

CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*

MONDAY, MARCH 4, 2019 AT 6:30 P.M.

[A Special Board of Water Commissioners Meeting has been scheduled to meet at such time and place and upon quorum and call to order, shall then meet concurrently with the Common Council upon the subject matter listed as Item B. on this agenda only.]

Meeting Agenda

- A. Call to Order and Roll Call.
- B. Professional Services Agreement in Regard to the Selection, Negotiation and Communication of Supplier of Public Water for the City of Franklin. The Board May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), to Deliberate Upon a Professional Services Agreement in Regard to the Selection, Negotiation and Communication of Supplier of Public Water for the City of Franklin, the Negotiation of Agreement Terms and the Investing of Public Funds in Relation Thereto, for Competitive and Bargaining Reasons, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
- C. Concept Review for a Proposed 40-Unit Apartment Development Upon an Approximately 5.72 Acre Property Bearing Tax Key No. 795-9999-008 (122nd Street Land Company, Owner) (Bodner Property Management, LLC, Applicant).
- D. Adjournment.

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

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

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 4, 2019
Reports & Recommendations	<p align="center"><b>PROFESSIONAL SERVICES AGREEMENT IN REGARD TO THE SELECTION, NEGOTIATION AND COMMUNICATION OF SUPPLIER OF PUBLIC WATER FOR THE CITY OF FRANKLIN. THE BOARD MAY ENTER CLOSED SESSION PURSUANT TO WIS. STAT. § 19.85(1)(E), TO DELIBERATE UPON A PROFESSIONAL SERVICES AGREEMENT IN REGARD TO THE SELECTION, NEGOTIATION AND COMMUNICATION OF SUPPLIER OF PUBLIC WATER FOR THE CITY OF FRANKLIN, THE NEGOTIATION OF AGREEMENT TERMS AND THE INVESTING OF PUBLIC FUNDS IN RELATION THERETO, FOR COMPETITIVE AND BARGAINING REASONS, AND TO REENTER OPEN SESSION AT THE SAME PLACE THEREAFTER TO ACT ON SUCH MATTERS DISCUSSED THEREIN AS IT DEEMS APPROPRIATE</b></p>	<p align="center"><b>ITEM NO.</b></p> <p align="center"><i>B.</i></p>

**RECOMMENDATION**

ENTER CLOSED SESSION PURSUANT TO WIS. STAT. § 19.85(1)(E), TO DELIBERATE UPON A PROFESSIONAL SERVICES AGREEMENT IN REGARD TO THE SELECTION, NEGOTIATION AND COMMUNICATION OF SUPPLIER OF PUBLIC WATER FOR THE CITY OF FRANKLIN, THE NEGOTIATION OF AGREEMENT TERMS AND THE INVESTING OF PUBLIC FUNDS IN RELATION THERETO, FOR COMPETITIVE AND BARGAINING REASONS, AND TO REENTER OPEN SESSION AT THE SAME PLACE THEREAFTER TO ACT ON SUCH MATTERS DISCUSSED THEREIN AS IT DEEMS APPROPRIATE

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COMMITTEE OF THE WHOLE</b>	<b>MEETING DATE</b> 03/04/19
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>CONCEPT REVIEW FOR A PROPOSED 40-UNIT APARTMENT DEVELOPMENT UPON AN APPROXIMATELY 5.72 ACRE PROPERTY BEARING TAX KEY NO. 795-9999-008 (122<sup>ND</sup> STREET LAND COMPANY, OWNER) (BODNER PROPERTY MANAGEMENT, LLC, APPLICANT)</b>	<i>C.</i>

Introduction

On February 15, 2019, William Bodner submitted a Concept Review Application on behalf of Bodner Property Management, LLC to the Department of City Development for the proposed Knollwood Legacy Apartments development upon property bearing Tax Key No. 795-9999-008. The property is generally located South on South Scepter Drive, just south of the intersection of West Church Street and South Lovers Lane Road (STH 100). The property is approximately 249,108 square feet, or 5.72 acres. The property is zoned R-3 Suburban/Estate Single-Family Residence District. Multi-Family is not allowed in the R-3 District.

The property to the north is zoned B-1 Neighborhood Business District. The property to the south is zoned R-3 Suburban/Estate Single-Family Residence District. The property to the east is zoned CC City Civic Center District, and the property to the west is zoned R-8 Multi-Family Residence District.

In order for this project to proceed, a rezoning and Unified Development Ordinance Text Amendment would be required. The applicant is interested in rezoning the property to R-8 Multiple-Family Residence District and amending the 2025 Comprehensive Master Plan by changing the future land use designation for the subject property to Residential – Multi-Family. The R-8 District allows Multi-Family development as a special use. As such, a Special Use Application would also be required.

The 2025 Future Land Use Map identifies the subject property and the adjacent properties to north, south, and west as Mixed Use. The parcel immediately to the west of this property is shown as Residential – Multi-Family. The subject property is vacant.

On December 12, 2018, the applicant hosted a neighborhood meeting attended by 11 neighbors and Alderman Dan Mayer. The applicant is now requesting this Concept Review with the Common Council to obtain preliminary comment on this proposal.

On the conceptual plan, the developer is proposing the following:

- Five two-story apartment buildings with 8-units each.
- Two (2) bedroom and Two (2) bedroom + den units, each with two (2) full bathrooms.
- Private access and an attached two (2) car garage for each unit.
- Access from South Scepter Drive.
- On site stormwater management ponds.
- Landscaping to include screening and buffers.

The property contains protected natural resource features, including a wetland and its associated wetland buffer and wetland setback in the southwest corner. The applicant has provided an Artificial Wetland Exemption Determination from the WDNR for a 0.33 acre wetland (W-1) located in the northeast portion of the property.

Public sanitary sewer service and public water service are available from South Scepter Drive.

Initial Staff Comments

Staff finds the proposed amendment to the 2025 Comprehensive Master Plan to change the future land use designation for the property from Mixed-Use to Residential Multi-Family is not consistent with the following principles and goals set forth within the Comprehensive Master Plan:

- **Balanced Development Principle.** As an overall guiding element of the CMP, Chapter 2 recommends that development be balanced with natural resource protection such that the high quality suburban character of the City is maintained, and that large-lot residential development, small-scale commercial development, and preservation of natural resources be supported. Chapter 4 specifically includes Balanced Development as an economic development goal, and recommends that the City stabilize and expand a diverse tax base as a central economic development principle.
  - The subject request is not consistent with this principle.
- **70/30 Goal.** Chapter 2 of the CMP recommends that the City strive to achieve a balance of 70 percent residential to 30 percent commercial assessed valuation to help lower the City's tax rate and to help achieve the Balanced Development Principle. Chapter 4 specifically includes the 70/30 Goal as part of the City's economic development efforts.
  - The subject request is not consistent with the 70/30 Goal, as it would result in even more land identified as future Residential – Multi-Family use, which would not help achieve the 30 percent commercial assessed valuation, and in turn, will not help lower the City's tax base and achieve balanced development.
- **Other Principles and Goals for which the subject request is not consistent include:**
  - Create jobs for a growing population (Economic Development chapter principle)
  - Encourage high quality commercial, retail and office development in appropriate locations (Land Use chapter goal)

Staff recommends the development of this property include the construction of West Allwood Drive from West Scepter Drive to South Lovers Lane Road (STH 100) along the north property line.

**COMMITTEE OF THE WHOLE ACTION REQUESTED**

Provide direction to the applicant regarding the proposed 40-unit apartment development upon an approximately 5.72 acre property bearing Tax Key No. 795-9999-008 (122<sup>nd</sup> Street Land Company, Owner) (Bodner Property Development, LLC, Applicant).

**BODNER PROPERTY MANAGEMENT, LLC**  
**11514 N. PORT WASHINGTON ROAD**  
**SUITE 1**  
**MEQUON, WI 53092**  
**(262) 241-9101**  
**FAX 241-9087**

February 11, 2019

Development Review Team  
City of Franklin  
9229 W. Loomis Rd.  
Franklin, WI 53132

RE: KnollWood Legacy Apartments

Dear Development Review Team:

*Bodner Property Management, LLC ("Bodner") is pleased to submit the following concept plan for your review. The property is a 5.723 acre parcel located on South Scepter Drive, just south of Church Street (Parcel 7959999008). Upon hearing comments from your Committee, we plan to make a formal application to the City of Franklin to rezone and approve this parcel for the development of 40 luxury apartment homes.*

The property is currently zoned R-3. The 2025 Future Land Use Map shows this area as Mixed Use. It is believed that both would require a change to allow for the needed R-8 zoning. The neighborhood surrounding the property is comprised as follows:

- \*heavy commercial to the east;
- \*the northern property is currently vacant, with single family homes north of there;
- \*multi-family to the west, both condominium and apartments;
- \*the south bordering property contains one single family home.

We believe that the proposed luxury apartment development is the proper buffer between the heavy commercial use to the east and the residential use to the west.

A wetland delineation was done by Heartland Ecological Group. There were two wetland areas found, and delineated. A full submittal was been made to the WDNR requesting an exemption of the artificially created center wetland. The WDNR concurred and granted the exemption. A copy of the letter is included with this submittal.

On December 12, 2018 Bodner hosted a neighbor meeting to obtain comments and concerns from the surrounding residents. Of the nearly 100 invitations that were mailed, 11 people

attended, and 1 other person phoned afterward, to discuss the development. Additionally, the Alderman for the area, Dan Mayer, attended the meeting. After a full explanation of the proposed development, there were many questions, and very minor concerns that were expressed. Subsequent to that, the MacKenzie Square Condominium Association sent a letter to Alderman Mayer stating they would prefer the property remain zoned for single family use.

Knollwood Legacy will be a total of 40 apartment homes, comprised of 8 family buildings. Each unit will have an attached 2 car garage. The units are 2 bedroom, and 2 bedroom with a den, and all have 2 full bathrooms. Each apartment has a private entry. There are no common hallways within the entire development. A complete storm water management plan will be completed to ensure proper drainage and maintenance. The development will be professionally landscaped, and will incorporate proper screening and buffers placed throughout the property. The development will have a value of approximately \$8,000,000 when complete.

Finally, attached and included with this submittal are:

- \* the proposed site plan (detailed and in color);
- \* an overview of the surrounding area;
- \* building elevations (3D renderings);
- \* Wetland letter and map

We welcome the opportunity to further discuss the proposed development and address your comments. Thank you in advance for your consideration.

Sincerely,

BODNER PROPERTY MANAGEMENT, LLC



William Bodner  
Managing Member



January 24, 2019

EXE-SE-2019-41-00005

Bodner Property Management, LLC  
C/O William Bodner  
11514 N Port Washington Rd, Suite 1  
Mequon, WI 53092

**RE: Artificial wetland exemption determination for an area described as W-1, located in the SE1/4 of the SW1/4 of Section 08, Township 05 North, Range 21 East, City of Franklin, Milwaukee County**

Dear Mr. Bodner:

This letter is in response to your request for an artificial wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation:

- 1) A wetland that serves as a fish spawning area or that is passage to a fish spawning area
- 2) A wetland created as a result of a wetland mitigation requirement

In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- A wetland delineation completed in 2018
- Natural Resources Conservation Service (NRCS) soil mapping
- Historical maps, including the original land survey plat and United States Geological Survey (USGS) topographic quad maps
- Pre-construction and post-construction aerial photographs
- Site photographs

Below is a summary of our findings:

Request Narrative

Heartland Ecological Group, Inc. was retained by Bodner Property Management, LLC to provide professional wetland consulting services for the above referenced property as part of this request

for an artificial wetland exemption determination. The requestor has reason to believe the area identified as W-1 (see enclosed map) meets the definition of an artificial wetland. Justification for this statement is due to decommissioning and demolition of buildings within and adjacent to W-1, as well as widening of South Lovers Lane Road, commercial development to the west, expansion of South Scepter Drive and additional residential development to the east all around 2007. W-1 has an area of 0.33 acres.

#### Wetland Delineation

A wetland delineation completed in 2018 by DNR assured delineator Jeff Kraemer, and the accompanying data form for wetland sample point P1, describe W-1 as a wet meadow depression connected to the ditch line and an east west culvert underneath STH 100. W-1 does not appear to be contiguous with any other waterway or wetland.

#### NRCS Soil Mapping

NRCS soil maps from 1918, 1971 and most currently indicate W-1 consists of the Miami silty clay loam, Morley silt loam and Blount (BIA)/Ozaukee (OzaB2) silt loam soil series, respectively. The Miami series is described as having good drainage, the Morley series consists of well drained/moderately well drained soils and the Blount/Ozaukee series are listed as predominately non-hydric.

#### Historical Maps

The original land survey section line notes indicate areas of marshland near the southern border of the delineation limits, but the associated plat map does not depict waterways or wetlands in the vicinity of W-1. The USGS topographic quad maps from 1891, 1959, 1971 and 1976 do not exhibit streams or marshland in the area of W-1.

#### Aerial Photography

A review of orthophotography from 1937 to 1970 indicate W-1 was historically farmed and occupied by buildings, with only the 1963 aerial photograph showing a wetness signature in the vicinity of W-1. Evidence of the decommissioning of the farmstead was first observed in the 1975 aerial photograph, and faint wetness signatures/color tone differences can be seen in the 1980, 1985 and 1990 aerial photographs.

#### Site Photographs

Photographs included in the delineation report, taken from multiple vantage points, confirm W-1 is located near a culvert outlet which appears to be conveying stormwater runoff from the adjacent property to the east.

#### Conclusion

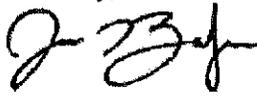
Based upon the information provided above, the area described as W-1 lacked definitive evidence of wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards.

**Therefore, W-1 is exempt from state wetland regulations.**

This letter describes DNR's decision regarding the jurisdictional status of W-1, and is only valid for state jurisdictional purposes. **For decisions regarding the federal jurisdictional status of W-1, you will need to contact the U.S. Army Corps of Engineers.** The U.S. Army Corps of Engineers contact for Milwaukee County is April Marcangeli. April Marcangeli can be reached at (651) 290-5731.

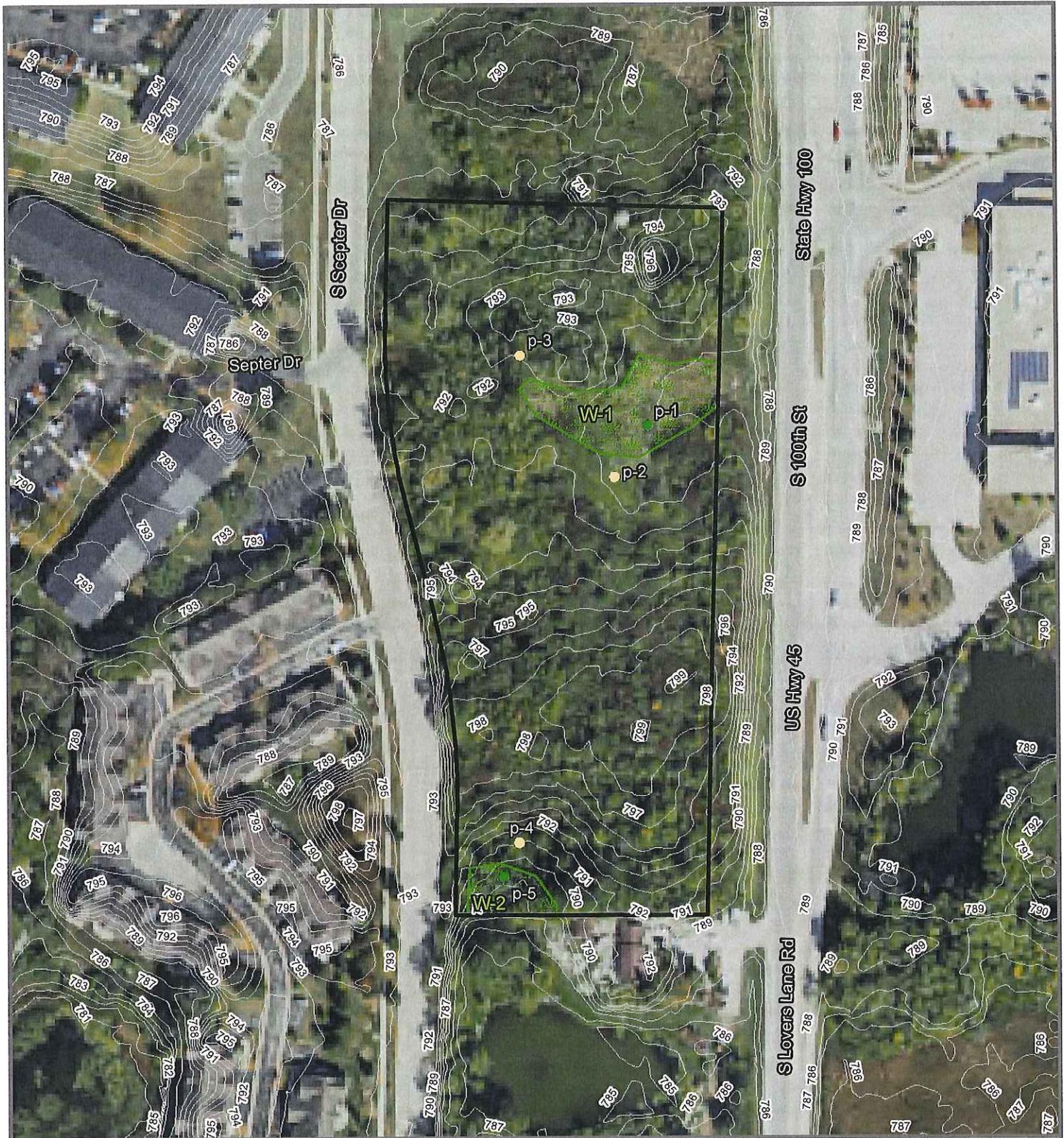
If you have any questions about this determination, please contact me at (608) 935-1920 or email James.Brodzeller@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Brodzeller', written in a cursive style.

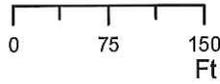
James Brodzeller  
Wetland Exemption Specialist

cc: April Marcangeli      U.S. Army Corps of Engineers  
Josh Wied                  DNR Water Management Specialist  
Scott Fuchs                Heartland Ecological Group  
File



© OpenStreetMap (and) contributors, CC-BY-SA

-  Study Area (5.80 ac)
-  Milwaukee Co Contours
-  Field Delineated Wetlands (0.44 ac)
- Sample Points**
-  Upland
-  Wetland



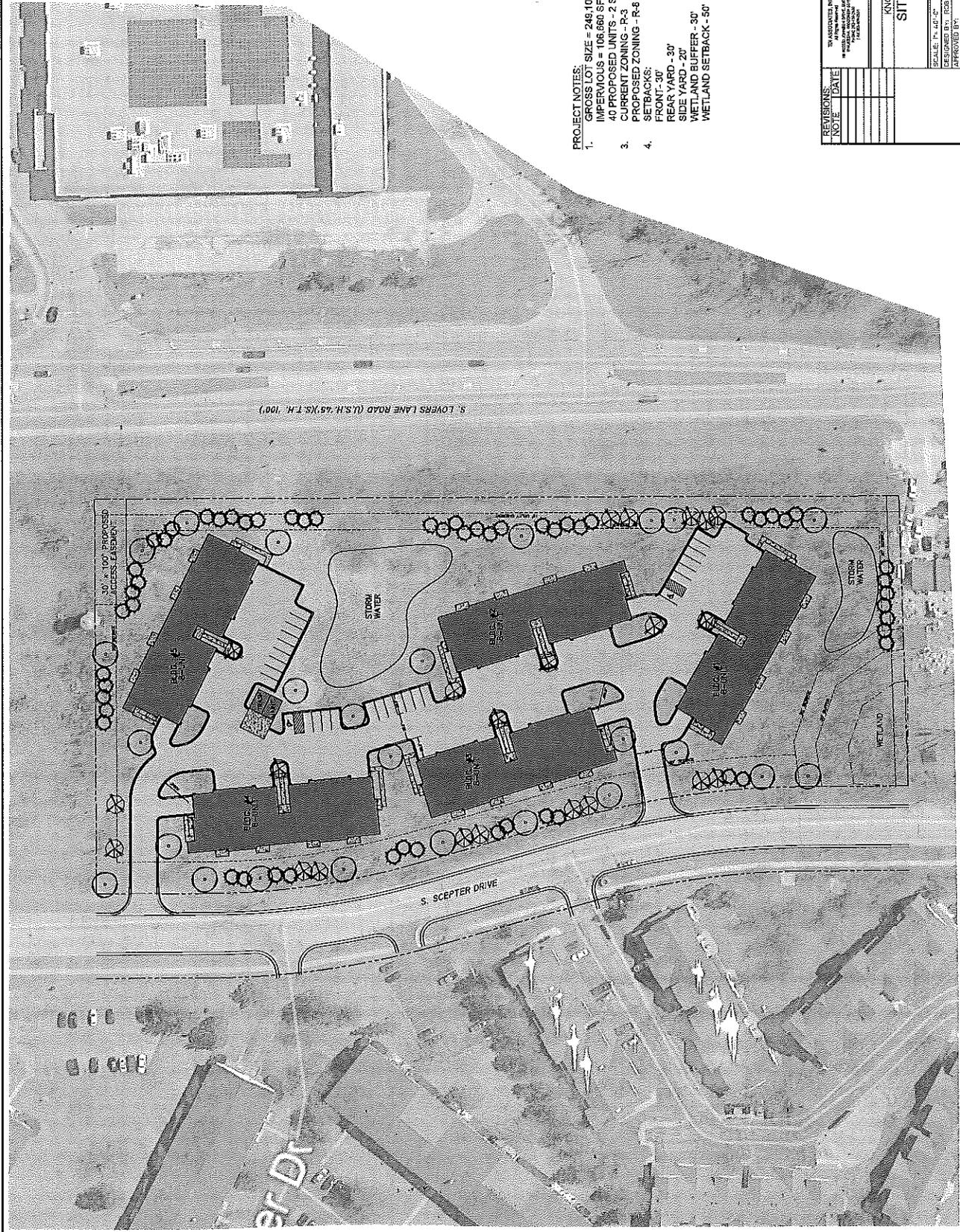
**Heartland**  
ECOLOGICAL GROUP INC

**Figure 5. Field Delineated Wetlands**

S. Scepter Road Parcel  
Project #20180136  
T5N, R21E, S08  
C Franklin, Milwaukee Co, WI

2017 NAIP  
Data: Milwaukee Co, HEG 11/15/2018





- PROJECT NOTES:**
1. GROSS LOT SIZE = 248,109 SF or 5.72 ACRES  
 IMPERVIOUS = 108,980 SF GREEN SPACE = 142,448 SF (57%)  
 40 PROPOSED UNITS - 2 STORY - 29'-0" HEIGHT
  3. CURRENT ZONING - R-3  
 PROPOSED ZONING - R-8
  4. SETBACKS:  
 FRONT - 30'  
 REAR - 30'  
 SIDE - 10'-0"  
 WETLAND BUFFER - 30'  
 WETLAND SETBACK - 50'



REVISIONS	DATE	BY	DATE

DESIGNED BY: TCB	DRAWN BY: RCB	CHECKED BY:	DATE: 0-18-19
APPROVED BY:			DATE:
SHEET			C-2.0

TRANSCENT INC.  
 1000 W. 10TH AVENUE, SUITE 100  
 DENVER, CO 80202  
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CITY OF FRANKLIN, WI  
 KNOLLWOOD LEGACY APARTMENTS  
 SITE DEVELOPMENT PLAN









