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CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, APRIL 20, 2021 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes of the Regular Common Council Meeting of April 5, 2021.
- D. Hearings.
- E. Organizational Business:
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Frozen Lumpia Manufacturing and Wholesale Sales Business Use and for Parking an 18 Foot Food Truck Upon Property Located at 10700 West Venture Drive, Suite C Lower (Samantha J. Klimaszewski and Alexa L. Reyes, D/B/A Lumpia City, Applicants).
 - 2. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for Overnight Parking for Vehicles Exceeding 8,000 Pounds Manufactured Gross Vehicle Weight as Part of the Development of Two Industrial Buildings Totaling Approximately 500,000 Square Feet in Area, and Potentially Up to 600,000 Square Feet in Area, Upon Property Located at 3617 West Oakwood Road (by WP Property Acquisitions, LLC, Applicant, Wendt Family Trust, Property Owner).
 - 3. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of WP Property Acquisitions LLC, Applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
 - 4. Authorization to Release Funds for Police Department 2021 Approved Budget Purchases and Authorization to Proceed with the Solicitation of Bids for those Capital Improvements that are Qualified Projects Under Wis. Stat. § 62.15.
 - 5. Authorization to Solicit Bids for City Security Improvements.
 - 6. Approve Procurement Policy for the City of Franklin.
 - 7. Report on Vandewalle & Associates, Inc. Support for Parkland Acquisition Services.
 - 8. A Resolution to Issue Change Order No. 2 to The Wanasek Corporation for the Ryan Creek Interceptor Odor Reduction Project in the Amount of \$130,064.
 - 9. A Resolution to Acquire Water Main Easement from 9720 S. Oakwood Park Drive (Wisconsin Commercial, LLC), Tax Key No. 900-9001-000.
 - 10. Authorize Limited-Term Employee in Inspection Services.
 - 11. Results of the Department of Public Works Sale of Surplus Equipment.
 - 12. Authorization for the Department of Public Works to Purchase Various Equipment.

Common Council Meeting Agenda

April 20, 2021

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13. An Ordinance to Amend Ordinance 2020-2453, an Ordinance Adopting the 2021 Annual Budgets for the General Fund to Move \$45,000 of Contingency Appropriations to Salt Appropriations.
14. A Resolution Awarding Contract to the Low Bidder, Payne & Dolan, Inc. in the Amount of \$899,258.00, for the 2021 Local Street Improvement Program.
15. A Resolution to Sign an Intergovernmental Cooperation Agreement with Village of Hales Corners to Reconstruct a Portion of W. College Avenue Between S. 108th Street (USH45\WI-100) and S. 92nd Street for \$24,000 and City Attorney Request for Potential Conflict of Interest Informed Consent Waiver with Regard to the Performance of Legal Services for the Intergovernmental Cooperation Agreement.
16. Budget Preparation Timetable for the 2022 Budget.
17. A Resolution Designating an Official Newspaper.
18. Recommendations from the Committee of the Whole Meeting of April 19, 2021:
 - (a) American Rescue Plan Introductions/Overview.
 - (b) Wholesale Public Water Supply to Franklin 2024.
 - (c) Initial Discussion Regarding the Establishment/Use of the following:
 - City of Franklin Common Council Reference Manual.
 - Common Council Code of Conduct.
 - Common Council Rules of Order.
 - Handbook for Wisconsin Municipal Officials.
 - Plan to Update to Existing Policies/Need for Additional Policies.
 - Common Council Training/Professional Development Opportunities.
19. Opioid Crisis Litigation. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to governmental entities litigation involving manufacturers and distributors of opiates with regard to the opioid crisis, in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits.

Miscellaneous Licenses - License Committee Meeting of April 20, 2021.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

*Supporting documentation and details of these agenda items are available in the Common Council Meeting Packet on the City of Franklin website www.franklinwi.gov

[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:

April 22	Plan Commission Meeting	7:00 p.m.
May 4	Common Council Meeting	6:30 p.m.
May 6	Plan Commission Meeting	7:00 p.m.
May 18	Common Council Meeting	6:30 p.m.
May 20	Plan Commission Meeting	7:00 p.m.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 5, 2021
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on April 5, 2021 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

A moment of silence was held in memory of Phillip Nickerson.

CITIZEN COMMENT

B. Citizen comment period was opened at 6:32 p.m. and closed at 6:37 p.m.

MINUTES
MARCH 16, 2021

C. Alderman Barber moved to approve the minutes of the regular Common Council Meeting of March 16, 2021 as presented at this meeting. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

ORGANIZATIONAL
BUSINESS

E. Alderman Mayer moved to confirm the following Mayoral Appointments:

1. Eric Heinritz, 7906 S. 68th St., Ald. Dist. 4, Architectural Board for a 3 year term expiring 4/30/2024.
2. Linda Horn, 9451 W. Puetz Rd., Ald. Dist. 1, Environmental Commission for a 3 year term expiring 4/30/2024.
3. Teri Hammond, 11459 W. St. Martins Rd., Ald. Dist. 6, Fair Commission for a 3 year term expiring 4/30/2024.
4. Dennis Ciche, 8128 S. 43rd St., Ald. Dist. 5, Finance Committee for a 1 year term expiring 4/30/2022.
5. John Howard, 6658 W. Robinwood Ln., Ald. Dist. 5, Finance Committee for a 1 year term expiring 4/30/2022.
6. Ray Lenz, 4021 W. Heatheridge Dr., Ald. Dist. 3, Fire and Police Commission for a 5 year term expiring 4/30/2026.
7. Dr. Henry Wengelewski, 3643 W. Sharon Ln., Ald. Dist. 5, Board of Health for a 2 year term expiring 4/30/2023.
8. Patricia Nissen, 8010 W. Coventry Dr., Ald. Dist. 2, Board of Health for a 2 year term expiring 4/30/2023.
9. Wayne Hustad, 10320 W. St. Martins Rd., Ald. Dist. 2, Board of Health for a 2 year term expiring 4/30/2023.

10. Michael Wrench, 3824 W. Forest Hill Ave., Ald. Dist. 5, Parks Commission for a 3 year term expiring 4/30/2024.
11. Ken Skowronski II, 7960 S. 116th St., Ald. Dist. 6, Board of Public Works for a 3 year term expiring 4/30/2024.
12. Rebecca Specht, 3185 W. Yorkshire Cir., Ald. Dist. 4, Board of Public Works for a 3 year term expiring 4/30/2024.
13. Jaspreet Kaur, 6874 S. Dory Dr., Ald. Dist. 3, Technology Commission for a 3 year term expiring 4/30/2024.
14. Laura Galusha, 3922 W. Heatheridge Dr., Ald. Dist. 3, Technology Commission for a 3 year term expiring 4/30/2024.
15. John Farney, 8014 S. 59th St., Ald. Dist. 5, Technology Commission for a 3 year term expiring 4/30/2024.
16. Bob Knackert, 9049 S. 83rd St., Ald. Dist. 1, Board of Zoning and Building Appeals for a 3 year term expiring 4/30/2024.
17. Donald Adams, 3211 W. Acre Ave., Ald. Dist. 4, Board of Zoning and Building Appeals as an Alternate Member for a 3 year term expiring 4/30/2024.
18. Alderman Daniel Mayer to the Environmental Commission for a 1 year term expiring 4/21/2022.
19. Alderwoman Shari Hanneman to the Finance Committee 1 year term expiring 4/21/2022.
20. Alderman Mark Dandrea to the Finance Committee for a 1 year term expiring 4/21/2022.
21. Alderman John Nelson to the Finance Committee 1 year term expiring 4/21/2022.
22. Alderwoman Kristen Wilhelm to the License Committee for a 1 year term expiring 4/21/2022.
23. Alderwoman Hanneman to the License Committee for a 1 year term expiring 4/21/2022
24. Alderman Nelson to the License Committee for a 1 year term expiring 4/21/2022.
25. Alderwoman Hanneman to the Parks Commission for a 1 year term expiring 4/21/2022.
26. Alderman Dandrea to the Plan Commission for a 1 year term expiring 4/21/2022.

Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

BALLPARK COMMONS G.1.
UPDATE

No action was taken following a project update on Ballpark Commons presented by Mike Zimmerman.

- CONCEPT REVIEW G.2. No action was taken regarding a Concept Review for Ryan Road Duplexes, a condominium development with 26 units and 13 two-family attached dwellings (12000 and 12204 West Loomis Road) (Boomtown LLC, Applicant).
- RES. 2021-7717
WATER MAIN
EASEMENT STRAUSS
INVESTMENTS G.3. Alderwoman Hanneman moved to adopt Resolution No. 2021-7717 A RESOLUTION FOR ACCEPTANCE OF A WATER MAIN EASEMENT FOR STRAUSS INVESTMENTS, LLC AT APPROXIMATELY 12000 BLOCK OF W. LOOMIS ROAD, TAX KEY NO. 891-1083-000. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2021-7718
STORM WATER
FACILITIES
MAINTENANCE
AGREEMENTS G.4. Alderman Nelson moved to adopt Resolution No. 2021-7718, A RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENTS FROM MILLS HOTEL WYOMING, LLC; OAKES ESTATES, LLC; OAKWOOD AT RYAN CREEK, LLC; AND TI INVESTMENTS OF FRANKLIN LLC, subject to technical corrections by the Engineering Department and City Attorney. Seconded by Alderman Mayer. All voted Aye; motion carried.
- SURVEY RESULTS FOR
POTENTIAL SEWER
SERVICE G.5. Alderman Nelson moved to place results of survey for 10570-10961 W. St. Martins Road for potential sanitary sewer service on file as recommended by City Engineer. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2021-2460
AMEND MUN. CODE
POSSESSION OF WILD
ANIMALS G.6. Alderwoman Wilhelm moved to adopt Ordinance No. 2021-2460, AN ORDINANCE TO AMEND THE MUNICIPAL CODE CHAPTER 80 ANIMALS, TO CREATE ARTICLE V POSSESSION OF WILD ANIMALS, and to add at the end of the §80-30 Purpose and application, provision, before the "." in the draft ordinance before the Common Council: "; the provisions of this Article V shall not apply to and do not prohibit, regulate or affect any meat and/or food processing use and/or facility, or farm use and/or facility, licensed and/or authorized by and having obtained any required approvals therefore, pursuant to any applicable Federal, State of Wisconsin and/or City of Franklin laws, rules and ordinances as may be required". Seconded by Alderman Barber. Alderwoman Wilhelm withdrew her motion with no objection from the Common Council.
- Alderwoman Hanneman then moved to adopt Ordinance No. 2021-2460, AN ORDINANCE TO AMEND THE MUNICIPAL CODE CHAPTER 80 ANIMALS, TO CREATE ARTICLE V POSSESSION OF WILD ANIMALS, and to add at the end of the

§80-30 Purpose and application, provision, before the "." in the draft ordinance before the Common Council: "; the provisions of this Article V shall not apply to and do not prohibit, regulate or affect any meat and/or food processing use and/or facility, or farm use and/or facility, licensed and/or authorized by and having obtained any required approvals therefore, pursuant to any applicable Federal, State of Wisconsin and/or City of Franklin laws, rules and ordinances as may be required". Seconded by Alderman Barber. All voted Aye; motion carried.

AWARD PLEASANT
VIEW PARK
CONTRACTOR BID

G.7. Alderwoman Hanneman moved to reject all bids received for Pleasant View Park. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderwoman Wilhelm moved to direct staff to rebid the Pleasant View Park project with trail, items needed for lawn, trash receptacles and logical additions by staff so that bids will be less than the budget. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2021-7719
CHANGE ORDER
MARQUETTE AVE.
ROAD CONSTRUCTION

G.8. Alderwoman Wilhelm moved to adopt Resolution No. 2021-7719, A RESOLUTION TO EXECUTE CHANGE ORDER NO. 1 TO DF TOMASINI CONTRACTORS, INC. FOR THE CONSTRUCTION OF 2020 MARQUETTE AVENUE ROAD IN THE AMOUNT OF \$103,348.82 with various fees paid by the contractor for the City. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ADM. POLICIES AND
PROCEDURES

G.9. Alderwoman Wilhelm moved to direct Alderwoman Hanneman and Alderwoman Wilhelm to work together to return to the Committee of the Whole with a proposed index of a Common Council policies and procedures manual. Seconded by Alderman Nelson.

Alderwoman Wilhelm withdrew her motion with no objections from the Common Council.

Alderwoman Wilhelm then moved to place the current pertaining Council policies on the City's website (those that are not already in the Municipal Code or Unified Development Ordinance). Seconded by Alderwoman Hanneman. On roll call, Alderman Mayer, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Nelson voted Aye; Alderman Dandrea and Alderman Barber voted No. Motion carried.

- ASPHALT ART GRANT G.10. Alderwoman Hanneman moved to instruct Staff not to submit a Bloomberg Philanthropies Asphalt Art Initiative grant application. Seconded by Alderman Nelson. All voted Aye; motion carried.
- INTERGOVERNMENTAL AGREEMENT WITH HALES CORNERS G.11. Alderwoman Wilhelm moved to adopt a Resolution to sign an Intergovernmental Cooperation Agreement with Village of Hales Corners to Reconstruct a Portion of W. College Avenue Between S. 108th Street (USH45\WI100) and S. 92nd Street for \$24,000, and to authorize the Mayor to sign a Conflict of Interest letter. Seconded by Alderman Mayer. Alderman Mayer withdrew his second and Alderwoman Wilhelm withdrew her motion with no objection from the Common Council. No action was taken at this time.
- TESS CORNERS CREEK BRIDGE G.12. Alderman Nelson moved to instruct Staff to work with WE Energies and return to Common Council for transferring Tess Corners Creek bridge (located approximately 100 feet west of W. Forest Home Avenue and approximately 500 feet south of W. Sunnybrook Road). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- RES 2021-7720
 REVISION OF DESIGN STANDARDS AND CONSTRUCTION G.13 Alderman Barber moved to adopt Resolution No. 2021-7720, A RESOLUTION AUTHORIZING APPROVAL OF THE REVISIONS TO THE CITY OF FRANKLIN DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS, JULY 2017, exempting any job/project that bid documents have been released. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- SALT PURCHASE G.14. Alderman Dandrea moved to direct Staff to participate in a State contract for the purchase of 2,400 tons of salt with a purchase of an additional 480 tons in reserve. Seconded by Alderman Mayer. Alderman Dandrea withdrew his motion with no objection from the Common Council.
- Alderman Dandrea then moved to direct staff to participate in a State contract for the purchase of 2,400 tons of salt with a motion amendment to purchase an additional 480 tons in reserve with the difference coming from contingency account with a budget modification at the next Common Council meeting. Seconded by Alderman Barber. All voted Aye; motion carried.
- LICENSES AND PERMITS H.1. Alderwoman Hanneman moved to approve the Extraordinary Entertainment and Special Event for Fireworks at the Ballpark Commons, Milkmen Games, Person in Charge: Scot Johnson, 7044

S. Ballpark Dr., Event Dates: 5/29, 6/19, 6/26, 8/14, and 8/28/2021 at approximately 9:00 p.m.; 7/16 and 7/30/2021 at approximately 9:30 p.m., provided Staff concerns are satisfied with the exception of games exceeding nine innings in which 11:00 p.m. is the end time for fireworks and that the Oak Leaf Trail is temporarily closed with barricades and signage indicating fireworks. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Hanneman, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderwoman Hanneman moved to approve the following:

Grant Class A Fermented Malt Beverage and Intoxicating Liquor request to: Nerankar LLC, DBA Mann Liquor & Indian Grocery, 7158 S. 76th Street, Sudeep Singh Mann, Agent;

No action was needed for the Extraordinary Entertainment & Special Event: Neighborhood 5K Fun Run, Ashley Cornell & Shari Hanneman, S. 36th St. to S. 42nd St., W. Maplecrest Dr., W. Glenwood Dr., Franklin Woods/Kayla's Playground Trail, Saturday June 5, 2021, 8:00 a.m. to 11:00 a.m.;

Grant 2020-2021 Operator licenses to: Ashley C. Anglin, 4259 N. 104th St. Apt #8, Milwaukee; Jacob D Gutierrez, 10508 W. Cortez Cir. Apt #10, Franklin; Brandon M Michaud, 6930 S. 20th St. Apt. #02111, Oak Creek; Brenda P. Valadez-Servin, 2270 S. 57th St., West Allis;

Deny Operator's License Application to Fontaine A. Bogan Sr., 3003 S. 93rd St, Milwaukee for falsifying application and habitual criminality substantially related to arrest and conviction record; and

Grant 2020-2021 and 2021-2022 Operator Licenses to: Judith Burbey, 520 Mill Ave. #205, Union Grove.

The Police Incident Reports from February 2, 2020 through December 16, 2020 were reviewed and placed on file.

Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I. Alderman Barber moved to approve the following: City vouchers with an ending date of April 1, 2021 in the amount of \$1,553,465.94; Payroll dated March 26, 2021 in the amount of \$391,038.79 and payments of the various payroll deductions in the

amount of \$420,523.93 plus City matching payments; Estimated payroll dated April 9, 2021 in the amount of \$396,000.00 and payments of the various payroll deductions in the amount of \$233,000, plus City matching payments; Property Tax disbursements with an ending date of March 30, 2021 in the amount of \$5,902,373.03. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting at 9:04 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">04/20/21</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A FROZEN LUMPIA MANUFACTURING AND WHOLESALE SALES BUSINESS USE AND FOR PARKING AN 18 FOOT FOOD TRUCK UPON PROPERTY LOCATED AT 10700 WEST VENTURE DRIVE, SUITE C LOWER (SAMANTHA J. KLIMASZEWSKI AND ALEXA L. REYES, D/B/A LUMPIA CITY, APPLICANTS)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.1.</p>

At the April 8, 2021, regular meeting, the Plan Commission carried a motion to recommend approval of this special use resolution for frozen bakery products manufacturing and wholesale use and for parking an 18 foot food trailer, under the Standard Industrial Classification (SIC) No. 2053. The vote was 6-0-0.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2021-_____, imposing conditions and restrictions for the approval of a Special Use for a frozen lumpia manufacturing and wholesale sales business use and for parking an 18 foot food truck upon property located at 10700 West Venture Drive, Suite C lower.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 3-30-21]

RESOLUTION NO. 2021-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A FROZEN LUMPIA
MANUFACTURING AND WHOLESALE SALES BUSINESS USE AND
FOR PARKING AN 18 FOOT FOOD TRUCK UPON PROPERTY LOCATED
AT 10700 WEST VENTURE DRIVE, SUITE C LOWER
(SAMANTHA J. KLIMASZEWSKI AND ALEXA L. REYES,
D/B/A LUMPIA CITY, APPLICANTS)

WHEREAS, Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 2053 “Frozen Bakery Products, Except Bread”, to operate a frozen lumpia (similar to an egg roll) manufacturing and wholesale sales business and for parking an 18 foot enclosed food sales trailer (food truck) for offsite use for special events, with hours of operation from 8:00 a.m. to 9:00 p.m., Monday through Friday, and occasional weekends, in Suite C Lower of the multi-tenant building located at 10700 West Venture Drive, bearing Tax Key No. 705-8989-011, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 4804, being a part of the North West 1/4 of the North West 1/4 of Section 5, in Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin, being a redivision of Parcel Nos. 2 and 3 of Certified Survey Map No. 4743, recorded on August 21, 1986, Reel 1942, Image 1197, as Document No. 5953282; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 8th day of April, 2021, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions,

SAMANTHA J. KLIMASZEWSKI AND ALEXA L. REYES, D/B/A LUMPIA CITY –
SPECIAL USE

RESOLUTION NO. 2021-_____

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meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City, for the approval of a Special Use 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. That this Special Use is approved only for the use of the subject property by Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City, successors and assigns, as a frozen lumpia manufacturing and wholesale sales business with food truck parking use, which shall be developed in substantial compliance with, and operated and maintained by Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City, pursuant to those plans City file-stamped March 25, 2021 and annexed hereto and incorporated herein as Exhibit A.
2. Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City, successors and assigns, 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 Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City frozen lumpia manufacturing and wholesale sales business with food truck parking, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City and the frozen lumpia manufacturing and wholesale sales business with food truck parking use for the property located at 10700 West Venture Drive, Suite C Lower: (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.
4. This resolution is not approving any food truck service base use or sales from the food truck on the subject property.

BE IT FURTHER RESOLVED, that in the event Samantha J. Klimaszewski and Alexa L. Reyes, d/b/a Lumpia City, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such

SAMANTHA J. KLIMASZEWSKI AND ALEXA L. REYES, D/B/A LUMPIA CITY –
SPECIAL USE

RESOLUTION NO. 2021-_____

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time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

REPORT TO THE PLAN COMMISSION

Meeting of April 8, 2021

Special Use

RECOMMENDATION: City Development Staff recommends approval of this Special Use application for Lumpia City (dba) at 10700 West Venture Drive for frozen bakery products manufacturing and wholesale (SIC No. 2053)

Project Name:	Lumpia City Special Use
Project Address:	10700 W. Venture Dr. Suite C Lower
Property Owner:	Sunset Investors Venture LLC
Applicant:	Samantha J. Klimaszewski and Alexa L. Reyes, Lumpia City (dba)
Zoning:	M-1 Limited Industrial District
Use of Surrounding Properties:	Automobile dealerships to the north and south and industrial uses to the east and west
Applicant Action Requested:	Approval of a Special Use Permit

INTRODUCTION:

Lumpia City (dba) applied for a zoning compliance permit to allow for frozen lumpia manufacturing and wholesale, a Filipino dish similar to egg rolls . City Development staff denied this request because frozen bakery products manufacturing and wholesale use under Standard Industrial Classification (SIC) Title No 2053 requires a special use permit in the M-1 Limited Industrial District per Table 15-3 0603 of the Unified Development Ordinance Parking of an 18-ft food truck is also part of this special use request.

Additionally, the applicant is proposing interior building improvements such as removal of interior walls, sinks, floor drain and grease trap, which would be subject to separate building permits

The hours of operation will be Monday-Friday from 8.00 am to 9.00 pm This special use will also allow for one (1) food truck overnight parking only, excluding service base and sales.

PROJECT DESCRIPTION AND ANALYSIS:

The proposed Lumpia City location in Franklin at 10700 W. Venture Dr. Suite C Lower falls within the M-1 Limited Industrial zoning district Frozen bakery products manufacturing may be allowed by Special Use permit in this zoning district and is classified under the Standard Industrial Classification (SIC) No 2053

Lumpia City has submitted a substantially complete application for a special use permit, allowing for Section § 15-3 0701 of the Unified Development Ordinance sets out the General Standards for Special Uses The applicant has submitted responses to each of those standards, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use, and that the building is already served by public utilities The applicant asserts that there will be no undue traffic congestion, no destruction of significant features, and that the business will comply with all standards

The intent of the M-1 district is to *provide for manufacturing, industrial, warehousing, and uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation*. The applicant is not proposing to enlarge the existing building and the proposed manufacturing use is consistent with the district intent. Additionally, this business would operate indoors with the exception of food truck parking and loading/unloading in the rear of the building.

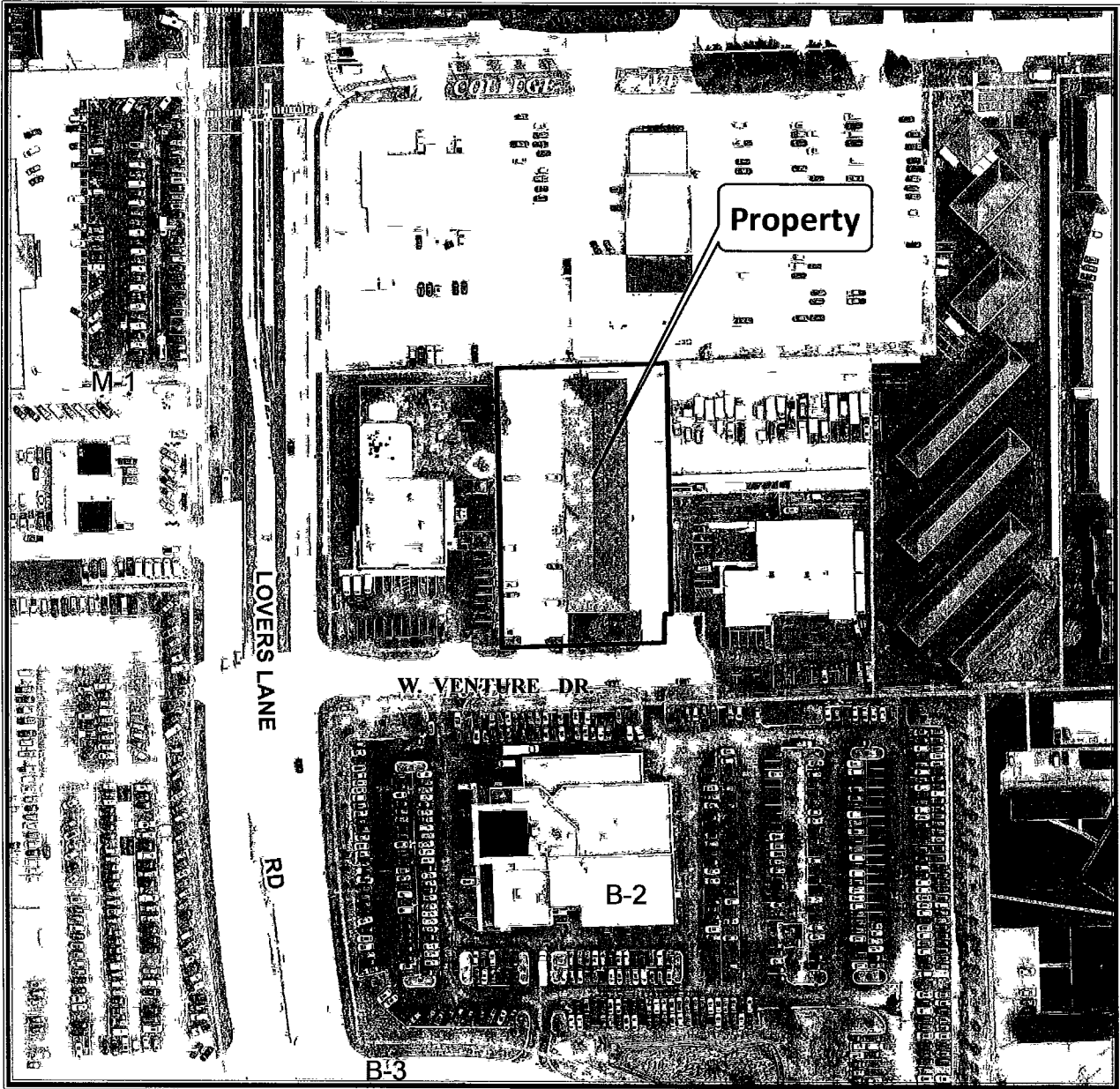
UDO Section § 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts does not apply to this project, as the proposed special use is not one of the specified special uses in this section.

STAFF RECOMMENDATION:

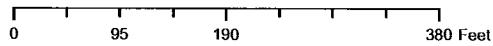
The Department of City Development staff recommends approval of this application for Special Use

As the applicant is not proposing exterior modifications to the property, a Site Plan amendment is not required at this time. Finally, staff also would like to remind the applicant that this Special Use permit would be contingent upon obtaining all other necessary licenses and permits, such as building permits and Wisconsin Department of Agriculture licensing

10700 W. Venture Ave.
TKN: 705 8989 011



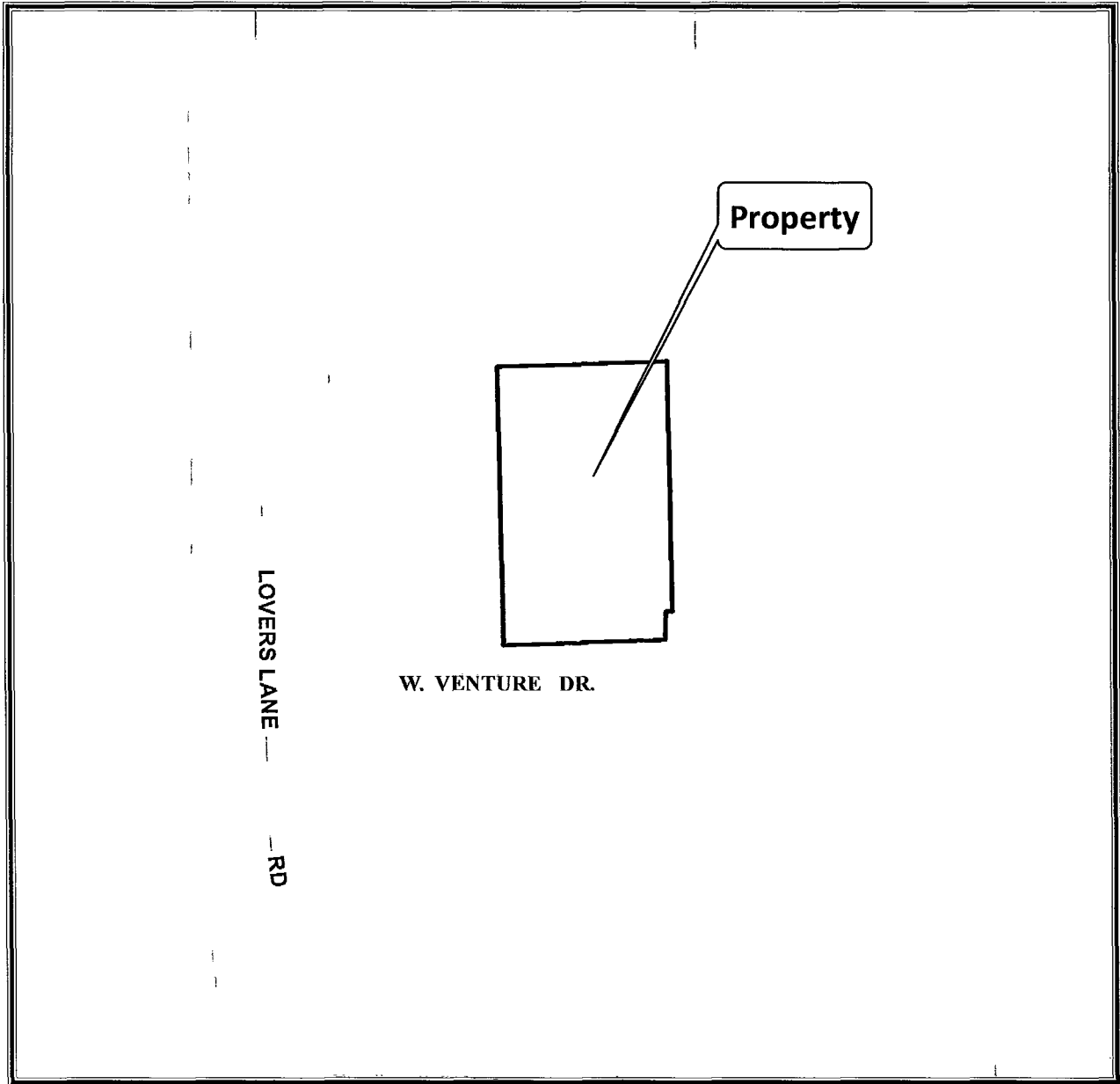
Planning Department
(414) 425-4024



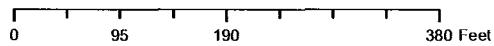
2021 Aerial Photo

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.

10700 W. Venture Ave.
TKN: 705 8989 011



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.



2021 Aerial Photo

City of Franklin
Department of City Development

Date: March 17, 2021

To: Samantha J. Klimaszewski and Alexa L. Reyes, Lumpia City (dba)

From: Department of City Development. Régulo Martínez-Montilva, Principal Planner

RE: Special Use – Lumpia City – 10700 W. Venture Dr. Suite C Lower

Please be advised that City Staff has reviewed the Special Use application for Lumpia City (dba). The application was received and filed on February 17, 2021, following denial of zoning compliance permit. Staff comments are as follows:

Department of City Development

1. Please indicate the food truck parking location on the site plan.
2. If granted, this Special Use permit would be conditional upon: (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.
3. If granted, this Special Use permit would allow for frozen bakery products manufacturing and wholesale under Standard Industrial Classification (SIC) No. 2053 and food truck parking only. Sales from the food truck and food truck service base is not part of this application.
4. New signage requires a separate permit from the Inspection Services Department.

Engineering Department

5. No comments.

Fire Department

6. Must comply with all fire protection requirements for occupancy type and appliances used (i.e., wet chemical system for deep fryers, etc.).

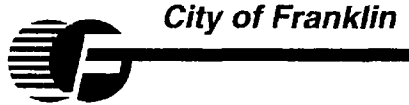
Inspection Services Department

7. Separate Building, Electrical, Plumbing and HVAC Permits are required as they apply to the commercial building alteration work being proposed.

Police Department

8. The Franklin Police Department has no issues or concerns with this project.

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 Email generalplanning@franklinwi.gov



Phone (414) 425-4024
 Fax (414) 427 7691
 Web Site www.franklinwi.gov

Date of Application: 2/15/2021

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s]) Name <u>Samantha Klimaszewski & Alexa Reyes</u> Company <u>dba Lumpia City</u> Mailing Address <u>8236 East Windlake Rd</u> City / State <u>Waterford WI</u> Zip. <u>53185</u> Phone. <u>414-217-7806</u> Email Address <u>lumpiacity1@gmail.com</u>		Applicant is Represented by (contact person)(Full Legal Name[s]) Name _____ Company: _____ Mailing Address _____ City / State: _____ Zip: _____ Phone _____ Email Address _____	
Project Property Information Property Address <u>10700 W Venture Drive Suite C Lower, Franklin</u> Property Owner(s) <u>Sunset Investors Venture, LLC</u> <u>c/o Kendall Breunig</u> Mailing Address <u>10700 W Venture Drive, #G1</u> City / State <u>Franklin WI</u> Zip <u>53132</u> Email Address <u>ken@sunsetinvestors.com</u>		Tax Key Nos <u>705-8989-011</u> Existing Zoning <u>M-1</u> Existing Use. <u>vacant, was A2Z Bathrooms</u> Proposed Use: <u>SIC</u> Future Land Use Identification _____	

*The 2025 Comprehensive Master Plan Future Land Use Map is available at <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin
 - \$1500, New Special Use over 4,000 square feet
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD doc or compatible format).
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3 0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov
- Seven (7) complete collated sets of Application materials to include
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement casts, estimate of project value and any other information that is available)
 - 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 17-7 0101, 15-7 0301 and 15-5 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, etc.)
 - Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package
- One colored copy (11"x17") of the building elevations, if applicable
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4 0102 & 15 7 0201 of the UDO)
- 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.
- Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

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
Samantha Klimaszewski
 Name & Title (PRINT)
 Date 2-15-21

Signature Applicant
Alexa Reyes
 Name & Title (PRINT)
 Date 2/15/21

Signature Property Owner
Alexa Reyes KENDALL BREUNIG, MANAGER
 Name & Title (PRINT)
 Date 2/15/21

 Signature Applicant's Representative
 Name & Title (PRINT)
 Date _____

ZONING COMPLIANCE APPLICATION

PROJECT SUMMARY

For: Lumpia City (dba)
c/o Samantha Klimaszewski and Alexa Reyes

Date: February 8, 2021

Location: 10700 W. Venture Drive
Suite C Lower
Franklin WI 53132

Lumpia City is a manufacturer and wholesaler of a Filipino dish which is similar to egg rolls. Different varieties contain meat, vegetables or fruits. The products are frozen and then distributed to grocers and restaurants. Lumpia City also has an 18' enclosed food sales trailer (aka a food truck) that is used off site for special events. There will be no food service or retail sales on site. There will be no dining area on site.

Building Modifications: Remove all interior walls of first floor and 12' of the second floor at the rear of the space. Install a 10' kitchen hood, two 3 compartment sinks, a tilting skillet and a range. Build a walk in cooler. Add a floor drain and a grease trap. Cost \$40,000 for building construction and \$25,000 of equipment.

Site Improvements: None, Cost \$0

Number of Employees: 3

Hours of Operation: Normal hours are 8 am to 9 pm Monday-Friday. Occasionally on weekends, mainly if taking out trailer to a remote site.

Size of Suite: 1,700 sq ft

Vehicles: Cars in front parking lot. No vehicles over 8,000 pounds. One 18' enclosed food trailer.

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

M-1 is the current zoning and the Comprehensive Master Plan maintains the Industrial use and the adjacent Boucher VW is Commercial.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

The building does not abut a residential district. The only exterior activity is employee parking and parking of a food trailer.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

This occupancy is in an existing office/warehouse suite. Adjacent tenants in the building are an office for a packaging designer, and a lawn care service, and several property maintenance businesses and a hair salon. Adjacent properties are Holz Chevrolet, Boucher VW, Kindercare and EZ Self Storage. It is fenced from Holz and Kindercare. The kitchen hood would exhaust to the East towards a parking lot, not towards Kindercare, Holz or Boucher.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Adequate Public Facilities exist. This is an existing 30 year old building with all utilities existing. There is a screened refuse disposal area shared by all

the building tenants located behind the building.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

This is a low volume traffic business. I have owned the building for about 25 years and on a couple occasions 15+ years ago one tenant had large meetings. For those meetings we allowed some overflow parking in the rear of the building. Other than that, parking has never been a problem. There is some street parking, but the Boucher employees fill it all up every day. The city should enforce the use permit for Boucher against semis unloading in Venture Drive which occurs regularly.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

There is no destruction. All construction is inside an existing building.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

All M-1 Zoning standards are complied with.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

None listed.

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:
 1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the

general welfare of the neighborhood or community.

The majority of Lumpia City's customers are from the surrounding areas within a 30 mile radius.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Food manufacturing is only listed in the M1 and M2 zoning districts. Lumpia City's past locations have been shared restaurant kitchens. The shared kitchens are not a long term solution for their manufacturing. A dedicated location will allow Lumpia City to purchase specialized equipment, and will not restrict them to restaurant off hours.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Truck access for deliveries other than UPS, FedEx is in the rear of the building. Do not anticipate very much truck traffic. Waste grease storage will be inside the building. The current dumpster area is screened in.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Food manufacturing is not an incompatible use in M-1

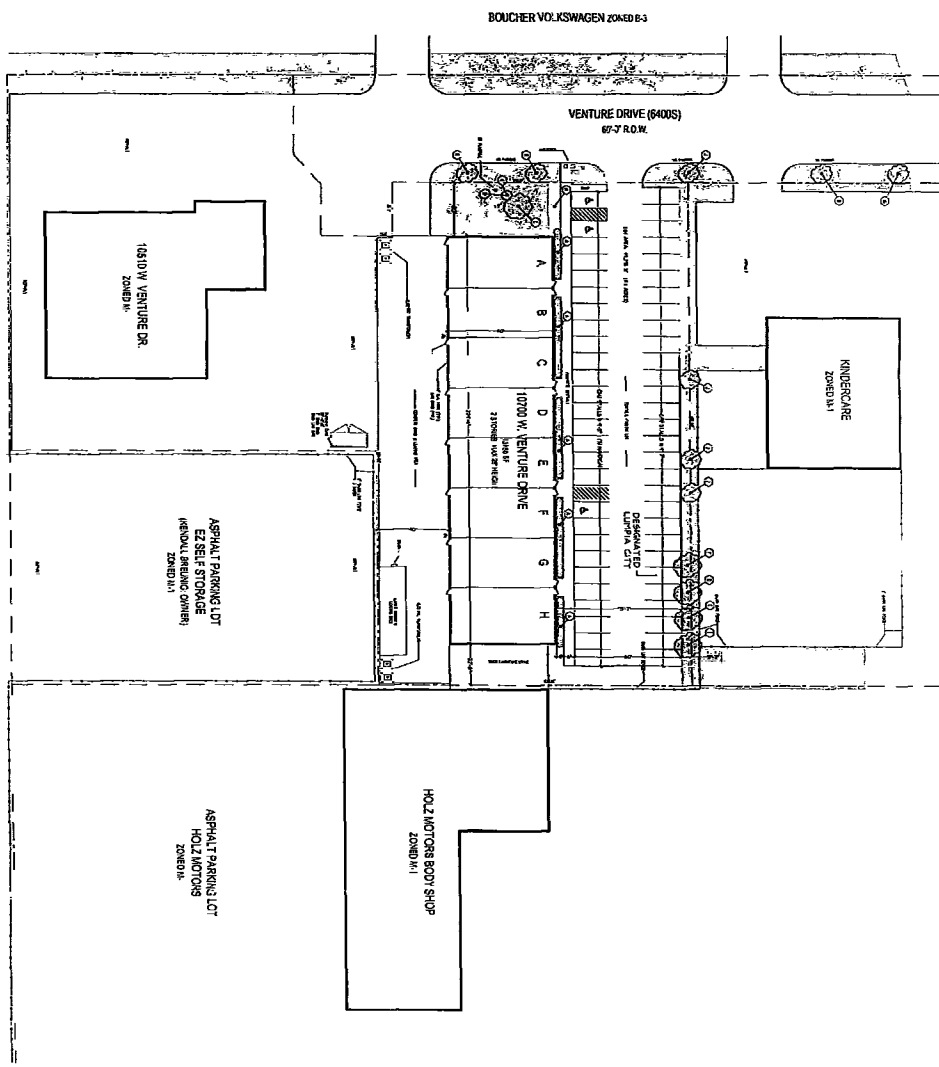
Exhibit "A"

10700 W. VENTURE DRIVE OCCUPANCY SCHEDULE E			
ITEM #	ITEM	REQUIRED	EXISTING
A	LOWER MOTOR VEHICLES	4.8	0
B	UPPER MOTOR VEHICLES	5.8	0
C	LOWER MOTOR VEHICLES	3.1	0
D	UPPER MOTOR VEHICLES	1.7	1
E	WORK AREA	5.8	0
F	WORK AREA	0.3	0
G	UPPER PARKING	1.8	0
H	LOWER PARKING	2.2	2
TOTAL		32.8	3
TOTAL		61	61
TOTAL		56	56

EXISTING LANDSCAPE SCHEDULE	TYPE	SCIENTIFIC NAME
A	SHRUB	LYONIA CLAVATA
B	SHRUB	LYONIA CLAVATA
C	SHRUB	LYONIA CLAVATA
D	SHRUB	LYONIA CLAVATA
E	SHRUB	LYONIA CLAVATA
F	SHRUB	LYONIA CLAVATA
G	SHRUB	LYONIA CLAVATA
H	SHRUB	LYONIA CLAVATA
I	SHRUB	LYONIA CLAVATA
J	SHRUB	LYONIA CLAVATA
K	SHRUB	LYONIA CLAVATA

GENERAL NOTES
 1. REFER TO THE SPECIFICATIONS FOR ALL MATERIALS AND CONSTRUCTION METHODS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WEED CONTROL MEASURES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TREE PROTECTION MEASURES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SIGNAGE AND MARKING.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAFETY MEASURES DURING CONSTRUCTION.

SETBACK SCHEDULE	REQUIRED	PROVIDED
FRONT YARD	30'-0"	15'-0"
REAR YARD	15'-0"	40'-0"
SIDE YARD	20'-0"	22'-0"
COMMERICAL YARD	30'-0"	30'-0"



SITE and LANDSCAPE PLAN
 Scale = 30'-0"

Franklin
 MAR 25 2021
 City Development

Revisions

ENG NEER
 Kendal Breung PE
 10700 W Venture Dr - G1
 Franklin WI 53132
 44-524-8352

APPLICANT
 Lumpia City
 c/o Samantha Klimaszewski
 and Alexa Reyes
 8236 East Windlake Road
 Waterford WI 53185

ZONING APPROVAL FOR
 Lumpia City
 10700 W Venture Drive
 Unit C Lower
 Franklin WI 53132

BUILDING OWNER
 SUNSET INVESTORS
 10700 W Venture Dr - G1
 Franklin WI
 414-529-8352

SITE PLAN
 Date: March 22, 2021
 Sheet No: C-100

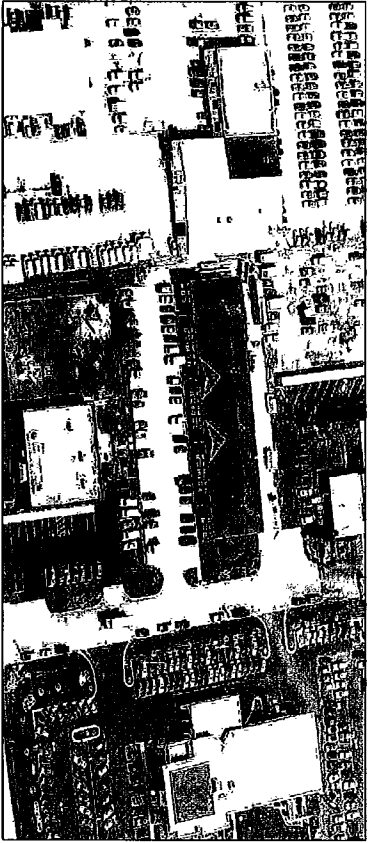


We cater!

LUMPIA CITY

Fusion has rolled up.

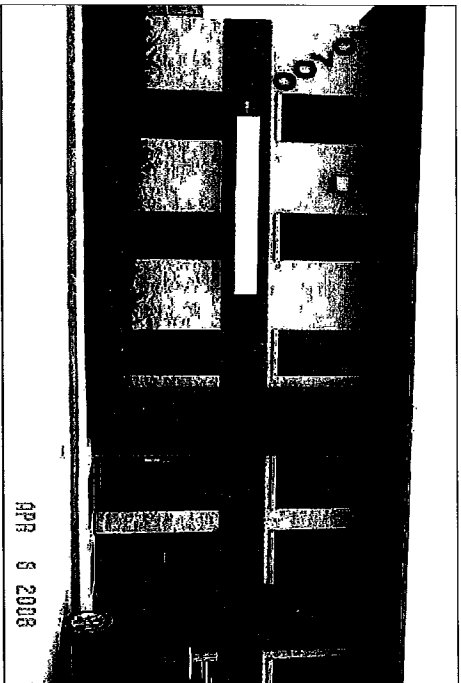
lumpiacity.com (414) 630-0084 (858) 731-6623



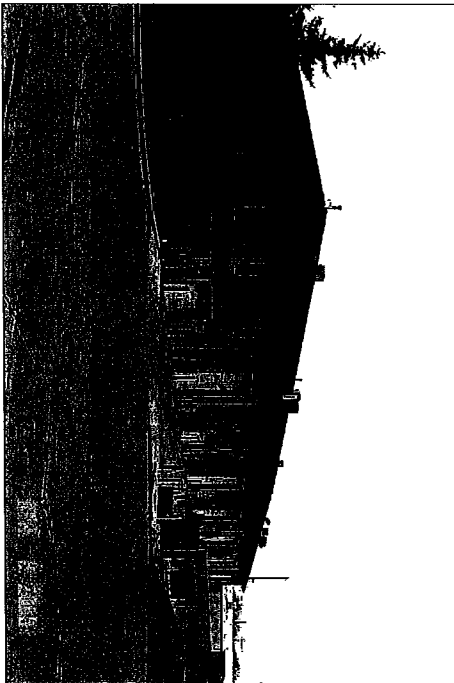
ARIAL VIEW



FRONT FACADE



FRONT ENTRY & SIGN



REAR ELEVATION

SHEET	OWNER: SUNSET INVESTORS- KENDALL BREUNIG 10535 W COLLEGE AVE FRANKLIN WI 53132 PH (414) 529 8352	APPLICANT:	ENGINEER: KENDALL BREUNIG PE 10535 W COLLEGE AVE FRANKLIN WI 53132 PH (414) 529-8352
	OWNER: SUNSET INVESTORS 10535 W COLLEGE AVENUE FRANKLIN WI 53132 PHONE: (414) 529 8352 FAX: (414) 529 7454 www.sunset-ave-ter.com	SPECIAL USE APPROVAL	CONSULTING ENGINEER: KENDALL BREUNIG

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE April 20, 2021
REPORTS & RECOMMENDATIONS	<p align="center">A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR OVERNIGHT PARKING FOR VEHICLES EXCEEDING 8,000 POUNDS MANUFACTURED GROSS VEHICLE WEIGHT AS PART OF THE DEVELOPMENT OF TWO INDUSTRIAL BUILDINGS TOTALING APPROXIMATELY 500,000 SQUARE FEET IN AREA, AND POTENTIALLY UP TO 600,000 SQUARE FEET IN AREA, UPON PROPERTY LOCATED AT 3617 WEST OAKWOOD ROAD (BY WP PROPERTY ACQUISITIONS, LLC, APPLICANT, WENDT FAMILY TRUST, PROPERTY OWNER)</p>	ITEM NUMBER G.2.

At the regular meeting of the Plan Commission on April 8, 2021, following a properly noticed public hearing, the following action was approved: a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for overnight parking for vehicles exceeding 8,000 pounds manufactured gross vehicle weight upon property located at 3617 West Oakwood Road. The Plan Commission's recommendations in regard to the Special Use has been reflected in the attached draft Resolution.

At said meeting of the Plan Commission, a Site Plan for the property was also approved with conditions and waivers of design standards.

The original application request was for approval of two buildings totaling 500,000-600,000 square feet in floor area. Due to issues regarding stormwater management, construction of Hickory Street, and moving ATC power lines that cross the southern portion of the property, the applicant requested, and the Plan Commission approved, a Site Plan reflecting construction of a single, 235,000 square foot building on the north end of the property, with additional approval for grading of the rest of the property and installation of utilities. A second Site Plan will be forwarded later for the second building; nevertheless, this Special Use application applies to the entire site.

While the second building is not anticipated to be constructed for another 2-3 years, the Special Use, if approved, would be vested for the property with completion of the first building.

COUNCIL ACTION REQUESTED

A motion to approve Resolution 2020-_____, imposing conditions and restrictions for the approval of a Special Use to allow for overnight parking for vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight upon property located at 3617 West Oakwood Road, zoned Planned Development District No. 39 (Mixed Use Business Park).

RESOLUTION NO. 2021-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR OVERNIGHT PARKING FOR
VEHICLES EXCEEDING 8,000 POUNDS MANUFACTURED GROSS VEHICLE
WEIGHT AS PART OF THE DEVELOPMENT OF TWO INDUSTRIAL BUILDINGS
TOTALING APPROXIMATELY 500,000 SQUARE FEET IN AREA, AND
POTENTIALLY UP TO 600,000 SQUARE FEET IN AREA, UPON
PROPERTY LOCATED AT 3617 WEST OAKWOOD ROAD
(WP PROPERTY ACQUISITIONS LLC, APPLICANT,
WENDT FAMILY TRUST, PROPERTY OWNER)

WHEREAS, WP Property Acquisitions LLC having petitioned the City of Franklin for the approval of a Special Use within Planned Development District No. 39 (Mixed Use Business Park), to permit off-street overnight parking (along the west property line behind the proposed industrial buildings) for vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight (which requires Special Use approval per Section 15-3.0444B.D.1.a.iii. (Design Standards, addendum to Ordinance No. 2016-2238) of the Unified Development Ordinance) (tenants have yet to be identified) as part of the development of two approximately 500,000-600,000 square foot in area industrial buildings at the west end of Elm Road, property located at 3617 West Oakwood Road. The property which is the subject of the application bears Tax Key No. 950-9997-002, and is more particularly described as follows:

Being part of the North 1/2 of the Northeast 1/4 of Section 36, in Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the North 1/4 corner of said Section 36; thence South 88°27'30" East, coincident with the north line of the Northeast 1/4 of said Section, 120.03 feet; thence South 00°22'00" East, being parallel to and 120 feet west of the east line of said 1/4 Section, 60.02 feet to the Point of Beginning; thence continue South 00°22'00" East, 2,593.05 feet to a point on the south line of said 1/4 Section; thence South 88°36'18" West, coincident with said south line 701.28 feet to a point; thence North 00°22'00" West 2591.25 feet to a point on the south line of West Oakwood Road; thence North 88°27'30" East, coincident with said south line 701.32 feet to the point of beginning. Said described parcel contains 1,817,538 acres or 41.725 acres of land; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 4th day of March, 2021, and the Plan Commission thereafter having

WP PROPERTY ACQUISITIONS LLC – SPECIAL USE
RESOLUTION NO. 2021-_____

Page 2

determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of WP Property Acquisitions LLC, for the approval of a Special Use 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. That this Special Use is approved only for the use of the subject property by WP Property Acquisitions LLC, successors and assigns, for an overnight parking for vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight use, which shall be developed in substantial compliance with, and operated and maintained by WP Property Acquisitions LLC, pursuant to those plans City file-stamped _____ and annexed hereto and incorporated herein as Exhibit A.
2. WP Property Acquisitions LLC, successors and assigns, 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 WP Property Acquisitions LLC overnight parking for vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight Special Use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the WP Property Acquisitions LLC overnight parking for vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight Special Use for the property located at 3617 West Oakwood Road: (i) being in compliance with all applicable governmental laws, statutes,

WP PROPERTY ACQUISITIONS LLC – SPECIAL USE
RESOLUTION NO. 2021-_____

Page 3

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.

4. That this special use approval is contingent on approval of the Site Plan application.

BE IT FURTHER RESOLVED, that in the event WP Property Acquisitions LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

WP PROPERTY ACQUISITIONS LLC – SPECIAL USE
RESOLUTION NO. 2021-_____

Page 4

APPROVED:

Stephen R. Olson, Mayor

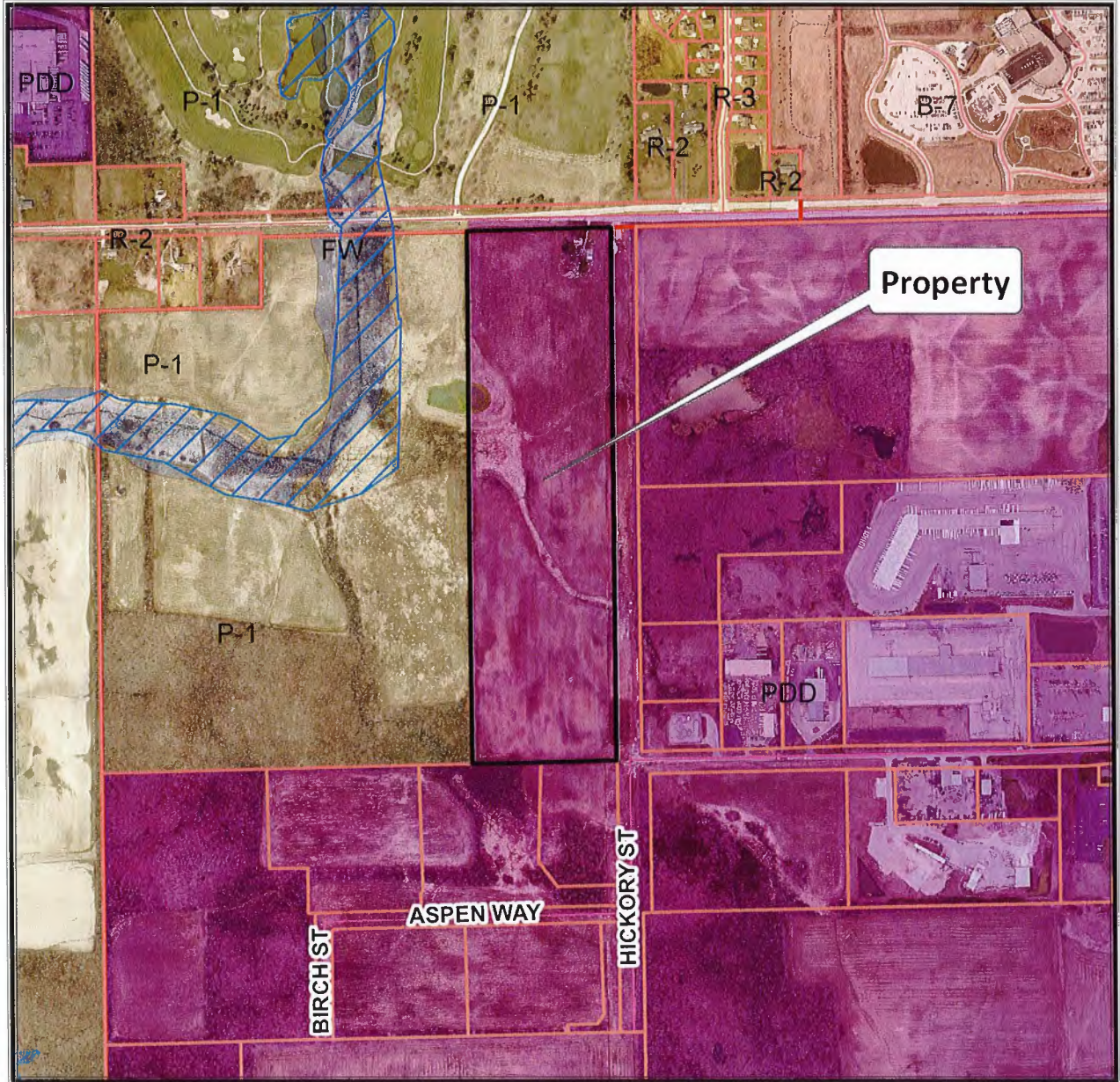
ATTEST:

Sandra L. Wesolowski, City Clerk

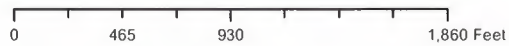
AYES _____ NOES _____ ABSENT _____



3617 W. Oakwood Road
TKN: 950 9997 002



Planning Department
(414) 425-4024

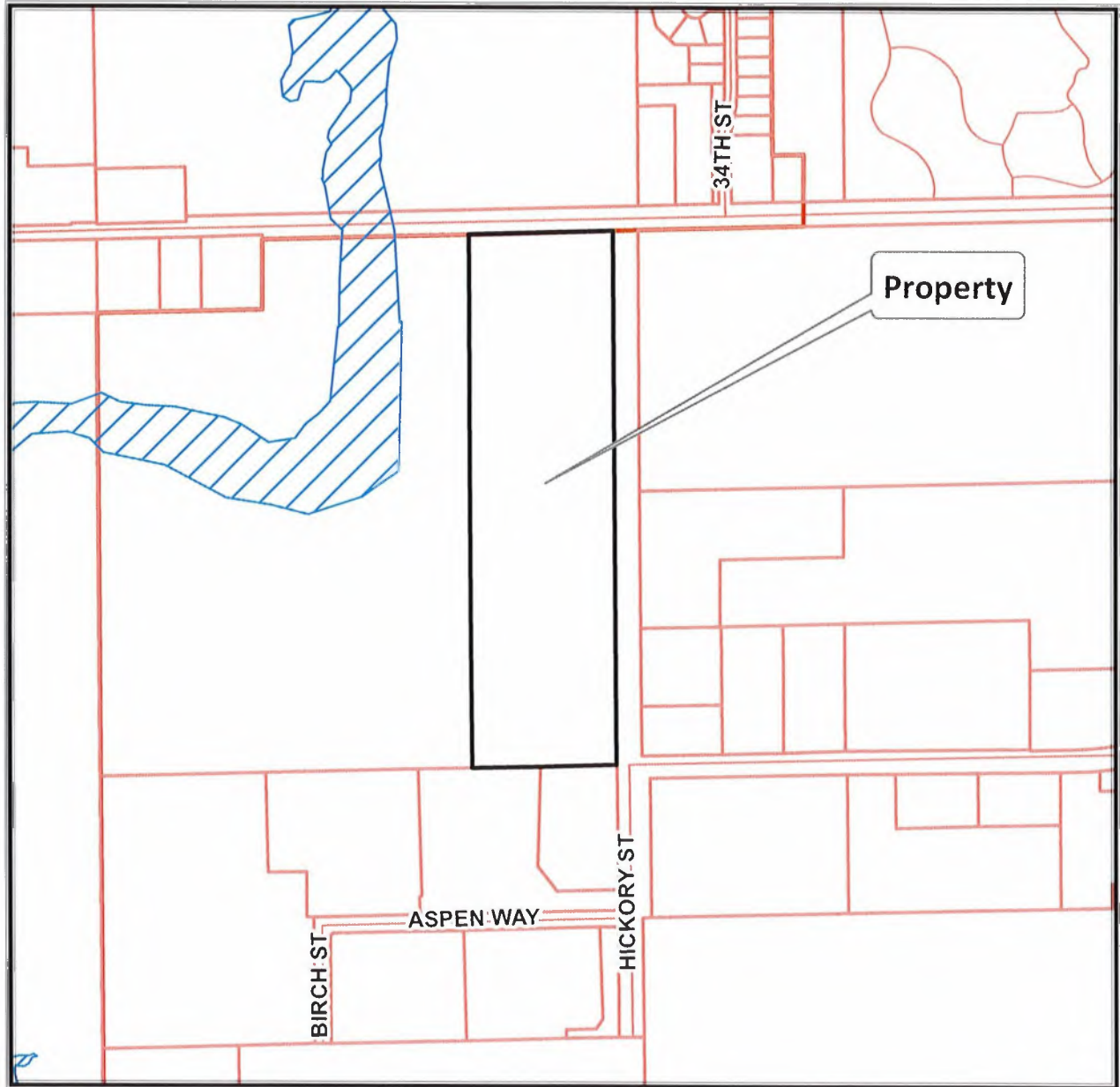


2017 Aerial Photo

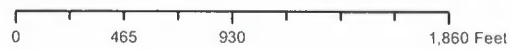
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



3617 W. Oakwood Road
TKN: 950 9997 002



Planning Department
(414) 425-4024



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





Date of Application _____

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s])
 Name Stewart M Wangard
 Company: WP Property Acquisitions LLC
 Mailing Address: 1200 N. Mayfair Road, Suite 310
 City / State Milwaukee, WI Zip 53226
 Phone: 414.777.1200
 Email Address mlake@wangard.com

Applicant is Represented by. (contact person)(Full Legal Name[s])
 Name: Mark Lake
 Company Wangard Partners, Inc
 Mailing Address 1200 N. Mayfair Road Suite 310
 City / State Milwaukee, WI Zip 53226
 Phone 414 935 4014
 Email Address mlake@wangard.com

Project Property Information:
 Property Address: 3617 W Oakwood Road
 Property Owner(s): Wendt Family Trust
 Mailing Address 8113 S Forest Hills Circle
 City / State Franklin, WI Zip 53132
 Email Address kaczmarekhomes@gmail.com

Tax Key Nos: 950 9997 002
 Existing Zoning PPD #39
 Existing Use Agricultural
 Proposed Use Industrial
 Future Land Use Identification Mixed Use

*The 2025 Comprehensive Master Plan Future Land Use Map is available at <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following

- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin
 - \$1500, New Special Use over 4,000 square feet
 - \$1000 Special Use Amendment
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD doc or compatible format)
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3 0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov
- Seven (7) complete collated sets of Application materials to include
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available)
 - 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 17-7.0101, 15 7 0301 and 15-5 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, etc)
 - Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package
- One colored copy (11"x17") of the building elevations, if applicable
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4 0102 & 15-7.0201 of the UDO)
- 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.
- *Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

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).

Jeanne T Kaczmarek (trustee)
 Signature - Property Owner
 Name & Title (PRINT) JEANNE KACZMAREK (trustee)
 Date 1/29/21

Stewart M Wangard
 Signature - Applicant
 Name & Title (PRINT) Stewart M Wangard, Sole Member
 Date 1/29/2021

Signature - Property Owner
 Name & Title (PRINT)
 Date

Signature - Applicant's Representative
 Name & Title (PRINT)
 Date

Response to General Standards of Section 15-3.0701(A) of the UDO

A.

General Standards. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. Ordinance and Comprehensive Master Plan Purposes and Intent. The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Kapur: The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of zoning district PPD 39.

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Kapur: The proposed use and development have been designed to not have a substantial or undue adverse effect upon adjacent property and overall character of the area.

3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Kapur: The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property.

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Kapur: The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, and refuse disposal.

5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Kapur: The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Kapur: The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

7. Compliance with Standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Kapur: The proposed use and development will conform to applicable regulations of the district in which it is located in and will comply to any modified regulations recommended by the Plan Commission.

RESOLUTION NO. 2021-_____

A RESOLUTION APPROVING A SITE PLAN FOR CONSTRUCTION OF
A 235,000 SQUARE FOOT BUILDING AND IMPROVEMENTS FOR EVENTUAL
CONSTRUCTION OF A SECOND BUILDING, WITH ASSOCIATED PARKING,
LOADING AREAS, A DRIVEWAY CONNECTION BETWEEN THE TWO BUILDINGS,
SIDEWALKS, CROSSWALKS AND A STORMWATER DETENTION POND
(3617 WEST OAKWOOD ROAD)
(WP PROPERTY ACQUISITIONS LLC, APPLICANT,
WENDT FAMILY TRUST, PROPERTY OWNER)

WHEREAS, WP Property Acquisitions LLC having applied for approval of a proposed site plan for construction of a 235,000 square foot building and improvements for eventual construction of a second building, the initial phase consisting of site grading, establishing erosion control and the stormwater management system, routing of the wetland area through a piping system, and preparation for stockpiling, then construction of the first building, adjacent to Oakwood Road (235,000 square feet), including 50 truck parking spaces and 120 regular auto parking spaces, the later phase consisting of further site grading as needed, depending on the rerouting of the ATC (Available Transmission Capacity) power line towers, for future development of a 300,000 square foot building, along with truck parking spaces and regular auto parking spaces, property located at 3617 West Oakwood Road; and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0421 of the Unified Development Ordinance 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 construction of a 235,000 square foot building and improvements for eventual construction of a second building, the initial phase consisting of site grading, establishing erosion control and the stormwater management system, routing of the wetland area through a piping system, and preparation for stockpiling, then construction of the first building, adjacent to Oakwood Road (235,000 square feet), including 50 truck parking spaces and 120 regular auto parking spaces, the later phase consisting of further site grading as needed, depending on the rerouting of the ATC (Available Transmission Capacity) power line towers, for future development of a 300,000 square foot building, along with truck parking spaces and regular auto parking spaces, as depicted upon the plans dated March 29, 2021, attached hereto and incorporated herein, is hereby approved, subject to the following terms and conditions:

WP PROPERTY ACQUISITIONS LLC – SITE PLAN

RESOLUTION NO. 2021-_____

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1. The property subject to the Site Plan shall be developed in substantial compliance with, and operated and maintained pursuant to the Site Plan for the WP Property Acquisitions LLC industrial building and site improvements dated March 29, 2021.
2. WP Property Acquisitions LLC, successors and assigns, and any developer of the WP Property Acquisitions LLC industrial building construction and site improvements 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 WP Property Acquisitions LLC industrial building construction and site improvements 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 §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the WP Property Acquisitions LLC industrial building construction and site improvements project for the property located at 3617 West Oakwood Road: (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.
4. That the WP Property Acquisitions LLC industrial building construction and site improvements project shall be developed and constructed pursuant to such Site Plan 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.
5. The applicant shall obtain a waiver from the Plan Commission of the Planned Development District No. 39 (Mixed Use Business Park) Design Standards Section 15-3.0444B.D.1.a.iv. (Parking required and location regulated).
6. The applicant shall obtain a waiver from the Plan Commission of the Planned Development District No. 39 (Mixed Use Business Park) Design Standards Section 15-3.0444B.D.1.a.v. and vi. (Parking required and location regulated) provided that the applicant provide additional planting materials in the form of deciduous and evergreen trees and shrubs around the northwest corner of the proposed building and the west (rear) property line to provide additional screening from Oakwood Road.

WP PROPERTY ACQUISITIONS LLC -- SITE PLAN
RESOLUTION NO. 2021-_____

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7. The applicant shall obtain a waiver from the Plan Commission of the Planned Development District No. 39 (Mixed Use Business Park) Design Standards Section 15-3.0444B.D.2.a. i. (Open Spaces required and location regulated) provided that the applicant provide one (1) bicycle parking space for every ten (10) automobile parking spaces, locating said parking proximate to the public (front) building entrances, which location shall be confirmed by the Planning Manager.
8. The applicant shall obtain a waiver from the Plan Commission of the Planned Development District No. 39 (Mixed Use Business Park) Design Standards Section 15-3.0444B.D.4.a.ii. and iii. (Building Character and Design regulated) provided that, at a minimum, the applicant provide higher quality alternative treatment of the precast materials along the lower twenty-five percent (25%) of the public facades (facing Hickory Street and Oakwood Road).
9. The applicant shall obtain a waiver from the Plan Commission of the Planned Development District No. 39 (Mixed Use Business Park) Design Standards Section 15-3.0444B.D.4.a.xi. (Building Character and Design regulated) provided that the applicant provide additional planting materials in the form of deciduous and evergreen trees and shrubs around the northwest corner of the proposed building and the west (rear) property line to provide additional screening from Oakwood Road.
10. The applicant shall obtain a waiver from the Plan Commission of the South 27th Street Design Overlay District Standards Section 15-3.0352A. (Parking required and location regulated).
11. The applicant shall obtain a waiver from the Plan Commission of the South 27th Street Design Overlay District Standards Section 15-3.0353F. (Landscaping) provided that the applicant provide benches and other pedestrian amenities proximate to public (front) building entrances, amenities and locations to be approved by the Planning Manager.
12. The applicant shall obtain a waiver from the Plan Commission of the South 27th Street Design Overlay District Standards Section 15-3.0355C.5. (Building Design).
13. The applicant shall obtain a waiver from the Plan Commission of the South 27th Street Design Overlay District Standards Section 15-3.0355C.6. (Building Entrances) provided that the applicant provide benches and other pedestrian amenities proximate to public (front) building entrances, amenities and locations to be approved by the Planning Manager.

WP PROPERTY ACQUISITIONS LLC – SITE PLAN
RESOLUTION NO. 2021-_____

Page 4

14. The applicant shall obtain a waiver from the Plan Commission of the South 27th Street Design Overlay District Standards Section 15-3.0355C.9. (Screening) provided that the applicant provide additional planting materials in the form of deciduous and evergreen trees and shrubs around the northwest corner of the proposed building and the west (rear) property line to provide additional screening from Oakwood Road.
15. The applicant shall revise the Landscape Plan to remove all invasive or caution species and replace with like type alternatives (i.e. Norway Maple, Compact Burning Bush, Stella De Oro Daylily), subject to the approval of the City Forrester.
16. The applicant shall revise the Landscape Plan to identify the Mitigation Plan plant materials, numbers, and locations.
17. The applicant shall revise sheets of the Site Plan dated March 29, 2021 to ensure consistency in labeling and numbering (i.e. numbers of parking spaces, etc.).
18. The applicant shall obtain approval of the Stormwater Management Plan, Utilities Construction Plan, and driveway access from the City Engineering Department prior to issuance of the building permit.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2021.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



REPORT TO THE PLAN COMMISSION

Meeting of April 8, 2021

SPECIAL USE/SITE PLAN

RECOMMENDATION: Department of City Development Staff recommends the following: (1) recommend approval of the special use application; (2) approval of waivers as specified below; (3) approval of the site plan based on the conditions as provided in the Resolution.

Property Owner/Applicant:	Wendt Family Trust/WP Property Acquisitions LLC
Property Address/Tax Key Number:	3617 W. Oakwood Road/950-9997-002
Aldermanic District:	District 4
Agent:	Mark Lake, Wangard Partners, Inc. Michael Froehlich, P.E., Kapur Engineering
Zoning District:	PDD-39 (Mixed Use Business Park) South 27 th Street Design Overlay District
Use of Surrounding Properties:	Residential and vacant zoned PDD 39 (east and south), County parklands zoned P-1 (west and north)
Special Use Request:	To permit overnight parking of trucks over 8,000 pounds manufactured gross vehicle weight.
Site Plan Proposal:	To permit construction of a 200,000 square foot industrial building and site preparation for construction of one or more additional industrial buildings, with requests for various waivers to the PDD 39 Design Standards and the South 27 th Street Corridor Overlay District.
Staff Planner:	Heath Eddy, AICP, Planning Manager

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

APPLICANT’S REQUEST

The applicant is requesting approval of a Site Plan to permit construction of a 200,000-square foot industrial building, and to permit site development activities for construction of additional industrial buildings of at least 300,000 square feet of space. The applicant further requests waivers to portions of the PDD-39 Design Standards and the design requirements of the South 27th Street Design Overlay District. In addition, the applicant is requesting Special Use approval to permit overnight parking of trucks greater than 8,000 pounds manufactured gross vehicle weight.

The applicant is further requesting approval for a Natural Resource Special Exception (NRSE) under a separate review by Department staff. That request was originally scheduled for public hearing and review at the March 4 Plan Commission meeting, but the applicant changed some of the parameters for that request, which impacted the site plan proposal as well. The current request reflects those changes to the site plan. The original request was for two industrial buildings of 500,000 square feet and up to 600,000 square feet.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is a formerly active farm owned by the Wendt Family Trust. A portion of the property was previously purchased by the City for the construction of Hickory Street as part of the development of PDD-39. The property consists of the remaining farmhouse and outbuildings, along with a fallow field area which includes a wetland, hedgerow of trees and shrubs connecting to a larger woodland to the south, and an old farm pond along the west property line. The surrounding area includes some industrial properties to the southeast; Milwaukee County parklands to the west and north; the Hidden Oaks subdivision and Ascension hospital to the northeast; and vacant lands to the east and two lots owned by WE Energies. The southern property line is across from the western extent of Elm Road.



Figure 1: View of subject property from the northwest corner adjacent Oakwood Road. Note the location of the ATC power line (in red box), which is in the middle of where the southern building was to be located, now on hold.

DESCRIPTION OF THE APPLICATION

On December 14, 2020, the applicant submitted applications for a Site Plan and a NRSE to develop two industrial buildings intended for flexible end users on one parcel located on the to-be-constructed Hickory Street in Planned Development District (PDD)-39. The property is the Wendt Farm. The developer has not revealed the names of any tenants, but has not requested Special Use approvals for any potential users beyond what is currently permitted in PDD-39. Following staff's initial review of the Site Plan application, the applicant submitted a Special Use application to request approval for overnight parking of trucks greater than 8,000 pounds manufactured gross vehicle weight. This request applies to the entire site, including any additional building(s) to be constructed on the site.

The application site is approximately 41.7 acres in size, and includes several features and constraints, including regulated wetlands; woodlands regulated under the Unified Development Ordinance (UDO); a stormwater management pond along the western property line shared with Milwaukee County Parks; and an ATC power line running diagonally through the southern half of the property. There is also a non-navigable stream running due west from the Ewig property that is not subject to regulation by the WDNR or, consequently, the City. The location is also adjacent to the Hickory Street right-of-way, which is current in the preliminary design phase by the City's engineering consultant, Ruckert-Mielke.

A number of approval items are being deferred to future users, such as the provision of signs. The applicant is also not able to specify the desired hours of operation for the development without tenants.

The applicant originally requested approval for two industrial buildings, one with 200,000 square feet of building area, the second a 300,000-square foot building with the potential to expand to 400,000 square feet. However, due to permitting issues with the WDNR, the applicant removed the expansion request, and then reduced the requested building construction to the single north building, 200,000 square feet in area, while deferring approval of the second building to a later date.

The site plan as currently provided includes a total of 120 regular vehicle parking spaces, 50 large truck parking spaces, landscaping, lighting (a total of 22, 25-foot high lighting standards), walkways across the entire east side of the building, with sidewalk connections to the proposed sidewalk along Hickory Street, and a proposed dumpster location adjacent to the loading dock areas on the west side of the building. The site plan incorporates a feature labeled "10-01" which appear to be the locations for monument signs, though they are unlabeled and it's not clear what the proposed dimensions of each sign would be.

The overall architectural design includes variable grey precast concrete (dark grey in a variable height patterned with light grey and a thin white strip near the top, and topped with a dark grey line of precast), with metal coping along the top line. The northeast and southeast corners feature red precast over a window paneling. There are three primary entrances along the front façade, one at each end just off the red precast corner, and another entrance in the center of the building façade. These are accentuated with the location of landscaping and amenity features at east entrance, and each has a metal canopy over the entrance which should accentuate the physical entrance. Each entrance is connected by a sidewalk running the length of the building. There are 8 "storefront windows" on the main floor with 12 "second floor" windows within the light grey strip.

The design character is consistent with industrial warehousing. The building includes 20 loading dock doors with 4 overhead doors and 13 pedestrian access doorways for either rear or emergency egress around the north, west, and south facades. The dumpster enclosure is provided in the loading area, though the enclosure appears to be integrated into a rear green space.

It should be noted that precast concrete is considered a secondary building façade material under the PDD 39 Design Standards as well as the South 27th Street Design Overlay. The applicant is requesting a series of waivers from these building design requirements, as well as landscape buffering requirements.

The walkways shown are required under the PDD-39 Design Standards as well as the South 27th Street Design Overlay District requirements, which also apply to this property.

PROJECT ANALYSIS

There are a few existing constraints to the property that impact the design and development of this project.

1. **Wetland “finger” inflow channel.** The property includes a portion of a significant wetland complex located on the Milwaukee County Parks property to the west of the subject property. The wetland area onsite features a drainageway connecting to other wetland areas to the southeast, which includes a “finger” within which the applicant wishes to construct improvements including potentially a larger second industrial building (shown in grey on the site plan), along with parking areas and the driveway for the heavy truck loading area. This “finger” is also impacted by the City’s future construction of Hickory Street, though the impact on the subject property is significantly larger. Under the requirements of the UDO §15-10.0208, such encroachment into the wetland, wetland buffer, and wetland setback require approval of a Natural Resources Special Exception (NRSE). The review of this request is pending additional consideration by the WDNR, and the applicant, as mentioned above. On March 24, 2021, the Environmental Commission recommended approval of the NRSE.
2. **Truck traffic routing.** In the near term of the proposed development, the City should anticipate truck traffic accessing the building directly from Oakwood Road, pending the completion of Hickory Street. The PDD requires truck traffic routed south to Elm Road, but the applicant would not have that routing option unless Hickory Street was completed and connected to Elm Road by the time the building would be completed.
3. **Design considerations.** The property is subject to the PDD-39 Design Standards as well as the design requirements in the South 27th Street Design Overlay District. The applicant is requesting a series of waivers to these standards which will be discussed in more detail below.

UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS

This application is subject to the following provisions of the UDO. Subject to the development conditions of approval, the special use and site plan shall meet these standards:

- §15-3.0701 General Standards for Special Uses
- §15-7.0102 Principles and Standards of Review, Site Plans

The following is staff’s analysis of the proposed Special Use with general UDO provisions as well as the requested waivers to the PDD-39 Design Standards and the South 27th Street Design Overlay District.

GENERAL STANDARDS FOR SPECIAL USES (§15-3.0701)

Standard 1: Ordinance and Comprehensive Master Plan Purposes and Intent. The standard states that *“the proposed use and development will be in harmony with the general and specific purposes for*

which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof ”

Staff’s Findings: The purpose of this request is to permit the overnight parking of large trucks, primarily freight vehicles. The reason such an activity requires Special Use approval is because such vehicles are generally required to remain in operation overnight, which can generate noise and air emissions. Therefore, the location of the large truck parking is critical. The proposed building includes 75 large truck parking spaces along the west property line, with additional large truck parking to be located similarly behind future phases of development on the subject property.

The applicant’s proposed location for large truck parking is adjacent the Milwaukee County park property, which itself is a passive park area intended for resource protection of wetlands associated with the Root River. Staff finds that this request meets this standard.

Standard 2: No Undue Adverse Impact. The standard states that *“the proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood ”*

Staff’s Findings: As noted above, the parking of large trucks intact overnight requires the vehicles to remain operating, though truck trailers can be detached and left behind without operating equipment. Running vehicles will generate noise and air emissions that could negatively impact the immediate area, and contribute to climate change in the region and areas downwind. However, the relative contribution is small compared to the contributions of the surrounding community and region, and given the lack of suitable alternatives for distribution and the need to park these vehicles, staff finds that the request is suitable for this location. Staff therefore finds this standard is met.

Standard 3: No Interference with Surrounding Development. The standard states that *“the proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations ”*

Staff’s Findings: The applicant’s use of the property is permitted, except for the overnight parking of large trucks, which is the reason for this request. The applicant is currently proposing a total of 50 parking spaces for large vehicles, which spaces are 12’ x 60’ in dimension. This appears to be a large number of spaces, though it is noted that the H.S.A. site plan application included approval of a similar Special Use application for 80 large truck parking spaces and a total of 250,000 square feet. The applicant will be developing additional building space onsite that would result in development of approximately 300,000 square feet of additional building. This applicant’s request if scaled to the same level as the H.S.A. application would have 160 large truck parking spaces. The location of the parking should not create a significant visual impact on the surrounding area if screened appropriately, Therefore, staff finds this standard is met.

Standard 4: Adequate Public Facilities. The standard states that *“the proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities ”*

Staff's Findings: The proposal for warehouse industrial will eventually be connected to regional transportation systems by way of the future connection of Hickory Street with Elm Road and then straight out to the spur entrance to I-94. This is the ultimate designed route, though at the time of consideration of this application Hickory Street is not yet designed, and will not have been constructed until perhaps a year after the applicant intends to have the building construction completed and occupied. Hickory Street is to be constructed by the City using increment generated in part by this application. It is the to-be-completed access that will meet this standard, and therefore staff considers this standard to have been met by the applicant.

Standard 5: No Traffic Congestion. The standard states that *“the proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets ”*

Staff's Findings: As noted above, the eventual completion of Hickory Street will establish the roadway network for the routing of heavy truck traffic south and east onto Elm Road and then to I-94. This proposal in final implementation will not create undue traffic congestion, and should be manageable in the short-term until such time as Hickory Street is completed. Therefore, staff finds this standard is met.

Standard 6: No Destruction of Significant Features. The standard states that *“the proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance ”*

Staff's Findings: The applicant's request for overnight truck parking does not result in the destruction of natural or scenic features that are beyond the minimum standards of the UDO. The applicant does have a separate NRSE application for review and consideration, but the proposed parking is only marginally related to that request. It should be noted that the applicant could comply with the minimum standards for impacts on natural resources as specified in Part 4 of the UDO, should the NRSE not be approved. The request here is simply to enable the use; the extent is still subject to compliance with the requirements of the NRSE and the Site Plan. Therefore, staff finds this standard is met.

Standard 7: Compliance with Standards. The standard states that *“the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use ”*

Staff's Findings: The application is generally compliant with the area and bulk regulations of PDD-39, and additional requests for modifications and waivers by the applicant are to be adjudicated with consideration of the Site Plan. Therefore, staff finds this standard is met.

PRINCIPLES AND STANDARDS OF REVIEW OF SITE PLANS (§15-7.0102)

Standard A. Conformity of Use to Zoning District. The standard states that *“the proposed use(s) conform(s) to the use permitted as either a “Permitted Use” or “Special Use” in the zoning district ”*

Staff's Findings: The applicant's requests are compliant with the standards of the PDD-39 District.

Standard B: Dimensional Requirements. The standard states that *“the dimensional arrangement of buildings and structures conform to the required area, yard, setback and height restrictions of the Ordinance ”*

Staff’s Findings: The proposed 200,000 square foot industrial building and associated parking are compliant with the area, yard, setback and height restrictions of PDD-39.

Standard C: Site Intensity and Site Capacity Calculations to be Reviewed. The standard states that *“the requirements of Division 15-3 0500 of this Ordinance shall be met In this respect, the necessary worksheets for determining the maximum site intensity, or development capacity, of the site shall be submitted to the Plan Commission for review and approval ”*

Staff’s Findings: The applicant submitted the requisite “Site Intensity and Site Capacity Calculations” and was deemed to be compliant with the requirements of Division 15-3.0500 of the UDO.

Standard D: Use and Design Provisions. The standard states that *“the proposed use conforms to all use and design provisions and requirements as found in this Ordinance for the specified uses ”*

Staff’s Findings: The applicant has requested a series of waivers to the PDD-39 Design Standards as well as the South 27th Street Design Overlay Standards. Beyond those requests, the applicant’s site plan proposal is compliant with other provisions of those requirements.

Standard E: Relation to Existing and Proposed Streets and Highways. The standard states that *“there is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic In the case of arterial streets and highways not under the jurisdiction of the City of Franklin, that the applicable highway authority (County, State or Federal) has been contacted and the needed permits have been obtained and submitted to the City for review ”*

Staff’s Findings: The applicant meets the standards for access to Oakwood Road and will eventually comply with access standards to the to-be-constructed Hickory Street. Traffic patterns initially will be out-of-compliance with the PDD-39-approved general traffic pattern, but this will be rectified once Hickory Street is completed.

Standard F: Impacts on Surrounding Uses. The standard states that *“the proposed on-site buildings, structures and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws ”*

Staff’s Findings: The overall design of the site should present no negative impacts on the surrounding properties once construction is completed.

Standard G: Natural Resource Features Protection. The standard states that *“Natural features of the landscape are retained to enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood The requirements set forth in Divisions 15-4 0100, 15-7 0100, and 15-11 0100 are to be met Where*

required, a "Natural Resource Protection Plan" meeting the requirements set forth in Division 15-7 0100 has also been submitted for Plan Commission review and approval "

Staff's Findings: The Natural Resource Protection Plan is generally compliant with the standards of the UDO. The applicant has requested approval of a NRSE for disturbance of just under 10,000 square feet of wetland area (a "finger" of wetland inflow channel) and the associated wetland buffer and setback in order to permit site construction of an eventual second phase of building(s). However, the remainder of the protections are compliant with the requisite standards of the UDO.

Standard H: Required Landscaping and Landscape Bufferyards. The standard states that *"Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by design and installation of landscape bufferyards to provide for appropriate screening, fencing, or landscaping as required in Division 15-5 0300 of this Ordinance Where required, a "Landscape Plan" meeting the requirements set forth in Division 15-5 0300 has also been submitted for Plan Commission review and approval "*

Staff's Findings: Except where waivers are requested, the applicant has provided landscaping in compliance with Division 15-5.0300 of the UDO and with the PDD-39 Design Standards.

Standard I: Provision of Emergency Vehicle Accessibility. The standard states *"land, buildings, and structures are readily accessible to emergency vehicles and the handicapped "*

Staff's Findings: The applicant has proposed 360 access to the building for all emergency vehicles and adequate access for handicapped and other-abled persons in compliance with the ADA.

Standard J: Building Location. The standard states *"No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties "*

Staff's Findings: The proposed building is located proximate to the remainder farmhouse and outbuildings. The design is generally in compliance with the expectations of PDD-39, excepting the requested waivers as discussed below.

Standard K: Location and Design of On-Site Waste Disposal and Loading Facilities. The standard states *"No on-site waste disposal and/or loading facility shall be permitted to be designed or sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of the existing structures on adjoining properties "*

Staff's Findings: The proposed loading and dumpster areas are found along the western (rear) property line, which is adjacent a Milwaukee County passive park intended for wetland area protections.

Standard L: Consistency with the Intent of the City of Franklin Unified Development Ordinance. The standard states *"The Site Plan is consistent with the intent and purposes of the City of Franklin Unified Development Ordinance which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the*

overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, to facilitate the implementation of the City of Franklin Comprehensive Master Plan, or component thereof, and those other purposes and intents of this Ordinance set forth in Division 15-1 0100 of this Ordinance ”

Staff’s Findings: The site plan application is generally consistent with the intent of the UDO, pending review of waivers to the PDD-39 Design Standards and the South 27th Street Design Overlay Standards. Denial of waivers would be incorporated as conditions of approval in the Site Plan Resolution.

Standard M: Consistency with the Intent of the City of Franklin Comprehensive Master Plan. The standard states *“The Site Plan is consistent with the public goals, objectives, principles, standards, policies, and urban-design criteria set forth in the City-adopted Comprehensive Master Plan or component thereof ”*

Staff’s Findings: The site plan application is generally consistent with the City of Franklin Comprehensive Master Plan.

Standard N: Plan Commission Reserves the Right to Determine a Site “Unsuitable” for Planned Use. The standard states *“Pursuant to the requirements of § 15-2 0103(B)(3) of this Ordinance, the Plan Commission reserves the right to declare land or structures unsuitable for planned use during the site plan review process ”* Such conditions amount to site suitability, involving conditions where there is inadequate street right-of-way or street improvements; lack of adequate public sewer or public water; lack of separation distance between incompatible uses; and/or crossing of lot lines with improvements.

Staff’s Findings: The site at this time is planned for development adjacent a future Hickory Street that will not be completed when the proposed building will be constructed and occupied. However, the City is committed to the future road construction and the operations proposed for the subject property will be fully compliant. Staff anticipates no problems with the future use of the area.

REQUESTED WAIVERS AND MODIFICATIONS

The Applicant is requesting waivers or modifications to the following standards. Staff suggestions and recommendations are noted below.

PDD-39 Design Standards, Section 15-3.0444B.D. Business Park Area Design Standards

1. §15-3.0444B.D.1.a.iv. states *“Parking in front of buildings shall be designed primarily for visitors and high turnover usage, with employee parking to be located to the side-yard or rear-yard ”*

Staff’s Recommendation: The applicant requests this requirement be waived, so as to have all employee and visitor parking in front of the buildings. Staff concurs that separation of the public and employee traffic from heavy vehicles would be appropriate given the type of use proposed, and recommends approval of this waiver

2. §§15-3.0444B.D.1.a.v. and vi. states *“Loading and unloading areas shall be located to the side-yard or rear-yard and screened so as to minimize their view from adjacent streets and sites”* and *“All parking, loading and unloading areas shall be screened from adjacent streets and sites utilizing landscaping, berms, and/or decorative fences ”*

Staff's Recommendation: The applicant requests the requirement to screen the rear property line be waived. Staff believes that additional screening would be appropriate given the passive park adjacent to the loading area, but this was intended more for a future building on the south end of the site which is currently not formally part of this request. Therefore, staff recommends approval of the requested waiver

3. §15-3.0444B.D.2.a.i. states *“Not less than one-half of the required building setback from any dedicated street shall be devoted solely to lawns, trees, shrubs, and other landscaping ”*

Staff's Recommendation: The applicant's request is to waive this requirement in lieu of the proposed site plan design, which shows a relatively smaller screening area along the front yard. Given that the prior waiver request for parking in the front yard is supported, staff also recommends approval of this waiver. However, staff notes the intent to provide a multi-use trail on Aspen Way as well as the general requirement for bicycle parking in the South 27th Street Design Overlay, and recommends that the applicant provide bicycle parking amenities. The applicant has agreed to comply with this requirement; staff further recommends locating such parking proximate to the building entrances.

4. §§15-3.0444B.D.4a.ii. and iii. states *“All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use”* and *“Brick, stone, tile, and custom architectural masonry units are preferred primary materials for the solid (non-window) portion of new buildings or additions* Also related is subpart iv which states *“Precast concrete, cast stone, plain/smooth concrete masonry units and EIFS are acceptable accent and secondary materials for the solid portion of any buildings or additions ”*

Staff's Recommendation: The applicant requests to be permitted to use articulated, painted precast concrete wall panels for the exterior walls (the entire façade). As noted in subpart iv., this type of material is considered as a secondary material, meaning it shouldn't be the primary material used on the facades. Staff recommends, as with the previous H S A application that, at a minimum, the lower half of the public facades reflect higher quality (non-precast) materials

5. §15-3.0444B.D.4.a.xi. states *“Outside loading docks shall be located to the side-yard or rear-yard and screened from view from adjacent streets and sites by extended building walls, berms, decorative fencing, and/or landscaping ”*

Staff's Recommendation: The applicant requests the requirement to screen the rear property line be waived. The proposed design shows the dumpster location is located behind a proposed screening area in the north and west of the subject property. Staff finds this to be adequate, and recommends approval of the requested waiver, with the reminder that the dumpster pad shall comply with §15-3 0803 I

6. §15-3.0444B.D.7. Supplemental Design Guidelines. It is intended that the applicable design guidelines set forth in South 27th Street Corridor Plan, and the applicable design standards in the South 27th Street Design Overlay District, be utilized - as a supplemental guide - to the mandatory design standards set forth elsewhere in this [PDD 39] Ordinance.

Staff's Comment: The applicant requests certain waivers of the South 27th Street Design Overlay District (Division 15-3.0350) Design Standards. Specific South 27th Street Design Overlay waiver requests are below:

UDO, Part 3, Division 15-3.0350, Section 15-3.0351 – South 27th Street Design Overlay District

The South 27th Street Design Overlay District ordinance states that the overlay's intent is for South 27th Street to "be a local, regional and statewide destination for people to work, live, shop, recreate, and interact with one another." While the standards of the overlay are entirely appropriate for retail or office users, the Business Park section of PDD-39 is intended for industrial users. Many of the standards encourage design features geared towards an attractive commercial, public-facing aesthetic. They are not appropriate for industrial users, and staff believes it would be appropriate to waive several of them, but not all of them. Staff's recommendations are included below under each request:

1. §15-3.0352.A. states *"Not more than 50% of the off-street parking spaces shall be located directly between the front façade of the building and the public street "*

Staff's Recommendation: The applicant requests to have all employee and visitor parking in front of the buildings. See also Item 1a.iv. in the PDD-39 Design Standards, above. Staff recommends approval of this waiver.

2. §15-3.0353.F. states *"Each development which contains a building over fifty thousand (50,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project "*

Staff's Recommendation: The applicant requests to waive the requirement for a central pedestrian area or gathering plaza. Staff supports this waiver request, with the stipulation that the applicant needs to provide benches and other material to sufficiently identify the doorways of the building

3. §15-3.0355.C.5 states *"The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale A minimum of 20% of all the combined facades of the structure shall employ actual façade protrusions or recesses A minimum of 20% of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differenced being 6 feet or more as measured eave to eave or parapet to parapet for buildings over 50,000 square feet Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective Ground floor facades that face and are on properties that are in any part within 100 feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50% of their horizontal length The integration of windows into building design is strongly encouraged "*

Staff's Recommendation: The applicant requests to waive these requirements in lieu of the proposed design of the buildings as shown on the site plan. Staff believes this request is problematic, since the end result would be a far superior design to that provided by the applicant; nevertheless, the applicant's proposed building arrangement is more consistent with the industrial

design of warehouse/distribution/trucking facilities. Therefore, staff reluctantly supports this waiver request

4. §15-3.0355.C.6 states “Public building entryways shall be clearly defined and highly visible on the building’s exterior design, and shall be emphasized by on-site traffic flow patterns Two (2) or more of the following design features shall be incorporated into all public building entryways canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details Unless exempted by the Plan Commission, all sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two (2) sides of any building ”

Staff’s Recommendation: The applicant requests a waiver of this requirement for public building entryways with two or more design features incorporated. The current design of the building incorporates a metal canopy and wide walkways to the primary building entrances. The applicant has further articulated the precast colors so as to identify the entrance areas more readily. Staff finds that the current design does enough to support the overall provision and therefore recommends approval of this waiver request, with the support of increased pedestrian support materials (benches, etc.) to be located proximate to the entrances.

5. §15-3.0355.C.9 states “Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior Loading docks shall be completely screened from surrounding roads and properties Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality ”

Staff’s Recommendation: The applicant requests a waiver of this requirement for additional screening of the loading areas around the west side of the property. As noted above, staff suggests that the applicant provide additional landscaping around the sides of the building with visual access to the rear to compensate, and recommends approval of the requested waiver

STAFF RECOMMENDATIONS:

Based on the above review comments and discussion, staff recommends the following actions:

1. A recommendation of approval for the Special Use application, subject to the proposed conditions incorporated in the attached Resolution.
2. Approval of the following requested waivers to the PDD-39 Business Park Area Design Standards:
 - a. §15-3.0444B.D.1.a.iv.
 - b. §§15-3.0444B.D.1.a.v. and vi., with the stipulation that the applicant provide additional landscaping around the sides of the building with visual access to the rear to compensate.
 - c. §15-3.0444B.D.2.a.i., with the stipulation that the applicant provide 1 bicycle parking space for every 10 automobile parking spaces, and located proximate to public building entrances.

- d. §§15-3.0444B.D.4a.ii. and iii., with the stipulation that at a minimum, the lower half of the public facades reflect higher quality (non-precast) materials as otherwise stipulated in these subsections.
 - e. §15-3.0444B.D.4.a.xi., with the stipulation that the applicant provide additional landscaping around the sides of the building with visual access to the rear to compensate.
3. Approval of the following requested waivers of the South 27th Street Design Overlay District:
 - a. §15-3.0352.A.
 - b. §15-3.0353.F., with the stipulation that the applicant needs to provide benches and other material to sufficiently identify the doorways of the building.
 - c. §15-3.0355.C.5
 - d. §15-3.0355.C.6, with the stipulation that the applicant needs to provide benches and other material to sufficiently identify the doorways of the building
 - e. §15-3.0355.C.9, with the stipulation that the applicant provide additional landscaping around the sides of the building with visual access to the rear to compensate.
 4. Approve the site plan application with the proposed conditions of approval reflecting adjudication of the waiver requests above, and the inclusion of the mitigation plan included with the Natural Resources Special Exception application.

APPENDICES

1. City of Franklin Plan Commission Special Use Resolution No. 2021-__, draft dated February 15, 2021.
2. City of Franklin Common Council Site Plan Resolution No. 2021-__, draft dated March 31, 2021.
3. Planning Maps of Subject Property
4. Special Use Application, dated January 29, 2021
5. Responses to Special Use General Standards
6. Site Plan Application, dated December 11, 2020
7. Project Summary
8. Legal Description of Subject Property.
9. Staff Comments, dated January 5, 2021, and Consultants Responses, dated January 25, 2021.
10. Applicant Request for Waivers, dated January 25, 2021.
11. Architect's Request for Waiver, dated March 29, 2021.
12. Site Intensity and Capacity Calculations
13. Complete Plan Set, dated March 29, 2021.

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 Email generalplanning@franklinwi.gov



Phone (414) 425-4024
 Fax (414) 427 7691
 Web Site www.franklinwi.gov

Date of Application: 12-11-2020

SITE PLAN / SITE PLAN AMENDMENT APPLICATION

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

<p>Applicant (Full Legal Name[s]) Name <u>Stewart M Wangard</u> Company <u>WP Property Acquisitions LLC</u> Mailing Address <u>1200 N Mayfair Road, Suite 310</u> City / State <u>Milwaukee, WI</u> Zip <u>53226</u> Phone <u>414 777 1200</u> Email Address <u>mlake@wangard.com</u></p> <p>Project Property Information Property Address <u>3617 W Oakwood Road</u> Property Owner(s) <u>Wendt Family Trust</u></p> <p>Mailing Address <u>8113 S Forest Hills Circle</u> City / State <u>Franklin, WI</u> Zip <u>53132</u> Email Address <u>kaczmarekhomes@gmail.com</u></p>	<p>Applicant is Represented by. (contact person)(Full Legal Name[s]) Name <u>Mark Lake</u> Company <u>Wangard Partners, Inc.</u> Mailing Address <u>1200 N. Mayfair Road, Suite 310</u> City / State <u>Milwaukee, WI</u> Zip <u>53226</u> Phone <u>414 935 4014</u> Email Address <u>mlake@wangard.com</u></p> <p>Tax Key Nos. <u>950 9997 002</u></p> <p>Existing Zoning <u>PDD #39</u> Existing Use <u>Agricultural</u> Proposed Use <u>Industrial</u> Future Land Use Identification <u>Mixed Use</u></p>
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*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

Site Plan/Site Plan Amendment submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin
 - 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)
- 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 Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available)
 - Seven (7) 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 15-5.0402 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, etc)
 - Reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package will be at Planning staff recommendation, if applicable
- One colored copy (11"x17") of the building elevations, if applicable
- One copy of the Site Intensity and Capacity Calculations, if applicable (see Division 15 3 0500 of the UDO)
- Three copies of the Natural Resource Protection report, if applicable (see Section 15 7 0103Q of the UDO)
- 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. Additional materials may be required
 • Site Plan/Site Plan amendment requests require Plan Commission or Community Development Authority review and approval

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).

Stewart M. Wangard
 Signature Property Owner
Stewart M. Wangard
 Name & Title (PRINT)
 Date: 12-9-2020

Mark Lake
 Signature Applicant
Stewart M. Wangard, sole member
 Name & Title (PRINT)
 Date: 12-10-2020

Signature Property Owner
 Name & Title (PRINT)
 Date _____

Signature Applicant's Representative
 Name & Title (PRINT)
 Date: _____

Project Summary

In November 2016, recognizing that the State of Wisconsin was creating a new freeway interchange at Elm Road, the City of Franklin created PDD #39 establishing a new Business Park to take advantage of the Milwaukee-Chicago I-94 Development Corridor. The "Oakwood Industrial" project takes advantage of the new interchange and will allow us to develop the large light industrial, office, and or distribution missing in Franklin. Our project involves creating two new industrial buildings just south of Oakwood Road and west of the future South Hickory Street, which is in compliance with the City's Comprehensive Master Plan for this area of the City.

WP Property Acquisitions, LLC is working to develop the project site, and is proposing to construct a 235,000 Square Foot (SF) building in the northern half of the site and a 300,000 SF building in the southern half of the site. The necessary parking and truck access roads to service the buildings will also be constructed. The parking will consist of 26-foot wide drive aisles with 9'x20' parking stalls, and be bounded by concrete curb and gutter. The truck access roads will also be 30-foot wide and the truck parking stalls will be 12'x60', both of which will also be bounded by concrete curb and gutter. Concrete sidewalks will be provided from the parking and access roads to the ingress/egress doors of the buildings. In addition to storm, sanitary and water laterals being provided to each building from S Hickory Street, a water main loop will be provided around each building with fire hydrants for fire protection.

In order to accommodate for the stormwater runoff associated with the existing eastern industrial area along 27th Street, and the increased runoff from West Elm Road (to be upgraded by the City), the new S Hickory Street and our development, a regional stormwater pond will also be constructed as part of this project.

Because of Franklin's need for more large scale industrial facilities and the need to create a regional stormwater facility that will allow us to accommodate as much onsite and offsite stormwater as possible, we are maximizing the square footage of the proposed buildings to get the increment needed by the City for this project. We believe development of a 235,000 SF and 300,000 SF building will meet those requirements. The project, on its own, could not evolve or be successful due to various factors (land cost, utility cost, offsite stormwater, environmental remediation or mitigation, rent, or construction costs) so it will rely on an investment from the City of Franklin's Tax Incremental Financing (TIF) District. The Increment is the taxable value after development minus the taxable value before. The City evaluates whether they can collect enough taxes within a certain period of time to pay off the debt.

Meeting the City's PDD #39's requirements, as well as the demands of Southeastern Wisconsin's industrial market, both buildings are planned to be light manufacturing/distribution centers. These types of industrial facilities rely heavily on the closeness of suppliers and a direct connection to the interstate highway system. The property is adjacent to existing industrial uses that the City is in the process of enhancing with the reconstruction of West Elm Road, which will include new curb and gutter, a median, new storm sewer, sanitary sewer, water main, fire hydrants, and new sanitary and water laterals for each property.

WP Property Acquisitions, LLC has already been approached by a number of highly interested tenants that wish to utilize this space as soon as possible, but the southern building will need to be delayed to allow us to mitigate a minor (9,818 SF) low quality farmed wetland and also to take the time necessary for the relocation of the ATC overhead transmission line, within a 100-foot easement along the southern property line and western property line. The City of Franklin and WP Property Acquisitions, LLC are heavily invested in this property, are committed to providing adequate space for its intended users, and fully expect both buildings to be occupied in the short term. With the urgent need for a pond meeting the storm water requirements imminent reconstruction of W Elm Road and the new S Hickory Street, the regional detention system will be the first items to be completed. Subsequently the northern 235k building will be built and connected to the regional detention pond. Since it will take roughly 18 months to plan and relocate the ATC power lines, the southern 300k building will be constructed after the ATC power line relocation.

The anticipated design and construction schedule is as follows

March/April 2021 - Municipal and DNR Approvals

July 2021 – Construction commencement of the northern 235,000 SF building

July 2022 – Construction completion of the northern 235,000 SF building

June 2022 – Construction commencement of the southern 300,000 SF building upon completion of relocating the ATC lines

June 2023 – Construction completion of the southern 300,000 SF building

Market Analysis

Industrial is the fastest growing sector of the real estate market and there is a great need for additional industrial space along the I-94 Corridor, especially south of Milwaukee. The immediate submarket around Franklin per Costar has a vacancy of 3.6% which is only 153,000 SF vacant. The demand has far outpaced the supply and available space. Therefore, we are very comfortable in filling up the building with solid industrial businesses within 6-12 months of completion. The sooner we can get a shovel in the ground the better.

Financial Plan

The hard cost for the 2 buildings (235,000 and 300,000 SF) are anticipated to be around \$39,400,000

LEGAL DESCRIPTION

Being part of the North ½ of the Northeast ¼ of section 36, in Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the North ¼ corner of said Section 36, thence South 88°27'30" East, coincident with the north line of the Northeast ¼ of said section, 120.03 feet, thence South 00°22'00" East, being parallel to and 120 feet west of the east line of said ¼ section, 60.02 feet to the Point of Beginning, thence continue South 00°22'00" East, 2,593.05 feet to a point on the south line of said ¼ Section, thence South 88°36'18" West, coincident with said south line 701.28 feet to a point, thence North 00°22'00" West 2591.25 feet to a point on the south line of West Oakwood Road, thence North 88°27'30" East, coincident with said south line 701.32 feet to the point of beginning.

Said described parcel contains 1,817,538 square feet or 41.725 acres of land.

January 25, 2021

Heath Eddy – Planning Manager
 Department of City Development
 City of Franklin
 9229 W. Loomis Road
 Franklin, WI 53132

RE: Site Plan, 3617 W. Oakwood Road

Dear Mr. Eddy,

I am writing this letter to address the Site Plan Review comments in your review letter dated January 5th, 2021 for the above referenced project. Below you will see the pertinent portions of the review comments in *italicized text* and Kapur’s corresponding responses in **bold color**.

Department of City Development

- 1. Minimum Area/Bulk Requirements.*** *Staff notes that the application will need to comply with the design requirements of PDD 39, which are provided in Section 15-3.0444B.C. of Ordinance 2016-2238 (attached). Staff reviewed the area/bulk dimensions shown on the plan against the requirements for the “business park” portion of the PDD, and found several incorrect notations on the plan as follows:*

	<i>Required</i>	<i>Shown on Site Plan</i>
<i>Minimum Landscape Surface Ratio</i>	<i>0.25</i>	<i>0.45</i>
<i>Minimum Side Yard on Corner Lot</i>	<i>25 ft</i>	<i>20 ft</i>
<i>Parking/Driveway Setbacks:</i>		
<ul style="list-style-type: none"> <i>Abutting any public right-of-way:</i> 	<i>15 ft</i>	<i>10 ft</i>
<ul style="list-style-type: none"> <i>Not abutting any public right-of-way:</i> 	<i>10 ft (combined 30 ft for 2 side yards)</i>	<i>n/a</i>

*It appears you interpreted the design requirements were those of the BP Business Park District. However, PDD 39 carries its own area/bulk requirements. **The numbers highlighted represent deficiencies that need to be corrected and could impact how the property is ultimately design.***

Kapur: The Minimum Landscape Surface Ratio will be revised to 0.25 in the Site Intensity and Capacity Calculations. In addition, the proposed Landscape Surface Ratio will also be provided on the Site Landscape Plan drawings to provide





verification that the minimum is being met. The minimum side yard building setback along West Oakwood Road for a corner lot will be revised from 20 feet to 25 feet. Also, the parking/driveway setbacks adjacent to both Oakwood Road and the future S. Hickory Street will be revised from 10 feet to 15 feet. Furthermore, the parking/driveway setback along the south property line (not abutting any public right-of-way) will be revised from 10 feet to 15 feet, since the combined total for 2 side yards needs to be a minimum of 30 feet.

2. **PDD 39 Design Standards.** PDD 39 includes a specific set of design requirements (see attached, Section 15-3.0444B.D.) beyond the standard requirements as contained in UDO §§15-5.0200 (Parking); 15-5.0300 (Required Landscaping); 15-5.0400 (Lighting Standards); and the requirements of the Sign Code (Municipal Code Chapter 210). Staff identifies all deficiencies below:

a) **PARKING STANDARDS**

- *The proposed site plan fails to identify how the parking numbers were established, so staff cannot verify compliance. Staff assumed “Warehouse + Office > 10% of GFA” for purposes of the analysis, and that yields a total of 468 parking spaces. However, the plan shows 353 regular vehicle parking spaces and 125 large truck parking spaces. **The applicant shall identify how the parking provided was derived in compliance with the UDO Table 15-5.0203.***

Kapur: Per the UDO Table 15-5.0203, the standard parking ratio for off-street parking spaces for a Warehouse is “0.5/1,000 square feet of GFA, plus required parking spaces for offices, or similar uses, where those uses exceed 10% of GFA.” Since the office space within each of the buildings will account for less than 10% of the GFA, 100 regular parking stalls will be provided for the 200,000 Sq. Ft. building and 200 regular parking stalls will be provided for the 300K/Future 400K Sq. Ft. building, for a total of 300 regular parking stalls.

- *For reference, Section 15-3.0444.B.D.1.a.iii. references the requirement for overnight truck parking. The applicant doesn't state whether trucks over 8,000 pounds GVW will be parked overnight, though the large number of parking spaces for these vehicles supports that. **The applicant shall clarify if such parking is needed, and a Special Use application shall be filed.***





Kapur: It is the intent to have trucks over 8,000 pounds GVW parked overnight at the proposed buildings. As a result, a Special Use application will be filed to allow overnight truck parking.

- *The majority of parking is located to the front of the buildings, which is out of compliance with Section 15-3.0444.B.D.1.a.iv. The applicant shall request a waiver to remedy this requirement given the current design.*

Kapur: The majority of the parking is located at the front of the buildings for three main reason. First and foremost, by having the majority of the parking located at the front of the buildings, we are able to minimize traffic conflicts between tractor trailers and passenger vehicles. The current site layout provides separate entrances/exits at each building for tractor trailers and passenger vehicles. There are on-site connections between the parking areas and the tractor trailer access roads, but this is primarily for continuous on-site access around the buildings for maintenance and fire protection.

The second reason the majority of the parking is located at the front of the buildings is because the main employee entrances will be located at the front of the buildings. Furthermore, having the parking areas located at the front of the buildings will provide a greater level of safety for employees entering and exiting the buildings. For these reasons, it is most desirable to place the parking areas at the front of the buildings and a waiver will be requested to remedy this requirement.

- *Per the table above, the parking setback is 15 feet. The parking along Hickory Street is shown at 10 feet, though the Oakwood Road parking is variable up to 15 feet. However, the drive aisle would be considered part of the parking area and therefore must also comply with this standard. The applicant shall revise the site plan in compliance with this requirement.*

Kapur: The parking/drive aisle setbacks adjacent to both Oakwood Road and the future S. Hickory Street will be revised from 10 feet to 15 feet. Furthermore, the parking/drive aisle setback along the south property line (not abutting any public right-of-way) will be revised from 10 feet to 15 feet, since the combined total for 2 side yards needs to be a minimum of 30 feet.





- *Screening requirements are addressed more completely below.*

Kapur: Noted.

b) *GENERAL SITE DESIGN STANDARDS*

- *The proposed site plan does not comply with Section 15-3.0444.B.D.2.a.i., as more than half the building setback from the future Hickory Street will be covered in parking. The applicant shall comply with this requirement or request a waiver.*

Kapur: For the reasons previously mentioned, it is most desirable to place the parking areas at the front of both the buildings within the building setback from the future S. Hickory Street. As a result, a waiver will be requested to remedy this requirement.

- *The applicant shall comply with the maintenance objectives identified in Section 15-3.0444.B.D.2.b. A condition of approval to that effect will be included in any adoption Resolution.*

Kapur: Noted. The applicant will comply with the maintenance objectives identified in Section 15-3.0444.B.D.2.b of the UDO. It is understood that a condition of approval based on the language in this section of the UDO will be included in any adoption Resolution.

- *The proposed site plan lacks walkways between the building entrances and the parking areas, much less between the building and the future street sidewalk. The plan also lacks any bicycle parking or storage infrastructure. Staff notes that a similar type design was submitted for the HSA property and waivers for these requirements were denied by the Plan Commission. The applicant shall comply with these requirements by providing a continuous sidewalk across the entire length of the façade, providing separate walkway access from all motor vehicle parking to the primary doorway accesses, and provide for bicycle parking facilities at the rate of 1 bicycle parking space for every 10 motor vehicle parking spaces.*





Kapur: The site layout for each building will be modified to include a continuous sidewalk across the entire length of each building façade to provide pedestrian access from all motor vehicle parking to the primary building entrances. In addition, pedestrian access will be provided between the building and the multi-use path along the west side of the future S. Hickory Street. Furthermore, bicycle parking facilities will be provided at the rate of 1 bicycle parking space for every 10 motor vehicle parking spaces. Based on this rate, 10 bicycle parking spaces will be provided at the 200K Sq. Ft. building and 20 bicycle parking spaces will be provided at the 300K/Future 400K Sq. Ft. building.

c) *LANDSCAPE STANDARDS – the following are not in compliance with the design standards or the UDO:*

- *Per UDO §15-5.0302(A), the minimum number of Canopy/Shade Trees, Evergreen Trees, Decorative Trees, and Shrubs shall be 48, which is based on the Industrial standard of 1 of each for every 10 parking spaces. However, it should be noted that this minimum requirement does not reflect the additional requirements of PDD 39 or of the South 27th Street Corridor Overlay. The site plan indicates a total of 40 of each tree type and 52 shrubs.*

Kapur: The total number of Canopy/Shade Trees, Evergreen Trees, Decorative Trees and Shrubs will be updated based on the additional requirements of PDD 39 and the South 27th Street Corridor Overlay.

- *Per UDO §15-5.0302(F), there must be a minimum of 4 different species for each landscape element, with a minimum of 8 for each species. The current plan includes only 3 Decorative tree species, 2 Evergreen species, and 2 Shrub species.*

Kapur: The landscape plans will be modified to include a minimum of 4 different species for each landscape element, with a minimum of 8 for each species.

- *Section 15-3.0444.B.D.3.a. requires “extensive” building foundation landscaping. The proposed site plan shows more landscaping elements for Building #1, but the bulk of the landscaping is ground vegetation along most of the front facades (those facing the future Hickory Street as well as Oakwood*





Road). *Additional foundation landscaping including more vertical elements is required for both Buildings, though Building #2 is severely deficient.*

Kapur: Additional foundation landscaping, including more vertical elements, will be provided for both buildings along the facades facing Oakwood Road and the future S. Hickory Street to meet the requirements of Section 15-3.0444.B.D.3.a.

- *Loading Area Landscaping: Screening for Building #1 is adequate though there are a few gaps along the western lot line that must be enclosed with additional landscaping elements. Screening for Building #2 is not adequate. The applicant shall upgrade the loading area landscaping to create a virtually opaque landscaped buffer lining the length of the loading area.*

Kapur: Since the property to the west is unimproved County Park land, the applicant does not understand the need to provide a virtually opaque landscaped buffer lining the entire length of the loading areas for both buildings. In addition, there is already a fairly extensive existing tree line along the western property line of the development, with the majority of the trees located off site. As a result, this tree line will remain in place after construction. Some screening was provided for Building #1 along the northwest portion of the site to provide additional buffer for areas along Oakwood Road west of the site. As a result, the applicant would like to maintain the existing amount of landscaping along the western property line and a waiver will be requested to remedy this requirement.

- *Parking area screening along the future Hickory Street is not adequate, as per standards covered under the South 27th Street Design Overlay review below.*

Kapur: The parking area screening along the future S. Hickory Street will be modified to meet the standards covered under the South 27th Street Design Overlay.

d) *ARCHITECTURAL STANDARDS*

- *Per Section 15-3.0444.B.D.4.a.ii, the majority of the building facades appear to be precast concrete, which is intended as an acceptable secondary element per Section 15-3.0444.B.D.4.a.iii. The applicant should either modify the*





materials, including additional non-concrete materials, or request a waiver to this standard.

SPS Architects: All exterior materials and finishes are consistent with other buildings of this type in the area. Development team will request a waiver to this standard.

- *The door elements appear to be metal but there isn't a specific reference to material type. The applicant shall specify the metal materials used around the doors, in compliance with Section 15-3.0444.B.D.4.a.v.*

SPS Architects: All exterior doors with glass will be aluminum with aluminum frames. All exterior flush doors will be painted hollow metal with painted hollow metal frames.

- *Whether the material types are considered acceptable is up to the Plan Commission. However, more visual differentiation of the facades with a horizontal element between the ground level and the approximate 24-foot level as currently shown would be preferred.*

SPS Architects: Development team will present additional design options for differentiating the facades with bolder horizontal banding at the 24'-0" level.

- *Staff notes that while the submitted design does not indicate the location of mechanicals or dumpsters or similar, they would be required to be screened from view. A recommended condition of approval will be part of any adoption Resolution requiring such screening, as part of the review for the Building Permit.*

Kapur: A dumpster enclosure will be provided for each building, and will be screened as required.

- *Also, as noted above under Landscaping Standards, the rear loading docks do not comply with Standard 4.a.xi.*

Kapur: Since the property to the west is unimproved County Park land, the applicant does not understand the need to provide a virtually opaque





landscaped buffer lining the entire length of the loading areas for both buildings. In addition, there is already a fairly extensive existing tree line along the western property line of the development, with the majority of the trees located off site. As a result, this tree line will remain in place after construction. Some screening was provided for Building #1 along the northwest portion of the site to provide additional buffer for areas along Oakwood Road west of the site. As a result, the applicant would like to maintain the existing amount of landscaping along the western property line and a waiver will be requested to remedy this requirement.

e) *SIGNAGE STANDARDS*

- *No signage was submitted with the site plan. Per Section 15-3.0444.B.D.5.a., wall signs are prohibited. A condition to this effect specifying this prohibition will be included with any adoption Resolution.*

Kapur: Noted.

f) *LIGHTING STANDARDS*

- *Staff reviewed the submitted photometric plan and it appears to comply with the requirements of UDO Table 15-5.0401(A), with a maximum illumination of 0.30 foot-candles at the property line and lighting standard maximum heights of 25 feet.*

Kapur: Noted.

g) *SUPPLEMENTAL DESIGN GUIDELINES (see Comment #3 below)*

Kapur: Noted.

3. *South 27th Street Corridor Overlay District Design Requirements.* PDD 39 requires compliance with the South 27th Street Corridor Overlay District design standards (attached). Staff comments are with respect to the requirements in Sections 15-3.0352 through 15-3.0355.

a) *Parking Requirements. (Section 15-3.0352)*

- *The proposed site plan shows 163 of 478 parking spaces located to the side or rear of the proposed buildings, well more than half of the parking is provided between the front facades and the public street. The applicant shall either revise the site plan in compliance with Section 15-3.0352.A., or request a waiver from this standard.*





Kapur: The majority of the parking is located between the front facades and the public street for three main reason. First and foremost, by having the majority of the parking located at the front of the buildings, we are able to minimize traffic conflicts between tractor trailers and passenger vehicles. The current site layout provides separate entrances/exits at each building for tractor trailers and passenger vehicles. There are on-site connections between the parking areas and the tractor trailer access roads, but this is primarily for continuous on-site access around the buildings for maintenance and fire protection.

The second reason the majority of the parking is located between the front facades and the public street is because the main employee entrances will be located at the front of the buildings. Furthermore, having the parking areas located at the front of the buildings will provide a greater level of safety for employees entering and exiting the buildings. For these reasons, it is most desirable to place the parking areas between the front facades and the public streets, and a waiver will be requested to remedy this requirement.

- *To review per Section 15-3.0352.B., staff assumed a standard as noted above. However, the applicant did not identify the parking standard used to establish the parking as provided. The applicant shall clarify the standard used, as noted above.*

Kapur: Kapur: Per the UDO Table 15-5.0203, the standard parking ratio for off-street parking spaces for a Warehouse is “0.5/1,000 square feet of GFA, plus required parking spaces for offices, or similar uses, where those uses exceed 10% of GFA.” Since the office space within each of the buildings will account for less than 10% of the GFA, 100 regular parking stalls will be provided for the 200,000 Sq. Ft. building and 200 regular parking stalls will be provided for the 300K/Future 400K Sq. Ft. building, for a total of 300 regular parking stalls.

- b) *Landscape and Site Design General Standards. (Section 15-3.0353)*
- *The applicant has provided no site furnishings on the site plan, and there is no human element in the proposed design. The current design is intended for motor vehicles only. The applicant shall provide site amenities (accent lighting, benches, trash receptacles, bicycle racks, etc.) on the site plan or request a waiver from this standard. Staff notes that the HSA application requested a similar waiver but was denied by the Plan Commission.*





Kapur: The site landscape plan will be revised to show site amenities such as benches, trash receptacle, bicycle racks, etc.

- *Ref. Section 15-3.0353.B, none of Pedestrian elements are provided on the proposed site plan. The submission is intended for motor vehicles and buildings. Such elements are a general requirement. The applicant shall provide such elements on a revised site plan and identify those in a response letter, or otherwise request a waiver from this standard.*

Kapur: The site layout for each building will be modified to include a continuous sidewalk across the entire length of each building façade to provide pedestrian access from all motor vehicle parking to the primary building entrances. In addition, pedestrian access will be provided between the building and the multi-use path along the west side of the future S. Hickory Street. Furthermore, bicycle parking facilities will be provided at the rate of 1 bicycle parking space for every 10 motor vehicle parking spaces. Based on this rate, 10 bicycle parking spaces will be provided at the 200K Sq. Ft. building and 20 bicycle parking spaces will be provided at the 300K/Future 400K Sq. Ft. building.

- *Ref. Section 15-3.0353.C, the applicant doesn't indicate any accommodation of pedestrians with walkways except at the building entrances. As noted above, the applicant shall revise the site plan to provide continual walkways along building facades.*

Kapur: The site layout for each building will be modified to include a continuous sidewalk across the entire length of each building façade to provide pedestrian access from all motor vehicle parking to the primary building entrances. In addition, pedestrian access will be provided between the building and the multi-use path along the west side of the future S. Hickory Street. Furthermore, bicycle parking facilities will be provided at the rate of 1 bicycle parking space for every 10 motor vehicle parking spaces. Based on this rate, 10 bicycle parking spaces will be provided at the 200K Sq. Ft. building and 20 bicycle parking spaces will be provided at the 300K/Future 400K Sq. Ft. building.

- *Ref. Section 15-3.0353.D, there is no bicycle parking or pedestrian furniture provided on this site plan. Staff previously has recommended a minimum of one bicycle parking*





element for every 10 vehicle parking spaces. A minimum of 48 bicycle parking spaces would be required for this project, split between the two buildings. Pedestrian furniture should be provided, or a waiver would be needed for this element.

Kapur: Bicycle parking facilities will be provided at the rate of 1 bicycle parking space for every 10 motor vehicle parking spaces. Based on this rate, 10 bicycle parking spaces will be provided at the 200K Sq. Ft. building and 20 bicycle parking spaces will be provided at the 300K/Future 400K Sq. Ft. building.

- *Ref. Section 15-3.0353.E., the proposed site plan includes mostly trees and some ground cover, with very little in between except at the primary entrances to each building, and this is lacking particularly for Building #2. A mixture of shrubs along the long facades would help to break up the visual monotony of the proposed buildings and would allow for a more human-scale design at the ground level.*

Kapur: Additional foundation landscaping, including more vertical elements, will be provided for both buildings along the facades facing Oakwood Road and the future S. Hickory Street.

- *Ref. Section 15-3.0353.F, each building has a main entrance as defined by landscaping elements, but otherwise there is very little to the property design in the way of central areas or gathering places. Given the type of project these would not be a heavily used feature and would be most likely to be considered for a waiver by the Plan Commission.*

Kapur: Based on the type of development this is, it is anticipated that a central pedestrian area or gathering place would not be heavily utilized. As such, a waiver will be requested to remedy this requirement.

- c) *Landscaping Requirements for Off-Street Parking Areas. (Section 15-3.0354)*
- *Staff notes the requirements as provided and discussed earlier. While the requirement here is intended to apply to the UDO requirement, it should be noted that this project necessitates going beyond the minimum requirements, and that this proposed site plan does not even comply with the minimum requirements.*





Kapur: The landscaping for the off-street parking areas will be modified to meet and exceed the minimum requirements.

- *A proposed condition of approval reflecting that tree planting shall protect from vehicle damage in any adoption Resolution.*

Kapur: Notes will be added to the landscape plans indicating that tree planting shall be protected from vehicle damage. It is understood that this will be a condition of approval any adoption Resolution.

- *Per Section 15-3.0354.C., staff notes as follows:*
 - *There are at least 10 trees shown either on top of or within 10 feet of proposed interior site water lines. Staff recommends the applicant review the two layers of the site plan and adjust tree locations accordingly.*

Kapur: Tree locations will be adjusted to be no closer than 10 feet to proposed underground utility lines.

- *The Landscape Plan notes do not mention any required topsoil stratum to be placed on the site. Perhaps this is indicated elsewhere in the plan set. The Landscape Plan notes the placement of metal landscape barriers in the subsurface but it doesn't specifically indicate what material to be provided along the ground surface. The applicant shall clarify that landscaping areas shall include topsoil strata per Section 15-3.0354.C.5.*

Kapur: The landscape plans will be modified to indicate what topsoil stratum should be provided within the landscaping areas per Section 15-3.0354.C.5 of the UDO.

- *Per Section 15-3.0354.D.2.a., the proposed site plan includes no greenbelt between the proposed parking areas and the street. In order to comply with this requirement, staff proposes the planting of shrubs, 30 inches at maturity, 30 inches on-center (18 inches when planted) to create a more or less opaque screening at maturity (a "hedge-row"). This would require a minimum of 232 shrubs along the parking in front of Building #1 and 329 shrubs along the parking in front of Building #2, located between the parking spaces and the location of the sidewalk along the future Hickory Street.*





Kapur: In order to provide the required greenbelt between the parking areas and the future S. Hickory Street, shrubs will be provided as suggested by staff above.

d) *Architectural Requirements. (Section 15-3.0355)*

- *The applicant's proposed building design generally complies with the standards in subsection A., except that the lower 2/3s of each façade are generally the same material and color. As per the previous HSA project approval, staff recommends a differentiation in the material color within the lowest quarter of the building facades, at least along the facades adjacent public rights-of-way.*

SPS Architects: Development team will present additional design options for differentiating material colors on the facades adjacent to public right-of-way.

- *For any element out of compliance with the standards as provided above, the applicant must request in writing which waivers are requested and specify the reasons for such request as well as proposed design elements to compensate for the requested waivers.*

SPS Architects: Will comply.

- *Staff requests that the applicant indicate in their project summary discussion of the proposal's compliance with the Comprehensive Master Plan.*

Kapur: The project summary will be updated to discuss the proposal's compliance with the Comprehensive Master Plan.

- *The most attractive feature of each building's design is the incorporation of a relatively brighter element at the corners. Staff recommends the applicant provide an additional vertical element at the main entrances to each building, similar to the elements at the corners.*

SPS Architects: Development team will present design options for adding an additional vertical element at the main entrances to each building.

- *Ref. Section 15-3.0355.C.5, The proposed building designs are not in compliance with this standard. Some elements of the site design can compensate for the required elements along the ground level, but not entirely to rectify the relative lack of windows and other featured. The applicant shall revise the site plan to either comply*





with the requirements in this section or request a waiver.

SPS Architects: Development team will request a waiver.

- *Ref. Section 15-3.0355.C.6, the proposed building entrances are not clearly differentiated, except with some landscaping designs for the “main” entrance. There are no other physical elements incorporated within the building design to highlight or draw attention to the building entrances, and the rest of the design doesn’t do anything to indicate where these locations are. The façade facing Oakwood Road doesn’t include any entrances, only the required emergency exits as required by Building Code. **Waivers to this requirement would be needed, but some elements to compensate would be required in lieu of compliance.***

SPS Architects: Understood, development team will request a waiver.

- *Per Section 15-3.0355.C.9, the site design around Building #1 is generally compliant, with a few gaps to fill in with landscaping. However, the loading area for Building #2 is not compliant. Virtually no landscaping is shown in this area or indicated in the trees along the edge of the property which are proposed to remain. Mechanical equipment and dumpster locations are not specified. **Staff comments on this are addressed earlier, though any request for a waiver would have to reference this section as well.***

Kapur: Since the property to the west is unimproved County Park land, the applicant does not understand the need to provide a virtually opaque landscaped buffer lining the entire length of the loading areas for both buildings. In addition, there is already a fairly extensive existing tree line along the western property line of the development, with the majority of the trees located off site. As a result, this tree line will remain in place after construction. Some screening was provided for Building #1 along the northwest portion of the site to provide additional buffer for areas along Oakwood Road west of the site. As a result, the applicant would like to maintain the existing amount of landscaping along the western property line and a waiver will be requested to remedy this requirement.

- *Per Section 15-3.0355C.11, staff recommends improvements to the primary wetland area to restore full functionality to this area, including wetland plantings and stabilization.*





Kapur: A wetland mitigation plan is being created as part of the NRSE Application process because of the wetland impacts that will result from this project. Improvements to the primary wetland area, including wetland plantings and stabilization, will be addressed as part of this mitigation plan, in lieu of including it with the landscape plans.

- Per Section 15-3.0355.C.12, the applicant has provided no signage for the site, in part because proposed tenants are not yet known and/or disclosed. **Staff will include a Condition of Approval specifying compliance with the requirements of Municipal Code Chapter 210 to address these requirements in any adoption Resolution.**

Kapur: Noted.

4. **Truck Parking.** *The proposed site plan shows 125 truck parking spaces. Is the applicant intending to provide for overnight truck parking on-site? Per UDO §15-5.0202(G)(3), “Any vehicle over 8,000 pound rated Gross Vehicle Weight may be parked...in the normal course of business in conjunction with a commercial or industrial use of the property; however, any overnight parking shall be allowed only with a Special Use.”*

If the applicant intends to allow for overnight truck parking, a Special Use Permit application should be submitted for approval at this time. However, such application is not necessarily required at this time, and would not preclude approval of the site plan.

Kapur: It is the intent to have trucks over 8,000 pounds GVW parked overnight at the proposed buildings. As a result, a Special Use application will be filed to allow overnight truck parking.

Engineering Department Comments

5. *No comments to the proposed development. However, Engineering plans must be submitted for review, as the applicant is proposing utilities to be dedicated to the City.*

Kapur: The engineering plans & storm water management plan will be submitted for review and approval once complete.

Fire Department Comments

6. *The fire department has no objections to the proposed site plan.*

Kapur: Noted.

7. *The fire department would require 360-degree access on the proposed site plan, due to the size of the buildings.*

Kapur: 360-degree access around each building has been provided.





8. *Additional comments will likely be provided as the project moves forward.*

Kapur: Noted.

Police Department Comments

9. *The police department has no issues with this project.*

Kapur: Noted.

Inspection Services Department Comments

10. *Inspection Services has no comments on the subject proposal at this time.*



January 25, 2021

Heath Eddy – Planning Manager
Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

RE: Site Plan, 3617 W. Oakwood Road

Dear Mr. Eddy,

I am writing this letter to provide a list of the waivers that are being requested to address a few of the items included in the Site Plan Review comments in your review letter dated January 5th, 2021 for the above referenced project. Below you will see the review comments that waivers are being requested for, along with the section number in either the PDD 39 Design Standards or the South 27th Street Corridor Overlay District, in *italicized text*, and Kapur's corresponding responses in **bold color**.

Waivers Requested – PDD 39 Design Standards

1.) PARKING STANDARDS

- *The majority of parking is located to the front of the buildings, which is out of compliance with Section 15-3.0444.B.D.1.a.iv. The applicant shall request a waiver to remedy this requirement given the current design.*

Section 15-3.0444.B.D.1.a.iv. of PDD 39 Design Standards - Parking in front of buildings shall be designed primarily for visitors and high turnover usage, with employee parking to be located to the side-yard or rear-yard.

Kapur: A waiver is being requested for this requirement. The majority of the employee parking is located at the front of the buildings, in lieu of the side-yards or rear-yards, for three main reason. First and foremost, by having the majority of the employee parking located at the front of the buildings, we are able to minimize traffic conflicts between tractor trailers and passenger vehicles. The current site layout provides separate entrances/exits at each building for tractor trailers and passenger vehicles. There are on-site connections between the parking areas and the tractor trailer access roads, but this is primarily for continuous on-site access around the buildings for maintenance and fire protection.

The second reason the majority of the employee parking is located at the front of the buildings is because the main employee entrances will be located at the front of the buildings. Furthermore, having the parking areas located at the front of the buildings will provide a greater level of safety for employees entering and





exiting the buildings. For these reasons, it is most desirable to place the employee parking areas at the front of the buildings.

2.) *GENERAL SITE DESIGN STANDARDS*

- *The proposed site plan does not comply with Section 15-3.0444.B.D.2.a.i., as more than half the building setback from the future Hickory Street will be covered in parking. **The applicant shall comply with this requirement or request a waiver.***

Section 15-3.0444.B.D.2.a.i. of PDD 39 Design Standards - Not less than one-half of the required building setback area from any dedicated street shall be devoted solely to lawns, trees, shrubs, and other landscaping.

Kapur: A waiver is being requested for this requirement. The majority of the parking is located at the front of the buildings within the building setback from the future S. Hickory Street, in lieu of the side-yards or rear-yards, for three main reasons. First and foremost, by having the majority of the parking located at the front of the buildings, we are able to minimize traffic conflicts between tractor trailers and passenger vehicles. The current site layout provides separate entrances/exits at each building for tractor trailers and passenger vehicles. There are on-site connections between the parking areas and the tractor trailer access roads, but this is primarily for continuous on-site access around the buildings for maintenance and fire protection.

The second reason the majority of the parking is located at the front of the buildings is because the main employee entrances will be located at the front of the buildings. Furthermore, having the parking areas located at the front of the buildings will provide a greater level of safety for employees entering and exiting the buildings. For these reasons, it is most desirable to place the parking areas at the front of the building within the building setback.

3.) *LANDSCAPE STANDARDS – the following are not in compliance with the design standards or the UDO:*

- *Loading Area Landscaping: Screening for Building #1 is adequate though there are a few gaps along the western lot line that must be enclosed with additional landscaping elements. Screening for Building #2 is not adequate. **The applicant shall upgrade the loading area landscaping to create a virtually opaque landscaped buffer lining the length of the loading area.***

Section 15-3.0444.B.D.1.a.v. of PDD 39 Design Standards - Loading and unloading areas shall be located to the side-yard or rear-yard and screened so as to minimize their view from adjacent streets and sites.





Section 15-3.0444.B.D.1.a.vi. of PDD 39 Design Standards - All parking, loading, and unloading areas shall be screened from adjacent streets and sites utilizing landscaping, berms, and/or decorative fences.

Kapur: A waiver is being requested for this requirement. Since the property to the west is unimproved County Park land, the applicant does not understand the need to provide a virtually opaque landscaped buffer lining the entire length of the loading areas for both buildings. In addition, there is already a fairly extensive existing tree line along the western property line of the development, with the majority of the trees located off site. As a result, this tree line will remain in place after construction. Some screening was provided for Building #1 along the northwest portion of the site to provide additional buffer for areas along Oakwood Road west of the site. As a result, the applicant would like to maintain the existing amount of landscaping along the western property line.

4.) ARCHITECTURAL STANDARDS

- *Per Section 15-3.0444.B.D.4.a.ii, the majority of the building facades appear to be precast concrete, which is intended as an acceptable secondary element per Section 15-3.0444.B.D.4.a.iii. The applicant should either modify the materials, including additional non-concrete materials, or request a waiver to this standard.*

Section 15-3.0444.B.D.4.a.ii of PDD 39 Design Standards - All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.

Section 15-3.0444.B.D.4.a.iii of PDD 39 Design Standards - Brick, stone, tile, and custom architectural masonry units are preferred primary materials for the solid (non-window) portion of new buildings or additions.

SPS Architects: A waiver is being requested for this requirement. All exterior materials and finishes are consistent with other buildings of this type in the area.

- *Also, as noted above under Landscaping Standards, the rear loading docks do not comply with Standard 4.a.xi.*

Section 15-3.0444.B.D.4.a.xi. of PDD 39 Design Standards - Outside loading docks shall be located to the side-yard or rear-yard and screened from view from adjacent streets and sites by extended building walls, berms, decorative fencing, and/or landscaping.

Kapur: A waiver is being requested for this requirement. Since the property to the west is unimproved County Park land, the applicant does not understand the need to provide a virtually opaque landscaped buffer lining the entire length of the loading areas for both buildings. In addition, there is already a fairly





extensive existing tree line along the western property line of the development, with the majority of the trees located off site. As a result, this tree line will remain in place after construction. Some screening was provided for Building #1 along the northwest portion of the site to provide additional buffer for areas along Oakwood Road west of the site. As a result, the applicant would like to maintain the existing amount of landscaping along the western property line.

Waivers Requested – South 27th Street Corridor Overlay District Design Requirements

1.) Parking Requirements. (Section 15-3.0352)

- *The proposed site plan shows 163 of 478 parking spaces located to the side or rear of the proposed buildings, well more than half of the parking is provided between the front facades and the public street. **The applicant shall either revise the site plan in compliance with Section 15-3.0352.A., or request a waiver from this standard.***

Section 15-3.0352.A of South 27th Street Corridor Overlay District Design Requirements - Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot.

Kapur: A waiver is being requested for this requirement. The majority of the parking is located at the front of the buildings, in lieu of the side-yards or rear-yards, for three main reason. First and foremost, by having the majority of the parking located at the front of the buildings, we are able to minimize traffic conflicts between tractor trailers and passenger vehicles. The current site layout provides separate entrances/exits at each building for tractor trailers and passenger vehicles. There are on-site connections between the parking areas and the tractor trailer access roads, but this is primarily for continuous on-site access around the buildings for maintenance and fire protection.

The second reason the majority of the employee parking is located at the front of the buildings is because the main employee entrances will be located at the front of the buildings. Furthermore, having the parking areas located at the front of the buildings will provide a greater level of safety for employees entering and exiting the buildings. For these reasons, it is most desirable to place the employee parking areas at the front of the buildings.

2.) Landscape and Site Design General Standards. (Section 15-3.0353)

- *Ref. Section 15-3.0353.F, each building has a main entrance as defined by landscaping elements, but otherwise there is very little to the property design in the way of central areas or gathering places. **Given the type of project these would not be a heavily used feature and would be most likely to be considered for a waiver by the Plan Commission.***





Section 15-3.0353.F of South 27th Street Corridor Overlay District Design Requirements - Each development which contains a building over fifty thousand (50,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

Kapur: A waiver is being requested for this requirement. Based on the type of development this is, it is anticipated that a central pedestrian area or gathering place would not be heavily utilized.

3.) *Architectural Requirements. (Section 15-3.0355)*

- *Ref. Section 15-3.0355.C.5, The proposed building designs are not in compliance with this standard. Some elements of the site design can compensate for the required elements along the ground level, but not entirely to rectify the relative lack of windows and other featured. **The applicant shall revise the site plan to either comply with the requirements in this section or request a waiver.***

Section 15-3.0355.C.5 of South 27th Street Corridor Overlay District Design Requirements - The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of twenty (20) percent of all of the combined façades of the structure shall employ actual façade protrusions or recesses. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet for buildings over fifty thousand (50,000) square feet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are on properties that are in any part within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is strongly encouraged.

SPS Architects: A waiver is being requested for this requirement.

- *Ref. Section 15-3.0355.C.6, the proposed building entrances are not clearly differentiated, except with some landscaping designs for the “main” entrance. There are no other physical elements incorporated within the building design to highlight or draw attention to the building entrances, and the rest of the design doesn’t do anything to indicate where these locations are. The façade facing Oakwood Road doesn’t include any entrances, only the*





*required emergency exits as required by Building Code. **Waivers to this requirement would be needed, but some elements to compensate would be required in lieu of compliance.***

Section 15-3.0355.C.6 of South 27th Street Corridor Overlay District Design Requirements - Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Unless exempted by the Plan Commission, all sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two (2) sides of any building.

SPS Architects: A waiver is being requested for this requirement.

- *Per Section 15-3.0355.C.9, the site design around Building #1 is generally compliant, with a few gaps to fill in with landscaping. However, the loading area for Building #2 is not compliant. Virtually no landscaping is shown in this area or indicated in the trees along the edge of the property which are proposed to remain. Mechanical equipment and dumpster locations are not specified. **Staff comments on this are addressed earlier, though any request for a waiver would have to reference this section as well.***

Section 15-3.0355.C.9 of South 27th Street Corridor Overlay District Design Requirements - Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.

Kapur: A waiver is being requested for this requirement. Since the property to the west is unimproved County Park land, the applicant does not understand the need to provide a virtually opaque landscaped buffer lining the entire length of the loading areas for both buildings. In addition, there is already a fairly extensive existing tree line along the western property line of the development, with the majority of the trees located off site. As a result, this tree line will remain in place after construction. Some screening was provided for Building #1 along the northwest portion of the site to provide additional buffer for areas along Oakwood Road west of the site. As a result, the applicant would like to maintain the existing amount of landscaping along the western property line.





STEPHEN
PERRY
SMITH
ARCHITECTS, INC.

March 29, 2021

Heath Eddy – Planning Manager
Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

RE: WANGARD OAKWOOD INDUSTRIAL BUILDING I DESIGN WAIVER
3617 W. OAKWOOD ROAD

Dear Heath,

We are requesting a waiver from the City of Franklin Unified Development Ordinance Section 15-3.0444.B.D.4.a.ii for the use of painted precast wall materials as a primary building element. The proposed material selection and finishes being proposed is consistent with buildings of this type in the area. To help delineate the building scale, we are proposing multiple colors in blocks of patterns to help differentiate the façade along the public sides of the building.

Stephen Perry Smith Architects, Inc.

Matthew A. Mano, Architect, LEED AP
Vice-President

City of Franklin, WI
Thursday, October 22, 2020

Chapter UDO. Unified Development Ordinance

Part 3. Zoning Districts: District Establishment, Dimensional, and Use Regulations

Division 15-3.0500. Site Intensity and Capacity Calculations

§ 15-3.0501. Natural Resource Protection and Site Intensity and Capacity Calculations for Residential and Nonresidential Uses Required.

- A Recognition of Natural Resource Features This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance
- B When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of § 15-3 0501C of the Unified Development Ordinance
- C Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required) Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998 A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available, and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger

surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4 0102, located on the parcels of the Certified Survey Map based upon the "best available" information, (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remnant" parcel, and iii) the following note shall be placed upon the face of such Certified Survey Map "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel." For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in § 15-4 0102A, B, C, D, and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use, determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee, however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval. A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4 0102, located on the parcels of the Certified Survey Map based upon the "best available" information, (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels", and iii) the following note shall be placed upon the face of such Certified Survey Map "The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel."

[Amended 1-21-2020 by Ord No 2020-2414]

§ 15-3.0502. Calculation of Base Site Area.

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

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.		41.73	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 "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	-	0	acres
STEP 5:	Equals "Base Site Area"	=	41.73	acres

§ 15-3.0503. Calculation of the Area of Natural Resources to Be Protected.

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

Table 15-3.0503				
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	

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	0	
				=	0	
20-30%	0.65	0.75	0.70	X	0	
				=	0	
+ 30%	0.90	0.85	0.80	X	0	
				=	0	
Woodlands & Forests:						
Mature	0.70	0.70	0.70	X	0	
				=	0	
Young	0.50	0.50	0.50	X	0.87	
				=	0.44	
Lakes & Ponds	1	1	1	X	0.30	
				=	0.30	
Streams	1	1	1	X	0	
				=	0	
Shore Buffer	1	1	1	X	0.71	
				=	0.71	
Floodplains	1	1	1	X	0	
				=	0	
Wetland Buffers	1	1	1	X	2.18	
				=	2.18	
Wetlands & Shoreland Wetlands	1	1	1	X	2.28	
				=	2.28	
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)						5.91

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.

§ 15-3.0505. Calculation of Site Intensity and Capacity for Nonresidential Uses.

In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

A. Maximum Permitted Floor Area for a Retail Building:

1. Notwithstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
 - a. B-1 Neighborhood Business District.
 - b. B-2 General Business District.
 - c. B-3 Community Business District.
 - d. B-5 Highway Business District.
2. Notwithstanding, any other provision of this Ordinance, no special use permit, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).

Zoned PDD 39 (Mixed Use Business Park)
Assumed Industrial General Use Type

Table 15-3.0505		
Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development		
STEP 1:	CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE: Take Base Site Area (from Step 5 in Table 15-3.0502): <u>41.73</u> . Multiple by Minimum Landscape Surface Ratio (LSR) (see specific zoning district LSR standard): X <u>0.45</u> Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE =	18.78 acres
STEP 2:	CALCULATE NET BUILDABLE SITE AREA: Take Base Site Area (from Step 5 in Table 15-3.0502): <u>41.73</u> Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required Landscape Surface (from Step 1 above), whichever is greater: - <u>18.78</u> Equals NET BUILDABLE SITE AREA =	22.95 acres

Table 15-3.0505		
Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development		
STEP 3:	<p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE: Take Net Buildable Site Area (from Step 2 above): <u>22.95</u> Multiple by Maximum Net Floor Area Ratio (NFAR) (see specific nonresidential zoning district NFAR standard): X <u>0.91</u> Equals MAXIMUM NET FLOOR AREA YIELD OF SITE =</p>	<p>20.88 acres</p>
STEP 4:	<p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE: Take Base Site Area (from Step 5 of Table 15-3.0502): <u>41.73</u> Multiple by Maximum Gross Floor Area Ratio (GFAR) (see specific nonresidential zoning district GFAR standard): X <u>0.50</u> Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =</p>	<p>20.87 acres</p>
STEP 5:	<p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE: Take the lowest of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):</p> <p>(Multiple results by 43,560 for maximum floor area in square feet):</p>	<p>20.87 acres (<u>909,097</u> square feet)</p>

SHEET KEYNOTES

- 0501 EXISTING UTILITIES AND ENVIRONMENTAL CORROSION
- 0502 CONCRETE FLOOR
- 0503 CONCRETE CURB AND GUTTER
- 0504 CONCRETE DRIVEWAY
- 0505 ASPHALT DRIVEWAY
- 0506 ASPHALT DRIVEWAY
- 0507 ASPHALT DRIVEWAY
- 0508 ASPHALT DRIVEWAY
- 0509 ASPHALT DRIVEWAY
- 0510 ASPHALT DRIVEWAY
- 0511 ASPHALT DRIVEWAY
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- 0529 ASPHALT DRIVEWAY
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- 0596 ASPHALT DRIVEWAY
- 0597 ASPHALT DRIVEWAY
- 0598 ASPHALT DRIVEWAY
- 0599 ASPHALT DRIVEWAY
- 0600 ASPHALT DRIVEWAY

SITE SUMMARY

SITE AREA:
 PROPOSED BUILDING AND 1ST FLOOR: 236,180 SF
 PROPOSED PAVING: 10,000 SF
 GREEN SPACE: 10,000 SF

STANDARD PARKING: 11 PARKING SPACES
WANGARD SPACES REQUIRED: 11 PARKING SPACES
WANGARD SPACES PROVIDED: 11 PARKING SPACES
WANGARD ACCESSIBLE SPACES PROVIDED: 11 PARKING SPACES
LOCAL PARKING SPACES: 11 PARKING SPACES



215 N. WATER STREET, SUITE 250
 MILWAUKEE, WISCONSIN 53202
 T 414.277.9700 | F 414.277.9705
 sps@architects.com

PROJECT
 PROPOSED BUILDING:
OAKWOOD INDUSTRIAL I
 FRANKLIN, WISCONSIN

OWNER
WANGARD

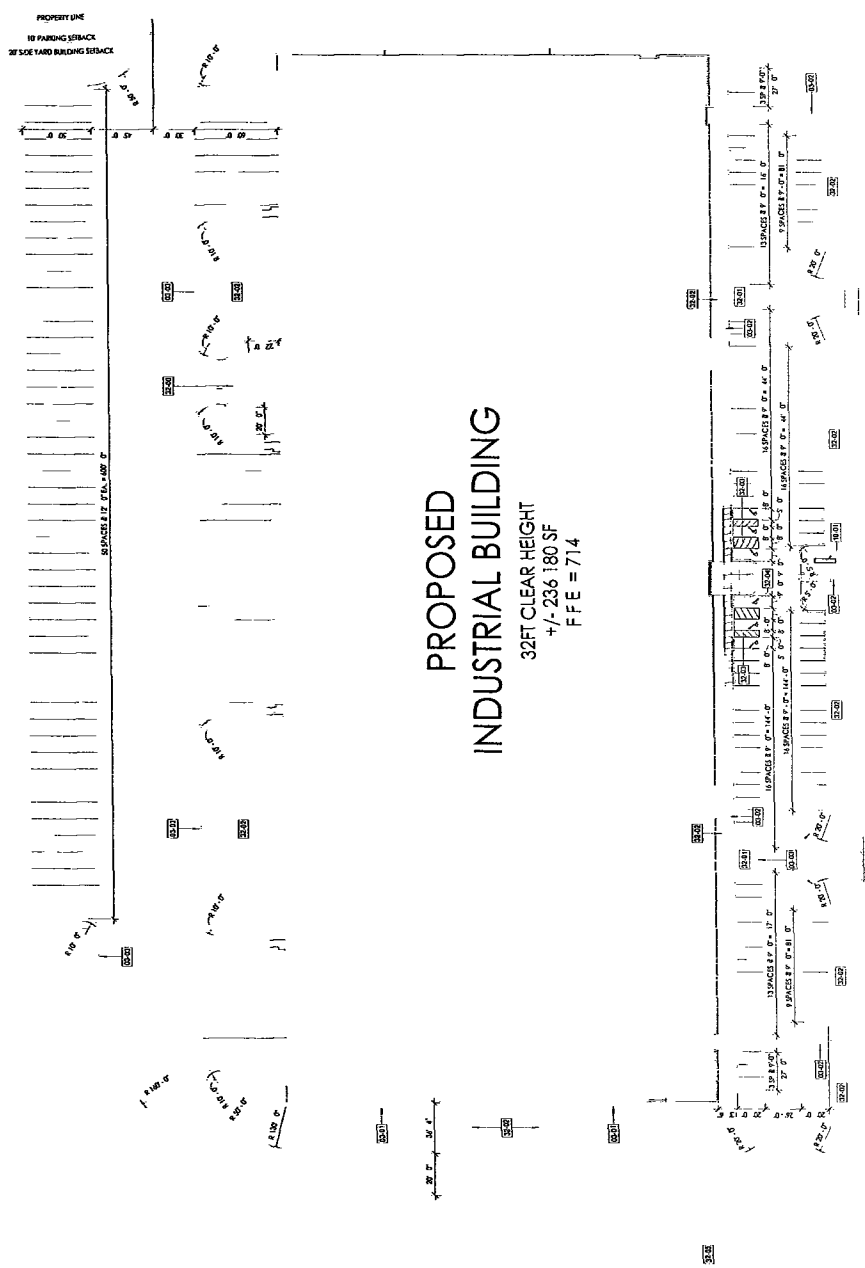
REVISIONS
 NO. DESCRIPTION DATE

INFORMATION
 PROJECT ARCHITECT: MAM
 PROJECT MANAGER: MAM
 PROJECT NUMBER: 201240
 ISSUED FOR: MUNICIPAL REVIEW
 DATE: MARCH 22, 2021

SHEET
 ARCHITECTURAL SITE PLAN

A050

WEST OAKWOOD ROAD



ARCHITECTURAL SITE PLAN
 SCALE: 1" = 60'

FUTURE SOUTH HICKORY STREET

SHEET NOTES
 1. SEE ALL NOTES ON ALL SHEETS.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



215 N. WATER STREET SUITE 250
 MILWAUKEE, WISCONSIN 53202
 T. 414.277.9700 | F. 414.277.9705
 spsarchitects.com



PROJECT
 PROPOSED BUILDING:
OAKWOOD INDUSTRIAL I
 FRANKLIN, WISCONSIN

OWNER



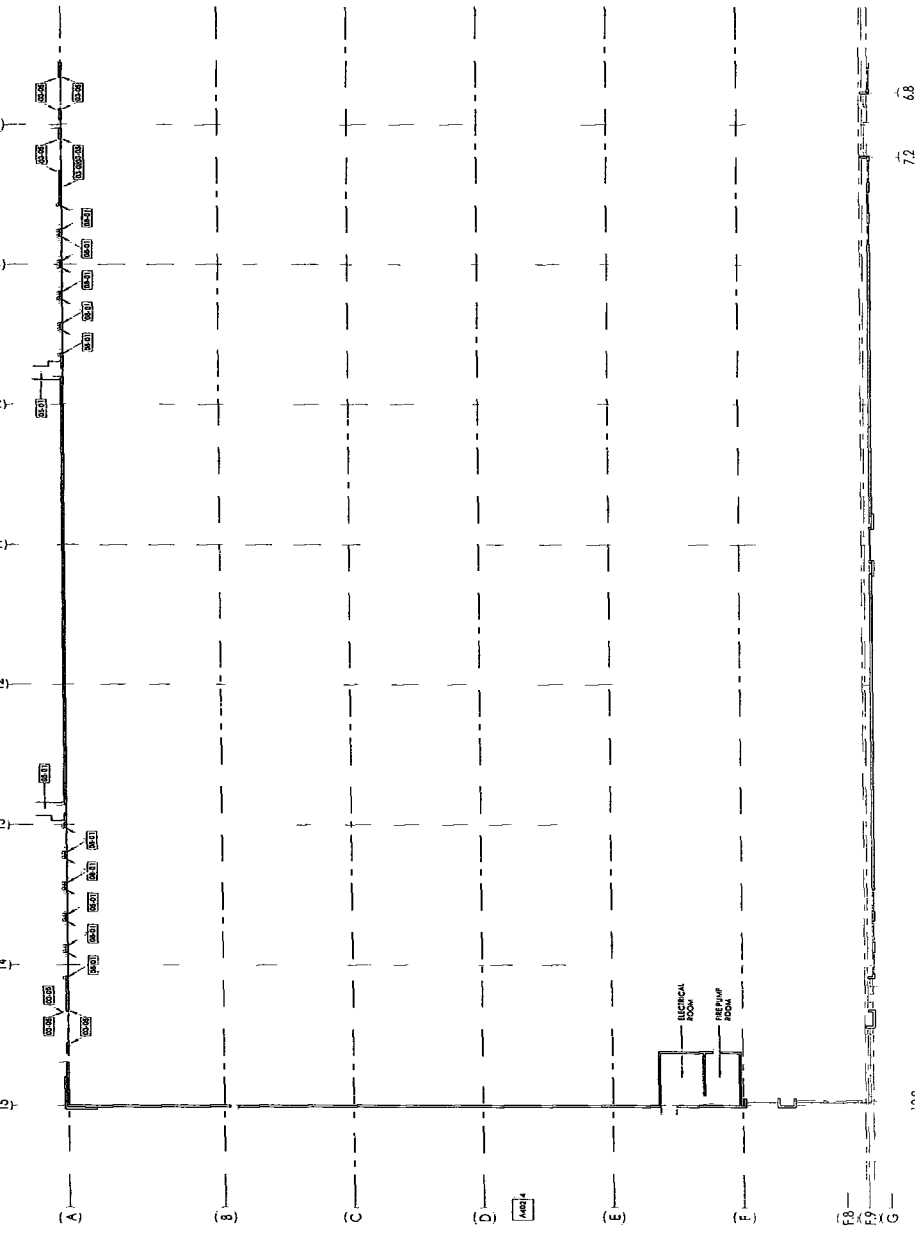
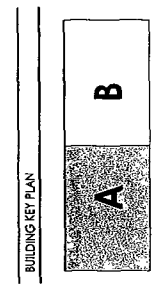
REVISIONS
 NO. DESCRIPTION DATE

INFORMATION
 PROJECT ARCHITECT: MAM
 PROJECT MANAGER: MAM
 PROJECT NUMBER: 201203
 ISSUED FOR: MUNICIPAL REVIEW
 DATE: MARCH 29, 2021

SHEET
 CONSTRUCTION PLAN A - BUILDING I

A101A

- GENERAL PLAN NOTES**
1. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES HAVING JURISDICTION.
 2. GENERAL CONTRACTOR TO OBTAIN AND PAY FOR ALL PERMITS AND APPROVALS AS REQUIRED BY THE APPLICABLE AGENCIES AND AUTHORITIES HAVING JURISDICTION.
 3. ALL SHED AREAS ARE TO BE FINISHED WITH CONCRETE ON GRADE.
 4. DO NOT SCALE THE DRAWINGS. VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONSULT THE ARCHITECT FOR ANY DISCREPANCIES OR CONFLICTS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES HAVING JURISDICTION.
 6. IF THERE ARE ANY CONFLICTS BETWEEN THE GENERAL CONTRACTOR'S INTERPRETATION OF THE DRAWINGS AND THE ARCHITECT'S INTENT, THE CONTRACTOR SHALL CONSULT THE ARCHITECT FOR CLARIFICATION.
 7. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 8. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 9. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 10. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 11. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 12. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 13. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 14. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 15. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 16. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 17. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 18. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 19. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.
 20. CONTRACTOR TO PROVIDE A COMPLETE AND THOROUGH CLAIMING FOR THE ENTIRE PROJECT.



129

72 68

CONSTRUCTION PLAN A' - BUILDING I
 SCALE: 3/8" = 1'-0"

INFORM

SHEET KEYNOTES

- 0300 CONCRETE PER FOUNDATION AND WALL
- 0400 CONCRETE PER FOUNDATION WITH TYPICAL PLASTIC BARRIER
- 0600 TYPICAL DOOR
- 0601 TYPICAL DOOR



215 N WATER STREET SUITE 250
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sp architects.com



PROJECT

PROPOSED BUILDING:
OAKWOOD INDUSTRIAL I
FRANKLIN, WISCONSIN

OWNER



REVISIONS

NO. DESCRIPTION DATE

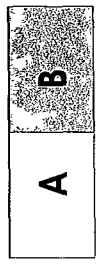
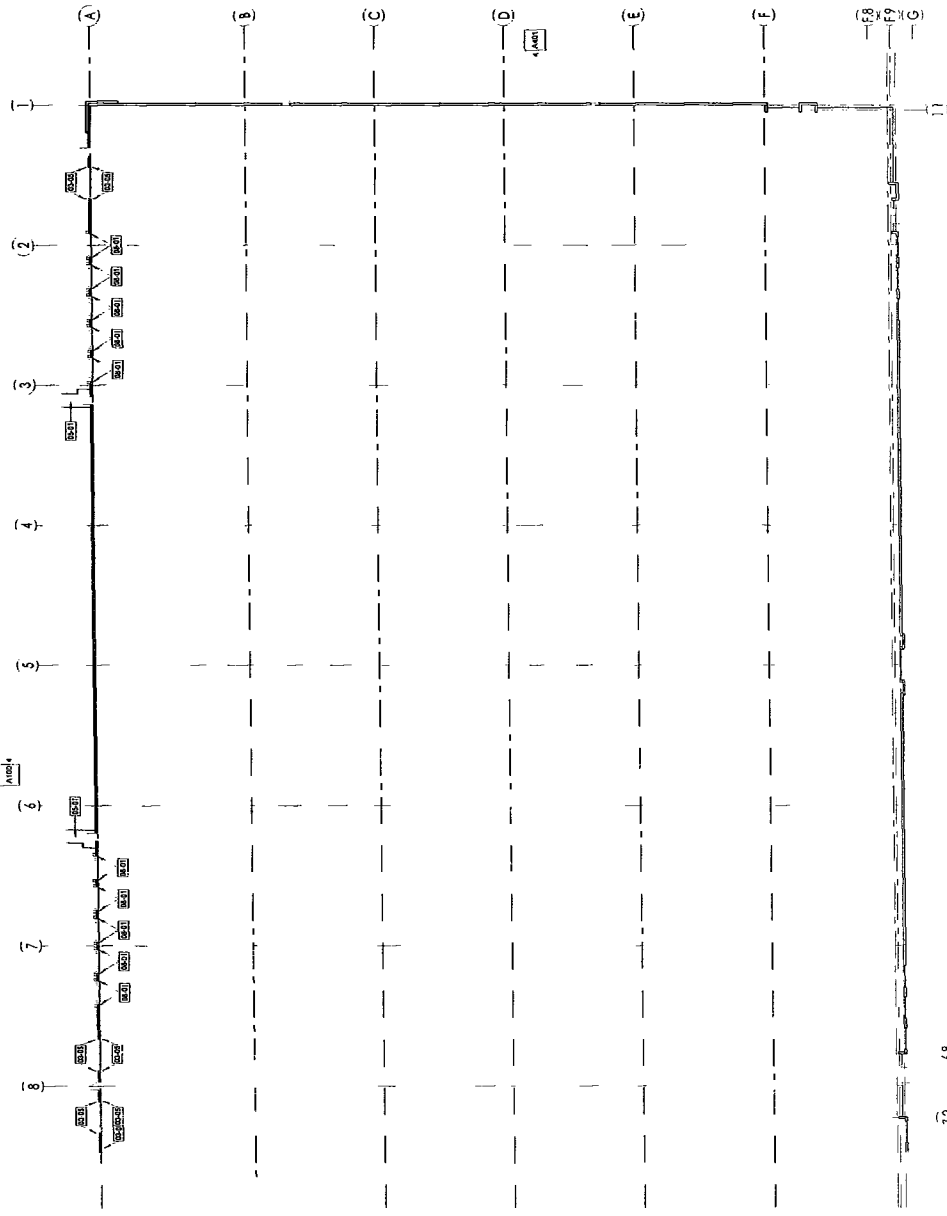
INFORMATION

PROJECT ARCHITECT: MAM
PROJECT MANAGER: MAM
PROJECT NUMBER: 201293
ISSUED FOR: MUNICIPAL REVIEW
DATE: MARCH 29, 2021

SHEET

CONSTRUCTION PLAN 'B' - BUILDING I

A101B



BUILDING KEY PLAN

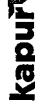
GENERAL PLAN NOTES

- A. COMPLETE CORE LINE, CORNER CUT, LINE OF APPROXIMATE FINISH, AND INTERSECTION AS REQUIRED BY RELEVANT HAVING JURISDICTION.
- B. ALL SHOWN ARE NOT INCLUDED IN THE TOWER BUILD-OUT.
- C. DO NOT SCALE IN DRAWINGS. VERIFY DIMENSIONS ON PAPER. THE RESPONSIBILITY OF THE CONTRACTOR TO CONSULT THE ARCHITECT'S RESPONSIBILITY FOR THE PROJECT.
- D. VERIFY ALL DIMENSIONS AND LOCATIONS WITH THE ARCHITECT BEFORE CONSTRUCTION.
- E. IF THERE ARE ANY CONFLICTS BETWEEN THIS PLAN AND OTHER SHEETS AND REVISED ORIGINAL CONTRACTOR TO CONSULT THE ARCHITECT BEFORE PROCEEDING.
- F. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- G. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- H. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- I. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- J. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- K. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- L. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- M. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- N. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- O. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.
- P. CONTRACTOR TO PROVIDE A COMPLETE AND DETAILED DRAWING FOR THE ENTIRE BUILDING.

CONSTRUCTION PLAN 'B' - BUILDING I
SCALE: 3/4" = 1'-0"



215 N. WATER STREET, SUITE 250
MILWAUKEE, WISCONSIN 53202
T 414.277.9700 | F 414.277.9705
spsa@architects.com



PROJECT

PROPOSED BUILDING:
OAKWOOD INDUSTRIAL I
FRANKLIN, WISCONSIN

OWNER



REVISIONS

NO. DESCRIPTION DATE

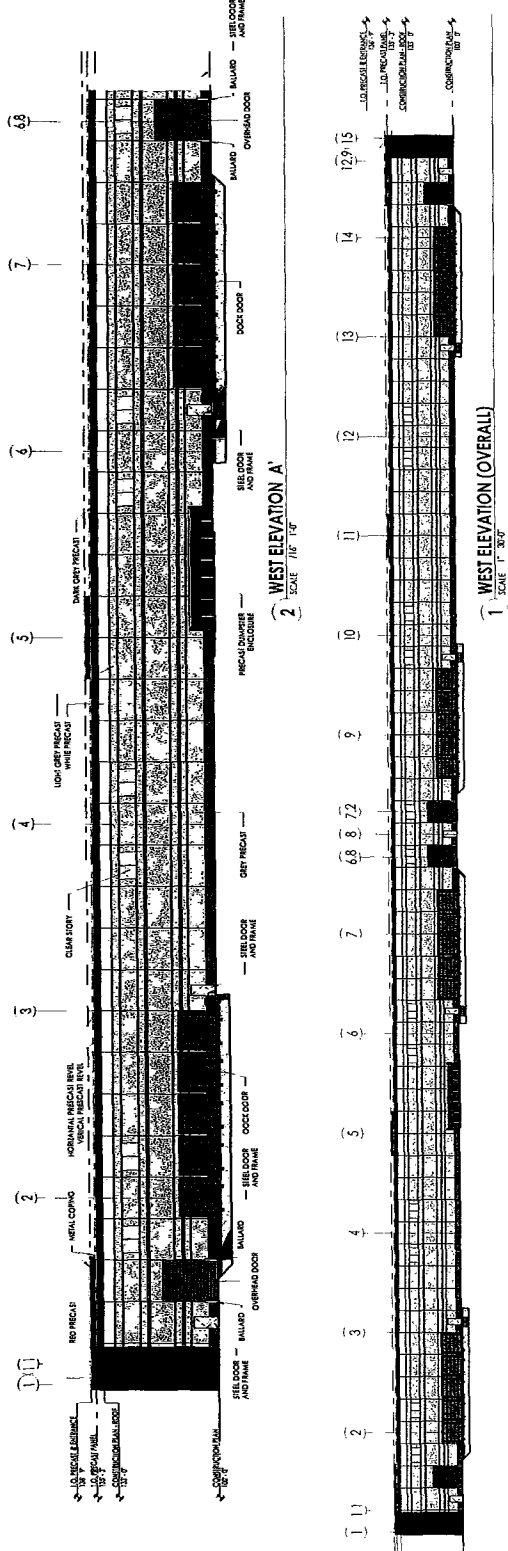
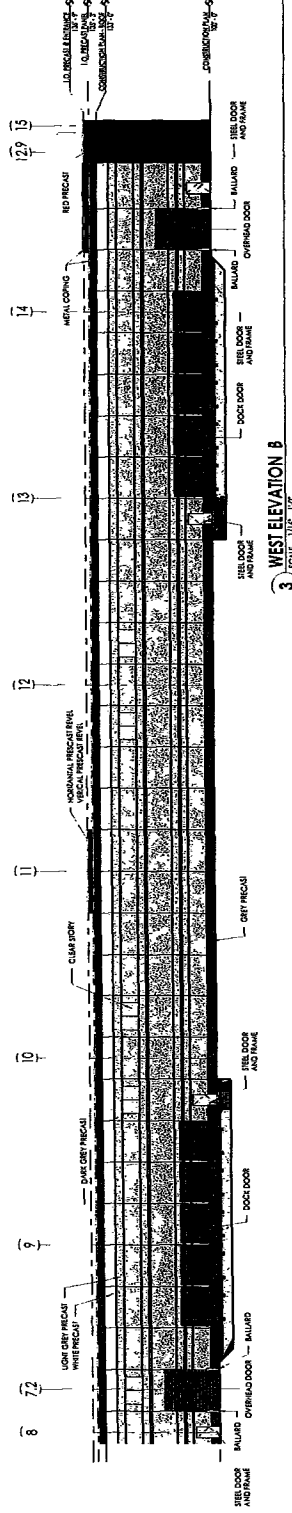
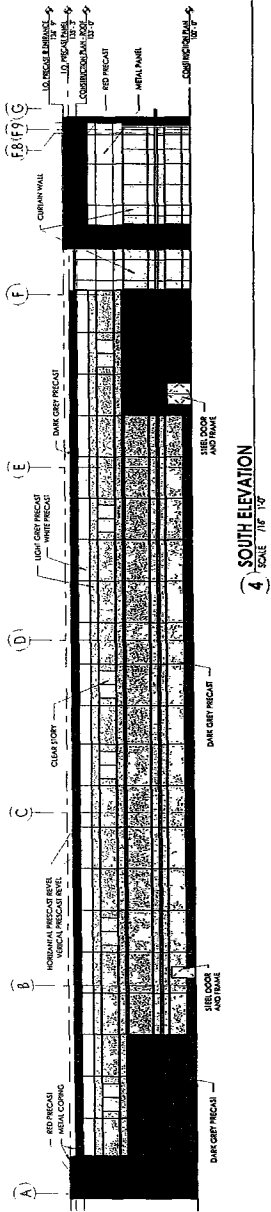
INFORMATION

PROJECT ARCHITECT: MAMA
PROJECT MANAGER: MAMA
PROJECT NUMBER: 201209
ISSUED FOR: MUNICIPAL REVIEW
DATE: MARCH 22, 2021

SHEET

BUILDING ELEVATIONS - WEST AND SOUTH

A402



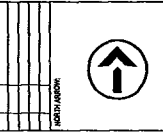
PROJECT:
OAKWOOD INDUSTRIAL

LOCATION:
 5817 W. OAKWOOD RD.
 FRANKLIN WISCONSIN

CLIENT:
WANGARD PARTNERS, INC.

RELEASE:
PLAN COMMISSION SUBMITTAL

NO.	DATE	DESCRIPTION



SCALE: 1" = 40'

SCALE:

all in

SHEET:
SITE LAYOUT PLAN AREA B

PROJECT NUMBER:
 DRAWING NUMBER:
 SHEET NUMBER:
C1.22B

APPLICANT: **WANGARD PROPERTY ACQUISITIONS LLC**
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1200
 mlake@wangard.com

APPLICANT'S REPRESENTATIVE:
MARK LAKE
 WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 mlake@wangard.com

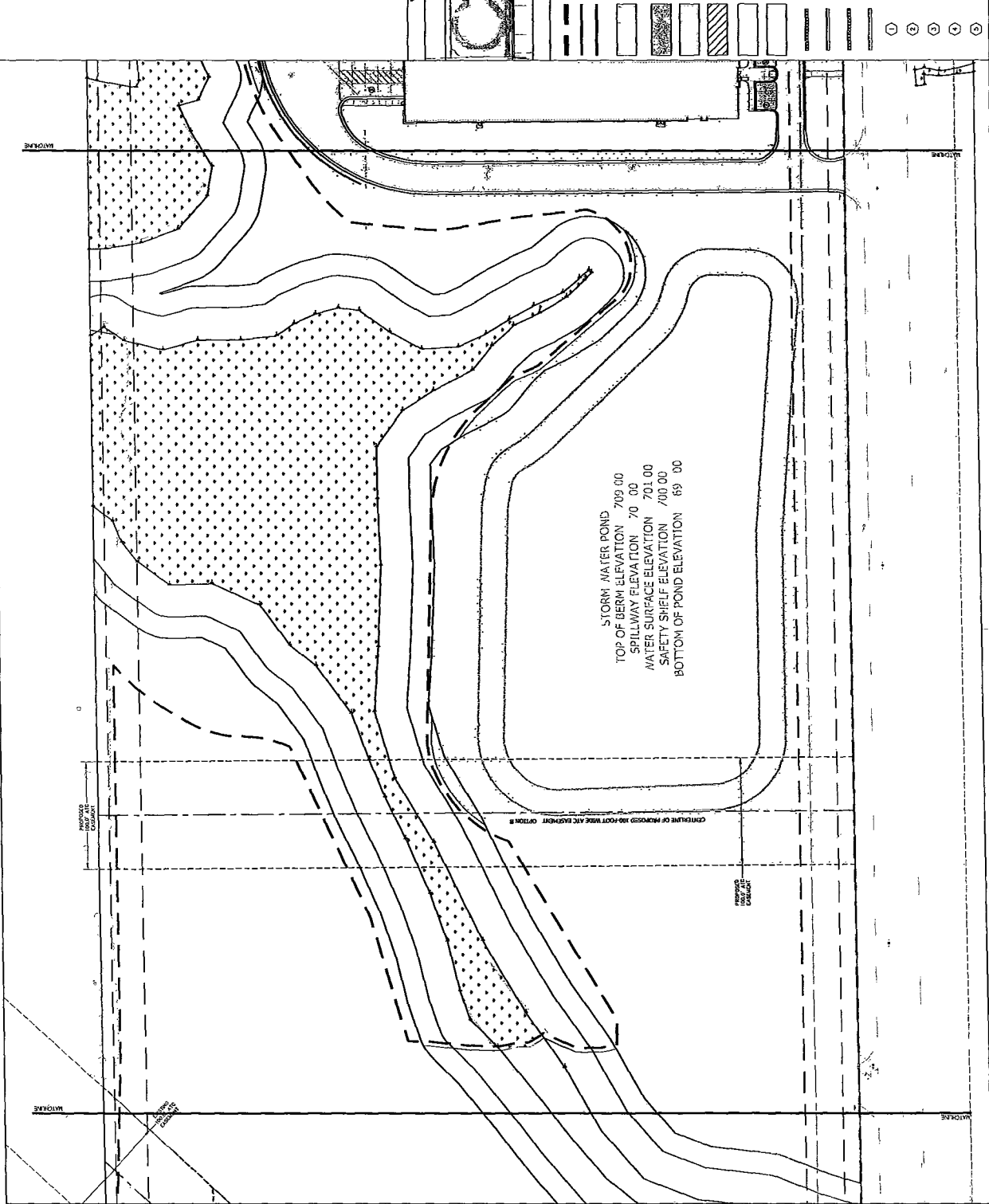
PROPERTY OWNER:
WENDT FAMILY TRUST
 FRANKLIN WISCONSIN
 laczarekthomas@gmail.com

CIVIL ENGINEER:
KAPUR ENGINEERING, P.C.
 KAPUR & ASSOCIATES, INC.
 7711 N. FORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 414-781-7246
 mk@kapurinc.com

VICINITY MAP

KEY INDEX

- PROJECT LIMITS
- 30" REINFORCED CONCRETE (PLAIN R/W)
- 48" REINFORCED CONCRETE (PLAIN R/W)
- 60" REINFORCED CONCRETE (PLAIN R/W)
- 72" REINFORCED CONCRETE (PLAIN R/W)
- 84" REINFORCED CONCRETE (PLAIN R/W)
- 96" REINFORCED CONCRETE (PLAIN R/W)
- 108" REINFORCED CONCRETE (PLAIN R/W)
- 120" REINFORCED CONCRETE (PLAIN R/W)
- 132" REINFORCED CONCRETE (PLAIN R/W)
- 144" REINFORCED CONCRETE (PLAIN R/W)
- 156" REINFORCED CONCRETE (PLAIN R/W)
- 168" REINFORCED CONCRETE (PLAIN R/W)
- 180" REINFORCED CONCRETE (PLAIN R/W)
- 192" REINFORCED CONCRETE (PLAIN R/W)
- 204" REINFORCED CONCRETE (PLAIN R/W)
- 216" REINFORCED CONCRETE (PLAIN R/W)
- 228" REINFORCED CONCRETE (PLAIN R/W)
- 240" REINFORCED CONCRETE (PLAIN R/W)
- 252" REINFORCED CONCRETE (PLAIN R/W)
- 264" REINFORCED CONCRETE (PLAIN R/W)
- 276" REINFORCED CONCRETE (PLAIN R/W)
- 288" REINFORCED CONCRETE (PLAIN R/W)
- 300" REINFORCED CONCRETE (PLAIN R/W)



PROJECT:	OAKWOOD INDUSTRIAL
LOCATION:	3817 W OAKWOOD RD, FRANKLIN, WISCONSIN

CLIENT:	WANGARD PARTNERS, INC.
---------	------------------------

RELEASE:	PLAN COMMISSION SUBMITTAL
----------	---------------------------

REV.	DATE	DESCRIPTION

SCALE: 1" = 30'

PROJECT NUMBER:	2004017
DATE:	02/20/17
SHEET NUMBER:	C1.31A

APPLICANT:
 STEWART H. WANGARD
 WP PROPERTY ACQUISITIONS LLC
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1200
 mhsl@wangard.com

APPLICANT'S REPRESENTATIVE:
 MARK LAKE
 WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-305-4014
 mlake@wangard.com

PROPERTY OWNER:
 WENDY FAMILY TRUST
 8113 S. FOREST HILLS CIRCLE
 FRANKLIN, WI 53132
 hscramm@me.com

CIVIL ENGINEER:
 MICHAEL J. FROELICH, P.E.
 KAPUR & ASSOCIATES, INC.
 7711 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 mfr@kapurinc.com

VICINITY MAP

KEY INDEX

PROJECT LIMITS

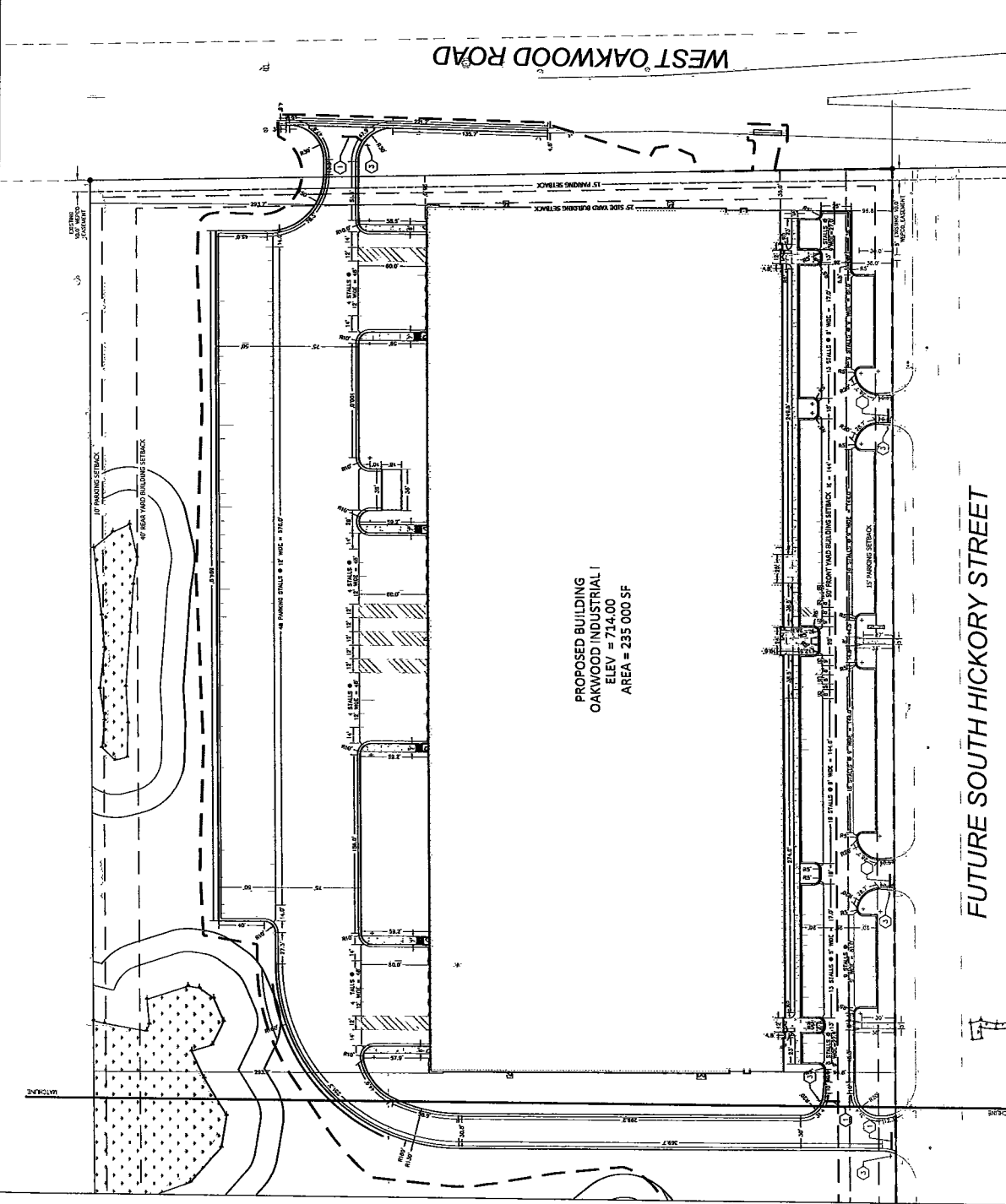
- 30' WELAND BUFFER NO TRASH
- 30' WELAND SETBACK NO BUILD

1 PARKING MARKING 1500 WELAND SETBACK

2 CANTONMENT MARKING 1500 WELAND SETBACK

3

STOP
 30' X 30'



PROJECT:
**OAKWOOD
 INDUSTRIAL**

LOCATION:
**3827 W. OAKWOOD RD.
 FRANKLIN WISCONSIN**

CLIENT:
**WANGARD
 PARTNERS, INC.**

PACKAGE:
**PLAN COMMISSION
 SUBMITTAL**

NO.	DATE	DESCRIPTION

NORTH ARROW



SCALE
 1" = 40'
 REAL

all in

SHEET:
**SITE GRADING PLAN
 AREA B**

PROJECT MANAGER	PROJECT NUMBER	DATE	STATUS

SHEET NUMBER:
C1.42B

APPLICANT:
**STEWART N. WANGARD
 PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1200
 mlw@stwnw.com**

APPLICANT'S REPRESENTATIVE:
**MARK LAKE
 WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 mlw@stwnw.com**

PROPERTY OWNER:
**WENTZ FAMILY TRUST
 2115 S. FOREST HILLS CIRCLE
 MILWAUKEE, WI 53227
 keenan@wentz.com**

CIVIL ENGINEER:
**MICHAEL T. FRODLICH, P.E.
 7711 N. EAST WASHINGTON ROAD
 MILWAUKEE, WI 53217
 mtfro@kapurinc.com**

VICINITY MAP

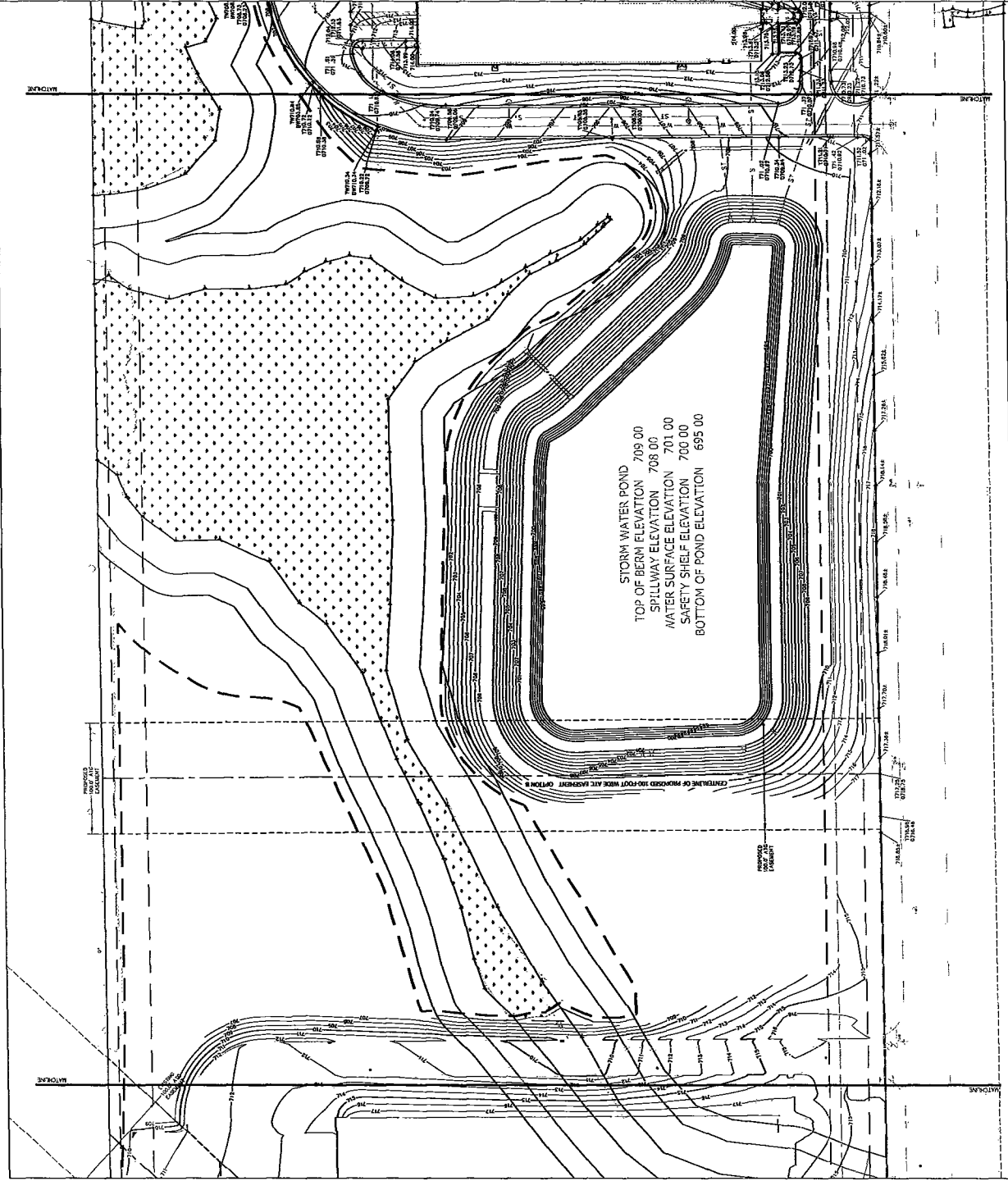


GRADING NOTES

GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS AND ELEVATIONS FOR ALL EXISTING AND PROPOSED STRUCTURES AND UTILITIES. ALL DIMENSIONS AND ELEVATIONS SHALL BE TO THE TOP OF FINISH GRADE UNLESS OTHERWISE NOTED. ALL DIMENSIONS AND ELEVATIONS SHALL BE TO THE TOP OF FINISH GRADE UNLESS OTHERWISE NOTED. ALL DIMENSIONS AND ELEVATIONS SHALL BE TO THE TOP OF FINISH GRADE UNLESS OTHERWISE NOTED.

KEY INDEX

- PROJECT LIMITS
- EXISTING CONTOUR MARK
- PROPOSED CONTOUR MARK
- PROPOSED SPOT GRADE
- EXISTING SPOT GRADE
- PROPOSED TOP OF CURB
- EXISTING TOP OF CURB
- PROPOSED TOP OF WALL
- EXISTING TOP OF WALL
- PROPOSED BOTTOM OF WALL
- EXISTING BOTTOM OF WALL
- DRAINAGE SWALE



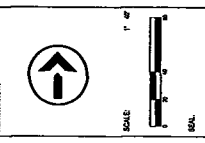
PROJECT:
 OAKWOOD
 INDUSTRIAL

LOCATION:
 3817 W OAKWOOD RD,
 FRANKLIN, WISCONSIN

CLIENT:
 WANGARD
 PARTNERS, INC.

TITLE:
 PLAN COMMISSION
 SUBMITTAL

NO.	DATE	DESCRIPTION



SHEET:
 SITE GRADING PLAN
 AREA C

PROJECT MANAGER:
 WANGARD

DRAWN BY:
 WANGARD

CHECKED BY:
 WANGARD

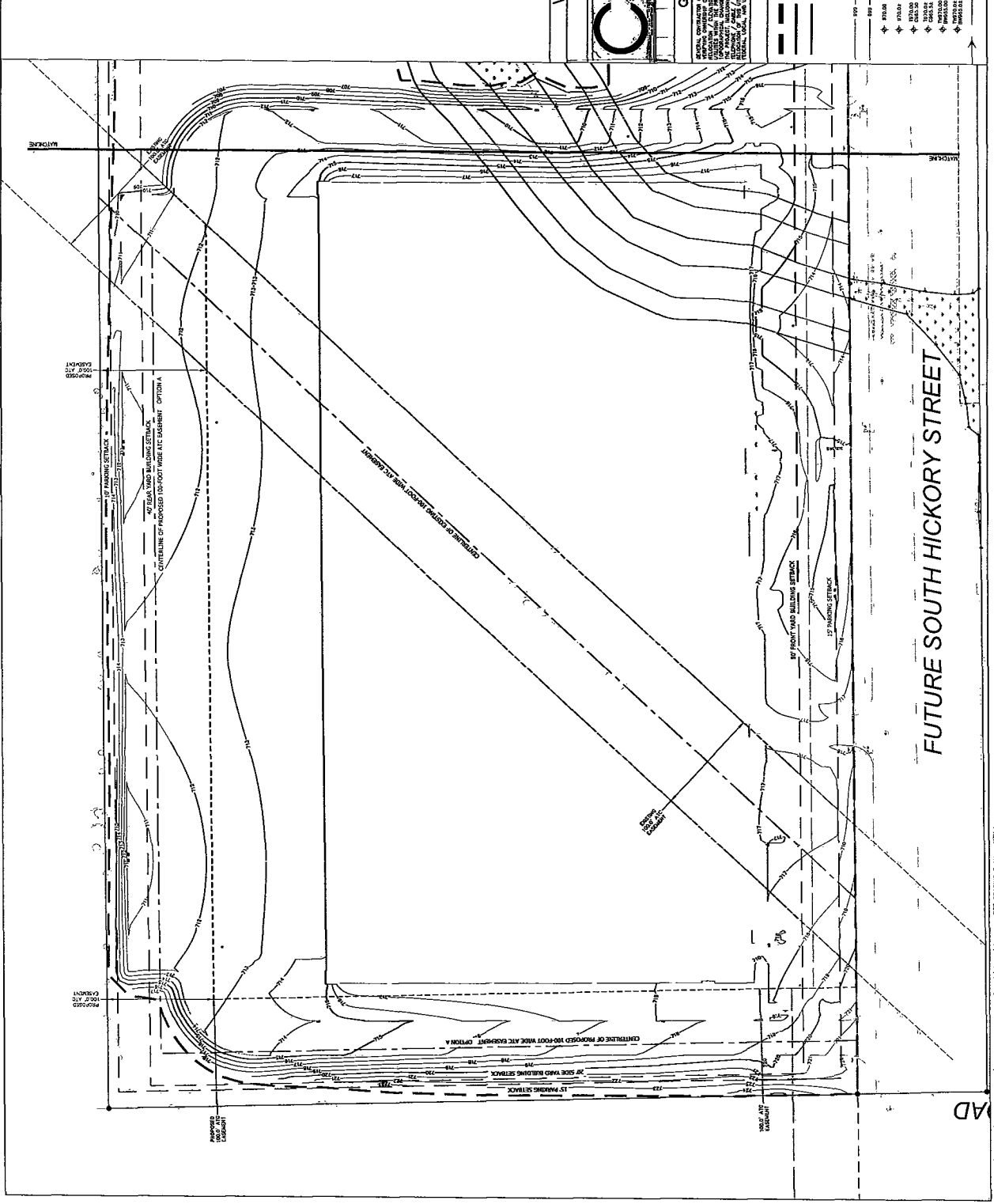
SHEET NUMBER:
C1.43C

APPLICANT:
 STEWART M. WANGARD
 WP PROPERTY ACQUISITIONS LLC
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1500
 mlw@wngard.com

APPLICANT'S REPRESENTATIVE:
 WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-555-4074
 mlw@wngard.com

PROPERTY OWNER:
 WENDT FAMILY TRUST
 8113 S. FOREST HILLS CIRCLE
 FRANKLIN, WI 53132
 wscorrelations@gmail.com

CIVIL ENGINEER:
 MICHAEL J. FROELICH, P.E.
 KAPUR & ASSOCIATES, INC.
 7711 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 414-251-2245
 mfr@kapurinc.com



GRADING NOTES

VERTICAL CURVES TO BE USED CONFORMANCE WITH REQUIREMENTS OF THE
 NATIONAL ASSOCIATION OF STATE HIGHWAY ENGINEERS (NASHPE) AND
 THE NATIONAL ASSOCIATION OF GRADE AND CONSTRUCTION. THE GRADE FOR ALL
 EXISTING AND PROPOSED DRIVEWAYS SHALL BE DETERMINED BY THE
 EXISTING DRIVEWAY GRADE AND THE PROPOSED DRIVEWAY GRADE ON
 THE DRIVEWAY CENTERLINE. DRIVEWAY GRADES SHALL BE DETERMINED BY
 THE DRIVEWAY CENTERLINE GRADE AND THE DRIVEWAY GRADE ON THE
 DRIVEWAY CENTERLINE. DRIVEWAY GRADES SHALL BE DETERMINED BY THE
 DRIVEWAY CENTERLINE GRADE AND THE DRIVEWAY GRADE ON THE
 DRIVEWAY CENTERLINE.

KEY INDEX

PROJECT LIMITS
 10' TYPICAL SETBACK
 20' TYPICAL SETBACK
 30' TYPICAL SETBACK
 40' TYPICAL SETBACK
 50' TYPICAL SETBACK
 60' TYPICAL SETBACK
 70' TYPICAL SETBACK
 80' TYPICAL SETBACK
 90' TYPICAL SETBACK
 100' TYPICAL SETBACK

PROPOSED SPOT GRADE

PROPOSED SPOT GRADE
 10' TYPICAL SETBACK
 20' TYPICAL SETBACK
 30' TYPICAL SETBACK
 40' TYPICAL SETBACK
 50' TYPICAL SETBACK
 60' TYPICAL SETBACK
 70' TYPICAL SETBACK
 80' TYPICAL SETBACK
 90' TYPICAL SETBACK
 100' TYPICAL SETBACK

APPLICANT: WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1200
 mlake@kapuri.com

APPLICANT'S REPRESENTATIVE:
 MARY LAKE
 WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-585-6074
 mlake@kapuri.com

PROPERTY OWNER:
 WEST FAMILY TRUST
 8700 W. WISCONSIN AVENUE
 FRANKLIN, WI 53132
 keczmar@bommar@gmail.com

CIVIL ENGINEER: LUCY P. E.
 KAPURI & ASSOCIATES, INC.
 7711 N. FORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 414-781-7246
 mp@kapuri.com

VICINITY MAP

POINTS OF CONTACT

OWNER: WANGARD PARTNERS, INC.
CONTACT: MARY LAKE
PHONE: 414-585-6074
EMAIL: mlake@kapuri.com

DESIGNER: KAPURI & ASSOCIATES, INC.
CONTACT: LUCY P. E.
PHONE: 414-781-7246
EMAIL: mp@kapuri.com

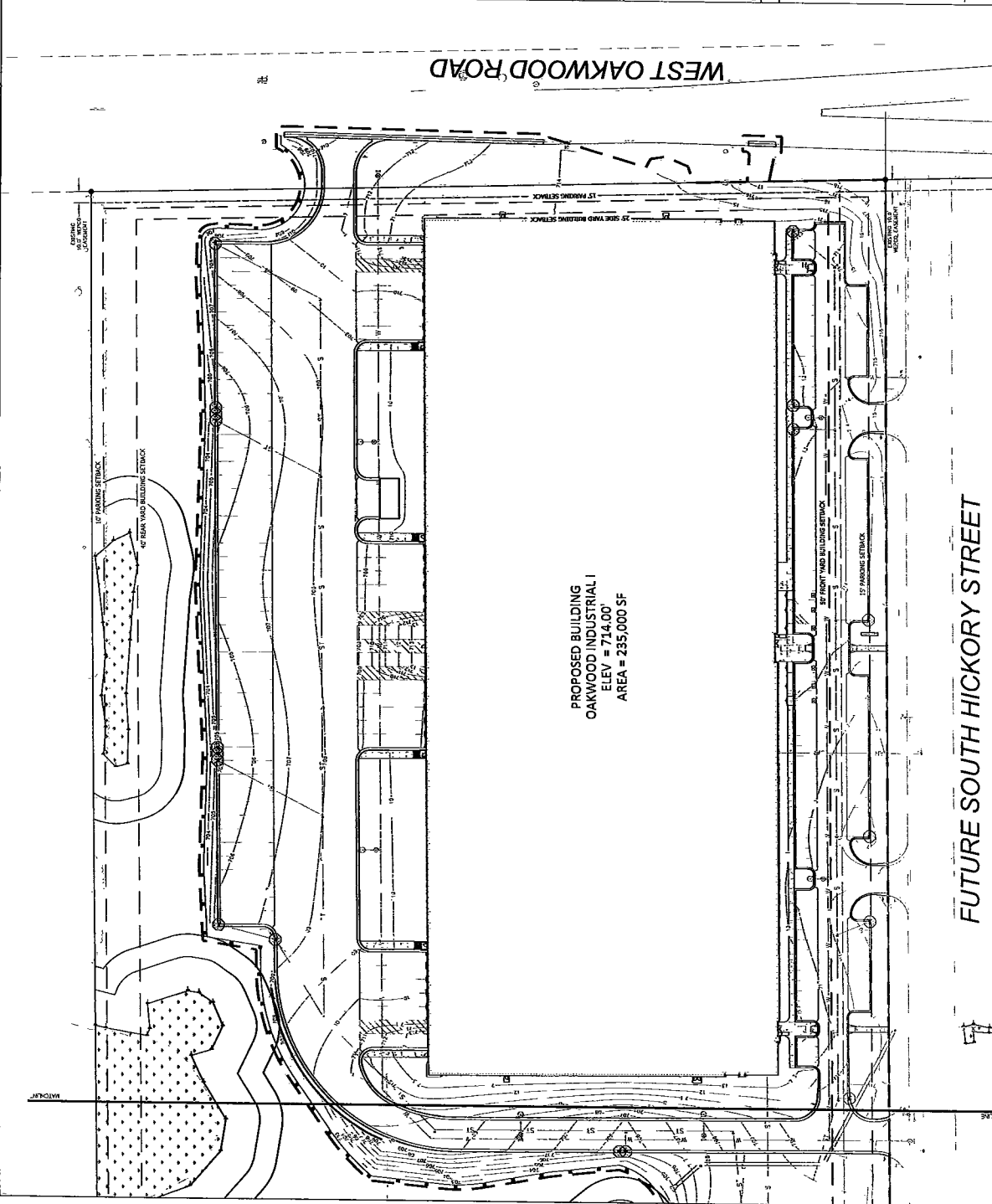
KEY INDEX

PROJECT LIMITS
 EXISTING DRIVEWAY
 EXISTING SIDEWALK
 EXISTING DRIVEWAY

PROPOSED BUILDING
 OAKWOOD INDUSTRIAL I
 ELEV = 714.00'
 AREA = 235,000 SF

WEST OAKWOOD ROAD

FUTURE SOUTH HICKORY STREET




CONTRACTOR: M. J. MESS

PROJECT: OAKWOOD INDUSTRIAL
 LOCATION: 3817 W. OAKWOOD RD. FRANKLIN, WISCONSIN

CLIENT: WANGARD PARTNERS, INC.

RELEASE: PLAN COMMISSION SUBMITTAL

DATE: _____
 DESCRIPTION: _____
 NORTH ARROW: 
 SCALE: 1" = 40'
 SHEET: all in

SHEET: SITE EROSION CONTROL PLAN AREA B


PROJECT NUMBER: _____
 SHEET NUMBER: C1.62B

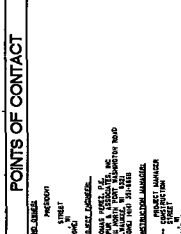
APPLICANT: STEWART M. WANGARD
 WF PROPERTY ACQUISITIONS LLC
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414.774.1500
 ms@stwm.com

APPLICANT'S REPRESENTATIVE:
 WANGARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414.935.4014
 ms@stwm.com

PROPERTY OWNER:
 WENDT FAMILY TRUST
 8113 S. FOREST HILLS CIRCLE
 FRANKLIN, WI 53132
 kasmr@windnet.com

CIVIL ENGINEER:
 MICHAEL J. FROELICH, P.E.
 KAPUR & ASSOCIATES, INC.
 7111 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 414.752.2464
 mfr@kapur.com

VICINITY MAP: 

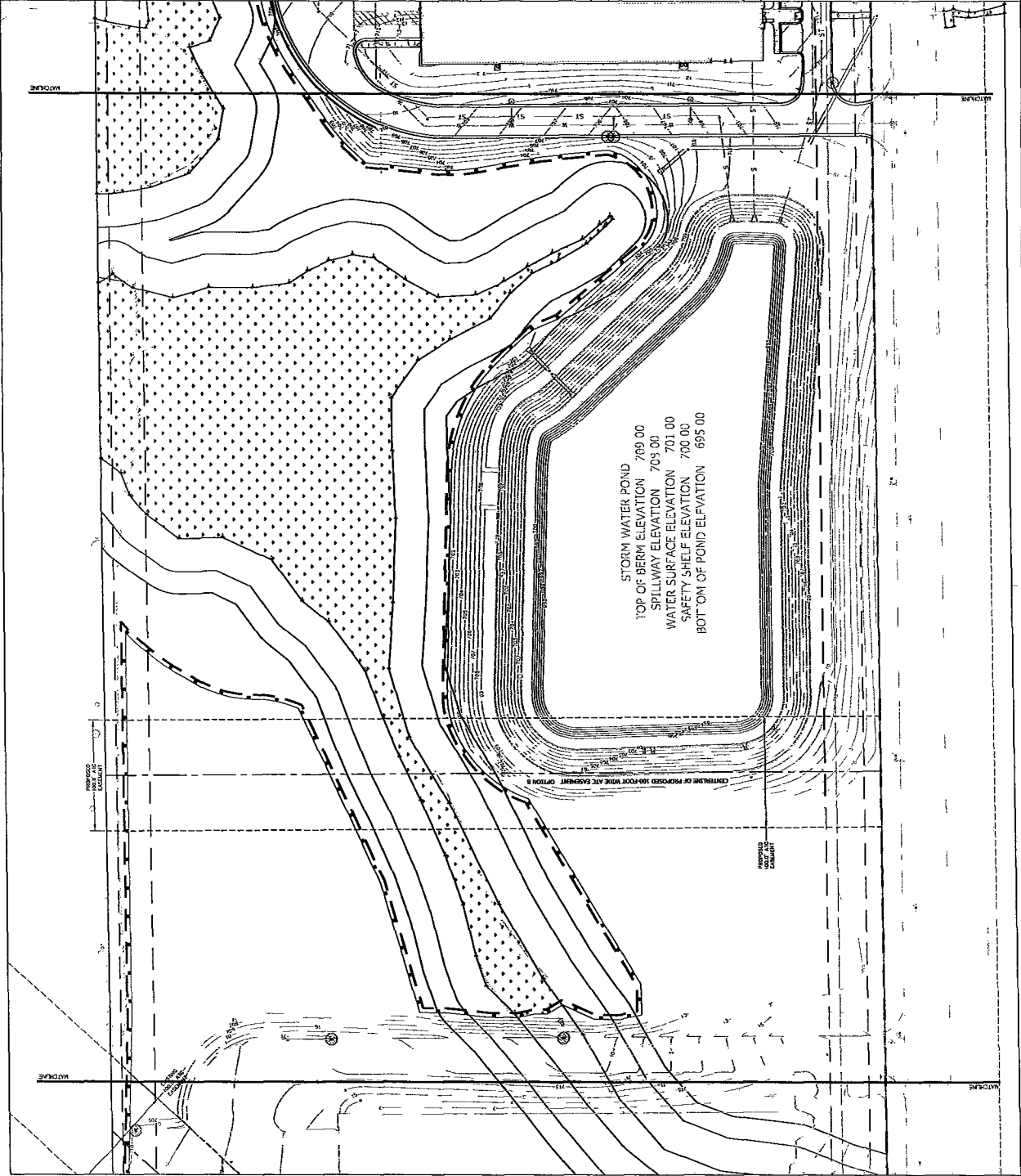
POINTS OF CONTACT: 

KEY INDEX

PROJECT LIMITS: _____
 30' VEGETATION BUFFER: _____
 50' VEGETATION BUFFER: _____
 100' VEGETATION BUFFER: _____
 150' VEGETATION BUFFER: _____
 200' VEGETATION BUFFER: _____
 250' VEGETATION BUFFER: _____
 300' VEGETATION BUFFER: _____
 350' VEGETATION BUFFER: _____
 400' VEGETATION BUFFER: _____
 450' VEGETATION BUFFER: _____
 500' VEGETATION BUFFER: _____
 550' VEGETATION BUFFER: _____
 600' VEGETATION BUFFER: _____
 650' VEGETATION BUFFER: _____
 700' VEGETATION BUFFER: _____
 750' VEGETATION BUFFER: _____
 800' VEGETATION BUFFER: _____
 850' VEGETATION BUFFER: _____
 900' VEGETATION BUFFER: _____
 950' VEGETATION BUFFER: _____
 1000' VEGETATION BUFFER: _____

LEGEND:
 PROPOSED STORM WATER POND
 PROPOSED SPILLWAY
 PROPOSED WATER SURFACE ELEVATION
 PROPOSED SAFETY SHELF ELEVATION
 PROPOSED BOTTOM OF POND ELEVATION
 PROPOSED 100' VEGETATION BUFFER
 PROPOSED 50' VEGETATION BUFFER
 PROPOSED 30' VEGETATION BUFFER
 PROPOSED 15' VEGETATION BUFFER
 PROPOSED 5' VEGETATION BUFFER
 PROPOSED 1' VEGETATION BUFFER
 PROPOSED 0' VEGETATION BUFFER

NOTES:
 1. THIS PLAN IS FOR THE PROPOSED STORM WATER POND AND SPILLWAY. THE PROPOSED VEGETATION BUFFER IS SHOWN AS A DOTTED AREA. THE PROPOSED VEGETATION BUFFER IS TO BE MAINTAINED AT ALL TIMES. THE PROPOSED VEGETATION BUFFER IS TO BE MAINTAINED AT ALL TIMES. THE PROPOSED VEGETATION BUFFER IS TO BE MAINTAINED AT ALL TIMES.





7211 N. Port Washington Road
Milwaukee, Wisconsin 53217
kapurinc.com

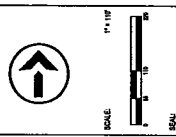
PROJECT:
OAKWOOD
INDUSTRIAL

LOCATION:
3817 W. OAKWOOD RD.
FRANKLIN, WISCONSIN

CLIENT:
WANGARD
PARTNERS, INC.

RELEASED:
PLAN COMMISSION
SUBMITTAL

NO.	DATE	DESCRIPTION



all in

SHEET:
OVERALL SITE
LANDSCAPE PLAN

PROJECT MANAGER: [blank] CDD/PT
DESIGNER: [blank] CDD/PT
DATE: [blank]

SHEET NUMBER:
L1.10

APPLICANT:
STEWART M. WANGARD
VF PROPERTY ACQUISITIONS LLC
1200 N. MAYFAIR ROAD, SUITE 310
MILWAUKEE, WI 53226
414-771-2000
msw@steward.com

APPLICANT'S REPRESENTATIVE:
MARK LAKE
WANGARD PARTNERS, INC.
1200 N. MAYFAIR ROAD, SUITE 310
MILWAUKEE, WI 53226
414-958-4014
mlake@wangard.com

PROPERTY OWNER:
WANGARD PARTNERS, INC.
1200 N. MAYFAIR ROAD, SUITE 310
MILWAUKEE, WI 53226
414-958-4014
mlake@wangard.com

CIVIL ENGINEER:
MICHAEL J. FRECHLICH, P.E.
KAPUR & ASSOCIATES, INC.
7711 N. PORT WASHINGTON ROAD
MILWAUKEE, WI 53217
mcfrechl@kapurinc.com

MINIMUM LANDSCAPE SURFACE RATIO
PERMITTED: 0.25
PROPOSED: 0.44

VICINITY MAP

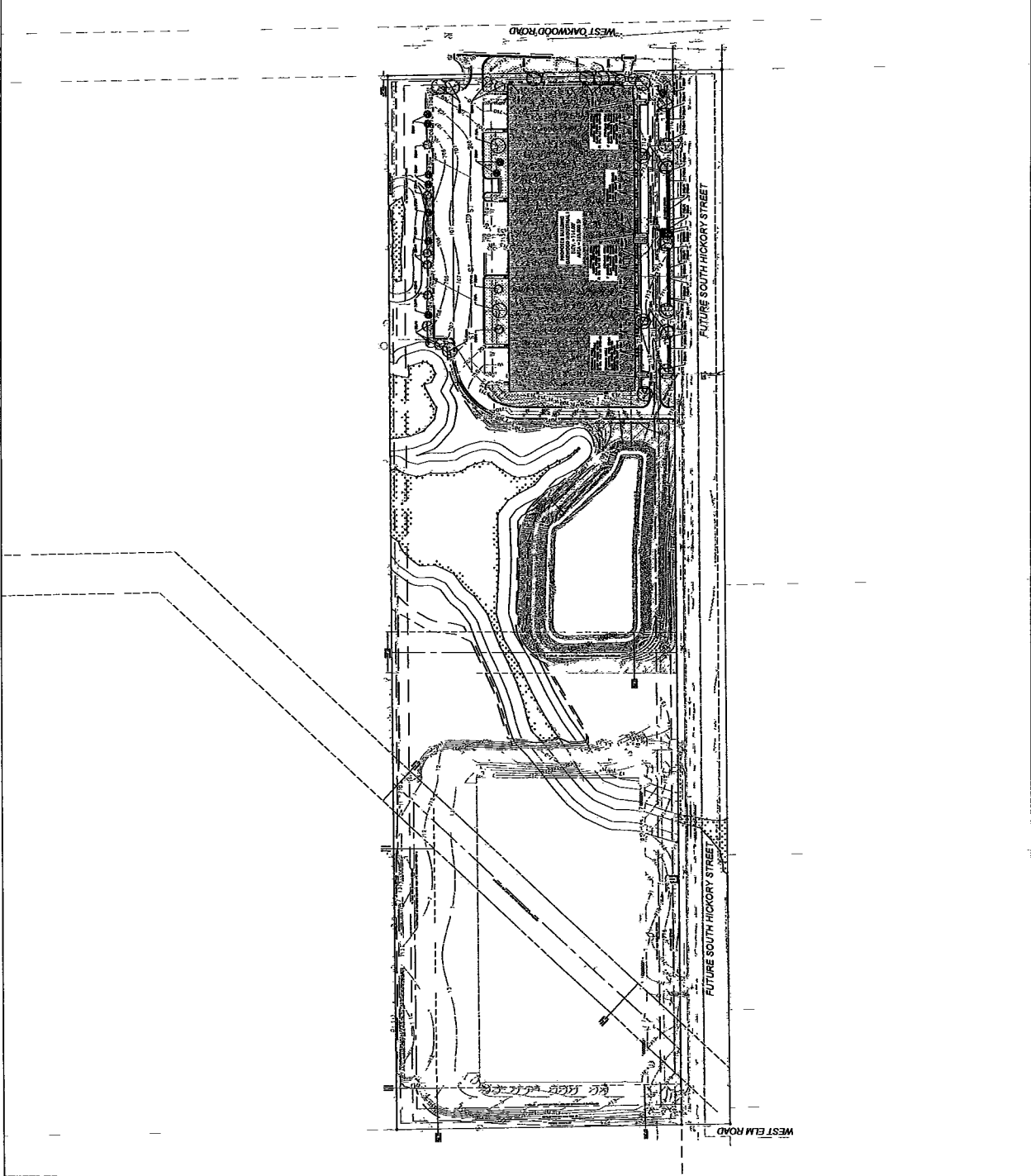
HATCH LEGEND

- PROJECT LIMITS
- 30' SETBACK BUFFER NO TOUCH
- 30' SETBACK SETBACK NO BUILD
- PROPOSED CONSERVATION GAINHAULT

AREAS DETERMINED BY CONSTRUCTION
TO BE SET BACK FROM ADJACENT PROPERTY
OR ADJACENT PROPERTY TO BE SET BACK
FROM CONSTRUCTION

AREAS DETERMINED BY CONSTRUCTION
TO BE SET BACK FROM ADJACENT PROPERTY
OR ADJACENT PROPERTY TO BE SET BACK
FROM CONSTRUCTION

CONSTRUCTION SHALL BE ACCORDING TO THE
LATEST REVISIONS OF THE ILLINOIS
LANDSCAPE ARCHITECTURE BOARD'S
LANDSCAPE ARCHITECTURE BOARD'S
STANDARD SPECIFICATIONS FOR LANDSCAPE



NO.	DATE	DESCRIPTION



MINIMUM LANDSCAPE SURFACE RATIO PERMITTED - 0.25
PROPOSED - 0.44

VICINITY MAP

SHEET:
 SITE LANDSCAPE PLAN AREA

SCALE:
 all in

PROJECT NUMBER:
 2020000

DATE:
 02/20/20

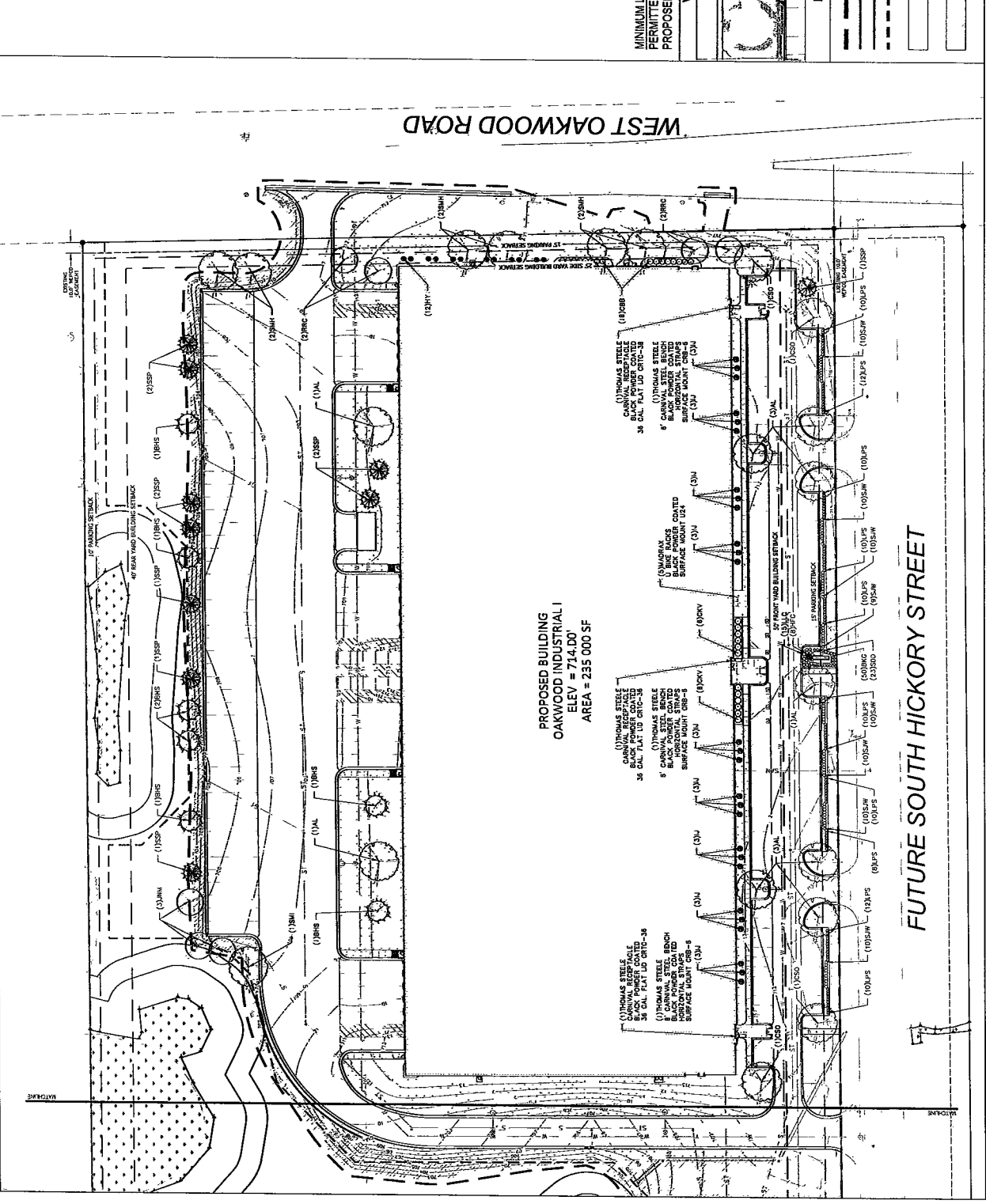
SHEET NUMBER:
 L1.11A

APPLICANT:
 WANGUARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1200
 mlake@wanguard.com

APPLICANT'S REPRESENTATIVE:
 WANGUARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-955-4614
 mlake@wanguard.com

PROPERTY OWNER:
 WANGUARD PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-955-4614
 mlake@wanguard.com

CIVIL ENGINEER:
 MICHAEL J. HENNING, P.E.
 KAPUR & ASSOCIATES, INC.
 7711 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 414-781-7248
 mhennin@kapurinc.com



PROPOSED BUILDING
OAKWOOD INDUSTRIAL I
ELEV = 714.00'
AREA = 235 000 SF

WEST OAKWOOD ROAD

FUTURE SOUTH HICKORY STREET

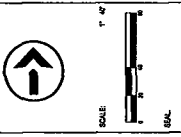
PROJECT:
 OAKWOOD
 INDUSTRIAL

LOCATION:
 3817 W OAKWOOD RD
 FRANKLIN, WISCONSIN

CLIENT:
 WANGARD
 PARTNERS, INC.

REVISION:
 PLAN COMMISSION
 SUBMITTAL

NO.	DATE	DESCRIPTION



all in
SHEET:
 SITE LANDSCAPE
 PLAN - AREA B

PROJECT NUMBER: 17-0001
PROJECT NAME: OAKWOOD INDUSTRIAL
DATE: 08/20/17

SHEET NUMBER:
L1.12B

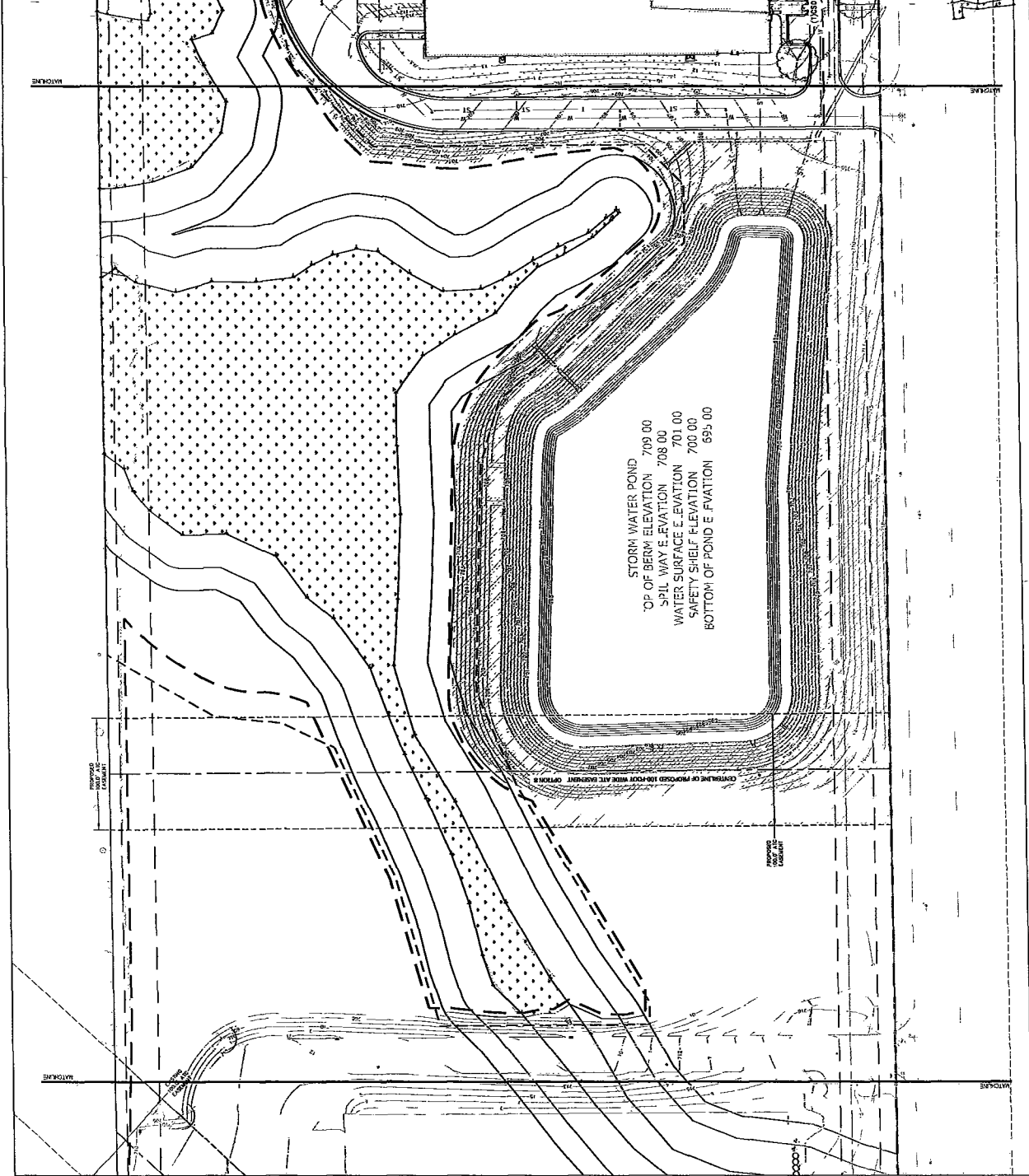
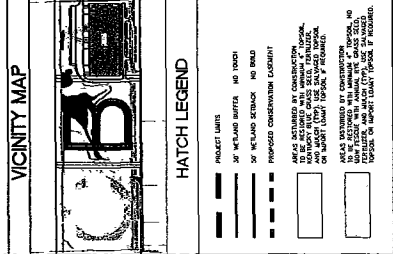
APPLICANT:
 STEWART M. WANGARD
 WP PROPERTY ACQUISITIONS LLC
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 mlw@wpgard.com

APPLICANT'S REPRESENTATIVE:
 MARK LAKE PARTNERS, INC.
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 mlsp@wpgard.com

PROPERTY OWNER:
 WENDT FAMILY TRUST
 8114 S. FOREST HILLS CIRCLE
 FRANKLIN, WI 53132
 wendtfamily@gmail.com

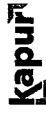
CIVIL ENGINEER:
 MICHAEL J. FROEHLICH, P.E.
 KAPUR & ASSOCIATES, INC.
 7711 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 mifroehlich@kapurinc.com

MINIMUM LANDSCAPE SURFACE RATIO
 PERMITTED: 0.25
 PROPOSED: 0.44





215 N. WATER STREET, SUITE 260
MILWAUKEE, WISCONSIN 53202
T 414.277.9700 | F 414.277.9705
sparchitects.com



PROJECT

PROPOSED BUILDING:
OAKWOOD INDUSTRIAL I
FRANKLIN, WISCONSIN

OWNER



REVISIONS

NO. DESCRIPTION DATE

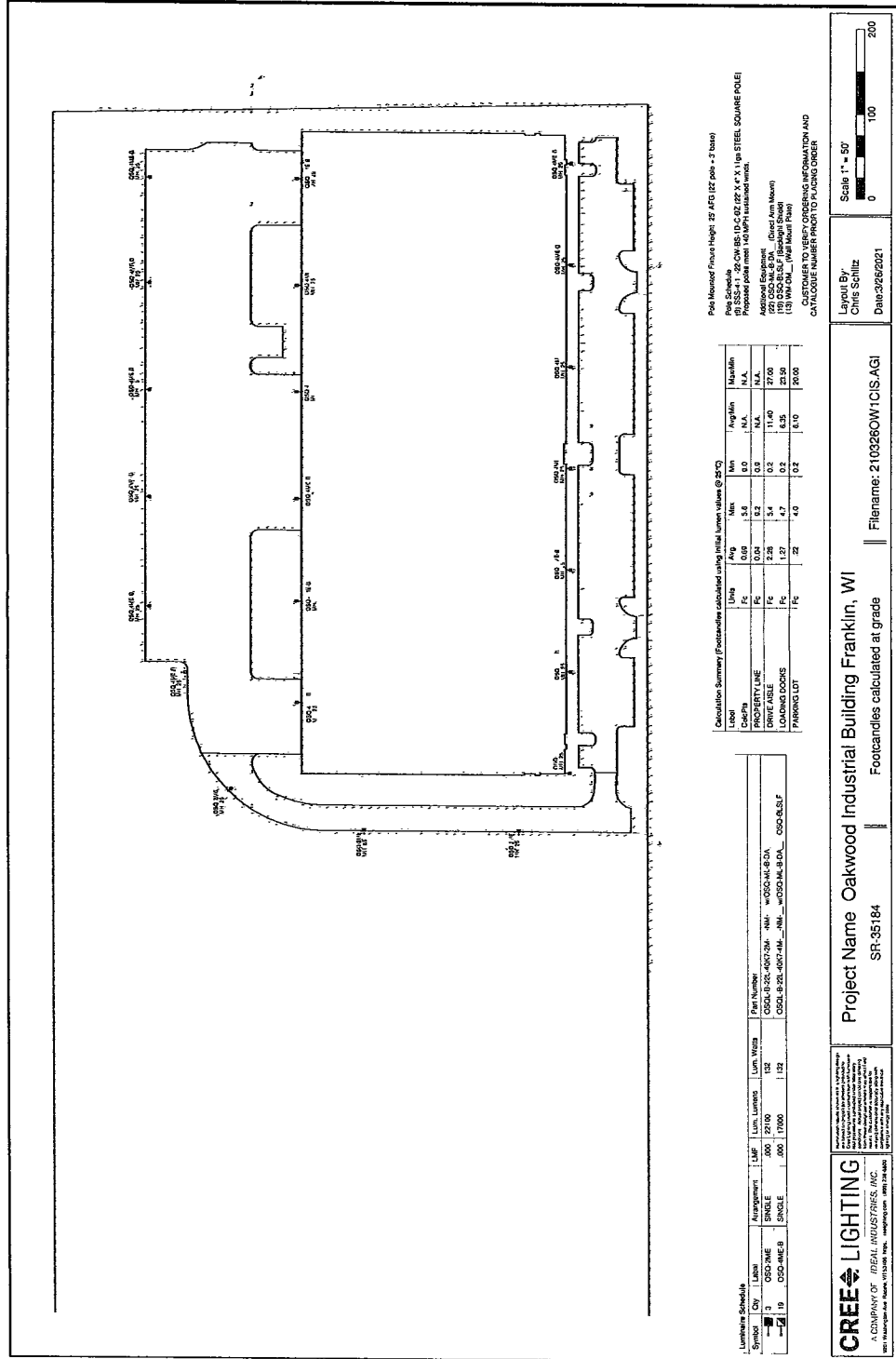
INFORMATION

PROJECT ARCHITECT: MAM
PROJECT MANAGER: MAM
PROJECT NUMBER: 201203
ISSUED FOR: MUNICIPAL REVIEW
DATE: MARCH 29, 2021

SHEET

SITE PHOTOGRAPHIC BUILDING I

E1



Pole Height: 15m (49' 2")
Pole Spacing: 20' CW (S.D. 22' x 4' x 1) 100 STEEL SQUARE POLE
Proposed pole meet 140 MPH sustained winds.

Category	Unit	Min	Avg	Max	Material
PROPERTY LINE	Fe	0.0	0.0	0.0	N.A.
LOADING DOCKS	Fe	0.0	0.0	0.0	N.A.
PARKING LOT	Fe	1.27	4.7	0.2	20.08
	Fe	2.8	4.0	0.2	8.10
	Fe	2.8	4.0	0.2	20.08

System	Area	Length	Unit Weight	Weight
19	17000	132	132	
3	2010	132	132	

Additional Equipment:
(1) 100' CW (S.D. 22' x 4' x 1) 100 STEEL SQUARE POLE
(13) 100' CW (S.D. 22' x 4' x 1) 100 STEEL SQUARE POLE
(13) 100' CW (S.D. 22' x 4' x 1) 100 STEEL SQUARE POLE

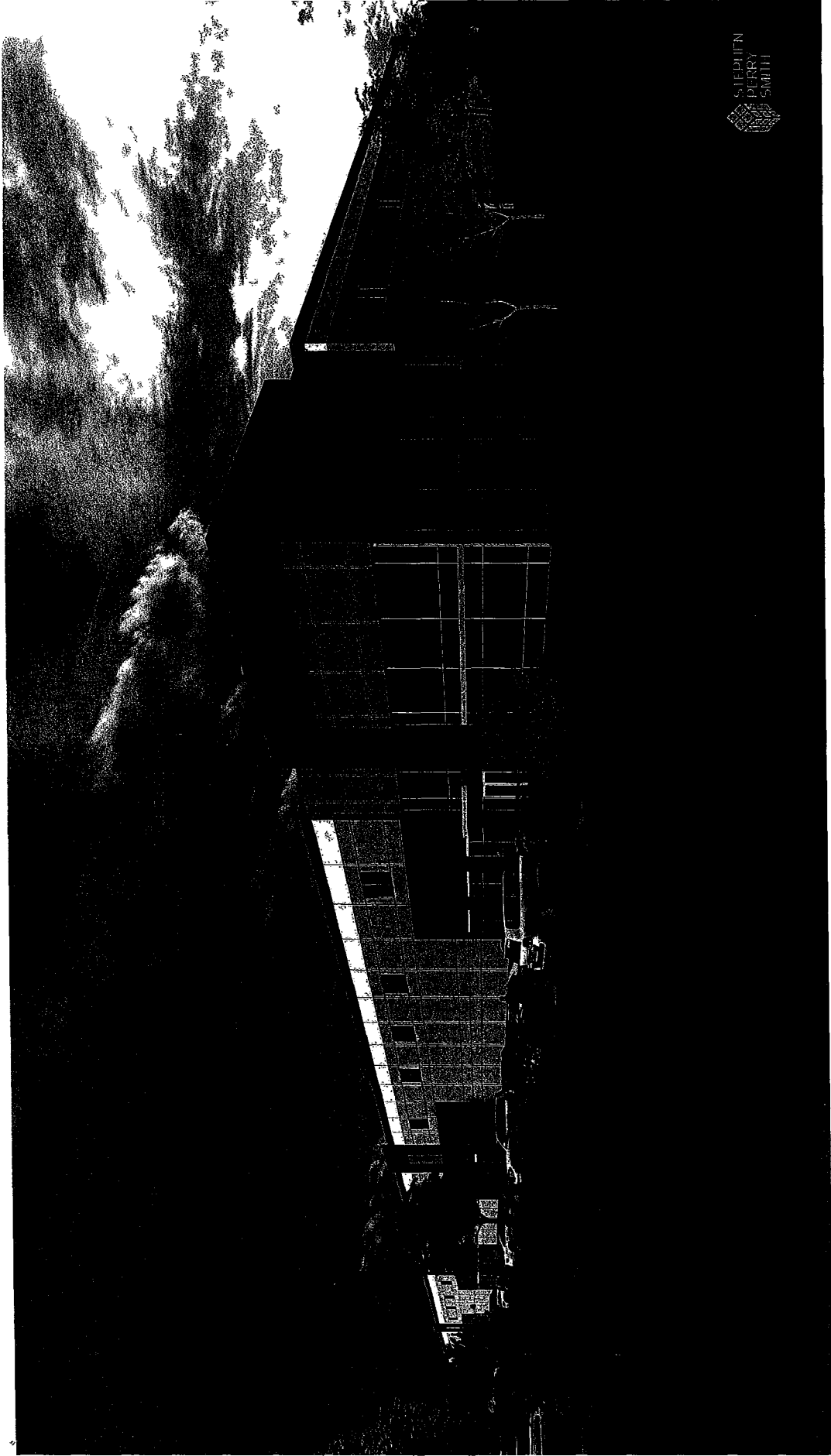
Calculation Summary (Footcandle calculated using initial luminous values @ 25°C)
Footcandle calculated at grade

Scale 1" = 50'
0 100 200
Layer: By: Chris Schiltz
Date: 3/26/2021

Project Name: Oakwood Industrial Building Franklin, WI
SR-35184
Footcandle calculated at grade
Filename: 210326OWI01.SAGI

CREE LIGHTING
A COMPANY OF LUMINA INDUSTRIES, INC.
10000 W. 152nd Ave., Minneapolis, MN 55426-1000
www.cree.com

Customer to verify ordering information and calculator number prior to placing order.



STEPHEN
PERRY
SMITH

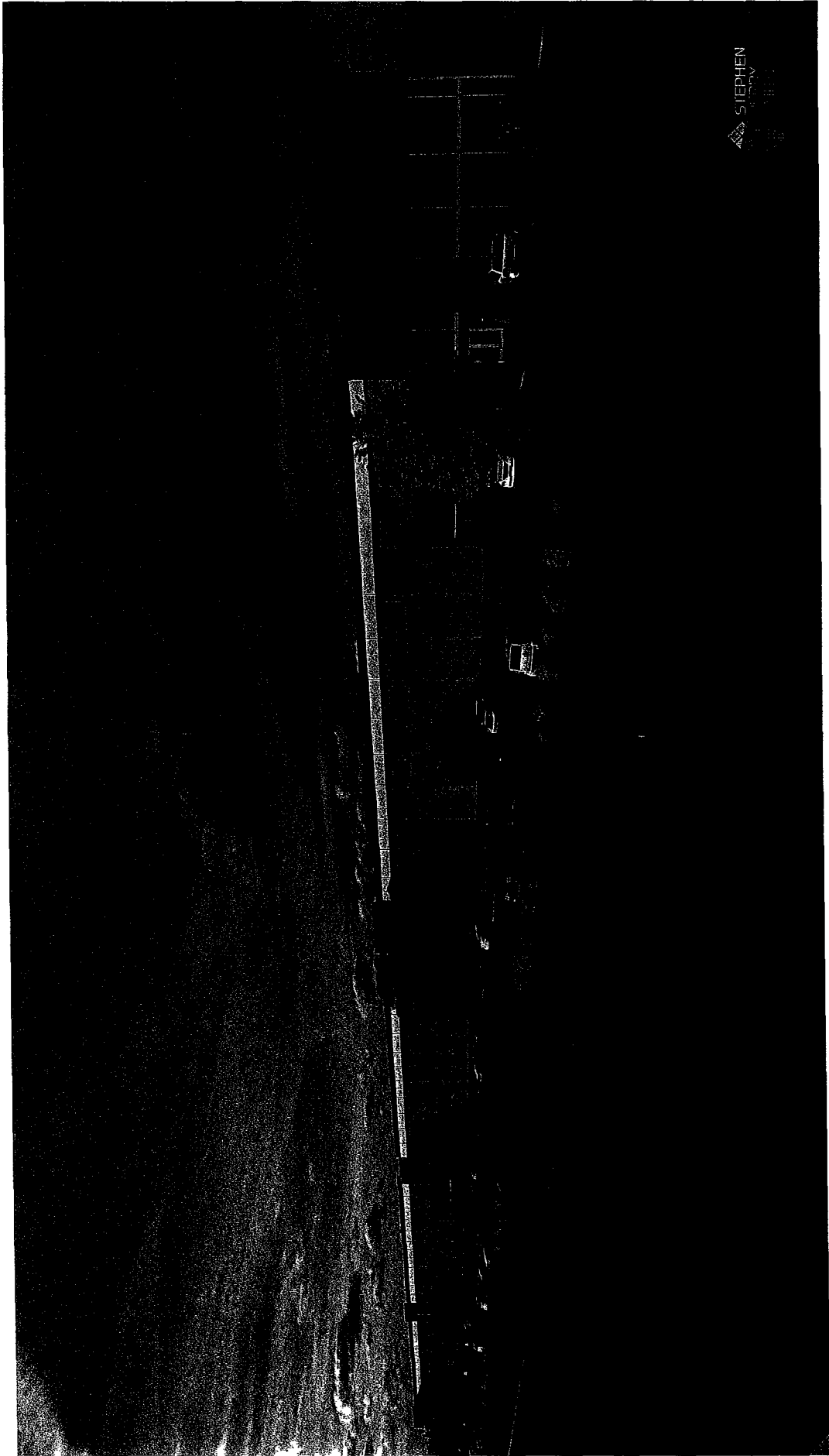
ISSUED FOR MUNICIPAL REVIEW
DATE MARCH 29, 2021
PERSPECTIVE VIEW FROM OAKWOOD

R1

OAKWOOD INDUSTRIAL I

FRANKLIN, WISCONSIN





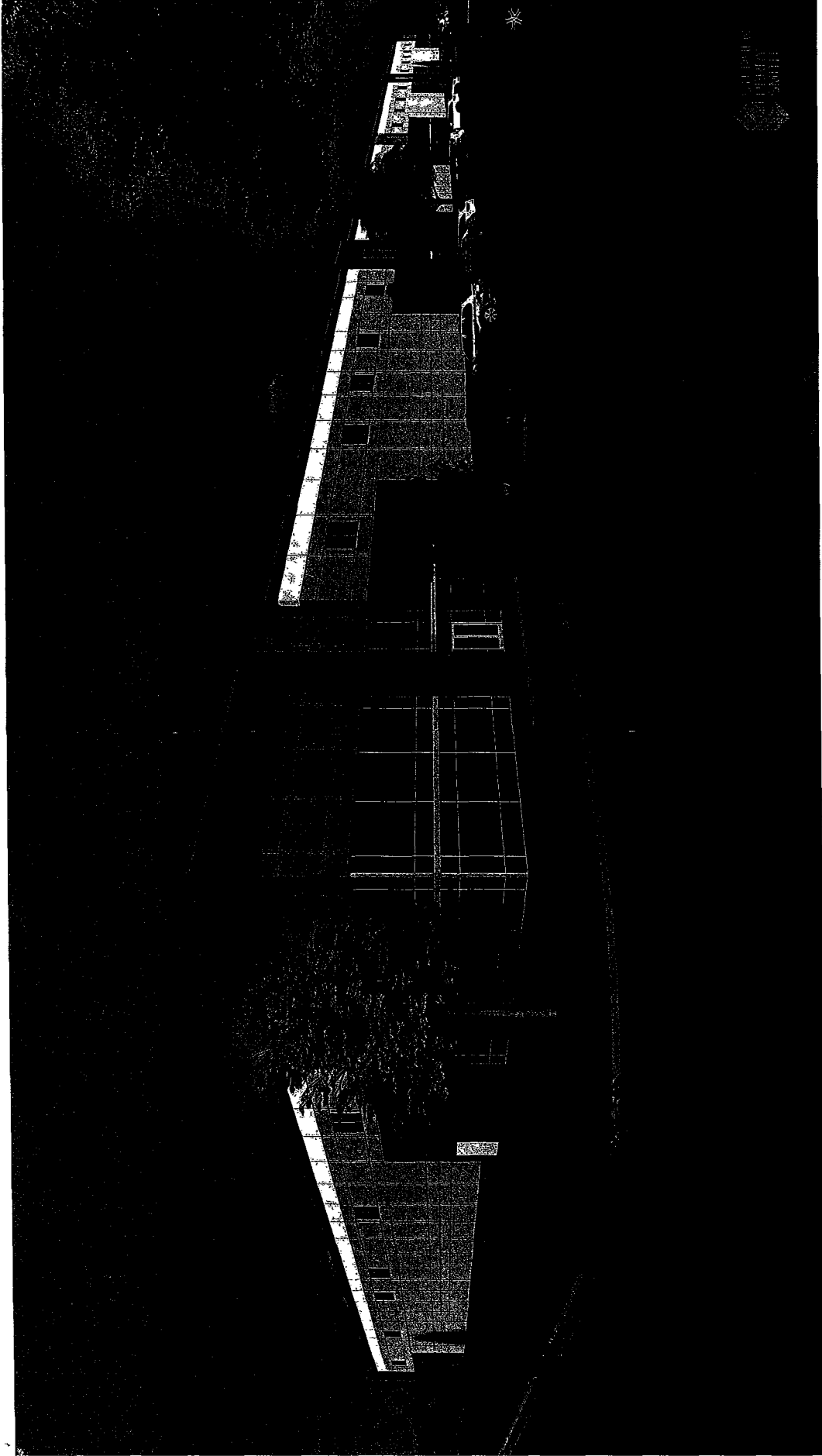
STEPHEN
ARCHITECTS
PLANNERS
& ENGINEERS

ISSUED FOR: MUNICIPAL REVIEW
DATE: MARCH 26, 2021
PERSPECTIVE VIEW FROM HICKORY
NORTH
R2

OAKWOOD INDUSTRIAL I

FRANKLIN, WISCONSIN





OAKWOOD INDUSTRIAL I

FRANKLIN, WISCONSIN

ISSUED FOR: MUNICIPAL REVIEW
DATE: MARCH 29, 2021
PERSPECTIVE VIEW FROM HIGHWAY SOUTH

R3

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>See</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">04/20/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF WP PROPERTY ACQUISITIONS LLC, APPLICANT, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.3.</p>

At their meeting on March 24, 2021, the Environmental Commission recommended approval of the Special Exception to natural resource provisions of the Unified Development Ordinance with, conditions as presented at their meeting and as set forth in the attached City of Franklin Environmental Commission document.

The public hearing for this item was opened at the regular meeting of the Plan Commission on March 4, 2021, and continued to the April 8, 2021 meeting. Following a properly noticed public hearing, the following action was approved: motion to recommend approval of the WP Property Acquisitions LLC, Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations.

Draft conditions include a recommended additional condition No. 9 requiring that “Plants categorized as invasive plants by the WI DNR shall be replaced on the landscape plan with native plants.”

The Plan Commission’s recommendation has been reflected in the Decision section of the attached draft Standards, Findings, and Decision document.

The applicant is currently seeking site plan approval to develop the northern of two buildings. The request for an NRSE is to allow for grading and site preparation for the southern building, pending DNR approval of wetland permits and relocation of power lines. Condition 3 of the draft Standards, Findings, and Decision reflects the standard condition “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 WP Property Acquisitions LLC.” The NRPP shows specific areas of impact. Because some aspects of the site are still in flux, staff suggests that this condition be revised so that staff can approve minor changes to the location of impacts, so long as the quantity of impact remain the same or less than the original request.

COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of WP Property Acquisitions LLC, applicant, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

Department of City Development: MX

Draft 4/20/21

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of WP Property
Acquisitions LLC, applicant, for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, WP Property Acquisitions LLC, applicant, having filed an application dated December 16, 2020, 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 24, 2021 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 8, 2021 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at 3617 West Oakwood Road, zoned Planned Development District No. 39 (Mixed Use Business Park), and such property is 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 December 16, 2020, by WP Property

Acquisitions LLC, 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 location of the existing portion of wetlands to be impacted run diagonally through the site from southeast to northwest, whereas the length of the property itself runs in the north-south direction, as does the future S. Hickory Street In addition, with the intent of the project to provide large industrial buildings that are in short supply in the area, this goal can not be achieved without some wetland impacts Without the impacts, the project becomes unfeasible because there is not enough useable land to offset the costs of development.*

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: _____, or

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *As outlined in responses to Natural Resource Special Exception Question and Answer Form, the only alternative that avoids any wetland impacts is not constructing anything on the southern end of the site (Alternative #1). In addition, Alternative #2 still has wetland impacts, but doesn't achieve the project goals because it would render the project infeasible*

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 to the wetland, wetland buffer and wetland setbacks have been minimized to the maximum extent practicable to still make the project feasible from both a cost and efficiency standpoint. Furthermore, by keeping the wetland impacts below 10,000 SF, the project falls under the general wetland permit process with the WDNR, and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed project is in harmony with the general purpose and intent of the provisions of this ordinance, in that every effort was made to limit the impacts to the wetland, wetland buffer and wetland setbacks, 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 functional values of the wetland, wetland buffer and wetland setbacks located downstream/northwest of the impacted areas, will be preserved by maintaining the hydrology by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event.*

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: *The location of the existing portion of wetlands to be impacted run diagonally through the site from southeast to northwest, whereas the length of the property itself runs in the north-south direction, as does the future S Hickory Street. In addition, with the intent of the project to provide large industrial buildings that are in short supply in the area, this goal can not be achieved without some wetland impacts Without the impacts, the project becomes unfeasible because there is not enough useable land to offset the costs of development*

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: *One unusual circumstance associated with this project is the need to reroute the existing overhead ATC transmission lines. Similar to the wetlands, the existing ATC lines run diagonally through the site from southeast to northwest Thus, the southern portion of the site is not useable until these are relocated. However, as long as the wetland, wetland buffer and wetland setback impacts are deemed acceptable, the project is able to absorb the costs associated with this relocation*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The useful life of the project and associated site improvements should be long-lived, since the project has readily accessible utility connections, it is in close proximity to the interstate highway system, and the ATC lines will be relocated In addition, the storm water pond will serve offsite areas, and will have a long-term maintenance plan associated with it*

4. Aesthetics: *The City's landscape ordinance will be followed in developing the landscaping for the site, and all unimpacted areas of the site will remain in their natural condition*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The proposed impacts to the wetland, wetland buffer and wetland setbacks have been minimized to the maximum extent practicable to still make the project feasible from both a cost and efficiency standpoint. Furthermore, by keeping the wetland impacts below 10,000 SF, the project falls under the general wetland permit process with the WDNR.*

6. Proximity to and character of surrounding property: *With the proposed project being an industrial use within a proposed industrial area of the City, it will be consistent with the character of the surrounding properties*

7. Zoning of the area in which property is located and neighboring area: *The City of Franklin has zoned this area and the neighboring industrial areas as a Planned Development District (PDD#39).*

8. Any negative affect upon adjoining property: *It is currently not anticipated for there to be any negative affects upon the adjoining properties as a result of this project. The project will follow the City's and the WDNR's erosion control and storm water management requirements, and the downstream wetland hydrology will be preserved by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event.*

9. Natural features of the property: *The natural features of the property were fully outlined in the Natural Resource Protection Report*

10. Environmental impacts: *There are no rare species concerns for this project (see attached Endangered Resources Review SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report. Of the 59 plant species, 18 were nonnative species. No rare plant species were observed during their field inspection*

Because a tenant has not yet been identified for this project, potential environmental impacts beyond impacts to natural resources cannot be assessed at this time. §15-3 1102 B, and other local pollution standards not directly enforced under the NRSE application process still apply.

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 24, 2021 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 the issuance of any Occupancy Permits;*
- 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 WP Property Acquisitions LLC, applicant, and all other applicable provisions of the Unified Development Ordinance*
- 4) Pursuant to §15-4 0103 and §15-10 0208.B 3 b, the applicant shall provide mitigation for natural resource impacts. As required by §15- 4.0103 B.1 d, land upon which the mitigation is to take place shall be protected by a conservation easement as permanent natural resource features*
- 5) The applicant shall submit conservation easements for areas of preserved natural resources (§15- 4 0103.B.1.d, §15-7 0201.H) Common Council review and approval, prior to any land disturbing activities.*
- 6) The applicant shall obtain all necessary approvals from Federal and State regulatory agencies, (§15-10.0208 B 3) prior to any land disturbing activities.*
- 7) The applicant shall include conservation and mitigation information on landscape plans, including maintenance information, and provide for financial sureties for their implementation, as permitted by §15-4 0103.D*
- 8) The applicant shall revise landscape plans to replace invasive species Norway Maple with another maple variety or similar tree type, subject to the approval of the City Forrester*
- 9) Plants categorized as invasive plants by the WI DNR shall be replaced on the landscape plan with native plants.*

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 _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of April 8, 2021****Natural Resource Special Exception**

RECOMMENDATION: Department of City Development Staff recommends approval of the request for a Special Exception to Natural Resource Feature Provisions. Recommendations are incorporated into the draft Standards, Findings and Decision as recommended conditions of approval.

Property Owner/Applicant: Wendt Family Trust/WP Property Acquisitions LLC

Property Address/Tax Key Number: 3617 W. Oakwood Road/950-9997-002

Aldermanic District: District 4

Agent: Mark Lake, Wangard Partners, Inc.
Michael Froehlich, P.E., Kapur Engineering

Zoning District: PDD 39 (Mixed Use Business Park)

Use of Surrounding Properties: Residential and vacant zoned PDD 39 (east and south),
County parklands zoned P-1 (west and north)

Action Requested: Recommendation to the Plan Commission and
Common Council for approval of the proposed Natural
Resource Special Exception (NRSE)

Staff Planner: Marion Ecks, Associate Planner

INTRODUCTION:

On December 16, 2020, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval to impact wetlands, wetland buffers, and wetland setbacks in order to develop one of two industrial buildings on this parcel, known as the “Wendt Property,” which has historically been farmed. There is an existing stormwater pond on the western property line, which is partially located in Milwaukee County parkland. There are also overhead Wisconsin Electric Power Company high tension lines which run diagonally southeast through the site near the southern boundary of the property.

The property is located in Planned Development District (PDD) 39, Franklin’s new Corporate Park, currently under development. The site is zoned as a PDD intended for mixed industrial development, and a Tax Increment District or TID has been created to support the development of the Corporate Park. A site plan application for this project is under review by the Department of City Development, and is scheduled for the April 8, 2021 Plan Commission meeting. The applicants are also requesting Special Use approval to allow for overnight truck parking.

NATURAL RESOURCE SPECIAL EXCEPTION REQUEST

The requested a Natural Resource Special Exception is for property bearing Tax Key No. 950 9997 002. The property contains several wetlands, woodlands, and an area of steep slopes. No impacts are

proposed to the steep slopes, which do not meet the slope requirement to be protected by the UDO as a natural resource. Impacts are also not proposed to the young woodland on the property, which will be protected by conservation easements.

Wetland delineations were conducted in May and August 2015, and verified in 2020. They identified three (3) areas of wetland on the property, which is part of the Root River watershed. The wetlands are identified as Wetlands 1, 2, and 3. No impacts are proposed to Wetland 1 or Wetland 2.

The applicant's request is to impact just under 10,000 square feet of wetland identified as Wetland 3 located on the southern half of the property and related setback and buffer. Wetland 3 is 94,378 SF (2.167 acres). Impacts to the setback of Wetland 2 are also proposed. The exception is requested to allow for future grading and construction of private roads and an industrial building. Specifically, the impacts will be to:

- 9,818 SF (0.225 acres) of wetland
- 22,956 SF (0.527 acres) of wetland buffer
- 19,840 SF (0.455 acres) of setback area outside the buffer of Wetland 3
- 846 SF (0.019 acres) of the setback of Wetland 2
- *A combined total of 20,686 SF of wetland setback from Wetland 2 and Wetland 3 will be impacted*

10,000 square feet is the maximum amount of wetland impact which may be requested through the Wisconsin Department of Natural Resources (DNR) general permit process. A previous iteration of the project included the possibility of an expansion of the southern buildings, which would necessitate additional impacts to the wetland. WI DNR requires that a tenant be identified to request a larger permit. Since a tenant has not been identified for the building, this is not possible.

This site plan has therefore been reduced in scope to comply with WI DNR standards, and the service road has been relocated. As a result, the total amount of impact to wetland, buffer, and setback has been reduced. The DNR general permit approval is still pending. The Army Corps of Engineers accepted relevant permit requests, but these are contingent upon the DNR review and approval. The applicant must receive these approvals to proceed with any impacts to the wetlands. The DNR does not regulate wetland buffers or setbacks.

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

- The wetland delineation was prepared by the Southeastern Wisconsin Regional Plan Commission and verified by an Assured Delineator.
- Required permits from other units of government have not yet been obtained.
- Conservation easements materials for existing natural resources to be preserved must be provided.
- The applicant is proposing mitigation to take place on the property.

The applicant is currently seeking site plan approval to develop the northern of two buildings. The request for an NRSE is to allow for grading and site preparation for the southern building, pending DNR approval of wetland permits and relocation of power lines. Condition 3 of the draft Standards, Findings, and Decision reflects the standard condition "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 WP Property Acquisitions LLC." The NRPP shows specific areas of impact. Because some aspects of the site are still in flux, staff suggests

that this condition be revised so that staff can approve minor changes to the location of impacts, so long as the quantity of impact remain the same or less than the original request.

Future impacts related to utilities such as the relocation of power lines follow a separate approval path and are not part of this request

Natural Resource Mitigation

City of Franklin ordinances require that mitigation be provided on the same parcel or site for which the exception is being made. Plan Commission may allow off site mitigation. Mitigation is proposed within the site, by expanding existing wetland areas. §15-4.0103B.4 and §15-4.0103B.5 require that wetland, setback and buffer impacts be mitigated by creation of new, high-quality areas of comparable natural resources in the amount of 1.5 times the area of impact. Mitigation areas must be protected by a conservation easement, along with existing natural resources.

The applicant will provide mitigation for these impacts, consisting of

- Creation of approximately 14,727 square feet (0.34 acres) of new wetland adjacent to the southern boundary of the existing wetland on the property
- Creation of 34,134 square feet (0.78 acres) of wetland buffer adjacent to the wetland mitigation area, and expanding buffers on the eastern boundary of the existing wetland.
- Restoration of the setback areas disturbed or created by construction of this project, by re-establishing native grasses.

Staff recommends that Plan Commission require financial sureties for restoration and mitigation, and that this be reflected in a maintenance plan, as allowed under §15-4.0103 D.

Environmental Commission Recommendation

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. The Environmental Commission reviewed the matter at their March 24, 2021 meeting. At that meeting, they adopted the attached Environmental Commission Special Exception Review and Recommendation. Recommended conditions are also incorporated into the draft Standards, Findings and Decision. The Commission approved of proposed mitigation and did not suggest any changes.

Prior to the meeting of the Environmental Commission, staff recommended a condition that “the applicant shall provide verification that the stream identified as “Unnamed Waterbody WBIC 5038138” on the WI DNR Surface Water Data Viewer is not a navigable waterway.” The applicant has since provided navigability information from the Wisconsin DNR. The portion of the waterway on their property was not deemed navigable, and therefore the shore buffer for that stream and related impacts are not subject to natural resource standards. The applicants propose to channelize the stream to maintain that portion of the site hydrology. This condition was deleted.

At the recommendation of the City Forrester, the Commission proposed the inclusion of a condition to require that Norway maple, an invasive variety of maple tree, be replaced on the landscape plan with another variety of maple, or another type of similar tree. This condition is reflected in their recommendation.

Staff recommends a further condition that species of plants listed as caution (such as daylily), restricted (such as burning bush), or other categories of invasive plants by the WI DNR be replaced on the landscape plan with native plants. This suggested condition is included in the draft Standards, Findings and Decision.

CONCLUSION:

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 copy of the document titled, "City of Franklin Environmental Commission" that reflects the review of the Environmental Commission which must be forwarded 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.

Environmental Commission recommendations are contained in the decisions section of the attached draft Standards, Findings and Decision of the City of Franklin document.

Staff recommends approval of the NRSE request, subject to the proposed conditions.

Draft 4/8/21

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of WP Property
Acquisitions LLC, applicant, for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, WP Property Acquisitions LLC, applicant, having filed an application dated December 16, 2020, 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 24, 2021 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 8, 2021 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at 3617 West Oakwood Road, zoned Planned Development District No. 39 (Mixed Use Business Park), and such property is 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 December 16, 2020, by WP Property

Acquisitions LLC, 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*, _____

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: _____, *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: _____

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: _____, *and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: _____, *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: _____

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: _____
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: _____
4. Aesthetics: _____
5. Degree of noncompliance with the requirement allowed by the Special Exception: _____
6. Proximity to and character of surrounding property: _____
7. Zoning of the area in which property is located and neighboring area: *Residential*
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived*
9. Natural features of the property: _____
10. Environmental impacts: _____
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 _____ 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 the issuance of any Occupancy Permits,*
- 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 WP Property Acquisitions LLC, applicant, and all other applicable provisions of the Unified Development Ordinance*
 - 4) Pursuant to §15-4.0103 and §15-10 0208 B.3.b , the applicant shall provide mitigation for natural resource impacts As required by §15- 4 0103 B 1.d, land upon which the mitigation is to take place shall be protected by a conservation easement as permanent natural resource features*
 - 5) The applicant shall submit conservation easements for areas of preserved natural resources (§15- 4 0103 B 1 d, §15-7.0201 H) Common Council review and approval, prior to any land disturbing activities*
 - 6) The applicant shall obtain all necessary approvals from Federal and State regulatory agencies, (§15-10 0208 B 3) prior to any land disturbing activities*
 - 7) The applicant shall include conservation and mitigation information on landscape plans, including maintenance information, and provide for financial sureties for their implementation, as permuted by §15-4 0103 D*
 - 8) The applicant shall revise landscape plans to replace invasive species Norway Maple with another maple variety or similar tree type, subject to the approval of the City Forrester*
 - 9) Plants categorized as invasive plants by the WI DNR shall be replaced on the landscape plan with native plants*

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 _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin Environmental Commission

TO: Common Council
DATE: March 24, 2021
RE: Special Exception application review and recommendation
APPLICATION: WP Property Acquisitions LLC, Applicant, dated: December 16, 2020
(3617 West Oakwood Road)

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 fill 9,818 sq ft of wetland, to fill 22,956 sq ft of Wetland Buffer and 20,686 sq. ft of Wetland Setback*
3. Applicant's reason for request: *The Special Exception request is being made to allow for the construction of a 300,000 sq. ft. industrial building and the associated site access roads and parking.*
4. Applicant's reason why request appropriate for Special Exception: *The buildings in this development are expected to be office/warehouse and/or light manufacturing/distribution centers which are currently in high demand (These types of industrial facilities rely heavily on the closeness of suppliers and a direct connection to the interstate highway system Because industrial is the fastest growing sector of the real estate market and there is a great need for additional industrial land along the I-94 Corridor, especially south of Milwaukee, the City of Franklin created a new TIF/TID District to take advantage of the new I-94 Interchange at Elm Road The property is adjacent to existing industrial uses that the City is the process of enhancing with the reconstruction of West Elm Road, which will include new curb and gutter, a*

median, new storm sewer, sanitary sewer, water main, fire hydrants, and new sanitary and water laterals for each property

Because of the need to accommodate as much offsite stormwater as possible, in addition to the stormwater volume needed for the industrial development, it is required to maximize the square footage of the proposed buildings in order to get the increment required by the City for this project. Thus, a 200,000 SF and 300,000 SF building will meet those requirements. The project, on its own, could not evolve or be successful due to various factors (land cost, utility cost, environmental remediation or mitigation, rent, or construction costs) so it will rely on an investment from the City of Franklin's Tax Incremental Financing (TIF) District. The Increment is the taxable value after development minus the taxable value before. The City evaluates whether they can collect enough taxes within a certain period of time to pay off the debt.

Only the southern building and its north access road are expected to impact a minimal amount of wetland (9,818 SF). The southern building is slated to be a manufacturing facility that requires a minimum of 300,000 SF of space in a box-shaped configuration in order to effectively operate. WP Property Acquisitions, LLC has already been approached by a number of highly interested tenants that wish to utilize this space as soon as possible. The City of Franklin and WP Property Acquisitions, LLC are heavily invested in this property, are committed to providing adequate space for its intended users, and fully expect both buildings to be occupied in the short term.

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: *There are no rare species concerns for this project (see attached Endangered Resources Review. SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report. Of the 59 plant species, 18 were non-native species. No rare plant species were observed during their field inspection. The adjacent wetland buffer is farmed.*
2. Storm and flood water storage: *The portion of W-3 that is being impacted is a narrow swale that conveys water downslope from the 711-foot elevation to the 700-foot elevation where it then enters a shallow (cattail) marsh at a lower, and flatter elevation. Hydrology is seasonal and soils were observed as heavy clay. Water flow through the wetland is channelized and there is evidence of flashy hydrology such as eroded/scoured areas that lack vegetation. For these reasons, this wetland does not appear to attenuate water for any lengthy periods of time, and therefore performs little storm or flood storage.*

3. Hydrologic functions: *The portion of W-3 that is being impacted is a narrow swale that conveys water downslope from the 711-foot elevation to the 700-foot elevation where it then enters a shallow (cattail) marsh at a lower, and flatter elevation Hydrology is seasonal and soils were observed as heavy clay Water flow through the wetland is channelized and there is evidence of flashy hydrology such as eroded/scoured areas that lack vegetation The existing hydrology will be maintained by re-routing the drainage through storm sewer pipes sized for the 100-year storm event*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances *The wetland does not provide substantial storage of flood or stormwater In addition, the wetland is not adjacent to a lake or stream and water flow is channelized The adjacent land use is agricultural which contributes soil runoff, manure and possibly other pollutants into the watershed Although the wetland is generally narrow, vegetation in the wetland is reasonably dense due to invasive reed canary grass, so this may offer some water quality protection*
5. Shoreline protection against erosion: *The portion of W-3 that is proposed to be impacted is not located along a shoreline*
6. Habitat for aquatic organisms: *Although the wetland conveys water downslope that ultimately reaches a larger wetland complex associated with an unnamed waterway, the wetland itself is not contiguous with a perennial waterway or waterbody. The wetland has a seasonal hydroperiod with little to no standing water that does not support aquatic organisms*
7. Habitat for wildlife: *Because the wetland swale (W-3) is narrow, does not attenuate water for any long periods of time, has generally low plant diversity, and is located in an agricultural setting, it offers little value to wildlife as a whole The portion of W-3 that is proposed to be impacted is also not located within an environmental corridor The wetland, however, does connect to a larger wetland complex to the west that is within a Primary Environmental Corridor*
8. Human use functional value: *The wetland is located in an agricultural setting at the south end of the site and is not physically or visually accessible to the general public for recreational activities such as hiking, birding, or hunting It provides no recreational or educational values It does not have a diversity of habitat types and is generally degraded due to ongoing agricultural practices along its perimeter*
9. Groundwater recharge/discharge protection: *There are no indicators of groundwater present such as springs or seeps Soils are not organic, but*

rather a heavy clay as noted in the 2015 SEWRPC wetland report The wetland does not remain saturated for any extended period of time

10. Aesthetic appeal, recreation, education, and science value: *The wetland is located in an agricultural setting at the south end of the site and is not physically or visually accessible to the general public for recreational activities such as hiking, birding, or hunting It provides no recreational or educational values. It does not have a diversity of habitat types and is generally degraded due to ongoing agricultural practices along its perimeter*
11. State or Federal designated threatened or endangered species or species of special concern. *There are no rare species concerns for this project (see attached Endangered Resources Review. SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report Of the 59 plant species, 18 were non-native species No rare plant species were observed during their field inspection*
12. Existence within a Shoreland: *Wetland W-3 is not a shoreland wetland.*
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: *The portion of W-3 that is anticipated to be impacted is not located in an wetland is not located within a Primary or Secondary Environmental Corridor or an Isolated Natural Resource Area The lower reach of W-3 (shallow marsh) on the west end of the property is located within a Primary Environmental Corridor; however, this portion of W-3 will not be impacted as a result of the project*

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 conditions giving rise to the request were not self-imposed, as the location of the existing portion of wetlands to be impacted run diagonally through the site from southeast to northwest, whereas the length of the property itself runs in the north-south direction, as does the future S Hickory Street In addition, with the intent of the project to provide large industrial buildings that are in short supply in the area, this goal can not be achieved without some wetland impacts Without the impacts, the project becomes unfeasible because there is not enough useable land to offset the costs of development*

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: _____, or
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *As outlined in responses to Natural Resource Special Exception Question and Answer Form, the only alternative that avoids any wetland impacts is not constructing anything on the southern end of the site (Alternative #1) In addition, Alternative #2 still has wetland impacts, but doesn't achieve the project goals because it would render the project infeasible.*
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *With the proposed project being an industrial use within a proposed industrial area of the City, it will be consistent with the existing character of the neighboring properties, and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The proposed impacts to the wetland, wetland buffer and wetland setbacks have been minimized to the maximum extent practicable to still make the project feasible from both a cost and efficiency standpoint Furthermore, by keeping the wetland impacts below 10,000 SF, the project falls under the general wetland permit process with the WDNR, and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed project is in harmony with the general purpose and intent of the provisions of this ordinance, in that every effort was made to limit the impacts to the wetland, wetland buffer and wetland setbacks, 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 functional values of the wetland, wetland buffer and wetland setbacks located downstream/northwest of the impacted areas, will be preserved by maintaining the hydrology by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event*

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: *The location of the existing portion of wetlands to be impacted run diagonally through the site from southeast to northwest, whereas the length of the property itself runs in the north-south direction, as does the future S Hickory Street. In addition, with the intent of the project to provide large industrial buildings that are in short supply in the area, this goal can not be achieved without some wetland impacts. Without the impacts, the project becomes unfeasible because there is not enough useable land to offset the costs of development.*
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: *One unusual circumstance associated with this project is the need to reroute the existing overhead ATC transmission lines. Similar to the wetlands, the existing ATC lines run diagonally through the site from southeast to northwest. Thus, the southern portion of the site is not useable until these are relocated. However, as long as the wetland, wetland buffer and wetland setback impacts are deemed acceptable, the project is able to absorb the costs associated with this relocation.*
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The useful life of the project and associated site improvements should be long-lived, since the project has readily accessible utility connections, it is in close proximity to the interstate highway system, and the ATC lines will be relocated. In addition, the storm water pond will serve offsite areas, and will have a long-term maintenance plan associated with it.*
4. Aesthetics: *The City's landscape ordinance will be followed in developing the landscaping for the site, and all unimpacted areas of the site will remain in their natural condition.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *The proposed impacts to the wetland, wetland buffer and wetland setbacks have been minimized to the maximum extent practicable to still make the project feasible from both a cost and efficiency standpoint. Furthermore, by keeping the wetland impacts below 10,000 SF, the project falls under the general wetland permit process with the WDNR.*
6. Proximity to and character of surrounding property: *With the proposed project being an industrial use within a proposed industrial area of the City, it will be consistent with the character of the surrounding properties.*

7. Zoning of the area in which property is located and neighboring area: *The City of Franklin has zoned this area and the neighboring industrial areas as a Planned Development District (PDD#39)*

8. Any negative affect upon adjoining property: *It is currently not anticipated for there to be any negative affects upon the adjoining properties as a result of this project The project will follow the City's and the WDNR's erosion control and storm water management requirements, and the downstream wetland hydrology will be preserved by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event*

9. Natural features of the property: *The natural features of the property were fully outlined in the Natural Resource Protection Report*

10. Environmental impacts: *There are no rare species concerns for this project (see attached Endangered Resources Review. SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report Of the 59 plant species, 18 were nonnative species No rare plant species were observed during their field inspection.*

Because a tenant has not yet been identified for this project, potential environmental impacts beyond impacts to natural resources cannot be assessed at this time. §15-3 1102 B, and other local pollution standards not directly enforced under the NRSE application process still apply

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) Pursuant to §15-4.0103 and §15-10.0208 B.3.b., the applicant shall provide mitigation for natural resource impacts As required by §15- 4 0103.B.1 d,

land upon which the mitigation is to take place shall be protected by a conservation easement as permanent natural resource features.

- b) The applicant shall submit conservation easements for areas of preserved natural resources (§15- 4.0103.B.1.d, §15-7.0201.H) Common Council review and approval, prior to any land disturbing activities.
- c) The applicant shall obtain all necessary approvals from Federal and State regulatory agencies, (§15-10.0208.B.3) prior to any land disturbing activities.
- d) The applicant shall include conservation and mitigation information on landscape plans, including maintenance information, and provide for financial sureties for their implementation, as permitted by §15-4.0103.D.
- e) The applicant shall revise landscape plans to replace invasive species Norway Maple with another maple variety or similar tree type, subject to the approval of the City Forrester.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 24th day of March, 2021.

Dated this 29 day of March, 2021.

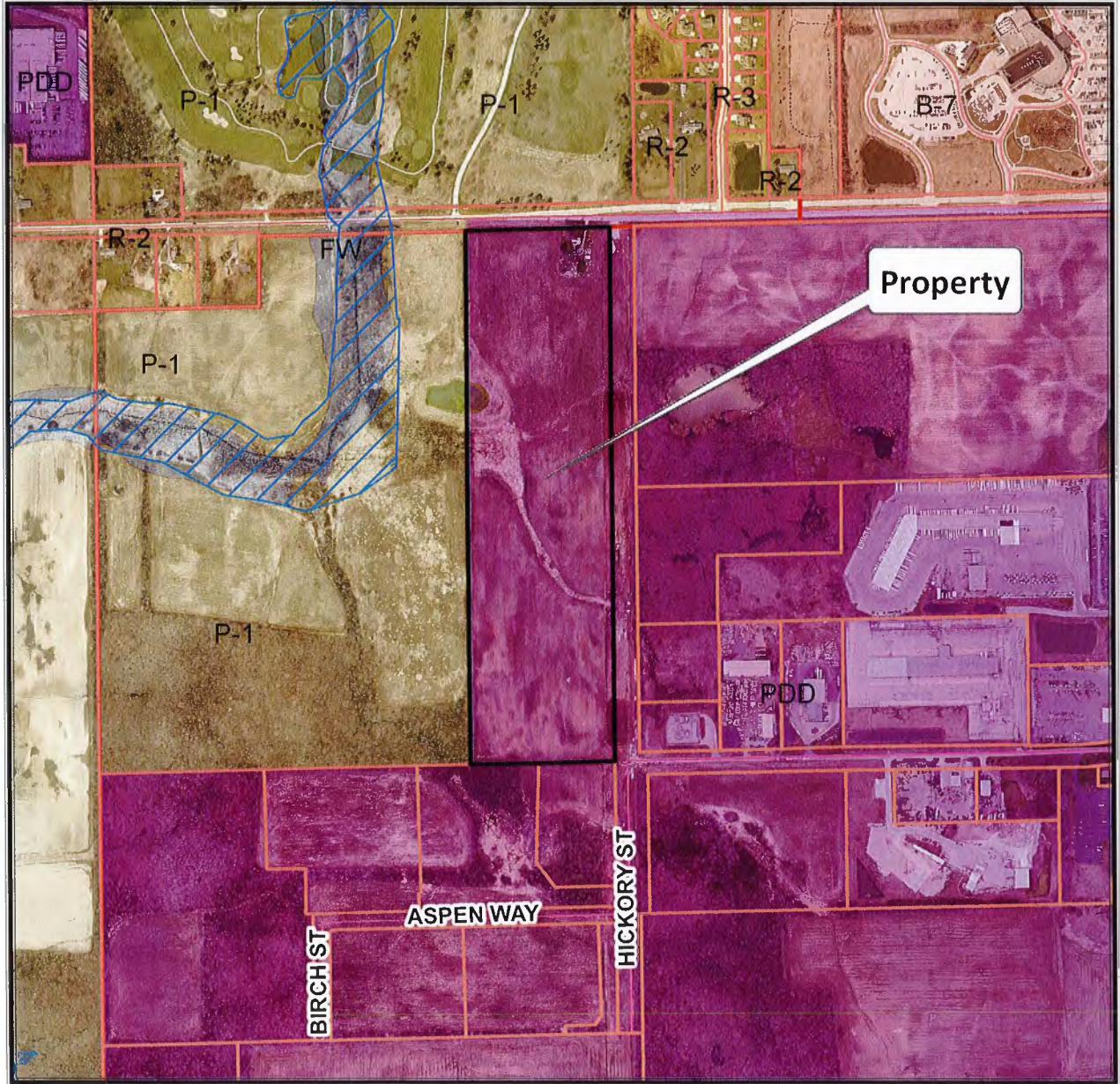

Arthur Skowron, Chairman

Attest:

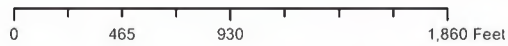

Linda Horn, Vice-Chairman



3617 W. Oakwood Road
TKN: 950 9997 002



Planning Department
(414) 425-4024

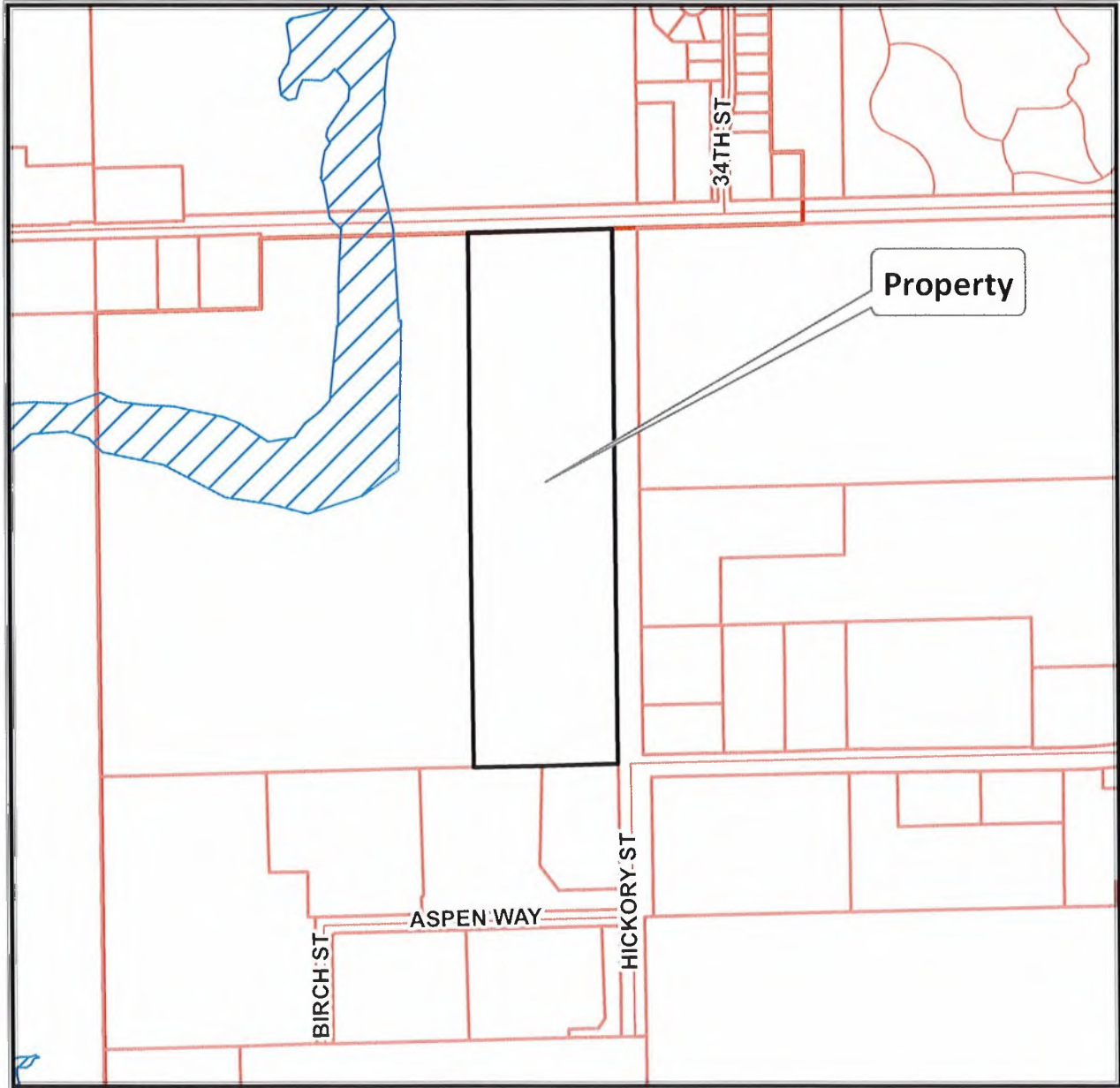


2017 Aerial Photo

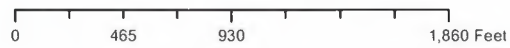
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



3617 W. Oakwood Road
TKN: 950 9997 002

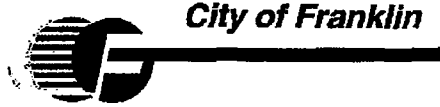


Planning Department
(414) 425-4024



2017 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.



Date of Application: 12-11-2020

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

<p>Applicant (Full Legal Name[s]): Name: <u>Stewart M. Wangard</u> Company: <u>WP Property Acquisitions LLC</u> Mailing Address: <u>1200 N. Mayfair Road, Suite 310</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53226</u> Phone: <u>414.777.1200</u> Email Address: <u>mlake@wangard.com</u></p> <p>Project Property Information: Property Address: <u>3617 W. Oakwood Road</u> Property Owner(s): <u>Wendt Family Trust</u></p> <p>Mailing Address: <u>8113 S. Forest Hills Circle</u> City / State: <u>Franklin, WI</u> Zip: <u>53132</u> Email Address: <u>kaczmarekhomes@gmail.com</u></p>	<p>Applicant Is Represented by (contact person) (Full Legal Name[s]): Name: <u>Mark Lake</u> Company: <u>Wangard Partners, Inc.</u> Mailing Address: <u>1200 N. Mayfair Road, Suite 310</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53226</u> Phone: <u>414 935.4014</u> Email Address: <u>mlake@wangard.com</u></p> <p>Tax Key Nos: <u>950 9997 002</u></p> <p>Existing Zoning: <u>PDD #39</u> Existing Use: <u>Agricultural</u> Proposed Use: <u>Industrial</u> Future Land Use Identification: <u>Mixed Use</u></p>
<p>*The 2025 Comprehensive Master Plan <u>Future Land Use Map</u> 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).

Colette Kaczmarek
 Signature - Property Owner
The Wendt Family Trust
 Name & Title (PRINT)
 Date: 12-9-2020

 Signature - Property Owner

 Name & Title (PRINT)
 Date: _____

Stewart M. Wangard
 Signature - Applicant
Stewart M. Wangard, sole member
 Name & Title (PRINT)
 Date: 12-10-2020

 Signature - Applicant's Representative

 Name & Title (PRINT)
 Date: _____

March 15, 2021

Marion Ecks – Associate Planner
Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

RE: Natural Resource Special Exception, Staff Comments - 3617 W. Oakwood Road

Dear Miss Ecks,

I am writing this letter to address the Natural Resource Special Exception comments in your review letter dated January 15th, 2021 for the above referenced project. Below you will see the pertinent portions of the review comments in *italicized text* and Kapur's corresponding responses in **bold color**.

Natural Resources

1. *Pursuant to §15-4.0103 and §15-10.0208.B.3.b., please describe the mitigation you will provide for the natural resource impacts. Note that, as required by §15- 4.0103.B.1.d, land upon which the mitigation is to take place shall be protected by a conservation easement as permanent natural resource features. Please submit the required easement and exhibits.*
 - a. *Note that the standard for wetland mitigation is 1.5 acres of compensation for each 1 acre of impact.*

Kapur: Please refer to the draft Wetland Mitigation Compensation Site Plan Report. Wetland mitigation was provided at a rate of 1.5 acres for each 1 acre of impact.

2. *Please submit conservation easements for areas of preserved natural resources (§15-4.0103.B.1.d, §15-7.0201.H).*

Kapur: Proposed conservation easements for areas of preserved natural resources have been added to each NRPP exhibit map. Once approval of the NRSE has been granted, the official easement documents will be created and recorded.

Natural Resource Protection Plan (NRPP)

3. *Please provide contact information including address and telephone number for the owners and developer on the NRPP as required by §15-7.0201.C. Staff suggests this information be included on the NRPP exhibit maps.*





Kapur: Contact information for owners and engineers has been added to each NRPP exhibit map.

4. Pursuant to §15-4.0102.K and §15-7.0201.J of the UDO, please clearly indicate the amount and type of natural resource features to be impacted. Please include a table on the NRPP maps (As required by §15-7.0201 and §15-4.0102) with consolidated information about:
 - a. The total site area (§15-7.0201.E)
 - b. The total area of each natural resource on the site (§15-7.0201.I). If a natural resource is not present, list it on the table with a zero for area.
 - c. Total area of disturbance to each natural resource (§15-7.0201.J). Any areas of temporary disturbance (construction access, staging areas, etc.) should be noted separately.

Kapur: A table has been added to each NRPP exhibit map to show the disturbance to each natural resource on the site and the total site area.

5. Please indicate the amount and type of any areas of overlapping natural resource features (§15-4.0102.K).

Kapur: An Overall Natural Resource Exhibit Map (Exhibit 5) has been created to show areas of overlapping natural resources features.

6. Please label the adjoining Milwaukee County parkland, and include the owner name (§15-7.0201.G).

Kapur: The adjoining Milwaukee County parkland has been labeled on all NRPP exhibit maps.

7. Please verify that all easements on (immediately adjacent to) the property line are depicted on the NRPP map (§15-7.0201.H).

Kapur: All easements have been added to the NRPP exhibit maps.

8. Indicate any areas of the site where natural resources are to be mitigated (§15-7.0201.J).

Kapur: Areas on the site where natural resources are to be mitigated have been added to the NRPP exhibit maps.

9. Indicate preservation and mitigation areas to be included in conservation easements on the NRPP map (§15-7.0201.K and §15-7.0201.J).





Kapur: Proposed conservation easements for preservation and mitigation areas have been added to each NRPP exhibit map. Once approval of the NRSE has been granted, the official easement documents will be created and recorded.

10. Please provide Site Intensity calculations in the NRPP report (§15-7.0201.N). Note that LSR standard for the Business Park portion of PDD 39 is 0.25.

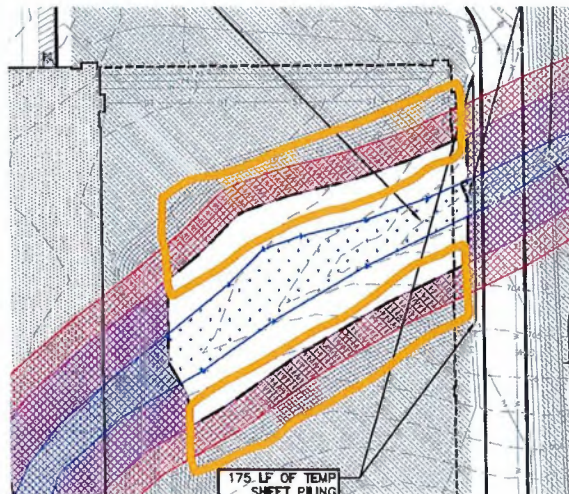
Kapur: The site intensity calculations have been added to the NRPP report and the LSR has been updated from 0.45 to 0.25.

Natural Resource Special Exception (NRSE)

11. Please provide a proposal for mitigation of impacts to wetland, wetland setback, and wetland buffer. See comment No. 1 above.

Kapur: A proposal for mitigation of impacts to wetlands and wetland buffer has been provided. In reading Part 4 of the UDO (Section 15-4.0103), there is nothing that states setbacks must be “mitigated.” It only discusses mitigation of the 30’ wetland buffers at a 1.5 ratio. The ordinance states permanent vegetative cover shall be established, and be sufficient to provide filtering of pollutants from up slope overland flow areas. Per the Site Landscape Plans included with this submittal, all areas 10 feet beyond the perimeter roadways & truck parking are to be planted with no mow fescue with annual rye grass seed.

12. Please clarify the nature of impacts to and plan for restoration of impact indicated



nature of impacts to and plan wetland setback areas of in orange boxes below.





Kapur: The wetland setback areas impacted as indicated in the orange boxes below will no longer be impacted based on the updated site layout and grading. Hydrology to this wetland area will be maintained by a storm sewer pipe.

13. *Please describe the restoration plan for new wetland setback and buffer areas created by wetland impacts.*

- a. *Setback: Restoration of wetland setback must conform to the standards of §15-4.0102I for appropriate plantings. Turf grasses are prohibited. Non-vegetative cover is permitted in areas subject to erosion.*

Kapur: Wetland setback areas will be restored with no mow fescue with annual rye grass seed per the Site Landscape Plans included with this submittal.

- b. *Buffer: Restored wetland buffer shall be planted with native plant species and provide for soils of equal or greater quality than those found in the disturbed wetland buffer. Restored and created new wetland buffer shall comply with the minimum width of 30 feet (§15- 4.0103B.5).*

Kapur: Restored wetland buffer will be planted with native plant species with soils of equal or greater quality than those found in the disturbed wetland buffer. All restored and created new wetland buffer will comply with the minimum width of 30 feet. Please refer to the draft Wetland Mitigation Compensation Site Plan Report for additional information.

14. *Please provide additional information about how the hydrology of the remaining isolated section of wetland will be preserved. Plans indicate inclusion of a temporary storm sewer pipe connecting to nearby wetlands. Some of this infrastructure is not on the actual property. How will installation of the pipe outside the property be guaranteed? What plans are in place for permanent preservation of the wetland?*

Kapur: Based on the updated site layout and grading, there will no longer be an isolated section of wetland. A permanent storm sewer pipe will carry water from the east side of the future S. Hickory Street to the remaining portion of wetland. Installation of the pipe outside of the property has been coordinated with Ruekert Mielke, and the necessary storm sewer has already been incorporated in their draft plans for S. Hickory Street.

15. *Since the need to produce a minimum amount of increment or taxable development for the property is the justification for the size this building, the applicant should provide additional information comparing the various building sizes. This was partially addressed under item c.i. on page 7 of the Natural Resource Special Exception Question and Answer Form.*

Kapur: Due to the location and orientation of W-3, there is no way to completely avoid the wetlands while still meeting the basic project purpose and need. The only way to avoid the





wetland completely is to eliminate the southern building. Each parcel is required to generate enough tax dollars to pay for its share of the infrastructure that was installed to support it. By not utilizing the land to the south, the project would not generate the revenue needed to make it economically viable. A 100,000 SF or smaller building that could potentially be built would not generate its pro-rata share of the tax revenue required by the district and would render the project infeasible.

Replacing the 300,000 SF building in the southern half of the site with a 200,000 SF building would still result in 6,960 SF of impact to the wetland. However, as stated previously, the reduction in size of the building would render the project infeasible. In order to get the rents and value (increment), the project requires no less than a 200,000 SF and a 300,000 SF building. Losing 100,000 SF worth of rent for the owner and tax increment for the City is enough to render the project infeasible.

Since there is no way to completely avoid wetland impacts while still meeting the project's primary purpose and need, the focus is to minimize impacts. One way the current design minimizes wetland impacts is by locating the access road as close to the building as possible, while also remaining outside the fall-zone of the building in case of fire. In addition, the sideslope of the road were changed from 4:1 to 3:1, eliminating additional wetland impacts. The current design also maintains the existing wetland hydrology by re-routing the drainage through storm sewer pipes sized for the 100-year storm event.

16. *Application materials reference a Letter of Support from the City of Franklin dated October 19, 2020. Please provide a copy of the letter.*

Kapur: A copy of the Letter of Support from the City of Franklin dated October 19, 2020 will be provided.

17. *The application refers to a DNR General Permit. Please provide copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit (§15-10.0208.B.3).*

Kapur: The General Permit has been re-submitted and is pending. The Army Corps of Engineers accepted the permit, but it is still contingent upon the DNR review and approval.

18. *Please provide information about possible expansions. If a 100,000 additional square feet development is contemplated, will this require additional impacts to protected natural resources? What mitigation or alternatives are proposed? How will this impact current work being done to preserve hydrology?*

Kapur: The developer is no longer considering a possible 100,000 SF addition onto the north side of the south building. The south building will be 300,000 SF with no plans for any future expansion.





19. Please clarify the response to question 4.b.f.iv (§15-9.0110.C.4.f.iv) – “Water quality protection including filtration and storage of sediments, nutrients or toxic substances.” Will the remaining wetland perform this function in future? Note that §15-3.1102.B, and other local pollution standards not directly enforced under the NRSE application process still apply.

Kapur: Although most of the Project Site is planned to be developed, the remaining undeveloped areas have excellent potential to add functional value to the landscape as a whole and to improve water quality to the off-site tributary that flows towards the Root River. The Project Site is predominantly agricultural land with wetlands that are mostly low in functional value. Wetland W-2 provides higher functional value than W-1 and W-3, but is essentially a stormwater pond that was planted/seeded with native plants sometime between 2000 and 2005. The establishment of native plant communities in areas currently farmed will improve multiple wetland functions within the Project Site including flood/stormwater attenuation, water quality, floral diversity, wildlife habitat, and overall aesthetics.

20. Responses to NRSE questionnaire note on page 11 etc. that the wetland area in question connects to a SEWRPC environmental corridor. Does SEWRPC have any comment on the proposed impacts?

Kapur: There is one Primary Environmental Corridor (PEC) that extends into the Project Site and includes W-2 and part of W-3 (see SEWRPC Wetland and Environmental Corridor Map in Appendix 1). Most of the PEC lies west of the Project Site and is associated with the Root River tributary and its adjacent wetlands and woodlands. There is also an Isolated Natural Resource Areas (INRA) that lies just east of the Project Site that includes both woodland and wetlands. The establishment of native plant communities in areas currently farmed is expected to ultimately expand the current boundaries of the PEC.

21. Impacts to young woodlands do not require a Natural Resource Special Exception at this time. Please note that future impacts in excess of 50% of the current tree area will require an NRSE. Staff recommends that areas of young woodlands to remain be protected by a conservation easement, as required by §15- 4.0103.B.1.d, and §15-7.0201.H.

Kapur: The area of young woodlands that are to remain along the west property that are north of the south building have be included within the proposed conservation easement for the property.

Additional Staff Comments:

22. There is a typographic error in the legal description on the plat of survey which appears to list square footage as acreage.

Kapur: The legal description on the Plat of Survey has been updated.





23. Please use the same units of measurement in both the NRPP maps and the NRPP report. Staff suggests providing information in both acres and square feet.

Kapur: The NRPP maps and NRPP report have been updated to provide both acres and square feet for units of measurement.

24. Note that §15-7.0103M requires the depiction of setbacks on Site Plans. Please show the required setbacks and buffers for wetlands and other natural resources on the project Site Plan. Label the setback “no build” and the buffer “no touch.”

Kapur: The wetland setback and wetland buffer have been labeled “no build” and “no touch” respectively on the site plan and NRPP wetland exhibit map.

25. Staff suggests including conservation area information on landscape plans, including maintenance information.

Kapur: The proposed conservation easement has been added to the Site Landscape Plans.

26. Note that §15-4.0103D allows for financial sureties to be required for restoration. Plan Commission may choose to impose this requirement on landscape and restoration plans.

Kapur: Noted.

City Attorney Comments

There is a typographic error in the legal description provided which appears to list square footage as acreage. Please provide a corrected legal description.

Kapur: The legal description has been updated.

Engineering Department Comments

No comments.

Kapur: Noted.

Police Department Comments

The Franklin Police Department has no issues with this project.

Kapur: Noted.





Fire Department Comments

The fire department has no position on the NRSE at this location.

Kapur: Noted.

Inspection Services Department Comments

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

Kapur: Noted.



Natural Resource Special Exception Question and Answer Form

Section 1: Per Section 15-9.0110, Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature of this Ordinance shall include the following:

A Name and address of the applicant and all abutting and opposite property owners of records

Applicant

Stewart M Wangard – WP Property Acquisitions LLC
1200 N Mayfair Road, Suite 310
Milwaukee, WI 53226

Property

Wendt Family Trust
3617 W Oakwood Road
Franklin, WI 53132

Properties to the North

- | | |
|---|---|
| 1) Milwaukee County Dept of Parks, Rec & Culture
3600 W Oakwood Road
Franklin, WI 53132 | 2) Thomas & Helen Gadowski
3472 W Oakwood Road
Franklin, WI 53132 |
|---|---|

Properties to the East

- | | |
|--|---|
| 1) Jams-4 LLC
0 W Oakwood Road
Franklin, WI 53132 | 2) Jams-4 LLC
0 S 27 th Street
Franklin, WI 53132 |
| 3) Wisconsin Electric Power Co
0 W Elm Road
Franklin, WI 53132 | 4) Wisconsin Electric Power Co
3400 W Elm Road
Franklin, WI 53132 |
| 5) 3151 Elm Road LLC
3151 W Elm Road
Franklin, WI 53132 | |

Properties to the South

Property information not currently available

Property to the West

- 1) Milwaukee County – Treasurer
0 W Oakwood Road
Franklin, WI 53132

B. Plat of survey Plat of survey prepared by a registered land surveyor showing all of the information required under §15-9 0102 of this Ordinance for a Zoning Compliance Permit

See attached

C. Questions to be answered by the applicant Items on the application to be provided in writing by the applicant shall include the following

1. Indication of the section(s) of the UDO for which a Special Exception is requested

Wetland, Wetland Buffer and Wetland Setback

2. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate

The Special Exception is being requested to fill 9,818 sq ft of wetland, to fill 22,956 sq ft of Wetland Buffer and 20,686 sq. ft of Wetland Setback

3. Statement of the reason(s) for the request

The Special Exception request is being made to allow for the construction of a 300,000 sq ft industrial building and the associated site access roads and parking

4. 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

- a. Background and Purpose of the Project

1. Describe the project and its purpose in detail Include any pertinent construction plans

The purpose of the project is to create two new industrial buildings just south of Oakwood Road and west of the future South Hickory Street WP Property Acquisitions, LLC is working to develop the project site, referred to as "Oakwood Industrial", and is proposing to construct a 200,000 Square Foot SF building in the northern half of the site and a 300,000 SF building in the southern half of the site, as well as associated parking/paving, and access roads In order to accommodate for the increased stormwater runoff associated with the new industrial development, as well as the future S Hickory Street and the reconstruction of West Elm Road and eastern industrial area, a regional stormwater pond will also be constructed as part of this project

Because of the need to accommodate as much offsite stormwater as possible, in addition to the stormwater volume needed for the industrial development, it is required to maximize the square footage of the proposed buildings in order to get the increment required by the City for this project Thus, a 200,000 SF and 300,000 SF building will meet those requirements The project, on its own, could not evolve or be successful due to various factors (land cost, utility cost, environmental remediation or mitigation, rent, or construction costs) so it will rely on an investment from the City of Franklin's Tax Incremental Financing (TIF) District The Increment is the taxable value after development minus the taxable value

before The City evaluates whether they can collect enough taxes within a certain period of time to pay off the debt

Both buildings are expected to be office/warehouse and/or light manufacturing/distribution centers which are currently in high demand (These types of industrial facilities rely heavily on the closeness of suppliers and a direct connection to the interstate highway system. Because industrial is the fastest growing sector of the real estate market and there is a great need for additional industrial land along the I-94 Corridor, especially south of Milwaukee, the City of Franklin created a new TIF/TID District to take advantage of the new I-94 Interchange at Elm Road. The property is adjacent to existing industrial uses that the City is the process of enhancing with the reconstruction of West Elm Road, which will include new curb and gutter, a median, new storm sewer, sanitary sewer, water main, fire hydrants, and new sanitary and water laterals for each property

Only the southern building and its north access road are expected to impact a minimal amount of wetland (9,818 SF). The southern building is slated to be a manufacturing facility that requires a minimum of 300,000 SF of space in a box-shaped configuration in order to effectively operate. WP Property Acquisitions, LLC has already been approached by a number of highly interested tenants that wish to utilize this space as soon as possible. The City of Franklin and WP Property Acquisitions, LLC are heavily invested in this property, are committed to providing adequate space for its intended users, and fully expect both buildings to be occupied in the short term

- ii State whether the project is an expansion of an existing work or new construction

The project is new construction

- iii 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

Southeastern Wisconsin Regional Planning Commission (SEWRPC) performed a wetland delineation for the City of Franklin TIF District back in 2015 which included the 46-acre property where the project is proposed. At that time, one small farmed wetland (W-1 – 0.114 acre), one constructed stormwater pond (W-2 - 0.384 acres), and one larger wetland swale (W-3 – 2.167 acres) that drains northwest through the property were identified and delineated totaling 2.665 acres (116,075 SF) of wetland. According to Chris Jors from SEWRPC, the wetlands within the TIF District were re-evaluated during May 2020, but no changes were made to the wetland boundaries within the 46-acre property. However, the updated 2020 SEWRPC wetland report has not yet been completed as of this time. Of the three wetlands located within the 46-acre property, one was a stormwater pond (W-2) constructed by the City of Franklin between the years 2005 and 2010. The pond was determined to be exempt from Wisconsin Department of Natural Resources (WDNR) wetland regulation

back in 2017 and determined non-jurisdictional by the Corps in 2020. The other two wetlands (W-1 and W-3) have been determined to be jurisdictional by the Corps and WDNR.

The vast majority of wetlands within the project site can and will be avoided, however, because of the location and configuration of a narrow finger of W-3 that extends diagonally across the property from southeast to northwest, there is no alternative to entirely avoid this wetland/wetland buffer other than to completely eliminate the southern building, however, this would render the project infeasible. This narrow portion of wetland/wetland buffer alone makes the project challenging from a development perspective. Thus, 9,818 SF of wetland and 22,956 SF of wetland buffer and 20,686 SF of wetland setback are proposed to be impacted as a result of the project. The direct wetland impacts will occur in a single location.

b Possible Alternatives

- 1 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 vast majority of wetland (2.44 acres), wetland buffers, and wetland setbacks within the project site will be avoided. In fact, the project has been designed to completely avoid W-1 altogether, only impact 846 SF of wetland setback in W-2, and have minimal impacts in W-3. However, due to the location and orientation of W-3, which extends diagonally across the entire parcel dividing it into two separate buildable areas, there is no way to completely avoid the wetland while still meeting the basic project purpose and need. The only way to avoid the wetland completely is to eliminate the southern building (see attached Alternative #1 Drawing). By not utilizing the land to the south, the project would not generate the revenue needed to make it economically viable. A smaller sized building constructed to completely avoid wetland would also not meet the minimum size requirement of the industrial facility and would render the project infeasible.

- 11 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 vast majority of wetland (2.44 acres) and associated wetland buffer/setbacks within the project site will be avoided. In fact, the project has been designed to completely avoid W-1 altogether, only impact 846 SF of wetland setback in W-2, and have minimal impacts in W-3. However, due to the location and orientation of W-3, which extends diagonally across the entire parcel dividing it into two separate buildable areas, there is no way to completely avoid the wetland while still meeting the basic project purpose and need. The only way to avoid the wetland completely is to eliminate the southern building (see attached Alternative #1 Drawing). By not utilizing the land to the south, the project would not generate the revenue needed to make it economically viable. A smaller sized building constructed to completely avoid wetland would also not

meet the minimum size requirement of the industrial facility and would render the project infeasible

- iii State how the project may be made smaller while still meeting the project's needs

During the initial design stages of this project, WP Property Acquisitions, LLC design team had initially planned for a 400,000 SF building in the southern portion of the parcel. This would have resulted in 18,478 SF of wetland impact to W-3 requiring a Wetland Individual Permit. While the 400,000 SF building would have been better suited to the overall project goal and more acceptable to the City of Franklin, WP Property Acquisitions, LLC was able to negotiate a smaller sized building of 300,000 SF which would impact only 9,818 SF of wetland. However, anything smaller than a 300,000 SF building would not generate the revenue required to make the project economically viable. Also during the initial planning stages, the stormwater pond was originally designed to impact 0.064 acres of the northern finger of W-3, but was later reshaped to completely avoid it.

Alternative #2 (see attached design) replaces the 300,000 SF building in the southern half of the site with a 200,000 SF building resulting in 6,960 SF of impact to low quality wet meadow, however, as stated previously, the reduction in size of the building would render the project infeasible especially considering that the footprint of the southern building was already reduced from 400,000 SF to 30,000 SF. In order to get the rents and value (increment) the project requires no less than a 200,000 SF and a 300,000 SF building. Losing an additional 100,000 SF worth of rent is enough to render the project infeasible.

Since there is no way to completely avoid wetland impacts while still meeting the project's primary purpose and need, the focus is to minimize impacts. One way the preferred design minimizes wetland impacts is by locating the access road as close to the building as possible, while also remaining outside the fall-zone of the building in case of fire. In addition, the sideslopes of the road were changed from 4:1 to 3:1, eliminating additional wetland impacts. The preferred design also maintains the existing wetland hydrology by re-routing the drainage through storm sewer pipes sized for the 100-year storm event. Please refer to the attached Preferred Design.

- iv State what geographic areas were searched for alternative sites

Other sites were considered for this project, however, many factors lead to the selection of this site. WP Property Acquisitions had looked at several other properties, however, each had its own issues and were determined to be unsuitable for a large industrial development. For example, some sites required water extension and the only water service in close proximity was from another City in another County. Others were outside the Sewer Service Area altogether and would take years to amend the 208 Plan. Some sites had expensive leases that needed to be bought out. Others had more wetlands, rivers or other natural resources, while others had high

bedrock or a high water table. Some sites were too narrow or too short to fit a 200,000 SF and 300,000/400,000 SF building, while others did not have industrial rated electrical or natural gas service. Some sites did not have local support for an industrial development of this size. Some, due to items on this list, needed more money to develop and the municipality wasn't willing to contribute to help develop the property. The Oakwood Road site was a favorable piece of land that met the majority of the requirements, and was also favorable to and endorsed by the municipality.

Within the development area (Southeastern Wisconsin, I-94 Corridor) many things impact development such as access, availability of utilities, municipal cooperation, wetlands, brownfield properties, agricultural preservation, overhead transmission lines that do not follow property lines, underground utility lines that do not follow property lines, drainage/stormwater issues, high bedrock, high groundwater, etc. This property ultimately met the site requirements for this type of construction as almost all issues except wetlands and the ATC utility line could be eliminated. WP Property Acquisitions is currently in negotiations with ATC to reroute the power lines along the southern and western parcel boundaries and fully expect a positive outcome leaving only the issue of wetland permitting remaining.

As a boost to economic growth and to take advantage of the new Interstate-94 Interchange at W Elm Road, the City of Franklin identified this area as a Planned Development District (PDD#39) and said it would be most suitable for the intended industrial use fully understanding that there were wetlands and other issues with utilities that may or may not need to be mitigated. Please refer to the October 19, 2020 letter of support from the City of Franklin.

- v 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

No sites are available that would meet all of the requirements of this project.

- vi State what will occur if the project does not proceed

For more than fifteen years, the City of Franklin has desired to create a corporate park in this area to create jobs and spur economic growth. The City created a second TIF District in 2020 in order to develop this site by investing millions of dollars in public infrastructure to create shovel ready parcels. For example, utilities are already being installed in the future S Hickory Street corridor. Due to the already heavily invested dollars, not developing this parcel would have significant social and economic consequences for the City of Franklin and its taxpayers. Please refer to the October 19, 2020 letter of support from the City of Franklin which describes the importance of the project to the local economy of Franklin.

As indicated in the letter of support from the City of Franklin, the City has a lack of large buildings to offer to prospects looking for buy and lease

opportunities The existing business park only has small sites left and the demand for larger existing spaces far exceeds supply

c Comparison of Alternatives

- 1 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

Eliminating an entire building or losing 100,000 SF of space is not an economically feasible option. The cost associated with the loss of income per acre of industrial space would be a minimum of \$80,000 per acre (10 acres) (\$800,000) per year in lost revenue or potentially \$18,000 in lost taxes annually. One large building is cheaper and more efficient than several smaller buildings that each have redundant driveways, services, facilities, etc that allow less room for their primary use of manufacturing, storage, or distribution, etc

- ii State any logistical reasons limiting any of the possible alternatives set forth under sub 2 , above

Logistically, there is no other way to completely avoid the narrow finger of degraded wet meadow without completely eliminating the building to the south or greatly reducing the footprint to a size that will not generate enough revenue to make the project viable. Alternatives #1 and #2 are less economically feasible as the proposed industrial facilities require thicker floors, higher ceilings, and more loading docks to allow for more storage space under roof, which make them cost effective. One large building is cheaper and more efficient than several smaller buildings that each have redundant driveways, services, facilities, etc that allow less room for their primary use of manufacturing, storage, or distribution, etc. Additionally, because of the need to create a regional detention facility to accommodate existing offsite as well as onsite stormwater, creating multiple smaller ponds would be inefficient as well, therefore it is planned to create one larger pond.

- iii State any technological reasons limiting any of the possible alternatives set forth under sub 2 , above

None are currently known.

- iv State any other reasons limiting any of the possible alternatives set forth under sub 2 , above

Because of the need to accommodate as much of the offsite stormwater as possible, in addition to the stormwater volume needed for the industrial development, it is required to maximize the square footage of the proposed buildings in order to get the increment required by the City for this project and a 200,000 SF and 300,000 SF building will meet those requirements. The project, on its own, could not evolve or be successful due to various factors (land cost, utility cost, environmental remediation or mitigation, rent, or construction costs) so it will rely on an investment from the City of Franklin (TIF).

- d 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 City created a second TIF District in 2020 in order to develop this site by investing millions of dollars in public infrastructure to create shovel ready parcels. For example, utilities are already being installed in the future S Hickory Street corridor. Due to the already heavily invested dollars, not developing this parcel to its fullest extent would have significant social and economic consequences for the City of Franklin and its taxpayers. Please refer to the October 19, 2020 letter of support from the City of Franklin which describes the importance of the project to the local economy of Franklin.

As indicated in the letter of support from the City of Franklin, the City has a lack of large buildings to offer to prospects looking for buy and lease opportunities. The existing business park only has small sites left and the demand for larger existing spaces far exceeds supply. This project would provide an ideal location for much needed large-sized industrial buildings that are currently in high demand.

- e 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

Southeastern Wisconsin Regional Planning Commission (SEWRPC) performed a wetland delineation for the City of Franklin TIF District back in 2015 which included the 46-acre property where the project is proposed. At that time, one small farmed wetland (W-1 – 0.114 acre), one constructed stormwater pond (W-2 - 0.384 acres), and one larger wetland swale (W-3 – 2.167 acres) that drains from southeast to northwest through the property were identified and delineated totaling 2.665 acres (116,075 SF) of wetland. According to Chris Jors from SEWRPC, the wetlands within the TIF District were re-evaluated during May 2020, but no changes were made to the wetland boundaries within the 46-acre property. However, the updated 2020 SEWRPC wetland report has not yet been completed as of this time. Of the three wetlands located within the 46-acre property, one was a stormwater pond (W-2) constructed by the City of Franklin between the years 2005 and 2010. The pond was determined to be exempt from Wisconsin Department of Natural Resources (WDNR) wetland regulation back in 2017 and determined non-jurisdictional by the Corps in 2020. The other two wetlands (W-1 and W-3) have been determined to be jurisdictional by the Corps and WDNR.

The vast majority of wetlands within the project site can and will be avoided, however, because of the location and configuration of a narrow finger of W-3 that extends diagonally across the property from southeast to northwest, there is no alternative to entirely avoid this wetland other than to completely eliminate the southern building, however, this would render the project infeasible.

The portion of W-3 that is being impacted is a narrow swale that conveys water downslope from the 711-foot elevation to the 700-foot elevation where it then enters a shallow (cattail) marsh. It is best classified as a wet meadow and is dominated by reed canary grass (*Phalaris arundinacea*), an invasive plant species and marsh fleabane (*Erigeron philadelphicus*). Hydrology is seasonal. The wetland is located within two NRCS mapped soil units: Blount silt loam and Ozaukee silt loam with 2-6% slopes. Of the two mapped soil types, only the Blount silt loam is considered a wetland indicator soil; however it is mostly non-hydric. During 2015, SEWRPC identified clay soils that met the F6 (Redox Dark Surface) NRCS Hydric Soil Indicator. They also noted two primary indicators of wetland hydrology (saturation and drift deposits) and three secondary indicators of wetland hydrology (surface soil cracks, saturation visible on aerial imagery, and geomorphic position). The adjacent upland buffers/setbacks are currently farmed and therefore do not provide a natural buffer. Because the wetland swale (W-3) is narrow, does not attenuate water for any long periods of time, has generally low plant diversity, and is located in an agricultural setting, it offers little value to wildlife as a whole.

- f Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. 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.

- 1 Diversity of flora including State and/or Federal designated threatened and/or endangered species

There are no rare species concerns for this project (see attached Endangered Resources Review). SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report. Of the 59 plant species, 18 were non-native species. No rare plant species were observed during their field inspection. The adjacent wetland buffer is farmed.

- 11 Storm and flood water storage

The portion of W-3 that is being impacted is a narrow swale that conveys water downslope from the 711-foot elevation to the 700-foot elevation where it then enters a shallow (cattail) marsh at a lower, and flatter elevation. Hydrology is seasonal and soils were observed as heavy clay. Water flow through the wetland is channelized and there is evidence of flashy hydrology such as eroded/scoured areas that lack vegetation. For these reasons, this wetland does not appear to attenuate water for any lengthy periods of time, and therefore performs little storm or flood storage.

- 111 Hydrologic functions

The portion of W-3 that is being impacted is a narrow swale that conveys water downslope from the 711-foot elevation to the 700-foot elevation where it then enters a shallow (cattail) marsh at a lower, and flatter elevation. Hydrology is seasonal and soils were observed as heavy clay. Water flow through the wetland is channelized and there is evidence of flashy hydrology such as eroded/scoured areas that lack vegetation. The

existing hydrology will be maintained by re-routing the drainage through storm sewer pipes sized for the 100-year storm event

- iv Water quality protection including filtration and storage of sediments, nutrients or toxic substances

The wetland does not provide substantial storage of flood or stormwater. In addition, the wetland is not adjacent to a lake or stream and water flow is channelized. The adjacent land use is agricultural which contributes soil runoff, manure and possibly other pollutants into the watershed. Although the wetland is generally narrow, vegetation in the wetland is reasonably dense due to invasive reed canary grass, so this may offer some water quality protection.

- v Shoreline protection against erosion

The portion of W-3 that is proposed to be impacted is not located along a shoreline

- vi. Habitat for aquatic organisms

Although the wetland conveys water downslope that ultimately reaches a larger wetland complex associated with an unnamed waterway, the wetland itself is not contiguous with a perennial waterway or waterbody. The wetland has a seasonal hydroperiod with little to no standing water that does not support aquatic organisms.

- vii Habitat for wildlife

Because the wetland swale (W-3) is narrow, does not attenuate water for any long periods of time, has generally low plant diversity, and is located in an agricultural setting, it offers little value to wildlife as a whole. The portion of W-3 that is proposed to be impacted is also not located within an environmental corridor. The wetland, however, does connect to a larger wetland complex to the west that is within a Primary Environmental Corridor.

- viii Human use functional value

The wetland is located in an agricultural setting at the south end of the site and is not physically or visually accessible to the general public for recreational activities such as hiking, birding, or hunting. It provides no recreational or educational values. It does not have a diversity of habitat types and is generally degraded due to ongoing agricultural practices along its perimeter.

- ix Groundwater recharge/discharge protection

There are no indicators of groundwater present such as springs or seeps. Soils are not organic, but rather a heavy clay as noted in the 2015 SEWRPC wetland report. The wetland does not remain saturated for any extended period of time.

- x Aesthetic appeal, recreation, education, and science value

The wetland is located in an agricultural setting at the south end of the site and is not physically or visually accessible to the general public for recreational activities such as hiking, birding, or hunting. It provides no recreational or educational values. It does not have a diversity of habitat types and is generally degraded due to ongoing agricultural practices along its perimeter.

- x1 Specify any State or Federal designated threatened or endangered species or species of special concern

There are no rare species concerns for this project (see attached Endangered Resources Review SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report. Of the 59 plant species, 18 were non-native species. No rare plant species were observed during their field inspection.

- x11 Existence within a Shoreland

Wetland W-3 is not a shoreland wetland.

- x111 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

The portion of W-3 that is anticipated to be impacted is not located in a wetland is not located within a Primary or Secondary Environmental Corridor or an Isolated Natural Resource Area. The lower reach of W-3 (shallow marsh) on the west end of the property is located within a Primary Environmental Corridor, however, this portion of W-3 will not be impacted as a result of the project.

- g Water Quality Protection Describe how the project protects the public interest in the waters of the State of Wisconsin

Wetlands areas not being impacted will be marked with lath and labeled with lath. Construction fencing will be placed around the wetland areas as a visual barrier for protection during construction. Silt fence will also be placed adjacent to the wetland areas as a BMP for protection from construction site storm water runoff.

The impacts will be kept to a minimum (less than 10,000 SF) and allow for the construction of both industrial buildings and wetland hydrology will be maintained by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event.

- 5 Date of any previous application or request for a Special Exception and the disposition of that previous application or request (if any)

None.

- D Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit

See attached Endangered Resources Review

Section 2: Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature, per Section 15-10.0208B.2. of the Unified Development Ordinance.

- a 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 conditions giving rise to the request were not self-imposed, as the location of the existing portion of wetlands to be impacted run diagonally through the site from southeast to northwest, whereas the length of the property itself runs in the north-south direction, as does the future S Hickory Street. In addition, with the intent of the project to provide large industrial buildings that are in short supply in the area, this goal can not be achieved without some wetland impacts. Without the impacts, the project becomes unfeasible because there is not enough useable land to offset the costs of development.

- b Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will

- i be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives

_____, *or*

- ii unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives

As outlined in the alternatives analysis above in sections C 4.b , C 4 c and C.4 d., the only alternative that avoids any wetland impacts is not constructing anything on the southern end of the site (Alternative #1). In addition, Alternative #2 still has wetland impacts, but doesn't achieve the project goals because it would render the project infeasible.

- c The Special Exception, including any conditions imposed under this Section will

- i be consistent with the existing character of the neighborhood

With the proposed project being an industrial use within a proposed industrial area of the City, it will be consistent with the existing character of the neighboring properties, and

- ii not effectively undermine the ability to apply or enforce the requirement with respect to other properties

The proposed impacts to the wetland, wetland buffer and wetland setbacks have been minimized to the maximum extent practicable to still make the project

feasible from both a cost and efficiency standpoint. Furthermore, by keeping the wetland impacts below 10,000 SF, the project falls under the general wetland permit process with the WDNR, and

- iii. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement

The proposed project is in harmony with the general purpose and intent of the provisions of this ordinance, in that every effort was made to limit the impacts to the wetland, wetland buffer and wetland setbacks, and

- iv. 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 functional values of the wetland, wetland buffer and wetland setbacks located downstream/northwest of the impacted areas, will be preserved by maintaining the hydrology by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event.

- d. In making its determinations, the Common Council shall consider factors such as
 - 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

The location of the existing portion of wetlands to be impacted run diagonally through the site from southeast to northwest, whereas the length of the property itself runs in the north-south direction, as does the future S Hickory Street. In addition, with the intent of the project to provide large industrial buildings that are in short supply in the area, this goal can not be achieved without some wetland impacts. Without the impacts, the project becomes unfeasible because there is not enough useable land to offset the costs of development

- ii. 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

One unusual circumstance associated with this project is the need to reroute the existing overhead ATC transmission lines. Similar to the wetlands, the existing ATC lines run diagonally through the site from southeast to northwest. Thus, the southern portion of the site is not useable until these are relocated. However, as long as the wetland, wetland buffer and wetland setback impacts are deemed acceptable, the project is able to absorb the costs associated with this relocation

- iii. Existing and future uses of property, useful life of improvements at issue, disability of an occupant

The useful life of the project and associated site improvements should be long-lived, since the project has readily accessible utility connections, it is in close proximity to the interstate highway system, and the ATC lines will be relocated

In addition, the storm water pond will serve offsite areas, and will have a long-term maintenance plan associated with it

iv Aesthetics

The City's landscape ordinance will be followed in developing the landscaping for the site, and all unimpacted areas of the site will remain in their natural condition

v Degree of noncompliance with the requirement allowed by the Special Exception

The proposed impacts to the wetland, wetland buffer and wetland setbacks have been minimized to the maximum extent practicable to still make the project feasible from both a cost and efficiency standpoint. Furthermore, by keeping the wetland impacts below 10,000 SF, the project falls under the general wetland permit process with the WDNR.

vi Proximity to and character of surrounding property

With the proposed project being an industrial use within a proposed industrial area of the City, it will be consistent with the character of the surrounding properties.

vii Zoning of the area in which property is located and neighboring area

The City of Franklin has zoned this area and the neighboring industrial areas as a Planned Development District (PDD#39)

viii Any negative affect upon adjoining property

It is currently not anticipated for there to be any negative affects upon the adjoining properties as a result of this project. The project will follow the City's and the WDNR's erosion control and storm water management requirements, and the downstream wetland hydrology will be preserved by re-routing the current wetland drainage through storm sewer pipes sized for the 100-year storm event

ix Natural features of the property

The natural features of the property were fully outlined in Section C 4 f above and the Natural Resource Protection Report

x Environmental impacts

There are no rare species concerns for this project (see attached Endangered Resources Review SEWRPC identified 59 plant species within Plant Community 3 according to their 2015 wetland report. Of the 59 plant species, 18 were non-native species. No rare plant species were observed during their field inspection

Endangered Resources Review for the Proposed 3617 W. Oakwood Road, Franklin, Milwaukee County
(ER Log # 20-759)

Section A. Location and brief description of the proposed project

Based on information provided by the ER Certified Reviewer and attached materials, the proposed project consists of the following:

Location	Milwaukee County - T05N R21E S36, T05N R21E S25
Project Description	The property is located an approximately 46-acre property located at 3617 W. Oakwood Road in the City of Franklin, Milwaukee County. The proposed project is an industrial development which is currently in the initial feasibility and planning stages. The proposed industrial development will require parking and a stormwater plan. The development is planned to include a 200,000 square foot and a 400,000 square foot industrial building, as well as a stormwater pond.
Project Timing	Unknown
Current Habitat	The vast majority of the property consists of agricultural land. A residential property is located at the northern edge of the property. The property is bisected by a grassy wetland swale which drains to a wet meadow and pond along the western property edge.
Impacts to Wetlands or Waterbodies	The farmed wetland, as part of the Plant Community Area 3 in the wetland delineation report, is planned to be filled for the southern building.
Property Type	Private
Federal Nexus	Yes

It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the Certified Coordinator whenever the project plans change, new details become available, or more than a year has passed to confirm if results of this ER Review are still valid.

Section B. Endangered resources recorded from within the project area and surrounding area

	Group	State Status	Federal Status
Rusty Patched Bumble Bee Federal High Potential Zone	Bee	NA	HPZ
Rusty Patched Bumble Bee (<i>Bombus affinis</i>)	Bee	SC/FL	LE
Southern Mesic Forest (<i>Southern mesic forest</i>)	Community	NA	
Southern Dry-mesic Forest (<i>Southern dry-mesic forest</i>)	Community	NA	
Ephemeral Pond (<i>Ephemeral pond</i>)	Community~	NA	
Stream--Slow, Hard, Warm (<i>Stream--slow, hard, warm</i>)	Community~	NA	
Floodplain Forest (<i>Floodplain forest</i>)	Community~	NA	
Riverine Lake/Pond (<i>Riverine lake/pond</i>)	Community~	NA	
Prairie Crayfish (<i>Procambarus gracilis</i>)	Crustacean~	SC/N	
Bird Rookery	Other~	SC	
Heart-leaved Skullcap (<i>Scutellaria ovata ssp. ovata</i>)	Plant	SC	
Bluestem Goldenrod (<i>Solidago caesia</i>)	Plant	END	
Smooth Black-haw (<i>Viburnum prunifolium</i>)	Plant	SC	
Handsome Sedge (<i>Carex formosa</i>)	Plant	THR	
Ravenfoot Sedge (<i>Carex crus-corvi</i>)	Plant~	END	
False Hop Sedge (<i>Carex lupuliformis</i>)	Plant~	END	

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit

our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).

Section C. Follow-up actions

Actions that need to be taken to comply with state and/or federal endangered species laws:

• Rusty Patched Bumble Bee Federal High Potential Zone - Bee

State Status: NAFederal Status: HPZ

Impact Type	Impact possible
Required Measures	Surveys,Other
Description of Required Measures	This project overlaps the Rusty Patched Bumble Bee (RPBB) High Potential Zone and contains suitable habitat (nearby woodlands, wetlands, agricultural landscapes) for the bee. Recommended (voluntary) follow-up actions for the Rusty patched bumble bee include: A) Assume presence and follow one or more of the USFWS' recommended conservation measures below: <ul style="list-style-type: none"> • use native trees, shrubs and flowering plants in landscaping, • provide plants that bloom from spring through fall (refer to the USFWS RPBB Midwest Plant Guide), • remove and control invasive plants in any habitat used for foraging, nesting, or overwintering <p>If suitable habitat is present and none of the above conservation measures can be followed or surveys cannot be completed, then contact the USFWS Bloomington Field Office at (952) 252-0092 or TwinCities@fws.gov for further consultation.</p>

• Rusty Patched Bumble Bee (*Bombus affinis*) - Bee

State Status: SC/FLFederal Status: LE

Impact Type	Impact possible
Required Measures	Surveys,Other
Description of Required Measures	This project overlaps the Rusty Patched Bumble Bee (RPBB) High Potential Zone and contains suitable habitat (nearby woodlands, wetlands, agricultural landscapes) for the bee. Recommended (voluntary) follow-up actions for the Rusty patched bumble bee include: A) Assume presence and follow one or more of the USFWS' recommended conservation measures below: <ul style="list-style-type: none"> • use native trees, shrubs and flowering plants in landscaping, • provide plants that bloom from spring through fall (refer to the USFWS RPBB Midwest Plant Guide), • remove and control invasive plants in any habitat used for foraging, nesting, or overwintering <p>If suitable habitat is present and none of the above conservation measures can be followed or surveys cannot be completed, then contact the USFWS Bloomington Field Office at (952) 252-0092 or TwinCities@fws.gov for further consultation.</p>

Actions recommended to help conserve Wisconsin's Endangered Resources:

• Prairie Crayfish (*Procambarus gracilis*) - Crustacean~

State Status: SC/N

Impact Type	Impact possible
Recommended Measures	Surveys,Other
Description of Recommended Measures	Since suitable habitat for the prairie crayfish may be present within the project site, one of the following options shall be implemented to avoid take of the species: <p>A. Alter the project to avoid take that would result from the project as originally proposed. (e.g., time of year restrictions, avoidance of habitat, exclusion fencing).</p> <p>B. Conduct surveys at the site to determine species presence/absence (please contact the Endangered Resources Review Program (DNRERReview@wisconsin.gov) for survey guidelines. If the prairie crayfish is not found on site, there will be no project recommendations related to the prairie crayfish. However, if surveys are conducted and prairie crayfish are recorded on site, all impacts to the species are recommended to be avoided. Survey results should be submitted to the Endangered Resources Review Program.</p>

The prairie crayfish frequently burrows in banks of ponds, roadside ditches, small sluggish creeks, marshes, swamps, and small artificial lakes, as well as wet pastures and flat fields in prairies.

• **Smooth Black-haw (*Viburnum prunifolium*) - Plant**

State Status: SC

Impact Type	Impact possible
Recommended Measures	Erosion Control
Description of Recommended Measures	Smooth black-haw is found in rich, hardwood forests, often with dolomite near the surface. This plant is known to be present adjacent to the project site. The project should implement erosion control measures to prevent impacts to nearby wooded areas.

• **Handsome Sedge (*Carex formosa*) - Plant**

State Status: THR

Impact Type	Impact possible
Recommended Measures	Erosion Control
Description of Recommended Measures	Handsome sedge is found in rich mesic woods, often on alluvial terraces or where dolomite is near the surface. This plant is known to be present adjacent to the project site. The project should implement erosion control measures to prevent impacts to nearby suitable habitat.

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

Additional Recommendations

One of the most significant potential impacts to the threatened, endangered, and special concern species in proximity to the project site is invasive species. Additional information on invasive/exotic plant and animal species is available at <http://dnr.wi.gov/topic/Invasives/>

When reseeding impacted areas, be sure to use native local seed mix that does not contain invasive species. If you need contact information for local distributors we can provide you with some suggestions. Further, when deciding on what species you will use for your prairie, wildlife garden, and other landscaping, be sure not to include invasive species like buckthorn, honeysuckle, or any of the species listed on the DNR non-native plant list.

We recommend the use of certified noxious-weed-free forage and mulch as a preventive measure to limit the spread of noxious weeds. This voluntary certification program, operated by the Wisconsin Crop Improvement Association, is designed to assure that certified mulch meets minimum standards designed to limit the spread of noxious weeds.

No actions are required or recommended for the following endangered resources:

• **Southern Mesic Forest - Community**

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Southern mesic forest not present within project area.

• **Southern Dry-mesic Forest - Community**

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Southern dry-mesic forest not present within project area.

• **Ephemeral Pond - Community**

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Ephemeral pond not present within project area.

• Stream--Slow, Hard, Warm - Community~

State Status: NA

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Stream -slow hard warm not present within project area

• Floodplain Forest - Community~

State Status: NA

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Floodplain forest not present within project area.

• Riverine Lake/Pond - Community~

State Status: NA

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Riverine lake/pond not present within project area

• Bird Rookery - Other~

State Status: SC

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification A bird rookery is not present within the project area.

• Heart-leaved Skullcap (*Scutellaria ovata ssp. ovata*) - Plant

State Status: SC

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Habitat for heart-leaved skullcap is not present within the project area
Heart-leaved skullcap is found in dry-mesic forests

• Bluestem Goldenrod (*Solidago caesia*) - Plant

State Status: END

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Habitat for bluestem goldenrod is not present within the project area
Bluestem goldenrod is found in hardwood forests along Lake Michigan

• Ravenfoot Sedge (*Carex crus-corvi*) - Plant~

State Status: END

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Suitable habitat for ravenfoot sedge is not present within the project area
Ravenfoot sedge is found along ephemeral woodland ponds

• False Hop Sedge (*Carex lupuliformis*) - Plant~

State Status: END

Impact Type No impact or no/low broad ITP/A
Reason Lack of Suitable Habitat within Project Boundary
Justification Habitat for false hop sedge is not present within the project area
False hop sedge is found in floodplain forests and ephemeral woodland ponds

Section D. Next Steps

- 1 Evaluate whether the 'Location and brief description of the proposed project' is still accurate. All recommendations in this ER Review are based on the information supplied in this ER Review letter and additional attachments. If the proposed project has changed or more than a year has passed and you would like your letter renewed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
- 2 Determine whether the project can incorporate and implement the 'Follow-up actions' identified above.
 - o Actions that need to be taken to comply with state and/or federal endangered species laws represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the Actions that need to be taken to comply with state and/or federal endangered species laws, your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
 - o If the project is unable to incorporate and implement one or more of the Actions that need to be taken to comply with state and/or federal endangered species laws identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
 - o Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department agency or program, or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
- 3 If federally-protected species or habitats are involved and the project involves federal funds, technical assistance or authorization (e.g., permit) and there are likely to be any impacts (positive or negative) to them, consultation with USFWS will need to occur prior to the project being able to proceed. If no federal funding, assistance or authorization is involved with the project and there are likely to be adverse impacts to the species, contact the USFWS Twin Cities Ecological Services Field Office at 612-725-3548 (x2201) for further information and guidance.

Section E. Contact Information

The Proposed ER Review for this project was requested and conducted by the following:

Requester, Matt Stangel, 16745 W Bluemound Road Brookfield, WI 53005

Invoice will be sent to, Matt Stangel, 16745 W Bluemound Road Brookfield, WI 53005

Proposed ER Review conducted by, Matthew Stangel, matthew.stangel@rasmithnational.com, R.A. Smith National, Inc.,

The Proposed ER Review was subsequently reviewed, modified (if needed), and approved by Wisconsin Department of Natural Resources (DNR):

Proposed ER Review approved by, Angela White, angelawhite@wi.gov, ER Review Program, DNR, 101 S. Webster St., PO Box 7921, Madison, Wisconsin 53707

DNR Signature

Angela White

10/19/20

Section F. Standard Information to help you better understand this ER Review

Endangered Resources (ER) Reviews are conducted according to the protocols in the guidance document *Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Certified ER Reviewers*. A copy of this document is available upon request by contacting the ER Certification Coordinator at 608-266-5241.

How endangered resources searches are conducted for the proposed project area: An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

Categories of endangered resources considered in ER Reviews and protections for each: Endangered resources records from the NHI database fall into one of the following categories:

- **Federally-protected species** include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands, federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- **Animals** (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- **Plants** listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- **Special Concern** species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- **State Natural Areas (SNAs)** are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

Please remember the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive, systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project.

PROJECT:
OAKWOOD INDUSTRIAL

TOWN:
 3617 W. OAKWOOD RD.
 FRANKLIN, WISCONSIN

OWNER:
WANGARD PARTNERS, INC.

RELEASE:
PLAN COMMISSION SUBMITTAL

NO.	DATE	DESCRIPTION



SCALE:
 1" = 40'

SCALE:
 1" = 40'

SCALE:
 1" = 40'

SCALE:
 1" = 40'

SCALE:
 1" = 40'

SCALE:
 1" = 40'

APPLICANT:
STEWART M. WANGARD
 WP PROPERTY ACQUISITIONS LLC
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-771-1200
 msw@stewartm.com

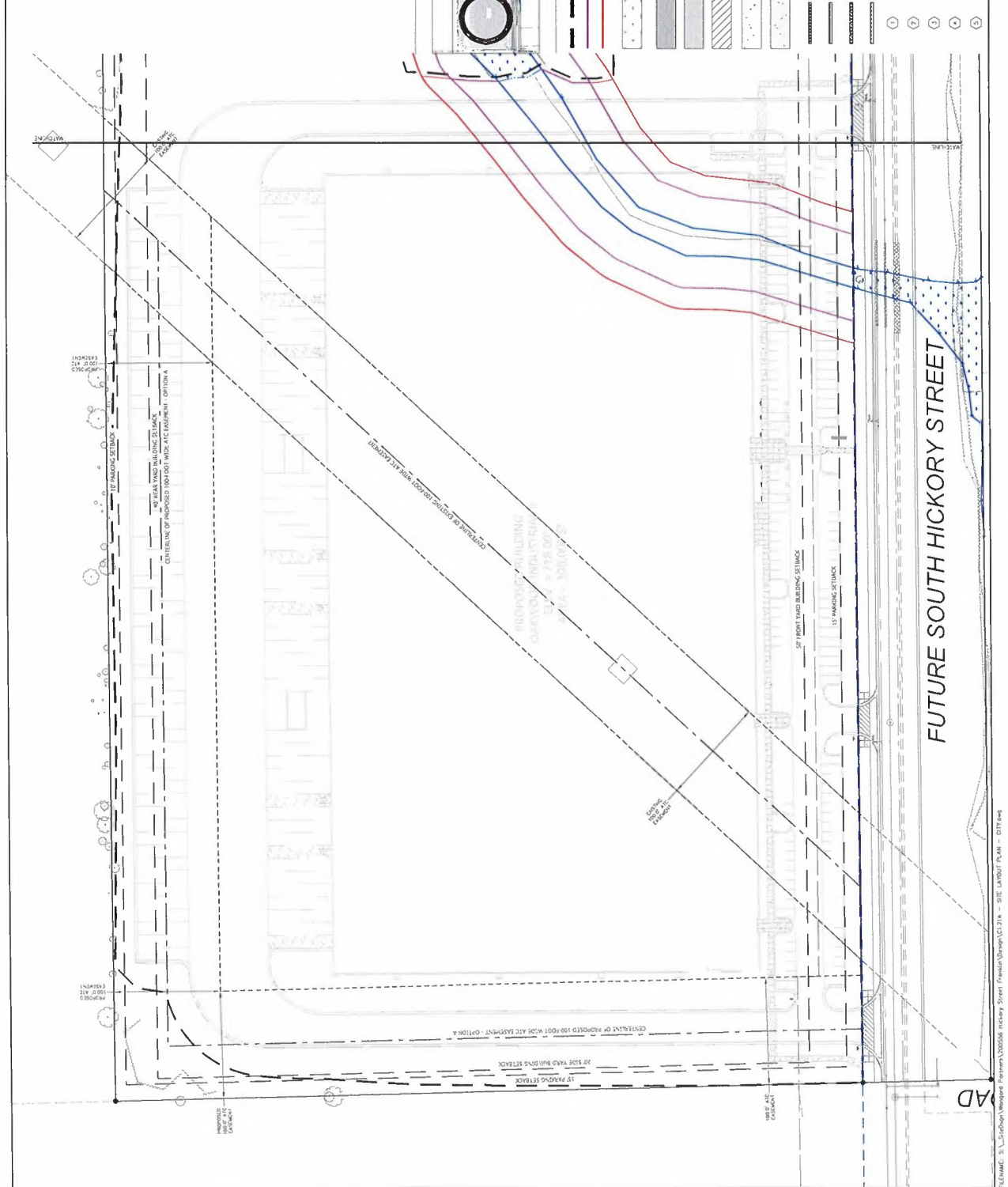
APPLICANT'S REPRESENTATIVE:
MARK LAKE
 WANGARD PARTNERS, INC.
 1000 W. FAIRFAX ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-938-4014
 mlake@wangard.com

PROPERTY OWNER:
MARK LAKE
 WANGARD PARTNERS, INC.
 1000 W. FAIRFAX ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-938-4014
 mlake@wangard.com

CIVIL ENGINEER:
MICHAEL J. FROELICH, P.E.
 KAPUR & ASSOCIATES, INC.
 7711 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 mofroelich@kapurinc.com



- PROJECT NOTES
1. 50' FRONT YARD SETBACK - 40' TYP.
 2. 50' SIDE YARD SETBACK - 40' TYP.
 3. 50' REAR YARD SETBACK - 40' TYP.
 4. 10' SIDE YARD SETBACK - 40' TYP.
 5. 10' REAR YARD SETBACK - 40' TYP.
 6. 10' FRONT YARD SETBACK - 40' TYP.
 7. 10' SIDE YARD SETBACK - 40' TYP.
 8. 10' REAR YARD SETBACK - 40' TYP.
 9. 10' FRONT YARD SETBACK - 40' TYP.
 10. 10' SIDE YARD SETBACK - 40' TYP.
 11. 10' REAR YARD SETBACK - 40' TYP.
 12. 10' FRONT YARD SETBACK - 40' TYP.
 13. 10' SIDE YARD SETBACK - 40' TYP.
 14. 10' REAR YARD SETBACK - 40' TYP.
 15. 10' FRONT YARD SETBACK - 40' TYP.
 16. 10' SIDE YARD SETBACK - 40' TYP.
 17. 10' REAR YARD SETBACK - 40' TYP.
 18. 10' FRONT YARD SETBACK - 40' TYP.
 19. 10' SIDE YARD SETBACK - 40' TYP.
 20. 10' REAR YARD SETBACK - 40' TYP.



PROJECT:
**OAKWOOD
 INDUSTRIAL**

LOCATION:
 3817 W. OAKWOOD RD.
 FRANKLIN, WISCONSIN

CLIENT:
**WANGARD
 PARTNERS, INC.**

REVISION:
**PLAN COMMISSION
 SUBMITTAL**

NO.	DATE	DESCRIPTION



1" = 120'

SCALE:

SCALE:

all in

SHEET:
**OVERALL SITE
 LANDSCAPE PLAN**

PROJECT NUMBER:	30003437
DRAWN BY:	
CHECKED BY:	
DATE:	

SHEET NUMBER:
L1.10

ARCHITECT:
**STEWART WANGARD
 WP PROPERTY ACQUISITIONS LLC
 1200 N. MAYFAIR ROAD, SUITE 310
 MILWAUKEE, WI 53226
 414-777-1200
 mlake@wangard.com**

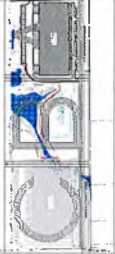
APPLICANT'S REPRESENTATIVE:
**MARK LAKE
 WANGARD PARTNERS, INC.
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 MILWAUKEE, WI 53226
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 mlake@wangard.com**

PROPERTY OWNER:
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 414-935-4114
 mlake@wangard.com**

CIVIL ENGINEER:
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 MILWAUKEE, WI 53217
 kmoore@kapurinc.com**

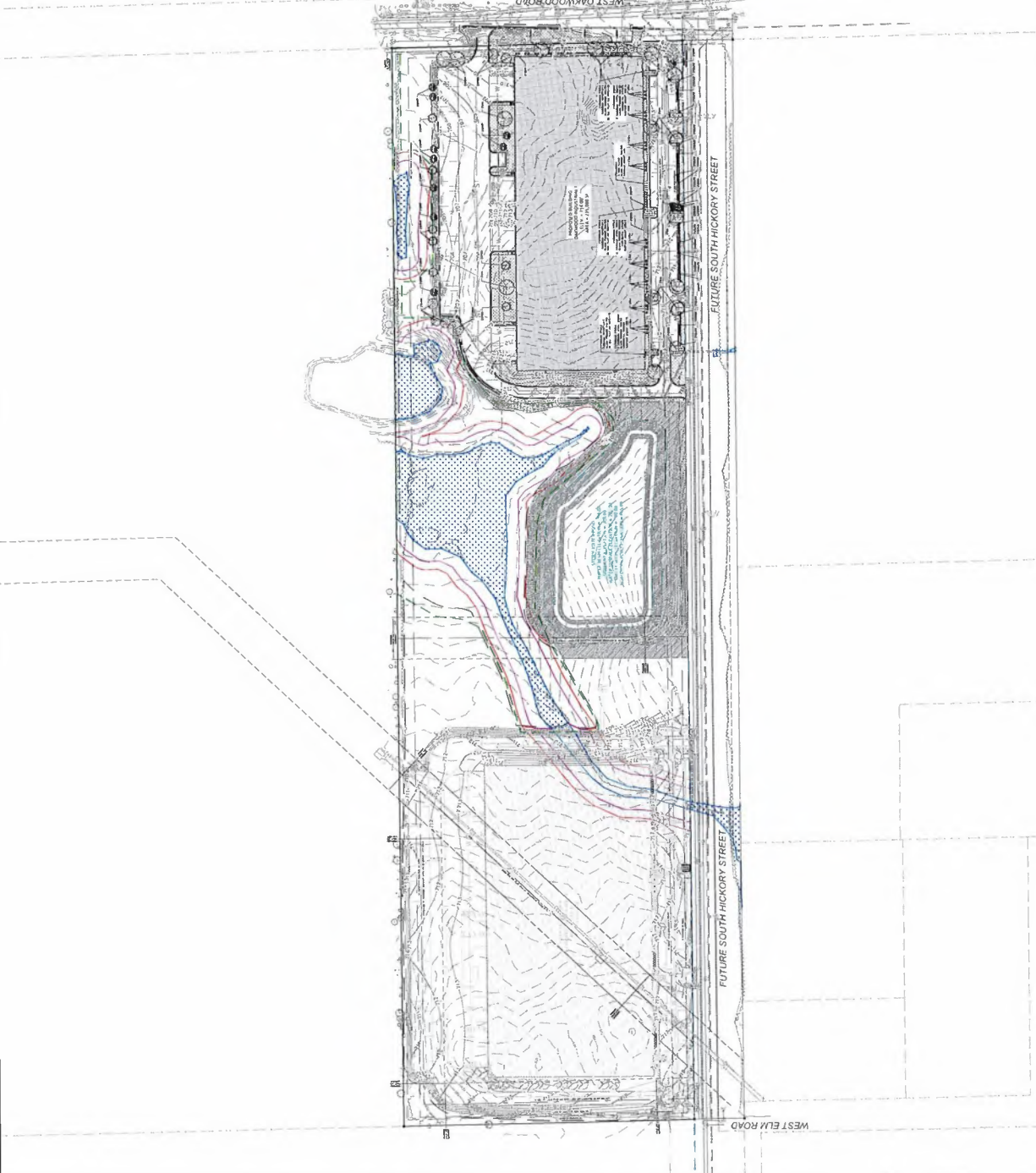
MINIMUM LANDSCAPE SURFACE RATIO
 PERMITTED: 0.25
 PROPOSED: 0.44

VICINITY MAP



HATCH LEGEND

- PROJECT LIMITS
- AS-BUILT BATTER - NO BUILT
- AS-BUILT SETBACK - NO BUILT
- PROPOSED CONSTRUCTION CALCULATED
- AREAS DISTURBED BY CONSTRUCTION
- AREAS TO BE RESTORED TO ORIGINAL OR BETTER CONDITION
- AREAS TO BE RESTORED TO ORIGINAL OR BETTER CONDITION
- AREAS TO BE RESTORED TO ORIGINAL OR BETTER CONDITION
- AREAS TO BE RESTORED TO ORIGINAL OR BETTER CONDITION
- AREAS TO BE RESTORED TO ORIGINAL OR BETTER CONDITION



REVISIONS:	#	DATE	DESCRIPTION



SCALE: 1" = 80'



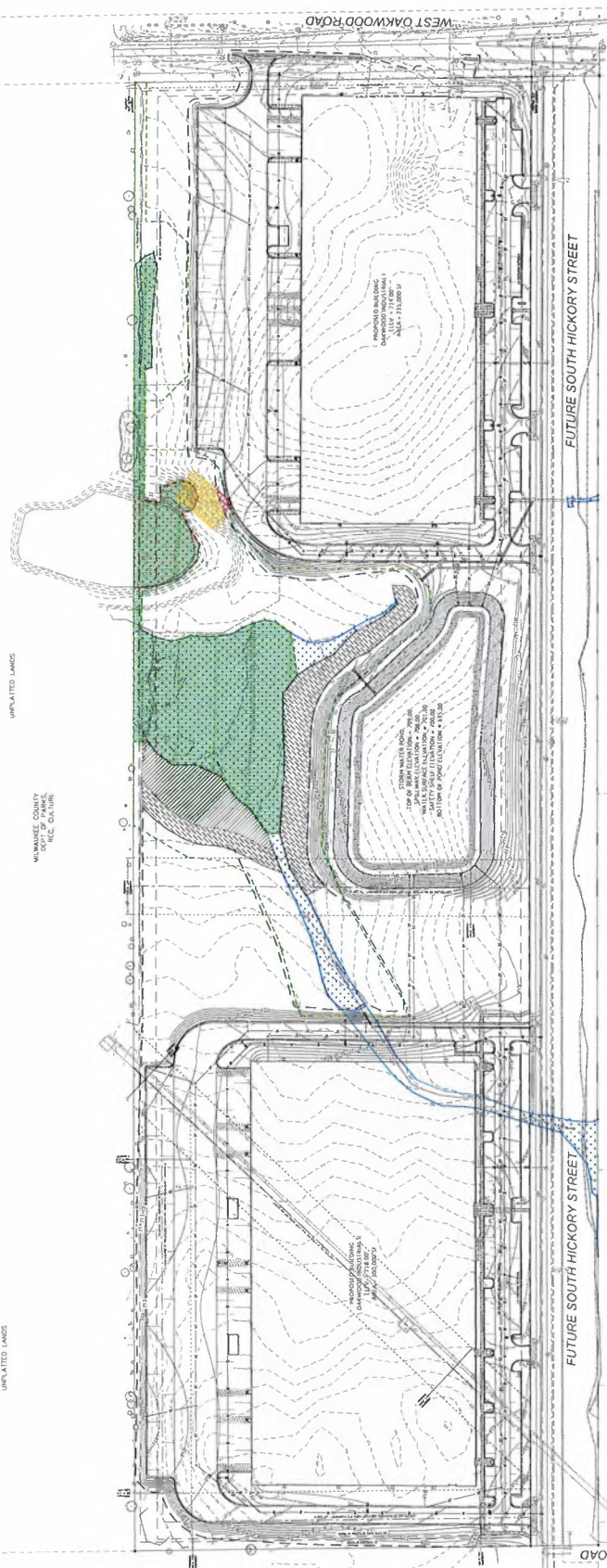
SEAL:

all in

SHEET:
**NATURAL RESOURCE
 PROTECTION PLAN -
 STEEP SLOPE
 EXHIBIT MAP**

PROJECT NUMBER: 200556
 SHEET NUMBER: 020202

SHEET NUMBER:
EXHIBIT 2



JAMES + LLC

JAMES + LLC

NATURAL RESOURCE IMPACTS

NATURAL RESOURCE FEATURE	TOTAL SITE AREA	TOTAL AREA OF DISTURBANCE
WETLANDS - # SPOKES	2.85 ACRES (118,975 SF)	0.275 ACRES (9,818 SF)
WETLAND BUFFERS	2.83 ACRES (95,106 SF)	0.327 ACRES (12,354 SF)
WOODLANDS & FORESTS	0.813 ACRES (34,634 SF)	0.373 ACRES (14,247 SF)
WOODLANDS & FORESTS - W/ BUFFER	0 ACRES (0 SF)	0 ACRES (0 SF)
LAKES & PONDS	0.295 ACRES (12,809 SF)	0 ACRES (0 SF)
SHORE BUFFERS	0.710 ACRES (28,978 SF)	0 ACRES (0 SF)
SHRUBS	0 ACRES (0 SF)	0 ACRES (0 SF)
FLOODPLAINS/OVERWAYS	0 ACRES (0 SF)	0 ACRES (0 SF)
STEEP SLOPES - 10-19%	0 ACRES (0 SF)	0 ACRES (0 SF)
STEEP SLOPES - 20-29%	0.118 ACRES (4,298 SF)	0.011 ACRES (408 SF)
STEEP SLOPES - 30%	0 ACRES (0 SF)	0 ACRES (0 SF)

CONTACT INFORMATION

APPLICANT:
 STEWART W. WANGARD
 W/P PROPERTY ACQUISITIONS LLC
 1000 W. OAKWOOD SUITE 310
 MILWAUKEE, WI 53224
 414.277.1200
 mlw@stewartw.com

APPLICANT'S REPRESENTATIVE:
 WANGARD PARTNERS, INC.
 1000 W. OAKWOOD SUITE 310
 MILWAUKEE, WI 53228
 mlw@stewartw.com

PROPERTY OWNER:
 WENDT FAMILY TRUST
 1000 W. OAKWOOD SUITE 310
 MILWAUKEE, WI 53228
 bobw@stewartw.com

DATE: 08/28/2020
 DRAWN BY: JAMES + LLC
 KAPUR & ASSOCIATES, INC.
 7711 N. PORT WASHINGTON ROAD
 MILWAUKEE, WI 53217
 414.255.2742
 mlw@kapur.com

DIGGERS HOTLINE
 Dial 811 or (800)242-8511
 www.diggershotline.com

LEGEND

PRODUCT UNITS	DESCRIPTION
---	EXISTING 1" CONTOURS
---	PROPOSED CONSERVATION EASMENT
---	20-30% WASH-WADE STEP-SLOPES - 0.118 ACRES (4,298 SF)
---	EXCEPT PER 100 GPM/HR & SECTION 10-4.089 A
---	20-30% WASH-WADE STEP-SLOPES
---	DISTURBANCE - 0.011 ACRES (408 SF)
---	WETLAND WILKINSON AREAS
---	WETLAND BUFFER WILKINSON AREAS
---	WETLAND WILKINSON AREAS
---	WETLAND WILKINSON AREAS 0.011 ACRES (408 SF)
---	WETLAND WILKINSON AREAS 0.011 ACRES (408 SF)
---	WETLAND WILKINSON AREAS 0.011 ACRES (408 SF)
---	WETLAND WILKINSON AREAS 0.011 ACRES (408 SF)

Oakwood Industrial
Interpretation of City of Franklin Unified Development Ordinance (UDO)
Concerning Natural Resources Protection Standards

Natural Resource Protection Plan (NRPP)
March 29, 2021

Executive Summary:

A Natural Resource Protection Plan is required for the Oakwood Industrial proposed buildings and site developments located at address 3617 West Oakwood Road Franklin, Wisconsin 53132. The site is in the Northeast ¼ of Section 36, Township 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin. It is 41.73 acres orientated North/South. The site is bordered to the North by West Oakwood Road and East by future South Hickory Street, to the West by grassland and trees and to the south by other planned developments. The site is currently zoned Planned Development District 39 (Mixed Use Business Park) and previously the site was used for agricultural purposes.

Satellite Image via Google Maps

↑ North, Not to Scale (Approximate Subject Site Limits are Outlined in Red)



The intent of this Natural Resource Protection Plan (hereto referred to as NRPP) is to help ensure that the City's natural resource protection standards are met and that all of the site's

natural resources required to be protected under Part 4 of the Franklin Unified Development Ordinance (UDO) remain undisturbed and intact, reflective of their current natural state, unless where mitigation is permitted by the City.

Background & Existing Site Conditions:

The site is currently zoned Planned Development District (Mixed Use Business Park). Previously, the site was utilized for agricultural use including a small farmstead that is located on the northeast corner of the site along West Oakwood Road. The farmstead includes a house, garage, shed and barn ruins. There is an existing stormwater pond located on the western property line. There is also an overhead Wisconsin Electric Power Company Line and high mast power pole that runs southeast through the site near the southern boundary of the property.

Currently the only vehicle access to the site is the driveway for the farmstead, but South Hickory Street will be constructed along the eastern edge of the site between W. Oakwood Road and W. Elm Road. It will provide additional access to the site when completed.

The topography of the site is variable and generally slopes from east (high) to west (low). The slopes on the site are generally under 10%, except for the existing storm pond that has steeper slopes.

Presently, water features on the site include a man-made stormwater pond located on the western site boundary. The pond was built around 2007 as part of a development to the north of the site. It will not be affected by this proposed project.

Considerations of Natural Resources for the Proposed Site Improvements:

The following City defined protected natural resources have been considered for this NRPP and are further described below as applicable:

- Wetlands and Shoreland Wetlands
- Wetland Buffers
- Steep Slopes
- Lakes and Ponds
- Streams
- Shore Buffers
- Floodplains/Floodways/Floodlands
- Mature and Young Woodlands

Wetlands (Refer to Exhibit 1):

A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

The wetland was field inspected by SEWRPC between May and August 2015 and then verified in 2020 by SEWRPC. The delineation indicated there were three wetlands on the site. They are all located along the western property boundary.

- Wetland 1 is the northmost wetland on the site. It is 4,973 SF (0.114 acres) and will not be impacted by the proposed development.
- Wetland 2 located directly south of Wetland 1 and is located inside of the existing stormwater pond on the site. The wetland is 16,724 SF (0.384 acres), but it is an artificial wetland therefore it is exempt from being considered a resource feature on the site. Wetland 2 will not be impacted by the proposed development. However, 415 SF (0.010 acres) of wetland setback will be disturbed.
- Wetland 3 is the southmost wetland on the site. Wetland 3 is 94,378 SF (2.167 acres) and 9,818 SF (0.225 acres) of it will be disturbed as part of the proposed project. Approximately 22,956 SF (0.527 acres) of wetland buffer will also be disturbed, and 19,142 SF (0.439 acres) of wetland setback will be disturbed. Impacts to the wetland have been assessed and minimized to the maximum extent practicable by project stakeholders.

Shoreland Wetland:

A shoreland wetland is a specific type of wetland that is located within a shoreland area. For this site, a shoreland wetland is any wetland that is within 1,000 feet of a pond or within 300 feet from a stream or to the landward side of floodplain areas. The only pond on the property is a manmade stormwater pond, so none of the wetlands are considered shoreland wetlands.

Wetland Buffers (Refer to Exhibit 1):

The wetland buffer is the undisturbed land area within 30 feet landward of the delineated boundary of any wetland and parallel to that delineated wetland boundary. Impacts to wetland buffer will only occur at Wetland 3.

Steep Slopes (Refer to Exhibit 2):

There are three categories of steep slopes based on the relative degree of the steepness of the slope as follows: ten (10) to twenty (20) percent, twenty (20) to thirty (30) percent and greater than thirty (30) percent. No land area shall be considered a steep slope unless the steep slope area has at least ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes. Presence of steep slopes has been investigated utilizing a site topographic survey performed by Kapur and Associates:

- There are no slopes greater than 30% present on the site, therefore it is exempt from the steep slope (greater than 30%) protection.
- There are 0.118 acres (5,159 SF) of slopes between 20% and 30% present on the site around the existing manmade stormwater pond. There are 0.011 acres (459 SF) of steep slope disturbance at that location. However, since those slopes are due to a manmade pond the site is exempt from steep slope (20% to 30%) protection.
- There are no slopes between 10% and 20% present on the site, therefore it is exempt from the steep slope (10% to 20%) protection.

Lakes:

A lake is defined as any body of water two acres or larger in size. There are no lakes located on the site.

Ponds (Refer to Exhibit 3):

A pond is described as all bodies of water less than two acres in area. There is one pond on the site. It is a stormwater pond located on the western property line. It was built around 2007 to collect stormwater from a development to the north of the site. The total approximate area of the pond at the high-water mark is 39,204 SF (0.900 acres) and 12,859 SF (0.295 acres) of the pond is located on the site. There will be no disturbance to the existing stormwater pond during the proposed site development, therefore the feature will be 100% protected.

Streams:

A stream is defined as a course of running water, either perennial or intermittent, flowing in a channel. There are no streams on the site.

Shore Buffer (Refer to Exhibit 3):

The shore buffer is the undisturbed land area (including undisturbed natural vegetation) within 75 feet landward of the ordinary high-water mark of all navigable waters. The shore buffer 75' outward from the existing stormwater pond includes 30,928 SF (0.710 acres) located on the

site. There is no land disturbance taking place within the 75-foot of the high watermark of the existing stormwater pond during the proposed site development, therefore the feature is 100% protected.

Floodplain Fringe:

The floodplain fringe are those floodlands outside of the floodway that are subject to inundation by the 100-year recurrence interval flood and includes the Floodplain Conservancy District and Floodplain Fringe Overlay District. There are no floodplain fringes on the site.

Floodway:

A floodway is a designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small acceptable upstream and downstream stage increases. There are no floodways on the site.

Floodlands:

The floodlands are those lands, including channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. For this instance, the recurrence interval is the 100-year recurrence interval flood. There are no floodlands on the site.

Woodlands, Mature and Young (Refer to Exhibit 4):

A mature woodland is an area that covers an area of one acre and at least 50% of the trees have a diameter at breast height (DBH) of at least 10 inches. It can also be considered a grove consisting of eight or more trees having a DBH of at least 12 inches whose canopies combine to have at least 50% of the grove canopy covered.

A young woodland is an area that covers an area of 0.5 acres and at least 50% of the trees have a DBH of at least 3 inches.

The location of mature and young woodlands has been field surveyed by Kapur and Associate's Landscape Architect, with mapping and analysis provided in November 2020. The site consists of Aspen, Oak, Maple and Black Walnut. The Aspen is the most dominant species.

The total area of woodland on the site is 38,037 SF (.873 acres). Therefore, the woodland is a young woodland since it is under one acre in size. There is no mature woodland on the site. The area of disturbance in the woodland area is 16,242 SF (0.373 acres) and has been coordinated to impact the least amount of the natural resource. Within the proposed project, 57% of the young woodlands are maintained on the site, greater than the minimum 50% required for

young woodlands. It is anticipated that mitigation is not a requirement for the young woodlands on the site.

Attachment A: Site Intensity and Capacity Calculations

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.		41.73 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 "Site Intensity and Capacity Calculations " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	-	0 acres
STEP 5:	Equals "Base Site Area"	=	41.73 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 0	= 0
20-30%	0.65	0.75	0.70	x 0	
					= 0
+30%	0.90	0.85	0.80	x 0	
					= 0
Woodlands & Forests					
Mature	0.70	0.70	0.70	x 0	= 0
Young	0.50	0.50	0.50	x 0.87	= 0.44
Lakes & Ponds	1	1	1	x 0.30	= 0.30
Streams	1	1	1	x 0	= 0
Shore Buffer	1	1	1	x 0.71	= 0.71
Floodplains	1	1	1	x 0	= 0
Wetland Buffers	1	1	1	x 2.18	= 2.18
Wetlands & Shoreland Wetlands	1	1	1	x 2.28	= 2.28
TOTAL RESOURCE PROTECTION LAND					
(Total Acres of land in Resource Feature to be Protected)					5.91

Zoned PDD 39 (Mixed Use Business Park): Assumed Business Park Use Type with LSR = 0.25

Table 15-3.0505		
Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development		
STEP 1:	<p>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE: Take Base Site Area (from Step 5 in Table 15- 3.0502): 41.73 ac. Multiple by Minimum Landscape Surface Ratio (LSR) (see specific zoning district LSR standard): X 0.25 Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE =</p>	10.43 acres
STEP 2:	<p>CALCULATE NET BUILDABLE SITE AREA: Take Base Site Area (from Step 5 in Table 15- 3.0502): 41.73 ac. Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required Landscape Surface (from Step 1 above), whichever is greater: - 10.43 Equals NET BUILDABLE SITE AREA =</p>	31.30 acres
STEP 3:	<p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE: Take Net Buildable Site Area (from Step 2 above): 31.30 ac. Multiple by Maximum Net Floor Area Ratio (NFAR) (see specific nonresidential zoning district NFAR standard): X 0.91 Equals MAXIMUM NET FLOOR AREA YIELD OF SITE =</p>	28.48 acres
STEP 4:	<p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE: Take Base Site Area (from Step 5 of Table 15- 3.0502): 41.73 ac. Multiple by Maximum Gross Floor Area Ratio (GFAR) (see specific nonresidential zoning district GFAR standard): X 0.50 Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =</p>	20.87 acres
STEP 5:	<p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE: Take the lowest of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):</p> <p>(Multiple results by 43,560 for maximum floor area in square feet):</p>	20.87 acres
		909,097 square feet

Exhibit 1: Wetland Exhibit Map

Exhibit 2: Steep Slope Exhibit Map

Exhibit 3: Waterway Exhibit Map

PROJECT:
OAKWOOD INDUSTRIAL

LOCATION:
 3817 W. OAKWOOD RD.
 FRANKLIN, WISCONSIN

CLIENT:
WINGARD PARTNERS, INC.

RELEASE:
**PLAN COMMISSION
 SUBMITTAL**

REVISION:	DATE:	DESCRIPTION:



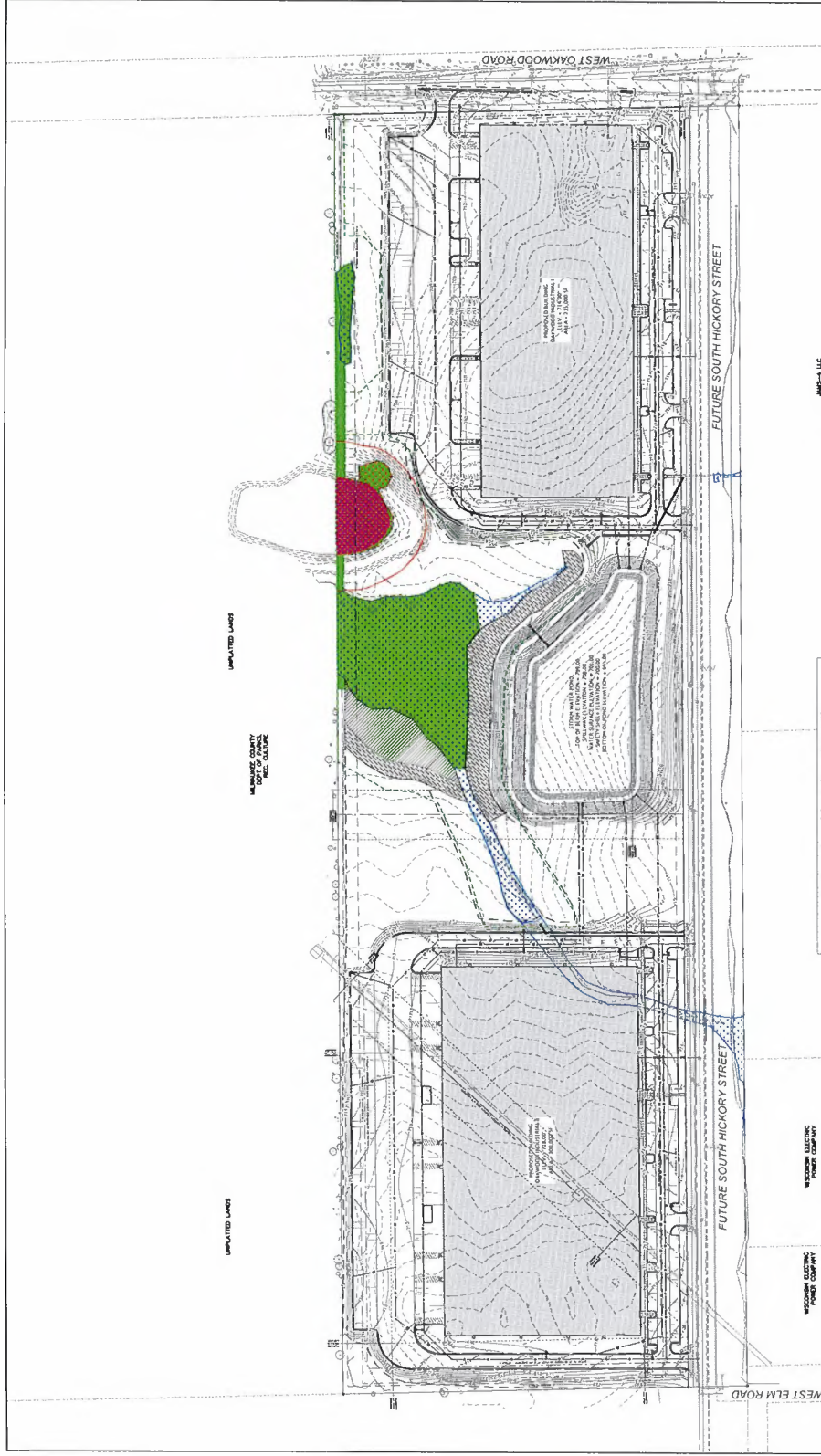
SCALE:
 1" = 30'

all in

SHEET:
**NATURAL RESOURCE
 PROTECTION PLAN -
 WATERWAY
 EXHIBIT MAP**

PROJECT NUMBER:
 2005201

SHEET NUMBER:
EXHIBIT 3



NATURAL RESOURCE IMPACTS

NATURAL RESOURCE FEATURE	TOTAL AREA (ACRES)	TOTAL AREA OF DISTURBANCE (ACRES)
WETLANDS & SWAMP	3.99 ACRES (116.07 SF)	0.37 ACRES (12,118 SF)
WETLAND BUFFERS	3.18 ACRES (105,108 SF)	0.37 ACRES (12,208 SF)
WOODLANDS & FORESTS	0.87 ACRES (29,808 SF)	0 ACRES (0 SF)
WOODLANDS & FORESTS BUFFERS	0.39 ACRES (12,834 SF)	0 ACRES (0 SF)
LAKES & PONDS	0.39 ACRES (12,834 SF)	0 ACRES (0 SF)
SHRUB BUFFERS	0.70 ACRES (23,820 SF)	0 ACRES (0 SF)
SWAMP	0 ACRES (0 SF)	0 ACRES (0 SF)
FLOODPLAIN/1,000-YEAR	0 ACRES (0 SF)	0 ACRES (0 SF)
STEEP SLOPES (10-15%)	0 ACRES (0 SF)	0 ACRES (0 SF)
STEEP SLOPES (20-30%)	0.18 ACRES (5,922 SF)	0.01 ACRES (300 SF)
STEEP SLOPES (30%)	0 ACRES (0 SF)	0 ACRES (0 SF)

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 www.DiggersHotline.com

LEGEND

- WETLANDS
- SWAMP
- WOODLANDS & FORESTS
- WOODLANDS & FORESTS BUFFERS
- LAKES & PONDS
- SHRUB BUFFERS
- SWAMP
- FLLOODPLAIN/1,000-YEAR
- STEEP SLOPES (10-15%)
- STEEP SLOPES (20-30%)
- STEEP SLOPES (30%)
- UNPLATTED LANDS
- WISCONSIN ELECTRIC POWER COMPANY
- WISCONSIN COUNTY DEPT. OF CLIMATE AND NATURAL RESOURCES

SCALE: 1" = 30' (SEE SHEET 2005201-01 FOR FULL SCALE)

Exhibit 4: Woodlands Exhibit Map

Exhibit 5: Overall Natural Resource Exhibit Map



CREATIVITY BEYOND ENGINEERING

DRAFT Wetland Mitigation Compensation Site Plan



Oakwood Industrial – 3617 W. Oakwood Road

**City of Franklin
Milwaukee County, Wisconsin**

raSmith Project No. 1200814

March 15, 2021

Prepared by:

raSmith
Tina Myers, PWS & Gary Raasch, P.E.
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Brookfield, WI 53005-5938
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APPENDICES

- Appendix 1: Site Maps
- Appendix 2: Mitigation Design Plans
- Appendix 3: Baseline Data (Soils, Hydrology, Vegetation)
- Appendix 4: Baseline Site Photographs
- Appendix 5: Native Seed Mixes
- Appendix 6: Native Seeding Specifications

March 15, 2021

1.0 EXECUTIVE SUMMARY

raSmith is pleased to provide this draft wetland mitigation Compensation Site Plan (CSP) for the Oakwood Industrial Project. The CSP was developed using Wisconsin Department of Natural Resources' (WDNR's) "Guidelines for Compensatory Wetland Mitigation in Wisconsin". The overall project includes the construction of two large manufacturing buildings: a 200,000 ft² building in the northern half of the site and a 300,000 ft² building in the southern half of the site. The proposed project, which will include the wetland/wetland buffer mitigation area, is planned within an approximately 46 acre parcel located at 3617 West Oakwood Road in the City of Franklin, Milwaukee County Wisconsin (Project Site). Based on the Public Land Survey System (PLSS), it falls within the NW ¼ of Section 36, Township 5 North, Range 21 East (Latitude 42.854405 Longitude -87.963023). It also lies within the Root River watershed of the SW Lake Michigan Basin.

The CSP is being provided for site-specific wetland and wetland buffer impacts associated with the "Oakwood Industrial" project and is considered a permittee-responsible wetland mitigation. There are currently three existing wetlands within the Project Site including one small farmed wetland (W-1 – 0.114 acre), one constructed stormwater pond (W-2 - 0.384 acres), and one larger wetland swale (W-3 – 2.167 acres) that drains northwest through the property totaling 2.665 acres (116, 087.4 ft²) of wetland. Of the three wetlands, 9,818 ft² of W-3 will be impacted by the proposed 300,000 ft² building. The portion of W-3 being impacted is a degraded wet meadow swale and therefore in-kind compensation is proposed. The project will also result in 22,956 ft² of wetland buffer impacts.

The mitigation design shown in Appendix 2 will include a minimum of 14,727 ft² (0.34 acre) of mitigated wetland and 34,134 ft² (0.78 acre) of wetland buffer. The new wetland will be created by removing soil and re-shaping the existing upland area south of W-3 to an elevation that will achieve the desired wetland hydrology - within approximately ½ foot of existing grade of W-3. The goal is to obtain wetland hydrology that would support a native wet meadow plant community. The area will be seeded with a native wetland plant species mix to obtain the desired plant community. The mitigation design also seeks to establish a minimum of 34,134 ft² of upland tallgrass prairie buffer (wetland buffer) adjacent to the newly created wetland as well as existing wetland within the Project Site. It is anticipated that construction of the mitigation site will take place concurrently with the first construction phase of the southern building which is expected to start within approximately 2 years from now. This CSP is currently in draft form until baseline data can be collected in spring 2021. We anticipate a final CSP to be completed following the spring field visit.

2.0 INTRODUCTION AND PURPOSE

The CSP is being provided for site-specific wetland and wetland buffer impacts associated with the Oakwood Industrial project as required by Part 4 (Natural Resource Protection) of the City of Franklin's Unified Development Ordinance (UDO). The wetland mitigation is not a requirement of the WDNR or the U.S. Army Corps of Engineers (USACE) at this time as the current proposed wetland impacts are under 10,000 ft² which fall under a General Permit. The General Permit was submitted to the WDNR/USACE on January 8, 2021 is currently pending approval. The City currently does not allow the purchase of wetland mitigation bank credits and prefers that the mitigation be within the Project Site. When on-site mitigation is not possible, off-site mitigation within the same watershed is allowed. Since no off-site options were available, the mitigation being proposed will be located near the western boundary of the Project Site. Wetland restoration is typically preferred over wetland creation and enhancement; however, due to limited space and options within the Project Site, wetland creation is the only viable option.

WP Property Acquisitions, LLC is working to develop the Project Site, and is proposing to construct a 200,000 ft² building in the northern half of the site and a 300,000 ft² building in the southern half of the site.

A regional stormwater pond will also be constructed as part of the project. The anticipated project schedule is as follows:

February 2021 - Municipal and WDNR approvals
June 2021 - Construction commencement of the northern 200,000 ft² building
June 2022 - Construction completion of the northern 200,000 ft² building
June 2022 - Construction commencement of the southern 300,000 ft² building and wetland mitigation site
June 2023 – Construction completion of the southern 300,000 ft² building

Once all phases of the project are complete, total anticipated wetland impacts will be 9,818 ft², while wetland buffer impacts will be 22,956 ft². The City's required compensation ratio is 1.5:1 for both wetland and wetland buffers; therefore, the compensation required is a minimum of 14,727 ft² of wetland and 34,134 ft² of wetland buffer.

3.0 PLAN DEVELOPERS AND EXPERTISE

The raSmith ecological team, with the support of our engineers, landscape architects, surveyors, and GIS experts, address all aspects of improving our natural resources for the conservation, restoration, and management of fish and wildlife resources and their habitats. Our ecological experience includes wetland determinations/delineations, wetland and waterway permitting, wetland restoration and mitigation, streambanks and ravine stabilization, native planting design, plant community mapping and assessment, stewardship plans, vegetation surveys, tree inventories, rare and endangered species, floodplain and stormwater management, GPS data collection, and GIS management. Our ecological team at raSmith includes a Senior Professional Wetland Scientist (PWS), WDNR Professionally Assured Wetland Delineator, a WDNR-Certified Endangered Resources Reviewer, and a Water Resources Engineer that provide more than 50 years of combined experience. We have a diverse array of clients and have worked on a multitude of projects including large-scale projects such as nature preserves, business and industrial parks, major transportation and utility corridors, and large commercial sites.

Ms. Tina Myers is the primary author/developer of this CSP. Tina earned a B.S. degree in Conservation Biology from the University of Wisconsin – Milwaukee and has over 20 years of multidisciplinary ecological experience. She is experienced in wetland delineation, wetland mitigation, wetland and waterway permitting, wetland assessment, vegetation surveys including rare species surveys, wildlife surveys, and environmental monitoring. She is a Senior Professional Wetland Scientist (PWS) with the Society of Wetland Scientists (SWS) and a Wisconsin Department of Natural Resources (WDNR) Assured Wetland Delineator. She has completed feasibility studies, baseline data collection, compensation site plans, and prospectus documents for various wetland/upland restoration sites within Wisconsin and Illinois. She has also taken part in mitigation site management (e.g., native plantings, invasive species control), monitoring and reporting. The following are examples of permittee-responsible and mitigation bank projects that Tina has contributed to in the past 20 years: RFD II Wetland Mitigation Bank (Burlington, WI), Woods Road Wetland Mitigation Bank (Muskego, WI), Jack Workman Park Wetland Mitigation (Franklin WI), Puetz Road Wetland Mitigation (Franklin, WI), 31st Street Wetland Mitigation (Franklin, WI), Pike River Restoration (Mount Pleasant, WI), Kerry Industries Wetland and Prairie Restoration (Beloit, WI), Oconomowoc Bypass Wetland Mitigation (Oconomowoc, WI), Columbia St. Mary's Mitigation (Mequon, WI), American Family Insurance Wetland Mitigation (Pewaukee, WI), Lannon Stone Wetland Mitigation (Menomonee Falls, WI), Moss American Superfund Restoration Site along Little Menomonee River (Milwaukee, WI), Deer Grove Forest Preserve (Cook County, IL), and McMahon Woods Forest Preserve (Cook County, IL).

Gary Raasch, P.E. provided the mitigation grading design for this CSP. Gary earned a B.S. degree in Civil and Environmental Engineering from the University of Wisconsin – Madison and a M.S. degree from University of Wisconsin – Milwaukee, and has more than 40 years of water resources engineering and project management experience, primarily in the areas of stormwater management, flood control, and wetlands to solve surface water problems in the Midwest. His relevant experience includes recent designs for several wetland scrapes, a 20-acre wetland restoration, and ravine stabilization on multiple properties located in the Village of Somers, Kenosha County, WI. He also designed a 12-acre mitigation wetland in Crystal Lake, IL and an 85-acre wetland restoration in Delavan, WI, and provided engineering services during construction of 120-acre wetland mitigation project in Grayslake, IL.

4.0 SITE SELECTION

The site is located within the NW $\frac{1}{4}$ of Section 36, Township 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin. Please refer to the USGS quadrangle map for the location of the site (Appendix 1). The CSP is being provided for site-specific wetland and wetland buffer impacts associated with the Oakwood Industrial project as required by Part 4 (Natural Resource Protection) of the City of Franklin's UDO. As mentioned previously, the City currently does not allow the purchase of wetland mitigation bank credits and prefers that the mitigation be within the Project Site. When on-site mitigation is not possible, off-site mitigation within the same watershed is allowed. Since no off-site options were available, the mitigation being proposed will be located near the western boundary of the Project Site. Wetland restoration is typically preferred over wetland creation and enhancement; however, due to limited space and options within the Project Site, wetland creation appears to be the only viable option.

5.0 MITIGATION OBJECTIVES

The objective of the mitigation design is to satisfy City of Franklin mitigation requirements per the UDO by creating a minimum of 14,727 ft² of wetland as compensation for wetland impacts within the Root River watershed. The new wetland will be created by removing soil and re-shaping the existing upland area south of W-3 to an elevation that will achieve the desired wetland hydrology and increase the flood storage capacity of the wetland. This approach is expected to restore wetland hydrology and a hydroperiod that is capable of supporting actively hydric soils and a diversity of native hydrophytic plant species. It is anticipated that wetland hydrology will be present during April – May of most normal years. The area will be seeded with a native wet meadow plant species mix to obtain the desired wet meadow plant community.

The mitigation design also seeks to establish a minimum of 34,134 ft² of upland tallgrass prairie buffer (wetland buffer) adjacent to the newly created wetland as well as existing wetland within the Project Site. Native seed mixes will be used to establish the desired plant communities. Since the current land use is agriculture, the created wetland and buffer will improve water quality within the Root River watershed by establishing plant communities that prevent erosion and filter pollutants. The mitigation is also expected to increase flood storage and improve floral diversity and wildlife habitat within the site.

6.0 BASELINE INFORMATION

6.1 SURVEY OF CURRENT CONTOURS

The USGS topographic map shows the general location of the site in the City of Franklin (Appendix 1). It also shows an intermittent waterway that flows west through the site. This waterway was determined to be non-navigable within the Project Site. The point of navigability instead was determined to be just west of the Project Site. The more detailed one-foot contour map (Appendix 1) shows gently rolling topography with drainage generally towards the west. Elevations range from approximately 692 feet to 725 feet mean sea level (msl) within the Project Area. The newly created wetland is proposed to be located just south of W-3 near the western property boundary. The wetland currently contains a swale that conveys water from the 711-foot elevation to the 698-foot elevation. A shallow marsh plant community currently exists generally below the 699-foot elevation. The wetland mitigation will include scraping soil from the upland area south of W-3 to an elevation that would support wetland hydrology and thus a wet meadow plant community.

6.2 SUMMARY OF CURRENT AND HISTORIC ON-SITE LAND USES

Based on a review of historical aerial images (Appendix 1), the predominant land use throughout the Project Site has been agriculture with the exception of areas too wet to farm. The stormwater pond, also referred to as W-2, was constructed sometime between 2000 and 2005. Two drainage swales that convey water towards the northwest and southwest towards the lowest elevation of W-3 are visible within the farm field on most historical aerial images. We are unaware of any underground drain tiles within the site.

An ATC transmission line currently runs diagonally through the south half of the site and has been present for many years. However, the transmission line is planned to be re-routed so that the 300,000 ft² building can be constructed.

6.3 DESCRIPTION OF CURRENT ZONING DESIGNATIONS

The site is currently zoned Planned Development District (PDD) No. 39: Mixed Use Business Park.

6.4 DESCRIPTION OF NEARBY LAND USES

Land adjacent to the Project Site comprises agricultural land, woodlands, ponds, and wetlands. Many of the wetlands are directly connected to a tributary of the Root River. An active golf course lies north of the site and Oakwood Road. There are also some industrial/manufacturing buildings east of the site.

6.5 DESCRIPTION OF ANY KNOWN HISTORIC/ARCHEOLOGICAL RESOURCES ON THE SITE

A Phase I Archeological/ Investigation for the City of Franklin Corporate Park was completed by a University of Wisconsin – Milwaukee Cultural Resources Management team from June to August 2018. A report dated November 2019 was subsequently prepared. Based on their results, there were no findings of cultural/historical significance and no further archeological investigations were recommended.

6.6 ASSESSMENT OF GEOLOGY AND SOILS

Soils within the overall Project Site (excluding the proposed Hickory Street) include Blount silt loam with 1-3% slopes (BIA), Martinton silt loam with 1-3% slopes (MgA), Ozaukee silt loam with 2-6% slopes (OzaB), and

Ozaukee silt loam with 2-6% eroded slopes (OzaB2). Of these soils types, the Blount and Martinton soils are considered wetland indicator soils and are classified as somewhat poorly drained. The Ozaukee soil types are moderately well drained. The proposed wetland creation is located within mapped Blount silt loam soils. During spring 2021, raSmith ecologists will examine soil profiles and measure water table depths at 4 to 5 bore pits within the proposed wetland creation area and the adjacent existing wetland. The data will be included in Appendix 3 of the final CSP. Baseline site photographs of the proposed wetland mitigation area will also be taken in spring 2021 and will be included in Appendix 4 of the final CSP.

6.7 DESCRIPTION OF CURRENT HYDROLOGY

The current hydrology of W-3 is best described as intermittent, or seasonal. Water is conveyed downslope through a narrow wet meadow swale to a lower elevation (depression) on the landscape. It is unknown if drain tiles exist specifically in the wetland mitigation area or within the overall Project Site. Wetland W-3 extends off-site towards the west and is part of a much larger wetland complex. The closest navigable waterway lies just west of the site and is directly in line with W-3. Wetland data collected by Southeastern Wisconsin Regional Planning Commission (SEWRPC) during their June 17, 2015 wetland investigation revealed saturation within 0 to 5 inches of the soil surface with water tables between 19 and 22 inches. This suggests that perhaps water is perched in some portions of W-3 especially at higher elevations. However, note that the SEWRPC did not collect data south of W-3 where the mitigation is proposed or the shallow marsh plant community adjacent to it. Water tables at representative bore pits within the existing shallow marsh community between the 698-foot and 699-foot elevations, as well as the proposed wetland creation area, will be examined by raSmith during spring 2021. This data will help determine if grading elevations need to be adjusted to achieve wetland hydrology that would support a wet meadow plant community. The data will be included in Appendix 3 of the final CSP.

6.8 DESCRIPTION OF PRESENT FLORA

Plant Community 3, as described in SEWRPC's 2015 Wetland Report, revealed 59 species with 18 non-native species (Appendix 3). The area delineated as W-3 lies within a portion of Plant Community 3. SEWRPC completed another wetland delineation during the 2020 growing season, but has not yet prepared a wetland report. Updated plant species lists will be provided in the 2020 report when available. Based on observations made by raSmith during an August 18, 2020 site visit, it was noted that the swale portion of W-3 is currently dominated by invasive reed canary grass (*Phalaris arundinacea*), while the wider portion of W-3 below the 699-foot elevation is dominated by narrow-leaved and/or hybrid cattails (*Typha angustifolia* and *Typha x glauca*). A list of observed plant species will be collected by raSmith during spring 2021. The data will be included in Appendix 3 of the final CSP.

6.9 DESCRIPTION OF EXISTING FAUNA

While there have been no formal wildlife studies within this parcel to our knowledge, wildlife habitat on this site is generally low due to its current predominant agricultural use. Therefore, expected wildlife would be fauna that are common in mixed urban/rural landscapes. There are no waterways within the site that would provide habitat for fish species. The existing stormwater pond contains shallow marsh and wet meadow along its shoreline as well as planted native upland prairie along the adjacent sideslopes. The pond feature and its adjacent prairie likely provide habitat for reptiles, amphibians, waterfowl, shorebirds, and other birds, mammals, and insects. Wetland W-1 is a highly seasonal farmed wetland that provides little to no wildlife value, while W-3 provides only minimal value due to seasonal hydrology, low floral diversity, and lack of vegetated upland buffers.

6.10 WISCONSIN WETLAND INVENTORY MAPPING

The Wisconsin Wetland Inventory (WWI) map (Appendix 1) shows several wetland plant communities within and adjacent to the Study Area including an emergent wetland (E2K), a mixed emergent and scrub shrub wetland (S3/E2K), a mixed forested and scrub shrub wetland (T3/S3K), and an excavated pond (W0Hx). The wetlands depicted on the WWI appear to be consistent with SEWRPC's 2015 wetland delineation boundaries.

6.11 WETLAND DELINEATION

SEWRPC performed a wetland delineation for the City of Franklin TIF District back in 2015 which included the 46-acre property where the project and wetland/wetland buffer mitigation are proposed. Please refer to the SEWRPC Wetland and Environmental Corridor Boundary Map in Appendix 1. At that time, one small farmed wetland (W-1 – 0.114 acre), one constructed stormwater pond (W-2 - 0.384 acres), and one larger wetland swale (W-3 – 2.167 acres) that drains northwest through the property were identified and delineated totaling 2.665 acres (116,087.4 ft²) of wetland. According to Chris Jors from SEWRPC, the wetlands within the TIF District were re-evaluated during May 2020, but no changes were made to the wetland boundaries within the 46-acre property. However, the updated 2020 SEWRPC wetland report has not yet been completed as of this time. Of the three wetlands located within the 46-acre property, one was a stormwater pond (W-2) constructed by the City of Franklin between the years 2005 and 2010. The pond was determined to be exempt from Wisconsin Department of Natural Resources (WDNR) wetland regulation back in 2017 and determined non-jurisdictional by the Corps in 2020. The other two wetlands (W-1 and W-3) have been determined to be jurisdictional by the Corps and WDNR.

6.12 WETLAND FUNCTIONS AND SERVICES ASSESSMENT

Although most of the Project Site is planned to be developed, the remaining undeveloped areas have good potential to add functional value to the landscape as a whole and to improve water quality to the off-site tributary that flows towards the Root River. The Project Site is predominantly agricultural land with wetlands that are mostly low in functional value. Wetland W-2 provides higher functional value than W-1 and W-3 and is essentially a stormwater pond that was planted/seeded with native plants sometime between 2000 and 2005. The establishment of native plant communities in areas currently farmed will improve multiple wetland functions within the Project Site including flood/stormwater attenuation, water quality, floral diversity, wildlife habitat, and overall aesthetics.

6.13 FLOODPLAIN MAPPING

There are no floodplain areas mapped within the site (see FEMA Floodplain Map in Appendix 1).

6.14 NAVIGABLE WATERS

Although an intermittent waterway is mapped on both the USGS map and the WWI map, a navigability determination completed by the WDNR revealed that no navigable waterways are present within the Project Site. There is only one nearby waterway present which is located just west of the Project Site. The waterway is in direct alignment with W-3. Please refer to the USGS Map the WWI and Water Resources Map, and the Navigability Determination Map in Appendix 1.

6.15 WILDLIFE HABITAT, WETLANDS AND ENVIRONMENTAL CORRIDORS

There is one Primary Environmental Corridor (PEC) that extends into the Project Site and includes W-2 and part of W-3 (see SEWRPC Wetland and Environmental Corridor Map in Appendix 1). Most of the PEC lies west of

the Project Site and is associated with the Root River tributary and its adjacent wetlands and woodlands. There is also an Isolated Natural Resource Areas (INRA) that lies just east of the Project Site that includes both woodland and wetlands. The establishment of native plant communities in areas currently farmed is expected to ultimately expand the current boundaries of the PEC.

6.16 NATURAL HERITAGE INVENTORY SEARCH RESULTS

There are no rare species concerns for this project based on a recent Certified Endangered Resources Review completed by raSmith. The 2015 Wetland SEWRPC report also found there to be no rare plant species within the Project Site.

7.0 SITE MAPS

Please refer to the site maps Appendix 1 which show the existing land features within the Project Site. Also refer to the mitigation design maps in Appendix 2 which show existing and proposed contours for the wetland mitigation scrape area, the proposed native plant communities, and all proposed project features including buildings, parking, roadways, and stormwater pond.

8.0 MITIGATION WORK PLAN

The mitigation work will consist of excavating 1,060 cubic yards from a 15,000 ft² area south of and adjacent to wetland W-3. The excavation will include over-excavation and replacement of salvaged topsoil as needed to achieve a final minimum topsoil depth of 6 inches. The resulting grades in the 15,000 ft² mitigation area will range from elevations of 698.5 to 700.0 feet at the edge of the existing wetland to 700.5 feet at the outer boundary. The transition from the excavated area to existing upland will be at a 6V:1H slope. Immediately following completion of the grading, the disturbed area will be seeded with cover crop and native seed mix. Native seed mixes are included in Appendix 4 while planting specifications are included in Appendix 5.

9.0 DETERMINATION OF CREDITS

Once all phases of the project are complete, total anticipated wetland impacts will be 9,818 ft², while wetland buffer impacts will be 22,956 ft². The City's required compensation ratio is 1.5:1 for both wetland and wetland buffers; therefore, the required minimum compensation is 14,727 ft² of wetland and 34,434 ft² of wetland buffer. The mitigation plan seeks to slightly exceed the minimum requirements and is designed to result in 15,000 ft² of wetland and 35,200 ft² of wetland buffer. The wetland compensation replacement is considered in-kind, meaning the wetland community being impacted is being replaced with the same plant community type.

10.0 PERFORMANCE STANDARDS

Performance standards provided below will be used to provide assessment criteria to monitor the success of the newly established hydrology and plant communities. The first monitoring year will begin the growing season following planting. The application of these standards assumes that normal weather conditions will occur during the monitoring period and that precipitation, average temperature and length of growing season will be within one standard deviation of the mean monthly values.

PS1: All seeded areas shall be stabilized with a 100% cover of annual rye grass within 1 month following seed installation. Any areas lacking in vegetative cover shall be re-seeded at no additional cost to owner.

PS2: By Year 2, all seeded areas shall be stabilized with vegetation. Any areas that have eroded and / or are lacking in vegetative cover shall be repaired and re-seeded at no additional cost to owner.

PS3: By Year 2, the wetland creation shall contain a predominance of hydrophytic vegetation.

PS4: By Year 3, wet meadow and upland prairie seeded areas will have a minimum 30% native vegetative cover (to be determined using quadrat sampling).

PS5: By Year 4 wet meadow and upland prairie seeded areas will have a minimum 50% native vegetative cover.

PS6: By Year 5, the Floristic Quality Index (FQI) of wet meadow and upland prairie seeded areas will meet or exceed 20.

PS7: Years 1 and 2 - primary indicators of wetland hydrology (high water table/saturation) will be present in the wetland mitigation area in early spring (assuming normal climatic conditions).

11.0 MONITORING REQUIREMENTS

The City of Franklin has determined that 5 years of monitoring is required for the wetland/wetland buffer mitigation site. All naturalized areas will be monitored by a qualified botanist/ecologist 5 times annually for the five-year period. Monitoring shall consist of at least one site visit per month from approximately May through September during the growing season. Each monitoring visit will include a vegetation meander survey within each seeding zone (wet meadow and upland prairie) to document all observed species present. In addition, three of the five annual site visits will include vegetation quadrat sampling. The initial monitoring visit will include the establishment of 5' X 5' quadrat sampling plots (estimated 8 to 10 plots) within wetland and wetland buffer seeded areas. The quadrats will be GPS-located and staked in the field. All herbaceous plant species within each 5' X 5' quadrat will be identified and the absolute percent aerial cover will be recorded based on ocular estimation. Metrics will be calculated from monitoring data to quantify changes over time. Vegetation monitoring metrics may include the following:

- All plants in each quadrat with greater than 70% cover, recorded to the species level;
- Percent cover of plant species in each quadrat based on ocular estimation;
- Relative density;
- Relative frequency;
- Floristic Quality Index (FQI) values;
- Mean C values

Photographs from relatively permanent photograph stations will be utilized as a vegetation monitoring tool. Stations will be set up to provide representative views of vegetation quadrats and general views of the establishing plant communities. A succession of annual photographs will be used to document demographic changes within habitats that are undergoing maintenance and make it possible to detect changes within landscapes that are being transformed into native plant communities. In addition, water tables/saturation observations will be made at 2 to 3 bore pits within the newly created wetland during each spring visit to confirm the presence of wetland hydrology.

The site monitor will stay in close communication with the maintenance contractor to determine methods of management that may be necessary to eliminate and / or stunt the growth of weedy plant species that may pose a threat to the establishment of native species. An annual monitoring report will be prepared and submitted to the client / owner / representative as well as the City of Franklin.

12.0 MAINTENANCE PLAN

All naturalized seeding areas shall be managed for a minimum of 5 full growing seasons. An integrated approach that encompasses prescribed burning (if practicable), mechanical controls, and herbicide applications will be used to control invasive species and encourage the growth of native species throughout the mitigation area.

Prescribed Burning

If practicable based on site conditions and personnel, prescribed burning may be used as a means of vegetation management throughout the Mitigation Area.

Mechanical Controls

Mowing will be done in areas that are accessible by mowing equipment to control weeds and facilitate native seed establishment. High priority areas will include the buffer areas where prairie will be established. Mowing will be done as needed throughout the growing season to minimize production of weed seeds. In the proposed wet meadow, undesirable weeds may be selectively cut prior to the blooming stage by use of a powered weed whip when conditions are too wet for mowing equipment.

When managing following native plantings, mowing blades will be set high enough to avoid harming prairie seedlings but set such that target non-native species are cut before setting seed. In general, vegetation in these areas will be maintained at a height of less than 8 to 12 inches until native species are established.

A mower that chops the plants to facilitate rapid drying will be used, such as a flail-type mower, mulching mower, or weed-whacker. Rotary mowers and sickle bar mowers will not be used, as they tend to cut the plants leaving large material that can smother plant seedlings.

Herbicides

Herbicides will be used to control aggressive herbaceous species, as well as other species that may become problematic during the time period required to carry out the plan. Herbicides will be sprayed when foliage is green and actively growing. Non-native cool season grasses will be targeted in early spring or late fall when they are actively growing. Herbicide use will be minimized in higher quality floristic areas to the extent practicable in order to minimize collateral damages.

13.0 LONG-TERM MANAGEMENT PLAN

The City has no requirements for long-term management of the wetland mitigation site after the 5-year monitoring period. Voluntary ongoing maintenance is highly encouraged and will be completed at the discretion of WP Property Acquisitions, LLC who is the responsible party of the mitigation site.

14.0 ADAPTIVE MANAGEMENT PLAN

The current mitigation plan is considered conceptual and in draft form due to current lack of field baseline data. raSmith will collect baseline field data during spring 2021 which will guide decisions for any revisions to the original construction plan and implement measures to address any circumstances that could adversely affect the success of the compensatory mitigation project. The final CSP will be completed following the spring 2021 field visit.

15.0 IMPLEMENTATION SCHEDULE

The grading and subsequent seeding of the wetland mitigation area and wetland buffers is expected to occur simultaneously with the grading for the 300,000 ft² southern building. The construction of the 300,000 ft² is scheduled to begin in June 2022 and end in June 2023. Coordination with the grading contractor will be necessary to determine specific and proper timing of the grading and subsequent seeding. Monitoring and maintenance will begin during the growing season following completion of seeding and will be ongoing for a period of 5 years.

16.0 SITE PROTECTION INSTRUMENT

The City of Franklin requires that all created wetland and the wetland buffers be protected by a conservation easement. The party responsible for the mitigation, WP Property Acquisitions, LLC, will provide the required easement documentation.

17.0 FINANCIAL ASSURANCES

The future owner of the site, WP Property Acquisitions, LLC, will cover site construction, costs of site preparation, grading and earthwork, plantings, preparation of an as-built report, cost of site maintenance, monitoring, and preparation of annual reports. Two financial assurance documents will be submitted to the City of Franklin upon acceptance of the Plan. One of the assurances will cover site construction, or costs of site preparation, grading and earthwork, hydrologic alterations, plantings, and preparation of an as-built report. The other assurance will cover the costs of site maintenance, monitoring, and preparation of annual reports.

WP Property Acquisitions, LLC, anticipates holding the property for the next two to three years during development of the overall property and the construction of the wetland/wetland buffer mitigation site. WP Property Acquisitions, LLC is committed to granting a conservation easement for the wetland rehabilitation area and wetland buffers. The conservation easement could also include other existing wetlands and PEC on the property that are contiguous to the wetland rehabilitation area.

In the long-term, WP Property Acquisitions, LLC would consider (1) holding and managing the property themselves; (2) turning the wetland rehabilitation area into a common area of the nearby development which would perpetually fund long-term maintenance; (3) any other option that meets the ownership group's and City's long-term goals.

Appendices

Appendix 1: Site Maps

Appendix 2: Mitigation Design Plans

Appendix 3: Baseline Data – Soils, Hydrology, Vegetation

Appendix 4: Baseline Site Photographs

Appendix 5: Native Seed Mixes

Appendix 6: Native Seeding Specifications

Appendix 1: Site Maps

USGS Map/Site Location Map

SEWRPC Wetland/Environmental Corridor Map

NRCS Soils Map

WWI & Water Resources Map

One-Foot Contour Map

Aerial Photographs (1937 to 2020)

Navigability Determination Map

FEMA Floodplain Map

Kapur & Associates, Inc.
3617 W. Oakwood Road
City of Franklin
Milwaukee County, Wisconsin

Map Legend

 Study Area (45.56 Acres)

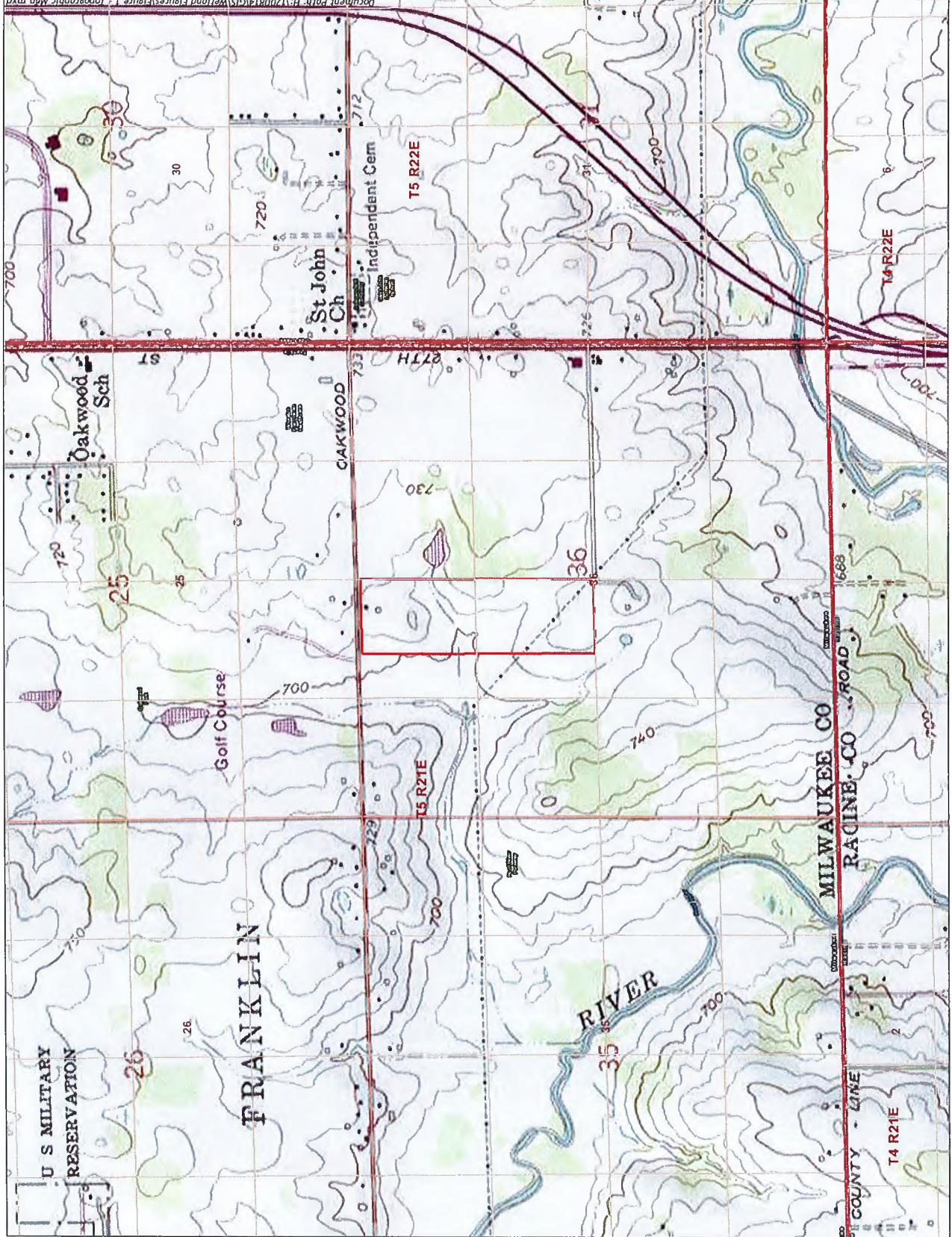
Esri, HERE, Garmin, (c) OpenStreetMap contributors,
and the GIS user community
Copyright: © 2013 National Geographic Society, I-
cubed

Topographic/Site Location
Map

raSmith

CREATIVITY BEYOND ENGINEERING

August 20, 2020 0 500 1,000
1200814 1 inch = 1,000 feet



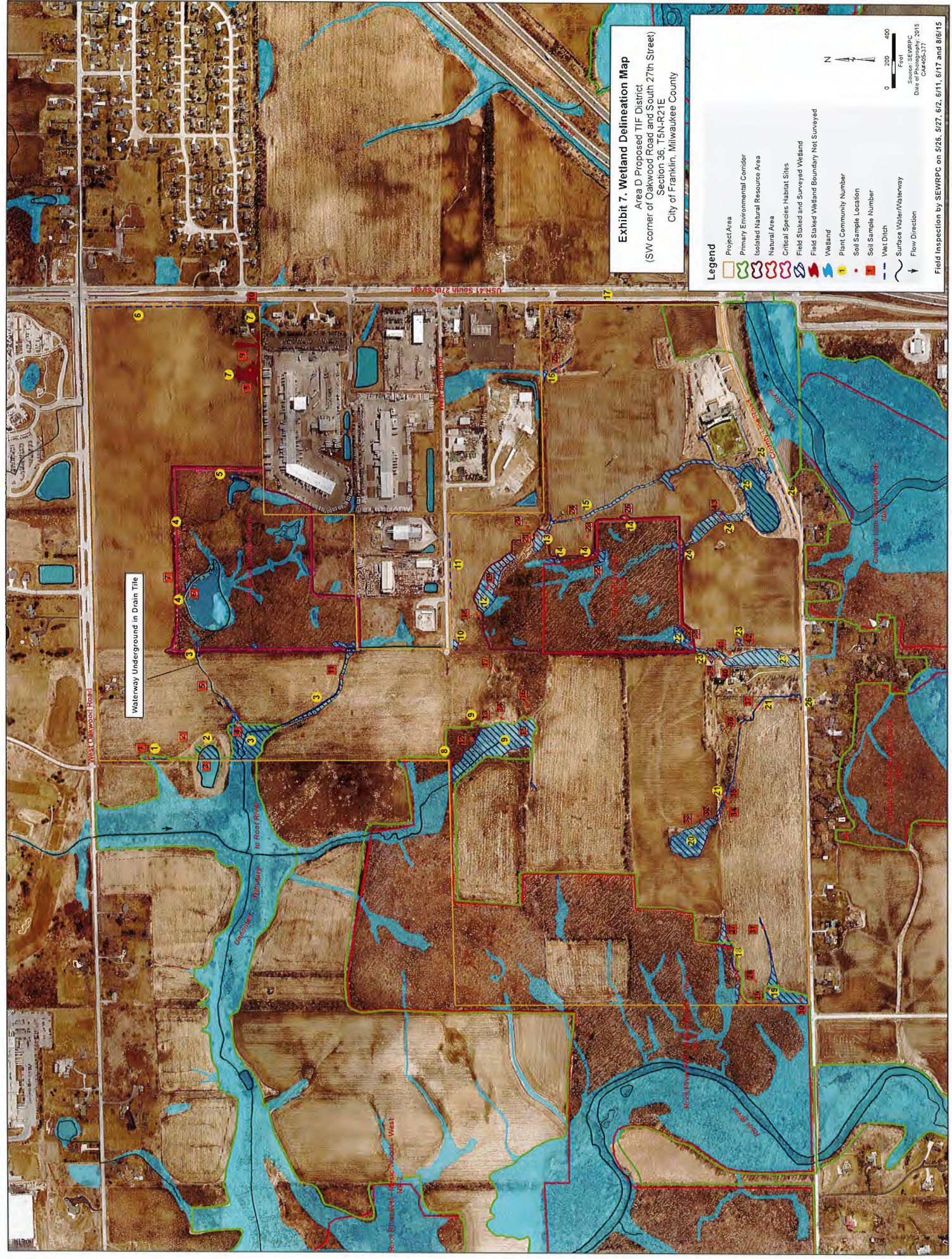







Exhibit 7. Wetland Delineation Map
 Area D Proposed TIF District
 (SW corner of Oakwood Road and South 27th Street)
 Section 36, T5N-R21E
 City of Franklin, Milwaukee County

- Legend**
- Project Area
 - Primary Environmental Corridor
 - Isolated Natural Resource Area
 - Natural Area
 - Critical Species Habitat Sites
 - Field Staked and Surveyed Wetland
 - Field Staked Wetland Boundary Not Surveyed
 - Wetland
 - Plant Community Number
 - Soil Sample Location
 - Soil Sample Number
 - Wet Ditch
 - Surface Water/Waterway
 - Flow Direction

Field Inspection by SEWRPC on 5/26, 5/27, 6/2, 6/11, 6/17 and 6/18/15
 Source: SEWRPC
 Date: 5/27, 2015
 CA#605-377

Kapur & Associates, Inc.
 3617 W. Oakwood Road
 City of Franklin
 Milwaukee County, Wisconsin

Map Legend

-  NRCS Wisconsin Soils
-  Study Area (46.92 Acres)
-  Somewhat poorly drained
-  Poorly Drained
-  Very poorly drained
-  Water/Other

Esri, HERE, Garmin, (c) OpenStreetMap contributors

NRCS Soil Map



CREATIVITY BEYOND ENGINEERING

August 20, 2020 0 112.5 225
 1200814 1 inch = 225 feet



Kapur & Associates, Inc.
3617 W. Oakwood Road
City of Franklin
Milwaukee County, Wisconsin

Map Legend

- Excavated pond
- Wetland too small to delineate
- Intermittent Stream
- Rivers and Streams
- Open Water
- Study Area (48.92 Acres)
- Wisconsin Wetland Inventory

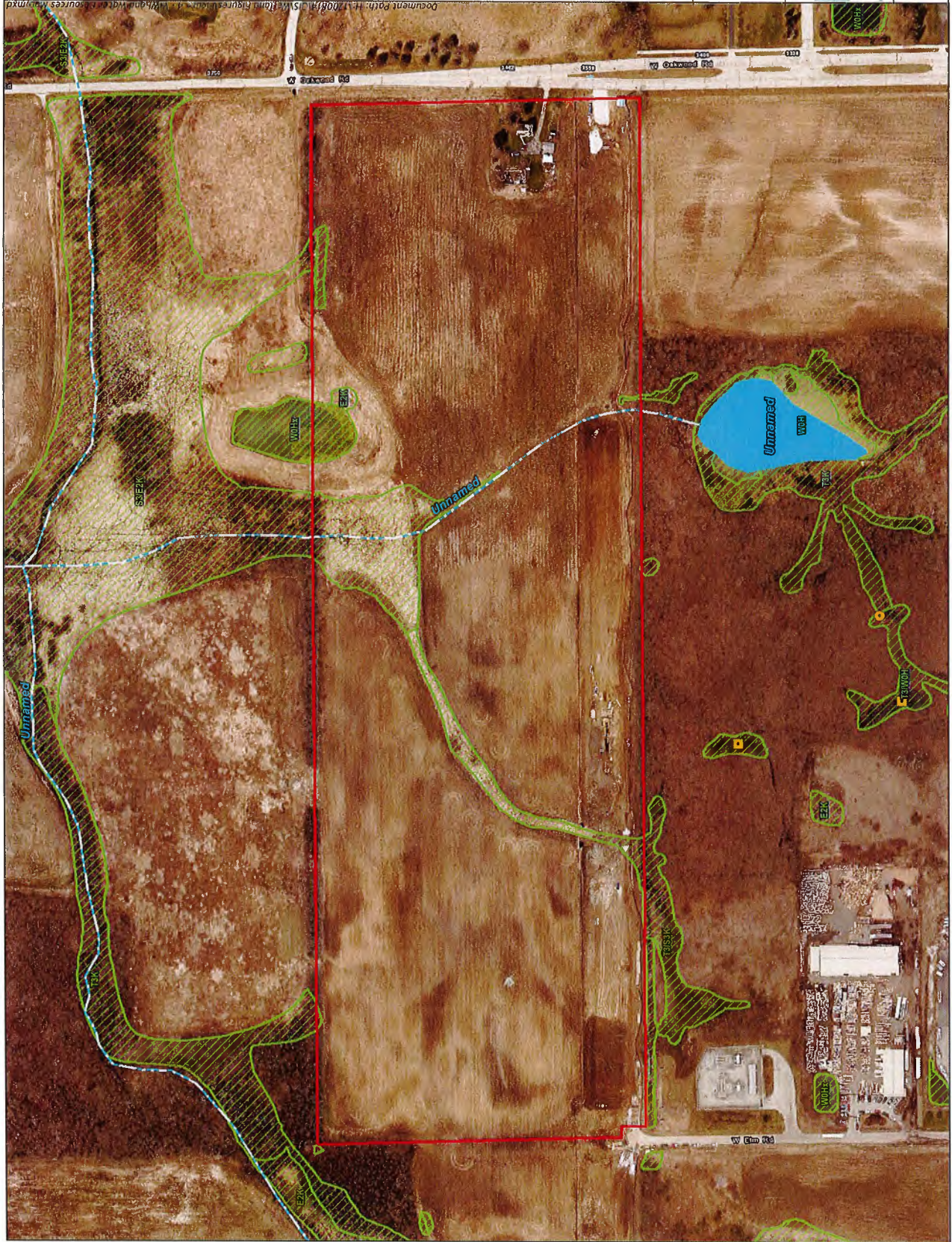
Esri, HERE, Garmin, (c) OpenStreetMap contributors

WI Wetland Inventory
and Water Resources
Map



CREATIVITY BEYOND ENGINEERING

August 20, 2020 0 112.5 225
1200814 1 inch = 225 feet



Kapur & Associates, Inc.
3617 W. Oakwood Road
City of Franklin
Milwaukee County, Wisconsin

Map Legend

 Study Area (48.92 Acres)


Esri, HERE, Garmin, (c) OpenStreetMap contributors

Contour Map



CREATIVITY BEYOND ENGINEERING

August 20, 2020 0 112.5 225
1200814
1 inch = 225 feet



2020 Aerial Photo



2018 Aerial Photo



2015 Aerial Photo



2013 Aerial Photo



2010 Aerial Photo



2005 Aerial Photo



2000 Aerial Photo



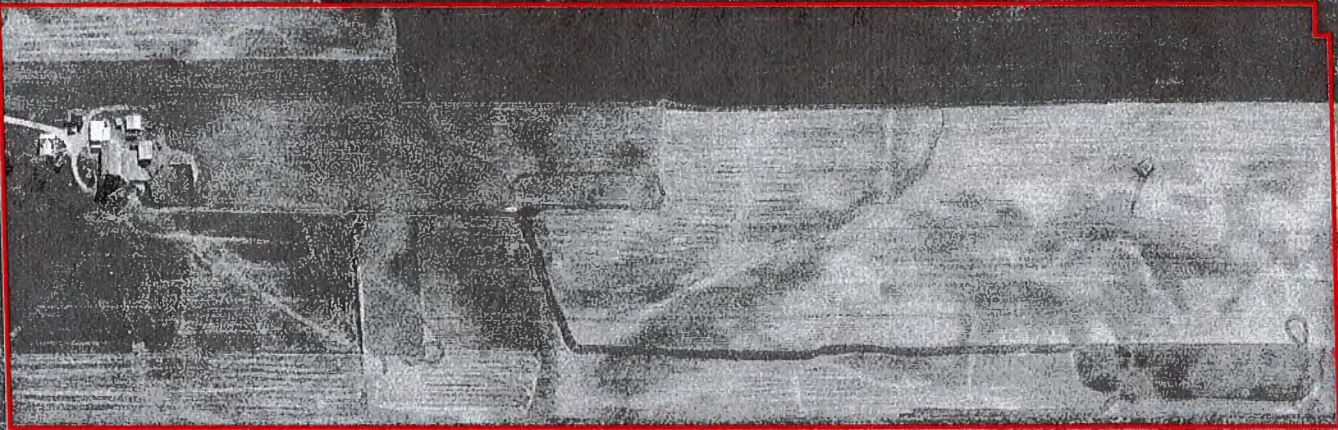
1990 Aerial Photo



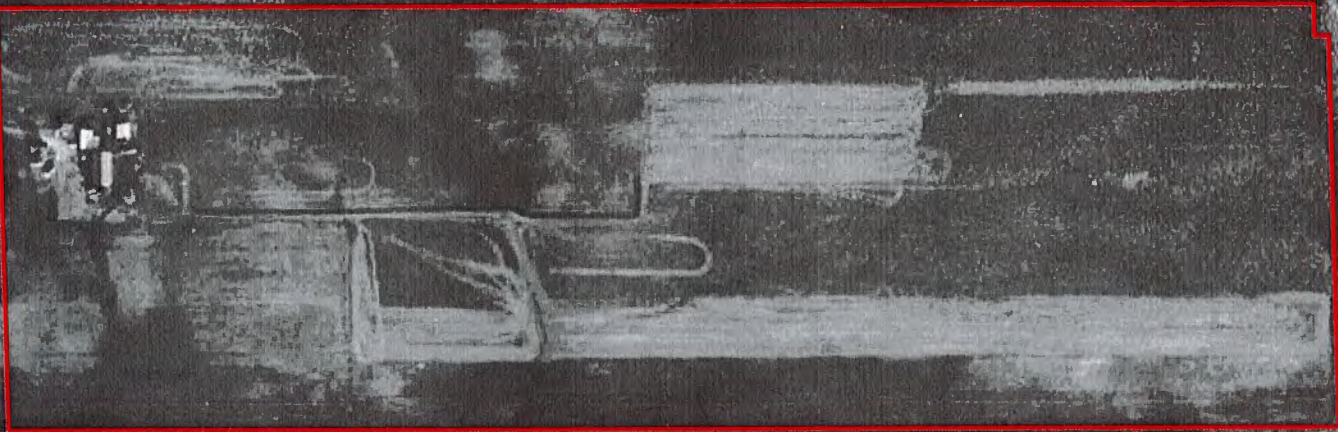
1985 Aerial Photo



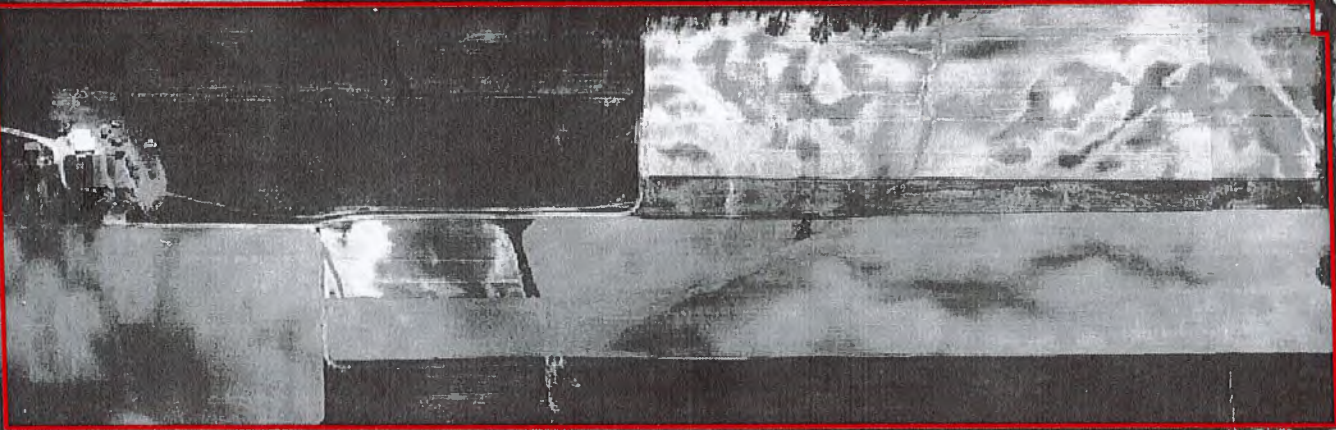
1975 Aerial Photo



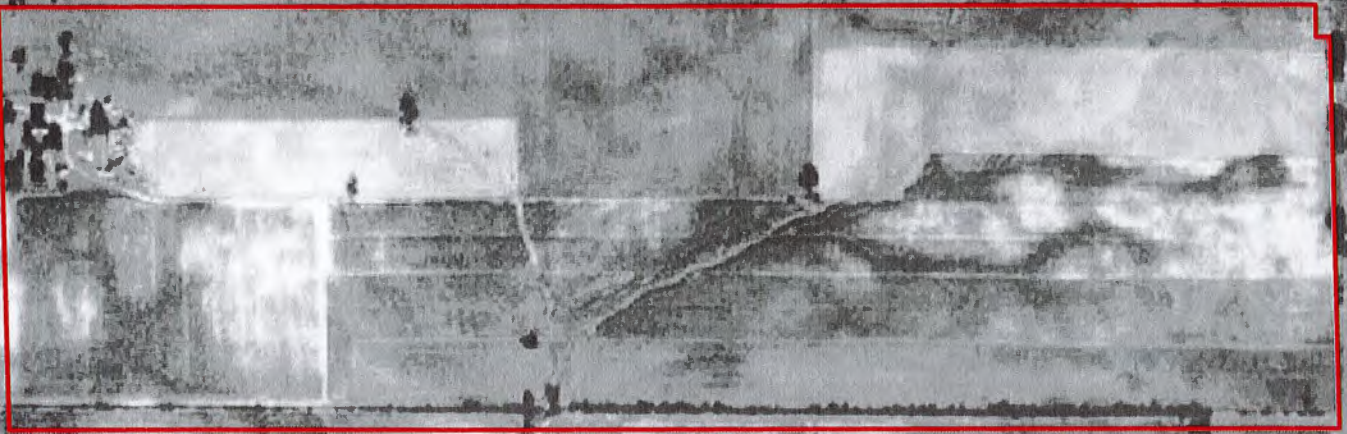
1963 Aerial Photo



1951 Aerial Photo





1937 Aerial Photo



Franklin Navigability and OHWM Request

Navigability Determinations and Ordinary High Water Mark Determinations for waterways in question. OHWMV identified at point of navigability.

Legend

-  Navigable
-  Not-Navigable





FEMA FLOODPLAIN MAP



Projection
 NAD_1983_2011_StatePlane_Wisconsin_South
 _FIPS_4803_FT_US

Notes

DISCLAIMER: This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

1,505 752 1,505 Feet

1:9,028



THIS MAP IS NOT TO BE USED FOR NAVIGATION © MCAMLIS

Appendix 2:

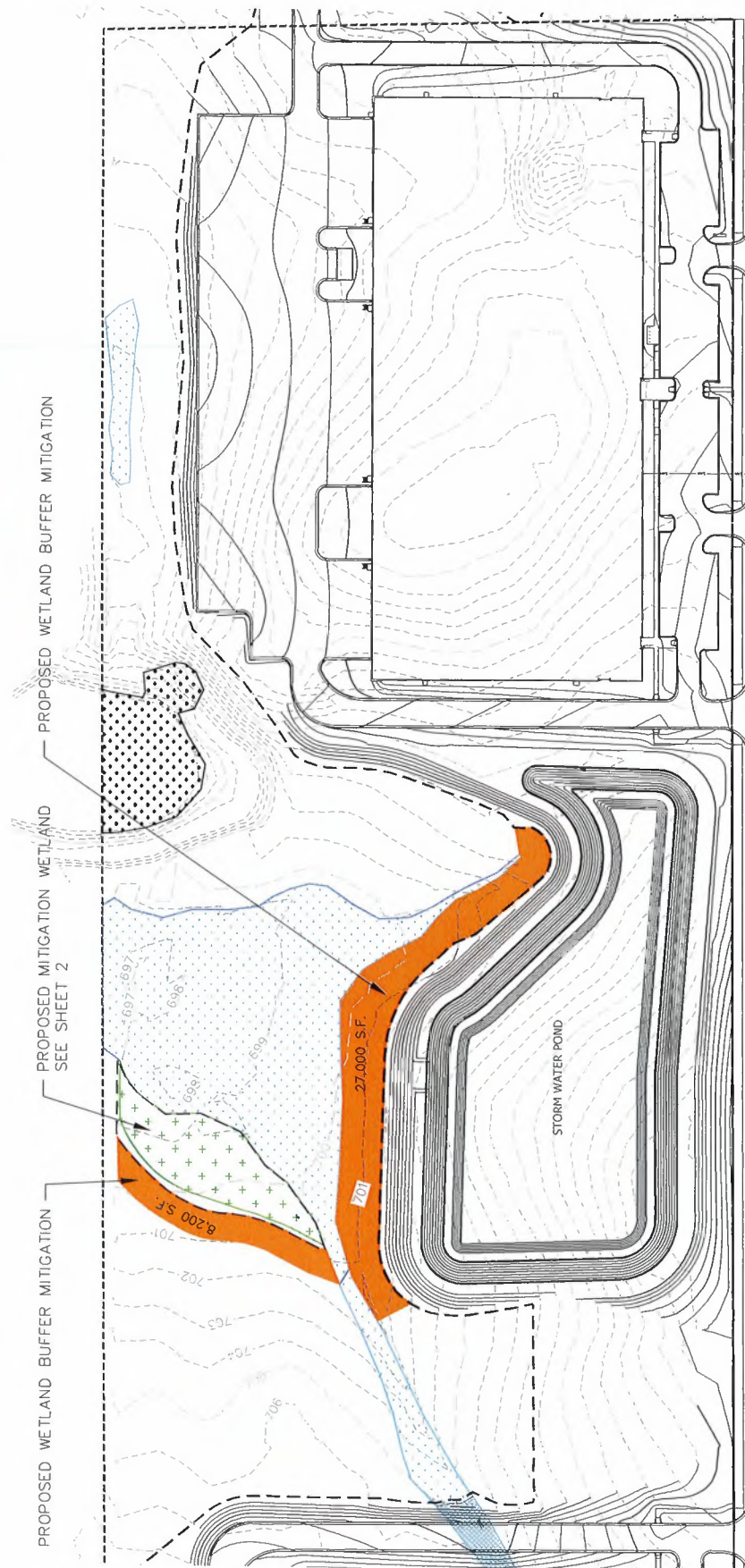
Mitigation Design Plans



NOTE:
 PLANT BUFFER AREA WITH TALLGRASS
 PRAIRIE FOR MEDIUM SOILS SEED MIX
 (from Agrecol Native Seed & Plant
 Nursery) AT 1.25 PLS LBS/ACRE, AND
 ANNUAL RYEGRASS AT 15 LBS/ACRE.

LEGEND

- EXISTING MAJOR CONTOUR
- PROPOSED MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MINOR CONTOUR
- EXISTING WETLAND
- PROPOSED WETLAND MITIGATION (15,000 SF)
- PROPOSED WETLAND BUFFER MITIGATION (35,200 SF)



FUTURE SOUTH HICKORY STREET

R.A. SMITH, INC. ASSUMES NO RESPONSIBILITY FOR
 DAMAGES, LIABILITY OR COSTS RESULTING FROM
 ANY ERRORS, OMISSIONS, OR INFORMATION TO THIS PLAN
 WITHOUT THE EXPRESSED WRITTEN CONSENT OF
 R.A. SMITH, INC.

TOPOGRAPHY AND BASE PLAN DATA PROVIDED BY KAPUR, INC.

16245 W. Riverwood Road Brookfield, WI 53005-5938 (762) 781-1000 rasmith.com		CREATIVITY BRINGS ENGINEERING rasmith	16040 W. 1 st Avenue, WI 1 st Avenue, WI Brookfield, WI 53005-5938 (762) 781-1000 rasmith.com	OAKWOOD INDUSTRIAL CITY OF FRANKLIN, WI SITE PLAN & WETLAND BUFFER MITIGATION PLAN	© COPYRIGHT 2021 R.A. SMITH, INC. DATE: 3/11/2021 SCALE: 1" = 120' JOB NO.: 1308814 PROJECT MANAGER: T.M. MYERS DESIGNED BY: OER CHECKED BY: TMM SHEET NUMBER: 1
DATE	DESCRIPTION				



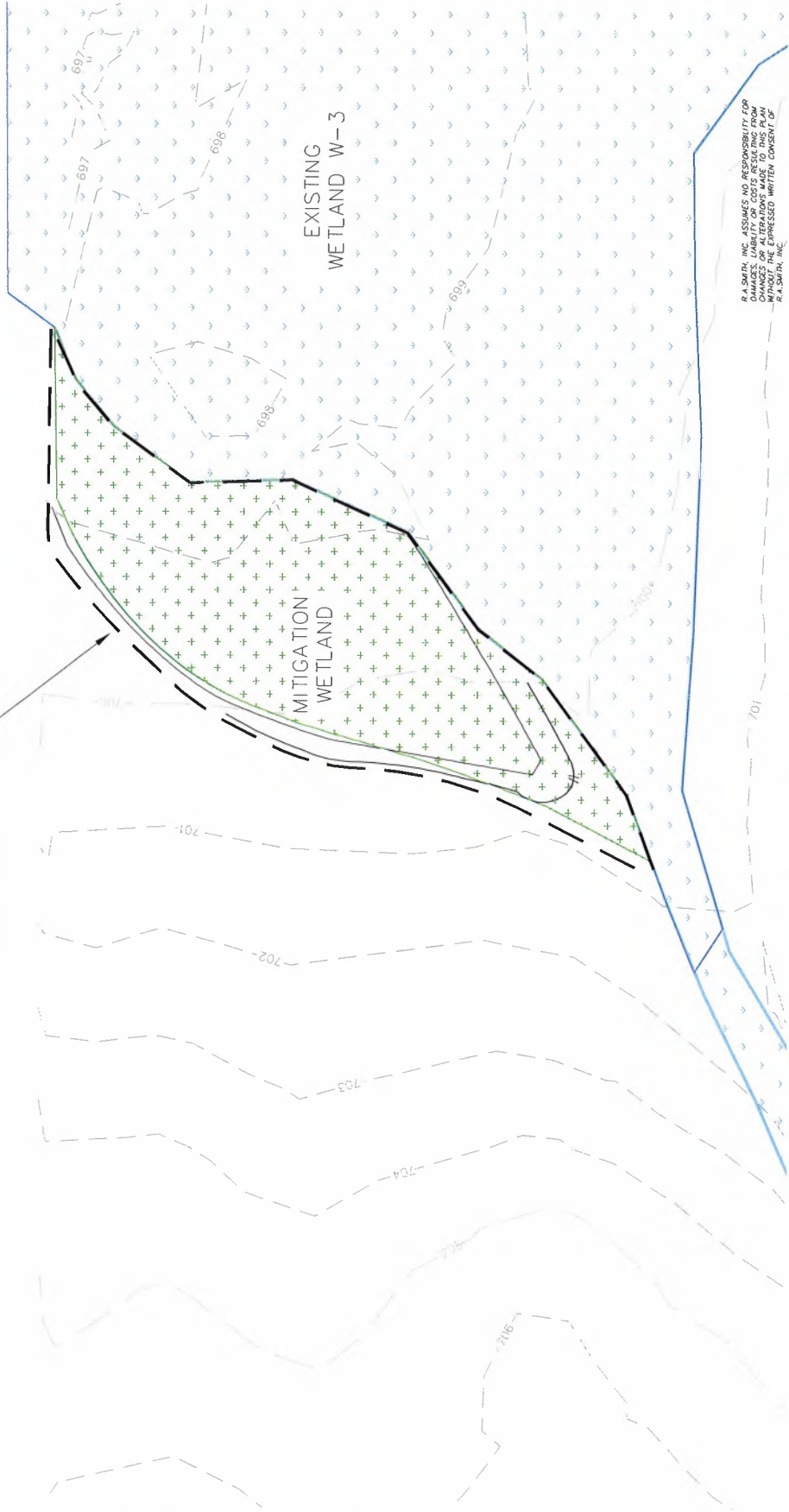
LEGEND

- EXISTING MAJOR CONTOUR
- PROPOSED MAJOR CONTOUR
- - - EXISTING MINOR CONTOUR
- - - PROPOSED MINOR CONTOUR
- SPOT GRADE WITH
- 000.00 EXISTING ELEVATION (EE)
- 0.00 PROPOSED ELEVATION (PE)
- DIFFERENCE

NOTES:

1. UNDERCUT AS NEEDED TO REPLACE 6" SALVAGED TOPSOIL DEPTH.
2. RESTORE WITH SALVAGED TOPSOIL AND LOW PROFILE MOIST MEADOW SEED MIX (from Agricol Native Seed & Plant Nursery) AT 3.25 PLS LBS/ACRE, AND ANNUAL RYEGRASS AT 15 LBS/ACRE.
3. DISTURBANCE AREA: 17,500 SQFT
4. EXCAVATION VOLUME: 360 CU YD

PROPOSED GRADING LIMITS
MATCH EXISTING GRADES



R.A. SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM THE USE OF THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A. SMITH, INC.

TOPOGRAPHY AND BASE PLAN DATA PROVIDED BY KAPUR, INC.

SHEET NUMBER
2

OAKWOOD INDUSTRIAL		CITY OF FRANKLIN, WI		WETLAND MITIGATION		GRADING PLAN	
16245 W. Raymond Road Brookfield, WI 53005-5938 Rasmith.com Rasmith		CREATIVITY BEYOND ENGINEERING Rasmith		Brookfield, WI 53005-5938 Rasmith.com Rasmith		© COPYRIGHT 2021 R.A. SMITH, INC. DATE: 11/17/2021 SCALE: 1" = 40' DRAWN: L.S.M./R.D. PROJECT NUMBER: L.M. MYLES DESIGNED BY: G.R. CHECKED BY: T.M.	
DESCRIPTION	DATE						

Appendix 3:

Baseline Data (Soils, Hydrology, Vegetation)

At this time, baseline data for the wetland mitigation area includes only Plant Community #3 plant species list from SEWRPC 2015 wetland report. Additional baseline data (soil profiles, water tables, vegetation) will be collected in the field during spring 2021 and will be included in the final CSP.

Plant Community Area No 3 – Native Species

Alisma triviale--Large-flowered water plantain
Allium canadense--Wild garlic
Ambrosia artemisiifolia--Common ragweed
Ambrosia trifida--Giant ragweed
Bidens sp --Beggars-ticks
Carex grisea--Wood gray sedge
Carex rosea--Curly-styled wood sedge
Carex vulpinoidea--Fox sedge
Carex sp --Sedge
Cyperus esculentus--Chufa
Equisetum arvense--Common horsetail
Erigeron annuus--Annual fleabane
Erigeron philadelphicus--Marsh fleabane
Euthamia graminifolia--Grass-leaved goldenrod
Fraxinus pennsylvanica--Green ash
Geum canadense--White avens
Glycena striata--Fowl manna grass
Impatiens capensis--Jewelweed
Juncus bufonius--Toad rush
Juncus dudleyi--Dudley's rush
Leersia virginica--White grass
Ludwigia palustris--Marsh-purslane
Menispermum canadense--Moonseed
Mentha arvensis--Wild mint
Populus deltoides--Cottonwood
Potentilla norvegica--Norway cinquefoil
Ranunculus hispidus--Bristly buttercup
Ribes amencanum--Wild black currant
Rubus occidentalis--Black raspberry
Salix amygdaloides--Peach-leaved willow
Salix discolor--Pussy willow
Salix interior--Sandbar willow
Solidago altissima--Tall goldenrod
Solidago gigantea--Giant goldenrod
Symphotrichum lateriflorum--Calico aster
Symphotrichum pilosum--Frost aster
Tilia americana--Basswood
Toxicodendron rydbergii--Poison ivy
Ulmus americana--American elm
Veronica peregrina--Purslane speedwell
Vitis riparia--Riverbank grape

NON-Native Species

Atriplex patula--Common orach
Bromus inermis--Smooth brome grass
Cirsium arvense--Canada thistle
Daucus carota--Queen Anne's lace
Echinochloa crusgalli--Barnyard grass
Hordeum jubatum--Squirreltail
Lythrum salicaria--Purple loosestrife
Persicaria maculosa--Lady's thumb
Phalaris arundinacea--Reed canary grass
Plantago major--Common plantain
Poa annua--Annual bluegrass

PCA No 3 cont

Rumex crispus--Curly dock
Senecio vulgaris--Common groundsel
Setaria pumila--Yellow foxtail
Sonchus arvensis--Sow thistle
Taraxacum officinale--Common dandelion
Trifolium pratense--Red clover
Trifolium repens--White clover

Total number of plant species 59

Number of alien, or non-native, plant species 18 (31 percent)

This approximately 240-acre plant community area is part of a larger wetland complex and consists of atypical (farmed) wetland, fresh (wet) meadow, and second growth Southern wet to wet-mesic lowland hardwoods. Disturbances to the plant community area include siltation and sedimentation due to stormwater runoff from adjacent lands, water level changes due to ditching, draining, and stream channel realignment, and agricultural land management activities such as plowing. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

Plant Community Area No 4 – Native Species

Acer saccharum--Sugar maple
Agropyron gryposepala--Agropyron
Carex grisea--Wood gray sedge
Carex radiata--Straight-styled wood sedge
Carex sparganioides--Bur-reed sedge
Carya ovata--Shagbark hickory
Cornus obliqua--Silky dogwood
Equisetum arvense--Common horsetail
Erigeron philadelphicus--Marsh fleabane
Fraxinus pennsylvanica--Green ash
Geum canadense--White avens
Impatiens capensis--Jewelweed
Prunus serotina--Black cherry
Ribes cynosbati--Pasture gooseberry
Salix nigra--Black willow
Solidago altissima--Tall goldenrod
Symphotrichum drummondii--Drummond's aster
Symphotrichum lanceolatum--Marsh aster
Symphotrichum lateriflorum--Calico aster
Tilia americana--Basswood
Toxicodendron radicans--Poison ivy
Vitis riparia--Riverbank grape

NON-Native Species

Fragaria alnus--Glossy buckthorn
Phalaris arundinacea--Reed canary grass
Plantago major--Common plantain
Taraxacum officinale--Common dandelion
Trifolium pratense--Red clover
Viburnum opulus--European highbush-cranberry

Total number of plant species 28

Number of alien, or non-native plant species 6 (21 percent)

Appendix 4:

Baseline Site Photographs

Appendix 5:

Native Seeding Mixes

Low Profile Moist Meadow

The shorter grasses and sedges in this mix showcase the colors and blooms of over 20 wildflowers. Plant in poorly drained soils or low-lying sites.

#LPMD Wet to Wet Mesic Full Sun to Part Sun 3.25 PLS LBS/Acre 72.00 Seeds/ Sq. Ft

Wildflowers		Oz/Acre
Acorus calamus	Sweet Flag	2.00
Alisma subcordatum	Mud Plantain	1.50
Anemone canadensis	Meadow Anemone	0.75
Asclepias incarnata	Marsh (Red) Milkweed	4.00
Aster novae-angliae	New England Aster	0.25
Aster puniceus	Swamp Aster	0.50
Eupatorium perfoliatum	Boneset	0.25
Helenium autumnale	Sneezeweed	0.50
Iris versicolor	Northern Blue Flag Iris	4.50
Liatris spicata	Marsh Blazing Star	0.50
Lobelia cardinalis	Cardinal Flower	0.75
Lobelia siphilitica	Great Blue Lobelia	0.50
Lycopus americanus	Water Horehound	0.25
Mimulus ringens	Monkey Flower	0.10
Penthorum sedoides	Ditch Stonecrop	0.05
Physostegia virginiana	Obedient Plant	0.50
Polygonum pensylvanicum	Pinkweed	1.00
Pycnanthemum virginianum	Mountain Mint	0.50
Solidago graminifolia	Grass-Leaved Goldenrod	0.10
Solidago ohioensis	Ohio Goldenrod	0.25
Solidago riddellii	Riddell's Goldenrod	0.50
Verbena hastata	Blue Vervain	0.75
Grasses, Sedges, & Rushes		Oz/Acre
Bromus ciliatus	Fringed Brome	16.00
Carex bebbii	Bebb's Oval Sedge	0.50
Carex bicknellii	Copper-Shouldered Oval Sedge	1.00
Carex comosa	Bristly Sedge	0.50
Carex crinita	Fringed Sedge	0.50
Carex hystericina	Porcupine Sedge	0.25
Carex lacustris	Common Lake Sedge	0.75
Carex sprengeii	Long-Beaked Sedge	0.75
Carex stipata	Common Fox Sedge	0.25

Carex stricta	Tussock Sedge	0.50
Carex vulpinoidea	Brown Fox Sedge	0.25
Glyceria canadensis	Rattlesnake Grass	1.00
Glyceria striata	Fowl Manna Grass	1.50
Juncus dudleyi	Dudley's Rush	0.05
Juncus tenuis	Path Rush	0.10
Juncus torreyi	Torrey's Rush	0.10
Leersia oryzoides	Rice Cut Grass	8.00

Tallgrass Prairie for Medium Soils

An excellent mix for wildlife conservation. Tall stature grasses such as Big Bluestem and Indian grass provide important nesting habitat and cover for many animals. For full sun plantings with medium to well-drained soils.

#TPM **Wet Mesic to Dry Mesic** **Full Sun** **13.25 PLS LBS/Acre** **89.00 Seeds/ Sq. Ft**

Wildflowers		Oz/Acre
Allium cernuum	Nodding Onion	4.00
Amorpha canescens	Leadplant	2.00
Aster azureus	Sky Blue Aster	1.00
Aster novae-angliae	New England Aster	1.00
Baptisia leucantha (alba)	White Wild Indigo	2.00
Coreopsis palmata	Prairie Coreopsis	1.50
Coreopsis tripteris	Tall Coreopsis	1.00
Dalea candida	White Prairie Clover	3.00
Dalea purpurea	Purple Prairie Clover	2.50
Desmodium canadense	Canada Tick Trefoil	2.00
Echinacea pallida	Pale Purple Coneflower	4.00
Echinacea purpurea	Purple Coneflower	6.00
Eryngium yuccifolium	Rattlesnake Master	2.50
Helianthus grosseserratus	Sawtooth Sunflower	0.50
Heliopsis helianthoides	Early Sunflower	8.00
Liatris pycnostachya	Prairie Blazing Star	3.00
Monarda fistulosa	Wild Bergamot	2.00
Penstemon digitalis	Foxglove Beard Tongue	0.50
Potentilla arguta	Prairie Cinquefoil	0.20
Pycnanthemum virginianum	Mountain Mint	0.20
Ratibida pinnata	Yellow Coneflower	2.25
Rudbeckia hirta	Black-Eyed Susan	3.50
Rudbeckia subtomentosa	Sweet Black-Eyed Susan	2.00
Silphium laciniatum	Compass Plant	2.00
Silphium perfoliatum	Cup Plant	2.50
Solidago graminifolia	Grass-Leaved Goldenrod	0.20
Solidago rigida	Stiff Goldenrod	1.25
Verbena hastata	Blue Vervain	1.50
Veronicastrum virginicum	Culver's Root	0.20
Grasses, Sedges, & Rushes		Oz/Acre
Andropogon gerardii	Big Bluestem	24.00
Bouteloua curtipendula	Side Oats Grama	16.00
Carex bicknellii	Copper-Shouldered Oval Sedge	1.50

<i>Elymus canadensis</i>	Canada Wild Rye	32.00
<i>Elymus virginicus</i>	Virginia Wild Rye	32.00
<i>Juncus tenuis</i>	Path Rush	0.20
<i>Panicum virgatum</i>	Switchgrass	8.00
<i>Schizachyrium scoparium</i>	Little Bluestem	12.00
<i>Sorghastrum nutans</i>	Indian Grass	24.00

Quote

Agrecol LLC
 10101 N Casey Road
 Evansville, WI 53536
 (608) 223-3571
 ecosolutions@agrecol.com
 www.agrecol.com

Order Number. 0053732
 Order Date 1/28/2021
 Salesperson RMK
 Customer Number 37-RAS120

Sold To
 R A Smith
 16745 West Bluemound Road
 Suite 200
 Brookfield, WI 53005-5938
 Confirm To:
 TINA MYERS

Ship To
 R A Smith
 16745 West Bluemound Road
 Suite 200
 Brookfield, WI 53005-5938
 Comment
 88A TPM & 0 344A LPMD

Customer P.O.	Ship VIA	F.O.B. AGRECOL	Terms Pre-Paid	Ship Date: 10/24/2023		
Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount
QUOTES ARE VALID FOR 10 DAYS ALL PRODUCT IS SUBJECT TO AVAILABILITY						
MX-TPM TALLGRASS PRAIRIE FOR MESIC SO 35,000 sq ft	ACRE	0 808	0 000	0 000	950 0000	767 60
MX-LPMD LOW PROFILE MOIST MEADOW 15,000 sq ft	ACRE	0 344	0 000	0 000	944 7670	325 00
TFAR *ANNUAL RYEGRASS 1 152 ACRES @ 15 LBS PER ACRE	PLSL	17 280	0 000	0 000	1 0000	17 28

Net Order	1,109 88
Less Discount	0 00
Freight	0 00
Sales Tax	55 49
Order Total:	1,165 37

An interest charge of 1 5% per month (18% per year) is applied to invoices that are past due

Appendix 6:

Native Seeding Specifications

NATIVE SEEDING SPECIFICATIONS

1 CONTRACTOR REQUIREMENTS

The natural landscaping work as specified within shall be performed by an experienced contractor that specializes in the installation, ongoing management and monitoring of native seeding and planting projects. Individuals performing work onsite shall have the ability to identify native seedlings and be licensed to apply herbicides in the state of Wisconsin.

2 NATIVE SEED MATERIALS

All native seeds as listed within shall be of Wisconsin local origin not to exceed a 150 mile radius of project site. All forbs shall be tested for germination and have a minimum germination rate of 80%. Grasses shall be supplied as pure live seed (PLS).

3. SEEDBED PREPARATION

Prepare seedbeds by removing and/or killing off any unwanted existing vegetation with a glyphosate herbicide, applied only by a state certified applicator no sooner than 2 weeks prior to seed installation. Prepare seed bed areas to a maximum depth of 1 inch. Soil's surface should be loose and free of any soil clumps exceeding 1 inch in diameter. Do not fertilize areas. Mulch the areas with a light covering of clean, chopped straw to retain moisture and use a tackifier to prevent wind damage. If installed in spring, lightly water 4-6 weeks after germination at regular intervals (depending on rainfall), or if an extended period of drought occurs throughout summer months.

4 NATIVE SEED INSTALLATION

Native seed shall be mixed thoroughly by vendor or installer. Seed shall be installed by means of mechanical and /or hand 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 lightly raking or harrowing and then lightly mulched with clean, weed free straw. A cover crop of annual ryegrass shall be used to compliment native seeding areas at the rate of 15 lbs per acre. Seeded areas shall be watered immediately following installation to accelerate cover crop germination.



October 19, 2020

Mark Lake
WP Property Acquisitions, LLC
1200 N. Mayfair Road, Suite 310
Milwaukee, WI 53226

Dear Mark,

For more than fifteen years the City of Franklin has desired to create a new Corporate Park on a 670-acre site located in the SE corner of Franklin, roughly bounded by Oakwood, 27th, and S. County Line. Franklin attracted Ascension Hospital just north of Oakwood; however, it is only in the last few years that we have seen significant and serious interest from the development community to invest in Franklin, which is due in great part to the long-anticipated I-94 Elm Road interchange – which complements great highway visibility with immediate access to the site. We have also created a second Tax Incremental Financing District overlay in 2020 to continue our strategy of developing the site by investing millions in road, water, sewer, and other public infrastructure activities (such as regional storm water systems and ATC power lines) needed to create shovel-ready parcels. This strategy is starting to pay off with developers like Wangard proposing investing in Franklin to construct new commercial spaces.

Franklin has a lack of large buildings to offer to prospects looking for buy and lease opportunities and our current 650-acre business park – long considered the most successful park in Wisconsin's history – has only a handful of small sites left for smaller projects because the demand for larger existing spaces far exceeds supply. With the addition of Wangard's proposed buildings, we will have tools to attract larger commercial projects to our community.

Franklin has long held natural resource protection as a core value in development and we welcome the Wangard proposed development in our community. Our Planning, Engineering, and Economic Development Departments have inventoried our natural resources and are prepared to work with Wangard to ensure that their project can go forward successfully, while minimizing impact to the environment and retaining a vital ecosystem. We fully support Wangard's proposal and ask for your full consideration and hopefully approval so that we can move forward with this project.

Sincerely,

A handwritten signature in cursive script that reads "Calli Berg".

Calli Berg
Director of Economic Development

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">4/20/2021</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">Authorization to Release Funds for Police Department 2021 Approved Budget Purchases and Authorization to Proceed with the Solicitation of Bids for those Capital Improvements that are Qualified Projects Under Wis. Stat. §62.15</p>	<p>ITEM NUMBER</p> <p style="text-align: center;">G.4.</p>

The following items were approved for purchase during the 2021 Police Department Budget process.

Capital Outlay (41-0211-5819)

- Taser Units & Holsters - \$10,600

Capital Improvement (46-0211-5499)

- Police Department Roof (Replacement) - \$127,500
- Video Surveillance Camera System (Replacement) - \$247,000
- 911 Vesta Telephone System (Hardware Replacement) - \$125,000

Operating (Building Maintenance – Flooring 01-0211-5558)

- Carpeting in Detective Bureau (Replacement) - \$20,000

COUNCIL ACTION REQUESTED

Motion to approve the purchase of the above listed approved Police Department 2021 Capital Budget items and authorize proceeding with the solicitation of bids for those capital improvements that are qualified projects under Wis. Stat. §62.15.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>04/20/2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Authorization to Solicit Bids for City Security Improvements</p>	<p>ITEM NUMBER</p> <p>G.5.</p>

BACKGROUND

Per the City of Franklin Municipal Code, Chapter 19, Section 11, 'No public construction project shall be let for bid unless the Common Council has previously authorized the solicitation of bids for such public construction project'. In light of that code section, Council authorization is required to solicit bids to improve security in City buildings.

Staff has been working on this initiative, completing research, reviewing products, and completing a physical security assessment for the past few months, and is now ready to move forward with the formal bid process.

ANALYSIS

There are substantial needs with regard to security improvements throughout City buildings, including: indoor and outdoor video surveillance, door access control, lighting, alarms, security glass, and a few other miscellaneous items.

The 2020 Budget included \$500,000 for this initiative, although the funds were to come from contingency. Then, in December of 2020, staff reviewed 2020 available funds and requested and received Council approval to reserve \$350,000 for this project to be completed in 2021. With that request was a note that more funds would be requested if available and needed at the time of the project. This information will not be available until the bids are received, but the bids will be completed in a way to notify bidders that the City may accept only parts of the bids if funding is not available.

RECOMMENDATION

Staff recommends the authorization to solicit bids for City Security Improvements.

COMMON COUNCIL ACTION REQUESTED

Motion authorizing the solicitation of bids for City Security Improvements.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>4/20/2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Approve Procurement Policy for the City of Franklin</p>	<p>ITEM NUMBER</p> <p>G.6.</p>

While the City of Franklin has a number of procedures built around procurement/purchasing, as well as proper accounting and internal controls in place, there is not a formal policy regarding the same. This is a problem when receiving and using Federal grants as the federal government is extremely formal and extremely strict with its requirements surrounding procurement/purchasing with Federal funds.

The attached policy was drafted as a policy guide for the City of Franklin to follow and use while spending Federal funds.

Please note that this policy is an interim measure only as staff has already started down the path of creating a comprehensive Procurement/Purchasing Policy that covers all state and local rules that are in place and must be followed, as well as utilizing best practices in the procurement/purchasing arena. A draft Procurement/Purchasing Policy will be presented to the Common Council in the coming months for discussion and consideration.

Due to some ongoing Federal projects, it is imperative for the Common Council to consider approval of this policy in the very near future. In fact, existing grant dollars are at risk of being lost if this policy is not in place.

Therefore, staff is requesting approval of this Policy as an interim measure to secure federal funding and keep the City of Franklin in compliance with current and future grant awards.

COMMON COUNCIL ACTION REQUESTED

Motion to approve the attached Procurement Policy for the City of Franklin.

City of Franklin
Procurement/Purchasing Policy
Dated 4/20/2021

Any Purchases that utilize federal funds shall be made in compliance with the Code of Federal Regulations (CFR) Title 2 Parts 200.318 to 200.326 and this Procurement/Purchasing Policy.

General Procurement Standards (2 CFR Part 200.318)

- a) Procurements by the City of Franklin, when utilizing federal funds, shall conform to applicable Federal law and the standards identified in this policy
- b) The City of Franklin shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchases.
- c) No employee, officer, or agent of the City of Franklin may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City of Franklin may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Any Employee determined to be in violation of this section, could be subject to discipline action up to and including termination. Any Elected Official determined to be in violation of this section, could be subject to sanctions, prosecution, and or removal from their position.
- d) The City of Franklin will consider consolidating or legally separating procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach
- e) The City of Franklin, to the extent possible, shall utilize state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- f) The City of Franklin, to the extent possible, shall utilize federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- g) The City of Franklin, to the extent possible, shall utilize value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- h) The City of Franklin, to the extent possible, shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.213 Suspension and debarment
- i) The City of Franklin, to the extent possible, shall maintain records sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price

- j) The City of Franklin, to the extent possible, shall utilize a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contracts are defined as a contract whose cost to the City of Franklin is the sum of:
 - 1) The actual cost of materials, and
 - 2) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
- k) The City of Franklin, to the extent possible, shall be responsible, in accordance with prudent administrative practices and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

Competition (2 CFR Part 200.319)

- a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
 - 1) Placing unreasonable requirements on firms for them to qualify to do business,
 - 2) Requiring unnecessary experience and excessive bonding,
 - 3) Noncompetitive pricing practices between firms or between affiliated companies,
 - 4) Noncompetitive contracts to consultants that are on retainer contracts;
 - 5) Organizational conflicts of interest;
 - 6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - 7) Any arbitrary action in the procurement process
- b) The City of Franklin shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- c) The City of Franklin ensures that all solicitations.
 - 1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the

performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

- 2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
- d) The City of Franklin shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the City of Franklin shall not preclude potential bidders from qualifying during the solicitation period

Methods of Procurement to be Followed (2 CFR Part 200.320)

The City of Franklin will use one of the following methods of procurement when purchasing items with federal funds

- a) Procurement by Micro-Purchases - Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$10,000. To the extent practicable, the City of Franklin shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations.
- b) Procurement by small purchase procedures - Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold of \$250,000. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- c) Procurement by sealed bids/formal advertising. Bids are publicly solicited, and a firm fixed price contract, lump sum or unit price, is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply
 - 1) For sealed bidding to be feasible, the following conditions should be present.
 - i A complete, adequate, and realistic specification or purchase description is available;
 - ii Two or more responsible bidders are willing and able to compete effectively for the business; and
 - iii The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price
 - 2) If sealed bids are used, the following requirements apply
 - i Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - ii The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services for the bidder to properly respond;
 - iii All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly,

- iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - v) Any or all bids may be rejected if there is a sound documented reason
- d) Procurement by competitive proposals The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- 1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - 2) Proposals must be solicited from an adequate number of qualified sources,
 - 3) The City of Franklin must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - 4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered, and
 - 5) The City of Franklin may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- e) Procurement by noncompetitive proposals Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
- 1) The item is available only from a single source;
 - 2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - 3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City of Franklin, or
 - 4) After solicitation of several sources, competition is determined inadequate

Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms (2 CFR Part 200.321)

- a) The City of Franklin shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible

b) Affirmative steps must include

- 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists,
- 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises,
- 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce, and
- 6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

Contract Cost and Price (2 CFR Part 200.323)

- a) The City of Franklin shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold of \$250,000, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the City of Franklin shall make independent estimates before receiving bids or proposals
- b) The City of Franklin shall negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable for the City of Franklin
- d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used

Federal Awarding Agency or Pass-Through Entity Review (2 CFR Part 200.324)

- a) The City of Franklin shall make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition This review generally will take place prior to the time the specification is incorporated into a solicitation document

- b) The City of Franklin shall make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when
 - 1) The City of Franklin's procurement procedures or operation fails to comply with the procurement standards in this part,
 - 2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - 3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - 4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - 5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

- c) The City of Franklin is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - 1) The City of Franklin may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
 - 2) The City of Franklin may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the City of Franklin that it is complying with these standards. The City of Franklin must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

Bonding Requirements (2 CFR Part 200.325)

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the City of Franklin provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows.

- a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

- b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

- c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Contract Provisions 2 CFR Part 200.326)

All City of Franklin contracts utilizing federal funds must contain the applicable provisions described in Appendix II to Part 200-Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Appendix II to Part 200-Contract Provisions for the City of Franklin Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the City of Franklin under the Federal award must contain provisions covering the following, as applicable.

- A. Contracts for more than the Simplified Acquisition Threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate
- B. All contracts in excess of \$10,000 must address termination for cause and for convenience by the City of Franklin including how it will be affected and the basis for settlement
- C. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp, p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity" and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity Department of Labor."
- D. Davis-Bacon Act, as amended (40 U.S.C 3141-3148) When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by the City of Franklin must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The City of Franklin must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The City of Franklin shall report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States") The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The City of Franklin must report all suspected or reported violations to the Federal awarding agency
- E. Contract Work Hours and Safety Standards Act (40 U.S.C 3701-3708). Where applicable, all contracts awarded by the City of Franklin in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence

- F Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- G Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended-Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA)
- H Debarment and Suspension (Executive Orders 12549 and 12689)- A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- I Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)-Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from each tier up to the non-Federal award.
- J See §200.322 Procurement of recovered materials if applicable.

(§200.322 Procurement of recovered materials A Non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000, procuring solid waste management services in a manner that maximizes energy and resource recovery, and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines)

APPROVAL <i>SW</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE April 20, 2021
REPORTS & RECOMMENDATIONS	REPORT ON VANDEWALLE & ASSOCIATES, INC. SUPPORT FOR PARKLAND ACQUISITION SERVICES	ITEM NUMBER G.7.

This memo is an update on the status of the Parkland Acquisition Study currently being developed by the Department of City Development, with assistance from planning firm Vandewalle & Associates.

BACKGROUND

As the City has grown, development has resulted in the accumulation of Park Impact Fees, which are intended to provide park amenities to accommodate such growth. In 2020, the Common Council hired a consultant to plan for and identify areas of need and properties for the City to purchase and use as parks. The original contract with Vandewalle & Associates (hereafter V&A) was authorized by Common Council May 5, 2020 (Item G.15). The consultants completed this scope, including assisting with the purchase of parkland on Lovers Lane.

On November 17, 2020, the Common Council authorized an addendum of that contract (Item G.8). The expanded scope included additional stakeholder input from the Park Commission, Plan Commission, and Council, to draft a planning document with goals for using park impact fees, including specific park types/uses and geographic areas of need. In addition, Alderwoman Hanneman was made lead staff on the project.

The final product of this work will be a Parkland Acquisition Strategy Report, based on the goals identified by stakeholders. The report will make recommendations as to timing of purchases to appropriately use Park Impact Fees, provide estimates as to matching requirements, and include other information to assist in purchasing parkland.

STATUS

The first of the additional stakeholder input sessions was held at the March 8, 2021 meeting of the Parks Commission. Jackie Mich of V&A moderated a discussion of current park services, and areas and amenities that the Commission would like to see developed in future. Maps from that discussion are attached along with a copy of the presentation. The maps depict existing areas of services for parks and greenspace, compared with future land use goals from the Comprehensive Master Plan. The Parks Commission identified the following recommended goals.

Parks Commission Goals for Parkland Acquisition Strategy from March 8, 2021 meeting

- Acquire a larger, multi-purpose park (20+ acres)
 - Focus on southwest portion of city
 - Objective is to have a multi-purpose space to host events and other activities, similar to Konkel Park in Greenfield
 - Acquire parkland sooner, develop/improve park over time
 - Include the stream that runs through Franklin Savanna
 - Potential to acquire additional land adjacent to Franklin Savanna
- Connect all existing trails (or as many as practical)
 - Connect with 116th Street Trail to Franklin Savanna and onward to the Oak Leaf Trail
 - Explore other potential connections options
- Known interest in adding dog park and pickleball (8+ courts) to the park system
- Coordinate with School District on their planned facilities to avoid duplication of facilities
- Explore need for a park recreation department to coordinate park use and programs

V&A will return to the Parks Commission at their May meeting for their second stakeholder session to review draft recommendations. The item will then be reviewed by Plan Commission and Common Council.

This item is a status update on the project. No action is required at this time.

Map 5.7: Future Land Use Map 2025

Future Land Use Map 2025

Map 5.7

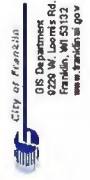


Legend

- Future Land Use**
- Areas of Natural Resource Features
 - Business Park
 - Commercial
 - Communication and Utilities
 - Industrial
 - Institutional
 - Landfill
 - Light Manufacturing
 - Mixed Use
 - Office
 - Recreational
 - Residential
 - Residential - Multi-Family
 - Transportation
 - Water
 - Future Roads (SW Plan)
 - Existing Trail
 - Proposed Trail
 - Milwaukee County Parkway

Notes:

The original land use map was prepared by Planning to OLC on 12/20/09. The map was made to comply with the 2008 Building Code for Franklin. The map was prepared as a general informational tool. It is not intended to be used as a legal document and does not constitute a contract. Franklin, Ohio, is not responsible for any errors or omissions in this map. The information on this map was compiled from a variety of sources, including public works, maps, and other information. It is not intended to be used as a legal document and does not constitute a contract. Franklin, Ohio, is not responsible for any errors or omissions in this map.



- 1/2 Mile Radius
- 1/2 Mile Buffer-Regional & Multi-Community Parks

COMPREHENSIVE OUTDOOR RECREATION PLAN
 MAP 4.1 EXISTING PUBLIC OUTDOOR RECREATION SITES, 2010

Legend

- City Boundary
- Water
- Existing Trails

EXISTING PUBLIC PARK SITES

REGIONAL AND MULTI-COMMUNITY PARKS

- R1 Food River Parkway
- R2 Whitetail Park
- R3 Diamond Park and Golf Course
- R4 Meadows Co Sports Park
- R5 Crystal Ridge
- R6 Franklin Park
- R7 Goshenwin Park
- C1 Lion's Legend Park
- C2 Froemming Park
- C3 Franklin High School
- C4 Forest Park Middle School

COMMUNITY PLAYFIELDS (at MS or HS Sites)

- N1 S. Maines (Robbwood)
- N2 Pleasant View
- N3 Jack Workman Park
- N4 Southwood Glen
- N5 Christine Reika Memorial Park

NEIGHBORHOOD PLAYBOUNDS (at ES Sites)

- NS1 Pleasant View Elementary
- NS2 Ben Franklin Elementary
- NS3 County Dale Elementary
- NS4 Southwood Glen Elementary
- NS5 Robbwood Elementary School

SPECIAL PARKS:

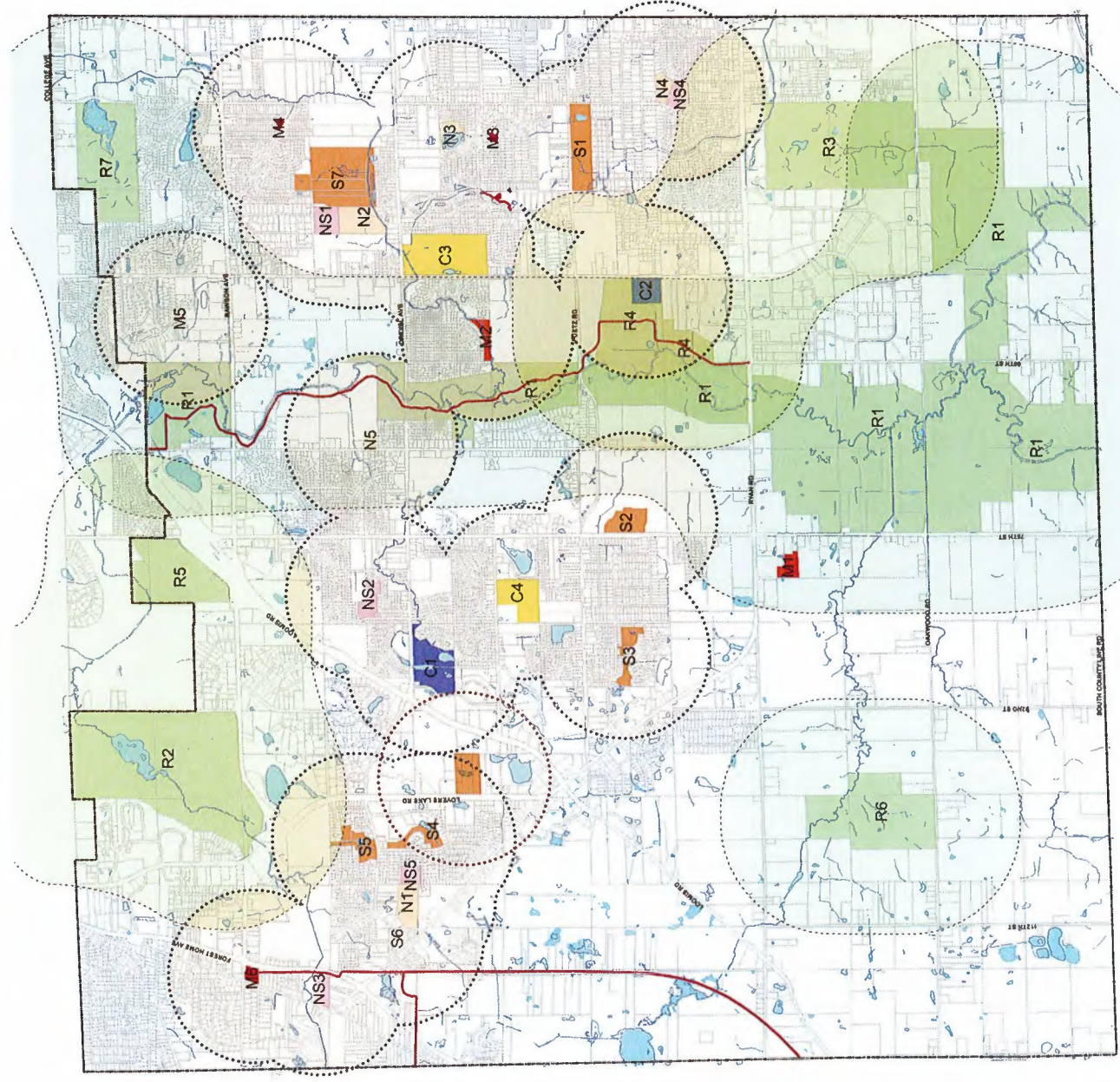
- M1 Lion's Baseball Field
- M2 Cascade Creek Park
- M3 Friendship Park
- M4 Glen Meadows Park
- M5 Dr. Lystra Fox Memorial Park
- M6 Ken Wood Park
- S1 Franklin Woods Nature Center
- S2 Franklin Lily League Complex
- S3 Meadowlands Park
- S4 Emma Lake Park
- S5 Mission Hills Neighborhood Wetlands
- S6 Market Square
- S7 Victory Creek Park

1/2 Mile Radius

Regional & Multi-Community Parks

1/2 Mile Buffer - Active Recreation

1/2 Mile Buffer - Passive Recreation



Parkland Acquisition

CITY OF FRANKLIN PARKS COMMISSION
MARCH 8, 2021

Overview

1. Introductions
2. Overview of Project
3. Review of CORP Recommendations
4. Discussion of Goals for Parkland Acquisition

Vandewalle & Associates

Jackie Mich, AICP
Associate Planner

Brian Munson
Principal

Overview of Project

Overview of Project

- Task 1: Parks Commission Meeting #1
- Task 2: Parkland Acquisition Strategy Report:
 - Goals for parkland acquisition
 - Map & list of geographic focus areas for parkland acquisition
 - Timeline recommending type(s) of parks to be acquired and timing of acquisitions by year
 - Estimate of City matching funds needed
 - Grants and other funding sources for City matching funds
 - Additional staff and maintenance needed

Overview of Project

- Task 3: Parks Commission Meeting #2
- Task 4: Plan Commission Meeting
- Task 5: Common Council Meeting

Purpose of Tonight's Meeting

- Identify what types of parks are desired by Parks Commission:
 - Purpose of new park(s)
 - Quantity
 - Types of facilities needed (e.g., baseball fields, multipurpose fields, tennis, trails, etc.)
 - Size of new parks
 - General geographic location

Review of CORP Recommendations

Definitions

- Regional/Multi-Community Parks
- Community Parks
 - Community Playfields at High/Middle School Sites
- Neighborhood Parks
 - Neighborhood Playgrounds at Elementary School Sites
- Mini Parks
- Special Parks

Regional/Multi-Community Parks

- Serve several communities
- Contain active and passive recreational activities
- Generally more open space than Community Parks
- Typically 100+ acres in size
- Typically serves a 4-mile radius or more



Community Parks

- Serve several neighborhoods in the City
- Contains active and passive recreational activities
- More open space than Neighborhood Parks
- Typically 25-99 acres in size
- Typically serves a 2-mile radius
- Also: Community Playfields at High/Middle School



Neighborhood Parks

- Serves a single neighborhood
- Contains active and passive recreational activities
- Typically 5-25 acres in size
- Typically serves a 0.5 to 1-mile radius
- Also: Neighborhood Playgrounds at Elementary School Sites



Mini Parks

- Frequently found in higher density neighborhood areas
- Contains playlots/tot lots
- Typically substitute for the backyard as an area of supervision and play for small children
- Typically less than 5 acres in size
- Typically serves a 1/8-mile radius – short walking distance



Special Parks

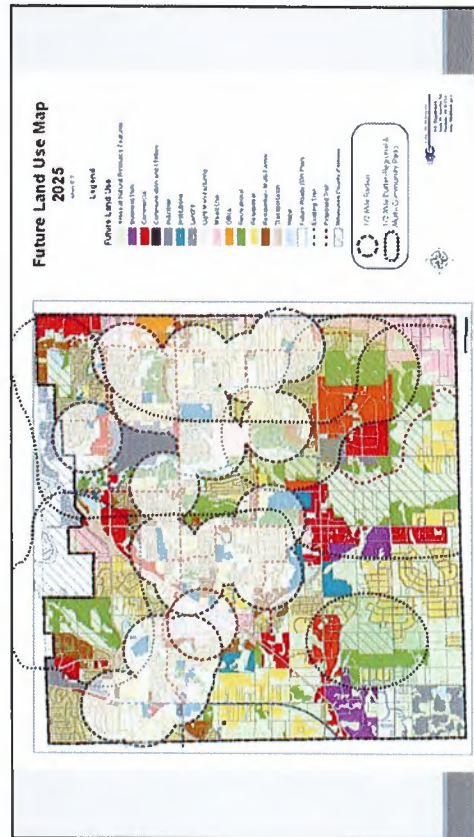
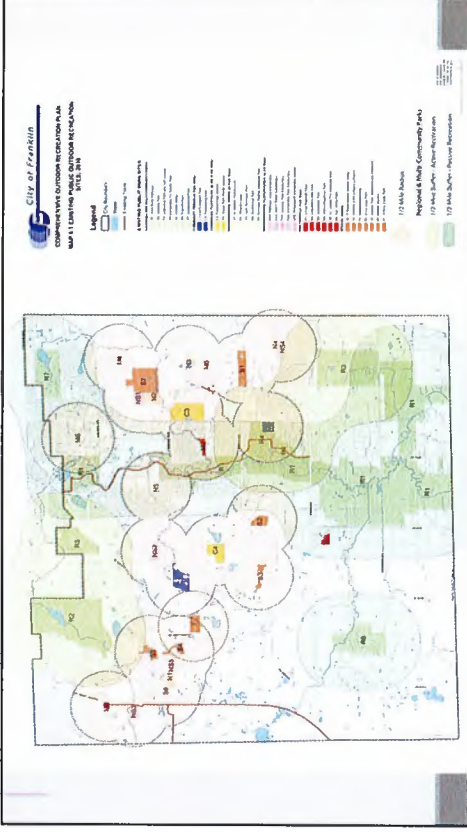
- One or more of the following traits:
 - High quality natural resource features
 - Limited in active recreational value
 - Limited access to public
 - Undeveloped for recreation
- Examples: conservancy areas, floodplains, woodland areas, historic sites, cultural sites, archeological sites, wildlife viewing, little league complex, etc.



Recommended Parks (2010 CORP)

- Southwest Park – regional/multi-community park, with County Park
- Mahr Woods Conservancy – special park
- Community Recreation Center Park

- ## Recommended Parks, continued
- Most neighborhoods are built out – limited options for new neighborhood parks in developed part of city
 - Work with School District to provide active recreation at future school sites
 - Opportunities for new mini parks
 - Conservation easement with Waste Management



Discussion

Next Steps

- Prepare Parkland Acquisition Strategy Report
- Parks Commission Meeting #2

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE April 20, 2021
Reports & Recommendations	RESOLUTION TO ISSUE CHANGE ORDER NO. 2 TO THE WANASEK CORPORATION FOR THE RYAN CREEK INTERCEPTOR ODOR REDUCTION PROJECT IN THE AMOUNT OF \$130,064	ITEM NO. G.8.

BACKGROUND

On December 15, 2020, Staff was directed to proceed with design and efforts to develop additional modifications to the Ryan Creek Interceptor Odor Reduction Project. those efforts are complete and the Milwaukee Metropolitan Sewerage District (MMSD) staff has approved the modifications. It is expected that MMSD Committee will discuss and recommend approval on May 10, 2021, with a Commission vote of approval on May 24, 2021.

ANALYSIS

Wanasek Corporation has provided an itemized cost estimate of \$110,064 and Ruekert & Mielke has reviewed the unit prices and find the costs appropriate. Not included in the prices are costs that WE Energies will charge for the installation of electric and natural gas. The WE Energies expenses are expected to be approximately an additional \$20,000. The WE Energies costs will be billed to the City at Wanasek's cost. The total change order is expected to be \$130,064.

\$199,000	Original Wanasek Bid
\$ 9,030	Change Order No. 1
<u>\$130,064</u>	Change Order No. 2
\$338,094	Total Project for Wanasek

OPTIONS

Direct Staff to authorize change order No. 2 to Wanasek, after final approval by MMSD on May 24, 2021.

FISCAL NOTE

Failure to get the system operational accepting flows from Muskego would result in repayment of funds received from MMSD and negate all future payments extending to 2031. Total impact is over \$30 million.

Finance may / may not have additional comments at the meeting.

RECOMMENDATIONS

Resolution 2021-_____ a resolution to direct Staff to authorize Change Order No. 2 to Wanasek Corporation in the amount of \$130,064.00.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021- _____

RESOLUTION TO ISSUE CHANGE ORDER NO. 2 TO THE
WANASEK CORPORATION FOR THE RYAN CREEK INTERCEPTOR ODOR
REDUCTION PROJECT IN THE AMOUNT OF \$130,064

WHEREAS, the Wanasek Corporation from Burlington, WI was awarded the construction project for The Ryan Creek Interceptor Odor Reduction Project; and

WHEREAS, upon operation, not all of the odors were abated to the satisfaction of adjacent property owners; and

WHEREAS, a pilot project has demonstrated the effectiveness of a system to further reduce odors; and

WHEREAS, Wanasek is most suited to modify the previous project and install a larger and more permanent version of the pilot project; and

WHEREAS, Milwaukee Metropolitan Sewerage District (MMSD) is expected to approve reimbursement of the changes, on or around May 24, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that Staff authorize a Change Order No. 2 be issued to Wanasek Corporation for an estimated amount of \$130,064, pending approval by Milwaukee Metropolitan Sewerage District.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2021, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



Wanasek Corporation
 29606 Durand Avenue
 Burlington, WI 53105
 Phone (262)763-3561
 Fax (262)767-9917

To: Franklin, City Of	Contact:
Address: Franklin, WI	Phone: (414) 425-0084
	Fax: (414) 425-3106
Project Name: Ryan Creek Interc Odor Site Work	Bid Number:
Project Location: West Ryan RD, Franklin, WI	Bid Date: 03/04/2021

Item #	Item Description	Estimated Quantity	Unit
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A) Wanasek Work

10	Mobilization & Traffic Control	1.00	LS
20	Remove Existing Culvert	1.00	LS
30	Remove Existing Stone & Reuse	1.00	LS
40	Remove Scrubber Set On Truck	1.00	LS
50	12" CMP Culver & Endwalls	34.00	LF
60	Strip Topsoil	160.00	SF
70	Common Excavation	1.00	LS
80	8" of 1-1/4" Base Course for Concrete	30.00	TON
90	5" Concrete for Scrubber 10' x 12'	120.00	SF
100	5" Concrete For Generator/Tran. Swt. Area 7'x10'	70.00	SF
110	4" Concrete Pad for Generator 2.5' x 3.5' x 4"	36.00	SF
120	4" Concrete Pad for Tran Switch 2' x 2' x 4"	4.00	SF
130	Bollard w/Epoxy Paint	1.00	EACH
140	12" Dia. 4' Deep, Holes for Foundations for Control Panel	2.00	EACH
150	Assist LEE Setting New Equipment	1.00	LS
170	6' Tall Arborvitaes Trees	9.00	EACH
180	Water Arborvitaes By Others	0.00	EACH
190	Topsoil, Seed, Fertilizer and Mulch	68.00	SY

Total Price for above A) Wanasek Work Items: \$17,149.00

B) Wanasek 1/2 Bench Work

200	1/2 Break Out & Remove Bench	1.00	LS
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Total Price for above B) Wanasek 1/2 Bench Work Items: \$3,710.00

C) Lee Mechanical & Electrical Work

160	New Scrubber, Control Panel, Trans. Switch, & Generator	1.00	LS
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Total Price for above C) Lee Mechanical & Electrical Work Items: \$89,205.00

Total Bid Price: \$110,064.00

Notes:

- Note:** Per electrical code(DIV 1) electrical equipment must be 16 feet from scrubber source. Lead time for generator is 18 weeks. Owner will have to provide gas & electric service.
- Exclusions:** Gas & Electric service, excavation below subgrade due to poor soil conditions, handling of contaminated or hazardous material, locating of private underground utilities, impact or connection fees for utility service connections, all unforeseen excavation obstructions (such as buried frost walls and footings), erosion control, frost protection or major frost ripping, layout, layout by surveyor (cut sheets must be provided), compaction testing, and the watering of grass & arborvitaes.

- As required by the Wisconsin Lien Law, The Wanasek Corp hereby notifies you that persons or companies furnishing labor or material for construction on your land may have lien rights on your land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned, are those who contract directly with you or those who give you notice within 60 days after they first furnished labor or material for the construction. Accordingly, you will probably receive notice from those who furnish labor or materials for the construction, and you should give a copy of each notice received to your mortgage lender, if any. We agree to cooperate with you and your lender, if any, to see that all potential lien claimants are duly paid.
- 1% bond fee is not included

Payment Terms:

Payment terms of net 30 days from the date of invoice. A 1 5% service charge will be added on all past due outstanding balances

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: The Wanasek Corp.</p> <p>Authorized Signature: _____</p> <p>Estimator: Mike Heitman, P.E. (262) 763-3561 mike@wanasek.com</p>
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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 4/20/2021
REPORTS AND RECOMMENDATIONS	RESOLUTION TO ACQUIRE WATER MAIN EASEMENT FROM 9720 S. OAKWOOD PARK DRIVE (WISCONSIN COMMERCIAL, LLC) TAX KEY NO. 900-9001-000	ITEM NUMBER G.9.

BACKGROUND

Most private developments in the City have dedicated water main easements to the City so that Staff can add the private property hydrants to routine maintenance. From a past experience when the Fire Department encountered a non-operable private hydrant, the Fire Department has requested that the properties without hydrants in an easement be approached to donate an easement.

The Board of Water Commissioners authorized staff to approach the property owners with the donation request, survey, and prepare easement documents for recording.

ANALYSIS

The attached easement includes the hydrant, hydrant main, and all applicable appurtenances.

OPTIONS

Approve or Deny

FISCAL NOTE

The work of maintaining the lines and hydrants may be done within the budgets adopted by the Board of Water Commissioners.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2021 - _____, a resolution to acquire water main easement from 9720 S. Oakwood Park Drive (Wisconsin Commercial, LLC) Tax Key No. 900-9001-000

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021 -

RESOLUTION TO ACQUIRE WATER MAIN EASEMENT FROM 9720 S. OAKWOOD
PARK DRIVE (WISCONSIN COMMERCIAL, LLC) TAX KEY 900-9001-000

WHEREAS, the Franklin Fire Department finds it desirable to for the Franklin Municipal Water Utility to own and maintain fire hydrants; and

WHEREAS, the Wisconsin Commercial, LLC at 9720 S. Oakwood Park Drive, Tax Key 900-9001-000 was developed without dedicating the private fire hydrants to the City; and

WHEREAS, the Wisconsin Commercial, LLC desires for the Franklin Municipal Water Utility to own and routinely maintain the fire hydrants and related water pipes and valves.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to execute a water main easement on and across the property located at 9720 S. Oakwood Park Drive (Wisconsin Commercial, LLC) Tax Key 900-9001-000.

BE IT FURTHER RESOLVED, that the City Clerk is directed to record said easements with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2021, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

WATER MAIN EASEMENT

THIS EASEMENT (this “Easement”) is made made as of _____, 2021, by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin (hereinafter, the “City”) and WISCONSIN COMMERCIAL LLC, a Wisconsin limited liability company (hereinafter, the “Grantor” or “owner”).

RECITALS

WHEREAS, Wisconsin Commercial LLC is the owner and holder of record title to certain real property legally described on Exhibit A, attached hereto (the “Property”).

WHEREAS, the City desires to acquire a permanent easement with the right of entry in and across that part of the Property more particularly described on Exhibit B, attached hereto (the “Easement Area”), with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect (as may be or may become applicable) an existing water main and associated fire hydrants, all as shown on the description attached hereto as Exhibit C (the “Facilities”);

WHEREAS, the initial construction and installation of the Facilities was made by Grantor at Grantor’s expense, and the Facilities shall be the property of the City and be deemed dedicated to the City upon the City’s inspection and approval of the Facilities as installed; and

WHEREAS, the Grantor desires to grant unto the City a permanent easement in the Easement Area, subject to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described, the payment of One Dollar (\$1.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor hereby declares and grants for the use and benefit of City, a permanent easement with a reasonable right of entry in and across the Easement Area for the purpose of building, constructing, operating, maintaining, repairing, enlarging, reconstructing, relocating (within the Easement Area) and/or inspecting (as may be or may become applicable) the Facilities.
2. The Facilities shall be maintained and kept in good order and condition by the City. Responsibility for maintaining the ground cover and landscaping within the Easement Area shall be that of the owner, from time to time, of the Property.
3. If during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, any portion of the surface or subsurface of the Property is disturbed, the City will at the expense of the City restore the affected Property (including Permitted Improvements, as defined herein) to substantially the same condition as it was prior to such disturbance; except that the City will in no case be responsible for replacing or paying for replacing any aesthetic plantings or improvements other than ordinary

lawns or standard walks, roadways, driveways and parking lot surfacing (collectively, the "Permitted Improvements") which were required to be removed in the course of doing the above work. However, the City shall indemnify, defend and save harmless the owner, from time to time, and the Property from any loss, damage, injury or liability resulting from the work involved in constructing and/or maintaining of said Facilities; provided that if above loss, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses with under law the City is entitled to raise excepting the defense of so-called "sovereign immunity."

4. No structure may be placed within the limits of the Easement Area by the owner, from time to time, of the Property, except the Permitted Improvements may be constructed or placed within the Easement Area.
5. In connection with the construction by Grantor of any structure or building abutting the Easement Area, the owner, from time to time, of the Property will assume all liability for any damage to the Facilities caused by its construction activities. Such Grantor will also indemnify, defend and hold harmless the City from any claims for personal injuries or property damage caused by any negligence of such owner or employee, agent or contractor of such owner, arising out of the construction by such Grantor of any structure or building abutting the Easement Area.
6. No charges will be made against the Property for the cost of maintenance or operation of the Facilities. Whenever the owner, from time to time, of the Property makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. Except for the Facilities, the owner, from time to time, of the Property shall be responsible for the routine maintenance of the Property.
7. All conditions pertaining to the "Maintenance of Water Service Piping," as set forth in Chapter 5.12 of the "Rules and Regulations Governing Water Service" dated May 16, 1997 and subsequent amendments thereto, shall apply to all water services which are within the easement defined limits and also within the limits of any adjoining easements; except that the City of Franklin Water Works, a utility owned by the City of Franklin shall in no case be responsible for maintaining at its expense any portion of said water services outside of the easement defined limits and outside the limits of any adjoining easements regardless of any statement to the contrary in said "Rules and Regulations Governing Water Service."
8. The Facilities shall be accessible for maintenance by the City at all times. The owner, from time to time, of the Property shall submit plans for approval to the City Engineer for any underground installation within the Easement Area, which approval shall not be unreasonably withheld, conditioned or delayed, and which shall be deemed given if not denied in writing with thirty (30) days of submission.
9. The owner, from time to time, of the Property shall submit plans for all surface alterations of plus or minus 0.50 foot or greater within the limits of said easement. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be

unreasonably withheld, conditioned or delayed, and which shall be deemed given if not denied in writing with thirty (30) days of submission.

10. The City and the owner, from time to time, of the Property shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
11. The City and the owner, from time to time, of the Property each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
12. Either party hereto may enforce this Easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
13. This Easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor, and their respective successors and assigns. This Easement is binding on the parties hereto, and their respective successors and assigns. This Easement runs with the land and with the title to the Property.
14. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
15. If any term or provision of this Easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
16. This Easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
17. It is understood that in the event the Property becomes portions of public streets, in the proceedings for the acquisition of the property needed for such streets by purchase, dedication or by condemnation, said lands shall be considered the same as though this Easement had not been executed or any rights granted thereby exercised.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Easement has been executed as of the day and year first above written.

WISCONSIN COMMERCIAL LLC, a Wisconsin limited liability company

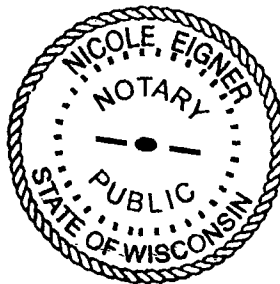
By: *John J. Malloy*
John J. Malloy, Managing Member

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 1st day of April, 2021, by JOHN J. MALLOY, as MANAGING MEMBER of WISCONSIN COMMERCIAL LLC.

Nicole Eigner

Notary Public, State of Wisconsin
My Commission: February 5, 2022



CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

On this _____ day of _____, 2021 before me personally appeared Stephen R. Olson and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing as such officers of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 2021.

Notary Public, State of Wisconsin
My Commission: _____

Approved as to contents

Date: _____

Manager of Water Works of Franklin
Glen E. Morrow, P.E.

Approved as to form only

Date: _____

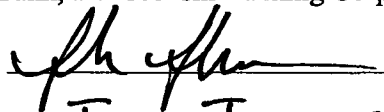
City Attorney Jesse Wesolowski

MORTGAGE HOLDER CONSENT

The undersigned, Town Bank, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the Lot 1 and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on March 19, 2019, as Document No. 10855814, hereby consents to the execution of the foregoing easement and its addition as an encumbrance against title to the Property.

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

Town Bank, a Wisconsin Banking Corporation

By: 

Name: JOHN JOHANNE

Title: Executive Vice President

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 1st day of APRIL, 2021, by LAURA GEORGIA, as Vice President of TOWN BANK.



Laura Georgia
Notary Public, State of Wisconsin
My Commission: 09/29/2021

Exhibit A
(Description of the Property)

LOT ONE (1) OF CERTIFIED SURVEY MAP NO. 9255, RECORDED SEPTEMBER 8, 2020 AS DOCUMENT NO. 11018119, BEING A REDIVISION OF PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, BEING A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

Exhibit B

(Legal Description of Easement Area)

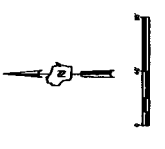
THE NORTH 20 FEET OF THE WEST 183.63 FEET OF LOT ONE (1) OF CERTIFIED SURVEY MAP NO. 9255, RECORDED SEPTEMBER 8, 2020 AS DOCUMENT NO. 11018119, BEING A REDIVISION OF PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, BEING A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

Exhibit C
(Description of the Facilities)
(See Attached)

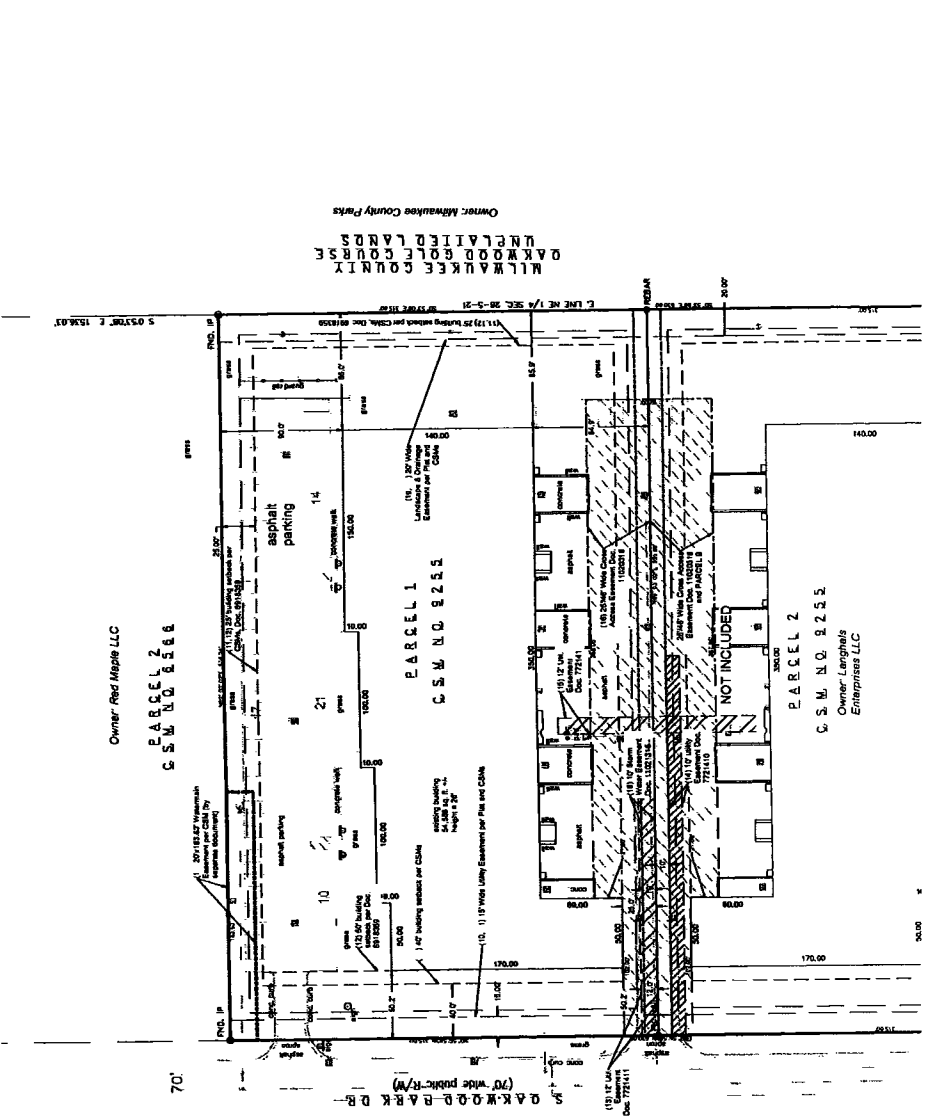
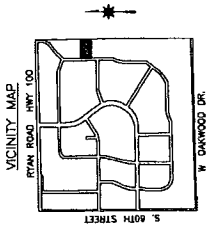
LEGEND

1	As Shown
2	Proposed
3	Existing
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99	Existing
100	Proposed

ALTNPS LAND TITLE SURVEY
 FRANKLIN, WISCONSIN
 9720 S. DAWOOD PARK DRIVE
 LOT 1 G5M 9255



1) Reviewed for comments and updated the 2024/01/18 BAR.
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:
 DATE BY:



GENERAL NOTES:

- Drawing is based on field survey completed by THE SIGMA GROUP on 08/20/2023.
- Reference is made to the Wisconsin State Plane Coordinate System, South Zone, NAD 83, with the East one of the 42' or 60' section 24, Town 24 N, Range 21 E County W 23/24/25.
- Private lots with Zone 2, Area 2, are shown to be suitable for 25' annual average precipitation, per FEMA Flood Panel 507722255E, effective date of 08/05/2005.
- Lot 1 area is 18,800 square feet or 3.78 acres.
- No zoning report or other was provided.
- With regard to 24.18, Item 1, the underground utility information shown on this drawing is based on evidence of utility located on Digging records maintained by other sources (noted by miscellaneous notes and utility easements), the location and accuracy of which cannot be guaranteed. No other utility information is shown.
- Lot 1 contains a total of 11' impact further parking spaces, 6 of which are indicated on the drawing.
- No evidence of recent earth moving work, building construction, or building foundation contained in the process of construction is shown.
- No proposed changes in zoning of any kind, made available to the public for the controlling jurisdiction. No evidence of recent state or federal change in zoning or other regulations is shown.
- Adjacent lots are shown to be suitable for 25' annual average precipitation, per FEMA Flood Panel 507722255E.
- No other utility information is shown.
- The lot area is 900,000 square feet or 20.64 acres.
- The property was shown to be in the City of Franklin, Wisconsin.

GENERAL NOTE:

1. Drawing is based on field survey completed by THE SIGMA GROUP on 08/20/2023.

2. Reference is made to the Wisconsin State Plane Coordinate System, South Zone, NAD 83, with the East one of the 42' or 60' section 24, Town 24 N, Range 21 E County W 23/24/25.

3. Private lots with Zone 2, Area 2, are shown to be suitable for 25' annual average precipitation, per FEMA Flood Panel 507722255E, effective date of 08/05/2005.

4. Lot 1 area is 18,800 square feet or 3.78 acres.

5. No zoning report or other was provided.

6. With regard to 24.18, Item 1, the underground utility information shown on this drawing is based on evidence of utility located on Digging records maintained by other sources (noted by miscellaneous notes and utility easements), the location and accuracy of which cannot be guaranteed. No other utility information is shown.

7. Lot 1 contains a total of 11' impact further parking spaces, 6 of which are indicated on the drawing.

8. No evidence of recent earth moving work, building construction, or building foundation contained in the process of construction is shown.

9. No proposed changes in zoning of any kind, made available to the public for the controlling jurisdiction. No evidence of recent state or federal change in zoning or other regulations is shown.

10. Adjacent lots are shown to be suitable for 25' annual average precipitation, per FEMA Flood Panel 507722255E.

11. No other utility information is shown.

12. The lot area is 900,000 square feet or 20.64 acres.

13. The property was shown to be in the City of Franklin, Wisconsin.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">04/20/2021</p>
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<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Authorize Limited-Term Employee in Inspection Services</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.10.</p>
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BACKGROUND

As you know from the prior Council action regarding updating the position title and position description for the current Inspection Services Permit Clerk, there is an upcoming retirement by an extremely valuable staff member as of May 7, 2021.

Due to the impending retirement, and the fact that staff is in the middle of a substantial upgrade of its entire Building Inspections System (BS&A), staff is requesting the ability to hire, as a limited-term employee, the retiring employee to assist with: (1) training her replacement which is an internal hire obtaining a promotion into a new position, (2) training the new person hired to replace the vacated position of the promoted employee, and (3) assist the Department in getting to the finish line with the BS&A upgrade process.

ANALYSIS

The retiring employee in the Permit Clerk Position exhibits a deep understanding of the Inspection Department's front office operations and duties of each position. She also has significant historical knowledge of the City's previous Govern software, along with department policies and procedures. In addition, this employee has previous experience training other office staff which resulted in expedited job transitions with minimal interruption to departmental operations.

In a limited capacity, the retiring employee is offering to assist the department during the transition period. With her help, we would have the availability of a very knowledgeable resource to assist with the training of two employees in new positions and aid in successfully getting through what could be a potentially difficult transition period.

Based on expected needs, the requested approval is to bring the retiring employee back on a part-time/limited term basis, with a variable schedule on a weekly basis, working between 18 and 24 hours per week. We anticipate the position to start May 17, 2021, with an end date toward the later part of this year.

The 2021 Inspection Services Budget includes an appropriation of \$78,300 for "Temporary Services". While this is not the exact purpose for those funds, as the funds are earmarked for temporary staffing during peak inspection demand services, staff believes that reallocating a portion of the funds toward this temporary front office position would be an equally important and appropriate use of the funds.

Please note that this type of hiring would not be allowed with any employees on the Wisconsin Retirement System Pension Plan, however, since this employee is not part of that pension plan, the engagement is allowable.

RECOMMENDATION

Staff recommends the authorization of the Limited-Term Employee at a cost not to exceed \$16,000.

COMMON COUNCIL ACTION REQUESTED

Motion authorizing the engagement of a limited-term employee in Inspection Services at a cost not to exceed \$16,000.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04-20-21
REPORTS & RECOMMENDATIONS	Results of the Department of Public Works Sale of Surplus Equipment	ITEM NUMBER G.11.

The following are the results of the sale of DPW surplus equipment through Auction Associates on April 3rd, 2021:

EQUIPMENT	AUCTION SALE PRICE
Scag walk-behind lawnmower, 36" cut	300.00
John Deere L120 riding lawnmower, 48" cut	675.00
Pedestal Grinder	160.00
Airens 27LE snow blower	300.00
Wacker Compactor	425.00
Wacker Compactor	750.00
Echo CS4400 Chainsaw	115.00
Craftsman 18" chain saw	80.00
Misc parts for snow blower attachment (John Deere)	900.00
S&W – 2007 Dodge Caravan (VIN 8486)	1,300.00
S&W – 2005 Ford F450 Utility Body (VIN 6788)	5,250.00
S&W – Onan Generator, 240V, on Mountable Trailer	2,900.00
Sub-Total	\$13,155.00
Auction Fee	-\$1,574.85
Hauling Charges for Vehicle	-\$200.00
Total	\$11,580.15

COUNCIL ACTION REQUESTED
This item is for Council review only, no action necessary.

Date: 04-13-2021 11:31:13

04032021

AUCTION ASSOCIATES INC, PO BOX 418, RIPON, WI 54971 920-748-3002
FAX 920-748-9605**** www.auctionassociatesinc.com
SALES TAX #456000045967703

Settlement ANDREA STORMOEN 414-425-2592 Page: 1
Seller: 147 CITY OF FRANKLIN PUBLIC WORKS
7979 RYAN ROAD
FRANKLIN WI 53132

Item	Description	Qty	Total	
105	ECHO CHAIN SAW	1	115.00	13:41:31
106	CRAFTSMAN 18" CHAIN SAW	1	80.00	13:42:00
107	WACKER	1	425.00	13:38:03
108	WACKER	1	750.00	13:38:39
109	PEDESTAL GRINDER	1	160.00	13:09:20
110	AIERNS 27LE SNOW BLOWER	1	300.00	13:10:08
127	JD L120 MOWER	1	675.00	12:27:43
152	SCAG SW MOWER	1	300.00	11:58:47
192	3 PT. JD FRONT MOUNT SNOW BLOWER ATTACHMENT	1	900.00	11:55:45
201	ONAN 20 GENSET TRAILER MOUNTED	1	2,900.00	11:58:02
332	2007 DODGE CARAVAN	1	1,300.00	10:41:14
	MILES:182979 VIN:1D4GP21E37B208486			
	NO BACK SEATS			
1007	2005 FORD F450 UTILITY BODY	1	5,250.00	11:39:22
	MILES:149090 VIN:1FDXF46P55EA16788			
	W/ON BOARD GENERATOR, TRUCK OVERHEATS			

Items: 12 Amount: 13,155.00

Comm#	Rate	Items	Total	Comm\$
1.	12.0000	10	5,005.00	600.60
2.	9.5000	2	8,150.00	774.25
		12	13,155.00	1,374.85

TOWING FEE FOR #1007 200.00

Less adjustments: -1,574.85

Net due to seller: 11,580.15

SIGNED _____ DATE _____

Please sign and return one copy to us or fax a copy to 920-748-9605
OR e-mail to tim@auctionassociatesinc.com
AUCTION DATE: APRIL 3, 2021

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR</p> <p style="text-align: center;">COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">04-20-21</p>
<p style="text-align: center;">REPORTS &</p> <p style="text-align: center;">RECOMMENDATIONS</p>	<p style="text-align: center;">Authorization for the Dept of Public Works to Purchase Various Equipment</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.12.</p>

Within the approved 2021 Capital Outlay Fund, are the funds to purchase the below listed DPW equipment.

At the December 15th, 2020, Council Meeting, the DPW was granted authorization to solicit quotes for 2021 equipment purchases for the Board of Public Works to approve and make recommendations to Council.

At the April 13th, 2021, Board of Public Works meeting, the BPW recommended the following purchases from the below listed vendors

1. Two (2) Swenson 10-foot V-Box Stainless Steel Spreaders, from Casper's Truck & Equipment. \$39,139.00/total.
2. Two (2) Trailers, one enclosed trailer from Jensen Equipment & one tilt-bed trailer from Fabick Cat. Jensen: \$20,607.00. Fabick Cat: \$27,560.00. Total: \$48,167.00.
3. One (1) Loader-Backhoe and One (1) Mini Excavator, both from Miller-Bradford & Risberg Inc. Loader-Backhoe: \$91,850.00, Mini Excavator: \$117,670.00. Total: \$209,520.00.
4. One (1) Compact Track Loader (Skid Steer), from Miller-Bradford & Risberg Inc, \$78,900.00.
5. One (1) Crafcro Supershot Crack Sealer, from Sherwin Industries, \$65,798.00.

COUNCIL ACTION REQUESTED

Approval to purchase the above listed equipment from the above listed vendors

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Apr 20, 2021
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE GENERAL FUND TO MOVE \$45,000 OF CONTINGENCY APPROPRIATIONS TO SALT APPROPRIATIONS	ITEM NUMBER G.13.

Background

The Common Council approved the purchase of 2,400 tons of road salt, with an additional 480 tons as an option at \$75.52/ton for a total order of \$223,257. The approval was made April 5, 2021 to meet the ordering deadline with the vendor holding a state contract for road salt.

The approval was given using \$178,800 of salt appropriations and \$44,457 of contingency appropriations. The Council directed that a 2021 budget amendment be brought forward to move the Contingency appropriations to salt appropriations.

Recommendation

Staff recommends the proposed 2021 Budget amendment moving \$45,000 of Contingency appropriations to salt appropriations.

COUNCIL ACTION REQUESTED

Motion adopting an ordinance to amend Ordinance 2020-2453, an Ordinance adopting the 2021 annual budgets for the General Fund to move \$45,000 of contingency appropriations to salt appropriations

Roll Call Vote Required

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2021 _____

AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE GENERAL FUND TO MOVE \$45,000 OF CONTINGENCY APPROPRIATIONS TO SALT APPROPRIATIONS

WHEREAS, the Common Council of the City of Franklin adopted the 2021 Annual Budgets for the City of Franklin on November 17, 2020; and

WHEREAS, approved a purchase of \$223,257 of road salt on April 5, 2021 for the 2021-22 winter season; and

WHEREAS, the Common Council believes that road salt provides a reasonable public safety factor during winter road conditions; and

WHEREAS, the purchase approval included the use of \$44,457 of contingency appropriations.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1 That the 2021 Budget for the General Fund be amended as follows:

General Fund				
	Highway	Non-Personnel	Increase	\$45,000

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to publish a Class 1 notice of this budget amendment within ten days of adoption of this ordinance.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2021.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE April 5, 2021
Reports & Recommendations	REQUEST TO PARTICIPATE IN STATE CONTRACT FOR PURCHASE OF 2,400 TONS OF SALT AND AN ADDITIONAL 480 TONS IN RESERVE	ITEM NO. <i>5.14.</i>

BACKGROUND

Each year the State of Wisconsin reports the tonnage of salt that each community wants to have included in the State contract. In addition to the State contract amount, an additional 20 percent can be placed in reserve, which is optional for the City to purchase. In addition, Franklin estimates salt usage and budgets the purchase in annual budgets.

ANALYSIS

In 2020, the price of salt was \$73.32/ton. Staff is expecting the 2021 prices to be approximately \$75.52/ton. Staff has received a request to participate in the State Contract for the upcoming year.

In the past, the City has seen benefits of planning to have available twice the forecasted amount of salt for each season. For severe winters- like 2014, many communities could not obtain salt or had to pay excessive prices to get salt. Franklin had an adequate supply of salt on hand, used "normal price salt", and saved a significant amount. History indicates that DPW has needed an average of 2,100 tons for a "normal season". Considering the amount and type of streets being added to the system with the increased use of brine solution, the average need is now considered 2,400 tons. Two times a normal season is approximately 4,800 tons.

Due to the 2020-2021 season, 550 tons of reserve salt was purchased at \$73.32/ton. The \$40,326.00 was taken out of the 2021 salt budget.

After another delivery from the last order is received, the 2021 budget will have approximately \$150,000 for salt. At \$75.52/ton, this would purchase just shy of 2,000 tons, therefore, to meet the 2,400 tons needed for the 2021-2022 season, an additional 400 tons will need to be purchased, at a cost of \$75.52/ton, requiring an additional \$30,208.00.

At \$75.52 per ton, the 400 tons would require a budget amendment of an additional \$30,208.00. Staff understands that the current budget and fund balance is tight and recommends that the 20% reserve be considered. Note that we do not have to purchase this reserve amount but it is available for the bid amount if needed.

Staff recommends the following strategy for a 2021-2022 salt order:

- 2,400 tons regular order (@\$75.52/ton = \$181,248.00)
- 480 tons for 20% reserve order (@75.52/ton = \$36,249.60)

So, Franklin could place an order for 2,400 tons with an expected cost of \$181,248. Subtracting Franklin's current budget of \$150,000, an additional appropriation of \$31,248 is needed.

OPTIONS

As past practice, it is important to order the salt with the State contract as our best prices are with the State contract.

FISCAL NOTES

The finance implications are described in detail above. A budget amendment is needed

RECOMMENDATION

Motion to direct Staff to participate in State contract for purchase of 2,400 tons of salt with a purchase of an additional 480 tons in reserve.

DPW:KLS/ams

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 4/20/21
Reports & Recommendations	A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER, PAYNE & DOLAN, INC. IN THE AMOUNT OF \$899,258.00, FOR THE 2021 LOCAL STREET IMPROVEMENT PROGRAM	ITEM NO. G.14.

BACKGROUND

Pursuant to the Common Council direction on March 16, 2021, and subsequent advertising on March 17 and March 24, 2021, three (3) bids were received on April 1, 2021, for the 2021 Local Street Improvement Program. The program is anticipated to begin in June with completion scheduled no later than the end of August.

Portions of the following roads are included this year: S. Scherrei Drive; W. Bosch Lane; W. Fitzsimmons Road; S. Stonebrook Court; W. Beacon Hill Drive; W/S. Chapel Hill Drive; S. 68th Street; W. Franklin Drive; S. 36th Street; S. 79th Street; S. 41st Street; W. Villa Dr; and W. Kathleen Court.

ANALYSIS

The bids received were as follows:

	Total Base Bid
Payne & Dolan, Inc.	\$ 797,370.04
Stark Pavement Corporation	\$ 896,202.05
Wolf	\$ 946,838.30

The engineer’s estimate for the roads that were bid was \$931,944.00. Staff requested \$2,650,000.00, and \$1,000,000.00 is in the adopted 2021 budget. The budget available to Program roads is \$976,000.00, as \$24,000.00 is anticipated (separate council action item) to fund a separate joint project with Hales Corners for College Avenue. Due to DPW and Utility Staff being so busy with other projects, all utility adjustments except for storm manholes had to be bid out, using over 15% of the budget. DPW Staff will adjust storm manholes.

Condition 41 in the General Conditions to the Contract portion of the Bid Documents states that “The Owner, upon proper action by its governing body, may authorize changes in the work to be performed or the materials to be furnished pursuant to the provisions of this contract. Adjustments, if any, in the amounts to be paid to the contractor by reason of any such changes shall be determined by one or more of the following methods: (a) By unit prices contained in the contractor's original bid and incorporated in his construction contract.” Since this is a unit price contract, City staff re-calculated the estimate based on the addition of W. Kathleen Court using Payne & Dolan’s bid unit prices. The revised estimate is \$899,258.00. At this price there is room for required DPW expenses and overruns.

Staff recommends the award to Payne & Dolan, Inc. in the amount of \$899,258.00.

Of note is that given the available budget and cost, the City will be addressing only 1% of the City roads in 2021. That means in the highly unlikely case that the City stops accepting any new roads

and costs do not increase, the City is now on a 100-year cycle to address every road in the City, yet the typical life is about 25-30 years. Given that the City will undoubtedly continue to accept new roads (including a significant amount this year) and costs will of course continue to rise, if the budget is not increased the percentage of roads addressed every year will continue to drop and the cycle will exceed 100 years.

OPTIONS

Approve or deny the award.

FISCAL NOTE

The Road Program fund for 2021 was adopted at \$1,000,000.00 although only \$976,000.00 is available to the Program roads for the Payne and Dolan contract as \$24,000.00 is anticipated to fund the College Avenue improvement in a joint project with Hales Corners.

RECOMMENDATION

Motion to adopt Resolution No. 2021 - _____, a resolution awarding contract to the low bidder, Payne & Dolan, Inc, in the amount of \$899,258.00, for the 2021 Local Street Improvement Program.

SAA

ca\CA 2021 Local Road Improvement Program Award

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 04/20/2021
Reports & Recommendations	A RESOLUTION TO SIGN AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH VILLAGE OF HALES CORNERS TO RECONSTRUCT A PORTION OF W. COLLEGE AVENUE BETWEEN S. 108TH STREET (USH45\WI-100) AND S. 92ND STREET FOR \$24,000 AND CITY ATTORNEY REQUEST FOR POTENTIAL CONFLICT OF INTEREST INFORMED CONSENT WAIVER WITH REGARD TO THE PERFORMANCE OF LEGAL SERVICES FOR THE INTERGOVERNMENTAL COOPERATION AGREEMENT	ITEM NO. G.15.

BACKGROUND

On April 5, 2021, Item G.11. was tabled.

In addition to the information provided at the April 5, 2021 meeting, there is a letter from Wesolowski, Reidenbach & Sajdak, S.C. explaining a potential conflict of interest. If this item is to be approved, Staff recommends that acknowledgement and consent to represent Franklin and Hales Corners be signed.

RECOMMENDATION

Motion to adopt a Resolution to Sign an Intergovernmental Cooperation Agreement with Village of Hales Corners To Reconstruct A Portion Of W. College Avenue Between S. 108th Street (Ush45\Wi-100) And S. 92nd Street For \$24,000 And City Attorney Request For Potential Conflict Of Interest Informed Consent Waiver With Regard To The Performance Of Legal Services For the Intergovernmental Cooperation Agreement

Or as directed by the Common Council.

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE 04/05/2021
Reports & Recommendations	RESOLUTION TO SIGN AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH VILLAGE OF HALES CORNERS TO RECONSTRUCT A PORTION OF W. COLLEGE AVENUE BETWEEN S. 108TH STREET (USH45\WI-100) AND S. 92ND STREET FOR \$24,000	ITEM NO.

BACKGROUND

The Village of Hales Corners is preparing a road reconstruction project for W. College Avenue in 2021. They have solicited contractors and have awarded a contract. Late in the process, it was observed that a portion of this roadway is within the control of the City of Franklin. Franklin has already approved the 2021 budget and is in the process of awarding a 2021 Road Program and 2021 funds are not readily available for W. College Avenue.

ANALYSIS

The enclosed DRAFT intergovernmental agreement (IGA) provides that Franklin would reimburse Hales Corners for the cost of construction. It is expected to be less than \$24,000, but it is a unit price contract and Franklin would pay the actual amount over or under that estimate.

The draft IGA includes language (item 10) that Franklin shall reimburse Hales Corners within 30 days of an invoice. Staff proposes that this clause be negotiated so that payment would be submitted in 2022.

OPTIONS

- A. Sign intergovernmental agreement as drafted; or
- B. Authorize IGA if a 2022 payment is negotiated; or
- C. Other direction to staff.

FISCAL NOTE

If 2022 payment is negotiated, this will be added to the 2022 proposed budget. A 2021 payment before the actual costs for the Franklin Road Program is completed is not advisable.

RECOMMENDATION

(Option B) instruct Staff to negotiate a clause for 2022 reimbursement then adopt Resolution 2021-_____, a resolution to authorize an agreement with Village of Hales Corners to reconstruct a portion of W. College Avenue between S. 108th Street (USH45\WI-100) and S. 92nd Street for \$24,000.

Engineering Department: GEM

WESOLOWSKI, REIDENBACH & SAJDAK, S.C.
ATTORNEYS AT LAW
11402 WEST CHURCH STREET
FRANKLIN, WISCONSIN 53132

JESSE A WESOLOWSKI
FREDERICK E REIDENBACH 1919-2002
BRIAN C SAJDAK
CHRISTOPHER R SMITH
EDUARDO M BORDA

TELEPHONE (414) 529-8900
FACSIMILE (414) 529-2121

JANE C KASSIS,
LEGAL SECRETARY

April 14, 2021

Franklin Common Council
9229 West Loomis Road
Franklin, Wisconsin 53132

Hales Corners Village Board
5635 South New Berlin Road
Hales Corners, Wisconsin 53130

re: College Avenue roadway public improvements project
intergovernmental cooperation agreement between the Village
and the City

Dear Mayor, Village President, Village Board Members and Common Council Members:

As part of the preparation and negotiation of the above agreement between the City Engineer and the Village Engineer, I received and was asked to review the agreement draft. I noted that as the City Attorney and the Village Attorney for the respective parties, I am under an obvious conflict of interest. I am aware of the Wisconsin Supreme Court Rules of Professional Conduct for Attorneys, Wis. Stat. § 19.59 Codes of ethics for local government officials, employees and candidates, as well as the State of Wisconsin Ethics Commission (formerly, the Government Accountability Board Ethics Division) Guidelines and Opinions as they pertain to conflicts of interest. My simple thought is that under the circumstances and the subject matter task at hand, that efficiency provides that I request your informed consent to provide legal services as a single counsel for and upon review of the subject agreement. The subject agreement is relatively proforma, with the terms of import having been negotiated by staff and with the ultimate decision thereupon to be made by you, as the decision-makers. I do not foresee any conflict of interest arising during or within any legal service I may provide for the agreement review. This request is in lieu of the parties obtaining separate special legal counsel retainers for the task services. If the request is granted, the anticipated brief amount of time legal services billing will be split equally between the parties.

I understand this request will likely appear on the same meeting agenda as the subject agreement item together therewith, and so suggest that in the event of a motion to approve

the agreement, that such motion include “and to authorize the [Village President] [Mayor] to execute the [Village] [City] Attorney informed consent letter, and that the agreement approval is subject to and includes the review thereof and any technical or minor changes by the [Village] [City] Attorney.”

Pursuant to the Rules of Professional Conduct for Attorneys, if you are in agreement with my aforesaid conclusion of being able to provide legal services without any impact by my conflict of interest, please evidence your consent by signature below.

Cordially,

Jesse A. Wesolowski
Jesse A. Wesolowski

Acknowledgment and consent given this ___ day of _____, 2021.

City of Franklin

By: _____
Name: _____
Title: _____

Acknowledgment and consent given this ___ day of _____, 2021.

Village of Hales Corners

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021- _____

RESOLUTION TO SIGN AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH VILLAGE OF HALES CORNERS TO RECONSTRUCT A PORTION OF W. COLLEGE AVENUE BETWEEN S. 108TH STREET (USH45\WI-100) AND S. 92ND STREET FOR \$24,000

WHEREAS, Village of Hales Corners intends to is preparing a road reconstruction project for W. College Avenue between S. 108th Street (USH45\WI-100) and S. 92nd Street in 2021; and,

WHEREAS, a portion of this project is within the corporate municipal boundaries and responsibility of the City of Franklin; and,

WHEREAS, the Village of Hales Corners will award and manage a contract to make improvements for all of the right-of-way; and,

WHEREAS, an Intergovernmental Cooperation Agreement sets forth the understanding of both parties for completion of the project and reimbursement procedures.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute an Intergovernmental Cooperation Agreement authorizing Village of Hales Corners to reconstruct a portion of W. College Avenue between S. 108th Street (USH45\WI-100) and S. 92nd Street, and,

BE IT FURTHER RESOLVED that the City Clerk is directed to send the signed agreement to the Village Manager of the Village of Hales Corners.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____

NOES _____

ABSENT _____

PROJECT EXHIBIT



Municipal Boundary

Municipal Boundary

Approximately
8,000 Sq Ft
(889 Sq Yds)

West College Avenue
2021 Road Program
Villages of Hales Corners
Milwaukee County, Wisconsin



1 in = 50 ft

Infinite GIS

GRÄEF

2021 Road Program
Cost Share Calculation

Item #	Item Description	Unit	Quantity	Unit Price	Bid Amount
Section 1 - Haleco Lane (S. 116th Street to CTH 00) ROADS (20HALT)					
1	Asphaltic Pavement Partial Depth Milling	SY	5223	\$1.92	\$10,028.16
2	Asphaltic Pavement Full Depth Milling	SY	1030	\$3.78	\$3,893.40
3	Base Patch (25% Roadway)	SY	1563	\$10.70	\$16,724.10
4	Crushed Limestone 3-inch (Base Patch)	TON	348	\$25.50	\$8,874.00
5	Crushed Aggregate 1 1/4-inch TB (Base Patch)	TON	695	\$15.50	\$10,772.50
6	Bituminous Concrete Binder Pavement (3 LT 58-28 S) (Base Patch)	TON	282	\$67.55	\$19,049.10
7	Bituminous Concrete Binder Pavement (3 LT 58-28 S) (West Limits to STA 104+25)	TON	186	\$60.50	\$11,253.00
8	Bituminous Concrete Surface Pavement (4 LT 58-28 S)	TON	751	\$63.15	\$47,425.65
9	Pavement Marking (White)	LF	108	\$15.95	\$1,722.60
10	Shouldering, Crushed Aggregate 3/4-inch (with restoration)	LF	2400	\$7.70	\$18,480.00
	Subtotal Section 1. Roads				\$148,222.51
Section 1 - Haleco Lane (S. 116th Street to CTH 00). SANITARY (20HALS)					
11	Sanitary MH Rehabilitation	EA	7	\$1,273.00	\$8,911.00
12	Sanitary MH Rehabilitation with casting	EA	2	\$2,013.00	\$4,026.00
	Subtotal Section 1. Sanitary				\$12,937.00
Section 2 - W. College Avenue (STH 100 to East Limits) ROADS (20COLT)					
13	Concrete Milling	SY	8985	\$3.85	\$34,592.25
14	Cracking and Sealing Concrete Pavement	SY	8985	\$0.75	\$6,738.75
15	Remove and Replace 30-Inch Concrete Curb and Gutter	LF	1100	\$51.68	\$56,848.00
16	Remove and Replace Concrete Driveway Approach 6-Inch	SF	700	\$11.00	\$7,700.00
17	Remove and Replace Concrete Median Nose	LS	1	\$1,200.72	\$1,200.72
18	Bituminous Concrete Binder Pavement (3 LT 58-28 S)	TON	1213	\$58.25	\$70,657.25
19	Bituminous Concrete Surface Pavement (4 LT 58-28 S)	TON	905	\$63.15	\$57,150.75
20	Pavement Marking (White)	LF	28	\$15.95	\$446.60
	Subtotal Section 2. Roads				\$235,334.32
Section 2 - W. College Avenue (STH 100 to East Limits) STORM (20COLM)					
21	Storm Manhole Adjustment	EA	2	\$889.00	\$1,778.00
22	Storm Catch Basin Rehabilitation	EA	7	\$900.00	\$6,300.00
23	2' x 3' Catch Basin Replacement	EA	6	\$3,495.00	\$20,970.00
	Subtotal Section 2. Storm				\$29,048.00
Section 2 - W. College Avenue (STH 100 to East Limits) SANITARY (20COLS)					
24	Sanitary Manhole Rehabilitation	EA	1	\$2,246.00	\$2,246.00
	Subtotal Section 2. Sanitary				\$2,246.00
	Section 2 - W. College Ave Project Total				\$266,628.32
	BASE BID TOTAL.				\$427,787.83

8985	Estimated Total Sq Yds of Pavement (College Ave)
889	Estimated Sq Yds of Pavement in Franklin
9.89%	% of Total in Franklin
\$235,334.32	Estimated Total Pavement Related Costs (College Ave)
\$23,284.61	Franklin Cost Share

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">4/20/2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Budget Preparation Timetable for the 2022 Budget</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.16.</p>

BACKGROUND

Back on June 16, 2020, the Common Council adopted Ordinance 2020-2439 in order to amend the budget process. The amendments included moving the presentation of the budget timetable by the Mayor to the Common Council to no later than the first Tuesday in May, as well as delegating to the Finance Committee the responsibility for the initial review of the Mayor's Recommended Annual Budget.

ANALYSIS

This year's proposed schedule reflects a similar schedule to the ones used in recent years but also incorporates the timeline for Finance Committee review of the Mayor's Recommended Budget as well. Recent budgets have had more expenditure growth than revenue opportunities, which is again expected. As such, staff intends to provide a big picture overview at the August 2, 2021 Committee of the Whole Meeting to provide that preview and discuss the following:

- A Historical Perspective of Revenues / Expenditures / Fund Balance / Debt
- 2021 Budget Projections / 2022 Budget Early Forecast
- 2022 Budget Assumptions
- 2022 Budget Challenges, Opportunities, and Goals
- Timeline for Future 2022 Budget Activities
- Additional information as appropriate.

The schedule continues with the initial release and presentation of the Mayor's Recommended Budget and major budget initiatives at the regularly scheduled Common Council Meeting of September 21, 2021. The remainder of the budget timetable coincides with regularly scheduled Committee of the Whole and Common Council meetings and provides time for additional special meetings if determined necessary at the discretion of the Council at that time, and concludes with the regularly scheduled November 16, 2021 Common Council Meeting for the public hearing and adoption of the annual budget.

As noted in prior years, the November 16th public hearing date does not provide an opportunity to delay adoption of the budget to a future regular Common Council meeting due to the work necessary to prepare and distribute property tax bills. As such, if not adopted on November 16th, then a Special Common Council meeting for shortly thereafter would be necessary. The expectation is that this would not be necessary as the Common Council would already have had the budget to consider for approximately 8 weeks.

RECOMMENDATION

Staff recommends that the Common Council approve the attached Budget Preparation Timetable for the 2022 Annual Budget.

COMMON COUNCIL ACTION REQUESTED

Motion to adopt the 2022 Annual Budget Preparation Timetable, dated April 20, 2021, as presented, subject to any future regular meeting schedule changes if so made by the Common Council.

**CITY OF FRANKLIN
2022 ANNUAL BUDGET
BUDGET PREPARATION TIMETABLE
April 20, 2021**

Tuesday, April 20	2022 Budget Preparation Timetable presented to the Common Council
Monday, August 2	Committee of the Whole Meeting – Identify and provide direction on major budget issues
Tuesday, September 21	Presentation of Mayor’s Recommended Budget to Common Council
Wednesday, September 22 to Tuesday, October 12	Finance Committee review of Mayor’s Recommended Budget.
Wednesday, September 22 to Tuesday, October 19	Aldermen may contact department heads with budget questions
Tuesday, October 19	Common Council discussion/decision regarding Finance Committee recommendations and initial changes to the budget Last day for budget changes to be included in the Public Hearing Notice
October 19—November 16	Continued deliberation of the proposed budget
Wednesday, October 20	Preparation of Budget Public Hearing Notice
Wednesday, October 27	Publication of Preliminary Budget and Hearing Notice
Monday, November 1	Committee of the Whole Meeting available for discussion of any budget topics as may be needed
Tuesday, November 2	Regular Common Council Meeting, discussion of the 2022 Budget
Tuesday, November 16	<u>Regular Common Council Meeting</u> . Public Hearing on the Annual Budget and Adoption of 2022 Annual Budget. [Note This date does not provide an opportunity for delay of adoption without a special meeting soon thereafter]

4/16/2021

Note. Subsequent actions that may affect the Common Council’s regular meeting schedule may impact this calendar

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 4/20/21
Reports and Recommendations	A Resolution Designating an Official Newspaper	ITEM NUMBER G.17.

Each year the Common Council must designate the official newspaper for the City of Franklin in which the City publishes its official notices. Pursuant to Chapter 61, Franklin Municipal Code and Sec. 985.03, Wis. Stats., a request for bids was solicited with bids to be opened April 8, 2021. The City did not receive any bids at the time of the opening; however, a bid was received on April 12, 2021.

Attached for your review is the one bid received, which is from NOW Media Group. (NOW).

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. 2021-_____, A Resolution designating an official newspaper.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021-_____

A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER

WHEREAS, The Wisconsin State Statutes, Chapter 985 provide that the City of Franklin name an official newspaper to publish their legal notices; and

WHEREAS, bids have been solicited pursuant to Section 61, Franklin Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that NOW Media Group (NOW) is hereby designated as the official newspaper of the City of Franklin for one (1) year commencing May 1, 2021 and ending April 30, 2022.

BE IT FURTHER RESOLVED that the price of publication shall not exceed the legal rate for like work.

Introduced at a regular meeting of the Common Council of the City of Franklin on the 20th day of April 20, 2021 by _____.

Passed and adopted by the Common Council on the 20th day of April, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____



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Invitation for Bid – 2021

April 8, 2021

City of Franklin
City Clerk- Sandra Wesolowski
9229 W Loomis Rd
Franklin, WI, 53132

The below information is the state certified information for the NOW Newspapers South NOW newspaper for legal advertising.

Name of Type: Arial Classified
Type size: 6

Indicate Line Rates:	1 st Insertion	Subsequent Insertion	Column Width (pica)
1 column	\$.8204	\$.6481	9.17

Display Rates, per column inch:
1st Insertion: \$9.84
Subsequent Insertion: \$7.77

Paid Newspaper Subscriptions to be circulated in this geographic area: 9,430

Affidavit Cost: \$1.00
Affidavits shall be mailed within 10 days of publication.

Dates of Publication: Every Wednesday

Vendor: South NOW

Authorized Signature: /s/ Tara Mondloch

Print Name & Title: Tara Mondloch, Director- Public Notices
tmondloch@gannett.com

Address: 333 W. State Street, Milwaukee, WI 53203

Telephone: 414-224-2121 Fax: 877-943-0443

Email: MJS-Legal@gannett.com

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<p style="text-align: center;">APPROVAL <i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 04-20-21</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Committee of the Whole Recommendations</p>	<p style="text-align: center;">ITEM NUMBER G.18.</p>

Recommendation from the Committee of the Whole Meeting of April 19, 2021:

- (a) American Rescue Plan Introductions/Overview.
- (b) Wholesale Public Water Supply to Franklin 2024.
- (c) Initial Discussion Regarding the Establishment/Use of the following:
 - City of Franklin Common Council Reference Manual.
 - Common Council Code of Conduct.
 - Common Council Rules of Order.
 - Handbook for Wisconsin Municipal Officials.
 - Plan to Update to Existing Policies/Need for Additional Policies.
 - Common Council Training/Professional Development Opportunities.

COUNCIL ACTION REQUESTED

As directed

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>April 20, 2021</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Opioid Crisis Litigation. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to governmental entities litigation involving manufacturers and distributors of opiates with regard to the opioid crisis, in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</p>	<p>ITEM NUMBER</p> <p>G.19.</p>

COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to governmental entities litigation involving manufacturers and distributors of opiates with regard to the opioid crisis , in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/20/2021
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.
<p data-bbox="191 415 911 453">See attached listing from meeting of April 20, 2021.</p> <p data-bbox="532 1535 1102 1572">COUNCIL ACTION REQUESTED</p>		



414-425-7500

License Committee

Agenda*

Alderman's Room

April 20, 2021 – 5:15 p.m.

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
License Applications Reviewed		Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Class B Combination 2020-2021 5:20 p.m.	R&C PUB & GRUB LLC Swiss Street Pub & Grill 11430 W Swiss Street Chrystal Rausch, Agent			
Extraordinary Entertainment & Special Event 5:25 p.m.	Root River Center - Fundraiser Person in Charge: David J Church, Tammy Location: 7220 W Rawson Ave Dates of Event: June 4 th , 2021 5pm-11pm and June 5 th , 2021 3pm-11pm			
Operator 2020-2021 New 5:30 p.m.	Bogan, Fontaine A. Sr. 3003 S. 93 rd St. Milwaukee, WI 53228 On The Border Further review of application; potential reconsideration of and/or amendment to and/or repeal of April 5, 2021 recommendation.			
Operator 2021-2022 Renewal	Bogan, Fontaine A. Sr. 3003 S. 93 rd St. Milwaukee, WI 53228 On The Border Further review of application; potential reconsideration of and/or amendment to and/or repeal of April 5, 2021 recommendation.			
Extraordinary Entertainment & Special Event 5:35 p.m.	Rock Sports Complex – Summer Concert Series Person in Charge: Scot Johnson Location: 7044 S. Ballpark Dr. Dates of Event: Every Saturday from 6/5/2021 through 9/25/2021 and Sunday 7/4/2021			
Extraordinary Entertainment & Special Event 5:45 p.m.	Rock Sports Complex – The Hills Has Eyes Person in Charge: Scot Johnson Location: 7044 S. Ballpark Dr. Date of Event: Friday's 10/1, 10/8, 10/15, 10/22, 10/29; Saturday's 10/2, 10/9, 10/16, 10/23, 10/30; and Sunday 10/31/2021			
Operator 2020-2021 New	Niesen, Zackary N. 3851 S. Marcy St. Milwaukee, WI 53220 Sendik's Food Market			
Operator 2020-2021 New	Vasiljevic, Dragan 7033 W. Forest Home Ave. Milwaukee, WI 53220 The Rock Sports Complex			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2020-2021 New	Brown, Ryan T. 4319 W. Tumble Creek Dr. Franklin, WI 53132 Pick 'n Save #6431			
Operator 2021-2022 Renewal	Brown, Ryan T. 4319 W. Tumble Creek Dr. Franklin, WI 53132 Pick 'n Save #6431			
Operator 2020-2021 New	Cherek, Tyler J. 7309 S. North Cape Rd. Franklin, WI 53132 Crossroads II Pizza & Subs			
Operator 2021-2022 Renewal	Cherek, Tyler J. 7309 S. North Cape Rd. Franklin, WI 53132 Crossroads II Pizza & Subs			
Operator 2020-2021 New	Marchan, Carlos 3460 E. American Ave. Oak Creek, WI 53154 On the Border			
Operator 2021-2022 Renewal	Marchan, Carlos 3460 E. American Ave. Oak Creek, WI 53154 On the Border			
Operator 2020-2021 New	Swiderski, Michael J. 4549 S. 47 th St Greenfield, WI 53220 Country Lanes			
Operator 2021-2022 Renewal	Swiderski, Michael J. 4549 S. 47 th St Greenfield, WI 53220 Country Lanes			
Operator 2020-2021 New	Schmidt, Katie L. 2507 W. Hilltop Ln Oak Creek, WI 53154 The Rock Sports Complex			
Operator 2021-2022 Renewal	Schmidt, Katie L. 2507 W. Hilltop Ln Oak Creek, WI 53154 The Rock Sports Complex			
Operator 2020-2021 New	Tode, Sarah A. S78W16125 Woods Rd. Muskego, WI 53150 Country Lanes			
Operator 2021-2022 Renewal	Tode, Sarah A. S78W16125 Woods Rd. Muskego, WI 53150 Country Lanes			
Operator 2020-2021 New	Turdo, Anna M. 6129 Middleton Ct. S. Greendale, WI 53129 The Rock Sports Complex			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2021-2022 Renewal	Turdo, Anna M. 6129 Middleton Ct. S. Greendale, WI 53129 The Rock Sports Complex			
Operator 2020-2021 New	Wisniewski, Matthew D. 3660 S. 14 th Street Milwaukee, WI 53221 Country Lanes			
Operator 2021-2022 Renewal	Wisniewski, Matthew D. 3660 S. 14 th Street Milwaukee, WI 53221 Country Lanes			
Operator 2020-2021 New	Wotnoske, Erika A. 4045 W. College Ave. Franklin, WI 53221 The Rock Sports Complex			
Operator 2021-2022 Renewal	Wotnoske, Erika A. 4045 W. College Ave. Franklin, WI 53221 The Rock Sports Complex			
Operator 2021-2022 Renewal	Brys, Pamela J. 1720 W. Meyer Ln #6104 Oak Creek, WI 53154 Buckhorn Bar & Grill			
Operator 2021-2022 Renewal	Cruz, Nicole M. 2816 Sunrise Rd. Caledonia, WI 53402 Mulligan's Irish Pub & Grill			
Operator 2021-2022 Renewal	Fenninger, Kristen N. 9750 S. 31 st St. Franklin, WI 53132 Bowery Bar & Grill			
Operator 2021-2022 Renewal	Guzzo, Louis G. 4 W. Clarendon Dr. Round Lake Beach, IL 60073 Sendik's Food Market			
Operator 2021-2022 Renewal	Hoffmann, Carinn N. 2745 N. 90th Milwaukee, WI 53222 The Rock Sports Complex			
Operator 2021-2022 Renewal	Kust, Apolonia P. 10845 W. St. Martins Rd. Franklin, WI 53132 Crossroads II Pizza & Subs			
Operator 2021-2022 Renewal	Lee, Christian J. 8401 S. 116 th Street Franklin, WI 53132 Crossroads II Pizza & Subs			
Operator 2021-2022 Renewal	Michel, Jane M. 3720 W. 7 Mile Rd. Caledonia, WI 53108 Andy's on Ryan Rd			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2021-2022 Renewal	Rozeck, Jenna K. 8945 S. 116 th Street Franklin, WI 53132 Crossroads II Pizza & Subs			
Operator 2021-2022 Renewal	Rozeck, Jessica L. 3222 S. 38 th Street Milwaukee, WI 53215 Crossroads II Pizza & Subs			
Operator 2021-2022 Renewal	Thiem, Jaiden S. 6722 Crocus Ct. Apt# 2 Greendale, WI 53129 Crossroads II Pizza & Subs			
Operator 2021-2022 Renewal	Zacher, Alyssa G. 1720 W. Meyer Ln Apt# 6103 Oak Creek, WI 53154 Bowery Bar & Grill			
Operator 2021-2022 Renewal	Zielinski, Danielle E. 9880 S. Glenmoor Ct. Oak Creek, WI 53154 Sendik's Food Market			
Potential Amendment to Municipal Code Chapter 158 Relating to Off- Premise Consumption Sales by "Class B" Retailers to Allow Sale of Intoxicating Liquor for Off Premise Consumption by "Class B" Retailers	2021 Wisconsin Act 21 which became effective on March 28, 2021 allows "Class B" Liquor retailers to sell wine and intoxicating liquor by the glass, or otherwise not in its original container for off premise consumption provided the item is sealed with a tamper-evident seal.			
3.	Adjournment	Time		

*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.

Date of enactment: **March 26, 2021**

2021 Assembly Bill 32 Date of publication*: **March 27, 2021**

* Section 991.11, WISCONSIN STATUTES Effective date of acts "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication "

2021 WISCONSIN ACT 21

AN ACT *to amend* 125.51 (3) (a), 125.51 (3) (am) and 125.51 (3) (b), and *to create* 125.02 (20g) of the statutes, relating to: the retail sale of intoxicating liquor by the glass for consumption away from the licensed premises

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.02 (20g) of the statutes is created to read.

125.02 (20g) "Tamper-evident seal" means a device or material that is used to securely and fully close off a container, with no perforations, in such a manner that access to the contents of the container cannot be gained without showing evidence of tampering

SECTION 2. 125.51 (3) (a) of the statutes is amended to read

125.51 (3) (a) A "Class B" license authorizes the retail sale of intoxicating liquor ~~for consumption on the premises where sold~~ by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b) or to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

SECTION 3. 125.51 (3) (am) of the statutes is amended to read:

125.51 (3) (am) A "Class B" license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers ~~only on the premises where sold and or off the premises if the licensee seals the container of wine with a tamper-evident seal before the wine is removed from the premises. The "Class B" license~~ also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine.

SECTION 4. 125.51 (3) (b) of the statutes is amended to read:

125.51 (3) (b) In all municipalities electing by ordinance to come under this paragraph, a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass ~~only on the premises where sold and or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. The "Class B" license~~ also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold. This paragraph does not apply to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

APPROVAL <i>slw</i> <i>RA</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/20/2021
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated April 2, 2021 through April 15, 2021 Nos. 182651 through Nos. 182813 in the amount of \$ 949,466.50. Also included in this listing are EFT's Nos. 4552 through Nos. 4563. Library vouchers totaling \$ 3,645.29, Tourism vouchers totaling \$ 6,384.50, Water Utility vouchers totaling \$ 14,231.53 and Property Tax refunds totaling \$ 4,970.62. Voided checks in the amount of (\$ 114.72) are separately listed.

Early release disbursements dated April 2, 2021 through April 14, 2021 in the amount of \$ 396,966.56 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated April 9, 2021 is \$ 396,681.41, previously estimated at \$ 396,000. Payroll deductions dated April 9, 2021 are \$ 220,617.42 previously estimated at \$ 233,000.

The estimated payroll for April 23, 2021 is \$ 427,000 with estimated deductions and matching payments of \$ 449,000.

Attached is a list of property tax reimbursements EFT's Nos. 374 dated April 2, 2021 through April 14, 2021 in the amount of \$ 4,855.89. These payments have been released as authorized under Resolution 2013-6920.

Approval to release property tax settlements in the amount of \$ 10,915,727.11 once approved internally.

COUNCIL ACTION REQUESTED

Motion approving the following:

- City vouchers with an ending date of April 15, 2021 in the amount of \$ 949,466.50 and
- Payroll dated April 9, 2021 in the amount of \$ 396,681.41 and payments of the various payroll deductions in the amount of \$ 220,617.42 plus City matching payments and
- Estimated payroll dated April 23, 2021 in the amount of \$ 427,000 and payments of the various payroll deductions in the amount of \$ 449,000, plus City matching and
- Property Tax disbursements with an ending date of April 14, 2021 in the amount of \$ 4,855.89 and
- Approval to release property tax settlements in the amount of \$ 10,915,727.11.

ROLL CALL VOTE NEEDED