



GROTH DESIGN GROUP

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P.O. BOX 332  
CEDARBURG, WISCONSIN 53012  
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JSD Professional Services, Inc.  
Engineers • Surveyors • Planners

"BUILDING RELATIONSHIPS WITH A COMMITMENT TO CLIENT SATISFACTION THROUGH TRUST, QUALITY AND EXPERIENCE"

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MILWAUKEE REGIONAL OFFICE  
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WALKESHA, WISCONSIN 53185  
262.513.0656 PHONE / 262.513.1232 FAX

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www.jsdinc.com

PROJECT

ADDITIONS AND ALTERATIONS TO:

SOUTHBROOK CHURCH

11010 ST. MARTINS ROAD  
FRANKLIN, WI 53132

ISSUE

NO.	REV. DATE	DESCRIPTION
1.	2015-06-29	ADD WETLAND 1 2015; PATH
2.	2015-08-15	REVISED PER DTP STAFF COMMENTS

PROJECT INFO

Date: 01-23-15  
Project No.: 14C06614  
Drawn By: CAP  
Author:

SHEET TITLE

NATURAL RESOURCE PROTECTION PLAN

EXHIBIT

© Groth Design Group, Inc.

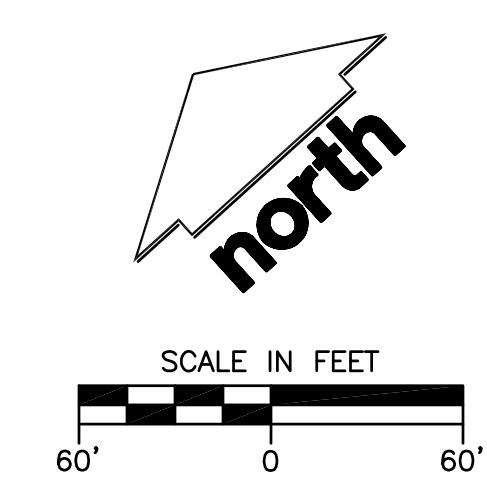
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	Acres of Land Required to be Preserved	Acres of Land to be Impacted	Acres of Land Required to be Mitigated	Acres of Land to be Mitigated*
	Agricultural District	Residential District	Non-Residential District					
Steep Slopes 10-19%	0	0.6	0.4	X	0.00	0.00	0.00	N/A
20-30%	0.65	0.75	0.7	X	0.00	0.00	0.00	N/A
30% +	0.9	0.85	0.8	X	0.00	0.00	0.00	N/A
Woodlands & Forests:								
Mature	0.7	0.7	0.7	X	2.38	1.66	0.34	0.00
Young	0.5	0.5	0.5	X	0.00	0.00	0.00	0.00
Lakes & Ponds	1	1	1	X	0.00	0.00	0.00	0.00
Streams	1	1	1	X	0.00	0.00	0.00	0.00
Shore Buffer	1	1	1	X	0.00	0.00	0.00	0.00
Floodplains/Floodlands	1	1	1	X	0.00	0.00	0.00	0.00
Wetland Buffers	1	1	1	X	2.27	2.27	0.26	0.00
Wetlands & Shoreland Wetlands	1	1	1	X	4.78	4.78	0.06	0.00
Wetland Setback	1	1	1	X	0.00	0.00	0.08	0.00
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Required to be Protected)						8.7075	Acres	



**LEGEND**

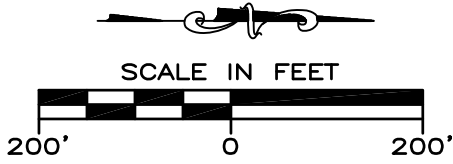
	WETLAND		WETLAND BUFFER DISTURBANCE
	WETLAND BUFFER		WETLAND SETBACK DISTURBANCE
	WETLAND SETBACK		WOODLAND (MATURE)
	WOODLAND (MATURE)		WOODLAND (MATURE) DISTURBANCE

- DEVELOPMENT NAME: SOUTHBROOK CHURCH
- LOCATION: 11010 ST. MARTINS ROAD, FRANKLIN, WISCONSIN
- OWNER/DEVELOPER: SOUTHBROOK CHURCH, 6456 SOUTH 106TH ST, FRANKLIN, WI 53132, CONTACT: DAVE HAMPTON, PH: (262) 376-3900
- ARCHITECT: GROTH DESIGN GROUP, NS8 W6181 COLUMBIA ROAD, CEDARBURG, WI 53012
- WETLANDS INDICATED ARE BASED ON WETLAND DELINEATION REPORT, DATED OCTOBER 25, 2012, BY HEATHER PATTI AND TINA MEYERS OF R.A. SMITH NATIONAL AS WELL AS A SUPPLEMENTAL WETLAND DELINEATION REPORT, DATED JUNE 25, 2015, BY TINA MEYERS OF R.A. SMITH NATIONAL.
- REFER TO CERTIFIED SURVEY MAP FOR PROPOSED EASEMENTS.



**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

BEING A RE-DIVISION OF ALL OF REMNANT LOT 2 OF CSM NO. 6613, ALL OF CSM NO. 7317 AND VACATED W. ALLWOOD DR., ALL BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



**PREPARED BY:**

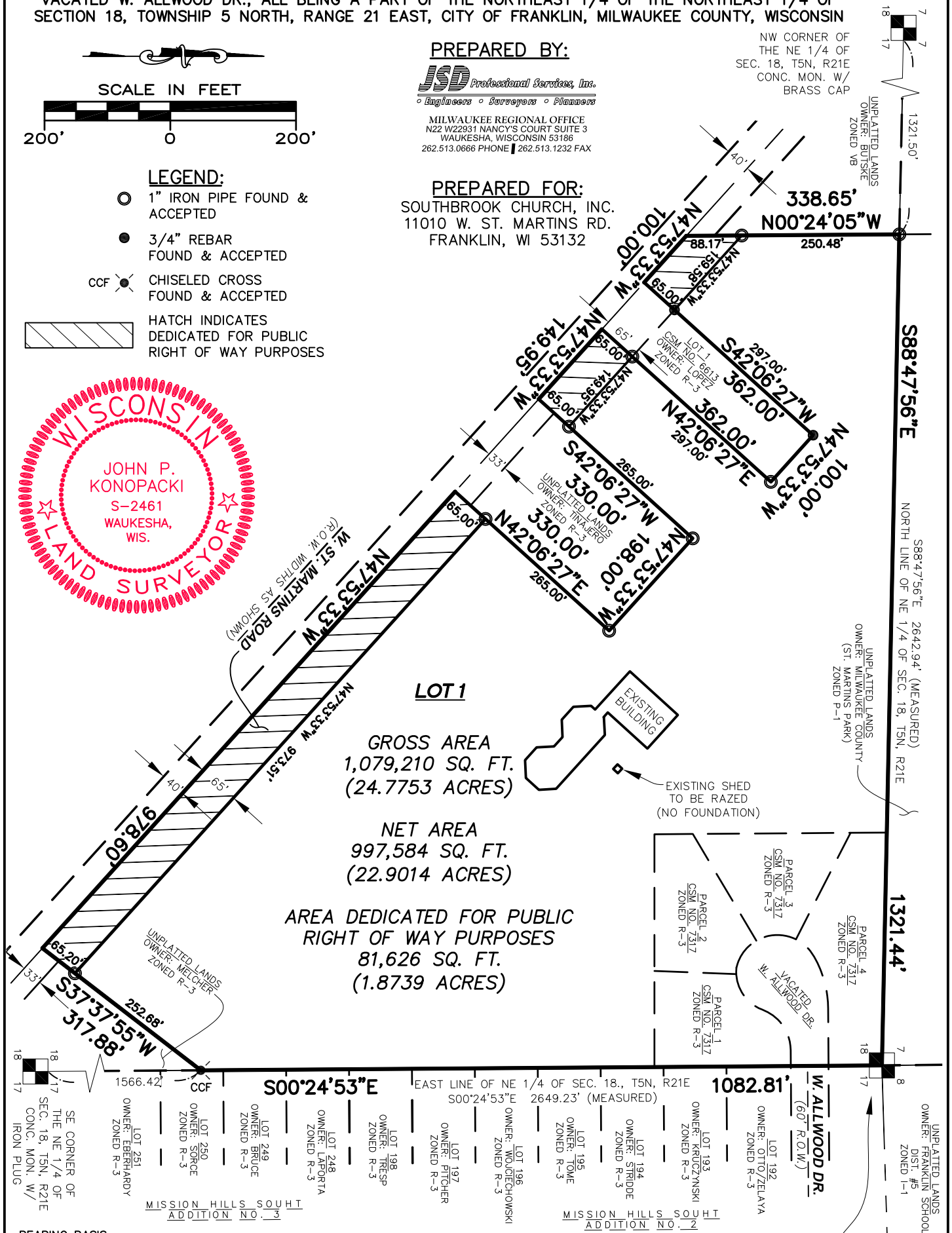
**JSD Professional Services, Inc.**  
 Engineers • Surveyors • Planners

MILWAUKEE REGIONAL OFFICE  
 N22 W22931 NANCY'S COURT SUITE 3  
 WAUKESHA, WISCONSIN 53186  
 262.513.0666 PHONE | 262.513.1232 FAX

NW CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP

**PREPARED FOR:**  
 SOUTHBROOK CHURCH, INC.  
 11010 W. ST. MARTINS RD.  
 FRANKLIN, WI 53132

- LEGEND:**
- 1" IRON PIPE FOUND & ACCEPTED
  - 3/4" REBAR FOUND & ACCEPTED
  - CCF ● CHISELED CROSS FOUND & ACCEPTED
  - HATCH INDICATES DEDICATED FOR PUBLIC RIGHT OF WAY PURPOSES



**LOT 1**

GROSS AREA  
 1,079,210 SQ. FT.  
 (24.7753 ACRES)

NET AREA  
 997,584 SQ. FT.  
 (22.9014 ACRES)

AREA DEDICATED FOR PUBLIC  
 RIGHT OF WAY PURPOSES  
 81,626 SQ. FT.  
 (1.8739 ACRES)

**BEARING BASIS**  
 ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST WAS USED AS SOUTH 00°24'53" EAST.

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

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

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

THIS PROPERTY IS LOCATED WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FEMA COMMUNITY NUMBER 55079C0143E, PANEL NUMBER 0163E, EFFECTIVE DATE OF SEPTEMBER 26, 2008.

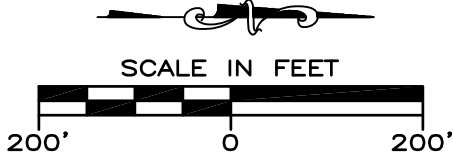
THIS PROPERTY IS ZONED I-1, INSTITUTIONAL DISTRICT AND THIS LAND IS SERVED BY SANITARY SEWER AND WATER.

**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

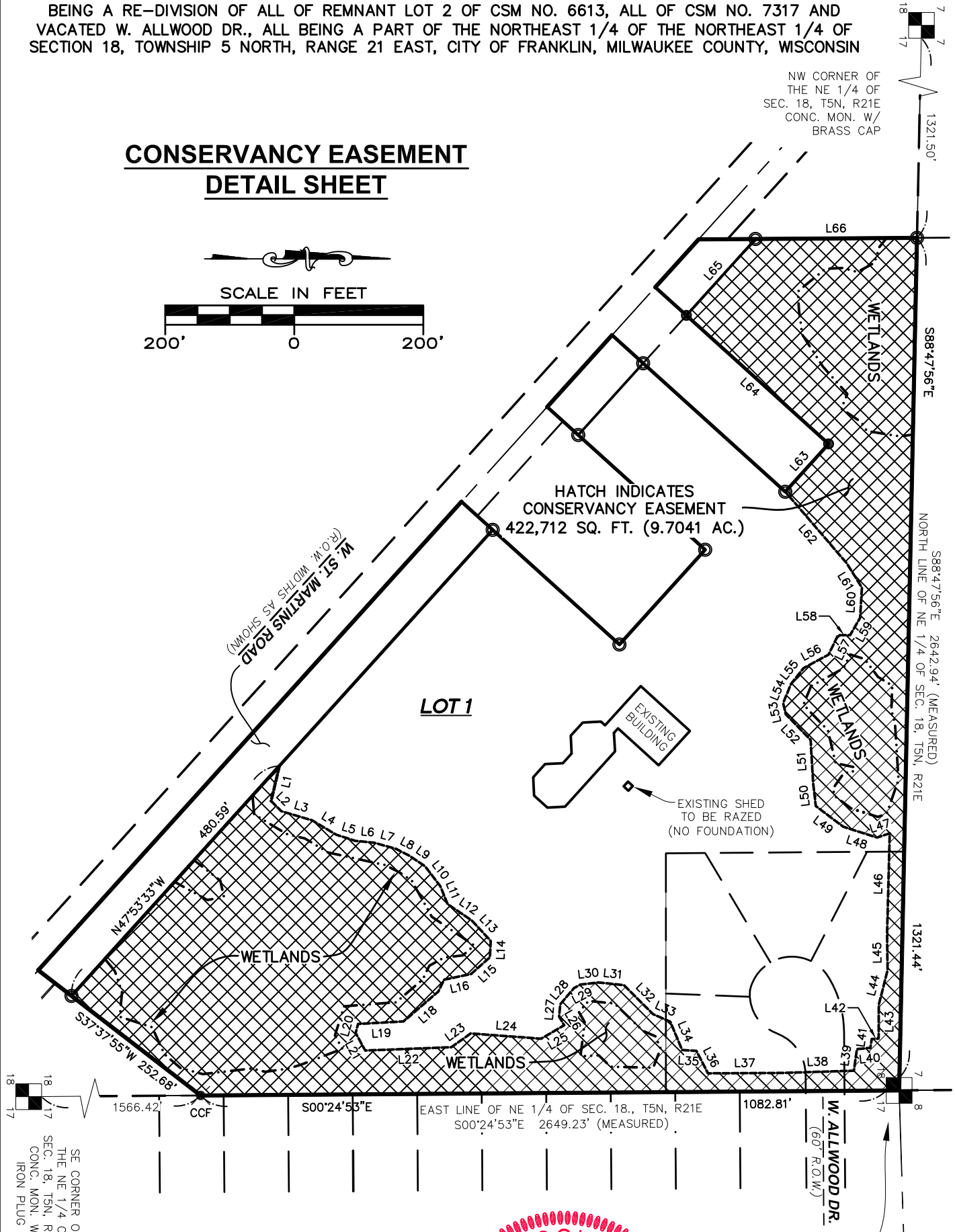
BEING A RE-DIVISION OF ALL OF REMNANT LOT 2 OF CSM NO. 6613, ALL OF CSM NO. 7317 AND VACATED W. ALLWOOD DR., ALL BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

NW CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP

**CONSERVANCY EASEMENT  
DETAIL SHEET**



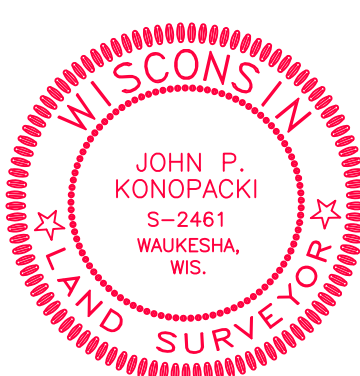
HATCH INDICATES CONSERVANCY EASEMENT  
422,712 SQ. FT. (9.7041 AC.)



SE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ IRON PLUG

NE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP  
N: 334,672.02  
E: 2,522,721.02  
P.O.B.

THE CONSERVATION EASEMENT INTENDS THAT THE NATURAL ELEMENTS AND THE ECOLOGICAL AND AESTHETIC VALUES OF THE PROTECTED PROPERTY INCLUDING, WITHOUT LIMITATION, WOODLANDS, WETLANDS AND WETLAND BUFFERS, BE PRESERVED AND MAINTAINED BY THE CONTINUATION OF LAND USE THAT WILL NOT INTERFERE WITH OR SUBSTANTIALLY DISRUPT THE NATURAL ELEMENTS OR THE WORKINGS OF NATURAL SYSTEMS, EXCEPT FOR FUTURE PEDESTRIAN PATH CONSTRUCTION.



DATED THIS \_\_\_\_\_ DAY OF FEBRUARY, 2015  
THIS INSTRUMENT WAS DRAFTED BY JOHN P. KONOPACKI, S-2461

**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

BEING A RE-DIVISION OF ALL OF REMNANT LOT 2 OF CSM NO. 6613, ALL OF CSM NO. 7317 AND VACATED W. ALLWOOD DR., ALL BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

**CONSERVANCY EASEMENT LINE TABLE**

LINE NO.	BEARING	DISTANCE
L1	S76°46'20"E	56.04'
L2	N45°00'31"E	22.17'
L3	N16°31'42"E	49.88'
L4	N30°51'14"E	43.68'
L5	N17°39'13"E	31.41'
L6	N05°29'40"E	28.29'
L7	N15°34'20"E	35.84'
L8	N27°20'57"E	23.94'
L9	N34°09'14"E	28.77'
L10	N52°27'57"E	38.69'
L11	N67°49'14"E	30.03'
L12	N34°05'43"E	45.20'
L13	N47°15'29"E	43.32'
L14	S87°12'38"E	25.18'
L15	S41°40'45"E	39.04'
L16	S11°53'40"E	42.90'
L17	S64°20'39"E	20.24'
L18	S40°40'41"E	71.25'
L19	S03°11'27"E	70.69'
L20	S74°56'55"E	14.32'
L21	N61°26'21"E	31.13'
L22	N02°12'40"W	133.64'
L23	N35°27'44"W	36.73'
L24	N04°15'17"E	109.55'
L25	N30°15'36"W	41.33'
L26	S60°03'29"W	15.59'
L27	N84°55'44"W	18.93'
L28	N49°54'58"W	33.09'
L29	N28°13'45"W	11.49'
L30	N06°32'31"W	28.24'
L31	N06°02'16"E	39.47'
L32	N44°54'28"E	63.83'
L33	N23°34'45"E	29.12'
L34	N67°21'04"E	47.45'
L35	N03°38'45"E	22.31'
L36	N62°49'56"E	39.01'

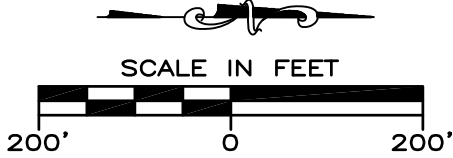
LINE NO.	BEARING	DISTANCE
L37	N00°17'19"W	114.73'
L38	N01°46'58"W	111.55'
L39	N82°10'21"W	33.69'
L40	N05°40'57"W	21.10'
L41	N81°46'03"W	13.77'
L42	N03°42'49"W	10.80'
L43	N89°47'51"W	52.65'
L44	N75°34'38"W	54.90'
L45	S89°08'12"W	54.99'
L46	N88°29'26"W	157.32'
L47	S18°14'14"E	20.85'
L48	S17°41'48"W	54.74'
L49	S36°57'16"W	53.34'
L50	S83°20'52"W	36.05'
L51	S86°39'45"W	66.83'
L52	S45°59'03"W	55.53'
L53	S77°04'04"W	17.73'
L54	N67°37'36"W	32.06'
L55	N51°27'39"W	31.14'
L56	N28°24'04"W	44.01'
L57	N63°54'42"W	33.57'
L58	N00°09'55"W	18.65'
L59	N60°02'44"W	30.98'
L60	N86°20'34"W	46.79'
L61	S58°03'06"W	44.68'
L62	S49°19'10"W	146.06'
L63	N47°53'33"W	100.00'
L64	S42°06'27"W	297.00'
L65	N47°53'33"W	159.58'
L66	N00°24'05"W	250.48'



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**WETLAND  
DETAIL SHEET**



NW CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP



1321.50'  
S88°47'56"E 304.83'  
NORTH LINE OF NE 1/4 OF SEC. 18, T5N, R21E

S88°47'56"E 2642.94' (MEASURED)

S85°32'30"W 425.21'

382.95'

W ALLWOOD DR. (60' R.O.W.)

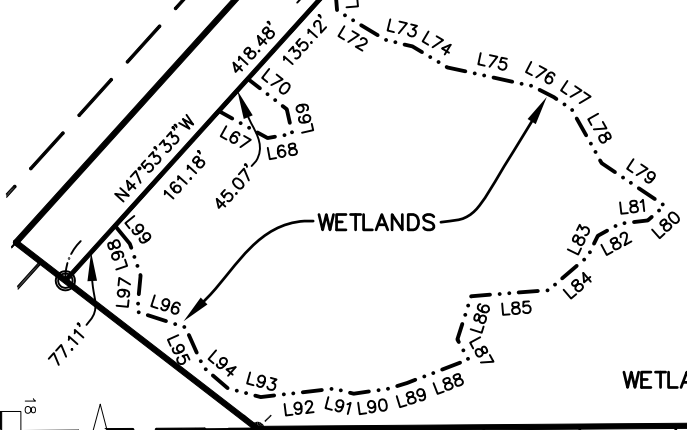
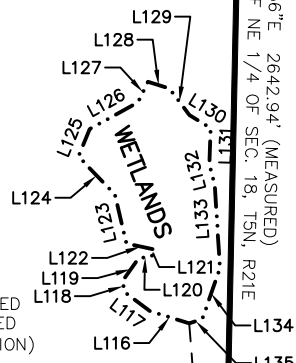
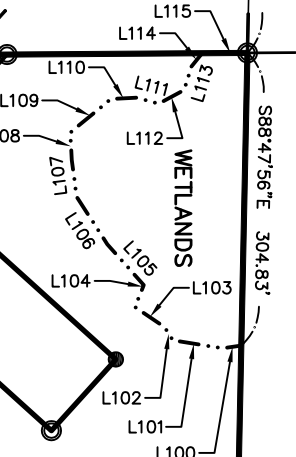
NE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP  
N: 334,672.02  
E: 2,522,721.02  
P.O.B.

**LOT 1**

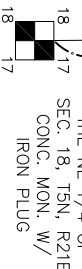
W. ST. MARTIN'S ROAD (R.O.W. WIDTHS AS SHOWN)

EXISTING BUILDING

EXISTING SHED TO BE RAZED (NO FOUNDATION)



EAST LINE OF NE 1/4 OF SEC. 18., T5N, R21E  
S00°24'53"E 2649.23' (MEASURED)



SE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ IRON PLUG

1566.42'

CCF

WETLANDS PER 2012 WETLAND DELINEATION BY R.A. SMITH NATIONAL ON JULY 23-24, 2012 WITH ARMY CORP OF ENGINEERING CONCURRENCE ON NOVEMBER 30, 2012.



**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

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**WETLAND LINE TABLE**

LINE NO.	BEARING	DISTANCE
L67	N29°01'56"E	58.17'
L68	N09°49'19"W	26.13'
L69	S77°12'52"W	26.18'
L70	S37°57'57"W	51.48'
L71	N85°13'43"E	29.27'
L72	N31°07'31"E	58.97'
L73	N13°38'44"E	28.72'
L74	N30°51'14"E	42.62'
L75	N12°24'57"E	90.39'
L76	N27°20'57"E	25.49'
L77	N34°09'14"E	22.15'
L78	N60°46'14"E	64.31'
L79	N34°05'43"E	78.96'
L80	S41°40'45"E	23.29'
L81	S06°19'43"E	29.01'
L82	S28°45'55"E	26.48'
L83	S64°20'39"E	23.53'
L84	S40°40'35"E	54.38'
L85	S04°26'57"E	80.77'
L86	S72°18'07"E	47.23'
L87	N61°26'21"E	23.94'
L88	S20°53'39"E	68.19'
L89	S16°57'48"E	21.16'
L90	S07°59'05"E	35.93'
L91	S14°40'36"W	21.11'
L92	S06°41'07"E	76.81'
L93	S15°03'11"W	35.62'
L94	S40°38'34"W	33.30'
L95	S65°41'50"W	45.64'
L96	S18°01'55"W	52.92'
L97	N84°29'34"W	37.61'
L98	S71°27'21"W	35.24'
L99	S50°25'59"W	24.21'
L100	S08°42'34"E	19.70'

LINE NO.	BEARING	DISTANCE
L101	S09°07'40"W	52.58'
L102	S57°58'46"W	16.07'
L103	S34°18'49"W	37.53'
L104	N67°51'49"W	24.51'
L105	S48°15'17"W	56.97'
L106	S57°13'10"W	59.36'
L107	S82°40'18"W	38.21'
L108	S86°32'17"W	28.52'
L109	N39°40'59"W	55.00'
L110	N02°54'01"W	26.42'
L111	N14°46'01"E	24.39'
L112	N28°09'31"W	29.82'
L113	N72°50'02"W	25.35'
L114	N51°16'00"W	18.29'
L115	N00°24'05"W	47.24'
L116	S17°15'28"W	42.94'
L117	S36°57'16"W	33.56'
L118	S83°20'52"W	11.66'
L119	N54°35'17"W	29.06'
L120	N04°17'53"W	12.90'
L121	N62°30'20"W	8.59'
L122	S12°03'10"W	30.57'
L123	S76°40'43"W	52.30'
L124	S46°22'01"W	54.97'
L125	N67°37'36"W	30.83'
L126	N28°52'35"W	57.27'
L127	N63°54'42"W	24.00'
L128	N17°20'25"E	23.30'

LINE NO.	BEARING	DISTANCE
L129	N52°54'47"E	34.73'
L130	N31°39'31"E	25.87'
L131	S88°02'06"E	37.62'
L132	N75°35'13"E	23.13'
L133	N86°27'26"E	85.80'
L134	S70°54'07"E	56.31'
L135	S18°14'14"E	14.32'
L136	S01°31'26"W	66.00'
L137	S43°44'45"W	25.41'
L138	S02°47'38"E	28.20'
L139	N83°16'32"W	53.45'
L140	S60°03'29"W	17.47'
L141	N49°54'58"W	22.92'
L142	N06°02'16"E	40.81'
L143	N44°02'36"E	60.69'
L144	N23°34'45"E	21.37'
L145	N67°21'04"E	20.58'
L146	S68°48'01"E	31.84'

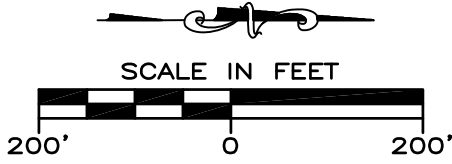


CERTIFIED SURVEY MAP No. \_\_\_\_\_

BEING A RE-DIVISION OF ALL OF REMNANT LOT 2 OF CSM NO. 6613, ALL OF CSM NO. 7317 AND VACATED W. ALLWOOD DR., ALL BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

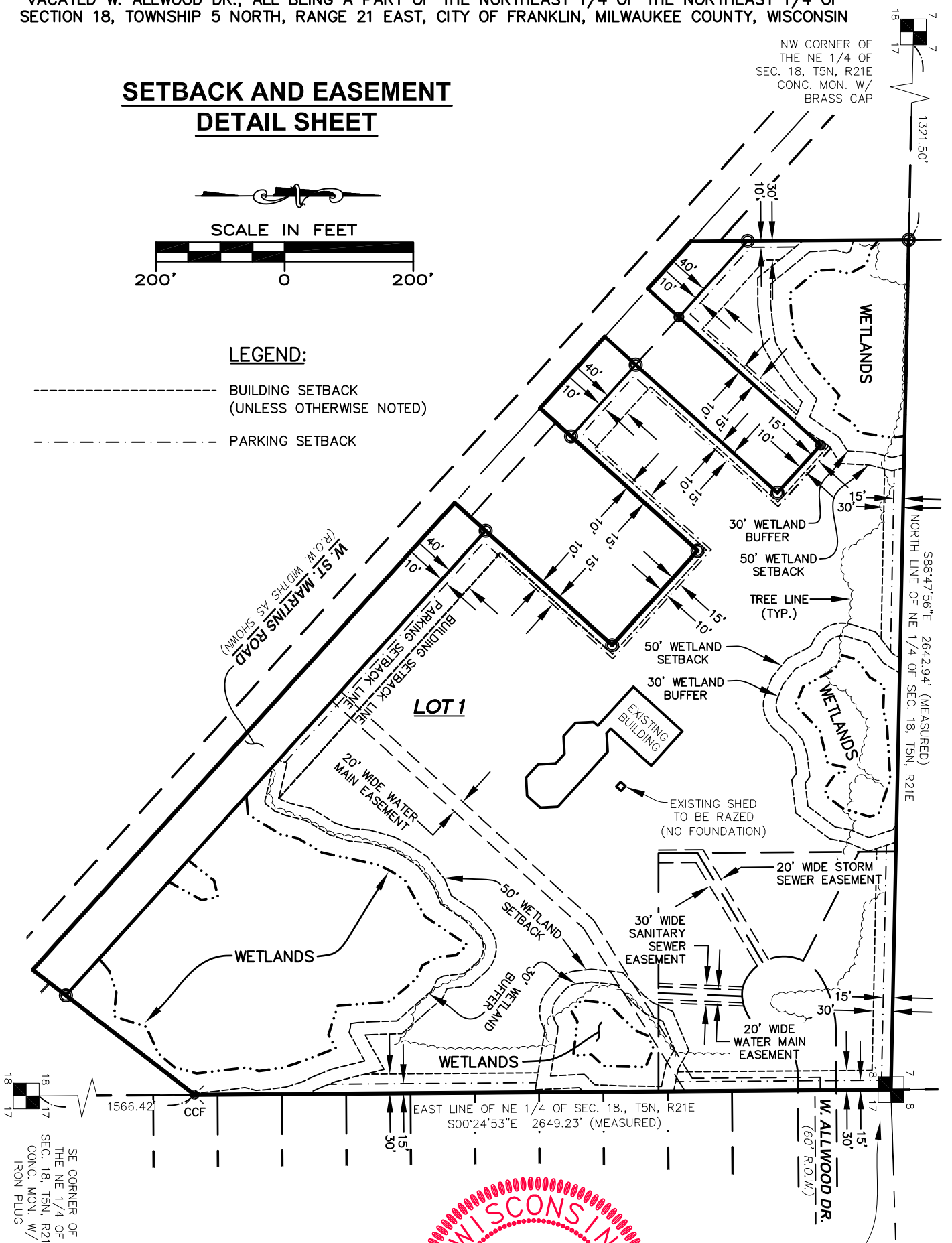
**SETBACK AND EASEMENT  
DETAIL SHEET**

NW CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP



**LEGEND:**

- BUILDING SETBACK (UNLESS OTHERWISE NOTED)
- - - - - PARKING SETBACK



SE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ IRON PLUG



NE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP  
N: 334,672.02  
E: 2,522,721.02  
P.O.B.

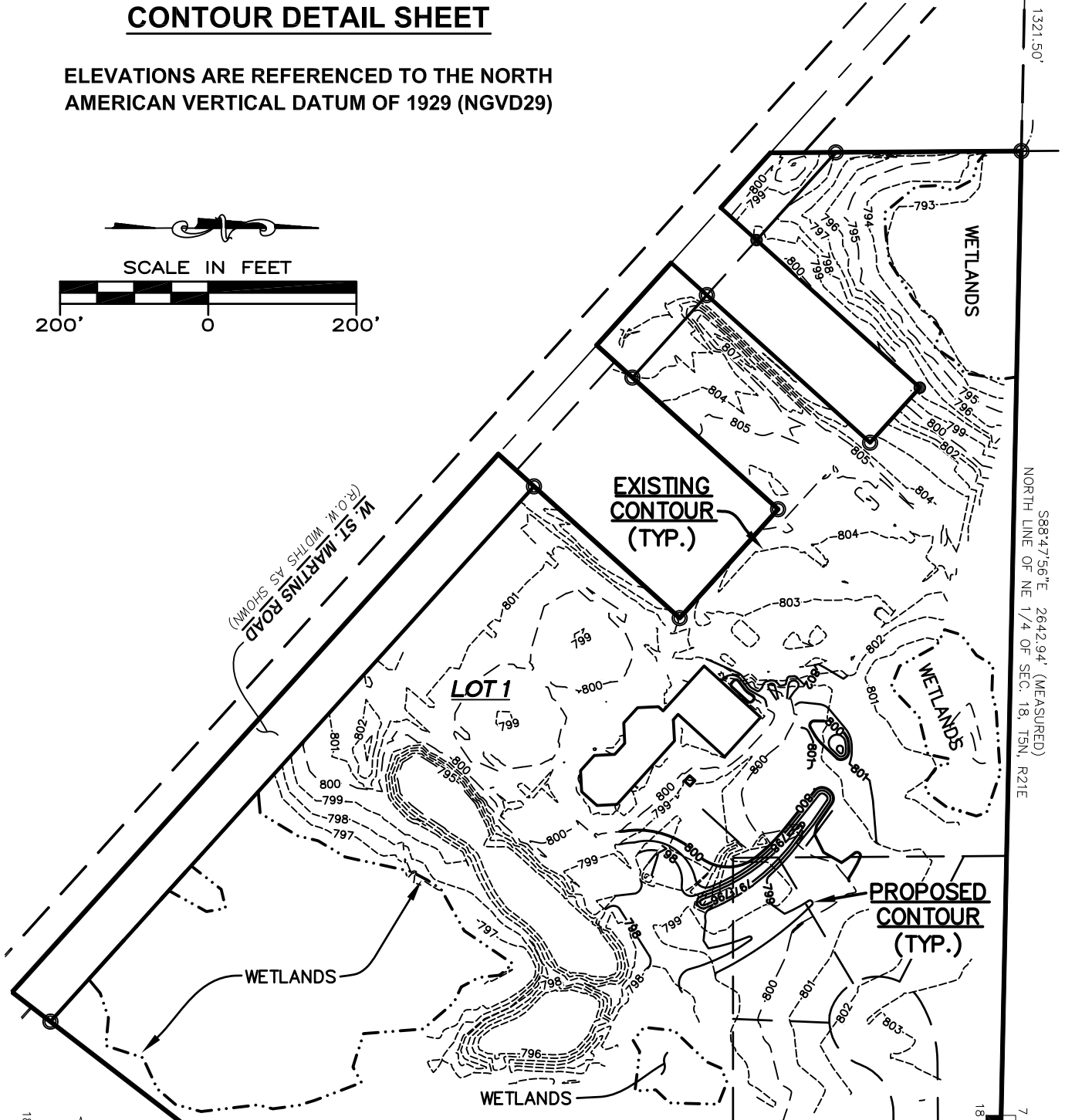
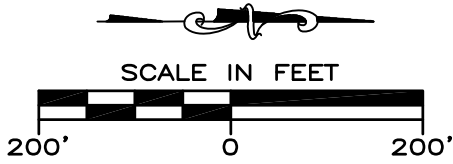
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NW CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP

**CONTOUR DETAIL SHEET**

ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1929 (NGVD29)



88°47'56"E 2642.94' (MEASURED)  
NORTH LINE OF NE 1/4 OF SEC. 18, T5N, R21E

SE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ IRON PLUG

1566.42'

CCF

EAST LINE OF NE 1/4 OF SEC. 18., T5N, R21E  
S00°24'53"E 2649.23' (MEASURED)

W. ALLWOOD DR. (60' R.O.W.)

NE CORNER OF THE NE 1/4 OF SEC. 18, T5N, R21E CONC. MON. W/ BRASS CAP  
N: 334,672.02  
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CERTIFIED SURVEY MAP No. \_\_\_\_\_

BEING A RE-DIVISION OF ALL OF REMNANT LOT 2 OF CSM NO. 6613, ALL OF CSM NO. 7317 AND VACATED W. ALLWOOD DR., ALL BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

State of Wisconsin )  
 ) SS  
County of Milwaukee )

I, John P. Konopacki, Professional Land Surveyor, do hereby certify that I have surveyed, divided, mapped and dedicated a re-division of all of remnant Lot 2 of Certified Survey Map No. 6613, recorded in Reel 4475, Image 2605 to 2608, Document No. 7666018 in the Milwaukee County Register of Deeds Office for Certified Survey Maps and all of Certified Survey Map No. 7317, recorded in Reel 5705, Image 5433 to 5435, Document No. 8673112 in the Milwaukee County Register of Deeds Office for Certified Survey Maps and vacated West Allwood Drive, all being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the northeast corner of the Northeast 1/4 of said Section 18; thence South 00°24'53" East along east line of said Certified Survey Map No. 7317 and then along the east line of said Lot 2, 1082.81 feet to the southeast line of said Lot 2; thence South 37°37'55" West along said southeast line of said Lot 2, 317.88 feet to the southeast line of said Lot 2; thence North 47°53'33" West along said southwest line, 978.60 feet; thence North 42°06'27" East along said southwest line, 330.00 feet; thence North 47°53'33" West along said southwest line, 198.00 feet; thence South 42°06'27" West along said southwest line, 330.00 feet; thence North 47°53'33" West along said northeast right of way line, 149.95 feet to the aforesaid southwest line; thence North 42°06'27" East along said southwest line, 362.00 feet; thence North 47°53'33" West along said southwest line, 100.00 feet; thence South 42°06'27" West along said southwest line, 362.00 feet; thence North 47°53'33" West along said southwest line, 100.00 feet to the west line of said Lot 2; thence North 00°24'05" West along said west line, 338.65 feet to the north line of said Northeast 1/4; thence South 88°47'56" East along said north line, 1321.44 feet to the point of beginning.

Containing in all 1,079,20 square feet (24.7752 acres) gross and 997,584 square feet (22.9014 acres) net of land, more or less. Dedicating 81,626 square feet (1.8739 acres) of land, more or less, for public right of way purposes as graphically shown on this maps.

The right of way for West Allwood Drive has been vacated by the City of Franklin Resolution No. \_\_\_\_\_, as recorded in the Register of Deeds for Milwaukee County as Document No. \_\_\_\_\_.

All subject to easements and restrictions of record and potential future road widening and government restrictions, if any.

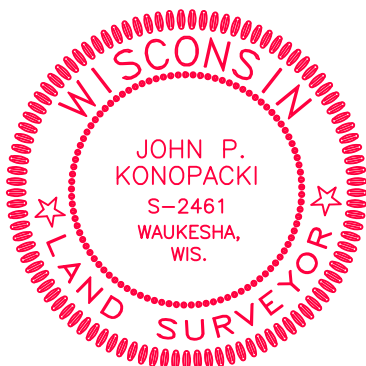
That I have made such survey, land division, right of way dedication and map by the direction of Southbrook Church, Inc. owner of said land.

That such map is a correct representation of all exterior boundaries and the land surveyed and the land division thereof and the right of way dedication made.

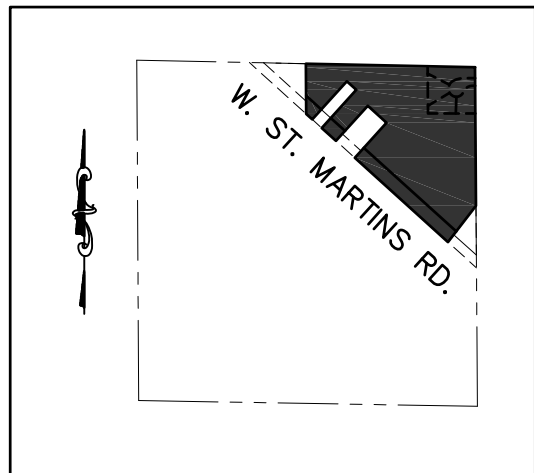
That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Division 15-7.0700 of the City of Franklin Unified Development Ordinance in surveying, dividing, mapping and dedicating the same.

DATED THIS \_\_\_\_\_ DAY OF FEBRUARY, 2015

John P. Konopacki, P.L.S.  
Professional Land Surveyor, S-2461



**VICINITY MAP**



NE 1/4 SEC. 18, T5N, R21E  
SCALE 1" = 1,500'

**CERTIFIED SURVEY MAP No. \_\_\_\_\_**

BEING A RE-DIVISION OF ALL OF REMNANT LOT 2 OF CSM NO. 6613, ALL OF CSM NO. 7317 AND VACATED W. ALLWOOD DR., ALL BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

**CORPORATE OWNER'S CERTIFICATE**

Southbrook Church, Inc., a Wisconsin Corporation and existing under and by virtue of the Laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map, to be surveyed, divided, mapped and dedicated as represented on this map, in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and Division 15-7.0700 of the City of Franklin Unified Development Ordinance.

Southbrook Church, Inc. a Wisconsin Corporation:

\_\_\_\_\_

State of \_\_\_\_\_ )  
 ) SS  
 \_\_\_\_\_ County )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, the above named \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, of the above named corporation, to me known to be such \_\_\_\_\_, and \_\_\_\_\_ of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation by its authority.

\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**CITY OF FRANKLIN COMMON COUNCIL APPROVAL**

This Certified Survey Map is hereby approved by the Common Council of the City of Franklin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
 Stephen Olson, Mayor

Date: \_\_\_\_\_

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

Date: \_\_\_\_\_



**CONSERVATION EASEMENT**

Southbrook Church

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Southbrook Church, Inc., a Wisconsin Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Northeast 1/4 of the Northeast ¼ of Section 18, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, wetland buffers, and wetlands, and refer to Natural Resource Protection Plan by JSD Professional Services, Inc., dated January 23, 2015, with all applicable revision dates, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems, except for construction by the City of Franklin of a future 10-foot wide (maximum) pedestrian walking path at a mutually agreed to location; and

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

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

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

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

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

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

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

1. Construct or place buildings or any structure;

2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

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

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

To Grantor:  
 Southbrook Church, Inc.  
 11010 W. St. Martins Road  
 Franklin, WI 53132

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

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

Southbrook Church, Inc.

By: \_\_\_\_\_

STATE OF WISCONSIN        )  
   ) ss  
 COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by  
 \_\_\_\_\_ Southbrook Church, Inc.

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

\_\_\_\_\_  
 Notary Public

My commission expires \_\_\_\_\_

**Acceptance**

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

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, A.D.20\_\_.

CITY OF FRANKLIN

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

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

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

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

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Nicholas Fuchs, Senior Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

\_\_\_\_\_  
Jesse A. Wesolowski  
City Attorney

\_\_\_\_\_  
Date

**EXHIBIT A  
EASEMENT DESCRIPTION MAP**

GRANTEE: CITY OF FRANKLIN  
OFFICE OF THE CITY CLERK  
9229 W. LOOMIS ROAD  
FRANKLIN, WI 53132

GRANTOR: SOUTHBROOK CHURCH, INC.  
11010 W. ST. MARTINS ROAD  
FRANKLIN, WI 53132

**LEGAL DESCRIPTION**

A permanent conservation easement which crosses a part of the grantor's property located in the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the Northeast corner of the Northeast 1/4 of said Section 18; thence South 00°24'53" East along the East line of said Northeast 1/4 also being the East line of Lot 2 of Certified Survey Map(CSM) #6613 as recorded with the Milwaukee County Register of Deeds, 1082.81 feet; thence South 37°37'55" West along the East line of said Lot 2, 252.68 feet to a point on the north right of way line of W. St. Martins Road, thence North 47°53'33" West along said north right of way line, 480.59 feet; thence South 76°46'20" East, 56.04 feet; thence North 45° 00'31" East, 22.17 feet; thence North 16°31'42" East, 49.88 feet; thence North 30°51'14" East, 43.68 feet; thence North 17°29'13" East, 31.41 feet; thence North 05°29'40" East, 28.29 feet; thence North 15°34'20" East, 35.84 feet; thence North 27°20'57" East, 23.94 feet; thence North 34°09'14" East, 28.77 feet; thence North 52°27'57" East, 38.69 feet; thence North 67°49'14" East, 30.03 feet; thence North 34°05'43" East, 45.20 feet; thence North 47°15'29" East, 43.32 feet; thence South 87°12'38" East, 25.18 feet; thence South 41°40'45" East, 39.04 feet; thence South 11°53'40" East, 42.90 feet; thence South 64°20'39" East, 20.24 feet; thence South 40°40'41" East, 71.25 feet; thence South 03°11'27" East, 70.69 feet; thence South 74°56'55" East, 14.32 feet; thence North 61°26'21" East, 31.13 feet; thence North 02°12'40" West, 133.64 feet; thence North 35°27'44" West, 36.73 feet; thence North 04°15'17" East, 109.55 feet; thence North 30°15'36" West, 41.33 feet; thence South 60°03'29" West, 15.59 feet; thence North 84°55'44" West, 18.93 feet; thence North 49°54'58" West, 33.09 feet; thence North 28°13'45" West, 11.49 feet; thence North 06°32'31" West, 28.24 feet; thence North 06°02'16" East, 39.47 feet; thence North 44°54'28" East, 63.83 feet; thence North 23°34'45" East, 29.12 feet; thence North 67°21'04" East, 47.45 feet; thence North 03°38'45" East, 22.31 feet; thence North 62°49'56" East, 39.01 feet; thence North 00°17'19" West, 114.73 feet; thence North 01°46'58" West, 111.55 feet; thence North 82°10'21" West, 33.69 feet; thence North 05°40'57" West, 21.10 feet; thence North 81°46'03" West, 13.77 feet; thence North 03°42'49" West, 10.80 feet; thence North 89°47'51" West, 52.65 feet; thence North 75°34'38" West, 54.90 feet; thence South, 89°08'12" West, 54.99 feet; thence North 88°29'26" West, 157.32 feet; thence South 18°14'14" East, 20.85 feet; thence South 17°41'48" West, 54.74 feet; thence South 36°57'16" West, 53.34 feet; thence South 83° 20'52" West, 36.05 feet; thence South 86°39'45" West, 66.83 feet; thence South 45° 59'03" West, 55.53 feet; thence South 77°04'04" West, 17.73 feet; thence North 67°37'36" West, 32.06 feet; thence North 51°27'39" West, 31.14 feet; thence North 28°24'04" West, 44.01 feet; thence North 63°54'42" West, 33.57 feet; thence North 00°09'55" West, 18.65 feet; thence North 60°02'44" West, 30.98 feet; thence North 86°20'34" West, 46.79 feet; thence South 58°03'06" West, 44.68 feet; thence South 49°19'10" West, 146.06 feet to the Northeast corner of Lot 1 of said Certified Survey Map #6613; thence North 47°53'33" West along the North line of said Lot 1, 100.00 feet to the Northwest corner of said Lot 1; thence South 42°06'27" West along the West line of said Lot 1, 297.00 feet to a point on the north right of way line of W. St. Martins Road; thence North 47°53'33" West along said north right of way line, 159.58 feet to a point on the West line of said Lot 2; thence North 00°24'05" West along said West line of said Lot 2, 250.48 feet to a point on the North line of said Northeast 1/4, also being the North line of said Lot 2; thence South 88°47'56" East along said North line, 1321.44 feet to the point of beginning.

Containing in all 422,712 square feet (9.7041 acres) of land, more or less.

**PREPARED BY:**

**JSD** Professional Services, Inc.  
◦ Engineers ◦ Surveyors ◦ Planners

MILWAUKEE REGIONAL OFFICE  
N22 W2231 NANCY'S COURT SUITE 3  
WAUKESHA, WISCONSIN 53186  
262.513.0666 PHONE | 262.513.1232 FAX

# EXHIBIT A EASEMENT DESCRIPTION MAP

GRANTEE: CITY OF FRANKLIN  
OFFICE OF THE CITY CLERK  
9229 W. LOOMIS ROAD  
FRANKLIN, WI 53132

GRANTOR: SOUTHBROOK CHURCH, INC.  
11010 W. ST. MARTINS ROAD  
FRANKLIN, WI 53132

## CONSERVANCY EASEMENT DETAIL SHEET

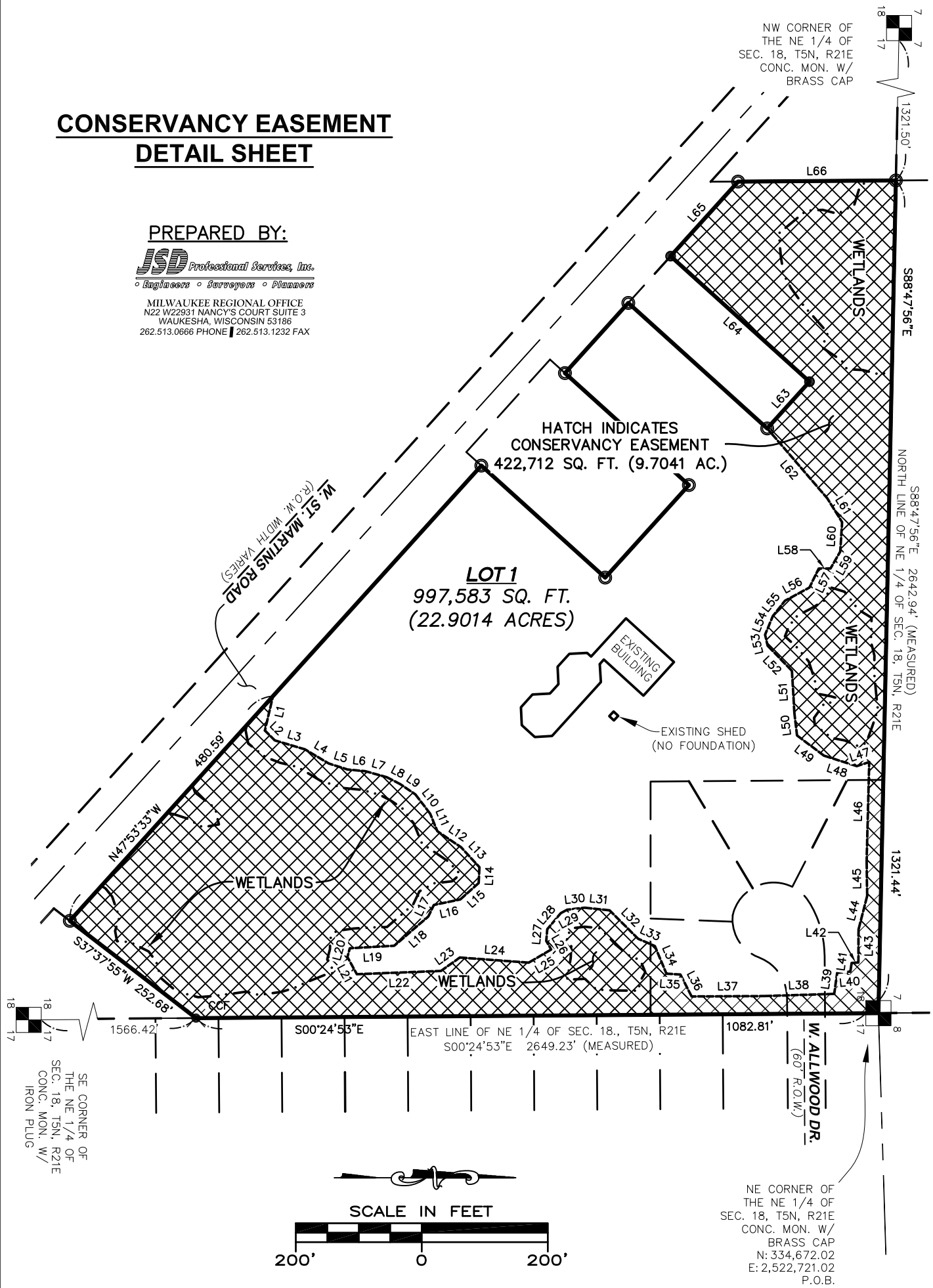
PREPARED BY:

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

MILWAUKEE REGIONAL OFFICE  
N22 W22931 NANCY'S COURT SUITE 3  
WAUKESHA, WISCONSIN 53186  
262.513.0666 PHONE | 262.513.1232 FAX

HATCH INDICATES  
CONSERVANCY EASEMENT  
422,712 SQ. FT. (9.7041 AC.)

**LOT 1**  
997,583 SQ. FT.  
(22.9014 ACRES)



**EXHIBIT A  
EASEMENT DESCRIPTION MAP**

GRANTEE: CITY OF FRANKLIN  
OFFICE OF THE CITY CLERK  
9229 W. LOOMIS ROAD  
FRANKLIN, WI 53132

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11010 W. ST. MARTINS ROAD  
FRANKLIN, WI 53132

**CONSERVANCY EASEMENT LINE TABLES**

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S76°46'20"E	56.04'
L2	N45°00'31"E	22.17'
L3	N16°31'42"E	49.88'
L4	N30°51'14"E	43.68'
L5	N17°39'13"E	31.41'
L6	N05°29'40"E	28.29'
L7	N15°34'20"E	35.84'
L8	N27°20'57"E	23.94'
L9	N34°09'14"E	28.77'
L10	N52°27'57"E	38.69'
L11	N67°49'14"E	30.03'
L12	N34°05'43"E	45.20'
L13	N47°15'29"E	43.32'
L14	S87°12'38"E	25.18'
L15	S41°40'45"E	39.04'
L16	S11°53'40"E	42.90'
L17	S64°20'39"E	20.24'
L18	S40°40'41"E	71.25'
L19	S03°11'27"E	70.69'
L20	S74°56'55"E	14.32'
L21	N61°26'21"E	31.13'
L22	N02°12'40"W	133.64'
L23	N35°27'44"W	36.73'
L24	N04°15'17"E	109.55'
L25	N30°15'36"W	41.33'
L26	S60°03'29"W	15.59'
L27	N84°55'44"W	18.93'
L28	N49°54'58"W	33.09'
L29	N28°13'45"W	11.49'
L30	N06°32'31"W	28.24'
L31	N06°02'16"E	39.47'
L32	N44°54'28"E	63.83'
L33	N23°34'45"E	29.12'
L34	N67°21'04"E	47.45'
L35	N03°38'45"E	22.31'
L36	N62°49'56"E	39.01'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L37	N00°17'19"W	114.73'
L38	N01°46'58"W	111.55'
L39	N82°10'21"W	33.69'
L40	N05°40'57"W	21.10'
L41	N81°46'03"W	13.77'
L42	N03°42'49"W	10.80'
L43	N89°47'51"W	52.65'
L44	N75°34'38"W	54.90'
L45	S89°08'12"W	54.99'
L46	N88°29'26"W	157.32'
L47	S18°14'14"E	20.85'
L48	S17°41'48"W	54.74'
L49	S36°57'16"W	53.34'
L50	S83°20'52"W	36.05'
L51	S86°39'45"W	66.83'
L52	S45°59'03"W	55.53'
L53	S77°04'04"W	17.73'
L54	N67°37'36"W	32.06'
L55	N51°27'39"W	31.14'
L56	N28°24'04"W	44.01'
L57	N63°54'42"W	33.57'
L58	N00°09'55"W	18.65'
L59	N60°02'44"W	30.98'
L60	N86°20'34"W	46.79'
L61	S58°03'06"W	44.68'
L62	S49°19'10"W	146.06'
L63	N47°53'33"W	100.00'
L64	S42°06'27"W	297.00'
L65	N47°53'33"W	159.58'
L66	N00°24'05"W	250.48'

**PREPARED BY:**


**JSD Professional Services, Inc.**  
 ◦ Engineers ◦ Surveyors ◦ Planners  
 MILWAUKEE REGIONAL OFFICE  
 N22 W22931 NANCY'S COURT SUITE 3  
 WAUKESHA, WISCONSIN 53186  
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# Surface Water Data Viewer Map



## Legend

- Wetland Class Points**
  - Dammed pond
  - Excavated pond
  - Filled excavated pond
  - Filled/draind wetland
  - Wetland too small to delineate
- Filled Points**
  -
- Wetland Class Areas**
  - Wetland
  - Upland
- Filled Areas**
  -
- Rivers and Streams
- Open Water
- Air Photo Index (2008 NAIP)

1: 4,286



0.1 0 0.07 0.1 Miles

NAD\_1983\_HARN\_Wisconsin\_TM  
© Latitude Geographics Group Ltd.

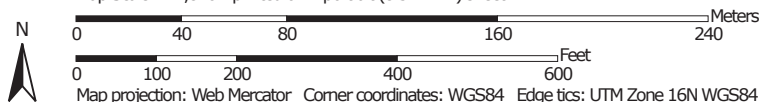
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## Notes

Hydrologic Soil Group—Milwaukee and Waukesha Counties, Wisconsin



Map Scale: 1:2,870 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84




Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

5/8/2015  
Page 1 of 4


## MAP LEGEND

### Area of Interest (AOI)









 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons





 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Lines


 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Points






 A  
 A/D  
 B  
 B/D

 C  
 C/D  
 D  
 Not rated or not available


### Water Features

 Streams and Canals

### Transportation

 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Milwaukee and Waukesha Counties, Wisconsin  
 Survey Area Data: Version 9, Sep 18, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 7, 2014—Sep 22, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Milwaukee and Waukesha Counties, Wisconsin (WI602)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AsA	Ashkum silty clay loam, 0 to 2 percent slopes	C/D	9.2	37.6%
BIA	Blount silt loam, 1 to 3 percent slopes	C/D	9.6	39.5%
MzdB2	Morley silt loam, 2 to 6 percent slopes, eroded	C	5.6	23.0%
<b>Totals for Area of Interest</b>			<b>24.4</b>	<b>100.0%</b>

### Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



WETLAND  
FILL AREA



W St. Martins Rd

W St. Martins Rd

S Mission Dr

S Mission Dr

Park



**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of August 6, 2015****Natural Resource Special Exception**


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

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**INTRODUCTION:**

Please note:

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

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

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

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



## **BACKGROUND:**

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

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

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

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

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

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

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

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

### **PROJECT DESCRIPTION/ANALYSIS:**

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

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

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

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by filling out the NRSE Question and Answer Form, which is attached for your review.

### **Mitigation**

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

### Snow Storage

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

### Alternatives

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

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

### **STAFF RECOMMENDATION:**

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

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

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

*Draft 7/31/15*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Starfire Systems,  
Inc. (Malek Family Limited Partnership, owner) for a Special Exception to Certain  
Natural Resource Provisions of the City of Franklin Unified Development Ordinance

Whereas, Starfire Systems, Inc. (Malek Family Limited Partnership, owner) having filed an application dated June 18, 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, the application having been reviewed by the City of Franklin Community Development Authority and the Authority having made its recommendation upon the application, a copy of said recommendation dated July 31, 2015 being annexed hereto and incorporated herein as Exhibit C; 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 D; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 9825 South 54th Street, zoned Planned Development District No. 18, 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 18, 2015, by Starfire Systems, Inc. (Malek Family Limited Partnership, 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 Starfire Systems, Inc. (Malek Family Limited Partnership, 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

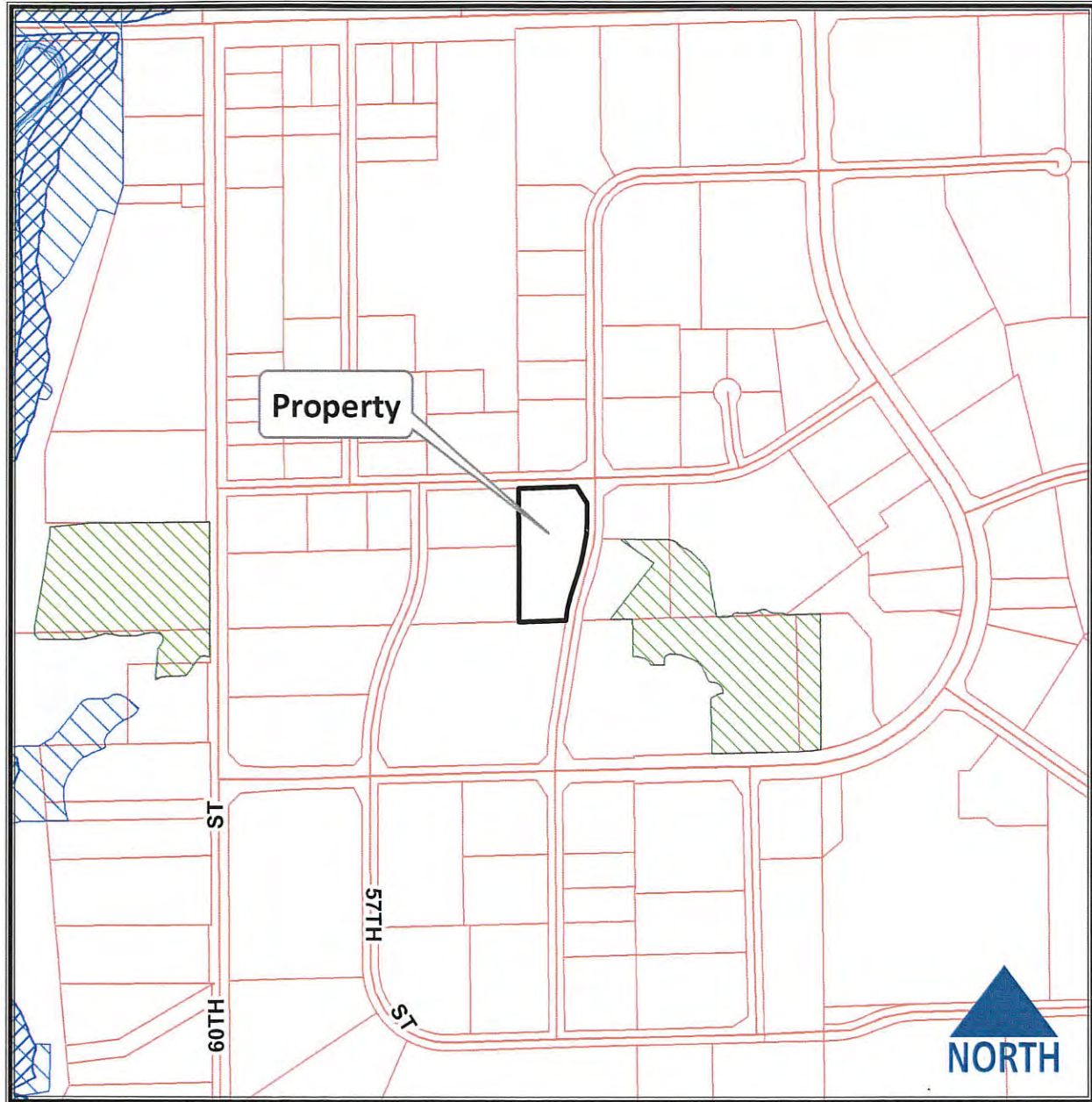
ATTEST:

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

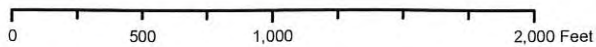
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



### 9825 South 54th Street



**Planning Department**  
**(414) 425-4024**



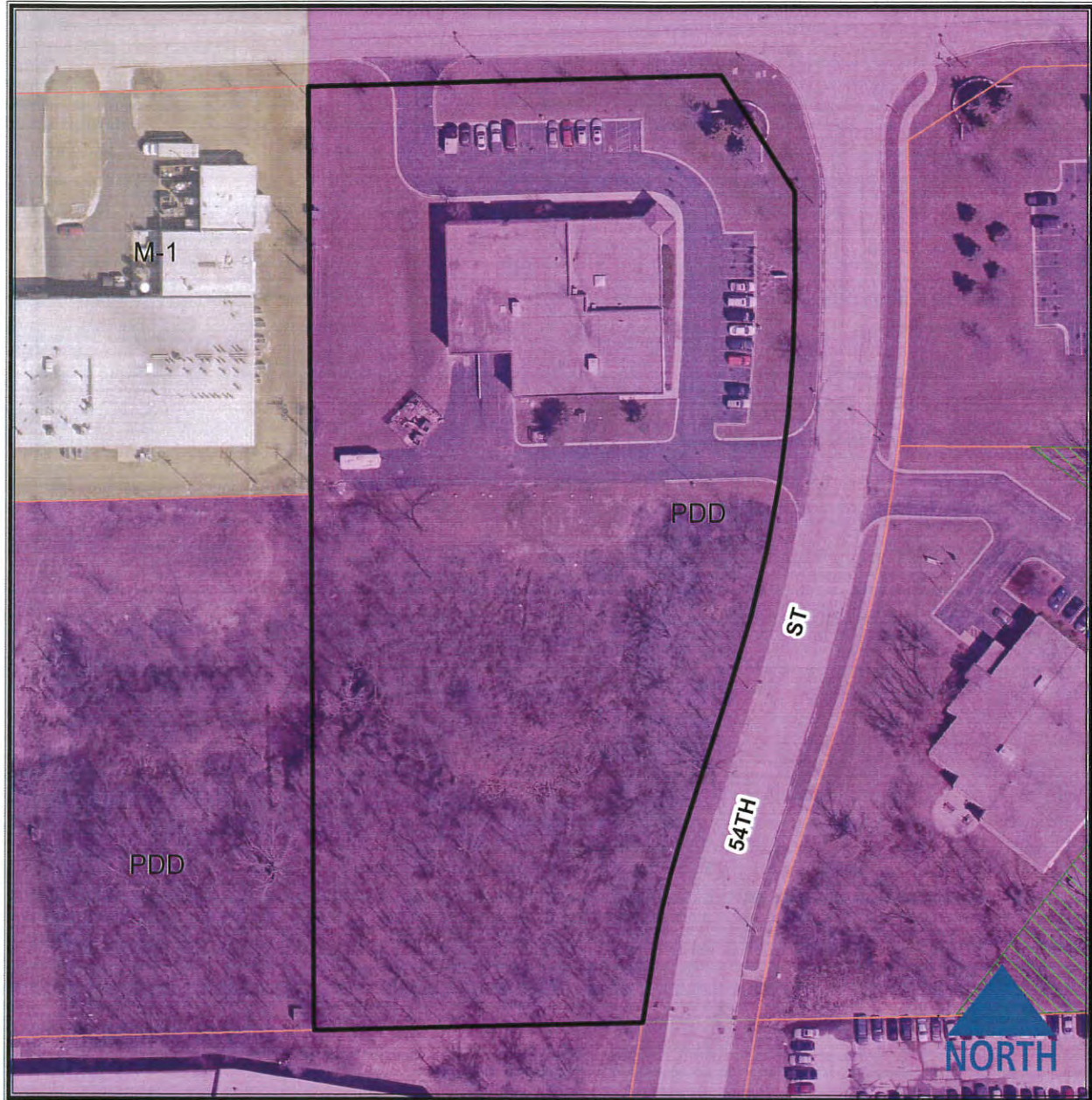
2013 Aerial Photo

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

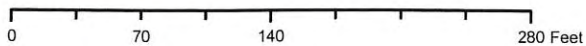




### 9825 South 54th Street



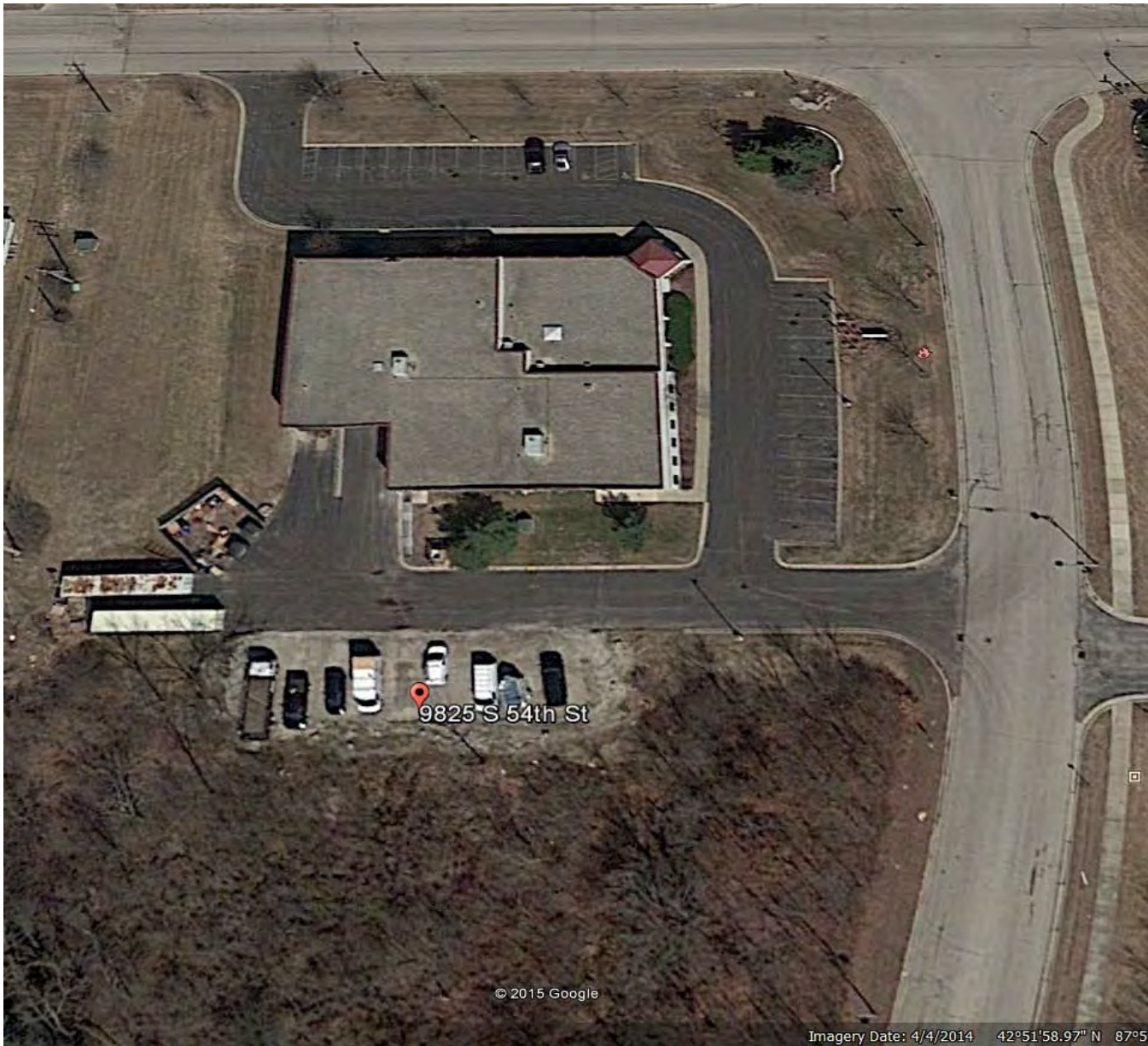
**Planning Department**  
**(414) 425-4024**



2013 Aerial Photo

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

Starfire Systems, Inc. – 9825 S. 54<sup>th</sup> Street



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

**City of Franklin Environmental Commission**

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

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

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

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

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

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

3. Applicant's reason for request:

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

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

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

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

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

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

2. Storm and flood water storage:

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

3. Hydrologic functions:

*No significant impact is anticipated.*

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

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

5. Shoreline protection against erosion:

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

6. Habitat for aquatic organisms:

*No impact is anticipated.*

7. Habitat for wildlife:

*No impact is anticipated.*

8. Human use functional value:

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

9. Groundwater recharge/discharge protection:

*No significant impact is anticipated.*

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

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

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

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

12. Existence within a Shoreland:

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

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

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

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

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The Starfire property is unique, as no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement.*

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

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

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

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

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

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

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

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

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *As the proposed impacts are*

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

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

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

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

*The project will meet all other zoning and site planning requirements.*

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

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

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

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

4. Aesthetics:

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

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

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

6. Proximity to and character of surrounding property:

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

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

*Planned Development District No. 18, Franklin Business Park*

8. Any negative affect upon adjoining property:

*No negative effects are anticipated.*

9. Natural features of the property:

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

10. Environmental impacts:

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

**V. Environmental Commission Recommendation:**

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends [approval] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. *The applicant shall submit a formal Mitigation Plan to the Department of City Development for review and approval by Staff, which includes further details about the proposed invasive species*



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

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


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

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

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

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

Dated this 31 day of July, 2015.

  
\_\_\_\_\_  
Wesley Cannon, Chairman

Attest:

\_\_\_\_\_  
Curtis Bolton, Vice-Chairman



**City of Franklin Community Development Authority**

TO: Common Council  
DATE: July 31, 2015  
RE: Special Exception application review and recommendation  
APPLICATION: Starfire Systems, Inc. (Malek Family Limited Partnership, owner), Applicant, dated: June 18, 2015  
(9825 South 54th Street)

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

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

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

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

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

3. Applicant's reason for request:

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



*No impact is anticipated.*

8. Human use functional value:

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

9. Groundwater recharge/discharge protection:

*No significant impact is anticipated.*

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

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

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

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

12. Existence within a Shoreland:

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

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

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

**III. Community Development Authority review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:**

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The Starfire property is unique, as no other property in the Business Park has approximately 50% of the overall lot area encumbered by a Greenspace Easement.*

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

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

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

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

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

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

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

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

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *As the proposed impacts are*

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

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

**IV. Community Development Authority review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

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

*The project will meet all other zoning and site planning requirements.*

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

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

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

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

4. Aesthetics:

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

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

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

6. Proximity to and character of surrounding property:

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

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

*Planned Development District No. 18, Franklin Business Park.*

8. Any negative effect upon adjoining property:

*No negative effects are anticipated.*

9. Natural features of the property:

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

10. Environmental impacts:

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

**V. Community Development Authority Recommendation:**

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

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



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

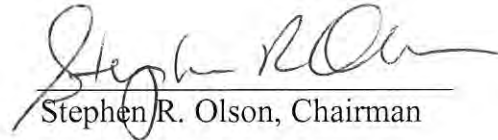
*b. The Mitigation Plan shall include an enhancement to the portion the wetland buffer between the proposed 13-stall paved parking area and the wetland, by converting it from turf grass lawn to native shrubs and forbs.*

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

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

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

Dated this 31 day of July, 2015.

  
Stephen R. Olson, Chairman

Attest:

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Edward H. Holpfer, Vice-Chairman





**FRANKLIN**

**Business Park Association, Inc.**

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

June 26, 2014

City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

Attn: Jesse Wesolowski, City Attorney

RE: Starfire Systems, Inc. Application for a Variance

Dear Mr. Wesolowski,

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

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

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



**FRANKLIN**

**Business Park Association, Inc.**

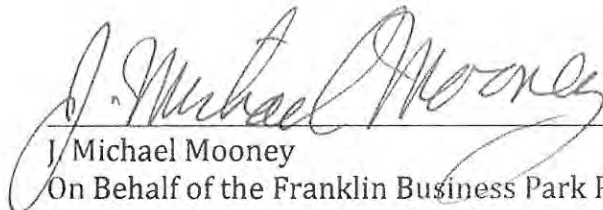
13400 Bishops Lane  
Suite 270  
Brookfield, WI 53005  
B (262) 797-9400  
F (262) 797-8940

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

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

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

Sincerely,

  
\_\_\_\_\_  
J. Michael Mooney  
On Behalf of the Franklin Business Park Review Board

6/26/14  
Date

**Natural Resource Special Exception Question and Answer Form.**

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

a. Indication of the section(s) of the UDO for which a Special Exception is requested. Section 15-4.0101, Natural Resources Protection Standard

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b. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate. Special Exception is requested for the 30' wetland buffer (0.032-acre / 1,393.9 square feet) and 50' wetland setback (0.054-acre / 2,352.2 square feet). Total impact is 0.054-acre as the setback also contains the buffer

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

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 Starfire companies provide a wide range of products and services including, but not limited to, critical facility fire protection, extinguisher sales and service, electrical contracting and distribution of

fire protection materials. They wish to expand their facility and parking areas at their current location in Franklin, WI.

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(b) State whether the project is an expansion of an existing work or new construction. Project is an expansion of an existing facility.

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

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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. There is no suitable alternative location for parking at this location. All other alternatives have been thoroughly evaluated by the CDA and the owner, and all parties determined that the proposed option is needed to meet the project requirements.

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(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. No redesign options are available as the buildable area is fully developed.

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(c) State how the project may be made smaller while still meeting the project's needs. The project may not be made smaller, as the building addition and additional parking are necessary for successful business activities.

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(d) State what geographic areas were searched for alternative sites. Alternative sites were not searched, as Starfire Systems, Inc. currently has a successful business at this location. Sites surrounding the facility are occupied by others, constrained by the presence of powerlines, built out or located across busy roadways.

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(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. No other onsite areas are available for the proposed parking, other than in the landscaping easement area, which is not suitable for parking of service vehicles and trailers.

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(f) State what will occur if the project does not proceed. The Starfire companies capacity for growth will be severely limited resulting in loss of potential tax revenue for the City of Franklin and potential relocation of the Starfire companies outside of the City limits.

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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. There are no suitable alternatives so no cost analysis has been done. If the project does not proceed, the City of Franklin will lose the tax revenue on an estimated \$500,000.00 property improvement, plus future tax revenue if the company relocates.

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

Space limitations limit parking location options to the proposed area.

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

NA

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

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- 4) Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts. No feasible options are available that avoid the wetland buffer and setback.
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- 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 wetland area will be unaffected and the extent of the improvement in the Wetland Buffer and Wetland Setback area will be limited to the installation of asphalt on what would otherwise be a relatively flat grassy area. Very little natural vegetation would be disturbed.

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

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species.



- b) Storm and flood water storage.
- c) Hydrologic functions.
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.
- e) Shoreline protection against erosion.
- f) Habitat for aquatic organisms.
- g) Habitat for wildlife.
- h) Human use functional value.
- i) Groundwater recharge/discharge protection.
- j) Aesthetic appeal, recreation, education, and science value.
- k) Specify any State or Federal designated threatened or endangered species or species of special concern.
- l) Existence within a Shoreland.
- 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.  
Adding asphalt will slightly increase impervious area. No other impacts are anticipated.  

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7) Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin. Direct impact to wetland habitat is not proposed. The owner proposes to conduct natural area enhancement by managing invasive shrubs in the woodland adjacent to the parking area and wetland. This will enhance the quality and function of the woodland, which will ultimately enhance water quality.

### List of Adjacent Property Owners

Vesta Inc.  
5400 W Franklin Drive  
Franklin, WI 53132

Stonehammer, LLC  
9770 S 54<sup>th</sup> Street  
Franklin, WI 53132

Vine Street DEMCO One LLC  
9848 S 57<sup>th</sup> Street  
Franklin, WI 53132

ALFA, LLC  
5215 W Airways Avenue  
Franklin, WI 53132

Garl LLC  
5512 W Airways Avenue  
Franklin, WI 53132

SBBM Property  
9850 S 54<sup>th</sup> Street  
Franklin, WI 53132

City of Franklin  
5550 W Airways Avenue  
Franklin, WI 53132

Paul and Janet Smyczek  
5300 W Franklin Drive  
Franklin, WI 53132

FELO an Illinois General Partnership  
9775 S 54<sup>th</sup> Street  
Franklin, WI 53132