

CITY OF FRANKLIN

ENVIRONMENTAL COMMISSION MEETING

Wednesday, October 23, 2019 – 7:00 P.M.

FRANKLIN CITY HALL

Conference Room Lower Level

9229 West Loomis Road, Franklin, Wisconsin

AGENDA

I. CALL TO ORDER AND ROLL CALL

II. CITIZEN COMMENT

III. APPROVAL OF MINUTES

- A. Minutes of the regular meeting of September 25, 2019

IV. UNFINISHED BUSINESS

- A. Environmental articles for the City of Franklin Newsletter.
- B. City of Franklin's National Night Out.
- C. Environmental elements and natural resources promotion, protection and maintenance education and participation programs and activities in the Community.
- D. Environmental Commission collaboration with the Franklin Public Library for program presentation of "Reinventing Power" and speaker coordination.
- E. Ways to improve and expand Arbor Day 2020; involvement of local nurseries in the City's Arbor Day celebration; Arbor Day event(s) planning.

V. NEW BUSINESS

- A. 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).

VI. SCHEDULE NEXT MEETING

- A. November 27, 2019

VII. ADJOURNMENT

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 Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

**CITY OF FRANKLIN
ENVIRONMENTAL COMMISSION MEETING
MINUTES
September 25, 2019**

unapproved

**CALL TO ORDER & ROLL
CALL**

- I.** Chairman Arthur Skowron called the September 25, 2019 meeting of the Environmental Commission to order at 7:00 p.m. in the Inspection Services Conference Room, Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

On roll call, the following were in attendance: Chair Arthur Skowron, Vice Chair Wes Cannon, Commissioners Linda Horn and Ken Hritz and Alderman Dan Mayer. Excused were Commissioners Patricia Pomahac and Stephanie Flynn. Also present was Assistant Planner Marion Ecks.

CITIZEN COMMENT

- II.** The citizen comment period opened at 7:01 p.m. and closed at 7:20 p.m.. 1 citizen was present.

APPROVAL OF MINUTES

Minutes of the regular meeting of August 12, 2019.

III.

- A.** Commissioner Hritz moved and Commissioner Horn seconded to approve the minutes of the regular meeting of August 12, 2019 as presented. On voice vote, all voted 'aye'. Motion carried (5-0-2).

UNFINISHED BUSINESS

Update on the Milwaukee Metropolitan Sewerage District StormGUARDen (an innovative modular stormwater runoff management solution that combines a rain garden and rain barrel into one eco-friendly gardening system) installation at Franklin City Hall, approved by City of Franklin Common Council on May 21, 2019, by Resolution No. 2019-7502 City of Franklin's National Night Out.

IV.

- A.** 2 StormGUARDens have been installed. Discussion only. No action taken.

Environmental articles for the City of Franklin Newsletter.

- B.** This item will continue at the next meeting to include Commission Flynn. Discussion only. No action taken.

City of Franklin's National Night Out.

- C.** Discussion only. No action taken.

Environmental elements and natural resources promotion, protection and maintenance education and participation programs and activities in the Community.

- D.** Discussion only. No action taken.

Ways to improve and expand Arbor Day 2020; involvement of local nurseries in the City's Arbor Day celebration; Arbor Day event(s) planning.

Review of Sierra Club CD on "Reinventing Power" (library plan for viewing).

NEW BUSINESS

Environmental Commission collaboration with the Franklin Public Library for program presentation of "Reinventing Power" and speaker coordination

Potential inclusion and provision on the City website of all Environmental Commission meetings agenda packet materials, with and in addition to the meetings agendas as it currently is provided on the City website

DISCUSSION OF FUTURE AGENDA ITEMS

Environmental Commission collaboration with the Franklin Public Library for special programs presentations and use of the Library facilities, including but not limited to Arbor Day programs and Field Projects..

Environmental Committees in the Milwaukee Metropolitan area cooperative programs, projects and meetings concept review - Hales Corners, Muskego and Shorewood.

SCHEDULE NEXT MEETING

ADJOURNMENT

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

E. Needles and/or medical disposal was discussed. Discussion only. No action taken.

F. Date set for November 6, 2019. Discussion only. No action taken.

V.

A. Discussion only. No action taken.

B. Commissioner Hritz moved and Alderman Mayer seconded a motion to post approved meeting minutes and supporting documentation to be posted on the City of Franklin Web site. On voice vote, all voted 'aye'. Motion carried (5-0-2).

VI.

A.

B.

VII.

A. October 23, 2019.

VIII.

Alderman Mayer moved and Commissioner Horn seconded to adjourn the Environmental Commission meeting of September 25, 2019 at 8:10 p.m.. On voice vote, all voted 'aye'. Motion carried (5-0-2).



CITY OF FRANKLIN

REPORT TO THE ENVIRONMENTAL COMMISSION

Meeting of October 23, 2019

Natural Resource Special Exception

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

INTRODUCTION:

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.

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 is not proposing any mitigation.
- 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.
- The applicant has agreed to create a conservation easement. Boundaries have not been specified in the draft agreement.

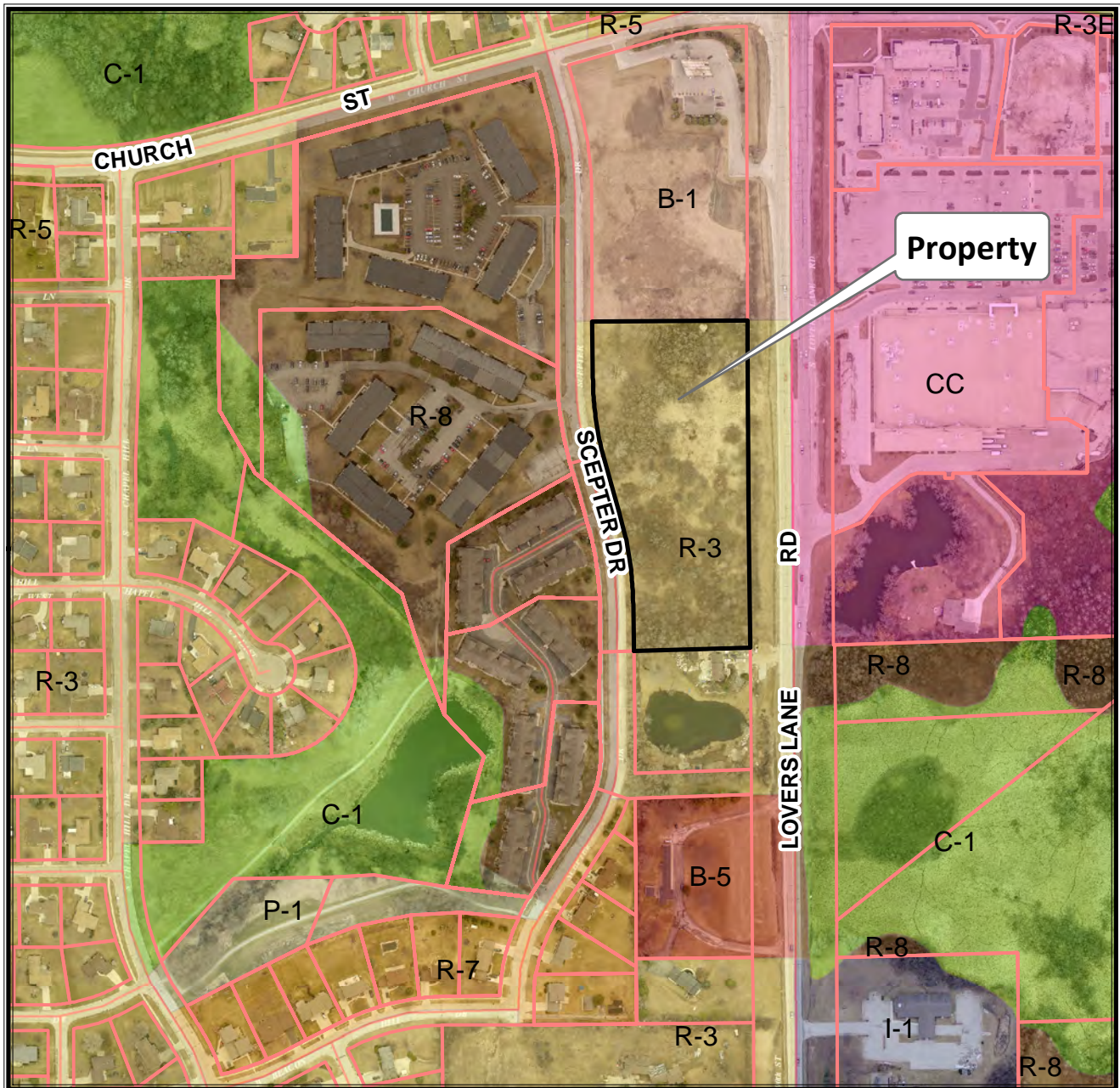
Staff has not completed its review of the proposed NRSE, but anticipates it will be completed in time for the Plan Commission’s review and public hearing scheduled for November 7, 2019. Should the Environmental Commission wish to recommend approval of the exception, it is suggested that such recommendation include consideration of the following:

- Receipt of all other required permits and approvals;
- Provision of mitigation by the applicant, and;
- The conservation easement should be clearly illustrated on the NRPP Map.

CONCLUSION:

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

TKN: 795 9999 008



Planning Department
(414) 425-4024

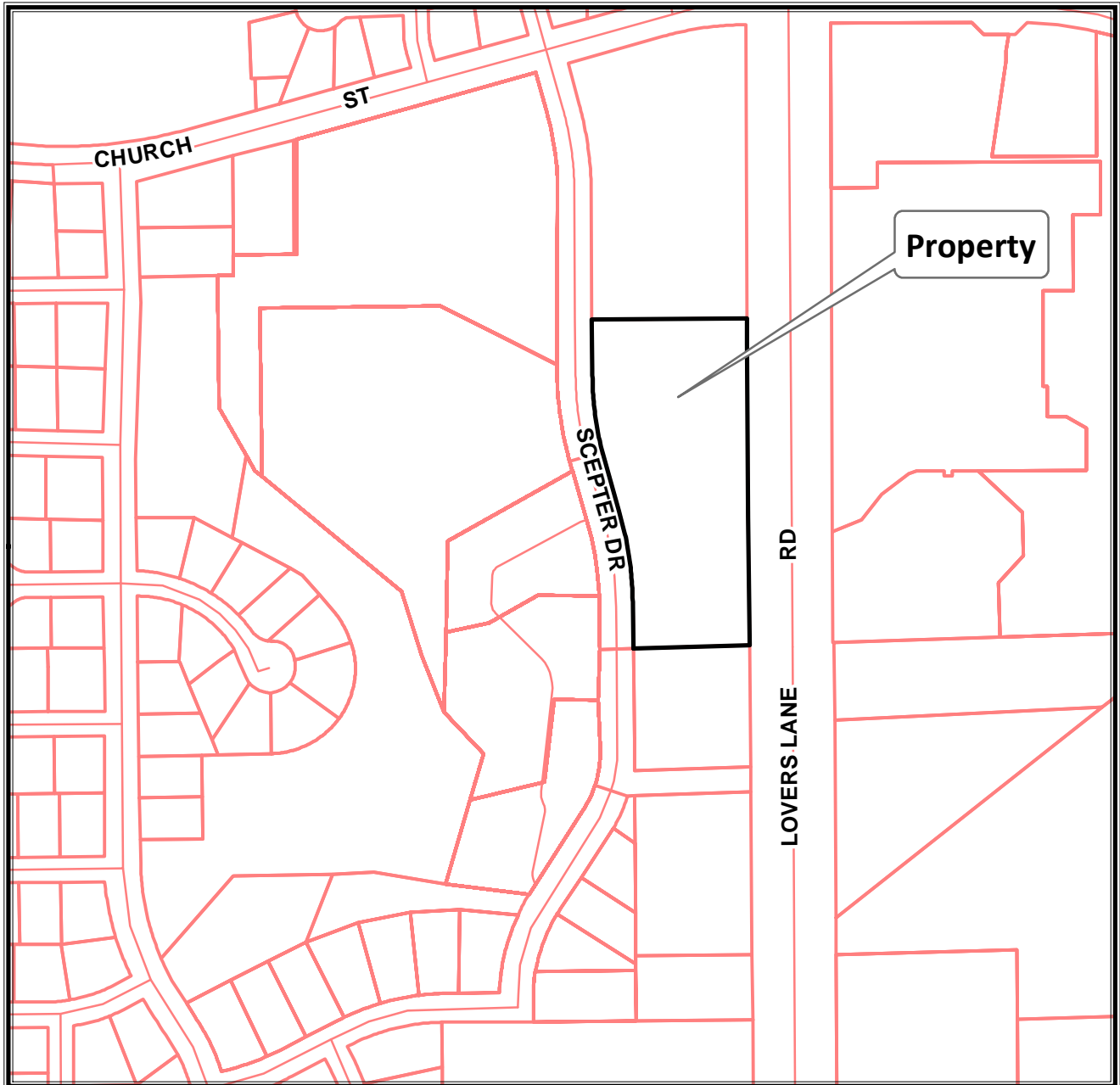
0 230 460 920 Feet

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.



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

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:
2. Storm and flood water storage:
3. Hydrologic functions:
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:
5. Shoreline protection against erosion:

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

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

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: *; or*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *; and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *; and*

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:
4. Aesthetics:
5. Degree of noncompliance with the requirement allowed by the Special Exception:
6. Proximity to and character of surrounding property:
7. Zoning of the area in which property is located and neighboring area:
8. Any negative affect upon adjoining property:
9. Natural features of the property:
10. Environmental impacts:

V. Environmental Commission Recommendation:

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends [approval] [denial] of the Application upon the aforesaid recommendations for the reasons set forth therein.

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

- a.
- b.
- c.

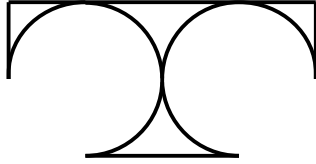
The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the _____ day of _____, 2019.

Dated this ____ day of _____, 2019.

Arthur Skowron, Chairman

Attest:

Wesley Cannon, Vice-Chairman



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:

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, then 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

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.

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.

- (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.

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

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

- (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.

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

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.

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

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

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

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.

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.

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:

7) Water Quality Protection.

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

DESCRIPTION	DATE



ELLENA ENGINEERING CONSULTANTS, LLC
SITE CIVIL ENGINEERING & STORMWATER MANAGEMENT

700 Pilgrim Parkway - Suite 100 Elm Grove, WI 53122
Phone: 262-719-6183 Fax: 866-457-2584 Email: mellenae@eeceng.com

KNOLLWOOD LEGACY APARTMENTS
CITY OF FRANKLIN, WI

NRPP MAP

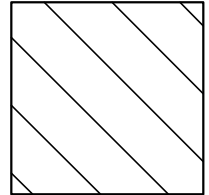
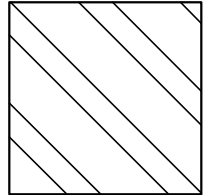
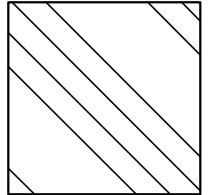
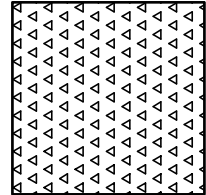
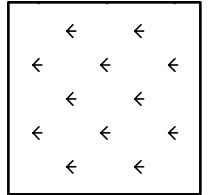
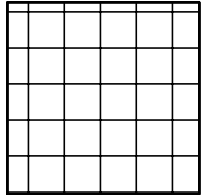
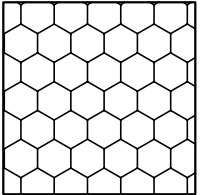
MARK R. ELLENA
E-24090
WISCONSIN PROFESSIONAL ENGINEER

DATE: 09-11-19
BY: MARK R. ELLENA, PE
SCALE: 1" = 30'

SHEET NUMBER
C100

SCALE: 1" = 30'

LEGEND

-  10-19% SLOPES (n/a)
-  20-30% SLOPES (n/a)
-  >30% SLOPES (n/a)
-  IMPACTED YOUNG WOODLANDS
(1.58 Ac. Includes areas in wetland, wetland buffer and wetland setback)
-  WETLANDS AND IMPACTED YOUNG WOODLAND
-  WETLAND BUFFER (30') AND IMPACTED YOUNG WOODLAND
-  WETLAND SETBACK (50') AND IMPACTED YOUNG WOODLAND

OWNER/DEVELOPER:

Bodner Property Management, LLC
11514 N. Port Washington Road, Suite 1
Mequon, WI 53092
Phone: 262-241-9101

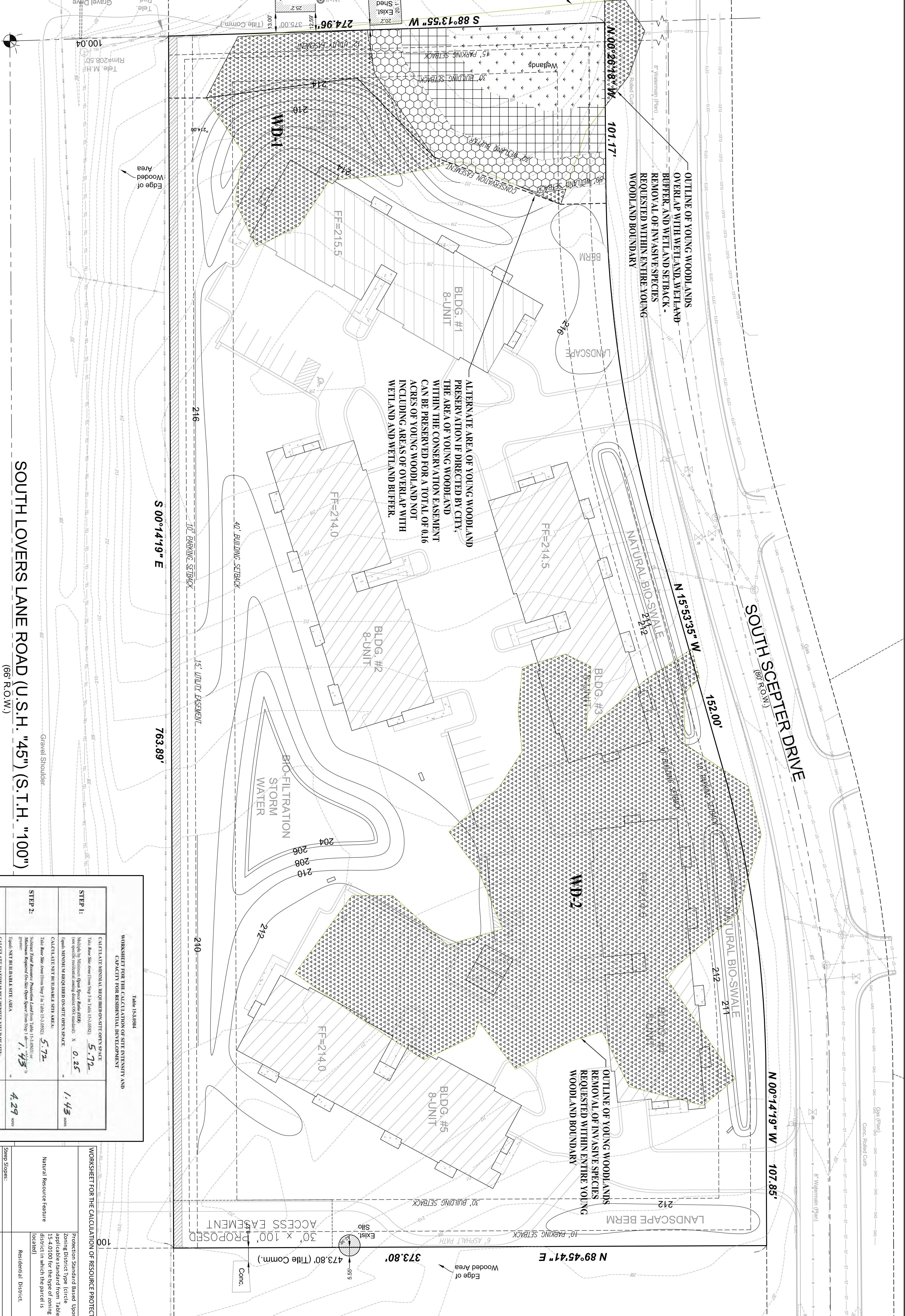
WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND			
Natural Resource Feature	Protection Standard Based Upon applicable standard from Table 1-10.00 (or the type of zoning district in which the parcel is located)	Acres of Land in Resource Feature	Acres of Land Required to be Protected
Slopes:	Residential District		
	0.50	0.00	0.00
	1.0 to 1.9%	0.00	0.00
	2.0 to 3.0%	0.00	0.00
	3.0% +	0.00	0.00
	0.00	0.00	0.00
Woodlands & Forests:	0.70	0.00	0.00
	1.31 (no overlay)	0.66	1.58
Lakes & Ponds:	0.50	0.00	0.00
Streams:	0.00	0.00	0.00
Shore Buffer:	1	0.00	0.00
Floodplains:	1	0.00	0.00
Wetland & Shoreland Wetlands:	1	0.10	0.10
Wetland Buffer (30'):	1	0.10	0.00
Wetland Setback (50'):	1	0.09	0.09
TOTAL RESOURCE PROTECTION LAND			1.58

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT			
STEP 1:	CALCULATE MAXIMUM RESIDENTIAL DENSITY PER ACRE Multiply by Wetland Open Space Ratio (OSR) to get specific residential density (RSR) standard. X	5,722	1,413
STEP 2:	Calculate Minimum Required Open Space Total Area (Acres) from Step 1 is 1,413. (1,413 / 0.25) = 5,652	5,722	4,29
STEP 3:	Calculate Maximum Net Density Yield of Site Total Area (Acres) from Step 1 is 1,413. (1,413 / 0.25) = 5,652	4,29	34
STEP 4:	Calculate Maximum Gross Density Yield of Site Multiply by Wetland Open Space Ratio (OSR) to get specific residential density (RSR) standard. X	5,722	46
STEP 5:	Calculate Maximum Gross Density Yield of Site Total Area (Acres) from Step 1 is 1,413. (1,413 / 0.25) = 5,652	5,722	34

WORKSHEET FOR THE CALCULATION OF BASE SITE AREA FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT			
STEP 1:	Calculate the total gross area (Acres) as determined by an aerial photo	5,722	
STEP 2:	Calculate the total gross area (Acres) as determined by an aerial photo	5,722	
STEP 3:	Calculate the total gross area (Acres) as determined by an aerial photo	5,722	
STEP 4:	Calculate the total gross area (Acres) as determined by an aerial photo	5,722	
STEP 5:	Calculate the total gross area (Acres) as determined by an aerial photo	5,722	

SOUTH LOVERS LANE ROAD (U.S.H. "45") (S.T.H. "100")

(66' R.O.W.)



ALTERNATE AREA OF YOUNG WOODLAND PRESERVATION IF DIRECTED BY CITY, THE AREA OF YOUNG WOODLAND WITHIN THE CONSERVATION EASEMENT CAN BE PRESERVED FOR A TOTAL OF 0.16 ACRES OF YOUNG WOODLAND AND NOT INCLUDING AREAS OF OVERLAP WITH WETLAND AND WETLAND BUFFER.

THE BOUNDARY & PROPOSED MAP WAS REVIEWED BY MEQUON PLANNING DEPARTMENT. RECOMMENDATION IS BASED ON THE INFORMATION PROVIDED. THE CITY OF FRANKLIN, WISCONSIN, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED. THE CITY OF FRANKLIN, WISCONSIN, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.



SCALE: 1" = 20'-0"

228 OTHER DECIDUOUS AND EVERGREEN SHRUBS PROVIDED UNDER 36"

OWNER/DEVELOPER:

- 1) ALL FINISHED GRADES TO BE 1" BELOW TOP OF CURBS OR PAVEMENT.
- 2) BACKFILL AND GRADE ALL PLANTING AREAS WITH MIN. 12" BLENDED TOPSOIL.
- 3) ALL LAWN AREAS TO BE SEED UNLESS OTHERWISE NOTED.
- 4) ALL PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK.
- 5) ALL TREES NOT IN A PLANTING BED SHALL BE MULCHED WITH A MINIMUM 1' RADIUS FOR EACH 1 INCH CALIPER. USE SHREDDED HARDWOOD MULCH AT 2" DEPTH.
- 6) PROVIDE MIN. 3 YEAR WARRANTY ON ALL PLANT MATERIAL.
- 7) ALL PLANTING BEDS TO BE EDGED WITH COMMERCIAL GRADE PLASTIC EDGING.
- 8) ALL PLANTING BEDS TO BE MULCHED AT 2" DEPTH WITH HARDWOOD MULCH

REVISIONS:		<div><p>TDI ASSOCIATES, INC. ARCHITECTURE & PLANNING</p></div> <div>OWNERSHIP OF DOCUMENTS</div> <p>This document, and the plans and design incorporated herein, as an instrument of professional service, is the sole property of TDI Associates, Inc., and is not to be used in whole or in part for any other project or purpose without the expressed written authorization of TDI Associates, Inc.</p>	
NOTE	DATE		
N8 W22850 JOHANSON DRIVE, SUITE B16 WALKERHSA, WISCONSIN 53106 PHONE 262-409-2530 FAX 262-409-2531			
CITY OF FRANKLIN, WI KNOLLWOOD LEGACY APARTMENTS SITE LANDSCAPE PLAN			
SCALE: 1"= 40'-0"		JOB NO: 18-291.000	DATE: 09-05-19
DESIGNED BY: ROB		DRAWN BY: ROB	CHECKED BY:
APPROVED BY:		ENGINEER	DATE
		SHEET	L-1.0

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.**



January 24, 2019

EXE-SE-2019-41-00005

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

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

Dear Mr. Bodner:

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

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

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

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

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

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

Below is a summary of our findings:

Request Narrative

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

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

Wetland Delineation

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

NRCS Soil Mapping

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

Historical Maps

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

Aerial Photography

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

Site Photographs

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

Conclusion

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J Brodzeller', 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



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. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Huber", is positioned above the printed name and title.

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):¹

- ☒ 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

¹ 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):

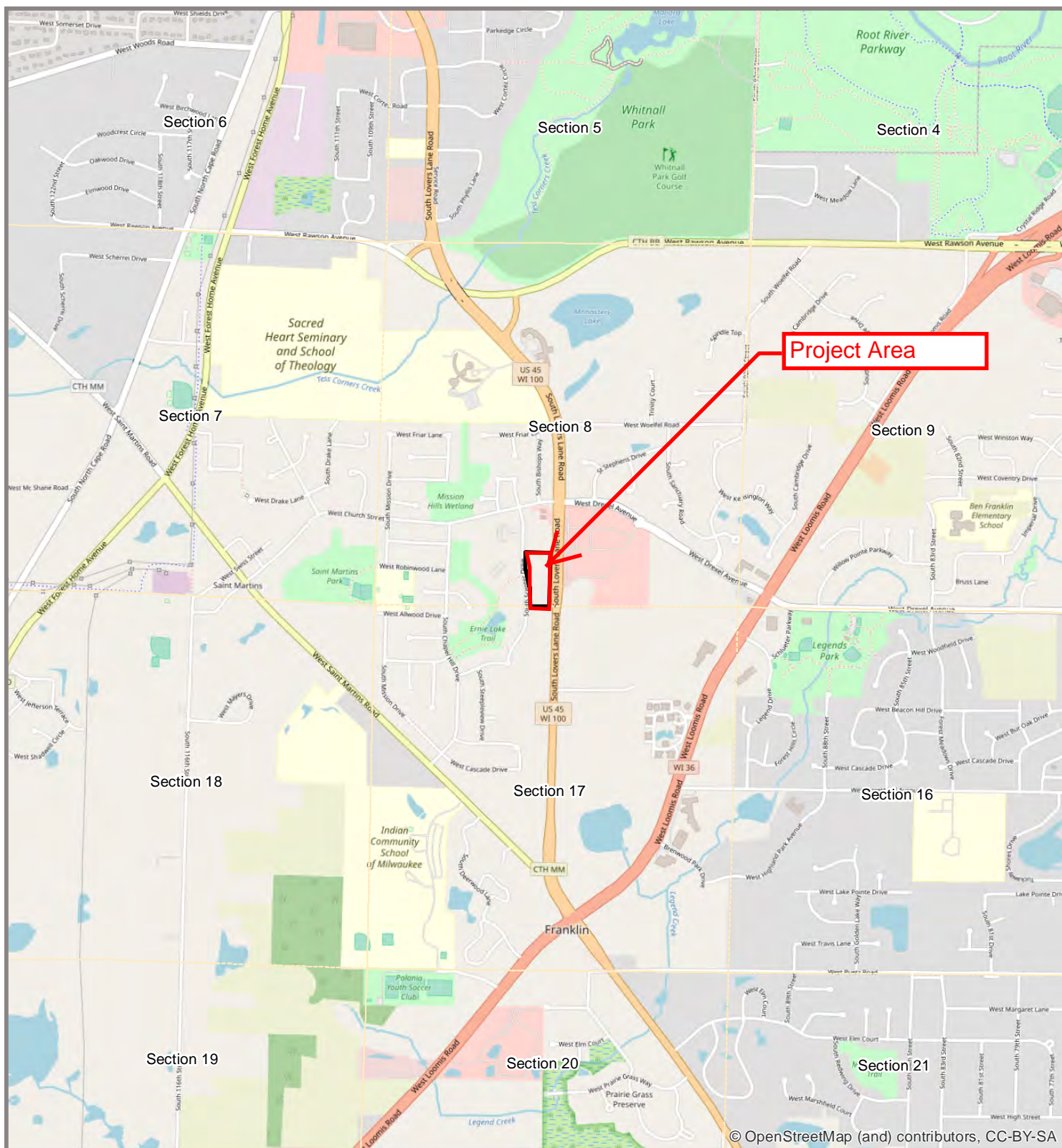
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

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:



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

- Study Area
- Township
- Section

0 1,000 2,000
Ft

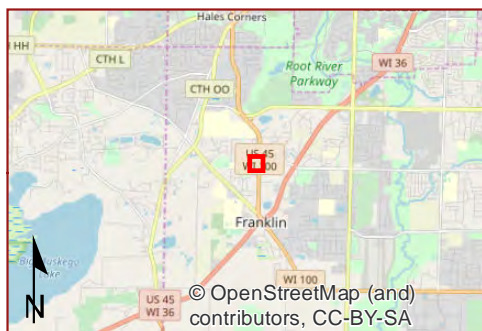
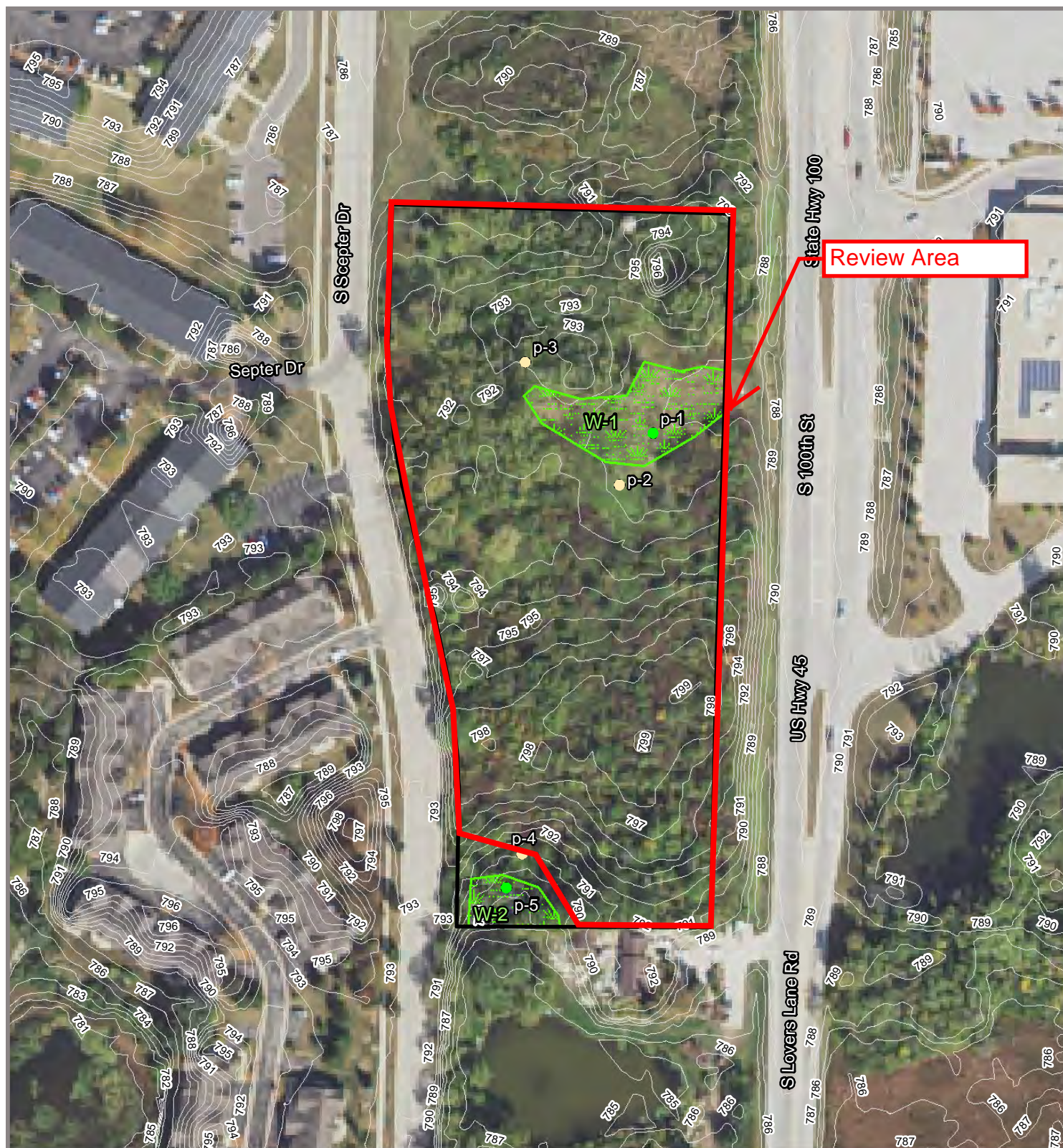
Heartland
ECOLOGICAL GROUP INC

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 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**

Applicant: Scott Fuchs		File No.: MVP-2019-00048-RJH	Date: August 7, 2019
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.

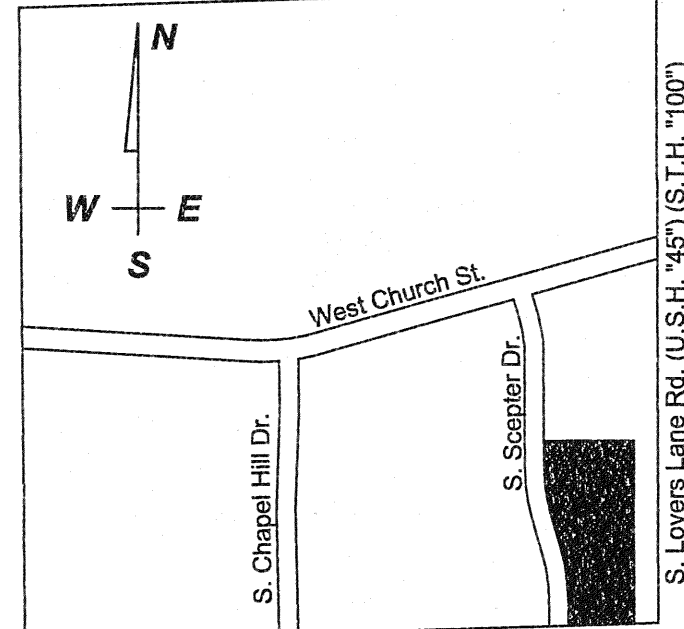
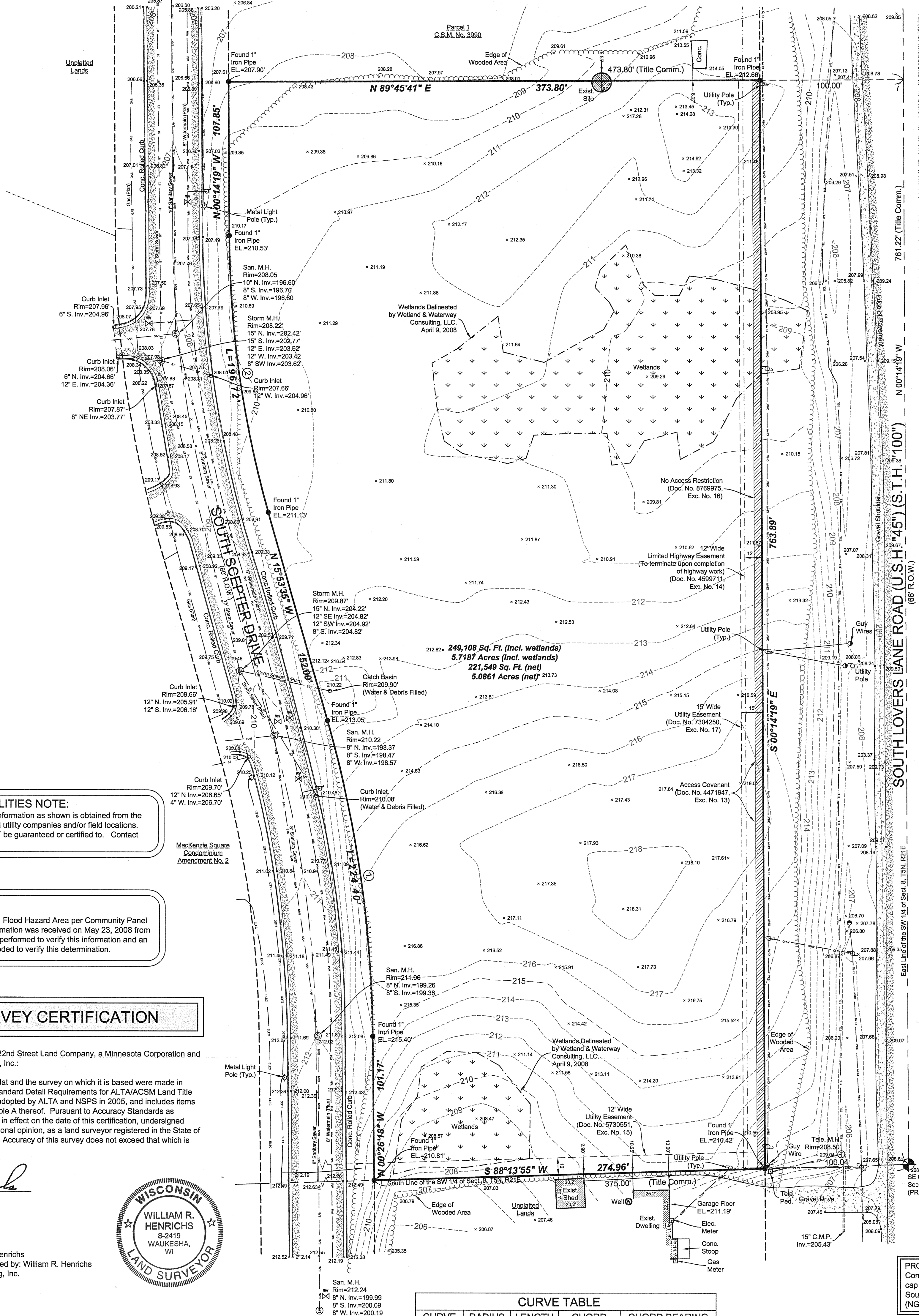
LEGAL DESCRIPTION - Field Survey:

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 & ABBREVIATIONS

o	Bollard	WV	Water Valve	Conc.	= Concrete
☆	Light Pole	✕	Water Shutoff	Dia.	= Diameter
U	Utility Pole	Y	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	San.	= Sanitary
⬮	Ground Light	⊠	Sanitary Sewer Manhole	EL.	= Elevation
⬮	Gate Valve	⊠	Electric Manhole	Rec.	= Record
—	Overhead Wires	⊠	Communication Manhole	Calc.	= Calculated
—	Underground Electric	⊠	Telephone Manhole	Meas.	= Measured
—	Underground Gas	⊠	Handicap	Typ.	= Typical
—	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:

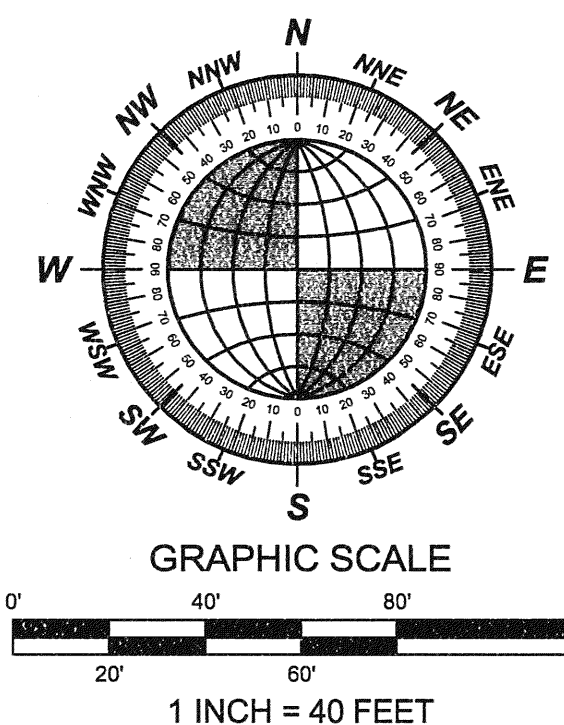
Front: 45'
Rear: 30'
Side: 40'
Wetland: 30'

*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