

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, JULY 22, 2021, 7:00 P.M.

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

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

- A. **Call to Order and Roll Call**
- B. **Approval of Minutes**
 - 1. Approval of regular meeting of July 8, 2021.
- C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)
- D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)
 - 1. **MLG DEVELOPMENT, INC. LOT DIVISION FOR POTENTIAL FUTURE DEVELOPMENT.** Certified Survey Map application by MLG Development, Inc., to divide Lot 2 of Certified Survey Map No. 8546, located on the south side of West Oakwood Park Drive, into two new lots [the existing property has an area of approximately 7.66 acres, and is located in the Franklin Business Park, generally east of the intersection of West Oakwood Park Drive and South 52nd Street]; proposed Lot 1 would have an area of 2.63 acres and the new Lot 2 5.02 acres, the common lot line between the proposed lots would run along the existing 12 foot elevation change [the purpose of this application is to sell Lot 1 to a third-party buyer who will develop this portion of the property], property zoned Planned Development District No. 18 (Franklin Business Park); Tax Key Number 930-1004-000.
 - 2. **ANTHONY D. KRAUS AND ANNE T. KRAUS AGRICULTURAL EQUIPMENT STORAGE BUILDING CONSTRUCTION.** Site Plan application by Anthony D. Kraus and Anne T. Kraus, applicants and property owners, to allow for construction of a 72 foot wide by 40 foot high (2,880 square foot) metal paneled building (at the west side setback line of the property) to store agricultural equipment such as tractors, skid-loader, plow, cultivators, weed killer machines, hay wagons, etc., upon property located at 10233 West Oakwood Road, zoned A-1 Agricultural District; Tax Key No. 942-0004-000.

3. **PROPOSAL TO CHANGE THE PUBLIC NOTICES TO PROPERTY OWNERS AND NOTICES TO THE MEDIA WITH REGARD TO ZONING AND LAND DIVISION AND LAND USE MATTERS APPLICATIONS ITEMS PURSUANT TO THE UNIFIED DEVELOPMENT ORDINANCE, METHODS AND FORMATS PROCESS, TO IMPLEMENT A MORE ACCESSIBLE AND EFFICIENT PROCESS-FORMAT RECOMMENDATIONS.**

4. **PARKLAND ACQUISITION STUDY INPUT SESSION.**

E. Adjournment

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

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

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

REMINDERS:

Next Regular Plan Commission Meeting: August 5, 2021

**City of Franklin
Plan Commission Meeting
July 8, 2021
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the July 8, 2021, regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patricia Hogan and Kevin Haley, City Engineer Glen Morrow and Alderman Mark Dandrea. Commissioners Adam Burckhardt and Patrick Leon were absent. Also present were City Attorney Jesse Wesolowski, Planning Manager Heath Eddy and Principal Planner Régulo Martínez-Montilva.

B. Approval of Minutes

1. Regular Meeting of June 17, 2021

Alderman Dandrea moved and Commissioner Hogan seconded approval of the June 17, 2021 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (4-0-2).

C. Public Hearing Business Matters

1. JAMES A. ROGOSIENSKI AND SANDRA D. ROGOSIENSKI SINGLE-FAMILY RESIDENCE DETACHED GARAGE EXPANSION [recommendation to Board of Zoning and Building Appeals]. Application by James A. Rogosienksi and Sandra D. Rogosienksi for an Area Exception from Section 15-3.0801C.1. of the Unified Development Ordinance to allow for an 864 square foot accessory structure, exceeding the 720 square feet maximum size by 20%, for property located at 3800 West Acre Avenue [an existing dwelling totaling 1100 square feet and two existing detached accessory buildings are currently on the property, the first building is a detached 24 foot by 24 foot frame garage totaling 576 square feet and the second building is a detached 12 foot by 20 foot frame accessory building totaling 240 square feet-proposal is to remove the 12 foot by 20 foot accessory building to provide clearance to expand the existing 24 foot by 24 foot garage to 24 feet by 36 feet for a total of 864

Principal Planner Régulo Martínez-Montilva presented the request by James A. Rogosienksi and Sandra D. Rogosienksi for an Area Exception from Section 15-3.0801C.1. of the Unified Development Ordinance to allow for an 864 square foot accessory structure, exceeding the 720 square feet maximum size by 20%, for property located at 3800 West Acre Avenue [an existing dwelling totaling 1100 square feet and two existing detached accessory buildings are currently on the property, the first building is a detached 24 foot by 24 foot frame garage totaling 576 square feet and the second building is a detached 12 foot by 20 foot frame accessory building totaling 240 square feet-proposal is to remove the 12 foot by 20 foot accessory building to provide clearance to expand the existing 24 foot by 24 foot garage to 24 feet by 36 feet for a total of 864 square feet], property zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 833-0065-000.

The Official Notice of Public hearing was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 7:03 p.m. and closed at 7:03 p.m.

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of an application for an Area Exception to allow for an 864 square foot accessory structure [application requests an

square feet], property zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 833-0065-000.

Area Exception from Section 15-3.0801c.1. of the Unified Development Ordinance to exceed the 720 square feet maximum size by 20%) [an existing dwelling totaling 1100 square feet and two existing detached accessory buildings are currently on the property, the first building is a detached 24 foot by 24 foot frame garage totaling 576 square feet and the second building is a detached 12 foot by 20 foot frame accessory building totaling 240 square feet-proposal is to remove the 12 foot by 20 foot accessory building to provide clearance to expand the existing 24 foot by 24 foot garage to 24 feet by 36 feet for a total of 864 square feet], for property located at 3800 West Acre Avenue. On voice vote, all voted ‘aye’. Motion carried (4-0-2).

D. Business Matters

1. DETACHED ACCESSORY BUILDING ADDITION TO A CHILD CARE CENTER. Site Plan Amendment application by Christopher W. Colton, President of Ingenious Inc., for the addition of an approximately 880 square foot (40 feet by 22 feet) detached accessory building to Ingenious Inc, a child care facility (proposed building would be located east of the existing parking lot and would be used for storage), property zoned B-3 Community Business District, located at 7260 South 76th Street; Tax Key No. 756-9993-011.

Principal Planner Régulo Martínez-Montilva presented a request by Christopher W. Colton, President of Ingenious Inc., for the addition of an approximately 880 square foot (40 feet by 22 feet) detached accessory building to Ingenious Inc, a child care facility (proposed building would be located east of the existing parking lot and would be used for storage), property zoned B-3 Community Business District, located at 7260 South 76th Street; Tax Key No. 756-9993-011.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to adopt a Resolution amending the Site Plan for property located at 7260 South 76th Street to allow for a detached accessory building addition to Ingenious Inc., a child care facility (tax key no. 756-9993-011). On voice vote, all voted ‘aye’. Motion carried (4-0-2).

2. BEAR DEVELOPMENT, LLC RECONFIGURATION OF THREE LOTS FOR POTENTIAL FUTURE CONDOMINIUM DEVELOPMENT. Certified Survey Map application by Stephen R. Mills, President of Bear Development, LLC (Boomtown, LLC, property owner), to reconfigure 3 properties (Tax Key No. 891-9993-000, 8.58 acres, 12000 West Loomis Road, with access to Ryan Road; Tax Key No. 891-9996-000, 6.68 acres, generally between 12000 and 12204 West Loomis Road and Tax Key No. 891-9997-000, 3.54 acres, 12204 West Loomis Road) to create 2 lots as follows: Lot 1 with 15.06 acres north of Loomis Road and access

Principal Planner Régulo Martínez-Montilva presented a request by Stephen R. Mills, President of Bear Development, LLC (Boomtown, LLC, property owner), to reconfigure 3 properties (Tax Key No. 891-9993-000, 8.58 acres, 12000 West Loomis Road, with access to Ryan Road; Tax Key No. 891-9996-000, 6.68 acres, generally between 12000 and 12204 West Loomis Road and Tax Key No. 891-9997-000, 3.54 acres, 12204 West Loomis Road) to create 2 lots as follows: Lot 1 with 15.06 acres north of Loomis Road and access to Ryan Road, and Lot 2 with 0.91 acres south of Loomis Road and access to West Loomis Court [a Concept Review was presented before the Common Council on April 5, 2021, for the “Ryan Road Duplexes”, a two-family residential condominium development, with 26 units in 13 two-family attached dwellings on the area designated as Lot 1 in this Certified Survey Map]; properties located at 12000 West Loomis Road and 12204 West Loomis Road, zoned R-8

to Ryan Road, and Lot 2 with 0.91 acres south of Loomis Road and access to West Loomis Court [a Concept Review was presented before the Common Council on April 5, 2021, for the “Ryan Road Duplexes”, a two-family residential condominium development, with 26 units in 13 two-family attached dwellings on the area designated as Lot 1 in this Certified Survey Map]; properties located at 12000 West Loomis Road and 12204 West Loomis Road, zoned R-8 Multiple-Family Residence District and C-1 Conservancy District.

Multiple-Family Residence District and C-1 Conservancy District.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map, being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 12000 West Loomis Road and 12204 West Loomis Road), subject to the additional language provided by the City Attorney relative to the recording. On voice vote, all voted ‘aye’; motion carried (4-0-2).

3. SIGN CODE INTERIM AMENDMENTS, CITY-WIDE (REVIEW OF STAFF’S PROPOSALS FOR MINOR AMENDMENTS TO CHAPTER 210 OF THE MUNICIPAL CODE).

Planning Manager Heath Eddy presented the sign code interim amendments, review of staff’s proposals for minor amendments to chapter 210 of the municipal code.

Commissioner Haley moved and Commissioner Hogan seconded a motion to recommend to the Common Council the changes outlined in the staff memo and the ordinance attached to Common Council. On voice vote, all voted ‘aye’; motion carried (4-0-2).

Adjournment

Commissioner Hogan moved and Alderman Dandrea seconded to adjourn the Plan Commission meeting of July 8, 2021 at 7:26 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).



REPORT TO THE PLAN COMMISSION AND
COMMUNITY DEVELOPMENT AUTHORITY (CDA)

Meeting of July 22, 2021

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of this Certified Survey Map (CSM) application submitted by MLG Development, Inc, subject to the conditions set forth in the draft resolution.

Project Name:	MLG Development Certified Survey Map
Project Location:	Unassigned address, Tax Key Number 930-1004-000. Approximately 300 feet east of the intersection of 52 nd Street and Oakwood Park Drive.
Property Owner:	MLG Development, Inc.
Applicant:	MLG Development, Inc.
Agent:	Joe Bukovich, MLG Capital
Current Zoning:	Planned Development District #18, Franklin Business Park
2025 Comprehensive Plan:	Commercial
Applicant’s Action Requested:	Recommendation of approval for this Certified Survey Map
Planner:	Régulo Martínez-Montilva, Principal Planner

INTRODUCTION

Certified Survey Map (CSM) application to divide Lot 2 of CSM No. 8546 into 2 new lots. The existing property has an area of approximately 7.66 acres and it is located in the Franklin Business Park (PDD No. 18), east of the intersection of West Oakwood Park Drive and South 52nd Street. The proposed Lot 1 would have an area of 2.63 acres and the new Lot 2 5.02 acres, the common lot line between the proposed lots would run along the existing 12-foot elevation change. According to the applicant, the purpose of this CSM is to sell Lot 1 to a third-party buyer who will develop this portion of the property.

PROJECT DESCRIPTION AND ANALYSIS

Proposed lots 1 and 2 meet the minimum lot area requirement of 1 acre in the Planned Development District #18. Both lots would have access to W. Oakwood Park Drive, so no right-of-way dedication is required for this CSM. The subject property is currently served by city water and sewer.

Natural resources

Per Natural Resource Protection Plan dated May 20, 2021, natural resources are present on site, specifically steep slopes, mature woodlands, four wetlands and a waterway. Most of these natural resources are located on lot 2, specifically wetlands W-1, W-2 and W-4. However, these

wetlands have been deemed exempt from state wetlands regulations by the Department of Natural Resources (DNR), see Artificial Wetland Determination attached to this packet. The applicant is waiting for the jurisdictional determination from U.S. Army Corps of Engineers as of writing of this staff report. If these wetlands are deemed to be non-federal, natural resources protections standards of the Unified Development Ordinance (UDO) would not apply. The applicant shall submit the jurisdictional determination to the city before development of lots 1 and 2 (condition #6), any wetland deemed to be federal would be subject to natural resource protection standards.

Natural resources, such as shore buffers and mature woodlands would be protected by a conservation as depicted in sheet 3 of the CSM. This conservation easement does not include steep slopes, note that steep slopes could be impacted up to 40% for nonresidential development.

Landscape bufferyard to the south

Pursuant to UDO Section 15-5.0301.D, bufferyards are required to separate different zoning districts, this requirement applies to the south property line abutting properties zoned R-2 Estate Single-Family Residence District. A 30-foot bufferyard along the south property line is depicted in sheet 1 of the CSM. A landscape bufferyard easement is required to recorded concurrently with the CSM (condition #8).

RECOMMENDATION

Staff recommends approval of this Certified Survey Map subject to the conditions set forth in the draft resolution.

Given this property is located in the Franklin Business Park (Planned Development District #18), this Certified Survey Map (CSM) is subject to Plan Commission and Community Development Authority (CDA) recommendation, the Common Council is the approving authority for CSM applications.

RESOLUTION NO. 2021-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1 AND BEING PART OF THE SOUTHWEST QUARTER (SW 1/4) AND SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

(MLG DEVELOPMENT, INC.)

(GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a redivision of Lot 2 of Certified Survey Map No. 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property generally located east of the intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park (Planned Development District No. 18), bearing Tax Key No. 930-1004-000, MLG Development, Inc., applicant; said certified survey map having been reviewed by the City Plan Commission and the Community Development Authority and the Plan Commission and the Community Development Authority having recommended approval thereof pursuant to certain conditions; and

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

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

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal

MLG DEVELOPMENT, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2021-_____

Page 2

Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. MLG Development, Inc., successors and assigns and any developer of the 2 lot certified survey map project shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the 2 lot certified survey map 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.
5. The approval granted hereunder is conditional upon MLG Development, Inc., and the 2 lot certified survey map project for the property generally located east of the intersection of West Oakwood Park Drive and South 52nd Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant must submit the U.S. Army Corps of Engineers jurisdictional determination to the Department of City Development when available or prior to any site plan approval for lots 1 and 2. If any wetland is deemed as a federal wetland, such wetland with associated buffer and setback must be protected by a conservation easement prior to any land disturbance activity.
7. The Conservation Easement is subject to review by City staff, and approval by the Common Council, this easement must be recorded with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map.

MLG DEVELOPMENT, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2021- _____

Page 3

- 8. The applicant must submit a landscape bufferyard easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map.
- 9. The applicant must revise the second note in sheet 2 of the Certified Survey Map, “COA” should be replaced with “CDA”.
- 10. The technical corrections noted by the Engineering Department in memorandum dated June 21, 2021, and Milwaukee County Register of Deeds in letter dated June 14, 2021, must be addressed prior to recording of this Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, MLG Development, Inc., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and

procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, MLG Development, Inc., with the Office of the Register of Deeds for Milwaukee County.

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

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

APPROVED:

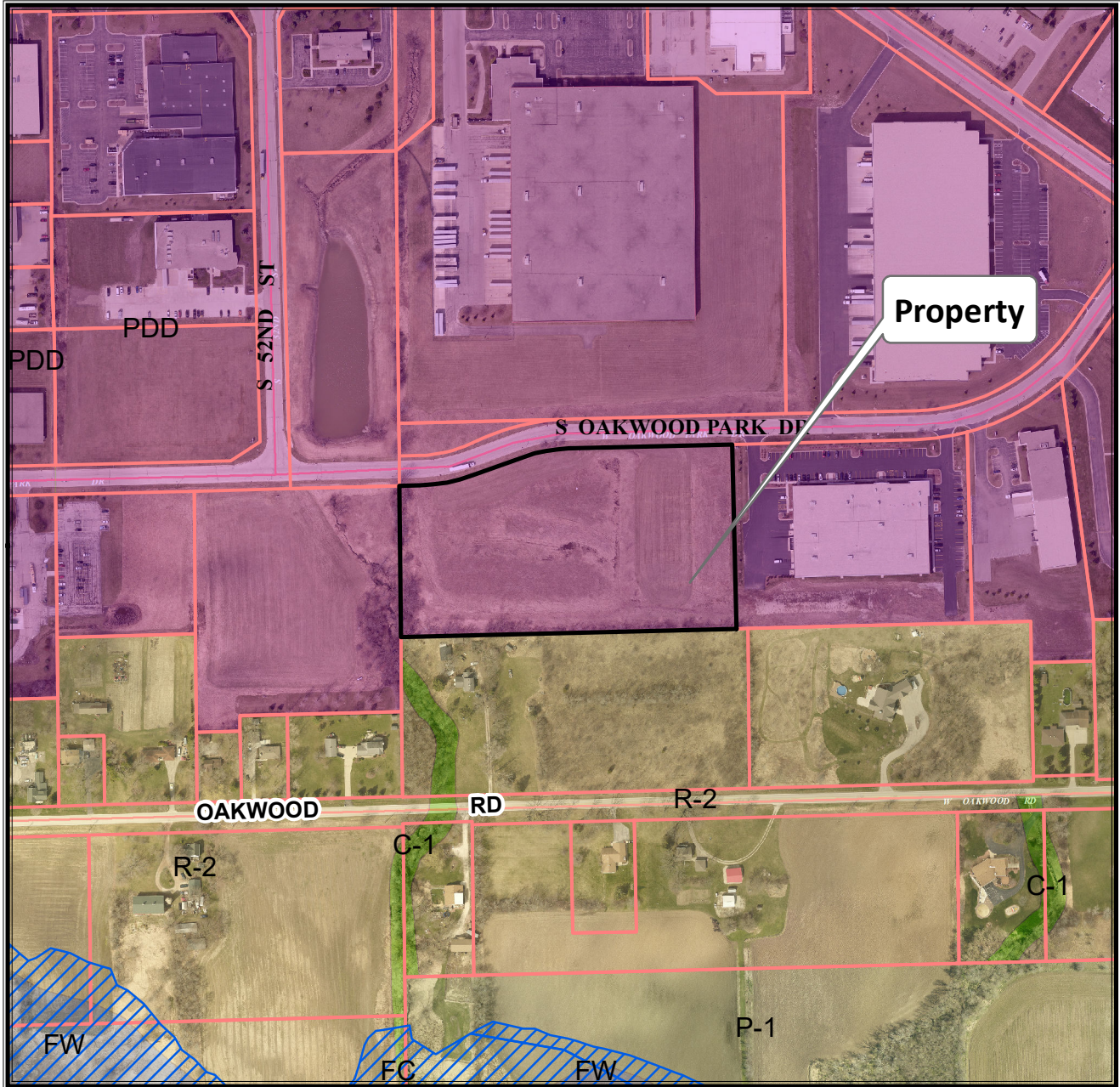
Stephen R. Olson, Mayor

ATTEST:

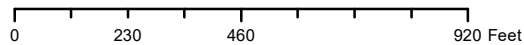
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

TKN: 930 1004 000

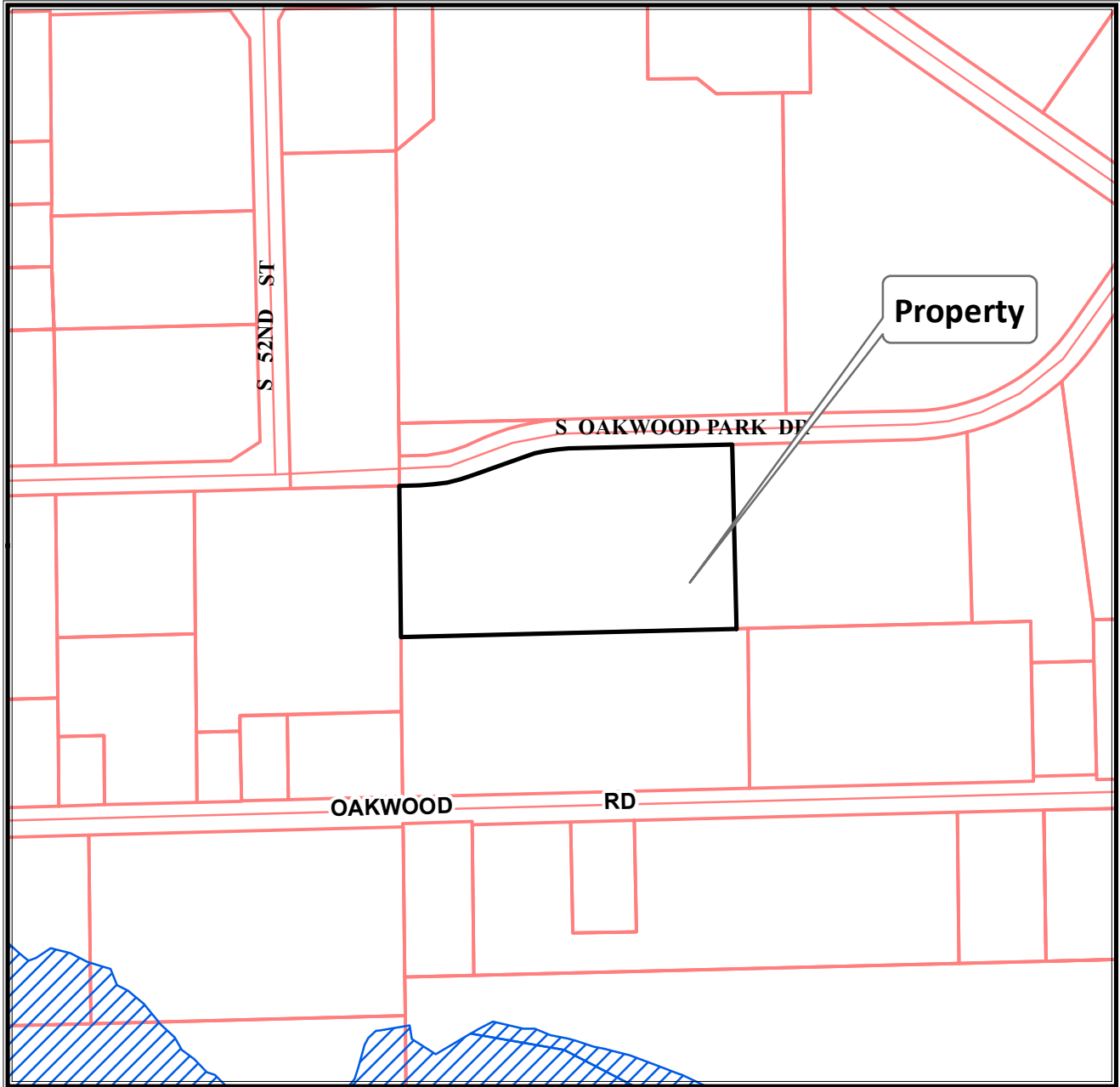


Planning Department
(414) 425-4024

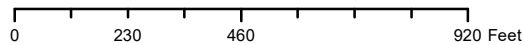


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

TKN: 930 1004 000



Planning Department
(414) 425-4024



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



MEMORANDUM

Date: June 22, 2021

To: Joseph A. Bukovich. MLG Development, Inc.

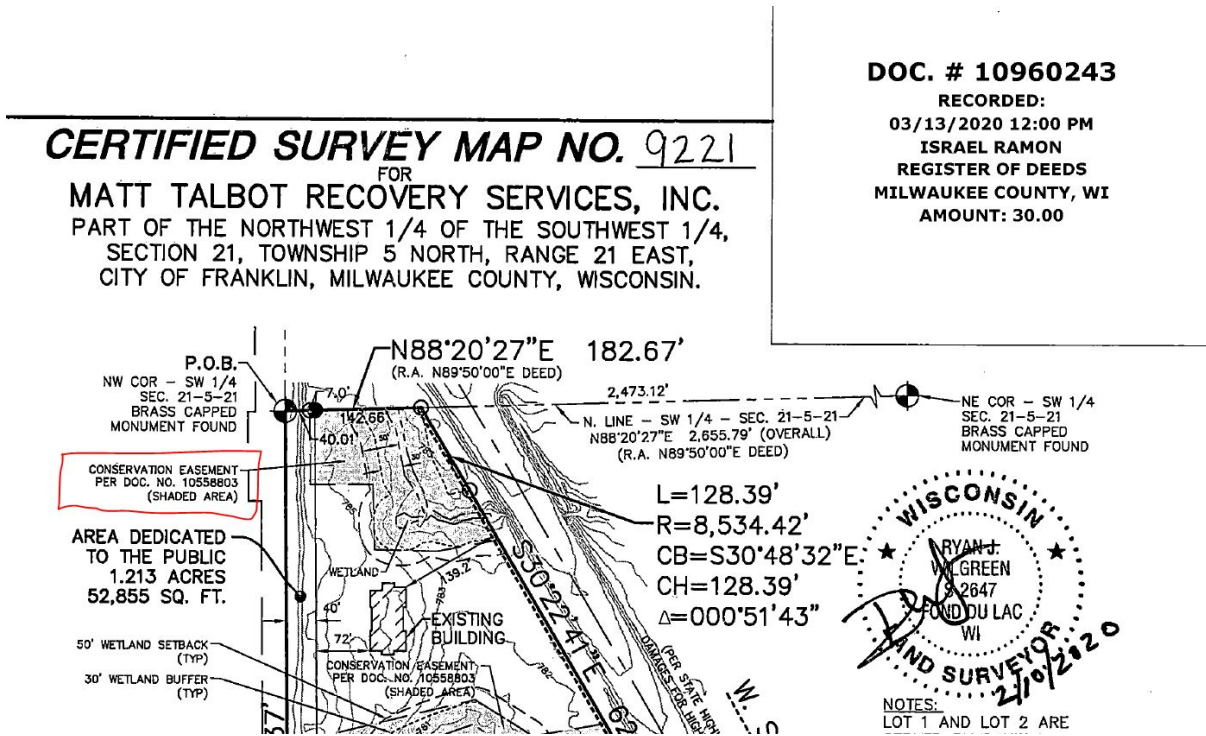
From: Régulo Martínez-Montilva, Principal Planner
City of Franklin, Department of City Development

RE: Review comments for Certified Survey Map application,
Tax Key No. 930-1004-000 (Lot 2 of CSM 8546)

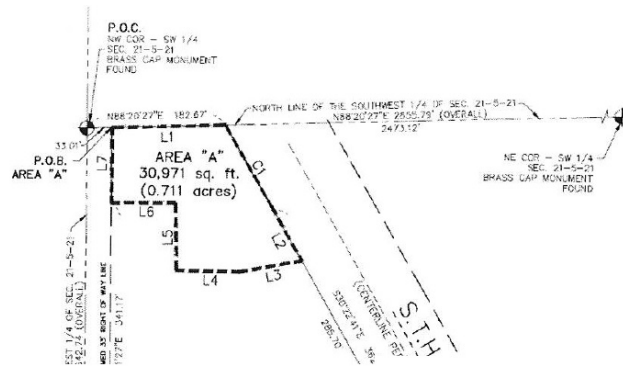
Below are comments and recommendations for the Certified Survey Map (CSM) application submitted by MLG Development, Inc. on June 9, 2021.

Department of City Development comments

1. **Conservation easement delineated on the CSM.** The location of conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements should be directly related to the Natural Resource Protection Plan per Unified Development Ordinance (UDO) Section 15-7.0702.P. All protected natural resources on the proposed lots must be made part of a conservation easement, specifically the 75-foot shore buffer, mature woodlands and steep slopes (excluding man-made steep slopes). This boundary must be shown on the CSM, see example below:



2. **Conservation easement document to be recorded separately.** Per the UDO section noted above, in addition to graphic delineation of conservation easement areas, a conservation easement document must be filed with the Certified Survey Map or submitted for review as a condition of approval. Attached is the city’s conservation easement template. A graphic detail and table of the conservation easement area is required as exhibit, see example below:



AREA "A"

LINE	BEARING	LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
L1	N88°20'27"E	149.66'	C1	128.39'	8534.42'	S30°48'32"E	128.39'
L2	S30°22'41"E	76.85'					
L3	S79°28'13"W	83.53'					
L4	N88°59'39"W	84.15'					
L5	N01°42'51"W	87.87'					
L6	S89°28'33"W	64.43'					
L7	N00°31'27"W	98.97'					

3. **Landscape bufferyard.** Pursuant to UDO Section 15-5.0301.D, bufferyards are required to separate different zoning districts, this requirement applies to the south property line abutting properties zoned R-2 Estate Single-Family Residence District. Given the presence of natural resources such as shore buffer, mature woodlands and steep slopes along the south property line. Staff suggests to include the 30-foot landscape bufferyard into the conservation easement indicated above (comments #1 and #2).
4. Please add a note to the CSM stating that wetlands W-1, W-2, W-3 and W-4 have been deemed exempt from state wetlands regulations.
5. Please submit a copy of the U.S. Army Corps of Engineers jurisdictional determination when available. Note that any wetland subject to federal regulations would be also subject to local natural resource protection standards set forth in the UDO Part 4 “Natural Resource Protection”, including the conservation easement requirement.
6. Please revise the zoning information for Lot 2, it should be PDD-18 instead of “BLK-11”.
7. Per the Declaration of Protective Covenants for Franklin Business Park section 21 Right to Re-Subdivide, a re-subdivision shall not be permitted without prior approval by the Association and the CDA. Has this CSM received approval from the Association Review Board?
8. Please add middle name initial to the Mayor’s name, it should read Stephen R. Olson.

Engineering Department comments

9. See separate letter.

Note: Engineering comment #3 does not apply to exempt wetlands.

Milwaukee County Register of Deeds comments

10. See separate letter.

Fire Department comments

11. No comments

Inspection Services Department comments

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

Police Department comments

13. The PD has no comment regarding this request.

Franklin Business Park

Project Summary for Proposed CSM Dividing Lot 2 CSM 8546

General Summary

MLG Capital is proposing to divide Lot 2 of CSM 8546, located on the south side of W. Oakwood Park Drive in the Franklin Business Park, in order to sell a portion of the property to a third-party buyer who will construct a building to house a new business in Franklin. Lot 2 is proposed to be divided into two new parcels containing 2.63 acres and 5.03 acres which coincide with the two previously graded and relatively flat areas that are separated by a 12-foot elevation change. The property will be served by municipal sanitary sewer and water and the entire property was previously rough graded during development of the Franklin Business Park.

Natural Resources Protection Plan

Stantec investigated the property for steep slopes, woodlands and forests, lakes and ponds, streams, shore buffers, floodplain and wetlands and prepared a Natural Resources Protection Plan report dated May 20, 2021 for the property. The report identifies the following environmentally sensitive areas:

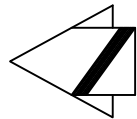
1. Slopes greater than 10% are located in the swale along the western and southern property boundaries, the area between the two proposed lots and along the berm on the eastern edge of the property.
2. Mature woodland areas were identified along the western and southern perimeter of the property. The canopy trees in this woodland averaged approximately 13"-15" in diameter at breast height.
3. Four wetland communities and their associated buffers and setbacks were delineated within the property. The wetland delineation information is contained in Stantec's Assured Wetland Delineation Report dated May 18, 2021.
4. A waterway was identified immediately adjacent to the western property line.

Wetlands

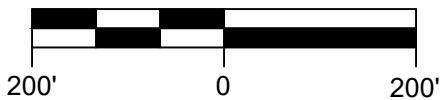
The NRPP and wetland delineation reports both state that the four delineated wetlands were most likely created by prior grading activities and the wetlands qualified for a WI DNR artificial wetland exemption and are likely not to be regulated by the USACE. The Owner has applied for a USACE jurisdictional determination. If a non-jurisdictional determination is received, the delineated wetland areas and associated buffers will no longer be regulated or required to be protected.

CERTIFIED SURVEY MAP NO.

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

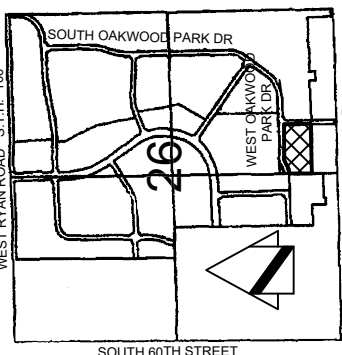


SCALE IN FEET



LEGEND:

- Concrete Monument w/ Brass cap (found)
- Iron pipe 18" x 1" dia. (placed) 1.13 + lbs. per lin. ft.
- Iron pipe found
- Vicinity Map Scale: 1" = 3000' SEC. 26-5-21



SE COR. SE 1/4 SEC. 26-5-21
CONC. MON. W/BRASS CAP
N: 319,362.09
E: 2,543,965.32

**LOT 1 BLOCK 11
FRANKLIN BUSINESS
PARK ADD. NO. 1**
OWNER: 5C INVESTMENTS LLC

UNPLATTED LANDS
OWNER: NICHOLAS G & JUNE MAZOS

LOT 1 CSM No. 911
OWNER: ROBERTO O & MARGARET BRUSS

20' X 20' UTILITY EASEMENT
GRANTED TO LOT 1 CSM No. 8181
(PER CSM No. 8181)
(SEE DETAIL-A ON SHEET 2)

LOT 1 CSM No. 8181
OWNER: BCM PROPERTIES
PDD-18

LOT 1 OF CSM 8546
248,291 S.F.
5.7000 AC.
PDD-18

LOT 1
114,636 S.F.
2.6317 AC.
PDD-18

LOT 2
218,945 S.F.
5.0263 AC.
PDD-18

**OUTLOT 2 BLOCK 5
FRANKLIN BUSINESS
PARK ADD. NO. 1**
OWNER: MLG DEVELOPMENT INC

**OUTLOT 1 BLOCK 5
FRANKLIN BUSINESS PARK**
OWNER: COMMUNITY DEV AUTHORITY

**LOT 2 BLOCK 5
FRANKLIN BUSINESS PARK**
OWNER: MLG DEVELOPMENT INC
PDD-18

NOTE: PROPERTY IS SERVED BY MUNICIPAL SANITARY SEWER AND WATER.

NOTE: SEE PAGE 2 FOR EASEMENT AND EXISTING TOPOGRAPHY DETAIL.

OWNER:
MLG DEVELOPMENT INC.
19000 W. BLUEMOUND ROAD
BROOKFIELD, WI 53045

SURVEYOR:
JOHN R. STIGLER
JAHNKE AND JAHNKE ASSOC. INC.
711 W. MORELAND BLVD.
WAUKESHA, WI 53188

REFERENCE BEARING:
THE SOUTH LINE OF THE SE 1/4 SECTION OF SECTION 26 T5N R21E WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF NORTH 88°33'40" EAST BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).



CURVE TABLE						
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE
C1	130.30'	405.00'	129.74'	N79°18'33.5"E	18°26'01"	9°13'0.5"
C2	107.78'	335.00'	107.31'	N79°18'33.5"E	18°26'01"	9°13'0.5"

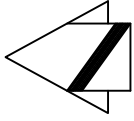
SOUTH LINE OF THE SE 1/4 SEC. 26-5-21
S88°33'40"W 2649.94'

WEST LINE OF THE SE 1/4 SEC. 26-5-21
N00°33'08"W 2639.28'

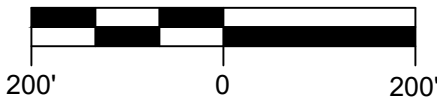
SW COR. SE 1/4 SEC. 26-5-21
CONC. MON. W/BRASS CAP
N: 319,295.55
E: 2,541,316.37

John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 7th DAY OF July, 2021
INSTRUMENT DRAFTED BY JOHN R. STIGLER

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



SCALE IN FEET



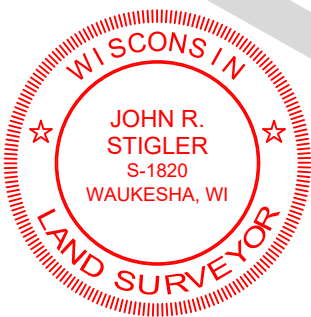
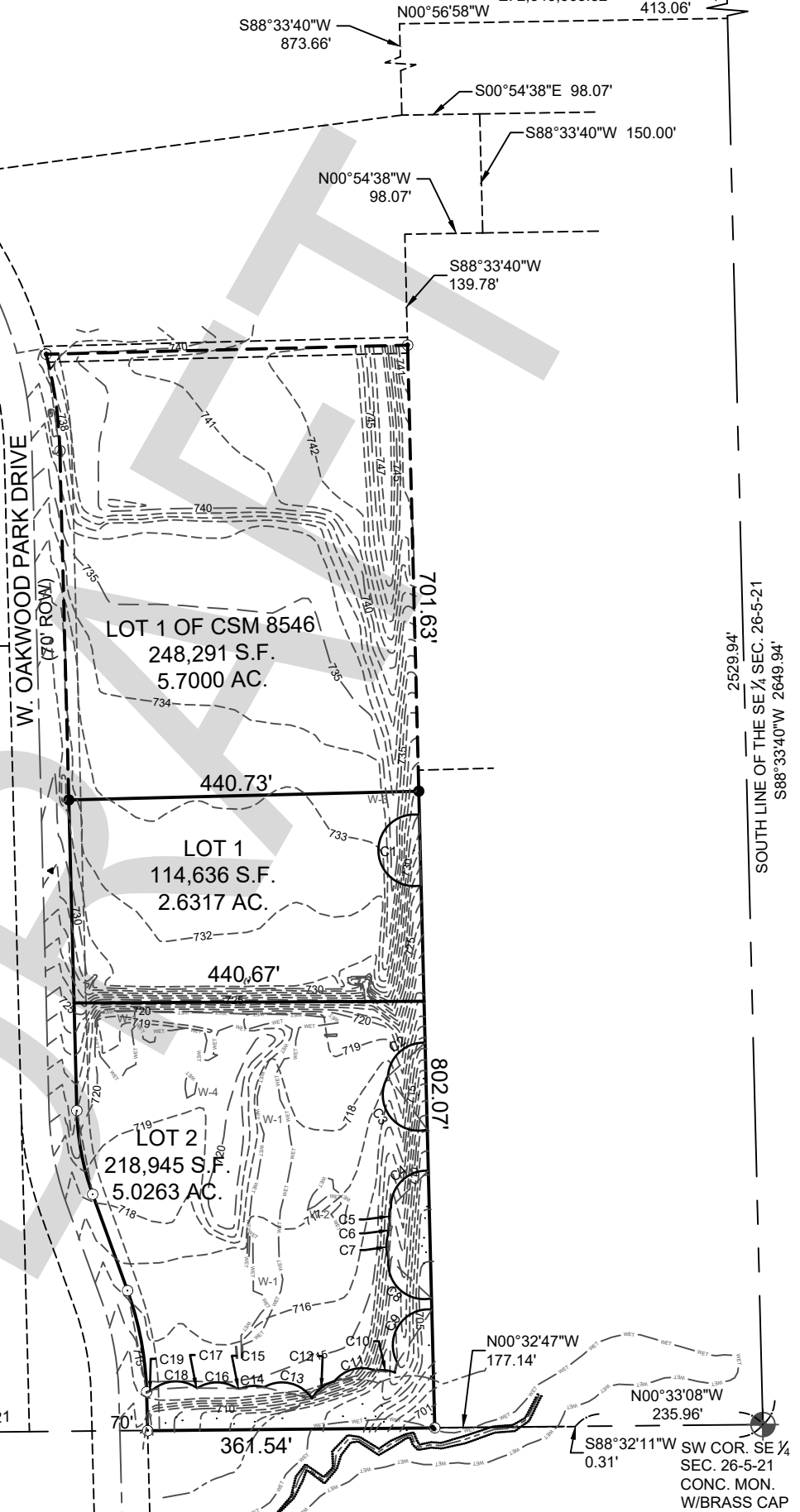
TOPOGRAPHY DETAIL (TAKEN FROM MILWAUKEE COUNTY)

SE COR. SE 1/4 SEC. 26-5-21 CONC. MON. W/BRASS CAP N: 319,362.09 E: 2,543,965.32

OWNER: MLG DEVELOPMENT INC. 19000 W. BLUEMOUND ROAD BROOKFIELD, WI 53045

NOTE: WETLANDS W-1, W-2, W-3, AND W-4 HAVE BEEN DEEMED EXEMPT FROM STATE WETLAND REGULATIONS

NOTE: PER FRANKLIN BUSINESS PARK SECTION 21 RIGHT TO RE-SUBDIVIDE SHALL NOT BE PERMITTED WITHOUT PRIOR APPROVAL BY THE ASSOCIATION AND THE COA. APPLICANT SHALL DOCUMENT SAID REVIEW APPROVAL.



WEST LINE OF THE SE 1/4 SEC. 26-5-21 N00°33'08"W 2639.28'

SW COR. SE 1/4 SEC. 26-5-21 CONC. MON. W/BRASS CAP

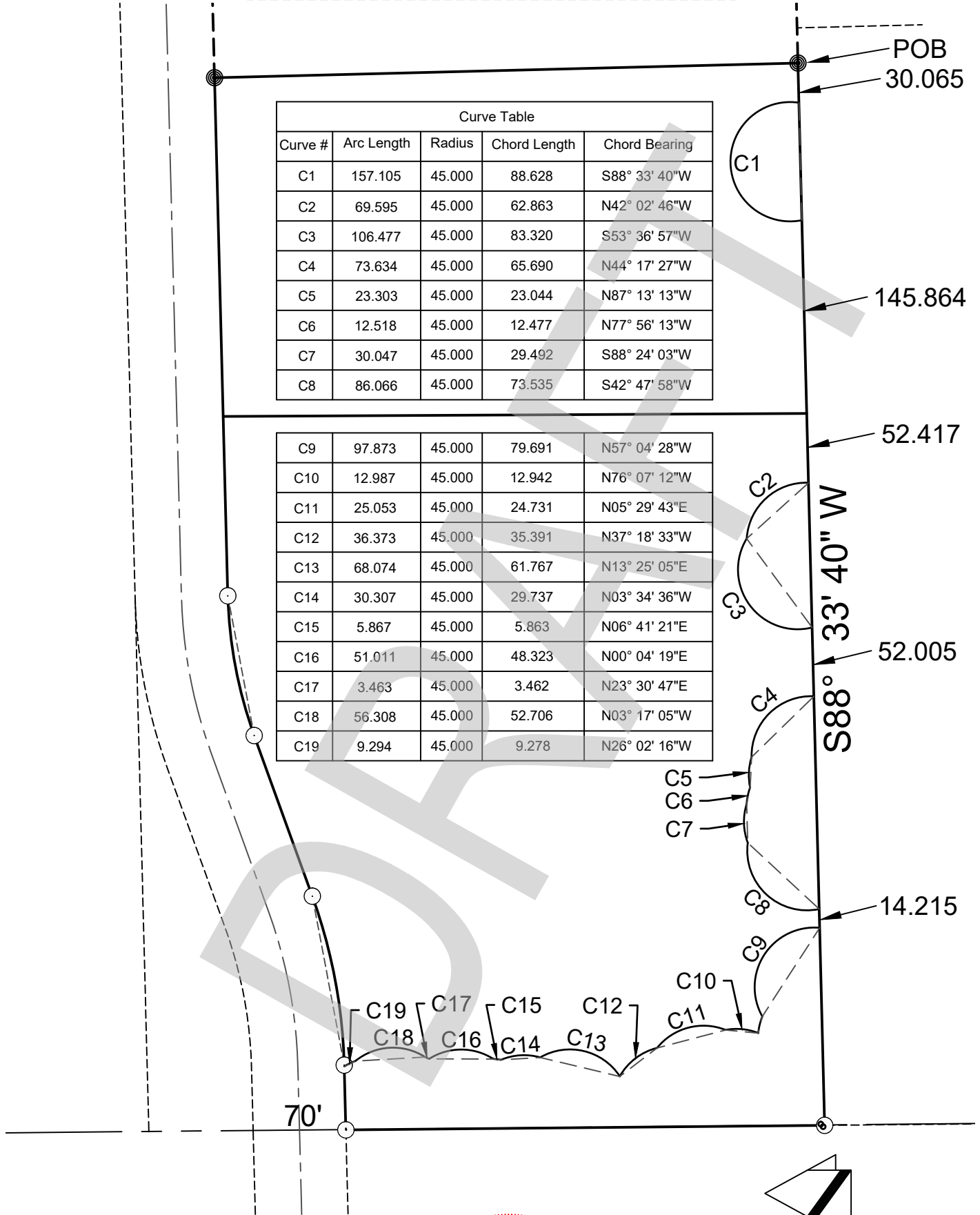
John R. Stigler JOHN R. STIGLER - Wis. Reg. No. S-1820 DATED THIS 7th DAY OF July, 2021 INSTRUMENT DRAFTED BY JOHN R. STIGLER

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

CONSERVATION EASEMENT DETAIL

Curve Table				
Curve #	Arc Length	Radius	Chord Length	Chord Bearing
C1	157.105	45.000	88.628	S88° 33' 40"W
C2	69.595	45.000	62.863	N42° 02' 46"W
C3	106.477	45.000	83.320	S53° 36' 57"W
C4	73.634	45.000	65.690	N44° 17' 27"W
C5	23.303	45.000	23.044	N87° 13' 13"W
C6	12.518	45.000	12.477	N77° 56' 13"W
C7	30.047	45.000	29.492	S88° 24' 03"W
C8	86.066	45.000	73.535	S42° 47' 58"W

C9	97.873	45.000	79.691	N57° 04' 28"W
C10	12.987	45.000	12.942	N76° 07' 12"W
C11	25.053	45.000	24.731	N05° 29' 43"E
C12	36.373	45.000	35.391	N37° 18' 33"W
C13	68.074	45.000	61.767	N13° 25' 05"E
C14	30.307	45.000	29.737	N03° 34' 36"W
C15	5.867	45.000	5.863	N06° 41' 21"E
C16	51.011	45.000	48.323	N00° 04' 19"E
C17	3.463	45.000	3.462	N23° 30' 47"E
C18	56.308	45.000	52.706	N03° 17' 05"W
C19	9.294	45.000	9.278	N26° 02' 16"W



John R. Stigler
 JOHN R. STIGLER - Wis. Reg. No. S-1820
 DATED THIS 7th DAY OF July, 2021
 INSTRUMENT DRAFTED BY JOHN R. STIGLER

FILE NAME: 21-9366 CSM.DWG
 P.S. MILWAUKEE 1692

CERTIFIED SURVEY MAP NO. _____

Sheet 4 of 5

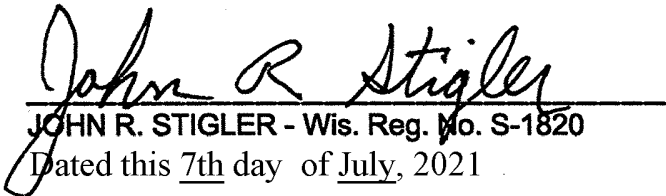
A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, John R. Stigler, registered land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed and mapped the following land bounded and described as follows: Outlot 1 of Certified Survey Map No. 8181 recorded on Reel 7181 as Document No. 9784108 and Map No. 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East and further described as; Commencing at the Southeast corner of the Southeast Quarter (SE ¼) of Section 26 being marked by a concrete monument with brass cap; thence South 88°33'40" West along the South line of said Southeast Quarter (SE ¼) 120.00 feet; thence North 00°56'58" West along a line of Lot 1, Block 11 of said Plat of Franklin Business Park Addition No. 1, 413.06 feet; thence South 88°33'40" West along the South line of said Lot 1, Block 11, 873.66 feet to the East line of Lot 1 of Certified Survey Map No. 8181; thence South 00°54'38" East along said East line 98.07 feet; thence South 88°33'40" West along the South line of Certified Survey Map No. 8181, 150.00 feet; thence North 00°54'38" West 98.07 feet along the South line of said Map No. 8181; thence South 88°33'40" West along said South line 701.63 feet to the place of beginning of the lands hereinafter described; thence continuing South 88°33'40" West 802.07 feet along the South line of Lot 2 of Certified Survey Map No. 8546 to the West line of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East; thence North 00°32'47" West 361.54 feet to the South right-of-way line of West Oakwood Park Drive; thence North 88°31'34" East along said South right-of-way line 48.91 feet; thence easterly 130.30 feet along said arc of a curve of radius 405.00 feet; curve center lies to the North, chord bears North 79°18'33.5" East 129.74 feet; thence North 70°05'33" East 128.98 feet; thence easterly 107.78 feet along the arc of a curve, curve center lies to the South, chord bear North 79°18'33.5" East 107.31 feet; thence North 88°31'34" East 391.22 feet; thence South 01°26'20" East 440.73 feet to the place of beginning.

Containing a net area of 333,581 square feet or 7.6579 acres of land.

I further certify that I have made such survey, land division and map by the direction of the owners of said land; that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made; and that I fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236.34) and the unified development ordinance – division 15, of the City of Franklin in surveying, dividing and mapping the same.


JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 7th day of July, 2021



STATE OF WISCONSIN) ss
WAUKESHA COUNTY)

The above certificate subscribed and sworn to me this _____ day of _____, 2021.

My commission expires July 5, 2023.

PETER A. MUEHL – NOTARY PUBLIC

OWNER: MLG DEVELOPMENT, INC.

CERTIFIED SURVEY MAP NO. _____

Sheet 5 of 5

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

MLG DEVELOPMENT, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, and mapped as represented on this map.

MLG DEVELOPMENT, INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin.

WITNESS the hand and seal of MLG DEVELOPMENT, INC., has caused these presents to be signed by _____, its Vice President, and countersigned by _____, its Treasurer, this ____ day of _____, 2021.

MLG DEVELOPMENT, INC.

- VICE PRESIDENT

- TREASURER

STATE OF WISCONSIN) ss
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 2021, the above named _____, Vice President and _____, Treasurer, of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the Vice President and Treasurer of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of the corporation, by its authority.


Notary Public - _____
State of Wisconsin
My commission expires _____

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Franklin on this ____ day of _____, 2021.

STEPHEN R. OLSON - MAYOR

SANDRA L. WESOLOWSKI - CITY CLERK



JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 7th day of July, 2021



OWNER: MLG DEVELOPMENT, INC.

This instrument was drafted by John R. Stigler

P.S. Milwaukee 1692



Natural Resource Protection Plan

MLG Development
Franklin Parcel
City of Franklin, Milwaukee
County, Wisconsin
Stantec Project #: 193708336
Lead Investigator: Sarah
Majerus

Prepared for:
Joe A. Bukovich
MLG Development
19000 W Bluemound
Road Brookfield, WI
53045

Prepared by:
Stantec Consulting
Services Inc. 12075
Corporate Parkway,
Suite 200
Mequon, Wisconsin 53092
Phone: (414) 218-4450
Fax: (262) 241-4901

May 20, 2021

NATURAL RESOURCE PROTECTION PLAN

MLG Development
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May 20, 2021

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NATURAL RESOURCE PROTECTION PLAN

MLG Development
INTRODUCTION
May 20, 2021

1.0 INTRODUCTION

Stantec Consulting Services Inc. (Stantec) performed an investigation of natural resources per the City of Franklin's Unified Development Ordinance (UDO) for an approximately 7.66-acre parcel (the "Property") on behalf of MLG Development (the "Client"). The Property is located in Section 26, Township 15 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Specifically, the Property is located south of W. Oakwood Park Drive within the Franklin Industrial Park (Figure A).

The purpose and objective of the investigation was to: 1) determine the type, location, and extent of natural resources within the Property; and 2) delineated the boundaries of each natural resource type present. Field work was completed by Sarah Majerus and Michaela Zuelke of Stantec on May 5, 2021. Sarah Majerus is an assured delineator qualified via the Wisconsin Department of Natural Resources (WDNR) Wetland Delineation Assurance Program (see Appendix A in Stantec's Wetland Delineation Report for Delineator Qualifications). Four wetland communities and an area of mature woodland were identified within the Property.

The wetlands identified in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the Wisconsin Department of Natural Resources (WDNR), and local jurisdiction under the City of Franklin. The remaining natural resources are subject to the City of Franklin's UDO. Stantec recommends Stantec's wetland delineation report (provided as a separate report) be submitted to City planning staff, the WDNR, and USACE for final jurisdictional review and concurrence.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 17, 2021

2.0 METHODS

2.1 FEATURE DETERMINATIONS

The following natural resource features were investigated for presence on the Property per Section 15-4.0102 of the UDO: Steep Slopes, Woodlands and Forests, Lakes and Ponds, Streams, Shore Buffers, Floodplain/Floodway, Wetlands and Shoreland Wetlands, Wetland Buffers, and Wetland Setbacks.

2.2 STEEP SLOPES

Steep slopes as defined in the UDO are greater than or equal to 10 percent. The protection standard varies for slopes steeper than 20 percent, and additionally for slopes steeper than 30 percent.

Contours available through the United States Digital Service / Natural Resource Conservation Service (USDS/NRCS) National Elevation Data 30 meter (NED) for Milwaukee County were obtained and slopes were identified using GIS, and calculated from the NED.

2.3 WOODLANDS AND FORESTS

The UDO defines woodlands and forests as either "Mature" or "Young":

Mature: An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.

Young: An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.

Once determined as either young or mature based on the above definitions, the vertical plane of the outer drip-line of the exterior trees defines the edges of the woodland. All tree greater than eight inches in diameter are to be marked in the field.

2.4 LAKES AND PONDS

Determinations of navigability and jurisdiction of waterbodies such as lakes or ponds, was beyond the scope of the investigation. However, if observed, waterbodies and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were identified.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 20, 2021

2.5 STREAMS

Determinations of navigability and jurisdiction of waterways such as rivers, streams, and ditches, was beyond the scope of the investigation. However, if observed, waterways and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were identified.

2.6 SHORE BUFFERS

The UDO defines shore buffers as: All of that land area located within seventy-five (75) feet landward of the ordinary high water mark (OHWM) of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.

2.7 FLOODPLAIN/FLOODWAY

Floodplain boundaries were identified based on the Federal Emergency Management Agency (FEMA) Flood Hazard Zone Mapping per the Flood Insurance Rate Map for the City of Franklin, obtained from FEMA.

2.8 WETLANDS AND SHORELAND WETLANDS

Wetland determinations and delineations on the Property were based on the methods described in Stantec's "Wetland Delineation Report" (dated May 18, 2021). Wetlands identified and delineated on the Property are located primarily within areas mapped with non-hydric soils and appear to have formed in isolated depressions left on site after previous filling and grading activities.

The uppermost wetland boundaries were surveyed with a Global Positioning System (GPS) capable of sub-meter accuracy and mapped using Geographical Information Systems (GIS) software.

2.9 WETLAND BUFFERS

The UDO defines the buffer for wetlands and shoreland wetlands as 30 feet out from the wetland boundary.

2.10 WETLAND SETBACKS

The UDO defines the setbacks for wetlands and shoreland wetlands as 50 feet out from the wetland boundary. This is also defined as 20 feet out from the wetland buffer.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 20, 2021

3.0 RESULTS

3.1 SITE DESCRIPTION

The Property is comprised of two previously graded and relatively flat lots within the Franklin Industrial Park. The two lots are separated by a steep fill slope which creates a 12-foot elevation change within the middle of the Study Area. The west portion of the Study Area is relatively flat exempt for a linear spoil pile that extends west to east. Several small wetlands have formed in shallow depressions, which appear to have been created as a result of grading activities, throughout this area. The east portion of the Study Area is also relatively flat and consists of recently graded soil material to the east and mown vegetation to the west. One small depressional wetland was observed in the southeast corner. Upland habitat along the perimeter of the Study area consists of mesic riparian woodland along an unnamed waterway located outside the west project boundary and fallow field with scattered trees and shrubs along the south project boundary. Elevations range between approximately 700-742 feet mean sea level (msl) with the lowest part of the Property in the southwest corner and the highest elevation along the eastern Property boundary. Residential properties lie to the south and southwest, and commercial properties are present to the north, west, and east.

3.2 STEEP SLOPES

Areas identified through LiDAR GIS mapping as having slopes greater than ten percent include the swale along the western and southern Property boundaries, a steep grade changed in the central portion of the Property, and the berm located at the eastern edge of the Property. Slopes greater than ten percent on the Property total 0.47-acres. Contours are depicted on Figure B in Appendix A and Figure 5 of Stantec's Wetland Delineation Report.

3.3 WOODLANDS AND FORESTS

Mature, mesic riparian woodland areas were identified along the western and southern perimeter of the Property (Figure B, Appendix A). The canopy trees in this woodland averaged approximately 13-15 inches in diameter at breast height (DBH). The portions of mature woodlands on the Property total 0.94-acres, and the tree canopy is dominated by box elder (*Acer negundo*, FAC), American basswood (*Tilia americana*, FACU), and eastern black walnut (*Juglans nigra*, FACU). Other woody species (smaller than eight-inch diameter at breast height) observed in these woodlands included burr oak (*Quercus macrocarpa*, FAC), American elm (*Ulmus americana*, FACW), and downy hawthorn (*Crataegus mollis*, FAC). Mature trees and the woodland buffer are shown on Figure 2 and representative photographs are included in Appendix B.

3.4 LAKES AND PONDS

There are no lakes or ponds located on the Property.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 20, 2021

3.5 STREAMS

No waterways were identified within the Property; however, an unnamed stream (WW-1, Figure B) was identified immediately adjacent to the west Property boundary. WW-1 is an unnamed tributary to the Root River, which is located about 0.5 miles south of the Property. The approximate location of the waterway, as identified by WDNR 24K Hydrography, is depicted on Figure B.

3.6 SHORE BUFFERS

A 75-foot shore buffer was generated based on the DNR 24K Hydrography centerline which aligns with field observations and topographic contours. The shore buffer totals 0.23-acres and is shown on Figure 2 in Appendix B.

3.7 FLOODPLAIN/FLOODWAY

Per the Federal Emergency Management Agency (FEMA) map panel #55079C0226E, there are no areas of mapped floodplain and floodway associated with the unnamed waterway located adjacent to the western Property boundary.

3.8 WETLANDS AND SHORELAND WETLANDS

Four wetland communities were identified and delineated within the Property. Details on the wetlands and how they were delineated may be viewed in Stantec's Assured Wetland Delineation Report. The wetlands delineated by Stantec are summarized in Table 1 below.

Table 1 Summary of Wetlands Identified within the Property

Wetland	Wetland Classification (WWI Type)	Adjacent Surface Waters	Acreage (in Property)
Wetland 1 (W1)	Wet Meadow	Isolated from adjacent surface waters	0.48
Wetland 2 (W2)	Wet Meadow	Isolated from adjacent surface waters	0.03
Wetland 3 (W3)	Wet Meadow	Isolated from adjacent surface waters	0.01
Wetland 4 (W4)	Wet Meadow	Isolated from adjacent surface waters	0.01
		Total Acres	0.53

NATURAL RESOURCE PROTECTION PLAN

MLG Development

METHODS

May 20, 2021

3.9 WETLAND BUFFERS

Wetland buffers are depicted on Figure B, which are 30 feet out from the edges of all delineated wetlands and totals 1.61 acres.

3.10 WETLAND SETBACKS

Wetland setbacks are also depicted on Figure B, which are 20 feet further out from the edges of the wetland buffers. This is an additional 0.93 acres.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
CONCLUSION
May 20, 2021

4.0 CONCLUSION

Stantec identified and delineated natural resources that must be protected and mitigated per the City of Franklin's UDO on the Property on behalf of MLG Development. This work was completed based on the field work completed by Sarah Majerus and Michaela Zuelke of Stantec on May 5, 2021.

The Property is comprised of previously graded lots within the Franklin Industrial Park. Woodlands are located along the south and west perimeters, with one waterway identified immediately adjacent to the western Property boundary. The Property is approximately 7.66 acres in size and located in Section 26, Township 15 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Specifically, the Property is located south of W. Oakwood Park Drive within the Franklin Industrial Park (Figure A). The purpose and objective of the natural resource investigation was to identify the extent and spatial arrangement of natural resources as defined by the City of Franklin's UDO within the Property.

The following natural resources were identified and delineated on the Property: mature woodland, four wet meadow wetland communities, and their associated wetland buffers and setbacks. One waterway was identified immediately adjacent to the western Property boundary and the associated 75 ft. shore buffer extends onto the southwest corner of the Property. It is likely that the four delineated wetlands may qualify for a WDNR artificial wetland exemption and or not be regulated by the USACE.

Prior to beginning work on the Property or disturbing or altering identified natural resources in any way, Stantec recommends that the owner obtain the necessary permits or other agency regulatory review and concurrence regarding the proposed work to comply with applicable regulations. Stantec can assist with identification and/or assessment of additional regulated resources at your request, to the extent that the work is within our range of expertise.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
REFERENCES
May 20, 2021

5.0 REFERENCES

Federal Emergency Management Agency (FEMA). Flood Insurance Rate Mapping (FIRM) floodplain mapping. City of Franklin, Milwaukee County, WI.

USDS/NRCS – National Cartography & Geospatial Center. National Elevation Data 30 meter (NED), Milwaukee County, WI.

United States Geological Survey (USGS). *Wisconsin 7.5 Minute Series (Topographic) Maps*. 1:24,000. Reston, VA: United States Department of the Interior, USGS.

WDNR, Division of Water. (2010). [24k hydrography geospatial data layer]. Available online: ftp://dnrftp01.wi.gov/geodata/hydro_24k/.

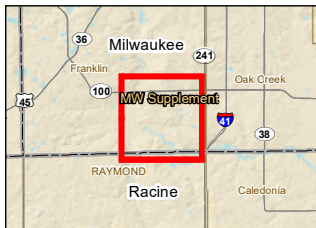
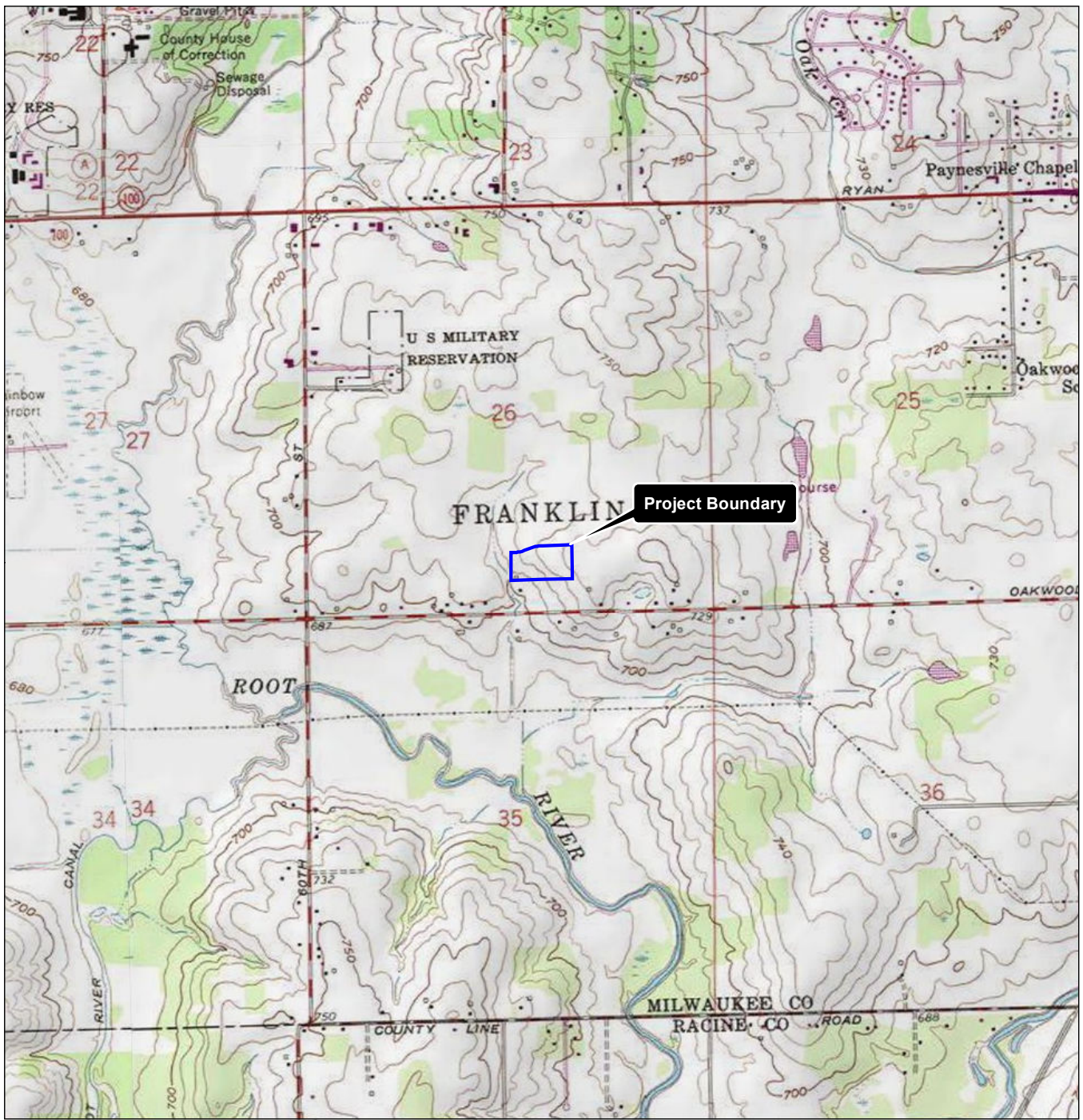
NATURAL RESOURCE PROTECTION PLAN

MLG Development
Appendix A - Figures
May 20, 2021

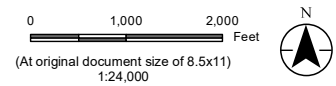
Appendix A – Figures

Figure A. Project Location and Topography

Figure B. Natural Resource Protection Plan



Legend
 Project Boundary



Project Location Prepared by AJS on 2021-05-29
 T15N, R21E, S26 TR by MP on 2021-05-29
 C. of Franklin, Milwaukee Co., WI IR by BL on 2021-05-19

Client/Project 193708336
 MLG Development
 Franklin Parcel

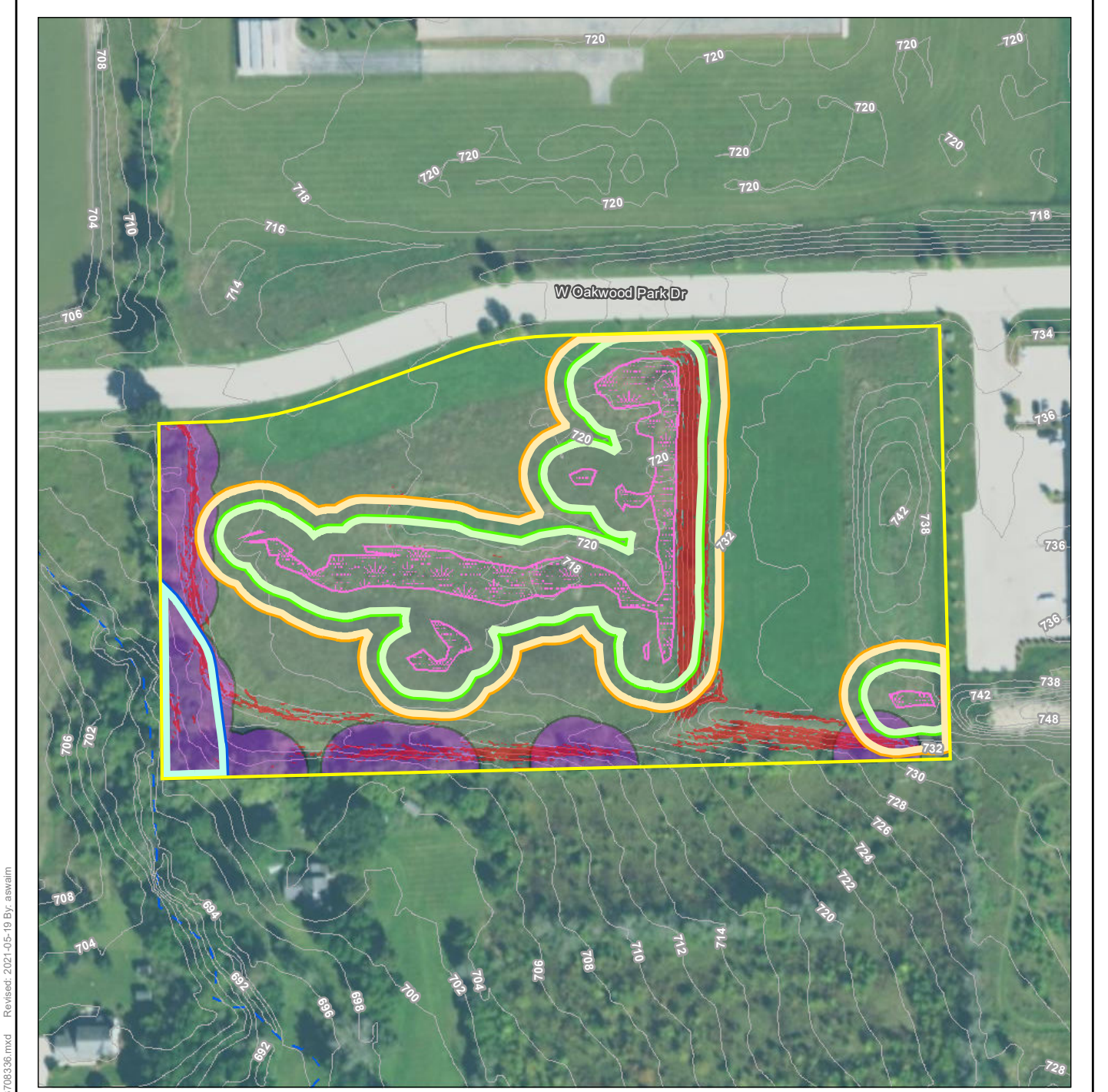
Figure No.
A

Title
Project Location and Topography

- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCO, WisDOT, WDNR
 3. Background: USGS 7.5' Topographic Quadrangles

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Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



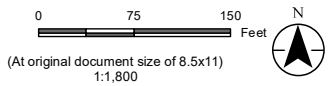
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Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, Milwaukee Co, SCO, WisDOT, WDNR
 3. Orthophotography: NAIP 2018

- Legend**
- Project Boundary
 - Field Delineated Wetlands
 - 75ft Shore Buffer
 - 30ft Wetland Setback
 - 50ft Wetland Setback
 - Mature Woodland
 - Areas of slope equal or greater then 10 percent
 - 2ft Elevation Contour

- DNR 24k Hydrography**
- ~ Perennial Stream*
 - ~ Intermittent Stream
 - ~ Waterbody*



Project Location
 T15N, R21E, S26
 C. of Franklin, Milwaukee Co., WI

Client/Project
 MLG Development
 Franklin Parcel

Prepared by AJIS on 2021-05-29
 TR by MP on 2021-05-29
 IR by BL on 2021-05-19

193708336

Figure No.
B

Title
Natural Resources Protection Plan

*No features within data frame

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
Appendix B– Site Photographs
May 20, 2021

Appendix B Site Photographs


Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin


Photograph ID: 1	
Photo Location: Eastern portion of Property	
Direction: North	
Survey Date: 5/5/2021	
Comments: View of recently graded area in eastern portion of the Property	



Photograph ID: 2	
Photo Location: Eastern portion of Property	
Direction: West	
Survey Date: 5/5/2021	
Comments: Overview of W1 (right) and W2 (left) from top of fill slope	



Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 3			
Photo Location: Southeastern portion of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of southeast portion of Property			
Photograph ID: 4			
Photo Location: Southeastern portion of Property			
Direction: North			
Survey Date: 5/5/2021			
Comments: View of W1 and fill slope in central portion of the Property			



Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin



Photograph ID: 5	
Photo Location: North central portion of Property	
Direction: South	
Survey Date: 5/5/2021	
Comments: Overview of W1 from W Oakwood Park Drive	



Photograph ID: 6	
Photo Location: North central portion of Property	
Direction: Southeast	
Survey Date: 5/5/2021	
Comments: View of northeast corner of W1 in the north central portion of the Property	

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 7			
Photo Location: South central portion of Property			
Direction: West			
Survey Date: 5/5/2021			
Comments: Overview of W2			
Photograph ID: 8			
Photo Location: Northwest corner of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of northern portion of Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 9			
Photo Location: Southern boundary of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of southern boundary of the Property from the southwest corner			
Photograph ID: 10			
Photo Location: Southwestern portion of Property			
Direction: West			
Survey Date: 5/5/2021			
Comments: View of southwestern portion of Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 11			
Photo Location: Western boundary of Property			
Direction: Southwest			
Survey Date: 5/5/2021			
Comments: Average sized box elder tree found within the Property			
Photograph ID: 12			
Photo Location: Western boundary of Property			
Direction: South			
Survey Date: 5/5/2021			
Comments: View of upland area within mature wooded area along western Property boundary			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 13			
Photo Location: Outside of western boundary of Property			
Direction: Northwest			
Survey Date: 5/5/2021			
Comments: View of waterway located outside the west boundary of the Property			
Photograph ID: 14			
Photo Location: Outside of western boundary of Property			
Direction: Southwest			
Survey Date: 5/5/2021			
Comments: View of waterway located outside the west boundary of the Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 15			
Photo Location: Western portion of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of west end of W1 and tire tracks			
Photograph ID: 16			
Photo Location: Northwestern corner of Property			
Direction: South			
Survey Date: 5/5/2021			
Comments: View of western portion of Property			

U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
REQUEST FOR A JURISDICTIONAL DETERMINATION
 For use of this form, see ER 405-1-12; the proponent agency is CELRC-TS-R.

PRIVACY ACT STATEMENT

AUTHORITIES: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act (*RHA*) of 1899, 33 CFR Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act.

PRINCIPAL PURPOSE: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into water of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters.

ROUTINE USE(s): Information provided on this form will be used in determining Department of the Army jurisdictional boundaries. Information in this application is made a matter of public record.

DISCLOSURE OF THE INFORMATION REQUESTED IS VOLUNTARY: however, the data requested are necessary in order to establish Federal regulatory jurisdiction. If the necessary information is not provided, the jurisdictional determination cannot be completed.

This form can be used when you want to determine if areas on your property fall under regulatory requirements of the U.S. Army Corps of Engineers (*USACE*). Please supply the following information and supporting documents described below. This form can be filled out online and then printed. It must be **SIGNED BY THE PROPERTY OWNER** to be considered a formal request. Submitting this request authorizes the US Army Corps of Engineers to field inspect the property site, if necessary, to help in the determination process. The printed form and supporting documents should be mailed to:

U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
 REGULATORY BRANCH
 231 SOUTH LASALLE STREET, SUITE 1500
 CHICAGO, ILLINOIS 60604
 FAX NUMBER: 312.353.4110
 E-MAIL: ChicagoRequests@usace.army.mil

Additionally, you may either call our branch telephone at 312.846.5530 or view our website at <http://www.lrc.usace.army.mil/Portals/36/docs/Regulatory/newapps.pdf> to determine which number and project manager has been assigned to your request. Project Manager contact information can be found here: <http://www.lrc.usace.army.mil/Missions/Regulatory/ContactInfo.aspx>. Please contact us if you need any assistance with filling out this form.

SECTION I - LOCATION AND INFORMATION ABOUT PROPERTY TO BE SUBJECT TO A JURISDICTIONAL DETERMINATION

1. PROPERTY ADDRESS / LOCATION

W. Oakwood Park Drive (Franklin Business Park)

2. CITY (Name) OR UNINCORPORATED

Franklin

3. STATE

Wisconsin

4. ZIP CODE

53132

5. COUNTY

Milwaukee

6. TOWNSHIP NAME

7. QUARTER

SE

8. SECTION

26

9. TOWNSHIP

5 N.

10. RANGE

21 E.

11. PRINCIPAL MERIDIAN (PM)

12a. LATITUDE IN DECIMAL DEGREES °NORTH

b. LONGITUDE IN DECIMAL DEGREES °WEST

13. SIZE OF PROPERTY IN ACRES

7.65

14. TAX PERSONAL IDENTIFICATION NUMBER (P/IN)

930-0007-002

15. PRIOR OR RELATED USACE PROJECT NUMBER

16. IS THE PROPERTY SUBJECT TO A CONSERVATION EASEMENT OR DEED RESTRICTION ? YES NO IF YES, PLEASE EXPLAIN AND SUBMIT DETAILS OF THE PROJECT AREA.

17. WAS THE PROPERTY A SITE FOR MITIGATION PURSUANT TO A PROJECT PREVIOUSLY PERMITTED BY USACE? YES NO IF YES, PLEASE EXPLAIN AND SUBMIT DETAILS OF THE PROJECT AREA.

18. IS THE PROPERTY NEIGHBORING / ADJACENT TO / BORDERING A PROJECT PREVIOUSLY PERMITTED BY USACE? YES NO
IF YES, PLEASE EXPLAIN AND SUBMIT THE NAME OF THE PROJECT, THE PERMITTEE'S NAME AND / OR ADDRESS, AND CORPS PERMIT NUMBER, IF AVAILABLE.

SECTION II - PROPERTY OWNER CONTACT INFORMATION

1. PROPERTY OWNER NAME (Last, First MI) (must be an individual)

Bukovich, Joseph, A.

2. PROPERTY OWNER COMPANY (if applicable)

MLG Development, Inc.

3. MAILING ADDRESS (Post Office Box, Street, City, State and Zip Code)

19000 W. Bluemound Rd., Brookfield, WI 53045

4. DAYTIME TELEPHONE NUMBER

262-424-5997

5. FAX NUMBER

414-908-9157

6. E-MAIL ADDRESS

jbukovich@pointre.com

SECTION III - REQUESTOR NON-PROPERTY OWNER CONTACT INFORMATION

IF THE PERSON REQUESTING THE JURISDICTIONAL DETERMINATION IS NOT THE PROPERTY OWNER, PLEASE ALSO SUPPLY THE REQUESTOR'S CONTACT INFORMATION HERE.

1. REQUESTOR'S NAME (Last, First MI)

Lennie, Brian

2. REQUESTOR'S COMPANY (if applicable)

Stantec

3. MAILING ADDRESS (Post Office Box, Street, City, State and Zip Code)

12075 N. Corporate Parkway, Suite 200, Mequon, WI 53092

4. DAYTIME TELEPHONE NUMBER

262-617-9114

5. FAX NUMBER

262-241-4901

6. E-MAIL ADDRESS

brian.lennie@stantec.com

SECTION IV - OTHER DATA AND SIGNATURE CERTIFICATION

1. OTHER DATA / INFORMATION THAT MAY ASSIST WITH DETERMINATION

Please provide a map and / or copy of the plat of survey identifying the physical boundaries of the property.

Additionally, if you have any of the following information, please include it with your request: wetland delineation, relevant maps, drain tile survey, topographic survey, and site photographs.

If you are considering doing work on the property, please identify on the required site map, plat of survey, or in a separate drawing: the footprint, location, and type of potential work. It will assist us in the determination process and reduce unnecessary delays of processing subsequent permits, if required.

I hereby certify that the information contained in the Request for a Jurisdictional Determination is accurate and complete:

2a. PROPERTY OWNER (Last, First MI)

Bukovich, Joseph A.

b. DATE (YYYYMMDD)

2021/05/18

c. PROPERTY OWNER'S SIGNATURE

Joseph A. Bukovich

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

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



June 16th, 2021

EXE-SE-2021-41-02101

MLG Development Inc.
Joe Bukovich
19000 W. Bluemound Road
Brookfield, WI 53045

RE: Artificial Wetland Exemption Determination for an area described as Wetland 1, 2, 3, and 4 located in the SW1/4 of the SE1/4 of Section 26, Township 05 North, Range 21 East, City of Franklin, Milwaukee County

Dear Mr. Bukovich:

This letter is in response to your request for an artificial wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation:

- 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area
- 2) a wetland created as a result of a wetland mitigation requirement.

In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Historic Maps, including the Original Land Survey Plat, Bordner Survey, USGS topographic Quad maps, and soil mapping.
- Aerial photographs, including the 1937/8 era photograph, a pre-construction photograph, and a post-construction photograph.
- Site photographs that show different angles and views of the wetland
- Wetland delineation report

Below is a summary of our findings:

Request Narrative

According to the request narrative, wetland 1 (0.48 acres), wetland 2 (0.03 acres), wetland 3 (0.01 acres), and wetland 4 (0.01 acres) are the focus of this artificial wetland exemption request. These wetlands are isolated fresh wet meadow depressions on a vacant lot in an existing business park. These areas are proposed to be disturbed for the construction of development in a business park. The requested wetlands were filled/graded during a mass grading event around 1996-1997, left vacant for some time, and graded/filled/excavated again around 2010. From 2010 to present day, the site remains vacant and has been allowed to revegetate, and wetlands areas can be clearly seen on aerial photos. Wetlands formed out of fill material or were the result of impounded water from this event. Wetlands are isolated, don't exhibit persistent surface water, and are not anticipated to provide fish spawning habitat. The applicant indicated that future development would include stormwater management facilities as determined necessary by other state/local officials.

Historic Map Review

- Original Land Survey Plat. The original land survey indicates a small stream in nearby.
- Bordner Survey. The Bordner survey is not applicable to Milwaukee county.
- USGS Topographic Quad map: The 1891 thru 1950 USGS Quad maps indicate no wetland or stream history. In 1960 and subsequent topo maps, a small stream is present nearby, and on the 2013 Topo map, the business park has developed around the parcel.
- The 1919 soils map indicate that there is a waterway near the parcel.
- Soil Maps: The soil maps indicate that the area is mostly mapped in Ozaukee silt loam, 2-6% slopes that is a moderately well drained soil that is predominantly non-hydric, with hydric soil inclusions in certain landforms. The western side of the site is mapped in Blount silt loam, 1-3% slopes that is a somewhat poorly drained, predominantly non-hydric with hydric soil inclusions in depressions.

Aerial Photograph Review

- 1937/38 era aerial photograph. The 1937/38 aerial photograph shows that there is a stream/ditch near the west side of the parcel-mostly offsite. The parcel is crop field with no distinct wetland signatures.
- aerial photograph review:
 - The 1951-1995 era aerial photographs show the same conditions as the 37/38 photo, the area is a crop field without any distinct or consistent wetland signatures over that time.
 - The 1996-1997 era aerial photos show that the entire site had been filled/graded. Wetlands features are completely disturbed, and under graded fill material.
 - The 1998-2009 aerial photos show that the site is now vacant, allowed to revegetate.
 - The 2010 aerial photo shows that the majority of the site has been graded/filled/excavated again.
 - The 2011-present day aerial photos show that mass grading concludes around 2010, and the site remains vacant. It appears that wetlands have formed in these areas, as surface water/wetland signatures become more evident. The lot is left vacant until present day and the areas are left to naturalize. A building is constructed to the east around 2015, and additional grading occurs.

Site Photographs, and LIDAR

The site photographs show these areas are on a vacant, unmaintained lot in a business park setting, with berms and other man-made features. Contour mapping and LIDAR shows the extent of fill material from the filling/grading/excavation extent, which left berms and other manmade features.

Conclusion:

- Based upon the information provided above, the wetland identified as Wetland 1, 2, 3, and 4, lacked a wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards. **Therefore, Wetlands 1, 2, 3, and 4 are exempt from state wetland regulations.** Please see the attached figure for reference.

This letter describes DNR's decision regarding the jurisdictional status of Wetland 1, 2, 3, and 4 and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetland 1, 2, 3, and 4 you will need to contact the U.S. Army Corps of Engineers.

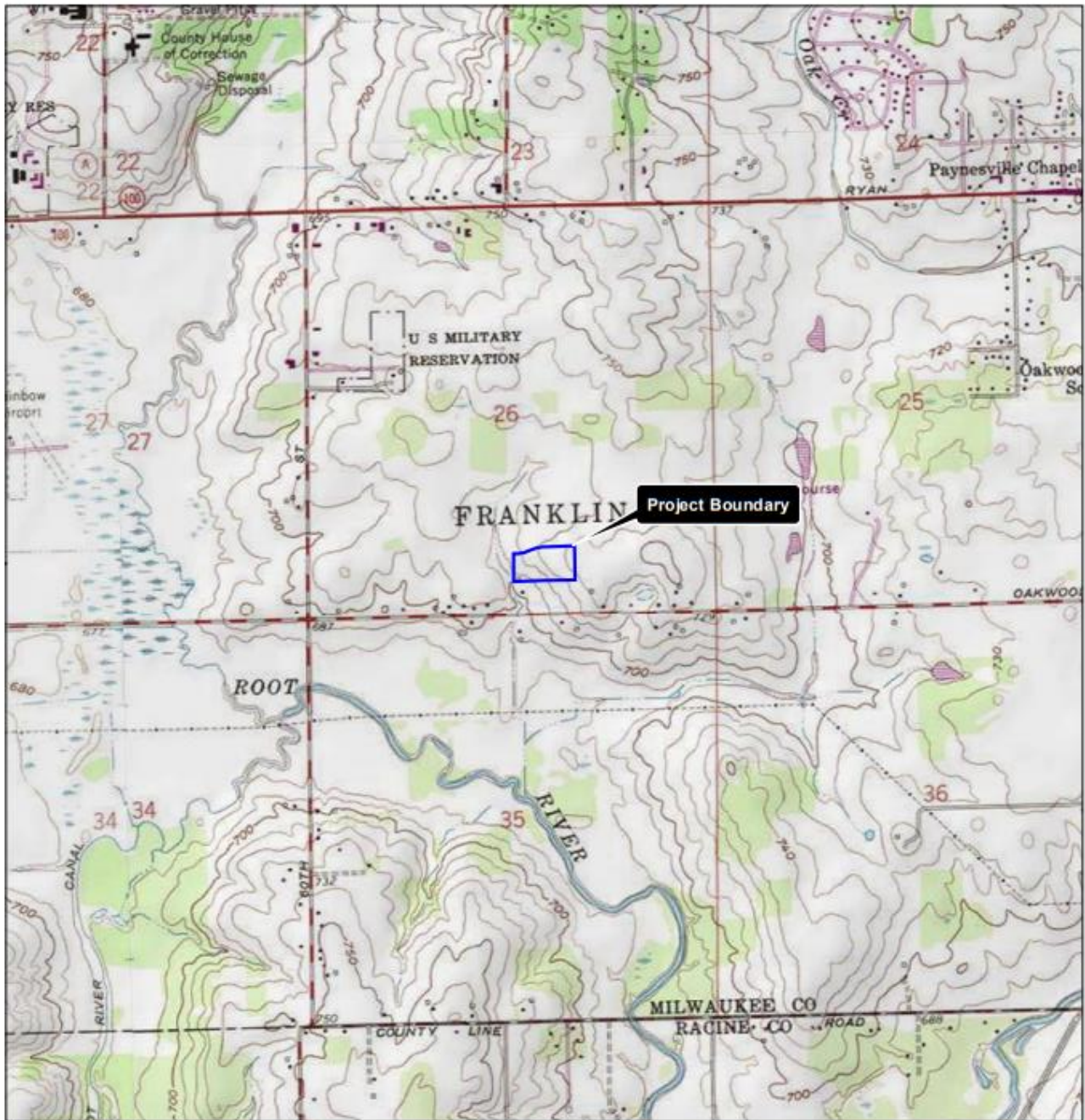
If you have any questions about this determination, please contact me at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov.

Sincerely,



Ryan Pappas
Wetland Exemption Specialist

cc: U.S. Army Corps of Engineers
Consultant



Legend
 Project Boundary



Project Location: Prepared by AJS on 2021-04-29
 T194, R21E, S29 TR by MP on 2021-04-29
 C. of Franklin, Milwaukee Co., WI R by SM on 2021-05-18

Client/Project: 193 708 336
 M.G. Development
 Franklin Parcel
 Wetland Delineation

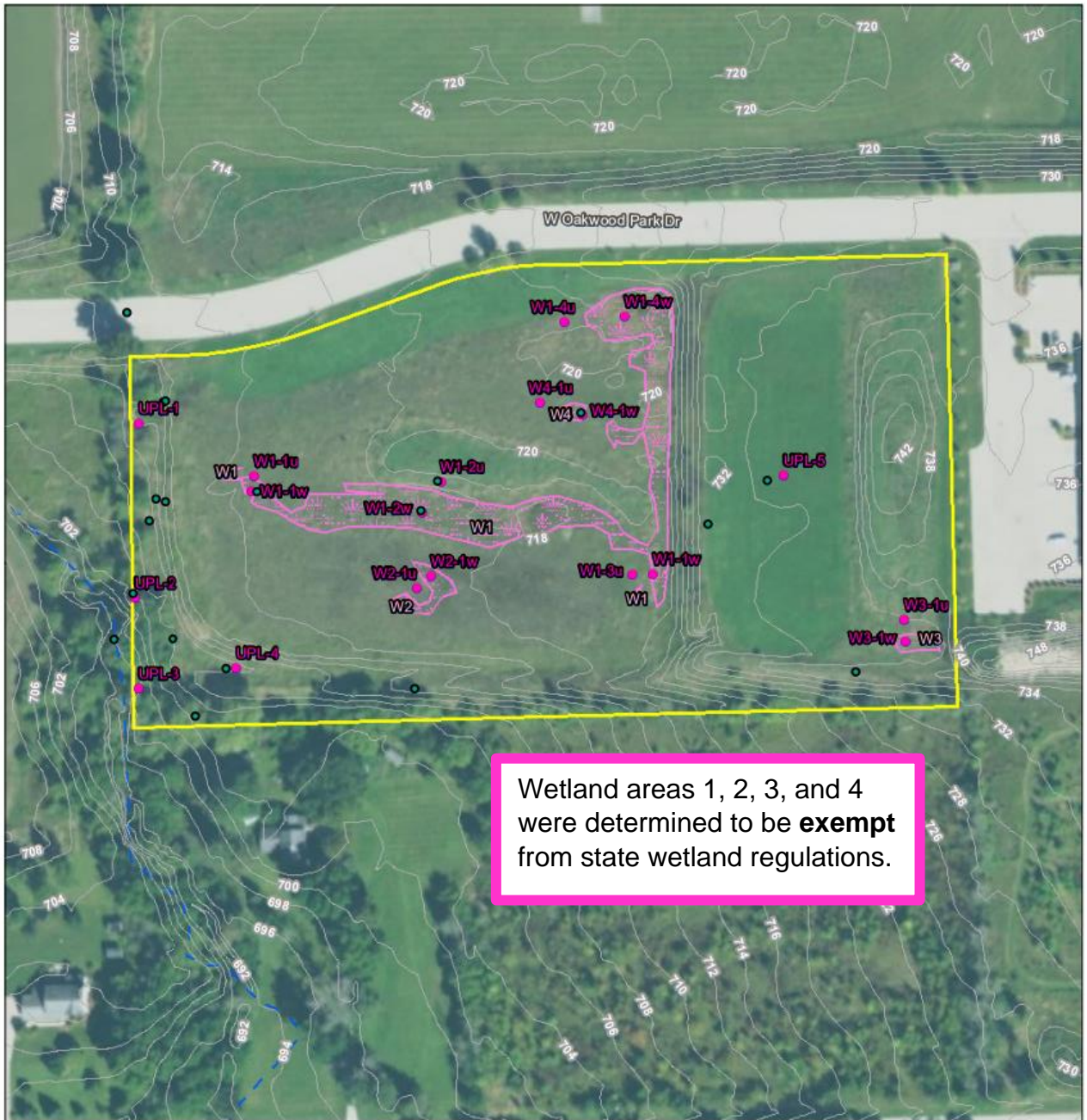
Figure No. 1
 Title

Project Location and Topography

- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCO, WisDOT, WDNR
 3. Background: USGS 7.5' Topographic Quadrangles

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Wetland areas 1, 2, 3, and 4 were determined to be **exempt** from state wetland regulations.



- Legend**
- Project Boundary
 - Field Delineated Wetlands
 - 2ft Elevation Contour
 - Sample Point
 - ~ DNR 24k Hydrography
 - ~ Perennial Stream*
 - ~ Intermittent Stream
 - ~ Waterbody*



Project Location: T15N, R21E, S26
 Prepared by: TR by MP on 2021-04-29
 C. of Franklin, Milwaukee Co., WI
 IR by SM on 2021-05-18
 Client/Project: MLG Development
 Franklin Parcel
 Wetland Delineation
 Figure No. 193708336

- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, Milwaukee Co, SCO, WisDOT, WDNR
 3. Orthophotography: NAIP 2018

5
Field Collected Data

*No features within data frame

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CONSERVATION EASEMENT

Lots 1 and 2, CSM _____, Franklin Business Park

This Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as “Grantee,” and MLG Development, Inc., a Wisconsin Corporation, hereinafter referred to as “Grantor,” and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, the 75 foot Shoreland buffer and mature woodlands shown on the Natural Resources Protection Plan dated May 20, 2021 prepared by Stantec, which Plan is on file in the office of the City of Franklin Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a “holder”, as contemplated by § 700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under § 62.23 and § 236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space and water areas; and

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

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

WHEREAS, there is no mortgage on the protected property.

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

Grantee’s rights hereunder shall consist solely of the following:

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

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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1. above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and

agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;

- 3. Excavate, dredge, grade, mine, drill or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
- 4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste or other landscape materials, ashes, garbage, or debris;
- 5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
- 6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

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

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

To Grantor:
MLG Development, Inc.
Attn: Paul J. Hinkfuss
19000 W. Bluemound Road
Brookfield, WI 53045

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

In witness whereof, the Grantor has set his hand on this date of _____, 2021.

MLG Development, Inc.

By: _____
[Name and if applicable, Title]

STATE OF WISCONSIN)
) ss
_____ COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2021, by _____, as _____ of MLG Development, Inc., a Wisconsin Corporation, to me known to be the person who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said MLG Development, Inc.

Notary Public

My commission expires _____

Exhibit A
Protected Property
(See Attached)



REPORT TO THE PLAN COMMISSION

Meeting of July 22, 2021

Site Plan

RECOMMENDATION: Department of City Development staff recommends approval of this Site Plan to allow for an agricultural building.

Project Name:	Kraus Site Plan, pole barn.
General Project Location:	10233 W Oakwood Rd
Property Owner:	Kraus, Anthony D. and Anne T.
Applicant:	Kraus, Anthony D. and Anne T.
Current Zoning:	A-1 Agricultural District
2025 Comprehensive Plan:	Residential
Use of Surrounding Properties:	Agricultural and residential single-family.
Applicant’s Action Requested:	Approval of Site Plan to allow for an agricultural building.
Planner:	Régulo Martínez-Montilva, Principal Planner

On September 17, 2020, the applicant submitted a Site Plan to allow for a building to store agricultural equipment such as tractors, skid-loader, plow, cultivators, weed killer machines, hay wagons, etc. The building size would be 72 by 40 feet with metal panels as primary exterior material.

City Development staff informed the applicant on October 15, that a wetland delineation was required to determine compliance with 50-foot wetland setback. An approximate wetland delineation or sketch prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) was received in May 2021, the proposed building footprint is not close to any of the 2 wetlands present on this property based on this sketch.

The proposed agricultural building is a permitted use in the A-1 agricultural district and the building meets the A-1 setbacks and height limitations. The surrounding properties to the west, south and east are zoned agricultural as well.

STAFF RECOMMENDATION:

The Department of City Development staff recommends approval of this Site Plan request, subject to the conditions in the draft resolution.

RESOLUTION NO. 2021-_____

A RESOLUTION APPROVING A SITE PLAN FOR
CONSTRUCTION OF A STORAGE BUILDING
(10233 WEST OAKWOOD ROAD)
(ANTHONY D. KRAUS AND ANNE T. KRAUS,
APPLICANTS AND PROPERTY OWNERS)

WHEREAS, Anthony D. Kraus and Anne T. Kraus having applied for approval of a proposed site plan for construction of a 72 foot wide by 40 foot high (2,880 square foot) metal paneled building (at the west side setback line of the property) to store agricultural equipment such as tractors, skid-loader, plow, cultivators, weed killer machines, hay wagons, etc., upon property located at 10233 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 the construction of a 72 foot wide by 40 foot high (2,880 square foot) metal paneled building (at the west side setback line of the property) to store agricultural equipment such as tractors, skid-loader, plow, cultivators, weed killer machines, hay wagons, etc., upon property located at 10233 West Oakwood Road, as depicted upon the plans date-stamped July 8, 2021, attached hereto and incorporated herein, is hereby approved, subject to the following terms and conditions:

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 Anthony D. Kraus and Anne T. Kraus storage building date-stamped July 8, 2021.
2. Anthony D. Kraus and Anne T. Kraus, successors and assigns, and any developer of the Anthony D. Kraus and Anne T. Kraus storage building construction 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 Anthony D. Kraus and Anne T. Kraus storage building construction 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.

ANTHONY D. KRAUS AND ANNE T. KRAUS – SITE PLAN
RESOLUTION NO. 2021- _____

Page 2

3. The approval granted hereunder is conditional upon the Anthony D. Kraus and Anne T. Kraus storage building construction project (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 Anthony D. Kraus and Anne T. Kraus storage building construction 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.

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:

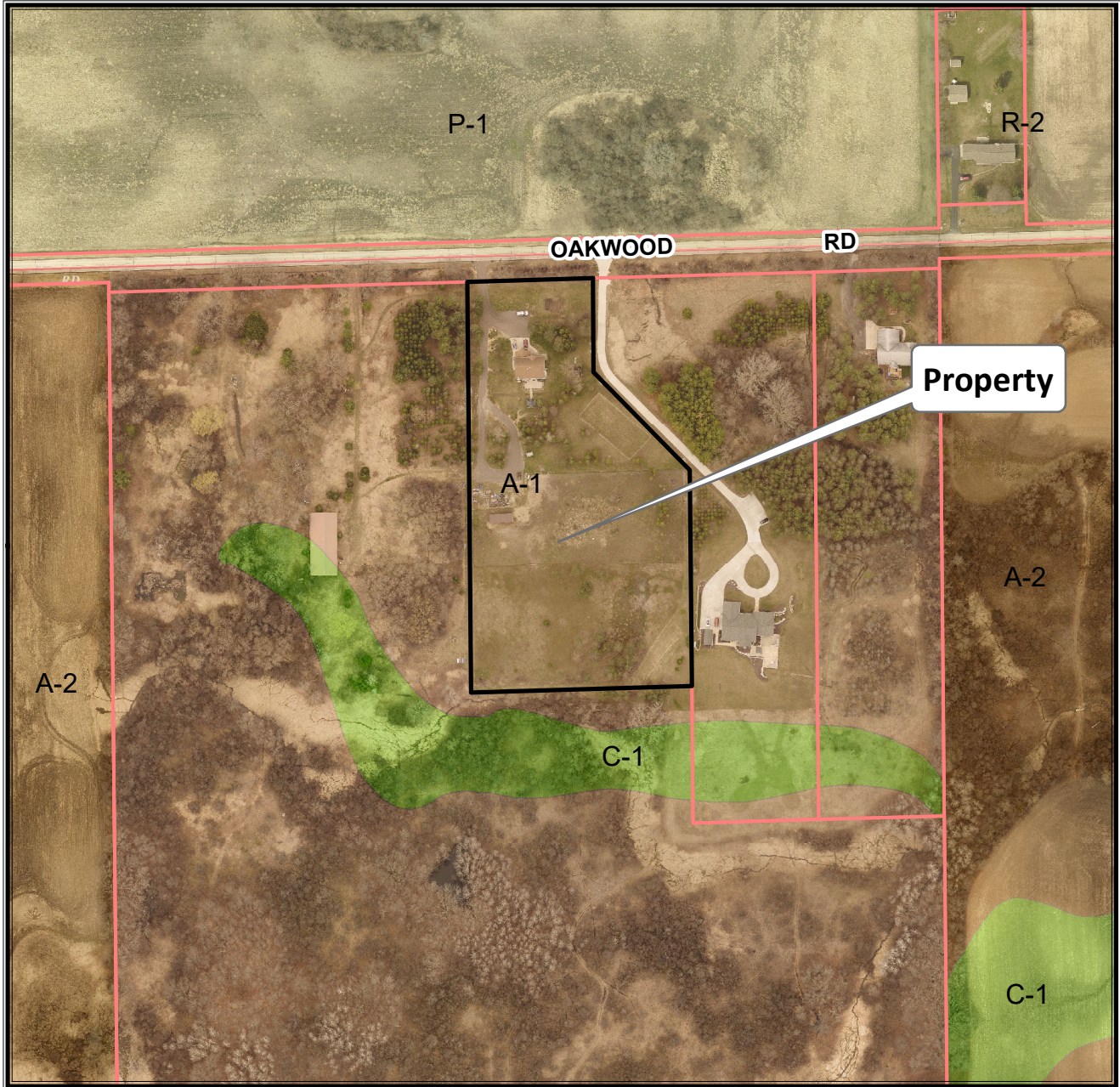
Stephen R. Olson, Chairman

ATTEST:

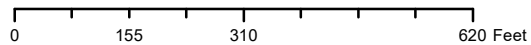
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

10233 W. Oakwood Rd.
TKN: 942 0004 000



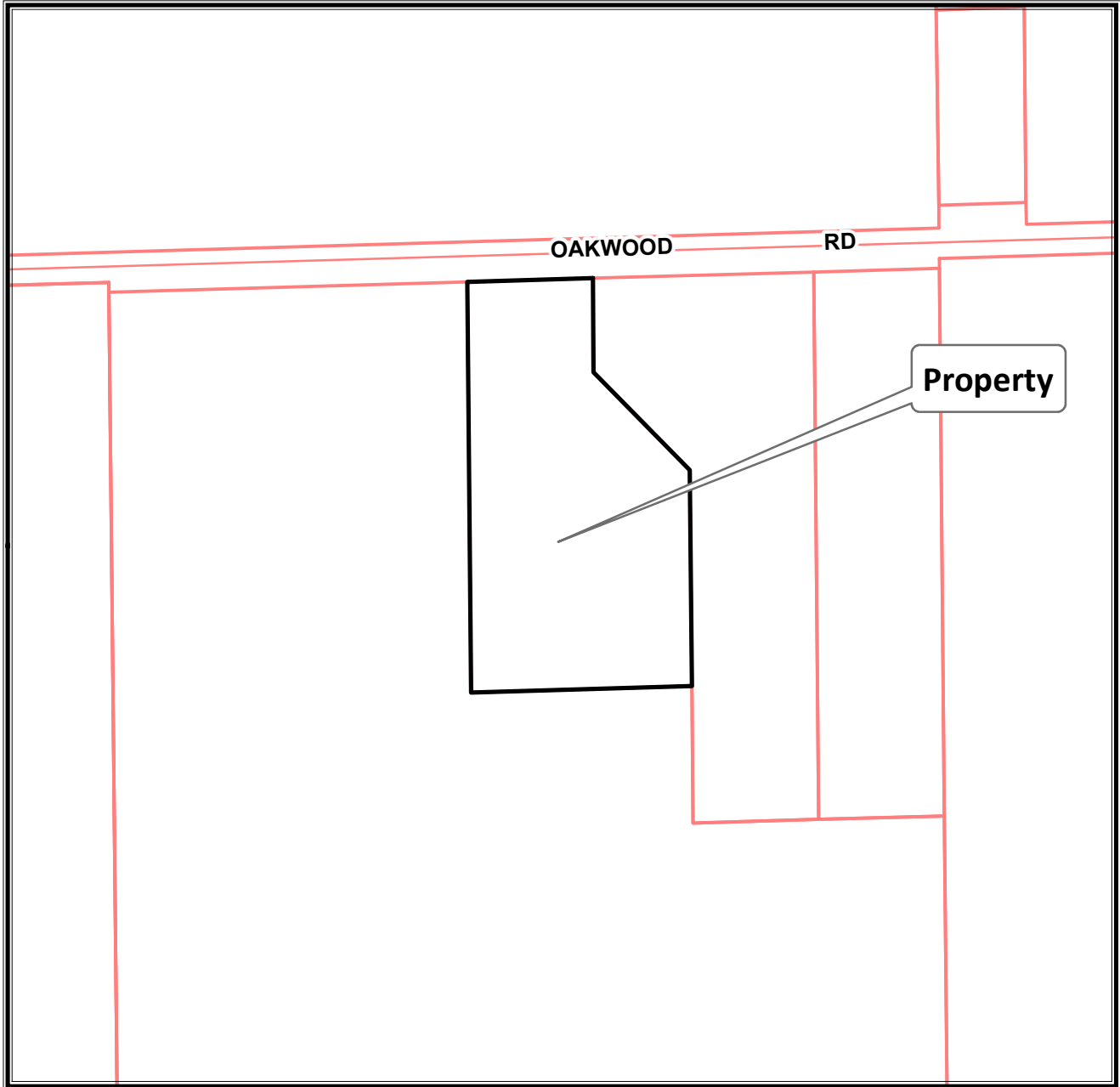
Planning Department
(414) 425-4024



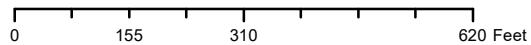
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



10233 W. Oakwood Rd.
TKN: 942 0004 000



Planning Department
(414) 425-4024



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

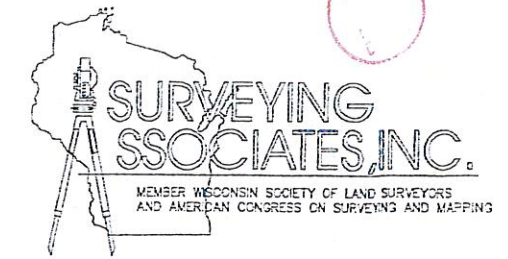


PLAT OF SURVEY

LOT 2 OF CERTIFIED SURVEY MAP NO. 7512, being a Redivision of Lot 1 of CSM No. 7445, being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 32, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

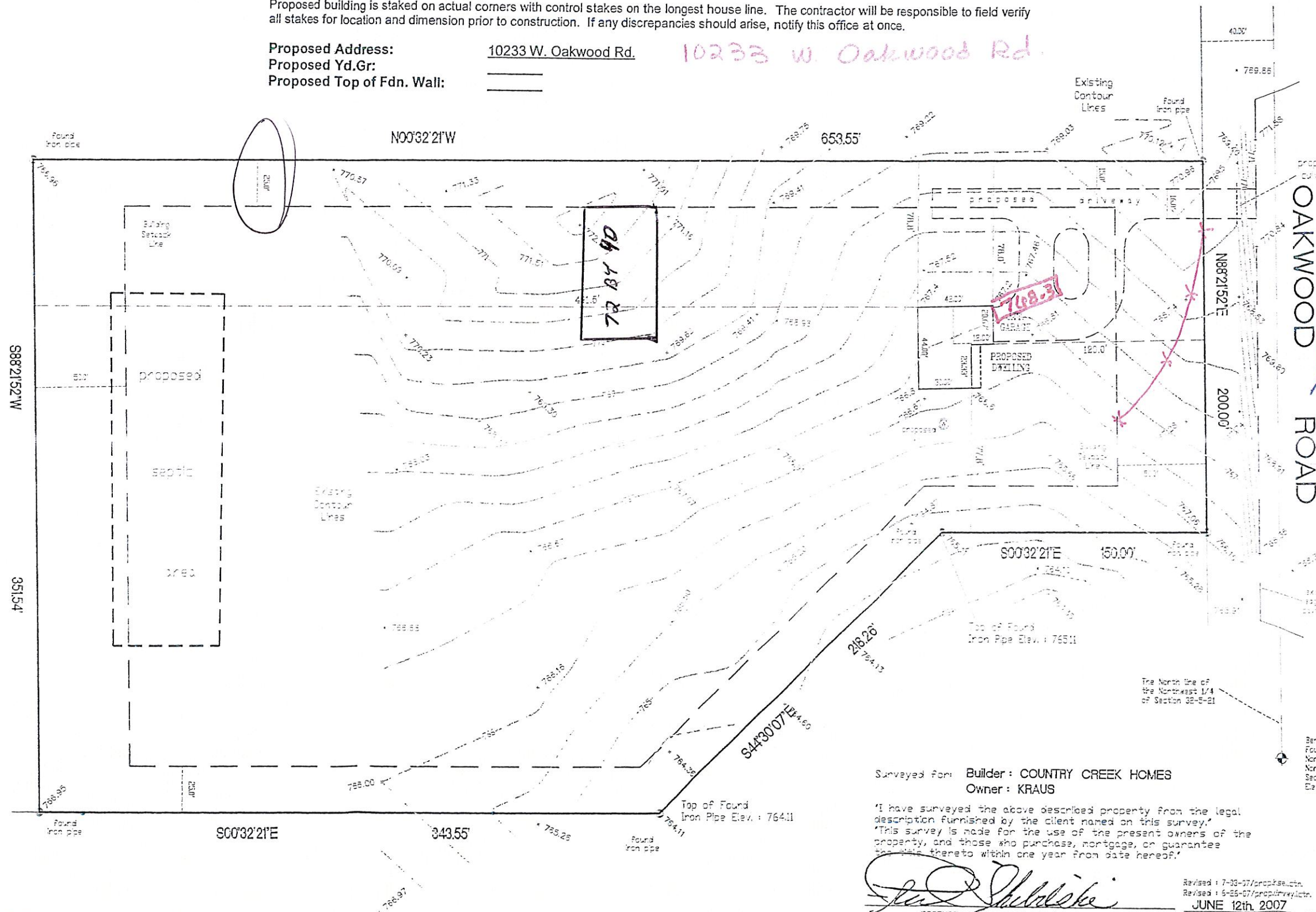
Elevations hereon are based on the City of Franklin Datum.
Proposed building is staked on actual corners with control stakes on the longest house line. The contractor will be responsible to field verify all stakes for location and dimension prior to construction. If any discrepancies should arise, notify this office at once.

Proposed Address: 10233 W. Oakwood Rd. *10233 W. Oakwood Rd.*
Proposed Yd.Gr: _____
Proposed Top of Fdn. Wall: _____



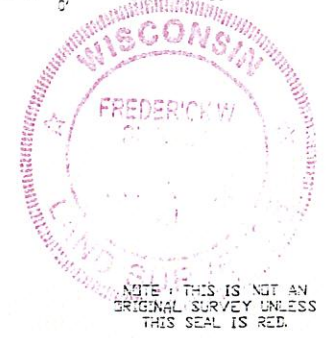
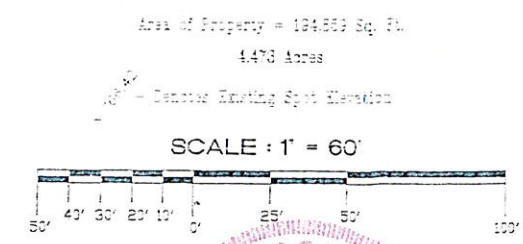
2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212 FAX: (414) 257-2443

WILLIAM J. KARPEN R.L.S.
FREDERICK W. SHIBLSKI R.L.S.



APPROVED
FINISHED GRADE ELEVATION = 768.30
AT GARAGE FLOOR, CITY OF FRANKLIN DATUM
[Signature]
CITY ENGINEER PER DATE
WJB 7-24-07

Franklin
JUL 08 2021
City Development



Surveyed for: **Builder: COUNTRY CREEK HOMES**
Owner: KRAUS

"I have surveyed the above described property from the legal description furnished by the client named on this survey."
"This survey is made for the use of the present owners of the property, and those who purchase, mortgage, or guarantee the same thereto within one year from date hereof."

[Signature]
WISCONSIN REGISTERED LAND SURVEYOR

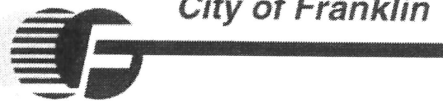
Revised: 7-30-07/prop/ksa.ctn.
Revised: 8-25-07/prop/ksa.ctn.
JUNE 12th, 2007
DATE

MCP BG
FIELD WORK BY

BJK
DRAWN BY

32065
JOB NUMBER

Benchmark for elevations found monument at the Northeast corner of the Northwest 1/4 of Section 32-5-21 Elev: 779.88 U.S.S. Datum



SEP 17 2020

Date of Application: _____
 City Development

SITE PLAN / SITE PLAN AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s]): Name: <u>Anthony / Anne Kraus</u> Company: _____ Mailing Address: <u>10233 W Oakwood Rd</u> City / State: <u>Franklin WI</u> Zip: <u>53132</u> Phone: <u>414-940-3983</u> Email Address: <u>oakskraus3@gmail.com</u>	Applicant is Represented by: (contact person)(Full Legal Name[s]) Name: _____ Company: _____ Mailing Address: _____ City / State: _____ Zip: _____ Phone: _____ Email Address: _____ Tax Key Nos: _____ Existing Zoning: _____ Existing Use: _____ Proposed Use: _____ Future Land Use Identification: _____
Project Property Information: Property Address: _____ Property Owner(s): <u>Same as</u> Mailing Address: <u>Above</u> City / State: _____ Zip: _____ Email Address: _____	

*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).

Anne J Kraus
 Signature - Property Owner
ANNE J KRAUS
 Name & Title (PRINT)
 Date: 9/18/20

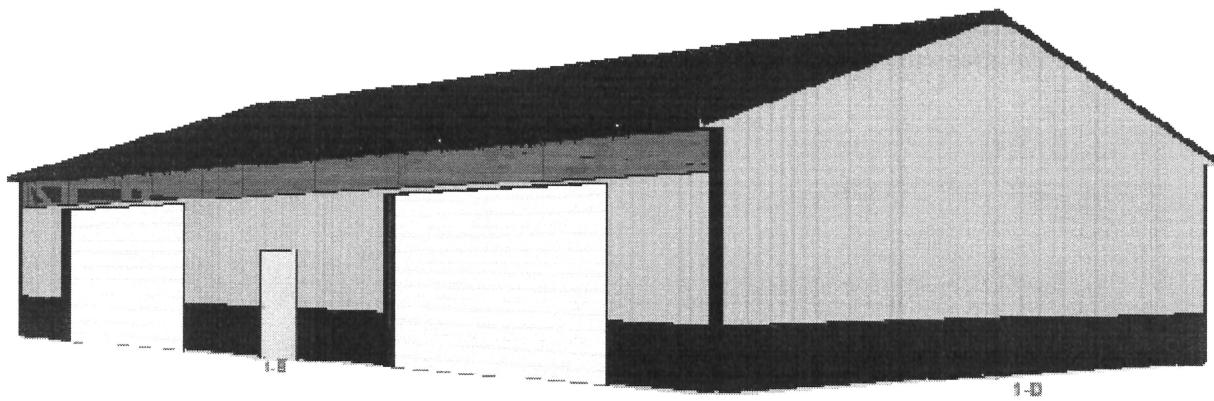
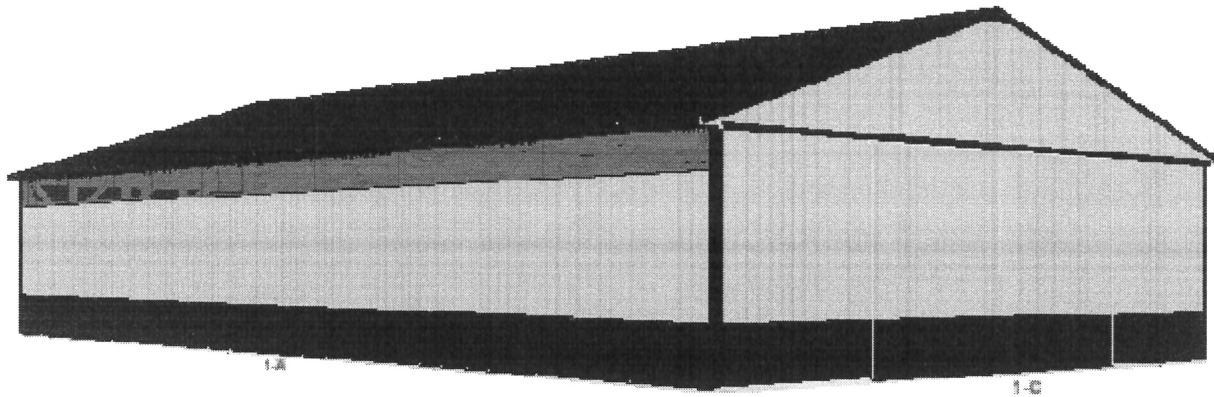
Anthony D Kraus
 Signature - Property Owner
ANTHONY D KRAUS
 Name & Title (PRINT)
 Date: 9/18/20

 Signature - Applicant
 Name & Title (PRINT)
 Date: _____

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



Elevation Views





Congratulations, you have taken the first step towards making your new post frame building a reality!

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products select one of the links below or visit us on the web at www.midwestmanufacturing.com.

Premium Steel Panels - Pro-Rib and Premium Pro-Rib steel panels are your best options for steel panels in the market.

- Steel Panels are Grade 80 (full hard steel).
- Prepaint zinc phosphate coating for superior paint paint adhesion - available in multiple colors.
- Pro-Rib features a limited 40 year paint warranty.
- Premium Pro-Rib has a limited lifetime paint warranty.
- All painted panels are ENERGY STAR rated, using a Cool Chemistry paint system.
- Pro-Rib and Premium Pro-Rib panels are UL Certified for Wind Uplift UL 580, Fire Resistance UL 790, Impact Resistance of Roof UL 2218.
- Pro-Rib and Premium Pro-Rib panels are IRC and IBC compliant.

Engineered Trusses - Post frame trusses are specifically engineered to meet your application and geographic location.

- All Midwest Manufacturing trusses can be supplied with engineered sealed prints.
- TPI approved and third party inspected.

Laminated Columns - Designed to replace standard treated posts as vertical supports in Post Frame Construction.

- Columns 20' or less are treated full length.
- Lifetime Warranty against rot and decay.
- Columns over 20' in length are reinforced with 20 gauge stainless steel plates at each splice location.
- Lower portion of columns treated for in ground use.
- Rivet Clinch Nails provide superior holding power.
- Columns provide superior truss to pole connection.

Pressure Treated Lumber - All treated post and grade board used in your building will safely and effectively resist decay.

- Treated to AWPA compliance.
- Post and grade board offer a lifetime warranty against rotting and decay.

*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.

Design #: 319555693251
Store: FRANKLIN



Post Frame Building Estimate

Date: Sep 17, 2020 9:36:53 AM

Building Information

1. Building Use:	Code Exempt
2. Width:	40 ft
3. Length:	72 ft
4. Inside Clear Height:	12 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

Wall Information

1. Post Type:	Columns
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Tan
6. Wainscot Size:	36 in
7. Wainscot Color:	Brown
8. Sidewall B Wainscot:	Yes
9. Sidewall A Wainscot:	Yes
10. Trim Color:	Brown
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	2 ft
14. Sidewall B eave light:	2 ft
15. Wall Fastener Location:	In the Flat
16. Bottom Trim:	Yes
17. Gradeboard Type:	2x8 Treated Gradeboard

Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Condensation Control:	Pro-Therm Condensation Blanket

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	8 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Brown
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	On the Rib
7. Endwall Overhangs:	0 ft
8. Sidewall Overhangs:	1 ft
9. Fascia Size:	4 in Fascia
10. Soffit Color:	Brown
11. Skylight Size:	None
12. Ridge Vent Quantity:	None
13. Ceiling Liner Type:	None
14. Purlin Placement:	On Edge
15. Ceiling Insulation Type:	None

Accessories

1. Outside Closure Strip:	Premium Vented
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	Yes
7. Snow Guard:	Yes
8. Mini Print:	Email Only

Design #: 319555693251
Store: FRANKLIN



Post Frame Building Estimate

Date: Sep 17, 2020 9:36:53 AM

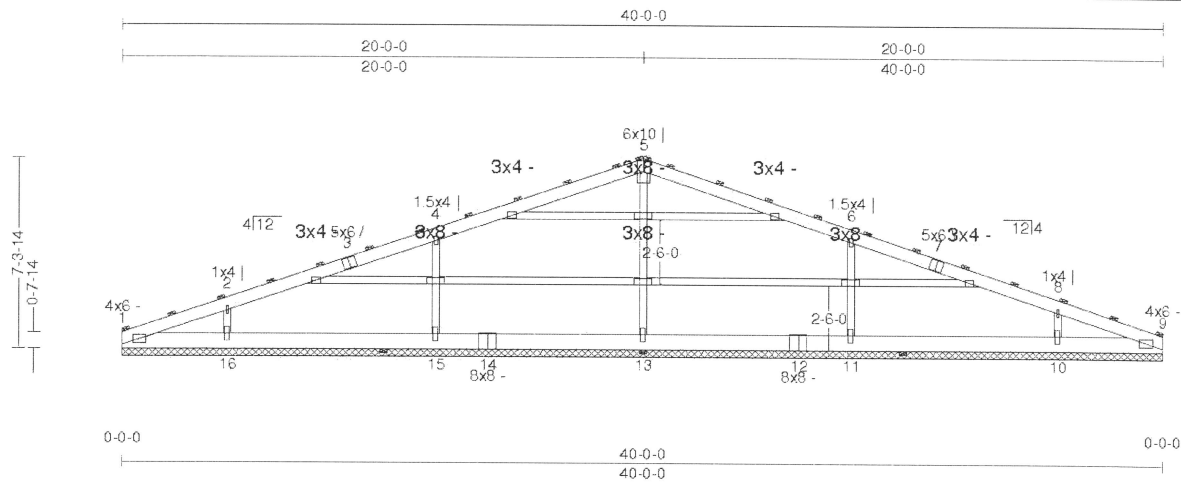
Doors & Windows

Name	Size	Wall
Overhead Door	18' x 10'	1-B
Overhead Door	18' x 10'	1-B
Service Door	48"x80"	1-B
Sliding Door	20'x12'	1-C

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

My Company Name Address 1 Address 2 City, State Zip	Truss: p40e JobName: new pf ends Date: 10/22/16 13:23:46 Page: 1 of 1
---	--

SPAN 40-0-0	PITCH 4/12	QTY 1	OHL 0-0-0	OHR 0-0-0	CANT L 0-0-0	CANT R 0-0-0	PLYS 1	SPACING 48 in	WGT/PLY 225 lbs
----------------	---------------	----------	--------------	--------------	-----------------	-----------------	-----------	------------------	--------------------



All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI Summary	Deflection	L/	(loc)	Allowed
TCLL: 30 Snow(Ps/Pg): 28/50 TCDDL: 4 (rake) BCLL: 0 BCDL: 5	Bldg Code: IBC 2012/ TPI 1-2007 Rep Mbr Increase: No Lumber D.O.L.: 115 %	TC: 0.57 (5-6) BC: 0.09 (15-16) Web: 0.84 (5-13)	Vert TL: 0.01 in Vert LL: 0 in Horz TL: 0 in	L/999 L/999	(10-11) 9	L/120 L/180

Reaction Summary

Brg Combe	Brg Width	Max React	Ave React	Max Crav Uplift	Max Wind Uplift	Max Uplift	Max Horiz
1		1,632 lbs	180 pif	-24 lb	-167 lbs	-167 lbs	-223 lbs

Material Summary

TC SPF 2100/1 8 2 x 6
 BC SPF #2 2 x 8
 Webs SPF Stud 2 x 4

Bracing Summary

TC Bracing: Purlins at 24" OC, Purlin design by Others.
 BC Bracing: Sheathed or Purlins at 10-0-0, Purlin design by Others.

Loads Summary

- This truss has been designed for the effects of balanced and unbalanced snow loads for hips/gables in accordance with ASCE7 - 10 with the following user defined input: 50 psf ground snow load, Terrain Category C, Exposure Category Fully Exposed (C_e = 0.9), Risk Category I (I = 0.80), Thermal Condition Unheated (C_t = 1.2), DOL = 1.15. Unventilated. Unobstructed slippery surface. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 105 mph (Factored), Exposure C, Enclosed, Gable/Hip, Risk Category I, h = 15 ft, Not End Zone Truss, Both end webs considered. DOL = 1.60
- This truss is designed as an agricultural truss which for the purposes of this program is defined as a structure that represents a low hazard to people and property. See BCSI-10 for installation and temporary bracing.

Member Forces Summary

Table indicates: Member ID, max CSI max axial force, (max compr. force if different from max axial force). Only forces greater than 300lbs are shown in this table.

Member	Force 1	Force 2	Force 3	Force 4	Force 5	Force 6
TC	2-4	0.558	-397 lbs	5-6	0.569	-520 lbs
	4-5	0.569	-520 lbs	6-8	0.558	-397 lbs
BC						
Web	2-16	0.204	-923 lbs	5-13	0.838	-935 lbs
	4-15	0.542	-1,506 lbs	6-11	0.542	-1,506 lbs
				8-10	0.204	-923 lbs

Notes:

- Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- Gable requires continuous bottom chord bearing.
- Gable webs placed at 96" OC, U.N.O.
- Attach gable webs with 2x6 20ga plates, U.N.O.
- Bracing shown is for in-plane requirements. For out-of-plane requirements, refer to BCSI-B3 published by the SBCEA.
- When this truss has been chosen for quality assurance inspection, the Effective Tenth Count Method per TPI 1-2002/A3.4 shall be used.
- Building Designer shall verify self weight of the truss and other dead load materials do not exceed TCDDL 4 psf.
- Building Designer shall verify self weight of the truss and other dead load materials do not exceed BCDL 5 psf.
- Design assumes minimum #2 (flat orientation, visually graded) purlins attached to the top of the TC at purlin spacing shown with at least 2-10d nails.
- Creep has been considered in the analysis of this truss.
- Due to negative reactions in gravity load cases, special connections to the bearing surface at joints 1, 9 may need to be considered.
- Listed wind uplift reactions based on MWFRS Only loading.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

TrueBuild® Software v5.5.2.220
 Eagle Metal Products
 Dallas, TX 75234

Job	Truss	Truss Type	Qty	Ply	
QTREC0479612	PISE	GABLE	2	1	
Midwest Manufacturing, Eau Claire, WI 54703					Job Reference (optional)
7 640 s Nov 10 2015 MiTek Industries, Inc. Mon Oct 24 12:25:52 2016 Page 1					

ID: gBJC8D?YqLia62mK9e?bjyTZw3-TKO4zqTKfMMfchejYU98X6zwcwToH00e2od9zyQCLT

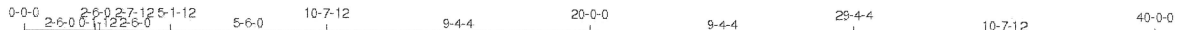
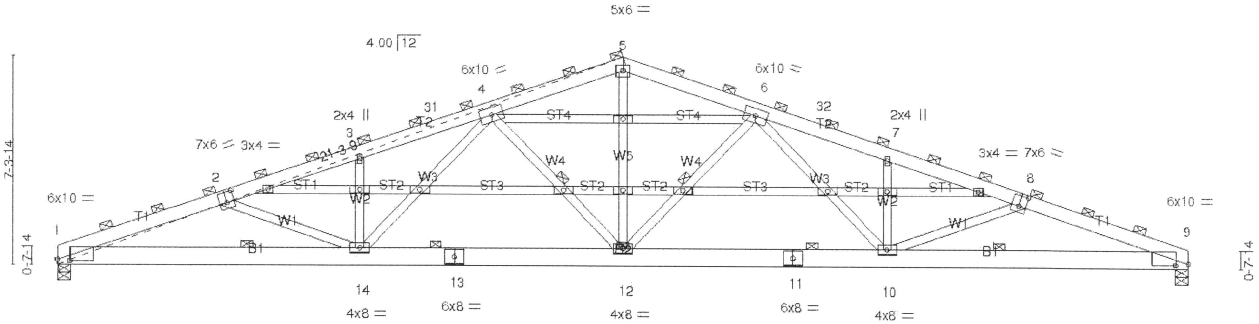
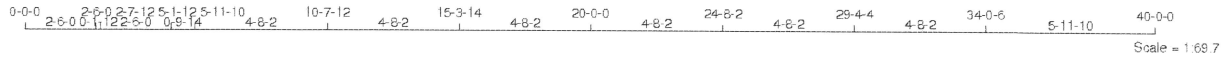


Plate Offsets (X,Y) - [1 0-5 4 0-0-9], [2 0-3 0-0 4-8], [8 0-3 0-0 4-8], [9 0-5 4 0-0-9]

LOADING (psf)	SPACING-	CSL	DEFL	PLATES	GRIP
TCLL (roof) 20.0	4-6-0	TC 0.54	in (loc) l/defl L/d	MT20	197/144
Snow (Ps/Pg) 17.0/30.0	Plate Grip DOL 1.15	BC 0.82	Vert(LL) -0.39 12-14 >999 240		
TCDL 4.0	Lumber DOL 1.15	WB 0.75	Vert(CT) -0.48 12-14 >993 180		
BCLL 0.0	Rep Stress Incr NO	(Matrix-M)	Horz(CT) 0.09 9 n/a n/a		
BCDL 1.0	Code IBC2015/TPI2014			Weight: 293 lb	FT = 20%

LUMBER-	BRACING-
TOP CHORD 2x6 SPF No.2	TOP CHORD 2-0-0 oc purlins (2-10-4 max.)
BOT CHORD 2x8 SP 2400F 2.0E	BOT CHORD 7-6-0 oc bracing
WEBS 2x4 SPF Stud	WEBS 1 Row at midpt 4-12, 6-12
OTHERS 2x4 SPF Stud	

REACTIONS. (lb/size) 1=1981/0-5-8 (min. 0-1-14), 9=1981/0-5-8 (min. 0-1-14)
 Max Horz 1=220(LC 13)
 Max Uplift 1=946(LC 8), 9=946(LC 9)
 Max Grav 1=2250(LC 2), 9=2250(LC 2)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 1-2=5673/2354, 2-3=5044/2076, 3-31=5064/2189, 4-31=4971/2203, 4-5=3609/1509, 5-6=3609/1509, 6-32=4971/2203, 7-32=5064/2189, 7-8=5044/2076, 8-9=5673/2356
 BOT CHORD 1-14=2287/5293, 13-14=1541/4065, 12-13=1541/4065, 11-12=1379/4065, 10-11=1379/4065, 9-10=2127/5293
 WEBS 2-14=667/416, 3-14=525/317, 4-14=558/1043, 4-12=1272/648, 5-12=734/1740, 6-12=1272/648, 6-10=558/1043, 7-10=525/316, 8-10=667/419

JOINT STRESS INDEX
 1 = 0.90, 2 = 0.47, 3 = 0.38, 4 = 0.51, 5 = 0.68, 6 = 0.51, 7 = 0.38, 8 = 0.47, 9 = 0.90, 10 = 0.76, 11 = 0.78, 12 = 0.75, 13 = 0.78, 14 = 0.76, 15 = 0.25, 16 = 0.26, 17 = 0.45, 18 = 0.45, 19 = 0.25, 20 = 0.45, 21 = 0.45, 22 = 0.26, 23 = 0.25 and 24 = 0.25

- NOTES - (16)**
- Unbalanced roof live loads have been considered for this design.
 - Wind: ASCE 7-10; Vult=105mph (3-second gust) Vasd=83mph, TCDL=4.0psf, BCDL=1.0psf, h=25ft, Cat. I, Exp C, enclosed, MWFRS (envelope) gable end zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 (Actual dead loads used per ANSI/TPI-1)
 - Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
 - TCLL: ASCE 7-10; Pr=20.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=30.0 psf (ground snow); Ps=17.0 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category I; Exp C; Fully Exp.; Cf=1.2; Unobstructed slippery surface
 - Roof design snow load has been reduced to account for slope.
 - Unbalanced snow loads have been considered for this design.
 - The bottom chord dead load shown is sufficient only to cover the truss weight itself and does not allow for any additional load to be added to the bottom chord.
 - Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
 - All plates are 3x8 MT20 unless otherwise indicated.
 - Horizontal gable studs spaced at 2'-6" oc.
 - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.

Continued on page 2

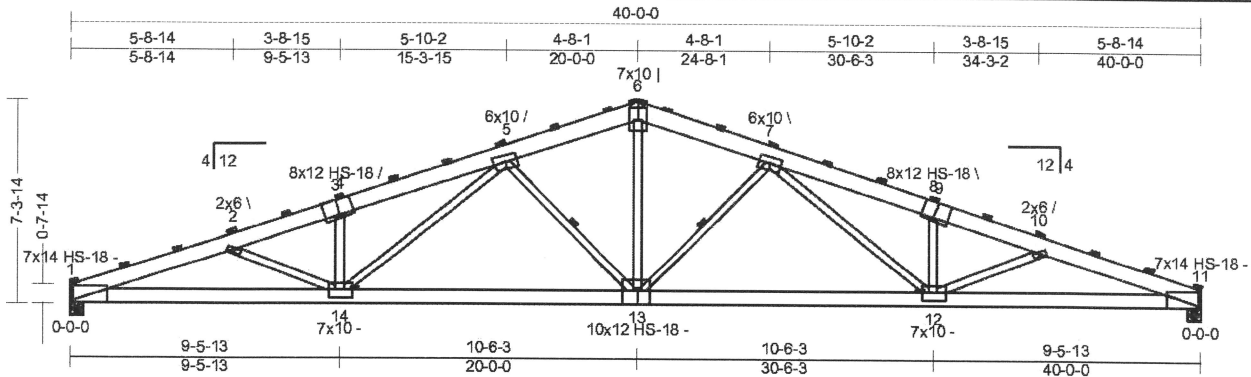
Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTREC0479612	P1SE	GABLE	2	1	

Midwest Manufacturing, Eau Claire, WI 54703 7 640 s Nov 10 2015 MITek Industries, Inc. Mon Oct 24 12:25:52 2016 Page 2
ID: gBJC8D?YqLJa62mK8e?lbyTZw3-TKO4zqTKlMMtdheJYU98X6zwcwToH00e2od9zyQCLT

NOTES- (16)
12) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) except (jt=lb) 1=946, 9=946.
13) This truss is designed in accordance with the 2015 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.
14) "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.
15) Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.
16) Plate Approval Numbers: ESR-1988 and ESR-1352.

LOAD CASE(S) Standard

Midwest Manufacturing							Truss: P4035 JobName: PF STOCK Date: 02/16/17 14:26:37 Page: 1 of 1			
SPAN 40-0-0	PITCH 4/12	QTY 1	OHL 0-0-0	OHR 0-0-0	CANT L 0-0-0	CANT R 0-0-0	PLYS 1	SPACING 96 in	WGT/PLY 279 lbs	



All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI	Deflection	L/	(loc)	Allowed
TCLL: TABLE TCDL: 4(rake) BCLL: 0 BCDL: 5	Bldg Code: IBC 2015/ TPI 1-2014 Rep Mbr Increase No Lumber D.O.L.: 115%	TC: 0.94 (10-11) BC: 0.93 (11-12) Web: 0.89 (7-13)	Vert TL: 1.09 in Vert LL: 0.78 in Horz TL: 0.35 in	L/ 431 L/ 600 11	(12-13) (12-13) 11	L/ 120 L/ 180

Reaction

JT	Brg Combo	Brg Width	Rqd Brg Width	Max React	Max Grav Uplift	Max Wind Uplift	Max Uplift	Max Horiz
1	1	5.5 in	5.20 in	6,275 lbs	-	-409 lbs	-409 lbs	-80 lbs
11	1	5.5 in	5.20 in	6,275 lbs	-	-409 lbs	-409 lbs	-

THIS TRUSS ANALYZED FOR THE FOLLOWING LOADING CONDITIONS:

GSL (PSF)	TCLL (PSF)	TCDL (PSF)	BCDL (PSF)	TOTAL (PSF)	(MAX.) O.C. Spacing	B.C. Purlin Spacing
40	24	4	5	33	9'-0"	Sheathed or Purlins at 10-0-0, Purlin design by Others.
50	30	4	5	39	8'-0"	Sheathed or Purlins at 10-0-0, Purlin design by Others.
70	40	4	5	39	6'-0"	Sheathed or Purlins at 10-0-0, Purlin design by Others.

Material

TC: SYP 2400/2.0 2 x 8
 BC: SYP 2400/2.0 2 x 6
 Web: SPF #2 2 x 4 except:
 SPF 1650/1.5 2 x 4; 6-13
 SPF Stud 2 x 4; 2-14, 4-14, 8-12, 10-12

Bracing

TC: Purlins at 24" OC, Purlin design by Others.
 BC: Sheathed or Purlins at 10-0-0, Purlin design by Others.
 Web: One Midpoint Row: 5-13, 7-13

Loads

- This truss has been designed for the effects of balanced and unbalanced snow loads for hips/gables in accordance with ASCE7 - 10 with the following user defined input: TABLE psf ground snow load, Terrain Category C, Exposure Category Fully Exposed (Ce = 0.9), Risk Category I (I = 0.80), Thermal Condition Unheated (Ci = 1.2), DOL = 1.15. Unventilated. Unobstructed slippery surface. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 105 mph (Factored), Exposure C, Enclosed, Gable/Hip, Risk Category I, h = 15 ft, Not End Zone Truss, Both end webs considered. DOL = 1.60
- Minimum storage attic loading has not been applied in accordance with IBC 1607.1
- In accordance with IBC 1607.1, minimum BCLL's do not apply.
- This truss is designed as an agricultural truss which for the purposes of this program is defined as a structure that represents a low hazard to people and property. See BCSI-10 for installation and temporary bracing.

Member Forces

TC		BC		Web	
1-2	0.944	-15,070 lbs	4-5	0.792	-14,476 lbs
2-4	0.900	-14,320 lbs	5-6	0.499	-9,936 lbs
11-12	0.931	13,934 lbs	12-13	0.910	11,148 lbs
13-14	0.910	11,148 lbs	13-14	0.910	11,148 lbs
14-1	0.944	-15,070 lbs	14-1	0.931	13,934 lbs
2-14	0.328	-812 lbs	5-13	0.885	-3,598 lbs
4-14	0.467	-1,884 lbs	6-13	0.750	4,821 lbs
5-14	0.799	3,258 lbs	7-13	0.885	-3,598 lbs
			10-12	0.328	-812 lbs

JSI

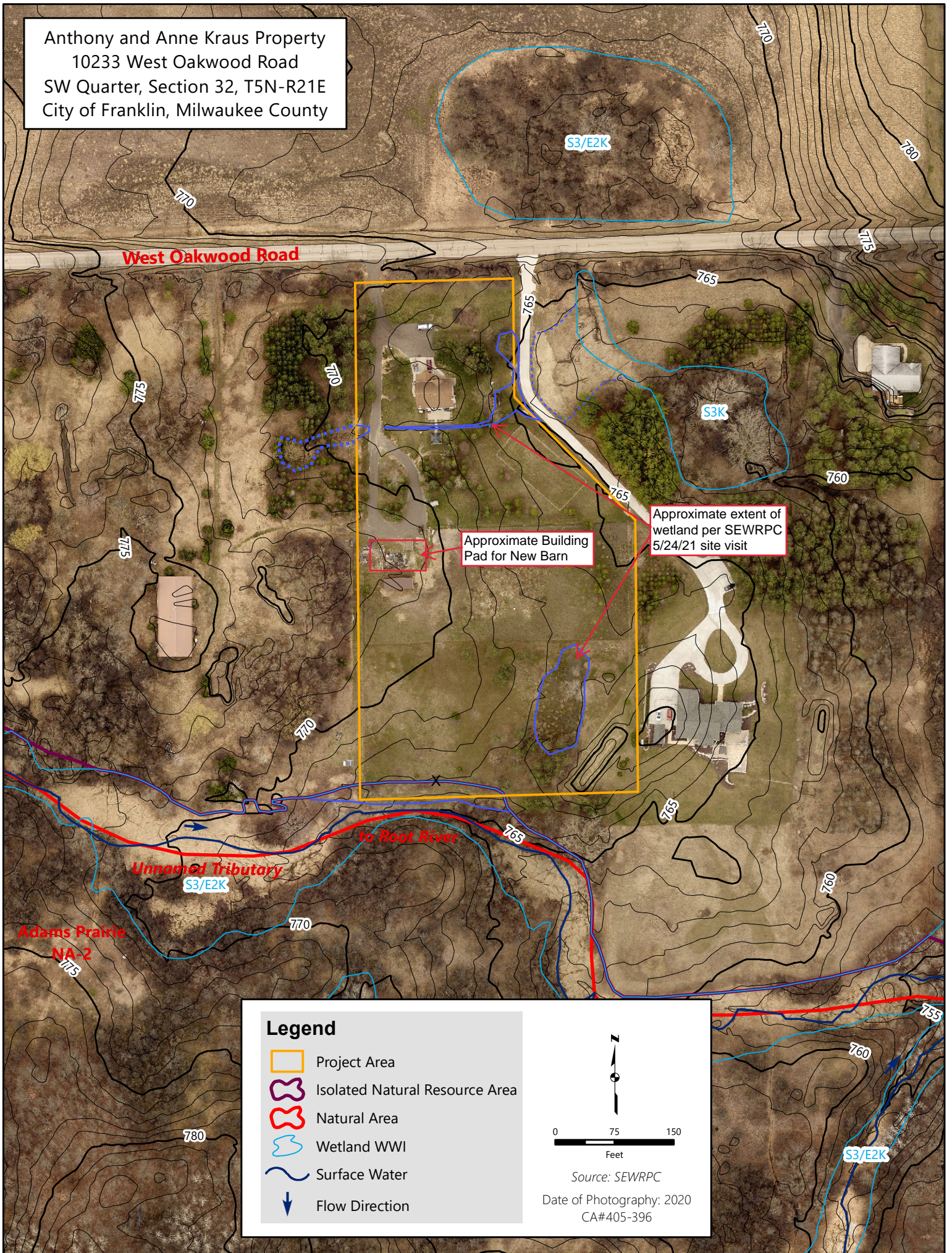
1 = 0.90, 2 = 0.44, 3 = 0.59, 4 = 0.65, 5 = 0.84, 6 = 0.96, 7 = 0.84, 8 = 0.65, 9 = 0.59, 10 = 0.44, 11 = 0.90, 12 = 0.98, 13 = 0.95, and 14 = 0.98

Notes

- Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- When this truss has been chosen for quality assurance inspection, the Double Polygon Method per TPI 1-2007/Chapter 3 shall be used.
- The fabrication tolerance for this roof truss is 5% (Cq = 0.95).
- Building Designer shall verify self weight of the truss and other dead load materials do not exceed TCDL 4 psf.
- Building Designer shall verify self weight of the truss and other dead load materials do not exceed BCDL 5 psf.
- Design assumes minimum 2x (vertical orientation, visually graded) purlins attached to the TC at purlin spacing shown with at least 2-10d nails.
- Brace bottom chord with approved sheathing or purlins per Bracing Summary.
- Creep has been considered in the analysis of this truss.
- The "SYP" label shown in the "Material Summary" above indicates the new SPIB design values effective June 1, 2013 were used.
- Indicates lateral bracing required perpendicular to the plane of the truss at either the midpoint (one shown) or third points (two shown), bracing by others. See BCSI-B3 for additional information.
- Listed wind uplift reactions based on MWFRS Only loading.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCT'S DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.	TrueBuild® Software v5.5.2.253 Eagle Metal Products Dallas, TX 75234
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Anthony and Anne Kraus Property
10233 West Oakwood Road
SW Quarter, Section 32, T5N-R21E
City of Franklin, Milwaukee County



MEMORANDUM

Date: July 15, 2021
To: Mayor Olson, Plan Commission Members
From: Heath Eddy, AICP, Planning Manager
RE: Public Notice Format Options

At the meeting on June 17, 2021, the Plan Commission requested staff to prepare a set of examples of public notices that would be sent to adjacent property owners as required by State statute, and consistent with local requirements for notices.

Staff has worked through and prepared a set of examples. We provide them in the following order:

1. A modified version of the current notice, which removes the legal metes-and-bounds description from the notice but otherwise leaves the notice in the current format.
2. A version that replicates an adjacent community's notice format.
3. A version that further modifies the notice format in #2, above, which is perhaps a bit easier for staff to implement.

Staff has also prepared a version of a sign for posting properties. This is currently not required but it was suggested for discussion. This is included as the fourth exhibit.

Finally, staff also discussed previously that the public notice that we send for publishing in South NOW is essentially the same as what we include in the mailed notice to adjacent property owners. We haven't formulated a replacement for that, other than noting that the notice includes, at times, an overly complicated metes-and-bounds description (see the PDD-37 Ballpark Commons description, which isn't really necessary since a PDD Major Amendment is intended to apply to the entire PDD-37).

A further thought comes up. Staff read the public notice published for an Area Exception for James and Sandra Rogosienski. Reading the public notice is, at the very least, extremely confusing. It would be better to streamline the amount of discussion for a request such as this (though admittedly this particular application is complicated to distill). Still, staff notes that public notices for Special Use applications are often overly descriptive, in a way that doesn't assist understanding, and is probably unnecessary for the purpose of providing basic information. We did prepare a newspaper notice as an example for discussion; this is attached.



Department of City Development
9229 West Loomis Road, Franklin, Wisconsin 53132
(414) 425-4024

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF FRANKLIN PLAN COMMISSION

MEETING DETAILS

HEARING DATE: Thursday, April 8, 2021, at 7:00 p.m.

PLACE: The Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132.

PROPOSAL INFORMATION

APPLICANT: Christopher D. Buday, River Rock Performance Properties, LLC.

SUBJECT PROPERTY: 7095 S Ballpark Drive. (see map on reverse side)

TAX KEY NUMBER: 744-1005-000

PROPOSAL: An Ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), to increase the maximum permitted sign face area of approximately 750 square feet to 12,507 square feet (distributed between 38 signs) for the indoor sports complex.

CONTACT INFORMATION

City of Franklin Planning Department / City Development

(414) 425-4024

www.franklinwi.gov/planning

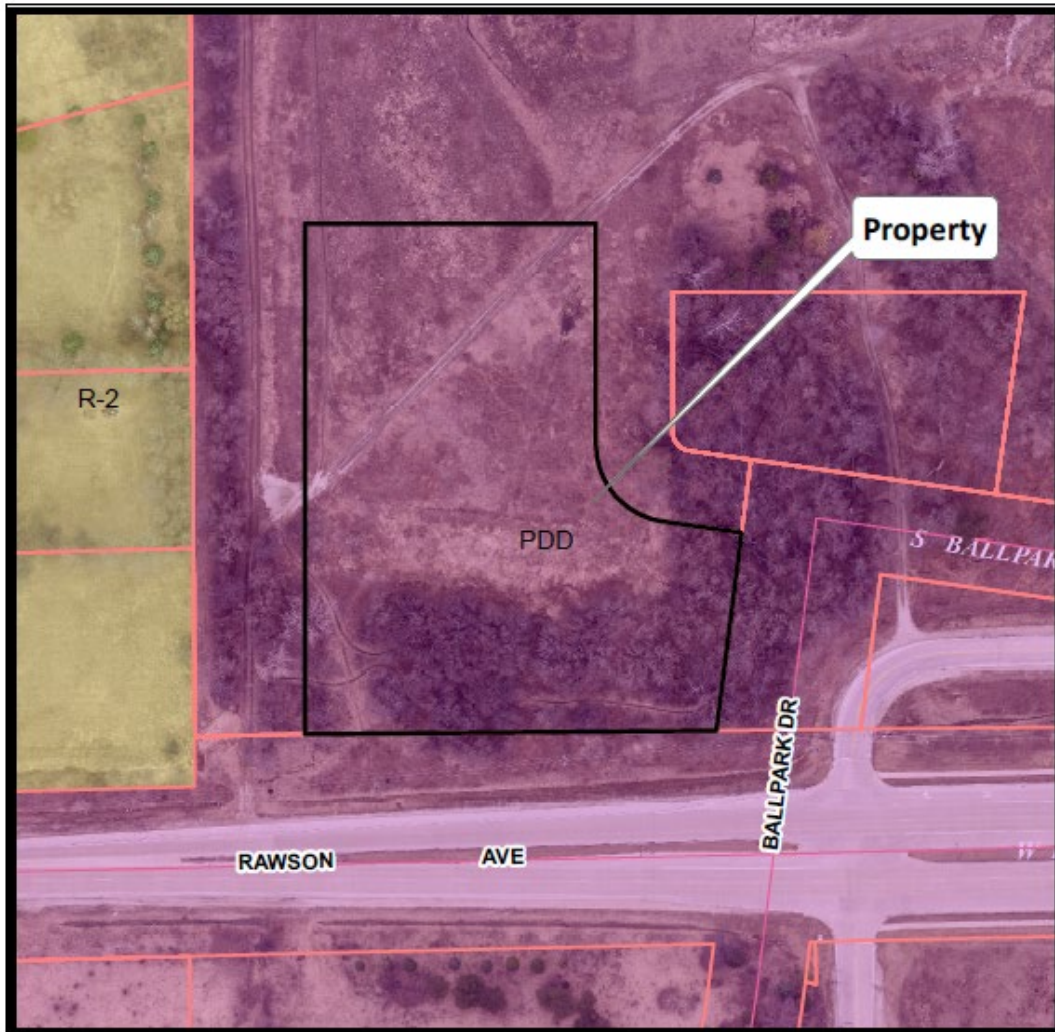
generalplanning@franklinwi.gov

PUBLIC HEARING INFORMATION

This public hearing is being held pursuant to the requirements of §62.23(7)(d)2. of the Wisconsin Statutes and Division 15-9.0200 of the City of Franklin Unified Development Ordinance. The **legal description** of the subject property and proposed draft ordinance, is available and open for inspection by the public in the office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours **(8:30 AM – 5:00 PM)**.

The public is invited to attend the public hearing and to provide input. The proposed draft ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the City of Franklin Common Council.

7095 S. Ballpark Drive
TKN: 744 1005 000



*TKN 7090129000

NAN WOODS

7481 PO BOX 320786
FRANKLIN, WI 53132



PUBLIC HEARING NOTICE

City of Franklin Plan Commission Public Hearing

You are receiving this notice as a landowner or tenant of property that is located within 300 feet of a proposed development. A meeting before the City of Franklin Plan Commission will be held to discuss this proposal, and members of the public are welcome and encouraged to attend. Should you wish to speak on this topic, please feel free to register on the sign-in sheet prior to the start of the meeting. The Chair will invite you to approach the podium and provide your comments during the public comment period during the hearing.

Proposal Summary

WHAT is being proposed? Amend Planning Development District No. 37 (The Rock Sports Complex/Ball Park Commons) to increase maximum permitted sign face area up to 12,507 sq.ft for the Indoor Sports Complex.

WHERE is the proposal located? 7095 S. Ballpark Drive (TKN 744-1005-000)

WHO is the Applicant? Christopher D. Buday, River Rock Performance Properties, LLC

Where can I find additional information? On the reverse side of this notice is a location map and/or graphic for the proposal, and contact information. Agendas, staff reports, maps, plans, and other proposal submissions are posted to the City's website in advance of the meeting.

Meeting Details

Date: Thursday, April 8, 2021

Time: 7:00 PM

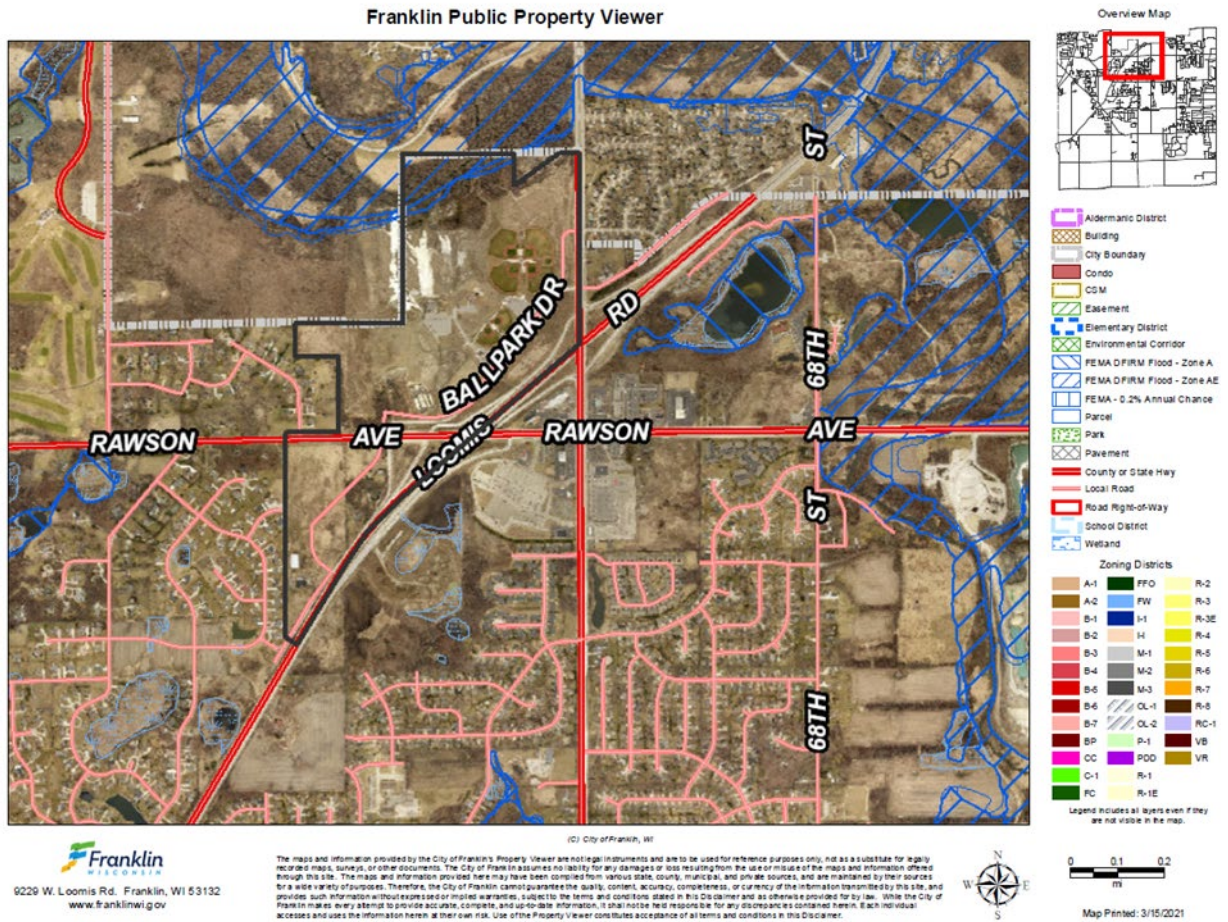
Location: Franklin City Hall – 9229 W. Loomis Road, Franklin WI
Common Council Chambers

Public comment will only be available in person.

The meeting will also be live streamed on the City of Franklin YouTube Page via <http://youtube.com/c/CityofFranklinWIGov> for those that wish to view the meeting.

Agendas are subject to change. While the City makes every effort to provide advanced notice of a postponed or cancelled meeting, it is recommended that agenda items and order are verified by visiting our website 24 hours prior to the meeting.

NOTIFICATION MAP - 7095 S Ballpark Drive



CONTACT & ADDITIONAL INFO

City Development/Planning
 (414) 425-4024
www.franklinwi.gov/planning
GeneralPlanning@franklinwi.gov



We will do our best to accommodate the needs of disabled individual through sign language interpreters or other auxiliary aids. Due to the difficulty in finding interpreters, **requests should be made as far in advance as possible, preferably a minimum of 48 hours.**

For more info or to request this service, contact the City Clerk or ADA Coordinator at (414) 425-7500 or by mail: 9229 W. Loomis Road, Franklin WI 53132.



PUBLIC HEARING NOTICE

City of Franklin Plan Commission Public Hearing

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Proposal Summary

WHAT is being proposed?

Amend Planning Development District No. 37 (The Rock Sports Complex/Ball Park Commons) to increase maximum permitted sign face area up to 12,507 sq.ft for the Indoor Sports Complex.

WHERE is the proposal located?

7095 S. Ballpark Drive (TKN 744-1005-000)

WHO is the Applicant?

Christopher D. Buday, River Rock Performance Properties, LLC

Where can I find additional information?

On the reverse side of this notice is a location map and/or graphic for the proposal, and contact information. Agendas, staff reports, maps, plans, and other proposal submissions are posted to the City's website in advance of the meeting.

Meeting Details

Date: Thursday, April 8, 2021

Time: 7:00 PM

Location: Franklin City Hall
9229 W. Loomis Road,
Franklin WI
Common Council
Chambers

This meeting will be held in person only.

The meeting will also be live streamed on the City of Franklin YouTube Page via <http://youtube.com/c/CityofFranklinWIGov> for those that wish to view the meeting digitally. Public comment is not available online.

Agendas are subject to change. While the City makes every effort to provide advanced notice of a postponed or cancelled meeting, it is recommended that agenda items and order are verified by visiting our website 24 hours prior to the meeting.

NOTIFICATION MAP - 7095 S Ballpark Drive



CONTACT & ADDITIONAL INFO

City Development/Planning

(414) 425-4024

www.franklinwi.gov/planning

GeneralPlanning@franklinwi.gov



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For more info or to request this service, contact the City Clerk or ADA Coordinator at (414) 425-7500 or by mail: 9229 W. Loomis Road, Franklin WI 53132.

NOTICE OF PUBLIC HEARING ABOUT THIS PROPERTY

APPLICATION: _____

FOR INFORMATION, CALL
414-425-4024

CITY OF FRANKLIN
DEPARTMENT OF CITY DEVELOPMENT



NOTICE OF PUBLIC HEARING BEFORE
THE PLAN COMMISSION OF THE CITY OF FRANKLIN

HEARING DATE: Thursday, April 8, 2021, at 7:00 p.m.

PLACE: The Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132.

APPLICANT: Christopher D. Buday, River Rock Performance Properties, LLC.

SUBJECT PROPERTY: 7095 S Ballpark Drive, Franklin, Wisconsin 53132.

TAX KEY NUMBER: 744-1005-000

PROPOSAL: AN ORDINANCE TO AMEND §15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS), TO INCREASE THE MAXIMUM PERMITTED SIGN FACE AREA OF APPROXIMATELY 750 SQUARE FEET TO 12,507 SQUARE FEET (DISTRIBUTED BETWEEN 38 SIGNS) FOR THE INDOOR SPORTS COMPLEX.

This public hearing is being held pursuant to the requirements of §62.23(7)(d)2. of the Wisconsin Statutes and Division 15-9.0200 of the City of Franklin Unified Development Ordinance. The **legal description** of the subject property and proposed draft ordinance, is available and open for inspection by the public in the office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours **(8:30 AM – 5:00 PM)**. The public is invited to attend the public hearing and to provide input. The proposed draft ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the City of Franklin Common Council.

Any person(s) with question regarding this proposal may contact the Department of City Development at 414-425-4024.

Dated this 16th day of March, 2021.

Sandra L. Wesolowski
City Clerk

N.B. Class II

[Please publish: 3/24 and 3/31](#)

MEMORANDUM

Date: July 22, 2021
To: Plan Commission
From: Department of City Development
RE: Vandewalle & Associates, Inc. Parkland Acquisition Study Input Session

At the April 8, 2021 meeting, the Plan Commission reviewed an initial outline of Parkland Acquisition Study currently being developed by the Department of City Development, with assistance from planning firm Vandewalle & Associates. The final product of this work will be a Parkland Acquisition Strategy Report, based on the goals identified by the Comprehensive Outdoor Recreation Plan and prioritized by stakeholders including Parks Commission, the Plan Commission and Common Council. The report will make recommendations as to options for the timing of purchases to appropriately use Park Impact Fees, provide estimates as to matching requirements, and include other information to assist in purchasing parkland. A copy of the 2030 CORP is available to council members from the Planning department upon request.

Vandewalle and Associates will moderate an input session with the Plan Commission at the regular meeting on Thursday, July 22, 2021. Plan Commission feedback will be incorporated into the draft Parkland Acquisition Strategy Report. A copy of the draft report is provided here for review prior to this input session.

Status

The first of the additional stakeholder input sessions for this project was held at the March 8, 2021 meeting of the Parks Commission. At that meeting, initial goals were identified to assist with prioritizing accumulated funds. At the May 10, 2021 Parks Commission meeting, Vandewalle and Associates presented a draft outline of the Study to the Parks Commission for their review and feedback. Jackie Mich of Vandewalle and Associates moderated a discussion of the draft, and solicited additional input which has been incorporated into this subsequent draft of the report. ***The Parks Commission adopted a motion to send recommendation of the Parkland Acquisition Study to Plan Commission to purchase a parcel in southwest corner of the City for future use.*** Additional feedback from that session includes:

- Concerns regarding balancing necessary maintenance of existing parks with the need to plan for future growth in the city and park facilities.
- Concerns regarding the City's ability to allocate necessary matching funds for impact fees.

As part of their initial analysis, Vandewalle and Associates identified spending horizons for park impact fees: limits to how long the City may hold those fees without spending them. When the fees expire, they will need to be rebated. This included an immediate need to spend those funds expiring at the end of 2022. Subsequently, staff has undertaken efforts to plan for how best to allocate those funds appropriately within the 2022 budget, which has been discussed at Parks Commission and incorporated into the Capital Improvement Planning currently underway. The draft Study therefore looks further into the future, to consider how to accomplish the goals of the CORP including possible acquisitions of larger parks, trails, and development of public lands to be donated to the City.

After Plan Commission, the item will go to Common Council for input with a session moderated by Vandewalle and Associates, currently scheduled for August 17, 2021. Input from that session will then be incorporated into the final draft of the report, which will then be reviewed again by Parks Commission and the Plan Commission before returning to Common Council.

Marion Ecks

Associate Planner - Department of City Development

Franklin Parkland Acquisition Strategy

Vandewalle & Associates

Draft: July 2, 2021

Introduction

The City of Franklin is in need of a short-term and longer-term strategy to utilize its accumulated park impact fees. In 2021, the City of Franklin retained Vandewalle and Associates to prepare this Parkland Acquisition Strategy Report and foster a conversation about the City's park impact fees. The purpose of this Parkland Acquisition Strategy is to document the factors and requirements that influence the spending of park impact fees, provide a schedule for the utilization of accumulated park impact fees, and to provide guidance on the utilization of future park impact fees to be collected in the future.

Summary of Recommendations from the Comprehensive Outdoor Recreation Plan 2030 (CORP)

The City of Franklin's *Comprehensive Outdoor Recreation Plan: 2030* was last amended in 2014. The Comprehensive Outdoor Recreation Plan (CORP) makes recommendations for future park and recreation needs, including generalized recommendations for parkland acquisition for the next ten years and beyond. The CORP contains the following relevant recommendations for parkland acquisition:

- Provide a new Regional/Multi-Community Park in the Southwest quadrant of the City, in combination with the existing Franklin Savanna. Franklin Savanna is an undeveloped oak savanna owned by Milwaukee County and designated as a State Natural Area.
- Recognizing that most neighborhoods are built out, there are limited options for new Neighborhood Parks in developed part of City. Work with the Franklin School District to provide active recreation at future school sites.
- Provide five new Mini Parks of at least one acre each within developed areas of the City that cannot be served by a Neighborhood Park due to inadequate and/or insufficient vacant land being available.

The CORP has been incorporated by reference into the City of Franklin's *Comprehensive Master Plan*.

Goals for Parkland Acquisition

The Parks Commission identified the following goals for parkland acquisition, based on CORP recommendations as well as known needs for the park system.

- A. Utilize accumulated park impact fees in order to offset the impact of development and provide adequate parkland for the City's current and future population.
- B. Utilize park impact fees to acquire land for a Neighborhood Park or Community Park of 20 acres or more. This would fulfill the City's need for additional parkland in the southwest portion of the City, where future residential growth is planned. A park of this size is desirable, because it could accommodate a wide range of recreation uses, and because it is more cost effective to maintain than several Mini Parks.
 - The new park should provide a space for special events, as the City currently does not have many open areas suitable for large public or private events and festivals.

- The new park should serve multiple purposes, including a mix of passive and active recreation uses. The park should include large open areas that can be repurposed as needed, including for special events and for field sports (e.g., soccer, football, lacrosse, ultimate, rugby, etc.). Additionally, the park should include spaces for court-based sports (e.g., basketball, tennis, pickleball, volleyball, etc.). In areas not suitable for active recreation due to geographic or environmental constraints, passive recreation features (such as trails, natural areas, and seating areas) should be provided.
 - Combine new parkland with existing parks (such as Franklin Savanna) in order to maximize the size of the park. If the combined park area were to be 100 acres or more, the park could be classified as a Regional/Multi-Community Park, as defined by the CORP.
 - Combine new parkland with the Waste Management Conservation Easement reflects another opportunity to maximize the size of a new park.
 - Develop the park over a period of time as needs evolve and funds become available.
- C. Utilize park impact fees to connect existing and future parks and open space with trails. Develop trail connections between parks in as many locations as feasible.
- Connect the 116th Street Trail to Franklin Savanna along Ryan Creek and onward to the Oak Leaf Trail.
 - Explore other potential trail connection options.
- D. Add desired facilities to the park system, including a dog amenities, pickleball (8+ courts), and an ice skating rink.

Parkland Acquisition Strategy

The process for determining how best utilize park impact fees involve three main steps, with several sub-steps. It is an iterative process, meaning that it repeats or restarts as needed. Continual review of this process and updating of assumptions is important throughout. Refer to the graphic on page for a summary of this process.

Step One: Fund Analysis

1.) Review Existing Park Fee Collection/Expiration Schedule

The park impact fee schedule will guide the overall project schedule to confirm appropriate collection and utilization of fees prior to the mandatory reversion deadlines. Utilization of funds will focus on two goals: 1.) identify all funds that are nearing the reversion deadline and develop a strategy for near-term use of funds for park improvements or small-scale acquisitions; 2.) identify funds that can be combined for use in larger-scale acquisitions. Development of a year-by-year summary of collection and expiration of funds will help determine overall cash flow and budgets for park acquisition.

2.) Develop Plan for Utilization for Expiring Funds

Utilization of funds with a near-term expiration date will be key to avoid reversion of funds due to the utilization requirement for impact fees. These funds could be used for a large land acquisition or improvement of smaller projects within existing parks or small-scale acquisitions within existing park deficient neighborhoods.

As plans to utilize impact fee funds are developed, determine match requirement and coordinate with the annual City budgeting process to ensure that matching funds are available when needed. The City's match requirement is described on page .

3.) Reserve Other Park Fees for Larger-Scale Acquisitions

Park fees with later expiration dates can be targets for larger-scale acquisitions through accumulation over time. These funds can form the base matching funds for grant applications and local matching requirements.

Step Two: Project Concept and Partnerships

1.) Develop Park Concept/Program

The creation of a programmatic concept plan for a hypothetical Community Park will guide the property characteristics for future acquisitions. This concept will focus on defining programmatic goals for the park along with environmental characteristics and acreage needs. Key questions and decision points include: Should the park be primarily for active recreation, passive recreation, or a combination of the two? What park facilities are desired (ballfields, playgrounds, structures, parking, etc.)? Approximately how many acres are needed to accommodate the desired park concept/program?

2.) Leverage Grant and Partnership Opportunities

The City should work to identify any complementary partnerships (Franklin School District, club sports, community agencies) along with local, state, and federal grant programs that could offer an opportunity to bring additional funds to a given project through matching grants or partnerships. Grant funds or partner funds cannot be used to reduce the City's required matching funds, but such funds can be used to increase the size or scope of a park project. Additionally, the City's funds and impact fees can be used as a match required by grant programs, so the City should explore opportunities for local, state, and federal grants that could be used to enhance desired park projects. For example, the Knowles-Nelson Stewardship grant program could be use considered to allow the City to acquire additional acres of natural area that it would not have had the ability to purchase with City fund and impact fees alone.

Additionally, the City should maintain an ongoing dialogue with the Franklin School District on its plans and timelines for investing in recreational facilities. That way, both parties can identify opportunities to reduce redundancies and collaborate where possible. Other community agencies, public service organizations, and private clubs and leagues that use or provide recreational facilities also have potential for collaboration with the City on future facilities. Such collaborations can maximize benefits for all partners. For example, the City of Sun Prairie and the Sun Prairie Area School District collaborated to design Creekside Elementary School, six-acre elementary school adjacent to a six-acre (city) neighborhood park containing shared recreational facilities. The two entities worked together in the design and implementation of the campus.

Step Three: Property Acquisition and New Recreational Facility Installation

1.) Investigate Property Opportunities in Southwest Quadrant

Utilizing the park concept/program developed in Step Two as a basis for property targets within the Southwest quadrant, the City should begin a detailed property search to

align potential acreage, environmental conditions, and adjoining land uses. Specific tasks include:

- a. Identify parcel ownership patterns, acreages, and proximity opportunities
- b. Evaluate environmental constraints and planned land use
- c. Evaluate property assessments and market conditions (approximate price per acre)
- d. Identify potential target parcels that address the park concept/program and project goals
- e. Identify parcels currently listed as well as potential targets that are not listed for sale
- f. Research current land price trends, listings, and comparable sales

2.) Begin Property Owner Outreach

After evaluating a wide range potential properties, the City should identify a shorter list of potential target properties that best meet the City's goals and concept plan. The City should then begin outreach to property owners to better understand availability and potential price requirements for the target properties. The City should consult legal counsel to determine the best approach for property owner outreach in accordance with state statutes. After gaining a better understanding of land availability and potential price ranges, the City should identify the specific property or properties to target for acquisition.

3.) Acquire Property

While each property acquisition is different, the general steps for property acquisition involve negotiating a price, making a formal offer, preparing purchase documents with legal counsel. The City should consult legal counsel to determine the best approach for each of these steps, in accordance with Wis. Stat. 62.22(1) and other applicable laws. When purchasing parkland, the City should utilize park impact fees to the maximum extent possible, using expiring fees first.

4.) New Recreational Facility Installation

If the City has acquired parkland and is developing it, the City should adjust the programmatic concept plan developed in Step Two to fit the new property. If the City is adding a new recreational facility to an existing park, the City should determine a specific location for the new facility. In either situation, this step involves determining specific locations for new recreational facilities and making adjustments to the concepts in response to the actual conditions, limitations, and advantages of the site.

Once this is determined, the City will need to develop detailed construction drawings for the new facilities. The next step is to construct the new facility or facilities, expending park impact fees and using expiring fees first.

Approximate Value:

Current range (4/15/21): \$11,000-\$55,000 per acre

City of Franklin

PARKLAND ACQUISITION STRATEGY



Review Existing Park Fee Collection/Expiration Schedule

Identify all funds that are nearing the reversion deadline. Development of a year-by-year summary of collection and expiration of funds will help determine overall cash flow and budgets for park acquisition.

Develop Plan for Utilization for Expiring Funds

Utilization of funds with an expiration date within the next year and half will be key to avoid reversion of funds due to the utilization requirement for impact fees. Determine match requirement and coordinate with budgeting process.

Reserve Other Park Fees for Larger-Scale Acquisitions

Utilization of funds with an expiration date within the next year and half will be key to avoid reversion of funds due to the utilization requirement for impact fees. Determine match requirement and coordinate with budgeting process.



Develop Park Concept/Program for Future Park(s)

Develop a programmatic concept plan for a hypothetical future park to define programmatic goals, desired environmental characteristics, and acreage needs. Consider: desire for active and/ or passive recreation, desired park facilities (ballfields, playgrounds, structures, parking, etc.) and conceptual acreage needs.

Leverage Matching and Partnership Opportunities

- Explore opportunities for local, state and federal matching fund programs
- Identify local, regional, and state level partnership opportunities
- Coordinate with Franklin School District on school facility plans and timelines



Investigate Property Opportunities in Southwest Quadrant

Using the park concept/program developed in Step Two, begin a detailed property search to align potential acreage, environmental conditions, and adjoining land uses.

Begin Property Owner Outreach

Identify potential target properties and begin outreach to determine availability and potential price requirements. Determine which property (or properties) to target for acquisition.

Acquire Property

Negotiate a price and make a formal offer. Expend park impact fees, using expiring fees first.

New Recreational Facility Installation

Design and construct new park facility (or facilities). Expend park impact fees, using expiring fees first.

Projects Eligible for Park Impact Fees and Required Matching Funds

When a new home or subdivision is built, those residents will need additional public facilities or infrastructure, including parks. Impact fees allow for new residential developments to support their own future needs in the City, rather than asking current residents to pay entire cost of those facilities. Municipalities have the authority to impose impact fees on developers under Wis. Stat. 66.55, in order to “to pay for the capital costs that are necessary to accommodate land development.” Per Wis. Stat. 66.55(1)(a), capital costs include “costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs,” but not the cost of equipment. In practice, this means that park impact fees can be spent for the following purposes:

- Acquisition of land for parks to accommodate new population growth. Costs associated with land acquisition (acquisition studies, real estate transaction costs, etc.)
- Park master planning and park design services
- Park improvements, meaning the addition of new facilities within any park to accommodate new population growth. Improvements could include items such as tennis courts, dog amenities, splashpads, restrooms, fitness stations, etc. Park improvements include the expansion of park features but do *not* include maintenance or replacement of existing park features.

As described above, park impact fees can be used only for park projects that accommodate new population growth associated with residential development. For this reason, most park projects are not eligible to be 100% funded by park impact fees. Therefore, expenditure of park impact fees almost always will require additional “matching funds” from the General Fund or other City financial resources in order to fund the full project cost.

The City of Franklin Public Facilities Needs Assessment and Impact Fee Study (March 2020) describes the percent of any given park project that is eligible to be funded through impact fees. The percent varies by park classification (Community Park, Neighborhood Park, etc.). The following table, excerpted from the Impact Fee Study, provides the maximum percent and total dollar amount that may be funded by impact fees for previously planned projects. “Previously planned projects” refers to park projects that were generally conceived in the City’s Comprehensive Outdoor Recreation Plan at the time the Impact Fee Study was completed. As shown below, only 36% of total project costs for Community Parks and Special Parks can be covered by park impact fees, whereas, impact fees can make up a relatively higher percent of costs for Neighborhood Parks (47%), Mini Parks (43%), and Trails (62%).

Figure 1: Costs Eligible for Impact Fees – Previously Planned Project (Impact Fee Study, 2020)

Category	Total Project Cost	% Eligible	\$ Eligible
Community Parks	\$ 6,225,971	36%	\$ 2,241,350
Neighborhood Parks	4,057,555	47%	1,907,051
Mini Parks	1,738,016	43%	747,347
Special Parks	1,053,669	36%	379,321
Trails	2,379,425	62%	1,475,244
Total			\$ 6,750,312

Figure 2 provides the maximum percent and total dollar amount that may be funded by impact fees for new projects, i.e., projects that are not included in the City’s Comprehensive Outdoor Recreation Plan. As shown below, up to 100% of total project costs for new Mini Parks and 80% of total project costs for new Neighborhood Parks can be covered by park impact fees, whereas, Regional and Community Parks are not eligible for park impact fees.

Figure 2: Costs Eligible for Impact Fees – New Projects (Impact Fee Study, 2020)

Category	Total Project Cost	% Eligible	\$ Eligible
Regional and Multi-Community Parks	\$ -	N/A	TBD
Community Parks	-	N/A	TBD
Neighborhood Parks	2,500,000	80%	1,993,721
Mini Parks	800,000	100%	800,000
Special Parks	-	N/A	TBD
Trails	400,000	61%	242,451
Total			\$ 3,036,172

The amount/percent of total project costs that are eligible for park fees varies significantly, and so this becomes a primary driver in the City’s near-term parkland acquisition strategy. Because the City wishes to spend over \$1.2 million in park impact fees in a short amount of time, the best approach is to target park projects with a relatively high rate of impact fee eligibility (and therefore lower match requirement). Otherwise, the City will be in the challenging position of coming up with a large amount of matching funds in order to use the expiring park impact fees.

Time Limits for Utilizing Impact Fees

Wis. Stat. 66.55 requires that municipalities spend accumulated impact fees within a “reasonable period of time” or else they must be rebated to the current owner of the property. In 2015, the City of Franklin adopted an ordinance establishing a ten-year timeframe for using impact fees with the authority to extend the time limit by an additional three years if needed due to extenuating circumstances or hardship. In 2016, the City adopted Resolution 2016-7177, which utilized the three-year extension for fees collected after April 10, 2006 and established a deadline of December 31, 2022 for expenditure of these funds. It was determined that an extension was needed due to fact that the global economic recession created an extenuating circumstances that could be reasonably expected to create a hardship in meeting the 10-year time limit. There is no provision in City ordinance for further extensions, so the new deadline must be met. In 2020, the City of Franklin adopted an ordinance stating that impact fees collected after April 10, 2013 but prior to April 5, 2018 shall have a time limit of 10 years.

Preliminary Timeline for Expenditure of Funds

Scenarios for spending down the accumulated park impact fee fund balance have been provided below. The scenarios are provided for preliminary discussion purposes and achieve different levels of success in meeting the City’s goals. The scenarios were developed based on the City’s park classifications (Community Park, Neighborhood Park, etc.), and reflect a range of possible outcomes for utilization of park impact fees. The scenarios are not driven by the amount of City match required, nor are they ranked or evaluated based on City budgetary impact. As the City discusses the various scenarios, it will become evident that some are more practical than others,

and several will likely be eliminated due to the significant amount of City match required. However, at this stage, this Report does not endorse any one scenario over another.

Each scenario avoids rebating funds by utilizing accrued funds ahead of the monthly and yearly rebating deadline. Each scenario also reflects the short-term need to spend over \$1.2 million in park impact fees by December 31, 2022 to avoid rebating the fees. All scenarios assume a land value of \$40,000 per acre. This figure is a conservative estimate based on land values in spring of 2021.

Direction from City officials is sought to identify a preferred scenario (or scenarios). Since funds expire in the month they were collected, a spending schedule broken down by month can be developed once a desired scenario is selected.

Figure 3 shows the amount of funds that will expire on or before December 31 of each year. When park impact fees are spent, the fund balances by year in Figure 3 will need to be updated to reflect funds spent. The City has been successful at spending older funds at risk of expiring first and tracking accordingly, and this practice should continue.

Figure 3: Funds Expiring by Year

Funds Expiring By Year	Cumulative	Year Collected	Term	
2022	\$1,204,889	\$1,204,889	2010-2015	8-13 years*
2023	\$0	\$1,204,889	n/a**	8 years
2024	\$209,983	\$1,414,872	2016	8 years
2025	\$66,591	\$1,481,463	2017	8 years
2026	\$869,037	\$2,350,500	2018	8 years
2027	\$948,902	\$3,299,402	2019	8 years
2028	\$259,254	\$3,558,656	2020	8 years
Total	\$3,558,656			

(Need City Staff input on 2022 amounts to be used here and in scenarios.)

*In 2016, the City of Franklin extended the time limit for accumulated impact fees through December 31, 2022.

**No impact fees expire in 2023 due to the changes in time limits for park fee expenditures. Fees collected in 2016 and later are bound by the 8-year expenditure timeline.

Figure 4: Scenario A

Scenario A - Trails Only				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	62%	38%
Trails	Land Acquisition & Trail Improvement	\$ 5,700,000	\$ 3,534,000	\$ 2,166,000
	Total	\$5,700,000	\$ 3,534,000	\$2,166,000

Park Impact Fees Remaining: \$24,656
(of \$3.5M available as of March 2021)

- Utilize all funds on land acquisition and improvement of trails

Figure 5: Scenario B

Scenario B - Implement CORP with 30-Acre Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park (30 acres)	Land Acquisition	\$ 1,200,000	\$ 432,000	\$ 768,000
	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$6,600,000	\$ 2,376,000	\$4,224,000

Park Impact Fees Remaining: \$1,182,656

- Previously planned Community Park, Southwest quadrant
- Covers impact fees expiring through 2026
- Future projects needed to utilize remaining park fee balance
- Large match requirement (\$4.2M)

Figure 6: Scenario C

Scenario C - Implement CORP with 80-Acre Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park (80 acres)	Land Acquisition	\$ 3,200,000	\$ 1,152,000	\$ 2,048,000
	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$8,600,000	\$ 3,096,000	\$5,504,000

Park Impact Fees Remaining: \$462,656

- Previously planned Community Park, Southwest quadrant – acquisition and improvements
- Covers impact fees expiring through 2026
- Future projects needed to utilize remaining park fee balance
- Large match requirement (\$5.5M)

Figure 7: Scenario D

Scenario D - Implement CORP by Improving Waste Management Property as Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park, Waste Management Property (380.2 acres)	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$5,400,000	\$ 1,944,000	\$3,456,000

Park Impact Fees Remaining: \$1,614,656

- Utilize funds to improve Waste Management lands to be donated to the City
- Future projects needed to utilize remaining park fee balance
- Large match requirement (\$3.4M)

Figure 8: Scenario E

Scenario E - Implement CORP with 60-Acre Community Park and Trails				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
Community Park (60 acres)	Land Acquisition	\$ 2,400,000	\$ 864,000	\$ 1,536,000
		100%	36%	64%
Trails	Land Acquisition & Trail Improvement	\$ 3,000,000	\$ 1,860,000	\$ 1,140,000
		100%	62%	38%
	Total	\$5,400,000	\$ 2,724,000	\$2,676,000

Park Impact Fees Remaining: \$834,656

- Previously planned Community Park, Southwest quadrant – acquisition only
- Previously planned Trails – acquisition and/or improvement
- Future projects needed to utilize remaining park fee balance

Figure 9: Scenario F

Scenario F - Implement CORP with 60-Acre Community Park & Improve a Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
Community Park (60 acres)	Land Acquisition	100%	36%	64%
		\$ 2,400,000	\$ 864,000	\$ 1,536,000
Neighborhood Park, Existing or Previously Planned	Park Improvements (Pickleball, Ice Rink, etc.)	100%	80%	20%
		\$ 3,350,000	\$ 2,680,000	\$ 670,000
Total		\$ 5,750,000	\$ 3,544,000	\$ 2,206,000

Park Impact Fees Remaining: \$14,656

- Previously planned Community Park, Southwest quadrant – acquisition only (land bank for future improvement)
- Add new facilities to existing Neighborhood Parks (new growth)

Figure 10: Scenario G

Scenario G - Diverge from CORP with 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
	Park Improvements	\$ 1,500,000	\$ 1,200,000	\$ 300,000
	Total	\$ 2,500,000	\$ 2,000,000	\$ 500,000

Park Impact Fees Remaining: \$1,558,656

- New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition and improvements
- Future projects needed to utilize remaining park fee balance
- Much smaller match requirement due to higher percentage eligible for impact fees

Figure 11: Scenario H

Scenario H - Trails and Diverge from CORP with 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
	Park Improvements	\$ 1,500,000	\$ 1,200,000	\$ 300,000
Trails	Land Acquisition & Trail Improvement	100%	62%	38%
		\$ 2,350,000	\$ 1,457,000	\$ 893,000
Total		\$ 4,850,000	\$ 3,457,000	\$ 1,393,000

Park Impact Fees Remaining: \$101,656

- New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition and improvements
- Previously planned Trails – acquisition and/or improvement
- Neighborhood Park match requirement of \$500K; smaller total match requirement due to higher percentage eligible for impact fees

Figure 12: Scenario I

Scenario I - Trails, Improve a Neighborhood Park, and Diverge from CORP with new 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
Neighborhood Park, Existing or Previously Planned	Park Improvements (Pickleball, Ice Rink, etc.)	100%	80%	20%
		\$ 2,300,000	\$ 1,840,000	\$ 460,000
Trails	Land Acquisition & Trail Improvement	100%	62%	38%
		\$ 1,500,000	\$ 930,000	\$ 570,000
	Total	\$4,800,000	\$ 3,570,000	\$ 1,230,000

Park Impact Fees Remaining: -\$11,344

New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition only (land bank for future improvement)

- Add new facilities to existing Neighborhood Parks (new growth)
- Previously planned Trails – acquisition and/or improvement
- Neighborhood Park match requirement of \$660K; smaller total match requirement due to higher percentage eligible for impact fees

Figure 13: Scenario J

Scenario J - Improve a Neighborhood Park, and Diverge from CORP with new 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
Neighborhood Park, Existing or Previously Planned	Park Improvements (Pickleball, Ice Rink, etc.)	100%	80%	20%
		\$ 3,460,000	\$ 2,768,000	\$ 692,000
	Total	\$4,460,000	\$ 3,568,000	\$ 892,000

Park Impact Fees Remaining: -\$9,344

- New (not previously planned) Neighborhood Park – acquisition only (land bank for future improvement)
- Add new facilities to existing Neighborhood Parks (new growth)
- Neighborhood Park match requirement of \$892K; smaller total match requirement due to higher percentage eligible for impact fees

The “Do Nothing” Scenario

If the City does not spend the funds that are set to expire at the end of 2022, it will have to rebate the funds with interest. This option creates many technical, legal, and logistical challenges of its own. For example, the City would have to determine how much needs to be rebated, what interest has accrued and what person or entity to send the funds to. State law has clarified that the funds cannot be rebated to the current owner of the dwelling unit that was charged the impact fee, but rather it must be provided to entity that originally paid the impact fee. In some cases, those firms may no longer exist or may have reorganized. The effort associated with properly rebating the funds would be very costly and time consuming.

Staffing and Maintenance Needs

There are many different ways to determine staffing and maintenance needs. As the specifics of the future park(s) to be acquired are yet to be determined, it is difficult to provide a precise estimate. One approach is to consider the Parks Department budget as compared to number of park acres currently maintained by the Parks Department, and extrapolating the proportional budget impact created by a new park. Based on a five-year average of Parks Department budgets (2017-2021) that supports roughly 251 acres of parkland, the budget impact of a new park would \$687 per acre. Accordingly, a new 25-acre park would have an annual budget impact of \$17,175, which includes personnel, equipment, contractual services, and other services. This assumes that in the future the Parks Department will provide a level of service and maintenance comparable to that of the past five years.

Fig. 6: Parks Dept. Budget, 2017-2021

	Dept 0551 - Parks Budget	Park Acres Maintained
2017	\$167,684	250.3
2018	\$151,914	251.5
2019	\$160,702	251.5
2020	\$186,448	251.5
2021	\$196,343	251.5
Average	\$172,618	251.3
Annual Budget per Acre		\$687
Annual Budget Impact of a 25-acre Park:		\$17,175

If the future park were to have higher than average maintenance needs, perhaps due to specialized facilities or especially high level of use, this figure could be higher. This exercise is intended to provide an “order of magnitude” impact on the future Parks Budget, due to the high number factors that are still unknown or yet to be determined.

Recommendations for the Future Consideration

- Consider updating City's Subdivision Ordinance to include a parkland dedication ordinance, fee in lieu of dedication, and park improvement impact fee. Consider a policy that places preference on the dedication of land (rather than payment of park fees) in order to acquire parkland as development occurs.
- Update the Comprehensive Outdoor Recreation Plan, particularly to understand needs for specific recreational facilities within the City and to maintain eligibility for state and federal recreational grants.
- Update the City's Official Map (Chapter 58) to reserve land for future parks and recreation trails recommended in the Comprehensive Outdoor Recreation Plan.
- Considering that trail development is a priority, the City should require developers to dedicate trails on an outlot as development occurs or as land is platted. A comprehensive map of desired trails such as an Official Map will be important to achieve this. To ensure implementation, the City will need communicate this policy to all department heads involved in the development review process.

Maps: Citywide Existing Park/Service Area
Citywide Park Service Area & Adopted Land Use Plan
Cityside Park Service and Environmental Constraints
Southwest Quadrant Environmental Constraints
Southwest Quadrant Environmental Constraints & Existing Land Use
Southwest Quadrant Environmental Constraints & Adopted Land Use Plan

Appendix:

- A. Franklin School District Recreational Facilities
- B. Table of Funding Resources
- C. City of Franklin Public Facilities Needs Assessment and Impact Fee Study (excerpt)
- D. City of Franklin Resolution 2016-7177, Extending Time Limit for Using Impact Fees
- E. Annotated Bibliography

Appendix A. Franklin School District Recreational Facilities

Existing Facilities:

Franklin School District Facilities are available to the community with some restrictions. They are not available during school hours. The following spaces are available:

- Saber Center for the Performing Arts
- Franklin High School Stadium
- All Elementary Schools: multi-purpose rooms, gyms, outdoor green spaces (soccer fields, baseball diamonds), libraries, and classrooms after 4pm.
- Forest Park Middle School: gym, main commons, and certain classrooms after 4pm.
- Franklin High School: multi-purpose room, library, gym, cafeteria, and classrooms after 4pm.

Franklin School District generally relies on public facilities for recreational programming.

Planned Facilities: Within the next few years, Franklin School District intends to develop more multiuse athletic fields west of Forest Park Middle School in order to meet the District's growing need for open play spaces for soccer, etc.

The District is also aware of the potential need to find or add tennis courts to support the District's tennis program, should current arrangements that provide the District access to tennis courts be changed.

Appendix B: Table of Funding Resources

Program	Purpose	Funding Details	Deadline (Check Agency Guidelines)	Notes	Admin. Agency	Contact
Wisconsin Stewardship Programs						
Aids for the acquisition and development of local parks (ADLP)	To acquire or develop public nature-based outdoor recreation areas and facilities.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required. ▪ Projects must comply with ADA. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Urban Greenspace Program (UGS)	To acquire land to provide natural space within or near urban areas, or to protect scenic or ecological features.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required. ▪ Projects must comply with ADA. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Acquisition of Development Rights	To acquire development rights for nature-based outdoor recreation areas and facilities.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ Funds are available to acquire development rights (easements) in areas where restrictions on residential, industrial, or commercial development are in place. ▪ May include enhancements of nature-based outdoor recreation. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Urban Rivers Grant Program (URGP)	To acquire lands, or rights in lands, adjacent to urban rivers for the purpose of preserving or restoring them for economic revitalization or nature-based outdoor recreation activities.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required to participate. ▪ Projects must comply with ADA. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Federal Programs						
Land and Water Conversation Fund (LWCF)	To acquire or develop public outdoor recreation areas and facilities.	<ul style="list-style-type: none"> ▪ 50% local match per project. ▪ Land acquisition. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required to participate. ▪ Development of recreational facilities. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Recreational Trails Program (RTP)	To provide funds for maintenance, development, rehabilitation, and acquisition of land for motorized, non-motorized, and diversified trails.	<ul style="list-style-type: none"> ▪ 50% local match per project. ▪ Maintenance and restoration of existing trails. ▪ Development and rehabilitation of trailside and trailhead facilities and trail linkages. ▪ Construction of new trails (with certain restrictions on federal lands). ▪ Acquisition of easement or property for trails purchase. 	May 1	<ul style="list-style-type: none"> ▪ Funds may only be used on trails which have been identified in or which further a specific goal of a local, county or state trail plan ▪ Eligible trails include water trails identified by WDNR ▪ Funds may be used on trails which are referenced in a statewide comprehensive outdoor recreation plan. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704

Program	Purpose	Funding Details	Deadline (Check Agency Guidelines)	Notes	Admin. Agency	Contact
		<ul style="list-style-type: none"> Awards may not exceed \$45,000 				
Statewide Multi-Modal Improvement Program						
Transportation Alternatives Program (TAP)	Bicycle and pedestrian facilities (on and off street); Safe Routes to School; safe routes for non-drivers; rails to trails conversion; construction of turnouts, overlooks, and viewing areas; historic preservation/rehab of historic transportation facilities	<ul style="list-style-type: none"> 20% local match per project. Federal minimum of \$300,000 including design 	<ul style="list-style-type: none"> January typically Every other year 	<ul style="list-style-type: none"> Federal funds administered through WisDOT Incorporates three WisDOT multimodal transportation improvement programs: Safe Routes to School (SRTS), Transportation Enhancements (TE), and the Bicycle & Pedestrian facilities program (BFPF). 	WisDOT Regional Office	Southeast Region: Jacob Varnes (262) 548-8789
Surface Transportation Program (STP)	Road improvement funds, which can be spent on a wide variety of projects, including roadway projects, bridges, transit facilities, and bicycle and pedestrian facilities.	<ul style="list-style-type: none"> Funded through FAST Act 80%/20%. 20% required match (funds are not awarded upfront but are reimbursed). 	<ul style="list-style-type: none"> July – 6-year project cycle 	<ul style="list-style-type: none"> Facilities for pedestrians and bicycles. System-wide bicycle planning. Three sub-programs: Urban; Rural; Bridges 	WisDOT	Southeast Region: Jacob Varnes (262) 548-8789
Federal Transit Administration Grants						
Capital Investment Grants	Transit capital projects; includes intermodal facilities such as bicycle racks on buses and bicycle parking at transit stations; most funds are to be directed toward transit itself.	<ul style="list-style-type: none"> Discretionary local match 	Early spring	<ul style="list-style-type: none"> Funding for this program is allocated on a discretionary basis and requires a multi-year process. 	WisDOT	Aileen Switzer (608)266-5791
Congestion Mitigation and Air Quality (CMAQ) Improvement Program	Funds projects which will reduce vehicle trips and miles; reduce emissions due to traffic congestion; or reduce the per mile rate of vehicle emissions.	<ul style="list-style-type: none"> 20% local match per project (funds are not awarded upfront but are reimbursed). 	April - June	<ul style="list-style-type: none"> Limited to Milwaukee, Kenosha, Racine, Ozaukee, Waukesha, Washington, Sheboygan, Kewaunee, Manitowoc, Walworth, and Door Counties 	Federal Transit Authority WisDOT SEWRPC	Southeast Region: Jacob Varnes (262) 548-8789
Federal Highway Administration Safety Funds						
Highway Safety Improvement Program (HSIP)	Funds safety projects at sites that have experienced a high crash history. Emphasis is on low-cost options that can be implemented quickly, including intersection improvements.	<ul style="list-style-type: none"> 10% local match per project. 	August	<ul style="list-style-type: none"> Communities must include 5 years of crash data. 	WisDOT	Southeast Region: Jacob Varnes (262) 548-8789

US Department of Transportation

Rebuilding American Infrastructure with Sustainability and Equity (RAISE)	Investment in road, rail, transit, and port projects. Funding for multi-modal, multi-jurisdictional projects.	<ul style="list-style-type: none"> 20% local match per project. 	Spring/Summer	<ul style="list-style-type: none"> Eligible for transit agencies, port authorities, MPOs, and state and local governments. 	US DOT	(202) 366-0301
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Other Sources

Wisconsin Main Street and Connect Communities Program	Comprehensive downtown revitalization program, which includes streetscape improvements.	<ul style="list-style-type: none"> \$250,000 available annually 	No specific date.	<ul style="list-style-type: none"> General downtown program. May benefit trail enhancements through streetscaping. 	Wisconsin Economic Dev. Corporation (WEDC)	WEDC Regional Office (608) 210-6787
Urban Forestry Grants - Regular	Assistance for tree maintenance, planting, and public awareness.	<ul style="list-style-type: none"> \$1,000 to \$25,000 grants awarded with a 50% local match. Match may include in-kind services and donations. 	October 1	<ul style="list-style-type: none"> Projects begin January 1 of the following year and must be completed within one calendar year. 	Wisconsin DNR Urban Forestry	Nicolle Spafford (715) 453-2188 ext 174
Urban Forestry Grants – Startup	Assistance for small projects focused on initial steps in community tree care and management.	<ul style="list-style-type: none"> \$4,000 to \$50,000 Applicant may request 50% advance payment 	Within 60 days of a state emergency declaration	<ul style="list-style-type: none"> Projects must be completed within 365 days after governor's emergency declaration 	Wisconsin DNR Urban Forestry	Nicolle Spafford (715) 453-2188 ext 174
Urban Forestry Grants – Catastrophic Storm	Assistance with tree repair, removal or replacement within urban areas following a catastrophic storm event	<ul style="list-style-type: none"> \$1,000 to \$25,000 grants awarded with a 50% local match. Match may include in-kind services and donations. 	October 1	<ul style="list-style-type: none"> Projects begin January 1 of the following year and must be completed within one calendar year. 	Wisconsin DNR Urban Forestry	Nicolle Spafford (715) 453-2188 ext 174
Bicycle Infrastructure & Advocacy Grant	Grants to build infrastructure that makes it easier for all people to ride bikes in their communities, including bike paths, bike lanes, trails, bridges, parking, and storage. Can also fund programs and initiatives that advocate for bikes and transform streets for bikes.	<ul style="list-style-type: none"> Up to \$10,000 or up to 50% of project cost No specific match amount, but leverage required 	April and October	<ul style="list-style-type: none"> Applications should include performance metrics for measuring project success 	People for Bikes	Zoe Kircos (702) 726-3335

Aquatic Restoration Programs

Surface Water Grant Program	Supports education and planning projects as well as management projects to help communities understand surface water conditions and protect and improve water quality and aquatic habitat.	<ul style="list-style-type: none"> Funding caps and match requirements vary by project type Over \$6 million provided annually 	November 1	<ul style="list-style-type: none"> Some projects require an approved recommendation in a management plan to be eligible. 	Wisconsin DNR	Alison Miklyuk (608) 264-8947
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