CITY OF FRANKLIN
COMMON COUNCIL MEETING**
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, NOVEMBER 19, 2013, 6:30 P.M.

A. Call to Order and Roll Call

B. Citizen Comment Period

C. Approval of Minutes
   1. Approval of regular meeting of November 5, 2013.

D. Hearings

E. Organizational Business

F. Letters and Petitions

G. Reports and Recommendations
   1. Civic Celebrations Commission's request for authorization to sign and execute contracts for the 2014 Civic Celebration event.
   2. Selection of the Third Party Administrator; Pharmacy Benefit Manager; Health Plan Network and related plan design; Stop Loss, Life and Accidental Death and Dismemberment, and Long-Term Disability Insurance Carriers and Retention of the Insurance Consultant, following a presentation on rates.
   3. Resolution conditionally approving a Final Plat for Avian Estates Subdivision (at approximately 7120 to 7400 W. Puetz Road) (Avian Estates, LLC, applicant).
   4. Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Final Plat for Avian Estates Subdivision (at approximately 7120 to 7400 W. Puetz Road) (Avian Estates, LLC, applicant).
   5. Resolution authorizing certain officials to execute a Subdivision Development Agreement with the developer of Avian Estates Subdivision.
   6. Resolution authorizing certain officials to accept an amendment to Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 7700-7780 S. Lovers Lane Road (SB1 Wyndham, LLC, owner/applicant).
   7. Ordinance to amend Section 15-3.0433 of the Unified Development Ordinance Planned Development District No. 28 (Polish Festivals, Inc.) to allow for the construction and use of a chapel (Conservancy for Healing and Heritage, Inc., applicant) (6941 S. 68th Street and environs).
   8. Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of an amendment to Planned Development District No. 28 (Polish Festivals, Inc.) (Conservancy for Healing and Heritage, Inc., applicant) (6941 S. 68th Street and environs).

9. Ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot] from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building subject to special use approval(s) within the existing building on the 19.7 acre parcel (Greywolf Partners, Inc., applicant) (6801 S. 27th Street).
10. Resolution imposing conditions and restrictions for the approval of a Special Use for an amusement and recreation services use upon property located at 6801 S. 27th Street (Greywolf Partners, Inc., applicant).
11. Resolution conditionally approving a Land Combination for Tax Key Nos. 792-9993-001 and 792-9993-002 (7771 S. 76th Street) (Blasé J. Catanese and Cathleen Catanese, applicants).
12. Standards, Findings and Decision of the City of Franklin Common Council upon the application of Andrew A. Petty and Amanda E. Petty, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.
13. Extension of sanitary sewer on S. 76th Street from a point 3,000 feet south of W. Ryan Road to a point 900 feet north of W. Ryan Road and on W. Ryan Road from S. 76th Street to a point 1,235 feet west of S. 80th Street.
14. Resolution Accepting the Public Construction of the Ryan Creek Interceptor Sewer Public Sanitary Sewer Facility Project.
15. Professional Services Agreement between the City of Franklin and Racine County for services to verify a Certified Soil Tester's Soil & Site Evaluation.
16. Resolution authorizing certain officials to execute a development agreement with the People's Choice Corporation for the development agreement for Hampton Inn & Suites Milwaukee/Franklin to be located north of W. Rawson Avenue and west of S. 76th Street.
17. Release of Letter of Credit for the development of the Sacred Heart at Monastery Lake Project located on the east side of S.T.H. 100 just south of W. Rawson Avenue.
18. City of Franklin Audit Preparation Services Agreement between Clifton Gunderson LLP and the City of Franklin for audit of the 2013 year.
19. Approval of a job description revision for Police Patrol Officer.
20. Resolution to amend the Civil Service System Personnel Administration Program eliminating overtime for part-time Library Assistants who work on Sundays.
21. Resolution to address the 2014 non-represented employee general wage adjustment and the employee cost share of monthly health insurance premiums.
22. Wage compression and wage issues for Police and Fire Command Staff.
23. Changes to the job description for Sanitarian.

H. Licenses and Permits
   1. Miscellaneous Licenses.

I. Bills
   1. Vouchers and Payroll approval.

J. Adjournment

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

**Notice is given that a majority of the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee may attend this meeting to gather information about an agenda item over which the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee has decision-making responsibility. This may constitute a meeting of the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee per State ex rel. Badke v. Greendale Village Board, even though the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

November 19	Special Primary Election Assembly District 82 and Special Election Assembly District 21	7:00 a.m.-8:00 p.m.
November 21	Plan Commission	7:00 p.m.
November 28 & 29	Thanksgiving Holiday – City Hall Closed	
December 2	Committee of the Whole	6:30 p.m.
December 3	Common Council	6:30 p.m.
December 5	Plan Commission	7:00 p.m.
December 17	Common Council	6:30 p.m.
December 17	Special Election Assembly District 82	7:00 a.m.-8:00 p.m.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
NOVEMBER 5, 2013
MINUTES

ROLL CALL	A.	The regular meeting of the Common Council was held on November 5, 2013 and called to order at 6:30 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Mark Dandrea, Daniel M. Mayer, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Luberda, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski.
CITIZEN COMMENT	B.1.	Citizen comment period was opened at 6:32 p.m. and closed at 6:42 p.m.
GREEN BERET SGT. STEVEN BRUNELL	B.2.a.	Mayor Taylor noted that Green Beret Sgt. Steven Brunell was selected for the Yellow Ribbon Honor Flight to Washington D.C.
SABER STADIUM PROJECT (MAYOR TAYLOR)	B.2.b.	Alderman Skowronski moved to refer the Saber Stadium Project to the Forward Franklin Economic Development Committee for its review and return report to the Common Council as to potential City and Community assistance which may be provided to support the project, and to direct staff to review and return report to the Common Council as to the potential impacts of the application of impact fees and impact fee ordinances. Seconded by Alderman Mayer. All voted Aye; motion carried.
APPROVAL OF MINUTES-10/15/13	C.1.	Alderman Skowronski moved to approve the minutes of the regular meeting of October 15, 2013. Seconded by Alderman Dandrea. All voted Aye; motion carried.
RECONSIDERATION OF APPROVAL OF MINUTES-09/30/13 (ALD SKOWRONSKI)	C.2.	Alderman Skowronski moved to reconsider the approval of the minutes of the September 30, 2013, Committee of the Whole meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried. Alderman Skowronski moved to approve the minutes of the September 30, 2013, Committee of the Whole meeting with the correction to item II.B. to include "and including an increase of $950,000 to Contingency" as part of the motion. Seconded by Alderman Schmidt. All voted Aye; motion carried.
RES. 2013-6924 CITY-IMPOSED IMPACT FEES	G.1.	Alderman Skowronski moved to adopt Resolution No. 2013-6924, A RESOLUTION DIRECTING STAFF TO INVESTIGATE AND PREPARE AN ORDINANCE EXEMPTING PUBLIC SCHOOL DISTRICTS FROM SUBJECTION TO CITY-IMPOSED IMPACT FEES AS SET FORTH IN SECTION 92-9 OF THE MUNICIPAL CODE. Seconded by Alderman Mayer. All voted Aye; motion carried.

DONATION HISTORICAL SOCIETY	G.2.	Alderman Mayer moved to accept the donation of asphalt paving for the handicapped accessible pathways in a manner acceptable to the City Engineer and to authorize that the path lighting project be considered a project co-sponsored by the City in relation to the minor site plan application and any required building permits, and that the lighting installation be based on page 17 of the Common Council packet for this meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried.
RES. 2013-6925 SUPPORT OF 2013 ASSEMBLY BILL 441	G.3.	Alderman Taylor moved to adopt Resolution No. 2013-6925, A RESOLUTION IN SUPPORT OF 2013 ASSEMBLY BILL 441 AS INTRODUCED TO AMEND THE WISCONSIN STATUTES TO FURTHER PROVIDE FOR THE DISTRIBUTION BY STATE AGENCIES OF INFORMATION RELATING TO PERSONS REQUIRED TO REGISTER AS A SEX OFFENDER TO THE PUBLIC AND LOCAL LAW ENFORCEMENT IN THE INTERESTS OF THE PUBLIC HEALTH, SAFETY AND WELFARE. Seconded by Alderman Dandrea. All voted Aye; motion carried.
LOW POWERED FM RADIO STATION	G.4.	Alderman Taylor moved to direct the Director of Administration to submit an application for a Low Powered FM Radio Station authorizing funding and release of checks up to a total of $1,500 from the Information Systems budget for application fees and necessary consulting and technical services. Seconded by Alderman Wilhelm. On roll call, Aldermen Dandrea, Wilhelm, Taylor, Schmidt, and Skowronski voted Aye; Alderman Mayer voted No. Motion carried.
2013-2015 SUCCESSOR LABOR AGREEMENT PROFESSIONAL POLICE ASSOCIATION	G.5.	Alderman Taylor moved to approve the Tentative Agreements between the City of Franklin and the Franklin Professional Police Officers Association for a 2013-2015 successor labor agreement and authorize the Mayor, Director of Clerk Services, and Director of Administration to execute a labor agreement incorporating the provisions of the Tentative agreement. Seconded by Alderman Mayer. All voted Aye; motion carried.
JOB DESCRIPTION LIBRARY ADMINISTRATIVE AIDE	G.6.	Alderman Schmidt moved to approve the job description for Library Administrative Aide contingent upon approval by the Library Personnel Sub-Committee and incorporating any minor technical issues they may find. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2013-2120
2014 ANNUAL BUDGET

G.7. Alderman Skowronski moved to adopt Ordinance No. 2013-2120, AN ORDINANCE ADOPTING THE 2014 ANNUAL BUDGETS FOR THE GENERAL FUND, LIBRARY FUND, SOLID WASTE COLLECTION FUND, SEWER SERVICE FUND, CAPITAL OUTLAY FUND, EQUIPMENT REPLACEMENT FUND, STREET IMPROVEMENT FUND, CAPITAL IMPROVEMENT FUND, DEBT SERVICE FUND, DEVELOPMENT FUND, AND TIF DISTRICT FUNDS AND ADOPTING THE PROPERTY TAX LEVY AND OTHER REVENUE FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2014. Seconded by Alderman Mayer.

Alderman Taylor moved to amend the main motion so as to have the 2014 Annual Budget reflect 1.48 "Authorized Positions" for the Assistant Building Inspector, for the purpose of requiring further review and approval by the Common Council prior to hiring an additional full-time Building Inspector. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to amend the main motion so as to incorporate the items identified on the worksheet entitled "2014 Proposed Budget Additional Adjustment Considerations: 11/5/2013" for the amounts and purposes as set forth therein. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to amend the main motion so as to have the 2014 Annual Budget reflect the position title of Director of Administration, not City Administrator as recommended by the Mayor, for the purpose of considering this change as a separate policy matter, not as a budget matter. Seconded by Alderman Dandrea. Motion carried on a voice vote; Aldermen Mayer and Skowronski voted No.

Alderman Taylor moved to amend the main motion so as to modify the Capital Improvement Fund for the "Roof Replacement-Fire Station #1" providing appropriations of $7,000 in 2013 and $98,000 in 2014. Seconded by Alderman Mayer. All voted Aye; motion carried.

Alderman Taylor moved to amend the main motion so as to modify the Capital Improvement Fund for the "Roof Repairs-City Hall" providing for appropriations of $15,000 for 2013 and $210,000 for 2014. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to amend the main motion so as to modify the Capital Improvement Fund for the "Pleasant View/Victory Creek Trail" project eliminating the 2014 appropriation and associated grant and impact fee revenues. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Mayer moved that the recommended budget document be amended to accurately reflect the end-of-the-year fund balance for the Sewer Fund as shown in the Sewer Fund detailed budget pages. Seconded by Alderman Schmidt. All voted Aye; motion carried.

BUDGET-CONT.

On the vote for the main motion as amended,

COSTS REVIEW-EXTENSION OF SANITARY SEWER ON S. 76TH ST.

G.8. Alderman Skowronski moved to recommend funding to the Finance Committee for the non-assessable portion of the sanitary sewer extension on S. 76th Street from a point 3,000 feet south of S. 76th Street to a point 900 feet north of S. 76th Street and on W. Ryan Road from S. 76th street to a point 1,235 feet west of S. 80th Street. Seconded by Alderman Taylor. Alderman Skowronski withdrew his motion.
Alderman Mayer moved to table this item to the next Common Council meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.

SURVEY ON 8200 BLOCK OF W. RYAN ROAD

G.9. Alderman Mayer moved to authorize staff to investigate the limits of the grave site at the cemetery located on the south side of the 8200 block of W. Ryan Road. Motion died due to the lack of a second.
It was then moved by Alderman Wilhelm to authorize staff to investigate the limits of the grave site at the cemetery located on the south side of the 8200 block of W. Ryan Road, with the condition that a historical preservation representative be present. Seconded by Alderman Taylor. All voted Aye; motion carried.

STREET LIGHTS INSTALLATION

G.10. Alderman Skowronski moved to authorize staff to order street lights from WE Energies for the intersection of W. Phyllis Lane and S.T.H. 100 and the intersection of S.T.H. 100 and the W. Rawson Avenue ramp at a cost of $10,926.95. Seconded by Alderman Mayer. All voted Aye; motion carried.

EXTENSION OF WATER TRANSMISSION MAIN-ST. MARTINS ROAD

G.11. Alderman Skowronski moved to reject bids received for the extension of water transmission main along W. St. Martins Road from approximately 440 feet southeast to S. Chapel Hill Drive. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2013-6926 OPPOSITION TO 2013 SENATE BILL 349

G.12. Alderman Mayer moved to adopt Resolution No. 2013-6926, A RESOLUTION IN OPPOSITION TO 2013 SENATE BILL 349 PERTAINING TO THE GUTTING OF LOCAL MUNICIPAL HOME RULE AUTHORITY IN THE REGULATION OF NONMETALLIC MINING (QUARRY) USES AND OPERATIONS THROUGHOUT THE STATE OF WISCONSIN. Seconded by Alderman Dandrea. All voted Aye; motion carried.

S. 27TH ST. CORRIDOR STREETSCAPE

G.13. Alderman Mayer moved to direct staff to proceed with the 27th Street Steering Committee and the City of Oak Creek staff to bring final terms and provisions for the 27th Street Streetscape and cost terms in relation to the Wisconsin Department of Transportation Reconstruction Project pursuant to all prior Common Council approvals and bring it back to the Common

27TH STREET-CONTINUED

Council for the fruition of the arrangements. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2013-6927
JOB CREATION AND ECONOMIC GROWTH

G.14. Alderman Skowronski moved to adopt Resolution No. 2013-6927, A RESOLUTION COMMITTING THE HOME RULE AUTHORITY OF THE CITY OF FRANKLIN TO WORK IN COLLABORATION WITH THE STATE OF WISCONSIN TO CREATE JOBS AND PROMOTE ECONOMIC GROWTH, as amended. Motion died due to lack of a second.
Alderman Skowronski moved to adopt Resolution No. 2013-, A RESOLUTION COMMITTING THE HOME RULE AUTHORITY OF THE CITY OF FRANKLIN TO WORK IN COLLABORATION WITH THE STATE OF WISCONSIN TO CREATE JOBS AND PROMOTE ECONOMIC GROWTH. Seconded by Alderman Taylor.
Alderman Mayer moved to call question. Seconded by Alderman Taylor. All voted Aye; motion carried.
Motion carried on a voice vote for the main motion, Alderman Wilhelm abstained.

RES. 2013-6928
APPOINTMENT OF DIR. OF FINANCE AND TREASURER

G.15. Alderman Taylor moved to adopt Resolution No. 2013-6928, A RESOLUTION CONFIRMING THE APPOINTMENT OF PAUL ROTZENBERG AS THE DIRECTOR OF FINANCE AND TREASURER. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2013-6929
DESIGNATING SIGNATURES FOR CHECKS

G.16. Alderman Taylor moved to adopt Resolution No. 2013-6929, A RESOLUTION DESIGNATING SIGNATURES FOR CHECKS AND ORDERS PURSUANT TO SECTION 66.0607 WISCONSIN STATUTES. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2013-2121
AMEND ORD. 2012-2096 TO MODIFY BUDGET FOR SPECIAL ELECTIONS

G.17. Alderman Schmidt moved to adopt Ordinance No. 2013-2121, AN ORDINANCE TO AMEND ORDINANCE 2012-2096 (AN ORDINANCE ADOPTING THE 2013 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN), AS AMENDED, TO MODIFY THE BUDGET OF THE GENERAL FUND (ELECTIONS) AND GENERAL FUND (CONTINGENCY) BY TRANSFERRING UP TO $30,000 IN EXPENDITURE APPROPRIATIONS FROM CONTINGENCY TO ELECTIONS TO COVER EXPENSES RELATED TO SPECIAL ELECTIONS. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6930 2013 NON-REPRESENTED-CLERICAL WAGE ADJUSTMENTS	G.18	Alderman Mayer moved to adopt Resolution No. 2013-6930, A RESOLUTION TO ESTABLISH THE 2013 NON-REPRESENTED CLERICAL EMPLOYEE GENERAL WAGE ADJUSTMENTS AND TO INCORPORATE SUCH INTO THE EMPLOYEE HANDBOOK. Seconded by Alderman Dandrea. All voted Aye; motion carried.
RESCISSION OF OCT. 1, 2013 ACTION-FLEXIBLE SPENDING PROGRAM	G.19.	Alderman Schmidt moved to rescind the October 1, 2013 Common Council action approving the modification of the eligibility requirement of the Flexible Spending Program (Section 125 Plan) such that the requirement that the employees are regularly scheduled to work 20 or more hours per week applies to employee hired, for their current term of employment, after January 1, 2007, as the information provided by the City's administrative consultant changed following that action, thereafter stating that such a change to the Plan was not available. Seconded by Alderman Dandrea. Motion carried on a voice vote; Alderman Mayer voted No.
MISCELLANEOUS LICENSES	H.1.	Alderman Taylor moved to grant the following licenses: Operator License to Case, Holly E., S67W14732 Janesville Rd., Muskego; Hagen, Deborah L., 10502 W. Cortez Cir. #23; Hartung, Patti S., 664 Shirley Dr., Franksville; Johnson, Jeanne Z., 7703 W. Margaret Ln.; Stadler, Daniel V., S73W14901 Candlewood Ln., Muskego and Szot, Rafal R., 4618 S. 50th St., Greenfield; Temporary Class B Beer License to St. Martin of Tours Parish School, Person in Charge: Sherry Marino at 7933 S. 116th St., Spaghetti Dinner on 11/16/13; Also moved to hold Operator License for Krosschell, David M., 2537 S. Austin St., Milw. and Bailey, Brett W., 4636 S. Racine Ave., New Berlin, both subject to appearing before the License Committee. Seconded by Alderman Dandrea. All voted Aye; motion carried.
VOUCHERS AND PAYROLL	I.1.	Alderman Skowronski moved to approve net general checking account City vouchers in the range of Nos. 149095 through 149304 dated November 5, 2013 in the amount of $1,650,430.15. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

VOUCHERS AND PAYROLL-CONTINUED

Alderman Mayer moved to approve net payroll dated November 1, 2013 in the amount of $336,058.19 (estimate previously approved at $335,900.00) and payment of the various payroll deductions in the amount of $196,311.76 (estimate previously approved at $192,600.00) plus any City matching payments, where required. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve the estimated net payroll dated November 15, 2013 in the amount of $343,000.00 and payments of the estimated various payroll deductions in the amount of $203,000.00 plus any City matching payments, where required. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT J. Alderman Taylor moved to adjourn the meeting at 8:26 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

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APPROVAL	REQUEST FOR	MEETING DATE
slw	COUNCIL ACTION	11/19/13
Reports and Recommendations	**Civic Celebrations Commission's request for authorization to sign and execute contracts for the 2014 Civic Celebration event**	**ITEM NUMBER** G.1.

Attached is correspondence from John Bergner, Chairman of the Civic Celebrations Commission, requesting authority from the Common Council for the Commission to sign and execute certain contacts totaling $72,600 for the 2014 Civic Celebrations event. The event is planned for 3 days, July 2, July 3, and July 4, 2014. As authorized in the 2014 adopted budget, the City Clerk and Director of Finance will review and process invoices for payment through the City's voucher payment process.

COUNCIL ACTION REQUESTED

Motion to authorize John Bergner of the Civic Celebrations Commission to sign and execute contracts approved by the City Attorney for the attached designated list, in the amounts totaling $72,600, for the 2014 Civic Celebration.

FRANKLIN CIVIC CELEBRATION REQUEST FOR AUTHORITY 2014

I, John Bergner, Franklin Civic Celebration Chairman, request authority to enter into contracts and agreements for the 2014 Franklin Civic Celebration. Upon your approval, I request authority to spend the following amounts:

	2014 3 DAYS	2013 2 DAYS
1. ENTERTAINMENT	$25,000	$16,960
2. FIREWORKS	$14,000	$13,000
3. RENTALS	$18,000	$16,294
4. PARADE(Bleachers, Flags)	$8,500	$8,100
5 ICE CREAM	$1,900	$1,861
6. PRINTING	$700	$450
7. SUPPLIES	$1,500	$1,354
8. MISC.	$3,000	$1,000

TOTAL REQUEST 2014	$72,600
TOTAL SPENT 2013	$58,919

POLICE AND DPW COSTS ARE NOT INCLUDED

2014 Festival will be a three day event and held on Thursday,July 2, Friday,July 3 and Saturday, July 4, 2014. 2013 Festival was a 2 day event.

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/2013
REPORTS & RECOMMENDATIONS	**Selection of the Third Party Administrator; Pharmacy Benefit Manager; Health Plan Network and related plan design; Stop Loss, Life and Accidental Death and Dismemberment, and Long Term Disability Insurance Carriers and Retention of the Insurance Consultant, Following a Presentation on Rates**	ITEM NUMBER G.2.

The City of Franklin has a self-insured medical, prescription, and dental insurance plan. Claims are processed by our Third Party Administrator (TPA), Auxiant. Serve-You is our current pharmacy benefit management coordinator. Diversified serves as our consultant/broker for negotiating these agreements as part of the stop-loss renewal process. The administrators receive administrative and service fees through the policies, which fees represent part of the total cost of claims, except for Diversified which serves under a standard service contract that is no longer based on claims volume.

This year; having finally gotten some separation from the adoption of Acts 10 and 32, from a total rewrite stabilizing to a single health plan document, and from the initial challenges of the Federal health care legislation; staff, lead by its consultant Diversified, was able to complete a more intensive review of health care alternatives and providers for our self-funded services. That review is being considered by the Personnel Committee at their meeting of November 18, 2013. Their recommendation will be reported to the Aldermen at the Common Council meeting.

Attached is a summary that addresses what I anticipate will be my recommendation and the conclusion of the Personnel Committee. Although the budget anticipated "stable/moderate changes in health care plan design," the review has revealed the potential for significant savings if moving to Humana as the TPA. Although Humana is best known as a provider of fully-funded insurance plans, they also operate a TPA for self-insured plans. They have provided documentation contending significant savings from joining in their broader network. Following is a brief summary of their primary benefits.

1. Claims Cost Reduction: Humana has indicated that our claims should experience a higher network discount, 50% versus 43%, which will amount to potential savings of nearly $500,000. They contend their broader network and better network contracts will generate these savings. Diversified also emphasizes that restraint on future claim costs is a benefit of Humana because Humana's network and contracts anticipates an 8% trend in the future, whereas the other two both predict a 10% trend (which amounts to about another $50,000 potential future savings).

2. Guaranteed Maximums: Included in their total cost, for a fee of approximately $26,000, is a guarantee that caps our total claims at 120% of their estimate. This is very significant from a perspective of risk reduction. For example, our claims for this year are estimated to be annualized at approximately $3.6 million, but their program provides a written guarantee limiting the claims to under $2.7 million. Such a guarantee, for the limited added cost, is something they can provide based upon their size (they are basically providing another tier of stop-loss protection).

3. Wellness Plan: Part of their program is a proven wellness program that they promote and provide to employees under the plan. This gives us a head start with a proven program.

4. No Lasers: A "laser" is an additional higher limit for stop-loss coverage for an individual in the plan who may be a special risk. Lasers create a potential for added costs. The Humana plan has no additional lasers, whereas the Auxiant proposal has a $100,000 laser and the UMR (United Health Care) has $155,000 in lasers.

When it is all said and done, Humana is providing a package with anticipated cost savings of nearly $400,000 before the lasers. In fact, the guaranteed maximum in a worst case scenario is less than the other providers expected cost. They do have significantly higher administrative costs ($140,000), there are "run-out" costs typically associated with moving to a new plan, and the wellness program has some reward or incentive costs (employees earn the ability to "shop" at their wellness store for rewards) that the plan must fund. Nonetheless, despite aspects of Humana's program being more expensive, overall it is less expensive.

The drawback to making the moves are not insignificant, but at the same time do not outweigh the significant savings. Following is a summary of the potential drawbacks.

1. Network Changes: The network is called the Business Health Care Group of Southeastern Wisconsin. It can be problematic moving to a new network as some employees may be forced to find a new doctor. The biggest differences are in the exclusion of Columbia St. Mary's, which is not part of the network. Also, it appears that there is a more limited list of chiropractors. In general, however, some variance in doctors is to be expected with any network change, but given their size, their market penetration and overlap is acceptable. On the plus side, Humana has broader statewide and nationwide in-network options.

2. Health Care Plan Design Changes: Part of their proposal is sticking to a standard plan design package as closely as possible. The deviations in the plan design will create some winners and losers for various employees based upon their particular needs and usage. For example, the plan imposes a $10 office visit co-pay, and keeps the single deductible the same ($500), but it reduces the overall out-of-pocket maximum on a family plan from $3,000 to $2,000. Out of network co-pays increase from 30% to 40%, but the related out-of-pocket maximum for out-of-network charges goes down by over $5,000. Prescription costs increase, but that was something that was being contemplated without such a move. The vision care benefit of $25 is eliminated. The exact details of the final plan design are still generally negotiable, but the general intent should be to follow the package plan they are providing. To that end, as Plan Administrator, I should be authorized to work out those final plan design details if Humana is selected to ensure their "details" don't provide for any unacceptable deviations from our current plan design beyond those already identified.

3. Flexibility and Control: Auxiant has been very good to work with. When we have had issues, we have been able to get Auxiant to work with us for resolutions. Their smaller size made them very flexible and made it easy for us to administer the plan as <u>our</u> plan; after all, we are self funded. Humana is a bigger organization and it appears there could be less flexibility to addressing issues. For example, access by City staff to claims information to directly assist employees will be much more

limited or challenging. Reporting information is not as flexible. Although this could become problematic, their savings are substantial. It is also reasonable to assume that as a large, successful company, they must be doing something right from a customer service standpoint. Only time will tell if they will be as helpful as Auxiant has been in addressing all of the new federal reporting requirements.

Additional information will be provided following continued review and consideration by the Personnel Committee.

Stop Loss: Although generally self-insured, the City purchases stop-loss insurance to protect against excessive claims. Each year the City pays a per-employee insurance premium to buy stop-loss insurance. Humana Insurance Company would also become the stop-loss provider retaining the $60,000 deductible and $75,000 aggregating specific deductible for large claims. These costs were included in the higher administrative or fixed costs discussed above.

Pharmacy: Humana, or a division thereof, becomes the pharmacy manager.

Life/AD&D Insurance: We are under a rate guarantee through 1/1/2015 with our current provider, Met Life Insurance Company, which coverage will continue.

Voluntary Long-term Disability: The long-term disability insurance program is a voluntary program that is entirely employee funded for those electing to participate. As of the beginning of this year, we are under a rate guarantee through 1/1/2015 with our current provider, Assurant Employee Benefits, which coverage will continue.

Broker Services: I recommend that Diversified remain our consultant/broker as we move into 2014. They have proposed retaining their current rates which had already been stable since 2011. They have been very knowledgeable and helpful throughout the process of rewriting our health plan and during the annual renewals. As I indicated in last year's Council Action Sheet, "Note that the Personnel Committee did discuss potentially re-evaluating the relationship and bidding out consulting services for 2014 during 2013." This simply was not a project that could be undertaken this year, although the Personnel Committee has again had discussions encouraging bidding out these services.

Tom Jocz with Diversified Insurance Services will be in attendance at the November 19th Common Council meeting to present the recommended proposed rates/providers and answer any questions.

COUNCIL ACTION REQUESTED

A suggested motion will be provided following consideration and recommendation by the Personnel Committee. It will be provided to you at the Common Council meeting.

Diversified Insurance Solutions
Property & Casualty · Benefits

City Of Franklin

Insurance Carrier	Auxiant	UMR	Humana
Claims Expected* (9/12 - 8/13)	$2,248,587.00	$2,133,365.00	$2,239,832.00**
Claims Maximum	$2,810,733.00 (Estimated)	$2,666,704.00 (Estimated)	$2,687,817.00 (Guaranteed Max)
Fixed Cost*	$618,457	$601,542	$757,190
Rx*	$567,009	$567,009	Included in Expected/Max
Laser	$100,000	$155,000	-
Projected Network Discount	43%	50+%	50+%
Wellness/Biometric	$60,000	No	Yes, 1st Yr - $9,000 Mail $17,000 Bio Testing
TRN Filing	Yes	No	No
Run Out/In	-	$38,000	$38,000 $300,000 limit or guarantee - 16%
Out of Network Costs	-	Included in Claims Projection @ 3% Network Disruption	Included in Claims Projection @ 3% Network Disruption
HPS / Credits	($41,000)	($16,000)	(15% Admin Fees and Vitality Credits)
Plan Designs	-	-	-
Stop Loss Carriers	12+	8 (Won't shop if renewal is low).	10 (Interface Fee)
Network Coalition Fee	-	-	$3,500
Network Penetration %	< 1%	96-98%	90%-Projected @ 3% Network Disruption
Dental	-	Match	Match
Trend	10%	11%	8%
2nd Year Claims Guarantee	None	None	3 year admin fee at risk
Cost	$2,867,044.00	$2,734,907.00	$2,997,022.00
Rx	$567,009.00	$567,009.00	$0.00
Run Out/In	$0.00	$38,000.00	$38,000.00
Wellness	$60,000.00	$0.00	$26,000.00
Coalition Fees	$0.00	$0.00	$3,500.00
Credits	($41,000.00)	($16,000.00)	$0.00
Expected Overall Cost	$3,453,053.00	$3,323,916.00	$3,064,522.00
Laser	$100,000.00	$155,000.00	$0.00
Total	**$3,553,053.00**	**$3,478,916.00**	**$3,064,522.00**
Claims Maximum	$2,810,733.00	$2,666,704.00	$2,687,817.00
Fixed Cost	$618,457.00	$601,542.00	$757,190.00
Rx	$567,009.00	$567,009.00	Included.
Total	**$3,996,199.00**	**$3,835,255.00**	**$3,445,007.00**

*In Expected Costs
**Rx is Included in Claims Expected

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR AVIAN ESTATES SUBDIVISION (AT APPROXIMATELY 7120 TO 7400 WEST PUETZ ROAD) (AVIAN ESTATES, LLC, APPLICANT)	ITEM NUMBER G.3.

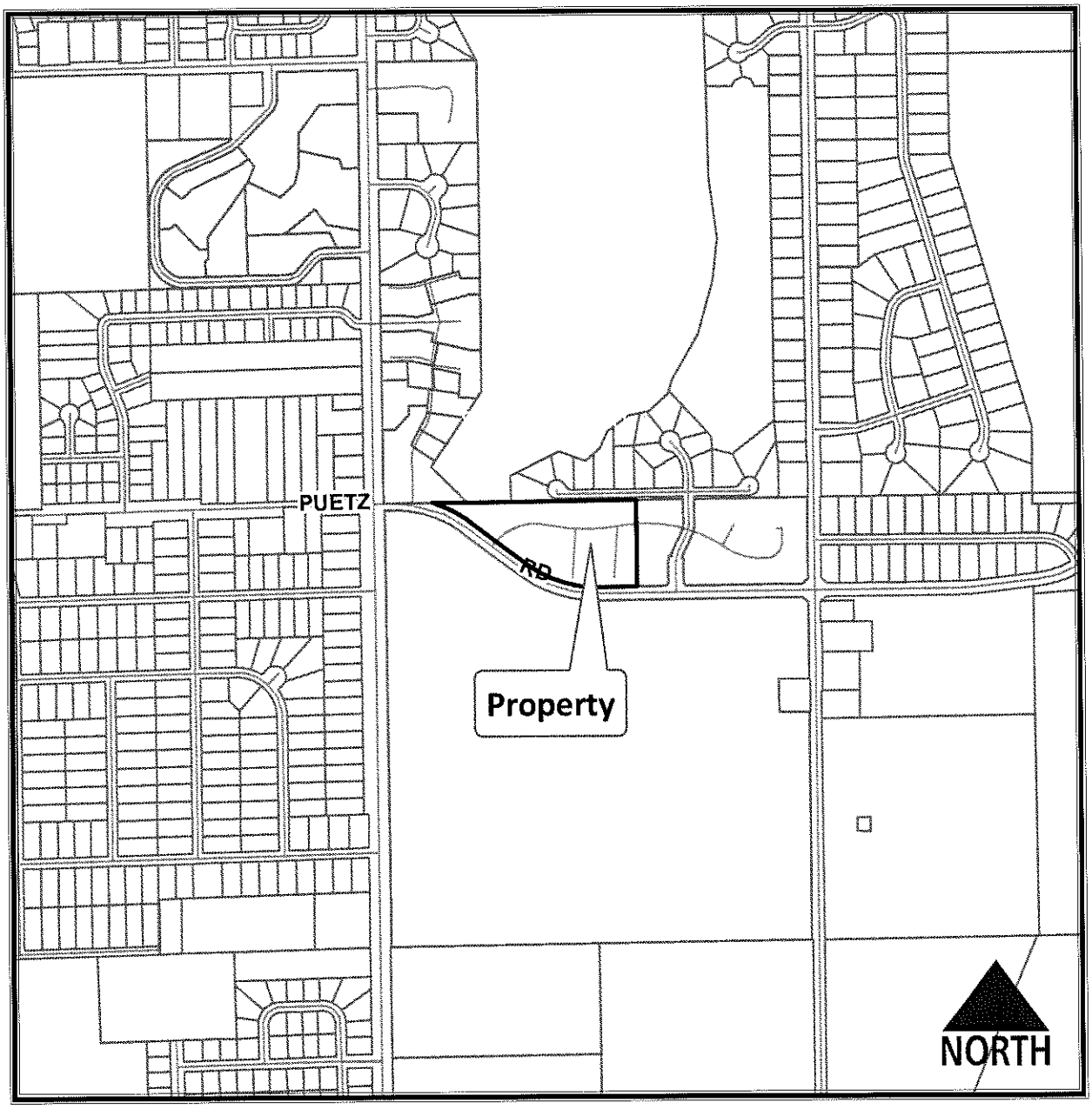
At its November 7, 2013, meeting the Plan Commission recommended approval of a resolution conditionally approving a Final Plat for Avian Estates Subdivision (at approximately 7120 to 7400 West Puetz Road) (Avian Estates, LLC, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2013-_____, a resolution conditionally approving a Final Plat for Avian Estates Subdivision (at approximately 7120 to 7400 West Puetz Road) (Avian Estates, LLC, Applicant).

City of Franklin

Proposed Avian Estates Single-Family Subdivision



Planning Department
(414) 425-4024

0 0.035 0.07 0.14 0.21 Miles

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

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

A RESOLUTION CONDITIONALLY APPROVING A
FINAL PLAT FOR AVIAN ESTATES SUBDIVISION
(AT APPROXIMATELY 7120 TO 7400 WEST PUETZ ROAD)
(AVIAN ESTATES, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Avian Estates Subdivision, such plat being a part of lands in the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 22, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7120 to 7400 West Puetz Road, bearing tax key no. 850-0004-000, Avian Estates, LLC, applicant; said Final Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the City Planning Department and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on October 17, 2013, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed final plat is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Final Plat of Avian Estates Subdivision, as submitted by Avian Estates, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Final Plat be rectified, all prior to the recording of the Final Plat.

2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Pursuant to §236.13(1) and (2), Stats., pertaining to conditions of plat approval and the provision of public improvements reasonably necessary, respectively, and §§15-8.0101 and 15-2.0303 of the Unified Development Ordinance, pertaining to required

improvements and the financial security to be provided therefore as conditions of plat approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Final Plat for Avian Estates Subdivision; a Subdivision Development Agreement ("Subdivider's Agreement"), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a letter of credit in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by Avian Estates, LLC prior to the recording of the Final Plat.

4. Each and any easement shown on the Final Plat shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Final Plat.

5. That any and all submissions, reviews and approvals, for any and all matters required to be submitted, reviewed and/or approved within the final plat application process as specified within the Unified Development Ordinance, which may not have been submitted, reviewed and/or approved as of the date of adoption of this Resolution, if any, including for matters of utility easements, a declaration of deed restrictions and protective covenants, conservation easements, other public purpose easements, stormwater management agreements, and homeowners' association legal instruments, shall be so submitted, reviewed and/or approved, prior to the recording of the Final Plat.

6. Pyramax Bank, successors and assigns and any developer of the Avian Estates 13 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Avian Estates 13 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

7. The approval granted hereunder is conditional upon Avian Estates, LLC and the Avian Estates 13 lot single-family residential subdivision development project for the

property located at approximately 7120 to 7400 West Puetz Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

8. The Avian Estates 13 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.

BE IT FURTHER RESOLVED, that the Final Plat of Avian Estates Subdivision, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a final plat, the City Clerk is hereby directed to obtain the recording of the Final Plat of Avian Estates Subdivision with the Office of the Register of Deeds for Milwaukee County.

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

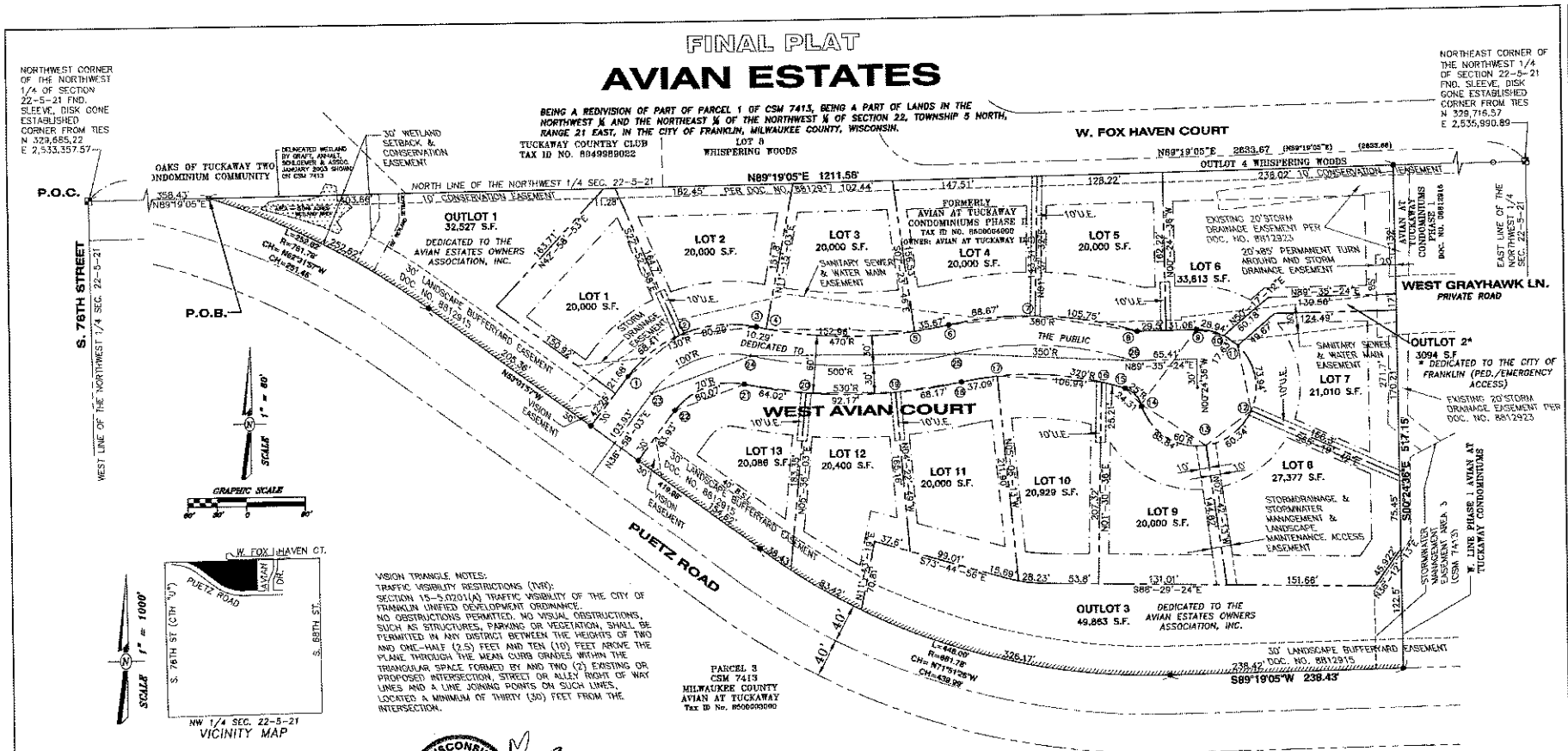
ATTEST:

_____
Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____

FINAL PLAT

AVIAN ESTATES

BEING A REDIVISION OF PART OF PARCEL 1 OF CSM 7413, BEING A PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



VISION TRIANGLE NOTES:
TRAFFIC VISIBILITY RESTRICTIONS (TVR):
SECTION 15-5.0201(A) TRAFFIC VISIBILITY OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE.
NO OBSTRUCTIONS PERMITTED, NO VISUAL OBSTRUCTIONS, SUCH AS STRUCTURES, PARKING OR VEGETATION, SHALL BE PERMITTED IN ANY DISTRICT BETWEEN THE HEIGHTS OF TWO AND ONE-HALF (2.5) FEET AND TEN (10) FEET ABOVE THE PLANE THROUGH THE MEAN CURB GRADES WITHIN THE TRIANGULAR SPACE FORMED BY AND TWO (2) EXISTING OR PROPOSED INTERSECTION, STREET OR ALLEY RIGHT OF WAY LINES AND A LINE JOINING POINTS ON SUCH LINES, LOCATED A MINIMUM OF THIRTY (30) FEET FROM THE INTERSECTION.

WISCONSIN THEODORE E. MORRILL S-2398 WAUKEGAN, IL LAND SURVEYOR 9-30-13

CURVE DATA

CURVE	LOCATION	RADIUS	LENGTH	CHORD	BEARING	DELTA	TANGENT	TANGENT	CURVE
1-2	LOT 1	130.00'	68.41'	67.62'	N52°-02'-32"E	30°59'59"	–	–	1-2
2-3	LOT 2	130.00'	80.29'	79.02'	N84°-48'-42"E	35°23'18"	–	–	2-3
3-4	LOT 2	470.00'	10.29'	10.29'	S78°-07'-19"E	1°15'16"	–	–	3-4
4-5	LOT 3	470.00'	152.86'	152.28'	S88°-04'-21"E	18°38'49"	–	–	4-5
5-6	LOT 4	470.00'	35.67'	35.66'	N80°-25'-48"E	4°20'52"	–	–	5-6
6-7	LOT 4	380.00'	88.67'	88.47'	N84°-56'-27"E	13°22'11"	–	–	6-7
7-8	LOT 5	380.00'	105.75'	105.41'	S80°-24'-06"E	15°56'43"	–	–	7-8
9-10	LOT 6	60.00'	28.94'	28.66'	S76°-35'-27"E	27°38'18"	–	–	9-10
10-11	OUTLOT 2	60.00'	17.63'	17.57'	S54°-21'-07"E	16°50'20"	–	–	10-11
11-12	LOT 7	60.00'	73.94'	69.35'	S10°-37'-49"E	282°23'45"	–	–	11-12
12-13	LOT 8	60.00'	60.34'	57.83'	N53°-29'-03"E	57°37'28"	–	–	12-13
13-14	LOT 9	60.00'	85.84'	78.71'	S56°-43'-02"E	81°58'23"	–	–	13-14
14-15	LOT 9	25.00'	24.31'	23.36'	S43°-35'-11"E	55°42'42"	–	–	14-15
15-16	LOT 9	320.00'	25.21'	25.2'	S73°-41'-57"E	4°30'49"	–	–	15-16
16-17	LOT 10	320.00'	106.94'	106.44'	S85°-31'-47"E	19°8'51"	–	–	16-17
17-18	LOT 11	320.00'	37.09'	37.07'	N81°-34'-34"E	6°38'26"	–	–	17-18
18-19	LOT 11	530.00'	68.17'	68.07'	N81°-56'-16"E	7°21'50"	–	–	18-19
19-20	LOT 12	530.00'	92.17'	92.06'	S89°-23'-53"E	9°57'52"	–	–	19-20
20-21	LOT 13	530.00'	64.02'	63.98'	S80°-57'-19"E	6°55'16"	–	–	20-21
21-22	LOT 13	70.00'	80.07'	75.78'	N69°-44'-11"E	65°32'16"	–	–	21-22
23-24	CENTERLINE	100.00'	114.39'	108.25'	N69°-44'-11"E	65°32'16"	N36°58'03"E 64.37'	S77°29'41"E 64.37'	23-24
24-25	CENTERLINE	500.00'	211.62'	210.04'	S89°-37'-9"E	24°14'58"	S77°29'41"E 107.42'	N78°15'22"E 107.42'	24-25
25-26	CENTERLINE	350.00'	183.73'	181.62'	S86°-42'-21"E	30°4'35"	N78°15'22"E 94.03'	S71°40'04"E 94.03'	25-26
1-3	N.L.Y. R.O.W.	130.00'	148.70'	140.73'	S69°-44'-11"W	65°32'16"	N36°58'03"E 83.88'	S77°29'41"E 83.68'	1-3
3-6	N.L.Y. R.O.W.	470.00'	198.92'	197.44'	S89°-37'-9"E	24°14'58"	S77°29'41"E 100.97'	N78°15'22"E 100.97'	3-6
6-8	N.L.Y. R.O.W.	380.00'	194.42'	192.31'	N87°-5'-12"W	29°18'54"	N78°15'22"E 99.39'	S73°25'45"E 99.39'	6-8
9-14	S.L.Y. R.O.W.	60.00'	269.70'	95.41'	N36°-55'-47"E	105°19'13"	–	–	9-14
14-15	S.L.Y. R.O.W.	25.00'	24.31'	23.36'	N43°-35'-11"W	55°42'42"	S71°26'32"E 13.21'	S15°43'50"E 13.21'	14-15
15-18	S.L.Y. R.O.W.	320.00'	169.24'	167.27'	N86°-35'-35"W	30°18'6"	N78°15'22"E 86.65'	S71°26'32"E 86.65'	15-18
18-21	S.L.Y. R.O.W.	530.00'	224.31'	222.64'	S89°-37'-9"E	24°14'58"	S77°29'41"E 113.86'	N78°15'22"E 113.86'	18-21
21-22	S.L.Y. R.O.W.	70.00'	80.07'	75.78'	S69°-44'-11"W	65°32'16"	N36°58'03"E 45.06'	S77°29'41"E 45.06'	21-22

NOTES:

BASIS OF BEARINGS NORTH LINE OF NW 1/4 SECTION 22, T5N, R21E PER CSSD FOR SECTION SURVEYS IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY-HAVING A BEARING OF N89°19'05"W

(905.68')– RECORDED BEARING OR DIMENSION
908.29'– MEASURED BEARING OR DIMENSION

ALL LINEAR MEASUREMENTS MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT, UNLESS OTHERWISE SHOWN.

ALL ANGULAR MEASUREMENTS MADE TO THE NEAREST 10 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.

THE CITY OF FRANKLIN HAS WAIVED PLACING THE INTERIOR MONUMENTS FOR A REASONABLE TIME AND A SURETY BOND HAS BEEN EXECUTED.

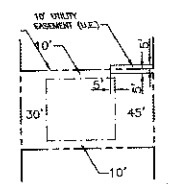
NO UTILITIES SHALL BE PLACED WITHIN ONE FOOT OF MONUMENT IN THE PLAT.

THE PROPERTY IS ZONED R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT.

⊠ — MONUMENT LOCATION.
● — SET 1-1/4" ROUND BAR, 30" IN LENGTH, WEIGHING 4.17 LBS/FOOT.
○ — FOUND IRON , 1"DIA. I.D.

ALL OTHER LOT AND OUTLOT CORNERS ARE MONUMENTED BY 1" DIAMETER IRON PIPE, 24" IN LENGTH, WEIGHING 1.13 LBS PER LINEAL FOOT.

DIRECT ACCESS TO PUETZ ROAD FROM LOTS 12 & 13 AND OUTLOTS 1 & 3 IS PROHIBITED.



TYPICAL BUILDING SETBACK LINES (B.S.L.) UNLESS OTHERWISE NOTED

PLAT REVIEW STAMP

REVISIONS		
NO.	ITEM	DATE
1	UPDATED PER CITY COMMENTS	10-17-13

McClure Engineering Associates, Inc.
5417 NORTH BIRCH COURT Milwaukee, WI 53217 (414) 962-4800 (414) 962-2485
Design Firm License: Illinois 184-000616
Copyright 2013 by McClure Engineering Associates, Inc.

SCALE:	1" = 80'
DRAWN BY:	WS
CHECKED BY:	TEM
DATE:	9-30-13

FINAL PLAT OF SUBDIVISION
AVIAN ESTATES
FRANKLIN WISCONSIN
JOB NUMBER: 08-15-13-014
V:\dwg\VIEWM VT OFFICE\Franklin\AvianEstates\WEGRR\AvianFinalPlat.dwg 10/17/2013 09:04 AM CDT

SHEET NO. 1 of 2

FINAL PLAT

AVIAN ESTATES

BEING A REDIVISION OF PART OF PARCEL 1 OF CSM 7413, BEING A PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

METES AND BOUND LEGAL DESCRIPTION

BEING A PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

BEING A RE-DIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 7413, (EXCEPT THE EASTERLY PORTION THEREOF DESCRIBED AS PART OF PHASE 1 AREA OF AVIAN TUCKAWAY CONDOMINIUM, DOCUMENT NO. 08812915), AND MORE CLEARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID ¼ SECTION; THENCE N 89°19'05"E ALONG THE NORTH LINE OF NORTHWEST ¼ OF SAID SECTION, A DISTANCE OF 358.43 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE CONTINUING N 89°19'05" E ALONG THE NORTH LINE OF SAID ¼ SECTION, A DISTANCE OF 1211.58 FEET TO A POINT ON THE WEST LINE OF PHASE 1 AREA OF SAID AVIAN TUCKAWAY CONDOMINIUM; THENCE S 00°24'35" E ALONG SAID WEST LINE OF PHASE 1 AREA, A DISTANCE OF 517.13 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE S 89-19'05" W ALONG THE NORTH LINE OF SAID ROAD, A DISTANCE OF 238.43 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 681.78 FEET, WHOSE CHORD BEARS N 71°51'26" W 439.99 FEET, A DISTANCE OF 448.00 FEET TO A POINT OF TANGENCY; THENCE N 53°01'57" W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, A DISTANCE OF 418.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC OF CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 761.78 FEET, WHOSE CHORD BEARS N 62°31'57" W 251.48 FEET, A DISTANCE OF 252.62 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE:

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY DIRECTION OF AVIAN ESTATES LLC OWNER OF SAID LAND.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATE STATURES AND THE UNIFIED DEVELOPMENT ORDINANCE – DIVISION 15, OF THE CITY OF FRANKLIN MUNICIPAL CODE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATE: September 30, 2013

SIGNED: Theodore E. Morrill
Theodore E. Morrill, RLS-52396

WISCONSIN THEODORE E. MORRILL S-2396 WAUKEGAN, IL LAND SURVEYOR

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

AVIAN ESTATES LLC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided and mapped, and dedicated as represented on this plat. AVIAN ESTATES LLC, does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

1. Department of Administration
2. Milwaukee County Department of Public Works
3. City of Franklin

In witness whereof, the said AVIAN ESTATES LLC, has caused there presents to be signed by Timothy J. Wallen, President of _____, Wisconsin, hereunto affixed on this ____ day of _____, 201_.

AVIAN ESTATES LLC
By: MLG Private Fund LLC
By: MLG PF Manager LLC

By:_____
Timothy J. Wallen, President

STATE OF WISCONSIN)
COUNTY OF)

Personally came before me this ____ day of _____, 201_, Timothy J. Wallen, President of the above named corporation, to be known to be the person who executed the foregoing instrument and to me known to be such Member of said corporation, and acknowledge that he executed the foregoing instrument as such officer as the deed of said Corporation by its authority.

_____
Notary Public,_____, Wisconsin
My Commission _____

UTILITY EASEMENT PROVISION
An easement for Electric and Communications service is hereby granted by:
AVIAN ESTATES LLC, Grantor, to
WISCONSIN ELECTRIC POWER COMPANY
and

_____, Grantees,

Their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy for such purposes as the same is now or may hereafter be used and for sounds and signals, all in over, under, across, along and upon the property shown within these areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements thereon or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon, or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of the Grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

CONSENT OF CORPORATE MORTGAGEE

Mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this map, and does hereby consent to the foregoing Owner's Certificate.

_____

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 201_, of the above named to me known to be the person who executed the foregoing instrument, and to me known to be such _____ of said Corporation, and acknowledged that he executed the foregoing instrument as such Officer as the deed of said Corporation, by its authority.

_____
Notary Public,_____, Wisconsin
My Commission _____

CERTIFICATE OF CITY TREASURER

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

I, _____, being the duly appointed and qualified City Treasurer of the City of Franklin, do hereby certify that in accordance with the records in my office there are no unpaid taxes or special assessments as of this ____ day of _____, 201_ on any of the lands included in "Avian Estates Subdivision".

_____
_____ – City Treasurer

CERTIFICATE OF COUNTY TREASURER

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

I, Daniel J. Dillbarti, being the duly elected and qualified and acting Treasurer of the County of Milwaukee, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of this ____ day of _____, 2013. Affecting the lands included in "Avian Estates Subdivision".

Dated this _____ day of _____, 201_.

_____
Daniel J. Dillbarti– County Treasurer

CITY OF FRANKLIN APPROVAL COMMON COUNCIL RESOLUTION NO._____

Resolved that the Plat of Avian Estates Subdivision in the City of Franklin, Wisconsin, AVIAN ESTATES LLC AND owners, is hereby approved conditionally by the Common Council.

Dated this ____ day of _____, 201_.

_____
Thomas M. Taylor – Mayor

I hereby certify that the following is a copy of the resolution adopted by the Common Council of the City of Franklin and that all the condition for approval have been met as of this ____ day of _____, 2013, therefore this plat is approved.

Dated this ____ day of _____, 201_.

_____
Sandra L. Wesolowski – City Clerk

PLAT REVIEW STAMP

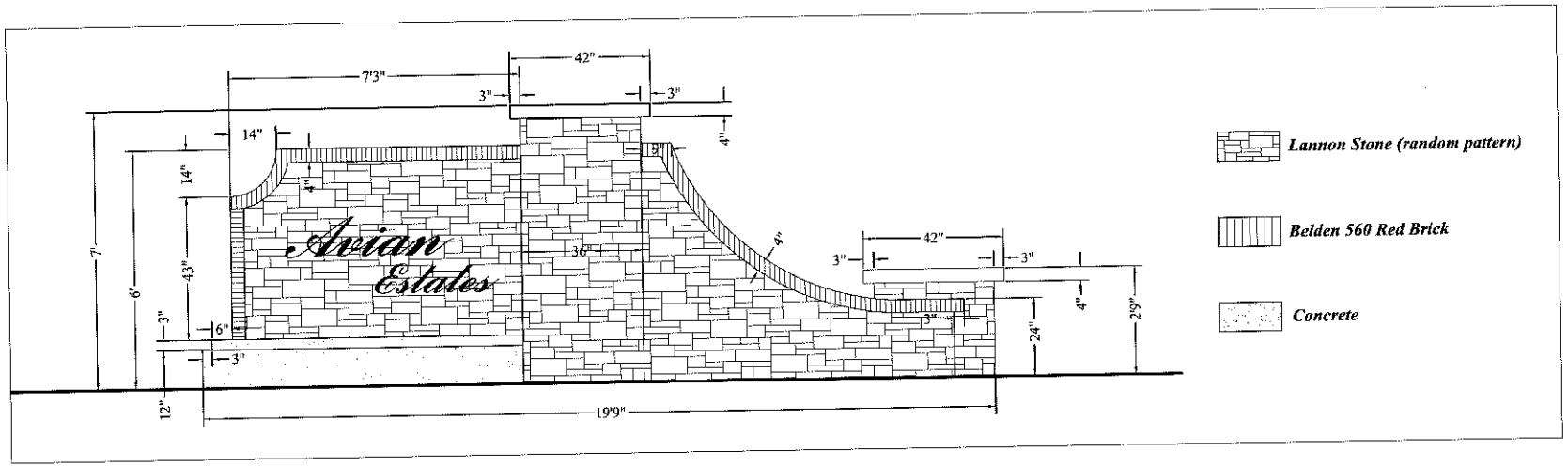
REVISIONS		
NO.	ITEM	DATE
1	UPDATED PER CITY COMMENTS	10-17-13

McClure Engineering Associates, Inc.
7417 NORTH 118th COURT Milwaukee, Wisconsin 53224
(414) 355-2615 FAX (414) 355-2618
Design Firm License: Illinois 184-000815
Copyright 2013 by McClure Engineering Associates, Inc.

SCALE:	1" = 60'
DRAWN BY:	MS
CHECKED BY:	TEM
DATE:	9-30-13

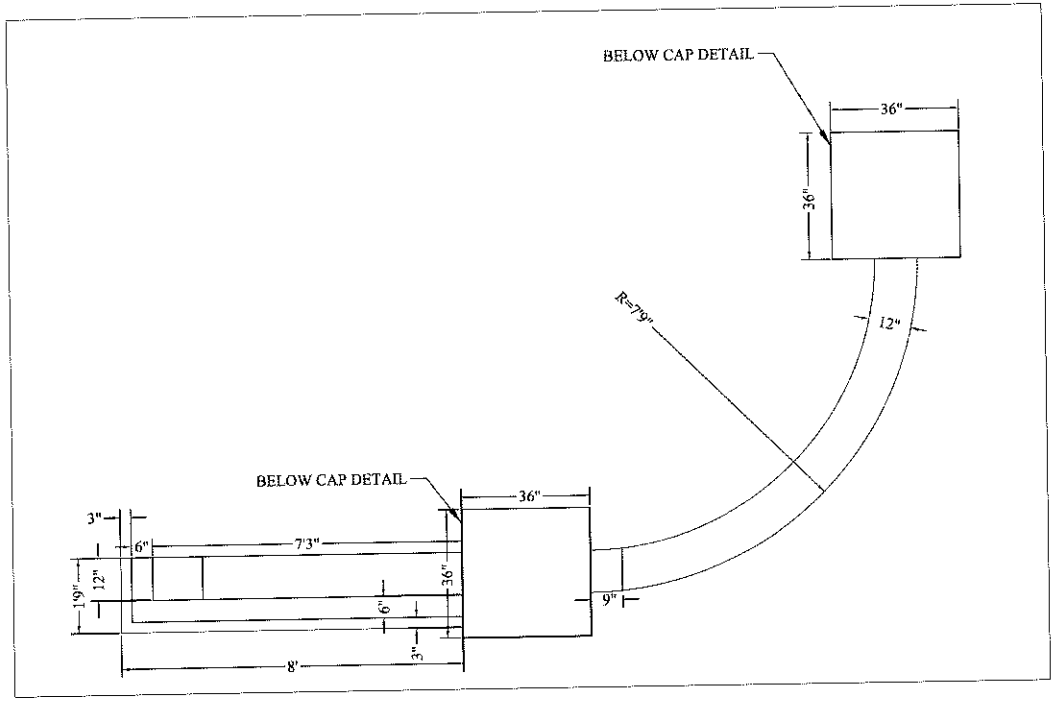
FINAL PLAT OF SUBDIVISION
AVIAN ESTATES
FRANKLIN WISCONSIN
JOB NUMBER: 08-15-13-014
V:\dwg\VILMEAE V1 OFFICE\Franklin\AvianEstates\08301314AvianPlat\PlatSub.dwg 10/07/2013 10:09:04 AM CDT

SHEET NO.
2 of 2



2 Front Elevation

SCALE: 1" = 2'-0"



1 Plan

SCALE: 1" = 2'-0"

Avian Estates

Material: Plastic
Color: Duranodic Bronze
Font: Commercial Script
Size: 12", 9"

3 Sign Detail

SCALE: 1" = 1'-0"

DEVELOPER

REV #	REV. DATE	DESCRIPTION	REVISED BY
REV. 1	09/11/13	LETTERING SIZE	AAM

PROJECT NAME

AVIAN ESTATES

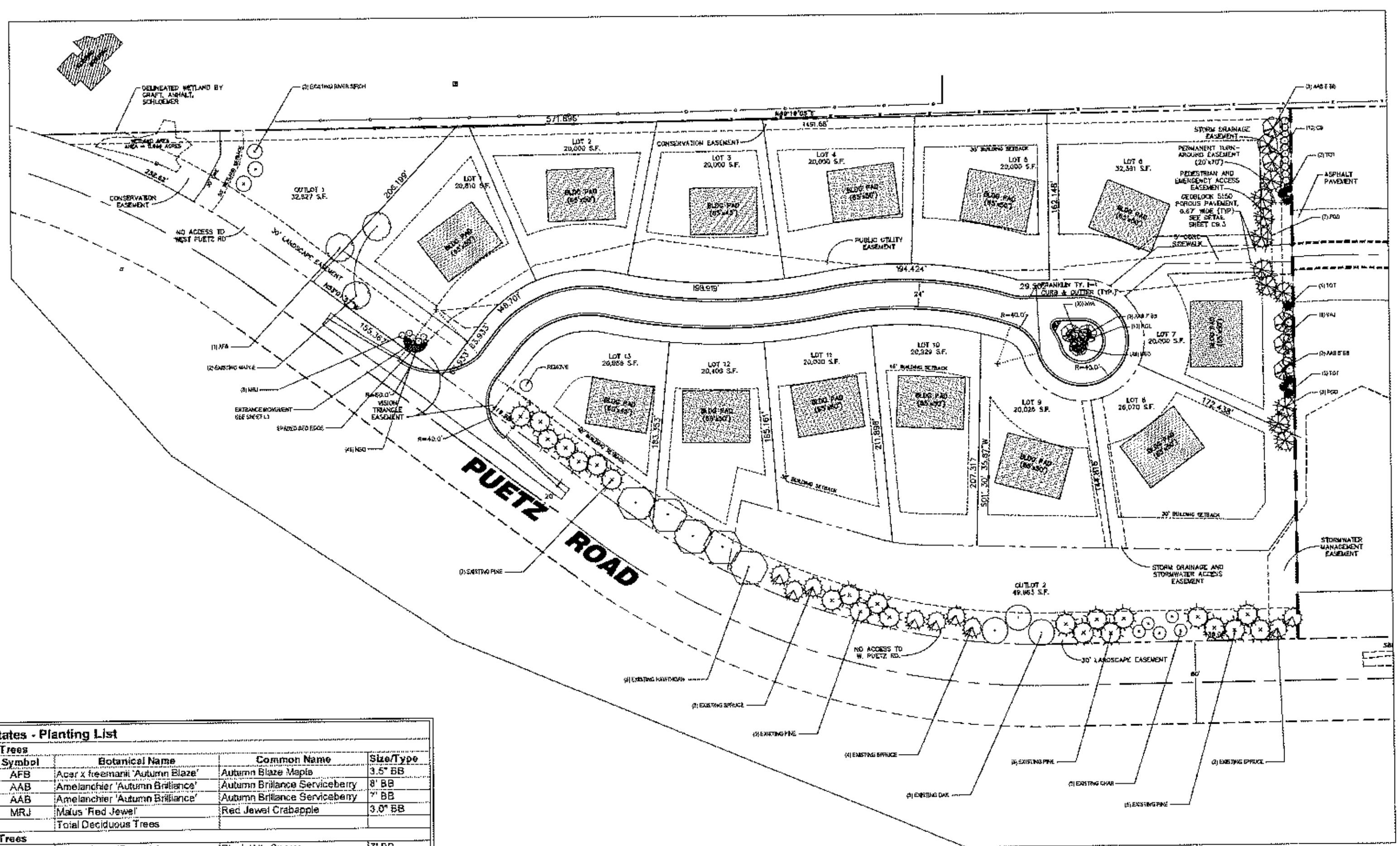
SHEET TITLE

ENTRANCE MONUMENT DESIGN

DURHAM HILL
S99 W12707 LOOMIS DR.
MUSKEGO, WI 53150
414-529-5262
www.durhamhillnursery.com

DATE 09/11/2013
DRAWN BY AAM
CHECKED BY THOMAS H. EARL, RLA
SCALE AS NOTED

SHEET NO. L1



Landscape Plan

1 SCALE: 1" = 50'-0"

NORTH

Avian Estates - Planting List				
Deciduous Trees				
Number	Symbol	Botanical Name	Common Name	Size/Type
1	AFB	Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple	3.5" BB
6	AAB	Amelanchier 'Autumn Brilliance'	Autumn Brilliance Serviceberry	8' BB
3	AAB	Amelanchier 'Autumn Brilliance'	Autumn Brilliance Serviceberry	7' BB
5	MRJ	Malus 'Red Jewel'	Red Jewel Crabapple	3.0" BB
15		Total Deciduous Trees		
Evergreen Trees				
10	PGD	Picea glauca 'Densata'	Black Hills Spruce	7' BB
7	TOT	Thuja occ. 'Techny'	Techny Arborvitae	6' BB
17		Total Evergreen Trees		
Shrubs				
10	CB	Cornus baileyi	Bailey Red Twig Dogwood	30" Cont.
13	RGL	Rhus aromatica 'Gro-low'	Gro-low Fragrant Sumace	18-24" Cont.
8	VAJ	Viburnum dentatum 'Autumn Jazz'	Autumn Jazz Viburnum	48" BB
31		Total Shrubs		
Shrubs				
93	HSO	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	#1 Gal
30	NWL	Nepeta 'Walker's Low'	Walker's Low Catmint	#1 Gal
123		Total Perennials		

DEVELOPER

REV. #	REV. DATE	DESCRIPTION	REVISED BY

PROJECT NAME
AVIAN ESTATES
West Puetz Road, Franklin, Wisconsin

SHEET TITLE
LANDSCAPE LAYOUT PLAN

DURHAM HILL
899 W12707 LOOMIS DR.
MUSKEGO, WI 53150
414-529-5262
www.durhamhillnursery.com
DURHAM HILL

DATE 09/17/2013
DRAWN BY AAM
CHECKED BY THOMAS H. EARL, RLA
SCALE AS NOTED

SHEET NO.
L2

Item III.F.1.
& III.F.2.

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2013

Final Plat, Landscape Plan and Subdivision Monument Sign

RECOMMENDATION: City Development Staff recommends approval of the Final Plat Application and Subdivision Monument Sign for the Avian Estates Subdivision with the conditions as noted in the attached resolutions.

Project Name:	Avian Estates Final Plat and Subdivision Monument Sign
Project Address:	Approximately 7120 to 7400 West Puetz Road
Applicant:	Joseph Bukovich, Point Real Estate, LLC
Owners (property):	Pyramax FSB
Current Zoning:	R-8 Multiple-Family Residence District
Proposed Zoning:	R-3 Suburban/Estate Single-Family Residence District
Use of Surrounding Properties:	Single-family residential land, Tuckaway Country Club and PDD No. 8 (Twin Oaks of Tuckaway Condominiums) to the north, land zoned single-family residential and the City of Franklin water tower zoned I-1 Institutional District to the south and west and Avian at Tuckaway Condominium development to the east
Applicant Action Requested:	Recommendation of approval of the Rezoning and Comprehensive Master Plan Amendment for the proposed subdivision development

Introduction:

On October 1, 2013, the applicant submitted an application for a Final Plat and Subdivision Monument Sign for a 13-lot subdivision located at approximately 7120 to 7400 West Puetz Road. The proposed subdivision has received the following approvals thus far:

- June 20, 2013: Plan Commission recommended approval to rezone the property from R-8 Multiple-Family Residence District to R-3 Suburban/Estate Single-Family Residence District and a Comprehensive Master Plan Amendment Application to amend the future land use designation from Residential – Multi-Family to Residential.
- July 9, 2013: Common Council approved the Rezoning and Comprehensive Master Plan Amendment Applications.
- July 11, 2013: The Complete Streets and Connectivity Committee reviewed the Avian Estates Site Plan. At that meeting the applicant indicated the possibility of placing the 20-foot Emergency and Pedestrian Access Easement in an outlot, opposed to an easement located on Lots 6 and 7. The Complete Streets and Connectivity Committee passed a motion in support of modifying the easement to an outlot, if desired by the developer.

- July 18, 2013: The Plan Commission recommended approval of the Preliminary Plat Application for Avian Estates Subdivision.
- August 6, 2013: The Common Council adopted the Resolution approving the Avian Estates Subdivision Preliminary Plat.

The applicant has provided City staff with the following associated subdivision documents and easements.

- Articles of Incorporation of Avian Estates Owners Association, Inc.
- By-Laws of Avian Estates Owners Association, Inc.
- Certification of Managing Member of Avian Estates LLC.
- Protective Covenants for Avian Estates
- Subdivision Development Agreement for Avian Estates
- Conservation Easement
- Permanent Turnaround Easement
- Sanitary Sewer Easement
- Storm Drainage Easement
- Storm Water Facilities Maintenance Agreement
- Storm Water Management and Landscape Maintenance Access Easement
- Water Main Easement
- Letter from We Energies, dated October 1, 2013, agreeing to fully release Documents #3599520 and #8859124 related to existing easements.

Per Section 15-7.0603 of the Unified Development Ordinance, the Planning Department shall administratively review and approve the declaration of deed restrictions and protective covenants. Planning staff has reviewed these documents and only had minor technical corrections, which the applicant has made. Separate written easement documents will be forwarded to the Common Council, as required, for review and approval.

Project Description/Analysis:

The subject property is located along West Puetz Road, between South 76th Street and South 68th Street (Taxkey No. 850-0004-000). The property is currently vacant and is approximately 9.50 acres. The land was previously planned for the Phase II expansion of the Avian at Tuckaway Condominium development.

The subdivision layout includes 13 residential lots and three outlots located on a publicly dedicated cul-de-sac with ingress and egress from West Puetz Road. The lot sizes range from the R-3 Residence District minimum of 20,000 square feet to 33,813 square feet, with the average or mean lot size being about 21,817 square feet. However, it can be noted that with seven of the 13 lots being 20,000 square feet in size, the median lot size is 20,000 square feet.

In addition to the Final Plat, the applicant has submitted a Landscape Plan (Sheet L2). The Landscape Plan illustrates the existing trees along West Puetz Road as well as the proposed plantings. The applicant is proposing plantings along the east property line, primarily on Lots 6

and 7, adjacent to the neighboring condominium development. Additional plantings will also be placed within the cul-de-sac island and around the subdivision monument sign. The Landscape Plan has been reviewed by staff, which recommends approval by the Plan Commission. Please note that the building pad illustrated for Lot 6 will have to be adjusted to meet minimum setback requirements.

Outlot 1 and Outlot 3 are intended for stormwater management purposes (it can be noted that Outlot 1 encompasses an existing stormwater management pond which is intended to remain, and the existing stormwater pond located in lots 12 and 13 will be relocated to Outlot 3). Outlot 2 is dedicated to the City of Franklin for pedestrian and emergency vehicle access.

Per the Natural Resource Protection Plan (NRPP) and Certified Survey Map No. 7413, the property contains a 10-foot wide Conservation Easement along the north property line. The property also contains a wetland in the northwest corner of the site. This wetland is adjacent to the proposed Outlot 1, which consists of an existing storm water pond. Graef, Anhalt, Schloemer & Associates, Inc., now Graef, delineated the wetland on January 8, 2003. The wetland and associated wetland buffer and setback will not be disturbed by the proposed subdivision development; therefore, staff has not required a re-delineation even though the most recent delineation was completed over five years ago. The applicant has submitted a draft written Conservation Easement for Common Council review and approval and recording with Milwaukee County. The CSM also shows a 30-foot wide Landscape Buffer Easement adjacent to West Puetz Road, which is illustrated on the plat.

Subdivision Monument Sign:

The applicant is proposing a subdivision monument sign. The location is shown on the Landscape Plan (Sheet L2) and sign details are illustrated on Sheet L1. The sign will be placed on a Lannon Stone wall with brick accents. Bronze plastic letters ranging between 12" and 9" in height will be utilized for the subdivision name. The sign is located outside of the required 30-foot by 30-foot vision triangle. Staff has reviewed the subdivision monument sign and recommends approval by the Plan Commission.

Staff Recommendation:

City Development Staff recommends approval of the Final Plat Application and Subdivision Monument Sign for the Avian Estates Subdivision with the conditions as noted in the attached resolutions.

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR AVIAN ESTATES SUBDIVISION (AT APPROXIMATELY 7120 TO 7400 WEST PUETZ ROAD) (AVIAN ESTATES, LLC, APPLICANT)	ITEM NUMBER G. 4.

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Final Plat for Avian Estates Subdivision (at approximately 7120 to 7400 West Puetz Road) (Avian Estates, LLC, Applicant), subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2013-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Final Plat for Avian Estates Subdivision (at approximately 7120 to 7400 West Puetz Road) (Avian Estates, LLC, Applicant), subject to technical corrections by the City Attorney.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR AVIAN ESTATES SUBDIVISION (AT APPROXIMATELY 7120 TO 7400 WEST PUETZ ROAD) (AVIAN ESTATES, LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Final Plat upon the application of Avian Estates, LLC, on October 1, 2013, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the mature woodlands, wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0603B. of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the Final Plat review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Final Plat; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Avian Estates, LLC, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin

OCT 25 2013

City Development

CONSERVATION EASEMENT

AVIAN ESTATES

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

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located in the Northwest ¼ and the Northeast ¼ of the Northwest ¼ of Section 22, Township 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin, further described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, wetland buffers, and wetlands and refer to the Natural Resource Protection Plan prepared by McClure Engineering Associates, Inc., dated April 15, 2013, with all applicable revision dates, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over, and across the protected property, as legally described and depicted on the plan attached hereto as Exhibit "B" and "C", desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement; and

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

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

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

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

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

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

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

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

To Grantor:
Avian Estates LLC
Attn: Paul J. Hinkfuss, General Counsel
13400 Bishop's Lane, Suite 270
Brookfield, WI 53005

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

In witness whereof, the grantor has set its hand and seals this on this date of OCTOBER 25, 2013.

Avian Estates LLC
By: MLG Private Fund LLC
By: MLG PF Manager LLC

By: _____
Timothy J. Wallen, President

STATE OF WISCONSIN)
) ss
COUNTY OF WAUKESHA)

This instrument was acknowledged before me on the 25th day of October, A.D. 2013 by Timothy J. Wallen as President, MLG Private Fund, sole member of Avian Estates LLC, to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company.

Beverly J. Adams
Notary Public

My commission expires 7-11-17

NOTARY PUBLIC
BEVERLY J. ADAMS
STATE OF WISCONSIN

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D. 20__.

CITY OF FRANKLIN

By: _____
Thomas M. Taylor, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

_____
Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

_____ _____
Nicholas Fuchs, Senior Planner Date Received and Reviewed
Department of City Development

Approved as to form only:

_____ _____
Jesse A. Wesolowski Date Received and Reviewed
City Attorney

MORTGAGE HOLDER CONSENT: No Mortgage

Exhibit A
Legal Description of Property

BEING A PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 7413, (EXCEPT THE EASTERLY PORTION THEREOF DESCRIBED AS PART OF PHASE I AREA OF AVIAN AT TUCKWAY CONDOMINIUM, DOCUMENT NO. 08812915), AND MORE CLEARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID ¼ SECTION; THENCE N 89-19'05"E ALONG THE NORTH LINE OF NORTHWEST ¼ OF SAID SECTION, A DISTANCE OF 358.43 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE CONTINUING N 89-19'05" E ALONG THE NORTH LINE OF SAID ¼ SECTION, A DISTANCE OF 1211.58 FEET TO A POINT ON THE WEST LINE OF PHASE I AREA OF SAID AVIAN AT TUCKAWAY CONDOMINIUM; THENCE S 00-24'36" E ALONG SAID WEST LINE OF PHASE I AREA, A DISTANCE OF 517.15 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE S 89-19'05" W ALONG THE NORTH LINE OF SAID ROAD, A DISTANCE OF 238.43 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 681.78 FEET, WHOSE CHORD BEARS N 71-51'26" W 439.99 FEET, A DISTANCE OF 448.00 FEET TO A POINT OF TANGENCY; THENCE N 53-01'57" W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, A DISTANCE OF 419.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC OF CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 761.78 FEET, WHOSE CHORD BEARS N 62-31'57" W 251.46 FEET, A DISTANCE OF 252.62 FEET TO THE POINT OF BEGINNING.

K:\PROJECTS\Franklin - Avian Estates\Legal\Avian Estates Conservation Easement - Final.doc

EXHIBIT B - LEGAL DESCRIPTION OF CONSERVATION EASEMENT

BEING A PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

CONSERVATION AND WETLAND SETBACK EASEMENT DESCRIPTION

PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

BEING A PART OF AVIAN ESTATES, BEING A RE-DIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 7413, (EXCEPT THE EASTERLY PORTION THEREOF DESCRIBED AS PART OF PHASE I AREA OF AVIAN TUCKAWAY CONDOMINIUM, DOCUMENT NO. 08812915), AND MORE CLEARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID ¼ SECTION; THENCE N 89°19'05"E ALONG THE NORTH LINE OF NORTHWEST ¼ OF SAID SECTION, A DISTANCE OF 358.43 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE CONTINUING N 89°19'05" E ALONG THE NORTH LINE OF SAID ¼ SECTION, A DISTANCE OF 173.95 FEET; THENCE S 00°40'55" E A DISTANCE OF 24.51 FEET; THENCE S 28°11'45" W A DISTANCE OF 50.99 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE NORTHWESTERLY ALONG AN ARC OF CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 761.78 FEET, WHOSE CHORD BEARS N 65°49'54" W 164.56 FEET, A DISTANCE OF 164.88 FEET TO THE POINT OF BEGINNING.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°19'05"E	173.95'
L2	S00°40'55"E	24.51'
L3	S28°11'45"W	50.99'

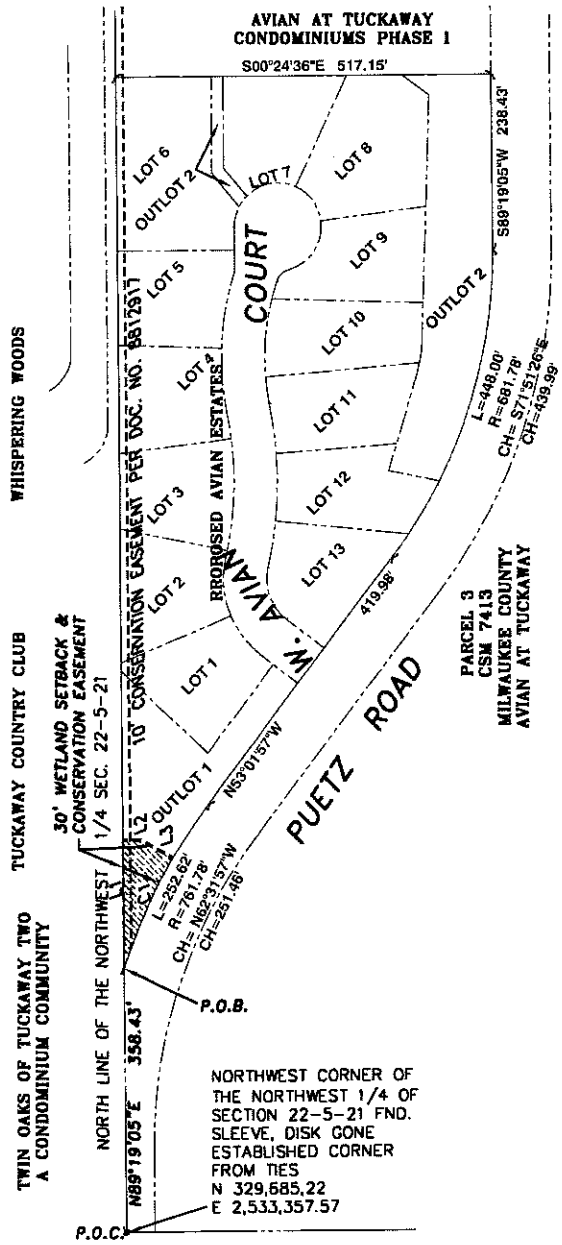
CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	761.78'	164.88'	164.56'	N65°49'54"W	12°24'05"

Project: 08-15-13-014

W:\dwg\WI\MEAI WI OFFICE\Franklin\AvianEstates\0813014AvianFinalPlat.dwg 10/24/2013 4:10:50 PM CDT

EXHIBIT C - MAP OF CONSERVATION EASEMENT

BEING A PART OF LANDS IN THE NORTHWEST ¼ AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



McClure Engineering Associates, Inc.

5417 North 118th Court, Milwaukee, WI. 53225
TEL (414)-616-4880 FAX (414)-616-4885

GRAPHIC SCALE

200' 100' 0 200'

Project: 08-15-13-014

W:\dwg\WI\MEAI WI OFFICE\Franklin\AvianEstates\0813014AvianFinalPlat.dwg 10/24/2013 4:10:50 PM CDT

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE 11/19/13
Reports & Recommendations	**SUBJECT:** A resolution authorizing certain officials to execute a Subdivision Development Agreement with the developer of Avian Estates Subdivision.	**ITEM NO.** G.5.

BACKGROUND

Pursuant to the approval of Avian Estates Subdivision, it is necessary to enter into a subdivision development agreement at an estimated cost of $447,228.41.

ANALYSIS

The approval of the final plat for Avian Estates Subdivision was conditional on the approval of a subdivision development agreement and this agreement meets said conditions.

OPTIONS

It is recommended that the Common Council approve the enclosed standard form of the subdivision development agreement with specific items contained in Exhibit "E" attached.

FISCAL NOTE

Developer pays all costs including a plan review cost of $9,075.50.

RECOMMENDATION

Motion to adopt Resolution No. 2013- _____ a resolution authorizing certain officials to execute a Subdivision Development Agreement with the developer of Avian Estates Subdivision.

JMB/db

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2013- _____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF AVIAN ESTATES SUBDIVISION

WHEREAS, the Common Council at its regular meeting on November 19, 2013 recommended approval of the subdivision subject to the execution of a Subdivision Development Agreement, and

WHEREAS, it is in the best interest of the City of Franklin to provide an orderly planned development of the development known as Avian Estates Subdivision, and

WHEREAS, the developer of the subdivision is willing to proceed with the installation of the improvements provided for in the development agreement, and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are hereby authorized and directed to execute the Subdivision Development Agreement on behalf of the City with the developer of the subdivision.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Subdivision Development Agreement with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council on the _____day of _____, 2013 by Alderman _____.

Passed and adopted by the Common Council on the _____ day of _____, 2013.

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

JMB/db

Resols\Avian Estates Subdivision 2013 S312A-3

EXHIBIT "E"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
AVIAN ESTATES

ADDITIONAL SUBDIVISION REQUIREMENTS

1. The Subdivider agrees that it shall pay to the City of Franklin the street light installation and underground wiring costs as determined by the WE Energies Company for one (1) 100-watt ornamental sodium vapor light.

2. The Subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses pursuant to the approved Natural Resource Protection Plan (the "NRPP"). Trees shall be protected and preserved during construction in accordance with sound conservation practices as outlined in section 15-8.0204 a-f of the UDO.

3. The Subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the City Engineer as outlined in section 15-8.0203H 1-5 of the UDO.

4. The Subdivider agrees to pay the City for street trees planted by the City on the new cul-de-sac at the rate of $400.00 per tree with a planting distance between trees of 75 feet on the average. The City shall determine the planting schedule and shall be responsible for tree maintenance and replacement except for damage caused by the developer, the developer's sub-contractors, or the lot owners.

5. The requirements for the installation of concrete driveway approaches shall be omitted from this agreement because the Subdivider will require that the owners of said lots install concrete driveway approaches, as required by the Franklin Building Inspector.

6. The Subdivider shall be responsible for cleaning up the debris that has blown from buildings under construction within the Subdivision. The Subdivider shall clean up all debris within forty-eight (48) hours after receiving a notice from the City Engineer.

7. The Subdivider shall be responsible for cleaning up the mud and dirt on the roadways until such time as the final lift of asphalt has been installed. The Subdivider shall clean the roadways within forty-eight (48) hours after receiving a notice from the City Engineer.

8. Prior to commencing site grading, the Subdivider shall submit for approval by the City Engineer an erosion and silt control plan. Said plan shall provide sufficient control of the site to prevent siltation downstream from the site. The Subdivider shall maintain the erosion and siltation control until such time that vegetation sufficient to equal pre-existing conditions.

9. The Subdivider shall inform the persons purchasing lots of their obligation to cut weeds to conform to the City's noxious weed ordinance.

10. The Subdivider shall construct a series of water retention basins as required in the Storm Water Management Plan in accordance with the plans and specifications approved by the City Engineer. Maintenance of said storm water management facilities shall be the responsibility of the Subdivider and/or an owners association.

11. The Subdivider shall create a Homeowners Association for the care and maintenance of all common lands, including a storm water management basin (pond), and other green areas. Said Homeowners Association documents shall be reviewed and approved by the Franklin Plan Commission or as may otherwise be provided by the UDO, prior to recording of the Final Plat.

12. Homeowners Association documents shall include a Declaration of Restrictions and Covenants specifying the maintenance of the existing detention basin and landscaping, pedestrian walk/emergency access in outlot and entryways. Said document shall be recorded after approval by the City Attorney.

13. Construction Requirements:

    a. Prior to any construction activity on the site, Subdivider shall prepare a gravel surfaced parking area within the boundaries of the site

    b. During construction, all vehicles and equipment shall park on the site. Parking shall not be permitted on any external public right-of-way such as W. Puetz Road.

    c. Prior to issuance of any building permits other than in the case of the issuance of any model structure permits, all necessary grading and improvements shall be competed as directed by the City Engineer.

14. The Subdivider shall provide minimum of a 10 foot hard surface walk to the existing condominium project such that emergency vehicles can use in case of an emergency. Said pedestrian walk/emergency access shall be placed in a 20 foot wide outlot dedicated to the City of Franklin. Walkway shall be signed on both ends with no vehicular traffic except emergency vehicles.

APPROVAL dw	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT AN AMENDMENT TO CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 7700-7780 SOUTH LOVERS LANE ROAD (SB1 WYNDHAM, LLC, OWNER/APPLICANT)	ITEM NUMBER G.6.

City Development staff recommends approval of a resolution authorizing certain officials to accept an Amendment to Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 7700-7780 South Lovers Lane Road (SB1 Wyndham, LLC, Owner/Applicant), subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2013-_____, a resolution authorizing certain officials to accept an Amendment to Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 7700-7780 South Lovers Lane Road (SB1 Wyndham, LLC, Owner/Applicant), subject to technical corrections by the City Attorney.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT AN AMENDMENT TO CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 7700-7780 SOUTH LOVERS LANE ROAD (SB1 WYNDHAM, L.L.C., OWNER/APPLICANT)

WHEREAS, the Plan Commission having approved a Certified Survey Map upon the application of SB1 Wyndham, LLC, on September 3, 2013, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of an Amendment to Conservation Easement to protect the wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Amendment to Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by SB1 Wyndham, LLC, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

AMENDMENT TO CONSERVATION EASEMENT

This Amendment is dated as of November __, 2013 by and between the City of Franklin, a municipal corporation of the State of Wisconsin (the "City") and SB1 Wyndham, L.L.C., a Wisconsin corporation ("Owner").

RECITALS

The City and Owner acknowledge the following:

A. The City and Wyndham Village Retail, LLC, a Wisconsin limited liability company ("Developer") entered into a Conservation Easement dated October 12, 2007 and recorded November 8, 2007 as Document No. 09520994 (the "Original Easement") under which the Developer granted to the City and the City accepted certain easements over the real estate described on Exhibit D attached to the Original Easement (the "Original Easement Parcels").

B. Owner is the current owner of the real estate described on Exhibit A (the "Center Parcel") on which are located portions of the Original Easement Parcels.

C. In connection with the division of the Center Parcel by certified survey map, an updated wetland delineation was performed, and Owner and the City desire to amend the Original Easement to conform to the updated wetland location.

AGREEMENTS

In consideration of the Recitals and the mutual covenants below, the City and Owner agree as follows:

1. The Original Easement is amended to replace the description and depiction of Conservation Easement Area 3 on Exhibits B, C and D to the Original Easement with the depiction and description of Conservation Easement Area 3 on Exhibits B and C attached hereto.

2. The portion of the Center Parcel that was described as Conservation Easement Area 3 on Exhibits B, C and D to the Original Easement and that is not located within the revised Conservation Easement Area 3 described on Exhibits B and C attached hereto is released from the easements and restrictions set forth in the Original Easement.

3. Except as specifically amended by this Amendment, the Original Easement remains in full force and effect.

[Signatures on following pages]

SB1 WYNDHAM, L.L.C.

BY:_____
Name:_____
Its:_____

State of Wisconsin)
: SS
Milwaukee County)

This instrument was acknowledged before me on the ___ day of November, 2013, by _____ as _____ of SB1 Wyndham, L.L.C.

[Seal]

_____
Notary Public, State of Wisconsin
My commission expires on

CITY OF FRANKLIN

BY:_____
Name:_____
Its:_____

BY:_____
Name:_____
Its:_____

State of Wisconsin)
: SS
Milwaukee County)

This instrument was acknowledged before me on the ___ day of November, 2013, by _____ as _____ of the City of Franklin.

[Seal]

_____
Notary Public, State of Wisconsin
My commission expires on

State of Wisconsin)
: SS
Milwaukee County)

This instrument was acknowledged before me on the ___ day of November, 2013, by _____ as _____ of the City of Franklin.

[Seal]

_____
Notary Public, State of Wisconsin
My commission expires on

This instrument was drafted by
David M. Sanders, Esq.
Reinhart Boerner Van Deuren s.c.
1000 N. Water Street, Suite 1700
Milwaukee, WI 53202

EXHIBIT A

Description of Center Parcel

Lot 1 of Certified Survey Map No. 8000 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on November 14, 2007, as Document No. 9523246, being a redivision of Parcel 1 of Certified Survey Map No. 5762, Certified Survey Map No. 377, and lands in the Southwest ¼ and Northwest ¼ of the Southeast ¼ of Section 8, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

Property Address: 7780 South Lovers Lane Road, Franklin, WI 53132

FOR INFORMATIONAL PURPOSES ONLY:

Tax Key Number: 794-9999-003

EXHIBIT B

CONSERVATION EASEMENT (AREA 3 REVISED 10-25-13)
PART OF LANDS IN THE SOUTHWEST ¼ AND NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

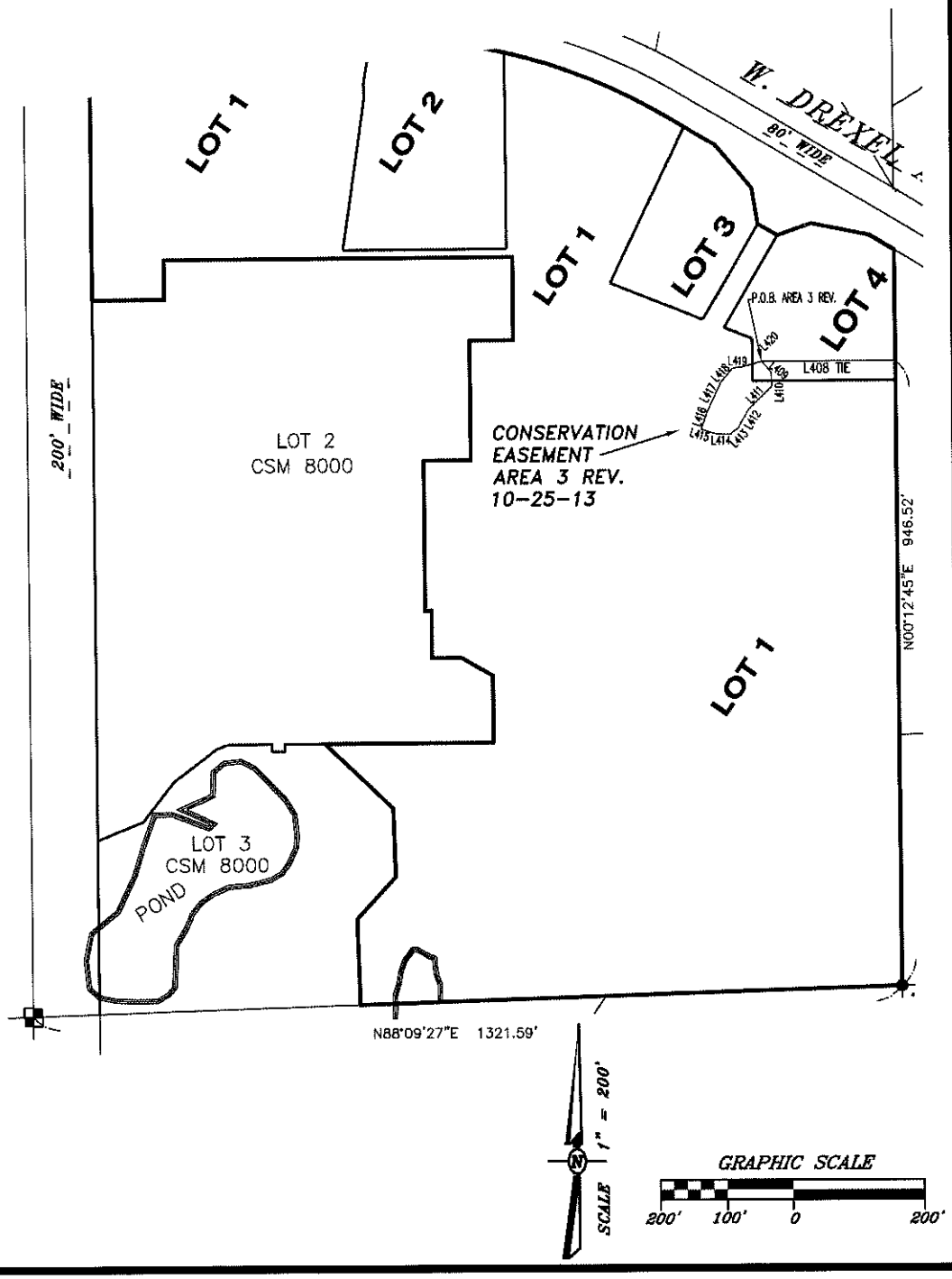

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EXHIBIT C

LEGAL DESCRIPTION –CONSERVATION EASEMENT (AREA 3 REV. 10-25-13)

PART OF LANDS IN THE SOUTHWEST ¼ AND NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION; THENCE N88°09'27"E ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 1321.59 FEET, TO THE SOUTHEAST CORNER OF LOT 1 OF CSM 8000; THENCE N00°12'45"E, ALONG THE EAST LINE OF SAID LOT 1, 946.52 FEET; THENCE S89°47'15"W 202.64 FEET TO THE POINT OF BEGINNING; THENCE S39°38'20"E 21.84 FEET, THENCE S03°27'24"E 20.50 FEET; THENCE S45°03'29"W 48.67 FEET; S30°29'51"W 34.51 FEET; THENCE S54°09'56"W 15.37 FEET; THENCE N88°43'40"W 19.43 FEET; THENCE N72°44'03"W 24.17 FEET; N19°07'40"E 29.93 FEET; THENCE N24° 26'39"E 46.92 FEET; THENCE N40°17'22"E 27.93 FEET; THENCE N82°18'41"E 17.66 FEET; THENCE N73°12'51"E 28.18 FEET TO THE POINT OF BEGINNING.

CONSERVATION EASEMENT

AREA 3 REV. 10-25-13

LINE	BEARING	DISTANCE
L408 TIE	S89°47'15"W	202.64'
L409	S39°38'20"E	21.84'
L410	S03°27'24"E	20.50'
L411	S45°03'29"W	48.67'
L412	S30°29'51"W	34.51'
L413	S54°09'56"W	15.37'
L414	N88°43'40"W	19.43'
L415	N72°44'03"W	24.17'
L416	N19°07'40"E	29.93'
L417	N24°26'39"E	46.92'
L418	N40°17'22"E	27.93'
L419	N82°18'41"E	17.66'
L420	N73°12'51"E	28.18'

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APPROVAL slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND SECTION 15-3.0433 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC.) TO ALLOW FOR THE CONSTRUCTION AND USE OF A CHAPEL (CONSERVANCY FOR HEALING AND HERITAGE, INC., APPLICANT) (6941 S. 68TH STREET AND ENVIRONS)	ITEM NUMBER G.7.

At its November 7, 2013 meeting, the Plan Commission recommended approval of an ordinance to amend Section 15-3.0433 of the Unified Development Ordinance Planned Development District No. 28 (Polish Festivals, Inc.) to allow for the construction and use of a chapel for the Conservancy for Healing and Heritage Inc., Applicant, for property located approximately at 6941 S. 68th Street and environs.

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2013-_____ approving an ordinance to amend Section 15-3.0433 of the Unified Development Ordinance Planned Development District No. 28 (Polish Festivals, Inc.) to allow for the construction and use of a chapel (Conservancy for Healing and Heritage, Inc., applicant) (located approximately at 6941 S. 68th Street and environs).

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

ORDINANCE NO. 2013-____

AN ORDINANCE TO AMEND §15-3.0433 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC.) TO ALLOW FOR THE CONSTRUCTION AND USE OF A CHAPEL (CONSERVANCY FOR HEALING AND HERITAGE, INC., APPLICANT) (6941 SOUTH 68TH STREET AND ENVIRONS)

WHEREAS, §15-3.0433 of the Unified Development Ordinance provides for and regulates Planned Development District No. 28 (Polish Festivals, Inc.), same having been created by Ordinance No. 99-1552 and later amended by Ordinance No. 2004-1825, with such District primarily being located at 6941 South 68th Street; and

WHEREAS, Conservancy for Healing and Heritage, Inc., applicant, having petitioned for an amendment to Planned Development District No. 28 to allow for the construction and use of a chapel as part of its Lake Trails, Healing Garden and Chapel Project; and

WHEREAS, Planned Development District No. 28 currently in part includes those lands upon which the proposed use under the aforementioned application will be located, legally described as follows:

> Outlot 1 of Certified Survey Map No. 7544, being a part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 all in the Southwest 1/4 of Section 3, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin containing 36.447 acres. Tax Key No. 743-8978-006; and

WHEREAS, the City of Franklin Plan Commission on the 7th day of November, 2013 having determined that the proposed amendment is a minor amendment, and that the proposed amendment to Planned Development District No. 28 to allow for the construction and use of a chapel would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 28 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: §15-3.0433 Planned Development District No. 28 (Polish Festivals,

Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended pursuant to all of the terms and provisions of this Ordinance, and more specifically in this Section, to amend §15-3.0433A.1. as follows: (strike out text language to be deleted): add to and at the end of the existing text: ".; and the Site Plan City file-stamped October 30, 2013."; to amend §15-3.0433B.1. as follows: the existing §§15-3.0433B.1.c. and d. are hereby renumbered to §§15-3.0433B.1.d. and e., respectively; §15-3.0433B.1.c. is hereby created to read as follows: "A chapel and chapel path as set forth upon the Site Plan City file-stamped October 30, 2013, annexed hereto and incorporated herein; to amend §15-3.0433B.1.d., as renumbered above, as follows: delete: " and b." and in place thereof, insert: ", b. and c.", and delete: "sub. B.1.a.", and in place thereof, insert "subs. B.1.a. and c."; to amend §15-3.0433E.3. to add the following to and at the end of the existing text: "The chapel and chapel path use shall have a setback of 55 feet from the south property line."; to amend §15-3.0433E.4. to add the following to and at the end of the existing text: "The chapel building shall not exceed a height of 40 feet."; and, §15-3.0433E.5.e. is hereby created to read as follows: "Notwithstanding the foregoing provisions of this subsection, the chapel building use shall utilize off-site parking upon the adjoining property to the south (occupied by the Reiman Cancer Care Center in 2013).".

SECTION 2: No Building Permit shall be issued for the chapel construction otherwise authorized under this Ordinance until the applicant has satisfied the following conditions:

1. A final Architectural Plan shall be submitted for staff review and approval prior to issuance of a Building Permit.
2. Should exterior lighting be provided, that a Lighting Plan shall be submitted for staff review and approval.
3. The Site Grading and Erosion Control Plan (sheet C103 of the Site/Natural Resource Protection Plan) shall be revised such that the filter fabric fence be replaced with straw wattles and/or filter socks, that erosion mat also be installed on the north side of the chapel building, and inlet protection be added to the storm sewer inlets within the existing parking lot closest to the area to be disturbed and to the contractor staging area.
4. The Tree Preservation Plan (sheet NRPP-9 of the Site/Natural Resource Protection Plan) shall be revised to provide further details about the timing and method of buckthorn removal and the planting of the proposed deciduous trees and perennials, such that buckthorn removal does not harm the proposed plantings.

5. The Landscape Plan shall be revised to indicate a landscape planting guarantee of three years.
6. The revised Conservation Easement document shall be reviewed by Community Development staff and the City Attorney and approved by the City of Franklin Common Council.

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

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

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

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

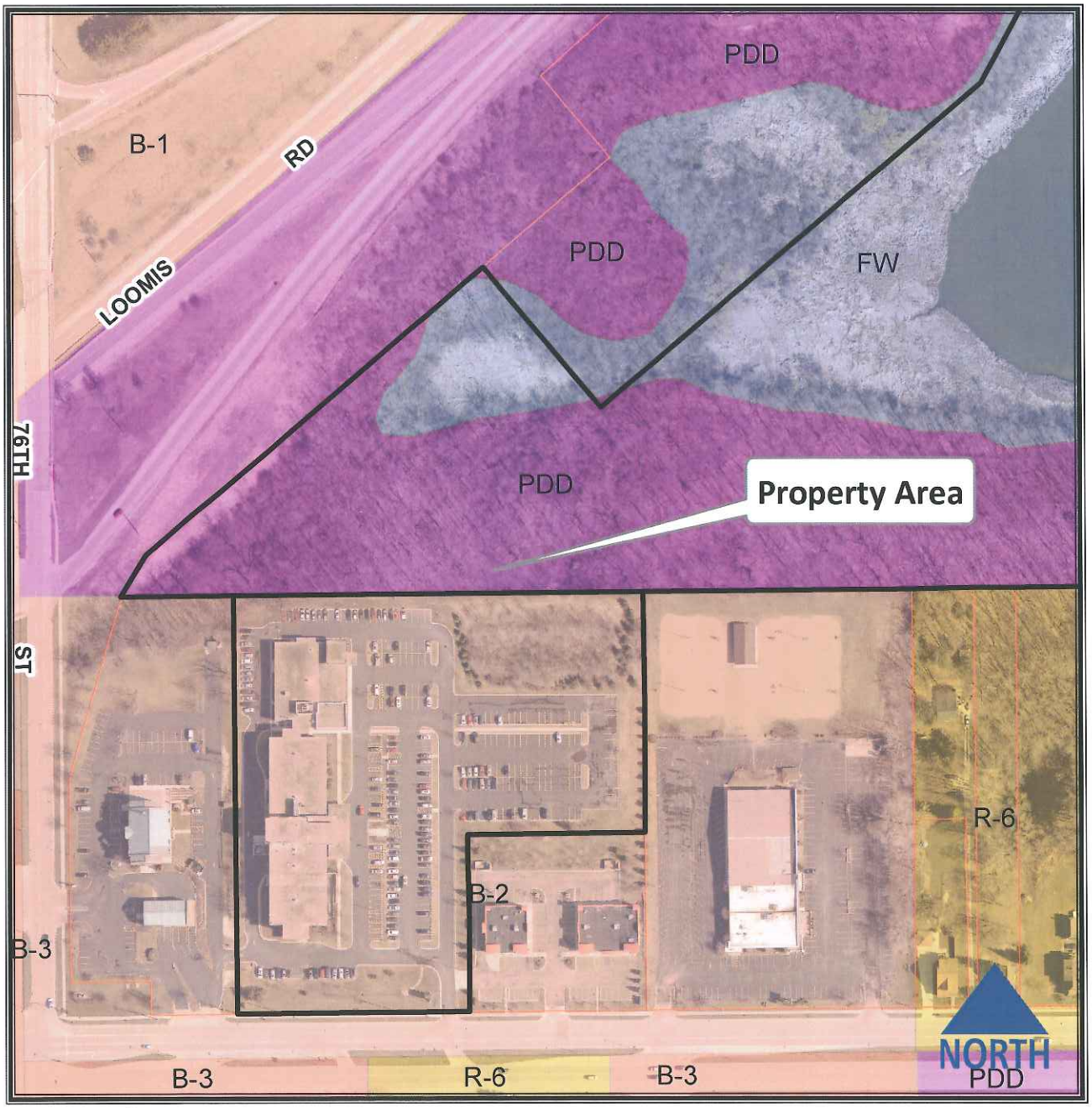
ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin

7400 West Rawson Avenue
Reiman Cancer Care Healing Garden Development



Planning Department
(414) 425-4024

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2013 Aerial Photo

Legend
Parcel with Address Owner
Street

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

Wheaton Franciscan Healthcare
Franklin

In Partnership with the Felician Sisters

10101 S. 27th Street
Franklin, WI 53132

414.325.4700

October 16, 2013

Mr. Joel Dietl, AICP
Planning Manager
City of Franklin
9229 W. Loomis Road
Franklin WI, 53132

Re: Conservancy for Healing and Heritage
Submittal for Minor PDD Amendment for Reiman Cancer Care Center Chapel Construction

Dear Joel:

Please allow this letter to serve as our confirmation that we are fully informed of and support the construction of the new Chapel off the northeast corner of our parking lot. We do also agree with the following site and use requirements for the Chapel.

1) Parking will be provided for within our existing lot. We do not foresee any issues with this as the primary use is for patients and their families and the structure is relatively small at just over 700 square feet.
2) The Chapel will be accessed by a sidewalk partially on our property, extending from the northeast corner of our parking lot.
3) Construction access will be via our property.
4) The hours of operation will be the same as the Cancer Center and access will also be managed by the Cancer Center.
5) The primary intended use is for patients and their families but the Chapel will be open to the public as well.
6) Restroom facilities are not included within the Chapel. The facilities in the Cancer Center will be available for use by Chapel visitors.
7) The Chapel may be closed in the winter at the discretion of Wheaton Franciscan Healthcare.

Thank you for your consideration.

Sincerely,

Daniel Mattes
President of Wheaton Franciscan Healthcare-Central Market

October 14, 2013

Mr. Joel Dietl, AICP
Planning Manager
City of Franklin
9229 W. Loomis Road,
Franklin WI, 53132

Re: Conservancy for Healing and Heritage
Submittal for Minor PDD Amendment for Reiman Cancer Care Center Chapel Construction

Dear Joel,

We are pleased to submit and ask the City's permission to build the first phase of our Lake Trails, Healing Gardens & Chapel project. We continue to raise funds for all three elements of the project but have recently received a restricted gift for the chapel and thus, that becomes our first phase of construction.

We respectfully request review of our proposed project as a minor amendment to PDD #28 as described below and in our enclosed documents.

1.0 Project Goals:

The proposed chapel is the first phase of a three part project to include the Koepmier Lake Education Trail, Cancer Center Healing Gardens and Cancer Center Chapel. Fundraising is ongoing for all projects. The Chapel will be completed first as the result of a restricted gift to fully fund its completion.

2.0 Chapel Location:

The original location contemplated for the Chapel was the former site of the cottage on the south shore of Koepmier Lake. The site is now proposed to be just off the northeast corner of the Cancer Center parking lot. This new location was chosen to lessen the total impact on the lake and wetlands, improve accessibility, and create a stronger connection with the Cancer Center. The lake cottage that will now remain is intended to be an open pavilion as part of the Lake Trail project in the future.

This new site within the woodland was specifically chosen because it is a plateau area that will lessen the impact on the natural slopes and also an area that has been overrun with Buckthorn growth, which will be removed as part of the construction. The building site currently has only small caliper trees and several are dead. The exact position and orientation of the building was chosen to protect existing large specimen trees to the north, south, east and west.

3.0 Chapel Operation:

The hours of operation will be the same as the Cancer Center and access will also be managed by the Cancer Center. The primary intended use is for patients and their families but the Chapel will be open to the public as well. Restroom facilities are not included within the Chapel. The facilities in the Cancer Center will be available for use by Chapel visitors. The Chapel may be closed in the winter at the discretion of Covenant Healthcare.

4.0 Chapel Design:

The design of the chapel has three purposes. First, to provide a peaceful ad contemplative space for cancer patients and their families, both during their treatment and in the years beyond. Second, to heighten people's experience of the woods and Conservancy by utilizing a site within the woodland and providing a dramatic framed view of the woods and ravine. Last, the design of the Chapel is meant to evoke images of historical countryside chapels found throughout Poland. Wood structure, sheathing, details and the high pitched form and portal entrance all contribute to this impression.

5.0 PDD Amendments Requested:

A. Revise Section E.1 of PDD #28 to allow the chapel as a permitted use.
B. Revise Section E.3 of PDD #28 to allow a building setback of 55 feet from the southern property line.
C. Revise Section E.4 of PDD #28 to allow a structure of up to 40 feet in height.
D. Revise Section E.5 of PDD #28 to allow for chapel parking to be provided for in the existing Covenant Healthcare/ Reiman Center for Cancer Care parking lot.

We are hopeful that you will agree with the merits of this new site and that it represents only a minor modification to our PDD.

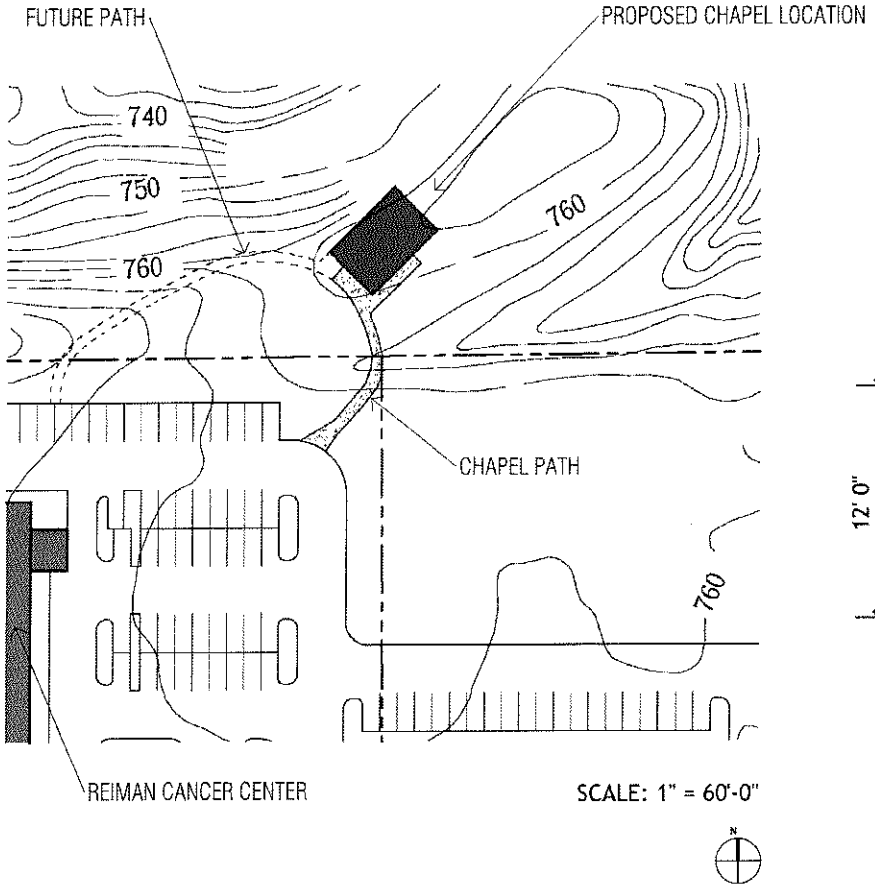
Thank you for your consideration.

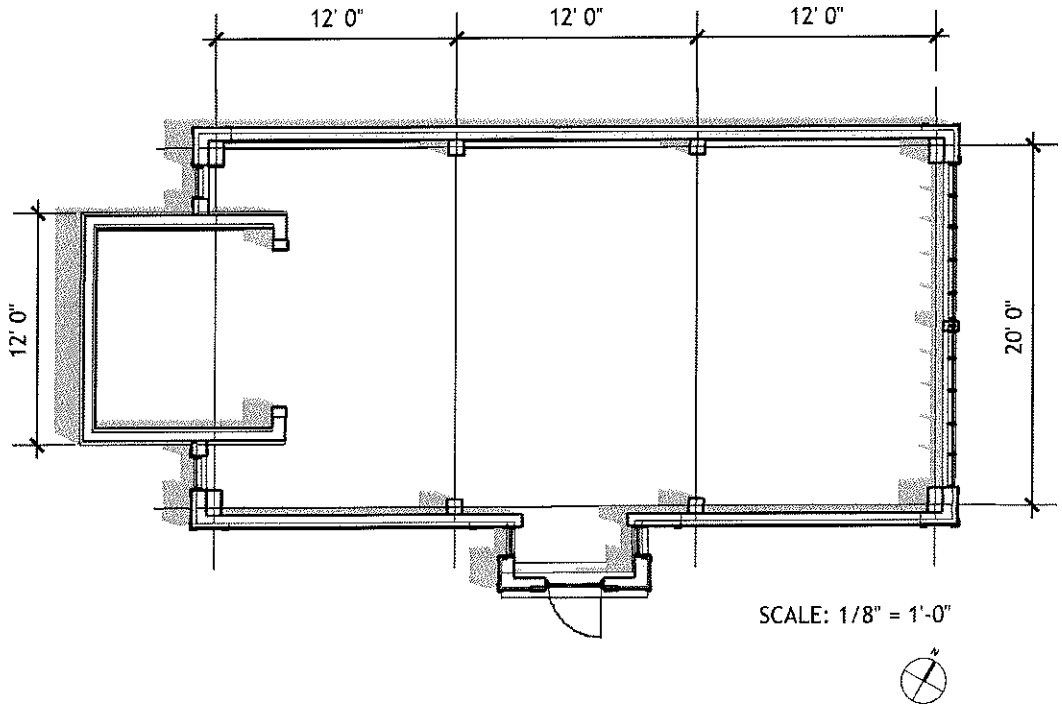
Sincerely
Conservancy For Healing and Heritage Inc.

By: Michael J. Skwierawski, Board Member, Project Manager

Michael J. Skwierawski

Franklin
OCT 30 2013
City Development





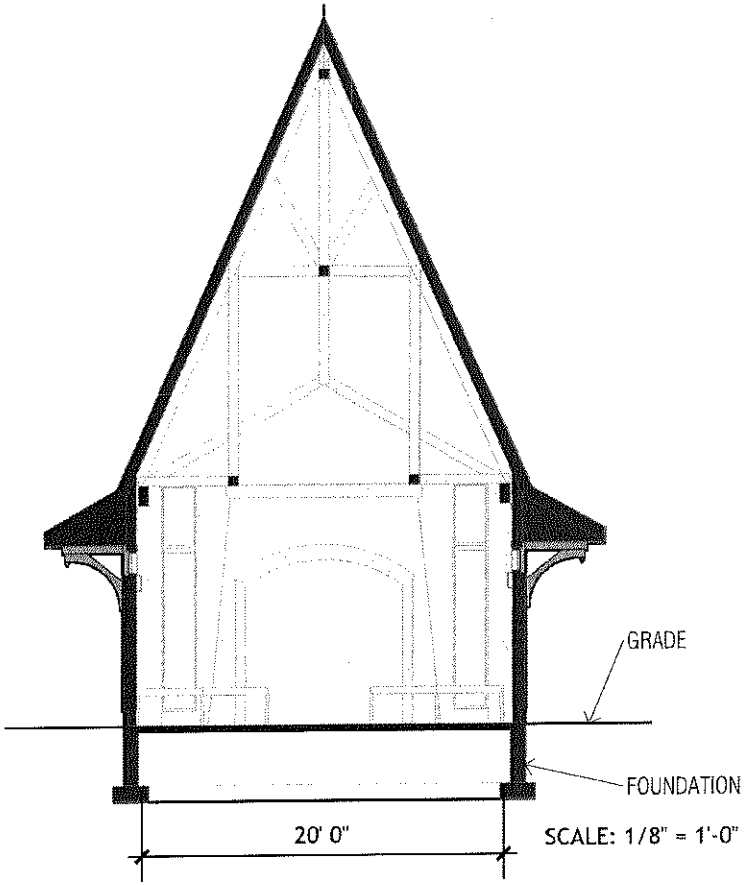
UHLEIN WILSON

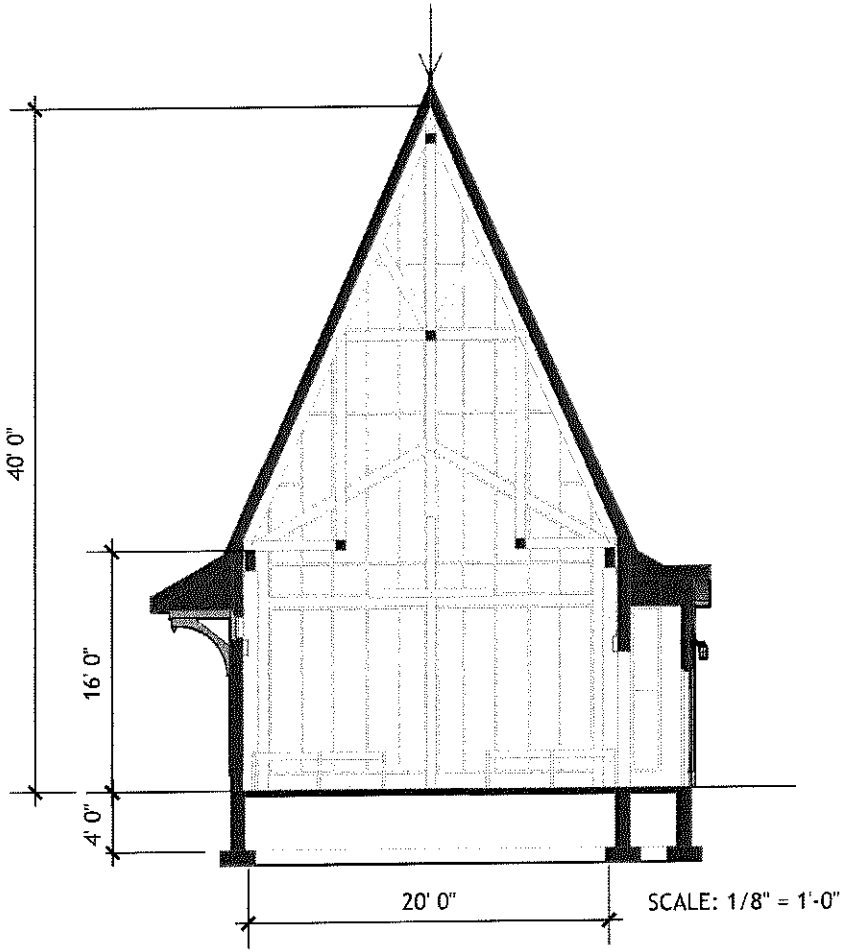
LOCATION AND FLOOR PLAN

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL





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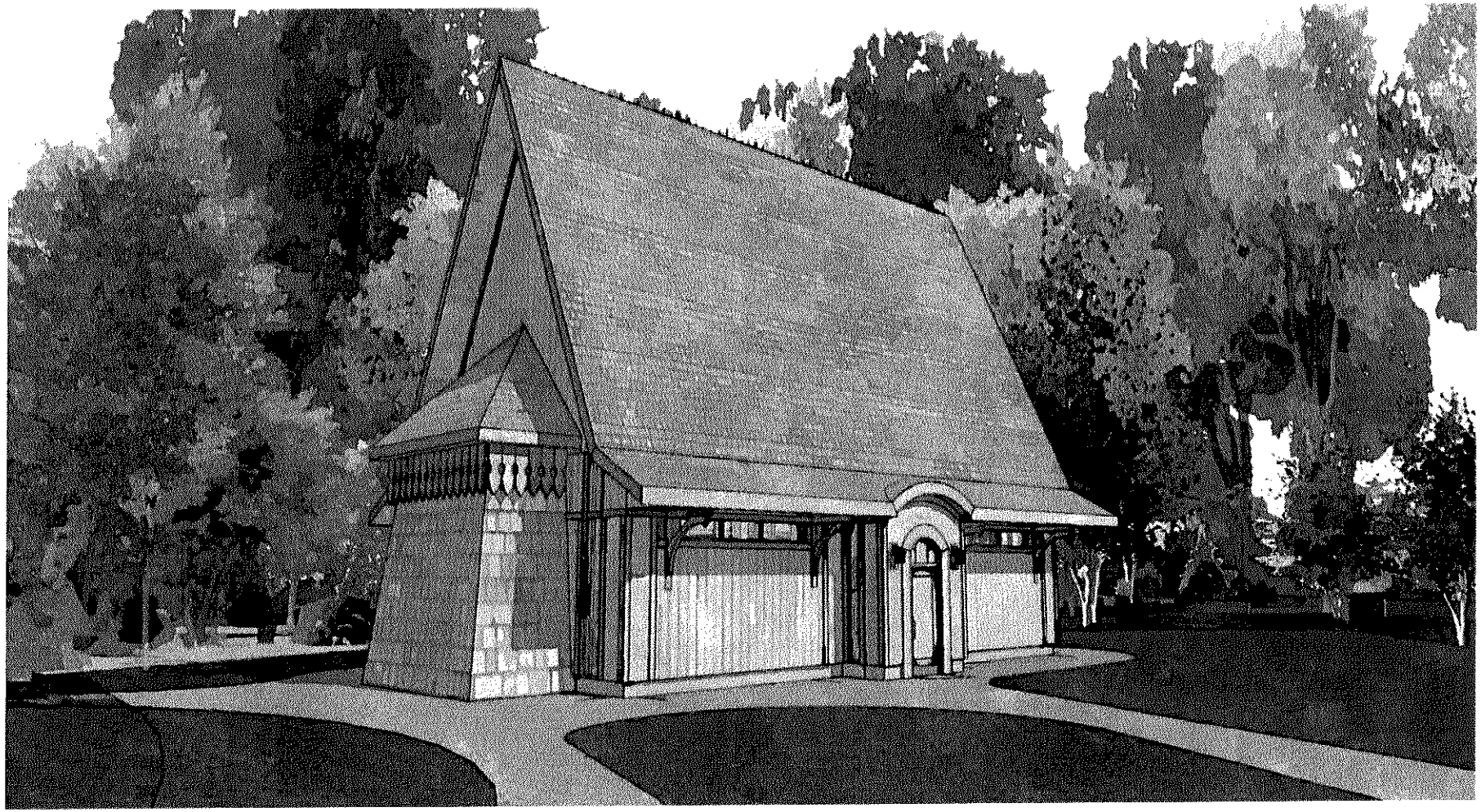
SECTIONS

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL



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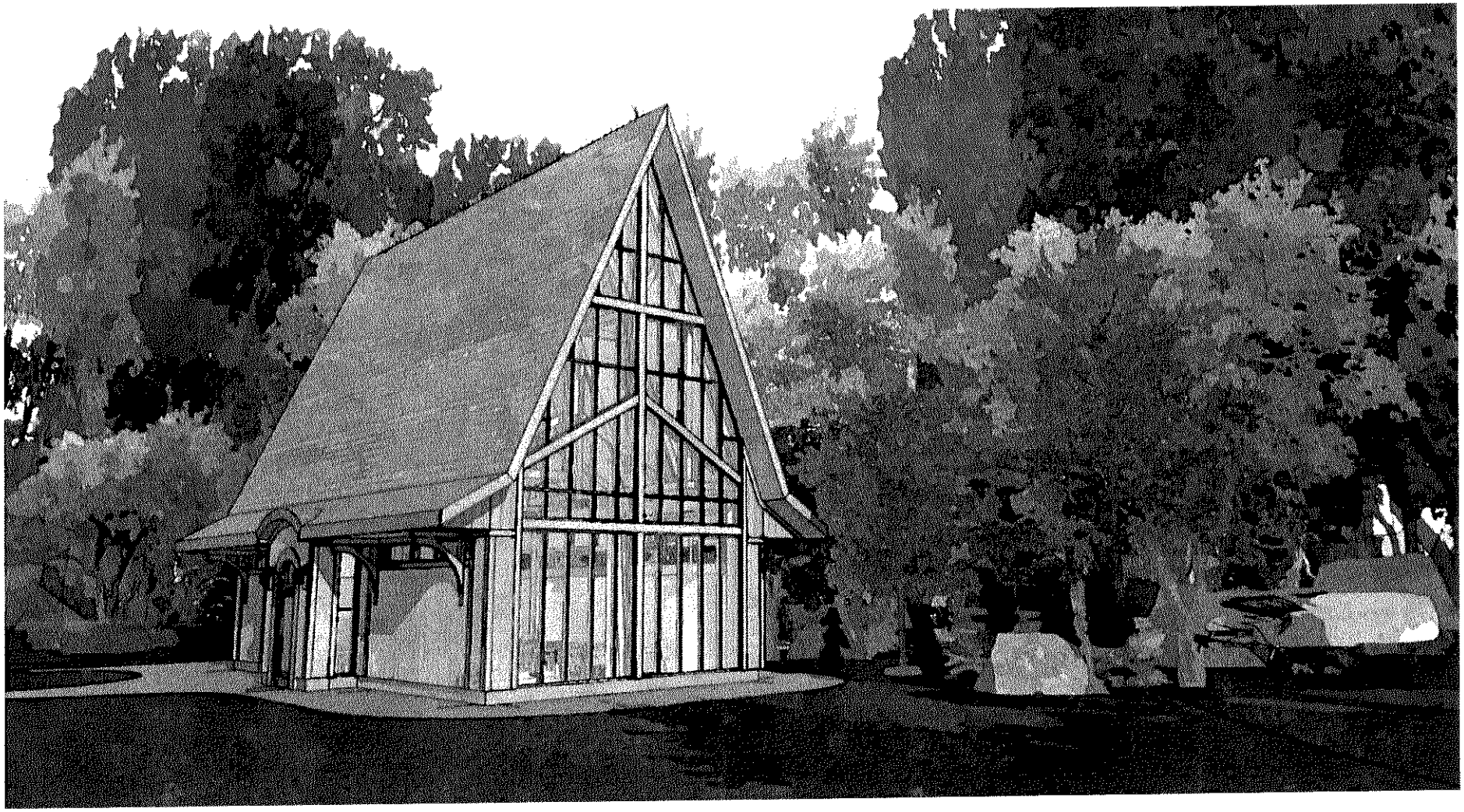
VIEW FROM SOUTHWEST/ENTRY

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL



UHLEIN WILSON

VIEW FROM NORTHWEST/WOODS

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL

UHLEIN WILSON

INTERIOR VIEW FACING SOUTHWEST

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL

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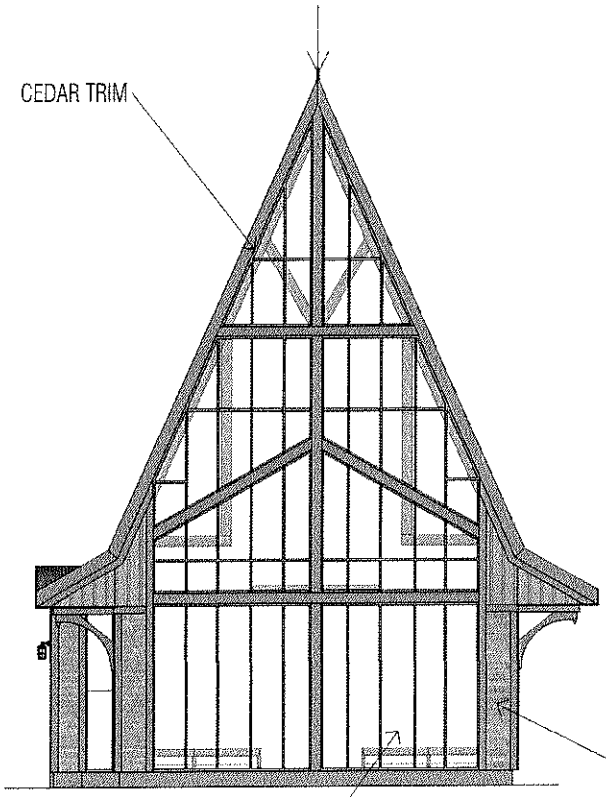
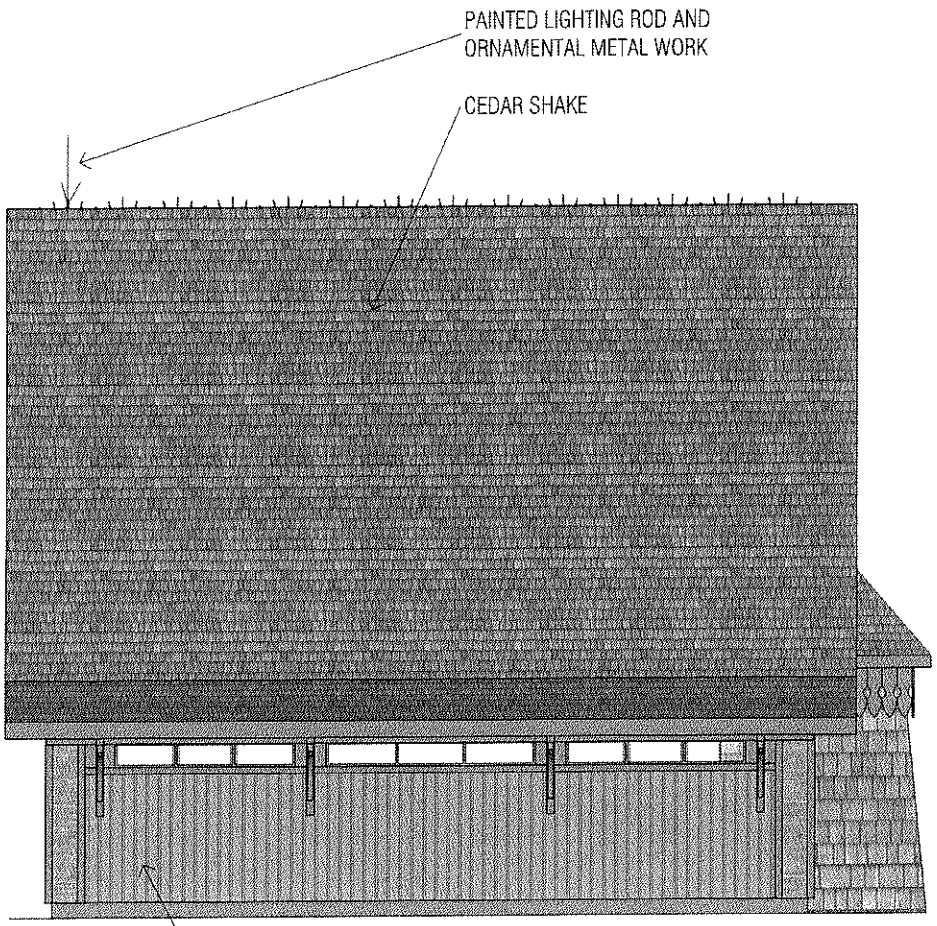
INTERIOR VIEW FACING NORTHEAST

CONSERVANCY FOR HEALING AND HERITAGE

EJM : October 29, 2013

REIMAN CANCER CARE CHAPEL





SCALE: 1/8" = 1'-0"

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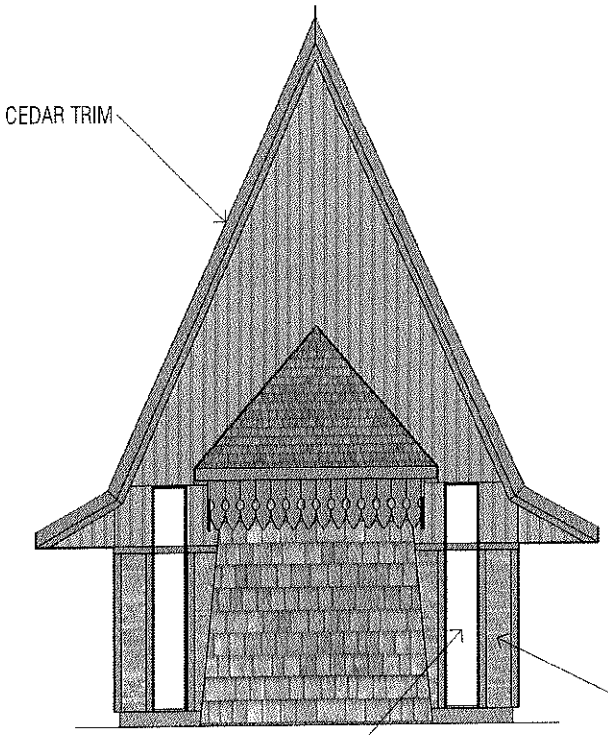
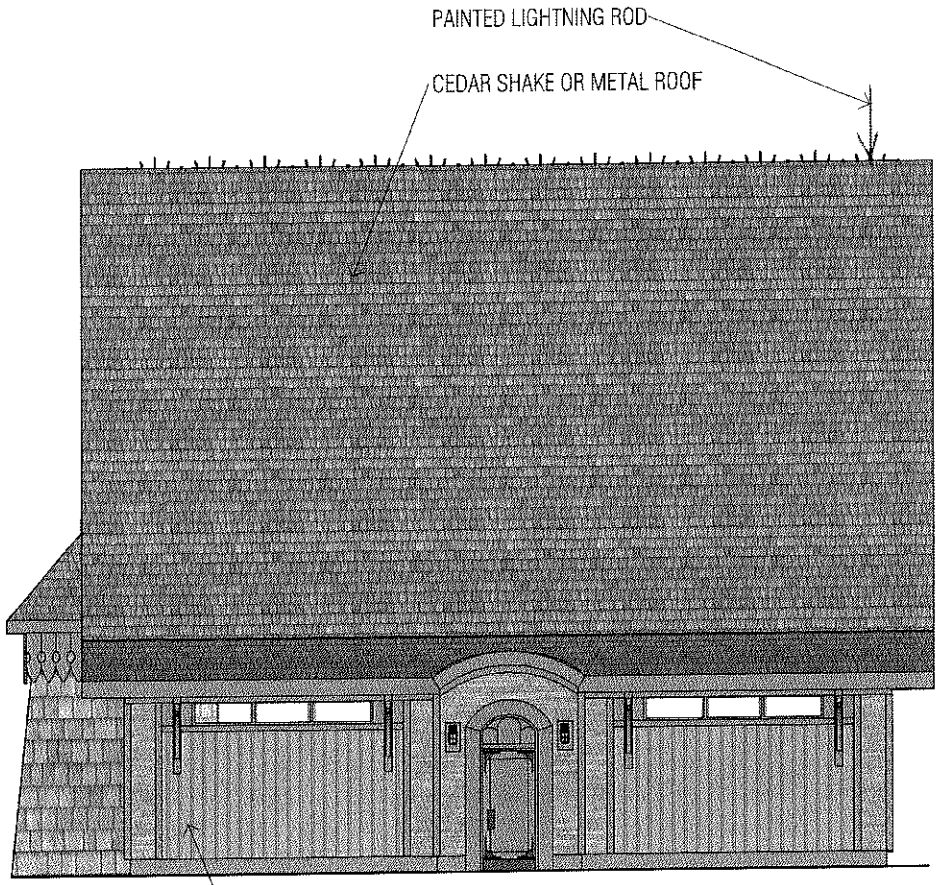
ELEVATIONS

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL





SCALE: 1/8" = 1'-0"

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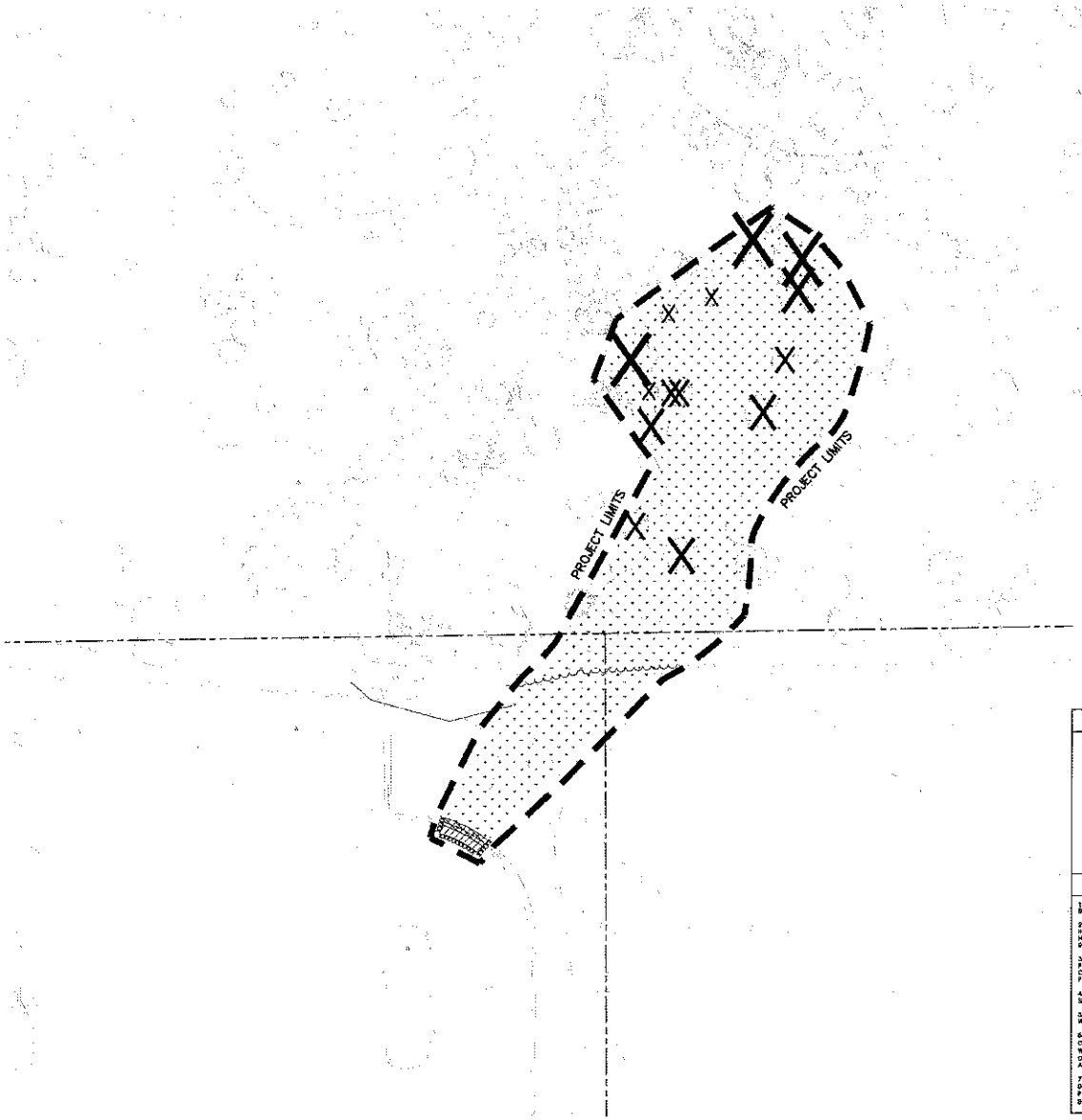
ELEVATIONS

CONSERVANCY FOR HEALING AND HERITAGE

EJM | October 29, 2013

REIMAN CANCER CARE CHAPEL



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Scale: 1" = 10'

DIGGERS HOTLINE
Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

DEMOLITION LEGEND

	VEGETATION TO BE REMOVED AND DISPOSED OF OFFSITE, IF SUITABLE FOR REUSE, TOPSOIL TO BE STOCKPILED, UNUSED AND UNSUITABLE TOPSOIL TO BE REMOVED OFFSITE. TOPSOIL THICKNESS MAY VARY.
	ASPHALT PAVEMENT AND BASE MATERIAL TO BE REMOVED TO SUB-BASE AND DISPOSED OF OFFSITE. PAVEMENT AND BASE THICKNESS MAY VARY.
	CONCRETE AND BASE MATERIAL TO BE REMOVED TO SUB-BASE AND DISPOSED OF OFFSITE. CONCRETE AND BASE THICKNESS MAY VARY.
XXXXXXXXXX	SAWCUT FULL DEPTH
X	TREES AND STUMPS TO BE REMOVED

DEMOLITION NOTES

1. CONSULT WITH OWNER TO DETERMINE A SAFE STORAGE LOCATION OF ITEMS SPECIFICALLY CALLED OUT TO BE SALVAGED FOR OWNER REUSE. EXERCISE CARE DURING REMOVAL AND TRANSPORT TO PREVENT DAMAGE.

2. THE UNDERGROUND AND OVERHEAD UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES, LOCAL MUNICIPALITY, PROPERTY OWNER, AND DIGGERS HOTLINE. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

3. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS SHALL APPLY FOR AND OBTAIN ALL THEIR REQUIRED PERMITS AND APPROVALS PRIOR TO THE START OF THEIR WORK. CONSULT WITH AND OBTAIN FROM ENGINEER COPIES OF ENGINEERING DESIGN APPROVAL PERMITS, INCLUDING BUT NOT LIMITED TO WORK, STATE OR LOCAL PLUMBING, MSDT, COUNTY, AND STORM WATER MANAGEMENT.

4. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS SHALL CONTACT DIGGER'S HOTLINE TO ALLOW THEM SUFFICIENT TIME TO LOCATE EXISTING UTILITIES PRIOR TO COMMENCEMENT OF WORK.

5. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR COORDINATING THEIR WORK WITH ALL OTHER CONTRACTORS.

6. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR VERIFYING OWNERSHIP OF AND COORDINATING THE DEMOLITION AND/OR RELOCATION OF ALL EXISTING UTILITIES FROM EXISTING BUILDINGS AND WITHIN THE PROJECT LIMITS, INCLUDING BUT NOT LIMITED TO ELECTRICAL/FIBER OPTIC/TELEPHONE/CABLE/GAS/WATER/SANITARY/STORM. DEMOLITION OF THIS UTILITY WORK MUST BE IN ACCORDANCE WITH ALL STATE, FEDERAL, & LOCAL REGULATIONS.

7. FOR ALL WORK, GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND DOCUMENTS, VERIFYING THE VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UTILITIES WITHIN THE PROJECT LIMITS, AND INCLUDE IN THEIR CONTRACT THE RELOCATION OF SAID UTILITIES (NOTED OR NOT ON THE BID DOCUMENTS) AS NECESSARY TO PROVIDE PROPER DEPTH/CLEARANCE PER UTILITY OWNER'S REQUIREMENTS.

UIHLEIN WILSON
ARCHITECTS

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Milwaukee, WI 53202

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www.kapuranginoers.com

PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

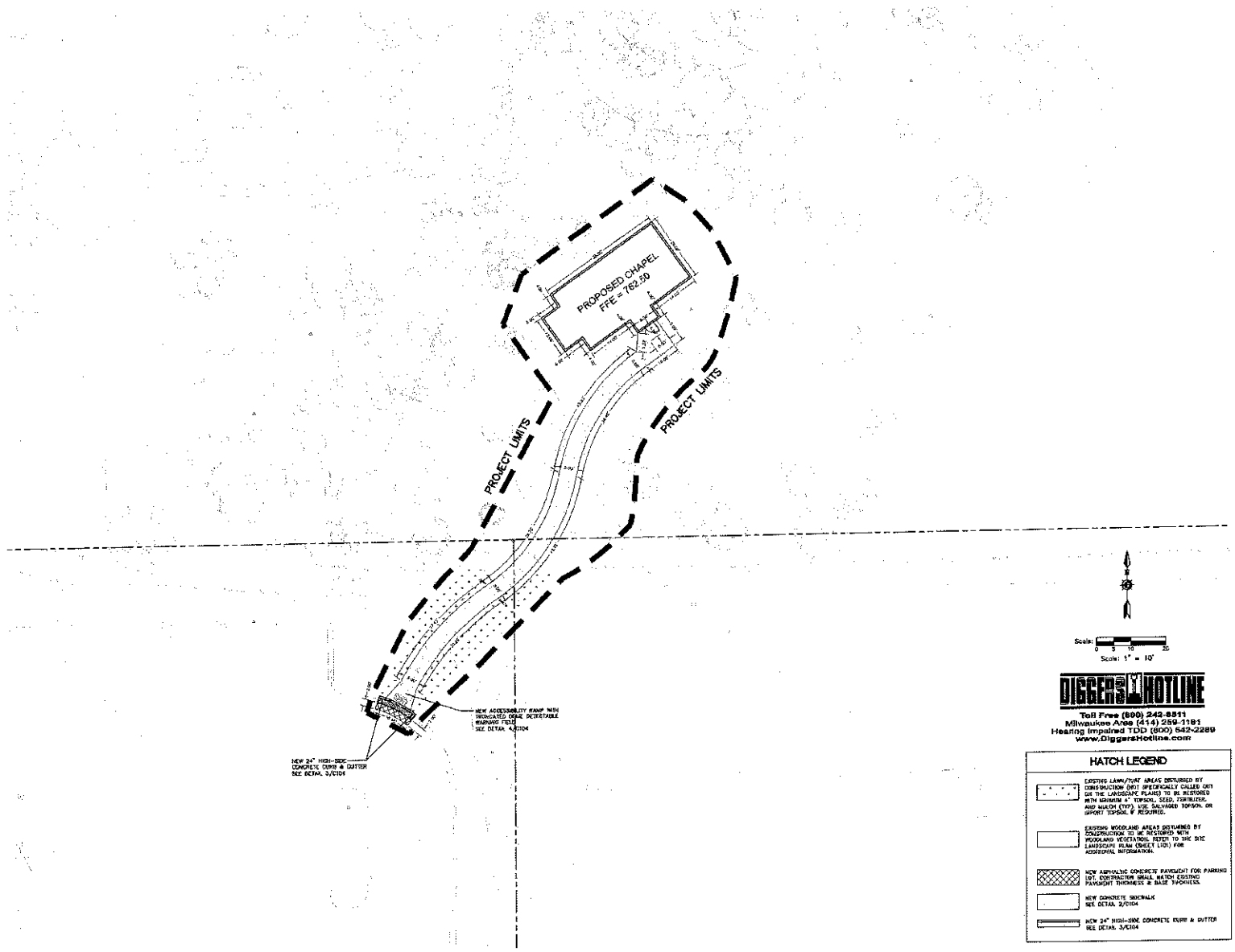
The Polish Center of Wisconsin

SHEET
SITE DEMOLITION PLAN

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
C101



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HATCH LEGEND

- EXISTING LAWN/TURF AREAS DISTURBED BY CONSTRUCTION (NOT SPECIFICALLY CALLED OUT ON THE LANDSCAPE PLANS) TO BE RESTORED WITH MINIMUM 4" TOPSOIL, SEED, FERTILIZER, AND MULCH (TYP). USE SALVAGED TOPSOIL OR IMPORT TOPSOIL IF REQUIRED.
- EXISTING WOODLAND AREAS DISTURBED BY CONSTRUCTION TO BE RESTORED WITH WOODLAND VEGETATION. REFER TO THE SITE LANDSCAPE PLAN (SHEET L101) FOR ADDITIONAL INFORMATION.
- NEW ASPHALTIC CONCRETE PAVEMENT FOR PARKING LOT. CONTRACTOR SHALL MATCH EXISTING PAVEMENT THICKNESS & BASE THICKNESS.
- NEW CONCRETE SIDEWALK SEE DETAIL 2/C104
- NEW 24" HIGH-SIDE CONCRETE CURB & GUTTER SEE DETAIL 3/C104

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REVISIONS

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

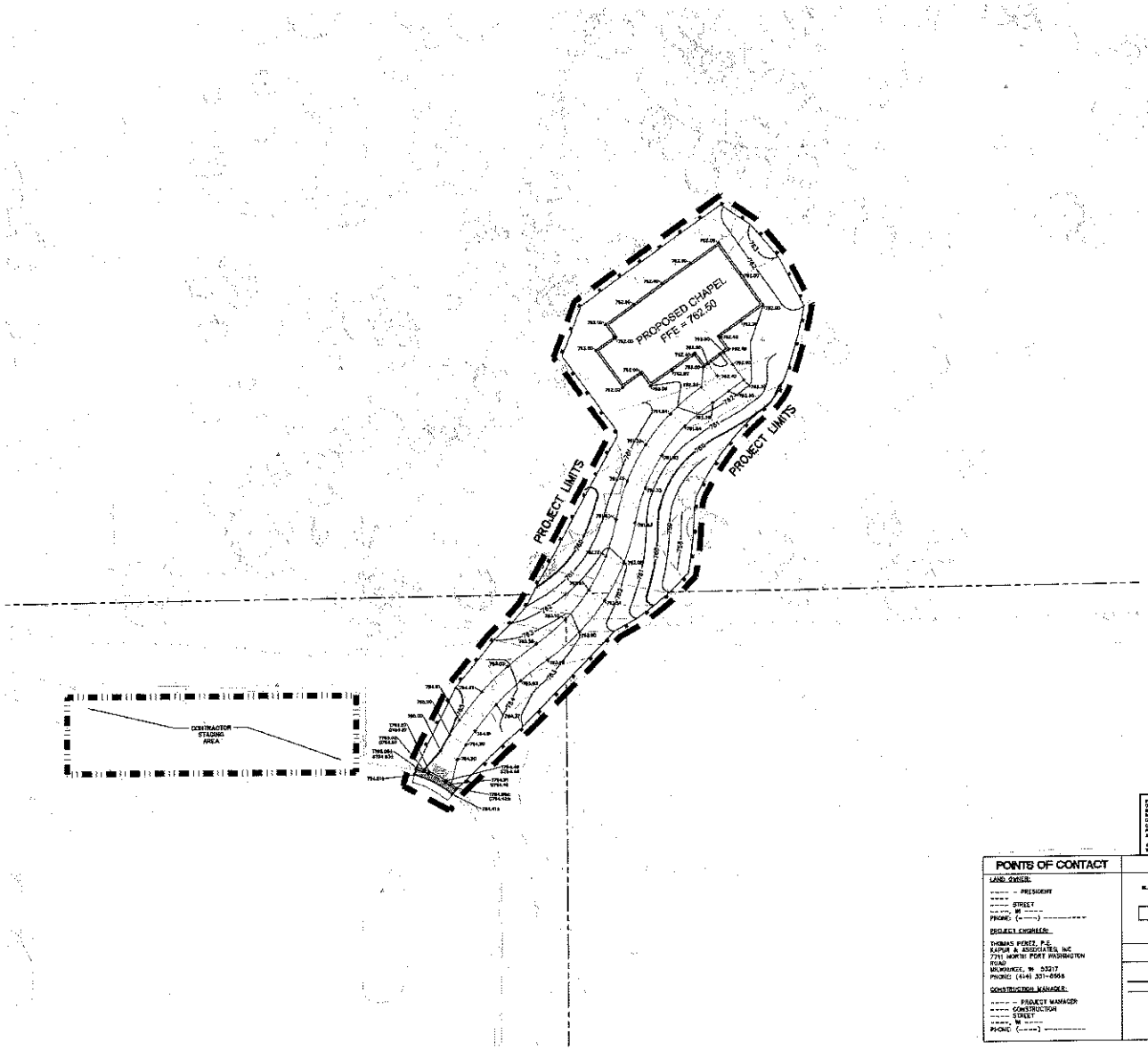
The Polish Center of Wisconsin

SHEET
SITE LAYOUT & GEOMETRIC PLAN

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
C102



Scale: 0 5 10 20
Scale: 1" = 10'

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EXHIBIT ALL EROSION CONTROL MEASURES PRIOR TO COMMENCING GRADING. REMOVAL OF STUMPS AND BRUSHING LATHERS, GRUBBING GRADING, MEASURES MUST BE PRACTICED WEEKLY AND WITHIN 24 HOURS OF EVERY RAIN EVENT EXCEEDING 0.50 INCHES OR GREATER. IN ADDITION THE CONTRACTOR SHALL CONSULT WITH A SUPERVISOR AND ADHERE TO CONTROLS AND REMOVE DEBRIS AND SILT FROM SITE. USE BMPS TO CONTROL SEDIMENT AND DEBRIS ON SITE. DO NOT USE WORK SITE AS A DUMPSTER. WEEKLY / PRE RAIN INSPECTION & REPORT TO BE PROVIDED TO OWNER. ALL SEDIMENT SHALL BE KEPT IN AN ACCEPTABLE LOCATION, USE A BERMS, NEAR THE STAGING AREA.

AT APPROVALS AS THE SITE CONSTRUCTION ESTIMATES, ADDITIONAL BMPS MAY BE PLACED WITHIN WETLANDS, WATERWAYS OR FLOOD PLAIN PROVIDED ADDITIONAL BMPS ARE PLACED.

POINTS OF CONTACT

LAND OWNER:
---- PRESIDENT
---- ----
---- STREET
---- ---, WI ----
PHONE: (----) ----

PROJECT ENGINEER:
THOMAS PERETZ, P.E.
KAPUR & ASSOCIATES, INC.
7711 NORTH PORT WASHINGTON ROAD
MILWAUKEE, WI 53217
PHONE: (414) 351-5966

CONSTRUCTION MANAGER:
---- PROJECT MANAGER
---- CONSTRUCTION
---- STREET
---- ---, WI ----
PHONE: (----) ----

EROSION CONTROL LEGEND

FILTER FABRIC FENCE
SEE DETAIL 1/E104

INSTALL EROSION MAT ON ALL SLOPES GREATER THAN 4:1 AND ALL DRAINAGE SWALES

USE CLASS I, TYPE A FROM WISDOT PRODUCT APPROVED LIST FOR ALL 3:1 SLOPES

GRADING LEGEND

760	PROPOSED CONTOUR LINE – MAJOR
758	PROPOSED CONTOUR LINE – MINOR
	EXISTING CONTOUR LINE – MAJOR
	EXISTING CONTOUR LINE – MINOR
762.12	PROPOSED SPOT ELEVATIONS

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No. Date Description

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

The Polish Center of Milwaukee

SHEET
SITE GRADING & EROSION CONTROL PLAN

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
C103

EROSION CONTROL MEASURES

1. CONTRACTOR TO INSTALL AND MAINTAIN EROSION CONTROL MEASURES AS INDICATED ON THIS PLAN AND PER THE LATEST WDNR TECHNICAL STANDARDS. TECHNICAL STANDARDS MAY BE VIEWED ONLINE AT:
   http://dnr.wi.gov/runoff/stormwater/techstds.htm

2. INLETS AND CATCH BASINS SHALL BE PROTECTED WITH INLET FILTERS THAT ARE PHASED IN WITH CONSTRUCTION TO REDUCE SEDIMENT FROM ENTERING THESE AREAS PER WDNR TECHNICAL STANDARD 1060 AS FOLLOWS:
   A. ALL FABRIC BARRIERS SELECTED FOR INLET/CATCH BASIN PROTECTION DEVICES SHALL BE SELECTED FROM THE LIST OF APPROVED FABRICS CERTIFIED FOR INLET PROTECTION, GEOTEXTILE FABRIC, TYPE FF IN THE CURRENT EDITION OF THE WDOT PRODUCT ACCEPTABILITY LIST. TO OBTAIN THE PAL, PLEASE REFER TO THIS WEBSITE:
   http://www.dot.wisconsin.gov/business/engrserv/pal.htm
   B. INLET PROTECTION SHALL BE AT A MINIMUM INSPECTED WEEKLY AND WITHIN 24 HOURS AFTER EVERY PRECIPITATION EVENT OF ½ INCH OR GREATER DURING A 24-HOUR PERIOD.
   C. PLACEMENT OF SPOIL MATERIAL, DEBRIS, SOILS, ETC. ON TOP OF INLETS/CATCH BASINS, EVEN IF TEMPORARY, IS STRICTLY DISCOURAGED AND PROHIBITED.
   D. SEDIMENT DEPOSITS SHALL BE REMOVED AND THE INLET PROTECTION DEVICE RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED BETWEEN ⅓ TO ½ THE DESIGN DEPTH OF THE DEVICE OR WHEN THE DEVICE IS NO LONGER FUNCTIONING PER MANUFACTURER'S SPECIFICATIONS. ALL SEDIMENT COLLECTED SHALL BE PROPERLY DISPOSED OF TO PREVENT DISCHARGE INTO AREA WATERWAYS AND WETLANDS.
   E. DUE CARE SHALL BE TAKEN TO ENSURE SEDIMENT DOES NOT FALL INTO THE INLETS/CATCH BASINS AND IMPEDE THE INTENDED FUNCTION OF THE DEVICE. ANY MATERIAL FALLING INTO THE INLET/CATCH BASIN SHALL BE REMOVED AND PROPERLY DISPOSED OF PER NOTE D ABOVE.
   F. INLET FILTERS MAY BE REMOVED AND PROPERLY DISPOSED OF UPON COMPLETION OF CONSTRUCTION, HAULING OR MOVEMENT OF CONSTRUCTION EQUIPMENT THROUGHOUT THE SITE, AND ONCE THE SITE IS ADEQUATELY STABILIZED, UNLESS AS OTHERWISE NOTIFIED BY THE WDNR.

3. A TRACKING PAD SHALL BE INSTALLED AS SHOWN ON THE PLAN SHEET PRIOR TO THE START OF CONSTRUCTION TO REDUCE OFF-SITE SEDIMENTATION BY ELIMINATING THE TRACKING OF SEDIMENT FROM THE SITE PER WDNR TECHNICAL STANDARD 1057 AS FOLLOWS:
   A. A WISDOT TYPE R GEOTEXTILE FABRIC SHALL BE USED TO PREVENT MIGRATION OF UNDERLYING SOIL INTO THE STONE.
   B. AGGREGATE USED FOR TRACKING PADS SHALL BE 3 TO 6 INCH CLEAR OR WASHED STONE. ALL MATERIAL TO BE RETAINED BY 3 INCH SIEVE.
   C. THE AGGREGATE SHALL BE PLACED IN A LAYER ON TOP OF THE TYPE R GEOTEXTILE FABRIC AT LEAST 12 INCHES THICK.
   D. THE TRACKING PAD SHALL BE THE FULL WIDTH OF THE EGRESS POINT AND BE AT LEAST 50 FEET LONG.
   E. VEHICLES TRAVELING ACROSS THE TRACKING PAD SHALL MAINTAIN A SLOW CONSTANT SPEED.
   F. ANY SEDIMENT OR ROCK ACCUMULATION ONTO LOCAL ROADWAYS SHALL BE REMOVED BY STREET CLEANING, NOT FLUSHING BEFORE THE END OF EACH WORKING DAY.
   G. THE TRACKING PAD SHALL, AT A MINIMUM BE INSPECTED WEEKLY AND WITHIN 24 HOURS AFTER EVERY PRECIPITATION EVENT OF ½ INCH OF RAIN OR MORE DURING A 24-HOUR PERIOD.
   H. THE TRACKING PAD PERFORMANCE SHALL BE MAINTAINED BY SCRAPING OR TOP-DRESSING WITH ADDITIONAL AGGREGATE.
   I. A MINIMUM 12-INCH THICK PAD SHALL BE MAINTAINED.

4. THE CONSTRUCTION SITE PERIMETER AND TOPSOIL STOCKPILE AREA SHALL BE PROTECTED WITH SILT FENCE AS SHOWN ON THE PLAN SHEET PRIOR TO THE START OF CONSTRUCTION TO INTERCEPT AND REDUCE THE FLOW OF SEDIMENT-LADEN SHEET FLOW RUNOFF FROM THE CONSTRUCTION SITE PER WDNR TECHNICAL STANDARD 1056 AS FOLLOWS:
   A. SILT FENCE ENDS SHALL BE EXTENDED UPSLOPE TO PREVENT WATER FROM FLOWING AROUND THE ENDS OF THE FENCE AS SHOWN ON THE PLAN SHEET.
   B. INSTALLED SILT FENCE SHALL BE A MINIMUM 14 INCHES HIGH AND SHALL NOT EXCEED 28 INCHES IN HEIGHT MEASURED FROM THE INSTALLED GROUND ELEVATION.
   C. SILT FENCE SHALL BE SUPPORTED BY EITHER STEEL OR WOOD SUPPORT POSTS.
   D. THE MAXIMUM SPACING OF POSTS FOR NONWOVEN SILT FENCE SHALL BE 3 FEET OR FOR WOVEN FABRIC 8 FEET.
   E. SILT FENCE SHALL HAVE A SUPPORT CORD AT THE TOP OF THE FENCE.
   F. WHERE JOINTS ARE NEEDED, EACH END OF THE FABRIC SHALL BE SECURELY FASTENED TO A POST. THE POSTS SHALL BE WRAPPED AROUND EACH OTHER TO PRODUCE A STABLE AND SECURE JOINT OR SHALL BE OVERLAPPED THE DISTANCE BETWEEN TWO POSTS.
   G. A MINIMUM OF 20 INCHES OF THE POSTS SHALL EXTEND INTO THE GROUND AFTER INSTALLATION.
   H. SILT FENCE SHALL BE ANCHORED BY SPREADING AT LEAST 8 INCHES OF THE FABRIC IN A 4 INCH WIDE BY 6 INCH DEEP TRENCH, OR 6 INCH DEEP V-TRENCH ON THE UPSLOPE SIDE OF THE FENCE. THE TRENCH SHALL BE BACKFILLED AND COMPACTED. TRENCHES SHALL NOT BE EXCAVATED ANY WIDER OR DEEPER THAN NECESSARY FOR PROPER INSTALLATION.
   I. ON THE TERMINAL ENDS OF THE SILT FENCE THE FABRIC SHALL BE WRAPPED AROUND THE POST SUCH THAT THE STAPLES ARE NOT VISIBLE.
   J. GEOTEXTILE FABRIC SPECIFICATIONS SHALL MEET VALUES ESTABLISHED IN TECHNICAL STANDARD 1056.
   K. SILT FENCE SHALL BE REMOVED ONCE THE SITE IS ADEQUATELY STABILIZED.
   L. WHEN PLACING SILT FENCE NEAR TREES, CARE SHALL BE TAKEN TO MINIMIZE DAMAGE TO THE ROOT SYSTEM BY AVOIDING COMPACTION AND ROOT CUTTING WITHIN 1.5 FEET MULTIPLIED BY THE INCH DIAMETER OF THE TREE.
   M. THE CONTRACTOR MAY FURTHER STRENGTHEN THE SILT FENCE BY USING HAY BALES ON THE DOWN SLOPE SIDE AS NEEDED.
   N. SILT FENCE SHALL AT A MINIMUM BE INSPECTED WEEKLY AND WITHIN 24 HOURS AFTER EVERY PRECIPITATION EVENT THAT PRODUCES ½ INCH OF RAIN OR MORE DURING A 24 HOUR PERIOD.
   O. DAMAGED OR DECOMPOSED SILT FENCE, UNDERCUTTING, OR FLOW CHANNELS AROUND THE END OF BARRIERS SHALL BE REPAIRED OR CORRECTED.
   P. SEDIMENT SHALL BE PROPERLY DISPOSED OF ONCE THE DEPOSITS REACH ½ THE HEIGHT OF THE FENCE TO PREVENT DISCHARGE INTO AREA WATERWAYS AND WETLANDS.

5. SEEDING AND MULCHING TECHNIQUES SHALL BE USED ON AREAS OF EXPOSED SOIL WHERE THE ESTABLISHMENT OF VEGETATION IS DESIRED. TEMPORARY SEEDING APPLIES TO DISTURBED AREAS THAT WILL NOT BE BROUGHT TO FINAL GRADE OR ON WHICH LAND-DISTURBING ACTIVITIES WILL NOT BE PERFORMED FOR A PERIOD GREATER THAN 14 CALENDAR DAYS, REQUIRING VEGETATIVE COVER FOR LESS THAN ONE YEAR. SEED AND MULCH SHALL BE UTILIZED THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH TEMPORARY VEGETATION TO HELP REDUCE EROSION PER WDNR TECHNICAL STANDARDS 1059 AND 1058 RESPECTIVELY AS FOLLOWS:
   A. TEMPORARY SEEDING REQUIRES A SEEDBED OF LOOSE SOIL TO A MINIMUM DEPTH OF 2 INCHES.
   B. FERTILIZER APPLICATION IS NOT GENERALLY REQUIRED FOR TEMPORARY SEEDING. HOWEVER, ANY APPLICATION OF FERTILIZER OR LIME SHALL BE BASED ON SOIL TESTING.
   C. THE SOIL SHALL HAVE A PH RANGE OF 5.5 TO 8.0.
   D. ALL SEED SHALL CONFORM TO THE REQUIREMENTS OF THE WISCONSIN STATE STATUTES AND OF THE ADMINISTRATIVE CODE, CHAPTER ATCP 20.01 REGARDING NOXIOUS WEED SEED CONTENT AND LABELING.
   E. SEED SHALL NOT BE USED LATER THAN ONE YEAR AFTER THE TEST DATE ON THE LABEL.
   F. IN THE SUMMER-SPRING, CONTRACTOR SHALL USE OATS APPLIED AT 131 LBS/ACRE FOR TEMPORARY SEEDING PURPOSES. IN THE FALL THE CONTRACTOR SHALL USE ANNUAL RYEGRASS APPLIED AT 80 LBS/ACRE OR WINTER WHEAT APPLIED AT 131 LBS/ACRE. THE CONTRACTOR SHALL USE STRAW MULCH APPLIED AT 1.5 TONS/ACRE. DORMANT SEED SHALL BE USED WHEN SOIL TEMPERATURE IS CONSISTENTLY BELOW 53 DEGREES FAHRENHEIT (TYPICALLY NOV. 1 UNTIL SNOW COVER ANNUALLY). NEVER PLACE SEED ON TOP OF SNOW. IF COVER IS NEEDED AFTER SNOW FALL, CONTRACTOR MAY CHOOSE TO USE A DRY, NONTOXIC TYPE B SOIL STABILIZER PER MANUFACTURER'S SPECIFICATIONS AS REQUIRED BY THE WDNR.
   G. SEEDING SHALL NOT TAKE PLACE WHEN THE SOIL IS TOO WET.
   H. CONTRACTOR MAY CONSIDER WATERING TO HELP ESTABLISH THE SEED. WATER APPLICATION RATES SHALL BE CONTROLLED TO HELP PREVENT RUNOFF AND EROSION.
   I. DURING CONSTRUCTION, AREAS THAT HAVE BEEN SEEDED AND MULCHED SHALL AT A MINIMUM BE INSPECTED WEEKLY AND WITHIN 24 HOURS AFTER EVERY PRECIPITATION EVENT THAT PRODUCES ½ INCH OF RAIN OR MORE DURING A 24 HOUR PERIOD. INSPECT WEEKLY DURING THE GROWING SEASON UNTIL VEGETATION IS DENSELY ESTABLISHED OR THE SOD IS LAID. REPAIR AND RESEED AREAS THAT HAVE EROSION DAMAGE AS NECESSARY.
   J. CONTRACTOR IS TO LIMIT VEHICLE TRAFFIC AND OTHER FORMS OF COMPACTION IN AREAS THAT ARE SEEDED AS MUCH AS POSSIBLE. RE-SEED DRIVEN OVER AREAS AS NEEDED.
   K. MULCH SHOULD BE PLACED WITHIN 24 HOURS OF SEEDING.
   L. MULCHING OPERATIONS SHALL NOT TAKE PLACE DURING PERIODS OF EXCESSIVELY HIGH WINDS THAT WOULD PRECLUDE THE PROPER PLACEMENT OF MULCH.
   M. MULCH THAT IS DISPLACED SHALL BE REAPPLIED AND PROPERLY ANCHORED. MAINTENANCE SHALL BE COMPLETED AS SOON AS POSSIBLE WITH CONSIDERATION TO SITE CONDITIONS.
   N. WHEN CHANNEL EROSION MAT IS USED WITHIN CONSTRUCTION SITE DIVERSION AREAS, TECHNICAL STANDARDS 1053 AND 1066 SHALL BE FOLLOWED.
   O. WHEN NON-CHANNEL EROSION MAT IS USED TECHNICAL STANDARD 1052 SHALL BE FOLLOWED.
   P. DEPENDING ON DURATION OF CONSTRUCTION, THE CONTRACTOR MAY NEED TO RE-SEED AND RE-STABILIZE THE TOPSOIL STOCKPILE AS NECESSARY TO DISCOURAGE SEDIMENT AND EROSION.

6. A COPY OF EROSION CONTROL INSPECTION REPORTS AND THE APPROVED EROSION CONTROL PLANS SHALL BE KEPT ON SITE.

7. CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL PRACTICES BY THE END OF EACH WORKDAY.

8. LOCAL ROADS SHALL BE CLEAN BY THE END OF EACH WORKDAY. CONTRACTOR SHALL HAVE LOCAL ROADS SWEPT WHERE SEDIMENT ACCUMULATES.

EROSION CONTROL OPERATION SEQUENCE + SCHEDULE

AFTER BIDS ARE RECEIVED AND A GRADING CONTRACTOR IS SELECTED, A PRE-CONSTRUCTION MEETING SHALL TAKE PLACE WITH ALL RELEVANT PARTIES IN ATTENDANCE.

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING ALL SILT FENCES, SEEDING, EROSION MATTING, AND OTHER EROSION CONTROL MEASURES. GENERAL CONTRACTOR SHALL INSPECT ALL EROSION CONTROL MEASURES PRIOR TO COMMENCING GRADING, GRUBBING, OR OTHER LAND DISTURBING ACTIVITIES. EROSION CONTROL MEASURES MUST BE INSPECTED WEEKLY AND WITHIN 24 HOURS OF EVERY PRECIPITATION EVENT OF ½ INCH OR GREATER. IN ADDITION, THE ACTIVE CONTRACTOR SHALL CONDUCT DAILY INSPECTIONS AND DOCUMENT CONDITIONS AND REPAIRS MADE, ALONG WITH DATE, TIME OF INSPECTION, AND WEATHER CONDITIONS IN A DAILY LOG BOOK.

ALL REGULATORY PERMITS, PROJECT PLANS, AND INSPECTION LOGS SHALL BE KEPT ON SITE IN AN ACCESSIBLE LOCATION, SUCH AS A MAILBOX, AVAILABLE TO REGULATORY AGENCIES UPON REQUEST.

CONTRACTORS ARE TO MAINTAIN THE CONSTRUCTION SITE IN A NEAT AND TIDY MANNER FOR THE DURATION OF THE PROJECT.

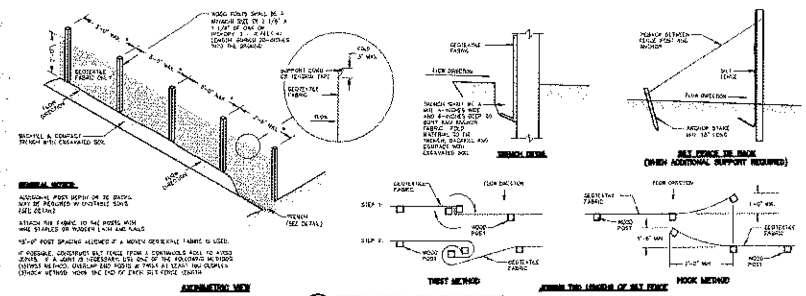
THE TIMING AND SEQUENCE OF CONSTRUCTION IS SCHEDULED AS FOLLOWS:

1. OBTAIN PLAN APPROVAL FROM THE CITY OF FRANKLIN, AND ALL APPLICABLE PERMITS, INCLUDING EROSION CONTROL PERMIT.
2. CONSTRUCTION IS SCHEDULED TO BEGIN IN SPRING 2014, DEPENDING ON WEATHER & GROUND CONDITIONS.
3. SILT FENCE SHALL BE INSTALLED AS SHOWN ON THE PLANS, AND INSPECTED PRIOR TO COMMENCING OF ANY LAND DISTURBING ACTIVITIES PER PROJECT PLANS AND DETAILS.
4. SITE DEMOLITION OF PAVEMENT AND CLEARING AND GRUBBING WILL OCCUR AFTER ALL EROSION CONTROL MEASURES ARE IN PLACE.
5. CONSTRUCTION OF THE BUILDING, STARTING WITH THE FOUNDATION, WILL BEGIN IMMEDIATELY AFTER THE CLEARING AND GRUBBING IS COMPLETE IN THE BUILDING PAD AREA.
6. AFTER ROUGH GRADING IS COMPLETE IN AREAS OUTSIDE OF THE BUILDING AND THE SIDEWALK, THE LANDSCAPE CONTRACTOR WILL COMPLETE SEEDING/SODDING/FERTILIZING/MULCHING AND INSTALL EROSION MATTING AS PER APPROVED PLANS AND SPECIFICATIONS.
7. FINAL SITE STABILIZATION IS ANTICIPATED FOLLOWING THE COMPLETION OF GRADING ACTIVITIES. IF SITE STABILIZATION CANNOT BE COMPLETED BY OCTOBER 1, THEN THE USE OF ANIONIC POLYACRYLAMIDE CONFORMING TO WDNR TECHNICAL STANDARD 1050 SHALL BE USED.
8. AFTER ANY TOPSOIL HAS BEEN REAPPLIED AND STABILIZATION IS UNDERWAY, SIDEWALK BASE MATERIAL WILL BE APPLIED PER PROJECT SPECIFICATIONS.
9. THE GENERAL CONTRACTOR WILL REQUEST A FINAL INSPECTION BY THE CITY. UPON APPROVAL, ALL SILT FENCES SHALL BE REMOVED AND PROPERLY DISPOSED OF.
10. IF REQUIRED, FINAL "AS-BUILT" SURVEYS ARE TO BE CONDUCTED BY THE OWNER AND FINAL DOCUMENTS FORWARDED TO THE CITY.
11. BARE SOIL LEFT UNDISTURBED FOR 14 CALENDAR DAYS MUST BE TEMPORARILY STABILIZED PER WDNR TECHNICAL STANDARD 1059, OR TEMPORARY GRADING PRACTICES PER WDNR TECHNICAL STANDARD 1067 MAY BE IMPLEMENTED. HOWEVER BY OCTOBER 1, THE SITE SHALL BE STABILIZED PER NOTE 7 ABOVE.
12. WE DO NOT ANTICIPATE THE NEED FOR WATERING WITH THIS CONSTRUCTION SCHEDULE, HOWEVER, IF ADEQUATE RAIN IS NOT EXPERIENCED WITHIN ONE WEEK AFTER INITIAL SEED GERMINATION AT ANY POINT DURING THE CONSTRUCTION PROCESS, WATER SHALL BE TRUCKED IN AND APPLIED ONCE PER WEEK.

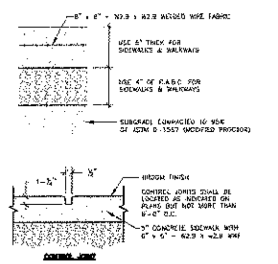
IF CONSTRUCTION SCHEDULES SHOULD CHANGE SIGNIFICANTLY, THIS PLAN NARRATIVE WILL BE UPDATED AND RESUBMITTED BY THE GENERAL CONTRACTOR TO THE CITY AND WDNR.

INSPECT ALL EROSION CONTROL MEASURES PRIOR TO COMMENCING CLEARING/GRUBBING AND GRADING, OR OTHER LAND DISTURBING ACTIVITIES. EROSION CONTROL MEASURES MUST BE INSPECTED WEEKLY AND WITHIN 24 HOURS OF EVERY PRECIPITATION EVENT OF 0.50 INCH OR GREATER. IN ADDITION THE CONTRACTOR SHALL CONDUCT DAILY INSPECTIONS AND DOCUMENT CONDITIONS AND REPAIRS MADE, ALONG WITH DATE, TIME OF INSPECTION AND WEATHER CONDITIONS IN A DAILY LOG BOOK. THE DAILY LOG BOOK, WEEKLY / 0.50 INCH PRECIPITATION REPORTS, APPROVED PLANS AND ANY NECESSARY PERMITS SHALL BE KEPT IN AN ACCESSIBLE LOCATION, LIKE A MAILBOX, WITHIN THE STAGING AREA.

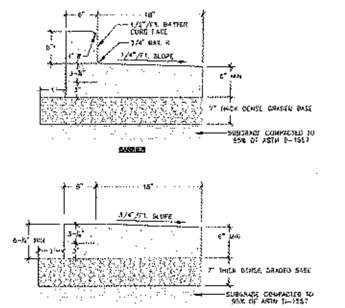
AT ABSOLUTELY NO TIME MAY CONSTRUCTION EQUIPMENT, DEBRIS, FILL, ETC. BE PLACED WITHIN WETLANDS, WATERWAYS OR FLOODPLAINS UNLESS IDENTIFIED IN THE PLANS & APPROVED BY DNR/ USACOE.



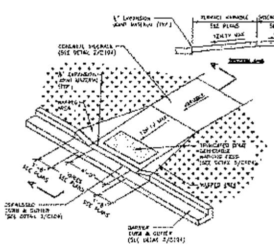
(1) FILTER FABRIC SILT FENCE DETAIL
N.T.S.



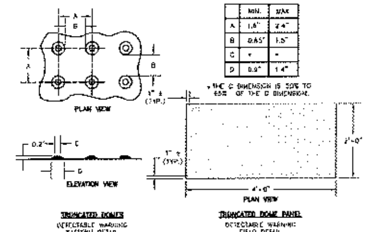
(2) CONCRETE SIDEWALK & CONTROL JOINT DETAIL
N.T.S.



(3) 24-INCH HIGH-SIDE CONCRETE CURB & GUTTER
N.T.S.



(4) ACCESSIBILITY RAMP DETAIL WITH TRUNCATED DOME DETECTABLE WARNING FIELD
N.T.S.



(5) TRUNCATED DOME DETECTABLE WARNING FIELD
N.T.S.

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

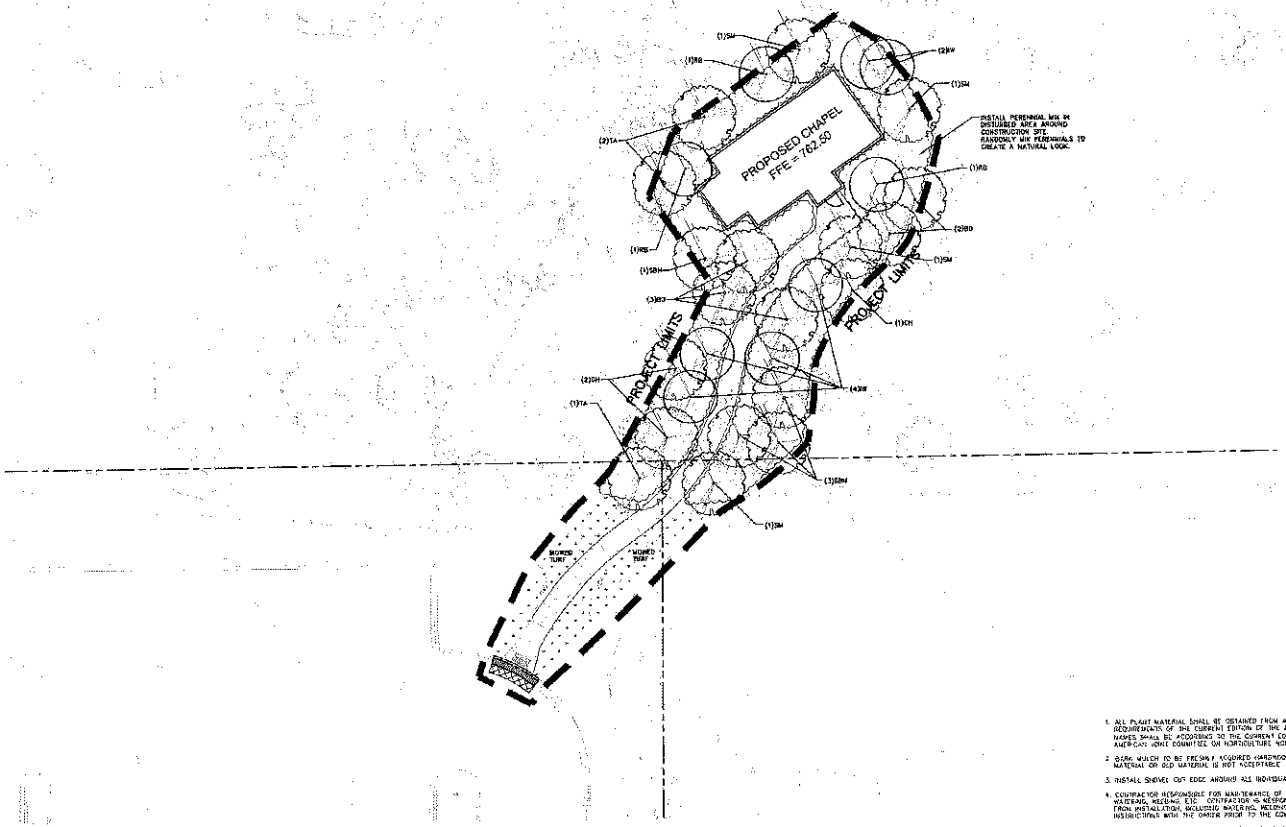
The Polish Center of Wisconsin

SHEET
SITE DETAILS

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
C104



Scale: 1" = 10'

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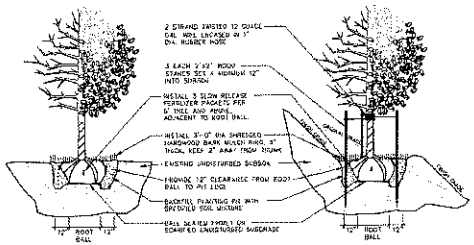
Plant Schedule

	Scientific Name	Common Name	Quantity	Spacing	Size
					Install
Deciduous Trees					
BO	Quercus macrocarpa	Bur Oak	5	Per Plan	2" caliper B&B
CH	Celtis occidentalis	Common Hackberry	3	Per Plan	2" caliper B&B
IW	Ostrya virginiana	Ironwood	6	Per Plan	2" caliper B&B
RB	Cercis canadensis	Eastern Redbud	3	Per Plan	2" caliper B&B
SBH	Carya ovata	Shagbark Hickory	4	Per Plan	2" caliper B&B
SM	Acer saccharum	Sugar Maple	4	Per Plan	2" caliper B&B
TA	Tilia americana	Basswood	3	Per Plan	2" caliper B&B
Perennials					
HA	Aster ericoides	Heath Aster	200	Mix	3" Plug
JP	Arisaema triphyllum	Jack in the Pulpit	200	Mix	3" Plug
MA	Podophyllum	May Apple	200	Mix	3" Plug



1 DECIDUOUS TREE PLANTING, STAKING, & PLANTING ON A SLOPE
NTS

1. ALL PLANT MATERIAL SHALL BE OBTAINED FROM A NURSERY LOCATED IN ZONE 4, CONFORM TO APPLICABLE REQUIREMENTS OF THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AND BOTANICAL NAMES SHALL BE ACCORDING TO THE CURRENT EDITION OF "STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURE NOMENCLATURE.
2. BARK MULCH TO BE FRESHLY ACQUIRED HARDWOOD SHREDDED BARK MULCH. EXCESSIVE DIRT AND DUST LIKE MATERIAL OR OLD MATERIAL IS NOT ACCEPTABLE.
3. INSTALL SPADED CUT EDGE AROUND ALL INDIVIDUAL TREES.
4. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF PLANT MATERIAL FOR 90 DAYS FROM INSTALLATION, INCLUDING WATERING, WEEDING, ETC. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF SEEDED TURF AREAS FOR 60 DAYS FROM INSTALLATION, INCLUDING WATERING, WEEDING, ETC. CONTRACTOR TO PROVIDE AND REVIEW MAINTENANCE INSTRUCTIONS WITH THE OWNER PRIOR TO THE COMPLETION OF THESE MAINTENANCE PERIODS.
5. CLEANLY PRUNE AND REMOVE DAMAGED OR DISEASED SEED WOOD, AND ROOTS IMMEDIATELY PRIOR TO PLANTING. DO NOT CUT LEADERS OR LEAVE "V" CROTCHES OR DOUBLE LEADERS UNLESS A MULTI-STEM TREE IS SPECIFIED. ADDITIONAL PRUNING SHOULD BE ONLY TOP SHAPING PURPOSES.
6. REMOVE BURLAP, WIRE BASKET, ROPE, TWINE, AND ALL SYNTHETIC MATERIAL FROM THE ROOTS, TRUNK, OR CANOPY OF PLANT.
7. PLANT TREES SO THAT THE ROOT COLLAR IS 2" ABOVE FINISHED GRADE OR SEVERAL INCHES ABOVE GRADE IF PLANT IS INSTALLED IN POOR SOILS.
8. PLANT TREES WITH SAME ORIENTATION AS WHEN HARVESTED FROM THE NURSERY OR TO SHOWCASE THE MOST AESTHETIC VIEW.
9. PLANT ALL TREES WITH THREE SLOW RELEASE FERTILIZER PACKETS, SPACED EQUIDISTANT AROUND THE EDGE OF THE ROOT BALL.
10. WALK AND TAMP BACKFILL AND ROOTS OF ALL NEWLY SET PLANT MATERIAL SO THE SOIL AND ROOTS ARE THOROUGHLY SOAKED AND AIR POCKETS ARE REMOVED.
11. FOR INDIVIDUAL TREES PROVIDE EARTHWORK 3" SOIL SAUCER TO CONTAIN WATER & MULCH (TRITS ON SLOPES SHALL BE SADDLED ON THE DOWNHILL SIDE).
12. INSTALL 3" THICK SHREDDED HARDWOOD BARK MULCH RING 3'-0" DIA. FOR DECIDUOUS TREES AND ALL INDIVIDUAL SHRUBS IN LAWN AREAS, 5'-0" DIA. FOR EVERGREEN TREES. KEEP MULCH 2" AWAY FROM TRUNKS.
13. STAKING - ONLY STAKE TREES THAT ARE UNABLE TO REMAIN UPRIGHT AFTER PLANTING. TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE SIDE IS FREE TO SWAY. ATTACH HOSE TO THREE STAKES POSITIONED EVENLY AROUND THE TREE. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING. CHECK AT LEAST EVERY THREE MONTHS FOR BINDING OR OTHER PROBLEMS. STAKES AND TIES SHOULD BE REMOVED SIX MONTHS TO ONE YEAR AFTER PLANTING.
14. REFER TO SPECIFICATIONS 32 90 00 PLANTS AND GRASSES & 32 93 00 PLANTS FOR ADDITIONAL INFORMATION.

2 LANDSCAPE NOTES
REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

The Polish Center of Wisconsin

SHEET
SITE LANDSCAPE PLAN

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
L101

Scale: 0 10 20 40
Scale: 1" = 20'

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LEGEND

- 100' PROJECT LIMIT OFFSET LINE. THIS LINE IS BEING USED TO DELINEATE ALL PROTECTED NATURAL RESOURCE FEATURES WITHIN THE VICINITY OF THE PROJECT IN LIEU OF THE OVERALL CONSERVANCY BOUNDARY
- EXISTING YOUNG WOODLAND AREA: 0 SQUARE FEET (0.000 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING MATURE WOODLAND AREA: 40,820 SQUARE FEET (1.144 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING 1' CONTOURS

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

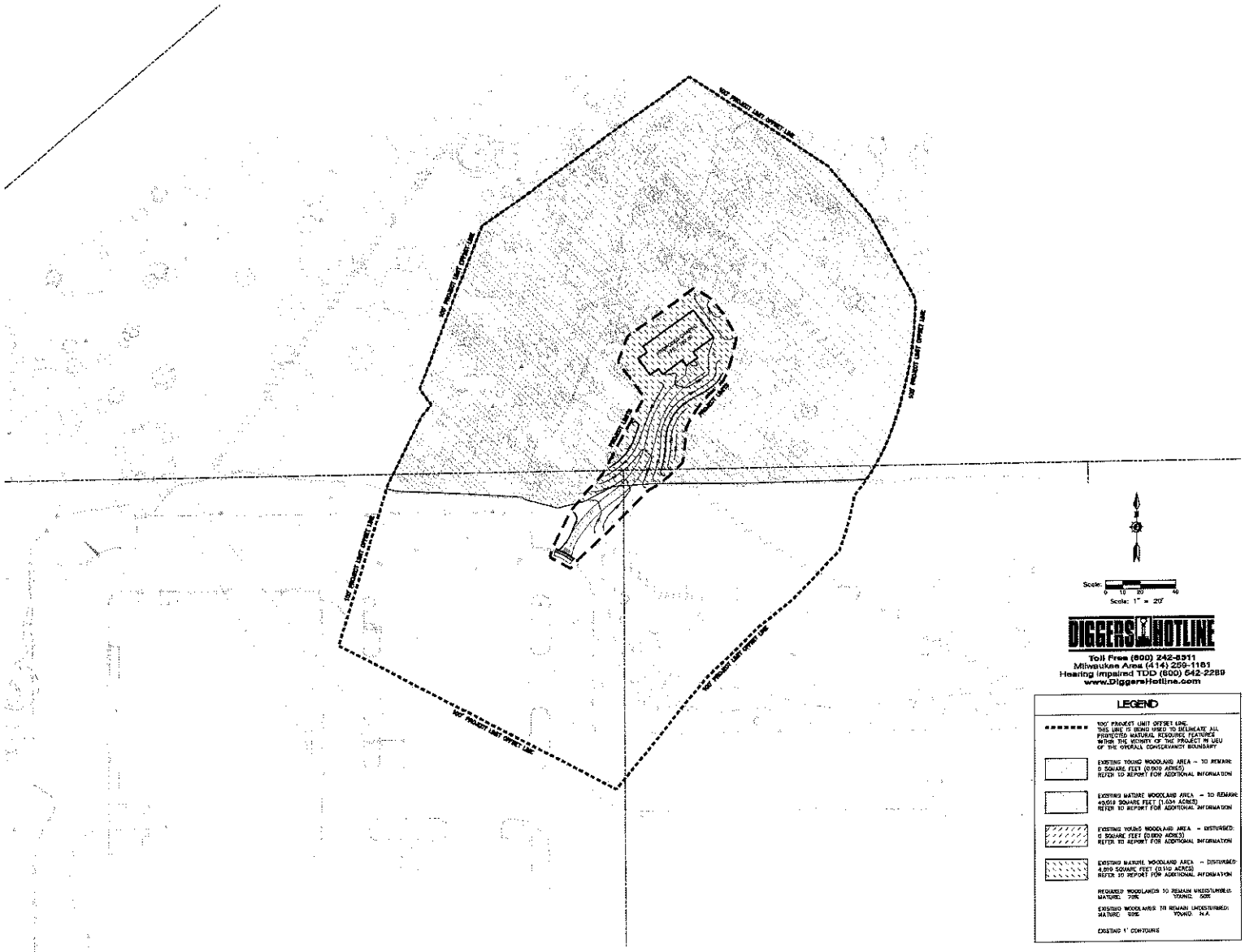
The Polish Center of Wisconsin

SHEET
EXISTING WOODLANDS EXHIBIT MAP

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-1



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LEGEND

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EXISTING YOUNG WOODLAND AREA – TO REMAIN: 0 SQUARE FEET (0.000 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING MATURE WOODLAND AREA – TO REMAIN: 40,019 SQUARE FEET (1.034 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING YOUNG WOODLAND AREA – DISTURBED: 0 SQUARE FEET (0.000 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING MATURE WOODLAND AREA – DISTURBED: 4,019 SQUARE FEET (0.110 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

REQUIRED WOODLANDS TO REMAIN UNDISTURBED: MATURE: 70% YOUNG: 50%

EXISTING WOODLANDS TO REMAIN UNDISTURBED: MATURE: 90% YOUNG: N.A.

EXISTING 1' CONTOURS

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

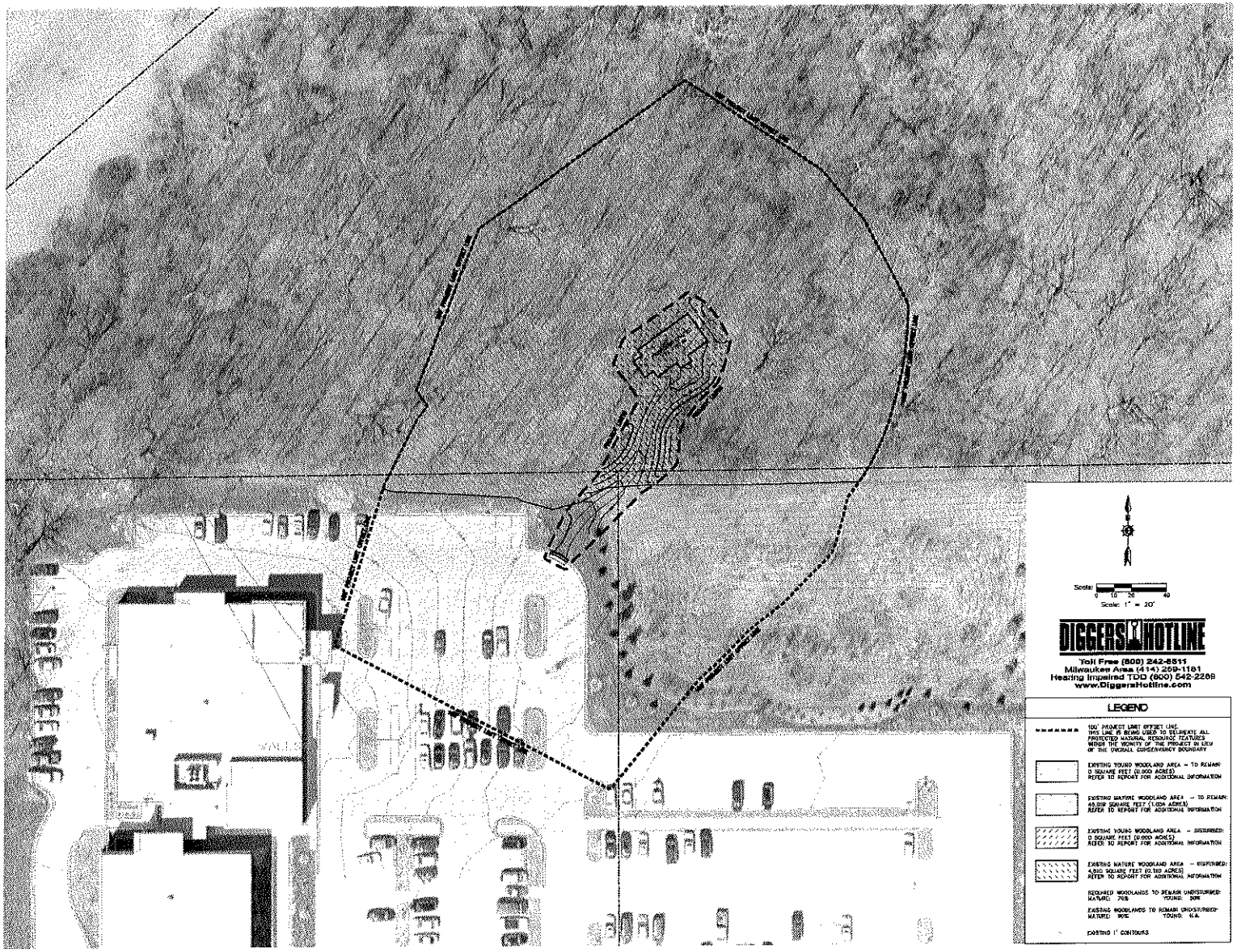
The Polish Center OF WISCONSIN

SHEET
DISTURBED WOODLANDS EXHIBIT MAP

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-2



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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

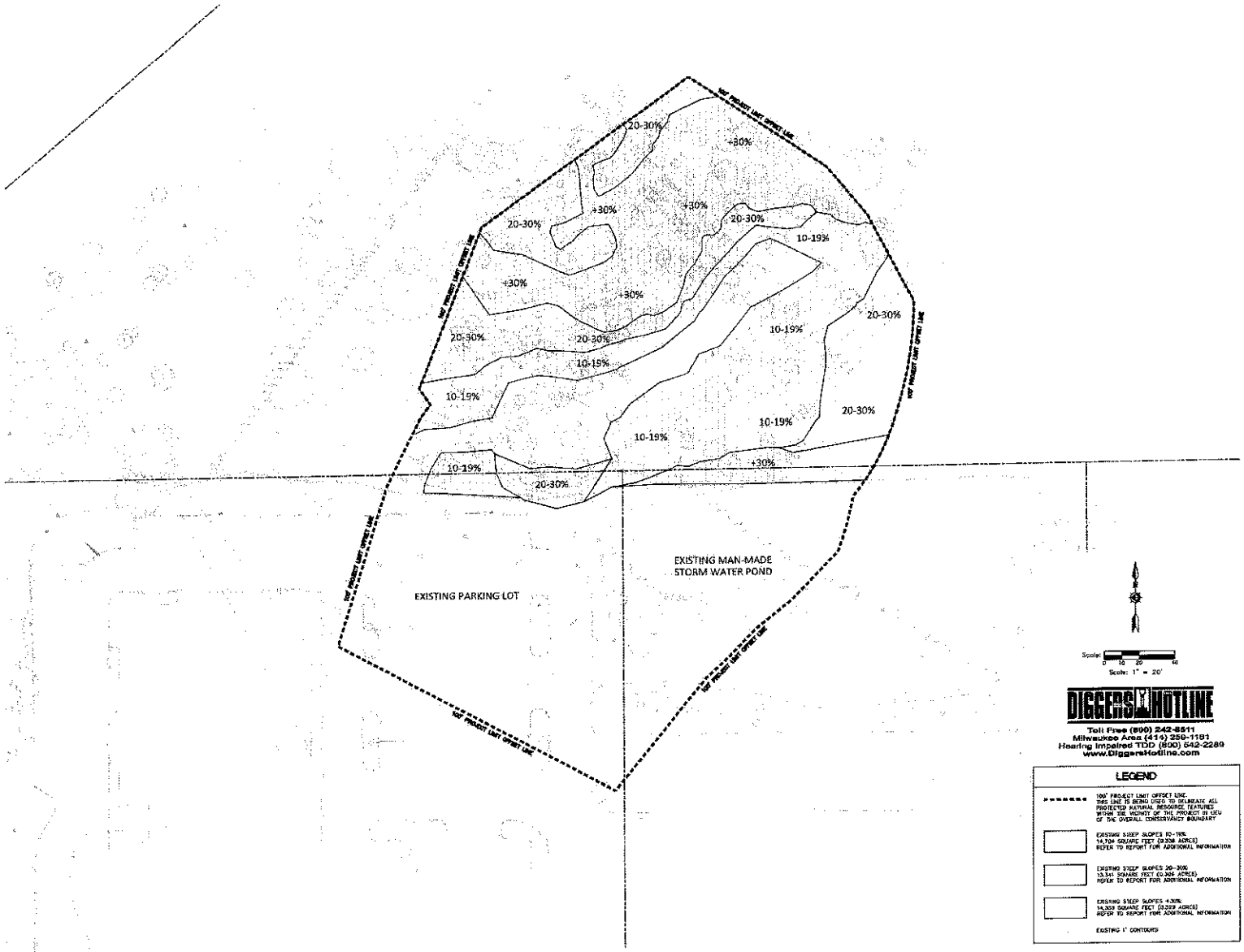
The Polish Center of Wisconsin

SHEET
DISTURBED WOODLANDS EXHIBIT MAP WITH AERIAL

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-3



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LEGEND

100' PROJECT LIMIT OFFSET LINE. THIS LINE IS BEING USED TO DELINEATE ALL PROTECTED NATURAL RESOURCE FEATURES WITHIN THE VICINITY OF THE PROJECT IN LIEU OF THE OVERALL CONSERVANCY BOUNDARY

EXISTING STEEP SLOPES 10-19%
14,704 SQUARE FEET (0.338 ACRES)
REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES 20-30%
13,341 SQUARE FEET (0.306 ACRES)
REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES 4-30%
14,333 SQUARE FEET (0.329 ACRES)
REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING 1' CONTOURS

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PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

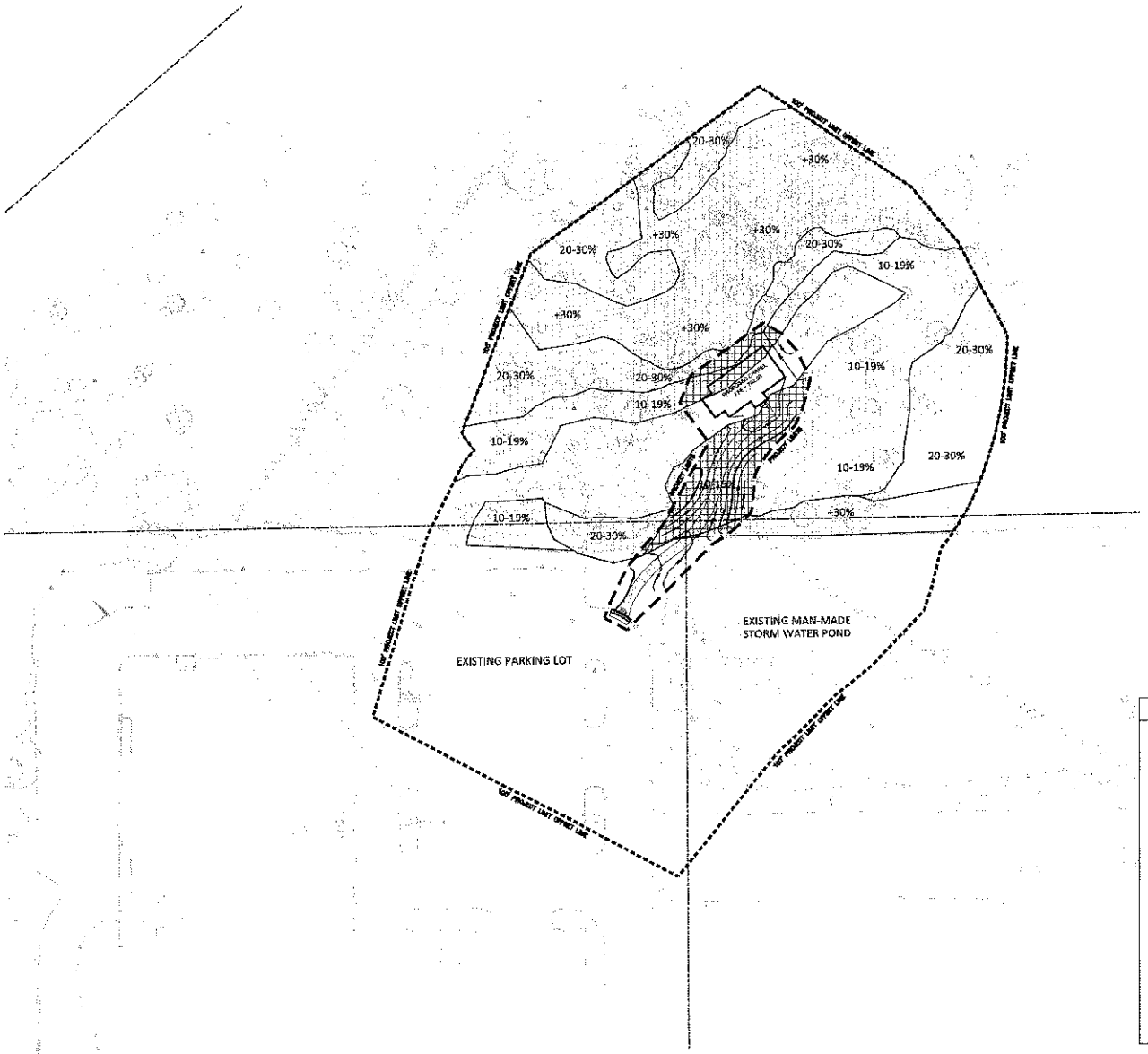
The Polish Center of Wisconsin

SHEET
EXISTING STEEP SLOPES EXHIBIT MAP

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-4



Scale: 0 10 20 40
Scale: 1" = 20'

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LEGEND

100' PROJECT LIMIT OFFSET LINE. THIS LINE IS BEING USED TO DELINEATE ALL PROTECTED NATURAL RESOURCE FEATURES WITHIN THE VICINITY OF THE PROJECT IN LIEU OF THE OVERALL CONSERVANCY BOUNDARY

EXISTING STEEP SLOPES 10-19% – UNDISTURBED: 11,636 SQUARE FEET (0.268 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES 20-30% – UNDISTURBED: 13,062 SQUARE FEET (0.300 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES +30% – UNDISTURBED: 14,235 SQUARE FEET (0.327 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES 10-19% – DISTURBED: 3,168 SQUARE FEET (0.073 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES 20-30% – DISTURBED: 279 SQUARE FEET (0.006 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

EXISTING STEEP SLOPES +30% – DISTURBED: 100 SQUARE FEET (0.002 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION

REQUIRED STEEP SLOPES TO REMAIN UNDISTURBED: 10-19% 40% 20-30% 70% +30% 80%

EXISTING STEEP SLOPES TO REMAIN UNDISTURBED: 10-19% 78% 20-30% 98% +30% 99%

EXISTING 1' CONTOURS

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PROJECT
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REIMAN CENTER FOR CANCER CARE CHAPEL

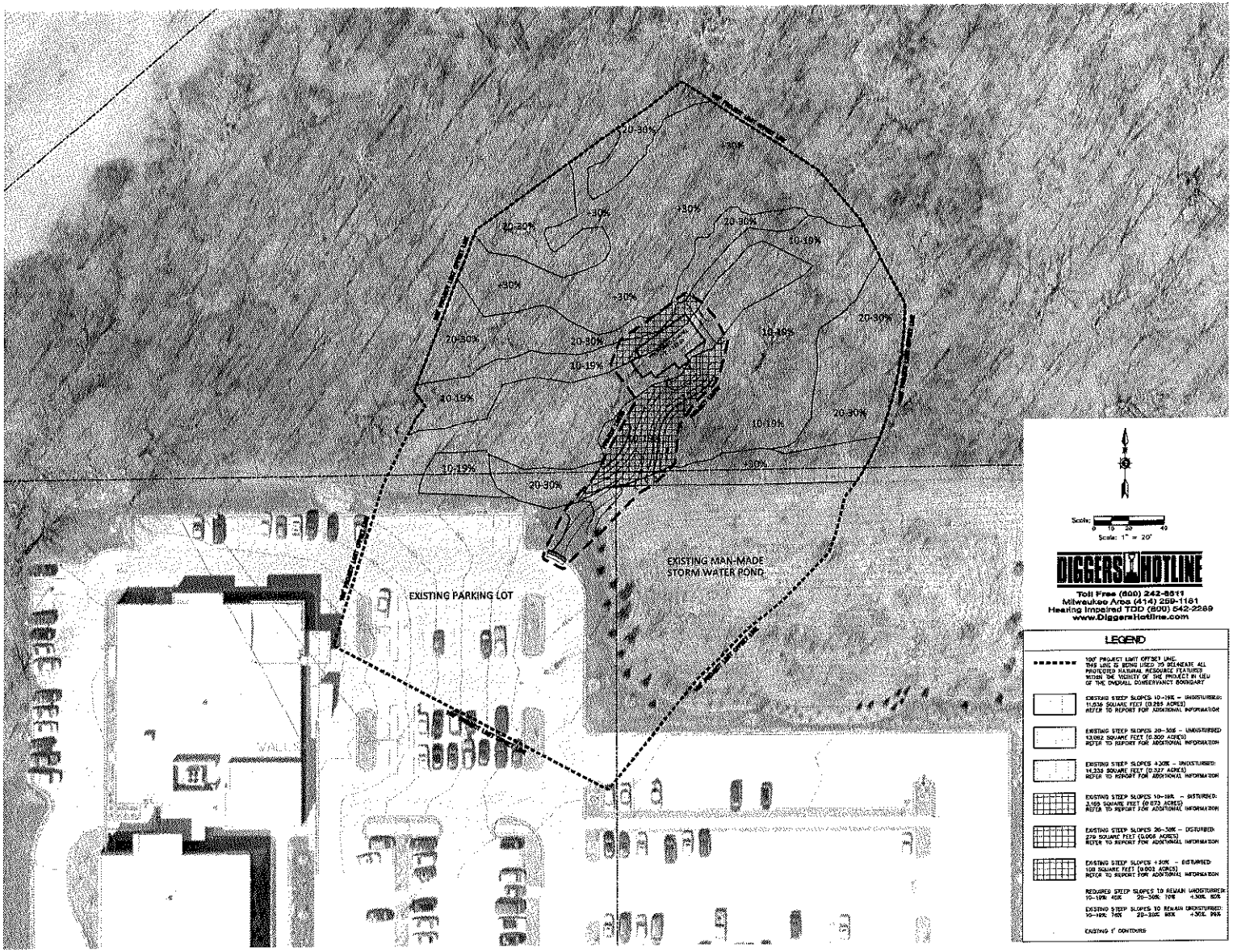
The Polish Center of Wisconsin

SHEET
DISTURBED STEEP SLOPES EXHIBIT MAP

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-5



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REIMAN CENTER FOR CANCER CARE CHAPEL

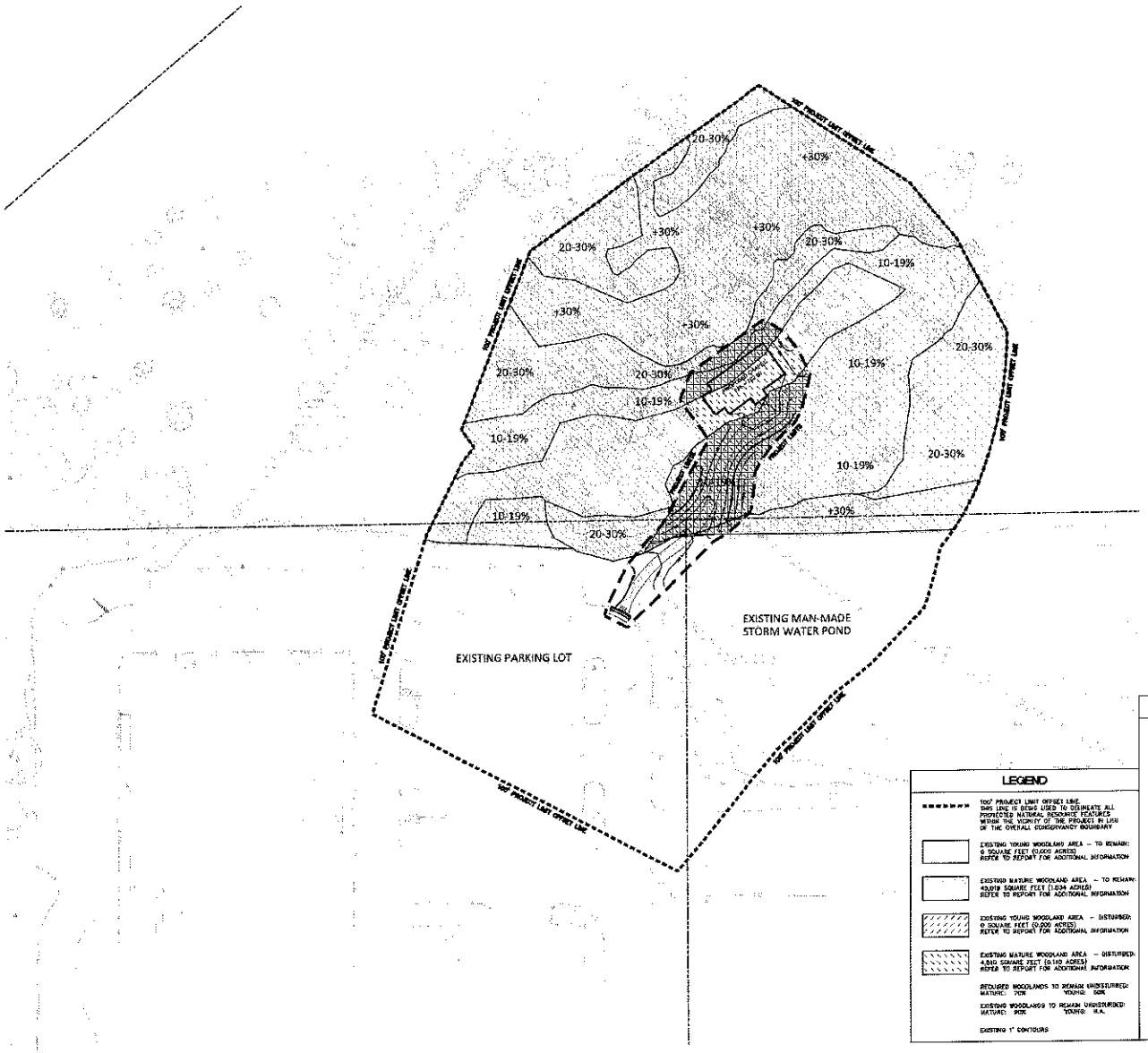
The Polish Center of Wisconsin

SHEET
DISTURBED STEEP SLOPES EXHIBIT MAP WITH AERIAL

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-6



Scale: 1" = 20'

DIGGERS HOTLINE
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Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

LEGEND

- 100' PROJECT LIMIT OFFSET LINE. THIS LINE IS BEING USED TO DELINEATE ALL PROTECTED NATURAL RESOURCE FEATURES WITHIN THE VICINITY OF THE PROJECT IN LIEU OF THE OVERALL CONSERVANCY BOUNDARY
- EXISTING YOUNG WOODLAND AREA – TO REMAIN: 0 SQUARE FEET (0.000 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING MATURE WOODLAND AREA – TO REMAIN: 43,019 SQUARE FEET (1.034 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING YOUNG WOODLAND AREA – DISTURBED: 0 SQUARE FEET (0.000 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING MATURE WOODLAND AREA – DISTURBED: 4,510 SQUARE FEET (0.110 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- REQUIRED WOODLANDS TO REMAIN UNDISTURBED: MATURE: 70% YOUNG: 50%
- EXISTING WOODLANDS TO REMAIN UNDISTURBED: MATURE: 90% YOUNG: N.A.
- EXISTING 1' CONTOURS

LEGEND

- 100' PROJECT LIMIT OFFSET LINE. THIS LINE IS BEING USED TO DELINEATE ALL PROTECTED NATURAL RESOURCE FEATURES WITHIN THE VICINITY OF THE PROJECT IN LIEU OF THE OVERALL CONSERVANCY BOUNDARY
- EXISTING STEEP SLOPES 10-19% – UNDISTURBED: 11,538 SQUARE FEET (0.265 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING STEEP SLOPES 20-30% – UNDISTURBED: 13,602 SQUARE FEET (0.200 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING STEEP SLOPES +30% – UNDISTURBED: 14,330 SQUARE FEET (0.327 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING STEEP SLOPES 10-19% – DISTURBED: 3,160 SQUARE FEET (0.073 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING STEEP SLOPES 20-30% – DISTURBED: 279 SQUARE FEET (0.006 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- EXISTING STEEP SLOPES +30% – DISTURBED: 105 SQUARE FEET (0.002 ACRES) REFER TO REPORT FOR ADDITIONAL INFORMATION
- REQUIRED STEEP SLOPES TO REMAIN UNDISTURBED: 10-19%: 40% 20-30%: 70% +30%: 80%
- EXISTING STEEP SLOPES TO REMAIN UNDISTURBED: 10-19%: 78% 20-30%: 95% +30%: 98%
- EXISTING 1' CONTOURS

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REVISIONS
No. Date Description

KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
www.kapurengineers.com

PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

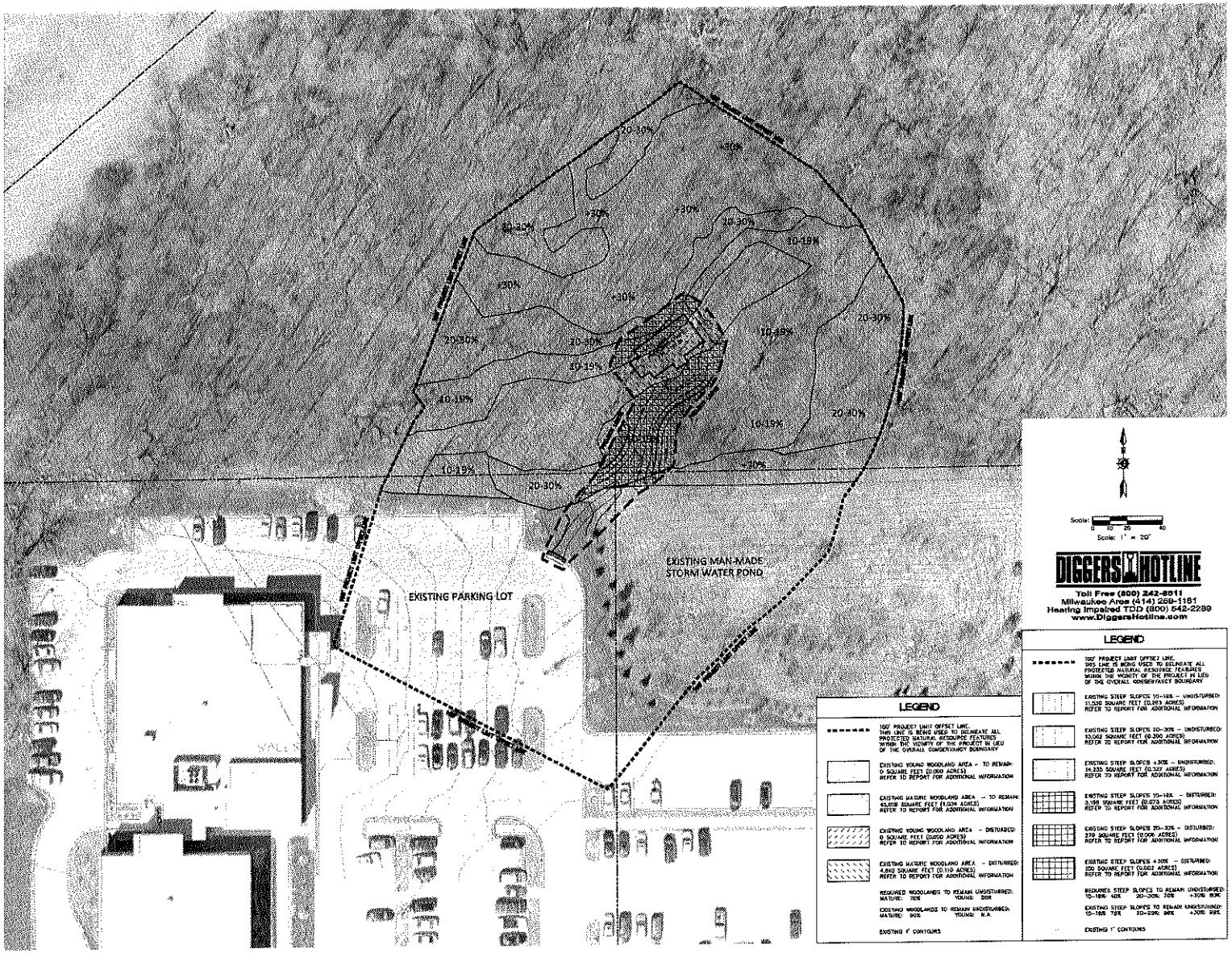
The Parish Center
Germantown

SHEET
OVERALL NATURAL RESOURCE EXHIBIT MAP

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-7



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REVISIONS

No.	Date	Description

KAPUR & ASSOCIATES, INC.
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7711 N. PORT WASHINGTON ROAD
MILWAUKEE, WISCONSIN 53217
Phone: 414.351.3995 Fax: 414.351.4111
www.kapurengineers.com

PROJECT

CONSERVANCY FOR HEALING & HERITAGE, INC.

REIMAN CENTER FOR CANCER CARE CHAPEL

The Polish Center of Wisconsin

SHEET

OVERALL NATURAL RESOURCE EXHIBIT MAP WITH AERIAL

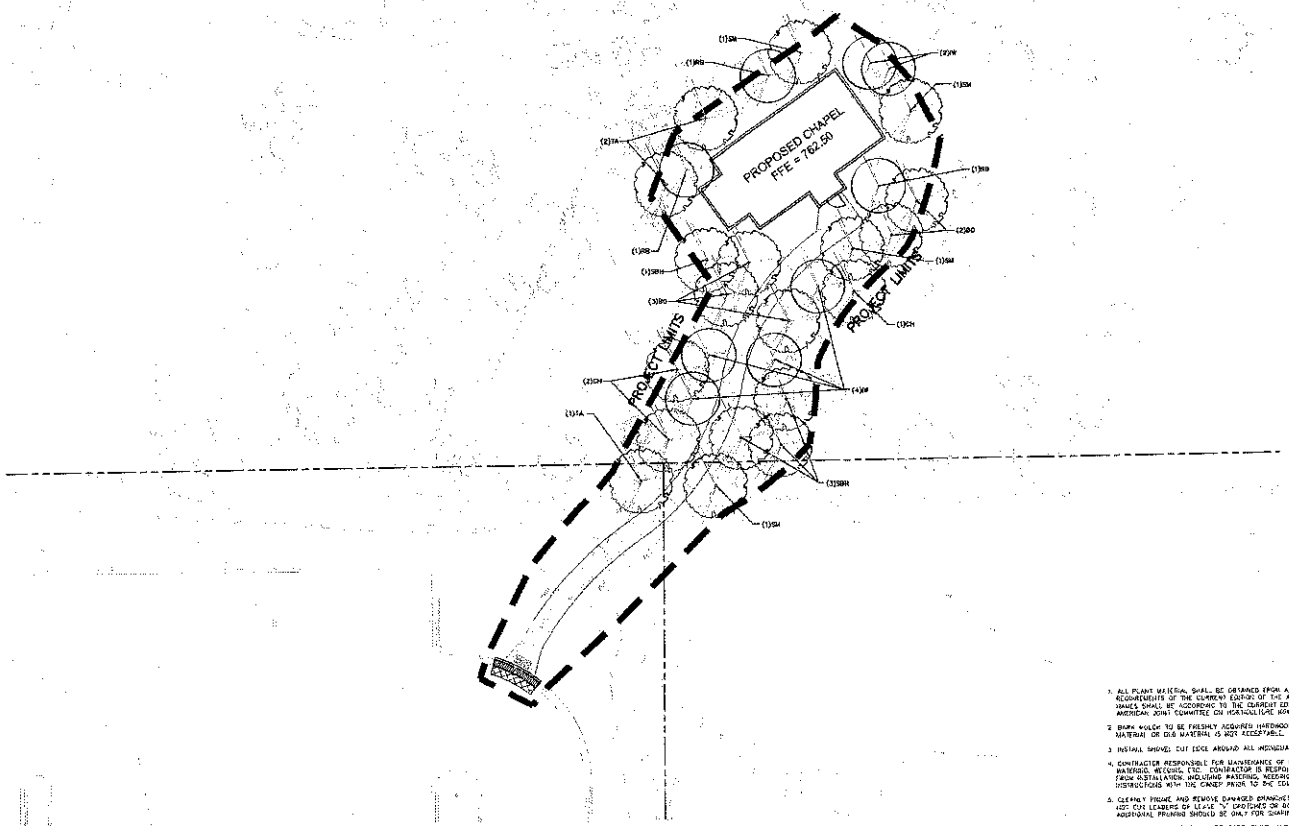
DATE

October 11, 2013

PROJECT NO.

SHEET NO.

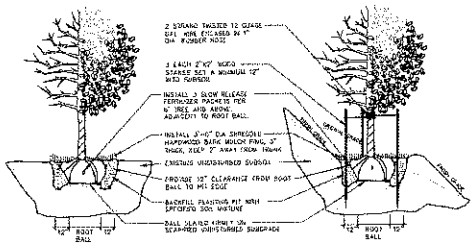
NRPP-8



Plant Schedule

	Scientific Name	Common Name	Quantity	Spacing	Size
					Install
Deciduous Trees					
BO	Quercus macropcarpa	Bur Oak	5	Per Plan	2" caliper B&B
CH	Celtis occidentalis	Common Hackberry	3	Per Plan	2" caliper B&B
IW	Ostrya virginiana	Ironwood	6	Per Plan	2" caliper B&B
RB	Cercis canadensis	Eastern Redbud	3	Per Plan	2" caliper B&B
SBH	Carya ovata	Shagbark Hickory	4	Per Plan	2" caliper B&B
SM	Acer saccharum	Sugar Maple	4	Per Plan	2" caliper B&B
TA	Tilia americana	Basswood	3	Per Plan	2" caliper B&B

EXISTING TREES OVER 8" DBH REMOVED: 14
PROPOSED 2" TREES INSTALLED FOR MITIGATION: 28



1 DECIDUOUS TREE PLANTING, STAKING, & PLANTING ON A SLOPE
NTS

Scale: 0 5 10 20
Scale: 1" = 10'

DIGGERS HOTLINE
Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

1. ALL PLANT MATERIAL SHALL BE OBTAINED FROM A NURSERY LOCATED IN ZONE 4, CONFORM TO APPLICABLE REQUIREMENTS OF THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AND BOTANICAL NAMES SHALL BE ACCORDING TO THE CURRENT EDITION OF "STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURE NOMENCLATURE.
2. BARK MULCH TO BE FRESHLY ACQUIRED HARDWOOD SHREDDED BARK MULCH. EXCESSIVE DIRT AND DUST LIKE MATERIAL OR OLD MATERIAL IS NOT ACCEPTABLE.
3. INSTALL SHOVEL CUT EDGE AROUND ALL INDIVIDUAL TREES
4. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF PLANT MATERIAL FOR 30 DAYS FROM INSTALLATION, INCLUDING WATERING, WEEDING, ETC. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF SEEDED TURF AREAS FOR 60 DAYS FROM INSTALLATION, INCLUDING WATERING, WEEDING, ETC. CONTRACTOR TO PROVIDE AND REVIEW MAINTENANCE INSTRUCTIONS WITH THE OWNER PRIOR TO THE COMPLETION OF THESE MAINTENANCE PERIODS
5. CLEANLY PRUNE AND REMOVE DAMAGED BRANCHES, DEAD WOOD, AND RUBS IMMEDIATELY PRIOR TO PLANTING DO NOT CUT LEADERS OR LEAVE "V" CROTCHES OR DOUBLE LEADERS UNLESS A MULTI-STEM TREE IS SPECIFIED ADDITIONAL PRUNING SHOULD BE DONE FOR SHAPING PURPOSES
6. REMOVE BURLAP, WIRE BASKET, ROPE, TWINE, AND ALL SYNTHETIC MATERIAL FROM THE ROOTS, TRUNK, OR CROWN OF PLANT
7. PLANT SHALL BE SO THAT THE ROOT BALLAR IS 2" ABOVE FINISHED GRADE OR SEVERAL INCHES ABOVE GRADE IF PLANT IS INSTALLED IN POOR SOILS.
8. PLANT TREES WITH SAME ORIENTATION AS WHEN HARVESTED FROM THE NURSERY OR TO SHOWCASE THE MOST AESTHETIC VIEW.
9. PLANT ALL TREES WITH THREE SLOW RELEASE FERTILIZER PACKETS, SPACED EQUIDISTANT AROUND THE EDGE OF THE ROOT BALL.
10. WATER AND TAMP BACKFILL AND MOUND OF ALL NEWLY SET PLANT MATERIAL SO THE SOIL AND ROOTS ARE THOROUGHLY SOAKED AND AIR POCKETS ARE REMOVED
11. FOR INDIVIDUAL TREES PROVIDE CONTINUOUS 3" SOIL SAUCER TO CONTAIN WATER & MULCH (HILLS ON SLOPES SHALL BE SAUCERED ON THE DOWNHILL SIDE)
12. INSTALL 3" INCH SHREDDED HARDWOOD BARK MULCH RING 3'-0" DIA. FOR DECIDUOUS TREES AND ALL INDIVIDUAL SHRUBS IN LAWN AREAS, 5'-0" DIA. FOR EVERGREEN TREES. KEEP MULCH 2" AWAY FROM TRUNKS.
13. STAKING – UNLESS STAKE TREES THAT ARE UNABLE TO REMAIN UPRIGHT AFTER PLANTING. TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE TREE IS FREE TO SWAY. ATTACH WIRE TO THREE STAKES POSITIONED EVENLY AROUND THE TREE. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING THEM AT LEAST EVERY THREE MONTHS FOR BINDING OR OTHER DEFECTIVE STAPES AND TIES SHOULD BE REMOVED SIX MONTHS TO ONE YEAR AFTER PLANTING.
14. CONTRACTOR TO INSTALL CONSTRUCTION FENCING AROUND THE DRIP LINE OF ALL EXISTING TREES TO REMAIN THAT ABUT THE PROJECT LIMIT AREA. NO EQUIPMENT, MATERIALS, ETC. MAY BE SAVEN OVER OR STORED IN PROTECTED AREA
15. REFER TO SPECIFICATIONS 32 92 00 TURF AND GRASSES & 32 93 00 PLANTS FOR ADDITIONAL INFORMATION

2 LANDSCAPE NOTES
REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION

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REVISIONS
No. Date Description

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www.kapurengineers.com

PROJECT
CONSERVANCY FOR HEALING & HERITAGE, INC.
REIMAN CENTER FOR CANCER CARE CHAPEL

The Polish Center OF WISCONSIN

SHEET
TREE PRESERVATION PLAN

DATE
October 11, 2013

PROJECT NO.

SHEET NO.
NRPP-9

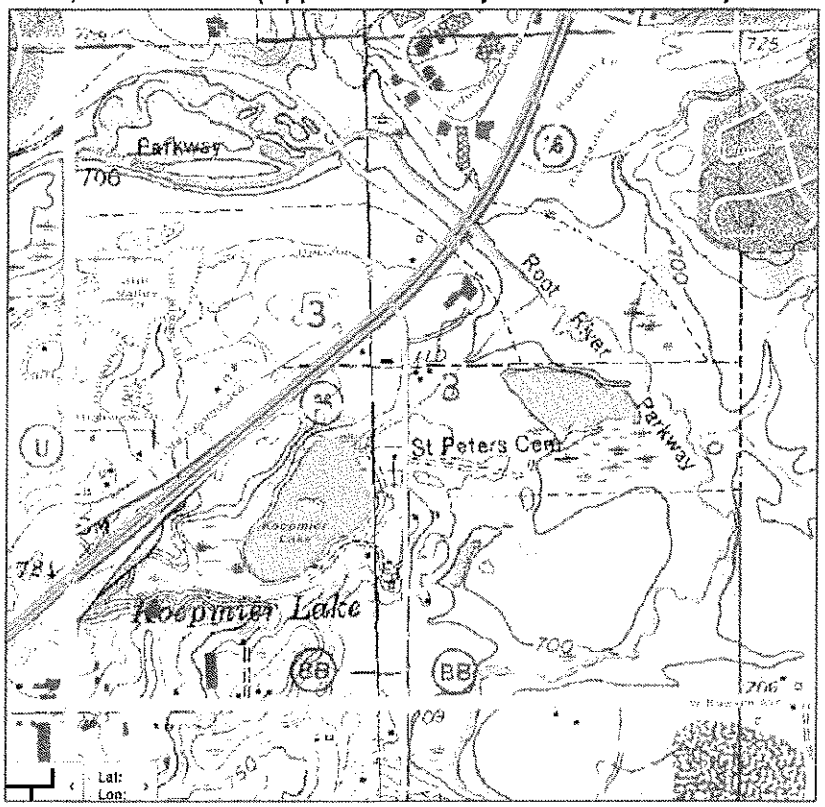
Conservancy for Healing and Heritage, Inc.
Reiman Center for Cancer Care Chapel
Interpretation of City of Franklin Unified Development Ordinance (UDO) Concerning Natural Resources Protection Standards

Natural Resource Protection Plan (NRPP) & Site Plan Application

Executive Summary:

A Natural Resource Protection Plan is required for the Conservancy for Healing and Heritage, Inc. – Reiman Center for Cancer Care Chapel project (hereto referred to as the "project"). The project is located in the Southwest ¼ of Section 3, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. In consideration of City of Franklin Planning Development staff comments and recommendations, dated August 8, 2013, this Natural Resources Protection Plan *identifies and delineates all protected natural resource features within the vicinity of the project....the vicinity of the project typically includes all lands within 100 feet of the areas to be disturbed.*

USGS Topographic Map
↑ North, Not to Scale (Approximate Project Limits noted by Red Dot)



Franklin
OCT 30 2013
City Development

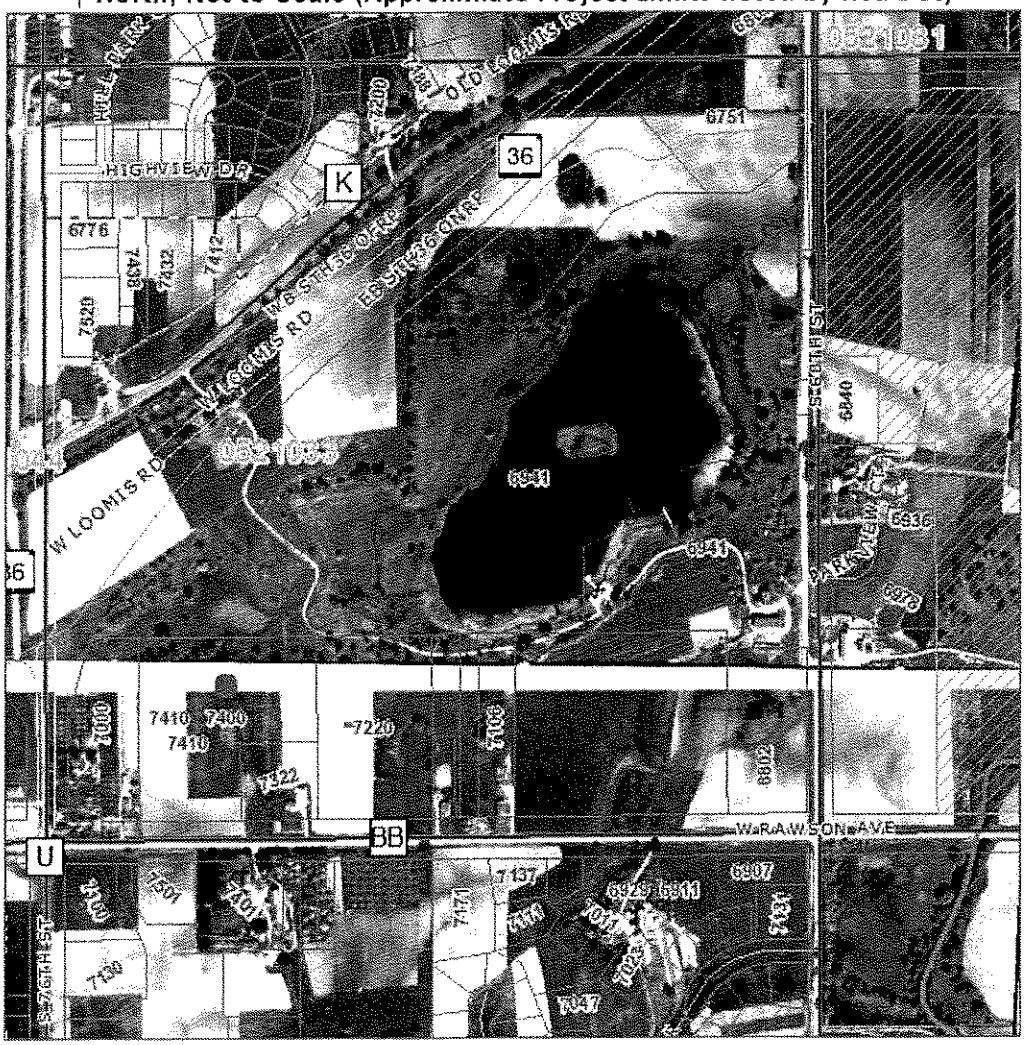
The intent of this Natural Resource Protection Plan (hereto referred to as NRPP) is to help ensure that the City's natural resource protection standards are met and that all of the site's natural resources required to be protected under Part 4 of the Franklin Unified Development Ordinance (UDO) remain undisturbed and intact, reflective of their current natural state, unless where mitigation is permitted by the City.

Purpose of Project, Background & Current Site Conditions:

The purpose of the project is to construct a chapel to service the Reiman Center for Cancer Care patients, visitors and staff. The intent of the location selected is to provide a natural setting for those to reflect, relax, pray, etc. in a serene environment. A relatively simple structure, consisting of 825 square feet (footprint) will be constructed in the location shown in the attached plans.

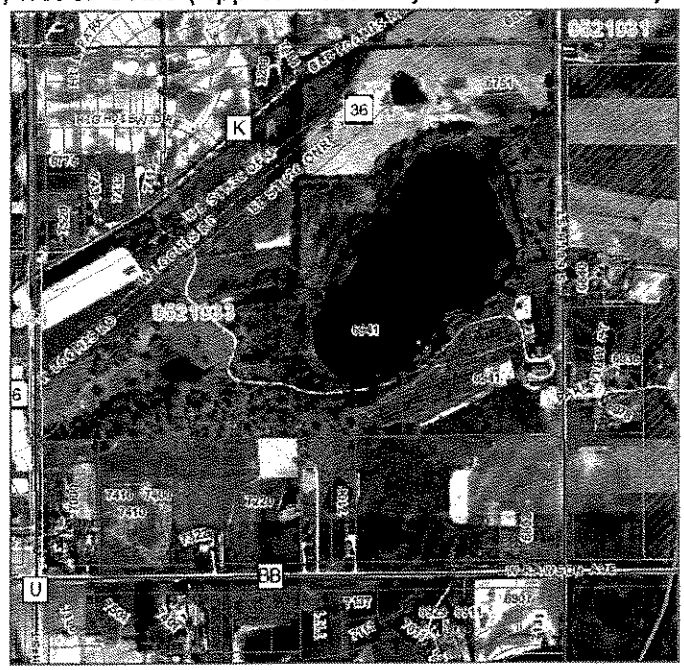
Polish Festivals, Inc. purchased the parcel of land in 1987. Historically portions of the land had been used for farming and gravel mining purposes as indicated in historical aerial photography and the USDA/NRCS Soil Survey. A portion of the proposed project area is located over area identified as Gravel Pit on the USDA/NRCS Soil Survey Map. Interestingly portions of the property have also served as a retreat.

1936 Aerial Photography
↑ North, Not to Scale (Approximate Project Limits noted by Red Dot)



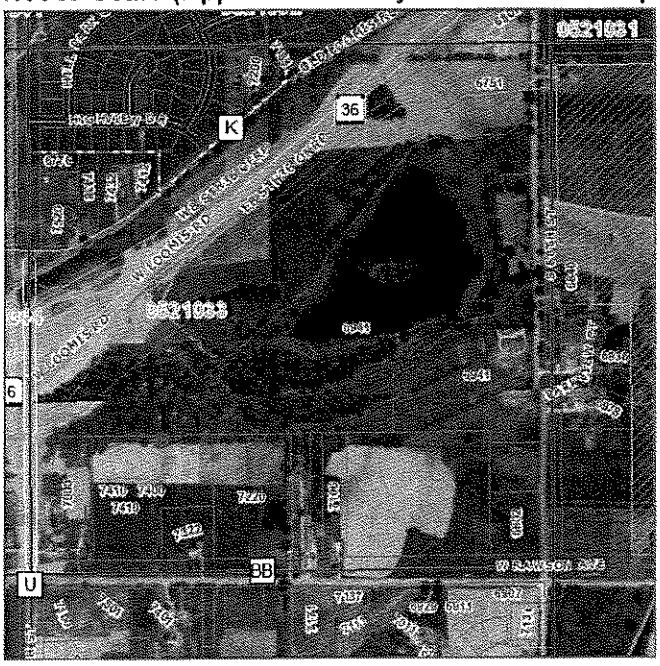
1936 Aerial Photography shows general agricultural use for project area (also seen in this aerial photo – site entry to current Polish Center location – off of what is now STH 36).

1951 Aerial Photography
↑ North, Not to Scale (Approximate Project Limits noted by Red Dot)



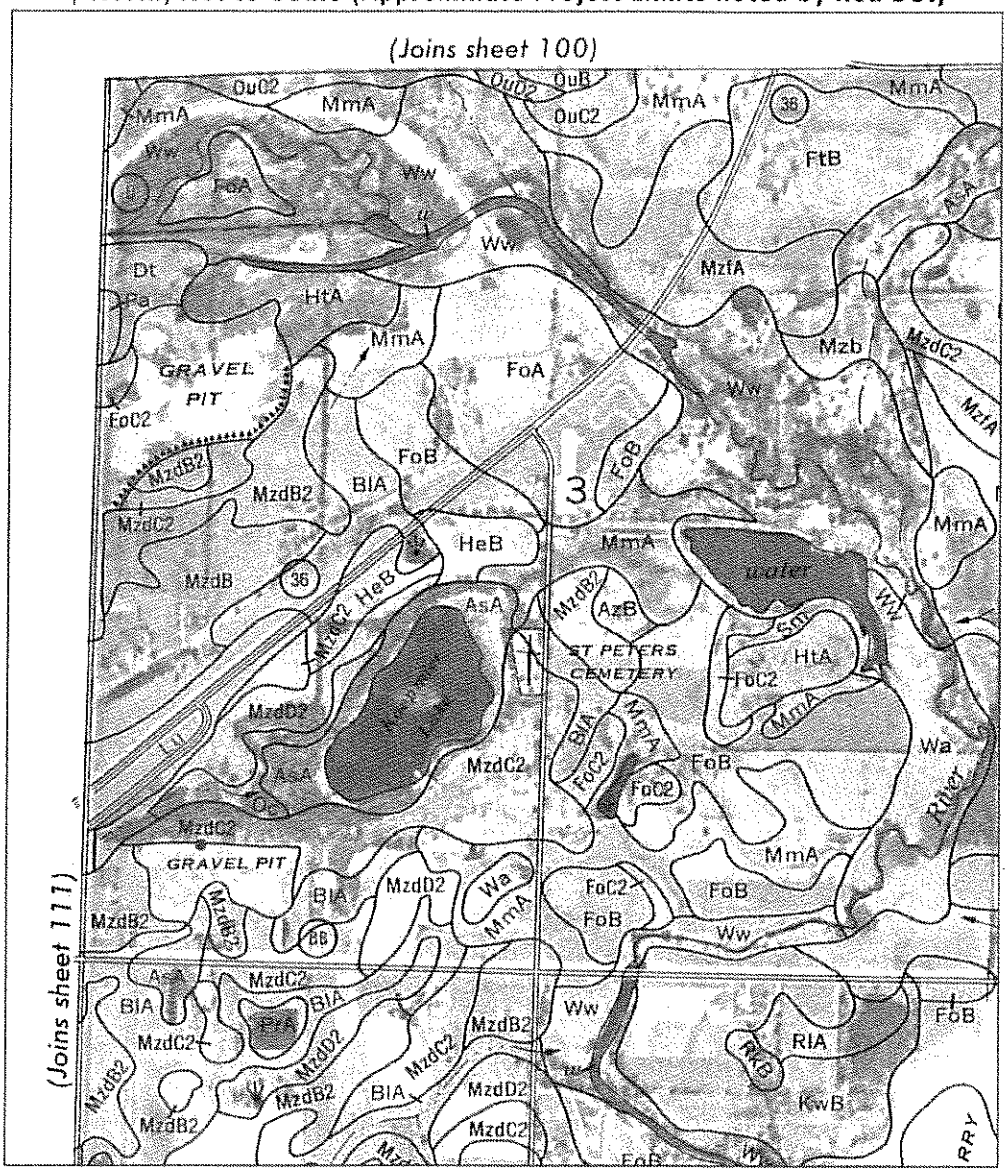
1951 Aerial Photography shows general agricultural use. This photo shows a clearer representation of wooded areas (as compared to the 1936 aerial photo). Project limits are near edge of area that had been farmed and left as natural woodland.

1956 Aerial Photography
↑ North, Not to Scale (Approximate Project Limits noted by Red Dot)



1956 Aerial Photography shows general agricultural use and land clearing, likely as the result of gravel pit purposes. Refer to the USDA/NRCS exhibit (below) for approximate outline of area identified as "Gravel Pit".

USD/NRCS Soil Survey of Milwaukee & Waukesha Counties
↑ North, Not to Scale (Approximate Project Limits noted by Red Dot)



The USDA/NRCS Soil Survey provides historical documentation which shows lands in proximity to proposed project area identified as "Gravel Pit".

The chapel structure will be built north of the existing Reiman Center parking lot. An ADA compliant trail connection to the structure will also be built. Currently the project area consists of mature woodlands containing a dominant understory of common buckthorn, an invasive shrub/tree. Buckthorn will be removed and treated within the project area as a result of this project. The project area also contains steep slopes. Lakes, ponds, streams, shore buffers, floodplain/floodway/floodlands, wetlands/wetland buffer/wetland setbacks are not located within the project limits (within 100 feet of the area to be disturbed).

Considerations of Natural Resources for the Proposed Site Improvements:

The following City defined protected natural resources have been considered for this NRPP and are further described below as applicable:

- Steep Slopes
- Mature Woodlands
- Young Woodlands
- Lakes and Ponds
- Streams
- Shore Buffers
- Floodplains/Floodways/Floodlands
- Wetland Buffers
- Wetlands and Shoreland Wetlands

Steep Slopes:

Presence of steep slopes has been investigated within the project area. During site investigations steep slopes were determined to likely be natural and the result of glaciation despite nearby historical gravel pit, agricultural and construction operations. Steep slopes have been characterized utilizing existing site grades surveyed in the field and are classified as follows:

- Steep slopes greater than 30% are present. **Within the project area more than 80% of the steep slopes, greater than 30%, will be protected meeting City Protection Standards.**
- Steep slopes 20% to 30% are present. **Within the project area more than 70% of the steep slopes between 20-30%, will be protected meeting City Protection Standards.**
- Steep slopes 10% to 19% are present. **Within the project area more than 40% of the steep slopes between 10-19%, will be protected meeting City Protection Standards**

Photo 1: Steep slopes are present north of the proposed Chapel. The majority of slopes in the project area are likely "natural" slopes and the result of glaciation.

Woodlands, Mature and Young:

Presence of woodlands has been evaluated in the project area. A field survey of the trees has been completed by a registered land surveyor identifying location of trees and sizes. Verification of this survey was completed by a biologist/environmental scientist in order to prepare this plan.

Photo 2: Wooded areas contain a variety of hardwood (deciduous trees) and an abundance of buckthorn an invasive shrub species, commonly found throughout Wisconsin as well.

A Mature Woodland is an area that covers an area of one acre and at least 50% of the trees have a diameter at breast height (DBH) of at least 10 inches. It can also be considered a grove consisting of eight of more trees having a DBH of at least 12 inches whose canopies combine to have at least 50% of the grove canopy covered.

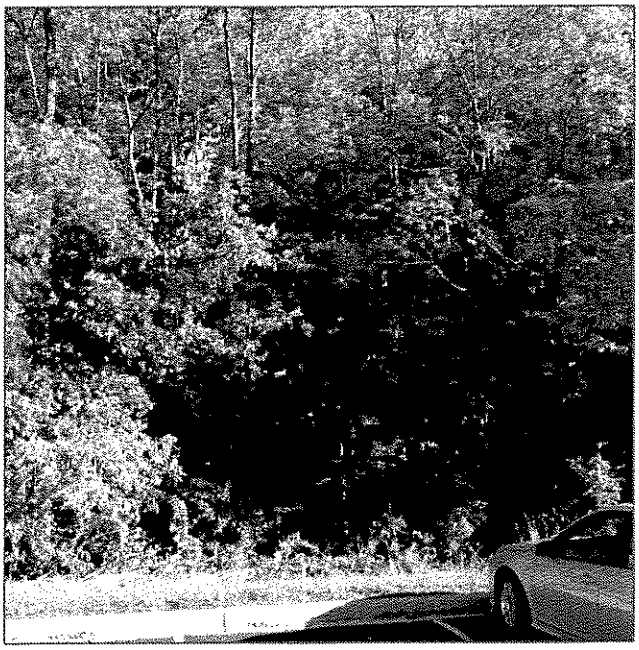


Photo 3: Standing along north end of Reiman parking lot looking north towards woods.

A Young Woodland is an area that covers an area of 0.5 acres and at least 50% of the trees have a DBH of at least 3 inches.

The site consists of white oak, red oak, bur oak, hickory, walnut, hackberry, sugar maple, boxelder, white ash, green ash, and other deciduous trees. Buckthorn has taken a predominant hold within the understory throughout wooded areas.

The woodland analysis for the project area concludes that the area to contains a Mature Woodland. Review of historical aerial photos shows that wooded areas within the project areas have generally been left intact (see past aerial photos on Pages 2 and 3). **The woodlands will be protected meeting City Protection Standards (minimum 70% protection standard).**

Lakes:

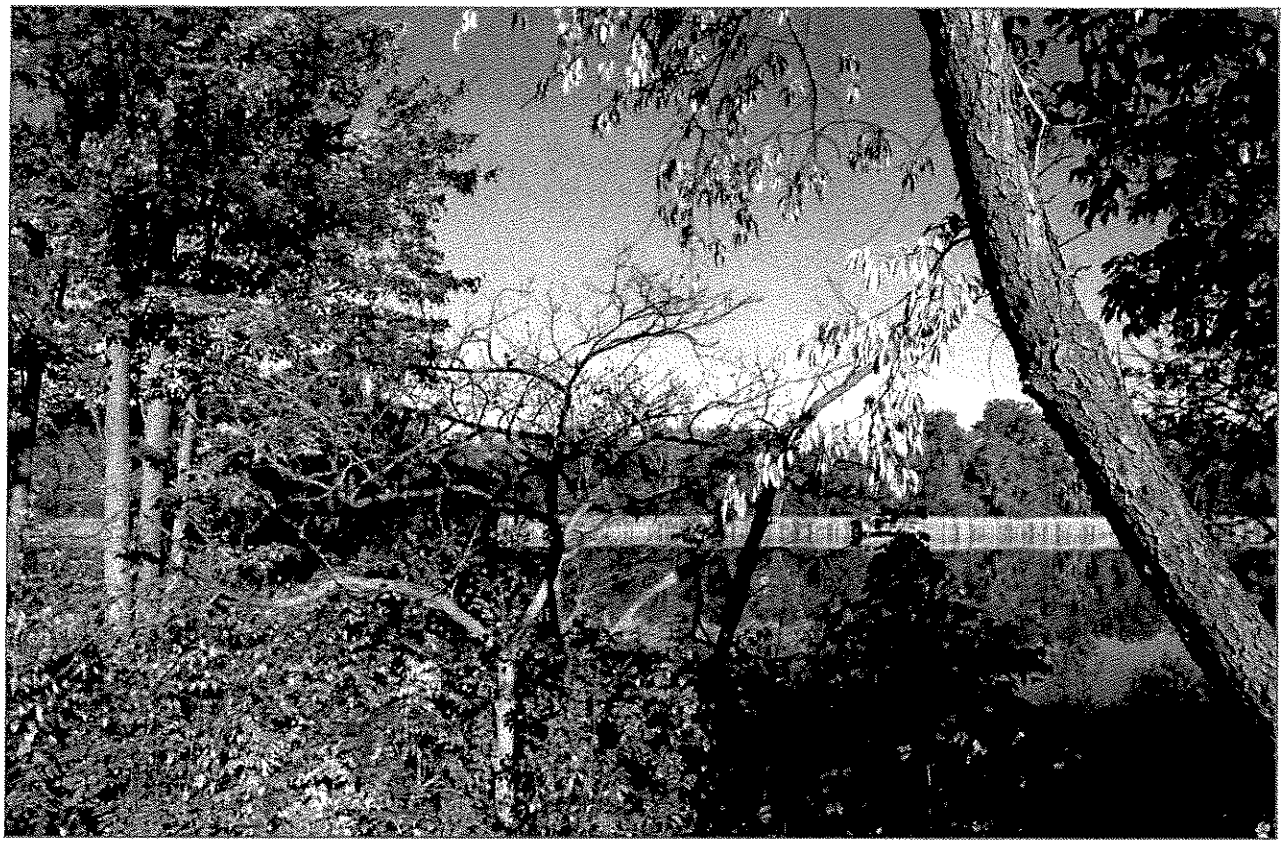


Photo 4: At the Polish Heritage Alliance property looking west at Koepmier Lake and shoreland wetlands (project limits are not seen in this photo).

A lake is defined as any body of water two acres or larger in size. There are not any lakes within 100 feet of the area to be disturbed. Koepmier Lake is the closest lake, located approximately 730 feet to the northeast of the project. Koepmier Lake is a spring fed lake; and outlets through an unnamed Tributary to the Root River. **The Lake will be protected at a 100% ratio during the proposed project.**

Ponds:

A pond is described as all bodies of water less than two acres in area. There are no ponds within 100 feet of the area to be disturbed.

Shore Buffer:

The shore buffer is the undisturbed land area (including undisturbed natural vegetation) within 75 feet landward of the ordinary high water mark of all navigable waters. Shore buffer is not located within 100 feet of the area to be disturbed. **Shore buffer will be protected at a 100% ratio during the proposed project.**

Floodplain Fringe:

The floodplain fringe is floodland outside of the floodway that is subject to inundation by the 100-year recurrence interval flood and includes the Floodplain Conservancy District and Floodplain Fringe Overlay District. Flood fringe is not located within 100 feet of the area to be disturbed. Koepmier Lake does contain Zone A floodplain located approximately 150 feet from the area to be disturbed. **The floodplain fringe will be protected at a 100% ratio during the proposed project.**

Floodway:

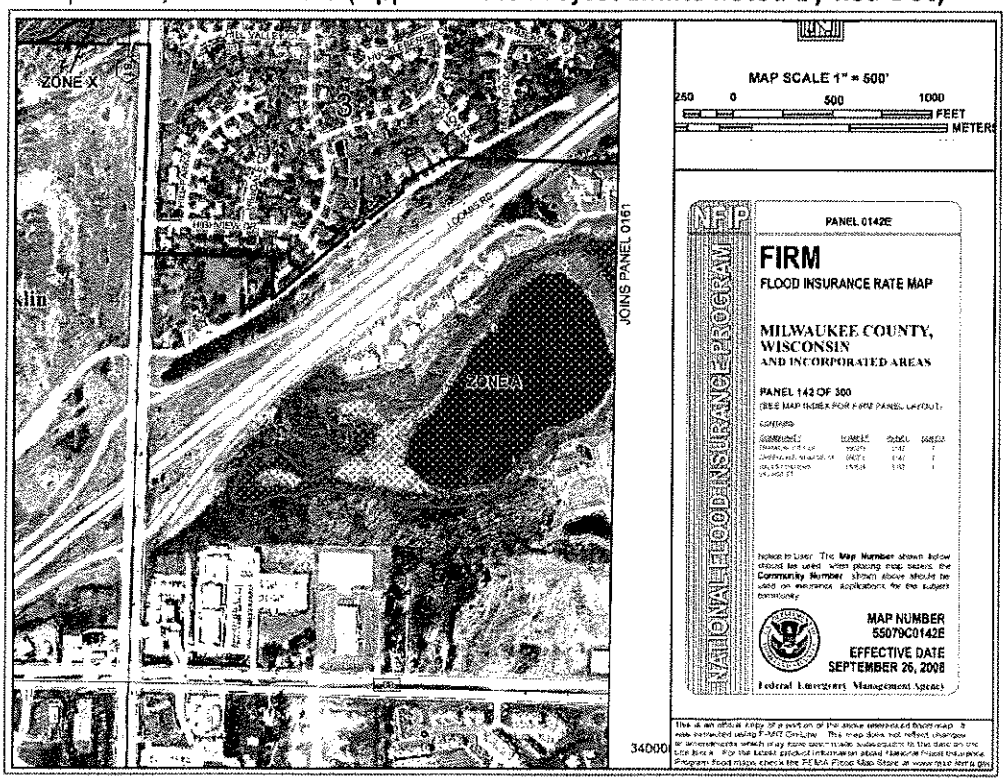
A floodway is a designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small acceptable upstream and downstream stage increases. The floodway is not suited for human habitation and thus all fill, structures and other development that would impair floodwater conveyance is prohibited. **The proposed project will not negatively impact the floodway associated with area waterways.**

Floodlands:

The floodlands are those lands, including channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. For this instance, the recurrence interval is the 100-year recurrence interval flood. **The proposed project will not negatively impact the floodlands and will be protected at a 100% ratio.**

FEMA - FIRM

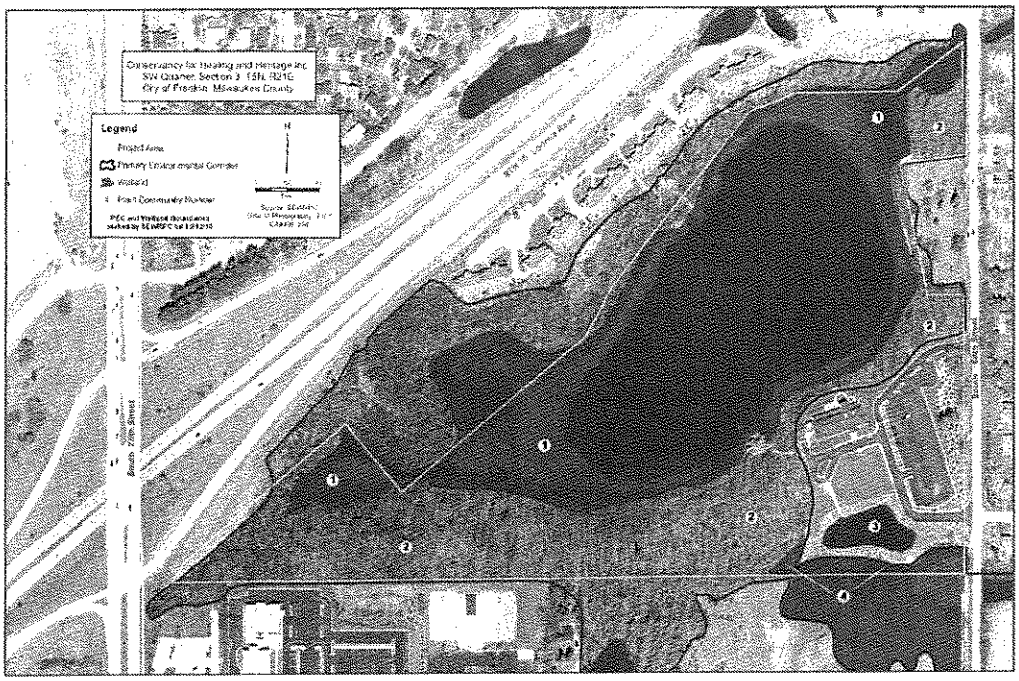
↑ North, Not to Scale (Approximate Project Limits noted by Red Dot)



Wetlands:

A wetland delineation for the property was conducted by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff including: Donald M. Reed, Ph.D., Chief Biologist; Lawrence A. Leitner, Ph.D., Principal Biologist; and Christopher Jors, Biologist, on October 12, 2010. There are not wetlands located within the project area. Results of SEWRPC findings are attached to this plan. The closest point of the project limits to the wetlands is 175-foot to the north; the edge of the building is approximately 190 feet south of the wetlands. **Wetlands and associated wetland buffer and setback will be protected at a 100% ratio during the proposed project.**

Wetland Boundaries Staked by SEWRPC 10/12/2010
↑ North, Not to Scale



Shoreland Wetland (Refer to Page 4 - Wetland Exhibit Map of Attachment E):

A shoreland wetland is a specific type of wetland that is located within a shoreland area. A shoreland wetland is any wetland that is within 1,000 feet of a lake, pond or flowage or within 300 feet from a river or stream or to the landward side of floodplain areas. Wetlands within the property are shoreland wetland. **Wetlands and associated wetland buffer and setback will be protected at a 100% ratio during the proposed project.**

Wetland Buffers (Refer to Page 4 - Wetland Exhibit Map of Attachment E):

The wetland buffer is the undisturbed land area within 30 feet landward of the delineated boundary of any wetland and parallel to that delineated wetland boundary. Impacts to wetland buffer will not occur as a result of this project. **Wetlands and associated wetland buffer and setback will be protected at a 100% ratio during the proposed project.**

Engineered site plans, Natural Resource Exhibits and SEWRPC Wetland Delineation Report are included in the following pages as attachments to this NRPP.

December 3, 2010

Mr. Joel E. Dietl, AICP
Planning Manager
City of Franklin Department of
City Development
9229 W. Loomis Road
Milwaukee, WI 53132

Re: SEWRPC No. CA-405-336

Dear Mr. Dietl:

This will respond to your electronic mail message of September 17, 2010, requesting the Commission staff to conduct a field inspection of the Conservancy for Healing and Heritage, Inc. and Polish Heritage Alliance properties for the purpose of identifying in the field the boundaries of any wetlands, primary environmental corridor (PEC), and woodlands (as defined in Section 15-11.0103 of the Franklin Unified Development Ordinance) contained on the subject properties. The properties are located in parts of the Southwest one-quarter of U.S. Public Land Survey Section 3, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Pursuant to your request, the wetland and PEC boundaries contained on the subject properties were identified and staked in the field by Dr. Donald M. Reed, Chief Biologist of the Commission staff, on October 12, 2010. Please be advised that all woodlands on the subject properties are contained within the PEC and therefore were not separately delineated in the field. It is the Commission staff's expectation that the wetland and PEC boundaries will be surveyed and identified on forthcoming design plans attendant to the development of the proposed educational trail and healing garden. A list of plant species identified within the subject wetland and PEC is attached hereto as Exhibit A.

In addition, please be advised that wetlands located within the designated Primary Environmental Corridor, as shown on the attached map, have been designated as ADID wetlands under the Section 404(b)(1) Guidelines of the Federal Clean Water Act.

Should you have any questions regarding this information, please do not hesitate to call.

Sincerely,

Kenneth R. Yunker, P.E.
Executive Director

KRY/DMR/CJJ/dad
#154802 v1 - ca405-33636

Enclosures

cc: Mr. Michael Skwierawski
Mr. Paul Beck
Ms. Jamie Lambert
Mr. Anthony Jernigan

Mr. Michael Skwierawski
Conservancy for Healing and
Heritage, Inc.
6941 S. 68th St.
Franklin, WI 53132

Mr. Paul Beck
Platt Construction, Inc.
P.O. Box 320160
Franklin, WI 53132-6021

Ms. Jamie Lambert
Wisconsin Dept. of Natural Resources
141 NW Barstow St., Room 180
Waukesha, WI 53188

Mr. Anthony Jernigan
U.S. Army Corps of Engineers
1617 E. Racine Avenue
Waukesha, WI 53186-6875

SVY3738
CA405-336

EXHIBIT A

PRELIMINARY VEGETATION SURVEY
CONSERVANCY FOR HEALING AND HERITAGE INC.

Date: October 12, 2010

Observers: Donald M. Reed, Ph.D., Chief Biologist
Lawrence A. Leitner, Ph.D., Principal Biologist
Christopher J. Jors, Biologist
Southeastern Wisconsin Regional Planning Commission

Location: City of Franklin in parts of the Southwest one-quarter of U.S. Public Land Survey Section 3, Township 5 North, Range 21 East, Milwaukee County, Wisconsin.

Species List: Plant Community Area No. 1

EQUISETACEAE
- Equisetum fluviatile--Pipes

POLYPODIACEAE
- Onoclea sensibilis--Sensitive fern

TYPHACEAE
- Typha latifolia[1]--Broad-leaved cat-tail
- Typha angustifolia[1]--Narrow-leaved cat-tail

GRAMINEAE
- Glyceria striata--Fowl manna grass
- Calamagrostis canadensis--Canada bluejoint
- Phalaris arundinacea[1,2]--Reed canary grass

CYPERACEAE
- Dulichium arundinaceum--Three-way sedge
- Scirpus atrovirens--Green bulrush
- Carex blanda--Wood sedge
- Carex granularis--Pale sedge
- Carex stricta--Tussock sedge
- Carex lacustris--Lake sedge

LEMNACEAE
- Lemna minor--Lesser duckweed

LILIACEAE
- Smilacina stellata--Starry Solomons plume
- Smilax cirrhata--Low carrion flower

IRIDACEAE
- Iris virginica--Virginia blueflag

SALICACEAE
- Populus tremuloides--Quaking aspen
- Populus deltoides--Cottonwood
- Salix babylonica[2]--Weeping willow
- Salix nigra--Black willow
- Salix interior--Sandbar willow
- Salix petiolaris--Petioled willow

FAGACEAE

Quercus bicolor--Swamp white oak

ULMACEAE

Ulmus americana--American elm

POLYGONACEAE

Polygonum persicaria[2]--Lady's thumb

RANUNCULACEAE

Ranunculus sceleratus--Cursed crowfoot
Ranunculus recurvatus--Hooked buttercup
Thalictrum dasycarpum--Tall meadow rue

CRUCIFERAE

Hesperis matronalis[2]--Dames rocket
Alliaria officinalis[2]--Garlic-mustard

CRASSULACEAE

Penthorum sedoides--Ditch stonecrop

SAXIFRAGACEAE

Ribes americanum--Wild black currant

ROSACEAE

Geum aleppicum--Yellow avens
Rubus pubescens--Dwarf blackberry

FABACEAE

Apios americana--Ground nut

ACERACEAE

Acer negundo--Boxelder

RHAMNACEAE

Rhamnus cathartica[1,2]--Common buckthorn
Rhamnus frangula[2]--Glossy buckthorn

VITACEAE

Vitis riparia--Riverbank grape
Parthenocissus quinquefolia--Virginia creeper

ONAGRACEAE

Epilobium coloratum--Willow-herb

UMBELLIFERAE

Oxypolis rigidior--Cowbane

CORNACEAE

Cornus stolonifera--Red-osier dogwood

PRIMULACEAE

Lysimachia nummularia[2]--Moneywort

OLEACEAE

Fraxinus pennsylvanica[1]--Green ash
Fraxinus nigra--Black ash
Ligustrum vulgare[2]--Common privet

HYDROPHYLLACEAE

Hydrophyllum virginianum--Virginia waterleaf

VERBENACEAE
- Verbena urticifolia--White vervain

LABIATAE
- Stachys palustris--Hedge-nettle

SOLANACEAE
- Solanum dulcamara[2]--Deadly nightshade

SCROPHULARIACEAE
- Chelone glabra--Turtlehead

CAPRIFOLIACEAE
- Viburnum opulus[2]--European highbush-cranberry
- Viburnum lentago--Nannyberry
- Lonicera maackii[2]--Amur honeysuckle

LOBELIACEAE
- Lobelia siphilitica--Great blue lobelia

COMPOSITAE
- Bidens vulgata--Tall beggars-ticks
- Solidago gigantea--Giant goldenrod
- Aster novae-angliae--New England aster
- Aster lucidulus--Swamp aster
- Aster umbellatus--Flat-top aster
- Eupatorium perfoliatum--Boneset
- Cirsium arvense[2]--Canada thistle
- Taraxacum officinale[2]--Common dandelion

Total number of plant species: 65
Number of alien, or non-native, plant species: 14 (22 percent)

This approximately 22.9-acre plant community area is part of the Koepmier Lake floodplain-wetland complex and consists of open water, shallow marsh, fresh (wet) meadow, and second growth, Southern wet lowland hardwoods. Disturbances to the plant community area include clearing of vegetation, dumping, ad hoc establishment of footpaths along the wetland edge, filling, selective cutting of trees, side casting of dredge spoil material, siltation and sedimentation due to stormwater runoff via a stormwater discharge culvert, and water level changes due to past ditching and draining. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

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[1] Co-dominant plant species
[2] Alien or non-native plant species

Plant Community Area No. 2

POLYPODIACEAE
- *Athyrium filix-femina*--Lady fern

PINACEAE
- *Picea abies*[1,2]--Norway spruce

GRAMINEAE
- *Glyceria striata*--Fowl manna grass
- *Poa pratensis*[1]--Kentucky bluegrass
- *Dactylis glomerata*[1]--Orchard grass

CYPERACEAE
- *Carex blanda*--Wood sedge
- *Carex* sp.--Sedge

ARACEAE
- *Arisaema triphyllum*--Jack-in-the-pulpit

LILIACEAE
- *Smilax ecirrhata*--Low carrion flower

SALICACEAE
- *Populus grandidentata*--Large-toothed aspen
- *Populus tremuloides*--Quaking aspen

JUGLANDACEAE
- *Juglans nigra*--Black walnut
- *Carya cordiformis*--Yellowbud hickory
- *Carya ovata*--Shagbark hickory

BETULACEAE
- *Ostrya virginiana*--Ironwood

FAGACEAE
- *Quercus alba*[3]--White oak
- *Quercus macrocarpa*--Bur oak
- *Quercus bicolor*--Swamp white oak
- *Quercus rubra*[3]--Northern red oak

ULMACEAE
- *Celtis occidentalis*--Hackberry

RANUNCULACEAE
- *Aquilegia canadensis*--Columbine
- *Ranunculus recurvatus*--Hooked buttercup

CRUCIFERAE
- *Hesperis matronalis*[1]--Dames rocket
- *Alliaria officinalis*[1]--Garlic-mustard

SAXIFRAGACEAE
- *Ribes cynosbati*--Pasture gooseberry
- *Ribes americanum*--Wild black currant

ROSACEAE
- *Geum canadense*--White avens
- *Rubus occidentalis*--Black raspberry
- *Rosa multiflora*[1]--Multiflora rose
- *Prunus serotina*--Black cherry
- *Prunus virginiana*--Chokecherry
- *Crataegus* sp.--Hawthorn

OXALIDACEAE

Oxalis stricta--Common wood sorrel

RUTACEAE

Zanthoxylum americanum--Prickly-ash

ACERACEAE

Acer platanoides[1]--Norway maple
Acer saccharum--Sugar maple
Acer negundo--Boxelder

RHAMNACEAE

Rhamnus cathartica[1,3]--Common buckthorn
Rhamnus frangula[1]--Glossy buckthorn

VITACEAE

Vitis riparia--Riverbank grape
Parthenocissus sp.--Virginia creeper

TILIACEAE

Tilia americana[3]--Basswood

VIOLACEAE

Viola sororia--Woolly blue violet
Viola sp.--Violet

UMBELLIFERAE

Sanicula sp.--Black snakeroot
Osmorhiza longistylis--Anise-root
Zizia aurea--Golden Alexanders

CORNACEAE

Cornus racemosa--Grey dogwood

OLEACEAE

Fraxinus americana--White ash
Fraxinus pennsylvanica--Green ash

HYDROPHYLLACEAE

Hydrophyllum virginianum--Virginia waterleaf

BORAGINACEAE

Hackelia virginiana--Stickseed

VERBENACEAE

Verbena urticifolia--White vervain

SCROPHULARIACEAE

Scrophularia marilandica--Late figwort

RUBIACEAE

Galium triflorum--Sweet-scented bedstraw

CAPRIFOLIACEAE

Viburnum opulus[1]--European highbush-cranberry
Viburnum lentago--Nannyberry
Viburnum rafinesquianum--Downy arrowwood
Lonicera X bella[1]--Hybrid honeysuckle
Symphoricarpos albus--Snowberry

COMPOSITAE

Solidago ulmifolia--Elmleaf goldenrod
Aster sagittifolius--Arrowleaf aster

COMPOSITAE cont'

Aster lateriflorus--Calico aster
Erigeron strigosus--Daisy fleabane
Eupatorium rugosum--White snakeroot
Arctium minus[1]--Common burdock
Taraxacum officinale[1]--Common dandelion

Total number of plant species: 67
Number of alien, or non-native, plant species: 13 (19 percent)

This approximately 14.3-acre upland plant community area is part of a larger primary environmental corridor and consists of second growth, Southern dry-mesic hardwoods. Disturbances to the plant community area include clearing of vegetation, dumping, ad hoc establishment of footpaths, mowing along the corridor edge, and selective cutting of trees. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

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[1] Alien or non-native plant species
[2] Planted tree species
[3] Co-dominant plant species

Plant Community Area No. 3

EQUISETACEAE
- Equisetum arvense--Common horsetail

TYPHACEAE
- Typha latifolia[1]--Broad-leaved cat-tail
- Typha angustifolia[1]--Narrow-leaved cat-tail

GRAMINEAE
- Poa pratensis[2]--Kentucky bluegrass
- Poa palustris--Marsh bluegrass
- Phragmites australis--Tall reed grass
- Hordeum jubatum[2]--Squirreltail
- Calamagrostis canadensis--Canada bluejoint
- Agrostis stolonifera[2]--Redtop grass
- Phalaris arundinacea[2]--Reed canary grass

CYPERACEAE
- Scirpus validus--Soft-stemmed bulrush

JUNCACEAE
- Juncus dudleyi--Dudley's rush
- Juncus torreyi--Torrey's rush

IRIDACEAE
- Iris virginica--Virginia blueflag

SALICACEAE
- Salix babylonica[2]--Weeping willow
- Salix nigra--Black willow
- Salix interior[1]--Sandbar willow

FABACEAE
- Lotus corniculatus[2]--Birds-foot trefoil

ACERACEAE
- Acer negundo--Boxelder

VITACEAE
- Vitis riparia--Riverbank grape

ONAGRACEAE
- Epilobium coloratum--Willow-herb
- Oenothera biennis--Evening-primrose

UMBELLIFERAE
- Daucus carota[2]--Queen Anne's lace

CORNACEAE
- Cornus stolonifera--Red-osier dogwood

ASCLEPIADACEAE
- Asclepias incarnata--Marsh milkweed

LABIATAE
- Glechoma hederacea[2]--Creeping Charlie
- Prunella vulgaris--Selfheal
- Lycopus americanus--Cutleaf bugleweed

PLANTAGINACEAE
- Plantago lanceolata[2]--English plantain

COMPOSITAE

Bidens vulgata--Tall beggars-ticks
Silphium perfoliatum--Cup-plant
Solidago gigantea--Giant goldenrod
Solidago altissima--Tall goldenrod
Solidago riddellii--Riddell's goldenrod
Solidago graminifolia--Grassleaf goldenrod
Aster sagittifolius--Arrowleaf aster
Aster novae-angliae--New England aster
Aster pilosus--Frost aster
Cirsium arvense[2]--Canada thistle
Sonchus arvensis[2]--Sow thistle

Total number of plant species: 40
Number of alien, or non-native, plant species: 11 (28 percent)

This approximately 0.7-acre constructed wetland plant community area consists of open water, shallow marsh, and shrub-carr (willow thicket). Disturbances to the plant community area include pond excavation, side casting of dredge spoil material, and siltation and sedimentation due to stormwater runoff from a discharge culvert. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

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[1] Co-dominant plant species
[2] Alien or non-native plant species

Plant Community Area No. 4

EQUISETACEAE
- Equisetum arvense--Common horsetail

TYPHACEAE
- Typha latifolia[1]--Broad-leaved cat-tail
- Typha angustifolia--Narrow-leaved cat-tail

GRAMINEAE
- Poa palustris--Marsh bluegrass
- Phragmites australis--Tall reed grass
- Phalaris arundinacea[2]--Reed canary grass

CYPERACEAE
- Carex pellita--Woolly sedge
- Carex stricta--Tussock sedge

SALICACEAE
- Salix nigra--Black willow
- Salix interior[1]--Sandbar willow
- Salix bebbiana--Beaked willow
- Salix discolor--Pussy willow

ULMACEAE
- Ulmus americana--American elm

MORACEAE
- Morus alba[2]--White mulberry

SAXIFRAGACEAE
- Ribes americanum--Wild black currant

ROSACEAE
- Fragaria virginiana--Wild strawberry
- Geum canadense--White avens
- Geum aleppicum--Yellow avens
- Agrimonia gryposepala--Agrimony

ANACARDIACEAE
- Rhus radicans--Poison ivy

ACERACEAE
- Acer negundo--Boxelder

BALSAMINACEAE
- Impatiens capensis--Jewelweed

RHAMNACEAE
- Rhamnus cathartica[2]--Common buckthorn
- Rhamnus frangula[2]--Glossy buckthorn

VITACEAE
- Vitis riparia--Riverbank grape
- Parthenocissus quinquefolia--Virginia creeper

VIOLACEAE
- Viola cucullata--Blue marsh violet

ONAGRACEAE
- Epilobium coloratum--Willow-herb

CORNACEAE
- Cornus amomum--Silky dogwood
- Cornus stolonifera--Red-osier dogwood

OLEACEAE
- Fraxinus pennsylvanica[1]--Green ash

VERBENACEAE
- Verbena urticifolia--White vervain
- Verbena hastata--Blue vervain

LABIATAE
- Stachys palustris--Hedge-nettle
- Lycopus americanus--Cutleaf bugleweed

SOLANACEAE
- Solanum dulcamara[2]--Deadly nightshade

CAPRIFOLIACEAE
- Viburnum opulus[2]--European highbush-cranberry
- Viburnum lentago--Nannyberry
- Lonicera X bella[2]--Hybrid honeysuckle

COMPOSITAE
- Solidago gigantea--Giant goldenrod
- Solidago altissima--Tall goldenrod
- Solidago graminifolia--Grassleaf goldenrod
- Aster novae-angliae--New England aster
- Aster lateriflorus--Calico aster
- Eupatorium maculatum--Joe-Pye weed
- Eupatorium perfoliatum--Boneset
- Cirsium arvense[2]--Canada thistle
- Sonchus arvensis[2]--Sow thistle

Total number of plant species: 48
Number of alien, or non-native, plant species: 9 (19 percent)

This approximately 0.7-acre plant community area is part of a larger wetland complex and consists of shallow marsh, fresh (wet) meadow, shrub-carr (willow thicket), and second growth, Southern wet to wet-mesic lowland hardwoods. Disturbances to the plant community area include filling along the wetland edge, selective cutting of trees, and siltation and sedimentation due to stormwater runoff from adjacent lands. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

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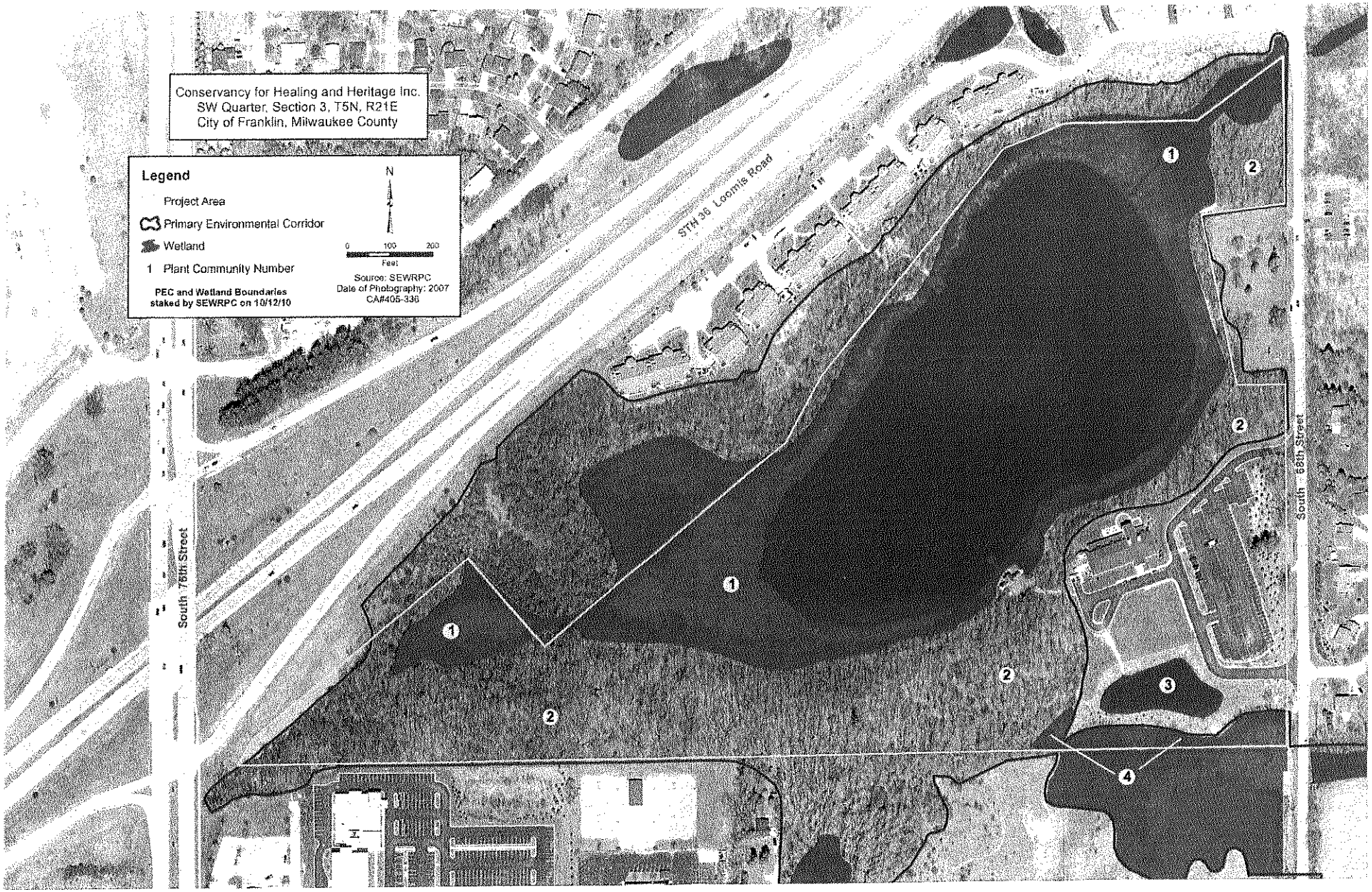
[1] Co-dominant plant species
[2] Alien or non-native plant species


Conservancy for Healing and Heritage Inc.
SW Quarter, Section 3, T5N, R21E
City of Franklin, Milwaukee County
Legend
Project Area
Primary Environmental Corridor
Wetland
1 Plant Community Number
PEC and Wetland Boundaries staked by SEWRPC on 10/12/10
N
0 100 200
Feet
Source: SEWRPC
Date of Photography: 2007
CA#405-336
STH 36 Loomis Road
South 76th Street
South 68th Street
1
2
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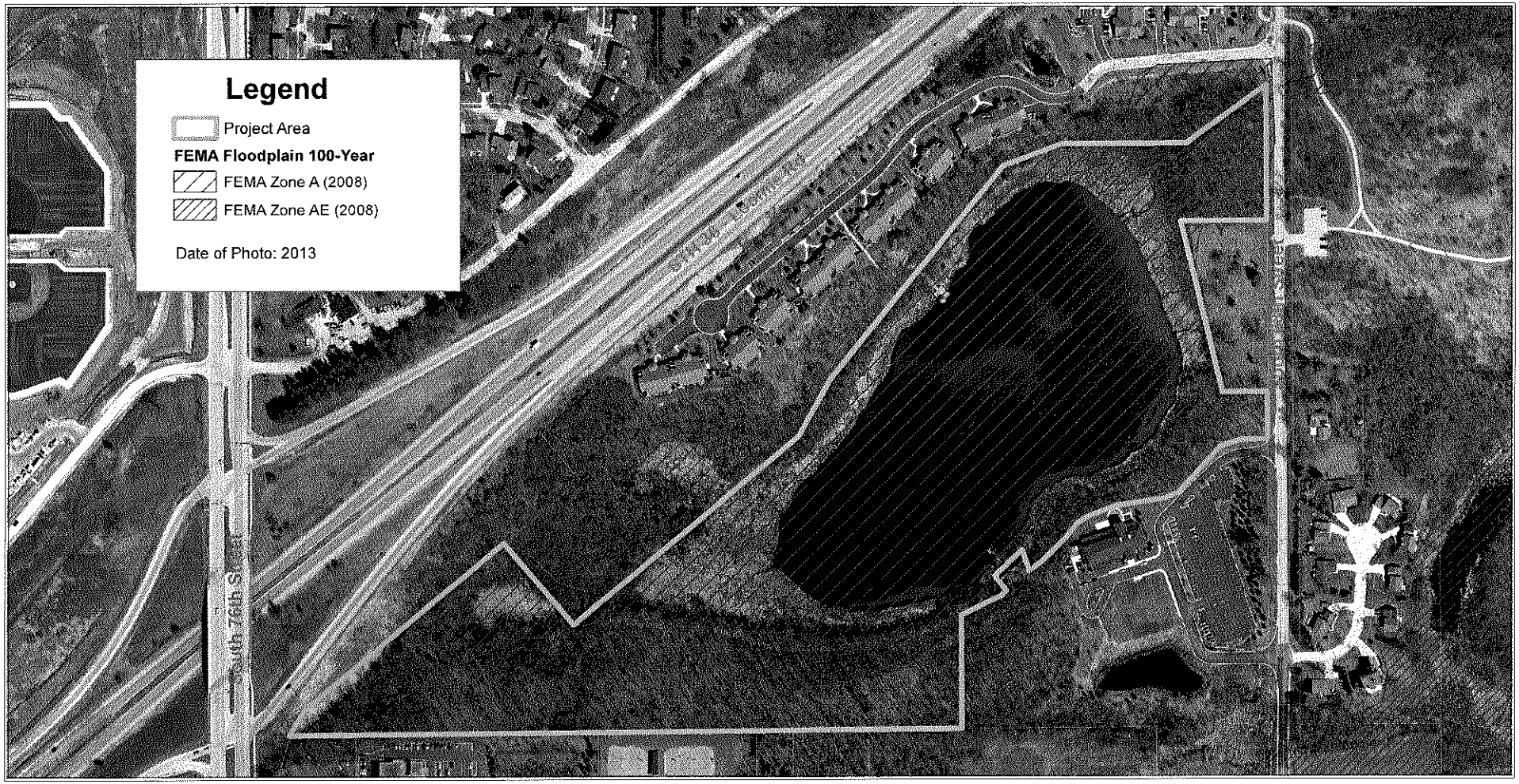
4



Floodplain Map: Conservancy for Healing and Heritage Inc.

City of Franklin
City of Franklin
GIS Department
9229 W. Loomis Rd.
Franklin, WI 53132
www.franklinwi.gov

0 250 500 1,000 Feet

N W E S

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

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2013

Planned Development District No. 28 Amendment

RECOMMENDATION: City Development staff recommends approval of the proposed Planned Development District No. 28 Amendment as a Minor Amendment for proposed building and site modifications for the Conservancy for Healing and Heritage, Inc., subject to the conditions of approval in attached draft ordinance.

Project Name:	Conservancy for Healing and Heritage, Inc. PDD No. 28 Amendment (proposed chapel)
Project Address:	Approximately 7410 West Rawson Avenue
Applicant:	Mike Murry, Conservancy for Healing and Heritage, Inc.
Property Owner:	Conservancy for Healing and Heritage, Inc.
Current Zoning:	Planned Development District (PDD) No. 28
2025 Comprehensive Plan:	Areas of Natural Resource Features
Use of Surrounding Properties:	Conservancy lands to the north, east, and west, medical office building and associated parking to the south
Applicant's Action Requested:	Recommendation to the Common Council for approval of the proposed Planned Development District Amendment.

Please note:

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

BACKGROUND & INTRODUCTION:

On June 1, 1999, the Common Council adopted Ordinance No. 99-1552 establishing Planned Development District No. 28 (Polish Festivals Inc.) to allow construction of a proposed Polish Community Center and a trail around Koepmeir Lake. The Polish Community Center was subsequently built, but the trail was not.

On December 21, 2004, the Common Council adopted Resolution No. 2004-5798 to allow division of the Polish Heritage Alliance property into two parcels and Ordinance No. 2004-1825 to allow an outdoor healing garden as a permitted use upon the newly created parcel. A Certified Survey Map reflecting this land division was subsequently recorded with the Milwaukee County Register of Deeds Office, but the healing garden was not constructed.

On August 17, 2010, representatives of the Conservancy for Healing and Heritage, Inc. (owners of the subject property encompassing Koepmeir Lake) presented a proposal to the Common Council to amend Planned Development District (PDD) No. 28 to allow development of:

- the proposed healing garden (partially within PDD No. 28 and partially within the adjacent Covenant Healthcare property);
- an educational trail (connecting the healing garden, Koepmeir Lake, the proposed chapel, and the Polish Community Center, to one another); and
- a chapel (renovation of the existing delapitated boathouse/lake house on Koepmeir Lake).

The applicant also noted that the educational trail would be open to the public and that the chapel would likely be constructed sometime after the proposed healing garden and educational trail. The Common Council subsequently moved to:

> "Provide direction to the Plan Commission and staff in regard to City sponsorship of the proposed PDD Amendment(s) and/or Site Plan Amendment(s) as would allow for the proposed Reiman Center for Cancer Care Healing Garden and the Conservancy for Healing and Heritage Educational Trail".

Representatives of the Conservancy for Healing and Heritage, Inc. have met periodically with staff since August of 2010 to discuss various options for City review and consideration of the proposed project, and of phasing of the proposed project, in light of changes in their fund raising efforts. Both the representatives of the Conservancy for Healing and Heritage, Inc. and city staff have also been in contact with representatives of the Army Corps of Engineers, the Wisconsin Department of Natural Resources, and the Southeastern Wisconsin Regional Planning Commission (including a joint site visit) in order to familiarize those agencies with the subject site and the proposed project.

On July 30, 2013, Mr. Mike Murry of the Conservancy for Healing and Heritage, Inc., submitted an application for a Planned Development District (PDD) Amendment, and on October 15, 2013 submitted the associated Natural Resource Protection Plan. Rather than renovation of the existing boathouse/lake house on Koepmeir Lake as previously proposed, this amendment proposes construction of a proposed chapel located approximately 55 feet north of the Covenant Healthcare property at 7510 W. Rawson Avenue. The applicant has indicated that approval of the proposed healing garden and educational trail is not being requested at this time as fund raising is still underway and plans for those uses have not yet been completed.

The applicant is requesting, with agreement from the Department of City Development staff, that the Plan Commission and Common Council determine the proposed amendment to be a Minor Amendment. It can be noted that Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD or major changes of use.

PROJECT DESCRIPTION:

The applicant has submitted a Site/Architectural Plan for the proposed chapel. According to those materials, the applicant is proposing:

- A chapel associated with, and primarily intended for, the Reiman Center for Cancer Care patients and their families. According to the applicant, the chapel is intended to, "First, to provide a peaceful and contemplative space for cancer patients and their families, both during their treatment and in the years beyond. Second, to heighten people's experience of the woods and Conservancy by utilizing a site within the woodland and providing a dramatic framed view of the woods and ravine."
- The chapel will consist of an approximately 825 square foot, 40 foot tall building, with cedar siding and a cedar shake roof. The side of the building facing northeast will be a window wall to allow views of the surrounding woodlands. A crushed granite path would also be constructed to provide access to the chapel from the existing Covenant Healthcare parking lot.
- The chapel would be located approximately 55 feet north of the Covenant Healthcare/Conservancy for Healing and Heritage Inc. property line, north of the Covenant Healthcare parking lot and stormwater detention basin.

The applicant has also submitted a Site/Natural Resource Protection Plan for the proposed chapel. According to those materials, the applicant is proposing:

- Location on a relatively flat portion of the subject property so as to minimize impacts upon protected natural resource features. Based upon best available mapping (including a 2010 wetland delineation by the Southeastern Wisconsin Regional Planning Commission), it can be noted that:
    - Koepmeir Lake is located about 700 feet northeast of, and the shoreland buffer is about 625 feet northeast of, the Project Limits.
    - Wetlands and floodplain are located about 110 feet north of the Project Limits.
    - Mature woodlands and steep slopes are located within the Project Limits.
    - A number of smaller trees and a significant amount of buckthorn is located within the Project Area.
    - The entire Project Area, as well as almost all of the subject parcel, is located within a Primary Environmental Corridor.
- Clearing, grading, and land disturbing activities limited to an approximately 6,100 square foot area (Project Limits) surrounding the proposed chapel and path.
    - About 4,800 square feet of this area is wooded and has been identified by the applicant as part of a mature woodland.
    - About 3,600 square feet of this area is comprised of steep slopes.
    - To clear and grade the entire Project Limits area, including the removal of 14 trees over 8" DBH. Two larger trees located immediately outside the Project Limits are proposed to remain undisturbed.

PROJECT ANALYSIS:

As previously noted, construction of the proposed chapel will require an amendment of PDD No. 28. More specifically, the project as proposed would require an amendment of:

- *Sections 15-3.0433B.1., B.2., and E.1. to allow the chapel as a permitted use.*
- *Section 15-3.0433E.3. to allow a building setback of 55 feet from the southern property line.*

- *Section 15-3.0433E.4. to allow a building height of 40 feet.*
- *Section 15-3.0433E.5. to allow off-site parking on the adjacent Covenant Healthcare property.*

Site Plan:
The applicant has submitted site plan information with the Site/Architectural Plan and with the Site/Natural Resource Protection Plan. As the scale and scope of the proposed project is relatively small, and the project is not envisioning any utilities, easements, facilities, or accessory structures (other than the chapel, a path, and lighting), staff believes this element of the project submittal has been adequately addressed. *Staff recommends that the Site Details (sheet C104 of the Site/Natural Resource Plan) be revised to clarify that a crushed granite path, rather than a concrete sidewalk, is proposed to be constructed to the chapel, prior to issuance of a Building Permit.*

Staff would suggest the provision of pedestrian amenities such as benches, trash receptacles, and informative/interpretive signage. Please note that any such amenities, or additional signage, may require separate City approvals.

Architecture:
The applicant has submitted preliminary architectural information for the proposed chapel. However, detailed information about the building's foundation, materials, and colors is still needed. *Staff recommends that a final Architectural Plan be submitted for staff review and approval prior to issuance of a Building Permit.*

Staff would suggest replacement of the cedar siding at the base of the chapel with some other material less suseptable to damage from moisture, insects, etc., and inclusion of some type of window treatment to discourage birds from flying into the window wall of the chapel.

Lighting:
The applicant has not submitted a Lighting Plan but has indicated that if any exterior lighting is provided, it will be of a modest nature. *Staff recommends that should exterior lighting be provided, that a Lighting Plan be submitted for staff review and approval prior to issuance of a Building Permit.*

Staff would suggest that the exterior lighting be limited to decorative pedestrian-scale lighting of the path and of the entrance to the chapel.

Parking:
As shown in the attached letter from Wheaton Franciscan Healthcare, the applicant has obtained permission to utilize the existing parking lot for vistors of the chapel. It is also important to note that the chapel is primarily intended for the patients and family of the Reiman Center for Cancer Care which is the tenant within the northern portion of the Covenant Healthcare/Wheaton Franciscan Healthcare medical office building. Based upon these facts, staff believes that the parking needs of the proposed chapel will be relatively minor and can be adequately addressed by the existing parking lot.

However, at such time as approval of the proposed Educational Trail is requested, the parking needs of this area should be re-evaluated.

Site Grading, Erosion Control, and Stormwater Management:
The applicant has submitted a Site Grading and Erosion Control Plan along with the Site/Natural Resource Protection Plan materials (see sheet C103). *Staff recommends that the Site Grading and Erosion Control Plan (sheet C103 of the Site/Natural Resource Protection Plan) be revised such that the filter fabric fence be replaced with straw wattles and/or filter socks, that erosion mat also be installed on the north side of the chapel building, and inlet protection be added to the storm sewer inlets within the existing parking lot closest to the area to be disturbed and to the contractor staging area.*

Natural Resource Protection Plan (NRPP) and Landscape Plan:
Based upon the size and location of the proposed project, staff believes the mapping element of the NRPP has been adequately addressed by the applicant. In particular, as the area of the subject parcel to be disturbed (about 4,800 square feet) is only about 0.3 percent of the entire 36.4 acre parcel, staff has only undertaken approximate calculations in regard to the natural resource feature protection standards. Based upon this information and calculations, it can be noted that:

- About 26.6 acres, or about 73 percent of the subject parcel, is comprised of floodplains (which appears to encompasses all of the wetlands identified by the Southeastern Wisconsin Regional Planning Commission as well as most of the probable shore buffers, wetland buffers, and wetland setbacks).
    - As the proposed Project Limits is located well outside of these natural resource features, these required protection standards are apparently being met.
- About 9.8 acres, or the remaining 27 percent of the subject parcel, is comprised of woodlands (which at this point in time is assumed to be all mature woodlands).
    - The proposed Project Limits encompass about 4,800 square feet of mature woodland. As this is about 1.1 percent of the total mature woodlands, its required protection standard is apparently being met.
- About 7.4 acres of the subject parcel, located outside of the floodplain and wetlands and almost entirely within the mature woodlands, is comprised of steep slopes (staff did not calculate how much of these slopes are greater than 30 percent, but it appears to be a significant amount). It is important to note that when more than one natural resource feature is present within a given area, only the most restrictive protection standard applies when determining the amount of natural resource features to be protected. In that regard, only those steep slopes of 30 percent or greater have a higher protection standard than mature woodlands.
    - Although the proposed Project Limits encompass about 100 square feet of steep slopes 30 percent or greater (all of which would be impacted by the proposed project), this is less than 0.01 percent of the total steep slopes within the subject property. Therefore, its protection standard is likely being met.

However, at such time as the proposed Educational Trail is submitted, a more detailed natural resource protection standard analysis will be required.

Although mitigation is not required by the natural resource protection standards set forth in Part 4 of the Unified Development Ordinance (based upon the preceding information), PDD No. 28 did require a Tree Preservation Plan (with mitigation) for the Polish Community Center. In keeping with that requirement, the propsed chapel has also prepared a Tree Preservation Plan (see sheet NRPP-9) and a Site Landscape Plan (see sheet L101). Based upon this information, the applicant proposes to mitigate the impacts upon the subject woodlands and steep slopes by:

- Removing all buckthorn present within the area to be disturbed.
- Planting 28 2" DBH trees consisting of Bur Oak, Ironwood, and Basswood, among others.
- Planting 600 perennials consisting of Heath Asters, Jack-in-the-Pulpits, and May Apples.

Staff recommends that the Tree Preservation Plan (sheet NRPP-9 of the Site/Natural Resource Protection Plan) be revised to provide further details about the timing and method of buckthorn removal and the planting of the proposed deciduous trees and perennials, such that buckthorn removal does not harm the proposed plantings, prior to issuance of a Building Permit.

Staff recommends that the Landscape Plan be revised to indicate a landscape planting guarantee of three years.

Staff suggests that the subject site be revisited annually for the first three years after installation of the plantings to ensure that the buckthorn does not re-establish itself, and if such evidence is found, that additional removal is undertaken.

Conservation Easement:

The Conservancy for Healing and Heritage Inc. property has an existing Conservation Easement preserving in perpetuity its protected natural resource features, which includes the Healing Garden and Educational Trail as permitted uses. The applicant recently submited a revised easement. *Staff recommends that the revised Conservation Easement document be reviewed by Community Development staff and the City Attorney and approved by the City of Franklin Common Council prior to issuance of a building permit.*

STAFF RECOMMENDATION:

City Development staff recommends approval of the amendment of Planned Development District No. 28 as a minor amendment subject to the conditions set forth in this staff report. It can be noted that these conditions have also been included within the attached draft Ordinance.

APPROVAL slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC.) (CONSERVANCY FOR HEALING AND HERITAGE, INC., APPLICANT) (6941 S. 68TH STREET AND ENVIRONS)	ITEM NUMBER G.8.

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of an amendment to Planned Development District No. 28 (Polish Festivals, Inc.) for the Conservancy for Healing and Heritage Inc. property located approximately at 6941 S. 68th Street and environs.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2013-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of an amendment to Planned Development District No. 28 (Polish Festivals, Inc.) (Conservancy for Healing and Heritage, Inc., Applicant) located approximately at 6941 S. 68th Street and environs.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC.) (CONSERVANCY FOR HEALING AND HERITAGE, INC., APPLICANT) (6941 S. 68TH STREET AND ENVIRONS)

WHEREAS, the Plan Commission having recommended approval of an amendment to Planned Development District No. 28 (Polish Festivals, Inc.) upon the application of Conservancy for Healing and Heritage, Inc., on November 7, 2013, and the Plan Commission having conditioned its recommendation in part upon Common Council approval of an amended Conservation Easement to include a proposed chapel as a permitted use within the Easement area; and

WHEREAS, §15-9.0208B.1.f. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Planned Development District amendment review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for Planned Development Districts; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Conservancy for Healing and Heritage, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

CONSERVANCY FOR HEALING and HERITAGE, INC.

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "grantee," and The CONSERVANCY FOR HEALING AND HERITAGE INC. a Wisconsin non-profit Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property, including two wetlands, Lake Koepmier, and native wild plant and native wild animal life thereon, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, grantee is a "holder", as contemplated by §700.40(l)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, inter alia, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the grantor and grantee, by the conveyance to the grantee of the conservation easement on, over, and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement and the Planned Development Agreement currently affecting said property;

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

NOW, THEREFORE, the grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, does hereby grant and convey unto the grantee a conservation easement in perpetuity on, over, and across the protected property.

Grantee's rights hereunder shall consist solely of the following:
1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, including any amendments from time to time, which are not inconsistent with this document, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, including any amendments from time to

time, which are not inconsistent with this document, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times with notice to the then current owner for the purpose of inspecting the protected property to determine if the grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the grantee, the grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over, or across the protected property, the grantor, without the prior consent of the grantee, shall not:
1. Construct or place buildings or any structure, except as approved by Grantee, rest areas, benches, walkways, and other materials appurtenant to walking trails, healing gardens, and a chapel.
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin or such other persons, entities, and agencies as it may designate; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or it's natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees or brush necessary to the construction of walking trails, healing gardens, and a chapel.
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation, except for the healing garden which will be constructed adjacent to the Reiman Cancer Center, but within the boundaries of the property described herein.
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, except as reasonably necessary to remove debris, construct approved walking trails, healing gardens, or appurtenant structures, or otherwise maintain the property.

To have and to hold this conservation easement unto the grantee forever. Except as expressly limited herein, the grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. General property taxes, if any, levied, assessed, or accruing against the protected property pursuant to law and applicable statutes, shall be subject to Wis. Stats. Sec. 70.11 (20), as such exemption may be available upon application pursuant to law.

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

To Grantor:
Attorney Michael J. Skwierawski, Agent
Conservancy for Healing and Heritage Inc.
4261 West Highland Blvd.
Milwaukee, WI 53208

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

In witness whereof, the grantor has set his hand and seals this on this date of _____, 2013.

CONSERVANCY FOR HEALING and HERITAGE, INC.
BY:

_____
Michael Murry, President

By:

_____
Edward Chihurski, Secretary/Treasurer

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)_

Before me personally appeared on the _____ day of _____, A.D. _____
Michael Murry, President, and Edward Chihurski, Secretary/Treasurer, to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said corporation.

_____
NOTARY PUBLIC/Circuit Court Judge, Retired
My commission is permanent.
Michael Skwierawski

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

In witness whereof, the undersigned has executed and delivered this acceptance on the _____ day of _____, 2013.

CITY OF FRANKLIN ~
By:

_____
Thomas M. Taylor, Mayor

By:

_____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN, COUNTY OF MILWAUKEE

On this _____ day of _____, A.D. _____ before me personally appeared Thomas M. Taylor and Sandra L. Wesolowski being duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____adopted by its Common Council on _____.

Notary Public, Milwaukee County, Wisconsin

My Commission Expires _____

EXHIBIT "A"

Outlot 1 of Certified Survey Map 1544 recorded in the Milwaukee County Register of Deeds office in Volume ____, of records, at Page ____, as Document _____ and being located in the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ all in the Southwest ¼ of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

LEGEND

● DENOTES 1"(O.D.) IRON PIPE FOUND weighing 1.13 lbs/linear foot

O DENOTES 1" (O.D.) IRON PIPE SET weighing 1.13 lbs/linear foot

NO ACCESS PER R.2616 I.1533, DOC.6519730

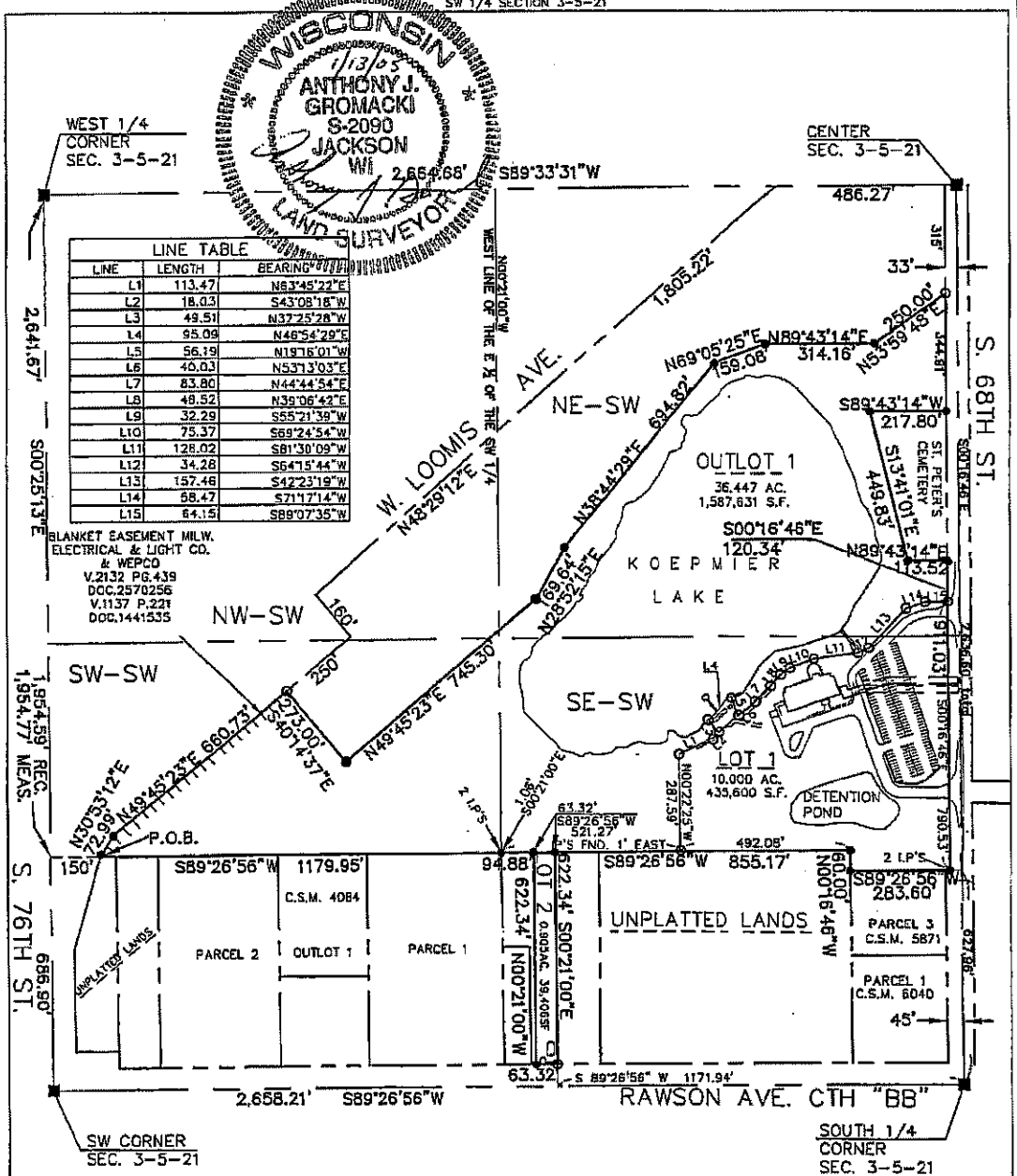
NO SCALE

LOCATION SKETCH
SW 1/4 SECTION 3-5-21

NORTH REFERENCED TO: WISCONSIN COORDINATE SYSTEM SOUTHERN ZONE NAD 1927 BASED ON THE EAST LINE OF THE SW 1/4 WHICH WAS RECORDED AS S00°16'46"E IN S.E.W.R.P.C. TECH REPORT 7 2nd EDITION DATED 1987

SCALE IN FEET
100 0 200 400 600 800
SCALE: 1" = 400'

WISCONSIN 1/13/05 ANTHONY J. GROMACKI S-2090 JACKSON WI LAND SURVEYOR



KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
MILWAUKEE, WISCONSIN
414.351.6668

DWG: G:\UIHLEIN\893Polish_Center\SURVEY40\893CSM.dwg Last save: 08/09/04 12:01pm Plot Date/Time: 08/08/04 12:01pm

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	**ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO IN PART EXPAND THE DISTRICT BOUNDARIES TO INCLUDE AND PROVIDE FOR THE REZONING OF AN ADJOINING TO THE SOUTH APPROXIMATE 19.7 ACRE PARCEL [AND AN ADJOINING TO THE SOUTH APPROXIMATE 2.92 ACRE OUTLOT] FROM B-2 GENERAL BUSINESS DISTRICT AND FW FLOODWAY DISTRICT [AND OUTLOT] TO PLANNED DEVELOPMENT DISTRICT NO. 13 AND FW FLOODWAY DISTRICT AND TO ALLOW FOR AMUSEMENT AND RECREATION SERVICES AND LIMITED SINGLE WAREHOUSING AND DISTRIBUTION USE AMONG OTHER USES IN AN EXISTING MULTI-TENANT BUILDING SUBJECT TO SPECIAL USE APPROVAL(S) WITHIN THE EXISTING BUILDING ON THE 19.7 ACRE PARCEL (GREYWOLF PARTNERS, INC., APPLICANT) (6801 SOUTH 27TH STREET)**	ITEM NUMBER G.9.

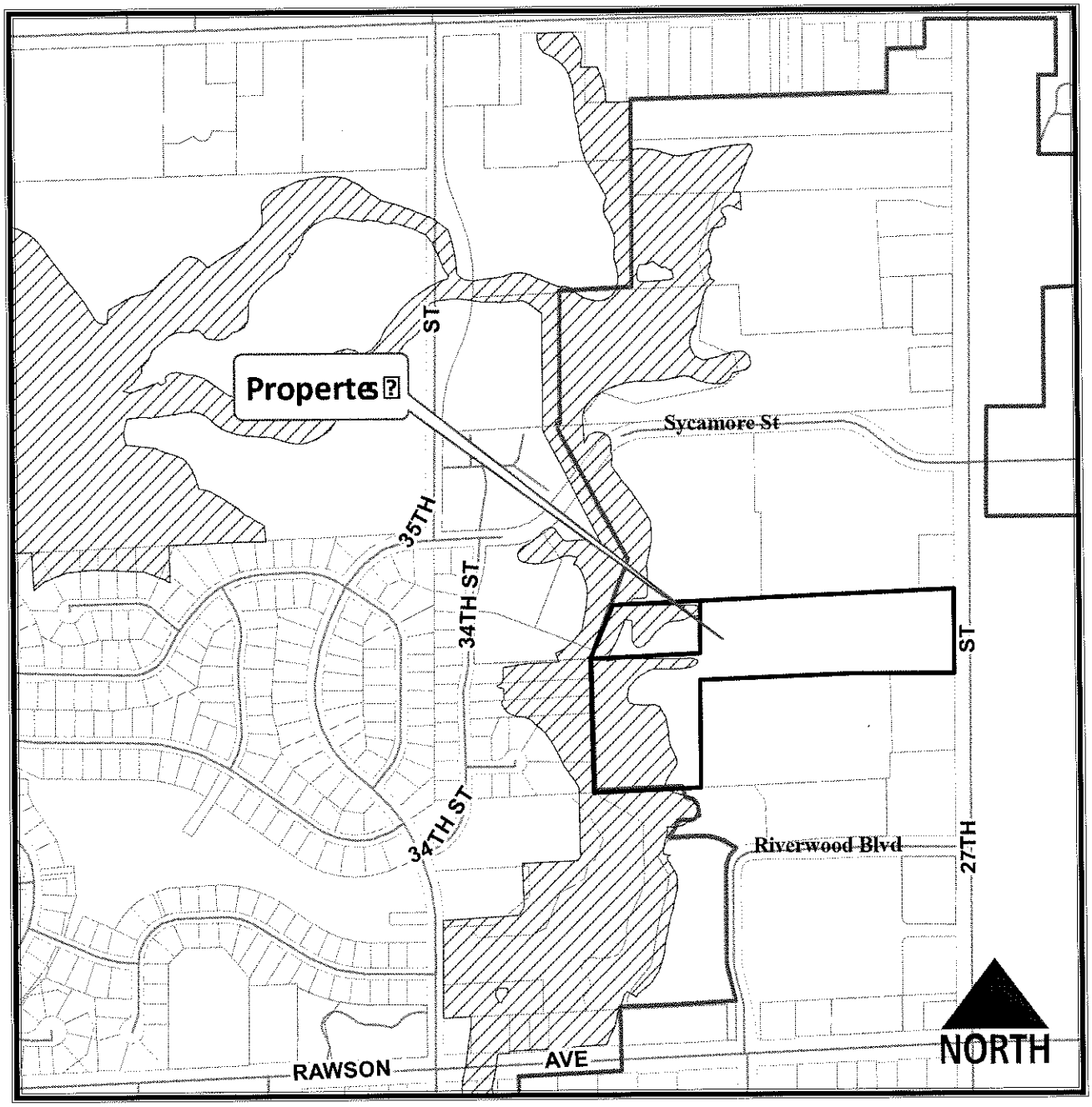
At their meeting on November 7, 2013, the Plan Commission recommended approval of an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot] from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building subject to special use approval(s) within the existing building on the 19.7 acre parcel (Greywolf Partners, Inc., Applicant) (6801 South 27TH Street).

COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2013-_____, an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot] from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building subject to special use approval(s) within the existing building on the 19.7 acre parcel (Greywolf Partners, Inc., Applicant) (6801 South 27TH Street).

City of Franklin

6801 South 27th Street / TKN738-9974-004 also TKN 714-0007-000



Planning Department
(414) 425-4024

0 0.0303 0.06 0.09 Miles

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

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

ORDINANCE NO. 2013-____

AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO IN PART EXPAND THE DISTRICT BOUNDARIES TO INCLUDE AND PROVIDE FOR THE REZONING OF AN ADJOINING TO THE SOUTH APPROXIMATE 19.7 ACRE PARCEL [AND AN ADJOINING TO THE SOUTH APPROXIMATE 2.92 ACRE OUTLOT] FROM B-2 GENERAL BUSINESS DISTRICT AND FW FLOODWAY DISTRICT [AND OUTLOT] TO PLANNED DEVELOPMENT DISTRICT NO. 13 AND FW FLOODWAY DISTRICT AND TO ALLOW FOR AMUSEMENT AND RECREATION SERVICES AND LIMITED SINGLE WAREHOUSING AND DISTRIBUTION USE AMONG OTHER USES IN AN EXISTING MULTI-TENANT BUILDING SUBJECT TO SPECIAL USE APPROVAL(S) WITHIN THE EXISTING BUILDING ON THE 19.7 ACRE PARCEL
(GREYWOLF PARTNERS, INC., APPLICANT)
(6801 SOUTH 27TH STREET)

WHEREAS, §15-3.0418 of the Unified Development Ordinance provides for and regulates Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), same having been created by Ordinance No. 89-1071 and later amended by Ordinance Nos. 94-1313, 95-1342, 2001-1645, 2002-1705, 2004-1814, 2008-1940 and 2010-1995, with such District primarily being located at the 6700 Block of South 27th Street; and

WHEREAS, Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) currently includes those lands legally described as follows:

> All that part of Township 5 North, County, Wisconsin, the Northeast 1/4 and Southeast 1/4 of Section 1, Range 21 East, in the City of Franklin, Milwaukee bounded and described as follows:

Commencing at the East 1/4 corner of said Section 1; thence South 0"06'34" West along the East line of said Southeast 1/4, 401.22 feet to a point, thence South 87"33'06" West 1340.00 feet to a point; thence South 87"33'06" West 263.35 feet to a point; thence North 0"06'34" East 401.94 feet to a point on the North line of said Southeast 1/4; thence North 0"06'34" East 492.42 feet to a point; thence North 87"34'39" East 1604.77 feet to a point on the East line of said NE 1/4; thence South 0"16'42" West along said East line 492.48 feet to the place of beginning, containing 1,432,320.89 square feet or 32.8816 acres more or less, excepting therefrom the East 80 feet dedicated for public street purposes. Tax Key Nos.: 714-0001-000, 714-0002-000, 714-0003-001, 714-0004-001; and

WHEREAS, the property which is the subject of the application for rezoning from B-

2 General Business District and FW Floodway District to Planned Development District No.13 (Wal-Mart/Sam's Wholesale Club) and FW Floodway District is more particularly described as follows:

> PARCEL A:
> Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 4367, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of Parcel 2 of Certified Survey Map No. 1316, part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. 6801 South 27th Street. 19.7 acres. Tax Key No.: 738-9974-004; and

[WHEREAS, the property which is the subject of City staff recommendation for inclusion with the application for addition to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) is more particularly described as follows:

> Outlot 1 in Wal-Mart Subdivision, recorded on September 10, 1990, Reel 2488, Image 570, as Document No. 6415241, being a part of the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 and a part of the Southeast 1/4 of Section 1, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. 2.92 acres. Tax Key No. 714-0007-000; and]

WHEREAS, Greywolf Partners, Inc., applicant, in addition to the expansion of the District boundaries, having petitioned for further amendment[s] to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), to in part allow for amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building, subject to special use approval(s), within the existing building on the above-described 19.7 acre parcel; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 7th day of November, 2013, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning and the other proposed amendments to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed rezoning and amendments to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) are 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: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended pursuant to all of the terms and provisions of this Ordinance, and more specifically in this Section, to amend Ordinance No. 89-1071, Section .01, as may otherwise have been amended from time to time, to expand the District boundaries to include the property described under Section 2 below.

SECTION 2: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from B-2 General Business District and FW Floodway District [and Outlot] to Planned Development District No. 13 and FW Floodway District:

PARCEL A:
Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 4367, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of Parcel 2 of Certified Survey Map No. 1316, part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. 6801 South 27th Street. 19.7 acres. Tax Key No.: 738-9974-004.[; and

Outlot 1 in Wal-Mart Subdivision, recorded on September 10, 1990, Reel 2488, Image 570, as Document No. 6415241, being a part of the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 and a part of the Southeast 1/4 of Section 1, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. 2.92 acres. Tax Key No. 714-0007-000.]

SECTION 3: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 95-1342,

Section .01, 13.16 2., as previously amended, is hereby amended to in part expand the District boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot], as described above, from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building, subject to special use approval(s), within the existing building on the 19.7 acre parcel.

SECTION 4: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 89-1071, 13.16 2., as previously amended, is hereby amended to add the following to the existing text immediately after the term "lot": "and except for amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building within the principal structure upon the 19.7 acre parcel included within the District pursuant to Ordinance No. 13-____ as existing upon the date of adoption of such Ordinance; such amusement and recreation services and limited single warehousing and distribution use among other uses in an existing multi-tenant building special uses shall be personal to the tenant/occupant, shall not run with the land, and shall not be available to such existing structure, or be allowed for, following the development of any new structure upon the aforesaid property.

SECTION 5: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 89-1071, Section .02, 13.16 1.C., is hereby amended to add the following text to the existing title of the subsection (allowing B-3 Community Business District uses upon the District properties described in the title): "and property located at 6801 South 27th Street".

SECTION 6: The two cross-access locations to the current Dental Associates use property along the south property line of the property located at 6801 South 27th Street shall be paved prior to issuance of an Occupancy Permit for the existing building.

SECTION 7: 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 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

GREYWOLF
PARTNERS, INC.

Franklin

OCT 28 2013

City Development

October 23, 2013

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

RE: Planned Development District Application Narrative for Subject Property located at 6801 South 27th Street, Franklin, Wisconsin.

Dear Planning Commission and Common Council Members,

Thank you for taking the time to review the enclosed information. The purpose of our request is to take 6801 South 27th Street, "subject property", from its current B-2 General Business District zoning and include it in the Planned Development District 13, PDD No. 13, to allow for the option of approval of special use applications that fall within PDD No. 13. This request is an effort to devise an on-going, win-win situation for the City of Franklin and the subject property's owners.

Description:
Current Property Status is as follows:

Tenant:	Vacant
Total Square Feet:	116,000 SF
Annual Rent:	$0
Lease Expiration:	N/A
Loan Maturity Date:	Temporary extension has been granted; contingent on leasing vacant space by Q1 2014
2012 Tax Bill:	$169,105.43
Zoned:	B2 – General Business District

During the lease renewal negotiations, Ashley informed us that they would not be renewing their lease. As of July 31, 2013, Ashley Furniture vacated the entire building. Greywolf Partners, Inc. enlisted the assistance of a third party professional real estate company, CBRE; to assist in the procurement of new tenants for the property.

We received a letter of intent to lease from Hobby Lobby for an initial 10 year term with three (3), five (5) year options to renew and they are interested in leasing the front 53,000 square feet. This deal is fully compliant with the current B-2 zoning; however, without the ability to lease the remaining vacant space, this deal alone will not make financial sense for the owners. Without 100% occupancy, the owners will not be able to secure financing and it is likely the building will go into foreclosure.

With Hobby Lobby occupying the front 53,000 square feet, approximately 63,000 square feet of space will remain vacant. Due to the building layout, it is very unlikely that any retailer would be interested in the leasing retail space that does not have street frontage and that faces the back side of Wal-Mart and

9000 W. Chester Street, Suite 350, Milwaukee, Wisconsin 53214
Office: 877.543.4739 • Fax: 414.255.3034
www.greywp.com

Sam's Club. By re-zoning the site to PDD No. 13, opportunities to lease the additional square footage will increase immensely, which will help ensure the property does not go into foreclosure.

We have also received a Proposal to Lease from Sky Zone, an indoor trampoline park. Sky Zone is interested in leasing approximately 27,000 square feet in the middle section of the building. This deal would have an initial term of ten (10) years. Sky Zone is willing to designate their main entry to the north side of the building; it will be hard to come by another tenant that will be willing to do this, especially if the property maintains the current B-2 zoning. Should the PPD boundary be amended to include the subject property, a Special Use Application will be submitted for Sky Zone.

With the Hobby Lobby and Sky Zone deals in place, the building will be approximately 69% occupied, there will still be an estimated 36,000 square feet of vacant space. Because Special Uses are allowed within PDD No. 13, there will be more options for leasing the remaining rear portion of the building.

It is essential to the City of Franklin and the 27th Street Corridor development, that this building remain fully leased; approval for the boundary and use amendment to PDD No. 13 would help make this a reality.

Intent:

After consulting with Mayor Tom Taylor, Alderman Kristen Wilhelm from District 3, and Assistant City Attorney Brian Sajdak, we understand the property is situated in the South 27th Street Corridor, which makes a straight conditional use permit unlikely. We also understand that to have the property's B-2 zoning changed would change all B-2 zoning within the City of Franklin, which is also highly unlikely. After careful thought and consideration, they helped us determine the best option for this property, which is to:

1) Expand PDD No. 13 in which Wal-Mart and Sam's Club are located
    - By expanding the PDD, the additional permitted uses for the property will offer more flexibility without changing the entire City zoning.
2) File for a special use permit for Sky Zone.

Because we have users lined up to lease the space, the City will only be issuing special use permits for a specific user, rather than granting a general special use permit. It is understood that as tenants change, each new tenant would have to apply for a special use permit.

Impact:

The properties adjacent to the subject property are:

- **North**: Wal-Mart and Sam's Club
- **South**: Vacant commercial land zoned B-2 District and Dental Associates
- **East**: City of Oak Creek (commercial properties)
- **West**: Sam's Club owned outlot zoned B-2 District and single family residential

The majority of the land surrounding the property is vacant, wetlands. Forward Dental's building sits to the south of the property and their parking lot offers a buffer between the two properties. The adjacent north retail properties, Wal-Mart and Sam's Club, are both rear facing the subject property. The impact

GREYWOLF
PARTNERS, INC.

of allowing warehouse and distribution use in this space by a new user, would minimally impact the surrounding properties, especially due to the fact that the use was previously permitted to Ashley Furniture, the previous tenant.

Consistency with Comprehensive Master Plan:

We believe that Hobby Lobby and Sky Zone are businesses that perfectly align with the City's Comprehensive Master Plan. These businesses align with Franklin's demographic needs and meet the requests of the population. The residents desire high quality and balanced developments within their city, which is what this combination will provide. In addition, the City is focused on offering a wide range of recreational programs and facilities that promote an active and healthy lifestyle, which is exactly what Sky Zone will present. Surrounding business will also benefit from the additional customers that the businesses will bring to the area.

We will abide by the City's decision and hope you will take into consideration that this property has been a viable income producing property in the City of Franklin for a number of years. We believe that granting the amendment and the special use permits will allow

Thank you for your consideration.

Sincerely,

Susan Ipsarides

Susan K. Ipsarides
Asset Manager
Greywolf Partners, Inc.

9000 W. Chester Street, Suite 350, Milwaukee, Wisconsin 53214
Office: 877.543.4739 • Fax: 414.255.3034
www.greywp.com

Subject Property: 6801 S 27th St - Franklin, WI.
Owner 1: Geneva Ashx I LLC (22.46%) ET AL
Owner 2: Geneva Exchange Fund XI LLC (7.73574%)
Address: 115 S 84th St, Ste 315, Milwaukee, WI 53214

Applicant Name: Greywolf Partners, Inc>
Applicant Address: 9000 W Chester St, Ste 350, Milwaukee, WI

NORTH

Scale: 1" = 300'

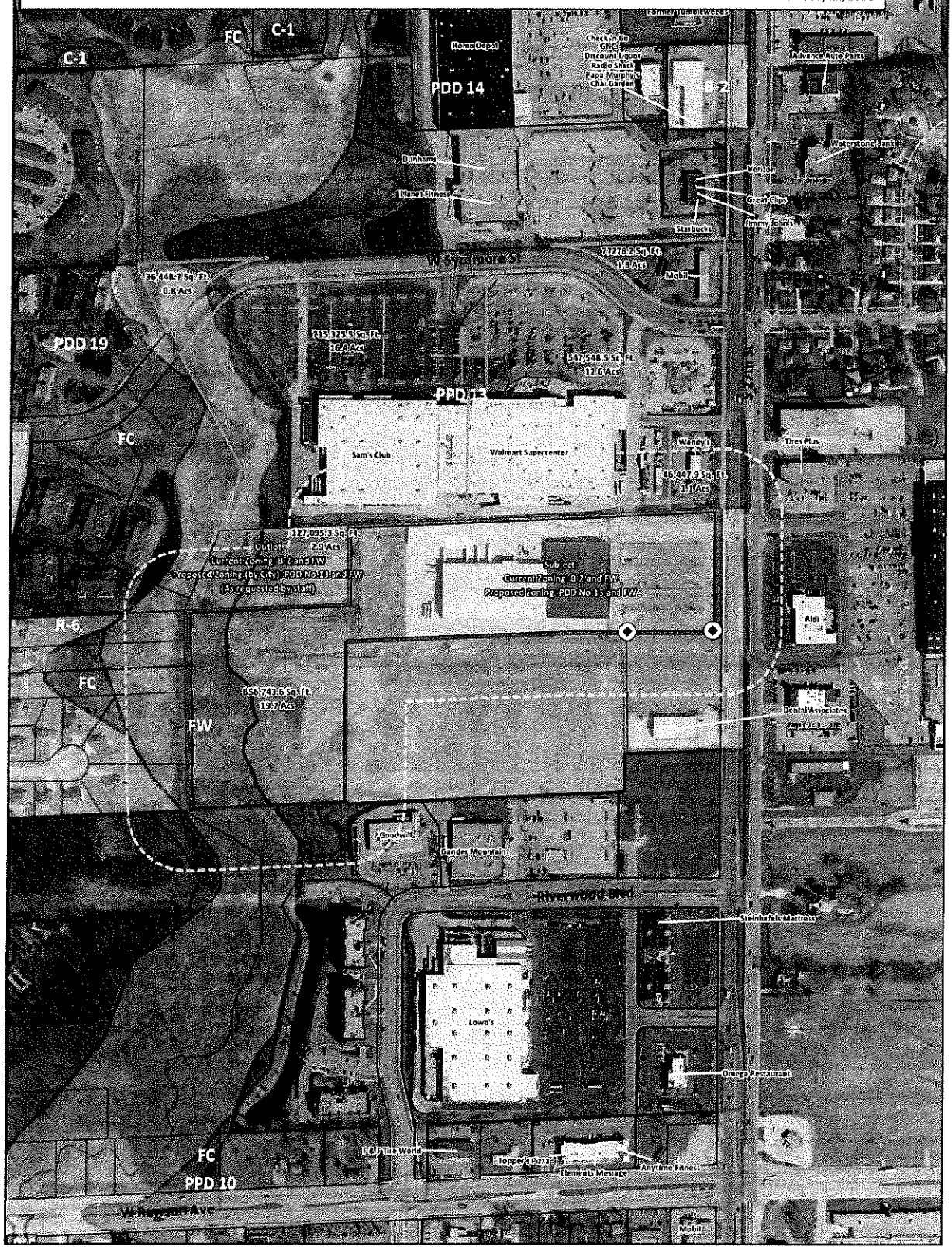
Parcels Currently Within Existing PDD 13
Total Area: 1,423,049 sq. ft. (32.7 acs)

Total Area to be Re-Zoned PPD13: 983,838 sq. ft. (22.6 acs)

Required Setbacks (For Subject Property)

Proposed Cross Access Points for Dental Associates

Submission Date February 11, 2013



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2013

Planned Development District No. 13 Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the amendment of the boundary of Planned Development District No. 13 and of inclusion of amusement and recreation services as a special use. However, staff does not recommend approval of the inclusion of warehousing and distribution uses as a special use.

Project Name:	PDD No. 13 Major Amendment
Project Address:	6801 South 27th Street
Applicant:	Susan Ipsarides, Greywolf Partners, Inc.
Property Owner:	Geneva Ashx I LLC ET AL and Geneva Exchange Fund XI LLC
Current Zoning:	B-2 General Business District
2025 Comprehensive Plan	Commercial
Use of Surrounding Properties:	Wal-Mart and Sam's Club to the north, vacant commercial land zoned B-2 District and Dental Associates to the south, City of Oak Creek (commercial properties) to the east and a Sam's Club owned outlot zoned B-2 District and single-family residential to the west
Applicant Action Requested:	Recommendation of approval for the boundary and use amendment to PDD No. 13

Introduction

Please note:

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

On October 9, 2013, the applicant submitted an Application to Amend Planned Development District No. 13. The applicant is requesting the following:

1. That the Planned Development District boundary be amended to include property located at 6801 South 27th Street, formerly occupied by Ashley Furniture.
2. That uses permitted within the B-3 Community Business District be permitted within the existing building located on said property.
3. That amusement and recreation services and warehouse and distribution uses be permitted, subject to Special Use approval, within the existing building.

In addition, staff is recommending that Outlot 1 of the Wal-Mart Subdivision also be rezoned from B-2 District and FW District to Planned Development District No. 13 and FW District.

Sam's Club owns the property as well as the Sam's Club store property located to the north, which is already zoned PDD No. 13. The inclusion of this outlot will create a more continuous and consistent exterior border for PDD No. 13 and is already being utilized as part of the Sam's Club development (i.e. PDD No. 13 uses). Staff has made Sam's Club and the applicant aware of the proposed rezoning of the subject Outlot.

Staff is recommending, with agreement from the applicant, that the Plan Commission and Common Council classify the proposed amendment to PDD No. 13 as a Major PDD Amendment. Section 15-9.0401A. Fee Schedule of the UDO lists "change in boundary" and "use" as examples of Major Amendments. To expedite the process, the applicant has paid the Major PDD Amendment Application fee and a public hearing notice was published. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts. The amendment will add approximately 22.62 acres of land to PDD No. 13, including the inclusion of Outlot 1 as recommended by staff.

The property owners submitted a similar application on January 16, 2013, requesting to rezone the subject property to PDD No. 13 and to allow warehouse and distribution uses within the existing building with Special Use approval. The application was recommended for denial at the February 21, 2013 Plan Commission meeting, and denied at the March 5, 2013 Common Council meeting. A letter, dated March 11, 2013, to the applicant is attached indicating the reasons for denial.

The only difference between the previous application and this application is the request to permit as a Special Use, recreation and amusement service uses within PDD No. 13. In conjunction with this application, the applicant also submitted a Special Use for an indoor trampoline park, d.b.a. Sky Zone, for City approval. In addition, the applicant submitted a Special Use application for a specific warehousing and distribution use for the building space labeled "Future Tenant"; however, the application materials could not be finalized in time for this meeting. It is anticipated that the Special Use Application for this tenant space will be scheduled for the November 21st Plan Commission meeting.

Project Description/Analysis

The 19.7 acre property located at 6801 South 27th Street is currently zoned B-2 General Business District. The existing building on the property is approximately 116,000 square feet with about 40,000 square feet of retail space and 76,000 square feet of warehouse and distribution space. Ashley Furniture formerly leased the entire building.

The building was originally a 52,957 square foot Menard's store. Menard's received Special Use approval in 1983, via Resolution No. 83-2052, for the location and operation of a home improvement retail sales center including the sale and storage of retail building materials in an open sales lot in a B-2 Commercial District. In 2002, the Ashley Companies received approval of a Site Plan Amendment to remodel the front exterior façade of the building, adding additional landscaping and new signage and restoring the property to an acceptable condition (Resolution No. 2002-138).

In 2003, the Ashley Companies received approval to construct an 18,000 square foot addition to accommodate the retail floor area, 2,100 square feet of new office space and restrooms, and a 42,900 square foot warehouse, and to increase the number of parking stalls required in a B-2 District (Resolution No. 2003-0005).

A letter dated May 1, 2003 from Michael J. Fox, Development Director of Continental Properties Company, Inc. to Mary K. Buratto, City Planning Manager at that time, detailed the 2003 site plan amendment proposal. The letter stated, "We have understood that there was some original concern over the size of the warehouse and amount of truck volume. A warehouse of this size is typical for a furniture store of this size." The letter also detailed the use of the space stating, "Ashley's delivery operation consists of 3 semi-trailers that will make deliveries from the manufacturing plant to the store/warehouse. The straight truck home delivery vans consist of approximately 12 vans that will all be loaded up simultaneously in the mornings and will return in the late afternoon. Deliveries take place between 8:00AM and 4:00PM..."

Ashley Furniture also submitted an outline of their business operations with their 2003 Site Plan Application, which stated, "This facility will not be run as a Distribution Center based on the lack of heavy truck traffic for all hours of the day. The delivery vehicles are all straight trucks and leave one time during the morning and return once to remain for the night." Both of these letters are attached.

Again, the applicant is requesting to rezone the property to PDD No.13 and allow warehouse and distribution uses and amusement and recreation uses within the existing building through the Special Use Application process, in addition to uses as allowed under the B-3 Community Business District.

Warehouse/Distribution Uses:
Staff has concerns with the use of the present building for a warehouse and/or distribution type use. The surrounding area is predominately retail uses. It appears the approval was granted in 2003 because it was linked to a retail use within the building and truck traffic was limited. This approval was also granted prior to, and is not consistent with, the "South 27th Street Corridor Plan."

If this portion of the request is approved, prospective warehouse/distribution tenants will be required to apply for a Special Use. Staff would recommend in that event that the Plan Commission and Common Council thoroughly review uses proposed for this building to ensure that the truck volume, size of trucks, noise and hours of operations are consistent with the adjacent retail business uses.

In addition, if approved, *Staff recommends the property owners pave the two cross-access locations to Dental Associates to the south, prior to issuance of any Occupancy Permit for the exiting building*.

Comprehensive Master Plan Consistency

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

Comprehensive Master Plan. The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as Commercial and Areas of Natural Resource Features. The surrounding future land uses are Commercial, Residential and Areas of Natural Resource Features.

It can be noted that the proposed PDD No. 13 Amendment is not consistent with certain elements of the City's Comprehensive Master Plan including but not limited to:

- The future land use map, which envisions that the subject area will be developed for commercial uses, as opposed to Business Park, Industrial or Light Manufacturing, which would more appropriately accommodate a warehouse or distribution type of use.
- Encourage land uses, densities, and regulations that promote efficient development patterns and relatively low municipal and utility costs.
- Build community identity by revitalizing main streets, special districts, and other important areas of the City, enforcing appropriate design standards, and by creating and preserving varied and unique development and land uses.
- Ensure compatibility with adjacent land uses.
- Ensure the safe and efficient operation of the transportation system within Franklin.

The subject proposal is also not consistent with the "South 27th Street Corridor Plan" which recommends that this area serve as a regional shopping center district comprised of large and mid-sized retail uses and supporting and complementary commercial uses such as restaurants and offices. The "South 27th Street Corridor Plan" also suggests that the City require any rezoning in the corridor to be limited to those that are consistent with this Plan.

It can also be noted that the proposed change of zoning is for an existing building that has been used for retail, warehousing and distribution use since 2003. Although staff is not aware of any adverse impacts upon neighboring properties from this business, staff has been contacted by a representative of the Victorian Place Condominiums to the west who was concerned about the proposed rezoning.

On the other hand, the rezoning is consistent with the Comprehensive Master Plan goals to "Expand and stabilize the current economic base" and to "Create Jobs."

Amusement/Recreation Uses:
Staff finds that amusement and recreation services are consistent with the Comprehensive Master Plan as a commercial land use. Furthermore, the "South 27th Street Corridor Plan" envisioned a diverse mix of land uses. Amusement and recreation services uses are consistent with the following goals of the "South 27th Street Corridor Plan":

- Establish a mix of vibrant, attractive businesses along the corridor that are adequately buffered from or integrated with adjacent neighborhoods.
- Promote quality development and a balance of land uses within each district and subdistrict along and around the corridor.
- Implement the Future Land Use Plan.

The plan further states that the area between West College Avenue and West Rawson Avenue is a regional retail shopping district that will include "supporting and complementary commercial uses such as smaller stores, restaurants, offices, civic uses, and public gathering spaces."

Staff Recommendation

Department of City Development staff recommends approval of the amendment of the boundary of Planned Development District No. 13 and of inclusion of amusement and recreation services as a special use. However, staff does not recommend approval of the inclusion of warehousing and distribution uses as a special use.

City of Franklin

Department of City Development

March 11, 2013

Greywolf Partners, Inc.
Andrea Rogutich, Asset Management Administrator
9000 West Chester Street, Suite 350
Milwaukee, WI 53214

Re: Rezoning Application for property located at 6801 South 27th Street
Planned Development District Amendment

Dear Ms. Rogutich,

This letter serves to inform you that the City of Franklin Common Council, at their meeting on March 5, 2013, denied your recent application for an ordinance to amend Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel from B-2 General Business District and FW Floodway District to Planned Development District No. 13 and FW Floodway District and to allow for warehousing and distribution uses (and other uses) subject to special use (and/or other City) approval within the existing building on the 19.7 acre parcel located at 6801 South 27th Street.

The reasons for denial stated by the Common Council include inconsistencies with the 2025 Comprehensive Master Plan, the South 27th Street Zoning District and Overlay and Zoning Guidelines, the lack of a specific use proposed, and the general use of a distribution center being inappropriate for the specified site.

Please contact me at 414-425-4024 or via email at nfuchs@franklinwi.gov if you have any questions or comments regarding this letter.

Sincerely,

Nicholas Fuchs
Senior Planner
Department of City Development

Cc: Development Review Team members (via email)
Andrea Rogutich, Greywolf Partners, Inc. (via email) *andrea.rogutich@greywp.com*

9229 West Loomis Road, Franklin, WI 53132 (414) 425-4024 Fax: (414) 427-7691

CONTINENTAL PROPERTIES

May 1, 2003

VIA Personal Delivery
(414)-425-4024

Mary Kay Buratto, AICP
City Planning Manager
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

RE: Expansion of Ashley Furniture (Former Menard's at 6801 S. 27th Street Franklin, WI

Dear Mary Kay:

Continental 144 Fund LLC received Plan Commission approval in November 2002 to redevelop the 52,957 Sq. Ft. former Menards building into an Ashley Furniture Store Showroom. On the Plans submitted at that time Ashley showed an expansion area to the west for future growth in order to more efficiently use the property in the future. Continental (Landlord) has since purchased the property on behalf of Ashley and we are in the construction phase for the existing building.

The existing redevelopment of the existing building is strictly showroom and does not include any warehouse space for inventory or delivery to customer's homes. At this time Ashley would like to proceed with an expansion to accommodate their retail needs. Ashley is now proposing to add an additional 18,000 sq. ft. of retail floor area, 2,100 sq. ft. of office space and 42,900 sq. ft. of warehouse space.

We feel that this use is the highest and best use for the size and shape of this particular property. We have designed the addition so that the warehousing component has minimal visibility from 27th Street as can be seen in the colored rendering in section 7. A statement of operations has been included in the enclosed information book in section 3.

We have understood that there was some original concern over the size of the warehouse and amount of truck volume. A warehouse of this size is typical for a furniture store of this size. A very good local comparison is the Colder's Furniture in Oak Creek. The Oak Creek Colder's store supports the south side of Milwaukee similar to the proposed Ashley in Franklin. The Colder's store has 63,936 SF of warehouse and 93,354 SF of sales floor. Another comparison is Steinhafels, which currently has 4 stores in Milwaukee, 1 in Kenosha and 1 in Madison. They are currently constructing a 425,000 SF warehouse/distribution center as mentioned in the attached Business Journal in section 8.

Ashley's delivery operation consists of 3 semi-trailers that will make deliveries from the manufacturing plant to the store/warehouse. The straight truck home delivery vans consist of approximately 12 vans that will all be loaded up simultaneously in the mornings and will

return in the late afternoon. Deliveries take place between 8:00AM and 4:00PM. In order for all vans to be out on the road by 8:00AM they must all load up simultaneously and therefore the need for multiple overhead doors. Ashley's fleet of trucks are maintained to present a high class image and are known as the best group of vehicles in the furniture industry.

In order to create a more aesthetically pleasing site, we are repaving the rear portion of asphalt and we will be completely removing the deteriorating fence around the perimeter. We will also be adding a row of evergreens along the western property edge as well as along the view corridor between Wal-Mart and Sam's Club.

Ashley has grown to become the third largest home furniture manufacturing company. Ashley Furniture's Worldwide Headquarters are located in Arcadia, Wisconsin. Ashley has become a "World Class Furniture Manufacturer" with one of the largest selling home furniture brands in North America. It produces a broad line of quality furniture under the Ashley and Millennium labels that are marketed worldwide. You may have seen Ashley's line in other local furniture stores. We have included interior photos of some existing corporate owned Ashley Furniture stores.

We look forward to working with you and appreciate the Plan Commission's review of this proposal.

I have included the following items for your review:

1) ALTA Survey
2) Site Plan
3) Existing Photos of the Property
4) Aerial Photo
5) Colored Building Elevations and Rendering
6) ~~Check in the amount of $500 for Site review~~

Sincerely:
CONTINENTAL PROPERTIES COMPANY, INC.

Michael J. Fox
Development Director

Enclosure.

10850 West Park Place • Suite 600 • Milwaukee, WI 53224 • P.O. Box 220 • Menomonee Falls, WI 53052 • Telephone 262.502.5500 • Fax 262.502.5522

Ashley Furniture HomeStore-Franklin, WI

Main Business Focus-Retail Furniture Sales

Business Operations Include-

- Furniture Sales
- Order Pickup at store
- Order Delivery from store

Retail Hours of Operation
10:00AM-7:00PM Monday-Saturday
12:00Noon-6:00PM Sunday

Hours of Order Pickup
8:00AM-3:30PM Monday-Sunday

Hours of Order Delivery (To the home)
7:00AM-4:00PM Monday-Sunday

Hours of Warehouse Receiving
7:00AM-4:00PM Monday-Friday

✓Clean Professional looking fleet of straight truck home delivery vehicles.
✓Best group of vehicles in the furniture industry. Very highly recognized throughout the entire transportation industry.
✓Vehicles-meticulously maintained presenting high class image beyond all others.
✓This facility will not be run as a Distribution Center based on the lack of heavy truck traffic for all hours of the day. The delivery vehicles are all straight trucks and leave one time during the morning and return once to remain for the night.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/13
REPORTS & RECOMMENDATIONS	RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN AMUSEMENT AND RECREATION SERVICES USE UPON PROPERTY LOCATED AT 6801 SOUTH 27TH STREET (GREYWOLF PARTNERS, INC., APPLICANT)	ITEM NUMBER G.10.

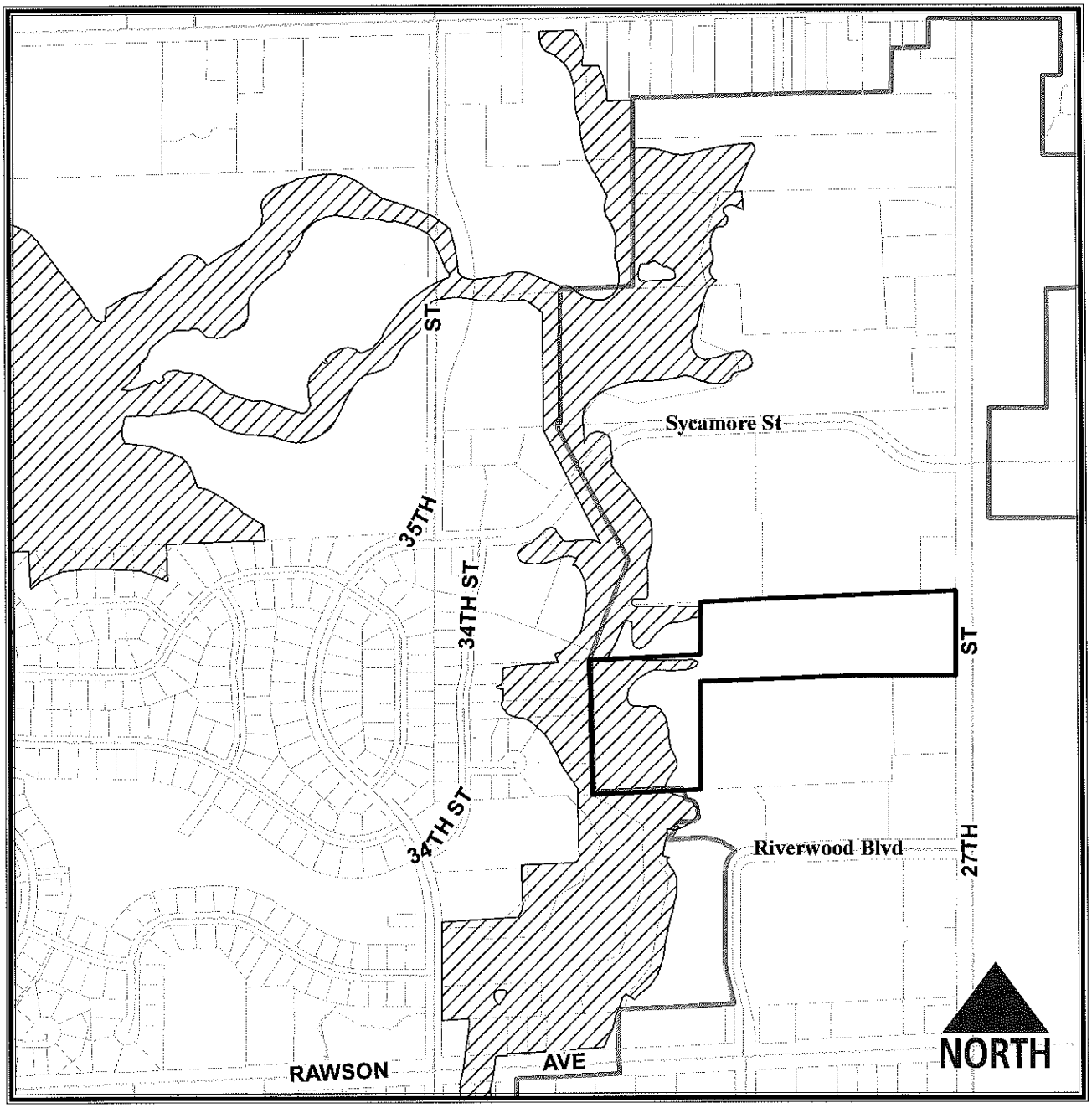
At its November 7, 2013, meeting the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for an amusement and recreation services use upon property located at 6801 South 27th Street (Greywolf Partners, Inc., Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2013-_____, a resolution imposing conditions and restrictions for the approval of a special use for an amusement and recreation services use upon property located at 6801 South 27th Street (Greywolf Partners, Inc., Applicant).

City of Franklin

6801 South 27th Street
TKN738-9974-004



Planning Department
(414) 425-4024

0 0.0303 0.06 0.09
Miles

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

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN AMUSEMENT AND RECREATION SERVICES USE UPON PROPERTY LOCATED AT 6801 SOUTH 27TH STREET (GREYWOLF PARTNERS, INC., APPLICANT)

WHEREAS, Greywolf Partners, Inc. having petitioned the City of Franklin for the approval of a Special Use in Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) and FW Floodway District, to allow for an amusement and recreation services use for Sky Zone Indoor Trampoline Park, offering physical fitness activities and event services upon property located at 6801 South 27th Street, bearing Tax Key No. 738-9974-004, which property was rezoned to Planned Development District No. 13 and FW Floodway District pursuant to an Ordinance adopted by the Common Council upon even-date herewith, more particularly described as follows:

> PARCEL A: Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 4367, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of Parcel 2 of Certified Survey Map No. 1316, part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. (19.7 acres); and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of November, 2013, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Greywolf Partners, Inc., for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Greywolf Partners, Inc., successors and assigns, as an amusement and recreation services use, which shall be developed in substantial compliance with, and operated and maintained by Greywolf Partners, Inc./Sky Zone Indoor Trampoline Park, pursuant to those plans City file-stamped October 28, 2013 and annexed hereto and incorporated herein as Exhibit A.

2. Greywolf Partners, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Greywolf Partners, Inc./Sky Zone Indoor Trampoline Park, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon Greywolf Partners, Inc./Sky Zone Indoor Trampoline Park use for the property located at 6801 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. The two vehicular cross-access locations to the current Dental Associates use property along the south property line of the property located at 6801 South 27th Street shall be paved prior to the issuance of an Occupancy Permit.

5. Hours of operation shall be limited to from 7:00 a.m. and 11:00 p.m., Monday through Sunday. Further hours on Thursday, Friday and Saturday from 11:00 p.m. to 3:00 a.m. are allowed for the period of one year and shall be subject to review for no adverse impact performance within one year from time of Occupancy Permit issuance.

6. Detailed plans of proposed building and site modifications shall be submitted for Department of City Development staff review and approval, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.

7. Holes and broken asphalt within the parking lot shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.

8. All parking spaces shall be striped in compliance with Section 15-5.0202 of the Unified Development Ordinance as illustrated on the proposed site plan, prior to the issuance of an Occupancy Permit.

9. Holes, discoloration and deterioration from previous signage above the front entrance shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.

BE IT FURTHER RESOLVED, that in the event Greywolf Partners, Inc., successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

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

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

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

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

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

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

APPROVED:

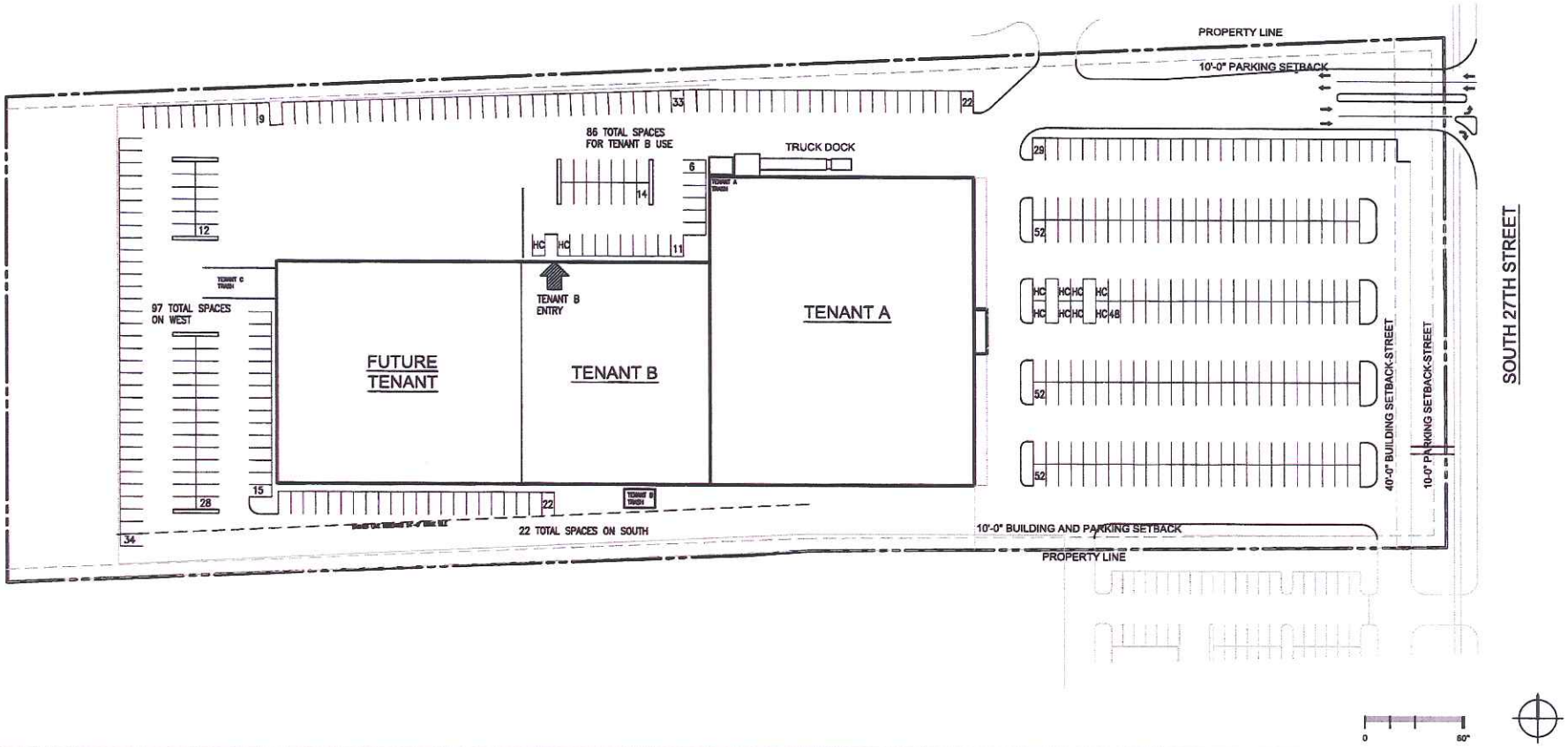
_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A



Kahler Slater
experience design

6801 S. 27th Street
FRANKLIN, WISCONSIN

PROPOSED SITE PLAN

10-16-2013; ASK-010

Franklin

October 14, 2013

OCT 17 2013

City Development

Mr. Nick Fuchs
Senior Planner
City of Franklin
Planning Department
9229 West Loomis Road
Franklin, WI 53132

Re: 6801 South 27th Street
Special Use Permit
MBG MKE, LLC dba Sky Zone

Dear Nick,

MBG MKE, LLC, doing business as Sky Zone Indoor Trampoline Park, is aware and approves that the owner of the above mentioned building, Geneva Exchange Fund XI, of which GreyWolf Partners LLC, acting as Owner's Agent, is applying for a special use permit on behalf of MBG MKE, LLC. We propose to open an independently owned and operated franchise of Sky Zone Franchise Group, LLC.

Sky Zone Indoor Trampoline Park has created and built the world's first all-trampoline, walled playing courts. It's a playing court so original and unique; it was awarded a United States patent. Sky Zone offers fun physical activities, games and entertainment for people of all ages, size and abilities. We host birthday parties for kids, corporate team building events for adults, SkyRobics fitness classes, high performance cross training for athletes at the high school and collegiate level to the professional level, intramural sports for colleges and more.

Our hours of operation are as follows:

Monday	Closed (Open for private events, etc.)
Tuesday	3 p.m. – 8 p.m.
Wednesday	3 p.m. – 8 p.m.
Thursday	3 p.m. – 8 p.m.
Friday	Noon – 11 p.m. (Sky Jam 9 p.m. – 11:00 p.m.)*
Saturday	10:00 a.m. – 11:00 p.m. (Jumpapalooza 7 p.m.- 11 p.m.)*
Sunday	Noon – 8 p.m.

*Friday and Saturday nights – may stay open until 1 a.m. for special occasions or private engagements.

Hours may be extended to open earlier or close later on Monday through Sunday during vacation times and certain holidays as well as special opportunities.

This location will potentially have a total of approximately 100 possible employees, some which may be added as business increases.

We look forward to operating a successful business in Franklin.

Sincerely,

Mark Glazer
Independent Franchisee
SkyZone Indoor Trampoline Park

City of Franklin
UNIFIED DEVELOPMENT ORDINANCE
GENERAL STANDARDS FOR SPECIAL USES

Special Use Application: Sky Zone

We believe that the Special Use, for which we are applying, is in line with the following standards:

1. Ordinance and Comprehensive Master Plan Purposes and Intent.
   - The proposed special use will occupy specific and separate space within the building. Permitting these special uses offers a chance for redevelopment of the subject property, which, in turn, leverages value from the initial investment and reduces the possibility of negative impacts on the market.

2. No Undue Adverse Impact.
   - The proposed special use will not have a substantial effect upon any adjacent properties and will not endanger the character of the area or impair property values within the community or neighborhood.

3. No Interference with Surrounding Development.
   - The proposed special use will use only the rear portion of the building, therefore, will not dominate or interfere with the use and development of the neighboring properties.

4. Adequate Public Facilities.
   - The proposed special use will have access to adequate public facilities in the same manner as the previous tenant.

5. No Traffic Congestion.
   - The proposed special use will not cause any traffic to be routed through residential areas as the ingress and egress will be directly on South 27th Street.

6. No Destruction of Significant Features.
   - The proposed special use will not have any impact on any natural, scenic, or historical features.

7. Compliance with Standards.
   - The proposed special use will conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission.

Franklin

OCT 9 2013

City Development

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2013

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for an indoor trampoline park amusement and recreation use upon property located at 6801 South 27th Street.

Project Name:	Sky Zone Special Use
Project Address:	6801 South 27th Street
Applicant:	MBG MKE, LLC
Owners (property):	Geneva Ashx I LLC Et Al & Geneva Exchange Fund XI LLC
Current Zoning:	B-2 General Business District and FW Floodway District
2025 Comprehensive Master Plan	Commercial
Use of Surrounding Properties:	Wal-Mart and Sam's Club to the north, vacant commercial land zoned B-2 District and Dental Associates to the south, City of Oak Creek (commercial properties) to the east and a Sam's Club owned outlot zoned B-2 District and single-family residential to the west
Applicant Action Requested:	Recommendation of approval for the proposed Special Use for Sky Zone to operate at 6801 South 27th Street

INTRODUCTION:

Please note:

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

On October 17, 2013, Susan Isparides of Greywolf Partners, Inc. submitted a Special Use application on behalf of MBG MKE, LLC, d/b/a Sky Zone, requesting approval to operate an indoor trampoline park use within vacant tenant space located at 6801 South 27th Street. The proposed trampoline park use is contingent upon approval of the separate PDD No. 13 Amendment Application to rezone the subject property to PDD No. 13 and to permit amusement and recreation service uses as Special Uses within PDD No. 13.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate an indoor trampoline park facility in approximately 27,000 square feet of space within a portion of the former Ashley Furniture building. The property is approximately 19.7 acres. Staff expects minor building and site modifications that may include an additional loading dock on the northwest side of the "Tenant A" space, a new entryway for the "Tenant B" space, two new dumpster enclosures, minor façade changes, removal of fences and gates and parking lot repairs and striping. The applicant has not

yet submitted details for these modifications; therefore, as part of the review of the Sky Zone Special Use permit, staff is recommending the following:

1. *Detailed plans of proposed building and site modifications shall be submitted for Department of City Development staff review and approval, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.*

2. *Holes and broken asphalt within the parking lot shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.*

3. *All parking spaces shall be striped in compliance with Section 15-5.0202 of the Unified Development Ordinance as illustrated on the proposed site plan, prior to the issuance of an Occupancy Permit.*

4. *Holes, discoloration and deterioration from previous signage above the front entrance shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.*

5. *The two vehicular cross-access locations to the current Dental Associates use property along the south property line of the property located at 6801 South 27th Street shall be paved prior to issuance of an Occupancy Permit.*

If any proposed building or site modifications are deemed more substantial than as described above, Department of City Development staff will elect to have the applicant return to the Plan Commission and Common Council for review and approval.

According to the applicant, Sky Zone hosts birthday parties, corporate team building events, SkyRobics fitness classes, high performance cross training for athletes, intramural sports and other types of events. Proposed hours of operation are Tuesday through Thursday from 3:00 p.m. to 8:00 p.m., Friday from 11:00 a.m. to 11:00 p.m., Saturday from 10:00 a.m. to 11:00 p.m., Sunday from 12:00 p.m. to 8:00 p.m. and closed on Mondays. The applicant further stated that the business might stay open until 1:00 a.m. on Friday and Saturday evenings for special occasions or private engagements. Moreover, the project narrative states, "Hours may be extended to open earlier or close later on Monday through Sunday during vacation times and certain holidays as well as special opportunities."

In comparison, the adjacent Wal-Mart store closes by 10:00 p.m. Monday through Sunday and Sam's Club is not open passed 8:30 p.m. Other retail uses in the area are typically not open after 9:00 p.m. The Wendy's restaurant is open until 12:00 a.m. on weekdays and 1:00 a.m. on Friday and Saturday evenings. Planet Fitness is open 24 hours, 7 days a week. *Staff Recommends that hours of operation be limited to from 7:00 a.m. and 11:00 p.m., Monday through Sunday.*

Parking: Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. According to this section, the proposed indoor trampoline park use would require five spaces per 1,000 square feet of gross floor area (GFA), plus six queuing spaces as a "Recreation Center." If one applies this standard, then the proposed

27,000 square foot trampoline park facility would be required to provide a minimum of 135 off-street parking spaces.

The proposed Hobby Lobby retail use for "Tenant A" requires five spaces per 1,000 square feet of GFA. This tenant space is approximately 53,000 square feet; therefore, a minimum of 265 parking spaces are required.

The remaining "Future Tenant" is approximately 36,000 square feet. It is anticipated that the use would be an amusement and recreation service use, retail use or warehouse and distribution type use. Applying the more restrictive standard of five spaces per 1,000 square feet of GFA, a minimum of 180 parking spaces is required for this space. Alternatively, a warehouse use would only be required to provide 18 parking spaces.

Potentially, per the above calculations, 580 off-street parking spaces are required for occupancy of the entire building. The proposed site plan includes 368 parking spaces. Staff finds that there is sufficient off-street parking for Sky Zone per the UDO standards. A parking reduction may be required in the future, depending on the specific users occupying the "Tenant A" and "Future Tenant" spaces. Staff will further review the parking as uses are proposed.

Two of the off-street parking spaces are handicap accessible in front of the "Tenant B" space, with additional accessible spaces located adjacent to the other tenant spaces, which meets minimum requirements of Table 15-5.0202(I)(1) of the (UDO).

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

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for an indoor trampoline park amusement and recreation use upon property located at 6801 South 27th Street.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE
slw		11/19/13
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 792-9993-001 AND 792-9993-002 (7771 SOUTH 76TH STREET) (BLASÉ J. CATANESE AND CATHLEEN CATANESE, APPLICANTS)	ITEM NUMBER G.11.

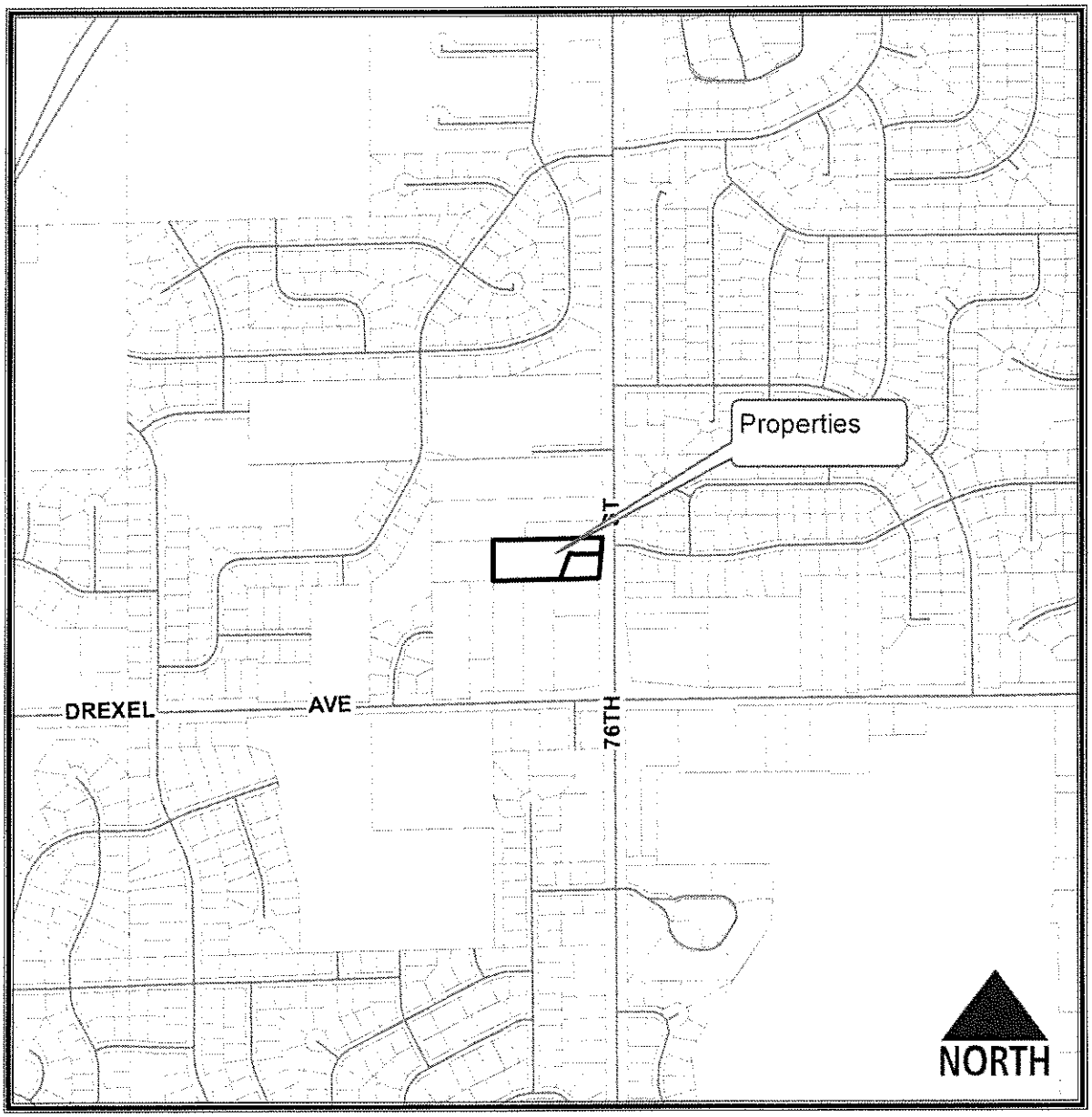
At their meeting on November 7, 2013, the Plan Commission recommended approval of a resolution conditionally approving a Land Combination for Tax Key Nos. 792-9993-001 and 792-9993-002 (7771 South 76th Street) (Blasé J. Catanese and Cathleen Catanese, Applicants).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2012-_____, a resolution conditionally approving a Land Combination for Tax Key Nos. 792-9993-001 and 792-9993-002 (7771 South 76th Street) (Blasé J. Catanese and Cathleen Catanese, Applicants).

City of Franklin

7771 South 76th Street
TKN 792-9993-001 and 792-9993-002



Planning Department
(414) 425-4024

0 0.02 0.04 0.08 0.12 Miles

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

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

A RESOLUTION CONDITIONALLY
APPROVING A LAND COMBINATION FOR
TAX KEY NOS. 792-9993-001 AND 792-9993-002
(7771 SOUTH 76TH STREET)
(BLASÉ J. CATANESE AND CATHLEEN CATANESE, APPLICANTS)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed land combination for Blasé J. Catanese and Cathleen Catanese to unify two adjoining parcels of land located at 7771 South 76th Street; bearing Tax Key Nos. 792-9993-001 and 792-9993-002, more particularly described as follows:

> Parcel 1 of Certified Survey Map No. 3416 of a part of the Southeast 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Parcel 2 of Certified Survey Map No. 3416 of a part of the Southeast 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. (approximately 2.37 acres and 0.59 acres); and

WHEREAS, the Plan Commission having reviewed such application and recommended approval thereof and the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9.0312 of the Unified Development Ordinance, Land Combination Permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the proposed land combination for Blasé J. Catanese and Cathleen Catanese, as submitted by Blasé J. Catanese and Cathleen Catanese, as described above, be and the same is hereby approved, subject to the following conditions:

1. Blasé J. Catanese and Cathleen Catanese, successors and assigns shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Blasé J. Catanese and Cathleen Catanese land combination project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

2. The approval granted hereunder is conditional upon Blasé J. Catanese and Cathleen

Catanese and the land combination project for the property located at 7771 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CERTIFIED SURVEY MAP NO. 3416

OF A PART OF THE S.E. 1/4 OF SECTION 9,

T. 5 N., R. 21 E., IN THE

CITY OF FRANKLIN, MILWAUKEE COUNTY, WISC.

Blase J Catanese
Cathleen Catanese
7771 S. 76th ST

Eliminate parcel 2 (792-9993-002) designation. No plans to sub-divide, now or in the future. CMP Land Use Parcel 1. RES & Natural resources

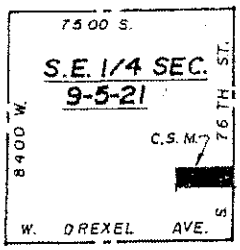
Parcel 2: RES

O-DENOTES 1" X 24" IRON PIPE, 1.13 LBS./LIN. FT.

DATED: JUNE 8, 1978
REVISED: JULY 31, 1978

GRAPHIC SCALE
0 10 25 50 100 200 300
1" = 100'

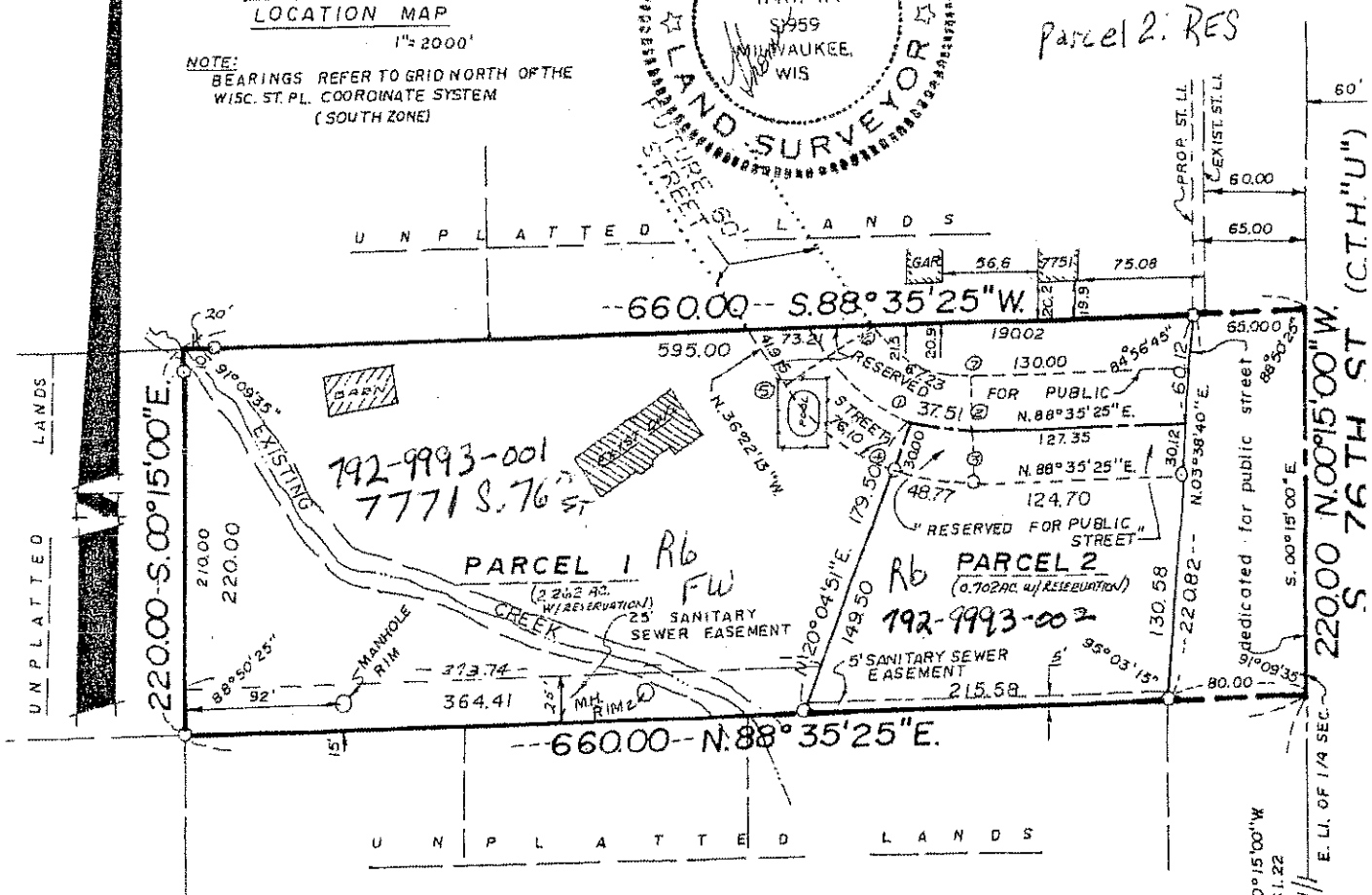
INMAN ENGINEERING OF MILWAUKEE, INC.
11221 W. FOREST HOME
MILWAUKEE, WISCONSIN 53132
PHONE 425-2060



LOCATION MAP
1" = 2000'

NOTE:
BEARINGS REFER TO GRID NORTH OF THE WISC. ST. PL. COORDINATE SYSTEM (SOUTH ZONE)

WISCONSIN THOMAS INMAN S-959 MILWAUKEE, WIS LAND SURVEYOR



CURVE DATA

①-② RAD. = 100.00 CHD. = 37.29 BRG. = S.80°39'52"E. Δ = 21°29'29"	③-④ RAD. = 130.00 CHD. = 48.48 BRG. = S.80°39'52"E. Δ = 21°29'29"
⑥-⑦ RAD. = 70.00 CHD. = 64.68 ARC = 67.23 Δ = 55°02'00"	④-⑤ RAD. = 130.00 CHD. = 75.02 ARC = 76.10 Δ = 33°32'31"

Franklin
OCT 25 2013
City Development

7771 South 76th Street
Zoned: R-6 and FW

Legend

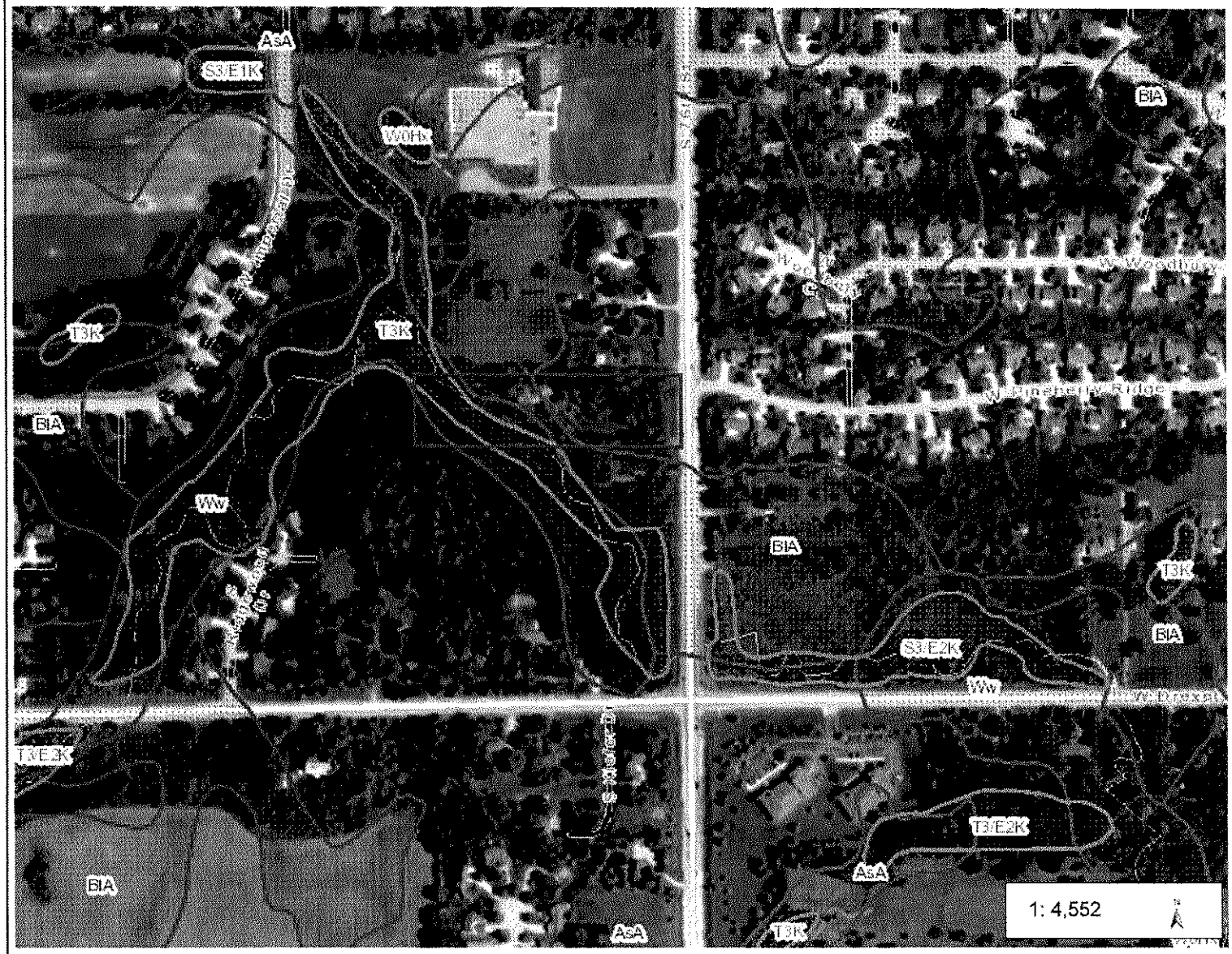
- 100 Year Floodway
- CSwetland
- CSwood

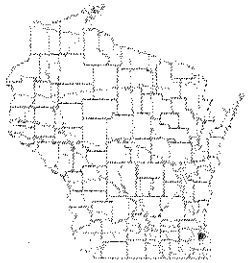
N

0 35 70 140 210 280 Feet

2013 Aeiral Map

Surface Water Data Viewer Map





Legend

Wetland Class Points
- Excavated pond
- Dammed pond
- Wetland too small to delineate
- Filled excavated pond
- Filled/drained wetland

Filled Points

Wetland Class Areas
- Wetland
- Upland

Filled Areas

USDA Wetspots

Wetland Indicators

Rivers and Streams

Open Water

Hillshades (10-meter DEM)
- High : 255
- Low : 0

Notes

7771 South 76th Street

0.1 0 0.07 0.1 Miles

NAD_1983_HARN_Wisconsin_TM

© Latitude Geographics Group Ltd.

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made aregarding accuracy, applicability for a particular use, completemess, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: http://dnr.wi.gov/org/legal/

Regional Map Server

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2013

Land Combination Permit

RECOMMENDATION: City Development staff recommends approval of the proposed Land Combination for properties bearing Tax Key Nos. 792-9993-001 and 792-9993-002.

Project Name:	Catanese Land Combination
Project Address:	7771 South 76th Street
Applicant:	Blasé and Cathleen Catanese
Owners (property):	Blasé and Cathleen Catanese
Current Zoning:	R-6 Suburban Single-Family Residence District and FW Floodway District
Future Land Use Designation:	Residential & Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north, south, east and west
Applicant Action Requested:	Approval of the proposed Land Combination for properties located at approximately 7771 South 76th Street, bearing Tax Key Nos. 792-9993-001 and 792-9993-002

PROJECT DESCRIPTION AND ANALYSIS:

On September 11, 2013, Mr. and Mrs. Blasé and Cathleen Catanese filed a Land Combination Permit Application with the Department of City Development, requesting approval to combine the parcels bearing Tax Key Nos. 792-9993-001 and 792-9993-002, located at approximately 7771 South 76th Street. The 2.37-acre parcel bearing Tax Key No. 792-9993-001 contains a single-family home and barn and is Parcel 1 of Certified Survey Map No. 3416. The 0.59-acre parcel bearing Tax Key No. 792-9993-002 is Parcel 2 of CSM No. 3416 and is vacant, except for the driveway leading to the home located on Parcel 1. The resultant property will have an area of approximately 2.96-acres and will meet the R-6 Suburban Single-Family Residence District Development Standards

The applicant has indicated that they are requesting the Land Combination for tax purposes and that they do not have interest in subdividing the lot; therefore, there is no need for Parcel 2.

The property appears to contain a woodland, wetland, stream, floodplain and a Southeastern Wisconsin Regional Planning Commission Secondary Environmental Corridor. Staff did not, however, require submittal of a Natural Resource Protection Plan (NRPP). Section 15-9.0312 of the Unified Development Ordinance (UDO) does not require submittal of a NRPP with Land Combination Permit Applications. Furthermore, the applicant is not proposing any development at this time.

STAFF RECOMMENDATION:

City Development staff recommends approval of the proposed Land Combination for properties bearing Tax Key Nos. 792-9993-001 and 792-9993-002.

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