

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

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

B. **Approval of Minutes**

1. Approval of regular meeting of October 3, 2019.

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

1. **BODNER PROPERTY MANAGEMENT, LLC MULTI-FAMILY RESIDENTIAL APARTMENT DEVELOPMENT.** Natural Resource Features Special Exception application by William Bodner, Managing Member of Bodner Property Management, LLC, for the purpose of removing approximately 1.58 acres of young woodland and to fill 0.33 acres of wetland which has been exempted by the Wisconsin Department of Natural Resources, to allow for the grading and construction of the Knollwood Legacy Apartments 40-unit multi-family residential development [property contains two (2) areas of young woodlands, and two (2) wetland areas], property generally located at South Scepter Drive and West Church Street, zoned R-8 Multiple-Family Residence District; Tax Key No. 795-9999-008. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
2. **FRANKLIN PUBLIC SCHOOL DISTRICT LAND ADDITION TO THE EXISTING FOREST PARK MIDDLE SCHOOL SITE FOR FUTURE DEVELOPMENT.** Comprehensive Master Plan Amendment and Rezoning applications by Franklin Public Schools (Ronald S. Pesche and Susan D. Pesche, property owners), to amend the Future Land Use Map designation for property located at 8429 and 8459 West Forest Hill Avenue (Luxembourg Gardens) from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use, and to rezone those parcels of land from R-6 Suburban Single-Family Residence District to I-1 Institutional District [existing structures on the land will be razed and potential future uses will generally consist of open space and community recreational use]; Tax Key Nos. 839-9990-000 and 839-9991-004. **THE PUBLIC HEARING FOR THE REZONING APPLICATION WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON OCTOBER 3, 2019, AND THEN POSTPONED AND CONTINUED TO THE NOVEMBER 7, 2019 PLAN COMMISSION MEETING TO ALLOW**

**FOR FURTHER PUBLIC INPUT. THE PUBLIC HEARING FOR THE COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE COMMON COUNCIL MEETING ON OCTOBER 15, 2019, AND THEN POSTPONED AND CONTINUED TO THE DECEMBER 3, 2019 COMMON COUNCIL MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

E. Adjournment

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

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

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

**REMINDERS:**

Next Regular Plan Commission Meeting: November 21, 2019

**City of Franklin  
Plan Commission Meeting  
October 3, 2019  
Minutes**

unapproved

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

Mayor Steve Olson called the October 3, 2019 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Adam Burckhardt and Kevin Haley and Alderman Mark Dandrea, City Engineer Glen Morrow. Excused were Commissioners Patty Hogan and David Fowler. Also present were Planning Manager Joel Dietl, Associate Planner Régulo Martínez-Montilva.

**B. Approval of Minutes**

1. Regular Meeting of September 19, 2019.

Alderman Dandrea moved and Commissioner Haley seconded approval of the September 19, 2019 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

**C. Public Hearing Business Matters**

**1. FRANKLIN PUBLIC SCHOOL DISTRICT LAND ADDITION TO THE EXISTING FOREST PARK MIDDLE SCHOOL SITE FOR FUTURE DEVELOPMENT.**

Comprehensive Master Plan Amendment and Rezoning applications by Franklin Public Schools (Ronald S. Pesche and Susan D. Pesche, property owners), to amend the Future Land Use Map designation for property located at 8429 and 8459 West Forest Hill Avenue (Luxembourg Gardens) from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use, and to rezone those parcels of land from R-6 Suburban Single-Family Residence District to I-1 Institutional District [existing structures on the land will be razed and potential future uses will generally consist of open space and community recreational use]; Tax Key Nos. 839-9990-000 and 839-9991-004.

Planning Manager Joel Dietl noted that the applicant requested to continue this application to the November 7, Plan Commission meeting.

The Official Notice of Public Hearing was read into the record by Associate Planner Régulo Martínez-Montilva and the Public Hearing was opened at 7:08 pm and closed at 7:38 pm.

**Rezone**

Alderman Dandrea moved and Commissioner Haley seconded a motion to carry the Rezone application over to the November 7, 2019 Plan Commission meeting. On voice vote, all voted 'aye'; motion carried. (4-0-2).

## 2. **BODNER PROPERTY MANAGEMENT, LLC MULTI-FAMILY RESIDENTIAL APARTMENT DEVELOPMENT.**

Comprehensive Master Plan

Amendment, Rezoning, Special Use and Site Plan applications by William Bodner, Managing Member of Bodner Property Management, LLC, for “Knollwood Legacy Apartments”, to:

Comprehensive Master Plan

Amendment: amend the 2025 Future Land Use Map use designation for the subject property from Mixed Use to Residential – Multi-Family Use;

Rezoning: change the zoning of the subject property from R-3

Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District;

Special Use (Option 2): allow for the construction of five 8-unit multi-family residential apartment buildings;

Site Plan: construct a multi-family residential apartment development (five 8-unit buildings for a total of 40-units, as well as associated parking, landscaping, lighting, dumpster enclosures, and storm water management facilities); the units have individual entries and are a mix of 2-bedroom units and 2-bedroom units with a den (square footage of individual units range from 1,280 square feet to 1,402 square feet); the site plan includes two ingress/egress locations from South Scepter Drive, onsite parking comprises of 2-car attached garages for each unit (80 parking spaces) plus 28 exterior surface parking spaces for a total of 108 parking spaces (parking will be available in front of each garage space), property generally located at South Scepter Drive and West Church Street, currently zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 795-9999-008.

Planning Manager Joel Dietl presented the Comprehensive Master Plan Amendment, Rezoning, Special Use and Site Plan applications by William Bodner, Managing Member of Bodner Property Management, LLC, for “Knollwood Legacy Apartments”, to:

Comprehensive Master Plan Amendment: amend the 2025 Future Land Use Map use designation for the subject property from Mixed Use to Residential – Multi-Family Use; Rezoning: change the zoning of the subject property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District;

Special Use (Option 2): allow for the construction of five 8-unit multi-family residential apartment buildings;

Site Plan: construct a multi-family residential apartment development (five 8-unit buildings for a total of 40-units, as well as associated parking, landscaping, lighting, dumpster enclosures, and storm water management facilities); the units have individual entries and are a mix of 2-bedroom units and 2-bedroom units with a den (square footage of individual units range from 1,280 square feet to 1,402 square feet); the site plan includes two ingress/egress locations from South Scepter Drive, onsite parking comprises of 2-car attached garages for each unit (80 parking spaces) plus 28 exterior surface parking spaces for a total of 108 parking spaces (parking will be available in front of each garage space).

The Official Notice of Public Hearing for the rezoning was read into the record by Associate Planner Régulo Martínez-Montilva and the Public Hearing was opened at 7:38 pm and closed at 7:40 pm.

### Rezoning

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District (generally located at South Scepter Drive and West Church Street) (approximately 5.723 acres). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

The Official Notice of Public Hearing for the Special Use was read into the record by Associate Planner Régulo Martínez-Montilva and the Public Hearing was opened at 8:10 pm and closed at 8:15 pm.

### Special Use

City Engineer Morrow moved and Alderman Dandrea seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a

Special Use for five 8-unit multi-family residential apartment buildings (40 units). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Member Haley noted that the applicant shall revise the landscape plan to remove and replace the barberry shrubs.

From staff recommendations the following additional motions were made:

1. Alderman Dandrea moved and Commissioner Haley seconded a motion to add light poles within the off-street parking areas, subject to Department of City Development staff approval. On voice vote, all voted 'aye'; motion carried. (4-0-2).

2. City Engineer Morrow moved and Commissioner Haley seconded a motion to recommend that the site plan be revised to add a sidewalk on the east side of Scepter Drive. Additionally, this sidewalk should be connected to the proposed development. On voice vote, 3 voted 'aye', Alderman Dandrea voted 'nay' the vote was 3-1-3. Mayor Olson voted 'aye', breaking the tie. Motion carried. (4-1-3).

3. Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend that the architectural elevations should be revised to include: a third principal building color (either to the brick work or to the siding) for all buildings; and that two of the buildings not repeat the same façade treatments as the other three buildings (i.e. incorporate greater variation in the type, color, and distribution of the building materials and façade treatments). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Commissioner Haley commented that the barberry shrubs in the landscape plan should be replaced, because they are prohibited by the Municipal Code.

#### **Site Plan**

City Engineer Morrow moved and Alderman Dandrea seconded a motion to approve a resolution approving a Site Plan for construction of a multi-family residential apartment development with associated parking, landscaping, lighting, dumpster enclosures and storm water management facilities (approximately South Scepter Drive and West Church Street). On voice vote, all voted 'aye'; motion carried. (4-0-2).

#### **Comprehensive Master Plan Amendment**

Alderman Dandrea moved and Commissioner Haley seconded a motion to approve a Resolution recommending the adoption of an Ordinance to amend the City of Franklin

2025 Comprehensive Master Plan to change the City of Franklin 2025 future land use map for property generally located at South Scepter Drive and West Church street from mixed use to residential multi-family use, pursuant to Wis. Stat § 66.1001 (4)(b). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

D. Business Matters

1. None.

Adjournment

Commissioner Haley moved and Alderman Dandrea seconded a motion to adjourn the Plan Commission meeting of October 3, 2019 at 8:33 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).



REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2019

**Comprehensive Master Plan Amendment,  
and Rezoning.**

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**RECOMMENDATION:** City Development Staff recommends approval of the Comprehensive Master Plan Amendment and Rezoning applications submitted by Franklin Public Schools.

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|                                       |                                                                                     |
|---------------------------------------|-------------------------------------------------------------------------------------|
| <b>Project Name:</b>                  | Franklin Public Schools Comprehensive Master Plan Amendment & Rezoning              |
| <b>Project Location:</b>              | 8429 W. Forest Hill Avenue/839 9990 000<br>8459 W. Forest Hill Avenue/839 9991 004  |
| <b>Property Owner:</b>                | Ronald and Susan Pesche                                                             |
| <b>Applicant:</b>                     | Franklin Public Schools                                                             |
| <b>Agent:</b>                         | James Milzer, Director of Business Services                                         |
| <b>Current Zoning:</b>                | R-6 Suburban Single-Family Residence District                                       |
| <b>2025 Comprehensive Plan:</b>       | Mixed Use                                                                           |
| <b>Use of Surrounding Properties:</b> | Residential and Areas of Natural Resource Features                                  |
| <b>Applicant's Action Requested:</b>  | Recommendation of approval of the Comprehensive Master Plan Amendment and Rezoning. |

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**Introduction**

On May 21<sup>st</sup>, 2019, the applicant filed applications for a Comprehensive Master Plan Amendment and Rezoning for properties located at 8429 and 8459 W. Forest Hill Avenue.

The Comprehensive Master Plan Amendment requests to change the Future Land Use Map 2025 future land use designation for the subject properties from Residential and Areas of Natural Resource Features to Institutional and Areas of Natural Resource Features. The Areas of Natural Resource Features would be changed to match current wetland delineations by Vierbicher Associates, Inc.

The rezoning request is to amend the City's Zoning Map for these properties from R-6 Suburban Single-Family Residence District to I-1 Institutional District.

Note that for consistency, the rezoning request is contingent upon approval of the concurrent Comprehensive Master Plan Amendment Application.

On October 3<sup>rd</sup>, 2019, the Plan Commission held a public hearing regarding the rezoning application and on October 15<sup>th</sup>, 2019, the Common Council held a public hearing for the Comprehensive Master Plan Amendment. The public provided input during said hearings and the Plan Commission and Common Council announced that these applications will be presented by

the applicant before the Plan Commission on November 7<sup>th</sup> and Common Council on December 3<sup>rd</sup>.

The applicant is not proposing to develop the subject properties at this time. It should be noted that any future development will require use and site plan approval by the City. Further, additional information related to the site plan, landscaping, lighting, signage, natural resource protection, storm water, grading, etc. will be required at that time.

The applicant did not provide a conservation easement as part of the Comprehensive Master Plan Amendment and Rezoning, it would be a requirement with any proposed development of the site.

It was also suggested that the applicant submit a certified survey map at this time to combine the parcels into a single lot. It is anticipated that this will be necessary and required upon the future development of these parcels.

### **Project Description/Analysis**

The subject properties are located directly west of the Franklin Public Schools District Office and Forest Park Middle School. The School District has indicated that all existing structures will be razed and potential future uses will generally consist of open space and community recreational use. More specifically, potential uses include:

- Multi-use grass fields for soccer, lacrosse and other district recreational facilities
- Tennis courts
- Classes operated by the Recreation Department for seniors and others

### ***Comprehensive Master Plan Consistency***

As noted, the City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject properties as ‘Residential’ and ‘Areas of Natural Resource Features.’

There are many aspects and principles to consider within the Comprehensive Master Plan, but it can be noted that the proposed amendment to change the future land use designation for the property to Institutional is consistent with the following goals and objectives set forth within the Comprehensive Master Plan, which can be found in Chapter 2 Issues & Opportunities:

- #36. Continue to provide City residents with high-quality, efficient services, utilities and community facilities. (see Chapter 8)
  - Work with the school districts to identify the needs and locations for new facilities.
- #40. Establish cooperative planning with surrounding communities.
  - Continue cooperative planning with surrounding communities, Milwaukee County, MMSD, and the school districts.



- #41. Encourage coordination and cooperation among nearby units of government. (see Chapter 9)
  - Continue efforts to establish and maintain existing joint services and identify new opportunities for joint services with adjacent communities, school districts, the Milwaukee Metropolitan Sewerage District, civic organizations, etc.

**Recommendation:**

A motion recommending approval of the proposed Comprehensive Master Plan Amendment and Rezoning as requested by the Franklin Public Schools District, subject to satisfying all comments within the comment letter dated August 20, 2019.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 10-31-19]*

ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE TWO PARCELS  
OF LAND FROM R-6 SUBURBAN SINGLE-FAMILY RESIDENCE  
DISTRICT TO I-1 INSTITUTIONAL DISTRICT  
(8429 AND 8459 WEST FOREST HILL AVENUE)  
(APPROXIMATELY 13.974 ACRES)  
(FRANKLIN PUBLIC SCHOOLS, APPLICANT, RONALD S. PESCHE  
AND SUSAN D. PESCHE, PROPERTY OWNERS)

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WHEREAS, Franklin Public Schools having petitioned for the rezoning of two parcels of land from R-6 Suburban Single-Family Residence District to I-1 Institutional District, such land being located at 8429 and 8459 West Forest Hill Avenue; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of October, and the 7th day of November, 2019, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the properties described below be changed from R-6 Suburban Single-Family Residence District to I-1 Institutional District:

Being all of Parcel 1 of Certified Survey Map #5979 and part of the Northeast 1/4 of the Southwest 1/4, all located in the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of Section 16, Township 5 North, Range 21 East; Thence N 00°31'53" W along the East line of the Southwest 1/4 of said Section 16, 1325.08 feet to the Northeast corner of Lake Pointe Estates of Franklin, the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of said Section 16 and the point of beginning (POB) of the parcel to be described; Thence S 88°28'56" W along the South line of the Northeast 1/4 of the Southwest 1/4 of said Section 16 and along the North line of said Lake Pointe Estates of Franklin, 330.00 feet to the Southeast corner of Parcel 2 of Certified Survey Map #5979; Thence N 00°31'53" W along the East line of said Parcel 2, 688.96 feet to the Southeast corner of Parcel 1 of Certified Survey Map #5979; Thence S 88°28'56" W along the South line of said Parcel 1, 329.87 feet to the Southwest corner thereof; Thence N 00°32'02" W along the West line of Parcel 1 of said Certified Survey Map #5979, 465.95 feet to the Northwest corner thereof; Thence N 88°31'02" E along the North line of said Parcel 1, 225.02 feet; Thence N 00°32'30" W along the North line of said Parcel 1, 170.15 feet to the North line of the Southwest 1/4 of said Section 16; Thence N 88°27'46" E along the North line of the Southwest 1/4 of said Section 16, 434.90 feet to the Center 1/4 of said Section 16; Thence S 00°31'53" E along the East line of the Southwest 1/4 of said Section 16, 1325.07 feet to the point of beginning. Containing: 608,690 Square Feet, 13.974 Acres. Tax Key Nos. 839-9990-000 and 839-9991-004.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

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

ORDINANCE NO. 2019-\_\_\_\_  
Page 3

APPROVED:

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Stephen R. Olson, Mayor

ATTEST:

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Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

## ORDINANCE NO. 2019-\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTIES LOCATED AT 8429 AND 8459  
WEST FOREST HILL AVENUE FROM RESIDENTIAL USE AND AREAS OF  
NATURAL RESOURCE FEATURES USE TO INSTITUTIONAL USE AND  
AREAS OF NATURAL RESOURCE FEATURES USE  
(APPROXIMATELY 13.974 ACRES)  
(FRANKLIN PUBLIC SCHOOLS, APPLICANT, RONALD S. PESCHE  
AND SUSAN D. PESCHE, PROPERTY OWNERS)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Franklin Public Schools has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for properties located at 8429 and 8459 West Forest Hill Avenue from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on November 7, 2019, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for properties located at 8429 and 8459 West Forest Hill Avenue from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on October 15, and December 3, 2019; and

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for properties located at 8429 and 8459 West Forest Hill Avenue from Residential Use and Areas of Natural Resource Features

Use to Institutional Use and Areas of Natural Resource Features Use.  
Such property is more particularly described within Resolution No.  
2019 \_\_\_\_ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council 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 \_\_\_\_

## RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN  
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF  
FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTIES  
LOCATED AT 8429 AND 8459 WEST FOREST HILL AVENUE FROM  
RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE  
FEATURES USE TO INSTITUTIONAL USE AND AREAS OF NATURAL  
RESOURCE FEATURES USE, PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Franklin Public Schools (Ronald S. Pesche and Susan D. Pesche, property owners) having applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for properties located at 8429 and 8459 West Forest Hill Avenue from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use, such properties bearing Tax Key Nos. 839-9990-000 and 839-9991-004, more particularly described as follows:

Being all of Parcel 1 of Certified Survey Map #5979 and part of the Northeast 1/4 of the Southwest 1/4, all located in the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the South 1/4 corner of Section 16, Township 5 North, Range 21 East; Thence N 00°31'53" W along the East line of the Southwest 1/4 of said Section 16, 1325.08 feet to the Northeast corner of Lake Pointe Estates of Franklin, the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of said Section 16 and the point of beginning (POB) of the parcel to be described; Thence S 88°28'56" W along the South line of the Northeast 1/4 of the Southwest 1/4 of said Section 16 and along the North line of said Lake Pointe Estates of Franklin, 330.00 feet to the Southeast corner of Parcel 2 of Certified Survey Map #5979; Thence N 00°31'53" W along the East line of said Parcel 2, 688.96 feet to the Southeast

corner of Parcel 1 of Certified Survey Map #5979; Thence S 88°28'56" W along the South line of said Parcel 1, 329.87 feet to the Southwest corner thereof; Thence N 00°32'02" W along the West line of Parcel 1 of said Certified Survey Map #5979, 465.95 feet to the Northwest corner thereof; Thence N 88°31'02" E along the North line of said Parcel 1, 225.02 feet; Thence N 00°32'30" W along the North line of said Parcel 1, 170.15 feet to the North line of the Southwest 1/4 of said Section 16; Thence N 88°27'46" E along the North line of the Southwest 1/4 of said Section 16, 434.90 feet to the Center 1/4 of said Section 16; Thence S 00°31'53" E along the East line of the Southwest 1/4 of said Section 16, 1325.07 feet to the point of beginning. Containing: 608,690 Square Feet, 13.974 Acres, and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on October 3, and November 7, 2019, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for properties located at 8429 and 8459 West Forest Hill Avenue from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman



RESOLUTION NO. 2019 - \_\_\_\_\_

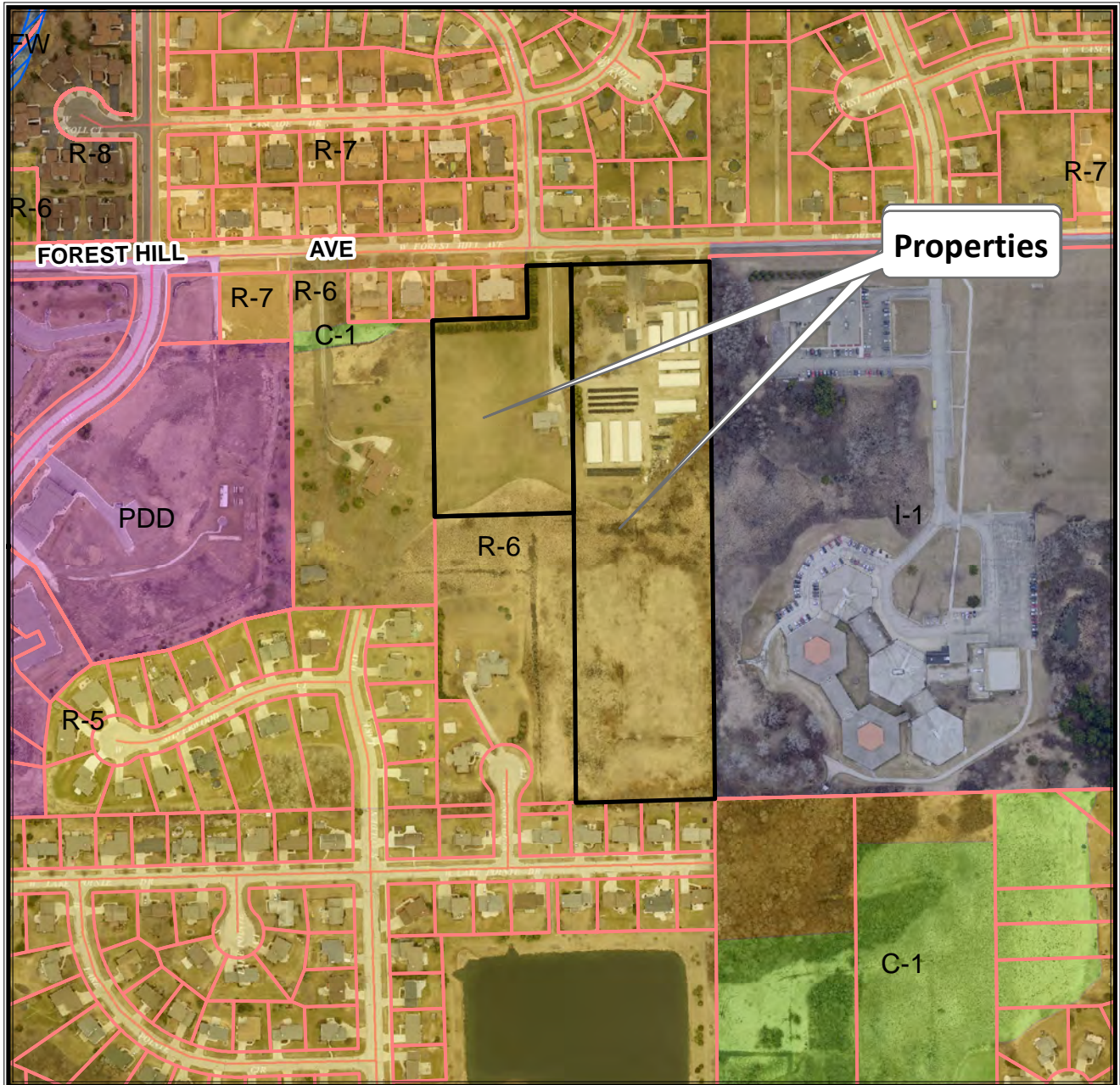
Page 3

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

8429 & 8459 W. Forest Hill Ave.  
TKNs: 839 9990 000 & 839 9991 004



**Planning Department**  
**(414) 425-4024**

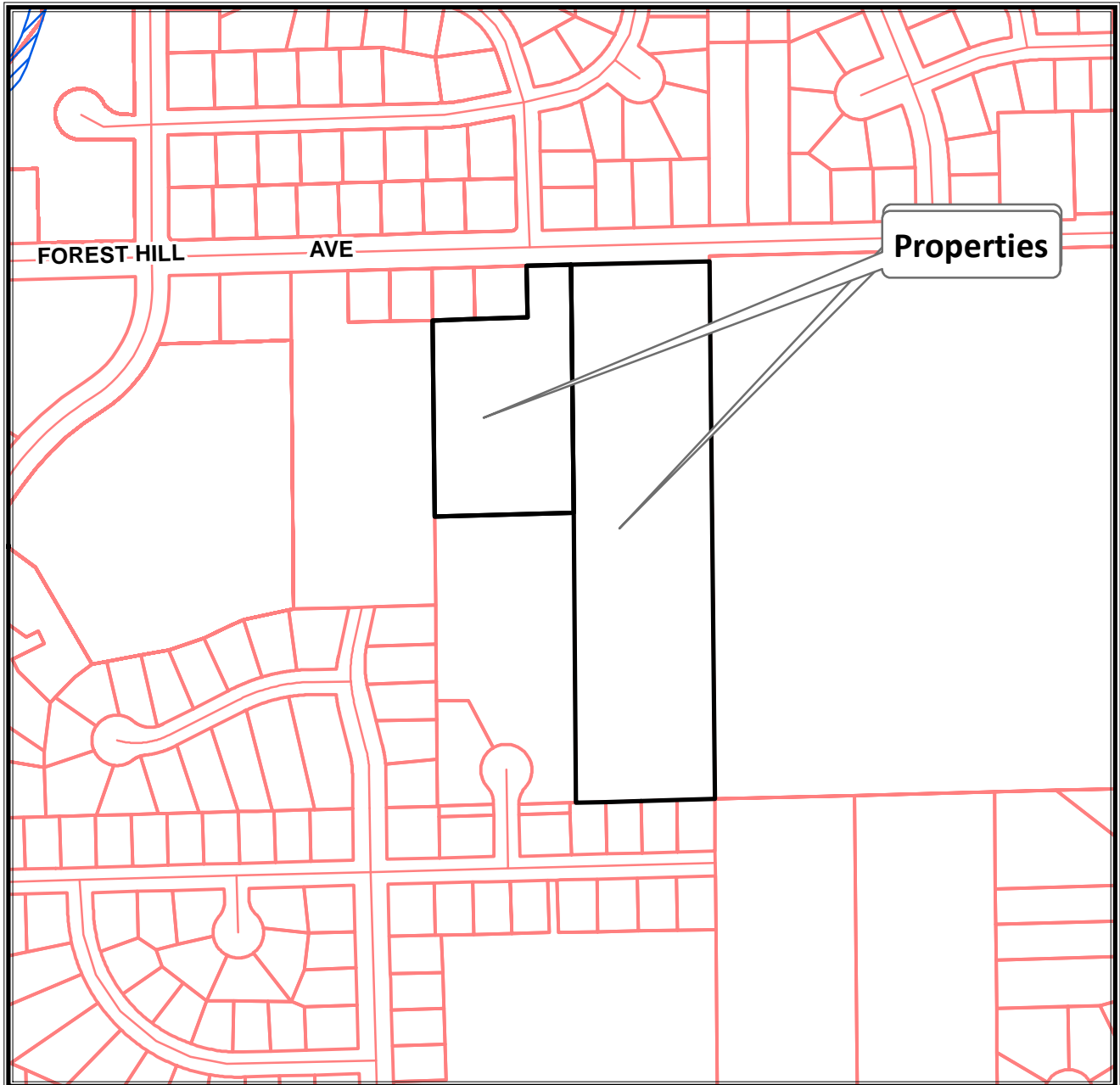
0 230 460 920 Feet

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

  
**NORTH**  
2017 Aerial Photo



8429 & 8459 W. Forest Hill Ave.  
TKNs: 839 9990 000 & 839 9991 004



**Planning Department**  
**(414) 425-4024**

0 230 460 920 Feet

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





# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2019

### Natural Resource Special Exception

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|                                       |                                                                                                                                                            |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project Name:</b>                  | Knollwood Legacy Apartments - Natural Resource Special Exception (NRSE)                                                                                    |
| <b>Project Address:</b>               | Scepter Drive and Church Street/ Tax Key 759-9999-008                                                                                                      |
| <b>Applicant:</b>                     | William Bodner, Bodner Property Management LLC                                                                                                             |
| <b>Property Owner:</b>                | 122nd Street Land Company, Michael J. Seeland, President                                                                                                   |
| <b>Current Zoning:</b>                | R-3 Suburban/Estate Single Family Residence District                                                                                                       |
| <b>2025 Comprehensive Plan:</b>       | Mixed Use                                                                                                                                                  |
| <b>Use of Surrounding Properties:</b> | Commercial to the north and east, single-family to the south, multi-family to the west                                                                     |
| <b>Applicant's Action Requested:</b>  | Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE) |

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#### **INTRODUCTION:**

On May 24, 2019, the applicant, William Bodner of Bodner Property Management, LLC, submitted several applications related to the construction of a 40-unit multi-family residential apartment development upon property generally located on the east side of South Scepter Drive, just south of the intersection of West Church Street and South Lovers Lane Road (STH 100). Among these is a request for a Natural Resource Special Exception.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. The applicant is requesting approval to impact young woodlands on the subject land.

#### **PROJECT DESCRIPTION:**

The applicant is proposing to remove two areas of young woodlands totaling about 1.58 acres to allow for the grading and construction of a 40-unit multi-family residential development.

Two (2) wetland areas totaling approximately 0.44 acres were delineated and mapped by an assured delineator. Wetland 1 (W-1) is a 0.33-acre wet meadow within the northeastern portion of the Study Area. The applicant has provided a letter dated January 24, 2019 from the Wisconsin Department of Natural Resources indicating that the wetland is artificial and exempt from State wetland regulations. The applicant is not requesting an exception for W-2, located in the southwest corner of the property. This wetland will be protected by a conservation easement.

The applicant has provided the attached Natural Resource Special Exemption Application including Project Description, Natural Resource Special Exception Question and Answer Form, Natural Resource Protection Plan (NRPP) map and associated information. Staff would note:

- The applicant has agreed to mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park;
- The applicant has agreed to create a conservation easement to protect the remaining wetland.
- The wetland delineation was prepared by an Assured Delineator.
- Young woodland are defined by ordinance § 15-11.0103 as “an area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches.” Tree species are not considered in the determination of whether a stand of trees meets the definition of young woodland.

### **ENVIRONMENTAL COMMISSION:**

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. Attached is a document titled, “City of Franklin Environmental Commission” that the Environmental Commission has completed and must forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

The Environmental Commission, at its October 23, 2019 meeting, has recommended approval of the NRSE as presented at their meeting, with conditions as set forth in Section V. of the City of Franklin Environmental Commission Special Exception application review and recommendation memo.

### **CONCLUSION:**

Staff concurs with the Environmental Commission recommendations, which are contained in the decisions section of the attached draft Standards, Findings and Decision of the City of Franklin document.

*Draft 11/7/19*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of William Bodner,  
Managing Member of Bodner Property Management, LLC, applicant, for a Special  
Exception to Certain Natural Resource Provisions of the City of Franklin  
Unified Development Ordinance

Whereas, William Bodner, Managing Member of Bodner Property Management, LLC, applicant, having filed an application dated May 24, 2019, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated October 23, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated November 7, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is generally located at South Scepter Drive and West Church Street, zoned R-8 Multiple-Family Residence District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

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

the application for a Special Exception dated May 24, 2019, by William Bodner, Managing Member of Bodner Property Management, LLC, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather*,\_\_\_\_\_.

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

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

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: \_\_\_\_\_.

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

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

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: \_\_\_\_\_; *and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:\_\_\_\_\_; *and*

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

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

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



2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: \_\_\_\_\_.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:\_\_\_\_\_.
4. Aesthetics:\_\_\_\_\_.
5. Degree of noncompliance with the requirement allowed by the Special Exception: \_\_\_\_\_.
6. Proximity to and character of surrounding property: \_\_\_\_\_.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*
9. Natural features of the property: \_\_\_\_\_.
10. Environmental impacts:\_\_\_\_\_.
11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of \_\_\_\_\_ is incorporated herein.*
12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

### Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:*

*1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the*



*Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;*

*2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*

*3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for William Bodner, Managing Member of Bodner Property Management, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance;*

*4) that prior to issuance of any Occupancy Permits the applicant provide mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park and maintained for two years;*

*5) that the applicant remove all noxious plant material from the two designated woodland areas, listed as WD-1 and WD-2 prior to the issuance any Occupancy Permit.*

*The duration of this grant of Special Exception is permanent.*

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

## City of Franklin Environmental Commission

TO: Common Council  
DATE: October 23, 2019  
RE: Special Exception application review and recommendation  
APPLICATION: William Bodner, Managing Member, Bodner Property Management, LLC, Applicant, dated: May 24, 2019  
(generally South Scepter Drive and West Church Street)

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

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

*15-4.0103(B)(1) Woodlands and Forests- Natural Resource Mitigation*

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

*For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

3. Applicant's reason for request:

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

*Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45*

*trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.*

4. Applicant's reason why request appropriate for Special Exception:

*The City requires that 50% of the Young Woodland for the development be preserved or mitigated. The actual area on the subject property for each delineated Young Woodland areas (some of the delineated area is in Right of Way and neighboring parcels) is WD-1 is 0.54 acres and WD-2 is 0.97 acres, and the area of overlap with wetland and wetland buffer is not counted as part of the required 50% preserved. Thus there is a total of 1.31 acres of Young Woodland to have 50% preserved, or a total of 0.66 acres required to be preserved. As stated above, the developer is willing to preserve 0.16 acres within the WD-1 area if so directed and enhance it with the removal of the invasive species at the ground level. If the WD-2 area that is predominantly Cottonwood and Boxelder is not considered in the required 50% preserved area of Young Woodland, then the area of WD-1 that would be used for that calculation is 0.34 total acres of Young Woodland requiring 0.17 acres to be preserved. As stated previously there is an area of 0.16 acres within the Conservation Easement that can be preserved and enhanced to meet this requirement.*

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *Not Applicable*
2. Storm and flood water storage: *Not Applicable. Proposed project will meet storm water requirements of the City and State.*
3. Hydrologic functions: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial*

*wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*

5. Shoreline protection against erosion: *Not Applicable. This natural resource is not present.*
6. Habitat for aquatic organisms: *Not Applicable. This natural resource is not present.*
7. Habitat for wildlife: *Not Applicable*
8. Human use functional value: *Not Applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*
9. Groundwater recharge/discharge protection: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*
10. Aesthetic appeal, recreation, education, and science value: *Not Applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*
11. State or Federal designated threatened or endangered species or species of special concern: *Not Applicable*
12. Existence within a Shoreland: *Not Applicable. This natural resource is not present.*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *Not Applicable. This natural resource is not present.*

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

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

*The developer requests the Special Exception to not have to preserve or mitigate the areas of Young Woodland lost due to the removal of invasive plant material due to City Code Section 240-8 that seems in conflict.*

*Additional to the code section above, the Young Woodland areas are identified in the report as having shrub layers of invasive species like common buckthorn and honeysuckle; again, these species are typically desired to be removed and thus the developer is asking for permission to remove these species. The Young Woodland report identifies as the other dominant tree species *Ulmus pumila* (Siberian Elm), which is not listed in Code Section 240-8, but the developer would ask for the City Forester's opinion on the value of that tree. If the City Forester or your Commission wants this tree species preserved, than the developer will not remove it as an alternate option. This species is found mostly in the area the developer is proposing a Conservation Easement, such that an area of 0.36 acres of Young Woodland WD-1 can be preserved, this includes 0.20 acres of wetland and wetland buffer. The developer would still like permission to remove other invasive species at the ground level to enhance this area even if the trees are asked to be saved.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
  - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: ; or
  - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

*The applicant has received an exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*

3. The Special Exception, including any conditions imposed under this Section will:
  - a. be consistent with the existing character of the neighborhood: ; and

*The project's footprint is condensed on the property with allowances for necessary items like storm water facilities, we don't feel it can be made smaller to allow for more saving of the Young Woodland.*

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

*Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45 trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.*

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

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

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

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

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

*The proposed development is an apartment community consisting of (5) 8-unit buildings for a total of 40 units. It is new construction.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for*

*development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *New construction.*

4. Aesthetics: *Not applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*

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

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

6. Proximity to and character of surrounding property: *Commercial to the north and east, single-family to the south, multi-family to the west.*

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

*The property is R-3 Suburban/Estate Single Family Residence District. Neighboring properties are R-3 to the south, R-8 Multiple-Family Residence District to the west, CC Civic Center to the east, and B-1 Neighborhood Business District to the north.*

8. Any negative affect upon adjoining property: *none*

9. Natural features of the property: *For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

10. Environmental impacts: *There is 1.31 acres of Young Woodland that is outside the wetland and wetland buffer areas on the property, this requires 0.66 acres to be protected. The proposed development is willing to protect 0.16 acres of the Young Woodland which is adjacent to the Young Woodland that overlaps with the wetland and wetland setback if directed by the City. The request is to not preserve or mitigate the Young Woodlands.*

## **V. Environmental Commission Recommendation:**

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. Mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park;
  - b. Creation of a conservation easement as defined on the Natural Resource Protection Plan;
  - c. Remove all noxious plant material from the two designated woodland areas, listed as WD-1 and WD-2;
  - d. Receipt of all other required permits and approvals.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 23<sup>rd</sup> day of October, 2019.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Arthur Skowron, Chairman

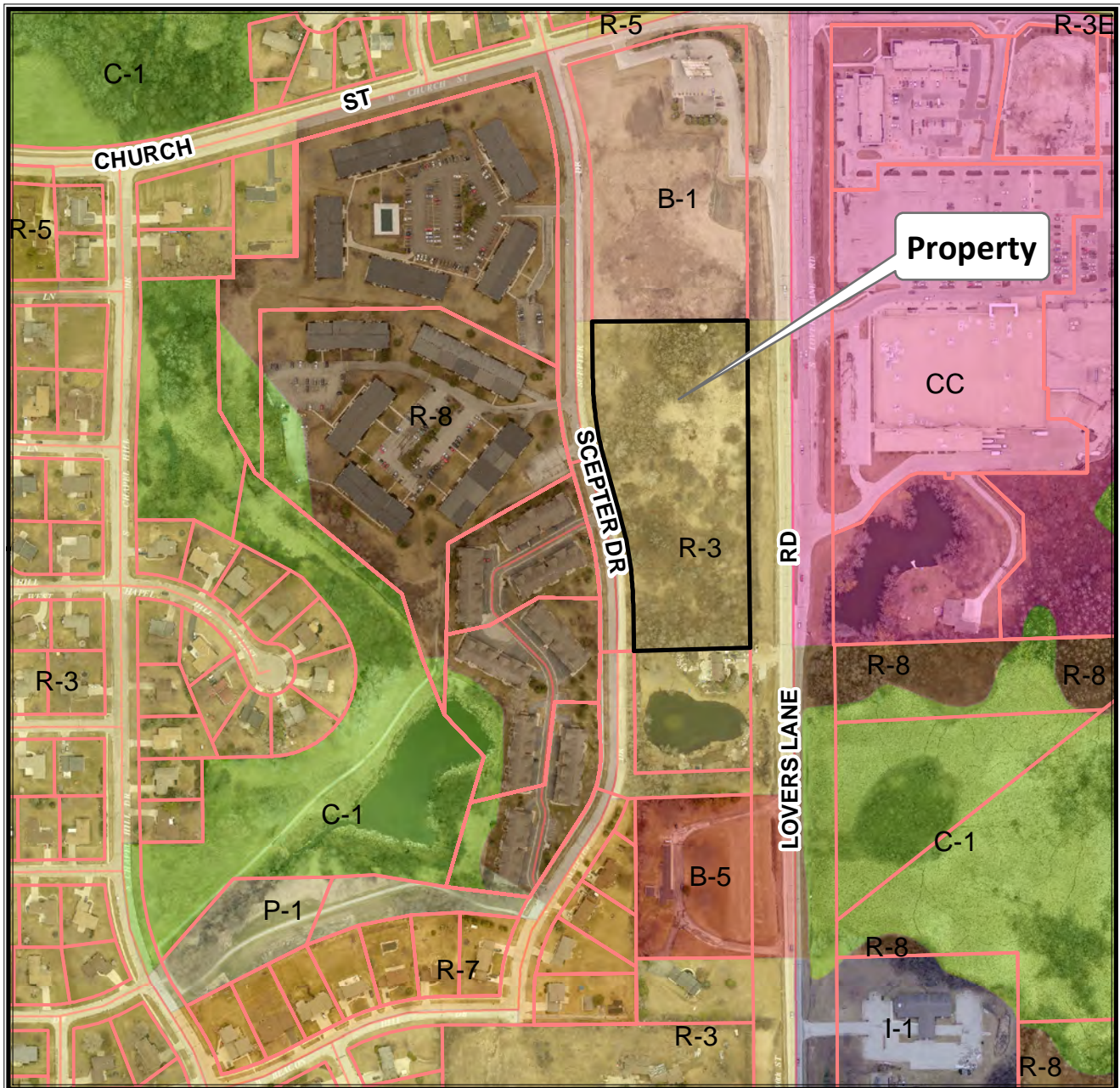
Attest:

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Wesley Cannon, Vice-Chairman



TKN: 795 9999 008



**Planning Department**  
(414) 425-4024

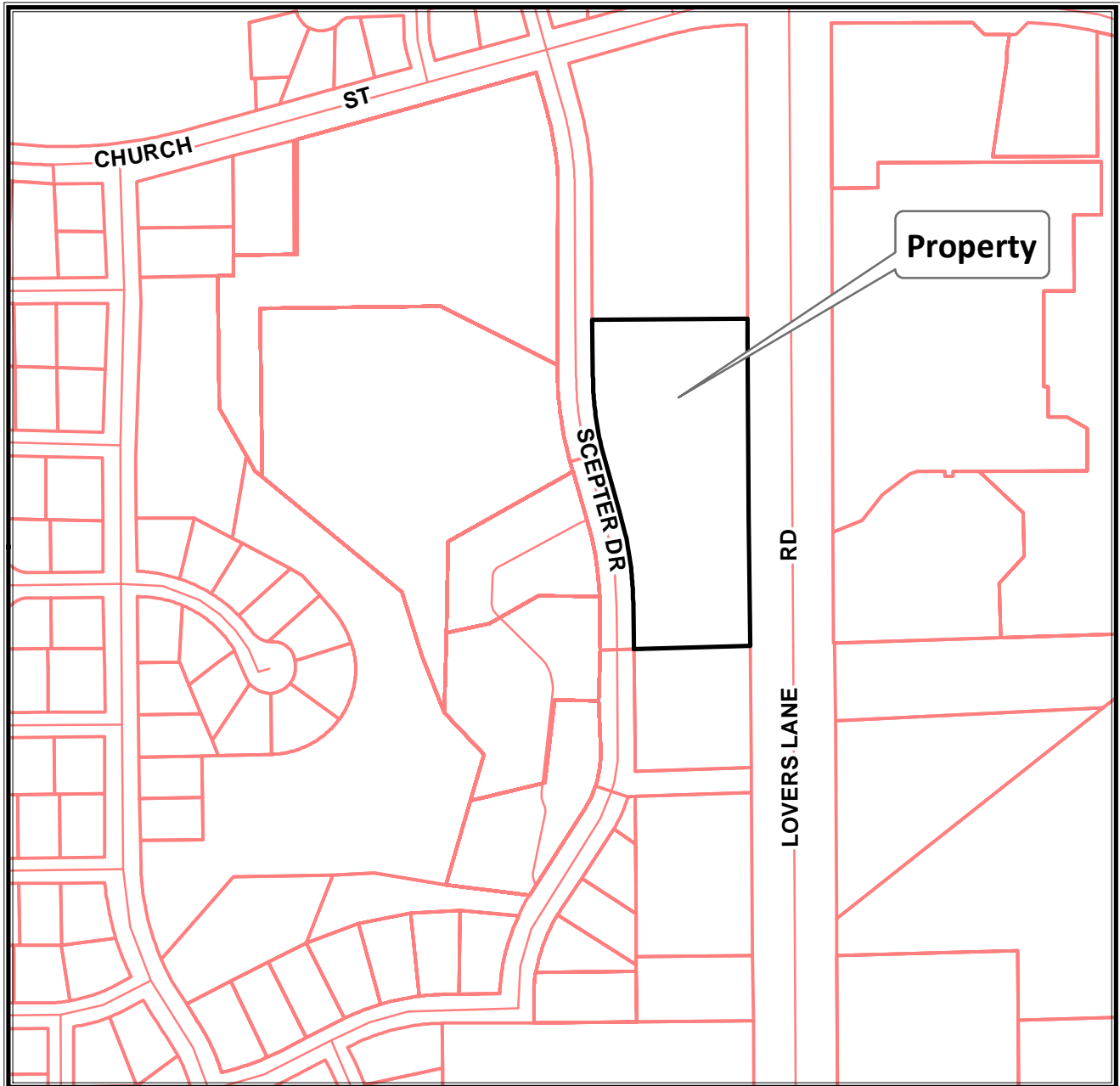
0 230 460 920 Feet

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

  
**NORTH**  
2017 Aerial Photo



TKN: 795 9999 008



**Planning Department**  
**(414) 425-4024**

0 230 460 920 Feet

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



**BODNER PROPERTY MANAGEMENT, LLC**

**11514 N. PORT WASHINGTON ROAD**

**SUITE 1**

**MEQUON, WI 53092**

**(262) 241-9101**

**FAX 241-9087**

**October 24, 2019**

**Marion Ecks  
Assistant Planner  
Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, Wisconsin 53132**

**Dear Ms. Ecks:**

**Please be advised that we are in agreement with the recommendation received last night from the Environmental Commission for the KnollWood Legacy Apartment development.**

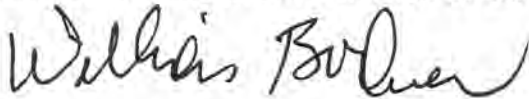
**The wetland delineation report was prepared by Heartland Ecological Group, an assured delineator, and is therefore not included in this submittal package.**

**Upon your review, please contact me with any questions.**

**Thank you for your assistance.**

**Sincerely,**

**BODNER PROPERTY MANAGEMENT LLC**

A handwritten signature in black ink, appearing to read "William A. Bodner".

**William A. Bodner  
Managing Member**

## Natural Resource Special Exception Question and Answer Form.

### Questions to be answered by the Applicant

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

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- C. Statement of the reason(s) for the request.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows: **See Attached cover letter.**

#### **1) Background and Purpose of the Project.**

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b) State whether the project is an expansion of an existing work or new construction.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**2) Possible Alternatives.**

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

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

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

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- (d) State what geographic areas were searched for alternative sites.

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

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- (f) State what will occur if the project does not proceed.

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**3) Comparison of Alternatives.**

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

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

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

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

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**4) Choice of Project Plan.**

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

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5) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

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6) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- |    |                                                                                                                                                                                                                                  |                                         |                                     |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------|
| a) | Diversity of flora including State and/or Federal designated threatened and/or endangered species.                                                                                                                               | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| b) | Storm and flood water storage.                                                                                                                                                                                                   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| c) | Hydrologic functions.                                                                                                                                                                                                            | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| d) | Water quality protection including filtration and storage of sediments, nutrients or toxic substances.                                                                                                                           | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| e) | Shoreline protection against erosion.                                                                                                                                                                                            | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| f) | Habitat for aquatic organisms.                                                                                                                                                                                                   | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| g) | Habitat for wildlife.                                                                                                                                                                                                            | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| h) | Human use functional value.                                                                                                                                                                                                      | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| i) | Groundwater recharge/discharge protection.                                                                                                                                                                                       | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| j) | Aesthetic appeal, recreation, education, and science value.                                                                                                                                                                      | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| k) | Specify any State or Federal designated threatened or endangered species or species of special concern.                                                                                                                          | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| l) | Existence within a Shoreland.                                                                                                                                                                                                    | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| m) | Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. | <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

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**7) Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

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## **Natural Resource Protection Plan**

### **Unified Development Ordinance (UDO) Requirements**

27. Please provide the following information on the Natural Resource Protection Plan per Section 15-7.0201 of the Unified Development Ordinance.
- Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site. - - Pleas show the Conservation Easement boundary around the remaining Young Woodland, wetland, wetland buffer, and wetland setback. **See revised Plan**
  - Method of Natural Resource Preservation. Graphic illustration and notes relating to how those natural resource features, which are to be preserved, will actually be preserved in perpetuity (conservation easements, deed restrictions, protective covenants, etc.). - - Again, a Conservation Easement is recommended. The City's template is attached for your review. **See revised Plan. We agree to enter into a Conservation Easement once it can be properly prepared.**
  - Site intensity Calculations. Please provide complete site intensity calculations on the Natural Resource Protection Plan, using the procedure in Section 15-3.0504 of the Unified Development Ordinance. **See revised Plan**

### **Additional City Development Department Comments**

28. The Wetland Setback is listed twice on the NRPP Map. It appears one is meant to be 'Impacted' Wetland Setback. Please revise accordingly. **See revised Plan**
29. A NRPP Map dated May 16, 2019 indicates the total acreage of young woodlands onsite as 1.58 acres. The more recent NRPP Map, dated May 22, 2019, indicates the total acreage as 1.38 acres. As these plans are so closely dated, please confirm that 1.38 acres is correct. **See revised Plan. The proper amount is 1.31.**
30. Include the total Acres of Land Impacted on the NRPP Map. **See revised Plan**
31. If areas of young woodland or other natural resources such as wetlands overlap, show or note the area of overlap on the map. **See revised Plan**

## **Natural Resource Special Exception**

### **Additional City Development Department Comments**

32. It is recommended that the attached NRSE Question and Answer Form be completed and submitted as part of this request. This form assists in demonstrating that the findings under Section 15-10.0208B.2. are met. Please provide complete responses to:
- Question and Answer Section, Item D: Statement of Appropriateness
  - Section 2, Possible Alternatives: Items A through F.
  - Section 3, Comparison of Alternatives: Items A through D.
  - Section 4, Choice of Project Plan
  - Section 5, Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.

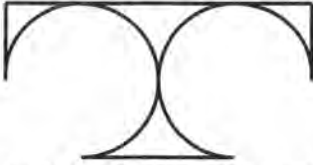
f. Section 6, Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts: Items A through M and narrative section. If items are not applicable, please describe why. **We believe we have updated the form to answer all sections**

33. Please provide maps of young woodlands to be protected. If areas of young woodland or other natural resources such as wetlands overlap, show the area of overlap on the map.

**See revised Plan**

34. It is recommended that mitigation be provided for the impacts to the young woodlands. See Section 15-4.0103B. of the UDO for recommended mitigation standards. **We request this be waived. The quality of the Young Woodlands is poor and made up of mostly invasive plant material. As the UDO requires you to mitigate with the same plant material that is removed, it becomes difficult as you can't buy the plants that are growing here due to no one would plant them.**

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## TDI ASSOCIATES, INC.

ARCHITECTS & PLANNERS

EMPLOYEE OWNED

N8 W22350 JOHNSON DR., SUITE B-4, WAUKESHA, WI 53186

PHONE 262/409-2530

FAX 262/409-2531

September 11, 2019

City of Franklin -Environmental Commission

Subject: Knollwood Legacy Apartments NRSE request

Dear Commission:

**Franklin**

**OCT 28 2019**

**City Development**

For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. Heartland Ecological Group did the Woodland Determination and Delineation and their report dated April 19, 2019 was submitted to the City as part of the request. The Woodland Determination and Delineation report identified two areas of Young Woodland on the property. They are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.

The developer requests the Special Exception to not have to preserve or mitigate the areas of Young Woodland lost due to the removal of invasive plant material due to City Code Section 240-8 that seems in conflict.

- 1.) Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45 trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.

Additional to the code section above, the Young Woodland areas are identified in the report as having shrub layers of invasive species like common buckthorn and honeysuckle; again, these species are typically desired to be removed and thus the developer is asking for permission to remove these species.

The Young Woodland report identifies as the other dominant tree species *Ulmus pumila* (Siberian Elm), which is not listed in Code Section 240-8, but the developer would ask for the City Forester's opinion on the value of that tree. If the City Forester or your Commission wants this tree species preserved, than the developer will not remove it as an alternate option. This species is found mostly in the area the developer is proposing a Conservation Easement, such that an area of 0.36 acres of Young Woodland WD-1 can be preserved, this includes 0.20 acres of wetland and wetland buffer. The developer would still like permission to remove other invasive species at the ground level to enhance this area even if the trees are asked to be saved.

The City requires that 50% of the Young Woodland for the development be preserved or mitigated. The actual area on the subject property for each delineated Young Woodland areas (some of the delineated area is in Right of Way and neighboring parcels) is WD-1 is 0.54 acres and WD-2 is 0.97 acres, and the

area of overlap with wetland and wetland buffer is not counted as part of the required 50% preserved. Thus there is a total of 1.31 acres of Young Woodland to have 50% preserved, or a total of 0.66 acres required to be preserved. As stated above, the developer is willing to preserve 0.16 acres within the WD-1 area if so directed and enhance it with the removal of the invasive species at the ground level. If the WD-2 area that is predominantly Cottonwood and Boxelder is not considered in the required 50% preserved area of Young Woodland, then the area of WD-1 that would be used for that calculation is 0.34 total acres of Young Woodland requiring 0.17 acres to be preserved. As stated previously there is an area of 0.16 acres within the Conservation Easement that can be preserved and enhanced to meet this requirement.

If there are any questions, I can be reached at 262-409-2530.

Sincerely,

Rob Williams, RLA  
Project Manager



506 Springdale Street, Mount Horeb, WI 53572

April 19, 2019

Mr. William Bodner  
Bodner Property Management, LLC  
11514 North Port Washington Rd.  
Suite 1  
Mequon, WI, 53092

**RE: Woodland Determination and Delineation Summary – South Scepter Drive Site, City of Franklin, Milwaukee County, Wisconsin**

Dear Mr. Bodner:

Heartland Ecological Group, Inc. ("Heartland") completed woodland survey at the Project Site on April 17, 2019 at the request of Bodner Property Management, LLC. Fieldwork was completed by Eric C. Parker of Heartland Ecological Group, Inc. The 5.80-acre site (the "Study Area") is southwest of the intersection of State Trunk Highway (STH) 100 (Lovers Lane Road) and West Church Street, in the southwest ¼ of Section 8, T5N, R21E, City of Franklin, Milwaukee County, WI (Attachment 1, Figure 1). The purpose of the woodland delineation was to determine the location and extent of woodlands within the Study Area. Two (2) woodland areas were identified within the Study Area (Attachment 1, Figure 6).

## **Methods**

Woodlands were determined and delineated based on the City of Franklin's Unified Development Ordinance ("UDO") for inclusion in the natural resource protection plan (NRPP). The UDO defines Young and Mature Woodlands as follows:

### MATURE WOODLAND

An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least 10 inches; or any grove consisting of eight or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.

### YOUNG WOODLAND

An area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a DBH of at least three inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.

Determinations and delineations were completed in the field and utilized available resources including aerial imagery available through the U.S. Department of Agriculture (USDA) Farm



Service Agency's (FSA) National Agriculture Imagery Program (NAIP), Google Earth™, and Milwaukee County's interactive mapping.

The boundary of woodlands was determined based on the outer drip-line of the component trees within each defined woodland. Pink flagging was used to mark the woodland boundary (Attachment 2, Site Photos).

Individual healthy trees within UDO-defined young and mature woodlands that were equal to or greater than eight (8) inches DBH were identified. Identifications included species, DBH size, and location using a Global Positioning System (GPS) capable of sub-meter accuracy.

## Results

Two young woodlands, WD-1 and WD-2 were determined and delineated in the Study Area (Attachment 1, Figure 6). Table 1 below summarizes the woodlands. Photos of the woodlands are provided in Attachment 2. Individual tree sizes, species and coordinates that are equal to or greater than eight (8) inches DBH are provided in Attachment 3.

Table 1. Summary of Woodlands within the Study Area

| Woodland Name | Young or Mature | Dominant Tree Species                          | Trees >= 8 inches DBH | Size (Acres) |
|---------------|-----------------|------------------------------------------------|-----------------------|--------------|
| WD-1          | Young           | <i>Ulmus pumila</i> , <i>Acer negundo</i>      | 27                    | 0.60         |
| WD-2          | Young           | <i>Acer negundo</i> , <i>Populus deltoides</i> | 45                    | 0.98         |

Woodland 1 (WD-1) is a 0.60-acre young woodland in the southern portion of the Study Area. Dominant tree species observed in WD-1 included Siberian elm (*Ulmus pumila*) and box elder (*Acer negundo*, FACW). Dominant associating shrubs were invasive and included common buckthorn (*Rhamnus cathartica*) and hybrid bush honeysuckle (*Lonicera x bella*).

Woodland 2 (WD-2) is a 0.98-acre young woodland in the northern half of the Study Area. Dominant tree species observed in WD-2 included box elder and cottonwood (*Populus deltoides*). Dominant associating shrubs were invasive and included common buckthorn and hybrid bush honeysuckle.

Two other potential areas of woodland were identified (Attachment 1, Figure 6) but were determined not to meet the definition of mature or young woodland based on the requirements of the UDO. Both areas were too small (less than 0.5 acre) and/or lacked the necessary number of mature trees greater than or equal to 12 inches DBH to be a mature woodland grove.

Heartland recommends that all applicable regulatory agency reviews and permits are obtained prior to beginning work within the Study Area. Heartland can assist with evaluating the need for additional environmental reviews, surveys, or regulatory agency coordination in consideration of the proposed activity and land use as requested but is outside of the scope of the woodland determination.

Experienced and qualified professionals completed the woodland determination using standard practices and professional judgment. Woodland determinations may be affected by the health of individual trees and other conditions present within the Study Area at the



Bodner Property Management, LLC  
South Scepter Drive  
Project #20180136:  
April 19, 2019

time of the fieldwork. All final decisions on woodlands are made by the City of Franklin. Woodland determination reviews by the City may result in modifications to the findings presented to the Client. These modifications may result from varying conditions between the time the woodland determination was completed and the time of the review. Factors that may influence the findings may include but are not limited to tree health, growth, and size of individual trees.

Please feel free to contact me if you have any questions regarding this wetland determination.

Regards,

Eric C. Parker, Principal Scientist  
Heartland Ecological Group, Inc.  
[eric@heartlandecological.com](mailto:eric@heartlandecological.com)  
414.380.0269

Attachments:

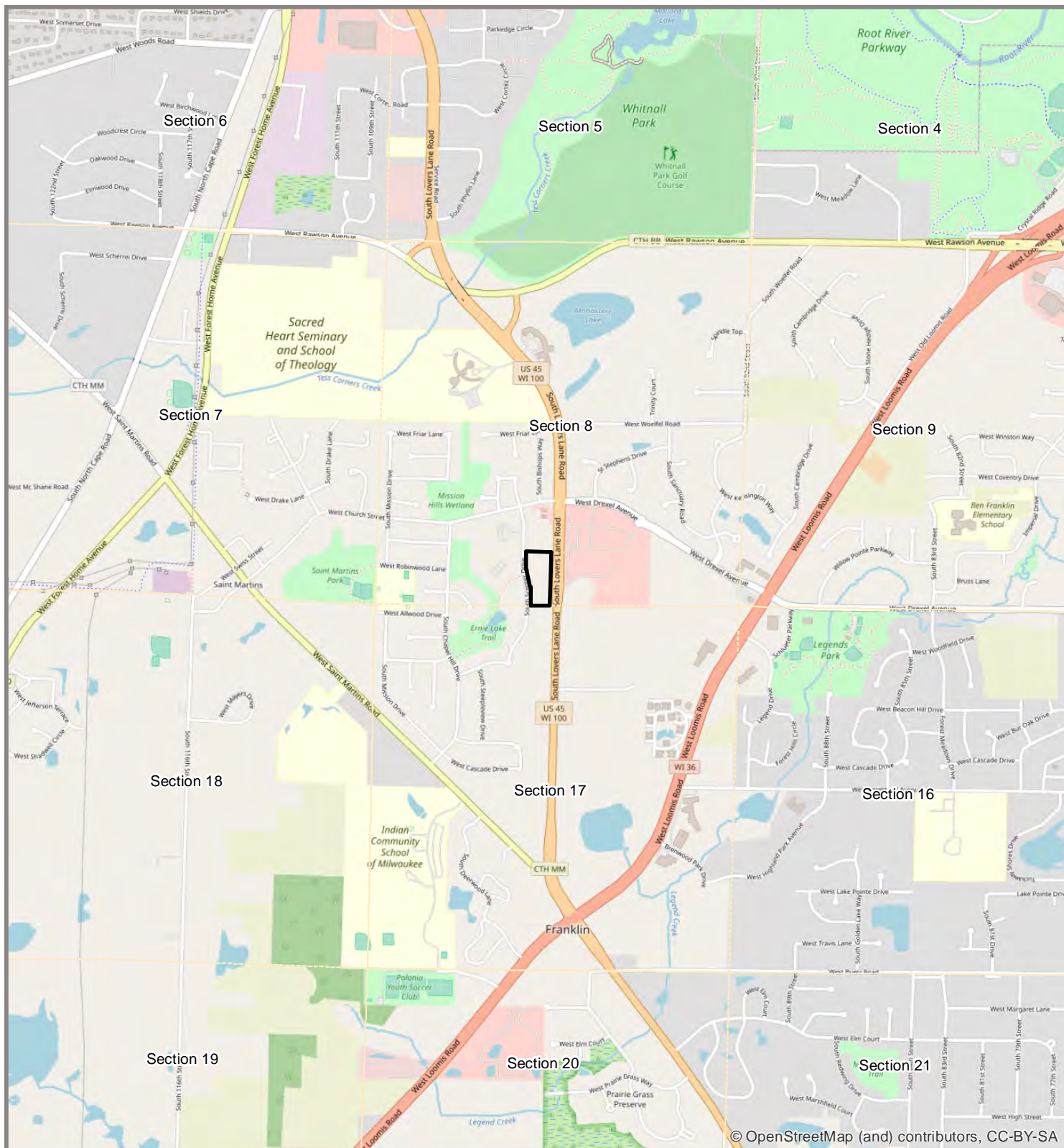
- 1 – Figures 1 and 6
- 2 – Tree Table
- 3 – Wetland Determination Data Sheets
- 4 – Site Photographs



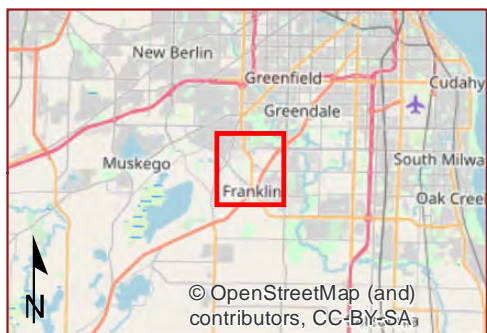
Bodner Property Management, LLC.  
South Scepter Drive  
Project #20180136:  
April 19, 2019

## **Attachment 1 | Figures**





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

- Study Area
- Township
- Section

0 1,000 2,000  
Ft

**Heartland**  
ECOLOGICAL GROUP INC

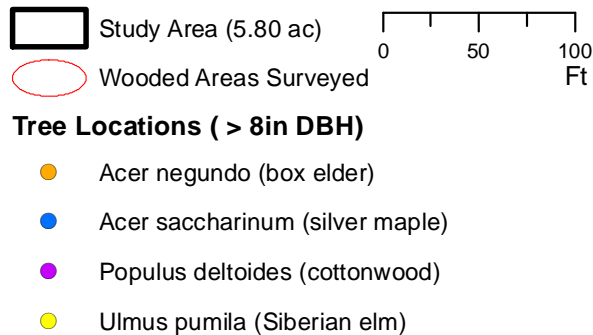
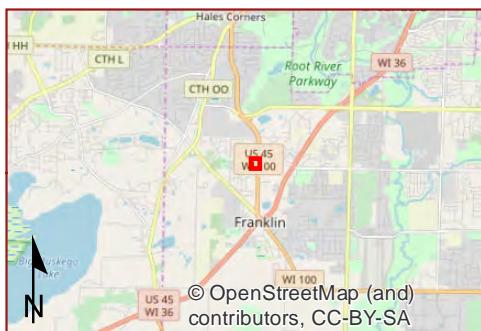
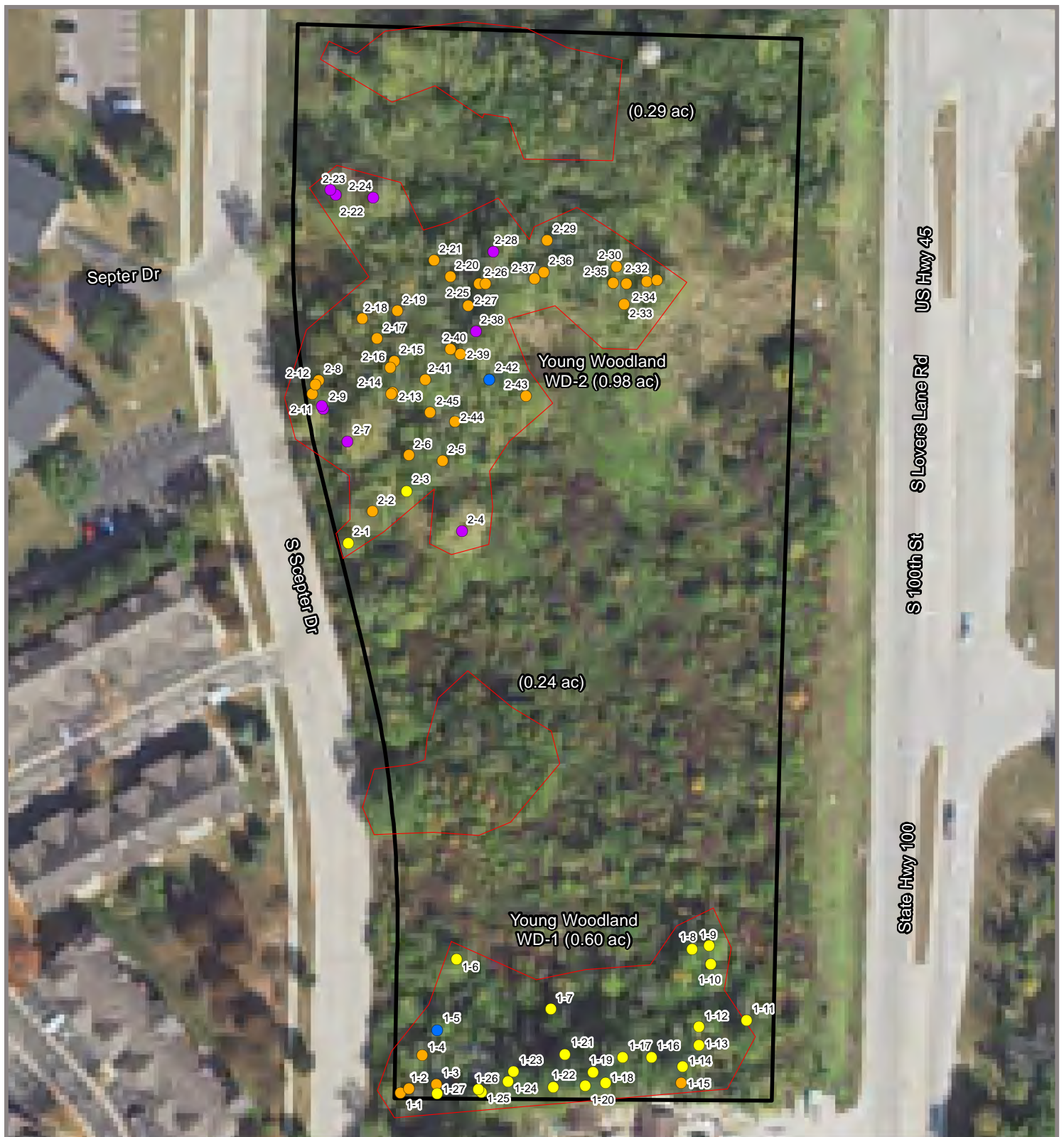
### Figure 1. Project Location

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

OpenStreetMap  
Data: HEG

11/2/2018





**Heartland**  
ECOLOGICAL GROUP INC

**Figure 6. Woodland Survey**

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

2017 NAIP  
Data: Milwaukee Co, HEG 4/18/2019



Bodner Property Management, LLC.  
South Scepter Drive  
Project #20180136:  
April 19, 2019

## **Attachment 2 | Site Photographs**





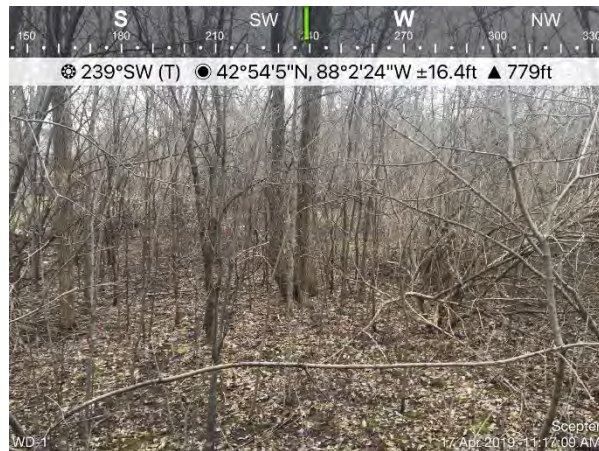
**Photo #1** Ribbon flagging used to mark the edges of woodland, typical.



**Photo #2** Woodland WD-1, view northeast within woodland.



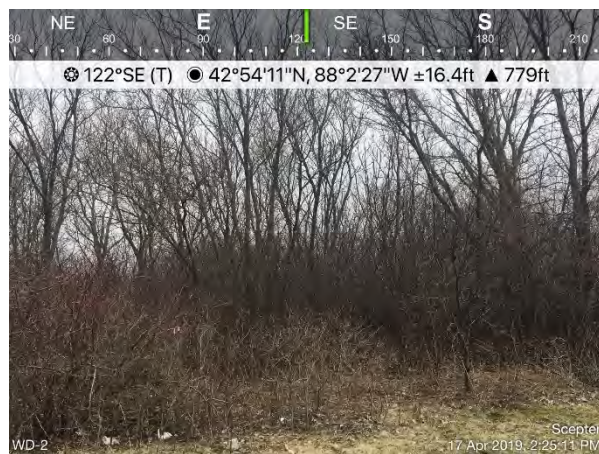
**Photo #3** Woodland WD-1, view east from exterior.



**Photo #4** Woodland WD-2, view southwest within woodland.



**Photo #5** Woodland WD-2, view north within woodland.



**Photo #6** Woodland WD-2, view southeast from exterior.



Bodner Property Management, LLC.  
South Scepter Drive  
Project #20180136:  
April 19, 2019

## Attachment 3 | Tree Survey Table

## South Scepter Drive Woodland/Tree Survey

Heartland Ecological Group 4/17/2019

| OBJECTID | Tree Number | Tree Size(s)<br>(inches) | Stem #         | Species                         | x_coordinates  | y_coordinates |
|----------|-------------|--------------------------|----------------|---------------------------------|----------------|---------------|
| 1        | 1-1         | 8in                      |                | Acer negundo (box elder)        | -88.0226194406 | 42.5405582750 |
| 2        | 1-2         | 12in                     |                | Acer negundo (box elder)        | -88.0226111453 | 42.5405614843 |
| 3        | 1-3         | 14in                     |                | Acer negundo (box elder)        | -88.0225840518 | 42.5405651289 |
| 4        | 1-4         | 8in                      |                | Acer negundo (box elder)        | -88.0225982676 | 42.5405856187 |
| 5        | 1-5         | 8in                      |                | Acer saccharinum (silver maple) | -88.0225839469 | 42.5406039705 |
| 6        | 1-6         | 11-8-9in                 | Triple stem    | Ulmus pumila (Siberian elm)     | -88.0225658444 | 42.5406556918 |
| 7        | 1-7         | 9in                      |                | Ulmus pumila (Siberian elm)     | -88.0224724302 | 42.5406199955 |
| 8        | 1-8         | 9-12in                   | double stem    | Ulmus pumila (Siberian elm)     | -88.0223343000 | 42.5406650710 |
| 9        | 1-9         | 9in                      |                | Ulmus pumila (Siberian elm)     | -88.0223174786 | 42.5406673033 |
| 10       | 1-10        | 8in                      |                | Ulmus pumila (Siberian elm)     | -88.0223156922 | 42.5406545383 |
| 11       | 1-11        | 14in                     |                | Ulmus pumila (Siberian elm)     | -88.0222790294 | 42.5406137564 |
| 12       | 1-12        | 9in                      |                | Ulmus pumila (Siberian elm)     | -88.0223258228 | 42.5406085002 |
| 13       | 1-13        | 9in                      |                | Ulmus pumila (Siberian elm)     | -88.0223256975 | 42.5405958148 |
| 14       | 1-14        | 16in                     |                | Ulmus pumila (Siberian elm)     | -88.0223413644 | 42.5405795972 |
| 15       | 1-15        | 16in                     |                | Acer negundo (box elder)        | -88.0223430324 | 42.5405675952 |
| 16       | 1-16        | 8in                      |                | Ulmus pumila (Siberian elm)     | -88.0223728846 | 42.5405862475 |
| 17       | 1-17        | 12in                     |                | Ulmus pumila (Siberian elm)     | -88.0224008808 | 42.5405860254 |
| 18       | 1-18        | 8in                      |                | Ulmus pumila (Siberian elm)     | -88.0224178129 | 42.5405671067 |
| 19       | 1-19        | 16in                     |                | Ulmus pumila (Siberian elm)     | -88.0224299142 | 42.5405748882 |
| 20       | 1-20        | 8-12in                   | double stem    | Ulmus pumila (Siberian elm)     | -88.0224372949 | 42.5405654520 |
| 21       | 1-21        | 8in                      |                | Ulmus pumila (Siberian elm)     | -88.0224576355 | 42.5405876448 |
| 22       | 1-22        | 9-8in                    | double stem    | Ulmus pumila (Siberian elm)     | -88.0224692230 | 42.5405639404 |
| 23       | 1-23        | 8in                      |                | Ulmus pumila (Siberian elm)     | -88.0225080087 | 42.5405746790 |
| 24       | 1-24        | 8in                      |                | Ulmus pumila (Siberian elm)     | -88.0225133957 | 42.5405672572 |
| 25       | 1-25        | 10in                     |                | Ulmus pumila (Siberian elm)     | -88.0225398135 | 42.5405595473 |
| 26       | 1-26        | 12in                     |                | Ulmus pumila (Siberian elm)     | -88.0225426742 | 42.5405613960 |
| 27       | 1-27        | 14in                     |                | Ulmus pumila (Siberian elm)     | -88.0225834707 | 42.5405582322 |
| 28       | 2-1         | 10in                     |                | Ulmus pumila (Siberian elm)     | -88.0226772417 | 42.5409555594 |
| 29       | 2-2         | 9-10in                   | double stem    | Acer negundo (box elder)        | -88.0226541583 | 42.5409785118 |
| 30       | 2-3         | 10in                     |                | Ulmus pumila (Siberian elm)     | -88.0226201998 | 42.5409937655 |
| 31       | 2-4         | 18in                     |                | Populus deltoides (cottonwood)  | -88.0225657587 | 42.5409653304 |
| 32       | 2-5         | 11in                     |                | Acer negundo (box elder)        | -88.0225857367 | 42.5410161416 |
| 33       | 2-6         | 10-12in                  | double stem    | Acer negundo (box elder)        | -88.0226189197 | 42.5410197431 |
| 34       | 2-7         | 27in                     |                | Populus deltoides (cottonwood)  | -88.0226794141 | 42.5410289523 |
| 37       | 2-8         | 9in                      |                | Acer negundo (box elder)        | -88.0227083660 | 42.5410728756 |
| 35       | 2-9         | 16in                     |                | Populus deltoides (cottonwood)  | -88.0227036385 | 42.5410529575 |
| 36       | 2-10        | 12in                     |                | Populus deltoides (cottonwood)  | -88.0227049213 | 42.5410546051 |
| 38       | 2-11        | 8in                      |                | Acer negundo (box elder)        | -88.0227147417 | 42.5410632918 |
| 39       | 2-12        | 8in                      |                | Acer negundo (box elder)        | -88.0227116699 | 42.5410698608 |
| 40       | 2-13        | 10in                     |                | Acer negundo (box elder)        | -88.0226353357 | 42.5410653321 |
| 41       | 2-14        | 11in                     |                | Acer negundo (box elder)        | -88.0226371747 | 42.5410637803 |
| 42       | 2-15        | 9in                      |                | Acer negundo (box elder)        | -88.0226339941 | 42.5410877917 |
| 43       | 2-16        | 9in                      |                | Acer negundo (box elder)        | -88.0226378086 | 42.5410825711 |
| 44       | 2-17        | 8in                      |                | Acer negundo (box elder)        | -88.0226512917 | 42.5411042434 |
| 45       | 2-18        | 9in                      |                | Acer negundo (box elder)        | -88.0226659776 | 42.5411180292 |
| 46       | 2-19        | 8in                      |                | Acer negundo (box elder)        | -88.0226322024 | 42.5411238973 |
| 47       | 2-20        | 10in                     |                | Acer negundo (box elder)        | -88.0225801719 | 42.5411494539 |
| 48       | 2-21        | 8in                      |                | Acer negundo (box elder)        | -88.0225964601 | 42.5411608599 |
| 49       | 2-22        | 12in                     |                | Populus deltoides (cottonwood)  | -88.0226937138 | 42.5412074111 |
| 50       | 2-23        | 15in                     |                | Populus deltoides (cottonwood)  | -88.0226990451 | 42.5412106989 |
| 51       | 2-24        | 18in                     |                | Populus deltoides (cottonwood)  | -88.0226572893 | 42.5412056321 |
| 52       | 2-25        | 10in                     |                | Acer negundo (box elder)        | -88.0225517093 | 42.5411441171 |
| 53       | 2-26        | 9in                      |                | Acer negundo (box elder)        | -88.0225455657 | 42.5411444322 |
| 54       | 2-27        | 8in                      |                | Acer negundo (box elder)        | -88.0225618046 | 42.5411282602 |
| 55       | 2-28        | 13in                     |                | Populus deltoides (cottonwood)  | -88.0225383475 | 42.5411674878 |
| 56       | 2-29        | 8in                      |                | Acer negundo (box elder)        | -88.0224851985 | 42.5411764740 |
| 57       | 2-30        | 9-9in                    | double stem    | Acer negundo (box elder)        | -88.0224165580 | 42.5411581818 |
| 58       | 2-31        | 8in                      |                | Acer negundo (box elder)        | -88.0223868204 | 42.5411478591 |
| 59       | 2-32        | 14in                     |                | Acer negundo (box elder)        | -88.0223763860 | 42.5411487896 |
| 60       | 2-33        | 9in                      |                | Acer negundo (box elder)        | -88.0224087425 | 42.5411311485 |
| 61       | 2-34        | 9in                      |                | Acer negundo (box elder)        | -88.0224062428 | 42.5411456003 |
| 62       | 2-35        | 8in                      |                | Acer negundo (box elder)        | -88.0224197221 | 42.5411461066 |
| 63       | 2-36        | 12in                     |                | Acer negundo (box elder)        | -88.0224882259 | 42.5411533241 |
| 64       | 2-37        | 8-9-9in                  | Triple stem    | Acer negundo (box elder)        | -88.0224970576 | 42.5411481401 |
| 65       | 2-38        | 21in                     |                | Populus deltoides (cottonwood)  | -88.0225541666 | 42.5411099217 |
| 66       | 2-39        | 9in                      |                | Acer negundo (box elder)        | -88.0225689535 | 42.5410935510 |
| 67       | 2-40        | 9in                      |                | Acer negundo (box elder)        | -88.0225795720 | 42.5410967044 |
| 68       | 2-41        | 12in                     |                | Acer negundo (box elder)        | -88.0226030644 | 42.5410742367 |
| 69       | 2-42        | 8-8in                    | double stem    | Acer saccharinum (silver maple) | -88.0225402085 | 42.5410750891 |
| 70       | 2-43        | 8-10-10-11in             | quadruple stem | Acer negundo (box elder)        | -88.0225043800 | 42.5410636567 |
| 71       | 2-44        | 8in                      |                | Acer negundo (box elder)        | -88.0225739205 | 42.5410441601 |
| 72       | 2-45        | 11in                     |                | Acer negundo (box elder)        | -88.0225983369 | 42.5410507356 |



## Chapter 240. Trees

### § 240-8. Cottonwood and Box Elder trees prohibited.

Each and every female tree of the species *Populus deltoides*, variety *Populus balsamifera* or other pistillate form of the genus *Populus*, commonly known as "Cottonwoods," every female tree of the species *Acer negundo*, commonly called the "seed-bearing Box Elder," which is now or may hereafter become infested with *Leptocoris trivittatus*, commonly known as the "Box Elder" bug, or any other tree or shrub whose seeds, fruits or flowers shall fall in such manner as to interfere with the storm drainage system is hereby declared to be a public nuisance, and any person having any such tree on his or her premises shall cause the same to be destroyed.

## Chapter 178. Nuisances

### § 178-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 178-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.<sup>[1]</sup>

[1] *Editor's Note: See also Ch. 138, Food and Drink Establishments, Camps and Campgrounds, Swimming Pools, Hotels, and Vending Machines.*

- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

- C. Breeding places for vermin, etc. Accumulations of decayed animals or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

- D. Stagnant water. All stagnant water, in which mosquitoes, flies or other insects can multiply.

- E. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.

- F. Noxious weeds.

[Amended 6-22-1999 by Ord. No. 99-1560; 4-18-2000 by Ord. No. 2000-1598; 7-9-2002 by Ord. No. 2002-1720]

- (1) Purpose. The purpose of this subsection is to promote the preservation, restoration and management of native plant communities and wildlife habitats within the City limits, while recognizing that landowners may have an interest in maintaining managed turf grass landscapes. The use of wildflowers and native plants in managed landscape design is encouraged; is economical; reduces maintenance; conserves water and soil; reduces use of pesticides, herbicides, and fertilizers; sustains butterflies, birds, and other wildlife; and preserves rapidly disappearing species.

- (2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

#### **DESTROY**

The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

#### **NOXIOUS WEEDS**

Canada thistle, leafy spurge and field bindweed (creeping Jenny) and such other vegetative material as is set forth under this definition. The growth of noninvasive native plants, including but not limited to ferns, grasses, forbs, aquatic plants, trees and shrubs



in a managed and maintained landscape is permitted under this Subsection F, provided such plants were not obtained, planted or maintained in violation of any federal, state or other local law and further provided that such landscape or vegetated area is not unmanaged in appearance or overgrown, when such growth indicates a condition of neglect that may adversely affect human health, safety or welfare or property values, the latter conditions of illegal or unmanaged growth constituting noxious weeds. All noxious weeds shall be kept cut to a height not to exceed 18 inches, and in platted subdivisions which have buildings on more than 50% of the lots, noxious weeds shall be kept cut to a height of not to exceed six inches. Noxious weeds also include: Bull thistle (*Cirsium vulgare*), Crown Vetch (*Coronilla varia*), Queen Anne's Lace (*Daucus carota*), Purple loosestrife (*Lythrum salicaria*), Garlic mustard (*Alliaria petiolata*), White sweetclover (*Melilotus alba*), Yellow sweetclover (*Melilotus officinalis*), Periwinkle (myrtle) (*Vinca minor*), Teasel (*Dipsacus sylvestris*), Common burdock (*Actium minus*) and Giant burdock (*Actium lappa*).

[Amended 9-24-2002 by Ord. No. 2002-1726]

## **PERSON**

Every individual, association, firm, corporation or entity of any kind whatsoever.

## **SUBNOXIOUS WEEDS**

Plants which have the potential to invade wild areas, out-compete native species and degrade habitats. Subnoxious weeds are prohibited within any landscape plan as may be required by the City of Franklin Unified Development Ordinance; however, the removal or destruction of existing subnoxious weeds by a landowner is encouraged, but not required. Subnoxious weeds include: Autumn olive (*Elaeagnus umbellata*), Barberry (*Berberis* spp.), Multiflora Rose (*Rosa multiflora*), Buckthorn Common buckthorn (*Rhamnus cathartica*), Glossy "Tall hedge" buckthorn (*Rhamnus frangula*), European alder (*Alnus glutinosa*), Privet (*Ligustrum vulgare*), Siberian elm (*Ulmus pumila*), Norway maple (*Acer platanoides*) and European honeysuckle (*Lonicera tartarica*, *L. japonica*, *L. maakii*, *L. morrowi*, *L. x-morrowi*, *L. x-bella* and their cultivars).

- (3) Destruction required. Every person shall destroy all noxious weeds on land which such person owns, occupies or controls.
- (4) Enforcement.
  - (a) Weed Commissioner appointment. Annually on or before May 15, the Mayor shall appoint a Weed Commissioner for each aldermanic district. If an Alderperson wishes to be the Weed Commissioner for that district, the Mayor shall appoint the Alderperson.
  - (b) Weed Commissioner's duties. The Mayor delegates to the City Clerk the responsibility to annually publish on or before May 15 a Class 2 notice under Ch. 985, Wis. Stats., that every person is required to destroy noxious weeds on land within his or her control, ownership or occupancy. The Weed Commissioner shall carefully investigate the existence of noxious weeds and cause such noxious weeds to be destroyed by cutting. The Weed Commissioner may also be the weed cutter. The Weed Commissioner and/or cutter is authorized to enter upon any lands not exempt under § 66.0407(5), Wis. Stats., pursuant to § 66.0517(3), Wis. Stats.
  - (c) Procedure. Upon discovering the existence of noxious weeds, the Weed Commissioner may notify the office of the Clerk to give five days' written notice by mail to the owner or occupant of the land containing noxious weeds to destroy such weeds. If such weeds are not destroyed after five days, the Weed Commissioner shall cause all noxious weeds on the identified land to be destroyed by cutting. The cutter shall keep a written record of the time devoted to weed destruction for each parcel of land.
  - (d) Payment. The cutter shall make and present to the City Clerk an account verified by oath and approved by the Weed Commissioner. The account shall specify by separate items

the hours and amount chargeable to each parcel of land. For private land, the City shall enter the amount chargeable and an investigative notice charge of \$35 to each parcel of land in the tax roll as a tax on the land, which shall be collected as a tax. For public land, the City may collect the amount due by other available means.  
[Amended 4-2-2013 by Ord. No. 2013-2104]

- (e) Certain complaints prohibited. No person shall make or aid and abet in the making of a written or oral complaint to the City or the Weed Commissioner under this Subsection F with the intent to obtain weed cutting work for monetary compensation for the person or for a person other than the Weed Commissioner. Any person violating this Subsection **F(4)(e)** shall be subject to the penalty provision set forth under § 1-19 of the Municipal Code.
- (5) Appeals. A person owning, occupying or controlling land which is the subject of a determination of the existence of noxious weeds by the Weed Commissioner may object to and appeal such determination. Such person shall have a right of appeal, provided that the person files a written objection and request for an appeal with the City Clerk within three days of the date of the notice to the person to destroy weeds set forth under Subsection **F(4)(c)**, above. Upon receipt of the written objection and request for appeal, the City Clerk shall deliver copies of the objection and request to the Weed Commissioner and the Alderperson of the district in which the property is located. The Alderperson may attempt to mediate the dispute, and upon notice from the Alderperson to the City Clerk that the Alderperson will not mediate the dispute or that mediation has failed or upon the expiration of five days from the date of delivery without notice that the dispute has been resolved, the City Clerk shall place the objection and request upon an agenda for Common Council determination. The person appealing shall provide written and photographic or video evidence to the Common Council that the subject vegetation is not noxious weeds and the burden of proof of such issue shall be on the appellant.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage creamery or industrial wastes or other substances.
  - H. Noxious odors etc. Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
  - I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
  - J. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash and industrial dust or other atmospheric pollutants within the City limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the City.



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.

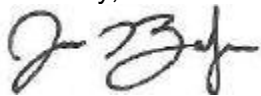
**Therefore, W-1 is exempt from state wetland regulations.**

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](mailto:James.Brodzeller@wisconsin.gov).



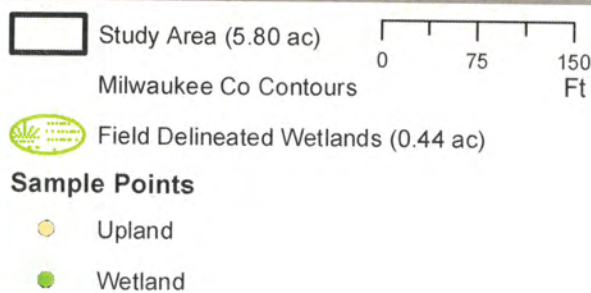
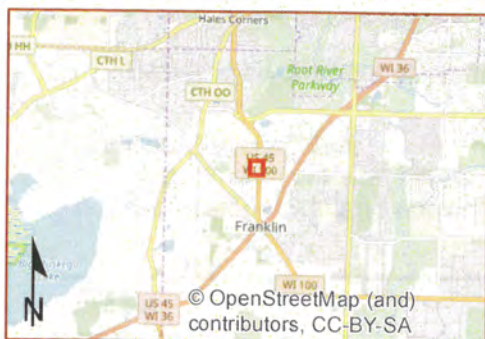
Sincerely,

A handwritten signature in black ink, appearing to read 'J Brodzeller', with a stylized, cursive script.

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





**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





**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL, MN 55101-1678**

REPLY TO ATTENTION OF  
REGULATORY BRANCH

August 7, 2019

Regulatory File No. MVP-2019-00048-RJH

Scott Fuchs  
Heartland Ecological Group  
506 Springdale Street  
Mount Horeb, Wisconsin 53572

Dear Mr. Fuchs:

This letter is in response to your request for an approved jurisdictional determination for a property adjacent South Scepter Drive. The project site is in Section 08, Township 05 North, Range 21 East, Milwaukee County, Wisconsin. The review area for our jurisdictional determination is identified on the enclosed figures, labeled MVP-2019-00048-RJH Pages 1 of 2 through 2 of 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within these areas. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area shown on the enclosed figures.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise this determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination is still accurate.

If you have any questions, please contact me in our Green Bay office at (651) 290-5859 or [ryan.j.huber@usace.army.mil](mailto:ryan.j.huber@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,



Ryan Huber  
Project Manager

Enclosures

cc:  
WDNR- Ryan Pappas



**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** August 7, 2019

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVP-2019-00048-RJH Wetland 1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Wisconsin

County/parish/borough: Milwaukee

City: Franklin

Center coordinates of site (lat/long in degree decimal format): Lat. 42.902643° N, Long. -88.040139° W.

Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Unnamed Tributary to the Root River

Name of watershed or Hydrologic Unit Code (HUC): 04040002

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: July 10, 2019

☐ Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**1. Waters of the U.S.:** N/A

**2. Non-regulated waters/wetlands (check if applicable):<sup>1</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The review area contains 1 wetland: W-1 (0.33 acre). This feature is identified as landscape depression, described as a disturbed fresh wet meadow/scrub shrub wetland, with no hydrologic connection to another water of the U.S. The boundaries of W-1 continue outside of the study area and potential connections were considered. Contour data provided by the applicant was evaluated and no surface water connection to another jurisdictional feature could be identified. The wetland is not adjacent (bordering, contiguous, or neighboring) to another water of the U.S. and is not separated from another water of the U.S. by man-made dikes or barriers, natural river berms, or beach dunes. The review area is a rapidly developing commercial/ residential area and the wetland within the review area is 3,502 linear feet from the nearest tributary, precluding any ecological interconnection with another jurisdictional water. There is no link to interstate or foreign commerce and the wetland is not used by interstate or foreign travelers for recreation or other purposes. The wetland does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and is not used for industrial purposes. Therefore, the Corps has determined that the subject wetland is isolated and not regulated by the Corps under Section 404 of the Clean Water Act.**

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs:** N/A

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):** N/A

**C. SIGNIFICANT NEXUS DETERMINATION:** N/A

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):** N/A

<sup>1</sup> Supporting documentation is presented in Section III.F.

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):** N/A

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☒ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- ☐ Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams):      linear feet      width (ft).
- ☐ Lakes/ponds:      acres.
- ☐ Other non-wetland waters:      acres. List type of aquatic resource:      .
- ☒ Wetlands: 0.33 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

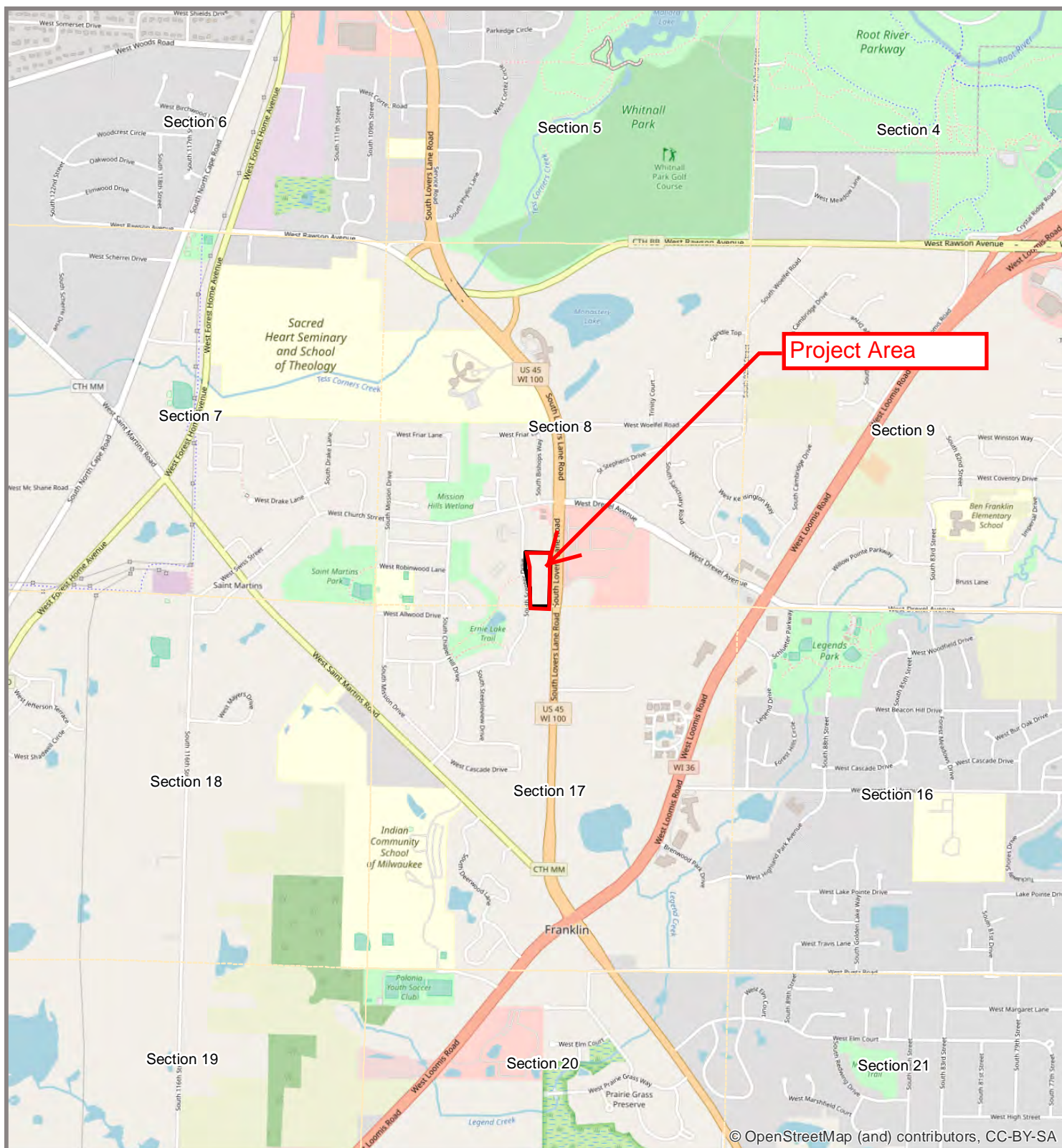
- ☐ Non-wetland waters (i.e., rivers, streams):      linear feet,      width (ft).
- ☐ Lakes/ponds:      acres.
- ☐ Other non-wetland waters:      acres. List type of aquatic resource:      .
- ☐ Wetlands:      acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Heartland Ecological Group Inc.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K WI- Hales Corners
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: SoilWeb
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:      (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Applicant submitted photos  
or ☒ Other (Name & Date): Google Earth
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**



- Study Area
- Township
- Section

0 1,000 2,000  
Ft

**Heartland**  
ECOLOGICAL GROUP INC

**Figure 1. Project Location**

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

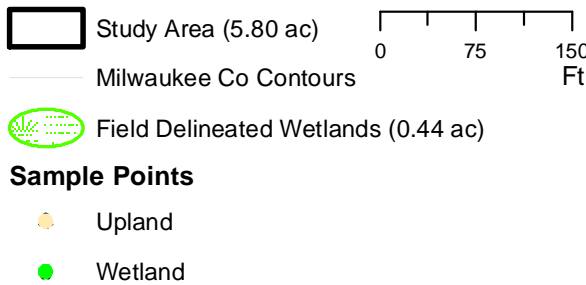
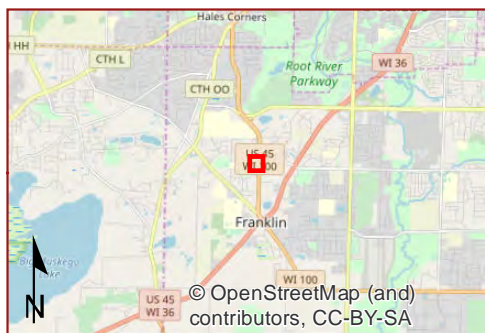
OpenStreetMap  
Data: HEG

11/2/2018





Review Area



**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



**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

|                               |                                                                    |                                     |                             |
|-------------------------------|--------------------------------------------------------------------|-------------------------------------|-----------------------------|
| <b>Applicant: Scott Fuchs</b> |                                                                    | <b>File No.: MVP-2019-00048-RJH</b> | <b>Date: August 7, 2019</b> |
| Attached is:                  |                                                                    |                                     | See Section below           |
|                               | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                                   |                             |
|                               | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                                   |                             |
|                               | PERMIT DENIAL                                                      | C                                   |                             |
| X                             | APPROVED JURISDICTIONAL DETERMINATION                              | D                                   |                             |
|                               | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                                   |                             |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

U.S Army Corps of Engineers  
Attn: Ryan Huber  
211 North Broadway Street Ste. 221  
Green Bay, Wisconsin 54303-2757

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer  
Mississippi Valley Division  
P.O. Box 80 (1400 Walnut Street)  
Vicksburg, MS 39181-0080  
601-634-5820 FAX: 601-634-5816

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:





## ALTA/ACSM LAND TITLE SURVEY

Survey No. 080206  
Property Resources Corporation

## LEGAL DESCRIPTION - Title Commitment:

All that part of the Southwest One-quarter (1/4) of Section Eight (8), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 8;  
Thence South 88° 13' 55" West along the South line of said 1/4 Section, 375.00 feet;  
Thence North 00° 26' 18" West 101.17 feet to a point of a curve;  
Thence Northwestly 224.40 feet along the arc of said curve, whose center lies to the West with a radius of 831.91 feet and a chord bearing North 08° 09' 56.5" West 223.72 feet;  
Thence North 15° 53' 35" West 152.00 feet to a point of a curve;  
Thence Northwestly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet and a chord bearing North 08° 03' 57" West 196.10 feet;  
Thence North 00° 14' 19" West 107.85 feet;  
Thence North 89° 45' 41" East 473.80 feet to the East line of said Southwest 1/4 Section;  
Thence South 00° 14' 19" East along the East line of said Southwest 1/4 Section 781.22 feet to the point of beginning, except the East 100 feet thereof.

TAX KEY NO. 795-9999-008

The above described parcel is the same land as described in WISCONSIN TITLE SERVICE COMPANY, INC. commitment number 0805R0215 bearing an effective date of April 11, 2008 at 8:00 A.M.

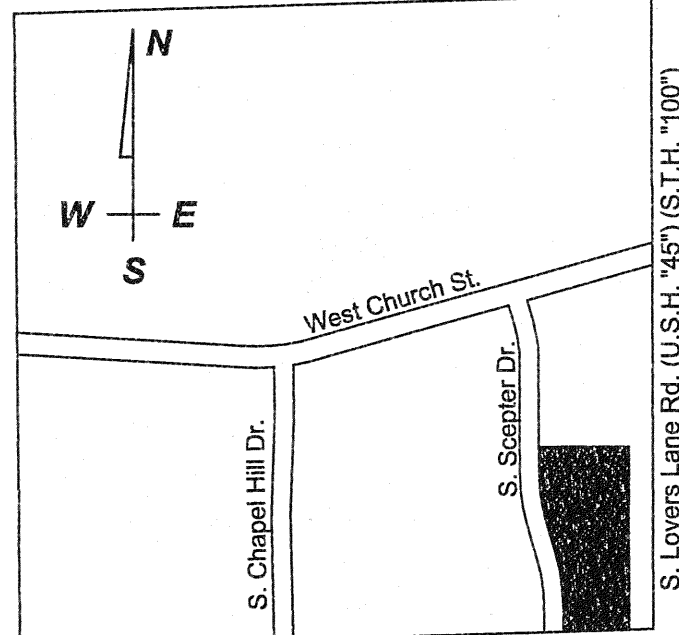
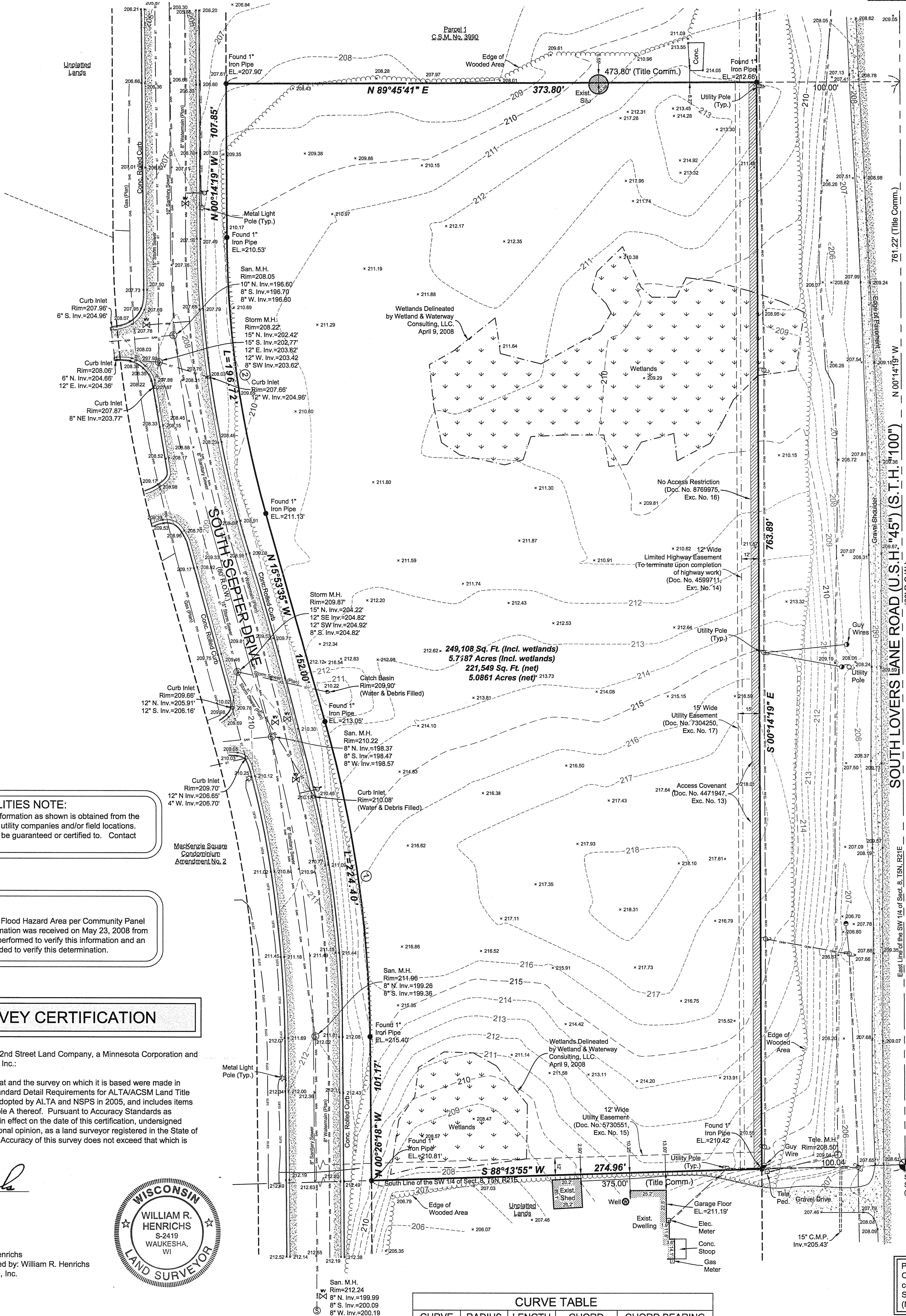
## LEGAL DESCRIPTION - Field Survey:

Being a part of the Southeast 1/4 of the Southwest 1/4 of Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southwest 1/4;  
Thence S 88°13'55"W, a distance of 100.04 feet to the west right-of-way line of South Lovers Lane Road (U.S.H. "45") (S.T.H. "100") and the POINT OF BEGINNING;  
Thence continuing S 88°13'55"W, a distance of 274.96 feet to the east right-of-way line of South Scepter Drive;  
Thence N 00°26'18"W along said right-of-way line, a distance of 101.17 feet to the arc of a curve;  
Thence northerly along said right-of-way line, 224.40 feet along the arc of a curve whose center is S 89°33'43"W a radial distance of 831.91 feet and whose chord bears N 08°09'57"W, 223.72 feet;  
Thence N 15°53'35"W along said right-of-way line, a distance of 152.00 feet to the arc of a curve;  
Thence northerly along said right-of-way line, 196.72 feet along the arc of a curve whose center is N 74°06'26"E a radial distance of 720.00 feet and whose chord bears N 08°03'57"W, 196.10 feet;  
Thence N 00°14'19"W along said right-of-way line, a distance of 107.85 feet;  
Thence N 89°45'41"E, a distance of 373.80 feet to the west right-of-way line of South Lovers Lane Road (U.S.H. "45") (S.T.H. "100");  
Thence S 00°14'19"E along said right-of-way line, a distance of 763.89 feet to the POINT OF BEGINNING.

Containing 249,108 square feet, 5.7187 acres (Incl. wetlands); 221,549 square feet, 5.0861 acres (net).

## VICINITY SKETCH

SW 1/4, Sec. 8, T5N, R21E  
Scale: 1"=800'

## UNDERGROUND UTILITIES NOTE:

Underground sewer and utility information as shown is obtained from the records of the municipality, local utility companies and/or field locations. The accuracy of which can NOT be guaranteed or certified to. Contact Diggers Hotline.

## FLOOD NOTE:

This property is not in a Special Flood Hazard Area per Community Panel No. 550273 0005 B. This information was received on May 23, 2008 from FEMA. No field surveying was performed to verify this information and an elevation certificate may be needed to verify this determination.

## ALTA/SURVEY CERTIFICATION

To: Property Resources, Corp., 122nd Street Land Company, a Minnesota Corporation and Wisconsin Title Service Company, Inc.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 1-6, 7(a), 8, 11(a) and 11(b) of Table A thereof. Pursuant to Accuracy Standards as adopted by ALTA and NSPS, and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Wisconsin, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

*William R. Henrichs*  
William R. Henrichs, RLS  
Registration No. S-2419  
Within the State of WI  
Date of Survey: May 20, 2008  
Date Printed: May 27, 2008

Survey Prepared by: William R. Henrichs  
Field Work / This Instrument Drafted by: William R. Henrichs  
LandCraft Survey and Engineering, Inc.  
2077 South 116th Street  
West Allis, WI 53227  
Phone: 414-604-0674  
Fax: 414-604-0677



## LEGEND OF SYMBOLS &amp; ABBREVIATIONS

|   |                       |    |                        |        |                |
|---|-----------------------|----|------------------------|--------|----------------|
| o | Bollard               | WV | Water Valve            | Conc.  | = Concrete     |
| ☆ | Light Pole            | ⊕  | Water Shutoff          | Dia.   | = Diameter     |
| ⊕ | Utility Pole          | ⌵  | Hydrant                | Enc.   | = Encroachment |
| ● | Guy Wire              | ⊙  | Storm Sewer Manhole    | Exist. | = Existing     |
| — | Sign                  | □  | Curb Inlet             | M.H.   | = Manhole      |
| ⊠ | Traffic Light         | ⊕  | Round Catch Basin      | San.   | = Sanitary     |
| ⌵ | Sprinkler             | ⊕  | Square Manhole         | EL.    | = Elevation    |
| ⌵ | Ground Light          | ⊕  | Sanitary Sewer Manhole | Rec.   | = Record       |
| ⌵ | Gate Valve            | ⊕  | Electric Manhole       | Calc.  | = Calculated   |
| — | Overhead Wires        | ⊕  | Communication Manhole  | Meas.  | = Measured     |
| — | Underground Electric  | ⊕  | Telephone Manhole      | Typ.   | = Typical      |
| — | Underground Gas       | ⊕  | Handicap               |        |                |
| — | Underground Watermain | ⊕  | Deciduous Tree         |        |                |
| — | Underground Telephone | ⊕  | Coniferous Tree        |        |                |

## NOTES CORRESPONDING TO SCHEDULE B - II

- Access Covenant recorded on June 26, 1969 in Reel 486, Image 231, as Document No. 4471947 - as shown on survey.
- Easement contained in an instrument recorded on June 18, 1971 in reel 592, Image 1019, as Document No. 4599711 - as shown on survey.
- Utility Easement recorded on July 3, 1984 in Reel 1656, Image 191, as Document No. 5730551 - as shown on survey.
- Restriction for access contained in Notice of Nonaccess to or across a Controlled-Access Highway recorded on April 26, 2004 in Reel 5824, Image 4580, as Document No. 8769975 - as shown on survey.
- Utility Easement recorded on December 18, 1996 in Reel 3950, Image 6, as Document No. 7304250 - as shown on survey.
- Authorization for Access to or Across a Controlled-Access Highway recorded on August 29, 1980 in Reel 1318, Image 923, as Document No. 5420085 - does not affect subject property.

## NOTES:

ZONING REQUIREMENTS:  
Zoned: R-3 (Suburban/Estate  
Single-Family Residence District)  
Max. Building Height: 30' (2.5 Stories)

## SETBACK REQUIREMENTS:

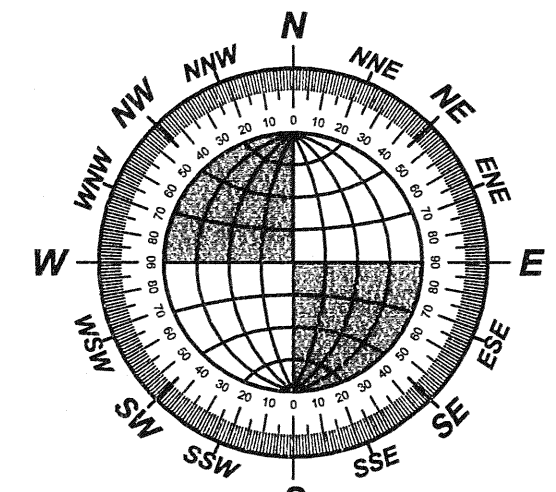
Front: 45'  
Rear: 30'  
Side: 40'  
Wetland: 30'

\*Please refer to City of Franklin  
Unified Development Ordinance  
(UDO) for further details and  
conditions

City of Franklin  
Department of City Development  
9229 West Loomis Road  
Franklin, WI 53132  
Phone: (414) 425-7510

PROJECT BENCHMARK:  
Concrete monument w/aluminum WisDOT  
cap located at the Southeast corner of the  
Southwest 1/4 of Sect. 8-5-21, EL.=788.948  
(NGVD, 1929), 208.388 (City Datum).

Bearings refer to Grid North of the Wisconsin State Plane  
Coordinate System Grid, South Zone per N.A.D. 1927.



LANDCRAFT SURVEY AND ENGINEERING, INC.  
REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS  
2077 South 116th Street, West Allis, WI 53227  
PH. (414) 604-0674 FAX (414) 604-0677  
INFO@LANDCRAFTSE.COM

DRAWING BY: JTM  
FIELD WORK BY: RT



