

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/21/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF FRANKLIN PUBLIC SCHOOLS FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (FOR PLEASANT VIEW ELEMENTARY SCHOOL BASKETBALL COURT ADDITION/RELOCATION</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.17.</i></p>

At their meeting on June 24, 2015, the Environmental Commission passed a motion “to recommend approval of the Special Exception to Natural Resource Features for Franklin Public Schools subject to Staff conditions as listed and as presented to the Environmental Commission with further recommendations that a Landscape Plan must be submitted and approved by Plan Commission and Common Council prior to commencement of work and that a Conservation Easement must be approved by Common Council and recorded prior to commencement of work.”

At the regular meeting of the Plan Commission on July 9, 2015, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Franklin Public Schools Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendations, subject to the mitigation plan being coordinated with the Alderperson and neighbor to the east.

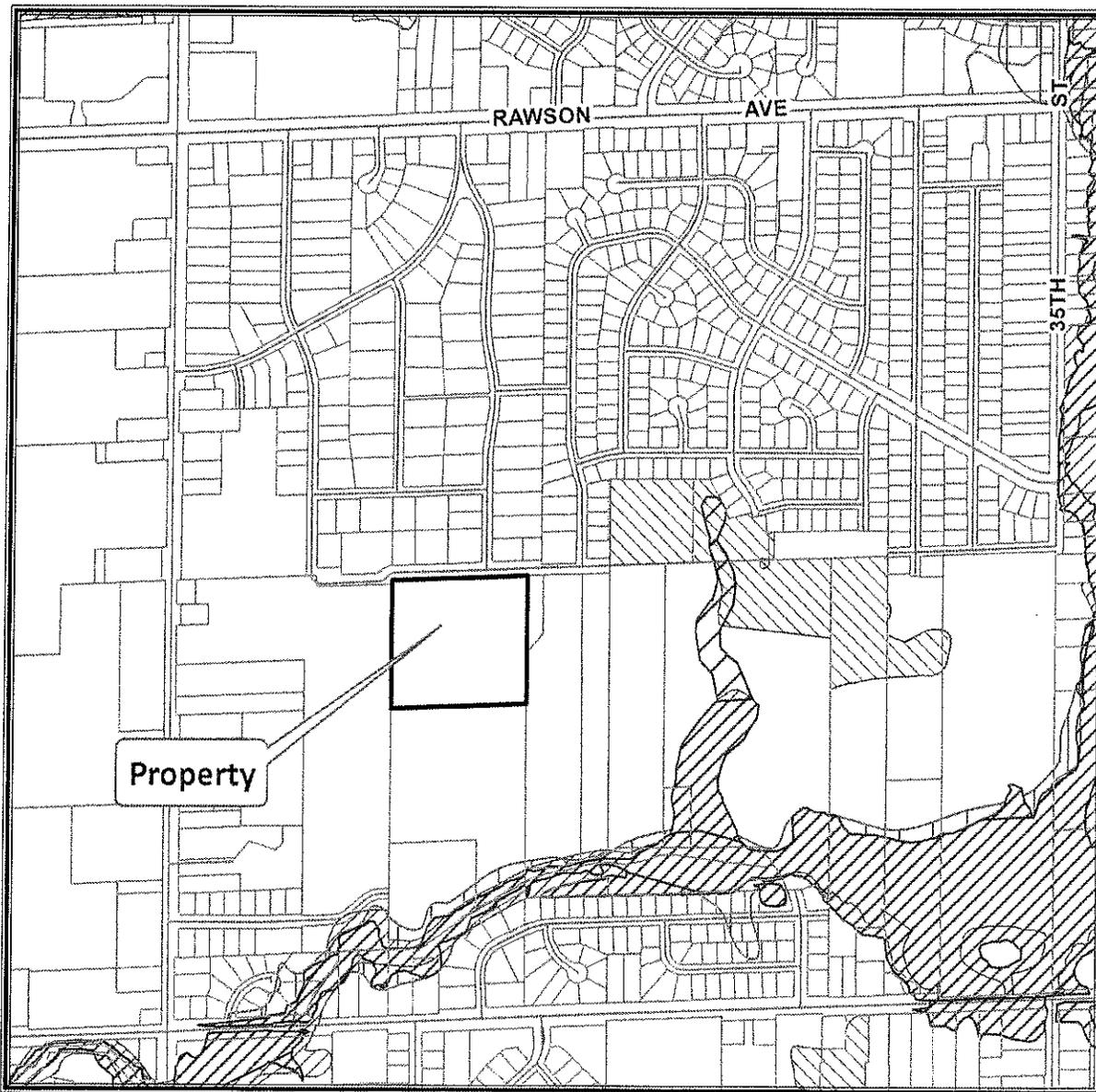
COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Franklin Public Schools for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance (for Pleasant View Elementary School basketball court addition/relocation).

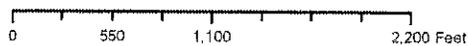


City of Franklin

4601 West Marquette Avenue
TKN 788-9980-000
Pleasant View Elementary School



Planning Department
(414) 425-4024

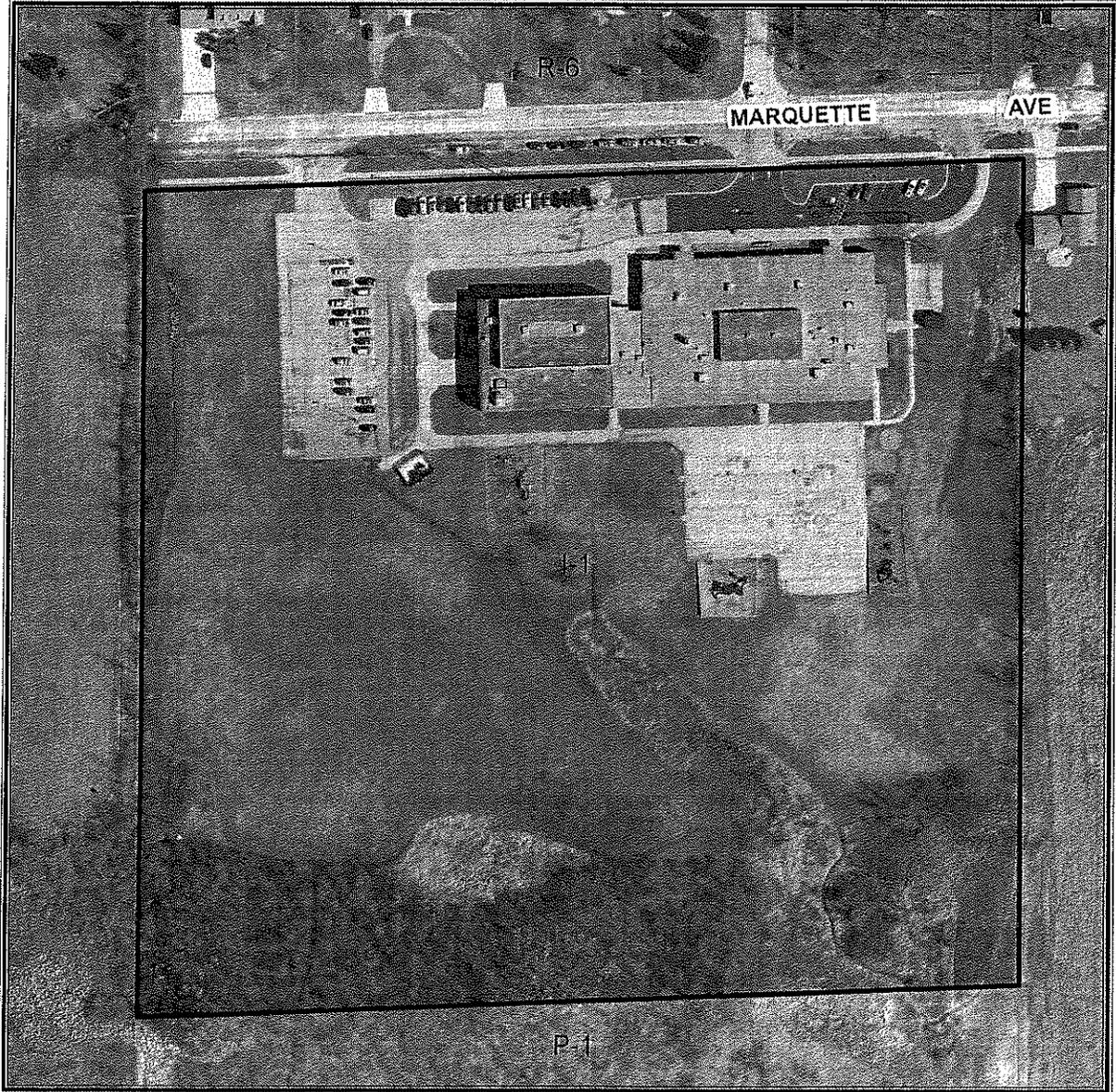


2013 Aerial Photo

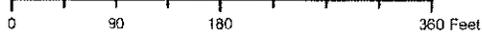
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



4601 West Marquette Avenue
TKN 788-9980-000
Pleasant View Elementary School



Planning Department
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2013 Aerial Photo

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Franklin Public
Schools for a Special Exception to Certain Natural Resource Provisions of the City of
Franklin Unified Development Ordinance (for Pleasant View Elementary School
basketball court addition/relocation)

Whereas, Franklin Public Schools having filed an application dated June 15, 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 June 24, 2015 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated July 9, 2015 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 4601 West Marquette Avenue, zoned I-1 Institutional District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated June 15, 2015, by Franklin Public Schools, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence

sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the project must be located in this area due to existing site boundary conditions, existing hard surface areas, and existing greenspace areas. The purpose of this request is to improve student safety and supervision in play areas and is not self-imposed.*

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

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

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *The proposed section of hard surface play area (approximately 40-feet by 90-feet) within the 50-foot wetland setback could be eliminated but would greatly affect functionality and safety of play use by students.*

The project does not have alternative design options that provide adequate safety/functionality for the students. Reducing the project construction site would greatly affect usable safe hard surface area for students.

There is no alternative area since the site is property of the school and is confined to the property limits. Adjacent greenspace areas are already utilized to their fullest potential.

If the approval of the additional hard surface area within the 50-foot wetland setback is not granted, safety and supervision of students during outdoor activities is jeopardized.

After assessing the site, we believe that the safety and supervision of the students outweighs any benefits the school district and the community would receive from any construction not be performed within the 50-foot wetland setback.

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 disturbs a minimal portion of the wetland setback and will not adversely impact the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *the circumstances surrounding this project are unique to Pleasant View Elementary School, which use as a public school and the need of the school to have safe play areas would not apply to the vast majority of properties in the City; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *the proposed improvements do not significantly impact the protected wetland; 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 paving of the relatively small portion of the wetland setback will not adversely impact the functional values of the adjacent wetland.*

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed paving of the wetland setback is located behind the school building. The project complies with all other City of Franklin setback 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 use of the property is unique as a public elementary school and does not generally apply to other properties or uses within the same district. The school has unique needs to accommodate a large number of young students.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The improvements allow the continued use of the property as a public elementary school and provides better supervision and increased safety.*

4. Aesthetics: *Aesthetics are not significantly impacted as the proposed improvements are located behind the school building and impact a relatively small area of wetland setback.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The project will disturb approximately 1,160 square feet of the 21,794 square feet of wetland setback surrounding the wetland onsite.*

6. Proximity to and character of surrounding property: *Pleasant View Elementary School is surrounded by single-family residential uses to the north, Pleasant View Neighborhood Park to the south, single-family and conservation land to the east, and vacant residentially zoned property to the west.*

7. Zoning of the area in which property is located and neighboring area: *Pleasant View Elementary School is zoned I-1 Institutional District. Properties located directly to the north, east and west are zoned R-6 Suburban Single-Family Residence District and the property to the south is zoned P-1 Park District.*

8. Any negative affect upon adjoining property: *There are no negative affects to adjoining properties.*

9. Natural features of the property: *The property contains four wetlands and the associated 30-foot wetland buffers and 50-foot wetland setbacks.*

10. Environmental impacts: *The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for grading and paving within approximately 1,160 square feet of the 50-foot Wetland Setback on the Pleasant View Elementary School property, for the expansion of the asphalt pavement area behind the school to install 2 basketball hoops, and to relocate 2 basketball hoops, to create 2 separate basketball courts on the Pleasant View Elementary School property.*

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 June 24, 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 the applicant shall submit a revised Site Plan/NRPP that illustrates the location of the Conservation Easement prior to commencement of work; 4) that the applicant shall establish and maintain 1,160 square feet (an area equal to the amount of loss of wetland setback) of appropriate native plantings within the wetland buffer and/or setback adjacent to the area of encroachment to compensate for the wetland setback loss, within one year of approval of this Natural Resource Special Exception; 5) that the applicant shall submit a Landscape Plan, for Plan Commission and Common Council approval, that illustrates and identifies the amount, type, and location of proposed plantings prior to commencement of work; 6) that the applicant coordinate the mitigation plan with the Alderperson and neighbor to the east as recommended by the Plan Commission; 7) that all areas of temporary disturbance within the wetland setback shall be restored per Section 15-4.0102I. of the UDO, within one year of approval of this Natural Resource Special Exception; 8) that all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to the commencement of work; 9) 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 Franklin Public Schools (Pleasant View Elementary School) 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

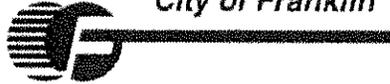
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

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



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

Date of Application: 05/20/15

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

Applicant (Full Legal Name[s]):

Name: Mark Cloutier
Company: Franklin Public School District
Mailing Address: 8255 W. Forest Hill Avenue
City / State: Franklin, WI Zip: 53132
Phone: (414) 525-7608
Email Address: Mark.Cloutier@franklin.k12.wi.us

Project Property Information:

Property Address: 4601 W Marquette Ave
Property Owner(s): Franklin Public School District

Mailing Address: 8255 W. Forest Hill Avenue
City / State: Franklin, WI Zip: 53132
Email Address: Mark.Cloutier@franklin.k12.wi.us

Applicant is Represented by (contact person) (Full Legal Name[s]):

Name: Daniel L. Pepilinski
Company: Point of Beginning, Inc.
Mailing Address: 5709 Windy Drive, Suite D
City / State: Stevens Point, WI Zip: 54482
Phone: (715) 344-9999
Email Address: danp@pobinc.com

Tax Key Nos: 788-9980 - 000

Existing Zoning: Governmental and Institutional I - 1
Existing Use: School
Proposed Use: School
Future Land Use Identification: Institutional

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

Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:
(See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)
<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>

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

Franklin

JUN 15 2015

City Development

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

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

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

Signature - Property Owner

Name & Title (PRINT) _____
Date: 5/21/15

Signature - Property Owner

Name & Title (PRINT) **Mark E. Cloutier**
Date: _____
Manager of Buildings and Grounds

Signature - Applicant

Name & Title (PRINT) _____
Date: 5/21/15

Signature - Applicant's Representative

Name & Title (PRINT) **Mark E. Cloutier**
Date: _____
Manager of Buildings and Grounds

Natural Resource Special Exception Question and Answer Form.

City Development

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 15-10.0208

B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate. Requesting to pave new asphalt within 50' protection wetland buffer.

C. Statement of the reason(s) for the request. We are requesting this permission to improve the overall safety and functionality of students by converting existing green space to a hard surface play area that will be located in a 50' wetland protection buffer.

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 purpose of the project is to upgrade existing hard surface play areas which involves repaving asphalt in those play areas. Additional improvements include replacing broken concrete curb/walk, expanding hard surface play area and connecting existing roof drains to outlet through a grass swale.

(b) State whether the project is an expansion of an existing work or new construction. The proposed project includes expansion of hard surface play areas along with repairing existing concrete walkways and curbs. The installation of new storm sewer is proposed along with regrading of turf in green space areas.

- (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 project must be located in this area, due to existing site boundary conditions, existing hard surface areas, and existing green space areas. The purpose of this request is to improve student safety and supervision in play areas.

2) **Possible Alternatives.**

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

The proposed section of hard surface play area (approx 40'x90') within the 50' wetland protection buffer could be eliminated but would greatly affect functionality and safety of play use by students.

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

As stated in Section 2a, the project does not have alternative design options that provide adequate safety/ functionality for the students.

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

Reducing the project construction site would greatly affect usable safe hard surface area for students.

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

There is no alternative area, since the site is property of the school and is confined to the property limits. Adjacent green space areas are already utilized to their fullest potential.

- (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.

As stated in 2d, since the site is confined to what the school district owns, there are no other options for land use in the surrounding area.

- (f) State what will occur if the project does not proceed.
If the approval of the additional hard surface area within the 50' wetland protection buffer is not granted, safety and supervision of students during outdoor activities is jeopardized.

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.

After assessing the site, we believe that the safety and supervision of the students outweighs any benefits the school district and the community would receive from any construction not be performed within the 50' wetland protection buffer.

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

Not applicable

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

Not applicable

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

Not applicable

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.

The existing green space requested to be upgraded to hard surface play area in the 50' wetland protection buffer is vital to the overall supervision of students along with functional usable play space for the students.

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 area of wetland adjacent to the proposed hard surface play area is gently sloped that takes on stormwater runoff from existing roof drains and outlets into the green space area. The vegetation that exists in the area includes cattails and common wetland grasses.

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

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

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

Although the adjacent wetland in question appears to be man-made created from roof drain run-off, its the belief there will be no loss of wildlife or aquatic organisms by constructing new hard surface within the 50' wetland protection buffer.

7) **Water Quality Protection.**

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

Non applicable. It appears that the wetland area in question was formed from stormwater runoff of the building and hard surface area.

The Natural Resource Special Exception application was filled out on the school's behalf because a conflict has arisen within the school district, regarding a low lying stormwater area that has created a less susceptible wetland and poses a safety concern for students. This low-lying, degraded area has been fed by runoff from the site and a stormwater pipe that has caused mesic soils to exist in an area that was once uninhibited by wetland flora, according to aerial photography and metadata from the Milwaukee County GIS Database. We believe that this intensified concentration of stormwater runoff from the drainage pipe that daylight directly into the green space has allowed wetland flora to encroach onto the property of the school site; continuing to encroach further towards the drainage pipe. This artificial wetland has a significant setback around the edge of the delineated area that is prohibiting the school district from adding much needed hard surface for the children to use. The engineered design was created to minimize the amount of hard surface that shall impede on the existing wetland setback, however, it should be stressed that due to existing low-lying areas located on the site, the school is in need of safe hard surface play areas to meet the needs and demands of the students at Pleasant View Elementary School. According to Chapter NR 151 from the DNR, NR 151.25 section "f" states that, "10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet" is considered the protective area standard. This is much less restrictive than the city requirements. Considering the low lying area, deemed a "wetland," is 100% protected by the city and cannot be touched, trimmed, or mowed, visibility issues arise from the perspective of the faculty that supervise the students. By creating an open hard surface area, visibility would drastically improve.

In addition, the low-lying area may encourage the growth of harmful fauna that are typical for hydric soils. Stagnant water, muddy conditions, and decreased visibility create growing concerns within the school district and the faculty about the students' safety. This vegetative obstacle may be seen as an attractive nuisance, and we believe that it is in the best interest of the city, the school, and the children to create other areas for students to play, such as hard surface areas, so that kids are not encouraged to play around the potentially dangerous low-lying mesic area and remain more visible to faculty supervisors.

Franklin

JUN 29 2015

City Development

DATE	10/15/2014
PROJECT	EXISTING SITE SURVEY
CLIENT	FRANKLIN PUBLIC SCHOOLS
SCALE	AS SHOWN
DRAWN BY	BOB
CHECKED BY	BOB
DATE	10/15/2014

C1.0

LEGEND

ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED

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UNDERGROUND UTILITIES

ALL DIMENSIONS ARE IN FEET AND INCHES
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ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED

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SURVEYOR'S CERTIFICATE

ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED

1	SURVEYOR'S CERTIFICATE
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FRANKLIN PUBLIC SCHOOLS
PLEASANT VIEW ELEMENTARY
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

SITE DEMOLITION PLAN

DATE	DESCRIPTION
10/15/2017	ISSUED FOR PERMIT
08/15/2017	REVISED
08/15/2017	ISSUED FOR PERMIT
08/15/2017	ISSUED FOR PERMIT

GENERAL NOTES:

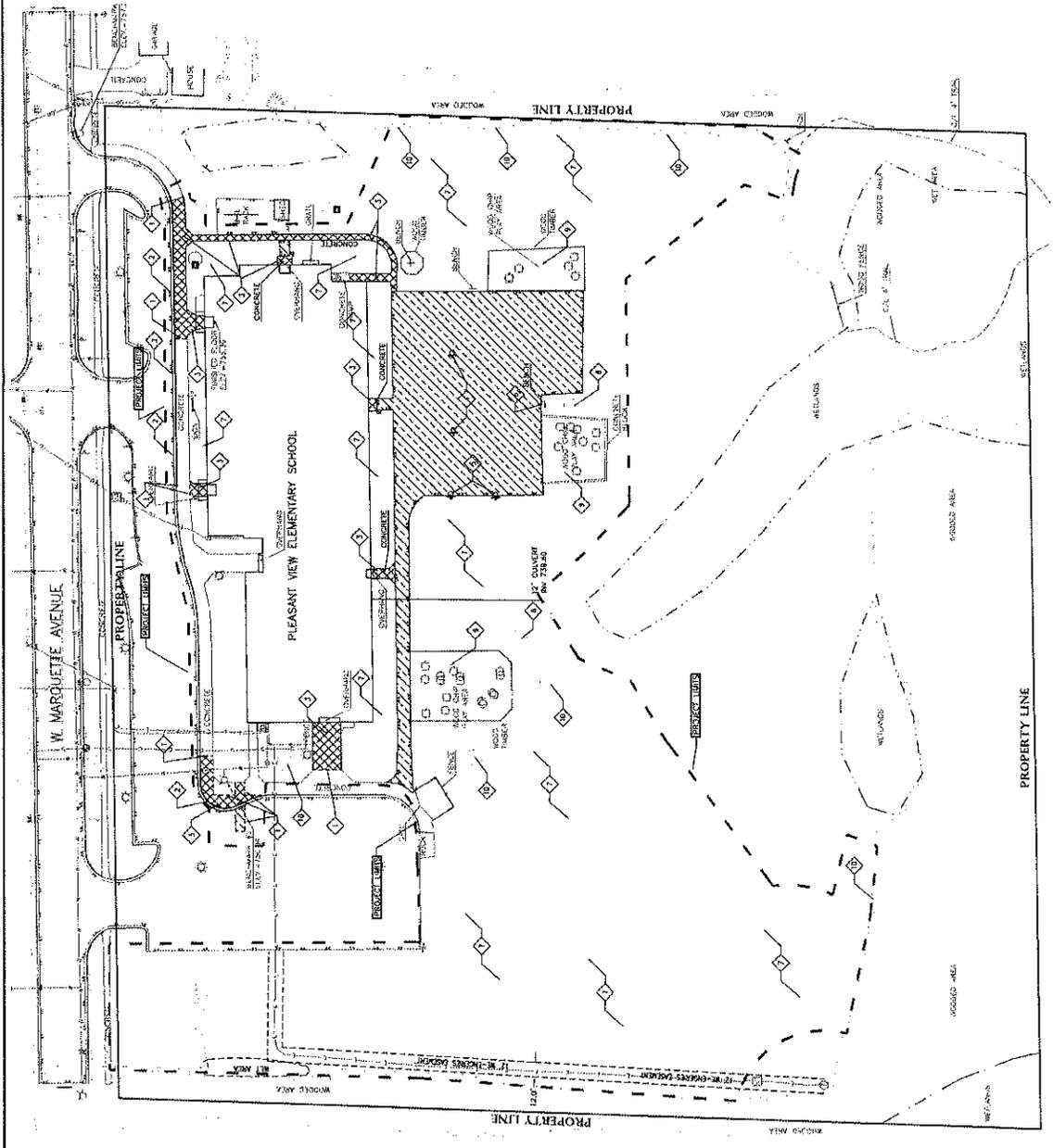
1. CONTACT OWNER 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION. SHALL BE REMOVED FROM THE SITE AND RELOCATED IN A LOCAL MANNER EXCEPT AS NOTED OTHERWISE.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED PRIOR TO THE START OF DEMOLITION/CONSTRUCTION. SEE SHEET C4.0 FOR REQUIRED FORMS.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED PRIOR TO THE START OF DEMOLITION/CONSTRUCTION. SEE SHEET C4.0 FOR REQUIRED FORMS.
4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED PRIOR TO THE START OF DEMOLITION/CONSTRUCTION. SEE SHEET C4.0 FOR REQUIRED FORMS.
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9. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED PRIOR TO THE START OF DEMOLITION/CONSTRUCTION. SEE SHEET C4.0 FOR REQUIRED FORMS.
10. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED PRIOR TO THE START OF DEMOLITION/CONSTRUCTION. SEE SHEET C4.0 FOR REQUIRED FORMS.
11. PROJECT LIMITS LINE LOCATION IS APPROXIMATE AND SHOWN FOR INFORMATION ONLY. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.

KEYNOTES:

- 1. REMOVE EXISTING ASPHALT/ CONCRETE
- 2. REMOVE CONCRETE CURB
- 3. REMOVE CONCRETE PAVEMENT
- 4. REMOVE/ DEMOLISH BRICK/PAVEMENT, STAIRS/DOOR
- 5. REMOVE BRICK/PAVEMENT, STAIRS/DOOR
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DEMOLITION LEGEND

- REMOVE ASPHALT/ BASE COURSE
- REMOVE/ DEMOLISH CONCRETE PAVEMENT



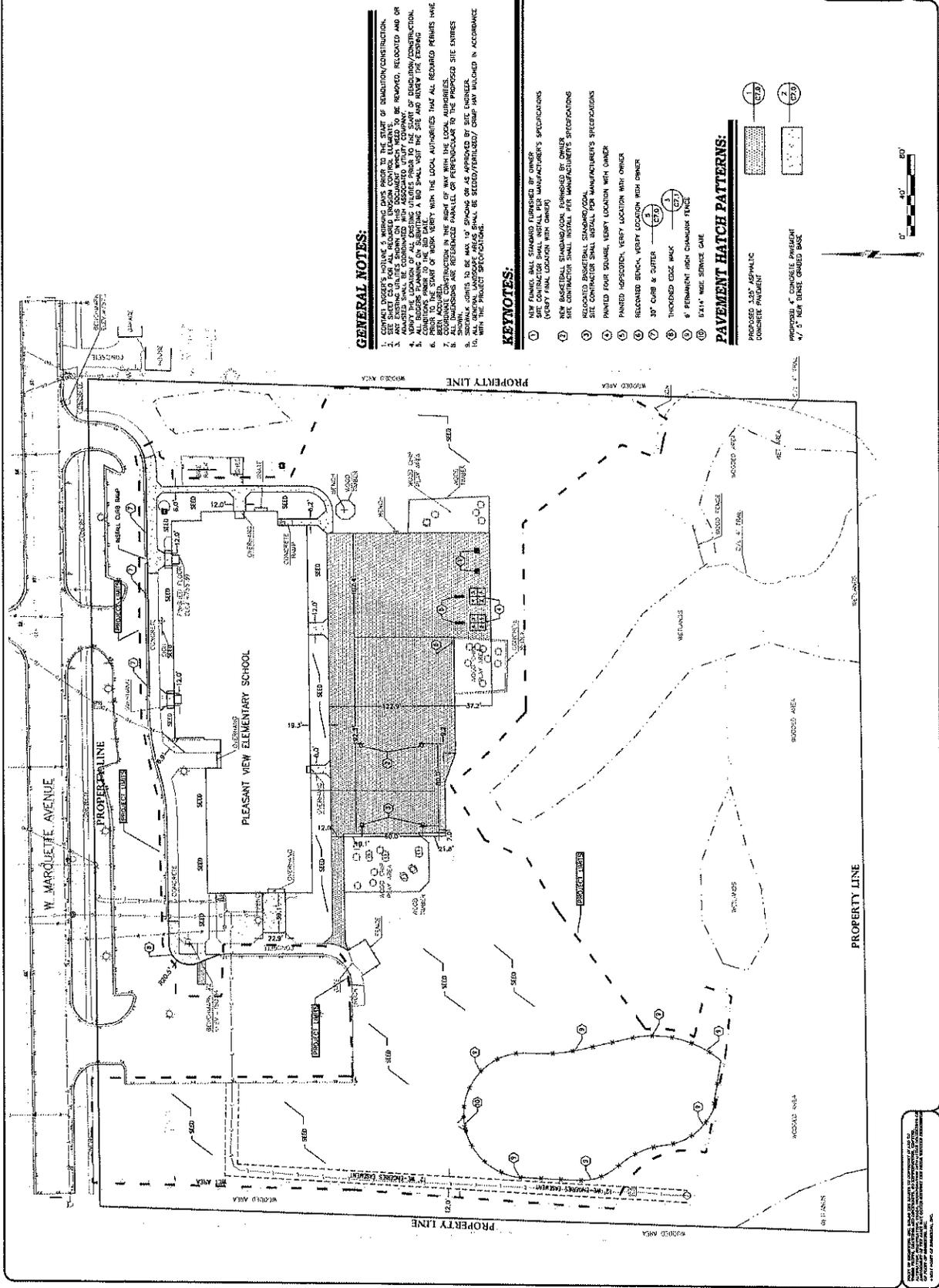
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Land Surveying
 Engineering
 Landscape Architecture
 6209 Windy Drive, Suite D
 Stevens Point, WI 54481
 715.344.8997/715.344.8997 fax
 715.344.8997

**FRANKLIN PUBLIC SCHOOLS
 PLEASANT VIEW ELEMENTARY
 CITY OF FRANKLIN
 MILWAUKEE COUNTY, WISCONSIN**

SITE LAYOUT PLAN

DATE	DESCRIPTION
10/1/2011	PRELIMINARY PLAN
10/1/2011	FINAL PLAN
10/1/2011	CONSTRUCTION



GENERAL NOTES:

1. GENERAL NOTES, SPECIFICATIONS & MATERIALS SHALL BE TO THE STATE OF WISCONSIN CONSTRUCTION CODE.
2. SEE SHEET C4.0 FOR ALL REQUIRED DRAINAGE CONTROL ELEMENTS TO BE REPOSED, RELOCATED AND/OR RECONSTRUCTED.
3. ALL UTILITIES SHALL BE LOCATED AND DEPTH VERIFIED WITH ASSOCIATED UTILITY COMPANY.
4. ALL UTILITIES SHALL BE PROTECTED AND RECONSTRUCTED TO ORIGINAL OR BETTER CONDITION.
5. ALL UTILITIES SHALL BE PROTECTED AND RECONSTRUCTED TO ORIGINAL OR BETTER CONDITION.
6. ALL UTILITIES SHALL BE PROTECTED AND RECONSTRUCTED TO ORIGINAL OR BETTER CONDITION.
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9. ALL UTILITIES SHALL BE PROTECTED AND RECONSTRUCTED TO ORIGINAL OR BETTER CONDITION.
10. ALL UTILITIES SHALL BE PROTECTED AND RECONSTRUCTED TO ORIGINAL OR BETTER CONDITION.

KEYNOTES:

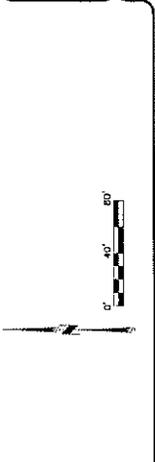
1. NEW FRAME WALL STAMPS FORWARDED BY OWNER. SITE CONTRACTOR SHALL INSTALL PER MANUFACTURER'S SPECIFICATIONS (VERIFY FINAL LOCATION WITH OWNER)
2. NEW BASKETBALL STANDS/DOCK FORWARDED BY OWNER. SITE CONTRACTOR SHALL INSTALL PER MANUFACTURER'S SPECIFICATIONS
3. RELOCATED BASKETBALL STANDS/DOCK FORWARDED BY OWNER. SITE CONTRACTOR SHALL INSTALL PER MANUFACTURER'S SPECIFICATIONS
4. PAINTED APPROXIMATE, VERIFY LOCATION WITH OWNER
5. RELOCATED BENCH, VERIFY LOCATION WITH OWNER
6. 30" CURB & GUTTER
7. THICKENED EDGE WALK
8. 6" PERMANENT HIGH CHANGIURK FENCE
9. 6" 1/4" WIDE SERVICE GATE

PAVEMENT HATCH PATTERNS:

PROPOSED 1.5" ASPHALTIC CONCRETE PAVEMENT

PROPOSED 4" ASPHALTIC CONCRETE PAVEMENT

PROPOSED 4" ASPHALTIC CONCRETE PAVEMENT WITH 1/2" WIDE SERVICE GATE



THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

DATE	DESCRIPTION

SITE GRADING PLAN

FRANKLIN PUBLIC SCHOOLS
PLEASANT VIEW ELEMENTARY
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

Land Surveying
 Engineering
 Landscape Architecture
 5709 Wings Drive, Suite D
 53190 Westfield, WI 53190
 715.344.9922 (PH) 715.344.9922 (FX)

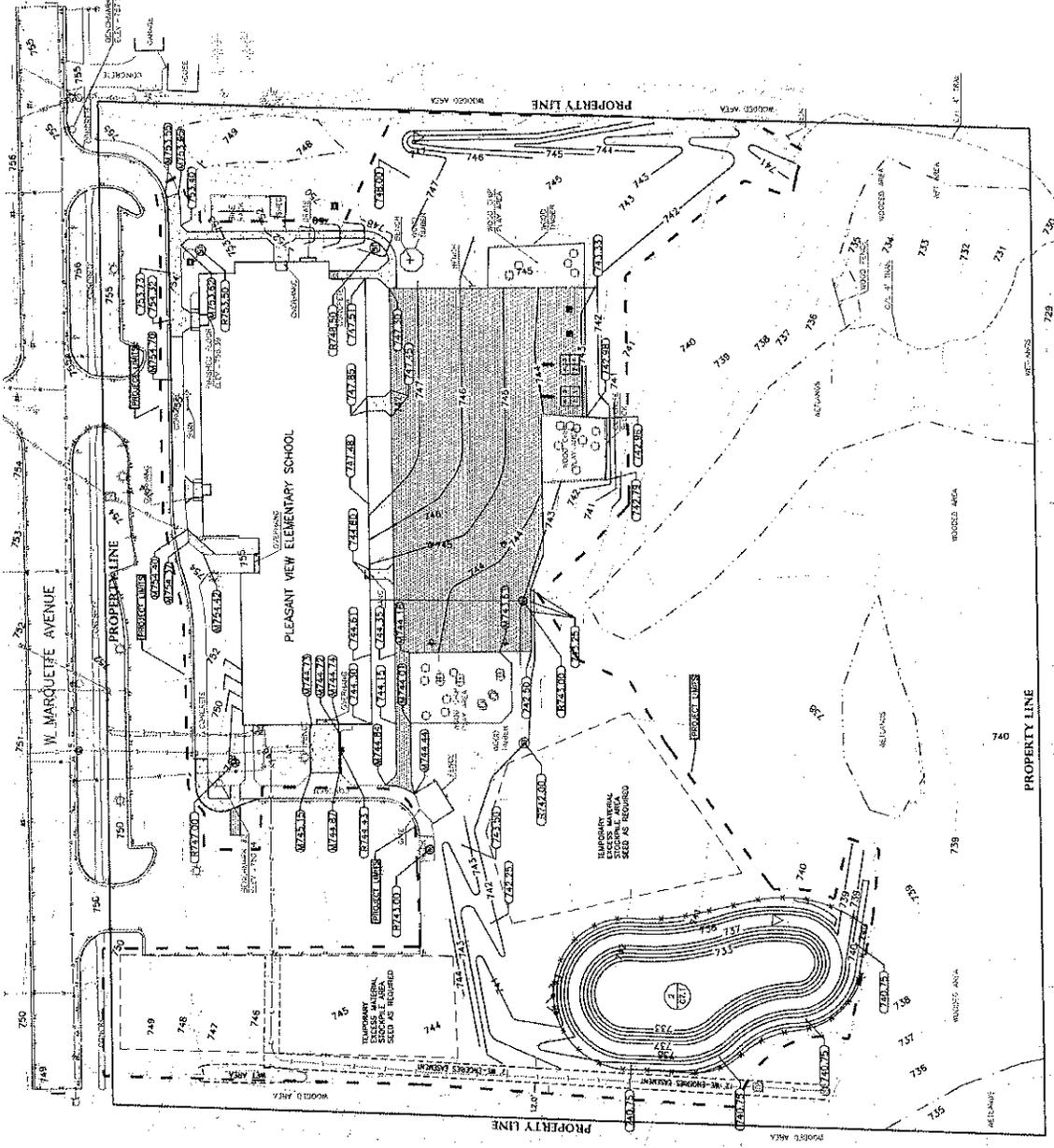
BOB
 Point of Beginning
 C4.0

GENERAL NOTES:

1. CONTRACTOR'S OBLIGATION TO WORKING CONDITIONS SHALL BE IN ACCORDANCE WITH THE START OF CONSTRUCTION.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
3. LOCAL ALL REQUIRED EROSION CONTROL MEASURES IN ACCORDANCE WITH LOCAL ORDINANCES AND THE DEPARTMENT OF NATURAL RESOURCES REGULATIONS.
4. THE DEPARTMENT OF NATURAL RESOURCES, LOCAL ORDINANCES REGULATIONS, AND ANY OTHER APPLICABLE REGULATIONS SHALL BE OBTAINED BY THE CONTRACTOR.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

GRADING LEGEND:

- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED FIN ELEVATION
- PROPOSED FUTURE ELEVATION



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Land Surveying
 Engineering
 Landscape Architecture
 5705 Windy Point, Suite 0
 25402
 715.344.9229/715.344.9229/Fax

FRANKLIN PUBLIC SCHOOLS
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

SITE STORM SEWER PLAN

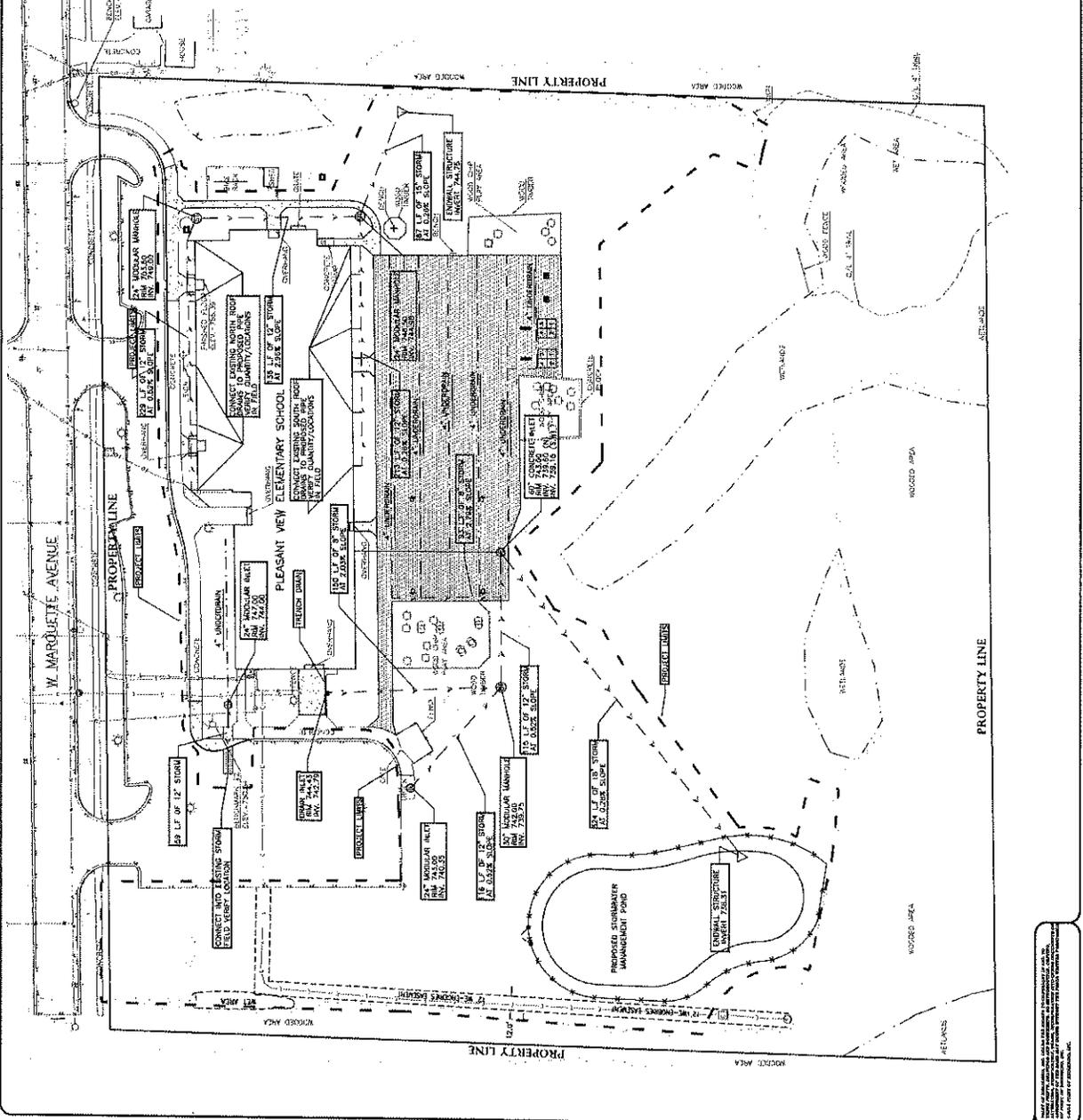
DATE	DESCRIPTION
08/11/2011	ISSUED FOR PERMIT

GENERAL NOTES:

1. MANHOLE, LIFT, AND LEVEL TO BE REVIEWED IN THE FIELD BY THE CONSTRUCTION SUPERVISOR.
2. COORDINATE ALL UTILITY WORK WITH GAS, ELECTRICAL, CABLE, AND TELEPHONE SERVICES. VERIFY ALL EXISTING UTILITIES AND RECORDING TRACES RESPONSIBLE FOR INSTALLATION OF SUCH UTILITIES.
3. ALL WORK SHALL BE DONE WITHIN THE PUBLIC RIGHT OF WAY WITH THE LOCAL MUNICIPALITY.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH SWS.
5. FIELD VERIFY LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITY CONNECTIONS.
6. ALL REQUIRED MANHOLE, INSURANCE LOCATIONS AND PRIVATE UTILITY LOCATIONS SHALL BE RECORDED AND THE PORT OF EACH CONNECTION RECORDED IN THE LOCAL SERVICE.

UTILITY LEGEND:

- PROPOSED BRANCH DRAIN ALONG CONCRETE CURB
- PROPOSED FRENCH DRAIN BASH
- PROPOSED MODULAR PVC ALLET
- PROPOSED STORM PIPE
- PROPOSED ENHANCED STRUCTURE
- PROPOSED 4" UNDERDRAIN



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Exhibit B

City of Franklin Environmental Commission

TO: Common Council
DATE: June 24, 2015
RE: Special Exception application review and recommendation
APPLICATION: Franklin Public Schools, Applicant, dated: June 15, 2015
(Pleasant View Elementary School located at 4601 West Marquette Avenue)

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 Section 15-4.0102 of the Unified Development Ordinance.

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

The Special Exception requested is to allow for paving of asphalt within approximately 1,160 square feet of the 50-foot wetland setback.

3. Applicant's reason for request:

The request is to improve the overall safety and functionality of students by converting existing greenspace to a hard surface play area that will be located in a 50-foot wetland protection setback.

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

The existing greenspace requested to be upgraded to hard surface play area in the 50-foot wetland setback is vital to the overall supervision of students along with functional usable play space for the students.

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:

Not applicable – The subject setback area is currently turf grass/manicured lawn. No Federal- or State-designated Special Concern, Threatened or Endangered species will be impacted by the proposed improvements.

The area of wetland adjacent to the proposed hard surface play area is gently sloped that takes on storm water runoff from existing roof drains and outlets into the greenspace area. The vegetation that exists in the area includes cattails and common wetland grasses.

2. Storm and flood water storage:

Not applicable – There will be no significant impacts to storm and flood water storage as a result of the proposed improvements. There will be no impact to floodplains or base flood elevations.

3. Hydrologic functions:

There will be a minimal affect on hydrologic functions.

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

Not applicable - There will be no significant impact to water quality. During construction activities, erosion control measures will be taken. It appears that the wetland area in question was formed from storm water runoff of the building and hard surface area.

5. Shoreline protection against erosion:

Not applicable – There will be no shoreline impacts.

6. Habitat for aquatic organisms:

Not applicable – The proposed site work will not disturb any habitats.

7. Habitat for wildlife:

Not applicable – The proposed site work will not disturb any habitats. Although the adjacent wetland in question appears to be man-made created

from roof drain run-off, it's the belief there will be no loss of wildlife or aquatic organisms by constructing new hard surface within the 50-foot wetland setback.

8. Human use functional value:

Not applicable – There will be no change to the use or function.

9. Groundwater recharge/discharge protection:

Not applicable – There will be no significant impact to groundwater recharge/discharge.

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

Not applicable – The area of the 50-foot setback impacted is currently lawn.

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

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

12. Existence within a Shoreland:

Not applicable – The area 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:

Not applicable – The project area is not located within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area as mapped by the Southeastern Wisconsin Regional Planning Commission.

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 project must be located in this area due to existing site boundary conditions, existing hard surface areas, and existing greenspace areas. The

purpose of this request is to improve student safety and supervision in play areas and is not self-imposed.

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives; *or*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

The proposed section of hard surface play area (approximately 40-feet by 90-feet) within the 50-foot wetland setback could be eliminated but would greatly affect functionality and safety of play use by students.

The project does not have alternative design options that provide adequate safety/functionality for the students. Reducing the project construction site would greatly affect usable safe hard surface area for students.

There is no alternative area since the site is property of the school and is confined to the property limits. Adjacent greenspace areas are already utilized to their fullest potential.

If the approval of the additional hard surface area within the 50-foot wetland setback is not granted, safety and supervision of students during outdoor activities is jeopardized.

After assessing the site, we believe that the safety and supervision of the students outweighs any benefits the school district and the community would receive from any construction not be performed within the 50-foot wetland setback.

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 disturbs a minimal portion of the wetland setback and will not adversely impact the existing character of the neighborhood; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *the circumstances surrounding this project are unique to Pleasant View Elementary School, which use as a public school and the need of the school to have safe play areas would not apply to the vast majority of properties in the City; and*

- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *the proposed improvements do not significantly impact the protected wetland; 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 paving of the relatively small portion of the wetland setback will not adversely impact the functional values of the adjacent wetland.*

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

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

The proposed paving of the wetland setback is located behind the school building. The project complies with all other City of Franklin setback 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 use of the property is unique as a public elementary school and does not generally apply to other properties or uses within the same district. The school has unique needs to accommodate a large number of young students.

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

The improvements allow the continued use of the property as a public elementary school and provides better supervision and increased safety.

- 4. Aesthetics:

Aesthetics are not significantly impacted as the proposed improvements are located behind the school building and impact a relatively small area of wetland setback.

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

The project will disturb approximately 1,160 square feet of the 21,794 square feet of wetland setback surrounding the wetland onsite.

6. Proximity to and character of surrounding property:

Pleasant View Elementary School is surrounded by single-family residential uses to the north, Pleasant View Neighborhood Park to the south, single-family and conservation land to the east, and vacant residentially zoned property to the west.

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

Pleasant View Elementary School is zoned I-1 Institutional District. Properties located directly to the north, east and west are zoned R-6 Suburban Single-Family Residence District and the property to the south is zoned P-1 Park District.

8. Any negative affect upon adjoining property:

There are no negative affects to adjoining properties.

9. Natural features of the property:

The property contains four wetlands and the associated 30-foot wetland buffers and 50-foot wetland setbacks.

10. Environmental impacts:

The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for grading and paving within approximately 1,160 square feet of the 50-foot Wetland Setback on the Pleasant View Elementary School property, for the expansion of the asphalt pavement area behind the school to install 2 basketball hoops, and to relocate 2 basketball hoops, to create 2 separate basketball courts on the Pleasant View Elementary School property.

V. Environmental Commission Recommendation:

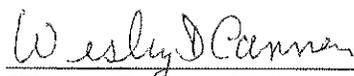
The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

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 revised Site Plan/NRPP that illustrates the location of the Conservation Easement prior to the commencement of work.
 - b. The applicant shall provide additional plantings within the wetland buffer adjacent to the wetland setback encroachment to compensate for the wetland setback loss. Staff recommends submittal of a Landscape Plan that illustrates and identifies the proposed plantings.
 - c. All areas of temporary disturbance within the wetland setback shall be restored per Section 15-4.0102I. of the UDO.
 - d. That all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to the commencement of work.
 - e. A written Conservation Easement shall be submitted for review and approval by the Common Council and recorded with the Milwaukee County Register of Deeds, prior to the commencement of work.
 - f. All required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.
 - g. The applicant shall submit a Landscape Plan for Plan Commission and Common Council approval prior to the commencement of work.

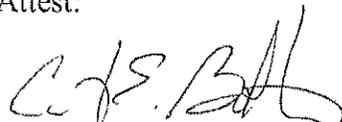
The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 24th day of June, 2015.

Dated this 7th day of July, 2015.



Wesley Cannon, Chairman

Attest:



Curtis Bolton, Vice-Chairman



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of July 9, 2015

Natural Resource Special Exception

RECOMMENDATION: City Development Staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in attached draft Standards Findings and Decision.

Project Name:	Natural Resource Special Exception (NRSE) Request for Pleasant View Elementary School
Project Location:	4601 West Marquette Avenue
Applicant:	Franklin School District #5
Existing Zoning:	I-1 Institutional District
Use of Surrounding Properties:	Single-family residential to the north, east and west and Pleasant View Neighborhood Park to the south
2025 Comprehensive Plan:	Institutional
Applicant Action Requested:	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception (NRSE)

INTRODUCTION:

By application dated June 15, 2015, the Franklin School District is requesting approval of a Natural Resource Special Exception (NRSE) to allow for paving within 1,160 square feet of the 50-foot Wetland Setback on the Pleasant View Elementary School property. The applicant is proposing to expand the asphalt pavement area behind the school to install 2 new basketball hoops and relocate 2 other basketball hoops to create two separate basketball courts.

Additional temporary disturbance of the wetland setback associated with construction of the paved area, will also occur. However, activities such as grading are allowed within the wetland setback as long as the area is restored.

In addition to the basketball courts, the applicant is proposing to re-grade portions of the property, repave existing areas of the site, repair miscellaneous curbs and walks around the building, install a six foot high chain link fence around a proposed storm water pond and add storm sewer facilities to collect roof drains. Staff has granted approval for the minor repair and maintenance work that is a minimum of 100-feet away from the wetlands onsite. Following the City’s consultant review of the wetland delineations, such work may also be conducted up to the 50-foot wetland setback with the exception of grading, which may occur within the wetland setback, but outside of the 30-foot wetland buffer.

A Minor Site Plan Amendment Application has been submitted for the expansion of the asphalt pavement for the basketball courts. That application is contingent upon receiving approval of the subject Natural Resource Special Exception Application as the expansion of asphalt encroaches within the 50-foot wetland setback of Wetland #3.

Based upon best available information, the site also contains woodland areas. The approximate locations of these areas are shown as "Wooded Area" on the "Wetland Disturbance Site Plan." The proposed site modifications do not impact the wooded areas on the property.

At their June 24, 2015 meeting, the Environmental Commission recommended approval of the Natural Resource Special Exception Request for Pleasant View Elementary School. A draft copy of their findings is attached for review.

PROJECT DESCRIPTION:

The applicant has identified four wetlands located on the Pleasant View Elementary School property. The wetlands were delineated by Gary W. Starzinski of Star Environmental, Inc. on May 11, 2015. According to the applicant, the expansion of the asphalt play area must be located in this area due to existing site boundary conditions, existing hard surface areas and existing green space areas. Furthermore, the applicant states that the request will improve student safety and supervision in the play areas at the school. The applicant indicated that not paving this area would greatly affect the functionality and safety of the play areas and use by the students.

The wetland delineations are currently under review by Graef as requested by City staff. Staff anticipates receiving comments from Graef by July 2nd and anticipates that the applicant will be required to address all consultant comments prior to the commencement of work.

Staff would note that it appears, pursuant to review of historic aerial photographs, that the subject wetland has been present since at least 1995, and that the adjacent area has likely been in turf grass for most of that time. As such, it appears that the subject area, and particularly the subject wetland setback, has been regularly disturbed by past mowing and other similar activities.

At this time, the applicant is not proposing any mitigation as part of this request.

If approved, staff recommends the following conditions:

1. The applicant shall submit a revised Site Plan/NRPP that illustrates the location of the Conservation Easement prior to commencement of work.
2. The applicant shall establish and maintain 1,160 square feet (an area equal to the amount of loss of wetland setback) of appropriate native plantings within the wetland buffer and/or setback adjacent to the area of encroachment to compensate for the wetland setback loss, within one year of approval of this Natural Resource Special Exception. Staff further recommends submittal of a Landscape Plan that illustrates and identifies the amount, type, and location of proposed plantings prior to commencement of work.

3. All areas of temporary disturbance within the wetland setback shall be restored per Section 15-4.0102I. of the UDO, within one year of approval of this Natural Resource Special Exception.
4. That all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to the commencement of work.
5. A written Conservation Easement shall be submitted for review and approval by the Common Council, prior to the commencement of work.
6. All required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.

CONCLUSION:

City Development Staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in the attached draft Standards Finding and Decision.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/21/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CHILDREN'S RESALE SHOP USE UPON PROPERTY LOCATED AT 7170 SOUTH 76TH STREET (LAQUEESHA R. BLOCKTON, D/B/A BLOCKTON'S KIDDIE RESALE SHOP [TO BE INCORPORATED], APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>B.18.</i></p>

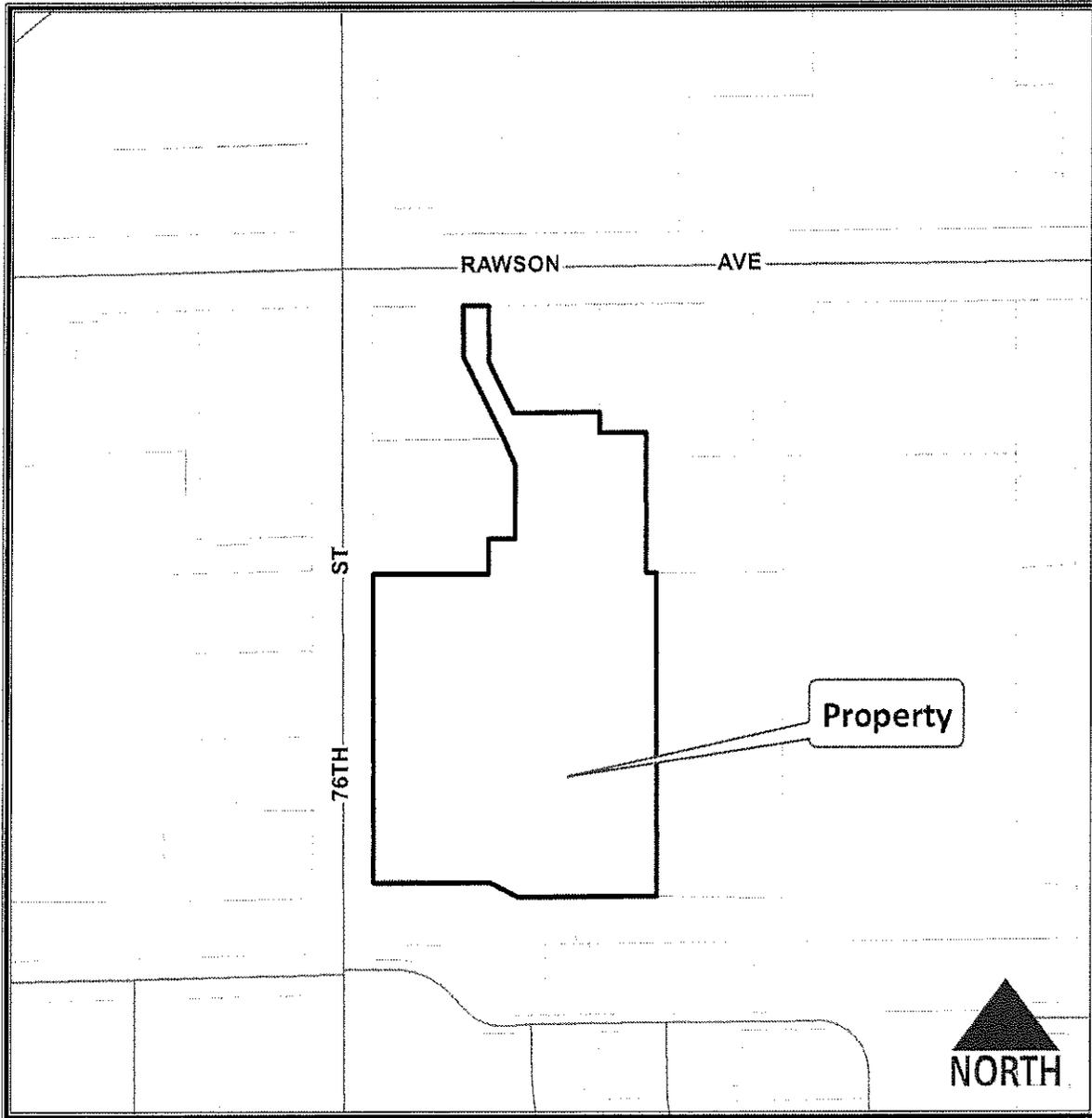
At its July 9, 2015, meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a children's resale shop use upon property located at 7170 South 76th Street (LaQueesha R. Blockton, D/B/A Blockton's Kiddie Resale Shop [to be incorporated], Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2015-_____, a resolution imposing conditions and restrictions for the approval of a children's resale shop use upon property located at 7170 South 76th Street (LaQueesha R. Blockton, D/B/A Blockton's Kiddie Resale Shop [to be incorporated], Applicant)



Orchard View Shopping Center 76th & Rawson



Planning Department
(414) 425-4024

0.00510.020.03
Miles

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.

RESOLUTION NO. 2015-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A CHILDREN'S RESALE SHOP USE
UPON PROPERTY LOCATED AT 7170 SOUTH 76TH STREET
(LAQUEESHA R. BLOCKTON, D/B/A BLOCKTON'S KIDDIE RESALE SHOP [TO BE
INCORPORATED], APPLICANT)

WHEREAS, LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated], having petitioned the City of Franklin for the approval of a Special Use within a B-3 Community Business District under Standard Industrial Classification Title No. 5932 "Used merchandise stores", to allow for a children's resale shop (selling children's used clothing, furniture, toys and educational resources), with childcare services (supervised children's activities while parents shop) use upon property located at 7170 South 76th Street, bearing Tax Key No. 756-9993-021, more particularly described as follows:

Lot 2 of Certified Survey Map No. 8318, a division of Parcel 1 of Certified Survey Map No. 6313, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 9th day of July, 2015, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated], for the approval of a Special Use for the

LAQUEESHA R. BLOCKTON, D/B/A BLOCKTON'S KIDDIE RESALE SHOP [TO BE INCORPORATED] – SPECIAL USE
RESOLUTION NO. 2015-_____

Page 2

property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated], successors and assigns, as a children's resale shop use, which shall be developed in substantial compliance with, and operated and maintained by LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated], pursuant to those plans City file-stamped July 1, 2015 and annexed hereto and incorporated herein as Exhibit A.
2. LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated], successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated] children's resale shop, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated] and the children's resale shop use for the property located at 7170 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The applicant shall paint and repair the exterior west wall of 7170 S. 76th Street at the location of the previous tenant's wall sign, to the satisfaction of Department of City Development staff, prior to the issuance of an Occupancy Permit.
5. Outdoor storage shall not be allowed with this use.

BE IT FURTHER RESOLVED, that in the event LaQueesha R. Blockton, d/b/a Blockton's Kiddie Resale Shop [to be incorporated], successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

LAQUEESHA R. BLOCKTON, D/B/A BLOCKTON'S KIDDIE RESALE SHOP [TO BE INCORPORATED] – SPECIAL USE
RESOLUTION NO. 2015-_____

Page 3

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



REPORT TO THE PLAN COMMISSION

Meeting of July 9, 2015

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for a children’s resale shop use upon property located at 7170 South 76th Street subject to the conditions set forth in the draft resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, 2025 Comprehensive Master Plan, Use of Surrounding Properties, and Applicant Action Requested.

INTRODUCTION:

Please note: Staff recommendations are underlined, in italics, and are included in the draft resolution.

On May 26, 2015, LaQueesha R. Blockton submitted a Special Use application on behalf of Blockton’s Kiddie Resale Shop requesting approval to operate a children’s resale shop use (selling children’s used clothing, furniture, toys and educational resources), with limited childcare services (supervised children’s activities while parents shop) within a vacant tenant space located at 7170 South 76th Street. The proposed children’s resale shop use corresponds to Standard Industrial Classification (SIC) Title No. 5932, Used Merchandise Stores, which is allowable in the B-3 Community Business District as a Special Use.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate a children’s resale shop in approximately 1,426 square feet of vacant tenant space formerly occupied by a frame and gallery store, within the Orchard View Shopping Center located at 7170 South 76th Street. The subject property is approximately 10.08 acres. The applicant is not proposing any additional landscaping, lighting or exterior changes to the exterior of the building at this time.

As can be seen in the photo included in the packet materials, the E.I.F.S. surrounding the previous Frame & Gallery sign area is very faded. Staff recommends the applicant shall paint and repair the exterior west wall of 7170 S. 76th Street at the location of the previous tenant's wall sign, to the satisfaction of Department of City Development staff, prior to the issuance of an Occupancy Permit. Otherwise, the faded and damaged wall could show through a new sign. Staff would also note that any signage requires separate review by the City of Franklin Inspection Department and approval by the Architectural Review Board.

According to the applicant, Blockton's Kiddie Resale Shop will sell gently used children's clothing, furniture, toys and educational resources. The store will take in donations, as well as purchase products from the community. Staff recommends that outdoor storage shall not be allowed with this use.

The store will also have an area approximately 10' by 7' for supervised children's activities, to keep children occupied while their parents are shopping. The applicant has indicated that the proposed hours of operation for the store are Monday through Friday from 10:00 a.m. to 7:00 p.m., Saturday from 10:00 a.m. to 5:00 p.m. and closed on Sundays and holidays.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. According to this section, Shopping Centers (4 stores or more) require five (5) spaces per 1,000 square feet of gross floor area (GFA). The Orchard View Shopping Center is approximately 104,251 square feet, which would require 522 off-street parking spaces. The shopping center currently has 526 off-street parking spaces, thus meeting the minimum requirement. Eleven (11) of the off-street parking spaces are handicap accessible, which meets minimum requirements of Table 15-5.0202I.1 of the (UDO).

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to each of the seven standards, which is included in your packet.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for a children's resale shop use upon property located at 7170 South 76th Street subject to the conditions set forth in the draft resolution.

Franklin

NANCE & ELI GUSAVAC
7518 CARTER CIRCLE N
FRANKLIN, WI 53132

JUL 6 2015

City Development

Dear Franklin Mayor, Alderman, Administration, Planning Dept:

We are vehemently opposed to allowing a permit for a resale shop in the strip mall adjacent to our house. Have you ever checked on the types of neighborhoods where dollar stores and resale shops proliferate? Is this what you want Franklin to look like? We are extremely disappointed in whoever is in charge of business development in Franklin. We have empty shop after empty shop in the vicinity around 76th & Rawson. Do we live in a blighted area?

Have you been to Oak Creek lately? It seems that the politicians and city development staff in Oak Creek know how to attract profitable and desirable businesses to that area. Has anyone in Franklin government tried to attract a Trader Joe's? There is no Trader Joe's on the South Side of Metro Milwaukee so this could be an ideal fit. The other grocery stores (Pick N' Save & Sendik's) might object, but the products sold at Trader Joe's are really different from their offerings and the effect on those stores would be minimal. Something along those lines might also attract other first tier shops and restaurants to the area.

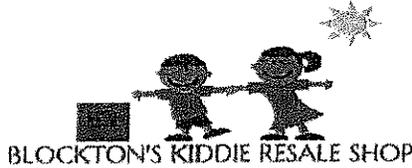
Although we are unable to attend the Council Meeting on July 9th, we request that the City of Franklin deny this permit, or permits to any other resale or low-end businesses to the business district around 76th & Rawson.

We are faxing this email as the links to emails on your website send us to an Outlook software that we do not want. In the future, please publish the official emails for our government officials on your website so that we may contact them directly.

Regards,

Nance & Eli Gusavac
ngusavac@yahoo.com
Fax: 414-423-5431

Exhibit A



Franklin

JUL 1 2015

City Development

Project Summary

We are looking to open a Children's Resale Shop in Franklin, WI. Our business structure will be a LLC. We will take in donations, as well as purchase products from the community. The proposed leased space is approximately 1,426 square feet. There are a total of three sections and 1 restroom. There are currently no plans to alter the original site plan with construction. We plan on only removing wallpaper and painting the indoor facilities. We are looking at an estimate cost of \$300 to improve the site at this time. We currently own and run a Private Christian School of Curriculum Development called *Academy of Integrity* that offers child care, preschool, and school age programs in the Franklin area. The *Academy of Integrity* families that donate will receive A.O.I bucks that will go toward their child's tuition. *Blockton's Kiddie Resale Shop* will sale gently used clothing, furniture, toys, and educational resources. We will set ourselves apart from the typical resale shop because we plan to keep the little ones busy while the customers do their shopping. In a designated area, *Blockton's Kiddie Resale Shop* will have a kid friendly adult that will engage with the children while the customer stays focused on buying. There will be story time, dancing, singing, arts, and crafts, face paintings and more. *Blockton's Kiddie Resale Shop* will prove to be a great place to shop for children in the Franklin area.

July 1, 2015

•Please note proposed signage will be reviewed and approved by the Architectural Review Board, with a Sign Permit issued by the Inspection Department. Staff recommends that sign information not be submitted at this time, so it is clear that signs are not being approved as part of this Special Use.

Signage will be submitted to the City's Architectural Review Board and Inspection Department for approval and permits.

•Please indicate the proposed hours of operation and the number of employees in a revised Project Narrative.

Proposed Hours of Operation:

Monday thru Friday 10:00 am to 7:00 pm

Saturday 10:00 am to 5:00 pm

Closed Sundays (and holidays)

2 employees will be on staff during hours of operation.

• Address whether or not the drop-off of donated items will be allowed during non-business hours.

Drop-off of donated items will be during hours of operation ONLY.

•Indicate the size of the children's activity area (in square feet).

The Children's Play area will be 10' x 7'.

•Does the children's activity area require a commercial daycare license from the State of Wisconsin?

A commercial daycare license will not be required from the State of Wisconsin.

•Will the restroom be available to the general public?

Yes. The restroom(s) will be available to the general public.

•Is there access in the rear of the building for donors to unload larger donated items, such as furniture?

Access is available at the rear of the building for donation of larger items such as furniture. Items will NOT be allowed to be stored or left outside the building.

JUL 1 2015

DIVISION 15-3.0700 ^{City Development} SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: Yes the proposed use will be in harmony with the general and specific purposes.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: Yes, there will be no undue adverse impact.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: Yes, there will be no interference with surrounding development.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: Yes, the proposed use will be served adequately by the public.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: Yes the proposed use shall not cause traffic congestion

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: Yes the proposed use will not result in any destruction, loss, or damage of any natural, scenic, or historic features

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: Yes I will comply with the standards

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: I will establish compliance with all special standards

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: Blockton Kiddie Resale Shop shall be a public benefit.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: I am willing to use an alternate location if this one does not work out

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

I will take all steps possible to minimize any adverse effects of the proposed use.

Response:

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: The use will establish a precedent and encourage use in the surrounding area.



7170 South 76th Street, Orchard View Shopping Center

Franklin

JUL I 2015

City Development

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 7/21/15
Reports & Recommendations	SUBJECT: Release of Letter of Credit for the Foresthill Highlands located on Highland Park Avenue south of Forest Hill Avenue.	ITEM NO. <i>G.19.</i>

BACKGROUND

Pursuant to the development of the Foresthill Highlands Apartments located on W. Highland Park Avenue south of Forest Hill Avenue, please be advised that the development has completed all the public improvements contained in the development agreement and the one year warrantee of the final lift of asphalt has expired.

ANALYSIS

Staff recommends the release of Letter of Credit No. DC110498 from Associated Bank dated August 13, 2001 provided by United Financial Group.

OPTIONS

Approve release
or
Table

FISCAL NOTE

None

RECOMMENDATION

Motion to release the Letter of Credit No. DC110498, for the Foresthill Highlands, from Associated Bank provided by United Financial Group as recommended by the Engineering Department.

/db

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 07/21/2015
Reports & Recommendations	MOTION TO AUTHORIZE CONTRACTOR CHANGE ORDER AND CONSULTANT AMENDMENT FOR CONSTRUCTION OF SEWER AND WATER OPERATIONS CENTER (5500 W AIRWAYS AVENUE)	ITEM NO. <i>6,20,</i>

BACKGROUND

The City is constructing a Sewer and Water Operations Center (SWOC) at 5550 W. Airways Drive. The project is currently on schedule. However there have been some unforeseen issues that require a construction change order to Miron Construction and a professional services amendment to GRAEF.

ANALYSIS

The project is located over a old NIKE missile site. Soil borings were conducted but did not reflect the magnitude of the undercutting required to establish suitable base for the building foundations, slab, and parking areas. The City DPW has assisted with the parking areas but the contractor, Miron Construction, addressed the undercutting in the building areas. Enclosed is Change Order No. 2 for \$82,239.44 that was discussed at previous Common Council meeting and estimated then at \$80k.

Also attached is a Professional Services Amendment in the amount of \$51,750 for our consultant, GRAEF. Some of these services are related to the NIKE site, such as unstable soils investigation and reservoir investigation. Some services were provided to accommodate reimbursable funds from MMSD. There has also been many issues related to other utilities crossing the site and conflicting with proposed improvements. The initial budget was set as 3% of the construction bid (\$2,746,620 x 3% = \$82,398.60). A full justification is shown on the proposed amendment.

Forecasting, it appears that we are about \$31k over budget. To compensate, we will hold off purchasing furnishings (\$50k) until the project is complete.

Below is the current project accounting showing known and anticipated expenses.

\$2,876,762.39	Miron Construction
\$2,746,620.00	Original Miron contract
\$ 9,902.95	Change Order #1- Impact Fees
\$ 82,239.44	Change Order #2- Undercutting
\$ 5,000.00	Anticipated- Modify Storm
\$ 1,000.00	Anticipated- Survey for WE Relocate
\$ 2,000.00	Anticipated- disconnect HVAC
\$ 10,000.00	Anticipated Miscellaneous Contingencies
\$ 10,000.00	Anticipated Concrete Apron
\$ 10,000.00	Other minor building changes and additions
\$304,698.60	GRAEF- Professional Services Amendment
\$170,550.00	Initial Design Contract
\$ 82,398.60	Initial Construction Administration
\$ 51,750.00	Amendment 1
\$4,850.00	Unsuitable soils investigation
\$4,800.00	Stormwater Management and Green Infrastructure
\$4,000.00	Reservoir Investigation
\$7,100.00	Utility Relocation Coordination Work
\$6,000.00	Asbestos and Lead Investigation
\$25,000.00	Estimated Contract Administration to Project Completion
\$17,763.02	WE Energies
\$10,720.00	Initial Utility Relocate for Verizon
\$7,043.02	Final Utility Relocate for Verizon
\$ 8,000.00	AT& T Relocate
\$10,000.00	Anticipated DPW Stone
\$50,000.00	Anticipated Building Furnishings
(\$77,950.00)	MMSD Grant for Pavers
\$3,189,274.01	Current Estimated Project Cost
\$3,157,890.00	Initial Project Budget
(\$31,384.01)	Budget left over

OPTIONS

Sign Change Order for No. 2 for \$82,239.44 for Miron Construction.

Sign Professional Services Amendment in the amount of \$51,750 for GRAEF.

FISCAL NOTE

Funds are associated with the construction of the SWOC project.

RECOMMENDATION

Authorize staff to execute attached Change Order and Professional Services Amendment.



collaborāte / formulāte / innovāte

July 13, 2015

Mr. Glen E. Morrow, P.E.
Director of Public Works/City Engineer
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

**Subject: Franklin Water and Wastewater Operations and Maintenance Facility
Professional Services Amendment
GRAEF Project No. 2013-0168.04**

Dear Mr. Morrow:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal to amend our agreement for the unsuitable soils, stormwater management and green infrastructure alternatives, reservoir investigation, utility relocation coordination, asbestos and lead testing work, as well as continued contract administration for the above referenced project. This amendment is subject to GRAEF's Standard Terms and Conditions, which were attached to our original agreement dated February 10, 2014.

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

1. Unsuitable Soils Investigation (\$4,850)

- On site investigation and observation of unsuitable soils
- Engineering evaluation on a solution for the unsuitable soils
- Review of contractor change order

2. Stormwater Management and Green Infrastructure (\$4,800)

- Stormwater quantity, quality, and infiltration final design services
- Green infrastructure alternative final design services
- Assisted City with MMSD Green Infrastructure \$70,000 Grant



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Sincerely,
Graef-USA Inc.

Accepted by: City of Franklin

Michael N. Paulos, P.E.
Principal

(Signature)

(Name Printed)

(Title)

Date: _____

original	\$ 82,000
3%	
X 2,746,000	
	52,000
	<hr/>
	\$ 134,000

CHANGE ORDER

No. 2

DATE OF ISSUANCE June 4, 2015

EFFECTIVE DATE July 3, 2015

OWNER City of Franklin
 CONTRACTOR Miron Construction Co., Inc.
 Contract: Franklin Water & Wastewater Operations and Maintenance Facility
 Project: Franklin Water & Wastewater Operations and Maintenance Facility
 OWNER's Contract No. 2014-4 ENGINEER's Contract No. 2013-0168.04
 ENGINEER GRAEF- USA Inc.

You are directed to make the following changes in the Contract Documents:

Description:

Undercut footings and slabs due to unsuitable soils and removal of tree stumps and debris from site.

Reason for Change Order:

Undercut footings and slabs due to unsuitable soils and removal of tree stumps and debris from site.

Attachments: (List documents supporting change)
 Summary of quantities and unit prices

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>2,746,620.00</u>
Net Increase from previous Change Orders No. <u>0</u> to <u>1</u> : \$ <u>9,902.95</u>
Contract Price prior to this Change Order: \$ <u>2,756,522.95</u>
Net increase of this Change Order: \$ <u>82,239.44</u>
Contract Price with all approved Change Orders: \$ <u>2,838,762.39</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>August 28, 2015</u> Ready for final payment: <u>September 18, 2015</u> (days or dates)
Net change from previous Change Orders No. <u>0</u> to No. <u>1</u> : Substantial Completion: <u>0</u> Ready for final payment: <u>0</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>August 28, 2015</u> Ready for final payment: <u>September 18, 2015</u> (days or dates)
Net increase this Change Order: Substantial Completion: <u>0</u> Ready for final payment: <u>0</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>August 28, 2015</u> Ready for final payment: <u>September 18, 2015</u> (days or dates)

RECOMMENDED:

By: [Signature]
ENGINEER (Authorized Signature)

Date: 7/3/15

APPROVED:

By: _____
OWNER (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]
CONTRACTOR (Authorized Signature)

Date: 7-8-15

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 07/21/2015
Reports & Recommendations	AUTHORIZATION FOR PROPER CITY OFFICIALS TO EXECUTE APPLICATION FOR RELOCATION OF WE ENERGIES ELECTRIC AND GAS SERVICES SERVING VERIZON WIRELESS AT 5500 W. AIRWAYS AVE.	ITEM NO. <i>G. 21.</i>

BACKGROUND

The City is constructing a Sewer and Water Operations Center (SWOC) at 5550 W. Airways Drive. The site also contains a tower that is leased. The Current Owner of the lease is Verizon Wireless.

ANALYSIS

To accommodate the construction of the SWOC, the City paid WE Energies to relocate electric and gas service that serves the tower. During construction, it was determined that the WE Energies services needed to be reinstalled at another location and depth to accommodate finished conditions. Since April, the City has attempted to get Verizon Wireless to pay for this work since it wholly serves the tower. The SWOC is served by other methods.

Enclosed is a 5/19/2015 email to Verizon Wireless where we offered to have them pay WE Energies directly. To date, Staff has been unable to convince Verizon that their lease requires them to pay for this.

WE Energies was cooperative to perform the work for the City before authorization and payment, given the circumstances. Regardless, WE Energies needs to be paid for the work that they did and City should pay them. The City should be grateful to WE Energies. Staff will continue to pursue a reimbursement from Verizon.

OPTIONS

Execute attached WE Energies electric and gas applications for work at 5550 W. Airways Avenue

And continue to pursue reimbursement from Verizon Wireless with aid of City Legal Staff.

FISCAL NOTE

Funds are associated with the construction of the SWOC project.

RECOMMENDATION

Authorize proper City officials to execute attached WE Energies electric and gas applications for work at 5550 W. Airways Avenue and continue to pursue reimbursement from Verizon Wireless with aid of City Legal Staff.

Glen Morrow

From: Glen Morrow
Sent: Tuesday, May 19, 2015 4:50 PM
To: 'Lewis, Patrice C'
Cc: Ron Romeis
Subject: Franklin Tower Relocation of Utilities
Attachments: 20150519_161249.pdf; 20150519_161150.pdf

Patrice,

As discussed, the attached quotes are from WE Energies to relocate electric and gas service to your tower facility and ancillary structures. Our facilities are fed from other services unrelated to this work.

The City did pay to relocate these services but they were not installed as desired and need to be relocated again. It occurred to us that Verizon is the responsible party to pay for this work. A summary of the current charges are as follows and supporting documentation is attached.

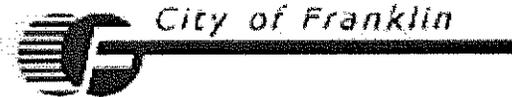
\$4,487.48 relocation of electric
\$2,555.54 relocation of gas
\$7,043.02 Total

You may fill out the attached paperwork and submit- please send us a copy.

If you prefer us to fill out the paperwork, please forward a check for the \$7,043.02

Glen E. Morrow, PE

City Engineer / Director of Public Works
City of Franklin
9229 W. Loomis Rd.
Franklin, Wi. 53132
414-425-7510





April 27, 2015

4800 W. Rawson Ave.
Franklin, WI 53132-8707
www.we-energies.com

Ronnie Ascunson
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

Subject: Invoice for electric facility relocation work at 5550 W. Airways Ave., Franklin, WI

Dear Ronnie:

Thank you for contacting us about your electric facility relocation request at the above address.

Please review the following cost information:

- The cost for your electric facility relocation is: \$4,487.48. This amount is valid for 90 days from the date of this letter.
- Additional charges will apply if installation is needed from Dec.1 through March 31.
- The cost applies only to our electric facilities. If any other utilities need to be relocated, please contact the appropriate providers.
- Additional charges may apply if unusual or unforeseen conditions are encountered during the relocation.
- Any excavated area will be backfilled with existing soil at no cost to you. Surface restoration in the public right-of-way will be completed according to municipal guidelines. Additional restoration work you may have requested is included in your installation cost.
- If another quote is requested within 12 months, there may be a charge for preparing the new quote.

Please sign and return this letter, sketch and your payment in the envelope provided. Payment may also be made online by visiting www.we-energies.com/payconstructionbill or by phone at 855-570-0998. Your site is ready for service relocation when all items on the ready for service card are completed. We will schedule the relocation when we have the completed card and the municipal inspection or affidavit (if applicable).

If you have questions, please call me. I look forward to working with you to make your project a success.

Sincerely,

Geri Gaglione
Energy Services Consultant
Phone #: 414-423-5008
Fax #: 414-423-5060

Accepted By: _____ Date: ____/____/____

Title: _____

Work Request #: 3767225

Enclosure

JOB INFO:

SECTION / TOWN / RANGE: NW1/4 SEC26, T 5N, R21E
 SITE VISIT COMPLETED BY: JOHN D. HARENKE 414-423-5026
 JOB OWNER: GERRI GAGNONE 414-423-4008

MAIN CONTACTS:

- CONTRACTOR/BUILDER:
- PLUMBER/HVAC:
- ELECTRICIAN:
- CUSTOMER: RONNIE ASCUNSION 414-425-7510

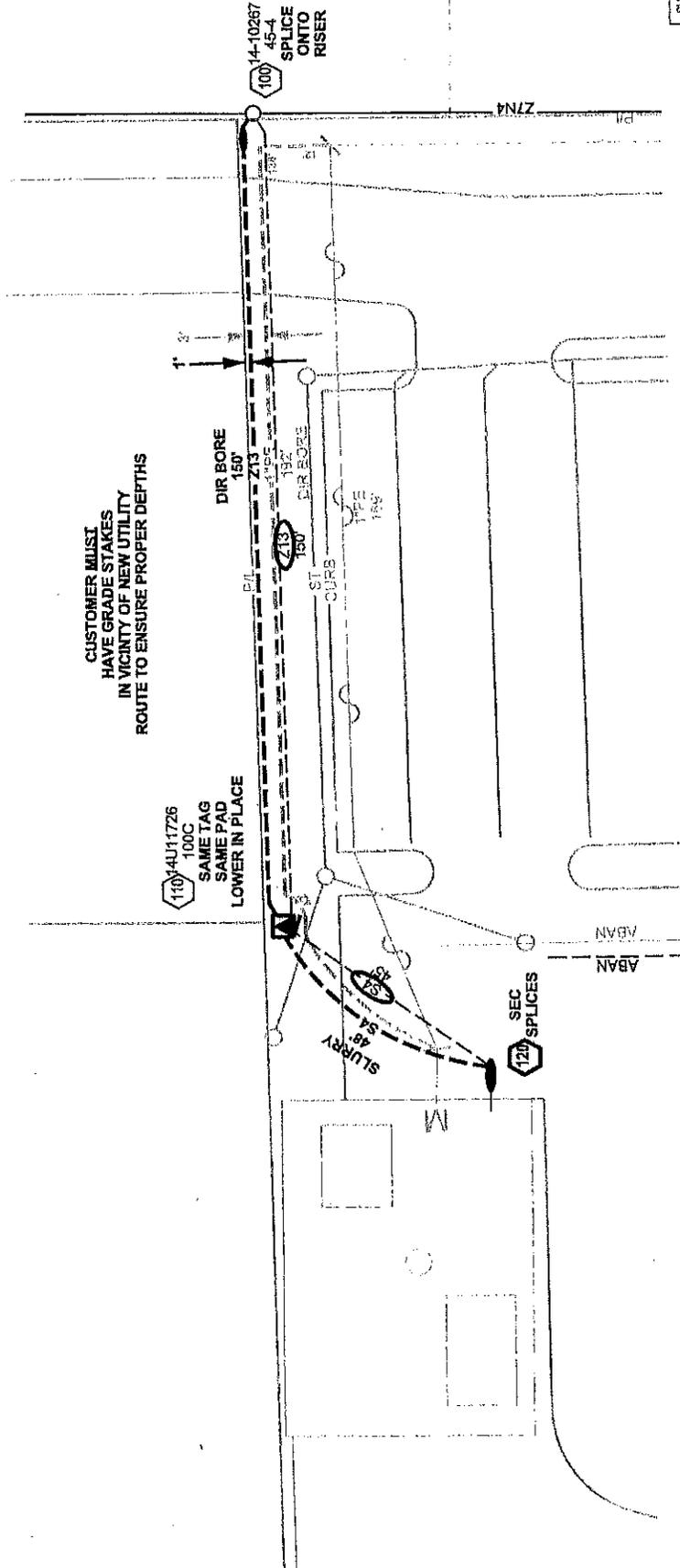
KEY:

- Z7 = 3#336 ACSR
- Z13 = 1#1 AL - 25KV
- Z17 = 3#2 AL - 28KV
- N4 = 1#336 ACSR
- S4 = #3/0 TXR

CONTINGENCIES & COMMENTS:

- DIGGERS HOTLINE DIG REQUIRED.
- WE ENERGIES WILL NOT RESTORE.
- WE ENERGIES WILL NOT HAUL SPOIL
- CUSTOMER IS REQUIRED TO LOCATE ALL PRIVATE UNDERGROUND FACILITIES PRIOR TO INSTALLATION.
- WE ENERGIES IS NOT RESPONSIBLE FOR ROOT DAMAGE.

CUSTOMER'S SIGNATURE OF APPROVAL _____ DATE _____





April 27, 2015

4800 W. Rawson Ave.
Franklin, WI 53132-8707
www.we-energies.com

Ronnie Ascursion
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

Subject: Invoice for natural gas facility relocation work at 5550 W. Airways Ave., Franklin, WI

Dear Ronnie:

Thank you for contacting us about your natural gas facility relocation request at the above address.

Please review the following cost information:

- The cost for your natural gas facility relocation is: \$2,555.54. This amount is valid for 90 days from the date of this letter.
- Additional charges will apply if installation is needed from Dec.1 through March 31.
- The cost applies only to our natural gas facilities. If any other utilities need to be relocated, please contact the appropriate providers.
- Additional charges may apply if unusual or unforeseen conditions are encountered during the relocation.
- Any excavated area will be backfilled with existing soil at no cost to you. Surface restoration in the public right-of-way will be completed according to municipal guidelines. Additional restoration work you may have requested is included in your installation cost.

Please sign and return this letter, sketch and your payment in the envelope provided. Payment may also be made online by visiting www.we-energies.com/payconstructionbill or by phone at 855-570-0998. Your site is ready for service relocation when all items on the ready for service card are completed. We will schedule the relocation when we have your completed card.

If you have questions, please call me. I look forward to working with you to make your project a success.

Sincerely,



Geri Gaglione
Energy Services Consultant
Phone #: 414-423-5008
Fax #: 414-423-5060

Accepted By: _____ Date: ____/____/____

Title: _____

Work Request #: 3767228

Enclosure

WB SERVICES
ELEC WR GAS WR **OB 3767228**

CITY/TOWN/VILLAGE: C - FRANKLIN
CUST/PROJ NAME: C - FRANKLIN
PROJECT LOCATION: 5550 W AIRWAYS AVE

WORK DESCRIPTION: RELOCATE EXISTING GAS SERV.

PREPARED BY: JOHN D. HARENKE
E-MAIL: john.harenke@ws-energies.com
OFFICE #: 414-423-5026 CELL #: 262-689-0468
PROJECT ID: _____ IO #: RS202610
DATE PREPARED: 04/23/15 CDS #: _____ DATE REVISED: _____

COMMON INFORMATION

STAKING REQUIREMENTS:
 SURVEYOR STAKED
 DESIGNER NOT NEEDED
 RESTORE PRIVATE PROPERTY: WE ENERGIES CUSTOMER

WORKS APPROX. 728 FT. DIRECTION S OF CL OF S 58TH ST
 NEAREST CROSS STREET ALSO NOT GAS SERVICE 192'

ELECTRIC INFORMATION
 OPER. MAP #: 4178-7448-04 FEEDERLINE #: Z77871
 CITY JOINT USE #: _____ TEL. JOINT USE #: _____

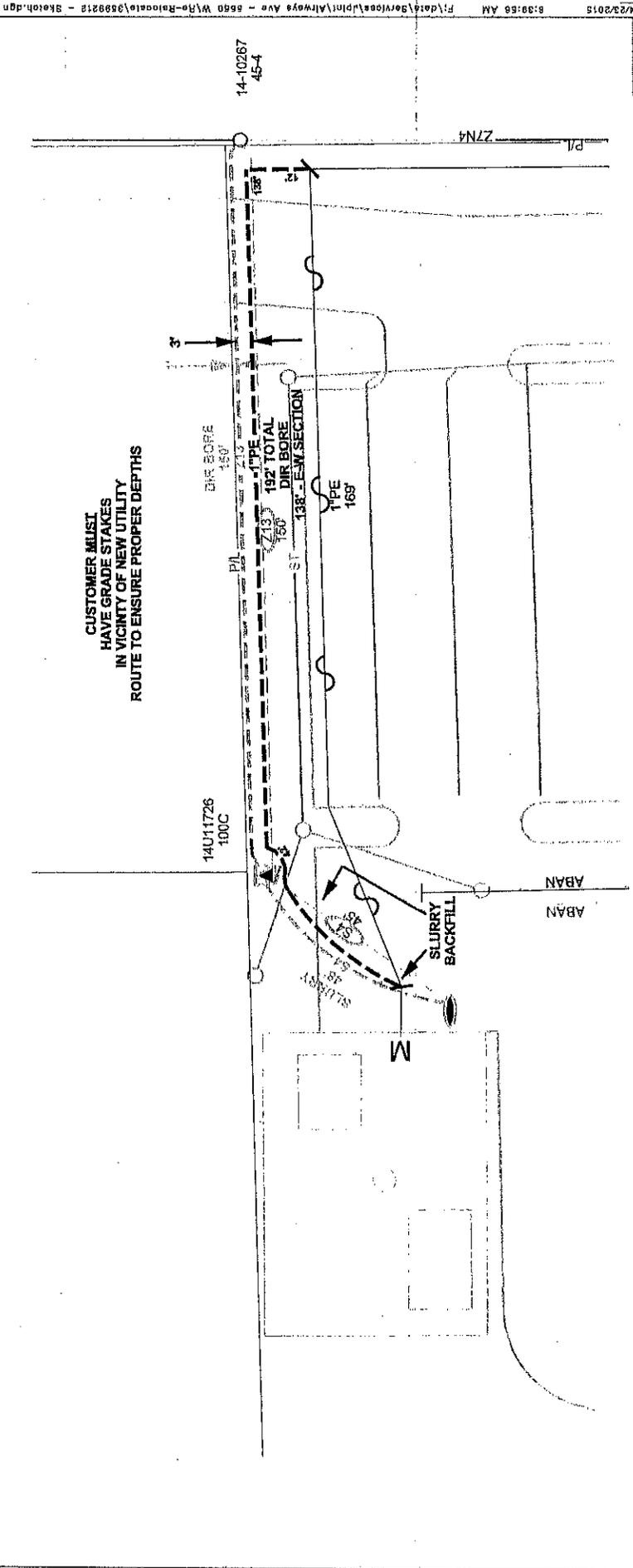
PROPOSED GAS SERVICE INFORMATION
 MTR. SIZE: _____ MTR. TYPE: ERY
 SERV. PIPE SIZE: 1" _____ MATERIAL: PE RGLT
 MTR. LOC. _____ FT. _____ OF _____ CORNER CURB VLV
 CONSTRUCTION TYPE: _____ TEL. SPRING

JOB INFO:
 SECTION/TOWN/RANGE: NW1/4 SEC26, T 5N, R21E
 SITE VISIT COMPLETED BY: JOHN D. HARENKE 414-423-5026
 JOB OWNER: GERRI GAGLIONE 414-423-4008

MAIN CONTACTS
 CONTRACTOR/BUILDER:
 PLUMBER/HVAC:
 ELECTRICIAN:
 CUSTOMER: RONNIE ASCUNSION 414-425-7510

CONTINGENCIES & COMMENTS:
 DIGGERS HOTLINE DIG REQUIRED.
 WE ENERGIES WILL NOT RESTORE.
 WE ENERGIES WILL NOT HAUL SPOIL.
 CUSTOMER IS REQUIRED TO LOCATE ALL PRIVATE UNDERGROUND FACILITIES PRIOR TO INSTALLATION.
 WE ENERGIES IS NOT RESPONSIBLE FOR ROOT DAMAGE.

CUSTOMER'S SIGNATURE OF APPROVAL _____ DATE _____



Are you ready for natural gas service?



Important! The natural gas ready for service card must be completed when you are ready for natural gas service and returned to us before we can begin your new service installation.

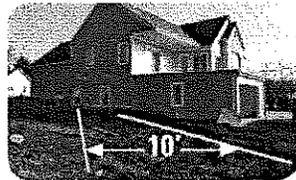
I understand that the following items need to be completed before installation begins.

- Located, marked or exposed any private buried obstructions or underground facilities – such as a well, drain tiles, septic/mound system and/or underground yard lighting – with stakes, spray paint or flags.*



Note to customer: We Energies and/or its agents will not be held responsible for damage that occurs to customer-owned underground facilities that are not properly located and marked before natural gas service installation.

- Cleared a minimum 10-foot-wide path along the service route from the property line to the meter location on my building. I've made sure things like dirt piles and construction materials aren't in the way.

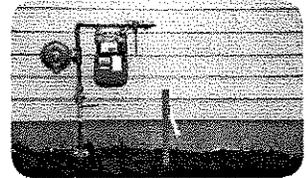


- Submitted payment, if applicable.

- Prepared the ground around my building and along the service route to within 4 inches of final grade.



- Built/framed wall and marked exact location on the building with spray paint, flag or stake to identify where the natural gas meter will be placed.



- Sent my signed sketch (if applicable) and informed We Energies of any planned decks, patios or pools before my service is installed. Once my service is installed, it would be my responsibility to pay any costs to move my natural gas facilities to accommodate future structures. **Note:** Building over the top of natural gas facilities (including the natural gas meter) may cause serious safety or code violations.



* If you are unable to properly locate and mark your privately owned buried facilities, you can hire a contractor to do it for you.

Natural gas ready for service card

Please complete, sign and return this card when all of the items above have been completed.

Name: _____
(please print)

Installation address: _____
(please print)

City: _____ State: _____ ZIP code: _____

Daytime phone: _____

- I certify that I am the owner or authorized representative of the owner.

Signature: _____ Date: _____

- Please hold my ready for service card and schedule installation after March 31.

(For We Energies office use only) Order number: _____

Additional charges for natural gas service installation apply from Dec. 1 through March 31.

For new service questions, visit www.we-energies.com/newservice or call 262-574-6400 or 866-423-0364 (toll free).

<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>7/21/2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>City of Franklin's College Avenue ADA Compliant Sidewalk Community Development Block Grant Program Project Application for 2016</p>	<p>ITEM NUMBER</p> <p><i>G.22.</i></p>

At their June 16, 2015 meeting, the Common Council approved the following motion pertaining to the "2016 Community Development Block Grant Program Projects":

"Alderman Dandrea moved to authorize the Director of Administration to submit Letters of Support, or applications if needed, for the Southwest Interfaith Elderly Home Support Services Program for \$5,000 and Oak Creek Salvation Army-Homelessness Program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit or work with Milwaukee County for an application for a College Avenue Sidewalk Construction Project from 35th Street to 27th Street for \$258,500. Seconded by Alderwoman Evans. All voted Aye; motion carried."

Everything as authorized in the above motion has been completed; however, after careful consideration the project amount for the sidewalk project was increased to \$340,000. Since the June 16th approval, the City has been able to meet with the Milwaukee County Department of Transportation and get their support for the project. Those discussions and the added time enabled a more detailed review by the Assistant City Engineer taking into consideration specific site characteristics as opposed to more standard sidewalk design characteristics. In very short summary, the inconsistent right-of-way depths are forcing some stretches of curb to be added in order to ensure vehicular separation and pedestrian safety. Curb, in turn, causes some limited use of storm sewers to address storm water drainage off the roadway which currently sheet flows. The alternative is additional land acquisition, which is challenging in federal projects and would not likely be accomplished in time for a 2016 project. After discussion with the Milwaukee County CDBG staff, it was recommended that the project amount be increased to reflect these additional project components. Milwaukee County staff did not believe this would significantly negatively impact the overall project, with which they remain supportive.

The Milwaukee County CDBG application deadline was Friday, July 17, 2015, which deadline was met. Based on the above information and additional engineering analysis, the Director of Administration ended up requesting \$340,000 in CDBG funding for the College Avenue Sidewalk Construction Project instead of the \$258,500 as was originally estimated. During the Milwaukee County CDBG staff review period it would be possible to submit additional information to reduce the project request, but it is difficult to increase a project request during the application period.

As the above June 16, 2015 Council motion included specific cost amounts, the Director of Administration felt it important to apprise the Council of the updated/revised cost estimate and the \$340,000 requested amount in Milwaukee County CDBG funds for this 2016 sidewalk project. The Common Council can confirm this action or can direct that the original amount be retained and the project be scaled back in some manner.

COUNCIL ACTION REQUESTED

Motion to approve the revised 2016 Milwaukee County Community Development Block Grant application cost estimate to \$340,000 for the College Avenue Sidewalk Construction Project.

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<p>APPROVAL</p> <p><i>Slw Paul</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>July 21, 2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Report on Spending for Future Development Areas</p>	<p>ITEM NUMBER</p> <p><i>G.23,</i></p>

Background

At the November 4, 2014 Common Council meeting the Council adopted several Resolutions (2014-7032 [Ehlers], 2014-2033 [Quarles & Brady], 2014-2034 [Ruekert & Mielke]; 2014-2035 [Graef USA, Inc], and 2014-2036 [Buxton]) which engaged professionals to study Future Development Areas in the City of Franklin.

Analysis

The attached is a summary of the expenditures committed or completed to date on those projects. The projects are still being worked upon, therefore it is possible that additional expenditures will be needed to provide the information Common Council requires.

For Area A (Rawson Ave & S 76th St) - \$187,800 has been committed or expended on this project. A preliminary Traffic Study is underway headed up by Graef.

For Area G (roughly Ryan Road and Loomis Road), \$64,400 has been committed or expended on this project. The cost of providing water service to support the proposed development in this area is currently being studied.

For Area D (S 27th Street and South County Line Road) – Costs for this area are being charged to Tax Incremental District 4. \$114,138 has been committed or expended on this project. Common Council has requested comments and recommendations from various Boards and Commissions on the proposed plan.

In total, \$366,338 has been committed or expended on these Future Development areas.

COUNCIL ACTION REQUESTED

Recommendation to place the report on file.

**City of Franklin, WI
Development Planning Costs
Expenditures Committed or Completed
2014 - 2015**

PO #	76th & Rawson		Ryan & Loomis Rds		So 27th Street		Total	
	2014	2015	2014	2015	2014	2015	2014	2015
Engineering								
Ruekert & Mielke 73575					83,760	3,490	83,760	3,490
Ruekert & Mielke					-	5,256	-	5,256
Ruekert & Mielke					-	332	-	332
Ruekert & Mielke - estimated 73574	41,500		48,000		-	4,000	-	4,000
Graef					89,500	-	89,500	-
Graef - Market study 73578	10,000				10,000	-	10,000	-
Graef - Traffic Study 73675		70,000			-	70,000	-	70,000
Other Professional Services								
Buxton 73573	25,000	25,000			25,000	25,000	25,000	25,000
Financial								
Ehlers 73577	13,000		13,000		14,000	-	-	-
Legal								
Quarles & Brady - PO 73576	3,300		3,400		3,300	-	-	-
Total	\$ 92,800	\$ 95,000	\$ 64,400	\$ -	\$ 101,060	\$ 13,078	\$ 258,260	\$ 108,078
Total Project Costs	\$ 92,800	\$ 92,800	\$ 64,400	\$ 64,400	\$ 101,060	\$ 101,060	\$ 366,338	\$ 366,338
		\$ 187,800		\$ 64,400		\$ 114,138		

Estimated or PO - not invoices as of July 7, 2015