

<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;">11/13/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF UNITED FINANCIAL GROUP, INC. FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.8.</i></p>

At their meeting on October 24, 2012, the Environmental Commission recommended approval of a Special Exception to certain natural resource provisions of the Unified Development Ordinance. The Environmental Commission's Special Exception Application Review and Recommendation findings form, dated November 2, 2012, is attached.

At their meeting on November 8, 2012, the Plan Commission recommended approval of a Special Exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance, and accepted the findings from the Environmental Commission that are presented in the attached document titled "Standards, Findings, and Decision of the City of Franklin Common Council upon the application of United Financial Group, Inc. for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance".

COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of United Financial Group, Inc. for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

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Standards, Findings and Decision
of the City of Franklin Common Council upon the
Application of United Financial Group, Inc. for a Special
Exception to Certain Natural Resource Provisions
of the City of Franklin Unified Development Ordinance

Whereas, United Financial Group, Inc., having filed an application dated October 8, 2012, 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 November 2, 2012 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 October 24, 2012 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 north of West Puetz Road and west and east of Brenwood Park Drive, zoned Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.), 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 October 8, 2012 by United Financial

Group, Inc., 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, PDD No. 31 was originally approved with a similar amount of natural resource disturbances. Department of City Development staff recommended installation of a sidewalk along West Puetz Road, which will result in disturbances to a wetland.*

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: *NA; or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *The site has been redesigned since its original approval to lessen environmental impacts and to further comply with current UDO standards. The property could not reasonably be used and developed as originally approved under current standards. See the possible alternatives discussion above. The applicant has indicated and demonstrated that there are no reasonable practicable alternatives to the current proposal.*

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

a. be consistent with the existing character of the neighborhood: *The Special Exception will not adversely affect the existing character of the neighborhood. The proposed site plan will provide greater compatibility with the potential commercial development to the west; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The Special Exception will not undermine the enforcement of natural resource protection standards upon neighboring properties as this is a unique situation due to a change in standards since the original approval of the specific development. Neighboring properties are subject to the Natural Resource Protection regulations 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: *The majority of natural resource impacts are to wetland setbacks. The disturbance of these areas will not negatively affect the wetlands located within the subject project area. Structures will not be located within*

wetland buffers, which will be returned to their natural state after construction of the proposed buildings. The impact to the wetland is at the request of Department of City Development staff; and

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The project will meet the original setback requirements of Planned Development District No. 31, which is consistent with the developed areas of the Foresthill Highlands development.*

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: *Impacts to the wetland buffers and setbacks were already envisioned with the original approval of Planned Development District No. 31. The impact to the wetland is at the request of Department of City Development staff for construction of a sidewalk to provide a connection to an adjacent parcel and an anticipated future sidewalk location.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed multi-family development is consistent with the Foresthill Highlands multi-family development already constructed and previously approved by the City of Franklin.*

4. Aesthetics: *The majority of protected natural resources located within the project area will remain. Structures will not be located within the wetland buffers, which will preserve their environmental function and aesthetic value.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The proposed environmental disturbances are similar in scope to the disturbances previously identified on the approved site plan. The degree of noncompliance includes 3,219 square feet of wetland fill, grading within portions of the required 30-foot wetland buffer and 10,367 square feet of wetland setback encroachments.*

6. Proximity to and character of surrounding property: *The subject area has been approved and planned for multi-family development. The current proposed development includes market rate apartments and will be compatible with the future*

commercial development of the property to the west. It will also assist in the transition to adjacent single-family development to the east. The project area is adjacent to and consistent with other PDD No. 31 zoned multi-family development.

7. Zoning of the area in which property is located and neighboring area: *The subject property is zoned PDD No. 31 and abuts PDD No. 31 and PDD No. 21 zoned properties to the north, which allow for multi-family senior development; properties zoned R-8 Multiple-Family Residence District to the south and west; and PDD No. 36 to the west, which is planned for a large-scale retail development.*

8. Any negative affect upon adjoining property: *There will not be a negative effect upon adjoining properties. Storm water management will be provided.*

9. Natural features of the property: *The property contains wetlands, wetland buffers, wetland setbacks, floodplain and steep slopes.*

10. Environmental impacts: *The proposed development will require 3,219 square feet of wetland fill, grading within wetland buffers and encroachment within 10,367 square feet of wetland setbacks.*

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 dated November 2, 2012 and its reference to the report of October 24, 2012 is incorporated herein.*

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

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable

governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for United Financial Group, Inc. 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 _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

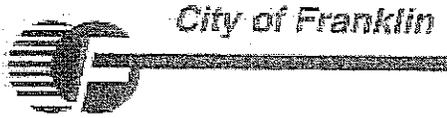
Thomas M. Taylor, Mayor

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: 10/8/12

Property Owner(s)/Legal Entity: UPLP-Puetz Rd LLC Applicant (Legal Business Owner Name): Jon McMurtrie
United Financial Group, Inc.

Address: 660 W Ridgeview Drive Address: 660 W Ridgeview Drive

City: Appleton State: WI Zip: 54911 City: Appleton State: WI Zip: 54911

Phone: 920-968-8100 Fax: 920-731-1696 Phone: 920-968-8100 Fax: 920-731-1696

Email Address: bzoelle@ufgroup.net Email Address: bzoelle@ufgroup.net

Project/Development Name: Foresthill Highlands

Project Description: Residential Community

Project Property Address: W. Puetz Road Project Tax Key No(s): 840 9999 02

Existing Zoning: Pdd No.31 Proposed Zoning: PDD No. 31 Existing Use: Residential Proposed Use: Residential

2025 CMP Land Use Identification*: Residential

* 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%202025Future%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 56 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 Applicant: [Signature] Signature of Property Owner: [Signature], Vice President

Name and Title: ROBERT LOEHE V.P. CONSTANTINOU Name and Title: By: United Apartments, Inc., manager

Date: 10-8-12 Date: 10-8-12

Signature of Property Owner: _____
 Name and Title: _____

FORESTHILL HIGHLANDS

22.6456 ACRE PARCEL

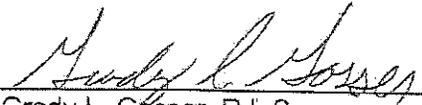
LEGAL DESCRIPTION:

Lot 2, Certified Survey Map No. 7785, recorded in the Office of the Register of Deeds for Milwaukee County on July 12, 2006 as Document No. 09267685, said map being a part of the South 1/2 of the East 1/2 of the Southeast 1/4 of Section 17, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Said Parcel contains 986,443 Square Feet (or 22.6456 Acres) of land, more or less.

Date: 9/05/12




Grady L. Gosser, R.L.S.
Registered Land Surveyor
TRIO ENGINEERING, LLC
17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262)790-1480 Fax: (262)790-1481

Owner's Names & Addresses adjacent to Foresthill Highlands – "Southwest 22.65 acres"

1. 9530 W. Puetz Road

Taxkey: 840 9999 001
Owner: Legend Creek LLC
4635 S. 108th Street
Greenfield, WI 53228

6. 9114 W. Puetz Road

Taxkey: 839 9993 000
Owner: Anthony & Linda Henika
9114 W. Puetz Road
Franklin, WI 53132

2. W. Brenwood Park Drive

Taxkey: 840 9971 014
Owner: CIBM Bank
1930 W. Bluemound Road
Waukesha, WI 53186

7. 9209 W. Puetz Road

Taxkey: 847 9978 000
Owner: Paul J. Ellenbecker Revocable Trust
9209 W. Puetz Road
Franklin, WI 53132

3. W. Highland Park Drive

Taxkey: 840 9971 012
Owner: CIBM Bank
1930 W. Bluemound Road
Waukesha, WI 53186

8. 9243 W. Puetz Road

Taxkey: 847 9979 000
Owner: Gerald & Kathleen Zehetner
9243 W. Puetz Road
Franklin, WI 53132

4. 9230 W. Highland Park Avenue

Taxkey: 840 9971 011
Owner: Franciscan Friars Assumption Bvm Province Inc.
143 E. Pulaski Road
Pulaski, WI 54162

9. 9323 W. Puetz Road

Taxkey: 847 9980 000
Owner: Kevin & Sondra Spiegel
9323 W. Puetz Road
Franklin, WI 53132

5. W. Highland Park Avenue

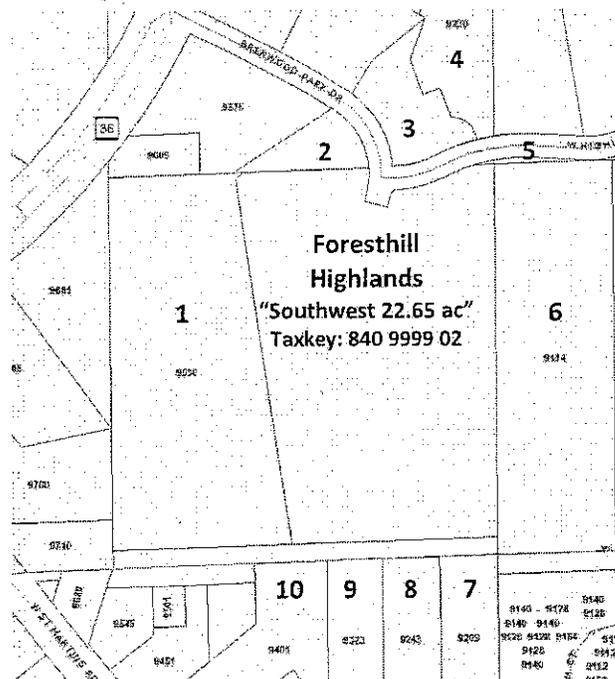
Taxkey: 840 9992 015
Owner: Foresthill Highlands IV LLC
660 W. Ridgeview Drive
Appleton, WI 54911

10. 9401 W. Puetz Road

Taxkey: 847 9981 000
Owner: Alan & Vicki Henry
9401 W. Puetz Road
Franklin, WI 53132

LOCATION MAP

Not to scale



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. 1) Wetland Setbacks: Division 15-8.0605(55) & Division 15-11.0100 defining the wetland setback as 50 feet from a delineated wetland boundary
2) Table 15-4.0100 – regarding 100% protection standard for the 30' Wetland Buffer;
3) Table 15-4.0100 – regarding 100% protection standard for wetlands;

- b. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate. The Special Exceptions being requested for the Wetland Setback and Wetland Buffer protection are to allow the project to be developed in accordance with the property's current PDD No. 31 zoning, which allows for a 30' wetland setback and 15' wetland buffer (after initial grading) as further described herein. The Special Exception for 100% wetland protection is being requested to accommodate the City's new request that this project install a sidewalk along Puetz Road connecting to the sidewalk being proposed as part of the Meijer project.

Wetland Buffer

- PDD No. 31 contains the following wetland buffer language under B.9.a. of Section 2.0: "a 15 foot undisturbed vegetative zone from the wetland edge...., except for initial site grading" be maintained.

- The proposed intent of this project is to continue to meet this provision of PDD No. 31, allowing initial site grading as necessary for initial construction followed by maintaining a minimum 15 foot undisturbed vegetative zone from the wetland edge.

Wetland Setbacks:

- The proposed project maintains a minimum 30' wetland setback in all cases, in conformance with the requirements of Section 2.0B.9.b. of PDD No. 31 and the original approved plan.

- Note that the original approved plan has buildings, parking and portions of the roadway that would be located less than 30' from the wetlands (within the wetland setback).

- There are five (5) locations on the proposed plan where the wetland setback is less than 50'; they are identified on the NRSE Plan as A – E.

A) 7,191 s.f. of wetland setback (between 30' and 50' from the wetland) required for the public street to connect to Puetz Road. The location and design of the public road generally matches the original approved plan and improves on the original design by increasing the wetland setback to at least 30' between the

back of curb and wetland. Note that the original approved design would have required substantially more wetland setback encroachment (5,260 s.f. more).

B) & C) 715 s.f. of wetland setback along the east perimeter of the senior townhomes to accommodate sidewalk and driveway access to the townhomes. The senior townhomes are situated up against the front road setback; the street is situated up against the 30' wetland setback to the west; the wetland setbacks of B and C are minimized to the extent practicable. Note that the original approved plan has a building and paved drive within 30' of the wetland and would result in 5,900 s.f. of wetland setback encroachment.

D) 1,637 s.f. of wetland setback for the southeast corner of the elderly building. Note that the original approved plan had an elderly building in this same area (and within the 50' wetland setback).

E) 824 s.f. of wetland setback for the southern end of the 8-unit Private Entry, Direct Entry Garage, Two-Level Townhome. Note that the original approved plan had pavement within the wetland setback that would result in 8,530 s.f. of wetland setback encroachment.

Wetland Protection

- The City has requested that this project install sidewalk along Puetz Road from the proposed public road intersection west to the Meijer property, connecting to the sidewalk proposed by the Meijer project.

- The wetland boundary extends up to the backslope of Puetz Road; therefore, any sidewalk installation will require a wetland fill and WDNR and Army Corps of Engineers approval.

- The project proposes an integral sidewalk -- curb along the north edge of pavement of Puetz Road to minimize wetland fill to 3,219 s.f. (0.074 acres). The length of the wetland fill is 249 feet; the average width is 12 feet.

c. Statement of the reason(s) for the request.

- Construction of this project will require initial site grading within the 30' wetland buffer in the following locations:

1) The southern half of the public road, where initial site grading will include all areas up to 2' from the wetland boundary.

2) The east side of the southern half of the elderly building, where initial site grading will include all areas up to 2' from the wetland boundary.

3) Portions of the east side of the senior townhomes, most notably along the northern and southern ends, where initial site grading will include areas up to 2' from the wetland boundary.

4) The northern and southern ends of the east side of the Private Entry, Direct Entry Garage, Two-Level Townhome area, where initial site grading will include areas up to 5' from the wetland boundary.

- The proposed project requires select areas of public roadway, building, driveway and sidewalk to be situated within the 50 foot wetland setback, but outside of the 30 foot wetland setback and 15 foot undisturbed vegetative zone. These areas are enumerated as A, B, C, D & E on the NRSE Plan dated October 5, 2012, and are required to support development of the same areas proposed for development in the original approved plan.

- Note that the current plan proposes significantly less wetland setback encroachment than the original approved plan.

- Note that the wetland boundaries delineated in 2012 are slightly larger than the original wetland boundaries, most notably along the east perimeter of the site and around the central wetland "finger". This change in the wetland boundary has resulted in some of the wetland setback encroachments identified herein.

- The City has requested that this project install a sidewalk along Puetz Road from the public roadway west to the Meijer development. The City's objective is to provide safe pedestrian access along Puetz Road from the Meijer area to Brenwood Park Drive & W. Highland Park Avenue and adjoining areas.

- The existing wetland boundary extends up to the backslope of Puetz Road; therefore, the area of wetland along Puetz Road, within the public right-of-way, will need to be filled to install a sidewalk, as illustrated on the NRSE Plan.

- d. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

1) Background and Purpose of the Project.

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.

United Financial Group, Inc. (UFG) is proposing a revised site plan for the southwest 22.65 acres of the Foresthill Highlands Senior Community located along Puetz Road. UFG currently has the approvals per PDD No. 31 to construct 344 senior units at this location. The 344 senior units were planned to be comprised of three 2-story, 40-unit elderly buildings, and three 3-story elderly buildings.

The revised design consists of 286 units and four different types of housing, which has resulted in decreased density and augmented architecture. This design is also in conformance with the current Unified Development Ordinance. The northeast portion of the site would contain a 130-unit elderly building that would begin as a 3-story structure on the North side, and transition to two stories to respect the concerns of the neighbor to the East. The northern portion of the building is representative of the Highlands Community that was recently approved in the City of Mequon. UFG has transitioned in the past 5 years to building contiguous

communities which house all the amenity areas, as they are preferred by our residents. The services of AG Architecture were procured to design a building footprint that would appear as a cluster of smaller buildings to the surrounding residents and visitors.

The Senior Townhome component consisting of 24-units contained within four 2-story buildings is planned for the Southeast portion of the 22.65 acre parcel. The neighbor to the East, as well as the neighbors to the South of Puetz Road would benefit from the decreased massing of the townhomes relative to the previously approved elderly building.

The change from elderly housing to high-end market rate units on the west side of the parcel was necessary to accommodate the rear elevation, immediately adjacent truck access, and loading docks of a big box retailer. The existing approved development of three 3-story elderly buildings directly adjacent to and facing the proposed retail big box is no longer feasible or economically viable. The southwest portion of the parcel is now planned for 42 units of private entry garage, two-level market-rate rental townhomes. The floor plans and architecture are based on the Lakeview Townhomes Condo project constructed and sold by UFG in the city of Woodbury, MN. The Clubhouse and pool for the community would be located south of the cul-de-sac. Ninety units of three story market-rate rental residences with elevators, underground parking, garages, and surface parking are planned for the northwest portion of the site.

The decreased density, improved architecture, and varied living options make this plan more viable in today's economic environment, and allow the project to exist synergistically with the proposed Meijer Store. If the proposed revised site plan is approved, UFG would be willing to commit to breaking ground on at least thirty of the market-rate residences in 2013.

- (b) State whether the project is an expansion of an existing work or new construction. The project is a continuation of the Foresthill Highlands community developed under PDD No. 31, which began construction in 2001 and has incrementally continued to develop through present day. Note that PDD No. 31 dictated that the project be constructed in phases.

A portion of the grading and culvert installation for the Puetz Road intersection was completed in prior years when new watermain

was installed in Puetz Road; a majority of the remaining southwest area will be new construction.

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose. PDD No. 31 and the associated approved site plans proposed a public road network and building and parking lot layout predicated on a 30 foot wetland setback, allowed for initial site grading within the wetland buffer and created a 15 foot wide vegetative zone around the wetlands after initial development.

- Since the time of approval, the wetlands have grown in size, which in part leads to wetland setback encroachments for the site plan.

- Imposing a 50 foot wetland setback and 30 foot wetland buffer to a site that was approved with 30 foot wetland setbacks and no wetland buffer for initial site grading would adversely restrict the ability to develop by compressing the buildable areas to less than the minimum widths necessary for the proposed buildings. Note that the proposed plan provides greater wetland setbacks than the original approved plan provides.

- The City is requiring the public road to connect through to Puetz Road with the intersection in the location shown on the plan. To accomplish this, encroachments in the wetland setback and initial site grading within wetland buffer is required.

- The City is requiring a sidewalk to be installed along Puetz Road to connect to the Meijer sidewalk to the west. The wetland boundary extends to the Puetz Road backslope; therefore, a wetland fill is required to construct the sidewalk along Puetz Road.

2) Possible Alternatives.

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

The current proposed site plan improves on the original approved site plan, which was designed and approved with 30 feet wetland setbacks, by situating a majority of the development at least 50 feet from the wetlands and minimizing the amount of development within 30' - 50' of wetland boundaries. In addition, the current proposed site plan revised the location of the proposed public road and building sites to ensure that a minimum 30' wetland setback was provided in all cases; given that the wetlands have grown since initial approval, the original approved plan would have encroached in the 30 foot setback from the new wetland boundaries in several areas.

- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback. - The current proposed site plan redesigned the proposed public road to provide a minimum 30 foot wetland setback; the original approved plan encroached within the 30 foot setback of the new wetland boundaries, as shown on the Site Development Comparison Plan. Site constraints, including the location of the Puetz Road intersection, dictate that the public roadway be located within 50 feet of the wetland.
- As an improvement to the original approved plan, on the current proposed plan: 1) The Senior Townhomes and Elderly Building were situated up against the front setback of the public street to increase the setback from the wetlands to the east; 2) The Private Entry, Direct Entry Garage, Two-Level Townhomes were condensed and situated at least 50 feet from the surrounding wetlands (with the exception of the entry area, which maintains a minimum 30 foot wetland setback).
- If the City were to waive the request for a proposed sidewalk along Puetz Road to connect to the sidewalk on the Meijer property, the proposed project would not require the filling of 3,219 s.f. of wetland area.
- Please refer to the Site Development Comparison Plan for an illustration of how the current proposed plan was designed to provide improved wetland setbacks and buffers as compared to the original approved plan.
- (c) State how the project may be made smaller while still meeting the project's needs.
- The current proposed plan has made the original approved Foresthill Highlands community smaller, reducing the total number of units and density of the overall project.
- The current proposed plan situates smaller senior townhomes in the southeast corner of the site in lieu of the larger elderly building on the original approved plan to facilitate a minimum 30 foot wetland setback for the public roadway and buildings; without this change, the wetland setback encroachment for the original approved plan would be much larger.
- The proposed buildings have been situated up against the interior public road setbacks to maximize wetland separation and increase wetland buffer protection as compared to the original approved plan.
- (d) State what geographic areas were searched for alternative sites.

Existing senior communities in Brookfield, Menomonee Falls, and New Berlin. This site was selected in 1998 and approvals of PDD No. 31 were granted in 2000 for this senior housing community in the City of Franklin.

(e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area. This site is an extension of PDD No. 31 and fits with our Highlands Community total build out master plan, with modifications to accommodate the adjacent Meijer retail use.

(f) State what will occur if the project does not proceed. If the current proposed project does not proceed, the property owner would be limited to developing under PDD No. 31 and the original approved plans, which includes three story elderly buildings along the back side of the Meijer retail property on the west side of the proposed public road.

- The original approved plans, developed under PDD No. 31, would result in significantly closer wetland setbacks and more wetland buffer disturbance (as allowed by PDD No. 31) than the current proposed plans, which were designed to provide increased wetland setbacks and wetland buffer protection.

- The originally approved three story elderly buildings along the west side of the public street, now facing the loading dock and backside of the Meijer building, would no longer be financially feasible and would therefore be deferred indefinitely. This will result in a tax base reduction of \$14 million with annual real estate tax revenue of \$335,000, based on existing assessments of Foresthill Highlands. The development of the elderly buildings on the east side of the proposed public street would be deferred at least six years, which equates to \$8 million of tax base with annual real estate tax revenue of \$191,000.

- Further impact to not proceeding is loss of jobs for construction, maintenance and administration of the proposed development and buildings.

3) Comparison of Alternatives.

(a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

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

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

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

4) Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

We have proactively updated the current proposed site plan to adjust roadway, building, pavement and sidewalk locations to avoid impacts to the 30 foot wetland setback area and maximize the amount of development meeting a 50 foot wetland setback. This design effort results in the current proposed plan having approximately 0.5 acres less wetland setback encroachments (based on a 50 foot wetland setback) as compared to the original approved plan (which is allowed a 30 foot wetland setback through PDD No. 31).

5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

- The wetland buffer and 50' wetland setback areas are entirely comprised of cropped fields (currently corn and soybeans).

- Approximately 15 years ago, the prior owners stripped the top 12 to 18 inches of soil from a majority of this parcel for use in an unrelated construction project (note that this predates Foresthill Highlands' involvement). Only the wetland areas were not stripped.

- The wetland fill area for the proposed sidewalk along Puetz Road is located between what the delineator describes as "shrub-carr" and a "disturbed fresh (wet) meadow."

6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to

the following functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species. No impact
- b) Storm and flood water storage. Flood water storage will need to be compensated for to accommodate the Puetz Road sidewalk installation. The proposed location for compensatory floodplain storage is along the southwest perimeter of the Private Entry, Direct Entry Garage, Two-Level Townhomes.
- c) Hydrologic functions. No impact
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances. No impact
- e) Shoreline protection against erosion. No impact
- f) Habitat for aquatic organisms. No impact
- g) Habitat for wildlife. No impact. The proposed wetland fill required for the Puetz Road sidewalk installation will impact an area located entirely within the Puetz Road right-of-way and adjacent to the roadside backslope. The location of this wetland fill area next to the roadway and characteristics of it make it likely to be used on a transient basis rather than a permanent basis. Fauna living in this general area and seeking wetland habitat most likely utilize the larger wetland areas along the creek to the west.
- h) Human use functional value. No impact, with the exception of the proposed wetland fill for the Puetz Road sidewalk, which will result in an improved human functional value by providing safer pedestrian access between residential areas and the Meijer retail area.
- i) Groundwater recharge/discharge protection. No impact
- j) Aesthetic appeal, recreation, education, and science value. No impact
- k) Specify any State or Federal designated threatened or endangered species or species of special concern. No State or Federally threatened or endangered species are present.
- l) Existence within a Shoreland. No impact
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. No impact

- 7) Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

The proposed project will minimize and/or avoid disturbance within 75 feet of the creek to the west. The project has been designed to meet WDNR and City standards and will follow WDNR and Army Corps of Engineers permits to ensure protection of public interest in the water of the State.



PROJECT:
FORESTHILL HIGHLANDS
 SOUTHWEST DEVELOPMENT
 CITY OF FRANKLIN, WI
 BY: Inland Environmental Group, Inc.
 660 W. Ridgeway Drive
 Appleton, WI 54911

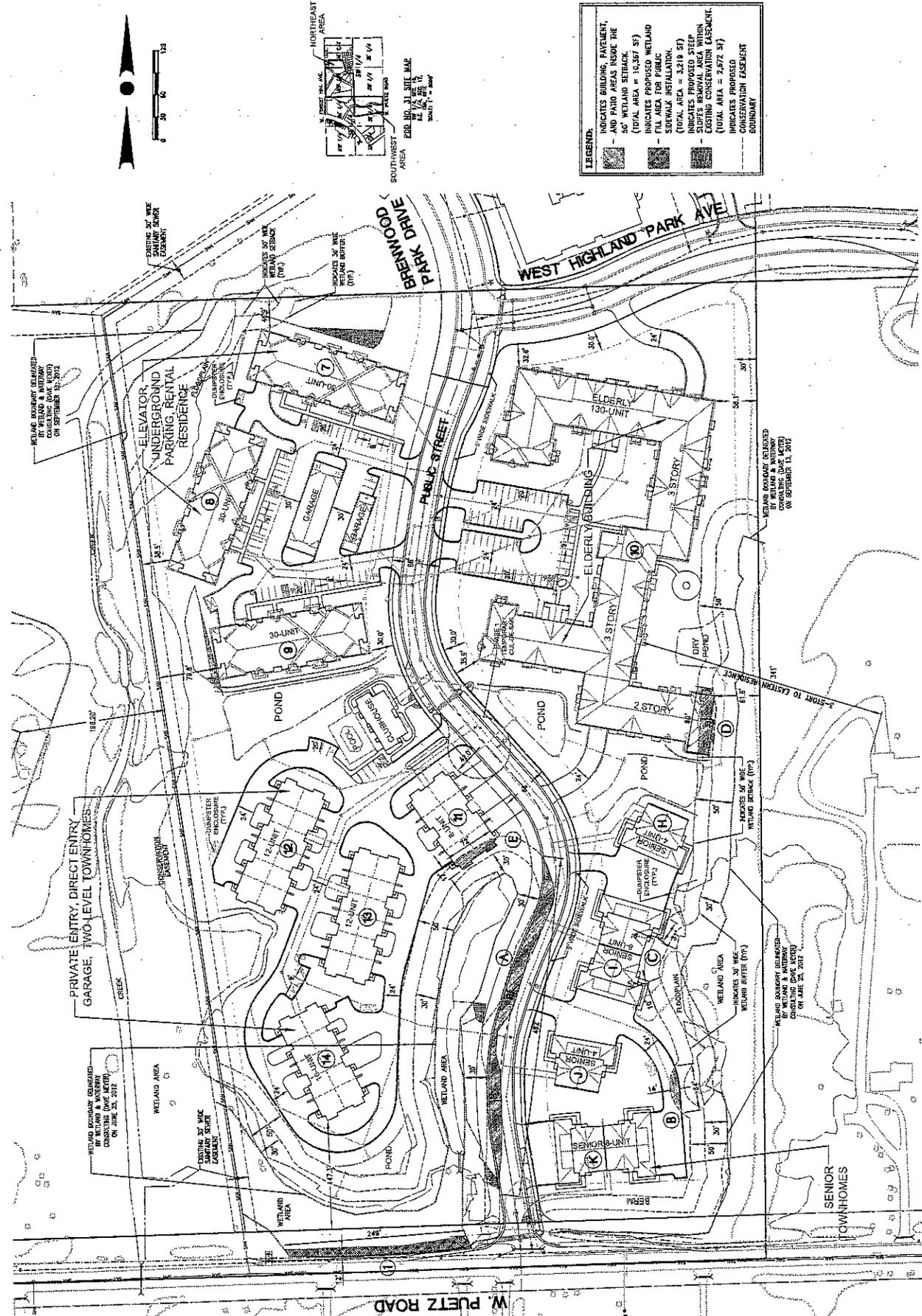
REVISION HISTORY	
NO. DATE	
1 08/20/12	ISSUE FOR PERMITS
2 08/20/12	ISSUE FOR PERMITS
3 08/20/12	ISSUE FOR PERMITS
4 08/20/12	ISSUE FOR PERMITS
5 08/20/12	ISSUE FOR PERMITS
6 08/20/12	ISSUE FOR PERMITS
7 08/20/12	ISSUE FOR PERMITS
8 08/20/12	ISSUE FOR PERMITS
9 08/20/12	ISSUE FOR PERMITS
10 08/20/12	ISSUE FOR PERMITS

DATE:
 OCTOBER 18, 2012

JOB NUMBER:
 97012

DESCRIPTION:
 NATURAL
 RESOURCE SPECIAL
 EXCEPTION PLAN

SHEET
EXHIBIT
B-B

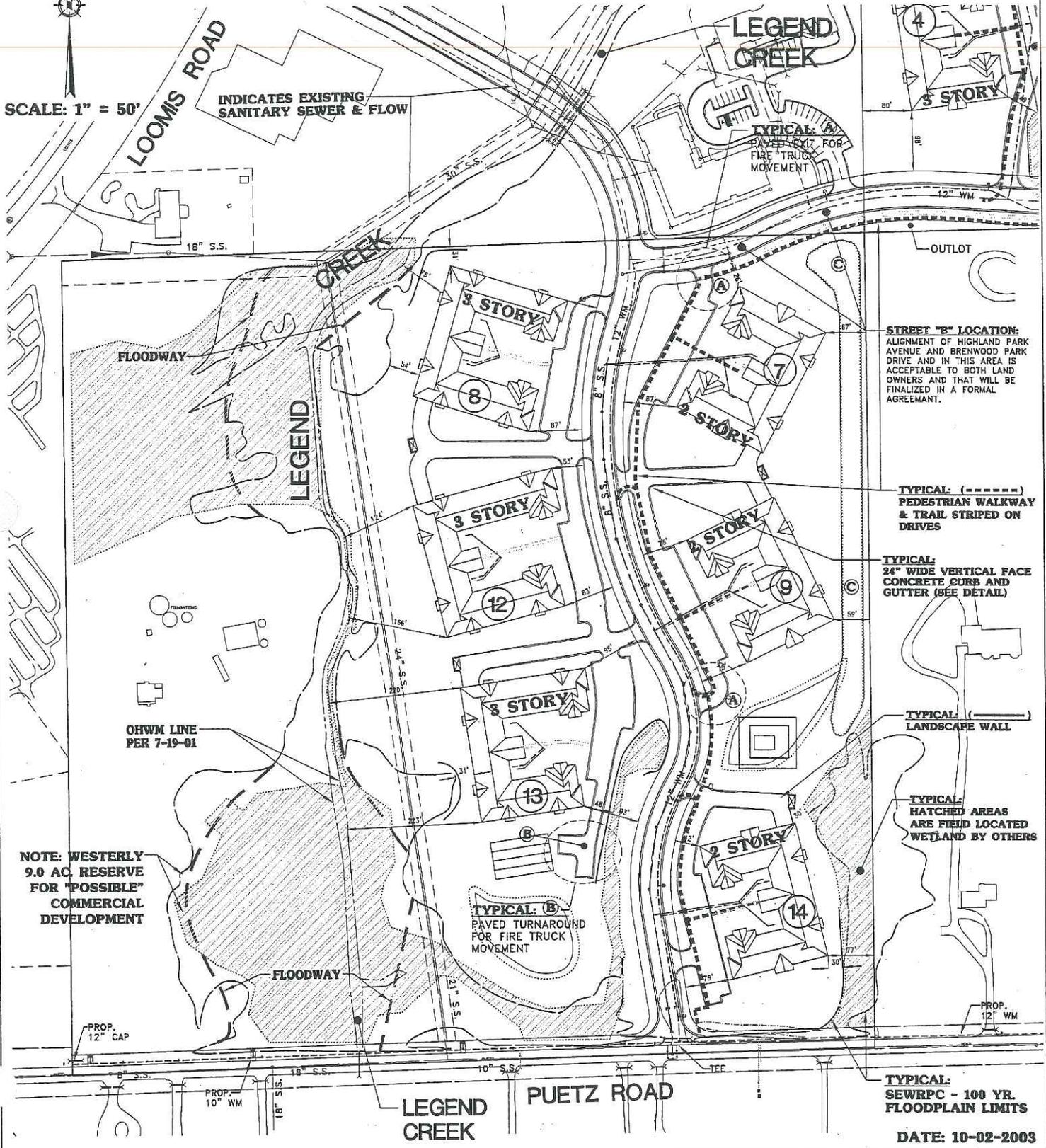


LEGEND:
 - INDICATES BUILDING FOOTPRINT, AND PAVING AREAS INSIDE THE 50' WETLAND SETBACK (TOTAL AREA = 10,367 SF)
 - INDICATES PROPOSED WETLAND FILL AREA FOR PUBLIC SEWERLINE INSTALLATION (TOTAL AREA = 3,219 SF)
 - INDICATES REMOVAL AREA WITHIN EXISTING CONSERVATION EASEMENT (TOTAL AREA = 2,472 SF)
 - INDICATES PROPOSED CONSERVATION EASEMENT BOUNDARY

EXHIBIT C-C FOR FORESTHILL HIGHLANDS



SCALE: 1" = 50'



INDICATES EXISTING
SANITARY SEWER & FLOW

TYPICAL (A)
PAVED EXIT FOR
FIRE TRUCK
MOVEMENT

STREET "B" LOCATION:
ALIGNMENT OF HIGHLAND PARK
AVENUE AND BREWOOD PARK
DRIVE AND IN THIS AREA IS
ACCEPTABLE TO BOTH LAND
OWNERS AND THAT WILL BE
FINALIZED IN A FORMAL
AGREEMENT.

TYPICAL: (-----)
PEDESTRIAN WALKWAY
& TRAIL STRIPED ON
DRIVES

TYPICAL:
24" WIDE VERTICAL FACE
CONCRETE CURB AND
GUTTER (SEE DETAIL)

TYPICAL: (---)
LANDSCAPE WALL

TYPICAL:
HATCHED AREAS
ARE FIELD LOCATED
WETLAND BY OTHERS

TYPICAL (B)
PAVED TURNAROUND
FOR FIRE TRUCK
MOVEMENT

NOTE: WESTERLY
9.0 AC. RESERVE
FOR "POSSIBLE"
COMMERCIAL
DEVELOPMENT

TYPICAL:
SEWRPC - 100 YR.
FLOODPLAIN LIMITS

DATE: 10-02-2003

City of Franklin Environmental Commission

TO: Common Council
 DATE: November 2, 2012
 RE: Special Exception application review and recommendation
 APPLICATION: United Financial Group, Inc., Applicant, dated: October 8, 2012

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:
 - 1) *Wetland Setbacks: Division 15-8.0605(55) & Division 15-11.0100 defining the wetland setback as 50 feet from a delineated wetland boundary*
 - 2) *Table 15-4.0100 – regarding 100% protection standard for the 30' Wetland Buffer;*
 - 3) *Table 15-4.0100 – regarding 100% protection standard for wetlands;*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

The Special Exceptions being requested for the Wetland Setback and Wetland Buffer protection are to allow the project to be developed in accordance with the property's current PDD No. 31 zoning, which allows for a 30' wetland setback and 15' wetland buffer (after initial grading) as further described herein. The Special Exception for 100% wetland protection is being requested to accommodate the City's new request that this project install a sidewalk along Puetz Road connecting to the sidewalk being proposed as part of the Meijer project.

Wetland Buffer

- PDD No. 31 contains the following wetland buffer language under B.9.a. of Section 2.0: "a 15 foot undisturbed vegetative zone from the wetland edge, except for initial site grading" be maintained.

- The proposed intent of this project is to continue to meet this provision of PDD No. 31, allowing initial site grading as necessary for initial construction followed by maintaining a minimum 15 foot undisturbed vegetative zone from the wetland edge.

Wetland Setbacks:

- The proposed project maintains a minimum 30' wetland setback in all cases, in conformance with the requirements of Section 2.0B.9.b. of PDD No. 31 and the original approved plan.

- Note that the original approved plan has buildings, parking and portions of the roadway that would be located less than 30' from the wetlands (within the wetland setback).

- There are five (5) locations on the proposed plan where the wetland setback is less than 50'; they are identified on the NRSE Plan as A – E.

A) 7,191 s.f. of wetland setback (between 30' and 50' from the wetland) required for the public street to connect to Puetz Road. The location and design of the public road generally matches the original approved plan and improves on the original design by increasing the wetland setback to at least 30' between the back of curb and wetland. Note that the original approved design would have required substantially more wetland setback encroachment (5,260 s.f. more).

B) & C) 715 s.f. of wetland setback along the east perimeter of the senior townhomes I, J and K to accommodate sidewalk and driveway access to the townhomes. The senior townhomes are situated up against the front road setback; the street is situated up against the 30' wetland setback to the west; the wetland setbacks of B and C are minimized to the extent practicable. Note that the original approved plan has a building and paved drive within 30' of the wetland and would result in 5,900 s.f. of wetland setback encroachment.

D) 1,637 s.f. of wetland setback for the southeast corner of the elderly building (Building 10). Note that the original approved plan had an elderly building in this same area (and within the 50' wetland setback).

E) 824 s.f. of wetland setback for the southern end of Building 11. Note that the original approved plan had pavement within the wetland setback that would result in 8,530 s.f. of wetland setback encroachment.

Wetland Protection

- The City has requested that this project install sidewalk along Puetz Road from the proposed public road intersection west to the Meijer property, connecting to the sidewalk proposed by the Meijer project.

- The wetland boundary extends up to the backslope of Puetz Road; therefore, any sidewalk installation will require a wetland fill and WDNR and Army Corps of Engineers approval.

- The project proposes an integral sidewalk – curb along the north edge of pavement of Puetz Road to minimize wetland fill to 3,219 s.f. (0.074 acres). The length of the wetland fill is 249 feet; the average width is 12 feet.

3. Applicant's reason for request:

- Construction of this project will require initial site grading within the 30' wetland buffer in the following locations:

- 1) The southern half of the public road, where initial site grading will include all areas up to 2' from the wetland boundary.
- 2) The east side of the southern half of Building 10, the elderly building, where initial site grading will include all areas up to 2' from the wetland boundary.
- 3) Portions of the east side of senior townhomes H, I, J and K, most notably along the northern and southern ends, where initial site grading will include areas up to 2' from the wetland boundary.
- 4) The northern and southern ends of the east side of the Building 11, 12, 13 and 14 area, where initial site grading will include areas up to 5' from the wetland boundary.

- The proposed project requires select areas of public roadway, building, driveway and sidewalk to be situated within the 50 foot wetland setback, but outside of the 30 foot wetland setback and 15 foot undisturbed vegetative zone. These areas are enumerated as A, B, C, D & E on the NRSE Plan revision dated October 16, 2012, and are required to support development of the same areas proposed for development in the original approved plan.

- Note that the current plan proposes significantly less wetland setback encroachment than the original approved plan.

- Note that the wetland boundaries delineated in 2012 are slightly larger than the original wetland boundaries, most notably along the east perimeter of the site and around the central wetland "finger". This change in the wetland boundary has resulted in some of the wetland setback encroachments identified herein.

- The City has requested that this project install a sidewalk along Puetz Road from the public roadway west to the Meijer development. The City's objective is to provide safe pedestrian access along Puetz Road from the Meijer area to Brenwood Park Drive & W. Highland Park Avenue and adjoining areas.

- The existing wetland boundary extends up to the backslope of Puetz Road; therefore, the area of wetland along Puetz Road, within the public right-of-way, will need to be filled to install a sidewalk, as illustrated on the NRSE Plan.

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

- 1) Background and Purpose of the Project.

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.

United Financial Group, Inc. (UFG) is proposing a revised site plan for the southwest 22.65 acres of the Foresthill Highlands Senior Community located along Puetz Road. UFG currently has the approvals per PDD No. 31 to construct 344 senior units at this location. The 344 senior units were planned to be comprised of three 2-story, 40-unit elderly buildings, and three 3-story elderly buildings.

The revised design consists of 286 units and four different types of housing, which has resulted in decreased density and augmented architecture. As with the previous design, a public road provides access to the site and continuity between Puetz Road and West Highland Park Avenue. A public sidewalk extends west to the property line along West Puetz Road to connect to the proposed Meijer store sidewalk. The northeast portion of the site would contain a 130-unit elderly building (Building 10) that would begin as a 3-story structure on the North side, and transition to two stories to respect the concerns of the neighbor to the East. The northern portion of the building is representative of the Highlands Community that is currently under construction in the City of Mequon. UFG has transitioned in the past 5 years to building contiguous communities which provide all elderly residents with direct access to the interior amenity areas, as they are preferred by our tenants. The services of AG Architecture were procured to design a building footprint that would appear as a cluster of smaller buildings to the surrounding residents and visitors.

The Senior Townhome component consisting of 24-units contained within four 2-story buildings (Buildings H – K) is planned for the Southeast portion of the 22.65 acre parcel. The neighbor to the East, as well as the neighbors to the South of Puetz Road would benefit from the decreased massing of the townhomes relative to the previously approved elderly building.

The change from elderly housing to high-end market rate units (Building 7 – 9) on the west side of the parcel was necessary to accommodate the rear elevation, immediately adjacent truck access, and loading docks of a big box retailer. The existing approved development of three 3-story elderly buildings directly adjacent to and facing the proposed retail big box is no longer feasible or economically viable. The western facades of the three elderly buildings were planned to parallel the property line, which

would result in decreased rents for a large number of the units, as they would have direct views of the big box structure and loading docks. In contrast, the new buildings have been designed and oriented in a way to minimize the number of units with direct views of the big box and loading docks. Residents of Highlands Senior Communities are typically retired, which means they are at home most of the day. Therefore the noise associated with a store of this magnitude and the proximity of the loading docks with the accompanying daytime delivery activity would affect their ability to enjoy their homes when they are most active during the daylight hours. Seniors are also less tolerant of visual obstructions, as many of them are renting for the first time in their lives and prefer the park-like atmosphere our communities typically provide. The southwest portion of the parcel is now planned for four two-level market-rate rental townhome buildings with private entry garages (Buildings 11 – 14) totaling 42 units. The floor plans and architecture are based on the Lakeview Townhomes Condo project constructed by UFG in the city of Woodbury, MN. The Clubhouse and pool for the community would be located directly north of the market-rate townhomes, and west of the public road. Three thirty unit buildings with market-rate rental residences constructed of an all masonry brick exterior, with elevators, underground parking, garages, and surface parking are planned for the northwest portion of the site. The 30 unit market rate residence buildings consist of 40% 1,400 sq. ft. two bedroom/two bathroom units with huge private balcony/patio; 33% 850 sq. ft. large one bedroom; 17% two bedroom/one bathroom; and 10% 1,150 sq. ft. two bedroom/two bathroom residences.

The decreased density, improved architecture, and varied living options make this plan more viable in today's economic environment, and allow the project to exist synergistically with the proposed Meijer Store. If the proposed revised site plan is approved, UFG would be willing to commit to breaking ground on a thirty unit building of the market-rate residences and the Club House in 2013.

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

The project is a continuation of the Foresthill Highlands community developed under PDD No. 31, which began construction in 2001 and has incrementally continued to develop through present day. Note that PDD No. 31 dictated that the project be constructed in phases.

A portion of the grading and culvert installation for the Puetz Road intersection was completed in prior years when new

watermain was installed in Puetz Road; a majority of the remaining southwest area will be new construction.

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

PDD No. 31 and the associated approved site plans proposed a public road network and building and parking lot layout predicated on a 30 foot wetland setback, allowed for initial site grading within the wetland buffer and created a 15 foot wide vegetative zone around the wetlands after initial development.

- Since the time of approval, the wetlands have grown in size, which in part leads to wetland setback encroachments for the site plan.

- Imposing a 50 foot wetland setback and 30 foot wetland buffer to a site that was approved with 30 foot wetland setbacks and no wetland buffer for initial site grading would adversely restrict the ability to develop by compressing the buildable areas to less than the minimum widths necessary for the proposed buildings. Note that the proposed plan provides greater wetland setbacks than the original approved plan provides.

- The City is requiring the public road to connect through to Puetz Road with the intersection in the location shown on the plan. To accomplish this, encroachments in the wetland setback and initial site grading within wetland buffer is required.

- The City is requiring a sidewalk to be installed along Puetz Road to connect to the Meijer sidewalk to the west. The wetland boundary extends to the Puetz Road backslope; therefore, a wetland fill is required to construct the sidewalk along Puetz Road.

2) Possible Alternatives.

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

The current proposed site plan improves on the original approved site plan, which was designed and approved with 30 feet wetland setbacks, by situating a majority of the development at least 50 feet from the wetlands and minimizing the amount of development within 30' – 50' of wetland boundaries. In addition, the current

proposed site plan revised the location of the proposed public road and building sites to ensure that a minimum 30' wetland setback was provided in all cases; given that the wetlands have grown since initial approval, the original approved plan would have encroached in the 30 foot setback from the new wetland boundaries in several areas.

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

- The current proposed site plan redesigned the proposed public road to provide a minimum 30 foot wetland setback; the original approved plan encroached within the 30 foot setback of the new wetland boundaries, as shown on the Site Development Comparison Plan. Site constraints, including the location of the Puetz Road intersection, dictate that the public roadway be located within 50 feet of the wetland.

- As an improvement to the original approved plan, on the current proposed plan: 1) The Senior Townhomes (Buildings H – K) and Elderly Building (Building 10) were situated up against the front setback of the public street to increase the setback from the wetlands to the east; 2) The Private Entry, Direct Entry Garage, Two-Level Townhomes (Buildings 11 – 14) were condensed and situated at least 50 feet from the surrounding wetlands (with the exception of the entry area, where Building 11 maintains a minimum 30 foot wetland setback).

- If the City were to waive the request for a proposed sidewalk along Puetz Road to connect to the sidewalk on the Meijer property, the proposed project would not require the filling of 3,219 s.f. of wetland area.

- Please refer to the Site Development Comparison Plan for an illustration of how the current proposed plan was designed to provide improved wetland setbacks and buffers as compared to the original approved plan.

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

- The current proposed plan has made the original approved Foresthill Highlands community smaller, reducing the total number of units and density of the overall project.

- The current proposed plan situates smaller senior townhomes (Buildings H – K) in the southeast corner of the site in lieu of the larger elderly building on the original approved plan to facilitate a minimum 30 foot wetland setback for the public roadway and buildings; without this change, the wetland setback encroachment for the original approved plan would be much larger.

- The proposed buildings have been situated up against the interior public road setbacks to maximize wetland separation and increase wetland buffer protection as compared to the original approved plan.

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

Existing senior communities in Brookfield, Menomonee Falls, and New Berlin. This site was selected in 1998 and approvals of PDD No. 31 were granted in 2000 for this senior housing community in the City of Franklin.

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

This site is an extension of PDD No. 31 and fits with our Highlands Community total build out master plan, with modifications to accommodate the adjacent Meijer retail use.

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

If the current proposed project does not proceed, the property owner would be limited to developing under PDD No. 31 and the original approved plans, which includes three story elderly buildings along the back side of the Meijer retail property on the west side of the proposed public road.

- *The original approved plans, developed under PDD No. 31, would result in significantly closer wetland setbacks and more wetland buffer disturbance (as allowed by PDD No. 31) than the current proposed plans, which were designed to provide increased wetland setbacks and wetland buffer protection.*

- *The originally approved three story elderly buildings along the west side of the public street, now facing the loading dock and backside of the Meijer building, would no longer be financially feasible and would therefore be deferred indefinitely. This will result in a tax base reduction of \$14 million with annual real estate*

tax revenue of \$335,000, based on existing assessments of Foresthill Highlands. The development of the elderly buildings on the east side of the proposed public street would be deferred at least six years, which equates to \$8 million of tax base with annual real estate tax revenue of \$191,000.

- Further impact to not proceeding is loss of jobs for construction, maintenance and administration of the proposed development and buildings.

3) Comparison of Alternatives.

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

The applicant has stated that the proposed amendment contains less natural resource disturbances than the original site plan. The applicant is proposing to fill a portion of a wetland to accommodate a new public sidewalk requested by City staff.

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

City of Franklin staff requested the Brenwood Park Drive extension to West Puetz Road and the installation of a sidewalk along West Puetz Road.

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

Wetlands have expanded since the original approval of the Foresthill Highlands development. The site has been redesigned to provide improved wetland setbacks and buffers compared to the original approved site plan.

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

See the Possible Alternatives discussion above.

- 4) Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The applicant has proactively updated the current proposed site plan to adjust roadway, building, pavement and sidewalk locations to avoid impacts to the 30 foot wetland setback area and maximize the amount of development meeting a 50 foot wetland setback. This design effort results in the current proposed plan having approximately 0.5 acres less wetland setback encroachments (based on a 50 foot wetland setback) as compared to the original approved plan (which is allowed a 30 foot wetland setback through PDD No. 31).

- 5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

- The wetland buffer and 50' wetland setback areas are entirely comprised of cropped fields (currently corn and soybeans).

- Approximately 15 years ago, the prior owners stripped the top 12 to 18 inches of soil from a majority of this parcel for use in an unrelated construction project (note that this predates Foresthill Highlands' involvement). Only the wetland areas were not stripped.

- The wetland fill area for the proposed sidewalk along Puetz Road is located between what the delineator describes as "shrub-carr" and a "disturbed fresh (wet) meadow."

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 impact.*
2. Storm and flood water storage: *Flood water storage will need to be compensated for to accommodate the Puetz Road sidewalk installation. The proposed location for compensatory floodplain storage is along the southwest perimeter of the Private Entry, Direct Entry Garage, Two-Level Townhomes (near Building 14).*
3. Hydrologic functions: *NO impact.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *NO impact.*

5. Shoreline protection against erosion: *NO impact.*
6. Habitat for aquatic organisms: *NO impact.*
7. Habitat for wildlife: *NO impact. The proposed wetland fill required for the Puetz Road sidewalk installation will impact an area located entirely within the Puetz Road right-of-way and adjacent to the roadside backslope. the location of this wetland fill area next to the roadway and characteristics of it make it likely to be used on a transient basis rather than a permanent basis. Fauna living in this general area and seeking wetland habitat most likely utilize the larger wetland areas along the creek to the west.*
8. Human use functional value: *NO impact, with the exception of the proposed wetland fill for the Puetz Road sidewalk, which will result in an improved human functional value by providing safer pedestrian access between residential areas and the Meijer retail area.*
9. Groundwater recharge/discharge protection: *NO impact.*
10. Aesthetic appeal, recreation, education, and science value: *NO impact.*
11. State or Federal designated threatened or endangered species or species of special concern: *NO State or federally threatened or endangered species are present.*
12. Existence within a Shoreland: *NO impact.*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *NO impact.*

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): *PDD No. 31 was originally approved with a similar amount of natural resource disturbances. Department of City Development staff recommended installation of a sidewalk along West Puetz Road, which will result in disturbances to a wetland.*
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: ; or
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *The site has been redesigned since its original approval to lessen environmental impacts and to further comply with current UDO standards. The property could not reasonably be used and developed as originally approved under current standards. See the possible alternatives discussion above. The applicant has indicated and demonstrated that there are no reasonable practicable alternatives to the current proposal.*
3. The Special Exception, including any conditions imposed under this Section will:
- a. be consistent with the existing character of the neighborhood: *The Special Exception will not adversely affect the existing character of the neighborhood. The proposed site plan will provide greater compatibility with the potential commercial development to the west.* ; and
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The Special Exception will not undermine the enforcement of natural resource protection standards upon neighboring properties as this is a unique situation due to a change in standards since the original approval of the specific development. Neighboring properties are subject to the Natural Resource Protection regulations 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: *The majority of natural resource impacts are to wetland setbacks. The disturbance of these areas will not negatively affect the wetlands located within the subject project area. Structures will not be located within wetland buffers, which will be returned to their natural state after construction of the proposed buildings. The impact to the wetland is at the request of Department of City Development staff.* ; and
 - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The project will meet the original setback requirements of Planned Development District No. 31, which is consistent with the developed areas of the Foresthill Highlands development.*
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: *Impacts to the wetland buffers and setbacks were already envisioned with the original approval of Planned Development District No. 31. The impact to the wetland is at the request of Department of City Development staff for construction of a sidewalk to provide a connection to an adjacent parcel and an anticipated future sidewalk location.*
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed multi-family development is consistent with the Foresthill Highlands multi-family development already constructed and previously approved by the City of Franklin.*
4. Aesthetics: *The majority of protected natural resources located within the project area will remain. Structures will not be located within the wetland buffers, which will preserve their environmental function and aesthetic value.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *The proposed environmental disturbances are similar in scope to the disturbances previously identified on the approved site plan. The degree of noncompliance includes 3,219 square feet of wetland fill, grading within portions of the required 30-foot wetland buffer and 10,367 square feet of wetland setback encroachments.*
6. Proximity to and character of surrounding property: *The subject area has been approved and planned for multi-family development. The current proposed development includes market rate apartments and will be compatible with the future commercial development of the property to the west. It will also assist in the transition to adjacent single-family development to the east. The project area is adjacent to and consistent with other PDD No. 31 zoned multi-family development.*
7. Zoning of the area in which property is located and neighboring area: *The subject property is zoned PDD No. 31 and abuts PDD No. 31 and PDD No. 21 zoned properties to the north, which allow for multi-family senior development; properties zoned R-8 Multiple-Family Residence District to the south and west; and PDD No. 36 to the west, which is planned for a large-scale retail development.*

8. Any negative effect upon adjoining property: *There will not be a negative effect upon adjoining properties. Storm water management will be provided.*
9. Natural features of the property: *The property contains wetlands, wetland buffers, wetland setbacks, floodplain and steep slopes.*
10. Environmental impacts: *The proposed development will require 3,219 square feet of wetland fill, grading within wetland buffers and encroachment within 10,367 square feet of wetland setbacks.*

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: *None*

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 October, 2012.

Dated this 2nd day of November, 2012.



Daniel Andrés, Chairman

Attest:

Wesley Cannon, Vice-Chairman

 **CITY OF FRANKLIN** 
REPORT TO THE ENVIRONMENTAL COMMISSION

Meeting of October 24, 2012

Natural Resource Special Exception

Project Name:	Natural Resource Special Exception (NRSE) Request for the Foresthill Highlands Planned Development District (PDD)
Project Location:	North of West Puetz Road, west and east of Brenwood Park Drive
Applicant:	Bob Zoelle, United Financial Group, Inc.
Zoning:	Planned Development District (PDD) No. 31, Foresthill Highlands
Use of Surrounding Properties:	Brenwood Park PDD to the north; Foresthill Highlands PDD to the northeast; Single-family residences on property zoned R-8 Multifamily Residential District to the south and east; and the Meijer PDD to the west;
2025 Comprehensive Plan:	Residential
Applicant Action Requested:	Recommendation to the Plan Commission for approval of the requested Natural Resource Special Exception (NRSE)

INTRODUCTION:

The applicant is requesting approval of a Natural Resource Special Exception (NRSE) from the City's Natural Resource Protection Standards to develop the southwest 22.64 acres of the Forest Hill Highlands Planned Development District (PDD) with 286 residential dwelling units consisting of one 3-story elderly building (130-units), four 2-story senior townhouse buildings (24 units), three 3-story market rate buildings (90 units), and four 2-story market rate townhouse buildings (42 units).

For this Natural Resource Special Exception request, the applicant is requesting approval to (1) fill 3,219 square feet of a wetland; (2) grade within portions of the the required 30-foot landscape buffer; and (3) construct various public infrastructure and site improvements within 10,421 square feet of the 50-foot wide wetland setback. The applicant has concurrently filed a PDD Amendment Application with the Department of City Development, requesting approval to modify the Forest Hill Highlands site plan so that the southwest 22.64 acres of the PDD can be developed as stated herein. (The previous approval for the subject 22.64 acres contained 344 senior residential dwelling units).

It should be noted that the Forest Hill Highlands PDD was approved in 2000, prior to implementation of the City's required 30-foot wide wetland buffer and 50-foot wide wetland setback. As such, Forest Hill Highlands has been developed utilizing a 30-foot wide wetland setback and 15-foot wetland buffer, as permitted by condition No. 9 of Section B of Ordinance

No. 2000-1620. The PDD allows grading within the 30-foot wide wetland setback, as long as the 15-foot wetland buffer is returned to its natural state. However, since the applicant is requesting approval of a Major PDD Amendment, current natural resource protection standards must be adhered to, unless a Natural Resource Special Exception (NRSE) is granted.

HISTORY:

On November 14, 2000, the Common Council adopted Ordinance No. 2000-1620, approving a Planned Development District (PDD) known as Foresthill Highlands, containing 616 senior apartment units, 64 senior townhouse units, 20 single-family residential lots, and one community center building on approximately 94 acres of property, generally located south of West Forest Hill Avenue, and east and west of West Highland Park Avenue. On August 14, 2001, the Common Council adopted Ordinance No. 2001-1669, approving a PDD Amendment to Foresthill Highlands to modify the number of buildings and their location in order to better protect the natural resources on the property. The Common Council adopted Ordinance No. 2002-1694 on February 5, 2002, approving a PDD amendment to change the alignment of West Highland Park Avenue. On November 19, 2002, the Common Council adopted Ordinance No. 2002-1731, rezoning the planned 20-lot single-family subdivision from PDD No. 31 to R-5 Single-Family Residential District. Since the Foresthill Highlands PDD was originally approved in 2000, 200 senior apartment dwelling units inside four buildings have been constructed on the property.

On February 16th, 2010, the Common Council adopted Ordinance No. 2010-1993, approving a PDD Amendment that (1) shifted the location of Buildings 500 and 600 farther away from a wetland that grew after the PDD was approved and to modify the design of Building 500, reducing its total number of units from 48 to 40. At that meeting, the Common Council also approved a Natural Resource Special Exception request to partially fill a wetland that expanded in size since the Common Council approved the Forest Hill Highlands Planned Development District in November, 2000.

On April 19, 2011, the Common Council adopted Ordinance No. 2011-2040, approving a Comprehensive Master Plan Amendment to change property located at the southeast corner of West Forest Hill Avenue and West Highland Park Avenue, in and adjacent to PDD No. 31, from Residential to Residential Multi-Family. At that meeting, the Common Council also adopted Ordinance No. 2011-2041, approving a Minor Planned Development District Amendment to allow zero-foot lot line setbacks from interior property lines for buildings and parking areas, and to shift the northeastern boundary of the District 60 feet to the west, thereby reducing the District by 9,721.7 square feet. In addition, the Common Council adopted Ordinance No. 2011-2042, rezoning property located at the southeast corner of West Forest Hill Avenue and West Highland Park Avenue, in and adjacent to PDD No. 31, to the R-7 Two-Family Residence District.

On July 24, 2012, the Common Council adopted Ordinance No. 2012-2083, approving a PDD Amendment to allow for the removal of an approximately 15.1-acre parcel of land from PDD No. 31.

On September 10, 2012, Mr. Bob Zoelle filed a PDD Amendment Application with the Department of City Development, requesting approval to revise the approved Forest Hill

Highlands site plan and to develop the southwest area of PDD No. 31 with a mix of market rate apartments with no age restrictions and with senior housing.

NATURAL RESOURCE PROTECTION PLAN:

Trio Engineering has submitted a Natural Resource Protection Plan (NRPP) that identifies wetlands, wetland buffers, wetland setbacks, FEMA 100-year floodplain and areas of steep slopes on the subject 22.64-acre parcel.

Wetland & Waterway consulting has provided two wetland delineation reports for the subject parcel. Wetland & Waterway consulting conducted a field assessment on June 25, 2012 to identify and delineate the wetlands on the property.

According to the reports, the subject parcel contains four wetland complexes, as described below:

1. Wetland Complex No. 1: A swale complex (already described in Section 1 above) that includes a combination of shallow water marsh, shrub-carr and disturbed fresh (wet) meadow located in the center southwest corner of the site. It extends for undetermined distances offsite to the west and north.
2. Wetland Complex No. 2: A shallow water marsh surrounded by a band of lowland hardwood trees and shrubs that is located on the eastern perimeter of the site. It extends offsite for undetermined distances to the east and north.
3. Wetland Complex No. 3: A shrub-carr that is located on the eastern perimeter of the site. It connects to the second wetland complex, and extends offsite for undetermined distances to the east and south.
4. Wetland Complex No. 4: A small stand of shallow water marsh with scattered lowland hardwood trees and shrubs. It is located in the northwest corner of the site.

The 100-year flood plain boundary delineation identified on the NRPP came from FEMA Map Nos. 55079C0144E and 55079C0143E.

According to the NRPP, the 22.64-acre parcel contains 0.52 acres of steep slope areas within the 10% to 19% range. The applicant is proposing to grade/fill 2,672 square feet of the steep slope area on the subject parcel, which is equivalent to 0.06 acres. Table 15-4.0100 allows up to a 40% disturbance of steep slopes that fall within the 10% to 19% range. As such, no Special Exception is required for the proposed disturbances to areas with steep slopes. No information was provided on the origin of the steep slope contour information.

It should be noted that the submitted NRPP does not reference the total acreage of the wetlands, wetland buffers, wetland setbacks and floodplain on the subject 22.64-acre parcel. As such, staff has asked the applicant to provide this information prior to the Plan Commission meeting.

PROJECT DESCRIPTION/NRSE REQUEST:

For this Natural Resource Special Exception request, the applicant is requesting approval to:

1. Fill 3,219 square feet of a wetland (Wetland Complex No. 1) located immediately north of West Puetz Road, in the center southwest corner of the site, for the purpose of constructing a sidewalk that was proposed by staff in this area. The sidewalk is planned to be built between the proposed Meijer development and the Foresthill Highlands development.

The applicant must obtain approval from the Wisconsin Department of Natural Resources and Army Corps of Engineers for the proposed wetland fill. According to Table 15-4.0100 of the UDO, wetland mitigation is not permitted for residential projects. However, the Environmental Commission and/or Plan Commission can recommend mitigation for residential projects at their discretion. The applicant is not proposing any mitigation for the wetland fill.

2. Grade within portions of the required 30-foot landscape buffer in the following areas:
 - North of West Puetz Road;
 - South of Building 11;
 - East of Buildings 10, 13, 14, H, I, J and K; and
 - West of Buildings H, I, J and K.

These areas abut Wetland Complex Nos. 1 through 3. (No grading is proposed adjacent to Wetland Complex No. 4). The applicant has indicated that all disturbed areas within 15 feet of the wetland edges will be re-vegetated and returned to their natural state following site grading activities. According to Table 15-4.0100 of the UDO, wetland buffer mitigation is not permitted for residential projects to offset grading and/or filling activities in wetland buffers. However, the Environmental Commission and/or Plan Commission can recommend mitigation for residential projects at their discretion. The applicant is not proposing any mitigation for the grading activities proposed within the wetland buffer area.

3. Construct various public infrastructure and site improvements within the 50-foot wetland setback (i.e., the area between 30 and 50 feet from the wetland), as described below:
 - Site A (Wetland Complex No. 1 Vicinity): 7,191 square feet of wetland setback required for Brenwood Park Drive to connect to Puetz Road. The location and design of the public road generally matches the approved site plan and increases the wetland setback to at least 30 feet between the back of curb and wetland. According to the applicant, the original design would have required substantially more wetland setback encroachment (i.e., 5,260 square feet more).
 - Sites B and C (Wetland Complex No. 2 Vicinity): 715 square feet of wetland setback along the east perimeter of Buildings I, J and K (i.e., the senior townhomes) to accommodate sidewalk and driveway access to the townhomes.

- Site D (Wetland Complex No. 3 Vicinity): 1,637 square feet of wetland setback for the southeast corner of Building No. 10 (i.e., the elderly building).
- Site E (Wetland Complex No. 1 Vicinity): 824 square feet of wetland setback for the southern end of Building No. 11 (i.e., the eight-unit market rate townhouse building).
- Various locations: 54 square feet of wetland setback for retaining walls throughout the subject parcel.

No improvements are proposed adjacent to Wetland Complex No. 4.

According to the applicant, the proposed site plan affects significantly less wetland setback encroachments than the original approved plan. The applicant is not proposing any mitigation for the infrastructure improvements proposed within the wetland setback areas.

MITIGATION:

Section 15-4.0103(A) of the UDO states that the intent of the mitigation standards is not to provide for or allow mitigation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the natural resources features on a site, when balanced against the benefit of the proposed development to the community, considering practicable alternatives available for the development, render strict application of the natural resource protection regulations to such natural resource features to be unreasonable and that such natural resources features may be better preserved and/or enhanced by using a more permissive mitigation approach, so that the functional values of natural resource features will be preserved or enhanced in co-existence with development.

Section 15-4.0103(C) also states that offsite mitigation may be permitted by the Plan Commission provided that such offsite mitigation occurs within the same watershed as the natural resource feature, or property, being mitigated, and the Plan Commission determines that on-site mitigation is unavailable or less beneficial to the environment than the mitigation proposed to occur offsite. Off-site mitigation outside of the same subwatershed as the natural resource feature or property being mitigated, may be permitted by the Plan Commission provided that such off-site mitigation occurs within the City and the Plan Commission determines that off-site mitigation within the same subwatershed is unavailable or less beneficial to the functional values of the natural resource feature type being mitigated or less beneficial to the environment or to living creatures than the mitigation proposed to occur outside of the same subwatershed.

The applicant is not proposing any mitigation to offset the wetland, wetland buffer and wetland setback disturbances. Although mitigation is not a requirement of the UDO in this instance, the Environmental Commission may recommend through conditions that the applicant provide mitigation to offset the wetland, wetland buffer and wetland setback disturbances. If the Environmental Commission recommends mitigation, staff suggests that it be done at a ratio of 1.5 acres for every one acre of disturbance, since the UDO calls for this ratio whenever wetland and wetland buffer mitigation is required. Using this ratio, the amount of mitigation for this project would equal 20,379 square feet, or 0.47 acres (13,586 square feet *1.5 acres) for the wetland and wetland setback areas. (The applicant did not provide an estimate of the affected wetland buffer acreage). Mitigation can target the impacted wetland/wetland buffers/wetland

setbacks, another wetland/wetland buffer/wetland setback on the property, or a wetland located on another property.

It should be noted that staff requested the proposed Puetz Road sidewalk. As such, the disturbances to Wetland Complex No. 1 and a portion of its buffer area were not originally proposed by the applicant.

CONCLUSION:

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. *Also attached is a document titled "City of Franklin Environmental Commission" that the Environmental Commission must complete and forward to the Common Council.* The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

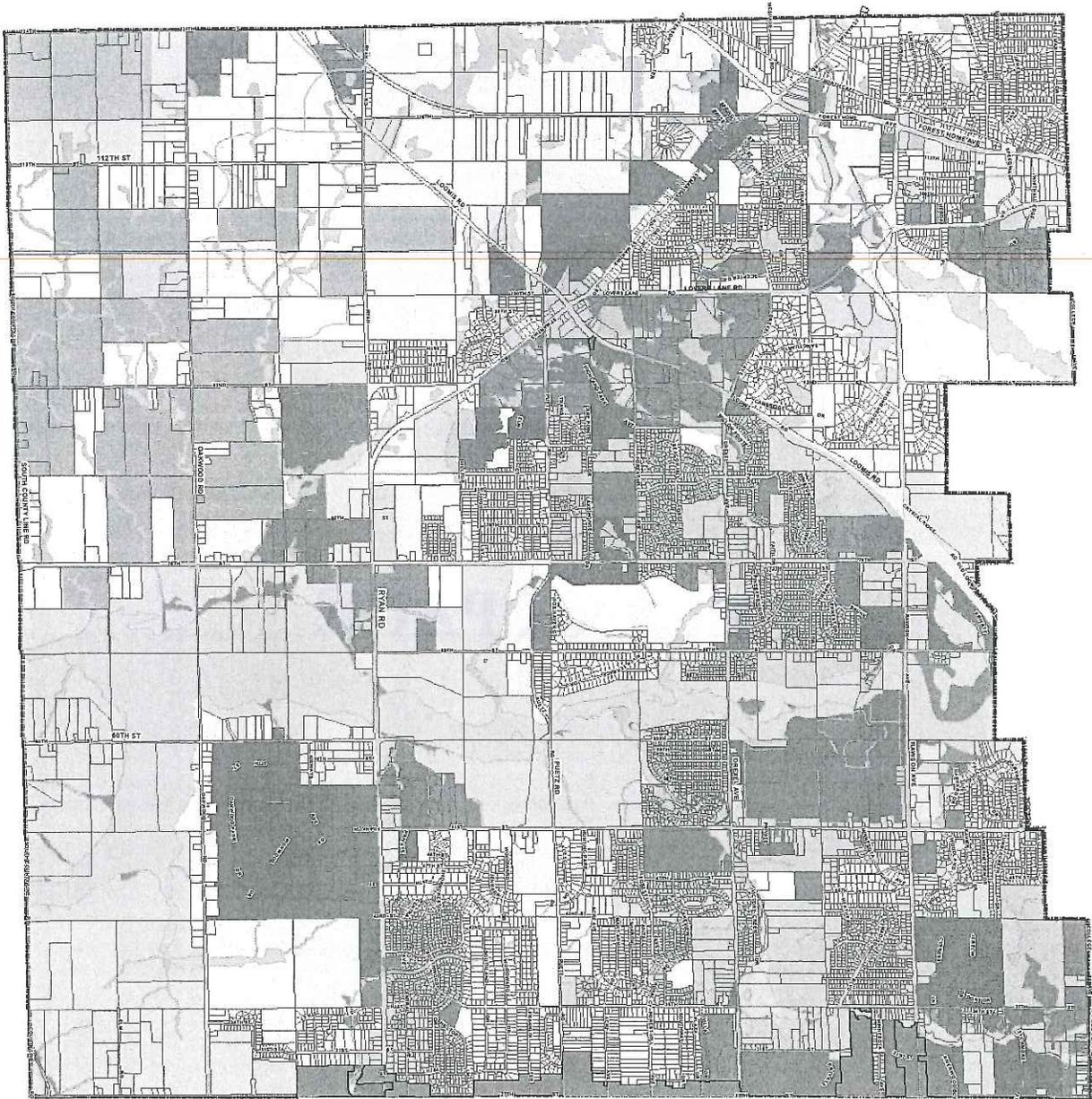
<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>11/13/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8641 "CIVIC, SOCIAL, AND FRATERNAL ASSOCIATIONS" TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT (LAWRENCE D. NELDNER, TRUSTEE, SOUTH SHORE LODGE #3 FREE AND ACCEPTED MASONS OF WISCONSIN, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>6.9.</i></p>

At their meeting on November 8, 2012, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations" to allow for such use as a permitted use in the B-4 South 27th Street Mixed-Use Commercial District (Lawrence D. Neldner, Trustee, South Shore Lodge #3 Free and Accepted Masons of Wisconsin, Applicant).

COUNCIL ACTION

A motion to approve Ordinance No. 2012-_____ adopting an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations" to allow for such use as a permitted use in the B-4 South 27th Street Mixed-Use Commercial District (Lawrence D. Neldner, Trustee, South Shore Lodge #3 Free and Accepted Masons of Wisconsin, Applicant).

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City of Franklin B-4 South 27th Street Mixed Use Commercial District

LEGEND							
	B-4 South 27th Street Mixed Use Commercial District						
Other Zoning Districts							
Legend							
	B-2		FC		PDD		R-6
	B-3		FFO		R-1		R-7
	B-5		FW		R-2		R-8
	H		H-1		R-3		RC-1
	A-1		B-7		M-1		R-3E
	A-2		BP		M-2		VR
	B-1		C-1		P-1		R-4
							R-5

This map shows the approximate vertical location of property boundaries that were not prepared by a professional land survey. This map is provided for informational purposes only and may not be suitable or appropriate for legal, engineering or surveying purposes.

0 250 500 750 1,000 Feet

City of Franklin
 Planning Department
 5223 W. Linden St.
 Franklin, OH 43024
 www.franklin.gov
 614.325.1000



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ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION
TITLE NO. 8641 "CIVIC, SOCIAL, AND FRATERNAL ASSOCIATIONS" TO
ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-4 SOUTH 27TH
STREET MIXED-USE COMMERCIAL DISTRICT
(LAWRENCE D. NELDNER, TRUSTEE, SOUTH SHORE LODGE #3 FREE AND
ACCEPTED MASONS OF WISCONSIN, APPLICANT)

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

WHEREAS, Lawrence D. Neldner, Trustee, South Shore Lodge #3 Free and Accepted Masons of Wisconsin having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations", to allow for such use as a Permitted Use in the B-4 South 27th Street Mixed-Use Commercial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations" as a Permitted Use in the B-4 South 27th Street Mixed-Use Commercial District, and having held a public hearing on the proposal on the 8th day of November, 2012 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations", is hereby amended as follows: insert "P" (Permitted Use) in the B-4 column.

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.

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 _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



REPORT TO THE PLAN COMMISSION

Meeting of November 8, 2012

Unified Development Ordinance Text Amendment and
Minor Site Plan Amendment

RECOMMENDATION: City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment to table 15-3.0603 Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations" to allow for such use as a permitted use in the B-4 South 27th Street Mixed-Use Commercial District and the proposed Minor Site Plan Amendment for property located at 9023 South 27th Street, subject to the conditions of approval in the attached draft ordinance and resolution.

Project Name:	South Shore Lodge # 3 UDO TA & SP M
Project Address:	9023 South 27 th Street
Applicant:	South Shore Lodge #3 Free and Accepted Masons of Wisconsin
Owners (property):	Jeff Puschnig
Current Zoning:	B-4 South 27 th Street Mixed-Use Commercial District
2025 Comprehensive Master Plan:	Mixed Use
Use of Surrounding Properties:	Single-family to the south, commercial to the north and west, and the City of Oak Creek to the east.
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment and Minor Site Plan Amendment for South Shore Lodge #3 Free and Accepted Masons of Wisconsin to locate at 9023 South 27 th Street.

Please note:

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

INTRODUCTION & BACKGROUND:

On October 19, 2012, Lawrence Neldner, Trustee, submitted a Unified Development Ordinance Text Amendment and Minor Site Plan Amendment application on behalf of the South Shore Lodge #3 Free and Accepted Masons of Wisconsin (South Shore Lodge #3 F.&A.M.), requesting approval to relocate their Masonic temple from South Milwaukee into the former Franklin Mechanical building located at 9023 South 27th Street. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 8641, Civic, Social, and Fraternal Associations, which includes fraternal lodges. The B-4 South 27th Street Mixed-Use Commercial District does not currently allow SIC Title No. 8641; therefore, approval of the proposed UDO Text Amendment is necessary to accommodate this use in the B-4 district.

This project also involves a Minor Site Plan Amendment as the applicant is proposing a number of minor site changes. Typically, these types of changes are administratively approved by staff. However, in this instance the applicant also requires approval of a 70 percent parking reduction, which may only be granted by the Plan Commission.

PROJECT DESCRIPTION AND ANALYSIS:

Unified Development Ordinance Text Amendment:

As mentioned in the introduction, the applicant is proposing to amend the Unified Development Ordinance (UDO) at Table 15-3.0603 to add Standard Industrial Classification (SIC) Title No. 8641 Civic, Social, and Fraternal Associations as a permitted use in the B-4 South 27th Street Mixed-Use Commercial District¹.

Table 15-3.0603 of the Unified Development Ordinance (UDO) sets forth those uses, which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The Standard Industrial Classification (SIC) Manual describes SIC Title No.8641, Civic, Social, and Fraternal Associations, as "Membership organizations engaged in civil, social, or fraternal activities." The following specific uses are associated with SIC Title No. 8641 and included in the description:

- Alumni Associations and Club
- Bars and restaurants owned and operated for members of
- Booster clubs
- Business persons clubs, civic and social
- Civic associations
- Community membership clubs, other than amusement and recreation
- Condominium associations, except property management
- Fraternal associations, other than insurance offices
- *Fraternal lodges*
- Fraternities and sororities, except residential
- Homeowner associations, except property management
- Parent-teacher associations
- Signing societies
- Social club, membership
- Taxpayers' associations
- Tenant associations, except property management
- University club
- Veterans' organizations
- Youth associations, except hotel units

¹ Please note the proposed text amendment, if granted, will apply to all properties in the City of Franklin zoned B-4 South 27th Street Mixed Use Commercial District. Please see the attached map of areas in the City of Franklin zoned B-4 South 27th Street Mixed Use Commercial District.

Minor Site Plan Amendment:

As stated above, South Shore Lodge #3 F.&A.M. would like to convert the former Franklin Mechanical Building located at 9023 South 27th Street into a Masonic temple. In addition, the applicant would like to make minor improvements to the site and exterior of the building. Therefore, the applicant is requesting approval of a Minor Site Plan Amendment to stripe additional off-street parking spaces, add additional landscaping, remove an overhead door from the west elevation of the building, and for an approximately 70 percent parking reduction.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) requires one (1) off-street parking space per 50 square feet of gross floor area (GFA) for clubs, lodges or associations. The former Franklin Mechanical Building located at 9023 South 27th Street is approximately 2,000 square feet. Therefore, South Shore Lodge #3 F.&A.M. is required to provide a minimum of forty (40) total off-street parking spaces. The property currently has six (6) off-street parking spaces and a five-car garage, which the former owner (Franklin Mechanical) used for storage/parking of equipment. The applicant is proposing to stripe an additional six off-street parking stalls, for twelve (12) total off-street parking stalls on the property. One (1) of the proposed twelve (12) off-street parking stalls will be handicap accessible, which meets the minimum requirement per Table 15-5.0202(I)(1) of the UDO.

Twelve (12) off-street parking stalls are all the applicant could fit onto the subject property, given its current layout. However, the proposed twelve (12) off-street parking spaces only account for 30 percent of the City of Franklin Unified Development Ordinance (UDO) minimum off-street parking requirement. For this reason, the applicant is requesting a 70 percent parking reduction. According to Section 15-5.0203(B) of the UDO, the Plan Commission may approve a parking reduction below 25 percent of the Standard Parking Ratio. In order to compensate for the lack of parking at 9023 S. 27th Street, the applicant is proposing to share parking with the adjacent El Rancho Motel located on the north side of West Southland Drive. Staff believes South Shore Lodge #3 F.&A.M. has provided reasonably sufficient proof that their proposed shared parking arrangement with the El Rancho Motel meets the requirements of Section 15-5.0203(B)(i)(3) of the UDO.

Landscaping:

The property located at 9023 South 27th Street has two (2) existing evergreen trees, one (1) existing ornamental tree, and thirty-one (31) existing shrubs. The applicant has provided a Landscape Plan, which proposes to add four (4) ornamental trees, and twelve (12) shrubs to the existing landscaping on the property. According to Section 15-5.0302(B)(3) of the City of Franklin Unified Development Ordinance, "The minimum number of plantings shall be 5 per property for each type". The proposed Landscape Plan falls short of the UDO requirements by five (5) shade trees, three (3) evergreen trees, and one (1) ornamental tree. In addition, there are minor discrepancies between the Site Plan and Landscape Plan. Therefore, Staff recommends the applicant submit a revised Landscape Plan to the Department of City Development, which meets the requirements outlined in Section 15-5.0302 of the City of Franklin Unified Development Ordinance, for review and approval by staff prior to issuance of a building permit.

Architecture:

The applicant is proposing to remove an overhead garage door from the west elevation of the building located at 9023 S. 27th Street. This proposed architectural change is part of the applicant's plans to renovate the interior of the building to create a meeting room. The applicant will be closing up the hole left by the overhead door with brick, which will match the existing brick on the building. The applicant is aware that a Building Permit is required for their proposed interior and exterior alterations to the building.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment to table 15-3.0603 Standard Industrial Classification Title No. 8641 "Civic, Social, and Fraternal Associations" to allow for such use as a permitted use in the B-4 South 27th Street Mixed-Use Commercial District and the proposed Minor Site Plan Amendment for property located at 9023 South 27th Street, subject to the conditions of approval in the attached draft ordinance and resolution.

Narrative 9023 South 27th Street
South Shore Lodge #3 F. & A.M.

Lawrence Neldner, Trustee
South Shore Lodge #3 F&AM
Franklin, WI 53132
October 31, 2012

Planning Department
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

Dear Planning Commission:

The members of South Shore Lodge #3 F&AM have been looking for a new home in the South Milwaukee, Cudahy, Oak Creek, and Franklin area. We have found a building that we feel will be the perfect place to relocate to and establish ourselves as part of your community. To do this we need to have Standard Industrial Classification Code No. 8641 (Civic and Social Associations) added as a permitted use in the B-4 South 27th Street Mixed-Use Commercial District and obtain approval for a parking reduction of 70 percent (from 40 to 12) to allow us to use the building we are considering to purchase, it being 9023 S. 27th Street, the old Franklin Mechanical building. At present we have 8-10 regular attending members, several of which car pool to our meetings so our parking requirements are small. To supplement this we have an agreement with the owner of the El Rancho Hotel allowing us to use her excess parking if needed. Our future plans do include obtaining adjacent land to the South if and when said property again becomes available for purchase. This would allow for expansion and much greater parking area.

We plan to change the building by closing up the overhead door on the West side of the building with matching brick as it appears that the brick is still in production. The small door on the West side would be replaced as it is in poor condition and would also need to be brought up to code. Outside lighting would be repaired or replaced with similar lighting if needed. The landscaping will be updated to meet city's requirements. Our final improvement would be a Monument sign along 27th street plans for which will be submitted at a later date once they have been drawn up.

We will not need a garbage enclosure as all our garbage will be removed at end of day by the members since we produce little to no garbage.

If we can obtain the required changes, we plan on using the building as a Masonic temple there to hold meetings, do fraternal work and hold social gatherings for our members. Our meetings are generally on the 2nd and 4th Mondays from 7:00pm to around 10:00pm with the 1st and 3rd Mondays for practice when needed. We also plan to make the building available to the community for use by other small nonprofit organizations like the Girls scouts, Boy scouts, the elderly etc. if the details can be worked out. As such we believe we will be a positive addition to the area and the community. We would also be adding revenue to the local businesses as we usually have food and refreshments after our meetings and there are several fine establishments close by to fulfill this need. As a charitable organization we will be helping with needs in the community that our members feel we should give our assistance too. Some recent examples are; scholarships to local High schools, donations to elder care facilities, purchasing defibrillators for schools, purchasing emergency first aid supplies for local police officers and squad cars.

[Recipient Name]
October 31, 2012
Page 2

With regards to the city's Comprehensive Master Plan we do not feel this change would have any adverse effects and that we would be an asset to the community. We have looked at the new 27th street corridor plans and we have no issues with these proposed plans and would help bring this property in line with those goals.

For those of you who may not know who or what we are, the Free & Accepted Masons are one of the oldest fraternal organizations in the world. As a nonprofit charitable organization our goal is to help the community where we can and to help make good men better.

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i>		11/13/12
Reports & Recommendations	SUBJECT: Private Property Inflow and Infiltration Program— Rawson Homes Subdivision – S. 37 th Place between W. Madison Blvd. and W. Rawson Ave. and S. 36 th Street between W. Madison Blvd. and W. Missouri Ave.	ITEM NO. <i>6.10.</i>

BACKGROUND/ANALYSIS

See memo dated October 31, 2012.

ANALYSIS

See memo dated October 31, 2012.

OPTIONS

Approve
or
Table

FISCAL NOTE

The total cost of the Private Property Inflow and Infiltration will be reimbursed to the City by the Milwaukee Metropolitan Sewerage District (MMSD). Staff will not proceed until the City receives signed approval from MMSD. The estimated cost for the PPII work program is \$262,380 which will be reimbursed by the MMSD. The estimated cost for phase 1 of S. 36th Street PPII work program is \$41,496, which will be reimbursed by the MMSD. The estimated cost of the relining of the mainline sewer on S. 36th Street from W. Missouri Ave. to W. Madison Blvd. is \$45,000 to \$50,000 which will be financed through the sanitary sewer rehab account and has sufficient funds.

RECOMMENDATION

Motion to proceed with the work program for both S. 37th Place and S. 36th Street in the subject area as follows:

- a) Approve the work plan for phase 2 of S. 37th Place subject to MMSD approval to relay or reline 31 of the 33 laterals and to eliminate the foundation drain tiles on 12 homes from the connection to the sanitary sewer including the installation of sump pumps.
- b) Authorize staff to go out for bid for the relay or relining of 31 laterals and the elimination of foundation drains on S. 37th Place on 12 homes.
- c) Approve the work plan for phase 1 at S. 36th Street subject to the MMSD approval which includes dye testing and home inspections.
- d) Authorize staff to go out for bids to install a liner in the sanitary sewer on S. 36th Street from W. Madison Blvd. to W. Missouri Ave. and authorize a letter agreement with Ruekert-Mielke to propose the specifications for said liner.



MEMORANDUM: FROM ENGINEERING

DATE: October 31, 2012

TO: Mayor and Common Council

FROM: John M. Bennett, P.E., City Engineer

SUBJECT: PRIVATE PROPERTY INFLOW AND INFILTRATION PROGRAM – RAWSON HOMES SUBDIVISION

Pursuant to the Milwaukee Metropolitan Sewerage District (MMSD) program to eliminate clear water from private property, staff is in a position to commence phase 2 of the first section of the Rawson Homes Subdivision (S. 37th Place from W. Madison Blvd. to W. Rawson Ave.). As stated earlier, this area contains the oldest sanitary services in the City of Franklin.

The first phase of the Private Property Inflow and Infiltration (PPII) program for S. 37th Place included the closed circuit television (CCTV) of the lateral to the 33 homes, dye testing of each lateral and a home inspection of the homes with basements (about 1/3 of the homes).

The result of the dye lateral testing indicated that 31 of the 33 homes had defective laterals and need to be rehabilitated or relayed. Staff's recommendation is to relay a portion of the laterals from the main sewer line to the foundation where possible or to install a "T" liner from the main line sanitary sewer to the foundation. The "T" liner would be used where it would be difficult to install a new lateral due to an obstruction such as trees or other items that would not want to be damaged with an open trench and the relay would be used where the condition of the lateral was broken, such that a "T" liner would not function properly. The remaining laterals would receive either a "T" liner or relay depending on which was more cost effective. Both processes would be bid to determine the most cost effective. The installation of a "T" liner or lateral relay would be constructed as a public works project awarded to the lowest bidder.

The second part of the S. 37th Place PPII program was to complete home inspections of all the homes that had basements (about 1/3 of the total) to ascertain if the home plumbing was up to current code. To staff's surprise, all of the homes with basements had the basement foundation drain tiles directly connected to the sanitary sewer into the floor drain. These basements have no sump pumps. This was a surprise since the homes were constructed after 1954 when the State plumbing code was changed not allowing foundation drain tiles to be connected to the sanitary sewer. The good news is that the MMSD PPII program will pay for removing the connection of the foundation drains and the installation of sump pumps. Staff recommends that the Council establish a policy that prior to the relay or rehabilitation of the lateral, the property owner separate the foundation drain tiles from the sanitary sewer. The City can, as part of our MMSD program, include the separation and bid out the disconnection and installation of a sump pump. Other communities in the District have completed this process and it has worked well for them. Again, MMSD funds are

available for this work. It is staff's best estimate that the foundations drain tile connection to the sanitary sewer is limited to the Rawson Homes Subdivision which was constructed in the mid 50's (S. 37th Place 1954 and S. 36th Street 1956).

Staff recommends that the Common Council approves the attached work program drafted by Ruekert-Mielke for the second phase of S. 37th Place program as described above and proceed with the bidding subject to approval of the work program by MMSD. The estimated cost of this phase is \$267,780.00 which will be fully reimbursed by the MMSD.

A work program for phase 1 of S. 36th Street between W. Madison Blvd. and W. Missouri Ave. has been drafted by Ruekert-Mielke to proceed with a similar program for the PPII for 32 homes. The only difference in this program as it relates to S. 37th Place is that less dye testing will be conducted. From the experience gained on S. 37th Place, if that lateral has a heavy root intrusion as recorded by CCTV, then it will be assumed to leak and no dye testing will be completed on these laterals. Home inspections will determine if foundation drains are connected to the sanitary sewer. In that S. 36th Street was developed two years after S. 37th Place, it may be possible that the 1954 State code was followed in this area. The estimated cost is \$41,496.00 all of which will be reimbursed by the MMSD.

Staff has tested the mainline sanitary sewer on S. 37th Place, which is a transit pipe (asbestos) sanitary sewer with a laying length of 13 feet and was found to be in good condition. Each joint was air tested and only three (3) joints failed and those have been grouted. Staff also tested the mainline sanitary sewer on S. 36th Street, which was constructed with clay pipe with a laying length of 4 feet, and has found that the whole system has major leaks. It is staff's recommendation that this sanitary sewer be relined. The cost of relining will have to be taken out of the City's rehab program and is estimated to cost \$45,000 to \$50,000. The sanitary sewer fund for 2012 has over \$100,000 available for sewer rehab and the proposed 2013 budget has \$150,000 requested for sanitary sewer rehabilitation. In order to make the sanitary sewer at the connection to the lateral water tight, the sanitary sewer relining must be completed prior to installing the "T" liner.

Based on the above, staff is requesting the Common Council approve the following:

- a) Approve the work plan for phase 2 of S. 37th Place subject to MMSD approval to relay or reline 31 of the 33 laterals and to eliminate the foundation drain tiles on 12 homes from the connection to the sanitary sewer including the installation of sump pumps.
- b) Authorize staff to go out for bid for the relay or relining of 31 laterals and the elimination of foundation drains on S. 37th Place on 11 homes.
- c) Authorize staff to obtain inspection warrants for three (3) homes that have not granted access on S. 37th Place.
- d) Approve the work plan for phase 1 at S. 36th Street subject to the MMSD approval which includes dye testing and home inspections.
- e) Authorize staff to go out for bids to install a liner in the sanitary sewer on S. 36th Street from W. Madison Blvd. to W. Missouri Ave. and authorize a letter agreement with Ruekert-Mielke to propose the specifications for said liner.

WORK PLAN
37th PLACE LATERAL REHABILITATION
AND FOUNDATION DRAIN DISCONNECTION
CITY OF FRANKLIN

1. Cover Letter
2. & 3. Maps (see attached)
4. Background Information

In August of 2012, the City as part of its Phase I Investigative Work Plan, performed dye testing and CCTV on 33 building laterals on 37th Place between Rawson Avenue and Madison Boulevard. The City Plumbing Inspector also performed an internal inspection of 8 of the 11 houses that have basements and is continuing to complete the last 3. The main line 8" sewer is one of the oldest in the City and is a dead end sewer serving only 37th Place.

Of the 33 laterals, 31 exhibited severe root intrusion or structural defects that allowed dye water into the system. All of the laterals are quite shallow (6' ±) and the majority of them leaked where the lateral crossed under the roadside drainage ditch. In fact, during testing, a summer storm passed through and the 8" main line sewer flow depth went from about 1" deep to over a half pipe in a matter of minutes once the roadside drainage ditches filled with storm water.

It is assumed that all 11 houses with basements have foundation drain connections to the floor drain through a Palmer Valve.

5. Description of Work to be Performed

The City plans to rehabilitate the 31 laterals from the main line to a point close to the house foundations. Of the 31, 4 will be relayed with PVC pipe due to structural problems, 17 will be lined with a cured-in-laced lining and 11 will either be lined or replaced depending upon cost-effectiveness (see attachment).

The plan will also include the installation of sump pumps and storm lateral extensions to the roadside ditch to enable the disconnection of 11 basements with foundation drain connections.

The City will use MMSD flow monitoring following rehabilitation to quantify the effectiveness of the program.

6. Plans and Specifications

Plans and Specifications are being prepared by our consultant and will be submitted to the MMSD for review prior to bidding.

12. Data Attributes to be Collected

- Footage, size and type of lateral rehabilitated per house.
- Inspection Reports will be prepared by the Plumbing Inspector.

13. Goals and Anticipated Outcomes

The goal is to reduce Private Property I/I. The phase I dye testing, TV work and flow monitoring will be used as the baseline condition. MMSD post rehab monitoring will be used to gauge the effectiveness of the Program.

14. Outline of Project Completion Report

The Plumbing Inspector will complete construction Inspection Reports. These will be summarized by the Engineer.

The MMSD will supply post construction flow monitoring to gauge the effectiveness of the program.

15. Photo/Video Documentation

The Plumbing Inspector will be charged with photo logging of each lateral and foundation drain disconnection.

16. Summary of Tests and Methods

The City Plumbing Inspector will verify test results and furnish inspection reports.

The results of these tests and reports will be summarized by the Engineer.

17. Plan to Track Work Quality

The City Plumbing Inspector will be on-site as necessary to ensure quality of workmanship.

The MMSD will supply flow metering to gauge rehab effectiveness.

The City will determine if warranty inspections will be required when preparing the bidding documents.

WORK PLAN
36th STREET LATERAL AND HOUSE INSPECTIONS
CITY OF FRANKLIN

1. Background Information

In the summer of 2012, the City performed a pilot study of the sanitary sewer laterals and homes on 37th Place between Rawson Avenue and Madison Boulevard as part of its first phase Private Property Infiltration/Inflow Program (PPI/I). This was made possible by funding from the MMSD.

The study area was chosen because the area (Rawson Homes Subdivision) was developed in the 1950's and contains some of the oldest sanitary sewers in the City. Preliminary flow monitoring showed, as expected, that the sewer system was leakiest in the City.

The investigative work concluded that 31 of the 33 laterals were leaking and needed to be rehabilitated. In addition, all 10 out of 11 homes that had basements also had foundation drains connected to the sanitary laterals at the floor drain via a "Palmer Valve" instead of connecting to a sump pump. This was a surprise to the staff because the houses were generally constructed after the Plumbing Code was changed in 1954 which prohibited such connections.

Because of the findings on 37th Place, staff recommends that 36th Street homes and laterals be inspected because they were constructed in the same era by the same developer.

2. Description of Work to be Performed

The 36th Street block between Madison Boulevard and Missouri Avenue will be investigated. The study will consist of the same type of work that was performed on 37th Place: dye and TV testing of laterals, external lot surface drainage inspections and internal house basement inspections.

The project will be completed to ascertain if it is cost effective to rehabilitate the laterals, if the rehabilitation is accepted by the majority of property owners, and if the District's funding is sufficient for the total City. A brief description of the proposed project is as follows:

- A. A public relations program would need to be developed as it will be necessary to obtain the permission of the 32 property owners to enter their property to conduct tests and rehabilitation of their laterals.
- B. That with the property owner's permission, the plumbing inspector inspects the basements to check for foundation drain connections or illegal sump pump connections.
- C. That, with the property owner's permission, a private sewer contractor would be hired to root cut and clean laterals that were clogged with roots during an initial CCTV inspection.
- D. That, with the property owner's permission, dye would be injected on top of the lateral (at three locations - one at the bottom of the ditch, one near the foundation

of the home and one in the middle between the first two - if staff was not able to determine the condition via CCTV).

- E. That with the aid of closed circuit television in the main line sanitary sewer, the flow of the dye water that enters a lateral would be observed for 32 laterals.
- F. The result of the dye study and basement plumbing inspection will be reviewed by the consultant, and a recommendation made as to the action to be taken, if any, on each lateral.

3. Public Information and Education (I&E) Plan

The City will take the lead in the I&E Program. They will be assisted by the Ruekert/Mielke Project Manager. A neighborhood meeting was held on 10/25/12 to advertise the program and to sign people up for the inspections. A total of 25 of the 32 owners have signed up to date. A letter will be sent to each homeowner seeking their cooperation and access to inspect their property and sewer lateral. The City also anticipates using some of the I&E material already prepared by the MMSD.

4. Cost Estimate

Staff has negotiated a proposal with Ruekert/Mielke and have compared costs with the costs provided to the District and have found them very comparable. It has also negotiated a contract with Visu-Sewer to perform the lateral closed circuit televising and dye testing.

The costs submitted are unit costs which results in the following estimate:

A. Ruekert/Mielke

- Lateral inspection and external house inspection
32 @ \$125/each = \$ 4,000
 - Summary of inspection report
32 @ \$25/each = \$800
 - Prepare MMSD work plan, administration and
one staff meeting 3,500
 - Review lateral inspection and recommend
rehabilitation method 32 @ \$25/house = 800
- Subtotal for Pilot Study: \$ 9,100

B. TV Contractor

- Camera set-up in four manholes @ \$350/each = \$ 1,400
- Set-up camera to launch in lateral 32 @ \$190/each = \$6,080
- Camera inspection of lateral @ 0.75/ft.
32 laterals @ 60 Ft. = 1,440
- Lateral dye injection, 3 per lateral
32 laterals @ \$250/each = 8,000

- Sonde location of laterals

32 @ \$125/each = 4,000

TOTAL for Pilot Study: 20,920

TOTAL COST for Ruekert/Mielke and Sewer Inspection Services \$30,020

In addition to the above cost, it is estimated that in order to run a camera through each lateral, some laterals may require root cutting-estimate about 10 @ \$350/lateral or \$3,500. Also, some consulting time may be necessary for public information to create brochures and exhibits - estimate \$5,000. The building inspection's plumbing inspector will make the inside inspections of the 32 basements. It is estimated that the 11 inspections would take two hours each for 66 hours at \$46.30 per hour including benefits or a billable cost to the District of \$2,976.

The total project cost is estimated as follows:

A.	Dye Testing and TV	\$20,920
B.	Consultant Fees	9,100
C.	Public Relations	5,000
D.	Lateral Cleaning	3,500
E.	Internal House Inspection	<u>2,076</u>
	Total	\$41,496

5. Schedule of Work

-Internal House Inspections

May - June 2013

-Sewer Lateral Dye Testing and CCTV

May - June 2013

-External House Inspections

May - June 2013

-Final Report with Recommendation and Estimate of Costs

July 2013

-Public Relations

July 2013

6. MMSD Reimbursement Requests

	January	February	March	April	May	June	July
Work Plan & Admin.	1,500	500	300	300	300	300	300
Public Relations	3,000	1,000				1,000	

Internal House Inspections				1,000	1,000	976	
Consultant Inspection					3,000	2,600	
Lateral Cleaning		3,500					
Lateral Dye and TV					10,000	10,920	
	4,500	5,000	300	1,300	14,300	15,796	300

7. Procurement Process

- Investigative Work - Initially, the City interviewed six firms for the engineering and inspection work and selected the Ruekert & Mielke and Visu-Sewer team using the QBS process.
- Sewer Cleaning - Quotes will be obtained from local plumbing contractors.

8. Data Collection

- Sewer CCTV - Recorded in a log book and on digital video media.
- External House Inspection - Recorded in digital file using eFields™.
- Internal House Inspection - Recorded on paper forms.

9. Goals and Anticipated Outcomes

Analysis

It is staff's recommendation that the City participate in the Private Property Inflow and Infiltration (PPI/I) Program that has been established and funded by the District. The proposed program would look at the oldest sanitary sewers and laterals to determine areas that have potential for excessive clean water from entering the sanitary sewer system. These areas can initially be identified through metering sections of the sanitary sewer system. It is staff's recommendation to proceed until excessive clear water is not found.

At the same time, funds are available to solve local drainage problems on private property on which water has entered the basement of homes or has the potential of entering basements of homes. This work will proceed in subsequent phases.

Options

Proceed on a project to identify laterals that require rehabilitation and bring that information back to the Common Council for the review and action prior to proceeding with any construction of lateral rehabilitation. At the same time, through metering, obtain a better understanding how wide spread lateral rehabilitation is needed. Also, to proceed to identify areas with private property drainage problems where clear water enters basements.

It is also anticipated that the I&E Program will make the public aware of the consequences of PPII.

10. Content of Project Completion Report

- Internal House inspection Reports and Findings

- External House Inspection Reports and Findings
 - Lateral CCTV Logs and Findings
-
- Cost Estimates to Fix Defects
 - Summary of Results, Defect Scoring, and Recommendation of Cost Effective Repairs

11. Photo/Video Documentation

Digital files will be prepared for all phases of the work with the exception of the internal house inspections.

12. Maps and Attachments (See Attached)

13. Deliverables

- a. Notification of and opportunity for participation in project related meetings including public meetings, contractor meetings, and Council meetings.
- b. Samples of public outreach materials including notification letters, consent agreements, and general information materials.
- c. The City will provide a summary report to the District consisting of:
 - Spreadsheet list of properties included in the project with address, and columns indicating which work tasks were applied to each property (house inspection, lateral inspected, and defects found).

- Digital data or subset of data (including photos) as desired by the District.
- Property rehabilitation recommendations and cost estimates
- Summary of public outreach and education program including strategies for success and response rate.
- Lessons learned including field work activities, planning/design process, and public outreach and education efforts.

d. Completed Lateral Rehabilitation Work

- Evidence of the pre-work condition of the lateral as contributing clear water to the system.
- Verification of the completed work satisfactory to City standards, State codes, and the goal of eliminating clear water from the system.
- Conclusion upon completion of the investigative work in the surrounding target area that the rehabilitation completed is consistent in methods and cost with the recommendations by the Engineer for the adjacent properties.

November 1, 2012

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

RE: 36th Street Sanitary Sewer Lining
Proposal

Dear Mr. Bennett:

In accordance with your request, we are pleased to provide you with a proposal to provide contract documents and bid support services for the 36th Street Sanitary Sewer Lining Project. It is our understanding that the project is for the lining of approximately 1,440 lineal feet of 8" sanitary sewers in 36th Street between Madison Boulevard and Missouri Avenue. Ruekert/Mielke will provide the following services:

- Complete Project Manual and Specifications
- Quantity Take Offs
- Site Exhibits
- Project Wage Scale
- Bid Support Services Including Bid Question Support
- Attendance at the Bid Opening, Preparing Bid Tabulation, and a Recommendation of Award

The estimated costs to provide these services including attending the Bid Opening would be \$4,900.00. Items excluded from the above costs are administration of the contract or construction review, reimbursable expenses for items such as printing or mileage. Other items that are not included include environmental reviews, DNR or MMSD permitting (not anticipated), environmental investigations, easement acquisition or legal descriptions and contract preparations or rebidding of the project. All of the above services may be provided at our hourly rates upon request.



Letter to Mr. John M. Bennett, P.E.
City Engineer/Director of Public Works
City of Franklin
November 1, 2012
Page 2

If you have any questions on the above, please contact this office. Thank you for the opportunity to provide this proposal for professional services to the City of Franklin.

Very truly yours,

RUEKERT/MIELKE

Michael F. Campbell, P.E.
Senior VP, COO

MFC/lfc
cc: File