	0	0.0000
NON-RESIDENTIAL USE	0	0.0000
BASE SITE AREA	440000	10.1010

Area to Meander Line

Natural Resource Protection Standard					
NATURAL RESOURCE FEATURE	RES.	GROSS AREA (SF)	GROSS AREA (ACRES)	VALUE	Proposed Impact (s.f.)
STEEP SLOPES					
10-19	0.6	0	0	0	0
20-30	0.75	0	0	0	0
30+	0.85	0	0	0	0
WOODLANDS & FORESTS					
MATURE	0.70	0	0	0	0
YOUNG	0.50	38831	0.8914	0.446	745
YOUNG WOODLANDS OUTSIDE OF BUFFER	0.50	1550	0.0356	0.018	745
LAKES AND PONDS	1.00	0	0	0.000	0
STREAMS	1.00	0	0	0.000	0
SHORE BUFFER	1.00	54434	1.2496	1.250	0
FLOODPLAINS	1.00	81423	1.8692	1.869	0
WETLAND BUFFERS	1.00	106000	2.4334	2.433	0
WETLANDS	1.00	79274	1.8199	1.820	0
SUM				2.451	

Note: Shore Buffer, floodplain and all but 1,550 s.f. of young woodland areas located within the wetland buffer area. Therefore, the sum represents the wetland buffer area with a 1.0 resource protection standard and 1,550 s.f. of young woodlands with a 0.50 resource protection standard

TABLE 15-3.0504	ACRES
BASE SITE AREA	10.1010
OPEN SPACE RATIO (OSR)	0
min. onsite open space	0
NET BUILDABLE SITE AREA	7.6498
MAX. NET DENSITY YIELD	38.25
MAX. GROSS DENSITY YIELD	38.25
MAX. PERMITTED D.U.S	38.25

- NOTES:**
- ZONING:**
 - PARCEL 1, CSM 6508 (LANDS LOCATED SOUTH OF THE SOUTH LINE OF THE NE₁/4, SEC 7-5-21) ZONED R-8
 - REMAINING LANDS LOCATED SOUTH OF THE SOUTH LINE OF THE NE₁/4, SEC 7-5-21 ZONED R-3 AND TO BE REZONE R-8
 - R8 LOT DIMENSIONAL REQ. PER CITY OF FRANKLIN ZONING CODE:**
 - MIN. LOT AREA - 6000 S.F.
 - MIN. LOT WIDTH @ SETBACK - 60 & 75 FT.
 - MIN. FRONT SETBACK - 25 FT.
 - MIN. SIDE SETBACK - 5 FT.
 - MIN. SIDE SETBACK @ CORNER - 15 FT.
 - MIN. REAR SETBACK - 25 FT.
 - MIN. SHORE BUFFER - 75 FT.
 - MIN. WETLAND BUFFER - 30 FT.
 - MIN. WETLAND SETBACK - 50 FT.
 - PROJECT BENCHMARK - CENTER OF SECTION 7, CONCRETE MONUMENT WITH BRASS CAP, ELEVATION=769.54. (AS SHOWN)**
 - ELEVATIONS BASED ON DATA FROM SEWRPC, AND ARE AT NGVD 1929.**
 - SOIL TYPES:**
 - BIA - BLOUNT SILT LOAM
 - OzaC2 & OzaB2 - OZAUKEE SILT LOAM
 - ASA - ASHKUM SILTY CLAY
 - EXISTING CONTOURS SHOWN AT 1' INTERVALS. SEE SHEET 2 (GRADING PLAN) FOR PROPOSED CONTOURS**
 - VISION CORNER EASEMENT (LOT 1): NO OBSTRUCTIONS PERMITTED. NO VISUAL OBSTRUCTIONS, SUCH AS STRUCTURES, PARKING, OR VEGETATION, SHALL BE PERMITTED IN ANY DISTRICT BETWEEN THE HEIGHTS OF 2.5 FEET AND 10 FEET ABOVE THE PLANE THROUGH THE MEAN CURB GRADES WITHIN THE TRIANGULAR SPACE FORMED BY ANY TWO EXISTING OR PROPOSED INTERSECTING STREET OR ALLEY RIGHT-OF-WAY LINES AND A LINE JOINING POINTS ON SUCH LINES, LOCATED A MINIMUM OF 30 FEET FROM THEIR INTERSECTION**
 - ALL 17 LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER**

OWNER/SUBDIVIDER:
SERV INVESTMENTS, LLC
KEN SERV
PO BOX 91
SUSSEX, WI 53089

SURVEYOR:
CJ ENGINEERING, LLC
CHRIS JACKSON, PE, PLS
9205 W. CENTER STREET
SUITE 214
MILWAUKEE, WI 53222

PRELIMINARY PLAT OF TESS CREEK ESTATES

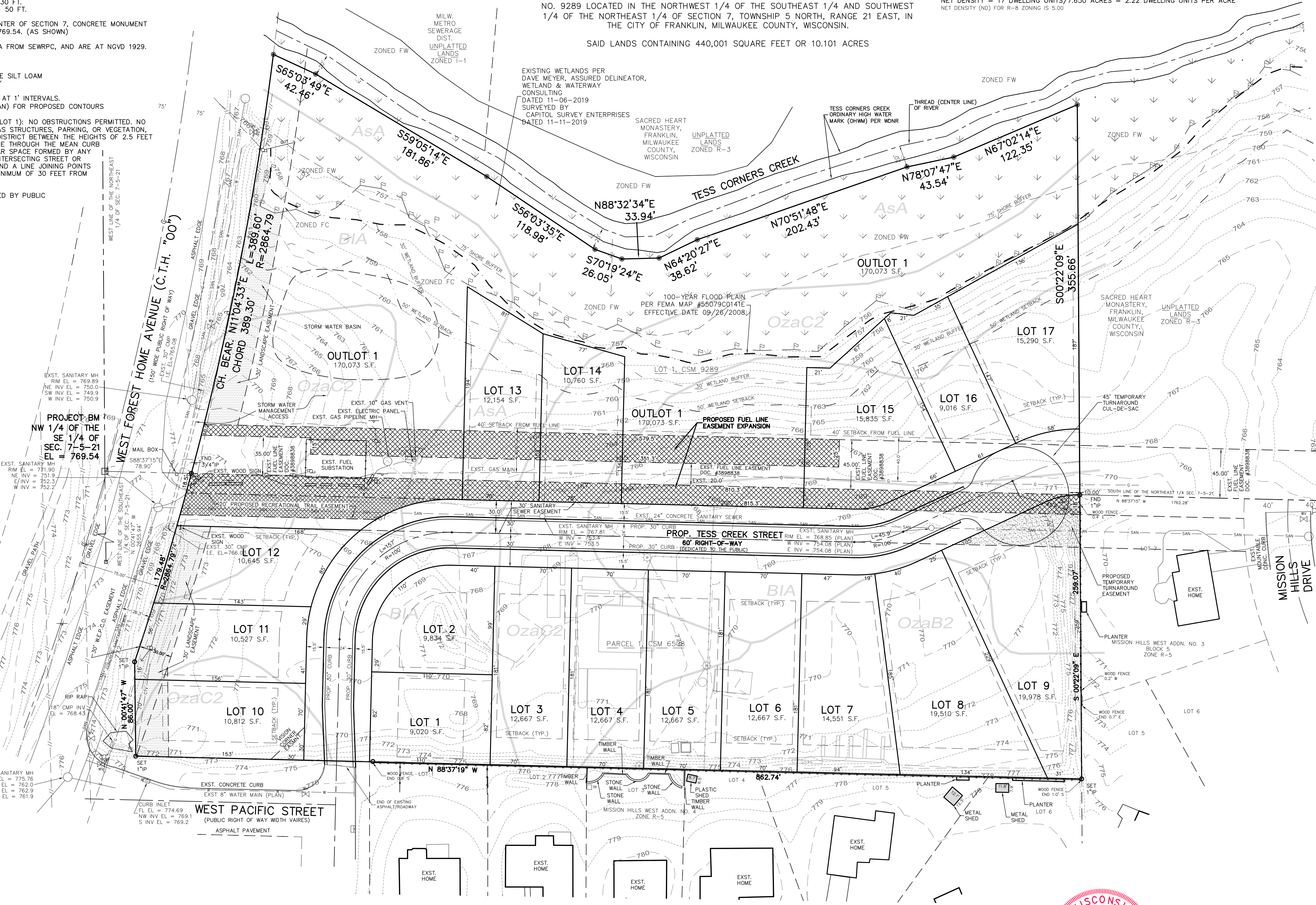
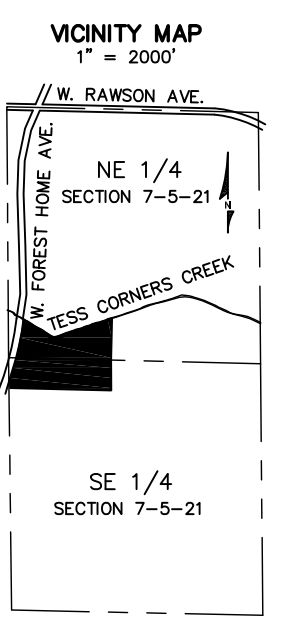
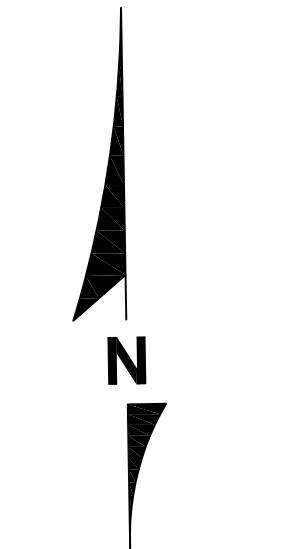
LEGAL DESCRIPTION
PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 9289 LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

USE STATEMENT
THE USE OF THE PROPOSED 17 LOT SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL WITH 1 DWELLING UNIT PER LOT.
ZONING: R-8

BASE SITE AREA = 10.101 ACRES (TO CENTERLINE OF CREEK)
OPEN SPACE = 3.904 ACRES

OPEN SPACE RATIO (OSR) = 10.101/3.904 = 2.59
(OPEN SPACE RATIO [OSR] FOR R-8 ZONING IS 0.00)
GROSS DENSITY = 17 DWELLING UNITS/10.101 ACRES = 1.68 DWELLING UNITS PER ACRE
NET DENSITY (ND) FOR R-8 ZONING IS 5.00
NET DENSITY = 17 DWELLING UNITS/7.650 ACRES = 2.22 DWELLING UNITS PER ACRE
NET DENSITY (ND) FOR R-8 ZONING IS 5.00

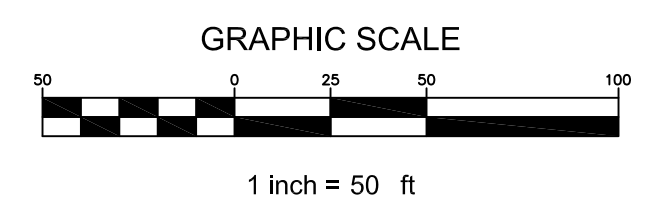
CJ engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com



LEGEND

---968---	EXISTING CONTOUR
---	EXISTING SANITARY SEWER
---	EXISTING BURIED GAS MAIN
---	EXISTING WATER MAIN
---	EXISTING STORM SEWER
---	EXST. OVER HEAD WIRE
---	EXST. BURIED ELECTRIC
---	EXST. UTILITY POLE W/GUY WIRE
---	EXST. FENCE

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Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.Diggers-hotline.com



WISCONSIN LAND SURVEYOR
CHRISTOPHER A. JACKSON
S-2851 WAUWATOSA, WI
FEBRUARY 2, 2022

CJE NO.: 193IR6-PLAT
JANUARY 18, 2021
APRIL 2, 2021
APRIL 7, 2021
FEBRUARY 2, 2022
OCTOBER 6, 2021

NOTES:
1. PROPOSED CONTOURS SHOWN AT 1' INTERVALS.

OWNER/SUBDIVIDER:
SERV INVESTMENTS, LLC
KEN SERVI
PO BOX 91
SUSSEX, WI 53089

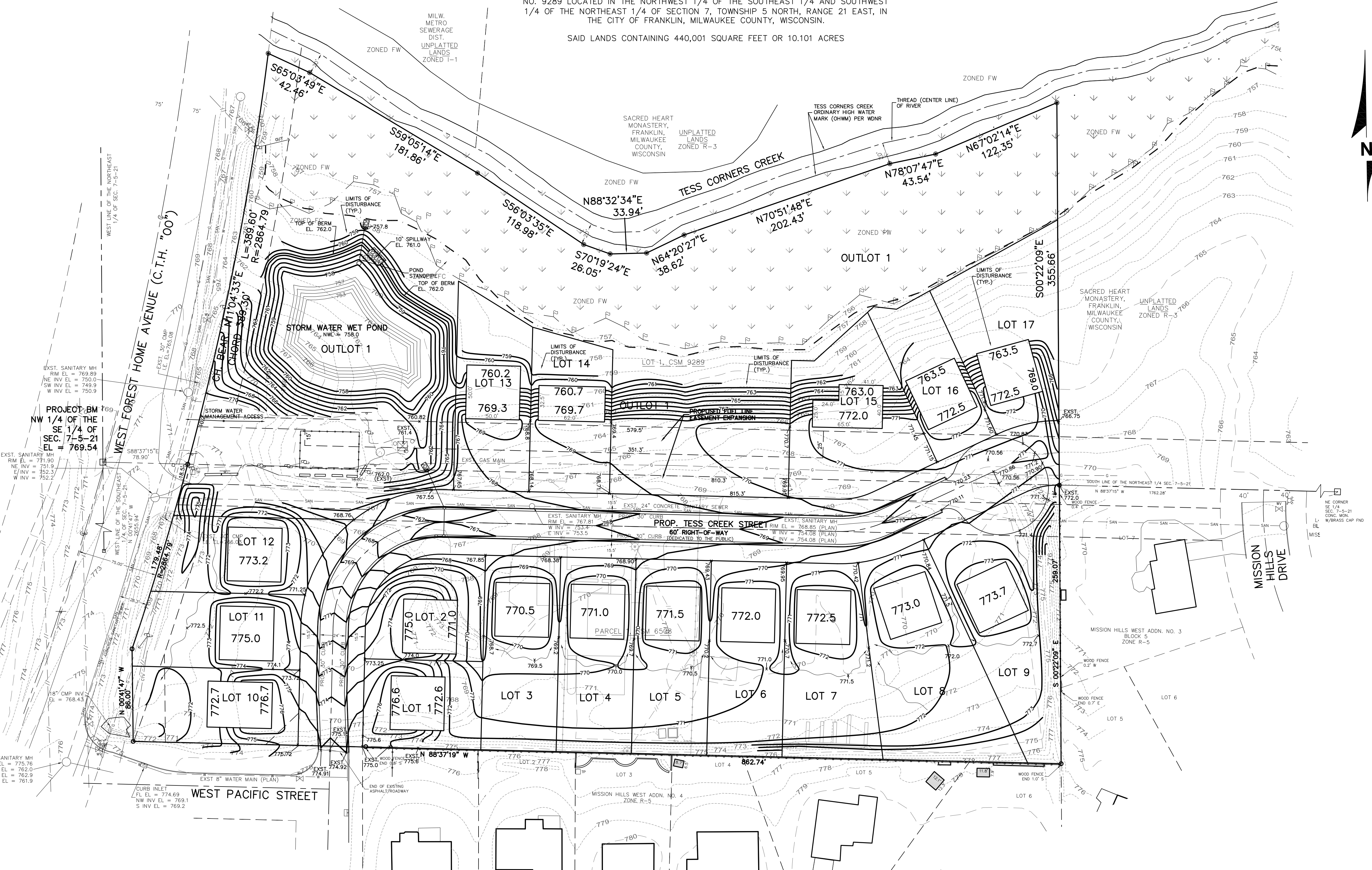
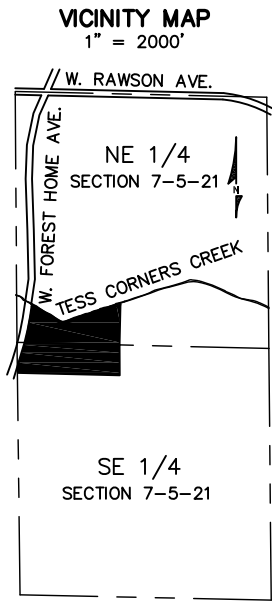
SURVEYOR:
CJ ENGINEERING, LLC
CHRIS JACKSON, PE, PLS
9205 W. CENTER STREET
SUITE 214
MILWAUKEE, WI 53222

PRELIMINARY PLAT OF TESS CREEK ESTATES

LEGAL DESCRIPTION
PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 9289 LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SAID LANDS CONTAINING 440,001 SQUARE FEET OR 10.101 ACRES

CJ
engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com



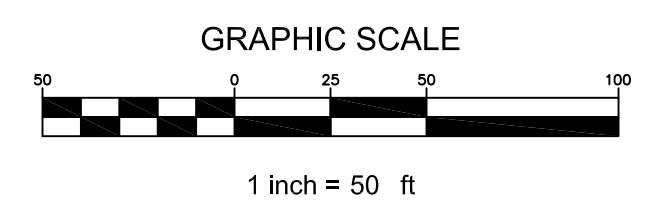
PROJECT BM
NW 1/4 OF THE
SE 1/4 OF
SEC. 7-5-21
E.L. = 769.54

EXST. SANITARY MH
RIM EL = 771.90
NE INV EL = 751.9
SW INV EL = 752.3
W INV EL = 752.2

SANITARY MH
RIM EL = 775.76
NE INV EL = 762.0
E INV EL = 762.9
SW INV EL = 761.9

LEGEND	
---770---	PROPOSED CONTOUR
x-770.5	PROPOSED ELEVATION
---968---	EXISTING CONTOUR
---SAN---	EXISTING SANITARY SEWER
---C---	EXISTING BURIED GAS MAIN
---W---	EXISTING WATER MAIN
---S---	EXISTING STORM SEWER
---	EXST. OVER HEAD WIRE
---	EXST. BURIED ELECTRIC
---	EXST. UTILITY POLE W/GUY WIRE
---	EXST. FENCE

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WISCONSIN
LAND SURVEYOR
CHRISTOPHER A. JACKSON
S-2851
WAUWATOSA, WI
C.A.J.
FEBRUARY 2, 2022

CJE NO.: 1931R6-PLAT
JANUARY 18, 2021
APRIL 2, 2021
APRIL 7, 2021
OCTOBER 6, 2021
FEBRUARY 2, 2022

Zoning Classification: R-8 Residential
 Proposed Dwelling Units: 17 Lots

Street Tree Requirements:
 One (1) tree for every 85 LF of Street Frontage
 Total Proposed Street Frontage: 1475 LF
 Required Trees: 17.4 Trees
 15' Clearance from utility poles
 5' Clearance from driveways
 3' Clearance from sidewalks

Minimum Landscape Standards:

Shade Trees:	1.5 trees per dwelling unit	25.5 Shade Trees
Ornamental Trees:	1 tree per dwelling unit	17 Ornamental Trees
Evergreen Trees:	1 tree per dwelling unit	17 Evergreen Trees
Shrubs:	3 shrubs per dwelling unit	51 Shrubs

Minimum Plant Installation Size:

Street Tree:	1.75-2.0" caliper	
Shade Tree:	2.5" caliper	
Ornamental Tree:	1.5" caliper	6' height
Evergreen Tree:	4" height	
Shrubs:	36" height	

CODE REQUIREMENTS

SHADE TREES (DECIDUOUS)

- AFM Autumn Fantasy Maple
- PPH Prairie Pride Hackberry
- SHL Skyline Honeylocust
- SWO Swamp White Oak
- BC Bald Cypress
- RL Redmond Linden
- AE Accolade Elm

ORNAMENTAL TREES (DECIDUOUS)

- ABS Autumn Brilliance Serviceberry
- TCH Thornless Cockspur Hawthorn

EVERGREEN TREES

- NS Norway Spruce
- EWP Eastern White Pine

DECIDUOUS SHRUBS

- GD Gray Dogwood
- CRD Cardinal Redtwig Dogwood
- CW Common Witchhazel
- SS Staghorn Sumac
- AJAV Autumn Jazz Arrowwood Viburnum
- SWW Spilled Wine Weigela

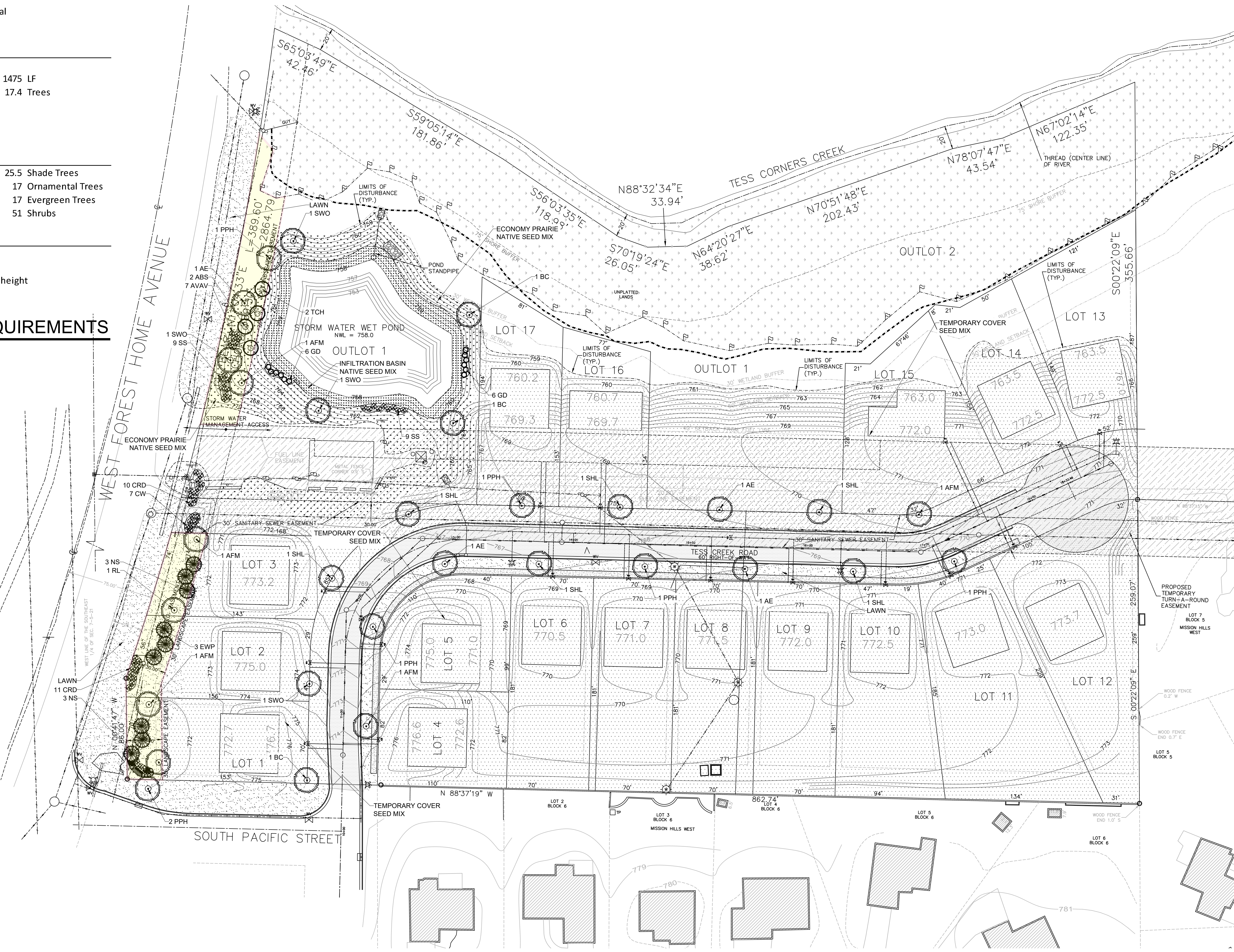
ORNAMENTAL GRASSES

- RSG Red Switch Grass

HERBACEOUS PERENNIALS

- KKC Dwarf Catmint

PLANT ABBREVIATIONS



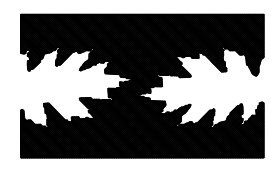
TO OBTAIN LOCATIONS OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

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CALL DIGGERS HOTLINE
 811 or 1-800-242-8511
 M.W. AREA 259-1181
 WS STATUTE 102.07(1974)
 REQUIRES MIN. 3 WORK DAYS
 NOTICE BEFORE YOU EXCAVATE

OVERALL LANDSCAPE PLAN
 Scale: 1" = 40"
 NORTH

HELLER & ASSOCIATES, LLC
 LANDSCAPE ARCHITECTURE
 P.O. Box 1359
 Lake Geneva, Wisconsin 53147-1359
 ph 262.639.9733
 david@wdavidheller.com
 www.wdavidheller.com



PROJECT
TESS CREEK ESTATES
 W. Forest Home Ave.
 at S. Pacific Street
 Franklin, Wisconsin

ISSUANCE AND REVISIONS

DATE	DESCRIPTION
10.21.21	FIRST ISSUE
10.22.21	REVISIONS PER CLIENT

SHEET TITLE
OVERALL LANDSCAPE PLAN

PROJECT MANAGER: WDH
 PROJECT NUMBER: 21-076
 DATE: 10.22.21
 SHEET NUMBER

L 1.0

Agrecol LLC
www.agrecol.com
10101 N. Casey Road
Evanville, Wisconsin 53536
Ph: 608-223-3571

Infiltration Swale Seed Mix

Botanical Name	Common Name	PLS Ounces/Acre
Permanent Grasses/Sedges/Rushes:		
<i>Andropogon gerardii</i>	Big Bluestem	10.00
<i>Bromus ciliatus</i>	Fringed Brome	36.00
<i>Carex comosa</i>	Britsy Sedge	5.00
<i>Carex vulpinoidea</i>	Brown Fox Sedge	1.50
<i>Elymus virginicus</i>	Virginia Wild Rye	36.00
<i>Glyceria striata</i>	Fowl Mania Grass	2.00
<i>Panicum virgatum</i>	Switchgrass	3.00
<i>Scirpus atrovirens</i>	Dark-Green Bullrush	0.25
<i>Scirpus cyperinus</i>	Wool Grass	16.00
<i>Sorghastrum nutans</i>	Indian Grass	8.00
<i>Sporina pectinata</i>	Prairie Cordgrass	8.00
Total		118.25

Forbs:	Common Name	PLS Ounces/Acre
<i>Ailanthus subcordatum</i>	Common Water Plantain	2.00
<i>Asclepias incarnata</i>	Marsh [Red] Milkweed	6.00
<i>Aster novae-angliae</i>	New England Aster	2.00
<i>Desmodium canadense</i>	Canada Tick Trefoil	4.00
<i>Ranibida pinnata</i>	Yellow Coneflower	3.00
<i>Rudbeckia hirta</i>	Black-eyed Susan	2.00
<i>Rudbeckia subtomentosa</i>	Sweet Black-eyed Susan	2.00
<i>Solidago ohioensis</i>	Ohio Goldenrod	1.00
<i>Verbena hastata</i>	Blue Vervain	1.75
<i>Vernonia fasciculata</i>	Ironweed	2.00
Total		25.75

Approximate area of coverage:	
Total area (SF) of coverage of infiltration area:	5,100
Total area (acres) of coverage of infiltration area:	0.12

Agrecol LLC
www.agrecol.com
10101 N. Casey Road
Evanville, Wisconsin 53536
Ph: 608-223-3571

Economy Prairie Seed Mix

Botanical Name	Common Name	PLS Ounces/Acre
Permanent Grasses/Sedges/Rushes:		
<i>Andropogon gerardii</i>	Big Bluestem	8.00
<i>Bouteloua curtipendula</i>	Side Oats Grass	32.00
<i>Canada wild rye</i>	Canada Wild Rye	16.00
<i>Elymus virginicus</i>	Virginia Wild Rye	20.00
<i>Panicum virgatum</i>	Switchgrass	8.00
<i>Scirpus cyperinus</i>	Little Bluestem	16.00
<i>Sporina pectinata</i>	Prairie Cordgrass	12.00
Total		112.00

Forbs:	Common Name	PLS Ounces/Acre
<i>Asclepias tuberosa</i>	Butterfly Weed	2.00
<i>Aster novae-angliae</i>	New England Aster	0.50
<i>Chamaecrista fasciata</i>	Partridge Pea	8.00
<i>Coreopsis lanceolata</i>	Lance-Leaf (Sand) Coreopsis	2.00
<i>Dalea purpurea</i>	Purple Prairie Clover	4.00
<i>Echinacea purpurea</i>	Purple Coneflower	8.00
<i>Heliopsis helianthoides</i>	Early Sunflower	6.00
<i>Liatris pycnostachya</i>	Prairie Blazing Star	2.00
<i>Monarda fistulosa</i>	Wild Bergamot	1.00
<i>Penstemon digitalis</i>	Fogwove Beard Tongue	0.50
<i>Ranibida pinnata</i>	Yellow Coneflower	4.00
<i>Rudbeckia hirta</i>	Black-eyed Susan	2.00
<i>Rudbeckia subtomentosa</i>	Sweet Black-eyed Susan	1.00
<i>Solidago rigida</i>	Stiff Goldenrod	1.00
<i>Tradescantia ohioensis</i>	Ohio Spiderwort	4.00
<i>Zizia aurea</i>	Golden Alexanders	2.00
Total		48.00

Approximate area of coverage:	
Total area (SF) of coverage:	18,250
Total area (acres) of coverage:	0.42

SPECIALTY SEED MIXES

- Contractor responsible for contacting Diggers Hotline (811 or 800-242-8511) to have site marked prior to excavation or planting.
- Contractor to verify all plant quantities shown on Plant & Material List and landscape planting symbols and report any discrepancies to Landscape Architect or General Contractor.
- All plantings shall comply with standards as described in American Standard of Nursery Stock - 200.1 ANSI (latest version). Landscape Architect reserves the right to inspect, and potentially reject any plants that are inferior, compromised, diseased, improperly transported, installed incorrectly or damaged. No sub-standard "B Grade" or "Park Grade" plant material shall be accepted. Plant material shall originate from nurseries (if) with a similar climate as the planting site.
- Any potential plant substitutions must be approved by Landscape Architect or Owner. All plants must be installed as per sizes indicated on Plant & Material Schedule, unless approved by Landscape Architect. Any changes to shown on plan must be submitted in writing to the Landscape Architect prior to installation.
- Topsoil in Parking Lot Islands (if applicable): All parking lot islands to be backfilled with topsoil to a minimum depth of 12" to insure long-term plant health. Topsoil should be placed within 3" of finish grade by General Contractor / Excavation Contractor during rough grading operations. The landscape contractor shall be responsible for the fine grading of all disturbed areas, planting bed areas, and lawn areas. Crown all parking lot islands a minimum of 6" to provide proper drainage, unless otherwise specified.
- Tree Planting: Plant all trees slightly higher than finished grade at the root flare. Remove excess soil from the top of the root ball, if needed. Remove and discard non-biodegradable ball wrapping and support wire. Remove biodegradable burlap and wire cage (if present) from the top of the rootball and carefully bend remaining wire down to the bottom of the hole. Once the tree has been placed into the hole and will no longer be moved, score the remaining 2/3 of the burlap and remove the burlap. Provide three slow release fertilizer for each tree planted.
- Tree Planting: Backfill tree planting holes 80% existing soils removed from excavation and 20% plant starter mix. Avoid air pockets and do not tamp soil down. Discard any gravel, rocks, heavy clay, or concrete pieces. When hole is full, trees shall be watered thoroughly, and water left to soak in before proceeding to fill the remainder of the hole. Water again to full soak in the new planting. Each tree shall receive a 3" deep, 4-5" diameter (see planting details or planting plan) shredded hardwood bark mulch ring around all trees planted in lawn areas. Do not build up any mulch onto the trunk of any tree. Trees that are installed incorrectly will be replaced at the time and expense of the Landscape Contractor.
- Shrub Planting: All shrubs to be planted in groupings as indicated on the Landscape Plan. Install with the planting of shrubs a 50% mix of plant starter with topsoil. Install topsoil into all plant beds as needed to achieve proper grade and displace undesirable soil (see planting detail). Remove all excessive gravel, clay and stones from plant beds prior to planting. When holes are 2/3 full, shrubs shall be watered thoroughly, and water left to soak in before proceeding. Provide slow-release fertilizer packets at the rate of 1 per 24" height/diameter of shrub at planting.
- Mulching: All tree and shrub planting beds to receive a 3" deep layer of high quality shredded hardwood bark mulch (not pigment dyed or enviro-mulch). All perennial planting areas (groupings) shall receive a 2" layer of shredded hardwood bark mulch, and groundcover areas a 1-2" layer of the same mulch. Do not mulch annual flower beds (if applicable). Do not allow mulch to contact plant stems and tree trunks.
- Edging: All planting beds shall be edged with a 4" deep spade edge using a flat landscape spade or a mechanical edger. Bedlines are to be cut crisp, smooth as per plan. A clean definition between landscape beds and lawn is required. Pack mulch against lawn edge to hold in place.
- Plant bed preparation/Soil Amendment composition: All perennial, groundcover and annual areas (if applicable) are required to receive a blend of organic soil (Soil Amendments) amendments prior to installation. Rotate the following materials at the following ratio, into existing soil beds or installed topsoil beds to a depth of approximately 5"-10". Contaminated and balled & burlapped plant material should be back-filled with amended soil.
 - Per 100 SF of bed area (Soil Amendment composition):
 - 1/2 CY Peat Moss or Mushroom Compost
 - 1/4 CY blended/pulverized Topsoil
 - 1/4 CY composted manure
 - In rock-filled beds only, also include in above mixture:
 - 2 lbs Starter Fertilizer

- Lawn Installation for all sodded turfgrass areas: Contractor to furnish and prepare blended topsoil (2" minimum) and sod bed, removing all debris and stones 1/2" and larger. Apply a 10-10-10 starter lawn fertilizer uniformly throughout areas prior to laying sod. Use only premium sod blend according to TPI (revised 1995) and ASTM standards. Install sod uniformly with staggered joints, laid tightly and to end with a walk behind roller and water immediately upon installation to a 3" depth. Stake any sod installed on slopes steeper than 1:3, and in all swale applications. Contractor is responsible to provide a smooth, uniform, healthy turf, and is responsible for the first two mowings of the newly installed turf, and is also responsible for watering during this period.

- Installation preparation for all seeded areas: remove/kill off any existing unwanted vegetation prior to seeding. Prepare the topsoil (if adequate or provide as in item #11 above) and seed bed by removing all surface stones 1" or larger. Apply a starter fertilizer and specified seed uniformly in the specified rate, and provide mulch covering suitable to germinate and establish turf. Provide seed and fertilizer specifications to Landscape Architect and Owner prior to installation. Erosion control measures are to be used in swales and on slopes in excess of 1:3 and where applicable (see Civil Engineering Drawings). Methods of installation may vary at the discretion of the Landscape Contractor on his/her responsibility to establish and guarantee a smooth, uniform, quality turf. A minimum of 2" of blended, prepared and non-compacted topsoil is required for all lawn areas. If straw mulch is used as a mulch covering, a tackifier may be necessary to avoid wind dispersal of mulch covering. Marsh hay containing reed canary grass is NOT acceptable as a mulch covering.
 - An acceptable quality seed installation is defined as having:
 - No bare spots larger than one (1) square foot
 - No more than 10% of the total area with bare areas larger than one (1) square foot
 - A uniform coverage through all turf areas

- No-Mow seed areas: "No-Mow" fine fescue seed mix with annual eye nurse crop (available at Reinder's Landscape Supply 800-785-3301; Prairie Nursery 800-476-9453) or approved equivalent mix from a reputable seed mix provider. Apply at rate recommended by supplier. Prepare seed bed and soil as specified in item #13 above.

- Warranty and Replacements: All plantings are to be watered thoroughly at the time of planting, through construction and upon completion of project as required. Trees, Evergreens, and Shrubs (deciduous and evergreen) shall be guaranteed (100% replacement) for a minimum of one (1) year from the date of project completion. Perennials, groundcovers, and ornamental grasses shall be guaranteed for a minimum of one (1) growing season. Perennials, groundcovers, and ornamental grasses planted after September 15th shall be guaranteed through May 31st of the following year. Only one replacement per plant will be required during the warranty period, except for losses or replacements due to failure to comply with specified requirements. Watering and general ongoing maintenance instructions are to be supplied by the Landscape Contractor to the Owner upon completion of the project.

- The Landscape Contractor is responsible for the watering and maintenance of all landscape areas for a period of 45 days after the substantial completion of the landscape installation. This shall include all trees, shrubs, evergreens, perennials, ornamental grasses, turf grass, no-mow seed mix, native prairie seed mix, stormwater seed mix, and other native seed mixes. Work also includes weeding, edging, mulching (only if required), fertilizing, trimming, sweeping up grass clippings, pruning and deadheading.

- Project Completion: Landscape Contractor is responsible to conduct a final review of the project, upon completion, with the Landscape Architect, Client or Owner / Client Representative, and the General Contractor to answer questions, provide written care instructions for new plantings and turf, and insure that all specifications have been met.

LANDSCAPE GENERAL NOTES

PLANT KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	CAULIPER/HEIGHT	SIZE	ROOT	SPECIFICATION / NOTES	PLANT SPACING
Proposed Landscape Materials								
SHADE TREES (DECIDUOUS)								
AFM	5	Acer freemanii 'Autumn Fantasy'	Autumn Fantasy Maple	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	
PHH	7	Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	
SHL	6	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	
SWO	4	Quercus bicolor	Swamp White Oak	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	
BC	3	Taxodium distichum	Bald Cypress	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	
RL	1	Tilia americana 'Redmond'	Redmond Linden	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	
AE	4	Ulmus 'Morton'	Accolade Elm	2.5"	B&B		Straight central leader, full and even crown. Prune only after planting	

PLANT KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT TO TIP	SIZE	ROOT	SPECIFICATION / NOTES	PLANT SPACING
ORNAMENTAL TREES (DECIDUOUS)								
ABS	2	Amelanchier grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	5-6'	B&B		Well balanced multi-stemmed tree with minimum four canes, and full appearance	
TCH	2	Crataegus crus-galli 'Inermis'	Thornless Cockspur Hawthorn	5-6'	B&B		Well balanced multi-stemmed tree with minimum four canes, and full appearance	

PLANT KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT	SIZE	ROOT	SPECIFICATION / NOTES	PLANT SPACING
EVERGREEN TREES								
NS	6	Picea abies	Norway Spruce	5-6'	B&B		Evenly shaped tree with branching to the ground	17'
EWP	3	Pinus strobus	Eastern White Pine	5-6'	B&B		Evenly shaped tree with branching to the ground	15'

PLANT KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SHRUB SIZE (HEIGHT)	ROOT/CONT.	SPECIFICATION / NOTES	PLANT SPACING
DECIDUOUS SHRUBS							
GD	12	Cornus racemosa	Gray Dogwood	42"	Cont.	Full, well rooted plant, evenly shaped	60"
CRD	24	Cornus sericea 'Cardinal'	Cardinal Redtwig Dogwood	42"	Cont.	Full, well rooted plant, evenly shaped	48"
CW	7	Hamamelis virginiana	Common Witchhazel	42"	B&B	Full, well rooted plant with most rootball and healthy appearance	72"
SS	18	Rhus typhina	Staghorn Sumac	48"	Cont.	Full, well rooted plant, evenly shaped	42"
AIAV	7	Viburnum dentatum 'Autumn Jazz'	Autumn Jazz Arrowwood Viburnum	42"	Cont.	Full, well rooted plant, evenly shaped	60"
SWW	6	Weigela florida 'Spilled Wine'	Spilled Wine Weigela	24"	Cont.	Full, well rooted plant, evenly shaped	42"

PLANT KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	CONTAINER	SIZE	SPECIFICATION / NOTES	PLANT SPACING
ORNAMENTAL GRASSES							
RSG	23	Panicum virgatum 'Rotstrahlbusch'	Red Switch Grass	#1	Cont.	Full, well rooted plant	18"

PLANT KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	CONTAINER	SIZE	SPECIFICATION / NOTES	PLANT SPACING
HERBACEOUS PERENNIALS							
KKC	12	Nepeta faassenii 'Xit Cat'	Dwarf Catmint	#1	Pot	Full, well rooted plant, evenly shaped	24"

PLAN KEY	QUANTITY	PLANT MATERIAL PROPOSED	CONTAINER	SIZE	SPECIFICATION / NOTES	PLANT SPACING
LAWN						
LAWN	3,189	Lawn Establishment Area / Grading Area			see plan for area delineation	SY Reinder's Deluxe 50 Seed Mix (800-785-3301)
PRAIRIE	2,028	Economy Prairie Seed Mix			see plan for area delineation	SY Agrecol, LLC (608-223-3571)
INFILTRATION	567	Infiltration Basin Seed Mix			see plan for area delineation	SY Agrecol, LLC (608-223-3571)
TEMP	25,085	Temporary Seed Mix (10s)			see plan for area delineation	SY Reinder's WIDOT #10 Seed Mix (800-785-3301)
	277,815	Erosion Matting for sloped seeded areas			see plan for area delineation	SF EroTex DS75 Erosion Control Blanket (or approved equal)

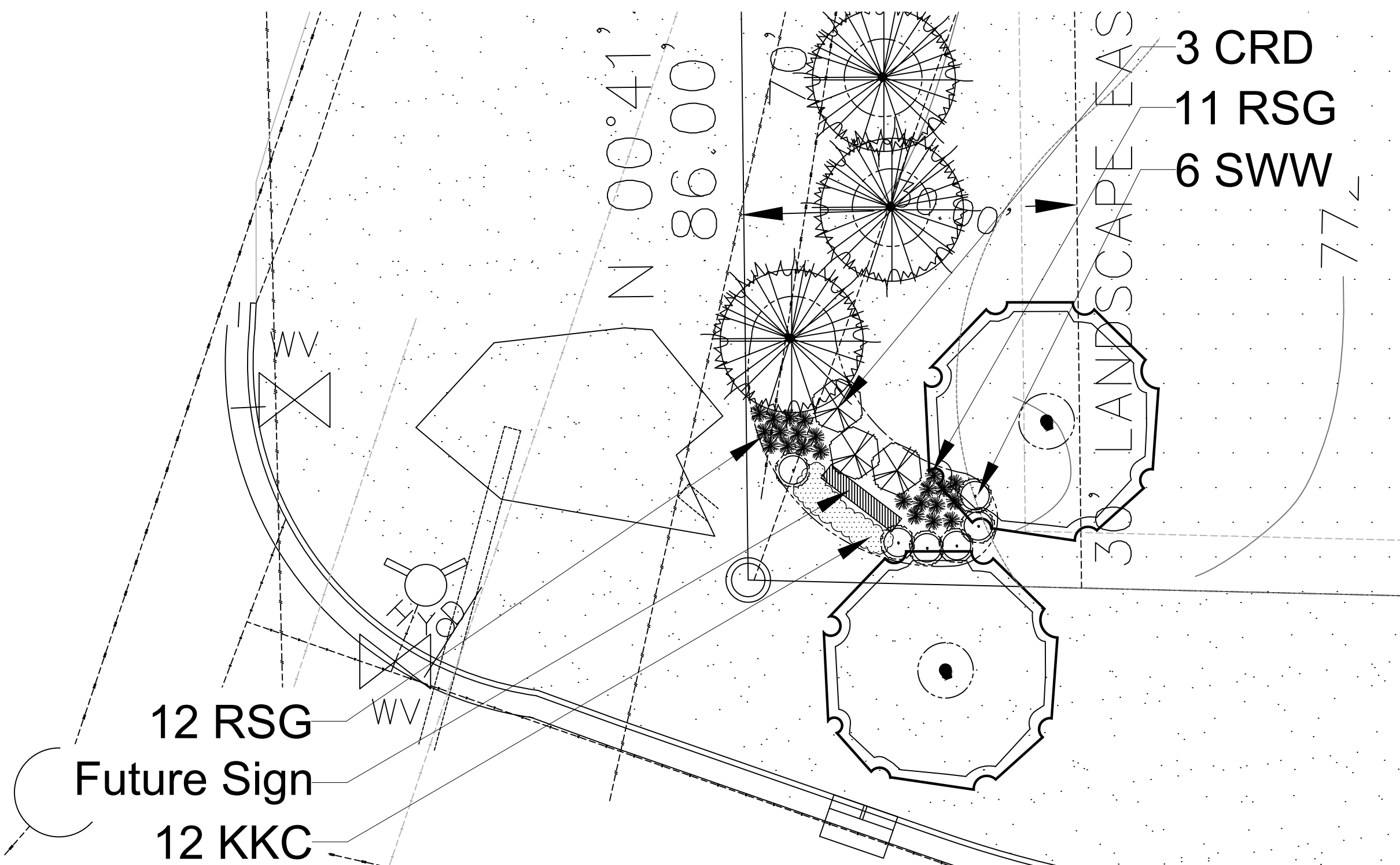
Hardscape Materials	QUANTITY	DESCRIPTION	AREA	UNIT	NOTES
	73	Shredded Hardwood Mulch (3" depth)	2,650 SF	CY	Bark Mulch; apply Preemergent after installation of mulch
	49	Soil Amendments (2" depth)	2,650 SF	CY	
	1275	Pulverized Topsoil (1/2" over all seeded areas)	277,815 SF	CY	
	49	Pulverized Topsoil (2" over bed areas)	2,650 SF	CY	

*Landscape counts & quantities are provided as a service to the Landscape Contractor. Landscape Contractor is responsible for verifying these counts and quantities in order to provide a complete landscape installation as outlined on this Landscape Master Plan. In the event that a discrepancy occurs between this schedule and the Landscape Master Plan, the Landscape Master Plan including the graphics and notations depicted therein shall govern.

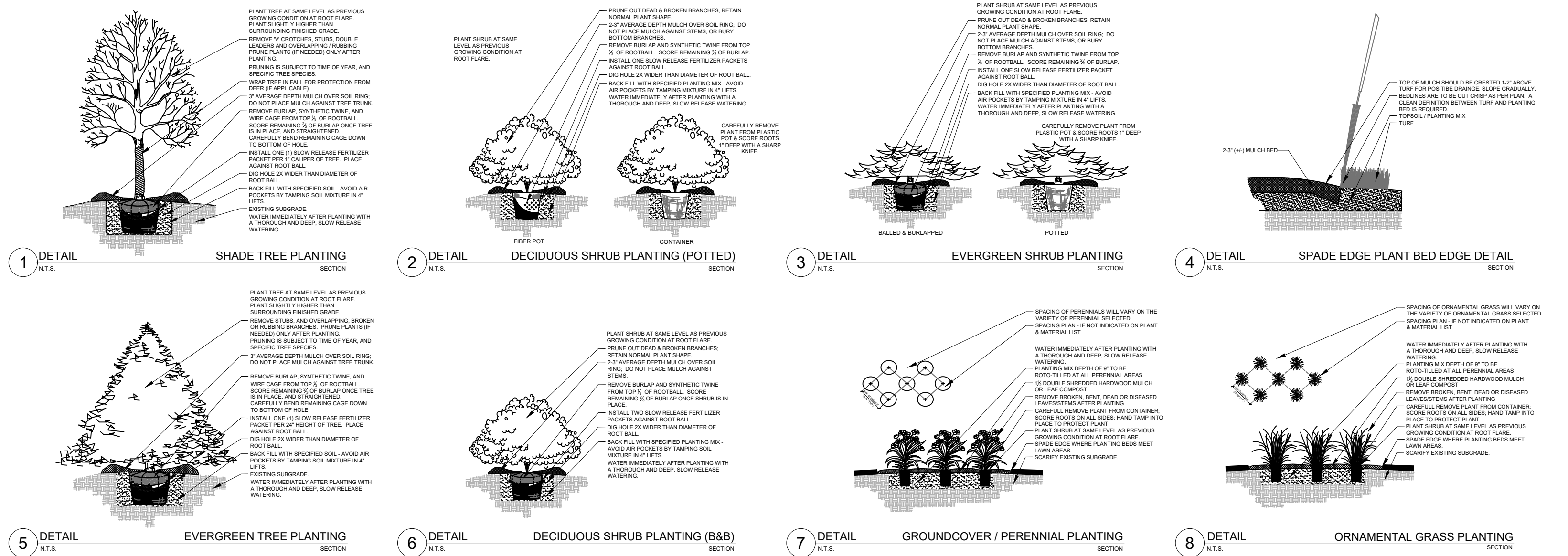
Seed Compositions:
Reinder's Deluxe 50 Seed Mix (800-785-3301):
 20% Kentucky Bluegrass (Sod Quality) 15% Quebec Perennial Ryegrass
 15% Newport Kentucky Bluegrass 10% Fiesta III Perennial Ryegrass
 15% Ken Blue Kentucky Bluegrass
 25% Creeping Red Fescue
 Seed at rate of 150-200# per acre

Reinder's WIDOT #10 Seed Mix (800-785-3301):
 40% Kentucky Bluegrass 9F-85
 25% Creeping Red Fescue 5% Red Top
 20% Perennial Rye Grass
 Seed at rate of 1.5# per 1,000 SF

PLANT & MATERIAL SCHEDULE

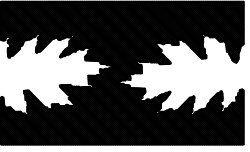


ENLARGED ENTRY LANDSCAPE PLAN
Scale: 1" = 10'0"



PLANTING & HARDSCAPE DETAILS

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
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PROJECT

TESS CREEK ESTATES

W. Forest Home Ave.
at S. Pacific Street
Franklin, Wisconsin

ISSUANCE AND REVISIONS

DATE	DESCRIPTION
10.21.21	FIRST ISSUE
10.22.21	REVISIONS PER CLIENT

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE
LANDSCAPE DETAILS, NOTES & SCHEDULES

PROJECT MANAGER WDH

PROJECT NUMBER 21-076

DATE 10.22.21

SHEET NUMBER

L 1.4



REPORT TO THE PLAN COMMISSION

Meeting of February 17, 2022

Special Use and Site Plan

RECOMMENDATION: City Development staff recommends approval of the proposed Special Use and associated Site Plan for Strauss Brands meat processing facility upon property located on Lot 83 of Ryan Meadows subject to the conditions set forth in the draft Resolution.

Table with 2 columns: Label (Project Name, Project Address, Applicant/Property Owner, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant Action Requested, Planners) and Value (Strauss Brands, Inc., Lot 83 of Ryan Meadows, Strauss Investments, LLC, M-1 Limited Industrial District, Business Park, etc.)

This staff report is a revised version of the staff report presented to the Plan Commission on October 8, 2020, when these application requests were first heard. Staff made a few clarification edits (in italics) to the text but essentially left the gist of the original report intact. Attachments to this Staff Report:

- A. Special Use Resolution 2022 – draft date February 9, 2022
B. Site Plan Resolution 2022 – draft date February 9, 2022
C. Circuit Court Order signed January 24, 2022, filed January 25, 2022

Note: all materials not attached to this staff report can be found via the Box link noted on the meeting agenda.

INTRODUCTION AND BACKGROUND

The site area is approximately 30.2 acres. The facility is designed to process 250 to 500 head of cattle per day, and includes cattle pens, kill floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces and associated mechanical support facilities and spaces. This use is classified under Standard Industrial Classification No. 2011, Meat Packing Plants, which requires a Special Use in the M-1 Zoning District.

On April 15, 2020, the applicant submitted Site Plan and Special Use applications for the development of a 127,760 square foot meat processing facility. City staff sent memorandum

dated May 18, 2020, with a total of 37 review comments. On July 29, 2020, the applicant resubmitted with the following major changes: a building footprint increase from 127,760 sf to 152,035 sf, as well as an increase to the parking capacity from 234 spaces to 280 spaces. The applicant had addressed most of the review comments in this resubmittal. However, staff sent a second memorandum dated September 2, 2020, with 11 review comments including comments from the Mayor and the Alderman of the District. *Revised documents were submitted on September 28, 2020, and the staff report and materials were published for the public meeting on October 8, 2020.*

On October 8, 2020, the Plan Commission held a public hearing concerning the Special Use application, and reviewed the Site Plan application. Following several hours of testimony, the Plan Commission moved to recommend approval of the Special Use application, and further conditionally approved the Site Plan application (pending final decision on the Special Use). The Site Plan approval is codified as Plan Commission Resolution 2020-024.

On October 20, 2020, the Common Council heard several hours of testimony, and then initially voted to deny the Special Use application. On November 2, 2020, the Common Council elected to reconsider the Special Use application denial, and then approved the Special Use application, which decision was codified as Resolution 2020-7681.

On October 5, 2021, the Common Council amended Resolution 2020-7681 to extend the approval deadline for another year, which decision was codified as Resolution 2021-7788.

On January 24, 2022, a Court Order was signed by the Milwaukee County Circuit Court, pursuant to Case No. 20-CV-7031, Franklin Community Advocates, et al v. City of Franklin, and Strauss Brands, LLC, requiring the City of Franklin to hold a public hearing regarding the Special Use application.

It is noted for the record that the public notice for this public hearing has been published in the South NOW newspaper on February 2 and February 9, 2022, and mailed public notices were sent by City of Franklin staff on February 4, 2022, as required by State Statute. The Site Plan is a Business Item relative to decision making and no public hearing is required.

PROJECT DESCRIPTION AND ANALYSIS

SPECIAL USE APPLICATION

Strauss Brands, LLC submitted a substantially complete application for a special use permit, allowing for Section § 15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. The applicant has submitted responses to each of those standards.

City Development staff has the following comments about the general standards for Special Uses:

1. Ordinance and Comprehensive Master Plan Purposes and Intent.

Staff comment: The development is compatible with the limited industrial zoning district (M-1) that provides for “manufacturing, industrial and warehousing uses” and the Business Park designation of the Comprehensive Plan.

2. No Undue Adverse Impact.

See Fire Department comments below.

With regards to obnoxious odors and noise. The applicant stated that “the wastewater treatment room is fitted with air scrubbers to eliminate odors. The cattle barns and harvest areas are ventilated with a high volume of outside air to dissipate buildup of odors. Trucks/trailers used to remove hides and inedible waste are kept in enclosed dock areas to eliminate spread of odors. All processes are performed within the building which will eliminate noise concerns. Noise generation will be limited to truck traffic of approximately 20 trucks per day”.

3. No Interference with Surrounding Development.

Staff comment: The properties to east and south are also zoned M-1. The adjacent property to the west is zoned residential but a landscape buffer is proposed along the western property line.

4. Adequate Public Facilities.

See Fire Department comments below.

5. No Traffic Congestion.

Staff comment: No expected truck traffic through residential streets.

6. No Destruction of Significant Features.

Staff comment: Conservation easements are recommended to protect existing on-site natural resources.

7. Compliance with Standards.

See site plan analysis presented further in this staff report.

The Fire Department has expressed the following:

- Significant concern with storage/use of large quantities of ammonia immediately adjacent to and upwind of planned residential, commercial, and multi-use development. Asphyxiant, corrosive/irritant, and potential explosive properties will be present in the event of a release/leak or fire. *Note that further explanation and commitments by the applicant resolve these concerns for the Fire Department.*
- Area is poorly served by existing fire station locations and staffing. Response times for Effective Response Force for fire and EMS calls-for-service, and emergency incident types will likely exceed accepted industry standards (possibly significantly) for the entire development. *Note: this coverage issue remains a work in progress, though the building design is intended to resolve most fire-related issues internally, while EMS calls should be assisted when the City relocates a fire station to the Public Works facility location on 7811 West Ryan Road.*

The applicant stated that “the ammonia refrigeration system will meet all current codes and regulations. Due to the volume of ammonia on site a Process Safety Management (PSM) program will be in place. Furthermore, the system will be provided with an ammonia

diffusion tank to allow for emergency evacuation and diffusion in a hazardous ammonia situation” per letter dated June 28, 2020.

SITE PLAN APPLICATION

The proposed meat processing facility includes a 152,035 square foot building, oriented north-south and roughly centered on the property and facing east. The site will be accessed at two locations on the future Monarch Drive and will not have access from Loomis Road. The first access point on Monarch Drive, located roughly at the midpoint of the lot, will lead to an employee parking lot along the front (east) side of the building. The second access point, located at the southern end of the lot, will be for truck receiving and shipping. The access drive leads to a guardhouse located approximately 200 feet from the property line. The access drive continues past the guardhouse along the south, west, and north sides of the building. A future access drive would be located at the intersection of Chicory Street and Monarch Drive, a separate site plan amendment would be required for this future drive.

The building is a single-story structure, the processing area of the building will be 36 feet in height and the office/support areas of the building will be 18 feet in height. The building will be a steel framed and concrete slab-on-grade structure enclosed with insulated metal wall panels. The exterior of the office/ employee welfare will be a combination of masonry and architectural metal wall panels.

The site plan includes a future expansion area on the west side of the proposed building. This includes a roughly 112,000 square foot “building expansion area” and a roughly 47,000 square foot truck maintenance facility. The site plan also identifies areas for future truck dock parking north of the proposed meat processing facility. The future development would require review approval by the City before development.

Trucks containing cattle would be unloaded at docks located on the south side of the building. The floor plan includes indoor cattle holding pens and areas for various steps of meat processing, including preslaughter handling, stunning, and slaughtering. There are extensive coolers for chilling carcasses before fabrication (butchering) and a large area for the fabrication process. The floor plan also includes various employee breakrooms, office and conference spaces and restrooms.

This project complies with the development standards of the M-1 zoning district as shown below:

- Gross Floor Area Ratio (GFAR): 0.20 Maximum allowed: 0.42
- Net Floor Area Ration (NFAR): 0.33 Maximum allowed: 0.85
- Landscape Surface Ratio: 0.50 Minimum required: 0.40

Exterior trash compactors are proposed on the north and southwest sides of the building. Various pieces of mechanical equipment are located on the east and west sides of the building, which are to be concealed by screen walls.

Watermain easements are proposed on all sides of the site. Any future building expansions would need to be designed to avoid the easement.

Driveways

Proposed driveway openings are 28 feet wide for the employee parking lot and 48 feet wide for truck entrance. UDO 15-5.0207B limits width to 24 feet and 30 feet at roadway; however, it also states that the Plan Commission may approve openings for vehicular ingress and egress greater than 30 feet.

Staff has no objections to the request above. However, if the Plan Commission does not approve wider driveways, staff recommends that the applicant shall provide a revised Site Plan with driveway openings no wider than 24 feet and 30 feet at roadway, for Department of City Development review and approval, prior to issuance of a Building Permit. *Note: At the Plan Commission meeting on October 8, 2020, the applicant's request for wider driveway entrances was approved, with a maximum of 28 feet for the employee parking access and 48 feet for the truck entrance, and was included in the Special Use Resolution.*

Parking:

Table 15-5.0203 of the Unified Development Ordinance (UDO) requires two parking spaces per 1,000 square feet of Gross Floor Area for "Light Industry" land uses. Based on the overall square footage (162,830), 324 parking spaces are required.

The applicant is requesting a reduction of 13% (44 stalls) for a total of 280 parking stalls. The applicant stated that *"the overall number of employees is 272 with a maximum of 240 being onsite at the same time. Even with the reduction in parking there would still be 40 overflow spaces available"*.

The Plan Commission may approve (up to) a 25% parking reduction, provided that the applicant has submitted sufficient proof that the minimum number of required parking spaces would exceed the proposed use's projected parking demand. Staff has no objection to the justification provided by the applicant. Additionally, the proposed 7 ADA parking spaces comply with Table 15-5.0202(I)(1). *Note: At the Plan Commission meeting on October 8, 2020, the applicant's request reduction of parking was approved for a minimum of 280 parking stalls, and included in the Special Use Resolution.*

Landscaping:

Landscape plantings are provided along the perimeter of the property and concentrated around the stormwater ponds. Bufferyards are required on the north and west sides of this property due to adjacent residential zoning.

The applicant has addressed staff comments regarding landscaping in communication dated June 28, 2020, page 4. *Note: the Special Use Resolution contains additional conditions to address truck traffic noise with additional berming or increased height of berming, as required in Conditions 22-24.*

Fencing:

Much of the site, including truck traffic drives and the south, west, and north sides of the proposed building, is enclosed by an 8-foot high chain link fence.

According to UDO §15-3.0803(C)(2)(b), fences installed in nonresidential zoning districts shall not exceed six feet in height, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten feet in height. The 8-ft high chain link and the 10-ft high masonry wall are subject to approval by the Plan Commission. *Note: At the Plan Commission meeting on October 8, 2020, the applicant's request for 8-foot high chain link fence and 10-foot high masonry wall were approved, and included in the Special Use Resolution.*

Lighting:

The applicant has provided a Lighting Plan with photometrics. The Lighting Plan includes 31 new light poles, 10 wall-mounted building lights, and 17 wall-mounted emergency egress fixtures. The light poles have an overall height of 30 feet, which is below the maximum permitted height of 50 feet.

The maximum illumination is 0.9 foot-candles and at the property lines, which meets the requirements of Table 15-5.0401(C) of the UDO, and the cutoff angle of fixtures is 90 degrees or less.

Architecture:

The exterior of the building will be enclosed with cream-colored insulated metal wall panels. The front façade includes a combination of dark grey masonry and dark brown (wood-like) architectural metal wall panels. The side and rear façades are predominately flat insulated metal wall panels with little to no façade articulation.

Natural Resource Protection Plan:

A natural resource investigation of the property was conducted by Pinnacle Engineering Group on September 12, 2019. There are wetlands at the northwest and southwest corners of the property. A small pond is located just west of the property line. The proposed development maintains all required setbacks and buffers from the wetlands and pond. Staff recommends that the applicant shall prepare a Conservation Easement for all protected natural resource features for staff review and Common Council approval, and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.

Signage:

The applicant is aware that signs are subject to separate review and approval through the Architectural Review Board and Inspection Department. *This process has been revised since October 2020; the applicant will now need sign permit application review and issuance of a permit by the Department of City Development.*

Public input:

Public comments of any kind that were a part of the original record are included in the linked materials via Box.

STAFF RECOMMENDATION

Wisconsin State Statutes §62.23(7)(de) 2.a. states

“if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.”

And subsection 2.b. to the above reference states

“The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.”

City Development staff believe the applicant met the burden of proof relative to compliance with the City of Franklin Unified Development Ordinance, and agreed to comply with all limitations, restrictions, and conditions of approval provided in the attached Special Use Resolution and as provided under the Unified Development Ordinance and other requirements of the City of Franklin Municipal Code. Therefore, City Development staff recommends approval of the proposed Special Use for Strauss Brands meat processing facility upon property located on Lot 83 of Ryan Meadows, subject to the conditions set forth in the attached draft Resolution. Staff notes that the draft Resolution reflects the conditions of approval at the time of original approval by the Common Council on November 2, 2020, which included additional Conditions 21-25.

Staff further recommends that unless the Plan Commission objects, the draft Resolution shall reflect prior decisions made by the Plan Commission including the following:

- A 13% reduction of required parking for a total of 280 parking stalls while 324 are required per Table 15-5.0203 of the Unified Development Ordinance (UDO). *This is codified in Condition 16.*
- 28 feet wide driveway for the employee parking lot and 48 feet wide for truck entrance while UDO §15-5.0207.B limits width to 24 feet and 30 feet at roadway. *This is codified in Condition 17.*
- 8 feet high chain link fence and 10 feet high masonry wall while fences installed in nonresidential zoning districts shall not exceed six feet in height per UDO §15-3.0803.C.2.b, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten feet in height. *This is codified in Condition 18.*

Staff recommends approval of the Site Plan as previously presented, subject to the provisions granted above, and conditioned on approval of the Special Use request to operate a “Meat Packing Plant.”

RESOLUTION NO. 2022-_____

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)

WHEREAS, Strauss Brands LLC having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 2011 "Meat Packing Plants" to allow for construction of a 152,035 square foot (total building footprint of the single-story building) meat processing facility (Phases I and II (staffed by approximately 261 employees in the production area and 11 employees in the office area)) designed to process 250 to 500 head of cattle per day, which will include cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces and associated mechanical support facilities and spaces, 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, approximately 30.2 acres), bearing Tax Key No. 891-1083-000, more particularly described as follows:

Parts of Lot 1 and Outlot 1, of Certified Survey Map No. 9095 as recorded in the register of deeds office for Milwaukee County as Document No. 10830741, being a part of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the southwest corner of the Northwest 1/4 of said Section 30; thence South 89°39'32" East along the south line of said Northwest 1/4, 1345.74 feet to the southwest corner of Lot 1 Certified Survey Map No. 9095 and the Point of Beginning; Thence North 00°34'12" West, along the west line of said Lot 1, 1523.10 feet to the southerly line of said right-of-way of West Loomis Road; thence North 79°00'41" East along the southerly line of said right-of-way, 156.97 feet; thence North 75°45'51" East along the southerly line of said right-of-way, 215.80 feet to a point of curvature; thence northeasterly along the southerly line of said right-of-way, 30.51 feet along the arc of said curve to the left, whose radius is 1979.86 feet and whose chord bears North 75°19'22" East, 30.51 feet; thence South 29°08'47" East, 22.47 feet; thence South 16°09'38" East, 83.27 feet to a point of curvature; thence southeasterly 198.68 feet along the arc of said curve to the left, whose radius is 265.00 feet and whose chord bears South 37°38'23" East, 194.06 feet; thence South 59°07'06" East, 356.12 feet to a point of curvature; thence southeasterly 170.14 feet along the arc of

STRAUSS BRANDS LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 2

said curve to the right, whose radius is 190.00 feet and whose chord bears South 33°27'51" East, 164.52 feet; thence South 07°48'36" East, 543.63 feet to a point of curvature; thence southwesterly 128.99 feet along the arc of said curve to the right, whose radius is 190.00 feet and whose chord bears South 11°38'18" West, 126.52 feet; thence South 31°05'13" West, 282.33 feet to a point of curvature; thence southwesterly 75.12 feet along said curve to the right, whose radius is 190.00 feet and whose chord bears South 42°24'51" West, 74.64 feet; thence South 53°44'29" West, 143.69 feet to the south line of said Northwest 1/4; thence North 89°39'32" West along said south line, 662.99 feet to the Point of Beginning. Containing 1,316,168 square feet (30.2151 acres) of land, more or less; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 17th day of February, 2022, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Strauss Brands LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Strauss Brands LLC, successors and assigns, as a meat processing facility use, which shall be developed in substantial compliance with, and operated and maintained by Strauss Brands LLC, pursuant to those plans City file-stamped September 28, 2020 and annexed hereto and incorporated herein as Exhibit A.

STRAUSS BRANDS LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 3

2. Strauss Brands LLC, successors and assigns, 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, for the Strauss Brands LLC meat processing facility, 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.
3. The approval granted hereunder is conditional upon Strauss Brands LLC and the meat processing facility use for the property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision): (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.
4. Hours of livestock delivery shall be between the hours of 1:00 AM to 1:00 PM, Monday thru Friday, unless unforeseen conditions occur. Hours of operation for the harvest area shall be from 5:00 AM to 6:00 PM, Monday thru Friday. These conditions shall not apply to fabrication, grinding, maintenance, cleaning, and administrative activities which can operate 24 hours per day, Monday thru Saturday.
5. No outside storage of supplies and/or equipment shall be permitted.
6. No livestock shall be kept outside the buildings.
7. No livestock shall be kept on the premise overnight except when requested by state or federal inspector.
8. A maximum of 14 empty livestock trucks shall be permitted to park on the premise overnight.
9. No livestock trucks shall be washed or cleaned on the premise.
10. All processing waste shall be removed from the premise daily.
11. Removal of snow from private parking lots, walks and access drives shall be the responsibility of the owner.
12. A site plan amendment shall be required for the future building expansion areas, future truck maintenance facility, future parking and future driveways.

13. This Special Use is not approving any signs, signage requires a separate permit from the Department of City Development prior to installation.
14. The applicant shall prepare conservation easements for all protected natural resource features for staff review and Common Council approval, and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.
15. The applicant shall obtain final approval of grading, erosion control, storm water management, and utilities by the Engineering Department prior to any land disturbance activities.
16. The minimum required off-street parking is 280 parking stalls.
17. The maximum driveway width is 28 feet for the employee parking lot and 48 feet for the truck entrance.
18. The maximum height is 8 feet for chain link fences and 10 feet for masonry walls, measured from grade.
19. The cattle barns and harvest areas shall be ventilated to dissipate odors. Trucks and trailers used to remove remainder animal wastes shall be loaded in enclosed dock areas to reduce spread of odors.
20. In the event of obnoxious odors detected off the premise, the Department of City Development shall immediately notify the operator and the federal or state inspector assigned to the facility.
21. The applicant, successors and assigns, shall implement sound control devices, including, but not limited to additional chimneys or baffles, to reduce the sound from exhaust and ventilation fans to a maximum of 65 decibels at the ground level adjacent to the building.
22. The applicant, successors and assigns, shall mitigate truck traffic noise and impact by installing a 5-foot high landscape berm on the east side of the livestock loading area to provide additional screening and sound deflection.
23. The applicant, successors and assigns, shall further mitigate truck traffic noise and impact by increasing the height of the berm along the north property line by an average of 2 feet over that shown on the existing approved site plan. This berm shall be designed to appear natural.

24. The applicant, successors and assigns, shall submit a revised Landscape Plan which shows the approved changes to berms and landscape buffers as provided in Conditions 22. and 23., above.
25. The applicant, successors and assigns, shall establish and maintain a citizen complaint procedure, in which concerned residents contact a designated representative of the applicant, successors or assigns, and provide details of any complaints. The applicant, successors and assigns, shall compile any and all complaints and submit a monthly report of the complaints to the City Health Department, along with any actions taken. This procedure shall be in addition to the current coordination with the City Health Department regarding complaints and coordinating responses thereto.

BE IT FURTHER RESOLVED, that in the event Strauss Brands LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of a building permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

STRAUSS BRANDS LLC – SPECIAL USE
RESOLUTION NO. 2022-_____
PAGE 6

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2022-_____

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 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)

WHEREAS, Strauss Brands LLC having applied for approval of a proposed site plan for construction of a 152,035 square foot (total building footprint of the single-story building) meat processing facility (Phases I and II (staffed by approximately 261 employees in the production area and 11 employees in the office area)) designed to process 250 to 500 head of cattle per day, including cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces, associated mechanical support facilities and spaces [the proposed Site Plan includes a building positioned north/south on the site (roughly centered on the site) with employee/visitor parking on the east side of the building (280 spaces) and an access drive located along the south, west, and north sides of the building for truck traffic, with all access to the site via Monarch Drive (two access drives will be provided, one for employee auto parking and one for truck receiving and shipping) (the western portion of the site is identified as future building expansion area) (the site is designed to detain all stormwater on-site in three (3) detention ponds; the ponds are designed with a capacity to accommodate the future phases of work as indicated on the site drawings)], property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision (approximately 30.2 acres)); and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0421 of the Unified Development Ordinance and in furtherance of those express standards and purposes of a site plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for the construction of a 152,035 square foot meat processing facility designed to process 250 to 500 head of cattle per day, including cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces, associated mechanical support

STRAUSS BRANDS LLC – SITE PLAN
RESOLUTION NO. 2022-_____

Page 2

facilities and spaces [the proposed Site Plan includes a building positioned north/south on the site (roughly centered on the site) with employee/visitor parking on the east side of the building (280 spaces) and an access drive located along the south, west, and north sides of the building for truck traffic, with all access to the site via Monarch Drive (two access drives will be provided, one for employee auto parking and one for truck receiving and shipping) (the western portion of the site is identified as future building expansion area) (the site is designed to detain all stormwater on-site in three (3) detention ponds; the ponds are designed with a capacity to accommodate the future phases of work as indicated on the site drawings)], property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision (approximately 30.2 acres)) as depicted upon the plans dated September 28, 2020, attached hereto and incorporated herein, is hereby approved, subject to the following terms and conditions:

1. The property subject to the Site Plan shall be developed in substantial compliance with, and operated and maintained pursuant to the Site Plan for the Strauss Brands LLC meat processing facility dated September 28, 2020.
2. Strauss Brands LLC, successors and assigns, and any developer of the Strauss Brands LLC meat processing facility construction 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, for the Strauss Brands LLC meat processing facility construction project, 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.
3. The approval granted hereunder is conditional upon the Strauss Brands LLC meat processing facility construction project (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.
4. That the Strauss Brands LLC meat processing facility construction project shall be developed and constructed pursuant to such Site Plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin.
5. This Site Plan is conditioned upon the approval of a Special Use to allow for meat packing plants.

STRAUSS BRANDS LLC – SITE PLAN
RESOLUTION NO. 2022-_____

Page 3

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

FILED
01-25-2022
Anna Hodges
Clerk of Circuit Court
2020CV007031

BY THE COURT:

DATE SIGNED: January 24, 2022

Electronically signed by Hannah C. Dugan
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

FRANKLIN COMMUNITY ADVOCATES, INC.,
WOODLAKE VILLAGE HOMEOWNERS ASSOCIATION
CHAD and KARYN ZOLECKI, JEFF and DANELLE KENNEY,
RYAN and RACHEL RINGWELSKI, STEVE VALLEE and
COLLEEN DOMASK, NICK POPLAR, TOM and ALICE BENNING,
MIKE and JOANNE ZOLECKI, DEAN REIN,
ERIC and MICHELLE BALCEROWSKI, MELINDA HAMDAN
Plaintiffs,

v.

Case No. 20-CV-7031
Honorable Hannah C. Dugan

CITY OF FRANKLIN,

Defendant,

And

STRAUSS BRANDS, LLC,

Intervenor Defendant.

**ORDER
MOTION FOR RECONSIDERATION
CORRECTION OF THE RECORD
AMENDED REMAND ORDER FOR FURTHER PROCEEDINGS**

A hearing was held via zoom on January 10, 2022 before the Hon. Hannah C. Dugan on Defendants Motion for Reconsideration. Appearances were made by Plaintiffs by the Law Offices of Joseph R. Cincotta by Joseph R. Cincotta, Defendant City of Franklin by Municipal Law & Litigation Group, S.C. by Remzy D. Bitar, and Intervenor Strauss Brands, LLC by Stafford Rosenbaum, LLP by Rick A. Manthe.

The Motion for Reconsideration was argued by the parties. The Motion related to the Court's Decision during a hearing on November 16, 2021 to remand the matter for further proceedings before the City. The Motion for Reconsideration was timely and a briefing schedule was followed per local rule.

The Court considered all pleadings and papers on file herein, the arguments by the parties, and the record of proceedings for all motions and hearings.

The Court heard oral argument. Pursuant to Section 805.16 *Wis. Stats.* and Koepsell's *Olde Popcorn Wagons v. Koepsell's Festival Popcorn Wagons*, 275 Wis.2d 397 (Ct. App. 2004) the Standard of Review for Motions for Reconsideration was not met. The Court noted that Defendant had filed documents regarding the scope of the Court's remand which included misstatements of the Court's remand ruling. The Court stated that the record must be corrected by supplemental pleadings for accuracy on remand. Further the court, recognized that, upon review of the Motion for Reconsideration and pursuant to Section 805.16 *Wis. Stats.*, that it would modify the scope of the remand, but not change the decision to remand.

Based on the filings and on argument at the January 11, 2022 hearing, and for reasons stated on the record,

NOW THEREFORE, IT IS HEREBY ORDERED;

1. The Motion for Reconsideration is DENIED.
2. Further it is ordered that counsel for the City must submit a Notice of Motion and Motion for Correction of the Record pursuant to statute and Supreme Court Rule 20:3.3 along with affidavit to correct inaccuracies and/or misrepresentations of fact in the record and pleadings and a proposed Order within 10 days of the January 11, 2022 hearing or the court will schedule an Order to Show Cause hearing.

3. Further it is ordered that the previous remand order is amended and supersedes the November 29, 2021 Remand Order and is as follows:

a. This matter is remanded to the City of Franklin Common Council with instructions to allow for a hearing, noticed and conducted to be held consistent with the City of Franklin's Code and Chapter 62 of the Wisconsin Statutes regarding the review of Special Use Permit applications, and consistent with due process required when reviewing Special Use Permits according to the City's Code, Wisconsin state statutes including Ch. 62 *Stats.*, controlling caselaw and Constitutional requirements for adequate due process.













































b. A decision on remand by the common council shall be deemed a separate and distinct final decision for purposes of certiorari review, however such decision may be added to and challenged by Plaintiffs in this action if it is not satisfied by the decision so as to avoid the need for Plaintiff's to commence a new certiorari action.

c. Regardless of the outcome of the action upon remand, and the decision of the Common Council upon remand, all arguments shall be preserved should the parties not resolve this matter.

d. All dates are suspended until such time as the parties advise the Court as to whether the matter has been resolved upon remand. Upon notice that the matter has not been resolved, the Court shall hold a status conference and set a schedule to amend pleadings and/or reestablish a briefing schedule.

e. The Court will retain jurisdiction to review the case based on the administrative record and outcome of the Common Council's action on remand.

Link: <https://franklinwi.box.com/s/3dt5qubmyim4caofk7hyine4iup4onv0>

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 Police Report.pdf	2/10/2022 12:33 PM	Adobe Acrobat D...	1,296 KB



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.1.

Meeting of February 17, 2022

Site Plan Amendment

RECOMMENDATION: City Development staff recommends approval of this Site Plan Amendment, subject to the conditions set forth in the attached resolution.

Project Name:	Sania Investment, Site Plan amendment for parking lot expansion.
Project Address:	2735 W Rawson Ave & 7103 S 27 th Street
Applicant:	Sania Investments Inc.
Property Owner:	Sania Investments Inc.
Current Zoning:	B-4 - South 27th St Mixed Use Commercial District
2025 Comprehensive Plan:	Mixed Use
Use of Surrounding Properties:	B-4 South 27th Street Mixed Use Commercial District to the north, south and west; City of Oak Creek - B-4 “Highway Business” to the east
Applicant’s Action Requested:	Approval of Site Plan Amendment
Planner:	Régulo Martínez-Montilva, AICP, Principal Planner

Introduction:

Site plan amendment to expand their parking into their property immediately to the east of the existing building at 2735 W Rawson Ave. The new parking area will provide 10 new parking spaces. In addition, the applicant proposes to install new landscaping for the new lot and along Rawson Ave.

The applicant has previously submitted an application to combine the corner parcel on the southwest corner of 27th and Rawson (7103 S 27TH ST), recently purchased from the WI Department of Transportation, with the lot immediately west of it (2735 W Rawson Ave). The land combination has been approved by the Common Council on November 16, 2021, Resolution 2021-7797.

Project analysis:

City staff has reviewed this Site Plan amendment for compliance with the Unified Development Ordinance and other applicable regulations. Staff sent a memorandum to the applicant on January 20 (appendix #1), including review comments from City Development, Engineering and City Forester.

Major changes to the original site plan dated October 20, 2021, are listed below:

- Provision of the required 10-foot parking setback along the north and south property line.
- Reduction of new parking spaces from 14 to 10 in order to meet the minimum parking space size and setbacks.
- Added curb and gutter to proposed parking area.

- Revisions to the landscape plan based on comments from the City Development Department and City Forester, regarding plant species mixture and clearance from street light.
- Added snow storage area.

Even though the design standards set forth in the 27th Street Design Overlay District are not mandatory for this parking lot expansion because the building floor area is not being increased. City Development suggested the addition of pedestrian and bicycle amenities, the applicant has addressed this suggestion by adding a bench, 3 bicycle racks and a walkway from the building entrance to the public sidewalk.

The applicant has addressed most of the review comments of the above-referenced memorandum. However, a grading plan is still required for Engineering Department review and approval (comment #18), this requirement is included in the resolution as condition #4.

It is worth noting that the subject property is listed by the Wisconsin Department of Natural Resources (DNR) as a Remediation & Redevelopment (RR) site with continuing obligations (see appendix #2). The property owner shall be responsible for compliance with the continuing obligations of this site (condition #5).

Recommendation

City Development staff recommends approval of this Site Plan Amendment, subject to the conditions set forth in the attached resolution.

Appendices

1. Review comments memorandum, dated January 20, 2022.
2. Final Case Closure with Continuing Obligations letter, dated February 3, 2020.

RESOLUTION NO. 2022-_____

A RESOLUTION TO AMEND THE SITE PLAN FOR PROPERTIES LOCATED AT 2735 WEST RAWSON AVENUE AND 7103 SOUTH 27TH STREET FOR EXPANSION OF THE EXISTING PARKING LOT, ADDITION OF CURB AND GUTTER AND SNOW STORAGE AREA AND INSTALLATION OF NEW LANDSCAPING
(TAX KEY NOS. 761-9950-003 AND 761-9950-001)
(DR. VIKRAMJIT SINGH DHILLON, OWNER OF SANIA INVESTMENTS LLC, APPLICANT)

WHEREAS, Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC having applied for an amendment to the site plan for the properties located at 2735 West Rawson Avenue and 7103 South 27th Street, such Site Plan having been previously approved as part of a Use approval on January 23, 1996, by Resolution No. 96-4349, and subsequent Use approvals on March 5, 2002, by Resolution No. 2002-5353 and on May 15, 2012, by Resolution No. 2012-6806; and

WHEREAS, such proposed amendment proposes to expand the existing parking lot into the property immediately to the east of the existing building located at 2735 West Rawson Avenue (10 additional spaces, with the required 10 foot parking setback along the north and south property line, addition of curb and gutter and snow storage area to the proposed parking area) and to install new landscaping for the new lot and along West Rawson Avenue, [applicant previously submitted an application to combine the corner parcel on the southwest corner of South 27th Street and West Rawson Avenue (7103 South 27th Street), recently purchased from the Wisconsin Department of Transportation, with the lot immediately to the west (2735 West Rawson Avenue), said land combination having been approved by the Common Council on November 16, 2021, by Resolution No. 2021-7797], and the Plan Commission having reviewed such proposal and having found same to be in compliance with and in furtherance of those express standards and purposes of a Site Plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC, dated February 1, 2022, as submitted by Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC, successors and assigns and any developer of the Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC parking lot expansion, addition of curb and gutter and snow storage

DR. VIKRAMJIT SINGH DHILLON, OWNER OF SANIA INVESTMENTS LLC - SITE
PLAN AMENDMENT
RESOLUTION NO. 2022-_____

Page 2

area and installation of new landscaping 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, for the Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC parking lot expansion, addition of curb and gutter and snow storage area and installation of new landscaping project, 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.

2. The approval granted hereunder is conditional upon Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC and the Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC parking lot expansion, addition of curb and gutter and snow storage area and installation of new landscaping project for the properties located at 2735 West Rawson Avenue and 7103 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.
3. The Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC parking lot expansion, addition of curb and gutter and snow storage area and installation of new landscaping project shall be developed in substantial compliance with the plans dated February 1, 2022.
4. The applicant must submit a grading plan for Engineering Department review and approval, prior to the issuance of land disturbance permits or building permits.
5. The property owner shall be responsible for compliance with the Continuing Obligations for the Plath Property FMR & Plath Property FMR site, as indicated in letter from the Wisconsin Department of Natural Resources dated February 3, 2020.

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Dr. Vikramjit Singh Dhillon, owner of Sania Investments LLC parking lot expansion, addition of curb and gutter and snow storage area and installation of new landscaping as depicted upon the plans dated February 1, 2022, attached hereto and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plans

DR. VIKRAMJIT SINGH DHILLON, OWNER OF SANIA INVESTMENTS LLC - SITE
PLAN AMENDMENT
RESOLUTION NO. 2022-_____

Page 3

for the properties located at 2735 West Rawson Avenue and 7103 South 27th Street, as previously approved, are amended accordingly.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin Department of City Development

Date: January 20, 2022

To: Luis Barbosa, BMR Design Group Inc.

From: Régulo Martínez-Montilva, Principal Planner, Department of City Development

RE: Application for Site Plan Amendment - 2735 W Rawson Ave and 7103 S 27th St

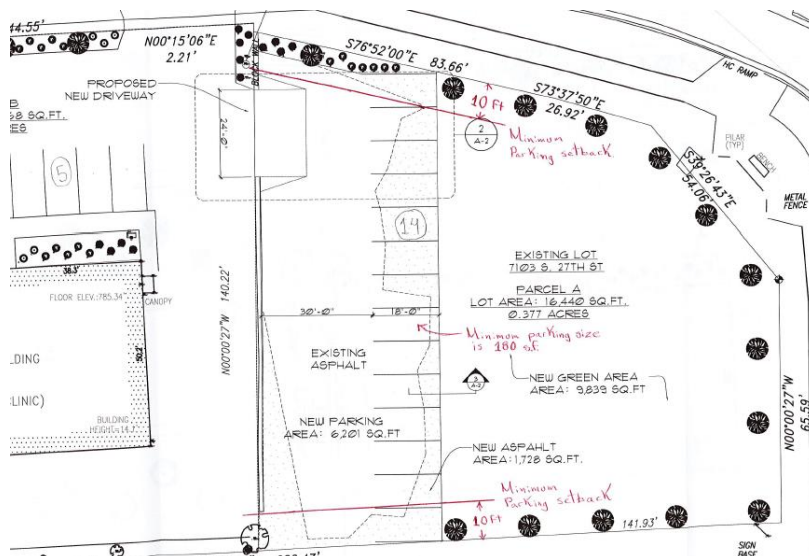
Below are staff comments regarding the Site Plan amendment application submitted on October 21, 2021:

Department of City Development comments

1. **Landscape Surface Ratio.** In order to determine compliance with Unified Development Ordinance (UDO) Table 15-3.0309, please provide Landscape Surface Ratio (LSR) calculations. The minimum LSR for the B-4 zoning district is 0.3.

Landscape Surface Ratio (LSR) is the ratio derived by dividing the area of landscaped surface by the base site area.

2. Please add the zoning district information to the cover sheet, this property is located in the B-4 South 27th Street Mixed Use Commercial District.
3. **Parking setback.** The proposed parking lot expansion does not comply with the minimum 10-foot parking setback set forth in the Unified Development Ordinance (UDO) Section 15-5.0202.C.4: “No parking stall or driveway in a non-residential district shall be located closer than 10 feet to any property line, except for greater setbacks as required in this Ordinance”. Please revise site plan to provide the minimum 10-foot parking setback from property lines, specifically the north and south property lines.



- 4. Curb and gutter.** Pursuant to UDO Section 15-5.0202.E.1 *“Concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape islands. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance of curb and gutter when curb and gutter is not installed on the adjacent street right-of-way, or is not anticipated to be constructed on the street right-of-way in a future street reconstruction in a reasonable period of time”*.

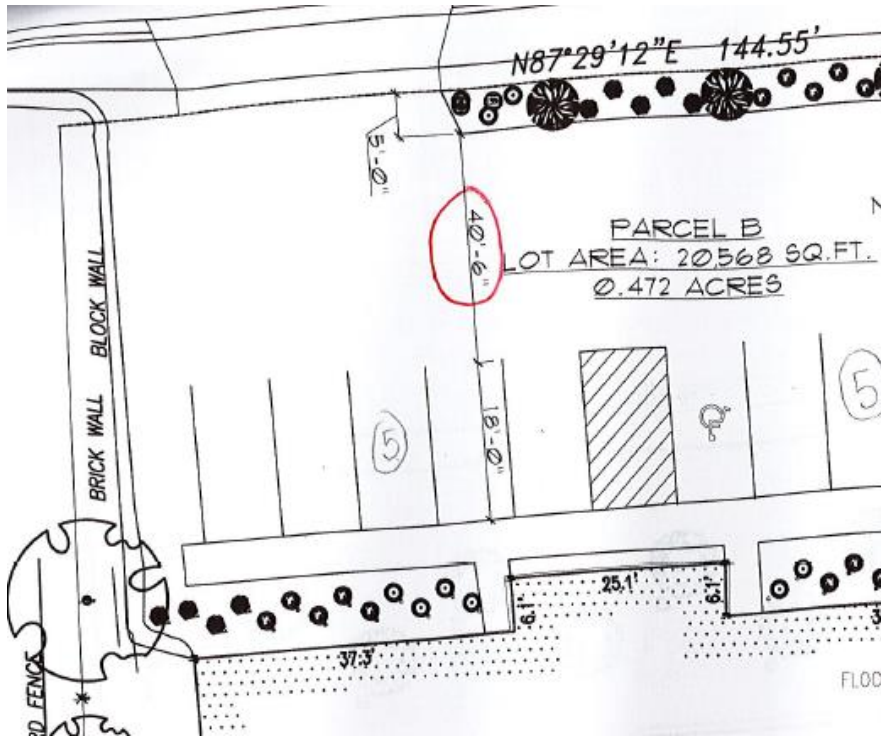
Please add curb and gutter to your design to comply with this requirement. Note that the parking setback of comment #3 should be measured from the back of the curb to the property line. You might request a waiver from this requirement but curb and gutter are installed on the adjacent Rawson Avenue and S. 27th Street.

- 5. Parking space size.** The proposed parking spaces do not appear to meet the minimum parking size of 180 square feet. Given that these parking spaces would be 18-foot long, the width must be at least 10 feet. UDO Section 15-5.0202.B states that *“The size of each parking space shall be not less than 180 square feet nor less than nine feet in width, exclusive of the space required for ingress and egress, except that the size of each parking space in an Accessory Parking Structure housing more than 500 vehicles, and upon a site supporting a public secondary school, shall be not less than 162 square feet nor less than nine feet in width, exclusive of the space required for ingress and egress”*.
- 6. Parking calculations.** Please add parking calculations including the total floor area devoted to veterinary clinic (and other uses, if any) in square feet, existing and proposed quantity of parking spaces. Note that per UDO Table 15-5.0203, the required parking for veterinary clinic use is 4.5 parking spaces per 1,000 square feet of floor area.
- 7. Fire hydrant.** Please label location of fire hydrant and bollards on the site plan, landscape plan and landscape detail.



Photo by City Development staff.

8. **Parking aisle width.** Please revise dimension of the parking aisle parallel to Rawson Avenue, this dimension appears to be incorrect.



9. **Landscape planting schedule.** The proposed planting schedule is missing information required to attest compliance with the landscape standards of UDO Section 15-5.0302, see image below:

Commercial, Office, Institutional and Similar Uses		
Type	Planting Size	Minimum Quantity
Canopy/Shade Tree	2.5 inch caliper	1 per 5 provided parking spaces
Evergreens	4 feet tall	1 per 5 provided parking spaces
Decorative Trees	1.5 inch caliper	1 per 5 provided parking spaces
Shrubs	3 feet tall	1 per 5 provided parking spaces

Please add the following information to the planting schedule:

- Planting type. Canopy/Shade trees are deciduous trees, evergreens are coniferous trees, and decorative trees are flowering and/or fruit bearing trees, normally growing to full growth shorter than a shade tree.
- Planting size. Note that planting size unit varies depending on planting types.
- Minimum quantity based on the resulting quantity of parking spaces. Existing trees/shrubs count towards this requirement.

10. **Plant Material Species Mixtures.** Please revise plant schedule to meet UDO Section 15-5.0303: "All landscape plant materials selected shall be adequately mixed so that

no singular species exceeds 40% of the total planting requirements. Said mixture shall include the use of both hardwood and softwood species types if deciduous materials are specified”.

11. **Invasive species.** The shrub *Euonymus alatus* is listed as invasive species by the Wisconsin Department of Natural Resources. Even though, it does not specifically imply a legal restriction for this plant, City Development staff recommends to use different species. See image below for reference:



Invasive species photo gallery

Burning bush (*Euonymus alatus*)

Click on a photo for an enlarged version or return to all [non-native](#) or [native](#) invasive plant species.



Photo by Nisa Karimi



Photo by Nisa Karimi

Source: Wisconsin Department of Natural Resources website.

12. Per UDO §15-7.0103(C), please add architect and/or engineer's name, address, and seal.

13. Snow storage plan required per UDO §15-5.0210, refer to this section for snow storage standards (below). The snow storage plan may be submitted in a separate sheet or it may be part of the site plan a or landscape plan.

C. On-Site Snow Storage Standards for Parking and Loading Areas. If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:

1. A minimum site area representing 10% of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.
2. The required snow storage area may be paved or not paved. In either case, adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain on abutting properties.
3. Required setbacks, yards, and bufferyards may be used to accommodate the required snow storage area. However, areas landscaped with shrubs and/or trees shall not be used as snow storage areas.

14. Any proposed outdoor lighting? If so, please submit a lighting plan per UDO Section 15-5.0402.

15. Note that Rawson Avenue is a county roadway, please make sure to obtain all necessary approvals from Milwaukee County prior to any work within the county right-of-way.

Department of City Development suggestions

16. The subject property is located in the 27th Street Design Overlay District of the Unified Development Ordinance Section 15-3.0351. The design standards of this overlay district are not mandatory for this parking lot expansion because the building floor area is not being increased. However, City Development staff suggests the following:
- a. 1 bench to be located on the landscape area adjacent to the Rawson Avenue sidewalk.
 - b. Pedestrian walkway from the building entrance to the public sidewalk. Acceptable treatments to distinguish a pedestrian walkway from driving surfaces are brick/pavers, textured concrete or painted lines.
 - c. 3 bicycle racks.

City Forester comments

17. I was able to find this information about soil volume requirements for tree planting. <https://www.deeproot.com/blog/blog-entries/our-recommended-soil-volume-for-urban-trees-2/> Basically a tree will grow to the size of the container it is put into. Smaller soil volume smaller tree. This however doesn't mean the tree will be healthy or grow to it's normal potential. In regards to the issues with the Rawson Avenue property I would recommend planting Japanese Tree Lilac in the 5' planting location versus the Ginkgo. The lilac will grow shorter for use under wires. I have also linked an article from Madison Gas and Electric with recommendations for trees under wires.

<https://www.mge.com/MGE/media/Library/pdfsdocuments/brochures/PowerPlanting.pdf>

Our standards require no tree planting within 25' feet of a street light. Using the Ginkgo in that location most likely could work out due to the fact that the soil volume would keep the tree smaller and ginkgo trees are very slow growing to begin with. I did also notice that it appears the landscape plan isn't adhering to the species diversity requirements. They have ginkgo's planted all along the eastern and southern perimeters.

Engineering Department comments

18. Submit a grading plan showing that the green space is utilized for stormwater run-off.

19. The proposed pavement abutting the south property line may create a drainage nuisance. Engineering recommends leaving a green space with at least a 6-ft minimum from the property line.
20. Highly suggest extending the tree planting at the south of the property line to serve as a buffer to the adjoining property.

Fire Department comments

21. FD has no comments.

Inspection Services Department comments

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



February 3, 2020

Sharlene TeBeest
WisDOT – Bureau of Equity and Env. Services
P.O. Box 7965 Room 5 South S513.12
Madison, WI 53707

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Plath Property FMR & Plath Property FMR, 7103 South 27th Street, Franklin, WI
BRRTS #: 03-41-562225, FID #: 241553290

Dear Ms. TeBeest:

The Department of Natural Resources (DNR) considers the Plath Property FMR & Plath Property FMR site closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you.

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The DNR reviewed the request for closure on June 18, 2019. The DNR requested additional information and final revisions were received on January 23, 2020. The DNR reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases.

The site was a gas station. An underground storage tank system that included four underground storage tanks, dispensers and associated piping were removed in 2014. Site investigation activities included evaluating soil and groundwater for petroleum volatile organic compounds (PVOCs) and metals. Residual contamination remains on-site. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Remaining contamination could result in vapor intrusion if future construction activities occur. Future construction includes expansion or partial removal of current buildings as well as construction of new buildings. Vapor control technologies will be required for occupied buildings, unless the property owner assesses the potential for vapor intrusion, and the DNR agrees that vapor control technologies are not needed.

The DNR fact sheet “Continuing Obligations for Environmental Protection,” RR-819, helps to explain a property owner’s responsibility for continuing obligations on their property. The fact sheet may be obtained online at dnr.wi.gov and search “RR-819”.

DNR Database

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) online at dnr.wi.gov and search “BOTW”, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, at dnr.wi.gov and search “RRSM”.

The DNR’s approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program’s regional water supply specialist. This form can be obtained on-line at dnr.wi.gov and search “3300-254”.

All site information is also on file at the Southeast Regional DNR office, at 2300 North Dr. Martin Luther King, Jr. Drive, Milwaukee, WI. This letter and information that was submitted with your closure request application, including any maps, can be found as a Portable Document Format (PDF) in BOTW.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats. to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2300 North Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains on the east side of the property as indicated on the attached map Figure B.2.b Residual Soil Contamination, December 18, 2019. If soil in the specific locations described above is excavated in the future, the property owner or right-of-way holder at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Vapor Mitigation or Evaluation (s. 292.12 (2), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)
Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building.

Future Concern: Petroleum volatile organic compounds remain in soil in the center and northeast corner of the property, as shown on the attached map Figure B.4.a Vapor Intrusion Map, December 17, 2019, at levels that may be of concern for vapor intrusion in the future, depending on construction and occupancy of a building. No buildings exist on the property at this time. Therefore, before a building is constructed and/or an existing building is modified, the property owner must notify the DNR at least 45 days before the change. Vapor control technologies are required for construction of occupied buildings unless the property owner assesses the vapor pathway and the DNR agrees that vapor control technologies are not needed.

Chapter NR 140, Wis. Adm. Code Exemption

Recent groundwater monitoring data at this site indicates that for benzene, naphthalene and total trimethylbenzenes at MW-4 and benzene at MW-5, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The DNR may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28 (2) (b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application. [Note: at this site the point of standards application is all points where groundwater is monitored.]
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the DNR believes that these criteria have been or will be met. The underground storage tank system has been removed, and gas station operations have ceased. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for benzene, naphthalene and total trimethylbenzenes at MW-4 and benzene at MW-5. Please keep this letter, because it serves as your exemption.

In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact the DNR Project Manager, Alice Egan at 414-263-8626, or at alice.egan@wisconsin.gov.

Sincerely,

A handwritten signature in blue ink that reads "Michele R. Norman".

Michele R. Norman
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments:

- Figure B.2.b Residual Soil Contamination, December 18, 2019
- Figure B.4.a Vapor Intrusion Map, December 17, 2019

cc: Theodore O'Connell, TRC, 708 Heartland Trail, Suite 3000, Madison, WI (electronic)
Bill Phelps, DG/5

TRC - GIS
 Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet (Foot US)
 Map Rotation: 0
 Plot Date: 12/18/2019 09:42:41 AM by RSUEMNICHT -- LAYOUT: ANSIB(11"x17")
 Path: S11-PROJECTS\WI_DOT\2014_212548\266049-021.mxd

UTILITIES

- MANHOLE
- ELECTRIC
- FIBEROPTIC
- GAS
- SANITARY SEWER
- STORM SEWER
- TELEPHONE
- WATER

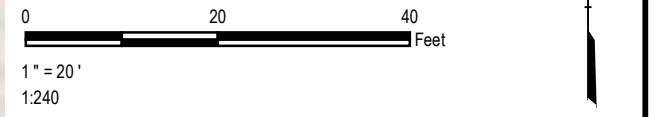
LEGEND

- TRC SAMPLE LOCATION (2014)
- TRC SAMPLE LOCATION WITH NR720 EXCEEDANCE FOR GROUNDWATER PATHWAY (2014)
- TRC SAMPLE LOCATION WITH NR720 EXCEEDANCE FOR NON-INDUSTRIAL DIRECT CONTACT (2014)
- APPROXIMATE LOCATION OF TRC PHASE 2.5 GEOPROBE INSTALLATION (2013)
- MONITORING WELL
- APPROXIMATE LOCATION OF HISTORICAL MONITORING WELL
- GROUNDWATER FLOW DIRECTION
- GROUNDWATER CONTOUR (DASHED WHERE INFERRED)
- EXTENT OF NR 720 GROUNDWATER RCL EXCEEDANCES (DASHED WHERE INFERRED)
- APPROXIMATE EXTENT OF UST REMOVAL (2014)
- FUEL DISPENSER REMOVED (2014)
- UNDERGROUND STORAGE TANK REMOVED (2014)
- PROPERTY LINE

GROUNDWATER ANALYTICAL RESULTS

Well ID	(Groundwater Elevation, Oct. 2017) (FT MSL)	Benzene (µg/L)	Napthalene (µg/L)	Trimethylbenzenes, combined (µg/L)
MW-1	777.14	<0.40	<0.42	<0.84
MW-2	776.03	<0.40	<0.42	<0.84
MW-3	777.39	<0.40	<0.42	<0.84
MW-4	777.25	0.93 J	19.7	165.2
MW-5	777.84	<0.40	<0.42	<0.84
MW-6	777.42	<0.40	<0.42	<0.84

- NOTES**
- BASE MAP IMAGERY FROM GOOGLE EARTH PRO & PARTNERS, APRIL 2017.
 - PARCEL DATA ACQUIRED FROM WISCONSIN STATE CARTOGRAPHER'S OFFICE. LOCATIONS ARE APPROXIMATE.



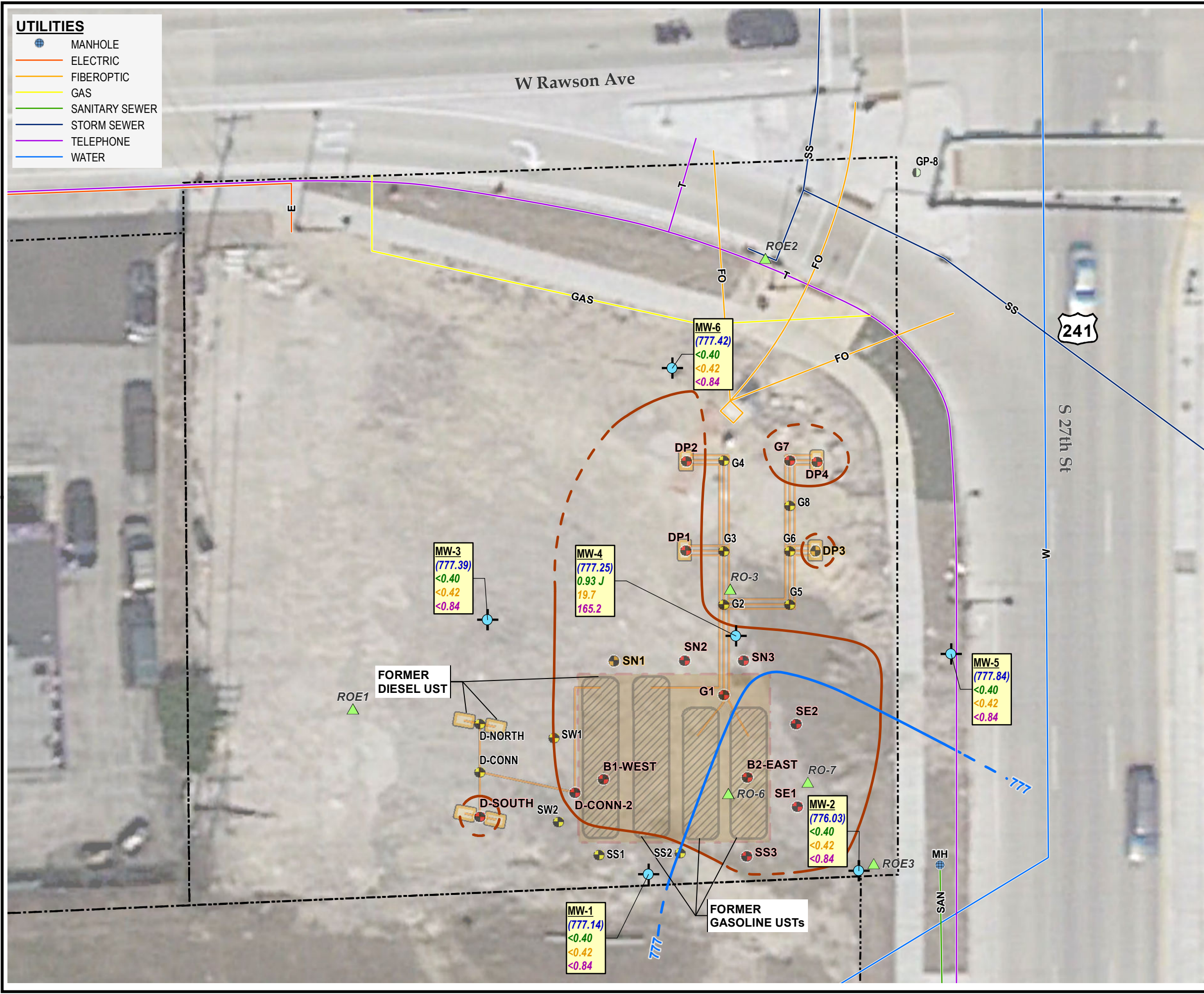
PROJECT: **WISDOT ID #0656-50-30
FORMER MOBIL GAS STATION
FRANKLIN, WISCONSIN**

TITLE: **RESIDUAL SOIL CONTAMINATION**

DRAWN BY: A. ADAIR	PROJ NO.: 266049
CHECKED BY: T. O'CONNELL	FIGURE B.2.b
APPROVED BY: D. HAAK	
DATE: DECEMBER 2019	

708 Heartland Trail, Suite 3000
Madison, WI 53717
Phone: 608.826.3600
www.trcsolutions.com

FILE NO.: 266049-021.mxd



Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 generalplanning@franklinwi.gov
 (414) 425-4024
 franklinwi.gov



APPLICATION DATE: _____

STAMP DATE: _____ city use only

PLAN COMMISSION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: VIC DHILLON	NAME: LUIS BARBOSA-ARCHITECT
COMPANY: SANIA INVESTMENTS LLC	COMPANY: BMR DESIGN GROUP INC
MAILING ADDRESS: 4880 S. PROVIDENCE DR	MAILING ADDRESS: 503 W. LINCOLN AVENUE
CITY/STATE: NEW BERLIN WI ZIP: 53146	CITY/STATE: MILWAUKEE WI ZIP: 53207
PHONE: 414-350-0887	PHONE: 414-384-2996
EMAIL ADDRESS: DHILLONDVM@GMAIL.COM	EMAIL ADDRESS: BMRDESIGNLB@BIZWI.PR.COM

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 2735 WEST RAWSON AV & 7103 S. 27th ST	TAX KEY NUMBER: 761-9950-004
PROPERTY OWNER: SANIA INVESTMENTS LLC - VIC DHILLON	PHONE: 414-350-0887
MAILING ADDRESS: 4880 S. PROVIDENCE DR.	EMAIL ADDRESS: DHILLONDVM@GMAIL.COM
CITY/STATE: NEW BERLIN WI ZIP: 53146	DATE OF COMPLETION: _____ office use only

APPLICATION TYPE

Please check the application type that you are applying for

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

Most requests require Plan Commission review and approval.

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

SIGNATURES

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

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

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

PROPERTY OWNER SIGNATURE: 	APPLICANT SIGNATURE:
NAME & TITLE: VIC DHILLON- OWNER DATE: _____	NAME & TITLE: LUIS BARBOSA- ARCHITECT DATE: _____
PROPERTY OWNER SIGNATURE: _____	APPLICANT REPRESENTATIVE SIGNATURE: _____
NAME & TITLE: _____ DATE: _____	NAME & TITLE: _____ DATE: _____

CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

BUILDING MOVE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded full size, drawn to scale copies (at least 8 1/2" X 11") of the plat of survey, showing the proposed building placement at the new location, indicate setbacks from property lines and locations of driveways and access points.
NOTE: Single-Family homes require an attached 2-car garage.
 - Three (3) copies of color photographs of the building's current elevations.
- Other items as may be required for specific applications, per a city planner.
- Email or flash drive with all plans / submittal materials.
 - Applications for a Building Move are governed by the City of Franklin Municipal Code Chapter 92-2 (A.) and the Wisconsin Uniform Building Code.

SIGN REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$40 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) colored copies of the sign elevations, drawn to scale not less than 1/2" = 1'. Plans shall be folded to a maximum size of 9" X 12". The elevations should denote the sign dimension and area. Identify the colors, materials, finishes and lighting method (if applicable).
 - Three (3) scaled copies of the Site Plan, showing the location of the proposed signage relative to (1) any existing or proposed structures; (2) parking stalls and/or driveways; (3) proposed landscaping and outdoor lighting; (4) the setback distance from the street right-of-way at the proposed location; (5) height of sign above the finished grade; and (6) the vision triangle distances described in Section 15-5.0201 of the Unified Development Ordinance.
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.
 - Permits for construction are REQUIRED after approval. Contact Inspection Services (414-425-0084) for permit processes.

SITE PLAN / SITE PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
 - Tier 1: \$2000
 - Tier 2: \$1000 (lot size ≤ 1 acre)
 - Tier 3: \$500 (≤ 10% increase or decrease in total floor area of all structures with no change to parking; or change to parking only).
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded full size, drawn to scale copies (at least 24" X 36") of the Site Plan / Site Plan Amendment package. The submittal should include only those plans/items as set forth in Section 15-7.0103, 15-7.0301, and 15-0402 of the Unified Development Ordinance that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.

TEMPORARY USE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$50 Application fee payable to the City of Franklin.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narrative
 - Three (3) folded, scaled copies, of the Site Plan, see section 15-3.0804 of the UDO for information that must be denoted on each respective plan.
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.
 - Submittal of Application for review is not a guarantee of approval. Approval of Temporary Use does not exclude potential requirement for additional licenses or permits. For information on other licenses or permits that may be required, contact the City Clerk's office at (414) 425-7500, the Health Department at (414) 425-9101, and Inspection Services at (414) 425-0084.



February 3, 2022

Régulo Martínez-Montilva, AICP
Principal Planner
Dept. of City Development
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

**Re: Application for Site Plan Amendment at
2735 W. Rawson Ave. and 7105 S. 27th St.**

Régulo:

Attached please find the requested 12 copies of site plan for the February 17 Plan Commission Meeting.

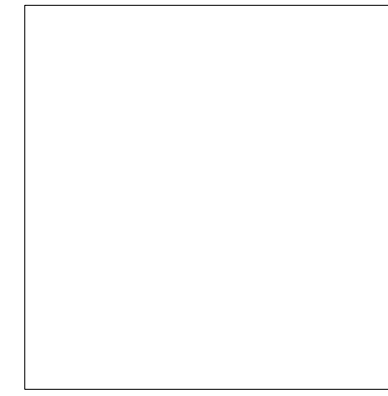
Regards,

A handwritten signature in dark ink, appearing to read 'Luis Barbosa', is written over the typed name.

Luis Barbosa, AIA, ALA
Architect

SCOPE OF WORK

Consultants



ARCHITECT
BMR Design Group, Inc.
503 West Lincoln Avenue
Milwaukee, Wisconsin 53207
(414) 384-2996

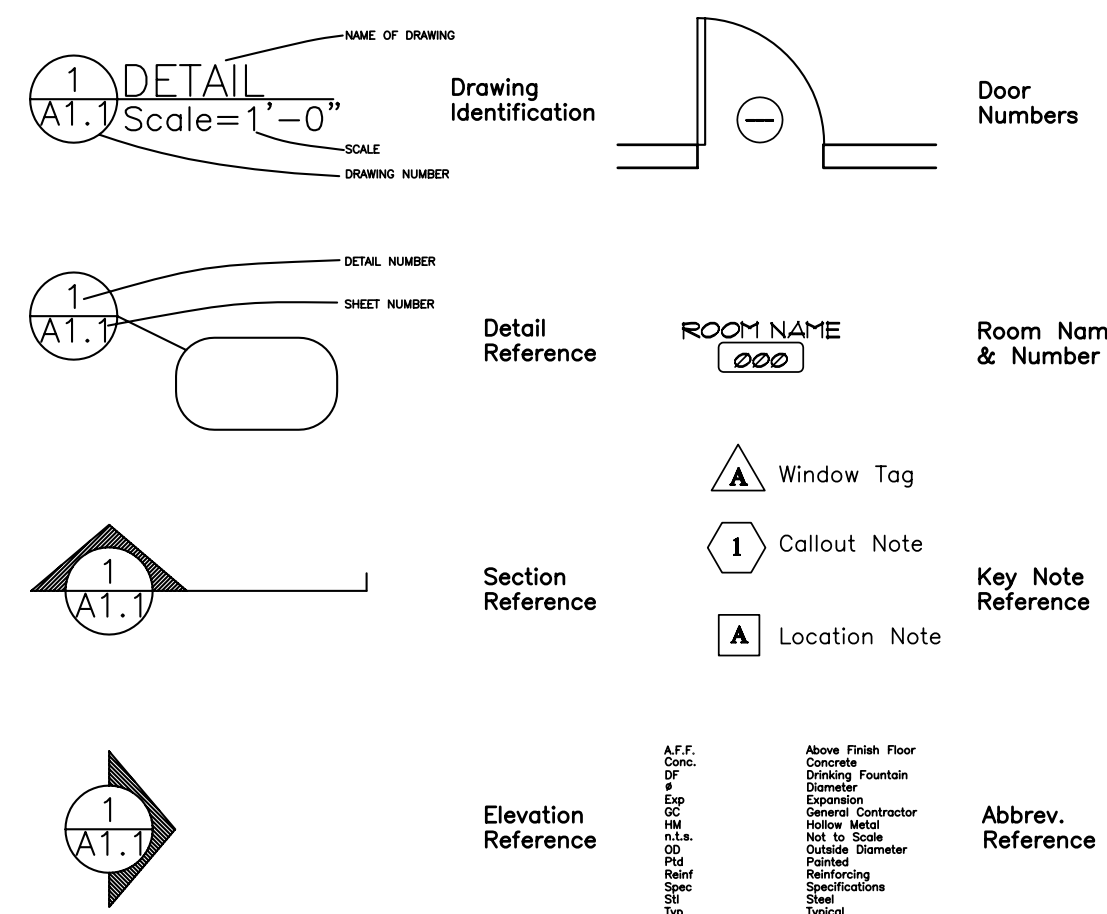
SHEET INDEX

ARCHITECTURAL	
A-1	EXISTING SITE PLAN
A-2	NEW SITE PLAN
A-3	NEW LANDSCAPE PLAN
A-4	EXISTING GRADING PLAN

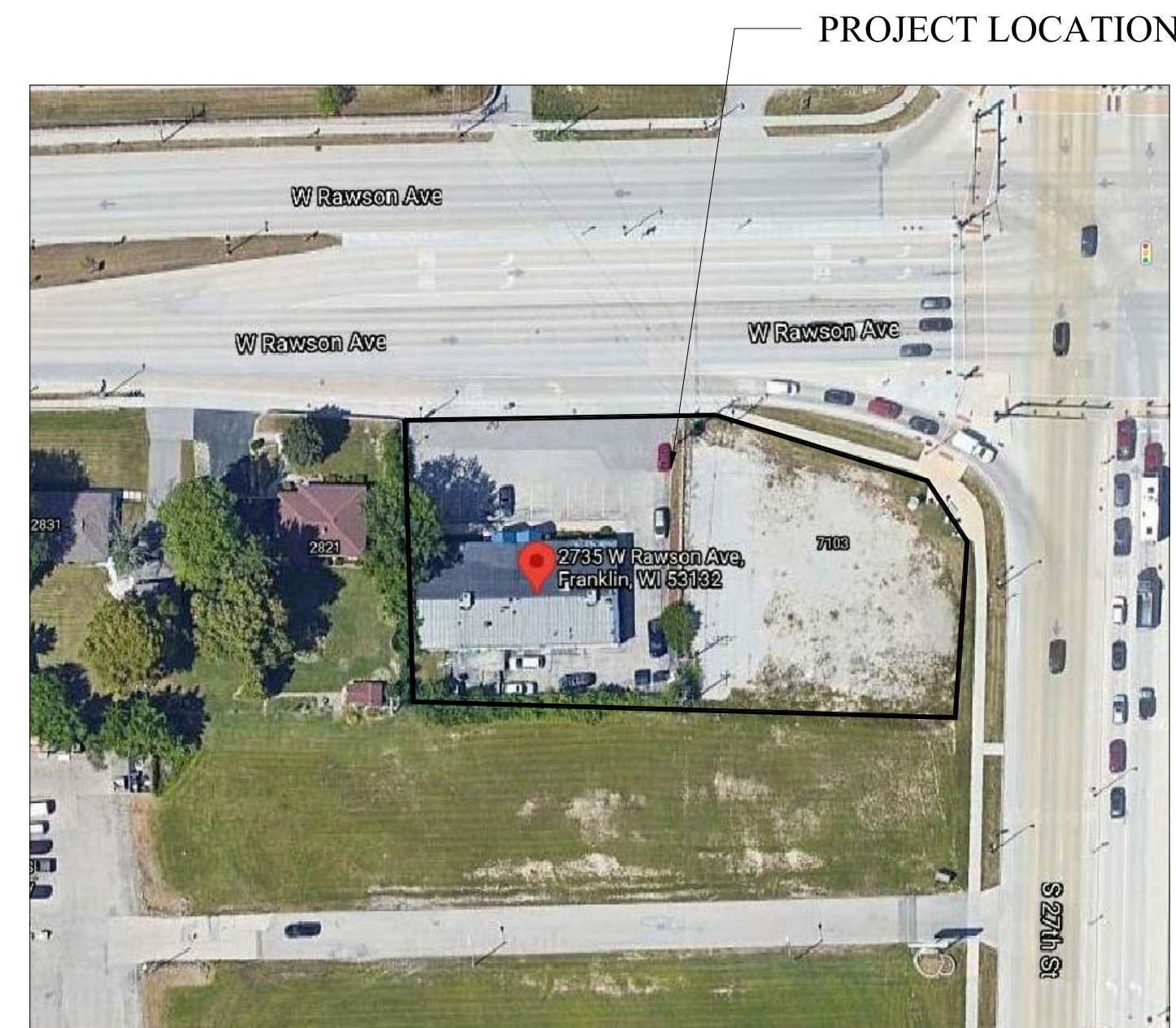
BMR
DESIGN GROUP, INC.
Architects - Engineers

503 West Lincoln Avenue
Milwaukee, Wisconsin 53207
Phone - (414) 384-2996
Fax - (414) 384-3904

SYMBOLS



SITE LOCATION



General Notes

Mechanical, Electrical & Plumbing design are not the responsibility of the Architect. The M.E.P. to be handled on a design-build basis through the Developer and Construction Manager. The design-build contractor is responsible for code compliance with their work.

All work shall be done in accordance with all State and Local coded and ordinances.

Field verify all existing conditions and dimensions.

Do NOT scale drawings

The locations of the existing utility installations as shown on the plans are approximate. There may be other underground utility installation within the project area that are not shown. Contractor Must contact diggers hotline.

All building components requiring analysis and design by Professional Engineer being submitted to Architect/Owner for approval must be sealed and signed by the manufacturer's or fabricator's Professional Engineer, registered in the state where the project is being constructed. Shop Drawings, manufacturer's literature, etc., will not be reviewed without Engineer's Seal and signature appearing on submittals.

Building Information

LOT AREA FOR 2735 W. RAWSON AVE: 20,568 SQ.FT.

LOT AREA FOR 7103 S. 27TH St: 16,440 SQ.FT.

TOTAL AREA: 37,008 SQ.FT.

ZONING: B-4 SOUTH 27TH STREET MIXED USE COMMERCIAL DISTRICT

CONTRACTOR TO FIELD VERIFY EXISTING DIMENSIONS AND PROPOSED CONSTRUCTION DIMENSIONS AND INFORM ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH ALTERATIONS AND NEW SCOPE OF WORK.

Proposed New Site Development

AT: 2735 W. Rawson Ave &
7103 S. 27Th St.
Franklin, WI 53132

Revised Date: February 1, 2022

DATE: October 20, 2021

BMR PROJECT NO.: 2021-31

PROJECT INFORMATION

PROJECT OWNER: Dr. Dhillon
Sania Investments Inc.
4880 S. Province Dr
New Berlin, WI 53146
414-350-0887

PROJECT ADDRESS: 2735 W. Rawson Ave &
7103 S. 27Th St,
Franklin, WI

PRINCIPAL IN CHARGE: Luis Barbosa Perches

PROJECT ARCHITECT: Raul Arteaga

PROJECT
 Proposed New Site
 Development
 At:
 2735 W. Rawson
 Avenue &
 7103 S. 27th St
 Franklin, WI
 53132

PROJECT NO. 2021-31

DATE 02/01/2022

REVISIONS

NO.	DESCRIPTION

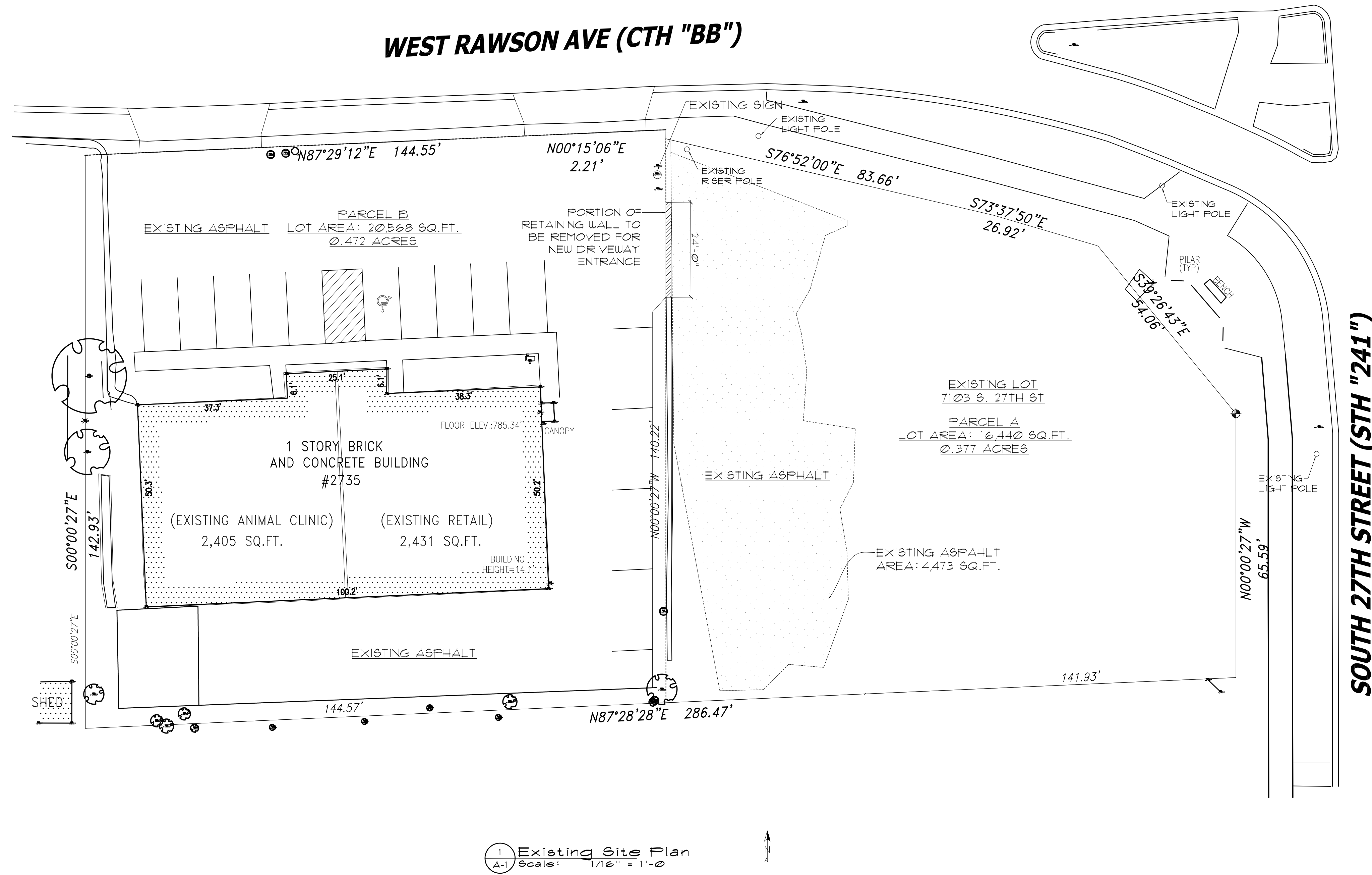
CHECKED BY L.B.

DRAWN BY R.A.

SCALE as noted

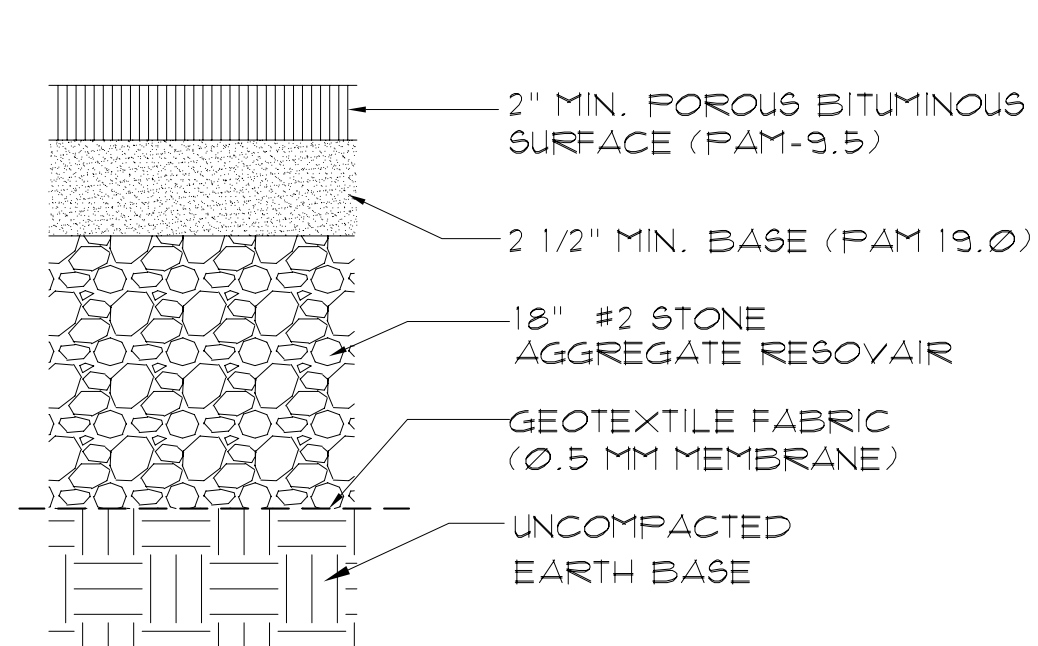
SHEET NO. A-1

SHEET TITLE

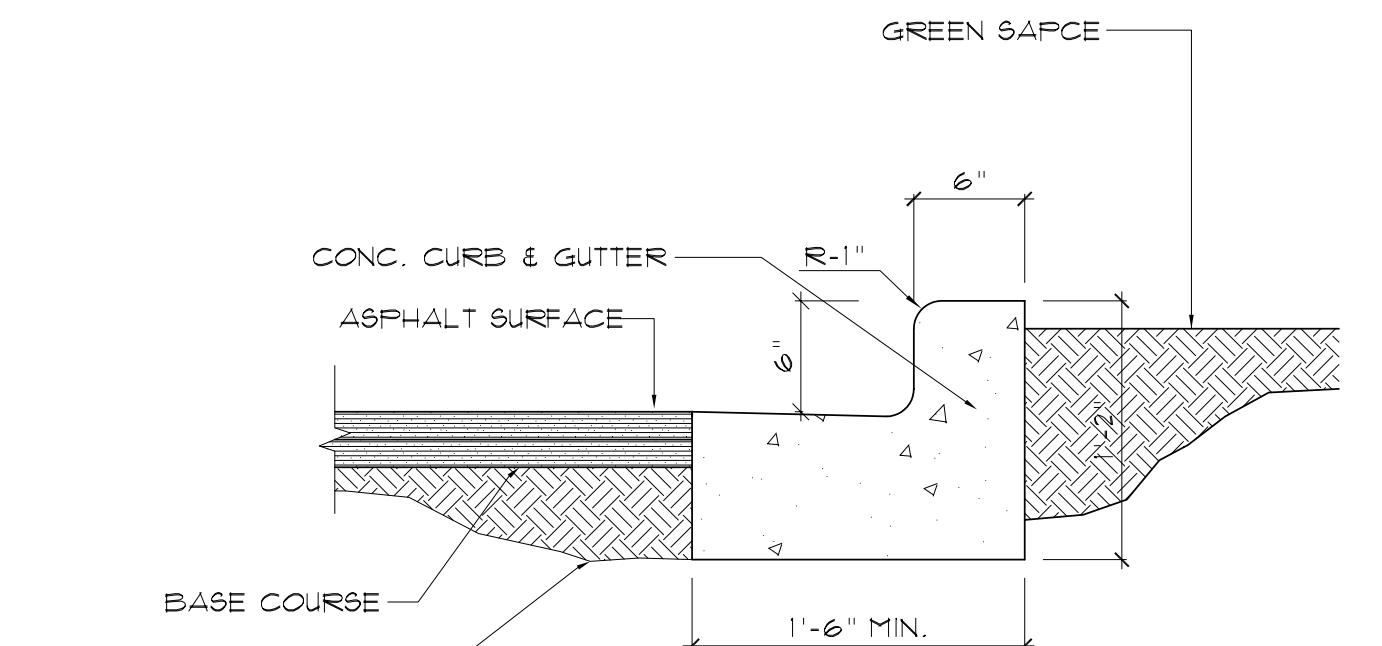


1 Existing Site Plan
 A-1 Scale: 1/16" = 1'-0"





4 Permeable Asphalt Detail
 A-2 Scale: n.t.s.



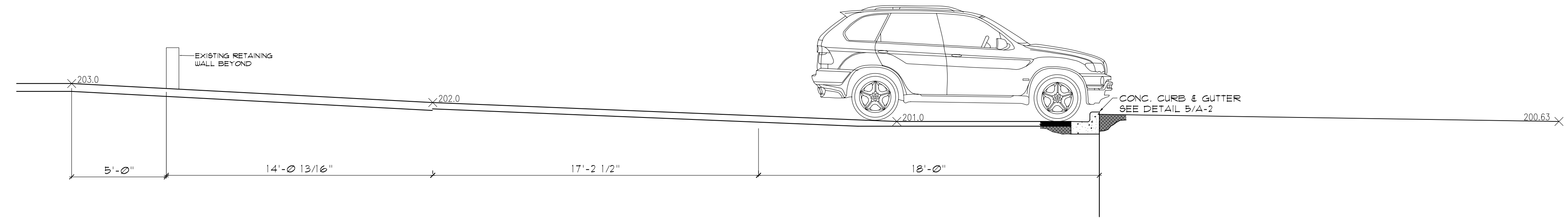
5 Curb Curb Detail
 A-2 Scale: n.t.s.

SNOW STORAGE
 REQUIRED OFF STREET PARKING 23 SPACES = 4,182 SQ.FT.
 ACCESS DRIVE AREA = 8,781 SQ.FT.
 TOTAL SQ.FT. = 12,963 SQ.FT.
 SNOW STORAGE AREA = 10% OF REQUIRED OFF STREET PARKING INCLUDING ACCESS DRIVES
 SNOW STORAGE AREA REQUIRED: 12,963 X 0.10 = 1,296 SQ.FT.
 SNOW STORAGE AREA PROVIDED: 1,338 SQ.FT.

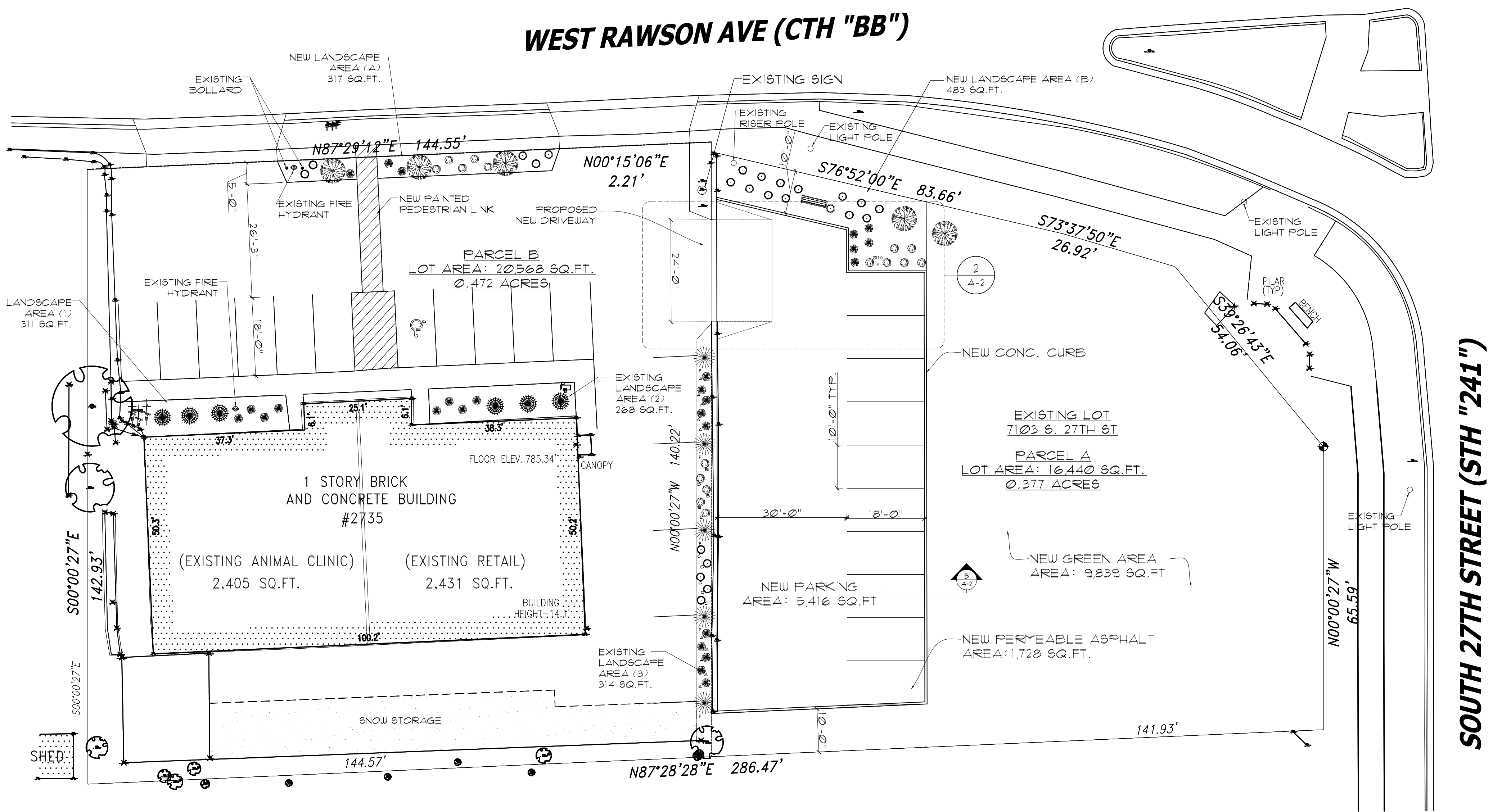
PARKING REQUIRED:
VETERINARY OFFICE / CLINIC
 4.5 PARKING SPACE FOR EVERY 1,000 SQUARE FEET
 VETERINARY AREA: 2,405 SQ.FT. / 1,000 = 2.40 X 4.5 = 10.8
MISCELLANEOUS RETAIL AREA:
 5 PARKING SPACE FOR EVERY 1,000 SQUARE FEET
 RETAIL STORE AREA: 2,431 / 1,000 = 2.43 X 5 = 12.15
 TOTAL PARKING SPACES REQUIRED = 22.95 SPACES

EXISTING PARKING SPACES = 15 SPACES
 PROPOSED NEW PARKING SPACES = 10 SPACES
 TOTAL PARKING SPACES PROVIDED = 25 SPACES

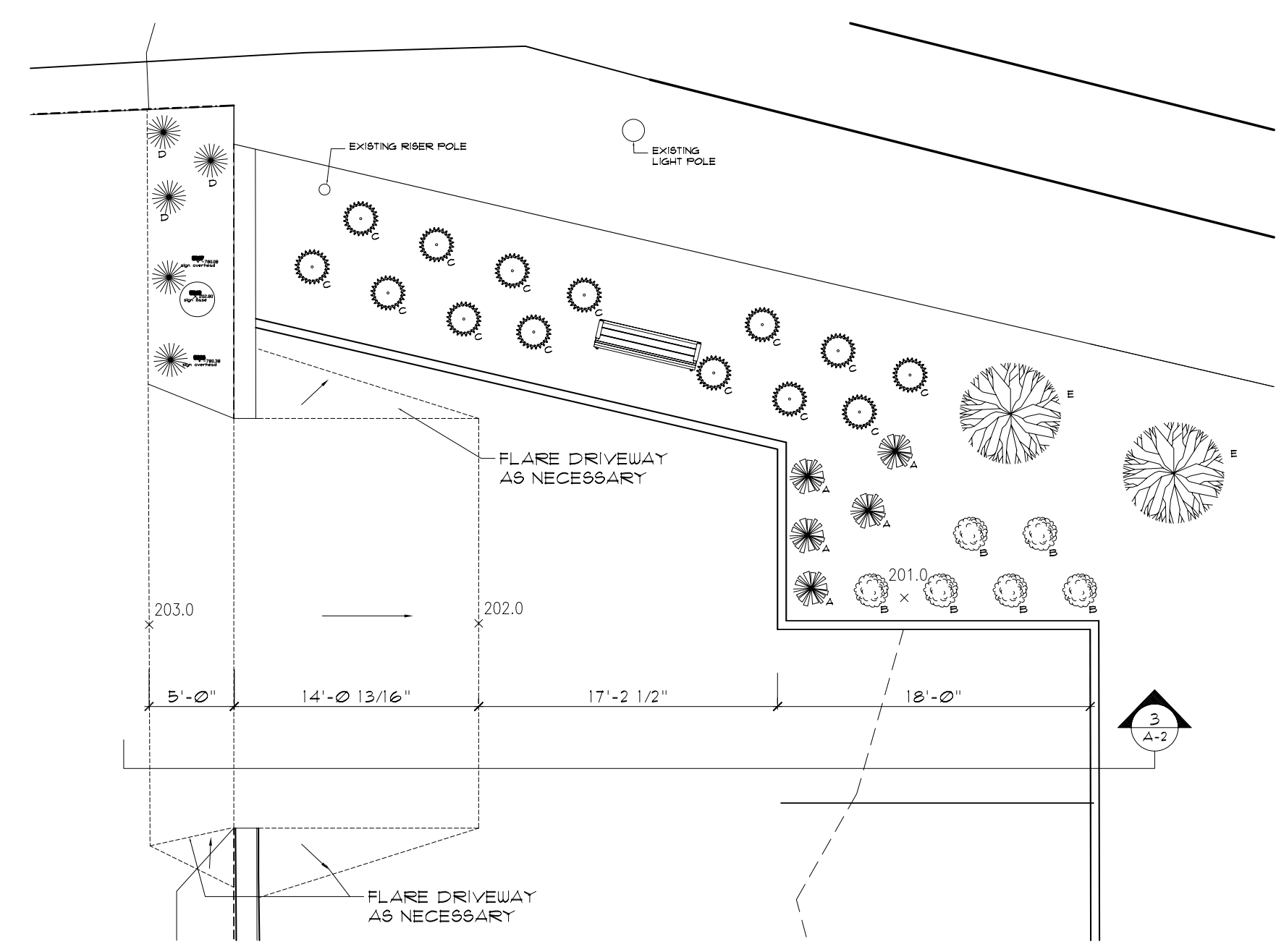
LANDSCAPE SURFACE RATIO
LOT AREA:
 PARCEL A = 16,440 SQ.FT.
 PARCEL B = 20,568 SQ.FT.
 TOTAL = 37,008 SQ.FT.
 MINIMUM LANDSCAPE SURFACE RATIO FOR B-4 ZONING IS 0.3
 REQUIRED LANDSCAPE SURFACE RATIO 37,008 SQ.FT. X 0.3 = 11,102 SQ.FT.
LANDSCAPE PROVIDED:
 EXISTING LANDSCAPE
 - LANDSCAPE AREA (1) = 311 SQ.FT.
 - LANDSCAPE AREA (2) = 268 SQ.FT.
 - LANDSCAPE AREA (3) = 314 SQ.FT.
 NEW LANDSCAPE
 - GREEN SPACE = 9,839 SQ.FT.
 - LANDSCAPE AREA (A) = 317 SQ.FT.
 - LANDSCAPE AREA (B) = 620 SQ.FT.
 TOTAL LANDSCAPE PROVIDED = 11,669 SQ.FT.



3 New Driveway Section
 A-2 Scale: 1/2" = 1'-0"



1 New Site Plan
 A-2 Scale: 1/16" = 1'-0"



2 New Driveway Plan View
 A-2 Scale: 1/8" = 1'-0"

PROJECT
 Proposed New Site
 Development
 At:
 2735 W. Rawson
 Avenue &
 7103 S. 27th St
 Franklin, WI
 53132

PROJECT NO. 2021-31

DATE 02/01/2022

REVISIONS

CHECKED BY L.B.

DRAWN BY R.A.

SCALE as noted

SHEET NO. A-3

SHEET TITLE

MINIMUM PLANTING REQUIRED
 1 PER 5 PROVIDED PARKING SPACES
 25 SPACES / 5 = 5 PLANTS

TYPE	MINIMUM QTY
CANOPY / SHADE TREE:	5
SHRUBS:	5
EVERGREEN:	5
DECORATIVE TREE:	5

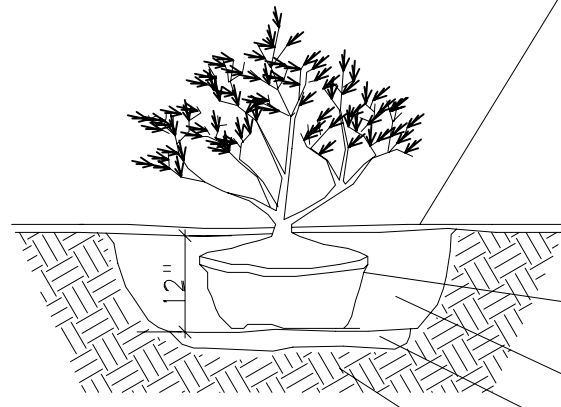
LANDSCAPE PLANTING SCHEDULE

SYMBOL	QTY	BOTANIC NAME	COMMON NAME	SIZE	TYPE
A	26	SYRINGA MEYERI	DWARF KOREAN LILAC	3FT	SHRUB
B	16	HYDRANGEA PANICULATA 'JANE'	LITTLE LIME HYDRANGEA	3FT	SHRUB
C	24	ROSA RUGOSA	BEACH ROSE	3FT	SHRUB
D	14	THUJA OCCIDENTALIS EMERA	EMERALD GREEN ARBORVITAE	4FT	EVERGREEN
E	5	SYRINGA RETICULATA	JAPANESE TREE LILAC	2.5" CALIPER 8 FT.	CANOPY SHADE TREE
F	5	MALUS RASPBERRY SPEAR	RASPBERRY SPEAR CRABAPPLE	1.5" CALIPER 8 FT.	DECORATIVE TREE

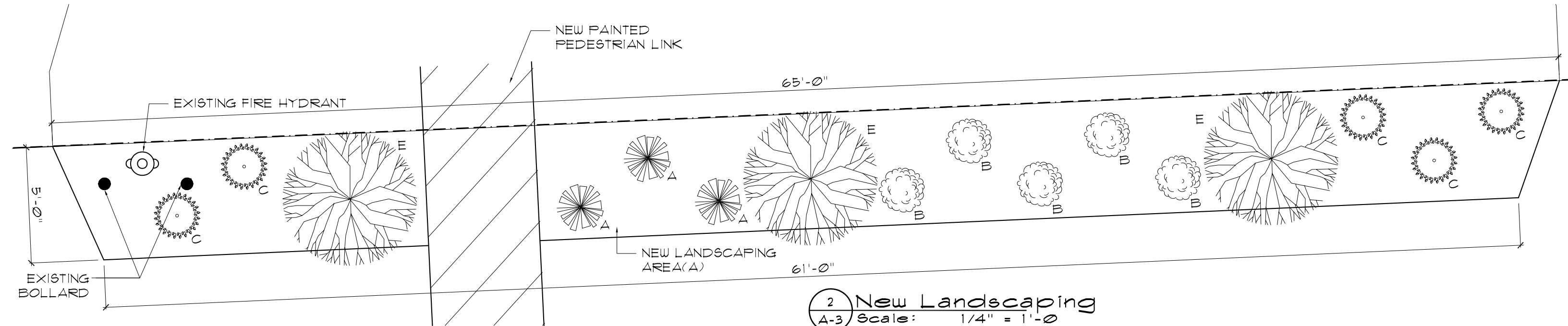
4" SHREDDED BARK MULCH

NOTES:

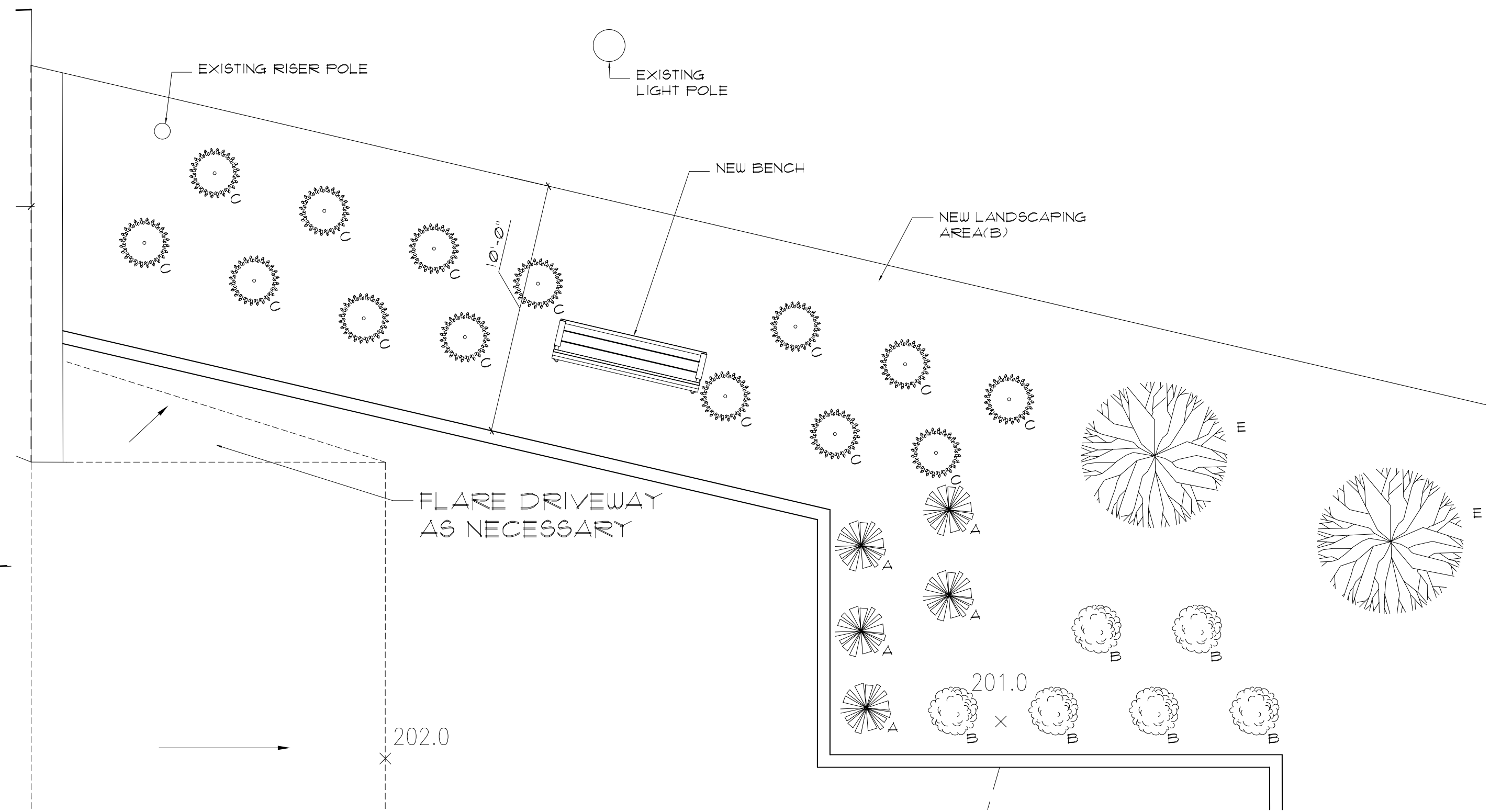
- DO NOT PRUNE EVERGREENS EXCEPT TO REMOVE DEAD OR BROKEN BRANCHES
- THIN BRANCHES & FOLIAGE (NOT ALL BRANCH TIPS) BY 1/3 RETAINING NORMAL PLANT SHAPE
- SET ROOT COLLAR AT FINISH GRADE
- REMOVE BURLAP FROM TOP 1/3 OF BALL OR W/ CONT. PLANTS REMOVE BALL
- PLANTING MIXTURE AS SPECIFIED
- SCARIFY TO 4" DEPTH AND RECOMPACT
- UNDISTURBED EARTH



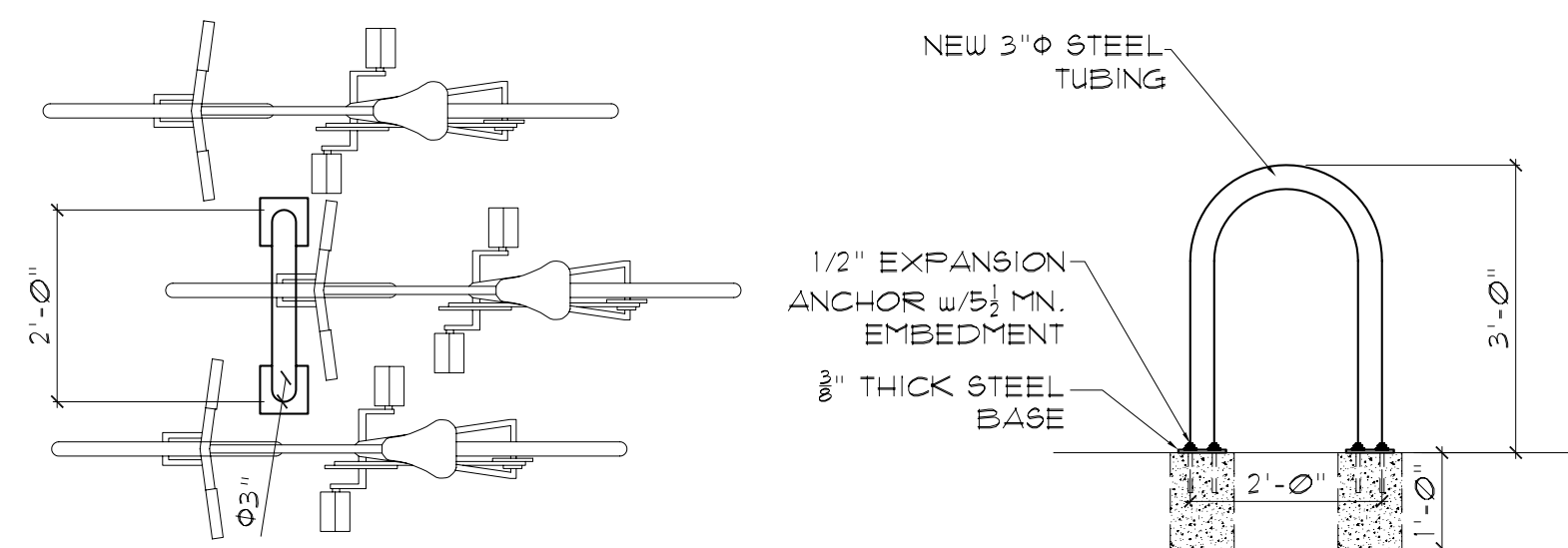
4 Landscaping Detail
 A-3 Scale: n.t.s.



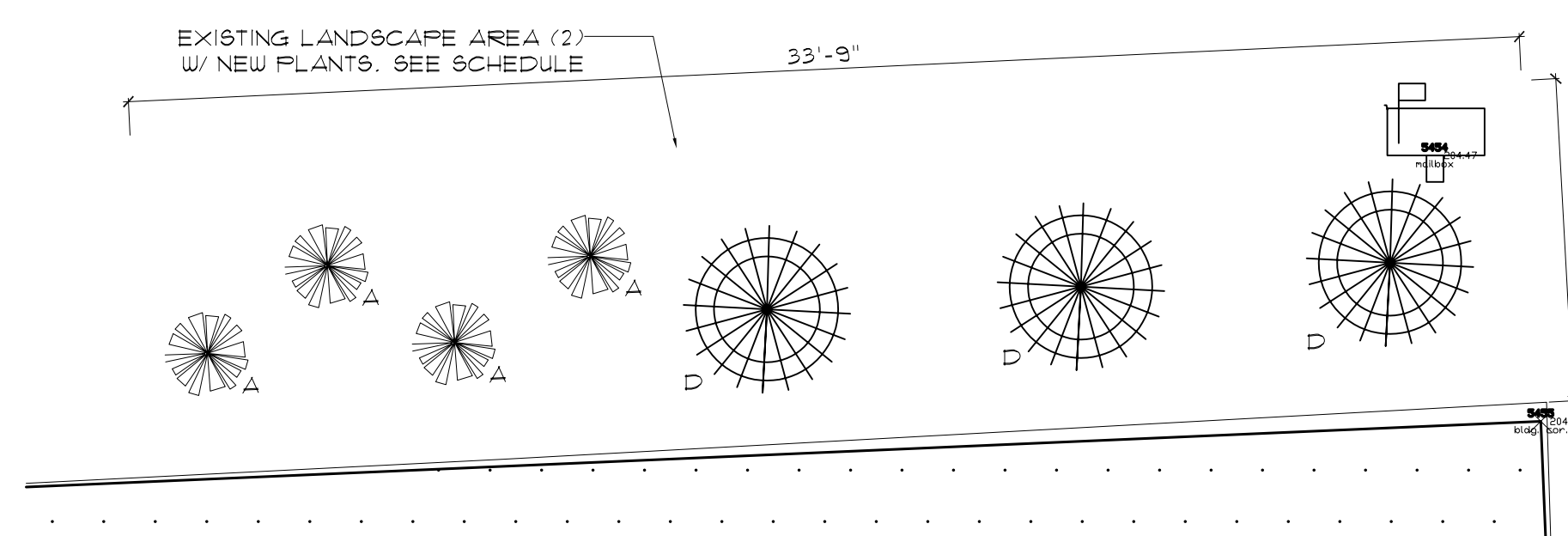
2 New Landscaping
 A-3 Scale: 1/4" = 1'-0"



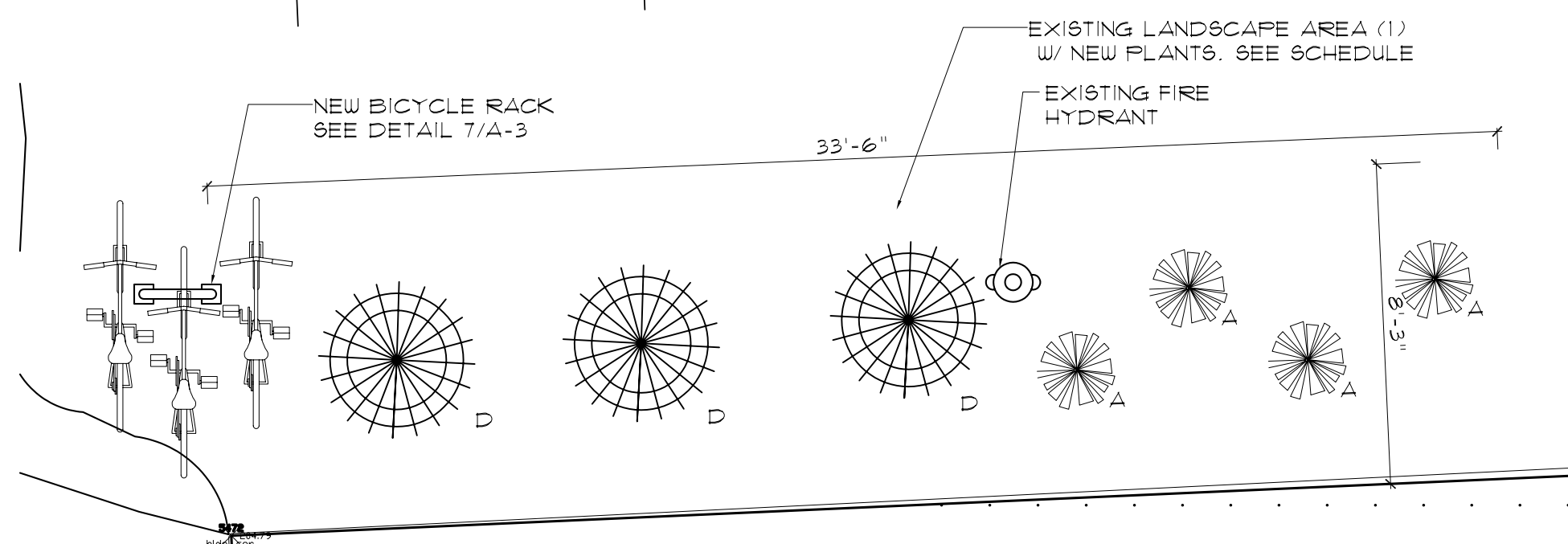
3 New Landscaping
 A-3 Scale: 1/4" = 1'-0"



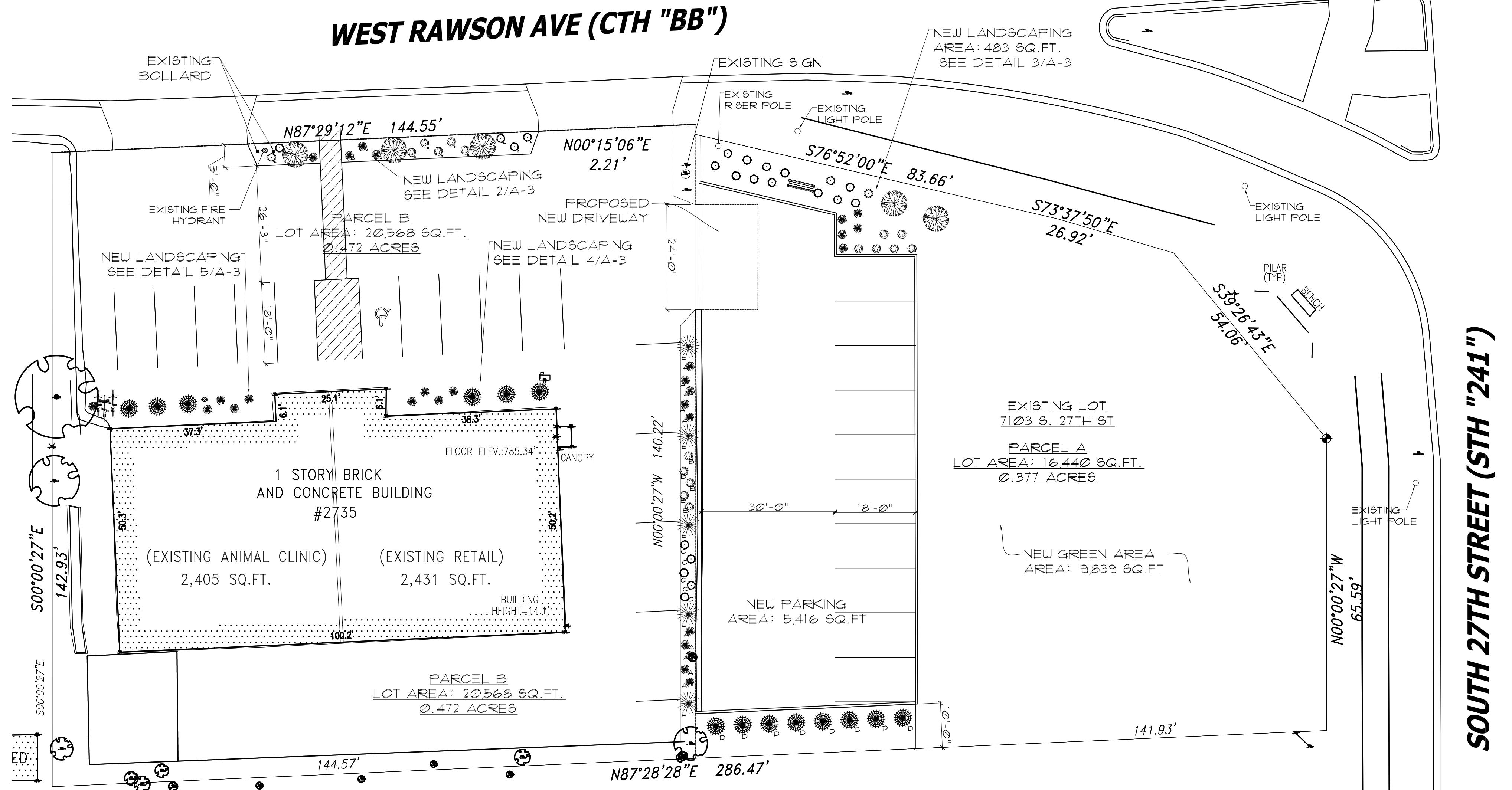
7 Bicycle Rack Detail
 A-3 Scale: 1/2" = 1'-0"



4 New Landscaping
 A-3 Scale: 1/4" = 1'-0"



5 New Landscaping
 A-3 Scale: 1/4" = 1'-0"



1 New Landscaping Plan
 A-3 Scale: 1/16" = 1'-0"

SOUTH 27TH STREET (STH "241")

WEST RAWSON AVE (CTH "BB")

PLAT OF SURVEY

CLIENT

Sania Investments, LLC

SITE ADDRESS

2735 West Rawson Avenue, City of Franklin, Milwaukee County, Wisconsin.
7103 South 27th Street, City of Franklin, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

Parcel A
That part of Lot 1 of Certified Survey Map No. 1983, recorded in the Milwaukee County Register of Deeds office on December 28, 1972 in Reel 696 at Images 1115-1116, as Document No. 4730391, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, described as follows:
Begin at the Southwest corner of said Lot 1; run thence North 01° 26' 29" East, 140.32 feet along the West line of said Lot; thence South 75° 21' 08" East, 83.67 feet; thence South 72° 13' 21" East, 27.00 feet; thence South 37° 59' 21" East, 54.06 feet to a point located 88 feet West of the reference line of S.T.H. 241; thence South 01° 26' 19" West, 65.59 feet parallel with said reference line to the South line of said Lot; thence South 88° 55' 20" West, 149.92 feet to the point of beginning.

Parcel B
Lot 2 of Certified Survey Map No. 1983, recorded in the Milwaukee County Register of Deeds office on December 28, 1972 in Reel 696 at Images 1115-1116, as Document No. 4730391, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. EXCEPTING THEREFROM the North 2.25 feet, in the City of Franklin, Wisconsin. EXCEPTING THEREFROM that portion described in the Warranty Deed recorded September 22, 2014, as Document No. 10396844.

BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the East line of the NE 1/4 Section 12 bears N00°00'27"W.

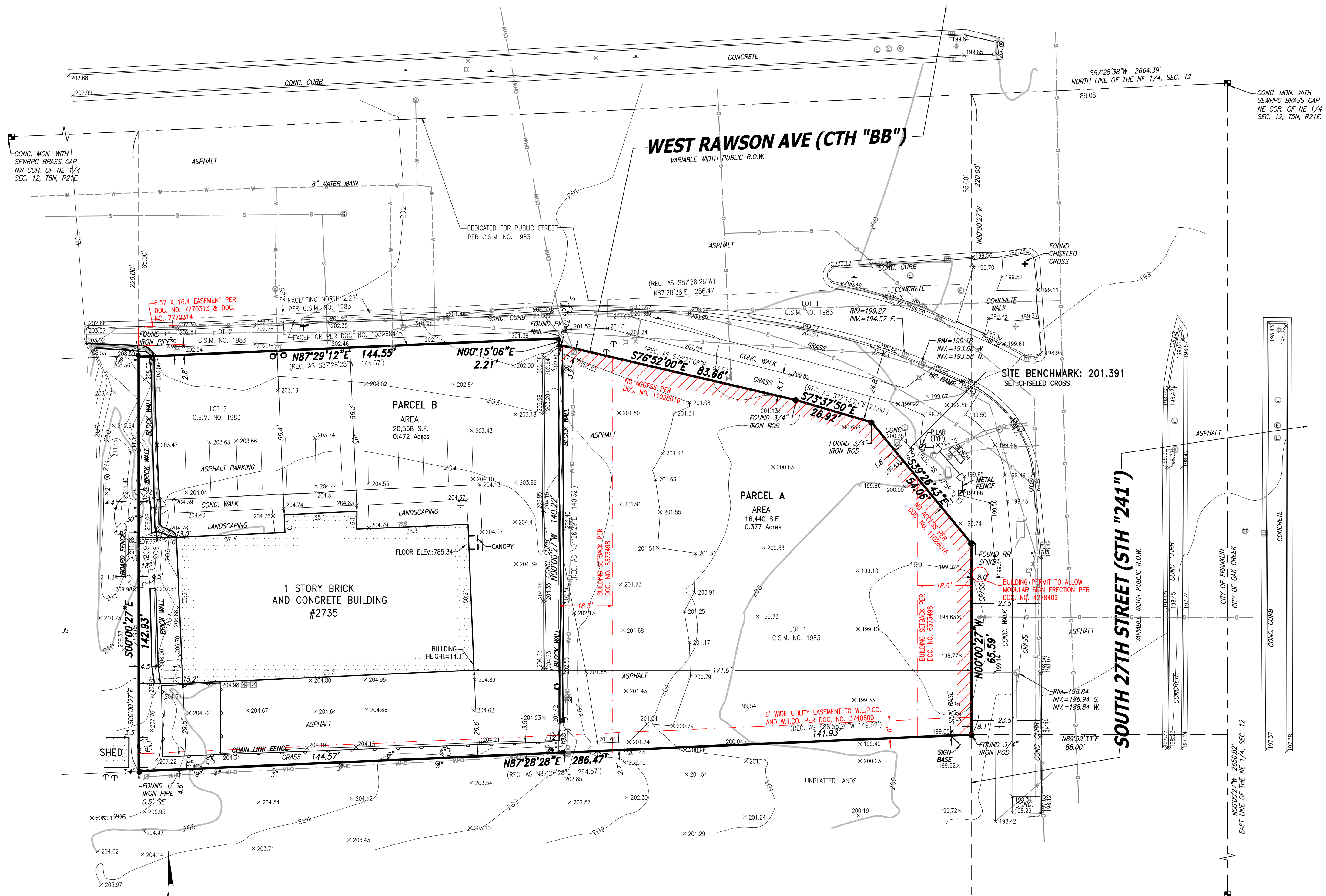
VERTICAL DATUM

Vertical datum is based on National Geodetic Vertical Datum of 1929 converted to City of Franklin Vertical Datum.

(NGVD27)-(580.56)=City of Franklin Vertical Datum

STARTING BENCHMARK: 169.86

REFERENCE MARK AND REFERENCE BENCHMARK
CONC. MON. WITH SEWRPC BRASS CAP
SE COR. OF NE 1/4 SEC. 12, T5N, R21E.

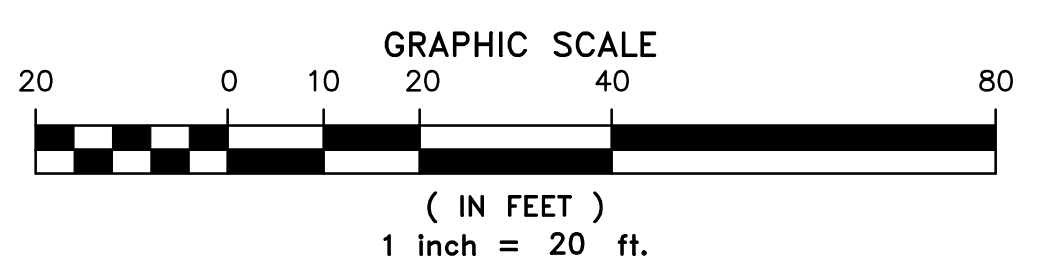


VICINITY MAP

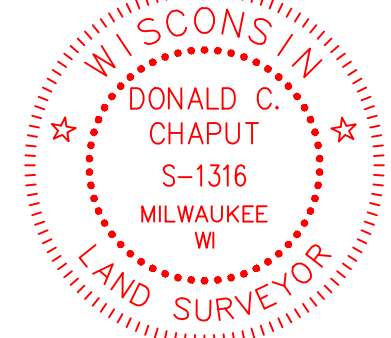


LEGEND

- | | | | |
|--|---|--|---|
| <ul style="list-style-type: none"> ● INDICATES FOUND 1" IRON PIPE ○ INDICATES SET 1" IRON PIPE ⊕ INDICATES FOUND CHISELED CROSS ⊙ SANITARY MANHOLE ⊕ SANITARY CLEANOUT OR VENT ⊕ SEPTIC TANK ACCESS COVER ⊙ M.I.S. MANHOLE ⊙ UNKNOWN MANHOLE ⊙ STORM MANHOLE ⊙ INLET (ROUND) ⊙ INLET (SQUARE) ⊙ CURB INLET ⊙ STORM SEWER END SECTION ⊙ GAS VALVE ⊙ GAS METER ⊙ WATER VALVE | <ul style="list-style-type: none"> ⊕ HYDRANT ⊙ WATER MANHOLE ⊕ WATER SERVICE CURB STOP ⊕ WELL HEAD ⊕ STAND PIPE ⊕ WALL INDICATOR VALVE ⊕ POST INDICATOR VALVE ⊕ LIGHT POLE ⊕ SPOT/YARD LIGHT ⊕ UTILITY POLE ⊕ GUY POLE ⊕ GUY WIRE ⊕ ELECTRIC MANHOLE ⊕ GAS VALVE ⊕ ELECTRIC METER ⊕ TELEPHONE MANHOLE | <ul style="list-style-type: none"> ⊕ TELEPHONE PEDESTAL ⊕ CABLE PEDESTAL ⊕ CONTROL BOX ⊕ FIBER OPTIC PEDESTAL/SIGN ⊕ TRAFFIC LIGHT ⊕ COMMUNICATION MANHOLE ⊕ BOLLARD ⊕ SOIL BORING/MONITORING WELL ⊕ WATER SURFACE ⊕ FLAGPOLE ⊕ MARSH ⊕ PARKING METER ⊕ SIGN ⊕ MAILBOX ⊕ RAILROAD CROSSING SIGNAL | <ul style="list-style-type: none"> ⊕ HANDICAP SPACE ⊕ CONIFEROUS TREE ⊕ DECIDUOUS TREE — SANITARY SEWER — STORM SEWER — WATERLINE — MARKED GAS MAIN — MARKED ELECTRIC — OVERHEAD WIRES — MARKED TELEPHONE — MARKED CABLE TV LINE — MARKED FIBER OPTIC — BURIED ELECTRIC SERVICE — BOARD FENCE — CHAIN LINK FENCE — WIRE FENCE |
|--|---|--|---|



I certify that I have surveyed the above described property (Property), and the above map is correct to the best of my professional knowledge and belief and shows the size and location of the Property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements and roadways and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the Property, and also those who purchase, mortgage, or guarantee the title thereto, within one (1) year from date hereof.



Donald C. Chapat
Professional Land Surveyor
Registration Number S-1316

Date: June 01, 2021.

CHAPUT LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

Date	Revision description

This document is an instrument of professional service, and may be protected by the surveyor's work product doctrine or other applicable law. The information shown hereon is intended solely for the use of the client and client directed third parties.
Drawing No. 3798-dzb

CHAPUT LAND SURVEYS