

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, AUGUST 20, 2020, 7:00 P.M.

The Facebook page for the Economic Development Commission <https://www.facebook.com/forwardfranklin/> will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

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

B. **Approval of Minutes**

1. Approval of regular meeting of August 6, 2020.

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

1. **PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) MILKY WAY DRIVE-IN MOVIE THEATER UPON AND ADJOINING THE MILWAUKEE MILKMAN'S STADIUM USE IN THE ROCK SPORTS COMPLEX.** Special Use application by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, to operate a drive-in theater consisting of a 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium, and queuing space located to the north and west of the future golf driving range (drive-in theaters require a Special Use per Section 15-3.0703.J. of the Unified Development Ordinance) [On May 19, 2020, the Common Council granted a license and an Extraordinary Entertainment and Special Event permit to the Rock Sports Complex, LLC for the operation of the Milky Way Drive-in Theater, subject to compliance with State and City requirements as well as the timely submission of an application for Special Use], with a proposed operations schedule in the spring, summer and fall seasons as weather permits, upon property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at 7035 South Ballpark Drive (just north of the existing baseball stadium, and just south of the existing ski lodge); Tax Key No. 744-1003-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

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

1. **FHCC, LLC OUTLOT TO BUILDABLE LOT DESIGNATION CHANGE.**

Certified Survey Map and Miscellaneous application by Michael H. Dilworth, owner of FHCC, LLC, to change the designation of Outlot 1 of Certified Survey Map No. 6596 to Lot 1, a buildable lot (to construct a single-family residence) [Section 15-11.0103 OUTLOT of the Unified Development Ordinance states that an Outlot designation is unbuildable][the applicant alleges that the existing outlot designation was based on a 1998 wetland delineation by Hey & Associates (a 2018 assured wetland delineation indicates that wetlands are confined to an existing drainage easement)], vacant property is generally located on the north side of West Rawson Avenue at approximately Fieldstone Court, and is zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 748-9997-007.

2. **NISENBAUM HOMES & REALTY, INC. TWO-FAMILY RESIDENTIAL STRUCTURE PROJECT TIME EXTENSION.** Amendment to Special Use by Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., to allow for a one year extension of time to complete the project (construction of a two- family residential side by side ranch townhome with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez Circle) [the Special Use Amendment Resolution No. 2019-7526 was previously approved on August 6, 2019, and therefore, the time for obtaining a building permit expires on August 6, 2020], upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle (northeast corner of the intersection of South Lovers Lane Road and West Cortez Circle); Tax Key Nos. 747-9979-001 and 747-9979-002.

E. Adjournment

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

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

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: September 3, 2020

City of Franklin
Plan Commission Meeting
August 6, 2020
Minutes

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the August 6, 2020 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patrick Leon and Adam Burchardt, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused were Commissioners Kevin Haley and Patricia Hogan. Also present were Planning Manager Heath Eddy, Assistant Planner Marion Ecks and City Attorney Jesse Wesolowski.

B. Approval of Minutes

1. Regular Meeting of July 23, 2020. Alderman Dandrea moved and Commissioner Leon seconded approval of the July 23, 2020 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (4-0-2).

C. Public Hearing Business Matters

1. None.

D. Business Matters

1. **STATESMAN APARTMENTS PARKING SPACE ADDITION AND AMENITY CHANGE.** Site Plan Amendment application by TI Investors of Franklin Apartments LLC to allow for the addition of 36 off-street parking spaces scattered throughout the Statesman Apartments multi-family residential development (current on-site parking insufficient to meet the current demand) and an amenity change, specifically, an addition to the current grilling and picnic area (via use of the paved area that was previously approved for outdoor fitness equipment) to accommodate additional grills, picnic tables and lawn games, property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 2950

Planning Manager Heath Eddy presented the request by TI Investors of Franklin Apartments LLC to allow for the addition of 36 off-street parking spaces scattered throughout the Statesman Apartments multi-family residential development (current on-site parking insufficient to meet the current demand) and an amenity change, specifically, an addition to the current grilling and picnic area (via use of the paved area that was previously approved for outdoor fitness equipment) to accommodate additional grills, picnic tables and lawn games, property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 2950 West Statesman Way; Tax Key No. 761-9001-000.

City Engineer Morrow moved and Commissioner Leon seconded a motion to approve a Resolution amending the Site Plan for the property located at 2950 West Statesman Way to allow for additional off-street parking spaces and an

West Statesman Way; Tax Key No. 761-9001-000.

amenity change (tax key no. 761-9001-000). On voice vote, all voted 'aye'. Motion carried (4-0-2).

2. ZUERN BUILDING PRODUCTS, INC. EXISTING WAREHOUSE SPACE RENOVATION INTO A BUILDING PRODUCTS SHOWROOM AND VARIOUS RELATED DOCK, DECK, STORAGE BUILDING AND EQUIPMENT REPLACEMENTS/ADDITIONS.

Site Plan Amendment application by Zuern Building Products, Inc. to allow for the renovation of the existing warehouse space into a building products showroom (demolition of existing interior walls, removal of an existing loading dock, construction of new partition walls, flooring, lighting and heating, ventilation and air conditioning system) with a new deck (approximately 700 square feet) on the east side of the building, pergola and new storefront entrance and windows, a new loading dock for a detached storage building, a new septic tank and pad mounted Air Handling Unit next to the existing mechanical equipment on the north side of the building and a new open air storage building with a floor area of approximately 12,000 square feet, property zoned M-1 Limited Industrial District, located at 9545 South 80th Street; Tax Key No. 896-9996-003.

Planning Manager Heath Eddy presented the request by Zuern Building Products, Inc. to allow for the renovation of the existing warehouse space into a building products showroom (demolition of existing interior walls, removal of an existing loading dock, construction of new partition walls, flooring, lighting and heating, ventilation and air conditioning system) with a new deck (approximately 700 square feet) on the east side of the building, pergola and new storefront entrance and windows, a new loading dock for a detached storage building, a new septic tank and pad mounted Air Handling Unit next to the existing mechanical equipment on the north side of the building and a new open air storage building with a floor area of approximately 12,000 square feet, property zoned M-1 Limited Industrial District, located at 9545 South 80th Street; Tax Key No. 896-9996-003

City Engineer Morrow moved and Commissioner Leon seconded a motion to approve a Resolution amending the Site Plan for property located at 9545 South 80th Street to allow for Zuern Building Products, Inc.'s existing warehouse space renovation into a building products showroom and various related dock, deck, storage building and equipment replacements/additions (tax key no. 896-9996-003), On voice vote, all voted 'aye'. Motion carried (4-0-2).

3. MILWAUKEE HABITAT FOR HUMANITY RESTORE CENTER BUILDING EXTERIOR AND SIGNAGE CHANGES.

Unified Development Ordinance §15- 3.0415 Planned Development District No. 10 (Riverwood Village-Bouraxis) Minor Amendment application by Dominic Jaehnke, Director of ReStore, Milwaukee Habitat for Humanity, Inc., to allow for exterior changes to the property located at 6939 West Riverwood Boulevard (former Gander Mountain store) (building interior will

Assistant Planner Marion Ecks presented the request by Dominic Jaehnke, Director of ReStore, Milwaukee Habitat for Humanity, Inc., to allow for exterior changes to the property located at 6939 West Riverwood Boulevard (former Gander Mountain store) (building interior will remain as is with the exception of removing an office space and adding vertical grab bars to the building to meet current Americans with Disabilities Act standards), including painting the existing building, installation of a drive aisle and canopy at the north east end of the building for a customer drop-off and pick-up location (donation drop off center), installation of new signage and minor parking lot changes consisting of stall eliminations and relocation,

remain as is with the exception of removing an office space and adding vertical grab bars to the building to meet current Americans with Disabilities Act standards), including painting the existing building, installation of a drive aisle and canopy at the north east end of the building for a customer drop-off and pick-up location (donation drop off center), installation of new signage and minor parking lot changes consisting of stall eliminations and relocation, property zoned Planned Development District No. 10 (Riverwood Village-Bouraxis); Tax Key No. 738-0071-000.

property zoned Planned Development District No. 10 (Riverwood Village-Bouraxis); Tax Key No. 738-0071-000 The Official Notice of Public hearing was read in to the record by Associate Planner Régulo Martínez and the Public Hearing was opened at 7:16 p.m. and closed at 7:17 p.m.

MINOR AMENDMENT DETERMINATION

City Engineer Morrow moved and Alderman Dandrea seconded a motion determining the proposed Amendment to be a Minor Amendment. On voice vote, all voted 'aye'. Motion carried (4-0-2).

PLANNED DEVELOPMENT DISTRICT ORDINANCE AMENDMENT

City Engineer Morrow moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend §15-3.0415 of the Unified Development Ordinance, Planned Development District No. 10 (Riverwood Village-Bouraxis) to allow for building exterior changes and to permit south elevation signage, with the addition of directional signage, for Milwaukee Habitat for Humanity Restore (6939 West Riverwood Boulevard). On voice vote, all voted 'aye'. Motion carried (4-0-2).

E. Adjournment

Commissioner Leon moved and Commissioner Burckhardt seconded a motion to adjourn the Plan Commission meeting of August 6, 2020 at 7:26 p.m. On voice vote, all voted 'aye'; motion carried. (4-0-2).

REPORT TO THE PLAN COMMISSION

Meeting of August 20, 2020

Special Use

RECOMMENDATION: City Development Staff recommends approval of this Special Use application to allow for a drive-in theater at 7035 S. Ballpark Drive, subject to the conditions set forth in the attached resolution.

Project Name: Milky Way Drive-in Theater
Project Address: 7035 S. Ballpark Dr.
Property Owner: BPC County Land, LLC
Applicant: Michael E. Zimmerman. The Rock Sports Complex, LLC /BPC County Land, LLC
Agent: Thomas J. Johns. ROC Ventures, LLC
Zoning: PDD #37 Planned Development District & FW Floodway District
Use of Surrounding Properties: The site is located in the Rock Sports Complex Area of the Ballpark Commons development. Adjacent uses include the Ski Chalet and future Challenge Tower to the north, the Stadium (S1) to the south, parking lots and future golf driving range to the west and baseball fields to the east.
Applicant Action Requested: Approval of a Special Use permit

INTRODUCTION:

On May 19, 2020, the Common Council granted a license and an Extraordinary Entertainment and Special Event permit to the Rock Sports Complex, LLC for the operation of the Milky Way Drive-in Theater, subject to compliance with State and City requirements as well as the timely submission of an application for Special Use.

Pursuant to Ordinance 2019-2368 for Planned Development District (PPD) No. 37 Ballpark Commons, a special use is required for outdoor entertainment in the Rock Sports Complex Area, such application has been submitted on June 12.

The Drive-in Theater consists of 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium and queuing space is located to the north and west of the future golf driving range.

The hours of operation are Monday-Friday from 5:00 pm to 11:30 pm and Sundays from 2:00 pm to 11:30 pm. It is noted that the hours of operation of adjacent athletic fields and concession stands is from 7:00 am to 11:00 pm per the PDD Ordinance.

PROJECT DESCRIPTION AND ANALYSIS:

Drive-in theaters are subject to the standards set forth in the Unified Development Ordinance (UDO) §15-3.0703(J):

1. *Location of Theater Screen, Projection Booth, or Other Building. No part of any theater screen, projection booth, or other building shall be located closer than 500 feet from any residential zoning district nor closer than 200 feet from any abutting property line.*

Staff comment: The screen is located approximately 1,000 feet from the closest residential zoning district (R-2), specifically the Whitnall View addition No. 1 subdivision to the west. The location of the screen is approximately 500 feet from the closest property line along S. Ballpark Dr. The screen location complies with this standard.

2. *Visibility of Theater Screen from Adjoining Areas. The image on the theater screen shall not be visible from any arterial or collector street or from any residential zoning district.*

Staff comment: The screen is facing the ski facilities to the north. Even though the back of the screen is visible from Rawson Avenue, the face of the screen is not visible from surrounding arterial or collector streets: Rawson Ave, Loomis Rd and S. 76th St.

3. *Automobile Queuing Space to be Provided. Queuing space within the parcel or lot shall be provided for patrons awaiting admission in an amount equal to or greater than 30% of the vehicular capacity of the theater.*

Staff comment: Given the capacity of 244 spaces, the minimum required stacking distance is 1,480 feet or 74 spaces, which is 30% of the capacity. 1 stacking space equals 20 feet based on the minimum parking space size of UDO §15-5.0202(B).

The provided stacking distance is approximately 1,500 feet: 900 feet of single lane and 300 feet of double lane.

The applicant has submitted responses to the General Standards for Special Uses per UDO §15-3.0701, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use.

Sandwich board signs are used as directional signage at the front entrance, this type of signage is considered a temporary sign as defined in the Municipal Code and it is exempt from permit fees.

Noise and light:

The intent of Rock Sports Complex Area is *to provide a multi-use sports and entertainment complex where the recreational needs of area residents can be met without undue disturbance of natural resources and adjacent uses* (Ord. 2019-2368 §15-3.0442.A). This drive-in theater as an outdoor entertainment use is consistent with the district intent as long as noise levels and lighting comply with the noise and light addendum (attached). Three sound monitors are currently in operation to ensure compliance with these standards.

The Milky Way Drive-in Theater started to operate on May 22, 2020 under an Extraordinary Entertainment and Special Event permit. City Development staff received several complaints through the City's website during the opening weekend and the second week of operation. No complaints associated with the drive-in theater have been received in subsequent weeks.

- Opening weekend (May 22-24, 2020), 7 complaints.
- Second week of operation (June 1-7, 2020), 2 complaints.

The theater audio is transmitted through FM radio and by outdoor speakers. Based on the complaints received, staff further recommends that the audio shall be transmitted only by radio.

The applicant stated the use of four (4) spotlights on special occasions, to be located on the screen surround. Pursuant to the UDO §15-5.0405, a searchlight permit is required for this type of lighting, such permits shall be limited to five (5) days in any six (6) month period. Staff recommends that the applicant shall obtain a searchlight permit for using the additional spotlights.

STAFF RECOMMENDATION:

The Department of City Development staff recommends approval of this application for Special Use, subject to the conditions set forth in the attached resolution.

RESOLUTION NO. 2020-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR THE OPERATION
OF A DRIVE-IN THEATER UPON PROPERTY LOCATED AT
7035 SOUTH BALLPARK DRIVE
(MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC, APPLICANTS, BPC COUNTY LAND, LLC, PROPERTY OWNER)

WHEREAS, Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC having petitioned the City of Franklin for the approval of a Special Use within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District, to allow for the operation of a drive-in theater (Milky Way Drive-in Theater) consisting of a 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium, and queuing space located to the north and west of the future golf driving range, with a proposed operations schedule in the spring, summer and fall seasons as weather permits, property located at 7035 South Ballpark Drive (just north of the existing baseball stadium, and just south of the existing ski lodge), bearing Tax Key No. 744-1003-000, more particularly described as follows:

LOT 1 OF CERTIFIED SURVEY MAP NO. 9041: A REDIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3931, OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 3107, OUTLOT 1 OF WHITNALL VIEW ADDITION NO. 1, THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE AS RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. 10773453 AND LANDS IN THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; 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 20th day of August, 2020, 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

MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC – SPECIAL USE
RESOLUTION NO. 2020-_____

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Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, successors and assigns, as a drive-in theater use, which shall be developed in substantial compliance with, and operated and maintained by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, pursuant to those plans City file-stamped August 10, 2020 and annexed hereto and incorporated herein as Exhibit A.
2. Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, 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 Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC drive-in theater, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC drive-in theater use for the property located at 7035 South Ballpark Drive: (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

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and as presented for this approval.

4. Pursuant to the Unified Development Ordinance §15-5.0405, the operator shall obtain a searchlight permit for the use of spotlights, such permit shall not be granted for a period of more than five (5) days in any six-month period.
5. Theater audio shall be transmitted by radio only, the use of outdoor speakers shall not be permitted.

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

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

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

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the operation of the use (recognizing that at the time of adoption of this Resolution, such use is in operation pursuant to the Extraordinary Entertainment and Special Event permits granted by the Common Council on May 19, 2020).

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.

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Introduced at a regular meeting of the Common Council of the City of Franklin this
_____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2020-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR THE OPERATION
OF A DRIVE-IN THEATER UPON PROPERTY LOCATED AT
7035 SOUTH BALLPARK DRIVE
(MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC, APPLICANTS, BPC COUNTY LAND, LLC, PROPERTY OWNER)

WHEREAS, Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC having petitioned the City of Franklin for the approval of a Special Use within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District, to allow for the operation of a drive-in theater (Milky Way Drive-in Theater) consisting of a 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium, and queuing space located to the north and west of the future golf driving range, with a proposed operations schedule in the spring, summer and fall seasons as weather permits, property located at 7035 South Ballpark Drive (just north of the existing baseball stadium, and just south of the existing ski lodge), bearing Tax Key No. 744-1003-000, more particularly described as follows:

LOT 1 OF CERTIFIED SURVEY MAP NO. 9041: A REDIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3931, OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 3107, OUTLOT 1 OF WHITNALL VIEW ADDITION NO. 1, THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE AS RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. 10773453 AND LANDS IN THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; 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 20th day of August, 2020, 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

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Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, successors and assigns, as a drive-in theater use, which shall be developed in substantial compliance with, and operated and maintained by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, pursuant to those plans City file-stamped August 10, 2020 and annexed hereto and incorporated herein as Exhibit A.
2. Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, 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 Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC drive-in theater, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC drive-in theater use for the property located at 7035 South Ballpark Drive: (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

MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
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and as presented for this approval.

4. Pursuant to the Unified Development Ordinance §15-5.0405, the operator shall obtain a searchlight permit for the use of spotlights, such permit shall not be granted for a period of more than five (5) days in any six-month period.
5. Theater audio shall be transmitted by radio only, the use of outdoor speakers shall not be permitted.

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

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

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

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the operation of the use (recognizing that at the time of adoption of this Resolution, such use is in operation pursuant to the Extraordinary Entertainment and Special Event permits granted by the Common Council on May 19, 2020).

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.

MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC – SPECIAL USE
RESOLUTION NO. 2020-_____

Page 4

Introduced at a regular meeting of the Common Council of the City of Franklin this
_____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2020.

APPROVED:

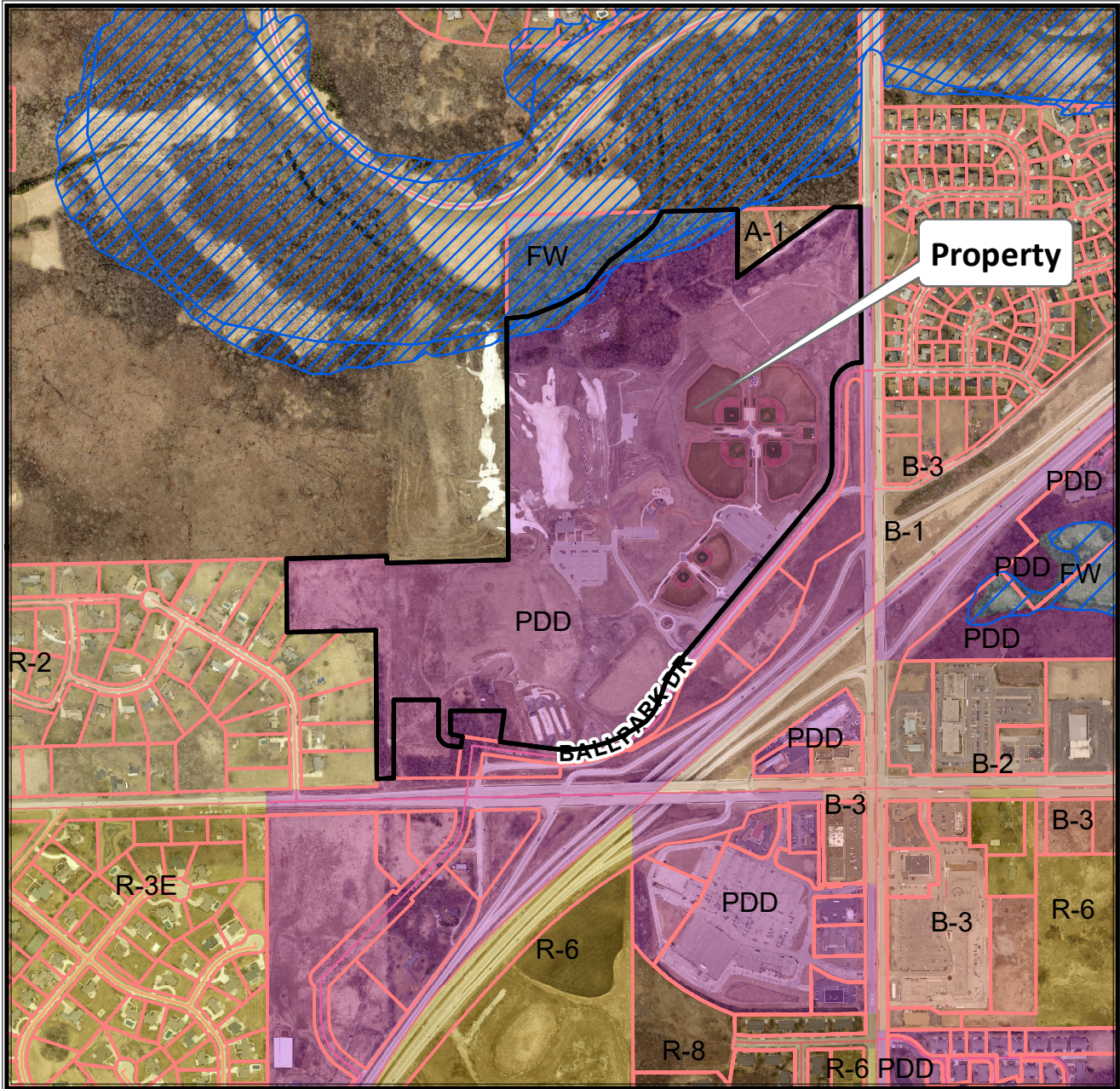
Stephen R. Olson, Mayor

ATTEST:

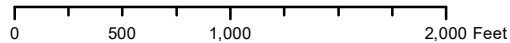
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

7035 S. Ballpark Drive
TKN: 744 1003 000

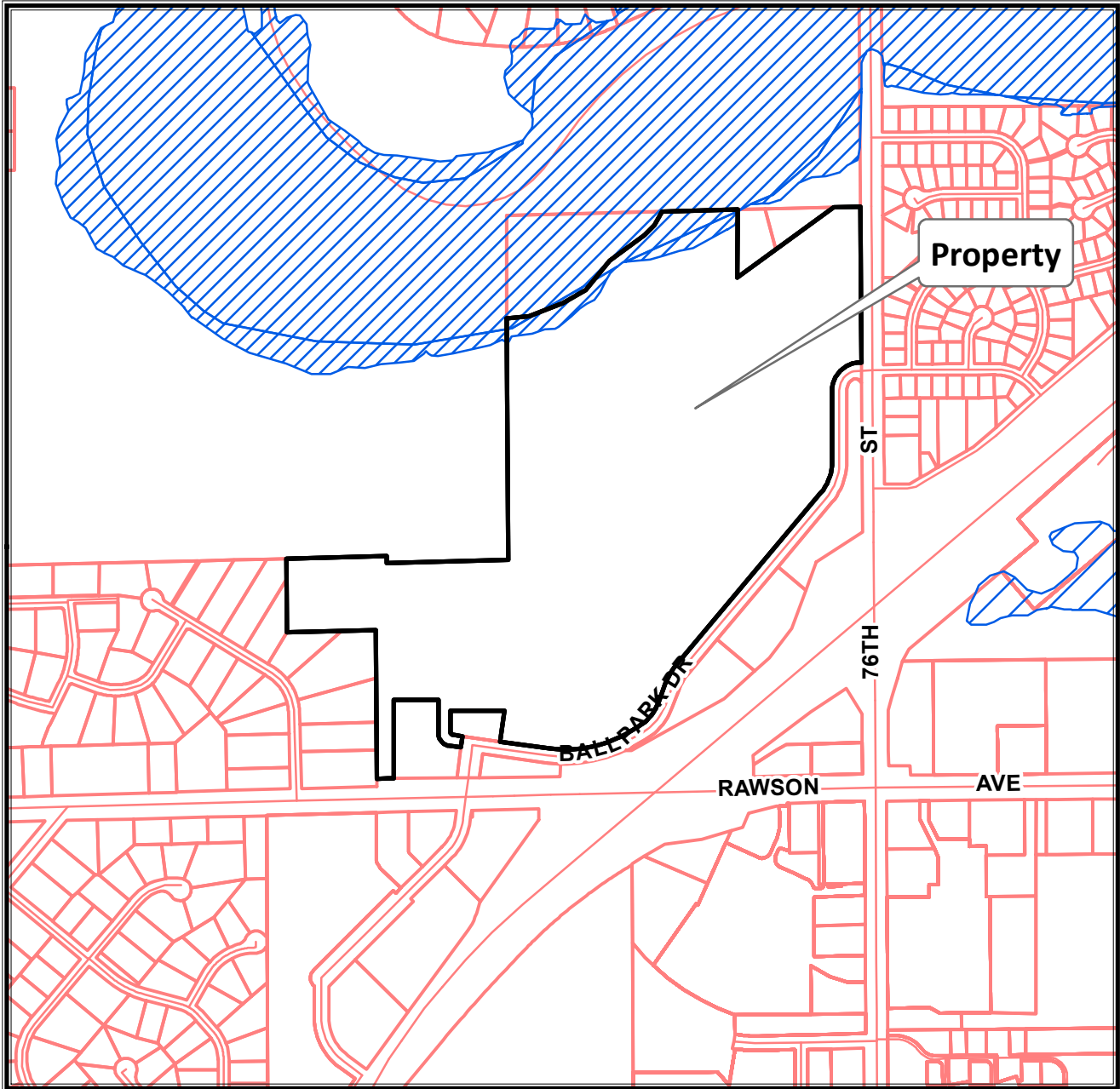


Planning Department
(414) 425-4024

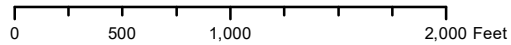


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

7035 S. Ballpark Drive
TKN: 744 1003 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.



SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s]):

Name: Michael E. Zimmerman
Company: The Rock Sports Complex LLC / BPC County Land LLC
Mailing Address: 7044 S. Ballpark Dr., Suite 300
City / State: Franklin, WI Zip: 53132
Phone: (414) 224-9283
Email Address: mikez@rocventures.org

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

Name: Thomas J. Johns
Company: ROC Ventures, LLC
Mailing Address: 7044 S. Ballpark Dr., Suite 300
City / State: Franklin, WI Zip: 53132
Phone: (414) 908-6310
Email Address: tomj@rocventures.org

Project Property Information:

Property Address: 7035 S. Ballpark Dr.
Property Owner(s): BPC County Land, LLC
Mailing Address: 7044 S. Ballpark Dr., Suite 300
City / State: Franklin, WI Zip: 53132
Email Address: tomj@rocventures.org

Tax Key Nos: 744-1003-000
Existing Zoning: PDD No. 37
Existing Use: PDD No. 37
Proposed Use: PDD No. 37
Future Land Use Identification: PDD

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

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:
 - \$1500, New Special Use over 4,000 square feet
 - \$1000 Special Use Amendment
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD.doc or compatible format).
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov.
- Seven (7) complete **collated** sets of Application materials to include:
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
 - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 17-7.0101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
 - Four (4) **folded** reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package.
- One colored copy (11"x17") of the building elevations, if applicable.
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO).
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

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

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

Michael E. Zimmerman
Signature - Property Owner
Michael E. Zimmerman, Member
Name & Title (PRINT)
Date: 06/10/2020

Signature - Property Owner

Name & Title (PRINT)
Date: _____

Thomas J. Johns
Signature - Applicant
Michael E. Zimmerman, Member
Name & Title (PRINT)
Date: 06/10/2020

Thomas J. Johns, CFO
Signature - Applicant's Representative

Name & Title (PRINT)
Date: 06/10/2020

NA
NA



June 10, 2020

ROC Ventures LLC

Headquarters:
7044 S. Ballpark Drive
Franklin WI 53132

www.rocventures.org

City of Franklin – Planning Department
c/o Mr. Regulo Martinez-Montilva, Planning Manager
City of Franklin Planning Department
9229 W. Loomis Road
Franklin, WI 53132

RE: The Rock Sports Complex, LLC – Milky Way Drive-in Movie Theater

On behalf of Milwaukee Milkmen Baseball, LLC, The Rock Sports Complex, LLC is submitting the current design drawings for the Milky Way Drive-in Movie Theater to the City of Franklin for an informational presentation and to receive feedback from the staff.

This proposed additional use is located just north of the existing baseball stadium, and just south of the existing ski lodge, and utilizes existing approved infrastructure structures & components of the current PDD.

Specifically, the proposed usage is a 22'-0" wide LED screen mounted to the back of the existing video board at the stadium, and the usage of the existing parking lot (244 spaces) that are being submitted for consideration. In addition, existing roadways will be utilized to allow patrons to entrance & exit from the attraction.

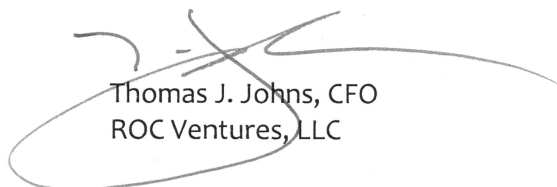
Hours of operation for the event are as follows: Mon thru Fri 5pm to 11:30pm, Sat 4pm to 12:30am, and Sun 2pm to 11:30pm.

The project team currently consists of The Rock Sports Complex, LLC (Owner), ROC Ventures, LLC (Operator), and Studio Gear (Audio/Visual).

The proposed operations schedule is the spring, summer and fall seasons, weather permitting.

Our team looks forward to working with the City of Franklin on this project and contributing to the improvement of the City of Franklin.

Best,



Thomas J. Johns, CFO
ROC Ventures, LLC

Mirky May

DRIVE-IN

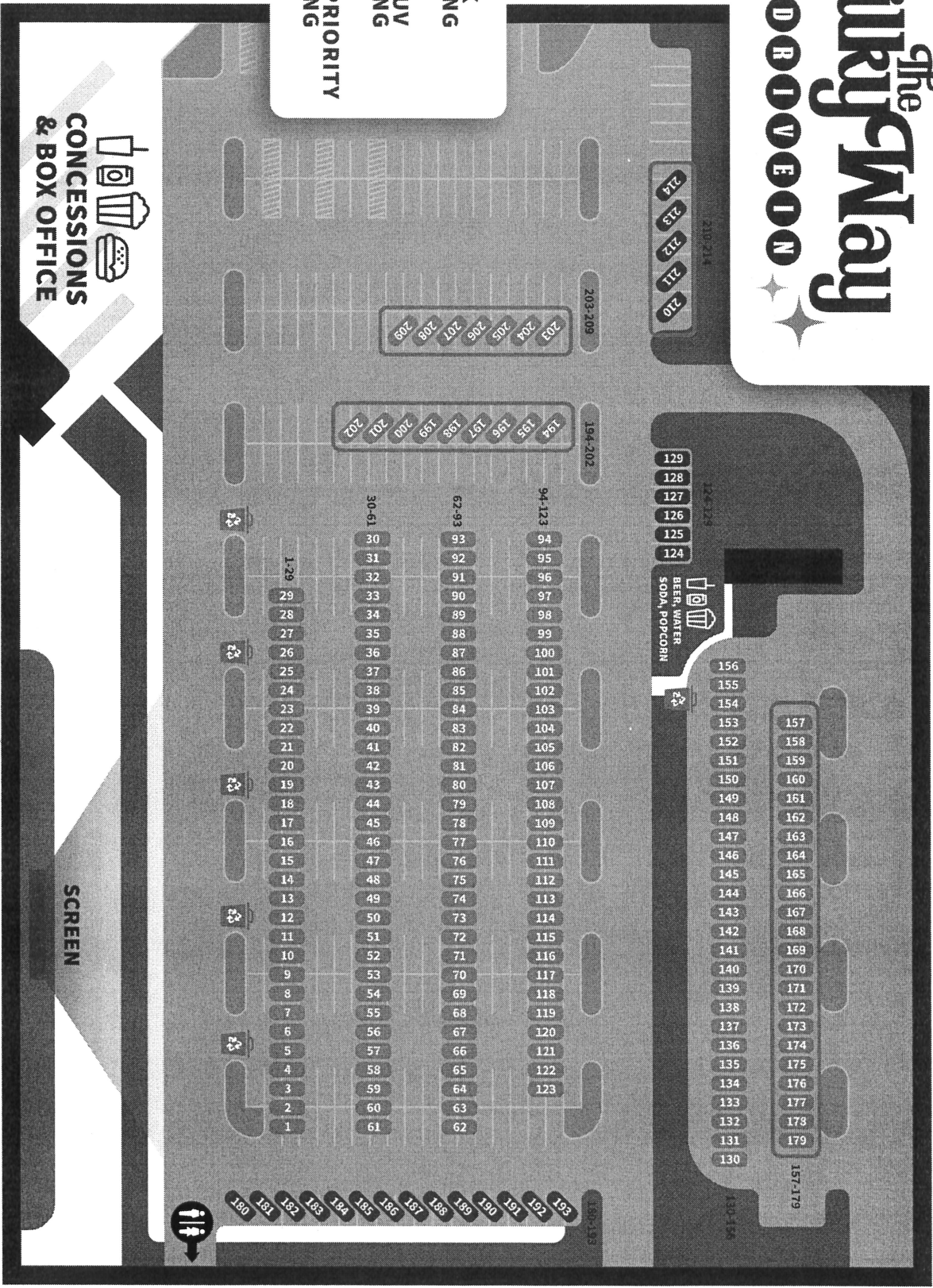
ENTRANCE

- LAST PRIORITY PARKING
- CAR/SUV PARKING
- TRUCK PARKING

CONCESSIONS & BOX OFFICE



SCREEN



EXIT

EXIT

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

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

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

Response: The current Ordinance was enacted to encompass a sports and entertainment district which, the proposed use and development of a drive-in movie theater is indeed harmonious with. This is best represented by the fact that all but the LED screen itself was part of the existing infrastructure located at the site.

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

Response: The proposed use and development poses no undue adverse impact on the surrounding areas, structures, or citizens.

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 use and development will not dominate the immediate vicinity or interfere with the use and development of neighboring properties and/or developments.

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: The proposed use and development will provide adequate public facilities as required.

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 proposed use and development will not cause traffic congestion. Parking attendants are being utilized to help control the flow of traffic both in and out of the attraction.

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: The proposed use and development will not result in the destruction of significant features of importance.

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 proposed use and development is prepared to comply with the standards of the district in which it is located. As an example, sound is being monitored so as to comply with the existing district decibel levels.

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

Response: Understood and agreed to.

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

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

Response: The proposed use and development is a public benefit as it provides affordable family entertainment in a safe environment.

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: As the Planned Development District is already approved for sports and entertainment uses, Operator feels that the current proposed use of a drive-in movie theater is complimentary to the already-established public goals of the location.

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 proposed use and development has located the LED viewing screen so that it is facing the existing ski lodge, and not directly at any neighboring citizens in the immediate vicinity.

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

Response: The proposed use and development is complimentary to the existing PDD, and therefore should not establish or encourage a precedent of incompatible uses in the surrounding area.

Response to City of Franklin Staff Comments

Date: August 10th, 2020

To: Department of City Development Staff

From: Thomas J. Johns. Roc Ventures, LLC

RE: Special Use – Milky Way Drive-in Movie Theater – 7035 S. Ballpark Dr.

Department of City Development comments Answers

1. Site plan shall be drawn to a recognized scale per UDO §15-7.0103(A), please add numerical scale.
 - Added. Please see Item (1) Numerical Scale on plan set.
2. Please indicate vehicular ingress and egress locations per UDO §15-7.0103(H).
 - Added. Please see Items (2A) Vehicular Ingress and (2B) Vehicular Egress on plan set. Both pathways are marked with arrows as well.
3. Any proposed structure for the food and beverage station?
 - Please see Item (3) on Plan Set. Drive-In will use existing stadium concessions stand infrastructure as well as a delivery system to get food to customers.
4. Any proposed directional signs?
 - Please see Item (4) on Plan Set. Directional signage indicated at front entrance using sandwich board signage.
5. Any proposed outdoor lighting other than the LED screen?
 - Please see Item (5) on Plan Set. Additional lighting to be fixed to screen surround as well as four spotlights on the ground to right and left of screen. These will be used on special occasions (opening night, holidays, etc.) only.
6. Per UDO §15-3.0703(J)(1), please add setback measured from the screen to the closest residential zoning district, which is the Whitnall View addition No.1 subdivision to the west.
 - Please see Item (6) on Plan Set. Setback is approximately 3,044' to Whitnall View addition No.1 subdivision to the west.
7. Per UDO §15-3.0703(J)(1), please add setback measured from the screen to abutting property line along S. Ballpark Dr.
 - Please see Item (7) on Plan Set. Setback is approximately 675' to abutting property line along S. Ballpark Dr.
8. Per UDO §15-3.0703(J)(2), please confirm that the screen is not visible from any arterial or collector road (Rawson Ave, Loomis Rd and 76th St). You may add pictures to your application.

- Please see Item (8) on Plan Set. Screen is not visible from any arterial or collector road.
9. Per UDO §15-3.0703(J)(3), please add the stacking or queuing distance measured in feet. Given the capacity of 244 spaces, the minimum required stacking distance is 1,480 feet or 74 spaces, which is 30% of the capacity. 1 stacking space equals 20 feet based on the minimum parking space size of UDO §15-5.0202(B).
- Please see Item (9) on Plan Set. Queuing distance is approximately 1,500' from Ballpark Dr. entrance to Milky Way Drive-In entrance.
 - Approximately 900' is the single lane located alongside the west side of the future golf building pad and the east side of the existing shared parking lot.
 - Approximately 600' is the two lanes located alongside the north side of the future golf building pad and the south side of the existing ski hill.

Engineering Department comments

10. No comments.

- NA

Fire Department comments

11. The fire department has no comments regarding the proposed special use at this location.

- NA

Police Department comments

12. The Police Department has no issues with this request.

- NA

Inspection Services Department comments

13. Inspection Services addressed its concerns when the proposal was first brought forward to the Common Council. We have no further comments at this time.

- NA

H. 2.



9229 W Loomis Rd, Franklin, WI 53132-9630
Telephone: 414-425-7500

City Clerk's Office
Fax: 414-425-6428

**EXTRAORDINARY ENTERTAINMENT & SPECIAL EVENT
APPLICATION**

Application must be received a minimum of 30 working days prior to event.

Event Location (address and full description) 7035 S. Ballpark Dr.
Franklin WI 53132

Owner of property BPC Country Land, LLC

Purpose of Event Drive-in movie theater. Sound to be subject to existing sound decibel requirements.

Date(s) and Time(s) Mon thru Fri shows @ 6pm + 8:45pm; Sat shows @ 5pm, 7:45pm, 10:30pm; Sun shows @ 3pm, 6pm, 8:45pm

Setup date(s)/time(s) Setup to begin @ 2 hrs prior to showings

Breakdown date(s)/time(s) Breakdown to go on for 2 hrs after showings

Maximum number attending per day 200 cars (approx. 3 persons per car)

Maximum number of tickets to be sold (if any) per day 200

Applicant Milwaukee Milkmen Baseball, LLC

(If corporation, attach certified copy of Articles of Incorporation together with the name, age, residence and mailing address of each person holding more than 10% of the stock.)

Address (including City/State/Zip) 7044 S. Ballpark Dr. Suite 300 Franklin WI 53132

Home phone (414) 908-6310 Cell (414) 349-4771

E-mail tomj@rockventures.org Business phone (414) 908-6310

Fax NA Business E-Mail tomj@rockventures.org

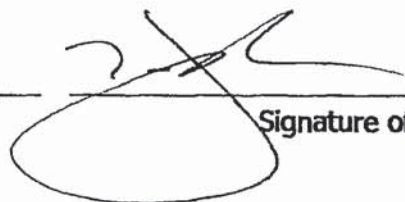
1. Provide plans to limit the maximum number of people permitted to assemble.
2. Provide plans for fencing the location of the special event and the gates contained in such fence. A detailed drawing must be submitted as part of this application.
3. Provide plans for supplying potable water, including the source, amount available and location of outlets.
4. Provide plans for providing toilet and lavatory facilities, including the source, number, location, type and means of disposing of waste.
5. Provide plans for holding, collecting & disposal of solid waste material.

6. Provide plans, if any, to illuminate the location, including sources and amounts of power and location of lamps.
7. Provide plans and description for parking vehicles, including size and location of lots, highway ingress/egress, parking lots and shuttle services.
8. Provide plans for telephone services, including source, number and location.
9. Provide plans for security, including number of guards, deployment, names, addresses, credentials and hours of availability.
10. Provide plans for fire protection, including number, type and locations of all protective devices, including alarms & extinguishers, number of emergency fire personnel available.
11. Provide plans for sound control and amplification, including numbers, locations and power of amplifiers & speakers.
12. Provide plans for food and beverage concessions and concessionaires, including names, addresses and license or permit numbers.
13. Provide plans and specific descriptions for each of any other type of vendor or provider of amusements or entertainments, including names, addresses and license or permit numbers.
14. Provide Certificate of Insurance no later than 10 days prior to the event.
15. \$100.00 nonrefundable license & administration fee payable with application.
 bond letter of credit cash deposit
 (due no later than 10 days prior to the event, based upon anticipated cost of services)

_____ Police services
 _____ Fire services
 _____ Registered Sanitarian (non-staff) services, if needed
 _____ Total estimated costs

Applicant agrees to indemnify and save harmless the City of Franklin from and against any and all liabilities, claims, demands, judgments, losses and/or all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, arising in any way as a consequence of the granting of a license for this special event. Applicant affirms that the statements contained in this application are true and correct to the best knowledge of Applicant.

Date 05/18/2020



 Signature of Applicant

RECEIVED _____ REPORTED TO COUNCIL _____ LICENSE # _____ SERVICE FEE TO BE INVOICED _____

Sandi Wesolowski

Subject: FW: applications
Attachments: Drive-In Theater Renewal pdf; Drive-In Theater Permit pdf; Drive-In Event Permit.pdf;
Liquor License Amendment Map[3] pdf

From: Tom Johns <tomj@rocventures.org>
Sent: Monday, May 18, 2020 4:44 PM
To: Sandi Wesolowski <SWesolowski@franklinwi.gov>
Subject: Re: applications

Sandi

Completed applications attached; I will follow up with some of the additional info later.

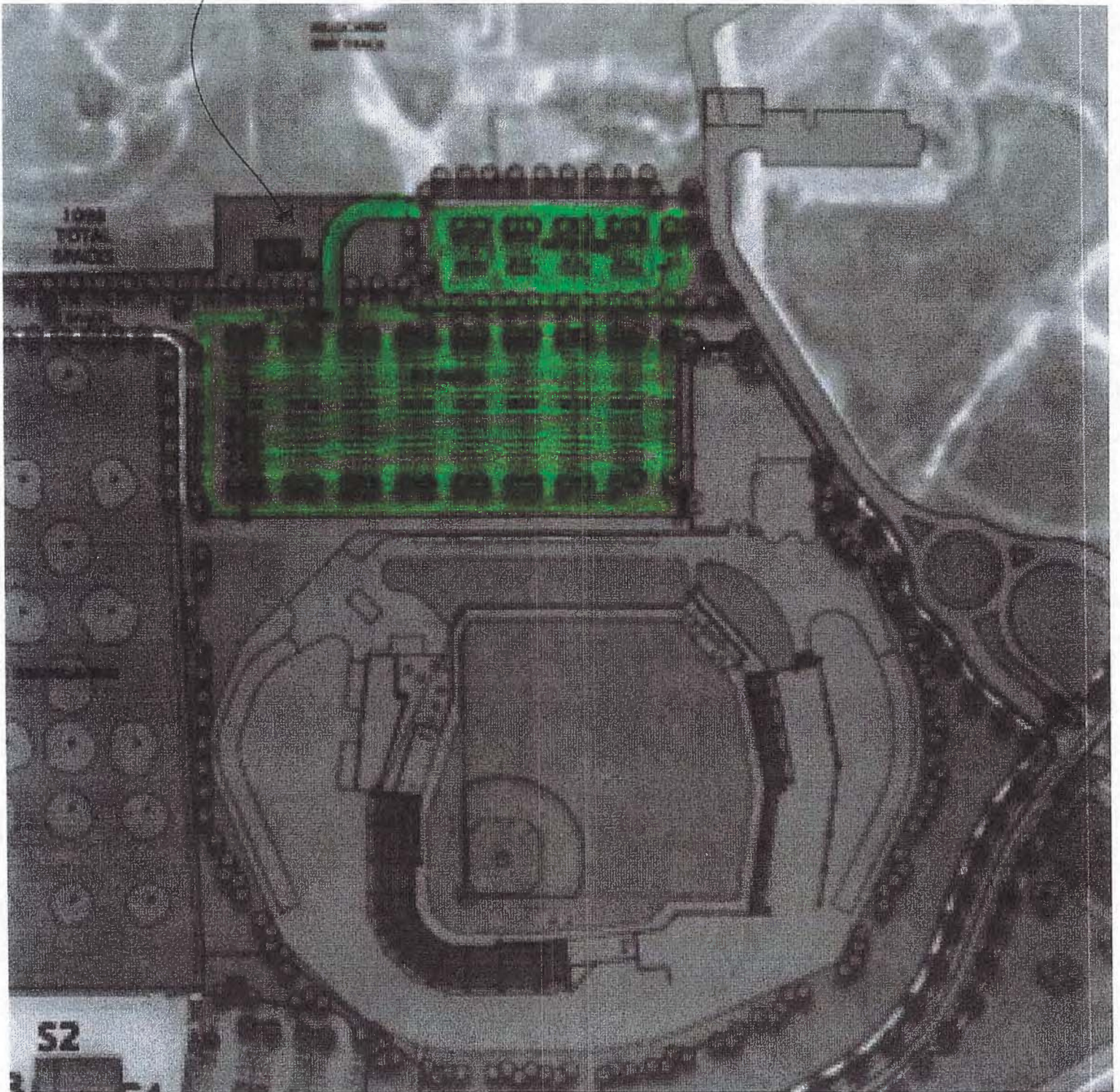
In addition, we would like to request we amend our liquor license premise description to allow the sale of alcohol in the stadium north parking lot. Attached is a map that highlights the area.

Thank you in advance for your attention to this.

Best,

TJ

Requested area in GREEN





9229 W Loomis Rd, Franklin, WI 53132-9630
Telephone: 414-425-7500

City Clerk's Office
Fax: 414-425-6428

NEW RENEWAL

DRIVE-IN THEATER
License Application
July 1, 2019—June 30, 2020

Fee: \$250.00 plus \$1.50 per stall
Number of stalls: 200

Date: 05/18/2020

General Description of Entertainment or Amusement: Drive-in movie theater. Music to be played prior to showings, subject to sound decibel requirements.

Location of function: Milwaukee Milkmen north parking lot.

Trade Name: Milky Way Drive-in

Mailing Address: 7044 S. Ballpark Dr, Suite 300, Franklin WI 53132

Telephone: (414) 908-6310 Telephone: (414) 349-4771

Individual Partnership Corporation

If Corporation, list names, addresses and titles of Officers:

Name	Address	Title
<u>Michael Zimmerman</u>	<u>7241 S. 92nd Street Franklin WI 53132</u>	<u>Owner/CEO</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Person Responsible: Thomas Johns

Address: W222 N2135 Glenwood Ln, Waukesha WI 53186

Date of Birth: 08/31/1978 Place of Birth: Milwaukee, WI

Drivers License Number: VS20-8307-8311-09 State: WI

Any arrests for or convictions of any Federal, State or Local offense(s)? Yes No

List of offenses, dates & places of conviction(s) NA

Signature: [Handwritten Signature]

Date: 05/18/2020



9229 W Loomis Rd, Franklin, WI 53132-9630
Telephone 414-425-7500

City Clerk's Office
Fax 414-425-6428

NEW RENEWAL

DRIVE-IN THEATER
License Application
July 1, 2020—June 30, 2021

Fee: \$250.00 plus \$1.50 per stall
Number of stalls: 200

Date: 05/18/2020

General Description of Entertainment or Amusement: Drive-in movie theater. Music to be played prior to showings, subject to sound

Location of function: Milwaukee's Milkmen north parking lot decibel requirements

Trade Name: Milky Way Drive-in

Mailing Address: 7077 S. Ballpark Dr., Suite 300, Franklin WI 53132

Telephone: (414) 908-6310

Telephone: (414) 349-4771

Individual

Partnership

Corporation

If Corporation, list names, addresses and titles of Officers:

Name	Address	Title
<u>Michael Zimmerman</u>	<u>7241 S. 92nd Street Franklin WI 53132</u>	<u>Owner/CEO</u>

Person Responsible: Thomas Johns

Address: W222 N2135 Glenwood Ln., Waukesha WI 53186

Date of Birth: 08/31/1978

Place of Birth: Milwaukee, WI

Drivers License Number: W520-8307-8311-09

State: WI

Any arrests for or convictions of any Federal, State or Local offense(s)? Yes No

List of offenses, dates & places of conviction(s) NA

Signature: [Handwritten Signature]

Date: 05/18/2020

EXHIBIT C NOISE AND LIGHT ADDENDUM

The Rock Sports Complex and Ballpark Commons project is a multi-use facility developed for a multi-use sports and entertainment complex (“Project”) encompassing the boundaries set forth in Exhibit C.1 (“Abatement Boundaries”). Residents in the communities of Franklin and Greendale have expressed concerns regarding noise and light levels at and beyond the Project Boundaries, originating from activities associated with the Project. This Noise and Light Addendum shall be incorporated into Project documents¹ and consists of three components:

- 1) 2017/2018 Noise and Light Mitigation Plan;
- 2) Noise and Light Standards and Development Plan;
- 3) Noise and Light Compliance Plan.

As specified further herein, BPC County Land, LLC, The Rock Sports Complex LLC, and/or any subsequent or related owner, user, operator, sub-lessee, etc. shall comply with the following:

1. 2017/2018 Noise and Light Mitigation Plan

Attached as Exhibit C.2² are:

- To mitigate unintended light trespass and glare visible from nearby residential areas:
 - This Mitigation Plan details current conditions and identifies 67 lights for new improved glare reduction and control over unintended light trespass (“Gold Standard Visors”) and 11 existing lights for retrofitting with Gold Standard Visors. These new visors and retrofits will be installed on or before the beginning of the Spring 2018 baseball season. All 223 existing fixtures will be adjusted as part of the retrofit effort.
 - New fixtures for lighting outdoor facilities shall meet or exceed the performance of the retrofit fixtures with respect to glare and unintended light trespass.
- To mitigate noise and measure compliance:
 - Past compliance has been measured through handheld monitoring devices. This Mitigation Plan details the installation of permanent monitoring devices at the Abatement Boundaries in the three approximate locations shown in Exhibit C.1. The monitoring devices will be installed at an elevation above ground level and will trigger a notification in the event of an exceedance and record continuous performance data. Since the monitors require permanent electrical connections, the installation needs to coincide with utility installations, commencing in Spring, 2018 and completed during the outdoor concert season in 2018 (no later than

¹ The Project documents are: 1) Development Agreement between BPC County Land, LLC and Milwaukee County

2) Lease Agreement between BPC County Land, LLC and The Rock Sports Complex, LLC and Milwaukee County ; and 3) Development Agreement between BPC County Land, LLC and City of Franklin; 4) the Contribution and Participation Agreement between BPC County Land, LLC and Milwaukee County; and the 5) Option to Purchase .

² Exact locations for noise and light remediation tools and fixtures are subject to reasonable adjustment.

November 1, 2018) generally at the locations shown in the Mitigation Plan. As further mitigation, the operator will install a dedicated sound system to ensure that the sound at the Umbrella Bar is directional controlled to minimize the spillover effect beyond the property boundary.

2. Noise and Light Standards and Development Plan

To ensure compliance with objective standards, the Project shall be subject to the following noise and light standards as set forth in the Franklin Ordinances (“Noise and Light Standards”):

- Section 15-3.1104 Glare;
- Division 15-5.0400 Lighting;
- Section 183-41 Noise;
- With approval by the City of Franklin, such other applicable Noise or Light standards as may apply for a particular event or specified uses within the Project Boundaries.

The point of compliance for application of the Noise and Light Standards, and all activities conducted at the Project, shall be the Abatement Boundaries as set forth in Exhibit C.1.

All development within the Abatement Boundaries shall be subject to final plan approval by the City of Franklin following the specifications and process set forth in the Franklin Ordinances. A Lighting plan meeting the requirements of Section 15-5.0402 shall be submitted to the Plan Commission for the City of Franklin, with a copy provided to the Village of Greendale.

3. Noise and Light Compliance Plan

To ensure ongoing compliance, the Project operator(s) shall maintain a compliance log with the following information:

Light Compliance. The City of Franklin shall conduct a final inspection following the installation of any new permanent light emitting outdoor fixture extending or mounted more than 20 feet above ground. The City shall, within 15 days of its inspection, indicate whether any modifications are needed to comply with the plan. The operator and the City of Franklin shall jointly visually inspect light compliance in the Spring, prior to the start of each baseball season, at or across the roadway from the Abatement Boundaries, as designated on the attached Exhibit C.2 as “visual compliance inspection locations.”

Noise Monitoring.

Annually, the operator will provide the City of Franklin with a list of concerts and special events requiring a permit, including dates and times for operations during the event. A copy of the list of concerts and permitted events shall be provided to the Manager for the Village of Greendale. Events will also be posted at the Property and through electronic media to ensure neighbors can be aware of forthcoming events. The Operator shall provide a means for receiving complaints, through a web page or equivalent electronic media, and shall preserve a record of complaints that will be provided to the City of Franklin, Village of Greendale or County upon request. These records shall be preserved for a minimum of two years. Nothing herein is intended to prevent

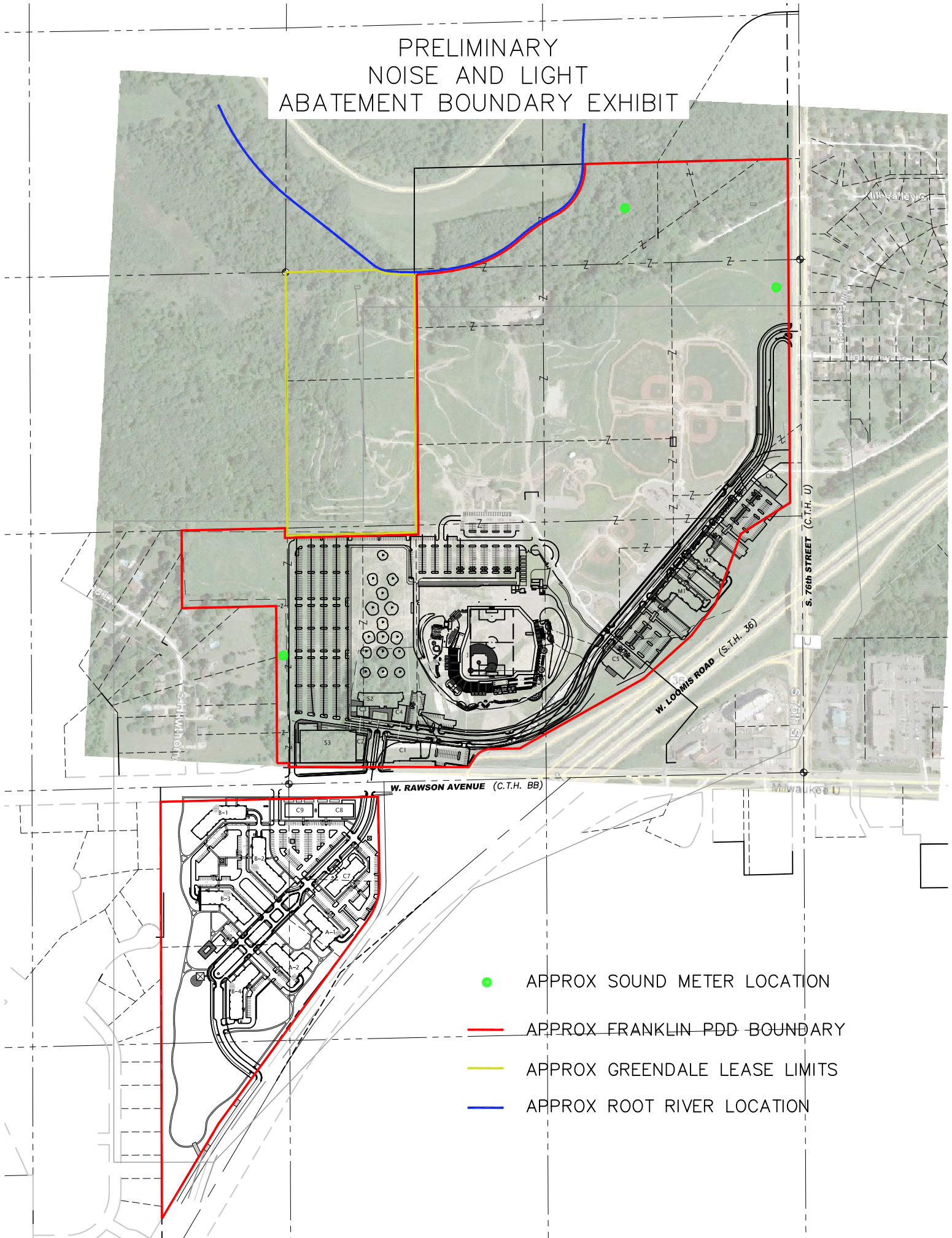
citizens from being able to file public complaints, but this is intended to allow verification of whether or not a complaint and violation occurred.

Continuous noise monitoring data shall be kept for twelve months. Upon reasonable request by the County, City of Franklin, or the Village of Greendale, noise monitoring data and reports, and a record of complaints, shall be provided to the County, City or Village, evidencing the status of compliance. A violation will be considered material if it represents a complaint filed with the operator or the City of Franklin and is evidenced in the monitoring data logs by an exceedance (“Trigger Event”) that is not permitted and is not corrected and remediated within 30 minutes of the Trigger Event. The City shall have the right to enforce payment of the penalties specified in the Noise and Light Standards, which may include payment of a double permit fee for any material violation. If the operator has more than four unpermitted material violations in a calendar year, the operator shall be subject to stepped-up enforcement measures as specified in the Noise and Light Standards. If the City declines to take enforcement action, the County, under the terms of this agreement, shall have the right to impose penalties on the operator, in the County’s reasonable judgment given the severity and duration of the violation and the number of violations, which shall not exceed \$1,000 for an individual violation and \$10,000 in aggregate for a calendar year.

No provision of this addendum shall be construed to impair any common law or statutory cause of action or legal remedy or to replace the obligations more specifically set forth in the Noise and Light Standards.

EXHIBIT C.1
Abatement Boundaries

PRELIMINARY NOISE AND LIGHT ABATEMENT BOUNDARY EXHIBIT



- APPROX SOUND METER LOCATION
- APPROX FRANKLIN PDD BOUNDARY
- APPROX GREENDALE LEASE LIMITS
- APPROX ROOT RIVER LOCATION

EXHIBIT C.2
Mitigation Plan



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of August 20, 2020

Certified Survey Map and release of outlot designation (Miscellaneous application)

RECOMMENDATION: City Development staff recommends approval of the Certified Survey Map and release of outlot designation (Miscellaneous application), subject to the conditions in the attached draft resolutions.

Project Name:	FHCC Certified Survey Map and release of outlot designation
Project Address:	Not Assigned. Tax key No. 748 9997 007
Applicant:	Michael Dilworth. FHCC, LLC.
Owner:	FHCC, LLC.
Agent:	John P. Casucci, PLS
Zoning:	R-3 Suburban/Estate Single-Family Residence District
2025 Comprehensive Plan:	Residential
Applicant Action Requested:	Recommendation of approval of the Certified Survey Map and release of outlot designation (Miscellaneous application)

Project Description/Analysis

The applicant filed a Miscellaneous Application and Certified Survey Map requesting release of the outlot designation of Outlot 1 of CSM No. 6596 and creation the proposed buildable parcel shown as Lot 1 of the proposed CSM.

The Unified Development Ordinance defines an outlot as follows:

OUTLOT

A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined in the future with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. In addition to the foregoing, an "outlot" may also be any parcel of land depicted upon a plat or certified survey map which has been designated "outlot" as determined necessary by the Common Council to reserve such parcel for a future potential use or as necessary to further the purposes of this Ordinance and such designation as "outlot" shall mean that the designated parcel is unbuildable. An "outlot" designation may be removed by the Common Council upon its determination upon a further division that the reasons for the designation no longer exist or that the purposes of this Ordinance are further served by the removal of such designation.

Certified Survey Map No. 6596 was recorded on November 13, 1998. At that time, this area was designated as an outlot because it was primarily encompassed by a wetland. The delineation was completed by Hey & Associates on June 5, 1998.

Tina Myers of R.A. Smith, who is an assured delineator with the WDNR, later completed a field investigation and wetland delineation on October 8, 2018. According to this delineation, the wetland has reduced in size and is primarily contained within the 25-foot drainage easement located on the east side of the property.

Based upon the recent wetland delineation and considering the R-3 District setbacks, a buildable area of approximately 39.52-feet wide by 239.60-feet long exists onsite. Staff finds that this is sufficient area to construct a reasonably sized home.

Overall, the proposed lot has a width of 138.56 feet and an area of 1.0124 acres or 44,102 square feet, which complies with the R-3 District Development Standards.

Due to a narrow building area, staff has told the applicant that the expectation of the City in releasing the outlot restriction is that the future home for this parcel would be constructed within the buildable area as shown on the Certified Survey Map. There should not be an expectation that the City will grant a variance or special exception in the future.

Recommendation

A motion to recommend approval of the Certified Survey Map and release of outlot designation (Miscellaneous application), subject to the conditions in the attached draft resolutions.

RESOLUTION NO. 2020-_____

A RESOLUTION CONDITIONALLY APPROVING A CERTIFIED SURVEY MAP TO CHANGE THE DESIGNATION OF OUTLOT 1 UPON CERTIFIED SURVEY MAP NO. 6596 TO THAT OF A BUILDABLE LOT, BEING A REDESIGNATION OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6596, BEING A PART OF THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN (NORTH SIDE OF WEST RAWSON AVENUE AT APPROXIMATELY FIELDSTONE COURT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin, more specifically, of the property located on the north side of West Rawson Avenue at approximately Fieldstone Court, bearing Tax Key No. 748-9997-007, Michael H. Dilworth, owner of FHCC, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Michael H. Dilworth, owner of FHCC, 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

MICHAEL H. DILWORTH, OWNER OF FHCC, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2020-_____

Page 2

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

4. Michael H. Dilworth, owner of FHCC, LLC, successors and assigns, and any developer of the Michael H. Dilworth, owner of FHCC, LLC Outlot 1 designation change to Lot 1 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 Michael H. Dilworth, owner of FHCC, LLC and the Outlot 1 designation change to Lot 1 certified survey map project for the property located on the north side of West Rawson Avenue at approximately Fieldstone Court: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant shall revise the Certified Survey Map to include the wetland setback into the conservation easement area. Land disturbance activities in the wetland setback shall follow the standards of Section 15-4.0102(I) of the Unified Development Ordinance.
7. The applicant shall submit a written conservation easement for Common Council review and approval and recording with the Milwaukee County Register of Deeds. The Conservation Easement shall be recorded at the time of recording the Certified Survey Map.
8. The property owner shall obtain approval from Milwaukee County, as may be necessary, for any work completed within W. Rawson Avenue right-of-way.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Michael H. Dilworth, owner of FHCC, 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

MICHAEL H. DILWORTH, OWNER OF FHCC, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2020-_____

Page 3

one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Michael H. Dilworth, owner of FHCC, 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 _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2020-____

A RESOLUTION AUTHORIZING THE CHANGE OF THE DESIGNATION
OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6596 TO A BUILDABLE
LOT, FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF WEST
RAWSON AVENUE AT APPROXIMATELY FIELDSTONE COURT
(TAX KEY NO. 748-9997-007)
(MICHAEL H. DILWORTH, OWNER OF FHCC, LLC, APPLICANT)

WHEREAS, §15-11.0103 OUTLOT of the Unified Development Ordinance requires Common Council approval to remove an outlot designation upon its determination upon a further division that the reasons for the designation no longer exist or that the purpose of the Ordinance is further served by the removal of such designation; and

WHEREAS, Michael H. Dilworth, owner of FHCC, LLC having applied for such approval to construct a single-family residence on the north side of West Rawson Avenue at approximately Fieldstone Court, such property being zoned R-3 Suburban/Estate Single-Family Residence District, such application having been supported by a 2018 wetland delineation report which updated the prior 1998 wetland delineation report upon which Certified Survey Map No. 6596 was based, the report thereon providing that currently existing wetlands are confined to and only within an existing drainage easement; and

WHEREAS, the Plan Commission having considered such application and having determined that approval of such outlot designation change to buildable lot will serve the health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the miscellaneous application for the outlot designation change to buildable lot by Michael H. Dilworth, owner of FHCC, LLC, filed on August 6, 2020, for the property as described above, be and the same is hereby approved, subject to the following conditions:

1. The outlot designation change to buildable lot project shall be developed in substantial compliance with the plans dated August 6, 2020.
2. Michael H. Dilworth, owner of FHCC, LLC, successors and assigns and any developer of the outlot designation change to buildable lot project shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the outlot designation change to buildable lot project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the

MICHAEL H. DILWORTH, OWNER OF FHCC, LLC – MISCELLANEOUS
RESOLUTION NO. 2020-_____

Page 2

Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon Michael H. Dilworth, owner of FHCC, LLC and the outlot designation change to buildable lot project for the property located on the north side of West Rawson Avenue at approximately Fieldstone Court: (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.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2020.

APPROVED:

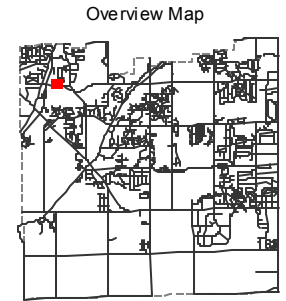
Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

748 9997 007

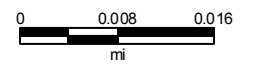


- Aldermanic District
 - Building
 - City Boundary
 - Condo
 - CSM
 - Easement
 - Elementary District
 - Environmental Corridor
 - FEMA DFIRM Flood - Zone A
 - FEMA DFIRM Flood - Zone AE
 - FEMA - 0.2% Annual Chance
 - Parcel
 - Park
 - Pavement
 - County or State Hwy
 - Local Road
 - Road Right-of-Way
 - School District
 - Wetland
-
- Zoning Districts**
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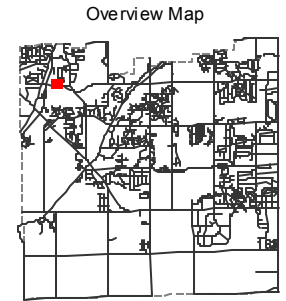
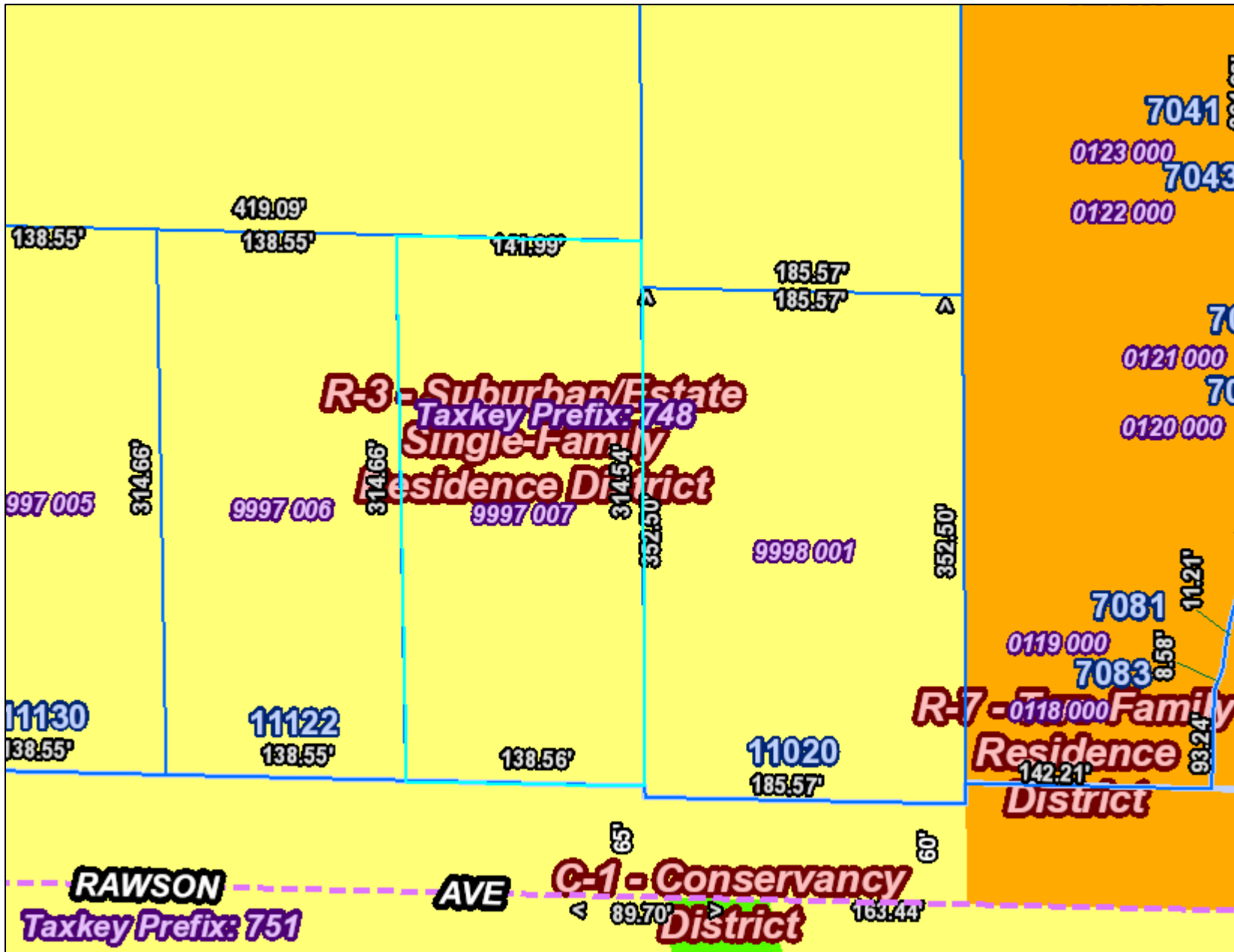
Legend includes all layers even if they are not visible in the map.

(C) City of Franklin, WI

The maps and information provided by the City of Franklin's Property Viewer are not legal instruments and are to be used for reference purposes only, not as a substitute for legally recorded maps, surveys, or other documents. The City of Franklin assumes no liability for any damages or loss resulting from the use or misuse of the maps and information offered through this site. The maps and information provided here may have been compiled from various state, county, municipal, and private sources, and are maintained by their sources for a wide variety of purposes. Therefore, the City of Franklin cannot guarantee the quality, content, accuracy, completeness, or currency of the information transmitted by this site, and provides such information without expressed or implied warranties, subject to the terms and conditions stated in this Disclaimer and as otherwise provided for by law. While the City of Franklin makes every attempt to provide accurate, complete, and up-to-date information, it shall not be held responsible for any discrepancies contained herein. Each individual accesses and uses the information herein at their own risk. Use of the Property Viewer constitutes acceptance of all terms and conditions in this Disclaimer.



Map Printed: 5/22/2020

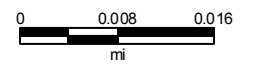


- Aldermanic District
- Building
- City Boundary
- Condo
- CSM
- Easement
- Elementary District
- Environmental Corridor
- FEMA DFIRM Flood - Zone A
- FEMA DFIRM Flood - Zone AE
- FEMA - 0.2% Annual Chance
- Parcel
- Park
- Pavement
- County or State Hwy
- Local Road
- Road Right-of-Way
- School District
- Wetland

Zoning Districts

A-1	FFO	R-2
A-2	FW	R-3
B-1	I-1	R-3E
B-2	IH	R-4
B-3	M-1	R-5
B-4	M-2	R-6
B-5	M-3	R-7
B-6	OL-1	R-8
B-7	OL-2	RC-1
BP	P-1	VB
CC	PDD	VR
C-1	R-1	
FC	R-1E	

Legend includes all layers even if they are not visible in the map.



raSmith responses to review comments.

John P. Casucci, PLS August 3, 2020

City of Franklin Department of City Development

Date: July 24, 2020

To: John P. Casucci. R.A. Smith, Inc.

From: Department of City Development

RE: Certified Survey Map and Miscellaneous application (release of outlot designation) – Tax key No. 748-9997-007.

Below are comments and recommendations for the above-referenced applications submitted by FHCC, LLC on June 16, 2020.

Department of City Development comments

1. Please be aware that the City's expectation in releasing the outlot restriction is that the future home for this parcel will be constructed within the buildable area as shown on the Certified Survey Map. The granting of any variance or special exception should not be expected or needed. **understood by owner, no action required**
2. Please label the Conservation Easement boundary on the face of the CSM. It is recommended that the Conservation Easement include the wetland setback. **Easement labeled on sheets 1-3. Conservation Easement boundary to coincide with Wetland Buffer line.**
3. Attached is the City's Conservation Easement Template, which is recommended to be recorded with the Certified Survey Map. Please complete the Conservation Easement and submit to staff for review. Note that the Common Council must approve this easement document. **See attached draft prepared by Attorney John Paul Perla, Jr.**
4. Note that approval will be needed from Milwaukee County for access to W. Rawson Avenue and any work that is done within the right-of-way. **See attached approval letter**

Engineering Department comments

5. Resolve all technical omissions and deficiencies identified by Milwaukee County. Upon receipt of the comments from Milwaukee County, the City comments may be revised to reflect changes required by the County. **Addressed on revised CSM : North arrow added to sheet 2 and condominium referenced.**
6. On Sheet 1 of 6, add a note stating, "Lot 1 is served by public sewer and water."
added
7. On Sheet 6 of 6, correct the Mayor's name to Stephen, instead of Steven. **corrected**

8. Please submit the final Certified Survey Map in AutoCAD (drawing file) and pdf format electronically to rasuncion@franklinwi.gov to update the City of Franklin GIS system. Emailed 8/3/20

Milwaukee County comments

9. See separate letter. Both comments addressed on revised CSM

Fire Department comments

10. The fire department has no comments.

Inspection Services Department comments

11. *Inspection Services has no comments on this proposal.*

Police Department comments

12. *The Police Department has no objections to this application.*



DEPARTMENT OF TRANSPORTATION

Milwaukee County

Donna Brown-Martin

- Director
- Highway Commissioner

July 30, 2020

raSmith
Attn: Mr. John P. Casucci, P.L.S., Associate
16745 West Bluemound Road
Brookfield, WI 53005-5938

Re: Certified Survey Map (CSM) approval for the proposed driveway approach at Tax Key No. 748-9997-007.

Dear Mr. Casucci,

Milwaukee County does not object to the Certified Survey Map (CSM) for proposed driveway approach and its location for Tax Key No. 748-9997-007.

If you require further information or have any questions, please contact me at (414) 257- 5947 or my Manager Andrea Weddle – Henning at (414) 257-5934

Very truly yours,

Vernon D. Singleton

Vernon D. Singleton
Construction Coordinator, MCDOT - Transportation Services

Document Number

**Conservation Easement
112th & Rawson
City of Franklin**

Recording Area

Name and Return Address
John Paul Perla Jr.
350 Bishops Way Ste. 103
Brookfield, WI 53005
262-782-4000
jperla@tds.net

748-9997-007
Parcel Identification Number (PIN)

This instrument was drafted by:
Attorney John Paul Perla Jr.

CONSERVATION EASEMENT

FHCC, LLC
112th St & Rawson Ave., Franklin, WI

This Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and FHCC, LLC, a Wisconsin limited liability company, Property Owner, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, described as follows (the protected property):

Outlot 1 of Certified Survey Map No. 6596 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on November 13, 1998 in Reel 4436, of Certified Survey Maps, at Images 960-962, as Document No. 7633685, being part of the being a redivision of Parcels 1 and 2 of Certified Survey Map No. 5972, being a part of the Southwest ¼ and Southeast ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

Property Address: Situated on West Rawson Avenue, Franklin, WI 53132
Tax Key Number: 748-9997-007

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, the specific resources on the protected property which are the wetlands and wetlands buffer be preserved and maintained. A Natural Resource Protection Plan has not been requested nor prepared as of this date. The natural elements and the ecological and aesthetic values shall be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by § 700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under § 62.23 and § 236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement; and

WHEREAS, the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants, terms, conditions and restrictions set out herein and imposed hereby;

WHEREAS, there is no mortgagee on the protected property.

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over and across the protected property as noted by the cross hatched area as denoted on the Exhibit A attached hereto which is designated as the Conservation Easement.

Grantee's rights hereunder shall consist solely of the following:

1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes

for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and

3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over or across the protected property, the Grantor, without the prior consent of the Grantee, shall not:

1. Construct or place buildings or any structure, except that Grantor, its successors or assigns may utilize the wetland setback for construction of a driveway.
2. Construct or make any improvements, unless, notwithstanding Covenant 1. above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed or accruing against the protected property pursuant to law.

The covenants, terms, conditions and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:
FHCC, LLC
c/o Paulanne Phillips
Forest Green Realty
8575 W. Forest Home Ave., Ste 140
Milwaukee, WI 53228

To Grantee:
City of Franklin
Office of the City Clerk
9229 West Loomis Road
Franklin, Wisconsin 53132

In witness whereof, the Grantor has set its hand[s] [and seal[s]] on this date of _____, 2020.

FHCC, LLC

By: _____
Michael H. Dilworth, Managing Member

STATE OF WISCONSIN)
) ss
WAUKESHA COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2020, by Michael H. Dilworth, as Managing Member of FHCC, LLC, a Wisconsin Limited Liability Company, to me known to be the person[s] who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said FHCC, LLC.

Notary Public _____ (Name)
My commission expires _____

Acceptance by City on Next page.

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by § 236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, 20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, 20__, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 20__.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Régulo Martínez-Montilva
Associate Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

NO MORTGAGE HOLDER

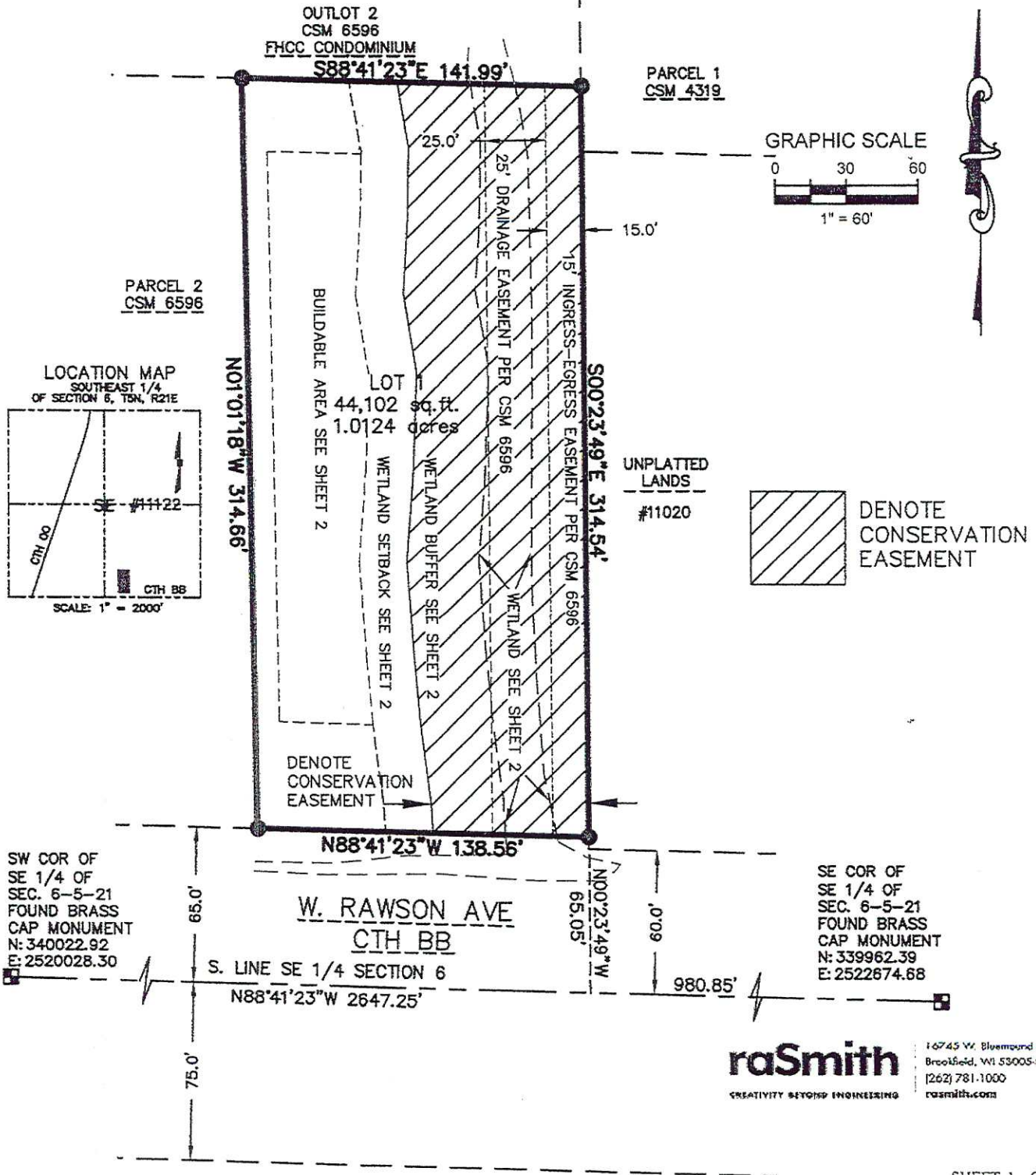
EXHIBIT A

CONSERVATION EASEMENT

CERTIFIED SURVEY MAP NO. _____

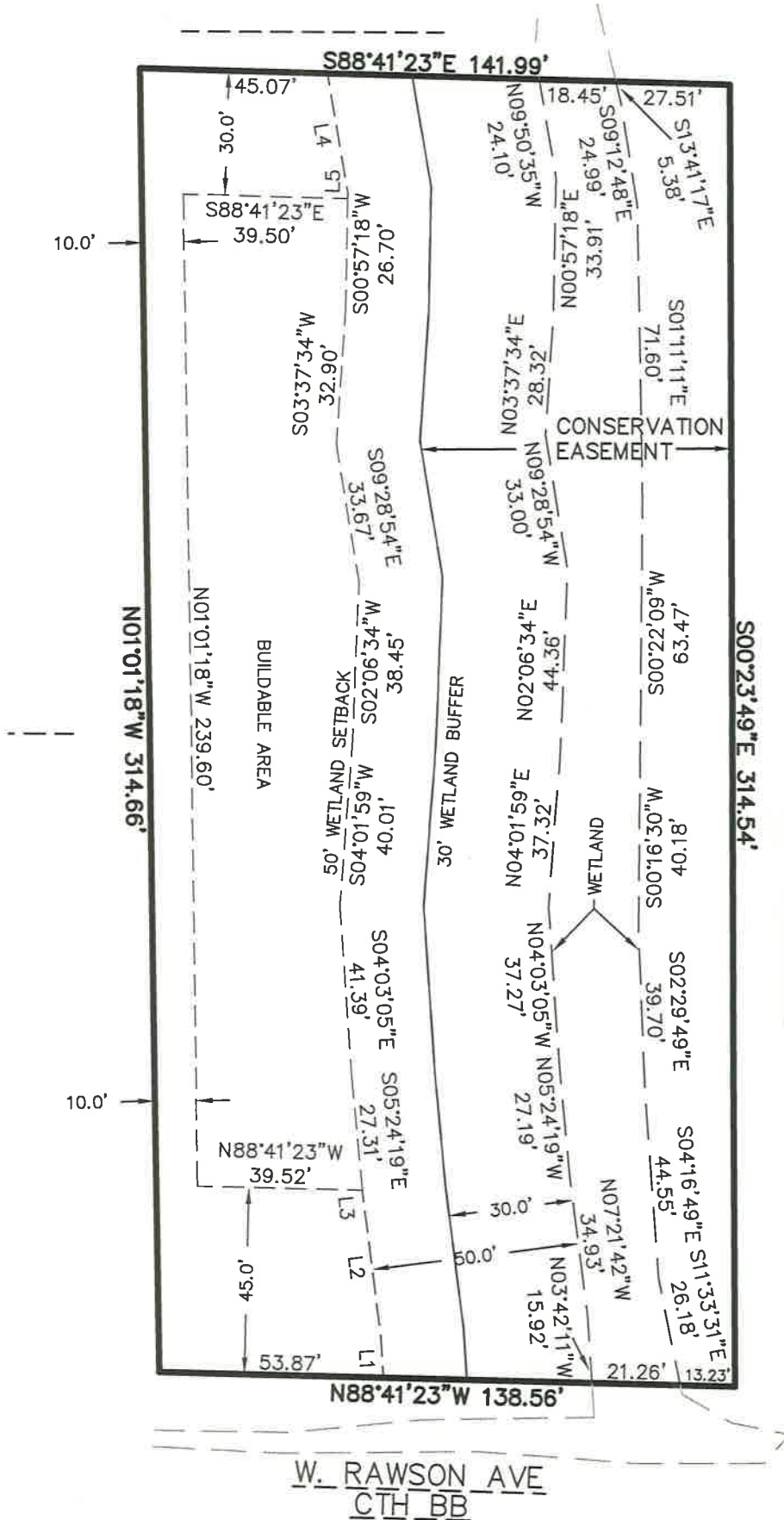
A division of Outlot 1 of Certified Survey Map No. 6596, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

OWNER:
 FHCC LLC
 8575 W FOREST HOME AVE #160
 GREENFIELD, WI., 53228

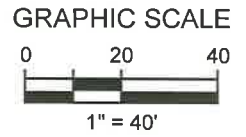


CERTIFIED SURVEY MAP NO. _____

A division of Outlot 1 of Certified Survey Map No. 6596, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

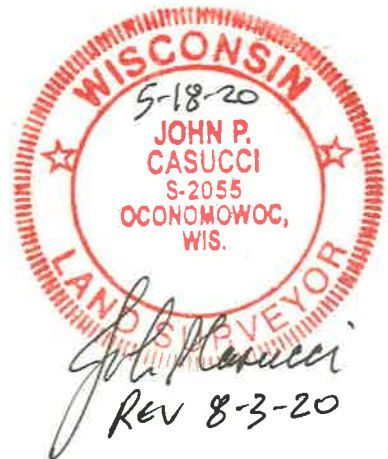


Line Table		
Line #	Direction	Length
L1	N03°42'11"W	9.93
L2	N07°21'42"W	34.18
L3	N05°24'19"W	1.32
L4	N09°50'35"W	29.23
L5	N00°57'18"E	1.32



WETLANDS DELINEATED ON OCTOBER 8, 2018
BY R.A. SMITH, INC. PROJ. 3180455

ZONED: R-3
MIN. AREA 20,000 SF.
MIN. WIDTH 100'
MIN. FRONT YARD 45'
MIN. SIDE YARD 10'
MIN. REAR YARD 30'

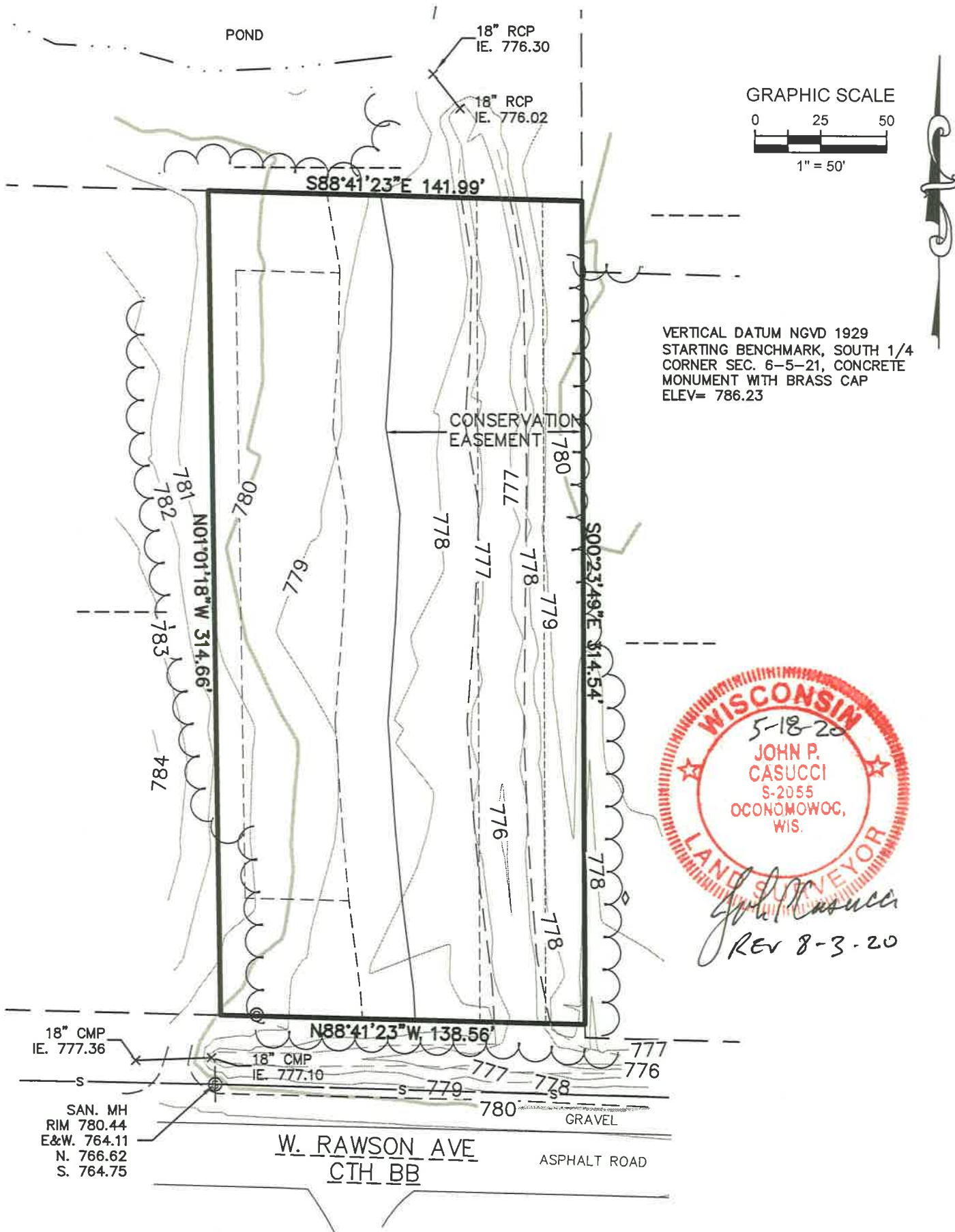


raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CERTIFIED SURVEY MAP NO. _____

A division of Outlot 1 of Certified Survey Map No. 6596, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



VERTICAL DATUM NGVD 1929
 STARTING BENCHMARK, SOUTH 1/4
 CORNER SEC. 6-5-21, CONCRETE
 MONUMENT WITH BRASS CAP
 ELEV= 786.23

WISCONSIN
 5-18-20
 JOHN P. CASUCCI
 S-2055
 OCONOMOWOC,
 WIS.
 LAND SURVEYOR
John P. Casucci
 REV 8-3-20

CERTIFIED SURVEY MAP NO. _____

A division of Outlot 1 of Certified Survey Map No. 6596, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY }

I, JOHN . CASUCCI, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of Outlot 1 of Certified Survey Map No. 6596, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Southeast corner of the Southeast 1/4 of said Section 6; thence North 88° 41' 23" West along the South line of said 1/4 Section a distance of 980.85 feet to a point; thence North 00° 23' 49" West 65.05 feet to a point in the North line of West Rawson Avenue and the point of beginning of lands to be described; thence North 88° 41' 23" West along said North line 138.56 feet to the Southeast corner of Parcel 2 of said Certified Survey Map; thence North 01° 01' 18" West along the East line of said Parcel 314.66 feet to the Northeast corner of said Parcel and a point in the South line of Outlot 2 of said Certified Survey Map; thence South 88° 41' 23" East Along said South line 141.99 feet to a point; thence South 00° 23' 49" East 314.54 feet to the point of beginning.

Containing 44,102 square feet or 1.0124 acres.

THAT I have made such survey, land division and map by the direction of FHCC LLC, owner.

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

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance Division-15 in surveying, dividing and mapping said lands.

May 18, 2020
DATE
Revised: 8/3/20



John P. Casucci (SEAL)
JOHN P. CASUCCI,
PROFESSIONAL LAND SURVEYOR S-2055

CERTIFIED SURVEY MAP NO. _____

A division of Outlot 1 of Certified Survey Map No. 6596, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

FHCC LLC a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certify that said corporation caused the land described on this map to be surveyed, divided, and mapped as represented on this map in accordance with the requirements of the City of Franklin Municipal Code.

FHCC LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin

WITNESS the hand and seal of FHCC LLC, has caused these presents to be signed by

_____, its _____, this _____ day of _____, 20_____, 2020.

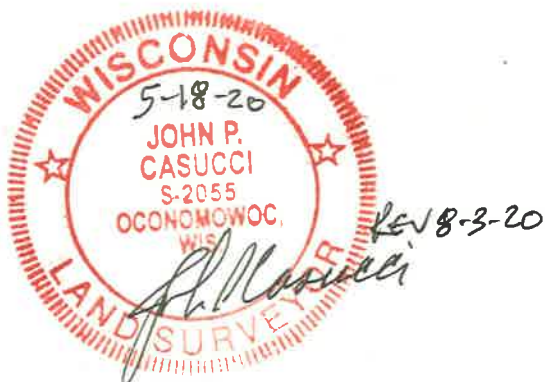
FHCC LLC

STATE OF WISCONSIN }
 } :SS
_____ COUNTY }

PERSONALLY came before me this _____ day of _____, 2020,
the above named _____, to me known to be the person who
executed the foregoing instrument, and to me known to be such _____ of said
corporation and acknowledged that he executed the foregoing instrument as such officer, by its
authority.

_____ (SEAL)

Notary Public, State of Wisconsin
My commission expires _____





CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of August 20, 2020

Special Use Time Extension

RECOMMENDATION: City Development staff recommends approval of a 1-year time extension for a previously approved Special Use, subject to the conditions in attached draft resolution.

Project Name:	Time extension for Nisenbaum Homes & Realty, Inc. Duplex
Project Address:	10504 West Cortez Circle
Applicant:	Gregory Nisenbaum
Owner:	Nisenbaum Homes & Realty, Inc.
Zoning:	R-8 Multiple-Family Residence District
Use of Surrounding Properties:	Multi-family residential to the north, south, east and west
2025 Comprehensive Plan:	Residential – Multi-Family
Applicant Action Requested:	Recommendation of approval to the Common Council of the requested 1-year time extension

On March 19, 2019, the Common Council conditionally approved a Special Use for a two-family residential side by side ranch townhouse at the subject property. This Special Use was later amended on August 6, 2019, via Resolution No. 2019-7526 which rescinded conditions requiring the submission of a conservation easement.

Condition No. 3 of the above-referenced resolution states the expiration of the Special Use is one year from the date of the adoption of the Resolution, therefore the Special Use approval expired on August 6, 2020. Prior to the expiration on July 16, 2020, the applicant filed a request to extend the Special Use approval for one (1) additional year, if this time extension is approved the Special Use would be valid until August 6, 2021.

CONCLUSION:

City Development staff recommends approval of a 1-year time extension for a previously approved Special Use (Resolution No. 2019-7526), subject to the conditions outlined in the attached resolution.

RESOLUTION NO. 2020-_____

A RESOLUTION TO AMEND RESOLUTION NO. 2019-7526, A
RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE FOR A FOR A TWO-FAMILY RESIDENTIAL
SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT
10504 WEST CORTEZ CIRCLE, TO EXTEND THE TIME FOR THE OBTAINING
OF THE ISSUANCE OF A BUILDING PERMIT
(GREGORY D. NISENBAUM, PRESIDENT OF
NISENBAUM HOMES & REALTY, INC., APPLICANT)

WHEREAS, the above entitled Resolution No. 2019-7526 was adopted by the Common Council on August 6, 2019 and was conditioned upon the applicant obtaining a Building permit within one year from such date, upon property located at 10504 West Cortez Circle (the Cortez Condominium development), bearing Tax Key Nos. 747-9979-001 and 747-9979-002, more particularly described as follows:

That part of the Southwest 1/4 of Section 5, in Township 5 North, Range 21 East, bounded and described as follows: Commencing at a point in the North 1/4 Section line, 663 feet East of the Northwest corner of said 1/4 Section; running thence South and parallel with the West line of said 1/4 Section, 80 feet to a point; thence East and parallel with the North line of said 1/4 Section, 272.25 feet to a point; thence North and parallel with the West line of said 1/4 Section, 80 feet to a point on the North line of said 1/4 Section; thence West along said North line 272.25 feet to the point of commencement, and reserving the West 24.75 feet for highway purposes, further excepting those lands conveyed to the State of Wisconsin in an instrument recorded May 23, 1969, in Reel/Volume 480, Image/Page 784, as Document No. 4464721; and

WHEREAS, during these times of the Coronavirus Disease 2019 and Public Health Emergency, the applicant having been unable to meet the project completion time limit, and having requested and provided an application for an extension of one year for project completion; and

WHEREAS, the applicant having requested a one year extension of the time limit for such condition prior to the expiration thereof, and the Plan Commission having recommended approval thereof, pursuant to §15-9.0103G. of the Unified Development Ordinance which contemplates the procedural potential grant of an extension upon a timely request without the requirement of a public hearing, based upon the applicant's bona fide and ongoing efforts to move the project forward.

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

GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC.
– SPECIAL USE AMENDMENT
RESOLUTION NO. 2020-_____

Page 2

the City of Franklin, Wisconsin, that Resolution No. 2019-7526, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Two-Family Residential Side by Side Ranch Townhome Use Upon Property Located At 10504 West Cortez Circle, be and the same is hereby amended only to extend the time limit for the applicant's obtaining of the issuance of a building permit, to August 6, 2021.

BE IT FURTHER 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 _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

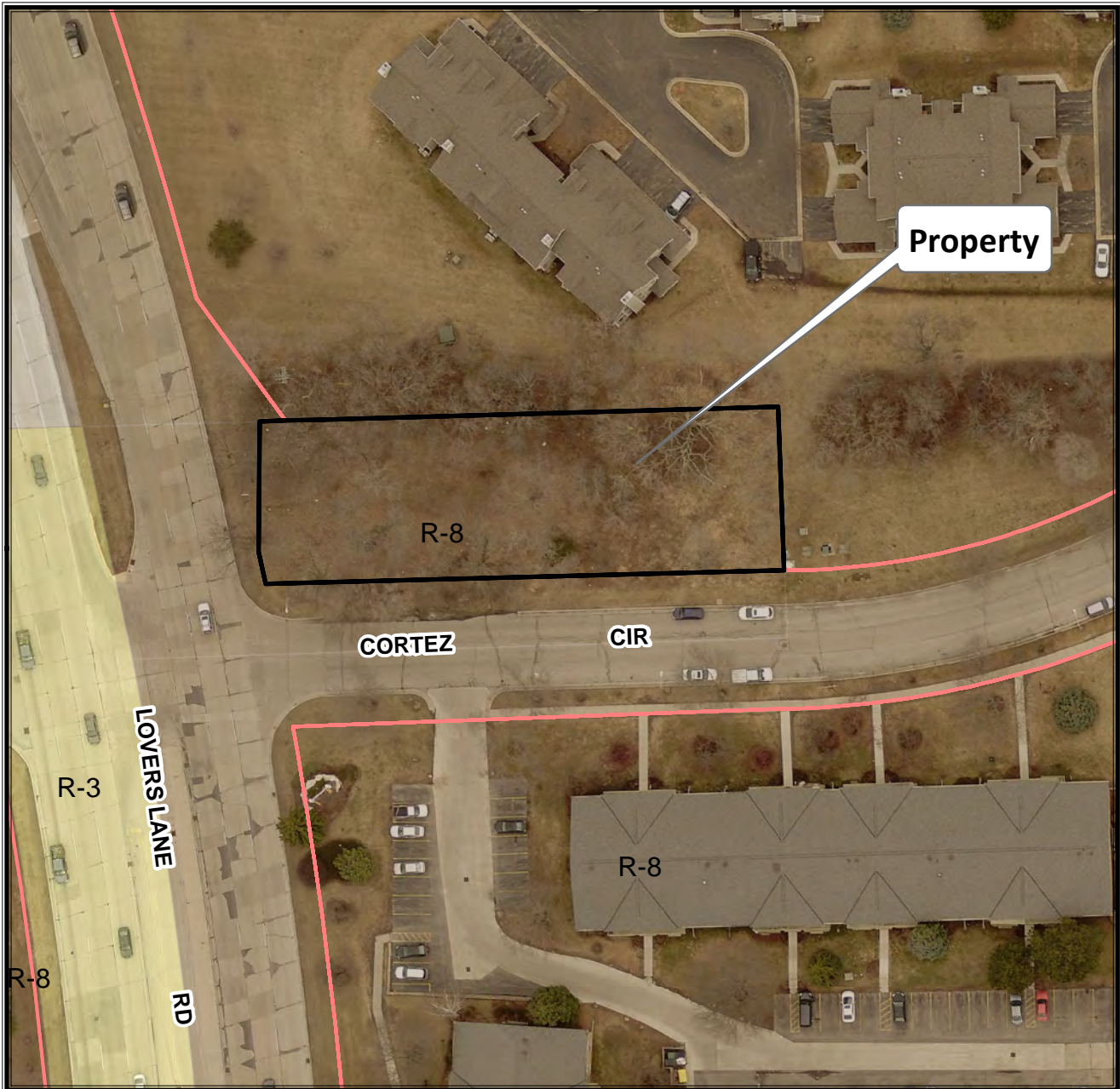
Stephen R. Olson, Mayor

ATTEST:

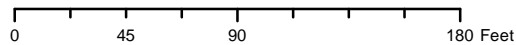
Sandra L. Wesolowski, City Clerk

YES _____ NOES _____ ABSENT _____

10504 W. Cortez Circle
TKN 747 9979 000



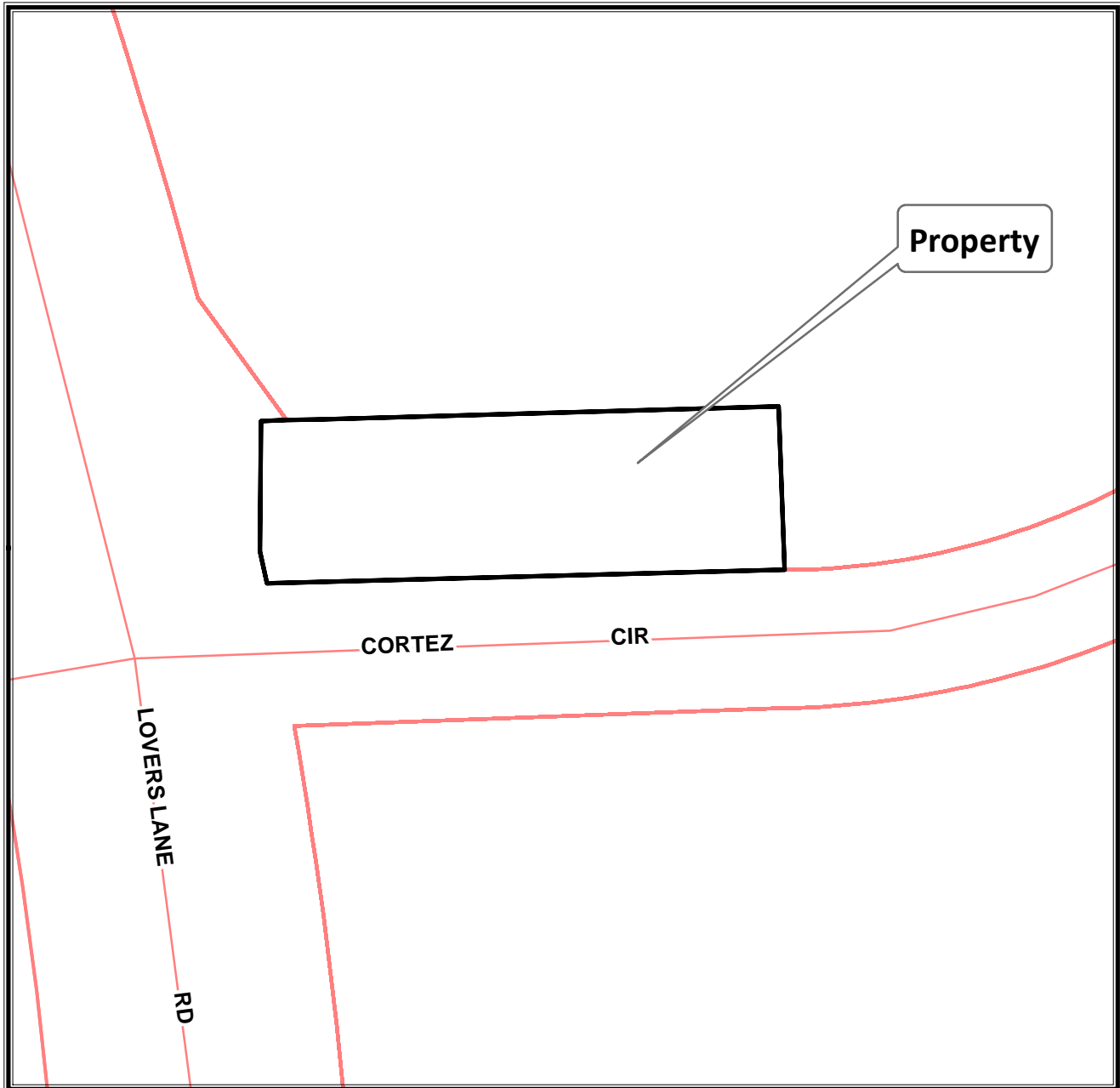
Planning Department
(414) 425-4024



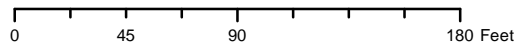
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



10504 W. Cortez Circle
TKN 747 9979 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.



Greg Nisenbaum
Nisenbaum Homes & Realty, Inc.
8103 S. Country Club Circle
Franklin, Wisconsin 53132
(414) 719 - 4244
gregoryn@nisenbaumhomes.com
www.nisenbaumhomes.com

07 / 14 / 2020

To : Mr. Regulo Martinez-Montilva, AICP
Associate Planner-Department Of City Development
City Of Franklin
9229 W. Loomis Road
Franklin, Wisconsin 53132

The City Of Franklin Special Use Amendment Resolution No. 2019-7526 was passed and adopted on August 6, 2019. The Cortez Condominium Resolution, Declaration, and Plan was approved by Milwaukee County on March 19, 2020. The conditions in the Special Use Amendment have been satisfied with exception to condition # 3 (see attached). This condition states “the provision thereof with regard to the expiration of the Special Use permission is hereby extended to the expiration of one year from the date of adoption of this Resolution “.

Due to covid, the stock market, and other business related matters, I am respectfully requesting permission to extend the condition in the Special Use Amendment Resolution No. 2019-7526 for one year until August 6, 2021.

Thank you for your time in this matter !

Sincerely,


Greg Nisenbaum

Nisenbaum Homes & Realty, Inc.

Franklin
JUL 16 2020
City Development

GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC. – SPECIAL USE AMENDMENT
RESOLUTION NO. 2019-7526

Page 2

the West 24.75 feet for highway purposes, further excepting those lands conveyed to the State of Wisconsin in an instrument recorded May 23, 1969, in Reel/Volume 480, Image/Page 784, as Document No. 4464721; and

WHEREAS, the Department of City Development having recommended approval of the aforesaid amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the upon the application of Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., for the amendment of Resolution No. 2019-7473, that same be and is hereby amended as follows:

1. Condition No. 4. is hereby rescinded and deleted.
2. Condition No. 5. is hereby rescinded and deleted.
3. The Further Resolved provision providing for the establishment of the Special Use within one year from the date of adoption of Resolution No. 2019-7473 is hereby amended as follows: delete: "occupancy permit", and in place thereof, insert: "building permit"; the provision thereof with regard to the expiration of the Special Use permission is hereby extended to the expiration of one year from the date of adoption of this Resolution Amending Resolution No. 2019-7473.
4. The woodlands and buildings areas depicted upon the Plat of Survey and Site Plan on the first two pages of Exhibit A of Resolution No. 2019-7473 are no longer applicable to the site and are hereby deleted.

BE IT FURTHER RESOLVED, that all of the other terms and provisions of Resolution No. 2019-7473 not amended as aforesaid, shall remain in full force and effect.

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 6th day of August, 2019.

Franklin

JUL 16 2020

City Development