<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>REQUEST FOR COUNCIL ACTION</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORTS &amp; RECOMMENDATIONS</td>
<td>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A RESIDENTIAL PROPERTY DAMAGE REPAIR BUSINESS PERFORMING FIRE AND WATER DAMAGE REPAIRS USE UPON PROPERTY LOCATED AT 10700 WEST VENTURE DRIVE, SUITE F (JUSTIN JOHNSON, PRESIDENT OF ACTION PDR, INC., APPLICANT)</td>
<td>06/18/19</td>
</tr>
</tbody>
</table>

At its June 6, 2019, meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a residential property damage repair business performing fire and water damage repairs use upon property located at 10700 West Venture Drive, Suite F (Justin Johnson, President of Action PDR, Inc., Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2016-__________, a resolution imposing conditions and restrictions for the approval of a Special Use for a residential property damage repair business performing fire and water damage repairs use upon property located at 10700 W. Venture Drive, Suite F (Justin Johnson, President of Action PDR, Inc., Applicant).

Department of City Development: JED
WHEREAS, Justin Johnson, President of Action PDR, Inc., a residential property damage repair contractor, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 1521 “General Contractors-Single-Family Houses”, to operate a fire and water damage repair business, primarily for insurance companies, out of an existing 1,700 square foot structure (900 square feet will be warehouse use and 800 square feet will be office use; employee vehicles will be parked outside at the front of the building (3/4 ton pick-up trucks and cargo vans)), with hours of operation from 7:00 a.m. to 6:00 p.m. weekdays, occasional Saturdays, and any time emergency repair work is required, upon property located at 10700 West Venture Drive, Suite F, bearing Tax Key No. 705-8989-011, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 4804, being a part of the North West 1/4 of the North West 1/4 of Section 5, in Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin, being a redivision of Parcel Nos. 2 and 3 of Certified Survey Map No. 4743, recoded on August 21, 1986, Reel 1942, Image 1197, as Document No. 5953282; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 6th day of June, 2019, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

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

1. That this Special Use is approved only for the use of the subject property by Justin Johnson, President of Action PDR, Inc., successors and assigns, as a fire and water damage repair business use, which shall be developed in substantial compliance with, and operated and maintained by Justin Johnson, President of Action PDR, Inc., pursuant to those plans City file-stamped May 23, 2019 and annexed hereto and incorporated herein as Exhibit A.

2. Justin Johnson, President of Action PDR, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Action PDR, Inc. fire and water damage repair business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon Justin Johnson, President of Action PDR, Inc. and the fire and water damage repair business use for the property located at 10700 West Venture Drive, Suite F: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. There shall be no outside storage of vehicles, except for vehicles which do not exceed 8,000 pounds rated gross vehicle weight.

5. There shall be no outdoor storage of materials allowed on the property.

6. [other conditions, etc.]

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

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this ______ day of _________________, 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 _____
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.
CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of June 6, 2019

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use application for a Fire and Water Damage Clean Up and Repair business use for Action PDR, Inc., upon property located at 10700 West Venture Drive, Suite F, subject to the conditions set forth in the attached draft resolution.

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Action PDR, Inc., Special Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>10700 West Venture Drive, Suite F</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Action PDR, Inc., Justin Johnson</td>
</tr>
<tr>
<td>Owners (property):</td>
<td>Kendall Breunig (dba Sunset Investors)</td>
</tr>
<tr>
<td>Current Zoning (easement area):</td>
<td>M-1 Limited Industrial District</td>
</tr>
<tr>
<td>Use of Surrounding Properties:</td>
<td>Automobile dealerships to the north and south and industrial uses to the east and west</td>
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<tr>
<td>Applicant Action Requested:</td>
<td>Recommendation of approval to the Common Council for the proposed Special Use application for a fire and water damage clean up and repair business use upon property located at 10700 West Venture Drive, Suite F.</td>
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Introduction:
On March 18, 2019, Justin Johnson filed a Special Use application with the Department of City Development for a fire and water damage clean up and repair business use out of an existing structure upon property located at 10700 West Venture Drive, Suite F. The property is zoned M-1 Limited Industrial District, which allows Standard Industrial Classification (SIC) Title No. 1521 “General Contractors-Single-Family Houses” as a Special Use.

Project Description/Analysis:
According to the applicant, Action PDR, Inc., is a residential property damage repair contractor that does fire and water damage repairs, primarily for insurance companies. Their number of employees working out of the property are anticipated at 3, with subcontractors reporting to the job site. The hours of operation are proposed to be from 7:00 am to 6:00 pm, Monday through Friday, Saturdays on occasion and any time when there is emergency work to be done.

They anticipate on occupying 900 s.f. of space for warehouse use and 800 s.f. on the second floor space as office use.

For vehicles related to the business, they state in the project summary employee vehicles will be parked outside in front of the building and include 3/4 Ton pick up trucks and cargo vans, which are rated at 6,000 pounds. A cube van is proposed to be stored at EZ Self Storage facility adjacent to this property. If vehicles 8,000 pounds or greater were to be proposed to be stored
overnight, a special use request would need to be made for this. The applicant is not proposing this. Staff has no concerns with the proposed parking situation.

The applicant is not proposing any exterior building or site modifications at this time. The applicant is also not proposing any outside storage of materials with this request, nor would staff approve of this.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Special Use application for a fire and water damage clean up and repair business use for Action PDR, Inc., upon property located at 10700 West Venture Drive, Suite F, subject to the conditions set forth in the attached draft resolution.
Benjamin Kohout

From: Benjamin Kohout
Sent: Wednesday, May 22, 2019 5:51 PM
To: justin@actionpdr.com
Cc: Kendall Breunig; Joel Dietl; Gail Olsen
Subject: Staff Comments for June 6 Special Use for 10700 W Venture Drive
Attachments: 10700 Site Photos 11x17.pdf; 180213 Franklin Venture C100.pdf; Action PDR Special Use application.pdf; Legal Description for 10700 W.docx; Special Use General Standards Response.docx; ZONIG-CO.DOC

Justin,

Nice speaking with you on the phone today.

Staff has reviewed your request and offers the following comments:

1. No outside storage of vehicles, except for vehicles which do not exceed 8,000 pounds rated gross vehicle weight.
2. No outdoor storage of materials be allowed on the property.

Fire Department:
No Comments
Police Department:
No Comments
Engineering:
No Comments

Please provide this office with 12 collated copies of the original submittal materials, which I am attaching to this email, by no later than Friday, May 24 by 5pm. If you plan on delivering sometime next week, please our office know (Gail or myself) asap.

Regards,

Ben Kohout, AICP
Principal Planner
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132
O: (414) 425-4024
bkohout@franklinwi.gov
City of Franklin Planning Website

Franklin
WISCONSIN
**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION**

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

<table>
<thead>
<tr>
<th>Applicant (Full Legal Name(s)):</th>
<th>Applicant is Represented by: (contact person) (Full Legal Name(s))</th>
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<tbody>
<tr>
<td>Name: Justin Johnson</td>
<td>Name:</td>
</tr>
<tr>
<td>Company: Action PDR, Inc</td>
<td>Company:</td>
</tr>
<tr>
<td>Mailing Address: 1102 W. Daniel Ave</td>
<td>Mailing Address:</td>
</tr>
<tr>
<td>City / State: Hales Corners WI</td>
<td>City / State:</td>
</tr>
<tr>
<td>Phone: 414-765-9334</td>
<td>Zip: 53130</td>
</tr>
<tr>
<td>Email Address: <a href="mailto:justin@actionpdr.com">justin@actionpdr.com</a></td>
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<th>Project Property Information:</th>
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<td>Property Address: 10700 W Venture Drive, Suite F</td>
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<tr>
<td>Property Owner(s): Sunsat Investors Venture, LLC</td>
<td></td>
</tr>
<tr>
<td>Ken Kendall Brenig</td>
<td></td>
</tr>
<tr>
<td>Mailing Address: 1035 W College Ave</td>
<td></td>
</tr>
<tr>
<td>City / State: Franklin WI</td>
<td></td>
</tr>
<tr>
<td>Zip: 53132</td>
<td></td>
</tr>
<tr>
<td>Email Address: <a href="mailto:ken@sunsatinvestore.com">ken@sunsatinvestore.com</a></td>
<td></td>
</tr>
</tbody>
</table>

*The 2005 Comprehensive Master Plan Future Land Use Map is available at: [http://www.franklinwi.gov/home/ResourcesDocuments/Maps.htm](http://www.franklinwi.gov/home/ResourcesDocuments/Maps.htm)*

**Special Use/Special Use Amendment submits 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: $1000 Special Use Amendment
- $1500, New Special Use over 4,000 square feet
- $750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD.doc or compatible format).
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of the Unified Development Ordinance available at [www.franklinwi.gov](http://www.franklinwi.gov).
- Seven (7) complete collated sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.
  - Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 17-7.0101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
  - Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package.
  - One colored copy (11"x17") of the building elevations, if applicable.
  - Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO).
  - Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

*Upon receipt of a complete submittal, staff review will be conducted within ten business days.*

**Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.**

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 7:30 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. 6943.13.

(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 may sign this Application.)

**Signature - Property Owner**

Name & Title (PRINT)  
KENNETH BREUNIG, MANAGER & OWNER  
Date: 3/11/2019

**Signature - Applicant's Representative**

Name & Title (PRINT)  
Justin Johnson, President  
Date: 3/11/19

**Signature - Property Owner**

Name & Title (PRINT)  
Date:  

**Signature - Property Owner**

Name & Title (PRINT)  
Date:  

**Signature - Property Owner**

Name & Title (PRINT)  
Date:  
Zoning Compliance Application

PROJECT SUMMARY

For: Action PDR, Inc

Date: March 11, 2019

Location: 10700 W. Venture Drive
          Suite F
          Franklin WI 53132

Action PDR, Inc is a residential Property Damage Repair contractor that does fire and water damage repairs, primarily for insurance companies.

New Building Construction: None, Cost $0

Site Work: None, Cost $0

Interior and Exterior modifications: None, Cost $0

Number of Employees: 3. Could grow by a couple more in the future. Additional subcontractors hired on larger repair projects primarily work at the job site.

Hours of Operation: 7am to 6pm weekdays, Saturdays on occasion, and any time when there is emergency repair work being done.

Size of Suite: 1,700sf, which consists of 900sf of warehouse, 800sf of second floor office. The shop will be for storing equipment and construction materials.

Vehicles: Employee vehicles will be parked outside in front of the building. Vehicles are ¾ ton pick up trucks and cargo vans which are rated as 6,000 pounds. A cube van will be stored at EZ Self Storage next door.
DIVISION 15-3.0700  SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701  GENERAL STANDARDS FOR SPECIAL USES

A.  General Standards. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1.  Ordinance and Comprehensive Master Plan Purposes and Intent. The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

   M-1 is the preferred location per the UDO for General and Specialty Contractors. The only other Zoning they are allowed in is Landfill. SIC 1521 is single family housing construction. About 70% of Action PDR’s work is on single family, other 30% is on commercial buildings, which would be SIC 1751 which is a Permitted use.

2.  No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

   Use by a Remodeling contractor will not have an undue adverse impact. No outside storage is requested. The building does not abut a residential district. Many other tenants in the building are specialty contractors, which are similar. On site work is mainly storage of equipment inside of their warehouse space.

3.  No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

   This is occupancy of an existing office/warehouse suite used prior by an HVAC contractor. It is fenced from Holz Chevrolet and Kindercare. No outside storage, so it will not interfere in any way.

4.  Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
Adequate Public Facilities exist. This is an existing 30 year old building with all utilities existing already. There is a screened refuse disposal area shared by all the building tenants located behind the building.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

This is a low volume traffic business. On very rare occasion a customer might come to the office and there is sufficient parking for customers and employees in the front of the building.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

There is no destruction and there is no construction. This is an existing building.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

All M-1 Zoning standards are complied with.

B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

None listed.

C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
The majority of Action PDR's work is within 30 miles of their office. So their services will be marketed in Franklin and surrounding areas.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

   *M-1 is the only zoning a remodeling contractor fits in Franklin. There is very limited M-1 zoning in Franklin.*

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

   *The office entrance is visible to the public and landscaped. The truck access and overhead door are to the rear and pretty much impossible for the public to see from any street. Other than parking and loading at the garage door, no other activity takes place outside.*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

   *Numerous other specialty contractors are approved uses, as well as commercial carpentry contractors, which is very close. Simply changing the customer base to more commercial would make Action PDR and Approved Use. This is the zoning district the UDO pushes this type of contractor to.
Legal Description for 10700 W. Venture Drive, Franklin

Parcel 2 of Certified Survey Map No. 4804, being a part of the North West ¼ of the North West ¼ of Section 5, in Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin, being a redivision of parcel nos. 2 and 3 of Certified Survey Map No. 4743, recoded on August 21, 1986, Reel 1942, Image 1197, as Document No. 5953282
### SITE and LANDSCAPE PLAN

**Scale:** 1" = 20' - 0"

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### SITE PLAN

- **DATE:** February 16, 2019
- **Sheet No.:** C-100

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### 1970 W. FORTUNE OREN OCCUPANCY SCHEDULE

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<th>Vendor</th>
<th>Description</th>
<th>Area (sq ft)</th>
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### GENERAL NOTES

- **Notes:** Please refer to the detailed specifications and requirements outlined in the project documentation.
- **Drawn by:** [Signature]  [Date]
- **Checked by:** [Signature]  [Date]
- **Scale:** 1" = 20' - 0"

---

### SITE PLAN

- **ASPHALT PARKING LOT 62 SELF STORAGE**
- **HOLZ MOTORS BODY SHOP**
- **REDHOT**
- **CARS**
- **D**

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### LANDSCAPE SCHEDULE

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### LANDSCAPE SCHEDULE

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<tr>
<th>APPROVAL</th>
<th>REQUEST FOR COUNCIL ACTION</th>
<th>MEETING DATE</th>
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<tr>
<td>REPORTS &amp; RECOMMENDATIONS</td>
<td>RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (WYNDHAM HOMES LLC, OWNER), (3031 WEST FOREST HILL AVENUE)</td>
<td>06/18/19</td>
</tr>
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</table>

At its June 6, 2019, meeting the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Wyndham Homes LLC, Owner) (3031 West Forest Hill Avenue).

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2016-______, a resolution conditionally approving a 2 lot certified survey map, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, State of Wisconsin (Wyndham Homes LLC, Owner) (3031 West Forest Hill Avenue).

Department of City Development: JED
A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(WYNDHAM HOMES LLC, OWNER)
(3031 WEST FOREST HILL AVENUE)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a part of the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 3031 West Forest Hill Avenue, bearing Tax Key No. 832-9901-000, Wyndham Homes LLC, applicant; said certified survey map having been reviewed by the City of Franklin Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and City of Franklin Plan Commission recommendation, and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Wyndham Homes LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.

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

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

4. Wyndham Homes LLC, successors and assigns, and any developer of the Wyndham
Homes LLC 2 lot certified survey map project, shall pay to the City of Franklin the
amount of all development compliance, inspection and review fees incurred by the
City of Franklin, including fees of consuls to the City of Franklin, within 30 days of
invoice for same. Any violation of this provision shall be a violation of the Unified
Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the
Municipal Code, the general penalties and remedies provisions, as amended from
time to time.

5. The approval granted hereunder is conditional upon Wyndham Homes LLC and the 2
lot certified survey map project for the property located at 3031 West Forest Hill
Avenue: (i) being in compliance with all applicable governmental laws, statutes,
rules, codes, orders and ordinances; and (ii) obtaining all other governmental
approvals, permits, licenses and the like, required for and applicable to the project to
be developed and as presented for this approval.

6. Applicant shall submit to the Community Development Department a revised Natural
Resource Protection Plan Map, and labeled as such, and meeting requirements of the
UDO, showing wetland areas mentioned in the Natural Resource Protection Plan
along the roadway, prior to recording of the CSM.

7. Applicant shall show all wetlands, wetland buffers, wetland setbacks on the face of
the CSM as mentioned in the NRPP report dated February 18, 2019 from One Source
Consulting, and in the office of the Community Development Department prior to
recording of the CSM.

8. Applicant shall supply a letter from the Wisconsin Department of Natural Resources
and the United States Army Corps of Engineers to the City Development Department
stating if wetlands are present within the property limits of the proposed CSM and
under their jurisdiction and if they are under their jurisdiction, then wetlands would
need to be delineated on the face of the CSM, per the UDO requirements, prior to
recording of the CSM.

9. Applicant shall apply for a Natural Resource Special Exception prior to any new or
altered driveway installations which may go through any delineated wetlands prior to
building permit issuance of a new single-family residence.
10. Applicant shall submit to the Community Development Department a revised Natural Resource Protection Plan Map showing qualified woodland areas mentioned in the Natural Resource Protection Plan along the rear of the property, or, if the woodlands present on the property do not qualify for a mature or young woodland, a statement from a certified Arborist, or equivalent, shall attest in written format how the woodlands do not qualify due to not meeting the definitions of young or mature woodlands, prior to recording of the CSM.

11. Applicant shall submit to the Community Development Department a Conservation Easement document to include any applicable Natural Resource Protection elements including, but not limited to, wetlands and woodlands which qualify per the UDO, prior to recording of the CSM.

12. Applicant shall show on the face of the CSM language that a new single-family residence may be subject to a greater front yard setback in areas where greater than required front yard setback is required per the City of Franklin Unified Development Ordinance prior to recording of the CSM.

13. [other conditions, etc.]

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Wyndham Homes LLC, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Wyndham Homes LLC, with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _______ day of ______________________, 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 _____
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.
CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of June 6, 2019

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the Certified Survey Map for Wyndham Homes, LLC, subject to the conditions as noted in the attached draft resolution.

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Wyndham Homes, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location:</td>
<td>3031 West Forest Hill Avenue (Tax Key No: 832-9901-000)</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Wyndham Homes, LLC</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Wyndham Homes, LLC</td>
</tr>
<tr>
<td>Agent:</td>
<td>Daniel A. Kanitz, Wyndham Homes, LLC</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>R-3, Suburban/Estate Single-Family Residence District</td>
</tr>
<tr>
<td>2025 Comprehensive Plan:</td>
<td>Residential</td>
</tr>
<tr>
<td>Use of Surrounding Properties:</td>
<td>Single-family residential to the north, south, east and west.</td>
</tr>
<tr>
<td>Applicant’s Action Requested:</td>
<td>Recommendation of approval of the CSM</td>
</tr>
</tbody>
</table>

Project Description/Analysis:

On February 22, 2019, the applicant submitted an application for a Certified Survey Map. The property is located at 3031 West Forest Hill Avenue and has one existing residence upon it and is zoned as R-3, as are the surrounding properties. The applicant desires to split the lot one time to create two single-family residential lots, each at 125 feet in width and 108,208 square feet (2.48 acres) in size. Proposed Lot 1 has an existing single-family residence located upon it.

There is existing sanitary sewer along Forest Hill Avenue. There is no public water service available nearby and applicant will need to request the public water main be extended. If denied by the City, a well system would need to be approved through the City Engineering office.

There are deficiencies in the supplied NRPP map, which excludes a delineation of the wetlands noted in the supplied report completed by One Source Consulting, dated February 18, 2019. There are numerous conditions of approval relating to meeting the NRPP requirements of the City of Franklin UDO proposed by staff as conditions of approval in the supplied resolution.

Staff Recommendation:

City Development Staff recommends approval of the Certified Survey Map, subject to the conditions as noted in the attached draft resolution.
CERTIFIED SURVEY MAP NO.

Being a part of the Northeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

R-3 Zoning Setback Requirements:
- Front = 45ft.
- Rear = 30ft.
- Side = 10ft.

Prepared by:
Metropolitan Survey Service
2415 W. Forest Home Ave.
Hales Corners, WI 53130

Prepared for:
Faxon Homes
Wyndham Homes, LLC
5855 South 106th Street
Hales Corners, WI 53130

Notes:
- Denotes 1" x 24" iron pipe set.
- Denotes iron pipe found and accepted.

Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone (NAD-87), with the North line of the SE 1/4 of Sec. 13, T5N, R21E having an assumed bearing of S 67°22'30" W.

November 7, 2018
Revised March 20, 2019
Revised April 24, 2019
Revised May 7, 2019

Sheet 1 of 3

1" = 120'

M:\CSM\Franklin\110045(Kanitz).dwg
Being a part of the Northeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN

MILWAUKEE COUNTY SS

I, Dennis C. Sauer, Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped, a part of the Northeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City Franklin, Milwaukee County, Wisconsin; bounded and described as follows: Commencing at the Northeast corner of the Southeast 1/4 of Section 13, Town 5 North, Range 21 East; thence S 87°52'30" W, 1093.00 feet; thence S 00°03'50" E, 45.28 feet to the South line of West Forest Hill Avenue and the point of beginning; thence continuing S 00°03'50" E, 862.22 feet to a point; thence S 87°52'30" W, 250.00 feet to a point; thence N 00°03'50" W, 862.22 feet to the South line of said West Forest Hill Avenue; thence N 87°52'30" E, along said South line 250.00 feet to the point of beginning. Said lands contain 215,414 square feet (4.95 acres).

That I have made such survey, land division and map by the direction of Wyndham Homes, LLC, owner of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

November 7, 2018

Dennis C. Sauer

Professional Land Surveyor S-2421

PREPARED FOR:
Daniel Kanitz
Wyndham Homes, LLC
5665 South 108th Street
Hales Corners, WI 53130

PREPARED BY:
Metropolitan Survey Service
9415 West Forest Home Avenue
Hales Corners, WI 53130
CERTIFIED SURVEY MAP NO. __________

Being a part of the Northeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

Wyndham Homes, LLC, as owner, do hereby certify that we have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin State Statutes and Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code.

WITNESS the hand and seal of said owner this ____ day of ___________________, 20______.

__________________________
Daniel Kanitz, Owner

STATE OF WISCONSIN)
Milwaukee COUNTY) SS

PERSONALLY came before me this ____ day of ______________, 20______, Daniel Kanitz, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

__________________________
Notary Public
State of Wisconsin
My Commission Expires: __________

COMMON COUNCIL APPROVAL

APPROVED and accepted by the Common Council of the City of Franklin, Resolution No. __________, on this ____ day of ______________, 20______.

__________________________
Stephen Olson, Mayor
City of Franklin

__________________________
Sandra L. Wesolowski, Clerk
City of Franklin

[Signature]

Sheet 3 of 3
PLAT OF SURVEY

LOCATION: West Forest Home Avenue, Franklin, Wisconsin

LEGAL DESCRIPTION:
Lot 1 in CERTIFIED SURVEY MAP NO. , being a part of the Southwest 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

December 6, 2018 (Drawing Only)
May 7, 2019 Impervious Calculations Added

Survey No. 110276

N 87°52'30" E
125.00'

Imperious Areas / Slope Coverage

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
<th>Slope %</th>
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<tbody>
<tr>
<td>House &amp; Garage</td>
<td>3,571 sq. ft.</td>
<td>2.36%</td>
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<tr>
<td>Porch</td>
<td>44 sq. ft.</td>
<td>0.04%</td>
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<tr>
<td>Driveway (as shown)</td>
<td>2,520 sq. ft.</td>
<td>2.34%</td>
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<tr>
<td>Total</td>
<td>6,135 sq. ft.</td>
<td>4.76%</td>
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<tr>
<td>Open Space</td>
<td>102,572 sq. ft.</td>
<td>95.24%</td>
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Note:
Certified Survey Map from which Subject Property is Derived has not been Recorded with Milwaukee County

West Forest Hill Avenue
(66' E.O.)

GRAPHIC SCALE

1 inch = 30 ft.

Prop. Gar. Slab

Prop. Fin.

(Per Gr. Plan)

I certify that I have surveyed this property and that the above map is 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 thereof, as apparent easements and roads and visible encroachments, if any.

I reside certified 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 thereof, as apparent easements and roads and visible encroachments, if any.

Dennis C. Sauer
Professional Land Surveyor 5-4421

This survey is 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 issued.

Dennis C. Sauer
Professional Land Surveyor 5-4421

METROPOLITAN SURVEY SERVICE, INC.

PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS

9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130

PH (414) 529-2340 FAX (414) 529-3787
email address: survey@metropolitan survey.com

Denotes Iron Pipe Found
O — Denotes Iron Pipe Set
000.0 — Denotes Proposed Grade
— x — x — Denotes Proposed Silt Screen
LOCATIONS: West Forest Home Avenue, Franklin, Wisconsin

LEGAL DESCRIPTION:
Lot 2 in CERTIFIED SURVEY MAP NO. , being a part of the Southwest 1/4 of the Southeast 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

December 6, 2018 (Drawing Only)
May 7, 2019 Impervious Calculations Added

Survey No. 110277

N 67°52'30" E
125.00'

Inimbers Areas/lot Coverage
House & Garage 6,091 s.f. / 1.96%
Porch 06 s.f. / 0.00%
Driveway (as shown) 3,386 s.f. / 2.06%
Total 9,553 s.f. / 4.96%
Open Space 103.964 s.f. / 0.04%

Existing Dwelling

Prop. Fin. Yd. Gr. 0050.0
(Per Gr. Plan)

Prop. Gar. Slab 0000.0
Prop. T.O.W. 0000.0

Note:
Certified Survey Map from which Subject Property is Derived has not been recorded with Milwaukee County

West Forest Hill Avenue
(66' R.O.W.)

GRAPHIC SCALE

1 inch = 30 ft.

DENNIS C. SAUER
Professional Land Surveyor W-3215


This survey is made for the exclusive use of the present owner of the property, and also those who purchase, mortgage, or guarantee the title thereof within one (1) year from the date noted.

SIGNED

Dennis C. Sauer
Professional Land Surveyor W-3215

— Denotes Iron Pipe Found
• — Denotes Iron Pipe Set
0000.0 — Denotes Proposed Grade
——— Denotes Proposed Silt Screen
From: Wyndham Homes <wyndhamhomeswi@gmail.com>
Sent: Tuesday, May 28, 2019 10:28 AM
To: Benjamin Kohout <BKohout@franklinwi.gov>
Subject: 3031 W. Forest Hill

Ben
We agree to your terms and conditions that need to be met and items that need further evaluations that will take time to complete.
I am working with DNR for Culverts, I am working with Arborist to prepare woodland survey site field report.

12 copies dropped off Friday for June 6 Planning Commission meeting

Dan Kanitz
Wyndham Homes
City of Franklin
Department of City Development

Date: April 26, 2019
To: Wyndham Homes, LLC
From: City Development Staff
RE: Wyndham Homes, LLC Certified Survey Map – Staff Comments

Please be advised that City Staff has reviewed the above application for the property located at 3031 West Forest Hill Avenue. Department comments are as follows for the Certified Survey Map Application submitted by Wyndham Homes, LLC and date stamped by the City of Franklin on February 22, 2019.

Unified Development Ordinance (UDO) Requirements

General
1. There is a wooded area at the rear of the subject property, which includes a large wetland according to the 2005 Wisconsin Wetland Inventory. Attached, please find a map of the property identifying the boundary of the wetland according to the 2005 Wisconsin Wetland Inventory. A Natural Resource Protection Plan including a field delineation conducted by a qualified environmental consultant will be required to determine whether or not a wetland or woodland, in accordance with Division 15-4.0100 of the UDO, exist on the property.

Certified Survey Map
2. Please graphically depict all required wetland buffers and wetland setbacks per Section 15-7.0702-B of the UDO.
3. Please remember to indicate all dates of revision per Section 15-7.0702-H of the UDO.
4. Please graphically indicate the location of any conservation easements per Section 15-7.0702-P of the UDO.
5. Please submit a Natural Resource Protection Plan (NRPP) as required by Section 15-7.0702-Q, and Section 15-9.0309-D of the UDO. The NRPP shall meet the requirements of Division 17-7.0200 of the UDO.

Natural Resource Protection Plan
1. Please indicate the proposed name of the development, project, Certified Survey Map, subdivision plat, or condominium per Section 15-7.0201-A of the UDO.
2. Please indicate the location of the proposed development, project, Certified Survey Map, subdivision plat, or condominium per Section 15-7.0201-B of the UDO.
3. Please indicate the names, address and telephone number of the owner per Section 15-7.0201-C of the UDO.
4. Please include the date of the Natural Resource Plan submittal and all applicable revision dates per Section 15-7.0201-D of the UDO.
5. Please show the site boundary line of the site with dimensions using a solid line. Also, indicate the total land area encompassed by the site per Section 15-7.0201-E of the UDO.
6. Please show the location of all proposed lot lines, right-of-way lines and easements per Section 15-7.0201-F of the UDO.
7. Please show the location, ownership, widths, and names of all existing and previously platted streets, right-of-ways, parks, and other public or open spaces location within or adjacent to the subject property per Section 15-7.0201-G of the UDO.
8. Please show the location and dimensions of all easements and neighboring property boundary lines per Section 15-7.0201-H of the UDO.
9. Per Section 15-7.0201-I of the UDO, please provide the location and extent of existing natural resource features as defined by Divisions 15-4.0100 and 15-11.0100.
10. Please graphically and numerically depict those natural resource features that will be disturbed and those that will be preserved per Section 15-7.0201-J of the UDO.
11. Per Section 15-7.0201-K of the UDO, please provide a graphic illustration and notes relating those natural resource features, which are to be preserved, will actually be preserved in perpetuity using conservation easements, deed restrictions, protective covenants, etc.
12. Please provide a drawing legend containing the scale of the drawing, date of preparation, north arrow, and existing and proposed contours (two foot intervals) per Section 15-7.0201-L of the UDO.
13. Please reduce the sheet size for the Natural Resource Protection Plan to a size less than or equal to the site plan per Section 15-7.0201-M of the UDO.

Staff Recommendations

Certified Survey Map

14. Please indicate the owners and existing zoning of the adjacent properties.: R-3 Suburban/Estate Single-Family Residence District

Natural Resource Protection Plan (NRPP)

15. The applicant shall indicate all Natural Resource Features not impacted by development in Conservation Easements. Please provide Conservation Easement Documents and Exhibits for City Staff review. Attached, please find the City's Conservation Easement template.
16. Please clarify through the assured wetland delineator, Dave Meyer, if there are other wetlands or other areas of natural resources on the property other than the referenced roadside ditch on page one (NRPP dated February 18, 2019 from One Source Consulting).
Other

17. Please submit a lot coverage calculation for Lot 1 of the proposed Certified Survey Map to prove the newly created lot will be in compliance with the 15% maximum lot coverage (maximum percent of lot area) of the R-3 District.

18. It appears at one time there was a small accessory structure located along the south lot line of the proposed Lot 1. Has this accessory structure been removed? If not, the shed would need to be permitted or razed along with the existing residence, as zoning requirements do not permit a stand-alone accessory structure on R zoned properties without a residence. Contact the Building Inspections office at 414-425-0084 with this requirement.

19. Please note a new single-family residence on Lot 2 may be subject to Section 15-2.0203-B Determination of Average Front Yard Setback in Areas Where Greater than Required Front Yard Setback is Provided, of the UDO.

Engineering Staff Comments

20. Please see the attached Engineering Department comments.

Fire Department Staff Comments

21. The Fire Department has no concerns with the proposed lot division.

Police Department Staff Comments

22. The Franklin Police Department has no concerns with reference to the application for a Certified Survey Map to divide an existing lot into two separate lots. The location is 8473 S. 47th St. Lot 1 will be 1.14 acres, and lot 2 will be .98 acres.

Milwaukee County Comments

23. Please see the attached comment from the Milwaukee County Register of Deeds Office.
2/20/2019

Proposed Project Summary for 3031 W. Forest Hill Ave., Franklin, Wi. 53132.
This is an older residential neighborhood located on the east side of the city of Franklin. The zoning is R-3 suburban/estate single-family.

It is our intention to split the existing 5 acre parcel into two 2.50 acre lots that meet the R-3 district development standards. Dividing the lot in half directly down the middle will maintain the continuity of the existing lots on Forest Hill Ave.

The new homes will have set backs that average the existing homes on Forest Hill Ave. On lot 1 we are planning on building a 1800 sq. ft. ranch home with 3 car attached garage. On lot 2 we are planning on building a 2 story home with a 2 ½ car attached garage.

The back half of both lots is scattered young trees and heavy brush that is approx. 300 ft deep by 125 ft. wide on each lot. The front of the lots are currently grass with several 4 fruit trees on lot 1. There is also some wild bushes and growth along the street side of the property that adds a rural appearance to the property. It is our intention to maintain the existing rural appearance. Grass is currently groomed to normal residential standards on the front half of the property. This look will be maintained before and during the construction of the new homes.

Our goal is to build to new homes that are in proportion to the existing homes in the area, placed on these two magnificent country look lots.

Lot owners Daniel A. Kanitz member Wyndham Homes and Dara Atlija Member Wyndham Homes.

Franklin
MAY 24 2019
City Development
CERTIFIED SURVEY MAP (CSM) APPLICATION

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

Applicant (Full Legal Name(s)):
Name: Wyndham Homes LLC
Company: Wyndham Homes
Mailing Address: 5665 S. 108th St.
City / State: Hales Corners, WI, zip: 53130
Phone: 414-881-2707
Email Address: wyndhamhomeswi@gmail.com

Applicant is Represented by: [contact person] (Full Legal Name(s))
Name: Daniel A. Kanitz
Company: Wyndham Homes
Mailing Address: 5665 S. 108th St.
City / State: Hales Corners, WI, zip: 53130
Phone: 414-881-2707
Email Address: wyndhamhomeswi@gmail.com

Tax Key No.: 832 991 000
Existing Zoning: R-3 Suburban Single Family
Existing Use: R-3 Suburban Single Family
Proposed Use: R-3 Suburban Single Family
CMF Land Use Identification:

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

Certified Survey Maps shall be prepared as provided in § 236.34 (1m) (c) Wis. Stats. and Division 15-7.0700 of the Unified Development Ordinance.

Certified Survey Map submittals for review must include and be accompanied by the following:
- Milwaukie County Review Fee, payable to Milwaukee County Register of Deeds: $75
- Two (2) original map copies for Milwaukee County review, prepared at 8-1/2" wide by 14" long on durable white paper.
- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin: $1,500
- Seven (7) complete sets of Application materials, for City of Franklin review to include:
  - Project Summary: a written detailed description of the project: One (1) original and six (6) copies
  - Map Copies: One (1) original map copy and six (6) map copies prepared at 8-1/2" wide by 14" long and must be clearly legible.
  - As may be required, seven (7) copies of a "Natural Resource Protection Plan and "Landscape Plan" for any landscape bufferyard easement areas.
  - If applicable, three (3) copies of the Natural Resource Protection report (see Division 15-9.03030 of the UDO).
  - If applicable, one copy of the Site Intensity and Capacity Calculations (see Division 15-3.0500 of the UDO).
  - Email (or CD ROM) with all plans and submittal materials in Adobe PDF. (May be waived by City Planner.)

*Upon receipt of a complete submittal, staff review will be conducted within ten business days.
*All Certified Survey Map requests require Plan Commission review and Common Council approval.
*All Certified Survey Map requests shall comply with Chapter 235 of the Wisconsin State Statutes.

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) have/has 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.)

Wyndham Homes LLC
Signature - Property Owner: Daniel A. Kanitz
Name & Title (Print): President Wyndham Homes LLC
Date: 2-20-2019

Signature - Applicant: Daniel A. Kanitz
Name & Title (Print): President
Date: 2-20-2019

Signature - Property Owner: Daniel A. Kanitz
Name & Title (Print): President
Date: 2-20-2019
RE: [Non-DoD Source] 3031 NRPP (UNCLASSIFIED)

1 message

Kopka, Marie H CIV USARMY CEMVP (USA) <Marie.H.Kopka@usace.army.mil>  
To: "wyndhamhomeswi@gmail.com" <wyndhamhomeswi@gmail.com>  
Tue, May 7, 2019 at 11:43 AM

CLASSIFICATION: UNCLASSIFIED

Good morning Mr. Kanitz,

Thank you for contacting the Corps of Engineers regarding your proposed project to install two culverts in association with residential driveways at 3031 W. Forest Hill Avenue in the City of Franklin.

I know you have been working with Matt Groshek of our office regarding your proposed project and he had recommended that you submit a jurisdictional determination request. In reviewing the One Source Consulting Natural Resource Protection Plan dated February 18, 2019, it appears that your project may qualify under our Minor Discharges General Permit which does not require the submittal of a permit application nor a Corps jurisdictional determination.

A copy of the Minor Discharges General Permit can be found here: https://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RGP/MinorDischarges_RGP.pdf?ver=2018-02-22-093528-840. Please read through the permit to make sure your project would meet the terms and conditions.

At this point, you have two options. You could proceed with the project without further coordination with the Corps OR you can request a General Permit confirmation letter. If you request the latter, please let me know and we will log in the project and I’ll assign to a Project Manager.

Thank you for your time,

Mario

Marie H. Kopka, Lead Project Manager
U.S. Army Corps of Engineers
St. Paul District, Regulatory Branch
Brookfield Field Office
250 N. Sunnyslope Road, Suite 286
Brookfield, Wisconsin 53005
Office: 651-290-5733 | Marie.H.Kopka@usace.army.mil

-----Original Message-----
From: Groshek, Matthew M CIV USARMY CEMVP (USA)
Sent: Tuesday, May 7, 2019 10:56 AM
To: Kopka, Marie H CIV USARMY CEMVP (USA) <Marie.H.Kopka@usace.army.mil>
Subject: FW: [Non-DoD Source] 3031 NRPP

-----Original Message-----
From: Wyndham Homes [mailto:wyndhamhomeswi@gmail.com]
Sent: Tuesday, May 7, 2019 9:40 AM
To: Groshek, Matthew M CIV USARMY CEMVP (USA) <Matthew.M.Groshek@usace.army.mil>
Subject: [Non-DoD Source] 3031 NRPP

hopefully this will open

City of Franklin Planning
Benjamin Kohout

https://mail.google.com/mail/u/0?ik=7225994o4d&view=pt&search=all&permthid=thread-f%3A16328822942288271593&impl=msg-f%3A16328822942... 1/2
City of Franklin - Natural Resource Protection Plan for 3031 W. Forest Hill Ave.

February 18, 2019

Wyndham Homes is proposing two single family residential homes at 3031 W. Forest Hill Avenue in the City of Franklin. The development is located on a 4.96 acre parcel on the south side of W. Forest Hill Avenue and west of S. 27th Street (SW 1/4 of the SE 1/4 of Section 13, T5N R21 E). A study area was developed and extends not less than 50 feet beyond the planned disturbance limits associated with the construction of two single family homes with associated driveways and site grading.

There is one wetland within the study area that is associated with the roadside ditch running along the south side of W. Forest Hill Avenue across the width of the property. The wetlands were field delineated by Dave Meyer, a WDNR assured delineator. No other natural resources were identified within the study area by Dave Meyer, Wetland and Waterway Consulting.

Photograph 1 (Sept 2018): Looking north from W. Forest Hill Ave.
NATURAL RESOURCE PROTECTION PLAN
A wetland buffer of 30’ and a wetland setback of 50’ will be maintained to preserve the wetland ditch as shown on the Plat of Survey. The total area of wetland setback area is 0.29 acres.

A wetland impact of 60 square feet for installation of each driveway culvert as required by the City of Franklin for access to the properties is anticipated. The total wetland impact will not exceed 120 square feet. This impact will occur within the study area, but outside of the parcel boundary within the W. Forest Hill Avenue right-of-way.

A wetland buffer impact of 1,500 square feet for the installation of each driveway is anticipated. The total wetland buffer impact will not exceed 3,000 square feet.

The natural resources will be protected with an increased front setback of 50 feet. No other permanent protection measures are proposed since the wetland is located within the City of Franklin’s right-of-way for W. Forest Hill Avenue.

MITIGATION
For this residential development, the applicant will apply for a special exception for wetland disturbance and wetland buffer disturbance with no proposed mitigation for the wetland ditch impacts.

SITE INTENSITY SUMMARY
In accordance with Section 15-3.0504 the "Site Intensity and Capacity for Residential Uses", the Maximum Number of Permitted Development Units for the parcel is 13 residential dwelling units. There are 0.29 acres of natural resource features which have been designated for protection.

ATTACHMENTS:
- Natural Resource Protection Plan Checklist
- Plat of Survey with Natural Resource Features
- Wetland Delineation Report Dated February 2, 2019

This natural resource protection plan has been prepared thru the collaborative efforts of Dave Meyer, Wetland and Waterway Consulting; Craig Donze, One Source Consulting and Metropolitan Survey Service.
<table>
<thead>
<tr>
<th>Staff Use</th>
<th>Complete or NA</th>
<th>Natural Resources that must be identified, Measured, Graphically Depicted</th>
<th>Ordinance #</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Steep Slopes, measured &amp; graphically indicated</td>
<td>15-4.0102-A</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Woodlands and Forests, as defined, measured &amp; graphically indicated</td>
<td>15-4.0102-B</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Lakes and Ponds, measured &amp; graphically Indicated</td>
<td>15-4.0102-C</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Streams, measured &amp; graphically Indicated</td>
<td>15-4.0102-D</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Shore Buffers, measured &amp; graphically Indicated</td>
<td>15-4.0102-E</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Floodplain(s), Floodway(s) &amp; Floodland(s), measured &amp; graphically Indicated</td>
<td>15-4.0102-F</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Drainageways (as defined in the City of Franklin Unified Development Ordinance), measured &amp; graphically indicated</td>
<td>15-4.0102-G</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Wetlands and Shoreland Wetlands, measured &amp; graphically Indicated</td>
<td>15-4.0102-H</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Project Name</td>
<td>15-7.0201-A</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Location (physical address and/or Section - 1/4 Section information)</td>
<td>15-7.0201-B</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Scale, North Arrow, Contours (2' interval)</td>
<td>15-7.0702-L</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Names, Addresses, Telephone #s of Owners, Subdividers, Lessee &amp; Developer</td>
<td>15-7.0201-C</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Date and all applicable revision dates</td>
<td>15-7.0201-D</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Site Boundary</td>
<td>15-7.0201-E</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Lot Lines, Right-of-Way lines and Easements</td>
<td>15-7.0201-F</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Existing Streets</td>
<td>15-7.0201-G</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Easements along property boundaries adjacent to the site</td>
<td>15-7.0201-H</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Location and extent of existing Natural Resource features</td>
<td>15-7.0202-I</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Disturbed and Preserved Nat. Resource Features (shown graphically and in numerical sequence on plan)</td>
<td>15-7.0702-J</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Method of Natural Resource Preservation (Conservation Easement)</td>
<td>15-7.0702-K</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Site Intensity Calculations</td>
<td>15-7.0702-N</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Mitigation Plan (See attached pages)</td>
<td>15-4.0103</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Name of Person Performing Wetland Delineation Date of Wetland Delineation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>50 Wetland Building Setback Lines, identified &amp; dimensioned</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>75 Shoreland Buffer Areas, identified &amp; dimensioned</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Craig Donz, PE PLS
Signature of the person preparing this checklist

Staff Notes

Reviewer's Initials
DIVISION 15-3.0500 SITE INTENSITY AND CAPACITY CALCULATIONS

SECTION 15-3.0501 NATURAL RESOURCE PROTECTION AND SITE INTENSITY AND CAPACITY CALCULATIONS FOR RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED

A. Recognition of Natural Resource Features. This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.

B. When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required. Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of Section 15-3.0501C. of the Unified Development Ordinance.

C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required). Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the “best available information” as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on
the parcels of the Certified Survey Map based upon the “best available” information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the “remnant” parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: “The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel” For the purposes of this section, the Zoning Administrator shall not require that the “best available” information be a “first source” of information, as identified in §15-4.0102A., B., C., D., and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.
SECTION 15-3.0502  CALCULATION OF BASE SITE AREA

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

<table>
<thead>
<tr>
<th>STEP</th>
<th>Description</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.</td>
<td>4.96 acres</td>
</tr>
<tr>
<td>2</td>
<td>Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.</td>
<td>- 0.00 acres</td>
</tr>
<tr>
<td>3</td>
<td>Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.</td>
<td>- 0.00 acres</td>
</tr>
<tr>
<td>4</td>
<td>In the case of &quot;Site Intensity and Capacity Calculations&quot; for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of &quot;Site Intensity and Capacity Calculations&quot; for a proposed nonresidential use, subtract (-) the land proposed for residential uses.</td>
<td>- 0.00 acres</td>
</tr>
<tr>
<td>5</td>
<td>Equals &quot;Base Site Area&quot;</td>
<td>= 4.96 acres</td>
</tr>
</tbody>
</table>

SECTION 15-3.0503  CALCULATION OF THE AREA OF NATURAL RESOURCES TO BE PROTECTED

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.
### Table 15-3.0503

**WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND**

<table>
<thead>
<tr>
<th>Natural Resource Feature</th>
<th>Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for type of zoning district in which the parcel is located)</th>
<th>Acres of Land in Resource Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agricultural District</td>
<td>Residential District</td>
</tr>
<tr>
<td>Steep Slopes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10-15%</td>
<td>0.00</td>
<td>0.60</td>
</tr>
<tr>
<td>20-30%</td>
<td>0.65</td>
<td>0.75</td>
</tr>
<tr>
<td>+ 30%</td>
<td>0.90</td>
<td>0.85</td>
</tr>
<tr>
<td>Woodlands &amp; Forests:</td>
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<td></td>
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<tr>
<td>Mature</td>
<td>0.70</td>
<td>0.70</td>
</tr>
<tr>
<td>Young</td>
<td>0.50</td>
<td>0.50</td>
</tr>
<tr>
<td>Lakes &amp; Ponds</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Streams</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Shore Buffer</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Floodplains</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Wetland Buffers</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Wetlands &amp; Shoreland</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected) | 0.29

*Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.*

### SECTION 15-3.0504

**CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES**

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.
### Table 15-3.0504

**WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT**

<table>
<thead>
<tr>
<th>STEP 1: Calculate Minimal Required On-Site Open Space</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Site Area</strong> (from Step 5 in Table 15-3.0502):</td>
<td>4.96 Acres</td>
</tr>
<tr>
<td>Multiple by Minimum Open Space Ratio (OSR) (see specific residential zoning district OSR standard):</td>
<td>X 0.00</td>
</tr>
<tr>
<td>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE</td>
<td>=</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP 2: Calculate Net Buildable Site Area:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Take <strong>Base Site Area</strong> (from Step 5 in Table 15-3.0502):</td>
<td>4.96 Acres</td>
</tr>
<tr>
<td>Subtract Total Resource Protection Land (from Table 15-3.0503) or Minimum Required On-Site Open Space (from Step 1 above), whichever is greater:</td>
<td>- 0.29 Acres</td>
</tr>
<tr>
<td>Equals NET BUILDABLE SITE AREA</td>
<td>=</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP 3: Calculate Maximum Net Density Yield of Site:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Buildable Site Area</strong> (from Step 2 above):</td>
<td>4.67 Acres</td>
</tr>
<tr>
<td>Multiply by Maximum Net Density (ND) (see specific residential zoning district ND standard):</td>
<td>X 2.972</td>
</tr>
<tr>
<td>Equals MAXIMUM NET DENSITY YIELD OF SITE</td>
<td>=</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP 4: Calculate Maximum Gross Density Yield of Site:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Site Area</strong> (from Step 5 of Table 15-3.0502):</td>
<td>4.96 Acres</td>
</tr>
<tr>
<td>Multiple by Maximum Gross Density (GD) (see specific residential zoning district GD standard):</td>
<td>X 2.972</td>
</tr>
<tr>
<td>Equals MAXIMUM GROSS DENSITY YIELD OF SITE</td>
<td>=</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP 5: Determine Maximum Permitted D.U.s of Site:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Take the lowest of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):</td>
<td>13 D.U.s</td>
</tr>
</tbody>
</table>
Mr. Dan Kanitz  
Wyndham Homes  
5665 S. 108th Street  
Hales Corners, WI 53130

Dear Mr. Kaniz:

Wetland & Waterway Consulting (WWC) has conducted a wetland delineation on property located in Sec. 13, T5N, R21E, City of Franklin, Milwaukee County. The delineation was conducted on 9-28-18 at your request. This site is under consideration for future development; therefore, location of the presence or absence of wetlands prior to construction is necessary.

Investigator

Dave Meyer, lead delineator, is an independent environmental consultant providing wetland delineations, environmental permitting services, site assessments, and planning advice. He obtained a master’s degree in Natural Resources Management from Southern Illinois University-Carbondale in 1977. Mr. Meyer has held technical and administrative positions in wetland and water resources specialties with the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers. He has satisfactorily completed the Reg IV Wetland Delineation training offered by the U.S. Army Corps of Engineers, the Advanced Wetland Delineation training conducted by the University of Wisconsin-LaCrosse in 2002 and 2007, the USACOE/WIDNR 1987 Wetland Delineation Manual Midwest Region Supplement Training in 2009, the USACOE/WIDNR 1987 Wetland Delineation Manual Northcentral/Northeast Region Supplement Training in 2010, the Basic Hydric Soil ID training conducted by the University of Wisconsin-LaCrosse in 2011, the Wetland Training Institute’s Advanced Hydrology for Jurisdictional Determinations in 2016, and the SEWRPC Environmental Corridor Delineation Workshops in 2004 and 2015. Mr. Meyer is recognized by the Wisconsin Department of Natural Resources as an Assured Delineator.

Methods

The site visit was conducted according to the guidelines identified in the U.S. Army Corps of Engineers’ 1987 manual and the Midwest Regional Supplement. The plot size used was a 30 foot radius circle for trees, shrub/saplings, and woody vines, and a 5 foot radius circle for herbaceous vegetation.

Six data points were located in the subject parcel. Data was collected on the vegetation, soils, and hydrology at each point. The field investigation followed the technical approach described in the USACOE 1987 Manual. Refer to the map attached to the end of this report for locations of these points.

Roadside ditches and other drainage ditches internal to the site were identified if they displayed hydric vegetation. Flags were placed in the middle of the ditches at their beginning and ending points for the surveyor to locate. If the ditch was very long or had unusual bends or turns in it, additional flags were placed within the central parts of the ditch to assist in its location.
Resources utilized in the investigation included the NRCS county soil survey, Wisconsin Wetland Inventory mapping, topo mapping, aerial photos, and county plat mapping. Significant literature consulted includes:


Results and Discussion

* This approximately 4.96 acre site is situated on the south side of W. Forest Hill Avenue just west of South 27th Street. The site consists of a single family home and outbuilding, mowed and maintained lawn, and upland wooded areas. The site slopes from W. Forest Hill Avenue up to the south at an approximate 5% grade. The house and outbuilding occupy the highest elevation of the parcel where the slope flattens out into a level area. The site then continues downslope to the south at an approximate 10% grade. The northern portion of the property is occupied by the residence and mowed lawn. The southern portion of the site is occupied by a stand of upland hardwood trees and shrubs.

* This site has not been previously delineated.

* The soil types mapped within the project boundaries are Blount silt loam (BlA) and Ozaukee silt loam (OzaB, OzaB2, OzaC2).

* The roadside ditch on the south side of W Forest Hill Avenue, for the entire distance of the parcel, supports hydric vegetation and is dominated by Kentucky bluegrass, riverbank grape, red osier dogwood, calico aster, wood sedge, box elder, and American elm. It is an average of 24 inches wide and did not have any water in it at the time of the delineation. The side slopes are dominated by tall fescue, English plantain, Kentucky bluegrass, Queen Anne’s lace, and dandelion.

* The Wisconsin Wetland Inventory map does not show any wetland on the property.

* The vegetative, soil, and hydrology characteristics at each data point are described on the individual data sheets. Collectively, data point #’s 1 and 2 in the mowed lawn are dominated by tall fescue and Kentucky bluegrass in the herbaceous stratum and apple and pear trees in the tree stratum. Neither soil nor the required hydrology indicators are present. Data point #’s 3, 4, 5, and 6 are located in the wooded area on the south end of the site. Dominant vegetation in the tree stratum is box elder, American elm, common buckthorn, black walnut, and white ash; staghorn sumac, gray dogwood, cockspur hawthorn, prickly ash, and common buckthorn in the sapling/shrub stratum; and Canada goldenrod, daisy fleabane, Kentucky bluegrass, giant goldenrod, white avens, and redtop grass in the herbaceous stratum. Neither soil nor the required hydrology indicators are present at any of these data points.
No wetlands were discovered as a result of the delineation conducted on this parcel with the exception of the roadside ditch.

Precipitation Data

Precipitation data from the websites of the USDA Natural Resource Conservation Service, the National Oceanic and Atmospheric Administration (NOAA), and Racine WETS station WI6922 was examined. This antecedent data was reviewed and considered while making determinations concerning the presence and/or absence of wetlands during the field investigation.

Because the antecedent precipitation was normal, direct observation of saturated soils, and even the possibility of standing water, was potentially anticipated, although not expected. Other primary indicators as well as the secondary indicators were also searched for.

Note that when a site is delineated in the second half of the month, the current month and the previous 2 months are taken into consideration.

Condition Value  Dry = 1  Normal = 2  Wet = 3

<table>
<thead>
<tr>
<th>Month</th>
<th>Normal</th>
<th>3 yrs. In 10 less than</th>
<th>3 yrs. In 10 more than</th>
<th>Observed precip.</th>
<th>Condition dry, wet, normal</th>
<th>Condition value</th>
<th>Month weight value</th>
<th>Product of previous two columns</th>
</tr>
</thead>
<tbody>
<tr>
<td>current month</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 1st prior month| September 3.70 1.75 4.52 | 4.51 normal | 2 3 | 6
| 2nd prior month| August 4.08 2.76 4.88 | 5.46 wet | 3 2 | 6
| July 3.57 2.58 4.22 | 2.40 dry | 1 | 1 1 | 1

If sum is
6 - 9  drier than normal
10 - 14 normal
15 - 18 wetter than normal

Conclusion
Antecedent precipitation was normal.

Conclusion
No wetlands are present on this site with the exception of the roadside ditch described above. Because this delineation was conducted by Mr. Meyer, an Assured Delineator, obtaining a concurrence letter from the Wisconsin Department of Natural Resources is not necessary. Concurrence with the finding of no wetlands on this parcel by the U.S. Army Corps of Engineers, however, must be obtained before
undertaking any alterations or modifications of this property. Activities affecting wetlands or surface waters may require permits from the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, and local municipal authorities. The client must obtain authorization from all proper regulatory authorities before altering, modifying, or using the property. If the required authorizations are not obtained, Wetland & Waterway Consulting, LLC shall not be liable or responsible for any resulting damages.

Sincerely,

[Signature]
Dave Meyer

Attachments
1. Data points
2. Soil Survey and Wisconsin Wetland Inventory map
3. USGS topo map
4. Location map
5. Site photographs
6. Data point location map
WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: Forest Hill Ave.  City/County: Franklin  Sampling Date: 9-28-19
Applicant/Owner: Meyer  State: IL
Investigator(s): Hillside  Section, Township, Range: Sec. 13, T5N R6E
Landform (Hillside, terrace, etc.): Hillside  Local relief (concave, convex, none): Convex
Slopes (%): 3  Lot: 1/2
Soil Map Unit Name: Drako Silty Clay Loam  O2C5  NHI Classification: None

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Is the Sampled Area within a Wetland?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Remarks: Located in mowed lawn

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: )

<table>
<thead>
<tr>
<th>Species</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sealing/Shrub Stratum (Plot size: )

<table>
<thead>
<tr>
<th>Species</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Herb Stratum (Plot size: )

<table>
<thead>
<tr>
<th>Species</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
</table>

Woody Vine Stratum (Plot size: )

<table>
<thead>
<tr>
<th>Species</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
</table>

Remarks: (Include photo numbers here or on a separate sheet.)
**SOIL**

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (Inches)</th>
<th>Color (Model)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (Model)</th>
<th>%</th>
<th>Type</th>
<th>Soil Texture</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-17</td>
<td>2YR 5/12</td>
<td>100%</td>
<td></td>
<td></td>
<td></td>
<td>Silty Loam</td>
<td></td>
</tr>
<tr>
<td>17-24</td>
<td>2YR 4/2</td>
<td>80%</td>
<td></td>
<td>5/4</td>
<td>C</td>
<td>Silty Loam</td>
<td></td>
</tr>
</tbody>
</table>

- **Type:** C=Concentration, D=Deposition, R=Reduced Matrix, MS=Masked Sand Grains.
- **Location:** P=pore lining, M=Matrix.

**Hydrolic Soil Indicators:**
- Histosol (A1)
- Hydric Eupædus (A2)
- Black Hydric (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Mud (A10)
- Daptated Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (B1)
- 6 cm Mucky Peat or Peat (B3)

**Restrictive Layer (if observed):**
- Type: ____________________
- Depth (inches): ____________
- Hydric Soil Present? Yes No

**Remarks:**

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**HYDROLOGY**

**Wetland Hydrology Indicators:**
- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Depsots (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B6)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)

**Secondary Indicators (minimum of two required):**
- Surface Water Cracks (B8)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Oxidized Rhizophors on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C5)
- Thin Muck Surface (C7)
- Gauge or Well Data (D6)
- FAC-Neutral Test (D8)

**Field Observations:**
- Surface Water Present? Yes No Depth (inches): ____________
- Water Table Present? Yes No Depth (inches): ____________
- Saturation Present? Yes No Depth (inches): ____________

**Remarks:**

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Midwest Region – Version 2.0
WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: D. Forest Hill Ave.  City/County: Franklin  Sampling Date: 9-30-19
Applicant/Owner: Meyer  State: IL  Sampling Point: #2600
Investigator(s):  Section, Township, Range: Sec. 13 T. 51 R. 1E
Landscape (hillside, terrace, etc.): hillside  Local relief (concave, convex, none): convex
Slope (%): 5
Climatic / hydrologic conditions on the site typical for this time of year? Yes  No
Are Vegetation N, Soil N, or Hydrology N significantly disturbed? Yes  No
Are Vegetation N, Soil N, or Hydrology N naturally problematic? Yes  No
Are "Normal Circumstances" present? Yes  No

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes</th>
<th>No</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks: DO located in mowed lawn

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: _________)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Malus pumila</td>
<td>15</td>
<td>UPL</td>
<td></td>
</tr>
<tr>
<td>2. Pyrus communis</td>
<td>15</td>
<td>UPL</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>50</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: _________)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: _________)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Glechoma hederacea</td>
<td>70</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>2. Poa pratensis</td>
<td>20</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>3. Trifolium pratense</td>
<td>5</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>4. Taraxacum officinale</td>
<td>5</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vines Stratum (Plot size: _________)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 4
Total Number of Dominant Species Across All Strata: 5
Percent of Dominant Species That Are OBL, FACW, or FAC: 95

Prevalence index worksheet:

<table>
<thead>
<tr>
<th>Total % Cover of</th>
<th>Multiply by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBL species</td>
<td>x 1</td>
</tr>
<tr>
<td>FACW species</td>
<td>x 2</td>
</tr>
<tr>
<td>FAC species</td>
<td>x 3</td>
</tr>
<tr>
<td>FACU species</td>
<td>x 4</td>
</tr>
<tr>
<td>UPL species</td>
<td>x 5</td>
</tr>
<tr>
<td>Column Totals</td>
<td></td>
</tr>
</tbody>
</table>

Prevalence Index = BIA =

Hydrophytic Vegetation Indicators:
1 - Rapid Test for Hydrophytic Vegetation
2 - Dominance Test is >50%
3 - Prevalence Index is <3.0
4 - Morphological Adaptation? (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation? (Explain)

Hydrophytic Vegetation Present? Yes  No

Remarks: (Include photo numbers here or on a separate sheet.)

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<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix Color (moist)</th>
<th>Redox Features Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Lcc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-29</td>
<td>10</td>
<td>10</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

**Hydrologic Soil Indicators:**

- Histosol (A1)
- Histetic Epipedon (A2)
- Black Hielic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic 2 cm Mack (A12)
- Depressed Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (B1)
- 5 cm Mucky Pearl or Pearl (B3)

**Hydrologic Soil Present?** Yes No

**Remarks:**

**HYDROLOGY**

**Wetland Hydrology Indicators:**

- Surface Water (A1)
- High Water Table (A2)
- Saturated (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)

**Secondary Indicators (minimum of two required):**

- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- True Aquatic Plants (B14)
- Hydrosol Stiff Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Wall Data (D6)
- FAC-Neutral Test (D3)

**Field Observations:**

- Surface Water Present? Yes No
- Water Table Present? Yes No
- Saturated Present? Yes No

**Wetland Hydrology Present?** Yes No

**Remarks:**

US Army Corps of Engineers

Midwest Region – Version 2.0
WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: D. Forest Hill Ave., County: Franklin
Applicant/Owner: Meyer, State: IL, Sampling Date: 9-28-19
Investigator(s): Section, Township, Range: Sec 13 T5S R2E
Landform (hillock, terrace, etc.): Hill slope, Local relief (concave, convex, none): Convex
Slope (%): 20
Lat: 39° 09' 54", Long: 89° 25' 12"
Datum: NAD 83
Soil Map Unit Name: D scraper soil, Ozacl, NW classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes___ No___
(If no, explain in Remarks.)
Are Vegetation N, Soil N, or Hydrology N significantly disturbed? Yes ___ No ___
Are Vegetation N, Soil N, or Hydrology N naturally problematic? Yes ___ No ___
(If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Vegetation Present?</th>
<th>Yes</th>
<th>No</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Remarks:

VEGETATION - Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: _______ )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Acer negundo</td>
<td>5</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: _______ )</th>
<th>Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cornus raceiiosa</td>
<td>20</td>
</tr>
<tr>
<td>2. <strong>Rhus typhina</strong></td>
<td>5</td>
</tr>
<tr>
<td>3. <strong>Rhus typhina</strong></td>
<td></td>
</tr>
<tr>
<td>4. <strong>Rhus typhina</strong></td>
<td></td>
</tr>
<tr>
<td>5. <strong>Rhus typhina</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: _______ )</th>
<th>Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Artemisia canadensis</em></td>
<td>40</td>
</tr>
<tr>
<td>2. <em>Poa virginiana</em></td>
<td>15</td>
</tr>
<tr>
<td>3. <em>Eriophorum annulatum</em></td>
<td>35</td>
</tr>
<tr>
<td>4. <em>Poa virginiana</em></td>
<td></td>
</tr>
<tr>
<td>5. <em>Poa virginiana</em></td>
<td></td>
</tr>
<tr>
<td>6. <em>Poa virginiana</em></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: _______ )</th>
<th>Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: (Include photo numbers here or on a separate sheet.)

Hydrophytic Vegetation Present? Yes ___ No ___

Hydrophytic Vegetation Indicators:
  1. Rapid Test for Hydrophytic Vegetation
  2. Dominance Test is >90%
  3. Prevalence Index is >5.0
  4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation (Explain)

Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
**SOIL**

**Profile Description:** (Describe the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inch)</th>
<th>Matrix Color (moist)</th>
<th>%</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-9</td>
<td>0.11 3/12 100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>soil/loam</td>
</tr>
<tr>
<td>9-24</td>
<td>0.11 3/14 100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>clay</td>
</tr>
</tbody>
</table>

*Type: C=Congestion, D=Depletion, R=Reduced Matrix, M=Masked Sand Grains.*  

**Hydric Soil Indicators:**

- Histosol (A1)  
- Histic Epikuton (A2)  
- Black Hiem (A3)  
- Hydrogen Sulfide (A4)  
- Stratified Layers (A6)  
- 0 cm Muck (A9)  
- Depicted Below Dark Surface (A11)  
- Thick Dark Surface (A12)  
- Sandy Mucky Mineral (S1)  
- 6 cm Mucky Peat or Peat (S3)

**Restrictive Layer (if observed):**

<table>
<thead>
<tr>
<th>Type:</th>
<th>Depth (inch):</th>
<th>Hydric Soil Present?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

**Remarks:**

---

**HYDROLOGY**

**Wetland Hydrology Indicators:**

*Primary indicators (minimum of one is required; check all that apply):*

- Surface Water (A1)  
- High Water Table (A2)  
- Saturation (A5)  
- Water Mark (B1)  
- Sediment Deposits (B2)  
- Drift Deposits (B3)  
- Algal Mat or Crust (B4)  
- Iron Deposits (B4)  
- Inundation Visible on Aerial Imagery (B7)  
- Sparsely Vegetated Concave Surface (B8)

*Secondary indicators (minimum of two required):*

- Water-Soiled Leaves (B9)  
- Aquatic Fauna (B13)  
- True Aquatic Plants (B14)  
- Hydrogen Sulfide Odor (C1)  
- Oxidized Rhizospheres on Living Roots (C3)  
- Presence of Reduced Iron (C4)  
- Recent Iron Reduction in Tilled Soils (C6)  
- Thin Muck Surface (C7)  
- Gauge or Well Data (D9)  
- FAC-Neutral Test (D3)

*Includes capillary fringe*

**Field Observations:**

- Surface Water Present? Yes No Depth (inch):  
- Water Table Present? Yes No Depth (inch):  
- Saturation Present? Yes No Depth (inch):  
- Other (Explain in Remarks)

- Wetland Hydrology Present? Yes No

**Remarks:**

---

U.S. Army Corps of Engineers  
Midwest Region – Version 2.0
WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: D. Forest Hill Ave.  City/County: Franklin  Sampling Date: 9-28-19
Applicant/Owner: Meyer  State:  Sampling Point: Sec. 13 T5 S R2 E
Investigator(s):  Section, Township, Range:  Soil Map Unit Name: Ozark floodplain
Landform (hillocks, terrace, etc.): Hill slope  Local relief (concave, convex, none): Convex
Slope (%): 5  Latitude: 39  Datum: 22
Longitude: 39  NW classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ☐ No ☐ (If no, explain in Remarks.)
Are Vegetation N, Soil N, or Hydrology N significantly disturbed? ☐ Are Normal Circumstances present? Yes ☐ No ☐ (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes ☐ No ☐</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes ☐ No ☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes ☐ No ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: ______ )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Larix laricina</td>
<td>10</td>
<td>√ FACW</td>
<td></td>
</tr>
<tr>
<td>2. Picea mariana</td>
<td>5</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>3. Pinus silvestris</td>
<td>15</td>
<td>Total Cover</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: ______ )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Larix laricina</td>
<td>25</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>2. Picea mariana</td>
<td>45</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>3. Pinus silvestris</td>
<td>15</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>4. Cornus racemosa</td>
<td>5</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>5. Carya Tennes</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: ______ )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Solidago canadensis</td>
<td>15</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>2. Solidago gigante</td>
<td>50</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>3. Canopy Broadleaf</td>
<td>10</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>4. Atriplex thurifera</td>
<td>45</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>5. Plantago major</td>
<td>10</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>6. Holcus major</td>
<td>10</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>7. Conyza canadensis</td>
<td>5</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>8. Panicum virgatum</td>
<td>10</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>9. Solidago canadensis</td>
<td>15</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>10. Solidago gigante</td>
<td>50</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (Plot size: ______ )</td>
<td>Absolute % Cover</td>
<td>Dominant Indicator Species?</td>
<td>Status</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------</td>
<td>-----------------------------</td>
<td>--------</td>
</tr>
</tbody>
</table>

Hydrophytic Vegetation Indicators:
1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is > 50%
3. Prevalence Index is < 30%
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

Remarks: (Include photo numbers here or on a separate sheet.)
**SOIL**

Profile Description: (Describe the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Matrix (moist)</th>
<th>%</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-7</td>
<td>10-12</td>
<td>72</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7-16</td>
<td>10-14</td>
<td>93</td>
<td>10-14</td>
<td>2</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-24</td>
<td>10-14</td>
<td>94</td>
<td>10-14</td>
<td>2</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Type: C=Concentration, D=Deposition, RV=Reduced Where, MS=Mixed Sand Grains.*  
*Location: F=Pore Lining, M=Matrix.*

**Hydrologic Soil Indicators:**
- Histosol (A1)
- Histalic Epipodion (A2)
- Hydric Histosol (A3)
- Hydric Sulfide (A4)
- Stratifed Layers (A5)
- 2 cm Muck (A10)
- Depressed Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (G1)
- 5 cm Mucky Peat or Peat (G3)

**Restrictive Layer (if observed):**
- Type: __________
- Depth (inches): __________

**Hydrologic Soil Present? Yes No**

**Remarks:**

---

**HYDROLOGY**

**Wetland Hydrology Indicators:**
- Surface Water (A1)
- High Water Table (A2)
- Sediment Deposit (B2)
- Drift Deposit (B3)
- Iron Deposit (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)

**Secondary Indicators (minimum of two required):**
- Surface Soil Cracks (B8)
- Dry-Season Water Table (C2)
- Recent Iron Reduction In Tilled Soils (C6)
- FAC-Neutral Test (G6)

**Field Observations:**
- Surface Water Present? Yes No Depth (inches): __________
- Water Table Present? Yes No Depth (inches): __________
- Saturation Present? Yes No Depth (inches): __________

**Wetland Hydrology Present? Yes No**

**Remarks:**
**WETLAND DETERMINATION DATA FORM – Midwest Region**

**Project/Site:** Forest Hill Ave.  
**County:** Franklin  
**Sampling Date:** 6-28-19

**Investigator(s):** Meyer  
**Section, Township, Range:** Sec 11 T53 S R2E

**Landform (hillock, terrace, etc.):** HILLOP  
**Local relief (concave, convex, none):** Concv

**Slope (%):** 5  
**Datum:**

**Soil Map Unit Name:** 
**MNL classification:**

**Are climatic/hydrologic conditions on the site typical for this time of year?** Yes / No  
**Are Vegetation, Soil, or Hydrology significantly disturbed?** Yes / No  
**Are Normal Circumstances present?** Yes / No

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes</th>
<th>No</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydrolic Soil Present?</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remarks:**

**VEGETATION – Use scientific names of plants.**

<table>
<thead>
<tr>
<th>Stratum</th>
<th>Plot size</th>
<th>Absolutes % Cover</th>
<th>Dominant Specied</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Stratum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ulmus americana</td>
<td>30</td>
<td>FACW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Fraxinus americana</td>
<td>15</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Melia domica</td>
<td>10</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Juglans nigra</td>
<td>25 / FACU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Phellodendron amurense</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Cover</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shrub Stratum</td>
<td>Plot size</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Conner t. herbacea</td>
<td>10 / FACU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Ulmus americana</td>
<td>10 / CAU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Phellodendron amurense</td>
<td>5 / FACU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Carya ovata</td>
<td>25 / UPL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Cupressus arboricola</td>
<td>35</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Cover</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herb Stratum</td>
<td>Plot size</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Carex blanda</td>
<td>10 / FACU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Symphyotrichum novi-angliae</td>
<td>5 / FACW</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Solidago canadensis</td>
<td>60 / FACU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Symphyotrichum latifolium</td>
<td>5 / FACW</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Symphyotrichum sagittatum</td>
<td>10 / UPL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Cover</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Dominance Test worksheet:**

- Number of Dominant Species That Are OBL, FACW, or FAC: 2  
- Total Number of Dominant Species Across All Strata: 5  
- Percent of Dominant Species That Are OBL, FACW, or FAC: 40%

**Prevalence index worksheet:**

- Total % Cover of: Multiply by:
  - OBL species | 1 = |
  - FACW species | 2 = |
  - FACU species | 3 = |
  - UPL species | 4 = |
- Column Totals: (A) (B)

- Prevalence Index = B/A =

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test Is >50%
3. Prevalence Index Is ≥ 0.3
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
5. Procrustean Hydrophytic Vegetation (Explain)

**Remarks:** (Include photo numbers here or on a separate sheet.)

---

US Army Corps of Engineers  
Midwest Region – Version 2.0
### Soil Profile Description

**Sampling Point:** 5

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc.</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-8</td>
<td>70%</td>
<td></td>
<td>10%</td>
<td></td>
<td></td>
<td></td>
<td>Silty Loam</td>
<td></td>
</tr>
<tr>
<td>8-16</td>
<td>10%</td>
<td></td>
<td>90%</td>
<td></td>
<td></td>
<td></td>
<td>Silty Loam</td>
<td></td>
</tr>
<tr>
<td>16-24</td>
<td>95%</td>
<td></td>
<td>5%</td>
<td></td>
<td></td>
<td></td>
<td>Silty Loam</td>
<td></td>
</tr>
</tbody>
</table>

1. **Type:** C=Concentration, D=Depletion, RV=Reduced Matix, M=Masked Sand Grains.
2. **Location:** F=Fine Layering, M=Matrix.

#### Hydric Soil Indicators:
- Histosol (A1)
- Histic Epipedon (A2)
- Black Histosol (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (G1)
- 6 cm Mucky Peat or Peat (G3)

#### Restrictive Layer (if observed):
- Type: 
- Depth (inches): 

#### Remarks:

---

### Hydrology

#### Wetland Hydrology Indicators:
- **Primary Indicators:** (Minimum of one is required; check all that apply)
  - Surface Water (A1)
  - High Water Table (A2)
  - Saturation (A3)
  - Water Marla (B1)
  - Sediment Deposit (B2)
  - Drift Deposit (B3)
  - Algalm Matt or Crust (B4)
  - Iron Deposit (B6)
  - Inundation Visible on Aerial Imagery (B7)
  - Sparsely Vegetated Concave Surface (B8)
- **Secondary Indicators:** (Minimum of two required)
  - Water-Stained Leaves (B9)
  - Aquatic Fauna (B13)
  - True Aquatic Plants (B14)
  - Hydrogen Sulfide Odor (C1)
  - Oxidized Rhizospheres on Living Roots (C3)
  - Presence of Reduced Iron (C4)
  - Recent Iron Reduction in Tilled Soils (C6)
  - Thin Muck Surface (C7)
  - Gauge or Well Data (C8)
  - Geomorphic Position (D2)
  - FAC-Neutral Test (D3)

#### Field Observations:
- Surface Water Present? Yes [ ] No [X] Depth (inches): 
- Water Table Present? Yes [ ] No [X] Depth (inches): 
- Saturation Present? Yes [ ] No [X] Depth (inches): 

#### Wetland Hydrology Present? Yes [ ] No [X]

#### Remarks:

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US Army Corps of Engineers

Midwest Region — Version 2.0
WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: NRCS Field Sheet
City/County: Franklin
Sampling Date: 5-28-19
Investigator(s): Meyer
Section, Township, Range: Sec. 15, T52N R21E
Plot Size (miles²): 0
Long: Lat: Date:
Soil Map Unit Name(s): Drapek Sites/Draper

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (if no, explain in Remarks.)

Are Vegetation N, Soil N, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes No (if needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Is the Sampled Area within a Wetland?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Remarks:

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Populus sp.</em></td>
<td>55</td>
<td><em>Fagus</em></td>
<td>FAC</td>
</tr>
<tr>
<td>2. <em>Fagus</em></td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. <em>Ulmus americana</em></td>
<td>10</td>
<td><em>Fagus</em></td>
<td>FAC</td>
</tr>
<tr>
<td>4. <em>Ulmus rubra</em></td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. <em>Quercus rubra</em></td>
<td>60</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Juniperus virginiana</em></td>
<td>55</td>
<td><em>Fagus</em></td>
<td>FAC</td>
</tr>
<tr>
<td>2. <em>Liriodendron tulipifera</em></td>
<td>20</td>
<td><em>Fagus</em></td>
<td>FAC</td>
</tr>
<tr>
<td>3. <em>Ulmus americana</em></td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. <em>Quercus rubra</em></td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. <em>Ulmus rubra</em></td>
<td>60</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Asplenium viridinigrum</em></td>
<td>10</td>
<td><em>Fagus</em></td>
<td>FAC</td>
</tr>
<tr>
<td>2. <em>Poa annua</em></td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. <em>Aegopodium podagraria</em></td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. <em>Solidago gigantea</em></td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. <em>Geum canadense</em></td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. <em>Astilbe gigantea</em></td>
<td>60</td>
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</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: )</th>
<th>Absolute % Cover</th>
<th>Dominant Indicator Species</th>
<th>Status</th>
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<tr>
<td>1.</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks: (Include photo numbers here or on a separate sheet.)

US Army Corps of Engineers
Midwest Region – Version 2.0
<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Texture</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>0-15</td>
<td>10:1 R:3</td>
<td>1/2</td>
<td>100</td>
<td>Silt loam</td>
</tr>
<tr>
<td>15-39</td>
<td>10:1 R:3</td>
<td>1/2</td>
<td>100</td>
<td>Clay loam</td>
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**Hydrologic Soil Indicators:**
- Base (A1)
- Hydric Epipedon (A2)
- Black Histos (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A6)
- 2 cm Muck (A10)
- Depressed Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 6 cm Mucky Peat or Peat (S3)

**Indicators for Problematic Hydrologic Soils:**
- Coast Prairie Redox (A16)
- Dark Surface (S7)
- Iron-Manganese Masses (F12)
- Very Shallow Dark Surface (F12)
- Other (Explain in Remarks)

**Hydric Soil Present?** Yes No

**Remarks:**

---

**HYDROLOGY**

**Wetland Hydrology Indicators:**
- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B11)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)

**Secondary Indicators (minimum of two required):**
- Water-Stained Leaves (B9)
- Aquatic Fauna (B10)
- True Aquatic Plants (B14)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Well Data (D6)
- FAC Neutral Test (S6)

**Field Observations:**
- Surface Water Present? Yes No
- Water Table Present? Yes No
- Saturation Present? Yes No

**Wetland Hydrology Present?** Yes No

**Remarks:**

---

US Army Corps of Engineers

Midwest Region – Version 2.0
# Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres In AOI</th>
<th>Percent of AOI</th>
</tr>
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<tbody>
<tr>
<td>B1A</td>
<td>Blount silt loam, 1 to 3 percent slopes</td>
<td>1.3</td>
<td>25.4%</td>
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<tr>
<td>OzaB</td>
<td>Ozaukee silt loam, 2 to 6 percent slopes</td>
<td>0.3</td>
<td>5.7%</td>
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<tr>
<td>OzaB2</td>
<td>Ozaukee silt loam, 2 to 6 percent slopes, eroded</td>
<td>2.1</td>
<td>40.9%</td>
</tr>
<tr>
<td>OzaC2</td>
<td>Ozaukee silt loam, 6 to 12 percent slopes, eroded</td>
<td>1.5</td>
<td>28.0%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>5.2</strong></td>
<td><strong>100.0%</strong></td>
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</table>
# Report—Hydric Soil List - All Components

<table>
<thead>
<tr>
<th>Map symbol and map unit name</th>
<th>Component/Local Phase</th>
<th>Comp. pct.</th>
<th>Landform</th>
<th>Hydric status</th>
<th>Hydric criteria met (code)</th>
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</thead>
<tbody>
<tr>
<td>BlA: Blount silt loam, 1 to 3 percent slopes</td>
<td>Blount</td>
<td>90</td>
<td>Moraines</td>
<td>No</td>
<td>—</td>
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<tr>
<td>Ashkum soils</td>
<td>Depressions</td>
<td>Yes</td>
<td>2,3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OzaB: Ozaukee silt loam, 2 to 6 percent slopes</td>
<td>Ozaukee</td>
<td>88-100</td>
<td>Ground moraines, end moraines</td>
<td>No</td>
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</tr>
<tr>
<td>Pewamo-Drained</td>
<td>Depressions on ground moraines, drainage ways on ground moraines</td>
<td>Yes</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ashkum-Drained</td>
<td>0-7</td>
<td>End moraines, ground moraines</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Urban land</td>
<td>0-5</td>
<td>Ground moraines</td>
<td>No</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>OzaB2: Ozaukee silt loam, 2 to 6 percent slopes, eroded</td>
<td>Ozaukee-Eroded</td>
<td>88-100</td>
<td>Ground moraines, end moraines</td>
<td>No</td>
<td>—</td>
</tr>
<tr>
<td>Ashkum-Drained</td>
<td>0-7</td>
<td>End moraines, ground moraines</td>
<td>Yes</td>
<td>2</td>
<td></td>
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<tr>
<td>Pewamo-Drained</td>
<td>0-7</td>
<td>Drainage ways on ground moraines, depressions on ground moraines</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>Urban land</td>
<td>0-5</td>
<td>Ground moraines</td>
<td>No</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>OzaC2: Ozaukee silt loam, 6 to 12 percent slopes, eroded</td>
<td>Ozaukee-Eroded</td>
<td>88-100</td>
<td>End moraines, ground moraines</td>
<td>No</td>
<td>—</td>
</tr>
<tr>
<td>Blount-Lake mighican lobe</td>
<td>0-7</td>
<td>Ground moraines, end moraines</td>
<td>No</td>
<td>—</td>
<td></td>
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<tr>
<td>Urban land</td>
<td>0-5</td>
<td>Ground moraines</td>
<td>No</td>
<td>—</td>
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</tr>
<tr>
<td>Ozaukee-Severely eroded</td>
<td>0-5</td>
<td>Ground moraines, end moraines</td>
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<td></td>
</tr>
</tbody>
</table>

## Data Source Information

Soil Survey Area: Milwaukee and Waukesha Counties, Wisconsin
Survey Area Data: Version 14, Sep 12, 2018
PHOTOGRAPHS

Photo A .................. Standing in vicinity of DP #2 viewing south (upslope) toward house.

Photo B ............... Typical view of site conditions at DP #’s 3, 4, 5, and 6.
<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>REQUEST FOR COUNCIL ACTION</th>
<th>MEETING DATE</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR THE INSTALLATION OF A 125 FOOT TELECOMMUNICATIONS TOWER MONOPOLE AT ANDY’S GAS STATION PROPERTY LOCATED AT 5120 WEST RYAN ROAD BEARING TAX KEY NO. 882-9999-002 (UNITED STATES CELLULAR OPERATING COMPANY LLC, APPLICANT)</td>
<td>06/18/19</td>
</tr>
<tr>
<td>REPORTS &amp; RECOMMENDATIONS</td>
<td>ITEM NUMBER</td>
<td>12.</td>
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</table>

At its June 6, 2019 meeting, following a properly noticed public hearing, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use to allow for the installation of a 125 foot telecommunications tower monopole at Andy’s Gas Station property located at 5120 West Ryan Road bearing tax key no. 882-9999-002 (United States Cellular Operating Company LLC, Applicant).

In particular, the Plan Commission approved a motion to recommend approval of the special use “...subject to revision of condition number 12 to add “and the currently disturbed areas outside the fenced in areas shall be returned to turf”, and technical corrections by staff pertaining to standard special use provisions regarding adverse impacts and the state preemptions set forth in State Statutes 66.0404.”

Those revisions have been incorporated into the attached draft resolution.

It is important to note that five persons spoke at the public hearing opposed to the project. However, as noted in the attached Staff Report to the Plan Commission, Wisconsin State Statute 66.0404 places strict limits on how a political subdivision may regulate cell phone towers.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2014-________, a resolution imposing conditions and restrictions for the approval of a Special Use to allow for the installation of a 125 foot telecommunications tower monopole at Andy’s Gas Station property located at 5120 West Ryan Road bearing tax key no. 882-9999-002 (United States Cellular Operating Company LLC, Applicant).

Department of City Development: JED
WHEREAS, United States Cellular Operating Company LLC having petitioned the City of Franklin for the approval of a Special Use under in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, subs. G. Special Uses, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, to allow for the installation of a 125 foot telecommunications tower monopole at Andy's gas station. The lease area (approximately 3,600 square feet (which includes a 2,304 square foot fenced compound), located in the northwest corner of the property) will consist of a gravel surface and will include a chain-link fence, the tower and ground equipment, and a 30 foot wide United States Cellular Access and Utility Easement is also proposed leading from S. 51st St., westerly across the existing parking lot area to the lease area located at 5120 West Ryan Road, property zoned B-3 Community Business District, more particularly described as follows:

UNITED STATES CELLULAR OPERATING COMPANY LLC LEASE PARCEL:
A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Three (23), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 3,600 square feet (0.083 acres) of land and being described by: Commencing at the South Quarter Corner of said Section 23; thence N00°-24'-05"W 475.00 feet along the east line of the SW1/4 of said Section 23; thence S88°-22'-14"W 381.43 feet; thence S01°-37'-46"E 20.71 feet to the point of beginning; thence S01°-03'-48"E 50.00 feet; thence S88°-56'-12"W 72.00 feet; thence N00°-23'-52"W 50.00 feet; thence N88°-56'-12"E 72.00 feet to the point of beginning, being subject to any and all easements and restrictions of record.

30' WIDE INGRESS/EGRESS & UTILITY EASEMENT:
A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Three (23), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 16,208 square feet (0.372 acres) of land and being Fifteen (15) feet each side of and parallel with the following described line: Commencing at the South Quarter Corner of said Section 23; thence N00°-24'-05"W 455.85 feet along the east
line of the SW1/4 of said Section 23; thence S88°-22'-14"W 33.04 feet to a point on the west line of S. 51st Street; thence continue S88°-22'-14"W 424.95 feet; thence S00°-23'-52"E 70.00 feet to the point of beginning; thence N88°-56'-12"E 18.31 feet to a point herein after referred to as “Point A”; thence continue N88°-56'-12"E 36.69 feet to the point of termination. Also, beginning at said Point “A”; thence S43°-27'-54"E 50.77 feet; thence S89°-56'-09"E 101.72 feet; thence N00°-03'-51"E 56.98 feet; thence S89°-56'-09"E 240.48 feet; thence S54°-08'-19"E 35.32 feet to a point on the West Right of Way line of S. 51st Street and the point of termination. The side lot lines of said easement are to be shortened or lengthened to terminate on the West Right of Way line of S. 51st Street.

10' WIDE UTILITY EASEMENT:

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Three (23), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 8,045 square feet (0.185 acres) of land and being Five (5) feet each side of and parallel with the following described line: Commencing at the South Quarter Corner of said Section 23; thence N00°-24'-05"W 455.85 feet along the east line of the SW1/4 of said Section 23; thence S88°-22'-14"W 33.04 feet to a point on the West Right of Way line of S. 51st Street and the point of beginning; thence continue S88°-22'-14"W 251.78 feet to a point herein after referred to as “Point B”; thence S01°-37'-46"E 19.62 feet to the point of termination. Also, beginning at said “Point B”, thence S88°-22'-14"W 173.17 feet; thence S00°-23'-52"E 359.95 feet to a point on the North Right of Way line of W. Ryan Road and the point of termination. The side lot lines of said easement shall be shortened or lengthened to terminate on the North Right of Way line of W. Ryan Road and the West Right of Way line of S. 51st Street.

ANDY’S PROPERTY

(Tax Key No. 882-9999-002)

Part of the Southeast 1/4 of the Southwest 1/4 of Section 23, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin and being more particularly described as follows: Commencing at the Southeast corner of the Southwest 1/4 of said Section 23; thence North 00°24'05" West along the East line of the Southwest 1/4 of said Section 23, 60.02 feet to a point on the North right-of-way line of West Ryan Road and to the point of beginning; thence continuing North 00°24'05" West along said East line, 414.98 feet; thence South 88°22'46" West, 473.00 feet; thence South 00°24'05" East, 414.98 feet to said North right-of-way line; thence North 88°22'46" East along said right-of-way line, 473.00 feet to the point of beginning and containing
4.505 acres (196,241 sq. ft.) of land, more or less, and being subject to all easements and restrictions of record; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-3.0805 and §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 9th day of May, 2019, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; as such may be allowed by and not preempted by Wis. Stat.§ 66.0404 Mobile tower siting regulations, as further set forth below; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0805 and §15-3.0701 of the Unified Development Ordinance; recognizing, that in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, include terms and provisions thereof which have been preempted by Wis. Stat. § 66.0404 Mobile tower sitting regulations, as they pertain to the subject application. Wis. Stat. § 66.0404(4) Limitations, provides in part: “[w]ith regard to an activity described... [mobile tower installation], a political subdivision may not do any of the following: ***
(c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision. ***
(g) Disapprove an application to conduct an activity described... [mobile tower installation] based solely on aesthetic concerns. ***
(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting. ***
(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity. ***
(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures. ***
(u) Limit the height of a mobile service support structure to under 200 feet. *****, and that such terms and provisions which have been preempted have not been applied to the subject application review and approval.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of United States Cellular Operating Company LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by United States Cellular Operating Company LLC (d/b/a US Cellular), successors and assigns, for the telecommunications tower monopole installation use, which shall be developed in substantial compliance with, and operated and maintained by United States Cellular Operating Company LLC (d/b/a US Cellular), pursuant to those plans City file-stamped March 29, 2019 and annexed hereto and incorporated herein as Exhibit A.

2. United States Cellular Operating Company LLC (d/b/a US Cellular), successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the United States Cellular Operating Company LLC (d/b/a US Cellular) telecommunications tower monopole installation use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon the United States Cellular Operating Company LLC (d/b/a US Cellular) telecommunications tower monopole installation use, for the property located as set forth above: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. Applicant shall amend the site plan by placing the width of all right-of-ways and label “ROW” and resubmit for City Development staff approval prior to building permit approval.

5. Applicant shall submit a Natural Resource Protection Plan to the City Development staff as required by Section 15-7.0103-Q of the UDO, or a letter from a qualified natural resource specialist meeting UDO criteria stating no natural resources require protection prior to building permit approval.
6. Applicant shall submit a landscape plan to the City Development staff for approval per Section 15-7.0103(R) and 15-7.0300 of the UDO prior to building permit approval.

7. Applicant shall submit a written project summary for the proposed development per Section 15-7.0103-CC of the UDO to the City Development staff prior to building permit approval.

8. Applicant shall amend the site plan by labeling the ultimate right-of-way line on the Site Plan and showing on the site plan the proposed Monopole complies with the minimum setback requirement per Table 15-5.0103 and Section 15-5.0108B and submitting to the City Development staff for approval prior to building permit approval.

9. An engineering certification shall be provided to the Department of City Development for review and approval that evaluates the fall zone of the tower related to buildings and parking areas onsite and adjacent buildings and properties, prior to issuance of a Building Permit.

10. A structural analysis of the tower, stamped by a Structural Engineer, shall be submitted for Department of City Development review and approval that demonstrates the strength of the pole to support the current equipment proposed as well as demonstrate the feasibility of the planned future collocation as indicated by the applicant, prior to issuance of a Building Permit.

11. No fencing onsite shall contain barb wire.

12. A gravel surface shall be allowed within the fenced-in area only; any improved areas outside of the fenced-in area shall be paved, and the currently disturbed areas outside the fenced in areas shall be returned to turf.

13. A Building Permit shall be issued prior to the commencement of any work. All applicable City and State building and electrical codes shall be met.

14. Upon the event of the monopole no longer serving the special use as described herein, the applicant shall remove the pole within 90 days.

15. Details related to ice shedding and ice throw risk as well as mitigation measures shall be submitted for Department of City Development staff review and approval, prior to the issuance of a Building Permit.

16. An erosion control plan shall be submitted for Engineering Department review and approval prior to the issuance of a Building Permit.
17. If the monopole collapses for any reason, the applicant shall remove the pole from the site within 12 hours. In cases of emergency where the City must move or relocate a fallen pole, the applicant is responsible for all related costs.

18. The applicant shall install, keep and maintain all parts of the system in good and proper operating condition.

19. If signage will be proposed, a sign permit will need to be approved by the City prior to installation of the signage.

20. The applicant shall maintain and operate the system in full compliance with the laws, statutes, orders, rules and regulations of the Federal Communication Commission, the United States Congress or the State of Wisconsin. [Amended 12-15-1998 by Ord. No. 98-1526]

21. [other conditions, etc.]

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

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this ______ day of ____________________, 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 ______
CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of June 6, 2019

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use Application, subject to the conditions in the draft resolution.

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>United States Cellular Operating Co., LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>5120 W. Ryan Rd.</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Richard Rogers, United States Cellular Operating Co., LLC</td>
</tr>
<tr>
<td>Owners (property):</td>
<td>5100 LLC (aka Andy’s Gas Station)</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>B-3, Community Business District</td>
</tr>
<tr>
<td>Applicant Action Requested:</td>
<td>Recommendation of approval of the Special Use Application</td>
</tr>
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</table>

Introduction:

On October 1, 2018, the applicant filed a Special Use Application requesting to install a monopole tower at the Andy’s Gas Station property located at 5120 West Ryan Road.

This item was re-noticed due to a lack of detail in the notification scheduled to be held at the Plan Commission meeting on May 9, 2019 and per approval from the applicant, was republished and properly noticed to be heard at the June 6, 2019 Plan Commission meeting.

Attached to this report is a Wisconsin Legislative Council Information Memorandum regarding State law related to cell phone transmission towers. This memo outlines the process and submittal requirements for new towers and substantial changes (class 1) and minor changes (class 2) for cell phone transmission towers. The memo also provides a list of items in which the City may not do in consideration of new towers or class 1 or class 2 collocations.

As required by State law, a sworn statement was not received from the applicants indicating the need for additional network capacity near the intersection of Ryan Road and 51st Street. Information was provided in a statement prepared by Jeff Banaszek of U.S. Cellular does explain why the site was chosen and why US Cellular did not choose to collocate on a nearby tower. However, the applicant did not supply information regarding colocation possibilities as of the writing of this staff summary, which is a State requirement.

Staff would just note that the nearest towers are located at 8222 S. 51st St., approximately 9,000 feet to the north and 5572 W. Airways Avenue, approximately 2,500 feet southwest of the proposed US Cellular site.

Project Description/Analysis:
The lease area for US Cellular is 50’ x 72’ (3,600 square feet) and will consist of a concrete pad for current and future equipment and gravel surface. The lease area will include a chain-link fence, the tower, and ground equipment. A gravel turnaround area is also proposed adjacent to the lease area.

The proposed monopole tower is 129-feet in height (125-foot overall height with appurtenances). All equipment is either contained within the proposed fenced in area, on the pole or directly mounted to the pole.

The City Ordinances call for submitting a landscape plan, a natural resource protection plan (or letter from qualified personnel specified in UDO stating no natural resources) and other additional items referenced in Staff Comments sent to the applicants on October 24, 2018. Some of the items have been addressed while others have not been addressed and are outlined in the attached resolution for consideration by the Plan Commission.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed cellular tower, subject to the conditions in the draft resolution.
Hello Ms Olsen,

Please distribute this letter to the Plan Commission regarding the proposed cell tower at 5120 W. Ryan Rd. The public hearing is tomorrow, Thursday, at 7pm.

Thank You,

Dale Borchardt

Subject: U.S. Cellular Application for Cell Tower at 5120 W. Ryan Rd.

Dear Plan Commission Members:

I am writing this letter in regards to the Special Use Application of United States Cellular Operating Company, LLC for the construction of a cell tower located at 5120 W. Ryan Rd (Andy’s Gas Station).

My family owns the vacant lot at 5200 W. Ryan Rd, which is immediately to the west of the proposed cell tower. We are strongly opposed to the construction of the cell tower, based on the following arguments:

1) Aesthetics

There is no question that cell towers are not aesthetically pleasing. I don’t know if the City of Franklin has any land use plans or rules for the Highway 100 corridor regarding the construction of high structures such as cell towers, but do we want the “visual pollution” of a cell tower just 330 feet from one of Franklin’s main highways? One has to only drive down Airways Avenue past the cell tower located at the Franklin Sewer and Water utility to imagine how a cell tower would change the landscape of Highway 100. Years ago, the acceptable height of retail signs (McDonalds, for example) has been lowered. Why would we now go the opposite way and decide that a 129 foot cell tower so close to the highway is acceptable?

Additionally, a cell tower located here will be visible to immediate neighbors, existing nearby residential housing (to the east, north, and west), and possible future residential housing directly to the north. There should be a buffer zone between cell towers and residential housing. There should be rules where cell phone towers can be located, where they would least affect neighbors (maybe in the Business Park or out in wide-open areas). I don’t agree that it is good city planning practice to construct a cell tower next to a property that most likely will be residential housing (9351 S. 51St St – to the north), and very near existing residential housing (single family residential on Cardinal Ln, 47Th St, and
more to the east; condos on Cobblestone Way; assisted living on 48\textsuperscript{th} St)

2) Property Value Decrease

Cell towers decrease the value of neighboring properties. Would you prefer to buy a piece of land that has a 129 foot cell phone tower next to it or a piece of land that doesn’t have a cell tower next to it? The obvious answer is that the land with no neighboring cell tower is preferred.

The fact that neighboring property values decrease is certain, but the amount that the neighboring property values are decreased is not certain. However, many realtors have stated that property values can decrease significantly due to a cell tower constructed nearby. Additionally, studies have been done to quantify the decrease in property value. The Bond & Hue Impact Study has found that property values of residential housing decrease by 15%. The Bond & Wang Transaction Based Market Study has shown that property values of residential housing decrease by 20.7% to 21%. The Bond & Beamish Opinion Survey also shows a decrease in property values.

\textit{Is it fair that one property owner benefits and others suffer?} The owner of 5120 W. Ryan Rd. will receive his rent check and the neighbors will see their property values decline. We are presently trying to sell our property, and the construction of a cell tower will decrease the sale price, if we can even find a buyer that wants a cell tower so close.

How is this any different than a subdivision having certain rules/restrictions for what you can and can’t do on your own property, so your neighbor’s property value doesn’t decrease. In this case, there should be rules regarding cell tower locations so property values don’t decrease.

3) Safety Concerns

Cell towers have been known to collapse or start on fire. Just search Google for “cell tower collapse”, “cell tower fire”, or “cell tower burning”, and you will see many videos and articles showing catastrophic failures of cell towers. Locating cell towers in remote areas would be advantageous if a failure was to occur.

Other Options for Cell Towers and Locations

We all know that cell towers are needed. We need to explore other options for cell towers, such as installing more equipment on existing towers (possibly with newer technology), constructing new towers next to existing towers (minimize cell tower locations), and constructing new towers far away from residential areas and highway corridors. Can we construct new towers in the Business Park, where they will fit in better? Can we construct new towers in outlying areas, where they will minimally affect the community?
Please consider these valid arguments in opposition to the proposed cell tower. Based on the arguments, I ask that you think about what’s best for the community as a whole, and deny the Special Use Application for the cell tower.

Thank You,

Dale Borchardt

Reference: failsreact.com
1. My name is Jesse Hernandez.

2. I am a radio frequency engineer employed by United States Cellular Operating Company LLC.

3. My job duties include responsibility over the placement of the mobile service support structure being proposed at 5120 W. Ryan Road in the City of Franklin.

4. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.

5. US Cellular has coverage and system capacity problems in the subject area and needs to build a tower to provide enhanced coverage and significantly more capacity to maintain a viable and properly functioning network. There are no existing towers or structures in the area that USCO can collocate on. There is a monopole tower approximately ½ mile southwest of the proposed location and this tower was evaluated by US Cellular. The tower is at maximum capacity and does not have enough loading to accommodate US Cellular. There are no other tall structures in the area that could accommodate US Cellular’s equipment. Consequently, a new tower must be built to address US Cellular’s engineering needs.

Jesse Hernandez, US Cellular RF Engineer

Witness: IAN NAVARRO

Signed: [Signature]

Date: 5/28/19
# U.S. Cellular

FRANKLIN INDUSTRIAL PARK (#784700)
FRANKLIN, WISCONSIN
CONSTRUCTION DRAWINGS
125' MONOPOLE

## SITE LOCATION MAPS

<table>
<thead>
<tr>
<th>NO.</th>
<th>SHEET TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>G-001</td>
<td>GENERAL SPECIFICATIONS</td>
</tr>
<tr>
<td>G-002</td>
<td>SITE PLAN</td>
</tr>
<tr>
<td>G-003</td>
<td>SURVEY AND EQUIPMENT CONFIGURATION</td>
</tr>
<tr>
<td>G-004</td>
<td>INSTALLATION DETAILS</td>
</tr>
<tr>
<td>G-005</td>
<td>ELECTRIC DETAILING</td>
</tr>
<tr>
<td>G-006</td>
<td>PLUMBING DETAIL</td>
</tr>
<tr>
<td>A-001</td>
<td>EQUIPMENT INSTALLATION</td>
</tr>
<tr>
<td>A-002</td>
<td>EQUIPMENT CABINET SPECIFICATIONS</td>
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<tr>
<td>A-003</td>
<td>EQUIPMENT PLACED</td>
</tr>
<tr>
<td>A-004</td>
<td>GROUNDING DETAIL</td>
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## DIRECTORY

<table>
<thead>
<tr>
<th>TITLE</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>U.S. Cellular</td>
<td>888 Whitehall Rd, NC Suite 100</td>
</tr>
<tr>
<td>Orchard Engineering, Inc.</td>
<td>944 Water St, Franklin, WI 53132</td>
</tr>
<tr>
<td>WISCONSIN DEPARTMENT OF TRANSPORTATION</td>
<td>131 E. Capitol Ave, Madison, WI 53703</td>
</tr>
</tbody>
</table>

## PROJECT INFO

<table>
<thead>
<tr>
<th>SITE LOCATION</th>
<th>PHONE</th>
</tr>
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<tbody>
<tr>
<td>125 E. 135TH ST</td>
<td>608-269-2000</td>
</tr>
</tbody>
</table>

## SCOPE OF WORK

- Structure: 125' Monopole
- Equipment: Install U.S. Cellular equipment
- Services: Electric, Plumbing, Grounding, and Placering

## UTILITY INFORMATION

<table>
<thead>
<tr>
<th>UTILITY</th>
<th>PROVIDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELECTRIC</td>
<td>TIO</td>
</tr>
</tbody>
</table>

## Signature

[Signature]

**I hereby certify that this plan set was prepared by me, or under my direct supervision, other than the inspections noted in the plan set, and that it is correct under the laws of the state of Wisconsin.**
GENERAL REQUIREMENTS

1. All work shall be performed in accordance with the plans and specifications herein and the following code requirements and the specifications herein.

A. All work shall be in accordance with any local, state, or federal codes and regulations.

B. The contractor shall be responsible for the quality of their work and for the materials used.

C. All work shall be performed in a safe and workmanlike manner.

D. All work shall be completed within the time frames specified in the contract.

E. All work shall be inspected by the owner, the engineer, and any other authorized representative.

F. All work shall be accepted by the owner, the engineer, and any other authorized representative.

G. All work shall be completed in a neat and professional manner.

H. All work shall be completed in accordance with the plans and specifications.

I. All work shall be completed in accordance with any local, state, or federal codes and regulations.

J. All work shall be completed in accordance with any local, state, or federal specifications.

K. All work shall be completed in accordance with any local, state, or federal standards.

L. All work shall be completed in accordance with any local, state, or federal guidelines.

M. All work shall be completed in accordance with any local, state, or federal requirements.

N. All work shall be completed in accordance with any local, state, or federal laws.

O. All work shall be completed in accordance with any local, state, or federal ordinances.

P. All work shall be completed in accordance with any local, state, or federal permits.

Q. All work shall be completed in accordance with any local, state, or federal regulations.

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V. All work shall be completed in accordance with any local, state, or federal ordinances.

W. All work shall be completed in accordance with any local, state, or federal permits.

X. All work shall be completed in accordance with any local, state, or federal regulations.

Y. All work shall be completed in accordance with any local, state, or federal standards.

Z. All work shall be completed in accordance with any local, state, or federal guidelines.

1. All work shall be completed in accordance with any local, state, or federal requirements.

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3. All work shall be completed in accordance with any local, state, or federal ordinances.

4. All work shall be completed in accordance with any local, state, or federal permits.

5. All work shall be completed in accordance with any local, state, or federal regulations.

6. All work shall be completed in accordance with any local, state, or federal standards.

7. All work shall be completed in accordance with any local, state, or federal guidelines.

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21. All work shall be completed in accordance with any local, state, or federal guidelines.

22. All work shall be completed in accordance with any local, state, or federal requirements.

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47. All work shall be completed in accordance with any local, state, or federal regulations.

48. All work shall be completed in accordance with any local, state, or federal standards.

49. All work shall be completed in accordance with any local, state, or federal guidelines.

50. All work shall be completed in accordance with any local, state, or federal requirements.
CONCRETE AND STEEL REINFORCEMENT

1. CONCRETE SHALL BE PLACED AND CURED IN ACCORDANCE WITH ASTM C91. CONCRETE SHAL BE入りMERED AT A PLANT CERTIFIED UNDER THE SPECIFICATIONS OF THE LOCAL OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION.

2. CONCRETE FOUNDATIONS SHALL BE COMPLETED ACCORDING TO THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE WORK FOR FOUNDATIONS SHALL BE PERFORMED BY CONCRETE FARMERS WHO ARE CERTIFIED UNDER THE LOCAL OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION.

3. CONCRETE MIXES SHALL COMPLY WITH LOCAL BUILDING CODES. CONCRETE MIXES SHALL MEET THE REQUIREMENTS OF ASTM C91. CONCRETE MIXES SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

4. CONCRETE SLABS SHALL BE PLACED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE SLABS SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

5. CONCRETE SLABS SHALL BE FINISHED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE SLABS SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

6. CONCRETE SLABS SHALL BE PLACED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE SLABS SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

7. CONCRETE SLABS SHALL BE PLACED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE SLABS SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

8. CONCRETE SLABS SHALL BE PLACED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE SLABS SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

9. CONCRETE SLABS SHALL BE PLACED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS. CONCRETE SLABS SHALL BE TESTED AT THE JOB SITE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS.

CHAIN LINK FENCING

1. GENERAL

1.1 THIS SECTION COVERS THE REQUIREMENTS FOR THE MATERIALS AND THE CONSTRUCTION OF THE SITE FENCING. SITE FENCING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS AND THE OWNER'S REQUIREMENTS.

2. MATERIALS


3. INSTALLATION


4. QUALITY


5. CONSTRUCTION

ELECTRICAL NOTES

1.0 GENERAL
1.1 Contractor shall provide all labor, material, insurance, equipment, installation, construction tools, transportation, etc. for a complete and properly functioning system. Electrical wiring shall be in accordance with the National Electrical Code and all applicable local codes. All components shall be UL listed.

1.2 All equipment and materials shall be installed in a workmanlike manner. All work shall be in strict accordance with the latest edition of the National Electrical Code and all applicable local codes.

1.3 All components and materials shall be in compliance with all codes and ordinances of the local jurisdiction.

1.4 All electrical work shall be in strict accordance with the latest edition of the National Electrical Code and all applicable local codes.

1.5 All electrical equipment shall be coordinated with the electrical utility before installation and during the construction.

ELECTRICAL NOTES (CONTINUED)

2.0 MATERIALS, ELECTRICAL WIRING AND EQUIPMENT
2.1 All materials, electrical wiring and equipment shall be of the highest quality and shall be in accordance with the latest edition of the National Electrical Code and all applicable local codes.

2.2 All electrical wiring shall be installed in a workmanlike manner and shall be insulated with approved materials. All electrical wiring shall be in compliance with the National Electrical Code and all applicable local codes.

2.3 All electrical equipment shall be installed in a workmanlike manner and shall be in compliance with the National Electrical Code and all applicable local codes.

2.4 All electrical wiring shall be installed in a workmanlike manner and shall be insulated with approved materials. All electrical wiring shall be in compliance with the National Electrical Code and all applicable local codes.

2.5 All electrical equipment shall be installed in a workmanlike manner and shall be in compliance with the National Electrical Code and all applicable local codes.

2.6 All electrical wiring shall be installed in a workmanlike manner and shall be insulated with approved materials. All electrical wiring shall be in compliance with the National Electrical Code and all applicable local codes.

2.7 All electrical equipment shall be installed in a workmanlike manner and shall be in compliance with the National Electrical Code and all applicable local codes.
### Twin 5G Panel Antenna Specifications

**TWIN5G5LU000G**

<table>
<thead>
<tr>
<th>Specification</th>
<th>Value</th>
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<tbody>
<tr>
<td>Frequency Range</td>
<td>617-960 MHz</td>
</tr>
<tr>
<td>Gain (dBd)</td>
<td>13.2</td>
</tr>
<tr>
<td>Elevation Angle (°)</td>
<td>56.0 ± 3.5</td>
</tr>
<tr>
<td>Vertical Polarization</td>
<td>9.0 ± 0.5</td>
</tr>
<tr>
<td>Return Loss (dB)</td>
<td>1.0</td>
</tr>
<tr>
<td>VSWR</td>
<td>3.0</td>
</tr>
<tr>
<td>Power Input (dBm)</td>
<td>&gt; 27.7</td>
</tr>
<tr>
<td>Maximum Power Per Port</td>
<td>350 W</td>
</tr>
<tr>
<td>Standing Wave Ratio</td>
<td>2:1</td>
</tr>
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</table>

**Notes:**
- Frequency band is for dual antenna and may vary due to material, manufacturing, and installation conditions. Antennas are designed to operate within the specified frequency band. Performance may vary outside this range.
- All performance specifications are for future reference and may be subject to change without notice. Antennas are designed to operate within the specified frequency band. Performance may vary outside this range.
A) Raycap Surge Protector Device (SPD)

B) Remote Radio Unit (RRU)

C) Remote Radio Unit (RRU)

NOTES:
1. Remote radio units must be powered up within 48 hours of field installation.

THIS SPACE INTENTIONALLY LEFT BLANK.
MULTI-METER UTILITY RACK

SCALE: 1" = 1'-0"

1. CONTRACTOR TO INSTALL PVC CONDUIT FOR SERVICE LATERAL CONNECTION TO UTILITY.
2. CONTRACTOR TO INSTALL PVC CONDUIT connecting service lateral to multi-meter rack. PVC conduit shall be 3" schedule 80 PVC. 
3. CONTRACTOR TO INSTALL PVC CONDUIT connecting multi-meter rack to equipment cabinet. PVC conduit shall be 4½" schedule 80 PVC. 
4. PROVIDE (2) #3/4-10" x 60" STAINLESS STEEL CAPTIVE SCREWS FOR SECURING MULTI-METER RACK TO FOUNDATION.
5. PROVIDE (2) #3/4-10" x 60" STAINLESS STEEL CAPTIVE SCREWS FOR SECURING EQUIPMENT CABINET TO FOUNDATION.
6. PROVIDE (2) #3/4-10" x 60" STAINLESS STEEL CAPTIVE SCREWS FOR SECURING MULTIPLE CONDUIT TO MULTI-METER RACK.

NOTE: MAINTAIN MINIMUM FOUNDATION COVER IN ALL DIRECTIONS. 

FRANKLIN INDUSTRIAL PARK

E - 504
BACKGROUND
On September 18, 218, Common Council rejected a single bid for the construction of a 2,376 s.f. masonry- and wood-framed building in Pleasant View Park - 4901 W. Evergreen Street. The Pleasant View Pavilion (Project 2018-7) was modified by Staff and the Architect per the direction and input of the Common Council and the Parks Commission. An option for a pre-cast version was also added. The project was readvertised and bids were received on June 13, 2019.

ANALYSIS
The bid received in 2018 was $650,170.00- Base Bid and with all of the savings offered as Alternates, the project could have been $610,670.00. The bid tabulation for the 2019 project is attached and summarized below:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Base Bid</td>
<td>$544,000.00</td>
<td>$578,085.00</td>
<td>$584,200.00</td>
<td>$589,000.00</td>
<td>$605,700.00</td>
<td>$623,563.00</td>
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<tr>
<td>Total Base with all Alternates</td>
<td>$467,903.00</td>
<td>$490,317.00</td>
<td>$539,380.00</td>
<td>$517,500.00</td>
<td>$561,700.00</td>
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<table>
<thead>
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<tr>
<td>Base Bid</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Total Base with all Alternates</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$723,500.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The alternates are as follows:

- A-1 Remove overhead doors from the pavilion area to include any electrical requirements for the overhead door operators.
- A-2 Remove insulation in walls as required for the pavilion envelope including wall insulation & roof insulation.
- A-3 Remove doors & windows- remove doors 110 & 111 plus sidelights as well as window type D from the northeast & southeast portion of the pavilion.
- A-4 Remove wall heaters in the pavilion.
- A-5 If alternate to remove heat from the building is accepted; Wall heaters in bathrooms will remain but swap out to a EWH#2.
- A-6 Remove furnace and all ductwork feeds & returns.

Only one bidder submitted a bid for the pre-cast build option and even with all savings alternatives chosen, it is more than any other traditional-build option bid. Regardless if only the base bid is chosen or any/all of the alternate savings are selected, Ray Stadler Construction Company, Inc. (Wauwatosa, WI) is the apparent low bidder. The bid was found to be complete and the Architect is checking references. Staff will advise Common Council at the meeting if concerns are uncovered in the checking of references.

There should be minimal change orders, but Staff suggests a minimum of 5% be added to the budget for contingencies. The cost to extend electric service to the pavilion is expected to be a
$30,000 budget. In addition, DPW will self perform concrete flatwork around the pavilion—assume a budget of $10,000. Note that Engineering will self-perform inspection services for no additional cost from the architect.

Awarding the contract without any of the alternates will provide a nicer pavilion with potential use in cold weather. Award of the contract to Stadler without the alternates and with the alternates will provide a budget as follows:

<table>
<thead>
<tr>
<th>Award Option</th>
<th>Without Alternates</th>
<th>With Alternates</th>
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</thead>
<tbody>
<tr>
<td>Base Bid</td>
<td>$ 544,000.00</td>
<td>$ 544,000.00</td>
</tr>
<tr>
<td>Selected Alternates</td>
<td>$ -</td>
<td>$ (76,097.00)</td>
</tr>
<tr>
<td>Contractor Award</td>
<td>$ 544,000.00</td>
<td>$ 467,903.00</td>
</tr>
<tr>
<td>Contingency (5%)</td>
<td>$ 27,200.00</td>
<td>$ 23,395.15</td>
</tr>
<tr>
<td>Electric Service Budget</td>
<td>$ 30,000.00</td>
<td>$ 30,000.00</td>
</tr>
<tr>
<td>DPW Concrete Budget</td>
<td>$ 10,000.00</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td><strong>Total 2019 Budget</strong></td>
<td><strong>$ 611,200.00</strong></td>
<td><strong>$ 531,298.15</strong></td>
</tr>
</tbody>
</table>

**OPTIONS**
A. Award contract to Stadler without any alternates, or
B. Award contract to Stadler with any or all alternates, or
C. Reject all bids, or
D. Refer back to Staff with further direction.

**FISCAL NOTE**
The 2019 Capital Improvement Fund includes a $500,000 appropriation for this project. Additionally, park land purchase appropriations can be repurposed for this project to accumulate sufficient appropriations for the Pleasant View Park pavilion.

**RECOMMENDATION**
(Order A) Resolution 2019-______ a resolution to award contract for the construction of the Pleasant View Pavilion in Pleasant View Park- 4901 W. Evergreen Street (Project 2019-3) to Ray Stadler Construction Co. in the amount of $544,000.

Engineering: GEM
RESOLUTION NO. 2019-____

RESOLUTION TO AWARD CONTRACT FOR THE CONSTRUCTION OF THE PLEASANT VIEW PAVILION IN PLEASANT VIEW PARK- 4901 W. EVERGREEN STREET (PROJECT 2019-3) TO RAY STADLER CONSTRUCTION CO. IN THE AMOUNT OF $544,000

WHEREAS, the City of Franklin advertised and solicited bids for the construction of a pavilion in Pleasant View Park located at 4901 W. Evergreen Street; and

WHEREAS, six bids were received; and

WHEREAS, the low bidder was Ray Stadler Construction Company, Inc. of Wauwatosa, WI with a base bid of $544,000; and

WHEREAS, Ray Stadler Construction Company is a qualified building contractor; and

WHEREAS, the 2019 Capital Improvement Fund includes a $500,000 appropriation for this project; and

WHEREAS, park land purchase appropriations can be repurposed for this project to accumulate sufficient appropriations for the Pleasant View Park pavilion; and

WHEREAS, it is in the best interest of the City as recommended by the City's staff to award the contract at the total base bid of $544,000 to Ray Stadler Construction Company, Inc.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, Ray Stadler Construction Company, Inc. be awarded the contract for the construction of the pavilion in Pleasant View Park located at 4901 W. Evergreen Street.

BE IT FURTHER RESOLVED, that $44,000 of park land purchase appropriations in the 2019 Capital Improvement Fund budget be repurposed for the Pleasant View pavilion project.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute a contract with Ray Stadler Construction Company, Inc. on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin the day of__________, 2019, by Alderman ____________________.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the day of__________, 2019.

APPROVED:

______________________________
Stephen R. Olson, Mayor
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____
BACKGROUND
On April 2, 2018, Common Council authorized an agreement with Ruekert Mielke for an evaluation phase of the Ryan Creek Interceptor odor reduction study and design in the amount of $10,700. A first amendment to that contract for $3,500 was authorized by Common Council on July 17, 2018. These efforts culminated in an "Intergovernmental Cooperation Agreement between the Milwaukee Metropolitan Sewerage District (MMSD) and the City of Franklin For Ryan Creek Interceptor Odor Control Improvements" that MMSD authorized on May 20, 2019. This agreement states that MMSD will "reimburse the City for the cost of design and construction of the work, up to an amount not to exceed $450,000."

ANALYSIS
Staff and Ruekert Mielke have worked together to prepare the attached second amendment that will carry their services through the design, bidding, and construction administration. This hourly contract is an estimate of hours to total $45,497 and will be 100% reimbursable by MMSD.

OPTIONS
A. Authorize Amendment #2 to Ruekert Mielke’s April 2, 2018, agreement. Or
B. Refer back to Staff with further direction.

FISCAL NOTE
At the March 19, 2019 meeting, a budget amendment to the 2019 Sanitary Sewer Fund provided $500,000 appropriations for this project. $500,000 will include these engineering services, future construction contracts, and future additional appropriations with MMSD, if any. To summarize, this and all future expenditures are expected to be fully reimbursed by MMSD.

COUNCIL ACTION REQUESTED
(OPTION A) Adopt resolution 2019-______, a resolution to authorize amendment 2 to a professional services agreement with Ruekert Mielke for the Ryan Creek Interceptor Odor Reduction Study in the amount of $45,497.
RESOLUTION TO AUTHORIZE AMENDMENT 2 TO A PROFESSIONAL SERVICES AGREEMENT WITH RUEKERT MIELKE FOR THE RYAN CREEK INTERCEPTOR ODOR REDUCTION STUDY IN THE AMOUNT OF $45,497

WHEREAS, the City of Franklin and Milwaukee Metropolitan Sewer District (MMSD) signed an intergovernmental cooperation agreement (ICA) for Ryan Creek Interceptor Odor Control Improvements in 2019; and

WHEREAS, that ICA requires MMSD to reimburse the City for the cost of design and construction of the work, up to an amount not to exceed $450,000; and

WHEREAS, Ruekert Mielke is a qualified professional engineering firm familiar and experienced with the project particulars; and

WHEREAS, the City and Ruekert Mielke has previously executed an agreement and first amendment for this project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk may authorize amendment 2 to a professional services agreement with Ruekert Mielke for the Ryan Creek Interceptor Odor Reduction Study in the amount of $45,497.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this ______ day of __________, 2019.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the ______ day of __________, 2019.

APPROVED:

_________________________

Stephen R. Olson, Mayor

ATTEST:

_________________________

Sandra L. Wesolowski, City Clerk

AYES ______

NOES ______

ABSENT ______
Amendment 2 - Ryan Creek Interceptor Odor Reduction Study and Design Proposal

At the request of the City of Franklin, R/M proposes to provide additional services. The scope of services as set forth in Attachment A is hereby amended to incorporate design, bidding, and construction administration and review services of the alternative selected to reduce odors from the Ryan Creek Interceptor just east of North Cape Rd. The selected alternative consisted of an IPEX hydrogen sulfide removal device installed in an existing manhole along with improved venting of the interceptor system. Work for this alternative includes sanitary sewer relay, manhole replacement (lower MH section to remain in place), piping modifications in the manhole, and underground venting.

The specific tasks for this amendment include the following:

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<tr>
<th>Design and Bidding Services</th>
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<tr>
<td>1. Coordinate utilities.</td>
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<td>2. Coordinate with WDNR and confirm no wetland impacts in areas of vents.</td>
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<tr>
<td>3. Design sanitary sewer relay of pipe.</td>
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<td>4. Design IPEX device in manhole.</td>
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<td>5. Design manhole modifications and grating.</td>
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<td>6. Coordinate traffic control and erosion control.</td>
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<td>7. Design manhole vent systems.</td>
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<td>8. Prepare drawings.</td>
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<td>10. Meet with City and MMSD at 75 percent design completion.</td>
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<td>12. Prepare MMSD and WDNR submittal.</td>
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<td>13. Prepare construction cost estimate.</td>
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<td>17. Review bids for accuracy.</td>
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<td>18. Write Recommendation of Award letter and Notice of Award.</td>
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<td>19. Coordinate contract execution.</td>
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<th>Construction Services</th>
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<tr>
<td>1. Issue Notice to Proceed.</td>
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<td>2. Plan and attend a pre-construction meeting. Write and distribute meeting notes.</td>
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<td>3. Review shop drawings, operation and maintenance manuals, and other submittals.</td>
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<td>4. Respond to Contractor RFI's and field issues.</td>
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<td>5. Participate in four contractor project progress meetings.</td>
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<td>6. Review contractor progress payments.</td>
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<td>7. Negotiate and review change orders.</td>
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<td>8. Provide 50 hours of construction inspections at key times during construction.</td>
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<td>9. Write punch list.</td>
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<td>10. Provide record drawings in MMSD format.</td>
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<td>11. Conduct one punch list follow up inspection.</td>
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<td>12. Conduct and administer project close out.</td>
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R/M proposes to provide these services on an hourly basis for an estimated total of $45,497 including reimbursable cost as printing and mileage. We anticipate completing the design and bidding services by August 30, 2019. Construction is expected to be Substantially Complete by November 30, 2019. Final restoration of the site would be completed in spring of 2020.

All other terms and provisions of the Agreement not amended as set forth above shall remain in full force and effect, and are unaffected by this Amendment, which shall not in any way be construed as a waiver or relinquishment of any right or remedy granted under the Agreement. In the event of any inconsistency between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.
CITY OF FRANKLIN, WISCONSIN

By: ____________________________
    Stephen R. Olson
Title: Mayor
Date: ____________________________

By: ____________________________
    Sandra L. Wesolowski
Title: City Clerk
Date: ____________________________

By: ____________________________
    Paul Rotzenberg
Title: Director of Finance & Treasurer
Date: ____________________________

APPROVED AS TO FORM:

By: ____________________________
    Jesse A. Wesolowski
Title: City Attorney
Date: ____________________________

RUEKERT & MIELKE, INC.

By: ____________________________
    Steven C. Wurster, P.E.
Title: Senior Vice President/COO
Date: May 24, 2019

Designated Representative:
Name: David W. Arnott, P.E.
Title: Team Leader/Senior Project Manager
Phone Number: (262) 542-5733
Every budget since 2014 has had an appropriation for parkland. The City has not had the staff resources to commit to the effort. Parkland acquisition is a key component of the Comprehensive Outdoor Recreation Plan and the Park Impact Fee Facility Needs Study. Without parkland acquisition, the City should expect to ultimately have to return some park impact fees collected in years past.

A predominant theory in parkland development is to buy your parkland as soon as possible. There are three primary reasons for this conclusion. First, land almost never gets cheaper compared to the future costs. Second, development always removes land from availability. Third, it is easier to fit parkland into broader open spaces and let development occur around it.

In order to move consideration of parkland acquisition forward, the Director of Administration looked for a firm with professional planning background that also had professional, licensed real estate agents. The thought is to work with a firm to perform all aspects of acquisition: work with stakeholders (Aldermen, the Common Council, the Plan Commission, the Parks Commission, staff, etc.) to identify goals and expectations, hold neighborhood meetings or public information sessions, investigate the real estate market and potential land options, negotiate prices and execute land acquisition steps in accordance with state statutes.

The firm of Vandewalle & Associates could perform this role. Following is an excerpt from an email received from them regarding their potential interest and, very briefly, their background.

"We have a large real estate advising service - headed by Brian Vandewalle, our company President. Brian has been the City of Middleton’s Planning consultant for over 30 years, and designed the American Center and the University Research Park here in Madison. He has also advised Wauwatosa on the Milwaukee County Regional Medical Center and the Milwaukee County Research Park.

Brian Munson advises Veridian Homes (the largest home builder and residential developer in the state), and designs all of their subdivisions and developments. Brian is a Principal with the company.

Dan Johns performs a wide range of real estate studies, as an Associate with the company.

All three are licensed brokers in Wisconsin."
This firm is also being considered to provide assistance in the Planning Department in accordance with prior Council authorization. The land acquisition services would be a separate and distinct contract.

Prior to developing a full scope of services and professional services agreement, the Director of Administration wanted confirmation from the Common Council that they were willing to consider acquisition of park land and to deploy such a strategy with an outside consultant.

The Park Commission, at their last meeting, approved a motion recommending that the City contract for professional services to move parkland acquisition forward.

It is fully expected that the cost of such professional services are appropriate and allowable costs of the parkland acquisition and are, therefore, eligible for partial offset with impact fee funds. Prior to being asked to approve the final professional services agreement, staff will provide a clear and definitive confirmation of such application.

COUNCIL ACTION REQUESTED

Motion to direct staff to pursue and develop a Professional Services Agreement and Scope of Services for Parkland Acquisition for Common Council consideration.