

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, OCTOBER 6, 2022, 7:00 P.M.

\*\*\*REVISED

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 special meeting of September 21, 2022.
2. Approval of regular meeting of September 22, 2022.

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

1. **CHRISTIAN S. SARTLER AND KAREN R. SARTLER DETACHED GARAGE CONSTRUCTION.** Rezoning application by Christian S. Sartler and Karen R. Sartler to rezone the property located at 8979 South 42nd Street from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District (northern portion of the property) to R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 854-9952-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

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

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: \*\*\*November 3, 2022

**City of Franklin**  
**SPECIAL Plan Commission Meeting**  
**September 21, 2022**  
**Minutes**

unapproved

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

Mayor Steve Olson called the September 21, 2022, Special Plan Commission meeting to order at 6:08 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Alderwoman Shari Hanneman, Commissioner Kevin Haley and City Engineer Glen Morrow. Commissioner Patricia Hogan arrived at 8:05 pm. Excused was Commissioners Adam Burckhardt and Patrick Leon. Also present were Principal Planner Regulo Martinez-Montilva, Associate Planner Marion Ecks and Alderman Mike Barber.

**B.**

**UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE TASK FORCE, UDO rewritten provisions prepared by project consultants Houseal Lavigne Associates and Birchline Planning LLC. re: articles: 1. General Provision, 2. Establishment of Districts, 3. District Specific Standards and 4. Use-Specific Standards**

Principal Planner Regulo Martinez-Montilva introduced the **UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE TASK FORCE, UDO rewritten provisions prepared by project consultants Houseal Lavigne Associates and Birchline Planning LLC. re: articles: 1. General Provision, 2. Establishment of Districts, 3. District Specific Standards and 4. Use-Specific Standards**

**C. Adjournment**

Commissioner Haley moved and Commissioner Hogan seconded to adjourn the Special Plan Commission meeting of September 21, 2022 at 9:28 p.m.. On voice vote, all voted ‘aye’; motion carried (4-0-2).

**City of Franklin  
Plan Commission Meeting  
September 22, 2022  
Minutes**

unapproved

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

Mayor Steve Olson called the September 22, 2022, regular Plan Commission meeting to order at 7:03 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Alderwoman Shari Hanneman, Commissioners Patrick Leon, Adam Burckhardt and Patricia Hogan and City Engineer Glen Morrow. Excused was Commissioner Kevin Haley. Also present was Associate Planner Marion Ecks.

**B. Approval of Minutes**

1. Regular Meeting of September 8, 2022.

Commissioner Hogan moved and Commissioner Leon seconded a motion to approve the September 8, 2022, regular meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-1).

- C. Public Hearing Business Matters**  
**LIGHTHOUSE INVESTMENTS, LLC INDOOR/OUTDOOR PICKLEBALL FACILITY CONSTRUCTION.** Rezoning application by Lighthouse Investments, LLC to rezone the properties located at 5012 West Ryan Road from B-1 Neighborhood Business District to B-3 Community Business District; Tax Key Nos. 881-9998-001 and 881-9999-001.

Associate Planner Marion Ecks presented the request by Lighthouse Investments, LLC to rezone the properties located at 5012 West Ryan Road from B-1 Neighborhood Business District to B-3 Community Business District; Tax Key Nos. 881-9998-001 and 881-9999-001.

The public hearing is continued.

**D. Business Matters**

1. **TARGET STORE T-2388 FRANKLIN PARKING LOT DRIVE-UP LOGO SIGN INSTALLATION WITHIN THE SHOPPES AT WYNDHAM VILLAGE COMMERCIAL RETAIL CENTER.** Master Sign Program Amendment application by Target Corporation (Store T-2388 Franklin) to allow for Drive-Up signage totaling 128 square feet, specifically the installation of 12 two-sided posts and panel signs (as pickup stall markers-96 square feet) consisting of Target’s Drive-Up logo and the space number, and two solar beacon signs (32 square feet), one on the north and south end of the proposed pickup area 24

Associate Planner Marion Ecks presented the request by Target Corporation (Store T-2388 Franklin) to allow for Drive-Up signage totaling 128 square feet, specifically the installation of 12 two-sided posts and panel signs (as pickup stall markers-96 square feet) consisting of Target’s Drive-Up logo and the space number, and two solar beacon signs (32 square feet), one on the north and south end of the proposed pickup area 24 Drive-Up stalls (which require a Master Sign Program (MSP) Amendment), for property located at 7800 South Lovers Lane Road, zoned CC City Civic Center District; Tax Key No. 794-9999-004.

Commissioner Leon moved and Commissioner Burckhardt seconded a motion to adopt a Resolution approving an amendment to the Master Sign Program for the Shoppes at Wyndham Village commercial retail center to allow for drive-up stall signage for the Target store (7800 South Lovers Lane Road) On voice vote, all voted ‘aye’; motion carried (5-0-1).

Drive-Up stalls (which require a Master Sign Program (MSP) Amendment), for property located at 7800 South Lovers Lane Road, zoned CC City Civic Center District; Tax Key No. 794-9999-004.

**Adjournment**

Commissioner Hogan moved and Alderwoman Hanneman seconded to adjourn the Plan Commission meeting of September 22, 2022 at 7:09 p.m.. On voice vote, all voted 'aye'; motion carried (5-0-1).

DRAFT





**CITY OF FRANKLIN**  
**REPORT TO THE PLAN COMMISSION**  
**Meeting of October 6, 2022**  
**Rezoning**

**Item C.1.**

**RECOMMENDATION:** City Development Staff recommends denial of this rezoning request due to a navigable waterway in the area to be rezoned.

<b>Project Name:</b>	<b>Sartler Rezoning</b>
Address Location:	8979 S. 42nd Street
Tax Key #(s):	854 9952 000
Current zoning:	R-3 Suburban/Estate Single-Family Residence District & C-1 Conservancy District
Proposed zoning:	R-3 Suburban/Estate Single-Family Residence District
Property Owner(s):	Sartler, Christian S. and Karen R.
Applicant Name:	Ellertson, Kevin
Assigned Planner:	Régulo Martínez-Montilva, AICP, Principal Planner
Submittal Date:	05-13-2022
Application Number:	PPZ22-0084

**Introduction:**

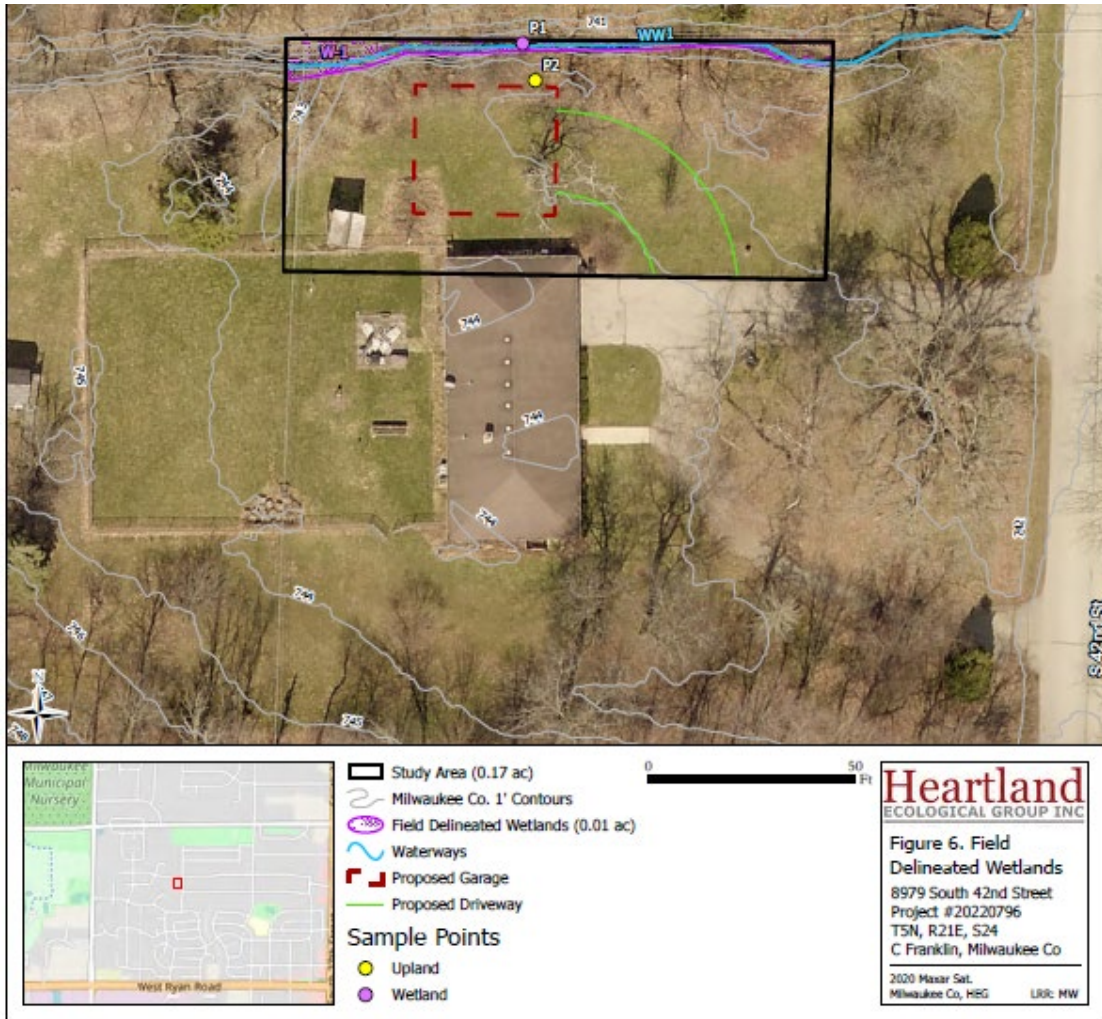
The subject property is zoned R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District. The C-1 zoning area is located in the north end of this property where the owner is proposing to build a detached garage and driveway, but the C-1 zoning district does not allow for accessory structures. Therefore, the applicant is requesting this rezoning to remove the C-1 zoning designation. The C-1 is an obsolete zoning district because it exists only in the zoning map without any specific development standards in the zoning ordinance text.

It can be noted that the C-1 zoning text had been removed from the City’s Unified Development Ordinance (UDO), because the C-1 zoning district boundaries had become inaccurate. However, the City’s zoning map had not been revised at that time. Therefore, it has become common practice for the City to require rezoning to remove the C-1 district from the City’s zoning map when a new project with more accurate information becomes available.

**Natural Resources:**

The applicant submitted a wetland delineation report for the study area adjacent to the proposed improvements, specifically 0.17 acres (appendix 1). The environmental consultant (Heartland Ecological Group, Inc) identified one wetland (W-1) and one waterway (WW1) in the study area. It is highly likely that this waterway is navigable per e-mail communication from the Department of Natural Resources (DNR), appendix 2. The UDO requires a 75-foot shore buffer from any navigable waterway where land disturbances are not allowed. This waterway and its shore buffer run along the

north property line and cover most of the C-1 area to be rezoned, therefore this area is subject to natural resource protection.



**Field delineated wetlands by Heartland Ecological Group Inc.**

**Comprehensive Master Plan Consistency**

The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as ‘Residential’ with the southwest part of it as ‘Areas of Natural Resource Features’.

Given that the existing waterway appears to be navigable, it can be noted that the proposed rezoning is not consistent with the following goals, objectives and recommendations set forth within the Comprehensive Master Plan:

- #1. *Protect environmental resources.*  
Chapter 3: Agricultural, Natural, and Cultural Resources (page 3-56).
  - o *Discourage incompatible development and alteration of floodplains, lakes, rivers and streams, wetlands, shorelands, steep slopes, and woodland areas so as to preserve the*

*integrity of these resources and to promote the ecological value of these assets, and to minimize adverse impacts upon adjacent properties.*

**Staff comment:** The existing waterway and shore buffer are protected natural resources, approval of this rezoning request for construction of a garage is incompatible with this objective.

*#2. It is recommended that the following zoning map related issues be considered and/or be the subject of further study by the City when a reasonable opportunity arises.*  
Chapter 5: Land Use (page 5-87).

- *Eliminate the C-1 zoning district.*

**Staff comment:** As noted earlier, since the C-1 zoning district is obsolete, it is a common practice to remove the C-1 district from the City's zoning map when more accurate information becomes available. However, staff does not recommend removal of the C-1 conservancy district in this case, due to the presence of navigable waterway WW1.

**Recommendation:**

A motion to recommend denial of the proposed rezoning due to the presence of a navigable waterway in the area to be rezoned.

If this rezoning request is approved, the applicant would still need to obtain approval of a Natural Resource Special Exception to allow for impacts to the shore buffer.

**Appendixes:**

1. Assured wetland delineation report by Heartland Ecological Group Inc, July 20, 2022. Excluding appendixes B through E.
2. E-mail from the Department of Natural Resources dated September 8, 2022

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-19-22]*

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF  
LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE  
DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-3  
SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT  
(SPECIFICALLY LOCATED AT 8979 SOUTH 42ND STREET)  
(APPROXIMATELY 1.507 ACRES)  
(CHRISTIAN S. SARTLER AND KAREN R. SARTLER, APPLICANTS)

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WHEREAS, Christian S. Sartler and Karen R. Sartler having petitioned for the rezoning of approximately 1.507 acres of land, from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District (northern portion of the property) to R-3 Suburban/Estate Single-Family Residence District, such land specifically located at 8979 South 42nd Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 6th day of October, 2022, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for land specifically located at 8979 South 42nd Street, described below, be changed from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District (northern portion of the property) to R-3 Suburban/Estate Single-Family Residence District:

A parcel of land in the South 1/2 of the Northwest 1/4 of Section 24, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee

County, Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, which is North 00 degrees 17 minutes West 595.35 feet of the Southwest corner of said 1/4 Section, running thence North 00 degrees 17 minutes West along the West Line of said 1/4 Section 185 feet to a point; thence North 88 degrees 31 minutes 39 seconds East and parallel to the South line of said 1/4 Section, 355 feet to a point; thence South 00 degrees 17 minutes East and parallel to the West line of said 1/4 Section, 185 feet to a point and thence South 88 degrees 31 minutes 39 seconds West and parallel to the South line of said 1/4 Section, 355 feet to the place of beginning, reserving therefrom the West 45 feet and the East 30 feet for street or highway purposes.

Tax Key No.: 854-9952-000.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

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

APPROVED:

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

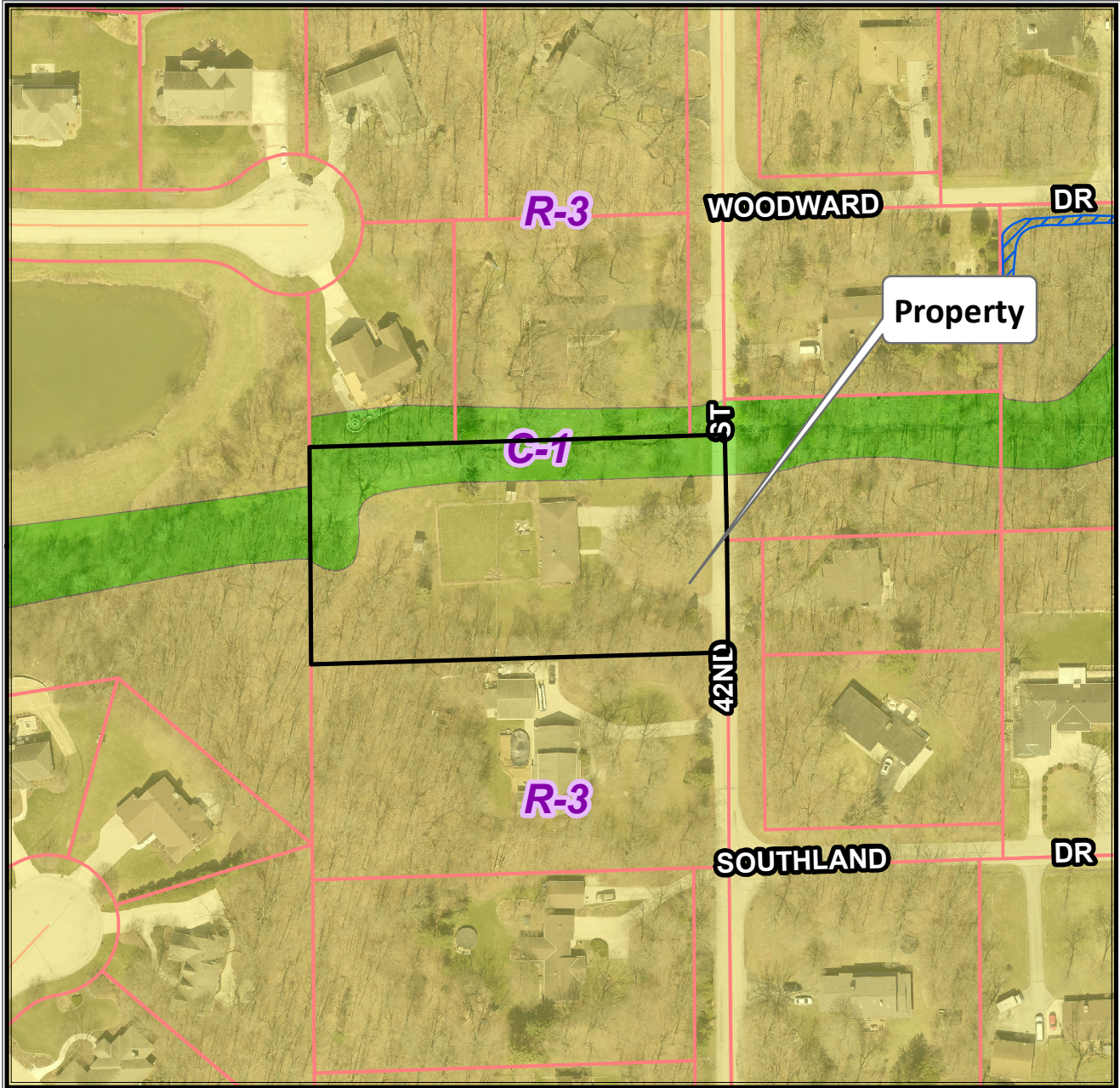
ATTEST:

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

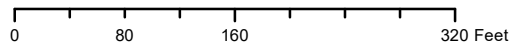
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



8979 S. 42nd Street  
TKN: 854 9952 000



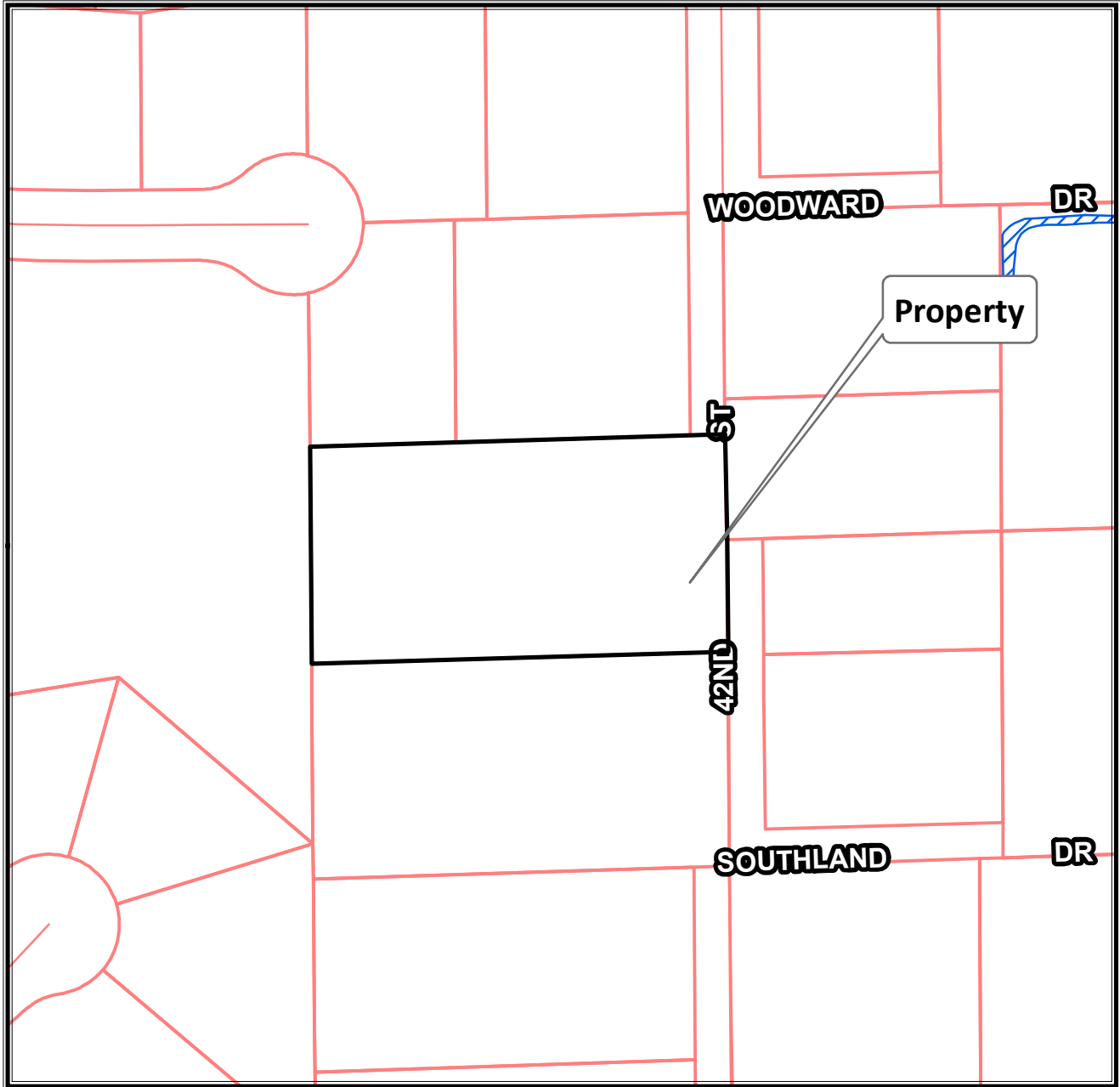
Planning Department  
(414) 425-4024



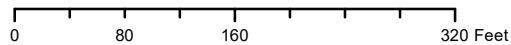
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



8979 S. 42nd Street  
TKN: 854 9952 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.*





# Assured Wetland Delineation Report

## **8979 42<sup>nd</sup> Street Site**

City of Franklin, Milwaukee County, Wisconsin

July 20, 2022

Project Number: 20220796



## **8979 42<sup>nd</sup> Street Site**

City of Franklin, Milwaukee County, Wisconsin

July 20, 2022

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**Prepared for:**

Limitless Property Works

Mr. Kevin Ellertson

P.O. Box 85185

Racine, WI 53408

**Prepared by:**

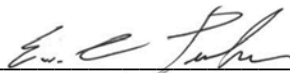
Heartland Ecological Group, Inc.

506 Springdale Street

Mount Horeb, WI 53572

608-490-2450

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



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Eric C. Parker, Principal



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Matt Stangel, Environmental Scientist

# Table of Contents

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1.0	Introduction .....	4
2.0	Methods .....	5
2.1	Wetlands .....	5
3.0	Results and Discussion .....	6
3.1	Desktop Review .....	6
	Table 1. Summary of NRCS Mapped Soils within the Study Area .....	7
3.2	Field Review .....	7
	Table 2. Summary of Wetlands Identified within the Study Area .....	8
3.3	Other Considerations .....	9
4.0	Conclusion .....	10
5.0	References .....	11

Appendix A | Figures and NAIP Imagery

Appendix B | APT Analysis

Appendix C | Wetland Determination Data Sheets

Appendix D | Site Photographs

Appendix E | Delineator Qualifications



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## 1.0 Introduction

Heartland Ecological Group, Inc. (“Heartland”) completed an assured wetland determination and delineation on the 8979 South 42<sup>nd</sup> Street site on July 14, 2022 at the request of Limitless Property Works (LPW). Fieldwork was completed by Eric C. Parker, SPWS, an assured delineator qualified via the Wisconsin Department of Natural Resources’ (WDNR’s) Wetland Delineation Assurance Program (Appendix E, Qualifications). The 0.17-acre site (the “Study Area”) is southwest of the intersection of West Woodward Drive and South 42<sup>nd</sup> Street, in the northwest ¼ of Section 24, T5N, R21E, City of Franklin, Milwaukee County, WI (Figure 1, Appendix A). The purpose of the wetland delineation was to determine the location and extent of wetlands and waterways within the Study Area.

One (1) wetland area, located along a ditch-waterway, was delineated and mapped within the Study Area (Figure 6, Appendix A). Delineated wetlands continue outside the Study Area to the east and west. No water bodies were observed in the Study Area. Wetlands and waterways in the Study Area appeared to be artificial in origin.

Wetlands, waterways, and water bodies discussed 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 WDNR, and local zoning authorities. Heartland recommends this report be submitted to local authorities, the WDNR, and USACE for final jurisdictional review and concurrence.



## 2.0 Methods

### 2.1 Wetlands

Wetlands were determined and delineated using the criteria and methods described in the USACE Wetlands Delineation Manual, T.R. Y-87-1 (“1987 Corps Manual”) and the applicable *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*. In addition, the *Guidance for Submittal of Delineation Reports to the St. Paul District USACE and the WDNR* (WDNR, 2015) was followed in completing the wetland delineation and report.

Determinations and delineations utilized available resources including the U.S. Geological Survey’s (USGS) *WI 7.5 Minute Series (Topographic) Map* (Figure 2, Appendix A), the Natural Resource Conservation Service’s (NRCS) Soil Survey Geographic Database (SSURGO), U.S. Department of Agriculture’s (USDA) *Web Soil Survey* (Figure 3, Appendix A), the WDNR’s *Surface Water Data Viewer’s* wetland indicator data layer (Figure 4, Appendix A), the WDNR’s *Wisconsin Wetland Inventory* data layer (Figure 5, Appendix A), and aerial imagery available through the USDA Farm Service Agency’s (FSA) National Agriculture Imagery Program (NAIP) (Appendix A). The USGS *National Hydrography Dataset* is included on Figures 2 and 5, Appendix A.

Wetland determinations were completed on-site at sample points, often along transects, using the three (3) criteria (vegetation, soil, and hydrology) approach per the 1987 Corps Manual and the Regional Supplement. Procedures in these sources were followed to demonstrate that, under normal circumstances, wetlands were present or not present based on a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology.

Recent weather conditions influence the visibility or presence of certain wetland hydrology indicators. An assessment of recent precipitation patterns helps to determine if climatic/hydrologic conditions were typical when the field investigation was completed. Therefore, a review of the antecedent precipitation in the 90 days leading up to the field investigation was completed. Using an Antecedent Precipitation Tool (APT) analysis developed by the USACE (Deters & Gutenson 2021), the amount of precipitation in these 90 days were compared to averages and standard deviation thresholds over the past 30 years to generally represent if conditions encountered during the investigation were normal, wet, or dry. Recent precipitation events in the weeks prior to the investigation were considered while interpreting wetland hydrology indicators. The Palmer Drought Severity Index (PDSI)



was calculated as part of the APT analysis to determine long-term drought or moist conditions (NOAA, 2018).

The uppermost wetland boundaries were identified and marked with wetland flagging. Wetland boundaries and sample point locations were recorded with a Global Navigation Satellite System (GNSS) receiver capable of sub-meter accuracy. In some cases, wetland flagging was not utilized to mark the boundary and the location was only recorded with a GNSS receiver, particularly in active agricultural and regularly mowed areas. The GNSS data was then used to map the wetlands using ESRI ArcGIS Pro™ 3.0.0 software.

## 3.0 Results and Discussion

### 3.1 Desktop Review

#### Climatic Conditions

According to the APT analysis using the previous 90 days of precipitation data, conditions encountered at the time of the fieldwork were expected to be normal for the time of year (Appendix B). The Palmer Drought Severity Index was calculated as part of the APT analysis and the long-term conditions at the time of the fieldwork were in the moderate drought range. Fieldwork was completed within the dry-season based on long-term regional hydrology data utilized in the WebWIMP Climatic Water Balance computed as part of the APT analysis.

#### General Topography and Land Use

The topography within the Study Area was somewhat flat, with a ditch along its north perimeter. A topographic high of approximately 744 feet above mean sea level (msl) is present on a hill near the western edge of the Study Area, while a topographic low of approximately 740 feet above msl is in the ditch along the northern edge of the Study Area (Figures 2 and 6, Appendix A). Land uses within and adjacent to the Study Area were noted to be primarily wooded residential. General drainage is to the east toward Oak Creek, which lies approximately 800 feet east of the Study Area.

#### Soil Mapping

Soils mapped by the NRCS Soil Survey within the Study Area and their hydric status are summarized in Table 1. Wetlands identified during the field investigation are located



primarily within areas mapped as hydric or partially hydric soils including wetland indicator soils (Figures 3 and 4, Appendix A).

**Table 1. Summary of NRCS Mapped Soils within the Study Area**

<b>Soil symbol: Soil Unit Name</b>	<b>Soil Unit Component</b>	<b>Soil Unit Component Percentage</b>	<b>Landform</b>	<b>Hydric status</b>
BIA: Blount silt loam, 1-3% slopes	Blount	90-98	Moraines	No
	Ashkum	2-10	Depressions	Yes

**Wetland Mapping**

The Wisconsin Wetlands Inventory (WWI) mapping (Figure 5, Appendix A) does not depict wetlands or waterways within the Study Area. A forested wetland (T3K) area is depicted west of the Study Area. In addition, an NHD Waterway is depicted south of the Study Area.

**Previous Delineations and Landowner Contacts**

Heartland is not aware of any previous wetland delineations completed in the Study Area. The owner reports that the waterway along the northern edge of the Study Area was constructed to convey stormwater east to Oak Creek from the subdivision that lies to the west.

**Aerial Photography**

Reviewing the NAIP imagery, there does not appear to have been significant changes in the Study Area since 2005.

**3.2 Field Review**

One (1) wetland area, associated with a likely excavated waterway, was identified and delineated within and adjacent to the Study Area. Wetland determination data sheets (Appendix C) were completed at two (2) sample points that were representative of the wetland and upland conditions near the boundary and where potential wetlands may be present based on the desktop review and field reconnaissance. Appendix D provides photographs, typically at the sample point locations of the wetlands and adjacent uplands. Other photographs of observed ditch wetlands and key plant species that provide evidence the growing season is underway are also included. The wetland boundary and sample point



Limitless Property Works  
 8979 South 42<sup>nd</sup> Street Site  
 Project #: 20220796  
 July 20, 2022

locations are shown on Figure 6 (Appendix A) and the wetlands are summarized in Table 2 and detailed in the following sections.

**Table 2. Summary of Wetlands Identified within the Study Area**

Wetland ID	Wetland Description	*Surface Water Connections	*NR151 Protective Area	Acreage (on-site)
W-1	Shrub Carr	Contiguous with an Unnamed Tributary to Oak Creek	Less susceptible, 10-30 feet	0.01
<i>*Classification based on Heartland's professional opinion. Jurisdictional authority of wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities may have additional restrictions. USACE has authority for determining federal jurisdiction of wetlands and waterways.</i>				<b>0.01</b>

**Wetland 1 (W-1)**

Wetland 1 (W-1) is an approximately 0.01 acre shrub carr associated with a ditch waterway along the northern edge of the Study Area. The boundary of W-1 followed a well-defined topographic break that comprises the channel of the ditch waterway.

W-1 was dominated by black raspberry (*Rubus occidentalis*, UPL), prickly gooseberry (*Ribes cynosbati*, FAC), creeping Charlie (*Glechoma hederacea*, FACU), orange jewelweed (*Impatiens capensis*, FACW), and rice cut-grass (*Leersia oryzoides*, OBL). The wetland vegetation parameter was met based on most dominant species being hydrophytic.

The Depleted Below Dark Surface (A110 and Depleted Matrix (F3) hydric soil indicators were noted in W-1, which is not consistent with the Blount silt loam (BIA) soil type that is mapped in the Study Area. The hydric soil parameter was met based on meeting a hydric soil indicator.

The primary wetland hydrology indicators of Standing Water (A1), High Water Table (A2), Saturation (A3), and Drift Deposits (B3) were noted at the sample point completed in W-1. In addition, the secondary indicators included Drainage Patterns (B11) and Geomorphic Position (D2). Therefore the wetland hydrology parameter was met throughout W-1.



### 3.3 Other Considerations

This report is limited to the identification and delineation of wetlands within the Study Area. Other regulated environmental resources that result in land use restrictions may be present within the Study Area that were not evaluated by Heartland (e.g. navigable waterways, floodplains, cultural resources, and threatened or endangered species).

Wisconsin Act 183 provides exemptions to permitting requirements for certain nonfederal wetlands. Nonfederal wetlands are wetlands that are not subject to federal jurisdiction. Exemptions apply to projects in urban areas with wetland impacts up to 1-acre per parcel. An urban area is defined as an incorporated area; an area within ½ mile of an incorporated area; or an area served by a sewerage system. Exemptions for nonfederal wetlands also apply to projects in rural areas with wetland impacts up to three (3) acres per parcel. Exemptions in rural areas only apply to structures with an agricultural purpose such as buildings, roads, and driveways. The determination of federal and nonfederal wetlands MUST be made by the USACE through an Approved Jurisdictional Determination (AJD). This report may be submitted to the USACE to assist with their determination.

Wis. Adm. Code NR 151 (“NR 151”) requires that a “protective area” (buffer) be determined from the Ordinary High-Water Mark (OHWM) of lakes, streams and rivers, or at the delineated boundary of wetlands. Per NR 151.12, the protective area width for “less susceptible” wetlands is determined by using 10% of the average wetland width, no less than 10 feet or more than 30 feet. “Moderately susceptible” wetlands, lakes, and perennial and intermittent streams identified on recent mapping require a protective area width of 50 feet; while “highly susceptible wetlands” are associated with outstanding or exceptional resource waters in areas of special natural resource interest and require protective area width of 75 feet. Table 2 above lists the potential wetland buffers per NR 151 for each wetland identified based on Heartland’s professional opinion. Please note that jurisdictional authority on wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities and regional planning organizations may have additional land use restrictions within or adjacent to wetlands.





## 4.0 Conclusion

Heartland completed an assured wetland determination and delineation on the 8979 South 42<sup>nd</sup> Street site on July 14, 2022 at the request of LPW. Fieldwork was completed by Eric C. Parker, SPWS, an assured delineator qualified via the WDNR's Wetland Delineation Assurance Program (Appendix E, Qualifications). The 0.17-acre Study Area is southwest of the intersection of West Woodward Drive and South 42<sup>nd</sup> Street, in the northwest ¼ of Section 24, T5N, R21E, City of Franklin, Milwaukee County, WI (Figure 1, Appendix A).

One (1) wetland area, located along a ditch-waterway, was delineated and mapped within the Study Area (Figure 6, Appendix A). Delineated wetlands continue outside the Study Area to the east and west. No water bodies were observed in the Study Area. Wetlands and waterways in the Study Area appeared to be artificial in origin.

Wetlands, waterways, and water bodies discussed in this report may be subject to federal regulation under the jurisdiction of the USACE, state regulation under the jurisdiction of the WDNR, and the local zoning authority. Heartland recommends this report be submitted to the USACE and WDNR for final jurisdictional review and concurrence. Review by local authorities may be necessary applicable zoning and setback restrictions.

Heartland recommends that all applicable regulatory agency reviews and permits are obtained prior to beginning work within the Study Area or within or adjacent to wetlands or waterways. Heartland can assist with evaluating the need for additional environmental reviews, surveys, or regulatory agency coordination in consideration of the proposed activity and land use as requested but is outside of the scope of the wetland delineation.

Experienced and qualified professionals completed the wetland determination and delineation using standard practices and professional judgment. Wetland boundaries may be affected by conditions present within the Study Area at the time of the fieldwork. All final decisions on wetlands and their boundaries are made by the USACE, the WDNR, and/or sometimes a local unit of government. Wetland determination and boundary reviews by regulatory agencies may result in modifications to the findings presented to the Client. These modifications may result from varying conditions between the time the wetland delineation was completed and the time of the review. Factors that may influence the findings may include but not limited to precipitation patterns, drainage modifications, changes or modification to vegetation, and the time of year.



---

## 5.0 References

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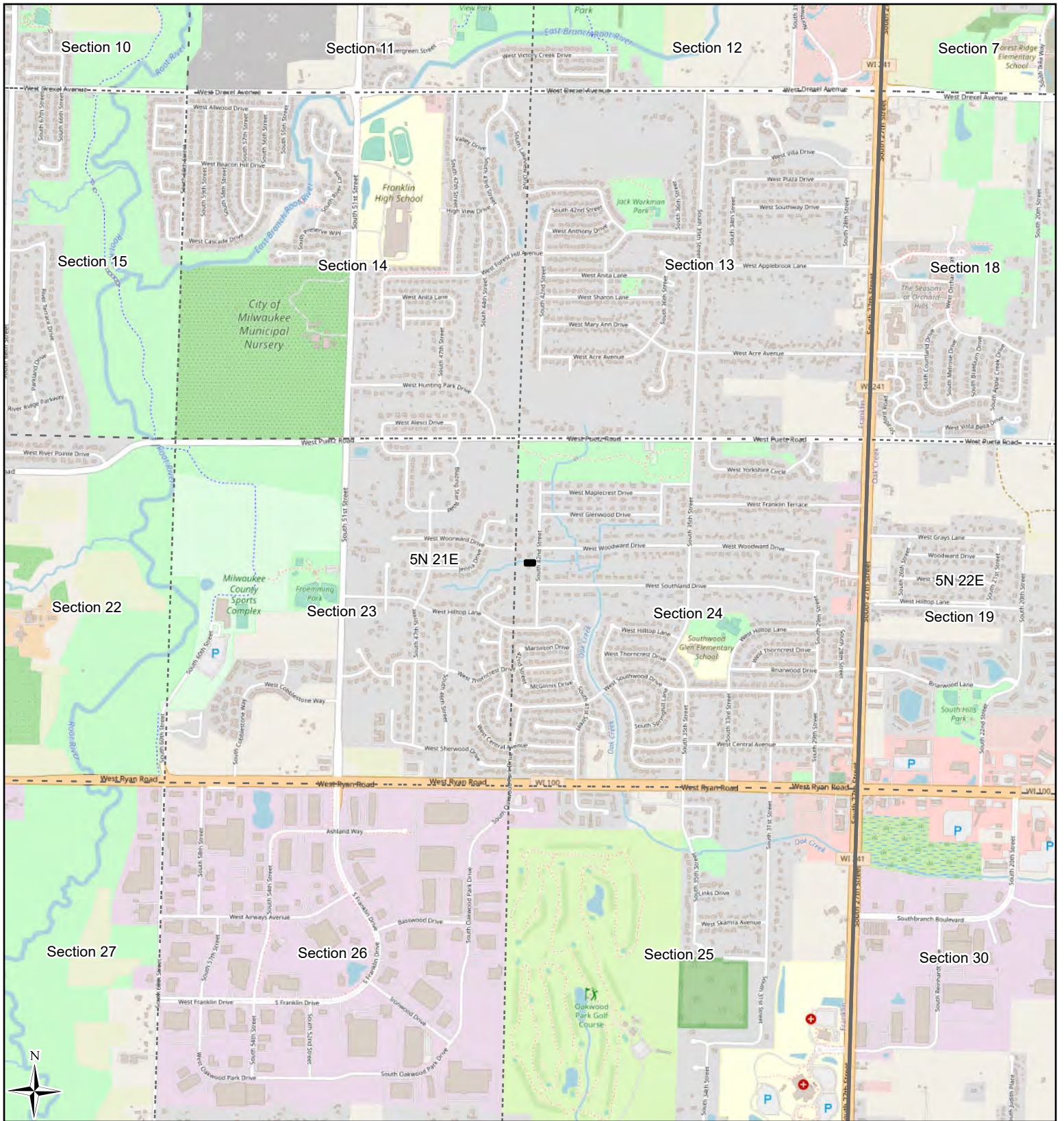


Limitless Property Works  
8979 South 42<sup>nd</sup> Street Site  
Project #: 20220796  
July 20, 2022

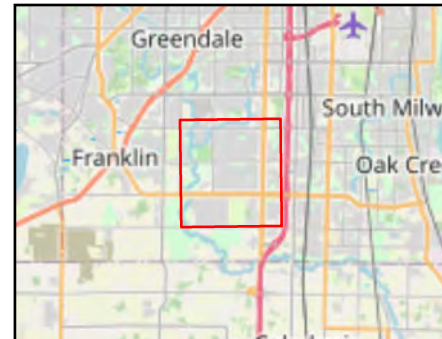
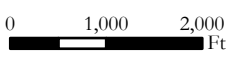
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## Appendix A | Figures and NAIP Imagery





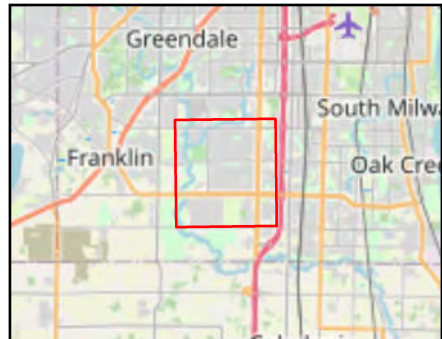
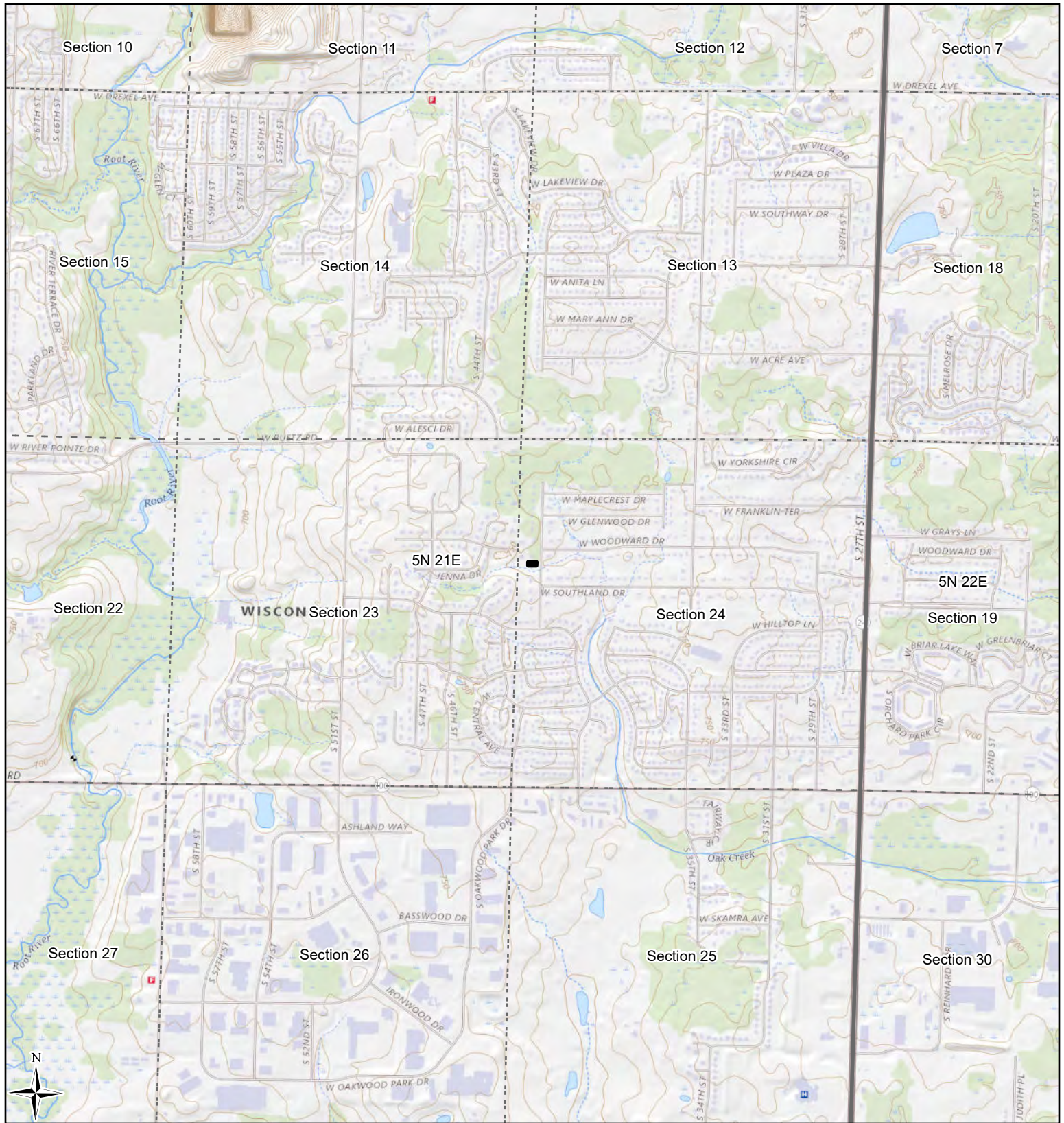
- Study Area (0.17 ac)
- Township
- Section



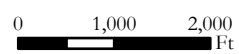
**Heartland**  
ECOLOGICAL GROUP INC

Figure 1. Project Location  
 8979 South 42nd Street  
 Project #20220796  
 T5N, R21E, S24  
 C Franklin, Milwaukee Co  
 OpenStreetMap  
 ESRI  
 LRR: MW





- Study Area (0.17 ac)
- Township
- Section



**Heartland**  
ECOLOGICAL GROUP INC






Figure 2. USGS  
Topography  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

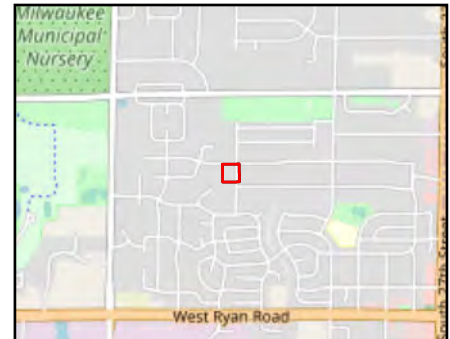




 Study Area (0.17 ac)

### NRCS Soil Survey Data

-  Hydric (100%)
-  Predominantly Hydric (85-99%)
-  Partially Hydric (16-84%)
-  Predominantly Non-Hydric (1-15%)
-  Non-Hydric (0%)



**Heartland**  
 ECOLOGICAL GROUP INC

Figure 3. NRCS Hydric Soils  
 8979 South 42nd Street  
 Project #20220796  
 T5N, R21E, S24  
 C Franklin, Milwaukee Co

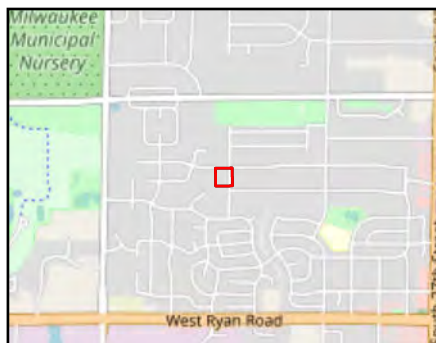
2020 Maxar Sat.  
 NRCS

LRR: MW





- Study Area (0.17 ac)
- SWDV Wetland Indicators








**Heartland**  
ECOLOGICAL GROUP INC

Figure 4. SWDV  
Wetland Indicators  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

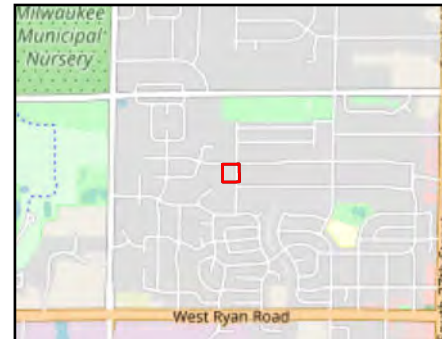
2020 Maxar Sat.  
WDNR LRR: MW





-  Study Area (0.17 ac)
-  WWI Wetland Polygons
-  WWI Wetland Points (No Features in Map Extent)
-  NHD Waterway
-  NHD Waterbody (No Features in Map Extent)

0 50 Ft

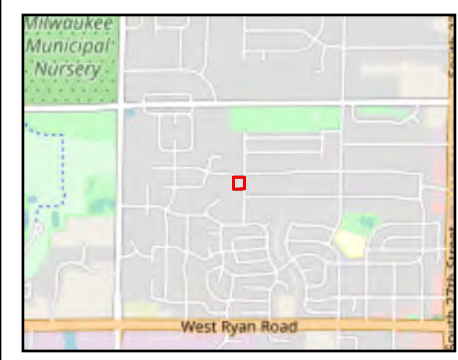
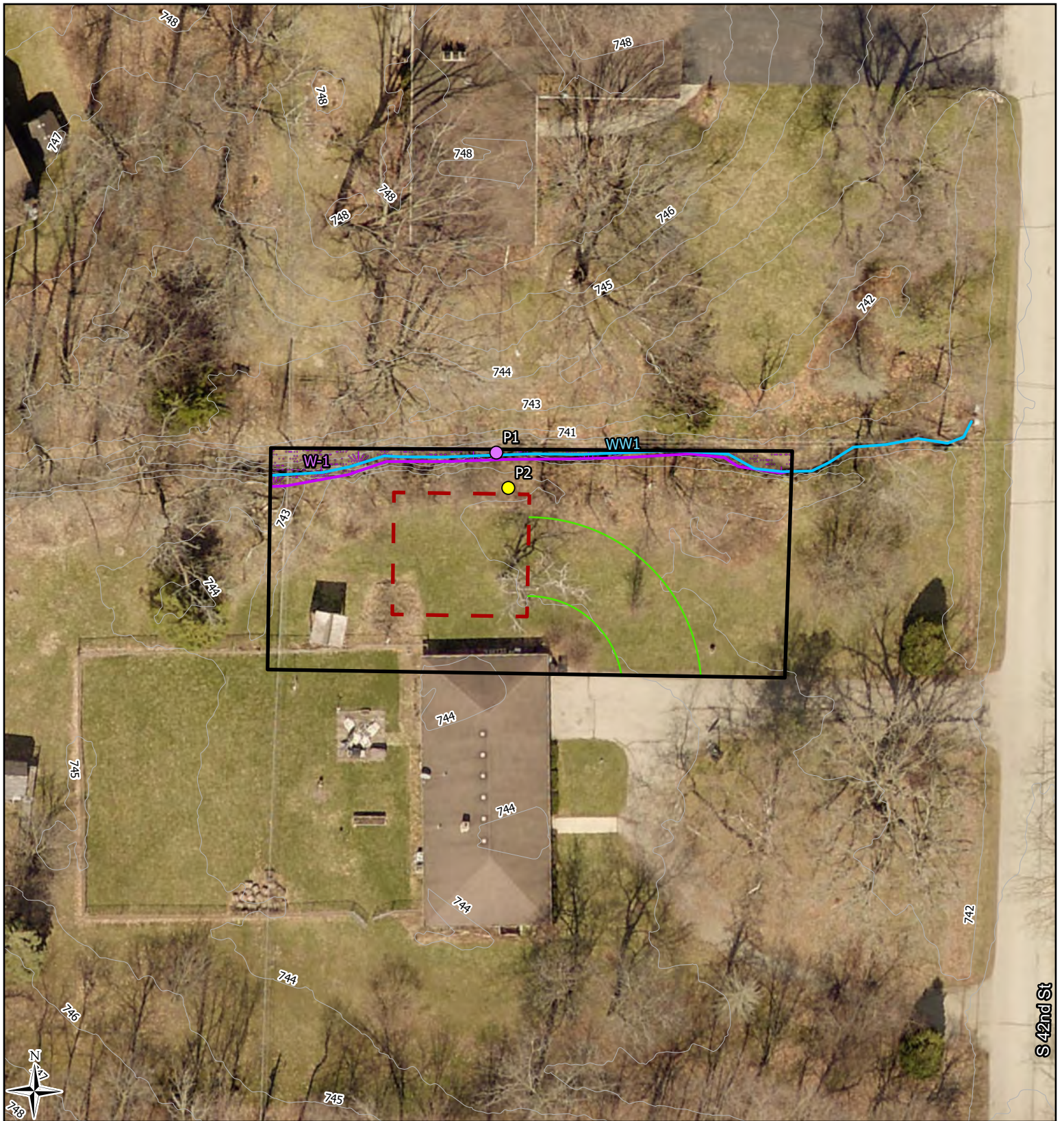



**Heartland**  
ECOLOGICAL GROUP INC

Figure 5. Wisconsin Wetland Inventory  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

2020 Maxar Sat.  
WDNR, USGS LRR: MW





- Study Area (0.17 ac)
  - Milwaukee Co. 1' Contours
  - Field Delineated Wetlands (0.01 ac)
  - Waterways
  - Proposed Garage
  - Proposed Driveway
- Sample Points**
- Upland
  - Wetland



**Heartland**  
 ECOLOGICAL GROUP INC

**Figure 6. Field Delineated Wetlands**  
 8979 South 42nd Street  
 Project #20220796  
 T5N, R21E, S24  
 C Franklin, Milwaukee Co

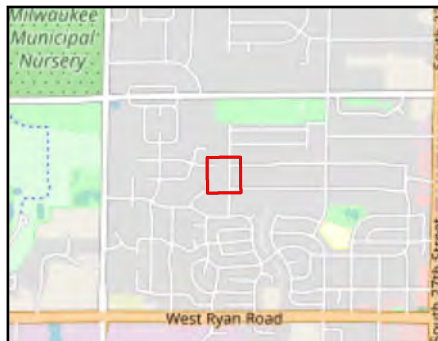
2020 Maxar Sat.  
 Milwaukee Co, HEG      LRR: MW





 Study Area (0.17 ac)

0  100 Ft



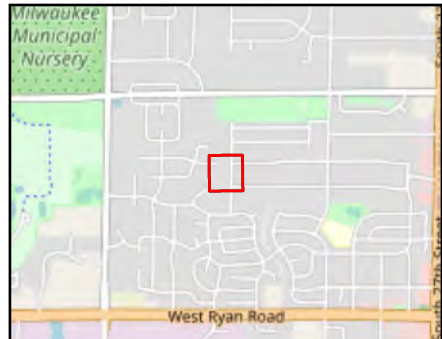
**Heartland**  
ECOLOGICAL GROUP INC

Appendix: 2005-06-08  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

2005 NAIP  
USDA



 Study Area (0.17 ac)

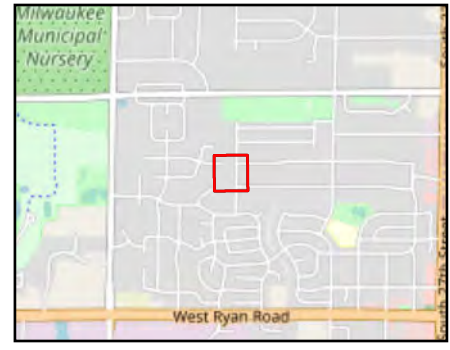


**Heartland**  
ECOLOGICAL GROUP INC  
Appendix: 2008-07-05  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co  
2008 NAIP  
USDA





 Study Area (0.17 ac)



**Heartland**  
ECOLOGICAL GROUP INC

Appendix: 2010-06-28  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

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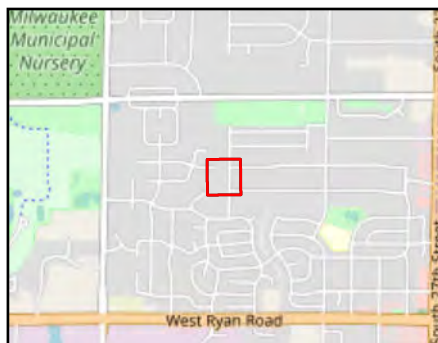
2010 NAIP  
USDA





 Study Area (0.17 ac)

0  100 Ft



**Heartland**  
ECOLOGICAL GROUP INC

Appendix: 2013-06-19  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

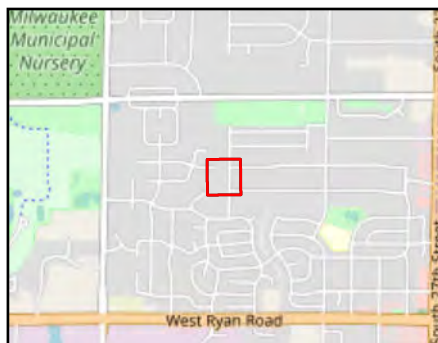
2013 NAIP  
USDA





 Study Area (0.17 ac)

0  100 Ft



**Heartland**  
ECOLOGICAL GROUP INC

Appendix: 2015-09-22  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

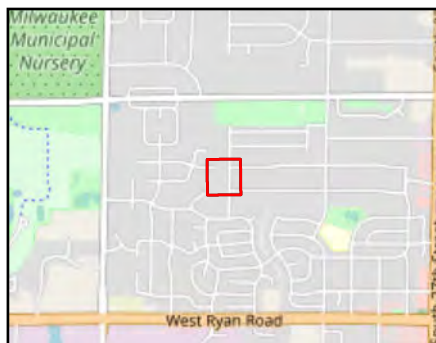
2015 NAIP  
USDA





 Study Area (0.17 ac)

0  100 Ft



**Heartland**  
ECOLOGICAL GROUP INC

Appendix: 2017-09-22  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

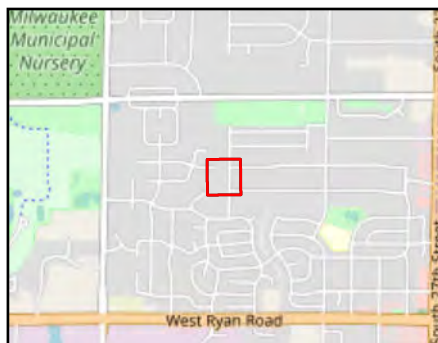
2017 NAIP  
USDA





 Study Area (0.17 ac)

0  100 Ft



**Heartland**  
ECOLOGICAL GROUP INC

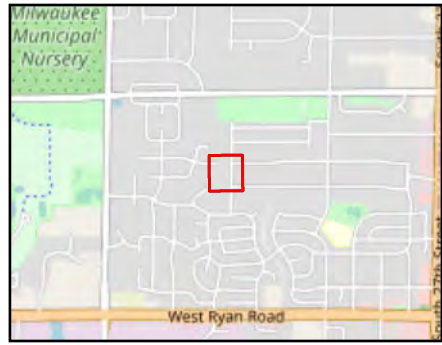
Appendix: 2018-09-14  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

2018 NAIP  
USDA





 Study Area (0.17 ac)



**Heartland**  
ECOLOGICAL GROUP INC

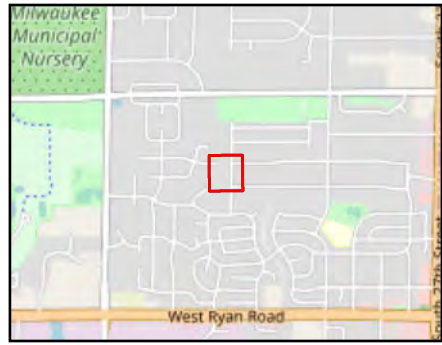
Appendix: 2020-05-01  
Maxar Sat. Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co

2020 Sat. Imagery  
Maxar





 Study Area (0.17 ac)



**Heartland**  
ECOLOGICAL GROUP INC  
Appendix: 2020-09-02  
NAIP Aerial Imagery  
8979 South 42nd Street  
Project #20220796  
T5N, R21E, S24  
C Franklin, Milwaukee Co  
2020 NAIP  
USDA

**Regulo Martinez-Montilva**

**From:** Kramasz, Kathleen M - DNR <Kathleen.Kramasz@wisconsin.gov> on behalf of DNR WMS Public Inquiry <DNRWMSPublicInquiry@wisconsin.gov>  
**Sent:** Thursday, September 8, 2022 7:17 AM  
**To:** stefania@limitlesspropertyworks.com  
**Cc:** Masek, Alison M - DNR; Marion Ecks; Dillenburg, Marty R - DNR; Regulo Martinez-Montilva  
**Subject:** RE: Artificial wetland determination/Navigability determination, Franklin, WI

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Stefanie, it does appear that the stream on this property has a defined bed and banks and carries enough water during the spring high water period to float a canoe so it would be considered navigable. I am not sure how this wetland would meet the artificial exemption but it appears that most of the wetland is the actual stream corridor and state statutes prohibit filling in a waterway so no filling in the stream can be done anyway. It is not worth submitting the artificial wetland exemption since this area cannot be filled in.

Please let me know if you have any additional questions.

**We are committed to service excellence.**

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

**Kathi Kramasz**

Phone: (920) 893-8531

[Kathleen.kramasz@wisconsin.gov](mailto:Kathleen.kramasz@wisconsin.gov)

---

**From:** Stefanie Andersen <stefania@limitlesspropertyworks.com>  
**Sent:** Wednesday, September 07, 2022 12:51 PM  
**To:** DNR WMS Public Inquiry <DNRWMSPublicInquiry@wisconsin.gov>; Masek, Alison M - DNR <alison.masek@wisconsin.gov>  
**Subject:** Artificial wetland determination/Navigability determination, Franklin, WI

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon,

We are the general contractor currently trying to obtain building permits for a detached garage build at 8979 S 42ND ST, FRANKLIN, WI.

We are in the rezoning application process and were told we needed to submit an assured wetland delineation report to Franklin for review (which has been completed and is attached). Per the email from the City of Franklin found below, in order to apply for permitting we also need to submit the following to them:

- Artificial wetland determination by the Wisconsin Department of Natural Resources (WDNR) and the US Army Corps of Engineers (USACE).
- Navigability determination by the WNDNR.

(Note our wetland delineation reports states that "Heartland recommends this report to be submitted to the USACE and WDNR for final jurisdictional review and concurrence" (page 10).

I'm looking for assistance on how I should go about obtaining the determinations being requested by the City of Franklin. Is there a standard process to complete this, or do you just need a copy of the delineation report?

Any help is greatly appreciation.

Thank you,

Stefanie Andersen  
Business Operations Manager  
Limitless Property Works  
[stefaniea@limitlesspropertyworks.com](mailto:stefaniea@limitlesspropertyworks.com)  
(414) 540-8200  
[www.limitlesspropertyworks.com](http://www.limitlesspropertyworks.com)

---

==== Forwarded message =====

From: Regulo Martinez-Montilva <[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)>

To: "Karen Sartler" <[ksartler@dmheating.com](mailto:ksartler@dmheating.com)>

Cc: "Aimee Schlueter" <[ASchlueter@franklinwi.gov](mailto:ASchlueter@franklinwi.gov)>, "Marion Ecks" <[MEcks@franklinwi.gov](mailto:MEcks@franklinwi.gov)>, "Shari Hanneman" <[SHanneman@franklinwi.gov](mailto:SHanneman@franklinwi.gov)>, "Stefanie Andersen" <[stefaniea@limitlesspropertyworks.com](mailto:stefaniea@limitlesspropertyworks.com)>, "Kevin

Ellertson" <[kevine@limitlesspropertyworks.com](mailto:kevine@limitlesspropertyworks.com)>, "csartler@gmail.com" <[csartler@gmail.com](mailto:csartler@gmail.com)>, "Steve Olson" <[Solson@franklinwi.gov](mailto:Solson@franklinwi.gov)>, "Steve Olson" <[steve-olson@wi.rr.com](mailto:steve-olson@wi.rr.com)>

Date: Tue, 06 Sep 2022 16:11:16 -0500

Subject: RE: 8979 S 42ND ST

==== Forwarded message =====

**Dates added.**

Mrs. Sartler,

Per our phone conversation, your rezoning application has been scheduled as follows:

- **Recommendation and Public Hearing.** Plan Commission **October 6**, 7:00 pm, in the Common Council Chambers at City Hall.
- **Decision.** Common Council **October 18**, 6:30 pm, same location.

Since you have submitted the assured wetland delineation report requested by City Development staff, no additional information from your end is required for this rezoning application. If your rezoning

application is approved, you still need to obtain building permits. It is worth noting that you will need to submit the following information to the City Development Department prior to the issuance of building permits:

- Artificial wetland determination by the Wisconsin Department of Natural Resources (WDNR) and the US Army Corps of Engineers (USACE).
- Navigability determination by the WDNR.

Note that the wetland delineation reports states that “Heartland recommends this report to be submitted to the USACE and WDNR for final jurisdictional review and concurrence” (page 10).

For information about other submittal requirements for building permits, please contact the Inspection Services Department at 414-425-0084.

Thank you,

**Régulo Martínez-Montilva, AICP**

Principal Planner - Department of City Development

City of Franklin

9229 W. Loomis Road

Franklin, WI 53132

Phone (414) 425-4024 / 427-7564

[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)



May 12, 2022

City of Franklin  
Planning & Zoning Department  
9929 W Loomis Rd  
Franklin, WI 53132

RE: 8979 S 42<sup>nd</sup> Street, Franklin, WI 53132 (Parcel No: 854-9952-000)

To Whom It May Concern:

This rezoning application requests to rezone the north portion of 8979 S 42<sup>nd</sup> Street to solely a R-3 Suburban/Estate Single-Family Residence District to allow for the construction of a detached garage. Currently the area of property falls under a C-1 Conservation zone which does not allow buildings.

The rezoning is requested to construct a 30' by 30' garage on the North side of the house. Interior will be unfinished without power.

If you have any questions regarding this request, please call Kevin at (262) 598-7742. Thank you for your time and help.

Sincerely,

Kevin Ellertson, Owner  
Limitless Property Works LLC  
General Contractor  
(262) 598-7742

Chris Sartler  
Property Owner  
8979 S 42<sup>nd</sup> Street, Franklin, WI 53132  
(414) 218-7804

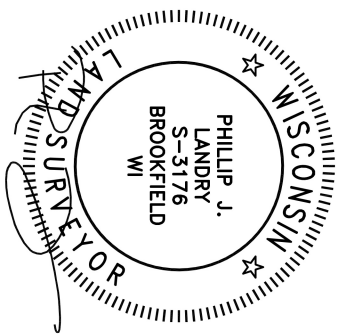


# Plat of Survey

Property Description: Document No. 11137328

A parcel of land in the South 1/2 of the Northwest 1/4 of Section 24, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at a point in the West line of said 1/4 Section, which is North 00 degrees 17 minutes West 595.35 feet of the Southwest corner of said 1/4 Section, running thence North 00 degrees 17 minutes West along the West line of said 1/4 Section 185 feet to a point; thence North 88 degrees 31 minutes East and parallel to the South line of said 1/4 Section, 355 feet to a point; thence South 00 degrees 17 minutes East and parallel to the West Line of said 1/4 Section, 185 feet to a point and thence South 88 degrees 31 minutes 39 seconds West and parallel to the South line of said 1/4 Section, 355 feet to the place of beginning, reserving therefrom the West 45 feet and the East 30 feet for street or highway purposes.

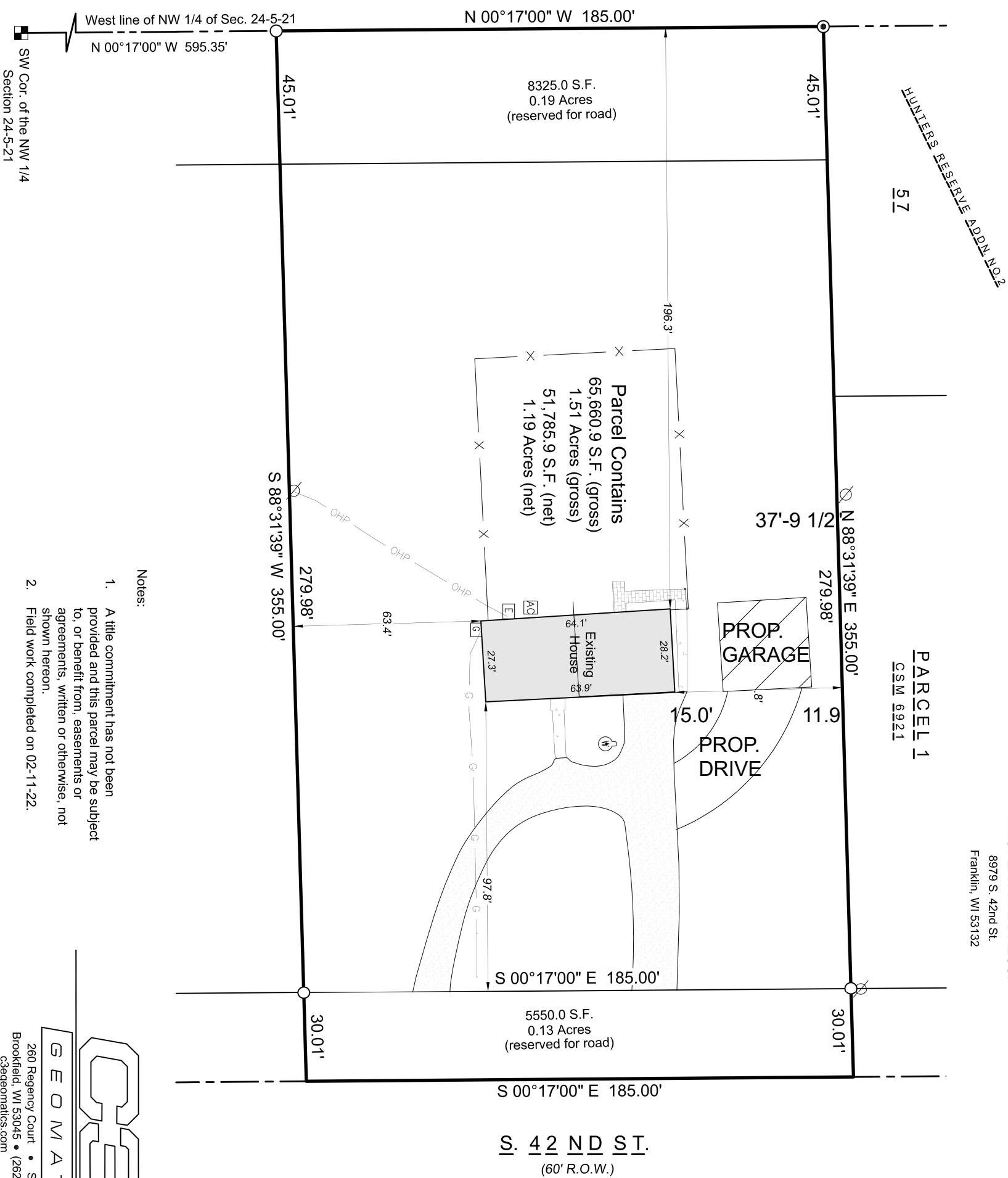
LEGEND	
	3/4"X18" IRON ROD SET 1.50Lbs./LINEAL FOOT
	MONUMENT FOUND AS NOTED (Measured Outside Diam.)
	WELL
	GAS METER
	ELECTRIC METER
	AIR CONDITION
	POWER POLE
	CHAIN LINK FENCE
	EXISTING GAS LINE
	EXISTING ELECTRIC LINE



## SURVEYOR'S CERTIFICATE

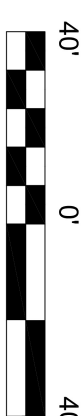
I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, it's exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 28th Day of February, 2022: Phillip J. Landry, S-3176



PREPARED FOR:  
Limitless Property Works  
PO BOX 85185  
Racine, WI 53408

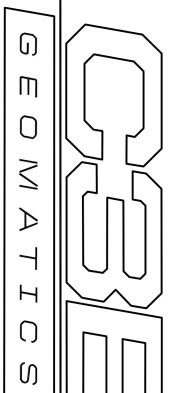
PROPERTY ADDRESS:  
8979 S. 42nd St.  
Franklin, WI 53132



BEARINGS ARE REFERENCED TO  
W LINE OF THE NW QUARTER OF SEC.  
24-5-21, BEARS N 00°17'00" W

## Notes:

1. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
2. Field work completed on 02-11-22.



260 Regency Court • Suite L100  
Brookfield, WI 53045 • (262) 312-1034  
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Job# 22035