

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, AUGUST 8, 2019, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of July 18, 2019.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **MILLS HOTEL WYOMING, LLC SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.** Natural Resource Features Special Exception application for portions of two properties, by Mills Hotel Wyoming, LLC, for the purpose of clearing, grading, filling and developing approximately 1.2 acres of mature woodlands (removal of approximately 70 trees) to create Bear Franklin subdivision, an 87 lot subdivision with 83 lots and 4 outlots, properties generally located at the southwest corner of West Ryan Road and South 112th Street, property 1 being zoned R-6 Suburban Single-Family Residence District, Tax Key No. 891-9009-000; property 2 being zoned R-2 Estate Single-Family Residence District and C-1 Conservancy District, Tax Key No. 892-9993-001. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
 2. **GREGORY DAVID MARSO SINGLE-FAMILY RESIDENCE CONSTRUCTION [recommendation to Board of Zoning and Building Appeals].** Application by Gregory David Marso for an Area Exception from Table 15-3.0204 of the Unified Development Ordinance to allow for a maximum lot coverage of 19% (5,215 square feet), exceeding the R-3E Suburban/Estate Single-Family Residence District maximum lot coverage standard of 0.15 or 15% (4,117 square feet), for property located at 7570 South Kensington Way (Lot 59 of Wyndham Hills Addition No. 1 Subdivision), for construction of a single-family residence structure (which will increase lot coverage by approximately 4%), property zoned R-3E Suburban/Estate Single-Family Residence District and C-1 Conservancy District; Tax Key No. 837-0235-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
- D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)
1. **OZINGA READY MIX CONCRETE, INC. CHANGE OF DAYS AND HOURS OF OPERATION OF THE TEMPORARY PORTABLE CONCRETE BATCH PLANT.**

Franklin Plan Commission Agenda

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Temporary Use Amendment application by Ozinga Ready Mix Concrete, Inc., to further change the days and hours of operation of the temporary, portable concrete batch plant located partly on the existing parking lot (former golf dome property) for the purpose of revisioning/resurfacing the north and southbound lanes of Interstate 94 beginning at Highway G (Racine County) north to College Avenue (Milwaukee County); batch plant operation for 8 months, from April 1, 2019 to November 30, 2019, with proposed days and hours of operation Monday through Saturday, 5:00 a.m. to 8:00 p.m., property located at 11027 South 27th Street, zoned Planned Development District No. 39 (Mixed-Use Business Park), FC Floodplain Conservancy District and FW Floodway District; Tax Key No. 978-9998-000.

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

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

REMINDERS:

Next Regular Plan Commission Meeting: August 22, 2019

City of Franklin
Plan Commission Meeting
July 18, 2019
Minutes

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the July 18, 2019 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners, Patricia Hogan, Adam Burckhardt, Kevin Haley, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused was Commissioner David Fowler. Also present was Planning Manager Joel Dietl.

B. Approval of Minutes

1. Regular Meeting of June 20, 2019.

Commissioner Burckhardt moved and Alderman Dandrea seconded approval of the June 20, 2019 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (5-0-1).

C. Public Hearing Business Matters

1. MILLS HOTEL WYOMING, LLC MIXED-USE

DEVELOPMENT. Comprehensive Master Plan Amendment and Rezoning applications by Mills Hotel Wyoming, LLC, (Eugene and Marlene Magarich, property owners), to amend the Future Land Use Map designation of Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001), from Business Park Use to Residential Use, and to rezone that area of land from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, property generally located at 11327 West Ryan Road; Tax Key No. 892-9993-001 [*the Rezoning and Comprehensive Master Plan Amendment are contingent upon land transfer or Final Plat recording*]..

Planning Manager Joel Dietl presented the request by Mills Hotel Wyoming, LLC, (Eugene and Marlene Magarich, property owners), to amend the Future Land Use Map designation of Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001), from Business Park Use to Residential Use, and to rezone that area of land from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, property generally located at 11327 West Ryan Road; Tax Key No. 892-9993-001 [*the Rezoning and Comprehensive Master Plan Amendment are contingent upon land transfer or Final Plat recording*].

Comprehensive Master Plan

Alderman Dandrea moved and Commissioner Haley seconded a motion to approve a Resolution recommending the adoption of an Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 future land use map for property generally located at 11327 West Ryan Road (Outlot 2 of the approved preliminary plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from business park use to residential use, pursuant to Wis. Stat. §66.1001(4)(b). On voice vote, all voted ‘aye’.

Motion carried (5-0-1).

The Official Notice of Public Hearing for the rezoning was read into the record by Planning Manager Joel Dietl and the Public Hearing was opened at 7:05pm and closed at 7:10pm.

Rezoning

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone Outlot 2 of the approved preliminary plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001) from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (generally located at 11327 West Ryan Road) (approximately 1.1665 acres). On voice vote, all voted 'aye'. Motion carried (5-0-1).

D. Business Matters

1. OAKES ESTATES SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.

Preliminary Plat application by Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, for a 20 lot subdivision with 16 single-family residence lots and 4 Outlots proposed for stormwater management (Outlots No. 1 and No. 4) and to accommodate wetlands and wetland buffer areas (Outlots No. 2 and No. 3), average lot size 0.79 acres (34,412 square feet) (R-3E zoning district requires a minimum of 0.57 acres per lot size (25,000 square feet)) [the subdivision plat connects South Cambridge Drive, from north to south and the plat connects South 92nd Street with Warwick Way, from west to east], property located at approximately South 92nd Street and West Woelfel Road, zoned R-3E Suburban/Estate Single-Family Residence District; Tax Key No. 754-9998-000.

Planning Manager Joel Dietl presented the request by Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, for a 20 lot subdivision with 16 single-family residence lots and 4 Outlots proposed for stormwater management (Outlots No. 1 and No. 4) and to accommodate wetlands and wetland buffer areas (Outlots No. 2 and No. 3), average lot size 0.79 acres (34,412 square feet) (R-3E zoning district requires a minimum of 0.57 acres per lot size (25,000 square feet)) [the subdivision plat connects South Cambridge Drive, from north to south and the plat connects South 92nd Street with Warwick Way, from west to east], property located at approximately South 92nd Street and West Woelfel Road, zoned R-3E Suburban/Estate Single-Family Residence District; Tax Key No. 754-9998-000.

City Engineer Morrow moved and Commissioner Haley seconded a motion to recommend approval of a Resolution conditionally approving a Preliminary Plat for Oakes Estates Subdivision (at approximately South 92nd Street and West Woelfel Road), with the conditions that the stormwater pond shapes be more natural looking and with sidewalks on at least one side of all streets. On voice vote, four voted 'aye' and one voted 'nay'. Motion carried (4-1-1).

2. SOUTHBROOK CHURCH EXPANSION. Site Plan Amendment

Planning Manager Joel Dietl presented the request by Southbrook Church, Inc., for construction of an

application by Southbrook Church, Inc., for construction of an approximately 21,800 square foot addition to the north side of the existing Southbrook Church (for a new worship area, fellowship area and classroom space) to be connected to the existing building with a pitched roof atrium space with clerestory windows [previously, the applicant indicated that the existing stormwater ponds and parking lots were oversized as part of a 2013 Site Plan Amendment, to accommodate this and other future additions; the proposed addition removes a fire lane (that was constructed as part of the 2016 building addition) and a portion of the eastern parking lot, to accommodate the proposed addition to the church building, and in exchange, the applicant is proposing a new small parking lot to the west of the proposed addition, and a partial fire lane/access to the north side of the proposed addition], property zoned I-1 Institutional District, located at 11010 West St. Martins Road; Tax Key No. 799-9967-012.

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City Engineer Morrow moved and Commissioner Hogan seconded a motion to remove condition number 8 from the draft resolution. On voice vote, all voted 'aye'. Motion carried (5-0-1).

City Engineer Morrow moved and Commissioner Hogan seconded a motion to approve a Resolution amending the Site Plan for property located at 11010 West St. Martins Road to allow for an approximately 21,800 square foot addition to the north side of the existing Southbrook Church building, along with removal of an existing fire lane and a portion of the eastern parking lot, and addition of a new parking lot to the west of the addition and a partial fire lane/access to the north side of the addition (Southbrook Church) (Tax Key No. 799-9967-012) with the condition that the new driveway does not need to provide curb and gutter and subject to the previous motion to remove condition number 8 of the draft resolution. On voice vote all voted "aye". Motion carried (5-0-1).

3. FAITHWAY RESERVE SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.

Final Plat application by Rick J. Przybyla, President of Creative Homes, Inc., to create 8 single-family residential lots (12,216 square feet to 38,783 square feet lot size), property zoned R-6 Suburban Single-Family Residence District, located at 7711 South 76th Street, bearing Tax Key No. 885-0022-000 [Lot 1 will be accessible from

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Commissioner Hogan moved and Commissioner Burckhardt seconded a motion to recommend approval of a Resolution

South 76th Street, Lots 2 and 3 will have access from West Faith Drive and the remaining lots will front the cul-de-sac portion of West Faith Drive].

conditionally approving a Final Plat for Faithway Reserve Subdivision (at 7711 South 76th Street). On voice vote, all voted “aye”. Motion carried (5-0-1).

Adjournment

Commissioner Hogan moved and Commissioner Burckhardt seconded a motion to adjourn the Plan Commission meeting of July 18, 2019 at 7:40 p.m. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

DRAFT

City of Franklin
Plan Commission Meeting
July 18, 2019
Minutes

unapproved

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Adjournment

Commissioner Hogan moved and Commissioner Burckhardt seconded a motion to adjourn the Plan Commission meeting of July 18, 2019 at 7:40 p.m. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

DRAFT



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of August 8, 2019

Natural Resource Special Exception

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

Project Name:	Bear Franklin Subdivision Natural Resource Special Exception (NRSE)
Project Address:	Generally located southwest of the intersection of Ryan Road and 112 th Street (Tax Key Numbers 891-9009-000 and 892-9993-001)
Applicant:	S.R. Mills, Mills Hotel Wyoming, LLC
Property Owner:	Mills Hotel Wyoming, LLC and Eugene & Marlene Magarich
Current Zoning:	R-6 Suburban Single-Family Residence District, R-2 Estate Single-Family Residence District, C-1 Conservancy District
2025 Comprehensive Plan:	Residential and Business Park
Use of Surrounding Properties:	Single family residential to the north, agricultural land to the east, west, and south
Applicant's Action Requested:	Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE).

INTRODUCTION:

By application date stamped April 19, 2019, and by additional information submitted on June 25, 2019, Mr. Daniel Szczap of Bear Development LLC, on behalf of the subject property owner, is requesting approval of a Natural Resource Special Exception to impact mature woodlands in order to construct a proposed single-family residential subdivision on the subject lands.

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

NATURAL RESOURCE SPECIAL EXCEPTION (NRSE):

More specifically, the applicant is proposing to:

- Construct a 87-lot single-family residential subdivision, and associated public streets, sidewalks, and stormwater management ponds.
- Clear, grade, fill and develop approximately 1.2 acre of protected natural resource features comprised of mature woodlands.

The applicant has provided the attached Natural Resource Special Exemption Application, Project Description, Natural Resource Special Exception Question and Answer Form, and associated information. Staff would note:

- The applicant has not proposed any mitigation in its submittal materials. But at the July 24, 2019 Environmental Commission meeting, the applicant had indicated that they were open to the concept of mitigation comprised of some type of management and/or enhancement of the large woodland in Oulot 3 located immediately southwest of the subdivision plat.
- The applicant has applied for, and received, an artificial wetland exemption determination from the Wisconsin Department of Natural Resources for the small wetland located within the northern portion of the woodlands. A letter from the U.S. Army Corps of Engineers, dated February 25, 2019, was also provided indicating a determination that the wetland is not a water of the United States. Therefore, the wetland (and associated setbacks and buffers) are also exempt from City regulation.
- The wetland delineation was prepared by an Assured Delineator.

ENVIRONMENTAL COMMISSION:

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. Attached is a draft, unsigned document titled, "City of Franklin Environmental Commission" that the Environmental Commission must complete and must 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.

The Environmental Commission, at its July 24, 2019 meeting, has recommended approval of the NRSE with the following conditions:

- Subject to approval of a Conservation Easement.
- Mitigation standards to be determined by the Plan Commission and Common Council.
- Inclusion of a woodland management plan for five years for the purpose of enhancing both woodland and wildlife succession.

CONCLUSION:

City Development staff recommends approval of the Natural Resource Special Exception for the Oak Ridge of Franklin subdivision plat subject to the conditions of approval in the attached draft Standards, Findings, and Decision.

City of Franklin Environmental Commission

TO: Common Council
DATE: July 24, 2019
RE: Special Exception application review and recommendation
APPLICATION: Mills Hotel Wyoming, LLC, Applicant, dated: April 19, 2019
(generally Southwest of West Ryan Road and South 112th Street)

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:
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):
3. Applicant's reason for request:
4. Applicant's reason why request appropriate for Special Exception:

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:
2. Storm and flood water storage:
3. Hydrologic functions:
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:
5. Shoreline protection against erosion:

6. Habitat for aquatic organisms:
7. Habitat for wildlife:
8. Human use functional value:
9. Groundwater recharge/discharge protection:
10. Aesthetic appeal, recreation, education, and science value:
11. State or Federal designated threatened or endangered species or species of special concern:
12. Existence within a Shoreland:
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

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):
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:
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *; and*
 - b. not effectively undermine the ability to apply or enforce the requirement 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: *; and*

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:
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:
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:
4. Aesthetics:
5. Degree of noncompliance with the requirement allowed by the Special Exception:
6. Proximity to and character of surrounding property:
7. Zoning of the area in which property is located and neighboring area:
8. Any negative affect upon adjoining property:
9. Natural features of the property:
10. Environmental impacts:

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] [denial] 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.
 - b.
 - c.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the _____ day of _____, 2019.

Dated this ____ day of _____, 2019.

Arthur Skowron, Chairman

Attest:

Wesley Cannon, Vice-Chairman

Draft 8/8/19

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

Whereas, Mills Hotel Wyoming, LLC, applicant, having filed an application dated April 19, 2019, 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 July 24, 2019 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 August 8, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the properties which are the subject of the application for a Special Exception are generally located Southwest of West Ryan Road and South 112th Street, zoned R-6 Suburban Single-Family Residence District (property 1) and R-2 Estate Single-Family Residence District and C-1 Conservancy District (property 2), and such properties are more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated April 19, 2019, by Mills Hotel Wyoming, LLC, applicant, 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*,_____.

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: _____.

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

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement 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:_____; *and*

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:_____.
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: _____.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:_____.
4. Aesthetics:_____.
5. Degree of noncompliance with the requirement allowed by the Special Exception: _____.
6. Proximity to and character of surrounding property: _____.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived*.
9. Natural features of the property: _____.
10. Environmental impacts:_____.
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 _____ 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 and mitigation areas upon the properties 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 prior to the issuance of any Occupancy Permits;*
- 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 Mills Hotel Wyoming, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance; and*
- 4) that the applicant shall prepare a Woodland Mitigation Plan incorporating a combination of native woodland plantings, invasive species removal, and a five year woodland management plan to incorporate both woodland and wildlife succession enhancement for Department of City Development review and approval prior to issuance of any Building Permits.*

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 _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

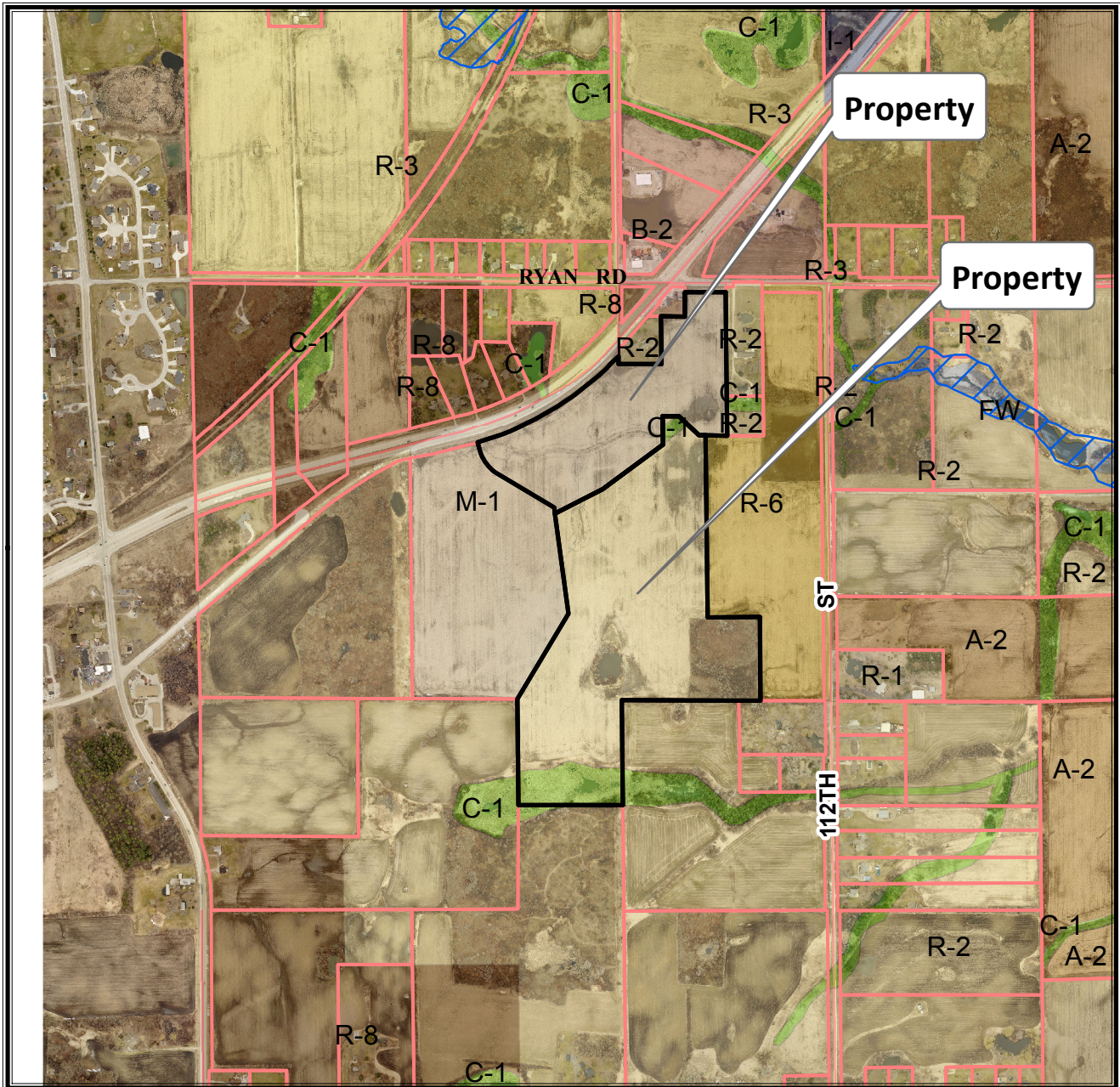
Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

TKNs: 891 9008 000 and 891 9010 000



Planning Department
(414) 425-4024

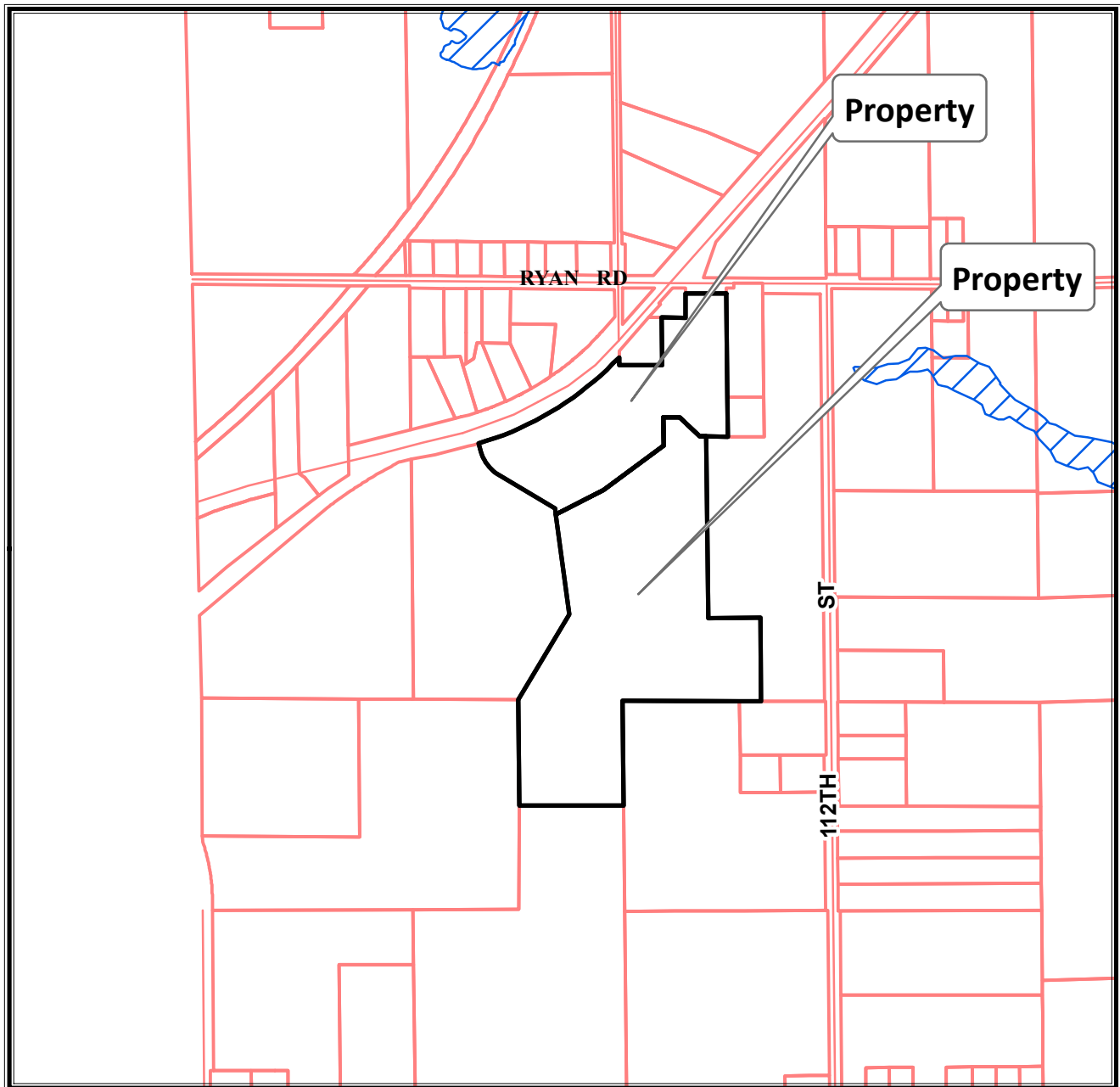
0 600 1,200 2,400 Feet

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.


NORTH
2017 Aerial Photo



TKNs: 891 9008 000 and 891 9010 000



Planning Department
(414) 425-4024

0 600 1,200 2,400 Feet

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



City of Franklin

Department of City Development

Date: July 1, 2019

To: S. R. Mills, Mills Hotel Wyoming, LLC
Daniel Szczap, Bear Development, LLC

From: Department of City Development

RE: Bear Development NRSE – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Natural Resource Special Exception submitted by Daniel Szczap and date stamped by the City of Franklin on April 19, 2019.

Please note that these corrections must be included within the application materials to be submitted by July 15, 2019 for the July 24th Environmental Commission, and by July 29th for the August 8th Plan Commission, meetings.

Mills Wyoming, LLC has submitted all requested documents and exhibits, with the exception of Conservation Easements which require City Staff, Environmental Commission and Plan Commission input and direction.

Unified Development Ordinance (UDO) Requirements

1. Please complete and submit the attached Natural Resources Special Exception Question and Answer Form as required by Section 15-9.0110C. of the UDO.

Please see attached completed Natural Resources Special Exception Question and Answer Form.

2. Please prepare a Conservation Easement for City review and approval encompassing all natural resource features to be protected as required by Section 15-5.0109A. of the UDO.
 - a. This must also include any mitigation areas and measures as may be approved as part of the NRSE.

Mills Hotel Wyoming, LLC will prepare Conservation Easements upon receiving feedback from the City of Franklin on specific lands and locations.

Please note that Conservation Easement notation was included on CSM #9095 for the wetlands located on Lot 83 (Strauss) and the large wooded area on Outlot 3 as a condition of CSM #9095 approval. Lot grading for Lots 51,52 and 59-61 do not encroach upon the Conservation Easement Area.

Since we have not received formal or specific feedback for City Staff on any future mitigation areas or measures, a Conservation Easement cannot be prepared

at this time. Upon receipt of detailed direction and input from the Environmental Commission and Plan Commission, Mills Hotel Wyoming, LLC will prepare Conservation Easements.

Staff Recommendations

3. The Natural Resource Protection Plan submitted as part of this NRSE Application is dated January 30, 2019. The NRPP previously submitted as part of the Preliminary Plat submittal is dated April 25, 2019. Please make sure the most up-to-date plan materials are being provided.

Twelve (12) copies of the NRPP dated April 25, 2019 are enclosed for your review and reference.

4. Staff recommends that the NRSE be revised to include the woodland impacts associated with lots 51, 52, and 59 – 61 of the preliminary plat.

The woodland impacts have been calculated and are included in the NRSE request. Our impacts are located outside of the Conservation Easement area shown on CSM #9095 and the Preliminary Plat and are minimal.

- a. Staff suggests that any other possible natural resource impacts be identified now, and included as part of the NRSE, so any future NRSE's could be avoided.

The NRSE is limited to the woodland impacts identified in the project materials. We do not anticipate the need for any future NRSE.

5. Staff recommends that mitigation be provided for the woodland impacts similar to those standards set forth in Section 15-4.0103B. of the UDO, adjusted to exclude the northern tree line where a number of dead Green Ash are located. Staff further recommends that the woodland mitigation be located in Outlot 4 adjacent to the woodlands to remain, or within Outlot 2 or 3 (outside of any stormwater ponds and stormwater easements).

We look forward to having **detailed** discussions regarding mitigation on the Outlots identified. We require further direction on the exact location of the "northern tree line" as noted.

- a. Please note that the City Engineer would like to encourage you to consider funding additional street trees within or adjacent to your development as either a component of, or in lieu of, the standard mitigation noted above.

We look forward to having **detailed** discussions regarding mitigation ideas brought forth by the City Engineer.

Natural Resource Special Exception Question and Answer Form

Section 1: Per Section 15-9.0110, Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature of this Ordinance shall include the following:

- A. Name and address of the applicant and all abutting and opposite property owners of records.
(Please attach supplemental documents as necessary)

Applicant: **Mills Hotel Wyoming, LLC**
4011 80th Street
Kenosha, WI 53142

Abutting Property Owners:

Robert Diedrich
11111 W. Ryan Road
Franklin, WI 53132

John Umke
8320 Virginia Circle
Wind Lake, WI 53185

Eugene & Marlen Magarich
11327 W. Ryan Road
Franklin, WI 53132

Sharon Kessman
W2143 N54448
Menomonee Falls, WI 53051

Ignasiak investment Company, LLC
3132 Ravine Way
Green Bay, WI 54301

Daniel Kaminski
9880 S. 112th Street
Franklin, WI 53132

Michael & Katherine Delemont
9917 S. 112th Street
Franklin, WI 53132

James Meisenheimer
9951 S 112th Street
Franklin, WI 53132

Franklin
JUL 31 2019
City Development

**Ruth Grandlich
11722 W Oakwood Rd
Franklin, WI 53132**

**Daniel & Virginia Mathson
19370 Killarney Way
Brookfield, WI 53045**

**Franklin One, LLC
333 Bishops Way #160
Brookfield, WI 53005**

**Mills Hotel Wyoming, LLC
4011 80th Street
Kenosha, WI 53142**

**Steve Vallee / Colleen Damack
11808 W. Loomis Road
Franklin, WI 53132**

**Chad Zolecki
11736 W. Loomis Road
Franklin, WI 53132**

**A&E Realty, LLC
11835 W. Ryan Road
Franklin, WI 53132**

**Mary & Michael MacDonald
11555 W. Loomis Road
Franklin, WI 53132**

- B. Plat of survey. Plat of survey prepared by a registered land surveyor showing all of the information required under §15-9.0102 of this Ordinance for a Zoning Compliance Permit.

Please see attached.

- C. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:

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

15-4.0101

15-4.0102

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

According to the NRPP the entire site includes 6.99 acres of Mature Woodlands. The NRPP dated 4/23/2019 assumes 0.83 acres of total impact. However, the grading plan was not advanced to the level of detail it currently is.

The total acreage of the wooded land located between 112th Street and the Magarich property is .96 acres. The grading plan contemplates that these trees must be removed to facilitate public streets, public utilities and grading/drainage. A certified arborist classified 57% of the trees to be in a dead or poor condition.

Lots 51 & 52

Approximately 2500 square feet of woodland on Lot 51 may be impacted by grading. Approximately 6229 square feet of woodland on Lot 52 may be impacted by grading

Lots 59, 50 & 61

This area is essentially a wooded fence line that is connected to the woodlot. Grading limits do not encroach upon the woodland located on Lot 59

A field inlet is proposed just inside the canopy line of Lot 60. While we do not believe the tree line will be impacted, a conservative approach would be 200 square feet of woodland impact.

A proposed extension of public water main (for serving other properties) is shown to cross a wooded fence line and the impact is 15' x 60' or 900 square feet. The same water main easement has the same effect on Lot 61, 15' x60' or 900 SF.

Summary

Public Right of Way grading, utility installation and lot grading for Aster Street, Bergamont Drive and Lots 8-14, Lot 79 =	.96 acres (41,817 SF)
Lot 51 =	.05 acres (2500 SF)
Lot 52 =	.14 acres (6299 SF)
Lot 59 =	0
Lot 60 =	.025 acres (1100 SF)
Lot 61 =	.020 acres (900 SF)

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

As part of the mass grading, underground utility construction and public roadway construction, Mills Hotel Wyoming, LLC is requesting approval of a Natural Resource Special Exception to remove limited amounts of existing trees and underbrush to facilitate the development, in accordance with the approved Conceptual Plan, TIF Project Plan and Preliminary Plat.

Enclosed as part of this submittal, are detailed survey exhibits and grading plans showing the location of the trees/underbrush in relation to the proposed improvements of the project.

4. Statement of the reasons why the 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:

The City of Franklin Plan Commission and City Council has approved a Conceptual Master Plan, TIF Project Plan and Preliminary Plat for this property. All of the submitted documents for these City of Franklin approvals have shown unavoidable impacts to woodlands in the area of request.

Further, the largest area of impact is the area west of 112th Street and south of W. Ryan Road. According to historical aerial photos, the specific area was used for driveway access purposes to the adjacent property until the 1960's. At some point the driveway was abandoned and tree cover resumed. It is also within the general overland drainage path of the larger Mills Hotel Wyoming property. As such, the property has not been actively farmed, but previously disturbed.

In general, the area exhibits a low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Only two (2) Oak trees were present on the site. Based on the species mix and general condition of the vegetation, the grove is indicative of an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

a. Background and Purpose of the Project.

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

The project is part of the recently approved Ryan Meadows Preliminary Plat. The Preliminary plat includes Single-Family Residential homes sites and Limited Industrial lots. The project was approved as a Concept Plan, TIF Project Plan and Preliminary Plat. Appropriate zoning amendments and Comprehensive Plan Amendments have been previously approved by the City Plan Commission and Common Council. Construction Plans are included.

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

New Construction

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

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

The layout of the project, including public right-of-ways, public utilities and lot grading occur in these particular areas and cannot be avoided based on best practices and professional engineering design.

b. Possible Alternatives.

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

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

The project was designed to release stormwater at the location it currently drains, which is at the 112th Street ditch. The Aster Street entrance was located based on the distance from the intersection of 112th Street and W. Ryan Road and interior public utility design.

It is necessary to impact the woodlands to install public utilities and public streets to accommodate the approved project.

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

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

It is not possible to develop the property without impacting the woodlands as shown. It is necessary to extend utilities through this particular area, as it is the historic overland drainage path of a significant watershed. Further, to access the site from 112th Street public roadways must be constructed.

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

The project cannot be reduced in size and meet the project needs. The home sites and roadways have been factored into the financial model on which TID #6 was based upon.

- iv. State what geographic areas were searched for alternative sites.

None

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

As record owners of the property we did not seek or research other sites in the area. It is assumed that there are other areas in the City of Franklin that do not exhibit these unique conditions. However, this property has been included in TID #6 and planned for development by the City of Franklin.

- vi. State what will occur if the project does not proceed.

If the project does not proceed, the anticipated tax increment contemplated by TID #6 will not be generated.

c. Comparison of Alternatives.

- i. 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.

Possible alternatives were not considered as the City of Franklin has approved the Conceptual Plan, TID #6 Project Plan and Ryan Meadows Preliminary Plat in its current design. Over \$250,000.00 has been spent on design engineering, due diligence and surveying to produce construction plans for the approved Preliminary Plat. Costs of re-design and re-engineering would be significant.

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

The entire 135 acres of the approved plan drains through the area of woodland impact. Because of this fact, the storm water management plan for the project follows the natural drainage pattern. Public utilities and roads were designed around this design constraint.

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

Please see above.

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

N/A

- d. 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 does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

The project should proceed because it implements the best design practices and engineering to develop this unique site. Further, the design has been previously approved.

Further, the woodland resources that will be impacted consists of low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

- e. 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.

Please see enclosed Tree Survey

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

- i. Diversity of flora including State and/or Federal designated threatened and/or endangered species.

Please see enclosed Tree Survey.

- ii. Storm and flood water storage.

The property is not in a designated floodplain or floodway. The improvements contemplated on the Construction Plans will markedly improve the quantity, quality and rate of water draining from the site.

iii. Hydrologic functions.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided.

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

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The improvements contemplated on the Construction Plans will markedly improve the quantity, quality and rate of water draining from the site.

v. Shoreline protection against erosion.

N/A

vi. Habitat for aquatic organisms.

N/A

vii. Habitat for wildlife.

Habitat loss of approximately 1 acre may occur. The impacts occur in an isolated group of dead and dying trees within very close proximity to an established farmstead and public roadway. While there may be a loss of habitat, the habitat should be classified as marginal at best.

viii. Human use functional value.

The proposed areas of impacts are not being used for any type of human use. The area consists of an overgrown abandoned driveway. The approved project includes significant open spaces which will be used for residents use and enjoyment.

ix. Groundwater recharge/discharge protection.

Groundwater discharge will be regulated by the storm sewer design which will incorporate any existing drain tiles into the storm sewer system.

x. Aesthetic appeal, recreation, education, and science value.

The impacted area consists of a low-quality stand of trees, many of which are dead or dying. The planned street trees within the

subdivision will provide aesthetic appeal. There is no educational or scientific function to the impacted areas.

- xi. Specify any State or Federal designated threatened or endangered species or species of special concern.

Owners are not aware of any State or Federal designated threatened or endangered species on our site.

- xii. Existence within a Shoreland.

N/A

- xiii. 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 property in question does not include any land designated as Primary or Secondary Environmental Corridor as defined by SEWRPC.

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

The installation of professionally engineered/designed storm sewer through the area of impact will correct overland drainage issues currently occurring at 112th Street. Further, on-site storm water detention will improve the quality and rate of storm drainage leaving the site.

- 5. Date of any previous application or request for a Special Exception and the disposition of that previous application or request (if any).

N/A

- D. 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. *(Please attach accordingly)*

Section 2: Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature, per Section 15-10.0208B.2. of the Unified Development Ordinance.

- a. 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 request for Natural Resource Exception is based on the fact that the areas of impact are either minimal or occur in areas of degraded woodland that are located

on previously disturbed areas. Documentation of the situation is enclosed for review and reference.

The condition is not self-imposed as a Master Conceptual Plan, TID Project Plan and Preliminary Plat have been approved by the Common Council. All documents indicated development occurring in the area of impact.

b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- i. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. There is no reasonable alternative to impacting the woodlands as requested without being unreasonably burdensome to the overall project economics, including TID #6.

; or

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

Applicant represents that the denial of the NRSE would be unreasonable and negatively impact the applicants proposed use of the property based on the fact that the impacts are minimal and occur in areas of degraded woodland that are located on previously disturbed areas. There are no reasonable alternatives for relocating public streets and underground utilities within the planned development.

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

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

The proposed woodland impacts and resulting development will be consistent with the neighborhood and consistent with the existing zoning and Comprehensive Plan.

; and

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

The situation and conditions related to this project are unique as the affected property lies within an established TID District and Preliminary Plat which was evaluated and approved by the City of Franklin. Further, the impacts are to natural resources that were evaluated by an arborist and classified as low-quality.

Other properties seeking the same relief would need to meet similar standards.

; and

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

Applicant represents that the unique circumstances involved with this request is what the NRSE process was intended for.

; and

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

The applicant understands and agrees to place Conservation Easements on other natural resource features within the site, including any areas of mitigation. Further, the project calls for significant installation and maintenance of municipal street trees.

- d. In making its determinations, the Common Council shall consider factors such as:

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

The proposed improvements which cause the need for the NRSE include public roadways, underground utilities and lot grading which have been evaluated through the Preliminary Plat process. The improvements will not negatively affect surrounding properties.

- ii. 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 exceptional, extraordinary or unusual circumstance is that the resource being impacted has been designated as low quality by a Certified Arborist, is located on lands that were previously disturbed, and the property has been included in a TID Project Plan whereby the resulting improvements are necessary to generate tax increment.

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

The future use of the property has been affirmed through recent zoning, Comprehensive Plan Amendment and Plat.

The future improvements will be permanent.

- iv. Aesthetics:

There will be no negative impact to aesthetics. The resulting development will be a single-family neighborhood with required street trees of quantity and quality exceeding what is currently existing.

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

Considering the that the area of impact was previously disturbed and nature and overall health of the trees, the NRSE is not over-reaching.

- vi. Proximity to and character of surrounding property:

Applicant owns the adjacent properties.

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

Zoning in the general area is generally Residential.

- viii. Any negative affect upon adjoining property:

There are no negative affects to the surrounding property. Rather, the proposed improvements will have a positive affect be improving the existing drainage situation. Currently, overland drainages crosses over 112th Street. In the future condition stormwater will be detained, settled and released at a slower rate.

- ix. Natural features of the property:

The woodland resources that will be impacted consists of low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

- x. Environmental impacts:

There are no other environmental impacts associated with the NRSE with exception to the reduction of approximately 1.00 acre of woodlands. As part of the project, a significant number of street trees will be required.



April 12, 2019

Mr. Ben Kohout
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Re: Mills Hotel Wyoming – Natural Resource Special Exception

Dear Mr. Kohout:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for a Natural Resource Special Exception. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

Property Information

Mills Wyoming Hotel, LLC is the owner of record of approximately 131.50 acres of vacant land in the City of Franklin. The land is located on the south sides of STH 36, south of West Ryan Road and west of 112th Street.

The property in question was previously approved for Conceptual Plan approval and zoning reclassification by the City Plan Commission and Common Council. Further, the property is included in the area commonly known as Planning Area G, included in Tax Increment District #6 and subject to a Development Agreement outlining specific development plans for the property. Included in our submittal is the Conceptual Plan that was approved by the City of Franklin.

The property subject to the Natural Resource Special Exception is part of Tax Key 891-9009 and is located south of West Ryan Road and west of 112th Street. The specific area includes a grove of trees with a canopy covering approximately 1.017 acres. The vegetated cover consists of a mix of trees and underbrush.

According to historical aerial photos, the specific area was used for driveway access purposes to the adjacent property until the 1960's. At some point the driveway was abandoned and tree cover resumed. It is also within the general overland drainage path of the larger Mills Hotel Wyoming property. As such, the property has not been actively farmed, but previously disturbed.

Specific Request

As part of the mass grading, underground utility construction and public roadway construction, Mills Hotel Wyoming, LLC is requesting approval of a Natural Resource Special Exception to remove

Franklin
JUL 31 2019
City Development

the existing trees and underbrush to facilitate the development, in accordance with the approved Conceptual Plan.

Enclosed as part of this submittal, are detailed survey exhibits and grading plans showing the location of the trees/underbrush in relation to the proposed improvements of the project.

Natural Resource Protection Plan

Due to the timing of the project as set forth in the Development Agreement, this area was designated as Mature Woodlands on the NRPP without a detailed Tree Survey being completed. Mills Hotel Wyoming had the understanding that the City Staff, Plan Commission and Council were aware that this area had to be disturbed to facilitate the approved development plans.

Based on the Tree Survey, it is difficult to determine if these area would be classified as Mature or Young Woodland, or either based on the amount of dead trees and lack of continuous canopy.

Tree Survey & Existing Conditions

At the request of the City Planning Department, Bear Development completed a tree survey. The Tree Survey was completed by Wachtel Tree Science, Inc. under the direction of Nathan Schuettpeitz, ISA Certified Arborist, WI-0887 AM.

The trees survey was completed in February 2019. Existing trees greater than 8" DBH were identified, measured and evaluated based on overall condition. The tree survey inventory and exhibit are enclosed for your review and reference.

In general, the area exhibits a low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Only two (2) Oak trees were present on the site. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

Artificial Wetland

Within the canopy of the identified trees, exists a man-made pond. The pond is identified as man-made on the Wetland Delineation and its surrounded by spoil castings and is fed by concrete pipe. The pond is approximately 20' in diameter and is assumed that the pond serves as an outlet for existing agricultural tiles drainage. The pond drainage eventually makes its way to the 112th Street ditch and culverts, before going to Ryan Creek.

While it was identified as a wetland, Bear requested review by the Wisconsin Department of Natural Resources, and it was subsequently deemed as an Artificial Wetland. Artificial wetlands are permissible to fill. As part of the Natural Resource Exception we are respectfully requesting the City acknowledge the artificial nature of the wetland, as it is also within the grading limits of the project.

Proposed Use

Enclosed for your reference is the proposed Grading Plan for the property in question, with the identified trees overlaid. You will find that the trees fall within the either public streets or grading limits for future home sites. The Grading Plan, Public Street layout and location of building sites is

in compliance with the approved Concept Plan. The public streets were specifically located to accommodate storm drainage.

We appreciate your time and consideration of this matter and respectfully request approval of the Natural Resource Exception to disturb the identified features on the project site. Please note that our project includes the permanent preservation of significant open space and the planting of public street trees. We feel that these features compensate for the disturbance necessary to facilitate our project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, dan@beardevelopment.com

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Szczap", with a long horizontal flourish extending to the right.

Daniel Szczap
Bear Development, LLC

Tag #	Species-Common Name	DBH	Condition Class
668	Bur Oak	16	good
669	Silver Maple	29/12/8	poor
670	Boxelder	9	fair
671	Black Cherry	8	poor
672	Green Ash	15	poor
673	Black Cherry	10	poor
674	Green Ash	10	poor
675	Apple	8	poor
676	Bur Oak	10	good
677	Black Cherry	9	fair
678	Green Ash	9	poor
679	Green Ash	9	poor
680	Silver Maple	45	fair
681	Silver Maple	21/15/13	poor
682	Black Cherry	10	fair
683	Black Cherry	10	fair
684	Green Ash	11	poor
685	Bur Oak	9	good
686	Silver Maple	33	good
687	Silver Maple	21	poor
688	Silver Maple	39	fair
689	Common Hackberry	22	good
690	Silver Maple	27	fair
691	Black Cherry	12	dead
692	Silver Maple	24	poor
693	Black Cherry	8	fair
694	Green Ash	9	poor
695	Green Ash	9	poor
696	Boxelder	10/8	poor
697	Silver Maple	10	fair
698	Silver Maple	25	fair
699	Green Ash	11	poor
700	Silver Maple	10/9/7	good
701	Silver Maple	8/6/4	good
702	Silver Maple	10	good
703	Green Ash	12	poor
704	Green Ash	9	poor
705	Green Ash	8	poor
706	Silver Maple	9	good
707	Green Ash	15	dead
708	Silver Maple	26	good
709	Silver Maple	19	good
710	Silver Maple	16/14/13/8/8	fair
711	Silver Maple	13/13	poor
712	Green Ash	14	poor
713	Silver Maple	13	fair

Franklin
JUL 31 2019
City Development

714	Green Ash	9	dead
715	Silver Maple	33	poor
716	Black Cherry	10	good
717	Green Ash	9	poor
718	Green Ash	8	poor
719	Silver Maple	36	poor
720	Silver Maple	23/17/10	fair
721	Green Ash	14/14/13/13	poor
722	Silver Maple	11/10/9	fair
723	Green Ash	14	poor
724	Silver Maple	12/8	fair
725	Apple	16	poor
726	Green Ash	11	poor
727	Green Ash	9	poor
728	American Elm	12	fair
729	Silver Maple	12/11/11/10/10	fair
730	Green Ash	12	dead
731	Green Ash	12	poor
732	Green Ash	8	dead
733	Green Ash	9	dead
734	Green Ash	8	dead
735	American Elm	27	fair
736	Green Ash	8	poor
737	Green Ash	11	poor



July 11, 2019

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

Re: Mills Hotel Wyoming – Natural Resource Special Exception

Dear Mr. Dietl:

Bear Development is pleased to submit this letter and the enclosed submittal materials in preparation for the various Natural Resource Special Exception meetings. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

Enclosed under this cover letter, please find:


- Bear Development NRSE- Staff Comments Response
- NRSE Question & Answer Form
- Bear Development April 12, 2019 Submittal
- Tree Survey & Tree Tally, Wachtel Tree Science, Inc.
- Ryan Meadows Preliminary Plat
- Natural Resource Protection Plan, dated April 25, 2019
- Tree Survey Overlay, Preliminary Plat
- Tree Survey Overlay, Grading Plan
- Tree Survey, Dead & Dying Trees Identified.

We appreciate your time and consideration of this matter and respectfully request approval of the Natural Resource Exception to disturb the identified features on the project site. Please note that our project includes the permanent preservation of significant open space and the planting of public street trees. We feel that these features compensate for the disturbance necessary to facilitate our project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, dan@beardevelopment.com

Thank you for your time and consideration.

Sincerely,



Daniel Szczap
Bear Development, LLC

Franklin

JUL 31 2019

City Development

PRELIMINARY PLAT OF RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10830741, in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin.



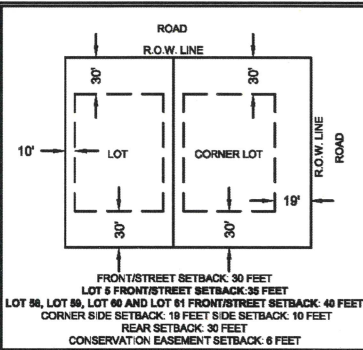
FEBRUARY 14, 2019
REVISED: APRIL 25, 2019
REVISED: MAY 20, 2019

NW CORNER, NE 1/4 SEC. 30, T5N, R21E
N=324.097, 27; E=2520.162, 68
(FOUND CONC. MON. W/ BRASS CAP)
(WISCONSIN STATE PLANE CO-
ORDINATE SYSTEM, SOUTH ZONE)
REFERENCE BENCHMARK: EL. 803.18

CITY OF FRANKLIN VISION CORNER
EASEMENT DETAIL (VCE)

CURVE TABLE						
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT IN TANGENT OUT
C1	1124.97	1879.88	93°32'27"	N89°29'20"E	1108.45	N79°45'48"E N43°13'16"E
(RECORDED)	(1124.43)	(1879.88)	(93°32'27")	(N89°29'20"E)	(1108.38)	

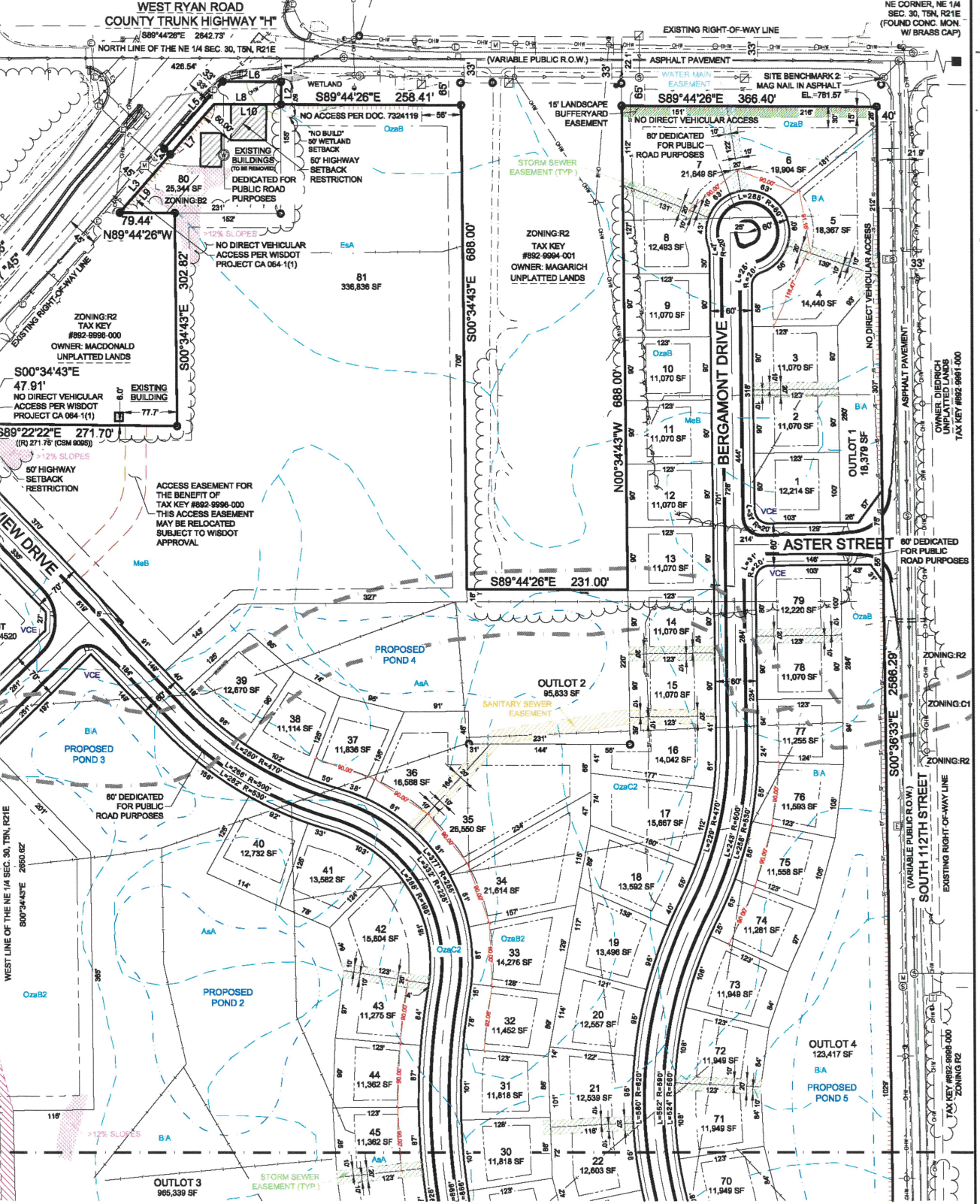
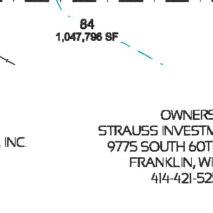
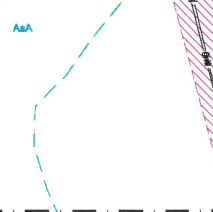
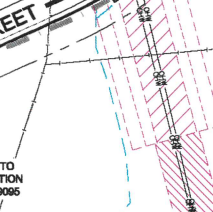
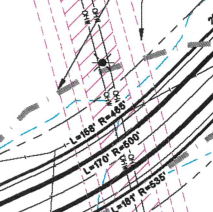
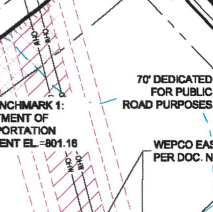
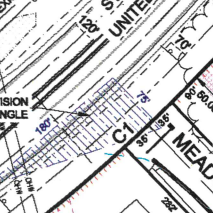
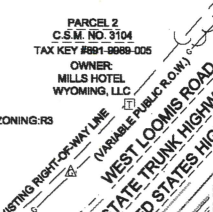
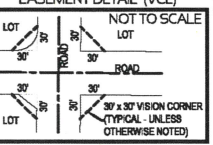
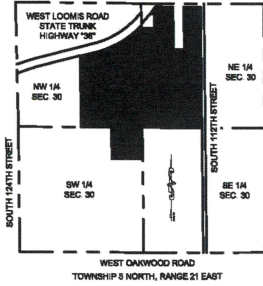
TYPICAL RESIDENTIAL BUILDING SETBACK DETAIL*
NOT TO SCALE



*ADDITIONAL SETBACK RESTRICTIONS APPLY TO
LOT 5, LOT 8, LOT 10, LOT 11 AND LOT 12 AS NOTED.

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S00°15'34"W	33.00'
L2	S00°15'34"W	32.00'
L3	N41°23'51"E	110.80'
L4	N48°39'09"W	12.00'
L5	N41°23'51"E	127.48'
L6	S88°44'28"E	83.48'
L7	N41°23'51"E	95.47'
L8	S88°44'28"E	95.51'
L9	N41°23'51"E	208.07'
L10	S88°44'28"E	353.82'

VICINITY SKETCH
SCALE 1"=3000'



This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461
PINNACLE ENGINEERING GROUP

OWNERS
MILLS HOTEL WYOMING, LLC
C/O BEAR CAPITAL, LLC
CONSTRUCTION MANAGEMENT ASSOCIATES, INC.
ATTN: SR MILLS - PRESIDENT
4011 80th Street
Kenosha, WI 53142
262-842-0484

OWNERS
STRAUSS INVESTMENTS, LLC
9775 SOUTH 60TH STREET
FRANKLIN, WI 53132
414-421-5250

GRAPHICAL SCALE (FEET)
0 1" = 100' 200'

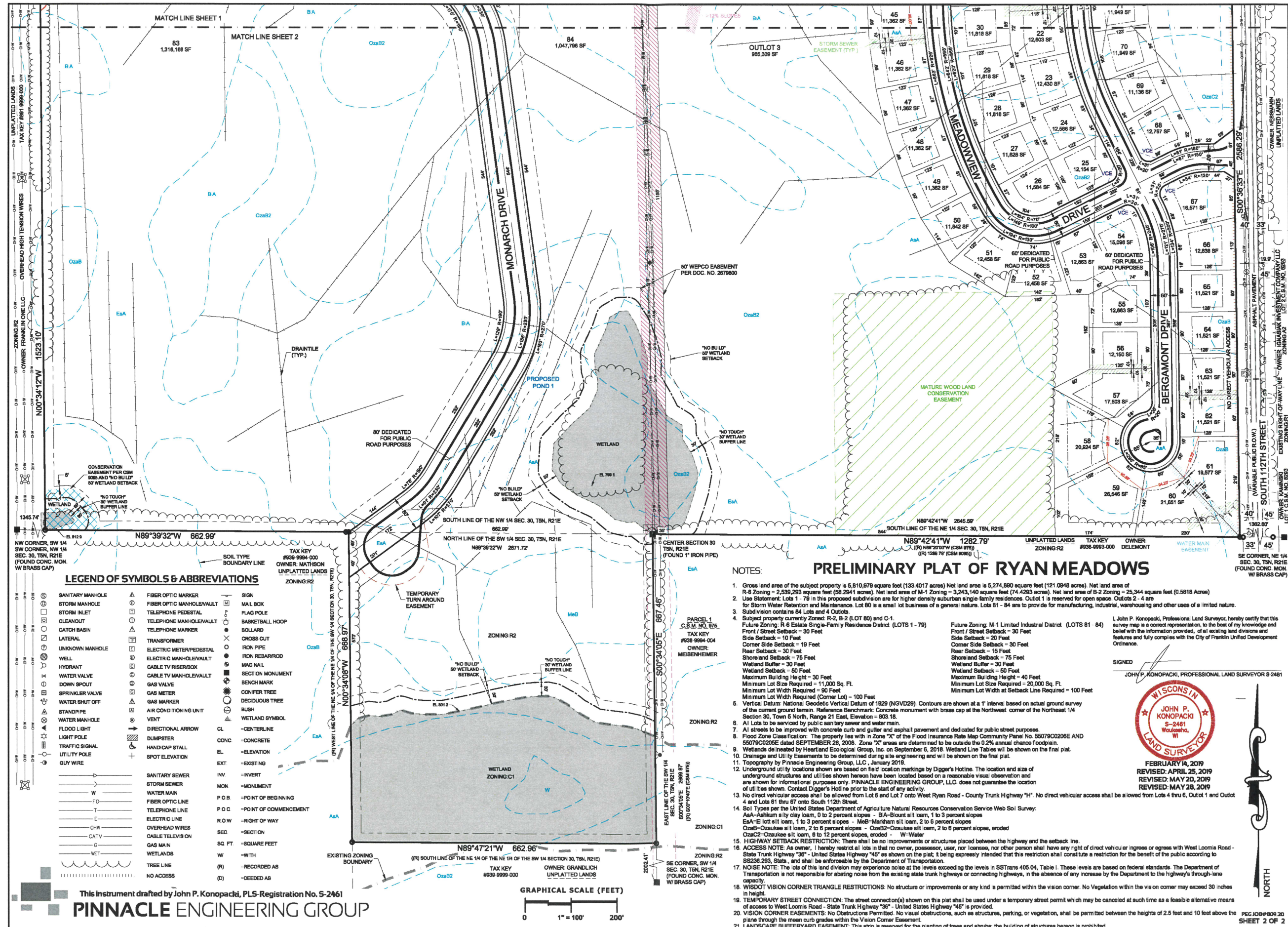
Bearings referenced to the Wisconsin State Plane
Coordinate System, South Zone (NAD 1927). The
north line of the Northeast 1/4 of Section 30, Township
5 North, Range 21 East bears S89°44'26"E

REVIEWING AGENCIES
City of Franklin
Wisconsin Department of Administration
Department of Transportation
Milwaukee County Department of Administrative
Services

Prepared by
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE (262) 754-8888

PEC JOB# 809.20
SHEET 1 OF 2

Franklin
JUL 31 2019
City Development



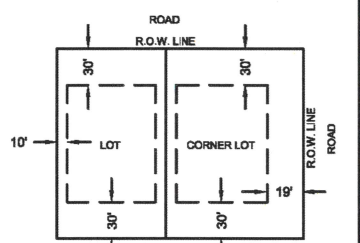
PRELIMINARY PLAT OF
BEAR FRANKLIN SUBDIVISION

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10830741, in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin.



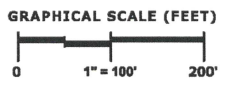
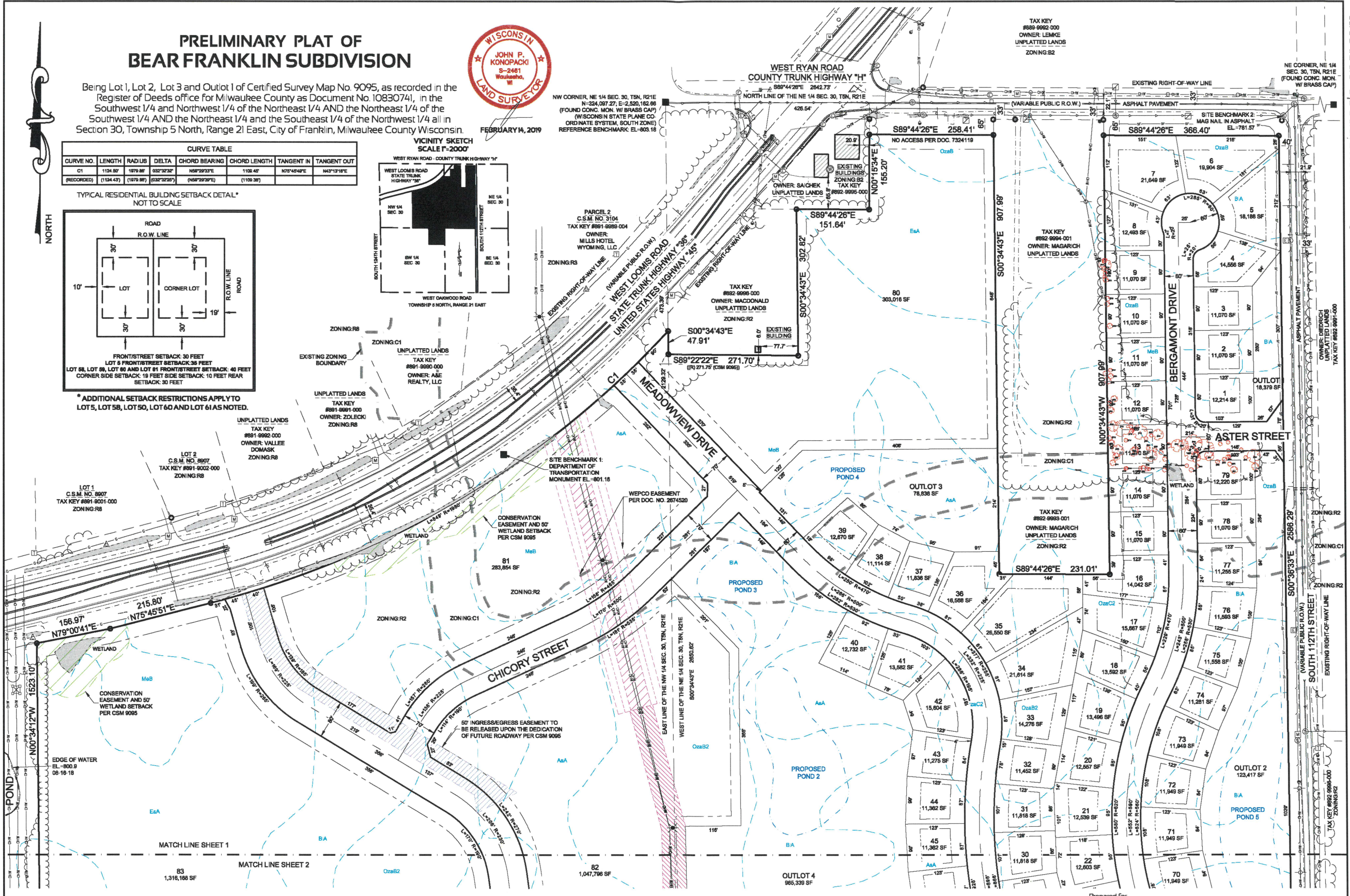
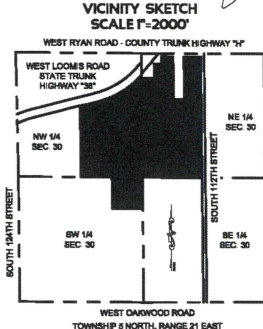
CURVE TABLE						
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT IN TANGENT OUT
C1	1124.82'	1879.88'	332°32'32"	N89°44'26"E	1108.48'	N79°45'48"E N43°13'18"E
RECORDED	(1124.43')	(1879.88')	(332°32'32")	(N89°44'26"E)	(1108.38')	

TYPICAL RESIDENTIAL BUILDING SETBACK DETAIL*
NOT TO SCALE



FRONT/STREET SETBACK: 30 FEET
LOT 5, LOT 58, LOT 60 AND LOT 61 FRONT/STREET SETBACK: 40 FEET
CORNER SIDE SETBACK: 10 FEET
REAR SETBACK: 30 FEET

* ADDITIONAL SETBACK RESTRICTIONS APPLY TO
LOTS 5, LOT 58, LOT 50, LOT 60 AND LOT 61 AS NOTED.



Bearings referenced to the Wisconsin State Plane
Coordinate System, South Zone (NAD 1927). The
north line of the Northeast 1/4 of Section 30, Township
5 North, Range 21 East bears S89°44'26"E

Prepared for
MILLS HOTEL WYOMING, LLC
C/O BEAR FRANKLIN
4011 80th Street
Kenosha, WI 53142
REVIEWING AGENCIES
City of Franklin
Department of Administration

Prepared by
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD, SUITE 210
BROOKFIELD, WI 53005
OFFICE (262) 754-8888

PRELIMINARY PLAT OF BEAR FRANKLIN SUBDIVISION

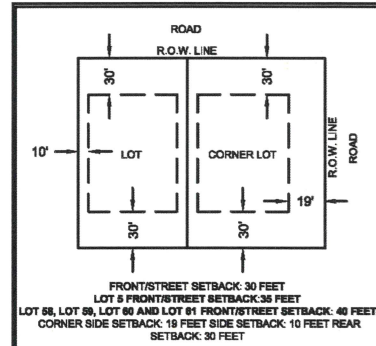
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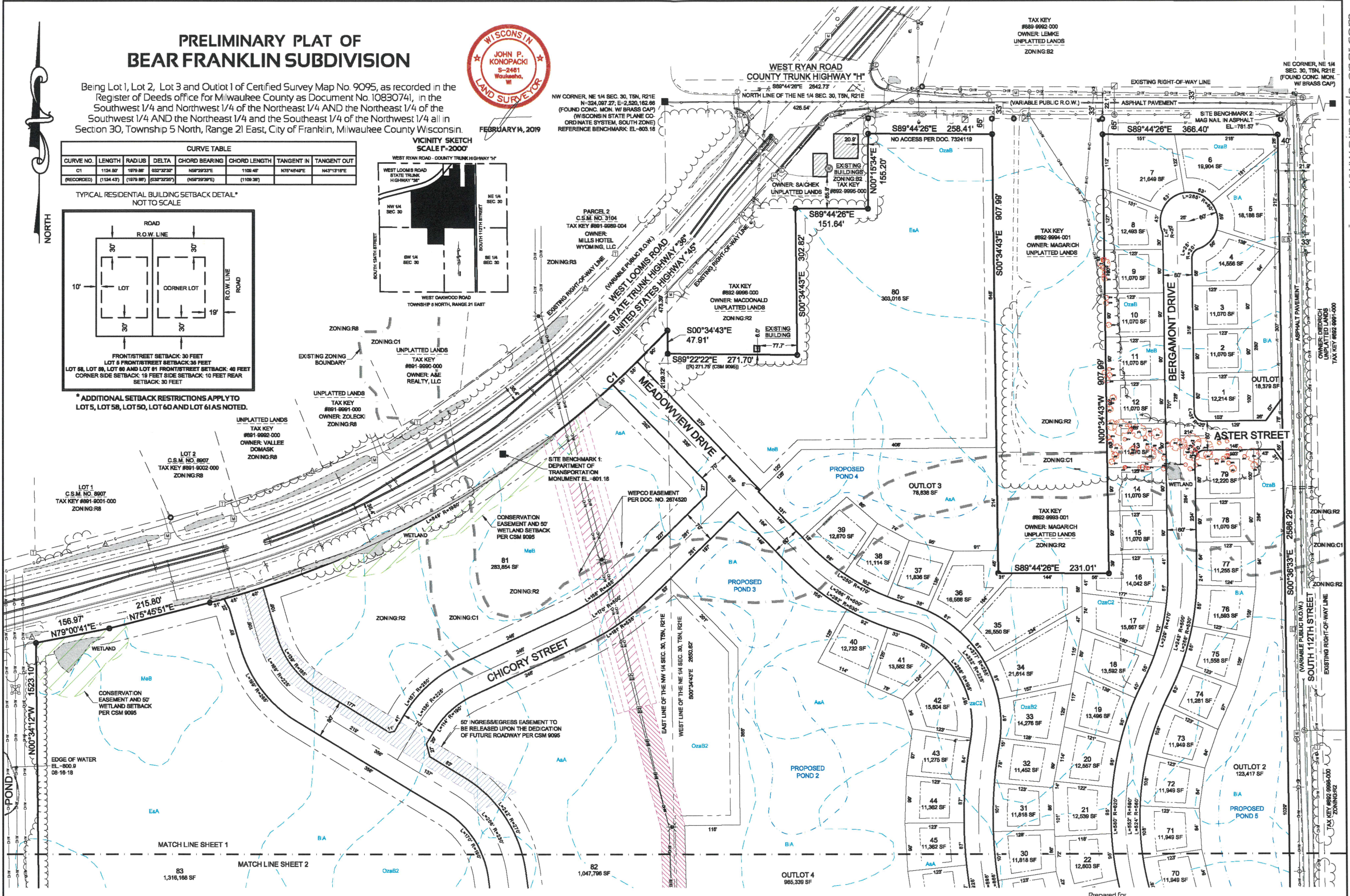
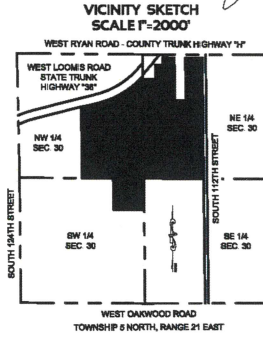
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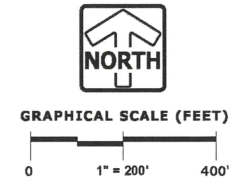
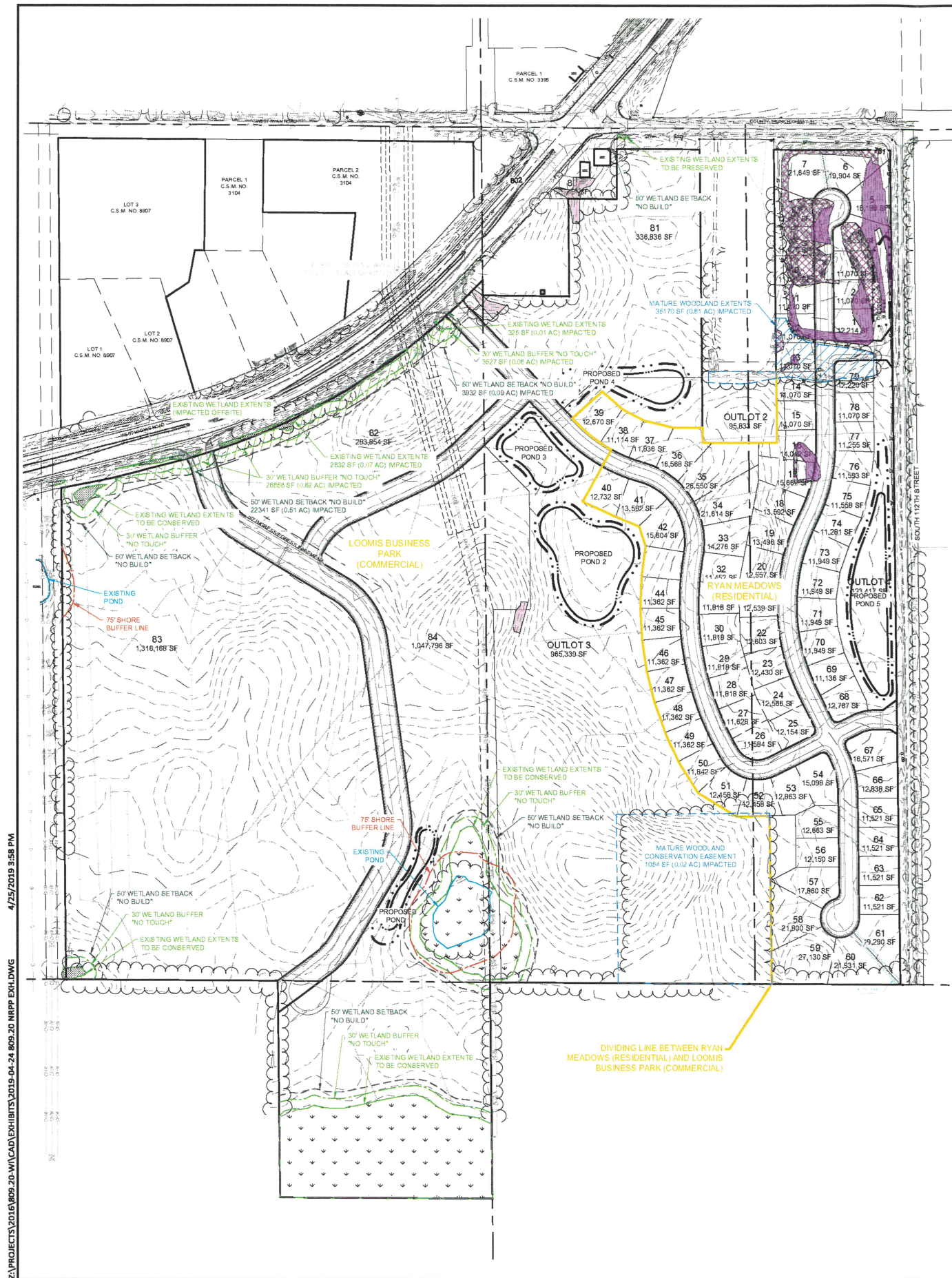
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(RECORDED)	(1124.43')	(1879.88')	(93.2°22'32")	(N89°29'23"E)	(1106.38')	

TYPICAL RESIDENTIAL BUILDING SETBACK DETAIL*
NOT TO SCALE



*ADDITIONAL SETBACK RESTRICTIONS APPLY TO
LOTS 5, LOT 58, LOT 50, LOT 60 AND LOT 61 AS NOTED.





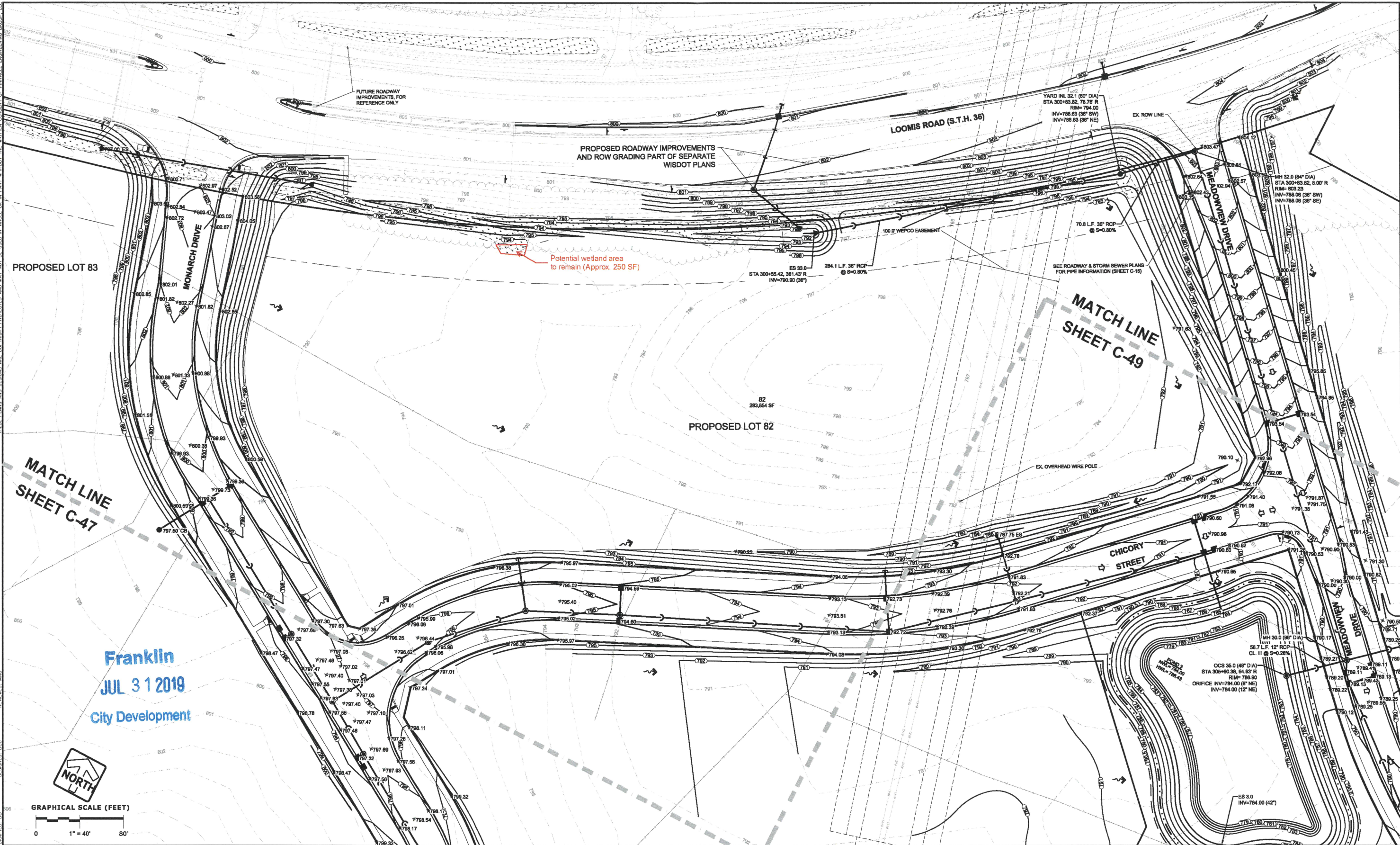
NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	RYAN MEADOWS (RESIDENTIAL) LOTS 1-79, OUTLOTS 1 & 4 (27.97 AC)	LOOMIS BUSINESS PARK (COMMERCIAL) LOTS 80-84, OUTLOTS 2 & 3 (105.43 AC)	ENTIRE BASE SITE (133.40 AC)
STEEP SLOPES AREA - 10-19% SLOPES - PER PEG SURVEYED CONTOURS	N/A	13,461 SF (0.31 AC)	13,461 SF (0.31 AC)
STEEP SLOPES AREA - 20-30% SLOPES - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A
STEEP SLOPES - MAN-MADE - 10-19% SLOPES - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A
STEEP SLOPES - MAN-MADE - 20-30% SLOPES - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A
PONDS - FIELD DELINEATED BY PEG SURVEY IN JANUARY OF 2019	N/A	28,733 SF (0.66 AC)	28,733 SF (0.66 AC)
WETLANDS - SEE DELINEATION INFORMATION BELOW**	N/A	251,003 SF (5.76 AC)	251,003 SF (5.76 AC)
WETLAND BUFFER "NO TOUCH" - 30' OFFSET, BASED OFF WETLAND DELINEATION	N/A	104,124 SF (2.39 AC)	104,124 SF (2.39 AC)
WETLAND SETBACK "NO BUILD" - 50' OFFSET, BASED OFF WETLAND DELINEATION	N/A	79,308 SF (1.82 AC)	79,308 SF (1.82 AC)
SHORE BUFFER - 75' OFFSET, BASED OFF FIELD VERIFIED POND LOCATION	N/A	14,983 SF (0.34 AC)	14,983 SF (0.34 AC)
MATURE WOODLAND - BASED OFF PEG SURVEY AND CHAPUT CSM	36,224 SF (0.83 AC)	268,151 SF (6.16 AC)	304,375 SF (6.99 AC)

* ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS
**FIELD DELINEATED BY RA SMITH NATIONAL ON 10-29-14 & 10-30-14 (SEE "WETLAND DELINEATION REPORT" DATED 03-19-15)
RE-DELINEATED ALONG LOOMIS BY HEARTLAND ECOLOGICAL GROUP ON 08-15-18, 08-19-18 & 08-22-18
(SEE "WETLAND DELINEATION REPORT" DATED 09-11-18)

Z:\PROJECTS\2016\809.20\W\CAD\EXHIBITS\2019-04-24 809.20 NRPP EXH.DWG 4/25/2019 3:58 PM

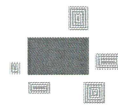
THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, INC.
DESIGNED: DD
CHECKED: RGC
REVIEWED: MAC



Franklin
JUL 31 2019
City Development



GRAPHICAL SCALE (FEET)
0 1" = 40' 80'



PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

PLAN | DESIGN | DELIVER
www.pinnacle-engr.com

WISCONSIN OFFICE:
15850 W. BLUEMOUND ROAD
BROOKFIELD, WI 53005
(262) 754-8888
CHICAGO | MILWAUKEE | NATIONWIDE

**RYAN MEADOWS &
LOOMIS BUSINESS PARK**
FRANKLIN, WI

GRADING PLAN

REVISIONS

1. ADDRESS CITY COMMENTS 07/10/19

PEG JOB No. 809-20-WI
MAC
START DATE 05/20/19
SCALE 1" = 40'

SHEET
C-48
C-72

GRADING PLAN
© COPYRIGHT 2019

FOR REVIEW ONLY

www.pinnacle-engr.com

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



GRAPHICAL SCALE (FEET)
0 1" = 30' 60'

RESIDENTIAL DRIVEWAY SLOPES: THE MAXIMUM ALLOWABLE DRIVEWAY (FROM BACK OF WALK/RIGHT OF WAY LINE TO GARAGE FLOOR) FOR THE CITY OF FRANKLIN IS 10% UNDER NORMAL CONDITIONS. SUGGESTED GRADES ARE BETWEEN 1% AND 6%. A WAIVER OF ACCEPTANCE MUST BE SIGNED BY THE OWNER/DEVELOPER FOR ANY DRIVEWAY WITH A SLOPE GREATER THAN 6%.

Franklin
JUL 1 2019
City Development

PLAN | DESIGN | DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
15850 W. BLUEMOUND ROAD
BROOKFIELD, WI 53005
(262) 754-8888

CHICAGO | MILWAUKEE | NATIONWIDE

**RYAN MEADOWS &
LOOMIS BUSINESS PARK**
FRANKLIN, WI

GRADING PLAN

REVISIONS

1.	ADDRESS CITY COMMENTS	07/10/19

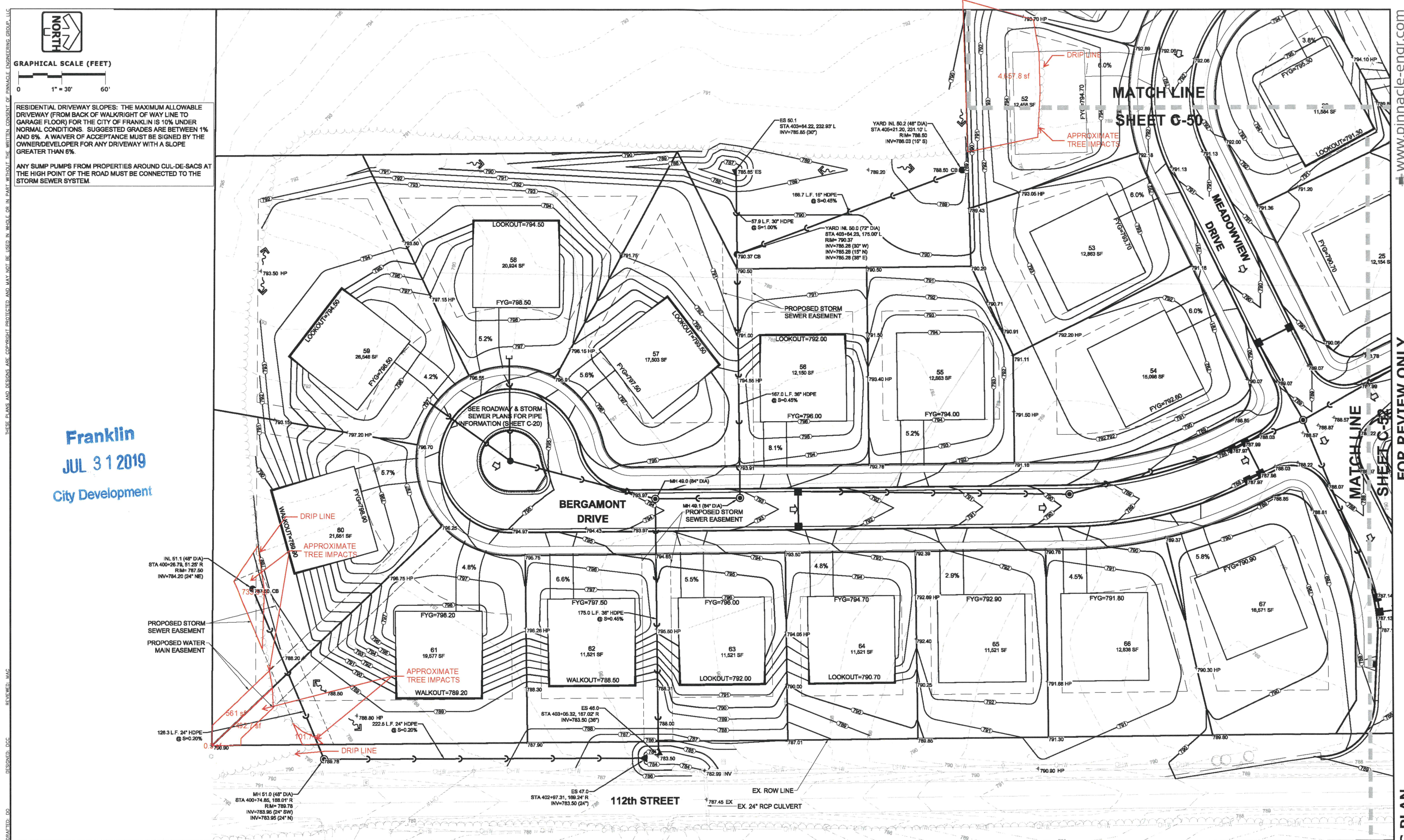
PEG JOB No. 809-20-WI
MAC
START DATE 05/20/19
SCALE 1" = 30'

SHEET
C-50
C-72

GRADING PLAN

FOR REVIEW ONLY

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GRAPHICAL SCALE (FEET)
0 1" = 30' 60'

RESIDENTIAL DRIVEWAY SLOPES: THE MAXIMUM ALLOWABLE DRIVEWAY (FROM BACK OF WALK/RIGHT OF WAY LINE TO GARAGE FLOOR) FOR THE CITY OF FRANKLIN IS 10% UNDER NORMAL CONDITIONS. SUGGESTED GRADES ARE BETWEEN 1% AND 6%. A WAIVER OF ACCEPTANCE MUST BE SIGNED BY THE OWNER/DEVELOPER FOR ANY DRIVEWAY WITH A SLOPE GREATER THAN 6%.

ANY SUMP PUMPS FROM PROPERTIES AROUND CUL-DE-SACS AT THE HIGH POINT OF THE ROAD MUST BE CONNECTED TO THE STORM SEWER SYSTEM.

Franklin
JUL 31 2019
City Development

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DESIGNED: DDC
CHECKED: MAC
REVIEWED: MAC

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GRADING PLAN

PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
15850 W. BLUEMOUND ROAD
BROOKFIELD, WI 53005
(262) 754-8888

CHICAGO | MILWAUKEE | NATIONWIDE

PLAN | DESIGN | DELIVER
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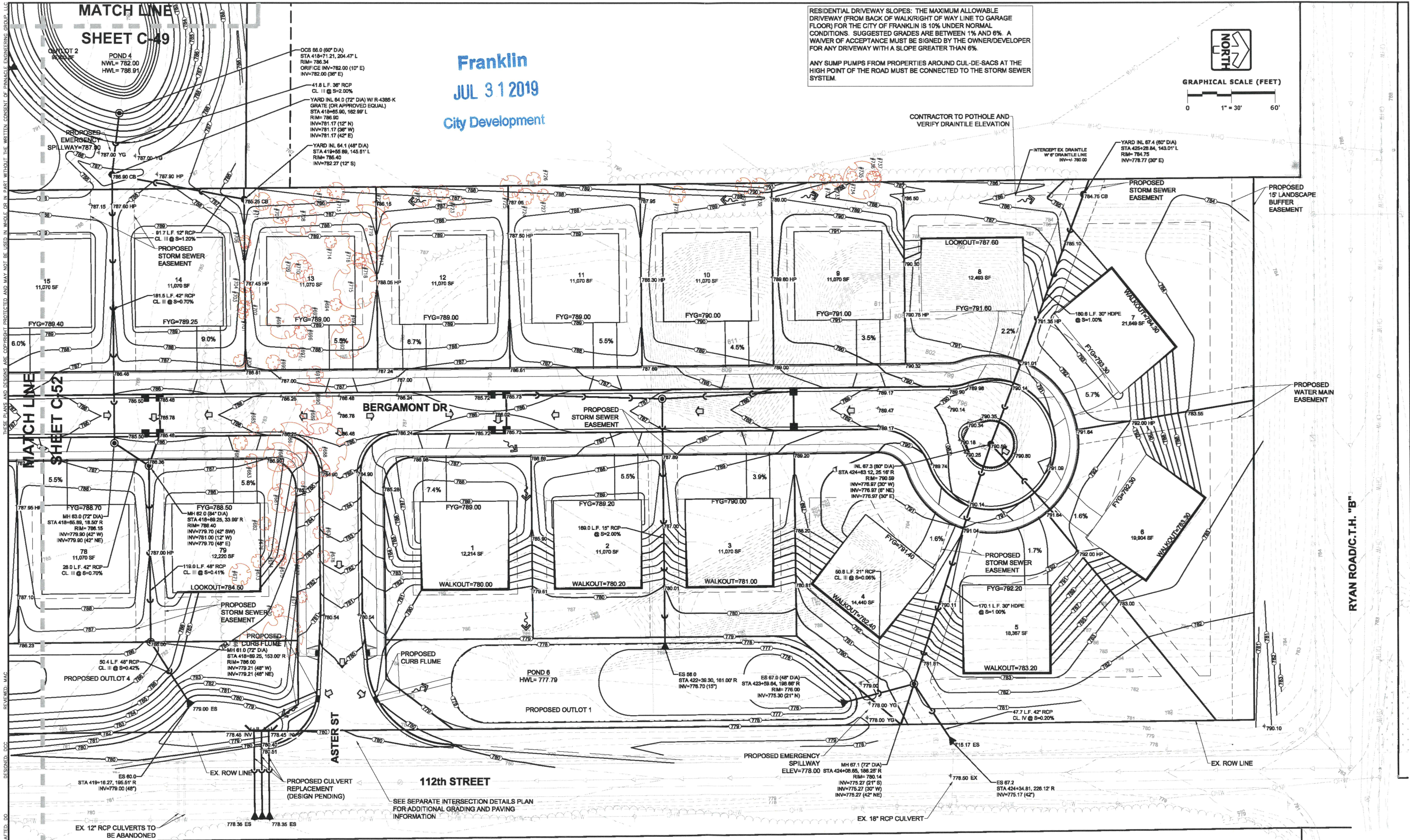
**RYAN MEADOWS &
LOOMIS BUSINESS PARK**
FRANKLIN, WI

GRADING PLAN

REVISIONS	
1. ADDRESS CITY COMMENTS	07/10/19

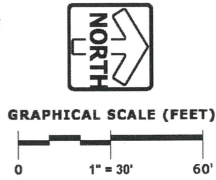
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PEG PM: MAC
START DATE: 05/20/19
SCALE: 1" = 30'

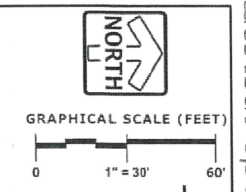
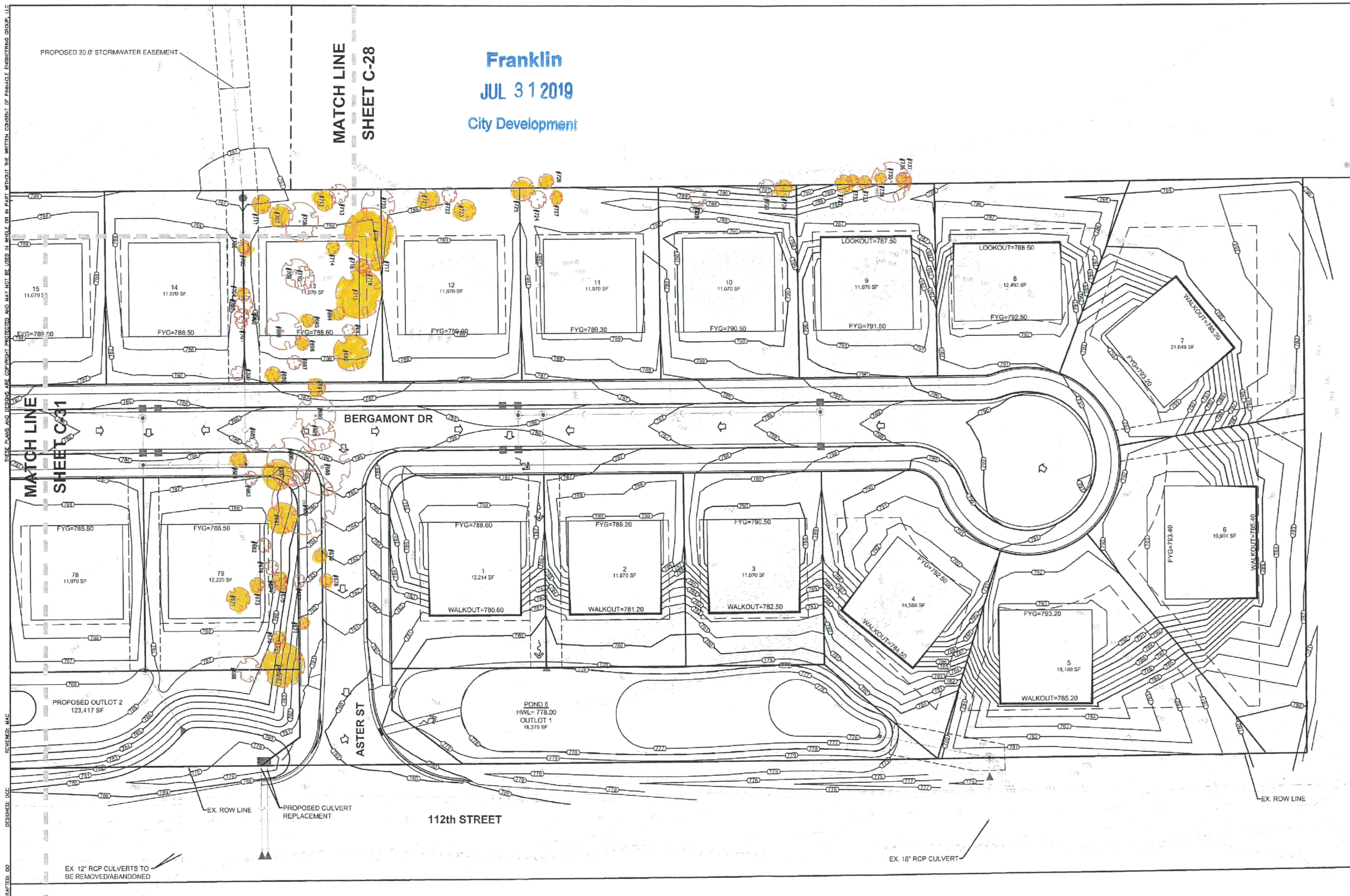
SHEET
C-51
C-72



RESIDENTIAL DRIVEWAY SLOPES: THE MAXIMUM ALLOWABLE DRIVEWAY (FROM BACK OF WALK/RIGHT OF WAY LINE TO GARAGE FLOOR) FOR THE CITY OF FRANKLIN IS 10% UNDER NORMAL CONDITIONS. SUGGESTED GRADES ARE BETWEEN 1% AND 6%. A WAIVER OF ACCEPTANCE MUST BE SIGNED BY THE OWNER/DEVELOPER FOR ANY DRIVEWAY WITH A SLOPE GREATER THAN 6%.

ANY SUMP PUMPS FROM PROPERTIES AROUND CUL-DE-SACS AT THE HIGH POINT OF THE ROAD MUST BE CONNECTED TO THE STORM SEWER SYSTEM.





RYAN ROAD/C.T.H. "B"

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GRADING PLAN

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15850 W. BLUEMOUND ROAD
BROOKFIELD, WI 53005
(262) 754-8588

**RYAN MEADOWS &
LOOMIS BUS. PARK**
FRANKLIN, WI

GRADING PLAN

REVISIONS

REG JOB NO. **205-20-101**
PGM PM **MAC**
START DATE **02/12/10**
SCALE **1" = 30'**

SHEET
C-32
C-36

EXHIBIT

CLIENT

Bear Development

SITE ADDRESS

West Ryan Road, City of Franklin, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

Lot 3 of Certified Survey Map No. _____ being a part of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

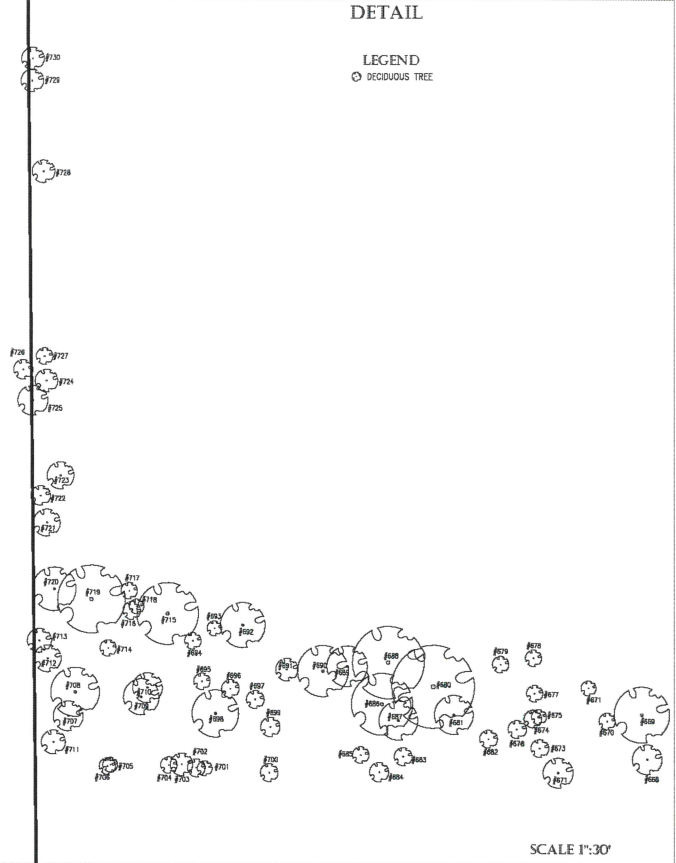
BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone) NAD 27, in which the North line of the Northeast 1/4 of Section 30 bears S89°44'26"E.

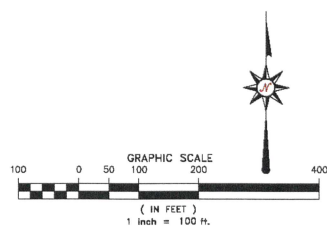
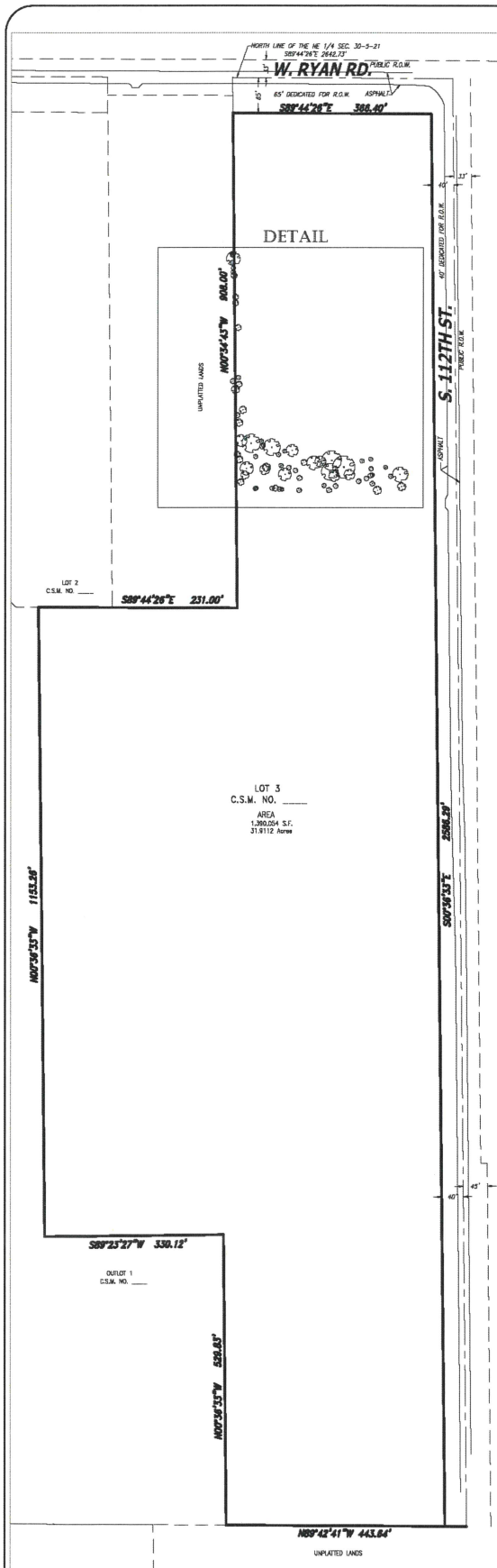
DETAIL

LEGEND

○ DECIDUOUS TREE



SCALE 1"=30'



Tree Inventory per Wachtel Tree Science

Tag #	Species Common Name	DBH	Condition Class
668	Bur Oak	18	good
669	Silver Maple	29/12/8	poor
670	Boxelder	9	fair
671	Black Cherry	8	poor
672	Green Ash	15	poor
673	Black Cherry	10	poor
674	Green Ash	10	poor
675	Apple	8	poor
676	Bur Oak	10	good
677	Black Cherry	9	fair
678	Green Ash	9	poor
679	Green Ash	9	poor
680	Silver Maple	45	fair
681	Silver Maple	21/15/13	poor
682	Black Cherry	10	fair
683	Black Cherry	10	fair
684	Green Ash	11	poor
685	Bur Oak	9	good
686	Silver Maple	35	good
687	Silver Maple	23	poor
688	Silver Maple	39	fair
689	Common Highberry	21	good
690	Silver Maple	27	fair
691	Black Cherry	11	dead
692	Silver Maple	24	poor
693	Black Cherry	8	fair
694	Green Ash	9	poor
695	Green Ash	9	poor
696	Boxelder	10/8	poor
697	Silver Maple	10	fair
698	Silver Maple	25	fair
699	Green Ash	13	poor
700	Silver Maple	11/9/7	good
701	Silver Maple	8/6/4	good
702	Silver Maple	10	good
703	Green Ash	12	poor
704	Green Ash	9	poor
705	Green Ash	8	poor
706	Silver Maple	9	good
707	Green Ash	15	dead
708	Silver Maple	26	poor
709	Silver Maple	10	good
710	Silver Maple	16/14/13/8/6	fair
711	Silver Maple	13/13	poor
712	Green Ash	14	poor
713	Silver Maple	13	fair
714	Green Ash	9	dead
715	Silver Maple	31	poor
716	Black Cherry	10	good
717	Green Ash	9	poor
718	Green Ash	8	poor
719	Silver Maple	36	poor
720	Silver Maple	23/17/10	fair
721	Green Ash	14/14/13/13	poor
722	Silver Maple	11/13/9	fair
723	Green Ash	14	poor
724	Silver Maple	12/8	fair
725	Apple	16	poor
726	Green Ash	13	poor
727	Green Ash	9	poor

Franklin
JUL 31 2019
City Development

DATE OF MAP

March 11, 2019

FIELD DATE

March 9, 2019

CHAPUT
LAND & SURVEYS

214 W. Florida Street
Milwaukee, WI 53234

414-224-8999
www.chaputlandandsurveys.com

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REPORT TO THE PLAN COMMISSION

Meeting of August 8, 2019

Area Exception

RECOMMENDATION: City Development Staff recommends review of the Findings and Factors and Standards and a decision be made based upon the applicant's recommended findings and consideration of any comments provided at the public hearing.

Project Name:	Marso Area Exception Request
Project Address:	7570 S. Kensington Way
Applicant:	Greg Marso
Property Owner:	Greg Marso
Zoning:	R-3E Suburban/Estate Single-Family Residence District
Use of Surrounding Properties:	Single-family residential to the north, south and west and wetlands to the east.
Applicant's Action Requested:	Approval of the proposed Area Exception

INTRODUCTION:

On July 12, 2019, the applicant submitted an application for an Area Exception from Table 15-3.0204 of the Unified Development Ordinance (UDO) to allow for a maximum lot coverage of 19% (5,215 square feet), exceeding the R-3E Suburban/Estate Single-Family Residence District maximum lot coverage standard of 0.15 or 15% (4,117 square feet). The subject property located at 7570 South Kensington Way (Lot 59 of Wyndham Hills Addition No. 1 Subdivision), proposes construction of a single-family residence structure which will increase lot coverage by approximately 4%.

BACKGROUND:

On March 13, 2019, the applicant had applied for a variance for the subject request to allow a maximum lot coverage of 19 percent, or about 5,215 square feet. At its April 17, 2019 meeting, the Board of Zoning & Building Appeals issued its decision denying the subject request, as the vote was 3-1-2 in support of the request, and Section 15-10.0202I. of the Unified Development Ordinance requires an affirmative vote of 4 members to approve a variance request.

On May 22, 2019, the applicant again applied for a variance to exceed the maximum lot coverage for the subject lot. However, during its review, staff verified that pursuant to Section 15-10.0209C. of the UDO, the subject request must be submitted as, and reviewed as, an Area Exception. The applicant therefore revised the application, and submitted for the Area Exception on July 12, 2019 as noted above.

PROJECT ANALYSIS:

Per Section 15-10.0209, Area Exceptions may be granted to increase the maximum lot coverage of a property by no more than 20%. Area Exceptions require approval by the Board of Zoning

and Building Appeals, upon review and recommendation of the Plan Commission. Section 15-10.0209.G. of the UDO specifically lists Standards to be reviewed to grant or deny an Area Exception. The standards are attached as completed by the applicant.

Maximum Lot Coverage Calculation:

- The subject property is approximately 27,449 square feet.
- With the R-3E 15% lot coverage, the home and any accessory structures may not exceed 4,117 square feet.
- The initially proposed single-family home and attached garage would encompass about 5,215 square feet (later versions indicated 5,220 or 5,240 square feet), and the proposed lot coverage would then be approximately 19.0%.
- With approval of an Area Exception, the maximum lot coverage allowed in this instance would be 15% (0.15) lot coverage x 20% (1.2) maximum area exception allowance increase = 18% (0.18) maximum lot coverage.
- The maximum size of the house and all accessory structures, if an Area Exception would be granted, would be 27,449 square feet x 18% (0.18) = 4,940 square feet.
- Therefore, as the applicant's request of 5,220/5,240 square feet exceeds the maximum allowed lot coverage of 4,940 square feet, the subject Area Exception cannot be granted.

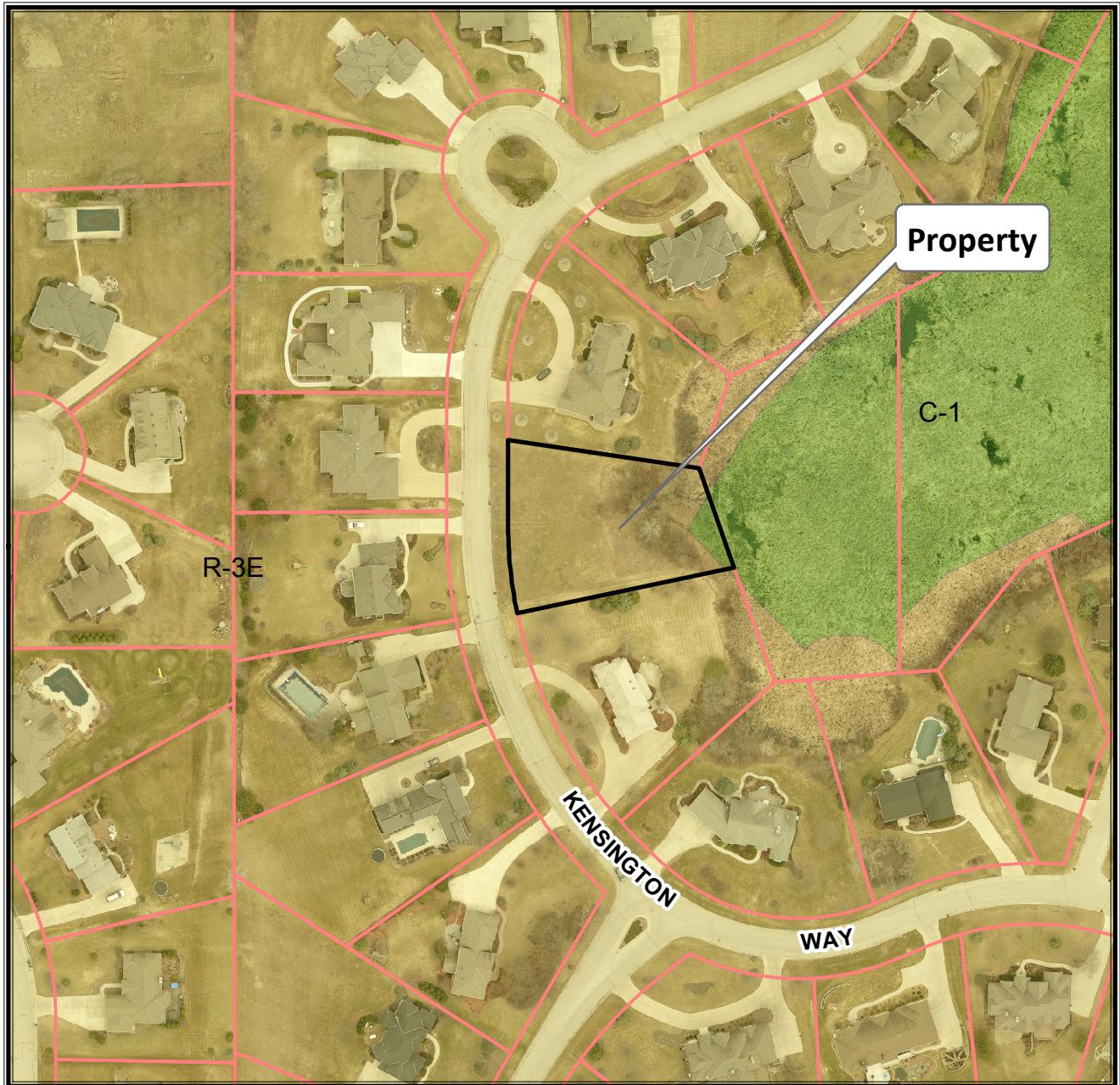
However, the applicant has indicated that they would agree to reduce the overall square footage of the house to meet the 18% maximum lot coverage.

Staff would note that the applicant has not shown a building footprint that matches the 18% maximum lot coverage.

STAFF RECOMMENDATION

City Development Staff recommends review of the Findings and Factors and Standards and a decision be made based upon the applicant's recommended findings and consideration of any comments provided at the public hearing.

7570 W. Kensington Way
TKN 794 0064 000



Planning Department
(414) 425-4024

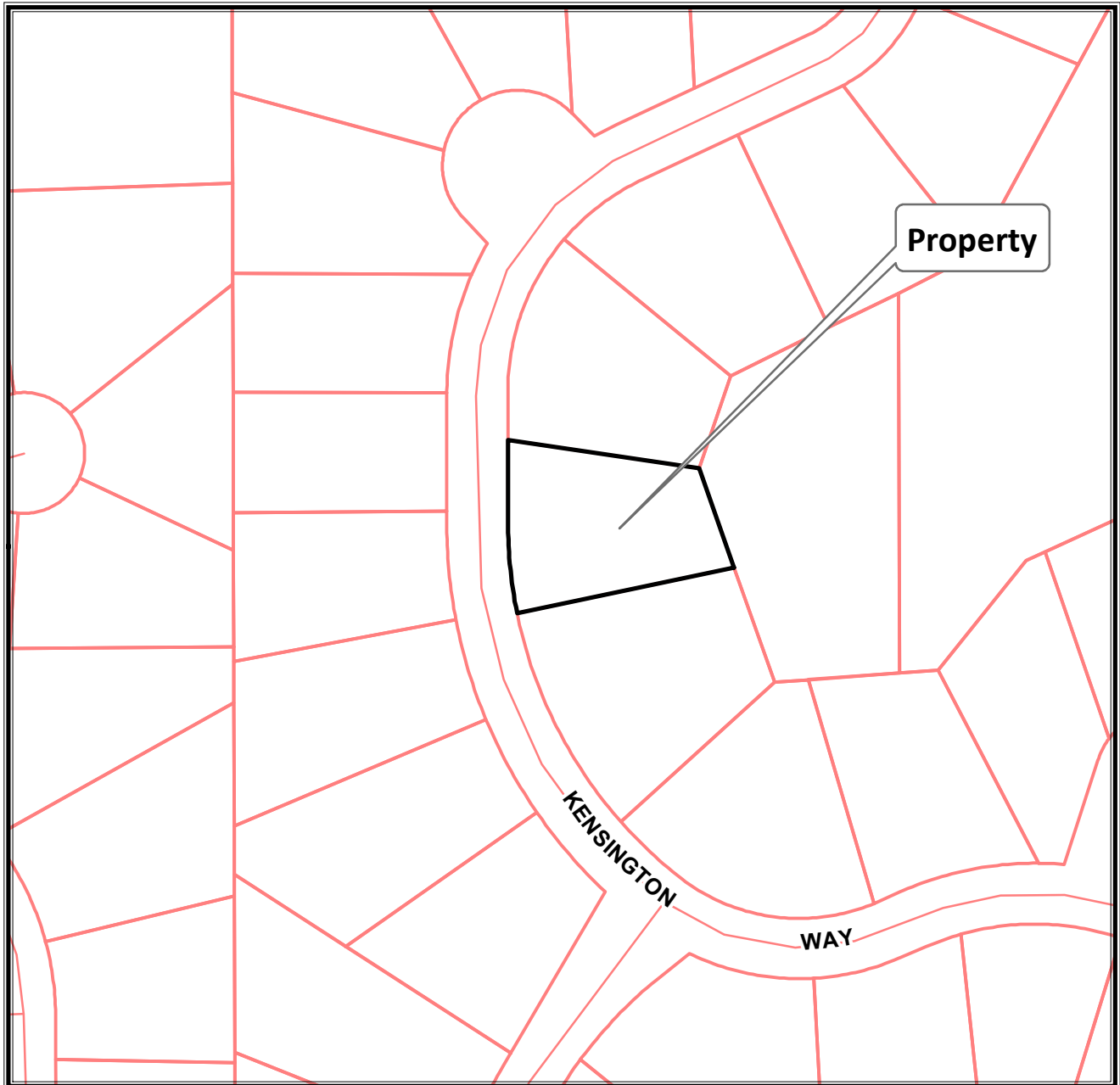
0 95 190 380 Feet

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.


NORTH
2017 Aerial Photo



7570 W. Kensington Way
TKN 794 0064 000



Planning Department
(414) 425-4024

0 95 190 380 Feet

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.



Date of Application: _____

AREA EXCEPTION APPLICATION

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

Applicant (Full Legal Name[s]):

Name: GREG MARSO
Company: MARSO COMPANIES LLC
Mailing Address: 9120 W. LOOMIS RD #400
City / State: FRANKLIN, WI Zip: 53132
Phone: 414-349-4087
Email Address: GREGM@MARSO.CO.COM

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

Name: _____
Company: _____
Mailing Address: SAME
City / State: _____ Zip: _____
Phone: _____
Email Address: _____

Project Property Information:

Property Address: 7570 KENSINGTON WAY
Property Owner(s): SAME
Mailing Address: _____
City / State: _____ Zip: _____
Email Address: _____

Tax Key Nos: 74-0064-000
Existing Zoning: RE R3-E
Existing Use: VACANT BUT R3-E
Proposed Use: R3-E
Future Land Use Identification: R3-E

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

Area Exception Application submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin: ☐ \$300
- ☐ Legal Description for the subject property (WORD.doc or compatible electronic format).
- ☐ Seven (7) complete collated sets of Application materials to include:
- ☐ One (1) original and six (6) copies of a written Project Narrative, including 1) Current use and improvements on the property; 2) Ordinance standard from which Area Exception is being sought (section number and text); 3) Description of the Area Exception, giving distances and dimensions where appropriate; 4) Statement of reason(s) for the request; and 5) Description and date of any prior petition for an Area Exception.
 - ☐ Seven (7) copies of the Plat of Survey, Site Plan, Building Elevations, and Outdoor Lighting Plans, as appropriate, and any other supporting documents, which illustrate the Area Exception request. ALL plans must be collated and folded into 9x12-inch sets.
 - ☐ Two photographs of the subject structure from different views (when applicable).
 - ☐ Completed 'Standards in the Review of Area Exceptions' form (from Section 15-10.0209G. of the UDO).
 - ☐ Three (3) Affidavit forms with original and notarized signatures (facsimiles and copies will not be accepted).
 - ☐ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF or compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- All Area Exceptions require a public hearing at Plan Commission, Plan Commission recommendation to BZBA, and BZBA review and approval.
- If a building permit is not issued within twelve (12) months of approval, the Area Exception will be null and void.

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

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

Signature - Property Owner
GREG MARSO
Name & Title (PRINT) _____
Date: 7/12/15

Signature - Property Owner

Name & Title (PRINT) _____
Date: _____

Signature - Applicant

Name & Title (PRINT) _____
Date: _____

Signature - Applicant's Representative

Name & Title (PRINT) _____
Date: _____

Standards in the Review of Area Exceptions

Date: 7/12/19 Case No. _____

Property Owner: GREG MARSO

Property Address: 7570 S. KENSINGTON WAY

Section 15-10.0209G of the City of Franklin Unified Development Ordinance specifically lists Standards to be reviewed by the Board of Zoning and Building Appeals to grant or deny an Area Exception. The Standards are:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.

NO - IT IS FOR AN EXECUTIVE HOME IN AN
EXECUTIVE ZONED SUB-DIVISION

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.

NO - PROPOSED HOME IS VERY FITTING FOR
THE NEIGHBORHOOD

3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

NO - AREA EXCEPTION IS FOR REAR OF HOME, HOME
FROM THE FRONT WOULD LOOK THE SAME WITH OR
WITHOUT EXCEPTION BEING GRANTED

4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

NO - HOME IS OF AVERAGE SIZE FOR THE
NEIGHBORHOOD

5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.

DEFINATELY - HOME IS OF AVERAGE SIZE OF
NEIGHBORHOOD & TRADITIONAL DESIGN



Legal Description For 7570 Kensington Way

Legal Description:

Lot 59 in Wyndham Hills Addition No. 1, being a subdivision of a part of the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin



Project Narrative 7570 Kensington Way, Franklin

1. Current use and improvements on the property

The lot located in the Wyndham Hills Subdivision is currently vacant and has been vacant since the subdivision was developed in the 1990's. It is within the R3-E zoning district.

2. Ordinance standard from which the Area Exception is being sought

This request is for an exception to exceed the maximum lot coverage or Area Exception per Section 15-10.0209C of the UDO.

3. Description of the Area Exception, giving distances and dimensions where appropriate

The project consists of building a single-family residential dwelling on the lot at 7570 Kensington Way. The house is a traditional style ranch approximately 3948 square feet in size with 3 car attached garage, screen porch, and covered front entry. The total covered footprint of the residence is 5240 square feet. The house design will complement the existing houses in the subdivision with the exterior being of natural stone and horizontal siding similar to other homes in the area. Proposed plans attached to application.

The original request on the area exception was to allow a total buildable area of 19% of the lot to allow the 5240 square feet project to be constructed. It was later clarified after the public notice was published that the maximum area exception allowed would be for a 20% increase from the permitted 15% maximum density. 20% over the allowed 15% buildable area equates to a 18% maximum density.

The proposed homeowner has agreed to reduce the overall square footage of the house to meet the 18% maximum density if the area exception is approved.

All the existing minimum property line setbacks are not affected by this request.

4. Statement of reason(s) for the request

Since this property has sat vacant since inception and the current grades are several feet lower than the designed finished grades, the wetland east of the property has expanded onto this property. Having wetlands on the property has scared off every potential homeowner after years of trying to sell the property. The current buyer is the only one willing to own the property with wetlands on it. This potential buyer needs a home that

exceeds the 15% maximum density and will only build if they can build a home that fits their needs.

The proposed home is well within the average sized home for the neighborhood, this is just one of the smaller lots in the development hence decreasing the buildable area by zoning ordinances. The "extra" square footage of the proposed home is all in the rear yard, see the attached site plan. On the attached site plan, it shows what a home constructed at 15% density would look like from compared to the proposed. Both home footprints are the about the same width and will look the same from the road and the neighbors, the requested additional square footage is all in the rear yard. There are homes in the same subdivision twice the size of the proposed and homes triple this size within a mile.

5. Description and date of any prior petitions for an Area Exception

To the best of the applicant's knowledge, no area exceptions have been petitioned in the past for this property.

Let it be noted that the applicant has found at least 5 other examples of homes in the Wyndham Hills Subdivision that have been constructed that are over 15% in density and were not required to get an area exemption or other variances. One of which was over 15% when originally built in 2001 and an addition was added in 2013 and still no area exception or variances were required. One of those exceeds 18% as well.

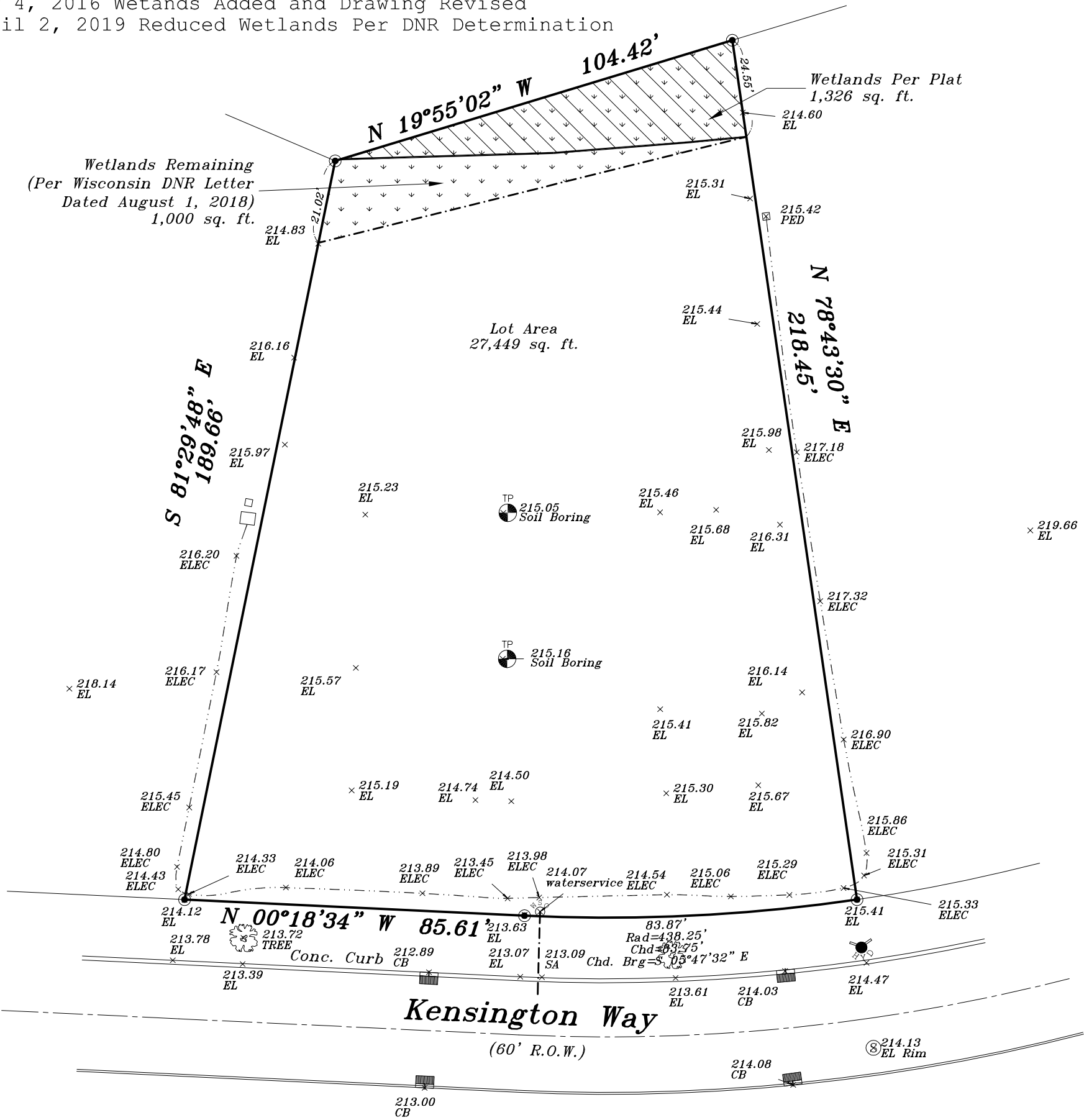
PLAT OF SURVEY

LOCATION: 7570 Kensington Way, Franklin, Wisconsin

LEGAL DESCRIPTION: Lot 59 in WYNDHAM HILLS ADDITION NO. 1, being a subdivision of a part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 9, and the Northeast 1/4 of the Southeast 1/4 of Section 8, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

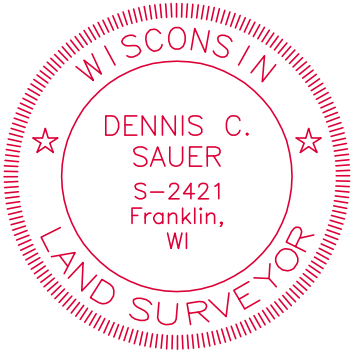
April 15, 2016 (Drawing Only)
April 20, 2016 Drawing Revised (new plan - not staked)
May 4, 2016 Wetlands Added and Drawing Revised
April 2, 2019 Reduced Wetlands Per DNR Determination

Survey No. 106646



Prop. Fin. Yd. Gr.	Prop. T.O.W.
218.0'	218.67

Scale:
1"=30'



Proposed finished yard, 1st floor or top of foundation grade shown on this drawing is a suggested grade and should be verified by the owner and/or the builder.

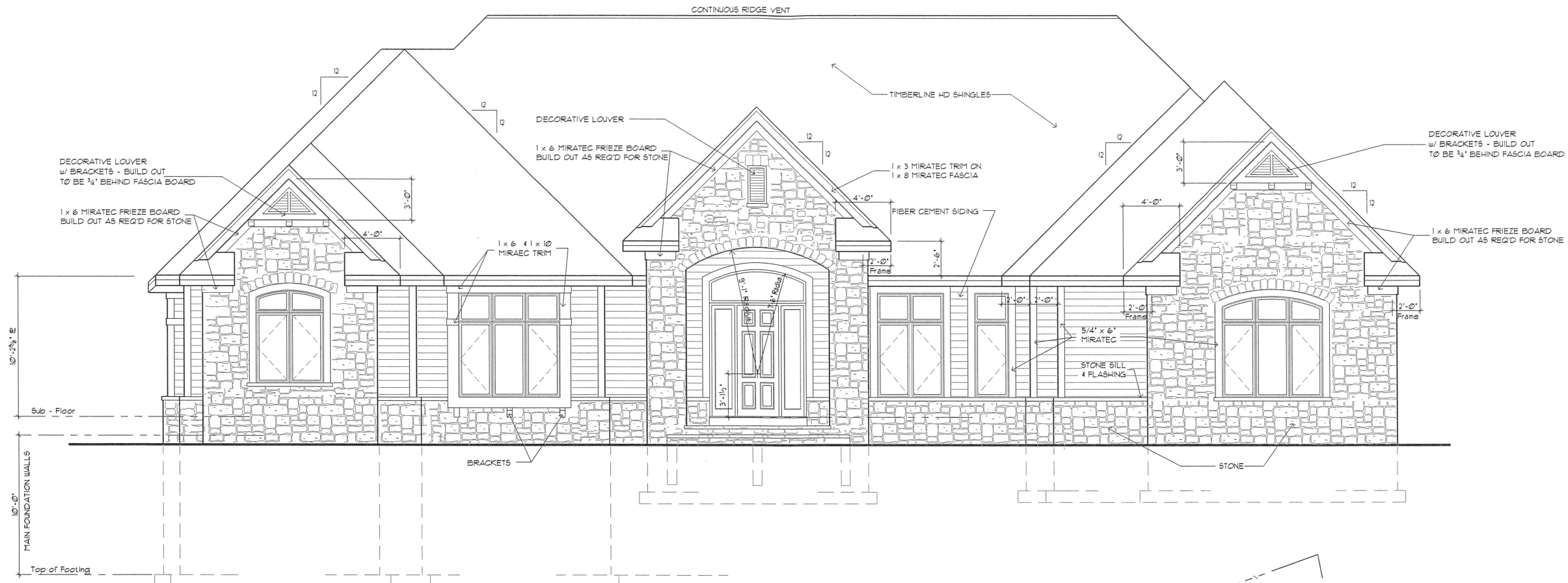
C METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com

- — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set
- 000.0 — Denotes Proposed Grade
- x—x—x— Denotes Proposed Silt Screen

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED
Dennis C. Sauer
Professional Land Surveyor S-2421



1 WEST ELEVATION
SCALE: 1/4" = 1'-0"

PLAN NOTES:

- ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTORS MUST REVIEW ALL DETAILS OF THEIR TRADES AND BE RESPONSIBLE FOR THE SAME.
- DO NOT SCALE DIMENSIONS FROM DRAWINGS. CONSULT GENERAL CONTRACTOR OR THE ARCHITECT WITH ANY QUESTIONS.
- FOR PLACEMENT OF HOUSE ON LOT REFER TO SURVEYORS DRAWINGS. GRADES SHOWN ON THESE PLANS ARE ASSUMED. CONFORM ALL GRADES WITH SURVEY OR SITE VERIFY.
- ALL INTERIOR WALLS ARE 4 1/2" UNLESS OTHERWISE NOTED
- ALL EXTERIOR WALLS ARE 6 1/2" UNLESS OTHERWISE NOTED
- PLACEMENT OF BUILDING COMPONENTS, MECHANICAL EQUIP., APPLIANCES AND ELECTRICAL COMPONENTS IS SUBJECT TO FIELD ADJUSTMENT. ACTUAL CONSTRUCTION MAY NOT CONFORM EXACTLY TO THE LOCATIONS INDICATED ON THESE DRAWINGS.

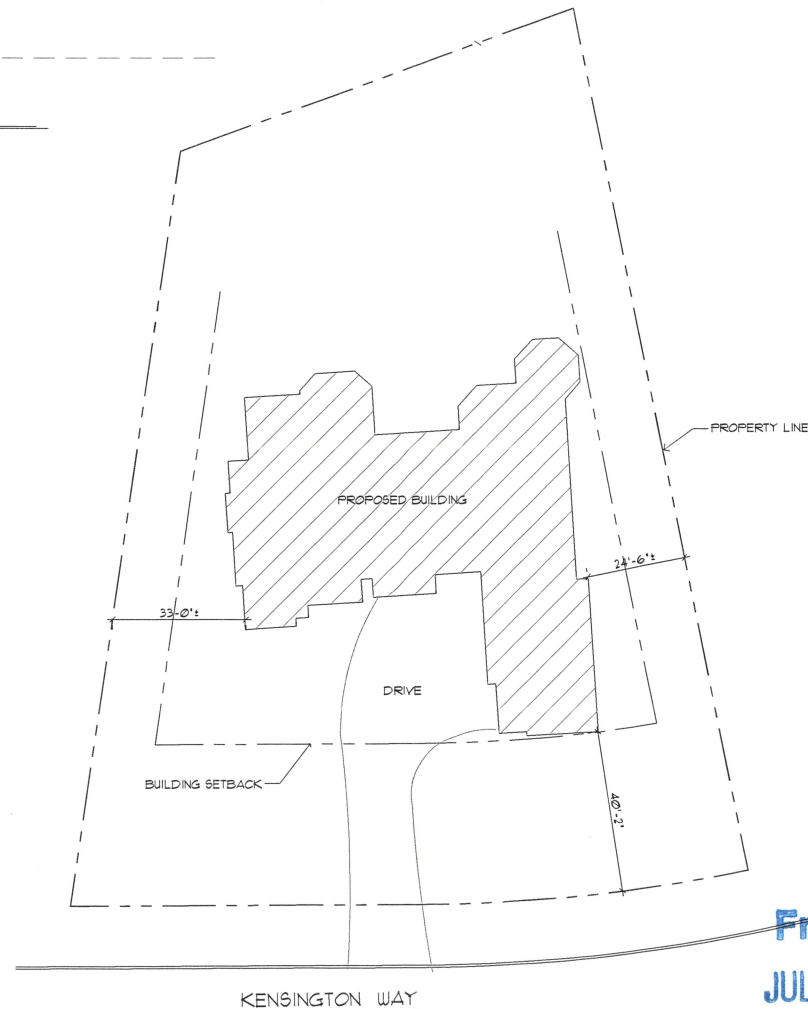
SCOPE OF DRAWING:

THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN INTENT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL AND ELECTRICAL SYSTEMS. THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT. ON THE BASIS OF GENERAL SCOPE INDICATED OR DESCRIBED, THE TRADE CONTRACTORS SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK INTENDED.

GENERAL NOTES

- THE DESIGNER MAINTAINS NO RESPONSIBILITY FOR THE GENERAL CONTRACTOR, SUBCONTRACTORS, OR THOSE WORKING IN SUCH CAPACITIES FOR THE METHODS USED, OR LACK THEREOF, IN THE EXECUTION OF THE WORK AND SAFETY PROCEDURES AND PRECAUTIONS TAKEN AT THE PROJECT SITE.
- CONTRACTORS SHALL ASSUME FULL RESPONSIBILITY - UNRELIEVED BY REVIEW OF SHOP DRAWINGS NOR BY SUPERVISION OR PERIODIC OBSERVATION OF CONSTRUCTION FOR COMPLIANCE WITH THE CONTRACT DOCUMENTS - FOR DIMENSIONS TO BE CONFIRMED AND CORRELATED ON THE JOB SITE AND BETWEEN INDIVIDUAL DRAWINGS OR SETS OF DRAWINGS FOR FABRICATION PROCESSES AND CONSTRUCTION TECHNIQUES (INCLUDING EXCAVATION, SHORING AND SCAFFOLDING, BRACING, ERECTION, FORM WORK, ETC.) FOR COORDINATION OF THE VARIOUS TRADES FOR SAFE CONDITIONS ON THE JOB SITE AND FOR THE PROTECTION OF THE PEOPLE AND PROPERTY AT THE JOB SITE.
- THE INFORMATION CONTAINED ON THE DRAWINGS IS IN ITSELF INCOMPLETE AND VOID UNLESS USED IN CONJUNCTION WITH ALL THE SPECIFICATIONS, TRADE PRACTICES, OR APPLICABLE STANDARDS, CODES, ETC., INCORPORATED THEREIN BY REFERENCE, OF WHICH THE CONTRACTOR CERTIFIES KNOWLEDGE BY SIGNING THE CONTRACT.
- UNLESS NOTED OTHERWISE, ALL DETAILS, SECTIONS, AND NOTES ON THE DRAWINGS ARE INTENDED TO BE TYPICAL FOR SIMILAR SITUATIONS ELSEWHERE.
- UNLESS OTHERWISE SHOWN OR NOTED, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE LOCATION AND THE PLACEMENT OF ANY INSERTS, HANGARS, PIPE SLEEVES, HOLES OR ANCHOR BOLTS THAT ARE REQUIRED BY THE MECHANICAL OR ELECTRICAL EQUIPMENT.
- THE CONTRACTOR SHALL COMPLY WITH THE LATEST OCCUPATIONAL SAFETY HEALTH ACT REQUIREMENTS.
- ALL STATE OF WISCONSIN LOCAL AND OSHA SAFETY CODES SHALL BE A PART OF THESE PLANS, AND IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO SEE THAT ALL PARTIES THAT WORK AT OR VISIT THE JOB SITE COMPLY WITH SAME.
- THE DESIGN OF THE ROOF TRUSS SYSTEM SHALL BE BY THE TRUSS SUPPLIER. STATE OF WISCONSIN APPROVAL SHALL BE BY TRUSS SUPPLIER. STATE OF WISCONSIN PLAN EXAMINATION FEES SHALL BE FIGURED IN THE TRUSS SUPPLIER'S BID. ALL ITEMS THAT ARE TO BE SUPPLIED BY OTHERS INCLUDING LOCATION AND SIZE OF ALL BRIDGING, AND ANY OTHER ITEMS THAT MAY BE REQUIRED FOR A COMPLETE ROOF SYSTEM SHALL BE NOTED ON THE TRUSS SUPPLIER'S DRAWINGS. ERECTION OF THE ROOF TRUSS SYSTEM SHALL BE BY CARPENTRY CONTRACTOR. STATE OF WISCONSIN APPROVED TRUSS DOUGS SHALL BE INSTALLED AT ALL BEARING WALLS FOR THE ROOF TRUSS SYSTEM. TIES SHALL BE SUPPLIED BY CARPENTRY CONTRACTORS. CARE SHALL BE TAKEN IN TIE-NAILING ROOF TRUSSES TO TOP 2x4 PLATES SO THAT BOTTOM CHORD OF TRUSS DOES NOT SPLIT THEREBY MAKING THE CONNECTION INEFFECTIVE. OWNER SHALL RECEIVE COPIES OF STATE APPROVED PLANS.
- 1/2" OGB SHALL BE NAILED TO TRUSSES AT A MAXIMUM OF 8" O.C. STEEL H-CLIPS SHALL BE USED BETWEEN TRUSSES.
- ALL WOOD FOR EXTERIOR WALLS, INTERIOR BEARING WALLS SHALL BE SPP-STUD GRADE OR BETTER. FLOOR JOIST SHALL BE 1x DOUGLAS FIR AND LARCH OR BETTER WITH F ANGLE + 850 PSI, OR ENGINEERED LUMBER. ALL WOOD REQUIRED TO COMPLETE THE ROOF SHALL BE PER ROOF TRUSS MANUFACTURER SPECIFICATIONS.
- DESIGN DATA:
LIVE LOAD ROOF 30PSF/20FT.
LIVE LOAD FLOOR 40PSF/20FT.
CONCRETE 3000 PSI
REINFORCED STEEL YIELD 60,000 PSI. CRSI SPECIFICATIONS.
ASSUMED SOIL PRESSURE 3000 PSF.
CORROSION OF ANY FILL REQUIRED UNDER FLOOR SHALL BE TO 95% MAXIMUM DENSITY AS DETERMINED BY MODIFIED PROCTOR TEST (ASTM D991). THIRD PARTY TESTS SHALL BE REQUIRED TO BE FURNISHED TO DESIGNER TO INSURE THAT THE COMPACTION IS PER ABOVE.
- ALL CONCRETE BLOCK SHALL BE STATE OF WISCONSIN APPROVED. BRICK SHALL BE SECURELY ATTACHED TO WOOD FRAMING WITH 22 GAUGE CORRUGATED GALVANIZED SHEET METAL TIES - 1/8" WIDE WITH AT LEAST ONE ANCHOR IN EVERY 7 SQUARE FEET OF WALL. MORTAR SHALL BE TYPE "M".

2 SITE PLAN
SCALE: 1/4" = 1'-0"



Franklin
JUL 29 2019
City Development

DATE:

7-5-19

COLEMAN RESIDENCE

7570 Kensington Way

Franklin, WI

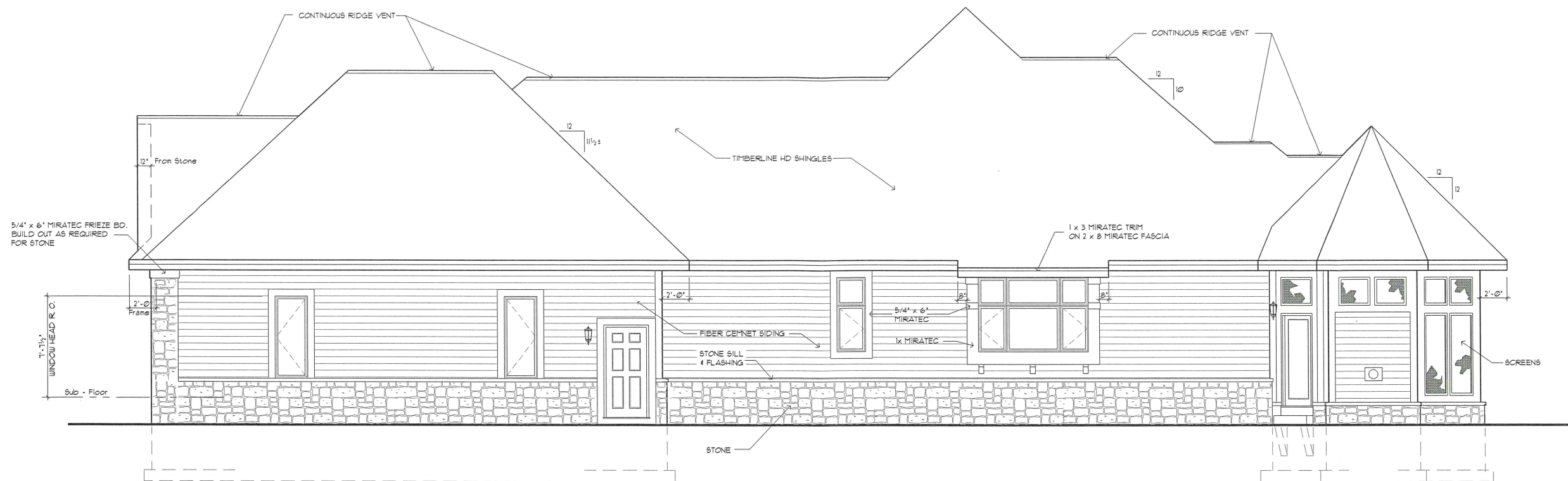
Exterior Elevations / Site Plan

DRAWN BY:
DJA

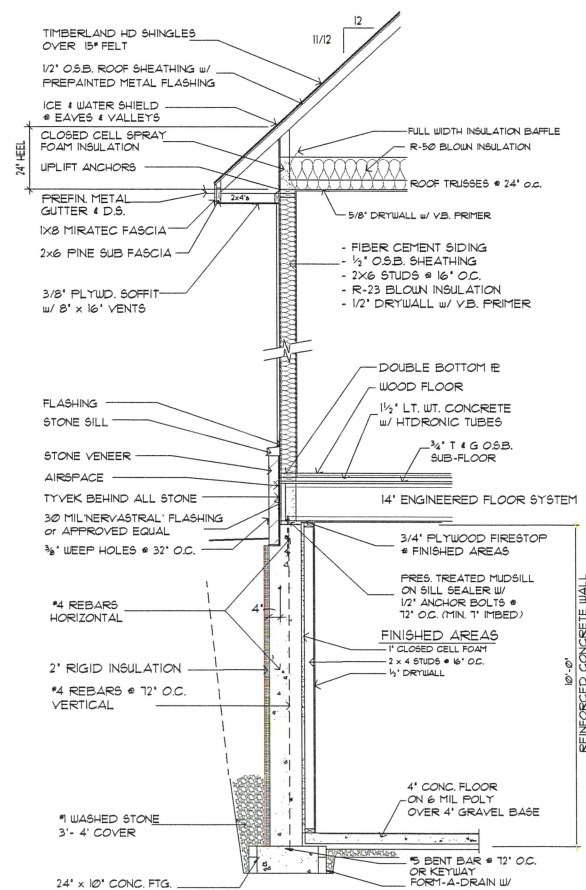
A-1



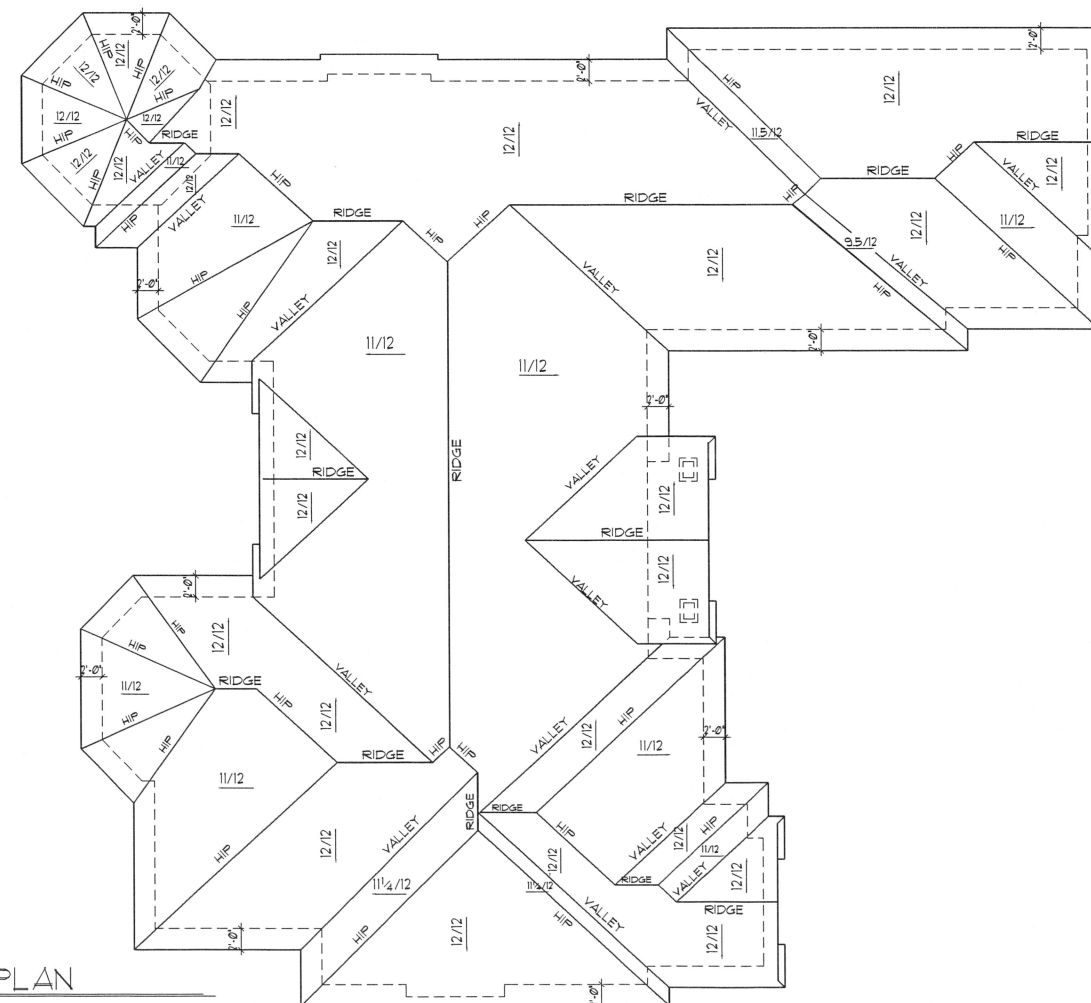
9120 W. Loomis Rd., Suite 400
Franklin, WI 53132
Phone: (414)529-4588
Fax: (414)529-7344
www.carstensenhomes.com



1 SOUTH ELEVATION
A-3 SCALE: 1/4" = 1'-0"



3 TYPICAL WALL SECTION
A-3 SCALE: 3/8" = 1'-0"
w/ STONE DETAILS
& FINISHED BASEMENT



2 ROOF PLAN
A-3 SCALE: 1/8" = 1'-0"



DATE:
7-5-19

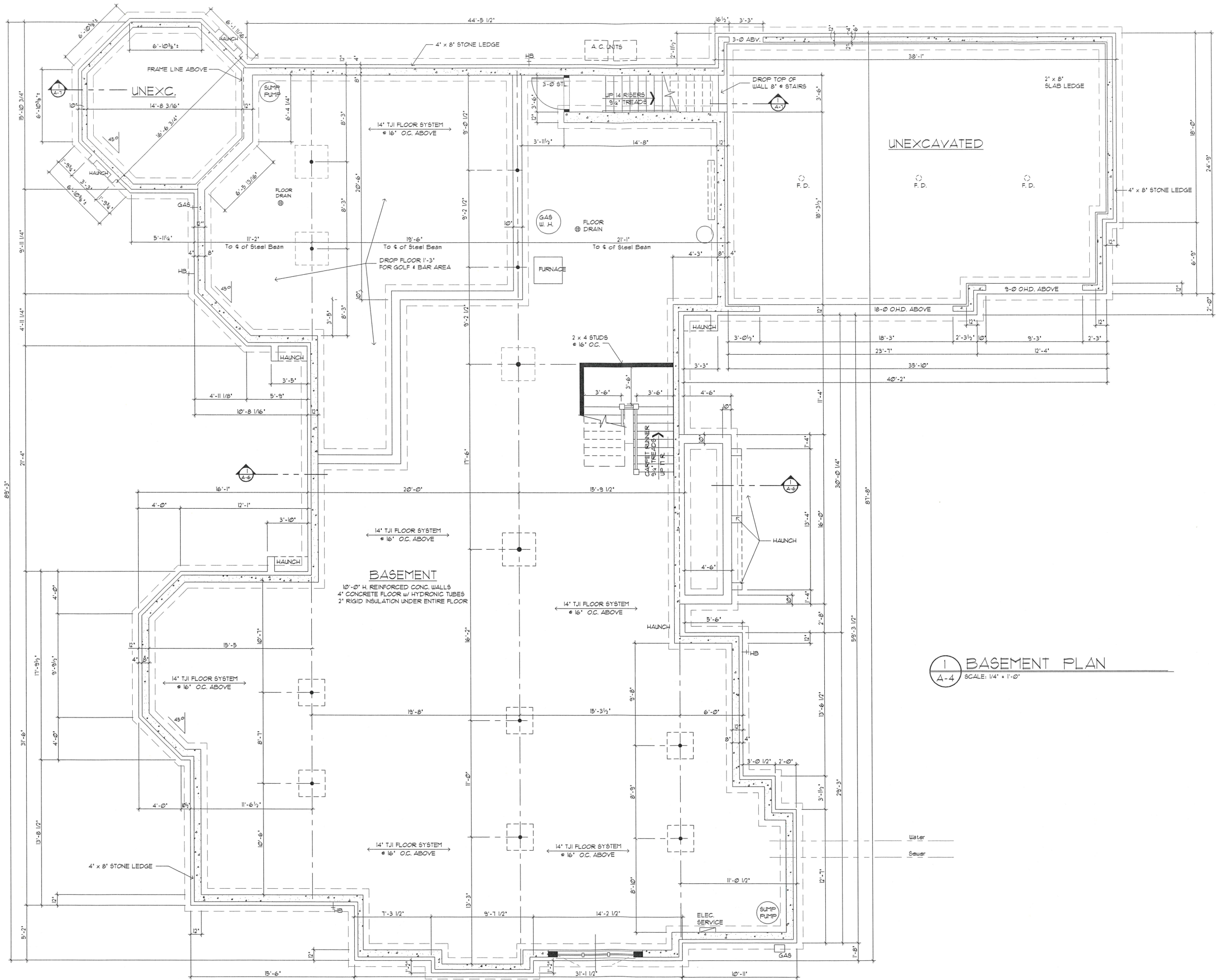
COLEMAN RESIDENCE
7570 Kensington Way
Franklin, WI
Exterior Elevations - Roof Plan - Wall Section

DRAWN BY:
DJA

A-3

9120 W. Loomis Rd., Suite 400
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Fax: (414)529-7344
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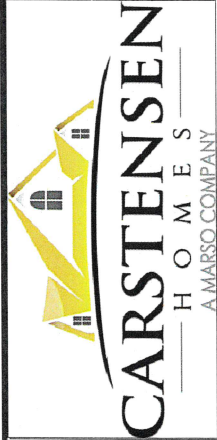
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COLEMAN RESIDENCE
7570 Kensington Way
Franklin, WI
Basement Plan

DRAWN BY:
DJA

A-4



DATE:

7-5-19

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Franklin, WI 53132
Phone: (414)529-4588
Fax: (414)529-7344
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1 FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

3948 Sq. Ft. Living Space
 202 Sq. Ft. Green Porch
 1016 Sq. Ft. Garage
 74 Sq. Ft. Front Porch
 5240 Sq. Ft. Total Building Footprint

NOTES:

- ALL INTERIOR DOOR TO BE 8'-0" H. UNLESS NOTED OTHERWISE
- ALL WALLS OVER 10'-0" H. TO BE CONSTRUCTED w/ 2 x 6 ENGINEERED STUDS EXCEPT GARAGE STUDS TO BE 2x6 SFF
- PROVIDE SOUND INSUL. IN ALL BATH WALLS AND LAUNDRY RM. WALLS
- SEE SHEET S-1 FOR ADDITIONAL STRUCTURAL DETAIL
- FLOOR SYSTEM ENGINEER TO ACCOUNT FOR EXTRA DEAD LOAD AT FIRELACE AREA
- ALL WINDOWS ARE NOTED AS UNIT SIZE IN INCHES

NOTES:

- ALL INTERIOR DOOR TO BE 8'-0" H. UNLESS NOTED OTHERWISE
- ALL WALLS OVER 10'-0" H TO BE CONSTRUCTED w/ 2 x 6 ENGINEERED STUDS EXCEPT GARAGE STUDS TO BE 2x6 SFF
- PROVIDE SOUND INSUL. IN ALL BATH WALLS AND LAUNDRY RM WALLS
- SEE SHEET S-1 FOR ADDITIONAL STRUCTURAL DETAIL
- FLOOR SYSTEM ENGINEER TO ACCOUNT FOR EXTRA DEAD LOAD AT FIRELACE AREA
- ALL WINDOWS ARE NOTED AS UNIT SIZE IN INCHES

A-5



DATE: 7-5-19

9120 W. Loomis Rd., Suite 400
Franklin, WI 53132
Phone: (414)529-4588
Fax: (414)529-7344
www.carstensenhomes.com



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of August 8, 2019

Temporary Use Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the Temporary Use amendment, subject to the conditions in the draft resolution.

Project Name:	Temporary Portable Concrete Batch Plant: Amendment #2
Project Address:	11027 S. 27 th Street
Applicant:	Justin Kratochvil, Ozinga Ready Mix Concrete, Inc.
Property Owner:	Fox Glen Corporate Centre LLC
Current Zoning:	Planned Development District No. 39 Mixed Use Business Park, FW Floodway District, and FC Floodplain Conservancy District
2025 Comprehensive Plan	Mixed Use Business Park and Areas of Natural Resource Features
Use of Surrounding Properties:	Agricultural lands and areas of natural resource features to the north, west and south, and S. 27 th Street and I-94 to the east
Applicant Action Requested:	Approval of the Temporary Use Amendment for the change in the hours of operation for the concrete batch plant and construction laydown yard

Introduction/Background

At its December 6, 2018 meeting, the Plan Commission approved with conditions a Temporary Use Application for property located at 11027 South 27th Street for:

- a temporary portable concrete batch plant use (from April 1, 2019 to November 30, 2019); and
- a temporary construction laydown yard use (from December 7, 2018 to March 31, 2019).

At its February 21, 2019 meeting, the Plan Commission approved with conditions an amendment to the Temporary Use for the subject temporary portable concrete batch plant and temporary construction laydown yard uses.

On July 11, 2019, the applicant submitted a further request for an amendment of the Temporary Use, to revise the batch plant hours of operation from the currently approved 7:00 am to 9:00 pm Monday through Sunday, to the proposed 5:00am to 8:00pm Monday through Saturday.

The proposed use is allowed as Temporary Uses per Section 15-3.0804 of the Unified Development Ordinance (UDO). The temporary concrete batch plant use must comply with the standards in subsection “D” and be approved by the Plan Commission.

Project Description/Analysis

As noted above, the applicant has requested an amendment of the currently approved Temporary Use to change the hours of operation to start earlier than currently approved, to stop earlier than currently approved, and to not operate on Sundays.

Both Planning Department and Engineering Department staff have no objection to the requested change in hours of operation, subject to the condition that the applicant contact the affected adjacent neighbors to determine if the neighbors have any concerns with the change in hours of operation, for review and approval by City staff.

Staff Recommendation

Department of City Development staff recommends approval of the Temporary Use amendment, subject to the conditions in the draft resolution.

RESOLUTION NO. 2019-_____

A RESOLUTION TO AMEND RESOLUTION NO. 2019-002,
A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR A PORTABLE
CONCRETE BATCH PLANT AND CONSTRUCTION LAYDOWN
YARD FOR OZINGA READY MIX CONCRETE, INC. UPON PROPERTY
LOCATED AT 11027 SOUTH 27TH STREET, TO CHANGE THE HOURS OF
OPERATION OF THE CONCRETE BATCH PLANT AND CONSTRUCTION
LAYDOWN YARD (OZINGA READY MIX CONCRETE, INC., APPLICANT)

WHEREAS, Ozinga Ready Mix Concrete, Inc. having requested amendment of the Temporary Use for the subject concrete batch plant and construction laydown yard that was approved with conditions by the Plan Commission at its February 21, 2019 meeting, to relocate the concrete batch plant and construction laydown yard to be located partly on the existing parking lot (former golf dome property (portable batch plant)), and partially on the former golf dome site to the west (construction laydown yard), to change the commencement date of the operation of the construction laydown yard to February 22, 2019 and to change the hours of operation of the concrete batch plant and laydown yard to Monday through Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Plan Commission having reviewed such proposals and having found same to be reasonable under the circumstances of the property location and adjoining residential uses.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that Resolution No. 2019-002 be and the same is hereby amended to further change the hours of operation of the concrete batch plant and laydown yard to Monday through Saturday, 5:00 a.m. to 8:00 p.m., subject to the following conditions and restrictions:

1. The applicant shall contact the affected adjacent neighbors to determine if the neighbors have any concerns with the change in the hours of operation, for review and approval by City staff, prior to initiation of the change in the hours of operation.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this 8th day of August, 2019.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 8th day of August, 2019.

OZINGA READY MIX CONCRETE, INC. – TEMPORARY USE AMENDMENT
RESOLUTION NO. 2019- _____

Page 2

APPROVED:

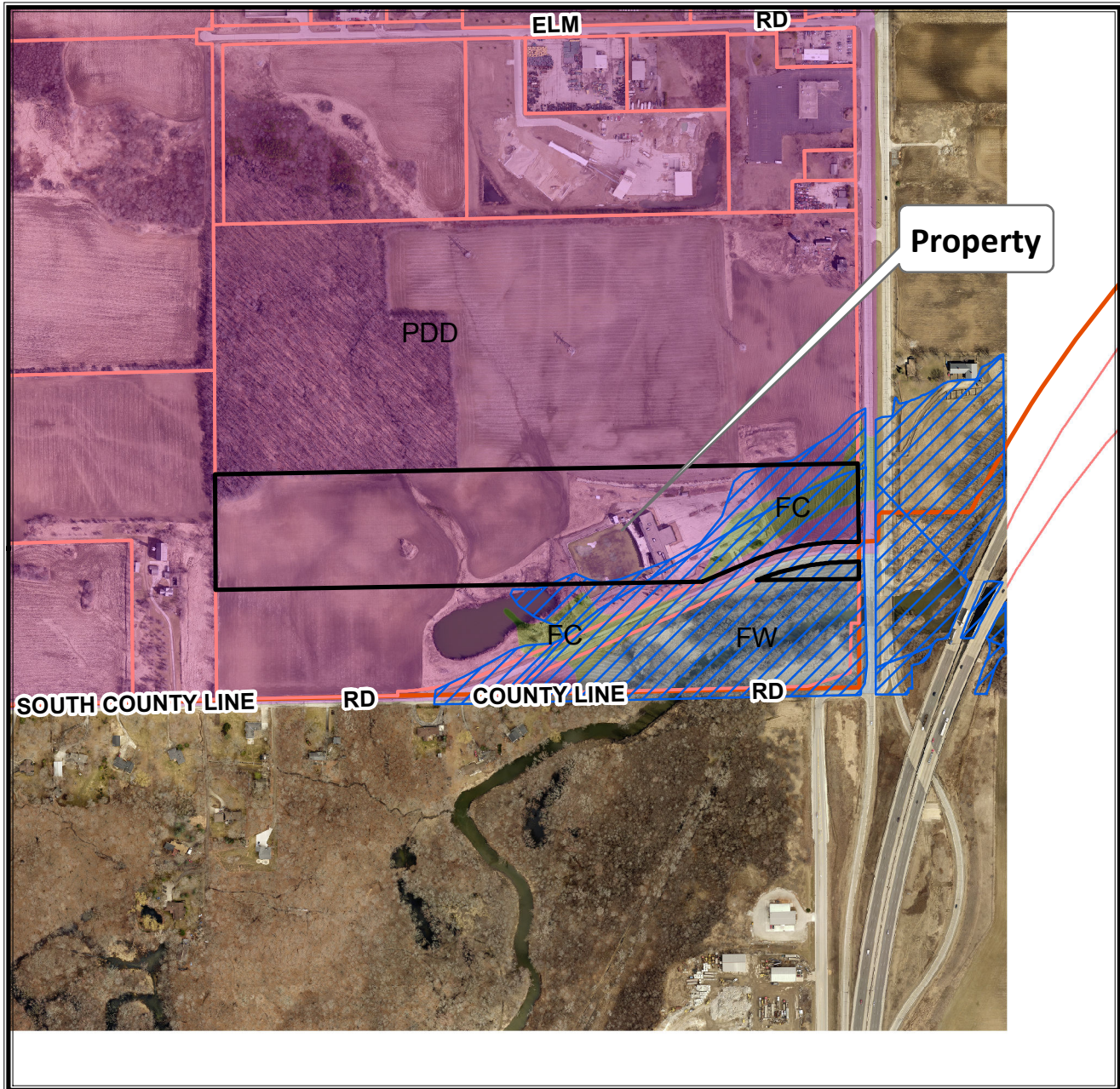
Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

11027 S. 27th Street
TKN: 978 9998 000



Planning Department
(414) 425-4024

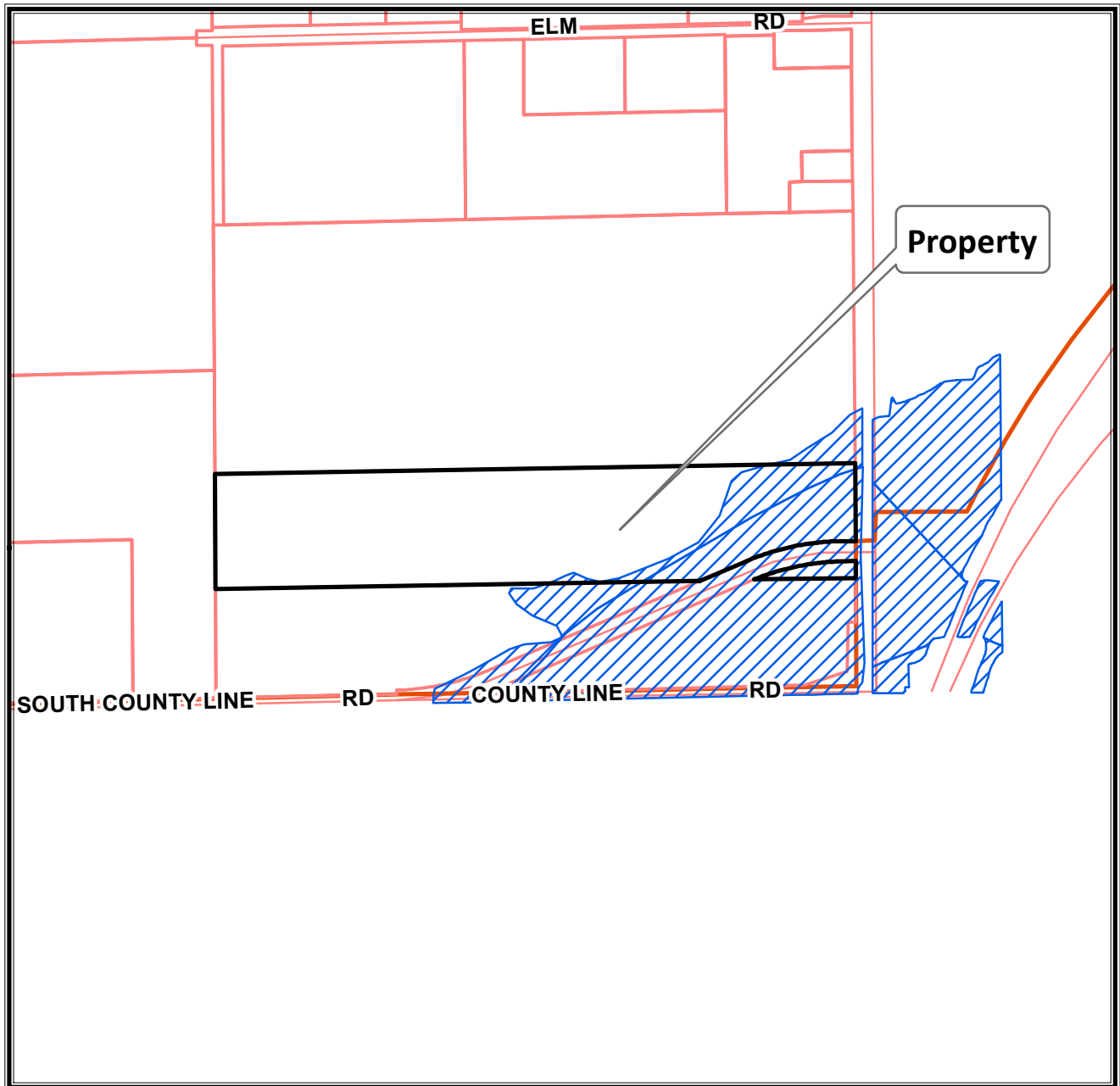
0 375 750 1,500 Feet

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.


NORTH
2017 Aerial Photo



11027 S. 27th Street
TKN: 978 9998 000



Planning Department
(414) 425-4024

0 380 760 1,520 Feet

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.





Ozinga Ready Mix Concrete, Inc.
9000 West Chester Street, Suite 350, Milwaukee, WI 53214
414.258.7800

July 11, 2019

City of Franklin
Department of City Development
9229 W. Loomis Road
Franklin, WI 53132

RE: Ozinga Ready Mix Concrete, Inc. - PROPOSAL for Hours of Operation Change
11027 S. 27th Street – Franklin, WI

Ozinga Ready Mix Concrete, Inc. respectfully submits a Temporary Use Application for proposed change to the current hours of service parameter set forth under the existing Temporary Use Permit, previously approved by the Plan Commission on February 21, 2019.

Under the current Temporary Use Permit, the hours of service for the site include a timeframe from 7:00 am to 9:00 pm (Monday – Sunday).

With the significantly wet spring, production for this Wisconsin DOT project to expand the north & southbound lanes of Interstate 94, beginning at Highway G (Racine County) north to College Ave (Milwaukee County) is currently behind schedule for its November 2019 completion.

Ozinga Ready Mix Concrete, Inc. politely requests a change in the hours stipulated in the current Temporary Use Permit, to reflect new hours of operation to begin at 5:00 am and end at 8:00 pm, Monday through Saturday (change request identified in support materials herein submitted – page 4 “Plant Operation” section).

We believe that this requested change will help ensure on time delivery of our product and keep current with the ongoing demands of this Wisconsin DOT Project, while taking advantage of superior product with cooler temperatures during the morning and increased safety of the public (less traffic in the early morning hours prior to standard rush hour morning traffic).

We would appreciate consideration at your August 8, 2019 Plan Commission agenda.

If you have any questions, please feel free to contact me directly at 414-788-6753.

Respectfully,
Ozinga Ready Mix Concrete, Inc.

A handwritten signature in black ink, appearing to read "J. Kratochvil".

Justin J. Kratochvil
Regional Manager – Safety / Environmental & HR

COMPANY & PROJECT OVERVIEW

Ozinga Ready Mix Concrete, Inc. is a fourth generation, well respected, family owned and operated business since 1928, and are proud to have been identified as a Top 100 Workplace by both the Milwaukee Journal Sentinel and Chicago Tribune!

We have recently expanded and have established a Wisconsin Division with a main office located at 9000 West Chester Street in Milwaukee, WI. Since entering the Wisconsin Division Marketplace in October of 2014 to current day, the Wisconsin Division of Ozinga Ready Mix Concrete, Inc. has hired over 190 Local employees.

Ozinga Ready Mix Concrete is seeking approval for a temporary use permit to operate a portable ready mix concrete plant and a Construction Laydown Permit to stockpile material and move assets to the site. The proposed site will provide ready mix concrete for the Interstate 94 northbound lane expansion / resurface, from Highway G (Racine County) to College Ave (Milwaukee County).

The existing site represents a highly desirable location for the temporary ready mix concrete batch plant. The current site is under lease by Walsh Construction, who will utilize the site as a Department of Transportation Select Site for the project, which when completed, will enhance quality for the City of Franklin. Upon project completion, the intention of the owner and Walsh Construction will be to remove the old building (formerly Golf Park) and related structures, clean the property and return it to a quality meeting the integrity of the City for future residential, agriculture, recreational and / or business development.

With the ability to better serve and control the delivery demands from this site, it also allows Ozinga Ready Mix Concrete, Inc. to contribute to the Interstate expansion / resurfacing project so that it is completed on time, on budget and further enhances our partnership with the local community.

Our intention is quite simple. We feel that Ozinga Ready Mix Concrete, Inc. can not only service the demands of this project, but also serve as a steward of the community.

The following will outline the project details including provisions of additional information recommended as part of the city of Franklin Department of City Development Staff Review, conducted on October 26, 2018, the Plan Commission meeting on 12.6.2018 & recommendations provided by the City of Franklin.

READY MIX CONCRETE PLANT (TEMPORARY / PORTABLE)

The proposed plant for the site is an Erie Strayer MG-12CP – Central Mix Paving Plant. The components of the plant are set for high speed and high production for on time completion of the concrete paving needs for the established WisDOT project.

The plant will have one silo that extends to a height of sixty-six (66) feet, which is the highest portion of the plant, and will store Portland Cement. There are three (3) aggregate hoppers, fed by independent 30-inch belt conveyors and will be used to transport raw material of sand and gravel to the central mix drum. Water from the site will be utilized by an existing well on site (independent permit obtained by the contractor to run a 4-inch line to the plant). There may be two additional cementitious storage vessels (PIGS) that will store additional cementitious material due to the demands of the WisDOT project. A batch trailer will be located at the plant which will serve as the data center for batching of RMX concrete. This trailer will be manned by one person during operations. A secondary person will be utilized to operate an end loader on site for raw material loading to the plant.

Aggregates will be stored on site (west of plant – within the old AstroTurf area) – details are outlined under the “Aggregates / Stockpiled” portion of this submittal.

SITE VEHICLES & PERSONNEL

1. READY MIX CONCRETE DELIVERY VEHICLES

- No ready-mix delivery vehicles will be domiciled on site. Ready Mix delivery vehicles (Front Discharge / Rear Discharge & Dump Trucks) for ready mix production will be utilized as the site is operation, which is based on the demands of the contractor performing work on the Interstate and will vary daily.

2. FRONT END LOADER

- One front end loader will be on site, necessary for the purpose to load the plant bins.
- This front-end loader will be a Caterpillar Model 972 (or equivalent).
 - Refer to Tab 5 for specifications.

3. PERSONNEL

- For the Ozinga Ready Mix Concrete Operations, it is anticipated that the maximum personnel on site at any one time will be 6 employees, with two (2) full time employees on site during operations (Batchman & Loader Operator to fill bins). Other employees may include a quality control professional or manager(s) associated with the project.

4. PARKING

- Personal employee parking on site will be located along the northeast portion of the existing asphalt parking lot.
- The end-loader for the site will be parked adjacent to the batch plant.

AGGREGATES / STOCKPILED MATERIAL

- Aggregates are supplied from local sources and is brought in by dump trucks and stockpiled for use. Stockpiles will be less than 25 feet in height and stored on site in the former AstroTurf area of the site, directly west of the old office building & restaurant. This area is comprised of approximately 1.2 acres and the north, west and south perimeter of the area is surrounded with a 2-foot-tall by 2-foot-wide foundation wall that formerly was used to secure the old dome of the site. This area is formerly developed, fenced and located outside of the floodplain.

PERMIT REQUESTS

- **Temporary Use Permit**
 - For the ability to operate a Portable Ready Mix Concrete Plant from the period of April 1, 2019 until November 30, 2018, representing 8 months.
- **Construction Laydown Permit**
 - Representing the ability to begin to stockpile material & move assets to the site for use in Ready Mix Production. This targeted timeframe is from February 22, 2019 to March 31, 2019 (representing 38 days). Once production begins (April 1, 2019 target), stockpiles will be utilized to produce ready mix concrete and maintained in accordance with production demands.

- Stockpiles will be stored in the AstroTurf area west of the old office / restaurant building.
- Plant assets (components) will be stored in the area intended for set up.

PLANT OPERATION

- In conjunction with the WisDOT project needs, daily hours of operation are politely requested to be changed to 5:00 am to 8:00 pm Monday through Saturday. This is a proposed change from the original approval of 7:00 am to 9:00 pm Monday through Sunday.
- Ozinga Ready Mix Concrete, Inc. will comply with all Local, County, State and Federal rules, orders, regulations and ordinances dealing with ready mix operations.

ENVIRONMENTAL

- A 560 Gallon Above Ground Storage Tank for off road diesel fuel is intended for the site and is proposed to be located to the north of the plant. The AST will be appropriately permitted and approved by the State of Wisconsin, including restricted access (locks for the fuel system while not in operation) and collision protection.
- All appropriate permits & site plans (concrete product operations, storm water, spill prevention containment and countermeasures) will be secured and established through the State of Wisconsin and Ozinga Ready Mix Concrete, Inc.

NOISE

- All noise emitted from the site will be reasonably muffled and controlled from the operation.
- Recent sound pressure decibel readings taken from a similar plant at projected distances to the existing property lines reflect no detect of SPL readings (<70 dBA).

DUST

- Air Pollution control measures will be implemented in accordance to the requirements of the site Temporary Use Permit, including the development of a site control plan specific to the Ready Mix Concrete Operation. Appropriate silo bag houses and dust collection systems will be in existence and maintained in a functional condition.

ROUTING PLAN (TRAFFIC)

- Ingress and egress for the plant will be utilized from County Line Road via South 27th Street.
- Truck traffic will access Interstate 94 by taking County Line Road (east) to S. 27th Street (South) to the interstate, or County Line Road (east) to S. 27th Street (North) to Highway 100 (east).
- There will be no use of other local residential roads for this project.

RESTORATION PLAN

- Upon completion of the project, Ozinga Ready Mix Concrete, Inc. will remove the portable batch plant, its related components and associated materials used to produce ready mix concrete (Refer to Restoration Plan Details)

OUTSIDE SALES

- Stockpiled material on site by Ozinga Ready Mix Concrete, Inc. will solely be used in the production of Ready Mix Concrete at the site. No outside sales will be conducted.

STONE CRUSHERS

- There will be no crushing of material by Ozinga Ready Mix Concrete, Inc. on site.

SIGNAGE

- There will be no signage necessary for Ozinga Ready Mix Concrete, Inc. operations.

Ozinga Ready Mix Concrete, Inc.

City of Franklin Proposal (Temporary Batch Plant - **REVISED 7.11.2019**)

Page 6

SITE LIGHTING

- Pursuant to the December 6, 2018 Plan Commission meeting, Ozinga Ready Mix Concrete, Inc. will not have need to provide lighting for the site, based on the hours of operation recommended by the Plan Commission.

FINANCIAL ASSURANCE

- Pursuant to Section 15-3.0804 of the UDO, Ozinga Ready Mix Concrete, Inc. has spoken with Mr. Glen Morrow and has determined the details regarding the financial assurance for the impacted road (W. County Line Road). There is 500 feet of road necessary to access the site.
- An original signature & notarized bond (Bond #30058605) was provided to the City of Franklin on January 16, 2019, in the amount of \$15,000 as requested by the City of Franklin (Mr. Glen Morrow).

EROSION CONTROL & RESTORATION PLAN

EROSION CONTROL

Ozinga Ready Mix Concrete, Inc. has established an Erosion Control Plan (ECP) for the site. In addition, we will operate in conjunction with the existing erosion control plan for the WisDOT select site (east field, east of existing asphalt parking lot). A site review was conducted on Friday, November 2, 2018 with representatives of The Walsh Group, Wisconsin DOT, Wisconsin Department of Natural Resources and Ozinga Ready Mix Concrete, Inc. and an erosion control plan established including a relationship to the FEMA floodplain & runoff coefficient table, and consideration to the Natural Resource Protection Plan.

Appropriate silt fencing will be established (see map for details) including a delineated area for a designated washout area, channeling any process related waters to an established area contained on site. Additional silt fencing will be placed along the south perimeter of the site, west of the driveway entrance (see map for details).

Please refer to the following documents for the site erosion control plan as established by Ozinga Ready Mix Concrete (Refer to Tab 1) for the site proposed by Ozinga Ready Mix Concrete, Inc.

Please refer to the following documents for the site erosion control plan as established by the contractor – The Walsh Group (Refer to Tab 2), for areas of the approved select site east of the asphalt parking lot.

RESTORATION

To erect and secure the portable batch plant, a concrete pad will need to be poured in the designated plant area. This pad will be approximately 12 feet wide by 70 feet long 1 foot thick and will be poured over the existing grade (asphalt). At the completion of the project, this pad will be removed, and associated materials trucked off site and appropriately disposed of. The area will be returned to the current grade. Compacted aggregates will be placed in areas of disturbed asphalt.

Areas of stockpile storage will be removed from the identified storage location. As the stockpiles are intended for storage on existing base from the AstroTurf area. Should any base material be disturbed, compacted aggregates will be placed in such areas of disturbed base.

The contractor (The Walsh Group) is working with the owner of the property (Fox Glen Corporate Centre LLC, John Spitz & Jeff Knauf) on the future removal of the structures of the former Golf Park Dome, currently vacant). The intention is to remove the building and related structures and clean debris and material from the site. All related permits for this project are being coordinated through the owners and The Walsh Group. See attached (Table 3) restoration details as provided by Walsh Construction.

UPDATED INFORMATION 0- 1.25.2019

ADDITIONAL UPDATE 2.21.2019 (revision to item 3.c.)

Restoration Plan as prepared by The Walsh Group for site restoration activities.

Walsh Construction Restoration Plan for Site

1. Franklin demolition permit for the facility located at 11027 S. 27th Street was obtained, and Walsh demolition operations have commenced.
 - a. Interior cleanup and removals started in December.
 - b. Structure removals will occur through January 2019.
 - c. The Existing building slab (concrete or other) shall be removed by the completion of the Ozinga batch plan operations (by early 2020)
 - d. Materials and steel structures west of the masonry building will be removed through January 2019. Construction debris will be removed via appropriate methods with dumpster haul-off.
 - e. Aggregate bases will be left and graded as necessary to stage Ozinga's batch plant material stockpiles outside the flood zone. Materials include coarse and fine aggregates, cement and fly ash tankers, etc. Employee parking and other minor construction materials may also be staged west of the existing building in the footprint of the old golf dome and within the existing chain link perimeter fence, utilizing the existing asphalt driveway along the fence line.

- f. The parking lot to the east of the Ozinga batch plant shall be used for additional employee parking and other temporary, daily equipment and visitors 2019.
 - i. Existing curbs and light pole foundations within the parking lot shall be removed to facilitate material trucking and temporary staging (to load / unload) to and from the batch plant operation. Islands shall be graded flat with aggregate, including the driveway island north of 8-Mile Rd.
- 2. The farmland to the east of the lot shall be left as is with no intended use with the revised batch plant orientation and operations to the west and outside the flood plain.
- 3. Restoration of the site will occur after Ozinga's batch plant operations are completed in late 2019, and may continue through May 2020, pending I-94 and the Elm Road construction operations complete.
 - a. Area west of the existing building (11027 S. 27th St) will be cleaned up, and graded flat (existing aggregate base)
 - b. Area within the building footprint (approximately 20,000 SF) will be regraded to drain (east per existing contours). Topsoil shall be placed to fill and voids to drain per original contours.
 - c. Parking lot area east of the building & astro turf area west of building shall be removed with any remaining stockpiled materials. Topsoil shall be placed to obtain original elevations for the site's future use as farmland, or similar, and allow for proper drainage to the east and south to the existing spillway.
- 4. Demobilization from the site by Ozinga's batch plant operation will commence in December 2019.

Walsh shall be complete demobilization by the terms of our permit, which coincides with the completion of the I-94 NS Freeway project and the Elm Rd / 27thh Street intersection construction by June 26, 2020.

NATURAL RESOURCE PROTECTION PLAN
Section 15-7.0201

Proposed Name: Ozinga Ready Mix Concrete, Inc. – Portable Plant (Ready Mix Concrete)

Location: 11027 S. 27th Street – Franklin, WI

Site Owner: Fox Glen Corporate Centre, LLC
18025 W. Lincoln Ave.
New Berlin, WI 53146
Mr. John Spitz & Mr. Jeff Knauf
Email: johnspitz350@yahoo.com

Site Lessee: The Walsh Group
WisDOT I-94 North Segment (Job 218108)
Contact: Mr. Mark Fournier
455 W. Forest Hill Ave.
Oak Creek, WI 53254
312-656-4410
Email: mfournier@walshgroup.com

Concrete Contractor: Ozinga Ready Mix Concrete, Inc.
9000 W. Chester Street – Suite 350
Milwaukee, WI 53214
Contact: Mr. Justin Kratochvil
414-788-6753
Email: justinkratochvil@ozinga.com

Date of Natural Resource Protection Plan: November 13, 2018

Revision Date of Natural Resource Protection Plan: N/A

Site Boundary: See Map Provided

Lot Lines: See Map Provided

Existing Streets: See Map Provided

Easements / Neighboring Properties: See Map Provided

Location & Extent of Existing Natural Resource Features: See FEMA Map Provided

Disturbed & Preserved Natural Resource Features:

- The delineated area for the concrete (temporary) batch plant will be erected on existing asphalt. A concrete pad will be poured for plant stability, which will be removed at the completion of the project. The batch plant will not alter existing land contours.
- Stockpiling of material will be located on the AstroTurf area located directly west of the intended concrete (temporary) batch plant & former Office / Restaurant Building.
- The Wisconsin Department of Natural Resources (Kristina Betzold) met with representatives of The Walsh Group, WisDOT and Ozinga Ready Mix personnel on site on November 2, 2018. The Wisconsin DNR provided for approval of the site as a WisDOT Select Site for use by The Walsh Group. The site, provided that existing land contours are not altered, thus not disturbing natural resources was identified by the Wisconsin DNR.

Method of Natural Resource Preservation:

- The intention for the concrete (temporary) batch plant and associated stockpiles will be positioned on the existing asphalt parking area. No Natural Resource impact based on this location.
- An erosion control plan has been established by the site Lessee, The Walsh Group & Ozinga Ready Mix Concrete (refer to Erosion Control Plan).

Scale / North Arrow / Contours: See Map Provided

NOTE

Per the October 26, 2018 City of Franklin (Department of City Development) City Staff Review, Ozinga Ready Mix Concrete, Inc. is aware that a full natural Resource Protection Plan Per Section 15-7.0201 is not required based on comments:

17. Please submit a Natural Resource Protection Plan (NRPP) per Section 15-7.0201 of the UDO. The NRPP must include the project area as well as the surrounding 100 feet.

Alternatively, all structures, equipment and land disturbing activities shall be contained within the existing parking lot area.

UDPATE – based on 1.24.2019 Meeting with City of Franklin
Existing activities to be conducted on existing asphalt and base of former AstroTurf area protected by a wall, a NRRP is not required.

OZINGA

Erosion Control Plan

Ozinga Ready Mix Concrete, Inc.
Erosion Control Plan
Proposed Franklin Temporary RMX Batchplant

Site Detail

1. Name: 27th Street & 8 Mile Rd Batch Plant Location
Address: 11027 S. 27th Street Franklin, WI 53132
City/Village/Town: FRANKLIN County: Milwaukee
Township Range Section 1/4 Sect. 1/4-1/4 Sect. SW 1/4, Section 36, T5N R21E
2. Principal contact of the contractor or other person responsible for installation, maintenance, and removal of erosion control and storm water management measures at the selected site.
Justin J. Kratochvil &
Name: Ozinga Ready Mix Concrete, Inc. Phone: 414-788-6753
Firm: Ozinga Ready Mix Concrete, Inc.
Address: 9000 W. Chester Street
Milwaukee, WI 53214
3. Is this a commercial pit? Yes / **No** If no, continue to #4
If yes, Name of the _____
pit: _____
Contact for the _____ Phone: _____
pit: _____
Include cover sheet of NR 216, NR 135 or COMM permit displaying the permit number, CUP number and expiration date.
Will the waste or borrow be in the permitted area? Yes / No
If yes then end of Part B for this selected site. If no then complete remainder of Part B.
4. Have applicable permits been obtained? Yes / **No**;
 1. The Walsh Group has secured a WisDOT Select Site Approval for the property east of the existing asphalt parking lot.
 2. The Walsh Group and site owner(s) have secured a demolition permit for the existing building.
 3. The Walsh Group has a property lease agreement with the owner through June 2020.
 4. Ozinga Ready Mix currently awaiting for City of Franklin approval for construction laydown yard and temporary use permit for portable batchplant.
5. Is the selected site on tribal land? Yes / **No**
6. Construction activity dates at the site: Start: ASAP Complete: 11/30/2019

Ozinga Ready Mix Concrete, Inc.
Erosion Control Plan
Proposed Franklin Temporary RMX Batchplant

7. A narrative description of the selected site as it exists before construction, the nature of the activities to be performed at the site including approximate quantity of waste/borrow material, and land use anticipated after restoration to the site.

Proposed site is an existing private property consisting of an unoccupied existing building and paved parking lot. The proposal includes the placement of a temporary ready mix concrete batch plant on the northern portion of the paved asphalt parking lot, consisting of the main plant, three conveyors, one silo and two cementitious storage vessels. A batch trailer (serving as the data center for the RMX batch process), a designated washout area located on the existing asphalt parking area (west of the batchplant) and material stockpile to be located on the existing base (Astro Turf area) located west of the batchplant.. Quantities of stockpiles (glacial sand & gravel) will vary based on production demands.

After completion of the project the plant, stockpiles and silt fence (located to the north west of the plant operation) and south property line (west of driveway) will be removed. The site will return to its existing condition pre-placement of the batchplant and stockpiles. Note: remaining site reclamation will commence when completed (see restoration plan).

8. A description of the intended sequence of major land disturbing activities at the selected site.

Erosion control – silt fence at north west end to encompass washout area & water retention. Silt fence south property line (west of driveway) to encompass potential sedimentation runoff.

The Walsh Group has an existing erosion control plan for the select site activity which provides for silt fence at east end to encompass topsoil stripping area, and at northwest corner of parking lot for water retention. Ditch checks at south outfall of temporarily extended parking lot (east end of site) to protect existing north ditch line along County Line / 8-Mile Rd.

Place temp aggregate in stripped farmland.

Remove median and island curbs in parking lot, and fill with millings to match adjacent asphalt parking elevations.

Respread topsoil in east end of parking lot to restore previous farmland area (approx. 1 acre).

Place seed/mulch on disturbed topsoil areas.

Remove erosion control at the end of the permit term, or when work is complete.

9. Estimated total area of selected site: Approximately 4.84 Acres
Total disturbed area (Batchplant): Approximately .15 Acres
Total disturbed area (Stockpiles): Approximately 1.29 Acres

10. Immediate receiving waters: Southeast portion of the site is located within the FEMA floodplain. No operation of plant or storage within the floodplain delineated area.

11. Runoff coefficients at the selected site. Supply the following estimates:

Site slope before construction: No Change After: No Change

12. A description of appropriate erosion control and storm water management measures that will be employed at the selected site to prevent sediments and pollutants from reaching waters of the state, including wetlands. The plan shall clearly describe the appropriate best management practice for each major activity identified and the timing during the construction process that the measures will be implemented. The description of best management practices shall include: **see ECIP Plan enclosed.**
- a. Description of permanent or temporary erosion control and storm water management measures. Plans shall ensure the preservation of existing vegetation where practical. **Refer to information herein.**
 - b. Description of structural practices to divert runoff away from exposed soils, to store flows or to otherwise limit runoff and the discharge of pollutants from the site. **Site parking lot drains naturally to the southeast toward a riprap protected flume before flowing into the existing roadway ditch line (north side of County Line Rd), which has turf and stabilized natural grasses.**
 - c. Management of overland flow at the site. **Site Storm Water Pollution Plan to be established, in accordance with WPDES permit guidelines.**
 - d. Trapping of sediment in channelized flow. **Silt fence to be installed.**
 - e. Staging construction to limit bare areas subject to erosion. **Site activities are intended to be conducted on existing asphalt pavement.**
 - f. Protection of downslope drainage inlets where they occur. **Only downslope drainage inlets are on the portion of the property approved by WisDOT for select site. Erosion control in place by The Walsh Group.**
 - g. Minimization of tracking at the site. **Paved driveway and parking lot.**
 - h. Clean up of off-site sediment deposits. **Daily sweeping to be conducted.**
 - i. Proper disposal of building and waste material at the site. **By the Walsh Group – dumpsters and off haul of material to designated land fill.**
 - j. Stabilization of drainage ways. **Site activities are intended to be conducted on existing asphalt. Stockpiles within the area of the former Astro Turf – protected by 2'x2' barrier.**
 - k. Installation of permanent stabilization practices as soon as possible after final grading. **Site activities are intended to be conducted on existing asphalt. Stockpiling within the area of the former Astro Turf – protected by 2'x2' barrier.**
 - l. Minimization of dust to the maximum extent practical. **The RMX plant has dust collection.**
 - m. Stabilization of the disturbed portions of the site. **No disturbed portions – plant and related activities to be conducted on existing asphalt & former building (Astro Turf) footprint.**
13. A description of the procedures to maintain vegetation, best management practices and other protective measures, in good and effective operating condition. If the selected site will remain open for more than 2 weeks without construction activities (i.e. over-winter), how will the site be stabilized and how often will it be inspected?
Winter shutdown will not be continuous, but only when weather does not allow for construction activities (below 30 degrees, snow, etc.). parking lot and staging yard paved with asphalt and aggregates. Vegetation growth/ natural stabilization exists and will not be disturbed by the operation.

WALSH CONSTRUCTION

Erosion Control Plan

The Walsh Group – Site Erosion Control Plan
Selected Site A

1. Name: 27th Street & 8 Mile Rd Batch Plant Location
Address: 11027 S. 27th Street Franklin, WI 53132
City/Village/Town: FRANKLIN County: Milwaukee
Township Range Section 1/4 Sect. 1/4-1/4 Sect. SW 1/4, Section 36, T5N R21E
2. Principal contact of the contractor or other person responsible for installation, maintenance, and removal of erosion control and storm water management measures at the selected site.
Name: Tyler Trimberger Phone: 262-224-7377
Firm: Arbor Green
Address: 430 E Albert St, Portage, WI 53901
3. Is this a commercial pit? Yes / **No** If no, continue to #4
If yes, Name of the pit: _____
Contact for the pit: _____ Phone: _____
Include cover sheet of NR 216, NR 135 or COMM permit displaying the permit number, CUP number and expiration date.
Will the waste or borrow be in the permitted area? Yes / No
If yes then end of Part B for this selected site. If no then complete remainder of Part B.
4. Have applicable permits been obtained? Yes / **No**; Permit applications are in process with local municipality (City of Franklin, WI) for a temporary batch plant on site (by Ozinga) and demolition permit for existing building (by owner – property lease agreement with Walsh Construction through June 2020).
5. Is the selected site on tribal land? Yes / **No**
6. Has the Archaeological Review (Form DT1919) been sent to BEES? Yes / **No**
What was the Bureau recommendation? _____ Have not received response yet
_____ Survey Recommended _____ High Potential _____ OK to Proceed
7. Construction activity dates at the selected site: Start: 11/7/18 Complete: 6/30/2020
8. A narrative description of the selected site as it exists before construction, the nature of the activities to be performed at the site including approximate quantity of waste/borrow material, and land use anticipated after restoration to the site.

Proposed DOT I94 select site is an existing private property which WALSH (General Contractor) is leasing for the duration of concrete placement. Site is approximately 6 acres with an existing building, paved parking lot and partial farm land. Farm land will be stripped of topsoil and stored on-site. In its place Walsh will top the ground with aggregate and

crushed concrete for the storage of concrete batch plant material/stockpile. The paved parking lot will have minimal modifications and will be used for the stockpile material and future batch plant location. At the request of the city of Franklin, the existing building to the west of the property will be demo'd once all appropriate permits have been issued. Silt fence will be installed and maintained around the east perimeter of the site where material will be stock piled. Upon completion of the project, gravel will be removed and replaced with topsoil, seed, stabilization as needed, and silt fence removed.

9. A description of the intended sequence of major land disturbing activities at the selected site. Erosion control – silt fence at east end to encompass topsoil stripping area, and at northwest corner of parking lot for water retention. Ditch checks at south outfall of temporarily extended parking lot (east end of site) to protect existing north ditch line along County Line / 8-Mile Rd.
Place temp aggregate in stripped farmland.
Remove median and island curbs in parking lot, and fill with millings to match adjacent asphalt parking elevations.
Respread topsoil in east end of parking lot to restore previous farmland area (approx. 1 acre).
Place seed/mulch on disturbed topsoil areas.
Remove erosion control at the end of the permit term, or when work is complete.
10. Estimated total area of selected site: 6-acre Total disturbed area: 5 acres
11. Immediate receiving waters: (Attach FEMA Floodplain maps)
12. Runoff coefficients at the selected site. (Attach the Runoff Coefficient Table)
Supply the following estimates: Site slope before construction: No Change
After: No Change
13. Site map(s) including: (See Trans 401.08(2)(b)(11) for details).
 - a. Boundaries of the site and areas of soil disturbance.
 - b. Existing topography and drainage patterns, roads and surface waters.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Location of major structural and non-structural erosion control and stormwater management practices.
 - e. Location of areas where stabilization will be employed, including but not limited to vegetation, following construction or maintenance activities.
 - f. Area and extent of wetland acreage on the site, whether disturbed or not.
 - g. Locations where storm water is discharged to a surface water or wetland.
 - h. Location of any internal haul roads.(Recommend using USGS maps, Orthophotos, SCS Soils maps, or equivalent.)
14. A description of appropriate erosion control and storm water management measures that will be employed at the selected site to prevent sediments and pollutants from reaching waters of the state, including wetlands. The plan shall clearly describe the appropriate best management practice for each major activity identified and the timing during the construction process that the measures will be implemented. The description of best management practices shall include: see ECIP Plan enclosed, as reviewed on site with DNR & WisDOT representatives on 11/2/18.
 - a. Description of permanent or temporary erosion control and storm water management measures. Plans shall ensure the preservation of existing vegetation where practical.

- b. Description of structural practices to divert runoff away from exposed soils, to store flows or to otherwise limit runoff and the discharge of pollutants from the site. **Site parking lot drains naturally to the southeast toward a riprap protected flume before flowing into the existing roadway ditch line (north side of County Line Rd), which has turf and stabilized natural grasses.**
 - c. Management of overland flow at the site.
 - d. Trapping of sediment in channelized flow.
 - e. Staging construction to limit bare areas subject to erosion.
 - f. Protection of downslope drainage inlets where they occur.
 - g. Minimization of tracking at the site. **Paved driveway and parking lot**
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste material at the site.
 - j. Stabilization of drainage ways.
 - k. Installation of permanent stabilization practices as soon as possible after final grading.
 - l. Minimization of dust to the maximum extent practical.
 - m. Stabilization of the disturbed portions of the site.
15. A description of the procedures to maintain vegetation, best management practices and other protective measures, in good and effective operating condition. If the selected site will remain open for more than 2 weeks without construction activities (i.e. over-winter), how will the site be stabilized and how often will it be inspected?
Winter shutdown will not be continuous, but only when weather does not allow for construction activities (below 30 degrees, snow, etc.). parking lot and staging yard paved with asphalt and aggregates. Topsoil stockpile along silt fence enclosure may require temp stabilization with straw / blanket, pending vegetation growth/ natural stabilization.

If permanent infiltration devices are employed, complete:

- 16. Existing data describing the surface soil, subsoils, and depth to groundwater at the selected site. (Refer to Soil Conservation Service's County Soil Survey Book or equivalent where available.) **approximately 12 inches of topsoil around the parking lot curbs and surfaces exist and will be maintained / undisturbed other than the 1 acre area to the east end of the site.**

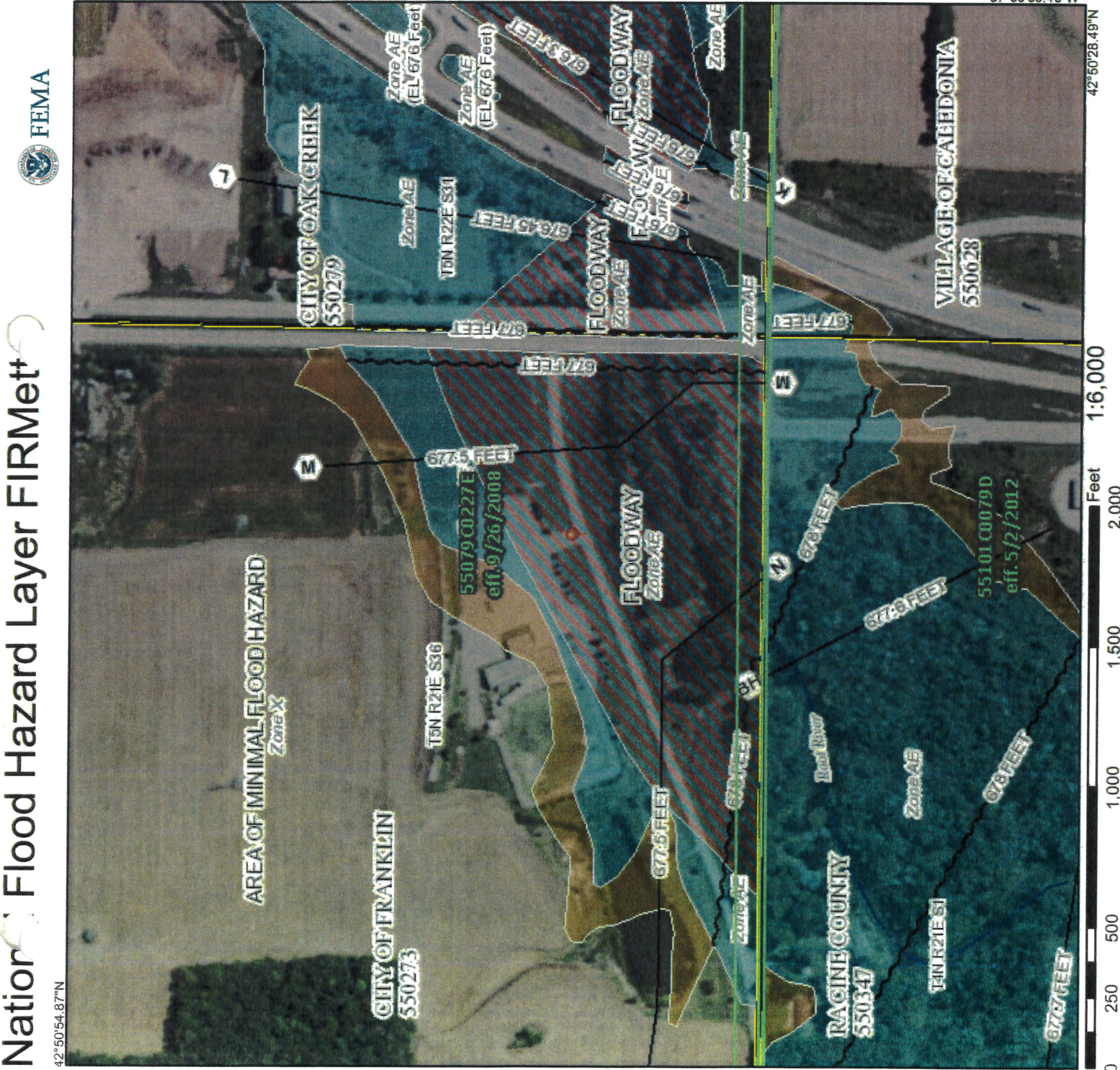
C. Amendments

The contractor shall follow the procedure outlined in Trans 401.08(3) for all amendments.

The ECIP shall be amended when there is a change in design, construction, operation or maintenance at a project or selected site that has the reasonable potential for a discharge to waters of the state and that has not been addressed in the ECIP; or when the best management practices required by the plan fail to reduce adverse impacts to waters of the state caused by a discharge.

Amendments are subject to the written approval of the Department of Transportation after consultation with the DNR.

Please label all attachments with the corresponding Section number (i.e., Attachment B10)



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, AS9
- With BFE or Depth Zone AE, AD, AH, VE, AP
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone X

OTHER AREAS

- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/2/2018 at 5:15:25 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

RESTORATION PLAN

(As provided by Walsh Construction)

RESTORATION

To erect and secure the portable batch plant, a concrete pad will need to be poured in the designated plant area. This pad will be approximately 12 feet wide by 70 feet long 1 foot thick and will be poured over the existing grade (asphalt). At the completion of the project, this pad will be removed, and associated materials trucked off site and appropriately disposed of. The area will be returned to the current grade. Compacted aggregates will be placed in areas of disturbed asphalt.

Areas of stockpile storage will be removed from the identified storage location. As the stockpiles are intended for storage on existing base from the AstroTurf area. Should any base material be disturbed, compacted aggregates will be placed in such areas of disturbed base.

The contractor (The Walsh Group) is working with the owner of the property (Fox Glen Corporate Centre LLC, John Spitz & Jeff Knauf) on the future removal of the structures of the former Golf Park Dome, currently vacant). The intention is to remove the building and related structures and clean debris and material from the site. All related permits for this project are being coordinated through the owners and The Walsh Group. See attached (Table 3) restoration details as provided by Walsh Construction.

UPDATED INFORMATION 0- 1.25.2019

Restoration Plan as prepared by The Walsh Group for site restoration activities.

Walsh Construction Restoration Plan for Site

1. Franklin demolition permit for the facility located at 11027 S. 27th Street was obtained, and Walsh demolition operations have commenced.
 - a. Interior cleanup and removals started in December.
 - b. Structure removals will occur through January 2019.
 - c. The Existing building slab (concrete or other) shall be removed by the completion of the Ozinga batch plan operations (by early 2020)
 - d. Materials and steel structures west of the masonry building will be removed through January 2019. Construction debris will be removed via appropriate methods with dumpster haul-off.
 - e. Aggregate bases will be left and graded as necessary to stage Ozinga's batch plant material stockpiles outside the flood zone. Materials include coarse and fine aggregates, cement and fly ash tankers, etc. Employee parking and other minor construction materials may also be staged west of the existing building in the footprint of the old golf dome and within the existing chain link perimeter fence, utilizing the existing asphalt driveway along the fence line.
 - f. The parking lot to the east of the Ozinga batch plant shall be used for additional employee parking and other temporary, daily equipment and visitors 2019.

- i. Existing curbs and light pole foundations within the parking lot shall be removed to facilitate material trucking and temporary staging (to load / unload) to and from the batch plant operation. Islands shall be graded flat with aggregate, including the driveway island north of 8-Mile Rd.
2. The farmland to the east of the lot shall be left as is with no intended use with the revised batch plant orientation and operations to the west and outside the flood plain.
3. Restoration of the site will occur after Ozinga's batch plant operations are completed in late 2019, and may continue through May 2020, pending I-94 and the Elm Road construction operations complete.
 - a. Area west of the existing building (11027 S. 27th St) will be cleaned up, and graded flat (existing aggregate base)
 - b. Area within the building footprint (approximately 20,000 SF) will be regraded to drain (east per existing contours). Topsoil shall be placed to fill and voids to drain per original contours.
 - c. Parking lot area east of the building shall be removed with any remaining stockpiled materials. Topsoil shall be placed to obtain original elevations for the site's future use as farmland, or similar, and allow for proper drainage to the east and south to the existing spillway.
4. Demobilization from the site by Ozinga's batch plant operation will commence in December 2019.

Walsh shall be complete demobilization by the terms of our permit, which coincides with the completion of the I-94 NS Freeway project and the Elm Rd / 27thh Street intersection construction by June 26, 2020.

ROAD BOND

RIGHT-OF-WAY CONTRACTORS BOND

Bond # 30058605

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Ozinga Ready Mix Concrete, Inc., as Principal,
And Western Surety Company, a corporation duly incorporated
under the laws of the State of South Dakota and authorized
to do business in the State of WI, as Surety, are held and firmly bound unto the City of Franklin, WI
in the penal sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) for
the payment which we hereby bind ourselves, or heirs, executors and administrators, jointly and severally
by these presents.

THE CONDITIONS OF THIS BOND OBLIGATION are such that the Principal has applied for a permit
for Right-of-Way in accordance with the requirements of the ordinances of the
City of Franklin, WI and has agreed to hold the
City of Franklin, WI harmless from any damage by reason of his/her
engaging in said business.

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform all the duties of Right-of-Way
Contractor according to the requirements of the ordinances of the City of Franklin, WI and
protect the City of Franklin, WI from any damage as hereinbefore stated,
and guarantee work, in accordance with the city ordinances and shall fully indemnify and save harmless the
City of Franklin, WI from
all costs and damages which it may suffer by reason of the Principal's failure to honor its obligations as
aforesaid, and shall reimburse and repay the City of Franklin, WI all outlay and
expense which the City of Franklin, WI may incur in making good any
default, then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, this bond may be terminated as to future acts of the Principal upon the giving of
sixty (60) days advance written notice by the Surety; said notice to be sent to the
City of Franklin, WI.

PROVIDED, HOWEVER, that this bond may be continued at the option of the Surety by the issuance of a
non-cumulative Continuation Certificate.

This bond becomes effective on the 15th day of January, 2019, for a period of
1 year.

IN WITNESS WHEREOF, this instrument is executed this 8th day of January, 2019

Principal: Ozinga Ready Mix Concrete, Inc.
Name:
By:
Title:

Surety: Western Surety Company

By: Michelle Anne McMahon
Michelle Anne McMahon
Attorney-in-Fact

NOTARY ACKNOWLEDGMENT OF SURETY:

State of Connecticut

County of Hartford ss.

On this the 8th day of January, 2019, before me, Bethany Stevenson, the undersigned officer, personally appeared Michelle Anne McMahon, known to me (or satisfactorily proven) to be the person whose name is subscribed as Attorney-In-Fact for Western Surety Company, and acknowledged that s/he executed the same as the act of his/her principal for the purposes therein contained.

In witness whereof I hereunto set my hand.



Signature of Notary Public

Date Commission Expires: September 30, 2023

Bethany Stevenson

Printed Name of Notary

BETHANY STEVENSON
NOTARY PUBLIC - CT 177501
MY COMMISSION EXPIRES SEPT. 30, 2023

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Aiza Anderson, Aimee R Perondine, Joshua Sanford, Michelle Anne McMahon, Donna M Planeta, Danielle D Johnson, Noah William Pierce, Individually

of Hartford, CT, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 6th day of July, 2018.



WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 6th day of July, 2018, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr
J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 8th day of January 2019.



WESTERN SURETY COMPANY

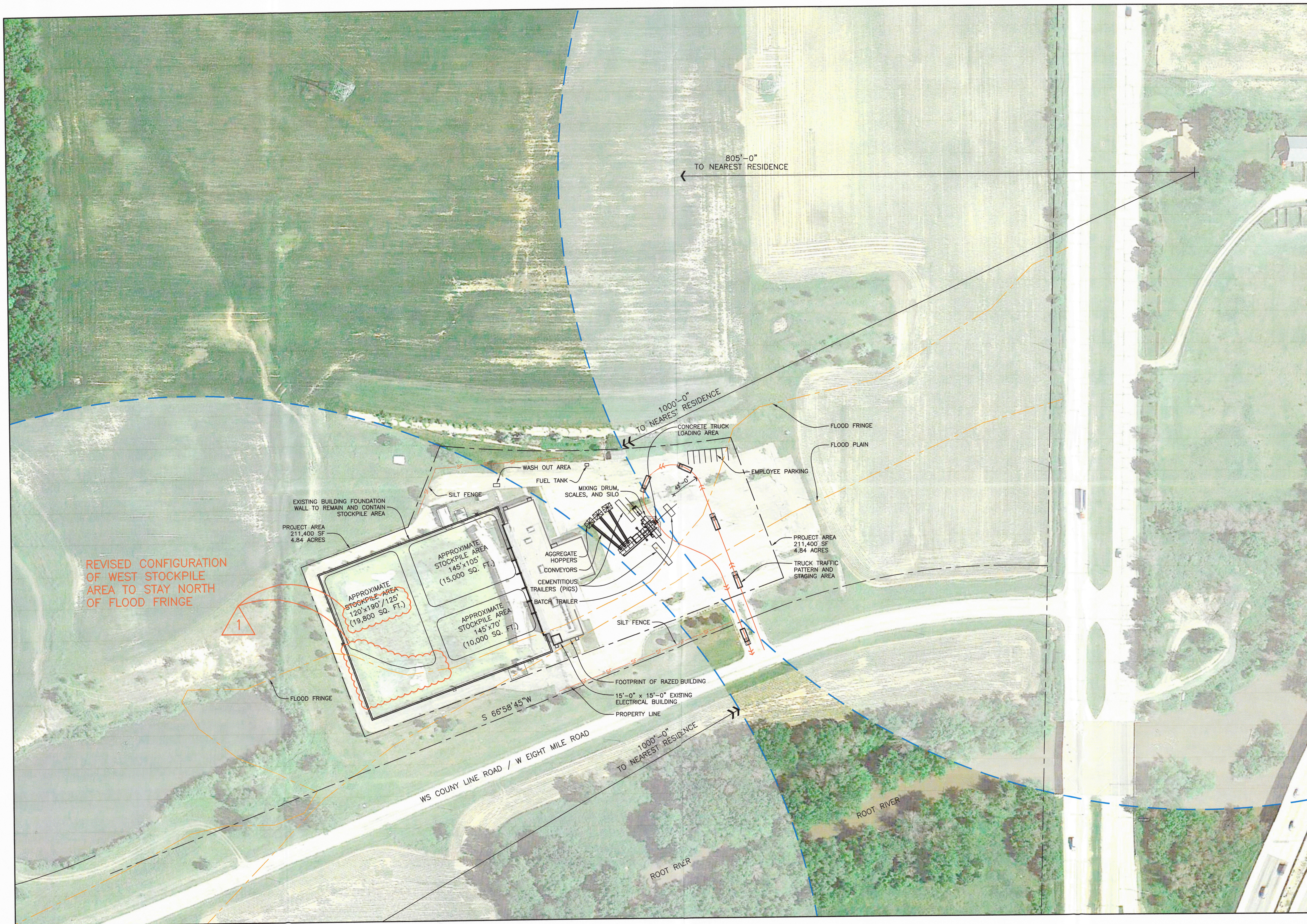
L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.



SITE PLAN

1" = 60'-0"

0 60' 120' 180'

Handwritten signature: Brian Tom Fischer

Handwritten date: 07/11/19

WISCONSIN ARCHITECT

BRIAN TOM FISCHER

PROFESSIONAL ENGINEER

WISCONSIN PROFESSIONAL ENGINEER

BRIAN TOM FISCHER

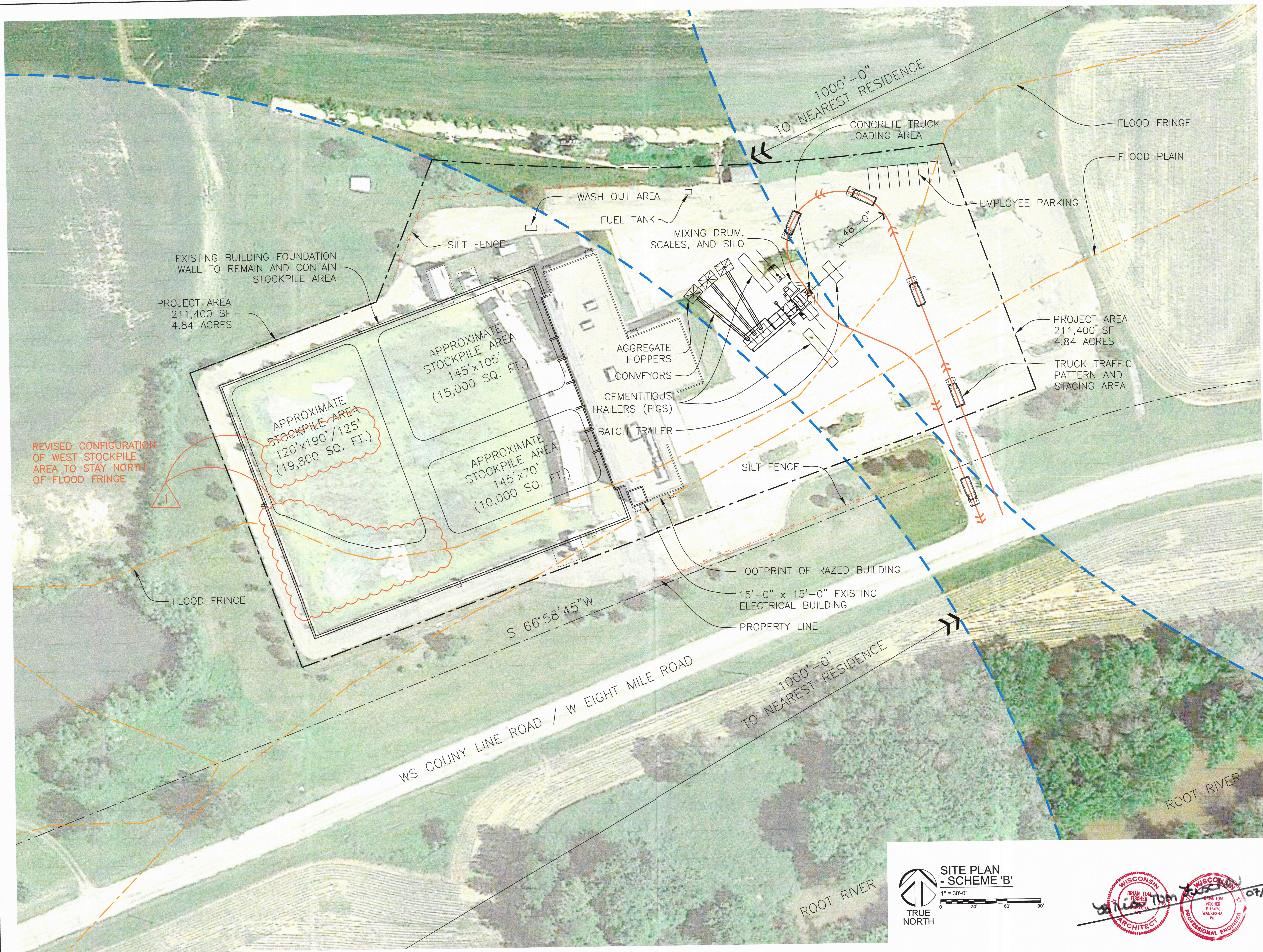
E-15476

WAUKESHA, WI

Franklin

JUL 11 2019

City Development



SITE PLAN
- SCHEME 'B'

1" = 30'-0"

