CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING**
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
MONDAY, OCTOBER 7, 2013, AT 6:00 P.M.

I. Call to Order and Roll Call

II. Citizen Comment Period

III. Business

A. Standards, Findings and Decision of the City of Franklin Common Council upon the Application of the City of Franklin for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance (Pleasant View/Victory Creek Trail Development Project); Immediately south of and east of Pleasant View Elementary School [4601 West Marquette Avenue] and east of Pleasant View Neighborhood Park).

B. A Resolution Awarding Bid to the Lowest Bidder for the Installation of Victory Creek Bituminous Trail Beginning at the Intersection of W. Victory Creek Drive and S. Bridge Street and Ending at The 4500 Block of W. Marquette Avenue; (Pleasant View/Victory Creek Trail Construction) (subject matter also upon the Common Council meeting agenda for October 1, 2013).

IV. 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 Plan Commission, the Complete Streets and Connectivity Committee and the Parks Commission may attend this meeting to gather information about an agenda item over which the Plan Commission, the Complete Streets and Connectivity Committee and the Parks Commission have decision-making responsibility. This may constitute a meeting of the Plan Commission, the Complete Streets and Connectivity Committee and the Parks Commission per *State ex rel. Badke v. Greendale Village Board*, even though the Plan Commission, the Complete Streets and Connectivity Committee and the Parks Commission 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.]

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 10/07/13 |
| REPORTS & RECOMMENDATIONS | STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF THE CITY OF FRANKLIN FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE | ITEM NUMBER<br>III. A. |

In regard to the Pleasant View/Victory Creek Trail, at their meeting on September 11, 2013, the Environmental Commission approved a motion to: "recommend approval of the Natural Resource Features Special Exception application by the City of Franklin for properties located immediately south of and east of Pleasant View Elementary School and east of Pleasant View Neighborhood park for the purpose of allowing 754 square feet of wetland filling and paving, 4,503 square feet of filling and paving of the wetland buffer and 4,050 square feet of wetland setback filling and paving, to allow for the construction of the Pleasant View/Victory Creek Trail, and accepting the applicant's responses within the NRSE Question and Answer form, subject to conditions as noted in the Planning staff report dated September 11, 2013, and require mitigation for the impact to wetlands."

The Planning Department staff report contained one condition, which requires the City to obtain all required approvals and permits from the Army Corp of Engineers and the Wisconsin Department of Natural Resources, prior to the commencement of work. These applications are currently under review. Staff is not recommending mitigation for the wetland impacts.

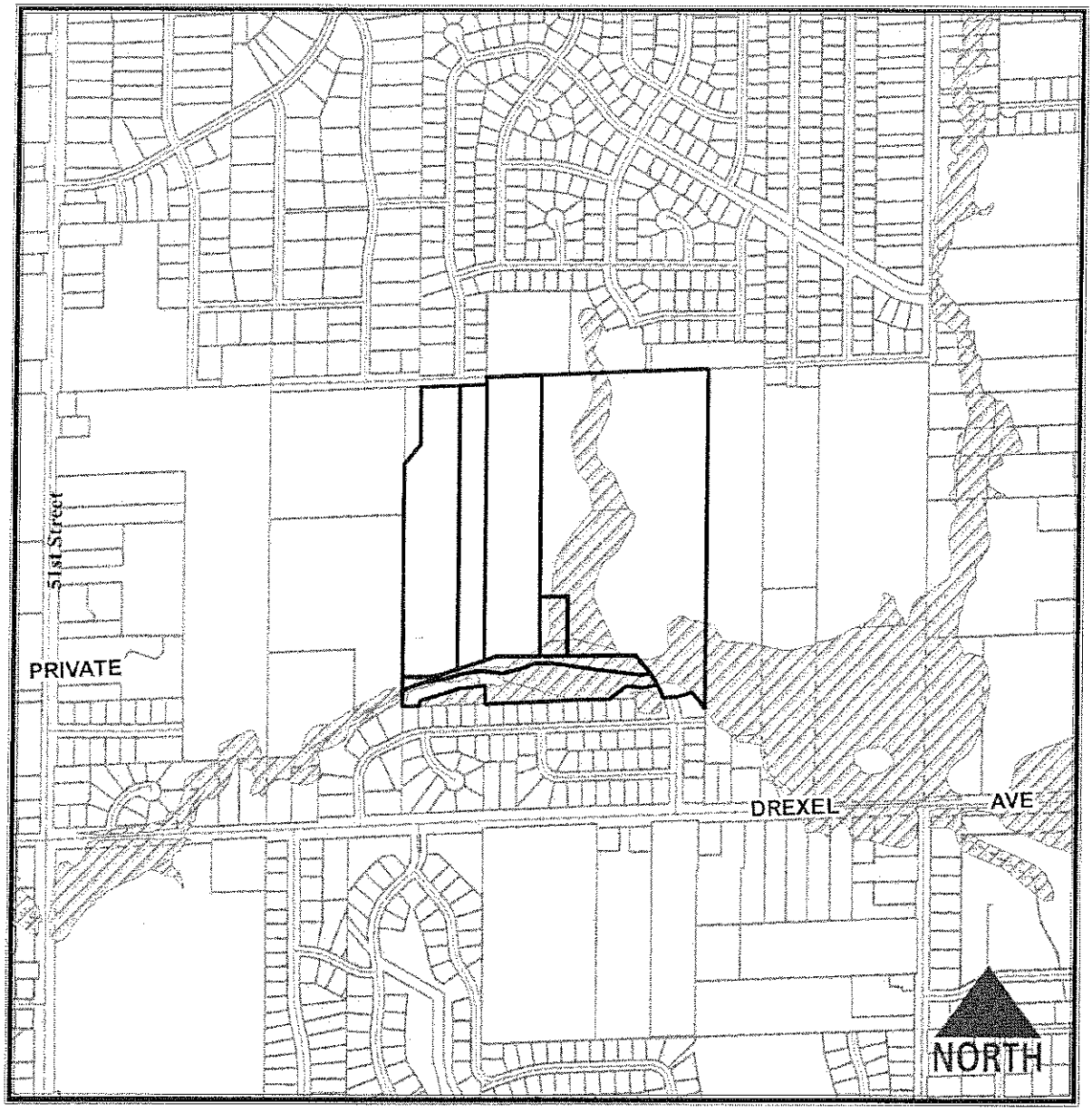
The Plan Commission will review this item at their October 3, 2013 meeting.

## COUNCIL ACTION REQUESTED

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

City of Franklin

# Pleasant View/Victory Creek Trail




Planning Department
(414) 425-4024

0 0.05 0.1 0.2 0.3 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.*

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

Whereas, the City of Franklin, having filed an application dated August 16, 2013, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated September 13, 2013 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated September 19, 2013 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located immediately south of and east of Pleasant View Elementary School (4601 West Marquette Avenue), and east of Pleasant View Neighborhood Park, zoned R-6 Suburban Single-Family Residence District, FW Floodway District, FFO Floodplain Fringe Overlay District and C-1 Conservancy District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon

the application for a Special Exception dated August 16, 2013 by the City of Franklin, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the condition giving rise to this request for a Special Exception was not self-imposed by the City, but rather is the result of a wetland complex which runs north/south through the entire project area making it impossible to alter the route of the trail to not impact the wetland.*

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

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

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *There are no practicable alternatives to the proposed trail location because a wetland complex stretches north/south across the entire length of the project area. If the trail did not cross the wetland, it would not make the desired connections, which is the entire purpose of the trail; therefore, not crossing the wetland would render the trail project incomplete and the alternative would be to simply not construct the trail.*

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

a. be consistent with the existing character of the neighborhood: *the proposed Special Exception will not adversely affect the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *the proposed Special Exception will not undermine the ability to apply or enforce natural resource protection requirements with respect to other properties; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *the proposed Special Exception will be in harmony with the general purpose and intent of the provisions of this Ordinance prescribing the requirement; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the

development: (*this finding only applying to an application to improve or enhance a natural resource feature). NA*

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *Victory Creek Special Park is an undeveloped specialized recreational area or "special park". Special parks generally contain high quality natural resource features, are limited in active recreational value. The lands encompassed by Victory Creek Park are protected by a Conservation Easement between the City of Franklin and the Milwaukee Metropolitan Sewerage District (MMSD). The property is part of a plan to prevent future flooding and to protect the water quality by preserving open space and hydric soils at risk for development. The proposed trail is an activity that is consistent with the conservation purposes of the land and an allowable use pursuant to the conservation easement.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The wetland complex which runs north/south through the entire project area is an exceptional circumstance which makes it impossible to alter the route of the proposed trail to avoid wetland impacts, while at the same time connecting the park, school and adjacent neighborhoods.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed trail is consistent with the conservation purposes of the Victory Creek Special Park and an allowable use pursuant to the conservation easement. The trail will not significantly impact the parks ability to protect water quality or filter and store sediments, nutrients and toxic substances. The proposed trail will provide better access to Victory Creek Park for an increased number of Franklin residents for several recreational opportunities that are currently not provided for in the park. Therefore, Franklin residents will have better access and more ways to enjoy the aesthetic appeal of the East Branch Root River, its associated floodplain, and wetlands. In addition, the proposed trail will make the natural resource features of Victory Creek Special Park more accessible to students at Pleasant View Elementary School for educational opportunities.*

4. Aesthetics: *The overall aesthetics of the site will not be impacted negatively by the proposed special exception.*

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

*The proposed Pleasant View/Victory Creek trail will disturb approximately 754 square feet of wetland, 4,503 square feet of wetland buffer and 4,050 square feet of wetland setback.*

6. Proximity to and character of surrounding property: *Single-Family residences to the north, south and west and park and institutional to the east.*

7. Zoning of the area in which property is located and neighboring area: *Victory Creek Special Park is zoned R-6 Suburban Single-Family Residence District, FW Floodway District, FFO Flood Fringe Overlay District and C-1 Conservancy District. The adjacent subdivisions to the north and south are zoned R-6 Suburban Single-Family Residence District. Finally, Pleasant View Neighborhood Park is zoned P-1 Park District and the Pleasant View Elementary School property is zoned I-1 Institutional District.*

8. Any negative affect upon adjoining property: *The proposed Special Exception will not impact any adjoining properties negatively.*

9. Natural features of the property: *The City is requesting a Special Exception to Natural Resource Feature Provisions of the Unified Development Ordinance to allow a proposed trail to traverse wetlands thereby impacting the wetlands and the associated wetland buffers and wetland setbacks. There are many other natural resource features on the site, which the City is not proposing to impact including: mature woodland, young woodland, wetland, wetland buffer, wetland setback, shore buffer, stream and floodplain.*

10. Environmental impacts: *The proposed Pleasant View/Victory Creek trail will disturb approximately 754 square feet of wetland, 4,503 square feet of wetland buffer and 4,050 square feet of wetland setback.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of September 13, 2013 is incorporated herein.*

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

Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for the City of Franklin and all other applicable provisions of the Unified Development Ordinance. The duration of this grant of Special Exception is permanent.*

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

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

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

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

City of Franklin

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

# NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

Date: August 16, 2013

Property Owner(s)/Legal Entity: City of Franklin

Address: 9229 W. Loomis Road
City: Franklin State: WI Zip: 53132
Phone: 414-427-7529 Fax: 414-425-6428
Email Address: tom2563@att.net

Applicant (Legal Business Owner Name): City of Franklin

Address: 9229 W. Loomis Road
City: Franklin State: WI Zip: 53132
Phone: 414-425-4024 Fax: 414-427-7691
Email Address: Nfuchs@franklinwi.gov

Project/Development Name: Pleasant View/Victory Creek Trail
Project Description: Construction of 10-foot wide multi-purpose trail in substantial conformance with WDNR grant application
Project Property Address: 788-9978-002, 788-9977-001, 787-9990-004, 787-9998-001, 787-9997-001, 787-0047-000, 787-0046-000 Project Tax Key No(s).:
Existing Zoning: R-6, FW, FFO and C-1 Proposed Zoning: Same Existing Use: Public Park Purposes Proposed Use: Recreational Trail
2025 CMP Land Use Identification*: Recreational and Areas of Natural Resource Features
* The 2025 CMP Future Land Use Map is available at:
http://www.franklinwi.gov/DefaultFilePile/User/Planning/2025CMP/2025_CMP_Ch5_2025Future_Land_Use_Map5.7.pdf

**All Natural Resource Special Exception submittals must include and be accompanied by the following:**

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

* The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

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

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

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

Signature of Property Owner: Thomas M. Taylor
Name and Title: Mayor Tom Taylor
Date: 8/16/2013

Signature of Applicant: Joel Dietl
Name and Title: Joel Dietl, Planning Manager
Date: 8-16-13

Signature of Property Owner: _____
Name and Title: _____

Franklin

APR - 8 2013

City Development

City of Franklin
Pleasant View/Victory Creek Trail
Project Narrative

## Project Summary

The Pleasant View/Victory Creek Trail will be a multi-modal trail connecting several parks, neighborhoods, and schools while providing public access to over 100 acres of rolling fields, wetlands and woodlands. A portion of the trail will act as the backbone link to Milwaukee County's Oak Leaf Trail and a connection to retail and business. A tractor bridge would be rehabilitated and converted for safe pedestrian river crossing without increased riparian impacts. The entire trail would be on City of Franklin park and open space lands. The project fulfills a portion of the City's 2025 Comprehensive Outdoor Recreation Plan (CORP).

## Project Description

**The proposed improvements** include the development of a multi-modal trail to meet required ADA design criteria, replacing an existing culvert and/or adding a floating bridge to traverse one drainage crossing, and the rehabilitation of a tractor bridge, as the current and only crossing of the Root River's east branch.

**The Pleasant View/Victory Creek Trail elements** will consist of minimal land clearing, as most of the land is former farmland. Preliminary design includes a crushed aggregate base with a maximum 10-foot asphalt surface to avoid multi-user conflict, provide ease of maintenance, and **conform to ADA requirements.** Due to soil erosion, a culvert replacement at one crossing of the drainage area is anticipated. The crossing location was selected to avoid future trail extension crossings and where erosion is known to occur. **Soil stabilization as part of the replacement culvert fitting (or a floating footbridge) would provide a benefit to offset any projected impacts**. For the river crossing, city staff performed an initial review of a former tractor bridge. Rehabilitation of the deck surface and the addition of side rails are anticipated. To assure bridge safety, a technical specification for the pedestrian bridge conversion by an outside consultant is included in the project cost. The proposed trail and former tractor bridge are **completely off-road** on parkland and do not require road crossings or road shoulder use. Light recreational activities and a natural area design component will fulfill the City's park plan.

## Background, Partnerships and Plans

In 2005, nearly 80-acres of farmland were purchased through the Milwaukee Metropolitan Sewerage District (MMSD) Green Seams Program then donated to the City as open space. Recognizing the CORP plan identified this area for a future trail and that would link to land previously purchased in 1998 (WDNR Urban Green Space), the City negotiated the right for multi-use trails. Recently, the Park and Trails Commissions partnered with the Franklin School District to seek safe linkages to multiple destinations. The partnership resulted in funding from WisDOT and a *Safe Routes to School Plan* that was adopted as part of the City's Comprehensive Master Plan. Franklin also adopted the County's Trail Network Plan. **The project builds upon the following partnerships and/or plans:**

- City of Franklin – CORP, Comprehensive Master Plan and Safe Routes to School Plan
- Milwaukee County Regional Trail Network Plan
- Milwaukee County Park and Open Space Plan
- Milwaukee Metropolitan Sewerage District & The Conservation Fund - Green Seams Program
- Wisconsin Department of Transportation – Safe Routes to School (SRTS) Plan assistance
- Franklin Public School District – Partners on the SRTS planning efforts
- Southeastern Wisconsin Regional Planning Commission – Planning Report 132
- Friends of Franklin's Parks – Citizen volunteers providing assistance with park needs
- Citizens for Community Development – Citizen volunteers that inform businesses about local projects

**Public Use and Access**

Access of this estimated 3,400-foot trail begins at the sidewalk of Pleasant View Elementary School then extends south within the 80-acre open field of the *Victory Creek Special Park*. A westerly stub will connected to the future *Pleasant View Neighborhood Park*. The trail then proceeds south to a tractor bridge, which crosses the east branch of the Root River. After the river crossing, trail users will be able to **access the regional Oak Leaf Trail.** Accessibility to Franklin High School and the newly constructed sidewalk will be gained, which has not previously been available. Full City ownership allows **immediate public access and signage** to be posted at all access points. (See mapping for suggested access points and signage locations).

Utilizing the former tractor bridge will allow a south access and greatly minimize floodplain or river impacts. It also allows hundreds of residents **off-road access and linkage** to Pleasant View School, its mini-park, the future active neighborhood park, and several natural areas, including a Southeastern Regional Planning Commission (SEWRPC) identified Isolated Natural Resource and the Root River tributary. The trail will not impact the unique woodland or river but will improve access for recreation, education and wildlife viewing. **Permitted activities** include hiking, biking, cross country skiing, fishing, roller-skating, nature education, observation, peaceful reflection and photography. Tree mitigation and Arbor Day tree planting are also permitted with prior approval. A westerly trail stub will connect the *planned neighborhood park*, projected to include ice-skating, tennis, volley ball, picnic and grilling areas or other outdoor facilities as listed in the CORP. The unique natural woodland, its nearby tree mitigation area, and the linkage to the Oak Leaf Trail present a **regional value.**

**Land Description**

Multiple subdivisions, a senior living center, grade school, mini-park, and a proposed active city park bound the project. A SEWRPC identified environmental corridor and isolated natural resource area, the Oak Leaf Trail and commercial areas are also nearby. The trail parcel is mainly old-field vegetation with some re-seeded native grasses. Common herbs within the non-forested trail parcel include brome grass, bluegrass, big bluestem, red clover, reed canary and manna grass. Slopes range from nearly level to about 6 percent. The parcel is divided by a narrow, emergent wetland that drains south to the Root River's east branch. This wetland originates within adjacent forested lands of the Victory Creek Special Park (Tifton Woods) inventoried by SEWRPC in 2000. The Root River tributary flows from east to west across the southern end of the site and has a thinly forested riparian corridor of box elder, willow and ash trees that corresponds roughly to the mapped 100-year floodway boundary.

**Benefits and Goals**

Benefits of the Pleasant View/Victory Creek Trail include **meeting the needs and deficiencies of the City's adopted 2025 Comprehensive Outdoor Recreation Plan (CORP, pg 49).** Project goals within the plan include:

- Providing safe off-road pedestrian access to recreational lands and schools
- Improving disability access
- Creating a linkage to the regional Oak Leaf Trail
- Connecting parks to destinations such as retail and business
- Improves community real estate walking and biking scores
- Promotes a healthy living lifestyle

This trail provides connection and access benefits to the planned active park, plus a safe, walkable link between schools and neighborhoods. The trail is located to link to the school's outdoor education area that was restored with over 500 native forbs by school children in 2000. It will also provide access to other attractive and high-value natural resources (Root River, wetlands and woodlands) with benefits to school curricula and the personal growth of students.

The project area is also located near senior living complexes and an ADA compliant trail will provide senior residents with a place to recreate. In addition, senior citizens are often school volunteers and the trail provides a key link to off-road school access. Furthermore, the trail enhances the quality of life for all residents and promotes a healthy living lifestyle.

The project will enhance tourism by increasing the value of the Oak Leaf Trail system. As a spur connection, it will provide access to the Root River, local parks and quality natural communities and open spaces that would otherwise not be accessible. The project is the backbone linkage between the Milwaukee County Oak Leaf Trail and local businesses. **Local businesses will benefit from visits by trail users and prior investments in the Oak Leaf Trail, which serves a large population, will be positively leveraged.**

**Land Management, Operation and Maintenance**

Funds for park maintenance are included in the city budget and the city as an impact fee ordinance. The city's Park, Public Works and Engineering Departments have operation and maintenance authority. Helping to keep non-vehicular access areas safe is a function of the Police Bicycle Patrol Unit. If constructed as proposed, emergency needs and maintenance could also be reached by motor vehicle. The parks department and friends group, along with users, would be additional monitoring partners. Current soil erosion in the drainage area will be managed by restoration during development of the trail crossing. Rehabilitation of the tractor bridge makes practical use of an already installed crossing on the east branch of the Root River.

**Implementation and Costs**

Senior planner, Nick Fuchs will be the grant reporting contact. The city engineer or his designee, with approval of the Franklin mayor and city council, will manage the project. MMSD will be an active partner due to an Intergovernmental Agreement and easement, which allow for an asphalt trail. The city's share of the project will come from impact fees collected for recreational facilities. Depending on the bid costs, Force Accounts may be used to keep the project within the proposed budget. Guidelines developed by the Franklin Finance Director and approved by the Council will be used to control costs to the maximum extent practicable. With the above in mind, the **proposed project timeline** is as follows:

| | | |
|---|---|---|
| 1. | Initial Project Design Estimates | Completed |
| 2. | DNR and Army Corps of Engineers permits and approvals | October 2012 |
| 3. | Bidding & Final Design | January 2013 |
| 4. | Contract Approval | March 2013 |
| 5. | Earliest Construction Start Date | April 2013 |
| 6. | Latest Construction Completion Date (including restoration) | November 2013 |

Project Total $193,440 (For details, see the project cost estimate sheet).

**Problems and Challenges**

- The trail will be built on a site with modest sloping. Runoff has caused some erosion locations in proximity of the trail, which will need to be evaluated and stabilized.
- A second challenge is a safe river crossing. Rehabilitation of the existing tractor bridge avoids additional floodplain impacts required of a new crossing and will serve to correct any potential bridge safety issues. Without timely restoration the cost savings and public access benefit will otherwise be lost.
- User conflicts are more easily resolved by an increased trail width. Maintenance, walkers, bicyclists and wheelchair users will benefit from the proposed increased trail width.
- The project resolves long-standing connection and access problems between neighborhoods, schools, trails and parks.

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

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

   a. Indication of the section(s) of the UDO for which a Special Exception is requested.

      *A Special Exception is requested from Table 15-4.0100 of the UDO for encroachments into wetlands, wetland buffers and wetland setbacks for construction of the Pleasant View/Victory Creek multi-purpose recreational trail.*

   b. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.

      *The proposed Pleasant View/Victory Creek trail is a 10-foot wide paved trail that will disturb a total of approximately 754 square feet of wetland, 4,503 square feet of wetland buffer and 4,050 square feet of wetland setback.*

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

      *The City of Franklin received and accepted a grant to share in the cost of development of the proposed trail, which is proposed to connect Pleasant View Park, Pleasant View Elementary School and adjacent neighborhoods; therefore, it must cross a wetland area as a wetland runs north and south through the entirety of the project area.*

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

      1) Background and Purpose of the Project.

         (a) Describe the project and its purpose in detail. Include any pertinent construction plans. *The project consists of a 10-foot wide paved multi-purpose recreational trail connecting Pleasant View Park, Pleasant View Elementary School and*

*neighborhoods. The project also includes improvements to an existing bridge located within the project area. The relevant plans for the trail are attached.*

(b) State whether the project is an expansion of an existing work or new construction. *The project consists of new construction, except for the existing bridge which will be improved to make for safer pedestrian and vehicle crossing.*

(c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose. *The wetland runs north/south through the entire project area making it impossible to alter the route of the trail to not impact the wetland, while at the same time connecting the park, school and neighborhoods.*

2) Possible Alternatives.

(a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed. *Three alternate crossing areas were considered by the City. The northern route chosen best minimizes and reduces impacts to wetlands, wetland buffers and wetland setbacks.*

(b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback. *Per the above answer (a), there are not options for redesign to avoid the wetland crossing. The trail is proposed at the narrowest point of the northern portion of the wetland across a mowed area that has previously been disturbed in order to lessen the impacts to the wetlands and associated wetland buffers and wetland setbacks. A bridge was considered; however, would be cost prohibitive and would not allow for vehicle access and the trail would not be plowed or accessible by emergency responders.*

(c) State how the project may be made smaller while still meeting the project's needs. *A smaller or shorter trail would not meet the needs of the project. The purpose of the trail is for connectivity and access to public lands and a*

*school. If the wetland is not crossed, those connections would be lost and thus not meet the project's needs.*

(d) State what geographic areas were searched for alternative sites. *The trail is site specific. The entire purpose is to connect Pleasant View Park, Pleasant View Elementary School and the surrounding neighborhoods. There are no alternative sites that would connect this particular park, school and neighborhoods.*

(e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area. *No as stated above (d). The desired connections made by the proposed trail are site specific. The proposed project area is the only land available that can provide such connections.*

(f) State what will occur if the project does not proceed. *If the project does not proceed, a formalized connection to the sites described above would be lost. Furthermore, the City of Franklin would have to withdraw its earlier acceptance of the State and Federal grants awarded by the Wisconsin Department of Natural Resources for the proposed trail.*

3) Comparison of Alternatives.

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

*A cost comparison of alternatives was completed. The City has chosen the alternate route with the least amount of wetland impacts, regardless of cost.*

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

*There are no alternatives that would not disturb a wetland because it is impossible to utilize the existing bridge and provide access to the park and school without crossing a wetland.*

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

*There are no technological reasons. The lack of alternatives is due to the location of the wetland which is located across the entire site.*

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

*As indicated, the alternatives are limited due to the location of the wetland and the desired connections.*

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

*The project should proceed as proposed since there are no possible alternatives that do not disturb a wetland. Furthermore, the City has chosen the route with the least amount of impacts. In addition the City of Franklin has approvals to apply and accept the matching grants to design and construct the proposed trail, which demonstrates the importance of the trail and connections it provides. Furthermore, the WDNR awarded the grants to the City, illustrating the importance and value of the proposed trail.*

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

*The attached letter from the Southeastern Wisconsin Regional Planning Commission describes the area and includes a vegetation survey. Also attached is a soils map of the project area.*

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

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

*The proposed trail impacts are primarily within an established ad hoc footpath and will not significantly disturb native plant communities. According to a report from the Southeastern Wisconsin Regional Planning Commission, SEWRPC No. CA-405-228, no Federal- or State-designated Special Concern, Threatened or Endangered species were observed during the field inspection of the subject trail route on June 19, 2012. Black haw (viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Countryside Woods. The northern terminus of the proposed trail is adjacent to the western edge of Countryside Woods, which is also a critical species habitat (CSH). However, the trail will not impact the CSH as delineated by SEWRPC.*

b) Storm and flood water storage.

*There will be no significant impacts to storm and flood water storage as a result of the proposed trail.*

c) Hydrologic functions.

*The proposed trail route crosses the East Branch Root River floodplain wetland complex. This wetland complex is vast, straddling both sides of the East Branch Root River and stretching north across Victory Creek Park into the Countryside Woods critical species habitat. Impacts to wetlands from the proposed trail will have minimal impacts on the overall hydrologic functions of the wetland complex as a whole.*

d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.

*The lands encompassed by Victory Creek Park are protected by a Conservation Easement between the City of Franklin and the Milwaukee Metropolitan Sewerage District (MMSD). The property is part of a plan to prevent future flooding and to protect the water quality by preserving open space and hydric soils at risk for development. The proposed trail is an activity that is consistent with the conservation purposes of the land and an allowable use pursuant to the conservation easement. The trail will not significantly impact the parks ability to protect water quality or filter and store sediments, nutrients and toxic substances.*

e) Shoreline protection against erosion.

*The proposed trail route will utilize an existing bridge to cross the East Branch Root River, thereby minimizing impacts to the shoreline.*

f) Habitat for aquatic organisms.

*Habitat for aquatic organisms will not be disturbed as the trail route crosses at an area previously disturbed by the ad hoc establishment of a footpath.*

g) Habitat for wildlife.

*The proposed trail utilizes an existing bridge to cross the East Branch Root River and the trail crossing follows an area previously disturbed by the ad hoc establishment of a footpath. For these reasons, impacts to wildlife habitat have been minimized.*

h) Human use functional value.

*No known impact*

i) Groundwater recharge/discharge protection.

*The proposed trail route crosses the East Branch Root River floodplain wetland complex. This wetland complex is vast, straddling both sides of the East Branch Root River and stretching north across Victory Creek Park into the Countryside Woods critical species habitat. The proposed trail will not significantly impact the wetland complex's overall ability to recharge groundwater and slowly discharge stormwater into the East Branch Root River.*

j) Aesthetic appeal, recreation, education, and science value.

*The proposed trail will not degrade the aesthetic appeal, recreation, education, or scientific value of the East Branch Root River or its associated floodplain, and wetlands. On the contrary, the proposed trail will provide access to Victory Creek Park for a greater number of Franklin residents for more numerous recreational opportunities than are currently provided for enjoying the aesthetic appeal of the East Branch Root River, its associated floodplain, and wetlands. In addition, the proposed trail will make the natural resource features of Victory Creek Park more accessible to students at Pleasant View Elementary School for educational opportunities.*

k) Specify any State or Federal designated threatened or endangered species or species of special concern.

*Black haw (viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Countryside Woods. The northern terminus of the proposed trail is adjacent to the western edge of Countryside Woods, which is also a critical species habitat (CSH). However, the trail will not impact the CSH as delineated by SEWRPC.*

l) Existence within a Shoreland.

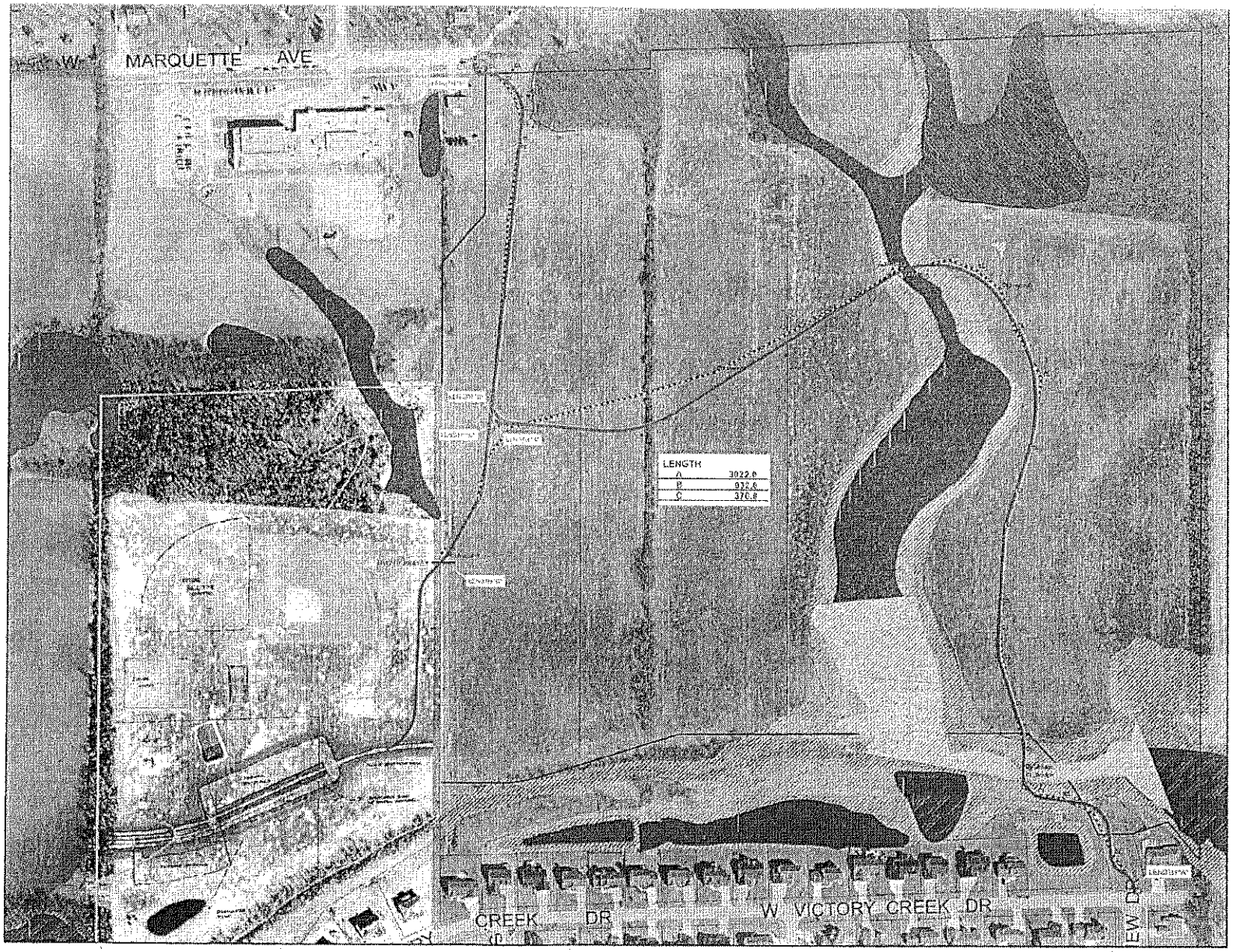
*Yes, per the Wisconsin Wetland Inventory Map. WDNR approval is required, prior to the commencement of work.*

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

*The project area contains a SEWRPC delineated Secondary Environmental Corridor, Isolated Natural Resource Area, and Critical Species Habitat; however, the proposed trail route will either avoid these features or meet SEWRPC regulations.*

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

*The proposed trail will be developed in accordance with an erosion and sedimentation control plan that generally follows the guidelines and standards set forth in Division 15-8.0300 of the City of Franklin Unified Development Ordinance, the U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources, as amended. The implementation of a sedimentation control plan will prevent construction site erosion thereby preventing siltation and sedimentation of the nearby East Branch of the Root River, which protects the public interest in the waters of the State of Wisconsin.*




City of Franklin
Milwaukee County

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VICTORY CREEK TRAIL AND CONSERVATION LANDS

SEWRPC 2005 Environmental Corridors
Corridor Type
- ESC
- INRA
- INRA 950
- PEC
- PEC 950
- SEC
- SEC 950
- 2005 WI Wetland Inventory
- Critical Species
- Natural Areas
- PROPERTY
- 100 Year Floodway
- WETLAND_V1
- INITIAL FIELD LOCATION
- PROPOSED TRAIL LOCATION

# CITY OF FRANKLIN

## ALTERNATIVE ANALYSIS TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

**August 15, 2013**

**Pleasant View/Victory Creek Trail Development Project**

| | |
|---|---|
| **Project Name:** | Pleasant View/Victory Creek Trail |
| **Project Location:** | Immediately south of and east of Pleasant View Elementary School which is located at 4601 W. Marquette Avenue, and east of Pleasant View Neighborhood Park |
| **Applicant:** | The City of Franklin |
| **Property Owner:** | The City of Franklin,w/Conservation Easement, MMSD |
| **Current Zoning:** | R-6 Suburban Single-Family Residence District, FW Floodway & C-1 Conservancy District |
| **2025 Comprehensive Plan:** | Recreational and Areas of Natural Resource Features |
| **Use of Surrounding Properties:** | Single-family to the north and south, vacant land zoned for single-family to the east and Pleasant View Elementary School and Pleasant View Neighborhood Park to the west |

Per the General Permit Application Checklist, the City is providing the following information:

- **Background/Description of the Project**
  - **Describe the purpose and need for the project, and explain why the project must impact wetlands.**

    In 2012, the City of Franklin began work on a proposed trail on lands commonly known as Victory Creek Park and the Victory Creek Conservation Easement Area to connect Pleasant View Neighborhood Park, Pleasant View Elementary School and adjacent neighborhoods. There is a need for pedestrian access that will allow ADA and multi-use pedestrian access to the school and future park. The lack of access has lead surrounding homeowners to access city property and take upon themselves the mowing of trails, indicating a clear desire and need for a safer and more formalized ADA trail.

    The proposed Pleasant View/Victory Creek Trail project consists of a 10-foot wide paved multi-purpose recreational trail and improvements to an existing farm bridge located within the project area. The project will be new construction, except for the existing bridge that will be improved for safe pedestrian and vehicle crossing. The availablitiyt of the esisting farm bridge eliminates additional crossing impacts to Root River.'s east branch.

On October 11, 2012 the City of Franklin sent letters accepting a Wisconsin Department of Natural Resources (DNR) grant offer for a National Recreation Trails Grant in the amount of $45,000 and the DNR grant offer for a Stewardship Acquisition and Development of Local Parks grant in the amount of $51, 720 for the Pleasant View/Victory Creek Trail Development Project.

After acceptance, the City began further review of the proposed location for the Pleasant View/Victory Creek Trail. Based upon field surveys by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), a wetland extends continuously north/south through the entire project area.

Based upon SEWRPC wetland determinations, the trail must cross the wetland in order to connect the adjacent neighborhoods, Pleasant View Elementary School and Pleasant View Neighborhood Park as the grant intended; therefore, on April 24th and May 9, 2013 City of Franklin staff, citizens and other governmental agency personnel, including Jesse Jensen of the DNR and Anthony Jernigan of the US Army Corps of Engineers (ACOE), conducted field assessments to determine possible alternative wetland crossing areas for the proposed Pleasant View/Victory Creek Trail.

At those site visits, three alternatives were chosen to examine more closely. On June 4, 2013, SEWRPC completed wetland delineations at each of the three wetland crossing alternatives. The proposed crossing of the trail is at the narrowest portion of this wetland.The "Alternatives" section below provides more details and a comparison of these three alternatives.

- **Alternatives**
  - **How could you redesign or reduce your project to avoid the wetland, and still meet your basic project purpose? (Examples: Reduce the width of the road, reduce side slopes of the road, remove or reduce sidewalk, choose a different structure type if there is a waterway crossing)**

    The project cannot be redesigned to avoid wetland impacts if it to achieve its purpose of connecting Pleasant View Neighborhood Park, Pleasant View Elementary School and the adjacent neighborhoods and meet ADA standards as a multi-use trail. The location of the existing farm bridge that spans the east branch of the Root River is on the east side of a wetland that extends north/south through the entire project area; therefore, the trail must cross this wetland in order to connect to the future park, school and adjacent neighborhoods. These connections, are essential for the trail project. The alternative would be to not construct the DNR-funded trail.

    It is also anticipated that all wetland crossing options would be designed to accommodate use by emergency vehicles and snow plowing along its entire length. Bridge construction or construction of boardwalks were

considered to avoid wetland impacts and DNR permitting; however, a bridge or boardwalk will add substantial cost to the project and would eliminate or limit the accessibility of the trail to emergency responders and snow plowing vehicles for year-round school and park access. Costs would be further exacerbated for a brige that would comply with ADA and AASHTO standards as well as supporting vehicles.

Below is a brief summary of each alternative and their relative wetland impacts that were considered by the City of Franklin. Exhibit A, attached, is a table indicating various pros and cons for each alternative for DNR consideration. Also attached is a map that identifies the specific location of each of the three alternative wetland crossings, as well as the approximate location of the entire trail associated with each alternative. The map also identifies the total amount of disturbance of wetland, the City's 30-foot wetland buffer and the City's 50-foot wetland setback for each trail route.

Alternative 1

Alternative 1 is the furthest north and narrowest wetland crossing option. The trail will cross two wetland areas with a total impact of approximately 277 square feet. The westerly most northern crossing is currently disturbed by a mowed path and a culvert. This alternative also provides the least amount of floodplain impacts.

Alternative 2

Alternative 2 is the middle crossing option. This crossing would impact approximately 3,700 square feet of wetlands. This area has previously been disturbed by the U.S. Fish and Wildlife Service, which had created a small berm across the wetland in order to decrease the soil erosion that was occurring in this area. The proposed trail would be located upon the small berm, which has since reverted back to a wetland and may be complicated by the need to received U.S.F.W. approvals related impacts to that earlier funded project.

Alternative 3

Alternative 3 is the southern wetland crossing option. This crossing would impact approximately 3,670 square feet of wetlands. A section within this area was historically disturbed by a culvert placement and is currently disturbed by a mowed path. The proposed trail would be located along the route of the mowed path. This alternative also impacts a SEWRPC Secondary Environmental Corridor.

NOTE: All alternatives would use the historic tractor crossing, as each alternative originates from the bridge crossing; with alternative 3 branching directly west and alternatives 2 and 3 heading north before

turning west. In addition, all alternatives have the same wetland impacts resulting from crossing the existing farmbridge and the drainage ditch area crossing into the Pleasant View Neighborhood Park.

- **For each of the alternatives you identified, explain why you eliminated the alternative from consideration (include cost comparisons, logistical, technological, and any other reasons).**

  The City of Franklin Plan Commission, Parks Commission, Complete Streets and Connectivity Committee and Common Council have selected Alternative 1. Alternative 1 has been selected because it best minimizes wetland impacts, while still maintaining the connections of the proposed trail.

  Alternative 2 and Alternative 3 were both eliminated due to greater wetland impacts as well as their higher probability of flooding, especially, Alternative 3. Recurring flooding will cause the trail to deteriorate more quickly, shortening its life and increasing the overall maintenance cost of the trail. In addition, the flooding of the paved trail would create a potentially hazardous situation for children attempting to cross a flooded trail. Furthermore, as previously stated, Alternative 2 and 3 have greater floodplain impacts and Alternative 3 impacts a SEWRPC Secondary Environmental Corridor.

  Although much of the following could be true for Alternatives 2 and 3, the City of Franklin also considered the items below to ensure that Alternative 1 minimizes impacts to natural resource features and best serves the community and the State of Wisconsin.

  - Diversity of flora including State and/or Federal designated threatened and/or endangered species: The City had SEWRPC review each wetland crossing and walk the general location of each trail route alternative. There has been no indication of any State and/or Federal designated threatened and/or endangered species. According to a report from the Southeastern Wisconsin Regional Planning Commission, SEWRPC No. CA-405-228, no Federal- or State-designated Special Concern, Threatened or Endangered species were observed during the field inspection of the subject trail route on June 19, 2012. Black haw (viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Countryside Woods. The northern terminus of the proposed trail is adjacent to the western edge of Countryside Woods, which is also a critical species habitat (CSH). However, neither modification to the farm bridge or the trail installation will impact the CSH as delineated by SEWRPC.'
  - Storm and flood water storage: There will be no significant impacts to storm and flood water storage as a result of the proposed trail.
  - Hydrologic functions: The proposed trail route crosses the East Branch Root River floodplain wetland complex. This wetland complex is vast, straddling both sides of the East Branch Root River and stretching north

across Victory Creek Park into the Countryside Woods critical species habitat. By selecting the narrowest crossing and already disturbed route, impacts to wetlands from the proposed trail will have minimal impacts on the overall hydrologic functions of the wetland complex as a whole.

- Water quality protection including filtration and storage of sediments, nutrients or toxic substances: The lands encompassed by Victory Creek Park are protected by a Conservation Easement between the City of Franklin and the Milwaukee Metropolitan Sewerage District (MMSD). The property is part of a plan to prevent future flooding and to protect the water quality by preserving open space and hydric soils at risk for development. The proposed trail is an activity that is consistent with the conservation purposes of the land and an allowable use pursuant to the conservation easement. See attached page from the MMSD easement document. The trail will not significantly impact the parks ability to protect water quality or filter and store sediments, nutrients and toxic substances.
- Shoreline protection against erosion: The proposed trail route will utilize an existing bridge to cross the East Branch Root River, thereby minimizing impacts to the shoreline.
- Habitat for aquatic organisms: Habitat for aquatic organisms will not be disturbed as the trail route wetland crossing follows an area previously disturbed by the ad hoc establishment of a footpath.
- Habitat for wildlife: The proposed trail utilizes an existing bridge to cross the East Branch Root River and the trail route primarily follows an area previously disturbed by the ad hoc establishment of a footpath. For these reasons, impacts to wildlife habitat have been minimized.
- Human use functional value: No known impact
- Groundwater recharge/discharge protection: The proposed trail route crosses the East Branch Root River floodplain wetland complex. This wetland complex is vast, straddling both sides of the East Branch Root River and stretching north across Victory Creek Park into the Countryside Woods critical species habitat. The proposed trail will not significantly impact the wetland complex's overall ability to recharge groundwater and slowly discharge stormwater into the East Branch Root River.
- Aesthetic appeal, recreation, education, and science value: The proposed trail will not degrade the aesthetic appeal, recreation, education, or scientific value of the East Branch Root River or its associated floodplain, and wetlands. On the contrary, the proposed trail will provide access to Victory Creek Park for a greater number of Franklin residents for more numerous recreational opportunities than are currently provided for enjoying the aesthetic appeal of the East Branch Root River, its associated floodplain, and wetlands. In addition, the proposed trail will make the natural resource features of Victory Creek Park more accessible to students at Pleasant View Elementary School for educational opportunities.
- Specify any State or Federal designated threatened or endangered species or species of special concern: Black haw (viburnum prunifolium), a State-

designated Special Concern Species, has been recorded in Countryside Woods. The northern terminus of the proposed trail is adjacent to the western edge of Countryside Woods, which is also a critical species habitat (CSH). However, the trail will not impact the CSH as delineated by SEWRPC.

- Existence within a Shoreland: Yes, per the Wisconsin Wetland Inventory Map. WDNR approval is required, prior to the commencement of work.
- Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: The project area contains a SEWRPC delineated Secondary Environmental Corridor, Isolated Natural Resource Area, and Critical Species Habitat; however, the proposed trail route will either avoid these features or meet SEWRPC regulations.
- Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin: The proposed trail will be developed in accordance with an erosion and sedimentation control plan that generally follows the guidelines and standards set forth in Division 15-8.0300 of the City of Franklin Unified Development Ordinance, the U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources, as amended. The implementation of a sedimentation control plan will prevent construction site erosion thereby preventing siltation and sedimentation of the nearby East Branch of the Root River, which protects the public interest in the waters of the State of Wisconsin.

- **Explain what you plan to do to minimize adverse effects on the wetlands during your project (e.g. erosion control, best management practices, setbacks, etc.)**

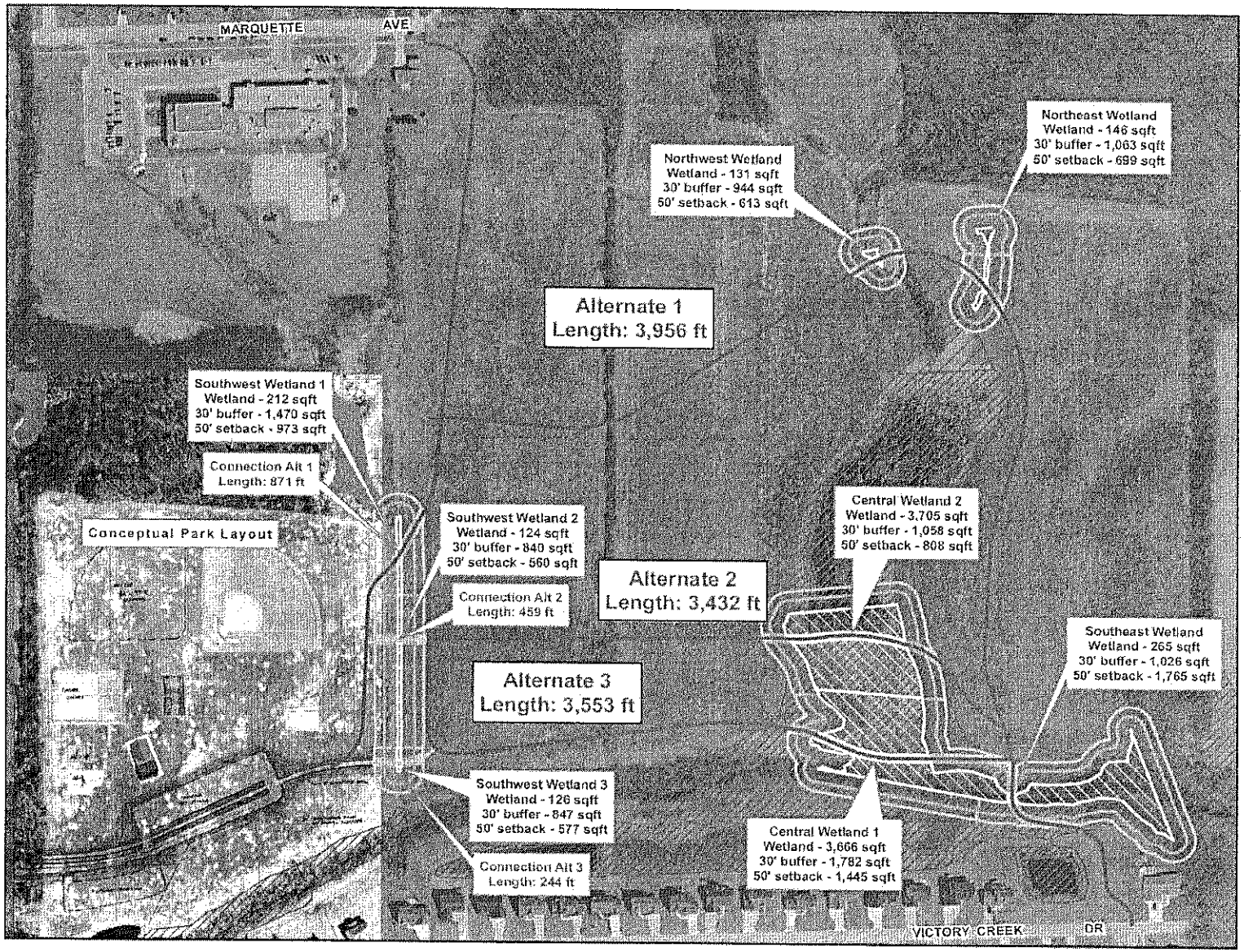
The alignment and geometry of the trail will be the minimum needed to meet the multi-purpose objectives of the project and ADA guidelines. Attached is an erosion control plan and Forms 3500-052A and 3500-052B have also been submitted. The City also intends to construct the trail utilizing the best management practices.

Irrespective of whatever alternative location is chosen, the City intends to appropriately mitigate and/or restore disturbed areas as part of the Natural Resource Special Exception that will be required by the City's Unified Development Ordinance. The details of the mitigation/restoration would be determined at that time. Several areas are available for onsite mitigation (within the same subwatershed) that would meet the city's ordiance requirements. For example: The sedge meadow restoration area shared between the city parkland and the school could be expanded or enhanced to meet mitigation criteria. Mowing or burning the conservancy lands surrounding the north/south wetland could be completed to eliminate invasive buckthorn shrubs thereby

enhancing an earlier MMSD prairie restoration. Increasing deep root native plant species will improve filtration and hydrologic functional values minimizing adverse impacts.

# Exhibit A

| *Factors* | Alternative 1 (northern crossing) | | Alternative 2 (middle crossing) | | Alternative 3 (southern crossing) | |
|---|---|---|---|---|---|---|
| | *Pro's* | *Con's* | *Pro's* | *Con's* | *Pro's* | *Con's* |
| **Amount of anticipated wetland impacts** | Approximately 754 square feet of wetland impacts, which is the least amount of impact compared to the other alternatives.<br><br>Wetland impacts occur in a previously disturbed area. | | Wetland impacts occur in a previously disturbed area. | Approximately 4,094 square feet of wetland impacts, which is the largest amount of impact of the three alternatives. | Wetland impacts occur in a previously disturbed area. | Approximately 4,057 square feet of wetland impacts, which is more than Alternative 1 but less than Alternative 2. |
| **Safety** | A much smaller portion of the trail would be located within the floodplain and be subject to periodic flooding than Alternative 3.<br><br>Designed to accommodate emergency and snow plowing vehicles. | | Due to the existing ground elevation at this location, the trail is likely to be constructed completely out of the floodplain.<br><br>Designed to accommodate emergency and snow plowing vehicles. | | Designed to accommodate emergency and snow plowing vehicles. | The largest portion of the trail, of the three alternatives, would be located within the floodplain and be subject to periodic flooding. |
| **Costs** | Approximately same cost as Alternatives 2 and 3. | | Approximately same cost as Alternatives 1 and 3. | | Approximately same cost as Alternatives 1 and 2. | |
| **Site Considerations** | Moves most of the trail and any impacts further from existing homes.<br><br>Closely matches the historic farm crossing and a current mowed path<br><br>Provides efficient access to Pleasant View School and Pleasant View Park. | | Provides access to both Pleasant View Park and Pleasant View Elementary school.<br><br>Closely matches the historic farm crossing and a current mowed path | | Closely matches the historic farm crossing and a current mowed path.<br><br>Provides access to both Pleasant View Park and Pleasant View Elementary.<br><br>Closely matches the historic farm crossing and a current mowed path | Closest location, of the three alternatives, to existing homes. |
| **Aesthetics** | Parallels and provides a close view of the wetland to the west and the woodlands to the north. | Does not parallel and provide a close view of the East Branch of the Root River to the south. | Parallels and provides a close view of a portion of the wetland to the west. | Does not parallel and provide a close view of the East Branch of the Root River to the south or the woodlands to the north. | Parallels and provides a close view of the East Branch of the Root River to the south. | Does not parallel and provide a close view of the wetland to the west or the woodlands to the north. |
| **Consistency with adopted plans and grant application** | | Would not substantially facilitate development of the trail along the East Branch of the Root River as set forth in the CMP and CORP; however, those locations were general locations and meant to be revised, if necessary based upon further study. Meets goals of Safe Routes to School Plan, which was incorporated in CMP. Less consistent with the grant application. | More closely matches and facilitates the approximate trail location shown in the CMP and CORP plans. Consistent with the grant application. | | More closely matches and facilitates the approximate trail location shown in the CMP and CORP plans. Consistent with the grant application. | |
| **Timing** | Approximately same timeframe as Alternatives 2 and 3. | | | Staff anticipates approximately the same timeframe as Alternatives 1 and 3; however, this crossing may require U.S. Fish and Wildlife approval. At this time, staff is not aware if this will affect the timing. | Approximately same timeframe as Alternatives 1 and 2. | |




# Pleasant View
# Victory Creek Trail
# Alternative Analysis

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0 100 200 400
Feet

City of Franklin
Milwaukee County

Proposed Trail Alternatives

**Trail in Wetland Area Impacts**

Wetland
30-ft Buffer
50-ft Setback

**FEMA Flood 100-Year**

FEMA Zone A
FEMA Zone AE

This map shows the approximate relative location of proposed trails 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.

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION
W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 • TELEPHONE (262) 547-6721
FAX (262) 547-1103

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WASHINGTON
WAUKESHA

September 10, 2012

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

SEP 11 2012

Re: SEWRPC No. CA-405-228

Dear Mr. Dietl:

This will respond to your electronic mail message of April 20, 2012, requesting the Commission staff to conduct a field inspection of the proposed Victory Creek/Pleasant View trail route between the east end of Marquette Drive and the intersection of Bridgeview Drive and West Victory Creek Drive for the purpose of identifying in the field the boundaries of any wetland and environmental corridor on the subject trail route. The trail route is located in parts of U.S. Public Land Survey Sections 11 and 12, Township 5 North, Range 21 East, City of Franklin, Milwaukee County.

Following the receipt of your letter, the Commission staff notified City staff that the northern part of the route contains the western edge of a critical species habitat (CSH) known as Countryside Woods. You indicated that a field delineation of the critical species habitat boundary would be needed.

Pursuant to your request, Dr. Donald M. Reed, Commission Chief Biologist, conducted a field inspection of the subject trail route on June 19, 2012. The wetland and CSH boundaries were identified and staked in the field. It is the Commission staff's expectation that the wetland and CSH boundaries will be surveyed and identified on forthcoming design plans attendant to the construction of the subject trail. A list of plant species identified within the wetlands and CSH is attached hereto as Exhibit A.

Please note that the secondary environmental corridor (SEC) boundary within the project area is based upon the extent of the East Branch Root River one-percent annual probability floodplain. The Commission staff did not identify the SEC in the field. A land surveyor or engineer will need to determine the extent of the floodplain on the site to determine the areal extent of the SEC. A detailed one-percent-probability flood profile of the East Branch was set forth in the 2008 Federal Emergency Management Agency flood insurance study for Milwaukee County, and that profile can be used to specifically locate the floodplain boundary within the project area.

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
ca405-228 (00206858).DOCX

Enclosures

cc: Ms. Kathleen Kramasz
Mr. Anthony Jernigan

Victory Creek/Proposed Pleasant View Trail
Sections 11 and 12, T5N, R21E
City of Franklin, Milwaukee County
Marquette Drive
West Victory Creek Drive
Legend
Project Area
Secondary Environmental Corridor
Isolated Natural Resource Area
Critical Species Habitat Site (CSH)
Wetland
Plant Community Number
Plant Community Boundary
N
Source: SEWRPC
Date of Photography: 2010
Date: 6/19/12
Wetland and CSH Staked by SEWRPC on 6/19/12

SVY3924
CA405-228

EXHIBIT A

PRELIMINARY VEGETATION SURVEY
VICTORY CREEK/PROPOSED PLEASANT VIEW TRAIL

Date: June 19, 2012

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 U.S. Public Land Survey Sections 11 and 12, Township 5 North, Range 21 East, Milwaukee County, Wisconsin.

Species List: Plant Community Area No. 1

GRAMINEAE
- Festuca elatior[1]--Tall fescue
- Poa pratensis[1]--Kentucky bluegrass
- Dactylis glomerata[1]--Orchard grass
- Phalaris arundinacea[1]--Reed canary grass

CYPERACEAE
- Carex stipata--Common fox sedge
- Carex bebbii--Bebb's oval sedge
- Carex pensylvanica--Pennsylvania sedge

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

JUNCACEAE
- Juncus tenuis--Path rush

LILIACEAE
- Trillium grandiflorum--White trillium
- Smilax ecirrhata--Low carrion flower

SALICACEAE
- Populus grandidentata--Large-toothed aspen

JUGLANDACEAE
- Carya ovata--Shagbark hickory

BETULACEAE
- Ostrya virginiana--Ironwood

FAGACEAE
- Quercus alba[2]--White oak
- Quercus macrocarpa--Bur oak
- Quercus rubra--Northern red oak

POLYGONACEAE
- Polygonum persicaria[1]--Lady's thumb

CHENOPODIACEAE
- Chenopodium album[1]--Lambs quarters

CARYOPHYLLACEAE
- Dianthus armeria[1]--Deptford pink

BERBERIDACEAE
*Podophyllum peltatum*--Mayapple

PAPAVERACEAE
*Sanguinaria canadensis*--Bloodroot

CRUCIFERAE
*Alliaria officinalis*[1]--Garlic-mustard

SAXIFRAGACEAE
*Ribes missouriense*--Missouri gooseberry

ROSACEAE
*Fragaria virginiana*--Wild strawberry
*Potentilla simplex*--Old field cinquefoil
*Geum canadense*--White avens
*Geum aleppicum*--Yellow avens
*Rubus occidentalis*--Black raspberry
*Rosa multiflora*[1]--Multiflora rose
*Rosa carolina*--Prairie rose
*Prunus serotina*--Black cherry
*Prunus virginiana*--Chokecherry
*Crataegus* sp.--Hawthorn
*Amelanchier laevis*--Allegheny serviceberry

FABACEAE
*Trifolium pratense*[1]--Red clover
*Trifolium repens*[1]--White clover
*Melilotus officinalis*[1]--Yellow sweet clover
*Medicago lupulina*[1]--Black medick
*Lotus corniculatus*[1]--Birds-foot trefoil

GERANIACEAE
*Geranium maculatum*--Wild geranium

ANACARDIACEAE
*Rhus radicans*--Poison ivy

ACERACEAE
*Acer saccharum*--Sugar maple

RHAMNACEAE
*Rhamnus cathartica*[1]--Common buckthorn

VITACEAE
*Vitis riparia*--Riverbank grape

TILIACEAE
*Tilia americana*--Basswood

HYPERICACEAE
*Hypericum perforatum*[1]--Common St. John's wort

VIOLACEAE
*Viola sororia*--Woolly blue violet

ONAGRACEAE
*Circaea lutetiana*--Enchanter's nightshade

UMBELLIFERAE
*Daucus carota*[1]--Queen Anne's lace

CORNACEAE
- Cornus racemosa[2]--Grey dogwood

OLEACEAE
- Fraxinus americana--White ash
- Ligustrum vulgare[1]--Common privet

ASCLEPIADACEAE
- Asclepias syriaca--Common milkweed

LABIATAE
- Prunella vulgaris--Selfheal

PLANTAGINACEAE
- Plantago major[1]--Common plantain

CAPRIFOLIACEAE
- Viburnum opulus[1]--European highbush-cranberry
- Viburnum rafinesquianum--Downy arrowwood
- Lonicera prolifera--Yellow honeysuckle
- Lonicera X bella[1]--Hybrid honeysuckle

COMPOSITAE
- Helianthus strumosus--Pale-leaved wood sunflower
- Heliopsis helianthoides--Ox eye
- Chrysanthemum leucanthemum[1]--Ox-eye daisy
- Solidago ulmifolia--Elmleaf goldenrod
- Solidago altissima--Tall goldenrod
- Aster macrophyllus--Large-leaved aster
- Aster novae-angliae--New England aster
- Aster lateriflorus--Calico aster
- Erigeron strigosus--Daisy fleabane
- Cirsium vulgare[1]--Bull thistle
- Cirsium arvense[1]--Canada thistle
- Taraxacum officinale[1]--Common dandelion

Total number of plant species: 72
Number of alien, or non-native, plant species: 25 (35 percent)

This approximately 0.4-acre upland plant community area is part of a larger Critical Species Habitat known as Countryside Woods and consists of second growth, Southern dry-mesic hardwoods. Disturbances to the plant community area include the ad hoc establishment of footpaths and selective cutting of trees. While no Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection, Black haw (Viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Countryside Woods.

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

Plant Community Area No. 2

TYPHACEAE
- *Typha latifolia*--Broad-leaved cat-tail

GRAMINEAE
- *Festuca elatior*[1]--Tall fescue
- *Poa pratensis*[1]--Kentucky bluegrass
- *Hordeum jubatum*[1]--Squirreltail
- *Phalaris arundinacea*[1,2]--Reed canary grass

CYPERACEAE
- *Scirpus validus*--Soft-stemmed bulrush
- *Scirpus fluviatilis*--River bulrush
- *Scirpus atrovirens*--Green bulrush
- *Carex vulpinoidea*--Fox sedge
- *Carex stipata*--Common fox sedge
- *Carex bebbii*--Bebb's oval sedge
- *Carex pellita*--Woolly sedge

JUNCACEAE
- *Juncus tenuis*--Path rush
- *Juncus dudleyi*--Dudley's rush

SALICACEAE
- *Salix nigra*[2]--Black willow
- *Salix interior*--Sandbar willow

URTICACEAE
- *Urtica dioica*--Stinging nettle

POLYGONACEAE
- *Rumex crispus*[1]--Curly dock
- *Polygonum amphibium*--Water smartweed

RANUNCULACEAE
- *Thalictrum dasycarpum*--Tall meadow rue

ROSACEAE
- *Potentilla recta*[1]--Sulfur cinquefoil
- *Geum aleppicum*--Yellow avens
- *Rosa carolina*--Prairie rose
- *Crataegus* sp.--Hawthorn

FABACEAE
- *Trifolium pratense*[1]--Red clover
- *Trifolium repens*[1]--White clover
- *Melilotus officinalis*[1]--Yellow sweet clover
- *Medicago lupulina*[1]--Black medick

ACERACEAE
- *Acer negundo*[2]--Boxelder

RHAMNACEAE
- *Rhamnus cathartica*[1]--Common buckthorn

VITACEAE
- *Vitis riparia*--Riverbank grape

UMBELLIFERAE
- *Daucus carota*[1]--Queen Anne's lace
- *Cicuta maculata*--Spotted water-hemlock
- *Angelica atropurpurea*--Angelica

CORNACEAE
Cornus amomum--Silky dogwood

OLEACEAE
Fraxinus pennsylvanica--Green ash

ASCLEPIADACEAE
Asclepias incarnata--Marsh milkweed
Asclepias syriaca--Common milkweed

CONVOLVULACEAE
Convolvulus arvensis[1]--Field bindweed

LABIATAE
Stachys palustris--Hedge-nettle
Monarda fistulosa--Wild bergamot
Lycopus americanus--Cutleaf bugleweed

PLANTAGINACEAE
Plantago major[1]--Common plantain

CAPRIFOLIACEAE
Lonicera X bella[1]--Hybrid honeysuckle

COMPOSITAE
Ratibida pinnata--Grey-headed coneflower
Ambrosia trifida--Giant ragweed
Chrysanthemum leucanthemum[1]--Ox-eye daisy
Solidago gigantea--Giant goldenrod
Solidago altissima--Tall goldenrod
Solidago graminifolia--Grassleaf goldenrod
Aster novae-angliae--New England aster
Aster simplex--Marsh aster
Arctium minus[1]--Common burdock
Cirsium vulgare[1]--Bull thistle
Cirsium arvense[1]--Canada thistle
Taraxacum officinale[1]--Common dandelion
Lactuca serriola[1]--Prickly wild lettuce
Cichorium intybus[1]--Chicory

Total number of plant species: 58
Number of alien, or non-native, plant species: 22 (38 percent)

This approximately 1.1-acre plant community area is part of the Victory Creek floodplain-wetland complex and consists of fresh (wet) meadow and second growth, Southern wet and wet to wet-mesic lowland hardwoods. Disturbances to the plant community area include past agricultural land management activities, the ad hoc establishment of footpaths, filling for a creekside berm, mowing, siltation and sedimentation due to stormwater runoff from adjacent lands, 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] Alien or non-native plant species
[2] Co-dominant plant species

Plant Community Area No. 3

EQUISETACEAE
Equisetum arvense--Common horsetail

GRAMINEAE
Bromus inermis[1]--Smooth brome grass
Festuca elatior[1]--Tall fescue
Poa pratensis[1]--Kentucky bluegrass
Spartina pectinata--Prairie cordgrass
Phalaris arundinacea[1]--Reed canary grass

SALICACEAE
Salix nigra[2]--Black willow

ULMACEAE
Ulmus americana--American elm

URTICACEAE
Urtica dioica--Stinging nettle

POLYGONACEAE
Rumex crispus[1]--Curly dock
Polygonum pensylvanicum--Pinkweed

RANUNCULACEAE
Thalictrum dasycarpum--Tall meadow rue

ROSACEAE
Geum canadense--White avens
Geum aleppicum--Yellow avens
Prunus americana--Wild plum
Crataegus sp.--Hawthorn

ANACARDIACEAE
Rhus radicans--Poison ivy

ACERACEAE
Acer negundo[2]--Boxelder

RHAMNACEAE
Rhamnus cathartica[1]--Common buckthorn

VITACEAE
Vitis riparia--Riverbank grape

UMBELLIFERAE
Cryptotaenia canadensis[2]--Honewort
Daucus carota[1]--Queen Anne's lace
Cicuta maculata--Spotted water-hemlock

OLEACEAE
Fraxinus pennsylvanica--Green ash

ASCLEPIADACEAE
Asclepias syriaca--Common milkweed

CONVOLVULACEAE
Convolvulus sepium--Hedge bindweed

PLANTAGINACEAE
Plantago major[1]--Common plantain

CAPRIFOLIACEAE
Sambucus canadensis--Elderberry

COMPOSITAE
Helianthus strumosus--Pale-leaved wood sunflower
Heliopsis helianthoides--Ox eye
Rudbeckia laciniata--Green-headed coneflower
Helenium autumnale--Sneezeweed
Bidens sp.--Beggars-ticks
Ambrosia trifida--Giant ragweed
Solidago altissima--Tall goldenrod
Solidago graminifolia--Grassleaf goldenrod
Aster novae-angliae--New England aster
Aster lateriflorus--Calico aster
Aster simplex--Marsh aster
Erigeron strigosus--Daisy fleabane
Cirsium arvense[1]--Canada thistle
Taraxacum officinale[1]--Common dandelion

Total number of plant species: 42
Number of alien, or non-native, plant species: 10 (24 percent)

This approximately 0.9-acre plant community area is part of the Victory Creek floodplain-wetland complex and consists of second growth, Southern wet to wet-mesic lowland hardwoods. Disturbances to the plant community area include past agricultural land management activities, dumping, the ad hoc establishment of footpaths, filling, selective cutting of trees, siltation and sedimentation due to stormwater runoff from adjacent lands, 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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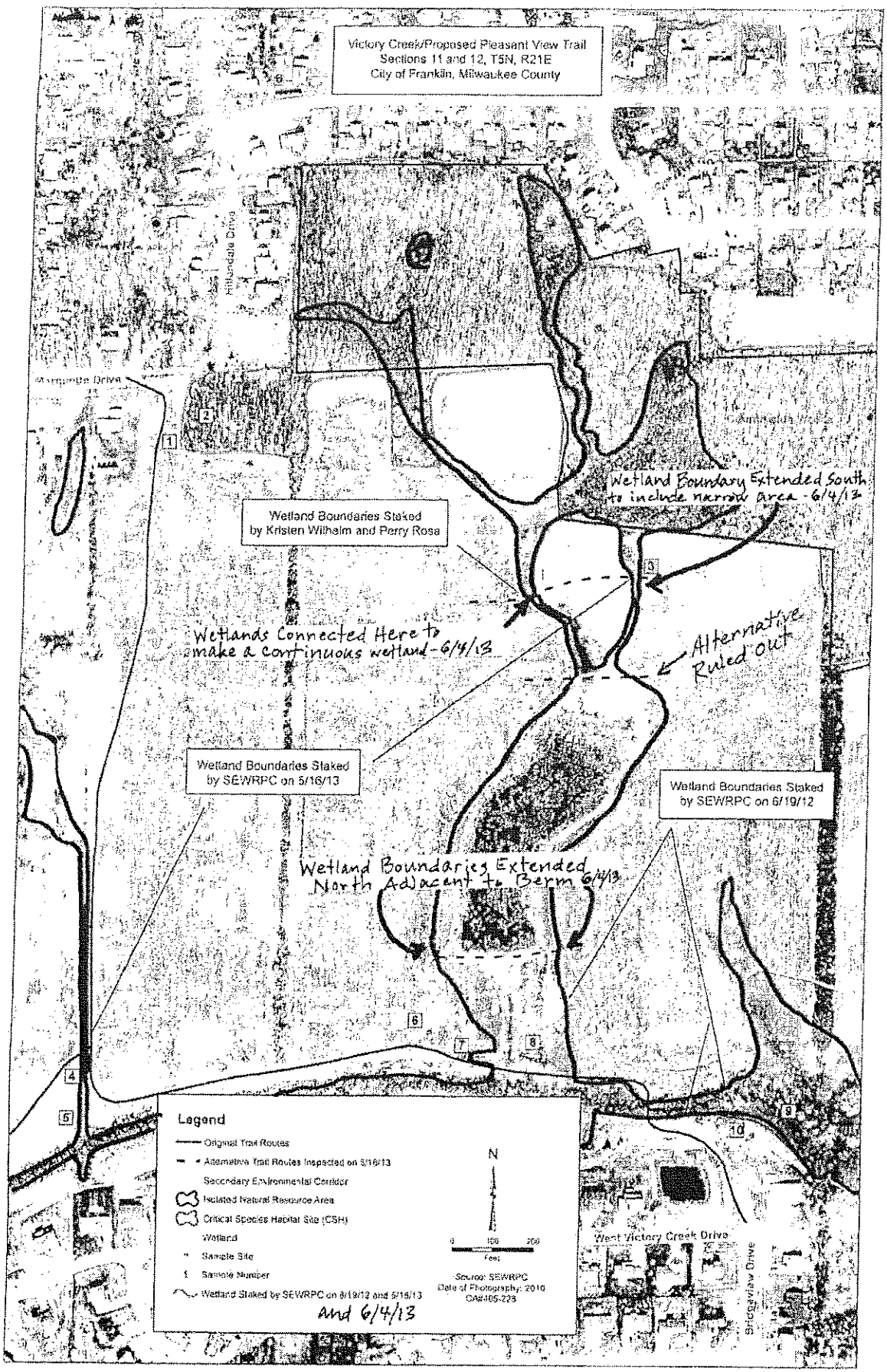
[1] Alien or non-native plant species
[2] Co-dominant plant species

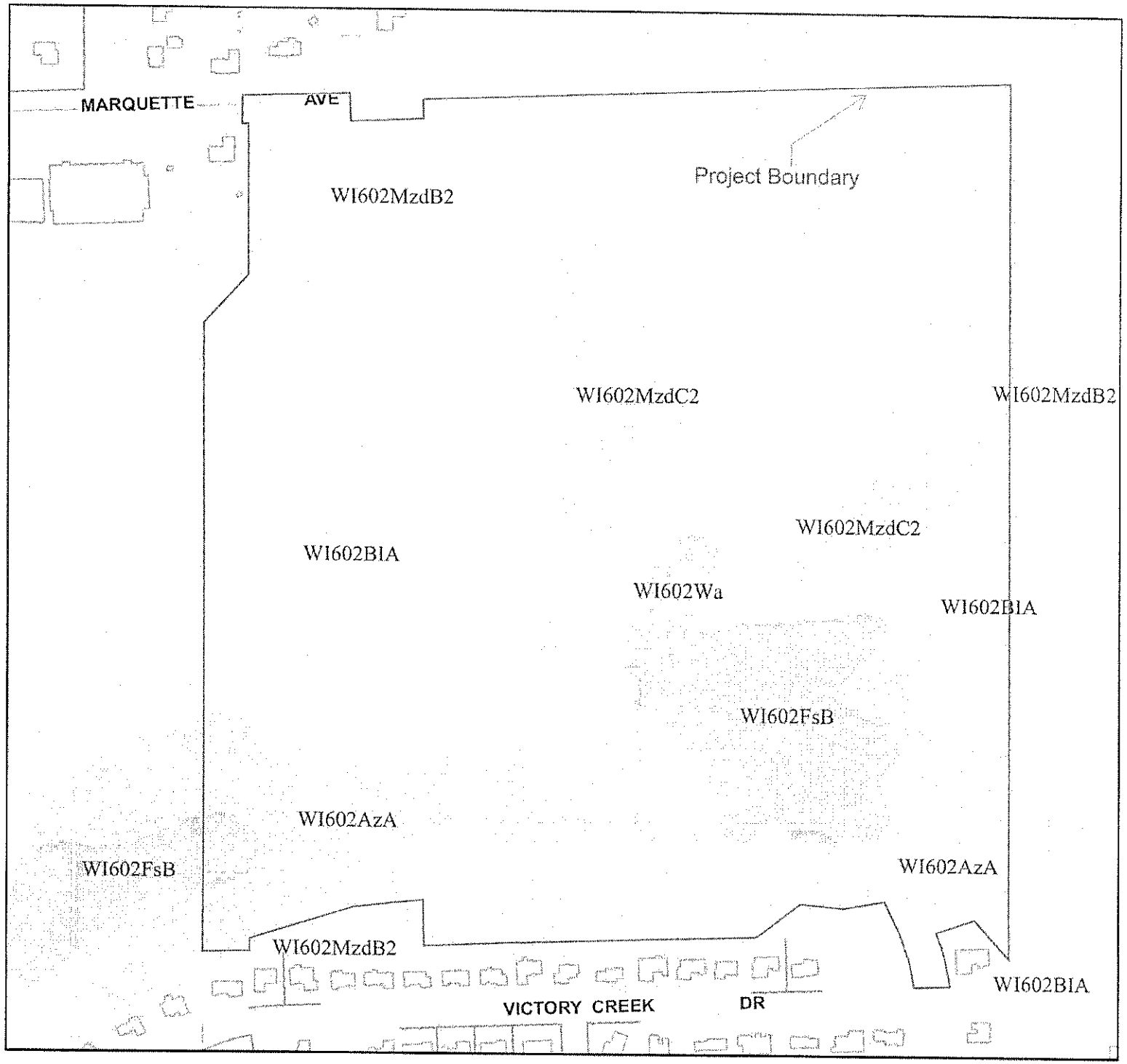

Victory Creek/Proposed Pleasant View Trail
Sections 11 and 12, T5N, R21E
City of Franklin, Milwaukee County
Hillandale Drive
Wetland Boundaries Staked
by Kristen Wilhelm and Perry Rosa
Wetland Boundary Extended South
to include narrow area - 6/4/13
Wetlands Connected Here to
make a continuous wetland - 6/4/13
Alternative
Ruled out
Wetland Boundaries Staked
by SEWRPC on 5/16/13
Wetland Boundaries Staked
by SEWRPC on 6/19/12
Wetland Boundaries Extended
North Adjacent to Berm 6/4/13
West Victory Creek Drive
Legend
Original Trail Routes
Alternative Trail Routes Inspected on 5/16/13
Secondary Environmental Corridor
Isolated Natural Resource Area
Critical Species Habitat Site (CSH)
Wetland
Sample Site
Sample Number
Wetland Staked by SEWRPC on 6/19/12 and 5/16/13
And 6/4/13
N
Feet
Source: SEWRPC
Date of Photography: 2010
CAD:05-228

Legend

Soils

Map Unit Name

- Adrian muck
- Alluvial land
- Ashkum silty clay loam, 0 to 3 percent slopes
- Azatlan loam, 0 to 2 percent slopes
- Azatlan loam, 2 to 6 percent slopes
- Blount silt loam, 1 to 3 percent slopes
- Boyer sandy loam, 1 to 6 percent slopes
- Casco loam, 2 to 6 percent slopes
- Casco loam, 6 to 12 percent slopes, eroded
- Casco sandy loam, 2 to 6 percent slopes
- Casco sandy loam, 6 to 12 percent slopes, eroded
- Casco-Rodman complex, 12-20 percent slopes
- Casco-Rodman complex, 20 to 30 per cent slopes
- Clayey land
- Colwood silt loam
- Dawsmer silt loam, gravelly substratum
- Elliott silt loam, 1 to 3 percent slopes
- Fox loam, 0 to 2 percent slopes
- Fox loam, 2 to 6 percent slopes
- Fox loam, 6 to 12 percent slopes, eroded
- Fox sandy loam, 0 to 2 percent slopes
- Fox sandy loam, 2 to 6 percent slopes
- Fox sandy loam,loamy substratum, 2 to 6 percent slopes
- Fox silt loam, 0 to 2 percent slopes
- Fox silt loam, 2 to 6 percent slopes
- Fox silt loam, 6 to 12 percent slopes, eroded
- Fox silt loam, loamy substratum, 2 to 6 percent slopes
- Gravel Pit
- Grays silt loam, 0 to 2 percent slopes
- Grays silt loam, 2 to 6 percent slopes
- Hebron loam, 0 to 2 percent slopes
- Hebron loam, 2 to 6 percent slopes
- Hebron loam, 6 to 12 percent slopes, eroded
- Houghton muck, 0 to 2 percent slopes
- Juneau silt loam, 1 to 3 percent slopes
- Knowles silt loam, 2 to 6 percent slopes
- Lake Fill
- Lawson silt loam
- Loamy land
- Lorenzo loam, 2 to 6 percent slopes, eroded
- Markham silt loam, 2 to 6 percent slopes
- Martinton silt loam, 1 to 3 percent slopes
- Matherton silt loam, 1 to 3 percent slopes
- Mequon silt loam, 1 to 3 percent slopes
- Miami loam, sandy loam substratum, 12 to 20 percent slopes, eroded
- Montgomery silty clay loam
- Morley silt loam, 12 to 20 percent slopes, eroded
- Morley silt loam, 2 to 6 percent slopes
- Morley silt loam, 2 to 6 percent slopes, eroded
- Morley silt loam, 6 to 12 percent slopes, eroded
- Mundelein silt loam, 1 to 3 percent slopes
- Muskego muck
- Mussey loam
- Navan silt loam
- Ogden muck
- Ozaukee silt loam, 12 to 20 percent slopes, eroded
- Ozaukee silt loam, 2 to 6 percent slopes
- Ozaukee silt loam, 2 to 6 percent slopes, eroded
- Ozaukee silt loam, 6 to 12 percent slopes, eroded
- Pistakee silt loam, 1 to 3 percent slopes
- Quarry
- Ritchey silt loam, 1 to 6 percent slopes
- Ritchey silt loam, mottled subsoil variant, 1 to 3 percent
- Sandy and gravelly land
- Sawmill silt loam, calcareous variant
- Saylesville silt loam, 0 to 2 percent slopes
- Saylesville silt loam, 2 to 6 percent slopes
- Saylesville silt loam, 2 to 6 percent slopes, eroded
- Saylesville silt loam, 6 to 12 percent slopes, eroded
- Sebewa silt loam
- Wallkill silt loam
- Warsaw loam, 0 to 2 percent slopes
- Warsaw silt loam, 0 to 2 percent slopes
- Wasepi sandy loam, 1 to 3 percent slopes
- Water
- Wet alluvial land



**City of Franklin Environmental Commission**

| | |
|---|---|
| TO: | Common Council |
| DATE: | September 13, 2013 |
| RE: | Special Exception application review and recommendation |
| APPLICATION: | City of Franklin, Applicant, dated: August 16, 2013 |

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

1. Unified Development Ordinance Section(s) from which Special Exception is requested: *A Special Exception is requested from Table 15-4.0100 of the UDO for encroachments into wetlands, wetland buffers and wetland setbacks for construction of the Pleasant View/Victory Creek multi-purpose recreational trail.*

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions): *The proposed Pleasant View/Victory Creek trail is a 10-foot wide paved trail that will disturb a total of approximately 754 square feet of wetland, 4,503square feet of wetland buffer and 4,050 square feet of wetland setback.*

3. Applicant's reason for request: *The City of Franklin received and accepted a grant to share in the cost of development of the proposed trail, which is proposed to connect Pleasant View Park, Pleasant View Elementary School and adjacent neighborhoods; therefore, it must cross a wetland area as a wetland runs north and south through the entirety of the project area.*

4. Applicant's reason why request appropriate for Special Exception: *The requested special exception is appropriate because there are no practicable alternatives to the proposed trail location. A wetland complex stretches north/south across the entire length of the project area, which is a unique circumstance affecting the Victory Creek Special Park properties. If the trail did not cross the wetland, it would not make the desired connections between the school, park and adjacent neighborhoods, which is the entire purpose of the trail; therefore, not crossing the wetland would render the trail project incomplete and the alternative would be to simply not construct the trail.*

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *The proposed trail impacts are primarily within an established ad hoc footpath and will not significantly disturb native plant communities. According to a report from the Southeastern Wisconsin Regional Planning Commission, SEWRPC No. CA-405-228, no Federal- or State-designated Special Concern, Threatened or Endangered species were observed during the field inspection of the subject trail route on June 19, 2012. Black haw (viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Countryside Woods. The northern terminus of the proposed trail is adjacent to the western edge of Countryside Woods, which is also a critical species habitat (CSH). However, the trail will not impact the CSH as delineated by SEWRPC.*

2. Storm and flood water storage: *There will be no significant impacts to storm and flood water storage as a result of the proposed trail.*

3. Hydrologic functions: *The proposed trail route crosses the East Branch Root River floodplain wetland complex. This wetland complex is vast, straddling both sides of the East Branch Root River and stretching north across Victory Creek Park into the Countryside Woods critical species habitat. Impacts to wetlands from the proposed trail will have minimal impacts on the overall hydrologic functions of the wetland complex as a whole.*

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *The lands encompassed by Victory Creek Park are protected by a Conservation Easement between the City of Franklin and the Milwaukee Metropolitan Sewerage District (MMSD). The property is part of a plan to prevent future flooding and to protect the water quality by preserving open space and hydric soils at risk for development. The proposed trail is an activity that is consistent with the conservation purposes of the land and an allowable use pursuant to the conservation easement. The trail will not significantly impact the parks ability to protect water quality or filter and store sediments, nutrients and toxic substances.*

5. Shoreline protection against erosion: *The proposed trail route will utilize an existing bridge to cross the East Branch Root River, thereby minimizing impacts to the shoreline.*

6. Habitat for aquatic organisms: *Habitat for aquatic organisms will not be disturbed as the trail route crosses at an area previously disturbed by the ad hoc establishment of a footpath.*

7. Habitat for wildlife: *The proposed trail utilizes an existing bridge to cross the East Branch Root River and the trail crossing follows an area previously disturbed by the ad hoc establishment of a footpath. For these reasons, impacts to wildlife habitat have been minimized.*

8. Human use functional value: *No known impact.*

9. Groundwater recharge/discharge protection: *The proposed trail route crosses the East Branch Root River floodplain wetland complex. This wetland complex is vast, straddling both sides of the East Branch Root River and stretching north across Victory Creek Park into the Countryside Woods critical species habitat. The proposed trail will not significantly impact the wetland complex's overall ability to recharge groundwater and slowly discharge stormwater into the East Branch Root River.*

10. Aesthetic appeal, recreation, education, and science value: *The proposed trail will not degrade the aesthetic appeal, recreation, education, or scientific value of the East Branch Root River or its associated floodplain, and wetlands. On the contrary, the proposed trail will provide access to Victory Creek Park for a greater number of Franklin residents for more numerous recreational opportunities than are currently provided for enjoying the aesthetic appeal of the East Branch Root River, its associated floodplain, and wetlands. In addition, the proposed trail will make the natural resource features of Victory Creek Park more accessible to students at Pleasant View Elementary School for educational opportunities.*

11. State or Federal designated threatened or endangered species or species of special concern: *Black haw (viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Countryside Woods. The northern terminus of the proposed trail is adjacent to the western edge of Countryside Woods, which is also a critical species habitat (CSH). However, the trail will not impact the CSH as delineated by SEWRPC.*

12. Existence within a Shoreland: *Yes, per the Wisconsin Wetland Inventory Map. WDNR approval is required, prior to the commencement of work.*

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *The project area contains a SEWRPC delineated Secondary Environmental Corridor, Isolated Natural Resource Area, and Critical Species Habitat; however, the proposed trail route will either avoid these features or meet SEWRPC regulations.*

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

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The condition giving rise to this request for a Special Exception was not self-imposed by the City, but rather is the result of a wetland complex which runs north/south through the entire project area making it impossible to alter the route of the trail to not impact the wetland.*

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

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

   b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *There are no practicable alternatives to the proposed trail location because a wetland complex stretches north/south across the entire length of the project area. If the trail did not cross the wetland, it would not make the desired connections, which is the entire purpose of the trail; therefore, not crossing the wetland would render the trail project incomplete and the alternative would be to simply not construct the trail.*

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

   a. be consistent with the existing character of the neighborhood: *The proposed Special Exception will not adversely affect the existing character of the neighborhood; and*

   b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The proposed Special Exception will not undermine the ability to apply or enforce natural resource protection requirements with respect to other properties; and*

   c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed Special Exception will be in harmony with the general purpose and intent of the provisions of this Ordinance prescribing the requirement; and*

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *Victory Creek Special Park is an undeveloped specialized recreational area or "special park". Special parks generally contain high quality natural resource features, are limited in active recreational value. The lands encompassed by Victory Creek Park are protected by a Conservation Easement between the City of Franklin and the Milwaukee Metropolitan Sewerage District (MMSD). The property is part of a plan to prevent future flooding and to protect the water quality by preserving open space and hydric soils at risk for development. The proposed trail is an activity that is consistent with the conservation purposes of the land and an allowable use pursuant to the conservation easement.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The wetland complex which runs north/south through the entire project area is an exceptional circumstance which makes it impossible to alter the route of the proposed trail to avoid wetland impacts, while at the same time connecting the park, school and adjacent neighborhoods.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed trail is consistent with the conservation purposes of the Victory Creek Special Park and an allowable use pursuant to the conservation easement. The trail will not significantly impact the parks ability to protect water quality or filter and store sediments, nutrients and toxic substances. The proposed trail will provide better access to Victory Creek Park for an increased number of Franklin residents for several recreational opportunities that are currently not provided for in the park. Therefore, Franklin residents will have better access and more ways to enjoy the aesthetic appeal of the East Branch Root River, its associated floodplain, and wetlands. In addition, the proposed trail will make the natural resource features of Victory Creek Special Park more accessible to students at Pleasant View Elementary School for educational opportunities.*

4. Aesthetics: *The overall aesthetics of the site will not be impacted negatively by the proposed special exception.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The proposed Pleasant View/Victory Creek trail will disturb*

*approximately 754 square feet of wetland, 4,503 square feet of wetland buffer and 4,050 square feet of wetland setback.*

6. Proximity to and character of surrounding property: *Single-Family residences to the north, south and west and park and institutional to the east.*

7. Zoning of the area in which property is located and neighboring area: *Victory Creek Special Park is zoned R-6 Suburban Single-Family Residence District, FW Floodway District, FFO Flood Fringe Overlay District and C-1 Conservancy District. The adjacent subdivisions to the north and south are zoned R-6 Suburban Single-Family Residence District. Finally, Pleasant View Neighborhood Park is zoned P-1 Park District and the Pleasant View Elementary School property is zoned I-1 Institutional District.*

8. Any negative affect upon adjoining property: *The proposed Special Exception will not impact any adjoining properties negatively.*

9. Natural features of the property: *The City is requesting a Special Exception to Natural Resource Feature Provisions of the Unified Development Ordinance to allow a proposed trail to traverse wetlands thereby impacting the wetlands and the associated wetland buffers and wetland setbacks. There are many other natural resource features on the site, which the City is not proposing to impact including: mature woodland, young woodland, wetland, wetland buffer, wetland setback, shore buffer, stream and floodplain.*

10. Environmental impacts: *The proposed Pleasant View/Victory Creek trail will disturb approximately 754 square feet of wetland, 4,503 square feet of wetland buffer and 4,050 square feet of wetland setback.*

**V. Environmental Commission Recommendation:**

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.

2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.

3. The Environmental Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:

a. *That the City obtain all required approvals and permits from the Army Corp of Engineers and the Wisconsin Department of Natural Resources prior to the commencement of work, and require mitigation for the impact to wetlands.*

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 11th day of September, 2013.

Dated this 24th day of SEP, 2013.

Wesley Cannon

Wesley Cannon, Chairman

Attest:

Curtis Bolton, Vice-Chairman

Exhibit C



# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

**Meeting of September 19, 2013**

**Natural Resource Special Exception**

| | |
|---|---|
| **Project Name:** | Natural Resources Special Exception (NRSE) request for the Pleasant View/Victory Creek Trail development |
| **Project Location:** | Immediately south of and east of Pleasant View Elementary School which is located at 4601 W. Marquette Avenue, and east of Pleasant View Neighborhood Park |
| **Applicant:** | The City of Franklin |
| **Property Owner:** | The City of Franklin |
| **Current Zoning:** | R-6 Suburban Single-Family Residence District, FW Floodway & C-1 Conservancy District |
| **2025 Comprehensive Plan:** | Recreational and Areas of Natural Resource Features |
| **Use of Surrounding Properties:** | Single-family to the north and south, vacant land zoned for single-family to the east and Pleasant View Elementary School and Pleasant View Neighborhood Park to the west |
| **Applicant's Action Requested:** | Recommendation to the Plan Commission for approval of the proposed Natural Resource Special Exception (NRSE) |

## INTRODUCTION:

In April 2012, the City of Franklin submitted an application to the Wisconsin Department of Natural Resources for stewardship local assistance programs to construct a trail within the area commonly referred to as Victory Creek Park and Victory Creek Conservation Easement Area. The proposed trail connects Pleasant View Neighborhood Park, Pleasant View Elementary School, the subdivisions to the south, such as Victory Creek Estates, Cooked Creek and High View Estates and the subdivisions to the north, such as Rawson Heights and Countryside Estates.

The City was subsequently awarded grants from the State of Wisconsin Stewardship Program and the National Recreational Trails Grant Program. At their February 19, 2013 meeting, the Common Council accepted the grant agreements provided by the WDNR.

The construction of the trail will impact wetlands located on the subject properties as delineated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The City of Franklin is requesting approval of a Special Exception to Natural Resource Feature Provisions to allow the Pleasant View/Victory Creek Trail to cross the wetlands, wetland buffers and wetland setbacks associated with the route identified as Alternate 1 on the map included with the Alternative Analysis. There will be approximately 754 square feet of wetland impacts, 4,503 square feet of impacts to the wetland buffer and 4,050 square feet of wetland setback impacts.

At their April 24, 2013 meeting, the Environmental Commission reviewed and recommended approval of a Natural Resource Special Exception (NRSE) Application for Alternate 3. Following that meeting, the Plan Commission and Common Council denied the NRSE Application for Alternate 3 and selected Alternate 1 as the preferred trail route. Accordingly, staff has prepared the new NRSE Application for Alternate 1.

At their September 11, 2013 meeting, the Environmental Commission recommended approval of the northern route, Alternate 1.

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

**PROJECT DESCRIPTION:**

On August 16, 2013, Mayor Thomas Taylor signed the NRSE Application for the Pleasant View/Victory Creek Trail project, allowing staff to complete the NRSE process requirements.

Attached are materials prepared by Planning staff, the Engineering Department and the SEWRPC, which identify and describes the natural resource features being impacted and the amount of impacts. SEWRPC conducted field assessments on June 19, 2012, May 16, 2013 and June 4, 2013 of the selected and two other alternate trail routes. Staff received a letter from SEWRPC, dated September 10, 2012, which included a map from the field assessment and a vegetation survey. Staff also received a revised map delineating wetland areas for the northern route after the most recent site visit by SEWRPC on June 4th.

Based upon the information described above, the impacts resulting from the grading and paving of the trail include:

- Approximately 754 square feet (0.017 acres) of wetland impacts
- Approximately 4,503 square feet (0.10 acres) of wetland buffer impacts
- Approximately 4,050 square feet (0.09 acres) of wetland setback impacts

Planning staff has provided further details in the NRSE Question and Answer Form and the Alternative Analysis submitted to the WDNR (attached). Staff found no reasonable alternatives to avoid the wetland impacts. The wetland runs north/south across the entire length of the project area. The trail must cross the wetland to provide the desired connections between the school, park and adjacent neighborhoods. Not making these connections would defeat the purpose of the trail. Furthermore, the trail is proposed to cross the wetlands in areas that were previously disturbed, so native plant communities will not be disturbed significantly. It can be noted from a review of historic aerial photographs that the bridge over the East Branch of the Root River has been present at least as far back as 1956 and the trail will have minimal impacts to storm and flood water storage and is consistent with the conservation purposes of the land. It can also be noted that the preferred route, Alternate 1, would impact 3,303 square feet of wetlands less than the previously reviewed route.

Similar to other Natural Resource Special Exceptions requests, *Staff recommends that the City obtain all required approvals and permits from the Army Corp of Engineers and the Wisconsin Department of Natural Resources, prior to the commencement of work*. The WDNR General Permit for the wetland disturbances was mailed on August 23rd; therefore, City staff has submitted the necessary applications to other governmental agencies and are awaiting approval, as required by Section 15-9.0110.D. of the Unified Development Ordinance, which requires "Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit."

The subject application is not proposing mitigation. Staff believes the wetland impacts to the site have been minimized by locating the northern crossing within an area of historical disturbance (an existing ad hoc footpath mowed by area residents) and utilizing an existing bridge. Furthermore, the trail project is a benefit to and serves the general public.

If mitigation for the proposed wetlands impacts is desired, below are several options to consider, which staff believes are commensurate with the proposed disturbance.

In 2010 the Friends of Franklin Parks, in cooperation with the City of Franklin Parks Department and the Milwaukee Area Land Conservancy, planted 75 Oak Trees adjacent to the Countryside Woods, which is located along the northern portion of the subject project area. The oak tree saplings were provided free of charge by the Livings Lands & Waters Million Trees Project in partnership with Milwaukee's Argosy Foundation. Management of this planting, including dead or damaged tree replacement, pruning, etc. could be continued.

- Exotic/Invasive plant species control. There may be an opportunity to collaborate with The Conservation Fund in an effort to control the presence of a highly invasive plant species within the project area. The Conservation Fund has expressed a desire to treat an approximately 20-foot diameter area of Common Reed (Phragmites australis) with an herbicide application.
- Restore and replant appropriate areas adjacent to the trail with a native wetland seed mix.
- Utilize enhanced soil stabilization, erosion control measures and landscaping practices within the project area.
- Coordinate with the Friends of Franklin Parks to perform one or more buckthorn removal events within the project area.

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. An off-street trail in this general vicinity is illustrated on Map 7.4 Bicycle and Pedestrian Circulation Facilities of the 2025 Comprehensive Master Plan. In addition, the trail is consistent with trail locations depicted on Map 7.1 Existing and Planned Public Outdoor Recreation Sites: 2010 of the City's Comprehensive Outdoor Recreation Plan.

## CONCLUSION:

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

Project Area

The West 10 acres of the West 30 acres of the East One-half (1/2) of the Southeast One-quarter (1/4) of Section Eleven (11), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, excepting therefrom the North 45 feet for street purposes.

Further excepting therefrom part of the Northeast One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Eleven (11), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said 1/4 Section; thence South 87° 28' 04" West along the South line of said 1/4 Section 495.00 feet to a point; thence North 00° 03' 43" West parallel with the East line of said 1/4 Section, 2,145.23 feet to the point of beginning of this description; thence continuing North 00° 03' 43" West, 434.17 feet to a point on the North line of said 1/4 Section; thence North 87° 47' 45" East along said North line, 100.07 feet to a point; thence South 00° 03' 43" East and parallel with the East line of said 1/4 Section, 387.82 feet to a point; thence South 42° 49' 16" West, 146.95 feet to the point of beginning. (Document No. 7812422)
Further excepting that part previously platted as Victory Creek Estates.

Also know as a part of the Southwest One-quarter (1/4) of Section Twelve (12) and part of the Southeast One-quarter (1/4) of Section Eleven (11), both in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of said Section 12; thence North 87° 47' 47" East along the North line of the Southwest 1/4 of said Section, 1,332.41 feet to a point; thence South 00° 01' 35" West, 2,016.85 feet to a point; thence North 40° 03' 33" West, 121.71 feet to a point; thence South 70° 57' 44" West 89.95 feet to a point; thence South 88° 30' 16" West, 84.45 feet to a point; thence Northwesterly 230.99 feet along the arc of a curve whose center lies to the West, whose radius is 620.00 feet and whose chord bears North 32° 03' 50" West, 229.66 feet to a point; thence North 42° 44' 14" West, 70.66 feet to a point; thence South 89° 35' 29" West, 837.78 feet to a point; thence South 72° 15' 33" West, 351.03 feet to a point; thence Southwesterly 92.57 feet along the arc of a curve whose center lies to the North, whose radius is 300.00 feet and whose chord bears South 81° 05' 55" West, 92.20 feet to a point; thence South 89° 56' 17" West, 142.26 feet; thence North 00° 03' 43" West, 1,274.06 feet to a point; thence North 42° 49' 16" East, 146.95 feet to a point; thence North 00° 03' 43" West, 342.73 feet to a point; thence North 87° 47' 45" East, 394.82 feet to a point; thence North 00° 03' 43" West, 45.03 feet to the point of beginning.
Containing 3,122,205 square feet or 71.68 acres.

Tax Key No. 787-9997-001

The East 60 acres of the West One-half (1/2) of the Southwest One-quarter (1/4), except the South 5 acres of the West 10 acres of the East 20 acres of the West One-half (1/2) of the West One-half (1/2) of the Southwest one-quarter (1/4) of Section Twelve (12), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin.
Further excepting that part previously platted as Victory Creek Estates.

Tax Key No. 787-998-001

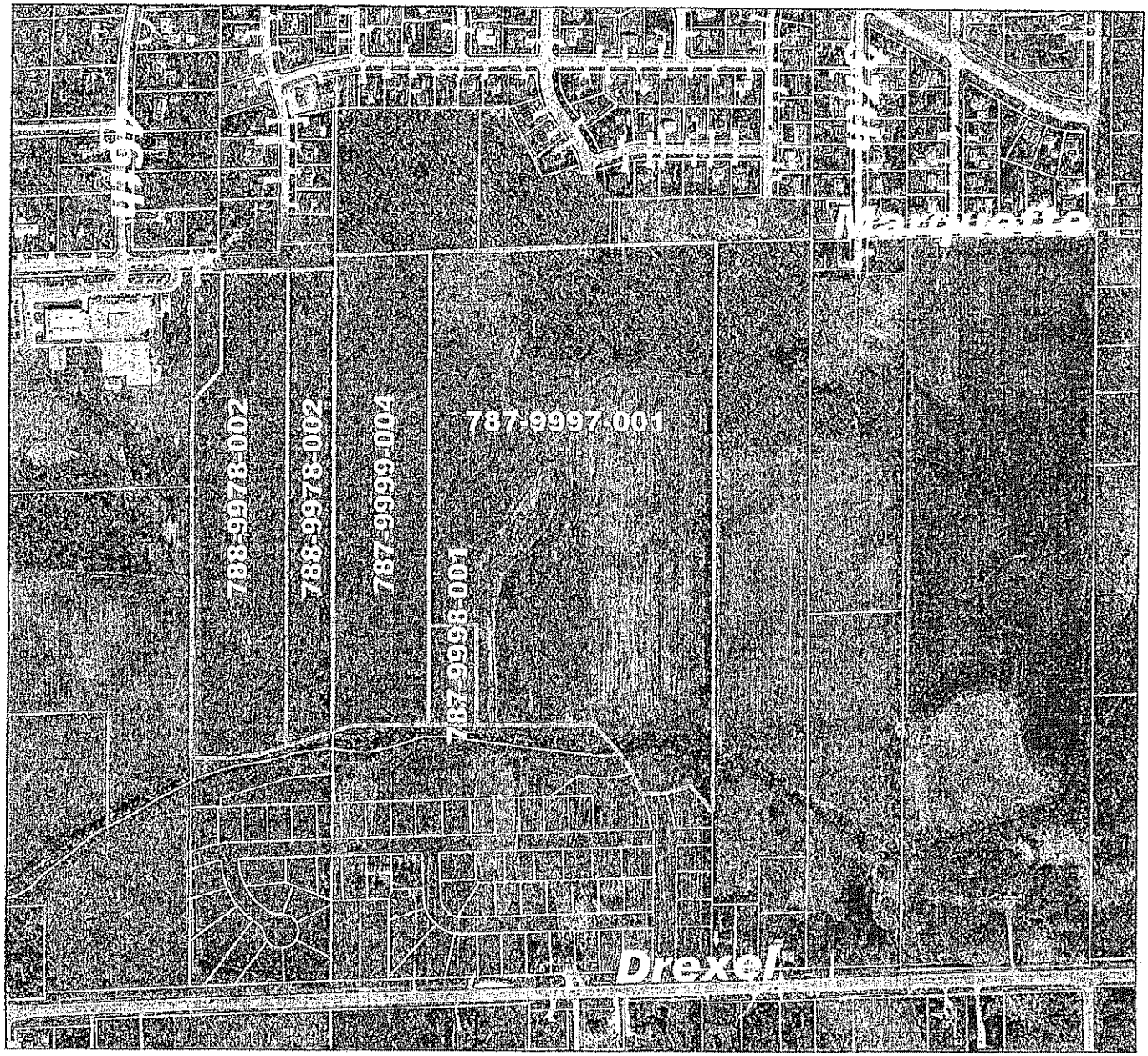
The South 5 acres of the West 10 acres of the East 20 acres of the West One-half (1/2) of the West One-half (1/2) of the Southwest One-quarter (1/4) of Section Twelve (12), Township Five (5) North, Range

Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, except the North 15.25 feet of the South 40 feet thereof.
Further excepting that part previously platted as Victory Creek Estates.

Tax Key No. 787-9999-004
The West 20 acres of the West One-half (1/2) of the Southeast One-quarter (1/4) of Section Twelve (12), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, excepting therefrom Certified Survey Map No. 4994, and the Southerly 40 feet for street purposes.
Further excepting that part previously platted as Victory Creek Estates.

Tax Key No. 788-9977-001
The East 10 acres of the East One-half (1/2) of the Southeast One-quarter (1/4) of Section Eleven (11), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, excepting therefrom the North 45 feet for street purposes.
Further excepting that part previously platted as Victory Creek Estates.

Tax Key No. 788-9978-002
The West 10 acres of the East 20 acres of the East One-half (1/2) of the Southeast One-quarter (1/4) of Section Eleven (11), Township Five (5) North, Range Twenty-one (21) East, except the North 45 feet for street and the South 40 feet for street purposes.
Further excepting that part previously platted as Victory Creek Estates.




**Victory Creek**

*City of Franklin*

Victory Creek Parcels

0 .05 0.1 0.2 0.3 0.4 0.5 Miles

| APPROVAL<br>Slw | REQUEST FOR<br>COUNCIL ACTION | MEETING DATE<br>October 7, 2013 |
|---|---|---|
| REPORTS AND RECOMMENDATIONS | A Resolution Awarding Bid to the Lowest Bidder for the Installation of Victory Creek Bituminous Trail Beginning at the Intersection of W. Victory Creek Drive and S. Bridge Street and Ending at The 4500 Block of W. Marquette Avenue (subject matter also upon the Common Council meeting agenda for October 1, 2013) | ITEM NUMBER<br>III. B. |

Attached are the Council Action Sheet(s) and supporting materials as contained in the October 1, 2013 Council meeting agenda packet. Staff expects at the time of this writing and following action upon the natural resources special exception item upon the agenda for this meeting, if approved, to have sufficient information to recommend approval of the attached draft resolution, which is to be updated by the time of this meeting, to delete most if not all of the contract execution conditions.

## COUNCIL ACTION REQUESTED

A motion to adopt A Resolution Awarding Bid to the Lowest Bidder for the Installation of Victory Creek Bituminous Trail Beginning at the Intersection of W. Victory Creek Drive and S. Bridge Street and Ending at The 4500 Block of W. Marquette Avenue.

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE October 1, 2013 |
|---|---|---|
| REPORTS AND RECOMMENDATIONS | Pleasant View/Victory Creek Trail Development Project Status; A Resolution Awarding Bid to the Lowest Bidder for the Installation of Victory Creek Bituminous Trail Beginning at the Intersection of W. Victory Creek Drive and S. Bridge Street and Ending at The 4500 Block of W. Marquette Avenue (Bid Award subject matter also currently additionally scheduled for a Special Common Council meeting on October 7, 2013) | ITEM NUMBER |

The Common Council at its regular meeting on August 20, 2013 directed staff to let the trail construction project for public bid and to return the subject matter to the Council no later than October 1, 2013. The status of same is that bids have been returned, as described in the additional Council Action Sheet attached hereto on this item, which includes the above-mentioned draft resolution, which also describes the pending status of the other agency application reviews pending at the time of this writing. In addition, the City application for a special exception to natural resources provisions under the Unified Development Ordinance is also pending and remains the subject of a public hearing continued by the Plan Commission to its meeting on October 3, 2013. City staff has been in substantial contact with the other reviewing agencies involved and expects to be in a position by on October 7, 2013 to recommend deletion of probably all of the conditions set forth for contract execution currently in the attached draft resolution. Staff may also be able to provide such further information at this meeting. While the subject matter has been appropriately noticed for this meeting, staff recommends that action on the resolution awarding bid await the Common Council's review of same at a Special Common Council meeting currently scheduled for October 7, 2013 at 6 p.m.

## COUNCIL ACTION REQUESTED

As the Common Council may deem appropriate.

| APPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE<br><br>10/1/13 |
|---|---|---|
| Reports & Recommendations | **SUBJECT:** A resolution awarding bid to the lowest bidder for the installation of Victory Creek Bituminous Trail beginning at the intersection of W. Victory Creek Drive and S. Bridge Street and ending at the 4500 block of W. Marquette Avenue | **ITEM NO.** |

## BACKGROUND

Pursuant to the direction of the Common Council relative to obtaining bids for the construction of the Victory Creek Bituminous Trail, please be advised that the City received two bids for the construction of said trail. The Assistant City Engineer did a take-off final estimate prior to bidding and the low bid was $6,000 less than the engineering estimate with a low bid of $193,195.00.

## ANALYSIS

Staff has reviewed the bids and recommends an award of bids to the low bidder, Western Contractors, for the amount of $193,195.00. Without a contingency amount, the total cost of the trail including the bridge deck, structural review and other miscellaneous expenses is $220,145.57. One reason the costs are higher than the grant application estimate is that using the selected alternate the length of the trail has increased by 29 percent (see attached worksheet). As an alternate, it would be possible to award only Section A" and "B." (Note: "C" is the section of the trail to Pleasant View Park.) Staff does not recommend leaving out Section "C" as it will be necessary and more than likely would be a higher cost if completed at another time.

## OPTIONS

Adopt resolution awarding bids

or

Table

## FISCAL NOTE

Please note that a Council Action has been included on the agenda to cover the overage costs.

## RECOMMENDATION

Motion to approve Resolution No. 2013- _____, a resolution awarding bid to the lowest bidder for the installation of Victory Creek Bituminous Trail beginning at the intersection of W. Victory Creek Drive and S. Bridge Street and ending at the 4500 block of W. Marquette Avenue .

JMB/sg

9/25/13
RJR

# COST SUMMARYS AND COMPARISON
## VICTORY CREEK BITUMINOUS TRAIL
## CITY OF FRANKLIN
## FALL, 2013

Grant Estimated Project Total: $193,440
(Based on 3,400 LF of Trail)

Present Project Cost and Total:

| | Sections A & B (3,954 LF) | Sections A, B & C (4,324 LF) |
|---|---|---|
| • Trail as Bid | $167,735 | $193,195 |
| Modified for Archeological Find (add 65 LF) | 2,252 | 2,252 |
| • Advertisement | 400 | 400 |
| • Bridge Rehabilitation | | |
| Structural Evaluation | 7,250 | 7,250 |
| Decking/Rails | 14,990 | 14,990 |
| • DNR Fees | | |
| Permit | 500 | 500 |
| NOI | 140 | 140 |
| • Archeological Survey | 1,418.57 | 1,418.57 |
| Present Project Cost | $194,685.57 | $220,145.57 |
| Contingency (10%) | 19,464.43 | 22,014.43 |
| Project Total | $214,150.00 | $242,160.00 |

Comparison of Grant vs. Project Total Based on Trail Length

Present A, B & C 4,389 LF
Grant 3,400 LF = 1.29 (29% more length)

Then
1.29 x $193,440 = $249,708

# VICTORY CREEK BITUMINOUS TRAIL
## CITY OF FRANKLIN

| ITEM NO. | BID QUANTITY | UNIT | UNIT DESCRIPTION AND UNIT PRICE WRITTEN | Engineer's Estimate UNIT PRICE | Engineer's Estimate TOTAL PRICE | Western Contractors UNIT PRICE | Western Contractors TOTAL PRICE | BCF Construction UNIT PRICE | BCF Construction TOTAL PRICE | AVG UNIT PRICE |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 3,800 | LF | Silt Fence | $2.00 | $7,600.00 | $1.90 | $7,220.00 | $1.00 | $3,800.00 | $1.45 |
| 2 | 1 | Lump Sum | Clear and Grub | $2,000.00 | $2,000.00 | $7,000.00 | $7,000.00 | $1,100.00 | $1,100.00 | $4,050.00 |
| 3 | 1,220 | Cu. Yds | Strip and Stockpile Topsoil | $10.00 | $12,200.00 | $8.00 | $9,760.00 | $30.00 | $36,600.00 | $19.00 |
| 4 | 300 | Cu. Yds | Unclassified Excavation | $20.00 | $6,000.00 | $12.00 | $3,600.00 | $50.00 | $15,000.00 | $31.00 |
| 5 | 100 | Cu. Yds | Undercut/Replace Unsuitable Material | $35.00 | $3,500.00 | $27.00 | $2,700.00 | $25.00 | $2,500.00 | $26.00 |
| 6 | 2,340 | Tons | Granular Base Course | $25.00 | $58,500.00 | $18.50 | $43,290.00 | $16.00 | $37,440.00 | $17.25 |
| 7 | 38 | LF | 30" x 19" RCP | $75.00 | $2,850.00 | $100.00 | $3,800.00 | $105.00 | $3,990.00 | $102.50 |
| 8 | 40 | LF | 15" RCP | $65.00 | $2,600.00 | $80.00 | $3,200.00 | $75.00 | $3,000.00 | $77.50 |
| 9 | 275 | LF | 4" Pipe Underdrain Wrapped | $8.00 | $2,200.00 | $15.00 | $4,125.00 | $25.00 | $6,875.00 | $20.00 |
| 10 | 1 | Lump Sum | Concrete Ramp to Victory Creek Drive | $3,000.00 | $3,000.00 | $5,000.00 | $5,000.00 | $2,500.00 | $2,500.00 | $3,750.00 |
| 11 | 740 | Tons | 3" Bituminous Path | $85.00 | $62,900.00 | $86.00 | $63,640.00 | $100.00 | $74,000.00 | $93.00 |
| 12 | 4,800 | Sq. Yds | Restoration | $3.00 | $14,400.00 | $3.00 | $14,400.00 | $3.00 | $14,400.00 | $3.00 |
| | | | **TOTAL BASE BID (Items 1-12)** | | $177,750.00 | | $167,735.00 | | $201,205.00 | |
| 13 | 100 | LF | Silt Fence | $2.00 | $200.00 | $1.90 | $190.00 | $1.00 | $100.00 | $1.45 |
| 14 | 1 | Lump Sum | Clear and Grub | $500.00 | $500.00 | $4,800.00 | $4,800.00 | $500.00 | $500.00 | $2,650.00 |
| 15 | 200 | Cu. Yds | Strip and Stockpile Topsoil | $10.00 | $2,000.00 | $8.00 | $1,600.00 | $30.00 | $6,000.00 | $19.00 |

## VICTORY CREEK BITUMINOUS TRAIL
## CITY OF FRANKLIN

| ITEM NO. | BID QUANTITY | UNIT | UNIT DESCRIPTION AND UNIT PRICE WRITTEN | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | AVG UNIT PRICE |
|---|---|---|---|---|---|---|---|---|---|---|
| 16 | 20 | Cu. Yds | Undercut/Replace Unsuitable Material | $35.00 | $700.00 | $27.00 | $540.00 | $50.00 | $1,000.00 | $38.50 |
| 17 | 300 | Tons | Granular Base Course | $25.00 | $7,500.00 | $18.50 | $5,550.00 | $16.00 | $4,800.00 | $17.25 |
| 18 | 44 | LF | 38" x 24" RCP | $80.00 | $3,520.00 | $120.00 | $5,280.00 | $120.00 | $5,280.00 | $120.00 |
| 19 | 75 | Tons | 3" Bituminous Path | $85.00 | $6,375.00 | $86.00 | $6,450.00 | $100.00 | $7,500.00 | $93.00 |
| 20 | 350 | Sq. Yds | Restoration | $3.00 | $1,050.00 | $3.00 | $1,050.00 | $3.00 | $1,050.00 | $3.00 |
| | | | **ALTERNATE TOTAL BASE BID (Items 1-20** | | $199,595.00 | | $193,195.00 | | $227,435.00 | |

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2013 - _____

A RESOLUTION AWARDING BID TO THE LOWEST BIDDER FOR THE INSTALLATION OF VICTORY CREEK BITUMINOUS TRAIL BEGINNING AT THE INTERSECTION OF W. VICTORY CREEK DRIVE AND S. BRIDGE STREET AND ENDING AT THE 4500 BLOCK OF W. MARQUETTE AVENUE

---

WHEREAS, the City of Franklin has received a National Recreational Trails Grant and a State of Wisconsin Stewardship – Acquisition and Development of Local Park Grant for construction of the Victory Creek bicycle/pedestrian trail; and

WHEREAS, the City of Franklin advertised and solicited bids for the installation of a bicycle/pedestrian bituminous trail; and

WHEREAS, Western Contractors was the lower of two bids received with a bid of $193,195.00; and

WHEREAS, Western Contractors is a qualified public works contractor that has previously completed similar trails in the southeastern portion of the state; and

WHEREAS, staff has applied for a Department of Natural Resources wetland permit, an Army Corp of Engineers wetland permit and an archeological investigation required by the grant requirement, which at the present time has not been received; and

WHEREAS, the applications for wetland disturbance are still in the approval process and the City has not received the final report from the archeologist on the required archeological study, staff recommends award of bids to the lower bidder, Western Contractors, subject to the received of said approvals and approved archeological study with the contract not being signed until such time the approvals are received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Western Contractors be awarded the contract for the construction of the Victory Creek bituminous bicycle/pedestrian trail based on their bid for a cost of $193,195.00 in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with Western Contractors on behalf of the City only after the City has received wetland approvals from the Wisconsin Department of Natural Resources and Army Corp of Engineers and has received an archeological survey that meets the standards of the funding grant.

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 _____