

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, MAY 4, 2023, 7:00 P.M.

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

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

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

B. **Approval of Minutes**

1. Approval of regular meeting of April 20, 2023.

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

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

1. **JILLY’S CAR WASH FACILITY LAND DIVISION.** Land Division Variance application (in conjunction with the previously, conditionally approved 3 Lot Certified Survey Map) by Jonathan J. Zimmerman, President of Jilly’s, LLC (Devo Properties/Rawson LLC, property owner), to waive the requirement for a minimum of 60 feet of frontage along a public street, for Lot 3 (according to §15-5.0101.B.1. and §15- 5.0106.C. the Certified Survey Map must “be designed so as to provide each lot with a minimum of 60 feet frontage along a public street”), such property being zoned M-1 Limited Industrial District and OL-2 General Business Overlay District; Tax Key No. 741-9996-001.

E. **Adjournment**

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

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

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

REMINDERS:

Next Regular Plan Commission Meeting: May 18, 2023

**City of Franklin
Plan Commission Meeting
April 20, 2023
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the April 20, 2023 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, Commissioners Patrick Leon Patricia Hogan and Kevin Haley, City Engineer Glen Morrow and Alderwoman Courtney Day. Absent was Commissioners Adam Burckhardt. Also present was Principal Planner Régulo Martínez-Montilva, Associate Planner Marion Ecks and City Attorney Jesse Wesolowski.

B. Approval of Minutes

1. Regular Meetings of March 23, 2023.

Commissioner Leon moved and Commissioner Haley seconded a motion to approve the March 23, 2023 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-1).

C. Public Hearing Business Matters

1. XUEJUN WANG AND AILING TONG DECK INSTALLATION [recommendation to Board of Zoning and Building Appeals]. Application by Xuejun Wang and Ailing Tong for an Area Exception from Table 15-3.0206 of the Unified Development Ordinance to allow for the installation of a deck onto an existing single-family residence (21.19% lot coverage (2,852 square feet)), exceeding the 20% (2,691 square feet) maximum lot coverage standard in an R-5 Suburban Single-Family Residence District, by approximately 1.19% , for property located at 7911 West Oakwood Way, property zoned R-5 Suburban Single-Family Residence District; Tax Key No. 934-0108-000.

The Official Notice of Public Hearing for an Area Exception was read in to the record by Principal Planner Martínez-Montilva and the Public Hearing was opened at 7:08 p.m. and closed at 7:09 p.m..

Principal Planner Martínez-Montilva presented the request by Xuejun Wang and Ailing Tong for an Area Exception from Table 15-3.0206 of the Unified Development Ordinance to allow for the installation of a deck onto an existing single-family residence (21.19% lot coverage (2,852 square feet)), exceeding the 20% (2,691 square feet) maximum lot coverage standard in an R-5 Suburban Single-Family Residence District, by approximately 1.19% , for property located at 7911 West Oakwood Way, property zoned R-5 Suburban Single-Family Residence District; Tax Key No. 934-0108-000

Commissioner Leon moved and Alderwoman seconded a motion to recommend approval of an application for an Area Exception to allow for a maximum lot coverage of 21.19% (2,852 square feet) [application requests an Area Exception from table 15-3.0206 of the Unified Development Ordinance to exceed the R-5 Suburban Single-Family Residence District maximum lot coverage standard of 20% (2,691 square feet) by approximately 1.19%] to allow for the installation of a deck onto an existing single-family residence, property located at 7911 West Oakwood Way, provided that the deck size as currently proposed is reduced so the property meets the impervious surface requirement. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

D. Business Matters

1. FIREWISE BARBECUE COMPANY FOOD TRUCK OPERATION.

Temporary Use application by Alexander M. Obradovich, owner of Firewise Barbecue Company LLC, to allow for a food truck operation in the Menards parking lot located at 10925 West Speedway Drive (the tow vehicle is 22 feet in length and the food trailer is 30 feet in length (both vehicles are 8.5 feet wide) and will occupy 9 parking stalls), from April 1, 2023 through October 31, 2023, with food service from 11:00 a.m. to 6:00 p.m. (food truck parking from 9:00 a.m. to 6:30 p.m.) [the applicant is planning to operate at this location 1 to 2 days per week but is requesting permission for 7 days a week], property zoned M-1 Limited Industrial District; Tax Key No. 704-1007-000.

Principal Planner Martínez-Montilva presented the request by Alexander M. Obradovich, owner of Firewise Barbecue Company LLC, to allow for a food truck operation in the Menards parking lot located at 10925 West Speedway Drive (the tow vehicle is 22 feet in length and the food trailer is 30 feet in length (both vehicles are 8.5 feet wide) and will occupy 9 parking stalls), from April 1, 2023 through October 31, 2023, with food service from 11:00 a.m. to 6:00 p.m. (food truck parking from 9:00 a.m. to 6:30 p.m.) [the applicant is planning to operate at this location 1 to 2 days per week but is requesting permission for 7 days a week], property zoned M-1 Limited Industrial District; Tax Key No. 704-1007-000.

Commissioner Leon moved and Alderwoman Day seconded a motion to adopt a Resolution imposing conditions and restrictions for the approval of a Temporary Use for a Firewise Barbecue Company food truck operation in the parking lot of the Menards store located at 10925 West Speedway Drive. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

2. OAKWOOD INDUSTRIAL LLC LOT DIVISION.

Certified Survey Map application by Stewart M. Wangard, member of Oakwood Industrial LLC, (Wangard Partners, Inc., property owner), to separate a portion of a parcel of land with frontage on West Oakwood Road from the portion of the property to the south for future development of a 300,000 square foot building on the newly created southern parcel (the northern portion contains approved development including a special use and site plan), property located at 3617 West Oakwood Road, zoned Planned Development District 39 (Mixed Use Business Park); Tax Key No. 950-9997-002.

Associate Planner Ecks presented the request by Stewart M. Wangard, member of Oakwood Industrial LLC, (Wangard Partners, Inc., property owner), to separate a portion of a parcel of land with frontage on West Oakwood Road from the portion of the property to the south for future development of a 300,000 square foot building on the newly created southern parcel (the northern portion contains approved development including a special use and site plan), property located at 3617 West Oakwood Road, zoned Planned Development District 39 (Mixed Use Business Park); Tax Key No. 950-9997-002

Commissioner Leon moved and Commissioner Haley seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map, being that part of the NE 1/4 of the SE 1/4 of the NW 1/4 of Section 36, Township 5 North, Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin (at 3617 West Oakwood Road) On voice vote, all voted ‘aye’; motion carried. (5-0-1).

3. FAITHWAY RESERVE SUBDIVISION INTERIOR BOUNDARY CORRECTION.

Affidavit of Correction application by Rick J. Przybyla (property owner), for Faithway Reserve Subdivision, Lot 8, to change the side yard setback on the recorded plat from 30 feet to 10 feet,

Associate Planner Ecks presented the request by Rick J. Przybyla (property owner), for Faithway Reserve Subdivision, Lot 8, to change the side yard setback on the recorded plat from 30 feet to 10 feet, property located at 7780 West Faith Drive, zoned R-6 Suburban Single-Family Residence District; Tax Key No. 792-0272-000.

property located at 7780 West Faith Drive, zoned R-6 Suburban Single-Family Residence District; Tax Key No. 792-0272-000.

Commissioner Leon moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution approving an Affidavit of Correction for Faithway Reserve subdivision, lot 8, to correct the side yard setback on the recorded plat, property located at 7780 West Faith Drive (tax key no. 792-0272-000). On voice vote, all voted ‘aye’; motion carried (5-0-1).

4. HOME DEPOT (STORE 4907) OUTDOOR SALES. Temporary Use application by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) and FW Floodway District, located at 6489 South 27th Street; Tax Key No. 714-9996-015.

Principal Planner Martínez-Montilva presented the request by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) and FW Floodway District, located at 6489 South 27th Street; Tax Key No. 714-9996-015.

Commissioner Leon moved and Commissioner Hogan seconded a motion to adopt a Resolution imposing conditions and restrictions for the approval of a Temporary Use for outdoor seasonal tree and shrub sales for property located at 6489 South 27th Street. On voice vote, all voted ‘aye’; motion carried (5-0-1).

Adjournment

Commissioner Haley moved and Commissioner Hogan seconded to adjourn the Plan Commission meeting of April 20, 2023 at 7:39 p.m.. On voice vote, all voted ‘aye’; motion carried (5-0-1).



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of May 4, 2023
Land Division Variance

RECOMMENDATION: City Development Staff recommends approval of the proposed Land Division Variance, subject to the conditions of approval in the attached draft resolution.

Project Name:	Devo Land Division Variance (Jilly's Car Wash CSM)
Property Owner:	Devo Properties/Rawson LLC
Applicant:	Greg Devorkin, Devo Properties LLC
Property Address/Tax Key Number:	5450 W Rawson Avenue/ 741 9996 001
Aldermanic District:	District 5
Agent:	Greg Devorkin, Devo Properties LLC
Zoning District:	M-1 Limited Industrial and OL-2 Overlay
Use of Surrounding Properties:	M-1 Limited Industrial and OL-2 Overlay (east and west), M-1 Limited Industrial (north), M-2 General Industrial (south)
Application Request:	Approval of a land division variance to allow for a waiver of §15-5.0106.C as a condition of the CSM for these lots
Staff Planner:	Marion Ecks, AICP

APPLICANT'S REQUEST

The applicant requests approval of a land division variance to allow for recording of this Certified Survey Map (CSM) which was conditionally approved by Common Council on March 31, 2023 (RES 2023-7958).

CHARACTER OF THE SITE AND SURROUNDING AREA

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

Previous approvals - Certified Survey Map, Special Use and Site Plan

The applicant received conditional approval of a Certified Survey Map (CSM) by Common Council on March 31, 2023. This CSM would produce three lots which meet the zoning requirements of the OL-2 General Business Overlay District:

- **Lot 1** is proposed to be a 78,935 Sq. Ft. parcel approximately 133' by 592'. This lot is proposed to be developed as a Jilly's Car Wash, which received approval of a Site Plan from Plan Commission on March 9, 2023 (PC RES2023-003) and a Special Use on March 21, 2023 (RES 2023-7959). The parcel has frontage on Rawson, but will be accessed by a private drive. The lot meets the minimum lot area, depth, and width requirements of the M-1 and OL-2 zoning districts.
- **Lot 2** is proposed to be 38,786 Sq. Ft., approximately 165' by 241', with frontage on Rawson. The lot will include an access easement for other parts of this development. The proposed lot meets the

minimum lot area, depth, and width requirements of the M-1 and OL-2 zoning districts. This lot is proposed to be developed as a restaurant.

- **Lot 3** is proposed to be 151,327 Sq. Ft., approximately 351' by 523'. The lot meets the minimum lot area, depth, and width requirements of the M-1 and OL-2 zoning districts. This lot does not meet the UDO requirement regarding frontage along a public street and must obtain a Land Division Variance in order to comply. This requirement is condition number 7 of RES 2023-7958. There are no development proposals for this lot at this time.

DESCRIPTION OF THE APPLICATION

Land Division Variance

PROJECT ANALYSIS

The applicant is request Approval of a land division variance to allow for a waiver of the requirement of UDO §15-5.0106.C for this CSM. Staff provided the applicant with staff comments for the CSM on February 9, 2023. The CSM complies with most aspects of the requirements of the UDO. The proposed Lots 1 and 2 meet the minimum lot area, depth, and width requirements of these zoning districts. A few technical corrections to the exhibits were required.

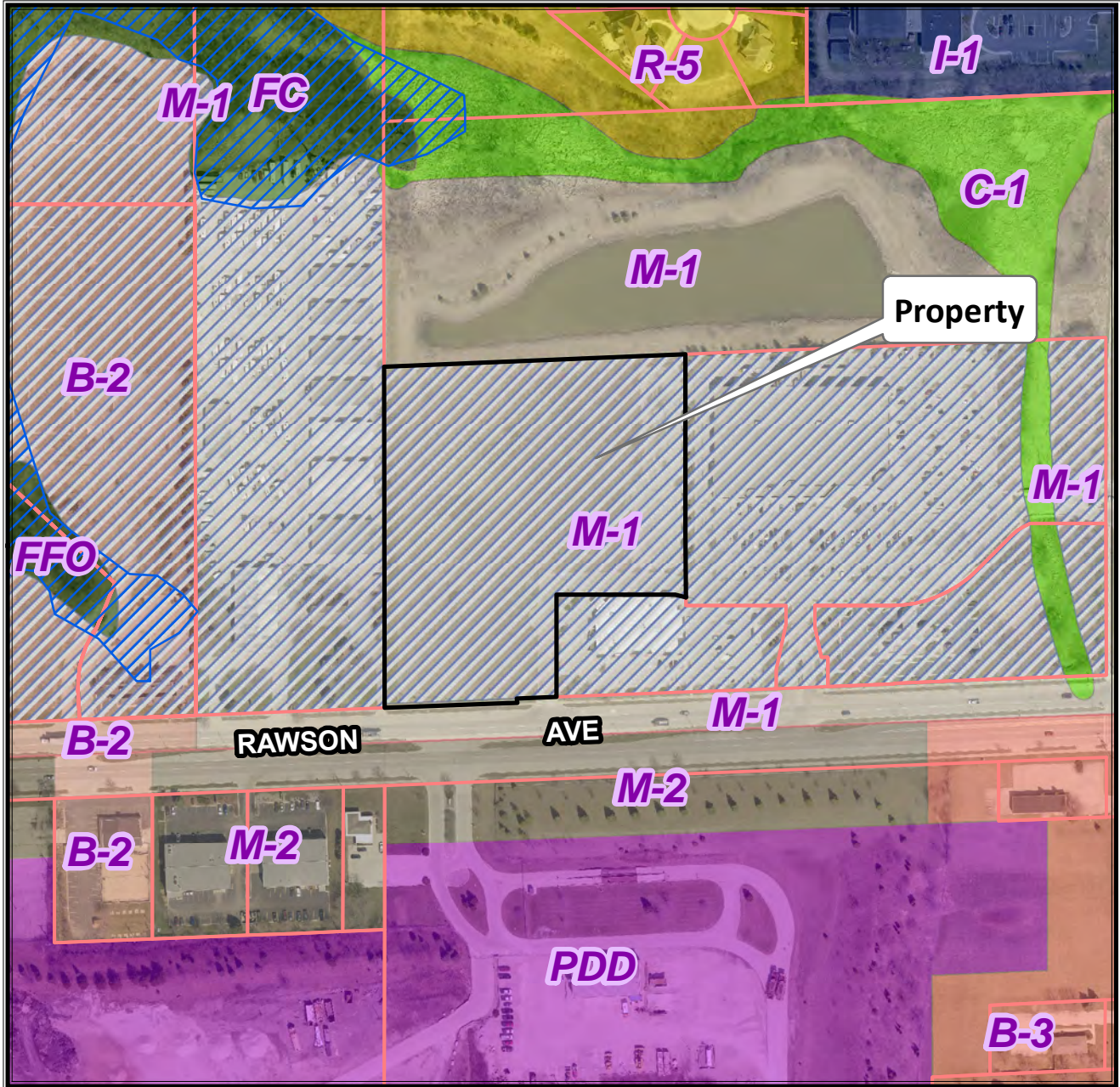
1. Proposed Lot 3 (Previously Outlot 1) does not meet the UDO requirement (§15-5.0106.C) that it must have 60 feet of frontage along a public street. The parcel must therefore be designated as an outlot, **or** obtain this land division variance and provide a shared access easement. The applicant elected to peruse the land division variance.
2. The applicant has provided documentation of shared access facilities to all lots in the form of restrictive covenants on the property.

STAFF RECOMMENDATION

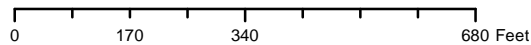
City Development Staff recommends approval of the proposed Land Division Variance, subject to the conditions of approval in the attached draft resolution.

The draft resolution reflects recommended conditions of approval.

5450 W. Rawson Ave.
TKN: 741 9996 001

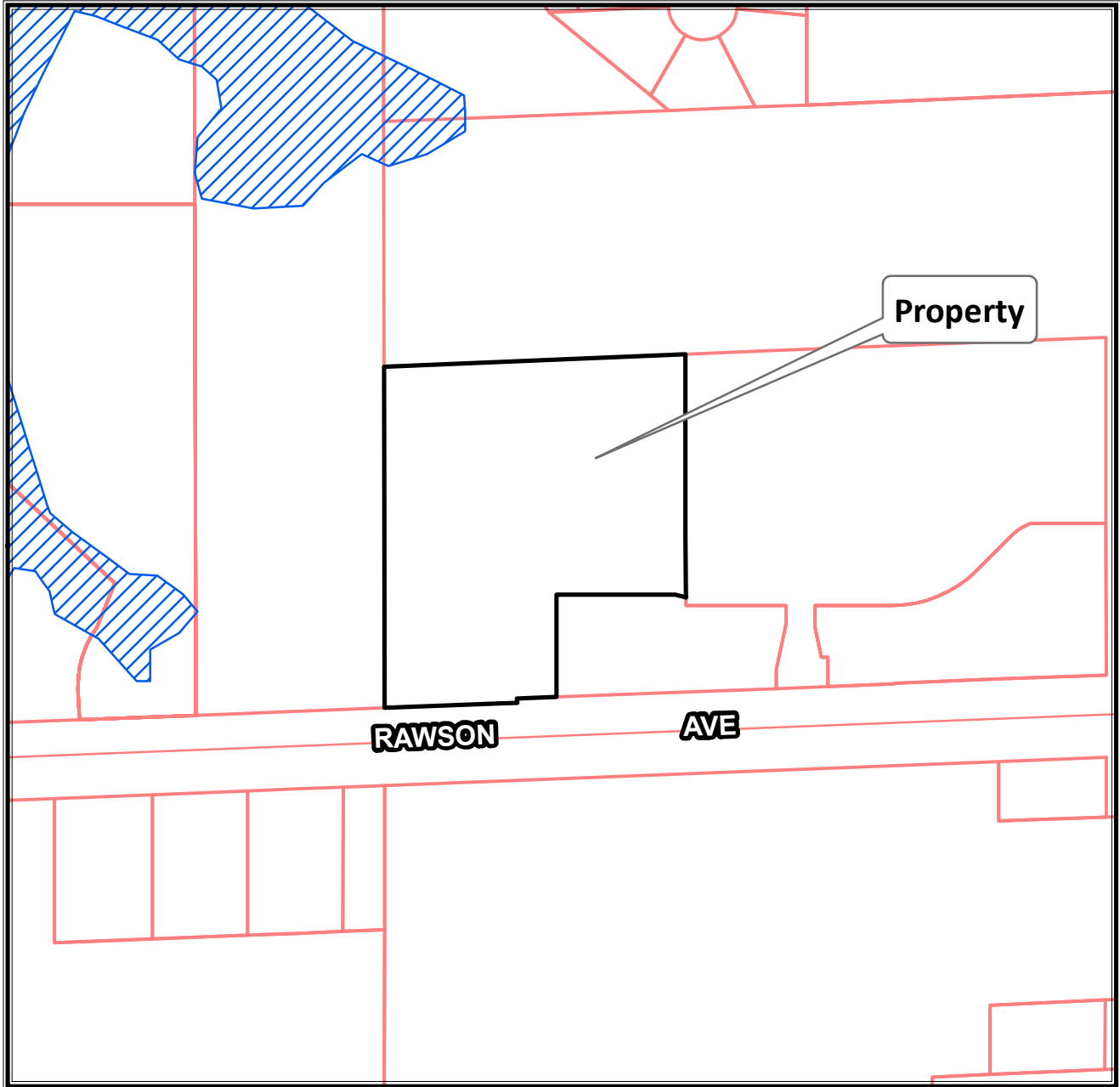


Planning Department
(414) 425-4024

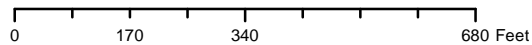


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

5450 W. Rawson Ave.
TKN: 741 9996 001



Planning Department
(414) 425-4024



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



RESOLUTION NO. 2023-_____

A RESOLUTION CONDITIONALLY APPROVING A LAND
DIVISION VARIANCE FOR LOT 3 OF A CONDITIONALLY APPROVED
3 LOT CERTIFIED SURVEY MAP BEING A REDIVISION OF ALL OF LOT 1
OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST
1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE
21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY’S, LLC, APPLICANT)
(AT 5450 WEST RAWSON AVENUE)

WHEREAS, the City of Franklin, Wisconsin, having received an application for a land division variance to waive the requirement for a minimum of 60 feet of frontage along a public street, for Lot 3 (according to §15-5.0101.B.1. and §15- 5.0106.C. the Certified Survey Map must “be designed so as to provide each lot with a minimum of 60 feet frontage along a public street”), such variance being necessary in conjunction with a previously, conditionally approved 3 Lot Certified Survey Map, such map being a redivision of all of Lot 1 of Certified Survey Map No. 8120, located in the Southeast 1/4 of the Southwest 1/4 of Section 2, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 5450 West Rawson Avenue, bearing Tax Key No. 741-9996-001, Jonathan J. Zimmerman, President, Jilly’s, LLC, applicant; and

WHEREAS, §15-9.0310 of the Unified Development Ordinance allows for Land Division Variances in part from the provisions of Division 15-5.0100, §15-5.0101.B.1. providing that public street frontage is required; 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.

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: limited frontage on Rawson Avenue and existing development do not allow for frontage on a public street. Applicant would be required to restrict this parcel as an Outlot.

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE
FOR JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY’S, LLC
RESOLUTION NO. 2023-_____

Page 2

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: this request is specific to this single lot.

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 presence of a previously platted lot on Rawson Avenue in front of the proposed lot makes it impractical to meet the frontage requirement if a third parcel is desired.

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: future development will be consistent with the zoning of the parcel.

BE IT FURTHER RESOLVED, that a Declaration of Easements, Covenants and Restrictions, Conservation Easement and Access Easements be approved by the Common Council and recorded with the Milwaukee County Register of Deeds prior to the issuance of any Occupancy Permit.

BE IT FINALLY RESOLVED, that the application by Jonathan J. Zimmerman, President, Jilly’s, 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 Jonathan J. Zimmerman, President, Jilly’s, LLC and the foregoing condition.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2023.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2023.

APPROVED:

ATTEST:

John R. Nelson, Mayor

Karen L. Kastenson, City Clerk

AYES _____ NOES _____ ABSENT _____

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 (414) 425-4024
 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: <u>Greg Devoshin</u>	NAME:
COMPANY: <u>Devo Properties LLC</u>	COMPANY:
MAILING ADDRESS: <u>138 Buntrock Avenue</u>	MAILING ADDRESS:
CITY/STATE: <u>Thiensville, WI</u> ZIP: <u>53092</u>	CITY/STATE: ZIP:
PHONE: <u>262-240-1500</u>	PHONE:
EMAIL ADDRESS: <u>gid@devooffices.com</u>	EMAIL ADDRESS:

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: <u>West Rawson Avenue</u>	TAX KEY NUMBER: <u>741-9996-001</u>
PROPERTY OWNER: <u>Devo Properties/Rawson LLC</u>	PHONE: <u>262-240-1500</u>
MAILING ADDRESS: <u>138 Buntrock Avenue</u>	EMAIL ADDRESS: <u>gid@devooffices.com</u>
CITY/STATE: <u>Thiensville, WI</u> ZIP: <u>53092</u>	DATE OF COMPLETION: _____ <small>office use only</small>

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: <u>Greg Devoshin</u>	APPLICANT SIGNATURE:
NAME & TITLE: <u>Greg Devoshin, Manager</u> DATE: <u>2/20/2022</u>	NAME & TITLE: DATE:
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:

CITY OF FRANKLIN APPLICATION CHECKLIST

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

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



Findings and Factors in the Review of Land Division Variances

Date: _____

Case No. _____

Property Owner: _____

Property Address: _____

Section 15-9.0310B.1 of the City of Franklin Unified Development Ordinance states, “No variance to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.

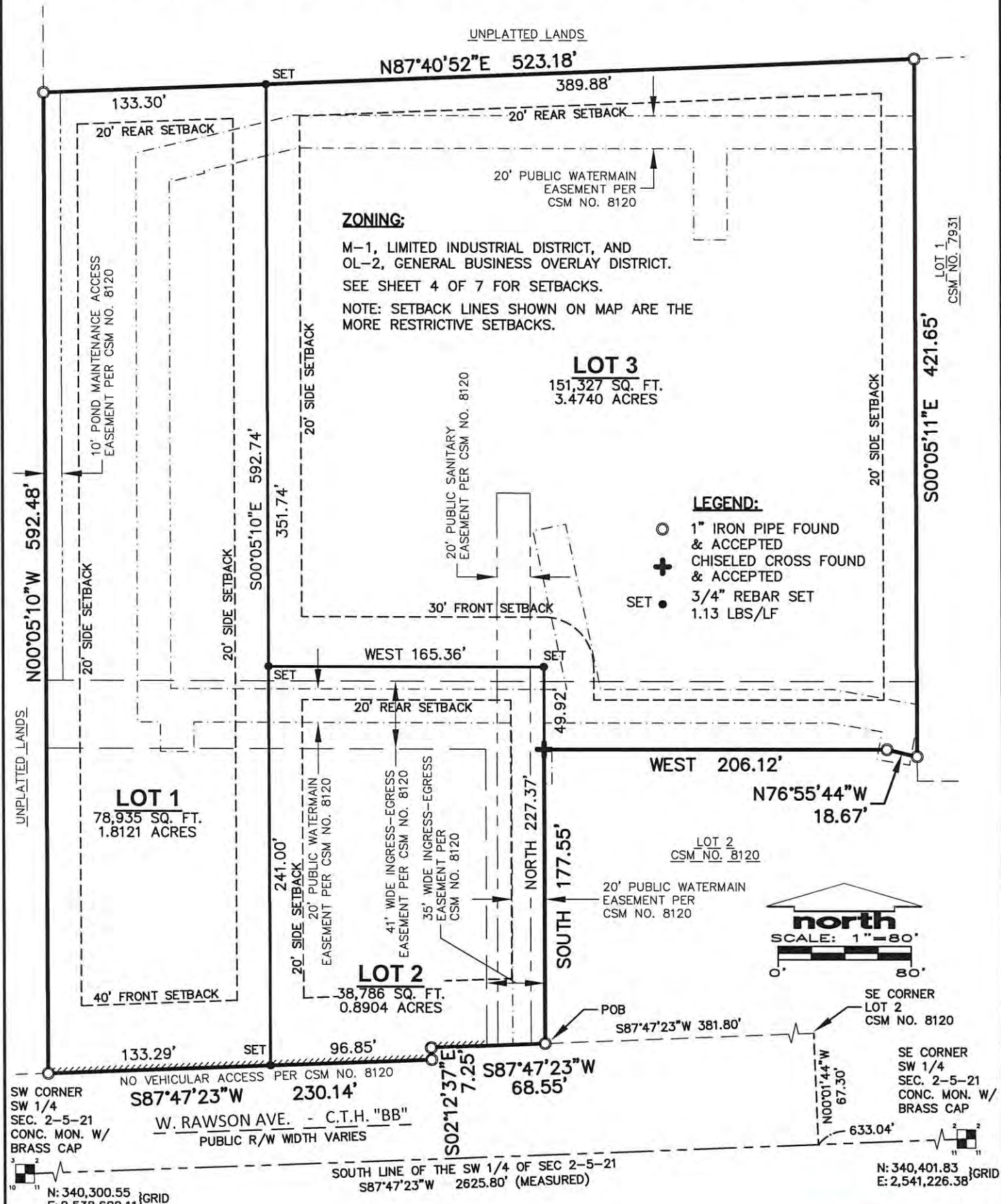
2. Such hardships should not apply generally to other properties or be such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.

3. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

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.

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



ZONING:

M-1, LIMITED INDUSTRIAL DISTRICT, AND OL-2, GENERAL BUSINESS OVERLAY DISTRICT.
SEE SHEET 4 OF 7 FOR SETBACKS.
NOTE: SETBACK LINES SHOWN ON MAP ARE THE MORE RESTRICTIVE SETBACKS.

LEGEND:

- 1" IRON PIPE FOUND & ACCEPTED
- ⊕ CHISELED CROSS FOUND & ACCEPTED
- SET • 3/4" REBAR SET 1.13 LBS/LF



BEARING BASIS:
ALL BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, WAS USED AS SOUTH 87°47'23" WEST.
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
ALL MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT.
ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE SECOND.
DATED THIS 6th DAY OF APRIL, 2023
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

NOTE:
CERTIFIED SURVEY MAP NO. 8120 RECORDED ON DEC. 12, 2008 AT MILWAUKEE CO. REGISTER'S OFFICE AS DOC. NO. 09679892.
SURVEYED FOR:
DEVO PROPERTIES/RAWSON LLC
138 BUNTROCK AVE.
THEINSVILLE, WI 53092
SURVEYED BY:
JSD PROFESSIONAL SERVICES INC
W238N1610 BUSSE RD., STE. 100
WAUKESHA, WI 53188

WISCONSIN

RIZAL W. ISKANDARSJACH
S-2738
MILWAUKEE, WI

LAND SURVEYOR

4/16/23

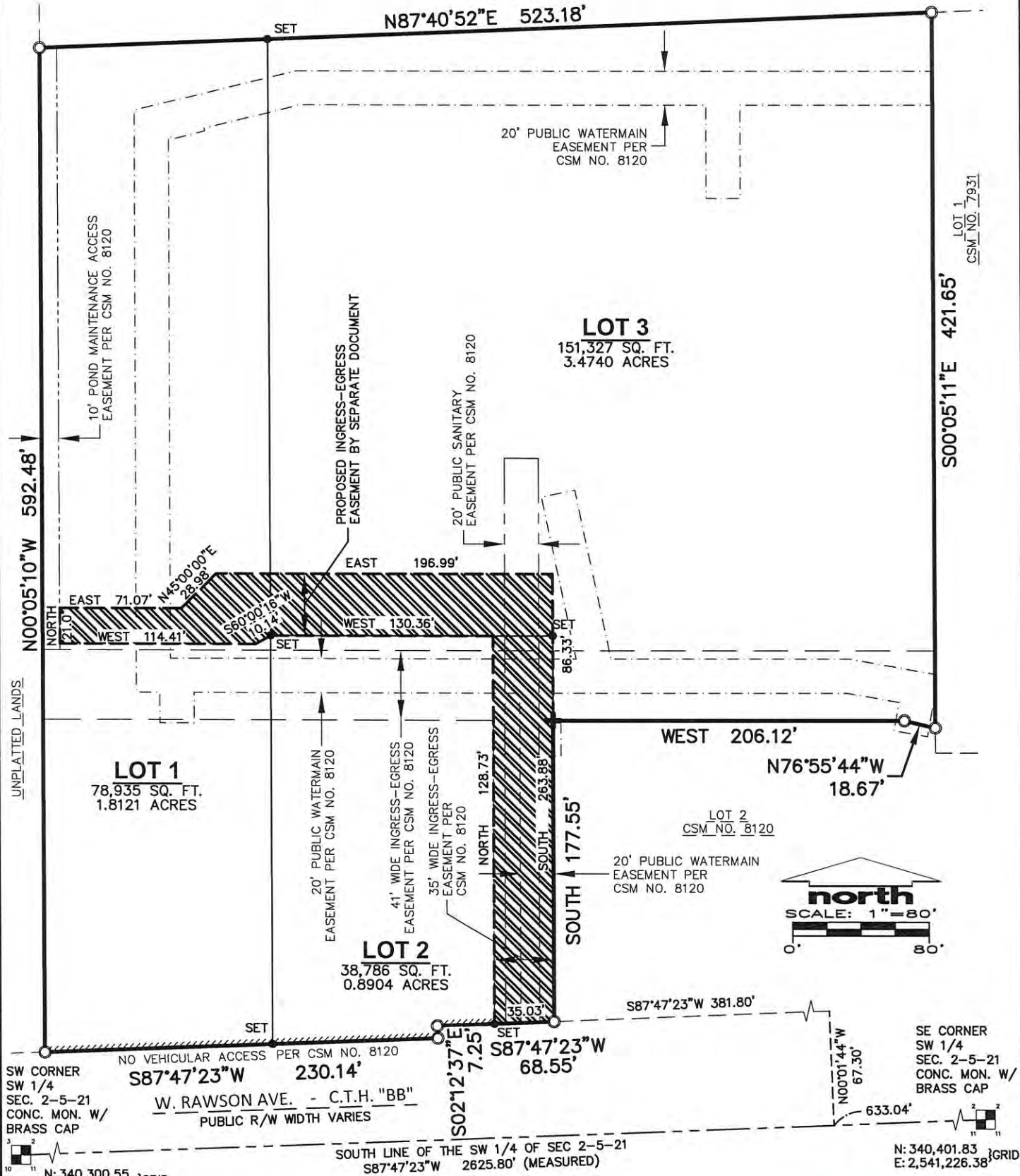
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CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

PROPOSED INGRESS-EGRESS ACCESS EASEMENT DETAILS

UNPLATTED LANDS



LEGEND:



PROPOSED INGRESS-EGRESS EASEMENT FOR THE BENEFIT OF LOT 1 AND OUTLOT 1 OF THIS CSM



Rizal W. Iskandarsjach
4/6/23

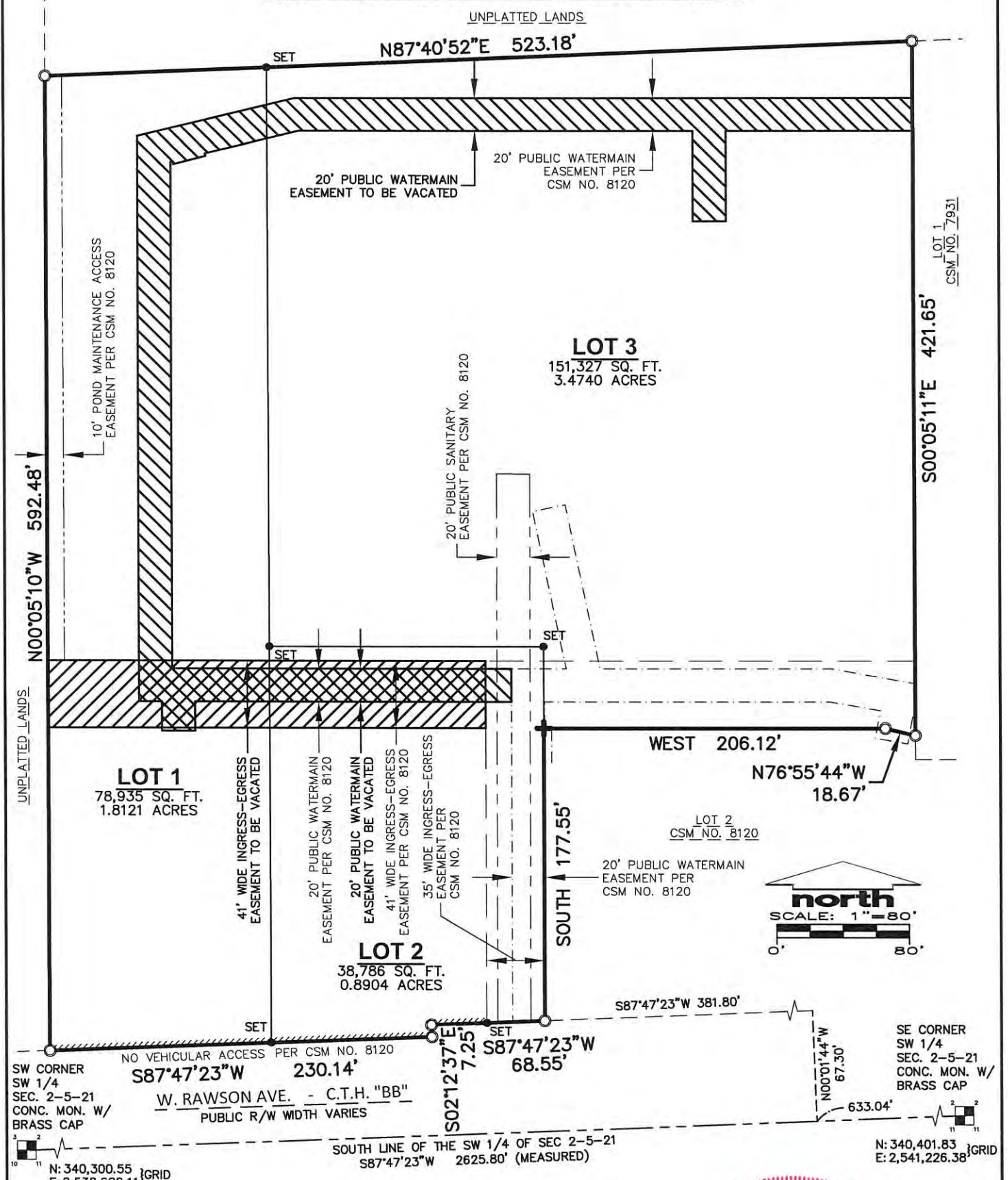
VICINITY MAP
SW 1/4 SEC. 2-5-21
SCALE: 1"=2000'

DATED THIS 6th DAY OF APRIL, 2023
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

PROPOSED EASEMENT VACATION DETAILS



NOTE:
 REMAINING EXISTING EASEMENTS (NOT VACATED) TO FOLLOW THE PREVIOUSLY RECORDED TERMS AND CONDITIONS.

LEGEND:
 20' PUBLIC WATERMAIN EASEMENT TO BE VACATED
 41' WIDE INGRESS-EGRESS EASEMENT TO BE VACATED

WISCONSIN
 RIZAL W. ISKANDARSJACH
 S-2738
 MILWAUKEE, WI
LAND SURVEYOR
[Signature]
 4/6/23

DATED THIS 6th DAY OF APRIL, 2023
 THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

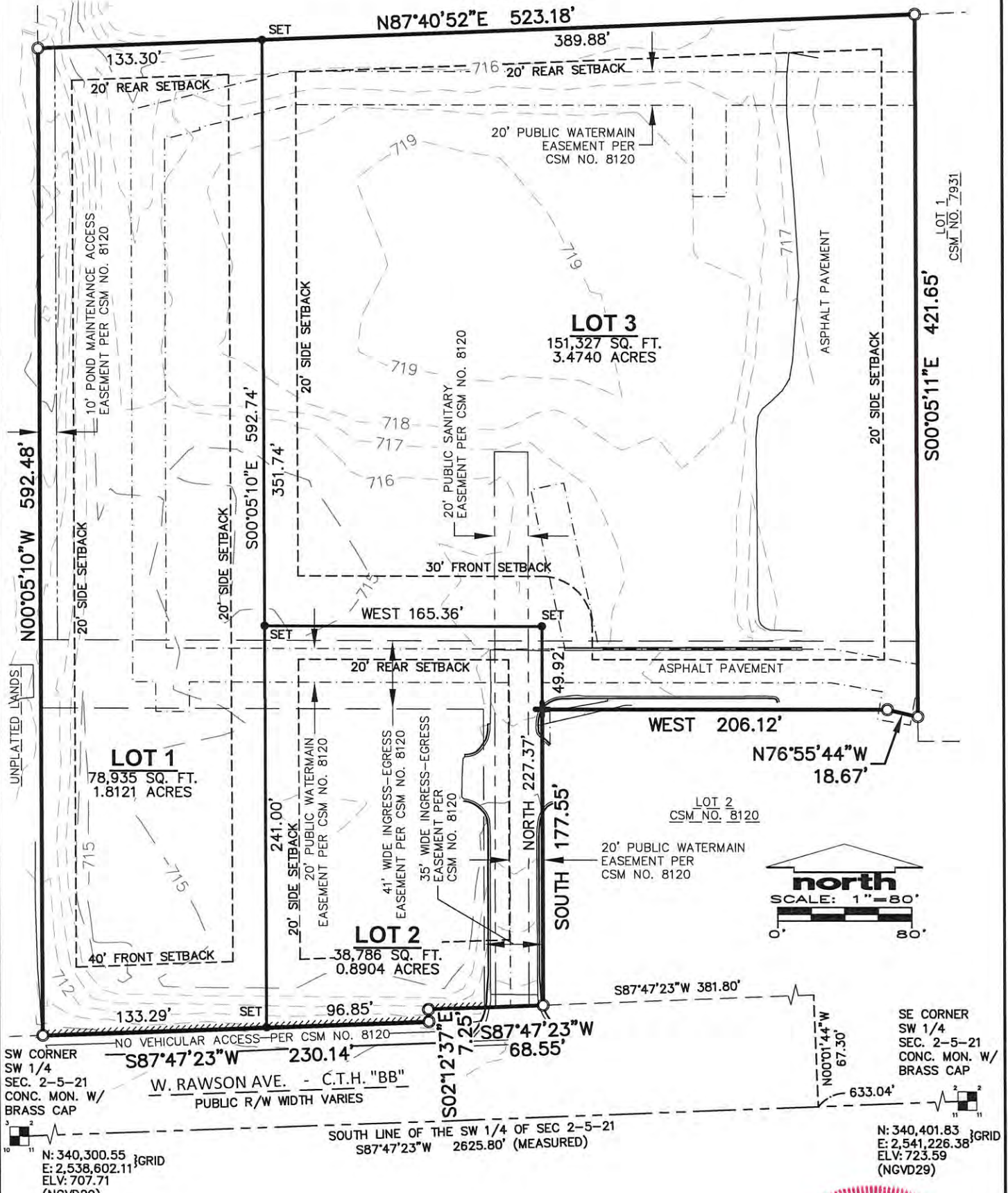
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CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

EXISTING CONTOURS AND PLANIMETRICS

UNPLATTED LANDS



SW CORNER SW 1/4 SEC. 2-5-21 CONC. MON. W/ BRASS CAP

W. RAWSON AVE. - C.T.H. "BB"
PUBLIC R/W WIDTH VARIES

SE CORNER SW 1/4 SEC. 2-5-21 CONC. MON. W/ BRASS CAP

N: 340,300.55 } GRID
E: 2,538,602.11 }
ELV: 707.71 }
(NGVD29)

SOUTH LINE OF THE SW 1/4 OF SEC 2-5-21
S87°47'23"W 2625.80' (MEASURED)

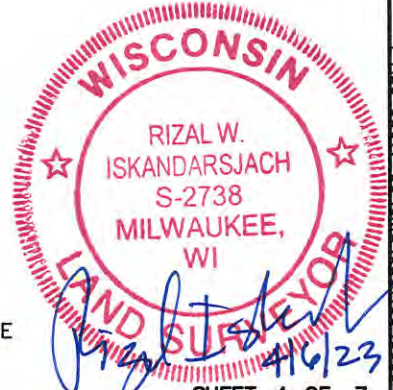
N: 340,401.83 } GRID
E: 2,541,226.38 }
ELV: 723.59 }
(NGVD29)

NOTES:

1. CONTOUR BASED ON FIELD SURVEY ON OCTOBER 10, 2022 BY JSD PROFESSIONAL SERVICES, INC.
2. HORIZONTAL DATUM IS BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE (NAD-27), AND ALL BEARINGS ARE REFERRED TO GRID NORTH.
3. VERTICAL DATUM BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
4. LANDS SERVED BY PUBLIC WATER AND SANITARY SEWER.

ZONING:

M-1, LIMITED INDUSTRIAL DISTRICT, AND OL-2, GENERAL BUSINESS OVERLAY DISTRICT.
SETBACKS:
FRONT YARD: 30' (M-1), 20' (OL-2)
40' (Sec.15-5.0108)
SIDE YARD: 20' (M-1), 10' (OL-2)
REAR YARD: 15' (M-1), 20' (OL-2)
WETLAND: 50'
WETLAND BUFFER: 30'
NOTE: SETBACK LINES SHOWN ON MAP ARE THE MORE RESTRICTIVE SETBACKS.



DATED THIS 6th DAY OF APRIL, 2023
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

R:\2022\2211936\DWG\22-11936_CSM.dwg

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

State of Wisconsin)
) SS
Milwaukee County)

I, Rizal W. Iskandarsjach, Professional Land Surveyor, do hereby certify that I have surveyed, divided, and mapped a redivision of all of Lot 1 of Certified Survey Map No. 8120, located in the Southeast 1/4 of the Southwest 1/4 of Section 2, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southeast corner of the Southwest 1/4 of said Section 2; thence South 87°47'23" West along the south line of said Southwest 1/4 section, 633.04 feet; thence North 00°01'44" West, 67.30 feet to the southeast corner of Lot 2 of Certified Survey Map No. 8120 and the north right-of-way line of West Rawson Avenue (C.T.H. "BB"); thence South 87°47'23" West along the south line of said Lot 2 and along said north right-of-way line, 381.80 feet to the southwest corner of said Lot 2 and the point of beginning;

Thence continuing South 87°47'23" West along the said north right-of-way line, 68.55 feet; thence South 02°12'37" East along the said north right-of-way line, 7.25 feet; thence South 87°47'23" West along the said north right-of-way line, 230.14 feet; thence North 00°05'10" West, 592.48 feet; thence North 87°40'52" East, 523.18 feet to the northwest corner of Lot 1 of Certified Survey Map No. 7931; thence South 00°05'11" East along the west line of said Lot 1, 421.65 feet to the west corner of said Lot 1 and the north corner of Lot 2 of Certified Survey Map No. 8120; thence North 76°55'44" West along the north line of said Lot 2, 18.67 feet to a north corner of said Lot 2; thence Due West along the north line of said Lot 2, 206.12 feet to the northwest corner of said Lot 2; thence Due South along the west line of said Lot 2, 177.55 feet to the southwest corner of said Lot 2 and the point of beginning.

Containing in all 269,049 square feet (6.1765 acres) of land, more or less.

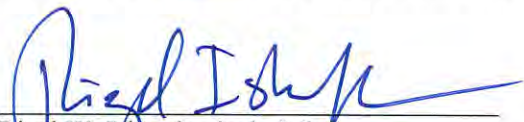
All subject to easements and restrictions of record, if any.

That I have made such survey, land division, and map by the direction of DEVO PROPERTIES / RAWSON, LLC owner of said lands.

That such map is a correct representation of all 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 City of Franklin Unified Development Ordinance in surveying, dividing, dedicating and mapping the same.

DATED THIS 6th DAY OF APRIL, 2023


Rizal W. Iskandarsjach, P.L.S.
Professional Land Surveyor, S-2738



CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

DEVO PROPERTIES / RAWSON, LLC, a Wisconsin limited liability company, as owner, does hereby certify that said company caused the land described in the foregoing affidavit of Rizal W. Iskandarsjach, to be surveyed, divided and mapped as represented on this map, in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance in surveying, dividing, dedicating and mapping.

_____ (sign) _____ Date
_____ (print)
_____ (title)

State of Wisconsin)
) SS
_____ County)

Personally came before me this _____ day of _____, 2023, the above named _____, _____ of the above named company, to me known to be such _____ of said company, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation by its authority.

_____ (sign)
_____ (print)

Notary Public, _____ County, _____

My Commission Expires _____



CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8120, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

This Certified Survey Map is hereby approved by the Common Council of the City of Franklin by Resolution No. _____ on this _____ day of _____, 2023.

JOHN NELSON
Mayor _____ (date)

KAREN KASTENSON
City Clerk _____ (date)



SUPPLEMENT TO REA AND DECLARATION OF RESTRICTED USE

This **DECLARATION OF RESTRICTED USE** is made this ____ day of April, 2023, by **DEVO PROPERTIES/RAWSON LLC** (the “Declarant”).

WHEREAS, Declarant is currently the owner of the real estate located in the City of Franklin, Milwaukee County, legally described on the attached Exhibit A (the “Restricted Property”); the Restricted Property is collectively shown as Lots 1, 2 and 3 on the attached certified Survey Map (collectively, the “Tracts”), and

WHEREAS, the Restricted Property is currently partially restricted in its use as more fully described in the Reciprocal Easement Agreement (“REA”) filed on January 22, 2009 in the Office of Register of Deeds for Milwaukee County as Document No. 09691180, whereby the restrictions contained in paragraph 4 of the REA were imposed and recorded against the Restricted Property and certain access easements were granted in paragraph 2 of the REA; and

WHEREAS, the Restricted Property is currently partially restricted in its use as more fully described in the Declaration of Restrictions filed on March 2, 2007 in the Office of Register of Deeds for Milwaukee County as Document No. 9393690, whereby the following restrictions were imposed and recorded against the Restricted Property:

(a) No competing Fountains Exclusive Store shall be operated on the Devo Parcel or the Rawson Parcel. However, Devo, Rawson, and their respective agents, assigns, and successors shall have no liability for any Competing Fountains Exclusive Stores operated by any tenant of such property in violation of its lease. In addition, Small Box Retail Use of the Devo Parcel and the Rawson Parcel shall be limited, in the aggregate, to 25,000 square feet of building space. All 25,000 square feet of such allowed Small Box Retail Use may be on either the Devo Parcel or the Rawson Parcel, provided that the combined Small Box Retail use of the Devo Parcel and the Rawson Parcel shall not exceed 25,000 square feet.

(b) All uses of the Devo Parcel and the Rawson Parcel not specifically prohibited in the preceding paragraph are allowed. By way of example and not limitation, the following uses of the Devo Parcel or the Rawson Parcel are allowed: arts and crafts stores; bakeries, bread and bagel shops; Financial Institutions; boating supply stores; bookstores; carpet and oriental rug stores; cellular telephone stores; computer/video games stores; dance studios; draperies/wall treatment stores; dry cleaners; eyeglass stores; financial services offices; furniture stores; golf stores; hobby stores; home builder offices; home furnishings/home décor stores; insurance agencies; investment services offices; learning centers; lighting stores; liquor stores; mail services stores; party supply stores; pet supply stores; pharmacies; piano/martini bars; professional offices; realty offices; restaurants (including fast food

restaurants); sign stores; sporting goods stores; tax preparation service offices; tobacco stores; toy stores; travel agencies; and video stores;

WHEREAS, the Restricted Property is currently partially restricted in its use as more fully described in the Declaration of Restricted Use filed on August 6, 2007 in the Office of Register of Deeds for Milwaukee County as Document No. 9474631, whereby the following restrictions as contained in a Ground Lease were imposed and recorded against the Restricted Property:

“During the term of the Ground Lease and any extensions thereof, no part of the Restricted Property (other than the Benefitted Property) shall be used or occupied for a bank, savings and loan, trust company, credit union or other financial institution, or for any purpose directly or indirectly involving services provided by banks, savings and loans, trust companies, investment firms or advisors, or any other firms providing financial services or selling investment products and/or making loans and holding deposits.”

WHEREAS, the Restricted Property is currently partially restricted in its use as more fully described in the Declaration of Restricted Use filed on January 13, 2009 in the Office of Register of Deeds for Milwaukee County as Document No. 9687963, whereby the following restrictions as contained in a Shopping Center Lease were imposed and recorded against the Restricted Property:

Except as otherwise provided herein, neither Landlord no any affiliate or related party shall, directly or indirectly, own, operate or grant any lease or permit any assignment or sublease for, a store (or any portion of a store) in the Shopping Center which has as its primary purpose the sale or offering the sale of food and related items, groceries, including without limitation, food products, meats, poultry, seafood, dairy products, fruits, vegetables or baked goods (“Supermarket Restriction”). Notwithstanding anything contained herein to the contrary, the Supermarket Restriction set forth in this Subparagraph 6.3 shall not prohibit the operation of a sit down otr take out restaurant (other than fast food restaurants that utilize a drive thru), a toy store or a video store within the Shopping Center. In addition, such Supermarket Restriction shall not prohibit the operation of another type of store, including a department store, which sells food products as an incidental part of its business within the Shopping Center without Tenant’s prior written approval, which shall not be unreasonably withheld. For the purposes hereof and subject to subparagraph F. below, the term “incidental part of its business” shall be deemed to be having less than twenty-five percent (25%) a store’s floor area devoted to the sale of food or food products, but in no event will the area devoted to such sale of food or food products exceed three thousand (3,000) square feet. The Supermarket Restriction shall also not prohibit the operation of a convenience mart in the Shopping Center, which is operated as a gasoline station offering convenience store items or a convenience store without gasoline products in a building, in either case, with no more than three thousand (3,000) square feet of total floor area devoted to the sale of food or

food products (this convenience mart floor area restriction does not apply to portions of a convenience store devoted to sit down/take out restaurant use).

WHEREAS, Declarant desires to add additional restricted uses to the Restricted Property in order to best serve the interests of the current and future tenants of the Restricted Property; and

WHEREAS, Declarant desires to record this Declaration of Restricted Use to evidence said restriction;

NOW, THEREFORE, in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged, Declarant declares as follows:

A. The Restricted Property is hereby subjected to the following restrictions (hereinafter the "Restricted Uses") for the benefit of the current and future tenants of the Restricted Property:

1. A flea market or pawn shop;
2. A bar, pub, nightclub, music hall or disco in which less than 50% of the space or 50% of the revenue is devoted to and derived from food service;
3. A bowling alley, billiard, pool or bingo parlor;
4. An arcade, pinball or computer game room (provided that retail facilities which are otherwise not prohibited or restricted may operate no more than six (6) such electronic games incident to their primary business);
5. A massage parlor (which shall not be construed to mean a business of the type commonly referred to as a "day spa", such as Massage Envy);
6. A funeral home;
7. A theater of any kind;
8. A skating rink;
9. A facility for the sale of paraphernalia for use with illicit drugs;
10. A facility for the sale or display of pornographic material;
11. A lingerie bar, "go-go" bar or other similar establishment;
12. An off-track betting parlor;
13. A carnival, amusement park or circus;
14. A facility for the sale of new or used motor vehicles, motorcycles, trailers or mobile homes;

15. Any use that creates reasonably objectionable or obnoxious odors.

The Restricted Uses shall run with the land and be binding on all owners, tenants and occupants of the Restricted Property or any part thereof and their successors and assigns from time to time.

The Restricted Uses set forth herein may be amended at anytime by Declarant so long as Declarant is a fee owner of any portion of the Restricted Property. The Restricted Uses may not be amended or terminated except by execution and recordation of an agreement amending or terminating said Restricted Uses. Any purported attempt to amend or terminate the Restricted Uses in any other manner shall be null and void.

B. The Declarant, as owner of the Tracts, hereby grants to all future owners of all the Tracts in the Development a permanent and non-exclusive right and easement for pedestrian and vehicular (both commercial and non-commercial) passage in, on, over and across the areas of the Access Easement Area located on each such owner's Tract, for the purpose of providing ingress to and egress from each of the Tracts to W. Rawson Avenue and S. 51st Street (the "Access Easement"). The Access Easement shall be transferable with each of the Tracts, and neither the Access Easement Area nor its points of connection with W. Rawson Avenue, S. 51st Street or any of the Tracts shall be changed, modified or relocated without the prior written consent of the owners of all of the Tracts and the current holder(s) of any mortgage or deed of trust upon the Tracts, which such consent may be withheld for any reason. The "Access Easement Area" is shown on Exhibit B attached hereto and incorporated herein.

C. All of the provisions in the REA dealing with the Access Easement (as defined therein) shall apply to the Access Easement Area, as defined herein. By way of example, the temporary license and all obligations of the Declarant to construct the roadways in the Access Easement Area, as well as all maintenance obligations to the roadways in the Access Easement Area are incorporated herein.

(Signature Page to Follow)

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Restricted Use as of the first date above written.

DEVO PROPERTIES/RAWSON LLC

By: _____

Gregory I. Devorkin, Manager

ACKNOWLEDGEMENT

STATE OF WISCONSIN)

) SS

MILWAUKEE COUNTY)

This instrument was acknowledged before me on the ____ day of April, 2023, by Gregory I. Devorkin, Manager of Devo Properties/Rawson LLC.

Name of Notary Public: _____

Notary Public, State of Wisconsin

My commission expires _____

Exhibit A

Legal Description of Restricted Area

Lot _____ of Certified Survey Map No. _____, recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on _____, 2022 as Document No. _____, being a redivision of Lot 1 of Certified Survey Map No. 8120, recorded on December 12, 2008, as Document No. [9679892](#), being a re-division of Outlot 1 in [Certified Survey Map No. 7931](#) and lands being a part of the Southeast 1/4 of the Southwest 1/4 of Section 2, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

For informational purposes only:

Property Address: Situated on West Rawson Avenue, Franklin, WI 53132

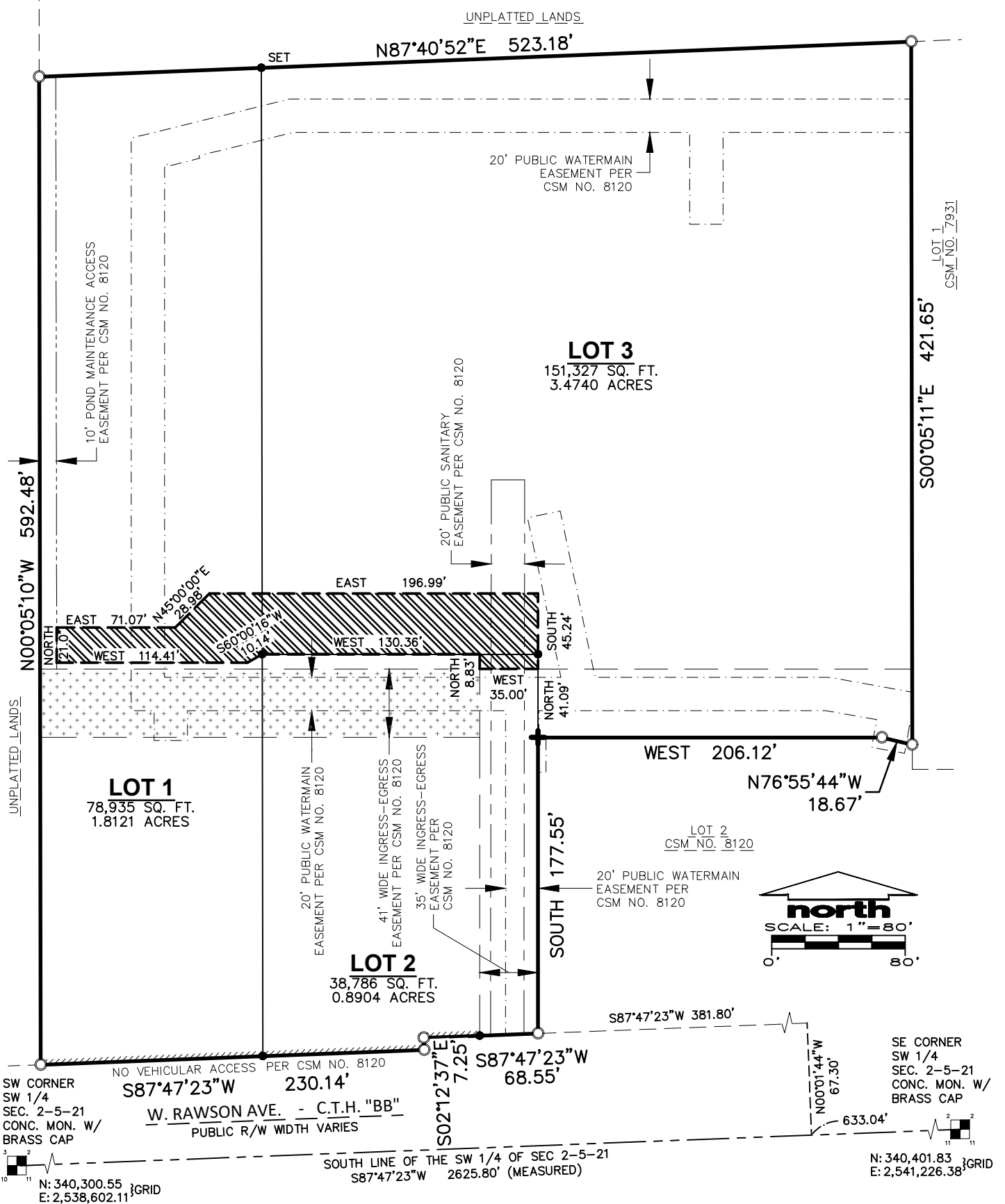
Tax Key Number: PART OF 741-9996-001

Exhibit B

The Access Easement Area

See Attached Survey entitled "Proposed Ingress-Egress Additional REA Access Easement

PROPOSED INGRESS-EGRESS ADDITIONAL REA ACCESS EASEMENT



UNPLATTED LANDS

LOT 1
CSM NO. 7931

N00°05'10"W 592.48'

UNPLATTED LANDS
 N87°40'52"E 523.18'

S00°05'11"E 421.65'

10' POND MAINTENANCE ACCESS
 EASEMENT PER CSM NO. 8120

20' PUBLIC WATERMAIN
 EASEMENT PER
 CSM NO. 8120

LOT 3
 151,327 SQ. FT.
 3.4740 ACRES

20' PUBLIC SANITARY
 EASEMENT PER CSM NO. 8120

NORTH 21.00'
 EAST 71.07'
 WEST 114.41'
 EAST 196.99'
 WEST 130.36'
 NORTH 8.83'
 WEST 35.00'
 SOUTH 45.24'

WEST 206.12'
 N76°55'44"W
 18.67'

LOT 2
 CSM NO. 8120

20' PUBLIC WATERMAIN
 EASEMENT PER
 CSM NO. 8120

20' PUBLIC WATERMAIN
 EASEMENT PER CSM NO. 8120
 41' WIDE INGRESS-EGRESS
 EASEMENT PER CSM NO. 8120
 35' WIDE INGRESS-EGRESS
 EASEMENT PER
 CSM NO. 8120

LOT 2
 38,786 SQ. FT.
 0.8904 ACRES

SOUTH 177.55'



NO VEHICULAR ACCESS PER CSM NO. 8120
 S87°47'23"W 230.14'
 W. RAWSON AVE. - C.T.H. "BB"
 PUBLIC R/W WIDTH VARIES

S87°47'23"W 381.80'

S02°12'37"E 7.25'
 S87°47'23"W 68.55'

N00°01'44"W 67.30'

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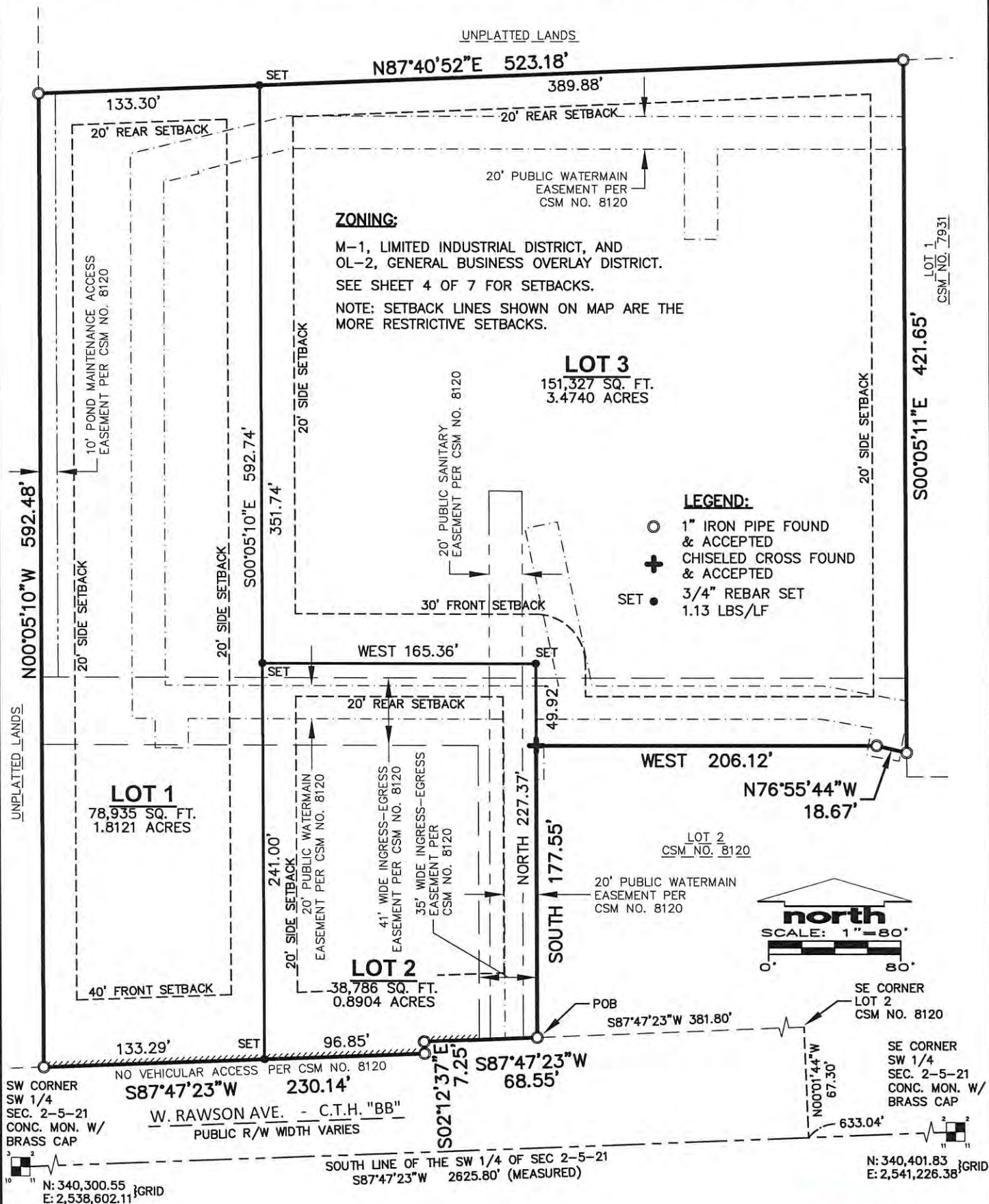
SOUTH LINE OF THE SW 1/4 OF SEC 2-5-21
 S87°47'23"W 2625.80' (MEASURED)

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 E: 2,541,226.38 }

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UNPLATTED LANDS



ZONING:

M-1, LIMITED INDUSTRIAL DISTRICT, AND
OL-2, GENERAL BUSINESS OVERLAY DISTRICT.
SEE SHEET 4 OF 7 FOR SETBACKS.

NOTE: SETBACK LINES SHOWN ON MAP ARE THE MORE RESTRICTIVE SETBACKS.

LOT 3

151,327 SQ. FT.
3.4740 ACRES

LEGEND:

- 1" IRON PIPE FOUND & ACCEPTED
- ⊕ CHISELED CROSS FOUND & ACCEPTED
- SET • 3/4" REBAR SET 1.13 LBS/LF



BEARING BASIS:

ALL BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, WAS USED AS SOUTH 87°47'23" WEST.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ALL MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE SECOND.

DATED THIS 6th DAY OF APRIL, 2023

THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

NOTE:

CERTIFIED SURVEY MAP NO. 8120 RECORDED ON DEC. 12, 2008 AT MILWAUKEE CO. REGISTER'S OFFICE AS DOC. NO. 09679892.

SURVEYED FOR:

DEVO PROPERTIES/RAWSON LLC
138 BUNTROCK AVE.
THEINSVILLE, WI 53092

SURVEYED BY:

JSD PROFESSIONAL SERVICES INC
W238N1610 BUSSE RD., STE. 100
WAUKESHA, WI 53188



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