

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, AUGUST 19, 2014
6:30 P.M.

- A. Call to Order and Roll Call
- B.
 - 1. Citizen Comment Period
 - 2. Mayor Olson
 - (a) Update on City Engineer Recruitment and Selection Committee members.
 - (b) Update on replacement Building Inspector.
- C. Approval of minutes of regular meeting of August 5, 2014
- D. Hearings
- E. Organizational Business
- F. Letters and Petitions
- G. Reports and Recommendations
 - 1. Consent Agenda:
 - (a) Request to accept donations:
 - (i) Franklin Lions Club Foundation - \$250 donation to St. Martins Fair.
 - (ii) M Squared, Inc. (Crossroads II) - \$200 donation to St. Martins Fair.
 - (iii) Franklin Police Department National Night Out - \$115 donation to area food pantries.
 - (b) Establish 2014 Trick and Treat Times.
 - (c) An Ordinance to Update and Amend the Municipal Code as it Pertains to Hours of Operation and the Time for the Playing of Music at the St. Martins Fair.
 - 2. Intergovernmental Agreement with Milwaukee County Permitting Access to Milwaukee County's 800 Mhz Project 25 Trunked Radio System.
 - 3. Request for Authorization for Staff to Advertise and Receive bids for a Water and Wastewater Operations and Maintenance Facility.
 - 4. Resolution authorizing officials to amend an engineering services proposal for the proposed construction of a new Water and Wastewater Operations and Maintenance Facility in the added amount of \$34,900.
 - 5. Ordinance to Amend Section 15.03.0427 of the United Development Ordinance Planned Development District No. 22 (Clare Meadows) to Designate and Provide for One Lot Certified Survey Map Land Division to Create Single Lot of Record Status for the Area of the Property Supporting the Existing Three-Story 30 Unit Senior Independent Living Apartment Building (Franklin Senior Housing, Inc., Applicant) (7704 South 51st Street).
 - 6. Resolution Conditionally Approving a 1 Lot Certified Survey Map, being a Redivision of Parcel 1 of Certified Survey Map No. 2855 Located in Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Francis Woods, LLC, Owner, Franklin Senior Housing, Inc., Applicant) (7704 South 51st Street).
 - 7. Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as part of a Site Plan Amendment for the Property Located at 9775 South 60th Street to Allow for

Common Council Agenda

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- Construction of a Two-Story Building Addition (Tax Key No. 898-9997-004) (Strauss Brands Incorporated, Applicant).
- 8. Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Certified Survey Map for Property Located at 7711 South 76th Street, 7901 West Imperial Drive and 7915 West Imperial Drive (Creative Homes, Inc., Owner).
- 9. Standards, Findings and Decision of the City of Franklin Common Council upon the Application of Wisconsin Electric Power Company D/B/A WE Energies for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance for the WE Energies OakBrook Service Center Storage Building Construction Project at 4800 West Rawson Avenue.
- 10. 2015-2017 Cooperation Agreement with Milwaukee County on Community Development Block Grants and the First Amendment to the Cooperation Agreement.
- 11. City Hall Roof and Siding Replacement Capital Improvement Fund Project.
- 12. Revisions of Job Descriptions for Building Maintenance Supervisor, Administrative/Project Assistant, Building Inspector, Deputy Treasurer, Lead Cashier, Cashier/Clerk, Accounting Supervisor, Clinic Staff Nurse, Chief of Police, Inspector of Police, Police Captain, Confidential Police Administrative Assistant, Emergency Services Communications/Clerical Supervisor, Police School Liaison Officer, Fire Chief, Assistant Fire Chief, Battalion Chief, Assistant City Engineer, Sewer and Water Superintendent, and Department of Public Works Superintendent.
- 13. Population estimate as of January 1, 2014.

H. Licenses and Permits
Miscellaneous Licenses

I. Bills
Vouchers and Payroll approval

J. Adjournment

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

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

[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:

September 1	Labor Day	City Hall Closed
September 4	Plan Commission	7:00 pm
September 8	Committee of the Whole	6:30 pm
September 9	Common Council Mtg.	6:30 pm
September 18	Plan Commission	7:00 pm
September 23	Common Council Mtg.	6:30 pm

CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 5, 2014
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on August 5, 2014 and called to order at 7:45 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Janet Evans, Alderman Doug Schmidt, and Alderwoman Susanne Mayer. Also present were Director of Administration Mark Luberda, Assistant City Engineer Ron Romeis, City Attorney Jesse Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT B. Citizen comment period was opened at 7:46 p.m. and closed at 8:02 p.m.
- MAYOR ANNOUNCEMENTS B.2.a. Mayor Olson provided updates relating to the City Engineer recruitment and the Compensation Study. Mayor Olson also provided an update on South 76th Street Change Orders, the Intergovernmental Cooperation Council ("ICC") meeting update, and the Mayor's Fitness Challenge.
- PROCLAMATION B.2.c. Mayor Olson noted a Proclamation for Children's Vision and Learning Month, August 2014.
- APPROVAL OF MINUTES-7/15/14 C.1. Alderwoman Wilhelm moved to approve the minutes of the regular meeting of July 15, 2014, as amended and subject to correction of Item I.1. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- CONSENT AGENDA Alderman D. Mayer moved to approve the following consent agenda items, with a request from Alderwoman Wilhelm to remove Item G.1.(c) from the consent agenda:
- DONATIONS G.1.(a)(i) Accept the Police Department Community Grant Award in the amount of \$2,000 from The Walmart Foundation to be used specifically for the purchase of an Automated External Defibrillation (AED) Device; and
- G.1.(a)(ii) Accept donations for 2014 National Night Out in the amount of \$500 from Great Lakes Dermatology, in the amount of \$1,000 from the North Shore Bank FSB, in the amount of \$1,000 from Northwestern Mutual, in the amount of \$500 from Parallel Employment Group, in the amount of \$1,000 from Pyramax Bank, in the amount of \$250 from Starfire Systems, Inc., in the amount of \$1,000 from WaterStone Bank, and in the amount of \$100 from Wisconsin Chiropractic Center; and
- G.1.(a)(iii) Accept donation from the Franklin Lioness Club in the amount of \$250 to the Health Department; and

COMMON COUNCIL MINUTES
AUGUST 5, 2014

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| PAYROLL SERVICES
ADP INC. | G.1.(b) | Accept the ADP Inc. proposal for payroll services and authorize staff to take necessary steps to implement and convert systems. Approval of the consent agenda items seconded by Alderwoman Evans. All voted Aye; motion carried. |
| JUNE FINANCIAL
REPORT | G.1.(c) | Alderwoman Wilhelm placed the June 2014 Monthly Financial Report on file. Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| MOU FOR SCHOOL
RESOURCE OFFICER
PROGRAM | G.2. | Alderman D. Mayer moved to approve a Memorandum of Understanding Between the Franklin Police Department and the Franklin Public School District for the School Resource Officer Program and to authorize the Chief of Police to execute the Memorandum on behalf of the City of Franklin. Seconded by Alderwoman Evans. All voted Aye; motion carried. |
| RES. 2014-7006
CONSERVATION
EASEMENT FOR
STORAGE MASTER
LLC | G.3. | Alderwoman S. Mayer moved to adopt Resolution No. 2014-7006, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT 6951 SOUTH LOVERS LANE ROAD (STORAGE MASTER LLC, OWNER), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman D. Mayer. All voted Aye; motion carried. |
| RES. 2014-7007
AMEND SPECIAL USE
FOR GAZEBO PARK
APT. COMPLEX | G.4. | Alderwoman Wilhelm moved to adopt Resolution No. 2014-7007, A RESOLUTION TO AMEND RESOLUTION NOS. 79-1562, 83-2091, 85-2581, 2009-6579 AND 2012-6812 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE GAZEBO PARK APARTMENT COMPLEX PROPERTY LOCATED AT APPROXIMATELY 6300-6346 SOUTH 35 TH STREET TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY BUILDING (GPARK LLC, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| W. ST. MARTINS RD.
WALK/PATH
REHABILITATION
PROJECT | G.5. | Alderman D. Mayer moved to table the proposed process for a decision on the installation of a walk/path as part of Milwaukee County's West St. Martins Road rehabilitation project and water main installation prior to the Milwaukee County project. Seconded by Alderman Schmidt. All voted Aye; motion carried. |

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W. ST. MARTINS RD. REHABILITATION PROJECT G.6. Alderman D. Mayer moved to forward the City's recommended rehabilitation requirements for West St. Martins Road to Milwaukee County. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

ECONOMIC DEV. G.7. Alderwoman Wilhelm moved to direct that staff will remain conversant with Wisconsin Economic Development Commission programs and WEDC staff contacts and will also contact Buxton Company for further information with regard to mutual interests relative to economic development. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CLOSED SESSION G.8. Alderman Dandrea moved to enter closed session at 8:30 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to the potential acquisition and development of property with the City for future business park(s) and/or retail development centers, service, product and potential investment proposals for such purpose(s) and the investing of public funds and governmental actions in relation thereto and to effect such development, including service, project and potential investment contract terms and provisions, and including the terms and provisions of potential development agreement(s) for the development of property within a tax incremental district for future business park purposes and/or retail development centers, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 10:56 p.m., Alderman Schmidt moved to direct staff to proceed as discussed in closed session and to return to the Common Council, accordingly. Seconded by Alderman D. Mayer. All voted Aye; motion carried. Vote recorded as unanimous.

Alderman Schmidt vacated his seat at this time.

MISCELLANEOUS LICENSES H.1. Upon recommendation of the License Committee, Alderman Dandrea moved to approve the following:
Grant Operators' Licenses to Natalie Radish, S77W16192 Mariner Ct., Muskego; Tyrone Smoker, 8814 W. Rogers St., West Allis; Jeremy Brown, 3685 S. Rivershire Dr., Greenfield; Sarah Kay Deshambo, 5000 S. Greenbrook Ter., Greenfield; Samantha Devcich, 7912 Lake Pointe Dr.; Sarah Erkfitz, 4477 S. 63 St., Greenfield; Megan Grenz, 11200 W. Cleveland Ave., West Allis; Joseph Hanrahan, Sr., 9913 S. 75 St. subject to receipt of required school certificate; Ivan Jakircevic, 3766 N. 77 St., Milwaukee; Henry Matecki, 7350 S. Lovers Lane Rd; Megan

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AUGUST 5, 2014

Milling, 10432 W. Forest Home Ave., Hales Corners, subject to receipt of required school certificate; Ryan Rueth, 11130 W. Mallory Ave., Hales Corners; Gracie Swezey, 7637 Mission Woods Ct.; Jeffrey Terp, 26430 Grace Dr., Wind Lake; Balbir Toor, 3840 W. Jerelin Dr.; Richard Vasta, 5634 S. 14 St., Milwaukee; Jacob Voss, 10375 S. Willow Creek Dr., Oak Creek; Nicole Walbrant, 3135 S. 57 St., Milwaukee; Diane Winkowski, 7024 S. Lovers Lane Rd.; John Winkowski, 7024 S. Lovers Lane Rd.; LeQuisha Zackery, 11227 W. Oklahoma Ave., West Allis; and

Hold Operator's License application from Cheyanne TerLaan, 7300 W. Southridge Dr., Greenfield, for compliance with Deferred Prosecution Agreement terms; and

Grant Extraordinary Entertainment & Amusement Licenses to Knights of Columbus Arts and Crafts Show, Timothy Bowen, August 31, 2014, and Colectivo Coffee Mountain Bike Team Mountain Bike Race at The Rock Sports Complex, Andy Douglass, September 27-28, 2014; and

Grant Temporary Class B Beer License to Knights of Columbus Arts and Crafts Show, Thomas Cane, August 31, 2014.

Seconded by Alderman D. Mayer. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderwoman S. Mayer moved to approve net general checking account City vouchers in the range Nos. 152953 through 153210 in the amount of \$1,537,126.07 dated July 11, 2014 through July 31, 2014. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve net general checking City vouchers in the range of Nos. 153211 through 153225 in the amount of \$1,575.07. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderwoman S. Mayer moved to approve net payroll dated July 25, 2014 in the amount of \$349,348.03 and payments of the various payroll deductions in the amount of \$375,409.60, plus any City matching payments, where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt returned to his seat at this time.

Alderwoman S. Mayer moved to approve the net payroll dated August 8, 2014 in the amount of \$332,420.08 and payments of various payroll deductions in the amount of \$210,274.19 plus any City matching payments, where required. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

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Alderwoman S. Mayer moved to approve the net payroll dated August 22, 2014 estimated at \$353,000.00 and payments of the various payroll deductions estimated at \$392,000.00 plus any City matching payments, where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman D. Mayer moved to approve property tax refunds in the range of Nos. 13293 through 13294 in the amount of \$297.27 dated July 17, 2014 through July 31, 2014. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J.

Alderman D. Mayer moved to adjourn the meeting at 11:06 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.

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<p>APPROVAL <i>Slew</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 8/19/2014</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>St. Martins Fair Donations</p>	<p>ITEM NUMBER <i>G.I.(a)(i),(ii)</i></p>

Franklin Lions Club Foundation - \$250 donation to St. Martins Fair to be used for advertising.

M Squared, Inc. (Crossroads II) - \$200 donation for St. Martins Fair to be used for advertising.

COUNCIL ACTION REQUESTED

A motion to approve acceptance of these donations for deposit into the St. Martins Fair account to be used for advertising.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 19, 2014</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>\$115 Cash Donation from Franklin Police Department for Area Food Pantries</p>	<p>ITEM NUMBER</p> <p><i>6.1.(a)(iii)</i></p>

The Health Officer requests to accept the \$115.00 cash donation from the Franklin Police Department from National Night Out as a contribution for area food pantries.

COUNCIL ACTION REQUESTED

A motion to accept the \$115.00 donation

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<p style="text-align: center;">APPROVAL <i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 08/19/2014</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Establish 2014 Trick or Treat Times</p>	<p style="text-align: center;">ITEM NUMBER <i>G.I. (b).</i></p>

The Council may wish to establish the 2014 Trick or Treat observance at this time for notification.

In 2013, Trick or Treat was held on Sunday, October 27 from 4-7 p.m.

The following is a list of other trick or treat times:

City of Oak Creek has set Sunday, October 26, 2014 from 4:00 to 6:00 p.m. as the date and time for Halloween observance.

Village of Hales Corners has set Sunday, October 26, 2014 from 4:00 to 7:00 p.m. as the date and time for Halloween observance.

(Greenfield and Greendale have not set their time as of this date.)

COUNCIL ACTION REQUESTED

Motion to establish Sunday, October 26, 2014 from 4-7 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 19, 2014</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>An Ordinance to Update and Amend the Municipal Code as it Pertains to Hours of Operation and the Time for the Playing of Music at the St. Martins Fair</p>	<p>ITEM NUMBER</p> <p>G.I.(c)</p>

The Fair Commission recommended that the start times for allowing music at the Labor Day weekend Fair days be changed from noon to be more proximate to the Fair start times of 8:00 a.m. on Sunday and 6:00 a.m. on Labor Day, with music being allowed starting at 8:00 a.m. on both days. Staff also noticed an error on the non-Labor Day Monday Fair times in the Code, which had an end time of 8:00 a.m., as opposed to the previously approved change from noon to 2:00 p.m. end times for the first Mondays of the month. Attached is a draft ordinance providing the aforesaid amendments.

COUNCIL ACTION REQUESTED

A motion to adopt An Ordinance to Update and Amend the Municipal Code as it Pertains to Hours of Operation and the Time for the Playing of Music at the St. Martins Fair.

ORDINANCE NO. 2014-____

AN ORDINANCE TO UPDATE AND AMEND THE MUNICIPAL CODE AS IT
PERTAINS TO HOURS OF OPERATION AND THE TIME FOR THE PLAYING OF
MUSIC AT THE ST. MARTINS FAIR

WHEREAS, the Fair Commission having reviewed the hours allowed for the playing of music at the St. Martins Labor Day Fair and the Sunday preceding Labor Day and having recommended that the allowed music start times be more consistent with the start times for the Fair, instead of later in the day at noon; and staff having noted an error and a need for updating the hours of operation in the Municipal Code for the first Monday of the month Fair days, except Labor Day; and

WHEREAS, the Common Council having found such recommendations to be reasonable.

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

- SECTION 1: §203-7.A. of the Municipal Code of the City of Franklin, Wisconsin, as it pertains to hours of operation for the first Monday of the month Fair days, except Labor Day, is hereby amended as follows: delete: "6:00 a.m. to 8:00 a.m."; and in place thereof, insert: "6:00 a.m. to 2:00 p.m."
- SECTION 2: §203-7.C. of the Municipal Code of the City of Franklin, Wisconsin, as it pertains to the hours for the playing of music, is hereby amended as follows: delete: "12:00 noon to 5:00 p.m."; and in place thereof, insert: "8:00 a.m. to 5:00 p.m."; delete: "12:00 noon to 8:00 p.m."; and in place thereof, insert: "8:00 a.m. to 8:00 p.m."
- SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE NO. 2014-____

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Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 19, 2014</p>
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<p>REPORTS AND RECOMMENDATIONS</p>	<p>Intergovernmental Agreement with Milwaukee County Permitting Access to Milwaukee County's 800 Mhz Project 25 Trunked Radio System</p>	<p>ITEM NUMBER</p> <p><i>G.2.</i></p>
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Annexed hereto is a copy of the above. Police and Fire Department staff will be present at the meeting.

COUNCIL ACTION REQUESTED

A motion to approve an Intergovernmental Agreement with Milwaukee County Permitting Access to Milwaukee County's 800 MHz Project 25 Trunked Radio System, in the form and content as annexed hereto, subject to minor changes approved by the Police Chief and the Fire Chief and resulting from any further contract or program changes by Milwaukee County.

**INTERGOVERNMENTAL AGREEMENT
MILWAUKEE COUNTY AND THE _____ OF _____
PERMITTING ACCESS TO MILWAUKEE COUNTY'S
800 MHz PROJECT 25 TRUNKED RADIO SYSTEM**

THIS AGREEMENT is entered into pursuant to Section 66.0301, Wisconsin Statutes, between Milwaukee County, a municipal body corporate (hereinafter referred to as "COUNTY"), and the _____ of _____, a municipal body within the County of Milwaukee, State of Wisconsin (hereinafter referred to as "SUBSCRIBER"), permitting the use of Milwaukee County's Project 25 800 MHz trunked radio system as defined herein. Together, COUNTY and SUBSCRIBER shall be referred to as "PARTIES".

1. STATUS

1.1 In recognition of SUBSCRIBER's intended long term participation with COUNTY's Project 25 trunked radio system, and in consideration of public safety and coordination of services between COUNTY and SUBSCRIBER to the mutual benefit of both PARTIES, SUBSCRIBER is entitled to:

1.1a Use COUNTY's Project 25 trunked radio system for a minimum period of Fifteen (15) years from the date of execution of this AGREEMENT with option of Two (2) Five (5) year renewals upon written mutual agreement. All provisions of this AGREEMENT are applicable to the original term thereof and shall apply with equal force to the extended term.

1.1b Prompt access, upon execution of the AGREEMENT, for the quantity of radios described in Exhibit A, "Initial and Growth Loading onto COUNTY's Project 25 trunked radio system. Exhibit A may be modified at any time upon mutual consent of the PARTIES.

2. ACCESS

2.1 The PARTIES agree that reliable, efficient operation of the Project 25 trunked radio system is a mutual objective. If high system usage should ever create a condition where public safety radios receive a system busy signal, public safety radios will preempt any other radio system users for the next available system access. To maintain a reliable system, COUNTY will manage and control access to the system.

2.2 Access to COUNTY's Project 25 trunked radio system shall be limited to radio units assigned to designated staff, departments, and agents of SUBSCRIBER.

2.3 COUNTY may periodically monitor talk groups allocated to SUBSCRIBER for SUBSCRIBER's internal use for system management purposes including but not limited to maintenance, troubleshooting, system performance assessments, unusual traffic patterns (sudden jump in usage), policy and procedure compliance checks, etc.

3. USAGE FEES

3.1 Commencing January 1, 2015, and each year thereafter, on an annual basis, SUBSCRIBER shall submit to the COUNTY a usage fee (hereinafter referred to as "FEE") for the use of the COUNTY's Project 25 trunked radio system. FEE structure is identified herein, Exhibit B, "System Usage Fee Structure".

3.2 Subscriber agencies executing this Project 25 Agreement after January 1, 2015 will pay retroactive FEEs equal to the amount from January 1, 2015 to the date the Subscriber joins the County's Project 25 trunked radio system. No penalties will be applied. COUNTY reserves the right to exempt Subscriber Agency from retroactive FEEs.

3.3 Commencing January 1, 2020, and each year thereafter, the FEE may be adjusted by COUNTY based on the percentage increase or decrease in the January Consumer Price Index (All Urban Consumers) for the Milwaukee area, as published by the U.S. Department of Labor, Bureau of Labor Statistics, or the generally accepted national replacement or successor index, as readjusted to the base month and computed by comparison of the January index with the index of the preceding January.

4. CAPITAL IMPROVEMENT FUND

4.1 For the purpose of this AGREEMENT, the Capital Improvement Fund (hereinafter referred to as the "FUND"), is a segregated fund that is under the control of the Project 25 trunked radio system Governance Board (hereinafter defined in section 6.2). The FUND shall be used for the purpose of the betterment or replacement of the Project 25 public safety radio system and not for the use or sole and direct benefit of the COUNTY, SUBSCRIBER or other entity using the Project 25 trunked radio system. Financial contribution to said FUND is outlined in Exhibit C, "Capital Improvement Fund Fee Structure". FUND allocation will be contingent

on a five (5) year Capital Plan approved by the Governance Board.

4.2 The PARTIES mutually agree to share the expense for the enhancement of and eventual replacement of the Project 25 public safety radio system.

4.3 Commencing January 1, 2018, and each year thereafter, on an annual basis, PARTIES will submit payments to the public safety Capital Improvement Fund. PARTIES will continue making such payments annually until Project 25 system replacement. Each SUBSCRIBER agency executing Project 25 AGREEMENT after January 1, 2018 shall be financially responsible for retroactive Capital Improvement Fees as of January 1, 2018 at the rate outlined in Exhibit C.

4.4 The Governance Board, from time to time, may review and recommend modifications to the FUND fee structure for the purpose of system upgrades, enhancements and/or replacement of the Project 25 system. Modification to the FUND fee structure shall be mutually agreed upon by the PARTIES and shall be in writing, designated as a written amendment to the AGREEMENT.

4.5 The Governance Board will allocate monies from the FUND in order to procure contracted services to identify system requirements for both PARTIES, and perform planning, design and analysis in preparation for the Project 25 system replacement. Such services herein described, Section 4.5, will begin no later than the first quarter of 2028. New system build will commence upon approval of the Governance Board and the appropriate and necessary approvals of each PARTY.

5. EQUIPMENT

5.1 COUNTY shall own maintain the fixed Project 25 trunked system infrastructure, e.g., trunking controller, trunking base stations, trunking antenna systems, and certain other common system elements.

5.2 It is agreed at the time of execution of this AGREEMENT that COUNTY Project 25 trunked radio system will be deployed with nine (9) transmit/receive sites operating in a simulcast transmission mode.

5.3 Mobiles, portables, radio control stations, and certain other peripheral equipment used by SUBSCRIBER to access COUNTY's Project 25 trunked radio system (collectively referred to "SUBSCRIBER RADIOS") shall be paid for and owned by SUBSCRIBER. COUNTY shall permit SUBSCRIBER to optionally purchase Subscriber Radios needed to satisfy SUBSCRIBER's communications requirements through COUNTY's cooperative purchasing vendor agreement "Contract

for Service #1332". All SUBSCRIBER RADIO equipment or software so owned by SUBSCRIBER shall meet COUNTY's specifications (as defined by Exhibit D, "Project 25 Trunked Radio System Subscriber Radio Compliance Requirements") and shall become part of SUBSCRIBER's inventory.

5.4 Dispatch consoles used by SUBSCRIBER to access COUNTY's Project 25 trunked radio system shall be owned by SUBSCRIBER. COUNTY shall permit SUBSCRIBER to optionally purchase wireline dispatch consoles needed to satisfy SUBSCRIBER's dispatch requirements through COUNTY's vendor agreement as approved by the vendor, however, all wireline dispatch consoles shall be of the model and provide the same electronic interface as those specified in "Contract for Service #1332". All dispatch equipment or software so owned by SUBSCRIBER shall become part of SUBSCRIBER's inventory. SUBSCRIBER shall be responsible for providing (including all costs to deploy and to operate and maintain) backhaul from the dispatch consoles to the Project 25 trunked radio system's shared core site at 2120 Davidson Road, Waukesha, WI and SUBSCRIBER shall ensure that such backhaul meets the following specifications:

- Total Throughput: 2248kbps
- Minimum Link Speed: 2640kbps
- Latency: 10ms
- Jitter: 10ms

6. COUNTY'S RESPONSIBILITY

6.1 COUNTY agrees to purchase and install an 800 MHz simulcast trunked P25 digital public safety radio system for the use of COUNTY, SUBSCRIBER and other contracted public safety and non-public safety agencies.

6.2 COUNTY will establish a Governance Board which shall create and publish administrative plans and procedures regarding the usage, membership, operations, maintenance, and upgrade of the Project 25 trunked radio system. Additionally, the Governance Board shall provide guidance on such matters as: long range system planning and improvements, problem solving and dispute resolution, system expansion, process for joint purchasing of new system, network quality and performance, and other such matters that may arise from time to time.

6.3 COUNTY is solely responsible for budget requests and appropriations, system contracts and for the standards of service relating to the deployment of the Project 25 trunked radio system.

6.4 COUNTY shall be responsible for FCC licensing for the Project 25 trunked radio system. COUNTY will solely hold the channel frequency licenses for county-wide public safety purposes.

6.5 COUNTY shall be responsible for maintaining operational quality and continuity of the Project 25 trunked radio system according to the following provisions of its agreement "Contract for Service #1332": i) system availability (including normal operations as well as limited-failure modes of operation such as "fail-soft") of 99.999% and ii) talk-in and talk-out service area coverage reliability at a delivered audio quality (DAQ) level of 3.4 for a portable radio (with specifications that meet Exhibit D) on a swivel clip at belt level in 15 dB density buildings across the service area of the political boundary of Milwaukee County. COUNTY shall take reasonable and customary measures to ensure that quality diminishment and service interruptions are minimized. When system outages can be forecast or scheduled, COUNTY agrees to notify SUBSCRIBER 48 hours in advance. COUNTY agrees to permit SUBSCRIBER radios accessing the trunked radio system to utilize "fail-soft" capabilities of the network to maintain critical communications continuity with reduced talk-group capacity in the event of a trunked radio system outage.

6.6 COUNTY agrees that if more favorable terms are developed for use of COUNTY's Project 25 trunked radio system, that those terms will be made available to both PARTIES upon signed amendment to this AGREEMENT.

6.7 COUNTY will manage and administer the System database records containing the information related to inventory, configuration, programming history, software version control, radio IDs, service levels, statistical usage analysis, etc. for SUBSCRIBER's subscriber radios used on the System.

7. SUBSCRIBER'S RESPONSIBILITY

7.1 The PARTIES agree that SUBSCRIBER will utilize COUNTY's trunked radio system for purposes which are consistent with this AGREEMENT and in accordance with public safety purposes as defined by Title 47 of the Code of Federal Regulations (CFR) Part 90 Private Land Mobile Radio Services §90.20 Public Safety Pool.

7.2 SUBSCRIBER agrees to designate an official as a contact person for policy issues and a staff member as a contact person for technical matters. The contact information for that person is as follows:

Name: _____
Title: _____
Address: _____
Phone #: _____
Email: _____

7.3 SUBSCRIBER shall be responsible for acquiring, installing, maintaining, and operating its equipment according to the terms of this AGREEMENT and consistent with applicable FCC rules. SUBSCRIBER shall likewise be responsible for all costs associated with programming, installing, templating, and otherwise preparing such subscriber radios for service.

7.4 SUBSCRIBER agrees to train its users on proper and appropriate use of the trunked radio system using training content consistent with that provided by COUNTY to its users. SUBSCRIBER may request from COUNTY's vendors (at no cost to COUNTY) recommendations and source material for inclusion in the user training administered by SUBSCRIBER staff.

7.5 The PARTIES agree that if in-building portable radio coverage is required to serve SUBSCRIBER's needs beyond those defined in paragraph 5.2 above, the design, procurement, installation, and maintenance of additional equipment or software to achieve those coverage levels shall be the sole responsibility of SUBSCRIBER and shall not compromise the operation of COUNTY's Project 25 trunked radio system.

7.6 SUBSCRIBER shall not permit any party other than those identified in Exhibit A to access COUNTY's Project 25 trunked radio system without the prior written consent of the County.

7.7 Records of SUBSCRIBER's radios eligible for participation on COUNTY's Project 25 trunked radio system shall be maintained by SUBSCRIBER staff in accordance with SUBSCRIBER's formal equipment inventory procedure with a copy furnished to COUNTY. The PARTIES agree to collaborate to ensure the accuracy of the inventory. Annually, on the day SUBSCRIBER's inventory is due, SUBSCRIBER shall notify COUNTY of the number of radios in use. Each mobile, portable, and control station recorded in the inventory shall be counted as one access unit and shall count towards the total number of permitted units identified in Exhibit A.

7.8 SUBSCRIBER agrees to operate its equipment in accordance with the operational and technical standards and procedures of the Milwaukee County Project 25 800 MHz trunked radio system Governance Board.

8. LIMITATIONS

8.1 Nothing in this AGREEMENT shall prevent SUBSCRIBER from applying for or securing licenses on other FCC licensed radio channels to supplement Project 25 trunked radio system communications as may be determined to be essential to SUBSCRIBER's operations provided that operation of these supplementary systems does not compromise proper operation of COUNTY's Project 25 trunked radio system.

8.2 If it is determined that Project 25 trunked radio system upgrades are essential to further SUBSCRIBER's objectives, SUBSCRIBER may elect to invest funds to facilitate these system upgrades. System upgrades funded by SUBSCRIBER will require the approval of the Governance Board.

8.3 No party to this AGREEMENT may assign its interest in this AGREEMENT to any other party or individual.

9. TERMINATION

9.1 Either party's right to terminate this AGREEMENT shall be only for-cause if either party fails to fulfill its obligations under the terms of the AGREEMENT. Either shall give written notice of intent to terminate the AGREEMENT for-cause at least 180 days prior to the effective date of termination during which the alleged breach may be cured.

9.2 Notwithstanding the above, COUNTY may immediately terminate SUBSCRIBER's ability to access the Project 25 trunked radio system should SUBSCRIBER fail to meet the obligations of Sections 3.1, 4.3, 5.3, 7.1, 7.3, 7.7, and 7.9 of this AGREEMENT. Should SUBSCRIBER's access be terminated, it shall be solely responsible for: i) any and all costs associated with reconfiguring, replacing, or reprogramming its subscriber radio and/or dispatch console equipment to operate on another radio system, ii) the costs associated with damages to the radio system caused by SUBSCRIBER's direct action resulting in its immediate termination

9.3 In the event of termination for cause of either PARTY, breaching PARTY agrees to pay all use FEES as well as Capital Improvement Fund fees for those periods prior to its termination. Fees paid to the FUND, up to the point of termination, are non-refundable and will remain deposited into the Capital Improvement Fund.

10. LIABILITY

Subject to the provisions of Wisconsin statutory and case law, SUBSCRIBER and COUNTY hereby indemnify and shall defend and hold the other

harmless to include each party's respective employees, agents, or authorized representatives of all the foregoing from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorney's fees, costs and expenses of whatsoever kind or nature including those arising out of the injury or death of either party's employees, agents, or authorized representatives whether arising before or after completion of the AGREEMENT hereunder and in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault or negligence whether active or passive of either party or of its agents or anyone acting under their direction or control or on their behalf in connection with or incidental to the performance of this AGREEMENT. Each party's aforesaid indemnity and hold harmless obligations, or portions or applications thereof, shall apply even in the event of the fault or negligence, whether active or passive, of the party indemnified to the fullest extent permitted by law but in no event shall they apply to the liability caused by the sole negligence or willful misconduct of the party indemnified or held harmless.

11. DISPUTES

Both PARTIES shall attempt to resolve disputes informally as they arise. In the event that informal dispute resolution is unsuccessful, either party may bring the dispute before a third party mediator for consideration and final resolution. Nothing in this dispute resolution process shall preclude either party from pursuing remedies available under the law.

12. CHANGES

Changes to this AGREEMENT will be mutually agreed upon by and between the COUNTY and the SUBSCRIBER and shall be in writing and designated as written amendments to the AGREEMENT.

13. NOTICES

Notices to COUNTY provided for in this AGREEMENT shall be sufficient if sent by certified or registered mail, postage prepaid, addressed to: Milwaukee County, Department of Administrative Services, Information Management Services Division, 2711 West Wells St, Milwaukee, Wisconsin, 53208, Attn: IMSD Manager. Notices to SUBSCRIBER shall be sufficient if sent by certified or registered mail, postage prepaid, addressed to: -

FOR MILWAUKEE COUNTY:

FOR THE ____ OF _____:

Chris Abele, County Executive
Milwaukee County

Date

Date

Approved as to appropriate use of a
professional service contract, form and
independent contractor status by
Corporation Counsel:

Principal Assistant Corporation Counsel

Date

Approved by Milwaukee County Comptroller:

Scott Manske, Comptroller
Milwaukee County

Date

EXHIBIT A

INITIAL AND GROWTH LOADING
Milwaukee County 800 MHz Project 25 Trunked Radio System
___ of ___ Participation

Below please list any/all quantities of subscriber radios, by Agency, for initial and growth (future) loading:

Agency	Item Description	Initial Loading	Growth Loading
City of ___ Police	Total Subscriber Radios:		
City of ___ Fire	Total Subscriber Radios:		
City of ___ DPW	Total Subscriber Radios:		

Below please list any/all quantities of dispatch consoles to be connected

DRAFT

EXHIBIT B

SYSTEM USAGE FEE STRUCTURE
Milwaukee County 800 MHz Project 25 Trunked Radio System
_____ of _____ Participation

_____ of _____ shall pay COUNTY a sum for per active subscriber radio per month. An active subscriber radio is one whose identifier (ID) is authorized for use on system for use on _____'s daily-use talkgroups.

Fee Structure is as follows:

2015 - \$2 per radio/mo.

2016 - \$5 per radio/mo.

2017 - \$9 per radio/mo.

2018 - \$12 per radio/mo.

2019 - \$14 per radio/mo.

2020 and out years - \$14 per radio/mo. plus applicable increase as identified in Section 3.2 herein

Payments shall be made annually, commencing January 1, 2015. Payments shall be made via check written to "Milwaukee County Treasurer" and submitted to:

Milwaukee County IMSD
c/o Radio Administrator
2711 West Wells Street
Milwaukee, WI 53208

CAPITAL IMPROVEMENT FUND FEE STRUCTURE
Milwaukee County 800 MHz Project 25 Trunked Radio System
____ of ____ Participation

____ of ____ shall pay COUNTY a sum for per active subscriber radio per month. Fee will be maintained in a segregated fund for the use of system enhancement and replacement. An active subscriber radio is one whose identifier (ID) is authorized for use on system for use on ____'s daily-use talkgroups.

Fee Structure is as follows:

2015 - \$0 per radio/mo.
2016 - \$0 per radio/mo.
2017 - \$0 per radio/mo.
2018 - \$2 per radio/mo.
2019 - \$3 per radio/mo.
2020 - \$4 per radio/mo.
2021- \$5 per radio/mo.
2022 and out years - \$5 per radio/mo unless mutually agreed to in writing by both PARTIES to increase fee for just cause. Just cause would be considered a system enhancement, upgrade or system replacement as approved by the Governing Board.

Payments shall be made annually, commencing January 1, 2018. Payments shall be made via check written to "Milwaukee County Treasurer" and submitted to:

Milwaukee County IMSD
c/o Radio Administrator
2711 West Wells Street
Milwaukee, WI 53208

EXHIBIT D

PROJECT 25 TRUNKED RADIO SYSTEM SUBSCRIBER RADIO COMPLIANCE REQUIREMENTS
Milwaukee County 800 MHz Project 25 Trunked Radio System
____ of ____ Participation

DRAFT

APPROVAL <i>Stew</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 8/19/14
Reports & Recommendations	SUBJECT: Request for authorization for staff to advertise and receive bids for a Water and Wastewater Operations and Maintenance Facility	ITEM NO. <i>6.3.</i>

BACKGROUND

In the spring of 2008, a space needs analysis study was completed by Graef-USA, Inc. on the existing Water and Wastewater Operations Facility located at 5550 W. Airways Avenue. The study recognized that the exiting operation center that was built in 1985, with 2,800 square feet for then 4 employees maintaining limited sewer and water systems. It is now seriously undersized to accommodate current staff and equipment. In addition, the Utility is forced to use adjacent and off-site storage space. Conceptual designs were performed as part of the study. Additional land was purchased in 2008 to provide for the construction of a new building.

The Board of Water Commissioners held a recommendation to Council to proceed on hold in 2008 due to unknown items such as a pending rate increase by Oak Creek and a faltering economy.

ANALYSIS

Graef-USA, Inc., who was previously selected through a quality based selection process, has completed a design of an approximately 16,900 square feet addition which will be added to the existing building.

The proposed project will also include a new parking area for employees and parking area for visitors, and new drive lanes for vehicular circulation. The building addition includes 13,600 square feet for vehicle and equipment storage; and 3,300 square feet for offices, employee work stations, a conference room, a lunch room, and a men's and women's locker room. The existing building was determined to be structurally adequate, and will be modified to remain and serve as additional equipment storage space, a meter testing space, and an equipment maintenance and repair space. The project will also include pervious pavers and bio-retention gardens for storm water infiltration on site.

The deficiencies of the existing building have been reviewed by the Council, Water Commission and staff. Considerable funds would be required to maintain its present function. The proposed project has been also closely reviewed by the Water Commission and staff, including employees who will be using the facility.

On May 6, 2014, the City of Franklin Common Council at their meeting unanimously approved the Special Use application for this project.

A project schedule has been developed and is included herewith. A bid opening is proposed for September 23, 2014, contract award on October 7, 2014, resulting on a project substantially by the end of August. This schedule will provide the contractor with flexibility and therefore competitive pricing.

OPTIONS

Motion to authorize staff to advertise and receive bids
 or
 Defer decision

FISCAL NOTE

Attached is a financial strategy which accounts for the needed \$3 million for this project. Half from sewer department, half from water utility resources.

RECOMMENDATION

Motion to direct staff to advertise and receive bids for a Water and Wastewater Operations and Maintenance Facility.

MEMORANDUM

DATE: August 12, 2014
TO: Ron Romeis, Acting City Engineer
FROM: Paul Rotzenberg, Director of Finance & Treasurer *Paul*
RE: Financing of the Water & Waste Water facility

The proposed Water & Waste Water facility has an estimated cost of \$3 million. This project was included in the 2014 budget for the Sewer Fund and the Water Fund, with each fund absorbing half the cost.

The Sewer Fund completed 2013 with \$1.7 million of cash on hand. The fund generated \$289,000 in cash in 2013, mostly on advances from the Clean Water Fund loan and the General Fund (to make interest payments on the Clean Water Fund Loan). Staff recommends using available resources for this investment, which will exhaust most of its available resources. Future capital investments will then require positive operating results to generate the capital for them. The 2014 Sewer budget did anticipate using available cash on hand to fund this project.

The Water Fund completed 2013 with \$54,000 of cash on hand. The Water Fund does not have the resources to make this investment today. During 2013, the Water Utility did not generate any cash as water rates don't provide for more than a 1% return on investment.

The Water Fund is due \$871,000 of Impact fees on the 2002 construction of the Puetz Water tower. In addition, the current project has an estimated \$300,000 of eligible Impact fee support. Current Water impact fees of \$1,050,000 combined with future collections should provide this level of Impact fee support. Staff recommends using those impact fees to finance the project. Then the fund would require a \$325,000 resource by way of either an external borrowing or an interfund advance. Staff would recommend an external borrowing as the Water Fund will require some time to repay the loan.

The 2014 Water Fund budget anticipated needed resources for this project.

An alternative would have the Water Fund borrow for the project now, and then use the Impact fees to finance future projects when borrowing costs are expected to be higher. Ehlers will examine the breakeven point on this option. Ehlers' report is expected by the early September Council meeting.

City of Franklin
Water and Wastewater Operations and Maintenance Facility
Project Schedule
(August 15, 2014)
GRAEF

Schedule

Board of Water Commissioners	July 15, 2014
Common Council Authorization for Bid	August 19, 2014
Advertise for Bids	August 28, September 4, 2014
Pre-bid Meeting	September 9, 2014
Bid Opening	September 23, 2014
Contract Award	October 7, 2014
Preconstruction Meeting	October 15, 2014
Start Construction	October 27, 2014
Footings Completed	December 5, 2014
Substantially Complete	August 28, 2015
Final Restoration Complete	September 18, 2015

CLIENT:

CONTRACTOR:

PROJECT TITLE
CITY OF FRANKLIN WATER AND
WASTEWATER OPERATIONS AND
MAINTENANCE FACILITY

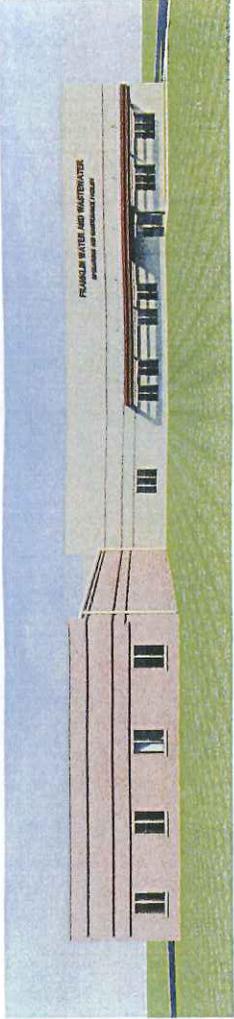
ISSUE
1 03/24/14
PLANNING
COMMISSION
SUBMITTAL

PROJECT INFORMATION:
PROJECT NUMBER: 2013-01668.02
DATE: 03/24/14
DRAWN BY: RRJ
CHECKED BY: WPT
APPROVED BY: MJR
SCALE: AS NOTED

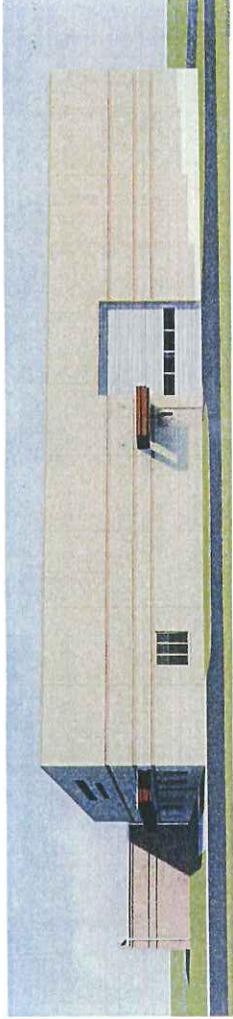
SHEET TITLE
RENDERING OPTION 1

SHEET NUMBER

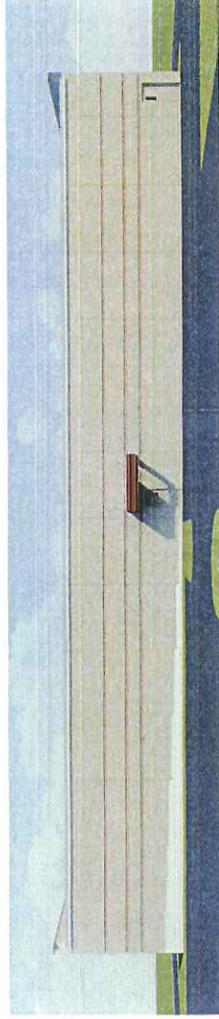
R100



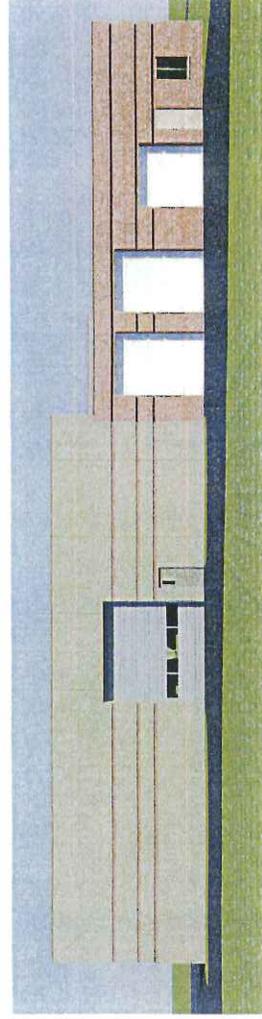
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

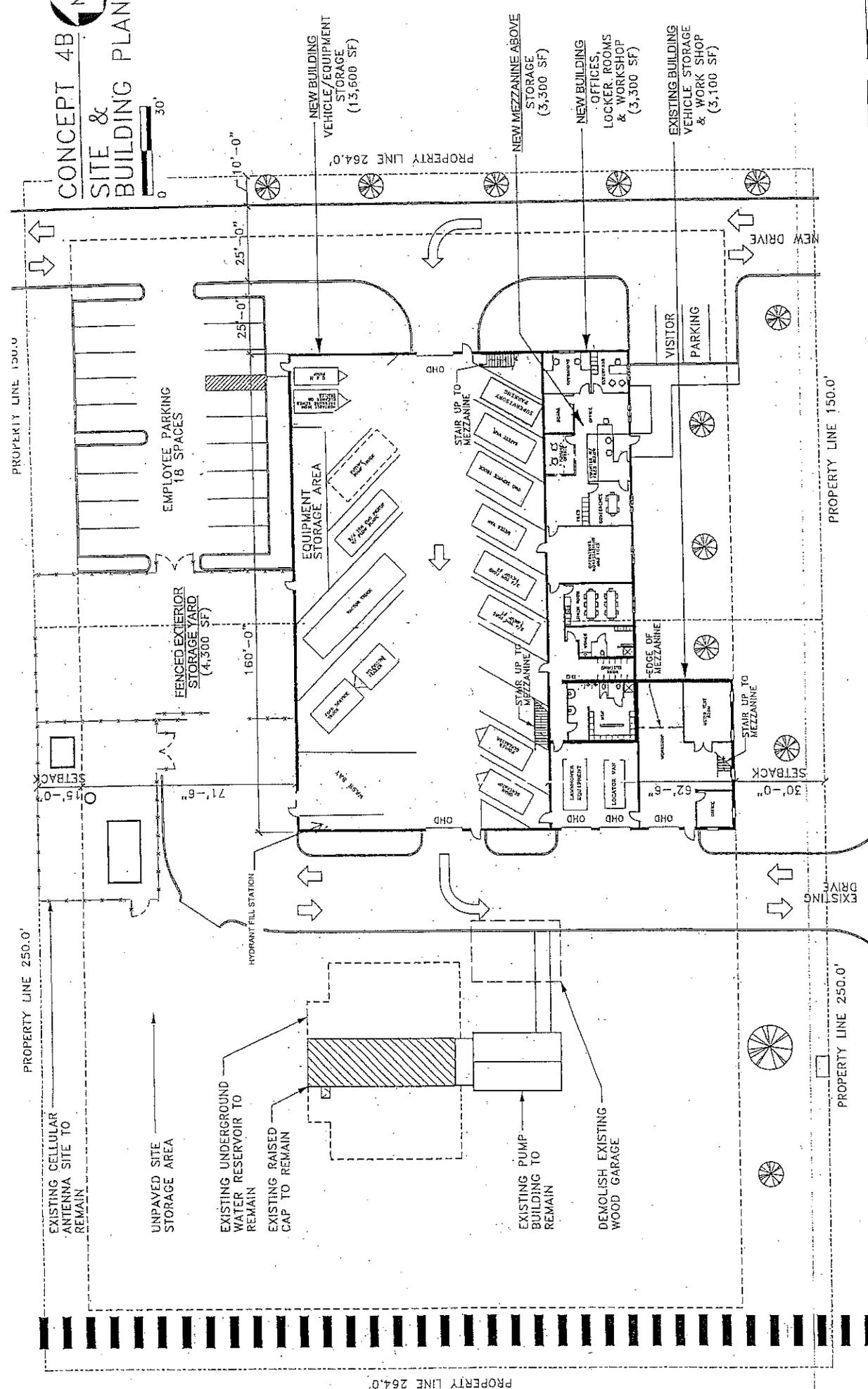


WEST ELEVATION

CONCEPT 4B
SITE & BUILDING PLAN



0 30'



PROJECT TITLE: CITY OF FRANKLIN - SEWER AND WATER UTILITY CONCEPTUAL DESIGN STUDY
SHEET TITLE: CONCEPT 4B

PROJECT NUMBER: 2007-0216.00
DATE: 08/14/2013
SCALE: AS NOTED
REFERENCE SHEET:



5550 WEST AIRWAYS AVENUE

4B

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 8/19/14
Reports & Recommendations	SUBJECT: Resolution authorizing officials to amend an engineering services proposal for the proposed construction of a new water and wastewater facility in the added amount of \$34,900	ITEM NO. <i>G.4.</i>

BACKGROUND

The Franklin Board of Water Commissioners at their regular meeting of June 17, 2014 recommended to the Common Council that the agreement with Graef-USA, Inc. for the design development, construction documents, and contract administration for a proposed water and wastewater facility be amended to include three added services totaling \$34,900.

ANALYSIS

A breakout of these three services is included in a memorandum dated May 22, 2014 to former Manager/Director Bennett. Explanation of these services is as follows:

1. Survey (\$5,200)
These services were requested by the City after the investigation indicated the need for more information regarding the cell tower on site be developed.
2. Stormwater Management (\$4,900)
This service was recognized as an addition to the base agreement. This allowed the designer to incorporate storm quality items for MMSD reimbursement.
3. Exiting Building Modifications (\$19,600)
The extent of services had not been included in the base agreement. The redevelopment of the existing building into the proposed building in a most functional design required a significant amount of design. Architectural designs lead to the need for window and roof replacement, bearing wall removal and steel header framing. In addition, conversion of HVAC, plumbing and electrical (including lighting) was designed into the base plans.

The cost addition of \$34,900 increases design services to \$175,750, which is approximately 5.8% of the estimated \$3 million cost. This percent being lower than anticipated 6%-7% level for new with conversion of existing design.

An additional cost based on an hourly rate not to exceed three percent (\$90,000) will be incurred for contract administration services must remain in place.

OPTIONS

Motion to adopt approval resolution
or
Table

FISCAL NOTE

The 2014 Budget included this project with a \$3 million cost split between the Sewer Fund and Water Utility.

The Sewer Fund has funds on hand to finance this project. The Water Utility will use \$300,000 of Water Impact Fees and finance the balance.

RECOMMENDATION

Motion to adopt Resolution No. 2014-_____ a resolution authorizing officials to amend an engineering services proposal for the proposed construction of a new water and wastewater facility in the added amount of \$34,900.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY
RESOLUTION NO. 2014 - _____

A RESOLUTION AUTHORIZING OFFICIALS TO AMEND
AN ENGINEERING SERVICES PROPOSAL
FOR THE PROPOSED CONSTRUCTION OF A
NEW WATER AND WASTEWATER FACILITY
IN THE ADDED AMOUNT OF \$34,900

WHEREAS, the need for the construction of a new water and wastewater facility exists; and

WHEREAS, the City has utilized a quality selection process to select an architectural/civil site consultant to begin a design process; and

WHEREAS, a selection committee unanimously found Graef-USA, Inc. as the most qualified firm to design this building; and

WHEREAS, Graef has developed conceptual plans based on space needs; and

WHEREAS, Graef has now submitted a proposal to perform necessary services for the design development, construction documents, and contract administration for the proposed new water and wastewater facility; and

WHEREAS, Graef has indicated these services will be performed for a cost as detailed in the proposal; and

WHEREAS, the existing facility and a conceptual proposed building design have been reviewed by the Mayor, Common Council and staff; and

WHEREAS, after proceeding in design process, Graef-USA has been directed to provide survey services for the on-site cell tower and design stormwater management facilities; and

WHEREAS, after proceeding in design process, Graef-USA developed comprehensive modifications to the existing building into the plan set; and

WHEREAS, these service additions total \$34,900.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, which the Mayor and City Clerk are authorized to execute proposal amendment whereby Graef-USA, Inc. shall perform necessary services for the design development, construction documents, and contract administration for the proposed water and wastewater facility for a cost of \$34,900 as detailed in the letter dated May 22, 2014.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____

VII A

One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com



collaborate / formulate / innovate

May 22, 2014

Mr. John M. Bennett, P.E.
Director of Public Works/City Engineer
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

**Subject: Franklin Water and Wastewater Operations and Maintenance Facility
Professional Services Amendment
GRAEF Project No. 2013-0168.02**

Dear Mr. Bennett:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal to amend our agreement for the additional survey, easement preparation, stormwater design services, green infrastructure alternatives and design, and the existing building modifications. This amendment is subject to GRAEF's Standard Terms and Conditions, which were attached to our original agreement dated February 10, 2014.

This amendment is for professional services for the following additional services:

1. Survey (\$5,200)

- Additional topographic survey for the cell tower easements
- Title commitment purchase
- Boundary and easement preparation

2. Stormwater Management (\$4,900)

- Stormwater quantity, quality, and infiltration final design services
- Green infrastructure alternative final design services

3. Existing Building Modifications (\$19,650)

Existing building modifications, outside of the original Men's Locker Room 112 / Corridor 111 scope. The original Contract did not include work within the remainder of the existing building. Revised scope of work (by discipline) is as follows:

Additional Architectural Scope:

- Sheet D100 – Demolition floor plan & roof plan, keyed notes
- Interface & associated detailing between new & existing building
- Roof replacement (roof plan, notes, details, specifications)
- Window replacement details & notation (new stools, exterior trim)
- Door and sink reconfiguration at existing Meter Test Room 114
- New VCT flooring in existing Office 115
- New doors & associated door schedule information
- Bearing wall removal, structural modifications, and new ceiling below existing mezzanine (at removal of existing locker & toilet room).
- Coordination with other disciplines.

Additional Structural Scope:

- Size steel header at toilet room/wall removal, add notation to framing plan.

Additional HVAC Scope:

- Demolition & removal of existing non-Code-compliant AHU
- HVAC calculations for existing areas
- Revising new AHU to accommodate existing spaces
- Extending new duct system into existing areas

Additional Plumbing Scope:

- Removal of existing toilet rooms
- Installation of new floor drains in Work Room
- Removal of sink in existing meter room
- Installation of new sink in existing meter room
 - a. Routing of sanitary waste and vent (SWV)
 - b. Routing of domestic water
 - c. Fixture selection
 - d. Updating SWV and Domestic Riser diagrams

Additional Electrical Scope:

- Additional lighting and controls in existing building
- Additional outlets in existing building
- Creating electrical demolition plan
- Change from emergency generator to whole building generator

Specification Manual:

- Additional specification coordination related to existing building modifications.



collaborāte / formulāte / innovāte

Total amendment for the above out of scope services is \$29,750. To accept this amendment, please sign and date this proposal and return one copy to GRAEF. Please feel free to contact me to discuss any details of this amendment.

Sincerely,
Graef-USA Inc.

Accepted by: City of Franklin

Michael N. Paulos, P.E.
Principal

(Signature)

(Name Printed)

(Title)

Date: _____

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/19/14</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND SECTION 15-3.0427 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 22 (CLARE MEADOWS) TO DESIGNATE AND PROVIDE FOR ONE LOT CERTIFIED SURVEY MAP LAND DIVISION TO CREATE SINGLE LOT OF RECORD STATUS FOR THE AREA OF THE PROPERTY SUPPORTING THE EXISTING THREE-STORY 30 UNIT SENIOR INDEPENDENT LIVING APARTMENT BUILDING (FRANKLIN SENIOR HOUSING, INC., APPLICANT) (7704 SOUTH 51ST STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.5.</i></p>

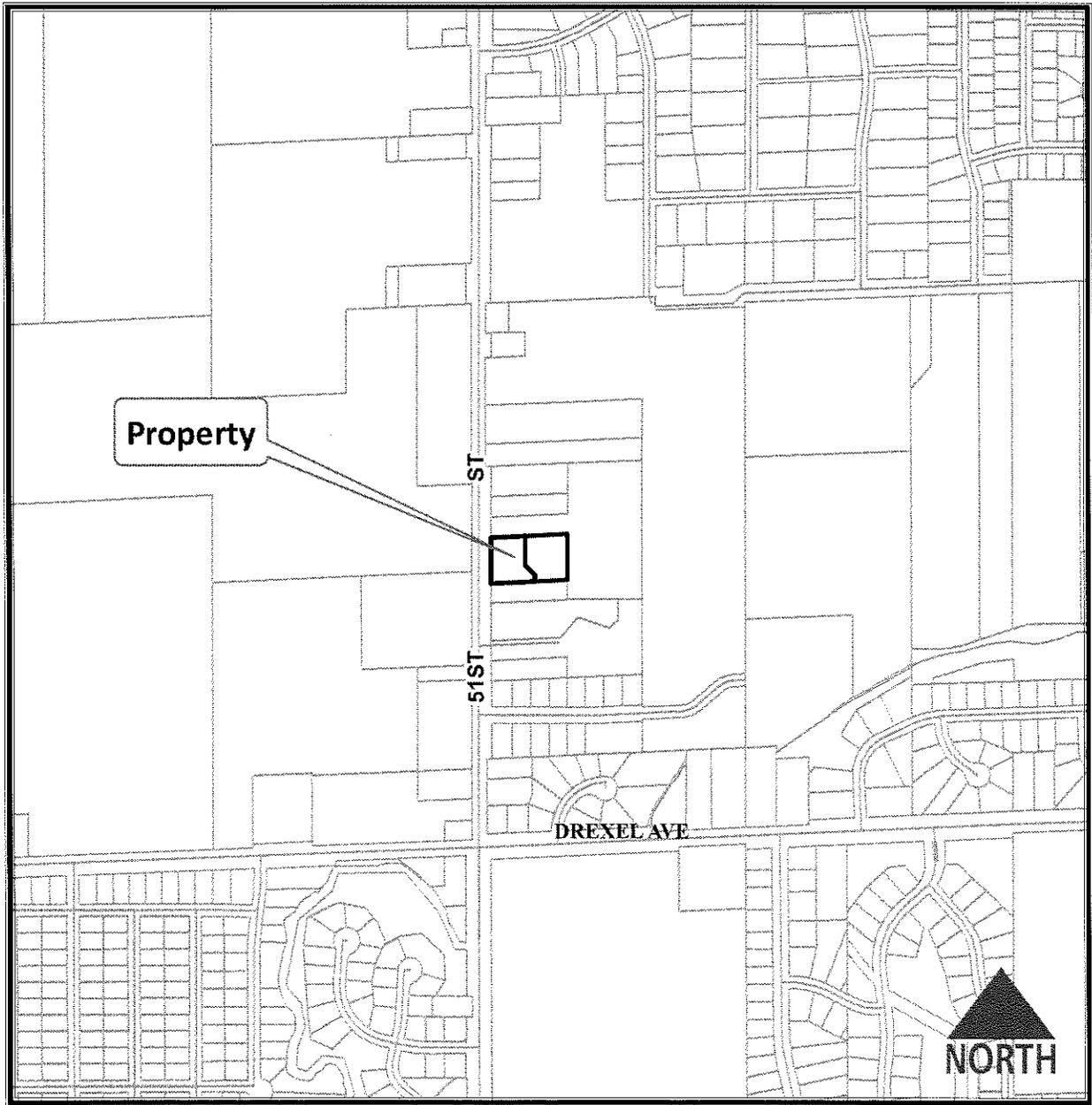
At its August 7, 2014 meeting, the Plan Commission recommended approval of an Ordinance to amend Section 15-3.0427 of the Unified Development Ordinance Planned Development District No. 22 (Clare Meadows) to designate and provide for one lot certified survey map land division to create single lot of record status for the area of the property supporting the existing three-story 30 unit senior independent living apartment building (Franklin Senior Housing, Inc., applicant) (7704 South 51st Street).

COUNCIL ACTION REQUESTED

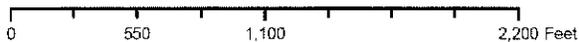
A motion to adopt Ordinance No. 2014-_____, an Ordinance to amend Section 15-3.0427 of the Unified Development Ordinance Planned Development District No. 22 (Clare Meadows) to designate and provide for one lot certified survey map land division to create single lot of record status for the area of the property supporting the existing three-story 30 unit senior independent living apartment building (Franklin Senior Housing, Inc., applicant) (7704 South 51st Street).



PDD 22
Francis Woods Condominiums
Franklin Meadows Apartments



Planning Department
(414) 425-4024



2013 Aerial Photo

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2014-_____

AN ORDINANCE TO AMEND §15-3.0427 OF THE UNIFIED
DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT
DISTRICT NO. 22 (CLARE MEADOWS) TO DESIGNATE AND PROVIDE
FOR ONE LOT CERTIFIED SURVEY MAP LAND DIVISION TO CREATE
SINGLE LOT OF RECORD STATUS FOR THE AREA OF THE PROPERTY
SUPPORTING THE EXISTING THREE-STORY 30 UNIT SENIOR
INDEPENDENT LIVING APARTMENT BUILDING
(FRANKLIN SENIOR HOUSING, INC., APPLICANT)
(7704 SOUTH 51ST STREET)

WHEREAS, §15-3.0427 of the Unified Development Ordinance provides for and regulates Planned Development District No. 22 (Clare Meadows), same having been created by Ordinance No. 96-1389, later amended and recreated by Ordinance No. 96-1417, and later amended by Ordinance Nos. 99-1557, 2005-1855, 2005-1856, 2010-2031, 2011-2046, 2012-2075 and 2012-2078, with such District being located at 7704 South 51st Street; and

WHEREAS, Planned Development District No. 22 (Clare Meadows) includes those lands legally described as follows:

Commencing at the southwest corner of the Southeast 1/4 of said Section 11; thence North 00°04'46" East along the west line of said Southeast 1/4, 1286.46 feet; thence North 87°28'06" East, 60.06 feet to the southwest corner of said Parcel 1; thence continuing North 87°28'06" East, 215 feet to the point of beginning; Thence North 00°04'46" East, 30.00 feet; thence North 44°55'14" West, 63.57 feet; thence North 00°04'46" East, 146.31 feet to the north line of said Parcel 1; thence North 87°28'06" East along said north line, 205.54 feet to the northeast corner of said Parcel 1; thence South 00°04'46" West, 223.31 feet to the southeast corner of said Parcel 1; thence South 87°28'06" West along the south line of said Parcel 1, 160.54 feet to the point of beginning. Containing in all 43,336 square feet (0.9974 acres) of land, more or less. Tax Key No.: 788-9986-013; and

WHEREAS, Franklin Senior Housing, Inc., having petitioned for a further amendment to Planned Development District No. 22 (Clare Meadows), to provide single lot of record status, as has recently been required by the U. S. Department of Housing and Urban Development, for the previously approved designated area supporting the previously approved and existing three-story 30 unit senior independent living apartment building; and

WHEREAS, the existing use was approved pursuant to Ordinance No. 2011-2046 Section 1, which incorporated plans depicting the structure location and parking areas, with cross-access to the land area supporting the use being provided by way of a recorded easement as was required by Section 5 of Ordinance 2011-2046, and the area depicted upon such separate plan site also previously having been depicted as a separate area for a future phase upon a Condominium Plat approved pursuant to Resolution No. 2006-6027 and such separate area thereafter having been provided a separate tax key number by the Milwaukee County Register of Deeds after the recording of the Plat on July 5, 2006; and

WHEREAS, the applicant having filed a separate application for the approval of a 1 lot certified survey map consistent and concurrent with the filing of the application for the amendment which is the subject of this resolution

WHEREAS, the City of Franklin Plan Commission having considered the application on the 7th day of August, 2014, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common Council that the proposed amendment to Planned Development District No. 22 (Clare Meadows) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 22 (Clare Meadows) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0427 Planned Development District No. 22 (Clare Meadows), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 96-1417, as previously amended, is hereby amended to provide that the site area of the three-story 30 unit senior independent living apartment building, as depicted upon the certified survey map approved of even date herewith, together with the parking areas and zero lot line setbacks thereof as previously accepted and now approved hereunder, shall be a separate lot of record. A copy of the certified survey map is attached hereto and incorporated herein.

SECTION 2: The three-story 30 unit senior independent living apartment building site single lot of record approved hereunder, for the reasons set forth above and in the preamble hereto, shall be served

by the cross-access easement of record and shall not be required to be supported by its boundaries immediately abutting frontage along a public street as is required by Section 15-5.0101B.a. of the Unified Development Ordinance, such requirement having been specifically waived by the Plan Commission on August 7, 2014, pursuant to Section 15-9.0310A. of the Unified Development Ordinance.

SECTION 3: Franklin Senior Housing, Inc., successors and assigns, shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the 30 unit senior independent living apartment building construction site. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions.

SECTION 4: The approval granted hereunder is conditional upon Franklin Senior Housing, Inc. and the 30 unit senior independent living apartment building construction project for the property located at 7704 South 51st 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.

SECTION 5: All other applicable terms and provisions of §15-3.0427, shall apply to the subject Franklin Meadows senior housing development area of Planned Development District No. 22 (Clare Meadows), and all terms and provisions of §15-3.0427 as existing immediately prior to the adoption of this Ordinance shall remain in full force and effect.

SECTION 6: 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 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

ORDINANCE NO. 2014-_____

Page 4

SECTION 8: 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 _____, 2014, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin

AUG 1 2014

PROJECT NARRATIVE

City Development

Franklin Meadows Senior Housing

The enclosed Certified Survey Map (CSM) Application, Variance and Appeals Application and Planned Development District (PDD) Application (Minor Alteration) are being submitted as a requirement of a final closing with the United States Department of Housing and Urban Development (HUD).

Franklin Meadows is an existing 30 unit senior independent living facility that was approved by the City of Franklin pursuant to Ordinance No. 2011-2046 and constructed pursuant to a Capital Advance Agreement with HUD under Section 202 of the Housing Act of 1959. Now that construction of the project is complete, HUD requires that Franklin Senior Housing, Inc. obtain fee simple ownership of the property.

The project was constructed on property that was at one time designated as expansion land for Francis Woods Condominium (its designation as expansion land has since been removed) and which was previously issued tax key number 788-9986-013. Prior to conveyance of fee simple ownership of the property, these applications seek to confirm that (a) the property complies with land division ordinances including a variance for street frontage requirements and (b) modify planned development approvals previously issued for the project to include a reference to the property boundary as designated on the CSM and depicted on the enclosed ALTA Survey.

No changes to the project as it currently exists are proposed.

The property on which the project was constructed does not have direct access to a public street, but benefits from access easements as set forth on the proposed CSM. As a result, the CSM requires a variance from Sections 15-50106-C and 15-5.0106-K of the UDO. Pursuant to Section 15-90310 of the UDO, the Plan Commission may waive or modify the land division requirements of 15-5.0100. This project location is unique given that it was at one time designated as expansion land to a condominium, was issued a separate tax key and the approved project on the property is complete. Additional information is included on the enclosed Findings and Factors in the Review of Land Division Variances sheet.



REPORT TO THE PLAN COMMISSION

Meeting of August 7, 2014

Certified Survey Map and Planned Development District Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the Certified Survey Map and Planned Development District Amendment Applications, subject to the conditions of approval in the attached draft resolution and ordinance.

Table with 2 columns: Field Name and Value. Fields include Project Name, General Project Location, Property Owner, Applicant, Agent, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, and Applicant's Action Requested.

Project Description and Analysis:

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

On August 1, 2014, Franklin Senior Housing, Inc. filed a Certified Survey Map (CSM) and a Planned Development District Amendment Application with the Department of City Development requesting approval to create a one lot CSM for the Francis Woods/Franklin Meadows property located at 7704 and 7710 South 51st Street.

The subject 1.92-acre parcel was added to PDD No. 22 with the approval of Ordinance No. 05-1855 on September 20, 2005 by the Common Council, which approved a site plan for the development of a 16-unit senior condominium residential building known as Francis Woods on the west side of the parcel. The approved site plan also included a building footprint on the east half of the property labeled "Phase 2". The Francis Woods Condominium Plat further labeled this area as "EXPANDABLE AREA (FUTURE PHASE 2)" and denoted a future three story, 32-unit condominium building.

According to the City of Franklin Assessor's Office, Milwaukee County assigned a separate tax key number for the area identified as "Phase 2" of the Francis Woods Condominium Plat in 2007, as individual condominium units have their own tax key numbers.

In 2011, CommonBond Communities received approval of a three-story 30-unit senior independent living apartment building on the one-acre Phase 2 expandable area of land to the east of the Francis Woods Condominium development.

At that time, Planning staff expressed concerns to the applicant regarding the action that resulted in the assignment of a separate tax key number for Phase 2 of the Francis Woods Condominium Plat, and argued that the assignment of the tax key number for the future expansion area did not create a new and separate parcel. Furthermore, the Unified Development Ordinance (UDO) requires submission of a Certified Survey Map application for all proposed land divisions, which did not occur. In addition, the UDO requires all residential parcels to have at least 60 feet of street frontage, but the one-acre expansion area contains no street frontage.

To address staff's concerns, the applicant entered into a 99-year lease with the existing property owner, rather than purchase the property. Staff continued to suggest that the applicant file a Certified Survey Map Application and request approval for a deviation from the minimum 60-foot street frontage requirement; however, the applicant proceeded with the lease and the Franklin Meadows project developed accordingly.

The applicant is now proposing to purchase the property, and as such submitted a Certified Survey Map Application. The applicant has also submitted a Planned Development District Amendment Application to address the lack of frontage along public right-of-way. Furthermore, the PDD Amendment Application addresses the changes in setbacks/site plan due to the proposed lot line. The building setbacks are shown on the CSM. The majority of parking spaces onsite are setback greater than ten feet to the proposed property line, which complies with the ten foot minimum setback requirement of the UDO. However, two parking spaces are setback less than ten feet. The minimum parking setback from the proposed property line is approximately two feet.

Staff is recommending, with agreement from the applicant, that the Plan Commission determine the subject PDD Amendment to be a Minor Amendment based upon Section 15-9.0401 of the UDO. Section 15-9.0401 indicates that a change in the exterior boundary of a PDD be considered a Major change. The proposed land division does not amend the boundary of the PDD, thus the applicant filed a PDD Amendment Application and paid the fee for a Minor Amendment.

The proposed lot is approximately 0.99 acre. The property consists of the Franklin Meadows development and associated drives and parking facilities as well as a Conservation Easement that was recorded with Milwaukee County on September 4, 2012, protecting a 30-foot wetland buffer.

Due to the applicant's timeframe, Milwaukee County and City Staff did not complete a full technical review of the proposed Certified Survey Map, and therefore, recommend that *the*

applicant shall correct all Milwaukee County review comments and all technical revisions as required by the Department of City Development and Engineering Department staff.

Staff Recommendation:

Department of City Development staff recommends approval of the Certified Survey Map and Planned Development District Amendment Applications, subject to the conditions of approval in the attached draft resolution and ordinance.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/19/14</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 2855 LOCATED IN PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (FRANCIS WOODS, LLC, OWNER, FRANKLIN SENIOR HOUSING, INC., APPLICANT) (7704 SOUTH 51ST STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.6.</i></p>

At its August 7, 2014 meeting, the Plan Commission recommended approval of a resolution conditionally approving a 1 lot certified survey map, being a redivision of Parcel 1 of Certified Survey Map No. 2855 located in part of the southwest 1/4 and northwest 1/4 of the southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Francis Woods, LLC, owner, Franklin Senior Housing, Inc., applicant) (7704 South 51st Street).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2014-_____, a resolution conditionally approving a 1 lot certified survey map, being a redivision of Parcel 1 of Certified Survey Map No. 2855 located in part of the southwest 1/4 and northwest 1/4 of the southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Francis Woods, LLC, owner, Franklin Senior Housing, Inc., applicant) (7704 South 51st Street).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2014-_____

A RESOLUTION CONDITIONALLY APPROVING A 1 LOT
CERTIFIED SURVEY MAP, BEING A REDIVISION OF PARCEL 1
OF CERTIFIED SURVEY MAP NO. 2855 LOCATED IN PART OF THE
SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(FRANCIS WOODS, LLC, OWNER, FRANKLIN
SENIOR HOUSING, INC., APPLICANT)
(7704 SOUTH 51ST STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a redivision of Parcel 1 of Certified Survey Map No. 2855 located in part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7704 South 51st Street, bearing Tax Key No. 788-9986-013, Franklin Senior Housing, Inc., applicant; said certified survey map having been reviewed by the City of Franklin Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Franklin Senior Housing, 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 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.

FRANKLIN SENIOR HOUSING, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2014-_____

Page 2

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. Franklin Senior Housing, Inc., successors and assigns, and any developer of the Franklin Senior Housing, Inc. 1 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Franklin Senior Housing, Inc. and the 1 lot certified survey map project for the property located at 7704 South 51st 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.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Francis Woods, LLC, 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, Francis Woods, LLC, 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 _____, 2014.

FRANKLIN SENIOR HOUSING, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2014-_____

Page 3

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 2855 LOCATED IN PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

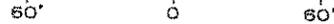
PREPARED BY:

JSD Professional Services, Inc.
MILWAUKEE REGIONAL OFFICE
222 W22031 NANDY'S COURT SUITE 3
WAUKESHA, WISCONSIN 53188
262.513.9869 PHONE | 262.513.1232 FAX

PREPARED FOR:

FRANCIS WOODS, LLC
3900 S. PRAIRIE HILL LANE
GREENFIELD, WI 53228

SCALE IN FEET



NW CORNER OF THE SE 1/4 OF SEC. 11-5-21 CONC. MON. W/ BRASS CAP

UNPLATTED LANDS
OWNER: ROXANNE BOSCHKE & CAROLYN SCHEPPELE

PARCEL 1
CSM NO. 8778
OWNER: CLARE MEADOWS OF FRANKLIN LLC

REMNANT PARCEL 1
CSM NO. 2855
OWNER: FRANCIS WOODS CONDOMINIUMS

SW COR. PARCEL 1
CSM NO. 2855

PART OF PARCEL 2
CSM NO. 2855
OWNER: SHIRLEY K. SEM

WEST LINE OF THE SE 1/4 SEC. 11-5-21 N00°04'46"E 2656.86' (MEASURED)

S. 51ST STREET

1370.42'

1286.46'

SW CORNER OF THE SE 1/4 OF SEC. 11-5-21 CONC. MON. W/ BRASS CAP
N: 335,113.05
E: 2,541,212.49

- LEGEND:
O INDICATES 1" IRON PIPE FOUND & ACCEPTED
CCF INDICATES CHISELED CROSS FOUND & ACCEPTED
MAG INDICATED MAG NAIL FOUND & ACCEPTED
(R) RECORDED AS DIMENSION

BEARING BASIS
ALL BEARINGS ARE REFERENCED TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST WAS USED AS NORTH 00°04'46" EAST.

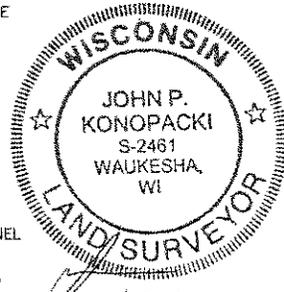
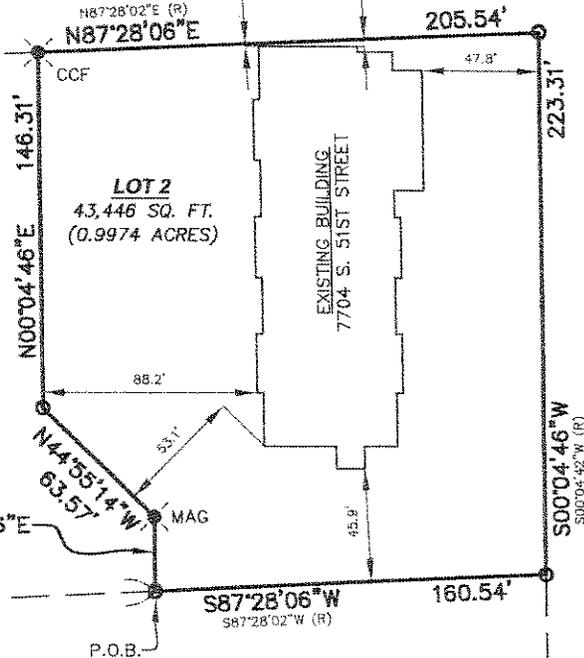
ALL MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE SECOND.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

THIS PROPERTY IS LOCATED WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FEMA COMMUNITY NUMBER 550273, PANEL NUMBER 0163E, EFFECTIVE DATE OF SEPTEMBER 26, 2008.

THIS PROPERTY IS ZONED PDD 22, PLANNED DEVELOPMENT DISTRICT NO. 22 (CITY OF FRANKLIN ORDINANCE NO. 2005-1855).

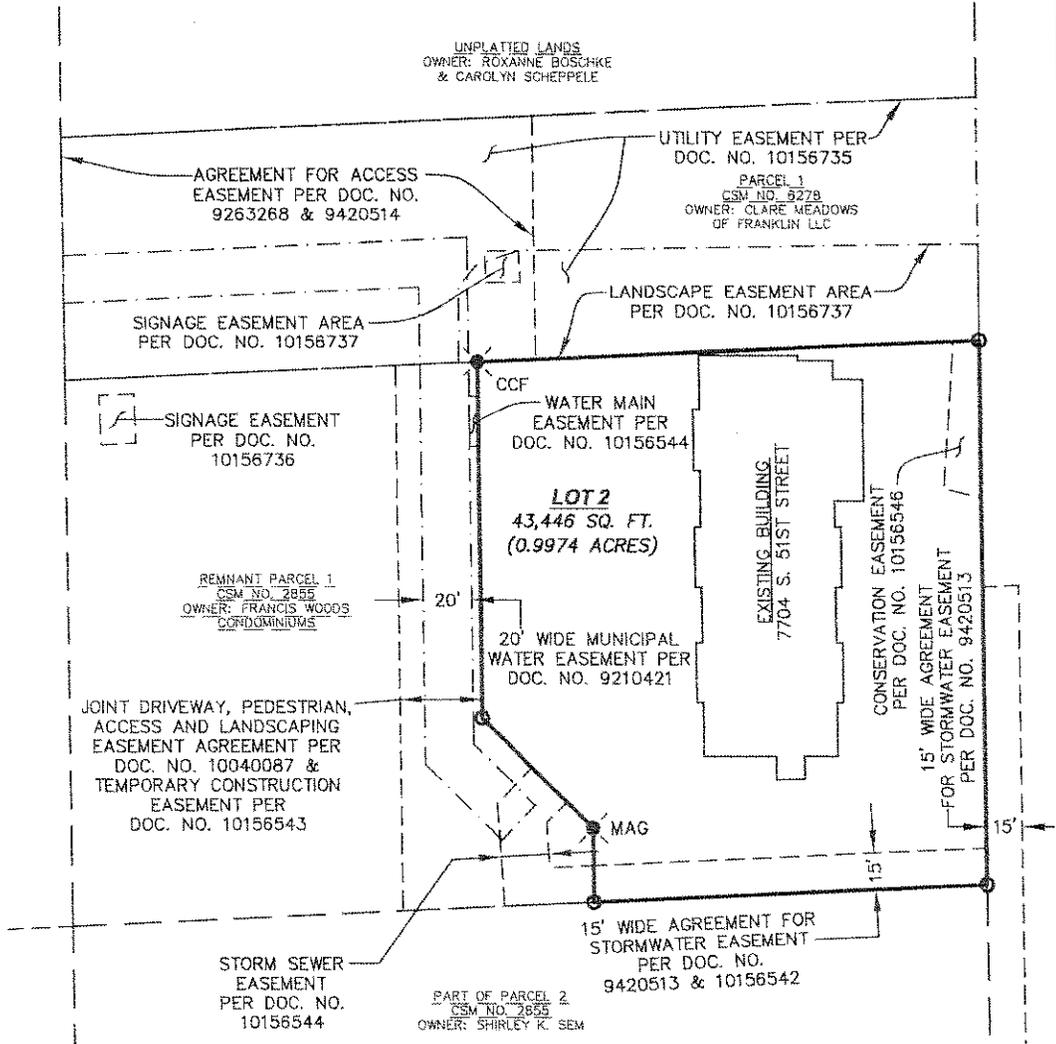


8/1/2014

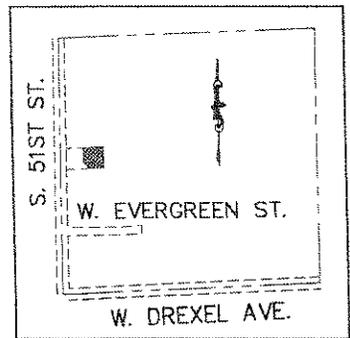
CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 2855 LOCATED IN PART OF THE
SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH,
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

EASEMENT DETAIL SHEET



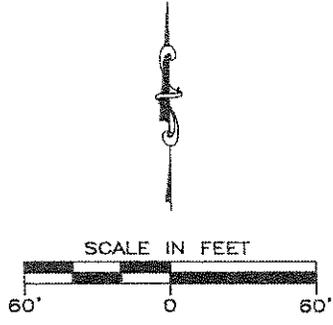
VICINITY MAP



SE 1/4 SEC. 11, T5N, R21E
SCALE 1" = 1,500'



8/1/2014



DATED THIS 15 DAY OF AUGUST, 2014
THIS INSTRUMENT WAS DRAFTED BY JOHN P. KONOPACKI, S-2461

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/19/14</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF A SITE PLAN AMENDMENT FOR THE PROPERTY LOCATED AT 9775 SOUTH 60TH STREET TO ALLOW FOR CONSTRUCTION OF A TWO-STORY BUILDING ADDITION (TAX KEY NO. 898- 9997-004) (STRAUSS BRANDS INCORPORATED, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>6.7.</i></p>

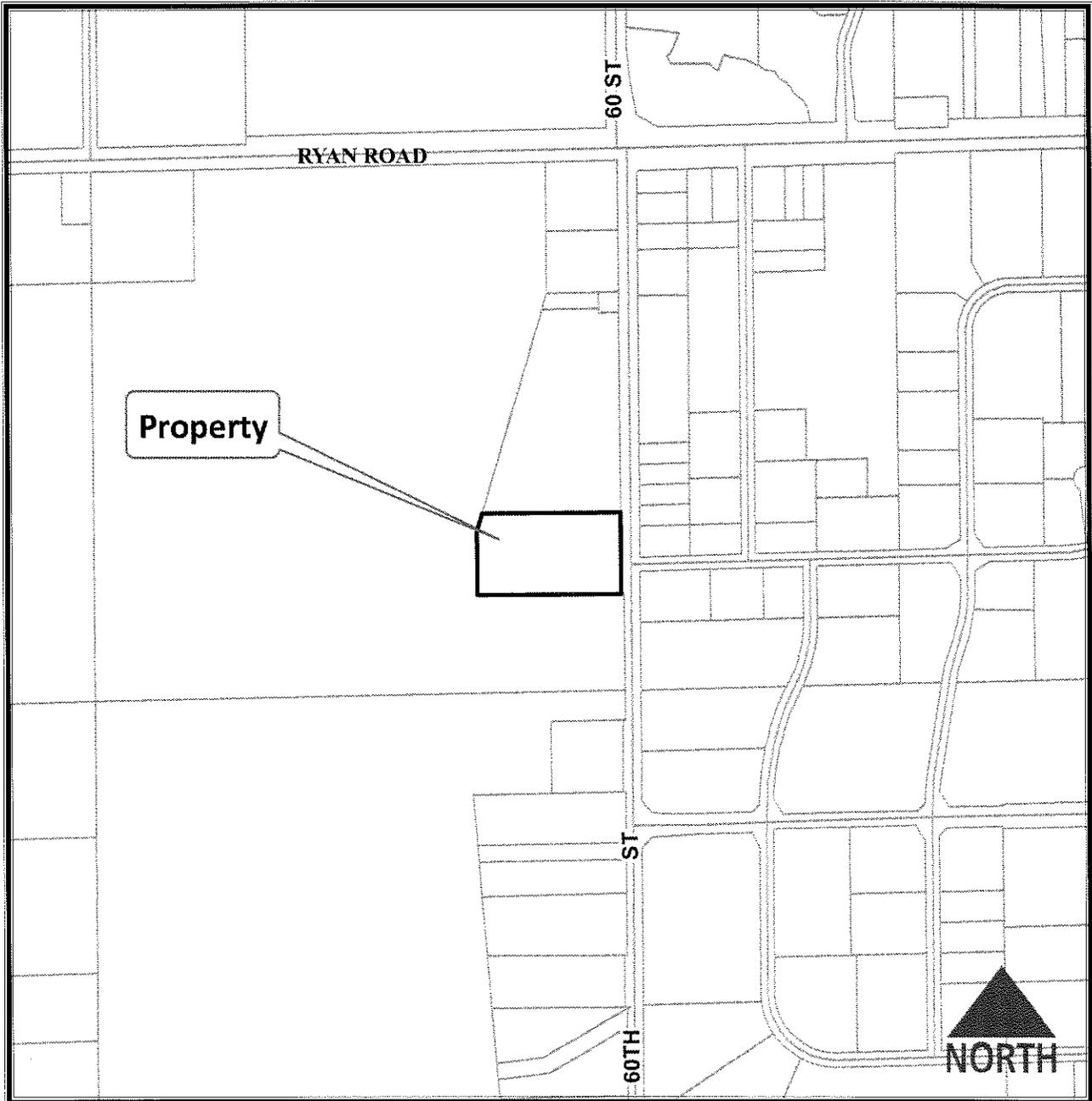
City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of a Site Plan Amendment for property located at 9775 South 60th Street to allow for construction of a two-story building addition (Tax Key No. 898-9997-004) (Strauss Brands Incorporated, Applicant), subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

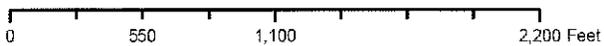
A motion to adopt Resolution No. 2014-_____, authorizing certain officials to accept a conservation easement for and as part of a Site Plan Amendment for property located at 9775 South 60th Street to allow for construction of a two-story building addition (Tax Key No. 898-9997-004) (Strauss Brands Incorporated, Applicant), subject to technical corrections by the City Attorney.



9775 South 60th Street
Strauss Brands, Inc.



Planning Department
(414) 425-4024



2013 Aerial Photo

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2014-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SITE PLAN AMENDMENT FOR THE
PROPERTY LOCATED AT 9775 SOUTH 60TH STREET TO ALLOW FOR
CONSTRUCTION OF A TWO-STORY BUILDING ADDITION (TAX KEY NO. 898-
9997-004) (STRAUSS BRANDS INCORPORATED, APPLICANT)

WHEREAS, the Plan Commission having approved a Site Plan Amendment upon the application of Strauss Brands Incorporated, on June 10, 2014, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetlands and wetland buffers on the site; and

WHEREAS, §15-7.0102G and §15-7.0103Q of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Site Plan Amendment; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Strauss Brands Incorporated, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT ***
STRAUSS BRANDS INCORPORATED
RESOLUTION NO. 2014-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

STRAUSS BRANDS, INC

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 STRAUSS BRANDS, INC., 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, Parcel 1 of Certified Survey Map #1500, being a part of the Northeast ¼ of Section 27, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, wetlands, and refer to Natural Resource Investigation by RA Smith National, dated June 24, 2014, 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 §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

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:
Straus Brands, Inc.
Attn: Richard E. Strauss
9775 S. 60th Street
Franklin, WI 53132

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

In witness whereof, the grantor has set its hand and seals this on this date of Aug 11, 2014.

Strauss Brands, Inc.

By:

Richard E. Strauss
Richard E. Strauss - Propoerty Owner

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 11th day of August, A.D. 2014 by

Richard E. Strauss Property Owner
Strauss Brands, Inc.

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation

Wickie W. Katsche
Notary Public

My commission expires 7/14/15

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns

and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date Received and Reviewed

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date Received and Reviewed

Easement Exhibit Conservation Easement #1

Part of Parcel 1 of Certified Survey Map No. 1500, being a part of the Northeast 1/4 of Section 27, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Northeast 1/4 Section; thence North 00°24'28" West along the East line of said Northeast 1/4 Section 470.00 feet to a point; thence South 89°35'32" West 45.00 feet to the Southeast corner of Parcel 1 of Certified Survey Map No. 1500; thence South 89°35'32" West along the South line of said Parcel 331.57 feet to the point of beginning of lands to be described; thence South 89°35'32" West along the South line of said Parcel 256.67 feet to a point; thence North 42°19'33" West 5.94 feet to a point; thence North 43°43'07" East 42.38 feet to a point; thence North 71°30'02" East 32.51 feet to a point; thence South 73°28'33" East 19.24 feet to a point; thence North 86°46'11" East 15.78 feet to a point; thence North 81°12'01" East 27.04 feet to a point; thence South 76°30'50" East 20.82 feet to a point; thence South 01°22'05" East 18.21 feet to a point; thence South 88°48'09" East 101.24 feet to a point; thence South 44°42'50" East 25.18 feet to the point of beginning.

Containing 7,305 sq.ft.

Prepared by: Eric R. Sturm, RLS
Date: June 24, 2014
Project No.: 150130

Deliver excellence, vision, and responsive service to our clients.

Easement Exhibit Conservation Easement #2

Part of Parcel 1 of Certified Survey Map No. 1500, being a part of the Northeast 1/4 of Section 27, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Northeast 1/4 Section; thence North 00°24'28" West along the East line of said Northeast 1/4 Section 470.00 feet to a point; thence South 89°35'32" West 45.00 feet to the Southeast corner of Parcel 1 of Certified Survey Map No. 1500; thence South 89°35'32" West along the South line of said Parcel 705.00 feet to a point; thence North 00°24'28" West along the West line of said Parcel 137.79 feet to the point of beginning of lands to be described; thence North 00°24'28" West along the West line of said Parcel 126.25 feet to a point; thence South 80°25'47" East 8.93 feet to a point; thence South 51°18'04" East 7.50 feet to a point; thence North 67°05'49" East 10.63 feet to a point; thence South 52°24'54" East 49.57 feet to a point; thence South 09°20'33" East 26.87 feet to a point; thence South 46°40'51" East 59.97 feet to a point; thence South 29°37'45" East 99.36 feet to a point; thence South 87°13'49" West 74.32 feet to a point; thence North 45°13'46" West 35.65 feet to a point; thence North 64°16'05" West 7.99 feet to a point; thence North 80°45'28" West 42.49 feet to a point; thence North 21°45'48" West 30.41 feet to the point of beginning;

Containing 16,434 sq.ft.

Prepared by: Eric R. Sturm, RLS
Date: June 24, 2014
Project No.: 150130

Deliver excellence, vision, and responsive service to our clients.

Easement Exhibit Conservation Easement #3

Part of Parcel 1 of Certified Survey Map No. 1500, being a part of the Northeast 1/4 of Section 27, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Northeast 1/4 Section; thence North 00°24'28" West along the East line of said Northeast 1/4 Section 470.00 feet to a point; thence South 89°35'32" West 45.00 feet to the Southeast corner of Parcel 1 of Certified Survey Map No. 1500; thence South 89°35'32" West along the South line of said Parcel 705.00 feet to a point; thence North 00°24'28" West along the West line of said Parcel 289.41 feet to the point of beginning of lands to be described; thence North 00°24'28" West along the West line of said Parcel 20.59 feet to a point; thence North 16°22'15" East along the West line of said Parcel 94.00 feet to a point; thence North 89°35'32" East along the North line of said Parcel 55.88 feet to a point; thence South 11°06'10" West 34.50 feet to a point; thence South 51°36'58" West 21.39 feet to a point; thence South 14°03'48" West 27.68 feet to a point; thence South 43°39'43" West 64.21 feet to a point; thence North 39°59'01" West 12.08 feet to the point of beginning.

Containing 5,204 sq.ft.

Prepared by: Eric R. Sturm, RLS
Date: June 24, 2014
Project No.: 150130

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/19/14</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 7711 SOUTH 76TH STREET, 7901 WEST IMPERIAL DRIVE AND 7915 WEST IMPERIAL DRIVE (CREATIVE HOMES, INC., OWNER)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.8.</i></p>

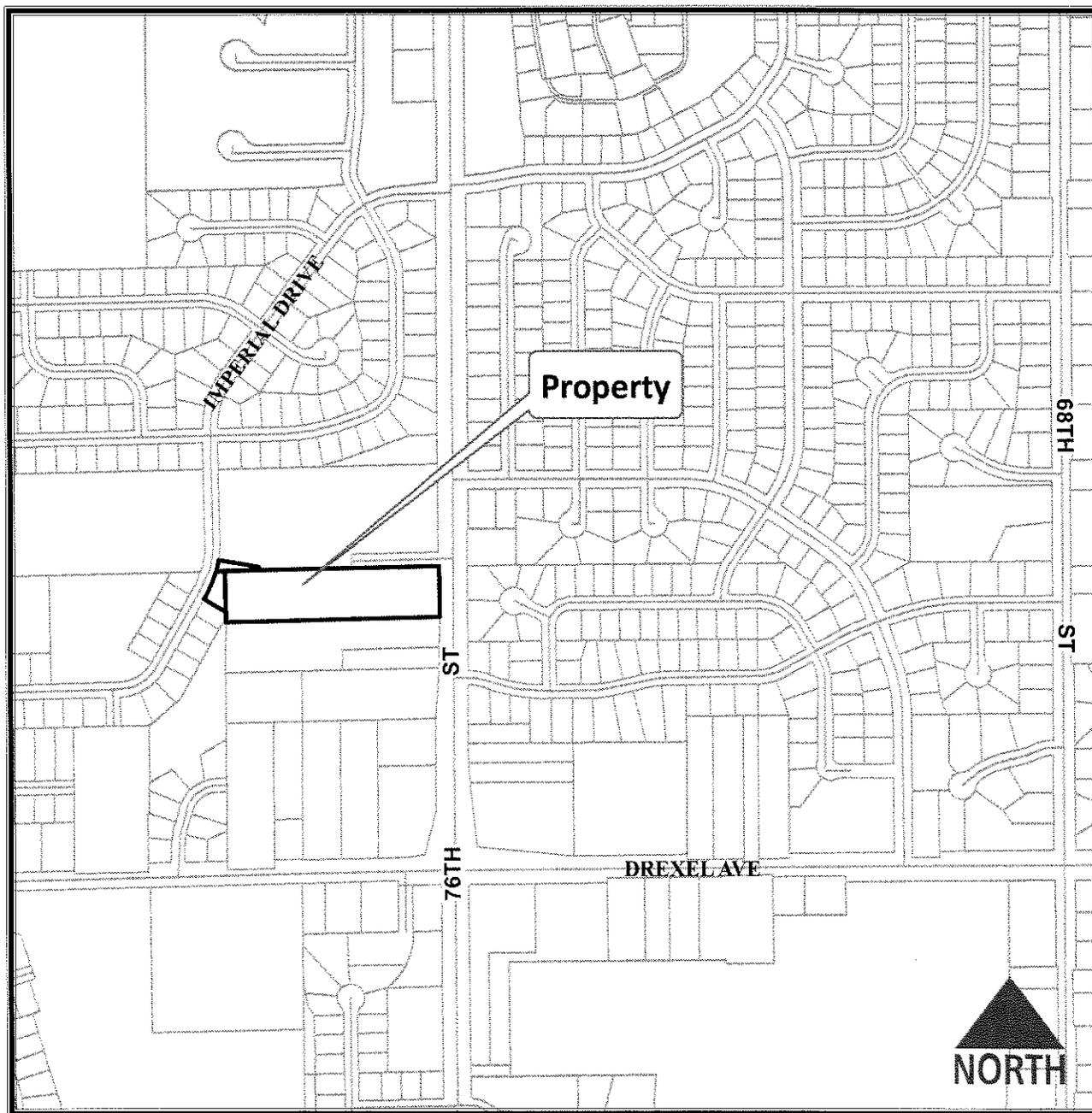
City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at 7711 South 76th Street, 7901 West Imperial Drive and 7915 West Imperial Drive (Creative Homes, Inc., Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

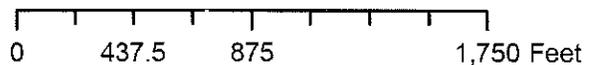
A motion to adopt Resolution No. 2014-_____, a authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at 7711 South 76th Street, 7901 West Imperial Drive and 7915 West Imperial Drive (Creative Homes, Inc., Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.



**7711 South 76th Street
7901-7915 West Imperial Drive**



**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.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2014-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR
PROPERTY LOCATED AT 7711 SOUTH 76TH STREET, 7901 WEST IMPERIAL
DRIVE AND 7915 WEST IMPERIAL DRIVE (CREATIVE HOMES, INC., OWNER)

WHEREAS, the Plan Commission having approved a 4 Lot Certified Survey Map upon the application of Creative Homes, Inc., on June 5, 2014, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetlands, wetland buffer, stream, shore buffer and floodplain on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Creative Homes, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT ***

CREATIVE HOMES, INC.

RESOLUTION NO. 2014-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

FAITHWAY RESERVE CERTIFIED SURVEY MAP

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Creative Homes, 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, in the Southeast 1/4 of the Southeast 1/4 Section 9, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, streams, floodplains, floodways, shore buffers, wetland buffers and wetlands, and refer to Natural Resource Investigation prepared by DAAR Engineering, Inc., August 5, 2014, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

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

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

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.
7. Remove or relocate conservation easement signage depicted on Exhibit A. Signs shall be maintained in good repair by the property owner.

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:
Creative Homes, Inc.
Attn: Rick Przybyla
9244 W. Grandview Court
Franklin, WI 53132

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

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

Creative Homes, Inc.

By: _____
Rick J. Przybyla, President

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the _____ day of _____, A.D. 20__ by

Rick J. Przybyla, President, Creative Homes, Inc.

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Wisconsin corporation.

Notary Public

My commission expires _____

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date Received and Reviewed

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date Received and Reviewed

Exhibit A

(See Conservation Easement Exhibit A)

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<p align="center">APPROVAL</p> <p align="center"><i>Slw</i></p>	<p align="center">REQUEST FOR COUNCIL ACTION</p>	<p align="center">MEETING DATE</p> <p align="center">08/19/14</p>
<p align="center">REPORTS & RECOMMENDATIONS</p>	<p align="center">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF WISCONSIN ELECTRIC POWER COMPANY D/B/A WE ENERGIES FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE FOR THE WE ENERGIES OAKBROOK SERVICE CENTER STORAGE BUILDING CONSTRUCTION PROJECT</p>	<p align="center">ITEM NUMBER</p> <p align="center"><i>6.9.</i></p>

At their meeting on July 23, 2014, the Environmental Commission, with a 3 to 1 vote, recommended approval of a Natural Resource Features Special Exception, for Wisconsin Electric Power Company d/b/a We Energies for the property located at 4800 West Rawson Avenue, for the purpose of allowing approximately 5,978 square feet of paving of the wetland buffer and 12,740.6 square feet of wetland setback paving, based on the fact that water from the wetland flows from the wetland across already graveled and paved surfaces and therefore does not have any wetland impact.

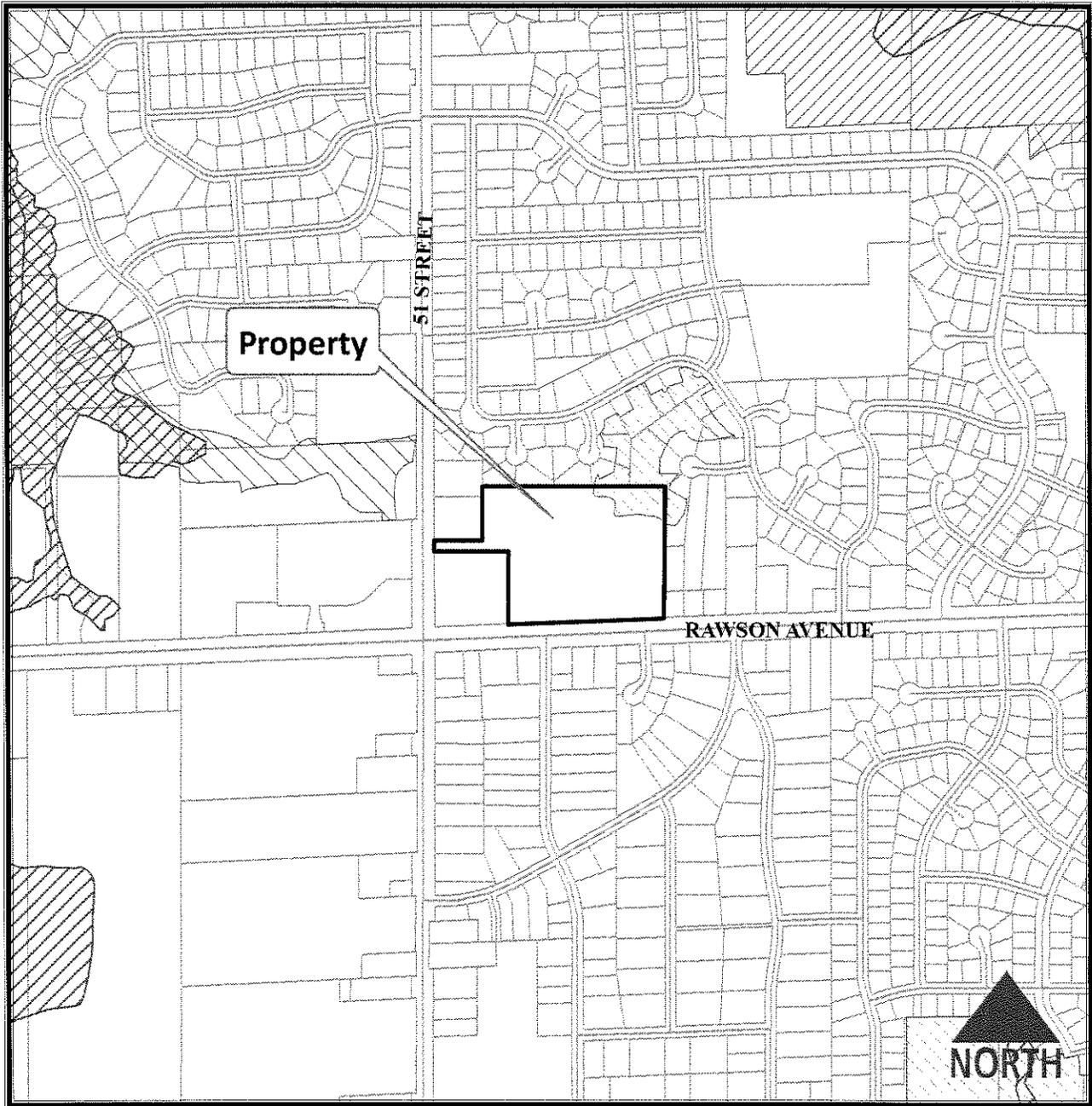
At the regular meeting of the Plan Commission on August 7, 2014, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Wisconsin Electric Power Company, d/b/a/ We Energies Natural Resource Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendation, subject to no snow storage on the eastern boundary of the new asphalt, to direct the applicant to work with staff on a reasonable mitigation alternative to mitigate for the loss of the wetland buffer, and to remove the current requirement for a six foot buffer.

COUNCIL ACTION REQUESTED

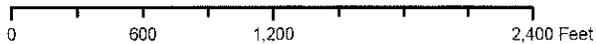
Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Wisconsin Electric Power Company d/b/a WeEnergies for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance for the WeEnergies Oakbrook Service Center storage building construction project.



4800 West Rawson Avenue



Planning Department
(414) 425-4024



2013 Aerial Photo

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

Standards, Findings and Decision
of the City of Franklin Common Council upon the
Application of Wisconsin Electric Power Company d/b/a WeEnergies for a Special
Exception to Certain Natural Resource Provisions of the City of Franklin Unified
Development Ordinance for the WeEnergies Oakbrook Service Center storage
building construction project

Whereas, Wisconsin Electric Power Company d/b/a WeEnergies, having filed an application dated July 10, 2014, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated July 23, 2014 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 7, 2014 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at 4800 West Rawson Avenue, zoned I-1 Institutional District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated July 10, 2014 by Wisconsin Electric Power Company d/b/a WeEnergies, pursuant to the City of Franklin Unified

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

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature); *but rather, the subject area has been a historically disturbed area and utilized by WE-Energies for decades as part of their storage yard and staging operations, prior to City of Franklin adoption of ordinances protecting the wetland buffer and wetland setback.*

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

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *The only reasonable alternative is to do nothing. Should the gravel yard remain gravel, then WE-Energies will continue to maintain and use the gravel yard, however the maintenance of the yard will be more costly and require more effort than if the yard were paved as proposed; or*

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

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

a. be consistent with the existing character of the neighborhood: *The area to be paved within the wetland buffer and wetland setback is existing asphalt and gravel ; therefore, the character of the site is consistent with its historical use; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The recommendation of approval is based on unique circumstances specific to this request and will not undermine the ability to apply or enforce natural resource protection requirements with respect to other properties; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *Currently, the yard drains away from the wetland. Storm water runoff is collected by storm sewer and conveyed offsite. As a result the wetland hydrologic and functional values are not impacted by runoff from the yard. The proposed grading and paving plan will maintain that same drainage pattern. In discussions with DNR staff, the purpose of the buffer is to protect the wetlands from poor quality runoff. In this case the paving of the yard will not impact the wetland as the runoff from paved areas does not now nor will it under the*

proposed condition, enter the wetland. Under the proposed condition, runoff from the yard will be conveyed by storm sewer to existing storm sewers in Rawson Avenue.

WE-Energies has already gone through the site plan approval process and has indicated that within the 30-foot buffer no disturbance will occur. Outside of the buffer, however, WE-Energies can still construct the proposed garage and pave the remainder of the yard. Yard expansion is not part of the proposal or this special exception request, but merely to pave what exists as gravel; and

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed garage and paving is an improvement to the current yard operations that are on-going. Within the 30-foot wetland buffer area, portions of the existing yard are paved in asphalt, or are finished with Concrete (bunker area) or are currently unpaved and let as gravel. The yard is in use today and to improve maintenance costs and effort, WE-Energies is proposing to pave gravel areas with asphalt.*

The project will meet all I-1 Institutional District setbacks from property lines.

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The existing yard was constructed prior to the current wetland buffer and wetland setback rules. The area to be paved consists of asphalt and gravel already and has been utilized by We-Energies for decades as part of their storage yard. WE-Energies has prepared an easement to place the wetland and mature forested areas in conservation but want to continue to utilize the yard for storage and vehicular traffic.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The existing and future use is unchanged as a We-Energies storage yard facility. If paving the area of the yard that lies within the wetland buffer is not allowed to occur, then WE-Energies will continue to construct the project as previously approved in which the yard will remain in place and in its current condition (IE gravel yard will remain gravel, Asphalt and concrete paved portions of the yard will remain asphalt and concrete). WE-Energies would therefore request to*

adjust the easement so as to not encompass the existing yard and maintaining the ability to utilize the yard for storage and vehicular traffic.

4. Aesthetics: *The paving of the area will be an aesthetic improvement compared to the existing gravel and asphalt. The wetland and other protected resources will remain undisturbed; therefore, the aesthetics of the site will not be substantially changed.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The NRSE will allow for paving of 5,978.5 square feet of wetland buffer and 12,740.6 square feet of wetland setback, which is currently a gravel and asphalt surface.*

6. Proximity to and character of surrounding property: *The We-Energies property is surrounded by single-family residential to the north, south and east and Andy's gasoline station and multi-tenant commercial development to the west.*

7. Zoning of the area in which property is located and neighboring area: *The We-Energies property is zoned I-1 Institutional District and adjacent zoning consists of R-5 Suburban Single-Family Residence District to the north and east, R-6 Suburban Single-Family Residence District to the south and B-3 Community Business District and M-1 Limited Industrial District/OL-2 General Business Overlay District to the west.*

8. Any negative affect upon adjoining property: *There will be no adverse impact to adjoining properties as the modifications proposed are minor.*

9. Natural features of the property: *Protected natural resource features onsite include wetlands, wetland buffers, wetland setbacks, mature woodlands and a SEWRPC Isolated Natural Resource Area.*

10. Environmental impacts: *Paving of the existing yard within the wetland buffer and setback will not affect the topography, plants and wildlife, hydrology or soils in the area. The existing and proposed topography of the site will remain as it is currently. Storm water is directed away from the wetland to be captured and conveyed by onsite storm sewers.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of July 24, 2014 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory

actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that snow storage shall be prohibited within the eastern boundary of the new asphalt adjacent to the wetland; 2) that the applicant submit a mitigation plan to be reviewed and approved by Department of City Development staff that provides reasonable mitigation to compensate for the loss of wetland buffer; 3) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 4) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 5) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Wisconsin Electric Power Company d/b/a WeEnergies and all other applicable provisions of the Unified Development Ordinance. The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

APPROVED:

Stephen R. Olson, Mayor

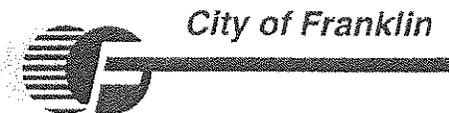
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

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



City of Franklin

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

Date: June 13, 2014

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

(Complete, accurate and specific information must be entered, including full legal names. Please Print.)

Property Owner(s)/Legal Entity: <u>Wisconsin Electric Power Company d/b/a/ WeEnergies</u> Address: <u>4800 W. Rawson Avenue</u> City: <u>Franklin</u> State: <u>WI</u> Zip: <u>53132</u> Phone: <u>414-421-2345</u> Fax: <u>414-221-2713</u> Email Address: <u>james.raabe@we-energies.com</u>	Applicant (Legal Business Owner Name): <u>Wisconsin Electric Power Company d/b/a WeEnergies</u> Address: <u>231 W. Michigan Street</u> City: <u>Milwaukee</u> State: <u>WI</u> Zip: <u>53203</u> Phone: <u>414-221-2345</u> Fax: <u>414-221-2932</u> Email Address: <u>jeffrey.chmielewski@we-energies.com</u>
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Project/Development Name: WeEnergies Oakbrook Service Center
 Project Description: Garage and paving improvements
 Project Property Address: 4800 W. Rawson Avenue Project Tax Key No(s): 740 9988 06
 Existing Zoning: I-1 Proposed Zoning: I-1 Existing Use: Institutional Proposed Use: Institutional
 2025 CMP Land Use Identification*: Institutional
 * The 2025 CMP Future Land Use Map is available at:
http://www.franklinwi.gov/DefaultFile/Planning/2025CMP/2025_CMP_Ch5_2025Future_Land_Use_Map5.7.pdf

- All Natural Resource Special Exception submittals must include and be accompanied by the following:**
- This Application form accurately completed and with original signatures (facsimiles and copies will not be accepted).
 - Application Filing Fee: \$500, payable to the City of Franklin.
 - Ten copies of a Project Narrative describing the project.
 - Names and Addresses of all abutting and opposite property owners of records, as required by Section 15-9.0110(A) of the UDO*.
 - An electronic copy of the Legal Description for the subject property.
 - Ten 24x36 inch copies of the Plat of Survey, as required by Section 15-9.0110(B) of the UDO, collated and folded into 9 x 12 inch sets.
 - Ten 24 x 36 inch colored copies of the Natural Resource Protection Plan (NRPP), collated and folded into 9 x 12 inch sets, and three copies of the NRPP report, if applicable. See Sections 15-4.0102 and 15-7.0201 of the UDO for information that must be denoted on or included with the NRPP.
 - Ten copies of the completed Special Exception Question and Answer Form (from Section 15-9.0110C. of the UDO).
 - One copy of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit.
- * The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

- A meeting must be scheduled with the Planning Department prior to Application submittal.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- All Natural Resource Special Exception requests require Environmental Commission and Plan Commission review, a public hearing at a Plan Commission meeting, and Common Council approval.
- See Section 15-10.0208 of the UDO for Natural Resource Special Exception review and approval procedures.

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

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

Signature of Property Owner:
 Name and Title: James Raabe - Manager Property Management
 Date: June 13, 2014

Signature of Applicant:
 Name and Title: Jeff Chmielewski - Milwaukee Area Facility Manager
 Date: June 13, 2014

Signature of Property Owner: _____
 Name and Title: _____
 Date: _____

Project Contact Name: Chris Genellie
Company: Ruekert - Melke
Phone: 262-542-5733
Email: _____

August 4, 2014

Project Narrative
Oak Brook Service Center
We Energies, Milwaukee County
Project No. 8033-10012

We Energies is planning a re-development which will consist of a stand-alone 18,000 square feet garage slab on grade building, reconstruction of the existing parking lot and storage yard and regarding and paving of the existing gravel storage yard. The project will disturb less than 1 acre.

The new garage will house WE-Energies bucket trucks, vehicles and equipment. No office space is included, however, bathroom facilities are proposed and therefore new sanitary and water services will be constructed to serve the garage. Currently the vehicles and associated equipment are stored outdoors within the yard, which does not offer protection against the weather. The garage will increase the vehicle longevity, and help improve productivity and reduce gas consumption by minimizing the time vehicles are warming up in the cooler months of the year.

Paving the remainder of the yard will improve drainage and reduce maintenance associated with regrading the gravel due to rutting, puddles, and snow plow operations. In addition, asphalt paving will minimize the impact of potential hazardous substance leaks and spills on site.

Drainage patterns on the site will remain unchanged.

In the northeast corner of the site, there is an area of wetland and mature woodland. When the facility was constructed approximately 30 years ago, this corner of the property was protected and left undeveloped. The current fence of the yard goes around this natural area. The proposed garage addition and paving work will not further encroach onto this natural area and no changes to the fencing is proposed. However, the 30-foot wetland buffer and 50 foot wetland setback extend well within the existing yard. Currently, storm water runoff generated by the yard drains away from wetland and mature woodland and is captured by on-site storm sewers and ultimately conveyed to Rawson Avenue. Under the proposed conditions the drainage patterns will be unchanged.

Natural Resource Special Exception Question and Answer Form.

1. Questions to be answered by the Applicant. Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:
 - a. Indication of the section(s) of the UDO for which a Special Exception is requested. 15-4.0102 H. Wetland Buffers and 15-4.0102 I Wetland Setbacks.
 - b. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate. The existing WE-Energies gravel storage yard is located within the wetland setback and buffer as can be seen on the Site Plan. Distances between the wetland and the existing gravel yard range from 1 foot to 20+ feet. The storage yard drains to on site storm sewer and ultimately to the storm sewers in Rawson Avenue. Under the proposed condition, WE-Energies would like to pave the yard, which will continue to drain to on-site storm sewer and discharged into the Rawson Avenue Storm Sewer.
 - c. Statement of the reason(s) for the request. The gravel yard has been maintenance intensive due to the rutting, tracking, ponding and icing concerns throughout the year. In addition, snow plow operations within the winter months move stone and gravel into isolated piles which can disrupt drainage in the spring, require regrading and shaping of the yard and create issues for lawn equipment due to stones being dislodged from the yard and into the lawn areas by snow plow operations.
 - d. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:
 - 1) Background and Purpose of the Project.
 - (a) Describe the project and its purpose in detail. Include any pertinent construction plans. WE-Energies is proposing to pave their existing gravel storage yard. Paving of the yard will decrease the maintenance costs associated with the gravel yard. Each year WE-Energies expends effort to re-

grade areas that have settled, rutted or eroded. New gravel, is also brought to the site in order to make these repairs and to address areas of snow plow damage. The paving of the yard is in conjunction with the garage addition. The garage is critical to WE-Energies operations.

(b) State whether the project is an expansion of an existing work or new construction. The proposed garage and paving is an improvement to the current yard operations that are on-going. Within the 30-foot wetland buffer area, portions of the existing yard are paved in asphalt, or are finished with Concrete (bunker area) or are currently unpaved and let as gravel. The yard is in use today and to improve maintenance costs and effort, WE-Energies is proposing to pave gravel areas with asphalt.

(c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose. The Yard currently exists and is within the 30-foot buffer and 50-foot setback. WE-Energies is not proposing to increase the size or location of the yard, but merely to pave what already exists and is in use today.

2) Possible Alternatives.

(a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed. Do-nothing. WE-Energies has already gone through the site plan approval process and has indicated that within the 30-foot buffer no disturbance will occur. Outside of the buffer, however, WE-Energies can still construct the proposed garage and pave the remainder of the yard. Yard expansion is not part of the proposal or this special exception request, but merely to pave what exists as gravel.

which the yard will remain in place and in its current condition (IE gravel yard will remain gravel, Asphalt and concrete paved portions of the yard will remain asphalt and concrete. WE-Energies would therefore request to adjust the easement so as to not encompass the existing yard and maintaining the ability to utilize the yard for storage and vehicular traffic

3) Comparison of Alternatives.

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

Do-Nothing cost would be \$0.

- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

Should the gravel yard remain gravel, then WE-Energies will continue to maintain and use the gravel yard, however the maintenance of the yard will be more costly and require more effort than if the yard were paved as proposed.

- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

Paving of areas of the yard that lie within the wetland buffer do not impact the wetland as the storm water runoff does not flow into the wetland.

- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

None

- 4) Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

No other reasons than what is stated previously above.

- 5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

Paving of the existing yard within the wetland buffer and setback will not affect the topography, plants and wildlife, hydrology or soils in the area. The existing and proposed topography of the site will remain as it is currently. Storm water is directed away from the wetland to be captured and conveyed by onsite storm sewers.

- 6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the following functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species. No change
- b) Storm and flood water storage. No change
- c) Hydrologic functions. No change
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances. No change
- e) Shoreline protection against erosion. Not Applicable
- f) Habitat for aquatic organisms. No Change
- g) Habitat for wildlife. No change
- h) Human use functional value. No change
- i) Groundwater recharge/discharge protection. No change
- j) Aesthetic appeal, recreation, education, and science value. No change
- k) Specify any State or Federal designated threatened or endangered species or species of special concern. None known
- l) Existence within a Shoreland. Not Applicable
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern

Wisconsin Regional Planning Commission from time to time.

A mature woodland has been designated on site and labeled as such on the site plans. No work and no development will occur within the mature woodland. WE-Energies has prepared an easement to protect the mature woodland in perpetuity.

- 7) Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

The proposed development does not change the drainage patterns as it relates to the wetland and mature woodlands. Runoff from paved and unpaved surfaces does not nor will it in the future drain into the wetland or mature woodlands.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N Dr ML King Drive
Milwaukee, WI 53212

Scott Walker, Governor
Cathy Stepp, Secretary
Eric Nitschke, Regional Director
Telephone (414) 263-8500
FAX (414) 263-8716
TDD (414) 263-8713



June 18, 2014

Jeff Chmielewski
We Energies
333 W Everett St A238
Milwaukee WI 53203

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-04: Construction Site Storm Water Runoff
Permittee Name: We Energies
Site Name: Oak Brook Service Center
FIN: 51006

Dear Mr. Chmielewski:

The Wisconsin Department of Natural Resources received your Water Resources Application for Project Permits or Notice of Intent, on June 09, 2014, for the Oak Brook Service Center site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-04, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit.

The **Start Date** of permit coverage for this site is June 18, 2014. The maximum period of permit coverage for this site is limited to 3 years from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department's storm water program Internet site. To obtain a copy of the general permit, please download it and the associated documents listed below from the following Department Internet site:
<http://dnr.wi.gov/topic/stormwater/construction/forms.html>

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-04
- Construction site inspection report form
- Notice of Termination form

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

1. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.

2. The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:

- a. Date, time, and exact place of inspection;
- b. Name(s) of individual(s) performing inspection;
- c. An assessment of the condition of erosion and sediment controls;
- d. A description of any erosion and sediment control implementation and maintenance performed;
- e. A description of the site's present phase of construction.

3. A **Certificate of Permit Coverage** must be posted in a conspicuous place on the construction site. The Certificate of Permit Coverage (WDNR Publication # WT-813) is enclosed for your use.

4. When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department.

It is important that you read and understand the terms and conditions of the general permit because they have the force of law and apply to you. Your project may lose its permit coverage if you do not comply with its terms and conditions. The Department may also withdraw your project from coverage under the general permit and require that you obtain an individual WPDES permit instead, based on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision to grant permit coverage, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

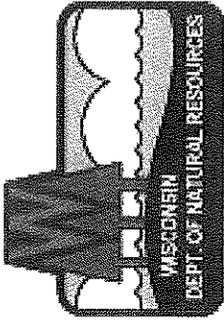
Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact me at (414) 263-8485.

Sincerely,



Jamie Lambert
Southeast Region
Storm Water Management Specialist

ENCLOSURE: Certificate of Permit Coverage



CERTIFICATE OF PERMIT COVERAGE

UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S067831-04

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.

EROSION CONTROL COMPLAINTS

should be reported to the WDNR Tip Line at
1-800-TIP-WDNR (1-800-847-9367)

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 51006

Site Name: Oak Brook Service Center

Address/Location: S.51st at West Rawson Avenue City of FRANKLIN

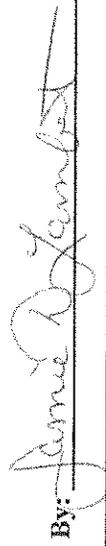
Additional Information:

Landowner: We Energies

Landowner's Contact Person: Jeff Chmielewski

Contact Telephone Number: (414) 221-2780

Permit Start Date: June 18, 2014

By: 

Status of Permits as of July 7, 2014

1. City Storm Water review submitted and in review. Once approved the City will send the information to the MMSD for review and final approval.
2. City Site plan review approved with conditions (2014-007) by City Plan Commission on June 5, 2014.
3. DNR Notice of Intent approved on June 18, 2014, copy of approval emailed to N. Fuchs
4. Exterior and interior plumbing, sprinkling, HVAC reviews in process.
5. DNR Chapter 30 permits or US Army Corps approvals are not necessary as there are no impacts to wetlands or navigable waterways being proposed.
6. Milwaukee County utility work in highway Right of Way permit submitted and in review.

SECTION 15-3.0502

CALCULATION OF BASE SITE AREA

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

Table 15-3.0502

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

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	15.36 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0.0 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0.0 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	- 0.0 acres
STEP 5:	Equals "Base Site Area"	= 15.36 acres

SECTION 15-3.0503

**CALCULATION OF THE AREA OF NATURAL
RESOURCES TO BE PROTECTED**

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

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District.		
Steep Slopes: 10-19%	0.00	0.60	0.40	X _____ = _____	_____
20-30%	0.65	0.75	0.70	X 0.17 _____ = _____	0.12 _____
+ 30%	0.90	0.85	0.80	X _____ = _____	_____
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.64 _____ = _____	0.45 _____
Young	0.50	0.50	0.50	X _____ = _____	_____
Lakes & Ponds	1	1	1	X _____ = _____	
Streams	1	1	1	X _____ = _____	
Shore Buffer	1	1	1	X _____ = _____	
Floodplains	1	1	1	X _____ = _____	
Wetland Buffers	1	1	1	X 0.46 _____ = _____	0.46
Wetlands & Shoreland Wetlands	1	1	1	X 0.57 _____ = _____	0.57
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					1.60

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

SECTION 15-3.0504 CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES

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

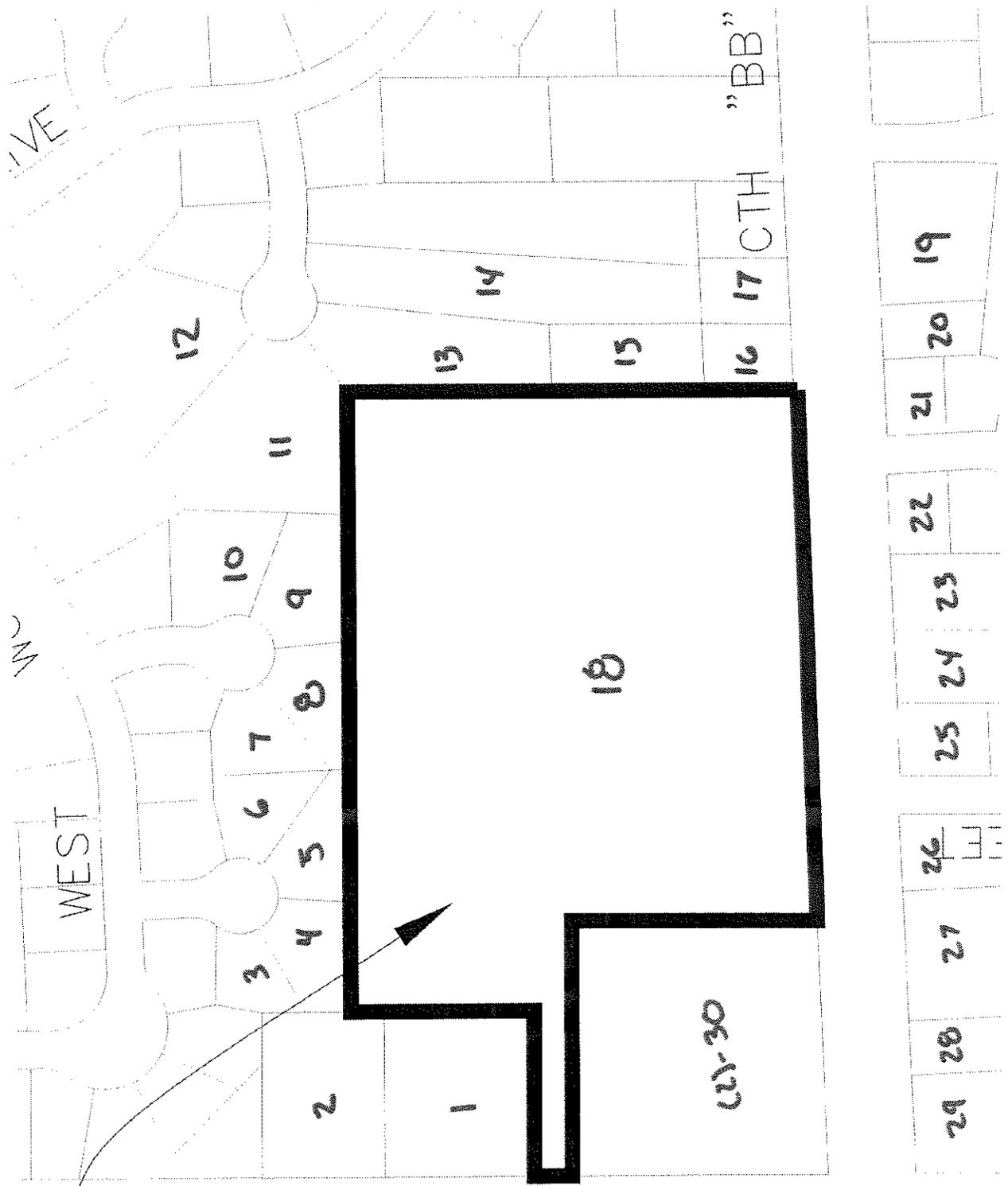
Table 15-3.0505

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

<p>STEP 1:</p>	<p>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>15.36</u></p> <p>Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard): X <u>0.40</u></p> <p>Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE =</p>	<p>6.14 acres</p>
<p>STEP 2:</p>	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>15.36</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503 or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater: - <u>6.14</u></p> <p>Equals NET BUILDABLE SITE AREA =</p>	<p>9.22 acres</p>
<p>STEP 3:</p>	<p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>9.22</u></p> <p>Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X <u>0.63</u></p> <p>Equals MAXIMUM NET FLOOR AREA YIELD OF SITE =</p>	<p>5.81 acres</p>
<p>STEP 4:</p>	<p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>15.36</u></p> <p>Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X <u>0.38</u></p> <p>Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =</p>	<p>5.84 acres</p>
<p>STEP 5:</p>	<p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</p> <p>Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):</p> <p>(Multiple results by 43,560 for maximum floor area in square feet):</p>	<p>5.81 acres (<u>253,084</u> s.f.)</p>

No.	Owner	Property Address
1	Lois Martin	6980 S 51st Street
2	Silvana & Gordana Pobric	6950 S 51st Street
3	Hector & Paige Ceku	6963 S Rhonda Court
4	Bruce W & Amy B Bartlet	6971 S Rhonda Court
5	Michael D & Karen R Brockman	6970 S Rhonda Court
6	Radoslav & Tanja Vuckovic	6962 S Rhonda Court
7	Salim I & Teresa A Shelleh	6967 S Brian Court
8	Charles R & Tricia A Peterson	6975 S Brian Court
9	Robert W & Carol L Goelz	6972 S Brian Court
10	Kari Weber	6960 S Brian Court
11	Jon M Farin R Cruz-Farin	4672 W Alanna Court
12	John R & Bonnie M Hyslop	4700 W Alanna Court
13	Jeffrey D & Roxanne M Peelen	4683 W Alanna Court
14	Darrel & Lauri Mussatti	4659 W Alanna Court
15	WM A & Suzanne Martin Living Trust	4630 W Rawson Avenue
16	Ralph & Kayla Rose Skiba	4636 W Rawson Avenue
17	Sandra L Rauter	4618 W Rawson Avenue
18	WI Electric Power Co	4800 W Rawson Avenue
19	Connie & James Ruskiewicz	4615 W Rawson Avenue
20	John G & Denise A Schiltz	4635 W Rawson Avenue
21	Merari Sandino	7104 S 47th Place
22	Xinh Van Pham	7101 S 47th Place
23	Michael Vlach	4741 W Rawson Avenue
24	Dolores H Minorik	4811 W Rawson Avenue
25	Arthur E & Barbara Steddenhagen	4823 W Rawson Avenue
26	Mark P Schmitt	4909 W Rawson Avenue
27	James J & Marian Luckey	4925 W Rawson Avenue
28	Walter G & Kathleen Maldonis	5007 W Rawson Avenue
29	Steven J Parato	5021 W Rawson Avenue
30	-	5010 W Rawson Avenue
30	-	5020 W Rawson Avenue
31	Rawson Holdings LLC	5102 W Rawson Avenue
32	Rawson Development LLC	5200 W Rawson Avenue
33	-	-

PROJECT LOCATION



33

32
51st

31

VENUE

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WEST

WEST VE

Exhibit B

City of Franklin Environmental Commission

TO: Common Council
DATE: July 24, 2014
RE: Special Exception application review and recommendation
APPLICATION: Wisconsin Electric Power Company d/b/a WeEnergies, Applicant, for the WeEnergies storage building construction Project NRSE, dated: June 13, 2014 and City file-stamp dated July 10, 2014

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

1. Unified Development Ordinance Section(s) from which Special Exception is requested: *15-4.0102 H. Wetland Buffers and 15-4.0102 I Wetland Setbacks.*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions): *The existing WE-Energies gravel storage yard is located within the wetland setback and buffer as can be seen on the Site Plan. Distances between the wetland and the existing gravel yard range from 1 foot to 20+ feet. The storage yard drains to an onsite storm sewer and ultimately to the storm sewers in Rawson Avenue. Under the proposed condition, WE-Energies would like to pave the yard, which will continue to drain to the onsite storm sewer, then to a proposed bioretention pond before being discharged into the Rawson Avenue storm sewer. The project impacts approximately 5,978.5 square feet of wetland buffer and 12,740.6 square feet of wetland setback.*
3. Applicant's reason for request: *The gravel yard has been maintenance intensive due to the rutting, tracking, ponding and icing concerns throughout the year. In addition, snow plow operations within the winter months move stone and gravel into isolated piles which can disrupt drainage in the spring require re-grading and shaping of the yard and create issues for lawn equipment due to stones being dislodged from the yard and into the lawn areas by snow plow operations.*

WE-Energies is proposing to pave their existing gravel storage yard. Paving of the yard will decrease the maintenance costs associated with the gravel yard. Each year WE-Energies expends effort to re-grade areas that have settled, rutted or eroded. New gravel is also brought to the site in order to make these repairs and to address areas of snow plow damage. The paving of the yard is in conjunction with the garage addition. The garage is critical to WE-Energies operations.

4. Applicant's reason why request appropriate for Special Exception: *The yard currently exists and is within the 30-foot buffer and 50-foot setback. WE-Energies is not proposing to increase the size or location of the yard, but merely to pave what already exists and is in use today.*

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *No change.*
2. Storm and flood water storage: *No change.*
3. Hydrologic functions: *No change.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Water quality and filtration will be improved due to the proposed biofiltration pond.*
5. Shoreline protection against erosion: *No change.*
6. Habitat for aquatic organisms: *No change.*
7. Habitat for wildlife: *No change.*
8. Human use functional value: *No change.*
9. Groundwater recharge/discharge protection: *No change.*
10. Aesthetic appeal, recreation, education, and science value: *No change.*
11. State or Federal designated threatened or endangered species or species of special concern: *None known.*
12. Existence within a Shoreland: *Not applicable.*

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *The wetland buffer and wetland setback are adjacent to a SEWRPC Isolated Natural Resource Area. A City of Franklin mature woodland has also been designated on site and labeled as such on the site plans. No work and no development will occur within the mature woodland and Isolated Natural Resource Area. WE- Energies has prepared an easement to protect the wetland and mature woodland in perpetuity.*

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

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The subject area has been a historically disturbed area and utilized by WE-Energies for decades as part of their storage yard and staging operations, prior to City of Franklin adoption of ordinances protecting the wetland buffer and wetland setback.*
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: *The only reasonable alternative is to do nothing. Should the gravel yard remain gravel, then WE-Energies will continue to maintain and use the gravel yard, however the maintenance of the yard will be more costly and require more effort than if the yard were paved as proposed; or*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *The area to be paved within the wetland buffer and wetland setback is existing asphalt and gravel; therefore, the character of the site is consistent with its historical use; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The recommendation of approval is based on unique circumstances specific to this request and will not undermine the*

ability to apply or enforce natural resource protection requirements with respect to other properties; and

- c. *be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: Currently, the yard drains away from the wetland. Storm water runoff is collected by storm sewer and conveyed offsite. As a result the wetland hydrologic and functional values are not impacted by runoff from the yard. The proposed grading and paving plan will maintain that same drainage pattern. In discussions with DNR staff, the purpose of the buffer is to protect the wetlands from poor quality runoff. In this case the paving of the yard will not impact the wetland as the runoff from paved areas does not now nor will it under the proposed condition, enter the wetland. Under the proposed condition, runoff for the yard will be conveyed by storm sewer to a proposed bio-retention facility for detention and treatment, prior to being discharged to the existing storm sewers in Rawson Avenue.*

WE-Energies has already gone through the site plan approval process and has indicated that within the 30-foot buffer no disturbance will occur. Outside of the buffer, however, WE-Energies can still construct the proposed garage and pave the remainder of the yard. Yard expansion is not part of the proposal or this special exception request, but merely to pave what exists as gravel; and

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

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

1. *Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: The proposed garage and paving is an improvement to the current yard operations that are on-going. Within the 30-foot wetland buffer area, portions of the existing yard are paved in asphalt, or are finished with Concrete (bunker area) or are currently unpaved and let as gravel. The yard is in use today and to improve maintenance costs and effort, WE-Energies is proposing to pave gravel areas with asphalt.*

The project will meet all I-1 Institutional District setbacks from property lines.

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The existing yard was constructed prior to the current wetland buffer and wetland setback rules. The area to be paved consists of asphalt and gravel already and has been utilized by We-Energies for decades as part of their storage yard. WE-Energies has prepared an easement to place the wetland and mature forested areas in conservation but want to continue to utilize the yard for storage and vehicular traffic.*
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The existing and future use is unchanged as a We-Energies storage yard facility. If paving the area of the yard that lies within the wetland buffer is not allowed to occur, then WE-Energies will continue to construct the project as previously approved in which the yard will remain in place and in its current condition (IE gravel yard will remain gravel, Asphalt and concrete paved portions of the yard will remain asphalt and concrete). WE-Energies would therefore request to adjust the easement so as to not encompass the existing yard and maintaining the ability to utilize the yard for storage and vehicular traffic*
4. Aesthetics: *The paving of the area will be an aesthetic improvement compared to the existing gravel and asphalt. The wetland and other protected resources will remain undisturbed; therefore, the aesthetics of the site will not be substantially changed.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *The NRSE will allow for paving of 5,978.5 square feet of wetland buffer and 12,740.6 square feet of wetland setback, which is currently a gravel and asphalt surface.*
6. Proximity to and character of surrounding property: *The We-Energies property is surrounded by single-family residential to the north, south and east and Andy's gasoline station and multi-tenant commercial development to the west.*
7. Zoning of the area in which property is located and neighboring area: *The We-Energies property is zoned I-1 Institutional District and adjacent zoning consists of R-5 Suburban Single-Family Residence District to the north and east, R-6 Suburban Single-Family Residence District to the south and B-3 Community Business District and M-1 Limited Industrial District/OL-2 General Business Overlay District to the west.*

8. Any negative affect upon adjoining property: *There will be no adverse impact to adjoining properties as the modifications proposed are minor.*
9. Natural features of the property: *Protected natural resource features onsite include wetlands, wetland buffers, wetland setbacks, mature woodlands and a SEWRPC Isolated Natural Resource Area.*
10. Environmental impacts: *Paving of the existing yard within the wetland buffer and setback will not affect the topography, plants and wildlife, hydrology or soils in the area. The existing and proposed topography of the site will remain as it is currently. Storm water is directed away from the wetland to be captured and conveyed by onsite storm sewers.*

A bio-retention pond will be constructed to capture and treat the storm water runoff from the proposed development. As part of the storm water management plan, appropriate water quality calculations have been provided which shows that the proposed development meets the water quality standards set forth in NR151. In addition, it must be noted that the proposed development does not change the drainage patterns as it relates to the wetland and mature woodlands. Runoff from paved and unpaved surfaces does not know nor will it in the future drain into the wetland or mature woodlands.

V. Environmental Commission Recommendation:

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions: *None.*

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 23rd day of July, 2014.

Dated this 30th day of July, 2014.

Wesley Cannon
Wesley Cannon, Chairman

Attest:

Curtis Bolton
Curtis Bolton, Vice-Chairman



REPORT TO THE PLAN COMMISSION

Meeting of August 7, 2014

Natural Resource Special Exception

RECOMMENDATION: Department of City Development staff recommends approval of the Natural Resource Special Exception Application, subject to staff's recommended condition of approval.

Project Name:	We Energies Oak Brook Service Center Site Plan Amendment
Project Address:	4800 West Rawson Avenue
Applicant:	Jeffrey Chmielewski, We Energies
Property Owner:	Wisconsin Electric Power Company
Current Zoning:	I-1 Institutional District
2025 Comprehensive Plan	Institutional
Use of Surrounding Properties:	Single-family residential to the north, south and east and Andy's gasoline station and multi-tenant commercial development to the west
Applicant Action Requested:	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception

Project Description:

Please note:

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

At their June 5, 2014 meeting, the Plan Commission approved a Site Plan Amendment for the addition of an 18,000 square foot storage building at the We Energies Oak Brook Service Center located at 4800 West Rawson Avenue.

In May of 2014, Kathryn McNelly Bell of Kapur and Associates delineated a wetland in the northeast corner of the We Energies property. The delineated wetland is located entirely outside of We Energies' service yard. However, a portion of the associated 30-foot wetland buffer and 50-foot wetland setback extend beyond the undisturbed natural area and into the fenced-in gravel service yard. The portions of the 30-foot wetland buffer and 50-foot wetland setback located within the service yard were disturbed many years ago, prior to the adoption of Franklin's current natural resource protection standards. Today, this area is primarily gravel and used by We Energies for outdoor storage.

As a condition of the Site Plan Amendment approval, the applicant is required to “submit a Conservation Easement protecting the wetland, wetland buffer and woodland, to the Department of City Development for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to the issuance of a Building Permit.”

The Plan Commission did not require We Energies to restore the graveled portions of the wetland buffer and wetland setback to lawn; however, the wetland buffer and setback are still protected natural resources. Per Part 4 of the Unified Development Ordinance, wetland buffers and wetland setbacks contain a 100% protection standard. Furthermore, the wetland buffer is required to be protected within the Conservation Easement. Therefore, if placed in a Conservation Easement, the existing graveled area could not continue to be used as a storage yard.

Natural Resource Special Exception Analysis:

The applicant submitted the subject Natural Resource Special Exception Application on July 10, 2014, requesting to pave 5,978.5 square feet of wetland buffer and 12,740.6 square feet of wetland setback to allow for the use of this area as part of the storage yard and staging operations. The applicant is not proposing any mitigation.

At their July 23, 2014 meeting, the Environmental Commission passed a motion to “approve the Natural Resource Features Special Exception, for Wisconsin Electric Power Company d/b/a We Energies for the property located at 4800 West Rawson Avenue, for the purpose of allowing approximately 5,978 square feet of paving of the wetland buffer and 12,740.6 square feet of wetland setback paving, based on the fact that water from the wetland flows from the wetland across already graveled and paved surfaces and therefore does not have any wetland impact.”

Due to the fact that the gravel storage yard is immediately adjacent to the wetland, and to avoid any possible disturbance of the wetland during the paving of the storage yard, staff recommends that a six foot buffer be retained around the wetland, within which paving and storage yard uses would not be allowed. Staff would also suggest that the six-foot buffer be restored to a condition that would allow some limited infiltration, snow storage, etc. and regraded to serve as a small berm to reduce the amount of drainage between the wetland and storage yard. Staff further suggests that mitigation be undertaken by the applicant consisting of a combination of restoration and enhancements of the remaining wetland buffer for staff review and approval.

The Environmental Commission’s review and recommendation is attached for consideration.

Recommendation:

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

Department of City Development staff recommends approval of the Natural Resource Special Exception Application, subject to staff's recommended condition of approval.

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