

G.12. - continued

**APPENDIX D
SITE PHOTOGRAPHS**

Photo 1:

Area adjacent to proposed parking, facing southwest. The wetland is located in the background of this photograph.
September 11, 2014



Photo 2:

Wetland habitat within Study Area.
September 11, 2014



Photo 3:

Young woodland
edge with dense
shrubs

September 11, 2014

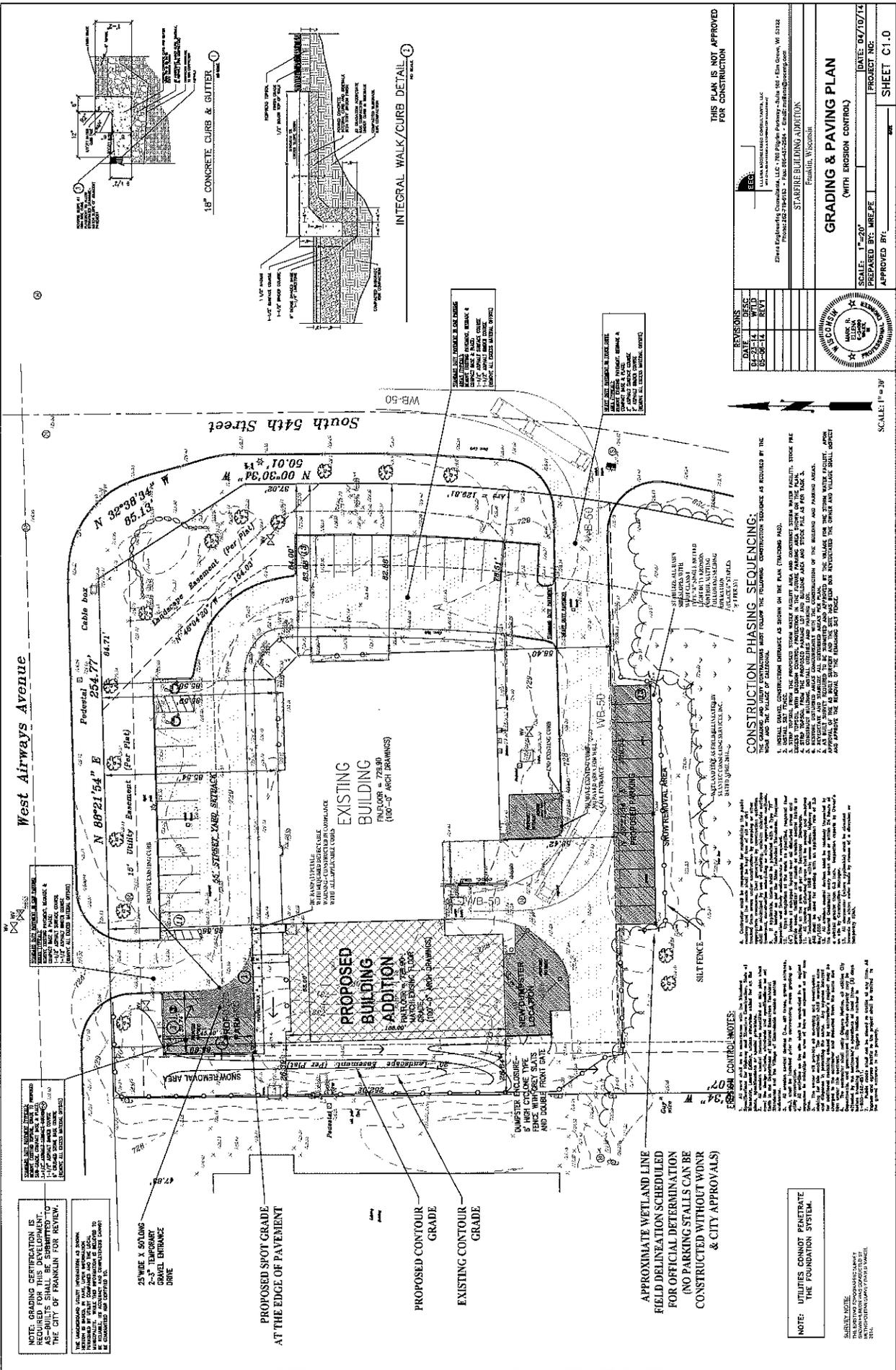


Photo 4:

Young woodland
interior.

September 11, 2014





NOTE: GRADING CERTIFICATION IS REQUIRED FOR THIS DEVELOPMENT. AS-BUILTS SHALL BE SUBMITTED TO THE CITY OF FRANKLIN FOR REVIEW.

THE LANDSCAPE QUALITY IMPROVEMENT AS SHOWN HEREIN IS BASED ON THE ASSUMPTION THAT THE PROPOSED DEVELOPMENT WILL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF FRANKLIN LANDSCAPE QUALITY IMPROVEMENT ORDINANCE.

25' WIDE X 50' LONG 2-3" TEMPORARY CORNER ENCHANCE DUNE

PROPOSED SPOT GRADE AT THE EDGE OF PAVEMENT

PROPOSED CONTOUR GRADE

EXISTING CONTOUR GRADE

APPROXIMATE WETLAND LINE FIELD DELINEATION SCHEDULED FOR OFFICIAL DETERMINATION (NO PARKING STALLS CAN BE CONSTRUCTED WITHOUT WINDR & CITY APPROVALS)

NOTE: UTILITIES CANNOT PENETRATE THE FOUNDATION SYSTEM

SURVEY NOTE:
THE SURVEY FOR THIS DEVELOPMENT WAS CONDUCTED BY THE SURVEYING COMPANY OF FRANKLIN, WISCONSIN.

CONCRETE CURB & GUTTER
18" CONCRETE CURB & GUTTER

INTEGRAL WALK/CURB DETAIL

REVISIONS

NO.	DATE	BY	REVISION
1	05-20-14	WJD	ISSUE FOR PERMITS
2	05-20-14	WJD	ISSUE FOR PERMITS
3	05-20-14	WJD	ISSUE FOR PERMITS
4	05-20-14	WJD	ISSUE FOR PERMITS

CONSTRUCTION PHASING SEQUENCING:

1. EXISTING BUILDING DEMOLITION AND SITE PREP.
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THIS PLAN IS NOT APPROVED FOR CONSTRUCTION

STARRBRE BUILDING ADMINISTRATION
Franklin, Wisconsin

DATE: 06/19/14
PROJECT: INC
SHEET: C1-0

REVISIONS

NO.	DATE	BY	REVISION
1	05-20-14	WJD	ISSUE FOR PERMITS
2	05-20-14	WJD	ISSUE FOR PERMITS
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SCALE: 1" = 20'

APPROVED BY: MIE/PE

DATE: 06/19/14

PROJECT: INC

SHEET: C1-0

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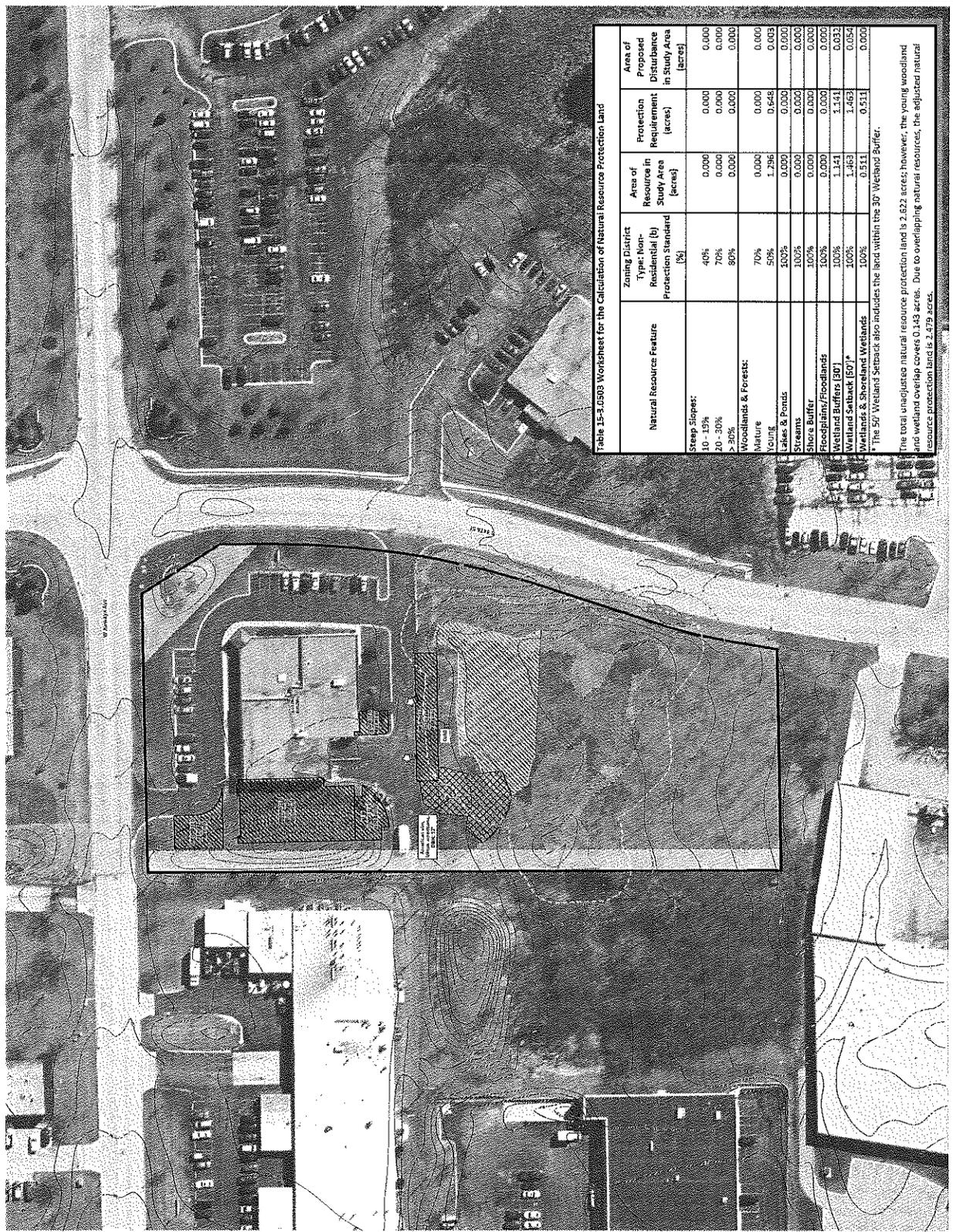
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- LEGEND**
- T TAGES (RES WITHIN 25' OF PROPOSED DEVELOPMENT)
 - ~ CONTOUR INTERVAL
 - YOUNG WOODLAND
 - WETLAND BOUNDARY - FIELD DENOTATED BY STATES, APRIL 2014 (SEE NOTES)
 - APPROXIMATE WETLAND BOUNDARY*
 - WETLAND BUFFER MITIGATION AREA (0.287 ACRES)
 - 30' WETLAND BUFFER
 - 50' WETLAND BUFFER
 - PROPOSED DEVELOPMENT
 - PROPERTY BOUNDARY
 - WETLAND BUFFER MITIGATION AREA (0.287 ACRES)
 - APPROXIMATE SURFACE WATER FLOW DIRECTION
 - LANDSCAPE EASEMENT (PER PLAT)

- NOTES**
1. BASE MAP DERIVED FROM ESRI/ARCDESK, "WORLD IMAGERY," WEB MAPPING SERVICE LAYER 301.
 2. PROPERTY BOUNDARIES & PROPOSED DEVELOPMENT AREAS DERIVED FROM THE 2014 SURVEY BY CTRC ENGINEERING CONSULTANTS, LLC (E-22314).
 3. CONTOURS ARE DERIVED FROM A METEOROLOGICAL ELEVATION MODEL FROM THE UNITED STATES GEOLOGICAL SURVEY (USGS) AND ARE NOT TO BE USED FOR ANY INFORMATION.
 4. WETLAND DENOTATED BY THIS USING BEST AVAILABLE INFORMATION.
 5. FIELD DELINEATION CONDUCTED ON APRIL 23, 2014 BY ERIC PARKER, PLS, LEADOR SCIENTIST, STATISTEC INC.
 6. PROPERTY OWNER PHONE NUMBER: 414-446-0100.

Table 15-3.003 Worksheet for the Calculation of Natural Resource Protection Land

Natural Resource Feature	Zoning District Type: Non-Residential (b) Protection Standard (%)	Area of Resource in Study Area (acres)	Protection Requirement (acres)	Area of Proposed Disturbance in Study Area (acres)
Steep Slope:				
10 - 19%	40%	0.000	0.000	0.000
20 - 30%	70%	0.000	0.000	0.000
> 30%	90%	0.000	0.000	0.000
Woodlands & Forests:				
Young	70%	0.000	0.000	0.000
Mature	50%	1.256	0.628	0.003
Lakes & Ponds	100%	0.000	0.000	0.000
Streams	100%	0.000	0.000	0.000
Shore Buffer	100%	0.000	0.000	0.000
Floodplains/Floodlands	100%	0.000	0.000	0.000
Wetland Buffers (B01)	100%	1.141	1.141	0.032
Wetland Buffers (B01)*	100%	1.463	1.463	0.052
Wetlands & Shoreland Wetlands	100%	0.511	0.511	0.000
The 50' Wetland Setback also includes the land within the 30' Wetland Buffer.				

The total unadjusted natural resource protection land is 2.622 acres; however, the young woodland and wetland overlap covers 0.143 acres. Due to overlapping natural resources, the adjusted natural resource protection land is 2.479 acres.

PROJECT: STAFFORD ELECTRIC, LLC
 LOCATION: STAFFORD ELECTRIC, LLC
 COUNTY: FRANKLIN, WISCONSIN

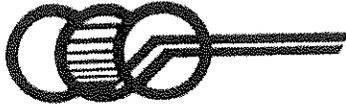
DATE: 04/23/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SCALE: 1" = 100'

FIGURE 2



CTRC
 CONSULTANTS, LLC
 1000 W. WISCONSIN AVENUE
 SUITE 200
 MADISON, WI 53703
 TEL: 608.261.1111
 FAX: 608.261.1112
 WWW.CTRC-CONSULTANTS.COM



FRANKLIN

Business Park Association, Inc.

13400 Bishops Lane
Suite 270
Brookfield, WI 53005
B (262) 797-9400
F (262) 797-8940

June 26, 2014

City of Franklin
9229 West Loomis Road
Franklin, WI 53132

Attn: Jesse Wesolowski, City Attorney

RE: Starfire Systems, Inc. Application for a Variance

Dear Mr. Wesolowski,

The Franklin Business Park Board has reevaluated the submittal for an addition and parking expansion provided by Starfire Systems, Inc. dated April 10, 2014. During a meeting earlier today with City officials and Darrel Malek, Starfire's President, Mr. Malek outlined the three key reasons why the alternatives proposed by the Board would cause the company hardship. These included:

- The size of the vehicles that use the proposed additional parking do not fit in standard parking stalls. The majority of the vehicles are longer service vehicles or vans.
- Additional parking is needed for service vehicles that come and go throughout the day and need to have close access to the south building entrance where the service function of their operation exists.
- All of their customers need easy access to the south entrance for picking up orders and for other service functions. Most customers have similar sized vehicles as Starfire.

Mr. Malek indicated that by placing the parking in the rear of the property as proposed, while it would encroach on the Park's Greenspace, the location would be consistent with the intent of the Park's covenants to keep all service activities off of the street and screened from public view as best as possible. Additionally, Mr. Malek presented an updated wetland delineation which indicates that the area in question is not in a wetland.



FRANKLIN

Business Park Association, Inc.

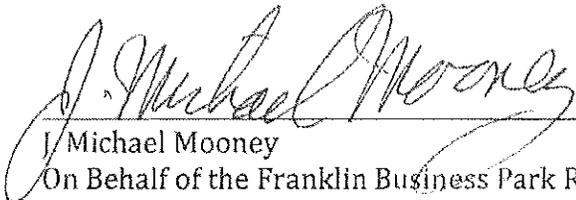
13400 Bishops Lane
Suite 270
Brookfield, WI 53005
B (262) 797-9400
F (262) 797-8940

Given the above, the Board feels that Starfire has exhausted all reasonable alternatives to meet its business needs related to expanded parking and will conditionally approve the encroachment upon the Greenspace as depicted on the drawing referenced above. This variance is conditioned upon:

- Starfire Systems receiving CDA approval;
- Starfire Systems & the City of Franklin mutually agreeing upon Starfire providing on-site environmental mitigation to offset their encroachment upon the Greenspace;
- Starfire Systems receiving all other necessary local & state approvals required by law.

Should you have any questions, do not hesitate to call.

Sincerely,



Michael Mooney
On Behalf of the Franklin Business Park Review Board

6/26/14
Date

Exhibit B

City of Franklin Environmental Commission

TO: Common Council
DATE: July 31, 2015
RE: Special Exception application review and recommendation
APPLICATION: Starfire Systems, Inc. (Malek Family Limited Partnership, owner), Applicant, dated: July 15, 2015
(9825 South 54th Street)

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

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

Special Exception requested from Sections 15-4.0102 of the City of Franklin Unified Development Ordinance.

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

The Special Exception requested is to allow grading and paving within approximately 0.032 acres of wetland buffer and 0.054 acres of wetland setback.

3. Applicant's reason for request:

The Starfire companies need additional off-street parking to accommodate service vehicles and trailers. The current building and parking, proposed improvements (building expansion, northwest parking, and dumpster areas), and landscape area occupy the remainder of the site. There is no alternative location for the proposed southern parking area. The subject Greenspace was designated on the original site plan during industrial park development. The Mayor and Community Development Authority have recommended mitigation and a Natural Resource Exception Application for the proposed parking area to release the restriction on the Greenspace.

4. Applicant's reason why request appropriate for Special Exception:

The existing building, parking lots and landscape areas take up the majority of the buildable area of the site. The proposed expansion, northwestern parking area, and dumpster area will take up the remaining buildable areas, excluding the landscaping easement area. The only feasible location for the type of additional parking needed is adjacent to the wetland in the wetland buffer and wetland setback.

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

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

The proposed improvements will not impact any State or designated threatened or endangered species or species of special concern.

2. Storm and flood water storage:

Adding an asphalt parking area within the Greenspace will increase the impervious surface area of the site, but significant impacts to storm and flood storage are not anticipated as the wetland on the property is not being impacted.

3. Hydrologic functions:

No significant impact is anticipated.

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:

No significant impact is anticipated as the wetland on the property is not being impacted.

5. Shoreline protection against erosion:

Not applicable – There is no shoreline is present on the property.

6. Habitat for aquatic organisms:

No impact is anticipated.

7. Habitat for wildlife:

No impact is anticipated.

8. Human use functional value:

There will be no change to the use or function of the majority of the Greenspace.

9. Groundwater recharge/discharge protection:

No significant impact is anticipated.

10. Aesthetic appeal, recreation, education, and science value:

Not applicable – The area of the 50-foot wetland setback and wetland buffer impacted is primarily turf grass lawn.

11. State or Federal designated threatened or endangered species or species of special concern:

The proposed improvements will not impact any State or designated threatened or endangered species or species of special concern.

12. Existence within a Shoreland:

Not applicable. The property is not located within a shoreland.

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 on the subject property is located outside of, but adjacent to a SEWRPC identified Isolated Natural Resource Area (located across 54th Street to the east). The subject property is not located within a Primary Environmental Corridor or Secondary Environmental Corridor as defined and mapped by SEWRPC.

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 Starfire property is unique, as no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement.*

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

a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: _____ ; or

b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *The existing building, parking lots and landscape areas take up the majority of the buildable area of the site and the proposed expansion, northwestern parking area, and dumpster area will take up the remaining buildable areas (excluding the landscaping easement areas).*

Constructing additional parking spaces along the south side of the existing building is not feasible as it would impact existing mature trees and a We Energies transformer and block a proposed Will Call window.

Additional parking within a landscape easement along the northeast corner of the site is not a practicable alternative as it is the intent of the business park to have service vehicles adequately screened from the view of a street. Also, this location is too far from the proposed new loading dock, warehouse and Will Call window to satisfy the desired business operations of the company.

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

a. be consistent with the existing character of the neighborhood: *The proposed project will not adversely impact the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *As the Starfire property is unique, in that no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement, the applicant exhausted all practicable alternatives, is providing mitigation for the proposed impacts and avoiding the majority of the Greenspace on the property including the wetland on the subject property, the granting of the special exception will not undermine the City's ability to apply or enforce the 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: *As the proposed impacts are*

minimal when compared to the amount of natural resources being protected on the property via the remaining Greenspace easement and since the highest quality resources on the property are not being impacted by this project, the proposed project is in harmony with the general purpose and intent of the provisions of this Ordinance; 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*);

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 project will meet all other zoning and site planning requirements.

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 Starfire property is unique, as no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

The existing use of the property is commercial and is envisioned to remain so.

4. Aesthetics:

The aesthetics of the site will not be negatively impacted by the proposed improvements or the minimal impacts to natural resource features. The area of resource impacts is generally screened from the view of the general public.

5. Degree of noncompliance with the requirement allowed by the Special Exception:

The Special Exception requested is to allow grading and paving within approximately 0.032 acres of wetland buffer and 0.054 acres of wetland setback.

6. Proximity to and character of surrounding property:

The character of the surrounding properties is a commercial business park. Adjacent uses include NEP Electronics located to the north, Senior Flexonics – GA Precision to the east, Hudapack Metal Treating to the west and Vesta, Inc. to the south.

7. Zoning of the area in which property is located and neighboring area:

Planned Development District No. 18, Franklin Business Park

8. Any negative affect upon adjoining property:

No negative effects are anticipated.

9. Natural features of the property:

The Starfire property contains a wetland, wetland buffer, wetland setback and young woodlands.

10. Environmental impacts:

The Special Exception requested is to allow grading and paving within approximately 0.032 acres of wetland buffer and 0.054 acres of wetland setback.

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:
 - a. *The applicant shall submit a formal Mitigation Plan to the Department of City Development for review and approval by Staff, which includes further details about the proposed invasive species*

removal and a three-year monitoring period with monitoring reports to be submitted annually to the Department of City Development.

b. The Mitigation Plan shall include an enhancement to the portion the wetland buffer between the proposed 13-stall paved parking area and the wetland, by converting it from turf grass lawn to native shrubs and forbs.

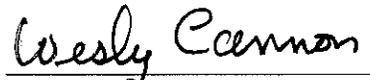
c. The applicant shall submit a revised Site Plan to the Department of City Development, with the, "snow storage area" removed from the portion of the wetland buffer between the proposed 13-stall parking area and the wetland.

d. The applicant shall submit a Snow Storage Plan for the proposed 13-stall parking area to the Department of City Development for review and approval by Staff.

e. A Letter of Credit shall be submitted the City and approved by the Common Council to cover all the costs of mitigation.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 22 day of July, 2015.

Dated this 31 day of July, 2015.



Wesley Cannon, Chairman

Attest:



Curtis Bolton, Vice-Chairman

Exhibit C

City of Franklin Community Development Authority

TO: Common Council
DATE: July 31, 2015
RE: Special Exception application review and recommendation
APPLICATION: Starfire Systems, Inc. (Malek Family Limited Partnership,
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(9825 South 54th Street)

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No impact is anticipated.

8. Human use functional value:

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10. Aesthetic appeal, recreation, education, and science value:

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The wetland on the subject property is located outside of, but adjacent to a SEWRPC identified Isolated Natural Resource Area (located across 54th Street to the east). The subject property is not located within a Primary Environmental Corridor or Secondary Environmental Corridor as defined and mapped by SEWRPC.

III. Community Development Authority 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 Starfire property is unique, as no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement.*

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

a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: ; or

b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *The existing building, parking lots and landscape areas take up the majority of the buildable area of the site and the proposed expansion, northwestern parking area, and dumpster area will take up the remaining buildable areas (excluding the landscaping easement areas).*

Constructing additional parking spaces along the south side of the existing building is not feasible as it would impact existing mature trees and a We Energies transformer and block a proposed Will Call window.

Additional parking within a landscape easement along the northeast corner of the site is not a practicable alternative as it is the intent of the business park to have service vehicles adequately screened from the view of a street. Also, this location is too far from the proposed new loading dock, warehouse and Will Call window to satisfy the desired business operations of the company.

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

a. be consistent with the existing character of the neighborhood: *The proposed project will not adversely impact the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *As the Starfire property is unique, in that no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement, the applicant exhausted all practicable alternatives, is providing mitigation for the proposed impacts and avoiding the majority of the Greenspace on the property including the wetland on the subject property, the granting of the special exception will not undermine the City's ability to apply or enforce the 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: *As the proposed impacts are*

minimal when compared to the amount of natural resources being protected on the property via the remaining Greenspace easement and since the highest quality resources on the property are not being impacted by this project, the proposed project is in harmony with the general purpose and intent of the provisions of this Ordinance; 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*):

IV. Community Development Authority 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 project will meet all other zoning and site planning requirements.

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 Starfire property is unique, as no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

The existing use of the property is commercial and is envisioned to remain so.

4. Aesthetics:

The aesthetics of the site will not be negatively impacted by the proposed improvements or the minimal impacts to natural resource features. The area of resource impacts is generally screened from the view of the general public.

5. Degree of noncompliance with the requirement allowed by the Special Exception:

The Special Exception requested is to allow grading and paving within approximately 0.032 acres of wetland buffer and 0.054 acres of wetland setback.

6. Proximity to and character of surrounding property:

The character of the surrounding properties is a commercial business park. Adjacent uses include NEP Electronics located to the north, Senior Flexonics – GA Precision to the east, Hudapack Metal Treating to the west and Vesta, Inc. to the south.

7. Zoning of the area in which property is located and neighboring area:

Planned Development District No. 18, Franklin Business Park.

8. Any negative effect upon adjoining property:

No negative effects are anticipated.

9. Natural features of the property:

The Starfire property contains a wetland, wetland buffer, wetland setback and young woodlands.

10. Environmental impacts:

The Special Exception requested is to allow grading and paving within approximately 0.032 acres of wetland buffer and 0.054 acres of wetland setback.

V. Community Development Authority Recommendation:

The Community Development Authority 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 Community Development Authority recommends [approval] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Community Development Authority recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
 - a. *The applicant shall submit a formal Mitigation Plan to the Department of City Development for review and approval by Staff, which includes further details about the proposed invasive species*

removal and a three-year monitoring period with monitoring reports to be submitted annually to the Department of City Development.

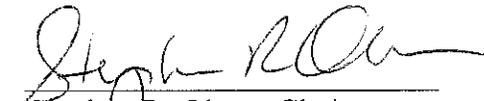
b. The Mitigation Plan shall include an enhancement to the portion the wetland buffer between the proposed 13-stall paved parking area and the wetland, by converting it from turf grass lawn to native shrubs and forbs.

c. The applicant shall submit a revised Site Plan to the Department of City Development, with the, "snow storage area" removed from the portion of the wetland buffer between the proposed 13-stall parking area and the wetland.

d. The applicant shall submit a Snow Storage Plan for the proposed 13-stall parking area to the Department of City Development for review and approval by Staff.

The above review and recommendation was passed and adopted at a regular meeting of the Community Development Authority of the City of Franklin on the 23 day of July, 2015.

Dated this 31 day of July, 2015.


Stephen R. Olson, Chairman

Attest:


Edward H. Holpfer, Vice-Chairman

Exhibit D

Item C. 4.



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of August 6, 2015

Natural Resource Special Exception

Project Name:	Natural Resources Special Exception (NRSE) request for Starfire Systems, Inc.
Project Address:	9825 South 54 th Street
Applicant:	Starfire Systems, Inc.
Property Owner:	Malek Family Limited Partnership
Current Zoning:	Planned Development District No. 18
2025 Comprehensive Plan:	Commercial and Areas of Natural Resource Features
Use of Surrounding Properties:	NEP Electronics (to the north); Senior Flexonics – GA Precision (to the east); Hudapack Metal Treating (to the west); and Vesta, Inc. (to the south).
Applicant's Action Requested:	Recommendation to the Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

INTRODUCTION:

Please note:

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

On June 18, 2015, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions of the City of Franklin Unified Development Ordinance (UDO) to the Department of City Development. TRC Environmental Corporation has provided a Natural Resource Protection Plan (NRPP) and Stantec has provided a Wetland Delineation Report for the portion of the wetland closest to the proposed development on the subject 3.55-acre property. R.A. Smith National conducted field assessments on August 14 and September 11, 2012 to identify and delineate natural resource features on the subject property.

The applicant is requesting approval of a Special Exception to Natural Resource Feature Provisions of the City of Franklin Unified Development Ordinance to allow grading and paving for a 13-stall parking area for company service vehicles and trailers within approximately 0.032 acres of wetland buffer and 0.054 acres of wetland setback at the Starfire Systems, inc. property located at 9825 South 54th Street in the Franklin Business Park.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Plan Commission for a public hearing and its review and recommendation.

BACKGROUND:

On April 10, 2014, the Malek Family Limited Partnership filed a Site Plan Amendment Application with the Department of City Development, requesting approval to construct an approximately 5,933 square foot building addition to their office/warehouse facility located at 9825 South 54th Street. The subject 3.55-acre parcel is located within Planned Development District No. 18, known as the Franklin Business Park.

While reviewing the applicant's Site Plan Amendment Application, staff discovered that the applicant had already installed gravel in the same location as the proposed paved 13-stall parking area and was using the area for parking, in violation of the Business Park's Greenspace restriction and without any approvals from the City of Franklin. The applicant continues to use this gravel parking area. Please see the attached 2014 Google Earth Aerial Photograph for reference.

As part of the Site Plan Amendment Application, the applicant proposed a 13-stall parking area within a portion of the property identified on the building's original Site Plan, Plat of Survey, and the Franklin Business Park Plat as "Greenspace". The Greenspace designation is noted on the Franklin Business Park Plat and states, "Refer to the declaration of protective covenants for restrictions in greenspace areas". Section 6.08 Greenspace of the Business Park Protective Covenants states, "Greenspace exists within the Park as shown on Exhibit B. No buildings or improvements of any kind shall be permitted in the Greenspace and no buildings or improvements may damage or impair the Greenspace." The proposed parking area is an improvement, which is prohibited within the greenspace area of the property.

As the Business Park's protective covenant relating to the Greenspace was placed as a restriction on the Franklin Business Park Plat by the Common Council, only the Common Council may authorize the removal of this restriction. Therefore, in addition to the Site Plan Amendment application, Starfire submitted a Miscellaneous Application requesting that the Common Council release the Greenspace restriction for an approximately 2,936 square feet (0.0067 acre) portion of their property, thereby allowing them to install a parking area. The Miscellaneous Application will be forwarded to the Common Council along with the Natural Resource Special Exception Application.

At the June 26, 2014, meeting of the Community Development Authority the following action was taken, "A motion to adopt A Resolution Approving the Site and Building Plans, Specifically, Amending the Site Plan for Starfire Systems, Inc.'s Building Addition Construction for the property located at 9825 South 54th Street (Starfire Systems, Inc. [Malek Family Limited Partnership, owner]), which shall include alternate draft conditions 5., 6. and 7. as highlighted on the resolution draft and with any technical changes by the City Attorney consistent with the approval by the Authority to allow encroachment upon the Greenspace area as requested in consideration of the applicant applying for a Natural Resources Special Exception and subject to the approval thereof with a mitigation plan pursuant to the Unified Development Ordinance and the approval thereof by the Franklin Business Park Review Board."

At their June 25, 2015, meeting the CDA approved a time extension for satisfaction of conditions of the prior approval of the Site Plan and Building Plans for Starfire Systems, Inc.'s building addition construction.

At the July 22, 2015 meeting of the Environmental Commission, the following motion was lost: motion to recommend approval of the special exception to Natural Resource Features for Malek Family Limited Partnership subject to Staff conditions as listed and as presented to the Environmental Commission with further requirement that a Letter of Credit be submitted and approved to cover all costs of mitigation; and approved by Plan Commission and Common Council prior to commencement of work. According to Section 10-14.D.3 of the Municipal Code, "A quorum shall be four Commissioners, and all actions shall require approval of a majority of the full Commission, except a motion to compel attendance or to adjourn." Therefore, the above motion was lost due to 2-1-1 vote of the four sitting Environmental Commissioners (three seats are currently vacant). The Environmental Commission's recommendation form is attached for your review.

At the July 23, 2015 meeting of the Community Development Authority, the following action was approved: motion to recommend to the Common Council approval of the Findings and Decision with regard to the information provided by the Department of City Development staff and pursuant to the staff report conditions and the discussion at this meeting and thereafter consistent with the facts set forth in the application, with staff to complete the Community Development Authority Recommendation Form accordingly, for Starfire Systems, Inc.'s parking lot installation for the property located at 9825 South 54th Street.

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval to impact the following natural resource features:

- Approximately 0.032 acres (1,393.92 square feet) of wetland buffer;
- Approximately 0.054 acres (2,352.2 square feet) of wetland setback;

The applicant is also impacting approximately 0.003 acres (130.7 square feet) of young woodlands. However, this impact is permitted, as it does not exceed the 50% minimum protection standard for the resource feature. Therefore, the woodland impact is not part of the Natural Resource Special Exception Request. Please note Wisconsin Department of Natural Resources (WDNR) and U.S. Army Corps of Engineers (USACOE) permits are not required for this project, as the applicant is not proposing to disturb the wetland on the property.

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 filling out the NRSE Question and Answer Form, which is attached for your review.

Mitigation

To offset the proposed natural resource feature impacts, the applicant is proposing onsite mitigation. Specifically, the applicant is proposing buckthorn removal within 0.081-acres (3,528.4 square feet) of the young woodland located southwest of the proposed parking area. While Staff agrees the proposed buckthorn removal will enhance the young woodland, Staff doesn't believe this appropriately and fully compensates for the proposed impacts. In addition, the proposal lacks a detailed Mitigation Plan outlining how and when the proposed mitigation will take place and which addresses monitoring and reporting on the status of the mitigation to the City.

Snow Storage

The applicant's Site Plan depicts a, "Snow Storage Area" immediately south of the proposed 13-car parking area. Staff doesn't support location of a snow storage area within the wetland buffer as the snow would transfer salt and pollutants from the parking lot directly into the wetland.

Alternatives

In the NRSE Question and Answer Form, the applicant indicates there is no suitable alternative to avoid the proposed impacts to the wetland buffer and wetland setback. The applicant goes on to state that all other alternatives have been thoroughly evaluated by the CDA and the owner and all parties have determined the proposed option is needed to meet the project requirements. The applicant has included with their submittal a letter from the Franklin Business Park Property Owner's Association dated June 26, 2014, granting conditional approval of the proposed encroachment into the Greenspace.

Staff believes reasonable alternatives that would not result in an impact upon the wetland setback and buffer do exist, as was discussed at the June 26, 2014 Community Development Authority meeting. These alternatives included Staff's recommendation to add parking within an existing landscape island located along the south side of the existing building and Stephen Perry Smith's recommendation to add parking within a Landscape Easement in the northeast corner of the property. However, it is important to note that the Community Development Authority and the Franklin Business Park Review Board concurred with the applicant that the proposed alternatives were not feasible.

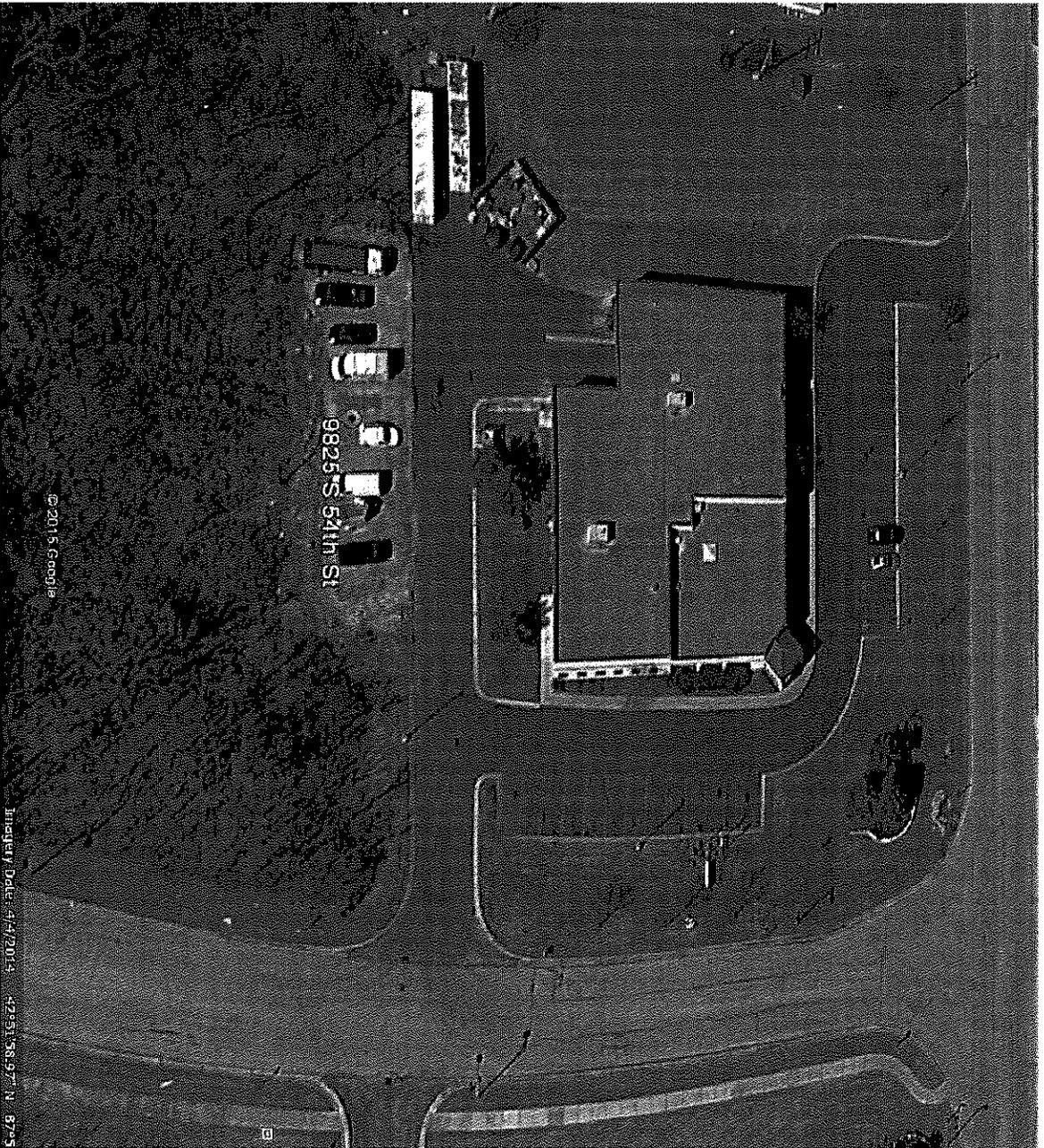
STAFF RECOMMENDATION:

Based on the preceding information, City Development Staff recommends denial of the proposed Natural Resource Special Exception (NRSE).

However, if the Plan Commission wishes to recommend approval of the requested NRSE, then Staff recommends the following conditions of approval:

- *The applicant shall submit a formal Mitigation Plan to the Department of City Development for review and approval by Staff, which includes further details about the proposed invasive species removal and a three-year monitoring period with monitoring reports to be submitted annually to the Department of City Development.*
- *The Mitigation Plan shall include an enhancement to the portion the wetland buffer between the proposed 13-stall paved parking area and the wetland, by converting it from turf grass lawn to native shrubs and forbs.*
- *The applicant shall submit a revised Site Plan to the Department of City Development, with the, "snow storage area" removed from the portion of the wetland buffer between the proposed 13-stall parking area and the wetland.*
- *The applicant shall submit a Snow Storage Plan for the proposed 13-stall parking area to the Department of City Development for review and approval by Staff.*

Starfire Systems, Inc. - 9825 S. 54th Street



© 2015 Google

9825 S. 54th St

Imagery Date: 4/4/2014 42251.56, 97.11, 8725

Google Earth Aerial Photograph
Imagery Date: 4/4/2014

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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;">08/18/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION AUTHORIZING OFF-STREET PARKING UPON A PORTION OF DESIGNATED GREENSPACE ON THE STARFIRE SYSTEMS, INC. LOT (9825 SOUTH 54TH STREET) (STARFIRE SYSTEMS, INC. (MALEK FAMILY LIMITED PARTNERSHIP, OWNER), APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.13.</i></p>

At the June 26, 2014 meeting of the Community Development Authority, the following action was approved: motion to approve the release of the Greenspace restriction and recommend approval of A Resolution Authorizing Off-Street Parking upon a Portion of Designated Greenspace on the Starfire Systems, Inc. Lot for the property located at 9825 South 54th Street (Starfire Systems, Inc.(Malek Family Limited Partnership, owner]), as a variance under the Declaration of Protective Covenants for the Franklin Business Park and subject to the fulfillment of all of the conditions of the Site and Building Plans approval adopted this date.

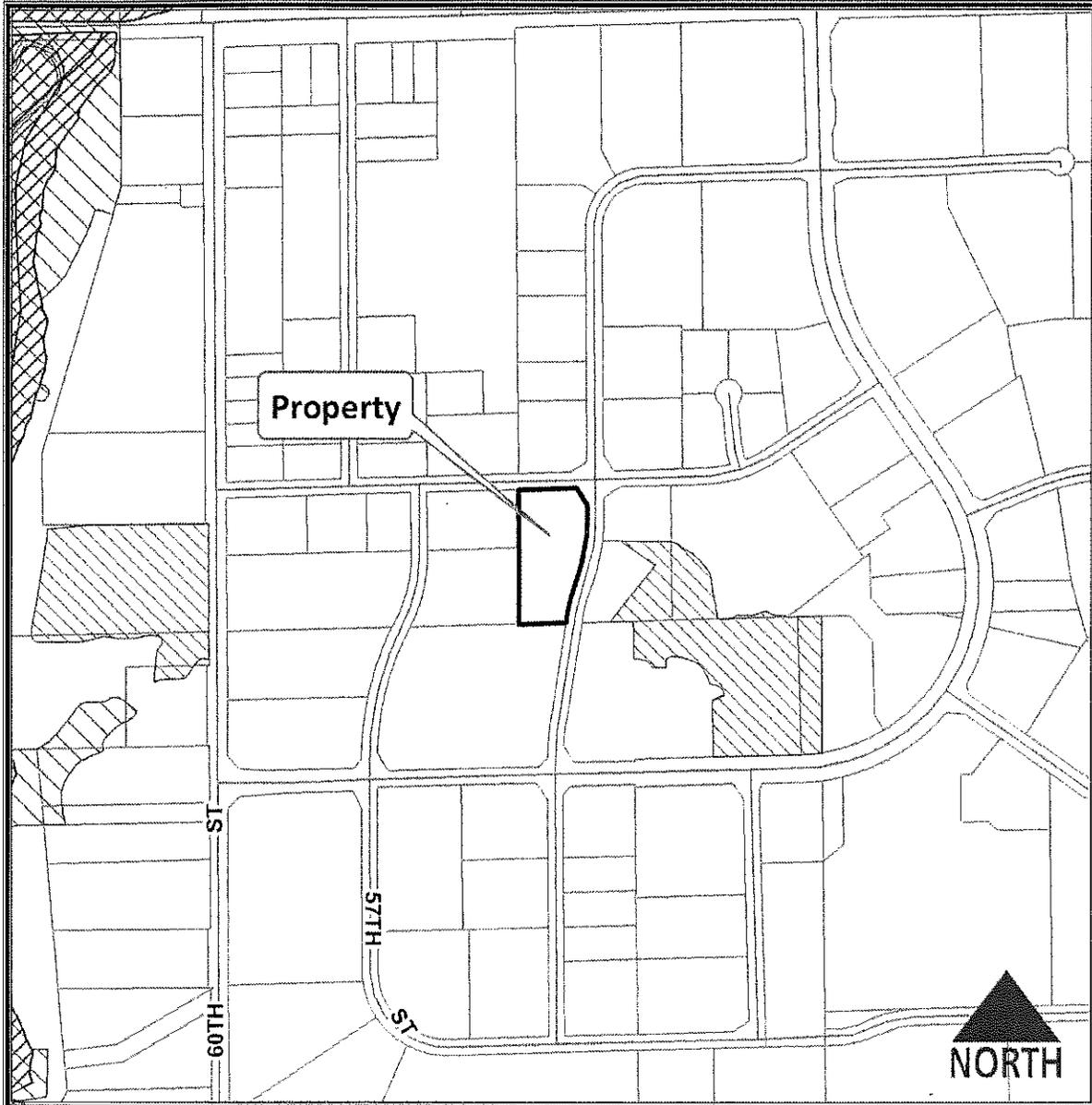
At the June 25, 2015, meeting of the Community Development Authority, the following action was approved: motion to approve A Resolution Extending the Time for Satisfaction of Conditions of Approval of the Site and Building Plans for Starfire Systems, Inc.'s Building Addition Construction.

COUNCIL ACTION REQUESTED

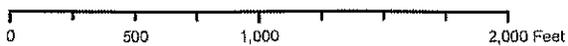
A motion to adopt Resolution No. 2015-_____, a resolution authorizing off-street parking upon a portion of designated greenspace on the Starfire Systems Inc. Lot (9825 South 54th Street) (Starfire Systems, Inc. (Malek Family Limited Partnership, Owner), Applicant)



9825 South 54th Street



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. 2015-_____

A RESOLUTION AUTHORIZING OFF-STREET PARKING UPON A PORTION OF
DESIGNATED GREENSPACE ON THE STARFIRE SYSTEMS, INC. LOT
(9825 SOUTH 54TH STREET)
(STARFIRE SYSTEMS, INC. (MALEK FAMILY LIMITED
PARTNERSHIP, OWNER), APPLICANT)

WHEREAS, §6.08 of the City of Franklin Business Park Protective Covenants prohibits buildings or improvements of any kind within the Business Park upon property designated as Greenspace on the Franklin Business Park Plat; and

WHEREAS, Starfire Systems, Inc. (Malek Family Limited Partnership, owner) having applied for a release of the Greenspace restriction to the extent necessary to install off-street parking on a portion of the property located at 9825 South 54th Street, such property being zoned Planned Development District No. 18 (Franklin Business Park); and

WHEREAS, the subject Greenspace is denoted upon the original Site Plan, Plat of Survey and Franklin Business Park Plat for Starfire Systems, Inc. as "Greenspace", the request being to remove 2,936 square feet therefrom, and the property located at 9825 South 54th Street, bearing Tax Key No. 899-0044-000 is more particularly described as follows:

Lot 1, Block 9, Franklin Business Park, being a part of the Southeast 1/4 of the Northwest 1/4 of Section 26, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. Containing 3.551 acres; and

WHEREAS, the Greenspace denoted upon the original Site Plan, Plat of Survey and Franklin Business Park Plat for Starfire Systems, Inc. and its accompanying restriction of the building or improvements is a restriction which was imposed by the Franklin Common Council in its approval of the original Franklin Business Park Plat; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Community Development Authority at its meeting on June 26, 2014, and again at its meeting on June 25, 2015, approved and recommended the release of the subject restriction, and the Common Council having considered the request for the release of the Greenspace restriction, including the Natural Resource Special Exception granted pursuant to the Unified Development Ordinance upon the application therefore, and the

conditions thereof, in conjunction with the development project encompassing the subject request, and having determined that such release is in the furtherance of the protection of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of off-street parking, only upon the location as set forth within the plans City file-stamped dated May 12, 2014 accompanying the application of Starfire Systems, Inc. (Malek Family Limited Partnership, owner) filed on April 10, 2014, as revised to depict the Natural Resources Special Exception mitigation area under the NRSE application approved this date, be and the same is hereby authorized and approved and that the Greenspace restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the off-street parking and that the parking spaces shall be installed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void.

BE IT FINALLY RESOLVED, that the City Clerk be and the same are hereby directed to obtain the recording of this Resolution 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 _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

APPROVED:

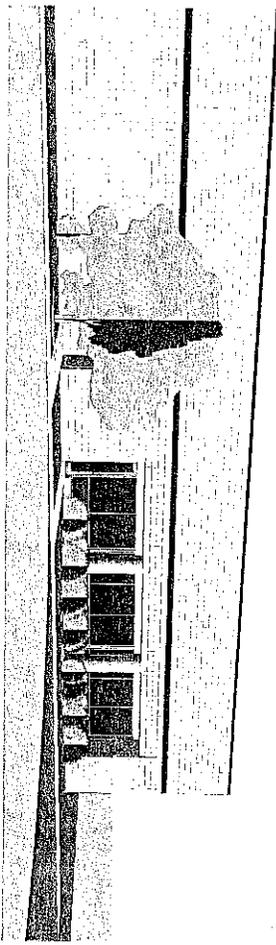
Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

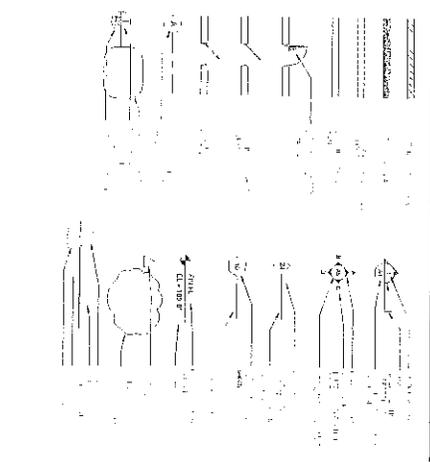
NEW ADDITION FOR: STARFIRE SYSTEMS, INC. FRANKLIN, WI



ABBREVIATIONS

1	ASPH/FLT	ASPH/FLY	ASPH/FLY
2	CONCRETE	CONCRETE	CONCRETE
3	GRAVEL	GRAVEL	GRAVEL
4	PAVING	PAVING	PAVING
5	LANDSCAPE	LANDSCAPE	LANDSCAPE
6	ROOF	ROOF	ROOF
7	FOUNDATION	FOUNDATION	FOUNDATION
8	WALL	WALL	WALL
9	FLOOR	FLOOR	FLOOR
10	CEILING	CEILING	CEILING
11	DOOR	DOOR	DOOR
12	WINDOW	WINDOW	WINDOW
13	STAIR	STAIR	STAIR
14	ELEVATION	ELEVATION	ELEVATION
15	SECTION	SECTION	SECTION
16	PLAN	PLAN	PLAN
17	DETAIL	DETAIL	DETAIL
18	MECHANICAL	MECHANICAL	MECHANICAL
19	ELECTRICAL	ELECTRICAL	ELECTRICAL
20	PLUMBING	PLUMBING	PLUMBING
21	STRUCTURAL	STRUCTURAL	STRUCTURAL
22	LANDSCAPE	LANDSCAPE	LANDSCAPE
23	PAVING	PAVING	PAVING
24	ROOF	ROOF	ROOF
25	FOUNDATION	FOUNDATION	FOUNDATION
26	WALL	WALL	WALL
27	FLOOR	FLOOR	FLOOR
28	CEILING	CEILING	CEILING
29	DOOR	DOOR	DOOR
30	WINDOW	WINDOW	WINDOW
31	STAIR	STAIR	STAIR
32	ELEVATION	ELEVATION	ELEVATION
33	SECTION	SECTION	SECTION
34	PLAN	PLAN	PLAN
35	DETAIL	DETAIL	DETAIL
36	MECHANICAL	MECHANICAL	MECHANICAL
37	ELECTRICAL	ELECTRICAL	ELECTRICAL
38	PLUMBING	PLUMBING	PLUMBING
39	STRUCTURAL	STRUCTURAL	STRUCTURAL
40	LANDSCAPE	LANDSCAPE	LANDSCAPE
41	PAVING	PAVING	PAVING
42	ROOF	ROOF	ROOF
43	FOUNDATION	FOUNDATION	FOUNDATION
44	WALL	WALL	WALL
45	FLOOR	FLOOR	FLOOR
46	CEILING	CEILING	CEILING
47	DOOR	DOOR	DOOR
48	WINDOW	WINDOW	WINDOW
49	STAIR	STAIR	STAIR
50	ELEVATION	ELEVATION	ELEVATION
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52	PLAN	PLAN	PLAN
53	DETAIL	DETAIL	DETAIL
54	MECHANICAL	MECHANICAL	MECHANICAL
55	ELECTRICAL	ELECTRICAL	ELECTRICAL
56	PLUMBING	PLUMBING	PLUMBING
57	STRUCTURAL	STRUCTURAL	STRUCTURAL
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63	FLOOR	FLOOR	FLOOR
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71	DETAIL	DETAIL	DETAIL
72	MECHANICAL	MECHANICAL	MECHANICAL
73	ELECTRICAL	ELECTRICAL	ELECTRICAL
74	PLUMBING	PLUMBING	PLUMBING
75	STRUCTURAL	STRUCTURAL	STRUCTURAL
76	LANDSCAPE	LANDSCAPE	LANDSCAPE
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83	DOOR	DOOR	DOOR
84	WINDOW	WINDOW	WINDOW
85	STAIR	STAIR	STAIR
86	ELEVATION	ELEVATION	ELEVATION
87	SECTION	SECTION	SECTION
88	PLAN	PLAN	PLAN
89	DETAIL	DETAIL	DETAIL
90	MECHANICAL	MECHANICAL	MECHANICAL
91	ELECTRICAL	ELECTRICAL	ELECTRICAL
92	PLUMBING	PLUMBING	PLUMBING
93	STRUCTURAL	STRUCTURAL	STRUCTURAL
94	LANDSCAPE	LANDSCAPE	LANDSCAPE
95	PAVING	PAVING	PAVING
96	ROOF	ROOF	ROOF
97	FOUNDATION	FOUNDATION	FOUNDATION
98	WALL	WALL	WALL
99	FLOOR	FLOOR	FLOOR
100	CEILING	CEILING	CEILING

SYMBOLS



CONTRACTOR:
MILWAUKEE CONSTRUCTION, INC.
1101 AUSTIN COURT
MILWAUKEE, WI 53126
TEL: 414-224-1100
FAX: 414-224-1101
WWW.MILWAUKEECONSTRUCTION.COM

OWNER:
STARFIRE SYSTEMS, INC.
9825 S. 54th STREET
FRANKLIN, WI 53126
TEL: 414-224-1100

PROJECT DATA:

BUILDING CODES:
2009 INTERNATIONAL BUILDING CODE (IBC)
2009 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
2009 INTERNATIONAL ENERGY CODE (IECC)
2009 AMERICAN NATIONAL STANDARDS (ANSI A117.1:2009)

BUILDING SIZE:
EXISTING BUILDING FOOTPRINT: 12,835 sqft
AREA OF RENOVATION: 5,593 sqft

BUILDING DATA:
COUNTY LOCATION: MILWAUKEE
PROJECT TYPE: ADDITION
OCCUPANT LOAD: EXISTING
REQUIRED SEPARATION: UNSEPARATED USES

CONSTRUCTION CLASSIFICATION:
PER IBC 602: EXISTING BUILDING WITH FULL AUTOMATIC SPRINKLER SYSTEM
EXISTING BUILDING: TYPE IIB - NON-COMBUSTIBLE EXTERIOR & INTERIOR FRAMING, 1 STORY
PER IBC 602: EXISTING BUILDING WITH FULL AUTOMATIC SPRINKLER SYSTEM

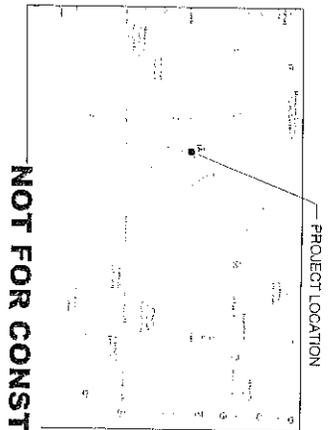
OCCUPANCY CLASSIFICATION:
PER IBC 511: BUSINESS
EXISTING S-1 STORAGE, B BUSINESS
NEW ADDITION S-1 STORAGE

EXIT DISTANCE:
PER IBC TABLE 1016.1 - 300 FT. DISTANCE (STORAGE)

TOILETS:
EXISTING BUILDING:

SHEET	DESCRIPTION	SHEET INDEX	CITY SITE REVIEW	CITY SITE REVIEW
G1.0	TITLE SHEET, ALONG DATA	4-10-2014	REVIEW	5-5-2014
CIVIL	SPRINKLING PAVING SITE PLAN	4-10-2014	REVIEW	5-5-2014
CIVIL	SITE LAYOUT PLAN	4-10-2014	REVIEW	5-5-2014
MECH	MECHANICAL PLAN	4-10-2014	REVIEW	5-5-2014
ARCHITECTURAL	OVERALL FLOOR PLAN	4-10-2014	REVIEW	5-5-2014
ARCHITECTURAL	ELEVATIONS	4-10-2014	REVIEW	5-5-2014

LOCATION MAP



NOT FOR CONSTRUCTION

STARFIRE SYSTEMS, INC
NEW BUILDING ADDITION
9825 S. 54th STREET
FRANKLIN, WISCONSIN

MAY 12, 2014

City Development

Franklin

G1.0

PROJECT DATA

DATE: _____

JOB NUMBER: _____

SHEET NUMBER: 1340C

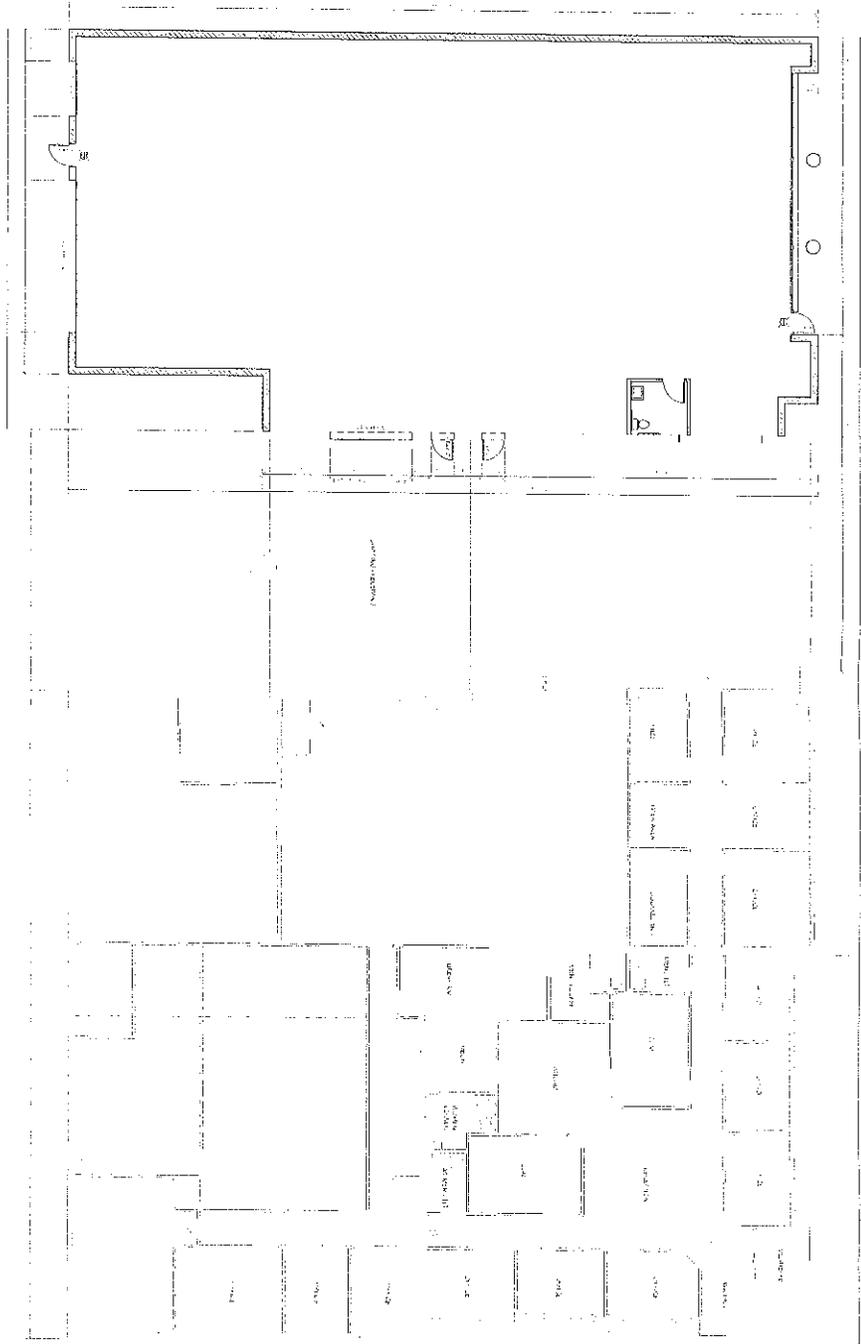
PRELIMINARY

4/10/14

5/2/14

ANDREW BLIKACEK CONSTRUCTION, INC.
General Contractor / Design / Build
Developer / Construction Management

1121 Main Court
Waukesha, WI 53188
262-521-1019



A
A1.0 **SCALE: 3/8" = 1'-0"**
OVERALL FLOOR PLAN



NOT FOR CONSTRUCTION

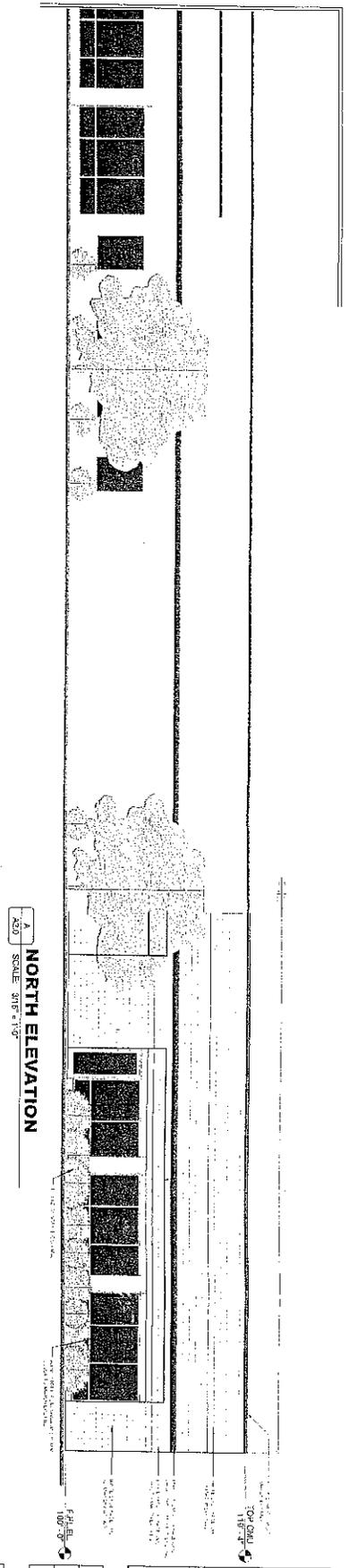
ANDREW BUKACEK CONSTRUCTION, INC.
 General Contractor / Design / Build
 Developer / Construction Management
 1121 Main Court
 Waukesha, WI 53186
 262-521-1016

PRELIMINARY
 A1.0.01
 1-2-2014

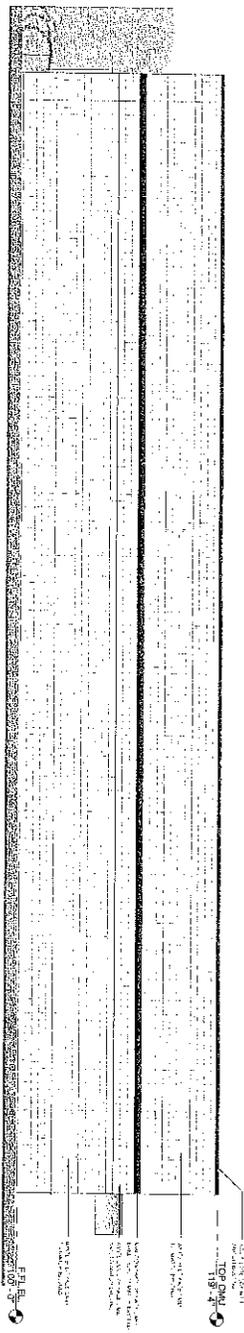
STARFIRE SYSTEMS, INC
NEW BUILDING ADDITION
 9825 S. 54th STREET
 FRANKLIN, WISCONSIN

SHEET TITLE
 ORIGINAL SUBMITTAL

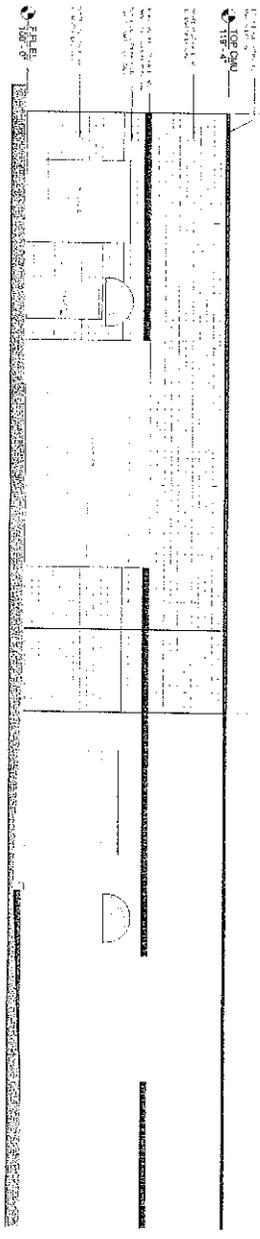
PROJECT DATA
 DATE:
 JOB NUMBER:
 SHEET NUMBER: 17042
A1.0



A
A2.0 NORTH ELEVATION
SCALE: 3/8" = 1'-0"



B
A2.0 WEST ELEVATION
SCALE: 3/8" = 1'-0"



C
A2.0 SOUTH ELEVATION
SCALE: 3/8" = 1'-0"

NOT FOR CONSTRUCTION

ANDREW BUKACEK CONSTRUCTION, INC.
 General Contractor / Design / Build
 Developer / Construction Management
 1121 Maple Court
 Waukesha, WI 53186
 262-521-1019

PRELIMINARY
 4-10-2014
 25-2014

STARFIRE SYSTEMS, INC
NEW BUILDING ADDITION
 9825 S. 54th STREET
 FRANKLIN, WISCONSIN

SHEET TITLE	
REVISIONS	
PROJECT DATA	
DATE:	
JOB NUMBER:	
SHEET NUMBER:	A2.0



CITY OF FRANKLIN



REPORT TO THE COMMUNITY DEVELOPMENT AUTHORITY

Meeting of May 22, 2014

Site Plan Amendment and Release of Greenspace Restriction

RECOMMENDATION: City Development staff recommends approval of the Site Plan Amendment request for an approximately 5,933 square foot building addition to the Starfire Systems, Inc. facility, located at 9825 South 54th Street, subject to the conditions outlined in the attached resolution.

Staff does not recommend approval of the release the Greenspace restriction for an approximately 2,936 square feet (0.0067 acre) portion of the subject property.

Project Name:	Starfire Systems, Inc. Site Plan Amendment
Project Address:	9825 South 54 th Street
Property Owner:	Malek Family Limited Partnership
Applicant:	Starfire Systems, Inc.
Agent:	Andrew Bukacek, Andrew Bukacek Construction, Inc.
Zoning:	Planned Development District No. 18
Use of Surrounding Properties:	NEP Electronics (to the north); Senior Flexonics – GA Precision (to the east); Hudapack Metal Treating (to the west); and Vesta, Inc. (to the south).
Comprehensive Plan	Commercial and Areas of Natural Resource Features
Applicant’s Requested Action:	Approval of the Site Plan Amendment Application and Release of the Greenspace Restriction

INTRODUCTION & BACKGROUND

Please note that:

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

On April 10, 2014, the Malek Family Limited Partnership filed a Site Plan Amendment Application with the Department of City Development, requesting approval to construct an approximately 5,933 square foot building addition to their office/warehouse facility located at 9825 South 54th Street. The subject 3.55-acre parcel is located within Planned Development District No. 18, known as the Franklin Business Park. The Franklin Business Park Architectural Review Board conditionally approved the project on May 2, 2014 (see attachment).

The original 12,835 square foot building was constructed in 1997 by a company named CEL, Inc. The original Site Plan identifies a potential future expansion in the area of the proposed building addition. On January 17, 2001, the Community Development Authority (CDA) granted conceptual approval to Starfire Systems, Inc. (who was purchasing the property at that time) for their

preliminary expansion plans. However, the minutes from the January 17, 2001, CDA meeting state, "Starfire understands that when final plans are ready, Starfire will submit the plans to staff for review and comment and Starfire still needs to come back to the CDA for final approval".

Starfire Systems, Inc. recently consolidated its operation by relocating their St. Francis facility to Franklin and is subsequently ready to move forward with the building addition they contemplated in 2001. The applicant has already completed an interior alteration within the existing building to add additional office space. The proposed building addition will provide added warehouse space.

PROJECT DESCRIPTION / ANALYSIS

The applicant is proposing to construct an approximately 5,933 square foot building addition on the west side of the existing Starfire Systems, Inc. facility. Starfire provides a wide range of products and services including, but not limited to, critical facility fire protection, extinguisher sales and service, electrical contracting and distribution of fire protection materials. The entire 5,933 square foot addition will be dedicated to warehouse space. With the proposed warehouse addition, the building will have a total area of 18,768 square feet.

The building addition consists of a load bearing concrete masonry shell with white decorative split-face concrete masonry block and white smooth-face concrete masonry block accents. Aluminum storefront windows will be added along the north elevation of the building to provide natural light to the warehouse area. The addition's design, building materials, and colors will match the existing building on all sides. The proposed addition will not include any new rooftop mechanical units.

Refuse Enclosure

The site has an existing refuse enclosure on the south side of the building, which will be moved for the proposed building addition. The applicant is proposing to move the enclosure, consisting of a 6' high cyclone fence with grey slats, further west of the location of the old enclosure. The proposed enclosure will be accessible from the warehouse addition via a 22' x 12' garage door on the south elevation of the building.

Landscaping

Planned Development District No. 18 requires a Land/Building Ratio of no more than 75 percent impervious surfaces. With the proposed addition and added parking area, the site will have a Land/Building Ratio of 65 percent. This is below the allowable 75 percent and therefore in compliance with the required Land/Building Ratio.

The applicant is proposing to add a landscape planting bed on the north side of the proposed addition containing Seagreen Junipers, Anthony Waterer Spirea and annual flowers. In addition, the applicant is also proposing to add an Emerald Queen Maple tree and a Nanny Viburnum shrub. The original Landscape Plan for this building was approved with several Emerald Queen (i.e. Norway) Maples in it. However, the City no longer allows Norway Maple trees to be included within Landscape Plans, as they are considered a subnoxious weed per Section 178-3F.(2) of the City of Franklin Municipal Code. Therefore, Staff recommends the applicant submit a revised Landscape Plan free of subnoxious weeds to the Department of City Development for review and approval, prior to the issuance of a Building Permit.

Lighting

The applicant is not proposing any new exterior lighting as part of the proposed building addition.

Parking

The existing parking lot contains twenty-four (24) off-street parking spaces and two (2) ADA accessible spaces for a total of twenty-six (26) parking spaces. As part of the proposed addition, the applicant is proposing a new gravel parking area with space for approximately thirteen (13) vehicles, to be located south of their existing driveway. According to the applicant, the gravel parking area would also allow easier turning movements for trucks accessing the loading dock on the south side of the building.

According to Section 6.02 a. of the Declaration of Protective Covenants for the Franklin Business Park, which is enforced by the Franklin Business Park Architectural Review Board, a warehouse use requires a minimum of 1.0 off-street passenger car parking space for each 1,100 square feet of gross warehouse building area. If the parking ratio from the Protective Covenants were applied, the site would need to provide an additional six parking spaces to accommodate the proposed addition. As the applicant is proposing an additional 13 spaces, this requirement would be met.

There are no specific parking requirements for the Business Park in Ordinance No. 93-1279, which created PDD No. 18. However, the Community Development Authority (CDA) must approve all parking plans.

The gravel parking is being proposed within an area of the property identified on the building's original Site Plan, Plat of Survey, and the Franklin Business Park Plat as "Greenspace". The Greenspace designation is noted on the Franklin Business Park Plat and states, "Refer to the declaration of protective covenants for restrictions in greenspace areas". Section 6.08 Greenspace of the Business Park Protective Covenants states, "Greenspace exists within the Park as shown on Exhibit B. No buildings or improvements of any kind shall be permitted in the Greenspace and no buildings or improvements may damage or impair the Greenspace." The proposed gravel parking area is an improvement, which is prohibited within the greenspace area of the property.

As the Business Park's protective covenant relating to the Greenspace was placed as a restriction on the Franklin Business Park Plat by the Common Council, only the Common Council may authorize the removal of this restriction. Therefore, in addition to the Site Plan Amendment application, Starfire has submitted a Miscellaneous Application requesting that the Common Council release the Greenspace restriction for an approximately 2,936 square feet (0.0067 acre) portion of their property, thereby allowing them to install a gravel parking area.

Please note that during the course of reviewing this application, staff discovered that the applicant had already installed gravel in the aforementioned Greenspace area and is using the area for parking, in violation of the Greenspace restriction and without any approvals from the City of Franklin. Staff recommends the parking area be removed from the Greenspace area, the site returned to its pre-disturbed condition, and the Site Plan revised accordingly, prior to issuance of a Building Permit. Staff would suggest that any necessary additional parking spaces be located immediately adjacent to the south side of the existing building.

Natural Resources

The applicant has submitted a wetland delineation report prepared by Stantec Consulting Services, Inc. dated April 23rd, 2014. The plan identifies approximately 0.23 acres of wetland, Wetland 1 (W-1), located immediately south of the gravel parking area (within the existing Greenspace). However, the wetland delineation report does not constitute a Natural Resource Protection Plan as it does not meet all of the requirements of Division 15-4.0100 or Section 15-7.0201 of the City of Franklin Unified Development Ordinance. For example, Stantec did not identify the required 30-Foot Wetland Buffer or 50-Foot Wetland Setback in their report. In addition, it appears the proposed gravel parking area could impact one or both of these protected resource features given its close proximity to the wetland itself. Therefore, Staff recommends the applicant submit a complete Natural Resource Protection Plan meeting the requirements of Division 15-4.0100 and Section 15-7.0201 of the City of Franklin Unified Development Ordinance to the Department of City Development for review by the City's independent third-party consultant, prior to issuance of a Building Permit. However, if the gravel parking area was removed, and the area returned to its pre-disturbed condition, the Natural Resource Protection Plan would not be necessary.

If the Natural Resource Protection Plan identifies the proposed gravel parking area to be encroaching within either the 30-Foot Wetland Buffer or 50-Foot Wetland Setback of Wetland 1 (W-1), then Staff recommends the applicant submit a Natural Resource Special Exception Application in accordance with Sections 15-9.0110 and 15-10.0208 of the City of Franklin Unified Development Ordinance (UDO) and a Mitigation Plan in accordance with Section 15-4.0103 of the UDO, to the Department of City Development, prior to issuance of a Building Permit.

STAFF RECOMMENDATION

City Development Staff recommends approval of the Site Plan Amendment request for an approximately 5,933 square foot building addition to the Starfire Systems, Inc. facility, located at 9825 South 54th Street, subject to the conditions outlined in the attached resolution.

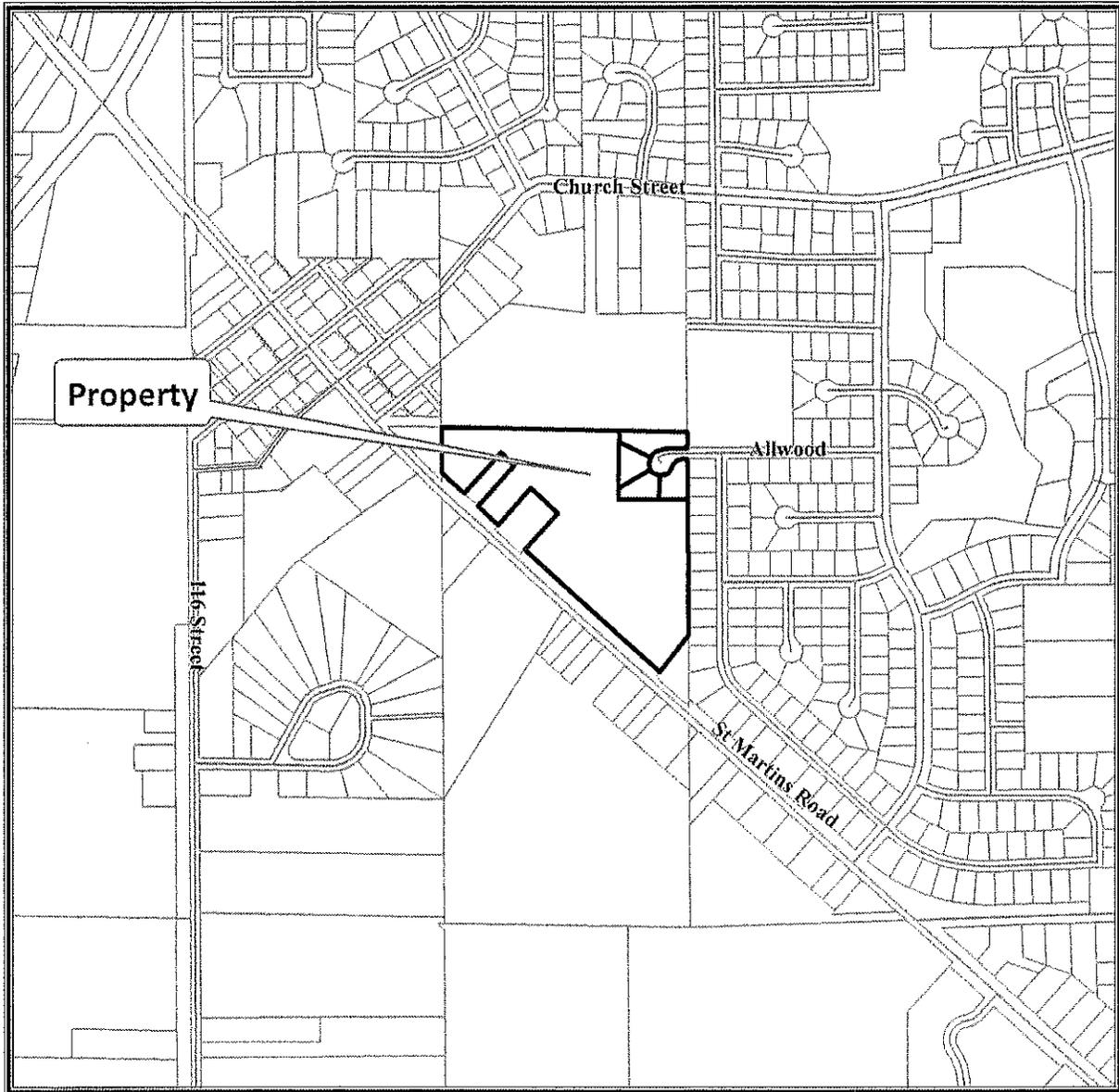
Staff does not recommend approval of the release of the Greenspace restriction.

However, if the CDA wishes to approve the proposed gravel parking area within the Greenspace area, then the CDA's approval of the Site Plan Amendment should be subject to Starfire Systems, Inc. receiving approval from the Common Council to release an approximately 2,936 square feet portion of designated Greenspace upon property located at 9825 South 54th Street as identified on the Site Plan City-file stamped May 12, 2014, prior to issuance of a Building Permit.

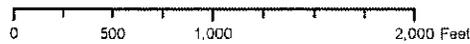
<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/18/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF SOUTHBROOK CHURCH, INC. FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>6.14.</i></p>
<p>At the July 22, 2015, Environmental Commission meeting, the following action was approved: motion to recommend approval of the Special Exception to Natural Resource Features for Southbrook Church, Inc. subject to Staff conditions as listed and as presented to the Environmental Commission with further recommendation, not requirement to mitigate wetland disturbances; and approval by Plan Commission and Common Council prior to commencement of work.</p> <p>At the regular meeting of the Plan Commission on August 6, 2015, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Southbrook Church, Inc. Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendations.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Southbrook Church, Inc. for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.</p>		



11010 W. St. Martins Road



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 Southbrook Church,
Inc. (David Hampson, Building Committee/property owner) for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin Unified Development
Ordinance

Whereas, Southbrook Church, Inc. (David Hampson, Building Committee/property owner) having filed an application dated June 29, 2015, 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 31, 2015 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 6, 2015 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 approximately 11010 West St. Martins Road, 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 June 29, 2015, by Southbrook Church, Inc. (David Hampson, Building Committee/property owner), 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): *The Southbrook property was investigated for the presence of wetlands in 2012 by Tina Meyers of R.A. Smith National. At that time, no wetland was discovered at the subject location. Subsequent to that investigation, the church constructed a west parking lot addition and associated stormwater drainage facilities. Part of that work involved constructing a small diversion berm to prevent runoff from Allwood Court from entering the open swale and stormwater pond system. That berm, over the past three years, blocked that runoff as designed, however it also ponded water above the swale causing the subject wetland to form. This scenario could not be foreseen and is therefore not self-imposed.*

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

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *The proposed location of the path is the only practicable alternative given the desired connection it will provide and factoring in the constraints of the site. The path will be designed to minimize impacts to natural resource features and compliment the natural environment.*

Relocation of the fire access lane would result in a greater distance from that pavement to the church building, if it were redesigned to avoid wetland impacts. This alternative was looked at, but deemed to be impracticable.

The future worship area could not be reasonably redesigned without negative impacts to the internal flow of the facility. Furthermore, the future worship area cannot be redesigned due to the required fire lane and the constraints formed by the adjacent wetlands and stormwater basin. Said basin is surrounded by wetlands and, as such, is locked into its present location.

3. The Special Exception, including any conditions imposed under this Section will:
- a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The circumstances surrounding this project are unique to Southbrook Church and thus will not undermine the City's ability to apply or enforce the 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: *As the proposed impacts are minimal when compared to the amount of natural resources being protected on the property via a conservation easement and since the highest quality resources on the property are not being impacted by this project, the proposed project is in harmony with the general purpose and intent of the provisions of this Ordinance; 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). N/A*

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 project will meet all other zoning and site planning requirements.*
- 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 Southbrook property was investigated for the presence of wetlands in 2012 by Tina Meyers of R.A. Smith National. At that time, no wetland was discovered at the subject location. Subsequent to that investigation, the church constructed a west parking lot addition and associated stormwater drainage facilities. Part of that work involved constructing a small diversion berm to prevent runoff from Allwood Court from entering the open swale and stormwater pond system. That berm, over the past three years, blocked that runoff as designed, however it also ponded water above the swale causing the subject wetland to form. This situation is extraordinary and does not apply to other properties or uses in the same district.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The existing use is institutional and is envisioned to remain so.*
4. Aesthetics: *The aesthetics of the site will not be negatively impacted by the proposed improvements or the minimal impacts to natural resource features.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *The project will disturb approximately 0.064 acres of wetland, grade and pave within approximately 0.26 acres of wetland buffer and grade, pave and maintain turf grass within approximately 0.40 acres of wetland setback.*
6. Proximity to and character of surrounding property: *Southbrook Church is surrounded by areas of natural resource features and St. Martin's Neighborhood Park to the north, single-family residences and Robinwood Elementary School to the east, single-family residences and vacant land owned by the Indian Community School to the south and single-family residences, vacant land owned by the Franklin Lions and the Herda's Hardware building to the west.*
7. Zoning of the area in which property is located and neighboring area: *Southbrook Church's property is zoned I-1 Institutional District and R-3 Suburban/Estate Single-Family Residence District. The property to the north is zoned P-1 Park District, the properties to the east are zoned I-1 Institutional District and R-3 Suburban/Estate Single-Family Residence District, properties to the south are zoned R-3 Suburban/Estate Single-Family Residence District and I-1 Institutional District and the properties to the west are zoned R-3 Suburban/Estate Single-Family Residence District, VR-Village Residence District, P-1 Park District and VB Village Business District.*
8. Any negative effect upon adjoining property: *No negative effect upon adjoining property is perceived.*
9. Natural features of the property: *The Southbrook Church property contains wetlands, wetland buffer, wetland setback and mature woodlands.*
10. Environmental impacts: *The project will disturb approximately 0.064 acres of wetland, grade and pave within approximately 0.26 acres of wetland buffer and grade, pave and maintain turf grass within approximately 0.40 acres of wetland setback.*
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 31, 2015 is incorporated herein.*

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

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features 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; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Southbrook Church, Inc. (David Hampson, Building Committee/property owner) 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 _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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



City of Franklin
 Exhibit A

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

Date of Application: _____

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

Applicant (Full Legal Name(s)): Name: <u>David Hampson (Building Committee)</u> Company: <u>Southbrook Church</u> Mailing Address: <u>11010 W. St. Martins Road</u> City / State: <u>Franklin</u> Zip: <u>53132</u> Phone: <u>262-370-3900</u> Email Address: <u>daveh@noram-clutch.com</u>		Applicant is Represented by (contact person) (Full Legal Name(s)): Name: <u>Justin L. Johnson, P.E.</u> Company: <u>JSD Professional Services, Inc.</u> Mailing Address: <u>N22 W22931 Nancys Court</u> City / State: <u>Waukesha</u> Zip: <u>53186</u> Phone: <u>(262) 531-0666</u> Email Address: <u>justin.johnson@jsdinc.com</u>	
Project Property Information: Property Address: <u>11010 W. St. Martins Road</u> Property Owner(s): <u>Southbrook Church</u> Mailing Address: <u>11010 W. St. Martins Road</u> City / State: <u>Franklin</u> Zip: <u>53132</u> Email Address: <u>daveh@noram-clutch.com</u>		Tax Key Nos: <u>799-9967-003, 799-9967-004, 799-9967-005,</u> <u>799-9967-006, 799-9967-007</u> Existing Zoning: <u>I-1</u> Existing Use: <u>Institutional</u> Proposed Use: <u>Institutional</u> Future Land Use Identification: <u>Institutional / Residential</u>	

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

Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:

(See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)

<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>

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

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

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

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

David A. Hampson
 Signature - Property Owner
 Name & Title (PRINT) _____
David A. Hampson Date: 6/17/15
 Signature - Property Owner _____
 Name & Title (PRINT) _____
 Date: _____

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

Southbrook Church
11010 St. Martins Road
Franklin, WI 53132

Since moving to their current location, Southbrook Church has gone from one service to three. Still the church must set up overflow chairs in the church lobby. The church is still growing and is in need of a larger worship area for Sunday services.

The proposed addition to the Southbrook Church in Franklin, Wisconsin is in response to the growing congregation of the church, as well as the need and desire to better serve the needs of the entire congregation. The enlarged space will provide critical areas for the church and Sunday school. Among these areas are a secure child check-in rooms, a dedicated nursery and toddler rooms, Sunday school classes, larger kitchen; along with larger bathrooms and gathering areas. In addition, the improvements will provide larger worship space along with additional classrooms and meeting area for students and adults.



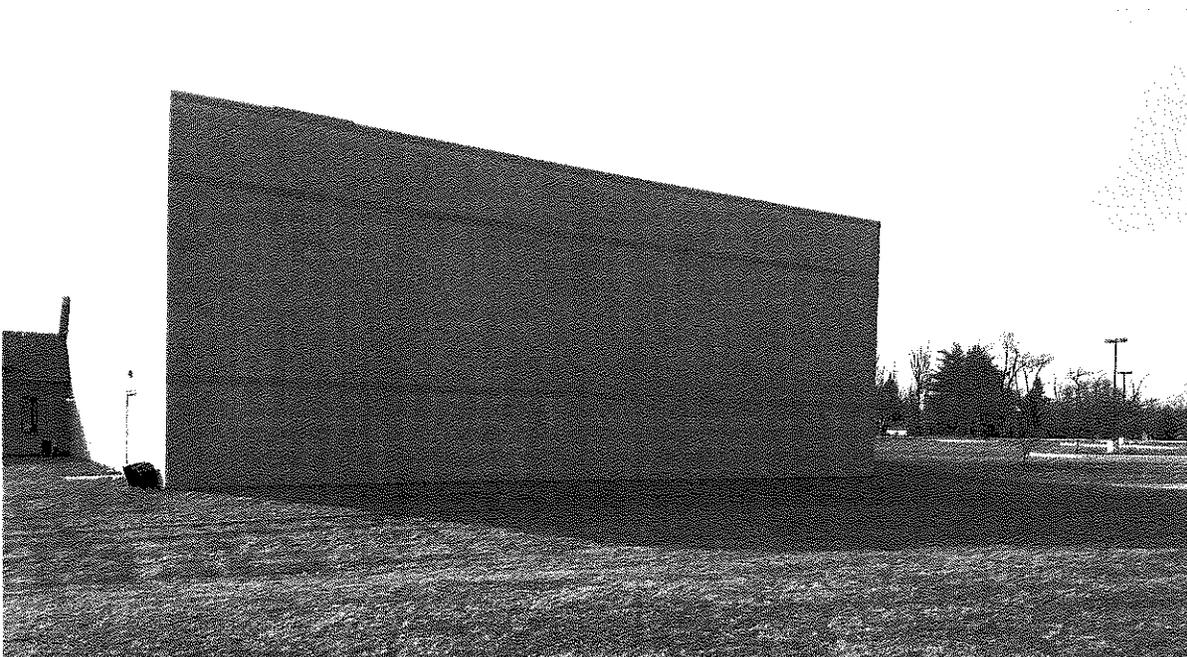
Public entrance at the front of the existing church building.



East parking lot and existing storm water management pond.



View proposed building area at rear of existing church. Viewed from east side of property, north of the existing storm water pond.



Proposed building site at the rear of the existing church building. View to south from the north side of the property.



West parking lot, looking at west side of existing church building.

Natural Resource Special Exception Question and Answer Form.

Questions to be answered by the Applicant

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

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. _____
We hereby request consideration of an exception from the wetland protection standards as discussed in _____
Section 15-4.0103(E) of the City of Franklin Unified Development Ordinance. _____
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.
We are requesting approval for the disturbance of a new wetland area that straddles the former property line between the _____
Southbrook Church property and the Allwood Court Subdivision. The wetland is 2,769 sf in area sitting immediately _____
north of the drainage ditch which conveys stormwater from the Southbrook west parking lot to their stormwater pond. _____
Wetland buffer and setback impacts of 0.26 ac and 0.08 ac, respectively, will also be associated with the subject wetland disturbance and walking _____
path construction.
- C. Statement of the reason(s) for the request.
The requested NRSE is for the purpose of filling the subject wetland area to allow for the expansion of the Southbrook _____
Church facilities, and construction of the required fire lane and fire protection watermain. This NRSE would also cover the _____
construction of a walking path through wetland buffer/setback and wooded areas by the City of Franklin (exact location TBD).
- 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.
The current project involves the expansion of the Church building, as well as construction of a fire lane, utilities, and _____
a paved walking trail (by City). This building expansion is based on the Church's Master Plan, which includes a _____
future worship area expansion into the subject wetland area (refer to attached site plans). Attached is the _____
Wetland Report from 2012, indicating that no wetland existed in that area during the Mater Plan development.
- (b) State whether the project is an expansion of an existing work or new construction.
The current project involves the expansion of an existing facility, but is an intermediate project as part of the _____
Church's Master Site Development Plan. The paved walking trail is an item that has been discussed for a number _____
of years (including at the Environmental Commission during an earlier project phase). Said path is intended to be _____
a connection between Allwood Court, St. Martins Park, and the soon-to-be reconstructed W. St. Martins Road.

- (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 wetland disturbance is necessary to accommodate the church build-out in conformance with their Master Site Development Plan. The subject wetland is located where the future worship area is planned. The walking path will not impact wetlands, but will pass through wetland setback, buffer and tree areas. However, because the path is only 8 feet wide, its impact will be minimal, and it will be design so as to avoid individual trees as much as possible.

2) Possible Alternatives.

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

The currently proposed fire lane and watermain loop can be reconfigured to avoid the wetland impact, however, the future worship area would need to be completely redesigned. Because the ongoing and past expansions have been developed with the worship area in mind, a change to the worship area would cause the overall facility to not function as intended. The path cannot avoid wetland setbacks/buffers without crossing through parking areas, thereby creating a safety hazard.

- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

As discussed above, the path cannot avoid wetland setbacks/buffers and remain safe for path users. To avoid those areas, it would need to be relocated into and through the church parking lot. The watermain and fire lane could be redesigned out of the small wetland area, however, it would be pushed farther away from the church building and nearer to adjacent residences, neither of which are desirable.

- (c) State how the project may be made smaller while still meeting the project's needs.

Southbrook Church has a growing congregation and their Master Development Plan has been designed to accommodate those needs. A reduction in the size of the future worship area would dramatically hamper the Church's ability to serve the community in the future, and would make the previous and current expansion projects inconsistent with that future final development phase.

- (d) State what geographic areas were searched for alternative sites.

Southbrook Church currently operates and is thriving in this location. As such, relocation to alternate sites is not considered to be a reasonable option. Furthermore, the Church Master Plan and previously-constructed elements of that plan, have been developed with full build out in mind. That full build out will involve the future construction of the new worship area into the subject wetland.

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

Please refer to Item (d) above. With regard to the path construction, there are no other sites that the path can pass through that will allow interconnection between Allwood Court, St. Martins Park and W. St. Martins Road.

(f) State what will occur if the project does not proceed.

If the requested special exception is not granted, the future worship area could not be built as currently master planned. Said expansion is critical to the long-term functionality of the church, so the viability of the church in this location could be compromised. If the path is not extended through this property, it is unlikely that any connection could ever be envisioned between Allwood Court, St. Martins Park and W. St. Martins Road.

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.

It is difficult to quantify the cost of Southbrook Church's functionality and growth related to the community, however, the resource loss can be described to some extent. The wetland to be filled previously did not exist according to available records, and as such could reasonably be considered a negligible loss. Similarly, the path will be designed so as to minimize impact and maintain a natural environment, so it could be viewed as a positive resource impact.

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

Relocation of the fire access lane would result in a greater distance from that pavement to the church building, if it were redesigned to avoid wetland impacts. The future worship area, however, could not be reasonably redesigned without negative impacts to the internal flow of the facility.

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

The future worship area cannot be redesigned due to the required fire lane and the constraints formed by the adjacent wetlands and stormwater basin. Said basin is surrounded by wetlands and, as such, is locked into its present location.

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

n/a

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.

It is the desire of the City of Franklin that the path connection be made through the Southbrook property. The most logical position for this path would be to weave it through wooded areas and adjacent to wetlands so as to maximize the natural feel of the path. With regard to the wetland impact, the subject wetland did not exist at the time the Church Master Development Plan was being developed (2012) and was allowed to form by recent grading activities. Therefore, we respectfully request approval to proceed in accordance with the church Master Plan.

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.

The Southbrook property was investigated for presence of wetlands in 2012 by Tina Meyers of RA Smith National. At that time, no wetland was discovered at the subject location. Subsequent to that investigation, the church constructed a west parking lot and associated drainage facilities. Part of that work involved constructing a small diversion berm to prevent runoff from Allwood Court from entering the open swale and stormwater pond system. That berm, over the past three years, blocked that runoff as designed, however it also ponded water above the swale causing the subject wetland to form.

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

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species. Not Applicable Applicable
- b) Storm and flood water storage. Not Applicable Applicable
- c) Hydrologic functions. Not Applicable Applicable
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances. Not Applicable Applicable
- e) Shoreline protection against erosion. Not Applicable Applicable
- f) Habitat for aquatic organisms. Not Applicable Applicable
- g) Habitat for wildlife. Not Applicable Applicable
- h) Human use functional value. Not Applicable Applicable
- i) Groundwater recharge/discharge protection. Not Applicable Applicable
- j) Aesthetic appeal, recreation, education, and science value. Not Applicable Applicable
- k) Specify any State or Federal designated threatened or endangered species or species of special concern. Not Applicable Applicable
- l) Existence within a Shoreland. Not Applicable Applicable
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. Not Applicable Applicable

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

All wetlands and wetland buffers, as well as wooded areas, on the Southbrook Church property have been placed under conservation easement in order to protect them in perpetuity. As mentioned previously, the new wetland never existed prior to 2012, and as such, we would not expect any negative impact to the aggregate functional value of natural resources on the Southbrook site. Furthermore, because the proposed walking path is only eight feet wide, and extends primarily through previously mowed lawn areas, we would not expect that item to result in a negative functional value.

7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

The Southbrook Church expansion project involves the placement of conservation easement over large portions of the property (wetland, wetland setback, wooded lands), thereby permanently protecting those areas from future disturbance or development. These areas were not previously protected by recorded restrictions.

Wetland Delineation Report



3-Acre Southbrook Church Property

City of Franklin, Milwaukee County, Wisconsin

RASN Project No. 1150288

June 25th, 2015

Prepared by:

Tina Myers, PWS
Ecologist/Project Manager
R.A. Smith National, Inc.

Prepared for:

Mr. Justin Johnson
JSD Professional Services, Inc.
N22 W22931 Nancy Ct., Ste. 3
Waukesha, WI 53186

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June 25th, 2015

INTRODUCTION

R.A. Smith National, Inc. (RASN) is pleased to provide this Wetland Delineation Report for an approximately 3-acre Southbrook Church property (Study Area) located at the west terminus of W. Allwood Drive in the City of Franklin, Milwaukee County, Wisconsin (Figure 1). The Study Area is more specifically located in the NE ¼ of Section 18, Township 5 North, Range 21 East. The delineation was completed at the request of JSD Professional Services, Inc. who is a representative of the landowner, Southbrook Church. RASN had previously conducted a wetland delineation in the summer of 2012 on the larger portion of the church-owned property.

The purpose of the wetland delineation was to identify the proximity and extent of wetlands for future development. One (1) wetland, hereby referred to as "W-1", was identified within the Study Area (Figure 2) by Senior Wetland Scientist Tina Myers on April 17th, 2015 during a wetland reconnaissance site visit. No wetland was originally anticipated in this area since RASN did not observe any wetlands in this area during the summer 2012 delineation. The size of the wetland of this newly developed wetland is 0.046 acres within the Study Area limits and 0.064 acres total extending into the 2012 Study Area. The wetland appears to have appeared in the last few years as a result of the construction of a stormwater drainage ditch, but was deemed nonexempt by the Wisconsin Department of Natural Resources (WDNR) because it developed in a mapped hydric soil. The delineation is presented here in terms of qualifications, methodology, results, and conclusions.

STATEMENT OF QUALIFICATIONS

Ms. Tina Myers has over 14 years of multidisciplinary ecological experience and has been recognized as a Professional Wetland Scientist (PWS) by the Society of Wetland Scientists (SWS) since 2004. She is also recognized as a Certified Wetland Specialist (CWS) in Illinois. Tina earned a Bachelor's degree in Conservation Biology from the University of Milwaukee in 1998 and has taken a multitude of ongoing educational courses including the Corps Wetland Delineation Training which she took in 2006, Regional Supplement and Field Practicum which she took in 2012, Advanced Wetland Delineation Training which she took in 2013, and Critical Methods in Wetland Delineation which she takes annually. She has performed hundreds of wetlands delineations throughout Wisconsin and Illinois and is also experienced in wetland restoration, wetland and waterway permitting, wetland assessment, vegetation surveys including rare species surveys, wildlife surveys, and environmental monitoring.

WETLAND DELINEATION METHODOLOGY

The wetland delineation consisted of a review of available maps and information followed by a site visit to document field conditions. The presence and absence of hydrophytic vegetation, wetland hydrology, and hydric soil indicators were documented using methodology defined in the *US Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual, Regional Supplement to the 1987 Corps of Engineers Wetland Delineation Manual: Midwest Region (Midwest Supplement)* (USACE ERDC, 2010) and *Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources* (USACE St. Paul District, 2015). See References section for a complete list of guidance and sources utilized.

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

Vegetation

At the sample plots, herbaceous, shrub/sapling, tree and vine strata were measured using 5-foot, 15-foot and 30-foot radius plots, respectively. Percent cover was visually estimated within the plots and dominant species were determined by applying the 50/20 rule and/or Prevalence Index. *The National Wetland Plant List: 2013 wetland ratings* (Lichvar, 2013) was used to determine the wetland indicator status of observed vegetation.

Hydrology

The nearest available Natural Resource Conservation Service (NRCS) WETS Table and the National Atmospheric and Oceanic Organization (NOAA) Advanced Hydrologic Prediction Service were analyzed to determine the antecedent hydrologic condition of the Study Area. Inundation, water table and/or saturation were measured at the sample plots, if present. Soil pits were generally left open for at least one hour prior to measurement to allow for the normalization of water level. Primary and secondary indicators of wetland hydrology were investigated and if present were noted on the data sheets.

Soils

At the sample plots, a soil pit was excavated to a depth of at least 20 inches, where possible. If greater than a few inches of inundation is present, the soil profile is usually unable to be observed. The color and texture of the soil matrix and associated mottling was recorded for each observed soil layer within the pit. The Munsell Soil Color Book was used to determine the color of observed moist soils. The soil was analyzed for hydric soil characteristics and, if met, hydric soil(s) was/were indicated on the data sheets.

Sources Reviewed

The United States Geological Survey (USGS) Topographic Map (Figure 1), a two-foot contour map (Figure 2). The NRCS Soil Survey Map (Figure 3), aerial photos from the years 2000, 2005, 2010, and 2014 (Figures 4A-D) the Wisconsin Wetland Inventory Map (Figure 5), and a 90-Day Departure from Normal Precipitation Map (Figure 6) were reviewed prior to the wetland delineation in order to gain familiarity with the site's topography, wetland history, soils, and past land uses. These maps are included in Appendix 1.

RESULTS

Existing Environmental Mapping

The USGS topographic map shows the general location of the Study Area and indicates the land is generally flat (Figure 1, Appendix 1). The closest waterways on this map are both south of W. St. Martin's Road.

The more detailed two-foot contour map (Figure 2, Appendix 1) also shows a generally flat site with elevations between 799 to 803 feet above mean sea level. The location of W-1 is located at the lowest elevation at elevation 799 feet above mean sea level

The NRCS Web Soil Survey indicates the presence of three mapped soils within the site, (Table 1 and Figure 3, Appendix 1).

Table 1. Mapped Soils within Study Area.

Soil Unit Name (Symbol)	Hydric Inclusion	Drainage Class	Percent of Study Area
Ashkum silty clay loam (AsA) †\$	--	Poorly drained	17.3
Blount silt loam (BIA) \$	Ashkum	Somewhat poorly drained	32.5
Morely silt loam (MzdB2)		Well drained	50.2

\$ WDNR Wetland Indicator Soil

† NRCS Listed Hydric Soil

Based on a review of aerial photographs from 2000, 2005, 2010, and 2014 (Figures 4A-D, Appendix 1) it appears that the majority of the land within and adjacent to the Study Area has remained generally unaltered up until recently when the new stormwater conveyance feature was installed and W-1 developed. The wetland and the off-site stormwater conveyance feature are most evident on the 2014 aerial. The 2000, 2005, and 2010 aerials show no strong evidence of wetland being present prior to the stormwater conveyance feature construction. Older historical photos available on the Milwaukee County GIS website were also reviewed which showed agricultural land use in the Study Area prior to the church construction. There were also no strong indicators that wetlands were previously present on these older aerials.

The Wisconsin Wetland Inventory (WWI) map (Figure 5, Appendix 1) shows no mapped wetlands within the Study Area. However, it depicts both hydric and partially hydric mapped soils highlighted in pink. RASN investigated the areas highlighted in pink and confirmed that most of the area does not contain hydric soil or wetland characteristics in general except for the area near W-1 and its immediate adjacent upland. The discrepancies between the WWI map and RASN's delineated boundaries are attributed to the level of wetland delineation employed during the investigation. The presence of wetlands and also the location of wetland boundaries as determined by examination of aerial photography are not as accurate as physical examination of site conditions using methods outlined in the 1987 Corps annual and its Midwest Supplement.

Antecedent Hydrologic Condition

The wetland delineation was conducted during the beginning of the growing season, which tends to be wetter due to snowmelt and frequent precipitation. Based on the WETS Analysis Worksheet in Appendix 2, precipitation was drier than the normal range for the months of January through March. However, NOAA's Advanced Hydrologic Prediction Service Map (Figure 6) which analyzes precipitation data exactly 90 days prior to the date of the site visit, indicates that climatic conditions were considered to be within the normal range. According to the Daily Precipitation Table in Appendix 2, 3.45 inches of precipitation was recorded during the month of April prior to the site visit which is close to the average of 3.78 inches. The most recent rainfall events occurred on April 9th, April 10th, April 11th, and April 13th when 0.38 inches, 1.82 inches, 0.10 inches, and 0.03 inches were recorded respectively.

Field Investigation

All areas called out as wetland or containing wetland indicators on the above-mentioned maps were evaluated in the field during the early part of the growing season. Growing season indicators included bud burst on some trees and shrubs and active growth of herbaceous vegetation. Photos were taken of the wetland, each data point, the off-site stormwater conveyance drainage feature, and the uplands and are included in Appendix 3. A total of four (4) sample plots were examined and one (1) wetland was delineated by RASN and subsequently surveyed by JSD Professional Services, Inc. (Figure 2, Appendix 1). Pink wire flags and/or ribbon with the words "Wetland Delineation" were used to mark wetland boundaries. Consecutively numbered orange wire flags were used to mark the sample plots. Using the survey data, RASN prepared a wetland boundary map overlaid onto a recent 2014 aerial with 1-foot contours. The data sheets were compiled and are included in Appendix 4. The following are descriptions of the delineated wetland:

Wetland 1 – Shallow Marsh / Fresh (wet) Meadow

As shown on Figure 2 in Appendix 1, W-1 is 0.046 acres within the Study Area, but is 0.064 acres overall extending slightly outside of the Study Area. The existing plant community type is best described as a shallow marsh and fresh (wet) meadow and it is dominated by narrow-leaved cattail (*Typha angustifolia*), Kentucky blue grass (*Poa pratensis*), and reed canary grass (*Phalaris arundinacea*). The immediate adjacent upland was mowed Kentucky blue grass mixed with upland weeds such as common dandelion (*Taraxacum officinale*) and white clover (*Trifolium repens*). The larger non-mowed expanse of upland that covers most of the Study Area is best

described as a mixed upland meadow and shrub scrub dominated by species such as Kentucky blue grass, Queen Anne's lace (*Daucus carota*), common buckthorn (*Rhamnus cathartica*), and hybrid bush honeysuckle (*Lonicera x bella*). Additionally, there is a small woodland area in the northeast corner dominated by red oak (*Quercus rubra*) and quaking aspen (*Populus tremuloides*) with common buckthorn and hybrid bush honeysuckle in the understory. Upland data points DP-1 and DP-2 represent the overall upland plant community that was observed within most of the site. These data points were examined in both Blount silt loam and Ashkum silty clay loam hydric soil units to demonstrate the non-wetland conditions.

Hydrology in W-1 may be the result of the recent construction of the stormwater conveyance feature which perhaps disrupted an old farm field tile from prior farming practices. The wetland is only very slightly concave, almost flat, and it sits approximately 2 feet higher than the adjacent conveyance ditch. Most of the wetland was saturated at or near the surface at the time of the site visit. Physical on-site evidence of wetland hydrology within W-1 included surface water, a high water table, saturation, saturation visible on 2014 aerial photography, geomorphic position, and a positive FAC-Neutral test.

In general, there was a well-defined vegetative break between the upland and wetland boundary and hydrology was significantly different with saturation and a high water table at the surface within the wetland versus the a water table at 24 inches and saturation at 22 inches in the upland. The presence of a water table in the upland sample pit was attributed to the recent heavy rain events and was considered only temporary in nature. Additionally, there was no saturation or a water table within one foot of the surface so it did not qualify as a wetland hydrology indicator. Both the upland and wetland data points contained hydric soils indicating that there were likely past hydrologic manipulations such as tiles which may have helped to drain the site for prior agricultural purposes. Please refer to the site photos in Appendix 3 for various depictions of W-1 and its adjacent upland plant community.

According to the NRCS Soil Survey of Milwaukee County, Ashkum silty clay loam (ASA) is the dominant mapped soil type within W-1 and its immediate adjacent upland. The NRCS hydric soil list classifies Ashkum as a poorly drained whole hydric unit. One wetland data point (DP-4) was examined within W-1 and one was examined within the immediate adjacent upland (DP-3) (Appendix 4). Both the wetland and upland soil profiles observed met the A12 (Thick Dark Surface) NRCS Hydric Soil Indicator; however, the upland data point lacked the other two parameters that would qualify it as a wetland.

CONCLUSION

Based on the wetland assessment completed by RASN, one (1) wetland was identified within the Study Area (Figure 2). The size of the wetland is 0.046 acres within the Study Area limits and 0.064 acres total extending into the original 2012 Study Area. The wetland appears to have appeared in the last few years as a result of the construction of a stormwater drainage ditch. The wetland does not appear to be connected to a navigable waterway as observed by RASN. However, the final jurisdictional determination of all the wetlands on site lies with the Corps.

RASN ecologists are required by the WDNR to provide their professional judgment on wetland susceptibility per revised NR 151 guidance (Guidance #3800-2015-02) (Appendix 5). In general, RASN believes W-1 would best fit into the less susceptible category.

The wetland boundary staked in the field by R.A. Smith National, Inc. is a professional finding based on accepted USACE and WDNR methodology at the time the wetlands were delineated. This wetland delineation field work and report is not intended to meet the requirements of an SEWRPC Environmental Corridor, WDNR Endangered

Species Review, a navigability determination, or the location of either the Ordinary High Water Mark or floodplain.

Wetlands and waterways that are considered waters of the U.S. are subject to regulation under Section 404 of the Clean Water Act (CWA) and the jurisdictional regulatory authority lies with the USACE. Additionally, the WDNR has regulatory authority over wetlands, navigable waters, and adjacent lands under Chapters 30 and 281 Wisconsin State Statutes, and Wisconsin Administrative Codes NR 103, 299, 350, and 353. In addition, the USACE and WDNR have jurisdictional authority to determine which features are exempt including stormwater ponds and conveyance features. If the client proposes to modify an existing stormwater feature, an Artificial Determination Exemption would need to be submitted. See the form on the WDNR Wetland Identification website (fee involved) <http://dnr.wi.gov/topic/wetlands/identification.html>. Furthermore, municipalities, townships and counties may have local zoning authority over certain areas or types of wetland and waterways. The determination that a wetland or waterway is subject to regulatory jurisdiction is made independently by the agencies.

Any activity in the delineated wetland may require U.S. Army Corps of Engineers permits and State of Wisconsin Department of Natural Resources Water Quality Certification, and local government permits. If the Client proceeds to change, modify or utilize the property in question without obtaining authorization from the appropriate regulatory agency, it will be done at the Client's own risk and R.A. Smith National, Inc shall not be responsible or liable for any resulting damages.

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Appendices

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Figure 6: 90-day Departure from Normal Precipitation Map

WETLAND BOUNDARY MAP



R.A. Smith National, Inc.

WETLAND BOUNDARY SURVEYED BY JSD ENGINEERING
2014 AERIAL PHOTO SOURCE: GOOGLE EARTH

LEGEND

+	DATA SAMPLE POINT
◆	WETLAND FLAG
—	WETLAND BOUNDARY
TOTAL WETLAND AREA = 0.064 ACRE	



Figure 2. Wetland Boundary Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmiltnational.com
Appleton, WI Orange County, CA Pittsburgh, PA

B:\11502881Dwg\WX111B40.dwg\WX111B40
SHEET 1 OF 1

GRAPHIC SCALE

50 0 12.5 25 50 100



(IN FEET)
1 inch = 50 ft.

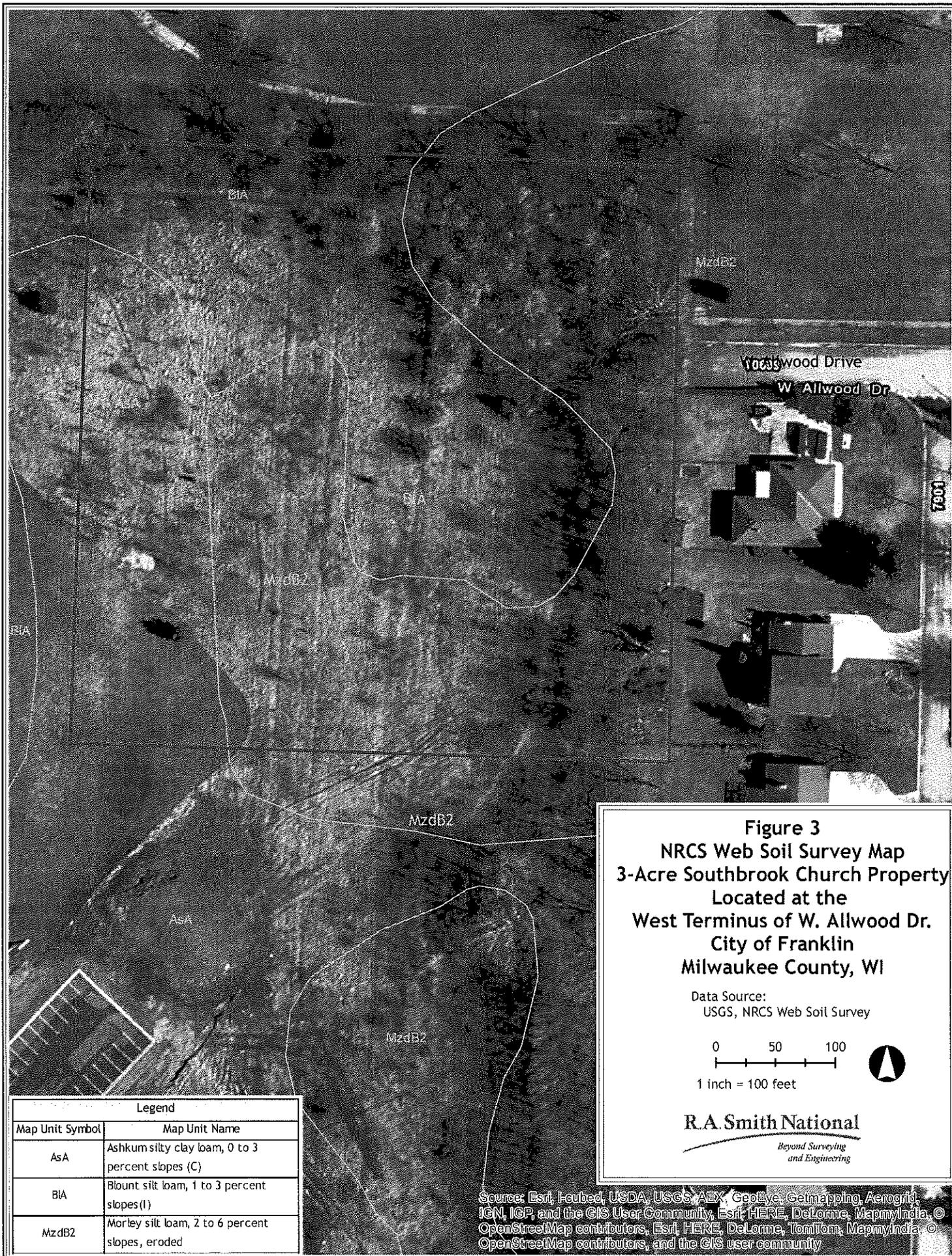
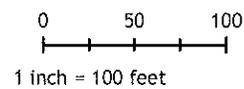


Figure 3
NRCS Web Soil Survey Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
 USGS, NRCS Web Soil Survey



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Legend	
Map Unit Symbol	Map Unit Name
AsA	Ashkum silty clay loam, 0 to 3 percent slopes (C)
BIA	Blount silt loam, 1 to 3 percent slopes (I)
MzdB2	Morley silt loam, 2 to 6 percent slopes, eroded

Source: Esri, Feubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Esri, HERE, DeLorme, TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

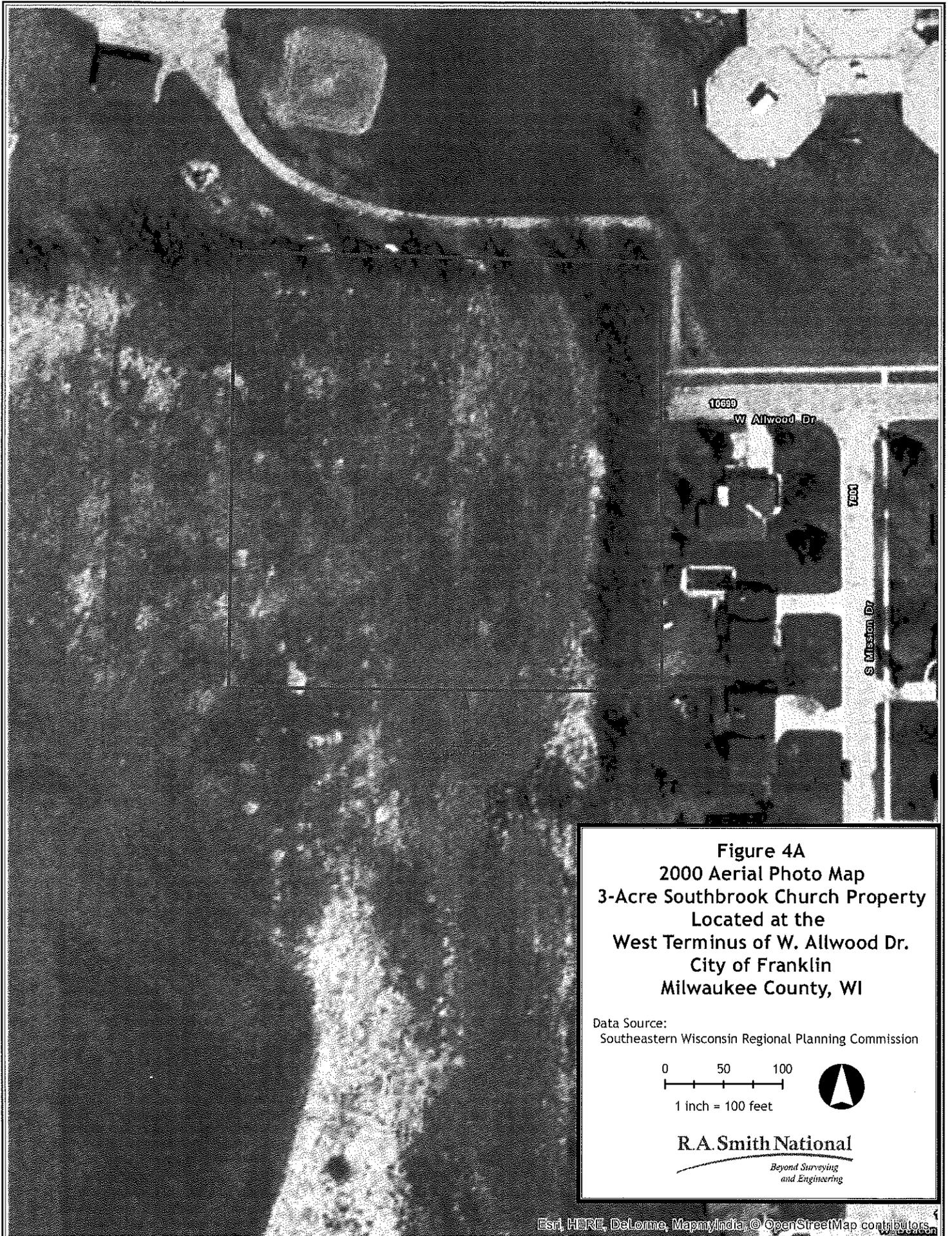
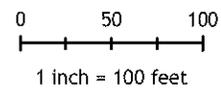


Figure 4A
2000 Aerial Photo Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
Southeastern Wisconsin Regional Planning Commission



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Figure 4B
2005 Aerial Photo Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
Southeastern Wisconsin Regional Planning Commission

0 50 100
1 inch = 100 feet



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and Engineering*

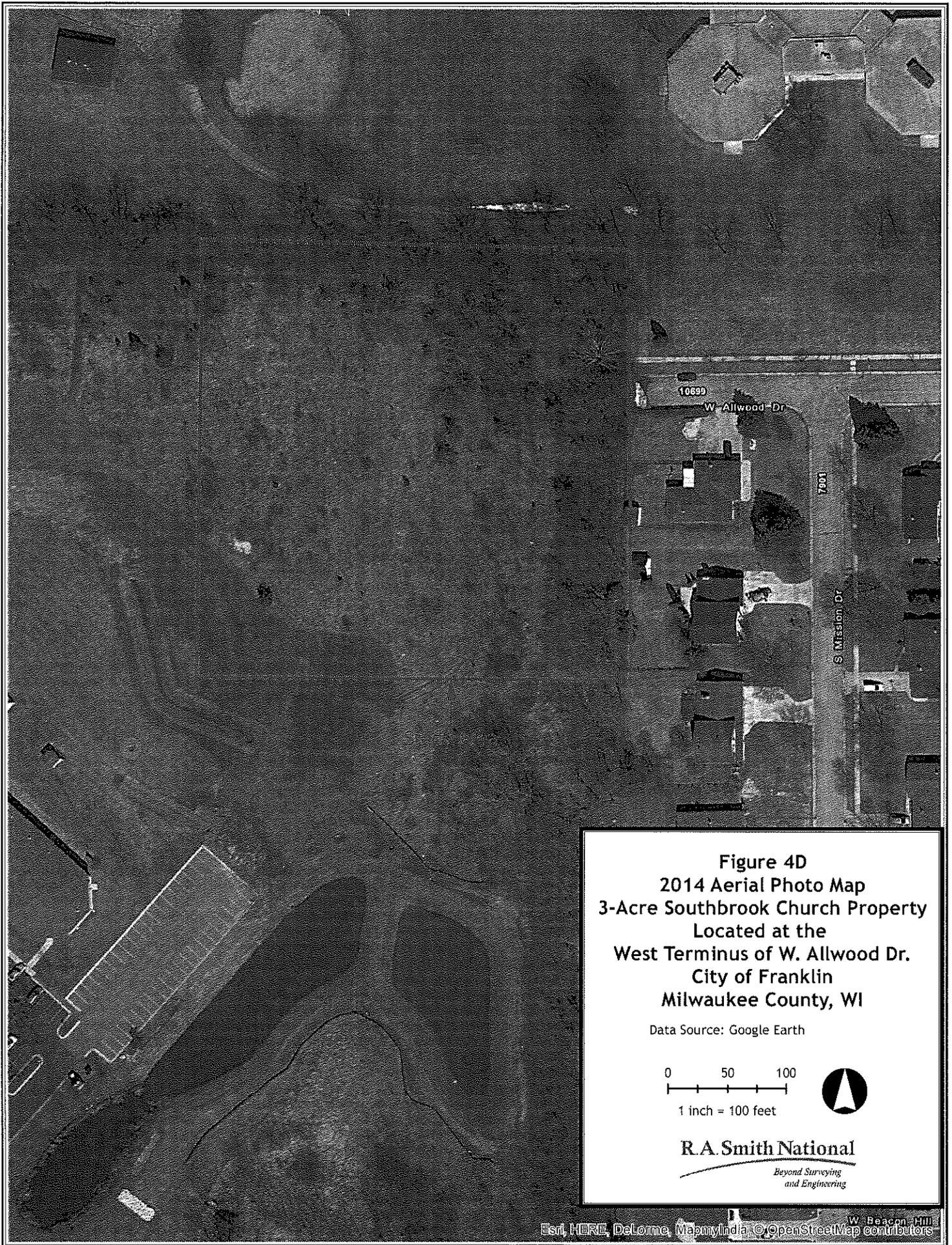


Figure 4D
2014 Aerial Photo Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source: Google Earth

0 50 100
1 inch = 100 feet



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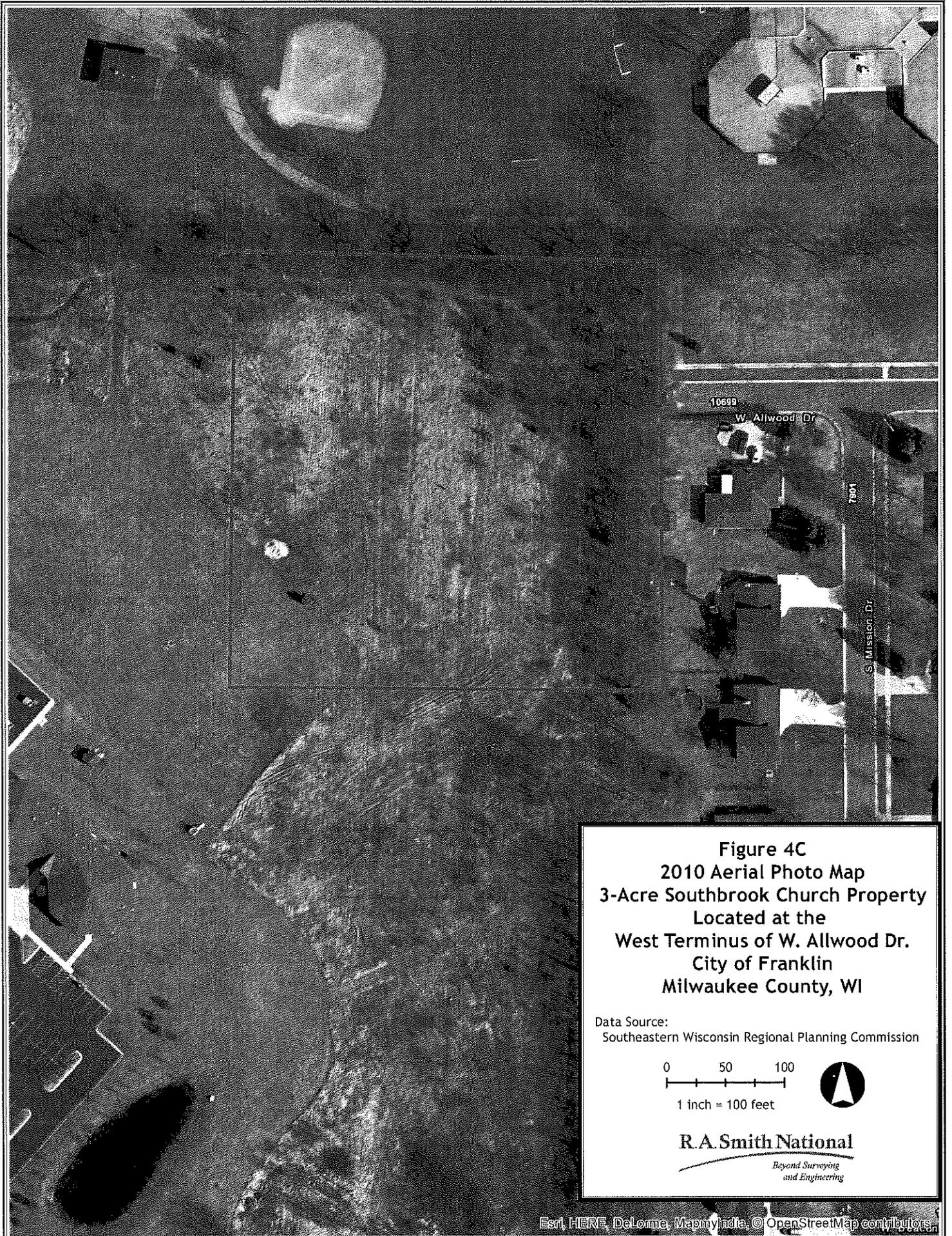
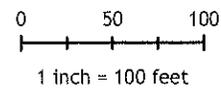


Figure 4C
2010 Aerial Photo Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
Southeastern Wisconsin Regional Planning Commission



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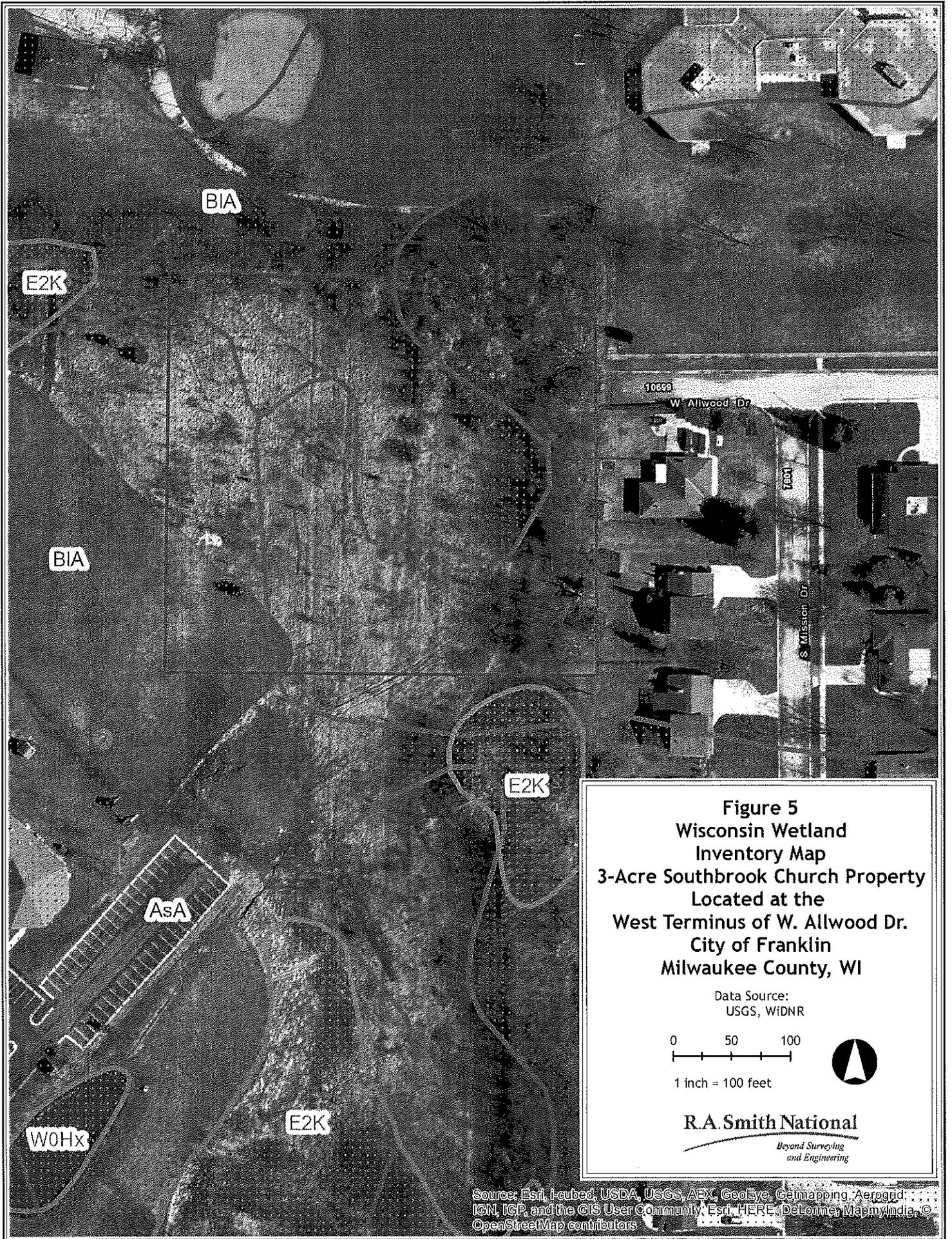
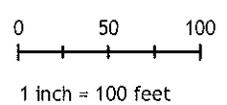


Figure 5
Wisconsin Wetland
Inventory Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
 USGS, WiDNR



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Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, GeoMapping, AeroGRID, IGN, IGP, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

Milwaukee/Sullivan, WI (MKX): Current 90-Day Departure from Normal Precipitation
Valid at 4/17/2015 1200 UTC- Created 4/17/15 14:32 UTC

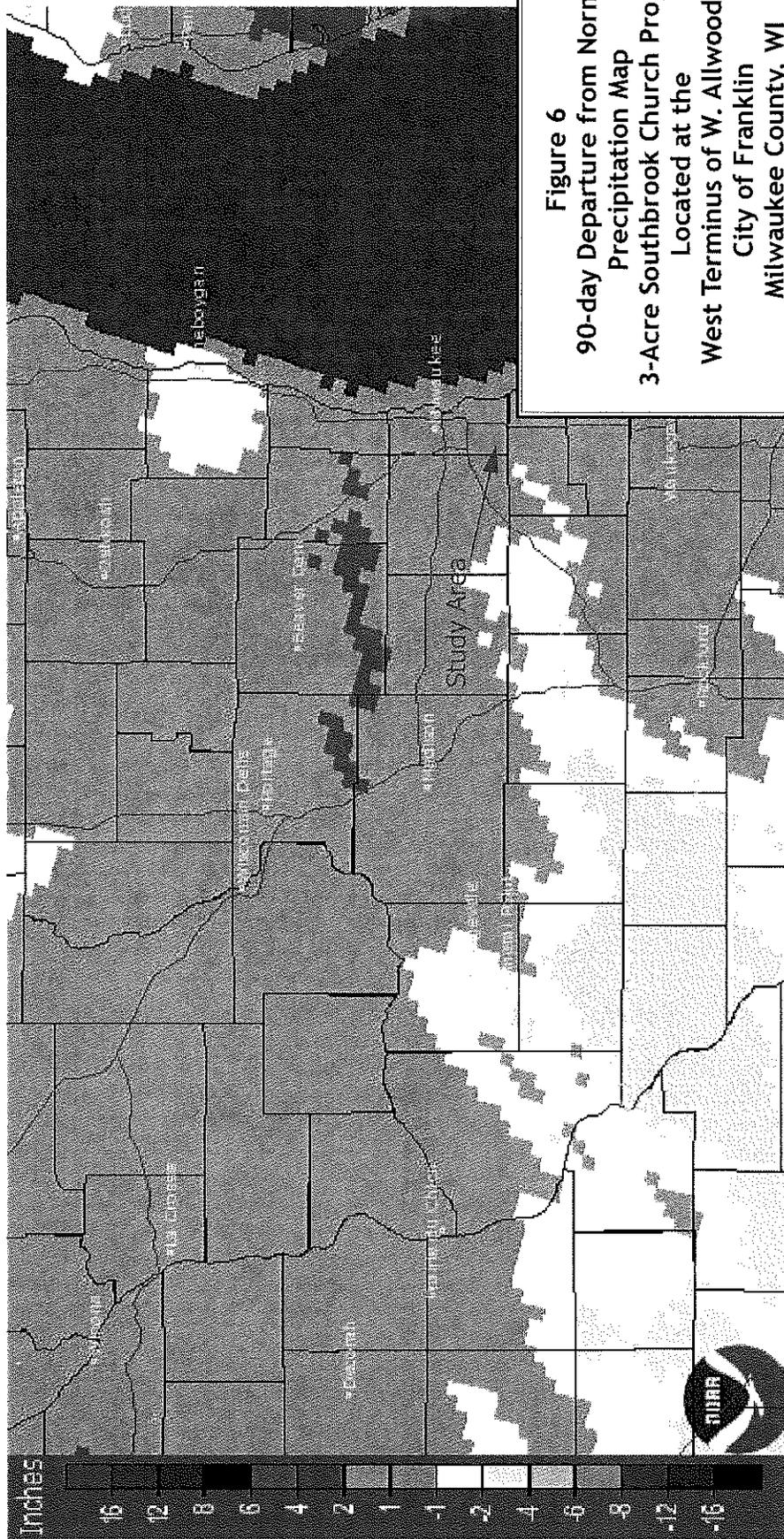


Figure 6
90-day Departure from Normal
Precipitation Map
Located at the
3-Acre Southbrook Church Property
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
USGS, NOAA/NCEP/Climate Prediction Center website



NOT TO SCALE

R.A. Smith National
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and Engineering*

The project area falls within
1" to -1" of the normal
precipitation range.

Appendix 2:

**WETS Table Analysis, NRCS WETS Table & Daily Precipitation
Table**

WETS Analysis Worksheet

Project Name: 3-Acre Southbrook Church Property
 Project Number: 1150288
 Period of interest: January through March, 2015
 County: Milwaukee

Long-term rainfall records (from WETS table)

	Month	3 years in 10 less than	Normal	3 years in 10 greater than
1st month prior:	March	1.58	2.59	3.14
2nd month prior:	Feb	0.93	1.65	2.01
3rd month prior:	Jan	1.18	1.85	2.23
		Sum =	6.09	

*Normal precipitation with 30% to 70% probability of occurrence

**Condition value:

Dry = 1
 Normal = 2
 Wet = 3

***If sum is:

6 to 9 then period has been drier than normal
 10 to 14 then period has been normal
 15 to 18 then period has been wetter than normal

Site determination

Site Rainfall (in)	Condition Dry/Normal*/Wet	Condition** Value	Month Weight	Product
0.71	Dry	1	3	3
0.99	Normal	2	2	4
0.73	Dry	1	1	1
2.43			Sum*** =	8

Determination:

Wet
 X Dry
 Normal

Precipitation data source:

WETS Table: Milwaukee Mitchell AP, WI8939, Milwaukee County, WI and Monthly Data for Hales Corners Whitnall

Reference:

Donald E. Woodward, ed. 1997. *Hydrology Tools for Wetland Determination*, Chapter 19. Engineering Field Handbook. U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, TX.

WETS Table.txt

WETS Table

USDA Field Office Climate Data

WETS Station : MILWAUKEE MITCHELL AP, WI839 Creation Date: 06/22/2015
 Latitude: 4257 Longitude: 08754 Elevation: 00670
 State FIPS/County(FIPS): 55079 County Name: Milwaukee
 Start yr. - 1971 End yr. - 2000

Month	Temperature (Degrees F.)			Precipitation (Inches)				
	avg daily max	avg daily min	avg	avg	30% chance will have		avg # of days w/.1 or more	avg total snow fall
					less than	more than		
January	28.0	13.4	20.7	1.85	1.18	2.23	5	15.5
February	32.5	18.3	25.4	1.65	0.93	2.01	4	11.3
March	42.6	27.3	34.9	2.59	1.58	3.14	6	7.2
April	53.9	36.4	45.2	3.78	2.78	4.45	7	2.6
May	66.0	46.2	56.1	3.06	1.80	3.71	6	0.1
June	76.3	56.3	66.3	3.56	2.34	4.28	6	0.0
July	81.1	62.9	72.0	3.58	2.40	4.28	6	0.0
August	79.1	62.1	70.6	4.03	2.80	4.79	7	0.0
September	71.9	54.1	63.0	3.30	1.56	4.03	6	0.0
October	60.2	42.6	51.4	2.49	1.52	3.02	5	0.4
November	45.7	31.0	38.4	2.70	1.69	3.26	6	3.6
December	33.1	19.4	26.2	2.22	1.29	2.70	6	11.7
Annual	-----	-----	-----	-----	31.97	37.28	--	-----
Average	55.9	39.2	47.5	-----	-----	-----	--	-----
Average	-----	-----	-----	34.81	-----	-----	70	52.3

GROWING SEASON DATES

Probability	Temperature		
	24 F or higher	28 F or higher	32 F or higher
	Beginning and Ending Dates Growing Season Length		
50 percent *	4/ 1 to 11/ 9 221 days	4/12 to 10/29 199 days	4/24 to 10/17 176 days
70 percent *	3/29 to 11/12 228 days	4/ 8 to 11/ 2 207 days	4/19 to 10/22 185 days

* Percent chance of the growing season occurring between the Beginning and Ending dates.

JanDaily Data.txt

Daily Data

USDA Field Office Climate Data

HALES CORNERS WHITNALL (473391)

Observed Daily Data

Month: Jan 2015

Day	Max Temp	Min Temp	Avg Temp	GDD B50	GDD B40	Total Prcpn	New Snow	Snow Depth
1	19	0	9.5	0	0	0.00	0.0	0
2	30	12	21.0	0	0	0.00	0.0	0
3	33	13	23.0	0	0	0.13	0.8	2
4	35	26	30.5	0	0	0.24	3.0	3
5	28	-10	9.0	0	0	0.02	2.5	3
6	3	-9	-3.0	0	0	0.08	0.5	5
7	12	-6	3.0	0	0	0.00	0.0	5
8	2	-10	-4.0	0	0	0.00	0.0	4
9	14	-6	4.0	0	0	0.12	4.0	7
10	7	-7	0.0	0	0	0.00	0.0	6
11	21	-4	8.5	0	0	0.00	0.0	6
12	32	12	22.0	0	0	0.00	0.0	6
13	19	10	14.5	0	0	T	1.0	7
14	21	5	13.0	0	0	T	T	6
15	21	3	12.0	0	0	0.00	0.0	6
16	32	18	25.0	0	0	0.00	0.0	5
17	34	25	29.5	0	0	0.00	0.0	5
18	44	33	38.5	0	0	0.00	0.0	3
19	42	30	36.0	0	0	0.00	0.0	2
20	35	18	26.5	0	0	0.03	0.1	T
21	34	26	30.0	0	0	0.02	0.1	T
22	31	24	27.5	0	0	T	T	T
23	35	24	29.5	0	0	0.00	0.0	T
24	33	24	28.5	0	0	0.00	0.0	T
25	42	25	33.5	0	0	T	T	T
26	27	10	18.5	0	0	T	T	T
27	27	13	20.0	0	0	0.09	0.6	1
28	33	15	24.0	0	0	0.00	0.0	0
29	35	19	27.0	0	0	T	0.0	T
30	35	13	24.0	0	0	0.00	0.0	0
31	30	13	21.5	0	0	0.00	0.0	0

Smry 27.3 11.6 19.4 0 0 0.73 12.6 2.6
 Product generated by ACIS - NOAA Regional Climate Centers.

FebDaily Data.txt

Daily Data

USDA Field office Climate Data

HALES CORNERS WHITNALL (473391)

Observed Daily Data

Month: Feb 2015

Day	Max Temp	Min Temp	Avg Temp	GDD B50	GDD B40	Total Prcpn	New Snow	Snow Depth
1	37	22	29.5	0	0	0.40	2.8	3
2	25	7	16.0	0	0	0.41	7.2	10
3	18	1	9.5	0	0	0.00	0.0	10
4	22	3	12.5	0	0	0.11	0.8	11
5	20	-9	5.5	0	0	0.00	0.0	11
6	17	-8	4.5	0	0	0.00	0.0	10
7	32	11	21.5	0	0	0.00	0.0	9
8	43	22	32.5	0	0	0.00	0.0	7
9	35	19	27.0	0	0	T	T	8
10	30	15	22.5	0	0	T	T	8
11	32	23	27.5	0	0	T	T	7
12	34	4	19.0	0	0	0.00	0.0	7
13	16	-2	7.0	0	0	0.00	0.0	7
14	21	0	10.5	0	0	0.00	0.0	7
15	12	-7	2.5	0	0	0.00	0.0	7
16	17	-5	6.0	0	0	T	T	7
17	19	2	10.5	0	0	T	T	7
18	18	0	9.0	0	0	T	T	6
19	7	-11	-2.0	0	0	0.00	0.0	6
20	5	-15	-5.0	0	0	0.00	0.0	6
21	20	-2	9.0	0	0	0.01	T	6
22	30	10	20.0	0	0	0.00	0.0	6
23	16	-10	3.0	0	0	0.00	0.0	7
24	13	-7	3.0	0	0	0.00	0.0	7
25	33	-1	16.0	0	0	0.00	0.0	7
26	25	5	15.0	0	0	0.06	1.5	8
27	12	-5	3.5	0	0	0.00	0.0	8
28	19	-10	4.5	0	0	0.00	0.0	8

Smry 22.4 1.9 12.1 0 0 0.99 12.3 7.5

Product generated by ACIS - NOAA Regional Climate Centers.

MarchDaily Data.txt

Daily Data

USDA Field Office Climate Data

HALES CORNERS WHITNALL (473391)
 Observed Daily Data
 Month: Mar 2015

Day	Max Temp	Min Temp	Avg Temp	GDD B50	GDD B40	Total Prcpn	New Snow	Snow Depth
1	22	-7	7.5	0	0	T	T	8
2	30	9	19.5	0	0	0.00	0.0	8
3	32	14	23.0	0	0	0.15	0.9	9
4	32	12	22.0	0	0	0.14	1.0	10
5	22	-2	10.0	0	0	0.00	0.0	9
6	18	-3	7.5	0	0	0.00	0.0	9
7	29	-3	13.0	0	0	0.00	0.0	9
8	47	20	33.5	0	0	0.00	0.0	7
9	46	25	35.5	0	0	0.00	0.0	5
10	52	27	39.5	0	0	0.00	0.0	T
11	55	31	43.0	0	3	0.00	0.0	T
12	56	25	40.5	0	1	0.00	0.0	0
13	52	28	40.0	0	0	0.00	0.0	0
14	66	31	48.5	0	9	0.00	0.0	0
15	58	25	41.5	0	2	0.00	0.0	0
16	62	25	43.5	0	4	0.00	0.0	0
17	71	32	51.5	2	12	0.00	0.0	0
18	46	23	34.5	0	0	0.00	0.0	0
19	52	22	37.0	0	0	0.00	0.0	0
20	45	27	36.0	0	0	0.00	0.0	0
21	56	31	43.5	0	4	0.00	0.0	0
22	47	26	36.5	0	0	0.00	0.0	0
23	36	25	30.5	0	0	0.06	0.7	1
24	36	15	25.5	0	0	0.08	0.0	0
25	41	23	32.0	0	0	0.27	0.0	0
26	43	32	37.5	0	0	0.00	0.0	0
27	38	17	27.5	0	0	T	T	0
28	32	11	21.5	0	0	0.00	0.0	0
29	40	21	30.5	0	0	0.00	0.0	0
30	41	30	35.5	0	0	0.01	0.0	0
31	59	30	44.5	0	5	T	0.0	0

Smry 43.9 20.1 32.0 2 40 0.71 2.6 2.4
 Product generated by ACIS - NOAA Regional Climate Centers.

AprilDaily Data.txt

Daily Data

USDA Field Office Climate Data

HALES CORNERS WHITNALL (473391)

Observed Daily Data

Month: Apr 2015

Day	Max Temp	Min Temp	Avg Temp	GDD B50	GDD B40	Total Prcpn	New Snow	Snow Depth
1	59	28	43.5	0	4	0.00	0.0	0
2	65	30	47.5	0	8	0.12	0.0	0
3	56	44	50.0	0	10	T	0.0	0
4	50	23	36.5	0	0	0.00	0.0	0
5	58	28	43.0	0	3	0.00	0.0	0
6	55	28	41.5	0	2	0.00	0.0	0
7	51	32	41.5	0	2	0.02	0.0	0
8	45	36	40.5	0	1	0.38	0.0	0
9	42	36	39.0	0	0	0.98	0.0	0
10	55	35	45.0	0	5	1.82	0.0	0
11	57	34	45.5	0	6	0.10	0.0	0
12	64	36	50.0	0	10	0.00	0.0	0
13	69	41	55.0	5	15	0.03	0.0	0
14	66	33	49.5	0	10	0.00	0.0	0
15	68	34	51.0	1	11	0.00	0.0	0
16	62	38	50.0	0	10	0.00	0.0	0
17	67	45	56.0	6	16	0.00	0.0	0
18	78	42	60.0	10	20	0.00	0.0	0
19	57	41	49.0	0	9	0.00	0.0	0
20	65	43	54.0	4	14	0.54	0.0	0
21	50	37	43.5	0	4	T	0.0	0
22	45	31	38.0	0	0	0.00	0.0	0
23	44	26	35.0	0	0	0.00	0.0	0
24	53	25	39.0	0	0	0.00	0.0	0
25	57	29	43.0	0	3	0.17	0.0	0
26	45	32	38.5	0	0	0.00	0.0	0
27	58	35	46.5	0	7	0.00	0.0	0
28	57	36	46.5	0	7	0.00	0.0	0
29	56	32	44.0	0	4	0.00	0.0	0
30	61	32	46.5	0	7	0.00	0.0	0

Smry 57.2 34.1 45.6 26 188 4.16 0.0 0.0

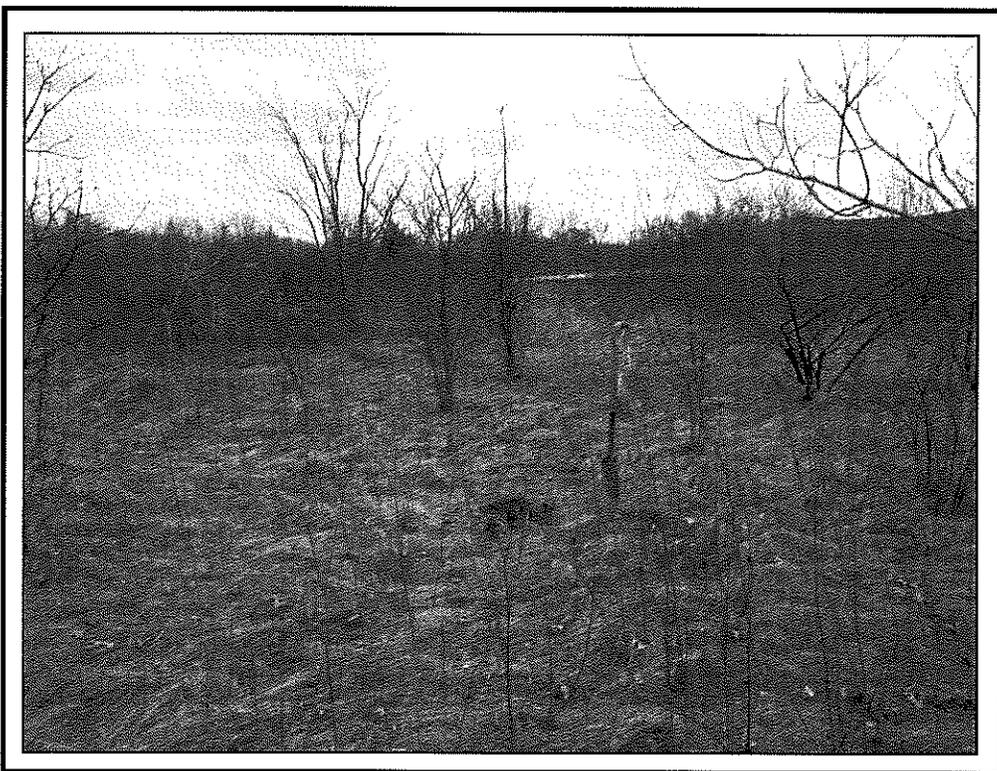
Product generated by ACIS - NOAA Regional Climate Centers.

Appendix 3:

Site Photographs



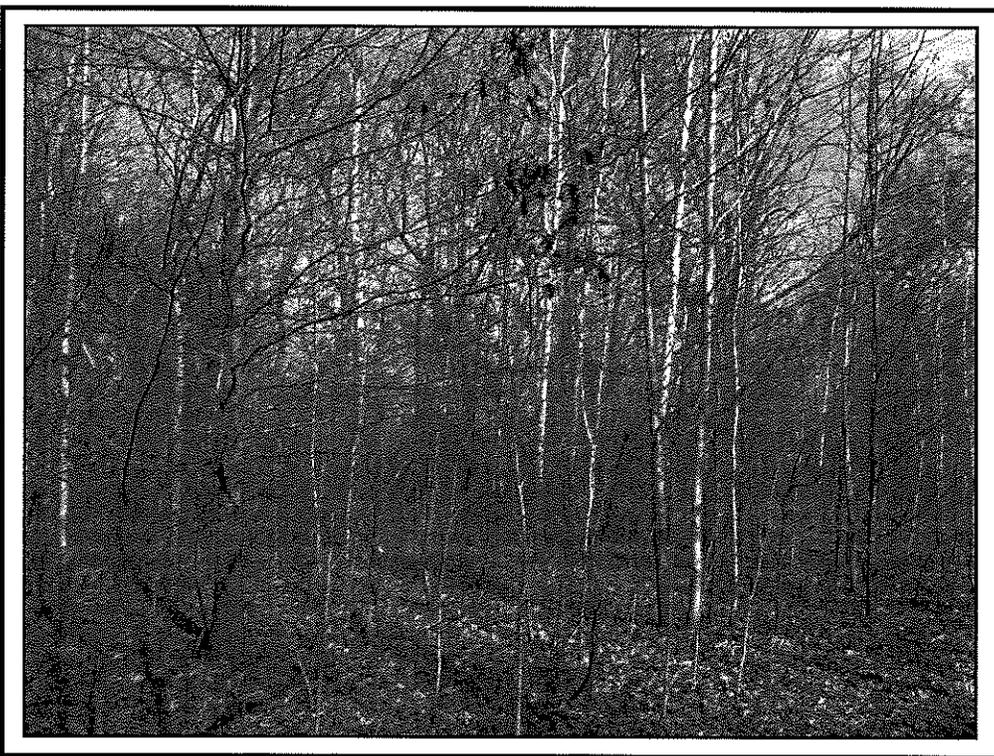
Photograph 1 (4/17/15): View of upland data point DP-1 which was located within a mapped Blount silt loam soil unit.



Photograph 2 (4/17/15): View of upland data point DP-2 which was located within a mapped Ashkum silty clay loam soil unit.



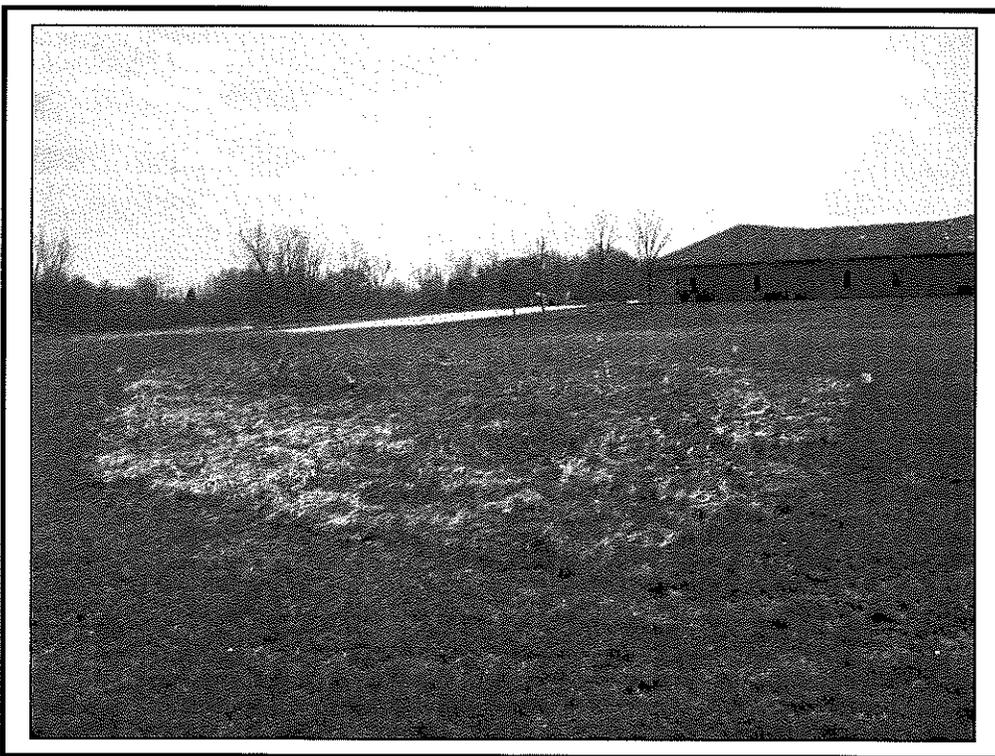
Photograph 3 (4/17/15): General view of the upland scrub shrub plant community within the majority of the site.



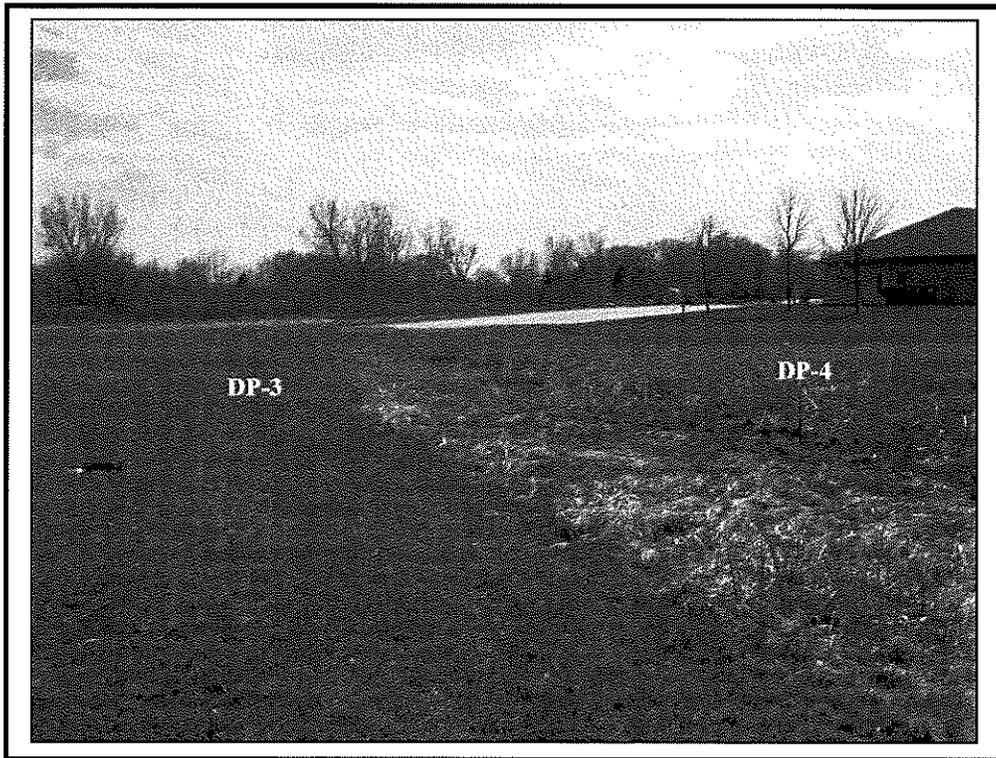
Photograph 4 (4/17/15): General view of the upland woods in the northeast corner of the site.



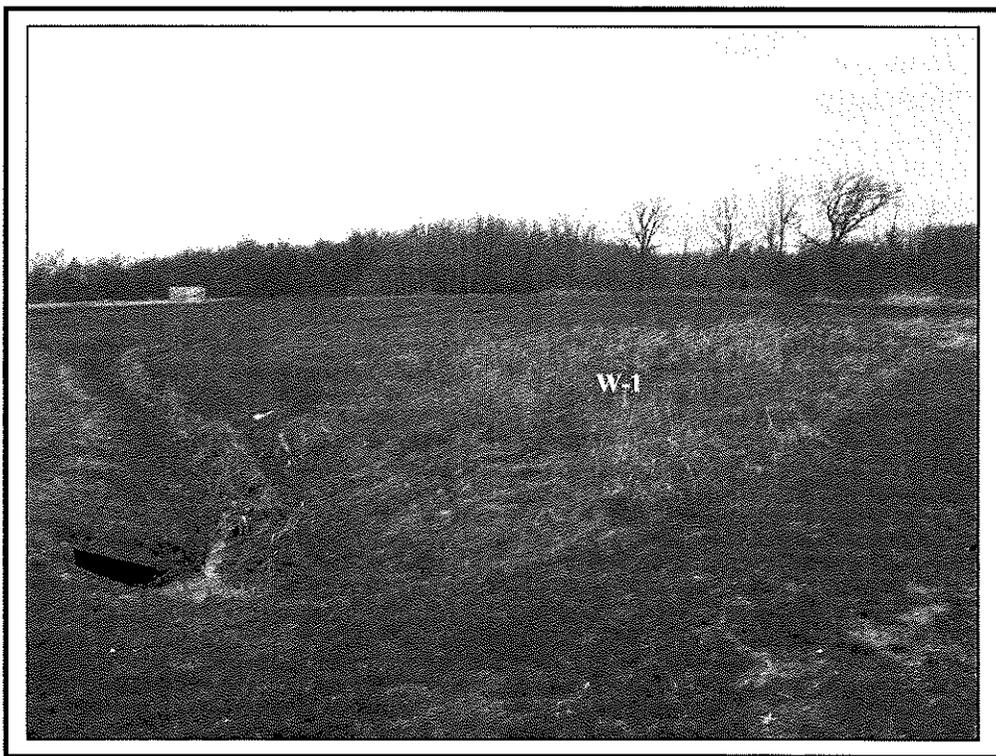
Photograph 5 (4/17/15): Bud burst indicating growing season conditions.



Photograph 6 (4/17/15): General view of wetland W-1 which appears to have recently formed due to the recent construction of a stormwater conveyance ditch in this area.



Photograph 7 (4/17/15): South facing view of W-1 with upland data point DP-3 on the left side of the boundary and wetland data point DP-4 on the right.



Photograph 8 (4/17/15): West facing view of the newly constructed stormwater conveyance ditch which is adjacent to the newly developed W-1.

G.14
continued -