

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, MAY 3, 2018, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of April 19, 2018.

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

1. **PLANNED DEVELOPMENT DISTRICT NO. 29 (WELLNESS CENTER – MARK E. CARSTENSEN INC.) ORDINANCE TERMS AND USES AMENDMENTS FOR INNOVATIVE HEALTH & FITNESS FIELDHOUSE BUILDING CONSTRUCTION.** Planned Development District Amendment application by Scott Cole, owner of Innovative Health & Fitness Building, LLC, for: construction of a 25,500 square foot Fieldhouse building to support intermural sports, training and rehabilitation, consisting of a training area, sports courts, a management office, reception and required toilet facilities, at the north side of the property immediately adjacent to the existing Wellness Center (Fieldhouse building will be connected to the existing Wellness Center Via a link for movement between the structures); to expand the list of Permitted Uses and activities within the existing Wellness Center, including but not limited to spa services, physician services, a full restaurant, child care, bar, etc., and to allow building setbacks of 15 feet and 20 feet to the north and east property lines, respectively, to accommodate construction of the proposed Fieldhouse building at 8800 South 102nd Street, property zoned Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), bearing Tax Key No. 846-9987-002. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

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

1. **RAINBOW CHILD CARE CENTER, INC. CONSTRUCTION.** Site Plan application by 814 Development, LLC for construction of an approximately 10,782 square foot commercial child care facility (anticipated capacity of 104 students), an outdoor playground area with multiple structures, an approximately 15' X 15' canopy tent structure and a concrete splash pad and 41 off-street parking stalls, with hours of operation for the center from 6:00 a.m. to 6:30 p.m., on Lot 2 of Certified Survey Map

No. 9014, located at 7363 South 27th Street, zoned B-4 South 27th Street Mixed-Use Commercial District and South 27th Street Design Overlay District;  
Requested Waivers of South 27th Street Design Overlay District Standards:

- a. 15-3.0353B. Coordination of site furnishings (lighting and site furnishings [benches, trash receptacles, bicycle racks, etc.] shall compliment the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk).
- b. 15-3.0353C.5. Pedestrian considerations (pedestrian walkways from building entrances to public sidewalks or pedestrian/bike facilities).
- c. 15-3.0353E. Bicycle and pedestrian amenities required (integrated bicycle parking and pedestrian furniture in appropriate quantities and location).
- d. 15-3.0353F.2. Landscaping (screen fences and/or landscaped buffers at property edges, particularly where commercial and light industrial properties adjoin residential properties).
- e. 15-3.0355B.8.d. Pedestrian Accessibility (buildings located at the intersection of two streets shall utilize a corner entrance to the building unless this requirement is waived by the Plan Commission).

Tax Key No. 761-9992-004 (7333 South 27th Street (parent parcel)-new Tax Key No. for 7363 South 27th Street is pending).

2. **WILLIAM F. ZIMMERMANN LAND DIVISION.** Certified Survey Map application by William F. Zimmermann for division of an existing 8.15 acre parcel into four lots to allow for future single-family residential homes, for property zoned R-6 Suburban Single-Family Residence District and C-1 Conservancy District, located at 8029 South 35th Street; Tax Key No. 808-9985-000.

## 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 17, 2018

**City of Franklin**  
**Plan Commission Meeting**  
**April 19, 2018**  
**Minutes**

Unapproved

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

Mayor Steve Olson called the April 19, 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 were Commissioners Patricia Hogan, Adam Burckhardt, Kevin Haley, David Fowler, Alderman Dandrea and City Engineer Glen Morrow. Also present were City Attorney Jesse Wesolowski, Planning Manager Joel Dietl and Principal Planner Nick Fuchs.

**B. Approval of Minutes**

1. Regular Meeting of April 5, 2018.

Alderman Dandrea moved and Commissioner Hogan seconded approval of the April 5, 2018 minutes of the regular meeting of the Plan Commission as corrected. On voice vote, 5 voted 'aye' and 1 abstained. Motion carried (5-0-1).

**C. Public Hearing Business Matters**

1. None.

**D. Business Matters**

**3. MILLS HOTEL WYOMING, LLC LAND COMBINATION.** Right-of-Way Vacation application by Mills Hotel Wyoming, LLC, to allow the property to be attached/included with a Mills Hotel Wyoming, LLC adjacent property [vacated portion of the property located at South 116th Street, south of West Ryan Road, has an area of 0.1664 acre, abutting properties located at 11607 West Ryan Road (Mills Hotel Wyoming, LLC, owner); Tax Key No. 891-9989-004 and 11533 West Ryan Road (Wisconsin Department of Transportation, owner); Tax Key No. 892-9997-000], property zoned R-3 Suburban/Estate Single-Family Residence District and R-8 Multiple-Family Residence District.

Planning Manager Joel Dietl presented the request by Mills Hotel Wyoming, LLC, to allow the property to be attached/included with a Mills Hotel Wyoming, LLC adjacent property [vacated portion of the property located at South 116th Street, south of West Ryan Road, has an area of 0.1664 acre, abutting properties located at 11607 West Ryan Road.

City Engineer Morrow moved and Commissioner Fowler seconded a motion to recommend approval to Common Council to undertake street vacation proceedings upon the petition of Mills Hotel Wyoming, LLC to vacate approximately 0.1664 acre of right-of-way which extends along South 116<sup>th</sup> Street, directly South of 116<sup>th</sup> Street, South of West Ryan Road and West of Loomis Road, adjacent to property located at 11607 West Ryan Road bearing Tax Key No. 891-9989-004 and 11533 West Ryan Road bearing Tax Key No. 892-9997-000. On voice vote, all voted 'aye'. Motion carried (6-0-0).

## 2. EVERGREEN PARK ESTATES RESIDENTIAL LOTS DEVELOPMENT.

Final Subdivision 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 four R-6 Suburban Single-Family Residence District lots and one outlot, including three lots north of West Evergreen Street (Lots 1, 2 and 3) and one lot and outlot south of West Evergreen Street (Lot 4), lot sizes ranging in size from 22,102 square feet to 43,504 square feet, (the Preliminary Plat was conditionally approved at the February 6, 2018 Common Council meeting), property zoned R-6 Suburban Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District.

Planning Manager Joel Dietl presented the request 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 four R-6 Suburban Single-Family Residence District lots and one outlot, including three lots north of West Evergreen Street (Lots 1, 2 and 3) and one lot (Lot 4) and one outlot south of West Evergreen Street, lot sizes ranging in size from 22,102 square feet to 43,504 square feet, (the Preliminary Plat was conditionally approved at the February 6, 2018 Common Council meeting), property zoned R-6 Suburban Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District.

City Engineer Morrow moved and Commissioner Hogan seconded a motion to recommend approval of a resolution conditionally approving a Final Plat for Evergreen Park Estates subdivision (at approximately 7501 South 49<sup>th</sup> Street). On voice vote, 4 voted 'aye' and 2 voted 'nay'. Motion carried (4-2-0).

## 1. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) MINOR MENDMENT, THREE CERTIFIED SURVEY MAPS AND A SITE PLAN FOR FOUR APARTMENT BUILDINGS.

A minor Planned Development District Amendment, Three Certified Survey Map applications and a Site Plan application by Ballpark Commons, LLC, applicant. Zim-Mar Properties, LLC, BPC County Land, LLC, and Wisconsin Department of Transportation property owners (BPC County Land LLC is excluded as property owners relative to the Site Plan), as follows:

Minor Planned Development District Amendment: To revise the District in the following manner: to revise certain district standards including but not limited to building height limits, building setback limits, and building density limits; to include additional more detailed site information

### A. Minor Amendment

Commissioner Haley moved and Commissioner Fowler seconded a motion determining the proposed amendment to be a Minor Amendment. On voice vote, all voted 'aye'. Motion carried (6-0-0).

### B. Planned Development District Ordinance Amendment

Alderman Dandrea moved and Commissioner Fowler seconded a motion to recommend approval of an Ordinance to codify through current in its entirety and amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the district in the following manner: to revise certain district standards including but not limited to building height limits, building setback limits, and building density limits and to include additional more detailed site information pertaining to buildings and structures (at approximately 7900 West Crystal Ridge Drive, and along West Rawson Avenue, West Loomis Road, and West Old Loomis Road). On voice vote, all voted 'aye'. Motion carried (6-0-0).

### F. Site Plan

Alderman Dandrea moved and Commissioner Fowler seconded a motion to replace "40 feet" with "34 feet", condition No. 5 of the Site Plan Resolution. On voice vote,

pertaining to buildings and structures; and to codify through current in its entirety all previously adopted amendments to Planned Development District No. 37. To accommodate in part a Site Plan for Buildings B1, B2, B3, and B4 (four proposed apartment buildings to be located south of West Rawson Avenue), an associated clubhouse (also to be located south of West Rawson Avenue), and associated public streets and private parking lots. All property located at approximately 7900 West Crystal Ridge Drive (including property south of West Rawson Avenue); zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key Nos. 754-9988-001, 754-9988-002, 755-9996-000, 755-9995-001, and 755-9995-002.

Three Certified Survey Maps: 1) a 128 acre 3 Lot and 1 Outlot Certified Survey Map to encompass the proposed right-of-way/easement (Outlot 1) of the new Ballpark Drive and the lands to the north (North 1); 2) a 10 acre 4 lot Certified Survey Map to encompass the lands between the proposed new Ballpark Drive and existing South 76th Street/West Loomis Road/West Rawson Avenue (North 2); and 3) a 34 acre 4 lot Certified Survey Map to encompass all of lands south of West Rawson Avenue (South) [the boundaries of a number of the proposed Certified Survey Map lots are based upon the proposed new locations of Ballpark Drive which has not yet been approved by the City of Franklin]. All property located at approximately 7900 West Crystal Ridge Drive (including property north and south of West Rawson Avenue), zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District; Certified Survey Map Tax Key Nos.: (North 1) 708-8996- 000, 708-8999-000, 744-8989-000, 744-8988-000, 744-

all voted 'aye'. Motion carried (6-0-0).

Commissioner Fowler moved and City Engineer Morrow seconded a motion to replace “30 feet” with “20 feet”, condition No. 6 of the Site Plan Resolution. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Hogan moved and Alderman Dandrea seconded a motion to delete condition No. 7 of the Site Plan Resolution. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Alderman Dandrea moved and Commissioner Fowler seconded a motion to replace “irrigation” with “hose bibs”, condition No. 11 of the Site Plan Resolution. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Fowler moved and Alderman Dandrea seconded a motion to delete condition No. 12 of the Site Plan Resolution. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Fowler moved and Commissioner Haley seconded a motion to add “subject to technical corrections.” On voice vote, motion was withdrawn and seconded. Commissioner Haley moved and Commissioner Fowler seconded a motion to add “public” between “such “ and “easements” and to add “subject to minor technical corrections” between “and” and “recorded”, condition No. 13 of the Site Plan Resolution. All voted 'aye'. Motion carried (6-0-0).

Commissioner Hogan moved and Commissioner Fowler seconded a motion to delete condition No. 14 of the Site Plan Resolution. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Haley moved and Commissioner Burckhardt seconded a motion to delete “decorative lighting, and” and add to add “at the internal trail intersections” between “lighting” and “for”, condition No. 16 of the Site Plan Resolution. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Fowler moved and Commissioner Burckhardt seconded a motion to approve a Resolution approving a Site Plan for construction of four, 3-Story, 50 unit apartment buildings with one level of underground parking within Planned Development District No. 37 (The Rock Sports

8985-002, 745-8999-004, 745-0029-000, 745-8998-000, a portion of 744-8980-001 and 744-8985-001; (North 2) 744-8981-000, 744-8980-001 and 744-8985-001 and (South) 755-9996-000, 754-9988-002, 755-9995-001, 755-9995-002 and 754-9988-001. Property owners for Certified Survey Map (North 1): Wisconsin Department of Transportation and BPC County Land, LLC; (North 2): Wisconsin Department of Transportation and BPC County Land, LLC and (South): Zim-Mar Properties, LLC.

Site Plan: Four proposed apartment buildings (and a future clubhouse building), to be located south of West Rawson Avenue (this also includes a portion of the adjacent proposed Ballpark Drive, adjacent portions of shared parking lots, and adjacent portions of the landscape berm to the west). The four apartment buildings will each be 3-stories tall with one level of underground parking, and each building will have approximately 55 apartment units. All property located at approximately 7900 West Crystal Ridge Drive (including property south of West Rawson Avenue), zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Site Plan Tax Key Nos.: 754-9988-001, 754-9988-002, a portion of 755-9996-000, a portion of 755-9995-001 and a portion of 755-9995-002.

## **E. Adjournment**

Complex/Ballpark Commons) (7900 West Crystal Ridge Drive) with changes as made in the previous motions. On voice vote, all voted 'aye'. Motion carried (6-0-0).

### **C. 3 Lot and 1 Outlot Certified Survey Map #1**

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution conditionally approving a 3 lot and 1 outlot Certified Survey Map, being a redivision of parcels 1 and 2 of Certified Survey Map No. 3931, outlot 1 of Certified Survey Map No. 3107, outlot 1 of Whitnall View addition No. 1, that vacated portion of Crystal Ridge Drive and lands in the Southwest 1/4 and Southeast 1/4 of the Northeast 1/4, the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 all in Section 4, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (7900 West Crystal Ridge Drive). On voice vote, all voted 'aye'. Motion carried (6-0-0).

### **D. 4 Lot Certified Survey Map #2**

Commissioner Haley moved and Commissioner Fowler seconded a motion to recommend approval of a Resolution conditionally approving a 4 lot Certified Survey Map, being that vacated portion of Crystal Ridge Drive and lands in the Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Southeast 1/4 of the Section 4, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (7900 West Crystal Ridge Drive) On voice vote, all voted 'aye'. Motion carried (6-0-0).

### **E. 4 Lot Certified Survey Map #3**

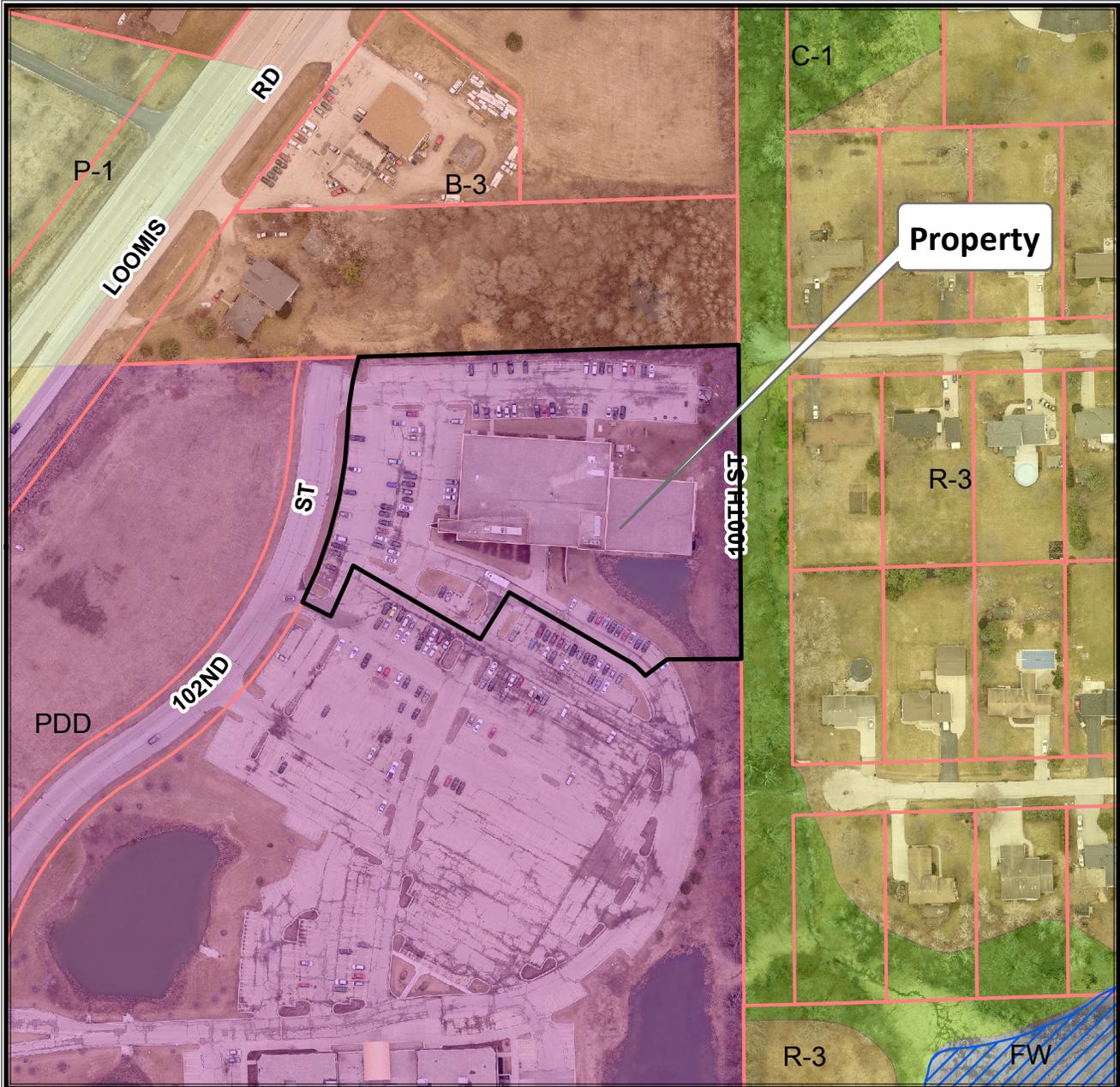
Commissioner Burckhardt moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution conditionally approving a 4 lot Certified Survey map, being part of the Northwest 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (7900 West Crystal Ridge Drive). On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Fowler moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of April 19, 2018 at 8:30 p.m. All voted 'aye'; motion carried. (6-0-0).

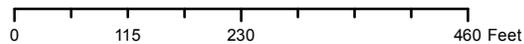
# Item C.1.

City Development Staff recommends that the proposed Planned Development District No. 29 Major Amendment be tabled to the June 7, 2018 Plan Commission meeting to allow staff time to complete a review of the applicant's submittal.

8800 S. 102nd Street  
TKN: 846 9987 002



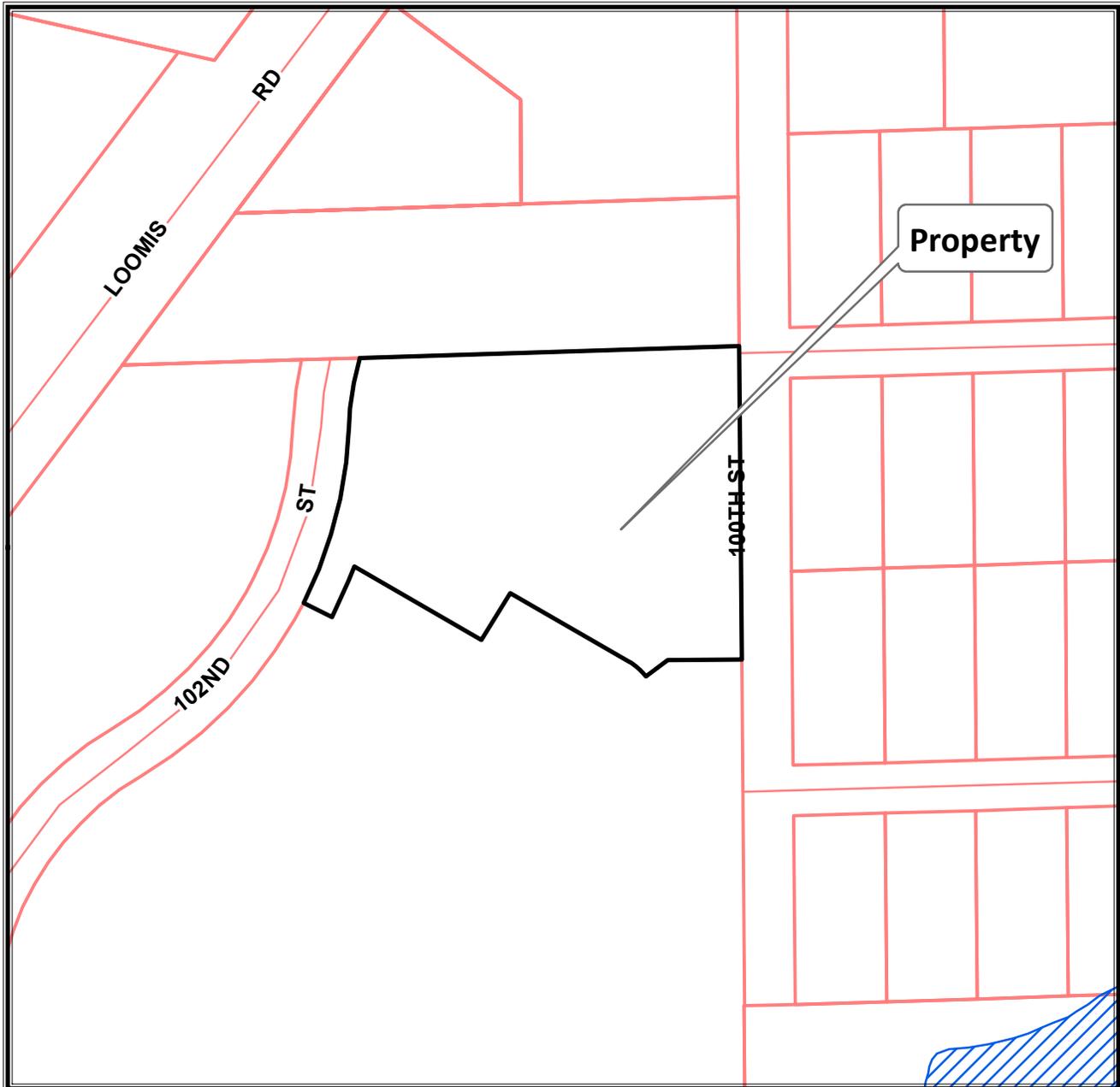
**Planning Department**  
**(414) 425-4024**



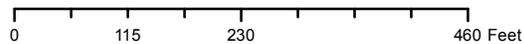
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



8800 S. 102nd Street  
TKN: 846 9987 002



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



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



## ORDINANCE NO. 2018-\_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 15-3.0434 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 29 (WELLNESS CENTER – MARK E. CARSTENSEN INC.) FOR CONSTRUCTION OF A 25,500 SQUARE FOOT FIELDHOUSE BUILDING, TO ALLOW ADDITIONAL USES AS PERMITTED USES WITHIN THE EXISTING WELLNESS CENTER, INCLUDING BUT NOT LIMITED TO SPA SERVICES, PHYSICIAN SERVICES, A FULL RESTAURANT, CHILD CARE, BAR, ETC. AND TO ALLOW BUILDING SETBACKS OF 15 FEET AND 20 FEET TO THE NORTH AND EAST PROPERTY LINES, RESPECTIVELY, TO ACCOMMODATE CONSTRUCTION OF A FIELDHOUSE BUILDING  
(8800 SOUTH 102ND STREET)  
(SCOTT COLE, OWNER OF INNOVATIVE HEALTH & FITNESS BUILDING, LLC, APPLICANT)

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WHEREAS, §15-3.0434 of the Unified Development Ordinance provides for and regulates Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), same having been created by Ordinance No. 2000-1626 and later amended by Ordinance No. 2001-1657, 2002-1711 and 2003-1746, with such District primarily being located at 8800 South 102nd Street; and

WHEREAS, Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) includes those lands legally described as follows:

Parcel 2 of Certified Survey Map No. 7099 being a redivision of Parcels 1 and 2 of Certified Survey Map No. 5627 and lands, all being in the Northwest 1/4, Northeast 1/4, Southeast 1/4, and Southwest 1/4 of the Northwest 1/4 of Section 20, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Tax Key No. 846-9987-002; and

WHEREAS, Scott Cole, owner of Innovative Health & Fitness Building, LLC, applicant, having petitioned for a further amendment to Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) to revise the district to allow for construction of a 25,500 square foot Fieldhouse building to support intermural sports, training and rehabilitation, consisting of a training area, sports courts, a management office, reception and required toilet facilities, at the north side of the property immediately adjacent to the existing Wellness Center (Fieldhouse building will be connected to the existing Wellness Center via a link for movement between the structures), to expand the list of Permitted Uses and activities within the existing Wellness Center, including but not limited to spa services, physician services, a full restaurant, child care, bar, etc. and to allow building setbacks of 15 feet and 20 feet to the north and east property lines, respectively, to

accommodate construction of the Fieldhouse building; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of May, 2018, and the Plan Commission having reviewed the proposed amendment to Planned Development District No. 29 and thereafter having recommended to the Common Council that the proposed amendment be approved; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and that it will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0434 Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow for construction of a 25,500 square foot Fieldhouse building, subject to the following conditions:

1. [other conditions, etc.]

SECTION 2: §15-3.0434 Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, specifically Section 2.0.D.2., of Ordinance No. 2000-1626, is hereby amended to read as follows:

2. Permitted Uses. The following uses are hereby permitted within Area A.

a. Wellness Center

b. Indoor Movie Theater

c. Wide ranges of exercises - free weights, weight stack equipment, functional and HIIT training devices, cardio such as running, treadmills, steppers, etc.

- d. Seasonal outdoor training activities/classes
- e. pool activities such as swimming and pool exercise classes, swim lessons etc.
- f. Spa services - massage, laser services, and cosmetics
- g. Steam room and sauna
- h. Physical therapy services
- i. Physician services
- j. Nutrition and diet services
- k. Sport league and individual play - basketball, volleyball, soccer, futsal, pickleball, badminton, etc.
- l. Snack bar with pre-made and packaged foods and beverages
- m. Full restaurant
- n. Sale of nutritional supplements
- o. Social events - club events such as member appreciation; rental of space for kid's birthdays, a wedding or graduation event
- p. Child care/ babysitting
- q. Child care licensed facility
- r. Wine and beer service
- s. Any other uses within Area A shall only be permitted after a public hearing to amend this Planned Development District.

SECTION 3: §15-3.0434 Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, specifically Section 2.0.D.3. of Ordinance No. 2000-1626, is hereby amended to allow building setbacks of 15 feet and 20 feet to the north and east property lines, respectively.

SECTION 4: Scott Cole, owner of Innovative Health & Fitness Building, LLC, applicant, successors and assigns, shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Fieldhouse Building construction project. 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.

SECTION 5: The approval granted hereunder is conditional upon Scott Cole, owner

of Innovative Health & Fitness Building, LLC, applicant and the Fieldhouse Building construction project for the property located at 8800 South 102nd Street, in Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.): (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.

SECTION 6: All other applicable terms and provisions of §15-3.0434, shall apply to the subject Scott Cole, owner of Innovative Health & Fitness Building, LLC Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) district revisions, and all terms and provisions of §15-3.0434 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.

SECTION 7: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Alderman \_\_\_\_\_.

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

APPROVED:

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

ATTEST:

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

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

# Memorandum

[www.jsdinc.com](http://www.jsdinc.com)

To: Mr. Joel Dietl  
From: Justin L. Johnson, PE  
Re: Innovative Health & Fitness Fieldhouse  
JSD Project #: 17-8269  
Date: March 15, 2018  
cc:

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## INNOVATIVE HEALTH & FITNESS FIELDHOUSE PROJECT NARRATIVE:

Please accept the attached Minor Amendment application for Planned Development District No. 29, submitted by JSD Professional Services, Inc. on behalf of Innovative Health & Fitness to accommodate the addition of a Fieldhouse building at the north side of the property.

The following is a narrative summary describing the project.

### **Project Description & Purpose**

The proposed expansion of Innovative Health & Fitness (IHF) involves the construction of a separate 25,500 s.f. facility; or rather a Fieldhouse. The intent of the stand-alone structure is to support intermural sports, training, and the rehabilitation missions of IHF. The Fieldhouse will consist of a training area, sports courts, a management office, reception and required toilet facilities. It does not rely exclusively upon the existing facility for any services and can be functionally considered an independent building. That said, some IHF members and customers will have the opportunity to move between structures via a fire rated link for convenience. This will depend upon their participation in programs.

The proposed construction type of the new structure is Type IIB (pre-engineered) per the International Building Code and will be equipped with a NFPA 13 fire protection system. The structure will require extra attention to fire separation and exiting because of its proximity to the existing structure. The Fieldhouse is designed so as not to overshadow the existing fitness and rehabilitation facility. Conversely, its design is intended to compliment the massing, color, and rhythm of the current IHF facility. At a distance, it will likely appear to be the same facility, however, will have its own identifiable entrance.

## **Health Club Uses**

In addition to the uses currently permitted within the existing IHF facility, the Owner hereby requests that Ordinance No. 2000-1626, Section 2.0.D.2 be amended to include the following uses and activities:

- Wide ranges of exercises - free weights, weight stack equipment, functional and HIIT training devices, cardio such as running, treadmills, steppers, etc.
- Seasonal outdoor training activities / classes
- Pool activities such as swimming and pool exercise classes, swim lessons etc.
- Spa services - massage, laser services, and cosmetics
- Steam room and Sauna
- Physical therapy services
- Physician services
- Nutrition and diet services
- Sport league and individual play - basketball, volleyball, soccer, futsal, pickleball, badminton, etc.
- Snack bar with pre-made and packaged foods and beverages.
- Full restaurant
- Sale of nutritional supplements
- Social events - club events such as member appreciation. Also a few times a year renting space for Kids Birthdays or possibly a wedding or graduation event
- Child care/ babysitting
- Child care licensed facility
- Serve wine and beer

## **Building Setbacks**

The Owner hereby requests that Ordinance No. 2000-1626, Section 2.0.D.3 be amended to allow building setbacks of 15.0 feet and 20.0 feet to the north and east property lines, respectively (see Sheet C2.0 – Site Plan).

## **Stormwater Management**

We have evaluated the proposed Innovative Health & Fitness Fieldhouse addition and associated site improvements in comparison to the stormwater design data from the original site development (see Stormwater Management Report by McClure Engineering Associates, Inc., dated March 29, 2001). The area of the site on which the new Fieldhouse is to be constructed currently consists of pavement, future building expansion space, and accessory landscaping. The original plan accounted for the existing pavement and turf areas, but is unclear as to whether the future expansion area was considered as an impervious surface. A deeper evaluation will need to be performed to determine definitively what stormwater measures may be necessary. If stormwater management is necessary, it would only need to handle the small amount of new impervious area that we are adding to the property, and that would be addressed with a small in-line pipe detention facility upstream of existing stormwater Pond B.

## **Parking**

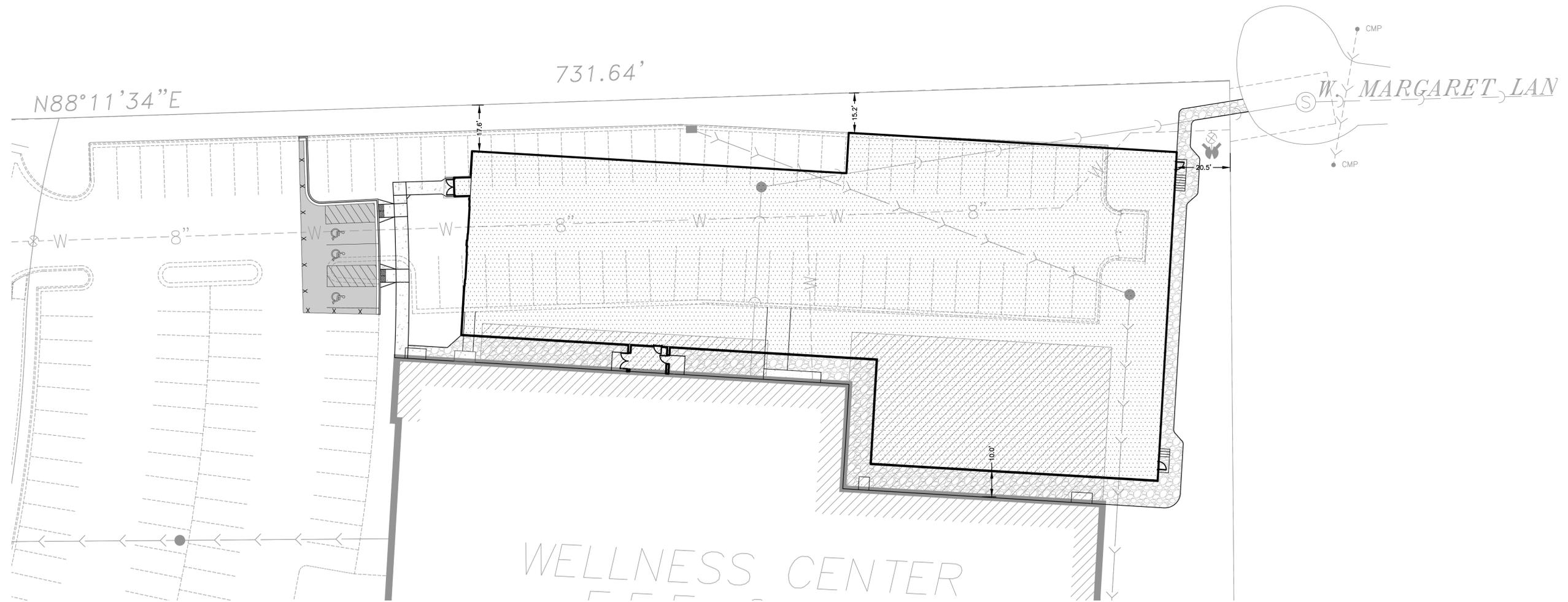
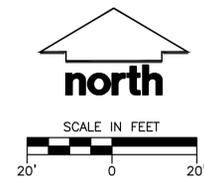
The current facility shares parking with the adjacent theater property. Overall, the property contains approximately 780 parking stalls. The current IHF parcel contains 164 of those stalls. The proposed Fieldhouse construction will reduce the IHF parking count to 103 stalls. It is the Owner's opinion that the remaining parking is adequate for the proper function of the facility. Based on facility check-ins recorded in January of 2018 (January being the busiest month of the year), hourly check-ins ranged from 0 to 166 between 5:00 a.m. and 10:00 a.m., and 0 to 208 between 3:00 p.m. and 6:00 p.m., with the heaviest attendance being in the 5:00 p.m. to 6:00 p.m. time period. Per the ITE Trip Generation Manual, Current Edition, the peak demand periods for the movie theater are Fridays from 7:00 p.m. to 9:00 p.m. and Saturdays from 7:00 p.m. to 9:00 p.m. This said, we request that Ordinance No. 2000-1626, Section 2.0.D.1 be amended to allow for this reduction in parking based on historical facility usage and the offsetting peaks demand periods of the IHF and theater.

## **Natural Resources**

Based upon information from the original site development investigations (best available information), there do not appear to be any protected natural resources present in the area of the proposed development. During our pre-application discussions with City Planning Staff, it was mentioned to us that there may be off-site wetlands to the north that could project wetland buffers and/or wetland setbacks onto our property, but it would only become a concern if the proposed Fieldhouse extended beyond existing paved areas. We have addressed this potential issue by downsizing the Fieldhouse footprint to stay within the limits of the existing north parking lot curb line.

## **Project Value**

The Fieldhouse is anticipated to be an approximately a \$1.7 million project.



**PAVING NOTES**

1. **GENERAL**
  - A. ALL PAVING SHALL CONFORM TO STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION, LATEST EDITION AND APPLICABLE CITY OF FRANKLIN ORDINANCES
  - B. ALL PAVING DIMENSIONS ARE TO FACE OF CURB UNLESS SPECIFIED OTHERWISE.
  - C. SURFACE PREPARATION - NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.
2. **ASPHALTIC CONCRETE PAVING SPECIFICATIONS**
  - A. CODES AND STANDARDS - THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND HMA SURFACE COURSE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION 2017. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
  - B. WEATHER LIMITATIONS - APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS AMOUNTS OF MOISTURE. CONSTRUCT HMA SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
  - C. GRADE CONTROL - ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
  - D. DENSE GRADED BASE, 1 1/4" - THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS.
3. **CONCRETE PAVING SPECIFICATIONS**
  - A. CONCRETE PAVING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE HIGHWAY SPECIFICATIONS.
  - B. CONCRETE PAVEMENT SHALL BE REINFORCED WITH NOVOMESH 950 (OR EQUAL) FIBER REINFORCEMENT AT A RATE OF 5 LBS/CUBIC YARD.
  - C. CURING COMPOUNDS SHALL CONFORM TO SECTION 415 OF THE STATE HIGHWAY SPECIFICATIONS.
4. **CONCRETE PAVING SPECIFICATIONS**
  - E. BINDER COURSE AGGREGATE - THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTION 3.5 OF THE CITY OF FRANKLIN DESIGN STANDARDS & CONSTRUCTION SPECIFICATIONS.
  - F. SURFACE COURSE AGGREGATE - THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTION 3.5 OF THE CITY OF FRANKLIN DESIGN STANDARDS & CONSTRUCTION SPECIFICATIONS.
  - G. ASPHALTIC MATERIALS - THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.

SITE PLAN DATA	
1. DEVELOPMENT NAME:	INNOVATIVE HEALTH & FITNESS FIELDHOUSE
2. LOCATION:	8800 S. 102ND STREET FRANKLIN, WISCONSIN
3. OWNER/DEVELOPER:	INNOVATIVE HEALTH & FITNESS 8800 S. 102ND STREET FRANKLIN, WI 53132
4. ARCHITECT:	KONTEXT ARCHITECTS LLC 1110 N. BRISTOL STREET SUN PRAIRIE, WI 53950
5. SITE SIZE:	155,849 S.F. (3,577B NET AC)
6. BUILDING SETBACKS:	<ul style="list-style-type: none"> <li>• NORTH SETBACK REFER TO DIMENSIONS ON PLAN</li> <li>• EAST SETBACK REFER TO DIMENSIONS ON PLAN</li> <li>• SOUTH SETBACK REFER TO DIMENSIONS ON PLAN</li> <li>• WEST SETBACK REFER TO DIMENSIONS ON PLAN</li> </ul>
7. BUILDING HEIGHT:	REFER TO ARCHITECTURAL PLANS
8. PARKING COUNT:	103 STALLS (PROPOSED) 164 STALLS (EXISTING)
9. LSR:	PROPOSED 65.0% / EXISTING 66.1%
10. SITE INTENSITY:	<ul style="list-style-type: none"> <li>• EXISTING: 24%</li> <li>• PROPOSED: 36%</li> </ul>

SHEET INDEX	
C1.0 DEMOLITION PLAN	
C2.0 SITE PLAN	
C3.0 GRADING & EROSION CONTROL PLAN	
C4.0 UTILITY PLAN	
C5.0 DETAILS	
C5.1 DETAILS	

LEGEND	
	HMA PAVEMENT
	CONCRETE PAVEMENT
	GRAVEL PATH
	PROPOSED BUILDING
	PROPOSED CURB AND GUTTER



CREATE THE VISION TELL THE STORY

MADISON | MILWAUKEE  
KENOSHA | APPLETON | WAUSAU

MILWAUKEE REGIONAL OFFICE  
W238 N1610 BUSSE ROAD, SUITE 100  
WAUKESHA, WISCONSIN 53188  
P. 262.513.0666

CLIENT:  
**INNOVATIVE HEALTH & FITNESS**



CLIENT ADDRESS:  
**8800 S. 102ND STREET  
FRANKLIN, WI 53132**

PROJECT:  
**INNOVATIVE HEALTH & FITNESS FIELDHOUSE**

PROJECT LOCATION:  
**FRANKLIN, WI  
MILWAUKEE COUNTY**

PLAN MODIFICATIONS:		
#	Date:	Description:
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Design/Drawn: JRH  
Approved: JLJ

SHEET TITLE:  
**SITE PLAN**

SHEET NUMBER:  
**C2.0**

JSD PROJECT NO: 17-8269

File: R:\2017\178269 Innovative Health (Franklin WI)\DWG\17-8269 C2.0 - Site Plan.dwg Layout: C2.0 User: jrowe Plotted: Mar 15, 2018 - 10:34am Xrefs:

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## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of May 3, 2018

**Certified Survey Map**


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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

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<b>Project Name:</b>	Zimmerman Certified Survey Map (CSM)
<b>Project Address:</b>	8029 South 35 <sup>th</sup> Street
<b>Applicant:</b>	William F. Zimmerman
<b>Owners (property):</b>	William F. Zimmerman
<b>Current Zoning:</b>	R-6 Suburban Single Family Residence District & C-1 Conservancy District
<b>2025 Future Land Use:</b>	Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Certified Survey Map

---

**Introduction:**

Please note:

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

On March 8, 2018, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development requesting approval to divide an approximately 8.15-acre property into four (4) parcels.

**Project Description and Analysis:****Certified Survey Map**

The subject property is vacant, as the former single-family dwelling and accessory structures near 35<sup>th</sup> Street have been razed. As previously stated, the applicant is proposing to divide the property into four lots. All of the lots are served by public sanitary sewer and water supply facilities from S. 35<sup>th</sup> Street.

Previous Certified Survey Maps (CSM's) on properties to the south have depicted a 60-Foot Public Street Reservation for South 36<sup>th</sup> Street, extending from the Imperial Heights Add'n No. 1 Subdivision Plat to the south property line of 8029 S. 35<sup>th</sup> Street. *Staff recommends the 60-Foot Public Street Reservation for South 36<sup>th</sup> Street, as depicted on CSM Nos. 4437 and 5915, be extended through the proposed CSM to South 35<sup>th</sup> Street.*

Lot 1 has an area of approximately 7.19-acres, encompassing the majority of the remnant parcel. As proposed, Lot 1 does not have any access to S. 35<sup>th</sup> Street. While the applicant has depicted a Reservation for future 60-foot wide roadway (at the recommendation of Staff), such a reservation does not constitute access for Lot 1. If the Reservation for a future 60-foot wide roadway were not provided, Lot 1 still does not meet the R-6 minimum lot width at setback line requirement of 90-feet, as required by Table 15-3.0207 of the City of Franklin Unified Development Ordinance. Furthermore, the rear of Lot 1 is disproportionate in width to the front of the lot without a gradual widening of the lot as it increases in depth (Flag Lot). Therefore, Staff recommends relabeling Lot 1 as Outlot 1. Outlot 1 will not be able to be developed without being redivided or combined in the future with adjacent lots to create buildable lots.

Lots 2, 3 and 4 are each approximately 0.29-acres and have direct frontage on and access to S. 35<sup>th</sup> Street. Lots 2, 3, and 4 all meet the R-6 Suburban Single-Family Residence District minimum lot area of 11,000 square feet. Lot 4 meets the minimum lot width of 90 feet. However, due to the Reservation for future 60-foot wide roadway, Lots 2 and 3 do not meet the R-6 minimum lot width at setback of 100 feet for corner lots. Therefore, Staff recommends all lots within the proposed Certified Survey Map meet the R-6 Suburban Single-Family Residence District development standards, as outlined in Table 15-3.0207 of the City of Franklin Unified Development Ordinance. In order to provide the Reservation for future 60-foot wide roadway and meet the R-6 development standards, the applicant may lose one of the proposed lots.

The property consists of R-6 Residence District zoning as well as C-1 Conservancy District zoning. As the C-1 Conservancy District is no longer utilized by the City (see Section 15-1.0111 below), staff recommends the applicant apply for a Rezoning Application to remove the existing C-1 Conservancy District zoning, prior to recording the Certified Survey Map. If rezoned, the information on the CSM shall be revised accordingly.

#### **SECTION 15-1.0111 REPEAL**

**A. Repeal of Zoning Ordinance.** The City of Franklin Ordinance No. 221 adopted on February 6, 1968 and subsequent amendments thereto, relating to the zoning of land is hereby repealed and all other Ordinances or parts of Ordinances of the City of Franklin inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict only, are hereby repealed, excepting Section 8.5 of Ordinance No. 221 (B-4 Regional Shopping District) and Section 12.1 of Ordinance No. 221 (C-1 Conservancy District), which shall remain in effect until such time, after duly held public hearing, as the Common Council rezones the lands in a B-4 or C-1 zoning pursuant to Ordinance No. 221 to a zoning district provided for within this Ordinance. Immediately upon approval of said rezonings, the aforementioned Sections 8.5 and 12.1 shall be repealed without further public hearing.

#### Natural Resource Protection Plan

SEWRPC delineated the wetlands on the subject property on September 19, 2017. SEWRPC also delineated an Isolated Natural Resource Area (mature woodland) on the west side of the property. Benchmark Survey has prepared a Natural Resource Protection Plan (NRPP) based on SEWRPC's delineations. Staff recommends the applicant prepare a written conservation easement document for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.

The applicant has provided an email from the Southeastern Wisconsin Regional Planning Commission (SEWRPC), dated April 16, 2018, that states the Wisconsin Department of Natural Resources (WDNR) accepts SEWRPC wetland delineated without the need for concurrence.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

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

A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED  
SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 OF THE  
NORTHWEST 1/4 OF SECTION 13, TOWN 5 NORTH, RANGE 21 EAST, CITY OF  
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(WILLIAM F. ZIMMERMANN, APPLICANT)  
(8029 SOUTH 35TH STREET)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 8029 South 35th Street, bearing Tax Key No. 808-9985-000, William F. Zimmermann, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by William F. Zimmermann, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or

WILLIAM F. ZIMMERMANN – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 2

designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. William F. Zimmermann, successors and assigns, and any developer of the William F. Zimmermann 4 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon William F. Zimmermann and the 4 lot certified survey map project for the property located at 8029 South 35th 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.
6. The 60-foot Public Street Reservation for South 36<sup>th</sup> Street, as depicted on Certified Survey Map Nos. 4437 and 5915, shall be extended through the proposed Certified Survey Map to South 35<sup>th</sup> Street.
7. Lot 1 shall be relabeled as Outlot 1.
8. All lots within the proposed Certified Survey Map shall meet the R-6 Suburban Single-Family Residence District development standards, as outlined in Table 15-3.0207 of the City of Franklin Unified Development Ordinance.
9. The applicant shall submit a Rezoning Application to remove the existing C-1 Conservancy District zoning, prior to recording the Certified Survey Map. If rezoned, the information on the Certified Survey Map shall be revised accordingly.
10. A written conservation easement document shall be submitted for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.
11. [other conditions, etc.]

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, William F. Zimmermann, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above

WILLIAM F. ZIMMERMANN – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 3

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

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

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

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

APPROVED:

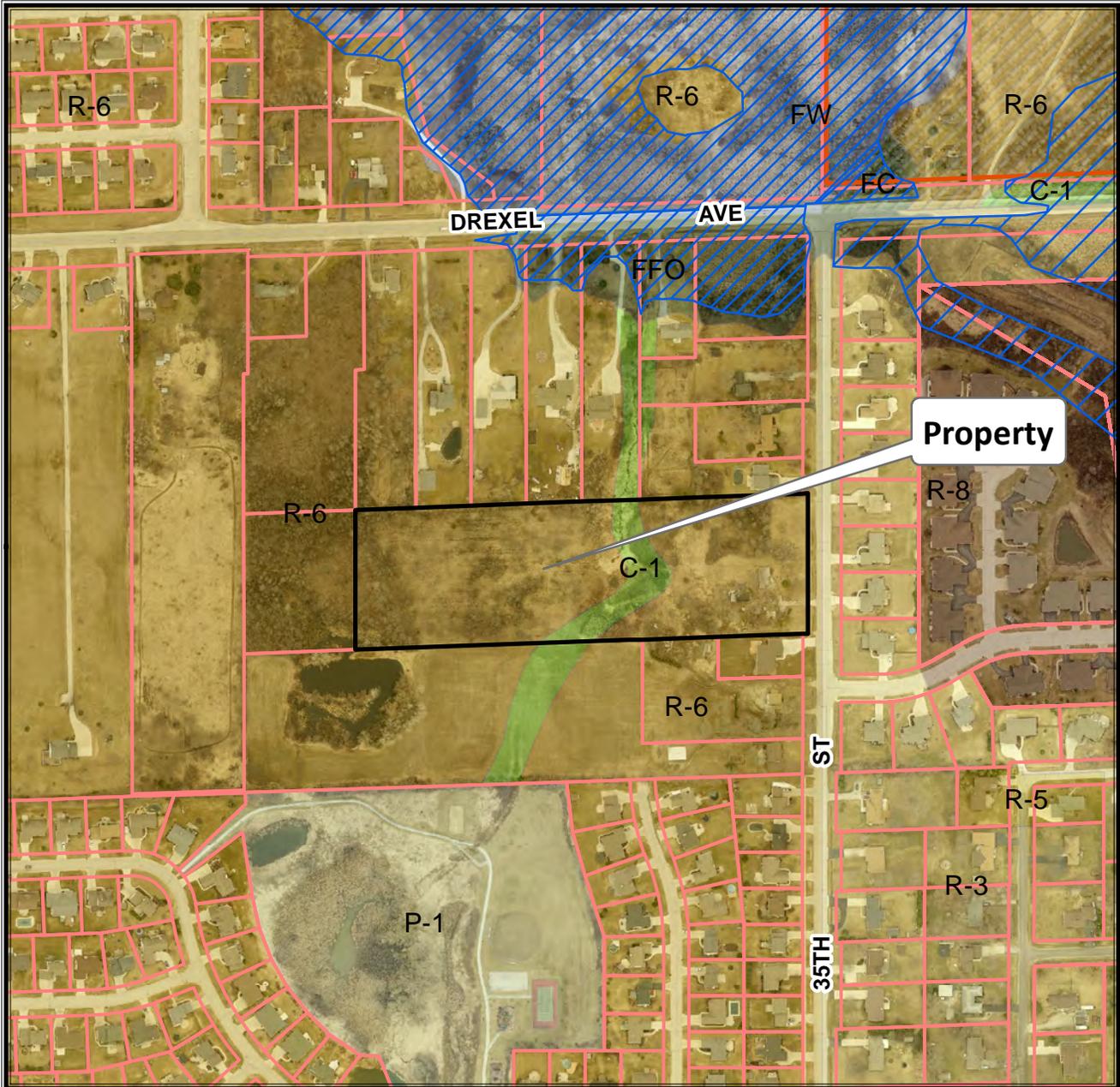
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

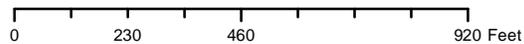
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

8029 S. 35th Street  
TKN: 808 9985 000

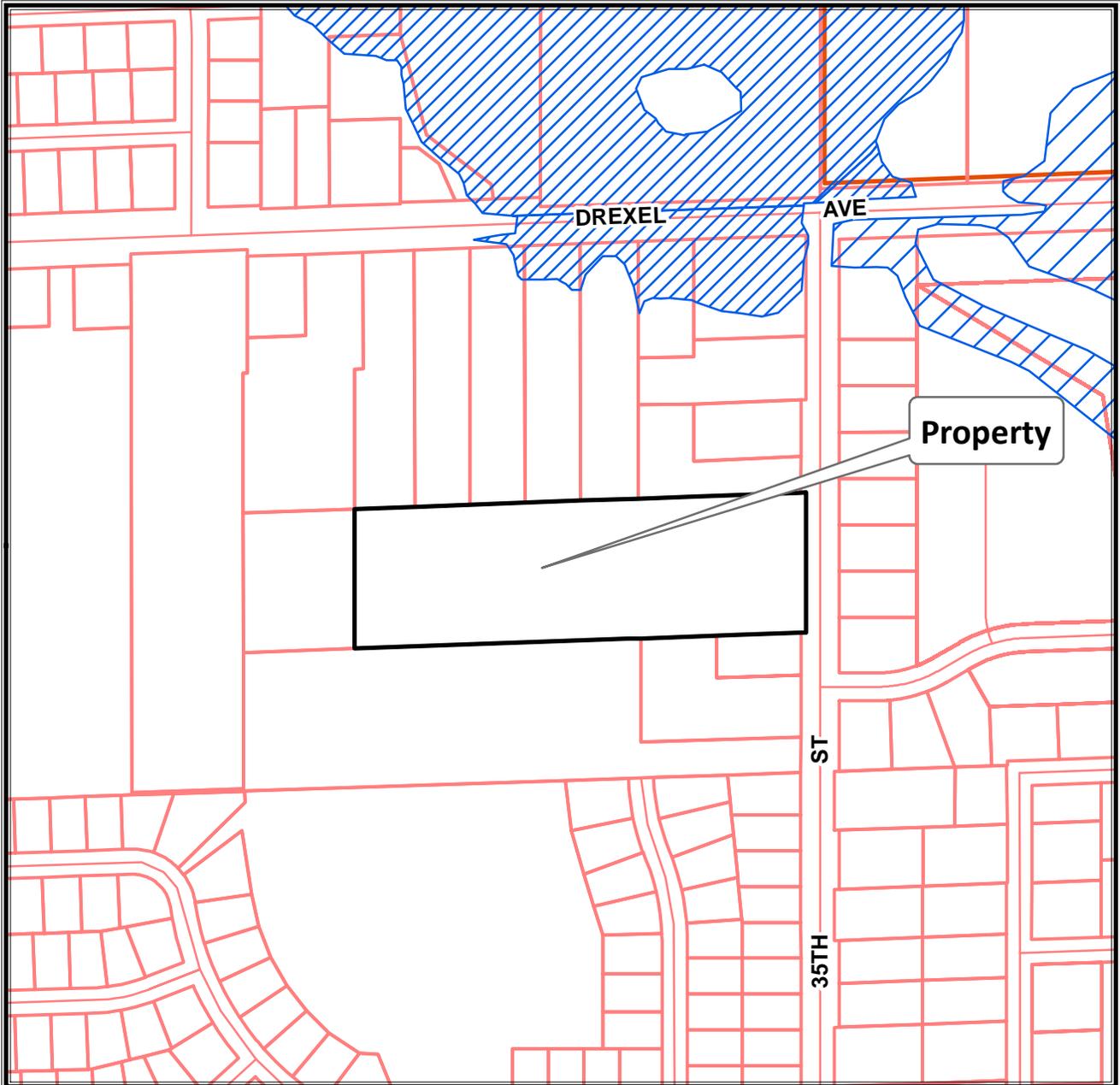


**Planning Department**  
**(414) 425-4024**

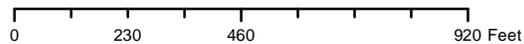


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

8029 S. 35th Street  
TKN: 808 9985 000



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

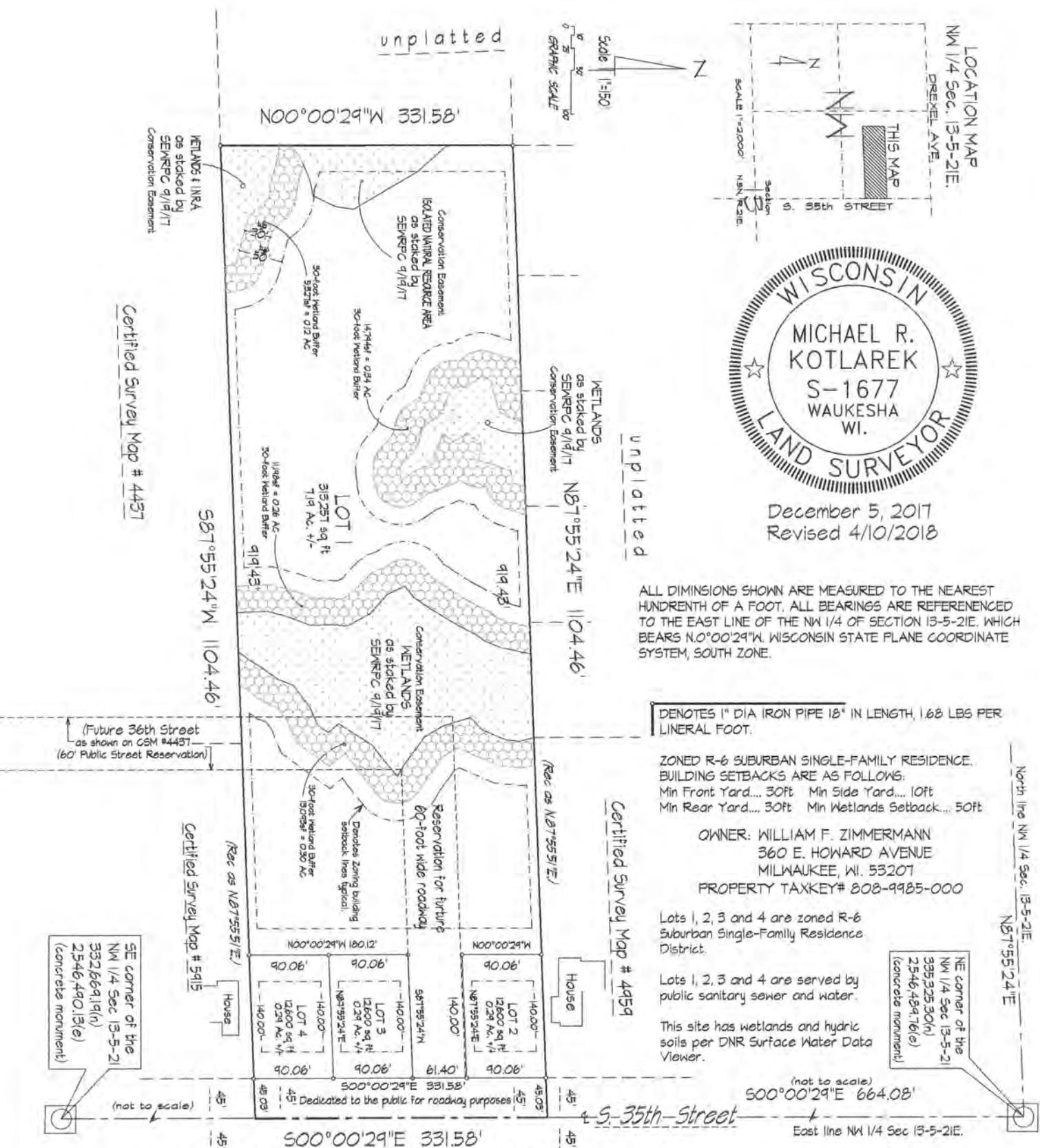


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



DENOTES 1" DIA IRON PIPE 18" IN LENGTH, 168 LBS PER LINEAL FOOT.

ZONED R-6 SUBURBAN SINGLE-FAMILY RESIDENCE. BUILDING SETBACKS ARE AS FOLLOWS:  
 Min Front Yard... 30ft Min Side Yard... 10ft  
 Min Rear Yard... 30ft Min Wetlands Setback... 50ft

OWNER: WILLIAM F. ZIMMERMANN  
 360 E. HOWARD AVENUE  
 MILWAUKEE, WI. 53207  
 PROPERTY TAXKEY# 808-9985-000

Lots 1, 2, 3 and 4 are zoned R-6 Suburban Single-Family Residence District.

Lots 1, 2, 3 and 4 are served by public sanitary sewer and water.

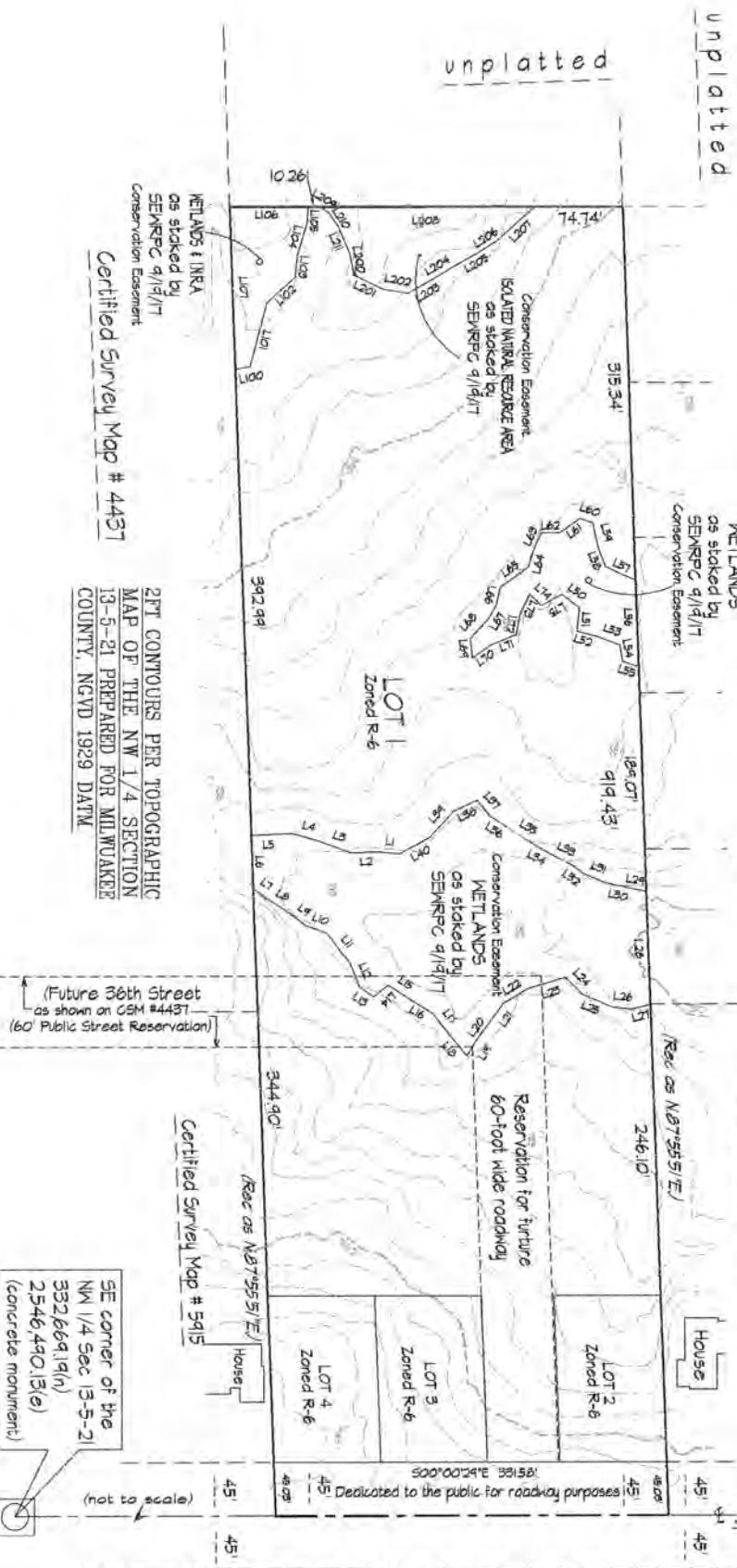
This site has wetlands and hydric soils per DNR Surface Water Data Viewer.

SE corner of the NW 1/4 Sec 13-5-21  
 332.66919(n)  
 2546.49013(e)  
 (concrete monument)

NE corner of the NW 1/4 Sec 13-5-21  
 335.32530(n)  
 2546.45917(e)  
 (concrete monument)

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

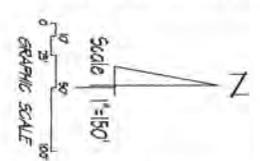
Part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin,  
Milwaukee County, Wisconsin.



LINE	BEARING	Length	LINE	BEARING	Length
L1	S05°51'41"W	19.13'	L55	N18°26'00"E	14.16'
L2	S02°18'12"E	22.12'	L56	S87°55'24"W	73.21'
L3	S20°12'56"W	27.72'	L57	S24°57'08"W	27.97'
L4	S15°36'50"W	24.66'	L58	S69°33'27"W	17.24'
L5	S02°23'03"E	34.17'	L59	S77°14'52"W	20.81'
L6	N87°55'24"E	44.43'	L60	S18°53'22"W	11.76'
L7	N37°26'53"E	13.74'	L61	S35°16'27"E	20.80'
L8	N31°49'54"E	21.83'	L62	S00°29'59"E	15.46'
L9	N37°08'19"E	19.77'	L63	S65°26'22"E	15.81'
L10	N20°21'06"E	18.07'	L64	S74°22'33"E	14.94'
L11	N52°45'47"E	31.53'	L65	S35°30'39"E	29.65'
L12	N67°35'49"E	22.11'	L66	S76°58'09"E	16.26'
L13	N36°12'17"E	14.69'	L67	S59°00'19"E	14.69'
L14	N40°16'07"W	15.99'	L68	S47°00'02"E	20.53'
L15	N33°42'46"E	22.76'	L69	N84°24'48"E	16.13'
L16	N31°28'25"E	22.34'	L70	N34°48'46"W	18.96'
L17	N52°51'20"E	20.30'	L71	N21°22'00"W	23.43'
L18	N50°53'00"E	25.40'	L72	N79°56'45"W	18.36'
L19	N59°16'24"W	14.24'	L73	N64°08'28"W	17.93'
L20	N53°56'41"W	16.31'	L74	N42°58'13"E	13.88'
L21	N53°16'26"W	23.84'	L75	N28°43'17"W	19.41'
L22	N31°22'19"W	24.35'			
L23	N16°59'58"W	33.05'	L100	N11°51'38"W	12.56'
L24	N48°49'01"E	19.70'	L101	N74°57'14"W	55.11'
L25	N23°25'47"E	28.41'	L102	N43°10'42"W	32.31'
L26	N05°22'16"E	16.00'	L103	N83°06'32"W	19.31'
L27	N13°04'52"W	16.59'	L104	N73°57'02"W	27.89'
L28	S87°55'24"W	95.71'	L105	N86°43'47"W	13.17'
L29	S09°22'12"W	9.68'	L106	S00°00'29"E	65.90'
L30	S13°07'27"W	26.80'	L107	N87°55'24"E	137.11'
L31	S22°08'23"W	18.11'			
L32	S36°40'59"W	12.53'	L200	N78°38'08"E	18.61'
L33	S27°32'55"W	21.30'	L201	N25°19'26"E	27.59'
L34	S29°41'33"W	15.17'	L202	N09°54'20"E	21.54'
L35	S32°26'08"W	24.22'	L203	N30°30'33"W	23.09'
L36	S33°45'27"W	20.84'	L204	N31°05'17"W	22.93'
L37	S50°13'27"W	16.70'	L205	N29°56'20"W	28.17'
L38	S24°37'02"E	21.81'	L206	N33°18'16"W	13.41'
L39	S47°54'01"E	29.70'	L207	N42°17'16"W	41.83'
L40	S28°59'20"E	29.08'	L208	S00°00'29"E	180.68'
L41	N36°10'38"E	18.65'	L209	N32°53'00"E	8.84'
L42	S83°19'43"E	20.19'	L210	N56°49'23"E	14.29'
L43	N15°18'18"E	17.84'	L211	N67°09'30"E	24.51'
L44	N20°06'51"E	20.36'			
L45	N79°36'14"E	14.02'			



December 5, 2017  
Revised 4/10/2018



NE corner of the  
NW 1/4 Sec. 13-5-21  
332.669 (1/4)  
2546.490 (3/4)  
(concrete monument)

SE corner of the  
NW 1/4 Sec. 13-5-21  
332.669 (1/4)  
2546.490 (3/4)  
(concrete monument)

North line NW 1/4 Sec. 13-5-21E  
N87°55'24"E

(not to scale)  
500°00'29"E 664.08'  
East line NW 1/4 Sec. 13-5-21E.

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

**SURVEYOR'S CERTIFICATE**

I Michael R. Kotlarek, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin bounded and described as follows:

Commencing at the Northeast corner of said Northwest 1/4 of said Section; thence S.00°00'29"E. along the east line of said Northwest 1/4 a distance of 664.08 feet, said point being the point of beginning; thence continue S.00°00'29"E. along said east line a distance of 331.58 feet; thence S.87°55'24"W. parallel with the north line of said Northwest 1/4 of section a distance of 1104.46 feet; thence N.00°00'29"W. parallel with the east line of said Northwest 1/4 of section a distance of 331.58 feet; thence N.87°55'24"E. parallel with the north line of said Northwest 1/4 of section a distance of 1104.46 feet to the point of beginning.

THAT I have made such survey, land division, road dedication and map by the direction of William F. Zimmermann, owner of said land.

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

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



Michael R. Kotlarek, Surveyor  
December 5, 2017  
Revised 4/10/2018

**OWNER'S CERTIFICATE**

William F. Zimmermann, as owner, certify that I have caused the land described on this map to be surveyed, divided mapped and dedicated as represented on this map in accordance with the requirements of the City of Franklin's Municipal Code. I also certify that map is required by S.236.10 or 236.12 to be submitted to the following for approval or objections: City of Franklin

\_\_\_\_\_  
William F. Zimmermann Date

STATE OF WISCONSIN )  
                                  :SS  
MILWAUKEE COUNTY )

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, the above named William F. Zimmermann, to me known to be the person who executed the foregoing instrument as such owner.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires \_\_\_\_\_

**CITY OF FRANKLIN COMMON COUNCIL APPROVAL**

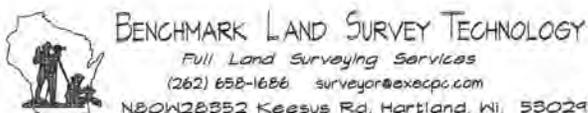
Approved and dedication accepted by the Common Council of the City of Franklin by Resolution

No. \_\_\_\_\_

Signed on this \_\_\_\_\_ Day of \_\_\_\_\_, 2018

\_\_\_\_\_  
STEPHEN OLSON, MAYOR

\_\_\_\_\_  
SANDRA L. WESOLOWSKI, CITY CLERK



CERTIFIED SURVEY MAP # \_\_\_\_\_  
Sheet 3 of 3 sheets

# CERTIFIED SURVEY MAP & NATURAL RESOURCE PROTECTION PLAN

part of the NE 1/4 of the NW 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin, WI

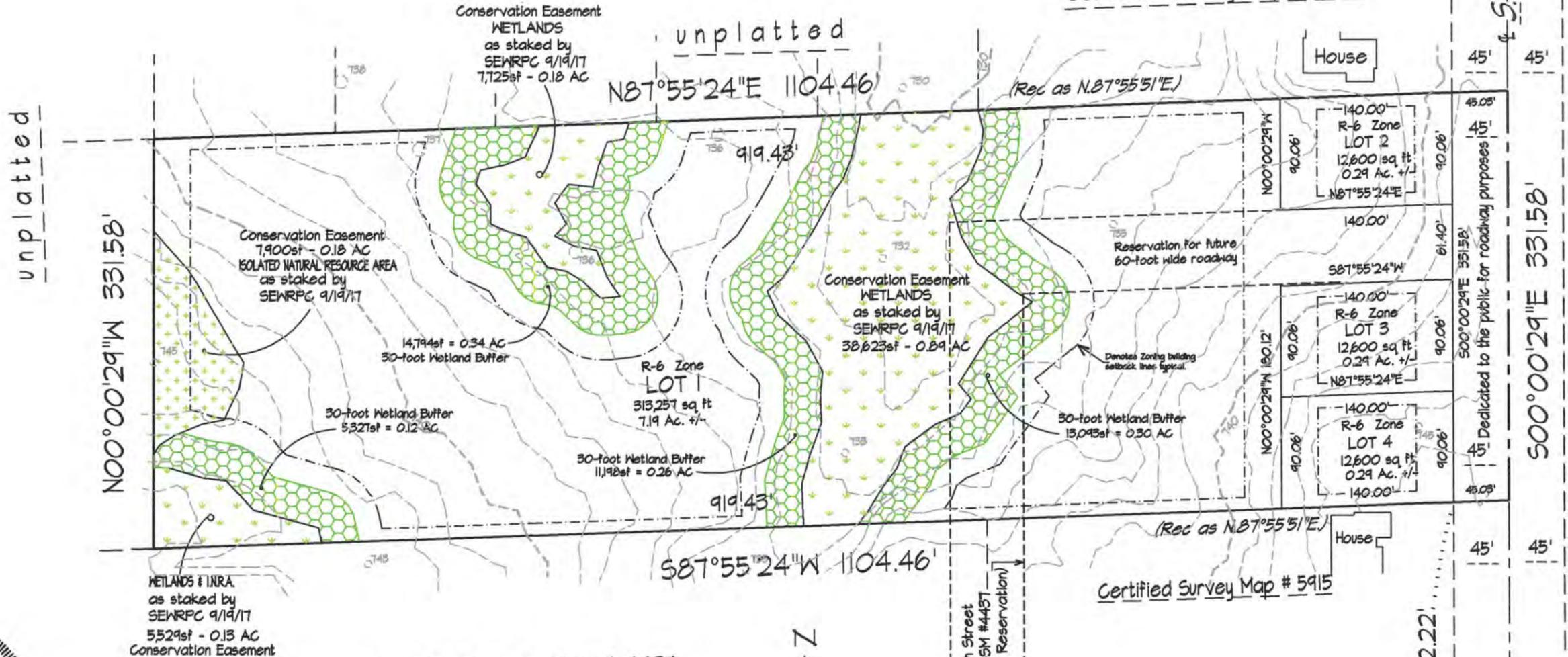
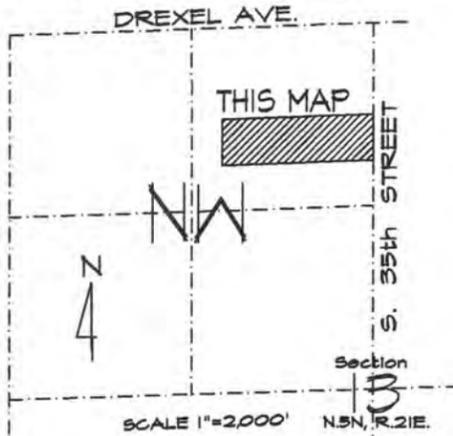
LOTS 1, 2, 3 AND 4 ARE SERVED BY PUBLIC SANITARY SEWER AND WATER

THIS SITE HAS WETLANDS AND HYDRIC SOILS PER DNR SURFACE WATER DATA VIEWER.

ZONED R-6 SUBURBAN SINGLE-FAMILY RESIDENCE.  
BUILDING SETBACKS ARE AS FOLLOWS:  
Min Front Yard.... 30ft Min Side Yard.... 10ft  
Min Rear Yard.... 30ft Min Wetlands Setback.... 50ft

Certified Survey Map # 4959

LOCATION MAP  
NW 1/4 Sec. 13-5-21E.



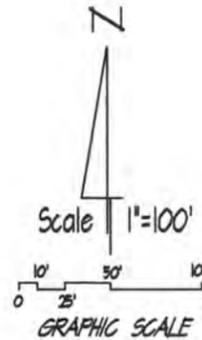
unplatted

unplatted

Certified Survey Map # 4437

Certified Survey Map # 5915

**PROJECT INFORMATION:**  
OWNER: WILLIAM F. ZIMMERMANN  
360 E. HOWARD  
MILWAUKEE, WI. 53207  
PROPERTY TAXKEY# 808-9985-000



2FT CONTOURS PER TOPOGRAPHIC MAP OF THE NW 1/4 SECTION 13-5-21 PREPARED FOR MILWAUKEE COUNTY, NGVD 1929 DATM

Approx. 332.22'

Franklin  
APR 20 2018  
City Development



February 6th, 2018  
Revised April 10, 2018



**BENCHMARK LAND SURVEY TECHNOLOGY**  
Full Land Surveying Services  
(262)658-1686 surveyor@execpc.com  
NBOW28352 Keesus Rd, Hartland, WI, 53029

IMPERIAL HEIGHTS ADDITION NO 1



CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES

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

Table 15-3.0504

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT

<p><b>STEP 1:</b></p>	<p><b>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>8.15</u></p> <p>Multiply by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0</u></p> <p>Equals <b>MINIMUM REQUIRED ON-SITE OPEN SPACE</b> = <u>0</u> acres</p>	
<p><b>STEP 2:</b></p>	<p><b>CALCULATE NET BUILDABLE SITE AREA:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>8.15</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: <u>- 2.35</u></p> <p>Equals <b>NET BUILDABLE SITE AREA</b> = <u>5.8</u> acres</p>	
<p><b>STEP 3:</b></p>	<p><b>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>5.8</u></p> <p>Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <sup>R-6</sup><u>2.972</u></p> <p>Equals <b>MAXIMUM NET DENSITY YIELD OF SITE</b> = <u>17.2</u> D.U.s</p>	
<p><b>STEP 4:</b></p>	<p><b>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>8.15</u></p> <p>Multiply by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <sup>12-6</sup><u>2.972</u></p> <p>Equals <b>MAXIMUM GROSS DENSITY YIELD OF SITE</b> = <u>17.2</u> D.U.s</p>	
<p><b>STEP 5:</b></p>	<p><b>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</b></p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):</p> <p><u>17</u> D.U.s</p>	

Franklin

APR 20 2018

City Development

**Table 15-3.0207**

**R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"
	Option 1	
<b>Minimum Open Space Ratio and Maximum Density</b>		
Open Space Ratio (OSR)	0.00	0.10
Gross Density (GD)	2.972	2.919
Net Density (ND)	2.972	3.243
<b>Lot Dimensional Requirements</b>		
Minimum Lot Area (s.f.)	11,000	10,000
Minimum Lot Width at Setback Line (feet)	90 100 – corner	85 100 – corner
Minimum Front Yard (feet)	30 (c)	30 (c)
Minimum Side Yard (feet)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	19 (c)	19 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75
Minimum Wetland Buffer (feet)	30	30
Minimum Wetland Setback (feet)	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.25	0.25
<b>Minimum Total Living Area per Dwelling Unit (D.U.)</b>		
1-Story D.U. 3 Bedrooms	1,250 s.f.	1,250 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,550 s.f. – total 950 s.f. – 1 <sup>st</sup> floor	1,550 s.f. – total 950 s.f. – 1 <sup>st</sup> floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)
<b>Maximum Building Height</b>		
Principal Structure (stories/ft.)	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3)
- (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.
- (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

SECTION 15-3.0502

CALCULATION OF BASE SITE AREA

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

Table 15-3.0502

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

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	8.40 acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0.25 acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0 - acres
<b>STEP 4:</b>	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract ( - ) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract ( - ) the land proposed for residential uses.	- 0 - acres
<b>STEP 5:</b>	Equals "Base Site Area"	= 8.15 acres

33 x 331.58' = 0.25 AC.

SECTION 15-3.0503

CALCULATION OF THE AREA OF NATURAL RESOURCES TO BE PROTECTED

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

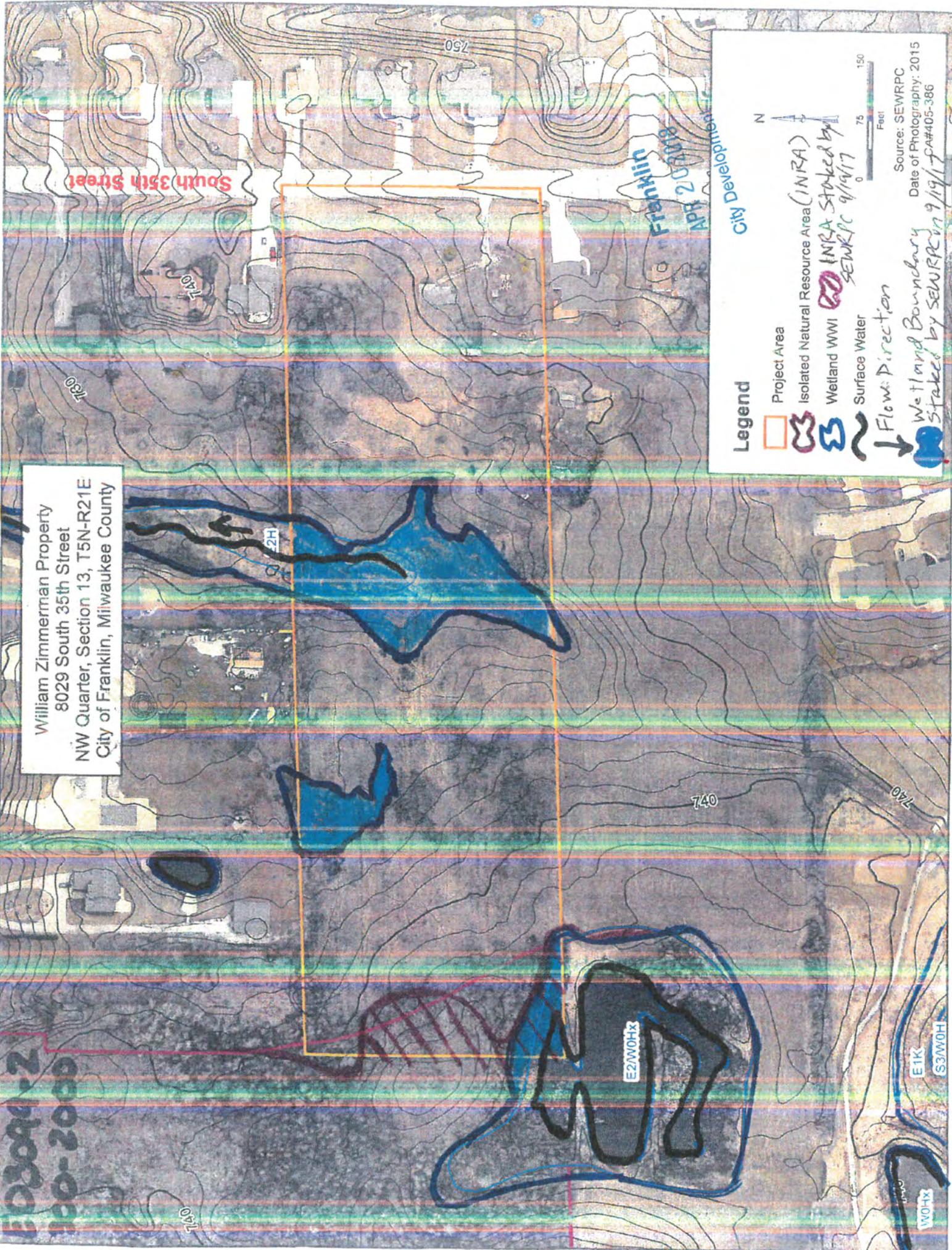
Table 15-3.0503

**PROTECTION LAND**

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District.		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X -0-	-0-
				=	
20-30%	0.65	0.75	0.70	X -0-	-0-
				=	
+ 30%	0.90	0.85	0.80	X -0-	-0-
				=	
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.18Ac	0.13Ac
				=	
Young	0.50	0.50	0.50	X -0-	-0-
				=	
Lakes & Ponds	1	1	1	X _____	-0-
				=	
Streams	1	1	1	X _____	-0-
				=	
Shore Buffer	1	1	1	X _____	-0-
				=	
Floodplains/Floodlands	1	1	1	X _____	-0-
				=	
Wetland Buffers	1	1	1	X 1.02	1.02
				=	
Wetlands & Shoreland Wetlands	1	1	1	X 1.20	1.20
				=	
<b>TOTAL RESOURCE PROTECTION LAND</b> (Total of Acres of Land in Resource Feature to be Protected)					<b>2.35 Ac.</b>

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

William Zimmerman Property  
8029 South 35th Street  
NW Quarter, Section 13, T5N-R21E  
City of Franklin, Milwaukee County



**Legend**

- Project Area
- Isolated Natural Resource Area (INRA)
- Wetland WWI
- Surface Water
- Flow Direction

Wetland Boundary Staked by SEWRPC on 9/19/17

INRA Staked by SEWRPC 9/19/17

City of Milwaukee

Franklin

South 35th Street

City of Milwaukee

Source: SEWRPC  
Date of Photography: 2015  
FA#405-386

## Benchmark LAND SURVEY Technology

**From:** Jors, Christopher J. [CJORS@SEWRPC.org]  
**Sent:** Monday, April 16, 2018 9:21 AM  
**To:** jdietl@franklinwi.gov; Orrin Sumwalt  
**Cc:** 'surveyor@execpc.com'; Dietl, Jennifer L.  
**Subject:** Zimmerman Property  
 Joel & Orrin-

Mike Kotlarek with Benchmark Surveying stopped by our office on Friday of last week on behalf of his client William Zimmerman to discuss the Zimmerman property located at 8029 S. 35<sup>th</sup> Street in the City of Franklin. As you know, we field-delineated the wetlands and Isolated Natural Resource Area (INRA) on the Zimmerman property on 9/19/17. Mr. Kotlarek shared a copy of City Development Staff comments dated March 19, 2018, related to the Zimmerman Certified Survey Map. In particular he asked for my assistance in addressing three comments under the "Natural Resource Protection Plan" heading. I've addressed the three comments in red font below:

"12. Please submit the report from SEWRPC that accompanies the wetland delineation map they provided." I would estimate that we will have the report completed about a month from now (mid-May). The report will be sent to the City, the property owner, Mike Kotlarek, WDNR, and Army COE.

"13. What type of City protected natural resource feature is the SEWRPC identified Isolated Natural Resource Feature on the west side of the property (e.g. Mature Woodland, Young Woodland, etc.)? You may have to contact SEWRPC to obtain an answer to this question."

The Isolated Natural Resource Area on the west side of the property consists of woodland, critical species habitat, and wetland. The woodland is classified as a Dry-mesic hardwood forest which meets the City of Franklin definition of "Mature Woodland". The woodland also contains critical species habitat based on a population of Black haw (*Viburnum prunifolium*), a State-designated Special Concern species.

"14. Staff recommends obtaining concurrence with the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers for the wetland delineations performed by SEWRPC, prior to recording the CSM. Also, the Wisconsin Department of Natural Resources shall provide a navigability determination for the drainage way on the north side of the property."

WDNR has indicated that they accept SEWRPC wetland delineations without the need for concurrence, upholding a long-standing policy by the regulatory agencies concerning SEWRPC wetland delineations. The following email message from Neil Molstad, WDNR Wetland Identification Specialist, addresses this issue:

Good morning,

Unless specifically requested to do so, the Wetland ID program has historically not conducted concurrence site visits for SEWRPC delineations, and the Department has generally considered SEWRPC delineations acceptable without a site visit.

Regards,

Neil Molstad

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

**Neil Molstad**

Wetland Identification Specialist  
 Wisconsin Department of Natural Resources  
 101 S. Webster Street  
 P. O. Box 7921  
 Madison, WI 53707-7921  
 Phone: (608) 261-6430  
 Work Cell: (414) 322-4978

4/19/2018

**Franklin**  
 APR 20 2018  
 City Development

[Neil.Molstad@wisconsin.gov](mailto:Neil.Molstad@wisconsin.gov)

Hopefully this information is helpful. Please reply or call with any other questions.  
Sincerely,  
Chris



**Christopher J. Jors** | Senior Specialist-Biologist  
cjors@sewrpc.org | 262.953.3246  
W239 N1812 Rockwood Drive  
P.O. Box 1607  
Waukesha, WI 53187-1607



## CONSERVATION EASEMENT

William F. Zimmermann, Certified Survey Map

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Wilham F. Zimmermann, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

### WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Northwest 1/4 of the Northwest 1/4 of Section 13, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, and refer to Natural Resource Investigation by SEWRPC dated September 19, 2017, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantor is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

WHEREAS, (No Mortgage Holder) mortgagee of the Protected Property ("Mortgagee"); consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as Mortgage Holder Consent;

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over, and across the protected property.

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

- To view the protected property in its natural, scenic, and open condition;
- To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
- To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

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

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

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

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

To Grantor:  
William F. Zimmermann  
360 E. Howard Avenue  
Milwaukee, WI 53207

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

In witness whereof, the grantor has set its hand and seals this on this date of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
William F. Zimmermann

STATE OF WISCONSIN )  
) ss  
COUNTY OF MILWAUKEE )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2018 by the owner, \_\_\_\_\_, William F. Zimmermann, who executed the foregoing Easement and acknowledged the same as the voluntary act and deed.

Notary Public

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

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

CITY OF FRANKLIN

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

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

STATE OF WISCONSIN )  
 ) as  
COUNTY OF MILWAUKEE )

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

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Date  
Nicholas Fuohs, Principal Planner  
Department of City Development

Approved as to form only:

\_\_\_\_\_  
Date  
Jesse A. Wesolowski  
City Attorney

MORTGAGE HOLDER CONSENT

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

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

\_\_\_\_\_  
Name of Mortgagee  
a Wisconsin Banking Corporation  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

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

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires \_\_\_\_\_

Exhibit A

That part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin bounded and described as follows:

Commencing at the Northeast corner of said Northwest  $\frac{1}{4}$  of said Section; thence S.00°00'29"E, along the east line of said Northwest  $\frac{1}{4}$  a distance of 664.08 feet, said point being the point of beginning; thence continue S.00°00'29"E, along said east line a distance of 331.58 feet; thence S.87°55'24"W, parallel with the north line of said Northwest  $\frac{1}{4}$  of section a distance of 1104.46 feet; thence N.00°00'29"W, parallel with the east line of said Northwest  $\frac{1}{4}$  of section a distance of 331.58 feet; thence N.87°55'24"E, parallel with the north line of said Northwest  $\frac{1}{4}$  of section a distance of 1104.46 feet to the point of beginning.