

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, APRIL 21, 2022, 7:00 P.M.

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

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

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

B. **Approval of Minutes**

1. Approval of regular meeting of April 7, 2022.

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

1. **FIDUCIARY REAL ESTATE DEVELOPMENT, INC. MULTI-FAMILY APARTMENT COMPLEX WITH A CLUBHOUSE DEVELOPMENT.**
Natural Resource Features Special Exception application by Fiduciary Real Estate Development, Inc. (CCM-9801 27th Franklin, LLC, property owner), for the purpose of impacting approximately 671 square feet of wetland (528 square feet of temporary impacts (grading) and 143 square feet of permanent impacts (paving and other impervious surfaces)), 8,018 square feet of wetland buffer (4,990 square feet of temporary impacts (grading) and 3,028 square feet of permanent impacts (paving and other impervious surfaces)) and approximately 27,935 square feet of wetland setback (24,251 square feet of temporary impacts (grading) and 3,684 square feet of permanent impacts (paving and other impervious surfaces)), with proposed impacts to both young and mature woodland not exceeding the protection standards of the Unified Development Ordinance [the applicant has proposed mitigation for both wetland resources, and for young woodland impacts], properties located at 9801 South 27th Street and 9605 South 29th Street, zoned B-4 South 27th Street Mixed-Use Commercial District; Tax Key Nos. 902-9965-006 and 902-9966-001. **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. **THE ROCK SPORTS COMPLEX AREA CHALLENGE TOWER INSTALLATION WITHIN PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS).**

Site Plan Amendment application by Michael R. Schmitz, owner of Rock Snow Park, LLC, applicant (BPC County Land, LLC, property owner), to allow for the installation of a proposed 50 foot high Challenge Tower (compact aerial courses or high rope courses, comprised of numerous swinging, climbing and balancing challenges) with 3 levels of obstacles and 50 elements, including a kids course, an observation deck at the top, with a 50 foot by 50 foot octagonal footprint, also to be located east of the existing Ski Chalet in The Rock Sports Complex, property located at approximately 7011 South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1003-000 [the Site Plan Amendment is to change the location of the previously approved, but not yet constructed Challenge Tower, the Challenge Tower Site Plan being approved on April 23, 2020, by Plan Commission Resolution No. 2020-014; a Special Use permit was also approved for the Challenge Tower on May 5, 2020.

2. **JAX'S WHEEL FOOD MICRO MOBILE KITCHEN OPERATION.**
Temporary Use application by Jacquelynne L. Barret, owner of Jax's Wheel Food, to allow for a micro mobile kitchen operation in the Home Depot parking lot located at 6489 South 27th Street (the tow vehicle is a standard Sport Utility Vehicle and the mobile kitchen unit is 6 foot by 4 foot, with an additional 6 foot folding table, and will occupy 4 parking stalls), from June 6, 2022 through August 29, 2022, with food service from 11:00 a.m. to 2:00 p.m. on Wednesdays, property zoned (Jewel-Osco/Home Depot) and FW Floodway District; Tax Key No. 714-9996-015.

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 5, 2022

**City of Franklin
Plan Commission Meeting
April 7, 2022
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the April 7 2022, regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Alderwoman Shari Hanneman, Commissioners Patricia Hogan, Patrick Leon and Adam Burckhardt and City Engineer Glen Morrow. Absent was Commissioner Kevin Haley. Also present were City Attorney Jesse Wesolowski and Principal Planner Régulo Martínez-Montilva.

B. Approval of Minutes

1. Regular Meeting of March 17, 2022.

Commissioner Hogan moved and Commissioner Leon seconded a motion to approve the March 17, 2022, regular meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-1).

C. Public Hearing Business Matters

1. CHRISTOPHER G. KWIECINSKI AND JULIE L. KWIECINSKI SINGLE-FAMILY RESIDENCE DETACHED GARAGE CONSTRUCTION [recommendation to Board of Zoning and Building Appeals]. Application by Christopher G. Kwiecinski and Julie L. Kwiecinski for an Area Exception from Section 15-3.0801C. of the Unified Development Ordinance to allow for an 840 square foot accessory structure, exceeding the 720 square feet maximum size by approximately 17%, for property located at 4511 West Rawson Avenue [replacement of a garage which had burned down; new larger structure will be in the same footprint, with the addition in the rear of the garage], property zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 759-0046-001.

Principal Planner Martínez-Montilva presented the request by Christopher G. Kwiecinski and Julie L. Kwiecinski for an Area Exception from Section 15-3.0801C. of the Unified Development Ordinance to allow for an 840 square foot accessory structure, exceeding the 720 square feet maximum size by approximately 17%, for property located at 4511 West Rawson Avenue [replacement of a garage which had burned down; new larger structure will be in the same footprint, with the addition in the rear of the garage], property zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 759-0046-001.

The Official Notice of Public hearing for an Area Exception was read in to the record by Principal Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:04 p.m. and closed at 7:04 p.m.

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to recommend approval of an application for an Area Exception to allow for an 840 square foot accessory structure [application requests an Area Exception from section 15-3.0801c. of the Unified Development Ordinance to exceed the 720 square feet maximum size by approximately 17%], for property located at 4511 West Rawson Avenue [replacement of a garage which had burned down; new larger structure will be in the same footprint, with

the addition in the rear of the garage]. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

D. Business Matters

1. FIREWISE BARBECUE COMPANY FOOD TRUCK OPERATION.

Temporary Use application by Alexander M. Obradovich, owner of Firewise Barbecue Company LLC, to allow for a food truck operation in the Menards parking lot located at 10925 West Speedway Drive (the tow vehicle is 22 feet in length and the food trailer is 30 feet in length (both vehicles are 8.5 feet wide) and will occupy 9 parking stalls), from April 1, 2022 through October 31, 2022, with food service from 11:00 a.m. to 6:00 p.m. (food truck parking from 9:00 a.m. to 6:30 p.m.) [the applicant is planning to operate at this location 1 to 2 days per week but is requesting permission for 7 days a week], property zoned M-1 Limited Industrial District; Tax Key No. 704-1007-000.

Principal Planner Martínez-Montilva presented the request by Alexander M. Obradovich, owner of Firewise Barbecue Company LLC, to allow for a food truck operation in the Menards parking lot located at 10925 West Speedway Drive (the tow vehicle is 22 feet in length and the food trailer is 30 feet in length (both vehicles are 8.5 feet wide) and will occupy 9 parking stalls), from April 1, 2022 through October 31, 2022, with food service from 11:00 a.m. to 6:00 p.m. (food truck parking from 9:00 a.m. to 6:30 p.m.) [the applicant is planning to operate at this location 1 to 2 days per week but is requesting permission for 7 days a week], property zoned M-1 Limited Industrial District; Tax Key No. 704-1007-000.

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

Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of April 7, 2022 at 7:07 p.m. On voice vote, all voted ‘aye’; motion carried. (5-0-1).



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of April 21, 2022

Natural Resource Special Exception

RECOMMENDATION: Staff recommends the Plan Commission forward a recommendation of approval for the Natural Resource Features Special Exception for the levels of impact and for the proposed mitigation plan.

Project Name:	The Seasons at Franklin
Project Location:	9801 South 27 th Street, 9605 South 29 th Street (Tax Key No: 902-9965-006 & 902-9966-001)
Property Owner:	CCM-9801 27 th Franklin LLC
Applicant:	Fiduciary Real Estate Development, Inc.
Agent:	Anthony DeRosa, Fiduciary Real Estate Development, Inc.
Current Zoning:	B-4 South 27 th Street Mixed Use Commercial District
2025 Comprehensive Plan:	Mixed Use and Areas of Natural Resource Features
Applicant's Action Requested:	Recommendation to the Plan Commission for approval of the Natural Resource Special Exception Application
Planner:	Heath Eddy, AICP, Planning Manager

On January 6, 2022, the applicant submitted an application requesting approval of a Natural Resource Special Exception to allow for grading and construction related to the development of a 252-unit multifamily apartment complex on the site of the former Nature's Nook. The request is for impacts to wetlands, wetland buffer and setback.

Pursuant to Section 15-10.0208 of the Unified Development Ordinance (UDO), all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation.

Project Description:

This site is located along South 27th Street about 1,100 feet south of Ryan Road (STH 100) and just south of Oak Creek (the physical creek, not the City). The natural of the property lines relative to natural resource features to be protected is the basis for this application.

The applicant proposes 12 buildings on the 24.02--acre property to accommodate a total of 252 2-story residential units of varying size (ranging from studios to 3-bedroom units, with the majority either 1- or 2-bedroom units) with parking facilities including attached garages, some detached garage units, and open parking spaces. The development will be located across from Southbranch Boulevard (located in the City of Oak Creek). Site Intensity calculations have been prepared (§15-3.0500), and the proposed development meets specifications regarding "site intensity" or balance of developed land to open space. The proposed development will be served by municipal water and public sanitary sewer.

The property is currently vacant, but was previously the Nature’s Nook landscaping business. The property still shows some of the remainder of the former operation, and that also forms a justification for this application and request. Staff notes that the Site Plan application for this development was approved by the Plan Commission on March 3, 2022, with the Special Use recommended for approval to Common Council. The Common Council is slated to review this request at their March 15, 2022 meeting.

A Natural Resource Protection Plan (NRPP) has been completed for the development as part of these approvals. The property contains approximately 2.22 acres of wetlands, both in a complex on the northeast side of the property, and along a narrow drainage channel running southwest and bisecting the property north and south. A small portion of the property is in the floodplain for Oak Creek. The property also features just under 3 acres of young woodland and 2.17 acres of mature woodland; the applicant proposes to impact approximately 50 percent of the young woodland, and about 19 percent of the mature woodland, both of which fall within the disturbance limits of the Unified Development Ordinance (contained in Table 15-4.0100, below).

Table 15-4.0100						
Natural Resource Protection Standards						
Natural Resource Feature	Zoning District Type					
	Agricultural (g)		Residential (a), (g)		Nonresidential (b), (g)	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
Steep Slopes:	0%	N/A	60% (d)	No	40% (d)	No
10-19%	65% (d)	No	75% (d)	No	70% (d)	No
20-30%	90% (d)	No	85% (d)	No	80% (d)	No
+30%						
Woodlands & Forests:	70% (d)(e)	No	70% (d)(e)	No	70% (e)	Yes
Mature	50% (d)(e)	No	50% (e)	Yes	50% (e)	Yes
Young						
Lakes & Ponds	100% (d)	No	100%	Yes	100%	Yes
Streams	100% (c)(d)	No	100% (c)(d)	No	100% (c)(d)	No
Shore Buffers	100% (c)(d)	No	100% (c)(d)	No(f)	100% (c)(d)	No(f)
Flood- plains/ Flood- ways	100% (c)(d)	No	100% (c)(d)	No	100%(c)	Yes
Wetlands & Shoreland Wetlands	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes
Wetland Buffers	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes

NATURAL RESOURCE SPECIAL EXCEPTION REQUEST

The applicant has provided the attached Natural Resource Special Exception Application, Questionnaire, Project Description, and associated information.

The requested Natural Resource Special Exception is for property bearing Tax Key No. 902 9965 006 and 902 9966 001. The NRSE request is to allow for impacts to the wetland, wetland buffer, and setback as follows:

- Wetland (2.22 acres total area):
 - 528.41 square feet (0.012 acres) of temporary grading impact, and
 - 142.48 square feet (0.003 acres) of permanent structural footprint (roadway culverts).
 - This is a total of 670.89 square feet, or 0.7% of the overall wetland area.
 - NOTE: WDNR GP-SE-2021-41-04248 permits a total of 653 square feet of disturbance, or 0.015 acres. The applicant is requesting approx. 671 square feet, which is also 0.015 acres. Staff is requesting clarification from WDNR on this.
- Wetland Buffer (2.17 acres total protection area):
 - 3,028 square feet (0.07 acres) of temporary grading impact (3.2% of total Wetland Buffer area) and,
 - 4,990 square feet (0.12 acres) of permanent impacts (5.27% of total Wetland Buffer area)
- Wetland Setback (1.25 acres total protection area):
 - 24,251 square feet (0.56 acres) of temporary grading impacts (primarily for creation of the stormwater basins) (44.6% of total Wetland Setback)
 - 3,684 square feet (0.09 acres) of permanent structure impacts (6.77% of total Wetland Setback)
 - Information about temporary grading impacts to setback was not provided.

As noted, the Wetland disturbance/fill was approved through the WDNR via GP-SE-2021-41-04248 on December 23, 2021.

Conservation easements must be submitted for all natural resources to be protected. Staff normally recommends that wetland setbacks shall have conservation signage or boulders placed to delineate the area(s) as protected and unbuildable, though in this case the developer will also be the long-term property owner.

Restoration is proposed for areas of disturbance in accordance with §15-4.0102I for appropriate plantings; staff recommends that Plan Commission require financial sureties for restoration (§15-4.0103.D.).

Mitigation Plan

The applicant has proposed a significant mitigation area of 1,949.14 square feet of compensatory wetland, and another 99,185 square feet of additional wetland buffer. These are well over the minimums required under UDO §15-4.0103 of 1.50:1.00 (which would translate as 1,006.34 square feet of compensatory wetland and 7,485 square feet of wetland buffer). The proposed planting program conceived by the applicant (and included with the Landscape Plan) appears to meet the requirements for mitigation planting and stabilization.

Staff notes, however, that the typical requirement is to place all proposed mitigation areas under Conservation Easements for perpetual protection. A significant portion of the proposed wetland buffer wraps around the proposed stormwater basins, and would represent a conflicting set of priorities for the site: (1) Long-term perpetual maintenance including intrusion and replacement as needed for stormwater facility structures, grading, etc., and (2) Long-term perpetual “leave-it-alone” protection of a designated natural resource feature. Staff will work with the applicant to

resolve this conflict and prepare a recommendation that meets, at minimum, the requirements of the UDO.

Natural Resource Protection Plan

A few technical corrections to the Natural Resource Protection Plan were provided in a list to the applicant shortly before this staff report was published. Staff recommends a condition that the applicant submit a NRPP revision factoring in those corrections.

Environmental Commission Recommendation

The Environmental Commission reviewed this application at their March 23, 2022 meeting and provide the attached recommendation, which is codified in the draft Standards, Findings and Decision.

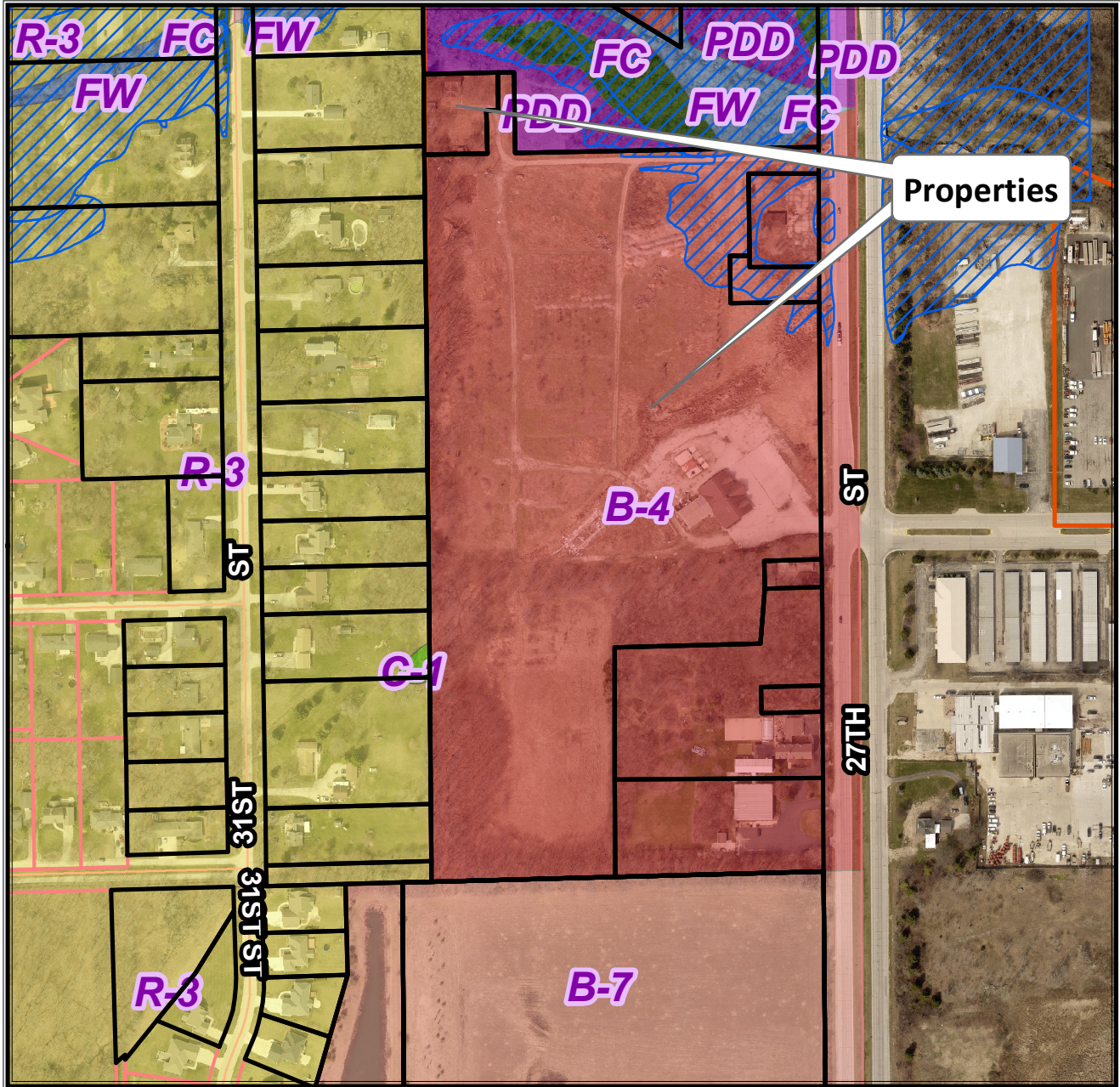
CONCLUSION

Staff finds that the NRSE application is reasonable, based on the underlying assumption that the development design is the best possible result for this site, accounting for real estate valuations and project feasibility. Staff recommendations for proposed conditions of approval are incorporated into the draft Environmental Commission Special Exception Review and Recommendation as recommended conditions of approval.

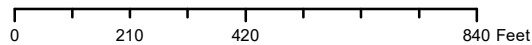
Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review.

Also attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission must complete and forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

9801 S. 27th Street & 9605 S. 29th Street
 TKNs 902 9965 006 & 902 9966 001



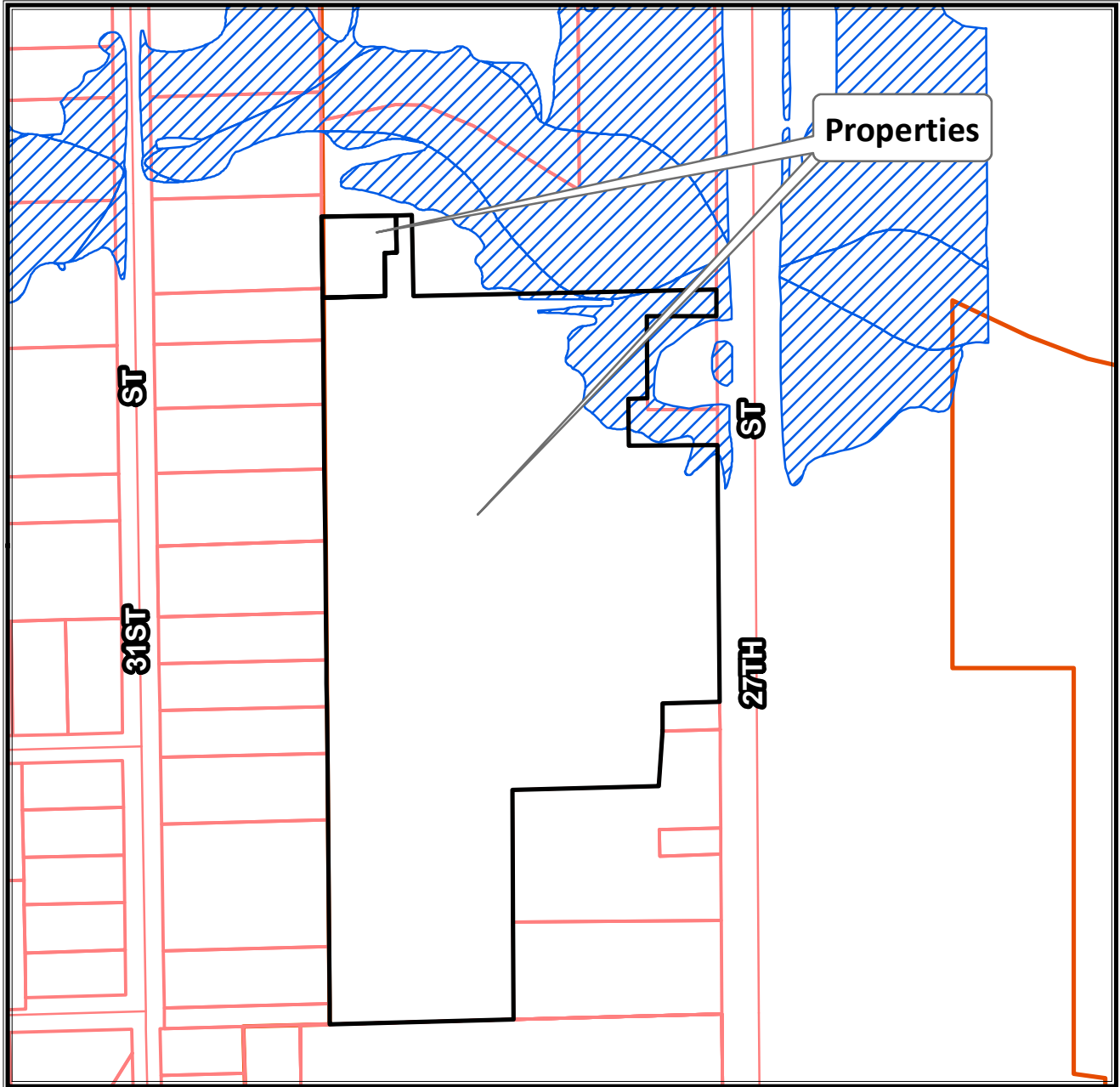
Planning Department
 (414) 425-4024



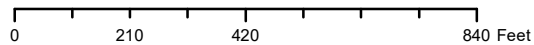
2021 Aerial Photo

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.

9801 S. 27th Street & 9605 S. 29th Street
TKNs: 902 9965 006 & 902 9966 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.



City of Franklin Environmental Commission

TO: Common Council
DATE: March 14, 2022
RE: Special Exception application review and recommendation
APPLICATION: Fiduciary Real Estate Development, Inc. Applicant, dated:
January 28, 2022
(9801 South 27th Street, 9605 South 29th Street)

I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:

1. Unified Development Ordinance Section(s) from which Special Exception is requested: *The applicant is requesting an exception from §15-4.0101 Natural Resource Protection Standards, and §15-4.0102 Natural Resource Features Determination which require that identified natural resources features be protected from impacts of development.*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions): *The Special Exception is being requested to allow for impacts to wetland, consisting of 528.41 SF of temporary grading impact and 142.48 SF of permanent structural footprint; to wetland buffer, consisting of 3,028 SF of temporary grading impact and 4,990 SF of permanent impacts; and to wetland buffer, consisting of 24,251 SF of temporary grading impacts and 3,684 SF of permanent impact related to structural footprint.*
3. Applicant's reason for request: *To allow for two vehicular connections through the Wetland, Wetland Buffer and Wetland Setback (to connect to the northwest portion of the site) and to locate the stormwater basins up against the Wetland Setback.*
4. Applicant's reason why request appropriate for Special Exception: *The applicant states that "The site was previously operated in a way that resulted in contamination on the property that has not been mitigated. The proposed development will mitigate the contamination and protect the wetlands to remain from potential environmental contamination.*

The existing flow of runoff through the site will maintained. Only two small areas of low-quality wetlands which bisect the site are proposed to be filled in order provide connections to the northwest and southern portions of the site. Forty five percent of the site would be inaccessible without the wetland crossings. The crossings of the low-quality wetlands also provide a secondary emergency access point that is preferred by the Fire Department.

II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *The Wetland Buffer and Setback consist of marginal values of unmaintained grassy areas with sporadic cattails and other wetland-vegetation cohabit. No impacts anticipated.*
2. Storm and flood water storage: *Most of the property is not in a designated floodplain or floodway, and that area that is located is Zoned AE per FEMA mapping is outside the development area of the site. No impacts anticipated.*
3. Hydrologic functions: *The applicant states that “impacts to the hydrologic functions of the Wetlands to be filled are minimal and will be mitigated by the fact that the majority of wetlands on the site will be maintained and existing drainage patterns will generally be followed.”*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *The applicant states that “impacts to water quality functions for the wetlands to be filled will be minimal. The majority of the existing wetlands on the site will be maintained and storm water management BMPs including a biofiltration basin and a wet detention basin have been designed for the site to provide peak flow control and storm water treatment prior to discharge to the existing wetlands in the northeastern portion of the site.”*
5. Shoreline protection against erosion: *Not applicable; impacts to shoreline or shoreline buffer are not proposed.*
6. Habitat for aquatic organisms: *Not applicable.*
7. Habitat for wildlife: *The applicant states that “Loss of functional value for wildlife habitat will be minimal as the majority of existing wetlands on the site will be maintained and the larger high quality wetland in the northeastern portion of the site will remain.”*
8. Human use functional value: *Not applicable. At this time, the property is vacant.*
9. Groundwater recharge/discharge protection: *The applicant states that “Loss of functional value for groundwater recharge will be minimal as the majority of existing wetlands, including the larger, higher quality wetland in the northeastern portion of the site will remain. In addition, the proposed*

biofiltration basin will not be lined and will provide for groundwater recharge.”

10. Aesthetic appeal, recreation, education, and science value: *The applicant indicates this is not applicable. The site is currently a defunct, grown-over former landscaping business with vacant but existing buildings and structures.*
11. State or Federal designated threatened or endangered species or species of special concern: *Wetland delineation reports do not provide information about endangered species. There was no reference to any species of concern by the WDNR in its issuance of the General Permit.*
12. Existence within a Shoreland: *Not applicable.*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *Not applicable.*

III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The applicant is proposing a design that utilizes the existing unapproved crossings over the narrow portion of the Site. The condition pre-existed the applicant and therefore is not self-created.*
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: *The limitation on site access creates significant burdens for development of the site. Not permitting the wetland crossing and impacts to Wetland Buffers and Setbacks would remove 45% of the site from the development, which would make development largely infeasible. The proposed impact to the natural resource is minor, and the applicant’s proposed mitigation is significantly larger than required.*
; or
 - b. unreasonably and negatively impact upon the applicants’ use of the property and that there are no reasonable practicable alternatives: *The site is a defunct landscaping operation with potentially significant environmental contamination. The proposed development would remove the derelict structures*

and potential contamination and create a development with significant upside for the community.

3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *The project site is a defunct landscaping business surrounded by single-family residential to the west and commercial and industrial uses to the north, south and east. The proposed impacts will be resolved with significant long-term mitigation measures to be implemented by the applicant; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The proposed impacts are within the operational capacity of the City, and Wetland fill activities are already approved by the WDNR; and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The nature of this request is entirely in keeping with the provisions of the Unified Development Ordinance for this type of application, and is generally what this type of request was intended to resolve; and*
 - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*): *not applicable.*

IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *Proposed impacts will occur within the site and do not extend past the property line. Impacts to stormwater as suggested by adjacent neighbors should be addressed with the stormwater management planning and implementation process by the City;*
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The extraordinary condition is a wetland complex which bisects the property and would render 45% of the site undevelopable absent relief from the protection standards in UDO §15-4.0101 and the determination requirements of UDO §15-4.0102.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed use has been affirmed through the existing B-4 District zoning of the property and the request for Special Use approval (pending) and Site Plan approval by Plan Commission.*
4. Aesthetics: *The proposed development will be a significant shift in the character of the site and will result in significant improvements to the overall character of the area.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *the proposed development and the request for relief under the Special Exception is minimal and well within the operational capacity of the Unified Development Ordinance. The applicant is not requesting relief beyond what is essential in order to gain development feasibility.*
6. Proximity to and character of surrounding property: *Proposed impacts will occur within the site and do not extend past the property line. The nearest point of development to the proposed impacts under consideration with this Special Exception is over 340 feet to the west.*
7. Zoning of the area in which property is located and neighboring area: *Surrounding zoning consists R-3 Suburban/Estate Single-Family Residence; B-4; B-7 South 27th Street Mixed Use Office; PDD-33 (Staybridge Hotel and Walgreens); and Industrial zoning in the City of Oak Creek. The area adjacent to R-3 District zoning is proposed to remain a largely intact mature woodland Bufferyard, with enhanced landscaping proposed by the applicant.*
8. Any negative affect upon adjoining property: *Proposed impacts will occur within the site and do not extend past the property line.*
9. Natural features of the property: *The applicant proposed to impact Young Woodlands up to 50 percent of those located onsite and approximately 19 percent of the Mature Woodlands located onsite, but these are within the operational limits of UDO §15-4.0101.*
10. Environmental impacts: *There are no proposed environmental impacts beyond what is already permitted under the WDNR General Permit.*

V. Environmental Commission Recommendation:

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends [approval] [denial] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
 - a) The applicant shall submit conservation easements for areas of preserved natural resources (§15-4.0103.B.1.d, §15-7.0201.H) for Common Council review and approval, prior to any land disturbing activities.
 - b) The applicant shall obtain all necessary approvals from Federal and State regulatory agencies (§15-10.0208.B.3) prior to any land disturbing activities.
 - c) The applicant shall provide for financial sureties for implementation of restoration, as permitted by §15-4.0103.D.
 - d) The applicant shall place boulders or other markers to demarcate the wetland setback on the property.
 - e) The applicant shall make required technical corrections (UDO §15-4.0102 and §15-7.0200) to Natural Resource Protection Plans as provided in staff review comments dated March 14, 2022.
 - f) The applicant shall provide for restoration of native wetland species in the mitigation areas.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the _____ day of _____, 2022.

Dated this ____ day of _____, 2022.

Linda Horn, Chairman

Attest:

Jamie Groark, Vice-Chairman

Draft 4/21/22

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Fiduciary Real
Estate Development, Inc., applicant, for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, Fiduciary Real Estate Development, Inc., applicant, having filed an application dated January 28, 2022, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated March 23, 2022 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated April 21, 2022 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the properties which are the subject of the application for a Special Exception are located at 9801 South 27th Street and 9605 South 29th Street, zoned B-4 South 27th Street Mixed Use Commercial District, and such properties are more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: “The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant.”

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated January 28, 2022, by Fiduciary Real

Estate Development, Inc., applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the applicant is proposing a design that utilizes the existing unapproved crossings over the narrow portion of the Site. The condition pre-existed the applicant and therefore is not self-created.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *the limitation on site access creates significant burdens for development of the site. Not permitting the wetland crossing and impacts to Wetland Buffers and Setbacks would remove 45% of the site from the development, which would make development largely infeasible. The proposed impact to the natural resource is minor, and the applicant's proposed mitigation is significantly larger than required; or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *the site is a defunct landscaping operation with potentially significant environmental contamination. The proposed development would remove the derelict structures and potential contamination and create a development with significant upside for the community.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *the proposed impacts are within the operational capacity of the City, and Wetland fill activities are already approved by the WDNR; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *the nature of this request is entirely in keeping with the provisions of the Unified Development Ordinance for this type of application, and is generally what this type of request was intended to resolve; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature).*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *proposed impacts will occur within the site and do not extend past the property line. Impacts to stormwater as suggested by adjacent neighbors should be addressed with the stormwater management planning and implementation process by the City.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *the extraordinary condition is a wetland complex which bisects the property and would render 45% of the site undevelopable absent relief from the protection standards in UDO §15-4.0101 and the determination requirements of UDO §15-4.0102.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *the proposed use has been affirmed through the existing B-4 District zoning of the property and the approval of a Special Use application by the Common Council and Site Plan approval by the Plan Commission.*

4. Aesthetics: *the proposed development will be a significant shift in the character of the site and will result in significant improvements to the overall character of the area.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *the proposed development and the request for relief under the Special Exception is minimal and well within the operational capacity of the Unified Development Ordinance. The applicant is not requesting relief beyond what is essential in order to gain development feasibility.*

6. Proximity to and character of surrounding property: *proposed impacts will occur within the site and do not extend past the property line. The nearest point of development to the proposed impacts under consideration with this Special Exception is over 340 feet to the west.*

7. Zoning of the area in which property is located and neighboring area: *Surrounding zoning consists R-3 Suburban/Estate Single-Family Residence; B-4; B-7 South 27th*

Street Mixed Use Office; PDD-33 (Staybridge Hotel and Walgreens); and Industrial zoning in the City of Oak Creek. The area adjacent to R-3 District zoning is proposed to remain a largely intact mature woodland Bufferyard, with enhanced landscaping proposed by the applicant.

8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*

9. Natural features of the property: *The applicant proposed to impact Young Woodlands up to 50 percent of those located onsite and approximately 19 percent of the Mature Woodlands located onsite, but these are within the operational limits of UDO §15-4.0101.*

10. Environmental impacts: *There are no proposed environmental impacts beyond what is already permitted under the WDNR General Permit.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of March 23, 2022 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:

1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to prior to any land disturbing activities.;

2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;

3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Anthony DeRosa, Fiduciary Real

Estate Development, Inc., applicant, and all other applicable provisions of the Unified Development Ordinance.

4) that the applicant shall provide for financial sureties for implementation of restoration.

5) that the applicant shall place boulders or other markers to demarcate the wetland setback on the property.

6) that the applicant shall make required technical corrections (UDO §15-4.0102 and §15-7.0200) to Natural Resource Protection Plans, subject to staff approval, prior to the commencement of any land disturbance.

7) that the applicant shall provide for restoration of native wetland species in the mitigation areas.

The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

MEMORANDUM

Date: April 7, 2022

To: Heath Eddy, AICP, Planning Manager
City of Franklin, Department of City Development

From: Anthony DeRosa, Fiduciary Real Estate Development, Inc

RE: Response for Natural Resource Features Special Exception (NRSE) application,
9801 South 27th Street/9605 South 29th Street (TKNs 902 9965 006 and 902 9966 001)

Below are review comments and recommendations for the above-referenced applications submitted by Anthony DeRosa of Fiduciary Real Estate Development, Inc., o.b.o. CCM-9801 27th Franklin LLC and deemed complete for review on March 1, 2022.

This application is scheduled for review by the City of Franklin Environmental Commission on Wednesday, March 23, 2022 and a public hearing by the City Plan Commission on Thursday, April 21, 2022 (public notices pending).

Department of City Development comments

1. **Application Form.** No comments. Form includes all elements as required.
2. **Legal Description.** No comments.
3. **NRPP.** The submitted NRPP shall comply with UDO §15-7.0201. The following items are missing and shall be placed on a revised NRPP to be provided to the Department of City Development:
 - a. Location – The location of the proposed development (Address and Tax Key Numbers)
This has been added to NRPP
 - b. Names, Address and Telephone Numbers of Owner and Developer.
This has been added to NRPP
 - c. Date – all dates of submittals of the NRPP, including a list of all revision dates.
This has been added to NRPP
 - d. Site Boundary – specifically, total land area encompassed by the site.
This has been added to NRPP
 - e. Location and dimensions of all permanent easements on OR adjacent to the site.
This has been added to NRPP
 - f. Method of Natural Resource Preservation – graphic illustration and notes relating to **how** natural resource features, which are to be preserved, will actually be preserved in perpetuity. There is a general statement indicating perpetual preservation, but no method assigned. Note: City policy typically is a Conservation Easement dedicated to the City, for both existing resources and areas of proposed mitigation.

We've added in proposed extents of a conservation easement around natural resource areas to be protected in perpetuity and have ensured no conflicts with areas that will require access for continued maintenance.

- g. Location of the Secondary Environmental Corridor located immediately north of the site.

This is on the NRPP

- 4. **Mitigation Proposed.** Staff reviewed the proposed planting schema and soils combination and finds them generally suitable. Of note, however: the bulk of the 99,185 square feet of the Wetland Buffer mitigation area is surrounding the two primary stormwater basins. Normally the City requires mitigation areas to be placed under perpetual protection (i.e. Conservation Easements, in favor of the City), and this could create a repeated conflict with the maintenance of the stormwater basins as located and designed. The applicant should consider some method to ensure these conflicts can be resolved operationally so the City and the operator (successors and assigns) don't run into repeated interpretative issues and conflicts going forward. **ALSO, please provide an estimate of the amount of proposed Wetland Buffer mitigation around the stormwater basins and the amount proposed elsewhere.**

We've added in proposed extents of a conservation easement around natural resource areas to be protected in perpetuity and have ensured no conflicts with areas that will require access for continued maintenance. Mitigation areas within the conservation easement exceed City of Franklin required area mitigation areas.

We have also provided a breakdown of mitigation areas around SWM basins and the amount proposed elsewhere. See NRPP.

- 5. The Following Comments are with respect to the document titled "Natural Resource Special Exception Question and Answer Form". **Please provide a revised version of this Narrative for the public process to proceed.**

- a. Missing reference from UDO §15-9.0110A. Name and address of the applicant and all abutting and opposite property owners of record.

See attached document 'Adjacent Property Owners List'

- b. Page 1:

- i. A. – Specific section from which Special Exception is requested. Insert UDO §15-4.0101 Natural Resource Protection Standards and UDO §15-4.0102 Natural Resource Features Determination.

This has been added. See attached NRSE Question and Answer Form

- ii. B. –

- 1. It should be noted that the WDNR General Permit is for 653 square feet of wetland disturbance, so there is a disconnect here. Staff has requested clarification from Ryan Pappas regarding the number, since they also refer to the approval as 0.015 acres (which could also be 671 square feet), and we want to verify which number is the actual limit of fill/disturbance that matters.

The correct number is +/- 653 square feet. See NRPP.

2. The request shall include both Temporary and Permanent Impacts to Wetlands, Wetland Buffers and Wetland Setbacks. This is required for a NRSE.

This is shown on the NRPP.

- iii. C. – Staff doesn't have a comment re justification, except to say that the WDNR written denial of the wetland exemption noted that the wetland along the stream channel has existed for several decades (referencing aerials dating to at least 1937). Therefore at least part of the justification statement regarding maintenance is inaccurate, since several other on-site (but detached) wetlands were declared exempt from wetlands regulations by the WDNR.

Noted.

- iv. D. – no issues with the justifications as presented.

Noted.

c. Page 2: No comments.

d. Page 3:

- i. 1)(c) – no issues with this justification statement

Noted.

- ii. 2) – For all these statements, staff notes that the underlying assumption is “based on the design model we are implementing” which in this case are multi-family 2-story connected units in 20- and 24-unit configurations. Based on that model, these justifications make sense. Staff notes that the reviewing bodies are unlikely to challenge this design limitation and therefore the alternatives analysis will likely be found to be valid.

Noted.

e. Page 4: No comments.

f. Pages 5-6:

- i. (f) – No issues with this “No Build” assumption as this is likely the case.

Noted.

- ii. 3) – Statements under this section again are based on the underlying assumption as noted above. That is not a negative, and as noted probably doesn't impact the final decision.

Noted.

- iii. 4) – Statements here veer into “financial” considerations that are not the purview of the NRSE; this is a specifically designed “Variance” from the requirements of the UDO pertaining to natural resource protections, and therefore it should be understood that while the financial viability is what is driving the request, the actual approval needs to be about what is the “least bad” method for allowing the development design to proceed. This doesn't require a change in the language here, but it's worth noting for the record.

Noted.

g. Page 7-8:

- i. 5) – Good summary
- ii. 6) –The table version of this is a little hard to follow. From staff’s review, it appears c), d), g), and i) are considered “applicable”. As for each of these applicable impacts:

1. It would be helpful to show what type of impact would occur in these protected areas; For example, what type of structure will be located in the wetland area/wetland buffer/wetland setback?

This is correct. c), d), g), and i) are applicable. See NRPP for site plan and its relationship to wetland/wetland buffer/ wetland setback areas.

2. The wildlife habitat comment is interesting insofar as we understand what “wildlife” would be located in this area to be “impacted”. Providing connections or maintaining/improving overall stream quality are positives to the proposed design and these should be mentioned, particularly the stabilizing and enhancing the Wetland Buffers beyond those that are being impacted/modified.

See NRSE Question and Answer form

h. Page 9: No comments.

Inspection Services Department comments

6. Inspection Services has no comments on the proposal at this time.

Fire Department comments

7. FD has no specific comments on the NRSE.



Date of Application: _____

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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


<p>Applicant (Full Legal Name[s]): Name: <u>Anthony DeRosa</u> Company: <u>Fiduciary Real Estate Development, Inc.</u> Mailing Address: <u>789 North Water Street, Suite 200</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53202</u> Phone: <u>414-246-8402</u> Email Address: <u>tderosa@fred-inc.com</u></p> <p>Project Property Information: Property Address: <u>9801 S 27th Street & 9605 S 29th Street</u> Property Owner(s): <u>CCM-9801 27th Franklin LLC</u></p> <p>Mailing Address: <u>901 S 70th St.</u> City / State: <u>West Allis, WI</u> Zip: <u>53214</u> Email Address: <u>njung@cardinalcapital.us</u></p>	<p>Applicant is Represented by (contact person) (Full Legal Name[s]): Name: _____ Company: _____ Mailing Address: _____ City / State: _____ Zip: _____ Phone: _____ Email Address: _____</p> <p>Tax Key Nos: <u>902-9965-006 & 902-9966-001</u></p> <p>Existing Zoning: <u>B-4</u> Existing Use: <u>Vacant Land/Vacant Commercial Building</u> Proposed Use: <u>Multi-family Development</u> Future Land Use Identification: <u>B-4 Special Use</u></p>
<p>*The 2025 Comprehensive Master Plan Future Land Use Map is available at: http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm</p>	


- Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:**
 (See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)
<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>
- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
 - Application Filing Fee, payable to City of Franklin: \$500
 - Legal Description for the subject property (WORD.doc or compatible format).
 - Seven (7) complete **collated** sets of Application materials to include:
 - One (1) original and six (6) copies of a written Project Narrative.
 - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Plat of Survey (*as required by Section 15-9.0110(B) of the Unified Development Ordinance*).
 - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Natural Resource Protection Plan (*See Sections 15-4.0102 and 15-7.0201 for information that must be denoted on or included with the NRPP*).
 - Four (4) **folded** reduced size (11"x17") copies of the Plat of Survey and Natural Resource Protection Plan.
 - Three copies of the Natural Resource Protection report, if applicable. (see Section 15-7.0103Q of the UDO).
 - One copy of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit.
 - Email (or CD ROM) with all plans/submittal materials. *Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).*

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Natural Resource Special Exception requests require review by the Environmental Commission, public hearing at and review by the Plan Commission, and Common Council approval prior to recording with Milwaukee County Register of Deeds.

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

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


 Signature - Property Owner
 Name & Title (PRINT): ERICH SCHWONKER Date: 1/5/22
PRESIDENT
 Signature - Property Owner
 Name & Title (PRINT): _____ Date: _____


 Signature - Applicant
Anthony DeRosa - Vice President
 Name & Title (PRINT)
 Date: 1/6/2022
 Signature - Applicant's Representative
 Name & Title (PRINT) _____ Date: _____

Natural Resource Special Exception Question and Answer Form.

Questions to be answered by the Applicant

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

- A. Indication of the section(s) of the UDO for which a Special Exception is requested.
Division 15-4.0100 Natural Resources

- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate. A special exemption for the requirement to protect 100% of wetlands, and wetland buffer is being requested. The project will result in 671 square feet of permanent wetland impacts, 3,028 square feet of temporary wetland buffer impacts and 4,990 square feet of permanent wetland buffer impact. It should be noted that the Wisconsin Department of Natural Resources approved of the proposed wetland fill and issued a General Wetland Permit (copy included with this submittal).
- C. Statement of the reason(s) for the request. The existing wetland area to be impacted runs through the center of the site and cuts off the northwest portion of the site from the rest of the site. The location of the wetlands make it very difficult to develop the northwest portion of the site. In order for the project to be economically feasible, development of the northwest portion of the site is necessary to achieve sufficient density and number of units. Development of the northwest portion of the site will require crossing and impacts to the wetlands. The wetlands to be impacted seem to have formed and developed from land disturbances and lack of maintenance by the previous property owner. The project will protect the higher quality wetlands located in the northeastern portion of the site. Without approval of the exemption request, the project is not viable.
- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows: The site was previously operated in a way that resulted in contamination on the property that has not been mitigated. The proposed development will mitigate the contamination and protect the wetlands to remain from potential environmental contamination. The existing flow of runoff through the site will maintained. Only two small areas of low-quality wetlands which bisect the site are proposed to be filled in order provide connections to the northwest and southern portions of the site. Forty five percent of the site would be inaccessible without the wetland crossings. The crossings of the low-quality wetlands also provide a secondary emergency access point that is preferred by the Fire Department. The proposed wetland crossings have been moved from original plans to be centered on the gaps in the delineated wetlands to minimize wetland impacts. The use of smaller multifamily building footprints also helps

avoid the higher quality wetlands on the site. Onsite wetland mitigation at a rate of 1.5 times the area of filled wetlands is provided for on the site.

1) Background and Purpose of the Project.

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans. The overall purpose of the development is to build a market rate housing development in the most desirable location that meets the needs of the growing population and workforce of the City of Franklin. In the Franklin area there is a significant need for a market rate housing development of this caliber. Southeastern Wisconsin and specifically the Franklin submarket have seen significant job and population growth in recent years along the I-94 corridor. This has created a strong pent-up demand for new multifamily housing options to serve the rapidly growing population. With this growth there has been a disproportionate number of jobs created relative to new housing units, or in other words the number of housing units created have been extremely low compared to the number of jobs being created, further substantiating the strong demand for housing. The proposed development will include the construction of 12 multifamily residential buildings with a total of 252 units, a clubhouse building and associated roads, surface parking and infrastructure.
- (b) State whether the project is an expansion of an existing work or new construction. The project is new construction although the project is considered a redevelopment project as the majority of the site has previously been disturbed.

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose. The layout and extent of the wetlands make it challenging to develop the site without impacts to existing wetlands and associated setbacks. The proposed project is not requesting TIF support, and as such, adequate development density is required to make the project financially viable and pay for extra ordinary costs on the site including preparing the existing contaminated outlot for development. The wetlands to be impacted run through the center of the site and cuts off the northwest portion (45%) of the site from the remainder of the site. In order to achieve adequate development density to make the project financially viable, the northwest portion of the site needs to be developed. Development of the northwest portion of the site will require crossing of the wetlands and wetland impacts.

2) Possible Alternatives.

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed. The only way to develop the site without impacting wetlands would be to omit any development in the northwestern portion of the site eliminating the wetland crossing. This is not viable as development of the northwestern portion of the site is required to achieve adequate development density and number of units.
- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback. The project would need to be redesigned to eliminate development in the northwestern portion of the site which would eliminate 6 multi-family buildings. Eliminating these buildings would make the project not financially viable.
- (c) State how the project may be made smaller while still meeting the project's needs. A smaller project is not financially viable alone and would require additional financial support (i.e. TIF District) to justify the reduction of density. The developer's original and preferred project layout impacted approximately 0.23-acres of wetland and resulted in 276 total residential units (see Exhibit 1). The project has been made smaller from the original plan and has resulted in a reduced wetland impact area of 0.015-acres and a total of 252 units.
Several other alternative layouts for the project minimizing the wetland impacts were evaluated. These included a no wetland impact option (Exhibit 2) in which there is no crossing of the wetlands and no development in the northwestern portion of the site. This option only provided 104 residential units and does not provide adequate development density to make the project financially viable.
A third option (Exhibit 3) was evaluated which resulted in only 0.01-acres of wetland impacts and a total of 208 residential units – 68 fewer units than the preferred option. This alternative also did not provide adequate development density and was not considered to be financially viable.

The proposed layout (Exhibit 4) results in approximately 0.015-acres of wetland impacts and a total of 252 residential units. Although this is a loss of 24 units from the preferred layout, it does provide adequate development density to make the project financially viable.

- (d) State what geographic areas were searched for alternative sites. Several other sites in Franklin were evaluated by the developer. These include the following:

8671 S. 27th Street, Franklin, WI

This site was not selected for development because it is a smaller site with lower traffic counts and is further away from the I-94/Ryan Road interchange than the proposed project site. There are also significant wetlands mapped on this site that would be impacted by development.

S. 76th Street and W. Ryan Road, Franklin, WI

This site was not selected for development because it is too far from the I-94/Ryan Road interchange and the site is not near the freeway, asking price for property was too expensive, there is a lack of population density in the area and it is not adjacent to or near commercial amenities (i.e. grocery, retail, etc.).

12026 W. Oakwood Road, Franklin, WI

This site was not selected for development because of low traffic counts in the area, it is too far from the I-94/Ryan Road interchange, there is a lack of population density in the area, it is not adjacent to or near commercial amenities (i.e. grocery, retail, etc.) and there are significant mapped wetlands on the site that would be impacted by development.

5732 W. Rawson Avenue, Franklin, WI

This site was not selected for development because the site is too small for viable development, the proposed multi-family residential use does not fit with the City's preferred use for the site (M1 – B2 Zoning), the site is too far from the I-94/Ryan Road interchange, the asking price for the property was too expensive, and the site is in the flood plain.

- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area. See response above.

- (f) State what will occur if the project does not proceed. If the project does not proceed, the site will sit idle, and the expanded tax base associated with the project will not be realized. In addition, existing environmental contamination at the site will continue to be unmitigated and will potentially continue to spread to the wetlands on-site and adjacent properties. The site will also continue to be used as an unauthorized dumping ground as it has been for many years and further jeopardize the environmental condition of the property.

3) Comparison of Alternatives.

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community. See attached cost comparison spreadsheet comparing unit costs for each alternative.
- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above. NA
- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above. NA
- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above. Development of the northwestern portion of the site is necessary to achieve required density and number of residential units to make the project financially viable. The existing wetlands that run through the center of the site will need to be crossed and impacted in order to develop the northwestern portion of the site.

4) Choice of Project Plan.

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts. The proposed project meets the project purpose and needs as compared to the possible alternatives for the following reasons.

- Layout provides for adequate ingress and egress for the site satisfying the City requirements and meeting transportation design standards.
- The proposed development is in near proximity to the I-94/Ryan Road interchange.
- The development would be able to take advantage of the existing intersection at S. 27th Street and Southbranch Blvd. and create safer traffic conditions.
- Based on the proposed development density and number of units the proposed development plan is financially viable.
- The proposed development plan provides demonstratable and measurable economic public benefit to the community and region.
- The Proposed Development Plan represents the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts. The

proposed development minimizes impacting high quality wetlands and will also not result in significant adverse impacts to wetland functional values or in adverse impacts to water quality.

5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback. An unnamed intermittent waterway flows from the southwest to the northeast, across the center of the proposed development site. Surrounding the intermittent waterway is a roughly 2.22-acre wetland complex. The wetland area is a combination of shallow water marsh and disturbed wet meadow. The proposed development plan will result in approximately 671 square feet of permanent wetland impacts, 3,028 square feet of temporary wetland buffer impact, 4,990 square feet of permanent wetland buffer impact, 24,251 square feet of temporary wetland setback impact and 3,684 square feet of permanent wetland setback impact. The shallow water marsh areas are dominated by narrowleaf cattail and reed canary grass. The disturbed wet meadows are dominated by reed canary grass. Both narrowleaf cattail and reed canary grass are considered invasive species.

Approximately 1,949 square feet of wetland mitigation area is being provided which exceeds the required wetland mitigation area of 1,006 square feet based on the 1.5:1 mitigation ratio. The wetland mitigation area will be planted with a wetland seed mix and plugs. The seed mix and plugs specified consist of native plants with extensive root systems that will help increase infiltration rates, reduce erosion, and manage stormwater while creating a visually appealing mass of prairie-like planting. In addition, the proposed biofiltration basin will also be planted with a wetland seed mix and plugs and will function as a wetland feature, however this area was not included in the 1,949 square feet of wetland mitigation area being provided. All newly constructed wetland areas are also being given the required 30' minimum wetland buffer.

Temporary wetland buffer and wetland setback impact areas will be restored with wetland buffer seed mix. This seed mix also consists of native plants that will help filter storm runoff from the surrounding development, trapping sediment, absorbing nutrients, and attenuating high flows into designated wetland areas. Approximately 99,185 square feet of new wetland buffer area is proposed which far exceeds the required wetland buffer mitigation area of 7,485 square feet.

6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species. X Not Applicable Applicable
- b) Storm and flood water storage. X Not Applicable Applicable
- c) Hydrologic functions. Not Applicable X Applicable
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances. Not Applicable X Applicable
- e) Shoreline protection against erosion. X Not Applicable Applicable
- f) Habitat for aquatic organisms. X Not Applicable Applicable
- g) Habitat for wildlife. Not Applicable X Applicable
- h) Human use functional value. X Not Applicable Applicable
- i) Groundwater recharge/discharge protection.

- j) Aesthetic appeal, recreation, education, and science value. Not Applicable XApplicable
- k) Specify any State or Federal designated threatened or endangered species or species of special concern. XNot Applicable Applicable
- l) Existence within a Shoreland. XNot Applicable Applicable
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. X Not Applicable Applicable

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback: Impacts to the hydrologic functions of the wetlands to be filled are minimal and will be mitigated by the fact that the majority of wetlands on the site will be maintained and existing drainage patterns will generally be followed.

Impacts to water quality functions for the wetlands to be filled will be minimal. The majority of the existing wetlands on the site will be maintained and storm water management BMPs including a biofiltration basin and a wet detention basin have been designed for the site to provide peak flow control and storm water treatment prior to discharge to the existing wetlands in the northeastern portion of the site.

Loss of functional value for wildlife habitat will be minimal as the majority of existing wetlands on the site will be maintained and the larger high quality wetland in the northeastern portion of the site will remain.

Loss of functional value for groundwater recharge will be minimal as the majority of existing wetlands, including the larger, higher quality wetland in the northeastern portion of the site will remain. In addition, the proposed biofiltration basin will not be lined and will provide for groundwater recharge.

7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin. Storm water management BMPs including a wet detention basin and a biofiltration have been designed to provide peak flow control and storm water treatment for runoff from the development prior to being discharged into the wetlands to remain in the northeast portion of the site.

**Seasons at Franklin
NRSE Abutting/Opposite Property Owner List**

Parcel No. 9029965012

Parcel Address: 9851 S. 27th Street

**Property Owner: ACJM 1883 LLC
9851 S. 27th Street
Franklin, WI 53132**

Parcel No. 9029965011

Parcel Address: 9843 S. 27th Street

**Property Owner: Adam Murphy
9843 S. 27th Street
Franklin, WI 53132**

Parcel No. 9029969000

Parcel Address: 9835 S. 27th Street

**Property Owner: Nikola Krecak
W188 S7592 Oak Grove Drive
Muskego, WI 53150**

Parcel No. 9029965010

Parcel Address: 9575 S. 27th Street

**Property Owner: Franklin Hotel Company, LLC
1250 Feehanville Drive; Suite 200
Mt. Prospect, IL 60056**

Parcel No. 9029965004

Parcel Address: No address

Property Owner: JJS Investments
311 King William Ct. S
Waukesha, WI 53186

Parcel No. 9029967000

Parcel Address: 9677 S. 27th Street

Property Owner: Milwaukee County Treasurer
901 N. 9th Street; Rm 102
Milwaukee, WI 53233

Parcel No. 9029981000

Parcel Address: 9644 S. 31st Street

Property Owner: Michael Thorsen
9644 S. 31st Street
Franklin, WI 53132

Parcel No. 9029980000

Parcel Address: 9658 S. 31st Street

Property Owner: Ernest and Florence Plonty
9658 S. 31st Street
Franklin, WI 53132

Parcel No. 9029979000

Parcel Address: 9692 S. 31st Street

Property Owner: Gregory and Patricia Dunn
9692 S. 31st Street

Franklin, WI 53132

Parcel No. 9029978000

Parcel Address: 9712 S. 31st Street

Property Owner: Gregory Dudor

9712 S. 31st Street

Franklin, WI 53132

Parcel No. 9029977000

Parcel Address: 9722 S. 31st Street

Property Owner: Robert Weber

9722 S. 31st Street

Franklin, WI 53132

Parcel No. 9029976000

Parcel Address: 9744 S. 31st Street

Property Owner: Ismael and Yolanda Romero

9744 S. 31st Street

Franklin, WI 53132

Parcel No. 9029974004

Parcel Address: 9750 S. 31st Street

Property Owner: Richard Fenninger

9750 S. 31st Street

Franklin, WI 53132

Parcel No. 9029974005

Parcel Address: 9768 S. 31st Street

Property Owner: Brenda Roepke
9768 S. 31st Street
Franklin, WI 53132

Parcel No. 9029974006

Parcel Address: 9780 S. 31st Street

Property Owner: Gary and Amy Schmidt
9780 S. 31st Street
Franklin, WI 53132

Parcel No. 9029974001

Parcel Address: 9800 S. 31st Street

Property Owner: Katelyn Kraus
9800 S. 31st Street
Franklin, WI 53132

Parcel No. 9029973000

Parcel Address: 9850 S. 31st Street

Property Owner: David and Sandra Gohs
9850 S. 31st Street
Franklin, WI 53132

Parcel No. 9029972000

Parcel Address: 9870 S. 31st Street

Property Owner: Jeffry and Maryann Boucher

**9870 S. 31st Street
Franklin, WI 53132**

Parcel No. 9281032000

Parcel Address: 9910 S. 31st Street

**Property Owner: Victor and Jill Quintana
9910 S. 31st Street
Franklin, WI 53132**

Parcel No. 9289996007

Parcel Address: 10101 S. 27th Street

**Property Owner: Wheaton Franciscan Healthcare – Franklin, LLC
10101 S. 27th Street
Franklin, WI 53132**

Parcel No. 9039015000

Parcel Address: 9810 S. 27th Street; Oak Creek

**Property Owner: Secure Mini Storage LTD Partnership
P.O. Box 25025
Dept. Pt-TX
Glendale, CA 91201**

Parcel No. 9039023000

Parcel Address: 2600 W. Southbranch Blvd; Oak Creek

**Property Owner: Trust Property Management, LLC
2600 W. Southbranch Blvd
Oak Creek, WI 53154**

Table 15-3.0502
WORKSHEET FOR THE CALCULATION OF BASE SITE AREA
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	24.02 Acres
STEP 2:	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 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	0 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed <i>residential use</i> , subtract (-) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed <i>nonresidential use</i> , subtract (-) the land proposed for residential uses.	0 acres
STEP 5:	Equals "Base Site Area"	= 24.02 acres

**Table 15-3.0503
WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND**

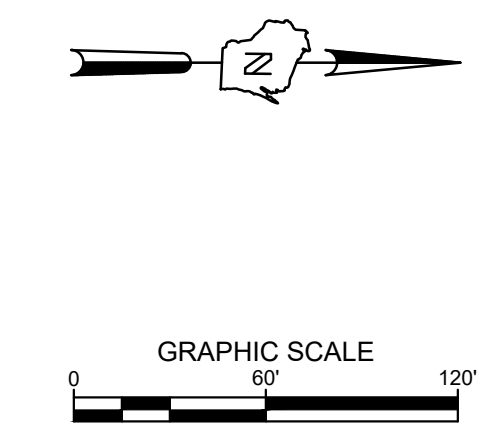
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes: 10-19%	0.00	0.60	0.40	X <u> 0 </u> =	0
20-30%	0.65	0.75	0.70	X <u> 0 </u> =	
+ 30%	0.90	0.85	0.80	X <u> 0 </u> =	
					<u> 0 </u>
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u> 2.03 </u> =	1.42
Young	0.50	0.50	0.50	X <u> 2.97 </u> =	1.49
Lakes & Ponds	1	1	1	X <u> 0 </u> =	0
Streams	1	1	1	X <u> 0 </u> =	0
Shore Buffer	1	1	1	X <u> 0 </u> =	0
Floodplains/Floodlands	1	1	1	X <u> 0.75 </u> =	0.75
Wetland Buffers	1	1	1	X <u> 2.17 </u> =	2.17
Wetland Setback	--	--	--	X <u> 1.25 </u> =	1.25
Wetlands & Shoreland Wetlands	1	1	1	X <u> 2.22 </u> =	2.22
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					9.30

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.

Table 15-3.0504

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

<p>STEP 1:</p>	<p>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>24.02</u></p> <p>Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0.35</u></p> <p>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =</p>	<p align="center">8.41 acres</p>
<p>STEP 2:</p>	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>24.02</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>9.30</u></p> <p>Equals NET BUILDABLE SITE AREA =</p>	<p align="center">14.72 acres</p>
<p>STEP 3:</p>	<p>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>14.72</u></p> <p>Multiple by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <u>8.00</u></p> <p>Equals MAXIMUM NET DENSITY YIELD OF SITE =</p>	<p align="center">117.76 D.U.s</p>
<p>STEP 4:</p>	<p>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>24.02</u></p> <p>Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <u>6.10</u></p> <p>Equals MAXIMUM GROSS DENSITY YIELD OF SITE =</p>	<p align="center">146.52 D.U.s</p>
<p>STEP 5:</p>	<p>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</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 align="center">117.76 D.U.s</p>



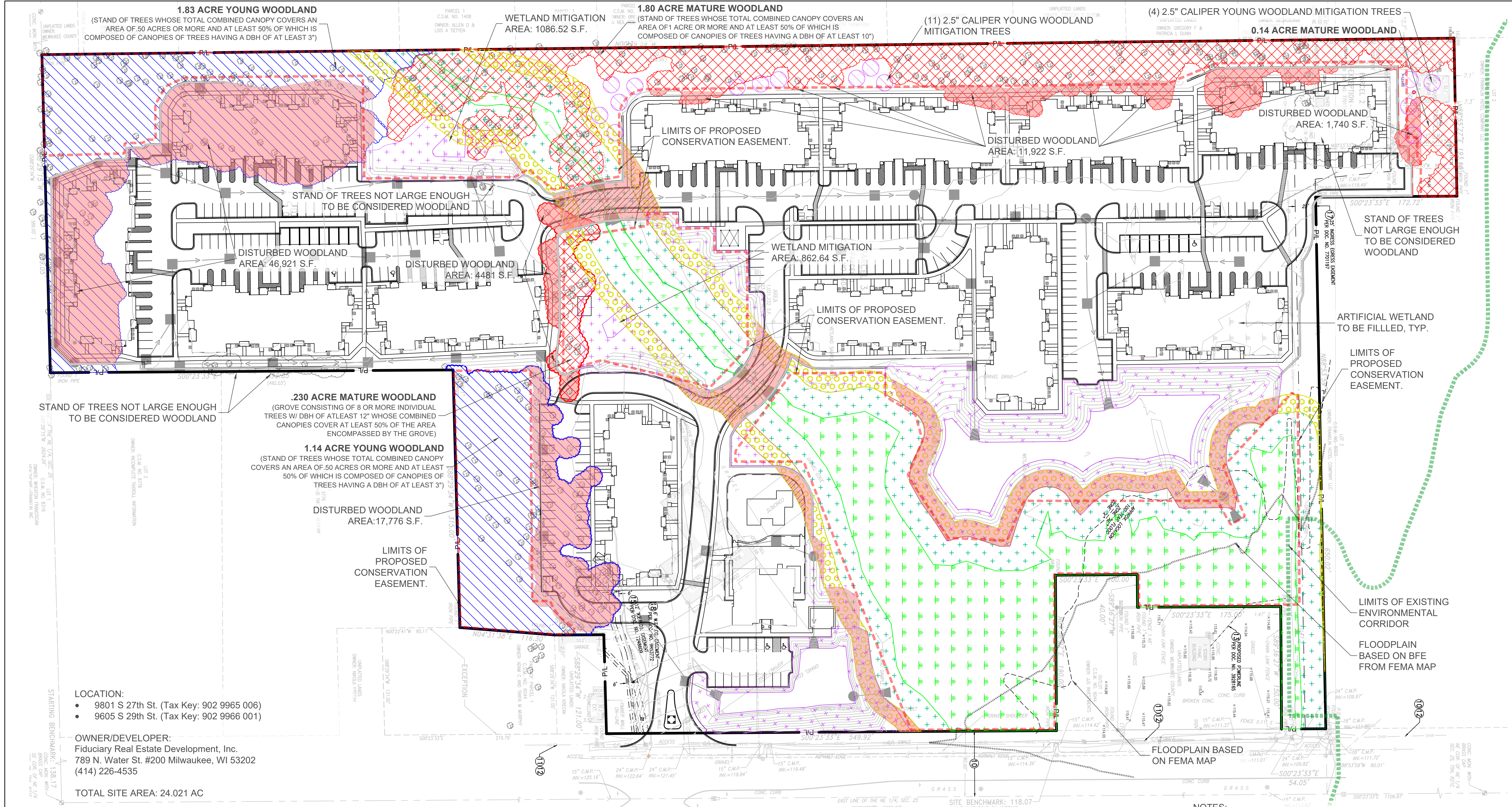
FIDUCIARY RE - FRANKLIN
 27TH STREET
 FRANKLIN, WI
 NATURAL RESOURCE PROTECTION PLAN

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

NO.	REVISION	DATE	BY
1	Site Plan & Special Use Submittal	9/14/21	
2	Site Plan & Special Use Resubmittal 1	10/12/21	
3	NRSE Submittal	1/6/22	
4	Site Plan & Special Use Resubmittal 2	1/18/22	
5	NRSE Resubmittal	1/28/22	
6	NRSE Resubmittal	4/11/22	

SCALE:	1" = 60'-0"
PROJECT NO:	20282
DESIGN DATE:	----
PLOT DATE:	04/06/2022
DRAWN BY:	JCT
CHECKED BY:	JL
APPROVED BY:	CTC
SHEET NO:	

EX 3



LOCATION:

- 9801 S 27th St. (Tax Key: 902 9965 006)
- 9605 S 29th St. (Tax Key: 902 9966 001)

OWNER/DEVELOPER:
 Fiduciary Real Estate Development, Inc.
 789 N. Water St. #200 Milwaukee, WI 53202
 (414) 226-4535

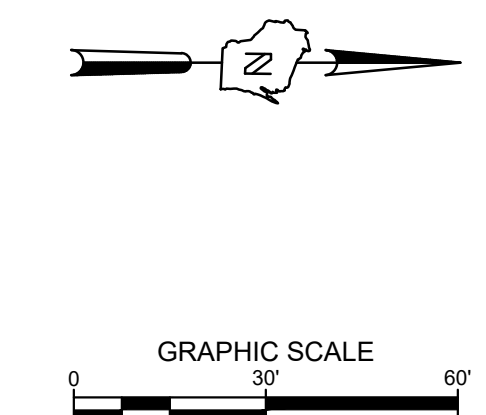
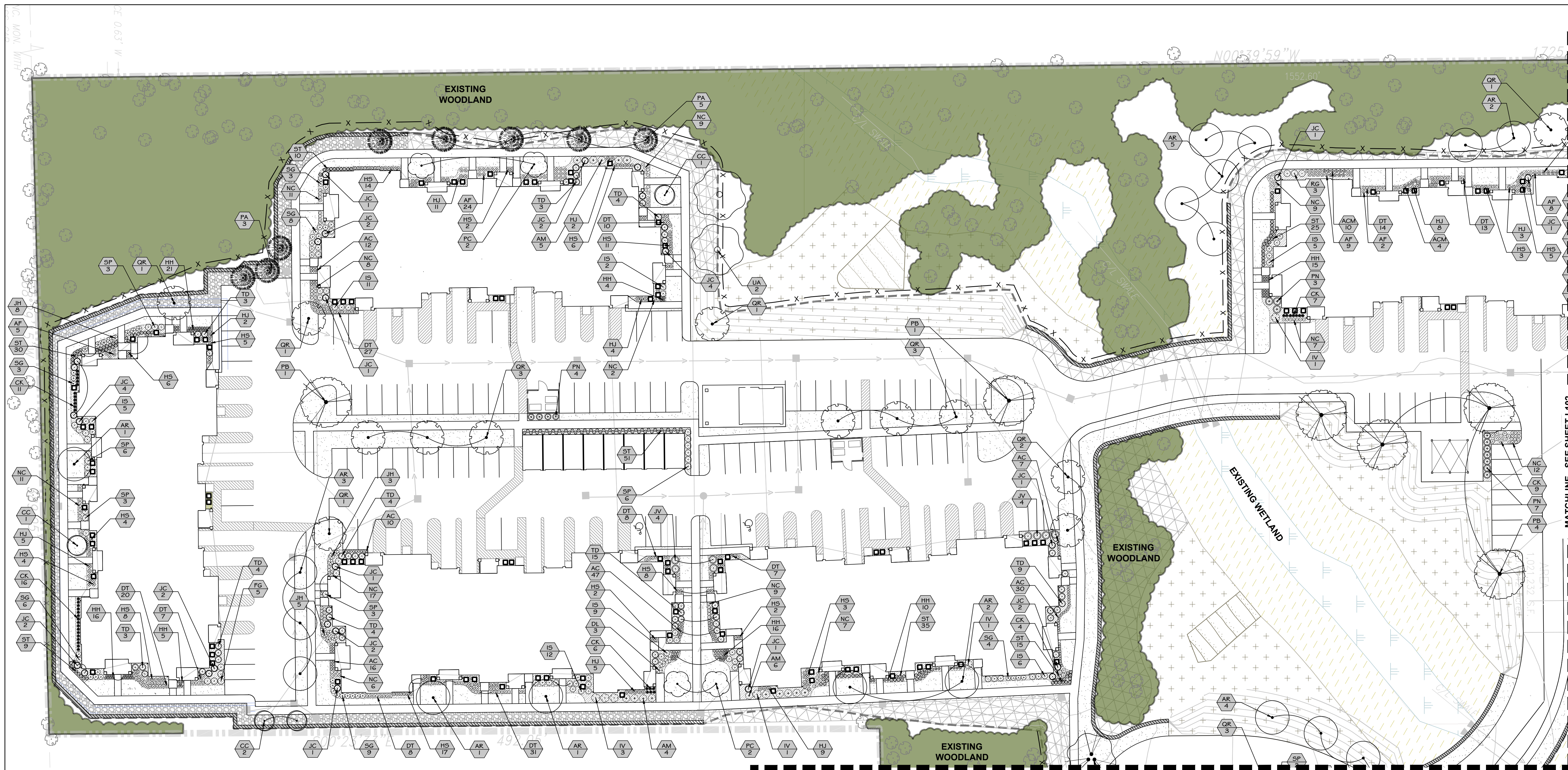
TOTAL SITE AREA: 24.021 AC

SOUTH 27TH STREET U.S.H. "41"

- NOTES:**
1. WETLAND BUFFER & WETLAND SETBACKS THAT ARE TO BE DISTURBED BY GRADING ONLY SHALL BE RESTORED TO EXISTING CONDITION.
 2. WETLAND MITIGATION WILL BE PERFORMED IN ACCORDANCE WITH DIVISION 15-4.0103 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE. RESTORED AND CREATED NEW WETLAND, WETLAND BUFFER, AND WETLAND SETBACK SHALL PROVIDE SOILS AND NATIVE PLANT SPECIES OF EQUAL OR GREATER QUALITY THAN THOSE TO BE DISTURBED. AREAS ARE TO BE THE MINIMUM WIDTHS AND SIZES AS REQUIRED UNDER DIVISION 15-4.0103.
 3. SEE L200 FOR SPECIES COMPOSITION OF SEED MIXES AND PLUGS FOR WETLAND AND WETLAND BUFFER AREAS.
 4. SEE L300 FOR INFORMATION ON SEED INSTALLATION AND LONG-TERM VEGETATION MANAGEMENT.
 5. DEVELOPER WILL DEDICATE A CONSERVATION EASEMENT TO THE CITY OF FRANKLIN TO PRESERVE EXISTING AND REQUIRED PROPOSED MITIGATED WETLAND AREAS IN PERPETUITY. CONSERVATION EASEMENT SHALL NOT IMPEDE ON AREA NEEDED FOR MAINTENANCE OF STORMWATER BASIN AREAS. SEE PLAN FOR PROPOSED EXTENTS.

RESOURCE TYPE	NATURAL RESOURCE FEATURE AREAS				
	MATURE WOODLANDS	YOUNG WOODLANDS	WETLANDS	WETLAND BUFFER	WETLAND SETBACK
TOTAL AREA	94,692 S.F. (2.17 AC)	129,394 S.F. (2.97 AC)	96,770 S.F. (2.22 AC)	94,666 S.F. (2.17 AC)	54,384 S.F. (1.25 AC)
AREA TO BE DISTURBED (TEMPORARY)			510.68 S.F. (0.012 AC)(0.53%)	3,028 S.F. (0.07 AC)(3.20%)	24,251 S.F. (0.56 AC)(44.60%)
AREA TO BE DISTURBED (IMPERVIOUS)	18,143 S.F. (0.42 AC) (19.16%)	64,697 S.F. (1.48 AC)(50%)	142.48 S.F. (0.003 AC)(0.15%)	4,990 S.F. (0.12 AC)(5.27%)	3,684 S.F. (0.09 AC)(6.77%)

RESOURCE TYPE	NATURAL RESOURCE MITIGATION AREAS			
	MATURE WOODLANDS	YOUNG WOODLANDS	WETLANDS	WETLAND BUFFER
AREA DISTURBED	16,403 SF (0.38 AC) (17.32%)	64,697 SF (1.48 AC) (50%)	653.16 SF (0.015 AC) (0.68%)	4,990 SF (0.12 AC) (5.27%)
MITIGATION RATIO	1.25 : 1.00	1.25 : 1.00	1.50 : 1.00	1.50 : 1.00
MITIGATION AREA REQUIRED	0 S.F. (0.0 AC)	0 SF (0.0 AC)	979.74 SF (0.023 AC)	7,485 S.F. (0.17 AC)
MITIGATION AREA PROVIDED	0 S.F. (0.0 AC)	(15) 2.5" CALIPER TREES = 0.6 AC	1,949.14 SF (0.045 AC)	SWM AREAS: 58,466 S.F. (1.34 AC) NON SWM AREAS: 37,962 (0.87 AC)



FIDUCIARY RE - FRANKLIN
 27TH STREET
 FRANKLIN, WI
 DETAILED LANDSCAPE PLAN

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

PLANT SCHEDULE L101				
EVERGREEN TREES	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Juniperus scopulorum 'Skyrocket' / Skyrocket Juniper	5' Ht.	B&B	28
	Picea abies 'Cupressina' / Cupressina Norway Spruce	6' Ht.	B&B	8
ORNAMENTAL TREES	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Carpinus caroliniana 'J.N. Upright' TM / Firespire American Hornbeam	1.5' Cal.	B&B	4
	Pyrus calleryana 'Chanticleer' / Chanticleer Callery Pear	1.5' Cal.	B&B	4
SHADE TREES	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Acer rubrum 'Armstrong' / Armstrong Red Maple	2.5' Cal.	B&B	18
	Betula nigra / River Birch Multi-Trunk	2.5' Cal.	B&B	1
	Platanus x acerifolia 'Bloodgood' / Bloodgood London Plane Tree	2.5' Cal.	B&B	6
	Quercus rubra / Red Oak	2.5' Cal.	B&B	13
	Ulmus americana 'Princeton' / Princeton American Elm	2.5' Cal.	B&B	2

DECIDUOUS SHRUBS	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Aronia melanocarpa 'Morton' TM / Iroquois Beauty Black Chokeberry	1 gal.	Pot	15
	Diervilla lonicera / Dwarf Bush Honeysuckle	1 gal.	Pot	3
	Fothergilla gardenii / Dwarf Fothergilla	1 gal.	Pot	5
	Hosta x 'June' / June Hosta	1 gal.	Pot	49
	Hosta x 'Patriot' / Patriot Hosta	1 gal.	Pot	100
	Ilex verticillata 'Jim Dandy' / Jim Dandy Winterberry	3 gal.	Pot	6
	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	1 gal.	Pot	4
	Salix purpurea 'Nana' / Dwarf Purple Osier Willow	1 gal.	Pot	21
	Spiraea x bumalda 'Goldmound' / Gold Mound Spiraea	3 gal.	Pot	33
EVERGREEN SHRUBS	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Ilex glabra 'Shamrock' / Shamrock Inkberry Holly	3 gal.	Pot	50
	Juniperus horizontalis 'Youngstown' / Creeping Juniper	1 gal.	Pot	16
	Juniperus virginiana 'Grey Owl' / Grey Owl Eastern Redcedar	3 gal.	Pot	8
	Taxus x media 'Densiformis' / Dense Anglo-Japanese Yew	3 gal.	Pot	49

GRASSES	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass	1 gal.	Pot	53
	Deschampsia cespitosa / Tufted Hair Grass	1 gal.	Pot	145
	Panicum virgatum 'Northwind' / Northwind Switch Grass	1 gal.	Pot	14
	Sporobolus heterolepis 'Tara' / Tara Prairie Dropseed	1 gal.	Pot	175
PERENNIALS	BOTANICAL / COMMON NAME	SIZE	CONTAINER	QTY
	Allium cernuum / Nodding Onion	1 gal.	Pot	122
	Astilbe chinensis 'Maggie Daley' / Maggie Daley Chinese Astilbe	1 gal.	Pot	18
	Athyrium filix-femina / Common Lady Fern	1 gal.	Pot	48
	Hemerocallis x 'Happy Returns' / Happy Returns Daylily	1 gal.	Pot	87
	Nepeta x 'Cats Pajamas' / Cats Pajamas Catmint	1 gal.	Pot	108

GENERAL NOTES:

- SEE GENERAL NOTES ON SHEET L100
- SEE L200 FOR ADDITIONAL INFORMATION ON SEED MIXES. SEE L300 FOR ADDITIONAL INFORMATION ON SEED MIX ESTABLISHMENT

LEGEND:

- SEEDED TURFGRASS LAWN (SEE L200)
- HARDWOOD MULCH PLANT BED
- STONE MULCH
- WETLAND BUFFER SEED MIX (SEE L200)
- WETLAND SEED MIX & BIOFILTRATION PLUGS (SEE L200)
- WOODLAND EDGE SEED MIX (SEE L200)
- EXISTING WETLAND (TO BE PRESERVED)
- EXISTING WETLAND BUFFER (TO BE PRESERVED)
- EXISTING WOODLANDS (TO BE PRESERVED)
- EXISTING TREE TO REMAIN (DBH > 8")
- TREE PROTECTION FENCE, SEE EROSION CONTROL PLAN
- PROPOSED RETAINING WALL, SEE GRADING PLAN
- PROPERTY LINE
- LIMITS OF GRADING, SEE CIVIL

NO. REVISION	DATE	BY

SCALE:	1" = 30'-0"
PROJECT NO:	20282
DESIGN DATE:	----
PLOT DATE:	1/27/2022
DRAWN BY:	MJK
CHECKED BY:	JCT
APPROVED BY:	CTC
SHEET NO:	L101

18:29

JTECHEN

L101



CALL DIGGERS HOTLINE
 1-800-242-8511
 TOLL FREE

MS STATUTE 182.07(2)(94)
 REQUIRES MIN. 3 WORK DAYS
 NOTICE BEFORE YOU EXCAVATE
 MILW. AREA 259-1181

THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.

20282

SOIL

- Contractor shall provide high-quality topsoil for all new turfgrass lawn and planting bed areas in the following depths:
 - For seeded lawns: 4-inches minimum; 8-inches in areas where high bedrock is present
 - For planting beds: 12-inches
 - For tree pits and/or trees planted in planting beds: 24-inches or the depth of the rootball, whichever is greater.
 - No topsoil is required under any areas that are exclusively stone cobbles/stone materials. Topsoil shall be loam to sandy loam and free of rocks, gravel, wood, debris, litter, and of noxious weeds and their seeds. It shall be cleaned, salvaged or imported material capable of passing the 1" sieve.

- Additional Properties of Imported Topsoil or Manufactured Topsoil: Screened and free of stones 1/4 inch or larger in any dimension; free of roots, plants, sod, clods, clay lumps, pockets of coarse sand, paint, paint washout, concrete slurry, concrete layers or chunks, cement, plaster, building debris, oils, gasoline, diesel fuel, paint thinner, turpentine, tar, roofing compound, acid, and other extraneous materials harmful to plant growth; free of obnoxious weeds and invasive plants including quackgrass, Johnsongrass, poison ivy, nutsedge, nimblewill, Canada thistle, bindweed, bentgrass, wild garlic, ground ivy, perennial sorrel, and bromegrass; not infested with nematodes; grubs; or other pests, pest eggs, or other undesirable organisms and disease-causing plant pathogens; friable and with sufficient structure to give good tilth and aeration. Continuous, air-filled pore space content on a volume/volume basis shall be at least 15 percent when moisture is present at field capacity. Soil shall have a field capacity of at least 15 percent on a dry weight basis.

- Sand: Provide sand for sand/topsoil blend meeting the gradation requirements of USDA Coarse Sand (0.02-0.04 inches) or ASTM C33 (Fine Aggregate Concrete Sand) or WisDOT SSHSC Section 501.2.5.3.4 (Fine Aggregate Sand). Pre-blend sand and topsoil uniformly off-site prior to delivery and installation on-site and only install where specifically indicated in the drawings.

- All topsoil shall be verified by field review at the location of the topsoil stockpile prior to delivery or spreading on the site. Field review may consist of visual inspection, hand test for clay, etc. Each different soil source (stockpiled from existing site, imported, stockpiled off-site, etc) is subject to a separate inspection and approval.

- Refer to Civil plans for subterranean bioretention island materials and constructions.

- Till or disc the exposed subsoils/subgrades to a depth of 2"-4" to allow aeration before placing topsoil. An Owner's Project Representative shall examine all subgrades prior to the delivery or installation of topsoil for any and all detrimental conditions including compaction, contamination by deleterious materials, presence of large construction debris, and/or any other negative conditions. Soil materials shall not be placed until all subgrade deficiencies have been corrected. Contractor will be held responsible for negative results from improper subgrade preparation if soil materials are placed with disregard to inadequately prepared subgrades.

- Place an initial lift of topsoil to a 4-inch depth and gently till into the top layer of decompacted subgrades. Place subsequent layers of topsoil also in 4-inch lifts and lightly tamp to account for settling. Topsoil depths listed in these sheet notes are final depths, **taking into account settling**; Contractor shall account for a slight overage of topsoil volumes ordered and delivered to the site to account for material settling.

- Do not apply topsoil to saturated or frozen subgrades.

- Finish grade topsoil surfaces to the following tolerances where topsoiled area(s) meets adjacent pavements:
 - For seeded lawns: Hold topsoil 1/2-inch below top surface of adjacent pavement.
 - For planting beds: Hold topsoil 2-inches below top surface of adjacent pavement and taper bark mulch down so that top surface of bark mulch is held even or slightly below top surface of adjacent pavement.

PLANTS

- Protect all existing trees to remain on or near the construction boundaries. If any existing trees to remain are damaged or need to be removed to accommodate construction, the appraised value of the tree(s) will need to be paid to the Owner.

- All plant material shall conform to the American Standards of Nursery Stock and be true to the species and variety/hybrid/cultivar specified, and nursery-grown in accordance with good horticultural practices, and under climatic conditions similar to those of the site location. All material shall be well-rooted into its specified container size. Nursery-dug material shall be freshly dug and properly prepared for planting.

- If discrepancies occur between the written Plant Schedule and the actual plant count from the planting symbols placed on the plans, the quantities in the plans shall govern over the quantities indicated in the Plant Schedule. Plants shall conform to the measurements specified within the contract documents.

- Trees and shrubs shall have superior form, compactness, and symmetry. Damaged trees and shrubs, by weather, insects, fungus, knots, abrasions, or cut limbs or leaders and trees with multiple leaders, unless specified otherwise, will be rejected.

- Trees and shrubs shall have healthy, well-developed root systems, free from physical damage.

- Planting Restrictions: Plant between April 15 and October 1 and after ground has completely thawed. Any planting proposed outside of this planting window shall receive written approval from an Owner's Project Representative.

- Do not fertilize newly planted material in the first year of planting.

- During transportation, no plant shall be bound with rope or wire in a manner that damages trunks or breaks branches. Plants are not to be dragged, lifted, or pulled by the trunk, branches or foliage. Plants are not to be thrown off a truck or loader.

- Prior to installation, plants must be protected from sun and drying winds, kept in shaded areas, and kept well-watered. Install all plants within one day of delivery to site.

- An Owner's Project Representative and Landscape Architect must inspect all plant material delivered to the site to verify health, form and conformance to the size and species requirements prior to planting. Landscape Architect reserves the right to inspect, and potentially reject any plants that are inferior, compromised, undersized, diseased, damaged, or installed incorrectly.

- All plants shall be guaranteed to be in healthy and flourishing condition during the growing season. The guarantee does not cover damage from vandalism, animals, freezing rain, or winds over 60 mph. During any time of the guarantee period, the Contractor shall remove or replace, without cost to the owner, all plants not in a healthy and flourishing condition as determined by the Landscape Architect. All plant material shall be guaranteed for one (1) year from time of installation. Only one replacement per plant shall need to be made.

PLANTS, CONTINUED...

- Set plants plumb into the center of plant holes or excavated plant bed area, **making sure that the root flare is 1-inch above adjacent finished grades**; plants set too low will require re-planting at no additional cost to the Owner. **Remove wire basket, burlap, twine, pots, and/or any other material completely from the rootball.** Gently scarify rootballs of shrubs and/or perennials that have pot-bound roots. Trees with girdling roots will be rejected. Remove all twine and labels and prune any dead or broken branches.

- Backfill around rootballs in 6-inch to 8-inch lifts, tamping gently to settle soil and eliminate voids and air pockets. Fine grade all planting bed surfaces after installation and prior to mulching to re-distribute topsoil from plant hole excavations in an even, smooth surface level with adjacent grades. Provide a granular pre-emergent herbicide [Basis of Design: Preen Garden Weed Preventor by Preen] across the surface of all planting beds and/or tree pit areas in accordance with manufacturer's written instructions. Thoroughly water plants and planting bed surfaces (exposed soil areas that will be covered with bark mulch) immediately after planting and before mulching.

- Organic Mulch is to be shredded hardwood or cedar bark, free of material detrimental to healthy plant growth. Recycled bark, shredded pallets or other non-virgin material will be rejected. Individual pieces of shredded bark mulch shall not exceed 2-1/2" in size. Color shall be natural. Basis of Design: "Single Cut Hardwood" by Kissar Stone, or approved equal.
 - Provide a 3-inch depth, continuous layer of shredded hardwood bark mulch for all planting beds indicated.
 - Provide a shredded hardwood bark mulch ring at the base of all trees planted in lawn areas. Size (diameter) of the ring varies based on tree species and locations. Refer to plans for diameter of tree rings.

- Provide a 6" deep x 2" wide spaded edge, backfilled with shredded hardwood bark mulch around the perimeter of all mulch rings for trees planted in lawn areas.

- Provide a 6" deep x 6" wide shovel cut edge (trenched edge), backfilled with shredded hardwood bark mulch, for all planting beds adjacent to lawn areas.

- Maintenance for plant material shall be 90 days. Contractor will be responsible for beginning initial maintenance for all plants and landscape materials as soon as the material is installed. Actual maintenance period will start at the end of installation on the date considered substantial completion by an Owner's Representative. Any days of maintenance period after October 15 of any given year will roll into the spring of the next year, Starting May 1. For example, a project completed on September 15 would be responsible for maintenance from September 15 to October 15 (30 days) and then from May 1 to July 1 (60 days) the following season.

- During the maintenance period, the Contractor will be responsible for (at a minimum), watering with Contractor-supplied supplemental water, staking leaning trees, re-settling plant material/topsoil areas/seeded areas that settle, pruning, dead-heading, weeding, and removing trash and debris from planting and landscape areas, re-setting stone materials and/or edging, repairing areas of washout, and ensuring all landscape construction is on the path to successful short and long-term establishment. Whenever possible, utilize integrated pest management practices; hand-weeding will be required. Apply pesticides and chemical products only as required to prevent widespread outbreaks of a particular weed species and only after receiving written approval from the Owner. Contractor shall plan to make weekly maintenance visits to the site during the maintenance period and shall provide documentation to the Owner of the maintenance activities performed and observations of any deleterious nature for each maintenance visit.

- Stake any trees planted on slopes of 3:1 or greater, in areas of high winds, and/or as determined by the Contractor or Owner's Representative to be in the best interest of the tree's immediate and long-term health and survivability.

SEEDING

- Provide the following seed types from Agrecol LLC 10101 N. Casey Road Evansville, Wisconsin 53536:

- Agrecol's 'Upland Meadow Seed Mix for areas shown as 'WETLAND BUFFER SEED MIX'
- Agrecol's 'Savannah/Woodland Edge Seed Mix' for areas shown as 'WOODLAND EDGE SEED MIX'
- Agrecol's 'Rainwater Renewal Mix' for areas shown as 'WETLAND SEED MIX'
- Reinder's 'Deluxe 50 Seed Mix' for areas shown as 'SEEDED TURFGRASS LAWN'

Refer to DETAIL 5/6/7/8, L200, for Seed Mix composition.

- Refer to Civil plans for locations and extents of erosion control mat. In general, provide Curlex Net Free for seeded areas with slopes of 4:1 or less and Curlex II erosion control mat in all other seeded areas. Provide manufacturer's standard biodegradable anchoring stakes (or alternative source for biodegradable stakes, if approved in writing by Owner's Representative). Install per manufacturer's written installation instructions.

- Anchored straw mulch may only be used for seeding small areas of repair unless approved by the Owner.

- Seed shall be delivered to the site in its original, unopened container, labeled as to weight, analysis, and manufacturer. Store any seed delivered prior to use in a manner safe from damage from heat, moisture, rodents, or other causes.

- The Contractor shall guarantee the germination of seed installed during the regular seeding season. Seeding windows for the project are April 1 - June 15 and/or September 1 to October 15. Seeding outside of these windows requires written approval from Owner and may require additional material and/or maintenance costs.

- Fertilizer + Preemergent: Provide 21-22-4 Fertilizer-Mesotrione Herbicide blend by The Andersons, or approved equal, for application over bare soils before seeding or sodding for all turfgrass seeded areas. Apply at 40 lbs. / 11,000 square feet.

- Starter Fertilizer: In addition to fertilizer+preemergent blend, provide a granular, non-burning fertilizer of 18-12-6 composition by Spring Valley, or approved equal, for all turfgrass seeded areas. Apply at manufacturer's recommended rate(s).

- Contractor will be responsible for beginning initial maintenance for all lawns and erosion control materials as soon as the material is seeded/installed. Actual maintenance period will start at the end of installation on the date considered substantial completion by an Owner's Representative. Any days of maintenance period after October 15 of any given year will roll into the spring of the next year, Starting May 1. For example, a project completed on September 15 would be responsible for maintenance from September 15 to October 15 (30 days) and then from May 1 to July 1 (60 days) the following season.

- Maintain and establish lawn areas by watering, fertilizing, weeding, mowing, trimming, replanting, and any other operations to ensure all lawns are on a path to short-term establishment and vigorous, long-term health. Roll, regrade, and replant bare or eroded areas and repair displaced erosion control materials to produce a uniformly smooth lawn. Contractor shall plan to make weekly maintenance visits to the site during the maintenance period and shall provide documentation to the Owner of the maintenance activities performed and observations of any deleterious nature for each maintenance visit.

VEGETATION MONITORING AND MANAGEMENT

NATIVE SEED INSTALLATION:

NATIVE SEED SHALL BE MIXED THOROUGHLY BY VENDOR OR SEED INSTALLATION CONTRACTOR. SEED SHALL BE INSTALLED BY MEANS OF MECHANICAL AND/OR BROADCAST METHODS TO ASSURE EVEN DISTRIBUTION OF SEEDS THROUGHOUT ALL DESIGNATED SEEDING AREAS. IMMEDIATELY AFTER SEED PLACEMENT, SEED SHALL BE SOWN INTO THE SOIL'S SURFACE BY MEANS OF LIGHT RAKING OR HARROWING AND THEN LIGHTLY MULCHED WITH CLEAN, WEED-FREE STRAW. A COVER CROP OF ANNUAL RYE GRASS SHALL BE USED TO COMPLIMENT NATIVE SEEDING AREAS AT THE RATE OF FIVE (5) POUNDS PER ACRE.

MANAGEMENT AND MONITORING:

THE MANAGEMENT AND MONITORING OF NATIVE PLANTINGS (INCLUDING SEED MIXES, FORBS AND PLUGS) SHOULD BE DIRECTED TOWARD THE GOAL OF CREATING A STABLE, NATIVE PLANT COMMUNITY. INVASIVE AND WEEDY PLANT SPECIES WILL NEED TO BE CONTROLLED UNTIL THE DESIRED NATIVE PLANT COMMUNITIES ARE ESTABLISHED. THIS TYPICALLY WILL TAKE THREE (3) TO FIVE (5) YEARS AFTER SOWING OR PLUG INSTALLATION.

UNDESIRABLE PLANT CONTROL:

OVERALL MANAGEMENT OF VEGETATED AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO: RESEEDING OR REPLANTING DAMAGED OR NON-ACTIVE GROWTH AREAS, IRRIGATION, STRATEGIC MOWING TO REDUCE WEED COVER AND PREVENT WEED SEED SET, REMOVAL OF TREE SEEDLINGS, TARGETED HERBICIDE APPLICATION(S), AND MECHANICAL WEED CONTROL (HAND PULLING AND SEED HEAD REMOVAL). SELECTED HERBICIDE APPLICATIONS SHOULD BE DONE SPARINGLY AND ONLY WHEN NECESSARY. SELECTION OF HERBICIDE FOR USE MUST CONSIDER THE PROXIMITY TO THE WATERWAY, IN COMPLIANCE WITH STATE AND APPLICABLE FEDERAL LAW.

SHORT-TERM VEGETATION MANAGEMENT:

SHORT-TERM VEGETATION MANAGEMENT (2 YEARS AFTER SEEDING/PLUG INSTALLATION) OCCURS WHILE THE LANDSCAPE CONTRACTOR OR SPECIALTY SEEDING/ RESTORATION CONTRACTOR IS RESPONSIBLE TO THE PROJECT OWNER FOR THE GUARANTEE OF ALL PLANTINGS TO BE ALIVE AND IN VIGOROUS GROWING CONDITIONS. SEEDING SHOULD ACHIEVE AN AVERAGE OF 80% VEGETATION COVERAGE FROM SPECIFIED SEED MIXES. IF UNSATISFACTORY PLANTS ARE FOUND ON SITE, THEY SHOULD BE REPLACED BY THE LANDSCAPE CONTRACTOR OF SPECIALTY SEEDING/RESTORATION CONTRACTOR DURING THE FIRST MONTH OF THE NEXT FAVORABLE PLANTING SEASON. SUPPLEMENTAL SEEDING WILL BE NEEDED TO FILL IN BARE SPOTS WHERE NATIVE SEED GERMINATION IS POOR. IT IS ALSO THE LANDSCAPE CONTRACTOR / SPECIALTY SEEDING/RESTORATION CONTRACTOR'S RESPONSIBILITY TO ELIMINATE ALL NOXIOUS WEED GROWTH FROM THE SITE DURING THIS GUARANTEE PERIOD.

INSPECTIONS SHOULD BE MADE FREQUENTLY DURING THE GROWING SEASON TO PROPERLY DOCUMENT ANY INVASIVE SPECIES, WEEDS, DEHYDRATION, DAMAGE, EROSION, DISEASES, BARE AREAS, AND PESTS. THE NECESSARY REPAIRS, TREATMENTS, SEEDING AND PLANTING SHOULD BE DONE AS SOON AS WEATHER CON- DITIONS ARE APPROPRIATE. THE INSPECTIONS AND SUBSEQUENT ACTIONS SHOULD BE PROPERLY DOCUMENTED AND GRAPHICALLY IDENTIFIED ON THE APPROVED LANDSCAPE PLAN FOR THE PROJECT.

AT THE END OF THE GUARANTEE PERIOD, OWNERSHIP AND MAINTENANCE ACTIVITIES WILL BE TRANSFERRED TO THE PROJECT OWNERSHIP/MANAGEMENT ASSOCIATION.

LONG TERM VEGETATION MANAGEMENT:

LONG-TERM MANAGEMENT (AFTER 2 YEARS) WILL BE THE RESPONSIBILITY OF THE PROJECT OWNER/MANAGEMENT ASSOCIATION. LONG-TERM VEGETATION MANAGEMENT TASKS WILL INCLUDE MOWING, RESEEDING OR REPLANTING DAMAGED AREAS, REMOVAL OF TREE SEEDLINGS, TARGETED HERBICIDE APPLICATION AND MECHANICAL WEED CONTROL (HAND-PULLING AND SEED HEAD REMOVAL) AND REPAIR OF EROSION AREAS. SELECTIVE HERBICIDE APPLICATIONS SHOULD BE DONE SPARINGLY. INSPECTIONS SHOULD BE MADE FREQUENTLY DURING THE GROWING SEASON TO IDENTIFY ANY INVASIVE SPECIES, WEEDS, DEHYDRATION DAMAGE, EROSION, DISEASES, BARE AREAS, AND PESTS. THE NECESSARY REPAIRS, TREATMENTS, SEEDING AND PLANTING SHOULD BE DONE AS SOON AS WEATHER AND GROWING CONDITIONS ARE APPROPRIATE.

MOWING FREQUENCIES:

MOWING FREQUENCIES WILL DEPEND ON FIELD CONDITIONS. THE NATIVE SEEDLING/GRASS AREAS SHOULD NEVER BE MOWED SHORTER THAN SIX (6) INCHES. GROWTH OF THE VEGETATION ALONG THE WATER'S EDGE (WHERE APPLICABLE) WILL PROVIDE BANK STABILIZATION. THE VEGETATION SHOULD PREVENT NUISANCE LEVELS OF GEESSE IN WATERWAYS, WHICH WOULD ADD TO THE NUTRIENT LEVEL IN THE WATER AND FURTHER DEGRADE THE WATER QUALITY. IN ADDITION, THE GROUND SLOPE ABOVE NORMAL WATER ELEVATION SHOULD PROVIDE GOOD DRAINAGE OF THE SURFACE SOILS REDUCE PONDING, AND THUS MOSQUITO HABITAT. THE NATIVE VEGETATION WILL PROVIDE HABITAT CONDUCIVE TO THE BREEDING AND ESTABLISHMENT OF EFFECTIVE MOSQUITO PREDATORS SUCH AS DRAGONFLIES.

MOWING SHOULD BE DONE THREE (3) TIMES DURING THE ESTABLISHMENT PERIOD:

ACTIVITY	TIMING	SUGGESTED MOWING HEIGHTS	REASON
FIRST MOWING	LATE MAY- EARLY JUNE	NO LESS THAN (6) INCHES	TARGET EARLY WEEDS
SECOND MOWING	EARLY AUGUST	NO LESS THAN (12) INCHES	CONTROL WARM SEASON WEED GROWTH
THIRD MOWING	LATE OCTOBER		VEGETATION SHOULD BE DORMANT

MOWING TIMES ARE APPROXIMATE: ACTUAL MOWING TIMES SHOULD BE BASED ON THE GROWTH OF NATURAL GRASSES AND UNDESIRABLE WEEDS.

AFTER THE DESIRED VEGETATION HAS BECOME ESTABLISHED THE FIRST AND SECOND MOWINGS (MAY, AUGUST) MAY NOT BE NECESSARY. THE THIRD MOWING (OCTOBER), HOWEVER, SHOULD BE DONE ANNUALLY. BURNING: THE NORTH AMERICAN PRAIRIE EVOLVED UNDER THE INFLUENCE OF FIRE. MANY TIMES, THESE FIRES WERE IGNITED BY LIGHTNING FROM STORMS SWEEPING ACROSS THE PLAINS STATES. BURNING IS AN EFFECTIVE WAY TO CONTROL INVASIVE WEED SPECIES (THEY OFTEN CANNOT SURVIVE THE HEAT AND FLAMES), AND ALSO CAN BE A MECHANISM FOR DISBURSAL OF SEEDS FROM DESIRED PLANT SPECIES WITHING THE PRAIRIE. PROPERLY CONDUCTED, A "OPNTROLLED BURN" IS SAFE AND EFFECTIVE.

PRIOR TO BURNING, CONTACT WITH THE LOCAL MUNICIPALITY / FIRE DEPARTMENT IS REQUIRED. SOME MUNICIPALITIES MAY HAVE RESTRICTIONS ON OPEN BURNING, OR ONLY ALLOW SUCH PRACTICES AT CERTAIN TIMES. ADDITIONALLY, A PERMIT TO BURN MAY BE REQUIRED IN SOME MUNICIPALITIES. THE SUPERVISING CREW SHOULD BE COMPRISED OF EXPERIENCED PROFESSIONALS WHO ARE TRAINED AND CERTIFIED IN THESE TYPES OF PRESCRIBED BURNS.

IF ALLOWED BY LOCAL CODE AND ORDINANCES, ONLY BURN WHEN THE DEAD VEGETATION MATTER CAN SUSTAIN FIRE. WET OR DAMP PLANT MATTER IS NOT EFFECTIVE IN A CONTROL BURN SETTING. IT MAY TAKE UP TO THREE (3) YEARS FOR A NEWLY PLANTED PRAIRIE TO HAVE ENOUGH "FUEL" TO STAGE AN EFFETIVE CONTROLLED BURN.



FIDUCIARY RE - FRANKLIN
 27TH STREET
 FRANKLIN, WI
 LANDSCAPE SPECIFICATIONS

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

SCALE:	
PROJECT NO:	20282
DESIGN DATE:	----
PLOT DATE:	1/27/2022
DRAWN BY:	----
CHECKED BY:	----
APPROVED BY:	----
SHEET NO:	

L300

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1155 Pilgrim Rd.
Plymouth, WI, 53073

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



December 23, 2021

GP-SE-2021-41-04248

CCM-9801 27th Franklin LLC
Nicklaus Jung
901 S. 70th Street
West Allis, WI 53214

Sent electronically via email

RE: Coverage under the wetland statewide general permit for Wetland Fill or disturbance for Residential, Commercial, Industrial development, located in the City of Franklin, Milwaukee County, also described as being in the SE ¼ of the NE ¼ section 25 Township 05 North, Range 21 East; docket GP-SE-2021-41-04248.

Dear Mr. Jung,

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill or disturbance for residential, commercial, or industrial development, s. 281.36, Wis. Stats.

You have certified that your project meets the eligibility criteria for this activity. **Based upon your signed certification you may proceed with your project to fill 0.015 acres (653 square feet) of wetlands.** Please take this time to re-read the permit standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit (found at <https://dnr.wisconsin.gov/topic/Wetlands/permits> - keyword: general permits-GP1). The permit conditions are attached to this letter. **You are responsible for meeting all general permit eligibility standards and permit conditions.** This includes notifying the Department before starting the project and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Ryan Pappas at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, recreational value and other functions and values wetlands provide to current and future generations. You are responsible for obtaining any other local, state or federal permits that are required before starting your project.

If you have any questions, please call me at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov .

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pappas', written in a cursive style.

Ryan Pappas
Water Management Specialist

Copy to: USACE Project Manager
City of Franklin Zoning Administrator
Consultant

WDNR-GP1-2017 Permit Conditions – Residential/Commercial/Industrial

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in the application materials and section 2 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP1-2017 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the DNR.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WDNR-GP1-2017
5. **Expiration.** This WDNR-GP1-2017 expires on October 31, 2022. The time limit for completing work authorized by the provisions of WDNR-GP1-2017 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP1-2017 or until the discharge is completed, whichever occurs first.
6. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other local authority, other state permits and by the U.S. Army Corps of Engineers before starting your project.
7. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department before starting construction.
9. **Permit Posting.** You must post a copy of this permit coverage letter at a conspicuous location on the project site prior to the execution of the permitted activity, and remaining at least five days after stabilization of the area of permitted activity. You must also have a copy of the permit coverage letter and approved plan available at the project site at all times until the project is complete.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if the project is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Once wetland work commences, all wetland construction activities must be continuous until the permitted activity is completed and the site is stabilized.
12. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
13. **Project Completion.** Within one week of completion of the regulated activity, you shall submit to the Department a statement certifying the project is in compliance with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number, and be submitted to the Department staff member that authorized coverage.

14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP1-2017 in good condition and in conformance with the terms and conditions of this permit utilizing best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands.
15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP1-2017 and applicable laws.
16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to wetlands as outlined in NR 151.11(6m), Wis. Adm. Code.
17. **Equipment use.** The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.
18. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>.
19. **Federal and State Threatened and Endangered Species.** WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and applicable State Laws. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
20. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.
21. **Historic Properties and Cultural Resources.** WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
22. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-943-0003.
23. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(11) and (33), Wis. Stats.
24. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
25. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
26. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP1-2017.

27. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if any of the following occur:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP1-2017.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

From: [James Leedom, P.E., LEED AP](#)
To: [Pappas, Ryan J - DNR](#); [Tony DeRosa](#)
Cc: [Marion Ecks](#); [Wirth-Murray, Morgan M MVP](#); [Christopher Carr, P.E.](#); [Ashley Poull](#); [David Ferrell](#); [Sean Miller](#)
Subject: [External] RE: [EXT] Fiduciary Real Estate Seasons_Wetland Permit-HOLD_Request for additional information_Franklin_Milwaukee County
Date: Wednesday, December 22, 2021 4:56:30 PM
Attachments: [Alternatives Analysis Cost Comparison Table.pdf](#)
[Wetland Permit Exhibit Revised ALT 4-ALT 4.pdf](#)
[Wetland Permit Exhibit 5 - Wetland Impact Cross Section.pdf](#)
[2021.12.22_20282_Civil Site Plan.pdf](#)
[2021.12.22_20282_Wetland Fill Offsite Catchment Area.pdf](#)
[2021.12.22_Wetland Bypass Flow Calculation.pdf](#)
[2021.12.22_20282_Civil Grading Plan.pdf](#)

Ryan, see our responses to your comments in red below. Based on your comments, we revisited the proposed site plan and made some revisions to further minimize wetland impacts. A copy of the revised proposed site plan is attached. The revisions result in approximately 6,316 less square feet of wetland disturbance than the originally proposed layout. The revised wetland disturbance area based on the revised plan is 0.015-acres (653 square feet). We look forward to your review of this additional information. Please do not hesitate to contact us should additional information be required to finish your review. Regards, Chip Leedom

James (Chip) B. Leedom, P.E., LEED A.P.
Senior Project Engineer
414-643-4169 (office)/414-217-3333 (Mobile)
The Sigma Group, Inc.
[1300 W. Canal Street, Milwaukee, WI 53233](#)
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From: Pappas, Ryan J - DNR <Ryan.Pappas@wisconsin.gov>
Sent: Wednesday, November 24, 2021 2:46 PM
To: James Leedom, P.E., LEED AP <jleedom@thesigmagroup.com>; njung@cardinalcapital.us; Tony DeRosa <tderosa@fred-inc.com>
Cc: Marion Ecks <MEcks@franklinwi.gov>; Wirth-Murray, Morgan M MVP <Morgan.M.Wirth-Murray@usace.army.mil>
Subject: [EXT] Fiduciary Real Estate Seasons_Wetland Permit-HOLD_Request for additional information_Franklin_Milwaukee County

Good morning Nicklaus, Anthony, and James,

Thank you for submitting a wetland general permit application for the proposed

Fiduciary real estate seasons project proposing to impact 6,970 square feet of wetlands in the City of Franklin, Milwaukee County (GP-SE-2021-41-04248). We have reviewed your application materials, and are writing to notify you that **we need additional information to complete your application** and determine if your proposed project will meet applicable legal standards. It is important that we receive clear detailed information about your project requirements and constraints so the permit application file adequately explains your project and allows the DNR to issue a decision that is supported by the file information. **Specifically, we need the following information:**

Wetland permits require that you demonstrate you have avoided wetland impact where possible, and that you minimized wetland impact to the greatest practicable extent for the purpose and need of your proposed project. This means that you must show that you have used and considered all practicable alternatives where possible that can completely avoid or minimize wetland fill for your proposed project.

Wetland Permit additional information needed:

1). Differentiate between waterway and wetland: The area of wetland impact proposed will need to be reviewed to determine if the feature would be considered a waterway or watercourse by the Wisconsin DNR. The wetland delineation report calls out the feature as an intermittent stream, flowing in a particular direction, that ranges from 2-6 feet wide, and 6 inches – 12 inches deep. These dimension seem to indicate a marginal waterway is present at the site. Waterway and wetland projects have very different permitting requirements, and the DNR will need to visit the site to determine if the waterway/wetland feature would be considered a navigable waterway or not. If the feature is not a navigable waterway, we would then proceed under wetland permitting. If the feature is a navigable waterway, there may be additional waterway permit requirements. The site visit will also serve as a review of wetland functions and values, if the feature is not a waterway. Please let me know if 2PM on Thursday December 2nd would work for a tentative site visit day. **The “waterway” in question was previously determined to be non-navigable by the WDNR in late 2018. An email from Joshua Wied of the WDNR dated 1/4/19 indicating that it is non-navigable was provided to you as documentation. Per the email, no waterway permitting would be required.**

2). Top View plan detail: Please provide a detailed top view plan details of the entire facility, showing all of the following:

- The entire proposed expansion project, including all proposed features, stormwater pond, bioretention pond, roadways, culverts, sewer, utilities, parking areas, filling/grading limits.
- detail showing the limits of all wetland on the parcel, and indicating the proposed wetland impact area. On this figure, please indicate the

amount of wetland proposed to be disturbed in square feet.

The top view plan detail must clearly show exactly which area of wetland you are requesting to fill for your project in context to the proposed expansion project limits. This proposed wetland fill area should either be highlighted, shaded or color-coded for easy reference, and include labels that indicate the amount of wetland disturbance in each area (in square feet). The top view plan detail must also show specifically all limits of disturbance and portions of your proposed development/expansion project as mentioned in your narrative and alternative analysis. **A current set of site civil plans showing the top view of the entire project site including all proposed features were included as attachments to the permit application. In addition, the alternatives analysis attachment included exhibits showing the area of proposed wetland disturbance. The proposed site plan has since been adjusted to address some of your comments below. A revised site plan and revised wetland disturbance plan are included as attachments to this email.**

3). Side View and Cross section plan detail: Please provide cross section/side view plan details for the proposed project, where you are proposing to impact wetlands. This cross section detail should show, road width, side slopes, sidewalks, parking spaces, proposed building edges, culvert details (including diameter, and culvert placement details), proposed swale details on the southwestern side of the site, and all other applicable details.

Please clarify road width, side slope and parking lot details:

- a. **Road width details:** it appears that there are 2 road crossings of the wetland area. Please explain the proposed road width in these areas, and explain how the road width has been minimized to the greatest practicable extent. Please explain if one crossing could work instead of using two road crossings. Please see the attached 'suggested alternative 2' figure that includes a potential road that runs parallel to the south side of the wetland/watercourse, which could reduce wetland impacts by eliminating the other road segment. Please explain the reason for this road width in detail, including the typical widths of equipment, turning radius of typical equipment, and any other applicable details. Most public roads and 2-lane highways (that accommodate 2 directions of travel) have a drivable surface that is 24-30 foot wide drivable surface for 2-way traffic (two - 12 foot lanes, and 3 foot wide shoulders on each side). Please explain in detail why the suggested alternative is not a practicable alternative that minimizes wetland impacts to the greatest practicable extent for the purpose and need of the proposed project. **The drives are 24' in width from face of curb to face of curb. The Franklin Unified Development Ordinance requires drives to be a minimum of 24 feet in width. We are meeting that requirement.**

The suggested alternative of eliminating the east-west wetland crossing by running a drive running parallel to the south side of the wetlands was

considered. However, this alternative would run through a stand of mature woodlands as defined by the City of Franklin. This alternative would result in the loss of approximately 1200 square feet of mature woodlands and would require approximately 400 linear feet of additional retaining wall. The development is trying to balance and minimize impacts to both wetlands and mature woodlands and meet City of Franklin requirements for the protection of natural resources. The delineated areas of mature woodlands have been added to the updated wetland impact plan which is attached to this email.

We have revised the proposed site layout to further minimize the impacts to the wetlands by shifting the drives such that they cross the wetlands at the gaps in the wetlands. This revision results in approximately 6,316 less square feet of wetland impact compared to the original proposed plan.

- b. **Side slope details:** Please explain what the side slopes are proposed to be in the wetland-facing impact areas. Have these side slopes been steepened in order to minimize wetland disturbance to the greatest practicable extent? Can you steepen the side slopes in these areas to 2:1 in certain areas to minimize wetland disturbance to the greatest practicable extent? Or can you utilize retaining walls in these wetland-facing areas to further minimize wetland impacts? If not, please explain in detail. *See attached cross section through the wetland impacts. Vertical retaining walls are being utilized at the wetland crossing and extensively throughout the site to minimize impacts to wetlands and mature woodlands. Retaining walls are placed several feet off of roadways and sidewalks for safety reasons.*
- c. **Parking lot area details:** Part of the proposed wetland impact area is for the purpose of parking stalls. Please explain how the number of parking stalls required was determined. Can you remove parking stalls in this wetland -impact area in order to minimize wetland disturbance to the greatest practicable extent? Can you rearrange the parking stalls in this area in order to minimize wetland disturbance to the greatest practicable extent? Upland areas exist around that area to the south, could you add a few parking spots at that location, and remove the ones associated with the wetland fill to minimize to the greatest practicable extent? *The parking stalls impacting the wetlands have been removed and relocated to avoid the wetland impacts. A revised site plan and wetland impact plan reflecting this revision is attached to this email. The total number of parking stalls is based on City requirements and what the market demands for parking.*
- d. **Sidewalks:** It appears that sidewalks would be included in areas where wetland

impact is proposed. Can you explain the widths of the sidewalk proposed in this area? Can the sidewalks be minimized to minimize overall wetland impacts to the greatest practicable extent? Can the sidewalk be moved over to the edge of the road in order to minimize wetland disturbance to the greatest practicable extent? Please explain in detail. Please explain how you minimized these features in the wetland impact areas. Sidewalks along the drives crossing the wetlands have been moved to the back of the curb and the terrace between the curb and the sidewalk has been eliminated in order to minimize wetland disturbance. Retaining walls are used outside of the sidewalks to transition back to wetland grades and minimize wetland disturbances. As shown on the attached site plan, we have designed the site with extensive retaining walls throughout the site to minimize wetland impacts and impacts to mature woodlands.

- e. **Culverts:** Please provide typical cross sections of the culverts in the wetland area. The wetland/watercourse flows in a particular direction, from the southwest corner of the site to the northeast corner of the site. The swale continues offsite on other private property to the south-west of the parcel in question. Please explain the size of the culverts you are placing to maintain this drainage/watercourse through the site. Please explain how these culverts were sized, and what, if any, engineering or analysis was completed to ensure that the changes to this watercourse would not result in flooding/stormwater concerns on neighboring properties. Please explain in detail. Please indicate the culverts in plans, and show how these features will be installed. Culverts should be embedded to ensure that wetland hydrology is maintained, and that that it would not result in impounding water. Cross sections of the proposed culverts in the wetland area are attached. Off-site runoff from the southwest was modeled using Hydro-Cad modeling and the culverts were sized to safely convey the 100-year storm event. Storm water modeling output is included as an attachment to this email.
- f. **Wetland swale-rerouted area:** Please provide cross section details for the proposed wetland swale rerouted area around the building in the southwest corner of the site. The rerouted area should be designed appropriately, to ensure that wetland hydrology will be maintained, and would not result in impounding water on neighboring properties. Please explain any engineering or analysis that went into the design of this feature, and provide a typical cross section of the proposed swale. The building in the southwest corner has been eliminated and the existing swale conveying offsite runoff from the southwest will remain in that area. As discussed above, the culverts at the drive crossings of the wetlands were sized to safely convey the 100-year storm event.

4). Building details: Please describe how many floors are planned with each of the proposed buildings (1 story, 2 story, 3 story, etc.), the number of unit types (studio, 1 BR, 2 BR, 3 BR, etc.) proposed throughout the site. Can you add floors to the buildings (or some of the buildings) to obtain more units in an alternative 3-layout (alternative 3 of your practicable alternative analysis narrative). **The buildings are all two-story buildings. A total of 252 units are being provided broken down as follows: 30 studio apartments; 96 1-bedroom apartments; 102 2-bedroom apartments and 24 3-bedroom apartments. Three and four-story buildings are not considered viable for the following reasons.**

Market demand is for two-story townhomes with private direct entrances (as proposed) for each apartment unit. The market has been flooded in recent years with three and four-story buildings with common corridors. With the onset of COVID and the typical renter is now significantly more concerned about their health, there is less demand for 3 and 4-story buildings with elevators and common hallways as people desire a more private living experience/entrance. Many renters do not want to share an elevator or common hallway with others.

The developer also conducted a neighborhood meeting last month, and all of the residential neighbors that we spoke with will not support anything taller than a two-story building. They do not want and will not support a three or four-story building in their backyards.

Not only is there less demand for corridor buildings for the reasons noted above and lack of support for taller buildings from neighboring residents, but there are significant implications with the idea of adding a third floor to these buildings as noted below:

- A three-story building will require an elevator. Adding an elevator will require that all three floors now have corridor ADA access and this would actually grow the size of the buildings to accommodate elevators and ADA compliant corridors. This would add an estimated \$1,500,000 to the project budget and the project would no longer be financially feasible, nor desirable to the target customers for what they are looking for.

5). Alternatives analysis details: Regarding the alternatives in your provided alternative analysis, and including a few suggested alternatives below, please consider all of the following components and provide all applicable details and information regarding the alternatives where its applicable to your project. You suggest that fewer units would not be economically feasible, but you didn't provide any supplemental information as to how this was determined. Where economic information is the reason why one alternative is chosen over another, you must provide an economic analysis, and other detailed information as described below how this was determined. Regarding all suggested alternatives below, and your application alternatives, please provide all applicable details and information where applicable to your project:

List of suggested alternatives to evaluate. including but not limited to the following:

- **Suggested alternative 1:** Please describe a suggested alternative that is similar to alternative 3 in your submitted alternative analysis, where you utilize alternative sized buildings (besides just the standard 20-unit building) and fully utilize available upland areas to increase the number of units, making it more economically feasible. Please see suggested alternative 1 attachment – utilizing larger buildings in some areas or smaller unit buildings in other areas to make up for lost units. (i.e. using three 30-unit buildings and a 10-unit building to get closer to that desired 252 unit threshold). Please describe if an alternative like

this could be a practicable alternative that minimizes wetland disturbance to the greatest practicable extent. Please justify with below engineering, safety, logistical, or economic reasons. The current revised plan already includes a combination of 20 unit buildings (with attached garages) along with a few 24 unit buildings (with no attached garages). This was done to minimize wetland impacts to the extent practicable and to utilize more dense buildings in strategic locations. Constructing buildings that are any smaller is not financially feasible on per unit basis due to sunk costs related to footings, foundations, garages, etc. In addition, at our neighborhood meeting the neighboring residents made it clear that they will not support larger buildings than what is currently planned. Larger buildings would also not be as marketable due to their large scale appearance that makes it feel less like a townhome.

- **Suggested alternative 2:** Please describe a suggested alternative using only 1 wetland road crossing, as described in question 3-a above. See attached suggested alternative 2 attachment, should a potential roadway south of the wetland complex, and removing a section of road through wetland areas. As discussed above, this alternative would result in the loss of a significant area of mature woodlands as defined by the City. The development is trying to maintain a fine balance between impacts to wetlands and mature woods while trying to minimize impacts to both. We have, however, revised the site plan to further minimize wetland impacts by shifting the drives such that they cross the wetlands at the gaps in the wetlands. A copy of the revised proposed site plan is attached.
- **Other suggested alternative:** Parking lots or other features with different shape/design (question 3-c as listed above)/reduced number of parking spaces. The parking in the area of wetland impacts has been eliminated. See revised site plan and wetland impact plan.
- **Other suggested alternative:** Using clear span bridges across the waterway/wetland instead of culverts. Use of clear span bridges to cross the wetlands was evaluated. The existing clearance over the wetlands is insufficient and road grades would need to be raised an estimated 2-4' at the crossings to accommodate a clear span bridge which would result in significant additional costs for fill placement and extension of retaining walls. The use of clear span bridges for the wetland crossings would add significant costs to the project – estimated at \$400,000 for the bridges alone. Use of clear span bridges is not financially viable for the project.
- **Other suggested alternative:** Moving/minimizing sidewalk, and maximizing side slopes steepness (2:1) in wetland facing areas or retaining walls to minimize wetland disturbance. Sidewalks at the wetland crossings have been moved to the back of the drive curbs and terraces between the sidewalks and the drive curbs have been eliminated to reduce wetland impacts. We have designed the site with extensive retaining walls throughout the site to minimize wetland impacts and impacts to mature woodlands.
- **Other suggested alternative:** increasing the height of the proposed buildings (or some of the proposed buildings) in order to accommodate desired number of units (2nd, 3rd or more stories) in order to minimize wetland impacts to greatest practicable extent. See discussion above.

Engineering or technical reasons that alternatives are not practicable

- Identification of the source of methods or standards used (citations to literature or professional publications) City of Franklin Unified Development Code
- Calculations relevant to the application of the method or standard to the project
Minimum drive width and parking space requirements
- References to the methods or technical standards used in federal, state or local

regulations (where they occur) **Part 5 of City of Franklin Unified Development Code**

Safety data or reasons that alternatives are not practicable

- ❑ A copy of an official written determination by a municipal governing body or the state transportation agency that a discharge into a non-federal wetland is necessary for public safety, including the basis for the determination
- ❑ Description of safety hazard **Fall hazards from retaining walls. Retaining walls have been located a minimum of three feet from sidewalks for pedestrian safety purposes.**
- ❑ Number and characterization of affected individuals or groups (e.g., school children, employees) **Children and residents**
- ❑ Nature of effect (e.g., death, injury, property damage) and Frequency of effect **Fall hazard – serious injury**
- ❑ Assessment of other methods of hazard reduction

❑ **Logistical reasons that alternatives are not practicable**

- ❑ Description of the logistical difficulty(s) **In order to provide best in class development with logistical efficiencies 250 to 300 units need to be maintained. As you drop below 250 units it becomes a challenge to manage operations and the high level of service demanded for a market rate apartment development. Operating inefficiencies make a smaller project unfeasible.**
- ❑ Number and characterization of affected individuals or groups (e.g., occupant, employees)
- ❑ Frequency of effect
- ❑ Quantify how the degree of difficulty varies with each alternative analyzed
- ❑ Assessment of alternative methods of overcoming logistical difficulties

Economic reasons that alternatives are not practicable (supply all data listed in this section) *Data must include all phases of a project or all adjacent land in common ownership. Copies of source documents or supporting reference information must be provided. See attached cost comparison table for comparison of project costs based on a per unit basis. Other alternatives evaluated would result in an increase of per unit project cost ranging from 132% to 265%. The increase per unit costs cannot be absorbed by the project for it to remain financially feasible.*

- Description, dates and cost of infrastructure or improvements to the property –
- Total number of parking spaces – how this was determined **The total number of parking spaces being provided is based both on what is required per the City of Franklin Unified Development Code as well as what the developer has seen for demand for parking for similar types of development. The current plan reflects a less than typical number of spaces per unit compared to all other comparable residential projects by the developer. The total number of parking spaces is 468 or 1.86 spaces per unit; the developer’s typical parking count ratio for this type of development is 2.25 which would result in 567 parking stalls (99 additional spaces).**
- Description of alternative development scenarios **Provided in alternatives analysis**
- Market studies (current market conditions and trends)

- Construction cost estimates
- Financing cost estimates
- Comparable sales, leasing rates (for ultimate uses)
- Calculation of projected amount or rate of return
- Please provide any local/state requirements if applicable that determined specific size/design, and whether you have sought variances from these requirements, and what the outcomes were if applicable.

Local zoning requirements. If any design preferences are related to state/local requirements, please explain in detail, referencing code/ordinances and/or providing correspondence (email/letter) from local zoning official/city officials explaining the zoning/city requirements. This should include parking requirements, fire department/emergency access requirements, documentation of City's denial of other alternatives, and any other local zoning requirements that have dictated plan elements that result in wetland impacts. Please provide any local/state requirements if applicable that determined specific size/design, and whether you have sought variances from these requirements, and what the outcomes were if applicable (parking reduction, building height limitations, road/sidewalk/side slope requirements, etc.).

Please note, if any changes to plans result from review of alternatives, and if wetland impacts can be minimized, we would need all updated plans and specs and wetland impact totals for the new proposed plans.

The review of your application will be placed on HOLD, until we receive all of the detailed information as requested above. Please let me know if you have any questions or concerns. Thank you and have a nice thanksgiving!

Ryan Pappas

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Ryan Pappas

Water Management Specialist-Waterways and Wetlands

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dnr.wi.gov

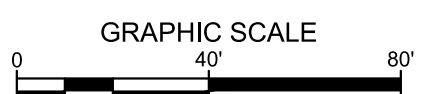
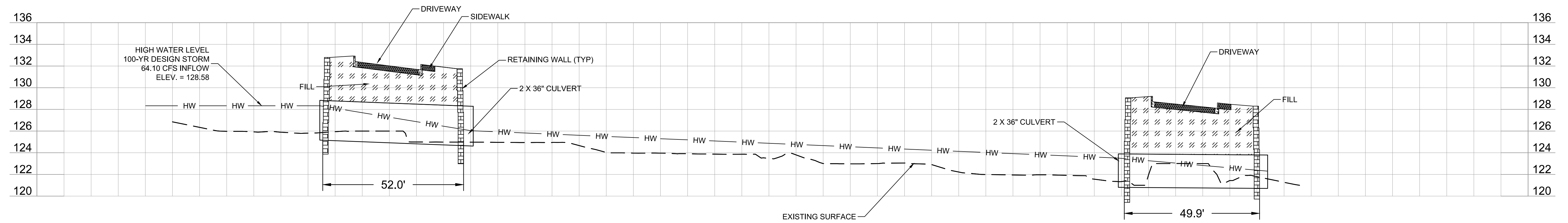
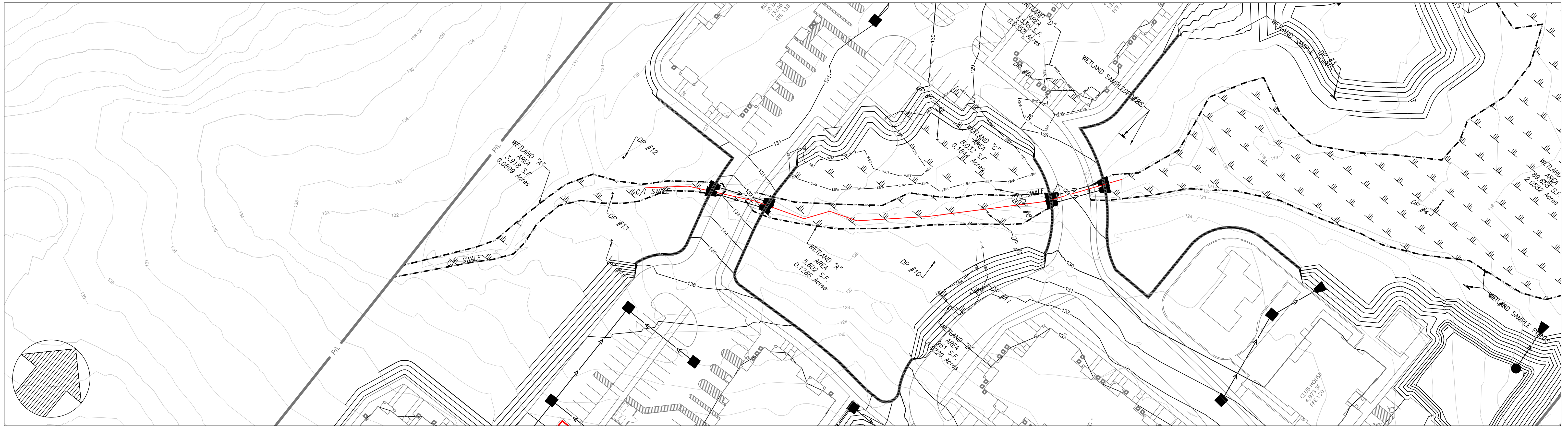


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Alternatives Analysis

Estimated Project Costs Per Unit Compared to Preferred Alternative

Estimated Per Unit Costs	Alternative 2	Alternative 3	Alternative 4 (Proposed Plan)
Land Cost Per Units Developed (\$1,500,000)	265% Increase	132% Increase	109% Increase
Environmental (\$300,000)	265% Increase	132% Increase	109% Increase
Clubhouse & Amenities (1,750,000)	265% Increase	132% Increase	109% Increase
Design & Engineering (1,000,000)	265% Increase	132% Increase	109% Increase
Site Prep/Demolition (250,000)	265% Increase	132% Increase	109% Increase



WETLAND CROSSING PROFILE

27TH STREET
FRANKLIN, WI

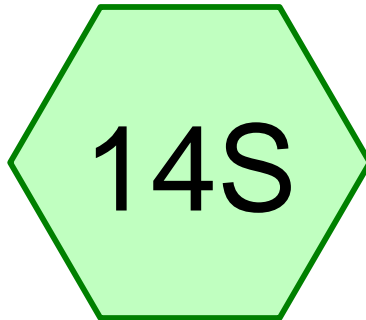
FIDUCIARY RE - FRANKLIN

**PRELIMINARY
NOT FOR
CONSTRUCTION**

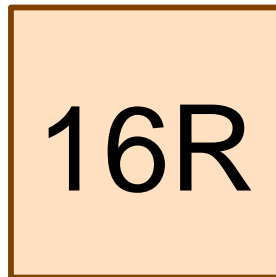
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			DESIGN DATE:	----
			PLOT DATE:	2021-12-22
			DRAWN BY:	----
			CHECKED BY:	----
			APPROVED BY:	----
			SHEET NO:	EXHIBIT 5



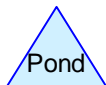
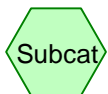
www.thesigmagroup.com
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Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210



Wetland Bypass Culvert



(new Reach)



Routing Diagram for 20282_HydroCAD_Proposed w bypass
Prepared by The Sigma Group
HydroCAD® 10.10-4a s/n 04554 © 2020 HydroCAD Software Solutions LLC

20282_HydroCAD_Proposed w bypass

Prepared by The Sigma Group

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Ground Covers (selected nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	32.828	0.000	0.000	0.000	32.828	2 acre lots, 12% imp	14S
0.000	32.828	0.000	0.000	0.000	32.828	TOTAL AREA	

20282_HydroCAD_Proposed w bypass

MSE 24-hr 3 100-Year Rainfall=6.06"

Prepared by The Sigma Group

HydroCAD® 10.10-4a s/n 04554 © 2020 HydroCAD Software Solutions LLC

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Time span=0.00-36.00 hrs, dt=0.05 hrs, 721 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 14S: Wetland Bypass Culvert Runoff Area=32.828 ac 12.00% Impervious Runoff Depth=2.40"
Flow Length=1,950' Slope=0.0300 '/' Tc=32.0 min CN=65 Runoff=66.04 cfs 6.552 af

Reach 16R: (new Reach) Avg. Flow Depth=1.64' Max Vel=2.14 fps Inflow=66.04 cfs 6.552 af
n=0.100 L=550.0' S=0.0255 '/' Capacity=107.26 cfs Outflow=64.10 cfs 6.552 af

Total Runoff Area = 32.828 ac Runoff Volume = 6.552 af Average Runoff Depth = 2.40"
88.00% Pervious = 28.889 ac 12.00% Impervious = 3.939 ac

Summary for Subcatchment 14S: Wetland Bypass Culvert

Runoff = 66.04 cfs @ 12.47 hrs, Volume= 6.552 af, Depth= 2.40"

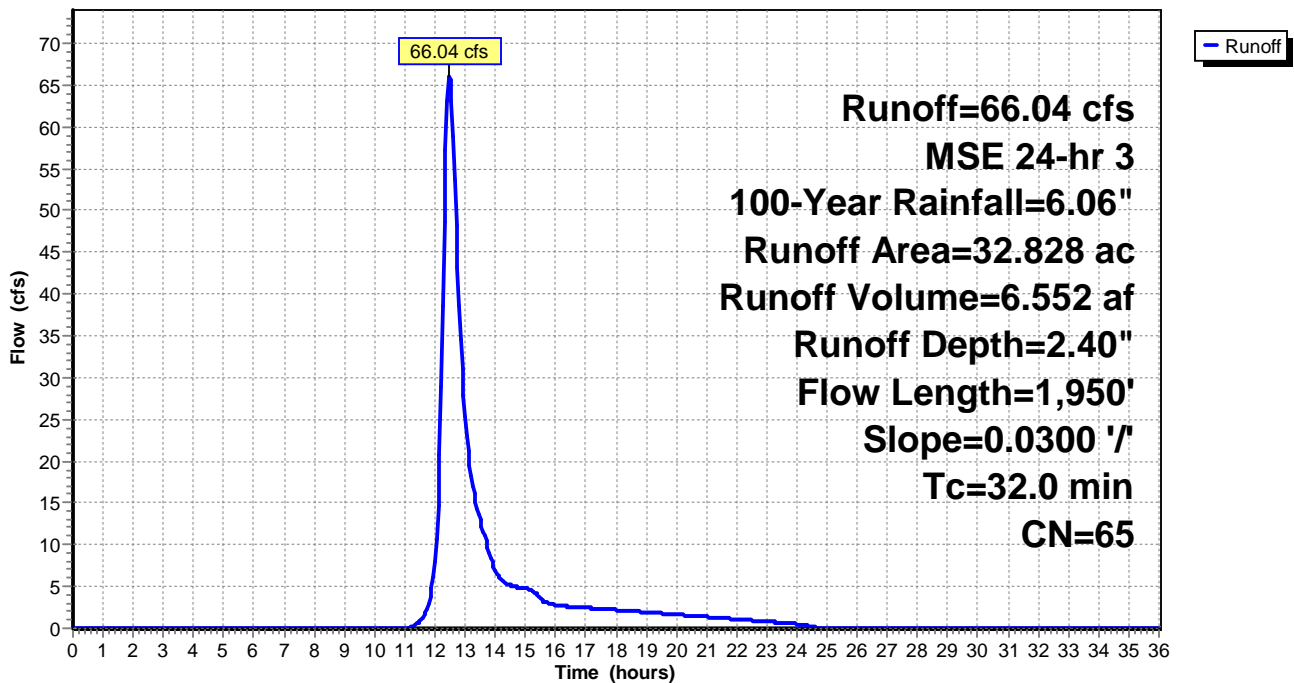
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-36.00 hrs, dt= 0.05 hrs
MSE 24-hr 3 100-Year Rainfall=6.06"

Area (ac)	CN	Description
32.828	65	2 acre lots, 12% imp, HSG B
28.889	60	88.00% Pervious Area
3.939	98	12.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
22.1	300	0.0300	0.23		Sheet Flow, Grass: Short n= 0.150 P2= 2.64"
9.9	1,650	0.0300	2.79		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
32.0	1,950	Total			

Subcatchment 14S: Wetland Bypass Culvert

Hydrograph



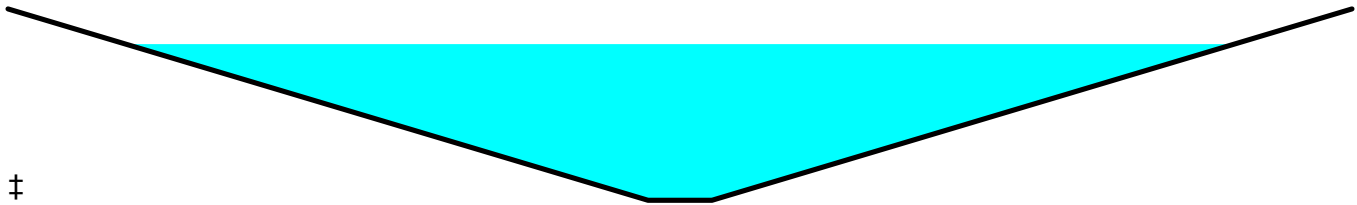
Summary for Reach 16R: (new Reach)

Inflow Area = 32.828 ac, 12.00% Impervious, Inflow Depth = 2.40" for 100-Year event
 Inflow = 66.04 cfs @ 12.47 hrs, Volume= 6.552 af
 Outflow = 64.10 cfs @ 12.60 hrs, Volume= 6.552 af, Atten= 3%, Lag= 7.9 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-36.00 hrs, dt= 0.05 hrs
 Max. Velocity= 2.14 fps, Min. Travel Time= 4.3 min
 Avg. Velocity = 0.70 fps, Avg. Travel Time= 13.1 min

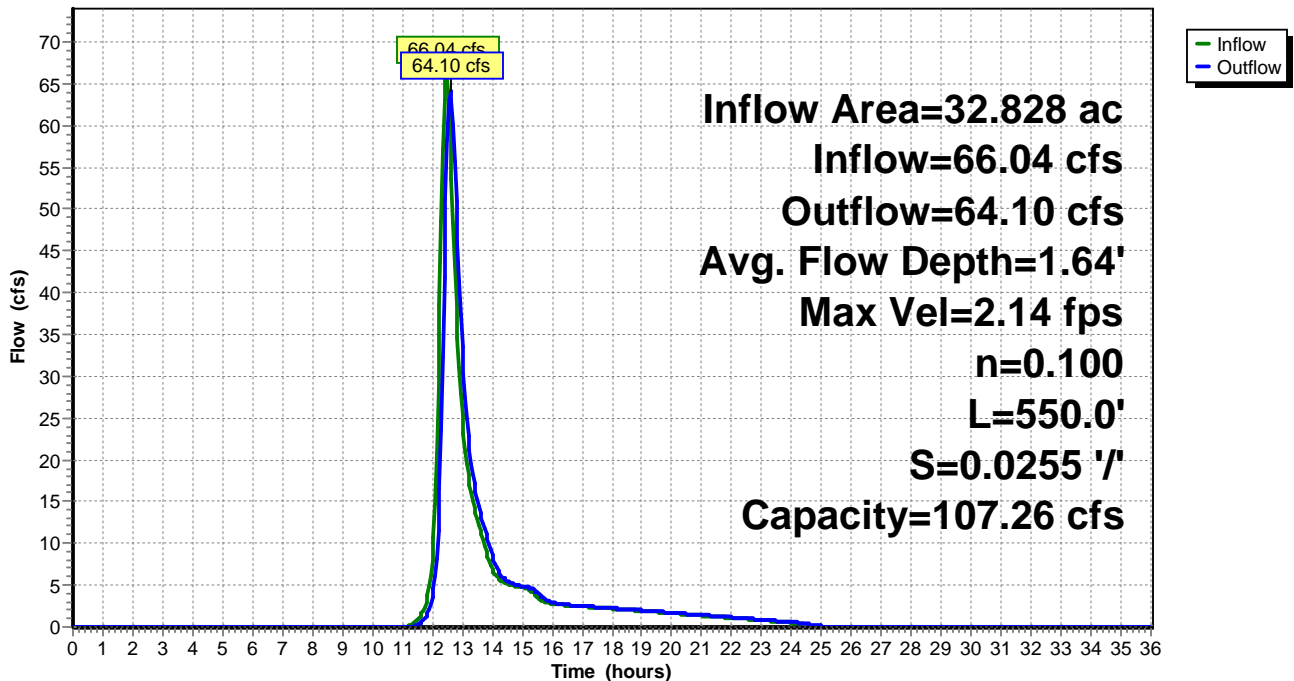
Peak Storage= 16,506 cf @ 12.53 hrs
 Average Depth at Peak Storage= 1.64', Surface Width= 34.70'
 Bank-Full Depth= 2.00' Flow Area= 44.0 sf, Capacity= 107.26 cfs

2.00' x 2.00' deep channel, n= 0.100 Earth, dense brush, high stage
 Side Slope Z-value= 10.0 ' / ' Top Width= 42.00'
 Length= 550.0' Slope= 0.0255 ' / '
 Inlet Invert= 140.00', Outlet Invert= 126.00'



Reach 16R: (new Reach)

Hydrograph



Culvert Report

Wetland Bypass - 2x 36 Inch Conc. Culvert

Invert Elev Dn (ft)	=	124.99
Pipe Length (ft)	=	58.00
Slope (%)	=	1.67
Invert Elev Up (ft)	=	125.96
Rise (in)	=	36.0
Shape	=	Circular
Span (in)	=	36.0
No. Barrels	=	2
n-Value	=	0.012
Culvert Type	=	Circular Concrete
Culvert Entrance	=	Groove end w/headwall (C)
Coeff. K,M,c,Y,k	=	0.0018, 2, 0.0292, 0.74, 0.2

Embankment

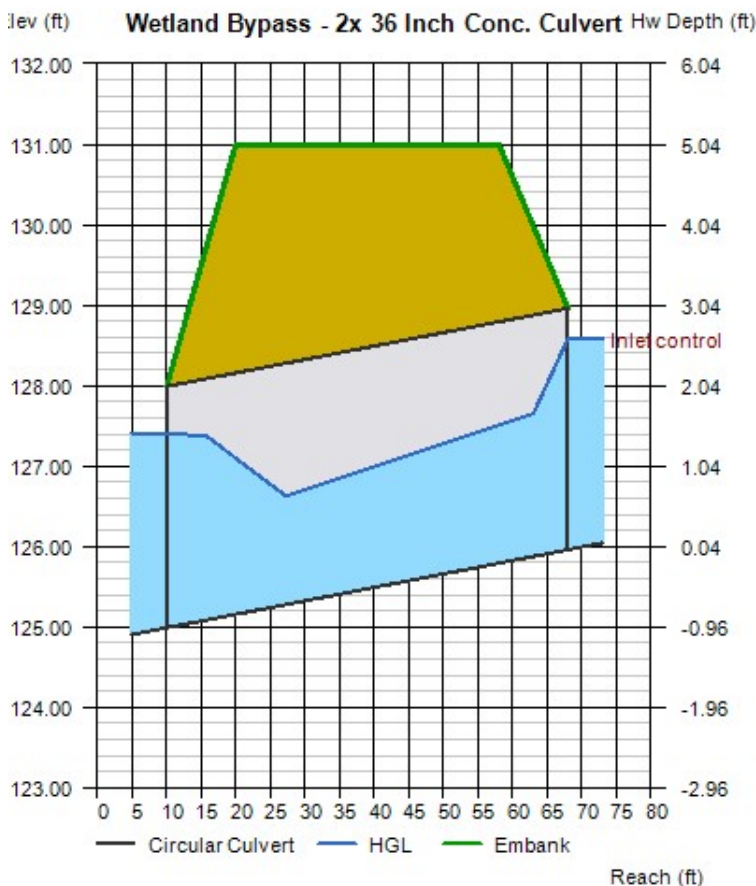
Top Elevation (ft)	=	131.00
Top Width (ft)	=	38.00
Crest Width (ft)	=	85.00

Calculations

Qmin (cfs)	=	64.10
Qmax (cfs)	=	64.10
Tailwater Elev (ft)	=	(dc+D)/2

Highlighted

Qtotal (cfs)	=	64.10
Qpipe (cfs)	=	64.10
Qovertop (cfs)	=	0.00
Veloc Dn (ft/s)	=	5.25
Veloc Up (ft/s)	=	7.07
HGL Dn (ft)	=	127.41
HGL Up (ft)	=	127.79
Hw Elev (ft)	=	128.58
Hw/D (ft)	=	0.87
Flow Regime	=	Inlet Control



Alternatives Analysis

Estimated Project Costs Per Unit Compared to Preferred Alternative

Estimated Per Unit Costs	Alternative 2	Alternative 3	Alternative 4 (Proposed Plan)
Land Cost Per Units Developed (\$1,500,000)	265% Increase	132% Increase	109% Increase
Environmental (\$300,000)	265% Increase	132% Increase	109% Increase
Clubhouse & Amenities (1,750,000)	265% Increase	132% Increase	109% Increase
Design & Engineering (1,000,000)	265% Increase	132% Increase	109% Increase
Site Prep/Demolition (250,000)	265% Increase	132% Increase	109% Increase



The Seasons at Franklin

Detailed Proposal Description



January 5, 2022



789 N. Water Street, Suite 200, Milwaukee, Wisconsin 53202
Phone 414.226.4535 • Fax 414.226.4523 • www.fred-inc.com

Subject Property

The subject property is located on the west side of South 27th Street at Southbranch Boulevard. The subject property is approximately 24.06 acres in size and contains the former Nature's Nook building and a single family home.



Proposed Multi-Family Development

The Seasons at Franklin is an institutional grade, market rate, amenity rich multifamily development designed with the end user in mind. The development has a true suburban feel with a significant amount of preserved open green space. The community will consist of two-story walkup buildings with 20 and 24 unit configurations. The buildings have been designed in a townhouse style which feature ground level, private direct entrances as well as attached garages for select apartments. The apartments, which include studio, one bedroom, two bedroom, and three bedroom floor plans, are strategically placed within the buildings.

Careful attention was taken to maximize floor plan efficiency, functionality, and flexibility to provide residents with a great value. Each of the 252 market rate apartment homes will feature modern finishes including open concept floor plans, designer cabinetry, expansive windows, quartz countertops, upgraded appliances, oversized balconies/patios, large walk-in closets and 9-foot ceilings. Flooring will consist of high-quality grade carpet in all bedrooms and designer plank flooring throughout the balance of the apartment. All apartments will include a split HVAC system (similar to what is in a new single family home), individual hot water heaters, energy efficient windows and a full-size washer and dryer to maximize efficiency and comfort. The building layouts and floor plan designs of this development provide a variety of housing options and price points that will cater to a broad demographic group. Monthly rents will range from \$1,200 to \$2,500.

In addition to the individual apartment features, the 5,000 square foot clubhouse has been designed to create an unparalleled resident experience with its resort style pool, 24-hour fitness center with high end cardio equipment and club room with an entertaining style kitchen. Walking paths will also be featured throughout the site, including connections to the onsite dog park as well as to Ascension at the south property line.

Over the years, the former Nature's Nook property has become a real eyesore. It has become common practice for people to dump random materials throughout the site. The proposed multi-family portion of the property has the following environmental challenges that Fiduciary intends to remediate:

- Nine 55-gallon drums, containers of gasoline, diesel fuel and kerosene, transmission fluid with potential environmental impacts.
- Diesel fuel stained gravel was observed beneath a 105 gallon street transfer fuel tank
- 300 gallon waste oil tank and containers of drain oil, gear oil, and trans-hydraulic fluid were observed on the property and have the potential to impact the soil and groundwater of the property.
- Solid waste storage areas throughout the site



Natural Resource Protection Plan

The City of Franklin UDO Division 15-4.0100 on Natural Resources requires 100% protection of wetlands and wetland buffers. A special exemption for the requirement to protect 100% of the wetlands and wetland buffers is being requested. The project will impact approximately 671 square feet of wetlands, and permanently impact approximately 4,990 square feet of wetland buffer. The existing wetland area to be impacted runs through the center of the site and cuts off the northwest portion of the site from the rest of the site. The location of the wetlands makes it very difficult to develop the northwest portion of the site. In order for the project to be economically feasible, development of the northwest portion of the site is necessary to achieve sufficient density and number of units. Without approval of the exemption request, the project is not viable. The

proposed development will mitigate the contamination and protect the wetlands to remain from potential environmental contamination. The existing flow of runoff through the site will be maintained. Only two small areas of low-quality wetlands which bisect the site, where existing crossings currently exist, are proposed to be filled in order provide connections to the northwest and southern portions of the site. Forty five percent of the site would be inaccessible without the wetland crossings. The crossings of the low-quality wetlands also provide a secondary emergency access point that is preferred by the Fire Department. The proposed wetland crossings have been moved from original plans to be centered on the gaps in the delineated wetlands to minimize wetland impacts. The use of smaller multifamily building footprints also helps avoid the higher quality wetlands on the site. Onsite wetland mitigation at a rate of 1.5 times the area of filled wetlands will be provided for on the site. We did receive approval from the Department of Natural Resources on December 23rd, 2021, to fill the 671 square feet of wetlands. Permit number GP-SE-2021-41-0428 along with all the corresponding plans are included in this submission.



South 27th Street Design Overlay District

Our development is subject to the 15-3.0351 South 27th Street Design Overlay District requirements. We meet or exceed the landscaping, parking and architectural requirements noted in this subsection of the Unified Development Ordinance. The majority of the requirements are related to commercial uses.

Market Demand

There are a multitude of characteristics that help support the long-term success of a multifamily development including location, community amenities, quality of construction, and overall cost of living. The demand for additional rental housing along with the current overall strength of the local rental market provides Fiduciary an opportunity to bring this “Class A” development to the market.

Fiduciary’s market research indicates pent up demand for a unique type of new, luxury apartment rentals in the City of Franklin. This area of Franklin lacks a true Class A market rate rental housing

option. With the addition of the planned industrial developments along the South 27th Street corridor, this proposed development will aid in providing a modern housing option for these future employers and their employees. Specifically, there is a growing demand for alternatives to single family homes. Many of the multifamily housing options in the local submarket are older communities with dated finishes and amenities which cannot fulfill the current market demand.

In recent years, demand, especially from young professionals and empty nesters, has shifted away from home ownership towards multifamily housing. There is a demand for new, high-end market rate apartment homes in Franklin from those that are looking to downsize or no longer own a home, but want to stay within the community, as well as from those professionals that work for major employers in the area. This demand is from a demographic group that will spend their money in the communities in which they live and is looking for an upscale development to call home.



Fiduciary is targeting a different demographic that is not looking to live in the typical 3 or 4 story building with common corridors, but rather a smaller scale building type with private, direct entries creating more of a condo or townhome type feel. This group wants the community they live in to feel more suburban with an abundance of green space, walkability within the development, abundant amenity package and conveniently located.

Given the site characteristics and the pent up demand for high quality multifamily housing in this area, Fiduciary has identified that the highest and best use for the subject property is a multifamily development.

Building and Unit Counts: The multifamily development will include twelve (12) freestanding buildings with 20 or 24 apartments per building for a total of 252 apartments. The unit mix consists of 30 studios (12% of total), 96 one-bedrooms (38% of total), 102 two-bedrooms (40% of total), and 24 three-bedrooms (10% of total).

Design/Materials: The exterior finish of the buildings includes a significant amount of brick, oversized windows, and fiber cement siding. A mix of large balconies and private patios

complement the exterior elevations and the gabled roof details contribute to the suburban feel of the community.

Parking: Parking will be provided through a mix of building-attached garages containing twelve spaces throughout eight garages, detached garages with eight bays each, and surface parking. Total parking provided is 468 spaces for all 252 units, resulting in a parking ratio of 1.85 spaces per unit. The plan includes 124 enclosed garage spaces for an overall garage ratio of .49 garage spaces/unit.

Access and Circulation: Main access from South 27th Street will be provided via the intersection at Southbranch Boulevard. The existing South 29th Street that runs along the north side of the property will stay and be used as an emergency access point. This emergency access road is currently located within the floodplain limits and adjacent to higher quality wetlands.

Landscape/Buffering and Pedestrian Ways: The site plan reveals a greened-up site featuring courtyards and pedestrian walkways that flow throughout the development. The site has been planned so as to comply with tree preservation requirements for both mature and young woodlands found in the Natural Resource Protection Plan.

Finishes: Apartment finishes include: an upgraded stainless steel appliance package, upgraded cabinetry, large windows, open concept floor plans, in-unit full size washer / dryer, walk in closets, and oversized balconies/patios.





Development Details

- Multifamily Property Size: 24.06 acres
- Current Zoning: B-4 South 27th Street Mixed Use Commercial District
- The Comprehensive Plan earmarks this site as Mixed Use.
- Residential Density: 10.5 units per acre.



- Parking Requirements
 - Code requires 1 space per efficiency and one bedroom dwelling units, 2 spaces for two bedroom dwelling units, and 1.96 spaces for three bedroom dwelling units.
 - Per code the multifamily project requires 403 parking spaces

- 468 parking spaces are being provided
 - Minimum Parking Space Size. The size of each parking space shall be not less than 180 square feet nor less than nine feet in width, exclusive of the space required for ingress and egress
 - Parking stalls are currently shown as 9'x18' and 162 square feet
- Significant Increment in Property Taxes:
 - Current property tax: \$32,634.52
 - Estimated property tax upon completion: \$630,000 Making Fiduciary the third largest tax payer within the City of Franklin



- Impact of Additional Consumer Spending in Local Area:
 - \$1,100,000 annually or in excess of \$11,000,000 over a ten year period.
- Architecture
 - Two story design that is in scale with adjacent properties:
 - Parcel to the North – Staybridge Suites/Halquist Stone
 - Parcel to the East – Transport National/Public Storage
 - Parcel to the South – Single family home/Software Training & Development Center/Ascension
 - Parcel to the West – Single family homes
- Storm Water Management
 - Utilizing the natural site characteristics to manage all storm water management on site
 - No additional runoff will be created from the development



About Fiduciary Real Estate Development, Inc.

Fiduciary Real Estate Development, Inc. (FRED) is an experienced developer and investor in commercial real estate focusing on multifamily projects. Founded in 1984, FRED's proven track record of successful investment management has grown the business into one of Wisconsin's largest property management companies. The company owns and manages more than 8,000 market rate apartments, with an owned portfolio conservatively valued at over \$1.5 billion.

FRED's mission is to develop and manage exceptional residential communities that provide a distinctive living experience through enthusiastic service and dynamic teamwork. Visionary leadership, accountability with integrity and camaraderie and passion for people guide the vision of creating communities that are vibrant and enrich residents' lives.





ALTA/NSPS LAND TITLE SURVEY

CLIENT
Hintz Holdings LLC
SITE ADDRESS
9801 South 27th Street, City of Franklin, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION
PARCEL 1:
PART OF THE EAST 56 ACRES OF THE NORTHEAST 1/4 OF SECTION 25, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST LINE OF THE SAID 1/4 SECTION AND 1014.56 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89° 19' WEST 764 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; RUNNING THENCE SOUTH 89° 19' WEST 158.80 FEET (RECORDED AS 160.00 FEET) TO A POINT IN THE WEST LINE OF THE SAID EAST 56 ACRES, THENCE NORTHERLY ALONG SAID WEST LINE OF THE EAST 56 ACRES, 80.02 FEET TO A POINT; THENCE NORTH 89° 19' EAST 159.18 FEET (RECORDED AS 161.11 FEET) TO A POINT; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID 1/4 SECTION, 80 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:
THAT PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6044, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON NOVEMBER 17, 1994 ON REEL 3419, IMAGES 833-835 INCLUSIVE, AS DOCUMENT NO. 7026244, BEING A REDIVISION OF ALL OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 5782, DOCUMENT NO. 6698838, LOCATED IN THE NORTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 1, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LANDS DESCRIBED IN DOCUMENT NO. 438532 OF DEEDS, ON REEL 375, IMAGE 1500, RECORDED AUGUST 21, 1967; THENCE NORTH 88° 55' 27" EAST ALONG THE NORTH LINE OF PARCEL 1 AFORESAID, 133.80 FEET TO A POINT; THENCE SOUTH 00° 23' 33" EAST, 121.00 FEET TO A POINT; THENCE NORTH 88° 53' 59" WEST 133.36 FEET TO A POINT; THENCE NORTH 00° 39' 39" WEST ALONG THE WEST LINE OF PARCEL 1 AFORESAID, 92.80 FEET TO THE POINT OF BEGINNING.

ADDRESS: 9605 SOUTH 29TH STREET, FRANKLIN, WI 53132
TAX KEY NO.: 902-9966-001

PARCEL 3:
PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6044, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON NOVEMBER 17, 1994 ON REEL 3419, IMAGES 833-835 INCLUSIVE, AS DOCUMENT NO. 7026244, BEING A REDIVISION OF ALL OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 5782, DOCUMENT NO. 6698838, LOCATED IN THE NORTHEAST 1/4 AND SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 88° 29' 34" WEST ALONG THE SOUTH LINE OF SAID PARCEL 1, 131.00 FEET TO A POINT; THENCE NORTH 00° 22' 41" WEST, 95.11 FEET TO A POINT; THENCE NORTH 04° 31' 38" EAST, 116.30 FEET TO A POINT; THENCE NORTH 88° 29' 34" EAST, 121.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (U.S.H. "41"); THENCE SOUTH 00° 23' 33" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 210.79 FEET TO THE PLACE OF BEGINNING; ALSO EXCEPTING THOSE LANDS CONVEYED BY A WARRANTY DEED RECORDED MARCH 4, 1999 AS DOCUMENT NO. 7701197.

9677 SOUTH 27TH ST., FRANKLIN, WI 53132. LEGAL DESCRIPTION TO BE PROVIDED

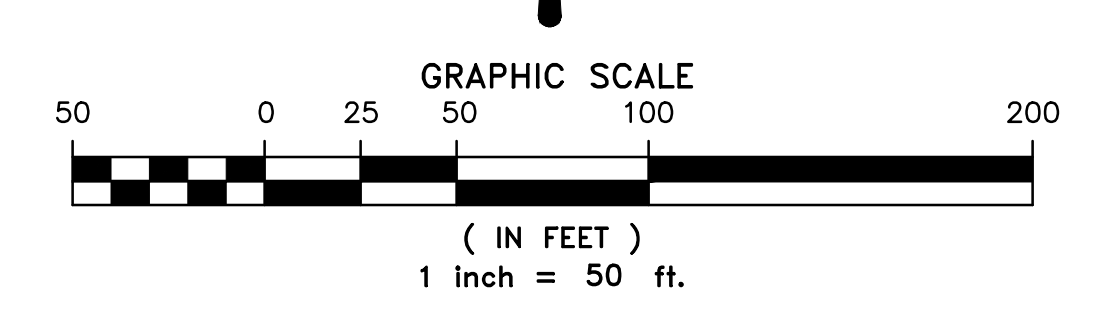
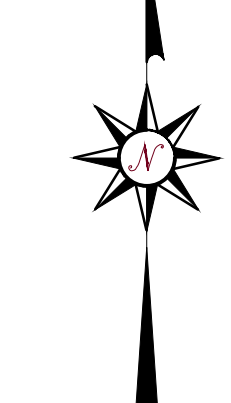
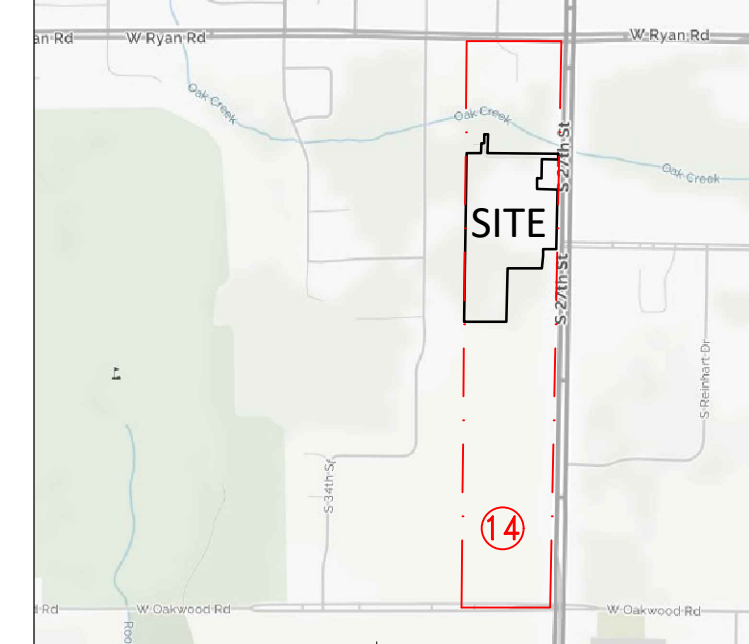
BASIS OF BEARINGS
Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the East line of the NE 1/4 bears S00°23'33"E.

TITLE COMMITMENT
This survey was prepared based on First American Title Insurance Company Commitment No. NCS-1083983-MKE, effective date of August 13, 2021 which lists the following easements and/or restrictions from schedule B-II:

- 1, 2, 3, 5 & 10 visible evidence shown, if any.
- 4, 6, 7, 8, 9, 22, 23, 24, 25 & 26 not survey related.
11. Utility Easement granted to the Milwaukee Electric Railway and Light Company recorded on May 29, 1925, as Document No. 1354619. Does not affect property by location, shown.
12. Utility Easement granted to Wisconsin Electric Power Company recorded on June 1, 1943, Volume 1911, page 44, as Document No. 72428711. Does not affect property by location, shown.
13. Utility Easement to Wisconsin Electric Power Company and Wisconsin Telephone Company, dated January 8, 1962, recorded/filed January 18, 1962 in Volume 4210 of Deeds, Page 21 as Document No. 3928165. Affects property by location, shown.
14. Resolution Redefining the Boundary of the Milwaukee Metropolitan Sewerage District through the City of Franklin recorded in the Register of Deeds office for Milwaukee County on May 10, 1996, on Reel 3796, Images 367-371, as Document No. 7214296. Affects property by location, general in nature, blanket type.
15. Utility Easement to Wisconsin Electric Power Company, dated July 15, 1996, recorded/filed July 30, 1996, Reel 3851, Images 467-469 as Document No. 7248609. Affects property by location, shown.
16. Holding Tank Agreement upon the terms, conditions and provisions contained therein:
Dated: February 13, 1997
Parties: City of Franklin and Nature Nook Garden Center
Recorded: March 26, 1997, on Reel 4018, Image 1006
Instrument No.: 7345550
Affects Parcel 2, general in nature, cannot be plotted.
17. Covenants, Conditions and Restrictions as set forth in Warranty Deed recorded in March 4, 1999, on Reel 4512, Images 853-854, as Document No. 7701197 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(f). Benefits property by location, shown.
18. Utility Easement to Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies, dated February 15, 2010, recorded/filed March 11, 2010, as Document No. 9853772. Affects property by location, shown.
19. Milwaukee Metropolitan Sewerage District Certified Resolution, Resolution No. 11-141-10 recorded December 21, 2011 as Document No. 10065228. Affects property by location, blanket type.
20. Conditions and restrictions as set forth in Resolution 2012-6817 recorded July 26, 2012 as Document No. 10142702. Affects property by location, blanket type.
21. Conditions and restrictions as set forth in Resolution 2012-6817 recorded August 31, 2012 as Document No. 10156141. Affects property by location, blanket type.

- TABLE "A" ITEMS
3. According to the flood insurance rate map of the County of Milwaukee, Community Panel No. 55101C00770, effective date of May 2, 2012, this site falls in Zone X (Areas determined to be outside the 0.2% annual chance floodplain). Zone AE (Base Flood Elevations determined).
 - The Land Area of Parcel 1 is 12720 square feet or 0.2920 acres.
The Land Area of Parcel 2 is 12,397 square feet or 0.2845 acres.
The Land Area of Parcel 3 is 1,021,232 square feet or 23.4442 acres.
 - There are no parking spaces marked on this site.
 - There is no visible evidence of earth moving, building construction or building additions within recent months.
 - There are no changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction. Observable evidence of recent street or sidewalk construction or repairs if any, is shown.
 - 20(a). Location of utilities existing on or serving the surveyed property as determined by markings requested by the surveyor pursuant to a Diggers Hotline One-call center utility locate. Ticket Number 20211503866. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. Client understands only utility lines with imbedded electric tracer wires or utilities made of materials capable of electric connectivity can be marked at the surface and located. Depth of utilities may prohibit their location even with electric connectivity.
(NOTE: No utilities were marked at the time of survey, apparent abandoned gas main, no plans were available).

VICINITY MAP



TO: Fiduciary Real Estate Development, Inc., a Wisconsin corporation
First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and modified by the Wisconsin Department of Transportation, 2021, and of Table A thereof. The field work was completed on May 13, 2021.

Date of Map: November 3, 2021

Donald C. Chaput
S-1316
MILWAUKEE, WI
LAND SURVEYOR

Donald C. Chaput
Professional Land Surveyor
Registration Number S-1316

CHAPUT LAND SURVEYS

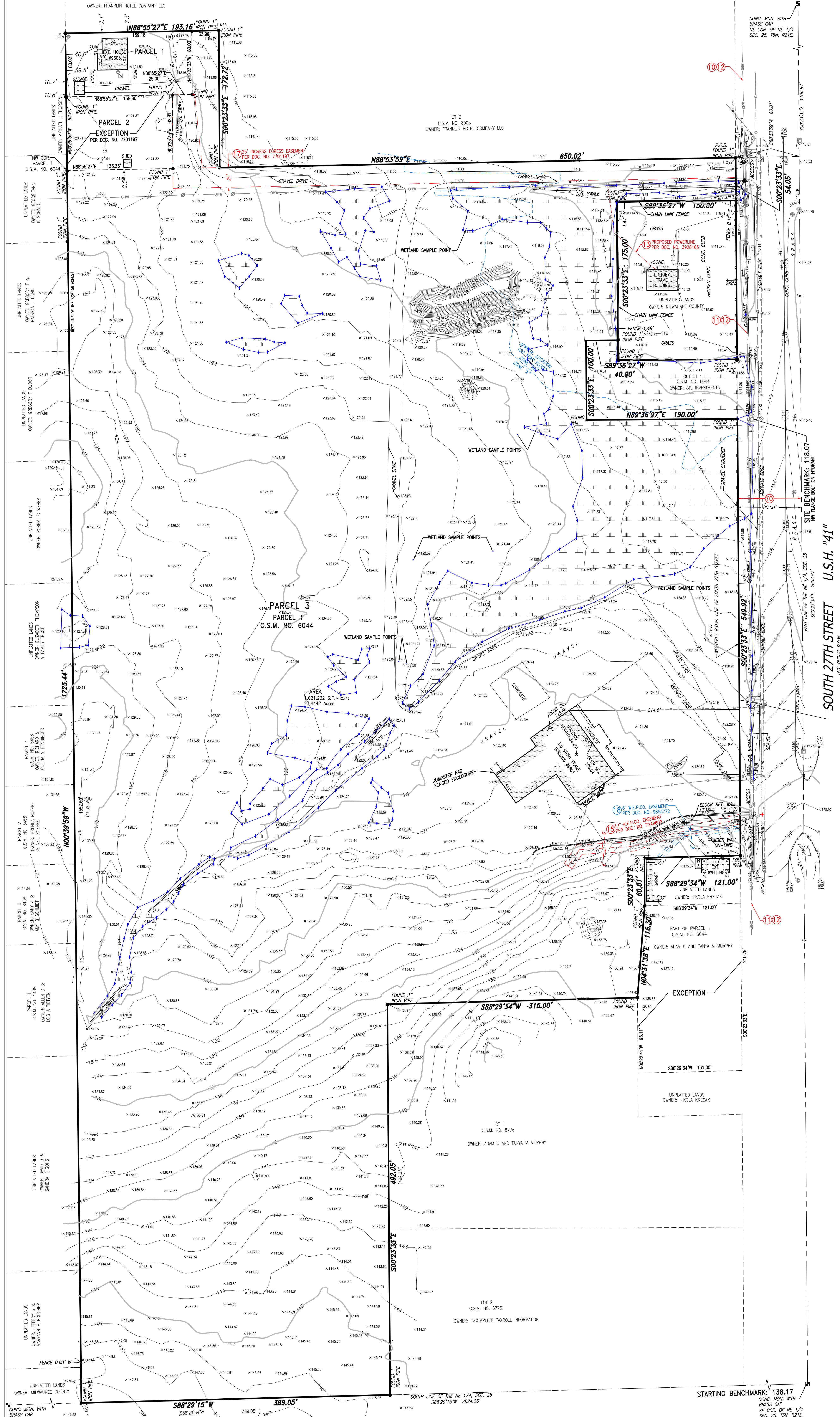
234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

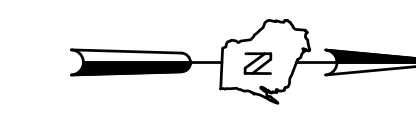
Date	Revision description

This document is an instrument of professional service, and may be protected by the Wisconsin Uniform Arbitration Act. The information herein is intended solely for the use of the client and client's direct third parties.

Drawing No. 20180813ALT2933-Far/dmb

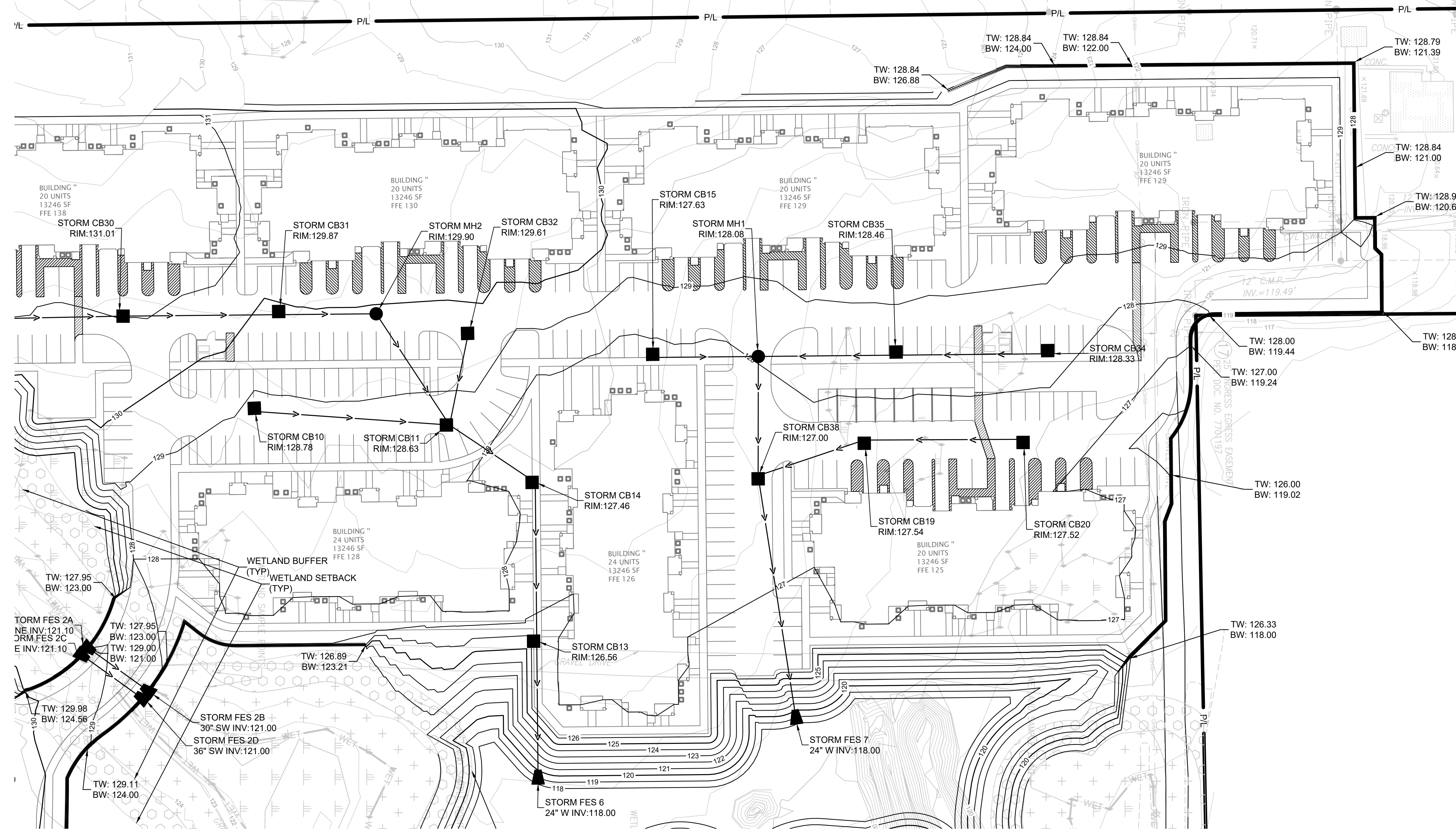


- LEGEND**
- INDICATES FOUND 1" IRON PIPE
 - INDICATES SET 1" IRON PIPE
 - ⊕ INDICATES FOUND CHISELED CROSS
 - ⊙ SANITARY MANHOLE
 - ⊙ SANITARY CLEANOUT OR VENT
 - ⊙ SEPTIC TANK ACCESS COVER
 - ⊙ M.S. MANHOLE
 - ⊙ UNKNOWN MANHOLE
 - ⊙ STORM MANHOLE
 - ⊙ INLET (ROUND)
 - ⊙ INLET (SQUARE)
 - ⊙ CURB INLET
 - ⊙ STORM SEWER END SECTION
 - ⊙ GAS VALVE
 - ⊙ GAS METER
 - ⊙ WATER VALVE
 - ⊙ HYDRANT
 - ⊙ WATER MANHOLE
 - ⊙ WATER SERVICE CURB STOP
 - ⊙ WELL HEAD
 - ⊙ STAND PIPE
 - ⊙ WALL INDICATOR VALVE
 - ⊙ POST INDICATOR VALVE
 - ⊙ LIGHT POLE
 - ⊙ UTILITY POLE
 - ⊙ SPOUT/YARD LIGHT
 - ⊙ MAILBOX
 - ⊙ GUY POLE
 - ⊙ GUY WIRE
 - ⊙ ELECTRIC MANHOLE
 - ⊙ ELECTRIC PEDESTAL
 - ⊙ ELECTRIC METER
 - ⊙ TELEPHONE MANHOLE
 - ⊙ TELEPHONE PEDESTAL
 - ⊙ CABLE PEDESTAL
 - ⊙ CONTROL BOX
 - ⊙ FIBER OPTIC SIGN
 - ⊙ TRAFFIC LIGHT
 - ⊙ COMMUNICATION MANHOLE
 - ⊙ BOLLARD
 - ⊙ SOIL BORING/MONITORING WELL
 - ⊙ WATER SURFACE
 - ⊙ WETLANDS FLAG
 - ⊙ MARSH
 - ⊙ FLAGPOLE
 - ⊙ PARKING METER
 - ⊙ SIGN
 - ⊙ RAILROAD CROSSING SIGNAL
 - ⊙ HANDICAP SPACE
 - ⊙ CONIFEROUS TREE
 - ⊙ DECIDUOUS TREE
 - ⊙ SANITARY SEWER
 - ⊙ STORM SEWER
 - ⊙ WATERLINE
 - ⊙ MARKED GAS MAIN
 - ⊙ MARKED ELECTRIC OVERHEAD WIRES
 - ⊙ MARKED TELEPHONE
 - ⊙ MARKED CABLE TV LINE
 - ⊙ MARKED FIBER OPTIC
 - ⊙ BURIED ELECTRIC SERVICE
 - ⊙ BOARD FENCE
 - ⊙ CHAIN LINK FENCE
 - ⊙ WIRE FENCE



LEGEND:

	(B C401)	5" THICK CONCRETE WALK
	(D C401)	ASPHALT SURFACE
	(I C401)	HEAVY-DUTY ASPHALT
	(C C401)	HEAVY-DUTY CONCRETE
	(A C401)	CURB & GUTTER (ACCEPT)
	(A C401)	CURB & GUTTER (REJECT)
		PROPOSED RETAINING WALL
		EXISTING CONTOUR
		PROPOSED CONTOUR
		PROPOSED CURB & GUTTER SPOT GRADE
		T/C: TOP OF CURB GRADE
		FL: FLOW LINE CURB GRADE
		PROPOSED ASPHALT SPOT GRADE
		EXISTING SURFACE SPOT GRADE (MATCH)
		PROPOSED SWALE

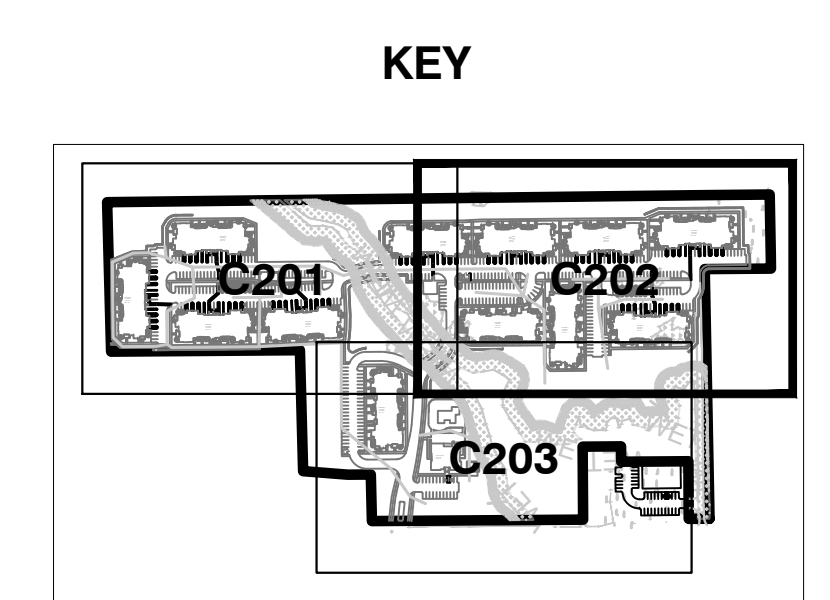


FIDUCIARY RE - FRANKLIN
 27TH STREET
 FRANKLIN, WI
 DETAILED GRADING PLAN

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

GENERAL NOTES:

1. THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD LOCATIONS AND/OR RECORDS FURNISHED BY MUNICIPALITIES AND UTILITY COMPANIES. THE LOCATION AND ACCURACY OF WHICH CANNOT BE GUARANTEED. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
2. VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. WORK TO BE COMPLETED IS INDICATED IN BOLD TYPE LINES AND EXISTING CONDITIONS ARE INDICATED BY LIGHT TYPE LINES.
4. ELECTRONIC CIVIL FILES ARE AVAILABLE UPON WRITTEN REQUEST. DO NOT USE ELECTRONIC CIVIL FILES TO LAYOUT FOUNDATIONS, COLUMN LINES, LIGHT POLES, OR OTHER NON CIVIL SITE WORK. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF BUILDING AND ARCHITECTURAL FEATURES.
5. DIMENSIONS ARE FROM FACE OF CURB OR EDGE OF PAVEMENT.
6. WORK WITHIN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO DRIVEWAY OPENINGS, SIDEWALK AND RAMPS, PAVING, AND CURB AND GUTTER SHALL BE COMPLETED PER MUNICIPAL AND/OR COUNTY REQUIREMENTS AND STANDARDS.
7. EARTHWORK SHALL BE IN ACCORDANCE WITH GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.



09/24
 C202
 C202
 20282



CALL DIGGERS HOTLINE
 1-800-242-8511
 TOLL FREE

MS STATUTE 182.07(2)(PM) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE MILW. AREA 259-1181

THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.

GENERAL:

- 1. EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY, AND NO RESPONSIBILITY IS ASSUMED BY THE OWNER OR ENGINEER FOR THEIR ACCURACY OR COMPLETENESS.
2. CONTRACTOR IS RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.
3. LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLANS.

SITE CLEARING:

- 1. EXCEPT FOR STRIPPED TOPSOIL OR OTHER MATERIALS INDICATED TO REMAIN ON OWNER'S PROPERTY...
2. MINIMIZE INTERFERENCE WITH ADJOINING ROADS, STREETS, WALKS, AND OTHER ADJACENT OCCUPIED OR USED FACILITIES...
3. SALVABLE IMPROVEMENTS: CAREFULLY REMOVE ITEMS INDICATED TO BE SALVAGED AND STORE ON OWNER'S PREMISES...
4. UTILITY LOCATOR SERVICE: NOTIFY UTILITY LOCATOR SERVICE FOR AREA WHERE PROJECT IS LOCATED...
5. DO NOT COMMENCE SITE CLEARING OPERATIONS UNTIL TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES ARE IN PLACE.

SITE WATER SERVICE:

- 1. COMPLY WITH STANDARDS OF STATE PLUMBING CODE (SPS CH. 382, 384), LOCAL WATER UTILITY REQUIREMENTS AND STANDARDS OF AUTHORITIES...
2. DO NOT INTERRUPT SERVICE TO FACILITIES OCCUPIED BY OWNER OR OTHERS UNLESS PERMITTED BY OWNERS OF SUCH FACILITIES...
3. WATER SERVICE PIPING MAY BE EITHER DUCTILE IRON WATER PIPE OR PVC WATER PIPE AS ALLOWED BY THE LOCAL WATER UTILITY.
4. DUCTILE IRON WATER PIPE CONFORMING TO THE REQUIREMENTS OF THE AMERICAN NATIONAL STANDARD FOR DUCTILE IRON PIPE...

SITE WATER SERVICE CONT.:

- 17. BEDDING AND COVER FOR WATER SERVICE PIPING SHALL BE IN ACCORDANCE WITH SECTION 4.3.3 AND FILE NO. 36 OF THE STANDARD SPECIFICATIONS...
18. INSTALL TRACER WIRE FOR NON-METALLIC WATER SERVICES IN ACCORDANCE WITH SPS SECTION 382.40(8)(K).
19. DUCTILE-IRON PIPING, RUBBER GASKETED JOINTS IN ACCORDANCE WITH SECTION 4.4.2 OF THE STANDARD SPECIFICATIONS...
20. PVC PIPING GASKETED JOINTS: USING JOINING MATERIALS ACCORDING TO AWWA C900.

SANITARY SEWERAGE:

- 1. ALL PRIVATE SANITARY SEWER WORK SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES (DSPS) PLUMBING CODE - CHAPTERS SPS 382 AND SPS 384 AND LOCAL MUNICIPAL REQUIREMENTS.
2. ALL PUBLIC SANITARY SEWER WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION...
3. PVC SEWER PIPE AND FITTINGS: ASTM D 3034, SDR 35, WITH BELL-AND-SPIGOT ENDS WITH RUBBER GASKETED JOINTS...
4. MANHOLES: STANDARD PRECAST REINFORCED CONCRETE MANHOLES CONFORMING TO ASTM C478.

STORM DRAINAGE:

- 1. ALL PRIVATE STORM SEWER WORK SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES (DPS) PLUMBING CODE - CHAPTERS SPS 382 AND SPS 384 AND LOCAL MUNICIPAL REQUIREMENTS.
2. ALL PUBLIC STORM SEWER WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION...
3. PVC SEWER PIPE AND FITTINGS: ASTM D 3034, SDR 35, WITH BELL-AND-SPIGOT ENDS WITH RUBBER GASKETED JOINTS...
4. REINFORCED CONCRETE PIPE: ASTM C76 WITH BELL AND SPIGOT ENDS AND GASKETED JOINTS WITH ASTM C443 RUBBER GASKETS...

EARTH MOVING:

- 1. ALL EARTH WORK SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER PRESENTED IN THE SITE GEOTECHNICAL REPORT...
2. CONTRACTOR SHALL PROVIDE MATERIAL TEST REPORTS FROM A QUALIFIED TESTING AGENCY INDICATING TEST RESULTS FOR CLASSIFICATION ACCORDING TO ASTM D2487 AND LABORATORY COMPACTION CURVES...
3. CONTRACTOR SHALL PROVIDE PREEXCAVATION PHOTOS OR VIDEOS SHOWING EXISTING CONDITIONS OF ADJOINING STRUCTURES AND SITE IMPROVEMENTS...
4. OLD BUILDING FOUNDATIONS, BUILDING REMNANTS OR UNSUITABLE BACKFILL MATERIAL SHALL BE COMPLETELY REMOVED FROM WITHIN AND A MINIMUM OF 10 FEET BEYOND THE NEW BUILDING PAD AREAS...
5. FOUNDATIONS, FOUNDATION WALLS OR CONCRETE FLOOR SLABS SHALL BE REMOVED TO A MINIMUM OF TWO FEET BELOW PROPOSED SUBGRADE...
6. SATISFACTORY SOILS FOR FILL: ASTM D 2487 SOIL CLASSIFICATION GROUPS GW, GP, GM, SW, SP, AND SM OR A COMBINATION OF THESE GROUPS...



NOT TO SCALE

FIDUCIARY RE - FRANKLIN

27TH STREET

FRANKLIN, WI

SITE SPECIFICATIONS

PRELIMINARY NOT FOR CONSTRUCTION

Table with 3 columns: NO. REVISION, DATE, BY. Includes fields for SCALE (NOT TO SCALE), PROJECT NO. (20282), DESIGN DATE, PLOT DATE (1/27/2022), DRAWN BY, CHECKED BY, APPROVED BY, and SHEET NO.

C500

08/28

OMUELLER

C500

20282

SITE ADDRESS

9801 South 27th Street, City of Franklin, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

Parcel 1 of Certified Survey Map No. 6044, recorded November 17, 1994 on Reel 3419, Image 833, as Document No. 7026244, said map being a redivision of Parcel 2 of Certified Survey Map No. 5782, located in the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 25, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. EXCEPTING THEREFROM that part of Parcel 1 of Certified Survey Map No. 6044, Document No. 7026224, located in the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 25, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more fully described as follows: Beginning at the Southeast corner of said Parcel 1; thence South 88 deg. 29'34" West along the South line of said Parcel 1, 131.00 feet to a point; thence North 00 deg. 22'41" West, 95.11 feet to a point; thence North 04 deg. 31'38" East, 116.30 feet to a point; thence North 88 deg. 29'34" East, 121.00 feet to a point on the Westerly right-of-way line of South 27th Street (U.S.H. "41"); thence South 00 deg. 23'33" East, along said Westerly right-of-way line, 210.79 feet to the place of beginning. ALSO EXCEPTING those lands a conveyed by a Warranty Deed recorded March 4, 1999 as Document No. 7701197.

SITE ADDRESS

9605 South 29th Street, City of Franklin, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

Parcel 1:

Part of the East 56 acres of the Northeast 1/4 of Section 25, in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a point in the East line of the said 1/4 Section and 1014.56 feet South of the Northeast corner thereof; thence South 89° 19' West 764 feet to a point, said point being the beginning of the herein described parcel of land; running thence South 89° 19' West 158.80 feet (recorded as 160.00 feet) to a point in the West line of the said East 56 acres; thence Northerly along said West line of the East 56 acres, 80.02 feet to a point; thence North 89° 19' East 159.18 feet (recorded as 161.11 feet) to a point; thence South and parallel to the East line of said 1/4 Section, 80 feet to the place of beginning.

Parcel 2:

That part of Parcel 1 of Certified Survey Map No. 6044, recorded on November 11, 1994, on Reel 3419, Images 833-835 inclusive, as Document No. 7026224, being a redivision of all of Parcel 2 of Certified Survey Map No. 5782, as Document No. 6698838, located in the Northeast ¼ and Southeast 1/4 of the Northeast 1/4, all in Section 25, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the Northwest corner of said Parcel 1, said point also being the Southwest corner of lands described in Document No. 4338532 of Deeds, on Reel 375, Image 1500, recorded August 21, 1967; thence North 88° 55' 27" East along the North line of Parcel 1 aforesaid, 133.80 feet to a point; thence South 00°23' 33" East 92.75 feet to a point; thence North 88° 53' 59" West 133.36 feet to a point; thence North 00°39' 59" West along the West line of Parcel 1 aforesaid, 92.80 feet to the point of beginning.

Parcel 3:

Together with a non-exclusive perpetual easement for ingress and egress over the following described property: Over and across that part of Parcel 1 of Certified Survey Map No. 6044, in the Northeast ¼ of Section 25, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, which is bounded and described as follows:

Beginning at the Northwest corner of said Parcel 1; thence North 88° 55' 27" East along the Northerly line of Parcel 1 aforesaid, 133.80 feet to the beginning of the lands to be described; thence continue North 88°55' 27" East along said Northerly line 28.00 feet to a point; thence South 05° 55' 23" East 93.14 feet to a point; thence North 88° 53' 59" East along the Northerly line of Parcel 1 aforesaid and its extension, 672.02 feet to the Northeast corner of said Parcel 1; thence South 00° 23' 33" East along the West line of South 27th Street, 25.00 feet to a point; thence South 88° 53' 59" West 709.00 feet to a point; thence North 00°23' 33" West 117.83 feet to the point of beginning.



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.1.

Meeting of April 21, 2022

Site Plan Amendment

RECOMMENDATION: City Development staff recommends approval of this Site Plan Amendment request to relocate the Ballpark Commons (BPC) Challenge Tower.

Project Name:	Challenge Tower relocation
Project Address:	7011 S. Ballpark Drive
Applicant:	Rock Snow Park, LLC
Property Owner:	BPC County Land, LLC
Current Zoning:	PDD-37 – The Rock Sports Complex/Ballpark Commons
2025 Comprehensive Plan:	Mixed Use
Use of Surrounding Properties:	Snow tubing areas to the north, Ski Chalet to the west, parking areas to the south, parking areas and Umbrella Bar to the east.
Applicant’s Action Requested:	Approval of Site Plan Amendment
Planner:	Régulo Martínez-Montilva, AICP, Principal Planner

Site Plan amendment requeste submitted on January 25 to change the location of the previously approved, but not yet constructed Challenge Tower, to be located east of the Rock Snow Park Ski Chalet. The original request included the recolation of the previously approved Yurt but the applicant withdrew this part of the petition on April 7.

The Challenge Tower Site Plan was approved on April 23, 2020, by Plan Commission Resolution 2020-014; and a Special Use permit was also approved for the Challenge Tower on May 5, Resolution 2020-7618. Challenge towers (similar to and sometimes referred to as compact aerial courses or high rope courses) are typically tall structures designed to provide rope courses comprised of numerous swinging, climbing, and balancing challenges.

The Yurt Site Plan was approved on November 5, 2020, by Plan Commission Resolution 2020-029. The Yurt would be an accessory structure to the Ski Chalet, for ski and snowboard rental.

The new Challenge Tower location is approximately 50 feet south of the previously approved location. No changes are proposed to the Challenge Tower structure, the tower would be 50-foot tall, with 3 levels of obstacles and an observation deck on the top, the structure complies with the maximum height of 60 feet for this district.

The exact hours of operation are not defined yet, but the maximum would be from 9 am to sunset. The applicant did not submit an outdoor lighting plan as this facility would only be operated during daylight hours.

Fencing will be 6-foot high black vinyl coated chain link without privacy slats consistent with the rest of the property. This fence complies with the PDD Ord. Section 15-3.0442A(D)(1)(b).

Recommendation

City Development staff recommends approval of the Special Use and Site Plan for the Challenge Tower at Ballpark Commons, subject to the conditions set forth in the attached Resolution.

RESOLUTION NO. 2022-_____

A RESOLUTION AMENDING THE SITE PLAN FOR PROPERTY LOCATED AT
APPROXIMATELY 7011 SOUTH BALLPARK DRIVE TO ALLOW FOR
INSTALLATION OF A PROPOSED 50 FOOT HIGH CHALLENGE TOWER
(TAX KEY NO. 744-1003-000)
(MICHAEL R. SCHMITZ, OWNER OF ROCK SNOW PARK, LLC,
APPLICANT, BPC COUNTY LAND, LLC, PROPERTY OWNER)

WHEREAS, Michael R. Schmitz, owner of Rock Snow Park, LLC, applicant, BPC County Land, LLC, property owner, having applied for an amendment to the site plan for the property located at approximately 7011 South Ballpark Drive, such Site Plan having been previously approved on April 23, 2020, by Resolution No. 2020-014 and amended thereafter by Resolution No. 2020-029, on November 5, 2020; and

WHEREAS, such amendment proposes the installation of a 50 foot high Challenge Tower (compact aerial courses or high rope courses, comprised of numerous swinging, climbing and balancing challenges) with 3 levels of obstacles and 50 elements, including a kids course, an observation deck at the top, with a 50 foot by 50 foot octagonal footprint, such challenge tower being located directly east of the existing Ski Chalet in The Rock Sports Complex, at approximately 7011 South Ballpark Drive, and the Plan Commission having reviewed such proposal and having found same to be in compliance with and in furtherance of those express standards and purposes of a Site Plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for Michael R. Schmitz, owner of Rock Snow Park, LLC to install a Challenge Tower in The Rock Sports Complex area within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), as submitted by Michael R. Schmitz, owner of Rock Snow Park, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. Michael R. Schmitz, owner of Rock Snow Park, LLC, applicant, BPC County Land, LLC, property owner, successors and assigns and any developer of the Michael R. Schmitz, owner of Rock Snow Park, LLC Challenge Tower installation project shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Michael R. Schmitz, owner of Rock Snow Park, LLC Challenge Tower installation project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to

MICHAEL R. SCHMITZ, OWNER OF ROCK SNOW PARK, LLC – SITE PLAN
AMENDMENT
RESOLUTION NO. 2022-_____
Page 2

§15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

2. The approval granted hereunder is conditional upon Michael R. Schmitz, owner of Rock Snow Park, LLC, applicant, BPC County Land, LLC, property owner, and the Michael R. Schmitz, owner of Rock Snow Park, LLC Challenge Tower installation project for the property located at approximately 7011 South Ballpark Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
3. The Michael R. Schmitz, owner of Rock Snow Park, LLC Challenge Tower installation project shall be developed in substantial compliance with the plans City file-stamped April 11, 2022.
4. Signs shall be subject to staff review in conformance with Chapter 210 of the Municipal Code and issuance of a Sign Permit.
5. The applicant shall obtain final approval of grading, erosion control, storm water management, and utilities by the Engineering Department prior to any land disturbance activities.

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Michael R. Schmitz, owner of Rock Snow Park, LLC, Challenge Tower installation project as depicted upon the plans City file-stamped April 11, 2022, attached hereto and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plan for the property located at approximately 7011 South Ballpark Drive, as previously approved, is amended accordingly.

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

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

MICHAEL R. SCHMITZ, OWNER OF ROCK SNOW PARK, LLC – SITE PLAN
AMENDMENT
RESOLUTION NO. 2022-_____
Page 3

APPROVED:

Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

MEMORANDUM

Date: March 14, 2022
To: Mike R. Schmitz
From: Department of City Development
Régulo Martínez-Montilva, AICP, Principal Planner
RE: Application for Site Plan amendment – 7011 S Ballpark Drive (Challenge Tower and Yurt)

Staff comments are as follows for the Site Plan amendment application received on January 25, 2022, to change the location of previously approved Challenge Tower and Yurt.

City Development Department comments

1. The previously approved Challenge Tower included landscaped areas, pedestrian paths and outdoor seating areas as depicted in the Landscape Plan (L-500) dated February 4, 2020 and renderings (attached). Please submit an updated Landscape Plan.
2. Please indicate the ingress/egress location for the Challenge Tower and Yurt.
3. Any mechanical equipment or external storage associated with the Challenge Tower and/or Yurt? If so, please indicate location.
4. Any proposed outdoor lighting? If so, please provide a Lighting Plan that meets the requirements of Unified Development Ordinance Section 15-5.0402 “Exterior Lighting Plan Required” (attached).
5. Building and electrical permits will be required following approval of this Site Plan amendment. Please consider Inspection Services Department comment #7 when applying for building permits.

Inspection Services Department comments

6. *Project will require Building and Electrical Permits.*
7. *Structure shall be designed and constructed in accordance with the Wisconsin Commercial Building Code.*
Additional information required from previous Yurt structure plan review.
 1. *Revised engineered stamped plans shall be indexed to include deck floor plans.*
 2. *Plans shall indicate connection details between Yurt and deck.*
 3. *Plans shall indicate interface details between Yurt and building.*
 4. *Provide floor plan showing exit door size/locations. Note: Min. 2 exits are required 36" wide.*
 5. *Provide code-compliant landings at all exit doors.*

6. *Exit hardware shall be ADA compliant.*
7. *At minimum, exit and emergency lights shall be installed at each exit door. NOTE: A separate Electrical Permit shall be required for all electrical wiring.*
8. *Occupant load shall be indicated on plans.*
9. *Documentation shall be submitted showing that membrane canvas is flame retardant material complying with NFPA 701.*
10. *Provide a minimum of two (2) 2A-10 (ABC rated) fire extinguishers.*
11. *Structure is being reviewed as an "unheated" structure. Otherwise, the provisions of IFC section 3104.15 shall apply and an HVAC plan submittal shall be required.*
12. *No food prep allowed in Yurt.*
13. *"No smoking" signs shall be installed inside Yurt.*
14. *Engineer to provide DSPS Statement of Substantial Compliance form SBD 9720 at completion of project.*
15. *Approval would be granted as a "Temporary Occupancy" for a period not to exceed 180 days.*

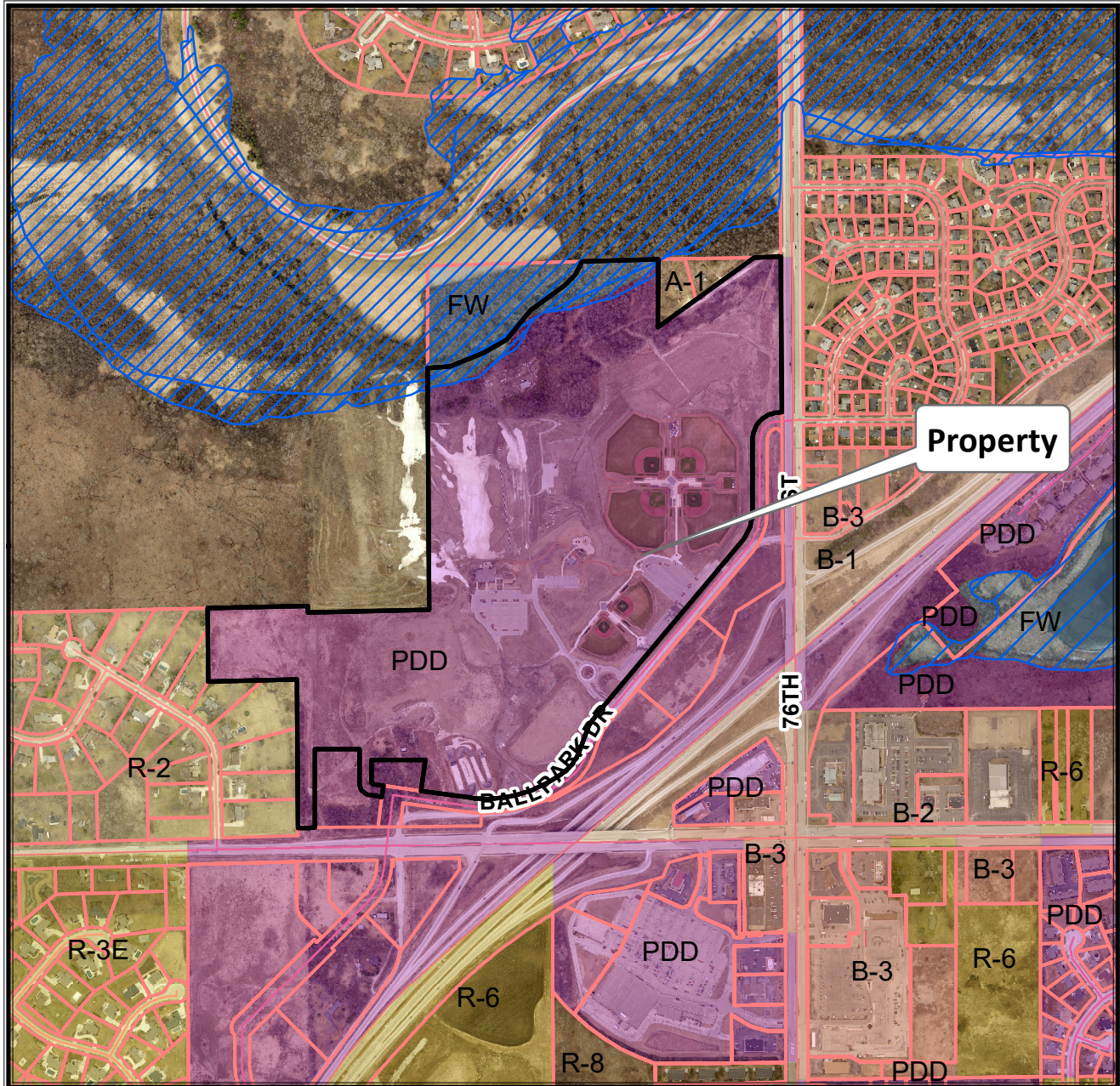
Police Department comments

8. *The PD has no comment regarding this request.*

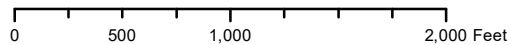
Engineering Department comments

9. *No comments.*

7011 S. Ballpark Drive
TKN: 744 1003 000

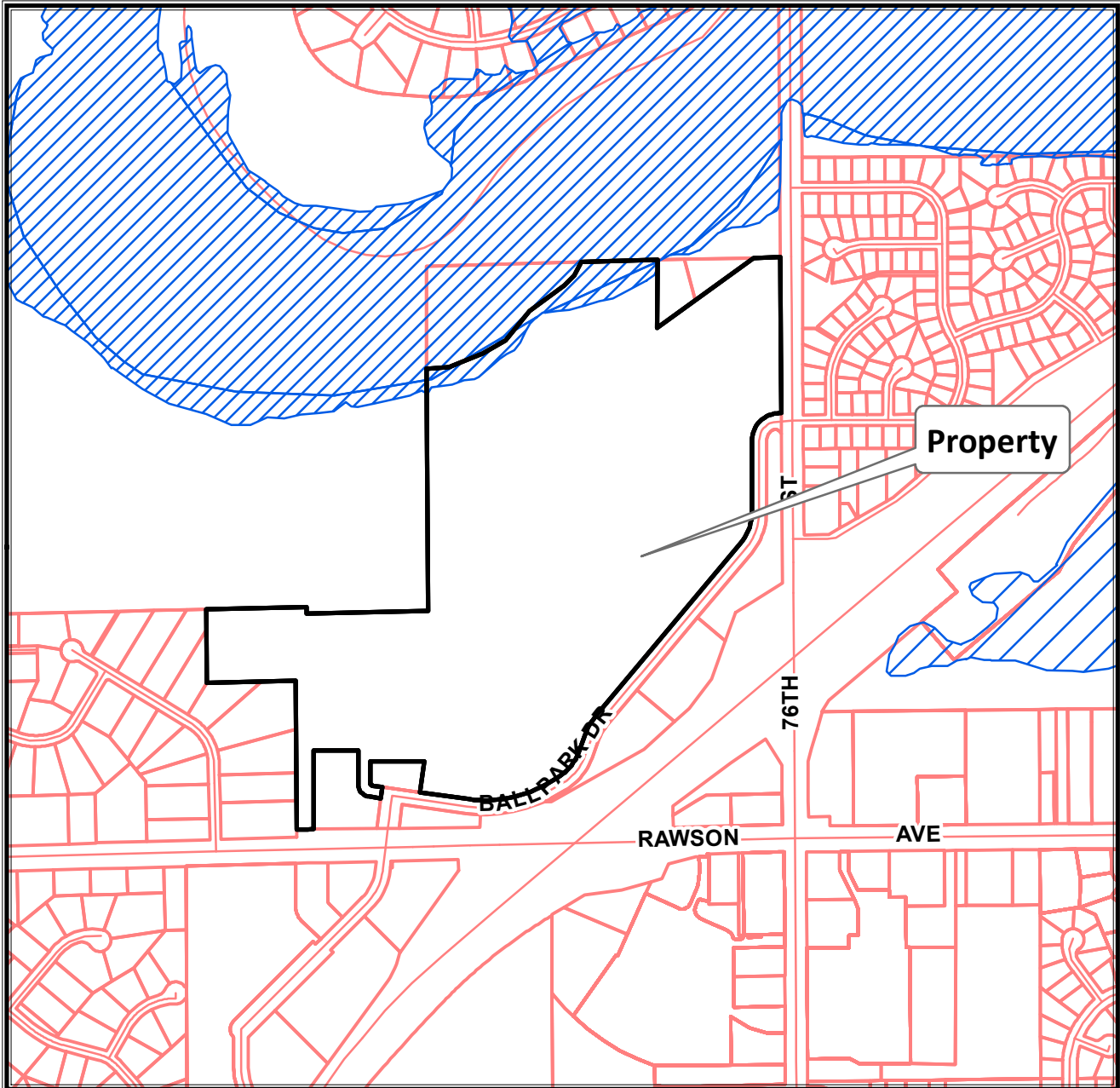


Planning Department
(414) 425-4024

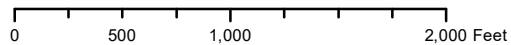


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

7011 S. Ballpark Drive
TKN: 744 1003 000



Planning Department
(414) 425-4024



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

Rock Snow Park, LLC

Revised Challenge Tower Location

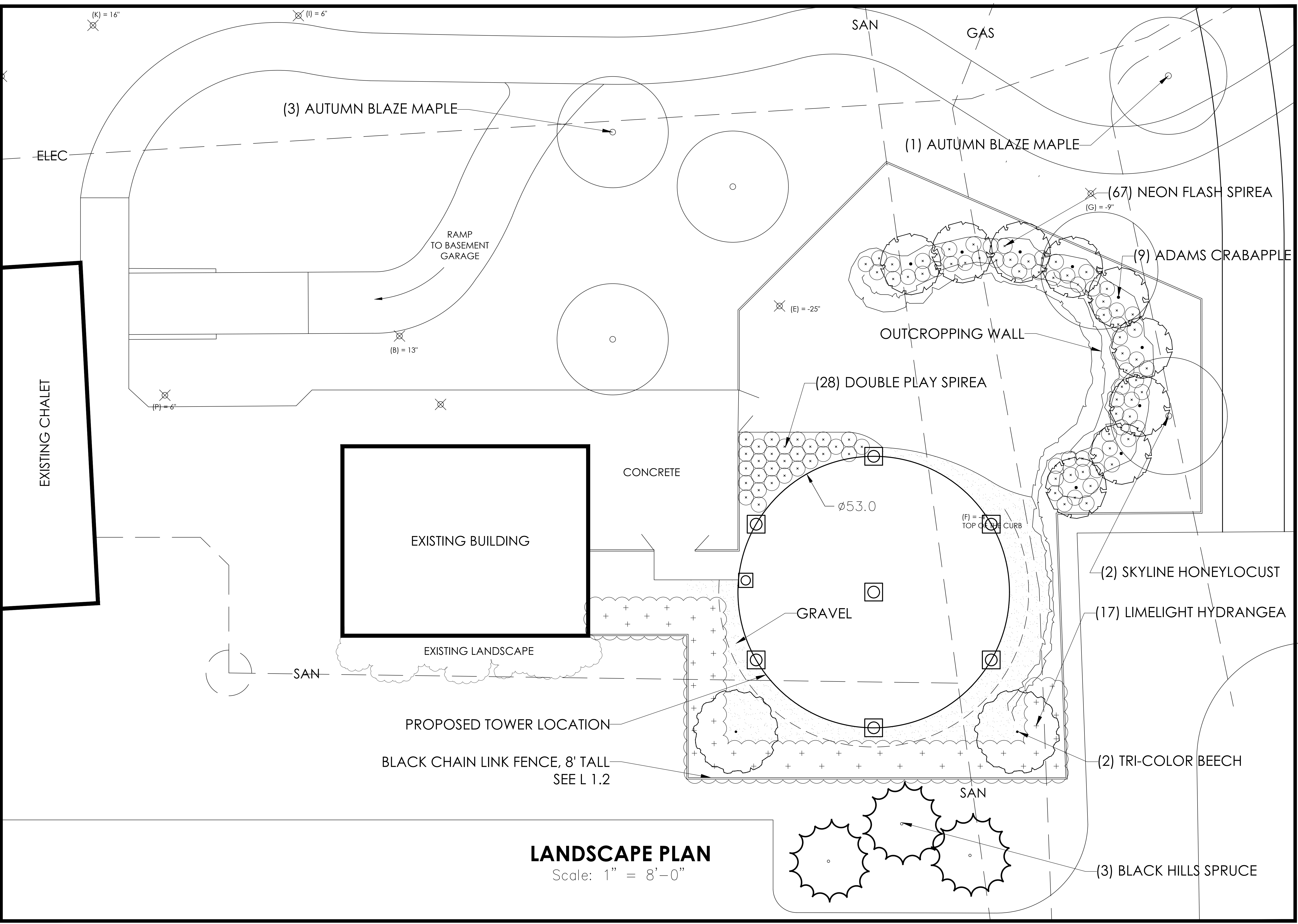
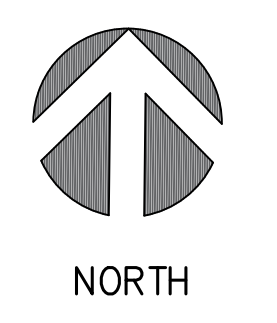
4/11/2022

The Rock Snow Park is seeking to revise the location of the challenge tower originally approved in 2020. Attached please find a new landscape plan as well as the original for reference. As you will see, the new location is approximately 50' south of the original location. This is the only change to the previously approved resolutions 2020-7618 and 2020-014.

Sincerely,

Mike Schmitz

Rock Snow Park, LLC



LANDSCAPE PLAN
 Scale: 1" = 8'-0"

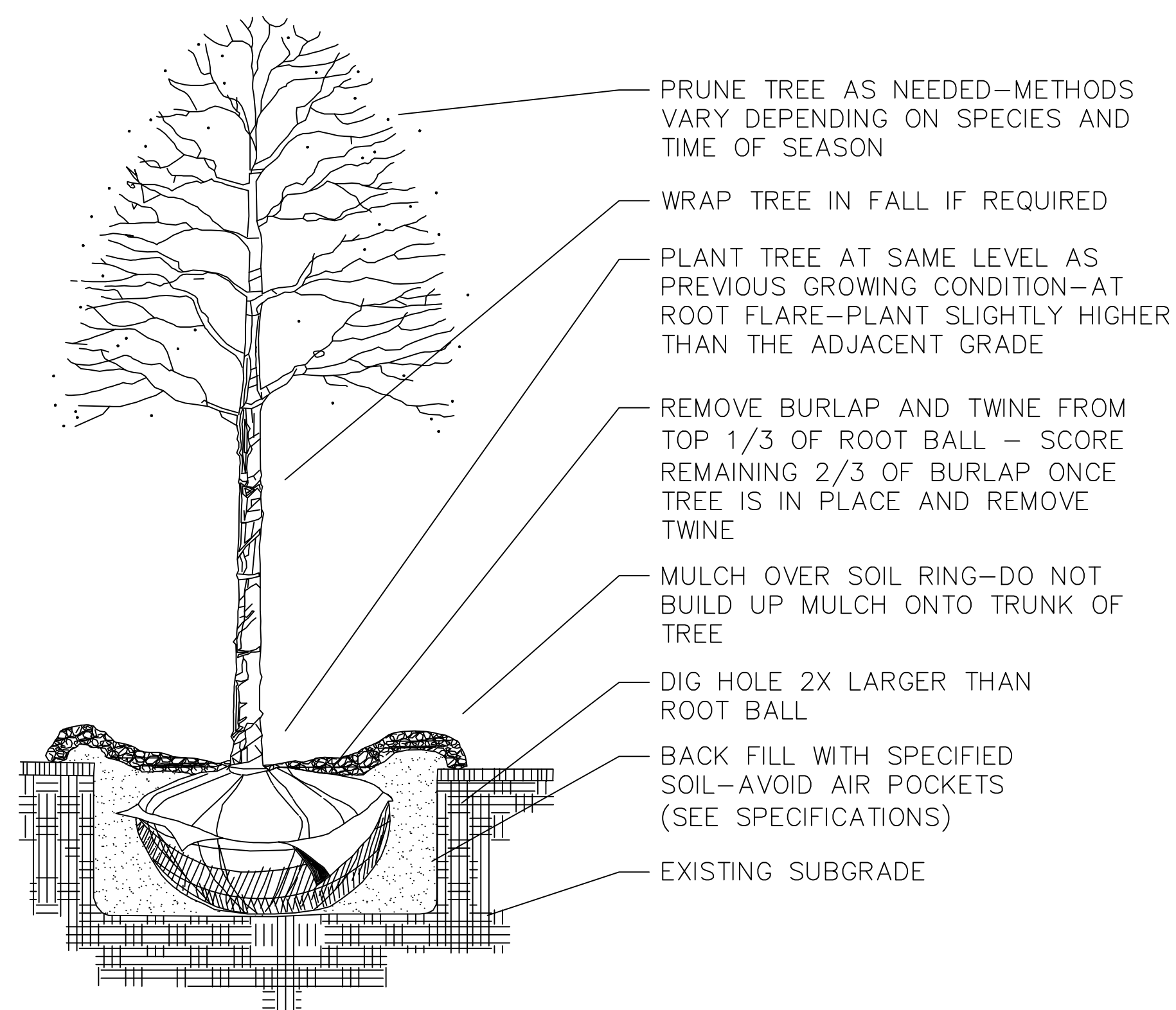


DURHAM HILL
 S99 W12707 LOOMIS DR.
 MUSKEGO, WI 53150
 414-529-5262
 www.durhamhill.com

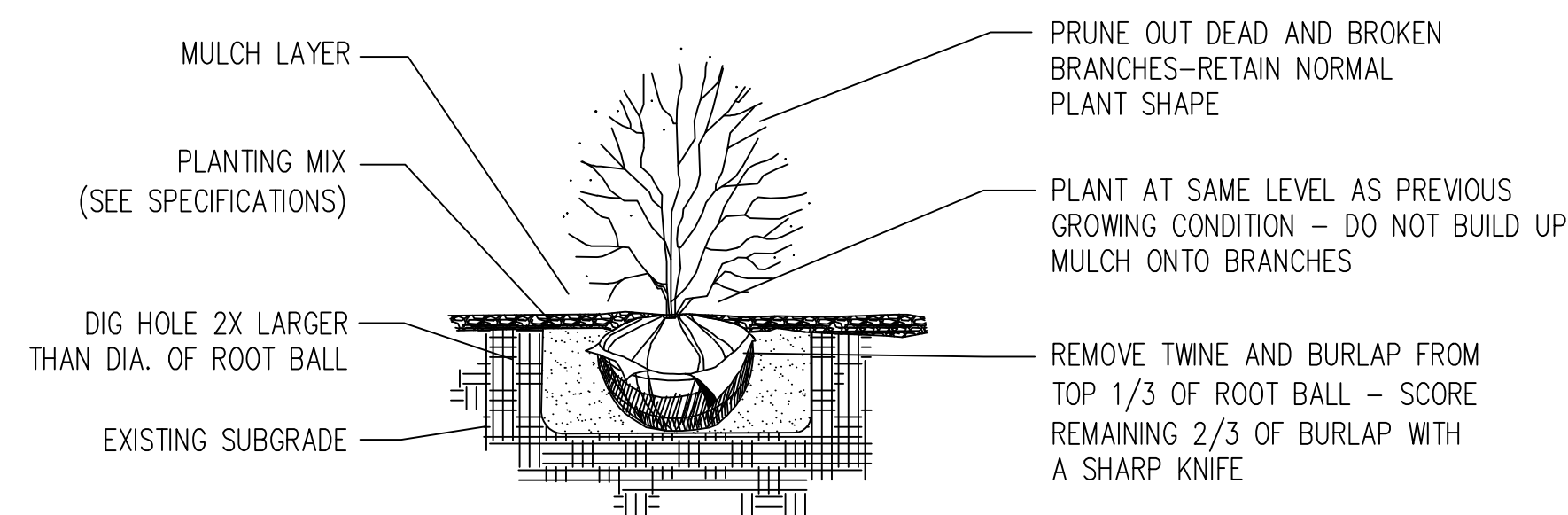
THE ROCK CLIMBING TOWER
 Franklin, WI 53132

PLANT SCHEDULE

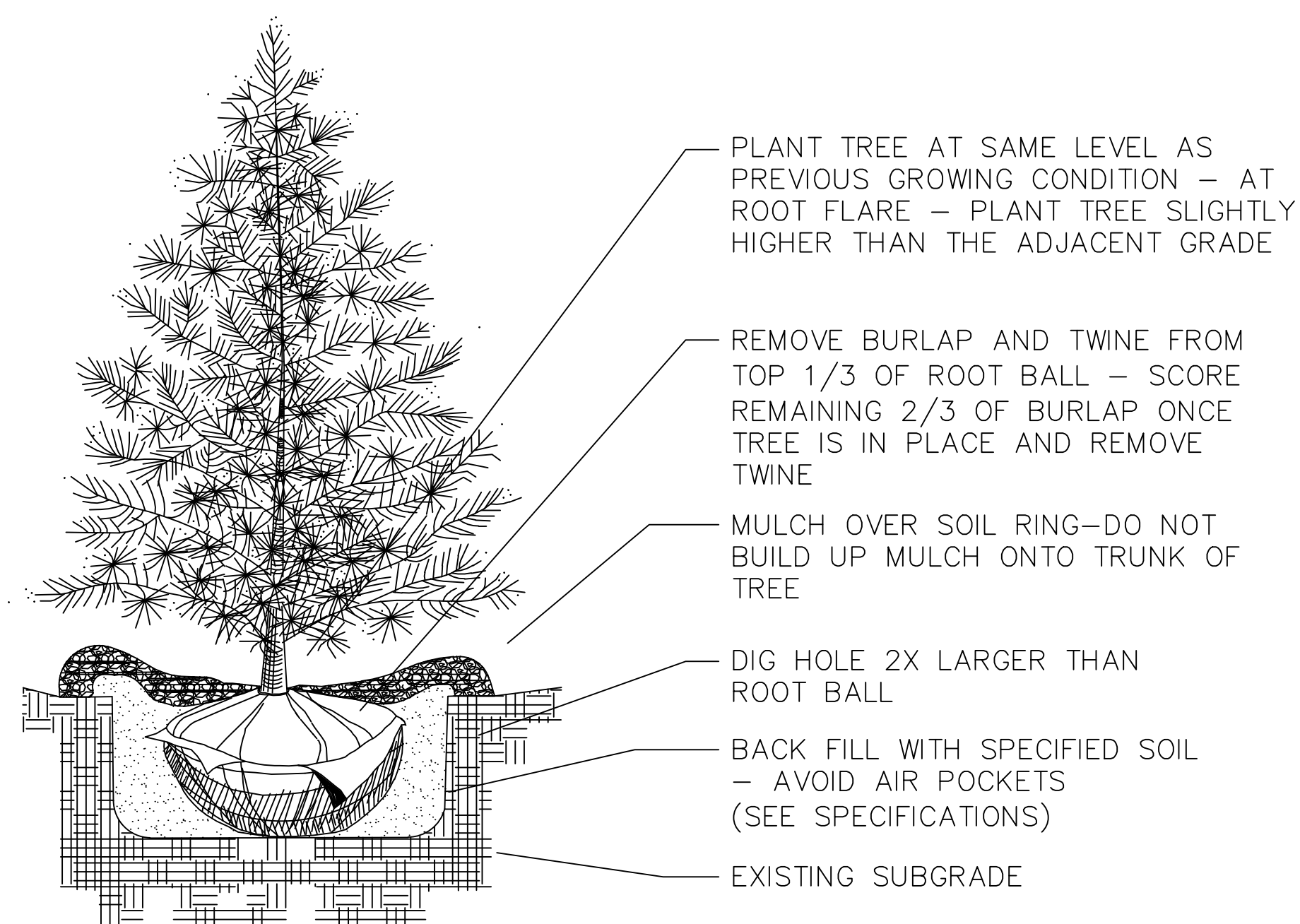
Scientific Name	Common Name	Size	Qty.
DECIDUOUS TREES			
<i>Acer x freemanii</i> 'Jeffersred'	Autumn Blaze Maple	2" Cal. B& B	4
<i>Gleditsia triacanthos</i> Skycole	Skyline Honeylocust	2" Cal. B& B	2
<i>Fagus sylvatica</i> 'Tricolor'	Tricolor European Beech	2" Cal. B& B	2
<i>Malus</i> 'Adams'	Adams Crabapple	6'	9
		TOTAL	17
EVERGREEN TREES			
<i>Picea glauca</i> var. <i>densata</i>	Black Hills Spruce	8'	3
		TOTAL	3
SHRUBS			
<i>Spiraea japonica</i> 'Double Play'	Double Play Red Spirea	3 Gal.	28
<i>Spiraea japonica</i> 'Neon Flash'	Neon Flash Spirea	3 Gal.	67
<i>Hydrangea paniculata</i> 'Limelight'	Limelight Hydrangea	5 Gal.	17
		TOTAL	112



DECIDUOUS TREE PLANTING DETAIL
 NOT TO SCALE



DECIDUOUS SHRUB PLANTING DETAIL
 NOT TO SCALE



EVERGREEN TREE PLANTING DETAIL
 NOT TO SCALE



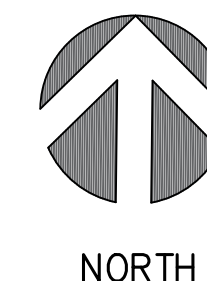
BLACK CHAIN LINK FENCE 8' TALL

Sheet Title

PLANTING DETAILS

Scale: 1" = 8'

Revisions: Date:



NORTH

Date: 04-11-2022

Checked By: TE

Drawn By: AM

Sheet No.

L 1.2

Landscape notes:

- 1) Contractor to call Digger's Hotline ((800) 242-8511) and have property marked before starting work.
- 2) Plant Bed preparation: furnish and install a 5" depth of screened blended topsoil and a 1" depth of plant starter compost. Rototill with existing soil.
- 3) Use 1/3 plant starter mixed with 2/3 existing soil for trees planted in lawn.
- 4) Furnish a spaded bed edge between lawn and plant beds.
- 5) Furnish and install a 3" depth of shredded bark mulch in planting beds and in 4-5' diameter circle around trees in the lawn.
- 6) Furnish and install a 1" depth of topsoil, Conserv FS Sunny Deluxe mix (98/85 Kentucky Bluegrass Fine perennial Ryegrass VNS Creeping Red Fescue VNS) or equivalent, starter fertilizer, and straw mulch in mowed turf grass areas as per plan.

CLIMBING TOWER PLANT LIST

TREES

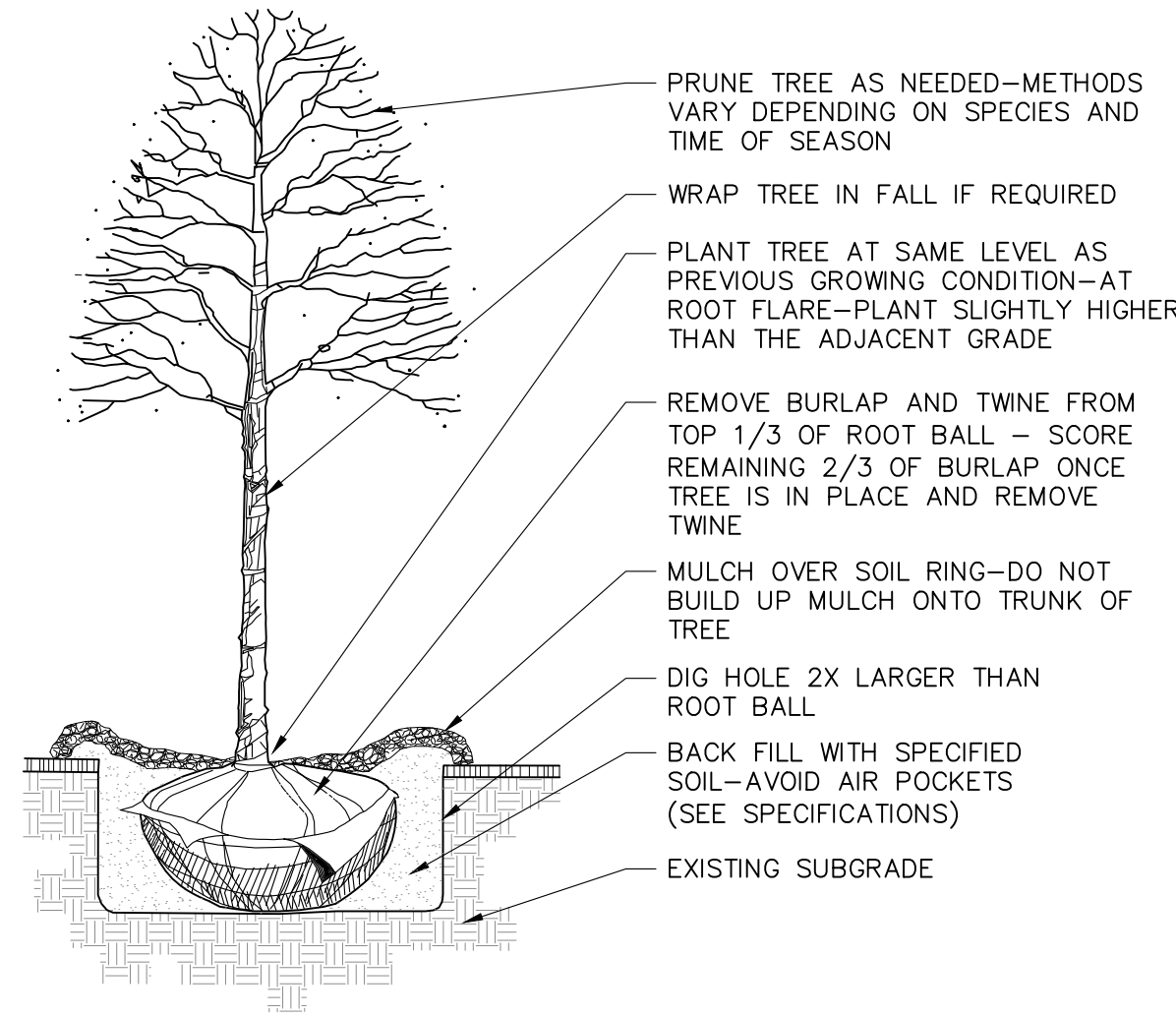
SCIENTIFIC NAME	COMMON NAME	QTY	SIZE
Acer x freemanii 'Autumn Blaze'	Autumn Blaze Freeman Maple	6	2" B&B
Malus 'Red Jewel'	Red Jewel Crabapple	6	2" B&B
Picea glauca var. densata	Black Hills Spruce	3	6'
Thuja occidentalis 'Holmstrup'	Holmstrup Arborvitae	7	6'
Tilia cordata 'Greenspire'	Greenspire Littleleaf Linden	3	2" B&B

SHRUBS

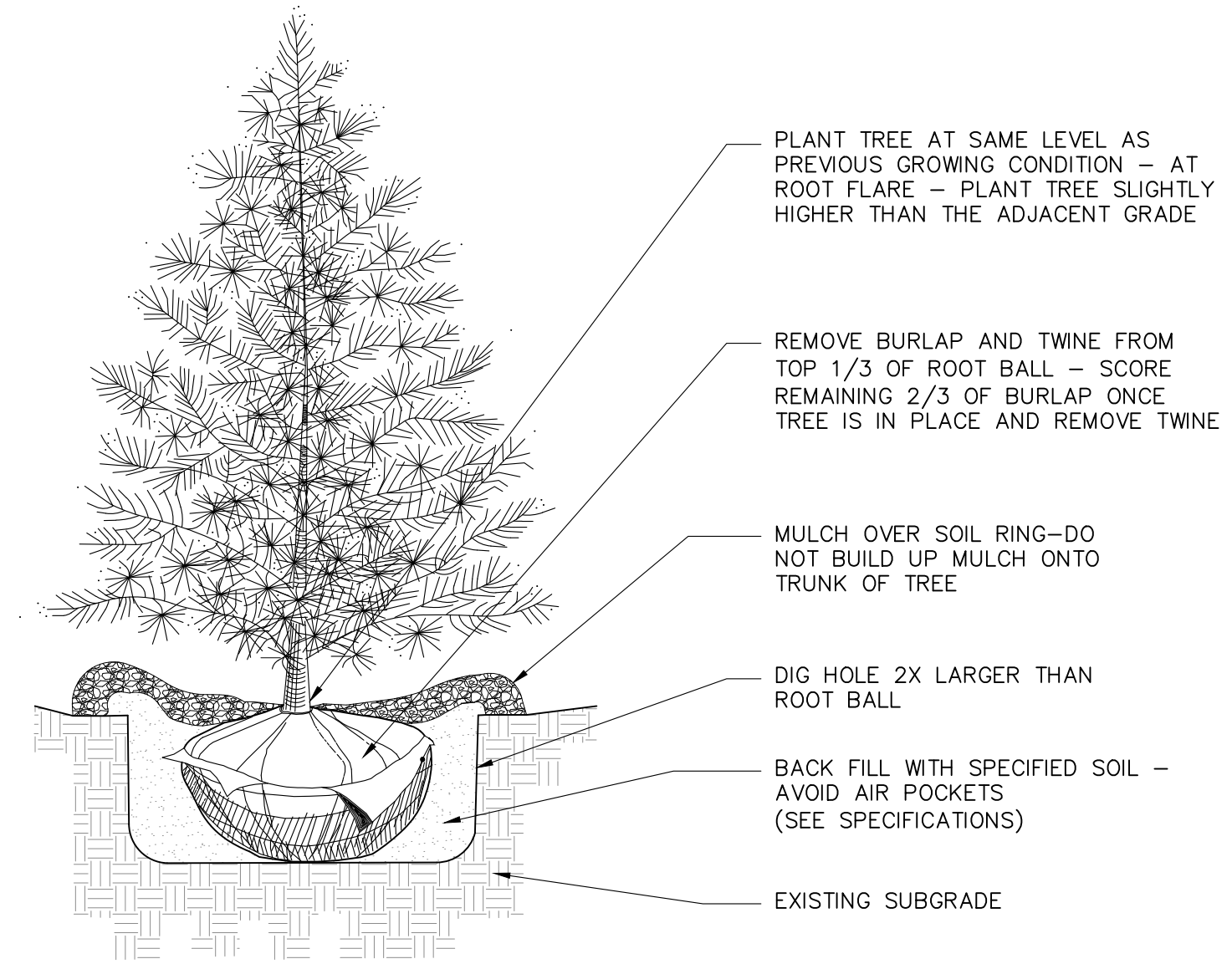
SCIENTIFIC NAME	COMMON NAME	QTY	SIZE
Aronia melanocarpa 'Brilliantissima'	Chokecherry	54	5 gal
Diervilla lonicera	Dwarf Bush Honeysuckle	5	5 gal
Hydrangea 'Invincibelle Spirit'	Invincibelle Spirit Hydrangea	5	5 gal
Hydrangea 'Pinky Winky'	Invincibelle Spirit Hydrangea	3	5 gal
Juniperus 'Kallay's Compact'	Kallay's Compact Juniper	15	5 gal
Spiraea japonica 'Goldflame'	Goldflame Spirea	18	5 gal

PERENNIALS

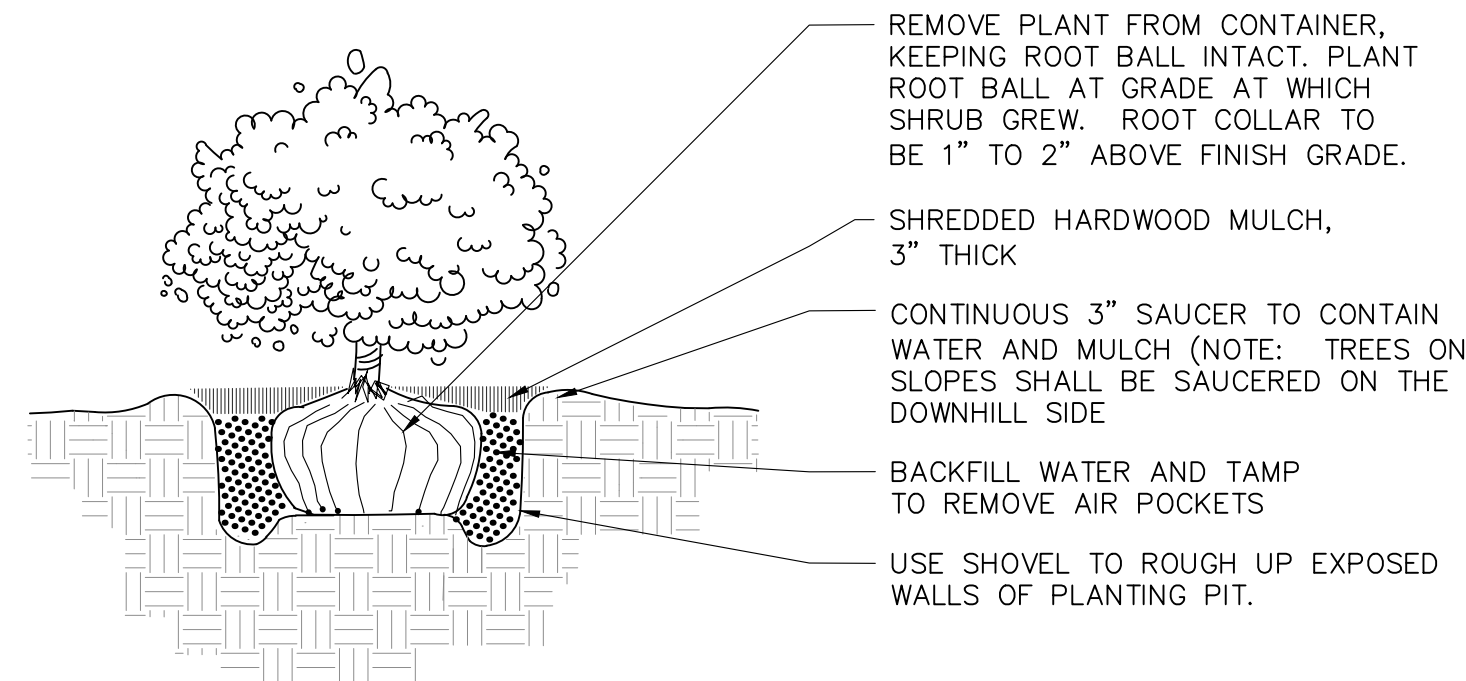
SCIENTIFIC NAME	COMMON NAME	QTY	SIZE
Hemerocallis 'Hyperion'	Hyperion Daylily	80	1 gal
Nepeta 'Walker's Low'	Walker's Low Nepeta	40	1 gal



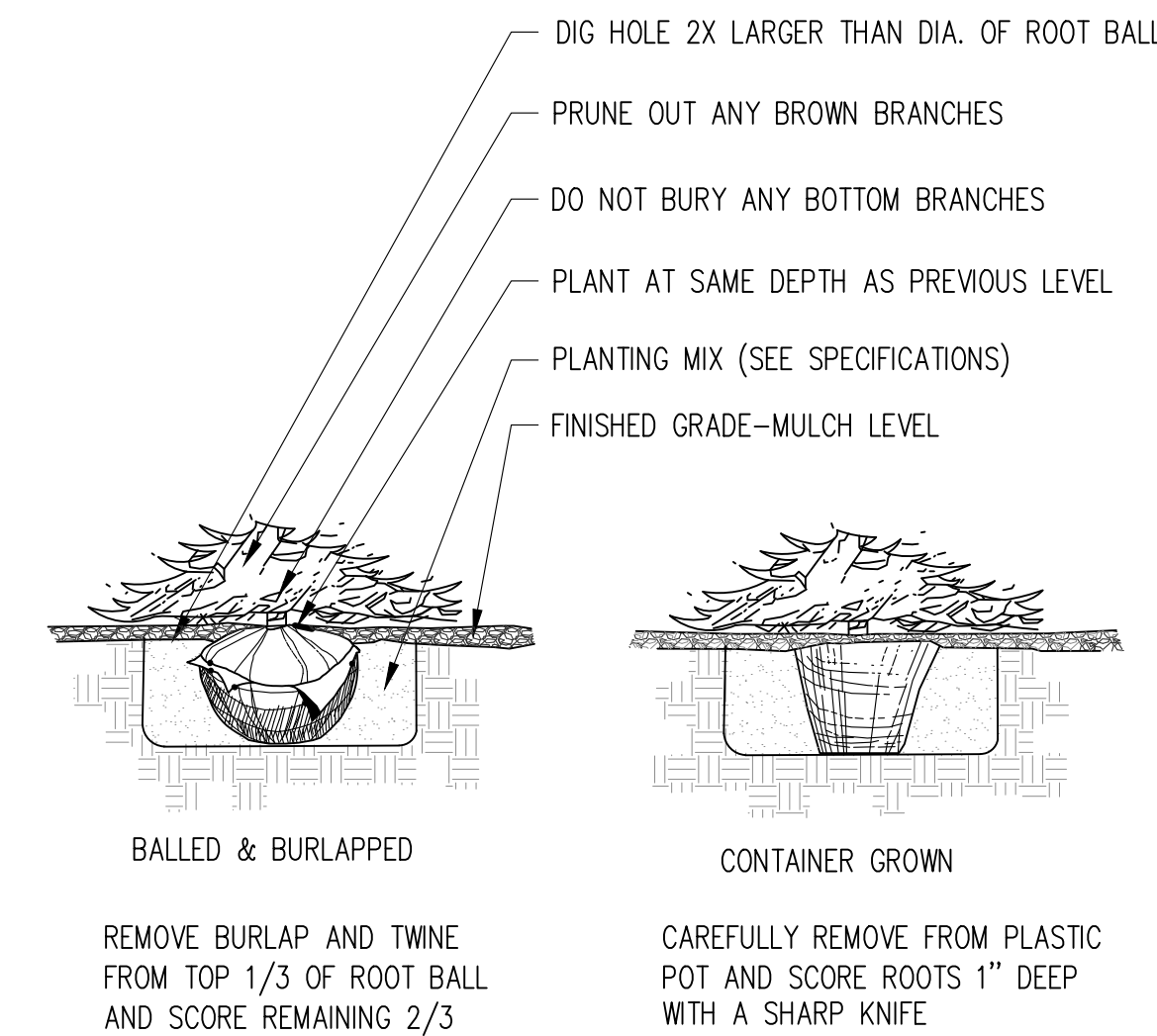
1 DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



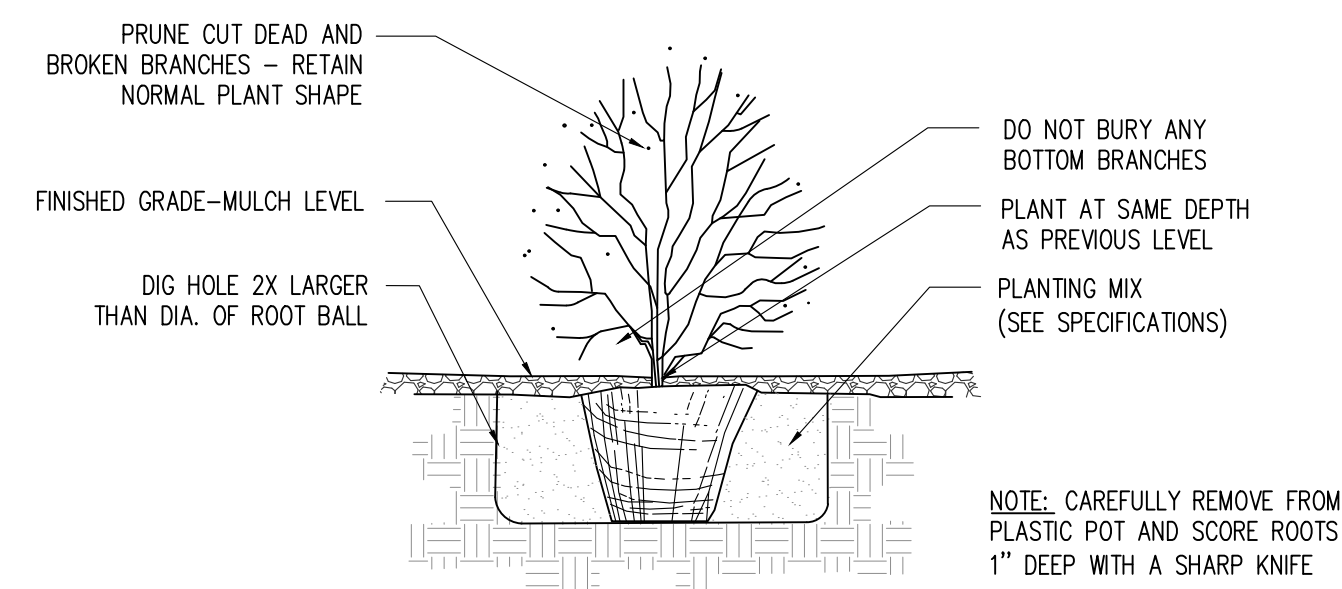
2 EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE



3 SHRUB PLANTING DETAIL
NOT TO SCALE



4 EVERGREEN SHRUB PLANTING DETAIL
NOT TO SCALE



5 POTTED PERENNIAL PLANTING DETAIL
NOT TO SCALE

REVISIONS

DATE	

DATE
FEBRUARY 4, 2020

SHEET NAME

**PLANTING
DETAILS**

SHEET NUMBER

L-600



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.2.

Meeting of April 21, 2022

Temporary Use

RECOMMENDATION: Department of City Development staff recommends approval of this Temporary Use from June 6 to August 29, 2022.

Project Name:	Jax’s Wheel Food – Micro mobile kitchen
Project Address:	6489 S 27th St
Applicant:	Jacqueline Barret, Jax’s Wheel Food
Property Owner:	Home Depot USA, Inc.
Current Zoning:	PDD 14 – Planned Development District & FW – Floodway District
2025 Comprehensive Plan:	Commercial
Use of Surrounding Properties:	Residential trailer park (north), floodplain (west), restaurants and retail (east) and retail (south)
Applicant’s Action Requested:	Approval of Temporary Use from June 6 to August 29, 2022
Planner:	Régulo Martínez-Montilva, AICP, Principal Planner

Introduction:

Temporary Use application submitted on March 25, to allow for micro mobile kitchen operation on the Home Depot’s parking lot at 6489 S 27th St. This micro mobile kitchen unit measures 6x4 feet and the towing vehicle is a standard SUV, plus a 6-foot folding table. The proposed operation is from June 6 to August 29, 2022, with food service on Wednesdays from 11:00 am to 2:00 pm.

This temporary use permit requires Plan Commission approval because the requested period of operation is over 30 calendar days.

Home Depot submitted a separate Temporary Use permit application for a fenced garden center on this parking lot from April 1 to July 1, approximately 200 feet from the proposed micro mobile kitchen.

Analysis

City Development staff reviewed this application for compliance with the Unified Development Ordinance UDO) Section 15-3.0804.B “Temporary Miscellaneous Outdoor Sales”:

- 1. Location. No display, sales or parking is permitted in any street right-of-way, except such parking on-street as is regularly permitted. In addition, no display, sales or parking shall obstruct pedestrian or vehicular traffic. All display areas or temporary structures shall*

comply with the minimum required yard setbacks for the zoning district for the property upon which the temporary miscellaneous outdoor sale occurs.

- City Development staff has no concerns with the proposed location.
2. *Parking. All parking shall be on-site, except such on-street parking as is regularly permitted. The applicant must demonstrate that there will be adequate parking for the existing uses as well as the proposed temporary miscellaneous outdoor sale.*
 - The micro mobile kitchen and table will occupy 4 parking stalls. This Home Depot store provides sufficient vehicular parking, 500 parking stalls per Planned Development District (Ordinance No. 97-1467).
 3. *Trash and Debris. The applicant must demonstrate and provide adequate facilities to dispose of all trash or other waste generated by the temporary miscellaneous outdoor sale.*
 - City Development staff recommends that the operator must provide at least one (1) trash receptacle for customers.
 4. *Signage. All signage shall be in accordance with the sign regulations set forth in this Ordinance.*
 - Advertising of products/services that are not incidental to the food truck use are prohibited per Municipal Code Section 210-10 “Signs on vehicles”.
 5. *Temporary Outdoor Structures. All proposed temporary outdoor structures (tents, canopies) are subject to review and approval of the Fire Inspector and the Building Inspector.*
 - This standard does not apply as no tents/canopies are proposed.
 6. *Temporary Miscellaneous Outdoor Sales Shall be Limited to 14 Consecutive Days. Owners must obtain a Temporary Use Permit for each temporary miscellaneous outdoor sale before the use is permitted. Each such uses shall not exceed 14 consecutive calendar days. The total days of such temporary uses during a calendar year shall not exceed 30 calendar days.*
 - If approved, the temporary use permit will be valid from June 6 to August 29, 2022, a separate temporary use permit will be required for any operations beyond this time frame.
 7. *A Site Plan is Required. A site plan showing location of existing buildings, locations of proposed structures for the sales/events, locations of parking spaces, signage, hours of operation, what merchandise is being sold and any other information pertinent to the review of the sales/events and as may be so required by the Zoning Administrator or designee of the City Planning Department or the Plan Commission, as applicable, shall be submitted as part of the application for a commercial temporary outdoor sale use.*
 - Submitted application materials have been deemed complete for review.

Department comments

Fire Department

- Placement shall not inhibit fire department access.
- Shall comply with WI Department of Agriculture, Trade and Consumer Protection (DTCAP) requirements for mobile kitchen and service base licensure regarding fire protection: [dfsfrb0108.pdf \(wi.gov\)](#)

Health Department

- This is the correct license to operate in this capacity. I did also mention to the operator that she will have to be inspected by our department and there is a form and fees due in our department prior to operating.

Police Department

- The PD has no comment regarding this request.

Engineering Department

- No comments.

Inspection Services Department

- Inspection Services has no comments on the proposal at this time.

Staff recommendation

Department of City Development staff recommends approval of this Temporary Use from June 6 to August 29, 2022, subject to the conditions set forth in the attached resolution.

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A TEMPORARY USE FOR A JAX'S WHEEL FOOD
MICRO MOBILE KITCHEN OPERATION IN THE PARKING LOT OF THE
HOME DEPOT STORE LOCATED AT 6489 SOUTH 27TH STREET
(JACQUELYNNE L. BARRET, OWNER OF JAX'S WHEEL FOOD, APPLICANT)

WHEREAS, Jacquelynne L. Barret, owner of Jax's Wheel Food having petitioned the City of Franklin for the approval of a Temporary Use to allow for a micro mobile kitchen operation in the Home Depot parking lot located at 6489 South 27th Street (the tow vehicle is a standard Sport Utility Vehicle and the mobile kitchen unit is 6 foot by 4 foot, with an additional 6 foot folding table, and will occupy 4 parking stalls), from June 6, 2022 through August 29, 2022, with food service from 11:00 a.m. to 2:00 p.m. on Wednesdays; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Jacquelynne L. Barret, owner of Jax's Wheel Food for the approval of a Temporary Use to allow for a micro mobile kitchen operation, for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall allow for such use from June 6, 2022 through August 29, 2022, with food service from 11:00 a.m. to 2:00 p.m. on Wednesdays, and all approvals granted hereunder expiring at 2:00 p.m. on August 29, 2022.
2. The Jax's Wheel Food micro mobile kitchen and towing vehicle shall be parked within the 4 parking spaces in the Home Depot parking lot as shown on the Site Plan, City file-stamped March 25, 2022.
3. A minimum of one (1) trash receptacle must be provided to properly dispose of any waste generated by this use.
4. Any signage other than lettering on the micro mobile kitchen and towing vehicle shall be subject to issuance of a Sign Permit from the City of Franklin City Development Department. The lettering on the micro mobile kitchen and towing vehicle is limited to advertising incidental to the food truck operation, any other advertising is prohibited per Municipal Code Section 210-10 "Signs on Vehicles".

JACQUELYNNE L. BARRET, OWNER OF JAX'S WHEEL FOOD – TEMPORARY USE
RESOLUTION NO. 2022-_____

Page 2

5. No display, sales, or parking shall obstruct vehicular traffic. Drive aisles must be maintained at all times to allow safe and efficient vehicular access throughout the Home Depot's parking lot.
6. Micro mobile kitchen, towing vehicle and tables shall not inhibit fire department access, and shall comply with WI Department of Agriculture, Trade and Consumer Protection (DTCAP) requirements for mobile kitchen and service base licensure regarding fire protection.
7. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but not limited to, all necessary licenses/permits which are required through the Building Inspection Department, Clerks Office, and Health Department.
8. Micro mobile kitchen shall be inspected by the City of Franklin Health Department prior to operations.

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

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

APPROVED:

Stephen R. Olson, Chairman

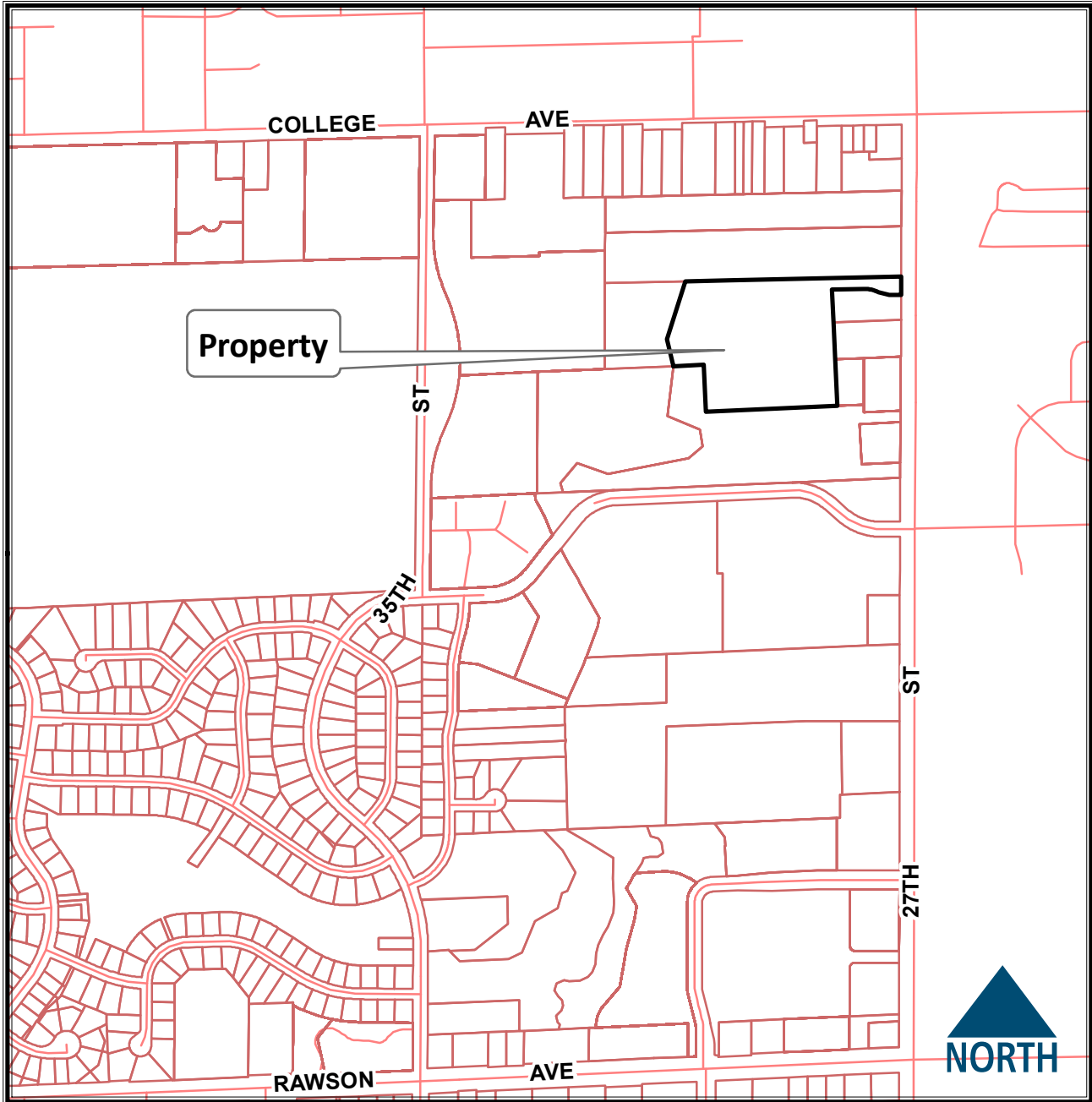
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



6489 S. 27th Street Home Depot



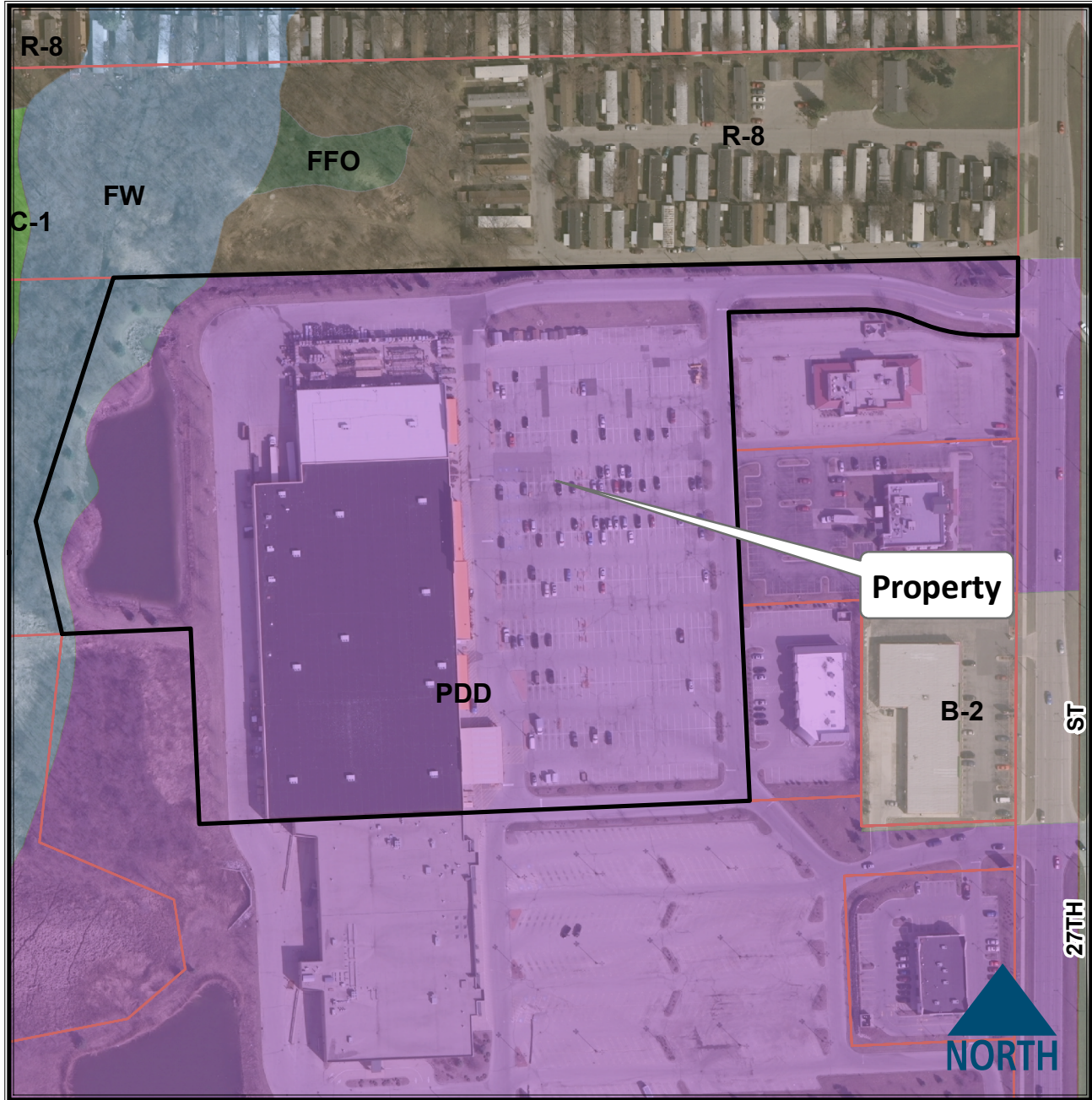
Planning Department
(414) 425-4024



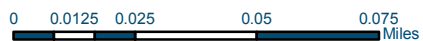
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



6489 S. 27th Street Home Depot



Planning Department
(414) 425-4024



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

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 (414) 425-4024
franklinwi.gov



APPLICATION DATE: _____

STAMP DATE: _____ city use only

PLAN COMMISSION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: <i>Jaquelynn Barret</i>	NAME:
COMPANY: <i>Axis Wheel Food</i>	COMPANY:
MAILING ADDRESS: <i>7444 S. Logan Ave</i>	MAILING ADDRESS:
CITY/STATE: <i>Oak Creek, WI</i> ZIP: <i>53154</i>	CITY/STATE: ZIP:
PHONE: <i>914 391 4675</i>	PHONE:
EMAIL ADDRESS: <i>jbarret@lphoo.com</i>	EMAIL ADDRESS:

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: <i>6489 S. 27th Franklin, WI 53132</i>	TAX KEY NUMBER: <i>714 9996 015</i>
PROPERTY OWNER: <i>Home Depot USA</i>	PHONE:
MAILING ADDRESS: <i>PO Box 105842</i>	EMAIL ADDRESS:
CITY/STATE: <i>Atlanta, GA</i> ZIP: <i>30348 5842</i>	DATE OF COMPLETION: office use only

APPLICATION TYPE

Please check the application type that you are applying for

- Building Move
 Sign Review
 Site Plan / Site Plan Amendment
 Temporary Use

Most requests require Plan Commission review and approval.

Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

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

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

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

PROPERTY OWNER SIGNATURE: <i>Brian L DAVIS SM</i>	APPLICANT SIGNATURE: <i>Jaquelynn Barret</i>
NAME & TITLE: DATE: <i>SM 3/25/22</i>	NAME & TITLE: DATE: <i>owner/operator 3/23/22</i>
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:

CITY OF FRANKLIN APPLICATION CHECKLIST

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

BUILDING MOVE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded full size, drawn to scale copies (at least 8 1/2" X 11") of the plat of survey, showing the proposed building placement at the new location, indicate setbacks from property lines and locations of driveways and access points.
NOTE: Single-Family homes require an attached 2-car garage.
 - Three (3) copies of color photographs of the building's current elevations.
- Other items as may be required for specific applications, per a city planner.
- Email or flash drive with all plans / submittal materials.
 - Applications for a Building Move are governed by the City of Franklin Municipal Code Chapter 92-2 (A.) and the Wisconsin Uniform Building Code.

SIGN REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$40 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) colored copies of the sign elevations, drawn to scale not less than 1/2" = 1'. Plans shall be folded to a maximum size of 9" X 12". The elevations should denote the sign dimension and area. Identify the colors, materials, finishes and lighting method (if applicable).
 - Three (3) scaled copies of the Site Plan, showing the location of the proposed signage relative to (1) any existing or proposed structures; (2) parking stalls and/or driveways; (3) proposed landscaping and outdoor lighting; (4) the setback distance from the street right-of-way at the proposed location; (5) height of sign above the finished grade; and (6) the vision triangle distances described in Section 15-5.0201 of the Unified Development Ordinance.
- Email or flash drive with all plans / submittal materials.
 - Required for signage in Planned Development Districts (PDD) No. 7 and 18. Additional materials / copies may be required for board/commission meetings.
 - Permits for construction are REQUIRED after approval. Contact Inspection Services (414-425-0084) for permit processes.

SITE PLAN / SITE PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
 - Tier 1: \$2000
 - Tier 2: \$1000 (lot size ≤ 1 acre)
 - Tier 3: \$500 (≤ 10% increase or decrease in total floor area of all structures with no change to parking; or change to parking only).
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded full size, drawn to scale copies (at least 24" X 36") of the Site Plan / Site Plan Amendment package. The submittal should include only those plans/items as set forth in Section 15-7.0103, 15-7.0301, and 15-0402 of the Unified Development Ordinance that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.

TEMPORARY USE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$50 Application fee payable to the City of Franklin.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narrative
 - Three (3) folded, scaled copies, of the Site Plan, see section 15-3.0804 of the UDO for information that must be denoted on each respective plan.
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.
 - Submittal of Application for review is not a guarantee of approval. Approval of Temporary Use does not exclude potential requirement for additional licenses or permits. For information on other licenses or permits that may be required, contact the City Clerk's office at (414) 425-7500, the Health Department at (414) 425-9101, and Inspection Services at (414) 425-0084.

Narrative for Jax's Wheel Food
Temporary Use Application
for Home Depot Franklin Location

The purpose of Jax's Wheel Food submission is to station the business' micro mobile kitchen on the Home Depot Franklin property to provide fresh food options for employees and customers of Home Depot Franklin and potentially other passersby. Brian Davis, manager of Home Depot Franklin and I (Jacquelynn Barret, owner/operator) have communicated via phone, email and in person regarding the proposed partnership and the benefits it could present for the store staff and customers. We discussed operating on a trial basis to begin with. The hours and days would be Mondays from 11am to 2pm from June 6th, 2022 through August 29th, 2022. If Home Depot Franklin and Jax's Wheel Food found the situation mutually amenable, then we could discuss a schedule continuing into the fall (weather permitting).

Finally, we discussed the placement of the operation and the fact that due to the configuration of the parking lot, fire lanes, and the store displays, the best placement would be on the far east end of the parking limits as indicated on the property aerial photos per the Franklin GIS (submitted herewith).

The operation is micro mobile with the actual kitchen unit itself measuring only 6'x4' and the towing vehicle being a standard SUV (2020 Chevy Equinox). An additional 6' folding table is also included in the set up and all would be easily contained within the area of four parking spaces. Additionally, as matter of Jax's Wheel Food practice, reflective cones will be set up as part of the delineation of the area used.

Additional submissions:

1. Copy of a letter of intent to license from Dale Pittman, Oak Creek Health Inspector;
2. Certificate of Insurance;
3. Copy of Jax's Wheel Food general menu of which 2 or 3 items at a time will be offered daily

Home Depot Proposal



3/23/2022, 8:35:51 PM

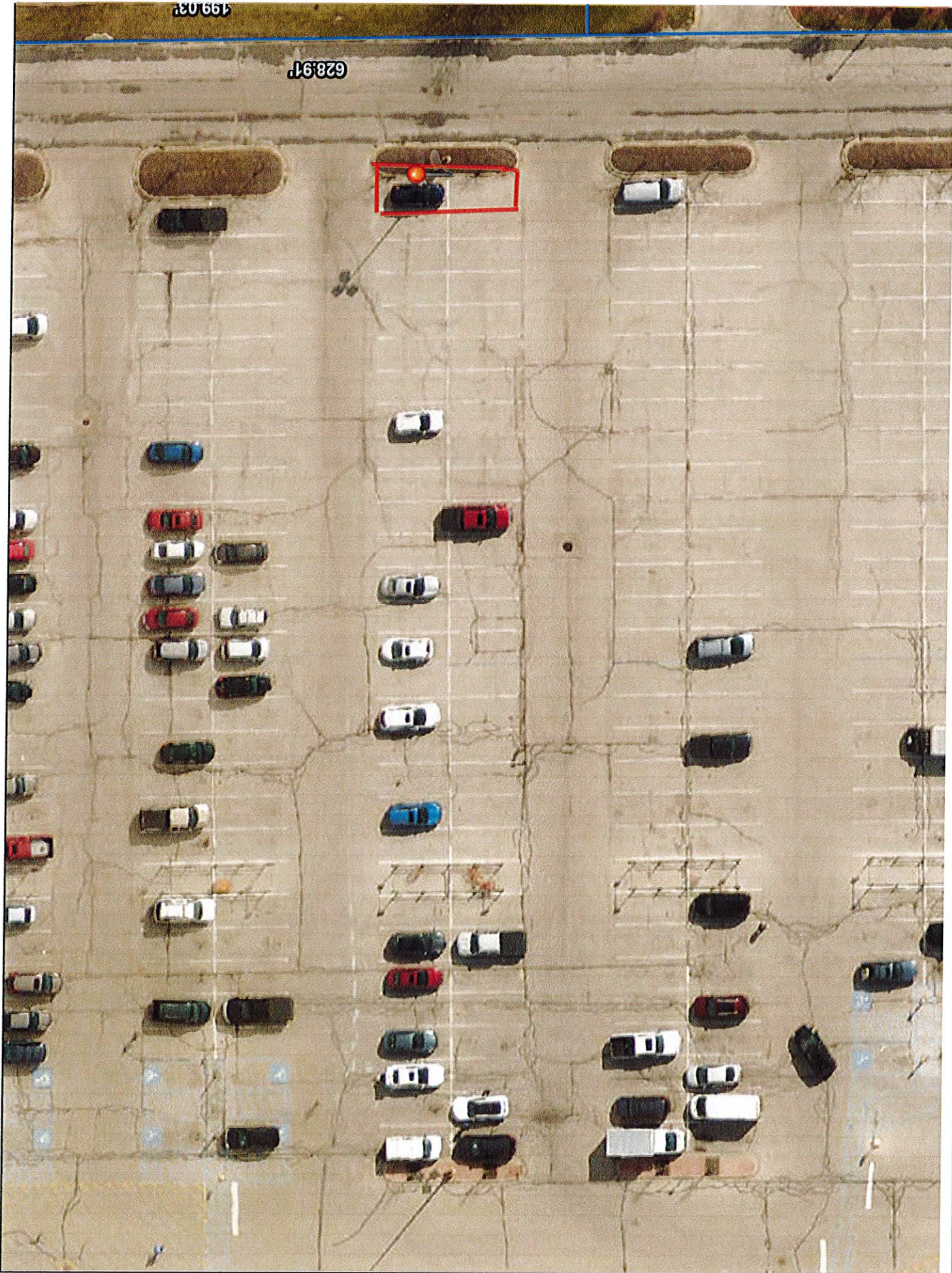
Parcel

1:2,257



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, City of Franklin, WI

Home Depot Proposal





To whom it may concern:

ENVIRONMENTAL
HEALTH SPECIALIST

DALE PITTMAN

I am working with Jacquelynne Barret in licensing her food cart to operate and serve food this coming outdoor event season. I did review her food cart and found it acceptable to be licensed based on the menu of food that she is proposing to serve. Because all food licenses expire on June 30th of each year, Jacquelynne is waiting until after April 1st to obtain her food license for the cart. Licenses obtained after April 1st automatically get extended through the following June 30th expiry, up to a 15 month license.



OAK CREEK HEALTH DEPARTMENT

POST IN PLAIN PUBLIC VIEW

License, Permit or Registration

The person, firm, or corporation whose name appears on this certificate has complied with the provisions of the Wisconsin statutes and is hereby authorized to engage in the activity as indicated below.

ACTIVITY Retail Food - Serving Meals, Mobile - Simple	EXPIRATION DATE 30-Jun-2023	I.D. NUMBER DPIN-CDAH2
LICENSEE MAILING ADDRESS JAX'S WHEEL FOOD 7444 S LOGAN AVE OAK CREEK WI 53154	NOT TRANSFERABLE	BUSINESS / ESTABLISHMENT ADDRESS JAX WHEEL FOOD MOBILE 9327 S SHEPARD AVE OAK CREEK WI 53154

All Permits expire on June 30th; it is the responsibility of the licensee to make sure all applicable fees are received by the Health Department and/or postmarked on or before July 1st or a late payment fee will be assessed.

If you do not receive a renewal form prior to June 30th from your licensing authority, you should send in your payment for renewing your permit to the following address:

OAK CREEK HEALTH DEPARTMENT
8040 S 6TH ST
OAK CREEK, WI 53154-2313
(414)766-7950

* Include the name of your facility and the ID number.

FESTIVAL & EVENT MENU:



JAX BURGER: *1/2# fresh beef, bacon, pepper cheese, red onion, homemade firecracker sauce*

SUDSY MUTT DOG: *1/4# beef hot dog, homemade beer cheese sauce, pulled pork, to topped with bacon*

DA BOMB: *Italian sausage bomber - OOOHHHHH!*

OLD SCHOOL: *traditional meat 'n' mash open face with gravy*

BALL BUSTIN' BURRITO: *MEATY like no other*

ITALIAN BEEF: *select seasoned & hand carved*

MITTFUL SAMMIE: *can you HANDLE it? Layered turkey breast, ham, cheeses, veggies & house sammie sauce*

PULLED PORK OR CHICKEN: *melt in your mouth - with or w/o sauce*

MEXICAN STREET CORN SALAD *with tortilla chips*

MOCALAJETE GUACAMOLE *with tortilla chips*

SASSY, SAUCY SPAGHETTI *with our w/o meatballs*

LEGENDARY CHILI: *YOU may call it con carne - we just call it Chili*

don't worry-we didn't forget THE

