



PLAN COMMISSION MEETING AGENDA
Thursday, March 21, 2024 at 6:00 P.M.

A. Call to Order and Roll Call

B. Approval of Minutes

1. Approval of the regular meeting of March 7, 2024.

C. Public Hearing Business Matters

1. **Update to the Unified Development Ordinance (UDO) fee schedule** for zoning and land division procedures, UDO Section 15-9.0401.
2. **Amendment to Plan Commission administrative procedures.** Proposal to change meeting frequency to once a month.
3. **Jilly's LLC, Extension of Special Use.** Request for renewal of Special Use Res. No. 2023-7959, to allow for a drive-through car wash facility (Jilly's Car Wash), upon property located at 5484 W Rawson Ave. (741 9002 000)

D. Business Matters

1. **Allis Roller Special Use amendment.** Request to allow for parking and drives without curb and gutter, as well as outdoor storage, upon property located at 5801 W. Franklin Drive (931 9001 000). [The Plan Commission held a public hearing on this matter on March 7, 2024]
2. **Boomtown LLC, Certified Survey Map (CSM).** Request to create four residential lots upon property located at 11607 W Ryan Road (891 9989 005).
3. **Dorner Inc. Temporary Use.** Request to allow for the storage of construction materials and equipment for City of Franklin Water Transmission Main Project until May 31, 2024 upon property located at 9954 W St. Martins Road (840 9984 000).
4. **Potential Utilization of a Public Hearing Process When So Determined by a Decision-Making Body When Such Process Is Not Required by Federal or State Law or Local Government Ordinance.**
5. **Department of City Development Annual Report: 2023.**

E. Adjournment

*Supporting documentation and details of these agenda items are available at City Hall during regular 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: April 4.

City of Franklin
Plan Commission Meeting
March 7, 2024
Minutes

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the March 7, 2024 Plan Commission meeting to order at 6:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, Alderwoman Courtney Day, Assistant City Engineer Tyler Beinlich and Commissioners Kevin Haley, Michael Shawgo, Patrick Leon and Patricia Hogan. Also present were City Attorney Jesse Wesolowski, Principal Planner Marion Ecks, Planning Associate Nick Fuchs and Director of Administration Kelly Hersh.

B. Approval of Minutes – Regular Meeting of February 22, 2024

Commissioner Leon moved and Commissioner Hogan seconded a motion to approve the February 22, 2024 meeting minutes. On voice vote, all voted ‘aye’; motion carried (6-0-0).

C. Public Hearing Business Matters

- 1. Allis Roller Special Use amendment.** Request to allow for parking and drives without curb and gutter, as well as outdoor storage, upon property located at 5801 W. Franklin Drive (931 9001 000).

Principal Planner Ecks presented the request and application.

The Official Notice of Public Hearing to allow for parking and drives without curb and gutter, as well as outdoor storage, was read in to the record by Principal Planner Ecks and the Public Hearing opened at 6:09 pm and closed at 6:10 pm.

Commissioner Hogan moved and Alderwoman Day seconded a motion to table to the next meeting. On voice vote, all voted ‘aye’; motion carried (6-0-0).

- 2. Kensington Way Natural Resource Features Special Exception (NRSE)** application by Greg Marso (applicant and property owner) for the purpose of allowing for grading and fill of wetland, wetland setback, and wetland buffer upon property located at 7570 S Kensington Way (794 0064 000).

Principal Planner Ecks presented the request and application. Applicant Greg Marso and representative Bill Berkowitz presented applicant materials.

The Official Notice of Public Hearing to allow for grading and fill of wetland, wetland setback, and wetland buffer, was read in to the record by Principal Planner Ecks and the Public Hearing opened at 6:41 pm and closed at 6:51 pm.

Commissioner Leon moved and Commissioner Hogan seconded a motion to recommend approval of the Greg Marso Natural Resource Features Special Exception pursuant to the

Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations, for property located at 7570 S Kensington Way (794 0064 000). On voice vote, all voted 'aye'; motion carried (6-0-0).

3. **BFS LLC Special Use Amendment.** Request to add a special use for a car detailing business under SIC 7542, "Carwashes", upon property located at 8853 S. 27th Street (855 9944 000).

Principal Planner Ecks presented the request and application.

The Official Notice of Public Hearing to add a Special Use for a car detailing business under SIC 7542, "Carwashes", was read in to the record by Principal Planner Ecks and the Public Hearing opened at 7:00 pm and closed at 7:01 pm.

Commissioner Leon moved and Commissioner Shawgo seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use Amendment for a car detailing business use upon property located at 8853 S. 27th Street, (BFS LLC, applicant). On voice vote, all voted 'aye'; motion carried (6-0-0).

D. Business Matters

1. **Franklin Public School District Site Plan Amendment.** Request for approval of a Site Plan Amendment for a building addition, parking lot, landscaping, lighting, soccer fields, playground, detached storage building, and storm water management facilities upon property located at 8225, 8255, 8429, and 8459 West Forest Hill Avenue (838 9978 001).

Planning Associate Nick Fuchs presented the Site Plan Amendment application. Applicant Andy Chromy and representative D. Kock also presented the applicants martials for the Site Plan Amendment application.

Motion #1

Commissioner Leon moved and Alderwoman Day seconded a motion to suspend the rules to allow for public comment at 7:11 p.m. On voice vote, all voted 'aye'; motion carried (6-0-0).

Motion #2

Commissioner Leon moved and Commissioner Shawgo seconded a motion to return to normal business at 7:30 pm. On voice vote, all voted 'aye'; motion carried (6-0-0).

Mayor Nelson took a recess at 7:30 p.m.. Mayor Nelson reconvened at 7:36 p.m..

Motion #3

Commissioner Leon moved and Commissioner Haley seconded a motion to table to the next meeting until after Legal review to whether it can be a public hearing item. On voice vote, 5 voted 'aye' and 1 vote 'nay'; motion carried (5-1-0).

E. Adjournment

Commissioner Haley moved and Commissioner Leon seconded to adjourn the meeting at 8:23 p.m.. On voice vote, all voted 'aye'; motion carried (6-0-0).



CITY OF FRANKLIN
REPORT TO THE COMMON COUNCIL

Item C.1

Meeting of March 21, 2024

Unified Development Ordinance (UDO) Text Amendment

RECOMMENDATION: City Development Staff recommends approval of the attached ordinance to amend Section 15-9.0401 of the UDO to update the fee schedule for zoning and land division procedures.

Project Name:	Update to the fee schedule for zoning and land division procedures, UDO Section 15-9.0401
Project Address:	City-wide
Prepared by:	City Development staff
Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment

City Development staff is proposing the following updates and changes to the fee schedule for zoning and land division procedures:

1. Adjusting for inflation.
2. Adding charges for consulting fees or staff time.
3. Adding a filing fee for easements.
4. Adding two tiers for floodplain land use permits.

On April 3, 2023, City Development staff presented an update to only adjust filing fees for inflation. The Common Council tabled this item and directed staff to compare the city’s fee schedule with those of other communities.

City Development staff consulted fee schedules of 5 Wisconsin cities (Fitchburg, Kewaunee, Mequon, Muskego and Oak Creek). Staff noticed that all fee schedules (except Oak Creek) indicate that the applicant is responsible for separate consulting fees or city staff hours. Based on this observation, staff is now proposing adding charges for consulting fees or staff time.

Adjusting for inflation

The intent is to adjust the application fees to current prices with the Consumer Price Index (CPI) of the U.S. Bureau of Labor Statistics. The last update to the fee schedule was in 2004, the average increase from January 2004 to November 2023 is approximately 1.65 times using the CPI Inflation Calculator available at the website of the U.S. Bureau of Labor Statistics, for example, a fee of \$100 in 2004 is equivalent to \$165 in 2023.

The previous version presented to the Common Council in April 2023, consisted of adjusting for inflation across the board. Taking into account the addition of charges for consulting fees or staff time, staff is proposing the fee schedule on the next page:

Fee Schedule.

Zoning and Land Division Administrative Fee Schedule		2004	Proposed 2024
Rezoning		\$1,250	\$2,000 + consulting fees*
Rezoning (1 Parcel Residential)		\$350	\$550 + consulting fees*
Text Amendments		\$200	\$1,000 + consulting fees*
Site Plan Review (Tier 1)		\$2,000	\$2,000 + consulting fees*
Site Plan Review (Tier 2)		\$1,000	\$1,000 + consulting fees*
Site Plan Review (Tier 3)		\$500	\$500 + consulting fees*
Conceptual Review		\$250	\$250 + consulting fees*
Variance Requests/Appeals		\$250	\$250 + consulting fees*
Special Exception (Bulk and Area)		\$300	\$300 + consulting fees*
Special Exception (Natural Resource)		\$500	\$500 + consulting fees*
Special Use Permit		\$1,500	\$1,500 + consulting fees*
	Special Use Under 4,000 square feet	\$750	\$750 + consulting fees*
	Amendment to Special Use in Good Standing	\$n/a	\$n/a
	Amendment	\$1,000	\$1,000 + consulting fees*
	SU Renewal (Annual)	\$300	\$300
	Multi-year Renewal	\$1,000	\$1,000
PDD		\$6,000	\$3,000 + consulting fees*
	PDD Amendment (Major)	\$3,500	\$1,500 + consulting fees*
	PDD Amendment (Minor)	\$500	\$500 + consulting fees*
Certified Survey Map		\$1,500	\$1,500 + consulting fees*
Subdivision Preliminary Plat		\$5,000	\$2,500 + consulting fees*
Subdivision Final Plat		\$1,000	\$1,000 + consulting fees*
Plat Affidavit of Correction		\$125	\$200 + consulting fees*
Land Combination Permit		\$400	\$400 + consulting fees*
Building Move Request		\$200	\$350
Right-of-Way Vacation		\$300	\$300 + consulting fees*
Home Occupation		\$50	\$80
Zoning Compliance		\$100	\$165
Zoning letter		\$75	\$125
Miscellaneous		\$125	\$200

NEW

Easement		\$200
Comprehensive Master Plan amendment	\$125	\$1,000 + consulting fees*
Floodplain Land use permit	\$125	\$500 + consulting fees*
Floodplain Land use permit (1 Parcel Residential)	\$125	\$200

(*) The applicant shall be solely responsible for all consulting fees or staff time incurred by the city in the process of reviewing a proposal or application, plus 5% administrative fee.

Below is a summary of proposed changes:

- **Adjusting for inflation plus consulting fees or staff time.** For applications that typically requires public hearing and/or approval by the Plan Commission or Common Council, such as rezonings, plat affidavit of corrections and building move requests.
- **Adjusting for inflation only.** For administrative applications, such as home occupations, zoning compliances and zoning letters; as well as miscellaneous applications.
- **Adding charges for consulting fees or staff time.** Staff is proposing to add charges for consulting fees or staff time, and to keep filing fees for select applications: special uses, site plans, variances, special exceptions, right-of-way vacations and land combinations. This recommendation is based on the comparison with other communities (see comparison table, Special Use).
- **Decreasing filing fees and adding charges for consulting fees or staff time.** Based on the comparison with other communities (see comparison table, final plat), staff is proposing to decrease filing fees for planned development districts and preliminary plats, but adding charges for consulting fees of staff time.
- **Increasing filing fees and adding charges for consulting fees or staff time.** Due to the relevance of the comprehensive plan and the zoning ordinance as city policies, staff is proposing an increase higher than inflation adjustment to comprehensive master plan amendments and zoning ordinance text amendments. Note that the city's current fee for comprehensive master plan amendments is the lowest among selected communities (see comparison table, comprehensive master plan amendment).

Adding consulting fees and staff time

Staff is proposing to add charges for consulting fees or staff time to the fee schedule based on the observations of fee schedules from other communities and past practice as indicated below.

All fee schedules (except Oak Creek) indicate that the applicant is responsible for separate consulting fees or city staff hours. For example, "Subdivider to pay all consulting and legal fees incurred by the city" (City of Fitchburg, Planning & Development fee schedule), or "Staff time over 10 hours ... will be additionally billed hourly" (City of Mequon, Community Development – Planning fees). The City of Kewaunee requires a review escrow for subdivision and site plan applications.

The City of Franklin Department of City Development doesn't charge applicants for separate consulting fees. For example, a consultant billed the city \$764.50 (5.5 hours) for review and comments of a Land Combination (\$400 filing fee) and a Minor Site Plan amendment application (\$75 filing fee), in this case the filing fees don't cover the consulting fees, not to mention city staff hours devoted to coordinating consultant's review, data entry, customer service, preparation of meeting packets and presentations as well as attending Plan Commission and Common Council meetings; and in some cases post approval follow-up (review of conservation easements and conditions of approval).

Table for comparison of filing fees, select application types

Prepared by City Development Staff based on fee schedules of selected cities

Application type	Franklin 2024 (proposed)	Franklin 2004 (current)	Fitchburg	Kewaunee	Mequon	Muskego	Oak Creek
Final Plat	\$1,000 + consulting fees	\$1,000	\$575 + \$165/parcel "Subdivider to pay all engineering, inspection, consulting & legal fees"	\$100/lot plus Review Escrow	\$757 "Staff Time Over 10 Hours on Any of the Above Will be Additionally Billed Hourly" "Additional Charges May Be Incurred for Subsequent Plan Review"	\$750 + \$11/parcel "Legal, Engineering and Administrative Fees incurred by the City, in the process of reviewing a proposal or application, but not included in this Fee Schedule, will be charged back to the Petitioner / Applicant / Owner / Developer for 100% recovery."	\$875
Special Use or Conditional Use	\$1,500 + consulting fees	\$1,500	\$480	\$1,000 plus Review Escrow	\$717 see note above	\$600 plus \$500 Developer's Deposit see note above	\$1,250
Affidavit of Correction	\$200 + consulting fees	\$125	n/a	\$500	n/a	n/a	\$275
Comp. Plan Amend. (Misc.)	\$1,000 + consulting fees	\$125	n/a	\$200 plus Review Escrow	\$1,275 see note above	\$500 see note above	\$1,000

Therefore, City Development staff recommends a process similar to the Engineering Department: the applicant signs an acknowledgment for consulting fees when submitting an application, city staff sends the plans to a consultant for review, the city pays consulting fees and bills the applicant for recovery of consulting fees plus a 5% administrative fee. The differences with the Engineering's Department process are: the base filing fee remains and the city can charge applicants for staff hours devoted to in-house review.

City staff presented a budget amendment for an expenditure appropriation of \$30,000 for planning consulting fees and a resource appropriation of \$31,500 (including the 5% administrative fee), the Common Council approved this budget amendment on November 28, 2023.

Adding a filing fee for easements

The City of Franklin Department of City Development doesn't charge applicants for associated reviews as part of Plat or Site Plan applications, such as easements, landscape plans and lighting plans. For example, the City of Kewaunee has an easement review fee of \$300 and the City of Oak Creek has a review fee of \$550 for landscape plans and lighting plans. It's worth noting that the City of Kewaunee also has a review escrow of \$500 for public hearings.

Therefore, City Development staff is proposing to add a filing fee of \$200 for easements, typically conservation easements and landscape bufferyard easements are required for certified survey maps, plats and site plans. It's noted that easements documents require review by City Development staff, Engineering staff and City Attorney, approval by the Common Council, and recording.

Adding two tiers for floodplain land use permits.

City Development staff adopted a new application form for floodplain land use permits. The current fee schedule doesn't have a specific fee for this type of permit, so the miscellaneous fee was being used. Staff is proposing to set a filing fee for floodplain land use permits, one tier for one-parcel residential permits and a higher filing fee plus consulting fees for other uses, similar to the fee structure for rezoning applications.

Staff Recommendation:

City Development Staff recommends approval of the attached ordinance to amend Section 15-9.0401 of the UDO to update the fee schedule for zoning and land division procedures.

Attached is a draft version of this amendment, see the proposed filing fees in the 2024 column.

Appendices:

1. City of Fitchburg, Planning & Development fees.
2. City of Kewaunee, Fee Schedule (pages 6-7).
3. City of Mequon, Fee Description.
4. City of Muskego, Community Development Department Fee Schedule.
5. City of Oak Creek, Plan Commission application.

ORDINANCE NO. 2024-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT IN SECTION 15-9.0401 ADMINISTRATIVE FEES A. FEE SCHEDULE TO ADJUST THE APPLICATION FEES AND TO ALLOW CHARGING FOR CONSULTING FEES OR STAFF TIME INCURRED BY THE CITY IN THE PROCESS OF REVIEWING APPLICATIONS, PLUS 5% ADMINISTRATIVE FEE.
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Section 15-9.0401 of the Unified Development Ordinance sets forth the Zoning and Land Division administrative fee schedule; and

WHEREAS, the City of Franklin having applied for text amendments to Section 15-9.0401 Administrative Fees A. Fee Schedule, to adjust the application fees and to allow charging for consulting fees or staff time incurred by the city in the process of reviewing applications, plus 5% administrative fee; and

WHEREAS, the Plan Commission having reviewed the proposed amendments to adjust the application fees, and having held a public hearing on the proposal on the ____ day of _____, 2024 and thereafter having recommended approval of such amendments; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendments are consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and 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: SECTION 15-9.0401 Administrative Fees A. Fee Schedule of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, as amended hereunder, is as follows:

Fee Schedule.

Zoning and Land Division Administrative Fee Schedule	2004	Proposed 2024
Rezoning	\$1,250	\$2,000 + consulting fees*
Rezoning (1 Parcel Residential)	\$350	\$550 + consulting fees*
Text Amendments	\$200	\$1,000 + consulting fees*

Site Plan Review (Tier 1)	\$2,000	\$2,000 + consulting fees*
Site Plan Review (Tier 2)	\$1,000	\$1,000 + consulting fees*
Site Plan Review (Tier 3)	\$500	\$500 + consulting fees*
Conceptual Review	\$250	\$250 + consulting fees*
Variance Requests/Appeals	\$250	\$250 + consulting fees*
Special Exception (Bulk and Area)	\$300	\$300 + consulting fees*
Special Exception (Natural Resource)	\$500	\$500 + consulting fees*
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Amendment	\$1,000	\$1,000 + consulting fees*
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Building Move Request	\$200	\$350
Right-of-Way Vacation	\$300	\$300 + consulting fees*
Home Occupation	\$50	\$80
Zoning Compliance	\$100	\$165
Zoning letter	\$75	\$125
Miscellaneous	\$125	\$200

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Easement		\$200
Comprehensive Master Plan amendment	\$125	\$1,000 + consulting fees*
Floodplain Land use permit	\$125	\$500 + consulting fees*
Floodplain Land use permit (1 Parcel Residential)	\$125	\$200

(*) The applicant shall be solely responsible for all consulting fees or staff time incurred by the city in the process of reviewing a proposal or application, plus 5% administrative fee.

SECTION 2: City Development staff shall annually adjust this Fee Schedule in accordance with the Consumer Price Index (CPI), and submit same to the Common Council for review and potential approval thereof.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 _____, 2024, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Department and Item Description	Duration/Unit	2022 Approved	2023 Proposed	Ordinance Reference	Notes
Planning & Development					
Parkland Improvement Fees					
Fee in lieu of Land Dedication (not including TND)	Per Dwelling Unit	\$4,330.00	\$4,330.00	24-2(d)(2)(e)	
TND T2 and T3 Ordinance Fee in lieu of Land Dedication	Per Dwelling Unit	\$4,330.00	\$4,330.00	24-2(d)(2)(e)	
TND T4 Ordinance Fee in lieu of land dedication	Per Acre	\$65,000.00	\$65,000.00	24-2(d)(2)(e)	
TND T5 Ordinance Fee in lieu of land dedication	Per Acre	\$65,000.00	\$65,000.00	24-15(d)(5), 22-647(2)	
Park Improvement Single Family Residential	Per Dwelling Unit	\$670.00	\$670.00	24-15(d)(5), 22-647(2)	
Park Improvement Two-Family Residential	Per Dwelling Unit	\$335.00	\$335.00	24-15(d)(5), 22-647(2)	
Park Improvement Multi-Family Residential	Per Dwelling Unit	\$160.00	\$160.00	24-15(d)(5), 22-647(2)	
Fee in lieu of Street Frontage for Parkland	As Required	\$-0- (eliminated)	\$-0- (eliminated)	24-15(e), 22-647(3)	removed via R-186-18
Planning Commission					
Certified Survey Fees	Upon Application	\$590 + \$160/parcel	\$590 + \$160/parcel	24-15(c)(1)	
Comprehensive Development Plan	Upon Application	\$315 + \$95/parcel	\$315 + \$95/parcel	24-15(b)	
Comprehensive Development Plan Amendment	Upon Application	\$465	\$465		
Subdivider to pay all consulting and legal fees incurred by the City as stated in Ordinance 24-15(c)(2)					
Preliminary Plat, and Contract Fee	Upon Application	\$575 + \$180/parcel	\$575 + \$180/parcel	24-15(b)(1)	
Final Plat	Upon Application	\$575 + \$120/parcel	\$575 + \$120/parcel	24-15(b)(1)	
Subdivider to pay all engineering, inspection, consulting & legal fees as stated in Ordinance 24-15(b)(2)					
Payment Guarantee of Fees	Upon Application	\$545 + \$165/parcel	\$545 + \$165/parcel	24-15(b)(3)	
Zoning Fees (Publication &/or Public Hearing Costs)	As Requested	\$585.00	\$585.00		
Board of Appeals	As Requested	\$480.00	\$480.00	22-640(b)(2)	
Conditional Use Permits	As Requested	\$900.00	\$900.00		
PDD-GIP	As Requested	\$875.00	\$875.00		
PDD-SIP	As Requested	\$620.00	\$620.00		
Re-Zoning Request	As Requested	\$770.00	\$770.00		
Re-Zoning/Conditional Use	As Requested	\$770.00	\$770.00		
Telecommunications Facilities Permit	As Required	\$465.00	\$465.00	64-48(d)	
Sign Permit					
Temporary	As Required	\$41.00	\$41.00	26-34	
All signs except temporary and exempt signs	As Required	\$1.95/sq ft or fraction thereof with a minimum of \$82	\$1.95/sq ft or fraction thereof with a minimum of \$82	26-34	
Zoning Fee					
Zoning Verification Letters (New in 2014)	See Building Inspection Schedule				
	Per Request	\$35.00	\$35.00		

Building (Roofing, Siding & windows others small repairs)		\$35	Appendix #2
Concrete Placement Permit		Replacement same foot print \$25 change/new design \$2% of cost \$60 min max \$600	
<i>Double fees are due if work is started before permit is issued</i>			
3. Extension to permit (permits are valid for 12 months)	Each	100% off original fee	
4. Razing permit (resident include elec.,plbg.)	Each	\$200.00	
5. For all shed and garage demo with Electrical	Each	\$75.00	
6. Sign permit	Each	\$60.00	
7. Fences	Each	\$70.00	
8. Pools	Each	\$75.00 Min 4' deep X 12' above ground,	Larger and in-ground price per foot @\$1.00 and \$65.00 per inspection
9. Work in Right of Way permit	Each	\$75.00	\$ 75.00
Zoning Fees			
Subdivision and Platting			
Concept Plan		\$250.00	
Preliminary Plat		\$100/lot + Review Escrow	
Final Plat		\$100/lot + Review Escrow	
Condominium Plat		\$100/lot + Review Escrow	
Replat		\$300/lot + Review Escrow	
Certified Survey Map		\$100/lot + Review Escrow	
Easement Review		\$350.00	
Developer's Agreement		\$250 + Review Escrow	
Review Escrows for Subdivisions/platting (Initial submission for review, requires replenishment)			
1-4 lots without new public infrastructure		\$500.00	
1-4 lots with new public infrastructure		\$1,250.00	
5-10 llots		\$2,000.00	
More than 10 lots		\$3,000.00	
Plan Commission Public Hearings			
Comprehensive Plan Amendment		\$200 + Review Escrow	
Rezoning Application		\$600 + Review Escrow	
Zoning Text Amendment		\$600 + Review Escrow	
Conditional Use Permit		\$1,000 + Review Escrow	
Review Escrow for Public Hearings		\$500.00	
Zoning Board of Appeals Public Hearing			
Variance		\$1,000.00	
Appeal		\$1,000.00	
Temporary Use		\$500.00	
Site Plan Applications			
Residential		\$500 + Review Escrow	
Mixed Use		\$750 + Review Escrow	
Non-Residential		\$1,000 + Review Escrow	

Additions/Amendments to Prior Approvals		Half the above fee + Review Escrow	
Review Escrows for Site Plan Applications (Initial submission for review, requires replenishment)			
Residential			
Minor Plans (Additions/Amendments)		\$500.00	
1-4 units without new public infrastructure		\$500.00	
1-4 units with public infrastructure		\$1,250.00	
5-10 units		\$2,000.00	
More than 10 units		\$3,000.00	
Non-Residential/Mixed Use			
Minor Plans (Additions/Amendments)		\$500.00	
Project site less than 5 acres		\$1,250.00	
Project site 5-10 acres		\$2,000.00	
Project site more than 10 acres		\$3,000.00	
Subdivision/Site Plan Inspection Deposit			
For inspection and related professional administrative costs, materials, testing, maintenance, etc.		Lesser of \$20,000 or 6% of total costs of all improvements, as established and approved by the City Engineer for required financial security	
Administrative Reviews/Permits			
Zoning Verification letter		\$50 for Residential Properties \$100 for Non-Residential Properties	
Sign Permit		\$60.00	
Land Use Occupancy Permit - Multi Family		\$100/unit	
Land Use Occupancy Permit - Non Residential		\$200.00	
Home Occupation Permit		\$50.00	
Minor Plan Review /Miscellaneous Applications		\$100.00	
Accessory Structures Permit		\$50.00	
Riverview Public Cemetery			
Item Description		Fees	Notes
Cemetery Lot			
Resident		\$800.00	includes perpetual care
Non-Resident		\$1,100.00	includes perpetual care
Burial Cost (Monday thru Saturday)			
Grave Opening	each	\$750.00	
Cremation Burial	each	\$425.00	
Burial Cost (Winter Fees)			
Ground Thawing	each	\$325.00	
Snow Removal	each	Cost to \$275	
Monument Setting			
Foundations	per square inch	\$0.10	
Placement of Monument Permit Fee	each	\$50.00	

Appendix #3

FEE DESCRIPTION	FEE AMOUNT
COMMUNITY DEVELOPMENT – PLANNING	
Zoning Code Text Amendment	\$1,275.00
Zoning Code Map Amendment*	\$1,275.00
Land Use Plan Map Amendment*	\$1,275.00
<i>*If doing a Zoning Code Map and Land Use Plan Amendment at the same time, only one fee applies</i>	
Conditional Use Petition	\$717.00
Building Site Plan Amendment or Approval	\$717.00
Consultation	\$398.00
Minor Request	\$199.00
Subdivision/Condo Concept	\$857.00
Subdivision/Condo Preliminary Plat	\$857.00
Subdivision/Condo Development Agreement	\$558.00
Subdivision/Condo Final Plat	\$757.00
Land Division	\$657.00
New Sign Design and Plan Approval	\$150.00
Special Event Banner Permit	\$25.00
On-Site Development Notice Sign Posting	\$5.00
Zoning Letter Request	\$60.00
Home Occupation Permit	\$60.00
Business Occupancy Permit	\$60.00
Annual Chicken Keeping Permit	\$20.00
Short Term Rental Permit	\$60.00
<i>Staff Time Over 10 Hours on Any of the Above Will be Additionally Billed Hourly.</i>	
<i>Additional Charges May Be Incurred for Subsequent Plan Review.</i>	

COMMUNITY DEVELOPMENT DEPARTMENT – FEE SCHEDULE

Appendix #4

DATE _____ PHONE _____ FAX # _____

APPLICANT _____

PROPERTY OWNER _____

PROPERTY ADDRESS _____

MAILING ADDRESS _____

RECEIPT NUMBER _____ BY _____

By signing below, I understand that any Legal, Engineering and Administrative Fees incurred by the City, in the process of reviewing a proposal or application, but not included in this Fee Schedule, will be charged back to the Petitioner / Applicant / Owner / Developer for 100% recovery. (Ch. 3.085/Ord. #909) I understand that I may request refund of all leftover fees in my developer's deposit once all development related aspects of my project have been complete for at least 60 days. The disbursement of leftover developer's deposit monies shall be to the individual signing this fee sheet unless otherwise noted. I understand that action by the Plan Commission and Common Council is required for my submitted land division documents as prescribed by the Land Division Ord. If, for good cause, an extension of time is needed for action, I hereby agree to such extension.

SIGNATURE OF APPLICANT / AGENT _____ DATE _____

SIGNATURE OF OWNER (if different) _____ DATE _____

ZONING / PLANNING FEES			
100.06.18.01.4330	3-306	CONDITIONAL USE (Plus \$500 Developer's Deposit)	\$600.00 \$ _____
		REZONING (NON PD or CPD)	\$500.00 \$ _____
		NEW PD or CPD (Plus \$500 Developer's Deposit)	\$1200.00 \$ _____
		PD or CPD AMENDMENTS (Plus \$500 Developer's Deposit)	\$600.00 \$ _____
		FLOOD PLAIN REZONING (Plus \$500 Developer's Deposit)	\$345.00 \$ _____
		COMPREHENSIVE PLAN AMENDMENT ONLY	\$500.00 \$ _____
		COMPREHENSIVE PLAN AMENDMENT WITH REZONING	\$750.00 \$ _____
		2 nd GARAGE STRUCTURE (PLAN COMMISSION REVIEW)	\$100.00 \$ _____
		SIGNS	\$60.00 / \$20.00 \$ _____
		BOARD OF APPEALS	\$200.00 \$ _____
		CONCEPTUAL CSM / PLAT / BSO REVIEW	\$100.00 \$ _____
		BSO – ORIGINAL / AMENDMENTS	\$300.00 / \$150.00 \$ _____
		SIGN – PLAN COMMISSION REVIEW	\$100.00 \$ _____
100.02.25.00.4250	3-350	FENCES, RETAINING WALLS, DRIVEWAYS, SIDEWALKS HOME OCCUPATION, ZONING LETTER, RIGHT OF WAY	\$20.00 \$ _____
CSM FEES Plus \$300 Developer's Deposit at this time (\$200 deposit for Extraterritorial CSMs).			
100.06.18.01.4330	3-306	CERTIFIED SURVEY MAP	\$200.00 \$ _____
		PLUS \$11.00 PER LOT & OUTLOT	\$11.00 x _____ Lots/Outlots \$ _____
100.06.18.01.4346	3-348	GIS SERVICES – LAND RECORDS FEE (Land Division)	\$80.00 x _____ Lots/Outlots \$ _____
100.06.18.01.4346	3-358	GIS LAND RECORD CAPITAL CHARGE	\$20.00 x _____ Lots/Outlots \$ _____
PRELIMINARY PLAT FEES Plus Developer's Deposit based on density of development (\$500 Extraterritorial Plats)			
100.06.18.01.4330	3-306	PRELIMINARY PLATS	\$750.00 \$ _____
		PLUS \$11.00 PER LOT & OUTLOT	\$11.00 x _____ Lots/Outlots \$ _____
FINAL PLAT FEES			
100.06.18.01.4330	3-306	FINAL PLAT	\$650.00 \$ _____
		PLUS \$11.00 PER LOT & OUTLOT	\$11.00 x _____ Lots/Outlots \$ _____
OTHER PLAT FEES			
100.06.18.01.4330		PUBLIC WORKS COMMITTEE ROUTING FEES	\$65.00 \$ _____
		DEVELOPER'S AGREEMENT PREP / REVIEW	\$600.00 \$ _____
		STORMWATER MANAGEMENT PLAN PREPARATION	\$150.00 \$ _____
		LETTER OF CREDIT ADMINISTRATIVE FEE	\$150.00 \$ _____
		PLAT REAPPLICATION NON-SUBSTANTIAL CHANGE	\$150.00 \$ _____
		AFFIDAVIT OF CORRECTION (\$100 Staff + \$150 Plan Commission)	\$250.00 \$ _____
		LAND COMBO PERMIT (\$100 Staff + \$150 Plan Commission)	\$250.00 \$ _____
100.06.18.01.4346	3-348	GIS SERVICES – LAND RECORDS FEE (Land Division)	\$80.00 x _____ Lots/Outlots \$ _____
100.06.18.01.4346	3-358	GIS LAND RECORD CAPITAL CHARGE	\$20.00 x _____ Lots/Outlots \$ _____
DEVELOPER'S DEPOSIT			
507.00.00.00. _____	71	NEW / REPLENISH	\$ _____

CONSERVATION FINAL PLAT FEES			
100.06.18.01.4330	3-306	CONSERVATION SUBDIVISION FEES	
		CONSERVATION EASEMENT PREPARATION	\$50.00 \$ _____
		OPEN SPACE MANAGEMENT PLAN PREPARATION	
		BASE FEE	\$100.00 \$ _____
		+ \$25 FOR EACH LAND COVER TYPE PER AES	\$25.00 X _____ TYPES \$ _____
DEDICATION FEES (For CSMs/Plats Submitted After May 21, 2008)			
203.08.94.74.4427	4-475	FEE IN LIEU OF PARK DEDICATION	
		\$1,881.00 PER SINGLE_FAMILY BUILDABLE LOT OR UNIT	\$1,881.00 x ____ = \$ _____
		\$1,400.00 PER MULTI_FAMILY BUILDABLE LOT OR UNIT	\$1,400.00 x ____ = \$ _____
215.06.00.00.4430	4-477	FEE IN LIEU OF CONSERVATION LAND DEDICATION	
		\$580.00 PER DEVELOPED ACRE	\$580.00 x ____ = \$ _____
215.06.00.00.4431	4-478	FEE IN LIEU OF CONSERVATION TRAIL DEDICATION	
		\$60.00 PER SINGLE_FAMILY BUILDABLE LOT OR UNIT	\$60.00 x ____ = \$ _____
		\$45.00 PER MULTI_FAMILY BUILDABLE LOT OR UNIT	\$45.00 x ____ = \$ _____
MISCELLANEOUS FEES			
100.06.18.01.4330	3-306	STANDARD MAPS	
		18" - \$4.00 standard / \$8.00 glossy	\$ _____
		24" - \$6.00 standard / \$12.00 glossy	\$ _____
		36" - \$10.00 standard / \$20.00 glossy	\$ _____
		CUSTOM MAPS	
		Standard Paper / Glossy Paper \$2.00 sq ft / \$4.00 sq ft	\$ _____
		\$60.00/hr (15 min. increments) \$60.00/hr	\$ _____
		CD / DVD (FTP / Email – Free) \$3.00 / \$5.00	\$ _____
		SPECIAL REVIEW ADMINSTRATIVE FEE	\$100.00 \$ _____
100.02.25.00.4250	3-350	KIP COPIES	
		Black/White \$1.00 sq ft / Color \$2.00 sq ft	\$ _____
		COPIES Black & White (\$0.25 per page) Color (\$0.50 per page) / Bid Books	\$ _____
		SCANNING FEE	\$10.00 \$ _____
		Other: _____	\$ _____
BUILDING/ENGINEERING FEES			
100.02.25.00.4250	3-350	Permit Fees	\$ _____
TOTAL FEES			\$ _____

Credit Card Payments Staff Notes

- Multiple credit card purchases must be made if paying between two listed account numbers above.
- Credit card payments made to the below referenced accounts will require a journal entry transfer of monies in the days following the purchase. A subsequent journal entry will have to be made by staff transferring any amounts paid to the following accounts from Account #100.06.18.01.4330. Give copy of fee sheet to Kellie if this occurs.
 - Developer's Deposit
 - Dedication Fees including Park Dedication, Conservation Land & Trail Dedications
 - GIS Services-Land Records Fee
 - GIS Land Record Capital Charge



PLAN COMMISSION APPLICATION
DEADLINE FOR SUBMISSION:
4 WEEKS PRIOR TO PLAN COMMISSION MEETING

It is the applicant's responsibility to contact the Community Development Department prior to any submittal. It is also suggested that the applicant contact the District Alderperson and Mayor to discuss the proposed development. Refer to the application submission requirements on the City website. Payment is due at the time of submission.

PLEASE TYPE OR PRINT. ILLEGIBLE OR INCOMPLETE APPLICATIONS WILL BE RETURNED.

APPLICANT INFORMATION		PROPERTY INFORMATION (List all in proposal)	
Name		Address(es)	
Company		Tax Key(s)	
Address		Zoning District(s)	
City, State Zip		Property Owner(s)	
Phone		Property Owner(s) Contact	
Email			
Applicant Representative (if applicable)			
Name			
Company			
Email/Phone			

APPLICATION TYPE (Select all that apply)

<input type="checkbox"/> Site & Building Plan Review - \$850	<input type="checkbox"/> Comprehensive Plan Amendment - \$1,000
<input type="checkbox"/> Certified Survey Map - \$525	<input type="checkbox"/> Zoning Text Amendment - \$1,000
<input type="checkbox"/> Lot Line Adjustment (no new lots) - \$275	<input type="checkbox"/> Official Map Amendment - \$1,000
<input type="checkbox"/> Conditional Use Permit - \$1,250	<input type="checkbox"/> Preliminary Subdivision Plat - \$750
<input type="checkbox"/> Conditional Use Permit Amendment - \$950	<input type="checkbox"/> Final Subdivision Plat - \$875
<input type="checkbox"/> Temporary Use / Use Approval - \$600	<input type="checkbox"/> Condominium Plat - \$875
<input type="checkbox"/> Rezoning - \$775	<input type="checkbox"/> Landscaping Plan Review (if separate) - \$550
<input type="checkbox"/> Sign Plan Review - \$550	<input type="checkbox"/> Lighting Plan Review (if separate) - \$550
<input type="checkbox"/> Planned Unit Development (PUD) - \$1,700	<input type="checkbox"/> Affidavit of Correction - \$275
<input type="checkbox"/> Amendment to PUD - \$1,100	<input type="checkbox"/> Right-of-Way Vacation - \$1,000
<input type="checkbox"/> Plan Commission Consultation - \$400	<input type="checkbox"/> Special PC Meeting - \$35/citizen member + app

Expedited Review (select application type above) – Application fee + 50%
By checking this box and signing this application form, Applicant/Representative acknowledges and understands that expedited reviews are not guaranteed. Requests for expedited reviews will only be considered where permissible given available staff resources and public notice requirements.

Signature _____ Date _____

<i>FOR OFFICE USE ONLY</i>	
Date Submitted: _____	Accepted by: _____
Amount Paid: _____	



March 12, 2024

To: Plan Commission

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

RE: Amendment to the Plan Commission Administrative Procedures and Regulations,
specifically the meeting frequency to once a month instead of twice a month

City Development staff is presenting this amendment to change the meeting frequency to once a month instead of twice a month, and asking for direction to select either the first or third Thursday of each month. Below is Article V, Section 1 to be amended:

ARTICLE V.

Meetings

Section 1.

Policy direction from the Plan Commission to select either the first or third Thursday.

The regular monthly meeting of the Commission will be held on the Thursday following the regular Common Council meeting date of the **first and third** Tuesday of each month. In the event of a conflict with holidays or other events, a majority vote at any Commission meeting may change the date of such regular monthly meeting.

The purpose of this change is to reduce staff hours devoted to compiling packets, meeting preparation and attending meetings, as well as efficient use of commissioners’ time. For example, about half of the meetings in 2023 had two or less items. Staff anticipates that this amendment would result in fewer but longer meetings. In case of a high volume of applications, the Mayor may call special meetings (Article V, Section 3).

Pursuant to Article X, this amendment requires “a majority vote of the entire membership of the Commission”, Common Council approval is not required for this amendment. The Plan Commission Administrative Procedures and Regulations are attached to this packet.

Wisconsin Statutes §62.23(2) authorizes municipal plan commissions to establish their own rules for conducting meetings.

The Plan Commission heard this proposal on the 8th of February and recommended to table to this meeting as a public hearing item.

THE CITY PLAN COMMISSION
OF THE CITY OF FRANKLIN, WISCONSIN

ADMINISTRATIVE PROCEDURES
AND REGULATIONS

July 11, 1996 Adopted by the Plan Commission
April 23, 1998 Revised
June 9, 2005 Revised
 , 2024 Revised

ADMINISTRATIVE PROCEDURES AND REGULATIONS

ARTICLE I. Name of Commission

The name of this operation shall be "The City Plan Commission of the City of Franklin, Wisconsin" hereinafter referred to as the "Commission".

ARTICLE II. Authorization

The authorization for the establishment of this Commission is set forth in Section 1.06(4) of the Municipal Code of Franklin, Wisconsin, as amended.

ARTICLE III. Membership

- Section 1. The Plan Commission shall consist of the Mayor who shall be its presiding officer, an alderman appointed by the Mayor and confirmed by the City Council who shall serve for one (1) year unless office becomes vacant, the City Engineer and three (3) citizens appointed for 3-year terms and one (1) citizen appointed for a 1-year term.
- Section 2. Each member of the Commission shall be entitled to one (1) vote. Voting by proxy is not permitted.
- Section 3. All members shall serve without compensation.
- Section 4. The Mayor (chair) shall preside at all meetings and hearings of the Commission, and shall have the duties normally conferred by parliamentary usage to such office.
- Section 5. The Mayor, with the assistance of such staff assigned to the Commission by the City Administrator, shall be responsible for keeping the official MINUTES and records of the Commission and shall prepare agendas for regular and special meetings and reports of Commission action, provide notice to all Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, as approved by same, and have such other duties as may, from time to time, be assigned by the Commission.
- Section 6. The Alderman member shall preside at all Commission functions in the absence of the Mayor, and shall have the duties normally conferred by parliamentary usage to such office, including the signing of approved Commission reports and all other documents requiring the Commission signature pursuant to state and local law. In the absence of the Mayor and Alderman member, the Mayor shall pre-designate the citizen Commission member who shall preside.

ARTICLE IV.

Subcommittees

The Mayor may establish such Commission subcommittees as deemed appropriate and appoint members thereto.

ARTICLE V.

Meetings

Section 1.

Policy direction from the Plan Commission to select either the first or third Thursday.

The regular monthly meeting of the Commission will be held on the Thursday following the regular Common Council meeting date of the first and third Tuesday of each month. In the event of a conflict with holidays or other events, a majority vote at any Commission meeting may change the date of such regular monthly meeting.

Section 2.

A quorum shall be four (4) members, but all actions shall require approval of a majority of the full Commission, except a motion to adjourn. A record of all Commission votes shall be kept as a part of its MINUTES.

Section 3.

Special meetings may be called by the Mayor. It shall be the duty of the Mayor to call a special meeting when requested to do so by a majority of the members of the Commission. Special meetings may be held at such times and places as shall be determined by the Commission.

Section 4.

All meetings of the Commission shall be open to the general public in accordance with the Statutes of Wisconsin (Open Meetings Act).

Section 5.

Unless otherwise specified, Robert's Rules of Order newly revised, shall govern the proceedings at the meetings of the Commission.

ARTICLE VI.

Order of Business

Section 1.

The order of business at regular monthly meetings and administrative sessions of the Commission shall be:

- a. Roll Call
- b. Approval of MINUTES of previous meeting(s).
- c. Hearings
- d. Business
- e. Adjournment

Section 2.

Agendas and other documents for all meetings shall, whenever possible, be delivered to the members of the Commission no later than the Monday preceding the regular meeting. In general, order of business shall follow the printed agendas.

ARTICLE VII.

Public Meetings Special Meetings Workshops

The Commission may from time to time hold public meetings, workshops and policy sessions which are required pursuant to state and local law, or which the Commission deems to be in the public interest.

ARTICLE VIII.

Staff

The Department of Planning of the City of Franklin, hereinafter referred to as the "Department", shall serve as the staff of the Commission, and shall assist the Mayor in the preparation and distribution of Commission MINUTES, reports, agendas, and other materials.

ARTICLE IX.

Procedure for Commission Review

Section 1.

The Commission shall review and consider all development proposals upon which they are required to take action or to make recommendations to the Mayor and City Council pursuant to applicable state and local law. Such proposals shall be referred to as "DEVELOPMENT CASES" and shall be placed on the

Commission's agenda for consideration subject to the provisions of Section 3 of this Article. The following types of Development Cases shall be reviewed by the Commission:

- a. Subdivisions, pursuant to the City Subdivision Regulations.
- b. Zoning text amendments, pursuant to the Zoning Ordinance.
- c. Planned Development Districts, pursuant to the Zoning Ordinance.
- d. Rezoning, Zoning Ordinance.
- e. Special Uses, pursuant to the Zoning Ordinance
- f. Certified Survey Maps, pursuant to the City Subdivision Regulations.
- g. Concept Review to discuss on item on a preliminary level, workshop or policy session.
- h. All other Development Cases which the Commission is required to consider pursuant to state and local law.

Section 2.

The Department shall be responsible for screening all Development Cases included under Section 1 of this Article, and for placing on the Commission's agenda only those cases which comply to the provisions of Sections 3, 4 and 5 below.

Section 3. All new Development Cases included under Section 1 of this Article must be submitted to the Department no later than 30 days prior to the regular Commission meeting, except if a shorter time frame is permitted in state or local law.

In preparing the Commission's agenda for a particular meeting, the Department will accept Development Cases, in accordance with the provisions set forth in this Section, on a first come, first served basis. Acceptable Development Cases which cannot appear on the Commission's agenda due to lack of available time or incompleteness will receive priority consideration with respect to placement on the Commission's next agenda, or when the Development Case is complete.

At all Commission meetings, the Commission reserves the right to terminate deliberation and testimony thereon at 11:00 p.m. The matter will be heard at next meeting.

Section 4. Development Cases which fail to meet the time schedule set forth in Article IX, Section 3 above, or which are unacceptable for lack of completeness in accordance with City Codes and Department Policies, shall not appear on the Commission's regular meeting agenda until the following meeting assuming a complete and acceptable application is submitted.

Section 5. All continuations or follow-up meetings with respect to Development Cases, as well as any other matter of a non-development nature, must be brought to the attention of the Department, and all supporting documentation related thereto received by the Department, in complete form and in full accord with applicable laws and regulations, no later than 12:00 noon on the Tuesday of the week preceding a Commission meeting in order to appear on the agenda for said meeting.

Section 6. After acceptance and scheduling of a Development Case in accordance with Section 3 of this Article or any agenda matter pursuant to Section 5 of said Article, a petitioner or other individual may be granted a postponement by the Department for good cause provided that such request for postponement is received by said Department no later than 9:00 a.m. on the Friday preceding the meeting in order to allow sufficient time for notification. Any requests for postponements received after the above deadline may be only granted by an affirmative vote of the Commission upon showing of adequate and good cause. A second such postponement shall only be granted under the most extreme circumstances. The Commission may postpone a review of a Development Case during a regular or special meeting, if, in the view of a majority of Commission members, filing of the Development Case to the Department is incomplete in regards to City Codes and Regulations. All postponements, if granted by the Commission, shall be scheduled for the next available date following the meeting at which such postponement is granted, or an announced future date at the general agreement of the Commission and petitioner. Applicants may request up to one 60-day postponement.

Section 7. Development Cases shall normally be considered by the Commission during their regular meetings.

Section 8.

The order of procedure for any Development Case brought before the Commission shall be as follows for a public hearing or other development cases not requiring a public hearing:

- a. The Mayor shall state the nature of the case.
- b. Department reads Official Notice and briefly introduces Development Case.
- c. The applicant shall make a presentation.
- d. Commission members may questions the applicant about the case.
- e. Department may question the applicant about the case.
- f. Public comments.
- g. Applicant response to comments.
- h. Commission discussion, direction and motion.
 - i. If Public Hearing where all reviews and analysis by City staff have been completed, City staff and the applicant have provided all needed information and records to the Plan Commission and the Public Hearing has not identified any matters requiring further consideration, the Plan Commission may take action as appropriate to the case on the night of the Public Hearing.
 - ii. If Public Hearing where the Plan Commission considers the matter not ready for action, the case may be referred to staff for such further activity as is considered appropriate to the case and be returned to the Plan Commission when the case is ready for action or further direction from the Plan Commission is needed.
 - iii. If a non-Public Hearing Development Case, a motion to recommend approval, recommend denial or continue discussion to a future meeting; or in event of a case not needing Council action, approval, denial or continuation.

Section 9.

The order of procedure for any Development Case brought before the Commission where a Public Hearing was previously held shall be as follows:

- a. Review of Department report and recommendation, and reports and recommendation of other City Staff or City Boards and Commissioners, as necessary for a particular Development Case.
- b. Commission questions and discussion.
- c. Commission motion to recommend approval, denial, or continue discussion to a future meeting.

Section 10.

In reviewing and voting upon a Development Case, the Commission shall consider the standards of the Zoning Ordinance for the particular subject matter, the Comprehensive Master Plan, all applicable state and local laws, and good planning principles. The Commission may conditionally approve or recommend conditional approve to further support the public health, safety and welfare.

Section 11.

In the event the Development Case is a Final Plat of Subdivision, with no other action, there shall not be any public input. Therefore, Article IX, Section 8, Paragraphs (f) and (g) shall not apply during the review of a Final Plat of Subdivision.

ARTICLE X.

Amendments

These Administrative Procedures and Regulations, with the exception of Articles I, II, III; Section 1, 2, 3 and 4, and Article V, Section 2 may be amended by a majority vote of the entire membership of the Commission. The aforementioned Articles can only be amended through revision of the City Code by the Mayor and Common Council.



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of March 21, 2024
Special Use Time Extension

RECOMMENDATION: City Development Staff recommends approval of the requested extension.

Project Name:	Jilly's Car Wash
Property Owner:	Devo Properties/Rawson LLC
Applicant:	Jon Zimmerman, Jilly's LLC
Property Address/Tax Key Number:	5484 W Rawson Avenue/ 741 9996 001
Aldermanic District:	District 5
Agent:	Caitlin LaJoie, Briohn Building Corporation
Zoning District:	M-1 Limited Industrial and OL-2 Overlay
Use of Surrounding Properties:	M-1 Limited Industrial and OL-2 Overlay (east and west), M-1 Limited Industrial (north), M-2 General Industrial (south)
Application Request:	Extension of Special Use Approval
Staff Planner:	Marion Ecks, AICP

APPLICANT'S REQUEST

The applicant requests recommendation of approval to Common Council of the extension of a Special Use to develop this property as Jilly's Car Wash with drive-thru. The applicants previously received Site Plan approval on March 9, 2023 (PC RES 2023-0309) and Special Use approval on March 21, 2023 (RES 2023-7959).

The applicant plans to develop a Jilly's Car Wash, which would consist of a structure housing the drive-through car wash and offices, with accessory structures including a booth for payment and a trash area. The applicant is not requesting any changes to the use approval. They were unable to commence construction within the required timeframe, and would like to extend the approval.

PROJECT ANALYSIS

The subject property is zoned M-1 Limited Industrial and OL-2 General Business Overlay; it does not have any structures on it currently. The surrounding properties share the same zoning. The lots to the east have been developed as a Sendiks, a CVS, and a bank; the lot immediately east has approval to develop a Dunkin Donuts. To the west is a self-storage facility, and to the north is an outlot which contains the stormwater facilities for this parcel, as well as the Sendiks development. One of the entrances to the quarry is immediately to the south across Rawson.

Carwashes (SIC Code 7542) require Special Use approval in both M-1 Limited Industrial and OL-2 General Business Overlay Districts.

Proposed business hours are Monday through Saturday from 7:00am to 8:00pm and Sunday from 8:00am to 7:00pm. This location will employ approximately 15 staff, with a maximum of five (5) employees per shift.

The applicant previously provided required responses to, and complies with the standards of §15-3.0701: General Standards for Special Uses. The development is consistent with the existing zoning requirements, and Future Land Use Comprehensive Master Plan intent for the district (§15-7.0102.M).

The proposed structure meets the setback requirements of the OL-2 zoning district. The applicant plans to submit a Site Plan amendment application in the near future for changes to building layout.

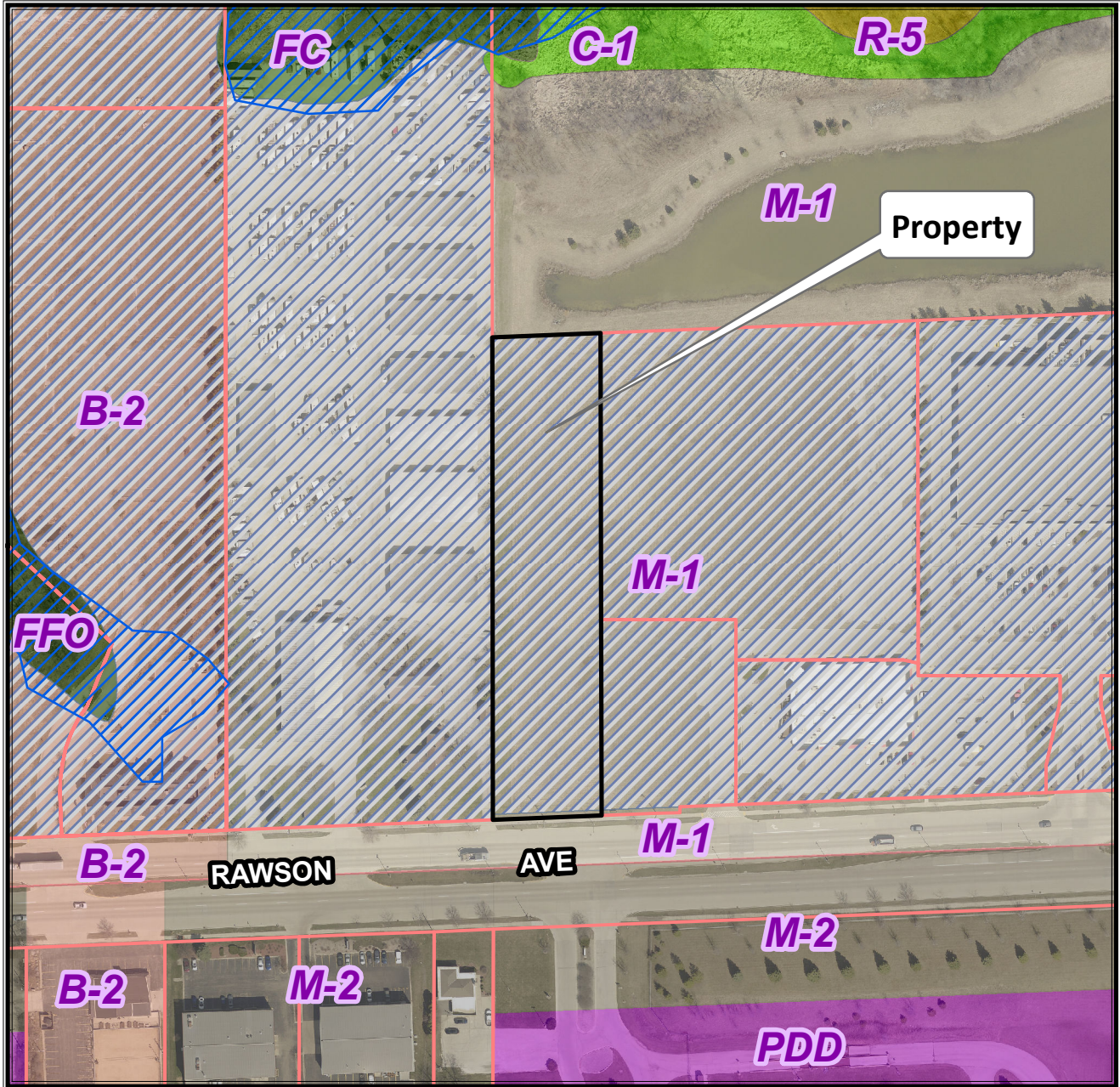
STAFF RECOMMENDATION

City Development Staff recommends approval of the requested extension, and that the Plan Commission forward the Special Use Extension to the Common Council for decision based on the draft Resolution as attached.

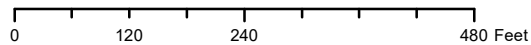
Attachments:

- Approved Special Use: RES 2023-7959, March 21, 2023
- Applicant Letter

5484 W. Rawson Ave.
TKN 741 9002 000

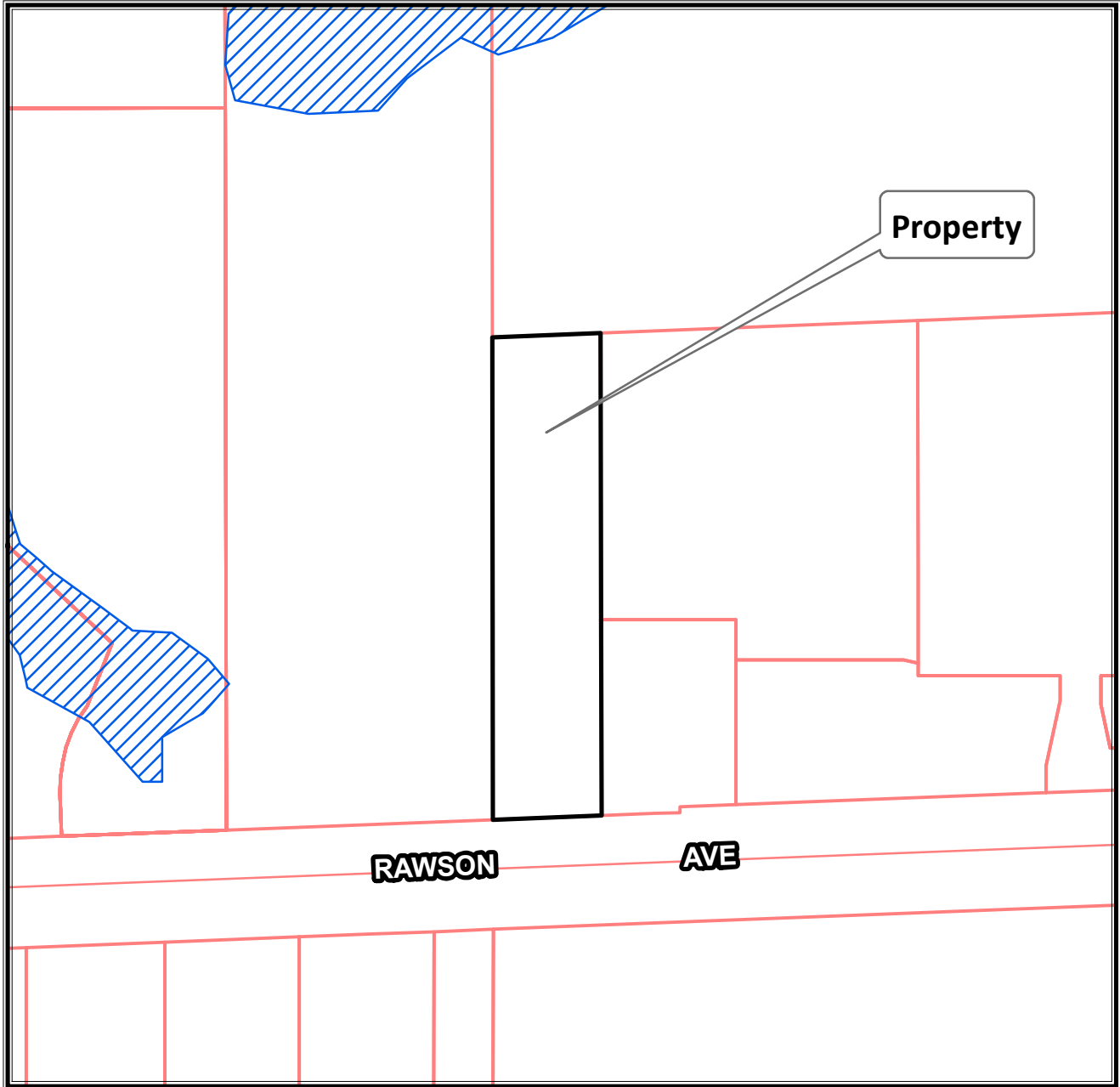


Planning Department
(414) 425-4024

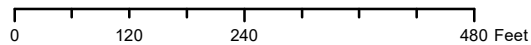


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

5484 W. Rawson Ave.
TKN 741 9002 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.



RESOLUTION NO. 2024-_____

A RESOLUTION TO AMEND RESOLUTION NO. 2023-7959, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE DEVELOPMENT OF A SINGLE-STORY BUILDING HOUSING OFFICES AND A CAR WASH FACILITY (JILLY’S CAR WASH), WITH ADJACENT PARKING FOR VACUUM STALLS AS WELL AS GENERAL PARKING, THREE SEPARATE PAY STATIONS, LANDSCAPING AND LIGHTING UPON PROPERTY LOCATED AT 5450 WEST RAWSON AVENUE (BY JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY’S, LLC, APPLICANT, DEVO PROPERTIES/RAWSON LLC, PROPERTY OWNER)

WHEREAS, Resolution No. 2023-7959, A Resolution imposing conditions and restrictions for the approval of a Special Use for the development of a Single-Story building housing offices and a car wash facility (Jilly’s Car Wash), with adjacent parking for vacuum stalls as well as general parking, three separate pay stations, landscaping and lighting upon property located at 5450 W Rawson Ave. by Jonathan Zimmerman, President, Jilly’s LLC., was adopted by the Plan Commission on March 21, 2024; and

WHEREAS, Resolution No. 2023-7959 provides in part 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”; and

WHEREAS, the Plan Commission having considered such request and application and having determined that it will promote the health, safety and welfare of the Community.

WHEREAS, by the Plan Commission of the City of Franklin, Wisconsin, that Resolution No. 2023-7959 is hereby amended to provide that the Jilly’s Car Wash Special Use shall be established by way of the issuance of an occupancy permit within one (1) year from the date of adoption of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Resolution No. 2023-7959 will promote the health, safety and welfare of the Community; and

BE IT FINALLY RESOLVED, by the Common Council of the City of Franklin, Wisconsin, that all other terms and provisions of Resolution No. 2023-7959, not inconsistent with the terms and provisions of this Resolution, shall remain in full force and effect.

JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY'S, LLC
SPECIAL USE AMENDMENT
TO EXTEND THE TIME FOR DEVELOPMENT COMPLETION
RESOLUTION NO. 2024-_____
Page 2

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____



BRIOHN BUILDING CORPORATION

February 9, 2024

Planning Department – City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Request for Extension to Resolution No. 2023-7959 (Jilly’s Car Wash)

To Whom It May Concern:

Jilly’s LLC (the “Developer”) is pleased to continue pursuing the addition of Jilly’s Car Wash (the “Development”) in the City of Franklin (the “City”).

The Developer faced unforeseen challenges due to current market conditions which delayed the anticipated construction schedule as previously presented to the City. The Developer respectfully requests an extension to Resolution No. 2023-7959 which is set to expire on March 21, 2024.

Jilly’s LLC remains excited to construct the state-of-the-art Development within the City of Franklin, creating an enhanced car wash experience within the community.

Please do not hesitate to contact me with additional questions. We look forward to collaborating with the City of Franklin throughout the building permit process.

Thank you,

Caitlin LaJoie
Director of Land Development
clajoie@briohn.com
262-790-0500

**DESIGN / BUILD
CONSTRUCTION**

**ARCHITECTURAL
DESIGN**

DEVELOPMENT

**PROPERTY
MANAGEMENT**



Item D.1

City of Franklin
Department of City Development

March 12, 2024

To: Plan Commission

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

RE: Allis Roller expansion, Special Use amendment
5801 W. Franklin Drive

This Plan Commission heard this application at the last meeting held on the 7th of this month. This commission tabled it to this meeting due to fire safety concerns regarding wood pallets storage. Email from Fire Chief Mayer is attached to this packet confirming that Fire Department comments have been addressed, dated February 8, 2024.

This packet includes all materials from the previous meeting, except large size plans.

Regulo Martinez-Montilva

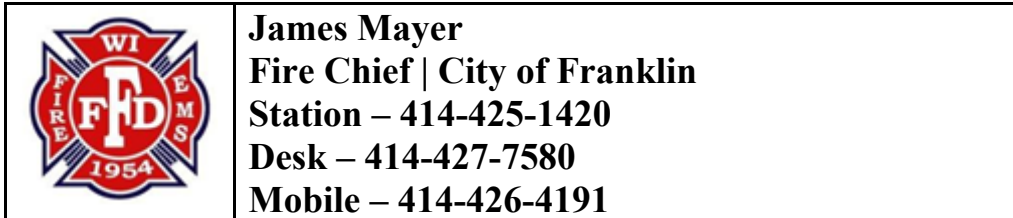
From: James Mayer
Sent: Thursday, February 8, 2024 3:04 PM
To: Regulo Martinez-Montilva
Subject: RE: Staff comments - Allis Roller expansion (5801 W Franklin Dr)

Hi Regulo,

I am satisfied that the applicant has addressed the fire department's concerns pertaining to the pallet storage and hydrant location. No additional comments on their application.

Please let me know if you need anything further.

Chief Mayer



From: Regulo Martinez-Montilva
Sent: Wednesday, February 7, 2024 3:31 PM
To: James Mayer <JMayer@franklinwi.gov>
Subject: RE: Staff comments - Allis Roller expansion (5801 W Franklin Dr)

Chief,

Do you have further comments to the applicant's responses to Fire Dept. concerns?

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

(414) 425-4024 / 427-7564
RMartinez-Montilva@franklinwi.gov



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From: Rodrigo Gutierrez <Rodrigo@kuenyarch.com>
Sent: Wednesday, February 7, 2024 9:36 AM
To: Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>; Jon Wallenkamp <JonW@kuenyarch.com>
Cc: Russ Dudan <russell.dudan@allis-roller.com>; Tyler Beinlich <TBeinlich@franklinwi.gov>; Ronnie Asuncion <RASuncion@franklinwi.gov>; James Mayer <JMayer@franklinwi.gov>; Marion Ecks <MEcks@franklinwi.gov>; John Regetz <JRegetz@franklinwi.gov>
Subject: RE: Staff comments - Allis Roller expansion (5801 W Franklin Dr)

Good morning Regulo.

Attached is the PDF file of the response to comments 2, 8, & 9 of letter dated February 5, 2024.

As requested, I will be submitting the 7 copies later in the morning.

Feel free to contact our office if you need something else.

Thank you

Rodrigo Gutierrez
Kueny Architects
P: 262-857-8101

From: Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>
Sent: Monday, February 5, 2024 1:44 PM
To: Jon Wallenkamp <JonW@kuenyarch.com>
Cc: Rodrigo Gutierrez <Rodrigo@kuenyarch.com>; Russ Dudan <russell.dudan@allis-roller.com>; Tyler Beinlich <TBeinlich@franklinwi.gov>; Ronnie Asuncion <RASuncion@franklinwi.gov>; James Mayer <JMayer@franklinwi.gov>; Marion Ecks <MEcks@franklinwi.gov>; John Regetz <JRegetz@franklinwi.gov>
Subject: Staff comments - Allis Roller expansion (5801 W Franklin Dr)

Jon,

Staff comments attached for your Special Use amendment application, this application and the Site Plan amendment are tentatively scheduled for the February 15th Economic Development Commission (EDC) meeting provided you resubmit revised application materials no later than this Wednesday February 7th. If you're not able to meet this deadline, your applications would be rescheduled for the March EDC meeting.

For resubmitting application materials, please address comment #2 (City Development), as well as #8 and #9 (Fire Department). The other comments are anticipated recommendations and conditions of approval, or for your reference. Please submit seven collated copies, folded to 8.5" x 11" and one electronic copy (e-mail preferred) to the Department of City Development. Additionally, please add a cover letter addressing staff comments to each set.

The next anticipated meeting dates for your Special Use amendment application are March 7th Plan Commission for public hearing and recommendation, and March 19th Common Council for decision. If you don't meet the deadline above, your application would be postponed.

Feel free to contact me if you have any questions.

Thank you,
Régulo Martínez-Montilva, AICP, CNUa
Principal Planner - Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

(414) 425-4024 / 427-7564
RMartinez-Montilva@franklinwi.gov



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CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of March 7, 2024
Special Use amendment

RECOMMENDATION

Special Use Amendment: City Development Staff recommends denial of the request to remove the curb and gutter requirement; and approval with conditions of the request to allow for outdoor storage. The Economic Development Commission recommended approval of this Special Use amendment request.

Site Plan Amendment: No action required, the Economic Development Commission approved the Site Plan conditioned upon the Special Use amendment. If the Special Use request is denied, the applicant shall revise the Site Plan to depict curb and gutter on all drives and parking; and to remove the outdoor storage area.

Project Name:	Allis Roller expansion
Property Owner:	Allis Roller LLC
Applicant:	Allis Roller LLC. Russ Dudan, President
Property Address/TKN:	5801 W. Franklin Drive / 931 9001 000
Aldermanic District:	District 4
Zoning District:	Planned Development District 7
2025 Future Land Use:	Commercial
Use of Surrounding Properties:	Planned Development District No. 7 (Franklin Industrial Park) uses to the north, south and east. Single-family residential zoned R-2 to the west
Staff planner:	Régulo Martínez-Montilva, AICP, CNUa, Principal Planner

Please note:

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

Special Use Amendment:

Last year, the applicant submitted a Site Plan amendment to allow for a building addition and other site improvements. City Development staff reviewed it and informed the applicant that the previous Special Use permit requires installation of curb and gutter on the parking lot and driveway (condition 5) and that outdoor storage is prohibited (condition 8). The applicant is now submitting a Special Use to amend these conditions: requesting to remove the requirement of curb and gutter installation; and to allow for outdoor storage of metal shipping racks and wood pallets south of the proposed building addition.

Since this facility is located in the Franklin Industrial Park, the Special Use amendment goes before the Economic Development Commission (EDC) for recommendation, the Plan Commission for public hearing and recommendation; and the Common Council for decision. The Site Plan amendment requires approval by Economic Development Commission (EDC).

Allis Roller received a Zoning Compliance permit in 2014 for Contract Manufacturer of Machined Parts and Complex Weldments as continuation of the Special Use permit (Resolution No. 2003-5502) granted to Qualified Products & Northern Gear (Nortek).

Curb and gutter

Per Special Use Resolution No. 2003-5502, condition 5: “any future expansion of the Special Use requires installation of curb and gutter on the parking lot and driveway”. According to the project narrative, the applicant is requesting to remove this condition for the following reasons:

- “We do understand the streets and avenues in the park have C&G, however, the majority of the buildings in the park around us, including our current parking areas, do not have C&G”.
- “One concern we have is the grade on the north side of the building is designed to have stormwater flow entirely across the pavement and into the grass areas and swales, adding curb to the north lot will stop the flow of water and create ponding in the warm months and ice build-up in the winter. Our current storm water run-off plans for the expansion include ponds and collection areas to capture the run-off”.
- “The installation of C&G is approximately a \$150k adder to our project, which does not add to the value, safety, or productivity of the property”.

Staff recommends denial of this request based on the Unified Development Ordinance Section 15-5.0202E1 (next page) because curb and gutter is installed on adjacent streets (Franklin Drive and 57th Street). Staff acknowledges that curb and gutter is not installed on S. 60th Street.



View of the exiting Allis Roller building, note that curb and gutter is installed on S. 57th Street
Photo by City Development staff

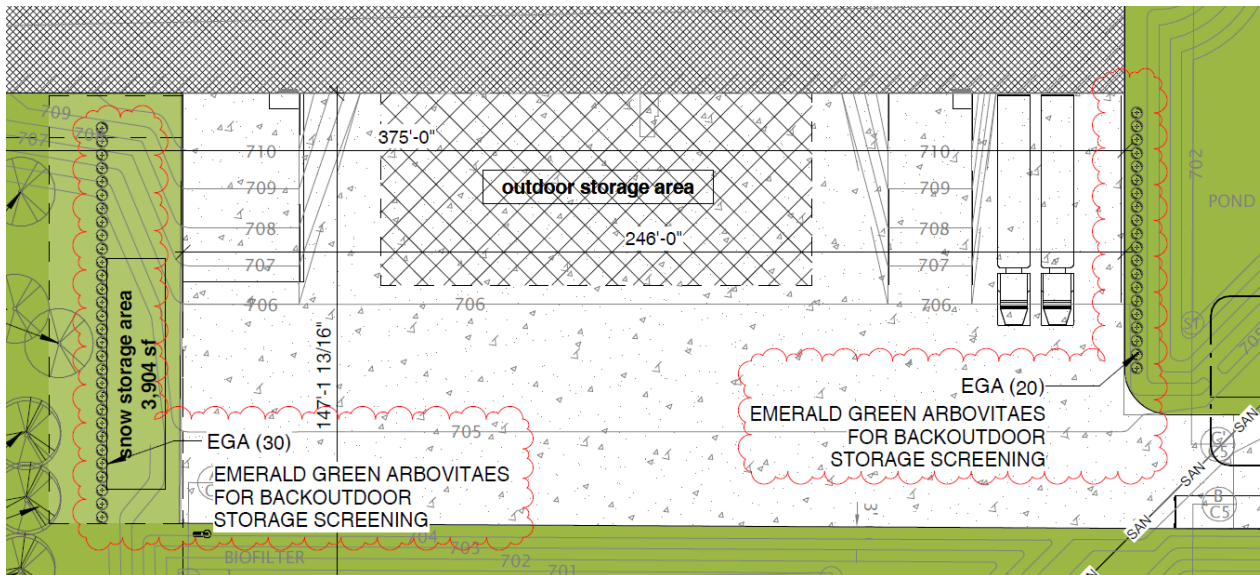
“Concrete Curb and Gutter Required for All Off-Street Parking Areas. Concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape islands. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance 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” [emphasis added].

The Economic Development Commission has recommended approval of the applicant’s request to waive the curb and gutter requirement, with the exception of the complete front parking lot (north) and all driveways connections to 57th Street. The applicant is proposing to install curb and gutter in said areas as depicted in Exhibit A of the attached draft Special Use Resolution.

Outdoor Storage

The applicant is requesting approval for outdoor storage of non-combustible crates in an area located directly behind the proposed facility for the following reason: “The metal shipping racks use a lot of floor space, and we prefer to use the floor space for production. When we build the new building, we will have ample floor space to store the racks inside, however, as we fill the building with new equipment and production lines (and jobs) we would like the option to store the racks outside if necessary”.

Pursuant to the Franklin Industrial Park Planned Development District (PDD), Ordinance 85-864, Section 12.10(14), outdoor storage areas must be located behind the building setback line and must be screened from streets and adjoining properties by a solid wall, fence or other screening approved by the EDC. The proposed outdoor storage area would be behind the setback line and screened by arborvitae as depicted in the landscape plan.



Landscape plan, sheet A102 (detail).

City Development staff recommends approval of this request to allow for outdoor storage subject to the following condition:

- Any of the proposed emerald green arborvitae for back outdoor storage screening that do not survive must be replaced with plant materials of the same or like species of equal size within the next planting season, but in any event, within six months of the plant's demise. The property owner will be responsible of said replacement.

The applicant submitted a memorandum dated February 7, 2024, addressing Fire Department concerns about the proposed outdoor storage area, the applicant stated that: "Due to fire hazard concerns of storing wood pallets outside, all the wood pallets will be stored inside the addition area where sprinkler system protects the complete facility. Only non-combustible crates will be stored in this area".

City Development staff noticed outdoor storage of materials and supplies south of the existing building, which is prohibited per the Special Use permit. If this request is not approved, the applicant is responsible for removing all materials and products stored outside the building.



View of existing outdoor storage from S. 60th Street
Photo by City Development staff

Site Plan Amendment:

No action from the Plan Commission is required for the Site Plan amendment. Project description and analysis below for reference.

Site Plan amendment to allow for a building addition for Allis Roller. The existing building is 98,365 sq. ft. and the proposed addition would be 88,818 sq. ft., other site improvements include: loading areas, surface parking, stormwater management facilities, a driveway and relocation of an existing sanitary sewer line.

Per the Special Use Resolution No. 2003-5502, condition #11 “all additions or alterations to the Building and/or Site Plan shall be approved by the Economic Development Commission prior to Building Permit issuance”.

The applicant is proposing an 88,818 square foot building addition on the south side of the existing industrial building. The subject site has an area of 474,209 square feet, the resulting Floor Area Ratio (FAR) would be 0.49, which is in compliance with the maximum permitted FAR of 1.5 per the Planned Development District (PDD) Ordinance 85-864.

The proposed building addition complies with the building setback requirements of the Franklin Industrial Park.

Parking

The minimum parking ratio in the Franklin Industrial Park is 1 parking stall per 2 employees on the two largest shifts combined. This facility would have a total of 120 employees in the first and second shifts combined, so 60 parking stalls is the minimum requirement. The applicant is proposing 147 parking stalls and 6 accessible stalls which is in compliance with the PDD Ordinance for total quantity and the Unified Development Ordinance (UDO) for accessible parking.

Parking in the north end of the site is encroaching into the 25-foot parking setback, the applicant indicated that this parking is for visitors. Visitor parking in the parking setback may be allowed upon approval by the Economic Development Commission. City Development staff has no objections to the subject visitor parking because the chamfered lot corner act as a vision triangle at the intersection of Franklin Drive and 57th Street.

The applicant revised the original plans to comply with the minimum parking size of 180 sq. ft, the typical parking stall is 10 by 18 feet.

The proposed parking lot complies with the city’s snow storage standards that require a snow storage area representing at least 10% of the total parking and loading areas.

Landscaping

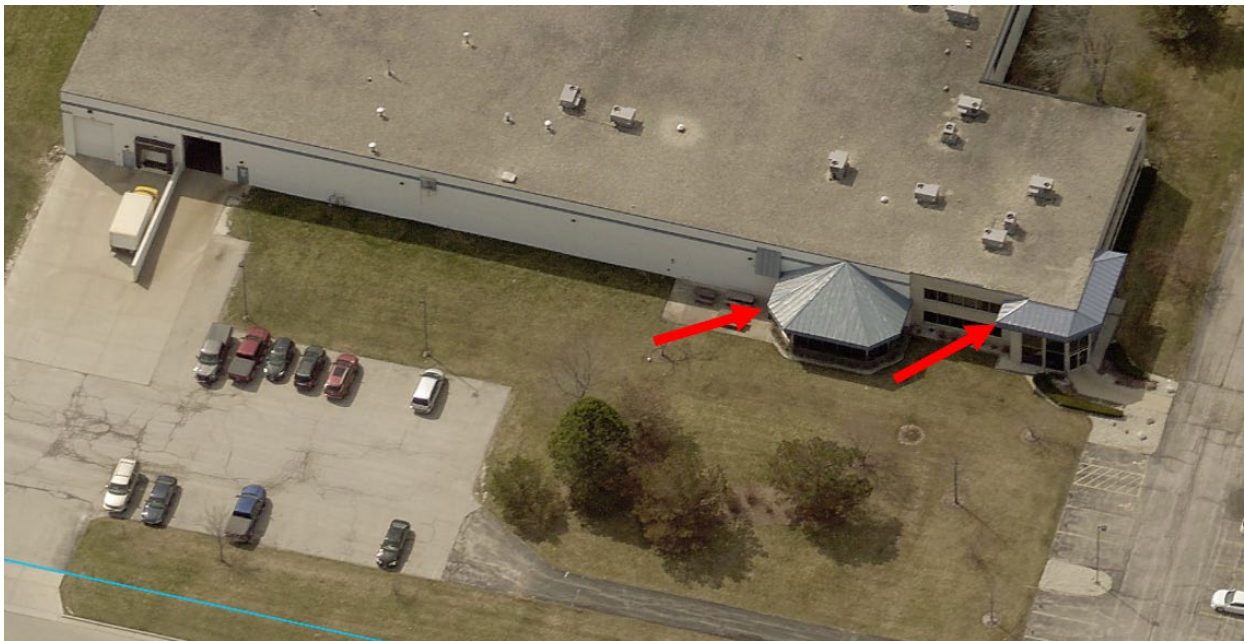
Pursuant to the Franklin Industrial Park PDD Ordinance 85-864 Section 12.10(12), “at least one street tree of an approved species and of at least six feet in height shall be planted for each 50 feet of frontage on proposed public streets and private drives”. The frontage of the subject site is approximately 2,000 feet (north, west and east property lines), therefore, 40 street trees are required. The applicant is proposing 11 new trees and to keep 29 existing trees for a total of 40 street trees which is compliance with this requirement.

Ordinance 85-864, Section 12.10(12) requires accessory landscape areas at least 5% of parking lots. The required accessory landscape area is 1,188 sq. ft. and the applicant is proposing 1,305 sq. ft, so this requirement is met.

Architecture

The proposed 28-foot high building addition complies with maximum permitted of 50 feet in the Franklin Industrial Park.

Section 12.10(11) “Architectural Control and Appearance” states: “That portion of any building facing a street, other than the street on which the building fronts, shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front”. In this case, the main entrance to the existing building is located in the northeast with architectural features on the east building elevation, such as awnings and a canopy. City Development staff suggests the installation of awnings and/or canopies to the proposed east elevation similar to those located in the existing building, for consideration of the Economic Development Commission. This suggestion was not part of the motion for the Site Plan.



Pictometry imagery looking west indicating existing architectural features.

The applicant stated that “there’s no architectural gain to add canopies so the [owner] has chosen not add any canopy to the addition”.

Natural Resource Protection

The Unified Development Ordinance (UDO) Section 15-4.0102 requires a 30-foot wetland buffer where land disturbance activities and grading are not allowed and a 50-foot wetland setback where structures and pavements are not allowed. Essential services as defined in the UDO, such as sanitary sewers are exempt from these requirements.

According to the submitted wetland delineation report, wetland W-1 was artificially created in the opinion of the delineator. The applicant submitted determinations from the Wisconsin Department of Natural Resources and U.S. Army Corps of Engineers stating that wetland W-1 is

exempt from state and federal wetland regulations. Therefore, the city's natural resource protection standards don't apply to such wetland. .

Outdoor Lighting

The applicant is proposing ten wall lights, four canopy lights and five pole lights. The highest illumination level at the property line is 0.3 foot-candles while the maximum is 4.0 for total cut-off luminaires in this zoning district, so the proposed lighting complies with city standards.

Signs

The applicant is not proposing any outdoor signs at this time.

Miscellaneous

The applicant is proposing trash dumpsters under the new canopy on the east side along with a row of Emerald Green Arborvitaes to provide screening from public view.

The applicant is proposing to relocate the gas storage area to the east side with a 10-foot high privacy fence for screening purposes.

The applicant stated that the mechanical equipment will be located towards the center of the building addition and wouldn't be visible from the street.

Recommendation:

At its February 16, regular meeting, the Economic Development Commission recommended approval of this Special Use amendment, subject to the conditions set forth in the attached resolution.

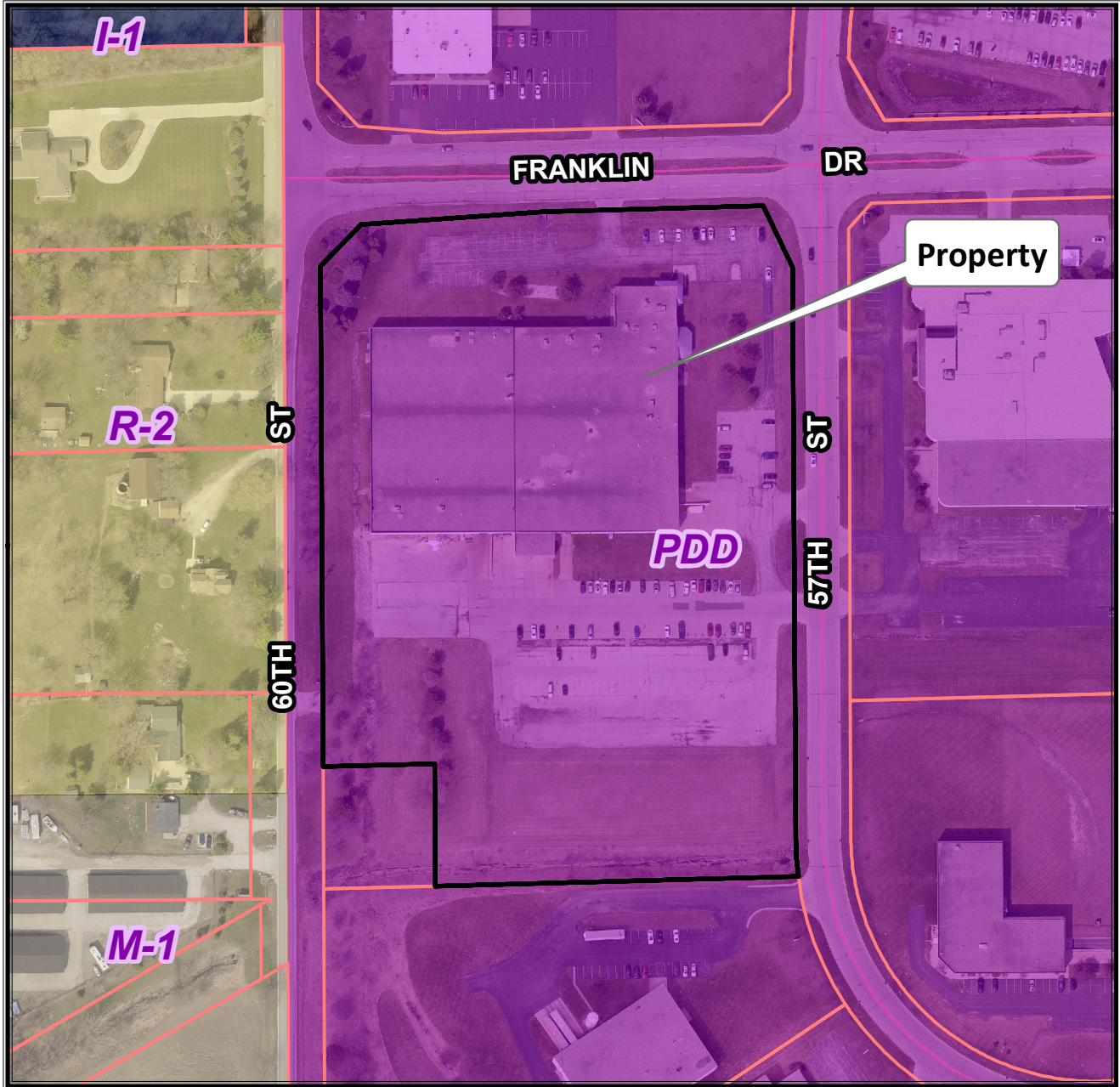
Special Use Amendment, curb and gutter: *Staff recommends denial based on the Unified Development Ordinance Section 15-5.0202E1 because curb and gutter is installed on adjacent streets (Franklin Drive and 57th Street).*

Special Use Amendment, outdoor storage: Staff recommends approval subject to the following condition:

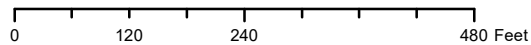
- Any of the proposed emerald green arborvitaes for back outdoor storage screening that do not survive must be replaced with plant materials of the same or like species of equal size within the next planting season, but in any event, within six months of the plant's demise. The property owner will be responsible of said replacement. (This condition is included in the attached resolution)

Site Plan amendment: No action required, the Economic Development Commission approved the Site Plan conditioned upon the Special Use amendment. If said Special Use amendment is denied, the applicant shall revise the Site Plan to depict curb and gutter on all drives and parking; and to remove the outdoor storage area.

5801 W. Franklin Drive
TKN: 931 9001 000



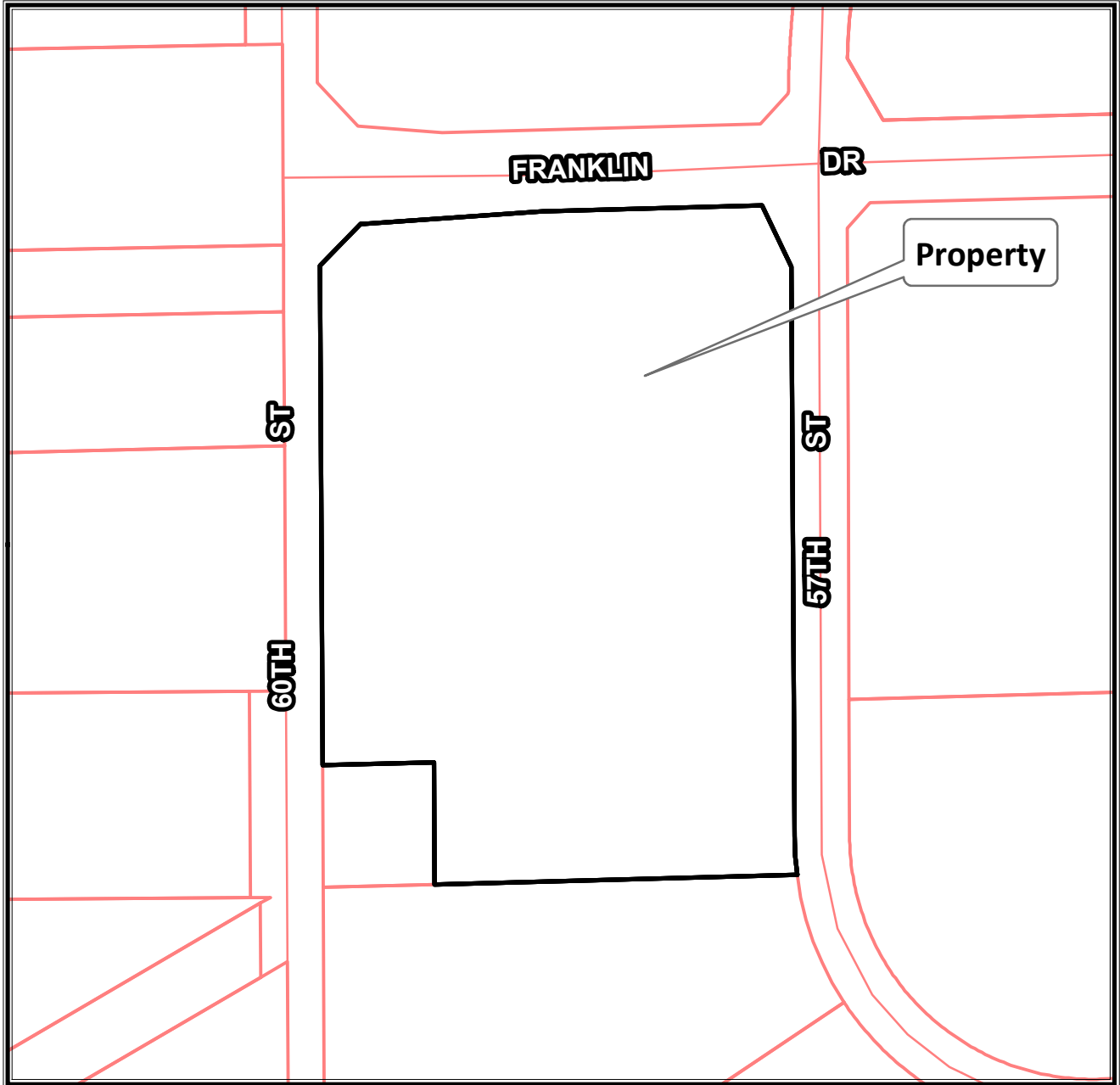
Planning Department
(414) 425-4024



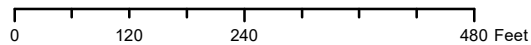
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



5801 W. Franklin Drive
TKN: 931 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.



RESOLUTION NO. 2024-_____

A RESOLUTION TO AMEND RESOLUTION NO. 2003-5502 IMPOSING
CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR
5801 WEST FRANKLIN DRIVE
(ALLIS ROLLER LLC, PROPERTY OWNER)

WHEREAS, Russell Dudan, President of Allis Roller, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution No. 2003-5502, to remove condition of approval No. 5 requiring the installation of curb and gutter on the parking lot and driveway, and to remove condition of approval No. 8 prohibiting outdoor storage, for property located at 5801 West Franklin Drive, bearing Tax Key No. 931 9001 000, more particularly described as follows:

Being a redivision of Lots 1 and 2 in Block 6 of Franklin Industrial Park located in the Northwest 1/4 of the Southwest 1/4, and Lot 3 in Block 6 of Franklin Industrial Park Addition No. 1 located in the Southwest 1/4 of the Southwest 1/4 of Section 26, Township 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin. Excepting therefrom that part conveyed to the City of Franklin by Quit Claim deed recorded as Document No. 6934853.

WHEREAS, such petition having been duly referred to the Economic Development Commission for recommendation on the 16th day of February, 2024, and the Economic Development Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions; 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 ____ day of _____, 2024, 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

ALLIS ROLLER, LLC – SPECIAL USE AMENDMENT
RESOLUTION NO. 2024-_____

Page 2

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use amendment, 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 Russell Dudan, President of Allis Roller, LLC, for the approval of a Special Use amendment to allow for parking and drives without curb and gutter, and to allow for outdoor storage 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 amendment is approved only for the use of the subject property by Russell Dudan, President of Allis Roller, LLC, successors and assigns, as a Tool & Die Machining and Warehousing business, which shall be developed in substantial compliance with, and operated and maintained by Russell Dudan, President of Allis Roller, LLC, pursuant to those plans dated February 7, 2024 and annexed hereto and incorporated herein as Exhibit A.
2. Russell Dudan, President of Allis Roller, 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 Russell Dudan, President of Allis Roller, LLC, Special Use amendment, 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 Russell Dudan, President of Allis Roller, LLC, and the Special Use amendment, for the property located at 12000 West Loomis Road: (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. This resolution is to amend Resolution 2003-5502, specifically to remove conditions of approval No. 5 “Any future expansion of the Special Use requires the installation of curb and gutter on the parking lot and driveway”, and No. 8 “Outside storage of materials and supplies shall be prohibited”, all other conditions of approval remain in effect. The proposed building expansion and exterior site improvements are subject to separate review and approval of a Site Plan amendment.
5. Any of the proposed emerald green arborvitaes for back outdoor storage screening that do not survive must be replaced with plant materials of the same or like species

ALLIS ROLLER, LLC – SPECIAL USE AMENDMENT
RESOLUTION NO. 2024-_____

Page 3

of equal size within the next planting season, but in any event, within six months of the plant's demise. The property owner will be responsible of said replacement.

BE IT FURTHER RESOLVED, that in the event Russell Dudan, President of Allis Roller, 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 an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of 2003-5502, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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 _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

ALLIS ROLLER, LLC – SPECIAL USE AMENDMENT
RESOLUTION NO. 2024-_____

Page 4

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

ECONOMIC DEVELOPMENT COMMISSION
OF THE CITY OF FRANKLIN, WISCONSIN

[Draft 2-8-24]

RESOLUTION NO. 2024-_____

A RESOLUTION APPROVING A SITE PLAN AMENDMENT
FOR ALLIS ROLLER LLC
5801 WEST FRANKLIN DRIVE
(ALLIS ROLLER LLC, PROPERTY OWNER)

WHEREAS, Russell Dudan, President of Allis Roller LLC, having petitioned the City of Franklin for approval of a site plan amendment, for Allis Roller LLC, in the City of Franklin Industrial Park, property located at 5801 West Franklin Drive, Franklin Industrial Park; and

WHEREAS, the Economic Development Commission having reviewed the proposed site plan amendment and found same to be in compliance with and in furtherance of the standards of Planned Development District No. 7.

NOW, THEREFORE, BE IT RESOLVED, by the Economic Development Commission of the City of Franklin, Wisconsin, that the site plan amendment City file-stamped February 7, 2024, attached hereto and incorporate herein as Exhibit A, be and the same is approved, subject to the following conditions:

1. That the Allis Roller LLC site plan amendment shall be constructed pursuant to such proposed plans 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 Economic Development Commission.
2. The conditions of approval for the Special Use permit granted by Resolution No. 2003-5502 remain in effect unless specifically amended by separate resolution.
3. This resolution is not approving parking lots without curb and gutter or outdoor storage, such improvements are conditioned upon approval of a separate Special Use Amendment.
4. The applicant must obtain a building permit from the Inspection Services Department prior to the construction of the proposed addition.
5. The applicant must obtain approval of utilities, grading and erosion control from the Engineering Department prior to any land disturbance activities.
6. If roof mounted mechanical equipment is visible from any public street, the owner will be responsible for providing appropriate screening.

Introduced at a regular meeting of the Economic Development Commission of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Economic Development Commission of the City of Franklin this _____ day of _____, 2024.

APPROVED:

Steve Bobowski, Chairman

ATTEST:

Timothy Watcher, Vice Chairman

AYES _____ NOES _____ ABSENT _____

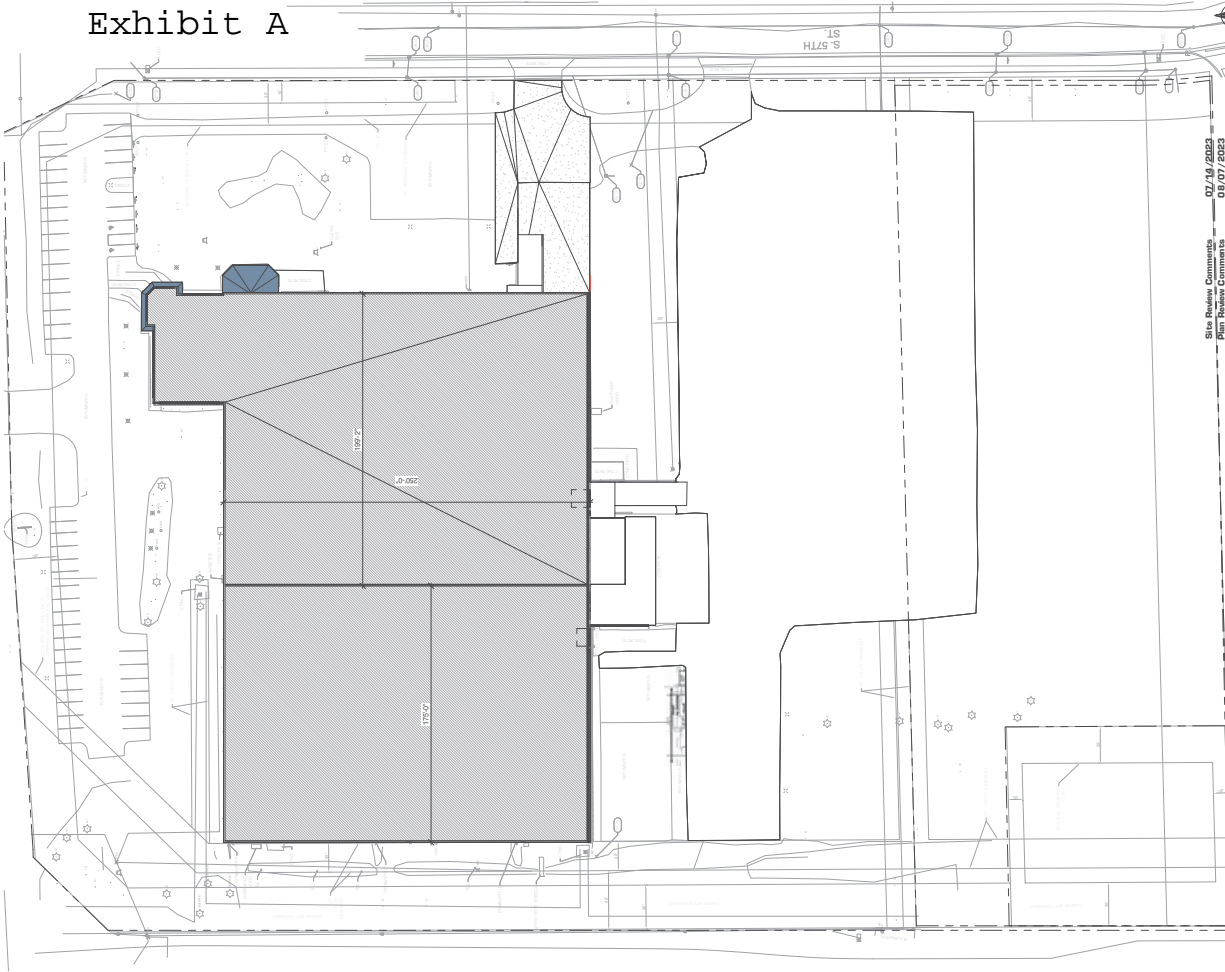
Exhibit A

PLAN NORTH
SCALE: 1" = 40'-0"

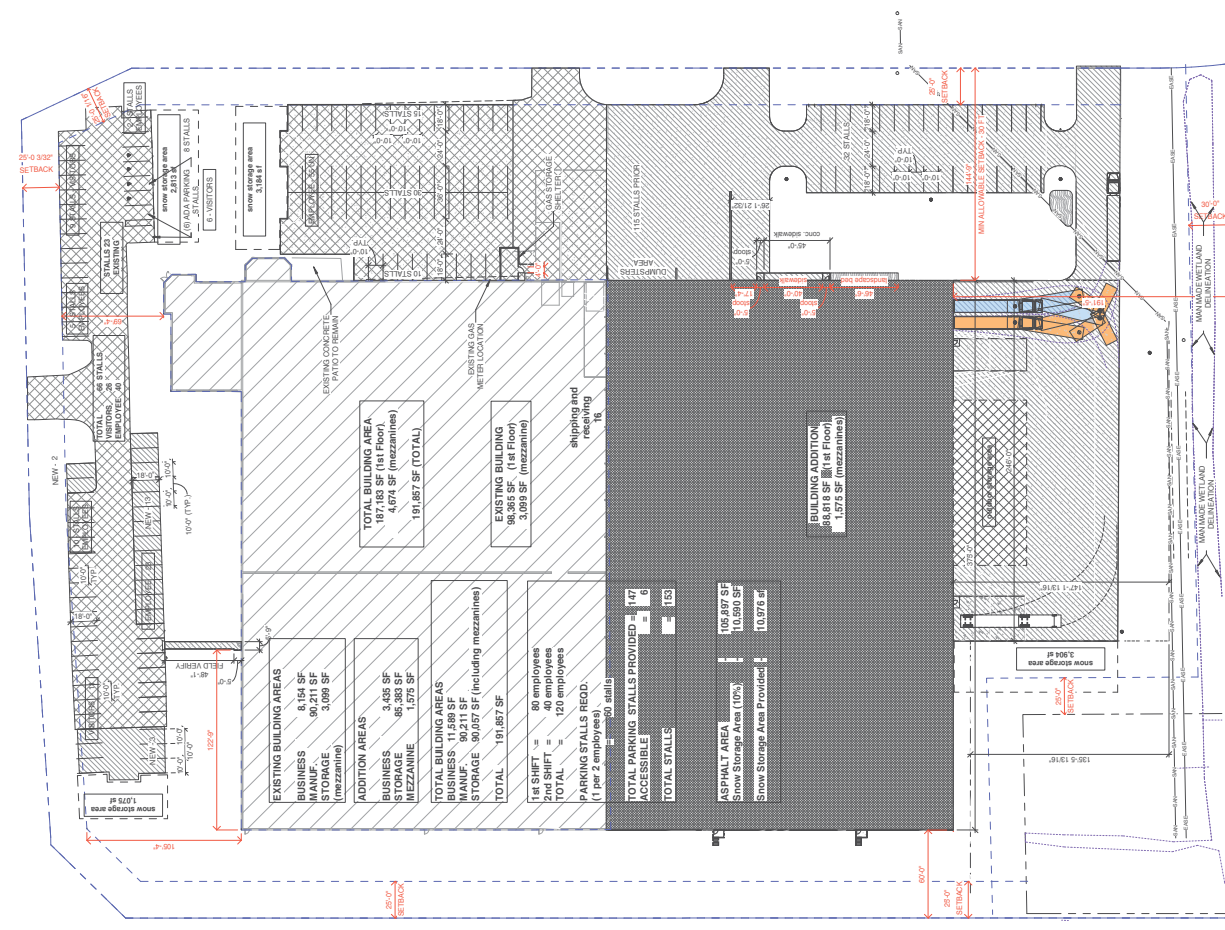
Site Review Comments: 07/19/2023
 Plan Review Comments: 08/07/2023
 State Review Comments: 08/11/2023
 Plan Review Comments: 08/29/2023

Architectural Site Plans
 Kumpayon.com ©2023 Kumpayon Architects L.L.C. All Rights Reserved
 Allen Roloff 1807 Franklin Drive, Franklin, WI 53132
 January 15, 2024

A101



1 Site Plan - Existing
1" = 40'-0"



TOTAL BUILDING AREA
 197,183 SF (1st Floor)
 4,674 SF (mezzanine)
191,857 SF (TOTAL)

EXISTING BUILDING AREA
 191,857 SF (mezzanine)

BUILDING ADDITION
 68,918 SF (1st Floor)
 4,575 SF (mezzanine)

EXISTING BUILDING AREAS
 BUSINESS 8,154 SF
 MANUF. 90,211 SF
 STORAGE 3,099 SF (mezzanine)

ADDITION AREAS
 BUSINESS 3,405 SF
 MANUF. 60,806 SF
 MEZZANINE 1,575 SF

TOTAL BUILDING AREAS
 BUSINESS 11,659 SF
 MANUF. 151,017 SF
 STORAGE 4,674 SF (including mezzanine)
TOTAL 191,857 SF

Tot SHIFT = 80 employees
2nd SHIFT = 40 employees
TOTAL = 120 employees

PARKING STALLS REQ'D
 (1 per 2 employees)
 60 stalls

TOTAL PARKING STALLS PROVIDED = 147
ACCESSIBLE = 6
TOTAL STALLS = 153

ASPHALT AREA = 105,897 SF
 Snow Storage Area (10%) = 10,590 SF
Snow Storage Area Provided = 10,975 sf

FLOOR AREA RATIO

(A) TOTAL PROPERTY AREA	474,432 SF
(B) NET PROPERTY AREA	291,102 SF
(C) TOTAL BUILDING AREA	191,857 SF
1st Floor	4,674 sf
Mezzanine	4,674 sf
RATIO (B)/(C)	0.49 - Max Allowable 1.5

2 Site Plan
1" = 40'-0"

LANDSCAPE SCHEDULE

TYPE	SYN	SCIENTIFIC NAME	COMMON NAME	SIZE	DISTANCE
Grass	SM	Acrocalymma	Common Grass	2' x 3'	10'-0"
Mulch	SM	Acrocalymma	Common Grass	2' x 3'	10'-0"

GRASS/SEED

-ALL DISTURBED AREAS SHALL BE RESEED.

1. GENERAL SEED SHALL BE: A. FESCUE B. BAHIA C. CRYSTAL BLUE D. ORANGE A RECENT CROP SEED E. INOCULATE AT TIME OF LAYING F. DELIVERED TO THE SITE IN SEALED CONTAINERS WITH DEALERS RECEIPT G. FERTILIZER H. SEASON CERTIFICATION OF FREIGHT.

2. PROPORTIONS BY WEIGHT:

- A. MAINTENANCE GRASS 20%
- B. FESCUE 20%
- C. CRYSTAL BLUE GRASS 20%
- D. BAHIA 20%
- E. FERTILIZER 20%
- F. SEED 20%

(ON APPROVED SOIL)

NEW ACCESSORY LANDSCAPE AREA CALCULATION

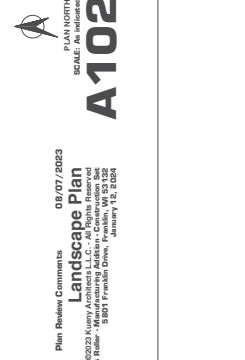
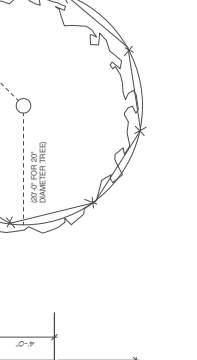
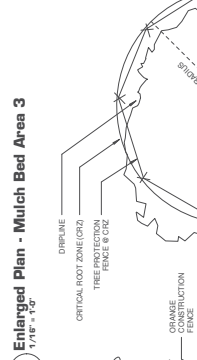
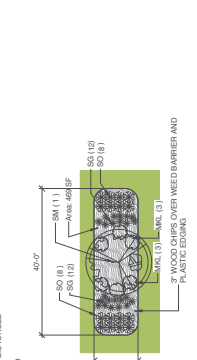
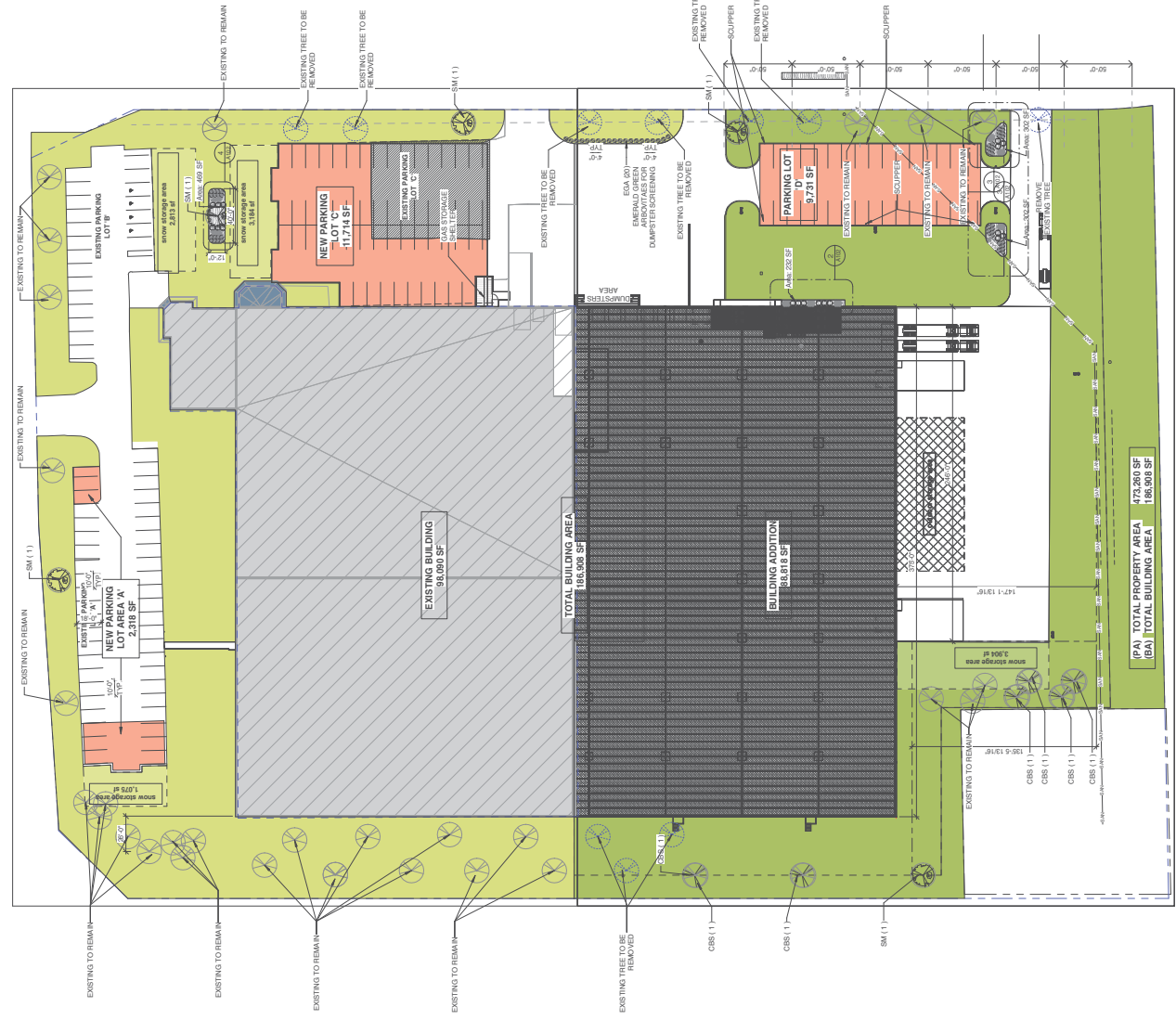
5% OF TOTAL PARKING LOT AREA (MORE THAN 10 CARS)	2,318 SF
PARKING LOT AREA 'A'	11,174 SF
PARKING LOT AREA 'C'	9,721 SF
PARKING LOT AREA 'D'	23,763 SF
TOTAL PARKING LOT AREAS	1,188 SF
ACCESSORY LANDSCAPE AREA PROVIDED	1,306 SF

FRONTAGE TREE CALCULATION

1 PER 50 LF OF FRONTAGE	198 RLF
TREES REQUIRED	40
TREES REMOVED	11
NEW TREES	40
TOTAL	40

LANDSCAPE SCHEDULE

TYPE	SYN	SCIENTIFIC NAME	COMMON NAME	SIZE	DISTANCE
Tall tree	AMB	Acer Rubrum	Red Maple	2" Cal	10'-0"
Tall tree	SM	Acer Fraxinifolius	Box Elder	2" Cal	10'-0"
Tall tree	CBE	Acer Spicatum	Spice Maple	2" Cal	10'-0"
Medium tree	EGA	Thuja Occidentalis	Emerald Green Arborvitae	1-1/2" Cal	10'-0"
ES Plant	DJF	Thuja occidentalis	Emerald Green Arborvitae	3"	24'-30" D.C.
Flower shrub	MAL	Syringa Palmaris	Princess Diana Lilac	3"	24'-30" D.C.
Perennial	BO	Hemerocallis	Black Day Lily	3"	18'-24" D.C.
Diminished Grass	BSG	Panicum Virgatum	Showercap Switch Grass	3"	18'-24" D.C.



1 Landscape Plan
1" = 40'-0"

2 Enlarged Plan - Mulch Bed Area 1
1/4" = 1'-0"

3 Enlarged Plan - Mulch Bed Area 2
1/4" = 1'-0"

4 Enlarged Plan - Mulch Bed Area 3
1/4" = 1'-0"

5 Tree Protection Detail
1/4" = 1'-0"

Plan Review Comments
08/07/2023

Landscaping Plan
Scale: 1/4" = 1'-0"

Plan NORTH
Scale: 1/4" = 1'-0"

A102

Plan Review Comments
08/07/2023
Kenny Architects L.L.C. - All Rights Reserved
1500 Franklin Drive, Franklin, WI 53122
Allan Ralston
January 15, 2004

City of Franklin

Department of City Development

Date: February 5, 2024

To: John P. Wallenkamp. Kueny Architects, LLC

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

RE: Allis Roller - Applications for Special Use and Site Plan amendments
5801 W. Franklin Drive

Below are staff comments regarding the Special Use application submitted on January 15, 2024 (deemed complete on February 2); and Site Plan Amendment application submitted on June 6, 2023:

Department of City Development comments

1. Curb and gutter. As noted previously in staff memorandum dated August 4, 2023, City Development staff anticipates recommending denial of removing this condition based on the Unified Development Ordinance Section 15-5.0202E1 because curb and gutter is installed on adjacent streets (Franklin Drive and 57th Street).

“Concrete Curb and Gutter Required for All Off-Street Parking Areas. 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” [emphasis added].

Note that the installation of curb and gutter applies to all parking areas, existing and proposed.

2. Outdoor storage screening. What is the height of the proposed storage racks? Staff suggests submitting a rendering as viewed from public streets to illustrate the proposed screening, specifically S. 57th and S. 60th streets.
3. Outdoor storage screening, plant replacement. City Development staff anticipates recommending the following condition of approval: “Any of the proposed emerald green arborvitaes for back outdoor storage screening that do not survive must be replaced with plant materials of the same or like species of equal size within the next planting season, but in any event, within six months of the plant’s demise. The property owner will be responsible of said replacement”.

4. Special Use standards. In response C.3, the applicant stated that the landscape plan was approved. Note that the site plan (includes the landscape plan) has not been approved yet, such site plan application will be scheduled concurrently with your Special Use amendment application.

Engineering Department comments

1. Provide WDNR NOI and any wetland delineation reports
2. Development agreement required for public improvements (sanitary relay)
3. Storm Water Facilities Maintenance Agreement required
4. Storm Water Management Access Easement required
5. Existing water main easement, sanitary easement, and utility easements need to be vacated
 - Need to vacate existing water main easement, please draft up vacation document
 - Need to vacate existing sanitary sewer easement and create new easement, please draft up vacation document
 - Need to vacate majority of drainage easement and create new one to cover existing storm sewer at the NE corner of the site, please draft up vacation document
 - New sanitary sewer easement required
 - New drainage easement required
6. Army Corp determination may be required for exemption of wetlands on south end of site, if not exempted coordination may be required for outfalls into the wetland boundary
7. Plat of survey is required. Find the attached.

For more information, call Assistant City Engineer Tyler Beinlich (414) 425-7510

Fire Department comments

8. The fire department has concerns on the storage of "...wooden pallets and crates in an area located directly behind our facility..." In the drawings, the storage area appears to directly join with the building. Stacks of wooden pallets pose a significant fire hazard when stored outside near a building. The applicant will need to provide additional information on the quantity and arrangement of wood pallet storage and what fire protection systems would be implemented if this storage area directly abuts to the building. Additional information can be found in NFPA 1 (2012 edition) adopted by Wisconsin SPS 314.01.
9. The fire department will also require fire hydrants to provide a reliable water supply to this side of the building.

For more information, call Fire Chief James Mayer 414-427-7580

Police Department comments

10. The PD has no comment regarding this request.

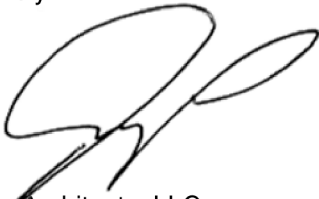
January 12, 2024

Re: Allis Roller Facility Special Use Amendment

We are submitting the following items for the Allis Roller Facility Special Use Amendment

- 1- Application form including Response to Special Use Standards and Regulations
- 2- (3) Copies - Project Narrative
- 3- (3) Copies of Civil Plans
 - C1 – Existing Conditions
 - C2 – Site Prep & Erosion Control
 - C3 – Dimension Plan
 - C4 – Grading/Paving Plan
 - C5 – Utility Plan
 - C6 – Construction Details
 - C7 – Construction Details
- 4- (3) Copies - 24x36 Sheet A101 Architectural Site Plan
- 5- (3) Copies - 24x36 Sheet A102 Landscape Plan.

Sincerely,



Kueny Architects, LLC
Jon P. Wallenkamp
Principal

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



APPLICATION DATE: _____
 STAMP DATE: _____ city use only

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Russell Dudan	NAME: Jon Wallenkamp .
COMPANY: Allis Roller, LLC	COMPANY: Kueny Architects LLC
MAILING ADDRESS: 5801 W. Franklin Dr.	MAILING ADDRESS: 10505 Corporate Drive, Suite 100
CITY/STATE: Franklin, WI ZIP: 53132	CITY/STATE: Pleasant Prairie, WI ZIP: 53158
PHONE: 414-423-9000 x123	PHONE: 262-857-8101
EMAIL ADDRESS: russ.dudan@allis-roller.com	EMAIL ADDRESS: jonw@kuenyarch.com

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 5801 W. Franklin Dr.	TAX KEY NUMBER: 931 9001 000
PROPERTY OWNER: Allis Roller, LLC	PHONE: 262-365-3294
MAILING ADDRESS:	EMAIL ADDRESS: russell.dudan@allis-roller.com
CITY/STATE: ZIP:	DATE OF COMPLETION: office use only

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council 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 and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE:	APPLICANT SIGNATURE:
NAME & TITLE: Russell Dudan President, Allis Roller, LLC DATE:	NAME & TITLE: Jon Wallenkamp / Partner DATE: 01/12/2024
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:

SPECIAL USE / SPECIAL USE 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]
 - \$1,500: New Special Use > 4000 square feet.
 - \$1,000: Special Use Amendment.
 - \$750: New Special Use < 4000 square feet.
- Word Document legal description of the subject property.
- One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at www.franklinwi.gov.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO 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.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
 - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT 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.
- Three (3) project narratives, including description of the proposed text amendment.
 - Requires a Class II Public Hearing notice at Plan Commission.
 - The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

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:** This is an expansion to an existing facility.
 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:** Expansion to an existing business with no changes in use.
 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 proposed changes will not affect the neighboring properties.
 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** Already connected to existing services
 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** The project is located in an existing industrial areas and won't affect existing residential areas.
 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** N/A
 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 Addition project was approved according to existing regulations. Requesting amendment to some site changes

B. **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** The use will not change with the proposed addition.

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** Not applicable

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** Not applicable

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** The landscape plan was approved and is attached with this submittal.

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 use will continue to be the same of the existing facility and surrounding properties.



A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR APPROVAL
OF A SPECIAL USE FOR 5801 WEST FRANKLIN DRIVE,
Qualified Products & Northern Gear (NORTEK)

Scanned

WHEREAS, Qualified Products & Northern Gear (NORTEK Holding Company) has petitioned the Common Council of the City of Franklin for a Special Use requesting the location of a Tool & Die Machining and Warehousing business located in Planned Development District No. 7 at 5801 West Franklin Drive.

WHEREAS, the petitioner requested Special Use approval on the following legally described property in the Southwest 1/4 of Section 26, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Tax Key No. 931-0006-001

Lots 1 and 2 Block 6 Franklin Industrial Park, being a Re-division of Certified Survey Map No. 3226 and a Subdivision of lands in part of the Southwest 1/4 of the Northwest 1/4, the Northwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 26, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin excluding Lot 3 Block 6 Franklin Industrial Park Addition No. 1.

WHEREAS, said petition has been duly referred to the Plan Commission of the City of Franklin for a public hearing thereof pursuant to the requirements of Chapter 62.23 of the Wisconsin Statutes, and more particularly for the use of the above-described land for the location of the proposed Tool & Die Machining and warehouse facility.

WHEREAS, the conditions and restrictions, as recommended by the City Plan Commission, are as follows:

1. This Special Use Permit shall be issued for the use of the subject property:
To allow operation of a Tool & Die Machining and warehouse business.
This Special Use Permit shall not be transferable for other uses on the subject property.
2. The applicant shall not disturb or remove the tree line and brush along South 60th Street.
3. The applicant shall clean the drainage residue from the fans and grills regularly and provide the City with documentation of the cleaning schedule.
4. The applicant shall lubricate the fan(s) as needed to reduce the noise of operating the fan.
5. Any future expansion of the Special Use requires the installation of curb and gutter on the parking lot and driveway.
6. The applicant shall comply with all requirements of the City of Franklin Unified Development Ordinance (as amended), City Design Standards and Construction Specifications, Building Code and Fire Safety Code, including addressing of building, and all other applicable governmental laws, statutes, rules, regulations, codes and ordinances.
7. The erection, construction, alteration and location of signs, other advertising structures, marquees and awnings shall be in accordance with the provisions of the City of Franklin Sign Ordinance and shall be submitted and approved by the Economic Development Commission.

8. Outside storage of materials and supplies shall be prohibited.
9. Trucks, construction vehicles, and/or abandoned vehicles shall not be parked on the property, except business related trucks parked in designated areas, not to exceed a total count of 2 vehicles.
10. There shall be no use of external speakers without amendment of this Special Use.
11. All additions or alterations to the Building and/or Site Plan shall be approved by the Economic Development Commission prior to Building Permit issuance.
12. When conflicts occur in terms and conditions of this Special Use, with other City Codes and regulations, the more restrictive shall apply.
13. This special use shall be established within one (1) year after the date of granting thereof, by way of the issuance of occupancy permits, or without further action by the Plan Commission or the Common Council, the special use authorization shall be null and void.

NOW , THEREFORE, BE IT RESOLVED that the conditions and restrictions as recommended by the Plan Commission hereinabove set forth by and the same are hereby adopted and approved as the conditions and restrictions for the said use.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in the event the owner does not comply with the conditions and restrictions of this Special Use Permit following a ten (10) day notice and failure to comply, the Common Council upon notice and hearing may revoke the Special Use Permit granted to the owner.


BE IT FURTHER RESOLVED that the violations of the terms and conditions of this Resolution shall be considered to be a violation of the Unified Development Ordinance and the penalty for such violations shall bear a maximum forfeiture of \$2,500.00, or as amended for each violation upon conviction and a maximum sentence of ninety (90) days imprisonment if such forfeiture is not paid. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any violation is not a waiver of that or any other violation of this permit.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record a certified copy of this resolution with the Register of Deeds for Milwaukee County, Wisconsin.

INTRODUCED at a special meeting of the Common Council this 13th day of March, 2003, by Alderman Solomon.

PASSED AND ADOPTED by the Common Council of the City of Franklin this 13th day of March, 2003.

APPROVED:


Frederick F. Klimetz, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0



Allis Roller, LLC
5801 W Franklin Dr.
Franklin, WI 53132

Phone: 414.423.9000 X123

Fax: 414.423.9216

russ.dudan@allis-roller.com

1/12/2024

Re: Allis Roller is requesting a Special Use Amendment to Resolution 2003-5502 for the property at 5801 West Franklin Drive, Franklin, WI

The prior Conditions and Restrictions resolution was signed with the City of Franklin by Qualified Products and Northern Gear. Allis Roller has since purchased this property. Allis Roller manufactures parts for industrial OEMs, primarily agricultural, including John Deere, CNH, Vilter (Copeland), Dana Corp, Putzmeister, and many others. We are seeking to expand our facilities in Franklin due to business growth. The planned \$9.5M expansion will create more opportunities, more jobs, and a higher property value. However, we would like to obtain a few amendments to the current resolution to improve the return on investment and increase the flexibility of our investment in the property.

Article 1:

Allis Roller is a metal manufacturing business, not a Tool and Die Machining business as was the prior owner.

Article 5:

We are requesting the requirement of installation of curb and gutter (C&G) in our parking lots be removed. We do understand the streets and avenues in the park have C&G, however, the majority of the buildings in the park around us, including our current parking areas, do not have C&G. One concern we have is the grade on the north side of the building is designed to have stormwater flow entirely across the pavement and into the grass areas and swales, adding curb to the north lot will stop the flow of water and create ponding in the warm months and ice build-up in the winter. Our current storm water run-off plans for the expansion include ponds and collection areas to capture the run-off.

The installation of C&G is approximately a \$150k adder to our project, which does not add to the value, safety, or productivity of the property. We would prefer to use the funds for the construction of the building itself.

Article 8:

We are requesting approval to store metal shipping racks from our customers and wood pallets and crates in an area located directly behind our facility as noted in the drawing plans. The shipping racks are made of metal, are painted, are stackable, and all materials would be kept orderly and close to



the building. We are not asking to store any other materials or equipment outside of the building. The metal shipping racks use a lot of floor space, and we prefer to use the floor space for production. When we build the new building, we will have ample floor space to store the racks inside, however, as we fill the building with new equipment and production lines (and jobs) we would like the option to store the racks outside if necessary.

Thank you for your consideration of our amendments. We have enjoyed a 20-year history of having our business in Franklin and look forward to many more.

Regards,

A handwritten signature in black ink that reads 'Russell A. Dudan' with a long horizontal flourish extending to the right.

Russell A. Dudan
President
Allis Roller, LLC

KUENY ARCHITECTS, L.L.C.

February 20, 2024

Re: Allis Roller Facility Special Use Amendment – Response to review comments.

Attn: Régulo-Martínez-Montilva, Principal Planner

Mr. Martinez

Per your request, the following are the response to the comments of items 2, 8 and 9 issued on your letter dated February 5, 2024.

Department of City Development comments

2. Outdoor storage screening. What is the height of the proposed storage racks? Staff suggests submitting a rendering as viewed from public streets to illustrate the proposed screening, specifically S. 57th and S. 60th streets.

R. The height of the racks are going to be 14-15 ft max. The south loading dock area will have on the west side and on the east side of this area a lines of Emerald Green Arbovitae that will act as a screening for this area covering the view from both 57th and 60th street. See attached new sheet A103 Exterior Storage Views with the proposed views to the South-East and South West corners of the addition.

Fire Department comments

8. *The fire department has concerns on the storage of "...wooden pallets and crates in an area located directly behind our facility..." In the drawings, the storage area appears to directly join with the building.* Stacks of wooden pallets pose a significant fire hazard when stored outside near a building. The applicant will need to provide additional information on the quantity and arrangement of wood pallet storage and what fire protection systems would be implemented if this storage area directly abuts to the building. Additional information can be found in NFPA 1 (2012 edition) adopted by Wisconsin SPS 314.01.

R. Due to fire hazard concerns of storing wood pallets outside, all the wood pallets will be stored inside the addition area where sprinkler system protects the complete facility. Only non-combustible crates will be stored in this area.

9. The fire department will also require fire hydrants to provide a reliable water supply to this side of the building.

R. A new fire hydrant will be installed centered on the south side of the south loading parking area to comply with the Fire Department requirements. See revised civil sheet C5 Utility Plan and attached sheet A103 Exterior Storage Views showing the new hydrant location.

See attached sheet A101 Architectural Site Plan showing the approved parking areas with curb & gutter.

Sincerely,


Kueny Architects, LLC
Jon P. Wallenkamp
Principal



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of March 21, 2024
Certified Survey Map

Item D.2.

RECOMMENDATION: City Development Staff recommends approval of this Certified Survey Map to create four residential lots, subject to the conditions set forth in this report and the attached resolution.

Project name:	Boomtown, LLC – Four lot Certified Survey Map
Property Owner:	Boomtown, LLC
Applicant:	S.R. Mills. Boomtown, LLC
Property Address/TKN:	11607 W Ryan Road / 891 9989 005
Aldermanic District:	District 6
Zoning District:	R-3 Suburban/Estate Single-Family Residence District
Staff Planner:	Régulo Martínez-Montilva, AICP, CNUa, Principal Planner

Please note:

- Recommendations are *underlined, in italics* and are included in the draft resolution.
- Suggestions are only underlined and are not included in the draft resolution.

Project Description/Analysis

The applicant is seeking approval of a Certified Survey Map (CSM) for the creation of four residential lots on W. Ryan Road. The total site is 4.8 acres.

The subject site is zoned R-3 and the proposed single-family residential use is an allowed use in this zoning district. All four lots will be served by public sanitary sewer and public water supply as required by Unified Development Ordinance (UDO) Section 15-3.0203A.3.

The site abuts the same R-3 zoning district to the north and west, a lot with a pond zoned R-8 to the southwest, a vacant lot zoned R-8 to the east and Loomis Road to the south.

According to the Site Intensity and Capacity Calculations, the maximum yield of this site is 4.4 dwelling units, therefore, the proposed CSM is in compliance with UDO Division 15-3.0500 *Site Intensity and Capacity Calculations*.

In order to approve the CSM, the Plan Commission and Common Council must find that the proposed land division meets the requirements for a CSM as provided in the Unified Development Ordinance, including all standards for development as provided in the following sections of the UDO:

- Division 15-7.0700 Certified Survey Map
- Division 15-5.0100 Design Standards for Land Divisions
- Division 15-8.0100 Required Improvements for Land Divisions
- Division 15-8.0200 Construction



View of the subject site

Photograph by City Development staff

Staff's review comments regarding this CSM are attached to this packet, including responses from the applicant. The applicant has addressed most of them, except:

- **Landscape Plan** (comment #8). A landscape plan as described in UDO Division 15-7.0300 is required for landscape bufferyard easement areas.

Applicant's request: "The applicant respectfully requests the City of Franklin defer the requirement for a Landscape Plan for this land division. The vast majority of the area required for a Landscape Plan lies with the Landscape Bufferyard Easement or is proposed to be protected with a Conservation Easement. The applicant has no intention of disturbing the existing vegetation in this area."

Staff recommends to add the following condition to the CSM resolution: The applicant must submit a landscape plan as described in UDO Division 15-7.0300 for Department of City Development review and approval, prior to recording of this Certified Survey Map.

- **On-street pedestrian facilities** (comment #11). Based on the Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities. City Development staff recommends the installation of a pedestrian path per City of Franklin specifications on the south side of Ryan Road along the entire frontage of the site.

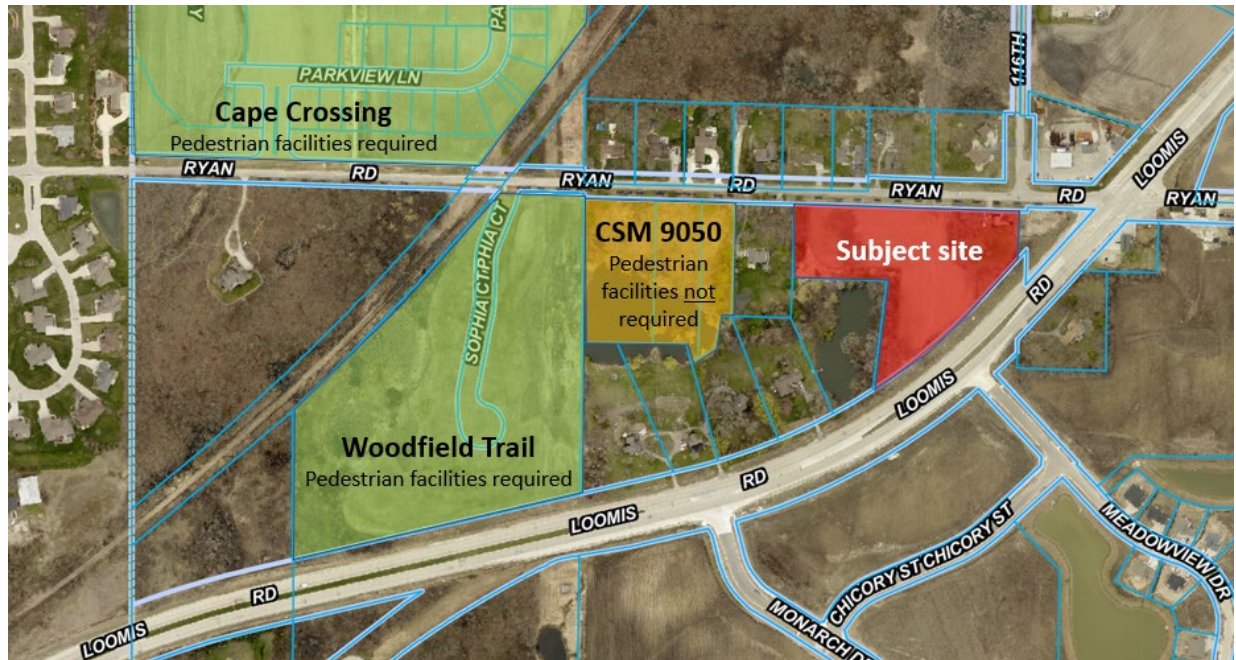
Applicant's request: "The Applicant requests clarification on the Pedestrian Facilities comment. The Comprehensive Plan Map referenced in Staff Comments clearly shows a "on-street" pedestrian facility. There are no existing pedestrian facilities in this area. We are opposed to the Staff recommendation requiring the installation of pedestrian facilities that do not have any

connection point. Further, the applicant completed a Certified Survey Map 175' west of the subject property. That particular CSM did not require a pedestrian facility". March 1, 2024.

Engineering Department comment: "Specification requirements for the pedestrian path are: 10-ft asphalt path, 3-inches of asphalt over 6-inches of 1 ¼-inch base aggregate. Curb and gutter would only be required if there are width/design constraints, but without seeing a design a definitive answer cannot be given at this time. A development agreement and potentially a pedestrian path easement would be required". March 13, 2024.

Department of City Development comment: Staff acknowledges that pedestrian facilities were not required as a condition of approval for CSM No. 9050. On the other hand, such pedestrian facilities were required for the Woodfield Trail development (Res. No. 2023-8072) and the Cape Crossing subdivision (Res. No. 2022-7839).

Staff recommends to add the following condition to the CSM resolution: Pursuant to the Unified Development Ordinance (UDO) Section 15-9.0309F, the applicant must submit a Subdivider's Agreement for the required improvements, including but not limited to pedestrian facilities along Ryan Road, for Engineering Department review and approval prior to recording of this Certified Survey Map. A pedestrian path easement may be required by the Engineering Department.



Requirement of pedestrian facilities along Ryan Road as condition of approval for adjacent developments.

Prepared by City Development staff.

Natural resource protection

The applicant received an exemption determination from the Wisconsin Department of Natural Resources, and jurisdictional determination from the U.S. Army Corps of Engineers stating that wetland W-1 is not subject to state and federal wetland regulations, therefore, the local protection standards of the UDO don't apply to wetland W-1 (0.09 ac).

The applicant is proposing to impact 30% (13,373 sq. ft.) of the existing mature woodlands area. This proposal is in compliance with UDO Table 15-4.0100 *Natural Resource Protection Standards* which

requires a protection standard of 70% for mature woodlands. The protected areas are within the conservation easement boundary as depicted in CSM sheet 4.

Staff Recommendation

City Development Staff recommends approval of this Certified Survey Map to create four residential lots, subject to the conditions set forth in this report and the attached resolution.

Note: the recommended conditions of approval in this staff report regarding the landscape plan requirement and on-street pedestrian facilities are not included in the attached resolution.

Pursuant to Wisconsin Statutes 236.34(1m)(f), the approval authority shall take action within 90 days of submittal unless the time is extended by agreement with the subdivider. This application was submitted on January 4, 2024; therefore, the Common Council shall take action before April 3.

RESOLUTION NO. 2024-_____

A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A PART OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 3104 AND THAT PART OF VACATED SOUTH 116TH STREET IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (S.R. MILLS, BOOMTOWN, LLC, PROPERTY OWNER)
(11607 W RYAN ROAD)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a redivision of

A part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by S.R. Mills, Boomtown, 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, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. S.R. Mills, Boomtown, LLC, successors and assigns, and any developer of the S.R. Mills, Boomtown, LLC four (4) lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon S.R. Mills, Boomtown, LLC and the 4 lot certified survey map project for the property located at 11607 West Ryan Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant must submit a conservation easement for Common Council review and approval, prior to the recording of the Certified Survey Map.
7. The applicant must submit a landscape bufferyard easement for Common Council review and approval, prior to the recording of the Certified Survey Map.
8. The applicant must resolve any technical corrections required by the Engineering or Planning Department, or the City Attorney’s Office prior to the recording of the Certified Survey Map.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

S.R. MILLS, BOOMTOWN, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2024-_____

Page 3

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

MEMORANDUM

Franklin

MAR 05 2024

City Development

Date: January 26, 2024/March 1, 2024
To: Daniel Szczap. Bear Development, LLC
From: Department of City Development
Régulo Martínez-Montilva, AICP, CNUa, Principal Planner
RE: Application for Certified Survey Map (CSM) – Boomtown, LLC
11607 W. Ryan Road

Staff comments are as follows for the above-referenced application received on January 4, 2024.

City Development Department comments

1. **Site Intensity and Capacity Calculations.** Please prepare the Site Intensity and Capacity Calculations for the total gross site (4.81 acres) and not for each lot. For example, the resulting yield is less than one dwelling unit for lots 1, 2 and 3. If the resulting yield of the total site is less than 4 dwelling units, you would need to reduce the quantity of proposed lots accordingly. Additionally, please add total area of each natural resource to the NRPP table.

The Revised Site Intensity and Capacity Calculations, calculated for the gross site area, were provided to City Staff of February 21, 2024. The revised calculations demonstrate the site can accommodate four (four) dwelling units.

2. **Natural Resource Protection Plan (NRPP).** Please add the following information to the NRPP:
 - Address and/or tax key number of the parent lot (Unified Development Ordinance UDO §15-7.0201B).
 - Telephone number of subdivider (UDO §15-7.0201C).
 - The submitted NRPP depicts the location and extent of natural resources but doesn't indicate the areas to be disturbed and areas to be preserved: *Graphic and numerical illustration shown on the "Natural Resource Protection Plan" of those existing natural resource features that will be disturbed and those that will be preserved. The illustration the area (in square feet or acres) of each existing resource and those areas of resources that are to be preserved. Numerical data may be shown in tabular form with labeled reference to specific areas designated on the "Natural Resource Protection Plan."* (UDO §15-7.0201J). See example of table below:

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND				
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)	Acres of Land in Resource Feature	Acres of Land Required to be Protected	Acres of Land Impacted
	Residential District			
Steep Slopes:				
10-19%	0.60	0.00	0.00	0.00
20-30%	0.75	0.00	0.00	0.00
30% +	0.85	0.00	0.00	0.00
Woodlands & Forests:				
Mature	0.70	0.00	0.00	0.00
Young	0.50	1.38	0.69	1.25
Lakes & Ponds	1	0.00	0.00	0.00
Streams	1	0.00	0.00	0.00
Shore Buffer	1	0.00	0.00	0.00
Floodplains	1	0.00	0.00	0.00
Wetland & Shoreland Wetlands	1	0.10	0.10	0.00
Wetland Buffers (30')	1	0.10	0.10	0.00
Wetland Setback (50')	1	0.09	0.09	0.00
TOTAL RESOURCE PROTECTION LAND			0.98	

The Natural Resource Protection Plan has been revised to address City Staff review comments. The revised NRPP was submitted on February 21, 2024.

- Shore buffer.** The NRPP table states that the shore buffer is “based off wetland delineation”. Please note that shore buffers must be delineated from the ordinary high water mark (OHWM), not a delineated wetland, please clarify. For reference, see wetland delineation report, figure 7.

The existing pond elevation was surveyed by Pinnacle Engineering.

- Wetland and wetland buffer.** Wetlands and wetland buffers must be listed in the NRPP table even when these resources are not required to be protected in this case due to the determinations received from Wisconsin DNR and US Army Corps of Engineers.

The NRPP table has been revised to include wetlands and wetland buffers.

- Natural resources required to be protected.** Natural resources that are required to be protected per UDO Table 15-4.0100 must be depicted in the CSM (UDO §15-9.0309E). The CSM only depicts the pond and shore buffer (sheet 3 of 5) but doesn’t depict the mature woodlands and steep slopes (10-19%) areas required to be protected. Pursuant to the referenced table, the protection standard in residential zoning for mature woodlands is 70% and for steep slopes (10-19%) is 60%.

A revised NRPP has been provided which depicts the protection and impact calculations for all protected natural resources.

- Conservation easement.** The location of conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements should be directly related to the "Natural Resource Protection Plan." All protected natural resources on the proposed lots must be made part of a Conservation Easement. This boundary must be shown on the CSM. Attached is the city’s conservation easement template.

The Conservation Easement limits are shown on page 4 of 6 of the revised Certified Survey Map. The Conservation Easement will be executed and recorded with the Certified Survey Map.

7. **Landscape bufferyard easement.** Pursuant to UDO § 15-5.0102, a landscape bufferyard easement with a minimum width of 30 feet is required along Loomis Road (STH 36), excluding any areas required for utility easements or conservation. Landscape easements must be graphically indicated and clearly delineated on the face of the Certified Survey Map and recorded with a separate easement document. Attached is the city's landscape bufferyard easement template.

The Landscape Bufferyard Easement is shown on page 2 of 6 of the revised Certified Survey Map. The applicant will execute and record a Landscape Bufferyard Easement with the Certified Survey Map.

8. **Landscape Plan.** A landscape plan as described in UDO Division 15-7.0300 is required for the landscape bufferyard easement areas noted above. Landscape Plan standards attached.

The applicant respectfully requests the City of Franklin defer the requirement for a Landscape Plan for this land division. The vast majority of the area required for a Landscape Plan lies with the Landscape Bufferyard Easement or is proposed to be protected with a Conservation Easement. The applicant has no intention of disturbing the existing vegetation in this area.

9. **Public water and sewer.** All new lots in the R-3 zoning district must be served by public sanitary sewer and water supply facilities pursuant to UDO §15-3.0203. Please add a note to the CSM to confirm that all four lots will be served by public sanitary sewer and water supply facilities, if that's the case.

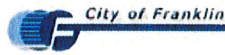
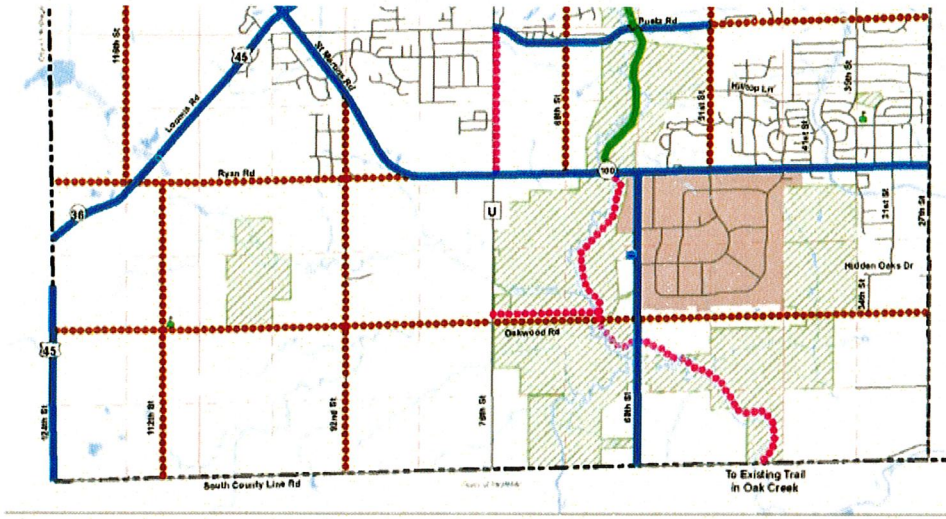
The Certified Survey Map has been revised to include the notes regarding public utilities.

10. **CSM sheet 5,** please add middle name initial to Mayor's name to read John R. Nelson. Please update City Clerk name to Shirley Roberts.

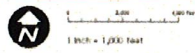
The Certified Survey Map has been revised to address these corrections.

11. **On-street pedestrian facilities.** Based on the Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities (next page). City Development staff recommends the installation of a pedestrian path per City of Franklin specifications on the south side of Ryan Road along the entire frontage of the site.

The Applicant requests clarification on the Pedestrian Facilities comment. The Comprehensive Plan Map referenced in Staff Comments clearly shows a "on-street" pedestrian facility. There are no existing pedestrian facilities in this area. We are opposed to the Staff recommendation requiring the installation of pedestrian facilities that do not have any connection point. Further, the applicant completed a Certified Survey Map 175' west of the subject property. That particular CSM did not require a pedestrian facility.

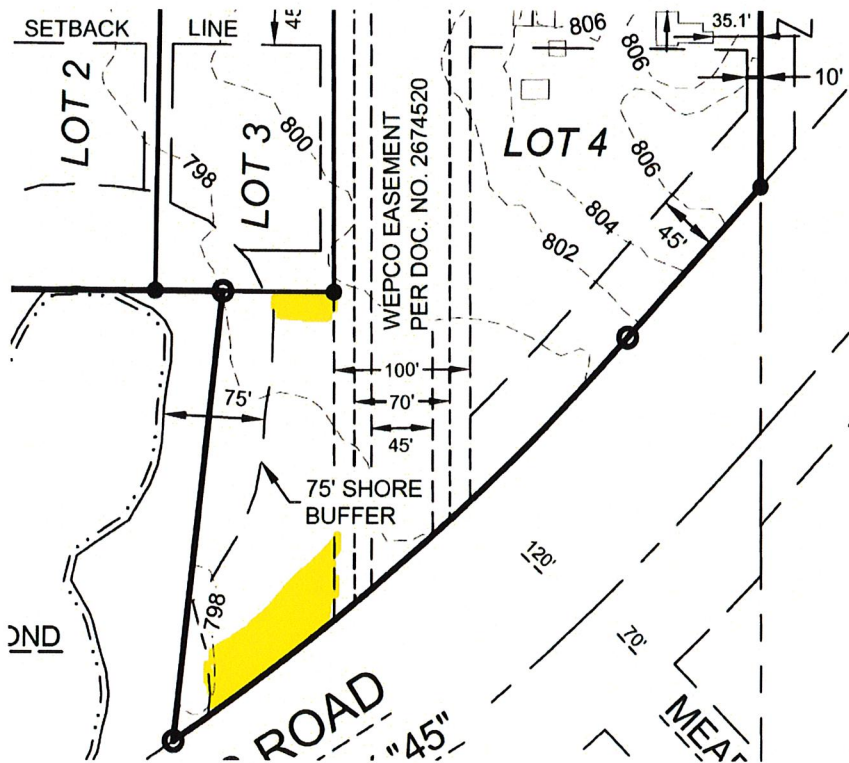


Bicycle and Pedestrian Circulation Facilities



- Existing Bicycle/Pedestrian Facility
 - ON-STREET
 - OFF-STREET
- Future Bicycle/Pedestrian Facility
 - ON-STREET
 - OFF-STREET

12. **Setbacks.** Pursuant to UDO §15-7.0702B, add setback lines to the south portion of Lot 4, specifically the 10-foot side setback (north) and 45-foot setback from Loomis Road, see below:



The revised CSM addresses the Setback Comment

See attached letter from Milwaukee County Register of Deeds.

Engineering Department comments

1. *Must resolve technical omissions and deficiencies identified by the City of Franklin and Milwaukee County.*
2. *On page 2 of 5;*
 - *Show the coordinates (N-E) of the northwest corner section monument.*
 - *Must insert the note "-Lot 1,2,3&4 is served by public water and sewer.*
3. *On page 2 of 6, extend the 45-ft setback along West Loomis.*
4. *On page 5 of 5;*
 - *Re-arrange the last two paragraphs. The City Of Franklin Common Council Approval should be next after the Owner's Certificate.*
 - *Under the Owner's Certificate, insert the Unified Development Ordinance Division-15 of the City of Franklin.*
 - *Change the name Karen Kastenson to Shirley Roberts, City Clerk.*

Call Ronnie Asuncion, Eng Lead Tech at (414) 425 7510 if you have further questions about engineering comments.

Engineering comments have been addressed on the revised Certified Survey Map.

Inspection Services Department comments

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

Fire Department comments

1. *This development is in an area of the city not well served by existing Fire/EMS station locations and current fire department staffing levels. The cumulative effect of this and several other residential developments will pose a challenge to maintaining industry standard emergency response times to fire and medical emergencies.*



December 27, 2023

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

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Certified Survey Map review and approval. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

Project Summary

Boomtown, LLC is the owner of record of approximately 4.75 acres of land in the City of Franklin. The property is located on the south side of W. Ryan Road, immediately west of the intersection of STH 36 (Loomis Road) and W. Ryan Road. The property in question is identified as Tax Key Number 891 9989 005.

We respectfully request approval of a Certified Survey Map to create four (3) individual lots as shown on the enclosed maps, with the intention of developing the lots as individual home sites. The proposed lots meet the minimum bulk requirements of the underlying R-3 Single-Family Residential District.

In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question. A copy has been included in this submittal.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 949-3788 or by email, dan@beardevelopment.com

Thank you for your time and consideration.

Sincerely,

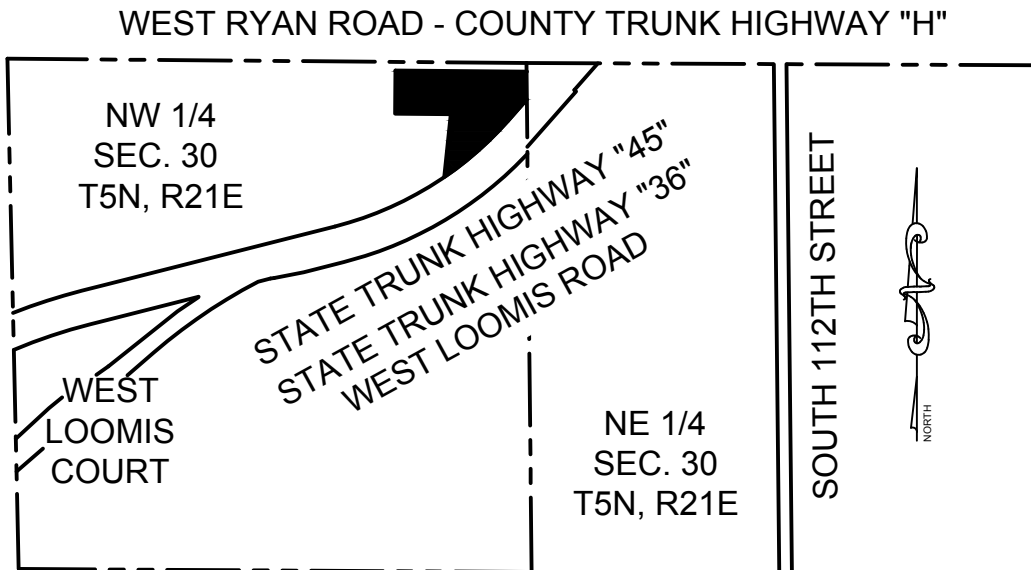


Daniel Szczap
Bear Development, LLC

CERTIFIED SURVEY MAP NO. _____

Being a part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

VICINITY SKETCH
SCALE 1"=1000'



Subject Property
Zoning: R-3
Tax Key Number:
8919989005

NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The north line of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East has a bearing of N89°31'45"W.
- Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55079C0205E. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
- Wisconsin Electric Power Company Easement, recorded in the Register of Deeds office for Milwaukee County on July 30, 1946 as Document 2652955, for a line of poles to supply electric current affects the parcels in this Certified Survey Map.
- Lots 1, 2, 3 & 4 of this Certified Survey Map shall be served by future public sanitary sewer and water supply facilities.



FEBRUARY 19, 2024

Prepared for:
BOOMTOWN LLC
4011 80TH STREET
KENOSHA, WI 53142

Prepared By:

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

DRAFTED BY:ST
PEG JOB#809.60A
SHEET 1 OF 6

CERTIFIED SURVEY MAP NO. _____

Being a part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

LOT 1: 27,000 SQ. FT.
(0.6198 ACRES)

LOT 2: 27,000 SQ. FT.
(0.6198 ACRES)

LOT 3: 29,222 SQ. FT.
(0.6709 ACRES)

LOT 4: 126,708 SQ. FT.
(2.9088 ACRES)



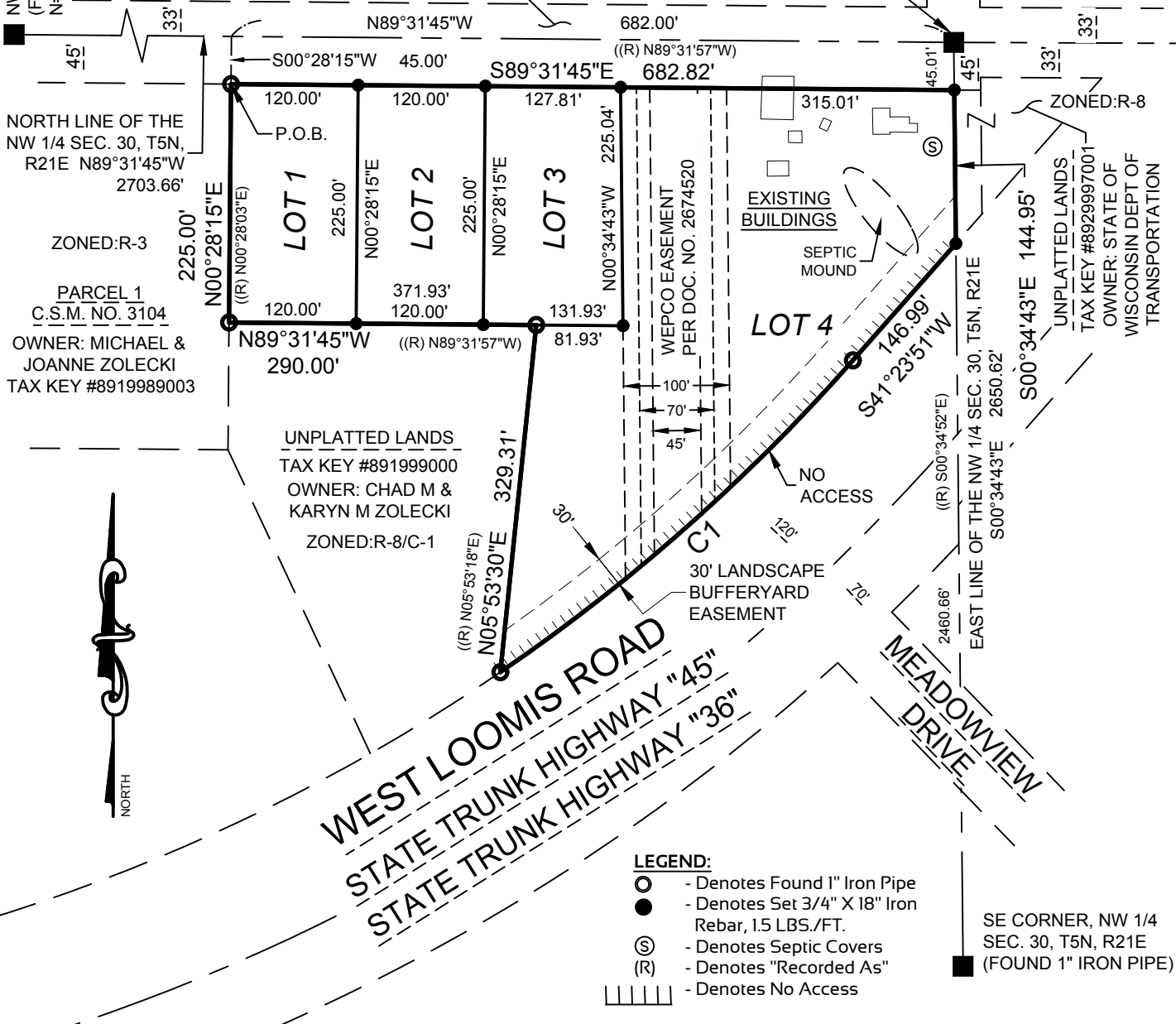
FEBRUARY 19, 2024

NW CORNER, NW 1/4 SEC. 30, T5N, R21E
(FOUND CONC. MON. W/ BRASS CAP)
N=324,119.49; E=2,517,459.09

NE CORNER, NW 1/4 SEC. 30, T5N, R21E
N=324,097.27; E=2,520,162.66
(FOUND CONC. MON. W/ BRASS CAP)
(WISCONSIN STATE PLANE CO-ORDINATE SYSTEM, SOUTH ZONE)

**SOUTH
116TH
STREET**

(VARIABLE PUBLIC R.O.W.) ZONED:R-3
WEST RYAN ROAD



NORTH LINE OF THE
NW 1/4 SEC. 30, T5N,
R21E N89°31'45"W
2703.66'
ZONED:R-3
PARCEL 1
C.S.M. NO. 3104
OWNER: MICHAEL &
JOANNE ZOLECKI
TAX KEY #8919989003

UNPLATTED LANDS
TAX KEY #891999000
OWNER: CHAD M &
KARYN M ZOLECKI
ZONED:R-8/C-1

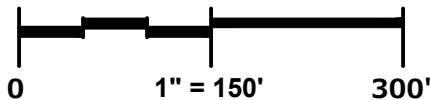
UNPLATTED LANDS
TAX KEY #8929997001
OWNER: STATE OF
WISCONSIN DEPT OF
TRANSPORTATION

LEGEND:

- - Denotes Found 1" Iron Pipe
- - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
- ⊙ - Denotes Septic Covers
- (R) - Denotes "Recorded As"
- ||||| - Denotes No Access

SE CORNER, NW 1/4
SEC. 30, T5N, R21E
(FOUND 1" IRON PIPE)

GRAPHICAL SCALE (FEET)



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60A
SHEET 2 OF 6

CERTIFIED SURVEY MAP NO. _____

Being a part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

NOTES:

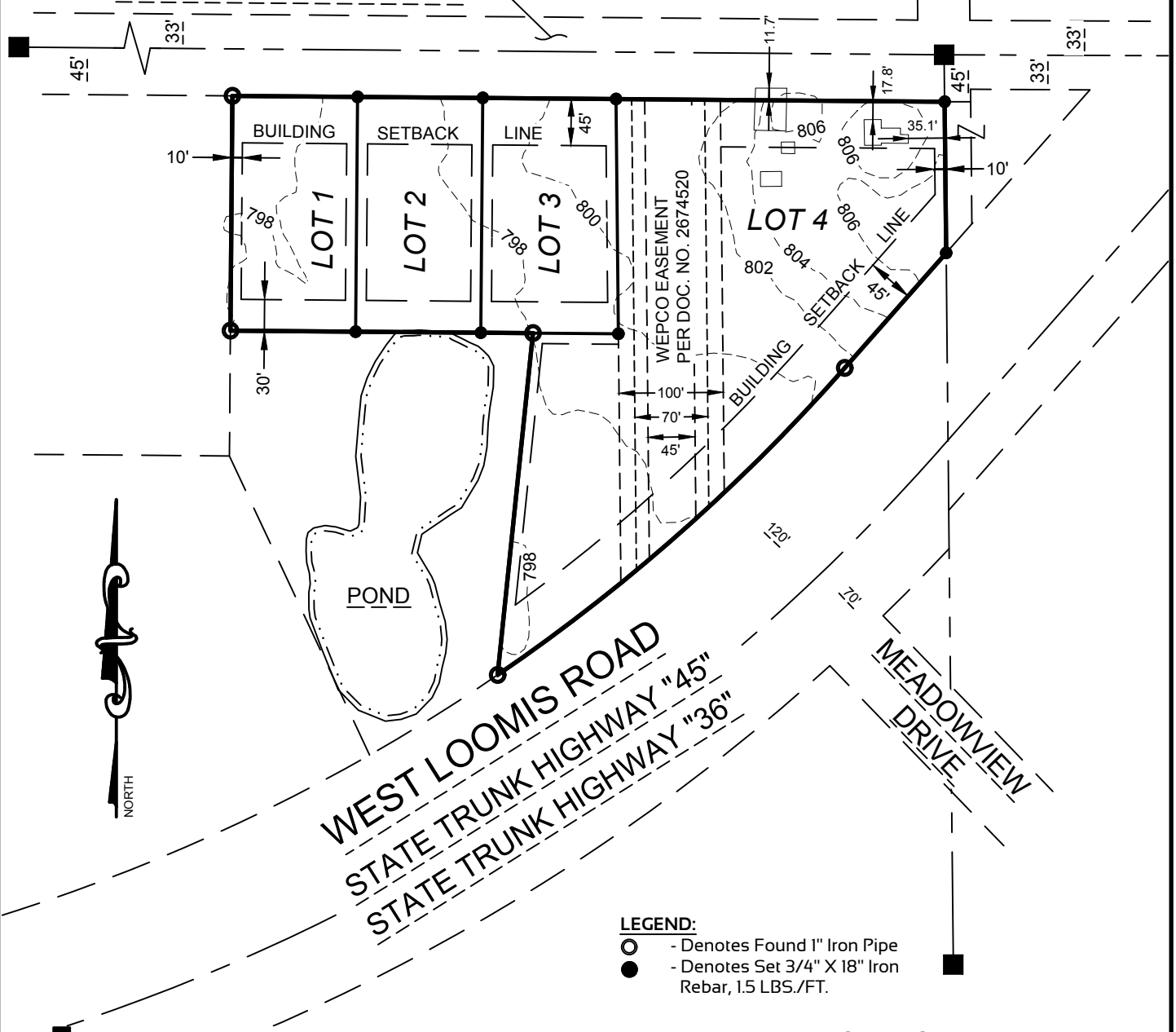
- MUNICIPAL ZONING: R-3 Suburban/Estate
Single Family Residence District:
Front Yard Setback = 45 feet
Side Yard Setback = 10 feet
Rear Yard Setback = 30 feet
- Two (2) foot contours shown per Milwaukee County GIS and Land Information Interactive Map.



FEBRUARY 19, 2024

SOUTH 116TH STREET

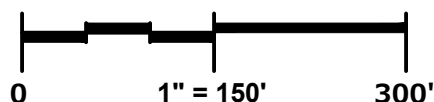
(VARIABLE PUBLIC R.O.W.)
WEST RYAN ROAD



LEGEND:

- - Denotes Found 1" Iron Pipe
- - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.

GRAPHICAL SCALE (FEET)



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PEG JOB#809.60A
SHEET 3 OF 6

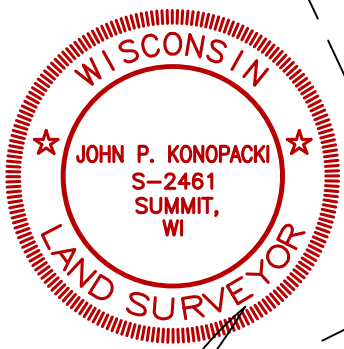
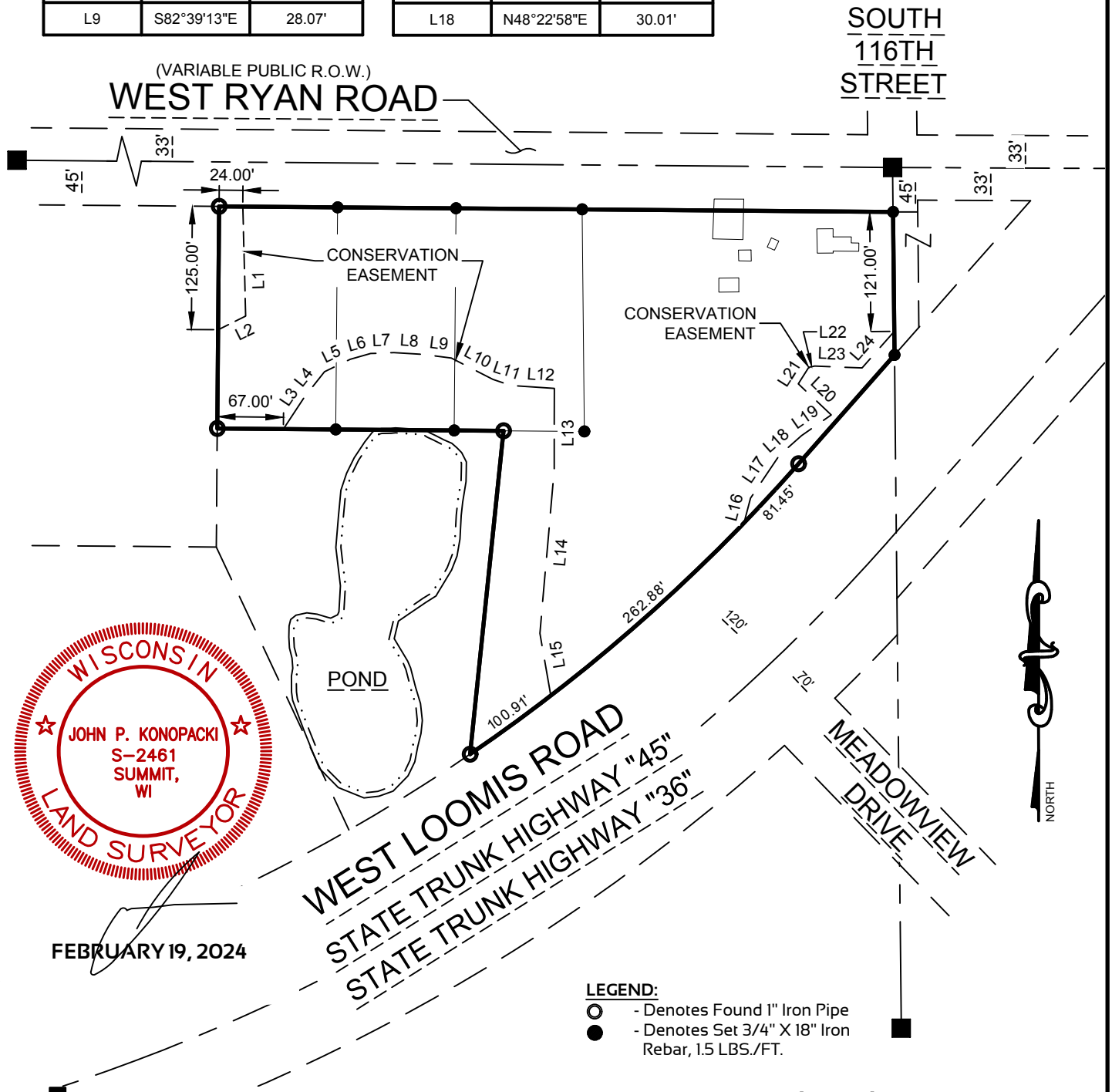
CERTIFIED SURVEY MAP NO. _____

Being a part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

CONSERVATION EASEMENT		
LINE NO.	BEARING	DISTANCE
L1	S01°30'39"E	111.00'
L2	S63°39'50"W	31.19'
L3	N33°25'28"E	37.74'
L4	N38°09'26"E	33.67'
L5	N64°04'42"E	29.09'
L6	N74°23'03"E	21.49'
L7	N87°48'42"E	23.44'
L8	S86°28'03"E	30.49'
L9	S82°39'13"E	28.07'

CONSERVATION EASEMENT		
LINE NO.	BEARING	DISTANCE
L10	S62°45'21"E	47.39'
L11	S71°22'38"E	19.21'
L12	S86°11'17"E	44.08'
L13	S00°00'43"W	81.61'
L14	S05°00'16"W	167.14'
L15	S09°51'52"E	64.12'
L16	N14°41'30"E	25.95'
L17	N33°57'09"E	52.33'
L18	N48°22'58"E	30.01'

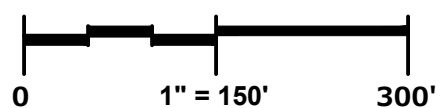
CONSERVATION EASEMENT		
LINE NO.	BEARING	DISTANCE
L19	N55°16'04"E	36.68'
L20	N46°39'10"W	45.89'
L21	N32°17'24"E	19.92'
L22	N79°02'18"E	6.05'
L23	S87°51'52"E	48.02'
L24	N41°22'16"E	49.31'



FEBRUARY 19, 2024

LEGEND:
 ○ - Denotes Found 1" Iron Pipe
 ● - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.

GRAPHICAL SCALE (FEET)



Prepared By:
PINNACLE ENGINEERING GROUP
 20725 WATERTOWN ROAD | SUITE 100
 BROOKFIELD, WI 53186
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60A
SHEET 4 OF 6

CERTIFIED SURVEY MAP NO. _____

Being a part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided that part of Parcel 2 of Certified Survey Map No. 3104, as recorded in the Register of Deeds office for Milwaukee County as Document No. 5115896 and that part of vacated South 116th Street, as recorded in Resolution 2018-7377 recorded in the Register of Deeds office for Milwaukee County as Document No. 10795901, in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northeast corner of the Northwest 1/4 of said Section 30; thence North 89°31'45" West along the north line of said Northwest 1/4, 682.00 feet; thence South 00°28'15" West, 45.00 feet to the south right of way line of West Ryan Road and the Point of Beginning;

Thence South 89°31'45" East along said south right of way line, 682.82 feet to the east line of said Northwest 1/4;
Thence South 00°34'43" East along said east line, 144.95 feet to the north right of way line of West Loomis Road;
Thence South 41°23'51" West along said north right of way line, 146.99 feet to a point of curvature;
Thence southwesterly 445.24 feet along the arc of said curve to the right, whose radius is 1789.86 feet and whose chord bears South 48°31'25" West, 444.09 feet;
Thence North 05°53'30" East, 329.31 feet;
Thence North 89°31'45" West, 290.00 feet to the east line of Parcel 1 of Certified Survey Map No. 3104;
Thence North 00°28'15" East along said east line, 225.00 feet to the Point of Beginning.

Containing 209,930 square feet (4.8193 acres) of land Gross, more or less.


That I have made such survey, land division and map by the direction of BOOMTOWN, LLC, owner of said land.

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

That I have fully complied with the provisions of s.236.34 of the Wisconsin State Statutes and the City of Franklin Unified Development Ordinance Division - 15 in surveying, mapping and dividing the same.

Date: FEBRUARY 19, 2024





John P. Konopacki
Professional Land Surveyor S-2461

CURVE DATA							
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	445.24'	1789.86'	014°15'10"	S48°31'25"W	444.09'	S41°23'51"W	S55°39'00"W

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60A
SHEET 5 OF 6

CERTIFIED SURVEY MAP NO. _____

Being a part of Parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

OWNER'S CERTIFICATE

BOOMTOWN, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this certified survey map.

BOOMTOWN, LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes and the Unified Development Ordinance Division -15 of the City of Franklin to be submitted to the following for approval or objection:

1. City of Franklin

IN WITNESS WHEREOF, the said BOOMTOWN, LLC, has caused these presents to be signed by (name - print) _____, (title) _____, at (city) _____, _____ County, Wisconsin, on this _____ day of _____, 2024.

In the presence of: BOOMTOWN, LLC,

Stephen R. Mills, Authorized Member

STATE OF _____)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2024, Stephen R. Mills, Authorized Member, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such Authorized Member of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability, by its authority.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

Approved and Accepted by the Common Council of the City of Franklin by Resolution No. _____.
Signed this _____ day of _____, 2024.

Date

John R. Nelson, Mayor

Date

Shirley Roberts, City Clerk



FEBRUARY 19, 2024

SECTION 15-3.0502

CALCULATION OF BASE SITE AREA

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	4.82 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0.97 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; <i>or</i> In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	- 0 acres
STEP 5:	Equals "Base Site Area"	= 3.85 acres

SECTION 15-3.0503

**CALCULATION OF THE AREA OF NATURAL
RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District.		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X <u>0.08</u> =	<u>0.05</u>
20-30%	0.65	0.75	0.70	X <u>0</u> =	<u>0</u>
+ 30%	0.90	0.85	0.80	X <u>0</u> =	<u>0</u>
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u>1.02</u> =	<u>0.72</u>
Young	0.50	0.50	0.50	X <u>0</u> =	<u>0</u>
Lakes & Ponds	1	1	1	X <u>0.001</u> =	<u>0.001</u>
Streams	1	1	1	X <u>0</u> =	<u>0</u>
Shore Buffer	1	1	1	X <u>0.53</u> =	<u>0.53</u>
Floodplains	1	1	1	X <u>0</u> =	<u>0</u>
Wetland Buffers	1	1	1	X <u>0</u> =	<u>0</u>
Wetlands & Shoreland Wetlands	1	1	1	X <u>0</u> =	<u>0</u>
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					1.291

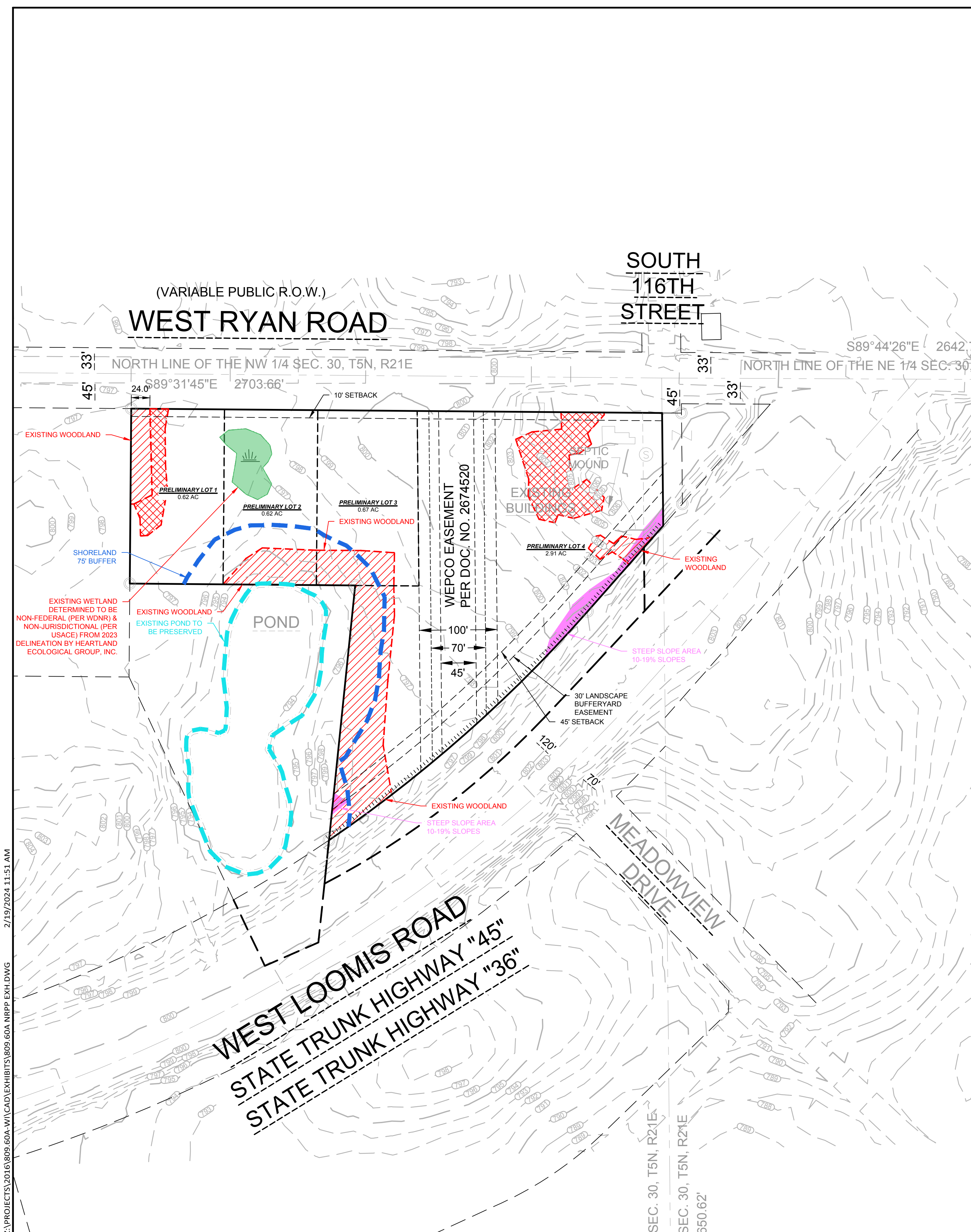
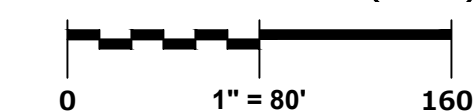
Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504		
Worksheet for the Calculation of Site Intensity and Capacity for Residential Development		
STEP 1:	CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE	0 acres
	Take Base Site Area (from Step 5 in Table 15-3.0502): <u>3.85</u>	
	Multiple by Minimum Open Space Ratio (OSR) (see specific residential zoning district OSR standard): X <u>0</u>	
	Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =	
STEP 2:	CALCULATE NET BUILDABLE SITE AREA:	2.559 acres
	Take Base Site Area (from Step 5 in Table 15-3.0502): <u>3.85</u>	
	Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required On-Site Open Space (from Step 1 above), whichever is greater:- <u>1.291</u>	
	Equals NET BUILDABLE SITE AREA =	
STEP 3:	CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:	4.40 D.U.s
	Take Net Buildable Site Area (from Step 2 above): <u>2.559</u>	
	Multiple by Maximum Net Density (ND) (see specific residential zoning district ND standard): X <u>1.718</u> R-3	
	Equals MAXIMUM NET DENSITY YIELD OF SITE =	
STEP 4:	CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:	6.61 D.U.s
	Take Base Site Area (from Step 5 of Table 15-3.0502): <u>3.85</u>	
	Multiple by Maximum Gross Density (GD) (see specific residential zoning district GD standard): X <u>1.718</u> R-3	
	Equals MAXIMUM GROSS DENSITY YIELD OF SITE =	
STEP 5:	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:	4.40 D.U.s
	Take the lowest of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):	



GRAPHICAL SCALE (FEET)



SITE DATA	
PROJECT NAME	FRANKLIN BUSINESS PARK PARCEL 2
LOCATION/ADDRESSES	11607 W RYAN RD FRANKLIN, WI 53132
OWNER CONTACT INFORMATION	DAN SZCZAP 4011 80TH ST KENOSHA WI, 53142 DAN@BEARDEVELOPMENT.COM (262) 842-0556

NATURAL RESOURCE FEATURE AREAS				
RESOURCE TYPE	AREAS OF RESOURCE (4.82 AC)	ACRES OF LAND REQUIRED TO BE PROTECTED	ACRES OF LAND IMPACTED	
STEEP SLOPES AREA - 10-19% SLOPES - PER PEG SURVEYED CONTOURS	3,470 S.F. 0.08 ACRES	2,082 S.F. 0.05 ACRES	0 S.F.	
STEEP SLOPES AREA - 20-30% SLOPES - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A	
LAKES & PONDS - FIELD DELINEATED BY PEG SURVEY	61 S.F. ONSITE	61 S.F. ONSITE	0 S.F.	
SHORE BUFFER - 75' OFFSET	22,915 S.F. 0.53 ACRES	22,915 S.F. 0.53 ACRES	0 S.F.	
MATURE WOODLANDS & FORESTS	44,577 S.F. 1.02 ACRES	31,204 S.F. 0.72 ACRES	13,373 S.F. 0.31 ACRES	MATURE WOODLANDS & FORESTS IMPACT AREA
STREAMS (NOT PRESENT ON SITE)	N/A	N/A	N/A	
FLOODPLAINS (NOT PRESENT ON SITE)	N/A	N/A	N/A	
WETLANDS (NOT PRESENT ON SITE SEE NOTE THIS SHEET)	N/A	N/A	N/A	
WETLAND BUFFER (NOT PRESENT ON SITE)	N/A	N/A	N/A	
WETLAND SETBACK (NOT PRESENT ON SITE)	N/A	N/A	N/A	

* EXISTING CONTOURS PULLED FROM INFRAWORKS 2024

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Assured Wetland Delineation Report

4.75 Acre Parcel

City of Franklin, Milwaukee County, Wisconsin

July 7, 2023

Project Number: 20231016

4.75 Acre Parcel

City of Franklin, Milwaukee County, Wisconsin

July 7, 2023

Prepared for:

Mr. Dan Szczap

Bear Development, LLC.

4011 80th Street

Kenosha, WI 53142

Prepared by:

Heartland Ecological Group, Inc.

506 Springdale Street

Mount Horeb, WI 53572

608-490-2450

www.heartlandecological.com



Prepared by: Mikayla Datka

Environmental Intern

Reviewed by: Eric C. Parker, SPWS

Principal Scientist

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Appendix B | APT Analysis

Appendix C | Wetland Determination Data Sheets

Appendix D | Site Photographs

Appendix E | Delineator Qualifications

Appendix F | Off-Site Analysis

Appendix G | Previous Wetland Mapping



Mr. Dan Szczap
4.75 Acre Parcel
Project #: 20231016
July 7, 2023

1.0 Introduction

Heartland Ecological Group, Inc. (“Heartland”) completed an assured wetland determination and delineation on the 4.75 Acre Parcel site on June 22 and July 5, 2023 at the request of Bear Development, LLC. Fieldwork was completed by Eric C. Parker, SPWS, an assured delineator qualified via the Wisconsin Department of Natural Resources’ (WDNR’s) Wetland Delineation Assurance Program (Appendix E, Qualifications), assisted by Mikayla Datka, also of Heartland. The 4.84-acre site (the “Study Area”) is southeast of the intersection of US Highway (USH) 45 and Ryan Road, in the northwest $\frac{1}{4}$ of Section 30, T5N, R21E, City of Franklin, Milwaukee County, WI (Figure 1, Appendix A). The purpose of the wetland delineation was to determine the location and extent of wetlands within the Study Area.

One (1) wetland area totaling approximately 0.09 acres was delineated and mapped within the Study Area (Figure 7, Appendix A). One (1) pond was mapped partially within the Study Area. No waterways were observed within or near the Study Area. Wetlands, waterways, and water bodies discussed in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the WDNR, and local zoning authorities. Heartland recommends this report be submitted to local authorities, the WDNR, and USACE for final jurisdictional review and concurrence.



Mr. Dan Szczap
4.75 Acre Parcel
Project #: 20231016
July 7, 2023

2.0 Methods

2.1 Wetlands

Wetlands were determined and delineated using the criteria and methods described in the USACE Wetland Delineation Manual, T.R. Y-87-1 ("1987 Corps Manual") and the applicable *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*. In addition, the *Guidance for Submittal of Delineation Reports to the St. Paul District USACE and the WDNR* (WDNR, 2015) was followed in completing the wetland delineation and report.

Determinations and delineations utilized available resources including the U.S. Geological Survey's (USGS) *WI 7.5 Minute Series (Topographic) Map* (Figure 2, Appendix A), the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service's (NRCS) Soil Survey Geographic Database (SSURGO) *Web Soil Survey* (Figure 3, Appendix A), the WDNR's *Wetland Indicator* data layer (Figure 4, Appendix A), the WDNR's *Wisconsin Wetland Inventory* data layer (Figure 5, Appendix A), the WDNR's *24k Hydro Flowlines (Rivers and Streams)* data layer (Figure 2 and 5, Appendix A), the WDNR's *Color-Stretch LiDAR and Hillshade Image Service Layer* (Figure 6, Appendix A), and aerial imagery available through the USDA Farm Service Agency's (FSA) National Agriculture Imagery Program (NAIP).

Wetland determinations were completed on-site at sample points, often along transects, using the three (3) criteria (vegetation, soil, and hydrology) approach per the 1987 Corps Manual and the Regional Supplement. Procedures in these sources were followed to demonstrate that, under normal circumstances, wetlands were present or not present based on a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology.

Atypical conditions were encountered within the Study Area due to the presence of agricultural fields including row-cropping and hay fields in areas with soils that may be hydric based on the *Web Soil Survey* and the WDNR *Surface Water Data Viewer's* wetland indicator data layer. Therefore, procedures for managed plant communities in the *Problematic hydrophytic vegetation* section described in Chapter 5 of the Regional Supplement were used. NAIP imagery were reviewed for evidence of crop stress, saturation, or inundation signatures. Sample point placements for the wetland delineation were partially determined based on such signatures.



Mr. Dan Szczap
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July 7, 2023

In actively farmed areas within the Study Area where hydric soils may be present, methods described in Chapter 5 (Difficult Wetland Situations) of the Regional Supplement were followed. Available aerial imagery was analyzed using procedures described in the *Guidance for Offsite Hydrology/Wetland Determinations* (USACE and Minnesota Board of Water and Soil Resources, July 2016 – “July 2016 Guidance”). An off-site aerial imagery analysis (Off-Site Analysis) was completed to document the presence or absence of wetland signatures and assist in the wetland determination. A wetland signature is evidence, recorded by aerial imagery, of ponding, flooding, or impacts of saturation for sufficient duration to meet wetland hydrology and possibly wetland vegetation criteria. Wetland signatures often vary based on the type and seasonal date of the aerial imagery. For example, there are seven (7) standardized signature types in actively farmed settings described in the July 2016 Guidance. To assist in interpretations of wetland signatures, a WETS analysis was used to compare antecedent precipitation in the three (3) months leading up to each aerial image to the long-term (30-year) precipitation averages and standard deviation to determine if antecedent precipitation conditions for each image was normal, wet, or dry. Areas within agricultural fields are typically determined to be wetland if hydric soils and wetland hydrology indicators are present and aerial images taken in the five (5) (or more) most recent normal antecedent precipitation images show at least one (1) of the wetland signatures per the July 2016 Guidance. Although the off-site analysis concentrates on imagery taken under normal antecedent precipitation conditions, the images determined to be taken under wet and dry antecedent precipitation conditions were also analyzed and considered. Determinations and delineation of wetlands in agricultural areas are typically based on an outline of the largest wetland signature on an image taken under “normal” antecedent conditions and based on the consistency of the signatures (USDA, NRCS 1998). Recent weather conditions influence the visibility or presence of certain wetland hydrology indicators. An assessment of recent precipitation patterns helps to determine if climatic/hydrologic conditions were typical when the field investigation was completed. Therefore, a review of antecedent precipitation in the 90 days leading up to the field investigation was completed. Using an Antecedent Precipitation Tool (APT) analysis developed by the USACE (Deters & Gutenson 2021), the amount of precipitation over these 90 days was compared to averages and standard deviation thresholds observed over the past 30 years to generally represent if conditions encountered during the investigation were



Mr. Dan Szczap
4.75 Acre Parcel
Project #: 20231016
July 7, 2023

normal, wet, or dry. Recent precipitation events in the weeks prior to the investigation were also considered while interpreting wetland hydrology indicators. Additionally, the Palmer Drought Severity Index was checked for long-term drought or moist conditions (NOAA, 2018).

The uppermost wetland boundary and sample points were identified and marked with wetland flagging and located with a Global Navigation Satellite System (GNSS) receiver capable of sub-meter accuracy. In some cases, wetland flagging was not utilized to mark the boundary and the location was only recorded with a GNSS receiver, particularly in active agricultural areas. The GNSS data was then used to map the wetlands using ESRI ArcGIS Pro™ software.

3.0 Results and Discussion

3.1 Desktop Review

Climatic Conditions

According to the APT analysis using the previous 90 days of precipitation data, conditions encountered at the time of the fieldwork were expected to be normal for the time of year (Appendix B). The Palmer Drought Severity Index was checked as part of the APT analysis, and the long-term conditions at the time of the fieldwork were in the mild wetness range. Fieldwork was completed within the dry season based on long-term regional hydrology data utilized in the WebWIMP Climatic Water Balance and computed as part of the APT analysis.

General Topography and Land Use

The topography within the Study Area was rolling, with various hills, depressions, and slopes and a topographic high of approximately 809 feet above mean sea level (msl) near the northeast corner, and a topographic low of approximately 797 feet above msl in the southwest corner (Figures 2 and 6, Appendix A). Land uses within the Study Area and surrounding areas are primarily agricultural row cropping with meadow and woodland areas also present. General drainage is to the south toward an excavated pond mostly outside the Study Area.



Mr. Dan Szczap
 4.75 Acre Parcel
 Project #: 20231016
 July 7, 2023

Soil Mapping

Soils mapped by the NRCS Soil Survey within the Study Area, and their hydric status are summarized in Table 1. Wetlands identified during the field investigation are located primarily within areas mapped as hydric or partially hydric soils including wetland indicator soils (Figures 3 and 4, Appendix A).

Table 1. Summary of NRCS Mapped Soils within the Study Area

Soil symbol: Soil Unit Name	Soil Unit Component	Soil Unit Component Percentage	Landform	Hydric status
AsA: Ashkum silty clay loam, 0-2% slopes	Ashkum-Drained	85-100	End and ground moraines	Yes
	Peotone-Drained	0-9	Depressions on ground moraines	Yes
	Orthents, clayey	0-3	Ground moraines, lake plains	No
	Urban land	0-3	Ground moraines	No
BIA: Blount silt loam, 1-3% slopes	Blount	90	Moraines	No
	Ashkum	10	Depressions	Yes
EsA: Elliott silt loam, 1-3% slopes	Elliott	90	Ground moraines	No
	Ashkum	10	Depressions	Yes
MeB: Markham silt loam, 2-6% slopes	Markham	85-100	End and ground moraines	No
	Ashkum-Drained	0-9	Ground and end moraines	Yes
	Pewamo	0-6	End and ground moraines	Yes

Wetland Mapping

The Wisconsin Wetlands Inventory (WWI) mapping (Figure 5, Appendix A) depicts two (2) wetland areas within the Study Area. Both are forested/wet soil (T3K) wetlands located adjacent to Pond 1 along the southwestern boundary.

Waterway Mapping

The WDNR’s Rivers and Streams data layer (Figure 5, Appendix A) depicts one (1) waterbody and no waterways within the Study Area. This water body is mapped along and just outside of the southwestern boundary of the Study Area.



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Previous Delineations and Landowner Contacts

A wetland delineation was completed by Heather D. Patti, PWS, of R.A. Smith National on March 19th, 2015. Two (2) wetlands were delineated within the study area. "Wetland 8" (W-8) and "Wetland 9" (W-9) are depicted on the mapping from this report (Appendix G).

Aerial Photography

An Off-Site Analysis (OSA) was completed as part of this investigation and image interpretations are described in the next section. Available NAIP imagery of the Study Area from the period of 2005-2022 (Appendix F) was reviewed for evidence of wetland signatures and to gain insight into the site's recent history. This imagery is included in the OSA (Appendix F) and described in detail in the next section.

Off-Site Analysis

Agricultural fields within the Study Area have significant mapped hydric or potentially hydric soils and were the focus of the off-site aerial imagery analysis (OSA) (Appendix F). From the aerial imagery, the secondary wetland hydrology indicator "Saturation Visible on Aerial Imagery" (C9) was noted.

A total of ten (10) most recent aerial images were selected and reviewed based on availability and quality of the imagery. Of these images, three (3) were taken under normal antecedent precipitation conditions. Signatures were noted in two (2) areas within the Study Area within landscape positions described by the NRCS to support hydric soil components and were the focus of the OSA. At least one (1) of the seven (7) described wetland signatures per the July 2016 Guidance were consistently noted in both of these areas on imagery taken under normal antecedent precipitation conditions. In imagery taken under wet antecedent precipitation conditions, such wetland signatures were noted in five (5) of the five (5) images. In imagery taken under dry antecedent precipitation conditions, there were wetland signatures noted in two (2) of the two (2) images.

Based on the off-site analysis, one (1) area was likely to be wetland prior to the fieldwork. Another area was determined to potentially be wetland based on field review. Both areas appeared to be isolated depressions. Although there were no drain tile signatures observed in the off-site analysis, drain tiles were thought to be present.



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3.2 Field Review

One (1) wetland was identified and delineated within the Study Area. Wetland determination data sheets (Appendix C) were completed at seven (7) sample points that were representative of the wetland and upland conditions near the boundary and where potential wetlands may be present based on the desktop review and field reconnaissance. Appendix D provides photographs, typically at the sample point locations of the wetlands and adjacent uplands. The wetland boundary and sample point locations are shown on Figure 7 (Appendix A) and the wetlands are summarized in Table 2 and detailed in the following sections.

Table 2. Summary of Wetlands Identified within the Study Area

Wetland ID	Wetland Description	*Surface Water Connections	*NR151 Protective Area	Acreage (on-site)
W-1	Farmed Wet Meadow	Potentially Isolated in the Landscape	Low susceptible, 10-30 feet	0.09
<i>*Classification based on Heartland’s professional opinion. Jurisdictional authority of wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities may have additional restrictions. USACE has authority for determining federal jurisdiction of wetlands and waterways.</i>				0.09

Wetland 1 (W-1)

Wetland 1 (W-1) is a 0.09-acre area of farmed wet meadow located in a depression within the northwestern portion of the Study Area. The boundary of W-1 generally followed a moderately-defined topographic break.

Dominant vegetation observed in W-1 included horseweed (*Erigeron canadensis*, FACU), common buckthorn (*Rhamnus cathartica*, FAC), and common amaranth (*Amaranthus retroflexus*, FACU). Weed vegetation was sparse and non-hydrophytic, however, it was notable that purslane speedwell (*Veronica peregrina*, FACW) was formerly dominant but had recently senesced. Given these circumstances, it was judged that the vegetation was problematic and would be hydrophytic under normal circumstances. Therefore, the wetland vegetation parameter was met.



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The Thick Dark Surface (A12) hydric soil indicator was noted in W-1, which is somewhat consistent with hydric soil inclusions within the mapped Blount silt loam soil type. Thus, the hydric soil parameter was met based on meeting the indicator.

No primary wetland hydrology indicators were noted within W-1, however the secondary indicators included Surface Soil Cracks (B6), Saturation Visible on Aerial Imagery (C9), and Geomorphic Position (D2). Therefore, the wetland hydrology parameter was met.

Waterways

No waterways were observed within or immediately adjacent to the Study Area.

3.3 Other Considerations

This report is limited to the identification and delineation of wetlands within the Study Area. Other regulated environmental resources that result in land use restrictions may be present within the Study Area that were not evaluated by Heartland (e.g. navigable waterways, floodplains, cultural resources, and threatened or endangered species).

Wisconsin Act 183 provides exemptions to permitting requirements for certain nonfederal wetlands. Nonfederal wetlands are wetlands that are not subject to federal jurisdiction. Exemptions apply to projects in urban areas with wetland impacts up to 1-acre per parcel. An urban area is defined as an incorporated area; an area within ½ mile of an incorporated area; or an area served by a sewerage system. Exemptions for nonfederal wetlands also apply to projects in rural areas with wetland impacts up to three (3) acres per parcel. Exemptions in rural areas only apply to structures with an agricultural purpose such as buildings, roads, and driveways. The determination of federal and nonfederal wetlands MUST be made by the USACE through an Approved Jurisdictional Determination (AJD). This report may be submitted to the USACE to assist with their determination.

Wis. Adm. Code NR 151 ("NR 151") requires that a "protective area" (buffer) be determined from the Ordinary High-Water Mark (OHWM) of lakes, streams and rivers, or at the delineated boundary of wetlands. Per NR 151.12, the protective area width for "less susceptible" wetlands is determined by using 10% of the average wetland width, no less than 10 feet or more than 30 feet. "Moderately susceptible" wetlands, lakes, and perennial and intermittent streams identified on recent mapping require a protective area width of 50



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feet; while “highly susceptible wetlands” are associated with outstanding or exceptional resource waters in areas of special natural resource interest and require protective area width of 75 feet. Table 2 above lists the potential wetland buffers per NR 151 for each wetland identified based on Heartland’s professional opinion. Please note that jurisdictional authority on wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities and regional planning organizations may have additional land use restrictions within or adjacent to wetlands.



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4.0 Conclusion

Heartland completed an assured wetland determination and delineation within the 4.75 Acre Parcel on June 22 and July 5, 2023 at the request of Bear Development, LLC. Fieldwork was completed by Eric C. Parker, SPWS, an assured delineator qualified via the WDNR Wetland Delineation Assurance Program (Appendix E), assisted by Mikayla Datka. The Study Area lies in Section 30, T5N, R21E, City of Franklin, Milwaukee County (Figure 1, Appendix A).

One (1) wetland area was delineated and mapped within the 4.84-acre Study Area (Figure 7, Appendix A). The wetland, which may be classified as farmed wet meadow, totals approximately 0.09 acres within the Study Area. A pond was observed adjacent to and within the Study Area. No waterways were observed within or adjacent to the Study Area.

Wetlands, waterways, and water bodies discussed in this report may be subject to federal regulation under the jurisdiction of the USACE, state regulation under the jurisdiction of the WDNR, and the local zoning authority. Heartland recommends this report be submitted to the USACE and WDNR for final jurisdictional review and concurrence. Review by local authorities may be necessary for determination of any applicable zoning and setback restrictions.

Heartland recommends that all applicable regulatory agency reviews and permits are obtained prior to beginning work within the Study Area or within or adjacent to wetlands or waterways. Heartland can assist with evaluating the need for additional environmental reviews, surveys, or regulatory agency coordination in consideration of the proposed activity and land use as requested but is outside of the scope of the wetland delineation.

Experienced and qualified professionals completed the wetland determination and delineation using standard practices and professional judgment. Wetland boundaries may be affected by conditions present within the Study Area at the time of the fieldwork. All final decisions on wetlands and their boundaries are made by the USACE, the WDNR, and/or sometimes a local unit of government. Wetland determination and boundary reviews by regulatory agencies may result in modifications to the findings presented to the Client. These modifications may result from varying conditions between the time the wetland delineation was completed and the time of the review. Factors that may influence the findings may include but not limited to precipitation patterns, drainage modifications, changes or modification to vegetation, and the time of year.



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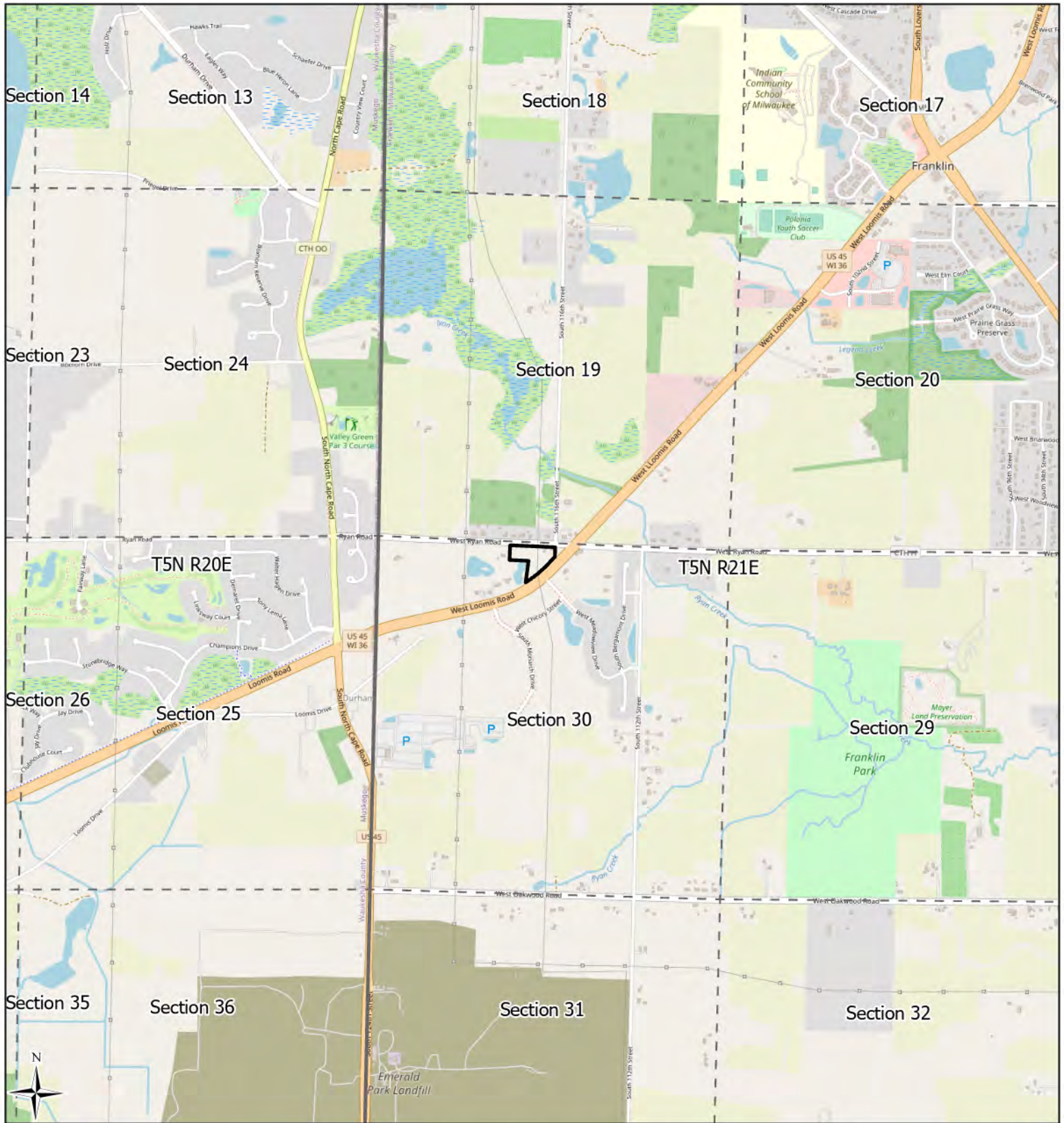
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
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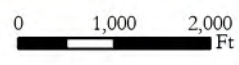


Mr. Dan Szczap
4.75 Acre Parcel
Project #: 20231016
July 7, 2023

Appendix A | Figures



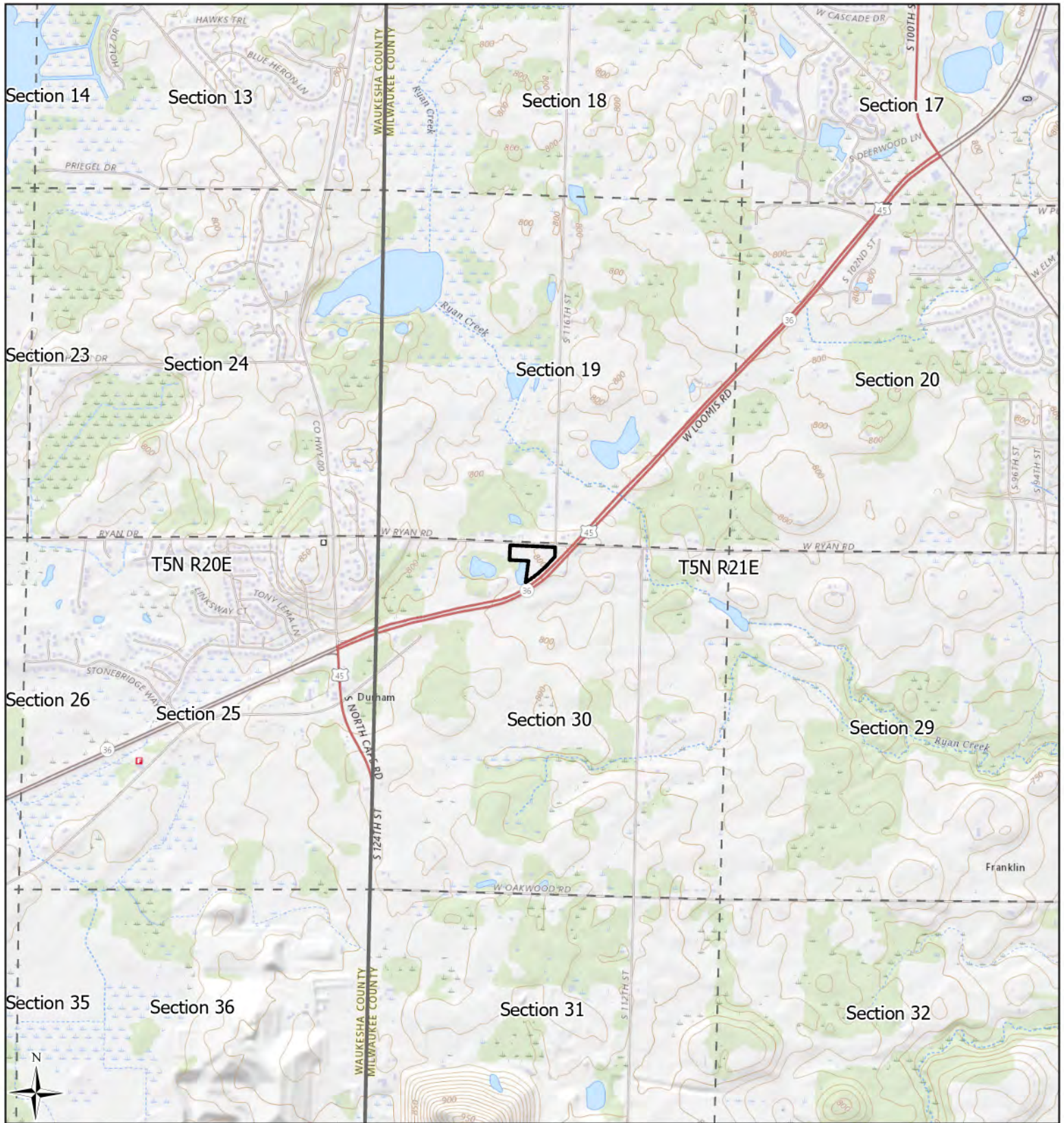
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-  Township
-  Section






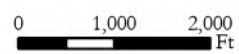
Heartland
 ECOLOGICAL GROUP INC

Figure 1. Project Location
 4.75-Acre Parcel
 Project #20231016
 T5N, R21E, S30
 C Franklin, Milwaukee Co

OpenStreetMap
 ESRI



-  Study Area (4.84 ac)
-  Township
-  Section

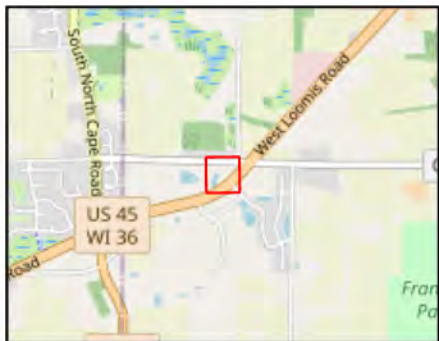
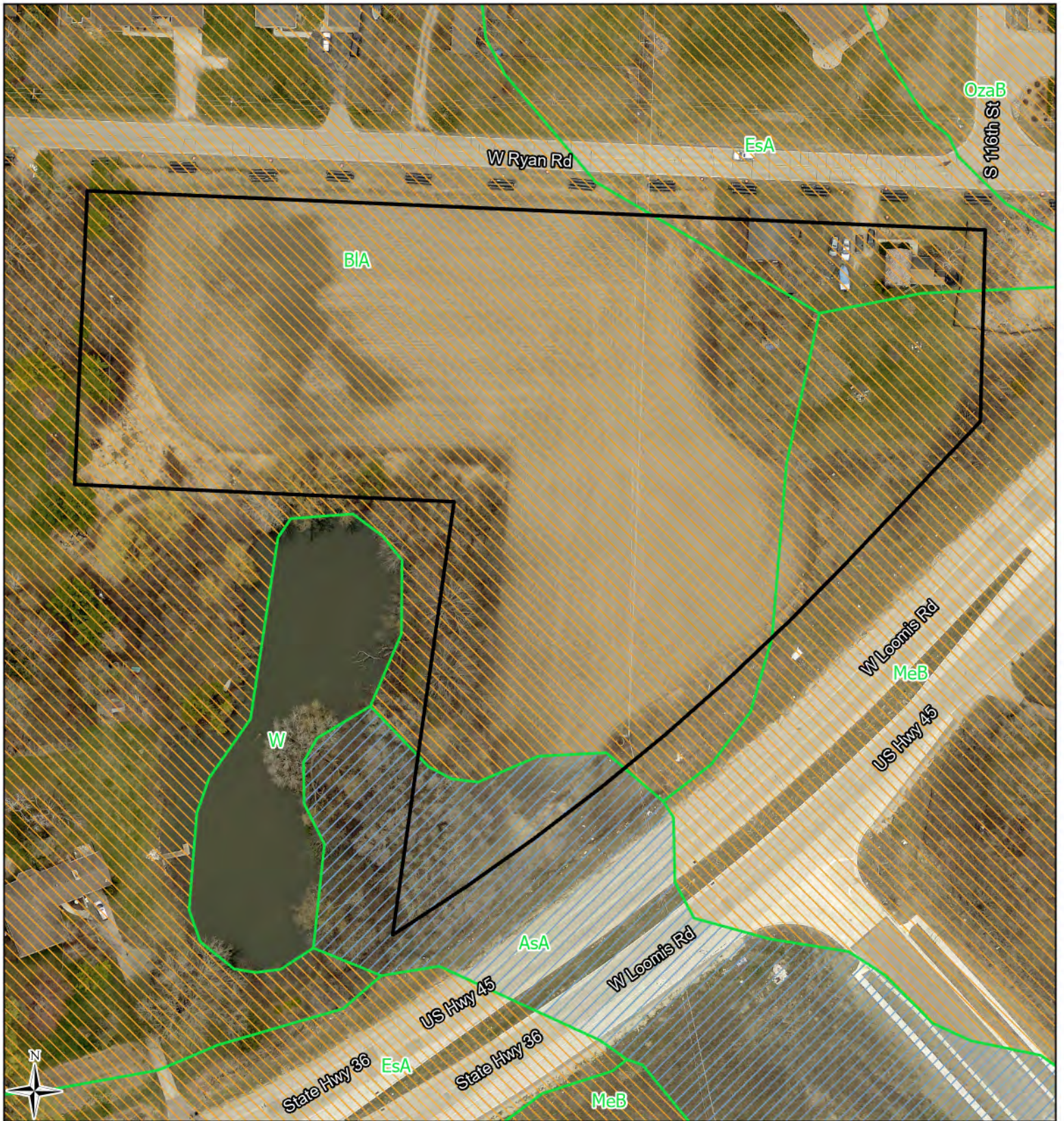


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Figure 2. USGS Topography
4.75-Acre Parcel
Project #20231016
T5N, R21E, S30
C Franklin, Milwaukee Co

USGSTopo
USGS, WDNR
LRR: MW

Figure Created: 6/14/2023



Study Area (4.84 ac)

NRCS Soil Survey Data

- Hydric (100%)
- Predominantly Hydric (85-99%)
- Partially Hydric (16-84%)
- Predominantly Non-Hydric (1-15%)
- Non-Hydric (0%)

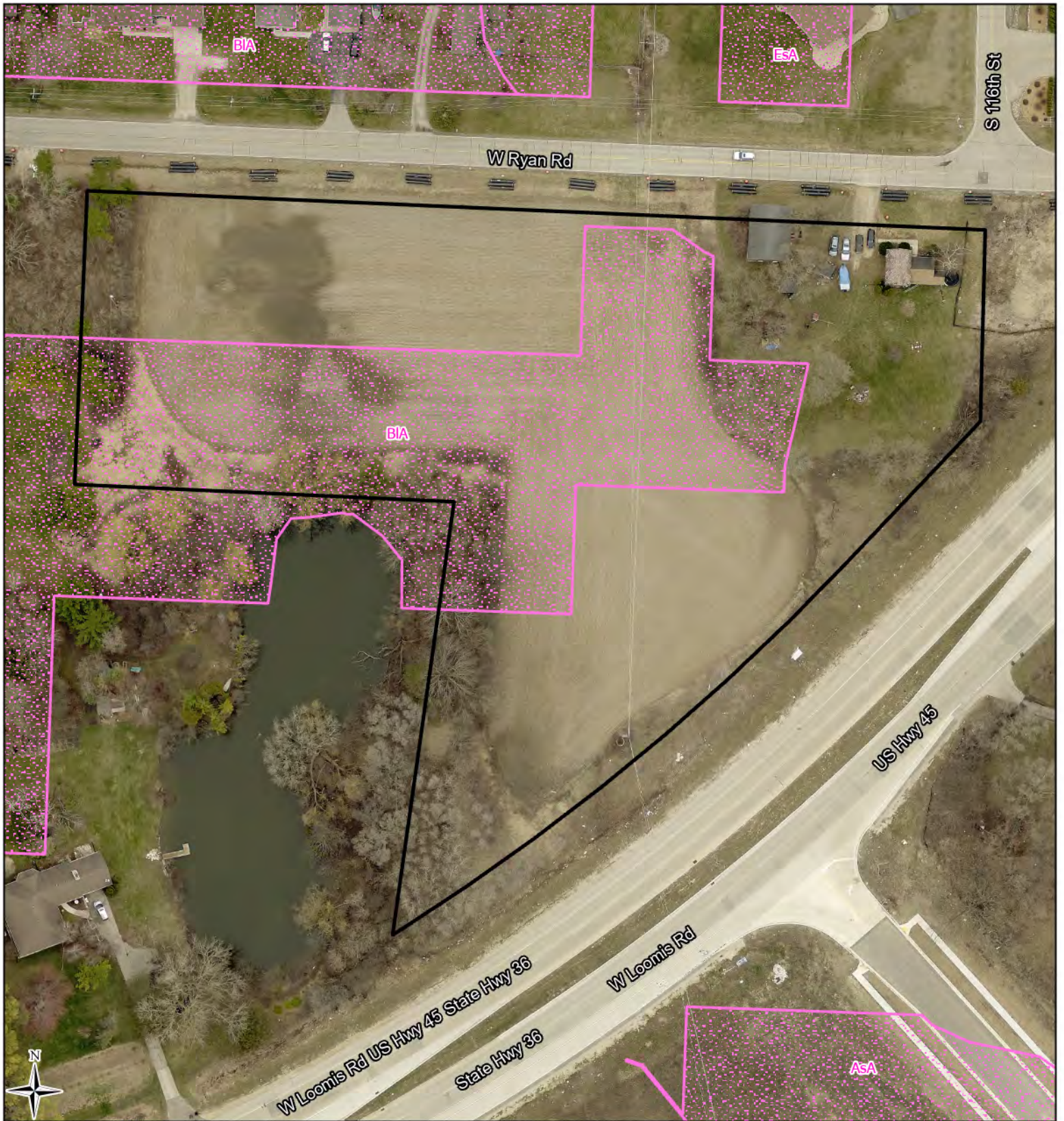




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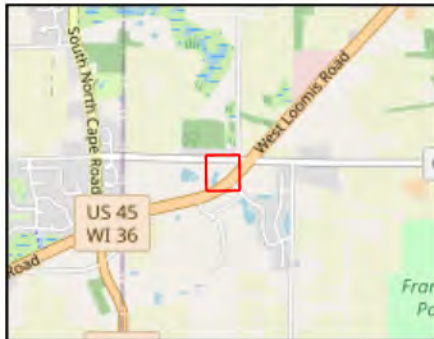
Figure 3. NRCS
Hydric Soils
4.75-Acre Parcel
Project #20231016
T5N, R21E, S30
C Franklin, Milwaukee Co

2022 Dane Co Orthophoto
NRCS LRR: MW

Figure Created: 6/14/2023



-  Study Area (4.84 ac)
-  SWDV Wetland Indicators









Heartland
ECOLOGICAL GROUP INC

Figure 4. SWDV Wetland Indicators

4.75-Acre Parcel
Project #20231016
T5N, R21E, S30
C Franklin, Milwaukee Co

2022 Milwaukee Co Orthophoto
WDNR LRR: MW



-  Study Area (4.84 ac)
-  Perennial Streams (None in Map Extent)
-  Intermittent Streams (None in Map Extent)
-  Waterbodies
-  WWI Wetland Polygons
-  WWI Wetland Points (None in Map Extent)



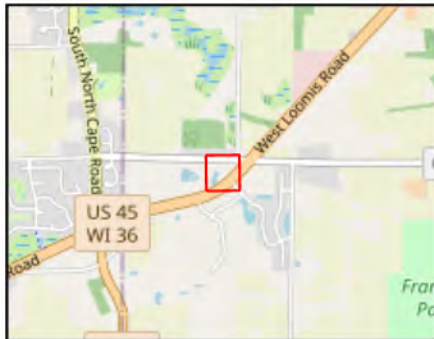
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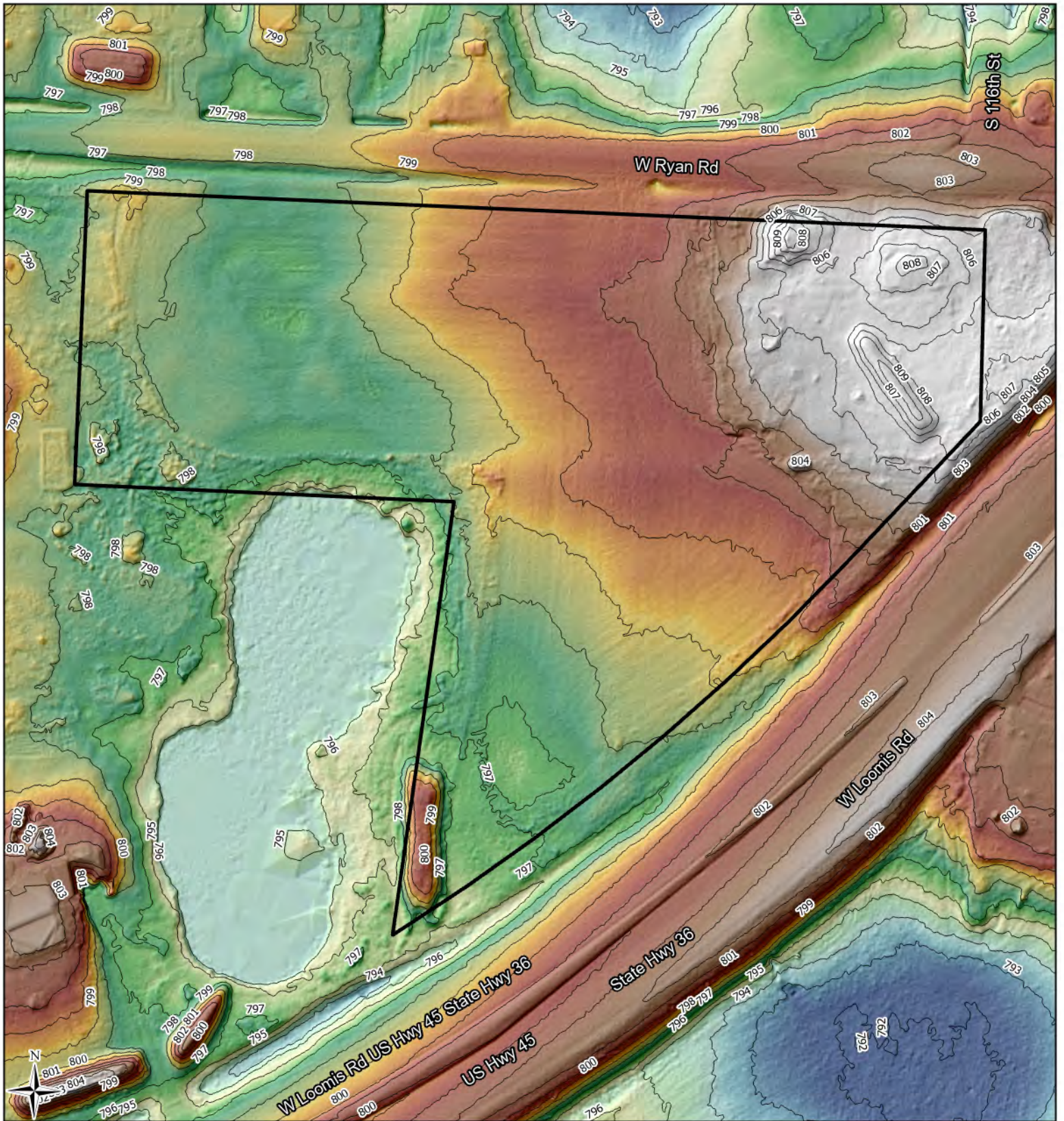
Figure 5. Wisconsin Wetland Inventory

4.75-Acre Parcel
Project #20231016
T5N, R21E, S30
C Franklin, Milwaukee Co

2022 Milwaukee Co Orthophoto
WDNR, USGS LRR: MW

Figure Created: 6/14/2023





Study Area (4.84 ac)
 Milwaukee Co 1' Contours

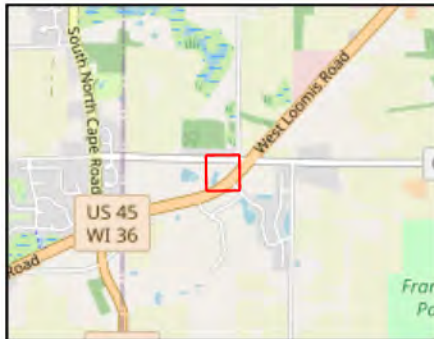


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Figure 6. Color-Stretch
 Digital Elevation Model
 4.75-Acre Parcel
 Project #20231016
 T5N, R21E, S30
 C Franklin, Milwaukee Co

DNR Lidar Service
 WDNR, Milwaukee Co LRR: MW

Figure Created: 6/14/2023





- Study Area (4.84 ac)
 - Milwaukee Co 1' Contours
 - Field Delineated Wetlands (0.09 ac)
 - Pond 1 OHWM
- Sample Points**
- Upland
 - Wetland

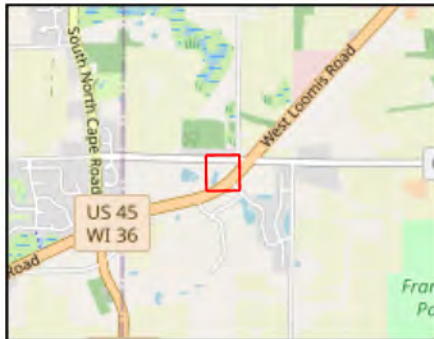


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Figure 7. Field Delineated Wetlands
 4.75-Acre Parcel
 Project #20231016
 T5N, R21E, S30
 C Franklin, Milwaukee Co

2022 Milwaukee Co Orthophoto
 Milwaukee Co, HEG LRR: MW

Figure Created: 6/29/2023



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W St. Paul Ave.
Milwaukee, WI 53233

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 7th, 2023

WIC-SE-2023-41-03565

Daniel Szczap
4011 80th Street
Kenosha, WI 53142

RE: Nonfederal Wetland Exemption Determination for an area described as W-1 located in Section 30, Township 5 North, Range 21 East in the City of Franklin, Milwaukee County

Dear Mr. Szczap:

This letter is in response to your request for a nonfederal wetland exemption determination for the above mentioned wetlands.

According to 281.36 (4n), Wis. Stats., a nonfederal urban wetland is a wetland that is not federally jurisdictional. Projects impacting nonfederal wetlands in urban areas must be less than 1 acre of total impact per parcel. Mitigation will be required for impacts greater than 10,000 sq ft up to 1 acre. The applicant must have a nonfederal jurisdictional determination from the Army Corps of Engineers along with a map of the wetland(s) involved. In addition, DNR must also consider whether the nonfederal wetland is a rare and high quality wetland as defined in s 281.36(4n), Wis. Stat.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative including project scope and purpose
- Site location map and photographs that show different angles and views of the wetland
- Botanical survey results
- Wetland delineation information

Below is a summary of our findings:

Request Narrative

According to the request narrative the total wetland impacts will be 0.09 acres (3,920 SF) in size. The purpose of this project is to develop residential properties in the City of Franklin, and future residential driveways and utility laterals may impact the identified wetland.

Site Location and Photographs

The site location confirms that the wetland is located in an urban area. Wetland photographs showed the area is currently utilized as a farmed wet meadow.

Botanical Survey

The botanical survey demonstrates that the wetland is not a rare and high quality wetland.

Wetland Delineation Information

The wetland delineation shows that W-1 is a 0.09-acre area of farmed wet meadow located in a depression within the northwestern portion of the study area.

Stormwater Compliance Information

The documentation demonstrated that the project will be completed in compliance with applicable WPDES stormwater permits and stormwater ordinances adopted under s. 59.693, 60.627, 61.354, or 62.234, Wis. Stats.

Mitigation

The documentation showed that the nonfederal exemption request is for less than 10,000 SF of impact in an urban area, therefore mitigation is not required.

Conclusion:

Based upon the documentation provided above, the project meets the eligibility criteria pursuant to s. 281.36 (4n), State Stat., and no mitigation is required. You are able to proceed with this project. If you have any questions or would like to schedule a meeting to discuss this approval, please call me at (414) 430-7129 or email michelle.soderling@wisconsin.gov.

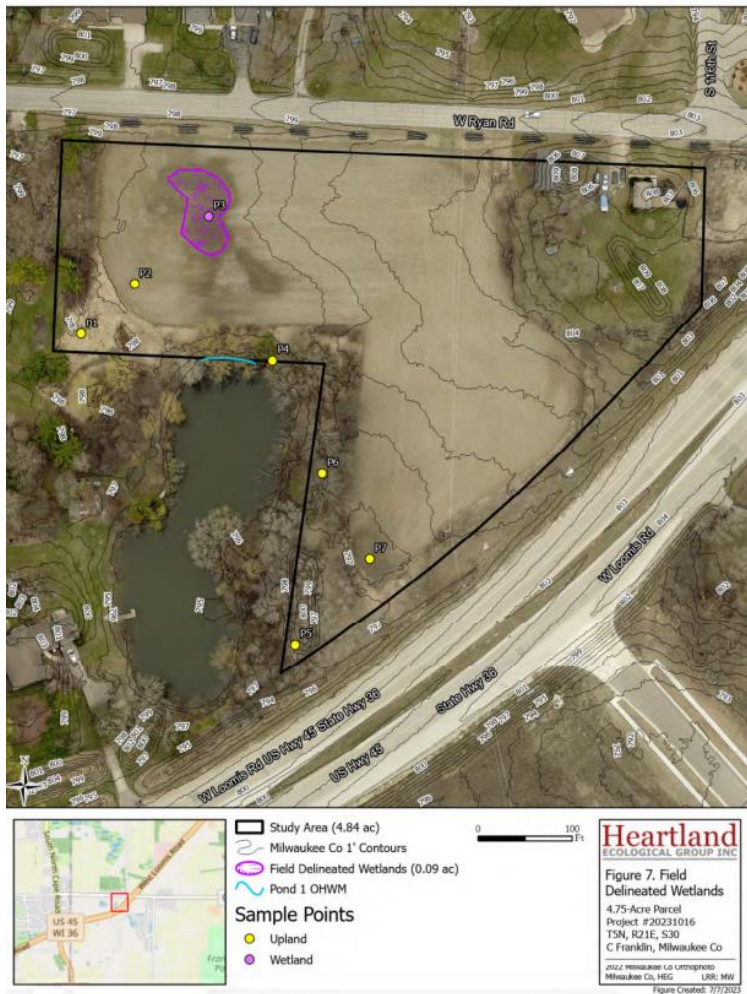
Sincerely,



Michelle Soderling
Water Management Specialist

Email CC: Tim Orlowski, USACE Project Manager
Kelly Hersh, City of Franklin Administrator

Enclosure: Site map with W-1 boundary:





DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

OCTOBER 11, 2023

Regulatory File No. MVP-2015-00973-TKO

Bear Development, LLC
Attn: Daniel Szczap
4011 80th Street
Kenosha, WI 53142

Dear Mr. Szczap:

This letter is in regard to an approved jurisdictional determination for the property located southwest of the intersection of West Ryan Road and South 116th Street in Franklin. The project site is in Section 30, Township 05 North, Range 21 East, Milwaukee County, Wisconsin. The review area for our jurisdictional determination is identified on the enclosed figures, labeled 2015-00973-TKO Figures 1-4 of 4.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Regulatory Division (File No. 2015-00973-TKO)

If you have any questions, please contact me in our Green Bay office at (920) 912-5427 or timothy.k.orlowski@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Orlowski".

Tim Orlowski
Project Manager

Enclosures

cc:
Michelle Soderling - WI DNR



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

Item. D.3.

Meeting of March 21, 2024

Temporary Use

RECOMMENDATION: City Development staff recommends approval of this temporary use request for storage of construction materials on this property.

Project name:	Dorner Inc., Temporary Use
Property Owner:	Goldfinger, LLC
Applicant:	Todd Dorner, Dorner Inc.
Property Address/TKN:	9954 W St. Martins Road / 840 9984 000
Aldermanic District:	District 2
Zoning District:	R-8 – Multiple-Family District; B-3 – Community Business District
Staff Planner:	Luke Hamill, Associate Planner
Application number:	PPZ24-0029

INTRODUCTION:

Temporary Use request for temporary storage of construction materials and equipment at 9954 W St. Martins Road for the City of Franklin’s Water Transmission Main project.

PROJECT ANALYSIS:

Dorner Inc. is a contractor for the City of Franklin’s Water Transmission Main project. Dorner submitted a Temporary Use Application with the Department of City Development for the storage of water main material. Additionally, the applicant is proposing storing their semi tool trailer, skidster trailer, and MQ generator, as well as dump trucks on the weekends.

The applicant will be using an existing driveway off of W St. Martins Road for entry and exit off the property. The applicant is not proposing any excavation.

The applicant is proposing the Temporary Use from February 19, 2024 until May 31, 2024. The applicant has received three temporary use staff approvals for this project. The effective dates of those temporary use approvals are as follows:

- February 19, 2024 – March 4, 2024
- March 5, 2024 – March 19, 2024
- March 20, 2024 – April 3, 2024

STAFF RECOMMENDATION

City Development Staff recommends approval of this Temporary Use request for storage of construction materials and equipment.

RESOLUTION NO. 2024-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A TEMPORARY USE FOR THE STORAGE OF
CONSTRUCTION MATERIALS AND EQUIPMENT LOCATED AT 9954 WEST ST.
MARTINS ROAD
(TODD DORNER, OWNER OF DORNER INC., APPLICANT)

WHEREAS, Todd Dorner, owner of Dorner Inc. having petitioned the City of Franklin for the approval of a Temporary Use to allow for the storage of construction materials and equipment located at 9954 W. St. Martins Road from April 4, 2024 through May 31, 2024, with operations from 7:00 a.m. to 9:00 p.m. Monday through Friday.

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

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Todd Dorner, owner of Dorner Inc. for the approval of a Temporary Use to allow for the storage of construction materials and equipment, for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall allow for such use from April 4, 2024 through May 31, 2024, with operations from 7:00 a.m. to 9:00 p.m., Monday through Friday and all approvals granted hereunder expiring at 9:30 p.m. on May 31, 2023.
2. Existing vegetation located on the property shall be kept undisturbed during the duration of this Temporary Use.
3. Materials and equipment stored on site shall be kept orderly and secure on site.
4. Any temporary signage associated with this temporary use shall be approved by the Department of City Development.

TODD DORNER, OWNER OF DORNER INC. – TEMPORARY USE
RESOLUTION NO. 2024-_____

Page 2

5. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses/permits which are required through the Building Inspection Department, Clerks Office and Health Department.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2024.

APPROVED:

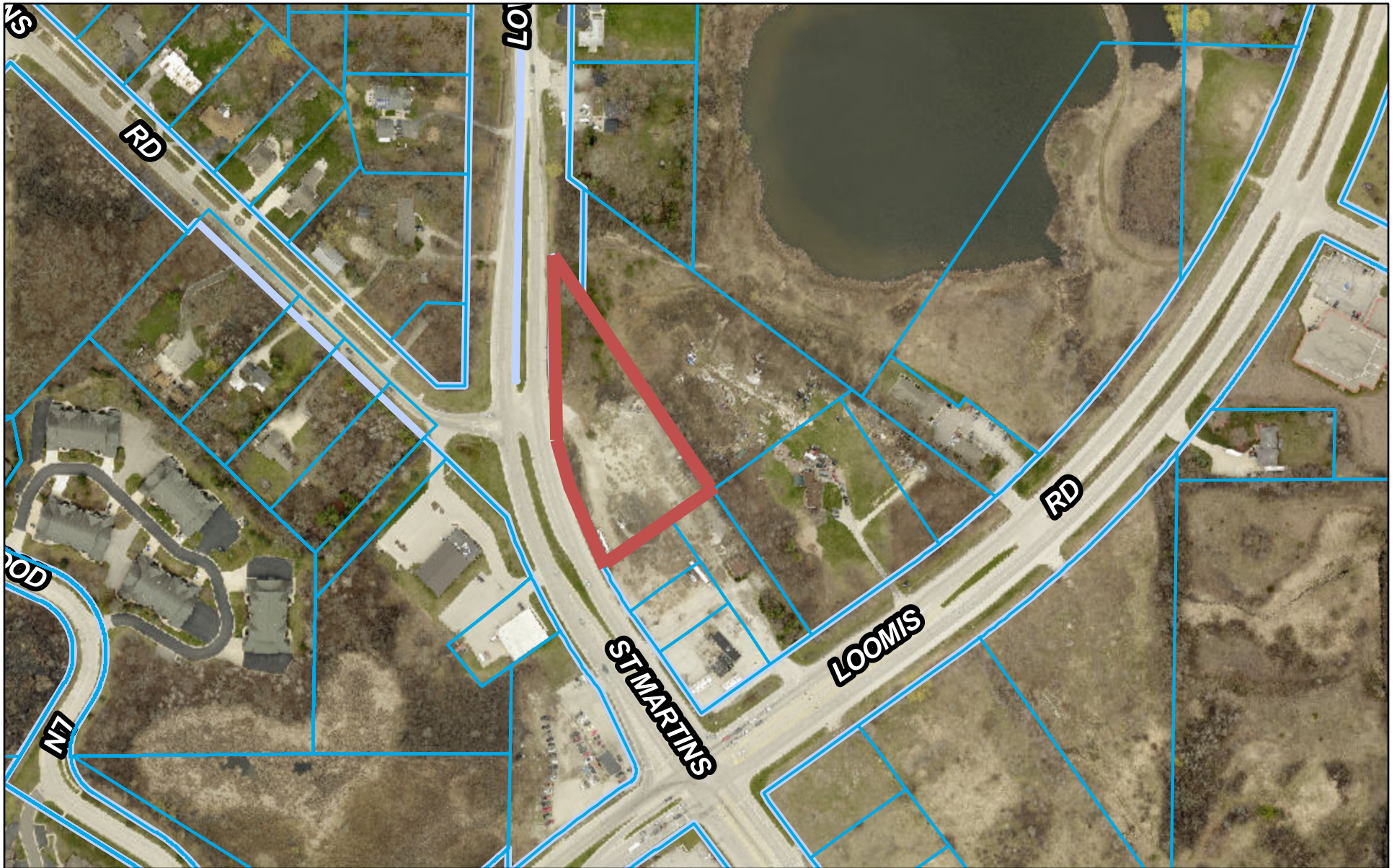
John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

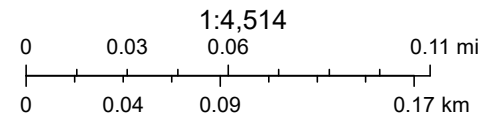
AYES _____ NOES _____ ABSENT _____

City of Franklin Property Viewer



3/14/2024, 11:32:34 AM

 Parcel



SEWRPC, Maxar, City of Franklin, WI

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 (414) 425-4024
 franklin.wi.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:		NAME: <u>Todd Dorner</u>	
COMPANY: <u>DORNER INC.</u>		COMPANY: <u>DORNER INC.</u>	
MAILING ADDRESS: <u>PO BOX 129</u>		MAILING ADDRESS: <u>PO Box 129</u>	
CITY/STATE: <u>LUXEMBURG, WI</u>	ZIP: <u>54217</u>	CITY/STATE: <u>LUXEMBURG, WI</u>	ZIP: <u>54217</u>
PHONE: <u>920 845 2442</u>		PHONE: <u>920 609 7614</u>	
EMAIL ADDRESS: <u>Todd.dorner@dornerinc.com</u>		EMAIL ADDRESS: <u>Todd.dorner@dornerinc.com</u>	

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: <u>890 Elm Grove Rd, Suite 207A</u>		TRK KEY NUMBER: <u>840 9984 000</u>	
PROPERTY OWNER: <u>O'MALLEY INVESTMENTS</u>		PHONE: <u>262-247-6373</u>	
MAILING ADDRESS: <u>9954 West St. Martin Road</u>		EMAIL ADDRESS: <u>Wendy@omalleyinvestments.com</u>	
CITY/STATE: <u>FRANKLIN, WI</u>	ZIP: _____	DATE OF COMPLETION: <u>5-9-24</u> 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).

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: <u>John A. O'Malley</u>		APPLICANT SIGNATURE: <u>Todd Dorner</u>	
NAME & TITLE: <u>John A. O'Malley</u>	DATE: <u>2-5-2024</u>	NAME & TITLE: <u>Todd M Dorner Vice President</u>	DATE: <u>2-3-24</u>
PROPERTY OWNER SIGNATURE: _____		APPLICANT REPRESENTATIVE SIGNATURE: _____	
NAME & TITLE: _____	DATE: _____	NAME & TITLE: _____	DATE: _____



**E506 Luxemburg Rd. – P.O. Box 129
Luxemburg, WI 54217-0129
Phone: (920) 845-2442 Fax: (920) 845-2458**

Marion

We have an agreement with Wendy Swenarski of O'Malley Investments to use their property located at 9954 Lovers Lane Road in Franklin, WI to be use as our holding area starting Monday, February 19, 2024 and everything be removed by May 31, 2024.

This location will be holding our water main material (pipe & fittings) for the City of Franklin Water Transmission Main project, also out semi tool trailer, skidster trailer, MQ generator and on weekends our dump trucks.

Attached is a map of the property being discussed.

We will use the driveway mention on the map for our entry and exit of the property.

There will be not be excavation done on this property.

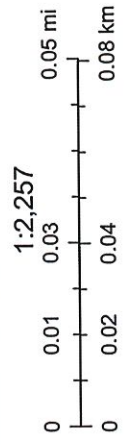
Todd Dorner
Dorner Inc
Vice President
920-609-7614
Todd.dorner@dornerinc.com

City of Franklin Property Viewer



2/7/2024, 2:39:25 PM

Parcel



SEWRPC, Maxar, Microsoft, City of Franklin, WI



Department of City Development
9229 West Loomis Road, Franklin, Wisconsin 53132
(414) 425-4024

March 4, 2024

Todd Dorner
Dorner, Inc.
E506 Luxemburg Road
PO Box 129
Luxemburg, WI 54217

Re: Temporary Use conditional approval – 2024 Dorner Inc. Construction Storage 9954 W St. Martins Road

Dear Todd:

Please be advised that your Temporary Use application for construction material storage on site located at 9954 W St. Martins Road has been conditionally approved, subject to the following conditions:

1. The Temporary Use is hereby approved from Tuesday, March 5, 2024 to March 19, 2024.
2. Construction materials and related vehicles shall only be kept on the vicinities of the property.
3. Hours of operation on the site shall be limited from 7:00 a.m. to 9:00 p.m., Monday through Friday.
4. Existing vegetation located on the property shall be kept undisturbed during the duration of this Temporary Use.
5. Materials stored on site shall be kept orderly and secure on site. Any debris in the right of way may lead to revocation of this permit.
6. Any temporary signage associated with this temporary use shall be approved by the Department of City Development.
7. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses which are required through the Building Inspection Department, Clerks Office, and Health Department.

You can contact the Department of City Development at 414-425-4024 if you have questions about this approval.

Sincerely,

Luke Hamill
Associate Planner



Department of City Development
9229 West Loomis Road, Franklin, Wisconsin 53132
(414) 425-4024

Cc: 9954 W St. Martins Road, Paper file, Elec. File.



Department of City Development
9229 West Loomis Road, Franklin, Wisconsin 53132
(414) 425-4024

February 16, 2024

Todd Dorner
Dorner, Inc.
E506 Luxemburg Road
PO Box 129
Luxemburg, WI 54217

Re: Temporary Use conditional approval – 2024 Dorner Inc. Construction Storage 9954 W St. Martins Road

Dear Todd:

Please be advised that your Temporary Use application for construction material storage on site located at 9954 W St. Martins Road has been conditionally approved, subject to the following conditions:

1. The Temporary Use is hereby approved from Monday, February 19, 2024 to March 4, 2024.
2. Construction materials and related vehicles shall only be kept on the vicinities of the property.
3. Hours of operation on the site shall be limited from 7:00 a.m. to 9:00 p.m., Monday through Friday.
4. Existing vegetation located on the property shall be kept undisturbed during the duration of this Temporary Use.
5. Materials stored on site shall be kept orderly and secure on site. Any debris in the right of way may lead to revocation of this permit.
6. Any temporary signage associated with this temporary use shall be approved by the Department of City Development.
7. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses which are required through the Building Inspection Department, Clerks Office, and Health Department.

You can contact the Department of City Development at 414-425-4024 if you have questions about this approval.

Sincerely,



Department of City Development
9229 West Loomis Road, Franklin, Wisconsin 53132
(414) 425-4024

Luke Hamill
Associate Planner

Cc: 9954 W St. Martins Road, Paper file, Elec. File.

APPROVAL	REQUEST FOR PLAN COMMISSION ACTION	MEETING DATE March 21, 2024
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REPORTS AND RECOMMENDATIONS	Potential Utilization of a Public Hearing Process When So Determined by a Decision-Making Body When Such Process Is Not Required by Federal or State Law or Local Government Ordinance	ITEM NUMBER
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Following discussion of agenda item D.1. Franklin Public School District Site Plan Amendment at its meeting on March 7, 2024, the Plan Commission adopted “a motion to table to the next meeting until after Legal review to whether it can be a public hearing item” [motion in draft form at the time of this writing], with clarification discussion as to the motion occurring prior to the vote thereon and including in part that a legal opinion on the subject matter of deciding to use a public hearing process would be provided at the next Plan Commission meeting and that the D.1. subject matter would not return to a meeting until and after a determination by the Plan Commission [and potentially the Common Council] on the process therefore and whether it would include a public hearing. The potential public hearing process discussion at the March 7, 2024 meeting arose because a public hearing process is not required for a site plan application review under Federal Law, the Wisconsin Statutes or case law, the City of Franklin Municipal Code or Unified Development Ordinance.

Below are some of the materials reviewed upon researching whether a public hearing may or should be held when otherwise not required by federal, state or local law. Immediately below is a summary of the contents in some of the cited documents [emphasis added].

League Parliamentary Procedure FAQ 5: "In general, a public hearing is required only if a state or federal law, agency regulation, or *local ordinance requires a hearing* to be held."

League Ordinances & Resolutions FAQ 7, after stating the statutory requirements separately: "Thus, a municipality is not required to *hold public hearings* for all municipal ordinances unless the *municipality has adopted a local ordinance or rule requiring that it do so.*"

UW Extension UW-Madison:

“In general, a public hearing is required only if a state or federal law, agency regulation, or *local ordinance mandates that a hearing be held.* Of course, *a municipality can decide to hold a public hearing even if there is no state or federal statute or agency rule mandating that a hearing be held.*

League Opinion Governing Bodies # 351R1:

“*Even in the absence of a rule or ordinance requiring a public hearing, the governing body can agree on a case-by-case basis to postpone a decision until after a public hearing is held.*”

Of concern with regard to a determination to process a public hearing where not required are potential questions which may be raised, i.e., basis upon which such a determination may be made, should it then be so processed for every such type application, should be subject matter be enacted as a provision in the Municipal Code, etc. Inquiry was made to League municipal attorneys, re: “Inquiring as to thoughts regarding deciding to hold a public hearing on a land use item application that does not require a public hearing under state or federal law or local ordinance. A hypothetical example would be deciding to notice and hold a public hearing as there are many people with issues regarding the subject application, though there is no requirement for a public hearing and one has never been done or considered previously for such a type of application. Know of any municipal codes that require or provide for a public hearing that is not otherwise required under state or federal law? Thoughts regarding authorizing this process by adopting a provision therefore in the municipal code? Content of such a code amendment? Thoughts regarding authorizing this process on a ‘case by case’ basis when a

request or thought for a public hearing on the application arises?” Received no response as to the existence of any provision in any municipal code providing for a public hearing not otherwise addressed under Federal or State law. There were responses involving a potential “undercurrent of a due process or equal protection concern”, prima facie discrimination, etc. Overall, the few attorneys responding, while noting the aforesaid concerns, ultimately did not raise those concerns to the level of prohibiting the process, but the general thought was to not do a public hearing, but to simply allow for citizen comment on the item and to put that on the agenda. One attorney mentioned a local requirement that any determination to proceed with the public input process required a two-thirds vote of the decision-making body.

An additional thought is that the subject matters upon which there is a Federal or State requirement for a public hearing are for potentially relatively broad discretionary subject matters, while those subject matters for which a public hearing is not required are of a more technical law and specifications review requirement with a lesser level of discretion which could be reasonably applied. Planning staff should also provide their thoughts on the subject matter and process. The Plan Commission may also consider whether this process consideration should be addressed by the Common Council for a final decision thereon.

League of Wisconsin Municipalities Parliamentary Procedure FAQ 5

Is a municipal governing body required to hold a public hearing before adopting an ordinance?

Not necessarily. There is no general statutory requirement that municipal governing bodies conduct a public hearing before taking action on proposed ordinances. In general, a public hearing is required only if a state or federal law, agency regulation, or local ordinance requires a hearing to be held.

There are several Wisconsin statutes that require municipalities to conduct a public hearing before taking certain actions. For example, municipalities must hold a public hearing before adopting or amending a zoning ordinance, amending an official map, acting on a petition for a conditional use permit or variance, and adopting the annual budget. Wis. Stat. §§ 62.23 and 65.90.

If the law does not require a hearing, municipal governing bodies may rely on their broad authority to determine their rules of procedure and may adopt ordinances or rules requiring public hearings to be held before taking certain actions. A municipal governing body may, for example, decide that a public hearing must be held on proposed ordinances dealing with certain subjects. (rev. 2/22)

Ordinances & Resolutions FAQ 7

Is a public hearing required for all ordinances?

No. State law does not impose a blanket requirement that a public hearing be held prior to the adoption of every municipal ordinance. Rather, state law imposes such a requirement only in specific instances. For example, a public hearing must be held before a zoning ordinance is adopted or amended. Wis. Stat. § 62.23(7)(d)1.b., (d)2. A municipality must also hold a public hearing prior to enacting or amending an ordinance imposing impact fees on a developer. Wis. Stat. § 66.0617(3). Thus, a municipality is not required to hold public hearings for all municipal ordinances unless the municipality has adopted a local ordinance or rule requiring that it do so. (rev. 3/19)

Wisconsin Department of Justice Frequently Asked Questions

As a private citizen, do I have a right to speak at my city council’s public meetings?

Answer: The Wisconsin Open Meetings Law acknowledges the public is entitled to the fullest and most complete information regarding government affairs as long as it does not hinder the conduct of governmental business. All meetings of governmental bodies, such as a city council, shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. The open meetings law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting. The law only grants citizens the right to attend and observe open meetings.

However, the law permits a governmental body to set aside a portion of an open meeting as a public comment period. While public comment periods are not required, if a governmental body decides to have such a comment period, it must be included in the meeting notice.

There are other state statutes—other than the open meetings law—that require governmental bodies to hold public hearings regarding certain matters. Unless such a statute specifically applies, a governmental body has wide discretion over any public comment period it chooses to permit. Besides the discretion over whether to allow public comments at all, a body also has discretion to decide to what extent it will allow public participation. For example, a governmental body can limit how much time each citizen may speak.

If a governmental body permits a public comment period, it may receive information from the public, and it may discuss any subject raised by a member of the public. A body may not take any formal action on such a subject unless it was identified in the body's meeting notice. If a citizen raises a subject that is not included on the meeting notice, it may be advisable for the body to limit substantive discussion on the subject until a subsequent meeting in which the body can include the subject on the meeting notice.

UW Extention UW-Madison

business to be considered at such closed session, and the specific exemption or exemptions authorizing the closed session. That announcement must be made part of the record of the meeting.¹⁷¹ For more information on minutes, see League legal opinion governing bodies 373

Public Hearings

Public hearings serve a number of important purposes. First, municipalities use public hearings to inform the public in general, and those citizens who are likely to be affected by a proposed municipal action in particular, about a requested or proposed governmental action. Public hearings also afford citizens the opportunity to comment on a proposed governmental action. At a public hearing, supporters of a particular proposal can explain why the action is necessary and persons opposed to the proposal can testify against the action. Comments received at a public hearing allow the municipality to gauge the need for and impact of the proposed action. As a result of comments received at a public hearing, the municipality may modify or even reject a proposed or requested action. Thus, public hearings serve a dual function of informing the public about a proposed municipal action and allowing the public to comment on the impact of a proposed action, which in turn educates the municipality about the ramifications of the action.

Most municipal actions need not be preceded by a public hearing. In general, a public hearing is required only if a state or federal law, agency regulation, or local ordinance mandates that a hearing be held. Of course, a municipality can decide to hold a public hearing even if there is no state or federal statute or agency rule mandating that a hearing be held.

In Wisconsin, a number of state statutes require municipalities to conduct a public hearing before taking certain actions. For example, municipalities must hold a public hearing before adopting or amending a zoning ordinance, acting on a petition for a conditional use permit or variance, imposing special assessments, and adopting the annual budget. Some state statutes requiring a public hearing are set forth below.

Where a public hearing must be held, proper notice to the public is essential and the type of notice required (*e.g.*, by publication or to certain persons and the manner of giving the notice) is typically specified by the statute or ordinance imposing the hearing requirement.

There are no general rules of procedure set forth in the statutes governing how public hearings must be conducted. Some statutes requiring a public hearing may specify that certain procedures be followed. For the most part, however, there is little or no guidance in the statutes for conducting a public hearing. Municipal governing bodies should consider, therefore, adopting procedural guidelines which they and other agencies within the municipality must follow when conducting public hearings.

In the absence of any rules to the contrary, the chairperson of the meeting has the responsibility of conducting the public hearing. At the outset of the hearing, the chairperson should explain the general rules of procedure which will govern the hearing. While it may not always be appropriate or necessary to establish strict rules of procedure for conducting a public hearing, in some cases the adoption of formal rules may be essential to maintaining control of the hearing and ensuring a fair process in which all sides are given an opportunity to comment.

171. Sec. 19.85(1), Stats.

League of Wisconsin Municipalities Opinions:

GOVERNING BODIES # 351 Public Hearings: What's their purpose? When are they required? How are they noticed?* May 30, 1997

Summary - GOVERNING BODIES # 351 Discusses when municipalities are required to conduct legislative type public hearings and reviews the purposes for holding such hearings. Also discusses a number of procedural guidelines municipalities may want to adopt to ensure that public hearings are fairly and efficiently conducted

By Curt Witynski *League Legal Counsel*

* This Comment is based in part on an article on public hearings written by Chris Smith, which appeared in the May 1997 issue of *Minnesota Cities*.

The theme of this month's issue of *the Municipality* is citizen involvement in local government. One way citizens can get involved in local government and influence decision making is by participating in public hearings sponsored by their municipality. This article, in keeping with the citizen involvement theme, focuses on legislative type public hearings, as opposed to adversarial administrative hearings, such as a police discipline or a liquor license suspension or revocation hearing. The latter type of hearings will be the subject of a future legal comment. This article reviews the purposes of legislative type public hearings and discusses when public hearings must be held, how public hearings are noticed and ways to conduct public hearings.

Purposes of Public Hearings

Public hearings serve a number of important purposes. First, municipalities use public hearings to inform the public in general and those citizens who are likely to be affected by a proposed municipal action in particular, about a requested or proposed governmental action. Public hearings also afford citizens the opportunity to comment on a proposed governmental action. At a public hearing, supporters of a particular proposal can explain why the action is necessary and persons opposed to the proposal can testify against the action. Comments received at a public hearing allow the municipality to gauge the need for and impact of the proposed action. As a result of comments received at a public hearing, the municipality may modify or even reject a proposed or requested action. Thus, public hearings serve a dual function of informing the public about a proposed municipal action and allowing the public to comment on the impact of a proposed action, which in turn educates the municipality about the ramifications of the action.

When Must Public Hearings Be Held?

Most municipal actions need not be preceded by a public hearing. For example, there is no general statutory requirement that municipal governing bodies conduct a public hearing before taking action on proposed ordinances. In general, a public hearing is required only if a state or federal law, agency regulation, or local ordinance mandates that a hearing be held.

In Wisconsin, there are a number of state statutes requiring municipalities to conduct a public hearing before taking certain actions. For example, municipalities must hold a public hearing before adopting or amending a zoning ordinance,¹ amending an official map,² acting on a petition for a conditional use permit or variance,³ and adopting the annual budget.⁴ For a list of municipally relevant state statutes requiring public hearings see the table on page 260.

In the absence of a state or federal statute or agency rule mandating that a hearing be held, municipal governing bodies may rely on their broad authority to determine their rules of procedure⁵ and adopt ordinances or rules requiring that public hearings be held before taking certain actions. A municipal governing body may, for example, decide that a public hearing needs to be held on proposed ordinances dealing with certain subjects; on proposed projects over a certain amount of money; or on certain capital expenditures. Even in the absence of a rule or ordinance requiring a public hearing, the governing body can agree on a case-by-case basis to postpone a decision until after a public hearing is held.

Notice of Public Hearings

A public hearing serves no purpose if the public isn't aware of the hearing. Providing proper notice to the public, therefore, is essential to conducting a legally valid and successful public hearing. In general, notice of a public hearing must give the date, location, time and subject matter of the hearing. Typically, statutes requiring a municipality to hold a public hearing before taking action on a particular matter specify the content and frequency of the notice that must be provided to the public. For example, under sec. 62.23(7)(d)2., Stats., the public hearing which must be held before a zoning ordinance may be amended must be preceded by "a class 2 notice, under ch. 985, of the proposed changes and hearings thereon."

The above quoted provision refers to ch. 985, Stats., and class 2 notices.

Chapter 985, Stats., governs the publication of all legal notices, including notices of public hearings held by governmental bodies.⁶ Under ch. 985, a class 2 notice means that two "insertions" in the official newspaper are required.⁷ For villages without an official newspaper and in which no qualifying newspaper is published, a class 2 notice means two postings.⁸ (Similarly, class 1 and 3 notices require, respectively, one and three insertions.) When more than one insertion is required, the notice must be published once each week for consecutive weeks, with the last notice published at least one week before the act or event, unless otherwise specified by law.⁹ If a village is posting the notice, the notice must be posted in at least three public places likely to give notice to the persons affected.¹⁰

Sometimes a statute requiring that a public hearing be held does not specify the type or class of notice that must be provided to the public. See, for example, sec 62.23(7)(e)6, Stats., requiring that public notice be provided of hearings conducted by the zoning board of appeals. In such cases, a class 3 notice is required unless the notice requirement predates January 2, 1966.¹¹ In the example just given, since sec. 62.23, Stats., has existed since 1941, a class 1 notice is all that is required for public hearings conducted by the zoning board of appeals.¹²

Finally, local officials should bear in mind that some statutes requiring municipalities to hold a public hearing may require that the notice of the hearing, in addition to being published in the official newspaper or posted in a public place, specifically be given to interested persons.

Conducting Public Hearings

There are no general rules of procedure set forth in the statutes governing how public hearings must be conducted. Some statutes requiring a public hearing may specify that certain procedures be followed. For the most part, however, there is little or no guidance in the statutes for conducting a public hearing. Municipal governing bodies should consider, therefore, adopting procedural guidelines which they and other agencies within the municipality must follow when conducting public hearings.

In the absence of any rules to the contrary, the chairperson of the meeting has the responsibility of conducting the public hearing. The chairperson should explain at the outset of the hearing the general rules of procedure which will govern the hearing. While it may not always be appropriate or necessary to establish strict rules of procedure for conducting a public hearing, in some cases the adoption of formal rules may be essential to maintaining control of the hearing and ensuring a fair process in which all sides are given an opportunity to comment.

Following are some procedural guidelines for conducting efficient public hearings which governing bodies and chairpersons may want to consider adopting.

1. A rule requiring persons attending a public hearing who desire to comment on the subject of the hearing to complete and file with the chairperson a "registration slip" indicating their name, affiliation and whether they support, oppose or merely want to comment on the issue that is the subject of the meeting. Such a requirement informs the chairperson how many people want to participate in the hearing and

what their positions are with regard to the proposal under consideration. Registration slips also assist the clerk in keeping an accurate record of who spoke at the hearing and what the speaker's position was on the issue.

2. Municipalities may also want to consider placing a time limit on persons offering testimony at public hearings in which a large turnout is expected. Ideally, any time restrictions on giving testimony at the hearing should be explained in the hearing notice. This will allow those persons desiring to appear whose presentations might exceed the time limit to prepare written statements or consolidate their presentations with other speakers sharing their views.
3. Chairpersons may want to routinely remind persons at the start of a hearing that any comments offered must be germane to the topic, concise and absent of personal attacks.
4. In the interest of avoiding repetitive testimony, the chair may want to encourage persons with the same viewpoint to appoint a spokesperson.
5. If written testimony will be accepted until a certain date, in addition to or in lieu of verbal testimony at the hearing itself, that fact should be explained in the hearing notice and at the outset of the hearing.

Again, in many public hearings conducted by municipalities the above described rules may not be necessary or appropriate. This is especially true in smaller communities where it might be the tradition to conduct public hearings in an informal manner. Nonetheless, circumstances may arise in any community where more formal procedures may need to be imposed to ensure a fair and efficient public hearing.

Conclusion

Legislative type public hearings serve a dual function by informing the public about a proposed municipal action and allowing the public to comment on the impact or ramifications of the proposed action. A properly noticed and fairly and efficiently run public hearing may encourage citizens to become further involved in local government.

State Statutes Requiring Public Hearings

The following is a partial list of statutes requiring municipalities to hold public hearings.

Removal of city officers for cause.	Sec. 17.16, Stats.
Disciplinary actions against police and	Secs. 61.65(am), 62.13(5) and 62.13(6m), certain firefighters.
	Stats.
Amendment of official map.	Sec. 62.23(6), Stats.
Enactment and amendment of zoning	Sec. 62.23(7), Stats. ordinance.
Requests to zoning board of appeals for	Sec. 62.23(7)(e)6., Stats. conditional use permits and variances.
Determination as to effect of community	Sec. 62.23(7)(i)9., Stats. living arrangement on the health, safety
or	welfare of the residents of a municipality.
Enactment of extraterritorial zoning	Sec. 62.23(7a), Stats. ordinance.
Enactment and amendment of fire safety	Sec. 62.23(9)(b), Stats. code.
Adoption of budget.	Sec. 65.90, Stats.

Adoption of a joint cooperative boundary	Sec. 66.023(4)(b), Stats. agreement.
Adoption of municipal revenue sharing	Sec. 66.028(3), Stats. agreement.
Revocation of mobile home park license.	Sec. 66.058(2)(d), Stats.
Creation of metropolitan sewerage district.	Sec. 66.22(3)(a), Stats.
Discontinuance of streets and alleys.	Sec. 66.296(2)(b), Stats.
Establishing pedestrian malls.	Sec. 66.298, Stats.
Approval of urban redevelopment plans.	Sec. 66.406(3), Stats.
Approval of redevelopment plan in	Sec. 66.43(5)(b)3., Stats. blighted area.
Creation of a tax incremental district.	Sec. 66.46(4), Stats.
Creation of a reinvestment neighborhood..	Sec. 66.465(2)(a), Stats.
Adoption of an impact fee ordinance.	Sec. 66.55, Stats.
Levying special assessments.	Sec. 66.60(7), Stats.
Approval of business improvement	Sec. 66.608(2)(c), Stats. district's initial operating plan.
Termination of business improvement	Sec. 66.608(4m)(c), Stats. district.
Creation and termination of architectural	Sec. 66.609, Stats. conservancy district.
Levying special assessments under	Sec. 66.62(2), Stats. alternate procedure.
Assessment of condemnation benefits.	Sec. 66.63(2), Stats.
Property assessment board of review.	Secs. 70.47 and 70.48, Stats.
Enactment of airport approach protection	Sec. 114.136, Stats. ordinances.
Revocation or suspension of, or refusal to	Sec. 125.12, Stats. renew, alcohol licenses.
Enactment of subdivision regulations.	Sec. 236.45(4), Stats.

Endnotes

- 1 Secs. 62.23(7)(d)1.a. & 2., Stats.
- 2 Sec. 62.23(6)(c), Stats.
- 3 Sec. 62.23(7)(e)6., Stats.
- 4 Sec. 65.90(4), Stats.
- 5 See sec. 62.11(3)(e), Stats.
- 6 Sec. 985.01(2), Stats.
- 7 Sec. 985.07, Stats.
- 8 Sec. 985.05(1), Stats.
- 9 Sec. 985.01(1), Stats.

10 Sec. 985.02(2), Stats.

11 Sec. 985.07(3)(b), Stats.

12. Readers seeking additional information on publication requirements applicable to municipalities and ch. 985, Stats., should see the Legal Comment in the February 1997 issue of the Municipality, copies of which can be obtained from the League.

Governing Bodies # 351R1 July 30, 2010

Governing Bodies 351R1 Discusses the difference between legislative and quasi-judicial hearings and their purpose and contains partial list of statutes requiring that hearings be held. Discusses providing notice and suggests some procedural guidelines that municipalities may want to adopt to ensure that public hearings are fairly and efficiently conducted. 7/30/10.

A Basic Overview of Public Hearings

This Comment is a substantially revised and updated version of an article by Curt Witynski, former Legal Counsel, which was published in the July 1997 issue of the Municipality. Curt's earlier article credited an article on public hearings written by Chris Smith, which appeared in the May 1997 issue of *Minnesota Cities*. Members of governing bodies and local boards and commissions are sometimes required to conduct hearings before making decisions with regard to certain matters. This article provides a basic overview on hearings, with a general explanation of the two most common types of hearings and how they differ, and a general description of notice requirements. The article concludes with some suggestions for conducting public hearings.

TYPES OF HEARINGS AND PURPOSE

There are several different types of hearings. The two most common types of hearings that local officials will participate in, and which are the focus of this article, are legislative public hearings and quasi-judicial or adjudicatory-type hearings. Because these hearings have very different purposes, they are typically handled differently.

LEGISLATIVE PUBLIC HEARINGS

Legislative public hearings typically concern policy proposals that will affect the jurisdiction generally. Such hearings are intended to inform the public in general, and those citizens who are likely to be affected by a proposed municipal action in particular, about a requested or proposed governmental action. Legislative public hearings afford citizens the opportunity for input on a proposed governmental action. Supporters of a proposal can explain why they believe a particular course of action is necessary or helpful and persons opposed to the proposal can explain why they believe such action is unnecessary or detrimental. Comments received at a public hearing allow the municipality to gauge the need for, and impact of, the proposed action. Thus, public hearings serve a dual function of informing the public about a proposed municipal action and allowing the public to comment on the impact of a proposed action, which in turn educates the municipality about the ramifications of the action.

Some examples of subjects requiring legislative hearings include adoption of the municipal budget,¹ adoption of a comprehensive plan,² and discontinuance or vacation of streets and alleys.³ Because the purpose of legislative public hearings is generally to obtain public input and not to apply the law to decide specific rights of persons, the procedures for such hearings are usually more relaxed and flexible than those used for quasi-judicial or adjudicatory hearings. Persons commenting on proposed legislation are typically offering their opinions. Thus, measures aimed at ensuring the integrity and veracity of the information received, such as administering oaths or cross-examination, are generally unnecessary.

QUASI-JUDICIAL OR ADJUDICATORY HEARINGS

In contrast to legislative hearings, quasi-judicial or adjudicatory hearings are, as the name implies, more like judicial hearings. A quasi-judicial hearing is a hearing pertaining to an action which affects the rights of a

particularly identified person who is a party to a proceeding before the body. In such hearings, evidence is usually presented and is subject to examination and scrutiny by both sides, with a careful record being made of the proceedings. Testimony is often sworn and, in some instances, the body hearing the matter may have the right to subpoena witnesses and records. After the evidence is presented, the body must then evaluate it and apply the specific legal criteria applicable to reach a result. Additionally, the body must provide a decision so that the subject of the hearing can understand how the law was applied to the facts, and so that a court can review the decision if appealed.⁴ In these types of hearings, it is necessary to ensure that the proceedings are fair, the decision makers impartial,⁵ and that the person whose rights are being decided has adequate notice of the nature of the hearing, the criteria for decision, and the basis for the final decision. Therefore, the procedures used are typically much stricter and more complicated than those used for legislative-type hearings. Some examples of quasi-judicial or adjudicatory hearings include disciplinary proceedings for law enforcement officers or firefighters,⁶ board of review hearings,⁷ hearings to remove city officers for cause,⁸ and hearings to suspend or revoke licenses to sell alcohol.⁹

A WORD OF CAUTION REGARDING THE LEGISLATIVE/QUASI-JUDICIAL DISTINCTION

Some words of caution are necessary regarding the distinction between legislative and quasi-judicial matters. First, it's not always so easy to determine whether something is legislative in nature or quasi-judicial. For example, hearings pertaining to land use regulations are sometimes legislative and sometimes quasi-judicial. For a discussion of the distinction in the context of land use decisions, see Zoning 444 and 445. Second, regardless of characterization as legislative or quasi-judicial, the Wisconsin Supreme Court has explained that common law concepts of due process and fair play, as opposed to those constitutionally required, may require certain protections.¹⁰

WHEN MUST PUBLIC HEARINGS BE HELD?

Most municipal actions need not be preceded by a public hearing. For example, there is no general statutory requirement that municipal governing bodies conduct a public hearing before taking action on proposed ordinances. Thus, a public hearing is required only if a state or federal law, agency regulation, or local ordinance mandates that a hearing be held.

In Wisconsin, a number of state statutes require municipalities to conduct a public hearing before taking certain actions. For example, municipalities must hold a public hearing before adopting or amending a zoning ordinance,¹¹ amending an official map,¹² acting on a request for a zoning variance,¹³ and adopting the annual budget.¹⁴ For a partial list of municipally relevant state statutes requiring public hearings, see the table at the end of this article.

In the absence of a state or federal statute or agency rule mandating that a hearing be held, municipal governing bodies may rely on their broad authority to adopt ordinances or rules requiring that public hearings be held before taking certain actions and may adopt rules of procedure.¹⁵ A municipal governing body may, for example, decide that a public hearing needs to be held on proposed ordinances dealing with certain subjects; on proposed projects over a certain amount of money; or on certain capital expenditures. Even in the absence of a rule or ordinance requiring a public hearing, the governing body can decide on a case-by-case basis to postpone a decision until after a public hearing is held.

NOTICE OF PUBLIC HEARINGS

Public hearings on legislative matters serve no purpose if the public is unaware of the hearing. In quasi-judicial matters, due process requires adequate notice. In any matter requiring a public hearing, providing the requisite notice is essential. Notice requirements vary depending on subject so it is critical to check the controlling statute and make sure notice is given in the manner specified by law.

In general, notice of a public hearing must name the body and give the date, location, time and subject matter of the hearing. Typically, statutes requiring a municipality to hold a public hearing before taking action on a particular matter specify the content and frequency of the notice that must be provided to the public. For example, under Wis. Stat. sec. 62.23(7)(d)2., the public hearing which must be held before a zoning ordinance

may be amended, must be preceded by “a class 2 notice, under ch. 985, of the proposed changes and hearings thereon.”

The above quoted provision refers to chapter 985 of the Wisconsin Statutes which governs the publication of all legal notices, including notices of public hearings held by governmental bodies. Under ch. 985, a class 2 notice requires two “insertions” in the official newspaper.¹⁶ For villages without an official newspaper and in which no qualifying newspaper is published, a class 2 notice means two postings.¹⁷ (Similarly, class 1 and 3 notices require, respectively, one and three insertions.) When more than one insertion is required, the notice must be published once each week for consecutive weeks, with the last notice published at least one week before the act or event, unless otherwise specified by law.¹⁸ If a village is posting the notice, the notice must be posted in at least three public places likely to give notice to the persons affected.¹⁹

Sometimes a statute requiring that a public hearing be held does not specify the type or class of notice that must be provided to the public. See, for example, sec 62.23(7)(e)6, Stats., requiring that public notice be provided of hearings conducted by the zoning board of appeals. In such cases, a class 3 notice is required unless the notice requirement predates January 2, 1966.²⁰ In the example just given, since sec. 62.23, Stats., has existed since 1941, a class 1 notice is all that is required for public hearings conducted by the zoning board of appeals. Readers seeking additional information on publication requirements applicable to municipalities and ch. 985, Stats., should see the Legal Comment in the October 2007 issue of the Municipality (Publication 125), copies of which are available from the League.

Finally, local officials should bear in mind that some statutes requiring municipalities to hold a public hearing may require notice to specific individuals or that, in addition to being published in the official newspaper or posted in a public place, notice of the hearing specifically be given to interested persons.

CONDUCTING PUBLIC HEARINGS

There are no general rules of procedure set forth in the statutes governing how public hearings must be conducted. Some statutes requiring a public hearing may specify that certain procedures be followed. For the most part, however, there is little or no guidance in the statutes for conducting a public hearing. Therefore, municipal governing bodies should consider adopting procedural guidelines which they and other agencies within the municipality must follow when conducting public hearings.

In the absence of any rules to the contrary, the chairperson of the meeting has the responsibility of conducting the public hearing. The chairperson should explain the general rules of procedure which will govern the hearing at the outset of the hearing. While it may not always be appropriate or necessary to establish strict rules of procedure for conducting a public hearing, in some cases the adoption of formal rules may be essential to maintaining control of the hearing and ensuring a fair process in which all sides are given an opportunity to comment.

Following are a few basic procedural guidelines for conducting efficient public hearings which governing bodies and chairpersons may want to consider adopting.

1. A rule requiring persons attending a public hearing who desire to comment on the subject of the hearing to complete and file with the chairperson a “registration slip” indicating their name, affiliation and whether they support, oppose or merely want to comment on the issue that is the subject of the meeting. Such a requirement informs the chairperson how many people want to participate in the hearing and what their positions are with regard to the proposal under consideration. Registration slips also assist the clerk in keeping an accurate record of who spoke at the hearing and what the speaker’s position was on the issue.
2. Municipalities may also want to consider whether it is appropriate to place a time limit on persons offering testimony at public hearings. This may be necessary in situations where a large turnout is expected. Ideally, any time restrictions on giving testimony at the hearing should be explained in the hearing notice. This will allow those persons desiring to appear whose presentations might exceed the time limit to prepare written statements or consolidate their presentations with other speakers sharing their views.
3. Chairpersons may want to routinely remind persons at the start of a hearing that any comments offered must be germane to the topic, concise and absent of personal attacks.
4. In the interest of avoiding repetitive testimony, the chair may want to encourage persons with the same viewpoint to appoint a spokesperson.

5. If written testimony will be accepted until a certain date, in addition to or in lieu of verbal testimony at the hearing itself, that fact should be explained in the hearing notice and at the outset of the hearing. In some public hearings conducted by municipalities the above described rules may not be necessary or appropriate. This is especially true in smaller communities where it might be the tradition to conduct public hearings in an informal manner. Nonetheless, circumstances may arise in any community where more formal procedures may need to be imposed to ensure a fair and efficient public hearing. For some very helpful suggestions on how to improve the conduct of public hearings and increase public involvement in hearings, see a publication entitled *Getting More Out of Public Hearings: Ideas to Improve Public Involvement*, by the League of California Cities' Institute for Local Government at http://www.cacities.org/resource_files/24366.PublicHearings.pdf.

CONCLUSION

Legislative and quasi-judicial hearings are different in nature and have different purposes. Because of that they are usually conducted differently. Regardless of the type of hearing, it is important to provide the required notice and develop procedures for ensuring that all hearings are conducted fairly and efficiently to accomplish their purpose.

STATE STATUTES REQUIRING PUBLIC HEARINGS

The following is a partial list of statutes requiring municipalities to hold public hearings.

Removal of city officers for cause.	StateplaceWis. Stat. sec. 17.16.
Disciplinary actions against police and certain firefighters.	StateplaceWis. Stat. secs. 61.65(am), 62.13(5) and 62.13(6m).
Amendment of official map.	StateplaceWis. Stat. sec. 62.23(6)(c).
Enactment and amendment of zoning ordinance.	StateplaceWis. Stat. sec. 62.23(7)(d).
Requests to zoning board of appeals for conditional use permits and variances.	Wis. Stat. sec. 62.23(7)(e)6.
Determination as to effect of community living arrangement on the health, safety or welfare of the residents of a municipality.	StateplaceWis. Stat. sec. 62.23(7)(i)9.
Enactment of extraterritorial zoning ordinance.	StateplaceWis. Stat. sec. 62.23(7a).
Enactment and amendment of fire safety code.	StateplaceWis. Stat. sec. 62.23(9)(b).
Adoption of budget.	StateplaceWis. Stat. sec. 65.90(4) .
Adoption of a joint cooperative boundary agreement.	StateplaceWis. Stat. sec. 66.0307(4)(b).
Adoption of municipal revenue sharing agreement.	StateplaceWis. Stat. sec. 66.0305(3).
Revocation of mobile home park license.	StateplaceWis. Stat. sec. 66.0435(2)(d).
Creation of metropolitan sewerage district (*DNR holds the hearing).	StateplaceWis. Stat. sec. 200.05.
Discontinuance of streets and alleys.	StateplaceWis. Stat. sec. 66.1003(4)(b).
Establishing pedestrian malls.	StateplaceWis. Stat. sec. 66.0905.
Approval of urban redevelopment plans.	StateplaceWis. Stat. sec. 66.1303(3).
Approval of redevelopment plan in blighted area.	StateplaceWis. Stat. sec. 66.1331(5)(b)3.
Creation of a tax incremental district.	StateplaceWis. Stat. sec. 66.1105(4)(a).
Creation of a reinvestment neighborhood.	StateplaceWis. Stat. sec. 66.1107(2)(a).
Adoption of an impact fee ordinance.	StateplaceWis. Stat. sec. 66.0617(3).
Levying special assessments.	StateplaceWis. Stat. sec. 66.0703(7)(a).
Levying special assessments under alternate procedure.	StateplaceWis. Stat. sec. 66.0701(2).

Imposing special charges for current service involving street tarring, repair of sidewalks, curbs and gutters.	StateplaceWis. Stat. sec. 66.0627(3)(b).
Approval of business improvement district's initial operating plan.	StateplaceWis. Stat. sec. 66.1109(2)(c).
Termination of business improvement district.	StateplaceWis. Stat. sec. 66.1109(4m)(c).
Creation and termination of architectural conservancy district.	StateplaceWis. Stat. sec. 66.1007(2)(c).
Assessment of condemnation benefits.	StateplaceWis. Stat. sec. 66.0725.
Property assessment board of review.	StateplaceWis. Stat. sec. 70.47 and 70.48.
Enactment of airport approach protection ordinances.	StateplaceWis. Stat. sec. 114.136.
Revocation or suspension of, or refusal to renew, alcohol licenses.	StateplaceWis. Stat. sec. 125.12.
Enactment of subdivision regulations.	StateplaceWis. Stat. sec. 236.45(4).

ENDNOTES

1. See Wis. Stat. sec. 65.90(4).
2. Wis. Stat. sec. 66.1001(4)(d).
3. Wis. Stat. sec. 66.1003(4)(b).
4. *Bratcher v. Housing Authority of City of Milwaukee*, 2010 WI App 97 (housing authority failed to act according to law when it denied application for rent assistance and both the authority's written notice of an informal review hearing and its written decision failed to adequately explain to applicant why her rent assistance was being denied).
5. See *Marris v. City of Cedarburg*, 176 Wis. 2d. 842 (1993).
6. See Wis. Stat. secs. 61.65(1)(am) and 62.13(5).
7. See Wis. Stat. sec. 70.47.
8. See Wis. Stat. secs. 17.12 and 17.16 and *State ex rel. DeLuca v. Common Council of City of Franklin*, 72 Wis. 2d 672, 242 N.W.2d 689 (1976) (city clerk who was charged with operating his office in a dishonest manner was entitled to full panoply of due process protections, the minimum requirement of which included timely and adequate notice of reasons for his discharge, impartial decision maker and opportunity to confront and cross-examine adverse witnesses).
9. Wis. Stat. sec. 125.12(b)2.
10. See *Marris v. City of Cedarburg*, 176 Wis. 2d. 842 (1993) (common-law concepts of due process and fair play require an impartial decision-maker in zoning decisions).
11. Wis. Stat. sec. 62.23(7)(d)1.a. & 2.
12. Wis. Stat. sec. 62.23(6)(c).
13. Wis. Stat. sec. 62.23(7)(e)6.
14. Wis. Stat. sec. 65.90(4).
15. See sec. 62.11(3)(e), for example.
16. Wis. Stat. sec. 985.07.
17. Wis. Stat. sec. 985.05(1).
18. Wis. Stat. sec. 985.01(1).
19. Wis. Stat. sec. 985.02(2).
20. Wis. Stat. sec. 985.07(3)(b).

PLAN COMMISSION ACTION REQUESTED

As the Plan Commission may determine appropriate.

Department of City Development Annual Report: 2023

Prepared for:

Mayor John R. Nelson
City of Franklin Common Council
City of Franklin Plan Commission

Prepared by:

Department of City Development

March 12, 2024

Introduction

The City of Franklin's Department of City Development oversees planning and zoning activities. It is responsible for administering the Unified Development Ordinance (UDO) and implementing the Comprehensive Master Plan. The Department's role includes disseminating this information to the public and coordinating with other City departments, boards, commissions, public officials, and applicants to ensure the timely review of projects.

This report summarizes the department's activities during 2023 related to development review, zoning enforcement, staff support to City boards and commissions, long-range planning, and department initiatives. It also outlines the department's goals for 2024.

It's worth noting that the Planning Manager position was vacant for most of 2023 and the second half of 2022, except from May to August 2023. Without a Planning Manager, department staff reports to the Director of Administration, Hersh, and Principal Planner Martínez, the acting Zoning Administrator (for more information, see the attached council action sheet).

The department hired a new Associate Planner and part-time Planning Associate in 2023. A Planning Intern worked with the department from April to December 2023; the Intern position was filled again in February 2024. This new planning staff has contributed tremendously to faster application processing; however, the department still has one administrative staff for clerical duties.

Development Review

City Development staff are the go-to source for property development information and interpretations of the UDO and other property-related parts of the Municipal Code. Staff planners held 85 pre-application meetings with prospective applicants. Additionally, staff processed 148 inquiries from the City's website, not including phone calls and customer service at the department's counter.

The following provides a step-by-step process of a development review:

1. Pre-Application Meeting: Applicant contacts the department to schedule a pre-application meeting with a planner.
2. Application Submission: Applicant applies.
3. Initial Review for Completeness: The planner reviews the application for completeness. If incomplete, the planner contacts the applicant for additional information.
4. Routing for Departmental Review: Once complete, the planner routes the application to other City departments for review.
5. Compliance and Compatibility Review: The planner reviews the application for compliance with the UDO, compatibility with adjacent land uses, and consistency with the comprehensive plan.
6. Compilation of Comments: The planner compiles comments from other departments.
7. Review Comments Memo: The planner sends the applicant a memorandum with review comments.
8. Addressing Staff Comments: Applicant addresses staff comments.
9. Board/Commission Meeting Scheduling: The application is scheduled for a board/commission meeting and public hearing (if required).
10. Report Preparation: Department staff prepares reports and other packet materials for the meeting.
11. Review and Decision: The respective board/commission reviews the application and decides to approve, conditionally approve, deny, or holdover/table the request.
12. Conditions of Approval Addressing: The planner follows up with the applicant to address conditions of approval before the next permitting stage (typically issuance of building permits, land disturbance permits, or certificate of occupancy).

It's important to note that this development review process serves as a reference and may vary depending on the type of application and specific circumstances.

The number of zoning and land division applications reviewed in 2023 increased by 15% compared to the previous year. As of February 14, 2024, 91% of applications had been completed, and half of the still pending applications were received in the last two months of 2023.

Development applications, zoning complaints, and commission meetings in 2023:

Activity	2022	2023 Actual	2023 Completed*	2023 Pending*	2023 Forecast**
Site Plans/Concept Plans	34	48	42	6	40
Plat Reviews	10	7	5	2	8
Certified Survey Maps	6	3	2	1	8
Special Uses	8	15	13	2	10
Rezoning	5	1	1	0	6
UDO/PDD Amendments	2	2	2	0	4
Zoning Permits/Certificates	90	95	92	3	92
Sign permits	34	56	50	6	36
Variances	20	15	13	2	18
Zoning Complaints	180	147	125	22	160
Board & Commission Meetings	83	75	75	0	78
Total (Applications)	209	242	220	22	222
Total (Applications/Complaints)	389	389	345	44	382

(*) Completed or pending as of February 14, 2024.

(**) A forecast prepared in mid-2023 for the 2024 budget.

It’s worth noting that the forecast prepared in mid-2023 was accurate compared to the actual total of applications and complaints, with only a 1.8% difference.

The project tracker table compiled by staff with all applications submitted in 2023 is available upon request.

Zoning Enforcement

Zoning-related complaints filed with the department decreased 22% compared to the previous year. It is important to note that a significant commitment of staff time is required in the research and resolution of most zoning enforcement actions.

Most complaints (71%) were related to noise from Planned Development District (PDD) No. 37 (The Rock Sports Complex). Most of these complaints were closed as staff didn’t find a violation. Staff sent

two notices of violations to the operator: violation of hours of operation and technical issues with the sound meters.

Zoning complaints received in 2023 by type and status:

Type of Complaint	Complaints received	Complaint status*		
		Closed	Notice sent	Open
Noise (PDD 37)	105	103	2	-
Noise	2	-	-	2
Quarry	15	15	-	-
Accessory Structure	5	1	1	3
Outdoor storage	5	-	-	5
Use without permit	3	-	1	2
Structure without permit	2	2	-	-
Tree removal	4	1	-	3
Lighting	1	-	-	1
Animals	1	-	-	1
Parks	1	1	-	-
Floodplain	1	-	1	-
Miscellaneous	2	2	-	0
Total	147	125	5	17
%		85%	3%	12%

(*) Complaints status as of February 14, 2024.

This table doesn't include the floodplain management Community Assistance Visit (CAV)

The staff has reviewed and closed 85% of complaints and sent notices of violation for 3%, but 12% remain open. A review of open complaints is a department goal for 2024.

For information on quarry complaints, please visit the Quarry Monitoring Committee page on the City's website. You can access detailed quarterly reports prepared by the quarry monitoring consultant there.

An enforcement list of all zoning complaints received in 2023 is available upon request; such a list doesn't include quarry complaints and CAV cases.

Floodplain Management – Community Assistance Visit (CAV)

The Federal Emergency Management Agency provides National Flood Insurance Program (NFIP) benefits to anyone in one of the 23,000 participating NFIP communities. Homes and businesses in high-risk flood areas with mortgages from government-backed lenders must have flood insurance (FEMA.gov). On August 2, 2022, the Wisconsin Department of Natural Resources (DNR) contacted the City of Franklin regarding their annual Community Assistance Visit (CAV) for floodplain management. The CAV is intended as a review and enforcement program for floodplain violations. The DNR and FEMA identified potential floodplain violations in the City of Franklin that must be resolved to maintain

participation in the Flood Insurance Program, as ongoing violations of floodplain protections represent a danger to health and safety. They can be resolved through permitting and review or removal.

To remain eligible for the NFIP, Franklin must create a work plan to resolve these violations, bring each site into compliance, and prevent future encroachments. Planning is coordinating the City's response to these requirements. To date, a proposed work plan has been accepted by DNR, site visits have been completed for most sites, and proposed remedy plans are being drafted for those found to violate floodplain regulations. A full update on the project status will be provided to the Common Council later this spring, 2024.

Staff support to boards and commissions

The Department of City Development is responsible for providing planning, zoning, and development-related support to the Mayor and Common Council and primary staff support to the Plan Commission, the Board of Zoning and Building Appeals, the Environmental Commission, the Quarry Monitoring Committee, and the Parks Commission. The Department also assists the City Attorney's Office with the Community Development Authority and the Economic Development Department with the Economic Development Commission.

Meetings attended by City Development staff in 2023:	
Board or Commission	Meetings
Plan Commission	19
Board of Zoning and Building Appeals	7
Quarry Monitoring Committee	4
Environmental Commission	9
Parks Commission	10
Common Council	19
Committee of the Whole	2
Economic Development Commission	4
Community Development Authority	1
Total	75

Department staff is anticipated to continue supporting these boards and commissions in 2024.

Quarry Monitoring Committee

The department continued to staff the Quarry Monitoring Committee, coordinate the activities of the City's quarry monitoring consultant, and respond to citizen concerns and complaints about the quarry during 2023. The Planning Department also helped prepare a quarry monitoring contract with Stantec Consulting Services Inc. and reported annual reclamation data to the Wisconsin DNR.

Parks Commission

The Planning Department provides administrative support to the Parks Commission, including agenda building, packet production, records management, assistance with minutes, public notices, room setup, and other tasks to keep the Commission running smoothly.

The department also provides support to the Commission by coordinating its work, including:

- Special requests related to park pavilion or other park facility rentals;
- Requests to host public events in City of Franklin parks;
- Small donations of equipment and amenities such as memorial benches;
- Requests for new facilities, amenities, or parks;
- Park and trail development plans;
- Use of Park Impact Fees;
- Implementation of the Comprehensive Outdoor Recreation Plan;
- Development of Park Rules and policies; and
- other areas subject to their review as enabled by §10-7 of the Municipal Code and Wis. Stat. § 27.08

Planning staff attend all Parks Commission meetings to provide support, updates, and additional information to the Commission. The Department also serves as the Commission's point of contact with the public outside meeting times.

Environmental Commission

The Planning Department staff provides administrative support to the Environmental Commission, attends all Commission meetings, and serves as the Commission's point of contact with the public outside meeting times. The department also provides support to the Commission by coordinating its work, including:

- Policy recommendations to Common Council and other Commissions;
- Review of Natural Resource Special Exception (NRSE) applications and other natural resource reviews;
- Promoting public participation in events concerning environmental issues;
- Providing the public with information and education about environmental issues; and
- other areas subject to their review as enabled by §10-14 of the Municipal Code.

Long-range Planning & Department Initiatives in 2023

In addition to the zoning and land division-related responsibilities noted earlier in this report, the Department of City Development has the duty of helping guide the City's long-range planning activities. Below is a summary of accomplishments in 2023:

- UDO Rewrite: City Development staff and the project consultant presented the following Articles to the UDO Rewrite Task Force: Subdivision Standards, Administrative Procedures, PDDs, Nonconformities, and Natural Resource Protection.

- Staff prepared an application form specific to floodplain land use permits, which provides clear information for applicants on the approval process and submittal requirements.
- Water Tower Park: Planning staff coordinated Parks Commission input into preliminary site designs and provided zoning and design review.
- The Planning Intern compiled all rezoning and comprehensive plan amendments from 2010 to July 2023 and provided them to the GIS department to update the zoning and future land use layers; such an update is still in progress.
- Update the City's Rural and Urban areas map (approval sought in March 2024).
- Amendment of Franklin Industrial Park PDD Ordinance to allow for administrative review of signs (approved in February 2024).
- Budget amendment for planning consulting services to charge applicants for staff or outside consultant hours. Implementing this change is conditioned upon an update to the UDO fee schedule, which is listed as a goal for 2024.

Goals for 2024

Long-range Planning & Department initiatives

- Continue the UDO Rewrite project: draft and Final UDO (Step 5) and Adoption and Implementation (Step 6).
- Staff anticipates preparing a Request for Proposal (RFP) to update the City's Comprehensive Master Plan and Comprehensive Outdoor Recreation Plan.
- Amend the UDO to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
- Update the UDO fee schedule.
- Prepare the Housing Affordability Report.
- Update forms for Natural Resource Special Exception applications.
- Implementation of Parks Facilities rental and reservation permitting software.
- Consolidation of Parks and Environmental Commissions.
- Develop updated plans for Park Impact fee use.
- Continued work on the development of the Water Tower Park.
- Present a midyear status update on these goals to the Plan Commission.

Development review

- Continue to review pending and upcoming development applications.

Zoning Enforcement

- Continue implementation and enforcement of the CAV.
- Review open complaints and take necessary enforcement actions.

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/21/2023
REPORTS & RECOMMENDATIONS	Operations Update for the Department of City Development	ITEM NUMBER B.9.

In the absence of a Planning Manager (effective 9/30/23), the following responsibilities will be re-assigned while a successor is hired and trained:

- The Department of City Development staff, Principal Planner Régulo Martínez-Montilva, Associate Planner Marion Ecks, Planner Nick Fuchs, Planning Intern Anna Kissel, newly hired Associate Planner Luke Hamill, and Planning Secretary Gail Olsen will report to the Director of Administration.
- Régulo Martínez-Montilva will be acting Zoning Administrator. Duties of the Zoning Administrator are listed in the Unified Development Ordinance (UDO) Sec. 15-9.0101, as well as administration of the City of Franklin Floodplain Zoning Ordinance.
- Régulo Martínez-Montilva, Marion Ecks, Nick Fuchs, and Luke Hamill will share responsibilities for Plan Commission and Common Council items based on the agenda and the projects they are assigned.
- Régulo Martínez-Montilva, Marion Ecks, Nick Fuchs, and Luke Hamill will assume management of professional services with planning consultants, including but not limited to responding to zoning inquiries and reviewing development applications.
- The Director of Administration, along with the aid of Régulo Martínez-Montilva, will assume management of the UDO rewrite project with Houseal-Lavigne Associates.

The above is not a comprehensive list of duties that will need to be performed in the interim period but provides a framework for the Department of City Development to show continuity and areas of responsibility.

COUNCIL ACTION REQUESTED

Accept and place on file.