CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, AUGUST 6, 2015, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of July 23, 2015.

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

1. **CERTIFIED SURVEY MAP RECORDING TIMEFRAME UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Application by the City of Franklin to amend the Unified Development Ordinance text at Section 15-7.0705 and Section 15-9.0309G.2. to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER**.

2. **GENERAL OFFICE USE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Application by the City of Franklin to amend the Unified Development Ordinance to create a "General Office" use category in SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS under the category of "OTHER USES NOT CLASSIFIED UNDER SIC CODE" and to define such use category in Section 15-11.0103 SPECIFIC WORDS AND PHRASES. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

3. **SOUTHBROOK CHURCH EXPANSION.** Natural Resource Features Special Exception application by Southbrook Church, Inc. to permit filling within approximately 2,770 square feet (0.064 acres) of wetland; grading, paving and planting turf grass within approximately 11,326 square feet (0.26 acres) of wetland buffer and wetland setback; and grading and paving within approximately 14,810 square feet (0.34 acres) of mature woodlands and approximately17,424 square feet (0.40 acres) of wetland setback; on the Southbrook Church property, located at 11010 West St. Martins Road, zoned I-1 Institutional District (Tax Key Nos. 799-9967-003, 799-9967-004, 799-9967-005, 799-9967-006 and 799-9967-007); for the purposes of the current and future development of the Church, the installation of a fire lane and to provide for a trail on the property that the

City plans to develop. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER**.

4. **STARFIRE SYSTEMS, INC. PARKING LOT.** Natural Resource Features Special Exception application for Starfire Systems, Inc. (Malek Family Limited Partnership, owner), to permit grading and paving within approximately 1,393.92 square feet (0.032 acres) of wetland buffer and 2,352.2 square feet (0.054 acres) of wetland setback and onsite mitigation for the wetland buffer and wetland setback at a ratio of 1.5:1, for property located at 9825 South 54th Street, such property being zoned Planned Development District Number 18, in the Franklin Business Park, (Tax Key No. 899-0044-000), to allow for the installation of a parking lot for Starfire Systems, Inc. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER**.

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

1. **RAWSON PUB BAR/RESTAURANT WITH OUTDOOR ENTERTAINMENT/CONCERTS.** Rezoning and Special Use applications [continued from July 23, 2015 Plan Commission meeting] by Steven D. Schweitzer (property owner) (property currently zoned M-2 General Industrial District; application pending for rezoning to B-2 General Business District; drinking places require Special Use approval in the B-2 District), to allow for a bar/restaurant with outdoor entertainment/concerts business use, with applications-related site development to include construction of a building addition for a kitchen on the southeast corner of the existing Rawson Pub building, the addition of a shed at the south end of the pub parking lot and installation of a dumpster enclosure, upon property located at 5621 West Rawson Avenue; Tax Key No. 758-9990-000.

2. **PLEASANT VIEW ELEMENTARY SCHOOL BASKETBALL COURT ADDITION/RELOCATION.** Landscape Plan submitted by Franklin Public Schools for the review and approval of the Plan Commission and Common Council as required by the Natural Resource Special Exception approval by the Common Council on July 21, 2015, for property located at 4601 West Marquette Avenue, such property being zoned I-1 Institutional District (Tax Key No. 788-9980-000).

E. Adjournment

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

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

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional

information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:
Next Regular Plan Commission Meeting: August 20, 2015

City of Franklin unapproved
Plan Commission Meeting
July 23, 2015
Minutes

Call to Order and Roll Call

A. Mayor Steve Olson called the July 23, 2015 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Alderman Mark Dandrea and Commissioners David Fowler, Kevin Haley, Patricia Hogan, Scott Thinnes and City Engineer Glen Morrow. Also present were City Attorney Jesse Wesolowski, Planning Manager Joel Dietl and Senior Planner Nick Fuchs. In attendance was Alderwoman Janet Evans.

Approval of Minutes
Regular Meeting of July 9, 2015.

B.

1. Commissioner Hogan moved and Commissioner Thinnes seconded approval of the July 9, 2015 minutes of the Regular meeting of the Plan Commission as presented. On voice vote, Commissioner Fowler abstained. Alderman Dandrea and Commissioners Hogan, Thinnes, Haley and Morrow voted 'aye'. Motion carried.

Public Hearing Business Matters
RAWSON PUB BAR/RESTAURANT WITH OUTDOOR ENTERTAINMENT/CONCERTS.
Rezoning and Special Use applications by Steven D. Schweitzer (property owner) (property currently zoned M-2 General Industrial District; above application is for rezoning to B-2 General Business District; drinking places require Special Use approval in the B-2 District), to allow for a bar/restaurant with outdoor entertainment/concerts business use, with applications-related site development to include construction of a building addition for a kitchen on the southeast corner of the existing Rawson Pub building, the addition of a shed at the south end of the pub parking lot and installation of a dumpster enclosure, upon property located at 5621 West Rawson Avenue; Tax Key No. 758-9990-000.

C.

1. Planning Manager Dietl presented the application by Steven D. Schweitzer for Rezoning from M-2 General Industrial District to B-2 General Business District to bring the establishment into compliance with current zoning code.

Senior Planner Fuchs read the Official Notice of Public Hearing for the Rezoning of the property located at 5621 West Rawson Avenue in to the record. The Public Hearing was opened at 7:04 p.m. and closed at 7:05 p.m.

Commissioner Fowler made a motion to table the request to recommend approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from M-2 General Industrial District to B-2 General Business District. Seconded by Commissioner Hogan. On voice vote, all voted 'aye'. Motion carried to table the item.

Planning Manger Dietl presented the application for Special Use approval to allow for a bar/restaurant with outdoor entertainment/concerts business use, with site development to include construction of a building addition for a kitchen on the southeast corner of the existing Rawson Pub building, the addition of a shed at the south end of the pub parking lot and installation of a dumpster enclosure.

Item C.1. (continued)

Senior Planner Fuchs read the Official Notice of Public Hearing for the request for Special Use by Steven Schweitzer in to the record. The Public Hearing was opened at 7:07 p.m. and closed at 7:07 p.m.

Commissioner Hogan moved to table the request for recommendation to approve a resolution imposing conditions and restrictions for the approval of a Special Use to allow for a bar/restaurant with outdoor entertainment/concerts business use upon property located at 5621 West Rawson Avenue. Commissioner Haley seconded the motion. On voice vote, all voted 'aye'. Motion carried to table the item.

Business Matters **D.**

KAYLA'S PLAYGROUND OVERNIGHT CAMPING TO SECURE CONSTRUCTION SITE. Temporary Use application by the City of Franklin, for placement of a recreational vehicle and one other vehicle in the existing parking lot in Franklin Woods Nature Center Special Park, for overnight camping to provide 24 hour site security during the construction of Kayla's Playground at Franklin Woods Nature Center Special Park located at 3723 West Puetz Road, on property zoned P-1 Park District; Tax Key No. 854-9936-000.

1. Planning Manager Dietl presented the application for Temporary Use by the City of Franklin for property located at 3723 West Puetz Road.

Commissioner Morrow moved to approve a resolution imposing conditions and restrictions for the approval of a Temporary Use for overnight camping to provide site security during construction of Kayla's Playground upon property located at 3723 West Puetz Road (Franklin Woods Nature Center Special Park). Seconded by Commissioner Hogan. On voice vote, all voted 'aye'. Motion carried (6-0-0).

FUTURE RETAIL DEVELOPMENT IN THE AREA OF SOUTH 76TH STREET AND WEST RAWSON AVENUE/WEST LOOMIS ROAD. City staff will present maps, plans and financial information for the development as were provided to the Common Council at its June 10, 2015 special meeting, for public information and consideration by the Plan Commission.

2. Senior Planner Fuchs provided information regarding the future retail development in the area of South 76th Street and West Rawson Avenue/West Loomis Road.

Discussion only. No action needed, none taken.

FUTURE MIXED-USE BUSINESS LIGHT INDUSTRIAL, COMMERCIAL, RESIDENTIAL AND NATURE CONSERVATION PUBLIC PARK DEVELOPMENT IN THE AREA OF WEST LOOMIS ROAD AND WEST RYAN ROAD. City staff will present maps, plans and financial information for the development as were provided to the Common Council at its June 10, 2015 special meeting, for public information and consideration by the Plan Commission.

3. Senior Planner Fuchs provided information regarding the future mixed-use business light industrial, commercial, residential and nature conservation public park development in the area of West Loomis Road and West Ryan Road.

Discussion only. No action needed, none taken.

FUTURE BUSINESS PARK DEVELOPMENT IN THE AREA OF SOUTH 27TH STREET AND WEST COUNTY LINE ROAD. City staff will present maps, plans and financial information for the development as were provided to the Common Council at its June 10, 2015 special meeting, for public information and consideration by the Plan Commission.

4. Senior Planner Fuchs provided information regarding the future business park development in the area of South 27th Street and West County Line Road.

Discussion only. No action needed, none taken.

Adjournment

E. Commissioner Haley moved and Commissioner Hogan seconded to adjourn the Plan Commission meeting of July 23, 2015 at 8:07 p.m. All voted 'aye'; motion carried.

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of August 6, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a certified survey map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes.

Project Name:	Amendment to timeframe for recording of Certified Survey Maps
Project Address:	N/A
Applicant:	City of Franklin
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to amend the recording timeframe requirements for Certified Survey Maps

INTRODUCTION:

At their July 7, 2015 meeting, the Common Council approved a request from the Department of City Development to initiate a proposed amendment to the Unified Development Ordinance to modify timeframe requirements for recording a Certified Survey Map with the Milwaukee County Register of Deeds following Common Council approval.

As such, Department of City Development staff completed a Unified Development Ordinance Text Amendment Application and published a public hearing notice accordingly to solicit comment on this matter from the public and the Plan Commission.

PROJECT DESCRIPTION AND ANALYSIS:

Currently the Unified Development Ordinance requires a Certified Survey Map to be recorded with Milwaukee County within 30 days of Common Council approval per the UDO Sections below.

SECTION 15-7.0705 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving

agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

G. **Recordation.**

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.

2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within thirty (30) days of its last approval.

Staff is proposing a change due to the difficulty of meeting this requirement. Certified Survey Maps are often approved with conditions. CSM's may require follow up related to technical revisions and those revisions may require further staff review. CSM's also require the property owner's signatures, a bank or mortgage holder signature and City signatures prior to being mailed to the Milwaukee County Register of Deeds. If there are questions or any back and forth between the applicant and staff related to a condition of approval or any difficulty obtaining required signatures, the thirty-day requirement becomes difficult to meet.

Furthermore, at times CSM's are approved with conditions that go beyond the scope of technical requirements. These conditions are often difficult for an applicant to complete and staff review within thirty days of Common Council approval. For example, a CSM may be conditioned upon the City's consultant review of the Natural Resource Protection Plan. Recently, two CSM's have been approved with conditions that the applicant provides a bond or letter of credit or remove structures on the property prior to recording the CSM.

In addition, the thirty-day timeframe is not consistent with Wisconsin State Statute §236.34(2)(b)1., which states:

1. The certified survey map is offered for record within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map.

The thirty-day timeframe is also not consistent with the standard conditions of approval contained within the City's CSM approval resolution, which also utilizes a 180-day timeframe (see below).

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

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the

recording of the Certified Survey Map, certified by owner, [PROPERTY OWNER NAME], with the Office of the Register of Deeds for Milwaukee County.

STAFF RECOMMENDATION:

To be consistent with State Statutes, to allow for a reasonable amount of time for an applicant to address any required technical revisions or other conditions of approval, to allow for a final staff review prior to recording and time to obtain all necessary signatures, staff proposes that the Unified Development Ordinance be amended to allow a Certified Survey Map to be recorded consistent with the timeframes outlined by Wisconsin State Statutes, opposed to the current requirement of thirty days.

Therefore, City Development Staff recommends approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a certified survey map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

[Draft 7-23-15]

ORDINANCE NO. 2015-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-7.0705 AND SECTION 15-9.0309G.2. TO ALLOW A CERTIFIED SURVEY MAP TO BE RECORDED WITHIN 12 MONTHS AFTER THE DATE OF THE LAST APPROVAL OF THE MAP AND WITHIN 36 MONTHS AFTER THE DATE OF THE FIRST APPROVAL OF THE MAP, AS SET FORTH IN §236.34(2)(b)1. OF THE WISCONSIN STATUTES
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Section 15-7.0705 and Section 15-9.0309G.2. of the Unified Development Ordinance provide for the recordation timeframe for a Certified Survey Map; and

WHEREAS, the City of Franklin having applied for a text amendment to Section 15-7.0705 and Section 15-9.0309G.2. of the Unified Development Ordinance so as to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the 6th day of August, 2015 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council upon the recommendation of the Plan Commission having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: Section 15-7.0705 Recordation, of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to read as follows:

> The Certified Survey Map shall only be recorded with the Milwaukee County Register of Deeds within twelve (12) months after the date of the last approval and within thirty-six (36) months after the date of the first approval of the map by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

SECTION 2: Section 15-9.0309G.2. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to read as follows: "The Subdivider shall record the map with the Milwaukee County Register of Deeds within twelve (12) months after the date of its last approval and within thirty-six (36) months after the date of its first approval."

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015, by Alderman _____.

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 _____

SECTION 15-7.0704 CERTIFICATES

A. **Surveyor's Certification of Compliance with Ordinance.** The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Ordinance. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

B. **Owner's Certificate of Dedication of Streets and Other Public Areas.** The dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

SECTION 15-7.0705 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds within twelve (12) months after the date of the last approval and within thirty-six (36) months after the date of the first approval of the map ~~thirty (30) days of its approval~~ by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

DIVISION 15-7.0800 ARCHITECTURAL PLANS

SECTION 15-7.0801 GENERAL

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall erect any structure without first obtaining the approval of the Plan Commission or Architectural Review Board of the Architectural Plans as set forth in this Division. On matters that require zoning approval by the Plan Commission, the Plan Commission shall act as the Architectural Review Board, and the Plan Commission may request assistance of the Architectural Board.

SECTION 15-7.0802 PRINCIPLES AND STANDARDS OF REVIEW

The following principles and standards for architectural review are used by the Architectural Review Board in its review, approval or denial of the Architectural Review Application. These are also intended to be a design aid for builders and owners to use in the preparation of architectural plans. To implement this Ordinance, the following architectural review principles and guidelines are established:

A. **Building Scale and Mass.** The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

B. **Building Rooflines and Roof Shapes.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.

C. **Materials.** Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties.

construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent.

G. **Recordation.**

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.

2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within twelve (12) months after the date ~~thirty (30) days~~ of its last approval and within thirty-six (36) months after the date of its first approval.

H. **Copies**. The Subdivider shall file at least thirty (30) copies of the Certified Survey Map and its accompanying "Natural Resource Protection Plan" with the City Clerk for distribution to the Plan Commission, various City departments, and other affected agencies for their files as set forth under Section 15-9.0309(B).

SECTION 15-9.0310 LAND DIVISION VARIANCES

A. **Plan Commission May Waive or Modify Land Division Requirements of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of This Ordinance Upon Application.** Where, in the judgement of the Plan Commission, it would be inappropriate to apply literally the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper.

B. **Plan Commission Findings of Fact and Conditions.** No variance to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. **Exceptional Circumstances**.

(a) There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.

(b) Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.

2. **Preservation of Property Rights**. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

3. **Absence of Detriment**. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of August 6, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends approval of an ordinance to create a "General Office" use category in Section 15-3.0603 table of permitted and special uses in all nonresidential zoning districts under the category of "other uses not classified under SIC Code" and to define such use category in Section 15-11.0103 Specific Words and Phrases.

Project Name:	Creation of a general office use category
Project Address:	N/A
Applicant:	City of Franklin
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to create a general use office category

INTRODUCTION:

At their July 7, 2015 meeting, the Common Council approved a request from the Department of City Development to initiate a proposed amendment to the Unified Development Ordinance to create a General Office use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts.

As such, Department of City Development staff completed a Unified Development Ordinance Text Amendment Application and published a public hearing notice accordingly to solicit comment on this matter from the public and the Plan Commission.

PROJECT DESCRIPTION AND ANALYSIS:

Staff has on a number of occasions been contacted by business or property owners inquiring about the possibility of locating the office component of their business (or of a potential tenant's), in an existing building. As required by the UDO, before any such approval can be granted, staff must determine whether the proposed use is a permitted use, special use, or prohibited use within the subject zoning district. Furthermore, the UDO classifies such uses pursuant to the Standard Industrial Classification (SIC) codes, as identified in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts. However, these codes do not include a "General Office" use category. Rather, the UDO and SIC codes are categorized by industry type (such as plumbing contractor; household furniture construction, hardware wholesale, grocery stores retail, etc.).

As an example, an office for a plumber would have to be classified as a plumbing contractor under the requirements of the UDO, even if there was no construction, manufacturing, warehousing, or storage associated with the office use. And as a plumbing contractor, the UDO only allows that use as a permitted use in the M-1 zoning district, and as a special use in the B-2, B-4, B-5, OL-2, and L-1 zoning districts.

Staff would also note that the classification system utilized by the UDO and the SIC codes does not facilitate mixed uses within developments, as is encouraged by the City's Comprehensive Master Plan. Staff would further note that simple office uses would typically be compatible with all of the City's business-related zoning districts.

Therefore, Planning Department staff is requesting an amendment to the UDO to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts and define such use in Part 11 as:

> Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. **A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after August 27, 2015, when such office use addition or relocation occupies or shall occupy existing (as of August 27, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of August 27, 2015) building may be otherwise occupied by the legal nonconforming use, which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance**.

The text in bold in the definition above was added to address a situation that has come up recently regarding an automotive repair business use, Its All Good Auto Repair located at 10125 West Loomis Road. That property is zoned B-3 Community Business District and Its All Good Auto Repair is an existing legal nonconforming use. The business owner is proposing to relocate its office use into an adjacent building onsite and add a service bay where the office was previously located. Staff does not object to the proposed use or expansion and informed the business owners of existing process options. The B-3 District allows an auto repair use as a Special Use, so the business owners could apply for a Special Use Permit. The UDO also

contains a process for expanding a legal nonconforming use with Board of Zoning and Building Appeals and Common Council approval. The applicant has not submitted either application. Staff believes these to be viable options for this business to allow their expansion, and believes these process options are more appropriate than adding the text highlighted in bold to the General Office use definition.

Staff does not believe the additional text is necessary. A process is already in place for a legal nonconforming use to expand. Furthermore, legal nonconforming uses are already regulated by the UDO per the standards of Division 15-3.1000 Nonconforming Buildings, Structures, and uses.

In addition, staff would have a concern that there may be a legal nonconforming use, now or in the future, that has a very large office area and could potentially complete a significant expansion per the bolded language above. If such a business chose to relocate its offices, they could theoretically expand a use that may not be compatible to the surrounding area into that very large office space.

STAFF RECOMMENDATION:

To provide more flexibility within the City's zoning provisions, to facilitate mixed uses within more developments, and in recognition of the compatibility of office uses with business-related zoning districts, staff proposes that the Unified Development Ordinance be amended to include a new "General Office" use category and definition, which is envisioned at this time to be a permitted use in all of the City's business-related zoning districts (see attached draft materials).

Therefore, City Development Staff recommends approval of an ordinance to create a "General Office" use category in Section 15-3.0603 table of permitted and special uses in all nonresidential zoning districts under the category of "other uses not classified under SIC Code" and to define such use category in Section 15-11.0103 Specific Words and Phrases (excluding the additional text beginning with "A general office use includes the addition or relocation…").

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

[Draft 7-22-15]

ORDINANCE NO. 2015-____

ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO CREATE A "GENERAL OFFICE" USE CATEGORY IN SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS UNDER THE CATEGORY OF "OTHER USES NOT CLASSIFIED UNDER SIC CODE" AND TO DEFINE SUCH USE CATEGORY IN SECTION 15-11.0103 SPECIFIC WORDS AND PHRASES
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, the City of Franklin having applied for a text amendment to create a "General Office" use category in Section 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS under the category of "OTHER USES NOT CLASSIFIED UNDER SIC CODE" and to define such use category in Section 15-11.0103 SPECIFIC WORDS AND PHRASES; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to create a "General Office" use category in Section 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS under the category of "OTHER USES NOT CLASSIFIED UNDER SIC CODE" and to define such use category in Section 15-11.0103 SPECIFIC WORDS AND PHRASES, and having held a public hearing on the proposal on the 6th day of August, 2015 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: "OTHER USES NOT CLASSIFIED UNDER SIC CODE", is hereby amended as follows: add "General Office" use category to the "Standard Industrial Classification Title" column, and insert "P"

(Permitted Use) in all of the columns for the Districts listed in the Table.

SECTION 2: Section 15-11.0103 SPECIFIC WORDS AND PHRASES is hereby amended as follows: add "Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after August 27, 2015, when such office use addition or relocation occupies or shall occupy existing (as of August 27, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of August 27, 2015) building may be otherwise occupied by the legal nonconforming use, which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance."

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015, by Alderman _____.

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 _____

Table 15-3.0603 (continued)

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
	OTHER USES NOT CLASSIFIED UNDER SIC CODE																					
		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
	Assembly Places (Indoor, for more than 100 persons)											S										S
	Athletic Fields											P										P
	Band Shells (Indoor and Outdoor)											S										S
	Bicycle Trails (non-motorized)				P			P				P				P						P
	Boat Access Sites											P										P
	Boat Rental Sites											P										P
	Botanical Gardens											P										P
	Cabins or Cottages (rental)											S										S
	Campgrounds (Rental, for Recreational Vehicles)											S										S
	Camps											P										P
	Cemeteries																					
	Ch. 980 Stats. supervised release and crimes against children sex offender use																	S	S			
	Church or other Place of Worship																					
	Community Centers								P								S					
	Convenience Stores (without the dispensing of gasoline)	P	P	P	P	P	P	S/A	S	P	P	P	P	P	P	A	P	P	P			P
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S	S	S		S	S		S	S	S		S					S
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S				S												S
	Cross Country Ski Trails											P										P
	Cultural Centers								P								S					
	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Fairgrounds											S										S
	Firearm Ranges (Indoor)											S										
	Firearm Ranges (Outdoor)																					
	General Office	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P					P
	Golf Driving Ranges											S										S
	Gymnasiums											S										S
	Hiking Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
	Historic Monuments or Sites	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
	Ice Skating (Indoor)											S										S
	Ice Skating (Outdoor)											P										P
	Jogging Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
	Landfill/Disposal Uses																				S	
	Marinas											S										S
	Nature Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
	Nature Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
	Parks, Private											S										P
	Parks, Public										P	P										P
	Picnicking										P	P										P
	Playfields											P										P
	Playgrounds											P										P
	Private Clubhouses											S										P
	Racquetball Courts (Indoor)											S										S
	Racquetball Courts (Outdoor)											P										P
	Resorts											S										P
	Riding/Equestrian Trails											P										P
	Single-Family Detached Dwellings									P												
	Sledding, Skiing, Tobogganing											P										P
	Swimming Pools (Indoor)											S										P
	Swimming Pools (Outdoor)											P										P
	Tennis Courts (Indoor)											S										P
	Tennis Courts (Outdoor)										P	P										P
	Tot Lots										P	P										P
	Wildlife Sanctuaries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Footnotes: (a) No "Hotels and other Lodging Places" or like use as listed above, shall include any Ch. 980 Stats. supervised release and crimes against children sex offender use.

Odorous Matter. Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor Threshold Concentration. The lowest concentration of odorous matter which will produce an olfactory response in a human being as detected by a panel of healthy observers. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing and Material, 1957).

Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after August 27, 2015, when such office use addition or relocation occupies or shall occupy existing (as of August 27, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of August 27, 2015) building may be otherwise occupied by the legal nonconforming use, which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance..

Office, Home. (See definition of "Home Occupation" and Section 15-5.0802 of this Ordinance.)

Official Map. That document as described by Chapter 62.23(6) of the Wisconsin Statutes, as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.

Official Zoning Map. (See definition of "Zoning Map.")

Opacity. The degree of opaqueness of a bufferyard, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.

Open Sales Lot. Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, farm machinery and equipment, and for the storage of same prior to sale.

Open Space. Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by non- recreational buildings, roads, drives, public rights-of-way, or off-street parking areas for non- recreational uses. Land located within the yards or lots of residential and/or nonresidential properties is *not* considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

Open Space, Public. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.

Open Space Ratio (OSR). The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of August 6, 2015

Natural Resource Special Exception

Project Name:	Natural Resource Special Exception (NRSE) Request for Southbrook Church
Project Location:	11010 West St. Martins Road
Applicant:	Southbrook Church, Inc.
Existing Zoning:	I-1 Institutional District and R-3 Suburban/Estate Single-Family Residence District
Use of Surrounding Properties:	Areas of natural resource features and recreational to the north, single-family residential and institutional (school) to east, single-family residential, recreational and commercial to the south and single-family and institutional to the west.
2025 Comprehensive Plan:	Institutional, Residential and Areas of Natural Resource Features
Applicant Action Requested:	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception (NRSE)

INTRODUCTION:

Please note:

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

On June 29, 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. JSD Professional Services has provided a Natural Resource Protection Plan (NRPP) and R.A. Smith National has provided two Wetland Delineation Reports for the wetlands on the subject 19.81-acre property. R.A. Smith National conducted field assessments on July 23 and 24, 2012 and April 17, 2015 to identify and delineate natural resource features on the subject property. The submittal also included a Conservation Easement document. *Staff recommends the Conservation Easement be reviewed and approved by the Common Council, prior to issuance of an Occupancy Permit.*

The applicant is requesting approval of a Special Exception to Natural Resource Feature Provisions of the City of Franklin Unified Development Ordinance to fill 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 at the Southbrook Church Inc. property located at 11010 West St. Martins Road, as necessary for the current and future development of the Church, the installation of a fire lane, and to provide for a trail on the property that the City plans to develop.

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

BACKGROUND:

On January 26, 2015, the applicant submitted applications for a Site Plan Amendment, Certified Survey Map, Rezoning, Comprehensive Master Plan Amendment and Right-of-Way Vacation for the Southbrook Church property located at 11010 W. St. Martins Road. The proposed site modifications included an approximately 23,600 square foot addition to the church, new exterior lighting, a new dumpster enclosure and a new fire lane to provide 360-degree access to the church building and a future trail to be developed by the City of Franklin along the north side of the property. The proposed Certified Survey Map, Rezoning, Comprehensive Master Plan Amendment and Right-of-Way Vacation related to the four single-family residential lots located at the northeast corner of the subject area and are currently owned by Southbrook Church, Inc.

The Southbrook Church, Inc. property is approximately 19.81 acres or 863,325 square feet. Currently, the site consists of the existing 16,300 square foot church building, 304 off-street parking spaces, storm water ponds and a shed.

At the May 19, 2015, meeting of the Common Council the following action was approved, "motion to direct the City Engineer to return with a contract for engineering services for the Southbrook Church Trail, W. St. Martins Road to W. Allwood Drive (approximately 1,450 linear feet). As the City is taking steps to move forward with the Trail project, Staff recommended the applicant include the natural resource impacts associated with the trail in this NRSE Application.

The Southboork Church Site Plan Amendment, Rezoning, Comprehensive Master Plan Amendment, Certified Survey Map and Right of Way Vacation Applications were all approved by the City of Franklin as part of the church's proposed building expansion. However, Condition No. 6 of Resolution No. 2015-7070 (approving the CSM) states, "A Natural Resource Protection Plan that includes the four (4) residential properties adjacent to West Allwood Drive shall be submitted to the Department of City Development for review and approval by Staff, prior to issuance of a Building Permit.

On June 4, 2015, after receiving a revised NRPP, Staff signed-off on issuance of the Building Permit for Southbrook Church, Inc. subject to the following conditions of approval:

1. The applicant shall either receive Common Council approval of a Special Exception to Natural Resource Feature Provisions of the UDO and WDNR approval to fill the recently discovered wetland at the rear of the building addition, or develop the alternate fire lane as depicted on Sheet C2.0 City-file stamped June 1, 2015 on file in the Department of City Development.

2. The applicant shall obtain final approval from the Fire Department prior to construction of the alternate fire lane.

3. Silt fencing and orange construction fencing shall be installed and maintained at the edge of the 30-foot wetland buffer as depicted on Sheet C2.0 City-file stamped June 1, 2015 on file in the Department of City Development until such time as all approvals are obtained for filling of the subject wetland.

4. The applicant shall record the Certified Survey Map and Conservation Easement with the Milwaukee County Register of Deeds Office, prior to issuance of an Occupancy Permit.

At the July 22, 2015 meeting of the Environmental Commission, 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 the Plan Commission and Common Council prior to the commencement of work. The Environmental Commission's recommendation form is attached for your review.

PROJECT DESCRIPTION/ANALYSIS:

During an April 17, 2015 field delineation to update Southbrook's NRPP to include the four (4) residential properties adjacent to West Allwood Drive, Tina Myers of R.A. Smith National discovered a small wetland that had formed since the original NRPP was completed for the property in 2012. The subject wetland (W-1) straddles the property between Southbook Church and the Allwood Court Subdivision and is immediately north of a drainage ditch, which conveys stormwater from Southbrook's northwest parking lot to their stormwater pond in the southeast corner of the property. The applicant claims the wetland was man-made, basically an unintended consequence from grading associated with the church's parking lot and stomwater pond expansion in 2013. Filling of the wetland and the subsequent elimination of the associated wetland buffer and wetland setback will provide space for a future phase Worship Area, which is part of the Church's Master Plan, and make room for the fire lane proposed as part of the current church addition.

The applicant submitted a Wetland Exemption Application to the Wisconsin Department of Natural Resources (WDNR), which was denied. As such, the WDNR has claimed jurisdiction over the wetland the applicant is proposing to fill (W-1). According to the applicant, a General Fill Permit Application has been submitted to the WDNR. The WDNR's review of the General Fill Permit will be concurrent with the City's review of the NRSE Application. Staff does not believe a U.S. Army Corps of Engineers permit will be required for this project. *Staff recommends all required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.*

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

- Approximately 0.064 acres (2,770 square feet) of wetland;
- Approximately 0.26 acres (11,326 square feet) of wetland buffer;

- Approximately 0.40 acres (17,424 square feet) of wetland setback;

The applicant is also proposing to impact approximately 0.034 acres (14,810.4 square feet) of mature woodlands, which represents approximately 30% of the mature woodlands on the property. However, this impact is permitted, as the minimum 70% protection standard for the resource feature is still being met. Therefore, the woodland impact is not part of the Natural Resource Special Exception Request. The mature woodland impacts area associated with the trail project the Church is partnering with the City on. The proposed trail will link Robinwood Elementary School and St. Martins Neighborhood Park (owned by Milwaukee County) with St. Martins Road.

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

Alternatives:

The applicant did submit an alternate Site Plan, depicting an alternate route for the fire lane, which avoids any natural resource feature impacts. However, the Church does not wish to pursue this option, as the wetland would still impact their future phase Worship Area addition. Attached, please find a copy of the alternate Site Plan depicting the alternate fire lane route.

Mitigation:

The applicant is not proposing any mitigation as part of this request.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed Natural Resource Special Exception (NRSE), subject to the following conditions of approval:

- *The Conservation Easement shall be reviewed and approved by the Common Council, prior to the issuance of an Occupancy Permit.*
- *All required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.*

Draft 7/31/15

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): *but rather,*_____.

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

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

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

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

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: _____*; and*

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

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:_____.

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: _____.

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

4. Aesthetics:_____.

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

6. Proximity to and character of surrounding property: _____.

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

8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*

9. Natural features of the property: _____.

10. Environmental impacts:_____.

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

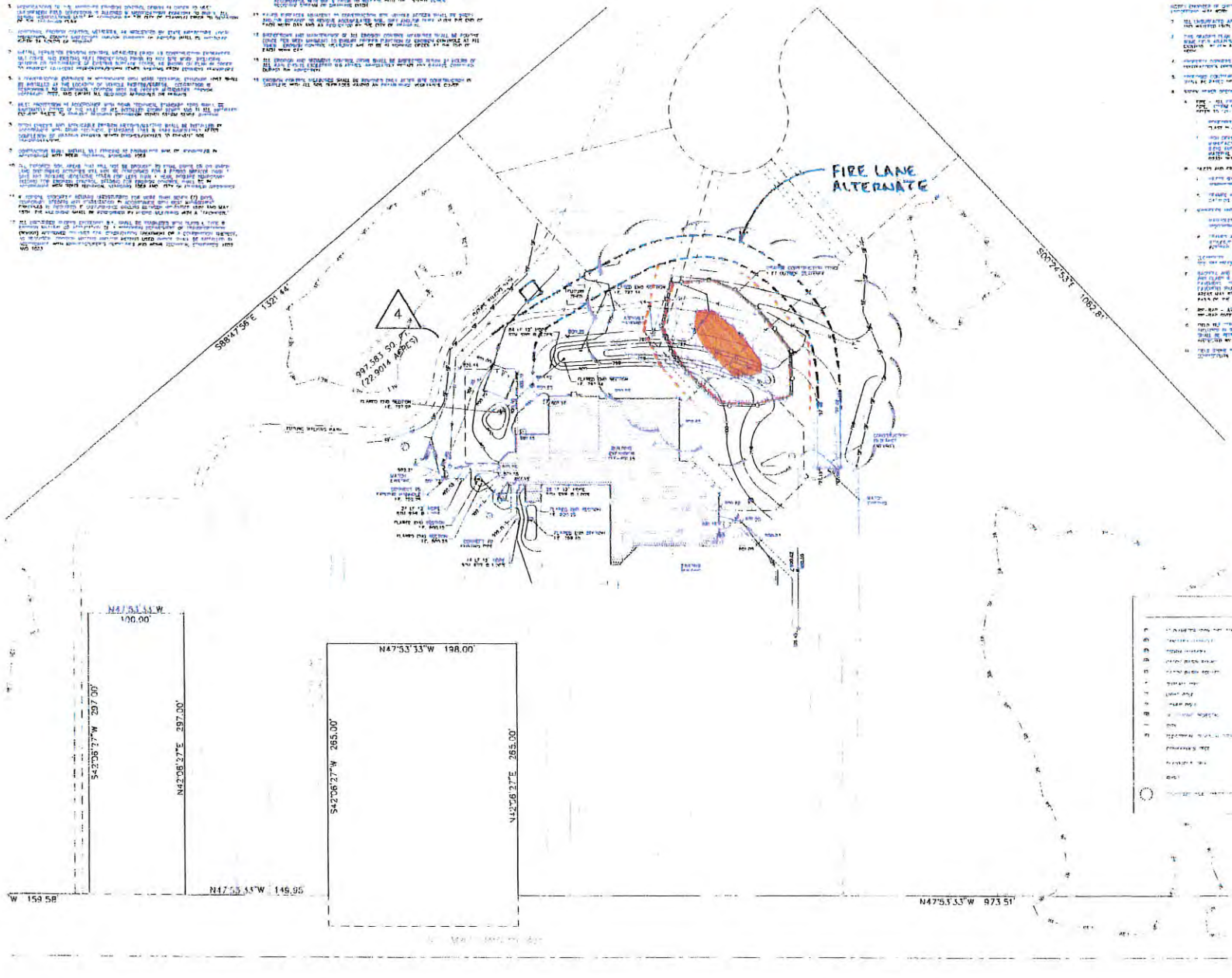
AYES _____ NOES _____ ABSENT _____

CONSTRUCTION SITE EROSION CONTROL

GRADING NOTES

EXHIBIT - WETLAND ALTERNATE

FIRE LANE ALTERNATE



CONSTRUCTION STAGING PLAN

LEGEND

GROTH DESIGN GROUP

JSD Professional Services, Inc.
• Engineers • Surveyors • Planners

- CIVIL ENGINEERING
- SURVEYING & MAPPING
- CONSTRUCTION SERVICES
- WATER RESOURCES
- PLANNING & PERMIT SUPPORT
- TRANSPORTATION ENGINEERING
- LANDSCAPE ARCHITECTURE

PROJECT

ADDITIONS AND ALTERATIONS TO.

SOUTHBROOK CHURCH

ISSUE

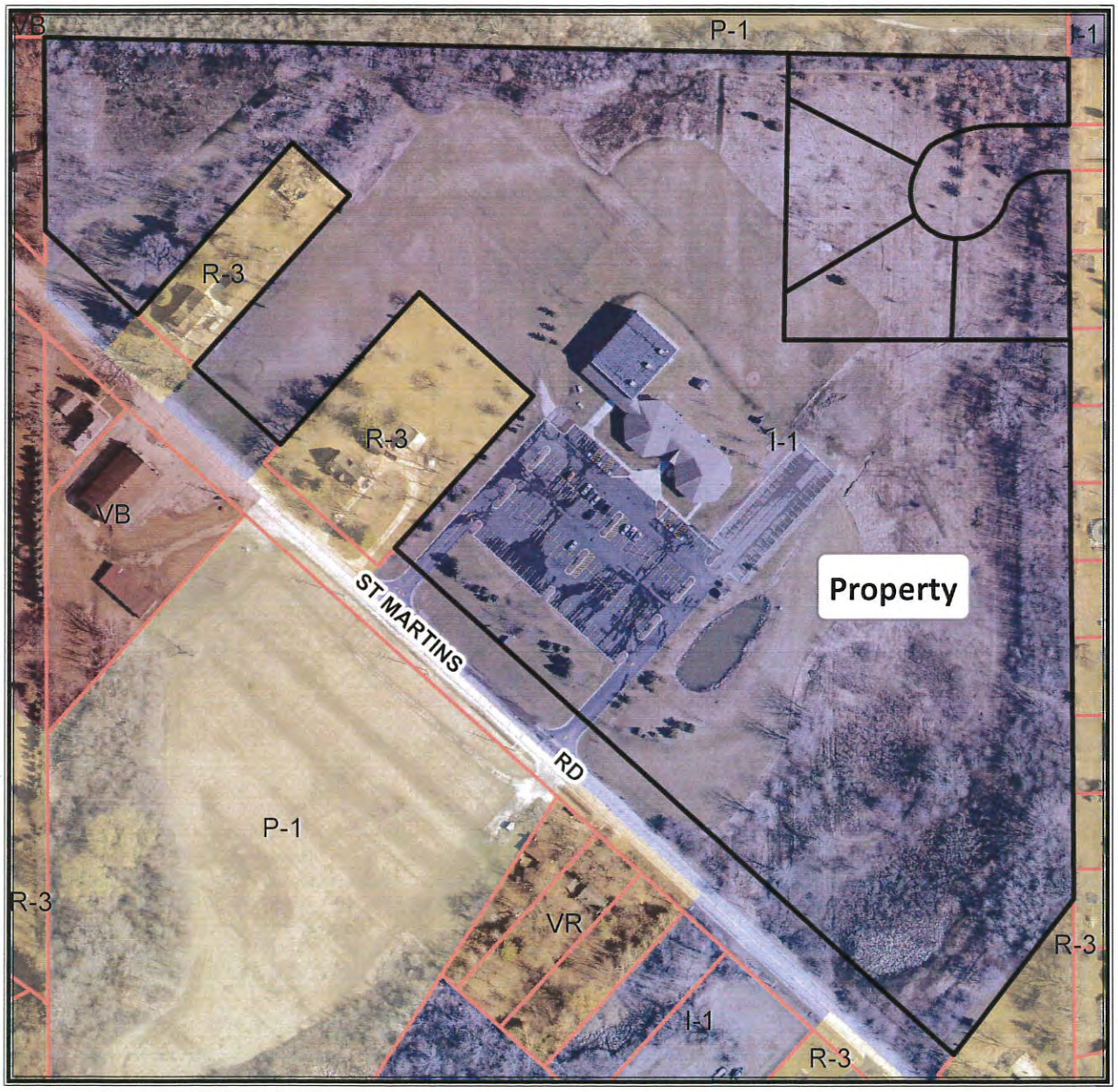
PROJECT INFO

SHEET TITLE

C2.0

City of Franklin

11010 W. St Martins Road
Southbrook Church



Planning Department
(414) 425-4024

0 125 250 500 Feet

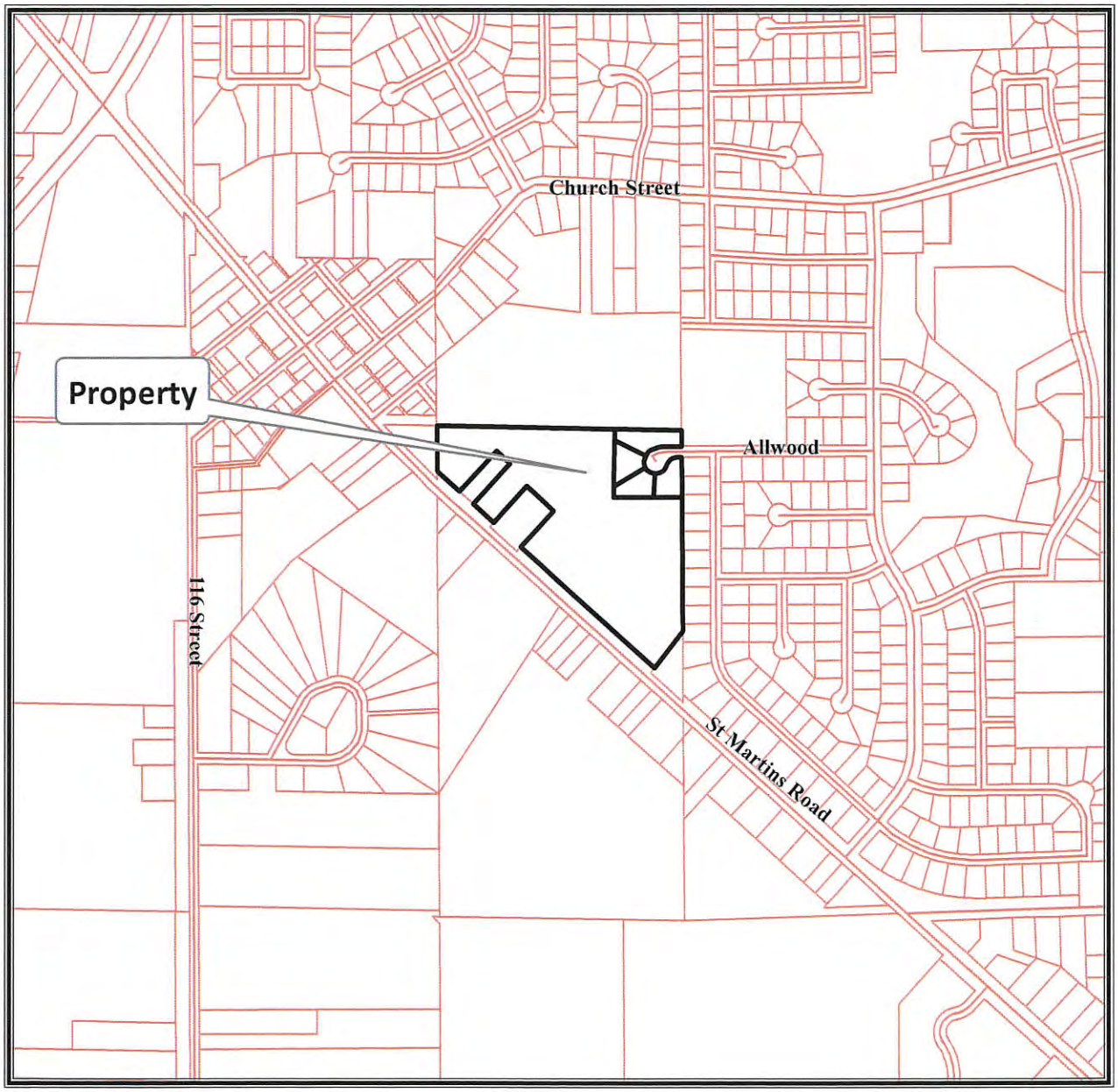
NORTH

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.

City of Franklin

11010 W. St. Martins Road



Planning Department
(414) 425-4024

0 500 1,000 2,000 Feet

NORTH

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.

City of Franklin Environmental Commission

TO:	Common Council
DATE:	July 31, 2015
RE:	Special Exception application review and recommendation
APPLICATION:	Southbrook Church, Inc. (David Hampson, Building Committee/property owner), Applicant, dated: July 15, 2015 (11010 West St. Martins Road)

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

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

   Special Exception requested from Sections 15-4.0102 and 15-4.0103 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 fill 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 at the Southbrook Church Inc. property located at 11010 West St. Martins Road.

3. Applicant's reason for 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 water main. This NRSE would also cover the construction of a walking path through wetland buffer/wetback and wooded areas by the City of Franklin (exact location TBD).

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

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). The applicant provided a 2012 Wetland Report for the property, which indicates the subject wetland (W-1) didn't exist during the Master Plan development.

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:

   No significant impact is anticipated. The majority of the wetlands on the property are being protected via a Conservation Easement.

3. Hydrologic functions:

   No significant impact anticipated. The subject wetland (W-1) is an isolated wetland.

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

   No significant Impact is anticipated.

5. Shoreline protection against erosion:

   No impact is anticipated.

6. Habitat for aquatic organisms:

   No impact is anticipated.

7. Habitat for wildlife:

   No impact is anticipated.

8. Human use functional value:

The proposed trail will increase the Human use functional value of the natural resources on the north side of the property by providing public access to the site within close proximity to those features. The proposed trail will allow church members and residents better views from which to enjoy the aesthetic qualities of the natural resource features.

9. Groundwater recharge/discharge protection:

   No significant impact is anticipated.

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

    The subject wetland (W-1) did not provide any aesthetic appeal, recreation, education or scientific value. However, the proposed trail is anticipated to have positive impacts on recreation for the neighborhood by providing an important connection for pedestrians and bicycles.

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:

    No impact. The Church 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:

    No impact. The Church property is not located within a Primary or Secondary Environmental Corridor as defined and mapped by SEWRPC. A portion of an Isolated Natural Area (wetland) is present along the north property line. However, the portion of the wetland on Southbrook's property will be completely protected by a Conservation Easement.

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 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.

Furthermore the location of the proposed trail and the minimal associated resource impacts are due to the desired connections the trail will provide and the unique space constraints of the site. Therefore, the conditions giving rise to this special exception were 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 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 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 impacts to natural resource features are minimal and 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: *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)*:

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 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 effects are anticipated.

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

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 Conservation Easement shall be reviewed and approved by the Common Council, prior to the issuance of an Occupancy Permit.
   b. All required approvals and permits from the Army Corps of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.
   c. Wetland disturbances shall be mitigated

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

Wesley Cannon, Chairman

Attest:

_____

Curtis Bolton, Vice-Chairman

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

City of Franklin

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

Date of Application: _____

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

***Applicant (Full Legal Name[s])*:**
Name: David Hampson (Building Committee)
Company: Southbrook Church
Mailing Address: 11010 W. St. Martins Road
City / State: Franklin Zip: 53132
Phone: 262-370-3900
Email Address: daveh@noram-clutch.com

Applicant is Represented by (contact person) (Full Legal Name[s]):
Name: Justin L. Johnson, P.E.
Company: JSD Professional Services, Inc.
Mailing Address: N22 W22931 Nancys Court
City / State: Waukesha Zip: 53186
Phone: (262) 531-0666
Email Address: justin.johnson@jsdinc.com

Project Property Information:
Property Address: 11010 W. St. Martins Road
Property Owner(s): Southbrook Church
Mailing Address: 11010 W. St. Martins Road
City / State: Franklin Zip: 53132
Email Address: daveh@noram-clutch.com

Tax Key Nos: 799-9967-003, 799-9967-004, 799-9967-005, 799-9967-006, 799-9967-007
Existing Zoning: I-1
Existing Use: Institutional
Proposed Use: Institutional
Future Land Use Identification: Institutional / Residential

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: http://www.franklinwi.gov/Home/ResourcesDocuments/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

- [X] This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- [X] Application Filing Fee, payable to City of Franklin: [X] $500
- [X] Legal Description for the subject property (WORD.doc or compatible format).
- [X] Seven (7) complete **collated** sets of Application materials to include:
  - [X] One (1) original and six (6) copies of a written Project Narrative.
  - [X] 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).*
  - [X] 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).*
  - [X] Four (4) **folded** reduced size (11"x17") copies of the Plat of Survey and Natural Resource Protection Plan.
- [X] Three copies of the Natural Resource Protection report, if applicable. (see Section 15-7.0103Q of the UDO).
- [X] 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.
- [X] 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)

Walter 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 posisble.

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 desireable.

(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, an 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

R.A. Smith National
Beyond Surveying and Engineering

16745 West Bluemound Road, Brookfield, Wisconsin 53005
(262) 781-1000

Table of Contents

Appendices

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.

16745 W. Bluemound Rd., Suite 200 • Brookfield, WI 53005 • (262) 781-1000 • Fax (262) 781-8466
Appleton, WI • Madison, WI • Naperville, IL • Orange County, CA • Pittsburgh, PA • rasmithnational.com

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 (BlA) $	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 the 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 storrmwater 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 quality as a wetland hydrology indictor. 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-1would 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.

REFERENCES

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

Lichvar, R.M. 2013. *The National Wetland Plant List:* 2013 wetland ratings. Phytoneuron 2013-49: 1-241

Munsell Color Corporation. 2010. *Munsell Soil Color Charts.*

Midwest Regional Climate Center. 2015. *Climate Data for Dane County, Wisconsin*. http://agacis.rccacis.org/55025/.

National Geographic Society. 2015. *USGS Topographic Map.* ArcGIS Online.

Natural Resource Conservation Service. 2014. *National Hydric Soils List.* National_Hydric_Soils_List_2014.xls.

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. *Web Soil Survey*. http://websoilsurvey.nrcs.usda.gov.

USACE. 2015. *Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources.* St. Paul District Regulatory, St. Paul, Minnesota.

USACE. 2012. "*Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*," ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

USACE. 2010. "*Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)*," ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), *National Hydric Soil List*.

USDA, NRCS. 2010. *Field Indicators of Hydric Soils in the United States*, Version 7.0. L.M. Vasilas, G.W. Hurt, and C.V. Noble (eds.). USDA, NRCS in cooperation with the National Technical Committee for Hydric Soils.

Wisconsin Department of Natural Resources. 2015. *Surface Water Data Viewer.* http://dnrmaps.wi.gov/sl/?Viewer=SWDV.

Wisconsin Department of Natural Resources, Wisconsin Coastal Management Program. 1995. *Basic Guide to Wisconsin Wetlands and Their Boundaries.* Madison, WI

Appendices

Appendix 1: Figures

Appendix 2: WETS Table Analysis, NRCS WETS Table & Daily Precipitation Table

Appendix 3: Site Photographs

Appendix 4: Wetland Determination Data Forms – Midwest Region

Appendix 5: NR 151 Wetland Susceptibility Table

Appendix 1: Figures

Figure 1: USGS Map/Site Location Map

Figure 2: Wetland Boundary Map

Figure 3: NRCS Soil Survey of Milwaukee County

Figures 4A-D: Aerial Photographs (2000, 2005, 2010 & 2014)

Figure 5: WWI Map

Figure 6: 90-day Departure from Normal Precipitation Map

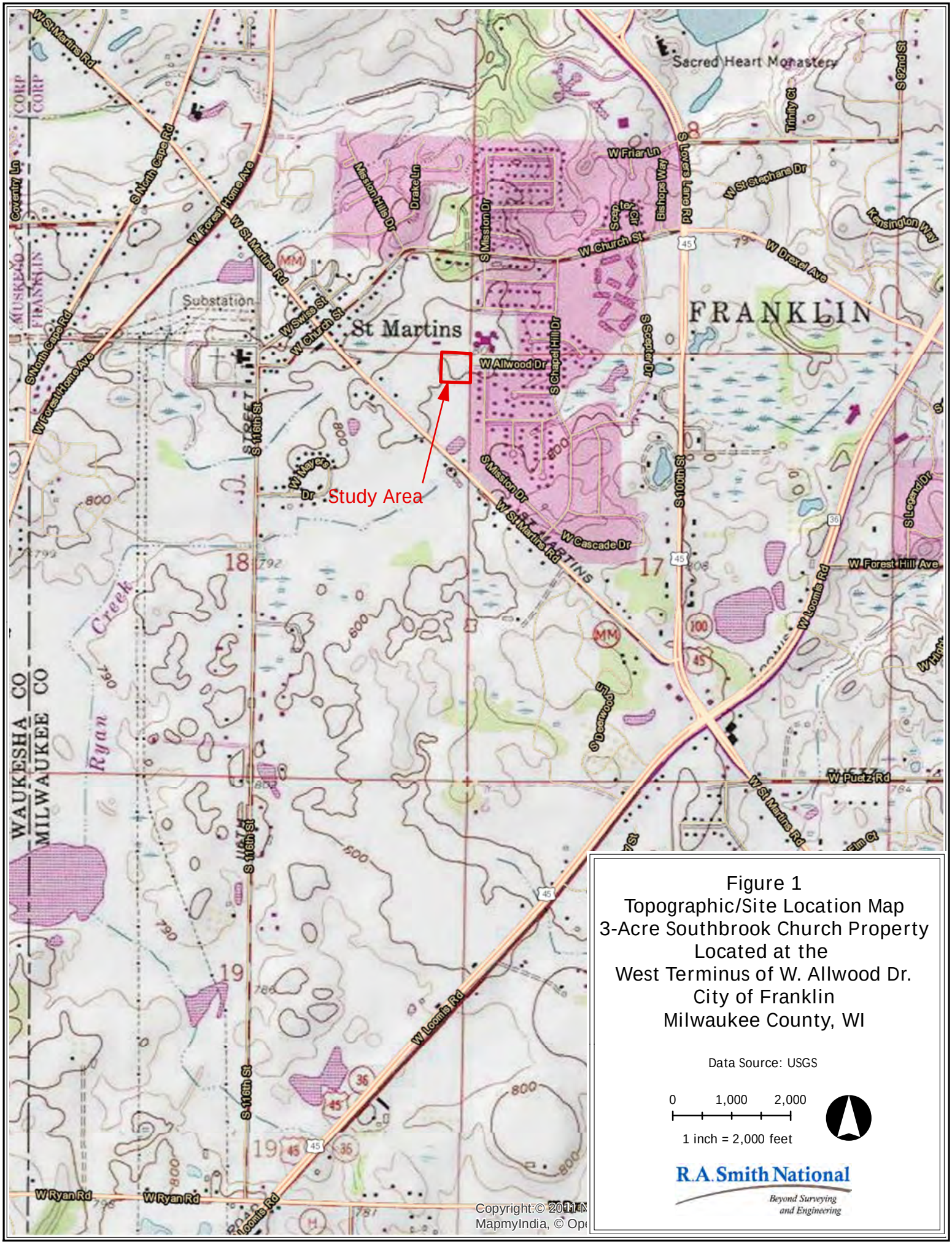


Figure 1
Topographic/Site Location Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

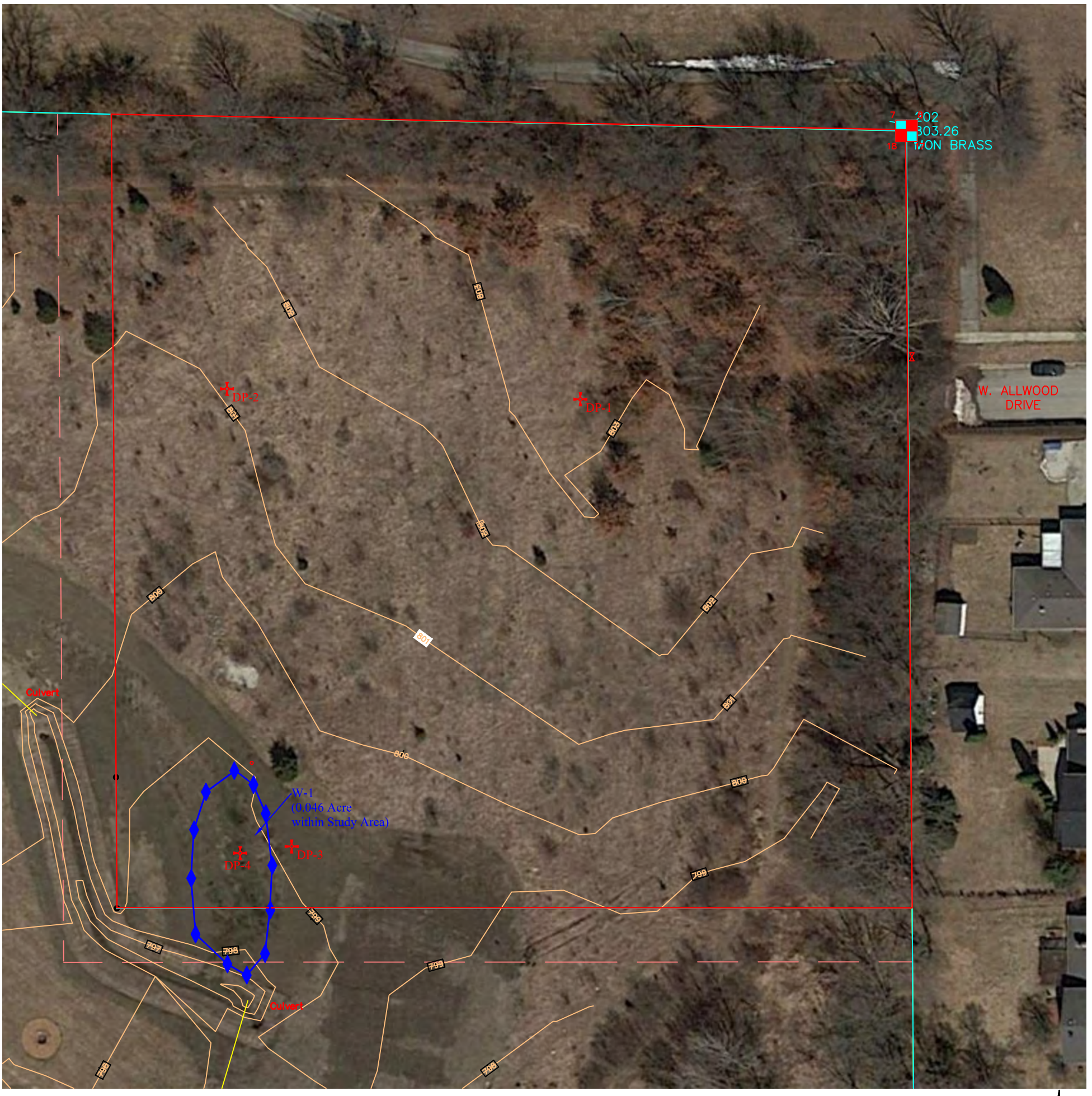
Data Source: USGS

0 1,000 2,000

1 inch = 2,000 feet

R.A. Smith National
Beyond Surveying and Engineering

WETLAND BOUNDARY MAP



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

GRAPHIC SCALE

50 0 12.5 25 50 100

(IN FEET)

1 inch = 50 ft.

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.rasmithnational.com
Appleton, WI Orange County, CA Pittsburgh, PA

H:\1150288\Dwg\
WX111B40.dwg\WX111B40

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

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

0 50 100

1 inch = 100 feet

R.A. Smith National
Beyond Surveying and Engineering

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

0 50 100

1 inch = 100 feet

R.A. Smith National
Beyond Surveying and Engineering

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

R.A. Smith National
Beyond Surveying 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

R.A. Smith National
Beyond Surveying and Engineering

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

0 50 100

1 inch = 100 feet

R.A. Smith National
Beyond Surveying and Engineering

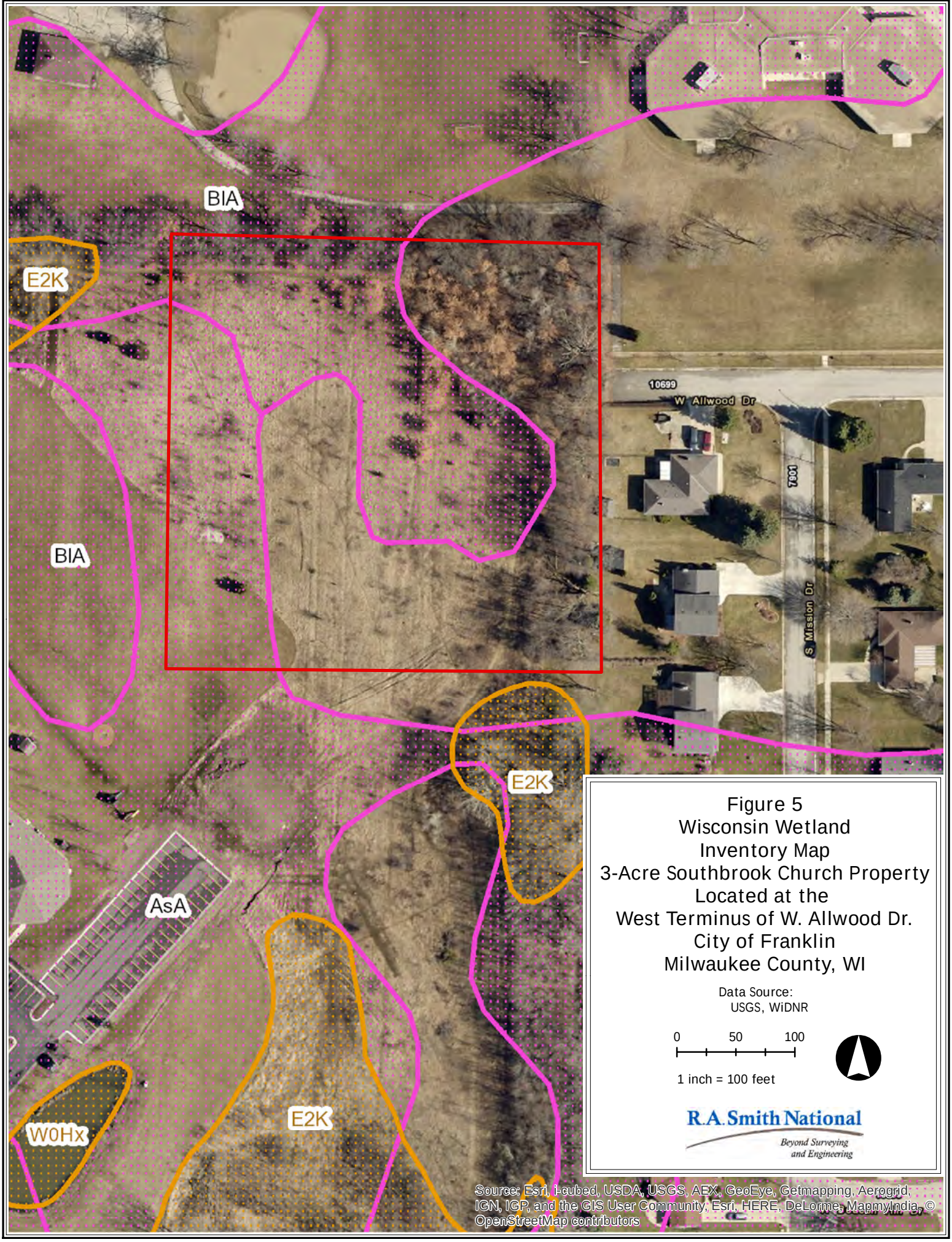


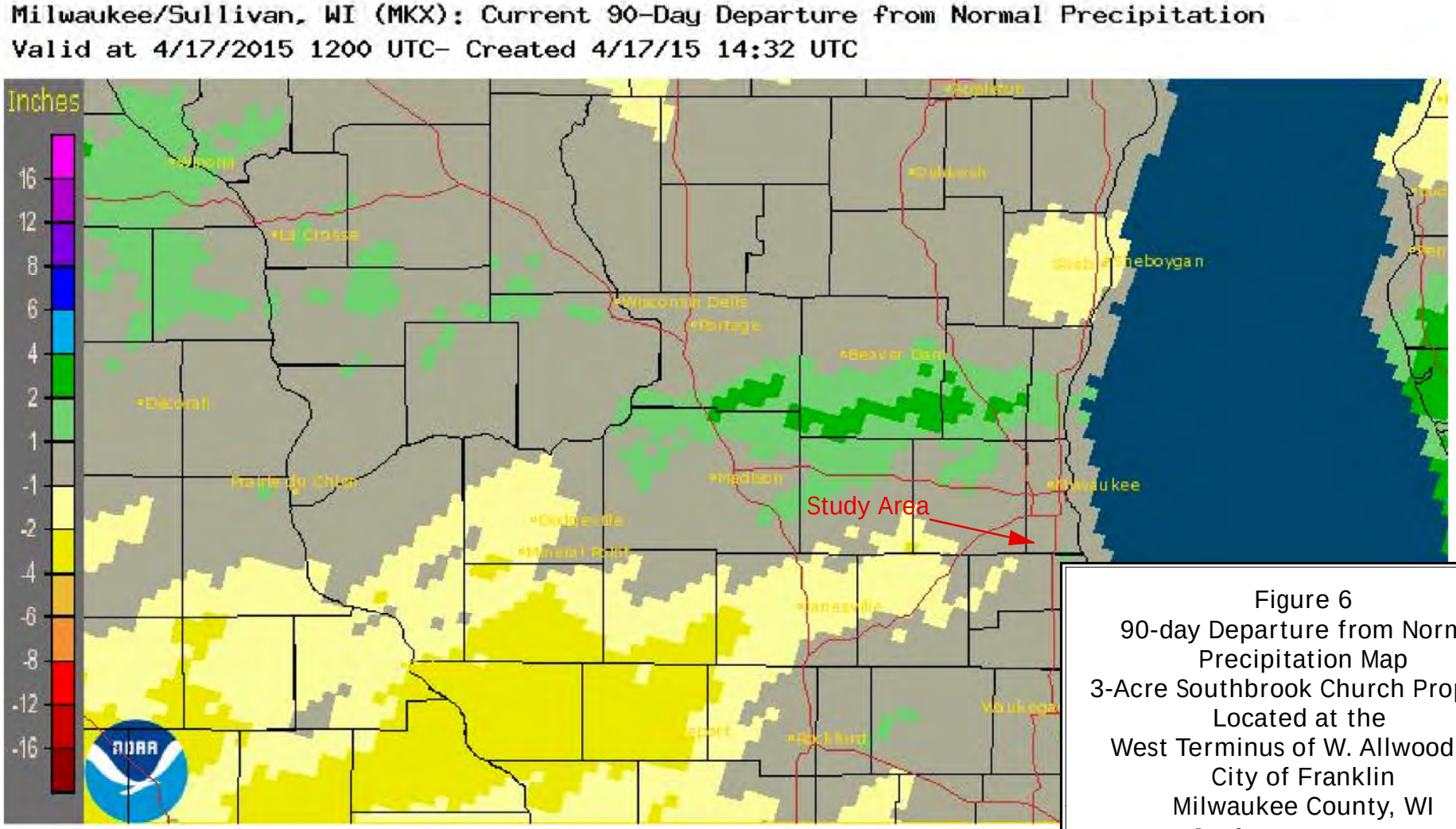
Figure 5
Wisconsin Wetland
Inventory Map
3-Acre Southbrook Church Property
Located at the
West Terminus of W. Allwood Dr.
City of Franklin
Milwaukee County, WI

Data Source:
USGS, WiDNR

0 50 100

1 inch = 100 feet

R.A. Smith National
Beyond Surveying and Engineering



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

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

Data Source:
USGS, NOAA AHPS website

NOT TO SCALE

R.A. Smith National
Beyond Surveying and Engineering

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**	

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
Sum = **2.43**			Sum*** =	**8**

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

Determination:

	Wet
X	Dry
	Normal

****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

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

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)				
					30% chance will have		avg # of days	avg total
	avg daily max	avg daily min	avg	avg	less than	more than	w/.1 or more	snow fall
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.

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.

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.

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.

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.

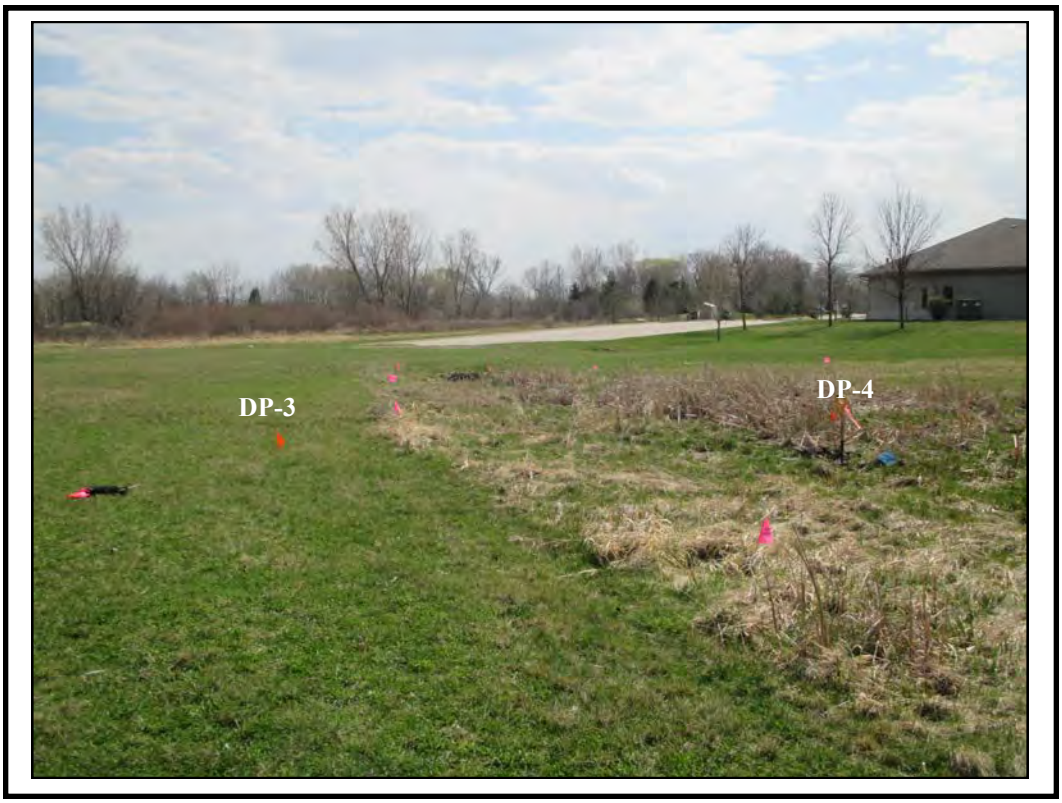
Photograph 2 (4/17/15): View of upland data point DP-2 which was located within a mapped Ashkum silty clay loam soil unit.

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 stomrmwater conveyance ditch n 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.

Appendix 4:

Wetland Determination Data Forms – Midwest Region

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: **3-Acre Southbrook Church Property** City/County: **Franklin / Milwaukee** Sampling Date: **April 17, 2015**

Applicant/Owner: **Southbrook Church** State: **WI** Sampling Point: **DP-1**

Investigator(s): **Tina Myers, PWS** Section, Township, Range: **NE 1/4 Sec 18, T5N, R21E**

Landform (hillslope, terrace, etc.): **plain** Local relief (concave, convex, none): **none-flat**

Slope (%): **0%** Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: **Blount silt loam (BIA)** WWI Classification: **none**

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No ***X** (if no, explain in Remarks)

Are Vegetation **N** Soil **N** or Hydrology **N** significantly disturbed? Are "Normal Circumstances" present? Yes **X** No _____

Are Vegetation **N** Soil **N** or Hydrology **N** naturally problematic? (if needed, explain any answers in Remarks)

SUMMARY OF FINDINGS --- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes **X**	No _____	Is the Sampled Area		
Hydric Soil Present?	Yes _____	No **X**	within a Wetland?	Yes _____	No **X**
Wetland Hydrology Present?	Yes _____	No **X**	If yes, optional wetland site ID:	**none - upland**	

Remarks: *WETS Analysis for the months of Jan-March indicates conditions are drier than normal range, however the NOAA map for the 90-day precipitation analysis prior to the date of the site visit indicates conditions are normal. There has been 3.45 inches of rain so far in April which is slightly wet.

VEGETATION - Use scientific names for plants.

Sampling Point: **DP-1**

Tree Stratum (Plot size: **30'R**)	Absolute % Cover	Dominant Species	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Sapling/Shrub Stratum (Plot size: **15'R**)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Herb Stratum (Plot size: **5'R**)			
1. ***Poa pratensis***	**100%**	**Y**	**FAC**
2. ***Daucus carota***	**20%**	**N**	**UPL**
3. ***Solidago canadensis***	**20%**	**N**	**FACU**
4. ***Symphyotrichum pilosum***	**5%**	**N**	**FACU**
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
	145%	= Total Cover	

Woody Vine Stratum (Plot size: **30'R**)			
1.			
2.			
3.			
4.			
5.			
	0%	= Total Cover	

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: **1** (A)

Total Number of Dominant Species Across All Strata: **1** (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:		Multiply by:	
OBL species	_____	x 1 =	_____
FACW species	_____	x 2 =	_____
FAC species	_____	x 3 =	_____
FACU species	_____	x 4 =	_____
UPL species	_____	x 5 =	_____
Column Totals:	_____ (A)		_____ (B)

Prevalence Index B/A = _____

Hydrophytic Vegetation Indicators:

_____ Rapid Test for Hydrophytic Vegetation

X Dominance Test is >50%

_____ Prevalence Index is ≤ 3.0[1]

_____ Morphological Adaptations[1] (Provide supporting data in Remarks or on separate sheet)

_____ Problematic Hydrophytic Vegetation[1] (Explain)

[1] Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes **X** No _____

Remarks: (Include photo numbers here or on a separate sheet.) **Plant community is an upland meadow - other 2 wetland parameters are absent.**

SOIL

Sampling Point: DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR 4/2	100%					silt loam	
14-24	10YR 4/3	60%	7.5YR 5/6	40%	C	M	si cl loam	

[1] Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2] Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Much (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ Coast Prairie Redox (A16) **(LRR,K,L,R)**
- ___ Dark Surface (S7) **(LRR,K,L)**
- ___ 5 cm mucky peat or peat (S3) **(LRR,K,L)**
- ___ Iron-Manganese Masses (F12) **(LRR,K,L,R)**
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: **none**

Depth (inches): **n/a**

Hydric Soil Present? Yes ___ No **X**

Remarks: **Hydric soil criterion is not met.**

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No **X** Depth (inches): ___

Water Table Present? Yes ___ No **X** Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No **X** Depth (inches): ___

Wetland Hydrology Present? Yes ___ No **X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: **USGS Topo Map (Figure 1, Appendix 1), 2-Foot Contour Map (Figure 2, Appendix 1), NRCS Soils Map (Figure 3, Appendix 1), 2000, 2005, 2010, & 2014 aerials (Figures 4A-D, Appendix 1), Wisconsin Wetland Inventory (Figure 5, Appendix 1), NOAA Precip Map (Figure 6, Appendix 1), WETS Analysis and data (Appendix 2)**

Remarks: **No wetland hydrology indicators are present.**

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: **3-Acre Southbrook Church Property** City/County: **Franklin / Milwaukee** Sampling Date: **April 17, 2015**

Applicant/Owner: **Southbrook Church** State: **WI** Sampling Point: **DP-2**

Investigator(s): **Tina Myers, PWS** Section, Township, Range: **NE 1/4 Sec 18, T5N, R21E**

Landform (hillslope, terrace, etc.): **plain** Local relief (concave, convex, none): **none-flat**

Slope (%): **0%** Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: **Ashkum silty clay loam (AsA)** WWI Classification: **none**

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No ***X** (if no, explain in Remarks)

Are Vegetation **N** Soil **N** or Hydrology **N** significantly disturbed? Are "Normal Circumstances" present? Yes **X** No _____

Are Vegetation **N** Soil **N** or Hydrology **N** naturally problematic? (if needed, explain any answers in Remarks)

SUMMARY OF FINDINGS --- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes **X**	No _____	Is the Sampled Area		
Hydric Soil Present?	Yes _____	No **X**	within a Wetland?	Yes _____	No **X**
Wetland Hydrology Present?	Yes _____	No **X**	If yes, optional wetland site ID:	**none - upland**	

Remarks: *WETS Analysis for the months of Jan-March indicates conditions are drier than normal range, however the NOAA map for the 90-day precipitation analysis prior to the date of the site visit indicates conditions are normal. There has been 3.45 inches of rain so far in April which is slightly wet.

VEGETATION - Use scientific names for plants.

Sampling Point: **DP-2**

Tree Stratum (Plot size: **30'R**)	Absolute % Cover	Dominant Species	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Sapling/Shrub Stratum (Plot size: **15'R**)			
1. ***Rhamnus cathartica***	**30%**	**Y**	**FAC**
2. ***Lonicera x bella***	**20%**	**Y**	**FACU**
3. ***Acer negundo***	**20%**	**Y**	**FAC**
4. ***Cornus alba***	**3%**	**N**	**FACW**
5. ***Prunus serotina***	**3%**	**N**	**FACU**
6.			
7.			
	76%	= Total Cover	

Herb Stratum (Plot size: **5'R**)			
1. ***Poa pratensis***	**100%**	**Y**	**FAC**
2. ***Daucus carota***	**20%**	**N**	**UPL**
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
	120%	= Total Cover	

Woody Vine Stratum (Plot size: **30'R**)			
1.			
2.			
3.			
4.			
5.			
	0%	= Total Cover	

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: **3** (A)

Total Number of Dominant Species Across All Strata: **4** (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: **75%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:		Multiply by:	
OBL species	_____	x 1 =	_____
FACW species	_____	x 2 =	_____
FAC species	_____	x 3 =	_____
FACU species	_____	x 4 =	_____
UPL species	_____	x 5 =	_____
Column Totals:	_____ (A)		_____ (B)

Prevalence Index B/A = _____

Hydrophytic Vegetation Indicators:

- ____ Rapid Test for Hydrophytic Vegetation
- **X** Dominance Test is >50%
- ____ Prevalence Index is ≤ 3.0[1]
- ____ Morphological Adaptations[1] (Provide supporting data in Remarks or on separate sheet)
- ____ Problematic Hydrophytic Vegetation[1] (Explain)

[1] Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes **X** No _____

Remarks: (Include photo numbers here or on a separate sheet.) **Plant community is an upland meadow/scrub shrub - other 2 wetland parameters are absent.**

SOIL

Sampling Point: DP-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR 3/1	100%					si cl loam	
14-24	2.5Y 4/3	60%	10YR 5/8	40%	C	M	si cl loam	

[1] Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

[2] Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Much (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- _____ Sandy Gleyed Matrix (S4)
- _____ Sandy Redox (S5)
- _____ Stripped Matrix (S6)
- _____ Loamy Mucky Mineral (F1)
- _____ Loamy Gleyed Matrix (F2)
- _____ Depleted Matrix (F3)
- _____ Redox Dark Surface (F6)
- _____ Depleted Dark Surface (F7)
- _____ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- _____ Coast Prairie Redox (A16) **(LRR,K,L,R)**
- _____ Dark Surface (S7) **(LRR,K,L)**
- _____ 5 cm mucky peat or peat (S3) **(LRR,K,L)**
- _____ Iron-Manganese Masses (F12) **(LRR,K,L,R)**
- _____ Very Shallow Dark Surface (TF12)
- _____ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: **none**

Depth (inches): **n/a**

Hydric Soil Present? Yes _____ No **X**

Remarks: **Hydric soil criterion is not met.**

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- _____ Water-Stained Leaves (B9)
- _____ Aquatic Fauna (B13)
- _____ True Aquatic Plants (B14)
- _____ Hydrogen Sulfide Odor (C1)
- _____ Oxidized Rhizospheres on Living Roots (C3)
- _____ Presence of Reduced Iron (C4)
- _____ Recent Iron Reduction in Tilled Soils (C6)
- _____ Thin Muck Surface (C7)
- _____ Gauge or Well Data (D9)
- _____ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- _____ Surface Soil Cracks (B6)
- _____ Drainage Patterns (B10)
- _____ Dry-Season Water Table (C2)
- _____ Crayfish Burrows (C8)
- _____ Saturation Visible on Aerial Imagery (C9)
- _____ Stunted or Stressed Plants (D1)
- _____ Geomorphic Position (D2)
- _____ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No **X** Depth (inches): _____

Water Table Present? Yes ____ No **X** Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ____ No **X** Depth (inches): _____

Wetland Hydrology Present? Yes _____ No **X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: **USGS Topo Map (Figure 1, Appendix 1), 2-Foot Contour Map (Figure 2, Appendix 1), NRCS Soils Map (Figure 3, Appendix 1), 2000, 2005, 2010, & 2014 aerials (Figures 4A-D, Appendix 1), Wisconsin Wetland Inventory (Figure 5, Appendix 1), NOAA Precip Map (Figure 6, Appendix 1), WETS Analysis and data (Appendix 2)**

Remarks: **No wetland hydrology indicators are present.**

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: **3-Acre Southbrook Church Property** City/County: **Franklin / Milwaukee** Sampling Date: **April 17, 2015**

Applicant/Owner: **Southbrook Church** State: **WI** Sampling Point: **DP-3**

Investigator(s): **Tina Myers, PWS** Section, Township, Range: **NE 1/4 Sec 18, T5N, R21E**

Landform (hillslope, terrace, etc.): **plain** Local relief (concave, convex, none): **none - flat**

Slope (%): **0%** Lat: Long: Datum:

Soil Map Unit Name: **Ashkum silty clay loam (AsA)** WWI Classification: **none**

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No ***X** (if no, explain in Remarks)

Are Vegetation ****Y** Soil **N** or Hydrology *****Y** significantly disturbed? Are "Normal Circumstances" present? Yes ____ No **X**

Are Vegetation **N** Soil **N** or Hydrology **N** naturally problematic? (if needed, explain any answers in Remarks)

SUMMARY OF FINDINGS --- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No **X**	Is the Sampled Area		
Hydric Soil Present?	Yes **X**	No ____	within a Wetland?	Yes ____	No **X**
Wetland Hydrology Present?	Yes ____	No **X**	If yes, optional wetland site ID:	**none - upland**	

Remarks: *WETS Analysis for the months of Jan-March indicates conditions are drier than normal range, however the NOAA map for the 90-day precipitation analysis prior to the date of the site visit indicates conditions are normal. There has been 3.45 inches of rain so far in April which is slightly wet. **Vegetation disturbed - mowed grass ***Drained hydric soil

VEGETATION - Use scientific names for plants.

Sampling Point: **DP-3**

Tree Stratum (Plot size: **30'R**)	Absolute % Cover	Dominant Species	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Sapling/Shrub Stratum (Plot size: **15'R**)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Herb Stratum (Plot size: **5'R**)			
1. ***Poa pratensis***	**75%**	**Y**	**FAC**
2. ***Trifolium repens***	**50%**	**Y**	**FACU**
3. ***Taraxacum officinale***	**10%**	**N**	**FACU**
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
	135%	= Total Cover	

Woody Vine Stratum (Plot size: **30'R**)			
1.			
2.			
3.			
4.			
5.			
	0%	= Total Cover	

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: **1** (A)

Total Number of Dominant Species Across All Strata: **2** (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: **50%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:			Multiply by:
OBL species	**0**	x 1 =	**0**
FACW species	**0**	x 2 =	**0**
FAC species	**75**	x 3 =	**225**
FACU species	**60**	x 4 =	**240**
UPL species	**0**	x 5 =	**0**
Column Totals:	**135** (A)		**465** (B)

Prevalence Index B/A = **3.4**

Hydrophytic Vegetation Indicators:

____ Rapid Test for Hydrophytic Vegetation
____ Dominance Test is >50%
____ Prevalence Index is ≤ 3.0[1]
____ Morphological Adaptations[1] (Provide supporting data in Remarks or on separate sheet)
____ Problematic Hydrophytic Vegetation[1] (Explain)

[1] Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No **X**

Remarks: (Include photo numbers here or on a separate sheet.) **Mowed grass adjacent to a recently developed wetland and a new stormwater conveyance feature.**

SOIL

Sampling Point: DP-3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
9-22	10YR 2/1	100%					si cl loam	
22-25	10YR 4/1	90%	10YR 5/6	10%	C	M	silty clay	

[1] Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2] Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Much (A10)
- ___ Depleted Below Dark Surface (A11)
- X Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ Coast Prairie Redox (A16) **(LRR,K,L,R)**
- ___ Dark Surface (S7) **(LRR,K,L)**
- ___ 5 cm mucky peat or peat (S3) **(LRR,K,L)**
- ___ Iron-Manganese Masses (F12) **(LRR,K,L,R)**
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: **none**

Depth (inches): **n/a**

Hydric Soil Present? Yes X No ___

Remarks: **Meets a hydric soil indicator but does not appear to support hydrophytic vegetation or wetland hydrology.**

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No ___	Depth (inches): ___
Water Table Present?	Yes X	No ___	Depth (inches): 24"
Saturation Present? (includes capillary fringe)	Yes X	No ___	Depth (inches): 22"

Wetland Hydrology Present? Yes ___ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: **USGS Topo Map (Figure 1, Appendix 1), 2-Foot Contour Map (Figure 2, Appendix 1), NRCS Soils Map (Figure 3, Appendix 1), 2000, 2005, 2010, & 2014 aerials (Figures 4A-D, Appendix 1), Wisconsin Wetland Inventory (Figure 5, Appendix 1), NOAA Precip Map (Figure 6, Appendix 1), WETS Analysis and data (Appendix 2)**

Remarks: **No wetland hydrology indicators observed. Presence of water table likley due to a wetter than average April and recent heavy rain events.**

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: **3-Acre Southbrook Church Property** City/County: **Franklin / Milwaukee** Sampling Date: **April 17, 2015**

Applicant/Owner: **Southbrook Church** State: **WI** Sampling Point: **DP-4**

Investigator(s): **Tina Myers, PWS** Section, Township, Range: **NE 1/4 Sec 18, T5N, R21E**

Landform (hillslope, terrace, etc.): **very slight depression** Local relief (concave, convex, none): **very slightly convex (almost flat)**

Slope (%): **0%** Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: **Ashkum silty clay loam (AsA)** WWI Classification: **none**

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No ***X** (if no, explain in Remarks)

Are Vegetation ****Y** Soil **N** or Hydrology ****Y** significantly disturbed? Are "Normal Circumstances" present? Yes _____ No **X**

Are Vegetation **N** Soil **N** or Hydrology **N** naturally problematic? (if needed, explain any answers in Remarks)

SUMMARY OF FINDINGS --- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes **X**	No _____	Is the Sampled Area		
Hydric Soil Present?	Yes **X**	No _____	within a Wetland?	Yes **X**	No _____
Wetland Hydrology Present?	Yes **X**	No _____	If yes, optional wetland site ID:	**none - upland**	

Remarks: *WETS Analysis for the months of Jan-March indicates conditions are drier than normal range, however the NOAA map for the 90-day precipitation analysis prior to the date of the site visit indicates conditions are normal. There has been 3.45 inches of rain so far in April which is slightly wet. **Recent change in vegetation and hydrology that was not present in 2012 during first phase of Southbrook project.

VEGETATION - Use scientific names for plants.

Sampling Point: **DP-4**

Tree Stratum (Plot size: **30'R**)	Absolute % Cover	Dominant Species	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Sapling/Shrub Stratum (Plot size: **15'R**)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0%	= Total Cover	

Herb Stratum (Plot size: **5'R**)			
1. ***Poa pratensis***	**40%**	**Y**	**FAC**
2. ***Typha angustifolia***	**30%**	**Y**	**OBL**
3. ***Phalaris arundinacea***	**30%**	**Y**	**FACW**
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
	100%	= Total Cover	

Woody Vine Stratum (Plot size: **30'R**)			
1.			
2.			
3.			
4.			
5.			
	0%	= Total Cover	

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: **3** (A)

Total Number of Dominant Species Across All Strata: **3** (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	
FACW species		x 2 =	
FAC species		x 3 =	
FACU species		x 4 =	
UPL species		x 5 =	
Column Totals:	(A)		(B)

Prevalence Index B/A = _____

Hydrophytic Vegetation Indicators:

_____ Rapid Test for Hydrophytic Vegetation

X Dominance Test is >50%

_____ Prevalence Index is ≤ 3.0[1]

_____ Morphological Adaptations[1] (Provide supporting data in Remarks or on separate sheet)

_____ Problematic Hydrophytic Vegetation[1] (Explain)

[1] Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes **X** No _____

Remarks: (Include photo numbers here or on a separate sheet.) **Wetland is a newly developed fresh (wet) meadow / shallow marsh community.**

SOIL

Sampling Point: **DP-4**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-20	10YR 2/1	100%					si cl loam	
20-24	10YR 5/1	75%	10YR 5/8	25%	C	M	silty clay	

[1] Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

[2] Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Much (A10)
- ___ Depleted Below Dark Surface (A11)
- X Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ Coast Prairie Redox (A16) **(LRR,K,L,R)**
- ___ Dark Surface (S7) **(LRR,K,L)**
- ___ 5 cm mucky peat or peat (S3) **(LRR,K,L)**
- ___ Iron-Manganese Masses (F12) **(LRR,K,L,R)**
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (If observed):

Type: **none**

Depth (inches): **n/a**

Hydric Soil Present? Yes X No ___

Remarks: **Hydric soil criterion has been met.**

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- X Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No X	Depth (inches):	
Water Table Present?	Yes X	No ___	Depth (inches):	0"
Saturation Present? (includes capillary fringe)	Yes X	No ___	Depth (inches):	0"

Wetland Hydrology Present? Yes ___ No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: **USGS Topo Map (Figure 1, Appendix 1), 2-Foot Contour Map (Figure 2, Appendix 1), NRCS Soils Map (Figure 3, Appendix 1), 2000, 2005, 2010, & 2014 aerials (Figures 4A-D, Appendix 1), Wisconsin Wetland Inventory (Figure 5, Appendix 1), NOAA Precip Map (Figure 6, Appendix 1), WETS Analysis and data (Appendix 2)**

Remarks: **Saturation is most visible on the 2014 aerial indicating recent changes to hydrology. Note that the immediately adjacent new stormwater conveyance ditch is also present suggesting that the newly formed wetland is a result of the ditch construction and possibly a tile breakage.**

Appendix 5:

NR 151 Wetland Susceptibility Table

Wetland Category for Stormwater Permitting *			
Wetland	**Highly Susceptible**	**Moderately Susceptible**	**Less Susceptible**
W-1			X

Less Susceptible: Dominated by 90% or greater invasive species

Moderately Susceptible: Sedge meadows, fens, bogs, forested wetlands, fresh wet meadows, shallow/deep marshes, various swamps

Highly Susceptible: Trout streams, threatened and endangered species, fish and wildlife refuges, calcareous fens, wild and scenic rivers

* These designations apply to any project requiring NR 151 stormwater permitting and are based on wetland delineation field work and the professional opinion of R.A. Smith National, Inc. Final determination of wetland susceptibilty rests with the WDNR. Some of the characteristics of a Highly Susceptible wetland may not be apparent to RASN due to confidential data or data beyond the scope of this delineation (i.e. rare species, high quality trout stream etc). Navigable waterways may also be subject to NR 151 protective area standards.

Wetland Delineation Report

Southbrook Church

City of Franklin, Milwaukee County, Wisconsin

RASN Project No. 1120163

October 25th, 2012

Wetland Delineation Report

Southbrook Church
City of Franklin, Milwaukee County, Wisconsin

Prepared by:

Heather Patti, PWS
Lead Ecologist/Project Manager
&
Tina Myers, PWS
Ecologist/Project Manager

R.A. Smith National, Inc.
16745 W. Bluemound Road, Suite 200
Brookfield, WI 53005-5938
(262) 781-1000

Prepared for:

Ron Romeis – Southbrook Church
11010 West St. Martin's Road
Franklin, WI 53132

October 25th, 2012

R.A. Smith National
Beyond Surveying and Engineering

October 25, 2012

INTRODUCTION

R.A. Smith National, Inc. (RASN) is pleased to provide this Wetland Delineation Report for an approximately 22-acre property located at 11010 West St. Martin's Road in the City of Franklin, Milwaukee County, Wisconsin (Appendix 1, Figure 1). The property is owned by Southbrook Church whose contact is Mr. Ron Romeis.

The 22-acre property is located north in the NE ¼ of Section 18, Township 5 North, Range 21 East (Appendix 1, Figure 1). The property is bordered by West St. Martin's Road to the south, residential properties to the east and west, and St. Martin's Park to the north which contains wetlands, woodlands, and manicured lawn areas.

The purpose of the wetland delineation was to identify the proximity and extent of wetlands within the property in association with proposed phases for expansion of the church. Four (4) wetlands (wetlands "W-1 through W-4") were identified on the property. The delineation is presented here in terms of qualifications, methodology, results, and conclusions.

STATEMENT OF QUALIFICATIONS

RASN provides wetland and ecological services including wetland delineation, assessment, permitting, and restoration. RASN ecologists offer a wide variety of technical experience in the natural resource field, and have successfully completed projects throughout the Midwestern and Northeastern United States.

Ms. Heather Patti, PWS and Ecologist with RASN, earned a Masters Degree in Botany and a minor in Ecology from North Carolina State University. Ms. Patti is experienced with a variety of aspects of ecological restoration, including wetland, mixed hardwood, and prairie restoration. She provides over 15 years of experience in wetland delineation, assessment, and mitigation. Ms. Patti attended the Basic & Advanced Wetland Delineation course offered by UW-LaCrosse in 2005, became a WDNR Assured Wetland Delineator in 2009, and recently attended the Hydric Soil Identification Course offered by UW-LaCrosse in 2011.

Ms. Tina Myers has over 13 years of multidisciplinary ecological experience and is a PWS and Ecologist with RASN. 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. 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.

METHODOLOGY

The wetland delineation consisted of a map review followed by a site visit to delineate the on-site wetlands. The fieldwork documented the presence and absence of hydrophytic vegetation, wetland hydrology, and hydric soil indicators outlined in the *U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual*, Technical Report Y-87-1 (1987) and subsequent guidance documents (USACE 1991, 1992), Guidelines for Submitting Wetland Delineations in Wisconsin to the St. Paul District Corps of Engineers (USACE 1996), the *Basic Guide to Wisconsin's Wetlands and Their Boundaries* (Wisconsin Department of Administration Coastal Management Program, 2005), and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)*, the guide for the USDA Natural Resources Conservation Services (NRCS) Field Indicators of Hydric Soils (version 7.0) in the United States, and in general accordance with Wisconsin Department of Natural Resources (WDNR) guidelines. Midwest Regional USACE supplement was recently adopted for the purpose of bringing the existing 1987 Manual up to date for wetland delineations. This supplement is intended to be used as an additional guidance to the 1987 Manual, and is not its replacement.

Prior to conducting fieldwork, RASN reviewed several maps for the property, including the United States Geological Survey (USGS) 7.5-minute quadrangle topographic map (Appendix 1, Figure 1), the NRCS Soil Survey Report for Milwaukee County (Appendix 1, Figure 3), the United States Geological Service (USGS) historical aerial photographs dated 2000, 2005 and 2010 (Appendix 1, Figures 4A-C), the Wisconsin Wetland Inventory Map (Appendix 1, Figure 5), the SEWRPC Environmental Corridor Map (Appendix 1, Figure 6) and NOAA's Advanced Hydrologic Prediction Service Map (Appendix 1, Figure 7).

Areas having wetland field indicators were evaluated in the field by RASN wetland scientists Ms. Heather Patti and Ms. Tina Myers during site visits on July 23rd and 24th, 2012. According to guidance described in the 1987 Manual and Midwest Regional Supplement, areas that are under normal circumstances reflect a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology are considered wetlands. RASN collected field data at sixteen (16) sample points, using a transect and data point approach following the USACE Midwest Supplement wetland determination forms (Appendix 3). A sharpshooter shovel was used to dig the soil pits, and a soil probe was also used to refine the wetland boundary. Cursory soil probes were also taken in areas that contained transitional hydrophytic vegetation. The delineated wetland areas were flagged and subsequently surveyed by McClure Engineering, Inc. Pink wire flags with the words "Wetland Delineation" were used to stake the wetland boundaries and data point locations. The wetland boundaries and data point locations are depicted on the Wetland Boundary Exhibit in Appendix 1, Figure 2. Observations were made at representative sample points along transects extending through upland and wetland areas. All wetlands and transects along wetland boundaries were photo documented as shown in Appendix 3.

RESULTS

The USGS topographic map (Appendix 1, Figure 1) shows the location of the property. The topography within the ranges in elevation between 792-806 feet above mean sea level where the lowest points are the wetlands W-1 and W-4 within the site. All four wetlands receive surface water runoff from the surrounding uplands and at least two may be considered isolated. There are no navigable waterways on the property.

According to the NRCS Soil Survey Report of Milwaukee County, Wisconsin (Appendix 1, Figure 3), mapped soils consist of Ashkum silty clay loam, 0-3% slopes (AsA), Blount silt loam 1-3% slopes (BlA), Houghton muck 0-2% slopes (HtA), and Morley silt loam, 2-6% slopes, eroded (MzdB2). Of these soil types, the NRCS hydric soil list classifies the Ashkum silty clay loam as a poorly drained soil, the Houghton muck as a very poorly drained hydric soil, and the Blount silt loam as a somewhat poorly drained partially hydric soil. The Morley silt loam, on the other hand, is a well-drained non-hydric soil. All four wetlands identified on the site are located within hydric

soil units.

RASN reviewed a series of recent aerial photographs from 2000, 2005, and 2010 (Appendix 1, Figures 4A-C). The 2000 aerial shows the landscape prior to the construction of the church, its adjacent parking lot, and stormwater pond. The 2005 aerial shows the landscape just a few years after the development occurred. And finally, the 2010 aerial shows the most current conditions of the property which have not changed significantly since 2005. As shown on all of the aerials, the site consists of emergent wetlands, shrub carr wetlands, upland woodland, upland meadow, and manicured lawn.

The Wisconsin Wetland Inventory Map (Appendix 1, Figure 5) depicts four wetlands within the property in the same approximate locations as W-1 through W-4. Each of the mapped wetlands is depicted with an E2K symbol, which stands for Emergent/ Wet meadow (E), narrow-leaved persistent (2), Wet Soil, Palustrine (K). In addition, the stormwater pond, which was built in 2002, is labeled as WoHx meaning Open Water (W) subclass unknown (o), standing water (H), excavated (x). The remaining areas that do not have a symbol are considered upland, even those areas with mapped hydric soils. Additionally, the SEWRPC Environmental Corridor Map (Appendix 1, Figure 6) depicts an Isolated Natural Resource Area (INRA) in the same location as W-4. The INRA extends off-site to the north, including wooded wetlands and uplands located on the St. Martin's Park proeprty.

Recent precipitation data are used to assess the current season's hydrology. Precipitation data can help make determinations as to whether or not the wetland hydrology criterion has been met at recorded data points. Rainfall data recorded by the local WETS table and the National Weather Service's Advanced Hydrologic Prediction Service (AHPS) were used to evaluate the hydrology of the site prior to the visit (Appendix 1, Figure 7). According to the local WETS table (Milwaukee Mt Mary College WI 5474), average precipitation in the Milwaukee area for the three months prior to the site visit (April through June) is 9.92 inches. Average rainfall for the month of July is typically 3.46 inches. Prior to the site visit, only 1.94 inches was recorded during the month of July according to the Weather Channel and approximately 0.06 inches was recorded on the day of the site visit. According to the AHPS map (Appendix 1, Figure 7), the late spring – early summer precipitation in the Milwaukee area fell approximately 4 to 6 inches below the normal range for this time of year. This suggests that the surface or near-surface hydrology at the time of the July 2012 site visit was dry for this time of year.

Field Investigation

All areas on the above-mentioned maps as being wetland or having wetland characteristics were evaluated in the field. A total of sixteen (16) data points were examined and four (4) wetlands totaling 4.97acres (155,478 square feet) were delineated and surveyed by McClure Engineering (Appendix 1, Figure 2). Cursory soil probes and data points in both upland and wetland areas were sampled in the field to determine the wetland boundaries. The data sheets were compiled and are included in Appendix 3. The following is a description of the delineated wetlands.

Wetland 1 – Shrub Carr, Fresh (Wet) Meadow & Shallow Marsh

Wetland 1 (W-1) consists of an approximately 3.35-acre depression dominated by reed canary grass (*Phalaris arundinacea*), sandbar willow (*Salix interior*), pussy willow (*Salix discolor*), red-osier dogwood (*Cornus alba*), gray dogwood (*Cornus racemosa*), green ash (*Fraxinus pennsylvanica*), eastern cottonwood (*Populus deltoides*), box elder (*Acer negundo*), and cattails (*Typha spp.*) (Appendix 1, Figure 2). The adjacent uplands mostly consist of upland meadow dominated by Kentucky blue grass (*Poa pratensis*), Queen Anne's lace (*Daucus carota*), Canada goldenrod (*Solidago canadensis*), and ox-eye daisy (*Leucanthemum vulgare*). Several remnant prairie species were also noted including black-eyed Susan (*Rudbeckia hirta*), yellow coneflower (*Ratibida pinnata*),

gayfeather (*Liatris pychnostachya*), bergamot (*Monarda fistulosa*), and stiff goldenrod (*Solidago rigida*). The uplands directly west of W-1 are predominantly mowed lawn.

Hydrology in W-1 is sustained by surfacewater runoff from the surrounding landscape. With the exception of the shallow (cattail) marsh, most of W-1 is considered a problem area due to its seasonal hydrology and dark Mollisol soils. In general, however, there was a discernible vegetative and topographic break between the upland and wetland boundary. Physical on-site evidence of wetland hydrology included geomorphic position and a positive FAC-Neutral test. Three wetland data points were taken within W-1 (Appendix 4). The data points were situated on the north and west sides of W-1 where adjacent development is most likely to occur.

According to the NRCS Soil Survey of Milwaukee County, Ashkum silty clay loam (AsA) is the dominant mapped soil type within W-1. This soil type is considered to be a poorly drained hydric soil whose water table typically ranges from within 0 to 12 inches below the soil surface. During the site visit, RASN did not observe a water table; however, the soils did fall within the range of characteristics for Ashkum silty clay loam having dark mollic epipedons and depleted matrices with redox concentrations below the mollic horizon.

Wetland 2 – Shrub Carr

Wetland 2 (W-2) consists of an approximately 0.2-acre depression dominated primarily by sandbar willow, green ash, eastern cottonwood, pussy willow, reed canary grass, stinging nettle (*Urtica dioica*), and fowl blue grass (*Poa palustris*). (Appendix 1, Figure 2). The adjacent uplands included similar upland meadow species associated with W-1.

Hydrology in W-2 is sustained by surface water runoff from the surrounding landscape. One wetland data point was taken within W-2 (Appendix 4) along one transect due to its small size and plant community uniformity. Like W-1, W-2 is considered a "problem area" due to its seasonal hydrology and dark Mollisol soils. Physical on-site evidence of wetland hydrology included geomorphic position and a positive FAC-Neutral test.

According to the NRCS Soil Survey of Milwaukee County, Ashkum silty clay loam (AsA) is also the dominant mapped soil type within W-2. Similar to W-1, RASN did not observe a water table in W-2; however, the soils once again fell within the range of characteristics for Ashkum silty clay loam having dark mollic epipedons and depleted matrices with redox concentrations below the mollic horizon.

Wetland 3 – Fresh (wet) Meadow

Wetland 3 (W-3) is an approximately 0.52-acre fresh (wet) meadow wetland depression dominated by reed canary grass (Appendix 1, Figure 2). Quaking aspen (*Populus tremuloides*) was more prevalent just along the northern edge of the W-2. The presence of tussock sedge (*Carex stricta*) in some pockets of W-2 suggests that this wetland was historically sedge meadow prior to the presence of invasive reed canary grass. The adjacent uplands included similar upland meadow species associated with W-1 and W-2 as well as manicured lawn.

Hydrology in W-3 is sustained by surface water from the surrounding landscape. Two wetland data points were taken within W-2 (Appendix 4) along two transects due to its medium size and plant community uniformity. The data points were situated on the south side of W-3 where adjacent development is most likely to occur. Like W-1 and W-2 is considered a "problem area" due to its seasonal hydrology and dark Mollisol soils. Physical on-site evidence of wetland hydrology included geomorphic position and a positive FAC-Neutral test.

According to the NRCS Soil Survey of Milwaukee County, Ashkum silty clay loam (AsA) is also the dominant mapped soil type within W-3. Similar to W-1 and W-2, RASN did not observe a water table in W-3; however, the soils once again fell within the range of characteristics for Ashkum silty clay loam having dark mollic epipedons and depleted matrices with redox concentrations below the mollic horizon.

Wetland 4 – Fresh (wet) Meadow

Wetland 4 (W-4) is an approximately 0.9-acre fresh (wet) meadow depressional wetland dominated by reed canary grass (Appendix 1, Figure 2). There is also a small pocket containing dominant cattails (*Typha spp.)* This wetland extends off-site into St. Martin's Park to the north where it becomes a wooded swamp dominated by silver maple (*Acer saccharinum*). The adjacent uplands are partially mowed lawn and scrub shrub directly west of W-4 and black walnut grove (*Juglans nigra*) south of W-4.

Hydrology in W-4 is sustained by surface water from the surrounding landscape. Two wetland data points were taken within W-4 (Appendix 4) along two transects due to its medium size and plant community uniformity. The data points were situated on the south and west sides of W-4 where adjacent development is most likely to occur. Like all of the wetlands within the property, W-4 is considered a "problem area" due to its seasonal hydrology and dark Mollisol soils. Physical on-site evidence of wetland hydrology included geomorphic position, oxidized roots, and a positive FAC-Neutral test.

According to the NRCS Soil Survey of Milwaukee County, Houghton muck (HtA)) is the dominant mapped soil type within W-4. Houghton muck is considered a very poorly drained hydric soil. Similar to the other wetlands within the proeprty, RASN did not observe a water table in W-4; however, the soils were similar to those identified in the other three wetlands having dark mollic epipedons and depleted matrices with redox concentrations below the mollic horizon.

CONCLUSION

Based on the wetland assessment completed by RASN, four (4) wetland areas were identified on the property. A total of 4.97acres (155,478 square feet) of wetlands were delineated and surveyed by McClure Engineering.

This report is limited to the delineation of state and/or federally regulated wetlands on the property. However, there may be other regulated environmental features within the property (e.g., historical, archaeological, threatened or endangered species). Federal, state and/or local units of government may have regulatory authority to restrict land use within or close in proximity to other environmental features. For example, Wisconsin Adm. Code NR 151.12 requires buffers or a "protective area" from the top of the channel of streams, rivers and lakes, or at the delineated boundary of wetlands. The jurisdictional decision on the width of wetland buffers rests with the WDNR. The local unit(s) of government may also have protective area buffers from wetlands than that imposed under NR 151.

The U.S. Army Corps of Engineers has regulatory authority over waters of the U.S. including adjacent wetlands, and the WDNR has regulatory authority over wetlands, navigable waters, and adjacent lands under Ch. 30 Wisconsin State Statues, Act 6, and NR 103 Wisconsin Administrative Code. Local jurisdictions may also have regulations through zoning ordinances. Our client, Southbrook Church, respectfully requests verification of the delineated wetlands by the USACE.

APPENDICES

Appendix 1: Figures

- **Figure 1: USGS Map/Site Location Map**
- **Figure 2: Wetland Boundary Map**
- **Figure 3: NRCS Soil Survey of Milwaukee County**
- **Figures 4 A-C: Aerial Photographs (2000, 2005 & 2010)**
- **Figure 5: Wisconsin Wetland Inventory Map**
- **Figure 6: SEWRPC Environmental Corridor Map**
- **Figure 7: NOAA Advanced Hydrologic Prediction Service Map**

Appendix 2: Site Photos

Appendix 3: Wetland Delineation Data Forms – Midwest Region