

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, JANUARY 18, 2018, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of January 4, 2018.

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. **EVERGREEN PARK ESTATES RESIDENTIAL LOTS DEVELOPMENT.**  
Preliminary Plat application by Rick J. Przybyla, President of Creative Homes, Inc., to subdivide the existing 32.67 acre property at approximately 7501 South 49th Street, to create five R-6 Suburban Single-Family Residence District lots, including three lots north of West Evergreen Street (Lots 1, 2 and 3), one lot south of West Evergreen Street (Lot 4) and one large remnant lot north of Lots 1, 2 and 3 (Lot 5) for future residential development, lot sizes ranging in size from 22,102 square feet to 43,504 square feet (excluding Lot 5), also including three outlots which are reserved for future use by the developer and/or consist of protected natural resource features, property zoned R-6 Suburban Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District; Tax Key No. 788-9981-001.

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: February 8, 2018

**City of Franklin  
Plan Commission Meeting  
January 4, 2018  
Minutes**

Unapproved

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

Mayor Steve Olson called the January 4, 2018 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 was Commissioners, Adam Burckhardt, Kevin Haley, Patricia Hogan, City Engineer Glen Morrow and Alderman Dandrea. Excused was Commissioner David Fowler. Also present was Planning Manager Joel Dietl, Principal Planner Nick Fuchs and Economic Development Director Aaron Hertzberg.

**B. Approval of Minutes**

1. Regular Meeting of December 21, 2017.

Commissioner Haley moved and Commissioner Burckhardt seconded approval of the December 21, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (5-0-1).

**C. Public Hearing Business Matters**

**1. OFF-STREET TRUCK LOADING REQUIREMENTS AND SPACE DESIGN UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Unified Development Ordinance Text Amendment application by Krones, Inc. to amend the Unified Development Ordinance text to amend §15-5.0205 OFF-STREET LOADING REQUIREMENTS, specifically §§15-5.0205B. and 15-5.0205F., and to amend §15-5.0206 OFF-STREET LOADING SPACE DESIGN, specifically §15-5.0206B., to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas involving a dead end street.

Planning Manager Joel Dietl presented the request by Krones, Inc. to amend the Unified Development Ordinance text to amend §15-5.0205 Off-street Loading Requirements, specifically §§15-5.0205B. and 15-5.0205F., and to amend §15-5.0206 Off-street Loading Space Design, specifically §15-5.0206B., to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas involving a dead end street.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:03 and closed at 7:03.

City Engineer Morrow moved and Alderman Dandrea seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance text to amend §15-5.0205 Off-street Loading Requirements, specifically §§15-5.0205B. and 15-5.0205F., and to amend §15-5.0206 Off-street Loading Space Design, specifically §15-5.0206B., to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas

involving a dead end street. On voice vote, all voted 'aye'. Motion carried (5-0-1).

## D. Business Matters

### 1. MOLLY MAID PROFESSIONAL HOME CLEANING SERVICE

**BUSINESS USE.** Special Use application by R & R Swan Investments, LLC d/b/a Molly Maid, to operate a maid service business with hours of operation from 7:00 a.m. to 5:00 p.m., Monday through Friday, which application also includes a property owner requested revised Site Plan approval for existing site improvements constructed without prior City approval, specifically, reconfiguration of the parking lot in the northwest corner of the property and addition of a new parking lot in the rear of the property, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 200; Tax Key No. 704-9978-002. [THE PUBLIC HEARING WAS HELD AT THE PLAN COMMISSION MEETING ON DECEMBER 7, 2017. SUBJECT MATTER CONTINUED FROM THE DECEMBER 7, 2017 MEETING.]

Planning Manager Joel Dietl presented the request by R & R Swan Investments, LLC d/b/a Molly Maid, to operate a maid service business with hours of operation from 7:00 a.m. to 5:00 p.m., Monday through Friday, which application also includes a property owner requested revised Site Plan approval for existing site improvements constructed without prior City approval, specifically, reconfiguration of the parking lot in the northwest corner of the property and addition of a new parking lot in the rear of the property, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 200.

City Engineer Morrow motioned to table the item to the first Plan Commission meeting in May 2018. Motion failed due to a lack of a second.

Commissioner Haley moved and Commissioner Hogan seconded a motion to table the item to the first Plan Commission meeting in March 2018. On voice vote, all voted 'aye'. Motion carried (5-0-1).

### 2. FABU EYES EYELASH EXTENSION SERVICE BUSINESS

**USE.** Special Use application by Yulia Da Silva, owner, Fabu LLC, d/b/a Fabù Eyes, to operate an eyelash extension service business with hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday and Sunday, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 240; Tax Key No. 704-9978-002. [THE PUBLIC HEARING WAS HELD AT THE PLAN

Planning Manager Joel Dietl presented the request by Yulia Da Silva, owner, Fabu LLC, d/b/a Fabù Eyes, to operate an eyelash extension service business with hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday and Sunday, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 240.

Commissioner Hogan moved and Alderman Dandrea seconded a motion to table the item to the first Plan Commission meeting in March 2018. On voice vote, all voted 'aye'. Motion carried (5-0-1).

COMMISSION MEETING ON  
DECEMBER 7, 2017. SUBJECT  
MATTER CONTINUED FROM THE  
DECEMBER 7, 2017 MEETING.]

**E. Adjournment**

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of January 4, 2018 at 7:31 p.m. All voted ‘aye’; motion carried. (5-0-1).

DRAFT



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of January 18, 2018

**Preliminary Plat**


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**RECOMMENDATION:** City Development Staff recommends approval of the Preliminary Plat Applications for the development of five single-family residential lots, subject to the conditions as noted in the attached draft resolution.

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<b>Project Name:</b>	Evergreen Park Estates Rezoning and Preliminary Plat
<b>Project Address:</b>	7501 South 49 <sup>th</sup> Street
<b>Applicant:</b>	Rick Przybyla, Creative Homes, Inc.
<b>Owners (property):</b>	Creative Homes, Inc.
<b>Current Zoning:</b>	R-6 Suburban Single-Family Residence District
<b>Proposed Zoning:</b>	R-6 Suburban Single-Family Residence District
<b>Use of Surrounding Properties:</b>	Single-family residential to the north and south, Pleasant View Elementary School and Pleasant View Neighborhood Park to the east and single-family and multi-family residential to the west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Preliminary Plat

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**Introduction:**

Please note:

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

On December 8, 2017, the applicant submitted an application for a Preliminary Plat for property located at 7501 South 49<sup>th</sup> Street. The preliminary plat illustrates subdividing the existing 32.67-acre property into five R-6 single-family residential lots and three outlots.

**History:**

- April 19, 2016: Concept Review Application presented to the Common Council, including two alternatives for single-family residential subdivision development of the subject property.
- June 21, 2016: Applicant submitted a Preliminary Plat Application to subdivide the existing 32.67-acre property at 7501 South 49<sup>th</sup> Street to create six R-6 single-family residential lots. The Preliminary Plat includes one lot south of West Evergreen Street (Lot 1), three lots north of West Evergreen Street (Lots 2, 3 and 4) and two lots east of South 51<sup>st</sup> Street (Lots 5 and 6). The lot sizes range in size from about 18,024 square feet to approximately 37,200 square feet. The Preliminary Plat also includes five outlots, which

are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features. At the request of staff, the applicant also submitted a Rezoning Application to rezone the C-1 Conservancy District portion of the subject property to R-6 Suburban Single-Family Residence District.

- October 4, 2016: The Common Council adopted Ordinance 2016-2233, an Ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 South 49<sup>th</sup> Street) (approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
- December 6, 2016: Applicant received approval of Resolution No. 2016-7235, a Resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). The Preliminary Plat included one lot south of West Evergreen Street (Lot 1), one lot north of West Evergreen Street (Lot 2), two lots east of South 51<sup>st</sup> Street (Lots 11 and 12), 8 lots on the west side of a cul-de-sac extending north from West Evergreen Street, and four outlots, which are reserved for future single-family residential lots, proposed and future storm water management facilities and/or consist of protected natural resource features.
- December 6, 2016: The Common Council approved Resolution No. 2016-7236, a Resolution amending Resolution No. 2014-7001, A Final Resolution directing installation of, payment and levy of special assessment for installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, the extension of a public street including curb and gutter along with the necessary appurtenances on W. Evergreen Street extension from a point 800 feet east of S. 51<sup>st</sup> Street to a point 1,360 feet east of S. 51<sup>st</sup> Street, as previously amended by Resolution No. 2016-7211.

### **Project Description/Analysis:**

The subject property is located between West Evergreen Street and the future extension of West Marquette Avenue, east of South 51<sup>st</sup> Street (Taxkey No. 788-9981-001). The property currently contains one single-family home and is approximately 32.67 acres.

The proposed Evergreen Park subdivision layout includes five residential lots and three outlots. Lots 1, 2 and 3 abut the north side of W. Evergreen Street. Outlots 1 and 2 and Lot 5 are located north of these three lots. Lot 4 and Outlot 3 are located to the south of W. Evergreen Street. Additional details regarding the proposed lots and outlots is discussed further below in this report.

A storm water pond exists to the south east of West Evergreen Street and the proposed subdivision development within Pleasant View Neighborhood Park. The storm water pond design anticipated six residential lots abutting West Evergreen Street and was sized and constructed accordingly. Note that final grading, erosion control, drainage and storm water plans are subject to review and approval by the Engineering Department.

#### Lots 1 through 4

The four lots along W. Evergreen Street range in size from about 22,102 square feet to approximately 43,504 square feet, all exceeding the R-6 Residence District minimum of 11,000 square feet. Specifically, Lot 1 has an area of 33,683 square feet, Lot 2 is 43,504 square feet, Lot 3 is about 37,335 square feet and Lot 4 is 22,102 square feet. The average or mean lot size is about 34,156 square feet.

These four lots are all accessible from West Evergreen Street and are served by public sewer and water facilities.

#### Lot 5

Lot 5 is located south of the future extension of W. Marquette Avenue. Lot 5 has an area of approximately 777,533 square feet and is being retained by the developer for future single-family residential development.

*Staff recommends that Lot 5 be revised to be an outlot and renumbered accordingly.* As the northern portion of the site is not being platted at this time, staff's preference is to declare this part of the plat as an outlot, thus making it unbuildable per the Unified Development Ordinance. Staff's concern is that a single-family home could be developed if platted as a lot. Staff would not find the highest and best use of a residential parcel this size to be for one single-family dwelling.

Staff does acknowledge that the Milwaukee County Department of Administrative Services (DAS) prefers that this area be declared as a lot. Per staff discussions with the DAS, they would prefer to see Outlots 1 and 2 combined with Lot 5. It is staff's understanding that DAS has concerns with remnant outlots becoming the responsibility of Milwaukee County.

Staff would also note that the applicant has indicated opposition to this condition and is requesting that the plat remain as proposed and defined with Lot 5 and Outlots 1 and 2.

#### Outlots 1 and 2

Outlots 1 and 2 are located north of the three lots along the north side of W. Evergreen Street. Outlot 1 has an area of approximately 281,526 square feet (6.46 acres). Outlot 2 is 119,468 square feet (2.74 acres). These two outlots are being retained by the developer. Outlot 1 consists of all protected natural resource features. Outlot 2 is adjacent to Pleasant View Neighborhood Park. Staff is not aware of any future plans or use by the developer of Outlot 2.

While the proposed preliminary plat meets all of the City of Franklin zoning and land division requirements (with inclusion of the recommended conditions/changes noted in this staff report), staff would prefer (from a highest and best use standpoint, as well as from an efficient utilization of land standpoint) that the currently adopted preliminary plat for this area (consisting of a cul-de-sac off of Evergreen Street and a total of 12 lots) be constructed instead. Therefore, staff suggests that Outlot 2 be developed for additional single-family residential lots, similar to the currently adopted preliminary plat for this area.

### Outlot 3

Outlot 3 has an area of about 83,016 square feet and primarily consists of protected natural resource features, largely the 100-year floodplain. The plat notes that the entire outlot is a conservation easement and is to be deeded to the owner of Lot 4. Opposed to being deeded to the Lot 4 property owner, staff suggests that Lot 4 and Outlot 3 be combined to be a single lot or, alternatively, Outlot 3 be fractionally owned by the Homeowners Association.

In addition to the R-6 District zoning, this portion of the property also contains FW Floodway District and FC Floodplain Conservancy District zoning. Staff recommends that the plat shall be revised to include the FC Floodplain Conservancy District.

### Milwaukee County

A letter is attached from the Milwaukee County Department of Administrative Services objecting to the proposed preliminary plat. The letter requests that outlots be either dedicated to the City of Franklin or fractionally owned by the Homeowners Association.

The applicant has had correspondence with Milwaukee County and is working to address their concerns. The County has asked the City of Franklin to provide a revised plat for their review. Staff would note that the resolution contains the standard condition below.

*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.*

### Natural Resource Protection Plan

A Natural Resource Protection Plan (NRPP) is required as part of the Preliminary Plat Application submittal. According to the project narrative, the site contains wetlands and associated wetland buffers and setbacks, stream, shore buffer and floodplain. Note that a NRPP previously submitted in 2016, which included a tree survey, determined that a young woodland existed along a portion of the west property line and in a portion of the northwest corner of the site. Below is an excerpt from the previous staff report.

The applicant also completed a detailed tree survey of the property, which is attached for review. The NRPP shows approximately 2.888 acres of young woodland present. The applicant is proposing to disturb 1.144 acres or 50% of young woodlands onsite, which meets the protection standard of 50% per Table 15-4.0100 of the UDO.

In review of the applicant's tree survey, staff has determined that a grove exists adjacent to the existing home on the north side of the property. Staff also finds that it is likely a grove exists within the tree line located along the east side of the property as well. Staff recommends that the tree survey be further reviewed by staff and the applicant's consultant or by a third party consultant to be paid for by the applicant, at the Planning Manager's discretion, to verify if additional woodlands, including groves are present onsite and require protection. Any additional woodlands present shall be shown on the

Natural Resource Protection Plan and protected in a conservation easement as required by the Unified Development Ordinance.

The applicant has provided new documentation concluding that these areas do not constitute a young woodland nor a grove and is summarized below.

- Letters dated March 2, 2017 and November 30, 2017 from Tom Zagar, ISA Certified Arborist. This letter describes two site investigations by Mr. Zagar. The first site visit, Mr. Zagar indicates that he did not believe the “woody” area in the northwest corner of the site was a young woodland. A second site investigation occurred following the applicant’s removal of invasive species (e.g. Common Buckthorn and Tatarian Honeysuckle). Mr. Zagar notes that the removal of the undergrowth reinforced his earlier determination and that the area does not constitute a young woodland per City of Franklin standards. Mr. Zagar further notes that most of the remaining trees are dead or in a dying condition and some are apple trees from a former apple orchard onsite. Note that the UDO states, “no trees planted and grown for commercial purposes should be considered a mature woodland.”

The letter also considered the tree line along the west property line. Mr. Zagar indicates that the tree line is primarily buckthorn and honeysuckle and dead or dying Green Ash and American elm trees, and concluded that this area is also not a young woodland per City of Franklin standards.

- Three emails from Tom Riha, ISA Certified Arborist/Municipal Specialist City of Franklin:
  - An email dated November 1, 2016 states that in review of 8 to 9 spruce trees located near the existing home do not constitute a mature woodland. Mr. Riha notes that the trees are showing signs of needle disease/dieback.

Mr. Riha also indicates that the trees are ornamental, were likely planted by the homeowner as a windscreen and not native to the area. Staff would note that these factors should not be considered in determining whether the area is a mature grove. The UDO does not exempt ornamental plantings or non-native species.

- Mr. Riha also provided an email dated November 7, 2016 indicating that a tree line located along the east side of the property extending north from W. Evergreen Street is not a mature woodland. Mr. Riha states that only 5 to 6 trees are over 12” in diameter, the majority of understory is buckthorn and prickly ash and further north the tree line is mostly ash and box elder.

Staff would again note that only UDO standards should be consider in determining woodland designations and boundaries. The UDO does not specify or exempt certain tree types.

- In an email dated November 18, 2016, Mr. Riha also investigated the tree line located within the northwest corner of the site. Mr. Riha indicates that this area consists of mostly ash and elm trees and the understory is primarily buckthorn and some dead apple trees and Hawthorne trees. Mr. Riha notes that about 10 to 12 trees are in healthy condition. The remaining ash and elm trees show significant signs of Emerald Ash Borer and Dutch elm disease.
- An email dated April 7, 2017 from Daniel Blazer, ISA Certified Arborist, of the Davey Tree Expert Company also discusses the unhealthy condition of the majority of large trees onsite.

Staff would note that this review does not seem to consider or relate to City standards other than noting the conditions of the trees.

The wetlands were delineated by Dave Meyer of Wetland and Waterway Consulting on November 11, 2015. A full and complete wetland delineation report is on file with the Department of City Development. Dave Meyer is a Wisconsin Department of Natural Resources (WDNR) assured delineator; therefore, Department of City Development staff did not require separate review by a City consultant.

The applicant has identified two wetlands on the property as delineated by Mr. Meyer. A third wetland within Outlot 3 was delineated by the Southeastern Wisconsin Regional Planning Commission. The wetlands are illustrated on the Preliminary Plat. A large wetland runs through the middle of the property and a smaller wetland exists to the east of the properties located at 7582 and 7610 S. 51<sup>st</sup> Street. The Wisconsin Department of Natural Resource Features Water Surface Data Viewer identifies the larger wetland as an intermittent stream; however, the WDNR provided a letter, dated October 3, 2016 indicating that the waterway is non-navigable.

The applicant has provided a written conservation easement, which is currently under review. Staff recommends that a written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat. Please note that the applicant has included the 50-foot wetland setback within the conservation easement as suggested by staff.

Staff is also recommending that where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.

#### Signage

The applicant did not provide any signage information for this phase of the development. Staff recommends that any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

Comprehensive Master Plan

The 2025 Future Land Use Map designates the property at 7501 South 49<sup>th</sup> Street as Residential and Areas of Natural Resource Features. The proposed single-family residential use, along with the protection of natural resources features within a conservation easement, is consistent with the City of Franklin 2025 Comprehensive Master Plan.

**Staff Recommendation:**

City Development Staff recommends approval of the Preliminary Plat Applications for the development of five single-family residential lots, subject to the conditions as noted in the attached draft resolution.

## RESOLUTION NO. 2018-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A  
PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION  
(AT APPROXIMATELY 7501 SOUTH 49TH STREET)  
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Evergreen Park Estates Subdivision, such plat being unplatted lands lying within and being a part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street [the Preliminary Plat includes four lots north of West Evergreen Street (Lots 1, 2, 3, and 5) and one lot south of West Evergreen Street (Lot 4) (lot sizes range in size from 30,108 square feet to 43,504 square feet), and three outlots, which are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features], bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on January 18, 2018, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Evergreen Park Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY  
PLAT

RESOLUTION NO. 2018-\_\_\_\_\_

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3. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 4 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 5 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 5 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Evergreen Park Estates 5 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Final grading, erosion control, drainage and storm water plans shall be reviewed and approved by the Engineering Department prior to recording the Final Plat.
7. Lot 5 shall be revised to be an outlot and renumbered accordingly
8. The plat shall be revised to include the FC Floodplain Conservancy District
9. A written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat
10. Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders
11. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
12. [other conditions, etc.]

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY  
PLAT  
RESOLUTION NO. 2018-\_\_\_\_\_  
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Introduced at a regular meeting of the Common Council of the City of Franklin this  
\_\_\_\_\_ day of \_\_\_\_\_, 2018.

Passed and adopted at a regular meeting of the Common Council of the City of  
Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

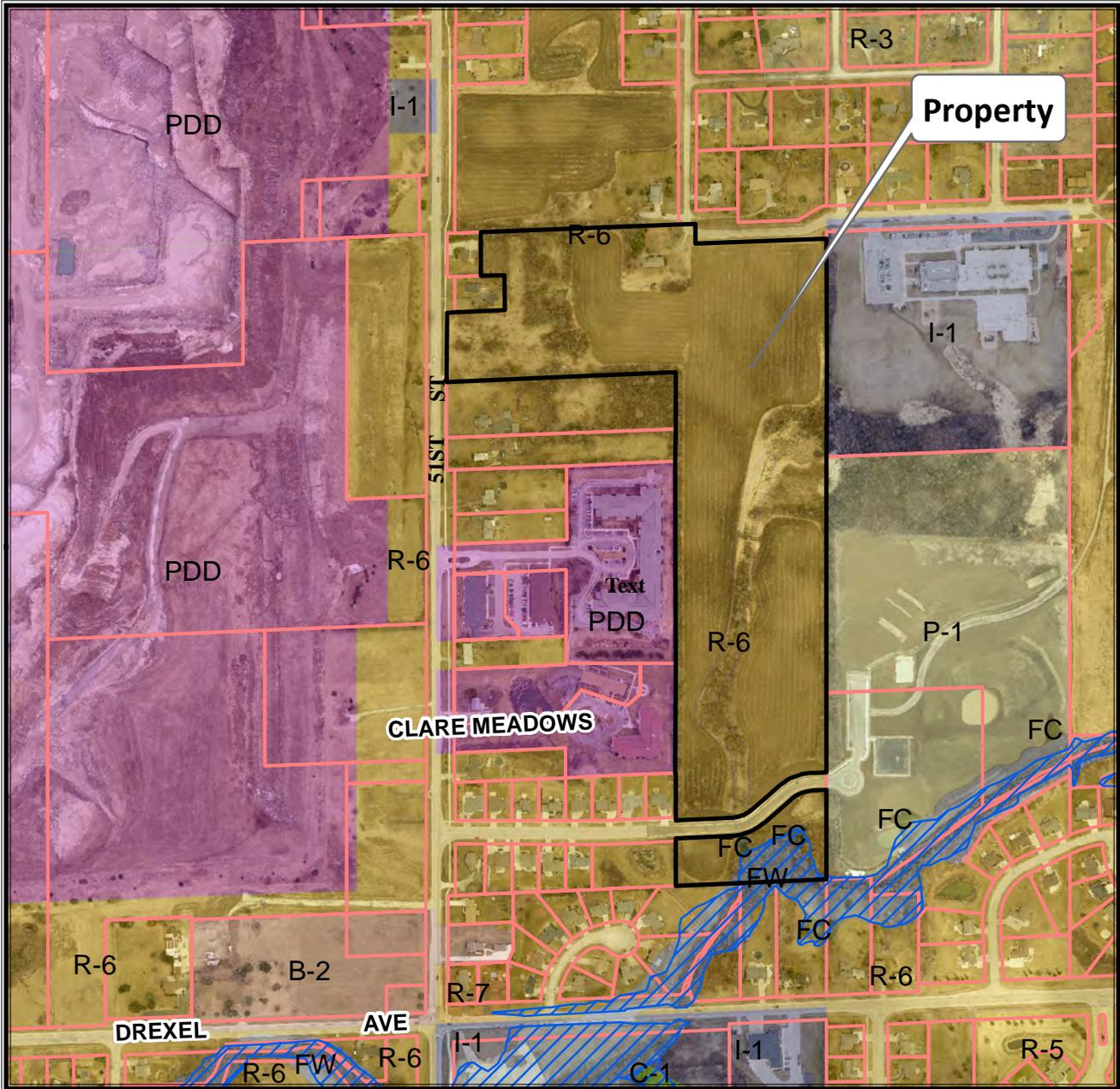
ATTEST:

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

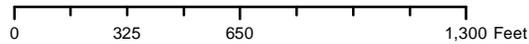
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

7501 S. 49th Street  
TKN: 788 9981 001



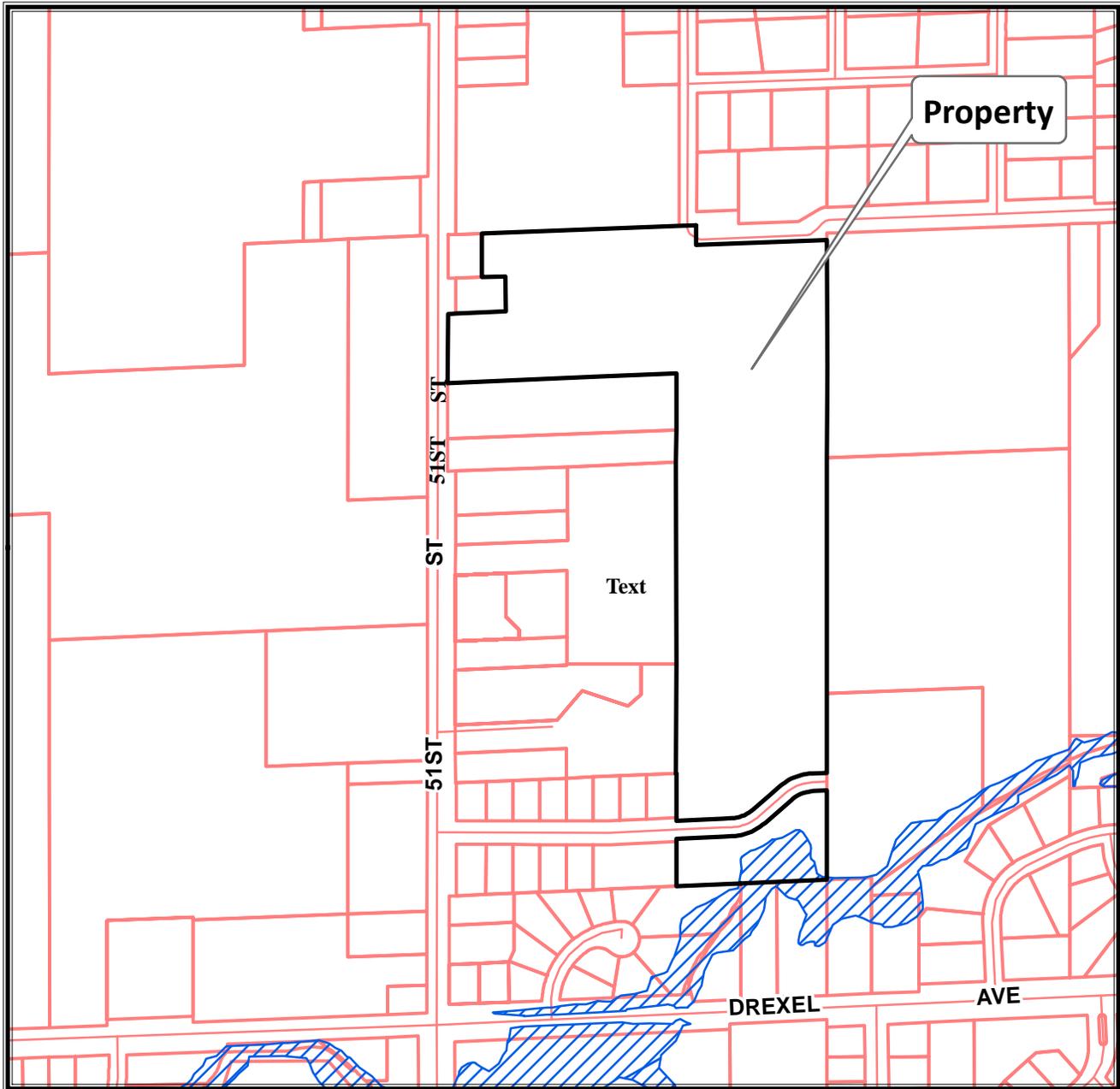
**Planning Department**  
**(414) 425-4024**



*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.*



7501 S. 49th Street  
TKN: 788 9981 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.*



DEPARTMENT OF ADMINISTRATIVE SERVICES  
*Milwaukee County*

January 3, 2018

Sandra L. Wesolowski  
City Clerk  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

**RE: Evergreen Park Estates  
Preliminary Plat - File C-12-765**

Dear Ms. Wesolowski:

A copy of the Preliminary Plat of Evergreen Park Estates located in the SE ¼ of Section 11, Township 5 North, Range 21 East in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236.12 of the Wisconsin Statutes.

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

1. That Outlots 1 through Outlot 4 be dedicated to the City of Franklin or be owned by the Evergreen Park Estates Homeowners Association by means of a fractional ownership.

If the homeowners association elects to own Outlots 1 through Outlot 4, then the following note shall be placed on the final plat and made as a requirement of the City in the plat approval process.

Outlots 1 through Outlot 4 of the plat of Evergreen Park Estates is owned and shall be maintained by the Evergreen Park Estates Homeowners Association and each individual lot owner shall have an undividable fractional ownership of Outlots 1 through Outlot 4 and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said 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.

Any questions regarding item 1 can be directed to Mr. David Cialdini in Real Estate at 278-4876.

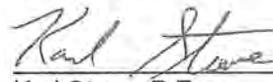
2. The following comments are from the Register of Deeds office. These comments shall be incorporated into the Final Plat before the objection can be rescinded.

Sandra Wesolowski  
Evergreen Park Estates  
Preliminary Plat - File C-12-765

- Please refer to State Stats regarding commencement of legal description from the "Center Section". Please review the legal and make any required corrections.
- Please refer to State Stats 236.20 and 236.21 regarding recording requirements.
- Please verify all bearings, distances, curve data, dedicated ROW data, approved road names, and provide monument information on the final plat..
- Surrounding parcel information should be verified.

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

Very truly yours,



Karl Stave, P.E.

cc: Bill Waldron, Parks  
David Cialdini, Real Estate  
Rosita Ross, Register of Deeds  
James R. Beaty, RLS, Horizon Land Development Services, LLC  
Nicholas Fuchs, City of Franklin

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DEPARTMENT OF ADMINISTRATIVE SERVICES  
*Milwaukee County*

January 3, 2018

Jayne Lathrop  
Dept. of Administration  
Plat Review  
101 East Wilson St. FL 9  
Madison, WI 53703

RE: **Evergreen Park Estates**  
**Preliminary Plat - File C-12-765**  
**State File: 27766**

Dear Ms. Lathrop:

A copy of the Preliminary Plat of Evergreen Park Estates located in the SE ¼ of Section 11, Township 5 North, Range 21 East in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236.12 of the Wisconsin Statutes.

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

1. That Outlots 1 through Outlot 4 be dedicated to the City of Franklin or be owned by the Evergreen Park Estates Homeowners Association by means of a fractional ownership.

If the homeowners association elects to own Outlots 1 through Outlot 4, then the following note shall be placed on the final plat and made as a requirement of the City in the plat approval process.

Outlots 1 through Outlot 4 of the plat of Evergreen Park Estates is owned and shall be maintained by the Evergreen Park Estates Homeowners Association and each individual lot owner shall have an undividable fractional ownership of Outlots 1 through Outlot 4 and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said 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.

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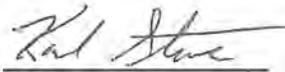
2. The following comments are from the Register of Deeds office. These comments shall be incorporated into the Final Plat before the objection can be rescinded.

Jayne Lathrop  
Evergreen Park Estates  
Preliminary Plat - File C-12-765  
State File: 27766

- Please refer to State Stats regarding commencement of legal description from the "Center Section". Please review the legal and make any required corrections.
- Please refer to State Stats 236.20 and 236.21 regarding recording requirements.
- Please verify all bearings, distances, curve data, dedicated ROW data, approved road names, and provide monument information on the final plat..
- Surrounding parcel information should be verified.

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

Very truly yours,



Karl Stave, P.E.

cc: Bill Waldron, Parks  
David Cialdini, Real Estate  
Rosita Ross, Register of Deeds  
James R. Beaty, RLS, Horizon Land Development Services, LLC  
Nicholas Fuchs, City of Franklin

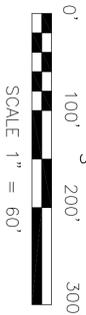
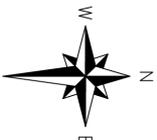
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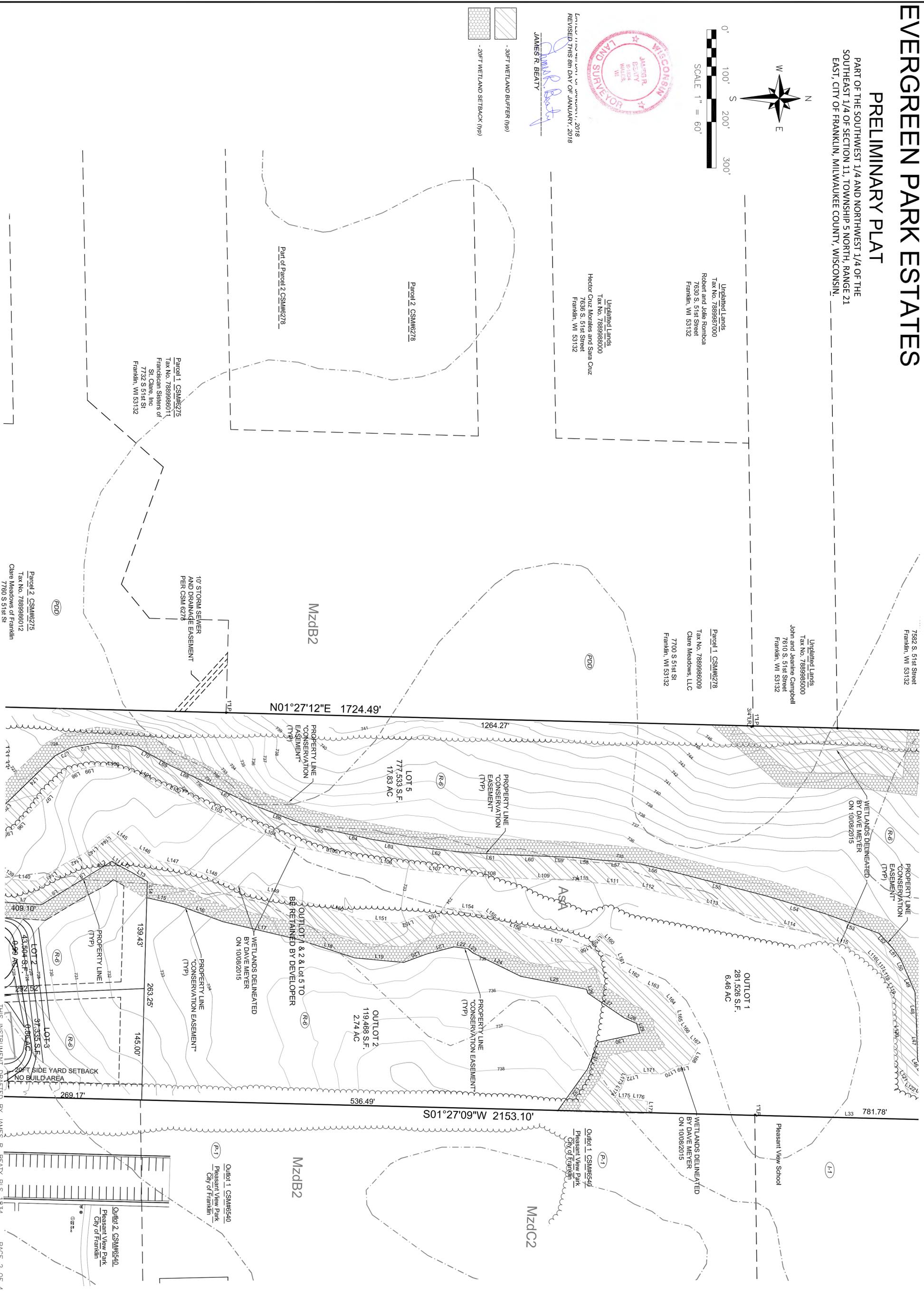
# EVERGREEN PARK ESTATES

## PRELIMINARY PLAT

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE  
SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21  
EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



Examined and approved by me, JAMES R. BEATTY  
JAMES R. BEATTY  
REVISOR THIS 8th DAY OF JANUARY, 2018





# EVERGREEN PARK ESTATES

## PRELIMINARY PLAT

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



DATED THIS 4th DAY OF JANUARY, 2018  
 REVISED THIS 8th DAY OF JANUARY, 2018  
 James R. Beatty  
 JAMES R. BEATTY

LINE	LENGTH	BEARING
L1	56.10	N02°04'00"W
L2	22.47	N06°42'00"W
L3	42.02	N01°13'30"W
L4	42.02	N01°13'30"W
L5	47.29	N03°52'00"E
L6	44.83	N03°52'00"E
L7	34.88	N03°52'00"E
L8	22.50	N03°52'00"E
L9	22.45	N03°52'00"E
L10	23.10	N03°52'00"E
L11	37.86	N02°14'00"E
L12	37.86	N02°14'00"E
L13	10.90	N02°14'00"E
L14	7.420	N48°22'00"E
L15	63.47	N05°25'00"E
L16	31.55	N02°30'00"W
L17	30.00	N14°43'00"W
L18	9.03	N03°46'00"E
L19	68.86	N03°12'30"E
L20	8.39	N11°18'30"E
L21	51.9	N11°18'30"E
L22	68.86	N11°18'30"E
L23	37.62	S02°28'17"E
L24	76.5	S04°39'57"E
L25	52.85	S02°12'50"W
L26	52.85	S02°12'50"W
L27	54.89	S12°09'25"E
L28	37.62	S02°28'17"E
L29	76.5	S04°39'57"E
L30	52.85	S02°12'50"W
L31	52.85	S02°12'50"W
L32	54.89	S12°09'25"E
L33	37.62	S02°28'17"E
L34	76.5	S04°39'57"E
L35	52.85	S02°12'50"W
L36	52.85	S02°12'50"W
L37	26.00	S07°49'22"W
L38	26.00	S07°49'22"W
L39	15.86	S08°08'20"W
L40	15.86	S08°08'20"W
L41	15.31	S15°48'22"E
L42	31.06	S02°41'59"W
L43	17.42	S02°55'50"W
L44	8.40	S02°48'48"W
L45	9.88	S02°48'48"W
L46	46.17	S08°24'33"W
L47	46.17	S08°24'33"W
L48	26.80	S07°12'50"W
L49	20.39	S06°44'27"W
L50	18.84	S04°50'00"W
L51	20.39	S06°44'27"W
L52	26.80	S07°12'50"W
L53	7.70	S07°12'50"W
L54	131.45	S14°35'00"W
L55	42.86	S13°27'00"W
L56	57.41	S04°49'59"W
L57	57.41	S04°49'59"W
L58	32.4	S06°12'11"W
L59	30.00	S02°15'47"W
L60	65.95	S02°47'56"W
L61	74.81	S06°48'37"W
L62	48.78	S10°11'14"W
L63	48.78	S10°11'14"W
L64	40.2	S12°52'00"W
L65	70.86	S21°11'51"W
L66	70.86	S21°11'51"W
L67	76.93	S25°42'15"W
L68	40.86	S26°02'57"W
L69	22.50	S26°02'57"W
L70	48.14	S05°42'00"W
L71	48.14	S05°42'00"W
L72	23.78	S10°28'00"E
L73	23.05	S27°26'30"E
L74	88.10	S04°18'00"E
L75	9.28	S17°45'37"E
L76	15.30	S17°45'37"E
L77	32.13	S13°33'25"E
L78	28.52	S03°13'24"W
L79	32.17	S03°13'24"W
L80	32.17	S03°13'24"W
L81	42.72	S11°28'16"W
L82	38.85	S22°17'30"E
L83	38.85	S22°17'30"E
L84	17.70	S41°00'00"E

LINE	LENGTH	BEARING
L85	14.90	N08°16'35"W
L86	17.86	N08°16'35"W
L87	9.83	N41°19'00"W
L88	23.21	N27°17'00"W
L89	40.31	N13°17'41"E
L90	40.31	N13°17'41"E
L91	14.40	N00°46'37"E
L92	42.84	N03°58'55"E
L93	19.40	N13°33'25"W
L94	14.29	N13°33'25"W
L95	19.46	N45°11'00"W
L96	81.29	N42°36'30"W
L97	14.73	N07°26'50"W
L98	26.34	N07°26'50"W
L99	46.92	N02°46'30"E
L100	41.46	N08°02'00"E
L101	77.19	N02°42'15"E
L102	74.11	N01°18'18"E
L103	50.20	N10°11'41"E
L104	76.75	N08°46'37"E
L105	66.51	N02°47'00"E
L106	72.30	N02°19'47"E
L107	61.82	N04°58'01"E
L108	40.03	N13°27'00"E
L109	76.18	N14°38'19"E
L110	69.40	N01°11'00"E
L111	11.84	N04°00'00"E
L112	17.88	N08°44'27"E
L113	21.20	N06°44'27"E
L114	88.95	N07°55'00"E
L115	6.23	N04°46'00"E
L116	27.89	N03°58'00"E
L117	31.89	N08°23'00"E
L118	32.51	N02°41'00"E
L119	13.78	N15°48'20"W
L120	11.87	N08°08'00"E
L121	18.24	N00°30'11"E
L122	23.91	N07°40'22"E
L123	11.05	N04°19'00"E
L124	17.91	N10°09'20"E
L125	28.90	N02°09'00"E
L126	55.73	N12°09'00"W
L127	28.24	N08°49'25"W
L128	52.84	N04°49'47"E
L129	19.82	N03°55'45"E
L130	42.19	N01°21'20"W
L131	17.67	N08°25'00"W
L132	25.80	N08°25'00"W
L133	27.75	N08°02'00"E
L134	42.61	N03°13'00"E
L135	62.20	N13°13'00"E
L136	101.42	N18°22'37"E
L137	70.39	N18°22'37"E
L138	46.21	N05°24'31"E
L139	22.55	N07°30'50"W
L140	42.03	N07°30'50"W
L141	17.71	N03°46'00"E
L142	17.71	N03°46'00"E
L143	29.81	N07°40'10"E
L144	25.40	N11°18'20"E
L145	69.92	N08°12'30"E
L146	69.92	N08°12'30"E
L147	17.72	N07°02'30"W
L148	28.81	N07°46'37"E
L149	25.40	N12°00'10"E
L150	35.51	N04°28'45"E
L151	24.73	N02°20'00"E
L152	13.80	N03°30'00"E
L153	25.75	N06°20'00"E
L154	17.84	N04°05'19"E
L155	24.84	S01°55'22"E
L156	21.75	S02°48'00"E
L157	31.84	S01°01'30"W
L158	13.03	S12°09'25"E
L159	18.91	S08°28'17"E
L160	14.1	S08°28'17"E
L161	18.45	N02°46'00"E
L162	18.45	N02°46'00"E
L163	24.88	N03°33'46"E
L164	14.84	S03°18'17"E

### CORPORATE OWNERS CERTIFICATE OF DEDICATION:

Creative Homes, 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 plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Creative Homes, Inc. does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

DEJECTING AGENCIES  
 DEPARTMENT OF ADMINISTRATION – PLAT REVIEW  
 APPROVING AGENCIES  
 CITY OF FRANKLIN

IN WITNESS WHEREOF, the said Creative Homes, Inc. has caused these presents to be signed by Mr. Rick Przybyla, its president, and Nicole M. Watson, Secretary, at Franklin Wisconsin, and its corporate seal to be hereunto affixed on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

In the presence of:

\_\_\_\_\_  
 Creative Homes, Inc. (Corporate Seal)

\_\_\_\_\_  
 President Nicole m. Watson, Secretary

STATE OF WISCONSIN  
 MILWAUKEE COUNTY SS  
 Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, Mr. Rick Przybyla, President, of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said corporation, and acknowledged they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public, \_\_\_\_\_ Wisconsin  
 My commission expires \_\_\_\_\_ (Notary Seal)

### CITY OF FRANKLIN COMMON COUNCIL APPROVAL CERTIFICATE:

Resolved, that the plat of EVERGREEN PARK ESTATES, part of the southwest 1/4 and northwest 1/4 of the southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, Creative Homes, Inc., owner, having been approved by the City of Franklin Common Council, being the same is hereby approved and the dedications shown hereon accepted by the Common Council of the City of Franklin on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Date \_\_\_\_\_ Approved  
 Steve Olson, Mayor  
 Date \_\_\_\_\_ Signed  
 Steve Olson, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the COMMON COUNCIL of the CITY OF FRANKLIN, Wisconsin on \_\_\_\_\_, 2018 which action becomes effective upon receipt of approval of all other \_\_\_\_\_ agencies and is satisfied as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

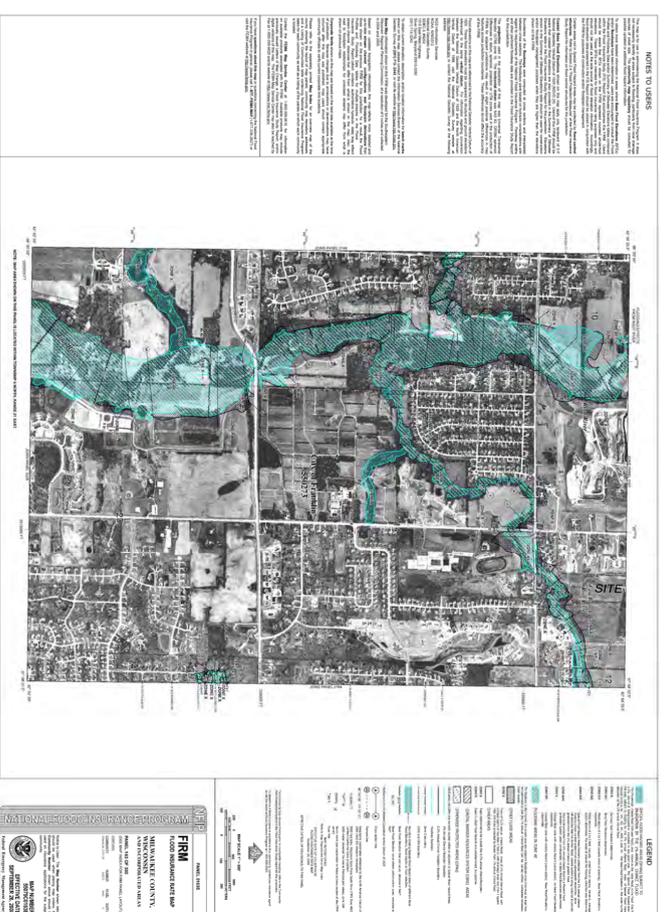
Sandra L. Wesolowski, City Clerk

CERTIFICATE OF CITY TREASURER:  
 STATE OF WISCONSIN)  
 WAUKESHA COUNTY) SS

I, Paul Rotzenberg, being the duly elected qualified and acting City Treasurer of the City of Franklin, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018 on any of the land included in the plat of EVERGREEN PARK ESTATES.  
 \_\_\_\_\_, 2018  
 Paul Rotzenberg, City Treasurer

COUNTY TREASURER'S CERTIFICATE:  
 STATE OF WISCONSIN)  
 MILWAUKEE COUNTY) SS

I, David Cullen, being the duly elected, qualified and acting treasurer of the County of Waukesha, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018 affecting the lands included in the plat of EVERGREEN PARK ESTATES.  
 \_\_\_\_\_, 2018  
 David Cullen, Treasurer



FEMA PANEL  
 FLOODPLAIN MAPPING  
 PER MAP NO S5079C0763E  
 EFFECTIVE: SEPTEMBER 26,  
 2008