

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/21/13
REPORTS & RECOMMENDATIONS	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	ITEM NUMBER <i>G.H.</i>

At their meeting on April 24, 2013, the Environmental Commission recommended approval to allow approximately 690 square feet of filling and grading of Wetland 8, approximately 510 square feet of filling and grading of Wetland 9, approximately 6,400 square feet of wetland buffer filling and grading surrounding Wetlands 8 and 9 and approximately 15,700 square feet of wetland setback filling and grading surrounding Wetlands 8 and 9, for the expansion of the Franklin High School building; approximately 216 square feet of filling and grading of Wetland 6, approximately 1,783 square feet of filling and grading of the buffer of Wetland 6 and approximately 2,968 square feet of filling and grading of the setback of Wetland 6, for construction of the access drive to the Franklin High School, subject to the staff conditions outlined in the Staff Report dated April 24, 2013.

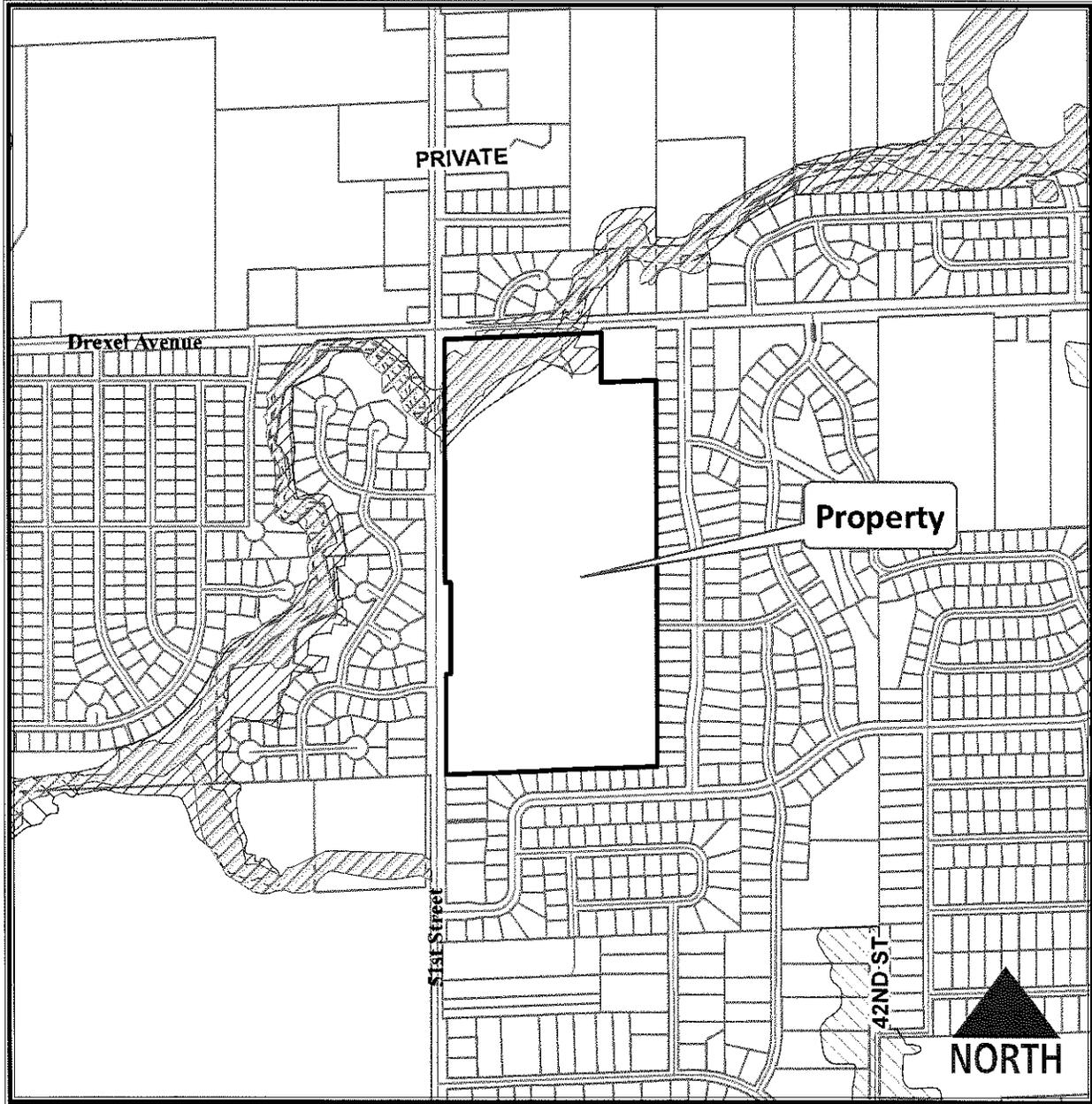
At the regular meeting of the Plan Commission on May 9, 2013, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Franklin High School Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendation.

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.



Franklin High School 8222 South 51st Street



Planning Department
(414) 425-4024



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

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

Whereas, Franklin Public Schools, having filed an application dated April 5, 2013, 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 April 24, 2013 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 May 9, 2013 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 8222 South 51st Street, zoned I-1 Institutional District, FW Floodway District and C-1 Conservancy 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 April 5, 2013 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 reason for the request for a Special Exception is not self-imposed, but rather due to meet the demands of Franklin's growing school district. The Franklin High School improvements are needed to meet growing student, faculty and visitor demands.*

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 requirement is unreasonably burdensome because the school would not be able to expand and meet its demands at its current location without the proposed impacts to natural resource feature. It would not be financially responsible for the School District to consider a new site for new development of the High School. The existing High School facility offers room for the proposed improvements.*

Furthermore, there are no reasonable practicable alternatives and the project will not proceed without impacting the artificial wetlands. Options are not available to eliminate impacts to artificial wetlands which would meet stormwater management regulations and requirements. Options are not available to eliminate impacts to artificial wetlands which would meet parking and site access needs. In addition, the school districts needs would not be met by reducing the project size. If the site improvements do not occur, the growing demand of the School District will not be met.

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

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood. The character of the neighborhood is consistent. The Franklin High School was constructed in 1961; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *Other properties will remain subject to City of Franklin natural resource protection standards, primarily found in Part 4 of the Unified Development Ordinance; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *Project impacts call for improvements to an existing stormwater pond which will protect the public interests in waters of the State of Wisconsin. The proposed project has considered site natural resources and avoidance of natural resources. The US Army Corps of Engineers (ACOE) has determined that the stormwater pond proposed for enhancement, is not a Water of the United States as it was constructed to meet the requirements of the Clean Water Act per Section 402. Additionally the DNR has determined that the stormwater pond and associated ditch are exempt from Wisconsin Wetland Water Quality Standards per NR 103.06{4}{a}. Please refer to attached regulatory correspondence. The proposed project will be permitted under the Wisconsin Pollutant Discharge Elimination System (WPDES) construction permit. Erosion and sediment control measures shall be utilized during construction which will meet and/or exceed NR 151 requirements; and*

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The project will meet all I-1 Institutional District setbacks from property lines in addition to the shoreland wetland and shore buffer setbacks.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The building and site modifications are for the Franklin High School to meet the growing demands of the school district. The wetlands impacted are artificial wetlands associated with stormwater management.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The existing use on the property is the Franklin High School.*

4. Aesthetics: *The majority of natural resource features will remain undisturbed; therefore, the aesthetics of the site will not be substantially changed.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The site is approximately 76.92-acres with 17.28-acres of protected natural resource features. In total, 0.032-acres (1,416 square feet) of wetlands, 0.188-acres (8,183*

square feet) of wetland buffer and 0.429-acre (18,668 square feet) of wetland setback will be disturbed.

6. Proximity to and character of surrounding property: *The property is surrounded by single-family and two-family residential to the north and single-family residential to the south, east and west. The project is planned for institutional development.*

7. Zoning of the area in which property is located and neighboring area: *The subject property is zoned I-1 Institutional District. Properties to the north are zoned R-7 Two-Family Residence District and R-6 Suburban Single-Family Residence District. Properties to the south, east and west are also zoned R-6 Suburban Single-Family Residence District.*

8. Any negative affect upon adjoining property: *There will not be an adverse impact to adjoining properties. Adequate setbacks are provided.*

9. Natural features of the property: *Protected natural resource features onsite include young woodlands, streams, shore buffers, floodplain and floodways, wetlands and a shoreland wetland and the associated wetland buffers and setbacks.*

10. Environmental impacts: *The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for the filling and paving of:*

- *a portion of Wetland 6 (about 216 square feet);*
- *a portion of Wetland 6 buffer (about 1,783 square feet);*
- *a portion of Wetland 6 setback (about 2,968 square feet);*
- *a portion of Wetland 8 (about 690 square feet);*
- *a portion of Wetland 9 (about 510 square feet);*
- *a portion of Wetland 8 and 9 buffer (about 6,400 square feet); and*
- *a portion of Wetland 8 and 9 setback (about 15,700 square feet)*

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 April 24, 2013 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 Natural Resource Protection Plan (NRPP) shall be updated with final field surveys and delineations, concurred by SEWRPC and/or the City's natural resource consultant, prior to issuance of a Building Permit. The updated NRPP shall include a boundary line illustrating the location of the Conservation Easement; 4) mitigation meeting the requirements of Section 15-4.0103 of the Unified Development Ordinance for all impacts to protected natural resource features shall be provided. A separate plan shall be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas for Environmental Commission, Plan Commission and Common Council approval prior to issuance of a Building Permit; 5) that all City of Franklin Consultant's comments regarding the Natural Resource Protection Plan shall be addressed to the satisfaction of Department of City Development Staff, prior to issuance of a Building Permit; 6) a written Conservation Easement shall be submitted for review and approval by the Common Council and shall reflect the most up-to-date delineations, prior to issuance of a Building Permit; 7) documentation from the Wisconsin Department of Natural Resources and Army Corps of Engineers indicating their determinations regarding wetland exemptions for all wetlands located onsite shall be submitted to Department of City Development staff. 8) 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 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 _____, 2013.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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



City of Franklin

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

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

Date: <u>April 5, 2013</u>	
Property Owner(s)/Legal Entity: <u>Franklin School District</u> <u>James Milzer</u>	Applicant (Legal Business Owner Name): <u>Franklin High School</u>
Address: <u>8255 West Forest Hill Avenue</u>	Address: <u>8222 South 51st Street</u>
City: <u>Franklin</u> State: <u>WI</u> Zip: <u>53132</u>	City: <u>Franklin</u> State: <u>WI</u> Zip: <u>53132</u>
Phone: <u>414-529-8220</u> Fax: _____	Phone: <u>414-529-8220</u> Fax: _____
Email Address: <u>James.milzer@franklin.k12.wi.us</u>	Email Address: <u>Mark.cloutier@franklin.k12.wi.us</u>

Project/Development Name: Franklin High School Additions and Renovation
 Project Description: Building and facility improvements.
 Project Property Address: 8222 South 51st Street Project Tax Key No(s): _____
 Existing Zoning: Institutional Proposed Zoning: Institutional Existing Use: School Proposed Use: School
 2025 CMP Land Use Identification*: Institutional
 * The 2025 CMP Future Land Use Map is available at:
[http://www.franklinwi.gov/DefaultFile/Planning/2025CMP/2025 CMP Ch5 2025Future Land Use Map5.7.pdf](http://www.franklinwi.gov/DefaultFile/Planning/2025CMP/2025%20CMP%20Ch5%20Future%20Land%20Use%20Map5.7.pdf)

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

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

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

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

Signature of Property Owner: _____	Signature of Applicant: <u>[Signature]</u>
Name and Title: _____	Name and Title: _____
Date: _____	Date: <u>4/5/13</u>
Signature of Property Owner: _____	MARK E. CLOUTIER
Name and Title: _____	MANAGER OF BUILDINGS AND GROUNDS

Natural Resource Special Exception Question and Answer Form

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

- a. Indication of the section(s) of the UDO for which a Special Exception is requested.**
Part 4: Natural Resource Protection, Division 15-4.0100 Natural Resources, Section 15-4.0102 Natural Resource Features Determination, J. Exemptions, 1. *Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.* And 3. *Actively maintained farm drainage and roadside ditches.* (refer to UDO, Page 4-5).
- b. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.**
Artificial wetlands associated with maintained stormwater pond and ditches are located within the proposed site improvement area; please refer to the NRPP for location and area of impacts.
- c. Statement of the reason(s) of the request.**
Enhancements are required to existing stormwater management facility per City, Milwaukee Metropolitan Sewerage District (MMSD) and State regulations and requirements. Increase of parking also is necessary at the High School site to meet growing student, faculty and visitor demands.
- d. Statement of the reasons why the particular request is an appropriate case for a 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 practicable alternative analysis as follows:**

i. Background and Purpose of Project

- 1. Describe the project and its purpose in detail. Include any pertinent construction plans.**

Building and facility improvements are needed at Franklin High School to meet growing student, faculty and visitor demands. School improvements have been passed by public referendum. Stormwater quantity/quality improvements will be needed to meet City, MMSD and State regulations and requirements. Additional parking space is necessary to meet growing demands of School District. Project plans have been included with this submittal.

Franklin

APR - 8 2013

City Development

2. State whether the project is an expansion of an existing work or new construction.

Proposed project is an expansion of existing work.

3. 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.

Proposed project will not be located in or adjacent to the stream or other navigable water (such a practice would be prohibited by State law and is simply an unsound building practice; discussion of this will not be re-iterated throughout this application); proposed project will not be located in shore buffer. Proposed project may lead to impacts to wetland, wetland buffer, and/or wetland setback to achieve purpose. On the south end of the site additional parking and access is being proposed. Wetland reconnaissance was completed April 3, 2013. Final wetland delineation to be completed during growing season (Spring), 2013. At this time it appears impacts may occur to artificial wetlands. Additionally artificial wetlands surrounding stormwater pond will be impacted to improve functionality and safety aspects of this existing pond.

ii. Possible Alternatives.

1. 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.

N/A. Project will not proceed without impacting artificial wetlands.

2. 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.

N/A. Options are not available to eliminate impacts to artificial wetlands which would meet stormwater management regulations and requirements. Options are not available to eliminate impacts to artificial wetlands which would meet parking and site access needs.

3. State how the project may be made smaller while still meeting the project's needs.

N/A. School District needs would not be met by reducing project size.

4. State what geographical areas were searched for alternative sites.

N/A. It would not be financially responsible for the School District to consider a new site for new development of the High School. The existing High School facility offers room for the proposed improvements.

5. **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.**

N/A (please refer to ii. 4. above).

6. **State what will occur if the project does not proceed.**

Site improvements will not occur. Growing demand of School District will not be met.

iii. **Comparison of Alternatives.**

1. **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.**

N/A.

2. **State any logical reasons limiting any of the possible alternatives set forth under sub.2., above.**

N/A.

3. **State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.**

N/A.

4. **State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.**

N/A.

- iv. **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.**

To meet growing demand of the school district stormwater and parking/access improvements are needed. These will lead to impacts to artificial wetlands and associated buffer/setback areas. Impacts are described in the NRPP (refer to Wetlands 8 and 9).

- v. **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.

Wetland 8 consists of a shrub/scrub wetland complex located within utility easement. Wetland 8 is located within an area which drains to the east to an existing catchment/storm sewer inlet which captures sheet flow from on-site (drainage from the east) and offsite (drainage from the south residential area). Flows are collected in inlets and carried through stormsewer pipe where the discharge to the west into Wetland 9. Wetland 8 is dominated by *Rhamnus cathartica* (common buckthorn, FAC, non-native), *Rosa multiflora* (multiflora rose, FACU, non-native), *Cornus stolonifera* (red osier dogwood, FACW, native), *Fragaria virginiana* (wild strawberry, FACU, native) and *Poa pratensis* (Kentucky bluegrass, FAC, non-native). Songbirds may utilize wetland 8; however it is doubtful they would use it for long-term duration given its size and location. Wetland 8 hydrology is described above. Wetland 8 soils are mapped as Blount silt loam, 1-3% slopes. Given past disturbances soils have likely been disturbed. Wetland 9 is an existing roadside ditch east of South 51st Street and can best be described as a shallow marsh/disturbed fresh wet meadow. Wetland 9 is dominated by *Phalaris arundinacea* (Reed canary grass, FACW, non-native), *Poa pratensis*, and *Typha X glauca* (Hybrid cattail, OBL, introduced, naturalized). Wetland 9 is maintained (mowed) and is likely impacted by surrounding land disturbances. Wetland 9 is likely not utilized by wildlife but may be utilized by macroinvertebrates during flow conditions. Wetland 9 soils are mapped as Blount silt loam, 1-3% slopes. Given past disturbances soils have likely been disturbed. Wetland 9 contains noticeable alluvial deposition. Wetland buffer and setback areas consist of maintained lawn generally dominated by *Poa pratensis*. Soils are mapped Clayey fill (Cv). Soil samples were not taken during the wetland reconnaissance field survey.

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

- 1. Diversity of flora including State and/or Federal designated threatened and/or endangered species.** No significant impacts. Please refer to attached DNR BER Review pertaining NHI review.
- 2. Storm and flood water storage.** No significant impacts. Flood water storage will be improved.
- 3. Hydrologic functions.** No significant impacts.

4. **Water quality protection including filtration and storage of sediment, nutrients or toxic substances.** No significant impacts.
 5. **Shoreline protection against erosion.** No significant impacts.
 6. **Habitat for aquatic organisms.** No significant impacts.
 7. **Habitat for wildlife.** No significant impacts.
 8. **Human use functional value.** No significant impacts.
 9. **Groundwater recharge/dischage protection.** No significant impacts.
 10. **Aesthetic appeal, recreation, education, and science value.** No significant impacts.
 11. **Specify any State or Federal designated threatened or endangered species or species of special concern.** No significant impacts. Please refer to attached DNR BER Review. This information is not to be publicly disseminated.
 12. **Existence within Shoreland.** No impacts.
 13. **Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.** No impacts.
- vii. **Water Quality Protection.** Describe how the project protects the public interest in waters of the State of Wisconsin. Project impacts call for improvements to an existing stormwater pond which will protect the public interests in waters of the State of Wisconsin. The proposed project has considered site natural resources and avoidance of natural resources.

The US Army Corps of Engineers (ACOE) has determined that the stormwater pond proposed for enhancement, is not a Water of the United States as it was constructed to meet the requirements of the Clean Water Act per Section 402. Additionally the DNR has determined that the stormwater pond and associated ditch are exempt from Wisconsin Wetland Water Quality Standards per NR 103.06(4)(a). Please refer to attached regulatory correspondence.

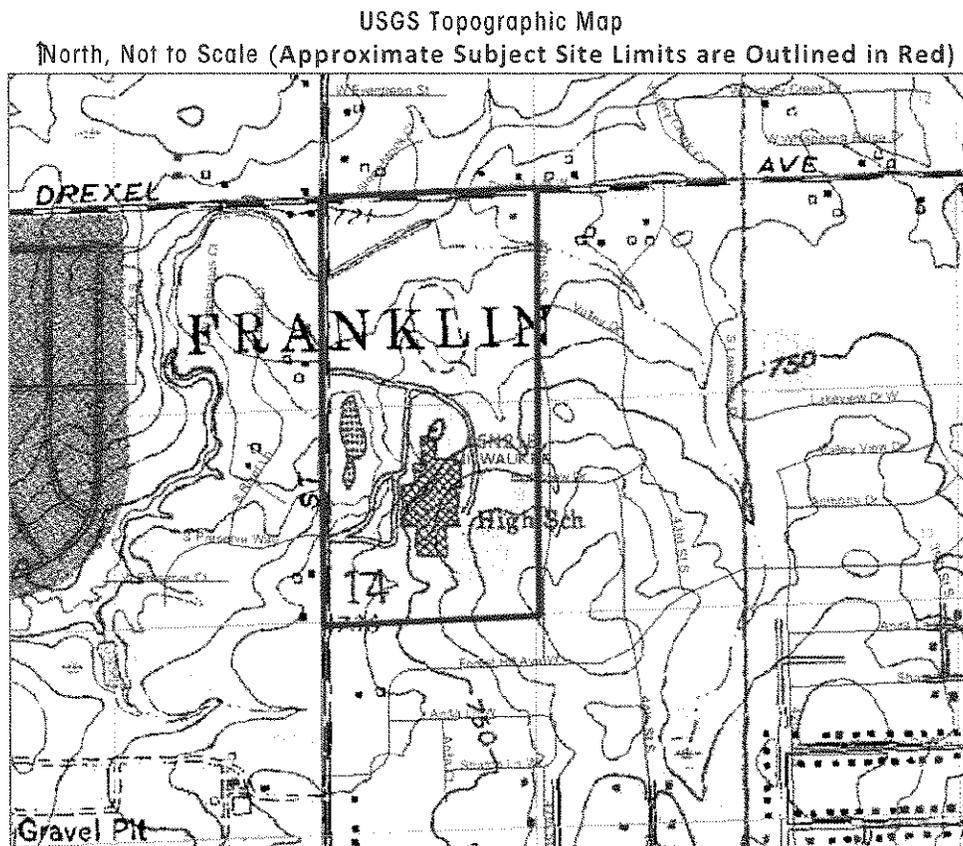
The proposed project will be permitted under the Wisconsin Pollutant Discharge Elimination System (WPDES) construction permit. Erosion and sediment control measures shall be utilized during construction which will meet and/or exceed NR 151 requirements.

Franklin Public Schools: Franklin High School – Addition & Renovations
Interpretation of City of Franklin Unified Development Ordinance (UDO)
Concerning Natural Resources Protection Standards

Natural Resource Protection Plan (NRPP) & Site Plan Application – Project Narrative

Executive Summary:

A Natural Resource Protection Plan is required for Franklin High School proposed building and facility improvements (please refer to Attachment A: Site Plans). Franklin High School is a public school operated by the Franklin School District, located at address 8222 S. 51st Street, Franklin, Wisconsin 53132. The school is located in the Northeast ¼ of Section 14, Township 5 North, Range 21 East. The existing site is a 71.322 acre rectangular site orientated North/South. The site is bordered to the South and East by residential subdivisions, to the West by 51st Street, and to the North by an unnamed Tributary to the Root River, and beyond by Drexel Avenue and a Fire Station.



The intent of this Natural Resource Protection Plan (hereto referred to as NRPP) is to help ensure that the City's natural resource protection standards are met and that all of the site's natural resources required to be protected under Part 4 of the Franklin Unified Development Ordinance (UDO) remain

undisturbed and intact, reflective of their current natural state, unless where mitigation is permitted by the City.

Background & Current Site Conditions:

Franklin High School is a 284,855 square foot building, consisting of grades 9 to 12. The southern half of the school is 1-story on grade, no basement. The northern half of the building is 2-stories on grade, due to the site sloping down and exposing the lower level. The building has been added on to six times since the initial building construction (c.a. 1961).

All vehicle and service access occurs via two points along 51st Street. The southern access point is the primary/main entrance consisting of a 2-lane, 1-way circulation. The northern access is a 2-lane, 2-way circulation with perpendicular parking. There is paved pedestrian access to the south residential subdivision, and unpaved pedestrian access to the east residential subdivision.

The topography of the site is variable and generally slopes from southeast (high) to northwest (low). The school is situated centrally with higher ground to the east and lower ground to the west. Its location affords views to the north and west.

Presently, water features on the site include a man-made stormwater pond located along the western boundary and a drainage culvert adjacent and running parallel to the eastern edge of the school, which terminates in a small man-made stormwater pond adjacent to the east side of the running track. Two unnamed tributaries to the Root River are located along the northern end of the site.

The south side of the site is mainly reserved for service access and a practice field. The east side is undeveloped area currently utilized for cross country. The north side is primarily used for athletic fields (football, track and field, baseball, softball, and soccer), and parking. Lastly, the west side is a manicured "front lawn" and serves as the perceptual "front" to the public. All vehicular access and egress, and the majority of parking occur to the west.

Proposed Addition & Renovations:

Please refer to Attachment A for proposed Site Plans.

District Design Goals:

- The project should create a sense of transformation to the High School (visually and functionally/interior and exterior).
- The Performing Arts Center and central "Learning Street" will be its seminal features.
- The project should provide a unique design.
- The project should provide flexible learning environments with 21st century focus.
- The project should promote energy efficiency and sustainability.
- The project should utilize materials and methods which promote the longevity and durability of the building.

Site: Site renovations to West and South of the building include the following: reconfigured and enlarged parking (approximate Existing Parking Spaces: 396 --Proposed Spaces: 810), hardscaped areas adjacent to the building, on-site stormwater improvements, site lighting, landscaping and new utility connections. Site renovations east of the building include two football practice fields, an irrigation well and property fencing (east property line).

The landscape plan being submitted with the Plan Commission Submittal adheres to the City's landscape zoning ordinance. However, the School District does have concern regarding the assortment of 584 trees and shrubs being added to the site. The School District is concerned about site safety, snow storage, and the maintenance that these plantings will require during the initial establishment period and over time. The District would ask the City to consider a compromise to the landscape plan being submitted. The proposed compromise maintains the perimeter property line landscaping shown along the west (approx. 144 plantings), south (approx. 74 plantings) and east (approx. 70 plantings) property lines, but would reduce the internal site plantings within parking areas and other on-site green space by 2/3'rds from 296 to 98 added plantings. Total new plantings on site would then equate to approximately 386 rather than 584.

Vehicle and Pedestrian Access: A new additional southern access point as a right-turn only entrance into the site is proposed. The existing southern access point will now become the Central access point and is to remain the primary/main entrance consisting of a 4-lane, 2-way circulation. The Northern access is to remain as is being a 2-lane, 2-way circulation with perpendicular parking. More paved pedestrian access routes from 51st Street to the school are also proposed one at the north drive was requested during our concept review with the city.

Building: New construction will include a 34,000 square foot, 2-story classroom addition and a 52,000 square foot, 1-story performing arts center. The classroom addition will include classroom space, administrative space, new main entrance, student commons, toilets, mechanical spaces, and an elevator. The performing arts center will include an 850 seat auditorium with adjacent support spaces, pre-function space, rehearsal rooms for band, orchestra, and choir, a music lab with practice rooms, toilets, and support/storage and mechanical spaces.

Extensive renovation will occur in approximately 94,000 square foot of the existing building and will include: a central commons space with a higher roof and clearstory lighting, art and technology spaces, science labs, smaller common/collaborative spaces and light renovation of some existing spaces.

Materiality: The new additions are composed of brick, metal composite rain-screen, window wall and curtain wall. The composition, use of materials and technical design standards respect the scale, proportions, and materiality of the existing building while addressing the district's goals of transformation, sustainability and durability.

Sustainability (LEED) features: The following items are highlighted features of the proposed design, construction materials and demolition process.

- Storm water design , Quantity Control
- Water Efficient Landscaping
- Optimize Energy Performance
- Building Reuse
- Construction Waste Management
- Recycled content in materials
- Certified Wood
- Indoor Environmental Quality
- Increased Daylighting and Views



April 16, 2013

Mr. Nick Fuchs
Senior Planner
City of Franklin
Department of City Development
9229 W. Loomis Road
Franklin, Wisconsin 53132

Subject: Response to City Development Staff Comments – Franklin High School Additions and Renovation – Natural Resource Special Exception (NRSE)

Dear Mr. Fuchs:

Thank you for the opportunity to respond to City Staff comments dated April 10, 2013, for the NRSE Application submitted by Kapur & Associates (Kapur) on behalf of Franklin High School. Below you will see City Development Staff in *italicized text* and the corresponding Kapur responses in **bold color** as needed.

Please be advised that City Staff has reviewed the above application for the Franklin High School NRSE request. Department comments are as follows for the NRSE Application, submitted by Mark Cloutier, and date stamped by the City of Franklin on April 8, 2013.

1. *Staff finds that sufficient evidence has been provided and concurs that the steep slopes onsite are man-made and exempt per the Steep Slopes definition found in Part 11 of the Unified Development Ordinance (UDO).*

Kapur: Acknowledged.

2. *Staff concurs that Wetland #2 is exempt per Section 15-4.0102J.1. of the UDO, subject to receiving, in writing, a determination from the Wisconsin Department of Natural Resources (WDNR) and Army Corps of Engineers (ACOE) stating that Wetland #2 is exempt from State and Federal regulations. Please provide Planning Staff with a copy of the WDNR and ACOE determination.*

Kapur: DNR and ACOE correspondence (determination) was included in the April 5, 2013 Natural Resources Protection Plan for Wetland 2. Please refer to February 6, 2013 letter from DNR; and February 20, 2013 letter from ACOE (found within Attachment 3 of NRPP).

3. *Staff does not believe Wetland #6 is exempt from UDO protection standards. Again, please provide staff with letters from the WDNR and ACOE indicating their determinations regarding this wetland. Staff will continue to consider the matter as additional information is provided.*

Kapur: The following text was included in the April 5, 2013 NRPP: "At time of this submittal, a wetland delineation for the site has not been completed due to timing and weather constraints. A wetland delineation is to be performed during the growing season, 2013. An on-site wetland reconnaissance was completed April 3, 2013 by



Kapur Environmental Scientist, Kathryn McNelly-Bell. Wetland boundaries were GPS'd during this site visit. Various factors were considered to preliminarily locate the wetland boundaries as described in the NRPP.

Wetland 6 is associated with Stormwater Pond 2 and construction of a ditch. The ditch was constructed around 1974 and the pond was constructed around 1990. Wetland 6 is man-made and was built to convey runoff from the site. Wetland 6 is not located within mapped hydric soils. Wetland 6 will be disturbed during construction efforts to create an access roadway to proposed athletic fields on the eastern end of the site. Access is needed for pedestrian traffic and access of emergency vehicles to the athletic fields. Wetland [6] meets the City of Franklin UDO Exemption as an artificial wetland (per Part 4: Natural Resource Protection, Division 15-4.0100 Natural Resources, Section 15-4.0102 Natural Resource Features Determination, J. Exemptions, 1. *Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.* And 3. *Actively maintained farm drainage and roadside ditches.* (refer to UDO, Page 4-5)). Wetland 6 should be considered exempt from meeting UDO wetland provisions."

Wetland 6 meets equivalent criteria as Wetland 2. Consistency should be a factor in determinations by DNR, US ACOE and the City; and was considered by Kapur staff in completion of fieldwork, past correspondence with DNR and ACOE and generation of the NRPP submitted April 5, 2013.

4. *Staff does not believe Wetlands #8 and #9 are exempt. Again, please provide staff with letters from the WDNR and ACOE indicating their determinations regarding these wetlands. Staff will continue to consider the matter as additional information is provided.*

Kapur: The following text was included in the April 5, 2013 NRPP: "At time of this submittal, a wetland delineation for the site has not been completed due to timing and weather constraints. A wetland delineation is to be performed during the growing season, 2013. An on-site wetland reconnaissance was completed April 3, 2013 by Kapur Environmental Scientist, Kathryn McNelly-Bell. Wetland boundaries were GPS'd during this site visit. Various factors were considered to preliminarily locate the wetland boundaries as described in the NRPP.

Wetlands 8 and 9 have been disturbed by past grading/construction activities. Wetland 8 is a scrub/shrub and is located within utility easement. Wetland 9 is an actively maintained roadside ditch. The western limits of wetland 8 contain a storm sewer catchment area (inlets) that discharge via storm sewer pipe west to the ditch (Wetland 9). Wetlands 8 and 9 are located within mapped hydric soils (Blount silt loam, 1-3% (BIA). Wetlands 8 and 9 will be disturbed during construction. Wetlands 8 and 9 meet the City of Franklin UDO Exemption as artificial wetlands (per Part 4: Natural Resource Protection, Division 15-4.0100 Natural Resources, Section 15-4.0102 Natural Resource Features Determination, J. Exemptions, 1. *Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.* And 3. *Actively maintained farm drainage and roadside ditches.* (refer to UDO, Page 4-5)). Consideration should be made by the City to exempt Wetlands 8 and 9 from meeting UDO wetland provisions. If exemption is not granted by the City approximately 690 square (0.148 acre) feet of Wetland 8 will be impacted; and 510 square feet (0.0058



acre) of Wetland 9 will be impacted by proposed activities; 6,400 square feet of wetland buffer will be disturbed; and 15,700 square feet of wetland setback will be disturbed.”

Upon completion of a wetland delineation, as needed follow-up with DNR and ACOE will be made for final determination of exemption.

5. *Please confirm that the sidewalk along South 51st Street will not be relocated as previously discussed and Wetlands #3, #4 and #5 will not be disturbed.*
Kapur: Please refer to Site Plans submitted on April 5, 2013. A portion of the sidewalk will be replaced in the same location, at a higher elevation to provide more volume in the stormwater pond. Construction will not impact Wetlands 3, 4, or 5.
6. *On the Wetland Exhibit Map (Sheet 4), staff recommends better illustrating (e.g. hatching) areas of wetland, wetland buffer and wetland setback disturbances. Please include Wetland #6 as a non-exempt wetland being disturbed.*
Kapur: Please refer to revised Wetland Exhibit Map (Sheet 4).
7. *Staff recommends including a single, overall map illustrating all natural resource features located on the property along with the proposed impacts. This map should also show the Conservation Easement boundary, labeled accordingly.*
Kapur: A single, overall map (Natural Resource Overview Map 8) including all natural resource features has been included. The Conservation Easement Boundary will be added, labeled, and submitted once the wetland delineation is completed by SEWRPC.
8. *Staff recommends that every effort should be made to protect vegetation (e.g., specimen trees, etc.) located outside of the development footprint.*
Kapur: Every effort will be made to protect vegetation located outside the development footprint.
9. *Please include SEWRPC's delineations of the wetlands and any SEWRPC Environmental Corridors located on the property on the NRPP when they become available.*
Kapur: The wetland delineation will be submitted to the City when it becomes available.
10. *Staff anticipates recommending the following conditions as part of an approval of the NRSE request:*
 - a. *The NRPP shall be updated with final field surveys and delineations, concurred by SEWRPC and/or the City's natural resource consultant, prior to issuance of a building permit. The final delineations shall be reflected on the Conservation Easement.*
 - b. *Staff recommends mitigation meeting the requirements of Section 15-4.0103 of*



the UDO for all impacts to protected natural resource features. A separate plan should be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas.

c. That all City of Franklin Consultant's comments regarding the NRPP are addressed, prior to issuance of a building permit.

d. Please be advised that the protected natural resource features and any additional areas of mitigation will need to be placed within a Conservation Easement. The Conservation Easement must be submitted for Common Council review and approval, prior to issuance of a building permit. A template is attached.

e. 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 issuance of a building permit.

f. Letters from the WDNR and ACOE indicating their determinations regarding wetland exemptions shall be submitted to Department of City Development staff.

Kapur: Acknowledged.

11. Please note that if impacts to protected natural resources are greater than anticipated after field delineations are completed, a new NRSE Application will be required and subject to Environmental Commission and Plan Commission recommendation and Common Council approval.

Kapur: Acknowledged.

12. The Engineering Department has indicated that the survey must be done by Certified Survey Map (see Section 236.03 – attached). The Engineering Department can be reached at 414-425-7510 to discuss further. Staff anticipates additional comments from the Engineering Department will be forthcoming.

Kapur: Acknowledged.



KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS

we listen. we innovate. we turn your vision into reality.

Upon your request, please find twenty revised sets of plans enclosed. If you have any additional questions or find you need additional information, please do not hesitate contact Kathryn at (414) 795-4305 for items 1-6 and 9-12 or Kevin at (414) 751-7247 for items 7 & 8.

Sincerely,

Kapur & Associates, Inc.

Kathryn McNelly-Bell

Kathryn McNelly-Bell

Environmental Scientist/Compliance Specialist

Kevin Byrne

Kevin Byrne

Registered Landscape Architect

Encl.



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PROJECT INFORMATION
FRANKLIN HIGH SCHOOL RENOVATIONS AND ADDITION
 8222 S. 51st STREET
 Franklin, WI 53132
FRANKLIN PUBLIC SCHOOL DISTRICT
 8225 W. Forest Hill Ave.
 Franklin, WI 53132

NE 1/4 S14 T5N R21E
 INSURANCE AND RESERVES
NATURAL RESOURCE PROTECTION PLAN SUBMITTAL

REVISIONS

NO.	DATE	DESCRIPTION
1		ISSUED FOR CITY COMMENTS



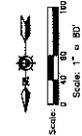
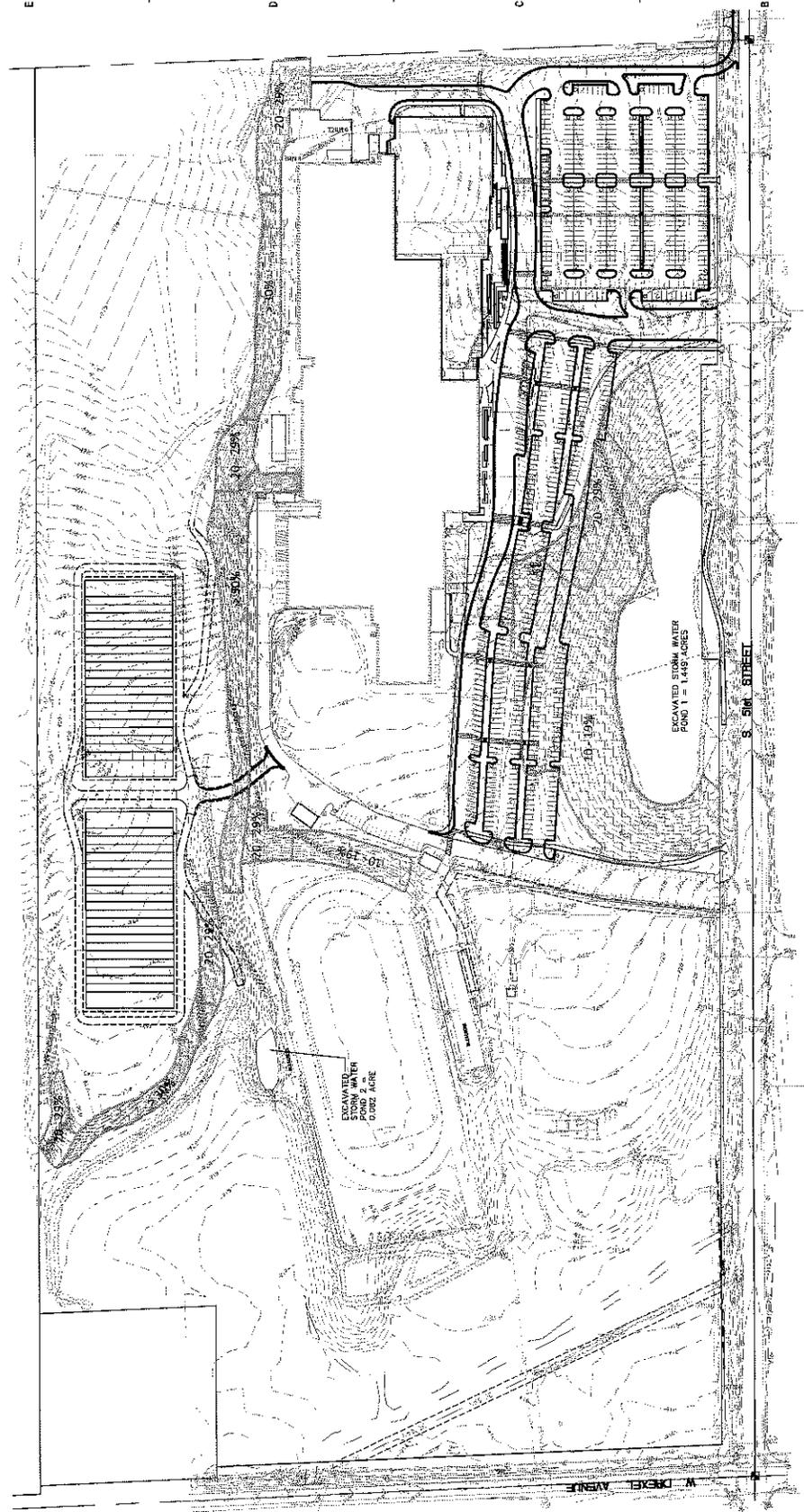
K&A ASSOCIATES, INC.
 CONSULTING ENGINEERS
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 SUITE 200
 MILWAUKEE, WI 53211
 TEL: 414.224.2288
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 WWW.KANDASSOCIATES.COM

SHEET INFORMATION

PROJECT MANAGER: RAY
 PROJECT NUMBER: 110400
 DATE: APRIL 3, 2012

STEEP SLOPES
 EXHIBIT MAP

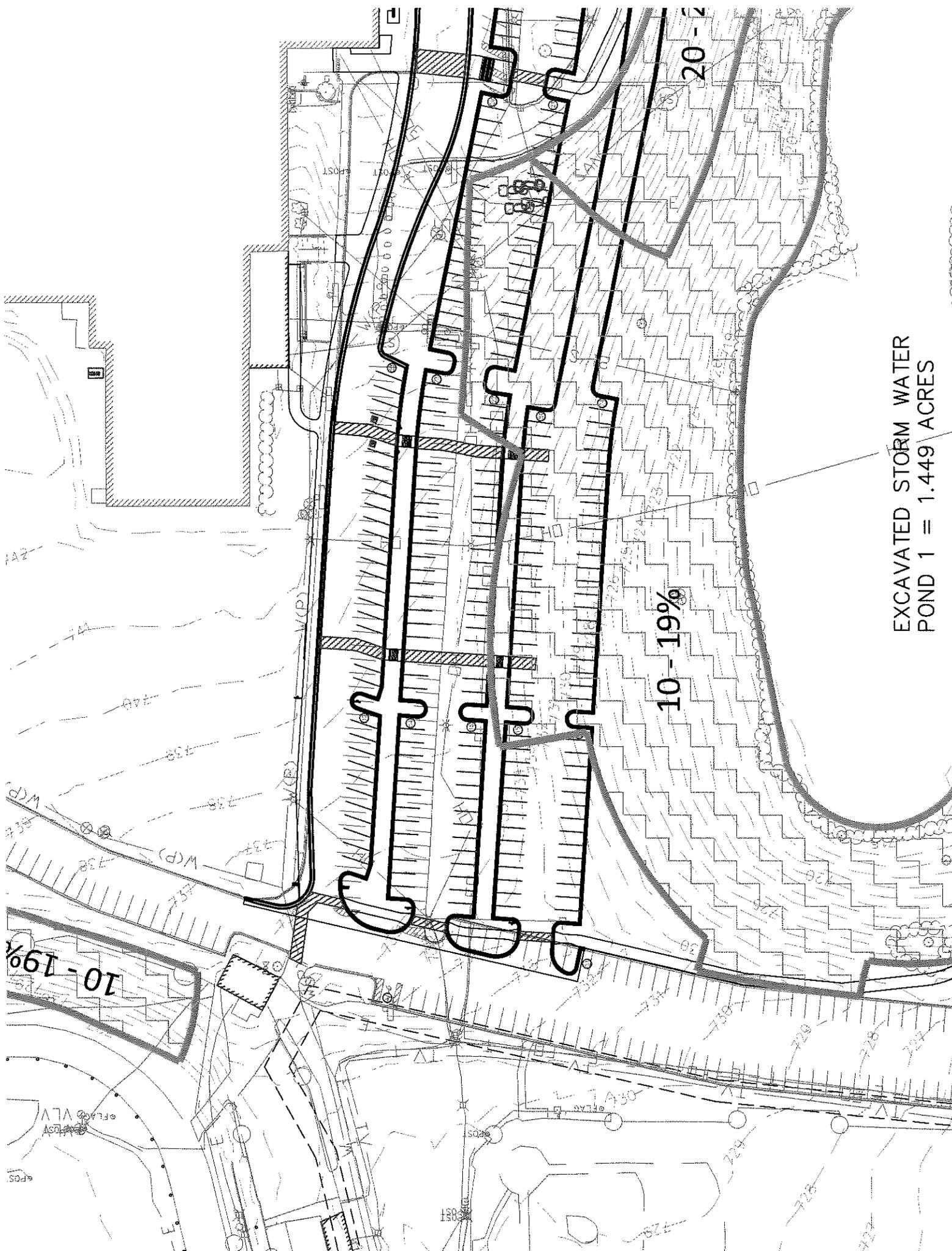
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 Headquarters (414) 224-2871
 Fax (414) 224-2889
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LEGEND

	MAN-MADE STEEP SLOPES - 5.0%+ SLOPE
	NATURAL STEEP SLOPES - 5.0%+ SLOPE
	EXISTING 1' CONTOURS



EXCAVATED STORM WATER
POND 1 = 1.449 ACRES



eppstein uhlen - architects
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 1110 W. Wisconsin Ave., Suite 1000
 Milwaukee, WI 53233
 275 West Chicago Ave., Suite 200
 Chicago, IL 60610
 414.224.1100

PROJECT INFORMATION
**FRANKLIN HIGH
 SCHOOL RENOVATIONS
 AND ADDITION**
 8222 S. 51st STREET
 Franklin, WI 53132

**FRANKLIN PUBLIC
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 8225 W. Forest Hill Ave.
 Franklin, WI 53132

NE 1/4 S14 T5N R21E

ISSUED AND DESCRIBED
**NATURAL RESOURCE
 PROTECTION PLAN
 SUBMITTAL**

REVISIONS

#	DATE	DESCRIPTION
1		ISSUED FOR PRELIMINARY COMMENTS



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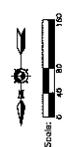
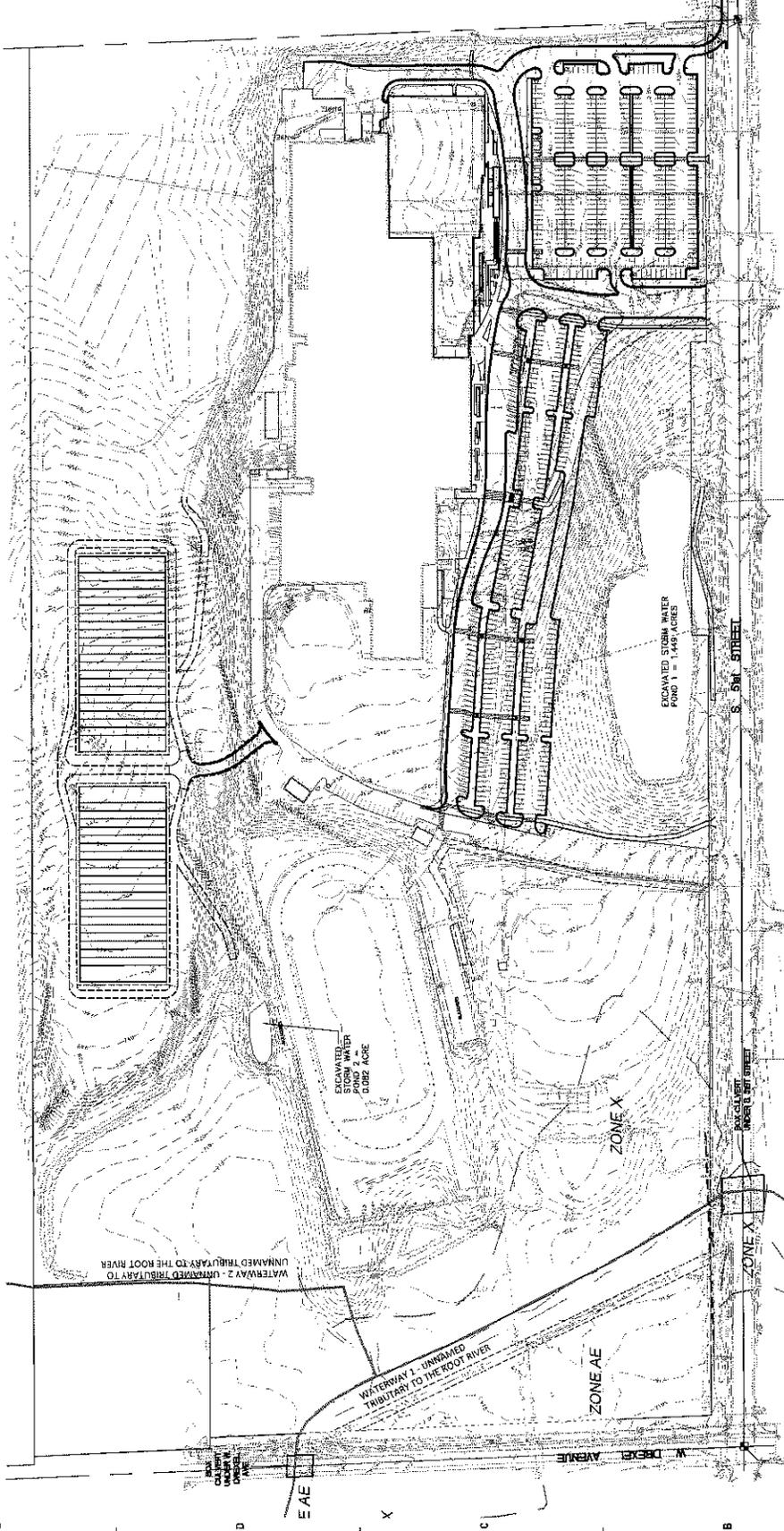
SHEET INFORMATION

PROJECT MANAGER RAW
 PROJECT NUMBER 92649
 DATE APRIL 5, 2013

FLOODPLAIN
 EXHIBIT MAP

3

DATE PLOTTED: 4/15/13



Toll Free (800) 245-4811
 Milwaukee (414) 224-1100
 Hayward, Indiana (800) 842-2289
 www.DiggersHotline.com

LEGEND

- ZONE AE FLOODPLAIN = 4.274 ACRES
- FLOOD ZONE X, 0.2 PERCENT ANNUAL FLOOD PROBABILITY (VERTICAL DASH MARKS)
- BASE FLOOD ELEVATION (VERTICAL DASH MARKS)
- EXISTING 1' CONTOURS



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PROJECT INFORMATION
**FRANKLIN HIGH
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 Franklin, WI 53132

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 Franklin, WI 53132

NE 1/4 S14 T5N R21E
 BROWN COUNTY, WISCONSIN
**NATURAL RESOURCE
 PROTECTION PLAN
 SUBMITTAL**

REVISIONS
 1. DATE: 02/28/13
 2. BY: [REDACTED] NEW PER CITY COMMENTS



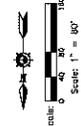
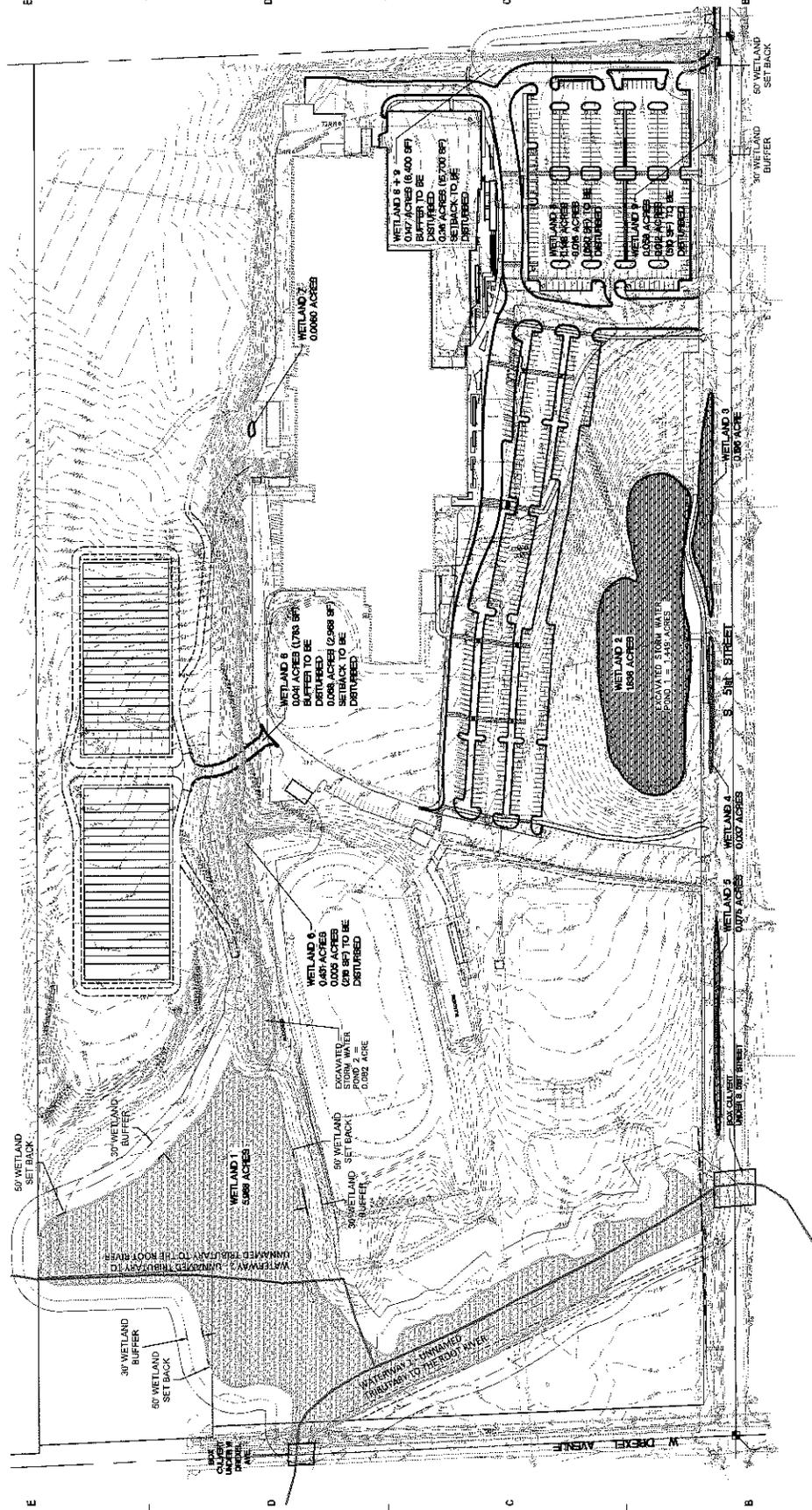
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SHEET INFORMATION

PROJECT MANAGER: RWJ
 PROJECT NUMBER: 315643
 DATE: APRIL 5, 2013

WETLAND
 EXHIBIT MAP

4



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LEGEND
 WETLANDS - 4.538 ACRES
 WETLANDS - 2.746 ACRES
 EXCAVATED STORM WATER POND
 EXCAVATED STORM WATER POND

NOTE: FINAL WETLAND DELINEATION TO BE COMPLETED SPRING 2013.
 THIS EXHIBIT MAP IS A PRELIMINARY DELINEATION OF WETLANDS
 FROM AERIAL PHOTOGRAPHY, FIELD SURVEY, AND AERIAL PHOTOGRAPHY.
 IT IS NOT TO BE USED FOR PERMITS OR REGULATORY PURPOSES.
 THIS EXHIBIT MAP IS A PRELIMINARY DELINEATION OF WETLANDS
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PROJECT INFORMATION
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 Franklin, WI 53132

FRANKLIN PUBLIC
 SCHOOL DISTRICT
 8225 W. Forest Hill Ave.
 Franklin, WI 53132

NE 1/4 S14 T5N R21E
DESIGN AND DESIGNING
 NATURAL RESOURCE
 PROTECTION PLAN
 SUBMITTAL

NO.	DATE	DESCRIPTION
1	1/21/14	REVISED PER COMMENTS



K&A ASSOCIATES, INC.
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SHEET INFORMATION

PROJECT MANAGER: RAW
 PROJECT NUMBER: 131040
 DATE: APRIL 3, 2015

**EXISTING
 WOODLANDS
 EXHIBIT MAP**

5



LEGEND

EXISTING WOODLAND AREAS: 25'-FEET BOUNDARY
 25'-FEET BOUNDARY FOR ADDITIONAL INFORMATION

EXISTING 1' CONTOURS

THE LOCATION OF NATURAL AND WOODS WOODLANDS HAS BEEN INVESTIGATED THROUGH THE USE OF THE MOST RECENT SURVEY DATA AND REGISTERED LANDSCAPE ARCHITECT TO DETERMINE THE SIZE AND LOCATION OF WOODLANDS. THE SIZE AND LOCATION OF WOODLANDS MAY VARY FROM THE AERIAL AND TO ADJUSTABLE TO THE FIELD SURVEY.

Scale: 1" = 80'

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PROJECT INFORMATION
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Franklin, WI 53132

NE 1/4 S14 T5N R21E

INSURANCE AND BONDS
NATURAL RESOURCE
PROTECTION PLAN
SUBMITTAL

REVISIONS

#	DATE	DESCRIPTION
1		FINAL BEST PRACTICE COMMENTS



SHEET INFORMATION

PROJECT INFORMATION

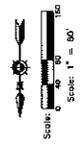
PROJECT MANAGER	RAW
PROJECT NUMBER	312448
DATE	APRIL 5, 2018

**DISTURBED
WOODLANDS EXHIBIT
MAP WITH SEWRPC
AERIAL PHOTO**

LEGEND

- DISTURBED WOODLAND AREAS (HATCHED) REFER TO REPORT FOR ADDITIONAL INFORMATION
- DISTURBED WOODLAND AREAS (SOLID BLACK) REFER TO REPORT FOR ADDITIONAL INFORMATION
- PROPOSED IMPROVEMENTS TO REPAIR UNDISTURBED DISTURBED WOODLAND TO MEET SITE DISTURBANCE CRITERIA
- EXISTING 1' CONTOURS

THE LOCATION OF MATURE AND YOUNG WOODLAND HAS BEEN IDENTIFIED BY VISUAL INSPECTION AND PHOTOGRAPHY. THE LOCATION OF MATURE AND YOUNG WOODLAND HAS BEEN IDENTIFIED BY A REGISTERED LANDSCAPE ARCHITECT TO DETERMINE THE SIZE AND NUMBER OF MATURE AND YOUNG WOODLAND TREES. THE MAP IS INTENDED TO VERIFY THE EXISTING AERIAL AND TO APPROPRIATELY MAP THE DISTURBED WOODLANDS.



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City of Franklin Environmental Commission

TO: Common Council
DATE: April 24, 2013
RE: Special Exception application review and recommendation
APPLICATION: Franklin Public Schools, Applicant, dated: April 5, 2013

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:

A Special Exception is requested from the 100% wetland protection standard for nonresidential development per Table 15-4.0100 of the Unified Development Ordinance (UDO).

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

The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for the filling and paving of (see Natural Resource Protection Plan exhibits for specific wetland locations):

- *a portion of Wetland 6 (about 216 square feet);*
- *a portion of Wetland 6 buffer (about 1,783 square feet);*
- *a portion of Wetland 6 setback (about 2,968 square feet);*
- *a portion of Wetland 8 (about 690 square feet);*
- *a portion of Wetland 9 (about 510 square feet);*
- *a portion of Wetland 8 and 9 buffer (about 6,400 square feet); and*
- *a portion of Wetland 8 and 9 setback (about 15,700 square feet).*

The wetlands impacted are artificial wetlands associated with maintained stormwater pond and ditches are located within the proposed site improvement area; please refer to the NRPP for location and area of impacts.

Wetland 8 consists of a shrub/scrub wetland complex located within utility easement. Wetland 8 is located within an area which drains to the east to an existing catchment/storm sewer inlet which captures sheet flow from on-site (drainage from the east) and offsite (drainage from the south residential area). Flows are collected in inlets and carried through stormsewer pipe where the discharge to the west into Wetland 9. Wetland 8 is dominated by *Rhamnus cathartica* (common buckthorn, FAC, non-native), *Rosa multiflora* (multiflora rose, FACU, non-native), *Comus stolonifera* (red osier dogwood, FACW, native), *Fragaria virginiana* (wild strawberry, FACU, native) and *Poa pratensis* (Kentucky bluegrass, FAC, non-native). Songbirds may utilize wetland 8; however it is doubtful they would use it for long-term duration given its size and location. Wetland 8 hydrology is described above. Wetland 8 soils are mapped as Blount silt loam, 1-3% slopes. Given past disturbances soils have likely been disturbed. Wetland 9 is an existing roadside ditch east of South 5151 Street and can best be described as a shallow marsh/disturbed fresh wet meadow. Wetland 9 is dominated by *Phalaris arundinacea* (Reed canary grass, FACW, non-native), *Poa pratensis*, and *Typha X glauco* (Hybrid cattail, OBL, introduced, naturalized). Wetland 9 is maintained (mowed) and is likely impacted by surrounding land disturbances. Wetland 9 is likely not utilized by wildlife but may be utilized by macroinvertebrates during flow conditions. Wetland 9 soils are mapped as Blount silt loam, 1-3% slopes. Given past disturbances soils have likely been disturbed. Wetland 9 contains noticeable alluvial deposition. Wetland buffer and setback areas consist of maintained lawn generally dominated by *Poa pratensis*. Soils are mapped Clayey fill (Cv). Soil samples were not taken during the wetland reconnaissance field survey.

3. Applicant's reason for request:

Enhancements are required to existing stormwater management facility per City, Milwaukee Metropolitan Sewerage District (MMSD) and State regulations and requirements. Increase of parking also is necessary at the High School site to meet growing student, faculty and visitor demands.

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

Building and facility improvements are needed at Franklin High School to meet growing student, faculty and visitor demands. School improvements have been passed by public referendum. Stormwater quantity/quality improvements will be needed to meet City, MMSD and State regulations and requirements. Additional parking space is necessary to meet growing demands of School District. Project plans have been included with this submittal. The proposed project is an expansion of existing work.

Furthermore, the proposed project will not be located in or adjacent to the stream or other navigable water (such a practice would be prohibited by State law and is simply an unsound building practice; discussion of this will not be re-iterated throughout this application); proposed project will not be located in shore buffer. Proposed project may lead to impacts to wetland, wetland buffer, and/or wetland setback to achieve purpose. On the south end of the site additional parking and access is being proposed. Wetland reconnaissance was completed April 3, 2013. Final wetland delineation to be completed during growing season (Spring), 2013. At this time it appears impacts may occur to artificial wetlands. Additionally artificial wetlands surrounding stormwater pond will be impacted to improve functionality and safety aspects of this existing pond.

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

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

No significant impacts. Please refer to attached DNR BER Review pertaining NHI review.

2. Storm and flood water storage:

No significant impacts. Flood water storage will be improved.

3. Hydrologic functions:

No significant impacts.

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

No significant impacts.

5. Shoreline protection against erosion:

No significant impacts.

6. Habitat for aquatic organisms:

No significant impacts.

7. Habitat for wildlife:

No significant impacts.

8. Human use functional value:

No significant impacts.

9. Groundwater recharge/discharge protection:

No significant impacts.

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

No significant impacts.

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

No significant impacts. Please refer to attached DNR BER Review. This information is not to be publicly disseminated.

12. Existence within a Shoreland:

No impacts.

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

No impacts.

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 reason for the request for a Special Exception is not self-imposed, but rather due to meet the demands of Franklin's growing school district. The Franklin High School improvements are needed to meet growing student, faculty and visitor demands.

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

The requirement is unreasonably burdensome because the school would not be able to expand and meet its demands at its current location without the proposed impacts to natural resource feature. It would not be financially responsible for the School District to consider a new site for new development of the High School. The existing High School facility offers room for the proposed improvements.

Furthermore, there are no reasonable practicable alternatives and the project will not proceed without impacting the artificial wetlands. Options are not available to eliminate impacts to artificial wetlands which would meet stormwater management regulations and requirements. Options are not available to eliminate impacts to artificial wetlands which would meet parking and site access needs. In addition, the school districts needs would not be met by reducing the project size. If the site improvements do not occur, the growing demand of the School District will not be met.

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

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

- a. be consistent with the existing character of the neighborhood:

The character of the neighborhood is consistent. The Franklin High School was constructed in 1961. ; and

- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:

Other properties will remain subject to City of Franklin natural resource protection standards, primarily found in Part 4 of the Unified Development Ordinance. ; and

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

Project impacts call for improvements to an existing stormwater pond which will protect the public interests in waters of the State of Wisconsin. The proposed project has considered site natural resources and avoidance of natural resources. The US Army Corps of Engineers (ACOE) has determined that the stormwater pond proposed for enhancement, is not a Water of the United States as it was constructed to meet the requirements of the Clean

Water Act per Section 402. Additionally the DNR has determined that the stormwater pond and associated ditch are exempt from Wisconsin Wetland Water Quality Standards per NR 103.06(4)(a). Please refer to attached regulatory correspondence. The proposed project will be permitted under the Wisconsin Pollutant Discharge Elimination System (WPDES) construction permit. Erosion and sediment control measures shall be utilized during construction which will meet and/or exceed NR 151 requirements. ; and

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

N/A.

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

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

The project will meet all I-1 Institutional District setbacks from property lines in addition to the shoreland wetland and shore buffer setbacks.

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

The building and site modifications are for the Franklin High School to meet the growing demands of the school district. The wetlands impacted are artificial wetlands associated with stormwater management.

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

The existing use on the property is the Franklin High School.

4. Aesthetics:

The majority of natural resource features will remain undisturbed; therefore, the aesthetics of the site will not be substantially changed.

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

The site is approximately 76.92-acres with 17.28-acres of protected natural resource features. In total, 0.032-acres (1,416 square feet) of wetlands, 0.188-acres (8,183 square feet) of wetland buffer and 0.429-acre (18,668 square feet) of wetland setback will be disturbed.

6. Proximity to and character of surrounding property:

The property is surrounded by single-family and two-family residential to the north and single-family residential to the south, east and west. The project is planned for institutional development.

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

The subject property is zoned I-1 Institutional District. Properties to the north are zoned R-7 Two-Family Residence District and R-6 Suburban Single-Family Residence District. Properties to the south, east and west are also zoned R-6 Suburban Single-Family Residence District.

8. Any negative affect upon adjoining property:

There will not be an adverse impact to adjoining properties. Adequate setbacks are provided.

9. Natural features of the property:

Protected natural resource features onsite include young woodlands, streams, shore buffers, floodplain and floodways, wetlands and a shoreland wetland and the associated wetland buffers and setbacks

10. Environmental impacts:

The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for the filling and paving of:

- *a portion of Wetland 6 (about 216 square feet);*
- *a portion of Wetland 6 buffer (about 1,783 square feet);*
- *a portion of Wetland 6 setback (about 2,968 square feet);*
- *a portion of Wetland 8 (about 690 square feet);*
- *a portion of Wetland 9 (about 510 square feet);*
- *a portion of Wetland 8 and 9 buffer (about 6,400 square feet); and*
- *a portion of Wetland 8 and 9 setback (about 15,700 square feet).*

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 NRPP shall be updated with final field surveys and delineations, concurred by SEWRPC and/or the City's natural resource consultant, prior to issuance of a building permit. The updated NRPP shall also include a boundary line illustrating the location of the Conservation Easement. The final delineations shall be reflected on the Conservation Easement.
 - b. Staff recommends mitigation meeting the requirements of Section 15-4.0103 of the UDO for all impacts to protected natural resource features. A separate plan shall be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas for Environmental Commission, Plan Commission and Common Council approval prior to Building Permit.
 - c. That all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to issuance of a building permit.
 - d. A written Conservation Easement shall be submitted for review and approval by the Common Council and must reflect the most up-to-date delineations, prior to issuance of a building permit.
 - e. 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 issuance of a building permit.
 - f. Letters from the Wisconsin Department of Natural Resources and Army Corps of Engineers indicating their determinations regarding wetland exemptions for all wetlands located onsite shall be submitted to Department of City Development staff.

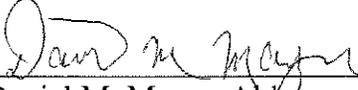
The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 24th day of April, 2013.

Dated this 25 day of APRIL, 2013.



Wesley Cannon, Vice-Chairman

Attest:



Daniel M. Mayer, Alderman



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2013

Site Plan Amendment and Natural Resource Special Exception

RECOMMENDATION: Department of City Development staff recommends approval of the Site Plan Amendment and Natural Resource Special Exception, subject to the conditions in the draft Site Plan Resolution.

Project Name:	Franklin High School Expansion
Project Address:	8222 South 51 st Street
Applicant:	Franklin Public Schools
Property Owner:	Franklin School District #5
Current Zoning:	I-1 Institutional District, FW Floodway District and C-1 Conservancy District
2025 Comprehensive Plan	Institutional
Use of Surrounding Properties:	Two-family and single-family residential to the north and single-family residential to the south, east and west
Applicant Action Requested:	Approval of the Site Plan Amendment for the expansion of the Franklin High School and recommendation of approval for the associated Natural Resource Special Exception Request

Introduction

Please note:

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

On April 9, 2013, the applicant submitted an application for a Site Plan Amendment and a Natural Resource Special Exception for the proposed Franklin High School expansion. The expansion includes both building and site changes. The building addition will include new classroom space and a performing arts center. The applicant has indicated that the performing arts center facility will be available for public and City of Franklin use, subject to operational fees and usage agreements.

Site changes include parking lot expansions, two new practice football fields, new concession buildings, stormwater management improvements, new lighting and additional landscaping. The applicant has indicated several sustainable design features including storm water design/quality control, water efficient landscaping, optimized energy performance, building reuse, construction waste management, recycled content materials, certified wood, indoor environmental quality and increased daylighting and views will be utilized during construction of this project.

Project Description/Analysis

Site Plan:

The Franklin High School property is 71.322 acres or 3,106,796 square feet. Due to discrepancies in the legal description, staff suggests submittal of a Certified Survey Map, to be approved and recorded with Milwaukee County prior to issuance of an Occupancy Permit.

Currently, the site consists of the existing 284,855 square foot school building and associated parking, a track, field and bleachers, a baseball diamond and a pond. To the west of the building, the applicant is proposing to reconfigure and expand parking, improve the pond for stormwater management purposes, add site and building lighting and landscaping. To the east of the building, the applicant is proposing two practice fields, an irrigation well and a 6-foot high chain-link fence along the east property line¹.

The applicant is also proposing two building additions on the west side of the existing building that will include a 34,000 square foot, 2-story classroom addition and a 52,000 square foot, 1-story performing arts center. The performing arts center will contain 850 seats.

The site consists of approximately 1,190,728 square feet of impervious surface and approximately 654,726 square feet of greenspace, resulting in a Landscape Surface Ratio (LSR) of approximately 54.98 percent. The I-1 Institutional District requires a minimum LSR of 30.00 percent; therefore, this standard is met.

The site plan includes aisle widths of 24-feet. Table 15-5.0204 of the Unified Development Ordinance (UDO) requires 25-foot aisle widths. The applicant is requesting approval of the 24-foot wide drive aisles stating, "The reduced width assists in site sustainability by limiting impervious pavement and associated maintenance, and a 24-foot width is sufficient for high school traffic demands." Furthermore, the applicant has indicated that the Institute of Traffic Engineers recommends a parking aisle width of 24-feet for 90-degree parking spaces. Staff has no objections to utilizing a width of 24-feet for the drive aisles and notes such flexibility has been provided in past projects.

Ingress and Egress:

The site currently has two access points from South 51st Street. The site plan includes these same ingress and egress from South 51st Street with an additional access drive along South 51st Street further south from the existing drives. The applicant submitted a Traffic Impact Analysis (TIA) to the Engineering Department on April 15, 2013 and met with Engineering staff and the traffic consultant, John Bieberitz, on April 19, 2013. A summary of the Traffic Impact Analysis from Traffic Analysis & Design, Inc., dated April 25, 2013, is included in the packet materials.

Pedestrian Amenities:

¹ Per Section 15-3.0803C.4.b. of the UDO, fences surrounding schools shall be open mesh/chain-link style fences.

The site plan includes bike racks, built-in planters, built-in concrete ledge benches and trash receptacles adjacent to the entrances. The applicant has not yet chosen a specific brand or style for the bike racks and trash receptacles. *Staff recommends Department of City Development staff review and approval of all site amenities prior to installation.*

The applicant is providing multiple sidewalk connections to South 51st Street. A sidewalk is proposed along the south side of its northern most drive, the north side of its middle drive and a sidewalk and pedestrian striping through the middle of the southern parking lot. Walkways are also provided internally to offer safe access to the school entrance.

Parking and Landscaping:

Parking. The applicant is proposing to reconfigure and expand its parking areas to provide 810 parking spaces, including 16 ADA accessible spaces, which is approximately 2 percent of the total parking provided. Previously the site contained approximately 396 parking spaces. Table 15-5.0203 of the UDO requires a Standard Parking Ratio of 0.3 parking spaces per gym or auditorium seat, or 0.3 spaces per student, whichever is greater, and 12 queuing spaces. In addition, 1 space per 4,000 square feet of outdoor playfield area, plus 1 space per acre of passive recreation area.

The school has indicated a maximum capacity of 1,850 students, which requires 555 parking spaces (1,855 x 0.3), plus the 12 queuing spaces. The three football fields and two baseball fields require an additional 80 parking spaces (324,300 / 4,000) for a total of 647 required parking spaces, including the 12 queuing spaces. The school has provided more detailed calculations on Sheet C102B.

With 810 provided parking spaces, the applicant is requesting an increase of 25% from the Standard Parking Ratio. Per Section 15-5.0203, Plan Commission approval is required to exceed the Standard Parking Ratio by more than 10%.

The 16 ADA accessible parking spaces provided complies with ADA standards and Table 15-5.0202(I)(1) of the UDO, which requires at least 2 percent of the total parking spaces provided install be ADA accessible spaces. In this case, 16.2 ADA spaces are required.

The applicant is proposing parking spaces that are 9-foot wide and 18-foot long (162 square feet). Section 15-5.0202B. of the UDO requires that the size of each parking space shall be not less than 180 square feet nor less than 9-foot in width. The applicant has stated that the smaller parking space size is a more sustainable design, will limit the amount of impervious surface and provide the parking needs of the facility. Furthermore, the applicant has stated that the parking lot is more consistent with and better compared to the City's requirements for parking structures containing over 500 parking stalls, which allows parking spaces to be 162 square feet in size. Planning staff does not concur with this request, and notes such flexibility has not been previously exercised by the City.

Landscaping. Table 15-5.0302 of the UDO requires one canopy/shade tree, one evergreen tree, one decorative tree and one shrub for every five provided parking spaces. A 20% increase is also

required as the property abuts less intense residential uses per Section 15-5.0302C.1. of the UDO. Section 15-5.0301B.3. of the UDO, however, states, "Additions to buildings which increase their overall building area from ten (10) to fifty (50) percent shall conform to the landscaping standards set forth in this Division reduced by up to thirty (30) percent." Per this ordinance, the applicant is requesting a net 10% reduction in the quantity of landscaping provided.

Since the applicant is providing 810 parking spaces on the property, 146 plantings of each type are required, which includes the 10% reduction. The Landscape Plan includes 146 canopy/shade trees (133 provided, 13 existing), 146 evergreen trees (125 provided, 21 existing), 146 decorative trees provided and 147 shrubs provided.

The applicant is further requesting that the 584 trees and shrubs required for the site be further reduced beyond the 10% reduction described above. The applicant has stated concerns about site safety, snow storage, and the maintenance that these plantings will require during the initial establishment period and over time. The applicant's project narrative specifically requests:

"The District would ask the City to consider a compromise to the landscape plan being submitted. The proposed compromise maintains the perimeter property line landscaping shown along the west (approx. 144 plantings), south (approx. 74 plantings) and east (approx. 70 plantings) property lines, but would reduce the internal site plantings within parking areas and other on-site green space by 2/3'rds from 296 to 98 added plantings. Total new plantings on site would then equate to approximately 386 rather than 584."

An irrigation well and a 2-year planting guaranty has been provided per Section 15-5.0303D and 15-5.0303G.3. of the UDO, respectively. The applicant has also illustrated designated areas for snow storage on the Overall Site Landscape Plan (Sheet L100).

Staff has concerns with the proposed size of parking spaces, the requested increase in the amount of parking provided, the landscaping reduction request and the amount of landscaping provided within bufferyards, and the amount of area designated for snow storage and its impact on landscaping; therefore, staff recommends the applicant submit a revised parking lot and landscape plan, for review and approval by the Plan Commission, that address Planning Staff concerns, prior to issuance of a Building Permit.

Staff suggests the applicant consider the following to address these concerns:

- Relocate/add parking to the north of the building and reconfigure parking spaces to meet UDO minimum standards;
- Relocate landscaping from areas designated for snow storage to bufferyard areas;
- Increase the size of all parking spaces to a minimum of 9-foot wide and 180 square feet;
- Reduce the amount of parking provided to create additional area to meet UDO minimum standards and reconfigure the landscaping and snow storage design; and
- Arrange to haul snow off-site

Lighting:

The applicant has provided a Lighting Plan with photometrics as well as cut sheets for all lighting provided. Please see the detailed cut sheets for light types. The Lighting Plan provides 11 additional single fixture pole lights (Type Y3) and 10 double-headed fixtures (Type Y32) within the new parking lot area. The Y3 and Y32 fixtures will be attached to a 30-foot light pole. 9 decorative pole lights (Type Z1), 16-feet in height are located along the front of the building as well as 5 column style lights (Type Z2) that are 14-feet in height. Also located along the front of the building are 24 low-mounted wall lights (Type S1). The building will contain 8 H1 downlights, 1 H3 and 4 H4 trapezoid style building lights.

As shown on the Photometric Plan, light levels are primarily zero at the property lines. Light levels range from 0.00 to 0.20 footcandles along the southern property line abutting the residences to the south.

Architecture:

The primary building materials and features specified for the proposed building additions include brick, metal composite rain-screen, window wall and curtain wall.

The applicant is requesting approval of a peak building height of 53'-4". The I-I Institutional District, per Table 15-3.0312 of the UDO, permits a maximum building height of 3.0 stories/40 feet. Staff recommends the applicant submit a Variance Application to request to exceed the maximum 40-foot building height of the I-I Institutional District, for review and approval by the Board of Zoning and Building Appeals prior to issuance of a Building Permit.

Signage:

The applicant has illustrated signage on the plans for reference only. All signs will require separate review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department. A note indicating such is included on the plans.

Stormwater Management:

The applicant has provided stormwater management plans, which includes improvements to the pond adjacent to South 51st Street. The stormwater plans have been provided to the City's consultant and are currently under review. Staff recommends that the applicant shall obtain final approval of the stormwater management plan from the City Engineer, prior to issuance of a Building Permit.

Athletic Field Upgrades – Concession Building:

In a separate plan set, the applicant has included plans for upgrades to the athletic field and concession building. The existing concession building will be razed. This portion of the project includes a stormwater basin located to the southeast of the athletic field and running track, two new buildings, signage and a gated entrance between the buildings. The western most building will be used for concessions, storage and one of two ticket windows. The eastern building includes men and women's restroom facilities and a second ticket window. This project area also

includes multiple pedestrian chain-link gates and chain-link fencing, ranging between 4-feet to 15-feet in height. Per Section 15-3.0803C.4.a. of the UDO, fencing is allowed to exceed six feet in height when enclosing a park, elementary, middle or high school site.

Natural Resource Special Exception, Natural Resource Protection Plan and Conservation Easement:

The applicant is requesting approval of a Natural Resource Special Exception (NRSE) for proposed site modifications to Franklin High School. According to the applicant, the Franklin High School expansion will impact the following protected natural resource features, which all contain a 100% protection standard:

- Approximately 1,416 square feet of wetland
- Approximately 8,183 square feet of wetland buffer
- Approximately 18,668 square feet of wetland setback

In addition, according to the applicant, approximately 175,490 square feet (4.03 acres) of the total 689,293 square feet (15.82 acres) of young woodlands within the site will be disturbed; therefore, approximately 25% of the woodlands will be removed leaving 75% protected. The Unified Development Ordinance (UDO) allows 50% of young woodlands to be impacted by development.

Furthermore, the following resources exist on the site, but will not be impacted or are exempt from natural resource protection standards per Section 15-4.0102 of the UDO.

Undisturbed Protected Natural Resources.

- Two unnamed tributaries of the Root River labeled Waterways 1 and 2 on the applicant's Natural Resource Protection Plan (NRPP) exhibits.
- Shore Buffer
- Floodfringe, Floodway and Floodlands
- Wetlands 1, 3, 4, 5 and 7 (Note: Wetland 1 is the only Shoreland Wetland onsite)

Exempt Natural Resources.

- Wetland 2 is exempt per Section 15-4.0102J. of the UDO as a sedimentation and stormwater detention basin. The applicant has provided a letter, dated February 6, 2013, from the WDNR and a letter, dated February 20, 2013 from the ACOE indicating that Wetland 2 is an existing stormwater pond and exempt from State and Federal regulations.
- Steep slopes exist onsite; however, the applicant has indicated that these are man-made steep slopes and not required for protection (per 15-4.0102A. and the "Slope, Steep" definition in Part 11 of the UDO). In review of historic aerial photographs and grading plans for earlier phases of the school, staff agrees that these are man-made steep slopes.

At their April 24, 2013, meeting the Environmental Commission recommended approval to allow the proposed disturbances for the expansion of the Franklin High School subject to the staff conditions below. Please note that condition No. 2 is requiring mitigation based upon the 1.5:1 ratio standard of the UDO. The Plan Commission may consider other mitigation opportunities they believe may be commensurate with the proposed impacts. The applicant has not proposed a mitigation plan at this time.

1. The NRPP shall be updated with final field surveys and delineations, concurred by SEWRPC and/or the City's natural resource consultant, prior to issuance of a building permit. The updated NRPP shall also include a boundary line illustrating the location of the Conservation Easement. The final delineations shall be reflected on the Conservation Easement.
2. Staff recommends mitigation meeting the requirements of Section 15-4.0103 of the UDO for all impacts to protected natural resource features. A separate plan shall be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas for Environmental Commission, Plan Commission and Common Council approval prior to Building Permit.
3. That all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to issuance of a building permit.
4. A written Conservation Easement shall be submitted for review and approval by the Common Council and must reflect the most up-to-date delineations, prior to issuance of a building permit.
5. 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 issuance of a building permit.
6. Letters from the Wisconsin Department of Natural Resources and Army Corps of Engineers indicating their determinations regarding wetland exemptions for all wetlands located onsite shall be submitted to Department of City Development staff.

Project Description. Kapur & Associates Consulting Engineers has provided a Natural Resource Protection Plan (NRPP) for the subject 71.322-acre property. Approximately 17.28-acres are classified as protected natural resource features. Protected natural resource features onsite include mature and young woodlands, streams, shore buffers, floodplain and floodways, wetlands and a shoreland wetland and the associated wetland buffers and setbacks.

The NRPP is based on preliminary information. The applicant has noted, "At time of this submittal, a wetland delineation for the site has not been completed due to timing and weather constraints. A wetland delineation is to be performed during the growing season, 2013. An on-site wetland reconnaissance was completed April 3, 2013 by Kapur Environmental Scientist, Kathryn McNelly-Bell. Wetland boundaries were GPS'd during this site visit. Various factors were considered to preliminarily locate the wetland boundaries as described in the NRPP."

The applicant also provided the statement below in their NRPP submittal:

“FINAL WETLAND DELINEATION WILL BE COMPLETED SPRING, 2013 BY SEWRPC, OR OTHERS. WETLAND AREAS DESCRIBED ABOVE AND AS DEPICTED IN THE WETLAND EXHIBIT HAVE BEEN DERIVED FROM WISCONSIN WETLANDS INVENTORY MAP, USDA/NRCS SOIL SURVEY (HYDRIC SOILS), ON-SITE WETLAND DELINEATION (JULY 8, 2008) FOR STORMWATER POND 1 AND CONVEYANCE DITCH OFF OF S. 51ST STREET AND WETLAND RECONNAISSANCE COMPLETED APRIL 3, 2013. ALL WETLAND AREAS DESCRIBED ABOVE AND AS DEPICTED ON THE WETLAND EXHIBIT MAP WERE GPS'D ON APRIL 3, 2013 BY KATHRYN MCNELLY-BELL USING AFOREMENTIONED RESOURCES AND PROFESSIONAL JUDGEMENT.”

Due to the project timeframe, the applicant is requesting to proceed through the process with the preliminary information and anticipated impacts to natural resource features. If impacts substantially exceed those proposed, the NRSE will have to be re-published and return to the Environmental Commission, Plan Commission and Common Council for review and approval. A request has been submitted to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to conduct a field survey of the wetlands on the school's property.

The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for the filling and paving of:

- a portion of Wetland 6 (about 216 square feet);
- a portion of Wetland 6 buffer (about 1,783 square feet);
- a portion of Wetland 6 setback (about 2,968 square feet);
- a portion of Wetland 8 (about 690 square feet);
- a portion of Wetland 9 (about 510 square feet);
- a portion of Wetland 8 and 9 buffer (about 6,400 square feet); and
- a portion of Wetland 8 and 9 setback (about 15,700 square feet).

The applicant has provided further details in the NRSE Question and Answer Form (attached). The applicant has indicated that there are no alternatives to avoid the impacts to the wetlands, buffers and setbacks while still meeting stormwater management requirements and the schools needs for additional parking. The applicant has also stated that Wetlands 6, 8 and 9 should be exempt per Section 15-4.0102J. The applicant's request and description of these wetlands is below.

Wetland 6

“Wetland 6 is associated with Stormwater Pond 2 and construction of a ditch. The ditch was constructed around 1974 and the pond was constructed around 1990. Wetland 6 is man-made and was built to convey runoff from the site. Wetland 6 is not located within mapped hydric soils. Wetland 6 will be disturbed during construction efforts to create an access roadway to proposed athletic fields on the eastern end of the site. Access is needed for pedestrian traffic and access of emergency vehicles to the athletic fields. Wetland [6] meets the City of Franklin UDO Exemption as an artificial wetland (per Part 4: Natural Resource Protection, Division 15-4.0100 Natural Resources, Section 15-4.0102 Natural

Resource Features Determination, J. Exemptions, 1. *Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.* And 3. *Actively maintained farm drainage and roadside ditches.* (refer to UDO, Page 4-5)). Wetland 6 should be considered exempt from meeting UDO wetland provisions.

Wetland 6 meets equivalent criteria as Wetland 2. Consistency should be a factor in determinations by DNR, US ACOE and the City; and was considered by Kapur staff in completion of fieldwork, past correspondence with DNR and ACOE and generation of the NRPP submitted April 5, 2013.”

Wetlands 8 and 9

“Wetlands 8 and 9 have been disturbed by past grading/construction activities. Wetland 8 is a scrub/shrub and is located within utility easement. Wetland 9 is an actively maintained roadside ditch. The western limits of wetland 8 contain a storm sewer catchment area (inlets) that discharge via storm sewer pipe west to the ditch (Wetland 9). Wetlands 8 and 9 are located within mapped hydric soils (Blount silt loam, 1-3% (BIA). Wetlands 8 and 9 will be disturbed during construction. Wetlands 8 and 9 meet the City of Franklin UDO Exemption as artificial wetlands (per Part 4: Natural Resource Protection, Division 15-4.0100 Natural Resources, Section 15-4.0102 Natural Resource Features Determination, J. Exemptions, 1. *Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.* And 3. *Actively maintained farm drainage and roadside ditches.* (refer to UDO, Page 4-5)). Consideration should be made by the City to exempt Wetlands 8 and 9 from meeting UDO wetland provisions. If exemption is not granted by the City approximately 690 square (0.148 acre) feet of Wetland 8 will be impacted; and 510 square feet (0.0058 acre) of Wetland 9 will be impacted by proposed activities; 6,400 square feet of wetland buffer will be disturbed; and 15,700 square feet of wetland setback will be disturbed.

Upon completion of a wetland delineation, as needed follow-up with DNR and ACOE will be made for final determination of exemption.”

Comprehensive Master Plan Consistency:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

Comprehensive Master Plan. The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as Institutional with Areas of Natural Resource Features. The surrounding future land uses are Residential. It can be noted that the Franklin High School use is consistent with City’s Comprehensive Master Plan.

Staff Recommendation

Department of City Development staff recommends approval of the Site Plan Amendment and Natural Resource Special Exception, subject to the conditions in the draft Site Plan Resolution.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">05/21/13</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 9733 SOUTH 76TH STREET FROM INSTITUTIONAL USE TO BUSINESS PARK USE (APPROXIMATELY 11.77 ACRES) (CITY OF FRANKLIN, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>6.5.</i></p>

At its May 9, 2013, meeting the Plan Commission approved a resolution recommending the adoption of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at approximately 9733 South 76th Street from Institutional use to Business Park use, pursuant to Wis. Stat. § 66.1001(4)(b) (approximately 11.77 acres) (City of Franklin, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2013-_____, to amend the City of Franklin 2025 Comprehensive Master Plan to change the future land use map designation for property located at approximately 9733 South 76th Street from Institutional use to Business Park use (approximately 11.77 acres) (City of Franklin, Applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2013-_____

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP USE DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 9733 SOUTH 76TH STREET FROM INSTITUTIONAL USE TO BUSINESS PARK USE
(APPROXIMATELY 17.77 ACRES)
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, the City of Franklin has applied for an amendment to the Comprehensive Master Plan to change the proposed use of certain property from Institutional Use to Business Park Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on May 9, 2013, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at approximately 9733 South 76th Street, bearing Tax Key Nos. 896-9999-007 and 896-9999-008, consisting of approximately 17.77 total acres of vacant land, from Institutional Use to Business Park Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on May 21, 2013; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the Future Land Use Map use designation for the property located at approximately 9733 South 76th Street from Institutional Use to Business Park Use. Such property is more particularly described within Ordinance No. 2013-_____ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain

ORDINANCE NO. 2013-_____

Page 2

in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013, by Alderman _____.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">05/21/13</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM I-1 INSTITUTIONAL DISTRICT TO BP BUSINESS PARK DISTRICT (CITY OF FRANKLIN, APPLICANT) (APPROXIMATELY 17.77 ACRES) (APPROXIMATELY 9733 SOUTH 76TH STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.6.</i></p>

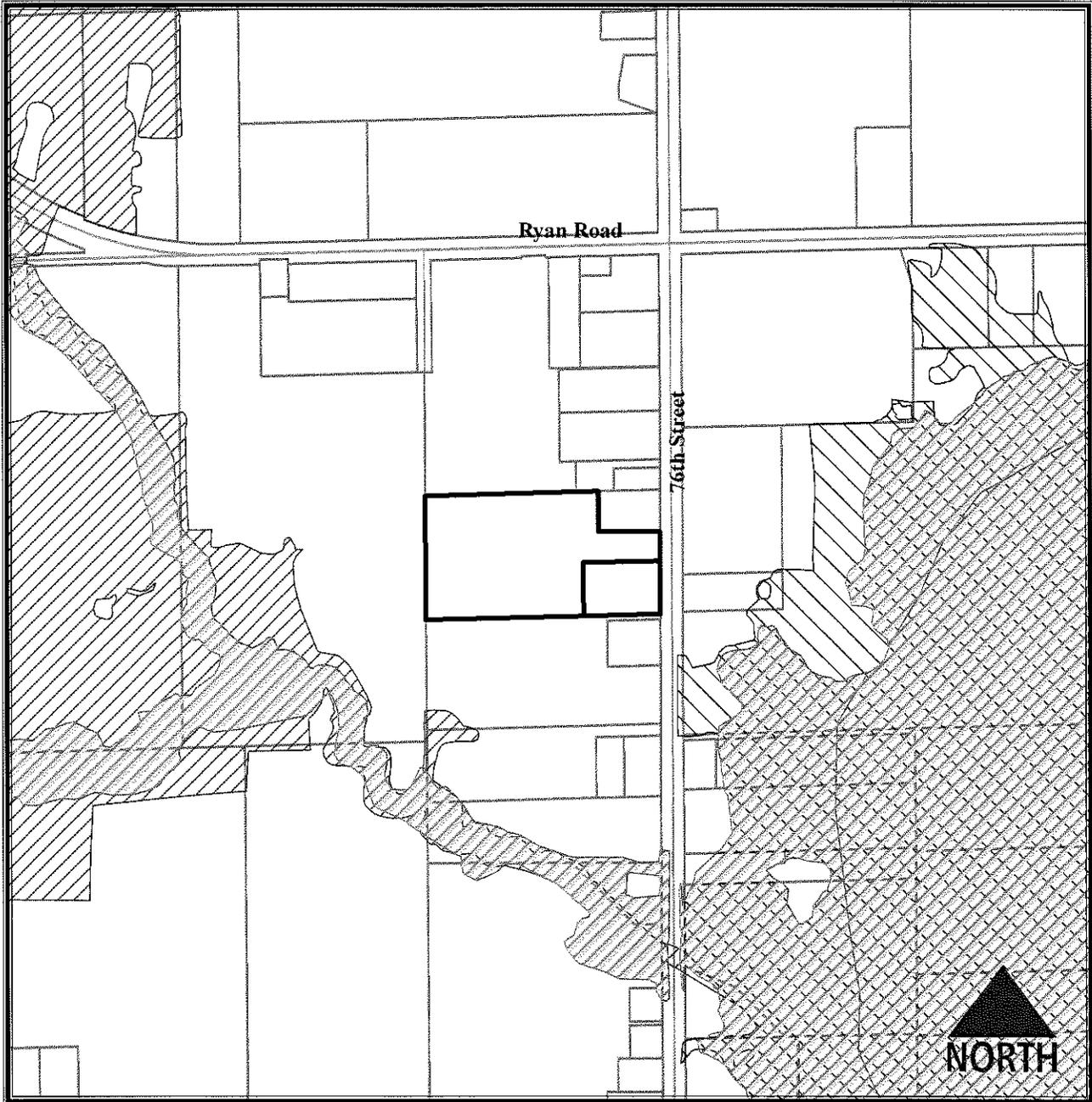
At its May 9, 2013, meeting following a properly noticed public hearing, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone certain parcels of land located at approximately 9733 South 76th Street from I-1 Institutional District to BP Business Park District, subject to the approval of the related Comprehensive Master Plan Amendment (City of Franklin, Applicant) (approximately 17.77 acres) (approximately 9733 South 76th Street).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2013-_____ to amend the Unified Development Ordinance (Zoning Map) to rezone certain parcels of land from I-1 Institutional District to BP Business Park District (City of Franklin, Applicant) (approximately 17.77 acres) (approximately 9733 South 76th Street).



~9733 South 76th Street



Planning Department
(414) 425-4024



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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2013-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
(ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM I-1
INSTITUTIONAL DISTRICT TO BP BUSINESS PARK DISTRICT
(CITY OF FRANKLIN, APPLICANT)
(APPROXIMATELY 17.77 ACRES)
(APPROXIMATELY 9733 SOUTH 76TH STREET)

WHEREAS, the City of Franklin having petitioned for the rezoning of certain parcels of land from I-1 Institutional District to BP Business Park District, such vacant land being located at approximately 9733 South 76th Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 9th day of May, 2013, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the properties described below be changed from I-1 Institutional District to BP Business Park District:

That part of the SE 1/4 of the NE 1/4 of Section 28, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Described as follows: Commencing at the Northeast corner of said Section 28; thence South 00°15'12" East along the east line of said Northeast 1/4 of Section 28, 1711.45 feet; thence South 88°30'36" West, 60.00 feet to the West Right of Way line of S. 76th ST. and the Point of Beginning; thence continue South 88°30'36" West, 415.10 feet; thence South 00°15'12" East, 285.07 feet to the northeast corner of Parcel 1 of Certified Survey Map #7040 as recorded in the Milwaukee County Registry; thence South 88°30'36" West along the north line of

Parcel 1 of said Certified Survey Map #7040, 849.36 feet to the northwest corner of Parcel 1 of said Certified Survey Map #7040 and the West line of said Southeast 1/4 of the Northeast 1/4 of Section 28; thence North 00°22'22" West along said West line of said Southeast 1/4 of the Northeast 1/4 of Section 28, 670.75 feet to the Northwest corner of said Southeast 1/4 of the Northeast 1/4 of Section 28; thence North 88°31'42" East along the North line of said Southeast 1/4 of the Northeast 1/4 of Section 28, 933.77 feet to the northwest corner of Parcel 1 of Certified Survey Map #4504 as recorded in the Milwaukee County Registry; thence South 00°15'12" East along the west line of Parcel 1 of said Certified Survey Map #4504, 219.45 feet to the southwest corner of Parcel 1 of said Certified Survey Map #4504; thence North 89°44'42" East along the south line of Parcel 1 of said Certified Survey Map #4504, 332.00 feet to the West Right of Way line of S. 76th ST.; thence South 00°15'12" East along the west line of said S. 76th ST., 158.81 feet to the Point of Beginning. Said tract of land contains 655,860 square feet or 15.056 Acres of land, more or less. Tax Key No. 896-9999-008.

And also:

Commencing at the Northeast corner of said Section 28; thence South 00°15'12" East along the east line of said Northeast 1/4 of Section 28, 1711.45 feet; thence South 88°30'36" West, 60.00 feet to the West Right of Way line of S. 76th ST. and the Point of Beginning; thence South 00°15'12" East along said west line, 285.07 feet to the northeast corner of Parcel 1 of Certified Survey Map #7040 as recorded in the Milwaukee County Registry; thence South 88°30'36" West along the north line of Parcel 1 of said Certified Survey Map #7040, 415.10 feet; thence North 00°15'12" West, 285.07 feet; thence North 88°30'36" East, 415.10 feet to the West Right of Way line of S. 76th ST. and the Point of Beginning. Said tract of land contains 118,303 square feet or 2.716 Acres of land, more or less. Tax Key No. 896-9999-007.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

ORDINANCE NO. 2013-_____

Page 3

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin, City of
896-9990-001
7811 W. Ryan Road

Desm Property Holding, Inc.
896-9994-003
9643 S. 76th Street

Hribar, Jerome & Debbie
896-9995-000
9675 S. 76th Street

Hannagan, Michael & Barbara
896-9999-004
9705 S. 76th Street

Archdiocese of Milwaukee
896-9996-001
0 W. Ryan Road

Southbrook Church, Inc.
896-9999-008
0 S. 76th Street

Applicant: City of Franklin,
9229 W. Loomis Road, 4144254024
Current Zoning: I-1 Institutional District
Proposed Zoning: BP Business Park
Current Future Land Use: Institutional
Proposed Future Land Use: Business Park

15.04 acres

Southbrook Church, Inc.
896-9999-007
9733 S. 76th Street

2.73 acres

Duranse, Thomas & Richard
Duranse Steven
897-9997-000
0 S. 76th Street

Houller Living Trust DTD 5/22/02
897-9980-000
9768 S. 76th Street

Milwaukee County
897-9999-000
9830 S. 76th Street

Selke, Gordon J
896-9998-000
9809 S. 76th Street

Demark, Roger L.
896-9999-010
9875 S. 76th Street

Rezoning and Comprehensive Master Plan Amendment Exhibit (4-9-13)





REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2013

Rezoning and Comprehensive Master Plan Amendment

RECOMMENDATION: Department of City Development Staff recommends approval of the proposed Rezoning and Comprehensive Master Plan Amendment applications for properties located at approximately 9733 South 76th Street to rezone and plan for Business Park use, subject to the conditions of approval in the attached draft ordinance and resolution.

Table with 2 columns: Field Name and Description. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, Proposed Zoning, Future Land Use 2025, Proposed Future Land Use 2025, Use of Surrounding Properties, and Applicant Action Requested.

Introduction:

The City of Franklin is proposing a rezoning and Comprehensive Master Plan Amendment of two properties located along South 76th Street, south of West Ryan Road (Taxkey Nos. 896-9999-007 and 896-9999-008). Southbrook Church, Inc. owns both properties. The larger parcel is approximately 15.04-acres and the smaller parcel is approximately 2.73-acres, totaling about 17.77-acres.

Pursuant to the Unified Development Ordinance’s Text Amendments and Zoning Map Changes and Amendments, Section 15-9.0202, Initiation, “A change or amendment may be initiated by the Common Council, the City Plan Commission, or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.”

Prior to 2010, the subject properties were zoned R-8 Multiple-Family Residence District and were designated as Commercial on the 2025 Future Land Use Map in the Comprehensive Master Plan.

On July 28, 2010, Southbrook Church, Inc. submitted an application to rezone the two properties from R-8 Multiple-Family Residence District to I-1 Institutional District in anticipation of constructing a new church facility. Consequently, Southbrook Church also had to submit an application to amend the 2025 Comprehensive Master Plan to change the future land use map designation from Commercial to Institutional to be consistent with the proposed zoning district.

The Plan Commission, at their August 19, 2010 meeting, recommended approval of the Rezoning and Comprehensive Master Plan Amendment. At their September 7, 2010 meeting, the Common Council approved the two applications via Ordinance No. 2010-2020 and Ordinance No. 2010-2021.

Southbrook Church has not moved forward with its plans to construct a church at this location, but rather, has purchased an existing church in the Village of St. Martins. Senior Pastor, Jonathan Misirian of Southbrook Church submitted a letter to the City on April 27, 2013. In his letter, Pastor Misirian states that the church does not take issue with the proposed Rezoning and Comprehensive Master Plan Amendment of the South 76th Street properties to Business Park use. However, Pastor Misirian requests relief by way of an exemption from any future economic burdens for municipally mandated improvements and/or special assessments that may be levied upon Southbrook by the City to serve the development of a future Business Park.

At their May 2, 2013, meeting the Community Development Authority recommended approval of the proposed rezoning and comprehensive master plan amendment for properties located at 9733 South 76th Street.

Analysis:

The City of Franklin is bringing this item forward in part because the church has not moved forward with their approved development plans. In addition, construction of the Ryan Creek Interceptor Sewer is nearing completion, and there is growing interest among property owners along South 76th Street to connect to the new sewer. Furthermore, the economy appears to be slowly recovering from the national recession of 2007 – 2009 and interest may exist in a possible future business park(s) within the southwest portion of the City. Lastly, the surrounding lands are planned for future business park and commercial development, albeit the current zoning is mixed. Therefore, staff finds it appropriate to consider rezoning of the property to a business park district at this time and of amendment of the Comprehensive Master Plan's Future Land Use Map to a business park designation.

Although the land use map for this subject area was amended in 2010, several Comprehensive Master Plan principles and goals would be met by the proposed change to a business park type of use for these properties.

Comprehensive Master Plan Consistency

Consistent with, as defined by Wisconsin State Statute; means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”

The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject properties as Institutional; however, identifies the lands to the west for future business park land uses and lands to the north, south, and east for future commercial land uses. Prior to 2010, the subject area was identified as part of a future commercial corridor: as 76th Street was identified as a Principal Arterial; as it was anticipated that public sanitary sewer service and municipal water service would be provided within the foreseeable future; and to help meet the 70/30 tax base goal identified within the CMP.

In addition, the subject rezoning and comprehensive master plan amendment request is consistent with the following principles and goals set forth within the Comprehensive Master Plan:

- **Balanced Development Principle.** As an overall guiding element of the CMP, Chapter 2 recommends that development be balanced with natural resource protection such that the high quality suburban character of the City is maintained, and that large-lot residential development, small-scale commercial development, and preservation of natural resources be supported. Chapter 4 specifically includes Balanced Development as an economic development goal, and recommends that the City stabilize and expand a diverse tax base as a central economic development principle.
 - The subject request is consistent with this principle as the CMP already identifies a substantial amount of future institutional uses northwest of the subject area and elsewhere within the City and as the CMP identifies the surrounding areas for business park and commercial uses which are highly desired uses as stated herein.
- **70/30 Goal.** Chapter 2 of the CMP recommends that the City strive to achieve a balance of 70 percent residential to 30 percent commercial assessed valuation to help lower the City’s tax rate and to help achieve the Balanced Development Principle. Chapter 4 specifically includes the 70/30 Goal as part of the City’s economic development efforts.
 - The subject request is consistent with the 70/30 Goal, as it would result in a significant addition of lands identified as future business park uses, which are needed to achieve the 30 percent commercial assessed valuation, and in turn, help lower the City’s tax base and achieve balanced development.
- **Other Principles and Goals for which the subject request is consistent include:**
 - Create jobs for a growing population (Economic Development chapter principle);
 - Encourage high quality commercial, retail and office development in appropriate locations (Land Use chapter goal)

Staff Recommendation:

Department of City Development staff recommends approval of the proposed Rezoning and Comprehensive Master Plan Amendment applications for properties located at approximately 9733 South 76th Street to rezone and plan for Business Park use, subject to the conditions of approval in the attached draft ordinance and resolution.

<p>APPROVAL</p> <p><i>Slw</i> <i>mwj SH</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>5/21/2013</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Reappropriation of 2011 and 2012 Monies for Clare Meadows/S. 51st Street Sidewalk CDBG Project</p>	<p>ITEM NUMBER</p> <p><i>G.7.</i></p>

When the Council approved the Community Development Block Grant (CDBG) projects for 2011 they added the Clare Meadows/S. 51st Street sidewalk going north project. On July 5, 2011, the Council approved a motion "authorizing use of up to \$25,000 of the unspecified fund balance in the Capital Improvement Fund in 2011, recommend the 2012 Capital Improvement Fund budget incorporate up to \$55,000 for the City's share of Phase 2 project costs, and authorize staff to complete the design of the sidewalk, obtain bids for installation, and pursue limited slope easements where necessary." As such, the 2012 Capital Improvement Fund Budget included appropriations for both of these sections of sidewalk.

Construction of Phase I and II of the sidewalk has not yet begun because the County ultimately approved the City holding its 2011 funds over to 2012 in order to bid those sections as one, more significant construction project—Clare Meadows to W. Minnesota Avenue. Subsequently, the County's delay in issuing 2012 project contracts made it too late in the year to commence construction in 2012. The third and final phase (from W. Minnesota Avenue to Rawson Avenue), which the City applied for 2013 CDBG monies totaling \$80,000, will also be completed in 2013 if contracts are approved, where \$43,000 in City funding, if needed, was approved by the Council. Please note that the 2013 funding remains held up at the Federal level due to the sequester issue.

Milwaukee County has informed us that 2011/2012 contract monies, for completion of the S. 51st Street sidewalk from Clare Meadows to W. Minnesota Avenue, will be extended to October 1, 2013. They further indicated we should receive the executed 2012 contract shortly. The former approved City monies of \$25,000 (2011) and \$55,000 (2012) for the City's share of Phase I and II project costs, need to be reappropriated to 2013 so that the City can move forward in time to meet the October 1, 2013 deadline. Updated Engineering project costs puts the City's portion at \$38,156; therefore requesting a \$40,000 appropriation.

This is a budget modification that, therefore, requires a two-thirds majority.

COUNCIL ACTION REQUESTED

Motion to appropriate \$40,000 of the unspecified fund balance in the Capital Improvement Fund to the 2013 Capital Improvement Fund for the City's share of Phase I and II project costs for construction of the Clare Meadows/S. 51st Street CDBG sidewalk project from Clare Meadows to W. Minnesota Avenue.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 5/16/13
Reports & Recommendations	SUBJECT: A resolution accepting a road reservation for the 60 feet reserved for future extension of S. 49th Street south of W. Marquette Avenue as granted by Quit Claim Deed No. 4980272, Reel 909, Image 50, dated February 17, 1976 required for the extension of W. Marquette Avenue east of S. 49th Street	ITEM NO. <i>6, 8.</i>

BACKGROUND

Pursuant to the extension of W. Marquette Avenue from S. 49th Street east to the west line of the Pleasant View Elementary School site, it is necessary to accept the street reservation as contained in a Quit Claim Deed No. 4980272, Reel 909, Image 50 as granted by Arthur J. Potrykus and Florence Potrykus on February 17, 1976.

ANALYSIS

The northern portion of the street reservation is necessary for the extension of W. Marquette Avenue east of S. 49th Street.

OPTIONS

Adopt resolution
or
table request

FISCAL NOTE

None.

RECOMMENDATION

Motion to introduce Resolution No. 2013-_____, a resolution accepting a road reservation for the 60 feet reserved for future extension of S. 49th Street south of W. Marquette Avenue as granted by Quit Claim Deed No. 4980272, Reel 909, Image 50, dated February 17, 1976 required for the extension of W. Marquette Avenue east of S. 49th Street.

JMB/db

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2013 - _____

A RESOLUTION ACCEPTING A ROAD RESERVATION FOR THE 60 FEET RESERVED FOR
FUTURE EXTENSION OF S. 49TH STREET SOUTH OF W. MARQUETTE AVENUE
AS GRANTED BY QUIT CLAIM DEED NO. 4980272, REEL 909, IMAGE 50,
DATED FEBRUARY 17, 1976
REQUIRED FOR THE EXTENSION OF W. MARQUETTE AVENUE
EAST OF S. 49TH STREET

WHEREAS, the City has placed in the 2013 budget the extension of W. Marquette Avenue from S. 49th Street to the west line of the Pleasant View Elementary School site; and

WHEREAS, the City has authorized the acquisition of the north portion of the Potrykus property for the extension of W. Marquette Avenue; and

WHEREAS, the west 60 feet of the proposed extension of W. Marquette Avenue is contained within the S. 49th Street road reservation which will not be necessary to be acquired if the reservation is accepted; and

WHEREAS, the Quit Claim Deed No. 4980272 is given for the express purpose of reserving the 60 feet by 135 feet strip of land for public street purposes until rejected or accepted by the Common Council of the City of Franklin.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the road reservation as contained in the Quit Claim Deed No. 4980272, Reel 909, Image 50 from Arthur J. Potrykus and Florence Potrykus recorded on February 17, 1976 is hereby accepted by the Common Council of the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk is directed to record this resolution with the Milwaukee County Register of Deeds.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2013, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2013.

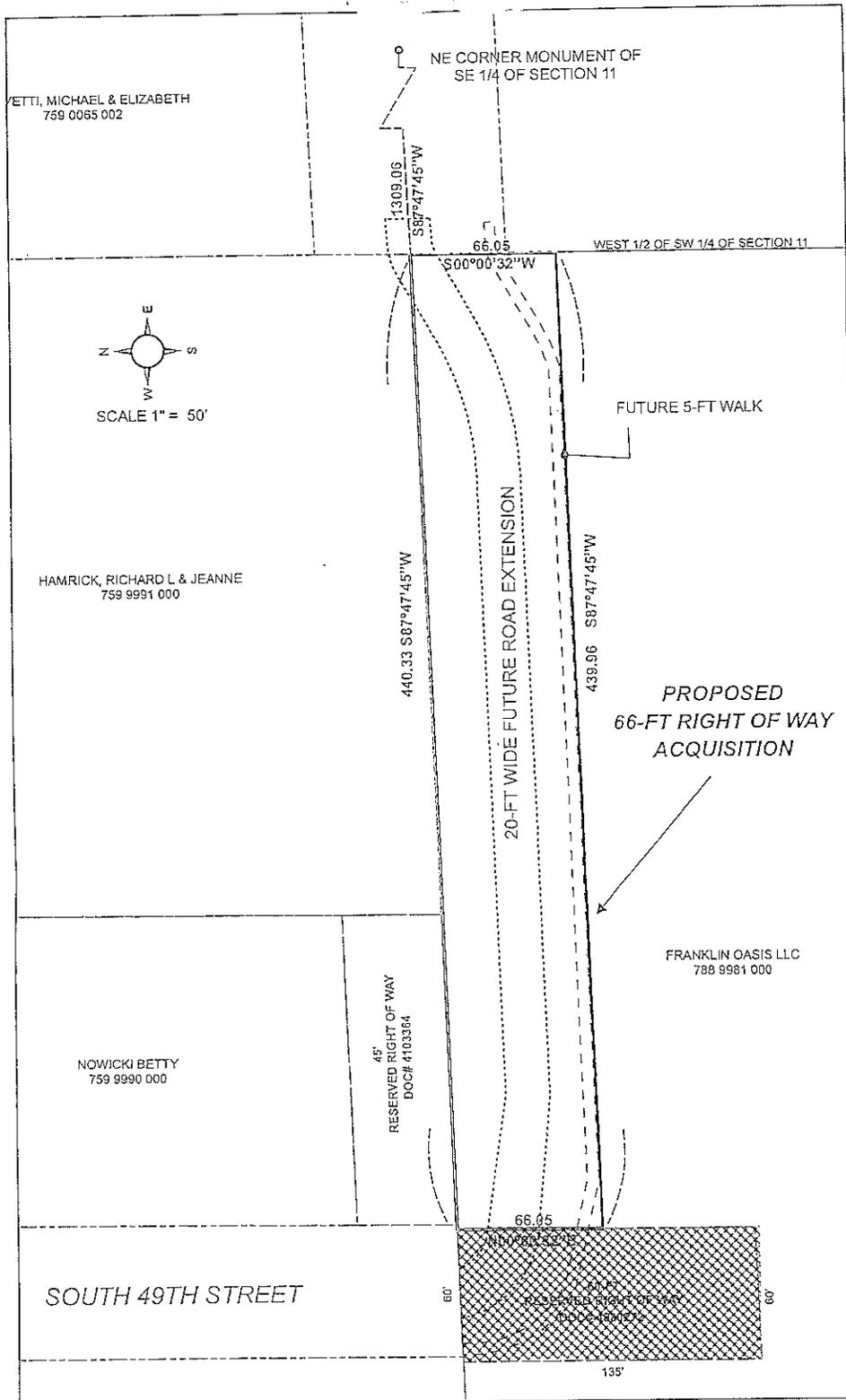
APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CHECKED AND APPROVED BY: JOHN M. BENNETT, PE, CITY ENGINEER
 CITY OF FRANKLIN, ENGINEERING DEPARTMENT

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i>		5/21/2013
Reports & Recommendations	SUBJECT: A resolution awarding bid to the lowest bidder for the S. 37 th Place Private Property Sanitary Sewer Lateral Inflow and Infiltration rehabilitation from W. Rawson Avenue to W. Madison Boulevard	ITEM NO. <i>6.9.</i>

BACKGROUND

Pursuant to the direction at the Common Council, staff has advertised and received bids for the S. 37th Street Private Property Sanitary Sewer Lateral Inflow and Infiltration rehabilitation from W. Rawson Avenue to W. Madison Boulevard. A total of two bids were received with Mid City Plumbing & Heating, Inc. being low bid at \$249,722.00.

ANALYSIS

The engineering estimate was \$268,000 for this phase of the project and the Milwaukee Metropolitan Sewerage District (MMSD) has, by inter-governmental agreement, agreed to reimburse the City up to \$268,000. This project will correct the private property laterals on 31 properties and disconnect foundation drains on 12 properties.

OPTIONS

Adopt resolution

or

Table

FISCAL NOTE

Total cost, except for administration, will be reimbursed to the City by MMSD.

RECOMMENDATION

Motion to adopt Resolution No. 2013-_____, a resolution awarding bid to the lowest bidder for the S. 37th Place Private Property Sanitary Sewer Lateral Inflow and Infiltration rehabilitation from W. Rawson Avenue to W. Madison Boulevard

JMB/sg

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2013 - _____

A RESOLUTION AWARDDING BID TO THE LOWEST BIDDER FOR
THE S. 37TH PLACE PRIVATE PROPERTY SANITARY SEWER LATERAL
INFLOW AND INFILTRATION REHABILITATION FROM
W. RAWSON AVENUE TO W. MADISON BOULEVARD

WHEREAS, the City of Franklin advertised and solicited bids for the S. 37th Place Private Property Sanitary Sewer Lateral Inflow and Infiltration Rehabilitation from W. Rawson Avenue to W. Madison Boulevard; and

WHEREAS, the low bidder was Mid City Plumbing & Heating, Inc. with a bid of \$249,722.00; and

WHEREAS, Mid City Plumbing & Heating, Inc. is a qualified public works contractor; and

WHEREAS, it is in the best interest of the City as recommended by the City's engineering staff and consulting engineers to award the contract to Mid City Plumbing & Heating, Inc. in the amount of \$249,722.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Mid City Plumbing & Heating, Inc. be awarded the contract for the S. 37th Place Privary Property Sanitary Sewer Lateral Inflow and Infiltration rehabilitation from W. Rawson Avenue to W. Madison Boulevard based on their low bid for a total cost of \$249,722.00 in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with Mid City Plumbing & Heating, Inc. on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

JMB/sg

Resols\Awarding Bid for 37th Pl PPII Rehab from Rawson Ave to Madison Blvd 2013

May 6, 2013

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

RE: 37th Place Private Property Sanitary Sewer Lateral I/I Rehabilitation

Dear Mr. Bennett:

Bids for the above project were opened on May 2, 2013 at 10:00 a.m. at the Franklin City Hall and were as listed on the attached bid tabulation.

We reviewed the documentation submitted by the apparent low bidder and found that:

1. The Bid Form has been appropriately completed.
2. We have no objections to the low bidder, nor to the proposed major subcontractors and suppliers.
3. Low bidder has successfully completed similar projects over the last several years according to references we have contacted.

On these bases, we recommend that Mid City Plumbing & Heating, Inc. be awarded the base bid for the 37th Place Private Property Sanitary Sewer Lateral I/I Rehabilitation contract, in the amount of \$249,722.00 and no Mandatory Alternate Bids. This amount is based on the bid unit prices and estimated quantities. Actual quantities, and therefore the final contract price, may vary. On all construction projects, and especially complex ones like this, unpredictable factors may increase the final contract amount. For this reason we recommend that the City of Franklin include a 10 percent contingency when preparing the financial plan for this work.

It is noted that the third bidder, United Pipe Renewal, Inc. acknowledged receipt of the Addendum but they did not use the correct bid form. Therefore, the bid from United Pipe Renewal, Inc. is non-responsive due to their use of the incorrect bid form.

Our review did not include an evaluation of bidder's current financial condition nor of their permanent safety program. Our estimate of probable construction cost for this project was \$268,000.00.

Should you decide to accept our recommendation, we have prepared the enclosed Notice of Award for your use. After City Council approval has been received, please have the appropriate official sign where indicated and forward all three signed copies of the Notice of



Recommendation of Award

Mr. John M. Bennett, P. E.

May 6, 2013

Page 2

Award to our office. We will then fill in the date at the top of page one and forward it, with contracts for execution, to the Contractor. One fully completed Notice of Award will be returned to you for your records.

Bids remain subject to acceptance until July 1, 2013, unless Bidder agrees to an extension. Please advise us of your award decision, or call if there are any questions.

Very truly yours,

RUEKERT/MIELKE

David M. Buechl, P.E., R.L.S.
Project Engineer

DB:crp

Encl: Notice of Award (3 copies)
Bid Tabulation

cc: Ronald J. Romeis, P.E., City of Franklin
Michael F. Campbell, P.E., Ruekert & Mielke, Inc.
File

COST COMPARISON OF BIDDERS

OWNER: CITY OF FRANKLIN
 PROJECT: 37TH PLACE PRIVATE PROPERTY SANITARY SEWER LATERAL III REHABILITATION
 BID OPENING DATE: MAY 2, 2013 10:00 AM

BASE BID				MID CITY PLUMBING & HEATING, INC.			MUSSON BROS., INC.			UNITED PIPE RENEWAL, INC.*	
ITEM #	ITEM DESCRIPTION	UNIT	QTY.	UNIT \$	TOTAL	UNIT \$	TOTAL	UNIT \$	TOTAL	UNIT \$	TOTAL
1	Line CIPP Sewer Lateral at 7336 37th Place	EA.	1	\$5,540.00	\$5,540.00	\$5,275.00	\$5,275.00	\$5,275.00	\$5,275.00	\$0.00	\$0.00
2	Line CIPP Sewer Lateral at 7341 37th Place	EA.	1	\$5,485.00	\$5,485.00	\$5,225.00	\$5,225.00	\$5,225.00	\$5,225.00	\$0.00	\$0.00
3	Line CIPP Sewer Lateral at 7324 37th Place	EA.	1	\$5,510.00	\$5,510.00	\$5,250.00	\$5,250.00	\$5,250.00	\$5,250.00	\$0.00	\$0.00
4	Line CIPP Sewer Lateral at 7323 37th Place	EA.	1	\$5,565.00	\$5,565.00	\$5,300.00	\$5,300.00	\$5,300.00	\$5,300.00	\$0.00	\$0.00
5	Line CIPP Sewer Lateral at 7312 37th Place	EA.	1	\$5,565.00	\$5,565.00	\$5,300.00	\$5,300.00	\$5,300.00	\$5,300.00	\$0.00	\$0.00
6	Line CIPP Sewer Lateral at 7311 37th Place	EA.	1	\$5,538.00	\$5,538.00	\$5,275.00	\$5,275.00	\$5,275.00	\$5,275.00	\$0.00	\$0.00
7	Line CIPP Sewer Lateral at 7300 37th Place	EA.	1	\$5,615.00	\$5,615.00	\$5,350.00	\$5,350.00	\$5,350.00	\$5,350.00	\$0.00	\$0.00
8	Line CIPP Sewer Lateral at 7299 37th Place	EA.	1	\$5,515.00	\$5,515.00	\$5,250.00	\$5,250.00	\$5,250.00	\$5,250.00	\$0.00	\$0.00
9	Line CIPP Sewer Lateral at 7288 37th Place	EA.	1	\$5,485.00	\$5,485.00	\$5,225.00	\$5,225.00	\$5,225.00	\$5,225.00	\$0.00	\$0.00
10	Line CIPP Sewer Lateral at 7287 37th Place	EA.	1	\$5,515.00	\$5,515.00	\$5,250.00	\$5,250.00	\$5,250.00	\$5,250.00	\$0.00	\$0.00
11	Relay Sewer Lateral at 7276 37th Place	EA.	1	\$4,500.00	\$4,500.00	\$5,197.00	\$5,197.00	\$5,197.00	\$5,197.00	\$0.00	\$0.00
12	Line CIPP Sewer Lateral at 7276 37th Place	EA.	1	\$5,350.00	\$5,350.00	\$5,125.00	\$5,125.00	\$5,125.00	\$5,125.00	\$0.00	\$0.00
13	Line CIPP Sewer Lateral at 7275 37th Place	EA.	1	\$5,435.00	\$5,435.00	\$5,175.00	\$5,175.00	\$5,175.00	\$5,175.00	\$0.00	\$0.00
14	Line CIPP Sewer Lateral at 7264 37th Place	EA.	1	\$5,565.00	\$5,565.00	\$5,300.00	\$5,300.00	\$5,300.00	\$5,300.00	\$0.00	\$0.00
15	Line CIPP Sewer Lateral at 7263 37th Place	EA.	1	\$5,565.00	\$5,565.00	\$5,300.00	\$5,300.00	\$5,300.00	\$5,300.00	\$0.00	\$0.00
16	Relay Sewer Lateral at 7252 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,850.00	\$6,850.00	\$6,850.00	\$6,850.00	\$0.00	\$0.00
17	Line CIPP Sewer Lateral at 7251 37th Place	EA.	1	\$5,510.00	\$5,510.00	\$5,250.00	\$5,250.00	\$5,250.00	\$5,250.00	\$0.00	\$0.00
18	Line CIPP Sewer Lateral at 7240 37th Place	EA.	1	\$5,485.00	\$5,485.00	\$5,225.00	\$5,225.00	\$5,225.00	\$5,225.00	\$0.00	\$0.00
19	Line CIPP Sewer Lateral at 7228 37th Place	EA.	1	\$5,405.00	\$5,405.00	\$5,150.00	\$5,150.00	\$5,150.00	\$5,150.00	\$0.00	\$0.00
20	Line CIPP Sewer Lateral at 7227 37th Place	EA.	1	\$5,540.00	\$5,540.00	\$5,275.00	\$5,275.00	\$5,275.00	\$5,275.00	\$0.00	\$0.00
21	Line CIPP Sewer Lateral at 7216 37th Place	EA.	1	\$5,510.00	\$5,510.00	\$5,250.00	\$5,250.00	\$5,250.00	\$5,250.00	\$0.00	\$0.00
22	Relay Sewer Lateral at 7215 37th Place	EA.	1	\$6,250.00	\$6,250.00	\$6,936.00	\$6,936.00	\$6,936.00	\$6,936.00	\$0.00	\$0.00
23	Line CIPP Sewer Lateral at 7204 37th Place	EA.	1	\$5,325.00	\$5,325.00	\$5,075.00	\$5,075.00	\$5,075.00	\$5,075.00	\$0.00	\$0.00
24	Line CIPP Sewer Lateral at 7203 37th Place	EA.	1	\$5,540.00	\$5,540.00	\$5,275.00	\$5,275.00	\$5,275.00	\$5,275.00	\$0.00	\$0.00

COST COMPARISON OF BIDDERS

OWNER: CITY OF FRANKLIN
 PROJECT: 37TH PLACE PRIVATE PROPERTY SANITARY SEWER LATERAL III REHABILITATION
 BID OPENING DATE: MAY 2, 2013 10:00 AM

BASE BID				MID CITY PLUMBING & HEATING, INC.			MUSSON BROS., INC.			UNITED PIPE RENEWAL, INC.*	
ITEM #	ITEM DESCRIPTION	UNIT	QTY.	UNIT \$	TOTAL	UNIT \$	TOTAL	UNIT \$	TOTAL	UNIT \$	TOTAL
25	Relay Sewer Lateral at 7192 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00	\$6,790.00	\$6,790.00		\$0.00
26	Line CIPP Sewer Lateral at 7191 37th Place	EA.	1	\$5,485.00	\$5,485.00	\$5,225.00	\$5,225.00	\$5,225.00	\$5,225.00		\$0.00
27	Line CIPP Sewer Lateral at 7166 37th Place	EA.	1	\$5,485.00	\$5,485.00	\$5,225.00	\$5,225.00	\$5,225.00	\$5,225.00		\$0.00
28	Line CIPP Sewer Lateral at 7165 37th Place	EA.	1	\$5,435.00	\$5,435.00	\$5,175.00	\$5,175.00	\$5,175.00	\$5,175.00		\$0.00
29	Line CIPP Sewer Lateral at 7154 37th Place	EA.	1	\$5,540.00	\$5,540.00	\$5,275.00	\$5,275.00	\$5,275.00	\$5,275.00		\$0.00
30	Line CIPP Sewer Lateral at 7153 37th Place	EA.	1	\$5,540.00	\$5,540.00	\$5,275.00	\$5,275.00	\$5,275.00	\$5,275.00		\$0.00
31	Relay Sewer Lateral at 7136 37th Place	EA.	1	\$4,500.00	\$4,500.00	\$5,050.00	\$5,050.00	\$5,050.00	\$5,050.00		\$0.00
32	Line CIPP Sewer Lateral at 7136 37th Place	EA.	1	\$5,150.00	\$5,150.00	\$5,075.00	\$5,075.00	\$5,075.00	\$5,075.00		\$0.00
33	Line CIPP Sewer Lateral at 3721 Rawson Avenue	EA.	1	\$5,330.00	\$5,330.00	\$5,075.00	\$5,075.00	\$5,075.00	\$5,075.00		\$0.00
34	Standard Clearwater Sump Pump	EA.	11	\$700.00	\$7,700.00	\$800.00	\$8,800.00	\$800.00	\$8,800.00		\$0.00
35	Electrical Outlet Assembly	EA.	10	\$475.00	\$4,750.00	\$575.00	\$5,750.00	\$575.00	\$5,750.00		\$0.00
36	Sump Lateral Extension	L.F.	460	\$36.00	\$16,560.00	\$45.00	\$20,700.00	\$45.00	\$20,700.00		\$0.00
37	Redirect Drain Tile from Wastewater Crock to Clear Water Sump Crock	EA.	10	\$200.00	\$2,000.00	\$300.00	\$3,000.00	\$300.00	\$3,000.00		\$0.00
38	Standard Wastewater Effluent Pump System	EA.	12	\$1,650.00	\$19,800.00	\$1,880.00	\$22,560.00	\$1,880.00	\$22,560.00		\$0.00
39	Redirect Floor Drain from Clearwater Sump to Wastewater Sump	EA.	1	\$275.00	\$275.00	\$350.00	\$350.00	\$350.00	\$350.00		\$0.00
40	City of Franklin Electrical Permits Allowance	L.S.	1	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00		\$0.00
41	City of Franklin Plumbing Permits Allowance	L.S.	1	\$9,284.00	\$9,284.00	\$9,284.00	\$9,284.00	\$9,284.00	\$9,284.00		\$0.00
42	Traffic Control	L.S.	1	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00		\$0.00
43	Additional CIPP Lateral Lining	L.F.	25	\$51.00	\$1,275.00	\$50.00	\$1,250.00	\$50.00	\$1,250.00		\$0.00
44	Additional Lateral Relay	L.F.	25	\$200.00	\$5,000.00	\$250.00	\$6,250.00	\$250.00	\$6,250.00		\$0.00
TOTAL OF ALL ESTIMATED PRICES (ITEMS 1-44)					\$249,722.00		\$260,692.00		\$260,692.00		\$0.00
MANDATORY ALTERNATE BIDS											
MA-2	Relay sewer lateral at 7341 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00	\$6,790.00	\$6,790.00		\$0.00
MA-3	Relay sewer lateral at 7324 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00	\$6,790.00	\$6,790.00		\$0.00

COST COMPARISON OF BIDDERS

OWNER: CITY OF FRANKLIN
 PROJECT: 37TH PLACE PRIVATE PROPERTY SANITARY SEWER LATERAL III REHABILITATION
 BID OPENING DATE: MAY 2, 2013 10:00 AM

BASE BID				MID CITY PLUMBING & HEATING, INC.		MUSSON BROS., INC.		UNITED PIPE RENEWAL, INC.*	
ITEM #	ITEM DESCRIPTION	UNIT	QTY.	UNIT \$	TOTAL	UNIT \$	TOTAL	UNIT \$	TOTAL
MA-4	Relay sewer lateral at 7323 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-8	Relay sewer lateral at 7299 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-13	Relay sewer lateral at 7275 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-20	Relay sewer lateral at 7227 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-21	Relay sewer lateral at 7216 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-23	Relay sewer lateral at 7204 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-26	Relay sewer lateral at 7191 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
MA-30	Relay sewer lateral at 7153 37th Place	EA.	1	\$6,150.00	\$6,150.00	\$6,790.00	\$6,790.00		\$0.00
TOTAL OF ALL ESTIMATED MANDATORY ALTERNATE BIDS					\$61,500.00		\$67,900.00		\$0.00
TOTAL WITH MANDATORY ALTERNATE BID PRICES					\$256,312.00		\$276,292.00		\$0.00

* Bid for United Pipe Renewal, Inc. unresponsive due to the use of the incorrect bid form

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 5/21/13
Reports & Recommendations	SUBJECT: Authorization to advertise for bids for the installation of concrete sidewalk on S. 51st Street from W. Minnesota Avenue south 2200 lineal feet to the entrance of Clare Meadows.	ITEM NO. <i>G, 10.</i>

BACKGROUND

This project was considered last fall, bids were received; however, rejected when Milwaukee County Development Block Grant (CDBG) funding was delayed.

ANALYSIS

Authorization from Milwaukee County has recently been received for CDBG project year 2012 funding which will allow for the extension from W. Minnesota Avenue south to Clare Meadows.

Authorization for 2013 has not been received as the Federal funds have been sequestered. When Federal funds are released the final phase of S. 51st Street sidewalk extending from W. Minnesota Avenue north to W. Rawson Avenue could be completed. Authorization is expected later this year. A decision on this construction could be made at that time. Both phases are large enough to receive competitive bids from qualified contractors.

OPTION

Proceed with this phase

or

Wait until the final phase funding authorization is received, although this may be too late in the year for 2013 construction.

Also, it should be noted that by not using this funding in a timely manner it could be lost to the City.

FISCAL NOTE

The contract cost is estimated at \$98,000.

Preparatory ditching, grading and piping to contract work by the DPW is estimated at \$15,000. The project total being \$113,000.

CDBG funds now available total \$74,844; the balance required to complete this phase of the project being \$38,156 to be from City funding.

RECOMMENDATION

Motion to authorize staff to advertise for bids for the installation of concrete sidewalk on S. 51st Street from W. Minnesota Avenue south 2200 lineal feet to the entrance of Clare Meadows

RJR/db
Encl.

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<p style="text-align: center;">APPROVAL</p> 	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">5/21/2013</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">City of Franklin Vision Statement, Mission Statement, and "70/30" Goal</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.11.</p>

(On May 7, 2013, the Council tabled this item to their May 21, 2013 Common Council Meeting.)

The City of Franklin has an existing Vision Statement and Mission Statement that were created in 2004. They were unanimously reapproved at a Special Common Council meeting on April 25, 2009 and received continued support based upon their inclusion in the City's 2025 Comprehensive Master Plan. The following excerpt from the Master Plan identifies the Vision and Mission Statements, as approved.

Vision Statement: The City of Franklin's vision is to enhance the quality of life for present and future generations by providing economic growth through the highest quality of residential, recreational, and business development in Southeastern Wisconsin.

Mission Statement: The City of Franklin's mission is to be a well-planned model community providing for a high quality of life for residents of all ages. The future of Franklin is founded on quality development that includes smaller and mixed-use commercial centers and corridors, that provides for new office parks that attract knowledge-workers and information industries to the community, while continuing to develop and maintain quality residential areas that provide a wide range of housing opportunities to support the needs of working professionals, seniors, and families. The residents of Franklin will have access to parks, open space, and a wide range of recreational programs and facilities that help to promote an active and healthy lifestyle. Franklin will be a community where modern conveniences, friendly people, and a small town atmosphere combine with low crime, a clean environment, and quality educational opportunities to make Franklin the primary destination to live and learn, work and play, and to do business.

In conjunction with these two statements, the City has also established and promoted a "70/30" Goal which was confirmed by the Common Council on June 29, 2005 and, similarly, received continued support based upon its inclusion in the City's 2025 Comprehensive Master Plan. The following excerpt from the Master Plan identifies the "70/30" Goal, as approved.

- **"70/30" Goal:** On June 29, 2005, the Common Council of the City of Franklin unanimously confirmed "that it remain the goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation." This goal is referred to as the "70/30 goal."

In order to promote continued cooperation with and dedication to an overall organizational philosophy, the Mayor recommends discussion on and/or confirmation of these critical guiding statements by the City of Franklin.

No action is required to continue with these as part of the guiding values of the City of Franklin as they are already adopted policy, but the Council may wish to renew their approval with an affirmative motion.

COUNCIL ACTION REQUESTED

As may be determined at the discretion of the Common Council.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i>		5/21/13
Reports & Recommendations	CLOSED SESSION: Acquisition of land for the extension of W. Evergreen Street from the end of existing W. Evergreen Street east of S. 51st Street east to the west line of the Pleasant View Park site for Parcel No. 3 which is the full width of said street extension including a temporary limited easement for grading.	ITEM NO. <i>G, 12,</i>

The Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to discuss the acquisition of land for the extension of W. Evergreen Street from the end of existing W. Evergreen Street east of S. 51st Street east to the west line of the Pleasant View Park site for Parcel No. 3 located at 7501 S. 49th Street and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

COUNCIL ACTION REQUESTED

Motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to discuss the acquisition of land for the extension of W. Evergreen Street from the end of existing W. Evergreen Street east of S. 51st Street east to the west line of the Pleasant View Park site to acquire Parcel No. 3 located at 7501 S. 49th Street and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

JMB/db

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<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>05/21/2013</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Notice of Claim from Dennis Winiarski Alleging Sustained Damages as a Result of Negligence from a Lightning Strike in 2010 to Property Located at 6875 W. Kathleen Court</p>	<p>ITEM NUMBER</p> <p><i>G.13.</i></p>

Notice of claim from Dennis Winiarski alleging sustained damages as a result of City negligence from a lightning` strike in 2010 to his property located at 6875 W. Kathleen Court in Franklin. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a notice of claim from Dennis Winiarski alleging sustained damages as a result of City negligence from a lightning strike in 2010 to property located at 6875 W. Kathleen Court in Franklin, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Staff recommends denial of the claim pursuant to the Wisconsin Statute 893.80(1g) for disallowance of the claim, based upon and in concurrence with the insurance adjuster that the investigation has found no negligence on the City of Franklin, and further that Wisconsin Statute 893.80 requires a written notice of circumstance be filed with the City within 120 days of the incident.

(NOTE: Only the initial correspondence for this claim was included in the Council packet for this item. Numerous other faxes/correspondence from Mr. Winiarski and inspection reports and correspondence from the Franklin Fire Department are included in the file which can be viewed, if needed, in the Department of Administration.)

COUNCIL ACTION REQUESTED

The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a notice of claim from Dennis Winiarski alleging sustained damages as a result of City negligence from a lightning strike in 2010 to property located at 6875 W. Kathleen Court in Franklin, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to deny the claim of Dennis Winiarski pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation has found no negligence on the City of Franklin, and further that Wisconsin Statute 893.80 requires a written notice of circumstance be filed with the City within 120 days of the incident.

OR

Motion to layover and refer to staff for additional information.

Statewide Services, Inc.

Claim Division

1241 John D. Hammock Dr.
P.O. Box 5355
Madison, WI 53705-0555
877-364-9712

May 14, 2013

CITY OF FRANKLIN
ATTN: LISA HUENING
9229 W LOOMIS ROAD
FRANKLIN, WI. 53132-9728

RE: Our Claim #: WM000402260130
Date of Loss: 2010
Claimant: DENNIS WINIARSKI
6875 KATHLEEN CT FRANKLIN WI 53132

Dear Lisa:

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Franklin. We are in receipt of the above-stated claim, in which the claimant alleges they sustained damages as a result of the cities negligence.

Our investigation has revealed that the City of Franklin was not negligent or liable for this incident. Therefore, we recommend that the City of Franklin disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will allow us to shorten the statute of limitations period to six months.

Please send your disallowance, on your letterhead, directly to the claimant at the above listed address. This should be sent certified or registered (restricted) mail and must be received by the claimant within 120 days after you received the claim. Please send me a copy of the letter for our file.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

Joel Meixelsperger
Casualty Claim Specialist
Office: 608.828.5792
Fax: 800.720.3512
jmeixelsperger@statewidesvcs.com

CC: R & R Insurance Services

Statewide Services, Inc.

Claim Division

1241 John Q. Harreans Dr.
P.O. Box 5555
Madison, WI 53705-0555
677-204-9711

May 14, 2013

DENNIS WINIARSKI
6875 KATHLEEN CT
FRANLIN WI 53132

Regarding: Our Insured: City of Franklin
Claim No: WM000402260130
Date/Loss: 2010

Dear Dennis:

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Franklin. We are in receipt of the above-stated claim, in which you allege you sustained damages as a result of our insured's negligence from a lightning strike to your property in 2010.

Please be advised that we recommended that the City of Franklin disallow your claim. The basis of the denial is that our investigation has found no negligence on the City of Franklin. Further Wisconsin statute 893.80 requires a written notice of circumstance be filed with the city within 120 days of the incident. Therefore, Statewide Services will be unable to pay for your damages.

Sincerely,

Joel Meixelsperger
Casualty Claim Specialist
Office: 608.828.5792
Fax: 800.720.3512
jmeixelsperger@statewidesvcs.com

CC: City of Franklin

Lisa Huening

From: Adam Remington
Sent: Wednesday, May 08, 2013 7:39 AM
To: Jesse Wesolowski; Lisa Huening
Cc: Joel Meixelsperger; Dana Zahn; Mark Luberd; Gordon Jepsen
Subject: RE: fire alarm system claim; D. Winiarski fax attached

Jesse,

Regarding his fax dated May 7, 2012, Mr. Winiarski's statement that the fire department "hung up" on him is false. He called here and spoke to Battalion Chief Ron Mayer for approximately 5 minutes. Mr. Winiarski stated that his alarm system went off, however, it had already been reset. He told BC Mayer that he wanted someone to come out regardless, in order to "take testimony" from his tenants so that he could sue the Department for \$100,000. BC Mayer told him that the Fire Department does not "take testimony", but would investigate the alarms if they would stop resetting them.

BC Mayer is at least the 4th person from our department to tell him to please stop resetting the alarms prior to calling us. Mr. Winiarski also taught/allows his tenants to simply silence the alarm without investigating the cause. They assume that it is "false" when in our experience there is something that is setting it off - usually burnt food.

I would also like to reiterate that Fire Marshal Gordon Jepsen has never been a tenant of Mr. Winiarski's.

I just wanted to get FFDs perspective on record. Let me know if you have further questions.

Adam.

Adam J. Remington
Assistant Chief
Franklin Fire Department
(414) 425-1420
aremington@franklinwi.gov

This message is intended for the sole use of the individual and entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

-----Original Message-----

From: Jesse Wesolowski [<mailto:jweslaw@aol.com>]
Sent: Tuesday, May 07, 2013 4:06 PM
To: Lisa Huening
Cc: Adam Remington; Joel Meixelsperger
Subject: fire alarm system claim; D. Winiarski fax attached

April 3, 2013

CC: Starfire @ Fax #414-448-0101

CC: Fire Department @ Fax #414-425-7067

CC: AT&T @ Fax #800-527-4360

CC: Country Insurance @ Fax #262-784-1488

CC: Attorney Jeff J. Ek @ Fax #262-567-0019

TO: Franklin City Attorney Jesse A. Wesolowski @ fax #414-529-2121 / phone #414-529-8900

Please mail me a copy and/or copies of Gordy Jepsen's Fire Marshall Reports concerning everything dealing with the problems caused by my apartment being struck by lightning almost three years ago. I need the reports as part of my law suit against Starfire, Country Insurance, and Franklin's Fire Department for failing to instruct Starfire **NOT TO USE THE ORIGINAL BURNT WIRES** for installing the new fire alarm system. Because of that oversight, we now have sporadic and assorted (sources) of false alarms, over a dozen and still coming.

The lightening fried the wires in my garage costing \$20,000.00 to completely rewire. There was no saving of any of the original garage wiring. Then it was found that the underground electric cable from my apartment to the eight car garage was also fried. So, that had to be dug up and replaced costing another \$5000.00. Then various apartment outlets and lights failed – all testifying to hidden damage to many wires.

Since Franklin's Fire inspection took place just before the lightening hit, the damage caused to the alarm system wasn't noticed until a year later during the next annual fire alarm inspection. It was then the alarm box was opened – exposing the charred black and melted together wires. Obviously, the fire alarm wires surrounding the alarm box were also fried – but hidden inside the walls.

Now --- seeing the extent of inside the wall AC damage (some still not fixed) it **WAS PROBABLE** that the fire alarm wires were equally damaged -- **AND SHOULD HAVE BEEN REPLACED**. Bare alarm wires (WITH MELTED AWAY COVERS) were just waiting for some movement to short them out? Even an electric "continuity check" would not show a **FUTURE** short. **NOTHING WOULD HAPPEN -- UNTIL SOMETHING MOVED THE WIRES!**

SO, ALL of the OLD wires are NOW suspect and should be replaced!

I believe all of this was missed by the fire department's several inspections – witch I was billed for with interest! **These facts should have been suspected by common sense – especially by a professionally trained fire inspector!** Either the fire department failed to caution **STARFIRE OR STARFIRE IGNORED THE WARNING.**

THAT'S WHY I WANT A COPY OF THE REPORTS.

Please mail me the reports **ASAP** now that I'm reopening the small claims action and moving my claim to a higher court with higher damages **AND NEW DEFENDANTS**. I have attorneys that are interested in representing me, considering the lost rents and years of pain and suffering **AND ACUSATIONS THAT I CAUSED THE ALARMS!**

PS/BS: Now all say "I'm not the fault!" All of you are! And, my health is suffering from it!\}

WHAT CAN YOU ALL DO TO CORRECT THE MISTAKES YOU ALL MADE?

Dennis Winiarski 6875 W. Kathleen Court, Franklin, WI 53132 Phone 414-525-1682

* MISSING ON LAST COPY SENT



City of Franklin

Fire Department

CC: FRANKLIN
CITY ATT: JESSE WESOLOWSKI
FAX # 414-529-2121

Date: April 4, 2013

Mr. Dennis Winiarski
6875 Kathleen Court
Franklin, Wisconsin 53132

This letter is being sent to you regarding the Annual Service of the Fire Alarm System at:

6875 Kathleen Court
Franklin Wisconsin

This Fire Alarm system needs annual inspection, Testing, and Maintenance. What this means is that once a year qualified and experienced fire alarm service person shall perform a test on the fire alarm system, including all initiating devices, notification appliances, and the fire alarm panel. Evidence of qualifications shall be provided to the Franklin Fire Department upon request. If impairments are found in any part of the fire alarm system, corrections must be reported to the owner, and repaired in a timely manner.

Your fire alarm system is required to be monitored, by the State of Wisconsin, and the City of Franklin. In the event of an alarm activation the Fire Department will be notified, and will respond to the call. This also must be tested during the annual inspection, testing, and maintenance.

Our records indicate that your system is overdue, and needs to inspected, and tested immediately. Failure to do so will result in a fine, or citation.

Please direct all correspondences to the attention of the Fire Marshal at the address listed below, or fax to (414)-425-7067. If you have any questions or comments please feel free to contact my office at (414)-425-1420.

Sincerely,

Gordon Jepsen - Fire Marshal

cc; Chief Remington/file copy

RESPONSE ATTACHED

WJESOLOWSKI
FAKE AIA-529-2121
FAKE

Fax To: 1-262-567-0019 (correcting "type O's")

April 4, 2013

To: **Attorney Jeff J. Ek**

From: **Dennis Winiarski**

Subject: **You can help Starfire - and even earn them a job!**

At this point I'm inclined to think that Starfire was pressured into my contract by Country Insurance when Mark told Starfire he know where to get the parts "For a cheap fix!" And then, when the parts were not available, Mark simply said "NOT MY FAULT - YOU STILL HAVE A CONTRACT!"

And, I believe that the fire department knew of the extensive lightening damage to my garage (ultimately over \$25,000.00). But the fire department didn't caution Starfire to replace **ALL OF THE OLD FIRE ALARM LINES. ALL AC GARAGE LINES, UNDERGROUND LINES AND MANY APARTMENT NONE FIRE LINES HAD TO BE REPLACED.**

THE ELECTRICIAN EVENTUALLY REPLACE ALL THE WIRES IN THE GARAGE - ALTHOUGH HE TO TRIED TO USE THE OLD WIRES -- BUT THEY KEPT SHORTING OUT -- BECAUSE THE GARAGE WIRES WERE ALSO MELTED! JUST LIKE MY APARTMENT ALARM WIRES!

It was also the electrician who concluded that the garage, the underground cable, and then many lights and outlets in my apartment were all shorted out. He came back several times as more burnt outlets were found. And, we are still finding more "dead outlets" - but the insurance refuses to pay. So, I'm left with many dead AC lines.

And it will be that electrician who will testify to those facts.

And, it will be the other fire alarm repair people who will testify that they recognized the extensive repairs needed - that the electrician suggested!

The electrician (who fixed my AC damage) is not licensed to fire fix alarms. However, he concluded that nothing was worth saving in my garage wiring. And, I believe he warned Mark and the fire department that the fire alarm was also burned. He may not have a fire alarm license but he has the common sense to recognize what's obvious

If an electrician can recognize that the old lines should not be used -- **WHY COULDN'T A TRAINED FIRE MARSHALL RECOGNIZE THAT FACT? AND TELL STARFIRE?** Old alarm box was practically blown off the wall. The insides were charcoal. Who'd believe the lines coming from that charred box - would be unaffected?

I now believe Starfire was **not properly instructed** by the fire department when permits were granted. And, I would allow Starfire to replace (with insurance money) my wires. Perhaps Starfire can make up for losses?

PS: The fire alarm just went off again!

April 6, 2013

CC: Starfire @ fax #414-448-0101

CC: Fire Department @ Fax #414-425-7067

CC: AT&T @ Fax #800-527-4360

CC: Country Insurance @ Fax #262-784-1488

CC: Attorney Jeff J. Ek @ #262-567-0019

CC: Jesse Wesolowski @ #414-529-2121

TO: Franklin Fire Marshall Gordy,

From: Dennis Winiarski @ phone #414-525-1682

I'm suspicious. Are you the Gordy who use to rent from me? Isn't it you who I caught in my attic? You said you were "INSPECTING IT" as a fireman. I said "Gordy, you are a tenant and you don't belong here. If you are acting as a fireman – you should have informed me!"

That, as I remember it, escalated into either me evicting you or you're moving out – carrying a grudge?"

I believe THAT NOW THAT INCIDENT CLOUDED YOUR PRESENT JUDGEMENT AS FIRE MRSHALL AND, YOU CONSOUSLY OR UNCONSOUSLY FAILED TO RECOGNIZE THAT THE FIRE ALARM WIRES WERE MELTED AND SHORTED OUT – WHENEVER A WIRE MOVED – resulting in all the present questionable fire alarms.

THAT'S JUST LIKE MY ELECTRICIAN HAD FOUND WHEN HE TRIED TO USE THE OLD GARAGE WIRES.

When the electrician tried to use the old wires, they shorted out. And, there was no way for him to know what wires were bad. So, he had to change all of the garage wires. Then we found that the underground power cable from the apartment was also burned out and shorted. So it had to be dug up and replaced. Then several apartment outlets, light switches, and lights didn't work. So, they had to be replaced.

Time after time more lightening damage became apparent, So, I contacted Country Insurance each time for more repair money. Country was "perturbed" by all the extra expense. Country was especially mad when it was found that the alarm wires were burned. Country even tried to make me pay a second \$500.00 deductible.

During the next fire department inspection, the fire alarm box was found to be practically "Blown off the wall!" The inside wires were bare and melted together. Obviously, the wire damage didn't stop at the box.

So, I asked my electrician to fix them. He refused since he didn't have an alarm license. That's when I went out for bids and met Starfire and two other repair companies. That's when Starfire bid \$1600.00 and the other bids were ten times as much. The others recognized the extent of the problem – Starfire (and you) didn't. I discussed that fact with you and Starfire. I related the facts to you and Starfire about the garage damage.

Recently I asked you to give me a copy of your reports starting when my apartment was hit by lightening – almost three years ago. And, I asked you if you were the Gordy who use to live here? You still haven't sent me the reports. And you still haven't answered my question "Are you the Gordy who use to live in my apartment many years ago?" I insist you give me the answers **BEFORE WE GO BACK TO COURT!**

I suspect your reports will shed light on this situation So, maybe we can stop this insanity? Maybe I won't lose more tenants. I'm amazed at how many fire alarms have gone off – and you're still insisting – **"THEY ARE OK!"**

PS: Now you dropped off a demand for a one year inspection. That inspection isn't due until after a year of successful operation. Unless you feel all of these alarms are natural? **NOW MORE TENANTS WANT TO MOVE!**

Dennis Winiarski (Phone 414-525-1682)
6875 W. Kathleen Court Apt 3
Franklin, WI 53132

May 7, 2013

Concerning Case #12SC29630 Request to reopen AND MORE FALSE ALARMS!

Dear Judge Kuhnmuensch, (Hand delivered 5/7/13)

Last night at 10:15 PM Tracy Lowis (414-902-5608) my tenant in apartment #2 called to tell me that the fire alarm went off as she was washing clothes in my basement laundry area. I was going downstairs when it turned itself off. This same thing happened several times before. The last time my tenant (NOW GONE) Jeremy Garnier (414-510-8059) reported three consecutive alarms – **JUST DAYS AFTER GORDY (The Fire Marshal) TESTIFIED IN COURT THAT THE SYSTEM WAS "OK!" (LATER I REALIZED I HAD EVICTED GORDY WHEN HE LIVED HERE! HE KEPT "INSPECTING" PRIVATE AREA'S OF MY APARTMENT – WITHOUT NOTIFYING ME)**

Jeremy attempted to shut the alarm off – but they just came on again. When I called the fire department they went off. I think they can be turned off remotely. No one was washing clothes those times. A fireman came -- so those false alarms should be on record – **ALONG WITH JEREME'S AND MY TESTIMONY!** (He has more information to give!) The same thing happened several times prior to this - **AND** after - **THAT** false alarm experience. Fortunately, those particular alarms just sounded in the basement and not the whole apartment.

However, the twenty-four nerve wracking **WHOLE** apartment FALSE alarms **DID SOUND** – usually in the middle of the night – **AT LEAST A DOZEN OTHER TIMES!** Sometimes fire trucks and cars came but most of the time they didn't. They didn't come because it became a habit to call me first. **I'D SAVE THEM A TRIP BY TELLING THEM: "IT'S JUST ANOTHER FALSE ALARM!"** --- **BUT THAT DIDN'T STOP THE FACT THAT EACH OF THOSE FALSE ALARM (USUALLY) WOKE UP TENANTS AND FORCED THEM INTO THE SNOW -- PROGRESSIVELY MAKING THEM MORE IRRITATED AND THREATENING TO MOVE OUT! SOME DID!**

I'VE SUPPLIED THE PHONE NUMBERS OF SOME OF THE IRRITATED TENANTS. THERE ARE MORE THAT WANT TO TESTIFY. THERE ARE OTHERS THAT ARE SO DISCUSTED WITH THIS WHOLE MESS THAT THEY GAVE ME THEIR SYMPATHY – BEFORE LEAVING – BUT SAID: "DON'T CALL US – WE'VE HAD ENOUGH OF THIS BS!"

LAST NIGHT I CALLED THE FIRE DEPARTMENT AND IDENTIFIED MYSELF --- THEY HUNG UP ON ME! SO, I CALLED THE POLICE. THEY ASKED WHY I DIDN'T CALL THE FIRE DEPARTMENT. I EXPLAINED. THEN THEY SAID THAT SINCE I DIDN'T PERSONALLY WITNESS THE ALARM – I COULD NOT REGISTER A COMPLAINT! SO, THEN TRACY CALLED AND REGISTERED THE COMPLAINT! WHEN WILL SOME OFFICIAL TALK TO MY TENANTS?

CC: JUDGE LAURA GRALING PEREZ – HAND DELIVERED

*MILWAUKEE JOURNAL – WITH VISIT

CC: COMMISSIONER GRACE FLYN – HAND DELIVERED

CC: FRANKLIN FIRE DEPARTMENT @ FAX #414-425-7067

CC: STARFIRE @ FAX #414-448-0101

CC: MARK MENNINGER @ COUNTRY INSURANCE FAX #262-255-1739 & #262-784-1488

CC: COMMISSIONER OF INSURANCE @ FAX #608-264-8115

CC: FRANKLIN FIRE COMMISSIONER @ FAX #414-425-6428

CC: STARFIRE ATTORNEY JEFF J. EK @ FAX #262-567-0019

CC: FRANKLIN CITY ATTORNEY JESSE A. WESOLOWSKI @ FAX #414-529-2121

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<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>05/21/2013</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Notice of Claim from Steven Docter for Sustained Damages to his Vehicle as a Result of Hitting a Valve Box Cover in the Roadway of W. Franklin Drive</p>	<p>ITEM NUMBER</p> <p><i>6.14.</i></p>

Notice of claim from Steven Docter for sustained damages to his vehicle as a result of hitting a valve box cover in the roadway of W. Franklin Drive on December 11, 2012. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a notice of claim from Steven Docter for sustained damages to his vehicle as a result of hitting a valve box cover in the roadway of W. Franklin Drive on December 11, 2012, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Staff recommends denial of the claim pursuant to the Wisconsin Statute 893.80(1g) for disallowance of the claim, based upon and in concurrence with the insurance adjuster that the investigation revealed that there were no reported calls to the City of Franklin relating to the valve box cover until this notice and the valve box cover was immediately replaced by the City upon notification. Therefore, the City of Franklin should have discretionary immunity for liability in this case based on no negligence and should make no payments toward this claim.

COUNCIL ACTION REQUESTED

The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a notice of claim from Steven Docter for sustained damages to his vehicle as a result of hitting a valve box cover in the roadway of W. Franklin Drive on December 11, 2012, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to deny the claim of Steven Docter pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed that the City of Franklin should have discretionary immunity, as discussed in the Council Action Sheet, for liability in this case based on no negligence on the part of the City.

OR

Motion to layover and refer to staff for additional information.

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
677-204-9712

February 27, 2013

City of Franklin
9229 W Loomis Road
Franklin, WI. 531362-9728
Attention: Lisa Huening

Program: League of Wisconsin Municipalities Mutual Insurance
Our Insured: City of Franklin
Date of loss: 12/11/2012
Our Claim # WM000402260127
Claimant: Steve Docter
1506 Manitowoc
South Milwaukee, WI. 53172

Dear Ms.Huening,

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance and through the City of Franklin is insured. We are in receipt of the claim submitted by Mr. Docter who sustained damage to his vehicle.

We have reviewed the matter and recommend that the City of Franklin deny this claim pursuant to the Wisconsin statute for disallowance of claim 893.80(lg). The disallowance will shorten the statute of limitations period to six (6) months.

Our denial is based on the investigation revealing no reported calls to the City of Franklin that the water line cover had caused damage until this notice, and the water line cover was immediately replaced by the city. Therefore, the City of Franklin should have discretionary immunity for liability in this case based on no negligence and should make no payments toward this claim.

Please submit the disallowance directly to the claimant at the above address. The disallowance should be sent certified or registered mail and must be received by the claimant within 120 days after you receive Notice of Claim. Please send a copy of the disallowance to Statewide Services Inc. Claims.

Sincerely,

Lois Reynolds
PO Box 5555

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

February 28, 2013

Steve Docter
1506 Manitowoc
South Milwaukee, WI. 53172

Our Insured: City of Franklin
Date of Loss: 12/11/2012
Claim #: WM000402260127

Dear Mr. Docter,

Statewide Service Inc. administers the liability claims for the League of Wisconsin Municipalities Mutual Insurance who insures the City of Franklin. We are in receipt of the above mentioned claim.

We have recommended that the City of Franklin deny your claim. The basis of the denial is that our investigation has found no negligence on the City of Franklin. The City had no knowledge of the dislodged water line cover and it was replaced as soon as the loss was reported. Therefore, the municipality should be granted immunity from liability for your damage.

Sincerely,
Lois Reynolds
Statewide Services Inc
Claims Adjuster
PO Box 5555
Madison, WI. 53507

CC: City of Franklin

Lisa Huening

From: Steve Docter [steven_docter@valpak.com]
Sent: Monday, January 28, 2013 3:06 PM
To: Lisa Huening
Subject: Franklin Notification System

Hi Lisa,

My name is Steven Docter, and I work in the Franklin Industrial Park. I normally take West Franklin Drive home, which is a 4 lane thoroughfare with a median. I was heading northbound on this street on December 11, 2012 at 5:30 pm when I saw a large, dark object in the middle of my lane (the innermost one) in front of 9944 West Franklin Drive. The sun had already set, and the lack of good street lighting at that location didn't immediately reveal what it was.

Before I could react, another car was next to me so I couldn't change lanes. Rather than jump the median and interfere with oncoming traffic, I was forced to drive over the object. Immediately after hitting the object, my car made some loud, horrible noises. I turned around at my first safe opportunity and found the object where I had hit it. It turned out to be a cast iron water line cap that was 8 inches in both diameter and height. It had the marking "Water" clearly cast on the top face.

Fearing my car was damaged, I immediately drove to Franklin Automotive, and they found a piece of steel sticking out from underneath the engine. Further inspection revealed a hole in the oil pan caused by the cast iron cap forcibly contacting it. The repairs to my car totaled \$900, and I was further inconvenienced by having to find alternate transportation during the week while it was in the shop.

As this incident was in the City of Franklin and involved a component from a city-maintained utility, I am asking the City of Franklin to compensate me for the repairs to my vehicle. I understand that accidents happen, and I am sure the City has an insurance policy to cover an incident that clearly was not my fault.

I can provide a copy of my repair bill at any time. Also, to aid in the investigation, I can provide photos of the where the cast iron cap came from, as well as the cap itself and the damaged oil pan.

Please contact me via email at steven_docter@valpak.com or at 414-708-3657 (cell) that you have received my email and when I can expect resolution of this matter. I await your timely response.

Thanks
Steven Docter

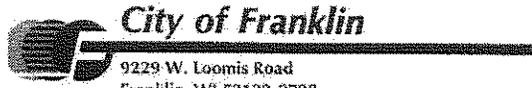
Steve Docter

Graphic Designer | Valpak of SE Wisconsin, Madison & N. Illinois
Office 414.448.1005 Ext. 100 | **Fax** 414.448.1010
5129 West Franklin Dr, Franklin, WI 53132
www.valpak.com | steven_docter@valpak.com

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/21/13
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H. 1

See attached list from meeting of May 16, 2013 and May 21, 2013.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Aldermen's Room

May 16, 2013, 1:00 P.M.

1.	Call to Order & Roll Call	Time		
2.	License Applications Reviewed	Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Class A Beer 2013-14	Roettgers Co Inc d/b/a: Franklin Mobil Mart 7103 S 27th St Michael Miller, Agent			
Class A Combination 2013-14	27th Street Mobil, LLC d/b/a: Franklin Mobil 6611 S 27th St Davinder Singh Toor, Agent			
Class A Combination 2013-14	Hodach Petroleum, Inc 9830 W St Martins Rd Stephen A. Hodach, Agent			
Class A Combination 2013-14	Franklin Quik Chek, LLC 8305 S 27th St Virendra Verma, Agent			
Class A Combination 2013-14	Mega Marts, LLC d/b/a: Pick N Save 7780 S Lovers Lane Rd Daniel Romero, Agent			
Class A Combination 2013-14	7-Eleven, Inc 7610 W Rawson Ave Eleri Baecker, Agent			
Class A Combination 2013-14	Priya Corp 5040 W Rawson Ave Kavita Khullar, Agent			
Class A Combination 2013-14	Priya Corp 5120 W Ryan Rd Kavita Khullar, Agent			
Class A Combination & Pharmacy 2013-14	Sam's East, Inc 6705 S 27th St Christi Mehta, Agent			
Class A Combination 2013-14	Sendik's Franklin, LLC 5200 W Rawson Ave Theodore T. Balistreri, Agent			
Class A Combination 2013-14	Spirit Dreams LLC 6507A S 27th St Scott R. Haese, Agent			
Class A Combination & Pharmacy 2013-14	Target Corporation 7800 S Lovers Lane Rd Christopher J. Gresky, Agent			

Type/ Time	Applicant Information	Approve	Hold	Deny
Class A Combination Day Care & Pharmacy 2013-14	Ultra Mart Foods, Inc 7201 S 76th St John Stachowiak, Agent			
Class A Combination & Pharmacy 2013-14	Wal-Mart Stores East, LP 6701 S 27th St Michael Sandleback, Agent			
Class A Combination & Pharmacy 2013-14	Walgreen Co 9527 S 27th St Kathleen Rockteacher, Agent			
Class A Combination & Pharmacy 2013-14	Walgreen Co 7130 S 76th St Matthew Louzakis, Agent			
Class A Combination & Pharmacy 2013-14	Walgreen Co 9909 W Loomis Rd Neil Morgenthaler, Agent			
Class A Combination & Pharmacy 2013-14	Wisconsin CVS Pharmacy, LLC 5220 W Rawson Ave Thomas McGrath, Agent			
Class B Beer 2013-14	Chai Garden 6509 S 27th St Joseph Ty, Owner			
Class B Beer Entertainment & Amusement 2013-14	Federation of Croatian Societies, Inc 9100 S 76th St Josef Becker, Sr., Agent			
Class B Beer 2013-14	M Squared, Inc 11357 W St Martins Rd Leonard VandenBoom, Agent			
Class B Combination Entertainment & Amusement 2013-14	B.S.T., LLC d/b/a Mulligan's Irish Pub & Grille 8933 S 27th St Brian Francis, Agent			
Class B Combination Entertainment & Amusement 2013-14	The Bowery, LLC 3023 W Ryan Rd Roger W Hein, Agent			
Class B Combination Entertainment & Amusement 2013-14	Buckhorn Inn 9461 S 27th St Christopher Matecki, Owner			
Class B Combination Entertainment & Amusement Bowling Alley 2013-14	Country Lanes, LLC 11231 W Forest Home Ave Robert Sczersen, Agent			
Class B Combination Entertainment & Amusement 2013-14	Rock Sports Complex, LLC 7900 W Crystal Ridge Dr Samantha Skeen, Agent			

Type/ Time	Applicant Information	Approve	Hold	Deny
Class B Combination 2013-14	ERJ Dining III, LLC d/b/a: Chili's Grill & Bar 6439 S 27th St Paul S. Thompson, Agent			
Class B Combination Entertainment & Amusement 2013-14	Eric's Setback 6357 S 27th St Eric Schneeberg, Owner			
Class B Combination Entertainment & Amusement 2013-14	Franklin Hotel Company, LLC d/b/a: Staybridge Suites 9575 S 27th St Mark D. Hansen, Agent			
Class B Combination Entertainment & Amusement 2013-14	Gus' Mexican Cantina, LLC 6514-20 S Lovers Lane Rd Ghasen Hosseini, Agent			
Class B Combination Entertainment & Amusement 2013-14	H, B & H, LLC d/b/a: On the Border 10741 S 27th St Gerald Hay, Agent			
Class B Combination Entertainment & Amusement and Coin Machine Tag 2013-14	Hanley's Grille & Bar, LLC 7101 S 76th St Terrence M. Hanley, Agent			
Class B Combination 2013-14	La Toscana Restaurant, LLC 8405 S 27th St Mirela Sopiqoti Zarka, Agent			
Class B Combination Entertainment & Amusement 2013-14	The Landmark of Franklin, LLC 11401 W Swiss St Laurie Beth Knaack-Helm, Agent			
Class B Combination Entertainment & Amusement 2013-14	Little Cancun Restaurant 7273 S 27th St Veronica Cerera, Owner			
Class B Combination 2013-14	M & W Leung, LLC d/b/a: Green Tea Garden 7336 S 76th St May F Leung, Agent			
Class B Combination 2013-14	Pantheon, Inc 7621 W Rawson Ave Debbie Koutromanous, Agent			
Class B Combination Entertainment & Amusement 2013-14	Polonia Sport Club, Inc 10200 W Loomis Rd Theresa S. Polanski, Agent			
Class B Combination Entertainment & Amusement 2013-14	Polish Heritage Alliance, Inc d/b/a: Polish Center of Wisconsin 6941 S 68th St Thomas P. Rassmussen, Agent			
Class B Combination 2013-14	Q T Pizza, LLC d/b/a: Rounding Third Pizzeria 7119B S 76th St Susan A. Toetz, Agent			
Class B Combination Entertainment & Amusement 2013-14	Rawson Pub, Inc 5621 W Rawson Ave Steven D. Schweitzer, Agent			

Type/ Time	Applicant Information	Approve	Hold	Deny
Class B Combination 2013-14	RLGIDI, Inc d/b/a: Casa Di Giorgio 3137 W Rawson Ave Rex Idrizi, Agent			
Class B Combination 2013-14	Robley Tech, Inc d/b/a: Michaelangelo's Pizza 8330 W Puetz Rd Dennis Rau, Agent			
Class B Combination Temporary Entertainment & Amusement and Coin Machine Tag 2013-14	Romey's Place 7508 S North Cape Rd Nathan J. Fabry, Owner			
Class B Combination 2013-14	St Martins Inn, LLC 11318 W St. Martins Rd Dennis J Wegner, Agent			
Class B Combination Entertainment & Amusement Bowling Alley 2013-14	St Nikola Religious & Cultural Enterprises, Inc d/b/a: Root River Lanes 7220 W Rawson Ave Slavko Jevtic, Agent			
Class B Combination Entertainment & Amusement 2013-14	Seventy-Six Street Pub & Grill, Inc d/b/a: The Hideaway Pub & Eatery 9643 S 76th St Debra J. Schaefer, Agent			
Class B Combination Entertainment & Amusement 2013-14	TJAL Holdings, Inc d/b/a: Irish Cottage 11433 W Ryan Rd Roseann Losiniecki, Agent			
Class B Combination Entertainment & Amusement 2013-14	Three Cellars 7133 S 76th St Shawn M Vollmer, Agent			
Class B Combination Entertainment & Amusement Country Club 2013-14	Tuckaway Country Club, Inc 6901 W Drexel Ave Jennifer Jacobi, Agent			
Class B Combination Entertainment & Amusement 2013-14	Two Brothers Property Holdings, LLC 9405 S 27th St Vaso Dragicevic, Agent			
Class B Combination Entertainment & Amusement 2013-14	Wild Breed, Inc d/b/a: Squirrel Haus 11430 W Swiss St Cynthia Girmscheid, Agent			
Day Care 2013-14	Academy of Preschool Learning 3900 W Ryan Rd Nadeen Balsis, Manager			
Day Care 2013-14	Amy's Academy 9758 S Airways Ct Amy Sidello, Manager			
Day Care 2013-14	Faith Academy 7700 W Faiith Dr Jennifer Finch, Manager			

Type/ Time	Applicant Information	Approve	Hold	Deny
Day Care 2013-14	Jubilee Christian School 3639 W Ryan Rd Tanya Soich, Director			
Day Care 2013-14	Kinder Care 7260 S 76 th St Sally Lemke, Manager			
Day Care 2013-14	Kinder Care 6350 S 108 th St Lisa M. Kopplin, Manager			
Day Care 2013-14	Ms Rikki's Structured Day Care 11227 W Forest Home Ave Rochelle Boyce, Director			
Day Care 2013-14	Risen Savior Nursery School 9501 W Drexel Ave Teresa Tobin, Manager			
Day Care 2013-14	St James Preschool 7219 S 27 th St Mary Tripoli, Manager			
Mobile Home Court 2013-14	D&K Management VIII, LLC 6405 S 27 th St Wendy Winograd, Manager			
Mobile Home Court 2013-14	Franklin Mobile Estates 6361 S 27 th St David Steinberger, Manager			
Auto Salvage Yard 2013-14	Al's Auto Salvage 10942 S 124 th St Al Schill, Owner			
Auto Salvage Yard 2013-14	Durham Auto Salvage & Sales 10565 S 124 th St Gilbert Couillard, Jr., Manager			
Pharmacy 2013-14	Aurora Pharmacy 9200 W Loomis Rd Steven C. Herrmann, Manager			
Entertainment & Amusement 2013-14	Family Tree Haus, LLC 5080 W Ashland Way Mark Haushalter, Manager			
Entertainment & Amusement 2013-14	Innovative Health & Fitness 8800 S 102 nd St Tim Beyer, Manager			
Entertainment & Amusement 2013-14	Jump Zone 6544 S Lovers Lane Rd Susan Haines, Manager			
Entertainment & Amusement 2013-14	Milwaukee County Sports Complex 6000 W Ryan Rd Joe Mrozinski, Manager			
Entertainment & Amusement 2013-14	Oakwood Golf Course 3600 W Oakwood Rd Joe Mrozinski, Manager			
Entertainment & Amusement 2013-14	Whitnall Park Golf Club House 6701 S Park Rd Joe Mrozinski, Manager			
Entertainment & Amusement 2013-14	Marcus Cinema of Wisconsin, LLC d/b/a: Showtime 8910 S 102 nd St Mark A. Gramz, Manager			

Type/ Time	Applicant Information	Approve	Hold	Deny
Coin Machine Operator 2013-14	American Entertainment W337 S5059 Hwy GG Dousman, WI 53118 Kenneth Grothmann, Owner			
Coin Machine Operator 2013-14	Clear Choice ATM, Ltd. 4930 Bayside Cove Waterford, WI 53185 Robert Kostner, Owner			
Coin Machine Operator 2013-14	Games Are Us W144 S6315 College Ct Muskego, WI 53150 Steven A. Murphy, Owner			
Coin Machine Operator 2013-14	Mitchell Novelty Co 3506 W National Ave Milwaukee, WI 53215 Ralph H. Fleege, Owner			
Coin Machine Operator 2013-14	National Coin 2740 S 9th Place Milwaukee, WI 53215 Janis Thein, Owner			
Coin Machine Operator 2013-14	Red's Novelty Ltd 1921 S 74th St West Allis, WI 53219 Jay G. Jacomet, Owner			
Coin Machine Operator 2013-14	Reggie's Amusement, LLC 4918 S Packard Ave Cudahy, WI 53110 Reginald L. Zeniecki, Owner			
Coin Machine Operator 2013-14	S & P Equipment 5025 S Packard Ave Cudahy, WI 53110 Salvatore Purpora, Owner			
Coin Machine Operator 2013-14	Primegamez, LLC 943 Hunter Dr, #56 Racine, WI 53406 Daniel Takerian, Owner			
Coin Machine Operator 2013-14	Winners Amusements & Video Game Service 2310 S Green Bay Rd, C-344 Racine, WI 53406 Michael A. Fox, Owner			
Coin Machine Operator 2013-14	Wisconsin P & P Amusement 12565 Lisbon Rd Brookfield, WI 53005 Michael L. Weigel, Owner			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2012-13	Bostwick, Darrell J 3423 S 60 th St Milwaukee, WI 53219 On the Border			
Operator - New 2012-13	Flasch, Amanda D 28867 Stone Ridge Ct Waterford, WI 53185 Rock Sports Complex			
Operator - Renewal 2013-14	Flasch, Amanda D 28867 Stone Ridge Ct Waterford, WI 53185 Rock Sports Complex			
Operator - New 2012-13	Martinson, Sarah A 1546 S 65 th St West Allis, WI 53214 Rawson Pub			
Operator - New 2012-13	Michalek, Frederick J S69 W25205 Longview Dr Waukesha, WI 53189 Xaverian Missionaries			
Operator - New 2013-14	Augustine, Jessica A 3385 S 99 th Ct Milwaukee, WI 53227 Pick 'n Save – Lovers Lane Rd			
Operator - Renewal 2013-14	Bartolone, Michael J 8041 W Tripoli Ave Milwaukee, WI 53220 On The Border			
Operator - Renewal 2013-14	Bergner, John E 8501 Parkland Dr Franklin, WI 53132 Franklin Civic Celebration			
Operator - New 2013-14	Bieringer, Megan A 8136 W Coventry Dr Franklin, WI 53132 Walgreen – Loomis Ave			
Operator - Renewal 2013-14	Binderim, Aelisha K 1029 E Knapp St, #313 Milwaukee, WI 53202 Target			
Operator - Renewal 2013-14	Braovac, John D 1335 S 124 th St Brookfield, WI 53005 Croatian Park			
Operator - New 2013-14	Brown, Timothy J 1516 Marion Ave South Milwaukee, WI 53172 Croatian Park			
Operator - Renewal 2013-14	Davison, Barbara J 6931 S Phyllis Ln Franklin, WI 53132 Pick n Save – Lovers Lane Rd			
Operator - Renewal 2013-14	Drought, Caroline N 10506 W Euclid Ave West Allis, WI 53227 Pick n Save – Lovers Lane Rd			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - Renewal 2013-14	Ellis, Nicole L 7331 W Wind Lake Rd Wind Lake, WI 53185 Discount Cigarettes & Liquor			
Operator - Renewal 2013-14	Falk, Diane M 4505 S 124 th St New Berlin, WI 53151 Cross Roads Pizza & Subs			
Operator - Renewal 2013-14	Falk, Michael D 10440 W Scharles Ave Hales Corners, WI 53130 Cross Roads Pizza & Subs			
Operator - Renewal 2013-14	Fletcher, Heather E 5345 S Tuckaway Lane, #6 Greenfield, WI 53221 Walgreen – Loomis Road			
Operator - Renewal 2013-14	Gagliano, Eric M 3723 Meadow Rose Ct Franksville, WI 53126 The Bowery Bar & Grill			
Operator - Renewal 2013-14	Gidlund, Tanya J 5001 S 40 th St Greenfield, WI 53221 Walgreen – Loomis Road			
Operator - Renewal 2013-14	Godec, Maxine J 5160 S Oakridge Dr New Berlin, WI 53146 Cross Roads Pizza & Subs			
Operator - New 2013-14	Grass, Randy 9056 W Elm Ct, Unit F Franklin, WI 53132 Franklin Civic Celebration			
Operator - Renewal 2013-14	Haase, Jody L 2431 W Carroll Ave Oak Creek, WI 53154 7-Eleven			
Operator - Renewal 2013-14	Haase, Jeremy J 11811 W Rawson Ave Franklin, WI 53132 Discount Cigarettes & Liquor			
Operator - Renewal 2013-14	Hall, Nicole A 1983 S 83 rd St West Allis, WI 53219 Polish Center of Wisconsin			
Operator - Renewal 2013-14	Hart, Desirea D 2588A, S Burrel St Bayview, WI 53207 Hodach Citgo			
Operator - Renewal 2013-14	Haussy, Jennifer N 4410 S Placid Dr Greenfield, WI 53220 7-Eleven			
Operator - Renewal 2013-14	Hodach, Daniel P 4520 Empire Ln Waterford, WI 53185 Hodach Citgo			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2013-14	Irwin, Kelly J 416 3 Mile Rd, #1B Racine, WI 53402 Pick 'n Save – Lovers Lane Rd			
Operator - Renewal 2013-14	Jennings, Jenny L 8232 S 88 th St Franklin, WI 53132 Irish Cottage			
Operator - Renewal 2013-14	Johnson, Sandra J 6158 S Swift Ave Cudahy, WI 53110 Discount Cigarettes & Liquor			
Operator - Renewal 2013-14	Kalebic, Donna J 6200 N Bay Ridge Ave Whitefish Bay, WI 53217 Eric's Setback			
Operator - Renewal 2013-14	King, Kathleen A 8524 6 th Mile Rd Caledonia, WI 53108 Walgreen – Loomis Road			
Operator - Renewal 2013-14	Kleczka, Julie A 6860 S Highfield Dr Oak Creek, WI 53154 Root River Center			
Operator - Renewal 2013-14	Knackert, Robert A 9049 S 83 rd St Franklin, WI 53132 Franklin Civic Celebration			
Operator - Renewal 2013-14	Koefel, Jacob A 11507 W Church St Franklin, WI 53132 Cross Roads Pizza & Subs			
Operator - Renewal 2013-14	Kowalski, Kristin J 11210 W 6 th Mile Road Franksville, WI 53126 Hodach Citgo			
Operator - Renewal 2013-14	Larscheidt, Sharon J 11126 W Ryan Road Franklin, WI 53132 Pick 'n Save – Lovers Lane Rd			
Operator - Renewal 2013-14	Levenhagen, Brittney S 6516 S 35 th St Franklin, WI 53132 Rawson Pub			
Operator - New 2013-14	Madsen, Susan M 2305 Blake Ave Racine, WI 53404 Pick 'n Save – Lovers Lane Rd			
Operator - Renewal 2013-14	Marquardt, Shelly L 2733 N Maple Rd Burlington, WI 53105 Hodach Citgo			
Operator - Renewal 2013-14	Mast, Amy L 8349 S Newbury Dr, #1708 Oak Creek, WI 53154 Irish Cottage			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2013-14	McDonald, Michelle R 718 S 112 th St West Allis, WI 53214 Pantheon Family Restaurant			
Operator - Renewal 2013-14	Megna, Anthony M 10321 W Church St Franklin, WI 53132 Franklin Civic Celebration			
Operator - Renewal 2013-14	Palma, Jessica R 3455 S 56 th St Milwaukee, WI 53219 Michaelangelo's Pizza			
Operator - Renewal 2013-14	Peters, Ryan J 7206 W Plainfield Ave Greenfield, WI 53220 Walgreen – Loomis Road			
Operator - Renewal 2013-14	Pilipovic, Vedrana 3965 S 76 th St., #7 Milwaukee, WI 53220 Andy's on Rawson			
Operator - Renewal 2013-14	Rainwater, Jeanne A 2604 W LeRoy Ave Milwaukee, WI 53221 Staybridge Suites			
Operator - Renewal 2013-14	Reichl, Michael B 7557 Drake Lane Franklin, WI 53132 Franklin Civic Celebration			
Operator - Renewal 2013-14	Rozeck, Jenna K 2669 S 92 nd St West Allis, WI 53227 Cross Roads Pizza & Subs			
Operator - Renewal 2013-14	Rozeck, Jessica L 2669 S 92 nd St West Allis, WI 53227 Cross Roads Pizza & Subs			
Operator - Renewal 2013-14	Rozewicz, Christine A 8123 S Legend Dr #A Franklin, WI 53132 Rawson Pub			
Operator - Renewal 2013-14	Sawinski, Brian K 8137 S 47 th St Franklin, WI 53132 Franklin Civic Celebration			
Operator - Renewal 2013-14	Schmitt, Sloan T 10224 W Forest Home Ave #3A Hales Corners, WI 53130 Romey's Place			
Operator - Renewal 2011-12	Spranger, Margaret M 3536 County Road H, #4 Franksville, WI 53126 Walgreen – Loomis Road			
Operator - Renewal 2013-14	Steingold, Dale E 1832 108 th St Franksville, WI 53126 Staybridge Suites			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - Renewal 2013-14	Stricharchuk, Nicholas R 2429A S. Austin St Milwaukee, WI 53207 Target			
Operator - Renewal 2013-14	Toetz, Timothy R 7461 Hill Valley Ct Greendale, WI 53129 Rounding Third Pizzeria			
Operator - Renewal 2013-14	Tyson, Lynda J 6813 Crocus Ct, #2 Greendale, WI 53129 Hodach Citgo			
Operator - Renewal 2013-14	Welch, Alisha R 1555 S 56 th St West Allis, WI 53214 Walgreen – Loomis Road			
Operator - Renewal 2013-14	Wichgers, Amanda M 3536 E Layton Ave, Apt B Milwaukee, WI 53110 Walgreen – Loomis Rd			
Operator - Renewal 2013-14	Zarka, Natasha 8405 S 27 th St Franklin, WI 53132 Toscana Restaurant			
3.	Schedule License Committee meeting			
4.	Adjournment		Time	

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



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Alderman's Room

May 21, 2013 – 5:30 pm

1.	Call to Order & Roll Call	Time		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2013-14 5:45 p.m.	Skeen, Samantha J 9140 W Waterford Sq South Greenfield, WI 53228 The Rock Sports Complex			
Operator - Renewal 2013-14 5:55 p.m.	Mast, Amy L 8349 S Newbury Dr #1708 Oak Creek, WI 53154 Irish Cottage			
Operator - Renewal 2013-14	Brown, Ronalee A 3010 Fifth Ave #4 South Milwaukee, WI 53172 Buckhorn Inn			
Operator - Renewal 2013-14	Fish, Jason M 1425 S Ridgeway Rd New Berlin, WI 53146 Tuckaway Country Club			
Operator - New 2013-14	Fox, Jared M 2605 N Prospect Ave #2 Milwaukee, WI 53211 Tuckaway County Club			
Operator - Renewal 2013-14	Grochowski, Halina 1111 W Rosewood Trail Oak Creek, WI 53154 Buckhorn Inn			
Operator - Renewal 2013-14	Hanley, Erin K 105 Riverview Dr Waterford, WI 53185 Hanley's Grille & Bar			
Operator - Renewal 2013-14	Jackson, Ozzie L Jr 309 Meadowbrook Dr Fredonia, WI 53021 On the Border			
Operator - Renewal 2013-14	Lang, Antoinette M 8423 S 100 th St Franklin, WI 53132 Walgreen - Loomis			
Operator - Renewal 2013-14	Lehman, John B 11871 Woodland Cir Hales Corners, WI 53130 Root River Center			
Operator - New 2013-14	Lehmann, Rebecca R 3445 S 24 th St Milwaukee, WI 53215 Walgreens - Loomis			
Operator - Renewal 2013-14	Lucchesi, Michelle A 2050 W Van Beck Ave Milwaukee, WI 53221 Tuckaway County Club			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator – Renewal 2013-14	Magolan, Michael J W125 S8583 Countryview Ct Muskego, WI 53150 Tuckaway Country Club			
Operator - Renewal 2013-14	Matuszak, Jan E 7520 S Manitowoc Oak Creek, WI 53154 Tuckaway Country Club			
Operator - Renewal 2013-14	Page, Andrew M 2616 N Fredrick Ave #213 Milwaukee, WI 53211 Tuckaway Country Club			
Operator - Renewal 2013-14	Ruszkiewicz, Nathan J 222 S Third St #205 Milwaukee, WI 53204 Rawson Pub			
Operator - Renewal 2013-14	Schaefer, Amanda J 3272 S Quincy Ave Milwaukee, WI 53207 Tuckaway Country Club			
Operator - Renewal 2013-14	Schaefer, Lisa K 212 S Barclay St #303 Milwaukee, WI 53204 Tuckaway Country Club			
Operator - Renewal 2013-14	Schnell, Jason C 1612 59 th St Kenosha, WI 53140 On the Border			
Operator - Renewal 2013-14	Turner, Tamara G 2561 E Adams Ct #6 Cudahy, WI 53110 Discount Cigarettes & Liquor			
Operator - Renewal 2013-14	Wainio, Sally A 306 Montana Ave South Milwaukee, WI 53172 The Bowery			
Temporary Class B Wine	Federation of Croatian Societies Inc Father's Day Picnic Person in Charge: John Braovac Location: 9100 S 76 th St Date of event: June 16, 2013			
Temporary Class B Wine	Federation of Croatian Societies Inc Croatian Fest Person in Charge: John Braovac Location: 9100 S 76 th St Date of event: July 20-21, 2013			
Extraordinary Entertainment & Amusement Event	Ragnar Events Relay Madison to Chicago Person in Charge: Andria Huskinson Location: Franklin Streets Date of event: June 7-8, 2013			
3.	Adjournment	Time		

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APPROVAL <i>Slw OR</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/21/13
Bills	Vouchers and Payroll Approval	ITEM NUMBER <i>I.1.</i>

Provided for Council approval is a list of vouchers dated May 21, 2013 Nos. 147133 through 147292 in the amount of \$1,258,254.78.

The net city vouchers for May 21, 2013 are \$1,258,254.78.

Approval is requested for the net payroll dated May 17, 2013 in the amount of \$ 336,793.72.

COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range Nos.147133 through Nos.147292 in the amount of \$ 1,258,254.78 dated May 21, 2013.

Motion approving net payroll dated May 17, 2013 in the amount of \$ 336,793.72.