

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, FEBRUARY 3, 2022, 5:00 P.M.

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

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

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

B. **Approval of Minutes**

1. Approval of regular meeting of January 20, 2022.

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

*Please note: the below Public Hearing Business Matter was noticed to commence at 7:00 p.m. and will not commence prior thereto, and dependent upon the time of completion of the UDO Rewrite Task Force item, may commence after 7:00 p.m. The Bear Development Business Matter will follow the Public Hearing Business Matter.*

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

1. **BEAR DEVELOPMENT, LLC SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.** Comprehensive Master Plan Amendment and Rezoning applications by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC, property owner), to amend the Future Land Use Map designation for an area consisting of one property designated as Recreational Use, covering approximately 35 acres, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to rezone that area of land from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (area consisting of one property (892-9999-002) and containing a corridor zoned C-1 Conservancy District which is an obsolete zoning district because the current Unified Development Ordinance requires protection of natural resources through conservation easements), property generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 34.54 acres). **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS**

**MATTER.**

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

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

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, Environmental Commission and Economic Development Commission 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, Environmental Commission and Economic Development Commission per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council, Environmental Commission and Economic Development Commission 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: February 17, 2022

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

unapproved

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

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

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

**B. Approval of Minutes**

**1. Regular Meeting of January 6, 2022**

Commissioner Hogan moved and Alderwoman Hanneman seconded approval of the January 6, 2022 regular meeting minutes. On voice vote, five 'ayes' and one absent. Motion carried (5-0-1).

**C. Public Hearing Business Matters**

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

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

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

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

**Natural Resource Special Exception**

**Motion #1**

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

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

### **Motion #2**

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

### **Motion #3**

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

## **2. BEAR DEVELOPMENT, LLC INDUSTRIAL DEVELOPMENT.**

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

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

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

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

### **Rezoning**

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

### **Certified Survey Map**

Commissioner Hogan moved and Alderman Hanneman

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

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

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

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

##### **1. None**

#### **Adjournment**

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



## MEMORANDUM

**Date:** January 26, 2022

SENT VIA EMAIL

**To:** Heath Eddy, Planning Manager  
City of Franklin, WI

**From:** Houseal Lavigne Associates  
John Houseal, FAICP, Cofounder | Principal  
Jackie Wells, AICP, Project Manager  
Ruben Shell, Planner

**Re: Franklin, WI Unified Development Ordinance  
Unified Development Ordinance Diagnostic and Preliminary Recommendations**

The purpose of this memorandum is to assess the strengths and weaknesses of the City of Franklin's Unified Development Ordinance (UDO) and to show the Houseal Lavigne and Birchline Planning team's preliminary recommendations for updates to the UDO. The assessment and preliminary recommendations were developed based on conversations with Franklin planning staff, department heads, and common council members during the project kick-off phase and community stakeholder interviews during the public engagement phase.

This memorandum proposes a new organizational structure for the UDO by article. Each article in the proposed structure is discussed as a major heading in the memorandum. The existing parts and divisions of the City's existing UDO that are recommended to be refined or replaced are discussed under each proposed article heading. New proposed regulations are also discussed in each article and examples used throughout the United States are shown where relevant to portray how the new recommended regulations should be written.

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## **PROPOSED STRUCTURE**

Land development regulations are best organized in a manner that makes them straightforward for municipal staff to administer and for the public to understand. This type of user-friendly format employs tables and graphics when appropriate, organizes information that is typically used together in the same sections, and orders the sections sequentially with those that are most frequently referenced at the document's beginning. Several divisions within Franklin's UDO are used in conjunction with one another and should be placed together. For instance, Division 15-8.0100 contains required site features including pedestrian and streetscape features for land divisions, while the land division procedures and criteria are in Division 15-9.0300. It is recommended that Franklin's UDO be organized into the eleven articles shown below to improve the document's user-friendliness.

**Article 1:** General Provisions

**Article 2:** Establishment of Districts

**Article 3:** District Specific Standards

**Article 4:** Use-Specific Standards

**Article 5:** General Development Standards

**Article 6:** Natural Resource Standards

**Article 7:** Planned Development Standards and Procedures

**Article 8:** Subdivision Standards

**Article 9:** Administrative Standards and Procedures

**Article 10:** Nonconformities

**Article 11:** Definitions



# UDO ASSESSMENT AND PRELIMINARY RECOMMENDATIONS

## General UDO Recommendations

Throughout the UDO it is recommended that charts, tables, graphics, and flowcharts be incorporated as appropriate to clarify regulation interpretation and to make the code more user friendly. Likewise, legalese and other jargon should be eliminated wherever possible.

### *Form-Based Code Applicability*

As is the case with most older land development codes, Franklin's UDO is what is known as a Euclidian zoning ordinance. Euclidean zoning ordinances divide a community into zoning districts based on the desirable uses in different areas and establishes rules for how land in each district can be used. Euclidean zoning districts keep high-intensity uses that may impact surrounding properties, like manufacturing, away from less intense uses, like homes and schools. Each district establishes different rules, including which uses are allowed and how they are permitted, how large buildings can be and the locations in which they are permitted on a lot, how much open space must be left over, and how much parking has to be provided.

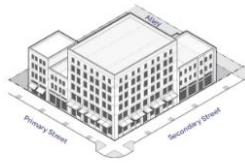
Franklin's UDO does not contain form-based regulations, which is a more modern approach to zoning regulations. Form-based codes divide a community into districts, however, they specify the architectural qualities and built patterns that are allowed rather than how land is used. Form-based codes are often seen as an advantageous tool to ensure that future development fits the existing context and to explicitly require architectural detailing and appealing site design. Form-based codes can be more complicating than their Euclidean counterparts and therefore more difficult for staff and elected/appointed officials to administer. To alleviate this downside, specific form-based regulations can often be incorporated within Euclidian codes to regulate architectural and built qualities in the situations where they are most important to be specified, leaving much of the framework that municipal staff and the development community are used to intact.

The City of South Bend, Indiana was awarded the Driehaus Form-Based Code Award from Smart Growth America in 2021. The City's new form-based code includes regulations that emphasize building formats and appearances rather than use. For instance, the standards for the Downtown District include regulations for façade articulation, requiring vertical articulation of facades at least every 32 feet and horizontal articulation with features such as belt courses, or cornices to distinguish between building floors. Similarly, the district requires that primary facades be oriented toward front yards or open spaces, feature high-quality, durable materials such as brick, glass, and lapped, shingled, or panel fiber cement board siding, and include minimum quantities of transparent materials such as glass on each floor. Franklin should consider adopting similar façade appearance regulations as described above and detailed in the general development standards section of this memo for all non-single-family development.

Additionally, South Bend's new code contains regulations that govern the appearance of building frontages that adjoin streets and sidewalks. For example, the code requires a storefront frontage for all retail uses, which feature a primary entrance at grade and incorporates windows on the front facade. The storefront frontage type includes requirements for recessed front entrances and standards to encourage open-ended, operable awnings or canopies and bi-fold glass windows and doors. Franklin should consider specifying design qualities for these building frontage types for mixed-use and retail structures in the Saint Martin's Road Historic Business Districts to promote mixed-use and walkable built patterns in keeping with the District's intent.

## Form-Based Code in South Bend, Indiana

Building Standards



### (h) Building Standards

#### Facade Transparency (min.)

Ground Floor - Front & Corner Facade	
Non-Residential	60%
Residential	25%
Upper Floor - Front & Corner Facade	15%

#### Facade Articulation

Any building greater than 50' wide shall provide vertical articulation into segments no greater than 32' in width and horizontal articulation (base, belt courses, cornice, etc.) to distinguish the ground floor from upper stories.

#### Building Materials

A minimum of 66% of each front or corner facade shall be constructed of high quality, durable, natural materials, such as stone or brick, wood lap siding, lapped, shingled, or panel fiber cement board siding, and glass. High quality synthetic materials may be approved by the Zoning Administrator. Each front or corner facade shall include at least two architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.). See Section 21-08.07 for all building material standards. See Section 21-08 for full building standards.

### 21-08.03(g) Frontage Type: Storefront

#### (1) Description

A storefront is utilized for all retail uses featuring a primary entrance at grade and incorporating substantial windows at the sidewalk level for the display of goods, services, and signs.

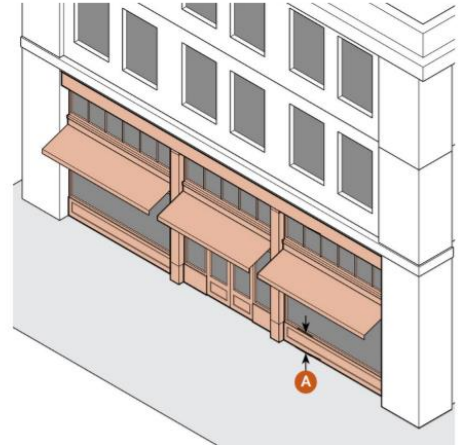
#### (2) Frontage Standards

##### Dimensions

Depth of Recessed Entry	5' max.
Sill Height	3' max.

##### Standards

Open-ended, operable awnings or canopies are encouraged for shade and weather protection. Bi-fold glass windows and doors that allow the space to open to the sidewalk are encouraged. Residential grade windows are not permitted.



## Religious Land Use and Institutionalized Persons Act Compliance

The Religious Land Use and Institutionalized Persons Act (RLUIPA), effective since September 2000, mandates that land use regulations must:

- Grant “equal treatment” to a religious assembly or institution as compared with a nonreligious assembly or institution;
- Not discriminate on the basis of religion or religious denomination;
- Not totally exclude religious assemblies or institutions; or
- Not unreasonably limit religious assemblies or institutions within a jurisdiction.

RLUIPA does not exempt religious institutions from land use regulations, however, it offers religious institutions the opportunity to challenge regulations when they pose a substantial burden.

### Relevant Case Law

In *Lighthouse Institute for Evangelism v. City of Long Branch*, 510 F3d 253 (3rd Cir 2007), cert den 128 S Ct 2503, 171 L Ed 2d 787 (2008), the zoning ordinance for a downtown commercial district permitted a variety of uses, including an “assembly hall,” but did not permit churches. The Third Circuit construed the equal terms provision at 42 USC 2000cc-(b)(1) to require that a person asserting a claim under the equal terms provisions must show (1) it is a religious assembly or institution, (2) subject to a land use regulation, which regulation (3) treats the religious assembly on less than equal terms with (4) nonreligious assembly or institution (5) that causes no lesser harm to the interests the regulation seeks to advance. 510 F3d at 270. The Court found that “it is not apparent from the allowed uses why a church would cause greater harm to regulatory objectives than an ‘assembly hall’ that could be used for unspecified meetings[.]” and concluded that the zoning code violated the equal terms provision. *Id.* at 272.

The Third Circuit required a showing under the fifth element listed above, the zoning scheme permits a nonreligious assembly or institution that “causes no lesser harm to the interests the regulation seeks to advance.” The Third Circuit test rejects strict scrutiny in favor of “strict liability,” that is, if the regulation treats religious assemblies on less than equal terms with nonreligious assemblies that are no less harmful to the regulatory objective, and then the regulation fails, without more. According to the Third Circuit, Congress explicitly required strict scrutiny in evaluating claims under the “general rule” at 42 USC 2000cc-(a) but did not similarly specify that strict scrutiny should be applied to equal terms and discrimination claims under 42 USC 2000cc-(b). *Id.* at 269.7.

In summary, this case clarified that in a business district where a municipality permits a city hall, library, fraternal organization, or other non-taxing institution or place of assembly, the municipality must also permit a religious institution. In a business district that establishes the intent of creating tax revenue for the municipality, a municipality can prohibit a religious institution, but only if the municipality also prohibits other non-taxing institutions or assemblies.

*Zoning Ordinance Review and Recommendations*

**District Purpose and Intent.** As detailed by the Third Circuit, the equal terms provision of RLUIPA requires that any restriction on land use be justified by the intent and purpose of that regulation. This interpretation of RLUIPA allows for a municipality to protect areas intended for commercial uses and the generation of tax revenue from uses that are tax exempt. In order to comply with this interpretation of the law, it is recommended that the City revise the intent and purpose of all business districts to reflect this interest. The following language is recommended:

*“It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this Ordinance.”*

**Uses.** The City currently has many uses that could be interpreted as places of assembly or places of worship. To ensure compliance with RLUIPA, it is recommended that these uses be replaced with the uses listed below:

- **Non-commercial Place of Assembly:** A building or outdoor area operated not for profit wherein individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions. Non-commercial place of assembly shall also include places of worship, nonprofits, or quasi-public uses such as but not limited to fellowship halls, parish halls, and similar buildings used for meetings, religious education, and similar functions, but excluding licensed child or adult daycares, playgrounds, cemeteries, public or private primary and secondary schools, colleges and universities, hospitals, sanitariums, nursing homes, public administrative offices, public service buildings, and public utility offices.
- **Commercial Place of Assembly:** A building or outdoor area operated for profit wherein individuals or groups of people gather for an attraction or service such as but not limited to movie theaters, banquet halls, sports arenas, funeral parlors, health clubs, gyms, or conference centers.

The following table summarizes how each of the proposed uses are proposed to be allowed in the City’s districts.

<i>Use</i>	<i>Residential Districts</i>	<i>Commercial Districts</i>	<i>Industrial/ Extractive Districts</i>	<i>I-1 Institutional Districts</i>
<i>Religious and Assembly Uses</i>				
Noncommercial Place of Assembly 10,000 sq ft or less	P	--	--	P
Noncommercial Place of Assembly Greater than 10,000 sq ft	S	--	--	S
Commercial Place of Assembly 10,000 sq ft or less	--	P	--	P
Commercial Place of Assembly Greater than 10,000 sq ft	--	S	--	S

**Districts.** Several churches exist throughout the community in commercial designations, including St James Catholic Church in the B-4 District along S 27<sup>th</sup> Street and the Sacred Heart Monastery along S Lovers Lane

Road. It is recommended that the City rezone all properties with an existing noncommercial place of assembly to the I-1 District to ensure that existing uses do not become legally nonconforming.

## **Article 1: General Provisions**

It is recommended that Article 1: General Provisions include the sections of the existing UDO that establish the statutory authority, title, intent, purpose, interpretation procedures, jurisdiction, and other topics that establish the UDO's use and defensibility. This includes the text within the existing Part 1 - Introduction and Part 2 - General Provisions, which should be consolidated as follows. It is recommended that the existing §15-1.0109 and §15-1.0110 be combined in a vested rights subdivision. The intent statements in §15-1.0104 include a lengthy list of objectives, and it is recommended that the statements be condensed to add clarity and reduce the risk of conflicting interpretations. It is recommended that the existing §15-2.0103 (A), (B), and (C) be consolidated into a single concise statement.

## **Article 2: Establishment of Districts**

Division 15-3.0101 establishes the zoning districts; however, each district's purpose and intent statement is detailed later in the UDO. For instance, the purpose and intent statements for the residential districts are in Division 15-3.0200, while those for the nonresidential districts are in Division 15-3.0300. The districts and their purpose and intent statements are most clearly organized together. It is recommended that the new Division 2: Establishment of Districts include all the existing text that defines the City's commercial and residential districts and establishes their purpose and intent. Several existing districts contain lengthy intent and purpose statements in multiple clauses, as is the case with the R-3 Suburban Estate District. It is recommended that each district's purpose and intent statement be condensed into two to three sentences that include at a minimum the detail the district's:

- Density range/development intensity
- Predominant land use
- Distinguishing features

Franklin's UDO contains 38 zoning districts, including conventional zoning districts, overlays, and the planned development district. The following sections propose the rezoning of 2,516 of Franklin's 13,215 parcels (roughly 19% of the total) to match the regulations where similar development patterns, uses, and context exists between different locations. The proposed rezoning will also reduce the number of districts to 20, reducing their redundancy and streamlining the UDO.

### *Residential Districts*

Division 15-3.0200 establishes 12 residential districts. The following text contains recommendations regarding the rezoning of parcels to ensure that the regulations accommodate existing development patterns and uses, and to consolidate districts to streamline the UDO.

**R-3 District.** The R-3 District is intended to promote suburban single-family residential development and encompasses several residential subdivisions throughout the community. It is recommended that several areas that hold potential for continued suburban residential growth, have similar character, or that adjoin existing R-3 subdivisions be rezoned to the R-3 District as follows.

The group of R-2 parcels south of W Rawson Avenue between S North Cape Road and the City's western boundary adjoin R-3 subdivisions to the east and north. Much of the R-2 parcels are developed with suburban residential formats similar to the neighboring R-3 neighborhoods. Several large undeveloped R-2 parcels remain within the area however and could accommodate additional suburban residential growth if rezoned to the R-3 District.

Similarly, the nine R-4 parcels located along S North Cape Road immediately to the north should be rezoned to the R-3 District. These parcels are similarly sized and contain similar single-family residential structures as

the large contiguous R-3 neighborhood immediately west across S North Cape Road. It is recommended that these parcels be rezoned to R-3, since the existing development and lot size and width are similar to those in the adjacent R-3 neighborhood.

Meanwhile, three R-2 parcels at the intersection of W Oakwood Road and S 34<sup>th</sup> Street accommodate similar suburban residential patterns as the existing R-3 subdivision immediately to the north. It is recommended that these parcels be rezoned to the R-3 District to ensure that similar development patterns occur between the three parcels and the subdivision to the north over time.

It is recommended that the individual R-1E parcel located on the east side of S 51<sup>st</sup> Street north of W Ryan Road be rezoned to the R-3 District since it is surrounded by an R-3 neighborhood to the north, east, and west. It is recommended that the R-1E District be eliminated as it would no longer apply to any parcels.

The existing R-3E District is intended to promote suburban/estate residential development although with larger minimum bulk requirements than the R-3 District. The R-3E District encompasses one subdivision in the City's north between W Loomis Road and S Lovers Land Road. It is recommended that the subdivision be rezoned to the R-3 District, given that the R-3E only applies to a limited number of parcels and that most of the parcels match the lot size and width standards and development patterns typical of the R-3 District. This would allow for the elimination of the R-3E District to streamline the UDO.

Another subdivision is located immediately to the north from the existing R-3E across W Rawson Avenue but is zoned R-2. The neighboring R-2 subdivision includes similarly-sized lots and similar single-family residential structures as the R-3 subdivision to the south. It is recommended that the R-2 subdivision be rezoned to the R-3 District to ensure that the same zoning standards apply across these adjoining neighborhoods, which have similar existing characteristics.

The stretch of parcels along W Oakwood Road east of 60<sup>th</sup> Street are recommended to be rezoned from R-2 to R-3, as the existing lot and housing characteristics closely match the suburban residential character in the R-3 elsewhere in the community. Although market factors may favor industrial uses in this area over time, no planning rationale has been established to support a transition from residential to industrial uses. Likewise, several properties on the west side of S 60<sup>th</sup> Street north of W Oakwood Road are recommended to be designated as R-3, given their existing residential uses.

**R-6 District.** The existing R-6 District encompasses several large residential subdivisions within the City, including the neighborhood south of W Rawson Avenue and east of S 51<sup>st</sup> Street, and the one east of W Loomis Road at W Drexel Avenue. It is recommended that the R-6 District be retained and that several areas in other districts be rezoned into the district as follows.

A group of R-4 parcels exists along W Jefferson Terrace in the City's west. These parcels are similar in character and feature similar residential patterns to R-6 parcels throughout the community. It is recommended that these parcels be rezoned to R-6 to apply similar regulations where similar existing development exists.

Likewise, several R-4 and R-5 parcels are in the subdivision along S 67<sup>th</sup> and S 66<sup>th</sup> Streets, however, the majority of the subdivision's parcels are zoned R-6. The subdivision's parcels feature similar lot area and width characteristics that conform most closely to the R-6 dimensional standards and similar single-family housing exists across the parcels. It is recommended that the R-4 and R-5 parcels be rezoned to R-6 to match the regulations across the neighborhood.

The existing R-5 District encompasses several single-family residential subdivisions throughout the City. It is recommended that the existing R-5 areas be rezoned to the R-6 district, given their adjacency with and similar development patterns to R-6 neighborhoods, which would allow for the elimination of the redundant R-5 District from the UDO. The R-5 areas to be rezoned to R-6 are detailed below.

A group of existing R-5 parcels is located south of W Drexel Avenue and east of S 51<sup>st</sup> Street but is surrounded by an existing R-6 neighborhood. The R-5 neighborhood has similar lot widths and areas and contains similar types of single-family houses as the adjoining R-6 neighborhood. It is recommended the R-5

parcels be rezoned to R-6 to ensure that the same zoning standards apply across the adjacent neighborhoods, which have similar characteristics.

An existing group of R-5 parcels surrounds W Silverwood Court, however, most of the surrounding subdivision along S Golden Lakes Way is zoned R-6. The R-5 parcels have similar area and width characteristics and feature similar single-family housing as the surrounding R-6 area. It is recommended that the R-5 parcels be rezoned to R-6 to match the zoning standards in the subdivision.

Likewise, several R-4 and R-5 parcels are in the subdivision along S 67<sup>th</sup> and S 66<sup>th</sup> Streets, however, the majority of the subdivision's parcels are zoned R-6. The subdivision's parcels feature similar lot area and width characteristics that conform most closely to the R-6 dimensional standards and similar single-family housing exists across the parcels. It is recommended that the R-4 and R-5 parcels be rezoned to R-6 to match the regulations across the neighborhood.

An additional cluster of R-5 parcels is located at the east end of Mallard Court adjacent to the R-6 parcels immediately to the east. Similar lot area and width characteristics apply and similar housing exists across all these parcels. It is recommended that the R-5 parcels be rezoned to R-6 to match the zoning regulations across the contiguous lots.

Additionally, it is recommended that the neighborhood that straddles 51<sup>st</sup> Street north of W Rawson Avenue be rezoned from R-5 to R-6, given that similar lot area and width characteristics and similar housing exists within the subdivision as in the adjacent R-6 areas south of W Rawson Avenue. Similarly, it is recommended that the Ryanwood Manor subdivision northwest of S 76<sup>th</sup> Street and W Oakwood Road intersection be rezoned from R-5 to R-6 given the area's similar lot characteristics and development patterns as in existing R-6 neighborhoods throughout the community,

Further it is recommended that the Mission Hills subdivision and Mission Hills addition be rezoned from R-5 to R-6, given that the lot sizes and widths and existing housing characteristics closely match those of the existing R-6 neighborhoods throughout the City, such as east of W Loomis Road.

**R-8 District.** The R-8 District is intended to preserve and establish multifamily uses in Franklin and encompasses several multifamily developments in the City. It is recommended that the R-8 District be retained to promote multifamily uses in appropriate areas of transition with other residential uses.

The R-7 Two-Family Residence District is intended to establish and preserve two-family housing across Franklin. The District encompasses several distinct areas with existing duplex uses. It is recommended that the R-7 District be consolidated with the R-8 District, given that the R-8 District already allows two-family residential uses as special uses within the district. The consolidation of the R-7 with the R-8 would allow for multifamily and duplex uses together in one district, streamlining the number of districts and reducing the UDO's redundancy. Additionally, one lot just north of Forest Home Avenue at St. Martins Road is recommended to be re-designated from FW to R-8.

**V-R.** The V-R District is intended to preserve the historic residential areas in the Saint Martin's Village community and to allow infill development that fits its character. It is recommended that the V-R District be preserved to promote continued preservation and appropriate residential development within the district.

**RC-1.** The RC-1 Conservation Residence District is established in §15-3.0211 to allow mixed housing types while protecting and restoring environmentally sensitive areas. The district currently regulates several undeveloped natural areas within existing subdivisions. §15-3.0211 specifies the RC-1 district as a base district with distinct dimensional standards and permitted uses, similar to the City's other base districts. However, the City's online parcel viewer indicates that the district applies only to portions of individual parcels, parts of which are split with other districts. It is recommended that the parcels that are split between the RC-1 District and other designations be rezoned to the other base district.

The UDO establishes the RC-1 Countryside/Estate Single-Family Residence in §15-3.0201, which is intended to preserve the community's countryside/estate character and serve as a transition between rural and suburban areas. Similarly, the R-2 Estate Single-Family Residence District in §15.3.0202 is intended to

promote estate housing on large lots and preserve and enhance the estate character of the community. Franklin staff recommended that all properties in the R-1 District, and the large-lot rural residential properties zoned R-2 in the City's southwest be consolidated under the RC-1 District to retain these area's rural character under one district.

### *Nonconformities Analysis*

A nonconformities analysis compares the existing minimum lot area and width requirements established for a district with the existing development within that district. The analysis provides insight on how regulations can be right-sized to better reflect existing development patterns, easing the burden on landowners as they seek to reinvest in their property and on staff and elected/appointed officials as they consider variance requests.

The analysis first determines the number of parcels in each district that do not conform with the existing lot size and width requirements. It then determines the number of parcels in each district that would remain nonconforming if the existing lot area and width requirements were reduced. The goal is to reduce the number of nonconforming lots per district to roughly ten percent while minimizing the opportunities for the subdivision of new lots under the proposed standards.

The analysis was conducted for the residential zoning districts as they are proposed to be revised earlier in this report, including the R-3, R-6, R-8, V-R, and RC-1 Districts. Many parcels in each district that the analysis was performed for did not include sufficient data for the analysis and were not included, as shown in the accompanying map series. The analysis was not performed for nonresidential districts.

Maps illustrating the analysis are included in the appendix of this memorandum.

**R-3 District.** The initial analysis revealed that 10 percent of proposed R-3 parcels, or 260 of 3,156 parcels, do not comply with the existing lot area minimum, while 38 percent, or 1,007 parcels do not comply with the existing lot width minimum. To understand what lot area and width requirements would be most appropriate for the district, alternative minimums were tested as shown in the tables below.

Lot Area Minimum - R-3	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
<i>Existing – 20,000 sq ft</i>	260	10%
<b><i>Alternative – 18,000 sq ft</i></b>	<b>107</b>	<b>4%</b>

Lot Width Minimum - R-3	Number of Parcels Less than Minimum	Percent of Parcels Less than Minimum
<i>Existing – 110 ft</i>	1,007	38%
<i>Alternative – 100 ft</i>	488	18%
<b><i>Alternative – 90 ft</i></b>	<b>226</b>	<b>8%</b>

The analysis revealed that a more appropriate lot width standard would be 90 feet. Although the analysis indicated that the existing lot area standard of 20,000 square feet is appropriate for the district, it also indicated that a reduced lot area of 18,000 square feet would result in fewer nonconformities.

To ensure that the reduced lot area and width minimums would not alter the character of neighborhoods in the proposed R-3 District, the alternatives were tested to determine the number of subdivision opportunities each would create. New opportunities for subdivision are lots that are at least two times greater than the alternative lot area and width minimums but that cannot be subdivided under the existing lot area or width minimums. A total of 121 opportunities for subdivision exist under the current R-3 standards. The opportunities for new subdivision are detailed in the table below.

Lot Area Minimum	Lot Width Minimum	New Opportunities For Subdivision
<i>Alternative - 20,000 sq ft</i>	<i>100 ft</i>	41
<i>Alternative - 20,000 sq ft</i>	<i>90 ft</i>	70
<i>Alternative - 18,000 sq ft</i>	<i>110 ft</i>	10
<i>Alternative - 18,000 sq ft</i>	<i>100 ft</i>	52
<b><i>Alternative - 18,000 sq ft</i></b>	<b><i>90 ft</i></b>	<b>85</b>

The analysis shows that the reduced lot width standards would cause the number of new subdivision opportunities to increase more rapidly, while reduced lot area standards would generate fewer new subdivision opportunities. For instance, reducing the lot width to 90 feet while retaining the existing lot area standard of 20,000 square feet would result in 70 new subdivision opportunities. Meanwhile, reducing the lot width to 100 feet and reducing the lot area to 18,000 square feet would result in 52 new subdivision opportunities.

The analysis indicated that, overall, reducing the lot area and width standards would not create a number of new subdivision opportunities that would result in substantial change in neighborhood character. For example, a reduced lot area standard of 18,000 square feet and reduced lot area standard of 90 feet would result in 85 new subdivision opportunities, which is a relatively modest increase over the 121 subdivision opportunities that exist under the current standards and is still a relatively small number of new lots relative to the total in the district (3,156 lots).

***Based on the results of this analysis, it is recommended that the R-3 District lot area minimum be revised to 18,000 square feet and the lot width minimum be reduced to 90 feet.***



**R-6 District.** The initial analysis revealed that 25 percent of the lots in the proposed R-6 District, 914 lots total, do not conform with the existing lot area requirement, while 51 percent of the lots in the proposed R-6 District, 1,843 lots total, do not conform with the existing lot width minimum. To understand what lot area and width requirements would be most appropriate for the district, alternative minimums were tested as shown in the tables below.

Lot Area Minimum - R-6	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
<i>Existing – 11,000 sq ft</i>	889	19%
<b><i>Alternative – 10,000 sq ft</i></b>	<b>243</b>	<b>5%</b>

Lot Width Minimum - R-6	Number of Parcels Less than Minimum	Percent of Parcels Less than Minimum
<i>Existing – 90 ft</i>	2,083	44%
<b><i>Alternative – 80 ft</i></b>	<b>628</b>	<b>13%</b>
<b><i>Alternative – 70 ft</i></b>	<b>371</b>	<b>8%</b>
<b><i>Alternative – 60 ft</i></b>	<b>250</b>	<b>5%</b>

The analysis revealed that a more appropriate lot area standard would be 10,000 square feet, while a more appropriate lot width standard would be either 80, 70, or 60 feet.

To ensure that the reduced lot area and width minimums would not alter the character of neighborhoods in the R-6 District, the alternatives were tested to determine the number of subdivision opportunities they would create. New opportunities for subdivision are lots that are at least two times greater than the alternative lot area and width minimums but that cannot be subdivided under the existing lot area or width minimums. A total of 91 subdivision opportunities exist under the current standards. The opportunities for new subdivision under the alternatives are detailed in the table below.

Lot Area Minimum	Lot Width Minimum	New Opportunities For Subdivision
<i>Alternative - 11,000 sq ft</i>	<i>80 ft</i>	30
<i>Alternative - 11,000 sq ft</i>	<i>70 ft</i>	69
<i>Alternative - 11,000 sq ft</i>	<i>60 ft</i>	141
<i>Alternative - 10,000 sq ft</i>	<i>90 ft</i>	9
<b><i>Alternative - 10,000 sq ft</i></b>	<b><i>80 ft</i></b>	<b>46</b>
<i>Alternative - 10,000 sq ft</i>	<i>70 ft</i>	92
<i>Alternative - 10,000 sq ft</i>	<i>60 ft</i>	179

The table shows that a total of 46 new parcels would be possible under the 10,000 square foot lot area and 80-foot lot width standards, which is a relatively small increase above the existing 91 subdivision opportunities. Meanwhile, the 10,000 square foot lot area and 70-foot lot width standards would result in 92 potential new parcels - a substantial increase in the number of potential new parcels. The 10,000 square foot lot area and 60-foot lot width standards would result in an even greater increase (196 percent) in the number of subdivision opportunities over the existing standards.

***Based on these results, it is recommended that the R-6 District lot area standard be revised to 10,000 square feet and that the lot width standard be revised to 80 feet.***

**R-8 District.** The analysis was performed to test lot area and width for parcels in the proposed R-8 District with existing single-family detached or duplex uses only. The analysis was performed using the lot area and width standards in the existing R-7 Two-Family Residence District because the district contains most of the proposed R-8 District's single-family detached or duplex uses.

The analysis revealed that 102 parcels with single-family detached or duplex uses, 50 percent of the total, do not conform with the existing lot area standard of 18,000 square feet while 130, or 64 percent, do not conform with the existing lot width standard. To understand what lot area and width requirements would be most appropriate for the single-family detached and duplex uses in the district, alternative minimums were tested as shown in the tables below.

Lot Area Minimum – R-8	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
<i>Existing – 18,000 sq ft</i>	102	50%
<i>Alternative – 17,000 sq ft</i>	96	48%
<i>Alternative – 15,000 sq ft</i>	80	40%
<i>Alternative – 13,000 sq ft</i>	41	20%
<b><i>Alternative – 12,500 sq ft</i></b>	<b>21</b>	<b>10%</b>
<b><i>Alternative – 12,000 sq ft</i></b>	<b>0</b>	<b>0%</b>

Lot Width Minimum – R-8	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
<i>Existing - 125 ft</i>	130	64%
<i>Alternative - 110 ft</i>	108	53%
<b><i>Alternative - 100 ft</i></b>	<b>50</b>	<b>25%</b>
<i>Alternative - 99 ft</i>	23	11%

The analysis revealed that a lot area standard of 12,500 square feet or 12,000 square feet would be more appropriate for the district and that a lot width standard of 100 feet would be more appropriate. The analysis indicated that an alternative width standard of 99 feet would further reduce the nonconformity rate to 11 percent, indicating that many lots are slightly narrower than 100 feet. To accommodate these lots, the minor variance process is proposed later in this report.

To ensure that the reduced lot area and width minimums would not alter the character of neighborhoods in the proposed R-8 District, the alternatives were tested to determine the number of subdivision opportunities they would create. New opportunities for subdivision are lots that are at least two times greater than the alternative lot area and width minimums but that cannot be subdivided under the existing lot area or width minimums. First, subdivision opportunities under the lot width and area regulations for both single-family detached and duplex uses were tested. A total of 12 subdivision opportunities exist under the existing R-7 standards. The opportunities for subdivision under the alternatives are detailed in the table below. The analysis revealed that six new subdivision opportunities would be created if the lot area minimum were revised to 12,500 square feet and the lot width minimum were revised to 100 feet. Only seven new subdivision opportunities would be created if the lot area minimum were reduced to 12,000 square feet and the lot width were revised to 100 feet. The number of potential new parcels that would result from either set of standards would be relatively small compared to the 202 total parcels in the proposed R-8 District.

Lot Area Minimum	Lot Width Minimum	New Opportunities For Subdivision
<i>Alternative - 12,500 sq ft</i>	<i>100 ft</i>	6
<b><i>Alternative - 12,000 sq ft</i></b>	<b><i>100 ft</i></b>	<b>7</b>

***Based on these results, it is recommended that the R-8 District lot area standard be revised to 12,000 square feet and lot width standard be revised to 100 feet.***

**V-R District.** The initial analysis revealed that a total of 2 percent of parcels in the Village Residential District, a total of 3 parcels, do not conform with the existing lot area minimum, while 6 percent of parcels in the District, a total of 2 parcels, do not conform with the existing lot width minimum. These results suggested that the existing dimensional standards are appropriate for the existing development in the District and no alternative standards were tested.

Lot Area Minimum – V-R	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
Existing – 7,200 sq ft	3	1%

Lot Width Minimum – V-R	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
Existing – 60 ft	2	6%

**Based on these results, it is recommended that the V-R District lot area standard of 7,200 square feet and lot width standard of 60 feet be retained.**

**RC-1 District.** The initial analysis revealed that no parcels in the RC-1 District were nonconforming with the existing lot area minimum, while 5 percent of the parcels in the District, a total of 4 parcels, do not conform with the existing lot width minimum. These results suggested that the existing dimensional standards are appropriate for the existing development in the District and no alternative standards were tested.

Lot Area Minimum – RC-1	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
Existing – 10,000 sq ft	0	0%

Lot Width Minimum – RC-1	Number of Parcels Less Than Minimum	Percent of Parcels Less Than Minimum
Existing – 60 ft	4	5%

**Based on these results, it is recommended that the RC-1 District lot area standard of 10,000 square feet and lot width standard of 60 feet be retained.**

### *Nonresidential Districts*

Division 15-3.0300 establishes 11 commercial and 3 industrial/business park districts. The following text contains recommendations regarding the rezoning of parcels to match regulations where similar development patterns, uses, and contexts exist, and the consolidation of districts to streamline the UDO.

**B-1.** The B-1 Neighborhood Business District is intended to provide day-to-day shopping opportunities for residents in nearby neighborhoods areas. It is recommended that the District be retained to continue to allow neighborhood serving commercial in areas where it exists. Per Franklin staff direction, several undesignated lots on Loomis Road south of City Hall were designated under the B-1 District.

**B-2.** The B-2 General Business District is intended to promote the attractive grouping of general business activities on small lots. The district encompasses several groups of parcels in the community along major roadways, including the medical office and commercial service uses at the northeast corner of W Rawson Avenue and S 76<sup>th</sup> Street.

The B-1 parcels along W Loomis Road, Old Loomis Road, and W Puetz Road are proposed to be rezoned to the B-2 District, as the uses and scale of existing businesses is consistent with businesses currently zoned B-2. Further, it is recommended that the existing B-2 parcels west of South 27<sup>th</sup> Street, which contain housing structures, continue to be designated under the B-2 District.

The B-6 parcels north of the W Drexel Avenue and W Loomis Road intersection contain medical offices and a bank but are situated directly north of an existing B-2 parcel south of W Drexel Road, which contains a bank. Given that these parcels have similar road frontages, contain uses that are allowed within the B-2 District, and are similar in area and width, it is recommended that the B-6 parcels be rezoned to B-2 to make the regulations consistent across the stretch of adjacent parcels.

**B-3.** The B-3 Community Business District is intended to accommodate a larger consumer population than the B-2 District in community-serving shopping centers. The district currently applies to several commercial properties along prominent roads, including the plazas south of the W Rawson Avenue and S 76<sup>th</sup> Street intersection. It is recommended that several groups of parcels with similar road frontages be rezoned to B-3.

The parcels at the W Rawson Avenue and 51<sup>st</sup> Street intersection include commercial uses that likely serve a relatively large consumer population, such as Sendik's Food Market and are situated along a highly trafficked section of W Rawson Avenue, however, these parcels are zoned a mixture of B-2, M-1, M-2, M-3, and OL-2. It is recommended that these properties be rezoned to B-3 to allow the existing regional serving-commercial uses to continue and to match the properties' designation with the other B-3 properties in the corridor.

Likewise, the B-3 designation applies to the commercial properties southeast of the S Whitnall Edge Rd and S Lovers Lane Rd intersection, which includes a large commercial plaza. However, several similar parcels northwest of the S Lovers Lane Rd and W Rawson Avenue intersection are zoned B-5. Further, the parcels south of W Drexel Avenue at S Lovers Lane Road contain regional-serving commercial uses such as a Target, but are zoned B-1 or CC. It is recommended that the B-1, B-5, and CC parcels be rezoned to B-3 to promote consistent regional-serving commercial uses in the S Lovers Lane corridor and to match the zoning where similar uses and development patterns exist.

Similarly, the parcels immediately north of W Ryan Road at S 51<sup>st</sup> Street and S Cobblestone Way include a gas station and several undeveloped parcels, which are zoned a mix of B-1, B-2, and B-3. The parcels are of adequate size and depth to contain regional-serving commercial uses and exist along a highly trafficked stretch of roadway that allows a high degree of visibility from passing motorists. It is recommended that these parcels be rezoned to B-3 to promote consistent regional-serving commercial uses along the road.

**B-4.** The B-4 South 27<sup>th</sup> Street Mixed-Use Commercial District exists to promote a mix of office, retail, commercial, and residential development in the corridor and applies to most commercial properties along 27<sup>th</sup> Street. Although the B-4 District encompasses most of the parcels in the corridor, a mix of other designations exists.

Several B-2 parcels exist north of W Rawson Road but contain similar uses and development patterns as the B-4 areas south of S Rawson Road, including the Dental Associates of Franklin office and a small plaza north of W Sycamore Street. Similar uses exist in the corridor south of W Rawson Road, including commercial service uses in individual buildings or plaza formats. It is recommended that the parcels north of S Rawson Road be rezoned to B-4 to promote mixed-use patterns where similar existing large lots and frontage along 27<sup>th</sup> Street exists.

The parcels northwest of the W Oakwood Road and S 27<sup>th</sup> Street intersection include the Ascension SE Wisconsin Hospital - Franklin Campus. With its mixed-use purpose and intent, the B-4 District would allow for the existing medical campus use to continue, and so it is recommended that the site be rezoned to B-4 to promote consistent mixed-use zoning along the entire South 27<sup>th</sup> Street corridor.

**BP.** The BP Business Park District is intended to promote planned business park development in unified development formats and applies to the Northwestern Mutual site along south 27<sup>th</sup> Street. It is recommended that this district be retained and that the site and the lots immediately west across S 31<sup>st</sup> Street remain zoned as BP to promote continued business park development in that area.

**SMHB.** The V-B Village Business District is established to retain the historic Saint Martin's Village area and encompasses several commercial parcels along the roadway. It is recommended that the district be retained to promote continued commercial development that is consistent with the Village area's historic built patterns. It is recommended that the district be retitled to the Saint Martin's Historic Business District to reflect this intent.

**I-1.** The existing I-1 Institutional District allows for the establishment of public or semi-public uses. Institutional districts are a common practice to allow institutional, public, and semi-public uses separately from retail, service, and employment-generating uses. It is recommended that the existing I-1 District be retained.

Per Franklin staff direction, several areas with existing institutional uses are proposed to be rezoned to the I-1 District including:

- The parcels along Loomis Road south of City Hall
- The House of Corrections property at Puetz Road and 76<sup>th</sup> Street
- The Waukehsa Water property on Oakwood Rd
- The two Aurora properties at Loomis Road and US-36

**A-1.** The A-1 Agricultural District exists to maintain, preserve, and enhance agricultural lands used for crop production and currently encompasses large tracts of land south of W Ryan Road and west of 76<sup>th</sup> Street and to several areas along S 60<sup>th</sup> Street. It is recommended that the A-1 District be retained to protect existing agricultural lands from the encroachment of residential and commercial uses.

The A-2 Prime Agricultural District is intended to preserve agricultural lands historically used for the production of livestock and currently applies to several properties in the City's southeast. It is recommended that the existing A-2 properties be rezoned into the A-1 District to consolidate all agricultural properties in one district. This would allow for the elimination of the A-2 District from the UDO, reducing the redundancy between districts.

**P-1.** The P-1 Park District is intended to preserve space for recreational land throughout the City and includes several large tracts including south of the W Oakwood Road in the community's southeast and the Tuckaway Country Club property north of W Puetz Road. It is recommended that the P-1 Park District be retained to ensure other land uses do not impinge on dedicated park space in the future. The water tower and park along S Lovers Lane south of Drexel is recommended to be designated from RC-1/R-8 mix to P-1, given their prominent natural features. Likewise, the MMSD and DNR lands along 116<sup>th</sup> Street north of Ryan Road are recommended to be rezoned from RC-1 and R-3 to P-1. The City and MMSD properties east of Pleasant View Park are suggested to be rezoned from R-6 to P-1, given their park use. Further, the five parcels that comprise Ernie Lake Park are suggested to be rezoned from RC-1 to P-1.

**M-1 and M-2.** Currently, the M-1 Limited Industrial District is established to allow manufacturing, industrial, and warehousing uses of a limited scope. Currently, the district encompasses several areas such as the industrial park along West Ryan Road at South Franklin Drive. It is recommended that the M-1 District be retained to allow the City's industrial and manufacturing uses to continue.

Meanwhile, the M-2 General Industrial District is established to address major manufacturing, industrial, and warehousing uses and currently encompasses only the Waste Management Facility in Franklin's southwest. It is recommended that these several parcels be rezoned to the L-1 Landfill District to match the existing landfill use with the appropriate district that is established to contain the use.

**L-1.** The UDO establishes the L-1 Landfill District, which is intended to regulate existing and former landfill sites, however, the district does not currently apply to any properties. It is recommended that the City rezone the GFL Emerald Park Landfill and Waste Management sites to the L-1 District as these sites contains the City's existing landfill uses.

**M-3.** The M-3 Quarry District is not formally established in Section 15-3.0300 Nonresidential Zoning Districts, although the district applies to parcels south of Rawson Avenue between 51<sup>st</sup> and 68<sup>th</sup> Streets on the zoning map and is included in Table 15-3.0602. Establishing a district to manage extractive land uses is a common approach for communities to allow this intensive type of land use in manner that minimizes impacts to residential and commercial uses. However, the existing quarry site is currently regulated under Planned Development District regulations. It is recommended that the M-3 District be eliminated from the ordinance and that the existing quarry uses be transitioned to the planned development legacy district described below.

**Floodplain Districts.** Division 15-3.0300 establishes the FW Floodway, FC Floodplain Conservancy, FFO Floodplain Fringe Overlay, and SW Shoreland Wetland Overlay Districts. It is recommended that the existing floodplain districts be replaced with a Floodway (FW) District, a Floodfringe (FF) District, and a General Floodplain (GFP) District in keeping with the floodplain model ordinance as published by the Wisconsin Department of Natural Resources in April 2021. It is recommended that the Shoreland Wetland Overlay District be retained.

#### *Planned Development District*

Division 15-3.0400 establishes the City's Planned Development District procedures, which are intended to allow flexibility in the base districts in exchange for development proposals that derive maximum benefit to the community by using diverse structures, coordinated site planning, and mixed uses. The section establishes a lengthy list of proposals that were approved under the Planned Development District procedures, which clutters the ordinance.

Currently, it is unclear whether the planned development district is a base or overlay district. It is recommended that it be an overlay district to ensure the underlying zoning district designation is the basis for all requested site development allowances. If the district is currently a base district, it is recommended that it be transitioned into a legacy district and that all future planned developments be applied as an overlay.

## Zoning Map Issues

Several issues currently impede the use of Franklin's zoning map. For instance, the map currently contains many parcels that are split between districts. For instance, the quarry property south of West Rawson Avenue and west of 68th Street is designated as PDD or FFO on the zoning map. It is recommended that the property be designated as a planned development legacy district, given its predominant use. The FFO should clearly apply as an overlay district on the map. Similarly, the Tuckaway Country Club property is split between P-1, B-2, C-1, and FW Districts. It is recommended that all properties split between different districts be rezoned to a single district. Further, road rights-of-ways are shown as zoned districts on the map. It is recommended that the zoning of rights-of-way be removed to clarify that the zoning regulations regulate development on private property exclusively.

## Article 3: District Specific Standards

### *Bulk, Density, and Dimensional Standards*

It is recommended that a new Division 3 be established to consolidate the existing divisions that establish the bulk, dimensional, and density standards by district, including Divisions 15-3.0200, 15-3.0300, and 15-3.0350, and the existing divisions that contain the allowed uses, including Tables 15-3.0602 and 15-3.0603. Division 15-3.0200 contains dimensional standards that vary between "Open Space Subdivisions" and "Conventional Subdivisions" across the existing R-1 through R-7 Districts and the differentiations result in a complicated hierarchy that may be difficult for developers and property owners to understand. It is recommended that the bulk standards be replaced with uniform bulk standards by district.

The regulations for residential districts in Division 15-3.0200 contain complex layers of regulations, including a minimum living area per dwelling unit standard, that vary depending on the residential use type. For instance, the required minimum living area varies between multi-story dwelling units with greater than three bedrooms and single-story dwelling units with greater than three bedrooms in the R-8 District. It is recommended that the complex differentiations in living area that vary depending on the dwelling unit type be removed to streamline the residential dimensional standards and provide greater flexibility in accommodating a variety of housing types. Further, the tables for residential districts in Division 15-3.0200 specify gross and net density standards to limit density. It is recommended that these standards be eliminated, and that density be regulated solely through the lot area and width standards. It is recommended that the density requirements be retained in the R-8 District on for residential development in the B-4 District to ensure that density controls apply where multifamily uses are allowed.

One stakeholder noted in an interview that the bulk standards in the R-6 District are relatively large, considering that the district is intended to promote higher-density suburban-style residential development. It is recommended that setbacks be updated to ensure an adequate developable area per lot and to ensure that the development allowed under the setbacks is consistent with each district's stated purpose and intent.

### *R-8 Lot Area & Dimensional Standards*

Currently, the R-8 district has varying lot area requirements for single-family detached, duplex, and multifamily uses. The minimum requirement for multifamily uses is one acre, which does not provide the flexibility needed to accommodate a range of multifamily products but rather perpetuates a multifamily complex style of development. To provide more flexibility for multifamily uses moving forward, it is recommended that the City eliminate the lot area requirement and replace it with a lot area per dwelling unit requirement. The lot area per dwelling unit requirement would be a requirement for additional land area above the base lot area requirement for the district. For example, if a developer were to propose a four-unit quadplex, the lot area requirement would be 12,500 (the proposed lot area of the R-8 district for single family detached and duplex uses as discussed earlier in this report) plus the lot area per dwelling unit requirement for each unit above two units. Based on the recommended lot area per dwelling unit discussed below, the developer would be required to have a 21,500 square foot lot to build the quadplex.

To determine an appropriate lot area per dwelling unit requirement for multifamily uses in the proposed R-8 District, the average lot area per dwelling unit was calculated for parcels with existing multifamily uses (three or more dwelling units per parcel). The analysis revealed that the average lot area per dwelling unit is 4,500 square feet.

It is also recommended that a footnote be added to the bulk and dimensional standards table to allow a lot area of 6,000 square for duplex structures with a parti wall in the R-8 District. It is further recommended that setbacks be reduced for the R-8 District to ensure that parcels in the district are developable and that development in the district can reach an adequate density.

#### *South 27<sup>th</sup> Street Density Bonus*

Franklin planning staff expressed interest in incentivizing mixed-use development along 27<sup>th</sup> Street where transit service exists. The City can consider density bonuses in the form of flexible building height or setbacks in exchange for the provision of desirable amenities such as affordable housing where access to transit exists along South 27<sup>th</sup> Street. Additional discussion with staff is needed to determine the affordable amenities that would qualify proposals for the density bonus.

#### *Uses*

Tables 15-3.0602 and 15-3.0603 establish the uses allowed in residential and nonresidential districts, respectively. It is recommended that this information be arranged in a tabular format in the proposed District Specific Standards article.

The existing tables contain an extensive list of uses based on the Standard Industrial Classification (SIC) system, which complicates use determinations for staff and applicants. It is recommended that the SIC code table be replaced with broader use categories that capture an array of land uses. Additionally, many uses require special use permit approval in most districts, including many types of contracting businesses, despite the fact that they generate few external impacts. It is recommended that the City allow more uses by-right but establish use specific or general development standards to ensure they are compatible with adjacent uses and the purpose and intent of the district they are located in. A full list of uses to be changed from special to permitted uses will be developed in consultation with the City. Further, it is recommended that the uses by district and their permit procedures be revised for consistency with each district's intent and purpose statements, including the suggestions below.

- The R-8 District is intended to support multifamily uses, however, multifamily uses require a special use permit in the District. It is recommended that smaller multifamily uses such as buildings with up to 12 units be allowed as a by-right use in the District to ensure that multifamily uses are relatively easy to establish within the District, in keeping with its intent. The City can consider allowing larger multifamily uses with 12 or more units be allowed as a special use to increase over the City's capacity to approve conditionally or require different design amenities over larger proposals that have greater potential to generate controversy within the community due to appearances.
- The uses defined under the "Health Services" heading of table 15-3.0603 can be encompassed within general use categories, including "general service" and "medical and dental clinic".

#### *Temporary Uses*

§15-3.0804 establishes use-specific standards for temporary uses, however, the uses that the section applies to are not adequately symbolized as temporary uses in Tables 15-3.0602 and 15-3.0603, which show the allowed uses by district. It is recommended that temporary uses be designated in the allowed use table and that a distinct permit procedure be established as described later in this report to allow the uses to be approved through an administrative review process.



### *Hotels, Motels, & Temporary Housing*

The UDO does not differentiate between hotels and motels; the uses are included in the same use category in Table 15-3.0603, which means that they are permitted equally by district. Hotels and motels often attract different clientele and have different appearances. Many communities differentiate between the two uses to better regulate motels which often have negative external impacts as compared to hotels. For instance, Oak Creek, WI's draft zoning regulations establish separate use categories for hotels and motels and allows the former by right, and the latter as a conditional use in several districts. Similarly, Verona, WI's zoning ordinance prohibits motels but allows motels by-right in its commercial districts. It is recommended that Franklin establish separate use categories for hotels and motels to permit the two uses separately. It is recommended that hotels be allowed as by-right uses while motels be allowed as special uses or be prohibited.

### *Establish New Use Categories*

Although Franklin's UDO contains an extensive list of permitted uses, many uses that are increasingly common in communities today, such as micro-breweries and micro-wineries, food trucks, and different multifamily residential formats are not explicitly defined. It is suggested that the City establish several new regulated use categories to encapsulate and define the commercial uses that are increasingly common in communities, including the following:

- Accessory Dwelling Units
- Breweries, wineries, distilleries
- Community living, 1-15 persons
- Community living, 16+ persons
- Drive throughs as accessory uses
- Food trucks
- Microbreweries, wineries, distilleries (smaller in scale and production volumes than breweries, wineries, and distilleries)
- Multifamily buildings less than 12 units
- Multifamily buildings 12+ units
- Outdoor dining
- Outdoor display/sale of merchandise
- Personal (accessory) solar and wind systems
- Personal wireless services
- Portable outdoor storage
- Revise "commercial apartment dwelling units" to "residential above first floor". Consider permitting in the consolidated B-4 and B-7 District.

Additionally, it is recommended that the City consider addressing missing middle housing types such as duplexes, townhomes, rowhomes, triplexes, quadplexes, multiplexes, and others. A policy discussion will be required to determine where and how these housing types are appropriate.

## Article 4: Use-Specific Standards

Use-specific standards are regulations that apply to specific land uses defined and regulated under the UDO. Franklin's existing use-specific standards are currently in Divisions 15-3.0700 and 15-3.0800. It is suggested that the existing standards be consolidated in the proposed Article 4 and revised as follows.

- **§15-3.0802(F) Accessory Structures:** It is recommended that the existing accessory structures regulations for large accessory structures in the Agricultural districts be retained. In addition, it is recommended that new standards be established for the number, size, and location of accessory buildings and structures and that accessory buildings and structures be differentiated as described below. An additional provision should specify that wetland setbacks and buffers as specified in Article 6 may limit the location of accessory structures beyond the base district standards.
  - **Accessory Building.** *“A building which does require a building permit and is detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.”*
  - **Accessory Structure.** *“A structure which does not require a building permit and is detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.”*
- **§15-3.0702(A) Open Space Subdivision:** It is recommended that the open space subdivision standards be replaced with cluster subdivision provisions as described later in this report.
- **§15-3.0703(M) Gas Stations:** It is recommended that the City establish standards for fuel sale establishments that specify the design, placement, and height of fuel pumps, fuel canopies. It is recommended that additional standards specify that fuel pump canopy columns be clad in materials that enhance the property's visual appeal and to restrict the fuel canopy lighting to fully recessed fixtures.
- **§15-3.0802(F) and (G) Home Occupations:** It is recommended that the two sections, which regulate home occupations and home offices in residential and agricultural districts, and Village Residential and Village Business Districts, respectively, be combined into one section. It is recommended that individuals who telecommute be explicitly exempted from the home occupation requirements and permit procedures. Additional standards should be added to prohibit outdoor activities and storage from being conducted as part of a home occupation.

It is recommended that new standards be established for the following uses:

- **Accessory Dwelling Units:** It is recommended that the City establish standards for accessory dwelling units that restrict the number of accessory dwellings per lot to one, the size of detached accessory dwelling units to a percentage of the lot size, the size of attached or internal accessory dwelling units to a percentage of the primary dwelling unit, and the location of detached accessory dwelling units to locations where other accessory buildings are allowed. Additional entrances serving the ADU should be encouraged elsewhere on the structure or the lot than the front façade of the primary dwelling unit to ensure the accessory dwelling unit's visual consistency with the primary dwelling unit. It should be required that the accessory dwelling unit be similar in character to the primary dwelling unit and to structures on abutting properties including roof pitch, eaves, exterior building cladding materials and colors, windows, trim, and landscaping.
- **Antennas and Towers For Personal Wireless Services:** The Federal Communications Commission (FCC) has developed an additional policy that restricts municipalities' ability to regulate antennas and towers for personal wireless services. It is recommended that this section be updated to comply with all applicable FCC policies.
- **Drive Throughs:** It is recommended that the City establish standards for drive-through facilities, regardless of the use to which they are accessory, that require speakers or intercoms associated with the drive-through to not be audible at the property line, prohibit stacking spaces and bypass lanes from impeding on- and off-street vehicular and pedestrian movement, require a bypass lane, and establish a minimum number of stacking spaces for different use types.

- **Food Trucks:** It is recommended that the City establish standards for food trucks located on private property that require food trucks to be located in a parking lot or other paved area accessible by vehicles, restrict the amount of parking lot area that can be utilized for the food truck and associated outdoor dining, require a permit from the City, require written permission from the owner of the property on which the food truck will be parked, and prohibit food trucks and associated outdoor dining furniture from being placed overnight.
- **Outdoor Dining:** It is recommended that the City establish standards for outdoor dining that restrict the location of outdoor dining areas to a maximum percentage of required parking or to the sidewalk area at the foundation of the principal building, require outdoor dining areas to be segregated by a wall, fence, or other such barrier with a minimum height of 4 feet, and limit the operating hours of the outdoor dining area if it is within a certain distance of residentially zoned property.
- **Outdoor Display/Sale of Merchandise:** It is recommended that the City establish standards for outdoor dining and outdoor display/sale of merchandise that restrict the location of outdoor display/sale of merchandise areas to a maximum percentage of required parking or to the sidewalk area at the foundation of the principal building and restrict the sale of goods and merchandise to those associated with the existing on-site use.
- **Portable Outdoor Storage Devices:** It is recommended that the City establish standards for portable outdoor storage devices that limit 1 device per lot, restrict the dimensions of the device, restrict the location of where the device is allowed to be located and restricts the maximum duration of device placement.
- **Short-Term Rentals:** It is recommended that the City establish standards for short-term rentals that restrict the minimum and maximum duration of stay, restrict the total number of days a home can be rented out as a short-term rental per year, require the property owner to live on the property as their primary place of residence, and clarify that the City's hotel tax would apply.
- **Seasonal Sales:** It is recommended that the City establish standards for seasonal sales that clarify that seasonal sales are not associated with the principal use of the lot (such as Christmas tree or pumpkin sales), limits the duration of seasonal sales displays and activities, and restrict the location of seasonal sales areas to a maximum percentage of required parking or to the sidewalk area at the foundation of the principal building.
- **Single-Family Detached Dwellings and Duplexes:** It is recommended that the City establish standards for single-family detached dwellings and duplexes that require garages that are located on primary façades to be no more than 45 percent of the width of the façade, be setback a minimum of 25 feet from the property line and be set back a minimum of five feet from the primary façade of the dwelling.
- **Solar Energy Collection Systems:** It is recommended that the City establish standards for ground-mounted, roof-mounted, and canopy solar energy collection systems, that restrict their location, height, and number. Standards should be established for large-scale solar uses that are the principal use on a site, and for small solar uses that are accessory to a principal use on a site.
- **Townhouses and Multifamily Buildings:** It is recommended that the City establish standards for townhouses and multifamily buildings that require parking lots and/or garages to be located to the side or rear of the building, restrict the number of curb cuts, and require the primary building facades to face primary streets.
- **Animal-Related Uses:** It is recommended that new use-specific standards be established to require that animal-related uses be allowed only for personal use on-site with residential uses only and that no sale of products produced on-site be allowed. Additionally standards can be considered to limit the number of chickens and other animals, limit odor and noise at property lines, and require the provision of animal waste. It is recommended that that drainage from outdoor storage or animal exercise areas be reviewed to require its direction to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drains should be required.

## **Article 5: General Development Standards**

It is recommended that Article 5 be established to include all the sections of the UDO that regulate landscaping, parking, driveways, lighting, and other site appearance and design considerations, including Divisions 15-5.0200, 15-5.0300, and 15-5.0400. It is recommended that the sections be updated as follows.

### *Off-Street Parking Maximums*

§15-5.0203 specifies the minimum number of parking spaces required per land use type. Many communities implement parking maximums to reduce the quantity of impervious surfacing on private properties. It is recommended that the existing parking minimums be revised to parking maximums. The Institute of Transportation Engineers has a publication that defines the average maximum number of parking spaces per land use among communities that employ parking maximums. It is recommended that Franklin use these averages to establish a maximum number of off-street parking spaces per land use. Additional language should be added to clarify that no off-street parking is required with new development and that developers do not need to require parking in keeping with the maximum. It is recommended that the City allow an increase of 30 percent of the spaces above the maximum if the additional spaces are surfaced in a permeable material and additional landscape is provided.

It is recommended that all the existing provisions that apply to the existing minimum parking requirements, including the potential parking reduction situations be eliminated, as they will not be relevant with the new standards. The section does not contain explicit thresholds for when applicants must comply with the minimum parking standards, which makes it difficult to determine when they apply when existing developed sites are altered. It is recommended that triggers be established for compliance with the new off-street parking maximum standards. Compliance with the standards should be required when new buildings are added onto a site or existing buildings are expanded but should not be required when new uses move into existing buildings without expanding the building.

### *Vision Clearance Areas*

§15-5.0201 establishes standards for traffic visibility at street intersections, however, the language limiting the height of structures, vegetation, and other features in item (A) should be simplified. It is recommended that no feature taller than three feet above grade be allowed in the street intersection areas. The existing vision clearance area of 30 feet along the street measured from the intersection of the two streets can be retained. It is recommended that the standard also require vision clearance areas for driveways that intersect with streets in addition to the existing provision that applies to only two intersecting streets. It is recommended that street intersection areas be shown visually with a graphic to clarify their location relative to intersections.

### *Bicycle Parking*

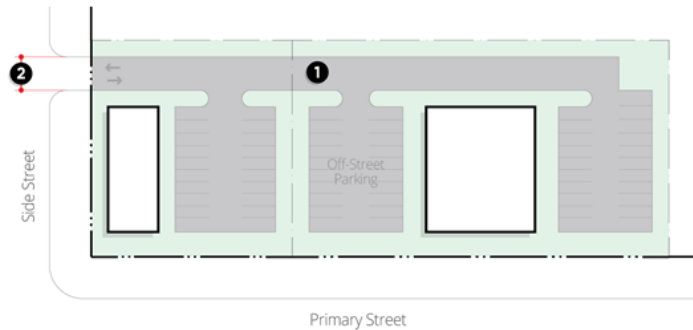
Division 15-5.0200 establishes standards for off-street parking, loading, and highway access but does not currently contain bicycle parking requirements. Communities across the United States have enacted bicycle parking standards in recent years to encourage multimodal transportation and reduce the oversupply of off-street vehicular parking. It is recommended that Franklin establish bicycle parking standards that require a minimum quantity of bicycle parking spaces per vehicle parking spaces located on-site for multifamily residential and nonresidential uses. Standards should also be established to encourage the location of bicycle parking within 50 feet of principal building entrances.

### *Pedestrian Walkways*

Division 15-5.0200 which regulates traffic, off-street parking and loading, and highway access, does not currently require or establish standards for on-site pedestrian walkways. Many communities establish such provisions to enhance site safety and accessibility. It is recommended that standards for pedestrian walkways be established for multifamily residential and nonresidential uses. Common standards require that pedestrian walkways be provided to connect between adjacent properties along a common street frontage, connect principal building entrances with adjoining public sidewalks, and connect all buildings located on-site and on adjacent parcels.

### *Cross Access*

Division 15-5.0200 regulates traffic, off-street parking and loading, and highway access but does not contain standards to ensure access between adjoining properties. Communities commonly enact such standards to increase the degree of connectivity between neighboring uses and reduce the risk of conflicting traffic movement on major roads. It is recommended that Franklin establish vehicular cross-access standards to require the provision of frontage drives and/or service streets to connect adjoining properties with multifamily and nonresidential uses. It is recommended that standards establish the legal mechanisms for cross-access between adjoining properties.



### *Snow Storage*

The snow storage standards should be relocated from §15-5.0210(C) to Article 5. Adding language to Section (C)(3) noting that snow storage is not allowed within stormwater facilities unless specifically approved as part of a stormwater management plan is also recommended.

### *Screening*

It is recommended the City add a standard stating that dumpster and trash enclosure areas in all districts must have four-sided enclosures with a securable gate and must be graded or drained to discharge to vegetated areas or otherwise away from storm drain inlets and surface waters. It is also recommended that the City establish standards to require screening to ensure that ground-, wall-, and roof-mounted mechanical equipment, loading docks, service areas, and drive throughs are screened with masonry walls, fencing, and/or vegetation as appropriate to ensure these features are not visible from adjoining properties or right of ways.

## *Landscaping Standards*

Fundamentally, the diagnosis and stakeholder outreach process has confirmed that the City of Franklin has strong landscaping standards that participants believe are contributing to good visual and environmental quality in the City. Some changes to the City's standards can be made that introduce more green infrastructure, healthier trees, and more ecologically useful plantings without changing the overall level of landscaping required, or the visual quality of new development. In 2019, a detailed analysis of Franklin's landscaping standards was prepared by Birchline Planning LLC with support from RA Smith National. These recommendations, which are attached with this memo, focused on modernizing Franklin's requirements for trees, shrubs, and other plantings to

- Allow greater incorporation of surface green infrastructure, notably bioretention and deep-rooted native plants into landscape plans by specifically granting "points" in Table 15-5.0302; and
- Changing the definitions and requirements for trees to emphasize planting native, deciduous species, with larger sizes and in larger planting areas, rather than more, smaller ornamental trees with less ecological value.

These recommended amendments can be used as the starting point for discussion of specific standards as the UDO update moves ahead.

## *Fencing*

The use-specific standards for fencing are specified in §15-3.0803(E), however many communities find fencing standards easier to understand and administer when they are established as development standards rather than use standards. Electronically charged fencing and fencing consisting of barbed or chicken wire is prohibited in residential districts under the existing standards, however, many communities specify the allowed rather than prohibited materials to ensure that fencing contributes to neighborhood character. It is recommended that Franklin specify the following allowable fencing materials in residential districts:

- Masonry
- Vegetation
- Wood
- Aluminum
- Vinyl/PVS
- Wrought Iron
- Coated Chain Link without slats or inserts

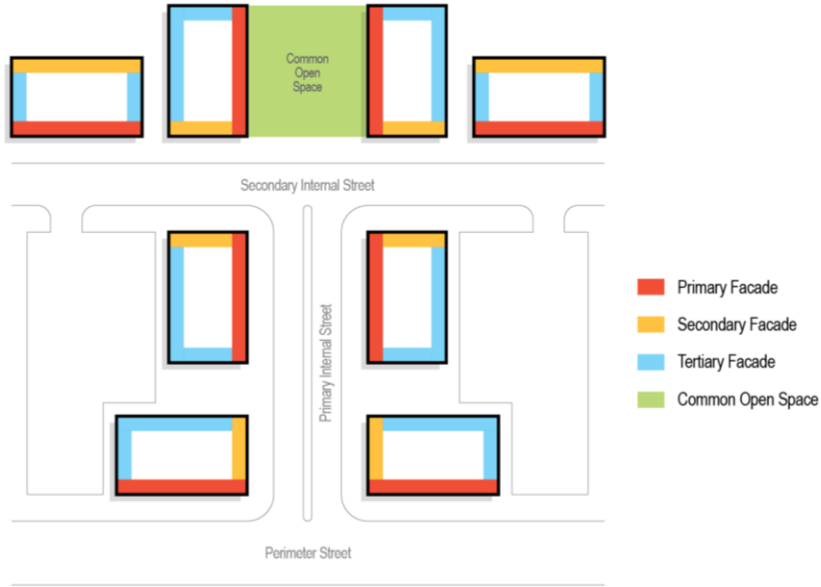
§15-3.0803(E)(2) limits the height of fencing to six feet in side and rear yards in residential districts and does not allow fences except for decorative fencing in front yards. These standards are common across many communities and it is recommended that these standards be retained. Oak Creek's draft ordinance limits fencing in street-facing side yards to a maximum height of four feet at the property line but allows it to a maximum of six feet in height if the fence is setback ten feet from the property line and improved with a landscape area. Franklin should consider specifying similar location and height standards.

Additionally, many communities establish general location standards for fencing to limit its construction near to right of ways, utility lines, easements, and other important features. For instance, Carol Stream requires that fencing be wholly within property lines, one foot from any public sidewalk, 10 feet from a curb, and 18 inches from any underground utility access, drainage, telephone, or electric structure. It is recommended that Franklin consider similar standards.

Finally, in any areas of Franklin where drainage and flooding are challenging, masonry walls should be discouraged as these can interfere with drainage patterns. The team and City may wish to consider identifying areas where this is likely and allowing staff to recommend further review if masonry walls are proposed in potentially flood-prone locations.

## *Multibuilding Development Standards*

It is recommended that multibuilding development standards be established to codify standards for the configuration and appearance of commercial and residential development that contains multiple buildings to ensure the sites are designed to support pedestrian use and with appealing visual appearances. Building placement standards should be established to require that primary facades be oriented toward perimeter and internal streets or other features such as common open space. It is recommended that additional standards be established to ensure that materials such as masonry, stone veneer, or stucco be used on the first level to ensure building appearances are visually appealing. Further, additional standards should require that accessible walkways connect building entrances with on-site parking areas.



**General Multifamily and Nonresidential Design Standards**

It is recommended that the City establish objective design standards for all multifamily and residential development to ensure high-quality site design. The standards should include requirements for exterior building cladding materials, horizontal and vertical façade articulation, transparency, and building siting. The standards should vary depending on the district, with higher standards in the Multifamily, Commercial, Institutional and Business Park districts and lesser standards in the Industrial District. Additionally, the standards should apply differently to primary, secondary, and tertiary façades; ground floors and upper floors; and differently scaled buildings. It is recommended that new standards be added to require that key elements of each building, including their primary entrance be oriented toward the adjoining streets.

## Article 6: Natural Resource Protection Standards

Franklin's Natural Resource Protection Standards, currently Part 4, Division 15-4.0100, are an important part of Franklin's approach to environmental conservation and community character. The approach of "factoring out" from allowable density all areas of a site with steep slopes, woodlands, lakes and ponds, streams, shore buffers, floodplains, wetlands and shoreland wetlands, and wetland buffers, has acted as a check on density and ensured strong attention to resource issues and constraints. Consultants with strong expertise are needed to prepare Natural Resource Protection Plans, particularly when mitigation (which is often required on-site for wetland or tree impacts) is involved. There is less expertise, however, among City staff, Conservation Commission, and Common Council members, who often are charged with making decisions on the sufficiency of complicated natural resource mitigation plans.

Other aspects of the standards, however, notably the "legalistic" language, mitigation requirements, preference (though not hard requirement) for on-site mitigation regardless of ecological conditions, and complexity of the required documentation and review process (i.e., Natural Resources Protection Plan) combine to create a multi-layered review and approval process that, in many cases, has resulted in actions of questionable ecological value. The UDO's current approach to the protection of woodlands was cited by many internal and external stakeholders as especially illustrative of challenges with the current standards, given that the UDO does not distinguish between high-valued resources, such as native tree species, specimen trees, and Oak Savannah complex lands, and stands of invasive or dead trees, including Buckthorn and Ash which need to be removed.

Fundamentally, it is recommended that the current Part 4 provisions be re-worked. In particular, it is recommended that the Plan Commission consider eliminating the "factoring" approach that has acted as a *de facto* density limitation for all resources except steep slopes and SEWRPC Primary/Secondary Corridors; instead, development density would be addressed through district standards, dimensional requirements, and subdivision clustering. As the UDO update proceeds, mapping can be used to determine how much of the City has steep slope areas and areas of Corridors that are not coincident with surface water buffers, floodplains/floodways, or wetlands.

The re-organized standards would address the following, and in some instances shown with an \*asterisk will require associated definitions:

1. **Purpose and Intent:** Resources protected; relationship to Wisconsin and Federal statutes for shoreland wetlands, wetlands, and floodplains; relationship to stormwater management plan approval; and principles for impact avoidance, resource protection, resource restoration, and mitigation.
2. **Applicability:** Land development or subdivision on a property where one or more of the following are present: \*Oak Savannah complex; \*native and \*specimen trees; SEWRPC mapped primary and secondary Environmental Corridors; \*streams; \*rivers (i.e., Root River and primary tributaries); lakes and \*ponds (i.e., not stormwater detention ponds lacking naturalized landscaping); \*wetlands; \*shoreland wetlands (if any are present); \*slopes > 10 percent; floodplains, flood fringe, and floodways (as defined in a new floodplain ordinance section, as outlined below).
3. **Tree Protection and Clearing:** Process for approving identification and clearing of invasive, dead, and undesirable species as a stand-alone activity or in conjunction with development; protection to the maximum extent possible of Oak Savannah complex areas; identification of desirable, native, and specimen tree species and protection areas; protection and restoration; mitigation, including off-site/fee-in-lieu mitigation.
4. **Surface Water and Wetland Buffers:** Standards for the protection or establishment of a robust vegetative buffer along surface waters and wetland buffer edges, with a physical barrier at the edge; policies for allowing crossings, structures, or stormwater features within buffers or adjacent setback areas.
5. **Wetlands:** Reference to Wisconsin statute; require all delineated wetlands and buffers to be shown on site plans, with buffer or setback per (4) above shown.
6. **Floodplain/Floodway:** Reference to model ordinance, adopted in UDO.



7. **Slopes and SEWRPC corridor areas** outside floodplain/floodway, surface water buffers, steep slopes, or tree protection areas: Retain current provisions protecting a percentage of the area in each slope category; require 100 percent protection in Primary corridors, 70 percent protection in Secondary corridors.
8. **Review & Approval of Natural Resource Protection Plans:** Process for approval of tree protection/mitigation, surface water buffers, and impacts to slopes/SEWRPC corridors; technical review of plans by City staff or qualified experts; timing and requirements for fee-in-lieu; surety for establishment and maintenance of planted, restored, or mitigated areas.

### Issues for Individual Natural Resources

Standards for the protection of wetlands and floodplains require consideration in light of recent changes in Wisconsin law. Wisconsin 2017 Act 183 created exemptions for some wetlands that are not subject to federal jurisdictions, extended the timeframe within which wetlands delineations are valid, defined a category of “artificial wetlands,” and under Section 281.36(12)m, limited the authority of local government to regulate non-federal wetlands and artificial wetlands. Section 15-4.0102 of the UDO was updated to exempt “artificial wetlands” consistent with State law; however, the language was reported by some as confusing and should be addressed as part of the UDO update, in consultation with the City Attorney.

Floodplain standards are a second natural resource type that may require a change in approach to be consistent with Wisconsin standards. In April 2021, the Wisconsin Department of Natural Resources published its Model Floodplain Ordinance for Wisconsin Communities<sup>1</sup>. Presently, the City has established the FW-Floodway (§15-3.0319) and FC-Floodplain Conservancy (§15-3.0320) Districts, which regulate floodplain/floodway development in a manner more or less consistent with the general approach in the model ordinance but do not include up-to-date statutory references to FEMA floodplain maps and amendment procedures. Adoption of the model floodplain ordinance would create a Floodway (FW) District, a Floodfringe (FF) District, and a General Floodplain (GFP) District and set out clear administrative procedures for approvals, amendment of floodway boundaries, and variances.

With respect to the protection of woodlands, substantial changes are recommended, as follows:

- (1) The City should adopt a list of native and other recommended tree species for protection and planting, working with the City Arborist. Ideally this list would be maintained by the City Arborist and incorporated by reference into the UDO, supporting both the landscaping standards and natural resource protection standards. Since new cultivars are identified regularly and species suitability is site-specific, this list should be able to be updated by staff regularly and be advisory guidance only, rather than actual code.
- (2) A new provision should be adopted in the UDO through which any landowner may apply to clear sites of invasive, undesirable, and dead trees. This process would allow stand-alone actions to clear trees and vegetation, as well as identification and clearing approved and completed before an application for development. For any development, it is recommended that applicants complete a tree inventory with a special focus on identifying any Oak Savannah complex lands, and all native or other recommended trees on the list outlined under (1) above, and location and canopy spread of significant specimen trees.

As the UDO update proceeds, the Plan Commission and staff can discuss further what species, sizes of trees, definitions of specimen trees, protection standards, and mitigation ratios should be provided for any impacts; however, there was substantial feedback from internal and external stakeholders that an off-site fee-in-lieu supporting tree planting on City or other public land be allowed as a mitigation option where soils or conditions limit the utility of planting new, desirable canopy trees. Protection and mitigation guidance must include a recommended species, sizes at planting, and associated soil volumes for planting, which (like the

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<sup>1</sup> <https://dnr.wi.gov/topic/Floodplains/documents/ModelOrd.pdf>

list of recommended species) should be incorporated by reference rather than becoming a “static” part of the UDO.

A recommendation widely cited as a need by internal and external stakeholders is a more effective surface water buffer standard. Numerous stakeholders commented that the current provisions (which include a setback as well as a buffer for wetland areas) do not sufficiently define what constitutes “buffering.” Others noted that there is not a consistent policy on the siting of utilities, stormwater management measures, and accessory structures in setback versus buffer areas. While provisions such as the prohibition on turfgrass are environmentally sound, the lack of a required barrier means that there is sometimes insufficient physical buffering for the resource. Measures such as hedgerow plantings or split-rail fencing also were noted as ways to help ensure that buffers are protected from incursions like mowing.

It is recommended that a standard for protecting streams, delineated wetlands, lakes, and natural ponds be adopted that requires a planting plan (which could be a combination of invasive species removal, replanting, or maintenance of existing beneficial vegetation) and also requires a physical barrier (e.g., split rail fencing, evergreens, or sturdy, fast-growing shrubs). The buffer would draw on some principles and standards from 15-4.0102(l) on wetland setbacks, such as the prohibition on turfgrass.

Finally, there needs to be a thoughtful discussion about the siting of stormwater management features, especially detention ponds that are not planted with naturalized vegetation, within either an actual stream or wetland buffer (generally not recommended) or a setback area extending horizontally past the buffer (which is currently in the UDO). This decision will affect density, site layout, and in some cases can affect resource function. Currently, this decision-making happens on an ad hoc basis and is not consistent. It is recommended that a policy be discussed with staff and incorporated into the draft recommendations.

## **Article 7: Planned Development Standards and Procedures**

Divisions 15-3.0400 and 15-9.0200 contain Franklin’s existing standards for Planned Development Districts (PDD), which are intended to allow flexibility in the zoning standards for innovative land use proposals. It is recommended that the City’s existing planned development standards be replaced with a new planned development process to be codified as Article 7. The updated process should be based on the standards of the underlying zoning district and allow for site development allowances when applicants supply tangible benefits to the City.

Many modern development ordinances establish both major and minor planned development processes. Major planned development processes would be required for larger sites and larger-scale proposals that require greater departure from the base zoning. The process involves the submittal and approval of a planned development district plan that sets for the development and design parameters for future development. Meanwhile, minor planned development processes allow for the development of smaller sites and proposals that require only a small degree of variation from the base zoning. A public hearing is required for both major and minor planned developments, but the process is typically more extended for major planned developments.

A set of explicit review standards be established for both major and minor planned developments to ensure that the approval process is consistent and objective and that exceptions to the base zoning are granted only when the applicant supplies major benefits not required in the base district are supplied. Typical review standards include:

- Comprehensive plan alignment
- Placemaking
- Integrated design
- Public welfare
- Compatibility with adjacent land uses
- Impact on public facilities and resources

- Archaeological, historical, or cultural impact
- Driveways, parking, and circulation
- Other community goals or objectives including but not limited to: Preservation of open space, flood damage prevention, redevelopment of underused properties.

Canon City, Colorado's Unified Development Ordinance establishes site development allowances for the approval of minor planned developments only. Site development allowances allow for the underlying zoning standards to be modified in exchange for specified design qualities including:

- Inclusion of public gathering spaces
- Sustainable design features
- Landscape conservation and visual enhancement
- Mix of land uses
- Affordability of housing
- Design for universal access
- Use of high-quality building materials

It is recommended that standards be established to allow greater density on sites in proximity to bus stops along South 27<sup>th</sup> Street exchange for the provision of amenities such as pedestrian connections that improve the area's pedestrian accessibility.

As a different option, some communities such as Jenks, Oklahoma do not differentiate between major and minor planned developments, and instead codify only one planned development procedure for all planned development proposals. Jenks' ordinance still involves the establishment of review standards and site similar to those in Canon City's to ensure that approvals and exceptions to the base zoning are granted in relation to measurable standards.

It is recommended that procedures for amendments to approved planned developments be established. Minor amendments should allow for changes to a planned development that do not alter the scale, intensity, use, or character of the approved plans. Major amendments should follow a similar procedure to the original planned development process when substantial changes are proposed.

## Article 8: Subdivision Standards

The UDO includes regulations that govern the subdivision of land in multiple Divisions, including the Design Standards For Land Divisions in 15-5.0100, the Required Improvements For Land Divisions in 15-8.0100, and the Land Division Procedures and Administration in 15-9.0300. It is recommended that all subdivision related standards be consolidated in Article 8.

### Cluster Development

It is recommended that Franklin's existing system that allows flexibility in the bulk and dimensional standards in exchange for the provision of open space, be replaced with a cluster development option within the new subdivisions division. The City of Jenks, Oklahoma's draft UDO includes a cluster development option, which specifies a maximum density per acre for subdivisions in each district as shown in the table below. The maximum density is allowed to be exceeded by up to 30 percent if at least one sensitive natural feature, such as wetlands, native landscapes, mature tree stands, prime farmland, or critical habitat, is preserved in a conservation easement. Jenks's UDO also allows for the reduction of the dimensional standards in each district by up to 30 percent or by the cumulative total land area to be placed in a conservation easement, whichever is less. It is recommended that Franklin establish a similar mechanism to allow flexibility in the base district in exchange for the preservation of natural features, especially where clustered designs help achieve more effective preservation of larger, contiguous areas of the protected natural resources in the Natural Resource Protection Standards (e.g., Oak Savannah complex lands, surface waters, Primary or Secondary Environmental Corridors, etc.).

District	Maximum Density
RS-1	4.5 dwelling units/acre
RS-2	5.5 dwelling units/acre
RS-3	9 dwelling units/acre
RD	12 dwelling units/acre

### *Design Standards For Subdivisions*

Division 15-5.0100 specifies required improvements for the configuration of streets, blocks, and streetscape elements within subdivisions, however many of the standards are not objective and measurable. For instance, §15-5.0104 stipulates that the number of streets that intersect at a given intersection be minimized but does not place measurable limits on the number of intersecting streets. Objective standards like a connectivity index measured by the number of streets divided by the number of intersections and cul de sacs should be established. It is recommended that all required improvements for land divisions be revised to create objective and measurable standards. It is recommended that the sections which contain objective and measurable standards largely be retained with some revision for clarity including the following:

- §15-8.0103 Survey Monuments
- §15-8.0115 Street Lights
- §15-8.0116 Traffic Control and Street Name Signs

It is recommended that the remainder of the subdivision design standards be replaced with the following standards:

- Revise the existing block length of 600-1,500 feet with standards of between 600-800 feet for residential subdivisions and 600-1,500 feet for nonresidential uses.
- The prohibition on alleys should be eliminated and alley requirements should be explored for certain types of development.
- Objective standards for sidewalks, bike lanes, and parkways should be established to require the features along both sides of streets in certain areas and to specify their minimum widths.

- Standards for the planting of street trees should be established. One tree every 85 feet as City Engineering currently requires, appears to be an effective standard. Allowances for fee in lieu payment when the standards can't be met is recommended.
- Cul-de-sac islands should be required and should include depressed, grassed, snow storage areas without vertical curbing of sufficient size to enable snow plowing.
- Standards to disallow monotonous building cladding and roofing materials should be established for residential subdivisions. Standards that limit “snout houses” subdivisions in which attached or detached garages protrude beyond the front of residential structures can also be considered.
- Parkland standards should be established to require a specified quantity of parkland per estimated number of individuals within a proposed subdivision.
- Medians should not be required at every entrance but should be an option that the Planning Commission can request where traffic conditions or the size of the subdivision are sufficient to require a divided entry. A minimum of 12 feet between curbs should be required when these are warranted.
- Language is recommended to be included that in conjunction with an approved stormwater management plan, portions of medians or tree terraces may be used as stormwater management areas. This should require approval of the City Engineer of features such as curbing, inlet protection, energy dissipation, and planting plans, but should be allowed or encouraged as an option.
- An option for a rural road cross-section with a ditch should be established to reduce the quantity of total suspended solids entering. It is recommended that either Muskego’s or Fox Point’s be used as an example and refined to fit Franklin’s UDO in consultation with public works.

The table Street Right-of-Way and Pavement Width Requirements in Southeast Wisconsin shows these requirements for communities in the area. The table shows that other area communities, including Elm Grove, Muskego, and Waukesha require narrower right-of-way dedications and that Elm Grove requires narrower pavement widths for most street classifications. It is suggested that Franklin reduce its right-of-way dedication and pavement width requirements to be more in keeping with typical standards for the area. Additionally, it is recommended that right-of-way and pavement widths be specified for streets in residential and nonresidential areas. Street and right-of-way minimum width requirements for collector streets, minor streets, cul-de-sacs, and other street types should be specified as narrower for residential uses than nonresidential uses.

*Street Right-of-Way and Pavement Width Requirements in Southeast Wisconsin*

Street Type	Franklin		Elm Grove		Muskego	Waukesha
	Right-of-Way (feet)	Pavement Width (feet)	Right-of-Way (feet)	Pavement Width (feet)	Right-of-Way (feet)	Right-of-Way (feet)
Arterial	130	26 - urban, 24 - rural	80	48	100	100
Arterial (two-lane rural/suburban /urban transitional)	130	24	--	--	--	--
Collector Street	80	40	60	36	80	80
Minor Streets	66	36 - for mf area, 28 - typical	60	30	60	66
Cul-de-sac	60	45 - urban, 39 - rural	60	30	--	--
Alley	25	20	--	--	--	--
Bicycle Path	20	10	--	--	--	--
Pedestrian Way	20	5	--	--	--	20

## Article 9: Administrative Standards and Procedures

Franklin's administrative procedures and standards specify the City's permit procedures and criteria for City approval. The information is contained in Part 9 - Procedures and Administration of the UDO, however, the information is contained across five separate divisions. It is recommended that all the zoning approval procedures be established as Article 9. Two subsections should be established for applications that can be approved/denied administratively by staff, and those that require board and/or commission approval.

### *Administrative Procedures*

The zoning compliance permit procedure in §15-9.0102 exempts uses in residential districts from the procedure. Many communities require zoning compliance permits for all new nonresidential uses and site plan changes regardless of the zoning district to ensure that records of past approvals are maintained adequately. It is recommended that the instances in which zoning compliance permits are required be adjusted in compliance with staff input.

Further, several of the City's existing administrative procedures do not specify explicit timelines and review procedures. For instance, §15-9.0102 does not codify explicit procedures and timelines for the submittal and staff review of zoning compliance permits. One stakeholder mentioned the UDO's unclear timelines for submittal and review as a hindrance. It is recommended that clear procedures and timelines be established for all administrative procedures and review of applications for other processes.

§15-9.0102(C) specifies that site plan review is required for new buildings, additions, accessory structures, and use expansions that require additional parking. The section does not, however, specify the site plan review procedure or clearly define the uses that qualify for site plan review, and these aspects of the process should be clarified. It is recommended that site plan review be required for all by-right uses other than single-family or two-family dwellings that involve new buildings, additions, parking, or other construction on-site. Site plan review should be completed administratively by staff and no board/commission involvement should be required. It is recommended that the principles and standards for site plan review currently in §15-7.0102 be revised for conciseness and codified in the administrative procedures subsection.

The review of site plans by the parks commission and other advisory boards and commissions should be specified in the instances in which they are appropriate. Financial guarantees and sureties should be required to provide for inspections and review to ensure that site plans are implemented as specified when they are approved and to cover the costs.

Verona, WI establishes procedures for major and minor site plan amendments. Minor site plan amendments include those that do not generate a substantial change in housing or uses or increase the built area on the subject property and qualify for expedited review. Minor modifications are those that meet one of the following conditions:

- Does not result in an increase in the approved number of dwelling units.
- Does not result in greater than five percent increase in the amount of square footage of a non-residential land use or structure.
- Does not result in a change in the housing mix or use mix ratio.
- Does not result in a change in the character of the development as determined by the zoning administrator.

Meanwhile, major site plan amendments, which are those that do not qualify as minor site plan amendments, require the more extensive process and all steps required for original site plan review and approval. It is recommended that Franklin establish similar major and minor amendment procedures.

### *Minor Zoning Variances & Area Exceptions*

§15-9.0102 establishes a procedure for minor zoning variances, which are small adjustments to the zoning standards. Similarly, §15-10.0209 defines a procedure for area exceptions, which includes small deviations from most of the UDO's bulk and dimensional standards. §15-10.0209(C) defines the instances that qualify for consideration under the area exception process, however, the information is specified in paragraph format and is difficult to understand.

It is recommended that the area exceptions considered be formatted as a list. Further, the existing process requires a hearing by the Plan Commission and review by the Board of Zoning and Building Appeals, however, six area exceptions have been approved for lot coverage increases and five area exceptions have been approved for accessory structure size increases without major comment by the Plan Commission since 2016. Given that the Plan Commission typically approves these cases, it is suggested that the area exception process be revised to require a public hearing solely by the Board of Zoning and Building Appeals, whose specified purpose is to hear appeals and variances, rather than the Plan Commission.

### *Temporary Use Permit*

It is recommended that Franklin establish a temporary use permit procedure for designated temporary uses. The City of Oak Creek specifies two separate temporary use permit procedures depending on the proposed temporary use's duration. The City defines short-term temporary uses as those that last 14 or fewer days, while long-term temporary uses include uses that last longer than 14 days. Communities with temporary use permit procedures typically establish approval criteria to create an objective and predictable process. Oak Creek's temporary use permit criteria includes the proposed use's compatibility with adjoining land uses, hours of operation and duration, traffic circulation, off-street parking adequacy, and consistency with the intensity, appearance, and operation of land uses in the surrounding area for both short-term and long-term temporary uses. The City also allows for the administrative review and approval of temporary use permits for short-term uses by the City staff and require Plan Commission approval for longer-term uses. It is suggested that Franklin consider similar standards for temporary uses. Alternatively, the City can consider specifying that both short- and long-term temporary uses qualify for administrative approval by staff.

### *Natural Resource Permit Processes*

It is recommended that the process for approval of tree protection/mitigation, surface water buffers, and other natural resource permit processes be established in consultation with staff to determine the most appropriate procedures. The involvement of Franklin's Environmental Commission should be specified as appropriate in reviewing natural resource permits.

### *Board and Commission Review Procedures*

It is recommended that a subsection be established to contain the existing approval types that require board or commission approval, including variances, special use permits, text and map amendments, and applications for zoning interpretations. It is recommended that the public notice requirements and the information required in each type of public notice be displayed in a tabular format at the section's beginning.

### *Special Use Permits*

Franklin's Special Use Permit procedures are in §15-9.0103. In 2017, the Wisconsin state legislature passed Act 67, which mandated that any conditional use permit or special zoning approval other than a variance must be issued by the governing zoning authority when the applicant meets or agrees to meet the standards specified in the zoning authority's ordinance. The law also requires "substantial evidence" be provided to support the denial of a conditional use permit or special zoning approval, and that denials that are made based on personal preferences or speculation about negative consequences of the proposed use do not constitute sufficient evidence. The act means zoning authorities' discretion in approving conditional use permits is limited and highly dependent on objective criteria in their land use regulations.

Franklin's Special Use Permit procedures are in §15-9.0103, however, the criteria for Planning Commission approval of applications are not clearly defined. It is recommended that clear and objective review criteria be established to create certainty in the development process, ensure that zoning compliance is determined consistently between different applications, and to give the City discretion in the special use review process. The review criteria should include the following:

- The proposal's consistency with the surrounding properties and land uses.
- The proposal's consistency with the overall UDO and governing zoning district,
- The proposal's consistency with the comprehensive plan or other adopted policies,
- The proposal's consistency with any use-specific standards established in Article 4.
- The provision of adequate infrastructure should be highly specific and include the provision of road access, water, sewer infrastructure to support the subject site and surrounding site's continued operation. The infrastructure criterion should also include the proposal's fiscal impact to ensure that each development contributes materially and positively to the City's fiscal condition.

#### *Variances*

The City's variance procedures are specified in §15-10.0206 Variances. Item (C)(1) lists the criteria for the Board of Zoning and Building Appeals to grant variances, however, the criteria are not objective and clear. It is recommended that the criteria for variance approval be clearly defined and listed. It is recommended that the approval of use variances and variances due to financial hardship or hardship created by the property owner/developer be explicitly prohibited in the section.

#### *Text and Map Amendments*

Franklin's UDO contains the procedures for map and text amendments in Division 15-9.0200. It is recommended that these procedures be established in the Board and Commission review subsection. The existing division does not specify criteria for the review and approval of UDO text or map changes. It is recommended that clear and objective criteria, including consistency with the City's comprehensive plan, be established to create certainty in process outcomes and ensure that zoning compliance is determined consistently between different applications over time.

#### *Submittal Requirements*

The UDO contains informational and submittal requirements for different applications primarily in Part 7 Required Plans, Plats, and Maps. It is recommended that all application submittal standards be removed from the UDO where they exist and placed in a reference document, to ensure that UDO amendments are not necessary to update application requirements periodically. It is recommended that submittal requirements be updated as appropriate in consultation with staff. Franklin Public Works staff members expressed interest in requiring the identification of snow storage areas on all site plans. The snow storage plan requirements in §15-5.0200 (B) should be refined and moved to the submittal requirements document.

### **Article 10: Nonconformities**

Division 15-3.1000 contains Franklin's provisions regarding nonconforming buildings, structures, and uses. It is recommended that these provisions be established as a new Article 10, nonconformities. The standards should be updated as needed to comply with state statute.



## Article 11: Definitions

It is recommended that definitions be included for all land uses, including the new uses that are proposed to be added to the permitted use table, as well as all terms of art. Franklin's UDO contains several definitions that are commonly used but are not clear. For instance, the definitions for the different lot line types are not clearly defined in relation to public right of ways. It is recommended that these definitions be revised to make them easily understood and determined on a site plan.

It is recommended that definitions be added to differentiate hotels from motels and to disallow either use to accommodate temporary housing as shown below.

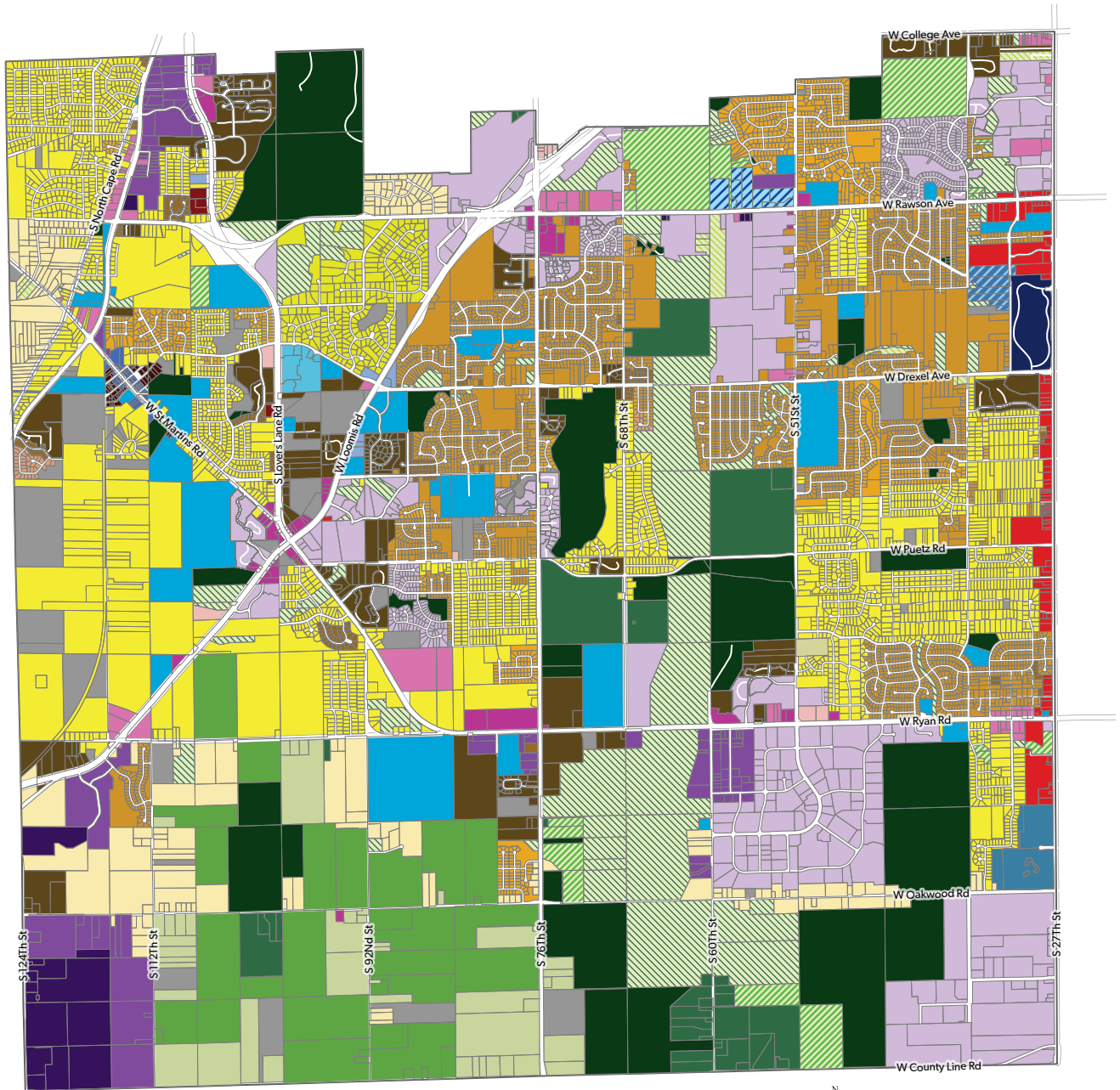
**Hotel.** *An establishment containing a building or group of buildings on the same lot with lodging rooms for transient guests in detached buildings or in a single building, and where access to the individual lodging rooms is provided from the building's interior in the form of shared corridors or other internal paths.*

**Motel.** *An establishment containing a building or group of buildings on the same lot with lodging rooms for transient guests in detached buildings or in a single building, and where access to the individual lodging rooms is provided from the building's exterior.*

The following definitions revisions are also recommended:

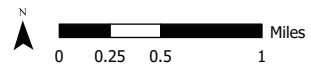
- All existing definitions that include measurements and quantifiable standards be removed from the Definitions and incorporated elsewhere in the UDO as appropriate.
- Definitions for terms that are used in reference to other terms should be eliminated.
- Definitions for adult uses, religious institutions, family, signs, and group homes be reviewed for compliance with federal and state statutes.
- Terms that are used frequently throughout the ordinance such as "applicability", and "purpose and intent" should be clearly defined.

# Current Zoning

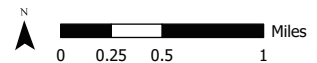
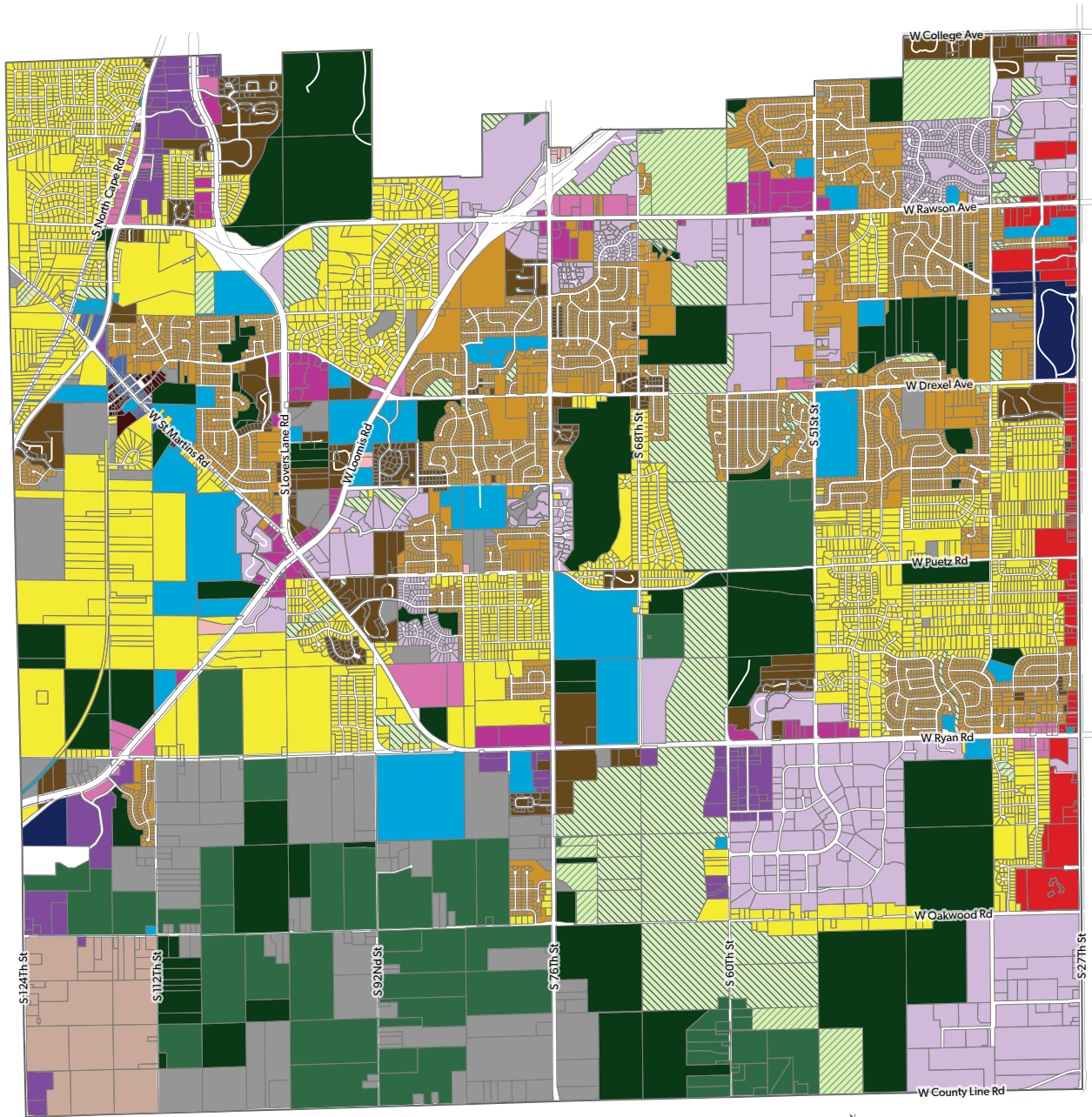


## Current Zoning

- |   |  |                                     |
|---|--|-------------------------------------|
| A-1 - Agricultural  | VR - Village Residence                       | RC-1 - Conservation Residence       |
| A-2 - Prime Agricultural  | B-1 - Neighborhood Business                  | CC - City Civic Center              |
| R-1 - Countryside/Estate Single-Family Residence                    | B-2 - General Business                       | I-1 - Institutional                 |
| R-1E - Countryside/Estate Single-Family Residence Upon a Single Lot | B-3 - Community Business                     | M-1 - Limited Industrial            |
| R-2 - Estate Single-Family Residence                                | B-4 - South 27th Street Mixed Use Commercial | M-2 - General Industrial            |
| R-3 - Suburban/Estate Single-Family Residence                       | B-5 - Highway Business                       | P-1 - Park                          |
| R-3E - Suburban/Estate Single-Family Residence                      | B-6 - Professional Office                    | PDD - Planned Development Districts |
| R-4 - Suburban Single-Family Residence                              | B-7 - South 27th Street Mixed Use Office     | FC - Floodplain Conservancy         |
| R-5 - Suburban Single-Family Residence                              | BP - Business Park                           | FFO - Floodplain Fringe Overlay     |
| R-6 - Suburban Single-Family Residence                              | VB - Village Business                        | FW - Floodway                       |
| R-7 - Two-Family Residence  | OL-1 - Office Overlay                        |                                     |
| R-8 - Multiple-Family Residence                                     | OL-2 - General Business Overlay              |                                     |



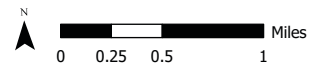
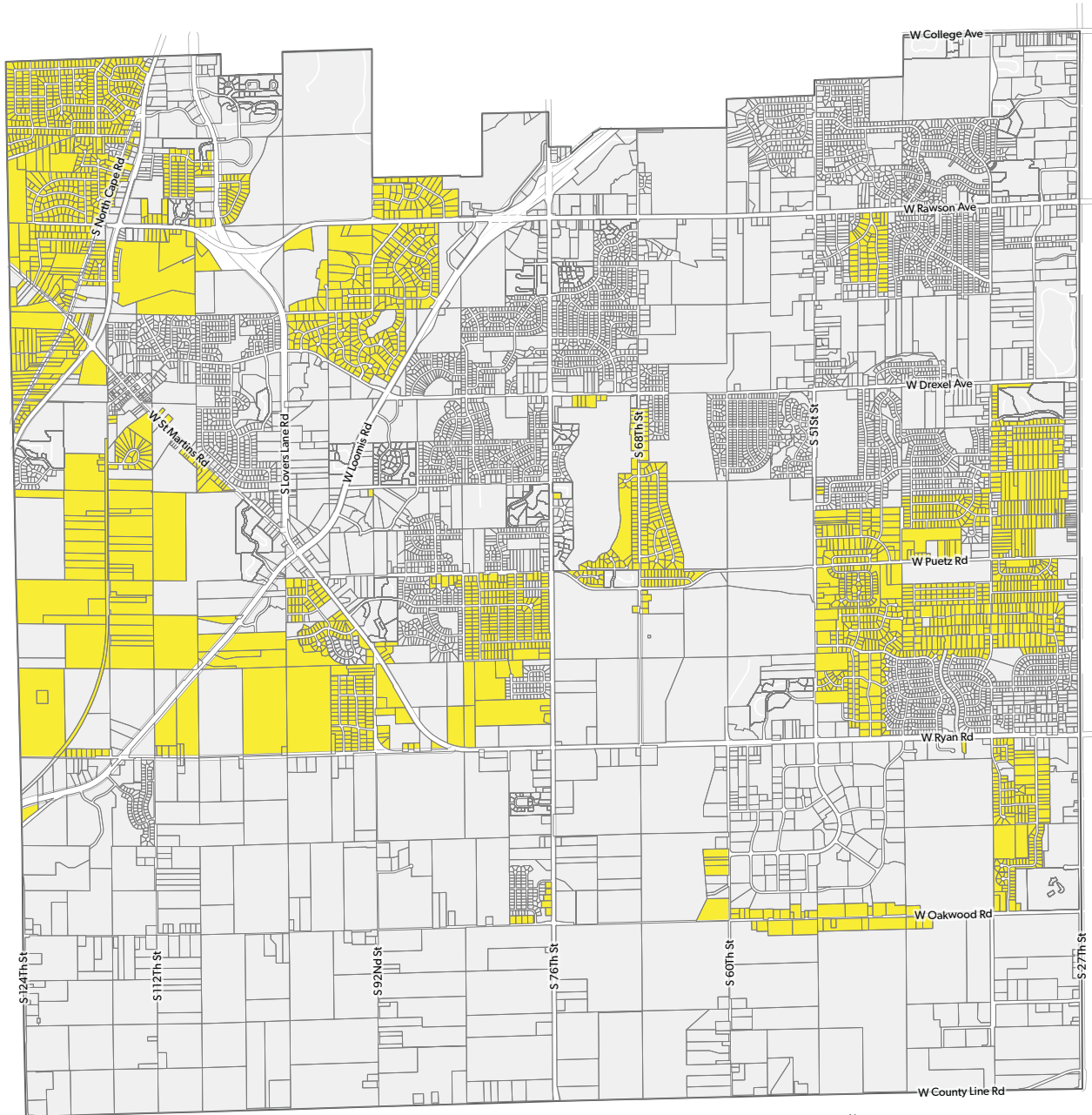
# Proposed Zoning



## Proposed Zoning

- |   |  |                                  |
|---|--|----------------------------------|
| A-1 - Agricultural                            | B-3 - Community Business                     | P-1 - Park                       |
| R-3 - Suburban/Estate Single-Family Residence | B-4 - South 27th Street Mixed Use Commercial | PDL - Planned Development Legacy |
| R-6 - Suburban Single-Family Residence        | BP - Business Park                           | FC - Floodplain Conservancy      |
| R-8 - Multiple-Family Residence               | SMHB - Saint Martin's Road Historic Business | FFO - Floodplain Fringe Overlay  |
| VR - Village Residence                        | RC-1 - Conservation Residence                | FW - Floodway                    |
| B-1 - Neighborhood Business                   | I-1 - Institutional                          | L-1 - Land Fill                  |
| B-2 - General Business                        | M-1 - Limited Industrial                     |                                  |

# R-3 District

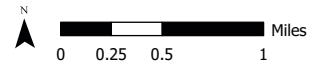
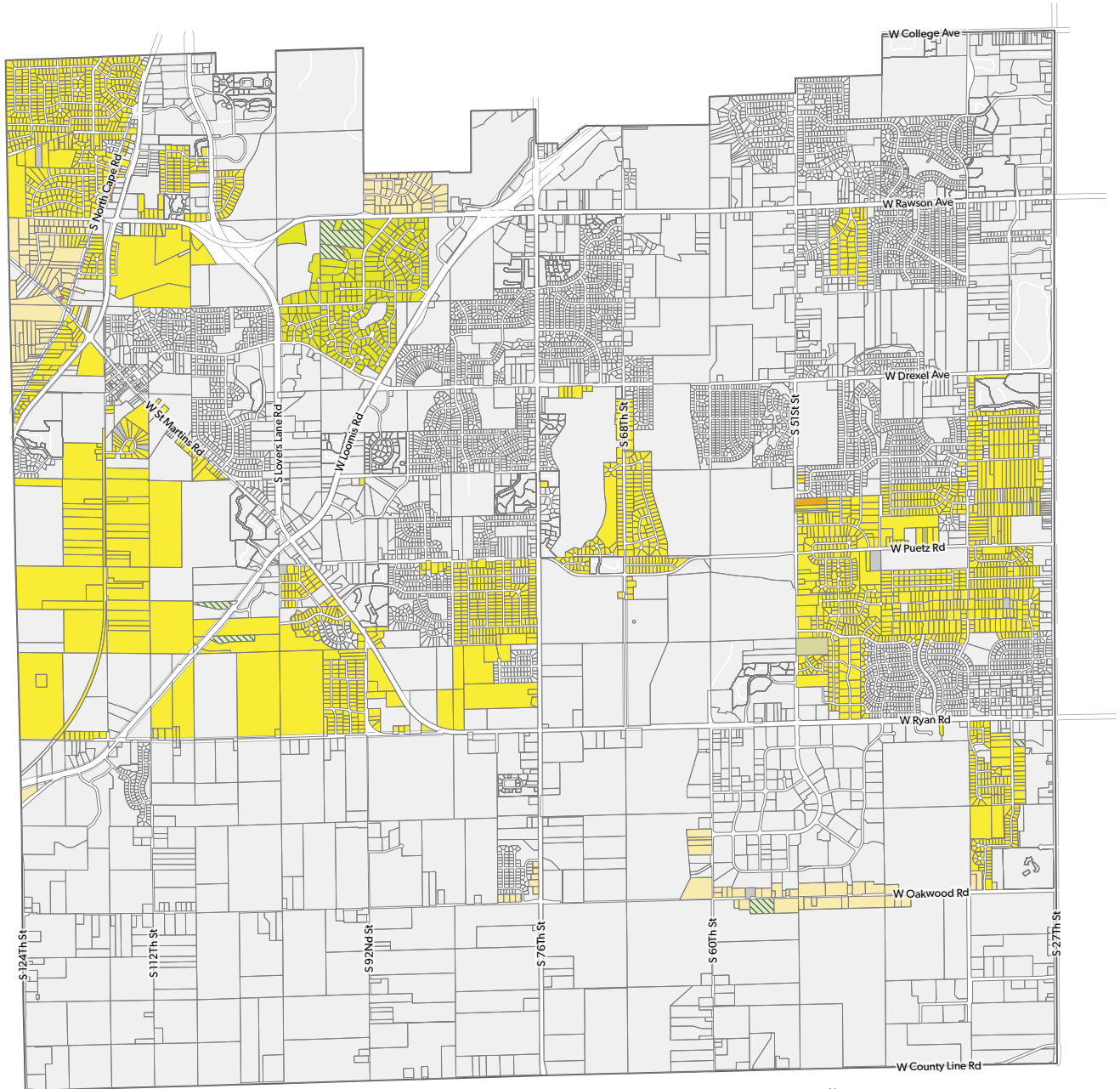


### Proposed Zoning

- R-3 - Suburban/Estate Single-Family Residence
- All Other Districts

Number of parcels  
to be rezoned: 501

# R-3 District

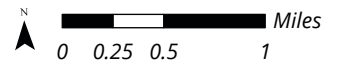
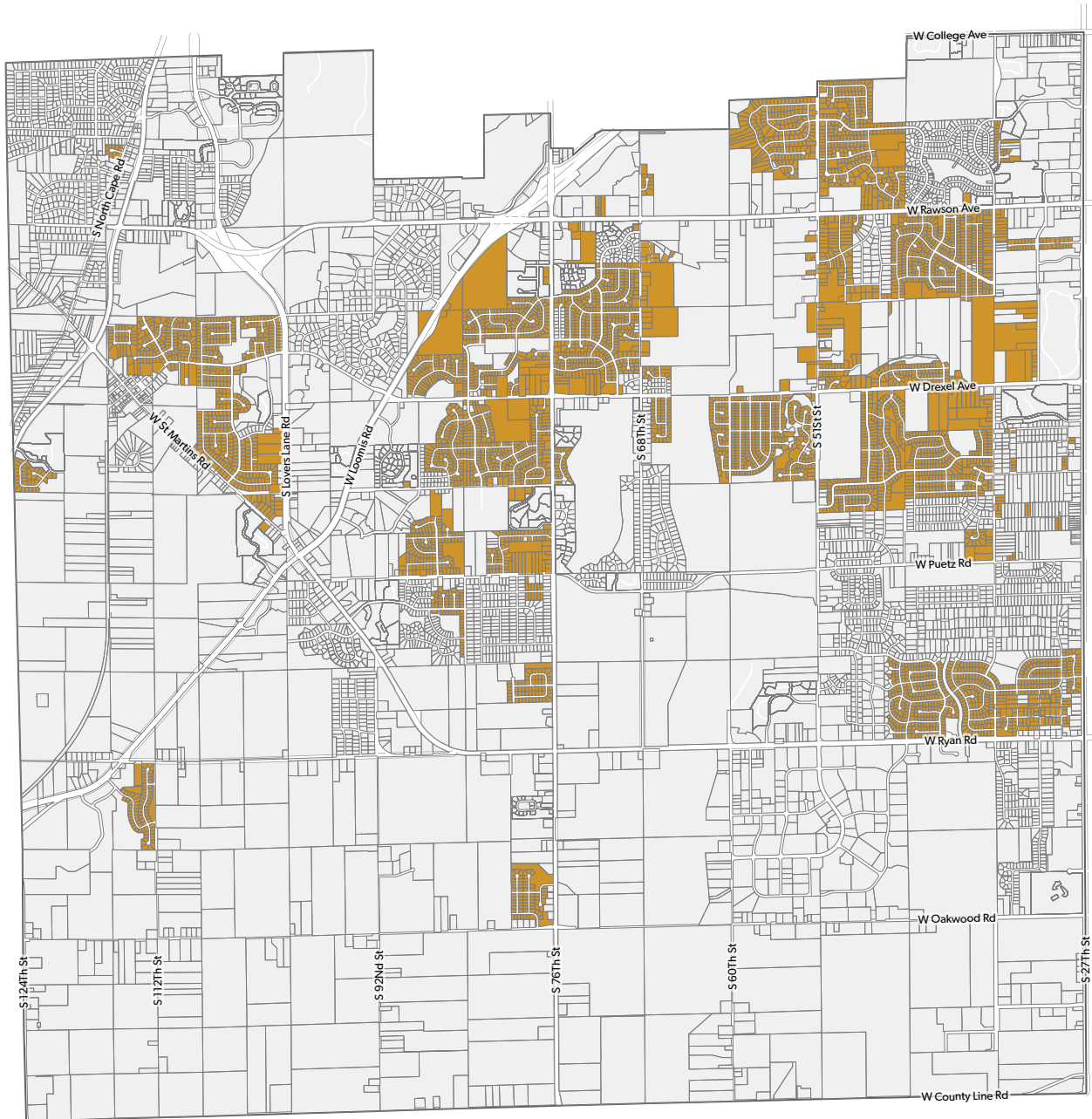


## Current Zoning



- R-1E - Countryside/Estate Single-Family Residence Upon a Single Lot
- R-2 - Estate Single-Family Residence
- R-3 - Suburban/Estate Single-Family Residence
- R-3E - Suburban/Estate Single-Family Residence
- R-4 - Suburban Single-Family Residence
- R-5 - Suburban Single-Family Residence
- B-2 - General Business
- C-1
- FW - Floodway
- All Other Districts

Number of parcels  
to be rezoned: 501

# R-6 District

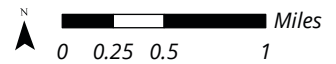
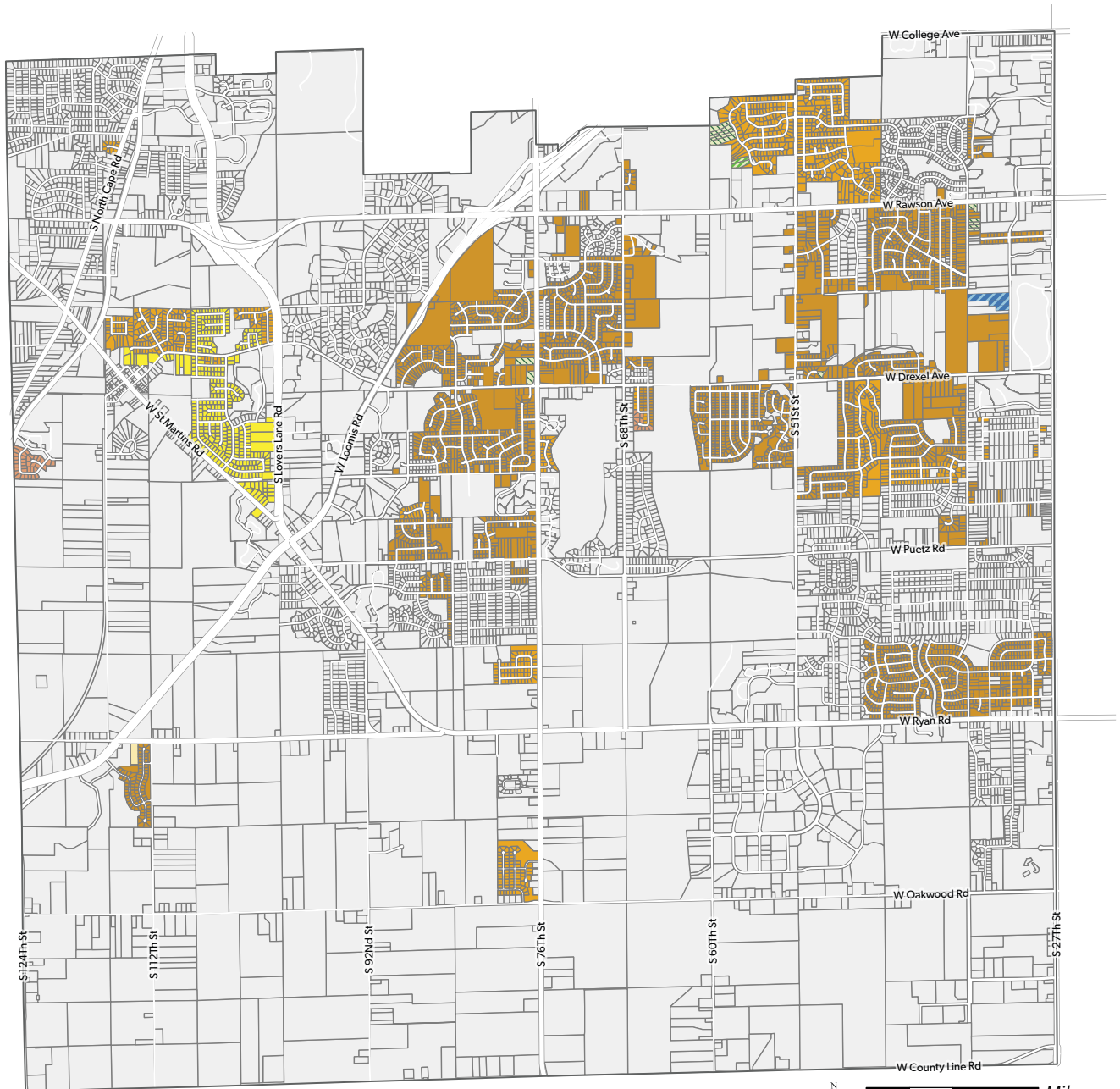


### Proposed Zoning

-  R-6 - Suburban Single-Family Residence
-  All Other Districts

Number of parcels  
to be rezoned: 1,482

# R-6 District

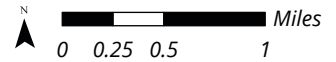
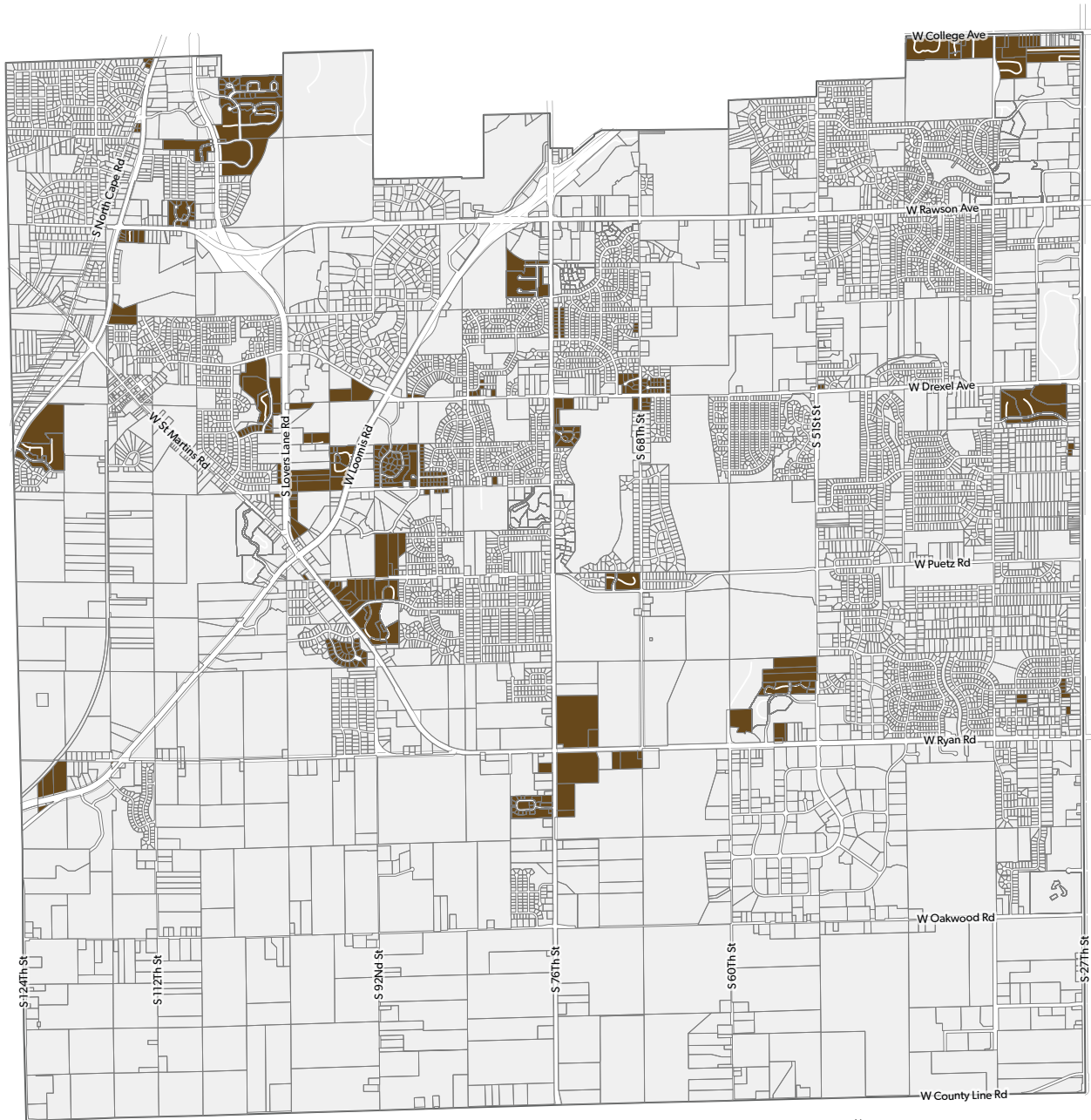


### Current Zoning



- |  |  |
|--|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> R-2 - Estate Single-Family Residence          | <span style="display: inline-block; width: 15px; height: 10px; background-color: #0056b3; border: 1px solid black; margin-right: 5px; opacity: 0.5;"></span> OL-1 - Office Overlay       |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> R-3 - Suburban/Estate Single-Family Residence | <span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> C-1                                       |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #8b4513; border: 1px solid black; margin-right: 5px;"></span> R-4 - Suburban Single-Family Residence        | <span style="display: inline-block; width: 15px; height: 10px; background-color: #92d050; border: 1px solid black; margin-right: 5px; opacity: 0.5;"></span> FC - Floodplain Conservancy |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #e69d00; border: 1px solid black; margin-right: 5px;"></span> R-5 - Suburban Single-Family Residence        | <span style="display: inline-block; width: 15px; height: 10px; background-color: #92d050; border: 1px solid black; margin-right: 5px; opacity: 0.5;"></span> FW - Floodway               |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #8b4513; border: 1px solid black; margin-right: 5px;"></span> R-6 - Suburban Single-Family Residence        | <span style="display: inline-block; width: 15px; height: 10px; background-color: #e0e0e0; border: 1px solid black; margin-right: 5px;"></span> All Other Districts                       |

Number of parcels to be rezoned: 1,482

# R-8 District



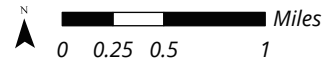
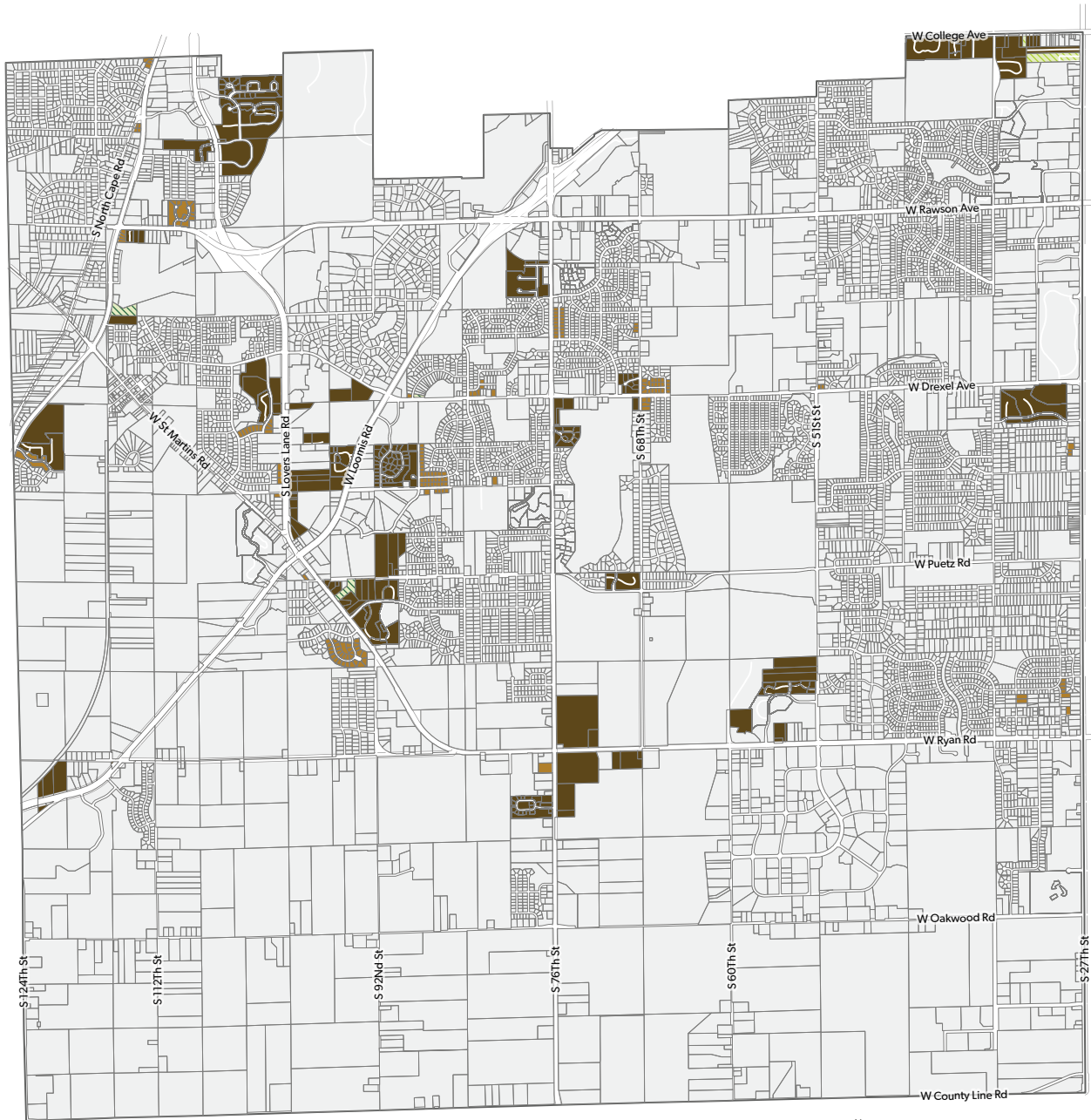
## Proposed Zoning

-  R-8 - Multiple-Family Residence
-  All Other Districts

Number of parcels  
to be rezoned: 255



# R-8 District

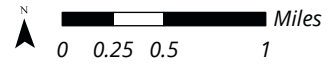
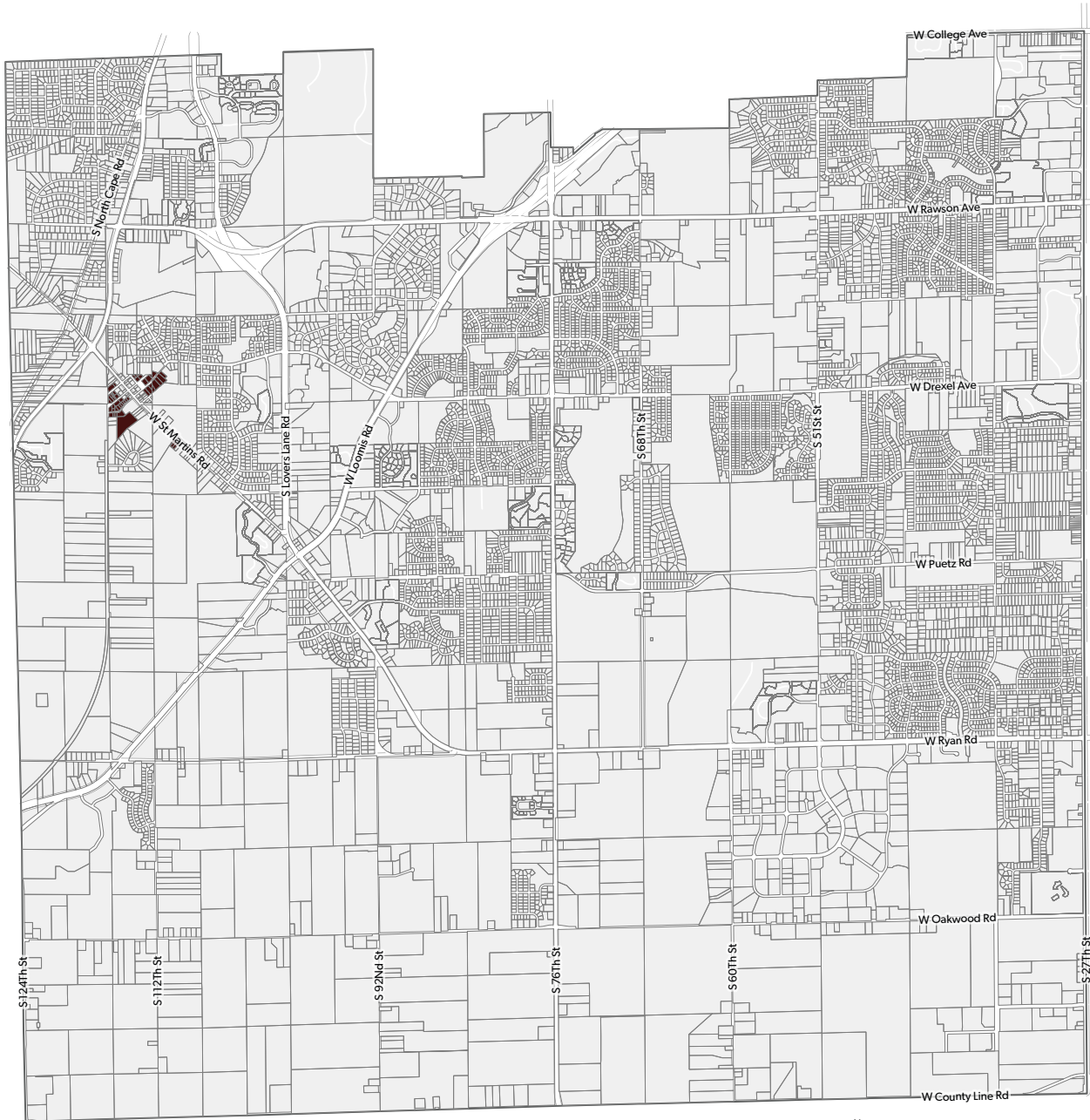


## Current Zoning



- R-7 - Two-Family Residence
- R-8 - Multiple-Family Residence
- FFO - Floodplain Fringe Overlay
- FW - Floodway
- All Other Districts

Number of parcels  
to be rezoned: 160

# VR District

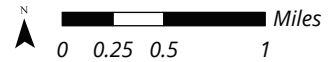
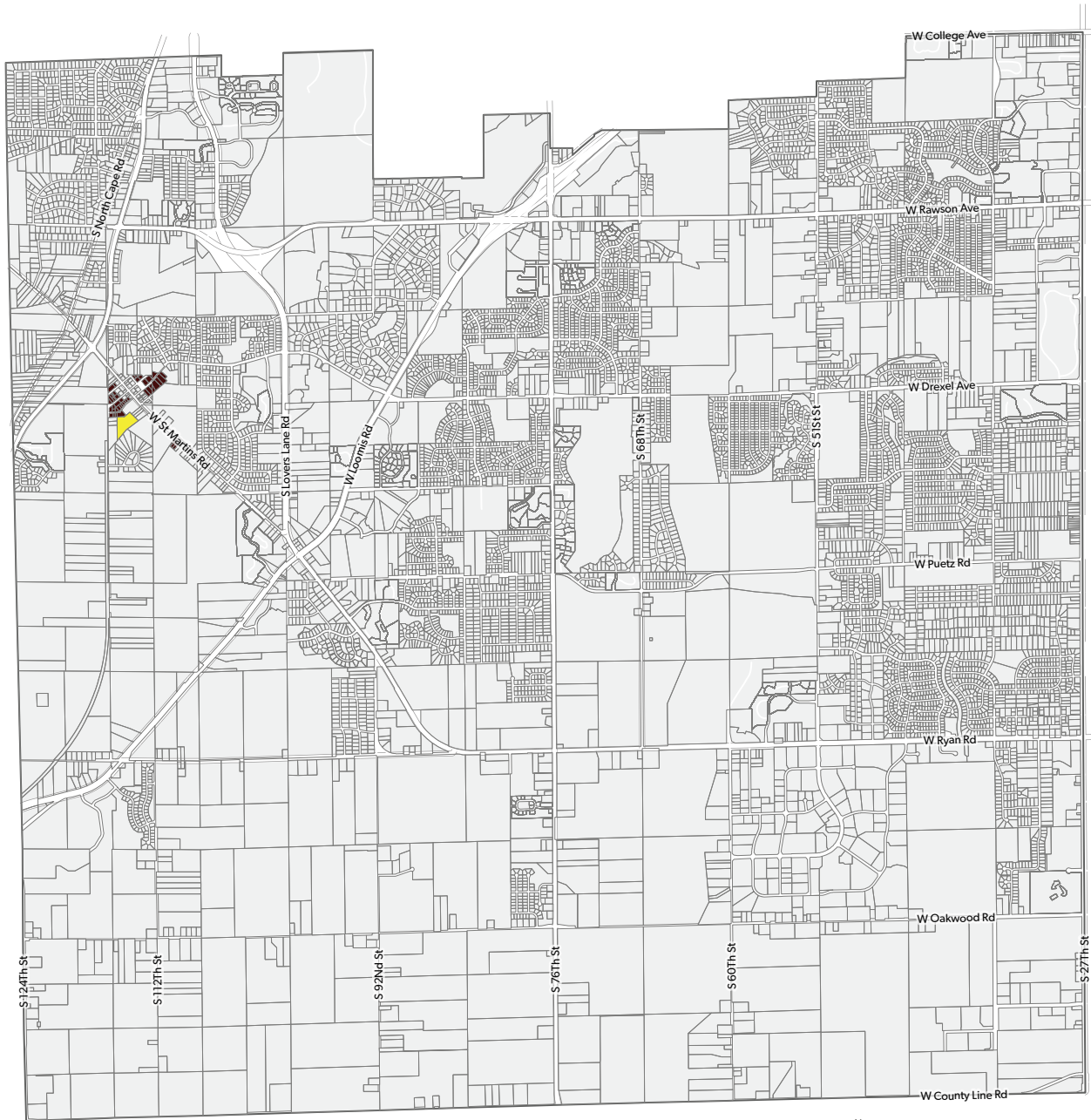


### Proposed Zoning




-  VR - Village Residence
-  All Other Districts

Number of parcels  
to be rezoned: 1

# VR District

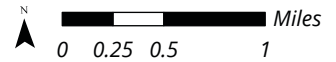
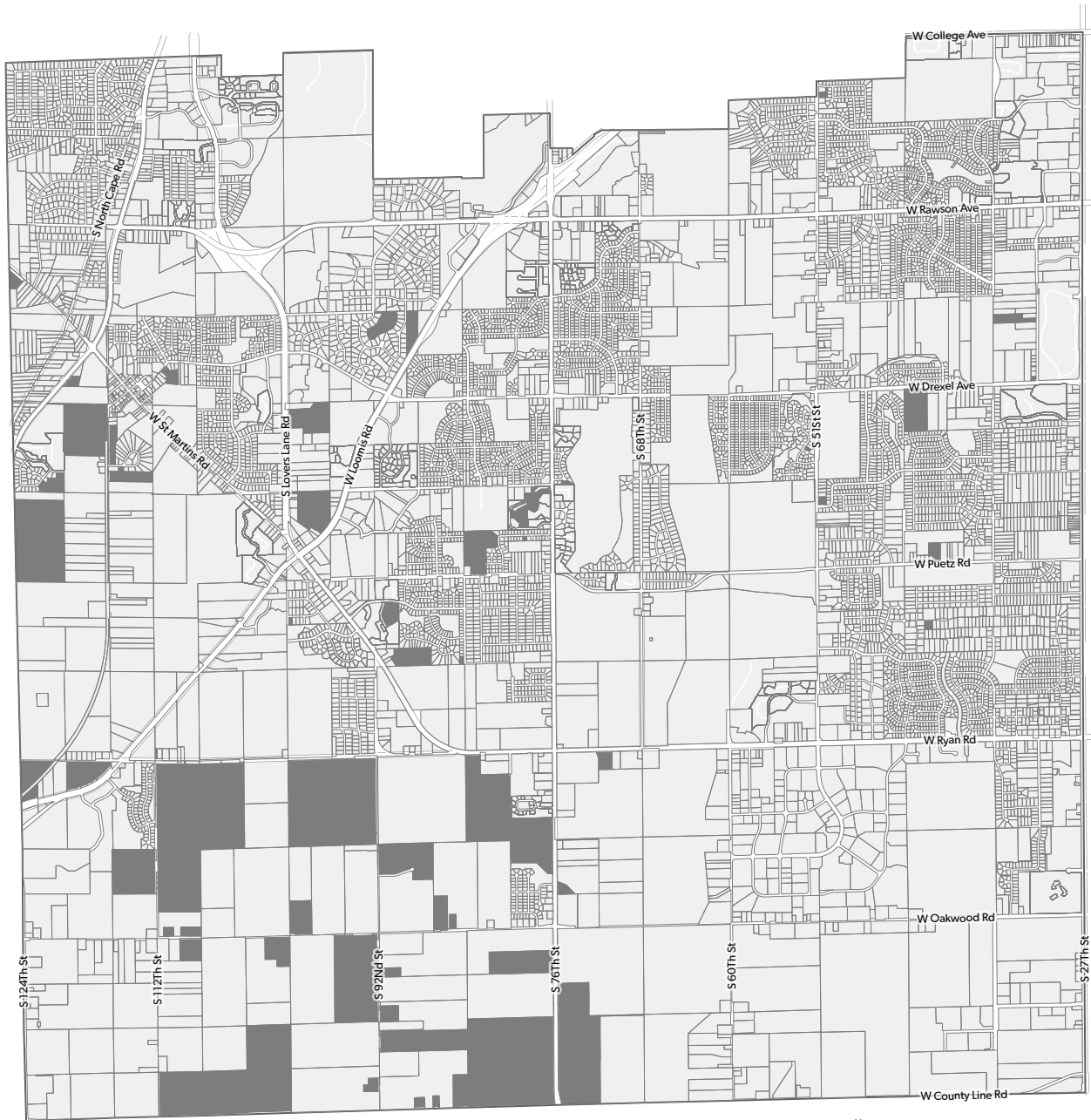


## Current Zoning

-  R-3 - Suburban/Estate Single-Family Residence
-  VR - Village Residence
-  All Other Districts

Number of parcels  
to be rezoned: 1

# RC-1 District

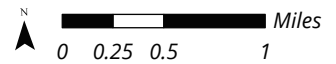
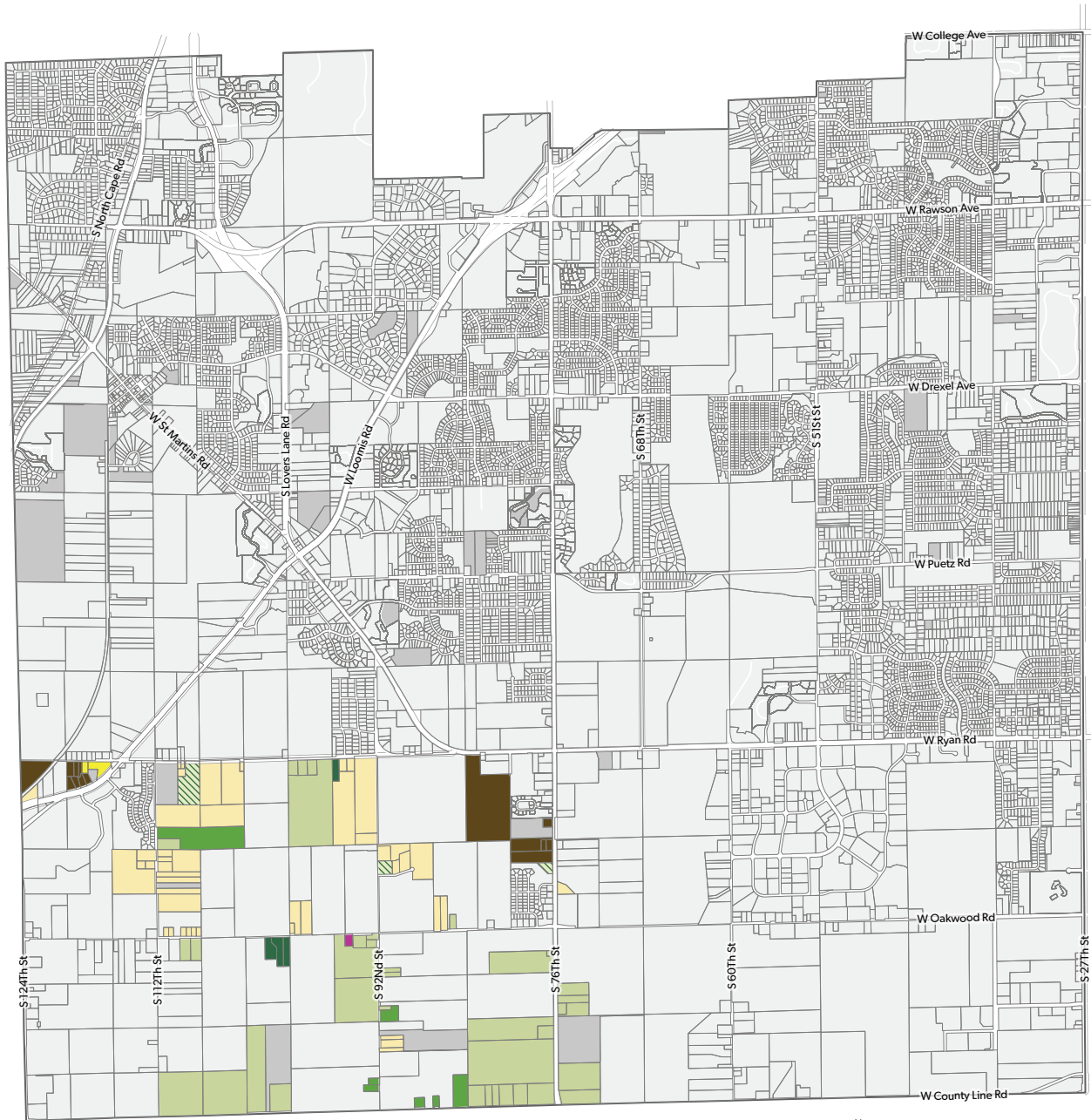


## Proposed Zoning

- RC-1 Conservation Residence
- All Other Districts

Number of parcels  
to be rezoned: 114

# RC-1 District

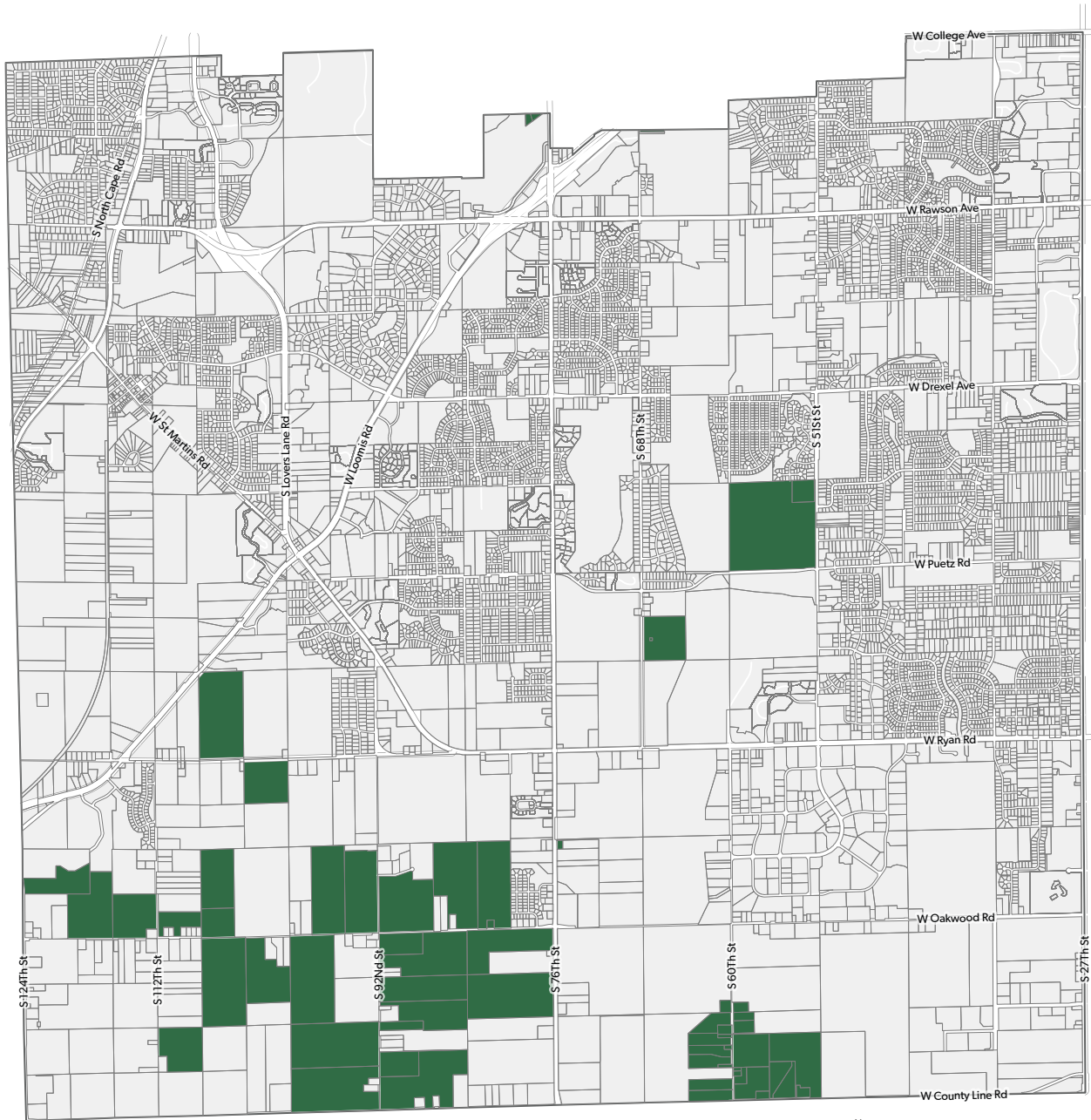


### Current Zoning



- |  |  |
|--|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #006400; border: 1px solid black;"></span> A-1 - Agricultural                               | <span style="display: inline-block; width: 15px; height: 15px; background-color: #800000; border: 1px solid black;"></span> R-8 - Multiple-Family Residence  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #008000; border: 1px solid black;"></span> A-2 - Prime Agricultural                         | <span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> B-3 - Community Business   |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></span> R-1 - Countryside/Estate Single-Family Residence | <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; border: 1px solid black;"></span> C-1  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFD700; border: 1px solid black;"></span> R-2 - Estate Single-Family Residence             | <span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #000 2px, #000 4px); border: 1px solid black;"></span> FW - Floodway |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></span> R-3 - Suburban/Estate Single-Family Residence    | <span style="display: inline-block; width: 15px; height: 15px; background-color: #E0E0E0; border: 1px solid black;"></span> All Other Districts  |

Number of parcels to be rezoned: 114

# A-1 District

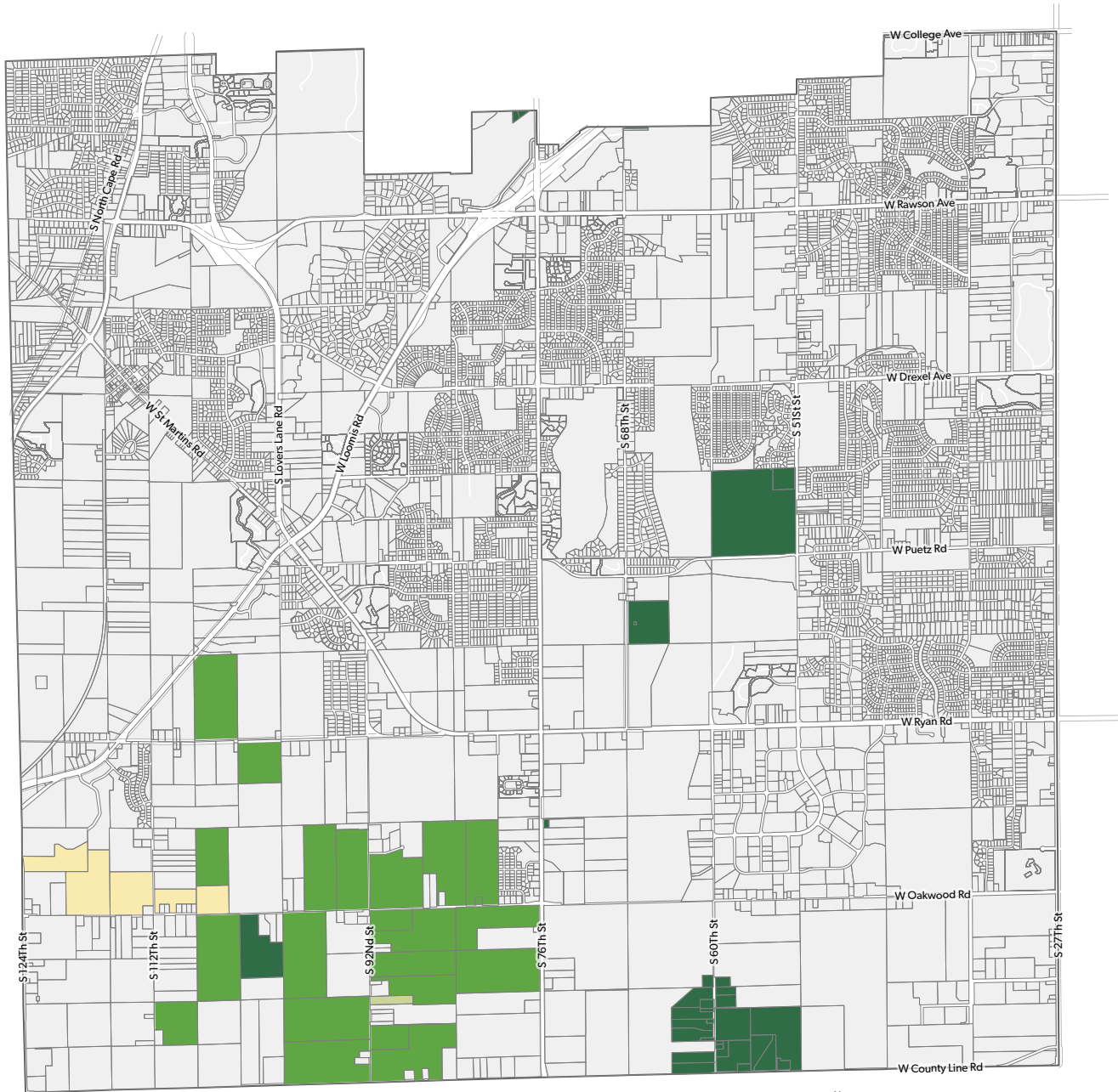


### Proposed Zoning

-  A-1 - Agricultural
-  All Other Districts

Number of parcels  
to be rezoned: 29

# A-1 District

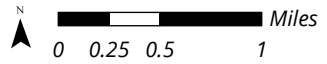
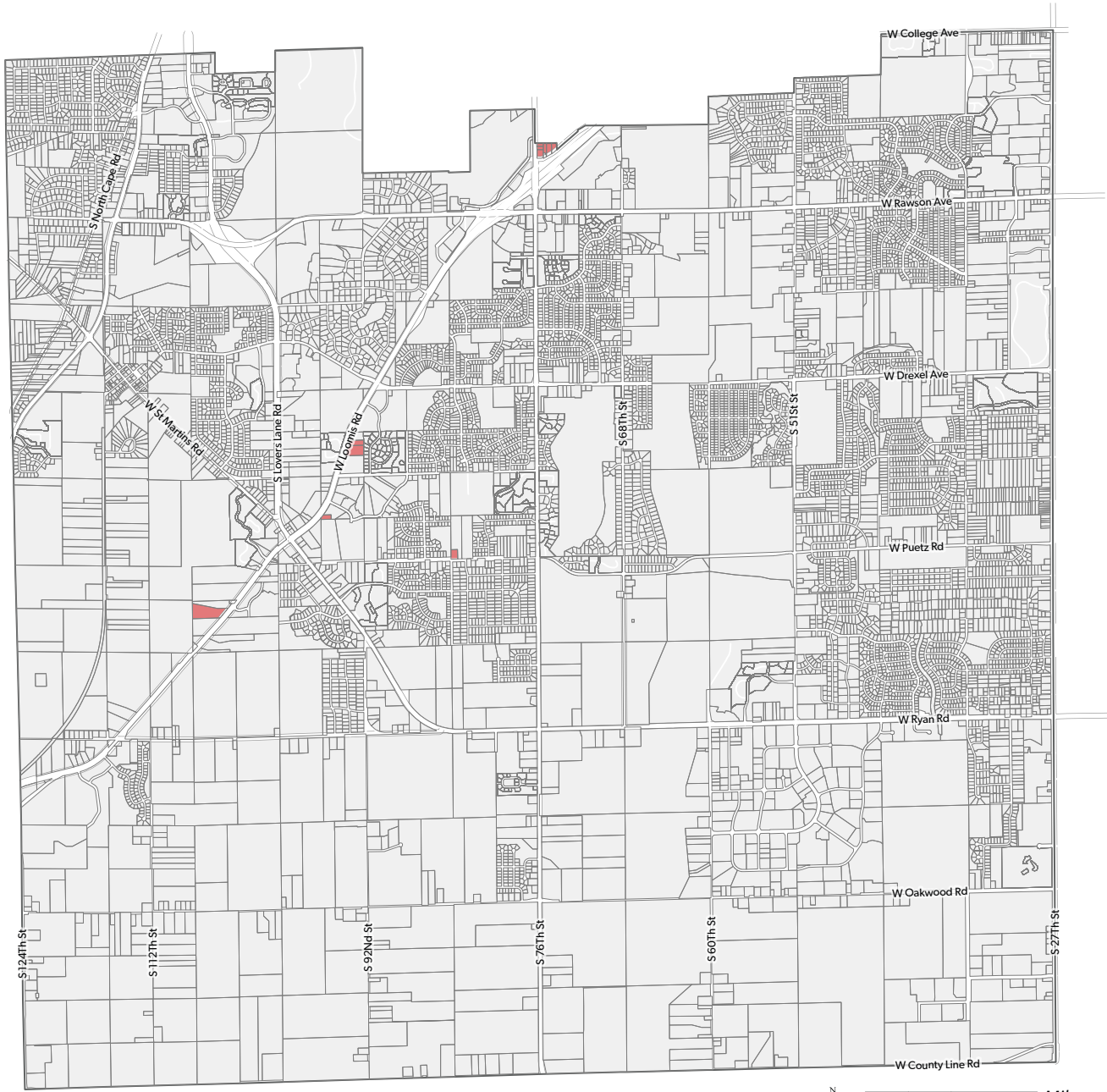


### Current Zoning

- A-1 - Agricultural
- A-2 - Prime Agricultural
- R-1 - Countryside/Estate Single-Family Residence
- R-2 - Estate Single-Family Residence
- All Other Districts

Number of parcels  
to be rezoned: 29

# B-1 District



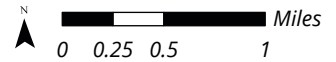
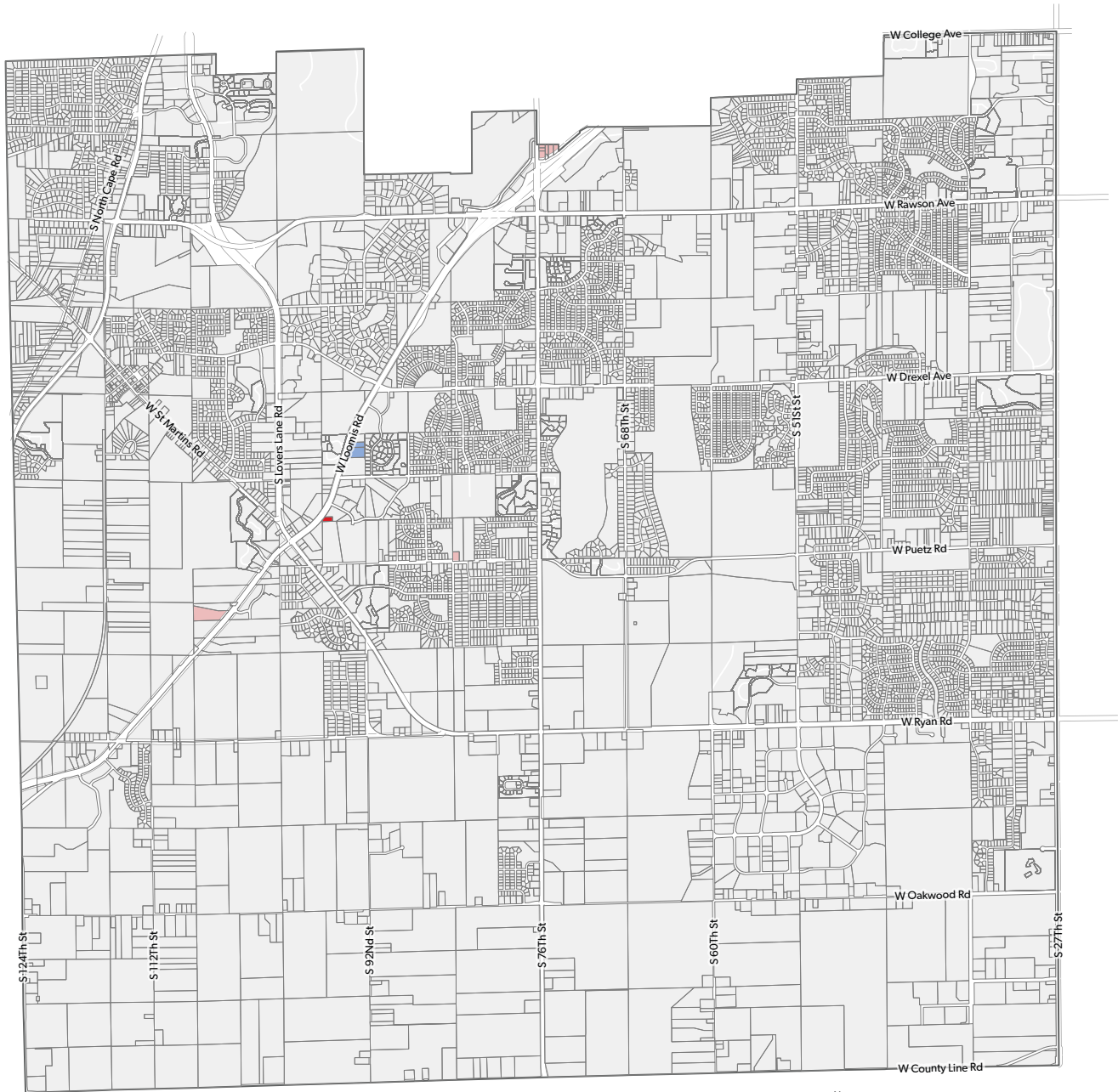
### Proposed Zoning

- B-1
- All Other Districts

Number of parcels  
to be rezoned: 3



# B-1 District

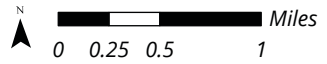
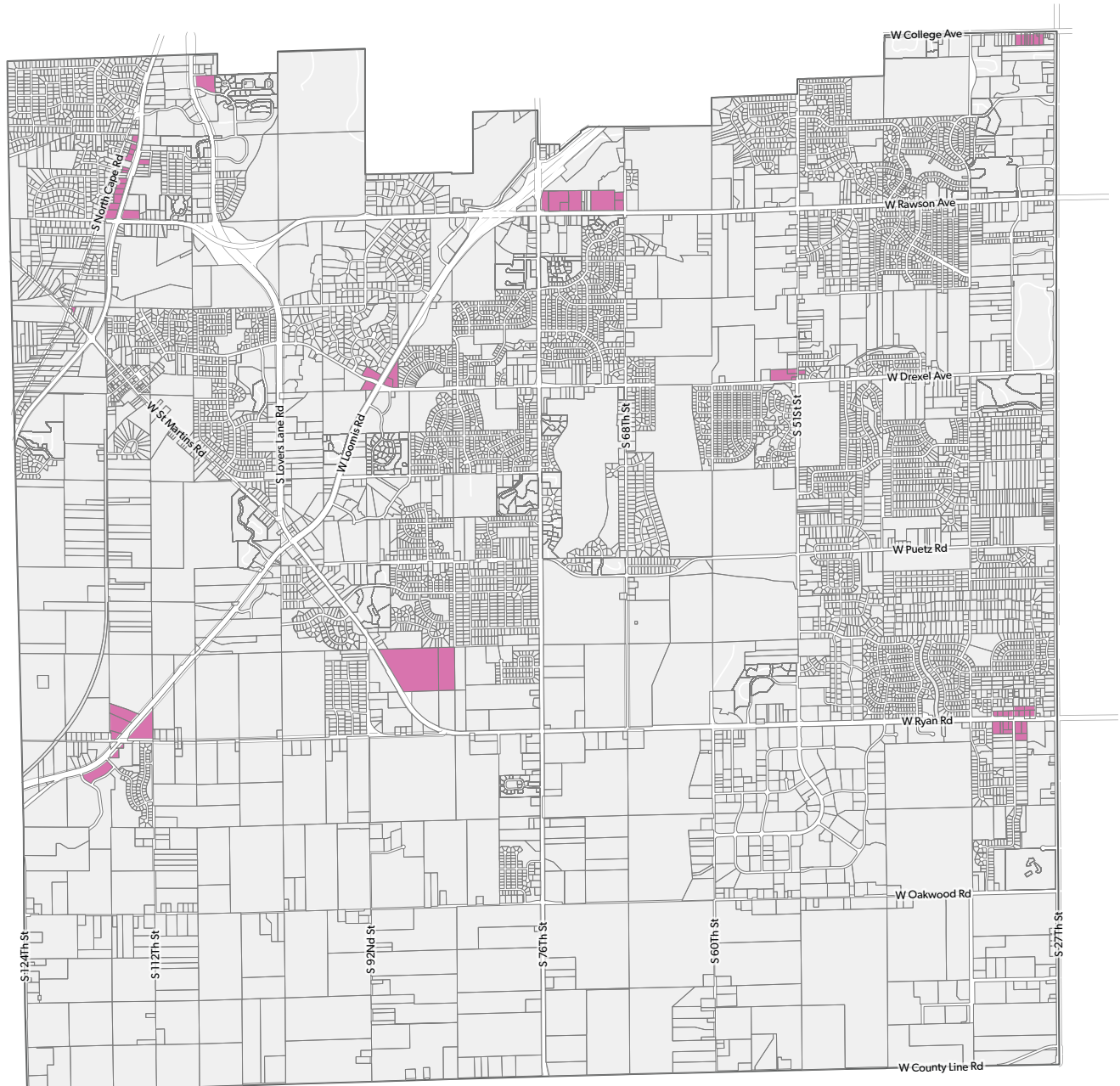


### Current Zoning



- B-1 - Neighborhood Business
- B-4 - South 27th Street Mixed Use Commercial
- B-6 - Professional Office
- All Other Districts

Number of parcels  
to be rezoned: 3

# B-2 District

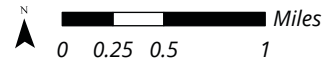
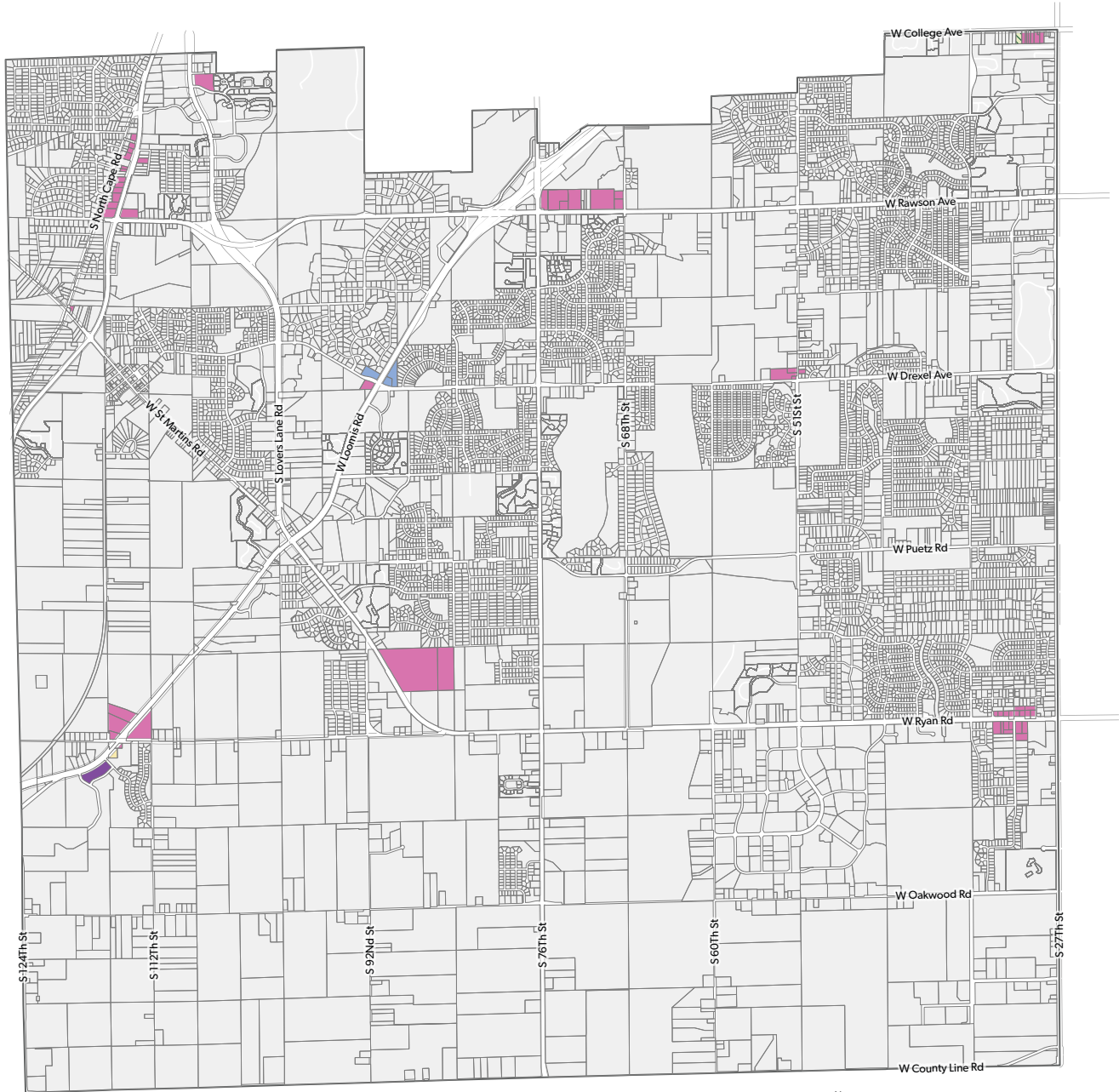


## Proposed Zoning







-  B-2 - General Business
-  All Other Districts

Number of parcels  
to be rezoned: 6

# B-2 District

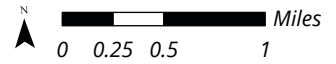
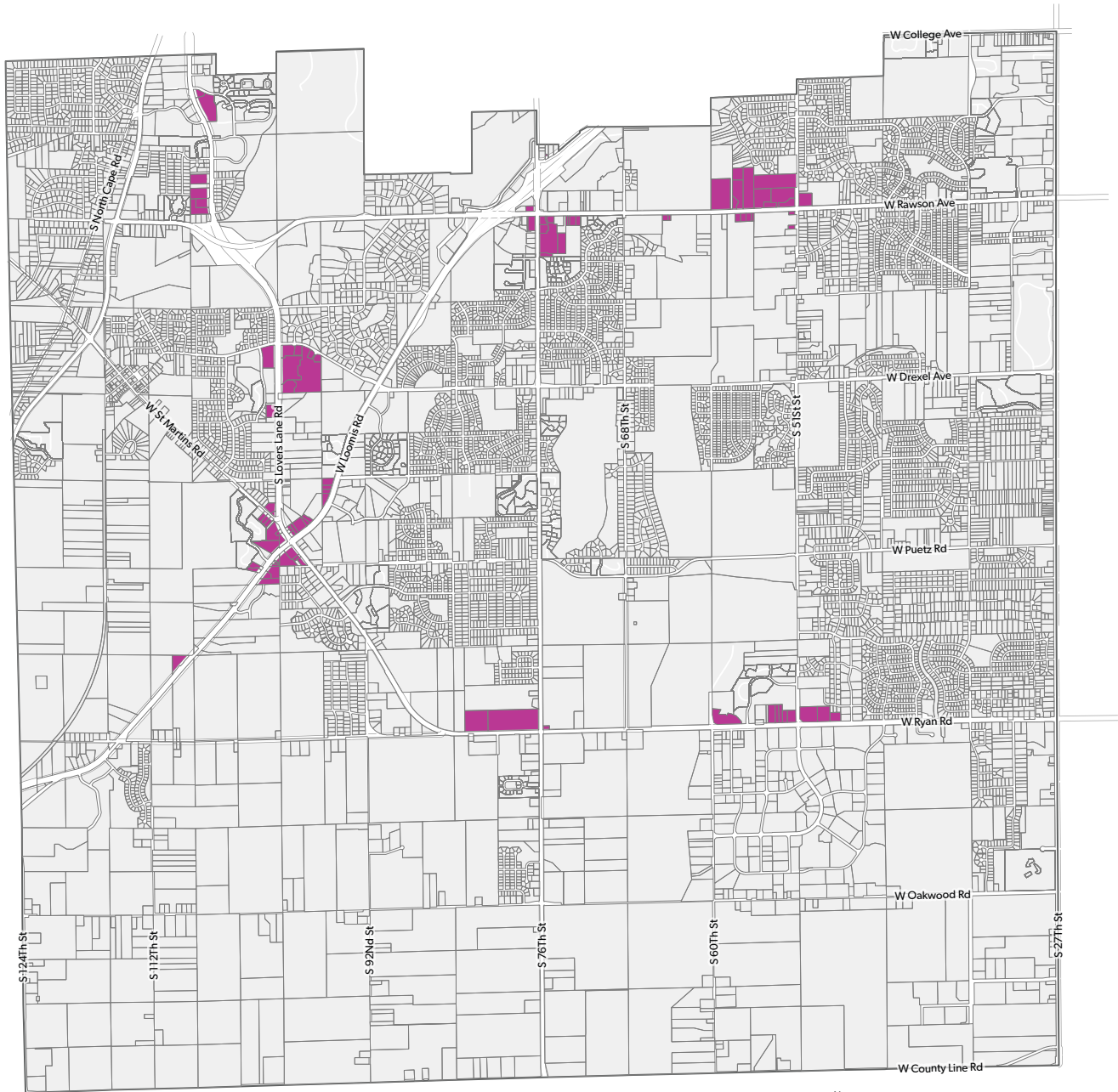


## Current Zoning

-  R-2 - Estate Single-Family Residence
-  B-2 - General Business
-  B-6 - Professional Office
-  M-1 - Limited Industrial
-  FW - Floodway
-  All Other Districts

Number of parcels  
to be rezoned: 6

# B-3 District

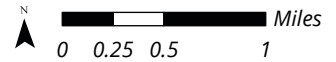
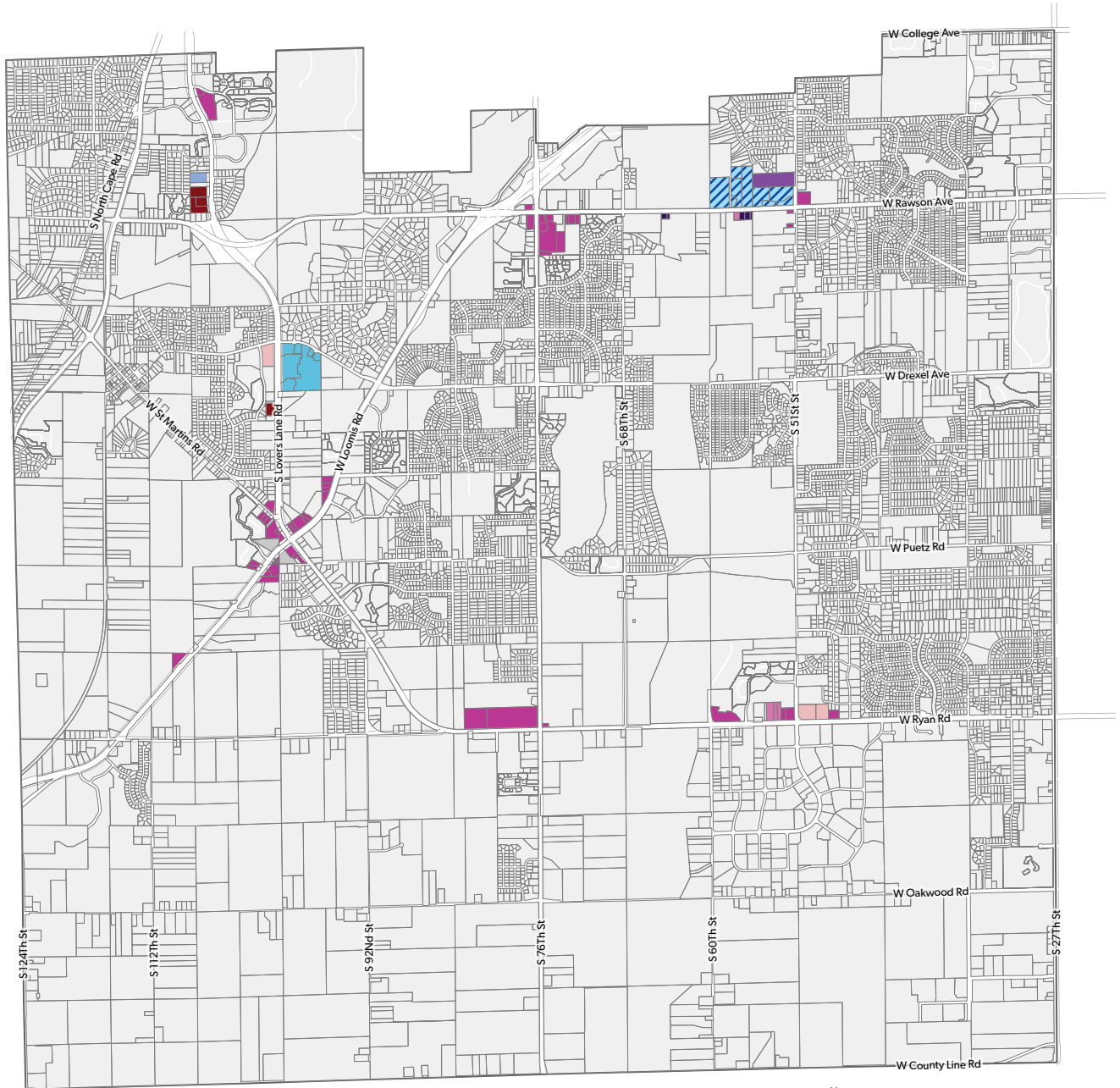


### Proposed Zoning

- B-3 - Community Business
- All Other Districts

Number of parcels  
to be rezoned: 35

# B-3 District

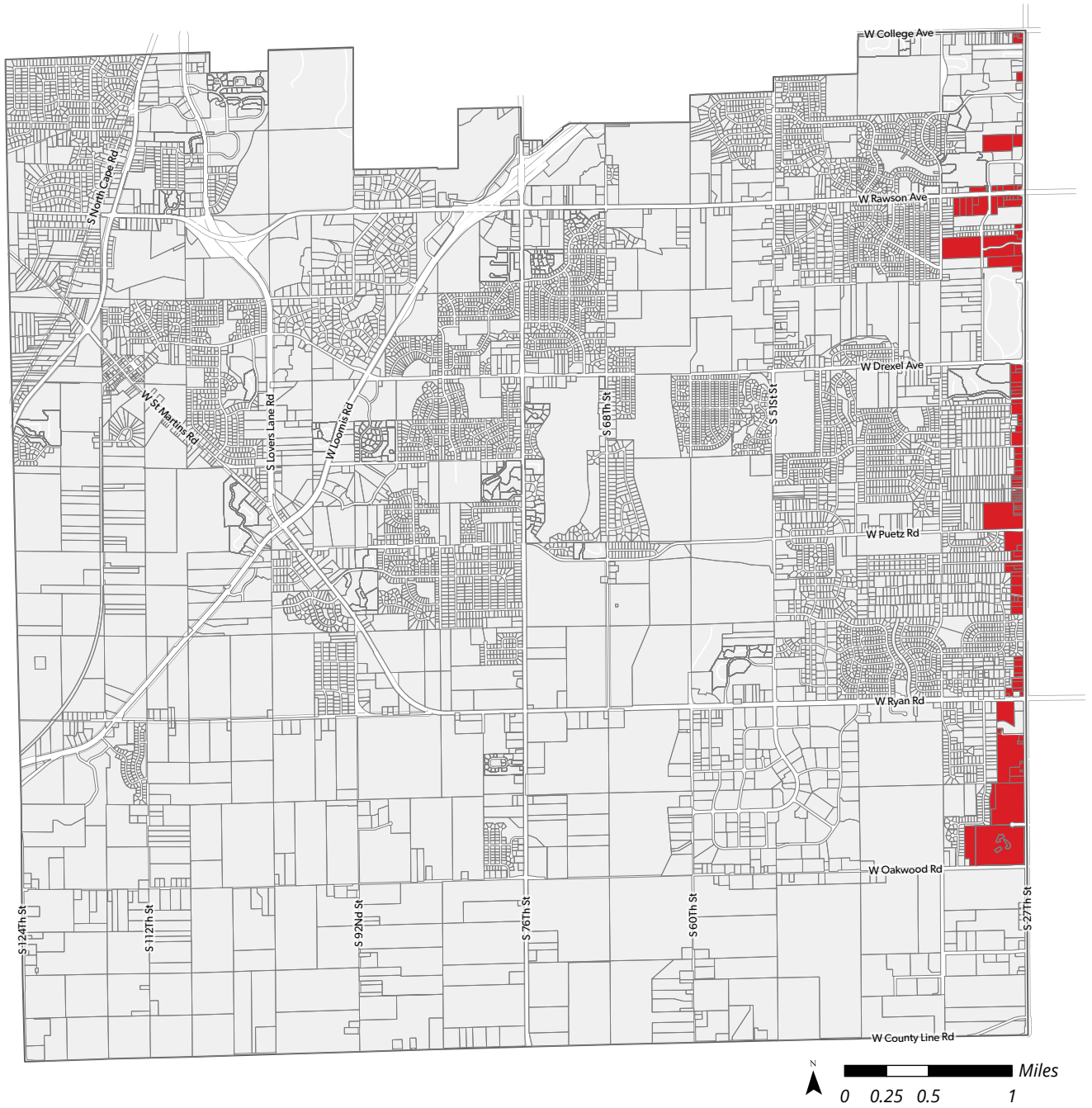


## Current Zoning

- |                                 |                               |
|---------------------------------|-------------------------------|
| B-1 - Neighborhood Business     | RC-1 - Conservation Residence |
| B-2 - General Business          | CC - City Civic Center        |
| B-3 - Community Business        | M-1 - Limited Industrial      |
| B-5 - Highway Business          | M-2 - General Industrial      |
| B-6 - Professional Office       | All Other Districts           |
| OL-2 - General Business Overlay |                               |

Number of parcels  
to be rezoned: 35

# B-4 District

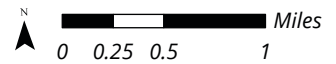
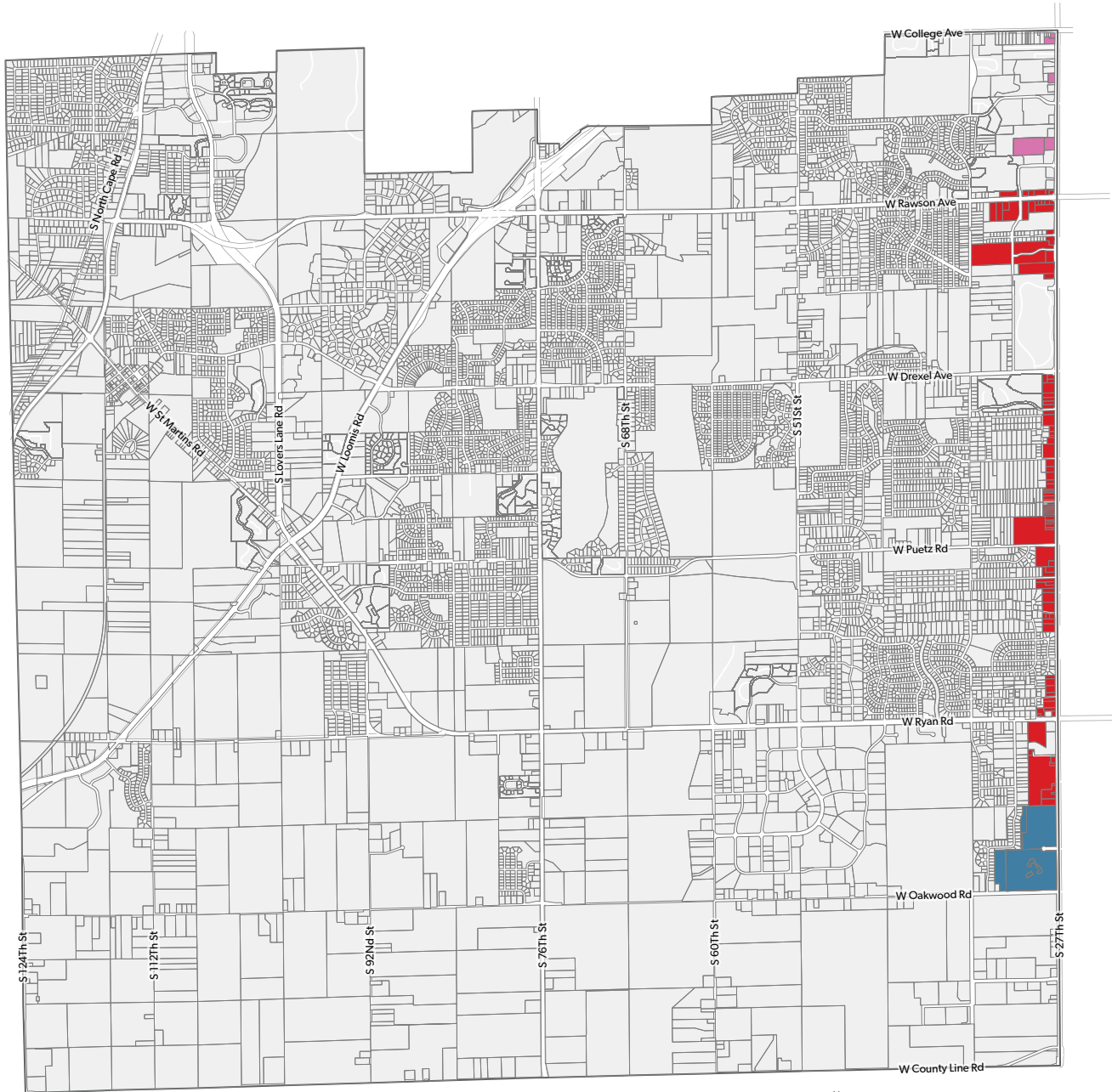


### Proposed Zoning

- B-4 - South 27th Street Mixed Use Commercial
- All Other Districts

Number of parcels  
to be rezoned: 21

# B-4 District

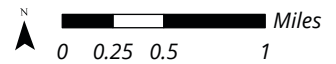
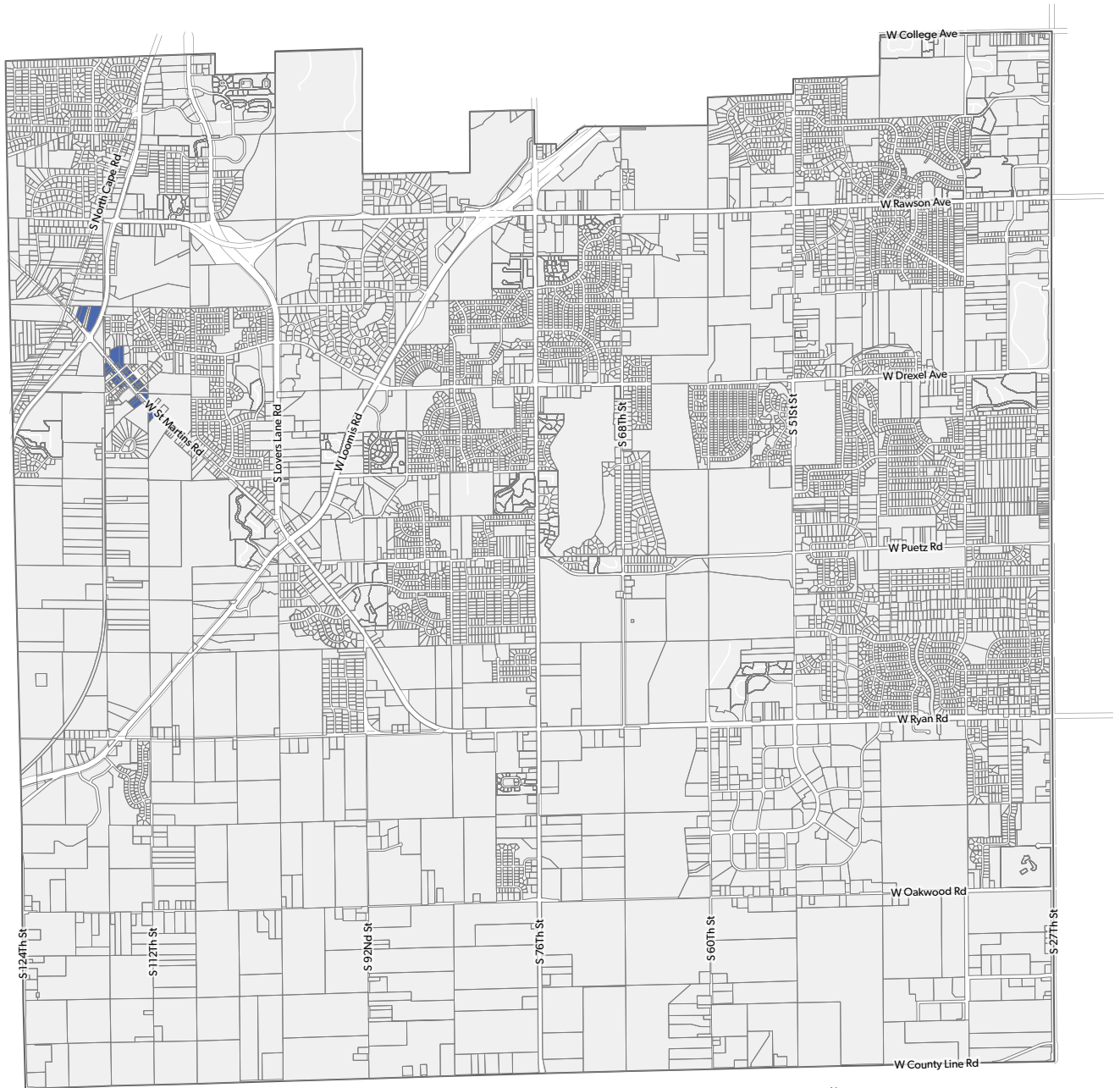


### Current Zoning



- B-2 - General Business
- B-4 - South 27th Street Mixed Use Commercial
- B-7 - South 27th Street Mixed Use Office
- All Other Districts

Number of parcels  
to be rezoned: 35

# VB District > SMHB District



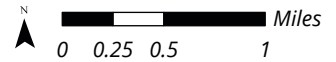
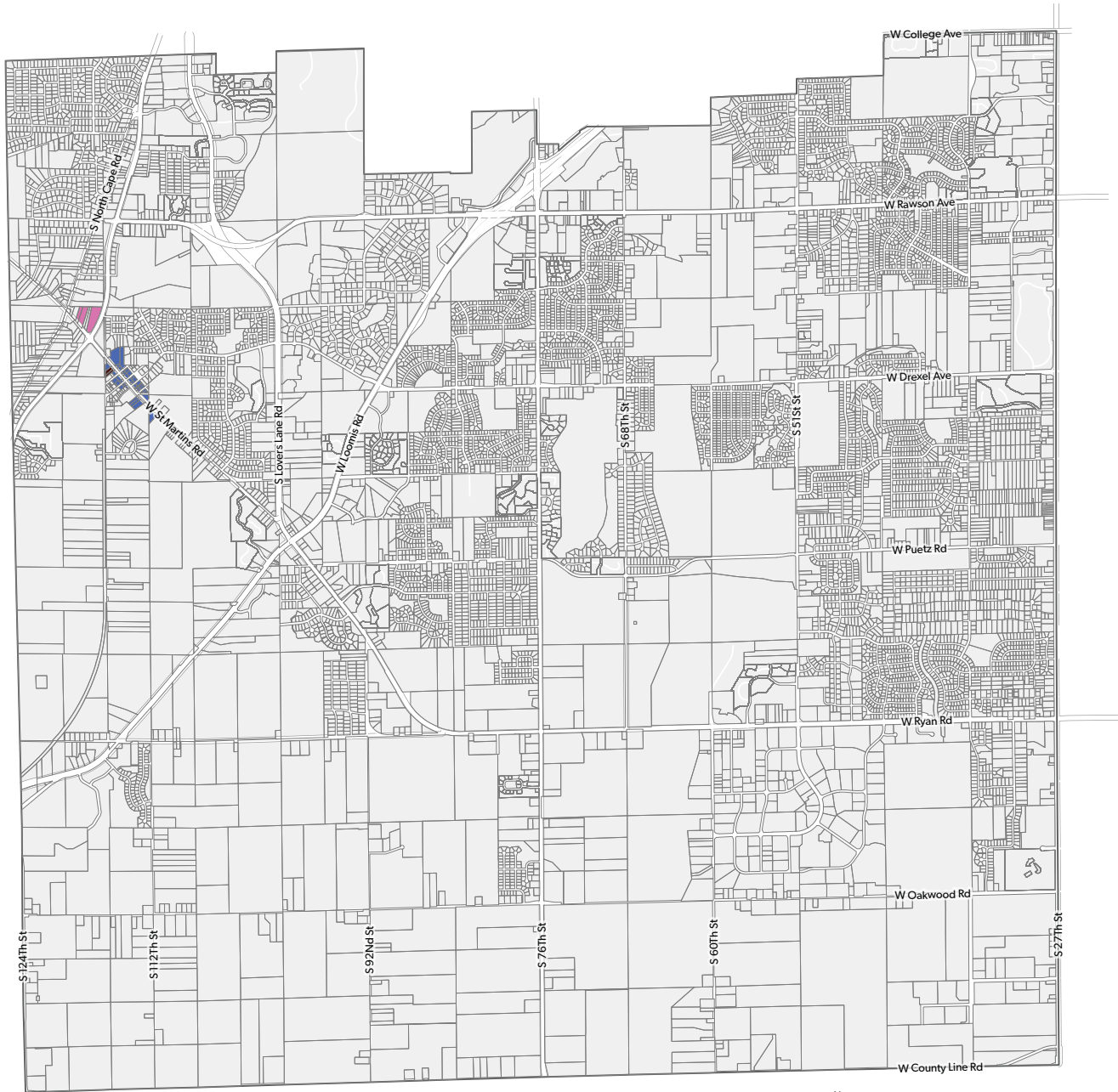
## Proposed Zoning

-  VB - Village Business > SMHB - Saint Martin's Road Historic Business
-  All Other Districts

Number of parcels  
to be rezoned: 5



# VB District > SMHB District

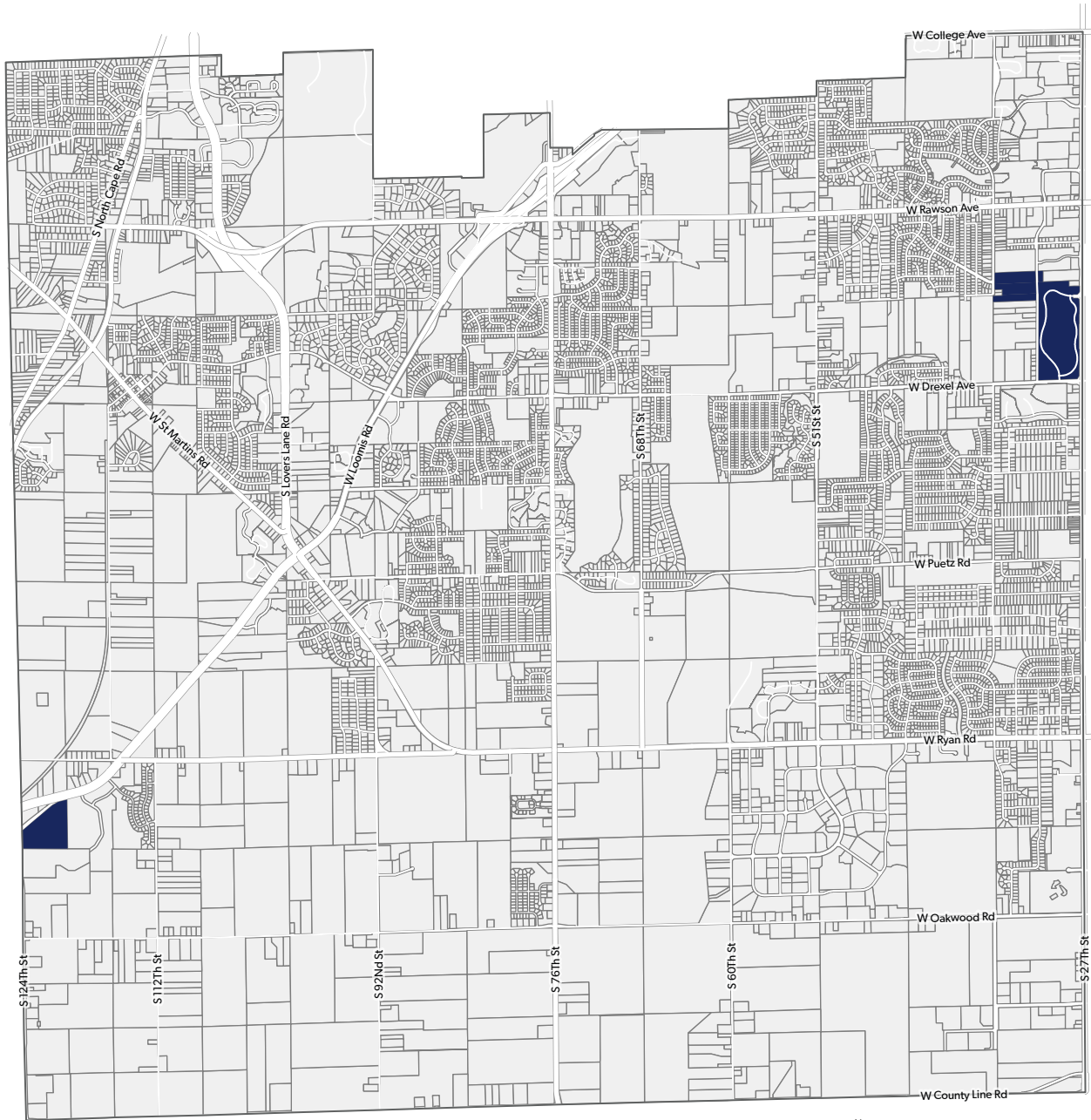


### Current Zoning

- VR - Village Residence
- B-2 - General Business
- VB - Village Business

Number of parcels  
to be rezoned: 7

# BP District

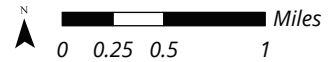
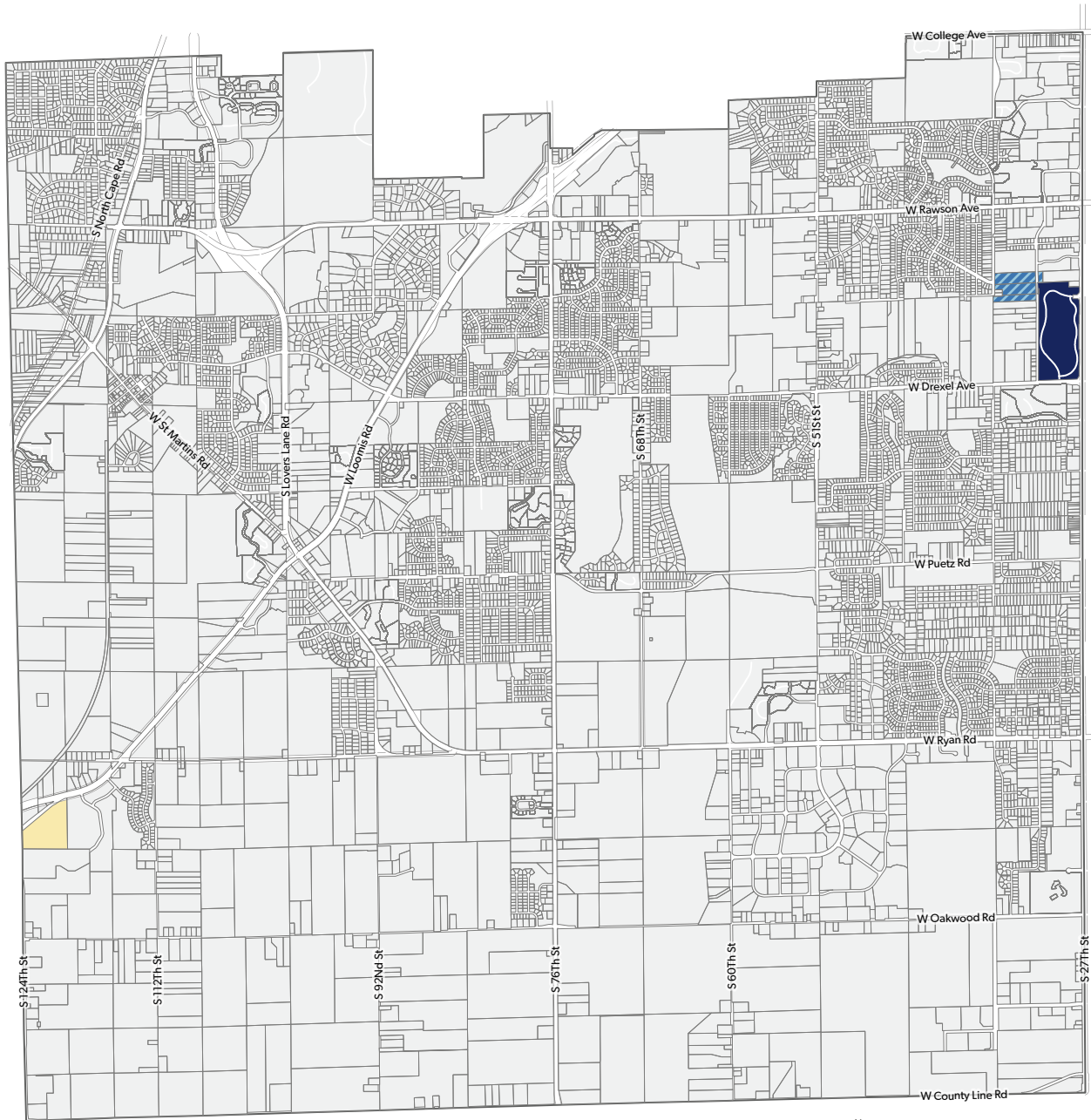


### Proposed Zoning





- BP - Business Park
- All Other Districts

Number of parcels  
to be rezoned: 4

# BP District

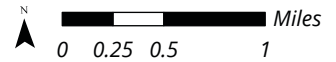
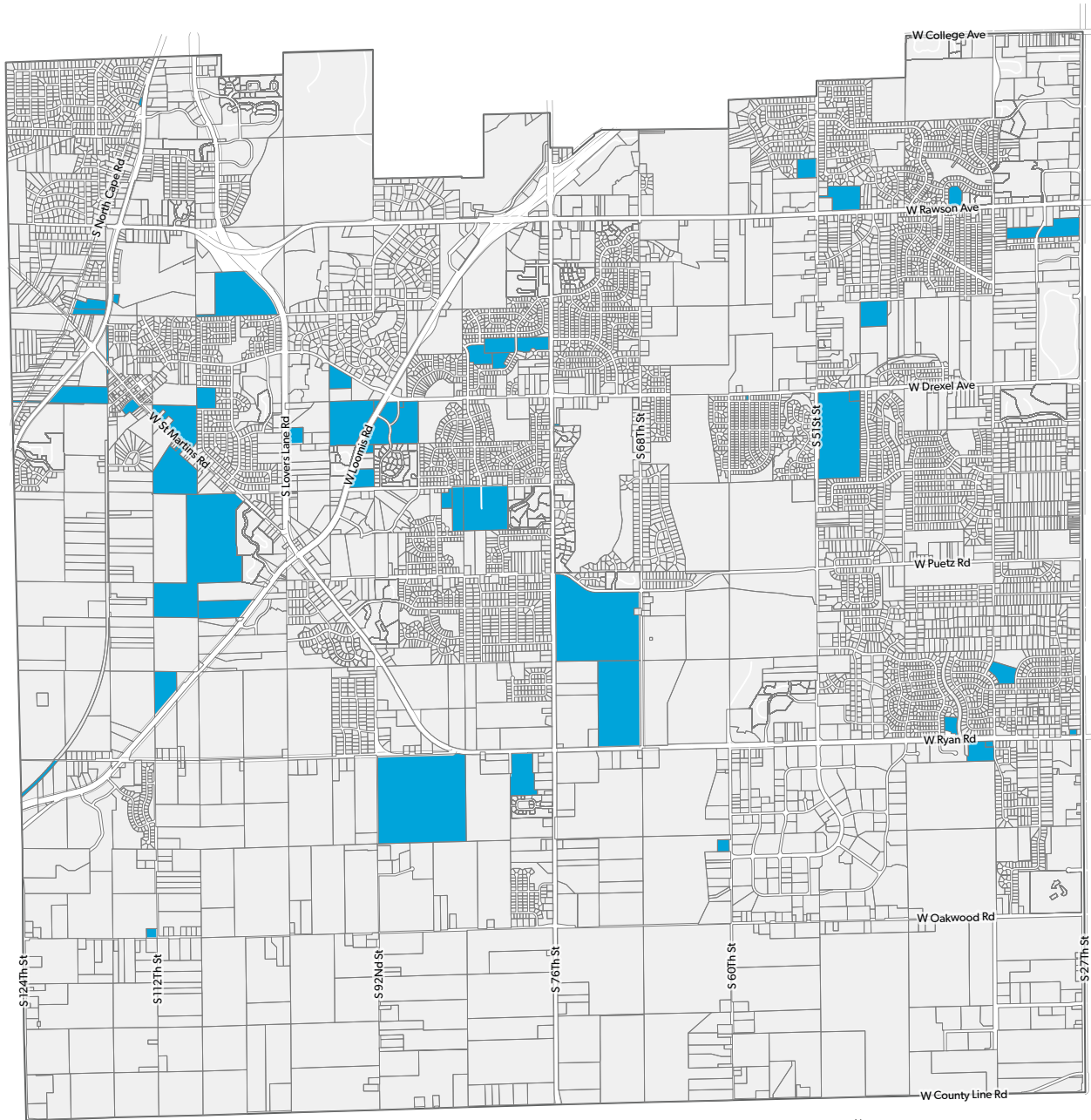


### Current Zoning

-  R-2 - Estate Single-Family Residence
-  BP - Business Park
-  OL-1 - Office Overlay
-  All Other Districts

Number of parcels  
to be rezoned: 4

# I-1 District

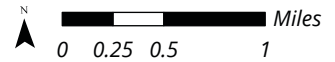
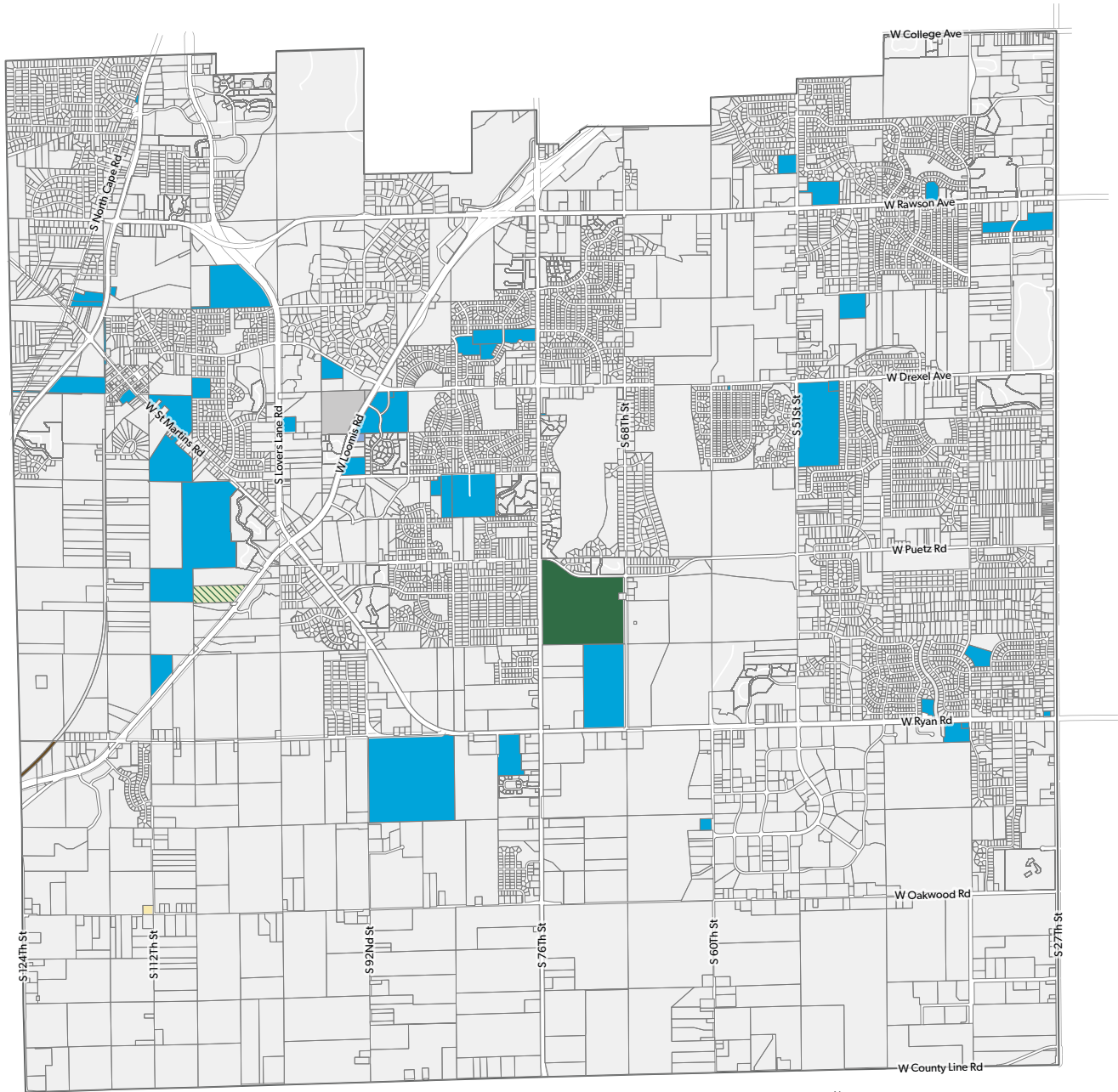


## Proposed Zoning

- I-1 - Institutional
- All Other Districts

Number of parcels  
to be rezoned: 7

# I-1 District

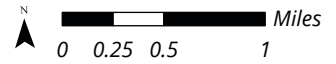
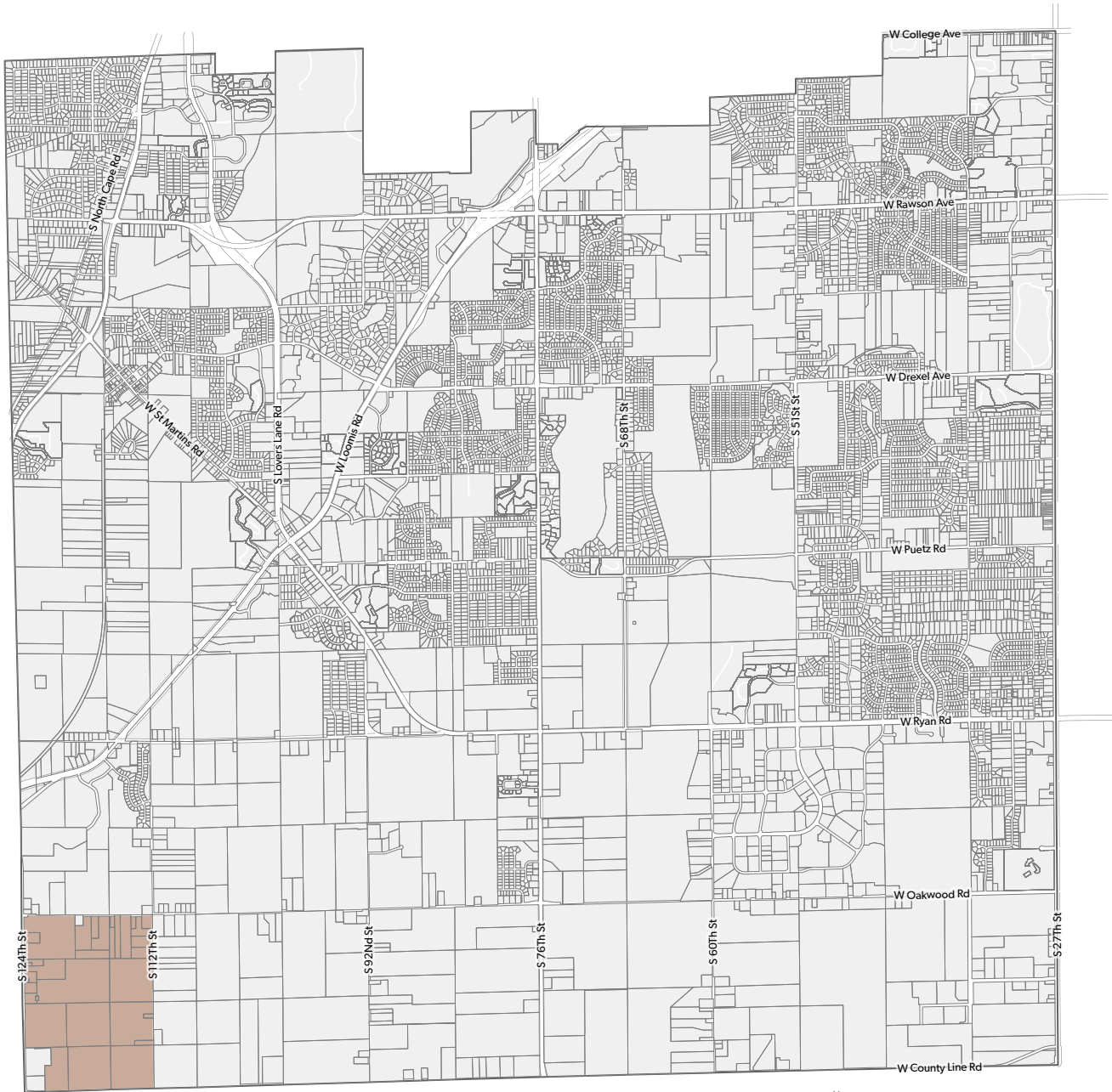


### Current Zoning


- |                                      |                               |
|--------------------------------------|-------------------------------|
| A-1 - Agricultural                   | RC-1 - Conservation Residence |
| R-2 - Estate Single-Family Residence | I-1 - Institutional           |
| R-8 - Multiple-Family Residence      | FW - Floodway                 |
| B-6 - Professional Office            |                               |

Number of parcels  
to be rezoned: 7

# L-1 District

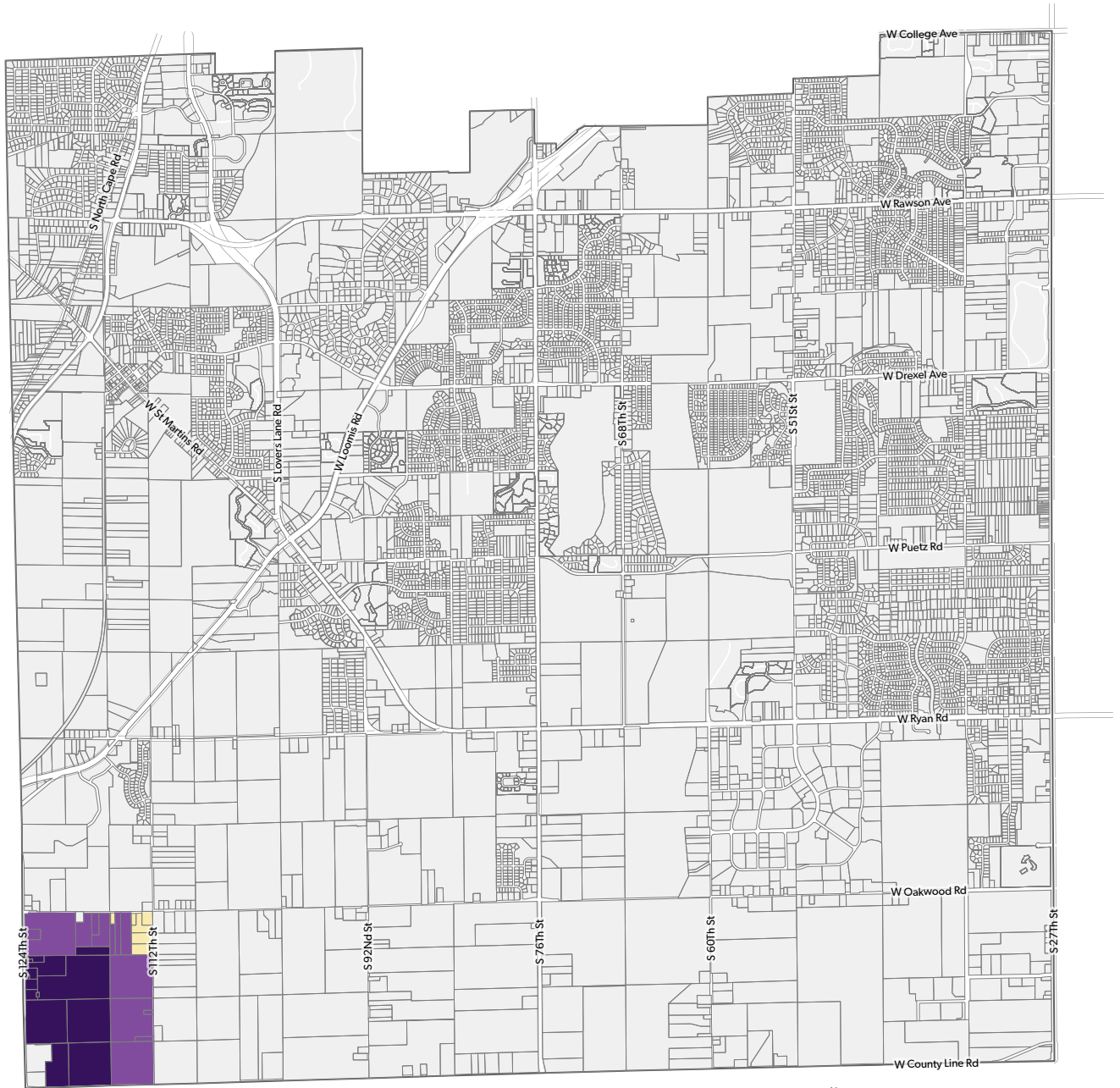


### Proposed Zoning

 L-1 - Land Fill

Number of parcels  
to be rezoned: 33

# L-1 District

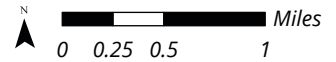
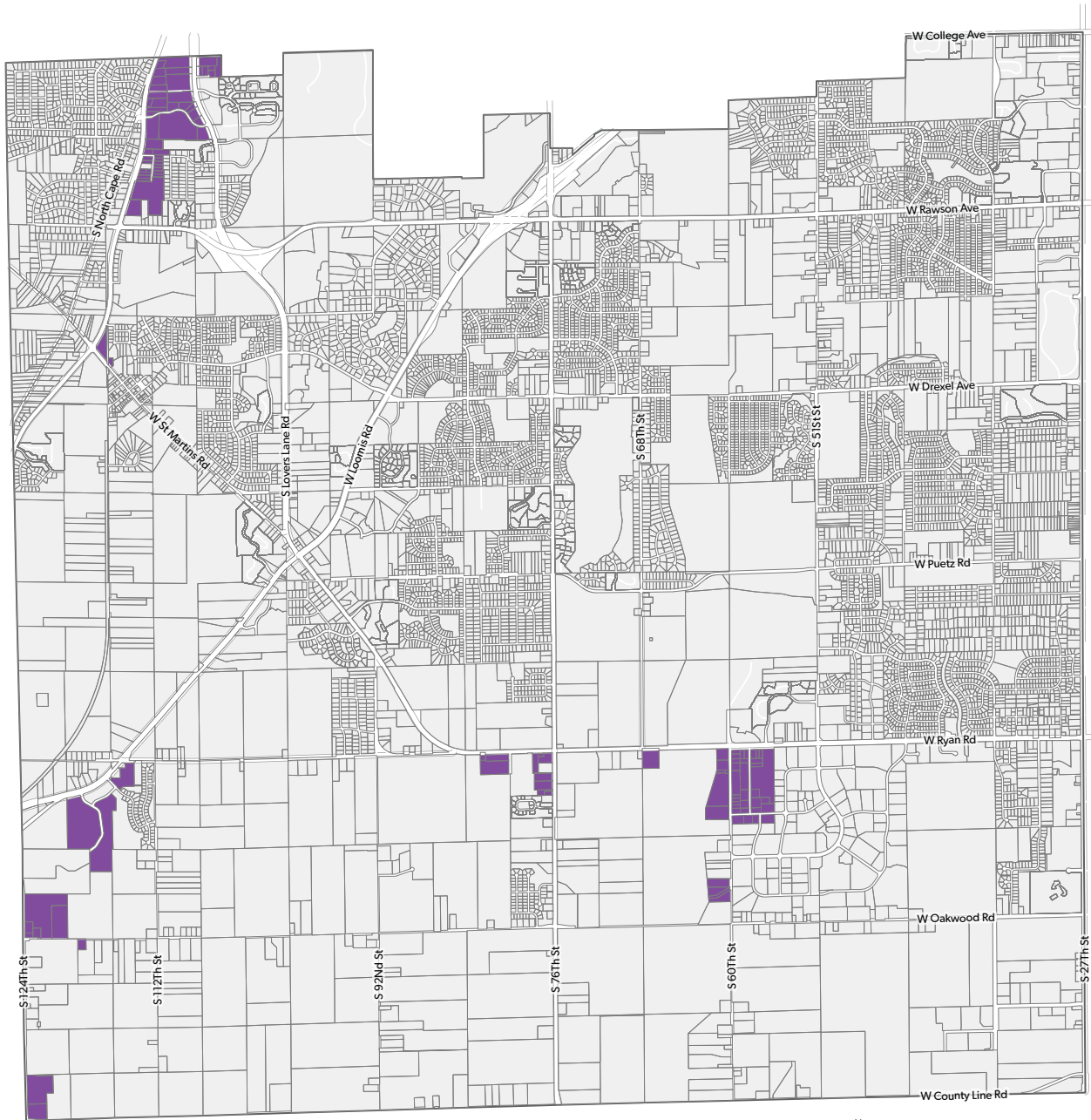


### Current Zoning



- R-2 - Estate Single-Family Residence
- M-1 - Limited Industrial
- M-2 - General Industrial

Number of parcels  
to be rezoned: 33

# M-1 District



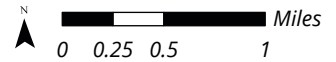
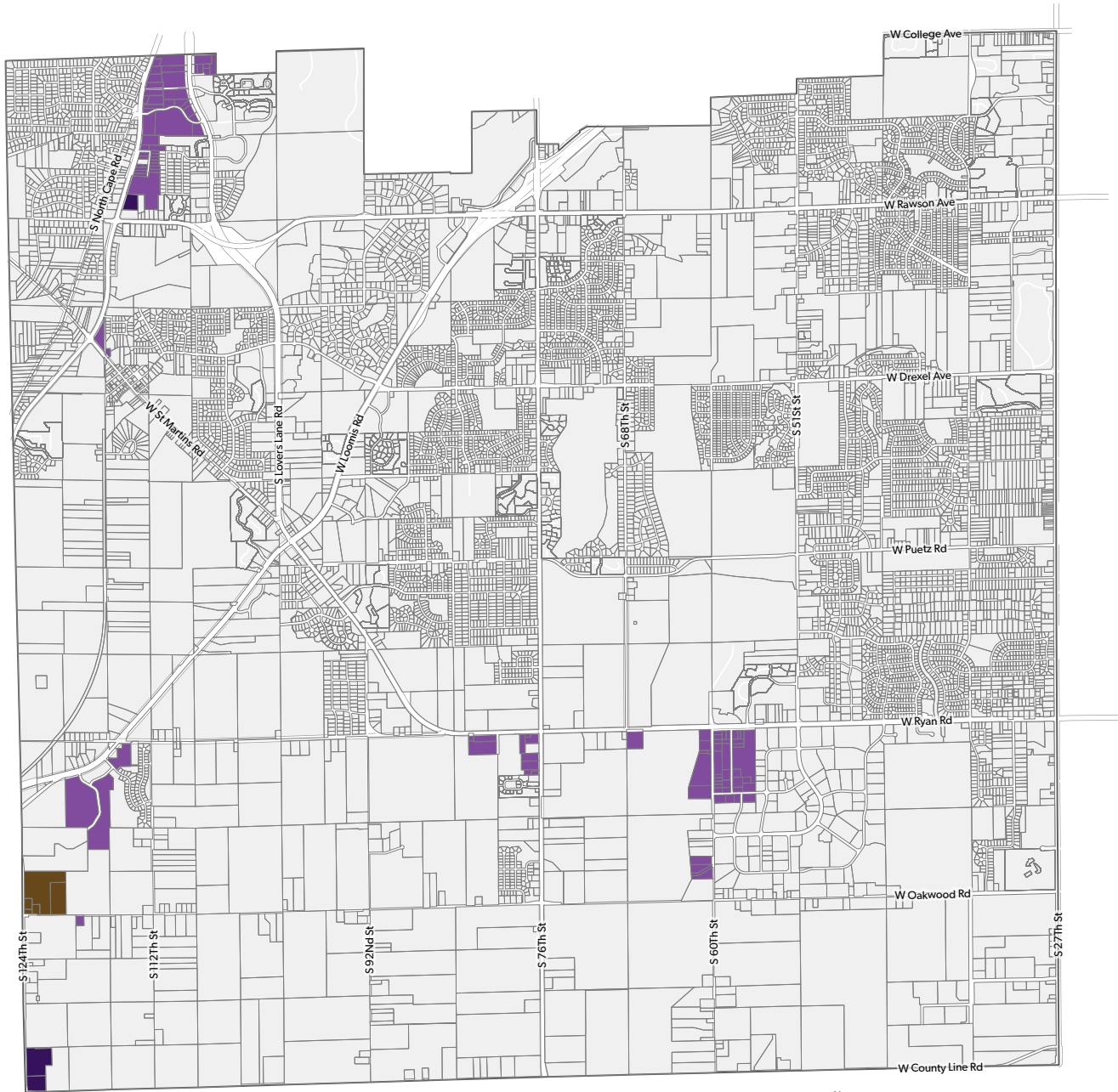
## Proposed Zoning

-  M-1 - Limited Industrial
-  All Other Districts

Number of parcels  
to be rezoned: 8



# M-1 District

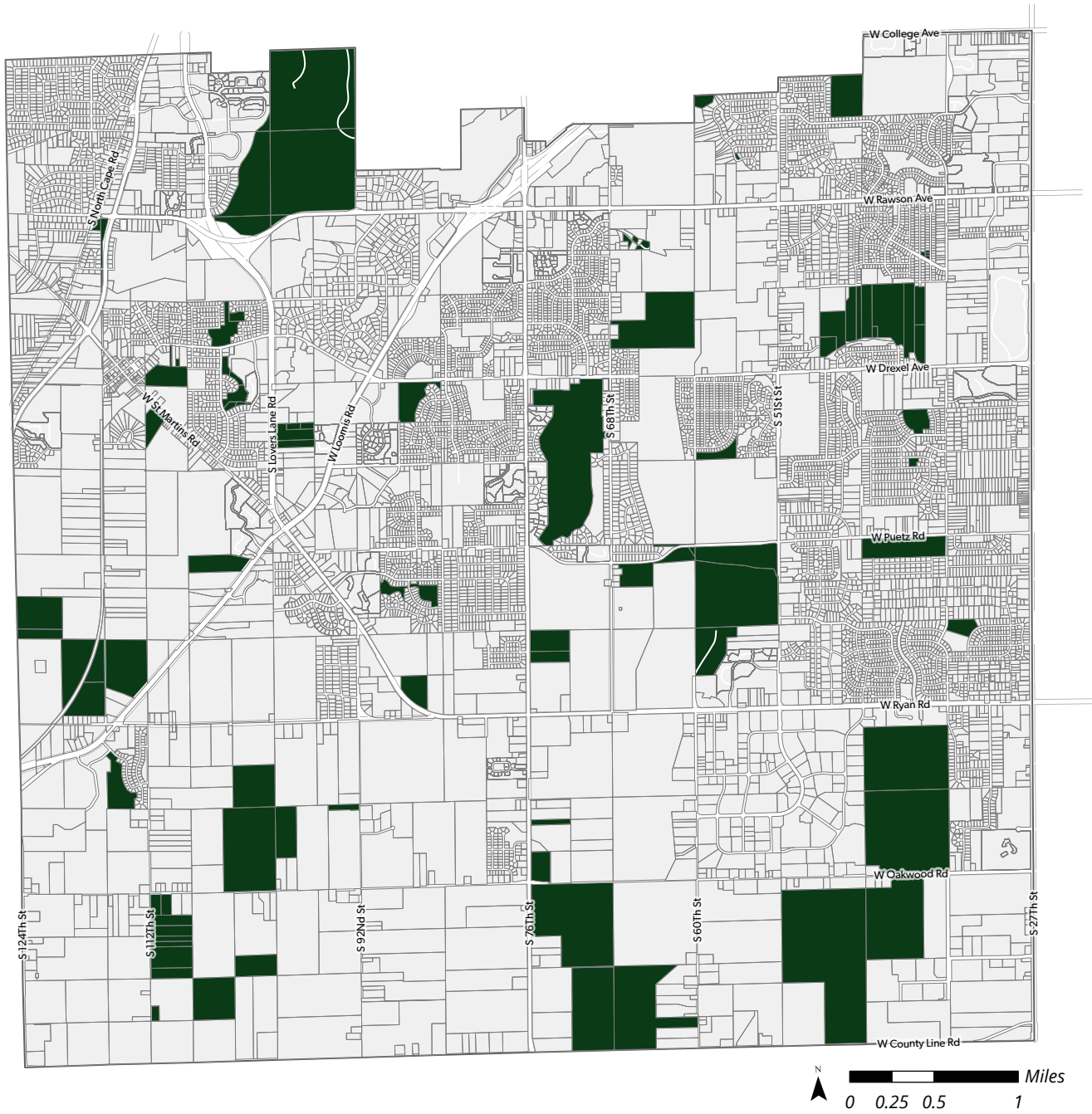


## Current Zoning

- R-8 - Multiple-Family Residence
- M-1 - Limited Industrial
- M-2 - General Industrial
- All Other Districts

Number of parcels  
to be rezoned: 8

# P-1 District

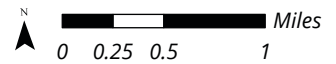
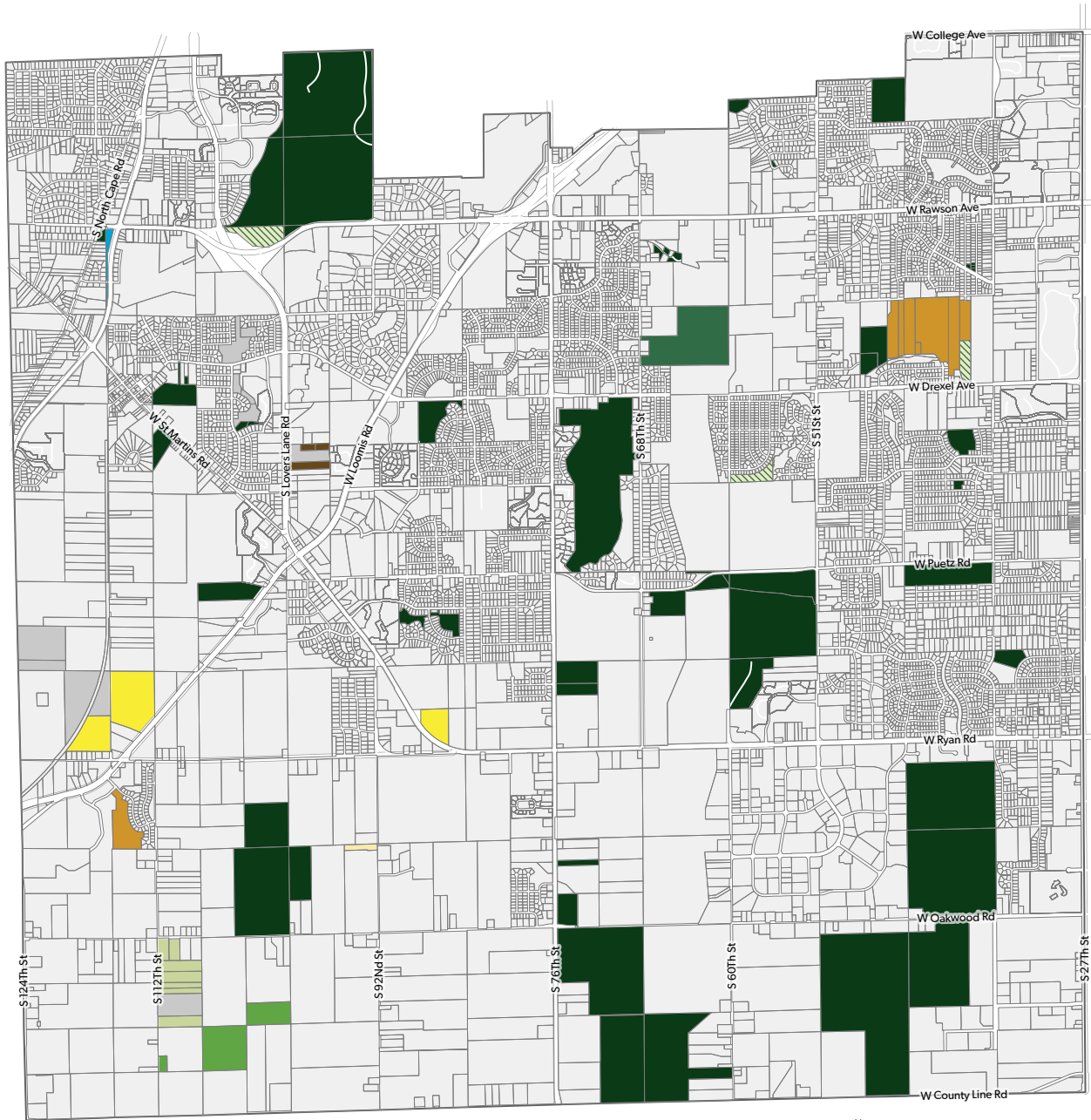


### Proposed Zoning

- P-1 - Park
- All Other Districts

Number of parcels  
to be rezoned: 40

# P-1 District

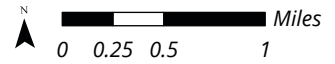
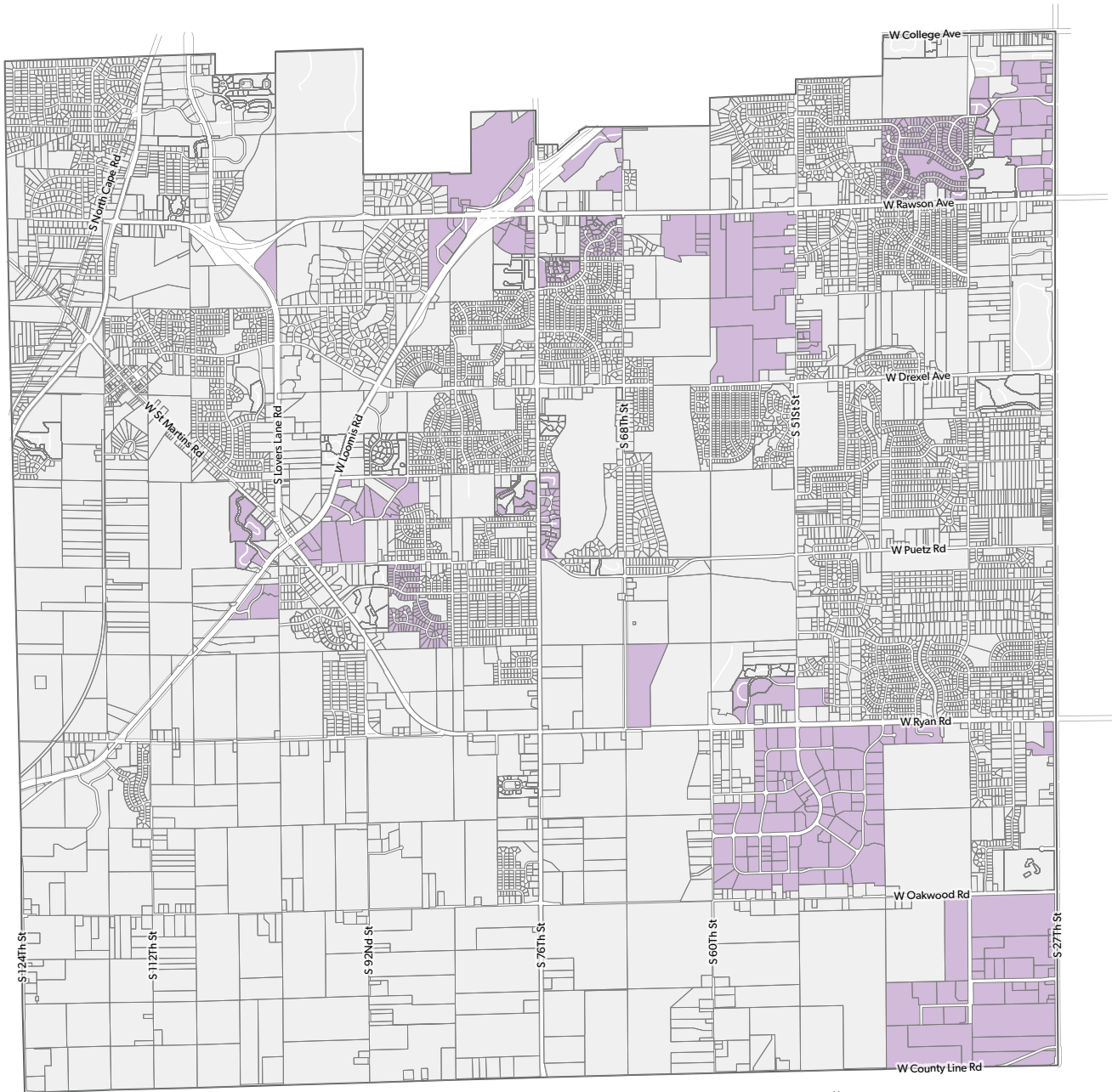


## Current Zoning



- |  |                                 |
|--|---------------------------------|
| A-1 - Agricultural                               | R-8 - Multiple-Family Residence |
| A-2 - Prime Agricultural                         | RC-1 - Conservation Residence   |
| R-1 - Countryside/Estate Single-Family Residence | I-1 - Institutional             |
| R-2 - Estate Single-Family Residence             | P-1 - Park                      |
| R-3 - Suburban/Estate Single-Family Residence    | FW - Floodway                   |
| R-6 - Suburban Single-Family Residence           | All Other Districts             |

Number of parcels  
to be rezoned: 40

# PDL District

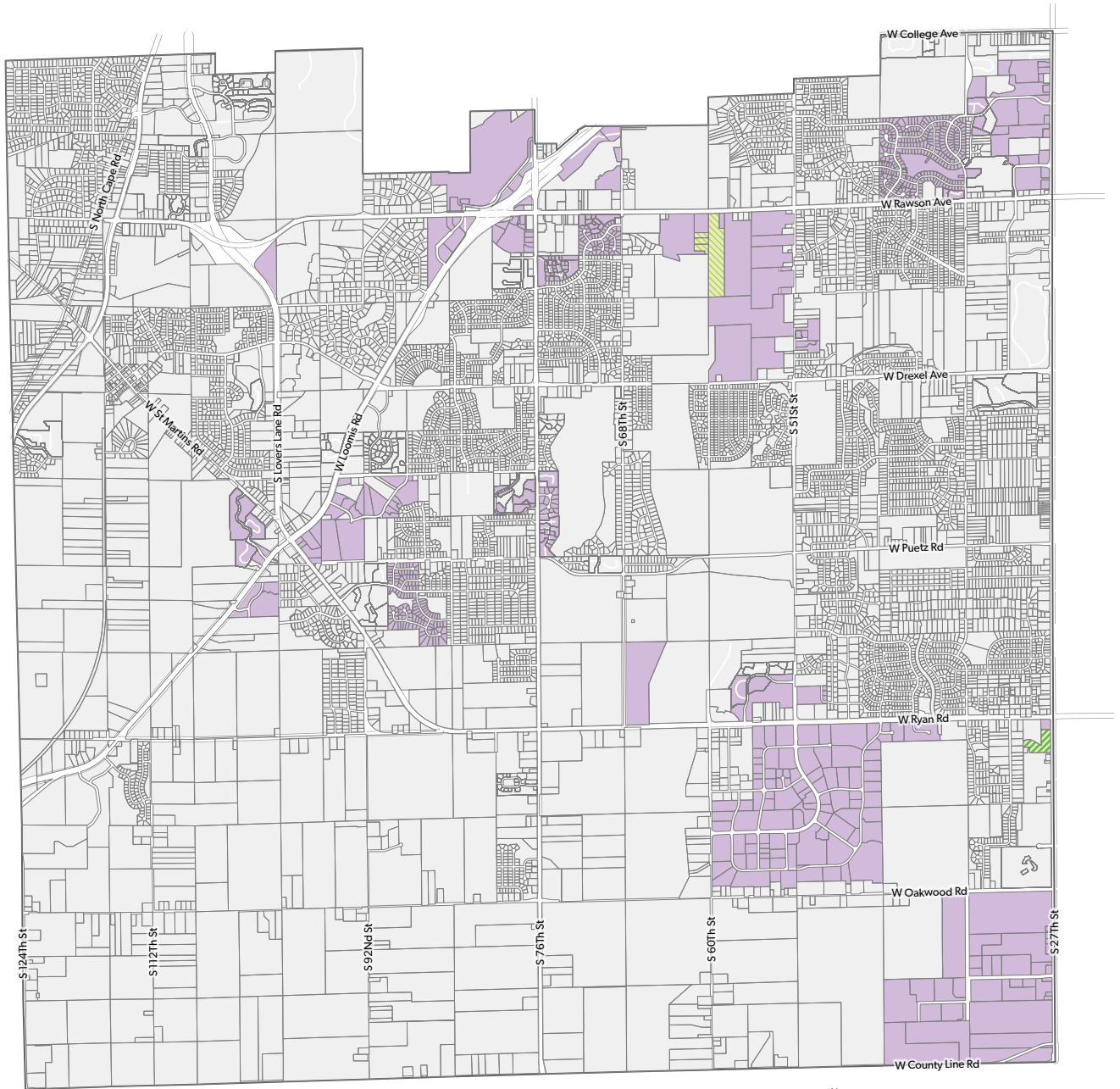


### Proposed Zoning


-  PDL - Planned Development Legacy Districts
-  All Other Districts

Number of parcels  
to be rezoned: 5

# PDL District

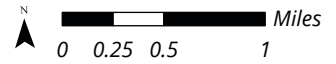
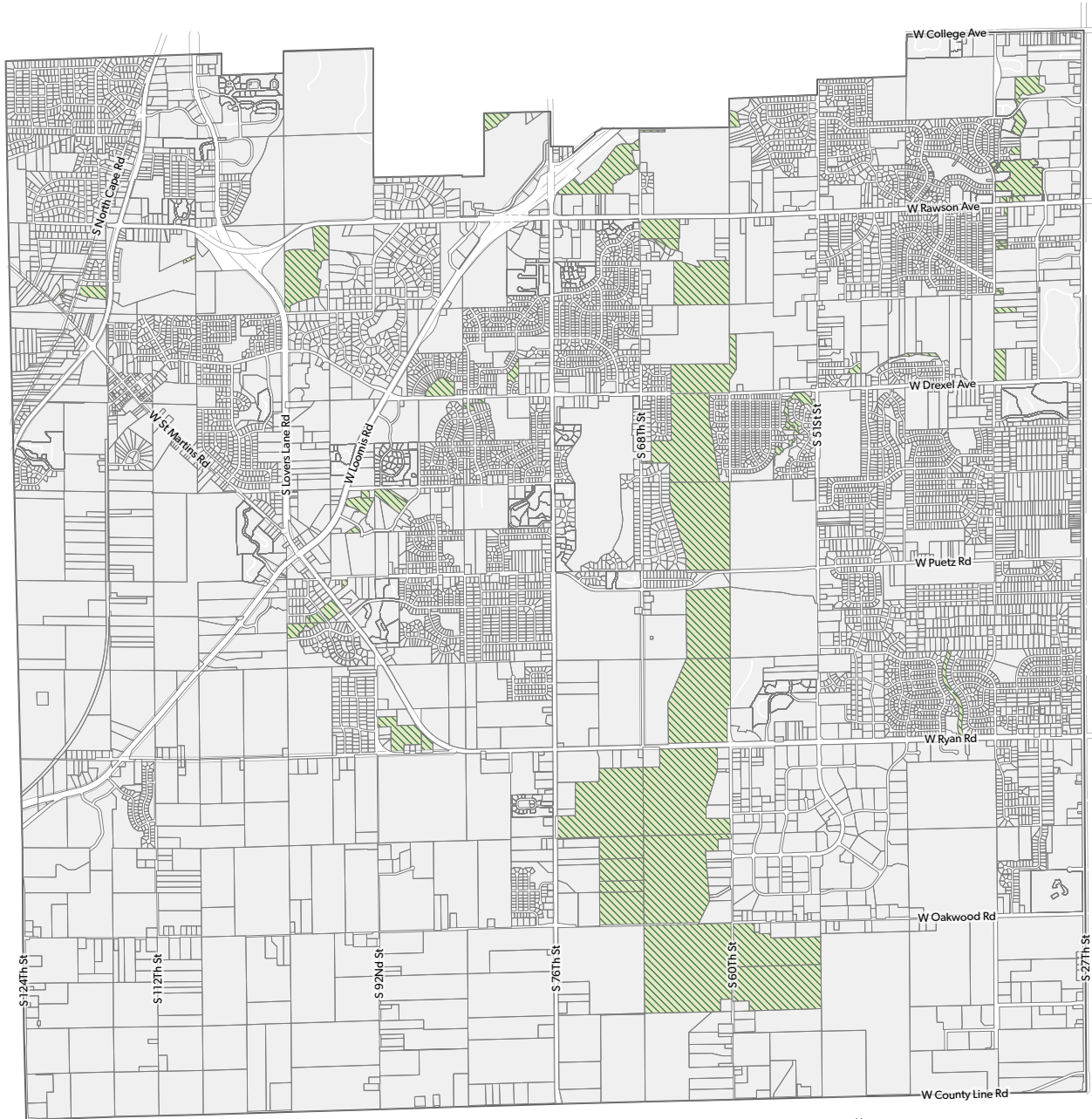


## Current Zoning



-  PDD - Planned Development Districts
-  FC - Floodplain Conservancy
-  FFO - Floodplain Fringe Overlay
-  All Other Districts

Number of parcels  
to be rezoned: 5

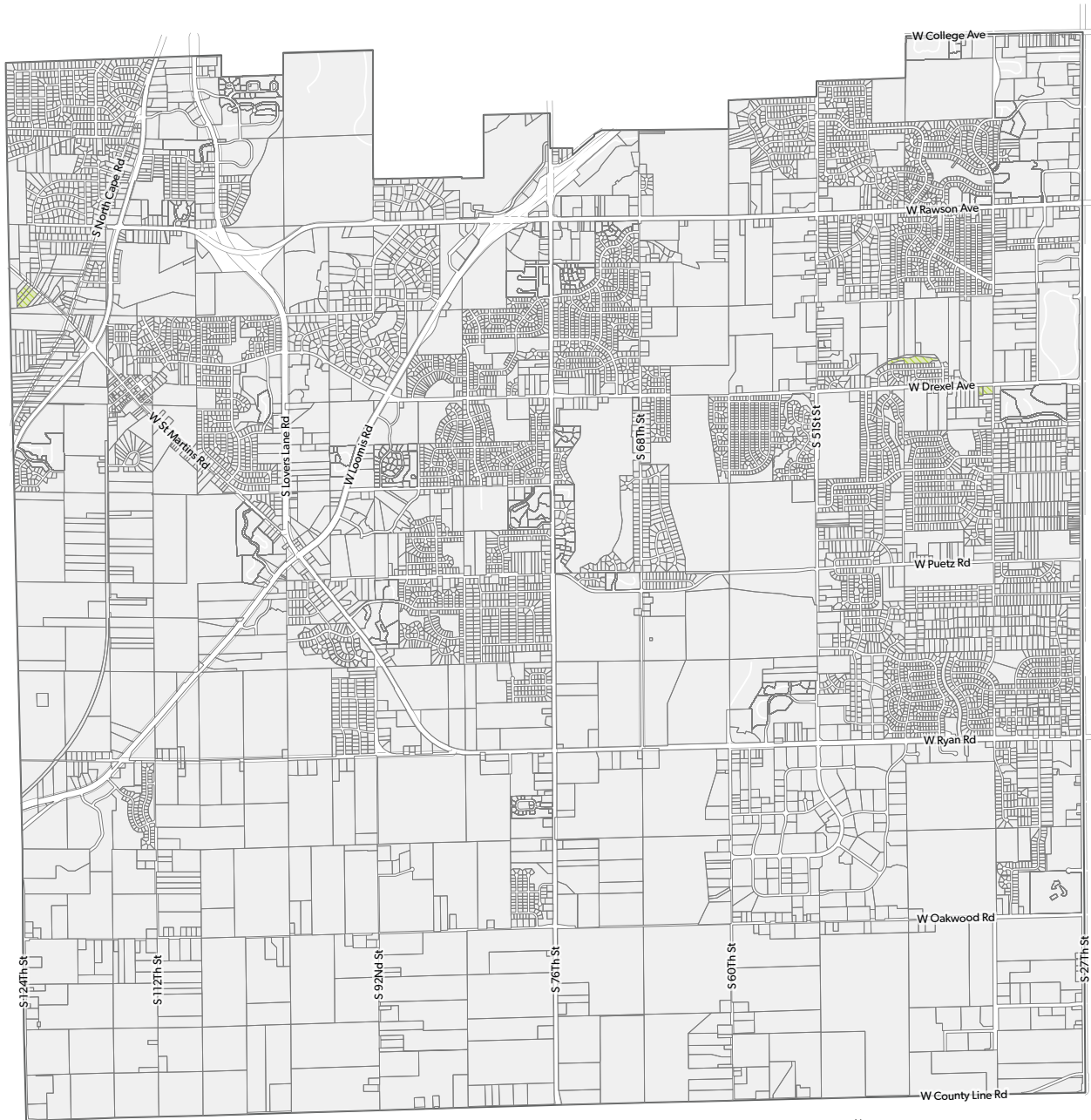
# FW District




### Proposed Zoning

-  FW - Floodway
-  All Other Districts

# FFO District



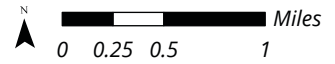
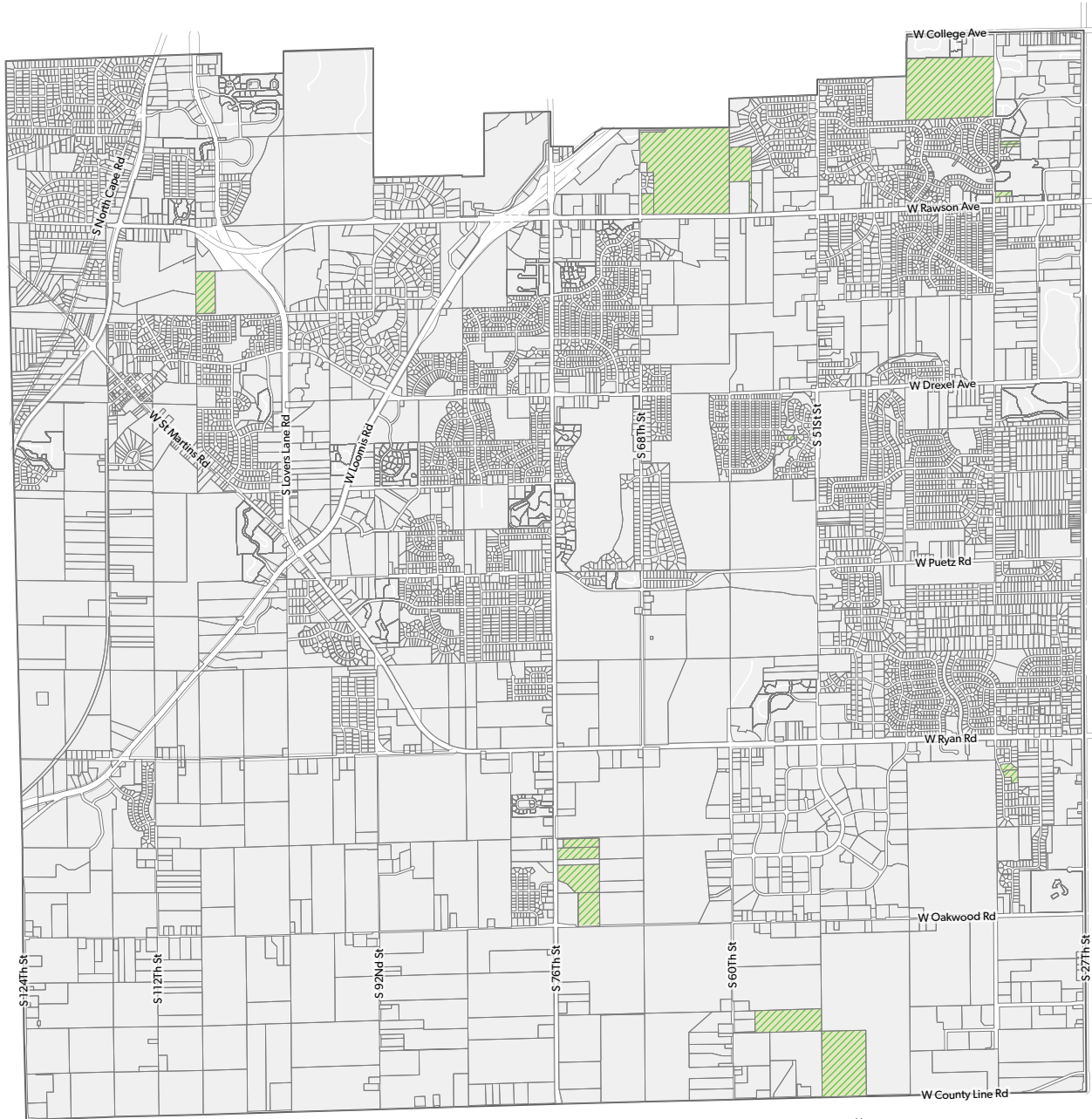
## Proposed Zoning

 FFO - Floodplain Fringe Overlay

 All Other Districts

City of Franklin

# FC District



## Proposed Zoning

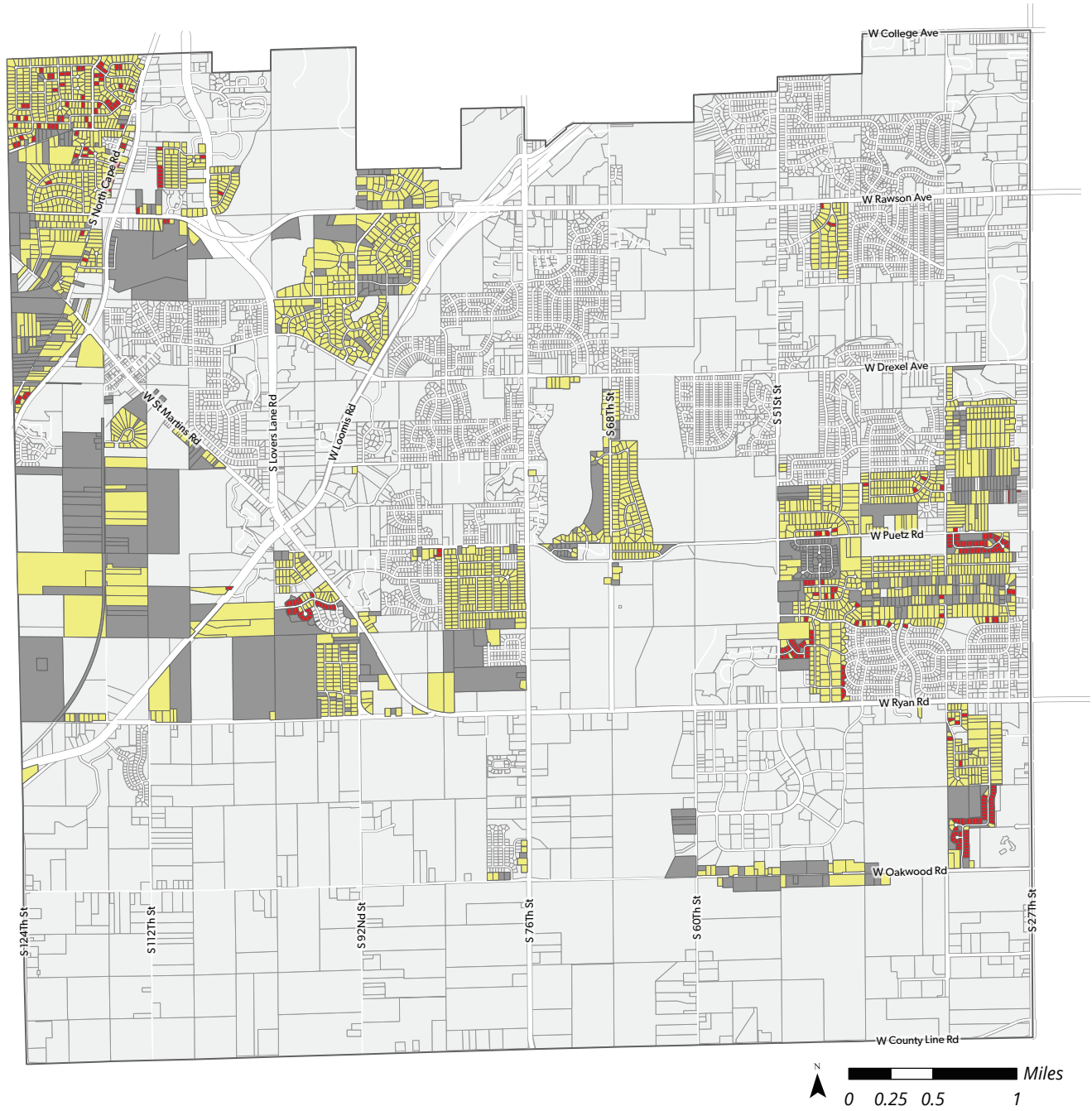
Proposed Zoning

 FC - Floodplain Conservancy

 All Other Districts



# Nonconformity Analysis

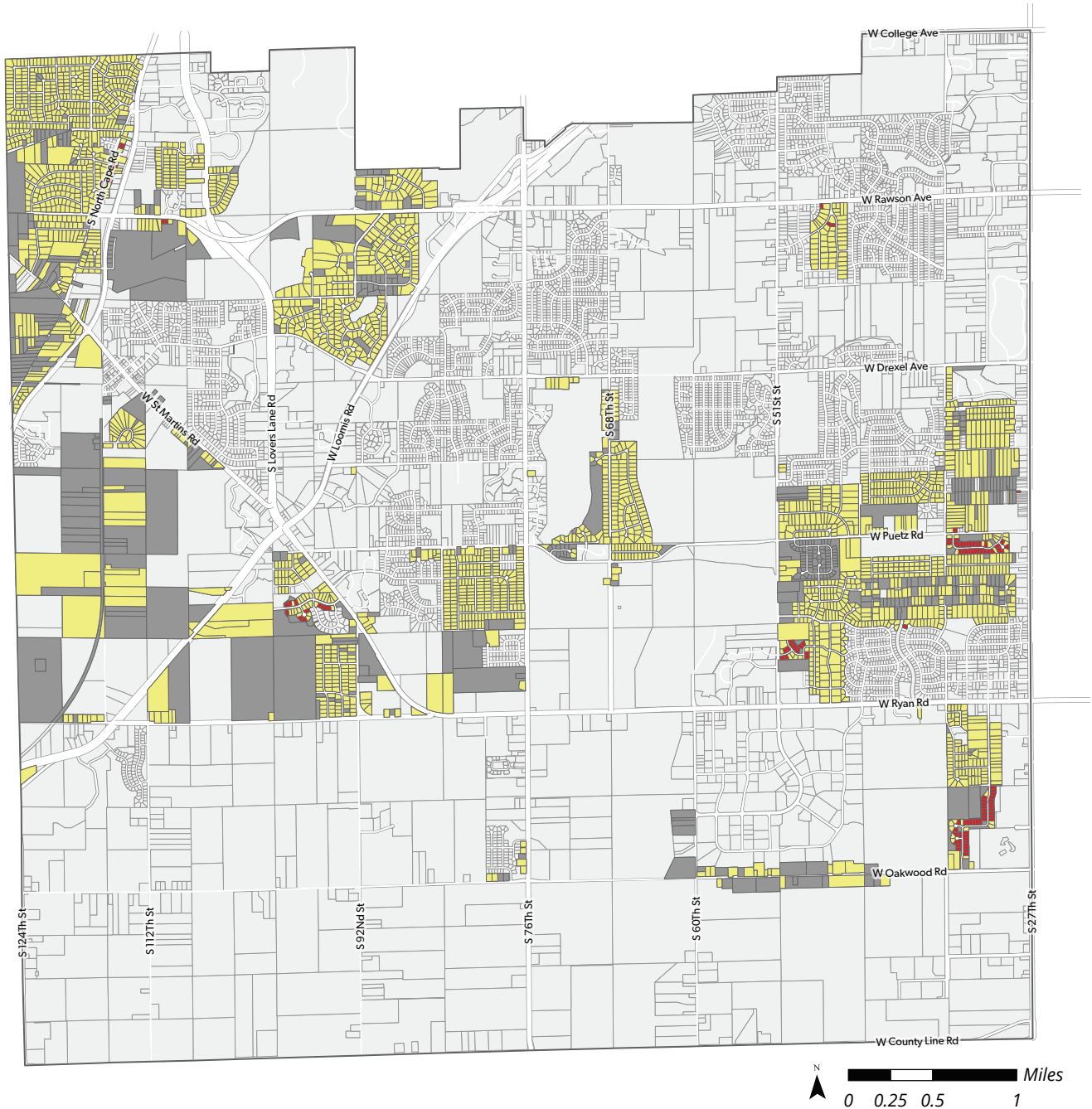


## Proposed R-3 District - Lot Area Analysis

- Less than 20,000 sq. ft. (Nonconforming)
- Greater than or equal to 20,000 sq. ft. (Conforming)
- Parcels with insufficient data

Minimum lot size: 20,000 sq. ft. (Existing minimum)  
Total nonconforming lots: 260  
Total conforming lots: 2,405  
Percentage nonconforming: 10%

# Nonconformity Analysis

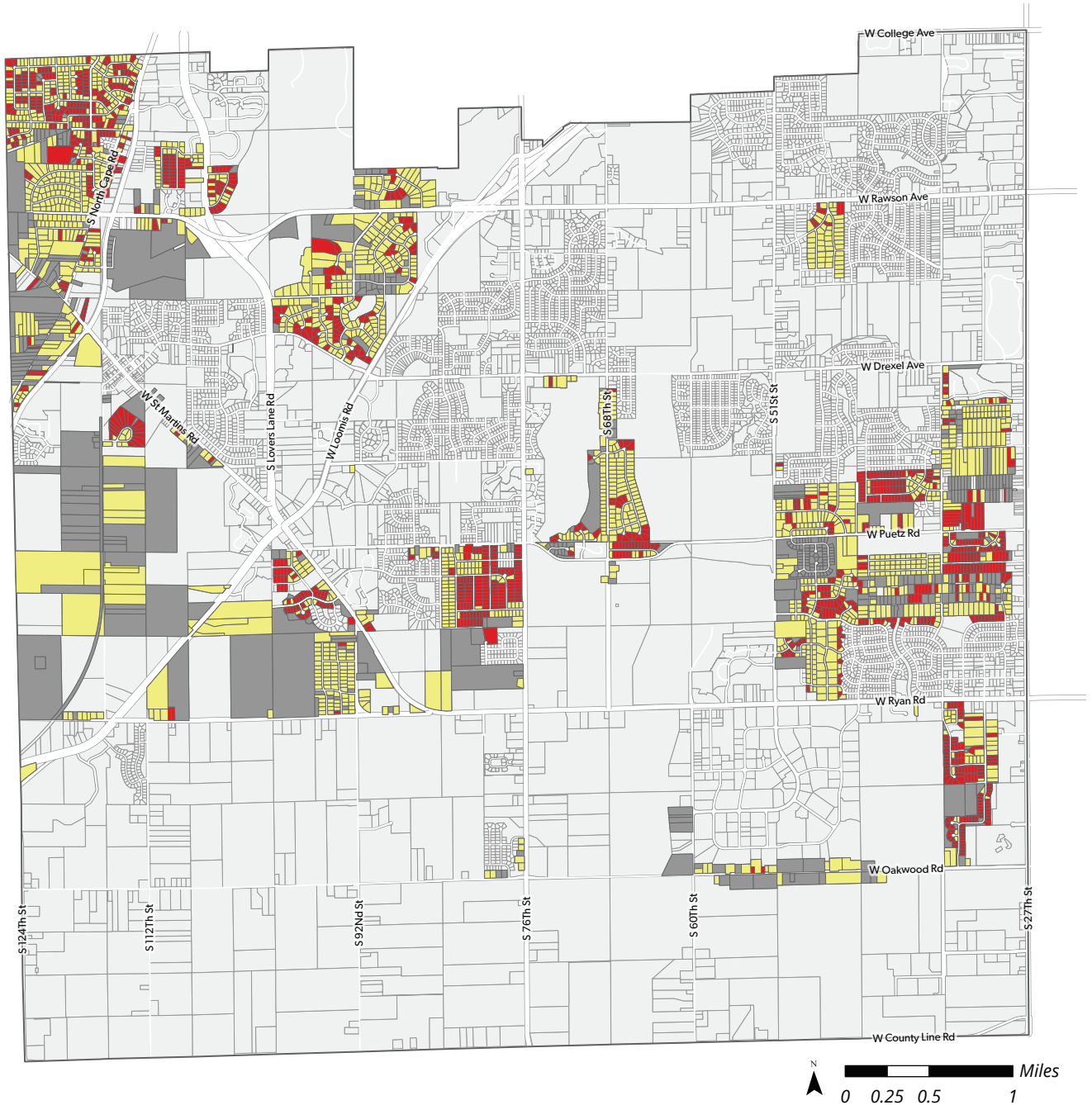


## Proposed R-3 District - Lot Area Analysis

- Less than 18,000 sq. ft. (Nonconforming)
- Parcels with insufficient data
- Greater than or equal to 18,000 sq. ft. (Conforming)

Minimum lot size: 18,000 sq. ft. (Alternative)  
Total nonconforming lots: 107  
Total conforming lots: 2,558  
Percentage nonconforming: 4%

# Nonconformity Analysis

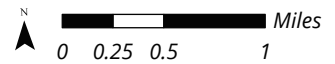
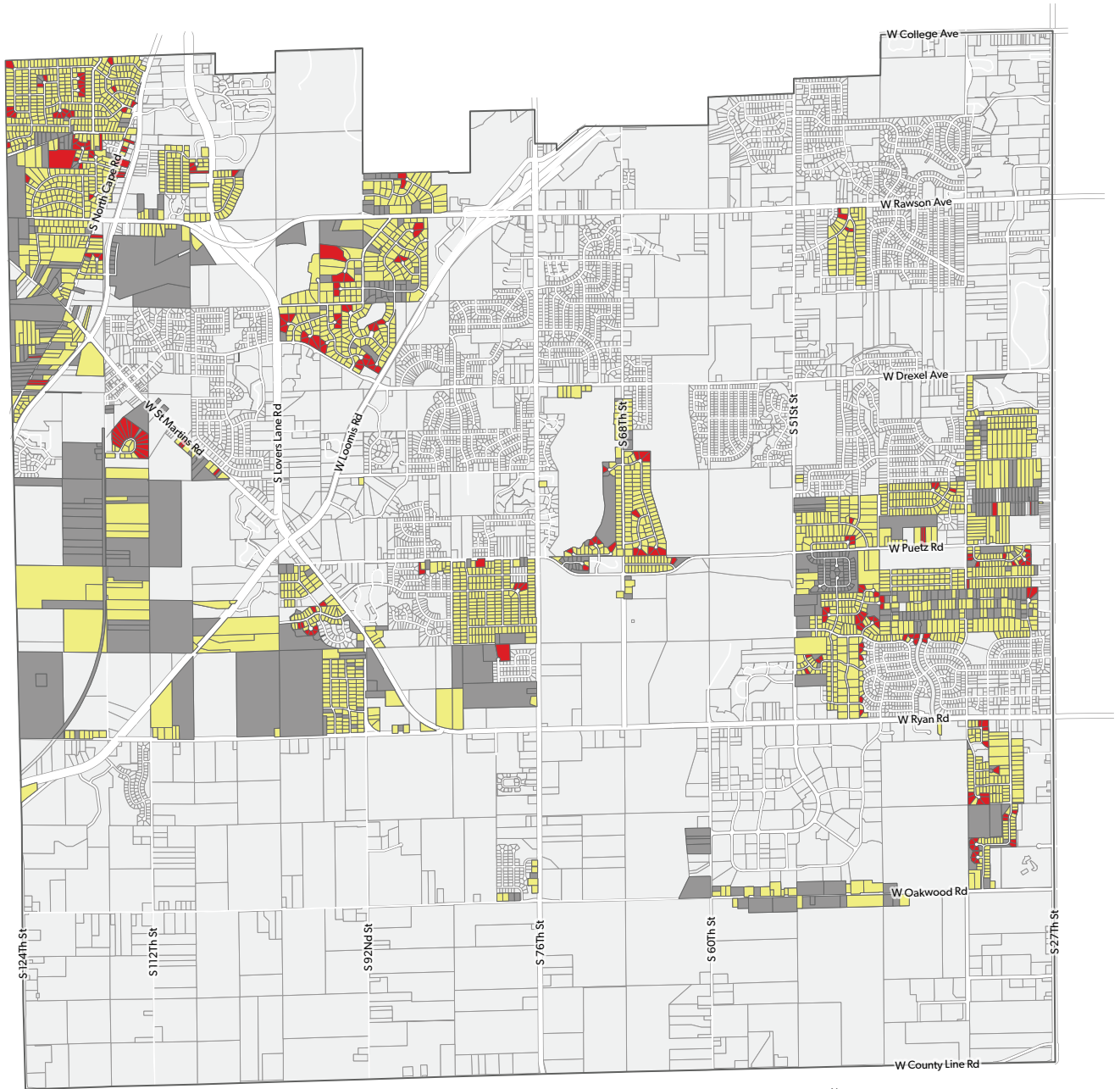


## Proposed R-3 District - Lot Width Analysis

- Less than 110 ft (Nonconforming)
- Parcels with insufficient data
- Greater than or equal to 110 ft (Conforming)

Minimum lot width: 110 ft (Existing minimum)  
Total nonconforming lots: 1,007  
Total conforming lots: 1,658  
Percentage nonconforming: 38%

# Nonconformity Analysis

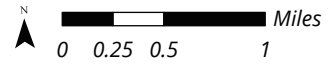
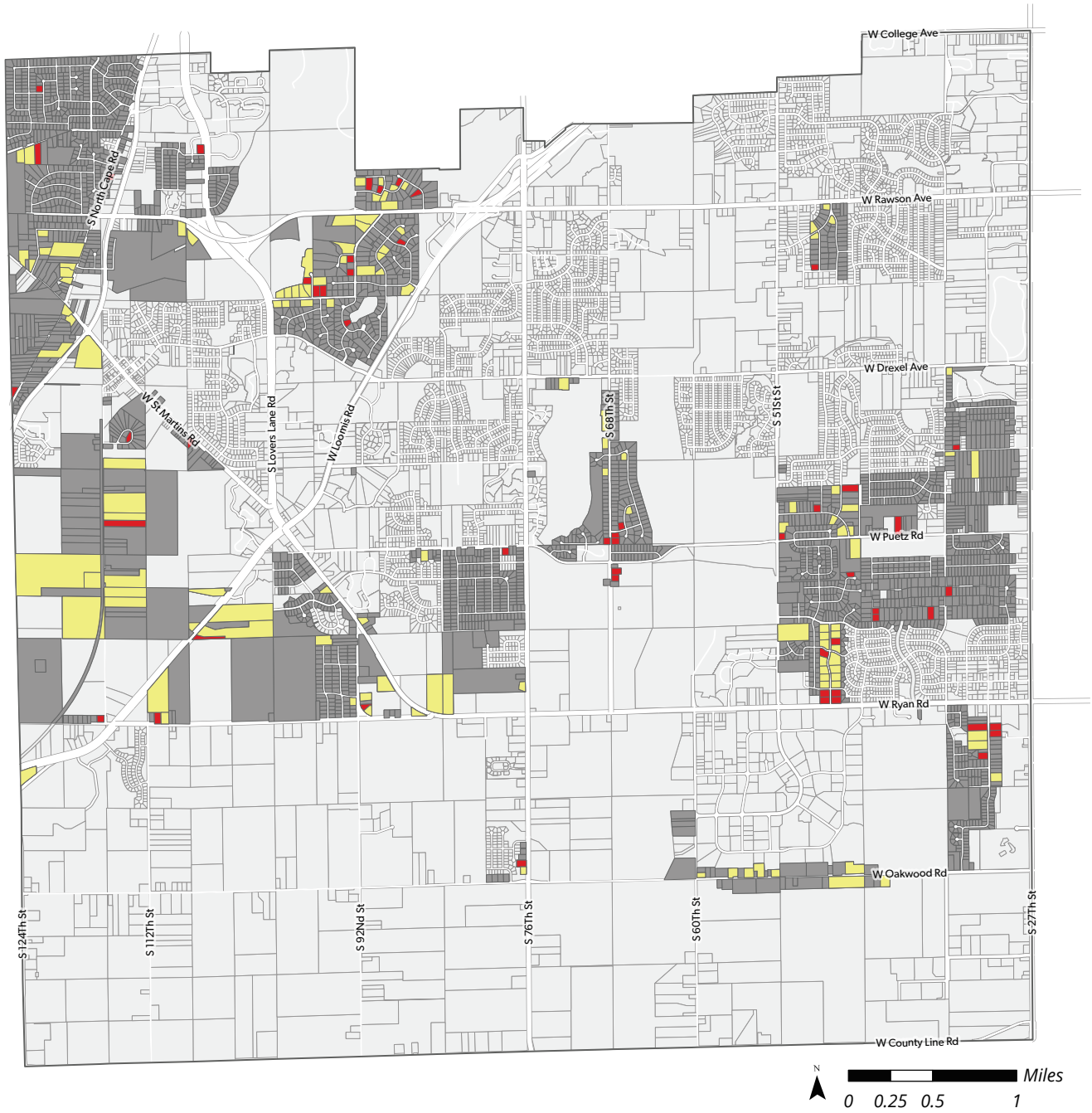


### Proposed R-3 District - Lot Width Analysis

- Less than 90 ft (Nonconforming)
- Parcels with insufficient data
- Greater than or equal to 90 ft (Conforming)

Minimum lot width: 90 ft (Alternative)  
Total nonconforming lots: 226  
Total conforming lots: 2,439  
Percentage nonconforming: 8%

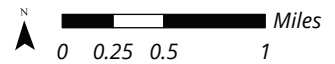
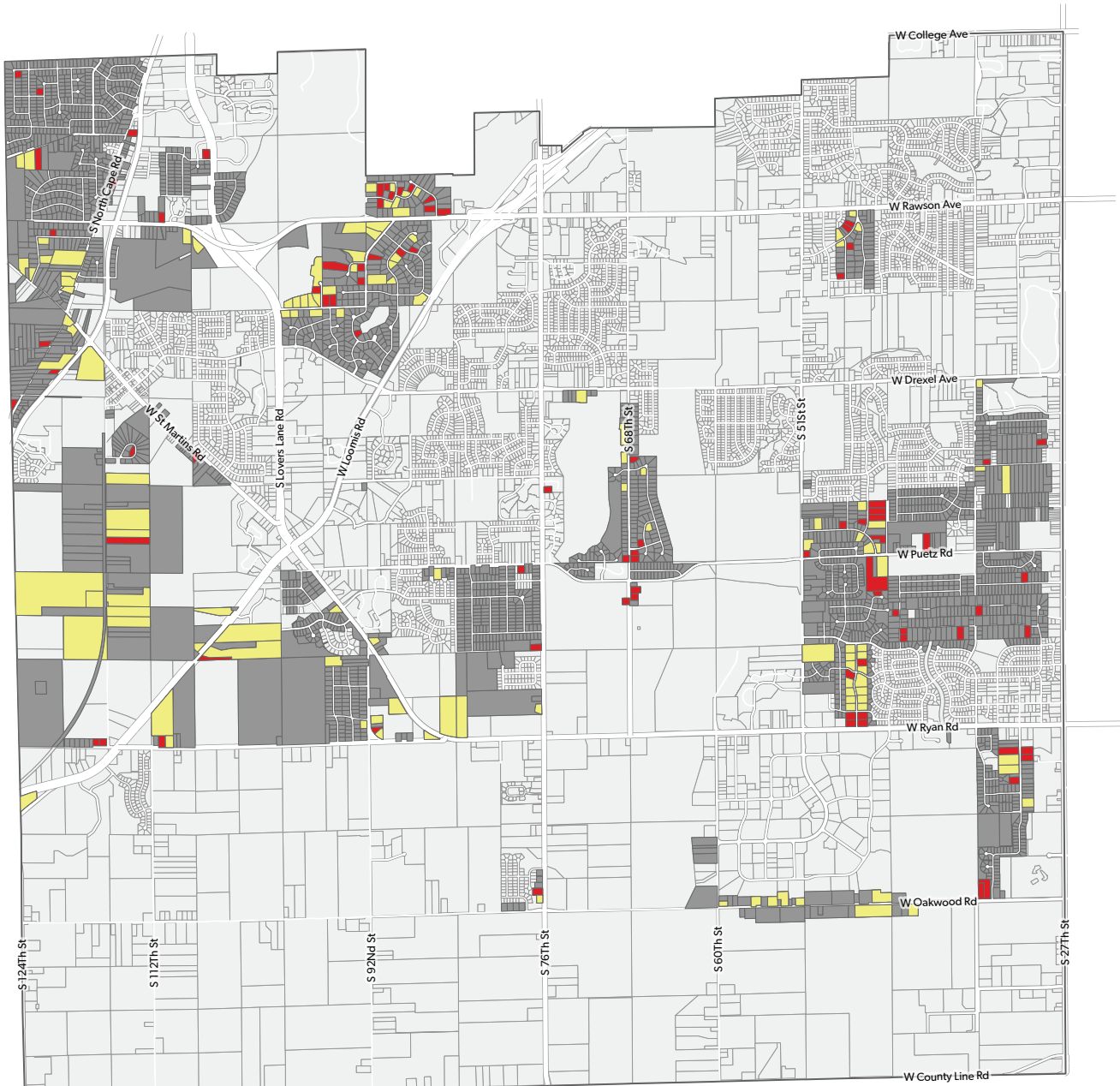
# Potential for New Subdivisions



## Proposed R-3 District - Potential for New Subdivisions Analysis

- Existing opportunity for subdivision - include those lots that are 2x the existing lot area minimum (20,000 sq ft) & 2x the existing lot width minimum (110 ft).
- All other R-3 zoned lots.
- New opportunity for subdivision (Alternative 2) - include those lots that are 2x the proposed lot area (18,000 sq ft) & 2x the proposed lot width (100 ft) that cannot be subdivided under the existing lot area or width minimums.

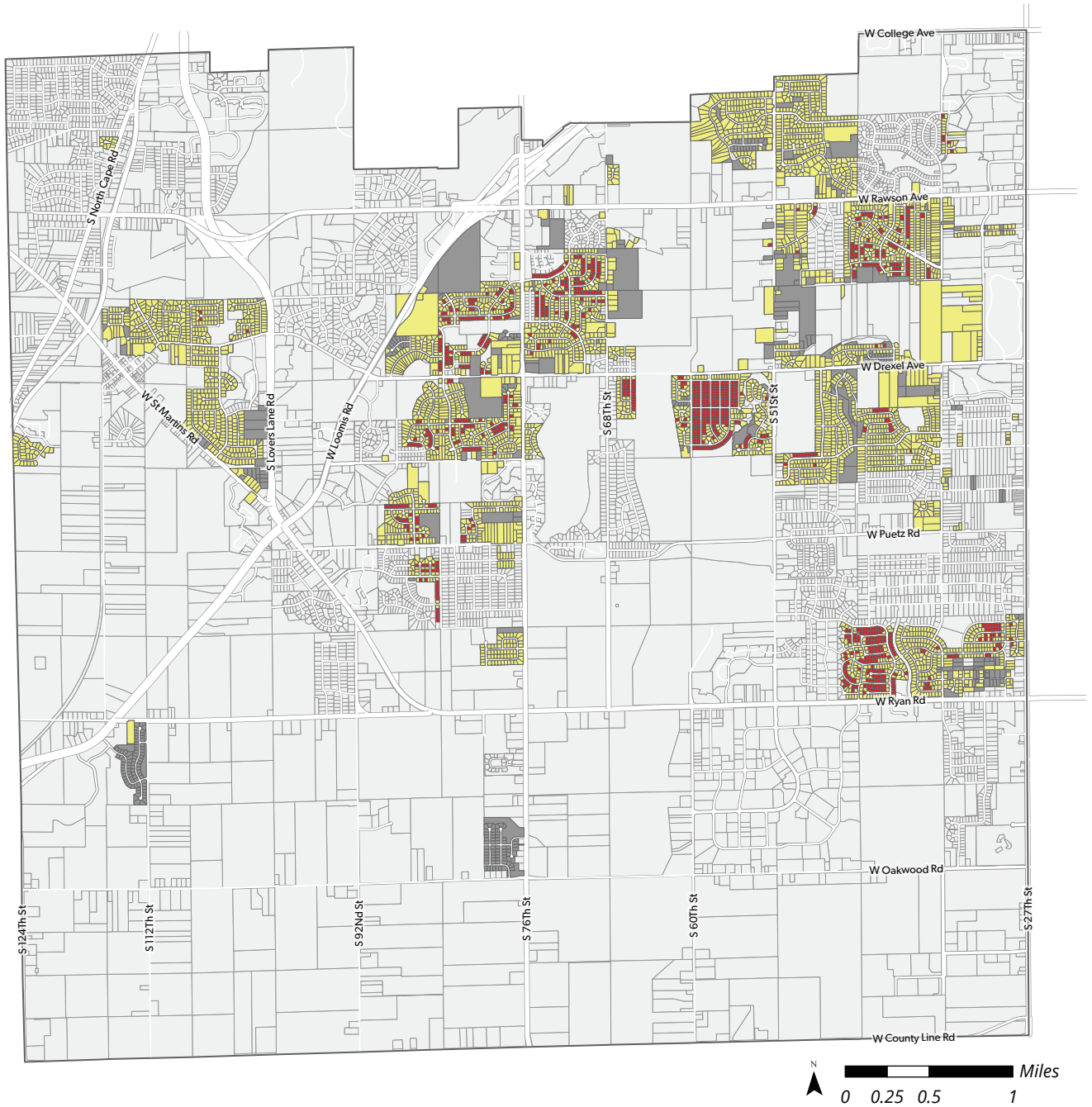
# Potential for New Subdivisions



## Proposed R-3 District - Potential for New Subdivisions Analysis

- Existing opportunity for subdivision - include those lots that are 2x the existing lot area minimum (20,000 sq ft) & 2x the existing lot width minimum (110 ft).
- All other R-3 zoned lots.
- New opportunity for subdivision (Alternative 1) - include those lots that are 2x the proposed lot area (18,000 sq ft) & 2x the proposed lot width (90 ft) that cannot be subdivided under the existing lot area or width minimums.

# Nonconformity Analysis

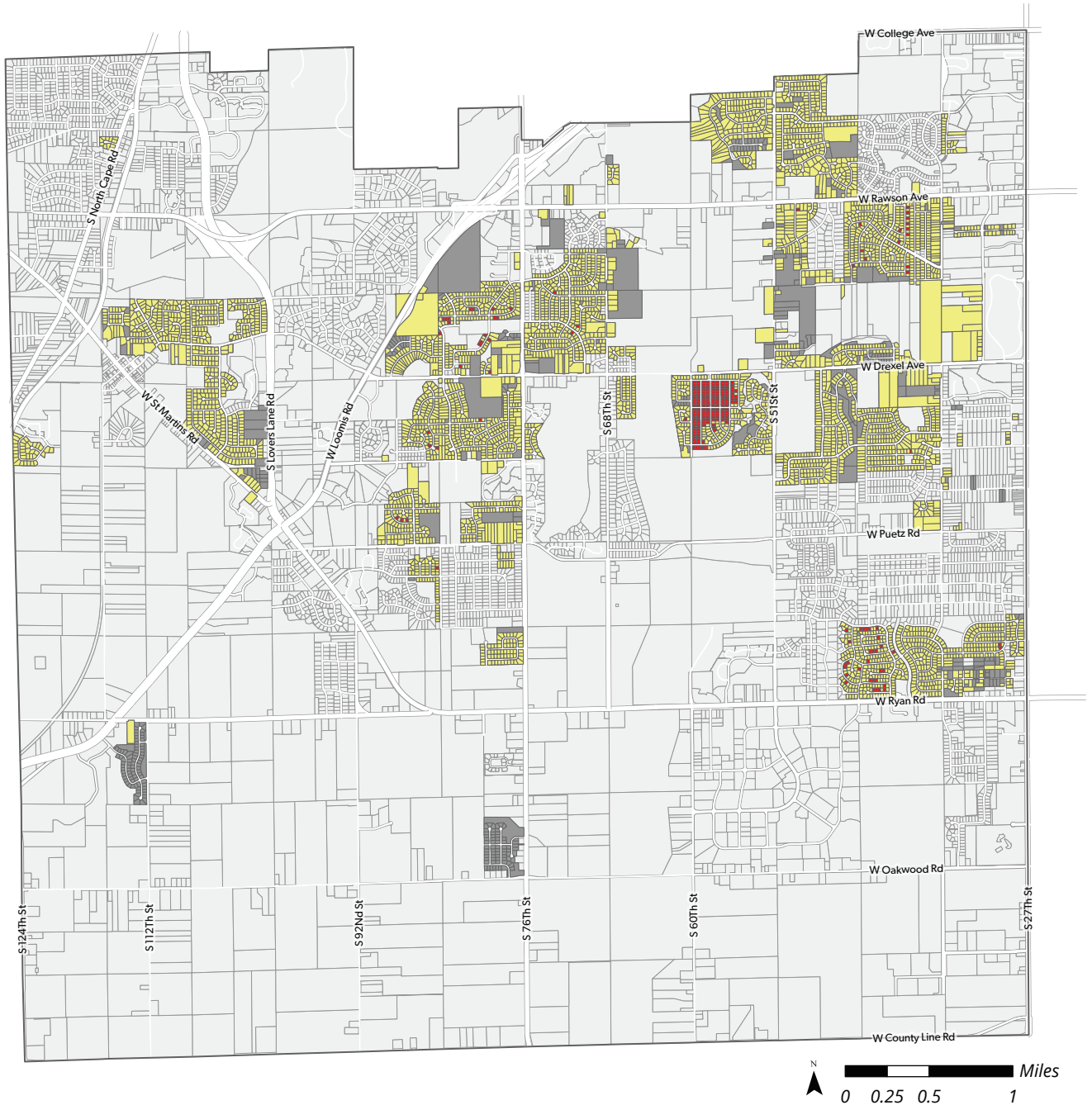


## Proposed R-6 District - Lot Area Analysis

- Less than 11,000 sq. ft. (Nonconforming)
- Greater than or equal to 11,000 sq. ft. (Conforming)
- Parcels with insufficient data

Minimum lot size: 11,000 sq. ft. (Existing minimum)  
Total nonconforming lots: 889  
Total conforming lots: 3,835  
Percentage nonconforming: 19%

# Nonconformity Analysis



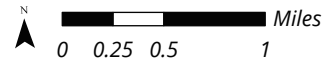
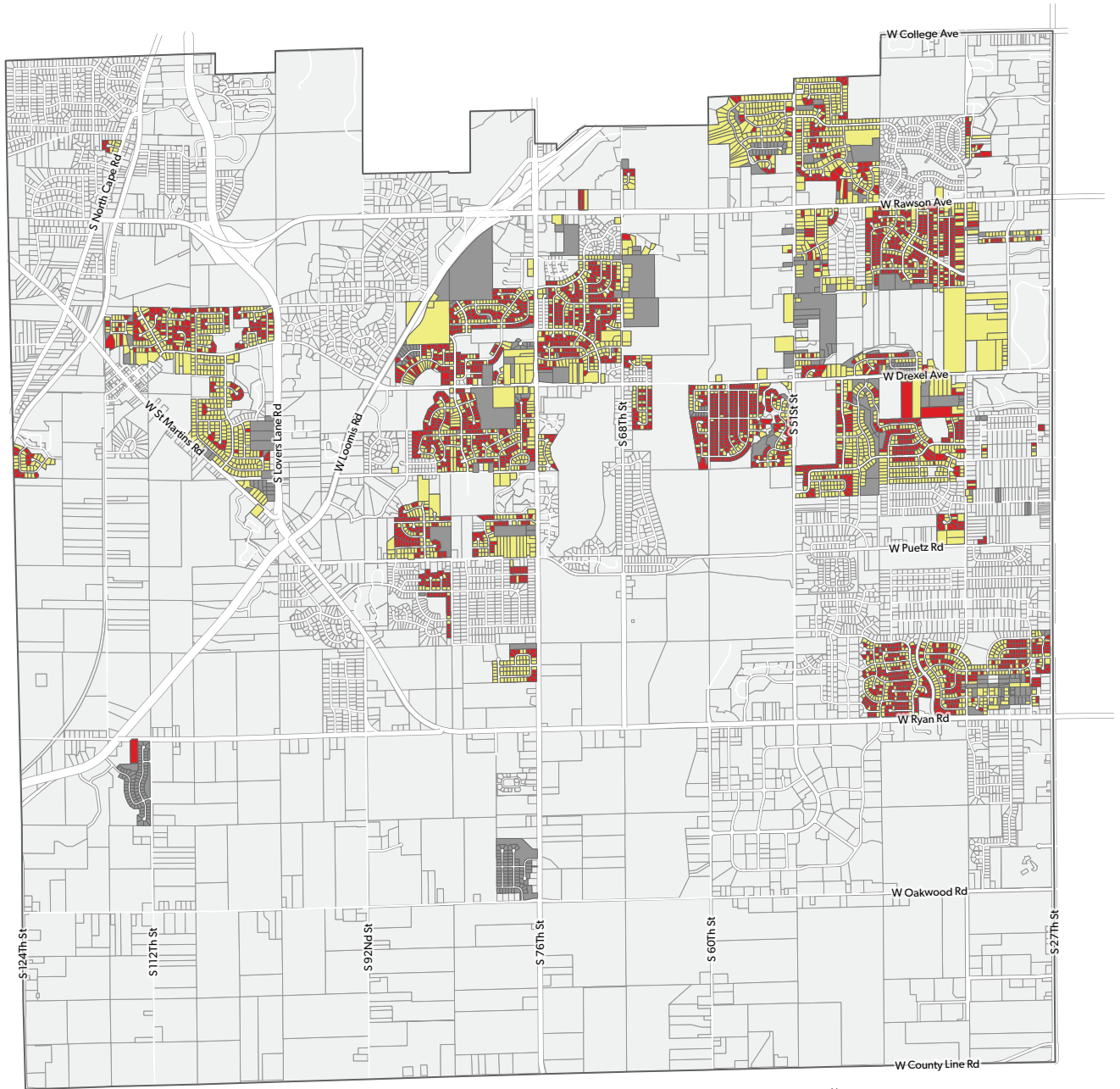
## Proposed R-6 District - Lot Area Analysis

- Less than 10,000 sq. ft. (Nonconforming)
- Greater than or equal to 10,000 sq. ft. (Conforming)
- Parcels with insufficient data

Minimum lot size: 10,000 sq. ft. (Alternative)  
Total nonconforming lots: 243  
Total conforming lots: 4,481  
Percentage nonconforming: 5%



# Nonconformity Analysis



## Proposed R-6 District - Lot Width Analysis

- Less than 90 ft (Nonconforming)
- Greater than or equal to 90 ft (Conforming)
- Parcels with insufficient data

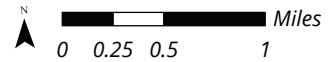
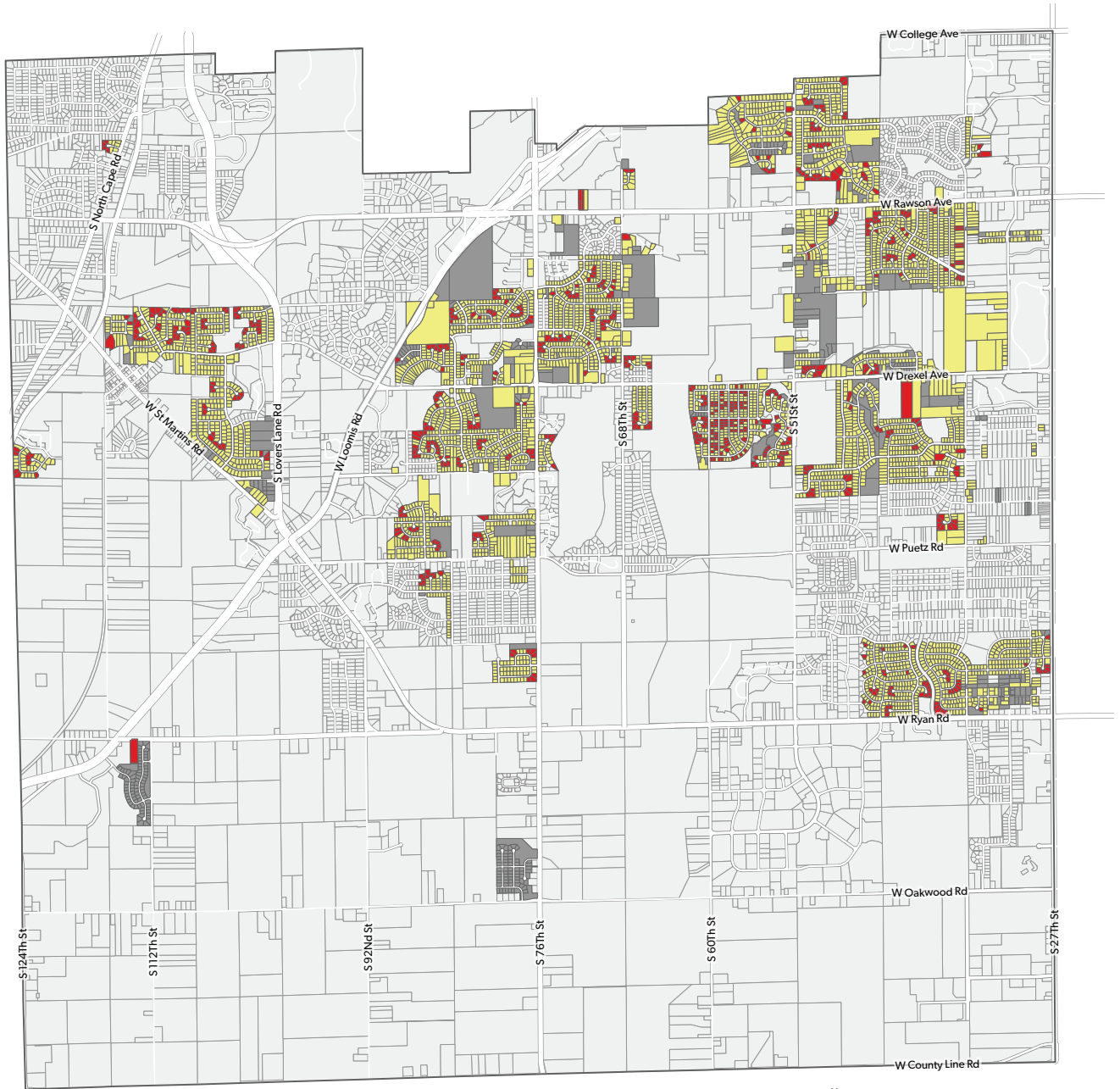
Minimum lot width: 90 ft (Existing minimum)

Total nonconforming lots: 2,083

Total conforming lots: 2,641

Percentage nonconforming: 44%

# Nonconformity Analysis

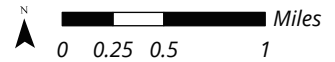
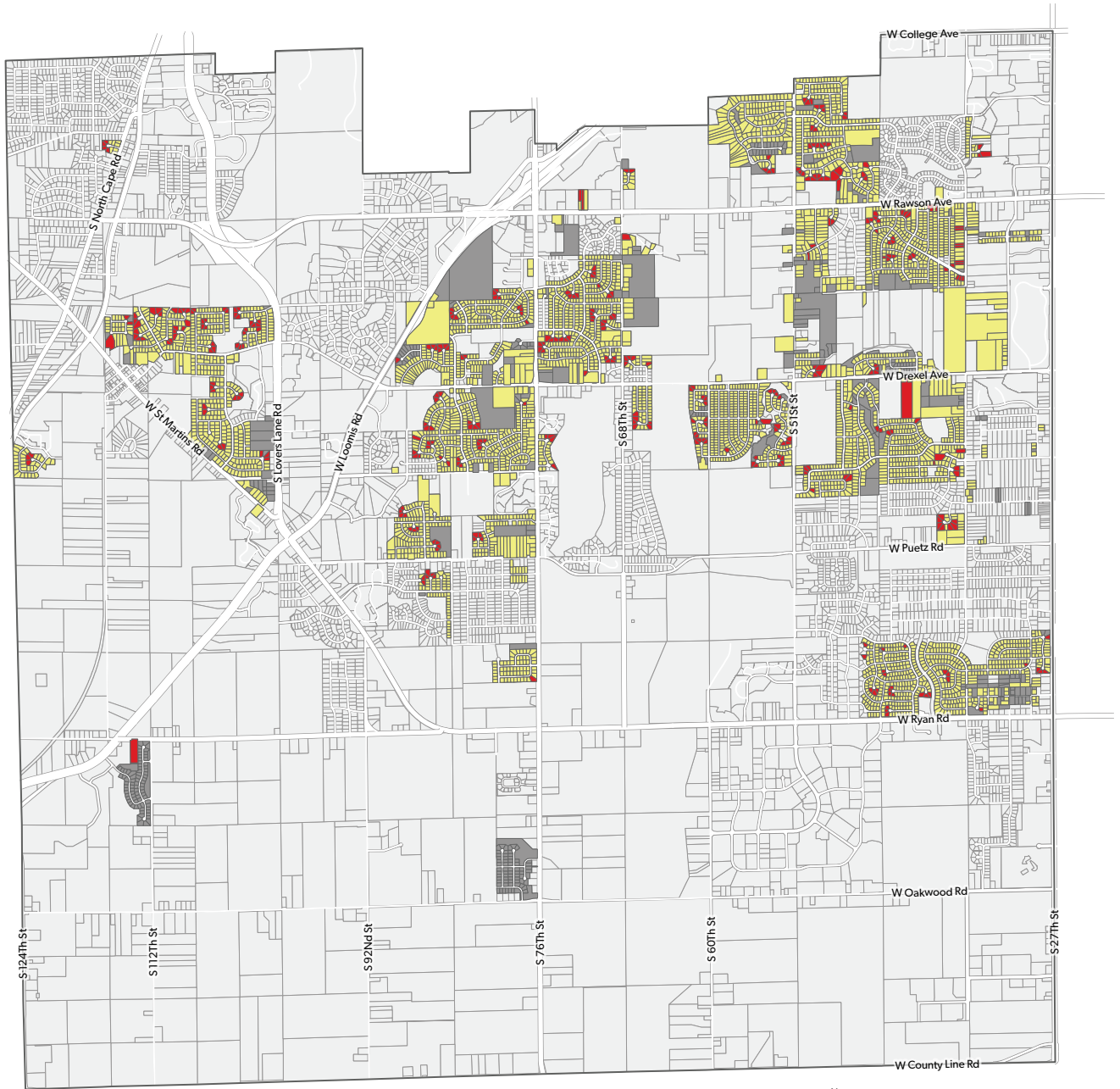


## Proposed R-6 District - Lot Width Analysis

- Less than 80 ft (Nonconforming)
- Parcels with insufficient data
- Greater than or equal to 80 ft (Conforming)

Minimum lot width: 80 ft (Alternative)  
Total nonconforming lots: 628  
Total conforming lots: 4,096  
Percentage nonconforming: 13%

# Nonconformity Analysis

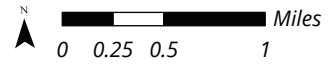
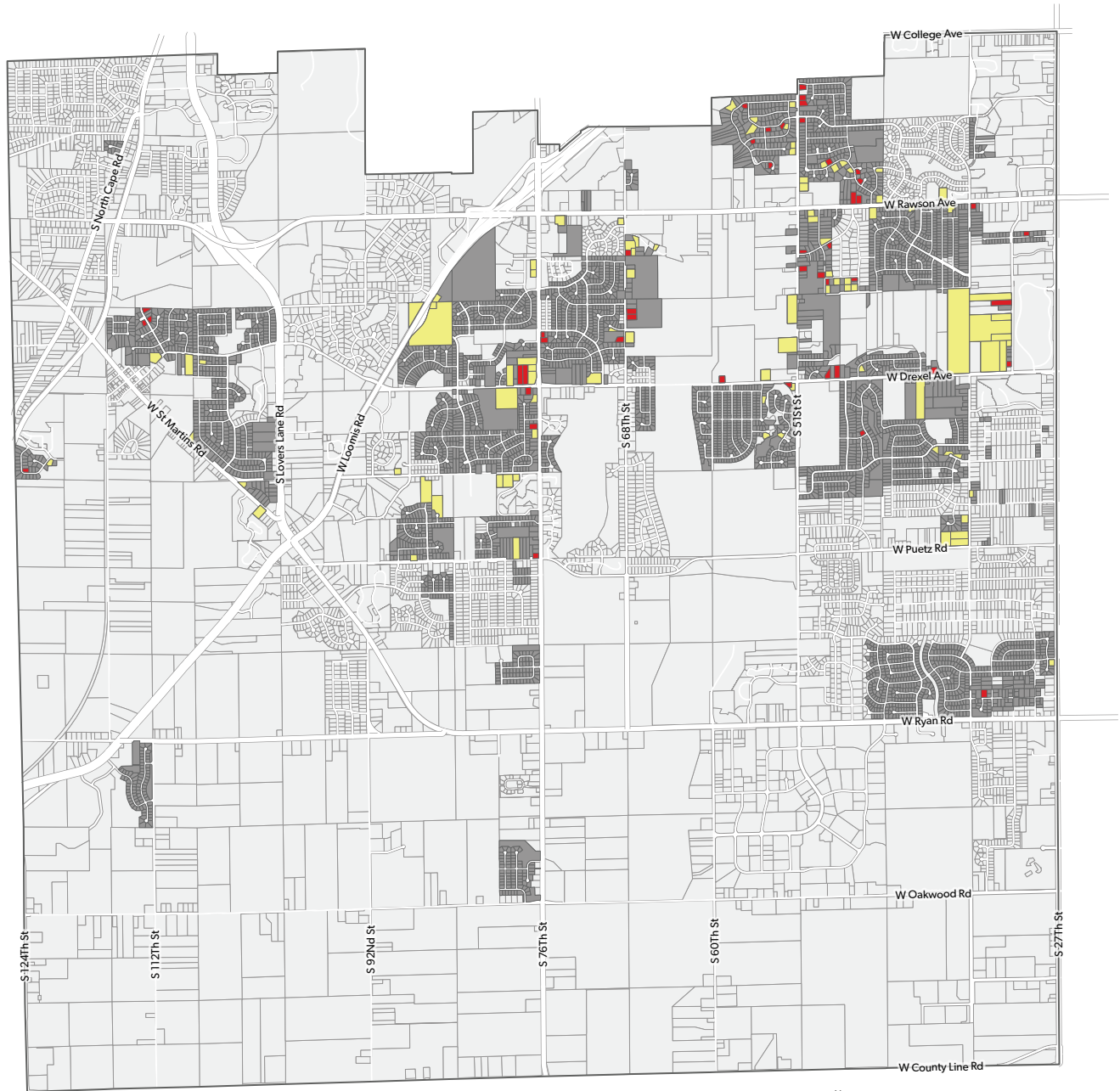


## Proposed R-6 District - Lot Width Analysis

- Less than 70 ft (Nonconforming)
- Parcels with insufficient data
- Greater than or equal to 70 ft (Conforming)

Minimum lot width: 70 ft (Alternative)  
Total nonconforming lots: 371  
Total conforming lots: 4,353  
Percentage nonconforming: 8%

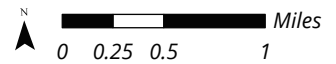
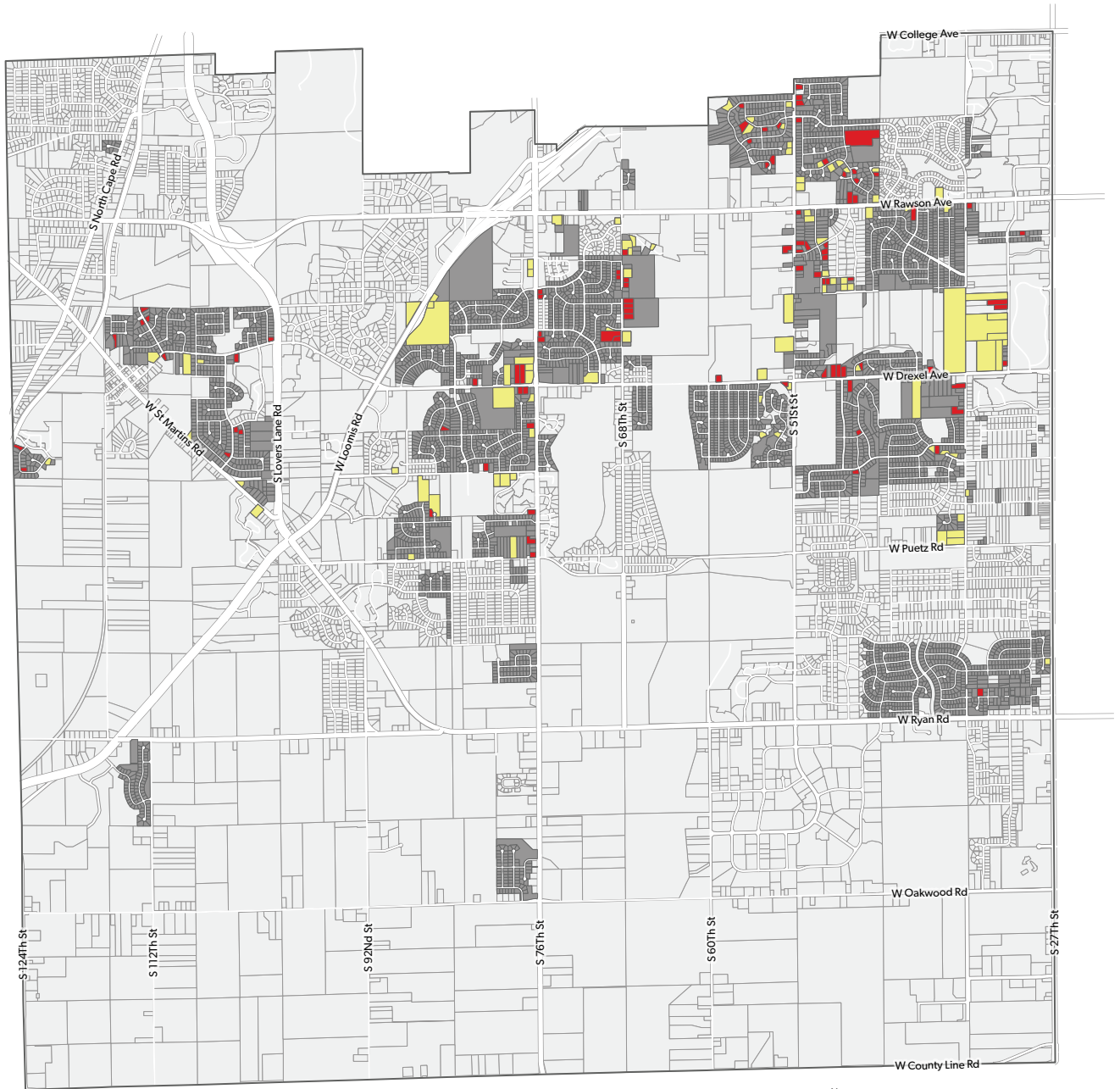
# Potential for New Subdivisions



## Proposed R-6 District - Potential for New Subdivisions Analysis

- Existing opportunity for subdivision - include those lots that are 2x the existing lot area minimum (11,000 sq ft) & 2x the existing lot width minimum (90 ft).
- New opportunity for subdivision (Alternative 1) - include those lots that are 2x the proposed lot area (10,000 sq ft) & 2x the proposed lot width (80 ft) that cannot not be subdivided under the existing lot area or width minimums.
- All other R-6 zoned lots.

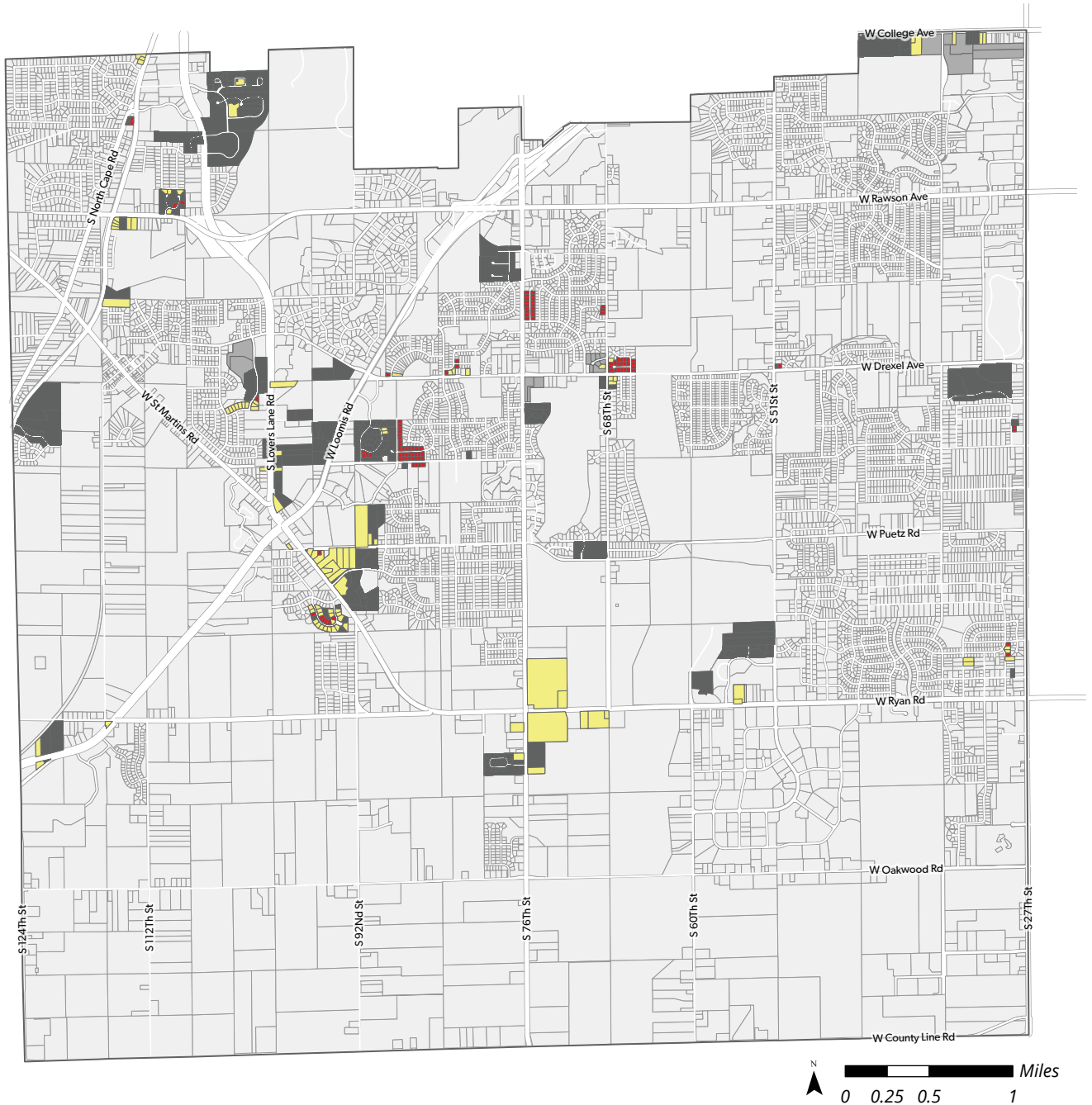
# Potential for New Subdivisions



## Proposed R-6 District - Potential for New Subdivisions Analysis

- Existing opportunity for subdivision - include those lots that are 2x the existing lot area minimum (11,000 sq ft) & 2x the existing lot width minimum (90 ft).
- New opportunity for subdivision (Alternative 2) - include those lots that are 2x the proposed lot area (10,000 sq ft) & 2x the proposed lot width (70 ft) that cannot not be subdivided under the existing lot area or width minimums.
- All other R-6 zoned lots.

# Nonconformity Analysis



## Proposed R-8 District - Lot Area Analysis

- Less than 18,000 sq. ft. (Nonconforming)
- Greater than or equal to 18,000 sq. ft. (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

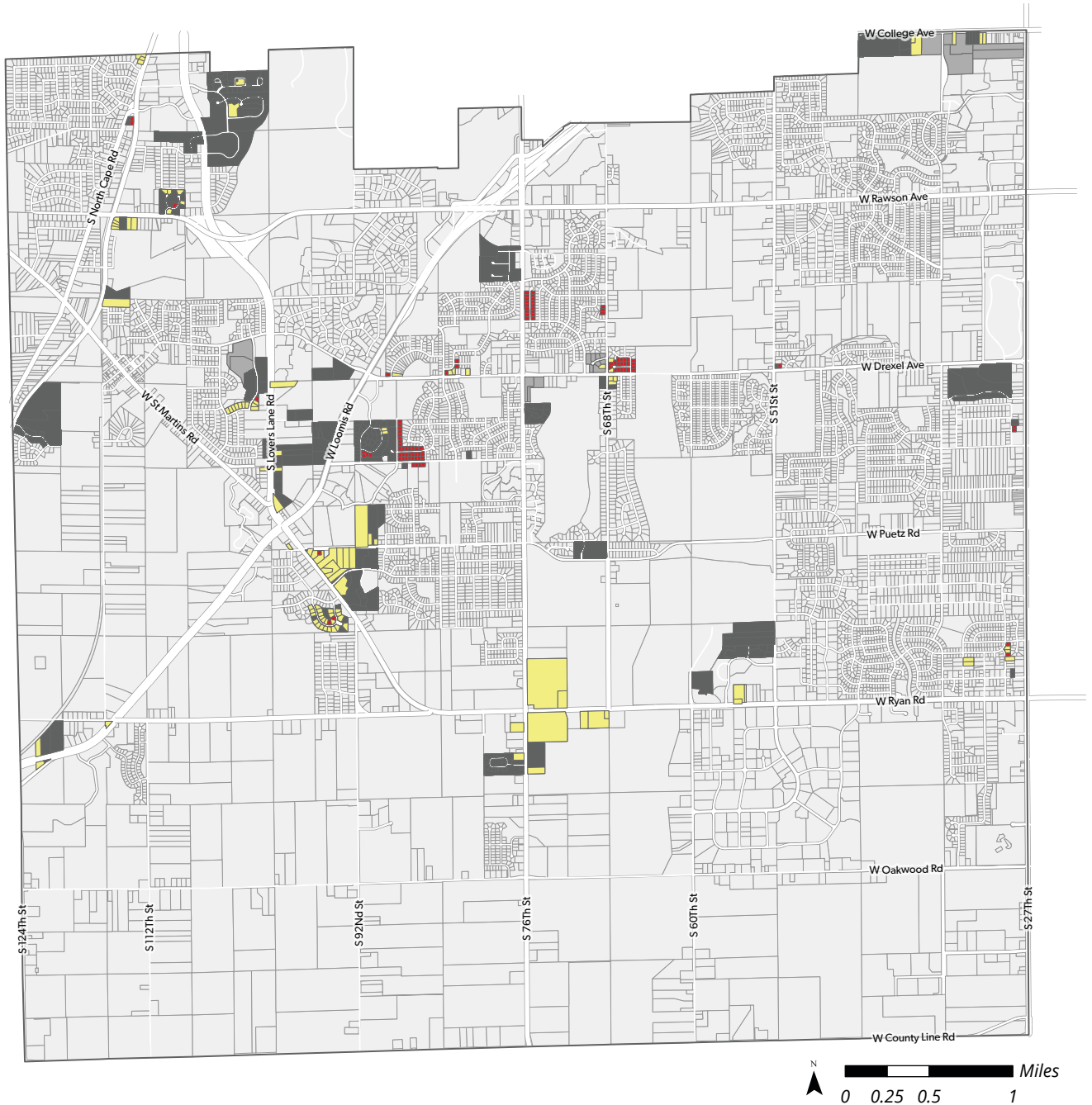
Minimum lot size: 18,000 sq. ft. (Existing minimum)

Total nonconforming lots: 102

Total conforming lots: 100

Percentage nonconforming: 50%

# Nonconformity Analysis

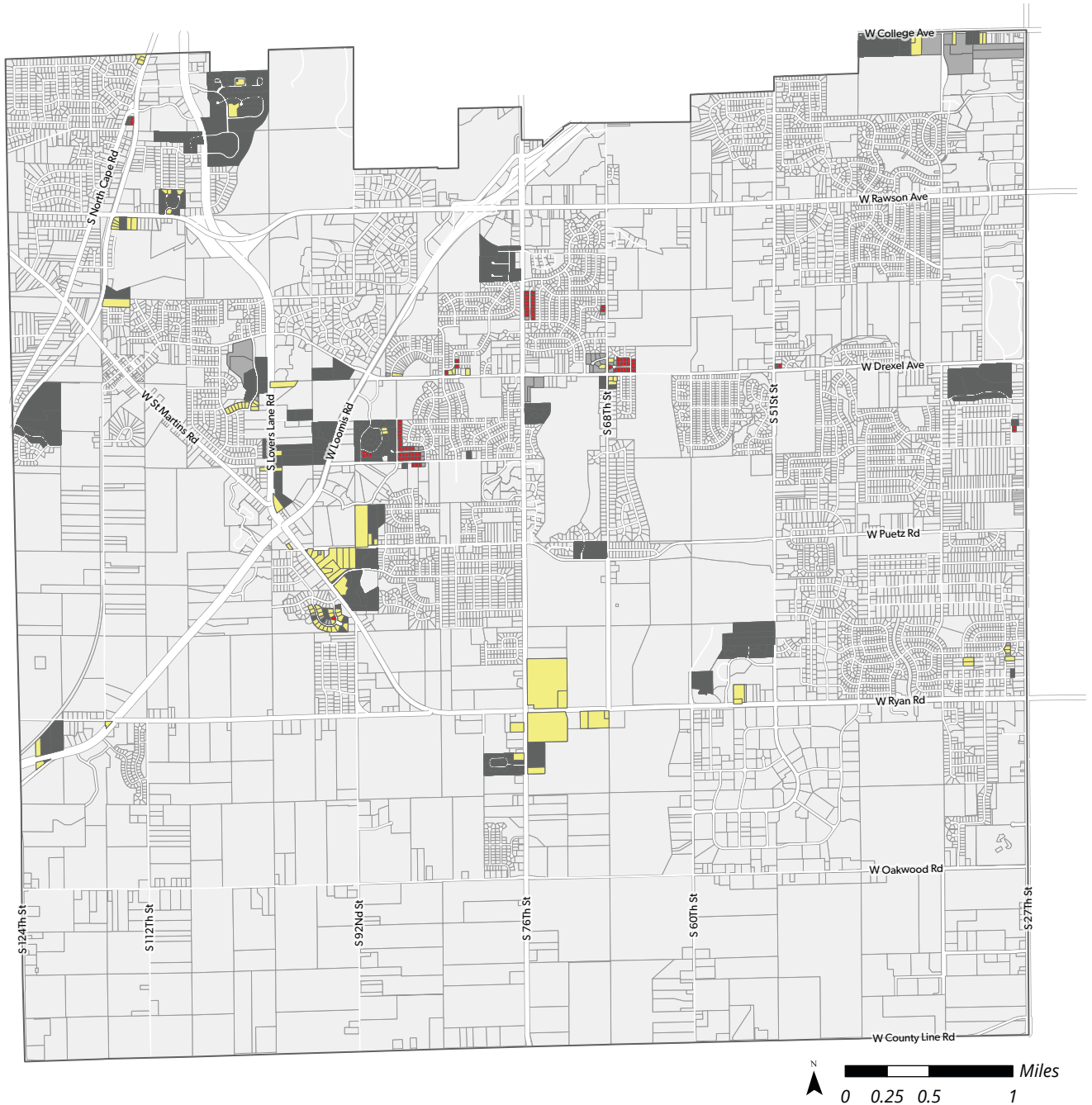


## Proposed R-8 District - Lot Area Analysis

- Less than 17,000 sq. ft. (Nonconforming)
- Greater than or equal to 17,000 sq. ft. (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

Minimum lot size: 17,000 sq. ft. (Alternative)  
Total nonconforming lots: 96  
Total conforming lots: 106  
Percentage nonconforming: 48%

# Nonconformity Analysis



## Proposed R-8 District - Lot Area Analysis

- Less than 15,000 sq. ft. (Nonconforming)
- Greater than or equal to 15,000 sq. ft. (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

Minimum lot size: 15,000 sq. ft. (Alternative)

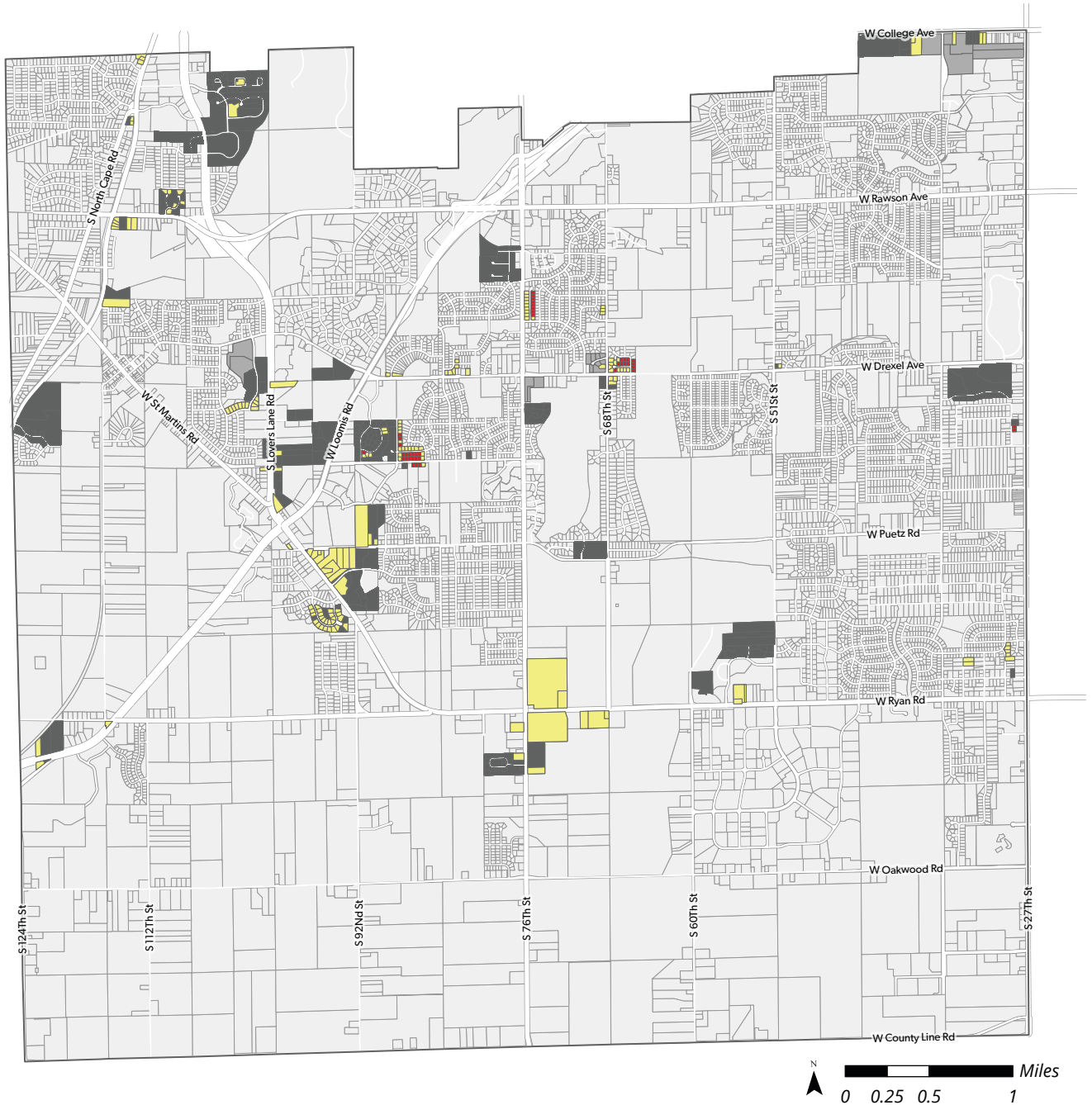
Total nonconforming lots: 80

Total conforming lots: 122

Percentage nonconforming: 40%



# Nonconformity Analysis



## Proposed R-8 District - Lot Area Analysis

- Less than 13,000 sq. ft. (Nonconforming)
- Greater than or equal to 13,000 sq. ft. (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

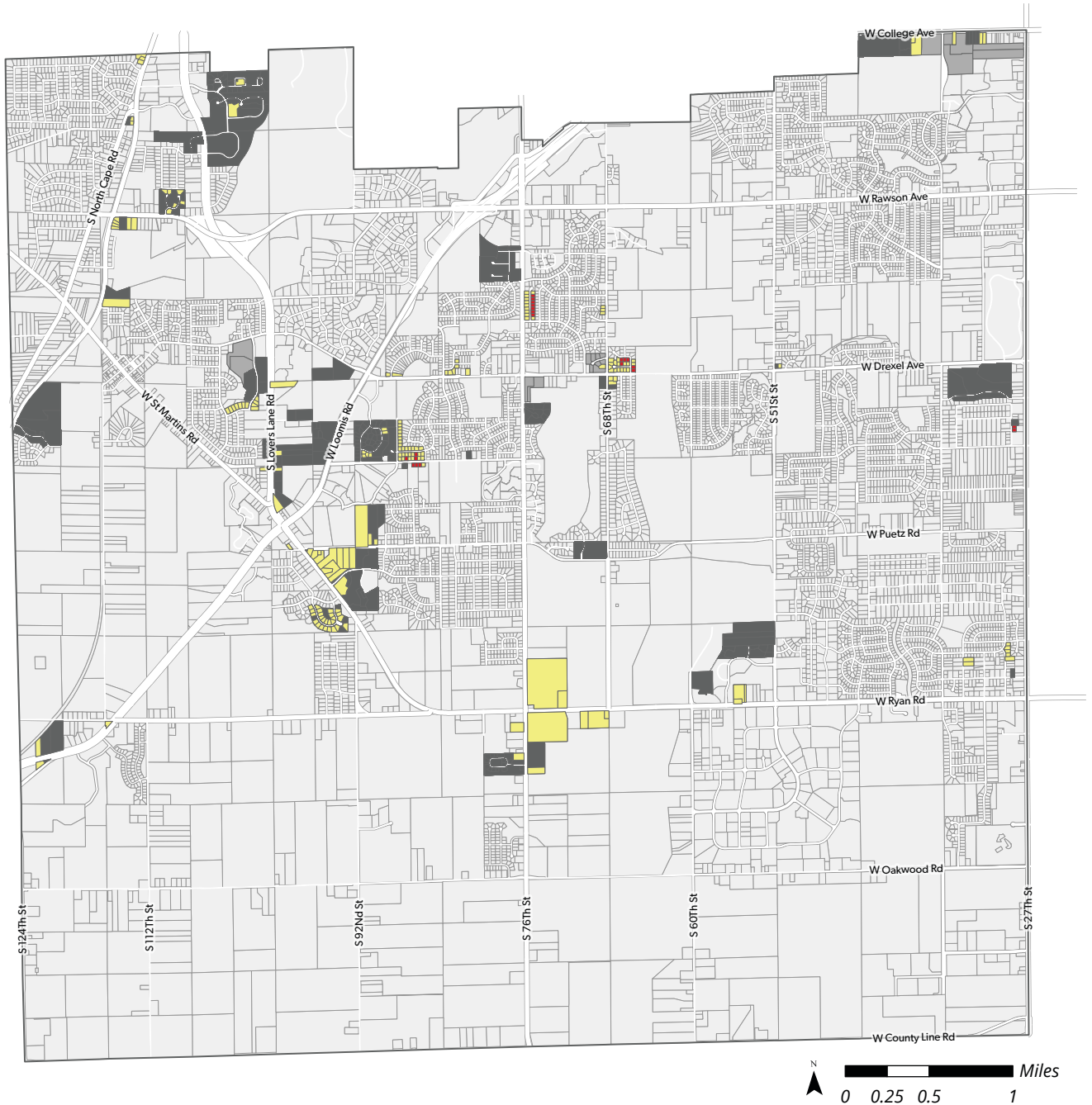
Minimum lot size: 13,000 sq. ft. (Alternative)

Total nonconforming lots: 41

Total conforming lots: 161

Percentage nonconforming: 20%

# Nonconformity Analysis

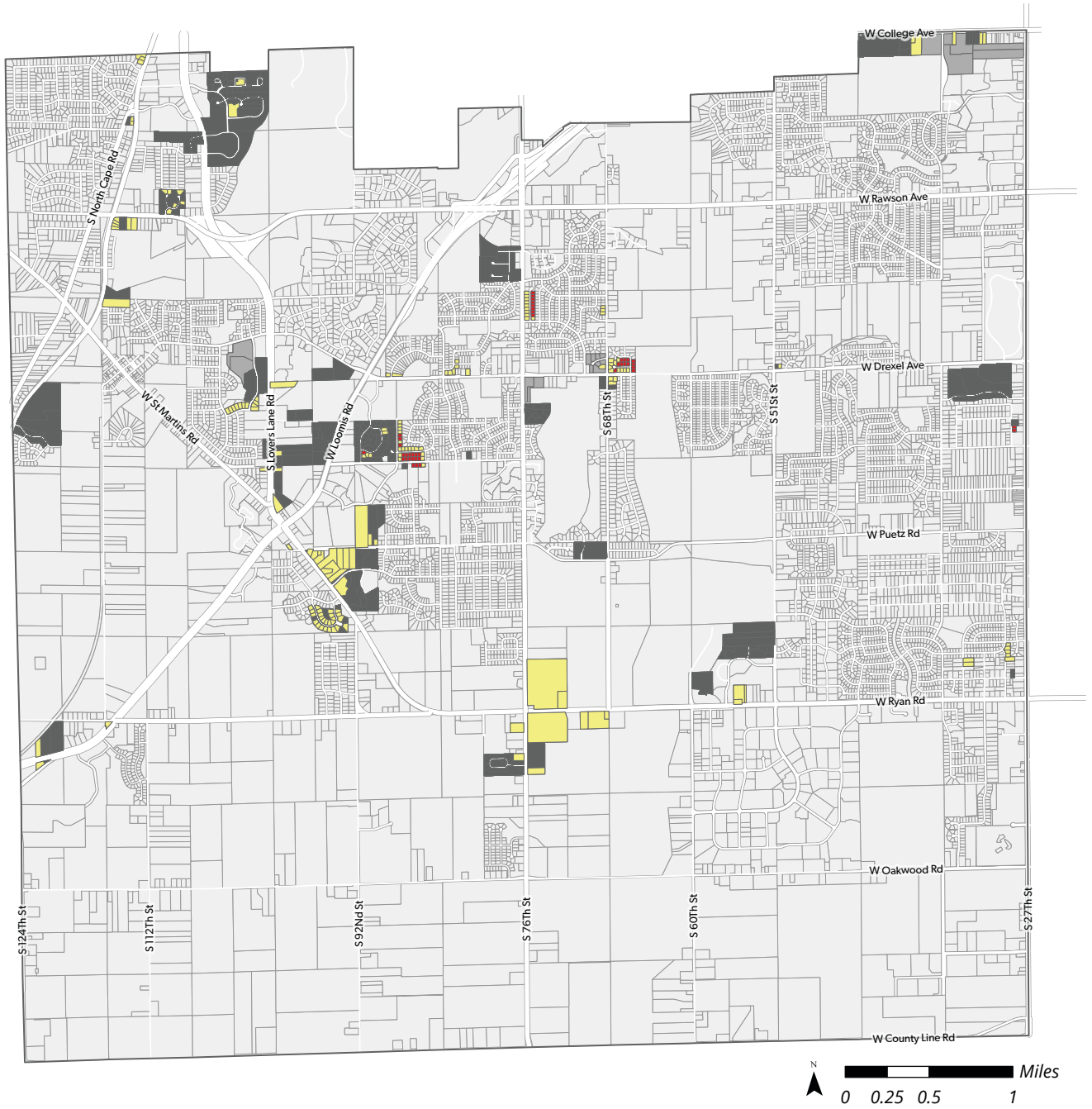


## Proposed R-8 District - Lot Area Analysis

- Less than 12,500 sq. ft. (Nonconforming)
- Greater than or equal to 12,500 sq. ft. (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

Minimum lot size: 12,500 sq. ft. (Alternative)  
Total nonconforming lots: 21  
Total conforming lots: 181  
Percentage nonconforming: 10%

# Nonconformity Analysis

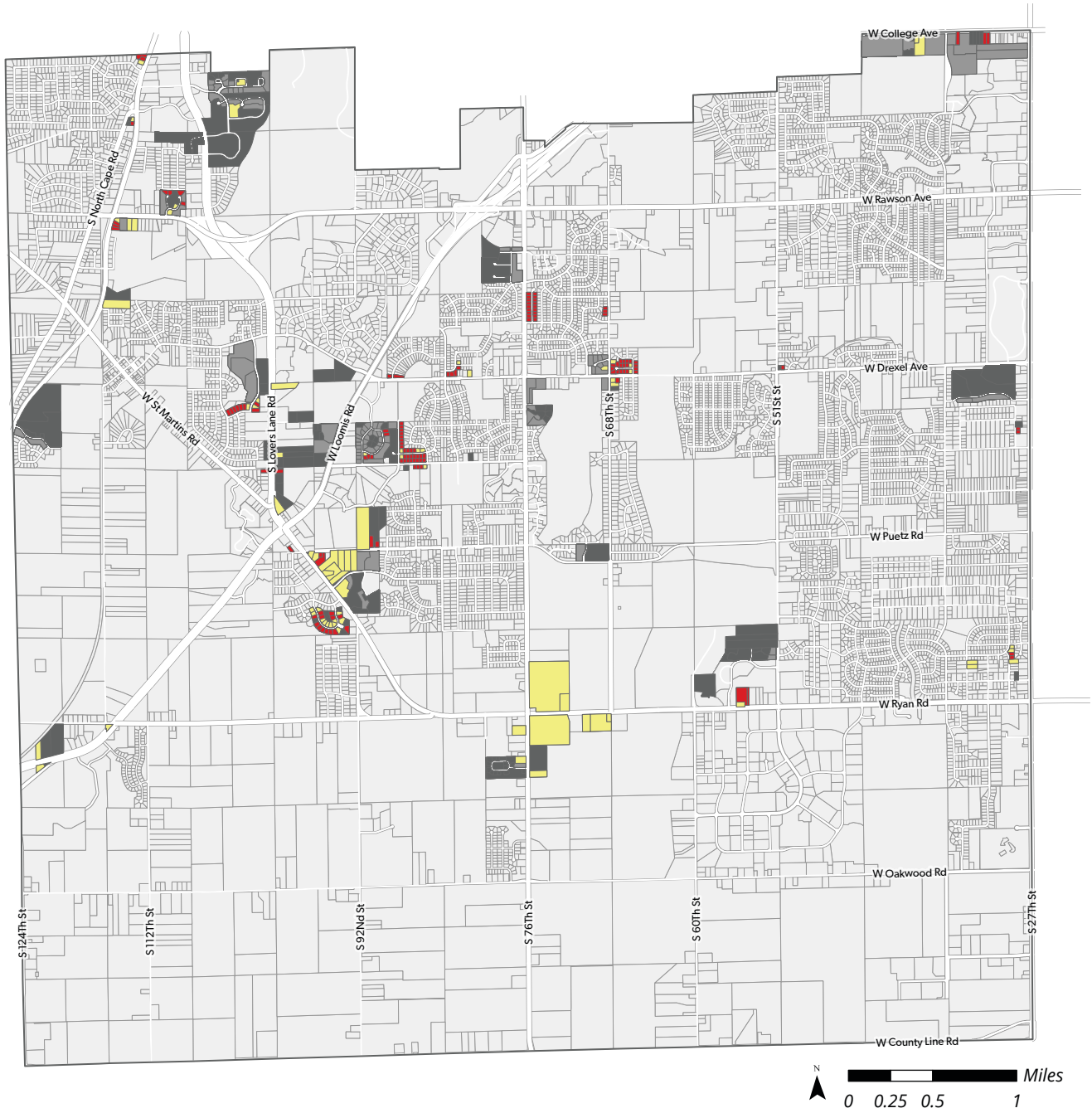


## Proposed R-8 District - Lot Area Analysis

- Less than 12,000 sq. ft. (Nonconforming)
- Greater than or equal to 12,000 sq. ft. (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

Minimum lot size: 12,000 sq. ft. (Alternative)  
Total nonconforming lots: 0  
Total conforming lots: 202  
Percentage nonconforming: 0%

# Nonconformity Analysis



## Proposed R-8 District - Lot Width Analysis (SFD and Duplexes)

- Less than 125 ft (Nonconforming)
- Greater than of equal to 125 ft (Conforming)
- Parcels with insufficient data
- Other R-8 Parcels

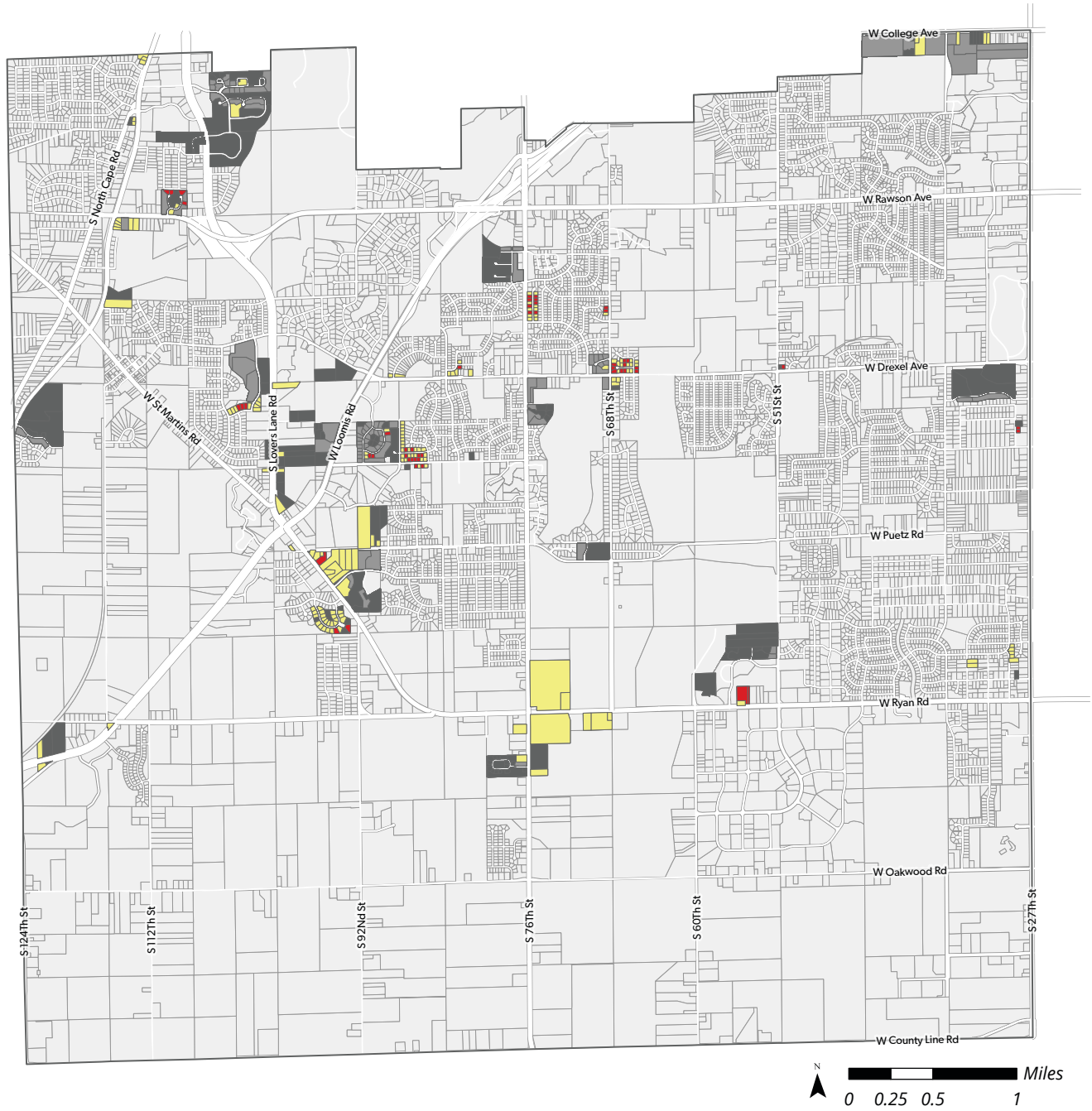
Minimum lot width: 125 ft (Existing minimum)

Total nonconforming lots: 130

Total conforming lots: 72

Percentage nonconforming: 64%

# Nonconformity Analysis

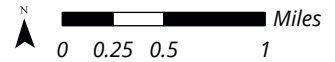
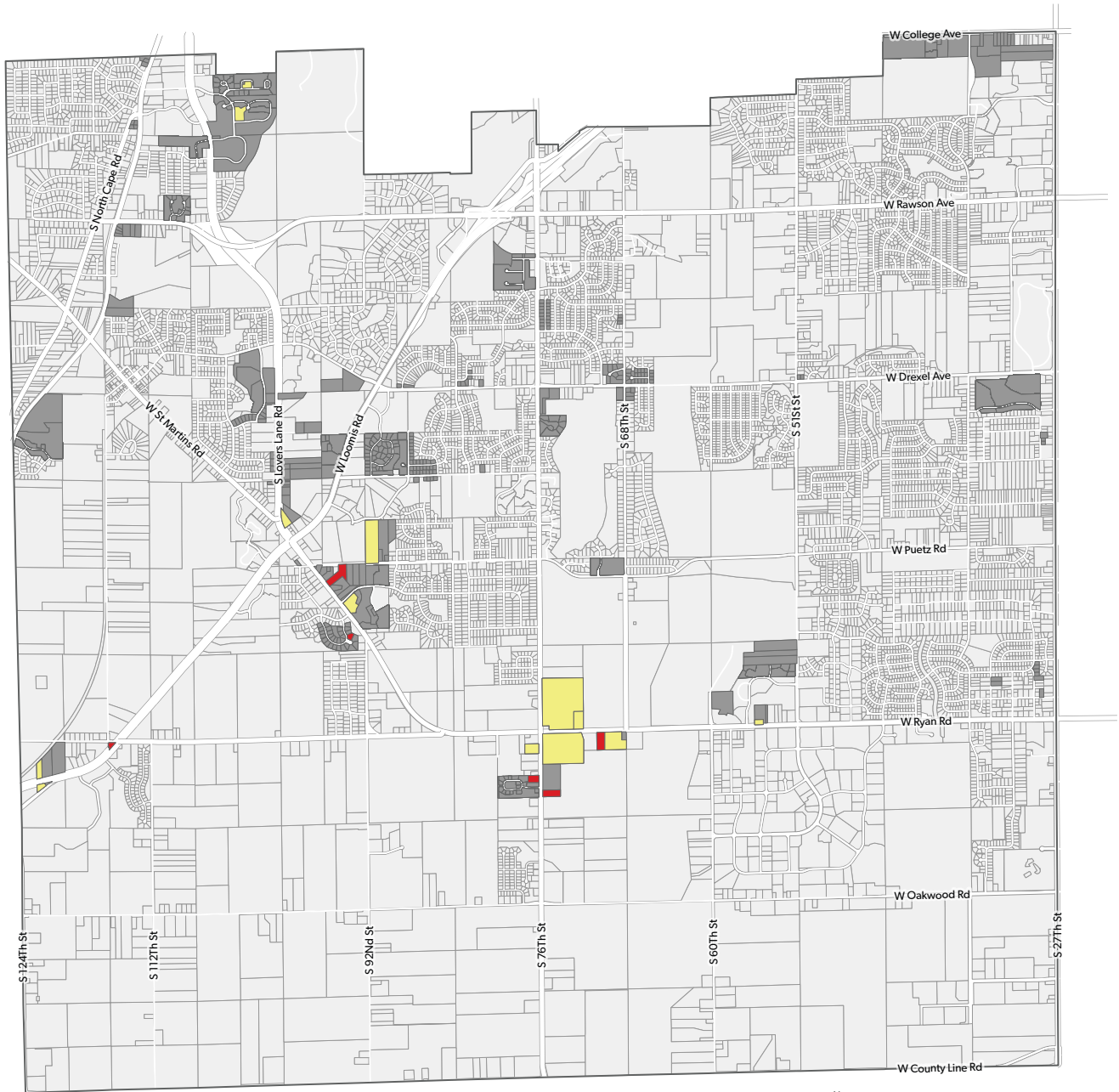


### Proposed R-8 District - Lot Width Analysis (SFD and Duplexes)

- Red square: Less than 100 ft (Nonconforming)
- Yellow square: Greater than or equal to 100 ft (Conforming)
- Dark grey square: Parcels with insufficient data
- Light grey square: Other R-8 Parcels

Minimum lot width: 100 ft (Alternative)  
Total nonconforming lots: 50  
Total conforming lots: 152  
Percentage nonconforming: 25%

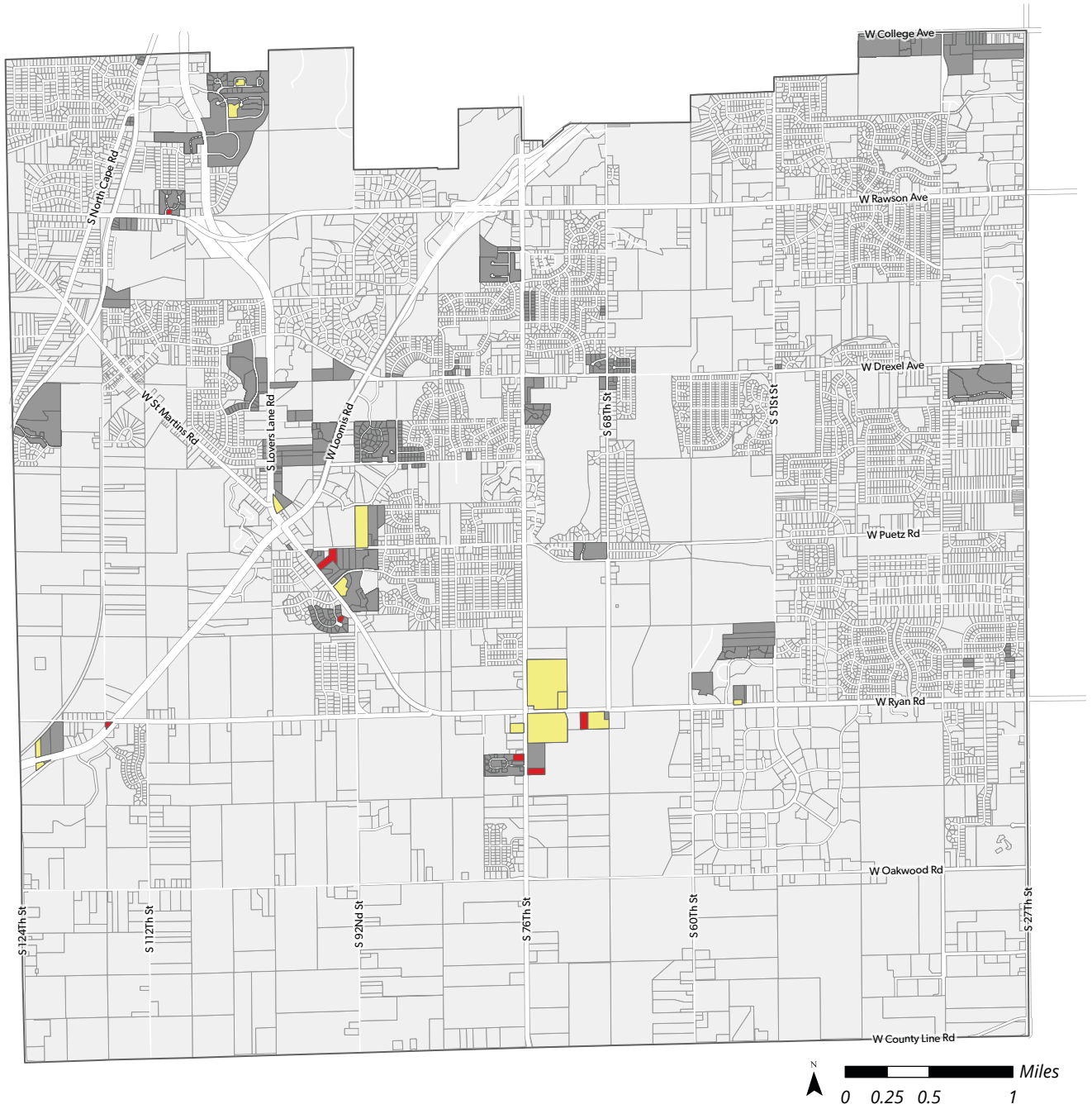
# Potential for New Subdivisions



## Proposed R-8 District - Potential for New Subdivisions Analysis

- Existing opportunity for subdivision - include those lots that are 2x the existing lot area minimum (18,000 sq ft) & 2x the existing lot width minimum (125 ft).
- All other R-8 zoned lots.
- New opportunity for subdivision (Alternative 1) - include those lots that are 2x the proposed lot area (12,500 sq ft) & 2x the proposed lot width (100 ft) that cannot not be subdivided under the existing lot area or width minimums.

# Potential for New Subdivisions



## Proposed R-8 District - Potential for New Subdivisions Analysis

- Existing opportunity for subdivision - include those lots that are 2x the existing lot area minimum (18,000 sq ft) & 2x the existing lot width minimum (125 ft).
- All other R-8 zoned lots.
- New opportunity for subdivision (Alternative 2) - include those lots that are 2x the proposed lot area (12,000 sq ft) & 2x the proposed lot width (100 ft) that cannot not be subdivided under the existing lot area or width minimums.



REPORT TO THE PLAN COMMISSION

Meeting of February 3, 2022

Comprehensive Master Plan Amendment and Rezoning

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

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

Introduction

The applicant submitted Comprehensive Master Plan Amendment and Rezoning applications to allow for a future single-family residential subdivision with 63 lots on a 35-acre site.

Prior Actions

The Common Council heard a Concept Review for this development proposal on August 17, 2021. A public hearing was held before the Plan Commission on October 7, 2021, and continued to the next meeting on October 21, 2021, which reviewed a larger residential development project of 115 single family lots on 92 acres, followed by a reduced version of that application which would have been 48 lots on a 35-acre site.



recommendation on the Comprehensive Master Plan Amendment. The Plan Commission voted 2-2 on a recommendation of approval for the Plan Amendment, thus killing the applications a second time. The applicant refiled both applications on December 27, 2021, this time requesting approval for a concept that is now increased to 63 lots on 35 acres. This is the third time the Plan Commission will hold a public hearing on a Rezoning Application, with a recommendation on the Plan Amendment, for the subject property.

### Comprehensive Master Plan Amendment

The current application site consists of 1 property (TKN 892-9999-002) which is designated as Recreational with inclusions along stream channels for Areas of Natural Resource Features. Given the proposed residential subdivision is not consistent with the Recreational designation of the City of Franklin 2025 Comprehensive Master Plan, the applicant is proposing to change the future land use designation from Recreational and Areas of Natural Resource Features to Residential. It is noted that other adopted planning policies, such as the Comprehensive Outdoor Recreation Plan 2025 (CORP) and the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, also identify this area as recreational, specifically as a “Planned Regional Park”.

### Rezoning

The subject property is zoned A-2 Prime Agricultural District with two stream corridors zoned C-1 Conservancy District, which is an obsolete zoning district because the current Unified Development Ordinance require protection of natural resources through conservation easements. The applicant is proposing to rezone the entire site to R-5 Suburban Single-Family Residential.

### Project Description/Analysis

The applicant is seeking the rezoning and Comprehensive Master Plan amendment to allow for a 35-acre single-family residential subdivision with 63 lots designed to the development standards of the R-5 Suburban Single-Family Residence District, specifically a gross density of 1.83 dwelling units per acre. It should be noted that the revised Development Concept (attached) does not appear to reflect consideration of existing natural resource constraints on the subject property. This appears to be a “maximum build” concept. The applicant’s previous submission in December accounted substantially for natural resource protections on the subject property. It should be further noted that the applicant’s revised concept is also in line with the maximum yield in the R-5 District.

According to the project narrative submitted for the Concept Review, the estimated site improvement cost is 10 million dollars with a total project value of \$51.75 million dollars or \$562,500 per acre. The overall project cost will be reduced with the smaller project but the average value should be consistent.

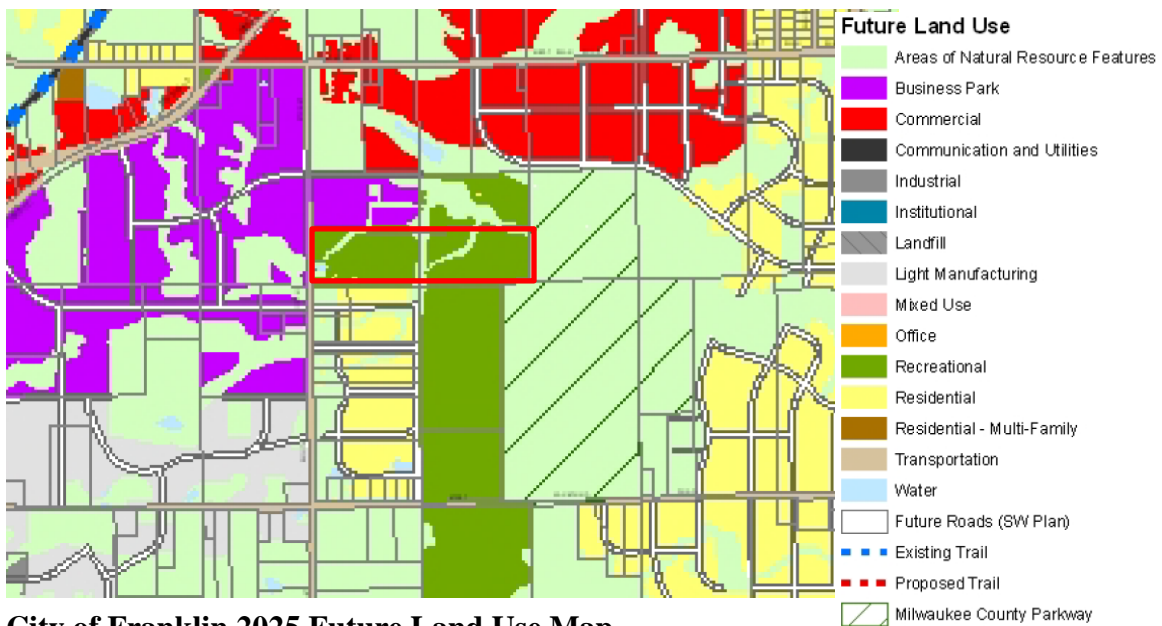
### Current zoning

Approximately 94% (32 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3.0315, the district’s intent is to “prevent the premature conversion of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses”. It is noted that the A-2 district is limited to “prime agricultural lands”, therefore, this development proposal is contrary to the intent of this zoning district.

### Consistency with adopted planning policies

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

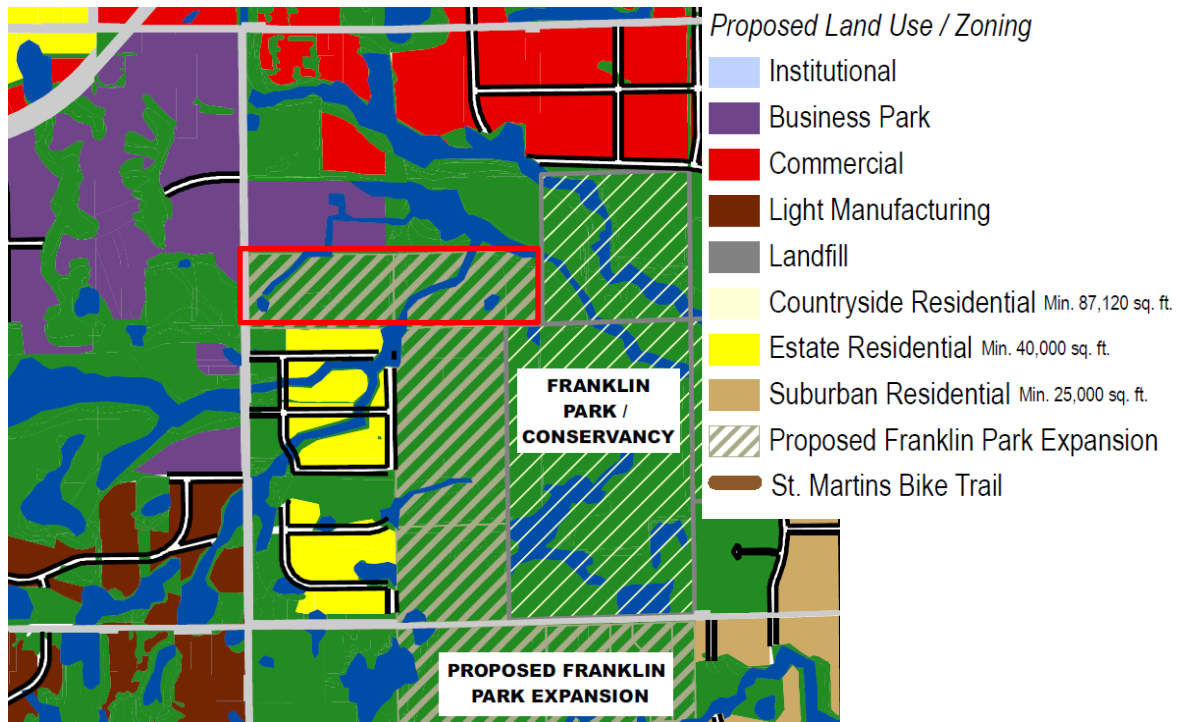
- a. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal is not consistent with the comprehensive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



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

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

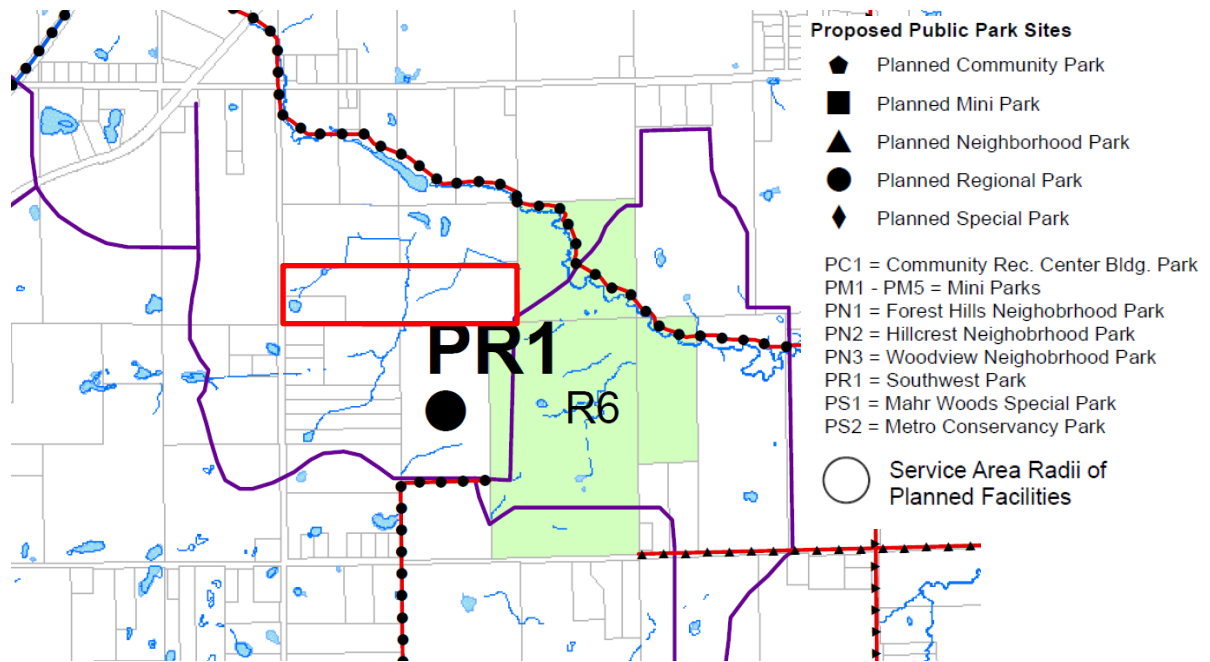
designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County and labeled as “Franklin Park/Conservancy”.



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

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

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



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

Natural resources

As previously discussed in the Concept Review staff report, the proposed road layout would be crossing two wetlands, separate Natural Resource Special Exceptions would be required to allow for such wetland impacts in addition to state and federal wetland permits. It is worth noting that one of these wetland crossings would also impact environmental linkages identified in the Comprehensive Master Plan (Map 3.1). This linkage crossing is approximately located between lots 11 and 12. According to the Comprehensive Master Plan, wildlife crossings and culverts that allow for the passage of wildlife is recommended for roads that divide linkage areas.

The subject property was created by Certified Survey Map (CSM) No. 8293 which states that “The natural resource features identified on lot 2 are not based on field surveys in the event of further land division or development of lot 2 with any such natural resource feature, a complete natural resource protection plan with field survey is required”. The natural resources identified in the CSM include proposed wetland linkages per the Comprehensive Master Plan, woodlands per 2008 aerial photography and probable greenway connection per SEWRPC mapping (Southeast Wisconsin Regional Planning Commission).



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

#### Additional information

**Fiscal Impact.** Staff noted previously that single-family subdivision developments do not create tax revenues sufficient to cover the operational and maintenance costs associated with the public infrastructure developed or provided for support. In short, this development will cost more to the City over the long-term than it will generate in revenue.

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

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

#### City Departments comments

##### Comprehensive Master Plan amendment

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

## Rezoning

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

### **Staff Recommendation:**

City Development staff recommends denial of the proposed Comprehensive Master Plan Amendment and Rezoning Application requests by Bear Development, LLC. The development as proposed appears to require significant additional follow-up applications just to make any development feasible on the subject property, and the applicant's concept design has been revised to maximize the R-5 density (117 times more dense than the existing permitted density), which makes an approval justification contradictory to the overall tenor of the City of Franklin 2025 Comprehensive Master Plan and the intent and purpose of the Unified Development Ordinance. In short, the development project is too dense for the subject property, given the natural resource constraints on-site.

However, should the Plan Commission wish to recommend approval, a draft Resolution recommending approval of the Comprehensive Master Plan Amendment, an Ordinance amending the Comprehensive Master Plan, and an Ordinance amending the Zoning Map are attached for review/revision and adoption.

### **Exhibits:**

1. Ordinance 2022 – Bear Development LLC Subdivision Zoning Map Amendment, draft dated January 24, 2022.
2. Ordinance 2022 – Bear Development LLC Subdivision Comprehensive Master Plan Amendment, draft dated January 24, 2022.
3. Resolution 2022 – Bear Development LLC Subdivision Plan Commission recommendation to Common Council on Comprehensive Master Plan Amendment, draft dated January 24, 2022.
4. Planning Maps (2 pages) showing subject property and surrounding area.
5. Revised Development Concept Design, submitted December 27, 2021.
6. Prior Development Concept Design, submitted November 12, 2021.
7. Signed Comprehensive Master Plan Amendment Application, dated December 27, 2021.
8. Request Letter for Comprehensive Master Plan Amendment, dated December 27, 2021.
9. Signed Rezoning Application, dated December 27, 2021.
10. Owners Consent Authorization, dated August 18, 2021.
11. Request Letter for Rezoning, dated December 27, 2021.
12. Legal Description of subject property.
13. Page 1 of CSM #8293, recorded October 11, 2010.
14. Conservation Easement for CSM #8293, as approved for recording September 2010.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 01-24-22]*

ORDINANCE NO. 2022-\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND  
BEARING TAX KEY NUMBER 892-9999-002 FROM A-2 PRIME AGRICULTURAL  
DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-5 SUBURBAN SINGLE-  
FAMILY RESIDENCE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF  
SOUTH 112TH STREET, EAST OF THE RYAN MEADOWS SUBDIVISION AND  
WEST OF THE FRANKLIN SAVANNA NATURAL AREA)  
(APPROXIMATELY 35 ACRES)  
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT)

---

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having petitioned for the rezoning of approximately 35 acres of land, from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District, such land generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of February, 2022, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

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

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

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

Lot 2 of Certified Survey Map No. 8293. Being the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 29 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin. Tax Key Number 892-9999-002.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

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

APPROVED:

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

ATTEST:

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

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



ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY BEARING TAX KEY NUMBER 892-  
9999-002, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,  
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN  
SAVANNA NATURAL AREA FROM RECREATIONAL USE AND AREAS OF  
NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE  
(TOTALING APPROXIMATELY 35 ACRES)  
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC  
(IGNASIAK INVESTMENT CO., LLC, PROPERTY OWNER)

---

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Stephen R. Mills, President of Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for the property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on February 3, 2022, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for three properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on March 1, 2022; and

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

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby

amended to change the City of Franklin 2025 Future Land Use Map designation for the property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use. Such property is more particularly described within Resolution No. 2022 \_\_\_\_ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST:

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

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

RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN  
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY BEARING TAX KEY NUMBER 892-  
9999-002, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,  
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN  
SAVANNA NATURAL AREA FROM RECREATIONAL USE AND AREAS OF  
NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE,  
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

---

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

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

WHEREAS, Stephen R. Mills, President of Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for the property generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, such property bearing Tax Key Number 892-9999-002, more particularly described as follows:

Lot 2 of Certified Survey Map No. 8293. Being the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 29 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin (total acreage approximately 35 acres); and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on February 3, 2022, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety

and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

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

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

APPROVED:

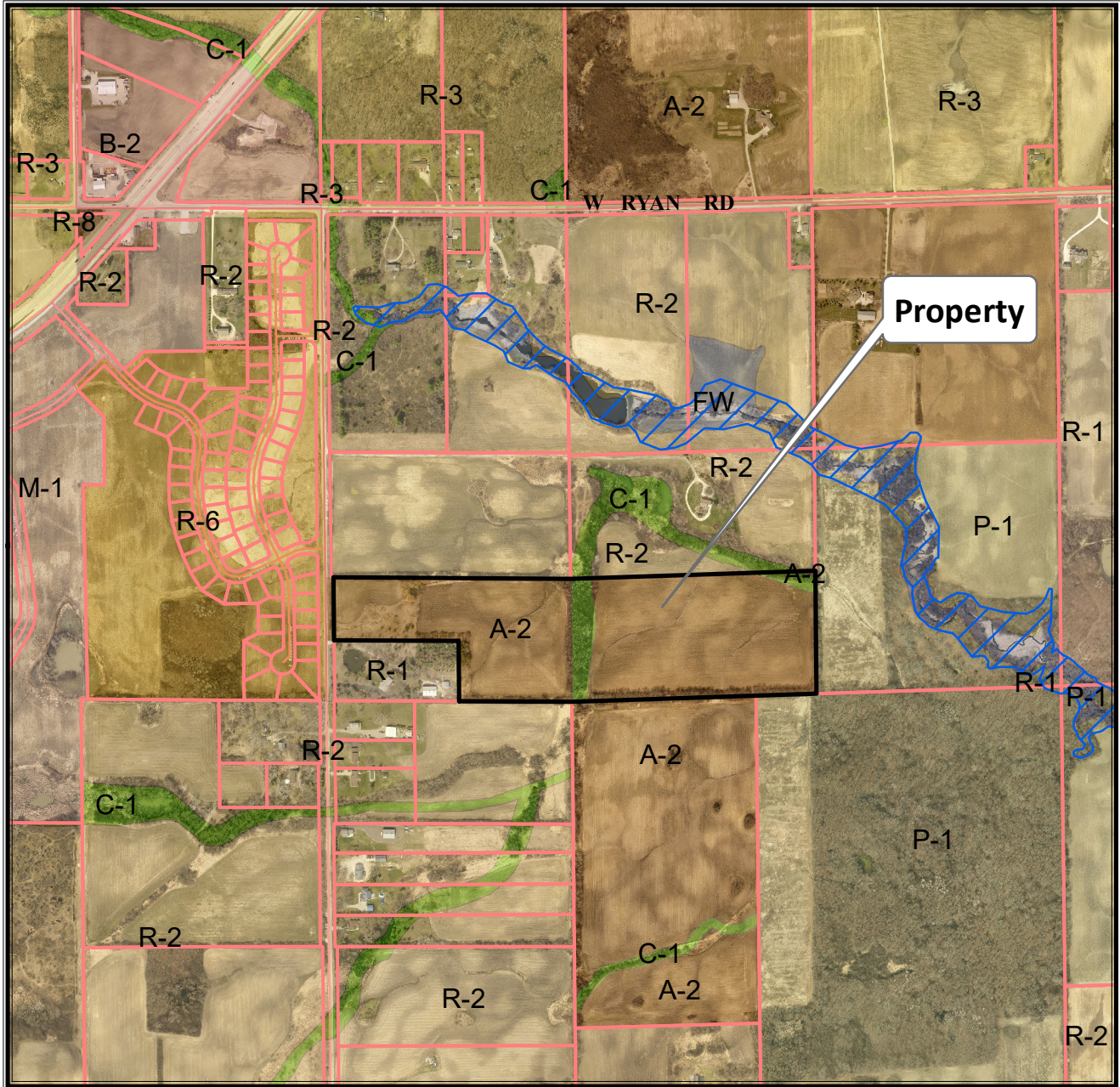
\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

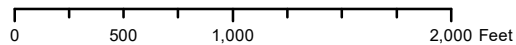
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

0 S. 112th Street  
TKN: 892 9999 002

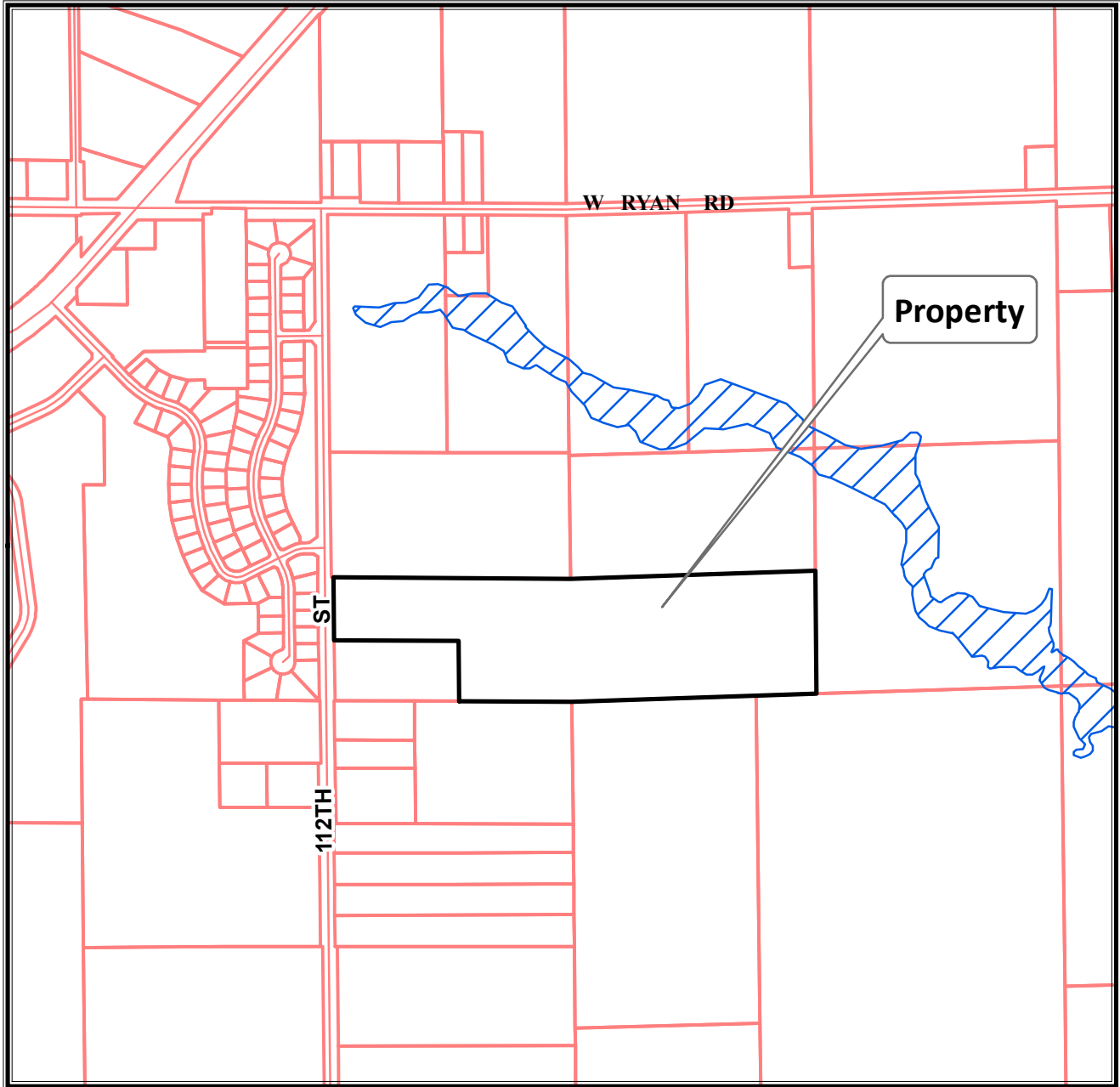


**Planning Department**  
**(414) 425-4024**

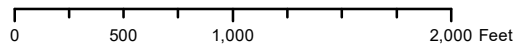


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

0 S. 112th Street  
TKN: 892 9999 002



**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.*



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



APPLICATION DATE: \_\_\_\_\_  
 STAMP DATE: \_\_\_\_\_ city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: S.R. Mills	NAME: Daniel Szczap
COMPANY: Bear Development, LLC (Daniel Szczap)	COMPANY: Bear Development, LLC (Daniel Szczap)
MAILING ADDRESS: 4011 80th Street	MAILING ADDRESS: 4011 80th Street
CITY/STATE: Kenosha, WI                      ZIP: 53142	CITY/STATE: Kenosha, WI                      ZIP: 53142
PHONE: (262) 949-3788	PHONE: (262) 949-3788
EMAIL ADDRESS: dan@beardevelopment.com	EMAIL ADDRESS: dan@beardevelopment.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: Vacant 112th Street	TAX KEY NUMBER: 892-9999-002
PROPERTY OWNER: Please see attached	PHONE:
MAILING ADDRESS:	EMAIL ADDRESS:
CITY/STATE:                                      ZIP:	DATE OF COMPLETION:                      office use only

### APPLICATION TYPE

**Please check the application type that you are applying for**

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

Most requests require Plan Commission review and Common Council approval.  
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

### SIGNATURES

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

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

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

PROPERTY OWNER SIGNATURE:	APPLICANT SIGNATURE: 
NAME & TITLE:                                      DATE:	NAME & TITLE: S.R. Mills, President                      DATE: 12/27/2021
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE: 
NAME & TITLE:                                      DATE:	NAME & TITLE: Daniel Szczap, Project Manager                      DATE: 12/27/2021

## CITY OF FRANKLIN APPLICATION CHECKLIST

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

### CONCEPT REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$250 Application fee payable to the City of Franklin.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.]
  - Three (3) colored copies of building elevations on 11" X 17" paper if applicable.
- Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$125 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

### PLANNED DEVELOPMENT DISTRICT (PDD)

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$6,000: New PDD
  - \$3,500: PDD Major Amendment
  - \$500: PDD Minor Amendment
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15-7.0101, 15-7.0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval.
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval.

### REZONING

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$1,250
  - \$350: one parcel residential.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission.



**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$1,500: New Special Use > 4000 square feet.
  - \$1,000: Special Use Amendment.
  - \$750: New Special Use < 4000 square feet.
- Word Document legal description of the subject property.
- One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin.
- Three (3) project narratives, including description of the proposed text amendment.
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov).



August 18, 2021

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

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

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

Dated: 8/18, 2021

Owner:  
Ignasiak Investment Company, LLC

By: M. Ignasiak Sr.  
(Authorized Signatory)



**December 27, 2021**

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

**Re: Franklin Expansion Lands- Comprehensive Plan Amendment**

Dear Mr. Martinez-Montilva:

Please accept this letter and the enclosed submittal materials as formal application for an amendment to the City of Franklin Comprehensive Plan. Bear Development LLC is contract purchaser of the subject property, acting on behalf, and with authorization, of the owner of record, Ignasiak Investment Company, LLC.

**Project Summary**

Bear Development, LLC is the contract purchaser of approximately 34.59 acres of land in the City of Franklin. The land is located on the east side of 112<sup>th</sup> Street and lies south of Ryan Road. The property is directly east of the Ryan Meadows Subdivision.

On August 17, 2021, Bear Development presented a Concept Plan for the subject property before the Common Council. The Concept Plan received generally positive comments as to the proposed use as a single-family neighborhood. As such, the applicant is seeking an amendment to the City Comprehensive Plan to achieve consistency.

**Current Plan Designation- Ignasiak Investment Company, LLC**

The subject property (approximately 34.54 acres) is located on the east side of 112th Street adjacent to Milwaukee County Park land known as the Franklin Savanna. The City Comprehensive Plan designates this property as Recreational.

**Proposed Comprehensive -Ignasiak Investment Company, LLC**

Bear Development and Ignasiak Investment Company, LLC respectfully request a Comprehensive Plan Amendment for the subject property to be changed from the designation "Recreation" to the "Residential" designation. While it is designated as Recreational, we understand there are no plans for either Milwaukee County or the City of Franklin to purchase the property and develop it as a public park. The property has been offered for sale for the past two (2) years.

A legal description and graphic exhibit are enclosed for your reference and review.

We feel the Conceptual Plan presented to the Common Council on August 17, 2021 offers a realistic future land use pattern when considering the current development/growth trends in the area and the public utilities that have been extended nearby. We submit that holding the subject property in a designation of Recreation precludes future development opportunities that can increase tax base on properties that are viable for development on public sewer and water.

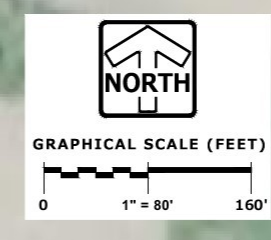
Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Respectfully,

Daniel Szczap  
Bear Development, LLC

SITE DATA TABLE	
ZONING	R-5
TOTAL SITE	35.1 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
SIDE SETBACK (CORNER)	25 FT
REAR SETBACK	30 FT
R.O.W. FRONTAGE	90 FT
R.O.W. FRONTAGE (CORNER)	105 FT
TOTAL LOTS	63
PROPOSED ROADWAY LENGTH	4,463 LF



LAND USE: AGRICULTURE  
ZONING: R2 RESIDENTIAL

LAND USE: SF RESIDENTIAL ; AGRICULTURE  
ZONING: R2 RESIDENTIAL

LAND USE: SF RESIDENTIAL  
ZONING: R6 RESIDENTIAL

LAND USE: PARK  
ZONING: P1 PARK

LAND USE: SF RESIDENTIAL  
ZONING: R1 RESIDENTIAL

LAND USE: AGRICULTURE  
ZONING: R2 RESIDENTIAL

LAND USE: AGRICULTURE  
ZONING: A2 AGRICULTURE

1 15658 SF	2* 15500 SF	3* 15500 SF	4* 15500 SF	OUTLOT 20104 SF 0.46 AC	5* 13893 SF	6* 13828 SF	7 13812 SF	8 13795 SF	9 16074 SF	10 14654 SF	11 18207 SF	OUTLOT 27426 SF 0.63 AC	12 13699 SF	13 13719 SF	14 13740 SF	15 13734 SF	16 13738 SF	17 13737 SF	18 13685 SF	19 13825 SF	20 13803 SF	21 20410 SF																				
OUTLOT 39696 SF 0.91 AC	63 13125 SF	62 13275 SF	61 13435 SF	60 13520 SF	59 13520 SF	58 19726 SF	57 28207 SF	56 34692 SF	55 39369 SF	54 18179 SF	53 28301 SF	52 27811 SF	51 27932 SF	50 39194 SF	49 23153 SF	48 21735 SF	47 21834 SF	46 22164 SF	45 22069 SF	44 13125 SF	43 13125 SF	42 13125 SF	41 13125 SF	40 13125 SF	39 16456 SF	38 16448 SF	37 13125 SF	36 13125 SF	35 13125 SF	34 13125 SF	33 13143 SF	32 15432 SF	31 13211 SF	30 13204 SF	29 13206 SF	28 13222 SF	27 13222 SF	26 13440 SF	25 21865 SF	24 18253 SF	23 15357 SF	22 19150 SF

WS SUBDIVISION  
11/19/2021 1:53 PM  
V:\CAD\EXHIBITS\809.80-WI CONCEPT SITE PLAN - OPTION G.DWG

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



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

STAMP DATE: \_\_\_\_\_ city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: S.R. Mills	NAME: Daniel Szczap
COMPANY: Bear Development, LLC (Daniel Szczap)	COMPANY: Bear Development, LLC (Daniel Szczap)
MAILING ADDRESS: 4011 80th Street	MAILING ADDRESS: 4011 80th Street
CITY/STATE: Kenosha, WI                      ZIP: 53142	CITY/STATE: Kenosha, WI                      ZIP: 53142
PHONE: (262) 949-3788	PHONE: (262) 949-3788
EMAIL ADDRESS: dan@beardevelopment.com	EMAIL ADDRESS: dan@beardevelopment.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: Vacant 112th Street	TAX KEY NUMBER: 892-9999-002
PROPERTY OWNER: Please see attached	PHONE:
MAILING ADDRESS:	EMAIL ADDRESS:
CITY/STATE:                                      ZIP:	DATE OF COMPLETION:                      office use only

### APPLICATION TYPE

**Please check the application type that you are applying for**

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

Most requests require Plan Commission review and Common Council approval.  
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

### SIGNATURES

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

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

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

PROPERTY OWNER SIGNATURE:	APPLICANT SIGNATURE:
NAME & TITLE:                                      DATE:	NAME & TITLE: S.R. Mills, President                      DATE: 12/27/2021
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE:                                      DATE:	NAME & TITLE: Daniel Szczap, Project Manager                      DATE: 12/27/2021

## CITY OF FRANKLIN APPLICATION CHECKLIST

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

### CONCEPT REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$250 Application fee payable to the City of Franklin.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities (approximate locations only), and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.]
  - Three (3) colored copies of building elevations on 11" X 17" paper if applicable.
- Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$125 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- Email or flash drive with all plans / submittal materials.
- Additional Information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

### PLANNED DEVELOPMENT DISTRICT (PDD)

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$6,000: New PDD
  - \$3,500: PDD Major Amendment
  - \$500: PDD Minor Amendment
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15-7.0101, 15-7.0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval.
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval.

### REZONING

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$1,250
  - \$350: one parcel residential.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission.

**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$1,500: New Special Use > 4000 square feet.
  - \$1,000: Special Use Amendment.
  - \$750: New Special Use < 4000 square feet.
- Word Document legal description of the subject property.
- One copy of a response to the General Standards, Special Standards, and Considerations *found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).*
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", *The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.*
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- Email or flash drive with all plans / submittal materials.
- Additional Information as may be required.
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin.
- Three (3) project narratives, *including description of the proposed text amendment.*
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov).





August 18, 2021

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

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

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

Dated: 8/18, 2021

Owner:  
Ignasiak Investment Company, LLC

By: M. Ignasiak Sr.  
(Authorized Signatory)



**December 27, 2021**

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

**Re: Rezoning – Franklin Expansion Lands**

Dear Mr. Martinez Montilva:

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

**Project Summary**

Bear Development, LLC is the contract purchaser of approximately 34.59 acres of land in the City of Franklin. The land is located on the east side of 112<sup>th</sup> Street and south of Ryan Road. Bear Development is respectfully requesting a zoning amendment for the entire property to facilitate a single-family neighborhood. A Conceptual Plan was presented to the Franklin Common Council on August 17, 2021. Common Council comments were perceived as positive with no major objections raised.

**Current Use**

The subject property (approximately 34.59 acres) is actively farmed for row crops. There are scattered wetlands on the property and established tree lines which separate agricultural fields

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

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

**Adjacent Zoning**

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

**Adjacent Land Use**

North: Agriculture

South: Agriculture

East: Public Lands

West: Residential and Agriculture

**Proposed Zoning**

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

**Proposed Land Use**

Bear Development is proposing a single-family neighborhood for the subject property. The Conceptual Plan was presented to the Common Council on August 17, 2021. Generally, the feedback from Council was positive and there were no major objections to the proposed plan.

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

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

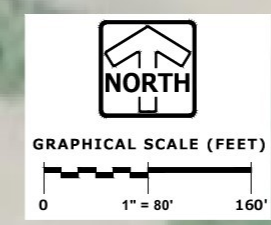
Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC

SITE DATA TABLE	
ZONING	R-5
TOTAL SITE	35.1 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
SIDE SETBACK (CORNER)	25 FT
REAR SETBACK	30 FT
R.O.W. FRONTAGE	90 FT
R.O.W. FRONTAGE (CORNER)	105 FT
TOTAL LOTS	63
PROPOSED ROADWAY LENGTH	4,463 LF



LAND USE: AGRICULTURE  
ZONING: R2 RESIDENTIAL

LAND USE: SF RESIDENTIAL ; AGRICULTURE  
ZONING: R2 RESIDENTIAL

LAND USE: SF RESIDENTIAL  
ZONING: R6 RESIDENTIAL

LAND USE: PARK  
ZONING: P1 PARK

LAND USE: SF RESIDENTIAL  
ZONING: R1 RESIDENTIAL

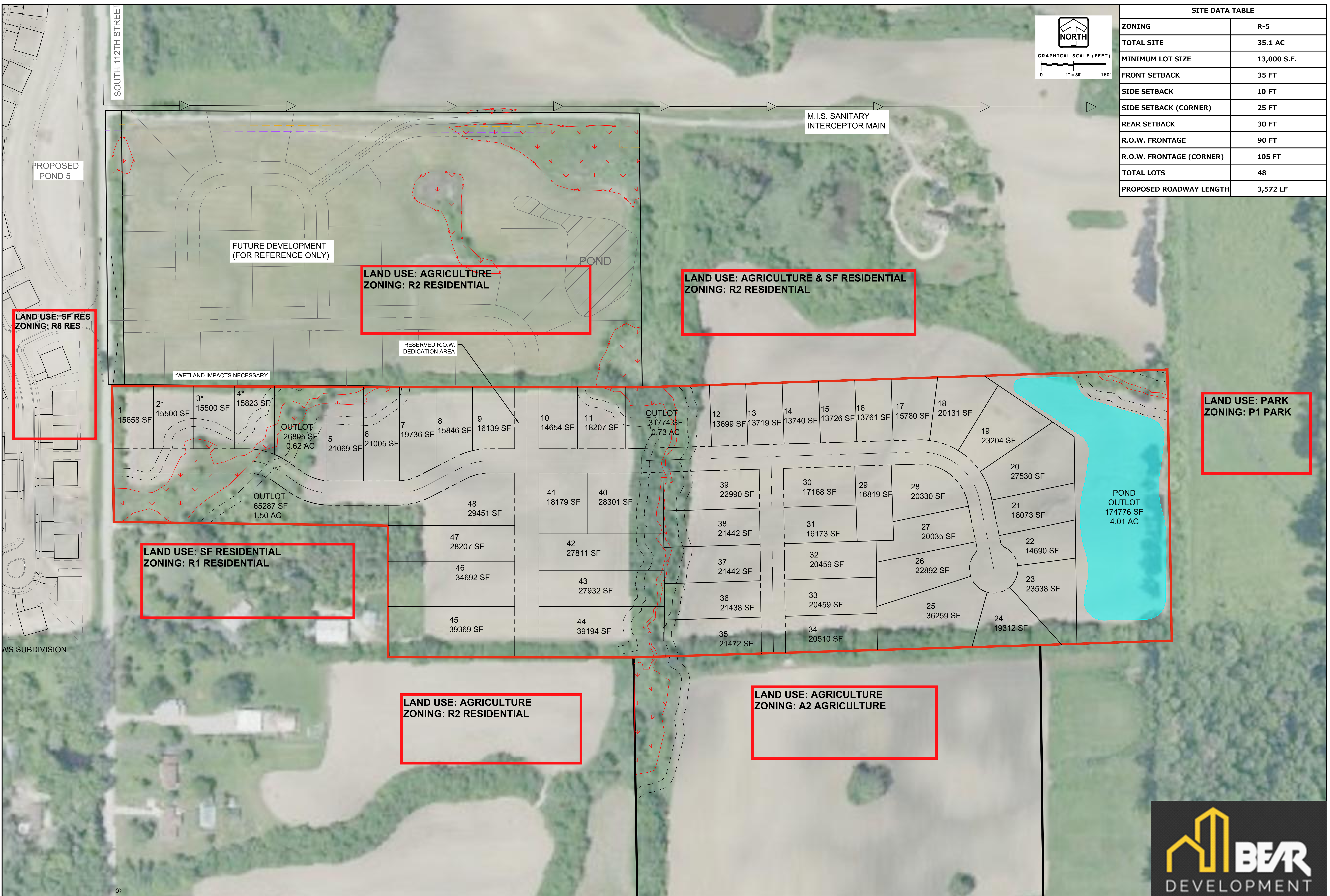
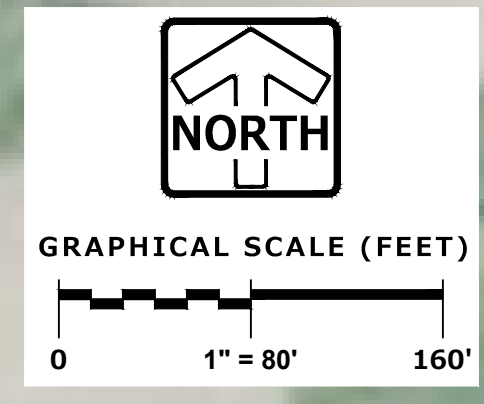
LAND USE: AGRICULTURE  
ZONING: R2 RESIDENTIAL

LAND USE: AGRICULTURE  
ZONING: A2 AGRICULTURE

1 15658 SF	2* 15500 SF	3* 15500 SF	4* 15500 SF	OUTLOT 20104 SF 0.46 AC	5* 13893 SF	6* 13828 SF	7 13812 SF	8 13795 SF	9 16074 SF	10 14654 SF	11 18207 SF	OUTLOT 27426 SF 0.63 AC	12 13699 SF	13 13719 SF	14 13740 SF	15 13734 SF	16 13738 SF	17 13737 SF	18 13685 SF	19 13825 SF	20 13803 SF	21 20410 SF																				
OUTLOT 39696 SF 0.91 AC	63 13125 SF	62 13275 SF	61 13435 SF	60 13520 SF	59 13520 SF	58 19726 SF	57 28207 SF	56 34692 SF	55 39369 SF	54 18179 SF	53 28301 SF	52 27811 SF	51 27932 SF	50 39194 SF	49 23153 SF	48 21735 SF	47 21834 SF	46 22164 SF	45 22069 SF	44 13125 SF	43 13125 SF	42 13125 SF	41 13125 SF	40 13125 SF	39 16456 SF	38 16448 SF	37 13125 SF	36 13125 SF	35 13125 SF	34 13125 SF	33 13143 SF	32 15432 SF	31 13211 SF	30 13204 SF	29 13206 SF	28 13222 SF	27 13222 SF	26 13440 SF	25 21865 SF	24 18253 SF	23 15357 SF	22 19150 SF

WS SUBDIVISION  
11/19/2021 1:53 PM  
V:\CAD\EXHIBITS\809.80-WI CONCEPT SITE PLAN - OPTION G.DWG

SITE DATA TABLE	
ZONING	R-5
TOTAL SITE	35.1 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
SIDE SETBACK (CORNER)	25 FT
REAR SETBACK	30 FT
R.O.W. FRONTAGE	90 FT
R.O.W. FRONTAGE (CORNER)	105 FT
TOTAL LOTS	48
PROPOSED ROADWAY LENGTH	3,572 LF



# FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION F)

Z:\PROJECTS\2016\809-80-WI\CAD\EXHIBITS\809-80-WI CONCEPT SITE PLAN- OPTION F.DWG 11/17/2021 9:43 AM

Legal Description

Lot 2 of Certified Survey Map #8293, Being the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 29 and the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin.

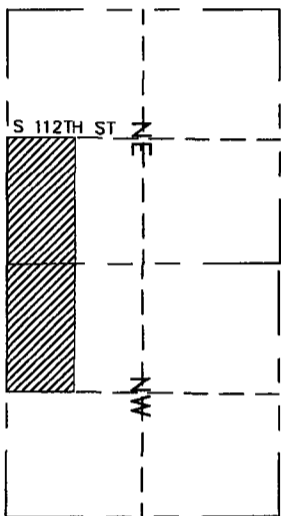
# CERTIFIED SURVEY MAP NO. 8293

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

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

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

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

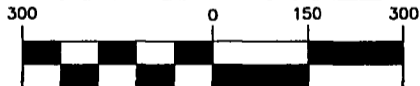


**VICINITY MAP**

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

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

**GRAPHIC SCALE**



( IN FEET )  
 1 inch = 300 ft

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

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

PROPOSED LINKAGE PER CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN

BEST AVAILABLE LOCATION OF WOODLANDS PER MCAMLLIS 2008 AERIAL PHOTOGRAPHY

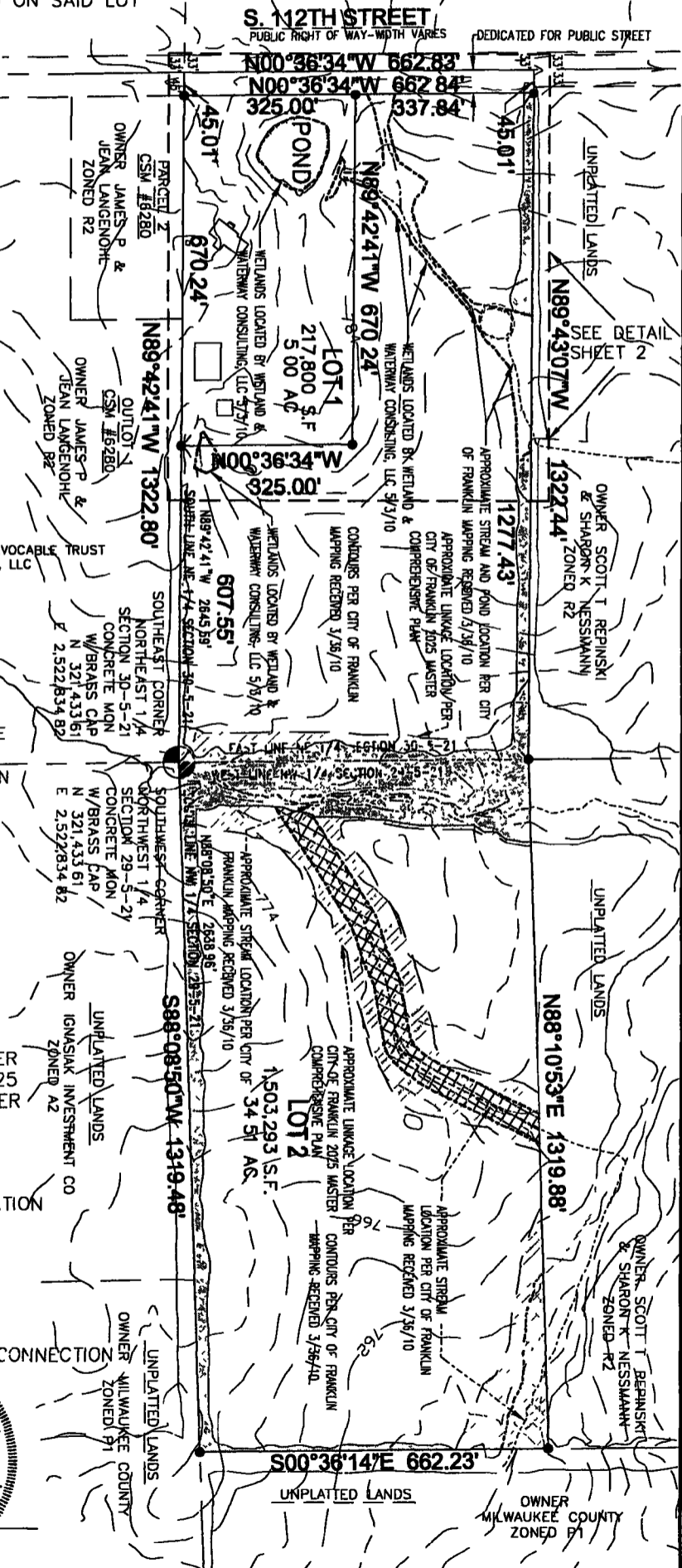
PROBABLE GREENWAY CONNECTION PER SEWERAGE DISTRICT

**SURVEYING ASSOCIATES, INC.**

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

WISCONSIN  
 ★  
 FREDERICK W SHIBILSKI  
 S-1154  
 WAUWATOSA  
 WI  
 ★

FREDERICK W SHIBILSKI



Conservation Easement  
Ignasiak Property

Document Number

Document Title

Recording Area

Name and Return Address

City of Franklin  
Planning Department, Attn: Mary Dalton  
9229 West Loomis Road  
Franklin, Wisconsin 53132

TKN: 892-9999-000

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). WRDA HB Rev. 1/8/2004



**CONSERVATION EASEMENT**

(IGNASIAK PROPERTY)

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 Theodore J. Ignasiak Revocable Trust and Ignasiak Investment Co. LLC, 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 in the South ½ of the Southwest ¼ of the Northwest ¼ of Section 29, and the South ½ of the Southeast ¼ of the Northeast ¼ of Section 30, Town 5 North, Range 21 East, within the City of Franklin, Milwaukee County, Wisconsin and described in the CSM attached hereto and hereby made a part hereof (the "Property"); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the Property, being the mature woodlands, young woodlands, ponds, streams, shore buffers, wetland buffers, wetlands and shoreland wetlands described in the Natural Resource Investigation by Wetland & Waterway Consulting LLC, dated June 14, 2010, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt such natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(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 as described in the legal description attached, subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby;

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.

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

1. To view the protected portions of the 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 portions of the Property at all reasonable times for the purpose of inspecting the protected portions of the 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 portions of the Property, the Grantor, without the prior consent of the Grantee, shall not:

1. Construct or place buildings or any structure;

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 protected portions of the Property 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 on the protected portions of the Property, 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 on the protected portions of the Property.

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 Property, including, but not limited to, the right to use the 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 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 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:

Theodore J. Ignasiak Revocable Trust and  
 Ignasiak Investment Co. LLC,  
 Attn: Theodore Ignasiak and Carol Kaminski  
 9880 S 112<sup>th</sup> Street  
 Franklin, Wisconsin, 53132

To Grantee:

City of Franklin  
 Office of the City Clerk  
 9229 W. Loomis Road  
 Franklin, Wisconsin 53132

In witness whereof, the grantor has set its hand and seals this on this date of Sept 9, 2010. x

Theodore J. Ignasiak Revocable Trust  
 and Ignasiak Investment Co. LLC,

By: Theodore J. Ignasiak  
 Theodore J. Ignasiak - Trustee

By: Theodore J. Ignasiak  
 Theodore J. Ignasiak - Member

STATE OF WISCONSIN        )  
   ) ss  
 COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the 9 day of Sept, A.D. 2010 by

Theodore J. Ignasiak as Trustees of Theodore J. Ignasiak Revocable Trust and member of Ignasiak Investment Co. LLC.

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Revocable Trusts and LLC.

Matthew P. Mullen  
 Notary Public



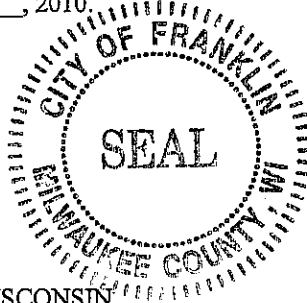
My commission expires JAN 05, 2014

**Matthew Mullen**  
**Notary Public Milwaukee County**  
**My Commission Expires January 5, 2014**

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 20<sup>th</sup> day of October, 2010.



CITY OF FRANKLIN

By:

Thomas M. Taylor  
Thomas M. Taylor, Mayor

Sandra L. Wesolowski  
Sandra L. Wesolowski, City Clerk

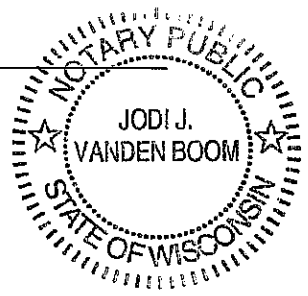
STATE OF WISCONSIN

COUNTY OF MILWAUKEE

Personally came before me this 20<sup>th</sup> day of October, 2010, the above named Thomas M. Taylor, 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. 2010-6654, adopted by its Common Council on the 13<sup>th</sup> day of July, 2010.

Jodi J. Vander Boom  
Notary Public

My commission expires 7/29/12



This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs  
Nicholas Fuchs, Senior Planner  
Department of City Development

10-19-10  
Date Received and Reviewed

Approved as to form only:

Jesse A. Wesolowski  
Jesse A. Wesolowski  
City Attorney

10/26/10 10/27/10  
Date Received and Reviewed





# SURVEYING ASSOCIATES, INC.

MEMBER WISCONSIN SOCIETY OF LAND SURVEYORS  
AND AMERICAN CONGRESS ON SURVEYING AND MAPPING

## Legal Description for Conservation Easement

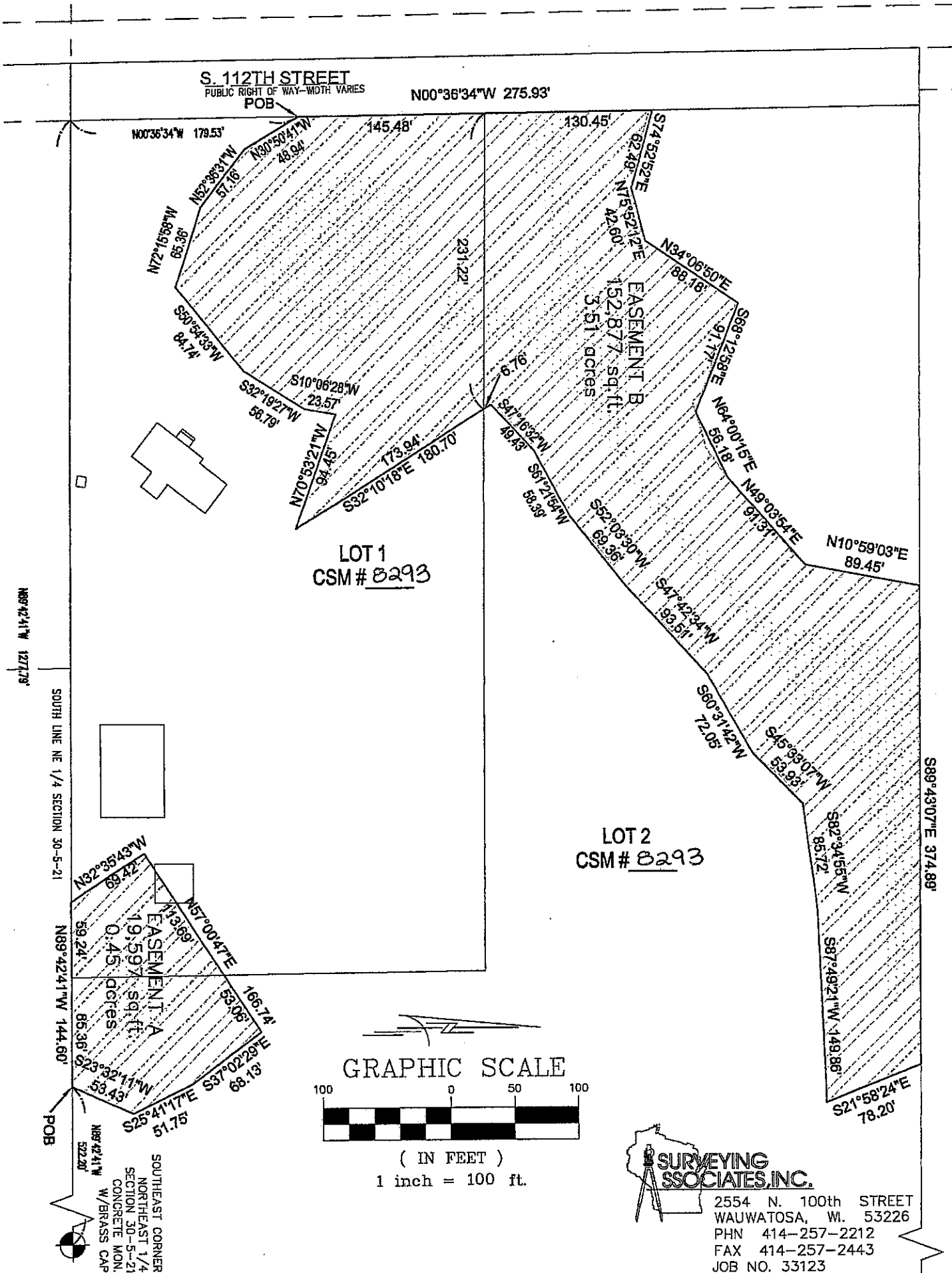
### CONSERVATION EASEMENT A:

Part of Certified Survey Map No. 8293, being a part of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin, being more particularly described as follows: Commencing at the Southeast corner of the Northeast  $\frac{1}{4}$  of Section 30; thence North  $89^{\circ} 42' 41''$  West along the South line of said  $\frac{1}{4}$  Section, 522.20 feet to the point of beginning of the land to be described; thence continue North  $89^{\circ} 42' 41''$  West along said line, 144.60 feet; thence North  $32^{\circ} 35' 43''$  West 69.42 feet; thence North  $57^{\circ} 00' 47''$  East 166.74 feet; thence South  $37^{\circ} 02' 29''$  East 68.13 feet; thence South  $25^{\circ} 41' 17''$  East 51.75 feet; thence South  $23^{\circ} 32' 11''$  West 53.43 feet to the point of beginning. Containing 19,597 square feet, (0.45 acres) of land.

### CONSERVATION EASEMENT B:

Part of Certified Survey Map No. 8293, being a part of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin, being more particularly described as follows: Commencing at the Southeast corner of the Northeast  $\frac{1}{4}$  of Section 30; thence North  $89^{\circ} 42' 41''$  West along the South line of said  $\frac{1}{4}$  Section, 1277.79 feet to the East line of South 112<sup>th</sup> Street; thence North  $00^{\circ} 36' 34''$  West along said line 179.53 feet to the point of beginning of the land to be described; thence continue North  $00^{\circ} 36' 34''$  West along said line, 275.93 feet; thence South  $74^{\circ} 52' 52''$  East 62.49 feet; thence North  $75^{\circ} 52' 12''$  East 42.60 feet; thence North  $34^{\circ} 06' 50''$  East 88.18 feet; thence South  $68^{\circ} 12' 58''$  East 91.17 feet; thence North  $64^{\circ} 00' 15''$  East 56.18 feet; thence North  $49^{\circ} 03' 54''$  East 91.31 feet; thence North  $10^{\circ} 59' 03''$  East 89.45 feet; thence South  $89^{\circ} 43' 07''$  East 374.89 feet; thence South  $21^{\circ} 58' 24''$  East 78.20 feet; thence South  $87^{\circ} 49' 21''$  West 149.86 feet; thence South  $82^{\circ} 34' 55''$  West 85.72 feet; thence South  $45^{\circ} 33' 07''$  West 53.93 feet; thence South  $60^{\circ} 31' 42''$  West 72.05 feet; thence South  $47^{\circ} 42' 34''$  West 93.51 feet; thence South  $52^{\circ} 03' 30''$  West 69.36 feet; thence South  $61^{\circ} 21' 54''$  West 58.39 feet; thence South  $47^{\circ} 16' 32''$  West 49.43 feet; thence South  $32^{\circ} 10' 18''$  East 180.70 feet; thence North  $70^{\circ} 53' 21''$  West 94.45 feet; thence South  $10^{\circ} 06' 28''$  West 23.57 feet; thence South  $32^{\circ} 19' 27''$  West 56.79 feet; thence South  $50^{\circ} 54' 33''$  West 84.74 feet; thence North  $72^{\circ} 15' 58''$  West 65.36 feet; thence North  $52^{\circ} 36' 31''$  West 57.16 feet; thence North  $30^{\circ} 50' 41''$  West 48.94 feet to the point of beginning. Containing 152,877 square feet, (3.51 acres) of land.

# CONSERVATION EASEMENT



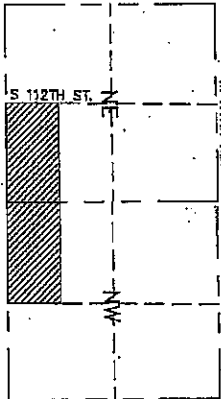
CERTIFIED SURVEY MAP NO. 8293

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

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

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

- DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING A MINIMUM OF 1.13 LBS PER LINEAL FOOT.

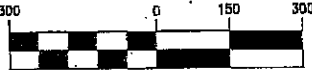


VICINITY MAP

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

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

GRAPHIC SCALE



( IN FEET )
1 inch = 300 ft.

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

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

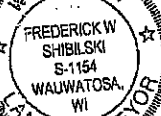
PROPOSED LINKAGE PER CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN

BEST AVAILABLE LOCATION OF WOODLANDS PER MCAMUS 2008 AERIAL PHOTOGRAPHY

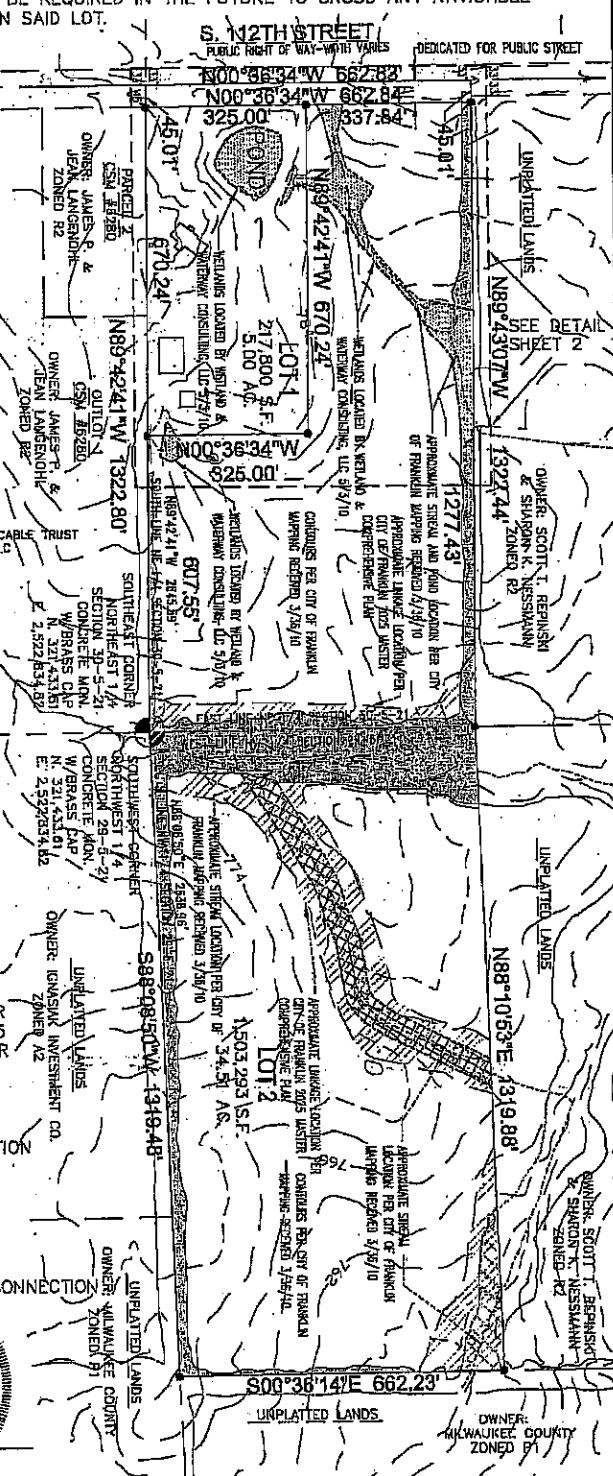
PROBABLE GREENWAY CONNECTION PER SEWER WISCONSIN

SURVEYING ASSOCIATES INC.

2554 N. 100th STREET
WAUWATOSA WI 53226
PHN 414-257-2212
FAX 414-257-2441

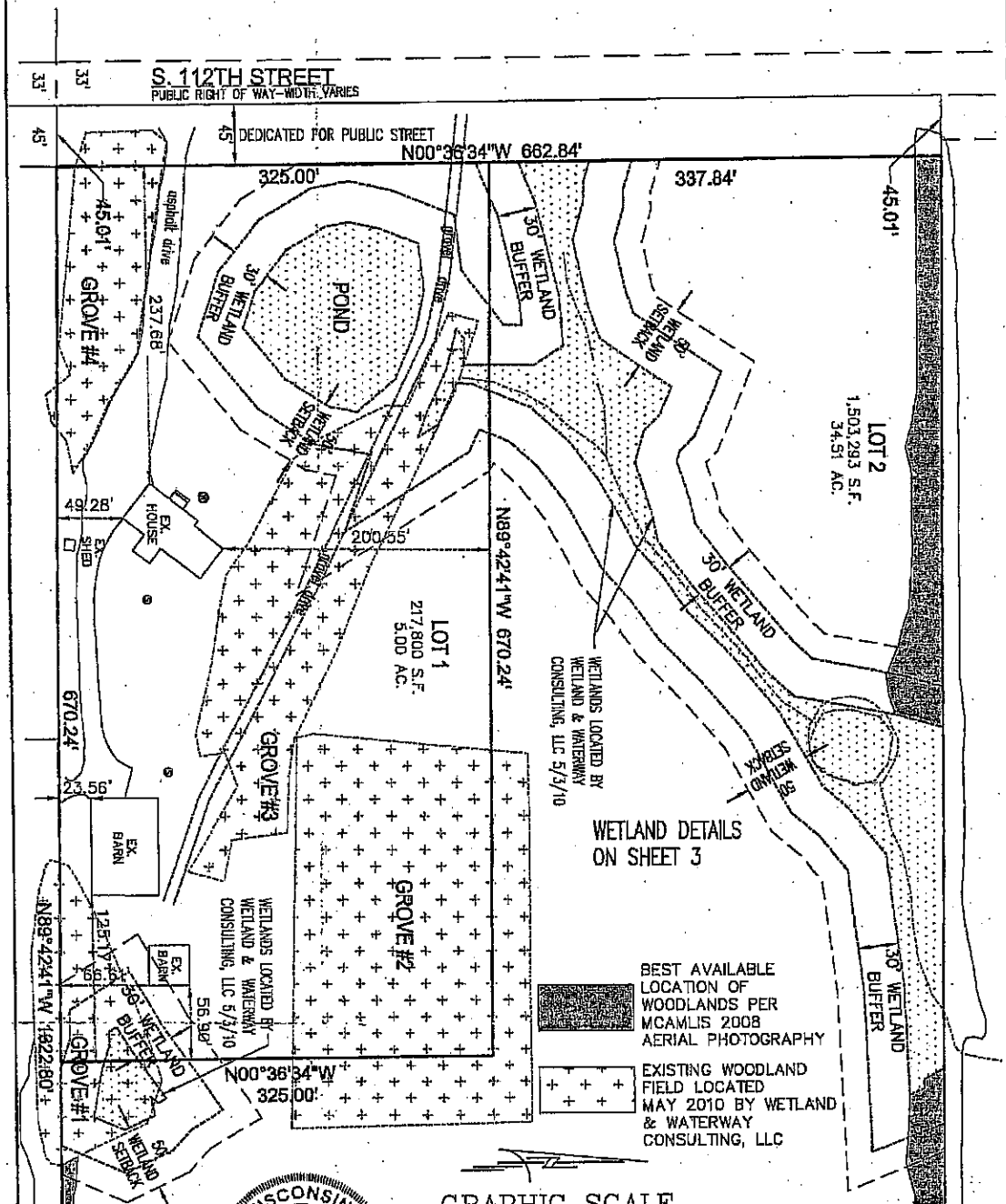


FREDERICK W. SHIBILSKI



CERTIFIED SURVEY MAP NO. 8293

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

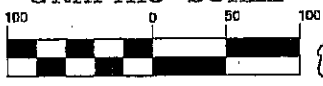


WETLAND DETAILS ON SHEET 3

BEST AVAILABLE LOCATION OF WOODLANDS PER MCAMILLIS 2008 AERIAL PHOTOGRAPHY

EXISTING WOODLAND FIELD LOCATED MAY 2010 BY WETLAND & WATERWAY CONSULTING, LLC

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.



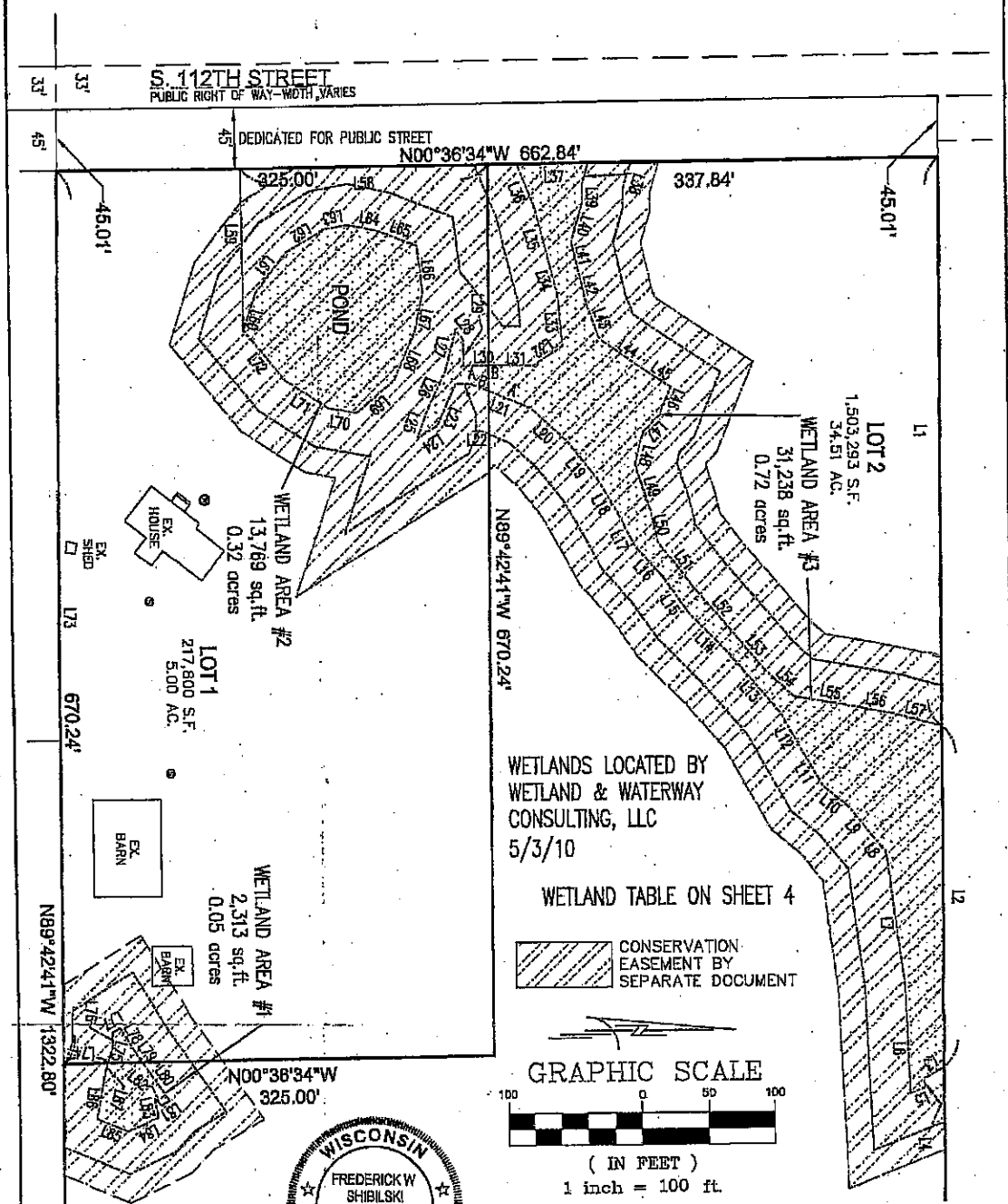
FREDERICK W. SHIBILSKI S - 1154  
INSTRUMENT DRAFTED BY: DAPHNE WILLIAMS JOB NO. 33123

**SURVEYING ASSOCIATES, INC.**  
2554 N. 100th STREET  
WAUWATOSA, WI. 53226  
PHN 414-257-2212  
FAX 414-257-2443



CERTIFIED SURVEY MAP NO. 8293

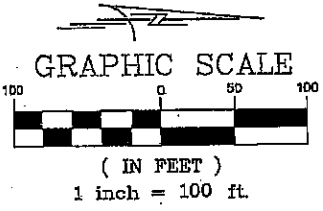
BEING THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



WETLANDS LOCATED BY  
WETLAND & WATERWAY  
CONSULTING, LLC  
5/3/10

WETLAND TABLE ON SHEET 4

CONSERVATION  
EASEMENT BY  
SEPARATE DOCUMENT



*Frederick W. Shibilski*  
FREDERICK W. SHIBILSKI S - 1154

**SURVEYING ASSOCIATES, INC.**  
2554 N. 100th STREET  
WAUWATOSA, WI. 53226  
PHN 414-257-2212  
FAX 414-257-2443

**CERTIFIED SURVEY MAP NO. 9293**

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

WETLAND LINE TABLE			WETLAND LINE TABLE			WETLAND LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	428.32'	S89°43'07"E	L31	26.92'	N00°37'33"E	L65	30.90'	N20°57'15"E
L2	257.20'	S89°43'07"E	L32	26.14'	N33°49'23"W	L66	35.73'	N83°01'15"E
L3	17.56'	S30°40'23"E	L33	37.92'	S85°38'24"W	L67	30.23'	S77°47'42"E
L4	6.82'	N87°06'53"E	L34	33.44'	S76°12'45"W	L68	40.61'	S67°10'26"E
L5	11.66'	S21°58'24"E	L35	39.15'	S75°39'16"W	L69	38.02'	S40°07'45"E
L6	81.01'	S87°49'21"W	L36	31.66'	S67°19'40"W	L70	21.64'	S10°06'28"W
L7	102.26'	S82°34'55"W	L37	53.51'	N00°36'34"W	L71	38.80'	S32°19'27"W
L8	21.38'	S50°46'26"W	L38	16.24'	S73°04'57"E	L72	49.51'	S50°54'33"W
L9	21.90'	S51°49'39"W	L39	13.78'	S89°30'04"E	L73	670.24'	S89°42'41"E
L10	25.33'	S40°27'36"W	L40	30.06'	S73°53'43"E	L74	32.93'	N00°36'34"W
L11	29.80'	S60°31'42"W	L41	22.26'	N77°20'20"E	L75	12.05'	N73°06'25"W
L12	35.77'	S61°13'44"W	L42	28.05'	N77°11'43"E	L76	11.28'	N89°15'47"W
L13	55.74'	S49°49'39"W	L43	27.18'	N70°14'19"E	L77	6.77'	N32°35'43"W
L14	44.33'	S45°35'09"W	L44	39.03'	N35°08'38"E	L78	21.44'	N59°02'04"E
L15	33.61'	S55°17'32"W	L45	25.17'	N33°45'30"E	L79	9.46'	N55°30'10"E
L16	31.23'	S48°46'26"W	L46	22.45'	S67°31'49"E	L80	35.08'	N55°30'10"E
L17	23.49'	S62°38'55"W	L47	17.71'	S45°39'27"E	L81	6.86'	S31°43'38"E
L18	34.62'	S60°08'37"W	L48	24.53'	S74°54'16"E	L82	7.31'	S39°50'32"W
L19	34.63'	S51°54'34"W	L49	36.87'	N72°05'23"E	L83	13.95'	N78°09'11"E
L20	37.41'	S42°08'37"W	L50	23.99'	N77°25'11"E	L84	25.00'	S25°41'17"E
L21	47.70'	S21°48'10"W	L51	44.06'	N52°42'44"E	L85	25.00'	S23°32'11"W
L21A	33.84'	S21°48'10"W	L52	44.70'	N49°21'30"E	L86	35.60'	N80°04'04"W
L21B	13.86'	S21°48'10"W	L53	35.82'	N49°48'53"E	L87	7.34'	N72°38'41"W
L22	11.82'	S02°12'07"W	L54	30.18'	N42°58'31"E			
L23	34.16'	S65°21'26"E	L55	44.03'	N10°17'52"E			
L24	17.46'	S32°10'18"E	L56	31.49'	N10°59'21"E			
L25	19.33'	N70°53'21"W	L57	36.93'	N15°28'46"E			
L26	35.89'	N65°01'06"W	L58	187.55'	S00°36'34"E			
L27	31.62'	N76°01'53"W	L59	121.79'	N89°23'26"E			
L28	9.33'	N52°47'29"E	L60	29.65'	N72°15'58"W			
L29	20.03'	S89°09'48"E	L61	38.88'	N52°36'31"W			
L30	26.44'	N00°32'52"W	L62	33.88'	N30°50'41"W			
L30A	19.33'	N00°32'52"W	L63	18.35'	N10°10'08"W			
L30B	34.03'	N00°22'50"E	L64	24.00'	N11°19'44"E			

DOC.# 09924693

RECORDED 10/11/2010 11:45AM  
 JOHN LA FAVE  
 REGISTER OF DEEDS  
 Milwaukee County, WI  
 AMOUNT: 80.00  
 FEE EXEMPT#:



*Frederick W. Shibilski*  
 FREDERICK W. SHIBILSKI

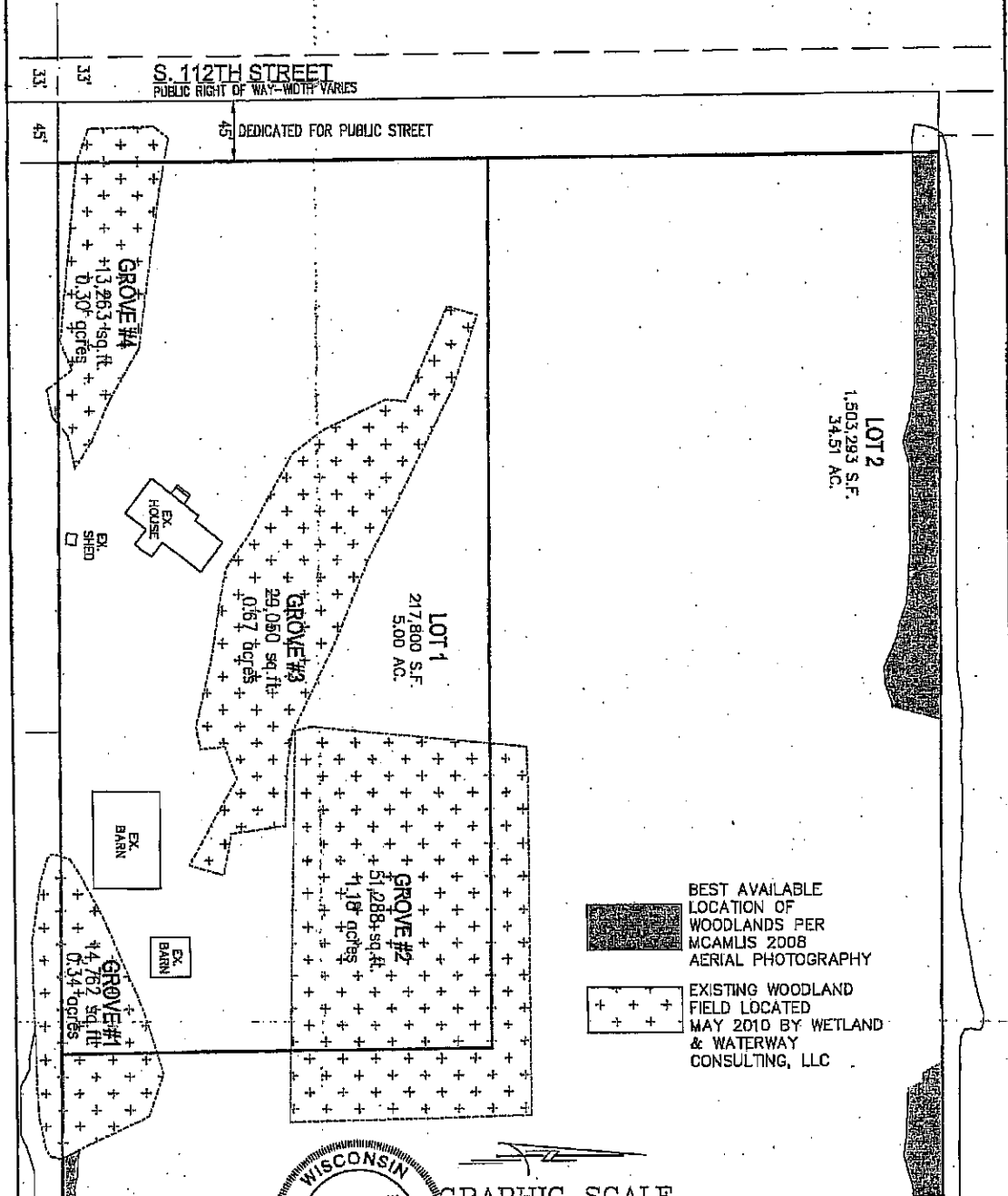
S - 1154



2554 N. 100th STREET  
 WAUWATOSA, WI. 53225  
 PHN 414-257-2212  
 FAX 414-257-2443

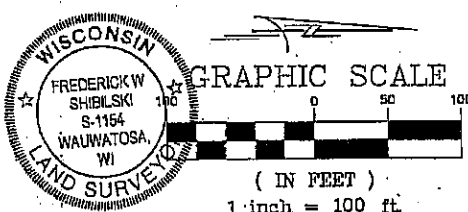
CERTIFIED SURVEY MAP NO. 8293

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



BEST AVAILABLE LOCATION OF WOODLANDS PER MCAMLIS 2008 AERIAL PHOTOGRAPHY

EXISTING WOODLAND FIELD LOCATED MAY 2010 BY WETLAND & WATERWAY CONSULTING, LLC



*Frederick W. Shibilski*  
 FREDERICK W. SHIBILSKI S - 1154  
 LAND SURVEYOR WISCONSIN

**SURVEYING ASSOCIATES, INC.**  
 2554 N. 100th STREET  
 WAUWATOSA, WI. 53226  
 PHN 414-257-2212  
 FAX 414-257-2443

CERTIFIED SURVEY MAP NO. 8293

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
MILWAUKEE COUNTY) SS

I, Frederick W. Shibilski, a registered land surveyor do hereby certify:

That I have surveyed, divided and mapped the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 29 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin and being more particularly described as follows: Beginning at the Southwest corner of the Northwest 1/4 of Section 29, said corner also being the Southeast corner of the Northeast 1/4 of Section 30; thence North 89° 42' 41" West along the South line of the Northeast 1/4 of Section 30, 1322.80 feet to the centerline of South 112<sup>th</sup> Street; thence North 00° 36' 34" West along said centerline 662.83 feet; thence South 89° 43' 07" East, 1322.44 feet to a point on the East line of the Northeast 1/4 of Section 30; thence North 88° 10' 53" East, 1319.88 feet; thence South 00° 36' 14" East, 662.23 feet to a point on the South line of the Northwest 1/4 of Section 29; thence South 88° 08' 50" West, 1319.48 feet along the South line of the Northwest 1/4 of Section 29 to the point of beginning. Containing 1,750,920 square feet (40.20 acres) of land.

That I have made such survey, land division and map by the direction of Theodore J. Ignasiak Revocable Trust and Ignasiak Investment Co., LLC, owners of said lands.

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 of the Wisconsin Statutes and the Unified Development Ordinance - Division 15 of the City of Franklin Municipal Code in surveying, dividing, mapping and dedicating the same.

Dated this 19<sup>th</sup> day of May, 2010



*Frederick W. Shibilski*  
FREDERICK W. SHIBILSKI  
Wisconsin Registered Land Surveyor #S-1154

OWNER'S CERTIFICATE:

Theodore J. Ignasiak Revocable Trust, as owner hereby certify that it has caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the ordinances of the City of Franklin. We further certify that this map is required by S.236.10 or 236.12 to be submitted to the City of Franklin for approval.

In the presence of:

*[Signature]*  
Witness

*Theodore J. Ignasiak*  
Theodore J. Ignasiak, Trustee

STATE OF WISCONSIN)  
MILWAUKEE ) SS

Personally came before me this 9 day of Sept, 2010 the above named Theodore J. Ignasiak, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Matthew Mullen  
Notary Public Milwaukee County  
My Commission Expires January 5, 2014



*Matthew P. Mullen*  
NOTARY PUBLIC  
Milwaukee County, WI  
My Commission Expires: JAN 5 2014

*[Signature]*  
THIS INSTRUMENT DRAFTED BY: DAPHNE WILLIAMS

CERTIFIED SURVEY MAP NO. 8293

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

OWNER'S CERTIFICATE:

Ignasiak Investment Co., LLC, as owner hereby certify that it has caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the ordinances of the City of Franklin. We further certify that this map is required by S.236.10 or 236.12 to be submitted to the City of Franklin for approval.

In the presence of:

[Signature]  
Witness

[Signature]  
Theodore J. Ignasiak, Member

STATE OF WISCONSIN )  
MILWAUKEE ) SS

Personally came before me this 9 day of Sept, 2010 the above named Theodore J. Ignasiak, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Matthew Mullen  
Notary Public Milwaukee County  
My Commission Expires January 5, 2014



[Signature]  
NOTARY PUBLIC  
Milwaukee County, WI  
My Commission Expires: Jan 5, 2014

COMMON COUNCIL APPROVAL:

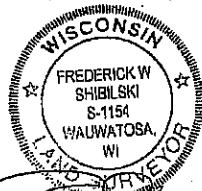
APPROVED and Dedication accepted by the Common Council of the City of Franklin by Resolution No. 2010-6654 on this 13th day of July, 2010.

APPROVED AND SIGNED:



[Signature]  
Thomas M. Taylor, Mayor, City of Franklin

[Signature]  
Sandra L. Wesolowski, City Clerk



[Signature]



CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item E.1.

Meeting of February 3, 2022

Rezoning, Certified Survey Map and Land Division Variance

**RECOMMENDATION:** City Development staff recommends consideration of three (3) scenarios for the Certified Survey Map and Land Division Variance.

<b>Project Name:</b>	<b>Bear Development &amp; Singh. Rezoning, Certified Survey Map and Land Division Variance.</b>
<b>Project Address:</b>	Unassigned address. Properties approximately located at the end of Monarch Drive. Total area: 56.04 acres.
<b>Applicant:</b>	S.R. Mills. Bear Development, LLC
<b>Property Owner:</b>	Loomis & Ryan, Inc. (891 1084 000); Gurjit Singh and Gurmit Kaur (938 9994 004)
<b>Current Zoning:</b>	M-1 Limited Industrial, R-2 Estate Single-Family Residence District and C-1 Conservancy District
<b>2025 Comprehensive Plan:</b>	Business Park and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Vacant lots zoned M-1 in the Ryan Meadows subdivision to the north and northwest, outlot of the Ryan Meadows subdivision to the northeast, residential zoned R-2 to the east and south, Copart facility under construction to the west
<b>Applicant’s Action Requested:</b>	Recommendation to the Common Council for approval of the Certified Survey Map and approval of the Land Division Variance.  <u>Note:</u> The Plan Commission recommended approval of the rezoning request during the last meeting held on January 20, 2022.
<b>Planner:</b>	Régulo Martínez-Montilva, Principal Planner

This Certified Survey Map application is for the reconfiguration of lot 84 of Ryan Meadows and an adjacent property located on the west side of S. 112th Street, and the land division variance is to allow Monarch Drive as a cul-de-sac over 800 feet in length.

**Rezoning:**

During the last regular meeting held on January 20, the Plan Commission recommended approval of this request to change the zoning of the east part of the proposed Lot 2 from R-2 Estate Single-Family Residence District to M-1 Limited Industrial for future industrial development. The area to be rezoned (8.41 acres) is designated as Business Park and Area of Natural Resource Features in the 2025 Future Land Use Map.

### **Certified Survey Map:**

After discussions about Monarch Drive in the Ryan Meadows subdivision during the last meeting, the Plan Commission tabled this Certified Survey Map (CSM).

The applicant submitted a revised CSM with a dedication for public road right of way purposes at the end of Monarch Drive instead of a temporary turn-around easement (see CSM, sheet 15). The area to be dedicated is 8,576 sf (0.1969 acres). Note that the resulting Monarch Drive would be a cul-de-sac with over 800 feet in length, see Land Division Variance section below for more information.

The proposed Certified Survey Map reconfigures the subject two properties: Lot 84 of Ryan Meadows owned by Loomis & Ryan, Inc. on the east side of Monarch Drive and south of Chicory Street, about 24.06 acres; the other property bearing Tax Key Number (TKN) 938 9994 004 is owned by Gurjit Singh and Gurmit Kaur and it is about 31.93 acres.

The CSM creates three new lots with Lot 1 having an area of approximately 9.39 acres (to be owned by Loomis & Ryan, Inc.); Lot 2 about 22.88 acres (to be owned by Loomis & Ryan, Inc.) and Lot 3 with 23.57 acres (to be owned by Singh and Kaur). The land division request essentially allows Loomis & Ryan, Inc. to purchase about 8 acres of land. This CSM also includes a temporary turn around easement at the end of Monarch Drive (sheet 15), a 20-foot trail easement (sheet 9).

If the concurrent rezoning request is approved, lots 1 and 2 would be zoned M-1 for industrial use. These two proposed lots meet the dimensional standards of the M-1 Limited Industrial zoning district, such as the minimum lot area of 20,000 square feet and minimum lot width of 100 feet. Lot 3 would remain zoned R-2 Estate Single-Family Residence District and exceed the lot standards for this district: 40,000 square feet for minimum lot area and 150 feet for minimum lot width.

Landscape bufferyard easements are required between different zoning districts, for example between the R-2 and M-1 zoning districts. City Development staff does not recommend separate landscape bufferyard easements for this certified survey map due to wetlands located between lots 2 and 3, as well as the proposed trail easement on lot 2 (CSM sheet #9).

### **Natural resource protection and conservation easements:**

Part of this Certified Survey Map (CSM) is located in the in the Ryan Meadows subdivision, specifically Lot 84, where the existing wetland located in the southernmost portion of this lot is already protected by a conservation easement (Doc #10995757, appendix 1).

The proposed lots 2 and 3 contain wetland areas subject to the natural resource protection standards of the Unified Development Ordinance (UDO) as depicted in CSM sheets #4-5. UDO Section 15-7.0702P states that “conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map” and “shall be filed with the Certified Survey Map or submitted for review as a condition of any approval thereof”.

City Development staff indicated the applicant to shade the areas to be protected by conservation easements. The applicant is requesting to defer this requirement prior to the issuance of a building permit or land disturbance permit rather than concurrently with the recording of this CSM (sheet #14, note 7). The applicant’s basis for this request is potential impact to natural resources in Lot 2 and no immediate development plans for Lot 3.

**Land Division Variance:**

According to the Unified Development Ordinance (UDO) Section 15-5-0103A: “Cul-de-sac streets designed to have one end permanently closed shall not exceed 800 feet in length”. With the proposed right-of-way dedication at the end of Monarch Drive, this street is considered a cul-de-sac with a length of approximately 1,500 feet. The applicant submitted a Land Division Variance on January 25, 2022, to allow for the Monarch Drive cul-de-sac exceeding 800 feet in length.

**Background:**

In 2019, a Certified Survey Map was presented before the Plan Commission for the Copart site, which current address is 10020 S. 124<sup>th</sup> Street. City Development staff suggested the following in the staff report dated December 5, 2019 (page 3, appendix 2):

“That Monarch Drive (approved but not yet constructed as part of the adjacent Industrial Park) be extended through the proposed lot 1 (via reservation or dedication) to connect to S. 124<sup>th</sup> Street. It can be noted that Monarch Drive (from Chicory Street to its dead end at the northeastern corner of Lot 1 of the proposed CSM) is over 1,200 feet in length, which exceeds the UDO maximum cul-de-sac length of 800 feet”.

The Certified Survey Map No. 9276 that was approved and recorded does not include any right-of-way dedication or reservation for the extension of Monarch Drive to the west (see appendix 3). The Copart site has been developed and includes a gate to Monarch Drive for emergency access only.



End of Monarch Drive, photograph by City Development staff with annotations.



In March 2020, Bear Development, LLC submitted a Certified Survey Map to split Lot 84 into 2 lots, with lot 2 to be part of the Copart site. City Development staff recommended a cul-de-sac with an island instead of a temporary turnaround easement as originally submitted. This CSM was denied by the Common Council as noted in the minutes of the June 16, 2020 (appendix 4), among the reasons for the denial of the CSM in 2020 was the length over 800 feet of Monarch Drive as a cul-de-sac street:

“The Common Council hereby denies the Certified Survey Map Application because the proposed use does not promote the health, safety and welfare of the City and the Community, is inconsistent with the character of the municipality, potentially would not protect or enhance the area and beyond natural resources features, and would not serve the encouragement of or be the most appropriate use of land in the proposed development area and throughout the municipality. The Common Council hereby denies the Certified Survey Map Application because the proposed use potential runoff off of potential oils and such drainage from damaged motor vehicles does not comply with §15-3.1106A. General Water Quality Standards of the Unified Development Ordinance. The Common Council hereby denies the Certified Survey Map Application because the proposed cul-de-sac does not comply with §15-5.0103A.1. Length, of the Unified Development Ordinance”.

### **Recommendation**

City Development staff recommends consideration of three (3) scenarios for the Certified Survey Map and Land Division Variance:

1. **Approve the Land Division Variance request.** Accept the right-of-way dedication and allow Monarch Drive to end in a cul-de-sac with an island as presented by the applicant.
2. **Deny the Land Division Variance request and require extension of Monarch Drive to the southern property line.** This option faces several environmental constraints because the southern portion of Lot 2 is protected by a conservation easement (Doc #10995757) and it is an Isolated Natural Resource Area as defined by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Additionally, the properties to the south are zoned R-2, estate single family residential.
3. **Deny the Land Division Variance request and require extension of Monarch Drive to the west through the Copart site.** This option has limited feasibility as the Copart site has already been developed with an approved site plan.

With regards to natural resources, City Development staff recommends:

- **Condition #6**, conservation easements to be provided as part of, and recorded simultaneously with, the Certified Survey Map (CSM) as required by Section 15-7.0702P. of the UDO. However, staff acknowledges that the applicant is providing graphical delineation of present wetland boundaries and associated buffers and setbacks

(sheets 4-5 & 12-13). If approved, the subject CSM and rezoning are not authorizing any impacts to existing natural resources.

The applicant is requesting that the recording of a conservation easement be deferred to the time of development, prior to issuance of building or land disturbance permits. The Plan Commission may remove this condition to defer the conservation easement as requested by the applicant (sheet #14, note 7).

#### Appendices

1. Conservation easement for southern portion of Lot 84 in the Ryan Meadows subdivision, Doc #10995757.
2. Report to the Plan Commission dated December 5, 2019.
3. Certified Survey Map No. 9276.
4. Common Council minutes, meeting held on June 16, 2020.

## RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING ALL OF LOT 84 IN RYAN MEADOWS AND A PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 975, LOCATED IN THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (LOOMIS & RYAN, INC. AND GURJIT SINGH AND GURMIT KAUR, PROPERTY OWNERS)) (LOT 84 OF RYAN MEADOWS SUBDIVISION AND AN ADJACENT PROPERTY LOCATED ON THE WEST SIDE OF SOUTH 112TH STREET (APPROXIMATELY LOCATED AT THE END OF MONARCH DRIVE IN THE RYAN MEADOWS SUBDIVISION))

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th street (approximately located at the end of Monarch Drive in the Ryan Meadows subdivision) [Lot 84 of Ryan Meadows is owned by Loomis & Ryan, Inc., on the east side of Monarch Drive and south of Chicory Street (Tax Key Number 891-1084-000; approximately 24.06 acres); the other property bearing Tax Key Number 938-9994-004 is owned by Gurjit Singh and Gurmit Kaur (approximately 31.93 acres); the Certified Survey Map creates three new lots with Lot 1 having an area of approximately 9.39 acres (to be owned by Loomis & Ryan, Inc.); Lot 2 approximately 22.88 acres (to be owned by Loomis & Ryan, Inc.) and Lot 3 with 23.57 acres (to be owned by Singh and Kaur)], Stephen R. Mills, President of Bear Development, LLC, applicant, Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners; 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.

STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2022-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Stephen R. Mills, President of Bear Development, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. Stephen R. Mills, President of Bear Development, LLC, successors and assigns, and any developer of this 3-lot certified survey map, 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 Stephen R. Mills, President of Bear Development, LLC and the 3 lot certified survey map project at Lot 84 of Ryan Meadows subdivision and an adjacent property located on the west side of South 112th street (approximately located at the end of Monarch Drive in the Ryan Meadows subdivision): (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other

STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2022-\_\_\_\_\_

Page 3

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 submit a written conservation easement document for Lot 2 and Lot 3, subject to review by City staff, and approval by the Common Council, for recording with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map.
7. The technical corrections noted by the Engineering Department in memorandum dated December 14, 2021, and Milwaukee County Register of Deeds in letter dated November 22, 2021, must be addressed prior to recording of this Certified Survey Map.
8. The applicant shall revise the Certified Survey Map, sheet #14, note 4, to indicate that Lot 3 is not served by public water, for City Development Department review, prior to recording of the Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, 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 \_\_\_\_\_, 2022.

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

STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC – CERTIFIED  
SURVEY MAP  
RESOLUTION NO. 2022-\_\_\_\_\_  
Page 4

APPROVED:

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

ATTEST:

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

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

*[Draft 01-27-22]*

## RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE FOR A 3 LOT CERTIFIED SURVEY MAP, BEING ALL OF LOT 84 IN RYAN MEADOWS AND A PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 975, LOCATED IN THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (LOOMIS & RYAN, INC. AND GURJIT SINGH AND GURMIT KAUR, PROPERTY OWNERS)) (LOT 84 OF RYAN MEADOWS SUBDIVISION AND AN ADJACENT PROPERTY LOCATED ON THE WEST SIDE OF SOUTH 112TH STREET (APPROXIMATELY LOCATED AT THE END OF MONARCH DRIVE IN THE RYAN MEADOWS SUBDIVISION))

---

WHEREAS, the City of Franklin, Wisconsin, having received an application from Stephen R. Mills, President of Bear Development, LL, for a land division variance to allow for the dedication of 8,576 sf (0.1969 acres) for road right-of-way purposes and the installation of a permanent cul-de-sac with an island at the end of Monarch Drive in the Ryan Meadows subdivision, such variance being necessary as the resulting cul-de-sac street length is approximately 1,500 feet for the concurrent certified survey map application, such map being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin; specifically properties bearing Tax Key Numbers 891-1084-000 and 938-9994-004; and

WHEREAS, §15-9.0310 of the Unified Development Ordinance allows for Land Division Variances in part through the applicability thereof upon §15-5.0103A. providing that the maximum length for cul-de-sac streets with one end permanently closed is 800 feet; and

WHEREAS, §15-9.0310 of the Unified Development Ordinance sets forth findings which must be made by the Plan Commission and approved by a majority vote of the entire membership of the Plan Commission (4 votes) for approval of a Land Division Variance application.

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE  
FOR BEAR DEVELOPMENT, LLC  
RESOLUTION NO. 2022-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Commission makes the following findings upon the greater weight of the evidence that all the following facts and conditions exist:

1. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship, to wit: There are exceptional, extraordinary, and unusual conditions that make the extension of Monarch Drive either impossible or unfeasible, such as:
  - The Final Plat for Ryan Meadows Subdivision was recorded on March 20, 2020 as Document #10962414.
  - The Ryan Meadows project required multiple City reviews and approvals including Comprehensive Plan Amendment, Zoning Reclassification, Civil Engineering and Platting.
  - As approved, Ryan Meadows Subdivision included the dedicated public right-of-way of Monarch Drive stubbed to the adjacent property to the west.
  - On October 20, 2020 the City of Franklin approved a Site Plan submitted by Copart of Connecticut, Inc. for the property directly west of the dedicated Monarch Drive terminus.
  - The referenced Site Plan did not include the extension/continuation of Monarch Drive.
  - The referenced site was fully developed in 2020 and does not accommodate the extension of Monarch Drive.
  - During the Site Plan proceedings for the Copart of Connecticut site, the Applicant was instructed to design a permanent cul-de-sac. The cul-de-sac was fully engineered as a Construction Bulletin.
  - Subsequently, the Applicant was directed to revert the design to its current condition.
  - Monarch Drive cannot be feasibly extended south due to a SEWRPC Isolated Natural Area located within a possible southern alignment.
  - The referenced wetland is 400 feet in width, making the design impractical.
  - Lying south of the wetland is a significant area of Mature Woodlands. The City Unified Development Ordinance protects and preserves Mature Woodlands as a protected Natural Resource. While a road could be extended through Mature Woodlands, it would not serve developable property, making the roadway project economically unfeasible.
  - The property on Oakwood Road can be served by future roads that do not impact wetlands or mature woodlands.
  - Monarch Drive cannot be shortened as it is constructed as a public street and serves other properties, some of which are not owned by the Applicant.



A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE  
FOR BEAR DEVELOPMENT, LLC

RESOLUTION NO. 2022-\_\_\_\_\_

Page 3

2. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed, to wit: The existing conditions which create the severe hardships are not generally applicable to other properties. The specific situation is an existing condition and unique and extraordinary to Ryan Meadows. The future extension of Monarch Drive to eliminate a cul-de-sac street design is not possible.

3. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity, to wit: The requested variance is necessary for the continued commercial development contemplated at Loomis Business Park. Without the requested variance, future commercial/industrial development along Monarch Drive is not possible. A planned termination of Monarch Drive is necessary.

4. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest, to wit: The requested variance will not be detrimental to adjacent property. The variance will allow for the orderly termination of Monarch Drive from its existing condition which is a dead-end stub street to a functional, permanent cul-de-sac, allowing for truck and emergency vehicle turnaround. The ability for safe turning movements through the proposed cul-de-sac will benefit the properties along Monarch Drive along with the traveling public. Additional street signage can be implemented to alert the traveling public of an extended cul-de-sac street. The portion of Monarch Drive that is proposed as a cul-de-sac serves only three (parcels).

BE IT FURTHER RESOLVED, that the application by Bear Development, LLC, for a Land Division Variance, upon the above findings, be and the same is hereby approved, subject to the approval of the aforesaid certified survey map application by Bear Development, LLC.

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

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

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE  
FOR BEAR DEVELOPMENT, LLC  
RESOLUTION NO. 2022-\_\_\_\_\_

Page 4

APPROVED:

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

ATTEST:

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

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

Conservation Easement



#1

Document Number

DOC # 10995757  
RECORDED:  
07/07/2020 12:33 PM  
ISRAEL RAMON  
REGISTER OF DEEDS  
MILWAUKEE COUNTY, WI  
AMOUNT: 30.00  
FEE EXEMPT #:  
TRANSFER FEE:

Recording Area

Name and Return Address

City of Franklin  
Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132

891 1084 000

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

CONSERVATION EASEMENT

Ryan Meadows  
Wetland 1- Lot 84

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 Mills Hotel Wyoming, LLC, a e.g. Limited Liability Corporation, 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 Ryan Meadows Subdivision, being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest ¼ and Northwest ¼ of the Northeast ¼ and the Northeast ¼ of the Southwest ¼ and the Northeast ¼ and the Southeast ¼ of the Northwest ¼ all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin., described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, as identified in the Natural Resource Protection Plan compiled by Pinnacle Engineering Group, dated April 25, 2019, which is located in the office of the Department of City Development, 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 §700.41(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;

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.

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;
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; with the exception of limited grading within the wetland setback area as defined by the City of Franklin Unified Development Ordinance. Grading within the wetland setback is limited to the grading shown in the approved Final Engineering Plans for the Ryan Meadows Subdivision.
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:  
Mills Hotel Wyoming, LLC  
4011 80<sup>th</sup> Street  
Kenosha, WI 53142

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 and seals this on this date of January 9, 2020

Mills Hotel Wyoming, LLC

By: Mills Enterprises, LLC its Manager

  
 \_\_\_\_\_  
 Stephen C. Mills, Member

  
 \_\_\_\_\_  
 Martha L. Mills, Member

STATE OF WISCONSIN            )  
                                  Kenosha            ) ss  
COUNTY OF ~~MILWAUKEE~~    )

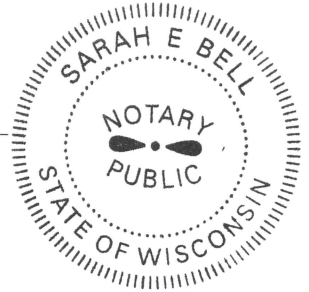
This instrument was acknowledged before me on the 9<sup>th</sup> day of January, 2020 by

Stephen C. Mills. Member, Mills Enterprises, LLC

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Mills Hotel Wyoming, LLC.

Sarah E Bell  
Notary Public

My commission expires May 10, 2022



STATE OF WISCONSIN )  
                  Kenosha ) ss  
COUNTY OF ~~MILWAUKEE~~ )

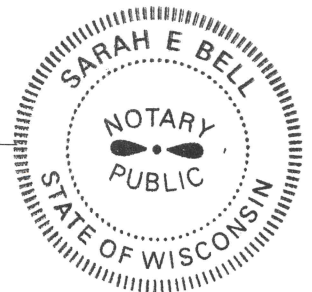
This instrument was acknowledged before me on the 9<sup>th</sup> day of January, 2020 by

Martha L. Mills. Member, Mills Enterprises, LLC

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Mills Hotel Wyoming, LLC.

Sarah E Bell  
Notary Public

My commission expires May 10, 2022  
Company Name



**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 17<sup>th</sup> day of FEBRUARY, 2020

CITY OF FRANKLIN

By: Stephen R. Olson  
Stephen R. Olson, Mayor

By: Sandra L. Wesolowski  
Sandra L. Wesolowski, City Clerk



STATE OF WISCONSIN )  
  ) ss  
COUNTY OF MILWAUKEE )

Personally came before me this 19<sup>th</sup> day of February, 2020, 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. 2019-7548, adopted by its Common Council on the 17<sup>th</sup> day of September, 2019.

Shirley J. Roberts  
Notary Public

My commission expires 3-27-2020



This instrument was drafted by the City of Franklin.

Approved as to contents:

RM  
Regulo Martinez-Montilva  
Associate Planner  
Department of City Development

2/13/2020  
Date

Approved as to form only:

Jesse A. Wesolowski  
Jesse A. Wesolowski  
City Attorney

2/21/20  
Date

**MORTGAGE HOLDER CONSENT**

The undersigned, (*[name of mortgagee]*), a *[Wisconsin]* banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the protected property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No. \_\_\_\_\_, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officer[s], and its corporate seal to be hereunto affixed, as of the day and year first above written.

*[Name of Mortgagee]*  
a *[Wisconsin]* Banking Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN            )  
  )ss  
COUNTY OF MILWAUKEE        )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ *[Name]* \_\_\_\_\_, as \_\_\_\_\_ *[Title]* \_\_\_\_\_ of \_\_\_\_\_ *[name of mortgagee]* \_\_\_\_\_, a *[Wisconsin]* banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

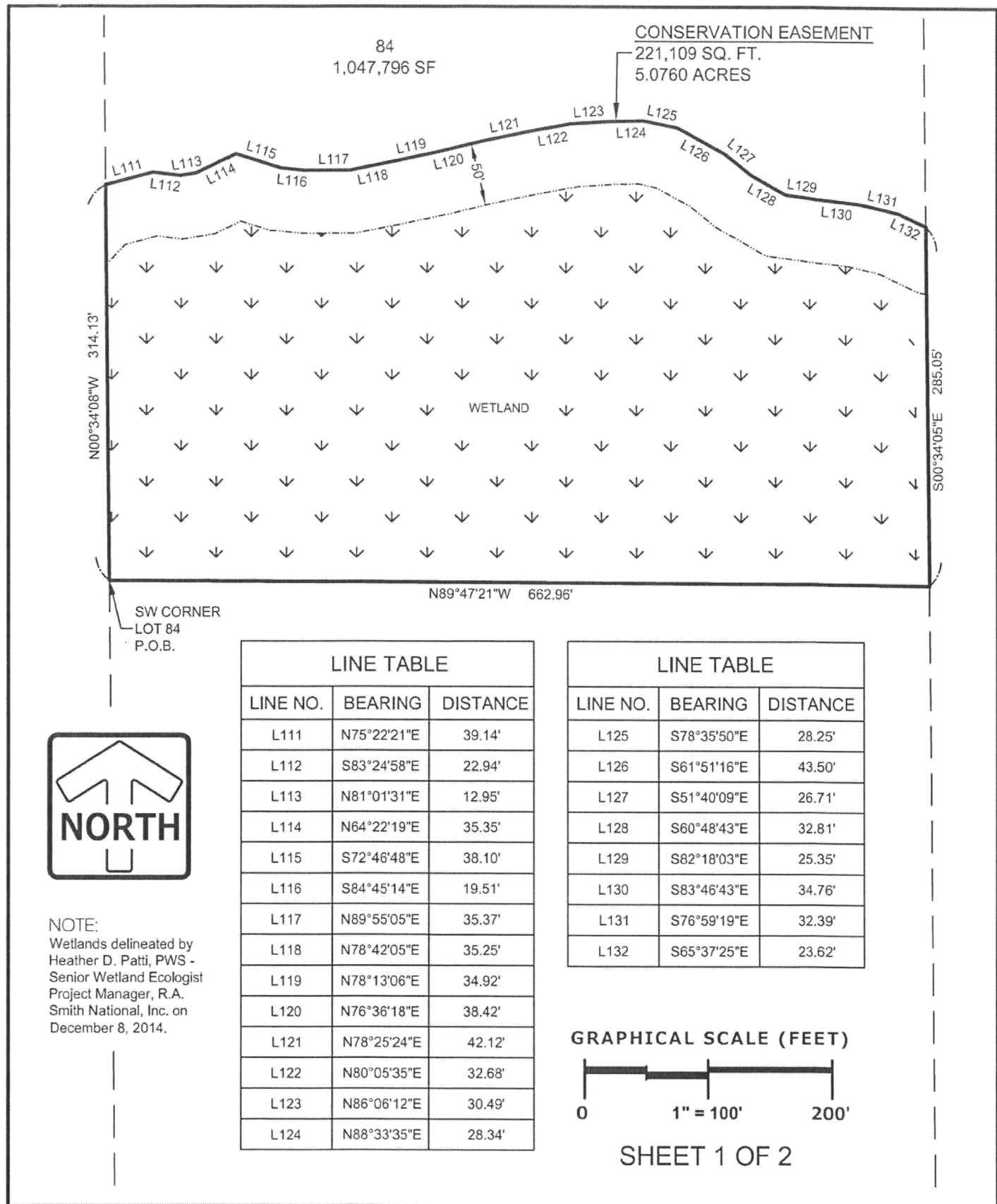
Name: \_\_\_\_\_

Notary Public, State of *[Wisconsin]*

My commission expires \_\_\_\_\_



Exhibit A



84  
1,047,796 SF

**CONSERVATION EASEMENT**  
221,109 SQ. FT.  
5.0760 ACRES

N00°34'08"W 314.13'

S00°34'05"E 285.05'

N89°47'21"W 662.96'

SW CORNER  
LOT 84  
P.O.B.

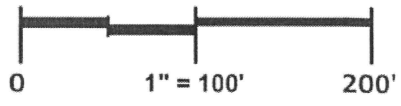


**NOTE:**  
Wetlands delineated by  
Heather D. Patti, PWS -  
Senior Wetland Ecologist  
Project Manager, R.A.  
Smith National, Inc. on  
December 8, 2014.

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L111	N75°22'21"E	39.14'
L112	S83°24'58"E	22.94'
L113	N81°01'31"E	12.95'
L114	N64°22'19"E	35.35'
L115	S72°46'48"E	38.10'
L116	S84°45'14"E	19.51'
L117	N89°55'05"E	35.37'
L118	N78°42'05"E	35.25'
L119	N78°13'06"E	34.92'
L120	N76°36'18"E	38.42'
L121	N78°25'24"E	42.12'
L122	N80°05'35"E	32.68'
L123	N86°06'12"E	30.49'
L124	N88°33'35"E	28.34'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L125	S78°35'50"E	28.25'
L126	S61°51'16"E	43.50'
L127	S51°40'09"E	26.71'
L128	S60°48'43"E	32.81'
L129	S82°18'03"E	25.35'
L130	S83°46'43"E	34.76'
L131	S76°59'19"E	32.39'
L132	S65°37'25"E	23.62'

**GRAPHICAL SCALE (FEET)**



SHEET 1 OF 2

**LEGAL DESCRIPTION:**

Being a part of Lot 84 in Ryan Meadows, located in the Northeast 1/4 of the Southwest 1/4, Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin, described as follows:

Beginning at the southwest corner of said Lot 84; thence North 00°34'08" West along the west line of said Lot 84, 314.13 feet; thence North 75°22'21" East, 39.14 feet; thence South 83°24'58" East, 22.94 feet; thence North 81°01'31" East, 12.95 feet; thence North 64°22'19" East, 35.35 feet; thence South 72°46'48" East, 38.10 feet; thence South 84°45'14" East, 19.51 feet; thence North 89°55'05" East, 35.37 feet; thence North 78°42'05" East, 35.25 feet; thence North 78°13'06" East, 34.92 feet; thence North 76°36'18" East, 38.42 feet; thence North 78°25'24" East, 42.12 feet; thence North 80°05'35" East, 32.68 feet; thence North 86°06'12" East, 30.49 feet; thence North 88°33'35" East, 28.34 feet; thence South 78°35'50" East, 28.25 feet; thence South 61°51'16" East, 43.50 feet; thence South 51°40'09" East, 26.71 feet; thence South 60°48'43" East, 32.81 feet; thence South 82°18'03" East, 25.35 feet; thence South 83°46'43" East, 34.76 feet; thence South 76°59'19" East, 32.39 feet; thence South 65°37'25" East, 23.62 feet to the east line of said Lot 84; thence South 00°34'05" East, 285.05 feet to the south line of said Lot 84; thence North 89°47'21" West, 662.96 feet to the Point of Beginning.

SHEET 2 OF 2



**CONSERVATION EASEMENT**

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186

WWW.PINNACLE-ENGR.COM

09/26/19

**PLAN | DESIGN | DELIVER**

PEG JOB#809.20



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



#2

**Meeting of December 5, 2019**

**Rezoning, Certified Survey Map and Land Division Variance**

---

**RECOMMENDATION:** City Development Staff recommends approval of the Rezoning, Certified Survey Map (CSM) and Land Division Variance, applications submitted by Bear Development, LLC., subject to the conditions in the draft resolutions and draft ordinance.

---

**Project Name:** Bear Development Rezoning, Certified Survey Map, and Land Division Variance

**Project Location:** 10082 124th Street/Tax Key No. 939 9994 000 and property generally located south of Loomis Court and east of South North Cape Road/Tax Key No. 939 9995 000

**Property Owner:** Franklin Mills, LLC (Tax Key No. 939 9995 000) and Daniel and Virginia Mathson (Tax Key No. 939 9994 000)

**Applicant:** Daniel Szczap. Bear Development, LLC

**Current Zoning:** 939 9994 000 /R-2 Estate Single-Family Residence District, R-8 Multiple-Family Residence District, and C-1 Conservancy District  
 939 9995 000 /R-2 Estate Single-Family Residence District

**Proposed Zoning:** R-3 Suburban/Estate Single-Family Residence District.

**2025 Comprehensive Plan:** Business Park and Areas of Natural Resource Features

**Applicant's Action Requested:** Recommendation of approval of the Rezoning and Certified Survey Map, and approval of the Land Division Variance request.

---

**Introduction**

On October 10, 2019, the applicant, Bear Development, LLC, filed applications for a Rezoning and Certified Survey Map (CSM) for properties bearing Tax Key Nos. 939-9994-000 and 939-9995-000. City Development staff determined that a Land Division Variance is required for the proposed CSM, the applicant submitted such application on October 21, 2019.

All applications are related to the reconfiguration of two existing lots to allow Franklin Mills, LLC to purchase approximately 13 acres of land from the Mathson family.

The proposed Lot 1 is anticipated for Business Park/Industrial development; however, detailed plans have not yet been provided. The applicant does not have a specific development proposal for this land at this time. A general description of the proposed development, a site plan, a landscape plan, and architectural plans, as required by Section 15-9.0203 of the UDO, have not been provided. However, it can be noted that the City has not always required such information when specific development proposals were unknown at the time of the rezoning.

It should also be noted that any future development will require use and site plan approval by the City. Further, additional information related to the site plan, landscaping, lighting, signage, storm water, grading, etc. will be required at that time.

The applicant is requesting that the required Landscape Bufferyard Easement be 25' in depth rather than the typical 30'. It can be noted that the depth of the required landscape bufferyard easement is only specified in Section 15-5.0102 of the UDO, in regard to limited access highways. Staff recommends that the typical 30' bufferyard easement be provided.

The applicant is also requesting to defer, to the time of development, the requirement to place protected natural resource features within conservation easements. Staff recommends that the conservation easement be provided as part of, and recorded simultaneously with, the CSM as required by Section 15-7.0702P. of the UDO.

### **Project Description and Analysis**

#### **Certified Survey Map:**

The proposed Certified Survey Map reconfigures the subject two lots. The southernmost lot abutting S. 124th Street is owned by Daniel & Virginia Mathson and Robert Mathson. The property is currently about 41.24 acres. The lot to the north is owned by Franklin Mills LLC and is approximately 20.01 acres.

The CSM creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 having an area of about 28.408 acres (to remain owned by Daniel & Virginia Mathson and Robert Mathson). Again, the land division request will allow Franklin Mills, LLC to purchase about 13 acres of land to combine to their existing parcel.

#### **Land Division Variance:**

The Land Division Variance request is necessary in conjunction with the CSM as the proposed Lot 1 does not abut 60-feet of frontage along a public right-of-way as required by Section 15-5.0101B.1. of the Unified Development Ordinance (UDO). This property has access to S. North Cape Road through a 60-foot wide ingress/egress easement on the property to the west, which was designated on CSM No. 11704 and, in part, is for the specific benefit of this parcel. It should be noted that this outlot is also owned by Franklin Mills, LLC.

#### **Rezoning:**

The Rezoning Application proposes to change the zoning of the proposed Lot 1 from R-2 Residence District to M-2 General Industrial District for potential future industrial development. The applicant is not proposing to rezone the proposed Lot 2; therefore, it will remain as currently zoned (R-8, R-2, and C-1 districts).

Section 15-3.0103 of the UDO states that split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed except for the AO, FW, FC, and SW Districts.

The applicant is requesting that Lot 2 remain as currently zoned as it already consists of split zoning. The applicant has further indicated that the Mathson family does not have plans at this time to develop the property. However, pursuant to Section 15-3.0103 of the UDO, staff recommends that the rezoning request be revised to eliminate the split lot zoning.

Comprehensive Master Plan:

The area to be rezoned is designated as Business Park and Areas of Natural Resource Features on the City's 2025 Future Land Use Map. The proposed rezoning to the M-2 District for the proposed Lot 1 is consistent with the City's Comprehensive Master Plan; therefore, an amendment is not required.

**Recommendation**

Staff recommends approval of the rezoning, Certified Survey Map, and Land Division Variance subject to the conditions in the draft resolutions and draft ordinance.

Staff suggestions include:

- That Monarch Drive (approved but not yet constructed as part of the adjacent Industrial Park) be extended through the proposed lot 1 (via reservation or dedication) to connect to S. 124<sup>th</sup> Street. It can be noted that Monarch Drive (from Chicory Street to its dead end at the northeastern corner of Lot 1 of the proposed CSM) is over 1,200 feet in length, which exceeds the UDO maximum cul-de-sac length of 800 feet.
- That the applicant prepare general description of the proposed development, a preliminary site plan, a preliminary landscape plan, and preliminary architectural plans, as required by Section 15-9.0203 of the UDO.

**Recommended Motions**

Motions to recommend approval of the Rezoning and Certified Survey Map Applications and a motion to approve the Land Division Variance request.

With regards to the conditions of approval for the Certified Survey Map Resolution, the applicant is requesting the following:

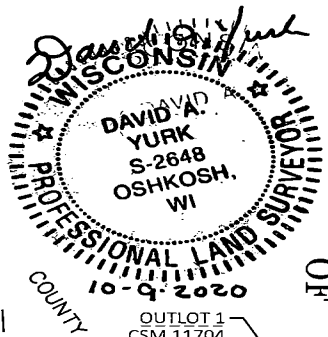
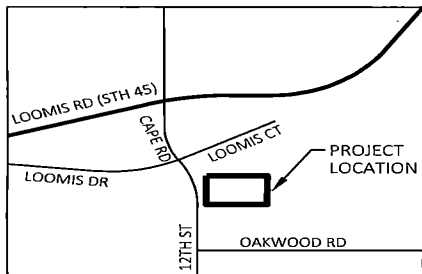
- Condition No. 6. The applicant is requesting to defer any rezoning classification of Lot 2 to the time of development.
- Conditions No. 7 and 8. The applicant is requesting to postpone the delineation of outlots and conservation easement to the time of development.
- Condition No. 9. The applicant is requesting to reduce the landscape buffer width from 30 feet to 25 feet. It is noted that the UDO Section 15-5.0302 does not regulate the width of buffers separating different zoning districts.

# CERTIFIED SURVEY MAP NUMBER 9276

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

DOC # 11048382  
 RECORDED:  
 11/24/2020 10:13 AM  
 ISRAEL RAMON  
 REGISTER OF DEEDS  
 MILWAUKEE COUNTY, WI  
 AMOUNT: 30.00

LOCATION MAP:



SW CORNER SECTION 30 T5N, R21E CONCRETE MON. BRASS CAP FOUND  
 Y=318788.251  
 X=2517690.226

**S 124TH ST (USH 45)**  
 (WIDTH VARIES)

LEGEND:

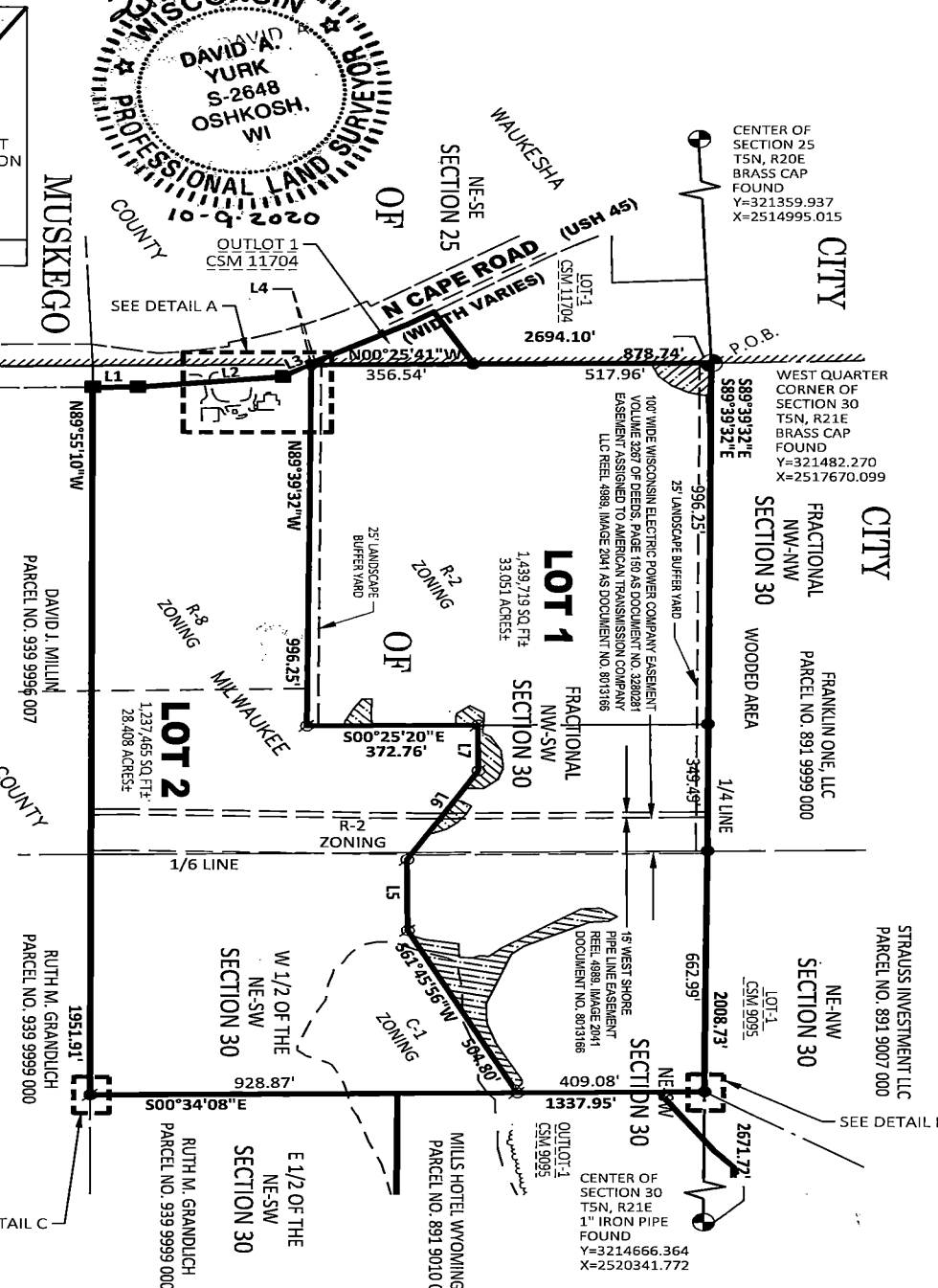
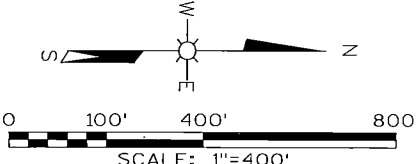
- MILWAUKEE COUNTY SECTION CORNER MONUMENT
- 3/4" x 24" STEEL REBAR SET WEIGHING 1.502 LBS/LIN. FT.
- 3/4" STEEL REBAR FOUND
- 1" IRON PIPE FOUND
- 1" DOT CAP PIPE FOUND
- FENCE
- P.O.B. POINT OF BEGINNING
- BUILDING
- RECORDED AS
- WETLANDS
- MUNICIPAL BOUNDARY
- CONSERVATION EASEMENT

LINE	BEARING	DISTANCE
L1	N00°25'41"W	98.27'
L2	N05°19'24"W	316.37'
L3	N31°14'00"W	64.44'
L4	N00°25'41"W	4.24'
L5	S89°34'40"W	197.11'
L6	N57°48'56"W	290.15'
L7	S89°34'40"W	125.34'

SUBDIVIDER: BEAR DEVELOPMENT, LLC  
 4011 80TH STREET  
 KENOSHA, WI 53140

OWNER: FRANKLIN MILLS, LLC  
 4011 80TH STREET  
 KENOSHA, WI 53140

OWNER: VIRGINIA K. MATHSON, AS LIFE TENANT AND ROBERT MATHSON, LESLIE MATHSON AND SHARON M. POBEREZY, AS TRUSTEE OF THE POBEREZY REVOCABLE TRUST.  
 18925 ALTA VISTA DRIVE  
 BROOKFIELD, WI 53045



**NORTH REFERENCE:**  
 BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 27) (JAN. 2016) WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 30, T5N, R21E ASSUMED TO BEAR S89°39'32"E

DATE 10-8-19	DIRECTORY NO.
PROJECT NO. S3399A19	DRAFTED BY JBM
SHEET 1 OF 7	DRAWING NAME CSM

SURVEY FOR: CITY OF FRANKLIN CSM  
 SECTION 30, T5N, R21E  
 CITY OF FRANKLIN  
 MILWAUKEE COUNTY, WISCONSIN

**Omni Associates**  
 OMNI ASSOCIATES  
 ONE SYSTEMS DRIVE  
 APPLETON, WI 54914  
 PHONE (920) 735-6900  
 FAX (920) 850-6100

Hanneman, and Alderman Barber voted Aye; Alderman Mayer and Alderman Nelson voted No. Motion carried.

SPECIAL EXCEPTION  
TO CERTAIN NATURAL  
RESOURCE  
PROVISIONS  
(MILLS HOTEL  
WYOMING, LLC,  
APPLICANT)

G.1. Alderman Nelson moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Mills Hotel Wyoming, LLC, applicant, to allow for a Special Exception to Certain Natural Resource provisions of the City of Franklin Unified Development Ordinance, with the provisions set forth within that document upon which the Common Council hereby denies a Special Exception for such relief subject to minor and/or technical changes by the Department of City Development and the addition to the Decision document of a statement that “[w]hile recognizing the Caution regarding forward-looking statements in Part I thereof, the United States Securities and Exchange Commission Form 10-K Annual Report for the fiscal year ended July 31, 2019, for and submitted by Copart, Inc. on or about September 30, 2019, provides in part at p. 11: “[I]n the salvage vehicle remarketing industry, large numbers of wrecked vehicles are stored at storage facilities and during that time, spills of fuel, motor oil and other fluids may occur, resulting in soil, surface water or groundwater contamination.” Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Hanneman, Alderwoman Wilhelm, and Alderman Mayer voted Aye; Alderman Dandrea voted No. Motion carried.

MEMORANDUM (CSM)  
LOT 84 RYAN  
MEADOWS

G.2. Alderman Nelson moved to adopt and approve the Memorandum as presented to the Common Council at this meeting regarding a 2 lot Certified Survey Map, being all of Lot 84 in Ryan Meadows, subject to minor and/or technical changes by the Department of City Development and the addition to the Memorandum document of a statement that “[w]hile recognizing the Caution regarding forward-looking statements in Part I thereof, the United States Securities and Exchange Commission Form 10-K Annual Report for the fiscal year ended July 31, 2019, for and submitted by Copart, Inc. on or about September 30, 2019, provides in part at p. 11: “[I]n the salvage vehicle remarketing industry, large numbers of wrecked vehicles are stored at storage facilities and during that time, spills of fuel, motor oil and other fluids may occur, resulting in soil, surface water or groundwater contamination.” Upon consideration of all of the information provided and reviewed, and considering the proposed use of the property, and that nearly half of the Lot 2 of the proposed certified survey map to be used for the proposed use storage of vehicles, is required to be protected by a conservation easement for a natural resources feature wetland, immediately adjacent to the proposed use, and the review and consideration of the application of the Wisconsin Statutes, Municipal Code and Wisconsin caselaw set

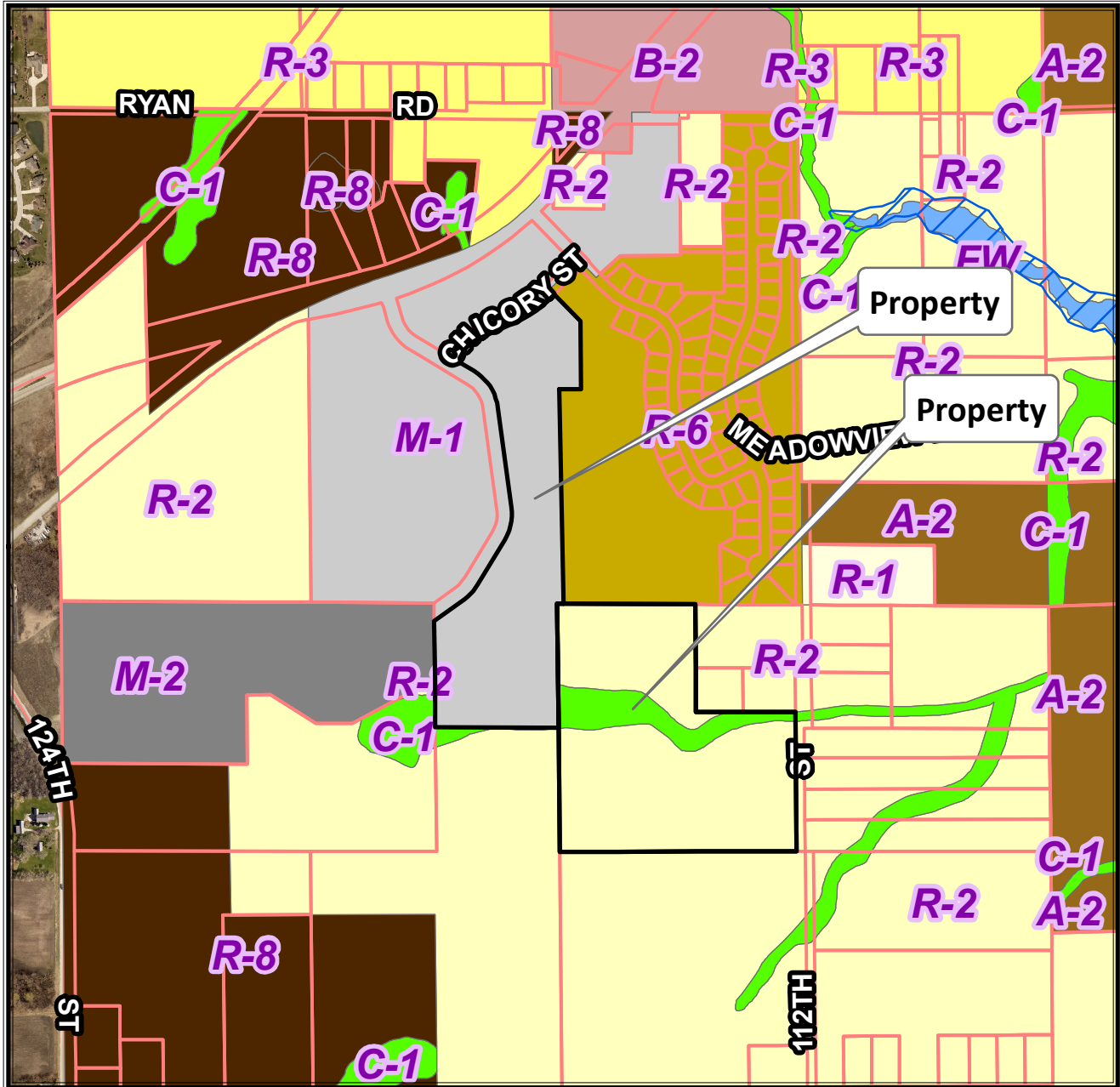


forth below, and as emphasized therein, the Common Council hereby denies the Certified Survey Map Application because the proposed use does not promote the health, safety and welfare of the City and the Community, is inconsistent with the character of the municipality, potentially would not protect or enhance the area and beyond natural resources features, and would not serve the encouragement of or be the most appropriate use of land in the proposed development area and throughout the municipality. The Common Council hereby denies the Certified Survey Map Application because the proposed use potential runoff off of potential oils and such drainage from damaged motor vehicles does not comply with §15-3.1106A. General Water Quality Standards of the Unified Development Ordinance. The Common Council hereby denies the Certified Survey Map Application because the proposed cul-de-sac does not comply with §15-5.0103A.1. Length, of the Unified Development Ordinance. The foregoing determinations are in addition to and in combination with the application of the provisions of law set forth below. [The 11 page Memorandum as adopted and approved is available for review in the City Clerk's Office.] Seconded by Alderman Barber. On roll call, Alderman Mayer, Alderwoman Wilhelm, Alderwoman Hanneman, Alderman Barber, and Alderman Nelson voted Aye; Alderman Dandrea voted No. Motion carried.

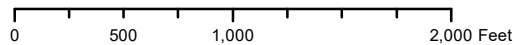
ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting at 9:30 p.m. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

TKNs: 891 1084 000 & 938 9994 004

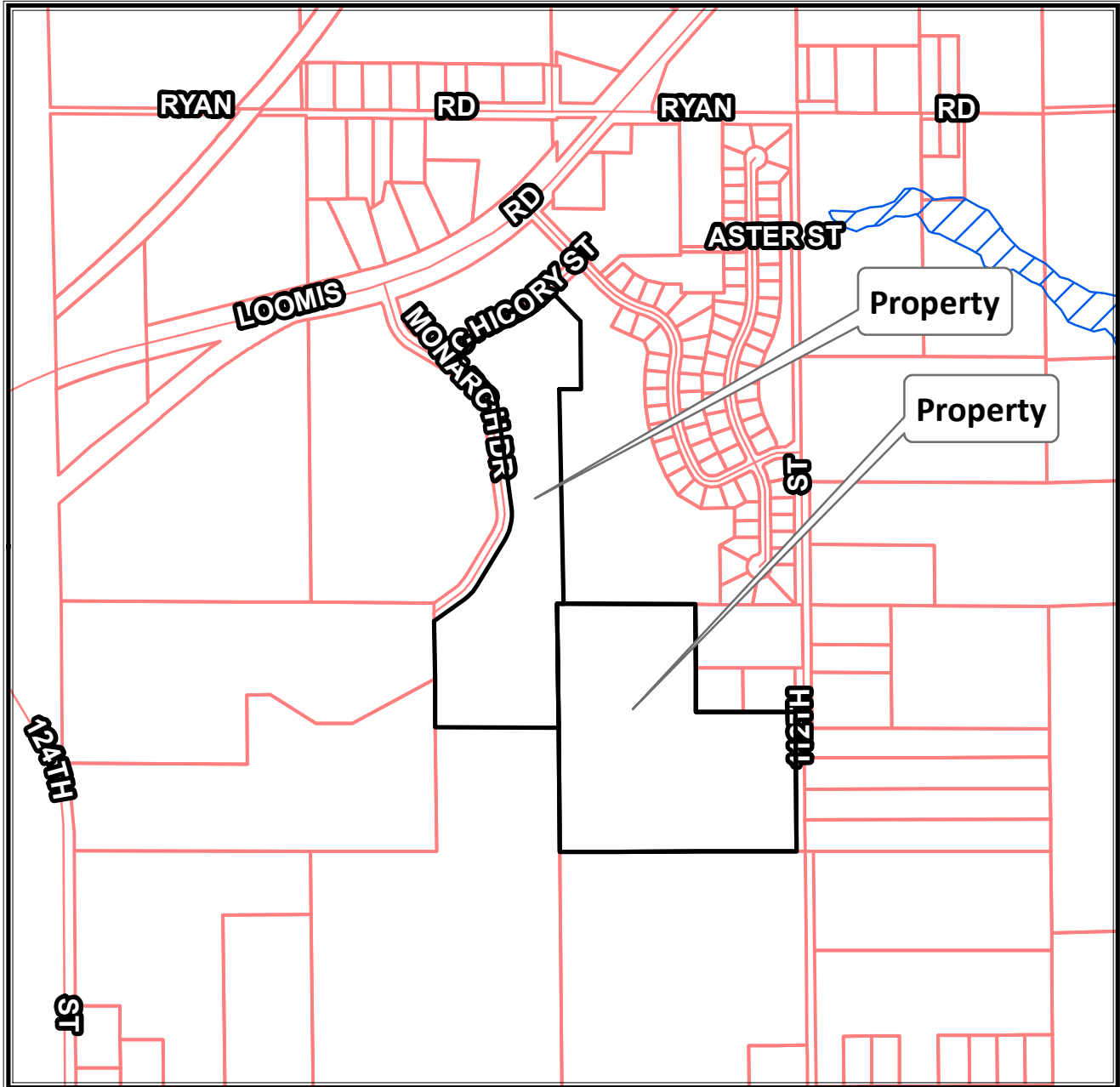


Planning Department  
(414) 425-4024

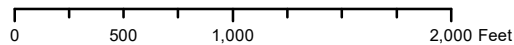


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

TKNs: 891 1084 000 & 938 9994 004



**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.*



January 25, 2022

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

Franklin  
JAN 25 2022  
City Development

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the *revised* submittal materials as formal application for Certified Survey Map review and approval. Bear Development is acting on behalf of, and with authorization from the record owners, Loomis & Ryan, Inc and Gurjit Singh.

**Project Summary**

The property in question, consists of approximately 44.84 acres and is identified as Tax Key Numbers 89-1084-000 and 938-9994-004. A portion of the subject property is located within Loomis Business Park. Also includes is an adjacent parcel (Singh) which consists of 32 acres with frontage on 112<sup>th</sup> Street. The property is currently vacant and is zoned M-1 Limited Industrial and R-2 Residential.

We respectfully request City of Franklin approval of a Certified Survey Map to create three (3) individual lots as shown on the enclosed maps, with the intention of developing portions of the property for commercial purposes.

The proposed land division would create the following lots:

**Lot 1: 9.39 Acres**

The parcel is part of the Loomis Business Park and has public road frontage on Chicory Street and Monarch Drive. The property is zoned M-1 Limited Industrial.

**Lot 2: 22.88 Acres**

The proposed Lot 2 is a combination of lands within Loomis Business Park and a portion of the Singh property. The property has public road frontage on Monarch Drive. The proposed parcel is subject to a Comprehensive Plan Amendment and Rezoning Petition which accompanies this Certified Survey Map. The lot is being created for the purposes of an end user who wishes to locate in Loomis Business Park. Lot 2 will also include a trail easement for extension of the future Ryan Creek Trail. The final alignment has not been determined to date.

**Lot 3: 23.57 Acres**

The proposed Lot 3 will be retained by the Singh Family and remain zoned R-2 Residential.

As directed by the City of Franklin Plan Commission on January 20, 2022, the Certified Survey Map has been revised to include additional right-of-way dedication to accommodate a permanent cul-de-sac as the termination of Monarch Drive. Application materials for a Land Division Variance accompanies this submittal.

We feel the requested land division will create separate parcels with future land use that is consistent with the City Comprehensive Plan and with properties in the general area.

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

Thank you for your time and consideration.

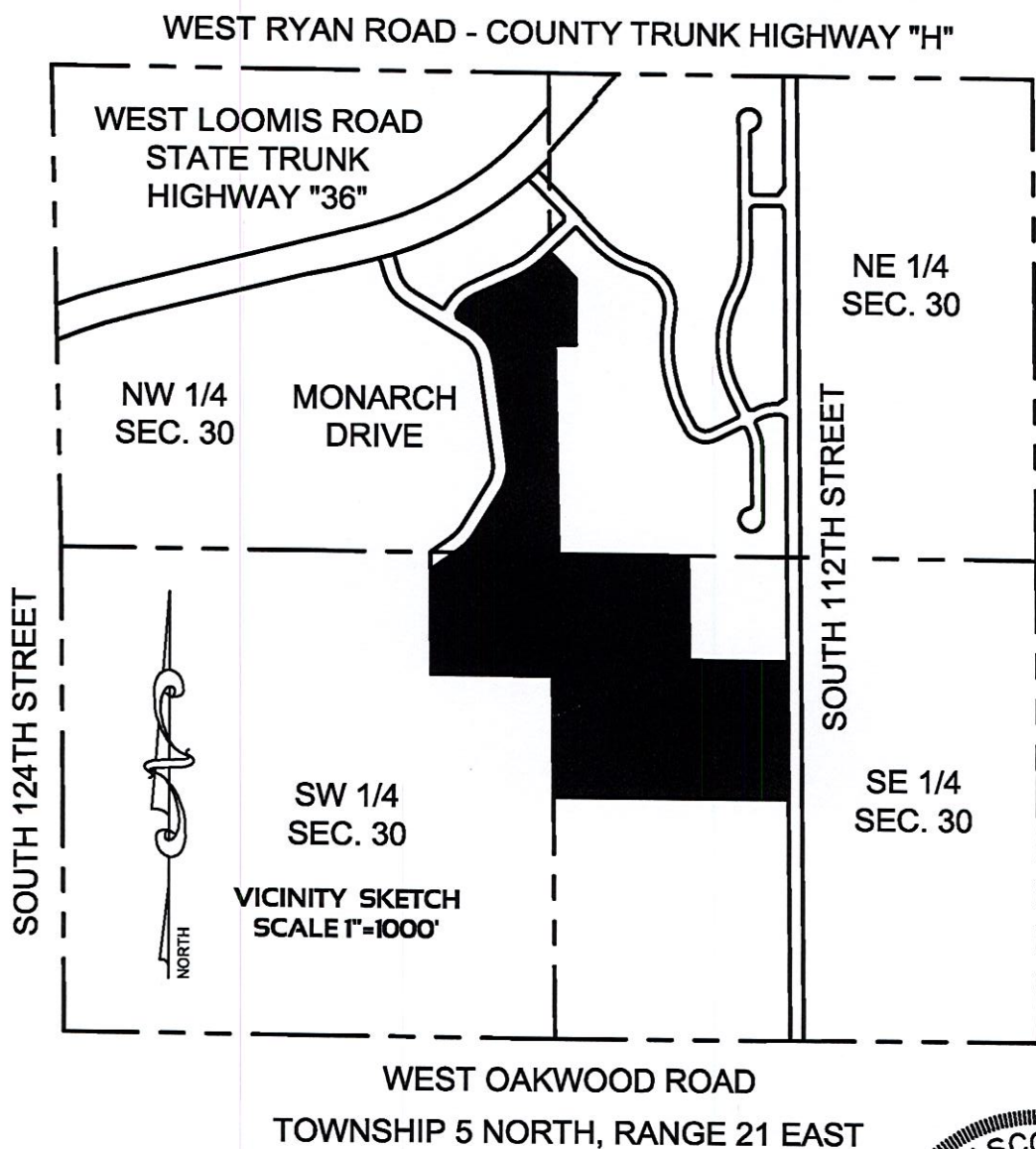
Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Szczap", with a long, sweeping flourish extending to the right.

Daniel Szczap  
Bear Development, LLC

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin



Owner/Subdivider:  
LOOMIS & RYAN INC.  
4015 80th Street  
Kenosha, WI 53142

Owner:  
Gurjit Singh & Gurmit Kaur  
15308 67th Street  
Kenosha, WI 53142

Prepared By:

**PINNACLE ENGINEERING GROUP**

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

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



OCTOBER 26, 2021

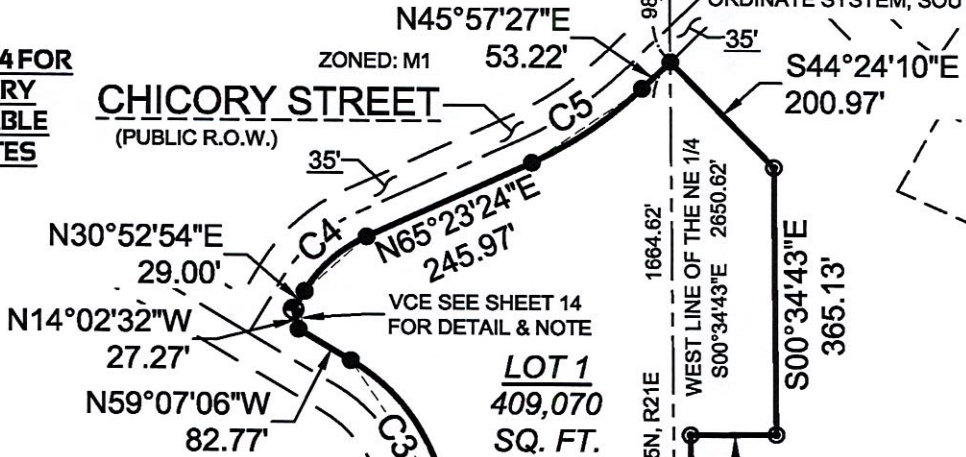
PEG JOB#809.90A  
SHEET 1 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

SEE SHEET 14 FOR  
BOUNDARY  
CURVE TABLE  
AND NOTES



**CHICORY STREET**  
(PUBLIC R.O.W.)



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

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 of the Southeast 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

**LEGEND:**

- - Denotes Found 1" Iron Pipe
- - Denotes Found 1-1/4" Iron Rod
- ⊙ - Denotes Found 3/4" Iron Rod
- ⊕ - Denotes Found Mag Nail
- - Denotes Set 3/4" X 18" Iron Rebar, 150 LBS./FT
- ↙ - Denotes Wetland
- (R) - Denotes "Recorded As"
- D - Denotes "Dedicated" See Detail

LOT 83  
RYAN MEADOWS

OWNER: STRAUSS  
INVESTMENTS LLC  
ZONED: M1

NW CORNER, SW 1/4  
SW CORNER, NW 1/4  
SEC. 30, T5N, R21E  
(FOUND CONC. MON.  
W/ BRASS CAP)

N53°44'29"E  
201.16'

N89°39'32"W 2671.72'  
SOUTH LINE OF THE NW 1/4  
SEC. 30, T5N, R21E

NORTH LINE OF THE SW 1/4  
SEC. 30, T5N, R21E

S00°34'08"E  
98.50'

LOT 1  
C.S.M. NO. 9276  
OWNER: COPART OF  
CONNECTICUT INC  
ZONED: M2

LOT 2  
C.S.M. NO. 9276  
OWNER: MATHSON  
ZONED: C1

P.O.B.  
SEE SHEET 15  
FOR DETAIL

**LOT 2**  
996,815 SQ. FT.  
22.8837 ACRES

662.99'  
CENTER  
SEC. 30  
T5N, R21E  
(FOUND 1"  
IRON PIPE)

UNPLATTED LANDS  
OWNER: GRANDLICH  
ZONED: R2

OUTLOT 3  
RYAN MEADOWS  
OWNER: LOOMIS  
AND RYAN INC  
ZONED: R6



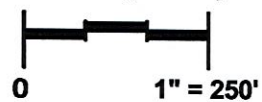
OCTOBER 26, 2021

((R) N89°20'00"W (CSM 975)  
S89°42'41"E 2645.59'

SOUTH LINE OF THE NE 1/4  
SEC. 30, T5N, R21E

S89°42'41"E 708.82'

GRAPHICAL  
SCALE (FEET)



SEE SHEET 3

**LOT 3**  
1,026,964 SQ. FT.  
23.5758 ACRES ZONED: R2

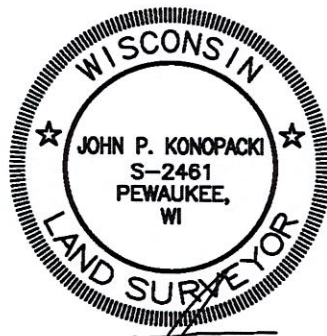
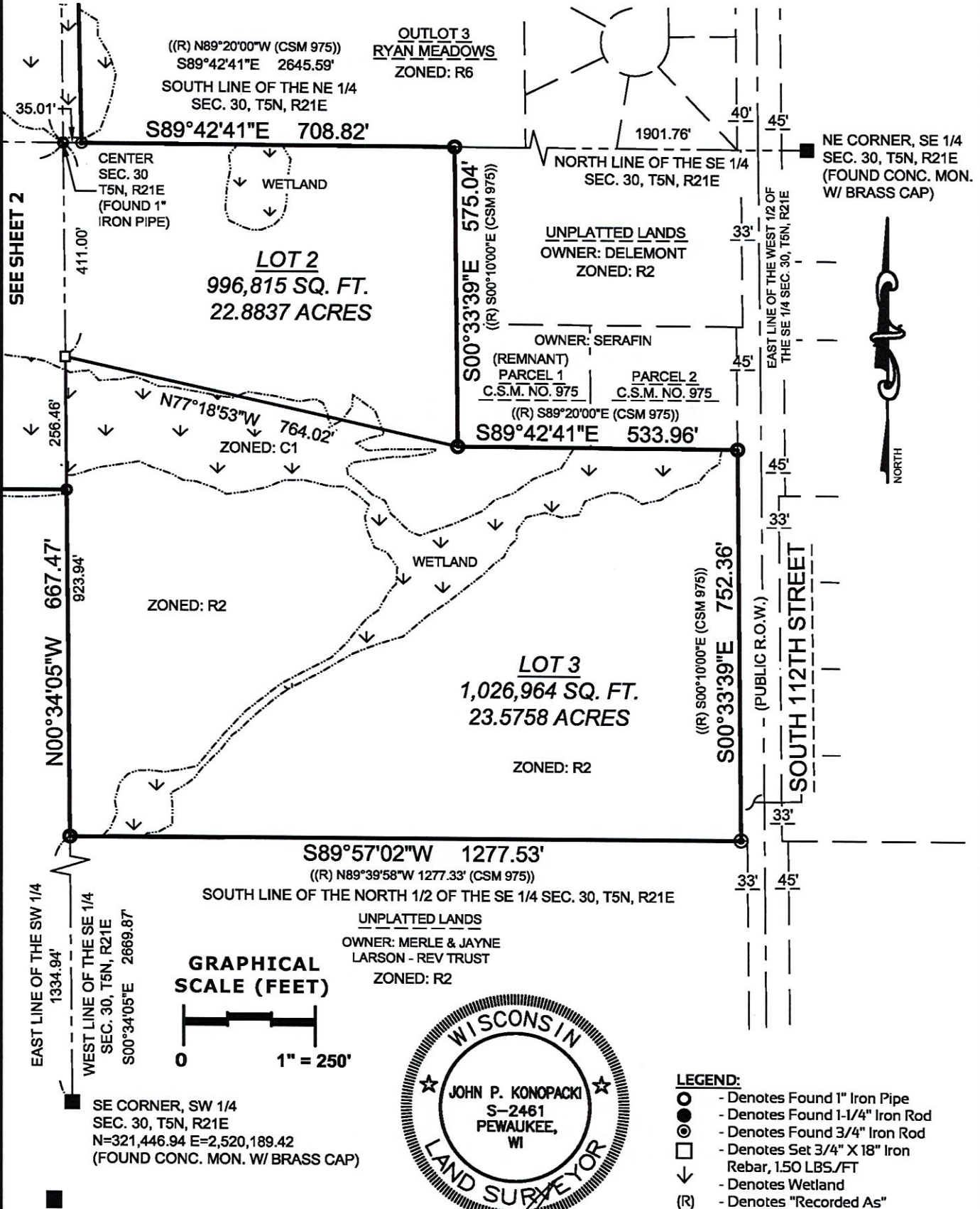
Prepared By:  
**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

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

PEG JOB#809.90A  
SHEET 2 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin



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OCTOBER 26, 2021

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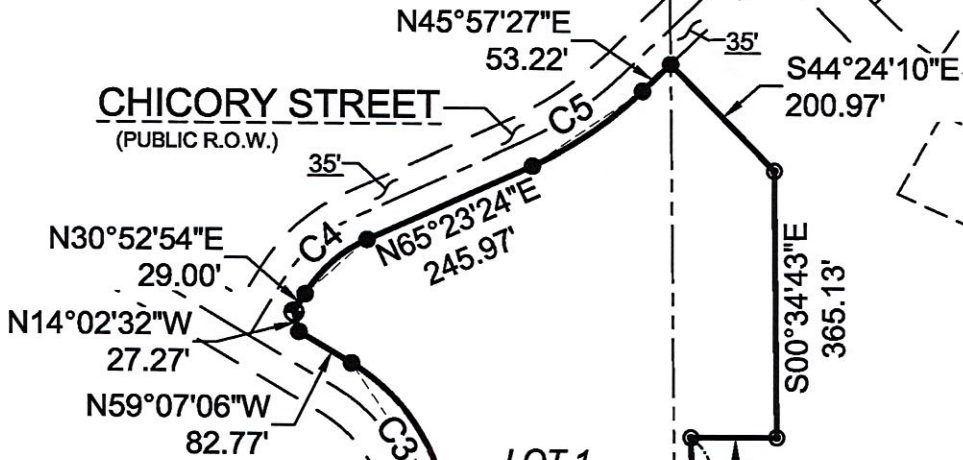
PEG JOB#809.90A  
SHEET 3 OF 18



# CERTIFIED SURVEY MAP NO.

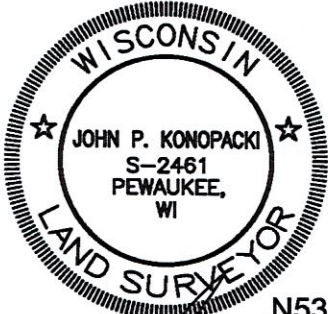


**CHICORY STREET**  
(PUBLIC R.O.W.)



Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

**SEE SHEET 12 AND SHEET 14 FOR CONSERVATION EASEMENT LINE TABLE AND NOTES**



OCTOBER 26, 2021

**LEGEND:**

- - Denotes Found 1" Iron Pipe
- - Denotes Found 1-1/4" Iron Rod
- ⊙ - Denotes Found 3/4" Iron Rod
- ⊛ - Denotes Found Mag Nail
- - Denotes Set 3/4" X 18" Iron Rebar, 1.50 LBS/FT
- ∨ - Denotes Wetland
- D - Denotes "Dedicated" See Detail

CONSERVATION EASEMENT

CONSERVATION EASEMENT

50' WETLAND SETBACK  
NO BUILD AND  
CONSERVATION  
EASEMENT

30' WETLAND BUFFER  
NO TOUCH

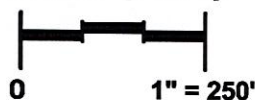
50' WETLAND SETBACK  
NO BUILD AND  
50' CONSERVATION  
EASEMENT

30' WETLAND BUFFER  
- NO TOUCH

WETLANDS DELINEATED BY R.A. SMITH  
NATIONAL, INC. ON DECEMBER 8, 2014

WETLANDS DELINEATED BY  
HEARTLAND ECOLOGICAL  
GROUP, INC. 2021

**GRAPHICAL  
SCALE (FEET)**



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

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

PEG JOB#809.90A  
SHEET 4 OF 18

SEE SHEET 5

LOT 1

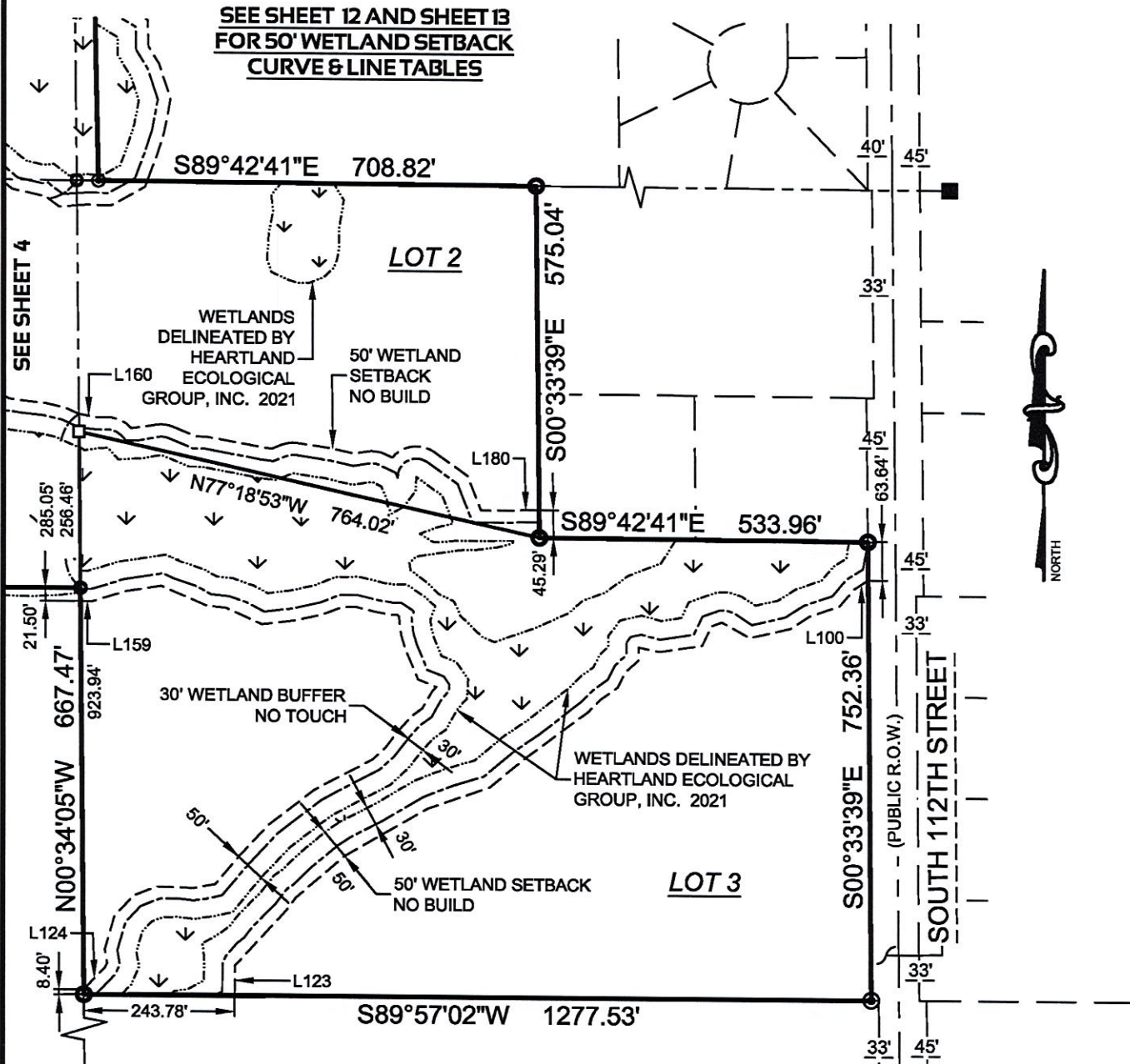
LOT 2

LOT 3

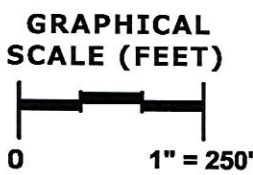
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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**SEE SHEET 12 AND SHEET 13  
FOR 50' WETLAND SETBACK  
CURVE & LINE TABLES**



OCTOBER 26, 2021



- LEGEND:**
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  - - Denotes Found 1-1/4" Iron Rod
  - ⊙ - Denotes Found 3/4" Iron Rod
  - ⊕ - Denotes Found Mag Nail
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  - ↓ - Denotes Wetland

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

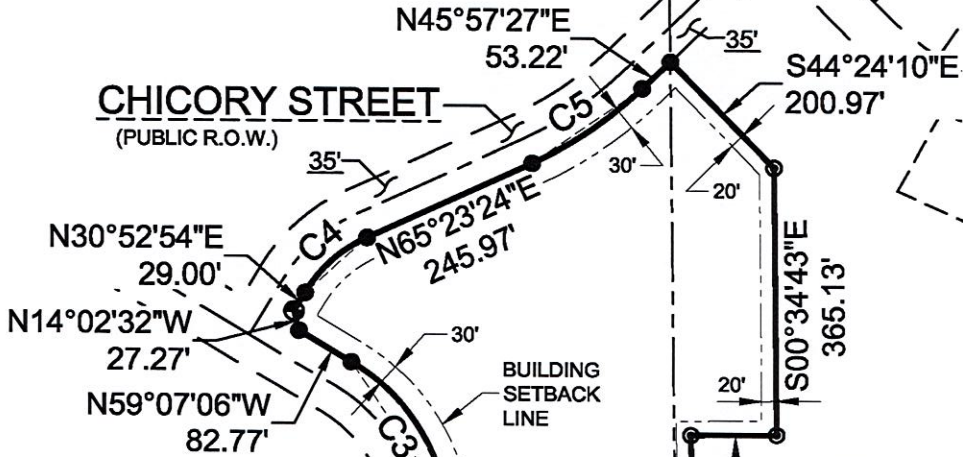
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.90A  
 SHEET 5 OF 18

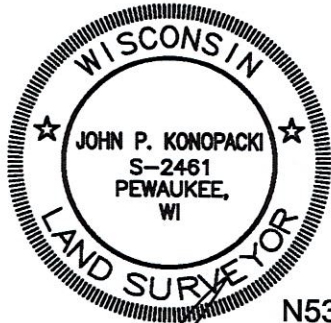
# CERTIFIED SURVEY MAP NO.



**CHICORY STREET**  
(PUBLIC R.O.W.)



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OCTOBER 26, 2021

**LEGEND:**

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- ⊙ - Denotes Found Mag Nail
- - Denotes Set 3/4" X 18" Iron Rebar, 150 LBS/FT
- ↓ - Denotes Wetland
- D - Denotes "Dedicated" See Detail

CONSERVATION EASEMENT

CONSERVATION EASEMENT

50' WETLAND SETBACK  
NO BUILD AND  
CONSERVATION  
EASEMENT

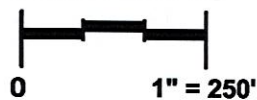
50' WETLAND SETBACK  
NO BUILD AND  
50' CONSERVATION  
EASEMENT

30' WETLAND BUFFER  
- NO TOUCH

WETLANDS DELINEATED BY R.A. SMITH  
NATIONAL, INC. ON DECEMBER 8, 2014

WETLANDS DELINEATED BY  
HEARTLAND ECOLOGICAL  
GROUP, INC. 2021

**GRAPHICAL  
SCALE (FEET)**



Prepared By:

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

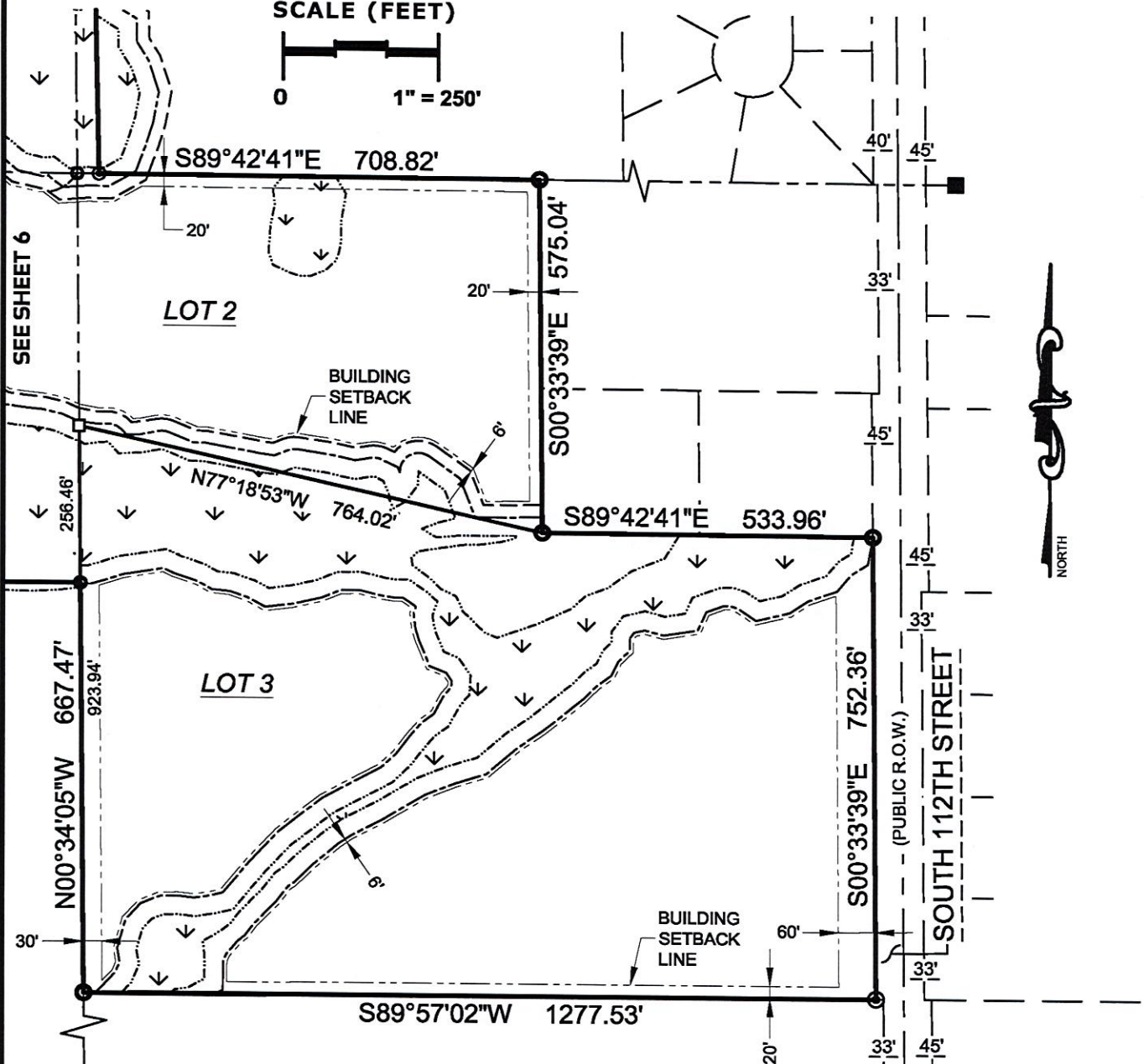
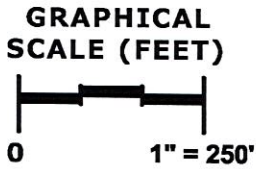
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.90A  
SHEET 6 OF 18

SEE SHEET 7

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin



OCTOBER 26, 2021

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  - ⊙ - Denotes Found 3/4" Iron Rod
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Prepared By:  
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This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.90A  
 SHEET 7 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_



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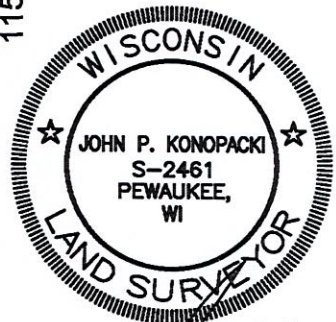
**CHICORY STREET**  
(PUBLIC R.O.W.)

**MONARCH DRIVE**  
(PUBLIC R.O.W.)

**LOT 1**

**LOT 2**

**LOT 3**

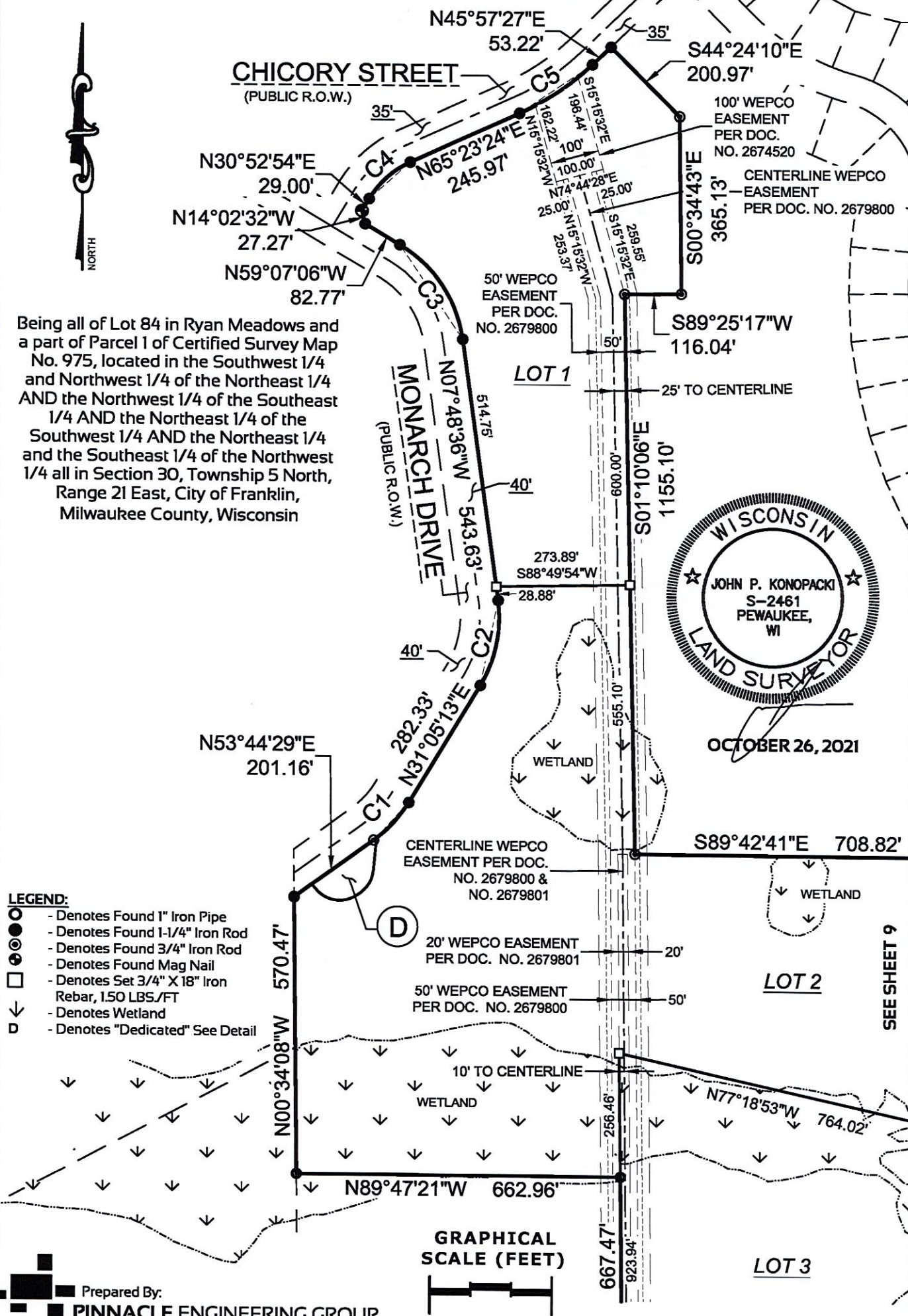


OCTOBER 26, 2021

- LEGEND:**
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  - ↘ - Denotes Wetland
  - D - Denotes "Dedicated" See Detail

**GRAPHICAL SCALE (FEET)**

0 1" = 250'



Prepared By:  
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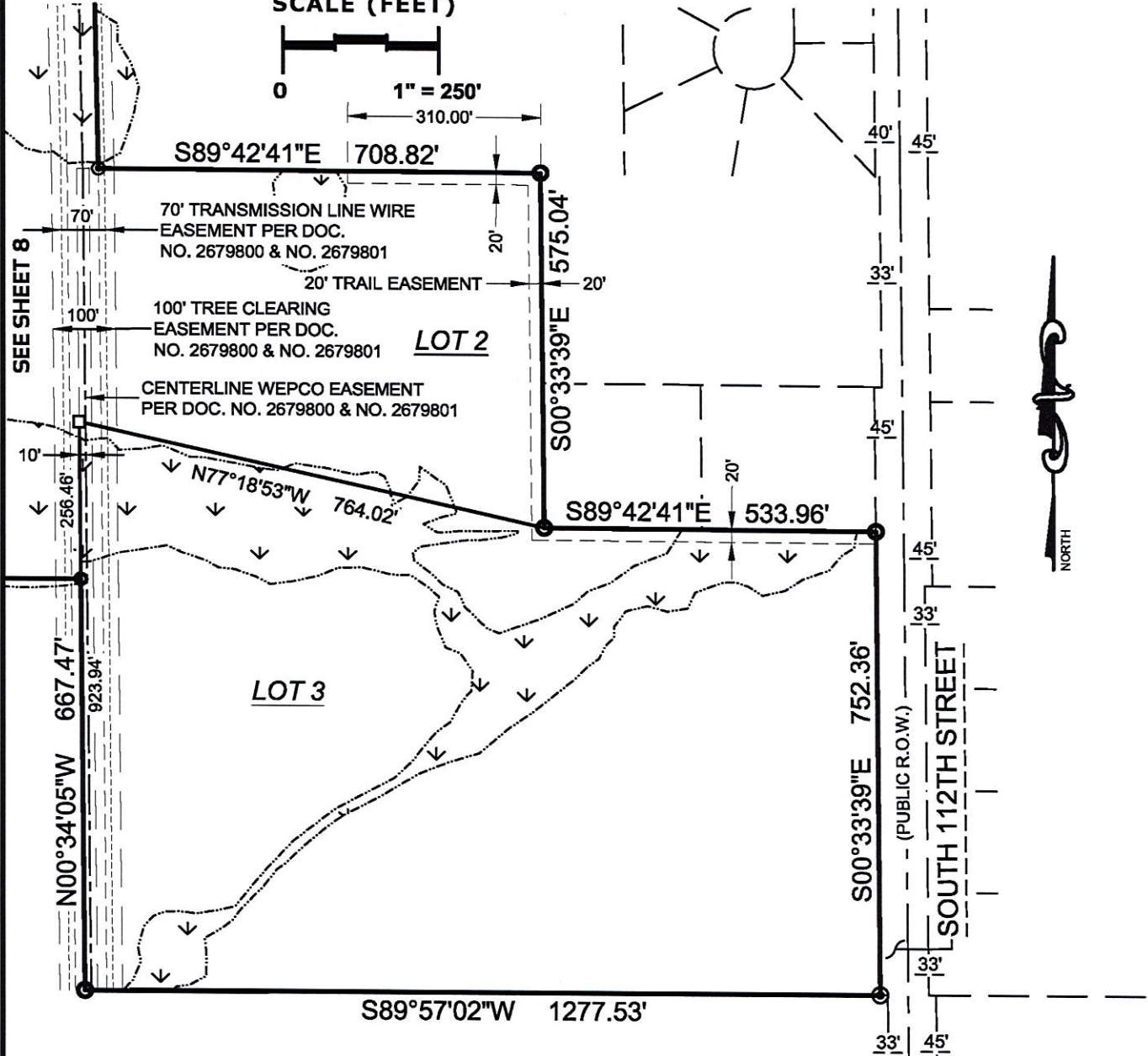
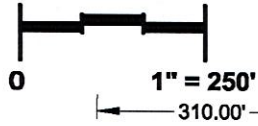
PEG JOB#809.90A  
**SHEET 8 OF 18**

SEE SHEET 9

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## GRAPHICAL SCALE (FEET)



OCTOBER 26, 2021

- LEGEND:**
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  - - Denotes Found 1-1/4" Iron Rod
  - ⊙ - Denotes Found 3/4" Iron Rod
  - ◻ - Denotes Set 3/4" X 18" Iron Rebar, 1.50 LBS./FT
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PEG JOB#809.90A  
 SHEET 9 OF 18

# CERTIFIED SURVEY MAP NO.

**CHICORY STREET**  
(PUBLIC R.O.W.)

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OCTOBER 26, 2021

**MONARCH DRIVE**  
(PUBLIC R.O.W.)

**LOT 1**  
409,070  
SQ. FT.  
9.3910  
ACRES

**EXISTING TOPOGRAPHY**

Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 2' interval based on actual ground survey of the current ground terrain.  
Reference Benchmark: Concrete monument with brass cap at the Northwest corner of the Northeast 1/4 Section 30, Town 5 North, Range 21 East, Elevation = 803.18.

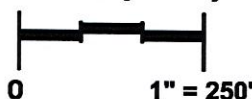
**LEGEND:**

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- ⊙ - Denotes Found 3/4" Iron Rod
- ⊛ - Denotes Found Mag Nail
- - Denotes Set 3/4" X 18" Iron Rebar, 150 LBS./FT
- ↓ - Denotes Wetland

**LOT 2**  
996,815 SQ. FT.  
22.8837 ACRES

**LOT 3**  
1,026,964 SQ. FT.  
23.5758 ACRES

**GRAPHICAL SCALE (FEET)**



SEE SHEET 11

Prepared By:

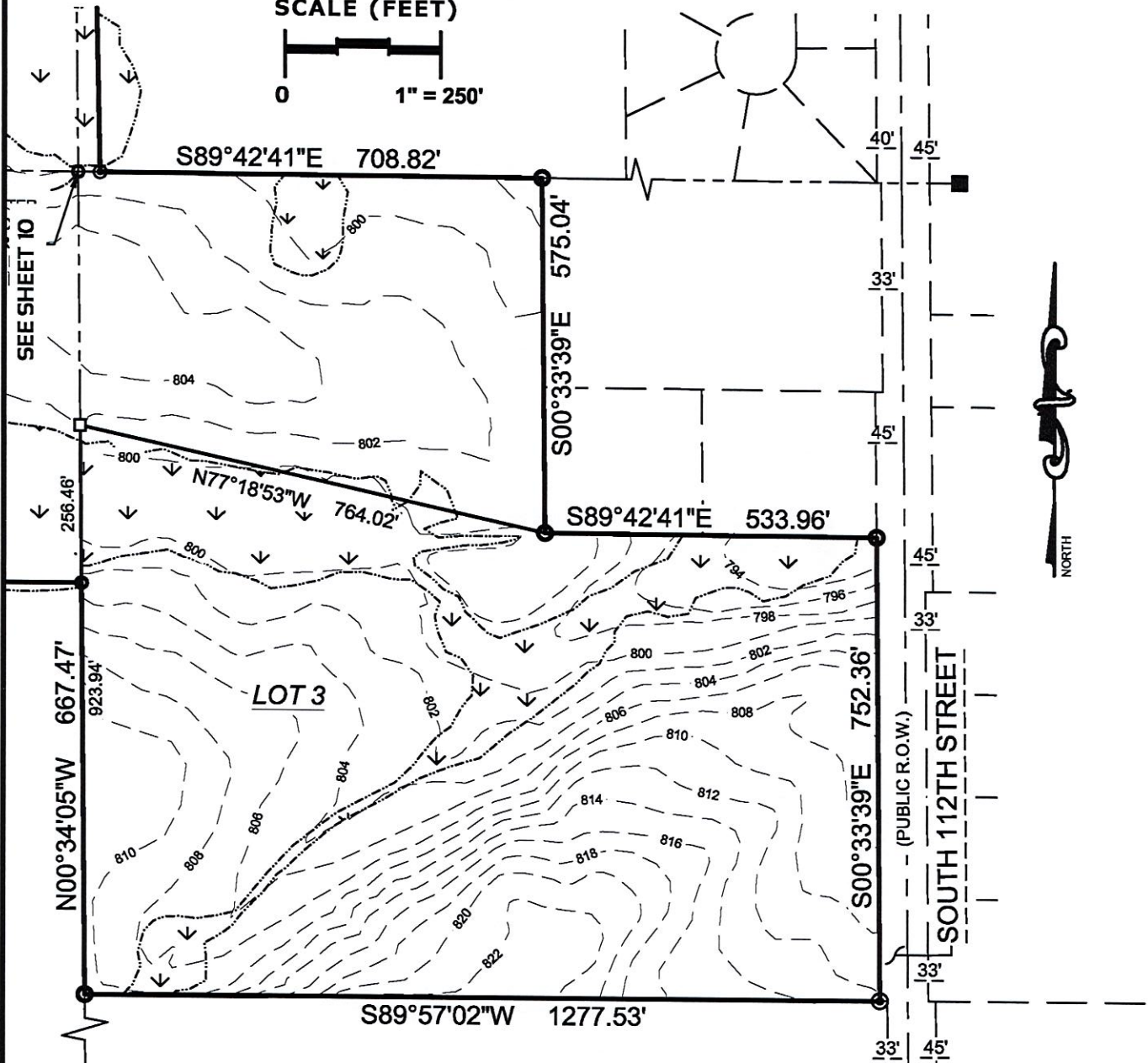
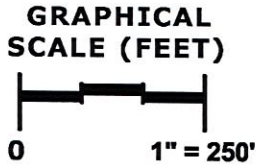
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PEG JOB#809.90A  
SHEET 10 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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OCTOBER 26, 2021

**EXISTING TOPOGRAPHY**

Contours on Lot 3 of this Certified Survey Map are shown at a 2' interval based Milwaukee County GIS & Land Information Map.

**LEGEND:**

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PEG JOB#809.90A  
 SHEET 11 OF 18



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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## 50' CONSERVATION EASEMENT

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N75°22'21"E	39.14'
L2	S83°24'58"E	22.94'
L3	N81°01'31"E	12.95'
L4	N64°22'19"E	35.35'
L5	S72°46'48"E	38.10'
L6	S84°45'14"E	19.51'
L7	N89°55'05"E	35.37'
L8	N78°42'05"E	35.25'
L9	N78°13'06"E	34.92'
L10	N76°36'18"E	38.42'
L11	N78°25'24"E	42.12'
L12	N80°05'35"E	32.68'
L13	N86°06'12"E	30.49'
L14	N88°33'35"E	28.34'
L15	S78°35'50"E	28.25'
L16	S61°51'16"E	43.50'
L17	S51°40'09"E	26.71'
L18	S60°48'43"E	32.81'
L19	S82°18'03"E	25.35'
L20	S83°46'43"E	34.76'
L21	S76°59'19"E	32.39'
L22	S65°37'25"E	23.62'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L23	S85°51'26"W	29.14'
L24	N52°02'25"W	30.19'
L25	S85°12'42"W	5.62'
L26	N76°55'48"W	47.86'
L27	N49°54'31"W	53.03'
L28	N64°32'14"W	50.77'
L29	N54°16'58"W	57.16'
L30	N32°49'08"W	60.42'
L31	N03°52'01"E	91.68'
L32	N35°53'42"E	38.67'
L33	N31°25'06"E	39.65'
L34	N47°16'20"E	22.14'
L35	N21°59'20"E	43.89'
L36	N33°40'08"W	23.04'
L37	N02°49'59"W	42.67'
L38	N25°21'49"E	65.72'
L39	N19°04'30"E	47.01'
L40	N60°46'28"E	57.64'
L41	N88°06'54"E	57.62'
L42	S32°06'26"E	66.20'
L43	S21°57'55"E	45.18'
L44	S20°02'47"W	9.71'
L45	S60°15'57"W	63.07'
L46	N88°29'43"W	37.52'
L47	S85°51'26"W	17.77'



OCTOBER 26, 2021

50' WETLAND SETBACK CURVE TABLE				
CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C162	42.67'	50.00'	S67°23'09"E	41.38'
C165	29.41'	50.00'	S83°54'24"E	28.99'
C171	26.78'	50.00'	N83°18'32"E	26.46'
C175	29.86'	50.00'	S81°56'24"E	29.41'
C177	75.88'	50.00'	N82°05'53"E	68.80'

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

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PEG JOB#809.90A  
SHEET 12 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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50' WETLAND SETBACK LINE TABLE		
LINE NO.	BEARING	DISTANCE
L100	S57°40'03"W	25.90'
L101	S39°43'16"W	38.13'
L102	S70°39'45"W	52.68'
L103	S56°23'49"W	36.22'
L104	S76°56'24"W	68.04'
L105	N60°58'17"W	51.44'
L106	S69°52'34"W	18.43'
L107	S24°46'20"W	34.92'
L108	S80°58'28"W	70.70'
L109	N77°57'40"W	34.13'
L110	S02°21'24"W	21.91'
L111	S46°50'06"W	29.57'
L112	S25°47'47"W	26.79'
L113	S54°03'13"W	32.95'
L114	S45°02'16"W	28.37'
L115	S53°01'35"W	134.22'
L116	S49°36'03"W	70.58'
L117	S71°02'07"W	104.78'
L118	S59°48'38"W	157.10'
L119	S48°37'07"W	105.22'
L120	S37°30'10"W	28.63'
L121	S42°03'00"W	76.31'
L122	S42°09'10"W	44.31'
L123	S00°33'49"W	49.53'
L124	N43°15'19"E	50.13'
L125	N22°40'41"E	8.06'
L126	N09°13'26"W	22.15'
L127	N15°42'06"E	58.39'
L128	N42°56'52"E	44.68'
L129	N67°43'24"E	40.44'
L130	S88°05'13"E	59.21'
L131	N79°56'16"E	36.20'
L132	N39°15'12"E	59.37'
L133	N42°56'04"E	72.45'
L134	N51°55'12"E	91.95'
L135	N61°49'37"E	106.96'
L136	N46°42'59"E	27.87'

50' WETLAND SETBACK LINE TABLE		
LINE NO.	BEARING	DISTANCE
L137	N37°30'29"E	37.06'
L138	N41°29'16"E	31.44'
L139	N54°04'47"E	21.42'
L140	N28°58'54"E	30.90'
L141	N40°51'40"E	11.15'
L142	N67°26'44"W	31.85'
L143	N22°29'02"W	54.67'
L144	N16°26'59"W	22.78'
L145	N06°55'59"W	30.80'
L146	N41°33'50"W	4.17'
L147	S87°45'05"W	8.08'
L148	N80°49'10"W	25.48'
L149	N76°19'12"W	34.93'
L150	S89°02'00"W	22.87'
L151	S67°44'03"W	31.66'
L152	S77°18'36"W	48.75'
L153	S82°55'01"W	52.66'
L154	N65°37'45"W	63.75'
L155	N84°04'12"W	30.77'
L156	N66°17'18"W	81.18'
L157	S80°49'02"W	57.64'
L158	S72°15'51"W	56.36'
L159	N88°55'13"W	19.60'
L160	S80°12'36"E	31.98'
L161	N88°10'07"E	13.12'
L163	S42°56'25"E	2.35'
L164	N81°39'15"E	40.08'
L166	S67°03'25"E	38.15'
L167	S88°23'53"E	17.61'
L168	S79°35'26"E	91.35'
L169	S81°56'01"E	16.27'
L170	N67°57'46"E	17.22'
L172	S81°20'43"E	54.52'
L173	S77°17'05"E	37.45'
L174	N80°57'12"E	21.98'
L176	S64°50'01"E	13.00'
L178	S54°25'38"E	66.59'
L179	S21°16'40"E	59.71'
L180	N89°23'44"E	94.36'



OCTOBER 26, 2021

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

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

PEG JOB#809.90A

SHEET 13 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

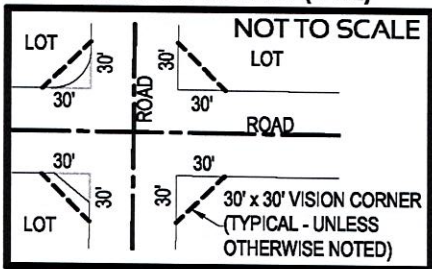
## BOUNDARY CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT	TANGENT
C1	106.76'	270.00'	022°39'16"	N42°24'51"E	106.06'	N53°44'29"E	N31°05'13"E
C2	183.30'	270.00'	038°53'49"	N11°38'18"E	179.80'	N31°05'13"E	N07°48'36"W
C3	241.78'	270.00'	051°18'30"	N33°27'51"W	233.79'	N07°48'36"W	N59°07'06"W
C4	114.43'	190.00'	034°30'30"	N48°08'09"E	112.71'	N30°52'54"E	N65°23'24"E
C5	181.45'	535.00'	019°25'57"	N55°40'26"E	180.58'	N65°23'24"E	N45°57'27"E

**NOTES:**

1. Flood Zone Classification: The property lies within Zone "X" of the Flood Insurance Rate Map Community Panel No. 55079C0206E AND 55079C0205E dated SEPTEMBER 26, 2008. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
2. Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The north line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East bears S89°44'26"E.
3. VISION CORNER EASEMENTS: No Obstructions Permitted. No visual obstructions, such as structures, parking, or vegetation, shall be permitted between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the Vision Corner Easement.
4. Lot 1 and Lot 2 are served by Public Sewer and Water.
5. CONSERVATION EASEMENT RESTRICTIONS:
  - No construction or placement of buildings or any structure;
  - No construction or 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;
  - No excavation, dredging, grading mining, drilling, 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; with the exception of limited grading within the wetland setback area as defined by the City of Franklin Unified Development Ordinance. Grading within the wetland setback is limited to the grading shown in the approved Final Engineering Plans for the Strauss Brands Facility development.
  - No filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
  - No planting of any vegetation not native to the protected property or not typical wetland vegetation;
  - No operating snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of Motorized vehicles.

**CITY OF FRANKLIN VISION CORNER EASEMENT DETAIL (VCE)**



OCTOBER 26, 2021

**CITY OF FRANKLIN COMMON COUNCIL APPROVAL**

Approved and Accepted by the Common Council of the City of Franklin by Resolution No. \_\_\_\_\_  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

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

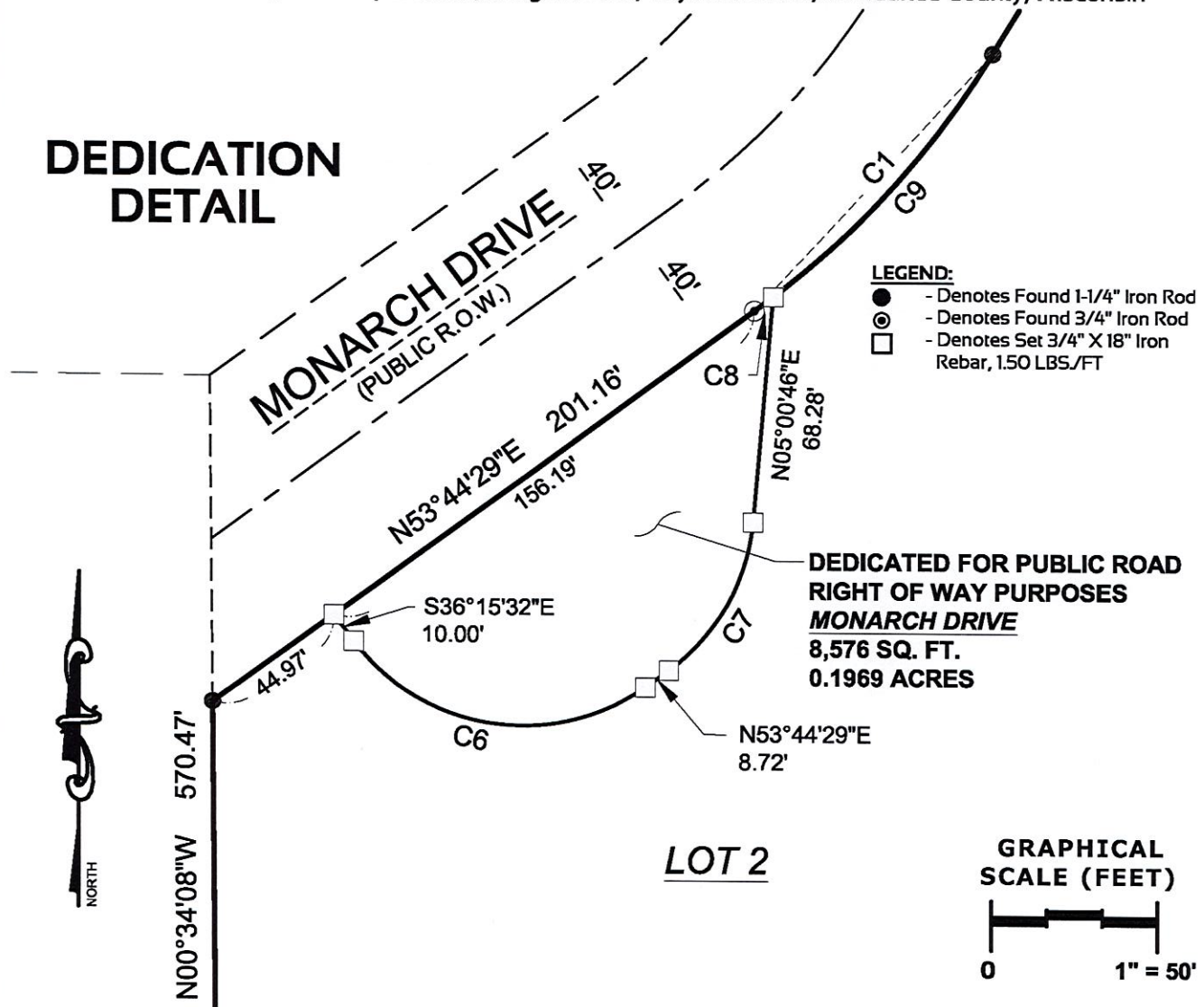
PEG JOB#809.90A

SHEET 14 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## DEDICATION DETAIL



**BOUNDARY CURVE TABLE**

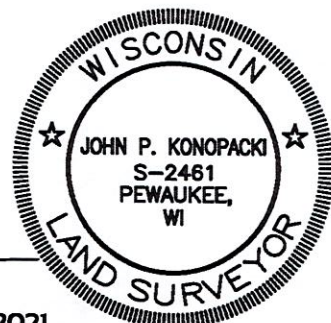
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT	TANGENT
C1	106.76'	270.00'	022°39'16"	N42°24'51"E	106.06'	N53°44'29"E	N31°05'13"E
C6	98.17'	62.50'	089°59'59"	S81°15'32"E	88.39'	S36°15'32"E	N53°44'29"E
C7	53.15'	62.50'	048°43'42"	N29°22'38"E	51.57'	N53°44'29"E	N05°00'46"E
C8	7.05'	270.00'	001°29'44"	N52°59'37"E	7.05'	N53°44'29"E	N52°14'44"E
C9	99.71'	270.00'	021°09'31"	N41°39'59"E	99.14'	N52°14'44"E	N31°05'13"E

**NOTE:**

1. Temporary Turn Around Easement shown on the recorded plat of Ryan Meadows on Lot 2 of this Certified Survey Map to be vacated via separate document.

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

OCTOBER 26, 2021



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

PEG JOB#809.90A  
**SHEET 15 OF 18**

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

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

That I have surveyed, mapped and divided all of Lot 84 in Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, and a part of Parcel 1 of Certified Survey Map No. 975, as recorded in the Register of Deeds office for Milwaukee County as Document No. 4446377, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin, described as follows:

Commencing at the southwest corner of the Northwest 1/4 of said Section 30; Thence South 89°39'32" East along the south line of said Northwest 1/4 and then along a south line of Ryan Meadows, a recorded subdivision, 2008.73 feet to the north right of way line of Monarch Drive and a west line of said Ryan Meadows; Thence South 00° 34'08" East along said west line of Ryan Meadows, 98.50 feet to the south right of way line of Monarch Drive and the Point of Beginning;

Thence North 53°44'29" East along said south right of way line, 201.16 feet to a point of curvature; Thence northeasterly 106.76 feet along the arc of said curve to the left and said right of way line, whose radius is 270.00 feet and whose chord bears North 42°24'51" East, 106.06 feet; Thence North 31°05'13" East along said right of way line, 282.33 feet to a point of curvature; Thence northeasterly 183.30 feet along the arc of said curve to the left and said right of way line, whose radius is 270.00 feet and whose chord bears North 11°38'18" East, 179.80 feet; Thence North 07°48'36" West along said right of way line, 543.63 feet to a point of curvature; Thence northwesterly 241.78 feet along the arc of said curve to the left and said right of way line, whose radius is 270.00 feet and whose chord bears North 33°27'51" West, 233.79 feet; Thence North 59°07'06" West along said right of way line, 82.77 feet; Thence North 14°02'32" West, 27.27 feet to the south right of way line of Chicory Street; Thence North 30°52'54" East along said south right of way line, 29.00 feet to a point of curvature; Thence northeasterly 114.43 feet along the arc of said curve to the right and said right of way line, whose radius is 190.00 feet and whose chord bears North 48°08'09" East, 112.71 feet; Thence North 65°23'24" East along said right of way line, 245.97 feet to a point of curvature; Thence northeasterly 181.45 feet along the arc of said curve to the left and said right of way line, whose radius is 535.00 feet and whose chord bears North 55°40'26" East, 180.58 feet; Thence North 45°57'27" East along said right of way line, 53.22 feet to the west line of Outlot 3 in said Ryan Meadows; Thence South 44°24'10" East along said west line, 200.97 feet; Thence South 00°34'43" East along said west line, 365.13 feet; Thence South 89°25'17" West along said west line, 116.04 feet; Thence South 01°10'06" East along said west line, 1155.10 feet to the south line of the Northeast 1/4 of said Section 30 and a south line of Ryan Meadows and a north line of Parcel 1 of Certified Survey Map No. 975; Thence South 89°42'41" East along said south line, 708.82 feet; Thence South 00°33'39" East along an east line of said Parcel 1 and then continuing, 575.04 feet; Thence South 89°42'41" East and then along the south line of Parcel 2 of said Certified Survey Map No. 975, 533.96 feet to the west right of way line of South 112th Street; Thence South 00°33'39" East along said west right of way line, 752.36 feet to the south line of the North 1/2 of the Southeast 1/4 of said Section 30; Thence South 89°57'02" West along said south line, 1277.53 feet to the west line of said Southeast 1/4; Thence North 00°34'05" West along said west line, 667.47 feet to the south line of said Ryan Meadows; Thence North 89°47'21" West along said south line, 662.96 feet to a west line of said Ryan Meadows; Thence North 00°34'08" West along said west line, 570.47 feet to the Point of beginning.

Dedicating that portion of subject property as graphically shown for public road right of way purposes.

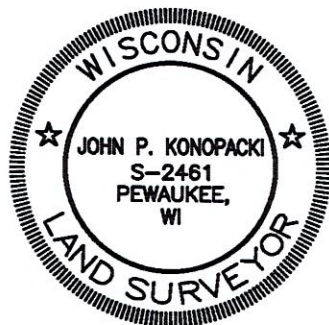
Containing 2,441,425 square feet (56.0474 acres) of land Gross and 2,432,849 square feet (55.8505 acres) of land Net, more or less.


That I have made such survey, land division and map by the direction of LOOMIS & RYAN INC. and GURJIT SINGH and GURMIT KAUR owners of said land.

That such plat 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 requirements of Chapter 236 of the Wisconsin State Statutes and the City of Franklin Land Division Ordinance and the Unified Development Ordinance Division - 15 of the City of Franklin in surveying the certified survey map.

Date: OCTOBER 26, 2021



  
John P. Konopacki  
Professional Land Surveyor S-2461

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

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

PEG JOB#809.90A

SHEET 16 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being all of Lot 84 in Ryan Meadows and a part of Parcel 1 of Certified Survey Map No. 975, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## OWNER'S CERTIFICATE OF DEDICATION

LOOMIS & RYAN INC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

GURJIT SINGH and GURMIT KAUR, as owners, hereby certify that we caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the City of Franklin.

LOOMIS & RYAN INC and GURJIT SINGH and GURMIT KAUR, as owners, also certify that this map is required by s.236.10 or s.236.12 of the Wisconsin State Statutes and the Unified Development Ordinance Division-15 of the City of Franklin to be submitted to the following for approval or objection:

1. City of Franklin

IN WITNESS WHEREOF, the said LOOMIS & RYAN INC has caused these presents to be signed by (name - print) \_\_\_\_\_, (title) \_\_\_\_\_, at (city) \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

In the presence of: LOOMIS & RYAN INC.

\_\_\_\_\_  
Name (signature) - Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
GURJIT SINGH

\_\_\_\_\_  
Date

\_\_\_\_\_  
GURMIT KAUR

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, (name) \_\_\_\_\_ (title) \_\_\_\_\_, of the above named LOOMIS & RYAN INC, to me known to be the persons who executed the foregoing instrument, and to me known to be such \_\_\_\_\_ (title) of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_

State of Wisconsin \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, GURJIT SINGH and GURMIT KAUR, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_

State of Wisconsin \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



OCTOBER 26, 2021

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

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

PEG JOB#809.90A

SHEET 17 OF 18

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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## CONSENT OF CORPORATE MORTGAGEE - LOOMIS & RYAN INC.

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE - GURJIT SINGH and GURMIT KAUR

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

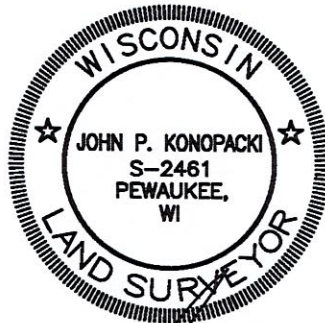
\_\_\_\_\_  
Date

\_\_\_\_\_  
President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_



OCTOBER 26, 2021

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

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

PEG JOB#809.90A  
SHEET 18 OF 18

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



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

STAMP DATE: \_\_\_\_\_ city use only

## BOARD OF ZONING AND BUILDING APPEALS REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Stephen R. Mills	NAME: Daniel Szczap, Project Manager
COMPANY: Loomis & Ryan, Inc.	COMPANY: Bear Development, LLC (Daniel Szczap)
MAILING ADDRESS: 4011 80th Street	MAILING ADDRESS: 4011 80th Street
CITY/STATE: Kenosha, WI      ZIP: 53142	CITY/STATE: Kenosha, WI      ZIP: 53142
PHONE: (262) 949-3788	PHONE: (262) 949-3788
EMAIL ADDRESS: dan@beardevelopment.com	EMAIL ADDRESS: dan@beardevelopment.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: Ryan Meadows/Loomis Business Park	TAX KEY NUMBER: 891-1083-000 & 891-1084-000
PROPERTY OWNER: Loomis & Ryan, Inc.	PHONE: (262) 949-3788
MAILING ADDRESS: 4011 80th Street	EMAIL ADDRESS: dan@beardevelopment.com
CITY/STATE: Kenosha, WI      ZIP: 53142	DATE OF COMPLETION: _____ office use only

### APPLICATION TYPE

**Please check the application type that you are applying for**

Area Exception  
  Minor Variance  
  Sign Variance and Appeals  
  Variance and Appeals

Most requests require Board of Zoning and Building Appeals approval.

Applicant is responsible for providing Board of Zoning and Building Appeals resubmittal materials up to 12 copies pending staff request and comments.

### SIGNATURES

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

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

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

PROPERTY OWNER SIGNATURE: 	APPLICANT SIGNATURE: 
NAME & TITLE: <b>S.R. Mills, President</b> DATE: <b>1.24.2022</b>	NAME & TITLE: <b>Daniel Szczap, Project Manager</b> DATE: <b>1.24.2022</b>
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE:	NAME & TITLE:
DATE:	DATE:



### CITY OF FRANKLIN APPLICATION CHECKLIST

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

#### AREA EXCEPTION APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$300 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) the Plat of Survey, Site Plan, Building Elevations, and Outdoor Lighting Plans, as appropriate, and any other supporting documents, which illustrate the Area Exception request. *ALL plans must be collated and folded into 9x12-inch sets.*
- Two (2) photographs of the subject structure from different views, *when applicable.*
- Completed Standards in the Review of Area Exceptions form (section 15-10.0209G. of the UDO).
- Three (3) Affidavit forms with original and notarized signatures (*facilities and copies will not be accepted*).
- Email or flash drive with all plans / submittal materials.
  - All Area Exceptions require a public hearing at Plan Commission, Plan Commission recommendation to BZBA, and BZBA review and approval.
  - If a building permit is not issued within twelve (12) months of approval, the Area Exception will be null and void.

#### MINOR VARIANCE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$250 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) copies of the form "Questions to be Answered by the Applicant" *per Section 15-9.0107 Minor Variances of the UDO*
  - Three (3) full size, drawn to scale copies of the Plat of Survey, Site Plan, and Building Elevations, as appropriate, photographs supporting the application and any other supporting documents, which illustrate the Variance request.
- Three (3) Affidavit Forms with original and notarized signatures (*facilities and copies will not be accepted*).
- Completed "Finding and Factors in the Review of Minor Variances" form from Sections 15-10.0206C.2. of the UDO.
- Email or flash drive with all plans / submittal materials.
  - A Building Permit must be issued within six (6) months of approval or the variance will be null and void.

Variance Type Requested [check one]:  Accessory Structure (150 square feet or less)  Deck  Fence

#### SIGN VARIANCE AND APPEALS APPLICATION MATERIALS

- Copy of the Sign Permit "Letter of Denial". (Appeals within 30 days after said denial; Variances within 60 days after said denial.)
- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$250 Application fee payable to the City of Franklin [\$250 per appeal or variance from Sign Code]
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) Sign elevations, *drawn to scale not less than 1/2" = 1', plans folded to a maximum size of 9x12 inches. The elevations should denote the sign dimensions and area. Identify the colors, materials, finishes and lighting method (if applicable).*
  - Three (3) Site Plan, *showing the location of the proposed signage relative to (1) any existing or proposed structures; (2) parking stalls and/or driveways; (3) proposed landscaping and outdoor lighting; (4) the setback distance from the street right-of-way at the proposed location; (5) height of sign above the finished grade; and (6) the vision triangle distances described in Section 15-5.0201 of the Unified Development Ordinance.*
- Three (3) Affidavit Forms with original and notarized signatures (*facilities and copies will not be accepted*).
- Email or flash drive with all plans / submittal materials.
  - Permits for construction are REQUIRED after approval. Contact the Building Inspector (414-425-0084) for additional information.

#### VARIANCE AND APPEALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$250 Application fee payable to the City of Franklin
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded full size, copies of the Plat of Survey, Site Plan, Building Elevations, Landscape Plan and Outdoor Lighting Plan, *drawn to scale as appropriate, Photographs and any other supporting documents, which illustrate the Variance request.*
- Three (3) Affidavit Forms with original and notarized signatures (*facilities and copies will not be accepted*).
- Completed "Findings and Factors in the Review of Variances" form from Sections 15-10.0206C.1. and 15-10.0211 of the UDO.
- Completed "Findings and Factors in the Review of Land Division Variances" form from Sections 15-9.0310B.1 of the UDO).
- Email or flash drive with all plans / submittal materials.

Variance Type Requested [check one]:  Administrative Appeal  Area Variance  Use Variance  Non-conforming Use(s)  Land Division Variance



January 25, 2022

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

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for a Land Division Variance.

**Project Summary**

The matter in question is the dedicated public roadway known as Monarch Drive within the Ryan Meadows Subdivision. As approved and platted, Monarch Drive terminates in a “stub” at the western limits of the subdivision. The “stub” ends at the now developed Copart site. Monarch Drive cannot be extended west because of the finish site development. It is not feasible to extend Monarch Drive south due to significant wetlands, waterways and mature woodlands within a future alignment. Based on the existing site conditions and the small amount of land a southern extension would ultimately serve, it is not economically feasible to consider.

The only feasible solution is to terminate Monarch Drive in a permanent dedicated cul-de-sac. Therefore, the Applicant is respectfully a Land Division Variance from Section 15-5.0103 (A)(1) for a cul-de-sac street to exceed 800 feet in length. Monarch Drive cannot be shortened to meet the Ordinance requirement as it currently dedicated and serves other properties not owned by the Applicant.

The Applicant proposes a permanent cul-de-sac to terminate Monarch Drive along with a traffic signage plan to alert the traveling public of an extended cul-de-sac/No Outlet. Because Monarch Drive serves only three (3) parcels, traffic volume is anticipated to be extremely low.

To correct an unexpected condition and to allow for further commercial/industrial development within Loomis Business Park and TID No. 6, we are respectfully requesting the Land Division Variance. Because of the unusual, extraordinary and exceptional circumstances involved with this situation, we feel the granting of the variance is necessary and reasonable.

We feel the variance meets the standards set forth in the Unified Development Ordinance and appropriate design measures can be implemented to create a safe and functional termination of Monarch Drive.

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

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC

## Findings of Factors in the Review of Land Division Variances

January 25, 2022

Property Owner: Loomis & Ryan, Inc.  
4011 80<sup>th</sup> Street  
Kenosha, WI 53142

Property Address: Monarch Drive  
Ryan Meadows Subdivision/ Loomis Business Park

**1. There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of this Ordinance would result in severe hardship.**

The Applicant is requesting a Land Division Variance from the Unified Development Ordinance, Section 15-5.0103 (A)(1), to allow Monarch Drive to terminate in a cul-de-sac. The total length of Monarch Drive from Chicory Street to a proposed cul-de-sac would exceed 800'.

There are exceptional, extraordinary, and unusual conditions that make the extension of Monarch Drive either impossible or unfeasible. Please consider the following facts which make the extension of Monarch Drive impractical:

***Monarch Drive-West to STH 45***

- The Final Plat for Ryan Meadows Subdivision was recorded on March 20, 2020 as Document #10962414.
- The Ryan Meadows project required multiple City reviews and approvals including Comprehensive Plan Amendment, Zoning Reclassification, Civil Engineering and Platting.
- As approved, Ryan Meadows Subdivision included the dedicated public right-of-way of Monarch Drive stubbed to the adjacent property to the west.
- On October 20, 2020 the City of Franklin approved a Site Plan submitted by Copart of Connecticut, Inc. for the property directly west of the dedicated Monarch Drive terminus.
- The referenced Site Plan did not include the extension/continuation of Monarch Drive.
- The referenced site was fully developed in 2020 and does not accommodate the extension of Monarch Drive.
- During the Site Plan proceedings for the Copart of Connecticut site, the Applicant was instructed to design a permanent cul-de-sac. The cul-de-sac was fully engineered as a Construction Bulletin. Please see attached plans.
- Subsequently, the Applicant was directed to revert the design to its current condition.

***Monarch Drive-South to Oakwood Road***

- Monarch Drive cannot be feasibly extended south due to a SEWRPC Isolated Natural Area located within a possible southern alignment.
- The referenced wetland is 400' in width, making the design impractical.

- Lying south of the wetland is a significant area of Mature Woodlands. The City Unified Development Ordinance protects and preserves Mature Woodlands as a protected Natural Resource. While a road could be extended through Mature Woodlands, it would not serve developable property, making the roadway project economically unfeasible.
- The property on Oakwood Road can be served by future roads that do not impact wetlands or mature woodlands

***Other considerations:***

- Additional extensions from Monarch Drive leading east or west do not align with any existing or planned roadways.
- Monarch Drive cannot be shortened as it is constructed as a public street and serves other properties, some of which are not owned by the Applicant.

**2. Such hardships should not apply generally to other properties or be such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.**

The existing conditions which create the severe hardships are not generally applicable to other properties. The specific situation is an existing condition and unique and extraordinary to Ryan Meadows. The future extension of Monarch Drive to eliminate a cul-de-sac street design is not possible.

**3. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.**

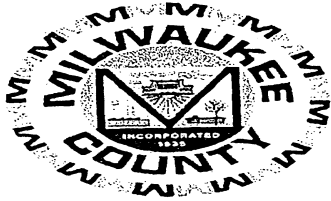
The requested variance is necessary for the continued commercial development contemplated at Loomis Business Park. Without the requested variance, future commercial/industrial development along Monarch Drive is not possible. A planned termination of Monarch Drive is necessary.

**4. That the variance will not create a substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.**

The requested variance will not be detrimental to adjacent property. The variance will allow for the orderly termination of Monarch Drive from its existing condition which is a dead-end stub street to a functional, permanent cul-de-sac, allowing for truck and emergency vehicle turnaround. The ability for safe turning movements through the proposed cul-de-sac will benefit the properties along Monarch Drive along with the traveling public.

Additional street signage can be implemented to alert the traveling public of an extended cul-de-sac street.

The portion of Monarch Drive that is proposed as a cul-de-sac serves only three (parcels).



Register of Deeds  
**Milwaukee County**  
Israel Ramón • Register of Deeds



**DOC. # 10962414**  
RECORDED:  
03/20/2020 03:40 PM  
ISRAEL RAMON  
REGISTER OF DEEDS  
MILWAUKEE COUNTY, WI  
AMOUNT: 50.00

# PLAT

PLAT  
NAME: Ryan Meadows

DOC# 10962414

REEL# N/A

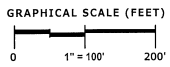
DATE: March 20, 2020

Number of Pages: 8

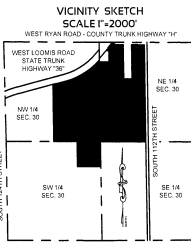
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RECORDED:  
03/27/2012 03:40 PM  
ISSUED: RANDY  
REGISTER OF DEEDS  
MILWAUKEE COUNTY, WI  
AMOUNT: \$0.00

# RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



LINE NO.	BEARING	DISTANCE
L1	S00°15'34"W	33.00'
L2	S00°15'34"W	32.00'
L3	N41°23'51"E	110.60'
L4	N48°36'09"W	12.00'
L5	N41°23'51"E	127.48'
L6	S89°44'26"E	83.49'
L7	N41°23'51"E	95.47'
L8	S89°44'26"E	95.51'
L9	N41°23'51"E	200.07'
L10	S89°44'26"E	353.92'

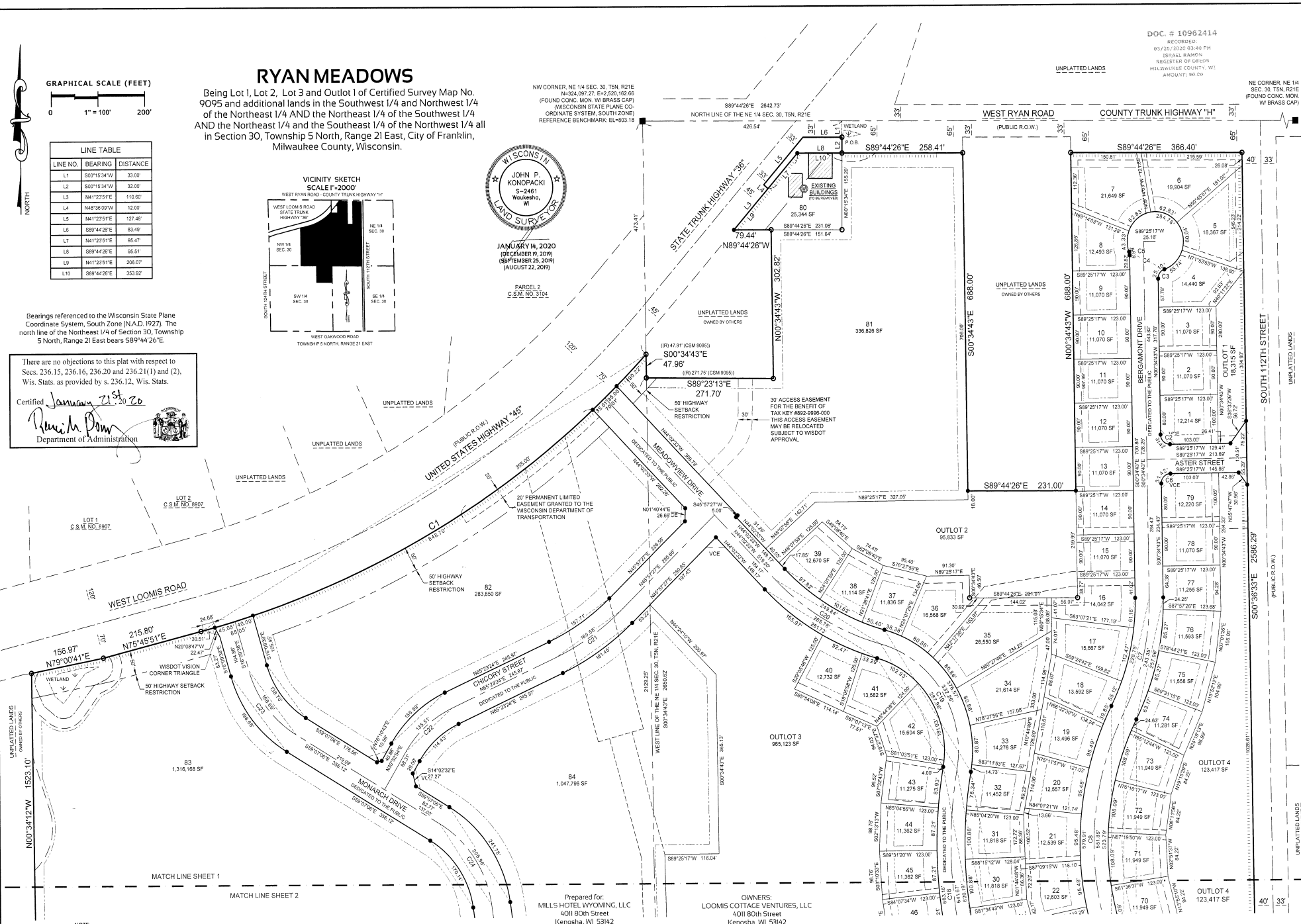


JANUARY 14, 2020  
(DECEMBER 19, 2019)  
(SEPTEMBER 25, 2019)  
(AUGUST 22, 2019)

Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The north line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East bears S89°44'26"E.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified *January 21, 2020*  
*Randy Dorn*  
Department of Administration



Prepared for:  
MILLS HOTEL WYOMING, LLC  
4011 80th Street  
Kenosha, WI 53142  
(262) 842-0484

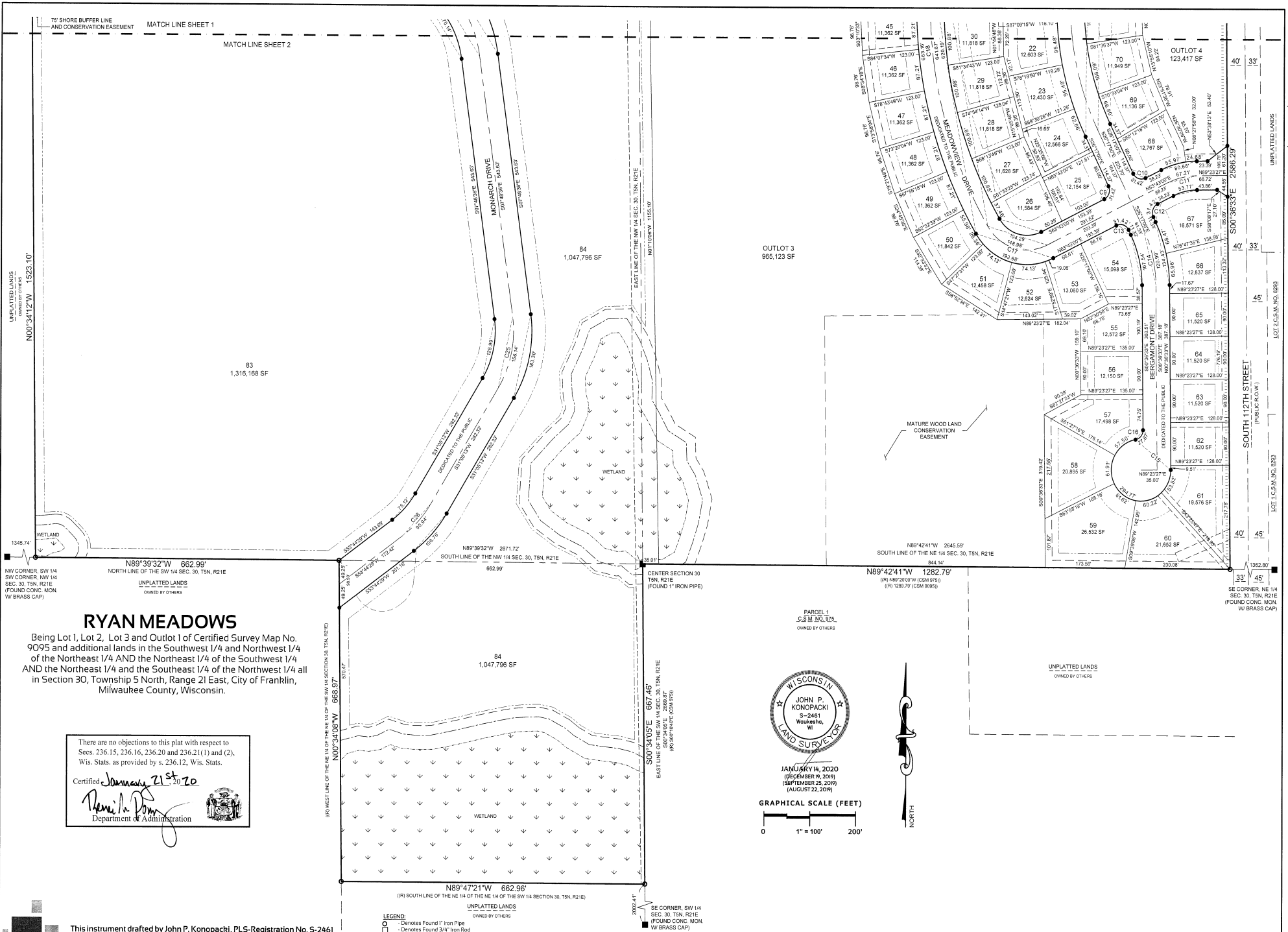
OWNERS:  
LOOMIS COTTAGE VENTURES, LLC  
4011 80th Street  
Kenosha, WI 53142  
262-842-0484

OWNERS:  
STRAUSS INVESTMENTS, LLC  
5129 Franklin Drive  
Franklin, WI 53132  
414-421-5250

- LEGEND:
- Denotes Found 1" Iron Pipe
  - Denotes Found 3/4" Iron Rod
  - Denotes Set 1/4" X 18" Iron Rebar, 3.0 LBS./FT.
  - All other corners marked by 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
  - Denotes No Vehicular Access
  - Denotes lot areas to the nearest square foot.

This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461  
**PINNACLE ENGINEERING GROUP**

Prepared by:  
PINNACLE ENGINEERING GROUP  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888



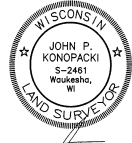
# RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

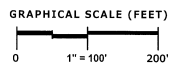
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified *Jannet Zisk* 21<sup>st</sup> 20

*Rebecca Pomy*  
Department of Administration



JANUARY 14, 2020  
(DECEMBER 19, 2019)  
(SEPTEMBER 23, 2019)  
(AUGUST 22, 2019)



- LEGEND:**
- Denotes Found 1" Iron Pipe
  - Denotes Found 3/4" Iron Pipe
  - Denotes Set 1-1/4" X 1/8" Iron Rebar, 4.30 LBS./FT
  - All other corners marked by 3/4" X 1/8" Iron Rebar, 1.5 LBS./FT.
  - Denotes No Vehicular Access.
  - Denotes Ice areas to the nearest square foot.

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

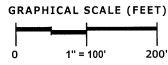
**PINNACLE ENGINEERING GROUP**



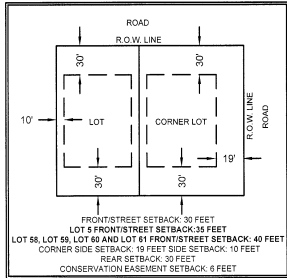
LINE NO.	BEARING	DISTANCE
L1	S00°15'34"W	33.00'
L2	S00°15'34"W	33.00'
L3	N41°23'51"E	116.60'
L4	N48°36'09"W	12.00'
L5	N41°23'51"E	127.48'
L6	S89°44'26"E	83.49'
L7	N41°23'51"E	95.47'
L8	S89°44'26"E	95.51'
L9	N41°23'51"E	208.07'
L10	S89°44'26"E	353.92'

# RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



TYPICAL RESIDENTIAL BUILDING SETBACK DETAIL\* NOT TO SCALE



\* ADDITIONAL SETBACK RESTRICTIONS APPLY TO LOTS 1, LOT 58, LOT 59, LOT 60 AND LOT 61 AS NOTED.

There are no objections to this plat with respect to Secs. 236.13, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified January 21, 2020

*Renée H. Dowd*  
 Department of Administration

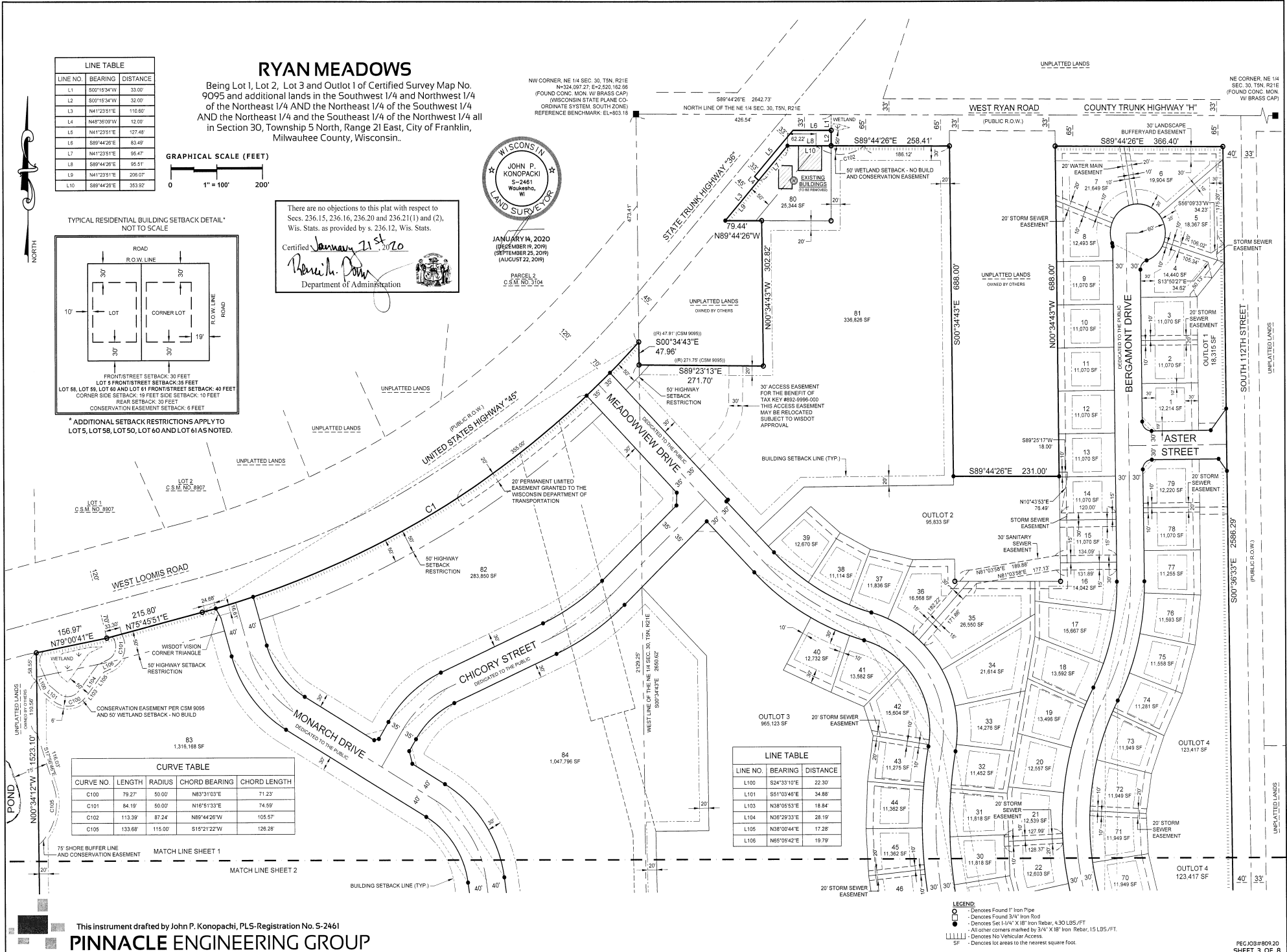


JANUARY 14, 2020  
 (DECEMBER 9, 2019)  
 (SEPTEMBER 25, 2019)  
 (AUGUST 22, 2019)

PARCEL 2  
 C.S.M. NO. 3104

NW CORNER, NE 1/4 SEC. 30, T5N, R21E  
 N=324,097.27; E=2,520,182.66  
 (FOUND CONC. MON. W/ BRASS CAP)  
 (WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE)  
 REFERENCE BENCHMARK: EL=603.18

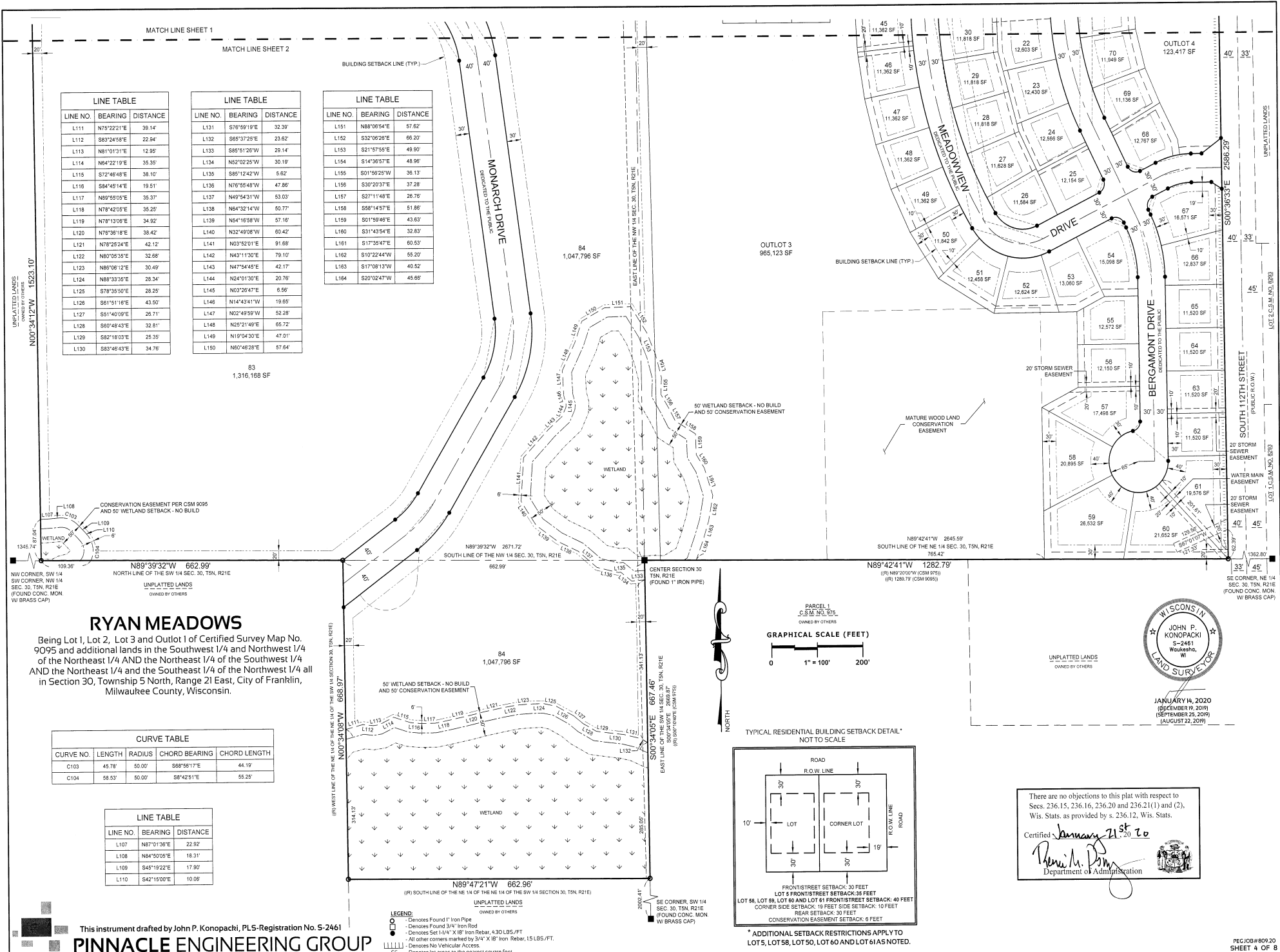
NE CORNER, NE 1/4 SEC. 30, T5N, R21E  
 (FOUND CONC. MON. W/ BRASS CAP)



CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C100	79.27'	50.00'	N83°31'03"E	71.23'
C101	84.19'	50.00'	N10°51'33"E	74.59'
C102	113.39'	87.24'	N89°44'26"W	105.57'
C105	133.68'	115.00'	S19°21'22"W	126.28'

LINE NO.	BEARING	DISTANCE
L100	S24°33'10"E	22.30'
L101	S51°03'49"E	34.88'
L103	N38°05'53"E	18.84'
L104	N38°29'33"E	28.19'
L105	N38°20'44"E	17.28'
L106	N65°09'42"E	19.79'

- LEGEND**
- Denotes Found 1" Iron Pipe
  - Denotes Found 3/4" Iron Rod
  - Denotes Set 1 1/4" X 1/8" Iron Rebar, 30 LBS./FT.
  - All other corners marked by 3/4" X 1/8" Iron Rebar, 15 LBS./FT.
  - Denotes No Vehicular Access
  - Denotes lot area to the nearest square foot.



LINE NO.	BEARING	DISTANCE
L111	N79°22'21"E	39.14'
L112	S83°24'58"E	22.84'
L113	N81°01'31"E	12.95'
L114	N64°22'19"E	35.35'
L115	S72°46'48"E	38.10'
L116	S84°45'14"E	19.51'
L117	N89°55'05"E	35.37'
L118	N78°42'05"E	35.25'
L119	N78°12'08"E	34.92'
L120	N78°36'18"E	38.42'
L121	N78°25'24"E	42.12'
L122	N80°06'35"E	32.68'
L123	N88°06'12"E	30.49'
L124	N89°33'35"E	28.34'
L125	S78°35'50"E	28.25'
L126	S61°51'16"E	43.50'
L127	S61°40'09"E	26.71'
L128	S60°48'43"E	32.81'
L129	S82°18'03"E	25.35'
L130	S83°46'43"E	34.76'

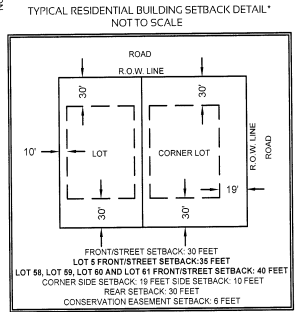
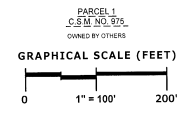
LINE NO.	BEARING	DISTANCE
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L132	S65°37'38"E	23.62'
L133	S85°51'28"W	29.14'
L134	N52°02'25"W	30.19'
L135	S85°12'42"W	5.62'
L136	N76°55'48"W	47.86'
L137	N49°54'31"W	53.03'
L138	N64°32'14"W	50.77'
L139	N64°19'58"W	57.16'
L140	N32°49'08"W	60.42'
L141	N50°52'01"E	91.88'
L142	N43°11'30"E	79.10'
L143	N47°54'45"E	42.17'
L144	N24°01'30"E	20.76'
L145	N03°26'47"E	6.56'
L146	N14°43'41"W	19.65'
L147	N02°49'59"W	52.28'
L148	N25°21'49"E	65.72'
L149	N19°04'30"E	47.01'
L150	N80°46'28"E	57.64'

LINE NO.	BEARING	DISTANCE
L151	N88°06'54"E	57.62'
L152	S32°06'28"E	66.20'
L153	S21°57'55"E	48.90'
L154	S14°36'57"E	48.99'
L155	S01°56'25"W	36.13'
L156	S30°20'37"E	37.28'
L157	S27°11'48"E	26.76'
L158	S58°14'57"E	51.86'
L159	S01°59'46"E	43.63'
L160	S31°43'54"E	32.63'
L161	S17°35'47"E	60.53'
L162	S10°22'44"W	55.20'
L163	S17°08'13"W	40.52'
L164	S20°02'47"W	45.68'

CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C103	45.78'	50.00'	S88°56'17"E	44.19'
C104	58.53'	50.00'	S8°42'51"E	55.25'

LINE NO.	BEARING	DISTANCE
L107	N87°01'38"E	22.92'
L108	N84°50'05"E	18.31'
L109	S45°19'22"E	17.90'
L110	S42°15'00"E	10.66'

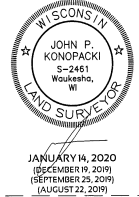
**RYAN MEADOWS**  
 Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified *January 21, 2020*

*John P. Konopacki*  
 Department of Administration



\* ADDITIONAL SETBACK RESTRICTIONS APPLY TO LOTS 45, LOT 58, LOT 50, LOT 60 AND LOT 61 AS NOTED.

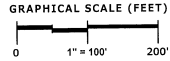
# RYAN MEADOWS

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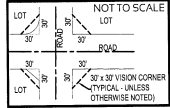
NW CORNER, NE 1/4 SEC. 30, T5N, R21E  
 N=324,097.27; E=2,620,192.66  
 (FOUND CONC. MON. W/ BRASS CAP)  
 (WISCONSIN STATE PLANE CO-ORDINATE SYSTEM, SOUTH ZONE)  
 REFERENCE BENCHMARK: EL+803.18



JANUARY 14, 2020  
 (SEPTEMBER 19, 2019)  
 (AUGUST 22, 2019)  
 PARCEL 2  
 C.S.M. NO. 3104



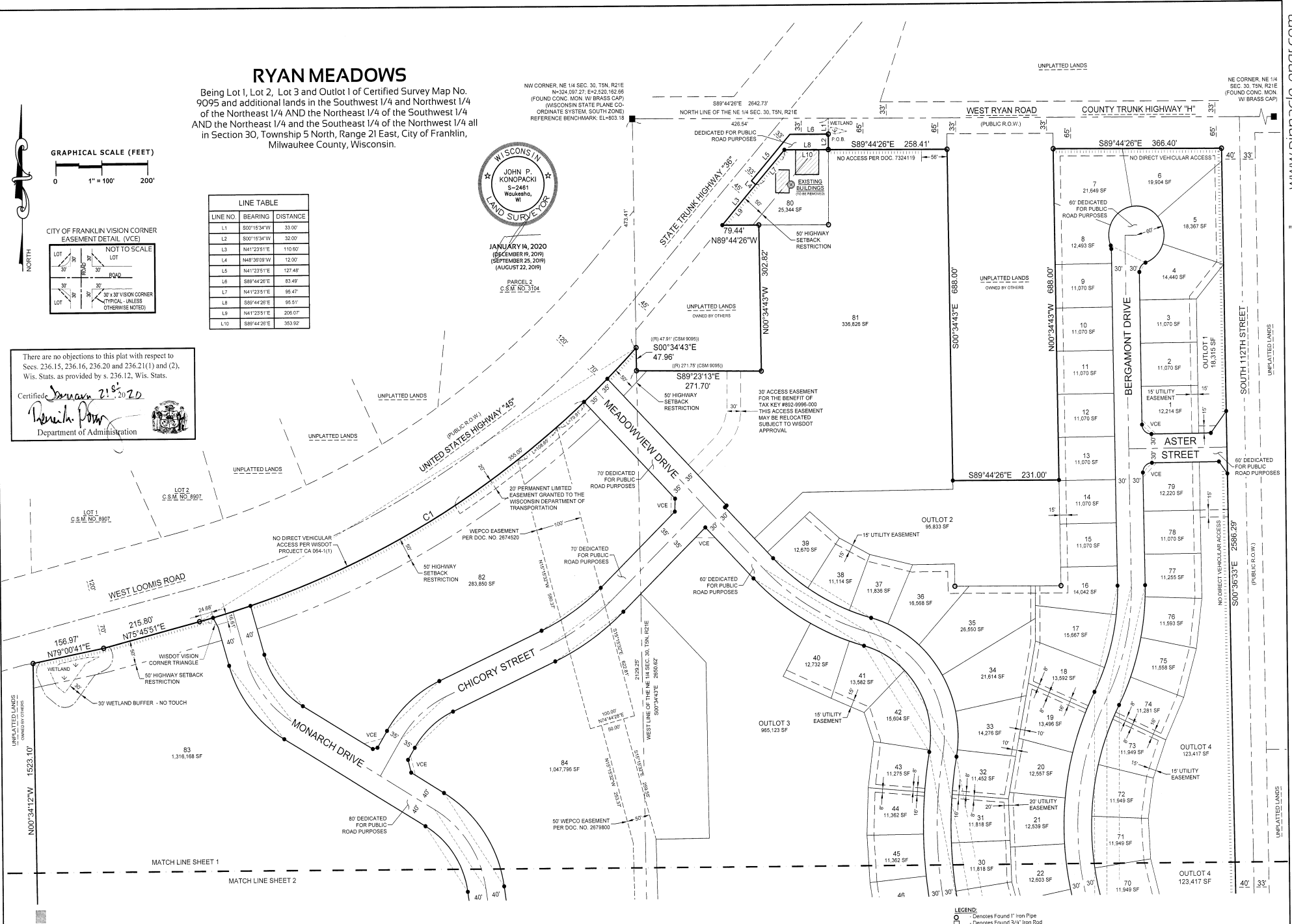
CITY OF FRANKLIN VISION CORNER EASEMENT DETAIL (VCE)



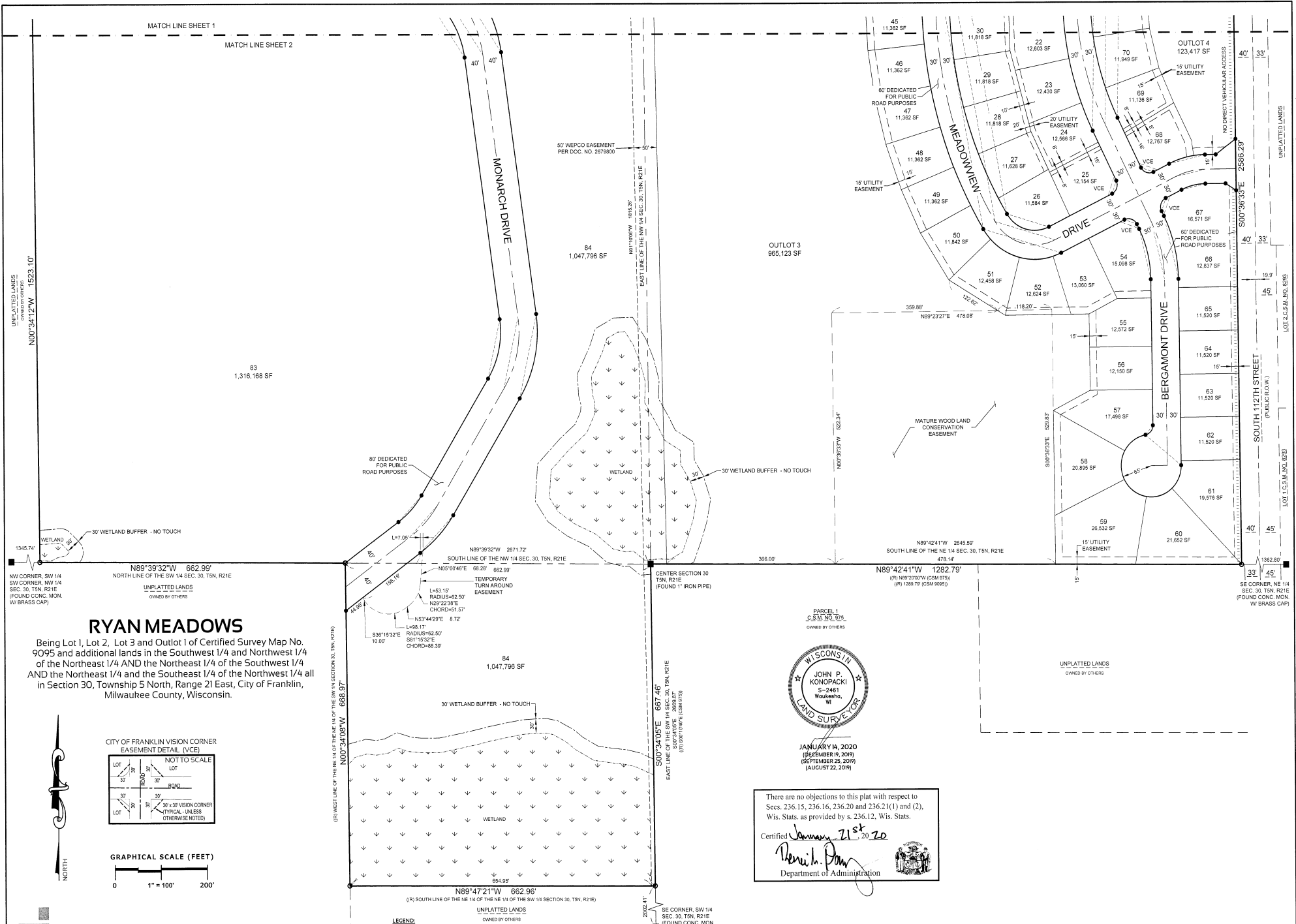
LINE NO.	BEARING	DISTANCE
L1	S00°15'34"W	33.00'
L2	S00°15'34"W	32.00'
L3	N41°23'51"E	110.60'
L4	N48°30'09"W	12.00'
L5	N41°23'51"E	127.48'
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L8	S89°44'26"E	95.51'
L9	N41°23'51"E	206.07'
L10	S89°44'26"E	353.92'

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified *Janice L. Pomeroy* 21<sup>st</sup> 2020  
 Department of Administration

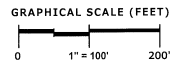
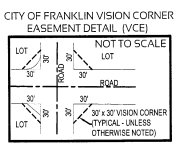


- LEGEND:**
- Denotes Found 1" Iron Pipe
  - Denotes Found 3/4" Iron Rod
  - Denotes Set 1/4" X 18" Iron Rebar, 4.30 LBS./FT.
  - All other corners marked by 3/4" X 18" Iron Rebar, 15 LBS./FT.
  - Denotes No Vehicular Access
  - Denotes to areas to the nearest square foot.



### RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



- LEGEND:**
- Denotes Found 1" Iron Pipe
  - Denotes Found 3/4" Iron Rod
  - Denotes See 1/4" x 1/8" Iron Rebar, 4.30 LBS/FT
  - All other corners marked by 3/4" x 1/8" Iron Rebar, 1.5 LBS/FT.
  - Denotes No Vehicular Access.
  - Denotes lot areas to the nearest square foot.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified *January 21<sup>st</sup> 2020*

*Norvil H. Dow*  
Department of Administration



# RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

**NOTES:**

- Flood Zone Classification:** The property lies within in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55079C0206E AND 55079C0205E dated SEPTEMBER 26, 2008. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
- Wetlands delineated** by Heather D. Patt, PWS - Senior Wetland Ecologist Project Manager, R.A. Smith National, Inc. on December 8, 2014.
- ACCESS NOTE:** As owner, I hereby restrict all lots in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with West Loomis Road - State Trunk Highway "36" - United States Highway "45" as shown on the plat. It being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to S32.06.293, Stats., and shall be enforceable by the Department of Transportation. No direct vehicular access shall be allowed from Lot 80 thru Lot 83 to West Loomis Road - State Trunk Highway "36" - United States Highway "45" per the Department of Transportation Department of Transportation Project CA 054-1(1).
- No direct vehicular access shall be allowed from Lot 6 and Lot 7 onto West Row Road - County Trunk Highway "H". No direct vehicular access shall be allowed from Lots 4 thru 6, Outlot 1 and Outlot 4 and Lots 81 thru 87 onto South 112th Street.
- HIGHWAY SETBACK RESTRICTION:** There shall be no improvements or structures placed between the highway and the setback line.
- NOISE NOTE:** The lots of this land division may experience noise at the levels exceeding the levels in SS Trans 405.04, Table I. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from the existing state trunk highways or connecting highways, in the absence of any increase by the Department to the highway's through-lane capacity.
- WISDOT VISION CORNER TRIANGLE RESTRICTIONS:** No structure or improvements or any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height.
- VISION CORNER EASEMENTS:** No Obstructions Permitted. No visual obstructions, such as structures, parking, or vegetation, shall be permitted between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the Vision Corner Easement.
- LANDSCAPE BUFFER/EASEMENT:** This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited.
- CONSERVATION EASEMENT RESTRICTIONS:**
  - No construction or placement of buildings or any structure;
  - No construction or 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;
  - No excavation, dredging, grading, mining, drilling, 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, with the exception of limited grading within the wetland setback area as defined by the City of Franklin Unified Development Ordinance. Grading within the wetland setback is limited to the grading shown in the approved Final Engineering Plans for the Strauss Brands Facility development;
  - No filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
  - No planting of any vegetation not native to the protected property or not typical wetland vegetation;
  - No operating snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.
- Outlots 1, 2, 3 and 4 of the plat of Ryan Meadows is owned and shall be maintained by the Ryan Meadows Homeowners Association and each individual lot owner shall have an undividable fractional ownership of the outlots and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County of the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said outlots in an unobstructed condition so as to maintain its intended purpose. Construction of any building, grading, or filling in said outlots is prohibited unless approved by the City of Franklin. The Homeowners Association grants to the City the right (but not the responsibility) to enter upon these outlots in order to inspect, repair or restore said outlots to its intended purpose. Expenses incurred by the City for said inspection, repair or restoration of said outlots may be placed against the tax roll for said association and collected as a special charge by the City.
- Permanent Limited Easement** granted by MILLS HOTEL WYOMING LLC, LOOMIS COTTAGE VENTURES, LLC and STRAUSS INVESTMENTS, LLC, Grantor, to the Wisconsin Department of Transportation grantee, for the right to construct and maintain drainage facilities, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable, but without prejudice to their own right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities.

JANUARY 14, 2020  
(DECEMBER 9, 2019)  
(SEPTEMBER 25, 2019)  
(AUGUST 22, 2019)



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

**PINNACLE ENGINEERING GROUP**

CURVE TABLE								
CURVE NO.	LOT	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT	
C1	BOUNDARY	1124.49	1979.86	32°32'32"	N59°29'35"E	1109.44	N43°13'19"E	
		(1124.43(R))		32°32'32"(R)	N59°29'35"(E)	1109.38(R)		
	LOT 83	30.51	1979.86	00°52'58"	N75°19'22"E	30.51		
	ROW	45.05	1979.86	00°11'19"4"	N74°13'49"E	45.05		
	ROW	40.00	1979.86	00°10'59"28"	N72°59'55"E	40.00		
	ROW TOTAL	85.05	1979.86	00°27'24"1"	N73°39'02"E	85.05		
LOT 82	848.70	1979.86	024°33'39"	N60°08'22"E	842.22			
	ROW	35.01	1979.86	00°10'04"7"	N47°21'09"E	35.01		
ROW	35.00	1979.86	00°10'00"45"	N48°20'22"E	35.00			
ROW TOTAL	70.01	1979.86	00°20'13"4"	N48°50'46"E	70.01			
LOT 81	90.22	1979.86	00°23'36"9"	S44°31'39"W	90.21			
C2	LOT 1	31.42	20.00	090°00'00"	N45°34'43"W	28.28	S89°25'17"W	
					N35°22'33"E	23.49	N00°34'43"W	
C3	LOT 4	25.10	20.00	07°15'42"	N84°38'35"W	83.40	N71°16'49"E	
					N44°42'57"E	53.78		
C4	ROW	284.78	60.00	27°15'46"	N10°33'59"W	57.57		
		LOT 4	55.74	60.00	05°31'34"4"	N89°14'03"W	60.00	
LOT 5	60.04	60.00	05°27'20"08"	N10°33'59"W	57.57			
LOT 6	62.83	60.00	05°00'00"00"	N89°14'03"W	60.00			
LOT 7	62.83	60.00	05°00'00"00"	S80°45'57"W	60.00			
LOT 8	43.33	60.00	041°22'54"	S00°34'43"W	42.40			
C5	LOT 8	6.99	20.00	02°02'15"	S10°35'50"E	6.99	S20°36'58"E	
					S44°25'17"W	28.28	S89°25'17"W	
C6	LOT 79	31.42	20.00	090°00'00"	S44°25'17"W	28.28	S89°25'17"W	
					S19°21'53"W	240.96	S00°34'43"E	
C7	CENTERLINE	243.36	500.00	027°53'11"	S19°21'53"W	240.96	S00°34'43"E	
		WEST ROW	226.75	470.00	027°53'11"	S19°21'53"W	226.50	S00°34'43"E
C8	LOT 16	61.16	470.00	007°27'22"	N03°08'58"E	61.12		
		LOT 17	112.47	470.00	013°42'59"	N13°43'59"E	112.20	
C9	LOT 18	55.12	470.00	006°43'10"	N23°56'53"E	55.09		
					S19°21'53"W	255.42	S00°34'43"E	
C10	EAST ROW	297.96	530.00	027°53'11"	S19°21'53"W	255.42	S00°34'43"E	
		LOT 74	63.17	530.00	006°49'43"	S23°53'36"W	63.13	
C11	LOT 75	85.27	530.00	009°13'05"	S19°52'12"W	85.19		
		LOT 76	85.27	530.00	009°13'05"	S06°39'07"W	85.18	
C12	LOT 77	24.25	530.00	002°37'17"	S00°43'55"W	24.25		
					S00°34'44"W	53.95	S27°18'28"W	
C13	CENTERLINE	551.85	500.00	053°35'28"	S00°34'44"W	53.95	S27°18'28"W	
		WEST ROW	579.91	620.00	053°35'28"	S00°34'44"W	599.00	S27°18'28"W
C14	LOT 18	38.85	620.00	003°40'58"	S25°27'59"W	38.84		
		LOT 19	85.49	620.00	008°49'27"	S19°12'47"W	85.39	
C15	LOT 20	95.48	620.00	008°49'24"	S10°23'21"W	95.38		
		LOT 21	95.48	620.00	008°49'24"	S01°33'57"W	95.38	
C16	LOT 22	95.48	620.00	008°49'24"	S07°15'27"E	95.38		
		LOT 23	95.48	620.00	008°49'24"	S19°04'51"E	95.38	
C17	LOT 24	63.66	620.00	005°47'27"	S23°23'17"E	62.63		
					S00°34'44"W	504.90	S27°18'28"W	
C18	EAST ROW	523.76	560.00	053°35'28"	S00°34'44"W	504.90	S27°18'28"W	
		LOT 69	66.80	560.00	005°50'03"	S22°51'58"E	66.78	
C19	LOT 70	108.09	560.00	011°03'33"	S19°55'10"E	107.92		
		LOT 71	108.09	560.00	011°03'33"	S02°51'37"E	107.92	
C20	LOT 72	108.09	560.00	011°03'33"	S08°11'56"W	107.92		
		LOT 73	108.09	560.00	011°03'33"	S19°15'29"W	107.92	
C21	LOT 74	24.63	560.00	002°31'12"	S26°02'52"W	24.63		
					N13°55'10"E	504.90	S27°18'28"W	
C22	LOT 25	31.42	20.00	090°00'00"	N18°43'00"E	28.28	N63°43'00"E	
					S71°17'00"E	28.28	S26°17'00"E	
C23	C10	LOT 68	31.42	20.00	090°00'00"	S71°17'00"E	28.28	S26°17'00"E
					N63°43'00"E	28.28	N63°43'00"E	
C24	CENTERLINE	67.21	150.00	025°40'27"	N76°53'13"E	65.65	N63°43'00"E	
		LOT 67	53.77	120.00	025°40'27"	N76°53'13"E	53.32	N63°43'00"E
C25	NORTH ROW	89.68	150.00	025°40'27"	N76°53'13"E	79.98	N63°43'00"E	
		LOT 68	55.97	180.00	017°49'02"	N72°37'31"E	55.75	
C26	OUTLOT 4	24.68	180.00	007°51'25"	N85°27'44"E	24.66		
					N18°43'00"E	28.28	N26°17'00"E	
C27	C13	LOT 54	31.42	20.00	090°00'00"	N18°43'00"E	28.28	N26°17'00"E
					S71°17'00"E	28.28	N63°43'00"E	
C28	CENTERLINE	120.99	270.00	025°40'25"	S13°26'47"E	119.89	S26°17'00"E	
		LOT 54	107.54	240.00	025°40'25"	S13°26'47"E	106.65	S26°17'00"E
C29	EAST ROW	134.43	300.00	025°40'26"	N13°26'47"W	133.31	N00°36'33"W	
		LOT 66	65.96	300.00	012°35'52"	N68°54'29"W	65.83	
C30	LOT 67	66.47	300.00	013°04'34"	N19°44'42"W	66.32		
					S50°41'29"E	99.71	S79°13'35"W	
C31	ROW	57.50	65.00	050°40'51"	N53°53'10"E	55.64		
		LOT 58	61.91	65.00	054°34'25"	N01°15'31"E	59.60	
C32	LOT 59	61.62	65.00	054°19'10"	N53°11'17"W	59.34		
		LOT 60	60.22	65.00	053°04'55"	S73°06'41"W	58.09	
C33	LOT 61	53.52	65.00	047°10'43"	S22°58'50"W	52.02		
					N39°18'31"E	25.47	N79°13'35"E	
C34	LOT 57	27.87	20.00	079°50'09"	N39°18'31"E	25.47	N79°13'35"E	
					S85°21'43"	135.58	S30°59'17"E	
C35	CENTERLINE	148.88	100.00	085°21'43"	S73°38'08"E	135.58	S30°59'17"E	
		LOT 26	104.29	70.00	085°21'43"	S73°38'08"E	84.91	S30°59'17"E
C36	SOUTH ROW	193.68	130.00	085°21'43"	S73°38'08"E	178.26	S30°59'17"E	
		LOT 50	26.36	130.00	011°37'12"	S36°43'53"E	26.32	
C37	LOT 51	74.13	130.00	032°40'11"	S58°52'34"E	73.12		
		LOT 52	74.13	130.00	032°40'11"	N88°27'18"E	73.12	
C38	LOT 53	19.06	130.00	008°24'09"	N67°55'05"E	19.05		

CURVE TABLE							
CURVE NO.	LOT	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT
C18	CENTERLINE	641.67	866.00	041°01'57"	S10°24'18"E	628.05	S10°06'40"W
		EAST ROW	620.19	866.00	041°01'57"	N10°24'18"W	607.02
C19	LOT 28	100.88	866.00	002°28'42"	S29°40'56"E	37.46	
		LOT 27	100.85	866.00	006°40'20"	S29°58'29"E	100.79
C20	LOT 29	100.88	866.00	006°40'22"	S18°01'03"E	100.83	
		LOT 29	100.88	866.00	006°40'22"	S11°44'32"E	100.83
C21	LOT 30	100.88	866.00	006°40'22"	S06°05'03"E	100.83	
		LOT 31	100.88	866.00	006°40'22"	S01°35'26"W	100.83
C22	LOT 32	78.34	866.00	005°11'00"	S07°31'10"W	78.32	
		WEST ROW	663.16	866.00	041°01'57"	S10°24'18"E	649.08
C23	LOT 43	83.93	926.00	005°11'35"	S07°30'53"W	83.90	
					S02°23'45"	S02°13'13"W	87.16
C24	LOT 44	87.21	926.00	005°23'45"	S03°10'33"E	87.18	
		LOT 45	87.21	926.00	005°23'45"	S08°34'18"E	87.18
C25	LOT 46	87.21	926.00	005°23'45"	S13°58'04"E	87.18	
		LOT 48	87.21	926.00	005°23'45"	S18°21'49"E	87.18
C26	LOT 49	87.21	926.00	005°23'45"	S24°45'35"E	87.18	
		LOT 50	55.98	926.00	003°27'50"	S29°11'22"E	55.97
C27	CENTERLINE	332.26	225.00	084°38'36"	S32°11'38"E	302.89	S74°29'56"E
		EAST ROW	376.57	255.00	084°38'36"	N32°11'38"W	343.27
C28	LOT 32	14.73	255.00	003°18'33"	N08°27'24"E	14.73	
		LOT 33	80.97	255.00	018°10'11"	N02°16'58"W	80.53

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

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

That I have surveyed, mapped and divided Lot 1, Lot 2, Lot 3 and Outlet 1 of Certified Survey Map No. 9095, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10830741, and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin, described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 30; Thence South 89°44'20" East along the north line of said Northeast 1/4, 426.54 feet; Thence South 00°15'34" West, 33.00 feet to the Point of Beginning;

Thence continuing South 00°15'34" West, 32.00 feet to the south right of way line of West Ryan Road - County Trunk Highway "H"; Thence South 89°44'20" East along said south right of way line, 256.41 feet to the east line of Lot 2 of Certified Survey Map No. 9095; Thence South 00°34'43" East along said east line, 688.00 feet; Thence South 89°44'20" East, 231.00 feet to the west line of Lot 3 of Certified Survey Map No. 9095; Thence North 00°34'43" West along said west line, 558.00 feet to the aforesaid south right of way line of West Ryan Road - County Trunk Highway "H"; Thence South 89°44'20" East along said south right of way line, 366.40 feet to the south line of South 112th Street; Thence North 00°36'30" East along said west right of way line, 2886.29 feet to the south line of the Northeast 1/4 of said Section 30; Thence North 89°42'41" West along said south line, 1252.75 feet to the east line of the Southwest 1/4 of said Section 30; Thence South 00°34'05" East along said east line, 697.46 feet to a south line of Outlet 1 of Certified Survey Map No. 9095; Thence North 89°47'21" West along said south line, 662.96 feet to a west line of said Outlet 1; Thence North 00°34'08" West along said west line, 968.67 feet to the north line of the Southwest 1/4 of said Section 30; Thence North 89°39'32" West along said north line, 862.39 feet to the west line of Lot 1 of Certified Survey Map No. 9095; Thence North 00°34'12" West along said west line, 1523.10 feet to the north line of Certified Survey Map No. 9095; Thence the following courses along said north line: North 79°04'11" East, 156.97 feet; North 75°45'51" East, 215.80 feet to a point on a curve; Northeastly 1124.49 feet along the arc of said curve to left and said north line, whose radius is 1078.86 feet and whose chord bears N89°59'25" E, East, 1103.44 feet to the east line of the Northeast 1/4 of said Section 30; South 00°34'43" East along said east line, 47.96 feet; South 89°23'13" East, 271.70 feet; North 00°34'43" West, 302.82 feet; Thence North 89°44'20" West, 79.44 feet to the east right of way line of West Loomis Road - State Trunk Highway "36" - United States Highway "45"; Thence the following courses along said east right of way line: North 41°23'51" East, 110.00 feet; North 48°38'09" West, 12.00 feet; North 41°23'51" East, 127.48 feet to the south right of way line of West Ryan Road - County Trunk Highway "H"; Thence South 89°44'20" East along said south right of way line, 83.49 feet to the Point of Beginning.

Dedicating that portion of subject property as graphically shown for public right of way purposes.

Containing 5,810,963 square feet (133,4014 acres) of land Gross more or less.

That I have made such survey, land division and map by the direction of MILLS HOTEL WYOMING, LLC, LOOMIS COTTAGE VENTURES, LLC and STRAUSS INVESTMENTS, LLC owners of said land.

That such plat 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 requirements of Chapter 236 of the Wisconsin State Statutes and the City of Franklin Land Division Ordinance and the Unified Development Ordinance Division - 15 of the City of Franklin in surveying, mapping and dividing the land within the subdivision.

Date: JANUARY 14, 2020
(DECEMBER 19, 2019)
(SEPTEMBER 26, 2019)
(AUGUST 22, 2019)



JOHN P. KONOPACKI
Professional Land Surveyor S-2461

CITY OF FRANKLIN CERTIFICATE

Resolved, that the plat known as RYAN MEADOWS, being a part of the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, which has been filed for approval, be and is hereby approved as required by Chapter 236 of the Wisconsin State Statutes.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Franklin, Wisconsin on the 17th day of SEPTEMBER, 2019, which action becomes effective upon receipt of approval of all other participating agencies and all zones of the City of Franklin approval were satisfied as of the 18th day of MARCH, 2020.

3/18/2020

3/18/2020

Signe Olson, Mayor

Sandra M. Wesolowski, City Clerk

CITY OF FRANKLIN TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, Paul Rotenberg, being duly appointed, qualified and acting Director of Finance and Administrative Services of the City of Franklin, do hereby certify in accordance with the records in my office, there are no unpaid taxes or special assessments as of MARCH 18, 2020 on any of the lands included in the plat of RYAN MEADOWS.

March 18 2020

Paul Rotenberg, Director of Finance and Treasurer

MILWAUKEE COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, JAMES J. FEENEY, being duly elected County Treasurer of the County of Milwaukee, do hereby certify that the records in my office show no unpaid taxes and no uncollected tax sales or special assessments as of MARCH 18, 2020 on any of the lands included in the plat of RYAN MEADOWS.

Date



County Treasurer

OWNER'S CERTIFICATE OF DEDICATION

MILLS HOTEL WYOMING, LLC, LOOMIS COTTAGE VENTURES, LLC and STRAUSS INVESTMENTS, LLC, Limited Liability Companies duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners, do hereby certify that said limited liability companies caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

MILLS HOTEL WYOMING, LLC, LOOMIS COTTAGE VENTURES, LLC and STRAUSS INVESTMENTS, LLC, also certify that this plat is required by s.236.10 or s.236.12 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

- 1. City of Franklin
2. Wisconsin Department of Administration
3. Milwaukee County Department of Administrative Services

IN WITNESS WHEREOF, the said MILLS HOTEL WYOMING, LLC, has caused these presents to be signed by Stephen C. Mills, Member, and Martha L. Mills, Member, at (city) Kenosha, Kenosha County, Wisconsin, on this 28th day of February, 2020.

In the presence of: MILLS HOTEL WYOMING, LLC

By: Mills Enterprises, LLC, its Manager

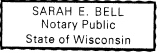
Stephen C. Mills, Member

Martha L. Mills, Member

STATE OF WISCONSIN)
Kenosha COUNTY) SS

Personally came before me this 28th day of February, 2020, Stephen C. Mills, Member, and Martha L. Mills, Member, of the above named MILLS HOTEL WYOMING, LLC, to me known to be the persons who executed the foregoing instrument, and to me known to be such members of said limited liability company and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Sarah E. Bell, Notary Public, State of Wisconsin, My Commission Expires May 10, 2022



IN WITNESS WHEREOF, the said LOOMIS COTTAGE VENTURES, LLC, has caused these presents to be signed by (name - print) Stephen R. Mills, member, at (city) Kenosha, Kenosha County, Wisconsin, on this 28th day of February, 2020.

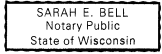
In the presence of: LOOMIS COTTAGE VENTURES, LLC

(name & signature)

STATE OF WISCONSIN)
Kenosha COUNTY) SS

Personally came before me this 28th day of February, 2020, (name) Stephen R. Mills, (title) member, of the above named LOOMIS COTTAGE VENTURES, LLC, to me known to be the person who executed the foregoing instrument, and to me known to be such member (title) member of said limited liability company and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Sarah E. Bell, Notary Public, State of Wisconsin, My Commission Expires May 10, 2022



IN WITNESS WHEREOF, the said STRAUSS INVESTMENTS, LLC, has caused these presents to be signed by (name - print) Jerald Bussen, President, at (city) Franklin, Milwaukee County, Wisconsin, on this 11th day of March, 2020.

In the presence of: STRAUSS INVESTMENTS, LLC

(name & signature)

STATE OF WISCONSIN)
Milwaukee COUNTY) SS

Personally came before me this 11 day of March, 2020, (name) Jerald Bussen, (title) President, of the above named STRAUSS INVESTMENTS, LLC, to me known to be the person who executed the foregoing instrument, and to me known to be such member (title) President of said limited liability company and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Sarah E. Bell, Notary Public, State of Wisconsin, My Commission Expires May 10, 2022



RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlet 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 AND Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 AND the Southwest 1/4 of the Northeast 1/4 AND the Southwest 1/4 of the Northeast 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE - MILLS HOTEL WYOMING, LLC

I, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this day of 2020.

Date President

STATE OF WISCONSIN)
COUNTY) SS

Personally came before me this day of 2020, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

Notary Public Name State of Wisconsin My Commission Expires:

CONSENT OF CORPORATE MORTGAGEE - LOOMIS COTTAGE VENTURES, LLC

I, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this day of 2020.

Date President

STATE OF WISCONSIN)
COUNTY) SS

Personally came before me this day of 2020, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

Notary Public Name State of Wisconsin My Commission Expires:

CONSENT OF CORPORATE MORTGAGEE - STRAUSS INVESTMENTS, LLC

I, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this day of 2020.

Date President

STATE OF WISCONSIN)
COUNTY) SS

Personally came before me this 17th day of March, 2020, Aaron Tigert, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

Gina M. Stachowiak, Notary Public, State of Wisconsin, My Commission Expires: 12/04/2022



TITLE EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by MILLS HOTEL WYOMING, LLC, LOOMIS COTTAGE VENTURES, LLC and STRAUSS INVESTMENTS, LLC, Grantor,

to WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin Corporation doing business as WE Energies, Granteee

and WISCONSIN BELL, INC., d/b/a AT&T WISCONSIN, a Wisconsin Corporation, Granteee

and CHARTER CABLE PARTNERS, LLC, Granteee.

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots, also the right to trim or cut down trees, brush and roots as may be reasonable required incident to the rights herein granted, and the right to enter upon the subdivided property of all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats. Certified January 21st 2020

Paul Rotenberg, Director of Finance and Treasurer

## MEMORANDUM

Date: April 16, 2020/ **April 23, 2020**  
To: Daniel Szczap, Bear Development, LLC. / **Regulo Martinez Montilva**  
From: Department of City Development/ **Daniel Szczap, Bear Development, LLC**  
RE: Application for Certified Survey Map (CSM). / **Resubmittal of Lot 84 Certified Survey Map**

---

Bear Development, LLC. submitted this CSM application on March 23, 2020, the 90-day review time frame set forth in Wis. Statutes §236.34 (1m)(f) expires on June 21, 2020.

Staff comments are as follows for the Certified Survey Map application, for Lot 84 of Ryan Meadows subdivision:

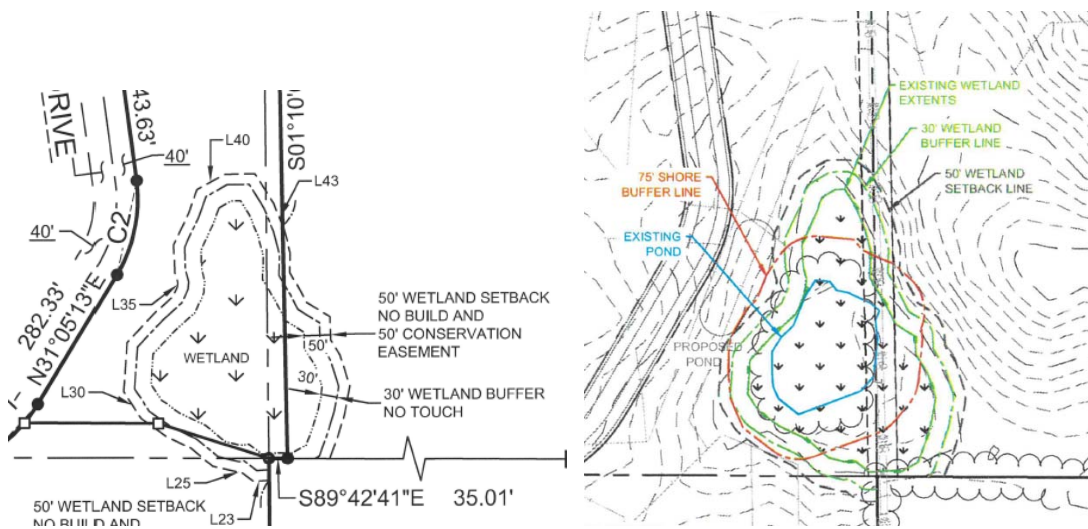
### **City Development Department comments**

1. Per Section 15-7.0702 of the UDO, please show correctly on the face of the CSM, in addition to the information required by § 236.34 of the Wisconsin Statutes, the following:
  - a. Existing and Proposed Contours. Existing and proposed contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.  
**Existing and proposed contours have been added to the Certified Survey Map per Section 15-7.0702 of the UDO.**
  - b. Owner, Subdivider, Land Surveyor. Name and address of the owner, Subdivider, and Land Surveyor. – It is recommended that the owner/subdivider label on Sheet 5 be moved to Sheet 1.  
**Owner/Subdivider information has been moved to Page 1 per the City's request.**
  - c. Existing Zoning. The Certified Survey Map shall indicate on its face the current zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map. – Please label the zoning districts of each parcel.  
**Existing zoning classifications have been included on the face of the CSM.**
2. The temporary turnaround at the end of Monarch Drive shall be removed and replaced with a cul-de-sac to be consistent with the Copart, Inc. development proposal. The cul-de-sac must meet City standards, which includes an island. Note that if any land is being dedicated to the City to accommodate the cul-de-sac design, the CSM must also be revised to note the 'dedication accepted' language under the City of Franklin Common Council Approval section of the CSM.  
**Adequate land area has been provided as right of way dedication to accommodate a City cul-de-sac. The design of the cul-de-sac has been previously discussed with City Engineering. Full design plans of the cul-de-sac will follow approval of the CSM.**
3. Sheet 3 does not show the 30-foot wetland buffer, which is shown on Sheet 2. Please include the 30-foot Buffer notation throughout the CSM.  
**The 30-foot wetland buffer has been added at the request of the City.**

4. Please revise the Mayor's name to Stephen R. Olson.  
**Corrected.**
5. As previously discussed, Lot 2 must be combined to the other Copart, Inc. site if utilized for that same development. Again, all plats, CSMs, and land transfers to create the parcel presented for the Copart, Inc. development must be completed prior to the issuance of a Certificate of Occupancy.  
**Noted. The combination will be completed after the Copart approvals have been granted.**
6. The proposed CSM and one of the conservation easements for Lot No. 84 does not appear to include the Shore Buffer as shown on the NRPP. See below. This CSM and easement must be revised accordingly to show the full extent of the protected area, including the Shore Buffer.  
**The revised CSM depicts the full extent of protected areas. The Conservation Easement will be revised accordingly.**

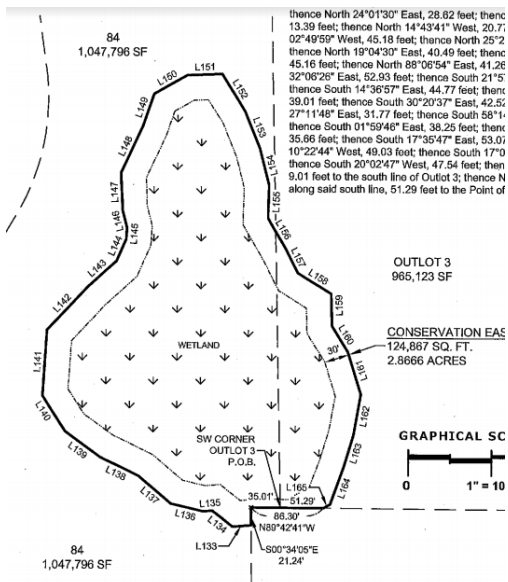
Proposed Certified Survey Map

NRPP Map



Conservation Easement





**Engineering Department comments**

7. Add the recording information of Ryan Meadows subdivision to the header of this proposal.  
**Recording information is included in the legal description.**
8. Indicate in this proposal the sentence "Lot 1 & 2 are served by Public Sewer and Water."  
**Language added.**
9. Show the section corners coordinates, at least two corners.  
**Completed**
10. Show the dedication of the right of way by the cul-de-sac of Monarch Drive.  
**Completed**
11. Remove the word "Temporary Turn Around Easement" as this will be a dedicated for public road right of way.  
**Completed**
12. The legal description needs to be adjusted to reflect the dedication of the right of way.  
**Completed**
13. Under the Owner Certificate, insert the word after the Wisconsin Statutes " and the Unified Development
14. Ordinance Division-15 of the City of Franklin".  
**Language added.**
15. Under the Common Council Approval, insert the word after Approved " and the dedication accepted".  
**Language added.**

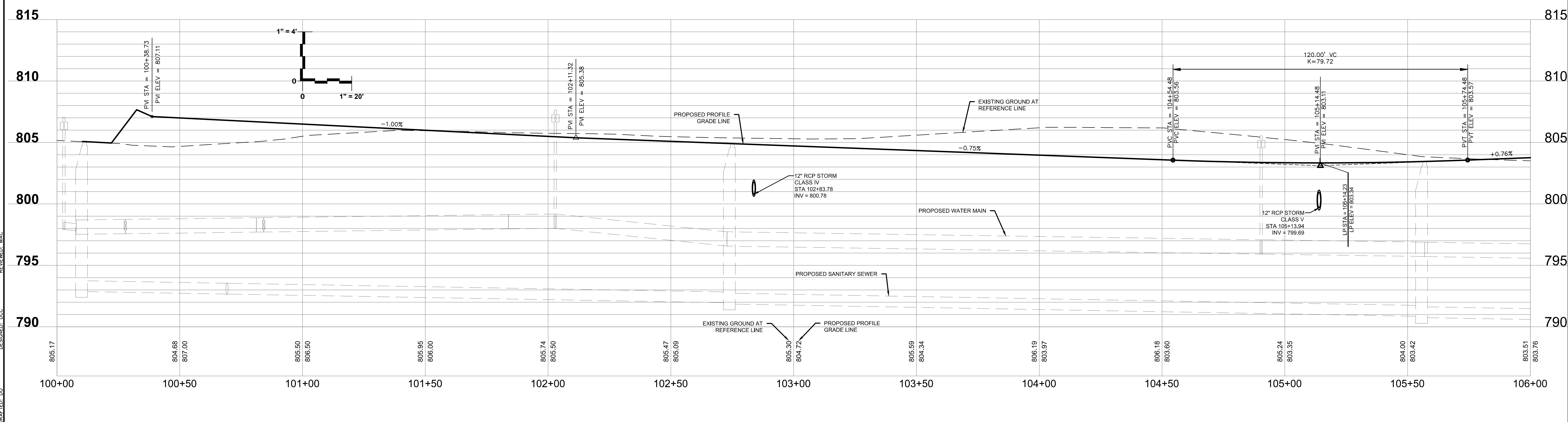
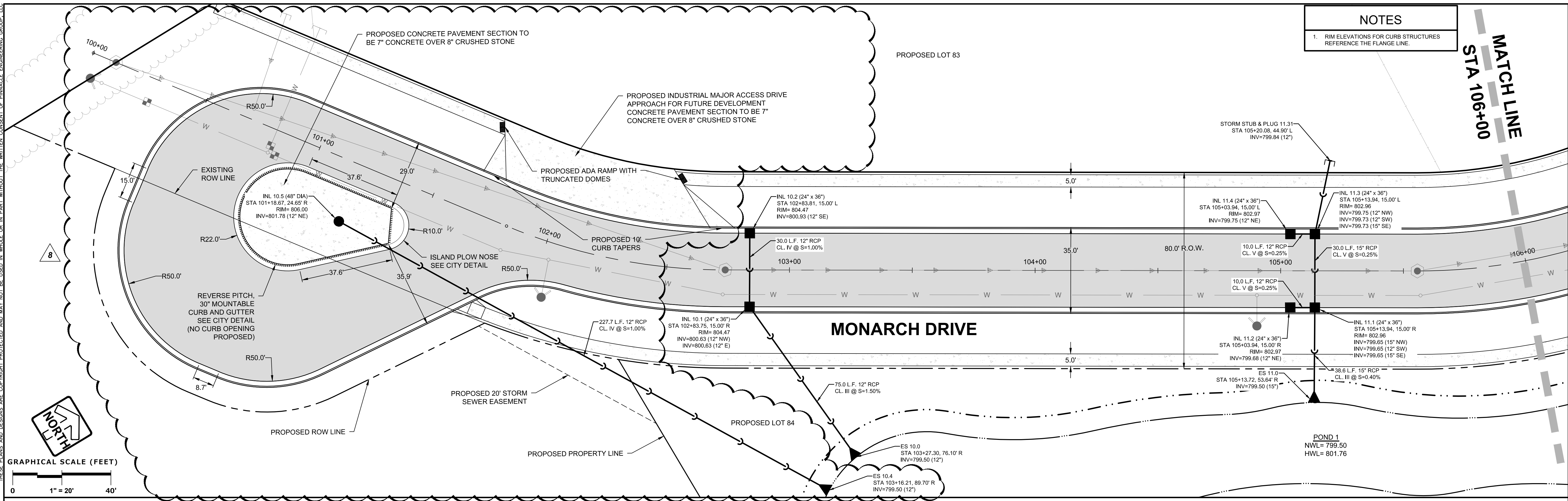
Note: The Engineering comments may be revised to reflect comments from the Milwaukee County.

**Milwaukee County comments**

See attached letter.

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www.pinnacle-engr.com



DESIGNED: DCC  
REVIEWED: MAC  
DRAFTED: DO

FOR CONSTRUCTION ROADWAY & STORM SEWER P&P MONARCH DRIVE

**PINNACLE ENGINEERING GROUP**  
ENGINEERING | NATURAL RESOURCES | SURVEYING

**PLAN | DESIGN | DELIVER**  
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**RYAN MEADOWS & LOOMIS BUSINESS PARK**  
FRANKLIN, WI

**ROADWAY & STORM SEWER P&P MONARCH DRIVE**

**REVISIONS**

1. ADDRESS CITY COMMENTS	07/10/19	5. ADDRESS CITY COMMENTS	10/31/19
2. ADDRESS CITY COMMENTS	08/16/19	6. ADDRESS CITY COMMENTS	11/19/19
3. ADDRESS CITY COMMENTS	09/18/19	7. ADDRESS CITY COMMENTS	04/02/20
4. ADDRESS CITY COMMENTS	10/10/19	8. DRAFT CR1	05/13/20

REG JOB NO. 809-20-WI  
REG PH: MAC  
START DATE: 05/20/19  
SCALE: 1" = 20'

**SHEET C-9 C-73**

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