

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, OCTOBER 3, 2019, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of September 19, 2019.

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

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. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS MATTER.**
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; **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS REZONING APPLICATION;**  
Special Use (Option 2): allow for the construction of five 8-unit multi-family residential apartment buildings; **A PUBLIC HEARING IS SCHEDULED FOR**

**THIS MEETING UPON THIS SPECIAL USE APPLICATION;**

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. **PUBLIC HEARINGS ARE SCHEDULED FOR THIS MEETING UPON THE REZONING AND SPECIAL USE APPLICATIONS AS AFOREMENTIONED.**

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

1. **None.**

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: October 17, 2019

**City of Franklin  
Plan Commission Meeting  
September 19, 2019  
Minutes**

unapproved

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

Mayor Steve Olson called the September 19, 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, Commissioner Adam Burckhardt, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused were Commissioners Patty Hogan, David Fowler and Kevin Haley. Also present were Planning Manager Joel Dietl, Associate Planner Régulo Martínez-Montilva and City Attorney Jesse Wesolowski.

Mayor Steve Olson indicated he would be voting on each item.

**B. Approval of Minutes**

1. Regular Meeting of September 5, 2019.

Alderman Dandrea moved and Commissioner Burckhardt seconded approval of the September 5, 2019 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-3).

**C. Public Hearing Business Matters**

1. **None.**

**D. Business Matters**

**1. PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) EXISTING BUILDING PARKING LOT AND SIGNAGE MODIFICATIONS.** Unified Development Ordinance §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) Minor Amendment application by Wal-Mart Real Estate Business Trust, to allow for parking modifications as follows: restriping and designating 10 parking spaces for customer pickup of online grocery orders and adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup

Planning Manager Joel Dietl presented the Minor Amendment application by Wal-Mart Real Estate Business Trust, to allow for parking modifications as follows: restriping and designating 10 parking spaces for customer pickup of online grocery orders and adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup spaces; signage modifications as follows: installation of nine new directional signs located throughout the parking lot to direct traffic flows and direct customers to the designated parking area [each of the directional site signs is three (3) square feet in area, which will add an additional 27 square feet in signage to the site, bringing the total sign area to 630.73 square feet-the allowable sign area for the site is calculated as follows: 651 square feet frontage x 1.5 = 976.5 allowable square feet sign area] and relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new

spaces; signage modifications as follows: installation of nine new directional signs located throughout the parking lot to direct traffic flows and direct customers to the designated parking area [each of the directional site signs is three (3) square feet in area, which will add an additional 27 square feet in signage to the site, bringing the total sign area to 630.73 square feet-the allowable sign area for the site is calculated as follows: 651 square feet frontage x 1.5 = 976.5 allowable square feet sign area] and relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new pickup parking area, for property zoned Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) located at 6701 South 27th Street; Tax Key No. 714-0003-002.

**2. CHAD E. LARSEN AND JENNIFER L. LARSEN DECK AND ACCESSORY STRUCTURE ADDITION TO EXISTING HOME.**

Miscellaneous application by Chad E. Larsen and Jennifer L. Larsen, to allow for construction of an approximately 350 square foot deck and approximately 10 foot by 15 foot 4-post open accessory structure with a roof within an existing "20 Foot Drainage Easement" (platted as part of the Serenity Estates Subdivision Plat) along the rear of the property line (deck and covered accessory structure extend approximately 4 feet into the drainage easement (total area of structures proposed within the easement is approximately 140 square feet)), property located at 6904 South Harvard Drive, zoned R-6 Suburban Single-Family Residence District; Tax Key No. 741-0086-000.

pickup parking area, for property zoned Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) located at 6701 South 27th Street.

City Engineer Morrow moved and Commissioner Burckhardt seconded a motion determining the proposed amendment to be a minor amendment. On voice vote, all voted 'aye'; motion carried. (4-0-3).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of an Ordinance to amend §15-3.0418 of the Unified Development Ordinance, Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to allow for parking lot and signage modifications (6701 South 27th Street) subject to installation of only four new directional signs. On voice vote, all voted 'aye'; motion carried. (4-0-3).

Planning Manager Joel Dietl presented the Miscellaneous application by Chad and Jennifer Larsen, to allow for construction of an approximately 350 square foot deck and approximately 10 foot by 15 foot 4-post open accessory structure with a roof within an existing "20 Foot Drainage Easement" (platted as part of the Serenity Estates Subdivision Plat) along the rear of the property line (deck and covered accessory structure extend approximately 4 feet into the drainage easement (total area of structures proposed within the easement is approximately 140 square feet)), property located at 6904 South Harvard Drive.

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of a resolution authorizing the installation of a deck and accessory structure within the "20 foot drainage easement" plat restriction, upon lot 5 in Serenity Estates subdivision (6904 South Harvard Drive), subject to the conditions that access to the easement shall be granted by the property owner whenever requested by the City, that the City shall be held harmless in the event that any damage would occur to the deck and/or the accessory structure due to its location within the easement or by City maintenance of the easement, and further technical corrections. On voice vote, all voted 'aye'; motion carried. (4-0-3).



**3. ROBERT G. MONTGOMERY LAND COMBINATION.** Land Combination application by Robert G. Montgomery, for combining two parcels into one parcel on South 116th Street, specifically, the parcel at 8570 South 116th Street and adjacent parcel abutting 8628 South 116th Street, for the purpose of re-building a residential dwelling, property zoned R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District; Tax Key Nos. 842-9995-004 and 842-9995-002.

Planning Manager Joel Dietl presented the Land Combination application by Robert Montgomery, for combining two parcels into one parcel on South 116th Street, specifically, the parcel at 8570 South 116th Street and adjacent parcel abutting 8628 South 116th Street, for the purpose of re-building a residential dwelling, property zoned R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District.

Mayor Olson moved and Commissioner Burckhardt seconded a motion to recommend approval of a resolution conditionally approving a land combination for tax key nos. 842-9995-004 and 842-9995-002 (8570 south 116th street and adjacent vacant parcel abutting 8628 south 116th street). On voice vote, 3 voted 'aye' and 1 voted 'nay'. (3-1-3) Therefore, the resolution conditionally approving a land combination was not recommended for approval, as the concurring vote of four members of the Plan Commission is required for such actions.

**4. TORBENSON SHOWS LLC HOLIDAY CRAFT AND GIFT EXPO AT THE MILWAUKEE COUNTY SPORTS COMPLEX.** Temporary Use application by James C. Torbenson/Torbenson Shows LLC, for a holiday craft and gift expo at the Milwaukee County Sports Complex located at 6000 West Ryan Road, on November 29, 2019, from 9:00 a.m. to 5:00 p.m., November 30, 2019 from 9:00 a.m. to 5:00 p.m. and December 1, 2019 from 10:00 a.m. to 4:00 p.m., on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

Planning Manager Joel Dietl presented the Temporary Use application by Torbenson/Torbenson Shows LLC, for a holiday craft and gift expo at the Milwaukee County Sports Complex located at 6000 West Ryan Road, on November 29, 2019, from 9:00 a.m. to 5:00 p.m., November 30, 2019 from 9:00 a.m. to 5:00 p.m. and December 1, 2019 from 10:00 a.m. to 4:00 p.m., on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District.

Alderman Dandrea moved and City Engineer Morrow seconded a motion to approve a resolution imposing conditions and restrictions for the approval of a temporary use for a holiday craft and gift expo for property located at 6000 West Ryan Road (Milwaukee County Sports Complex). On voice vote, all voted 'aye'; motion carried. (4-0-3).

**5. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) INDOOR SPORTS COMPLEX BUILDING AND SITE REVISIONS (BUILDING S3/C2).** Site Plan Amendment application (Indoor Sports Complex and 3-story office building/Site Plan has been approved by the City but not yet constructed) by River Rock Performance Properties, LLC, applicant

Planning Manager Joel Dietl presented the Site Plan Amendment application by River Rock Performance Properties, LLC, for removal of a portion of the northern side of the building which had included a storage room and a refuse and service room (and associated architectural changes to that portion of the building façade); removal of the third floor build out/proposed use of residential apartments, juice bar/food prep/serving area, locker rooms, etc.; removal of an associated third/fourth floor clerestory; deferral of installation of required pedestrian site amenities until some undetermined future date and deferral of certain required landscaping until some undetermined future date,

and BPC County Land, LLC, property owner, for (including but not limited to): removal of a portion of the northern side of the building which had included a storage room and a refuse and service room (and associated architectural changes to that portion of the building façade); removal of the third floor build out/proposed use of residential apartments, juice bar/food prep/serving area, locker rooms, etc.; removal of an associated third/fourth floor clerestory; deferral of installation of required pedestrian site amenities until some undetermined future date and deferral of certain required landscaping until some undetermined future date, upon property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at 7085 and 7095 south Ballpark Drive; Tax Key No. 744-1005-000.

upon property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at 7085 and 7095 south Ballpark Drive;

Alderman Dandrea moved and Commissioner Burckhardt seconded a motion to approve a resolution amending the site plan for properties located at 7085 and 7095 south ballpark drive to revise certain aspects of the indoor sports complex and 3-story office building site plan, including but not limited to removal of a portion of the northern side of the building which had included a storage room and a refuse and service room (and associated architectural changes to that portion of the building façade), removal of the third floor build out/proposed use of residential apartments, juice bar/food prep/serving area, locker rooms, etc., removal of an associated third/fourth floor clerestory, deferral of installation of required pedestrian site amenities until some undetermined future date and deferral of certain required landscaping until some undetermined future date (tax key no. 744-1005-000), subject to minor technical corrections as discussed at the meeting, including minor architectural changes on the south elevation of the building and removal of condition number four and condition number 5 from the draft resolution. On voice vote, all voted 'aye'; motion carried. (4-0-3).

#### Adjournment

Alderman Dandrea moved and City Engineer Morrow seconded a motion to adjourn the Plan Commission meeting of September 19, 2019 at 7:40 p.m. On voice vote, all voted 'aye'; motion carried. (4-0-3).

## MEMORANDUM

Date: September 27, 2019

To: Plan Commission

From: Department of City Development

RE: Recommendation to table applications for Rezoning and Comprehensive Master Plan Amendment (Franklin Public Schools)

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It is noted that the Department of City Development advised the applicant (James Milzer) in staff memorandum dated August 20, 2019, that the submittal deadline for revised application materials was September 23, 2019. The applicant's consultant submitted revised materials on September 26, 2019, therefore Staff did not have sufficient time to review these materials and staff report prior to packets delivery on September 27, 2019.

Staff recommend to table these applications to the next Plan Commission meeting on October 17, 2019.

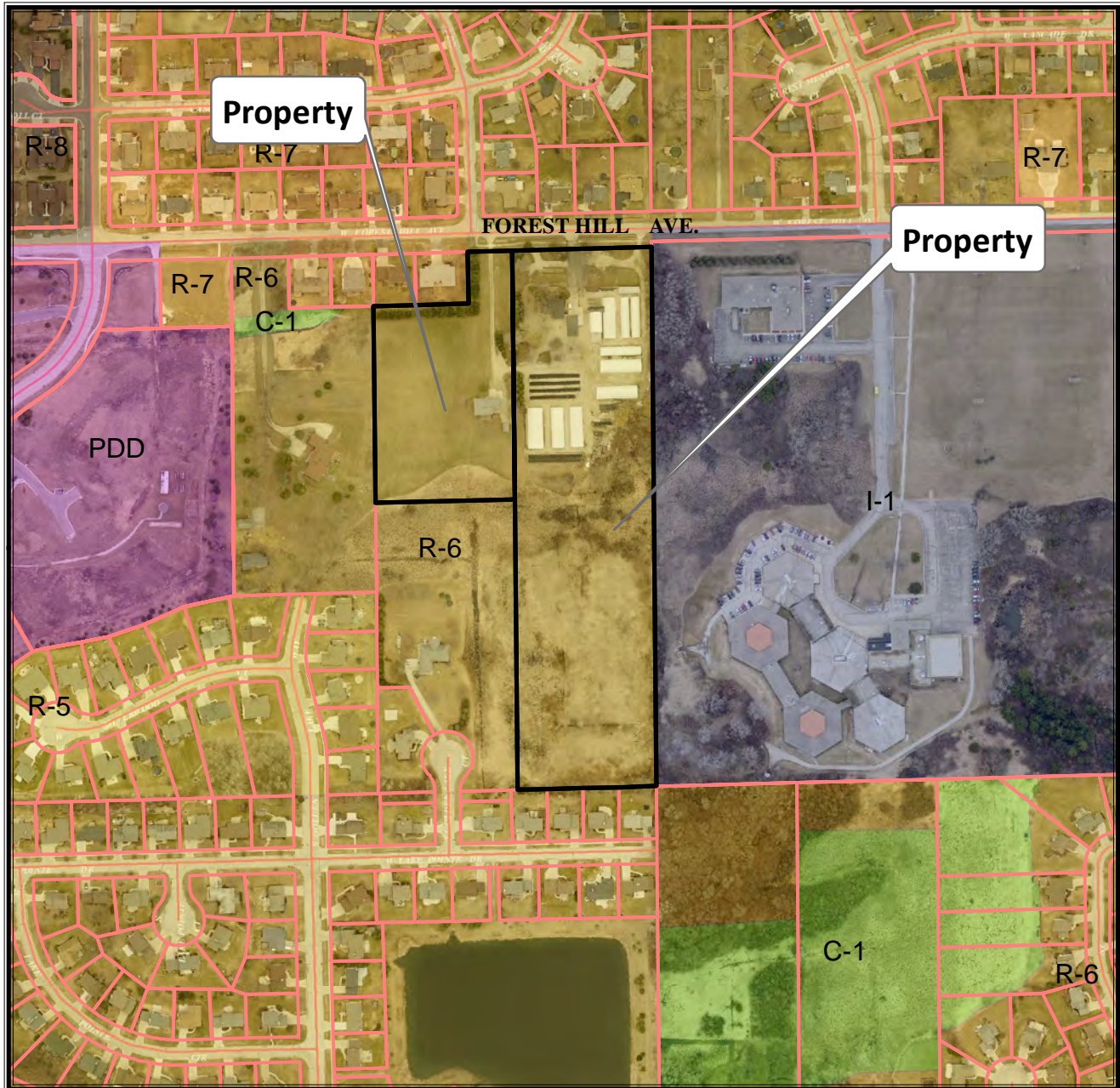
The following information is included in this packet:

- Applications for Rezoning and Comprehensive Master Plan amendment (Franklin Public Schools).
- Draft Ordinance to amend the Unified Development Ordinance (zoning map).
- Draft Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 future land use map.
- Draft Resolution recommending the adoption of an Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan.

Régulo Martínez-Montilva, AICP  
Associate Planner - Department of City Development



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



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

0 230 460 920 Feet

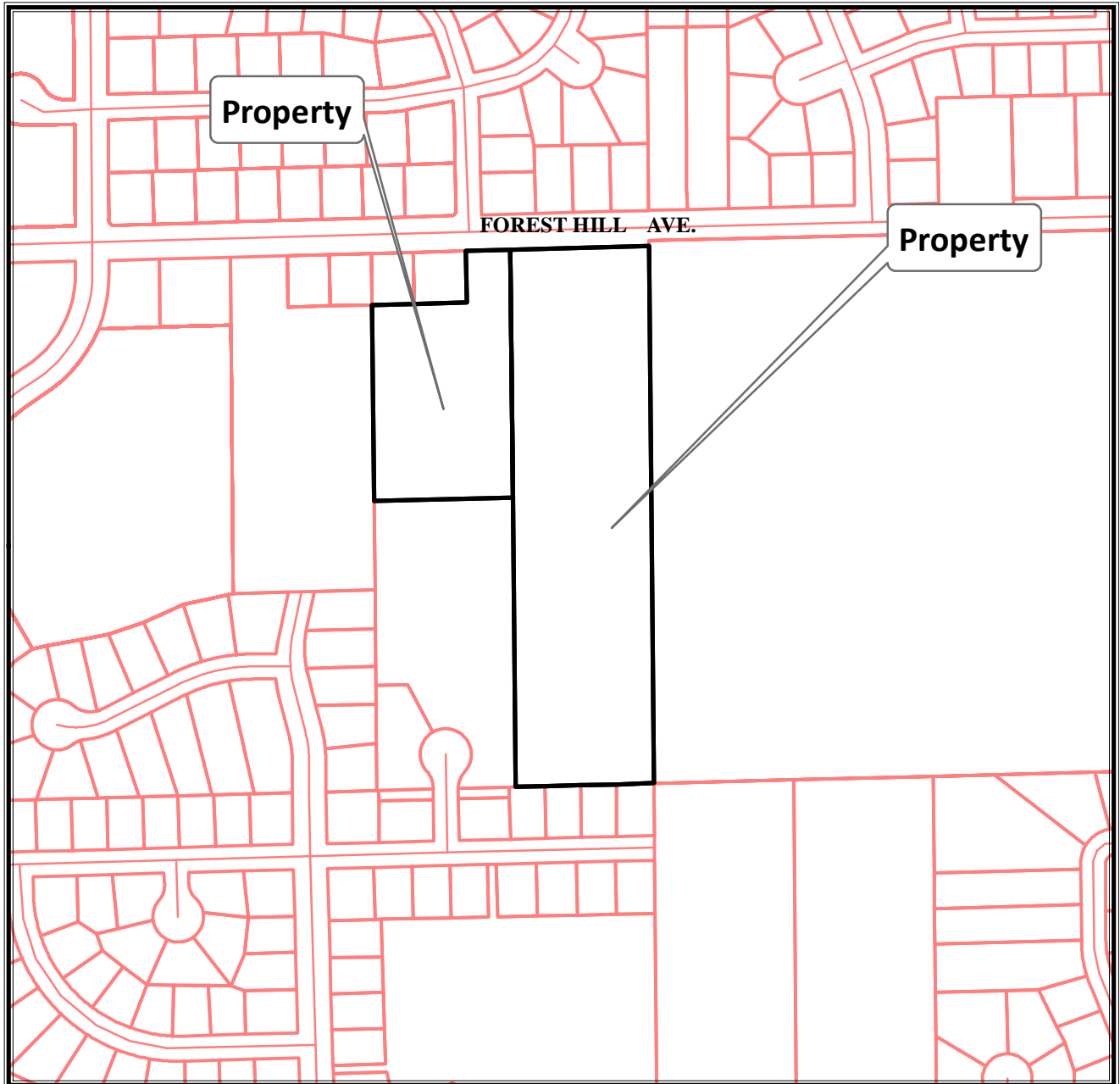
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*





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.*



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-16-19]*

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, 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-\_\_\_\_

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APPROVED:

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Stephen R. Olson, Mayor

ATTEST:

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Sandra L. Wesolowski, City Clerk

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



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-10-19]*

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 October 3, 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, 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, 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:

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Stephen R. Olson, Chairman

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

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ATTEST:

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Sandra L. Wesolowski, City Clerk

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

## MEMORANDUM

Date: August 20, 2019

To: James Milzer, Director of Business Services  
Franklin Public School District

From: Department of City Development

RE: Application for Rezoning and Comprehensive Master Plan Amendment

Franklin  
SEP 26 2019  
City Development

Please be advised that the Department of City Development and the City's consultant, Wrayburn Consulting, LLC have reviewed the above application. Staff comments are as follows for the Rezoning and Comprehensive Master Plan Amendment Application submitted by James Milzer, Director of Business Services of Franklin Public School District, and date stamped by the City of Franklin on May 21, 2019.

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

1. Per Section 15-9.0203 of the Unified Development Ordinance, please provide the following information related to the proposed rezoning:
  - a. Owners' Names and Addresses Required. Name, address, and telephone number of the petitioner for a zoning amendment agent; and tax key numbers, names, and addresses of all property owners of all properties lying within 200 feet of the area proposed to be rezoned. **REVISED; INFORMATION INCLUDED IN RESUBMITTAL.**
  - b. Plot Plan Required. Plot plan drawn to a reasonable scale (as determined by the City Planner and/or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned. **REVISED. SEE MAP.**

On the rezoning exhibit, please indicate the existing and proposed zoning and the current use and existing zoning classification of the adjacent parcels within 200-feet. **REVISED.**

- c. Site Plan Required. A Site Plan of the proposed development of the property meeting the requirements set forth under Division 15-7.0100 of this Ordinance.

On the site plan provided, please provide the following information per Section 15-7.0100 of the UDO.

- i. Date. Date of Site Plan submittal with all dates of revision. **REVISED.**
    - ii. Scale and Site Size. The scale of drawing and the size of the site (in square feet or acres) noted on the Site Plan. Please note the area of the site on the Site Plan. **REVISED.**



- iii. Existing and Proposed Topography. Existing and proposed topography shown at a contour interval of not more than two feet at National Geodetic Vertical Datum of 1929 (mean sea level). Existing contour lines may also be required to be shown a distance of 200 feet outside of the boundaries the subject property by the Zoning Administrator and/or Plan Commission. A site grading plan may also be required by the Zoning Administrator and/or Plan Commission. Please show the existing topography on the site plan. **REVISED.**
- iv. Soils Data. The characteristics and types of soils related to contemplated specific uses. Soil borings may be required by the City Engineer, Zoning Administrator, and/or Plan Commission. **SEE ATTACHED SOILS MAP.**
- v. Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines. All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Site Plan. Please illustrate the 30-foot wetland buffer and 50-foot wetland setback on the site plan as well as the I-1 District setbacks. **REVISED.**
- vi. Existing and Proposed Zoning Boundaries. The existing and proposed zoning boundaries of the property. **REVISED. SEE SITE PLAN MAP.**

#### **Additional Staff Comments/Suggestions (not specifically required by the UDO)**

- 2. Please label the name of the individual(s) that delineated the wetlands at Vierbicher Associates, Inc. and the date of the delineations on the site plan. Is the person an Assured Delineator with the Wisconsin Department of Natural Resources? If not, has the WDNR concurred with the wetland delineations? **N/A**
- 3. All protected natural resources are required to be protected by a Conservation Easement. Attached is the City's template. Please submit a completed conservation easement document for review and approval. The conservation easement must include the wetlands and 30-foot wetland buffers. The conservation easement boundary must also be labeled on the site plan. **30' BUFFERS INCLUDED ON SITE PLAN MAP.**
- 4. Note that any future use and/or development of these properties will be subject to use and site plan approval by the City. Additional information related to the site plan, landscaping, lighting, signage, natural resource protection, storm water, grading, etc. will be required at that time. **SEE GENERAL NOTES ON SITE PLAN MAP.**
- 5. It is also recommended that all properties owned by the School District in this area be combined into a single parcel via Certified Survey Map. Note that this will likely be necessary and required upon development of the subject properties. **SEE GENERAL NOTES ON SITE PLAN MAP.**

#### **Engineering Department Comments**

- 6. "No comments on Comp. Master Plan Amendment. For future use/development on this area, keep in mind that there is an existing water main easement on address property 8459 W Forest Hill".  
Ronnie Asuncion, Engineering Lead Technician  
(414)425 7510, rasuncion@franklinwi.gov



Date of Application: 04/04/19

## REZONING APPLICATION

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

### Applicant (Full Legal Name[s]):

Name: James Milzer  
Company: Franklin Public Schools  
Mailing Address: 8255 West Forest Hill Avenue  
City / State: Franklin, WI Zip: 53132  
Phone: 414-525-7605  
Email Address: james.milzer@franklin.k12.wi.us

### Project Property Information:

Property Address: 8429 West Forest Hill Avenue, 8459 West Forest Hill Avenue  
Property Owner(s): Ronald S and Susan Pesche

Mailing Address: 8429 West Forest Hill Avenue, 8459 West Forest Hill Avenue  
City / State: Franklin, WI Zip: 53132  
Email Address: \_\_\_\_\_

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

Name: Matthew Cyran  
Company: Point of Beginning  
Mailing Address: 4941 Kirschling Court  
City / State: Stevens Point, WI Zip: 54481  
Phone: 715-344-9999  
Email Address: mattc@pobinc.com

Tax Key Nos: 8399990000, 8399990004

Existing Zoning: Residential  
Existing Use: Commercial  
Proposed Use: Institutional  
CMP Land Use Identification: Residential

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

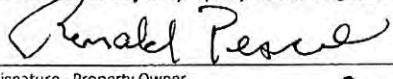
### Rezoning submittals for review must include and be accompanied by the following:

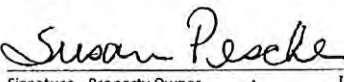
- ☐ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin: ☐ \$1,250 ☐ \$350 (One Parcel Residential)
- ☐ Legal Description for the subject property (WORD.doc or compatible format).
- ☐ Seven (7) complete **collated** sets of Application materials to include:
  - ☐ One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
  - ☐ Seven (7) **folded** copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- ☐ Email (or CD ROM) with all plans/submittal materials.
- ☐ Additional Information as may be required.

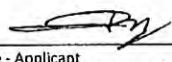
- \*Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- \*Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- \*Requires a Class II Public Hearing notice at Plan Commission.
- \*Rezoning requests require Plan Commission review and recommendation and Common Council approval.


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

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

  
Signature - Property Owner  
Ronald Pesche President W.F. Gardens  
Name & Title (PRINT)  
Date: 4-18-2019

  
Signature - Property Owner  
Susan Pesche Vice-Pres.  
Name & Title (PRINT)  
Date: 4-18-2019

  
Signature - Applicant  
James Milzer Director of Business Services  
Name & Title (PRINT)  
Date: 4-18-19

  
Signature - Applicant's Representative  
Matt Cyran Project Manager  
Name & Title (PRINT)  
Date: 4/18/19



Date of Application: 05/06/19

## COMPREHENSIVE MASTER PLAN AMENDMENT (CMP) APPLICATION

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

### Applicant (Full Legal Name[s]):

Name: James Milzer  
Company: Franklin Public Schools  
Mailing Address: 8255 West Forest Hill Avenue  
City / State: Franklin, WI Zip: 53132  
Phone: 414-525-7605  
Email Address: [james.milzer@franklin.k12.wi.us](mailto:james.milzer@franklin.k12.wi.us)

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

Name: Matthew Cyran  
Company: Point of Beginning  
Mailing Address: 4941 Kirschling Court  
City / State: Stevens Point, WI Zip: 54481  
Phone: 715-344-9999  
Email Address: [mattc@pobinc.com](mailto:mattc@pobinc.com)

### Project Property Information:

Property Address: 8429 West Forest Hill Avenue, 8459 West Forest Hill Avenue  
Property Owner(s): Ronald S and Susan Pesche

Mailing Address: 8429 West Forest Hill Avenue, 8459 West Forest Hill Avenue  
City / State: Franklin, WI Zip: 53132  
Email Address:

Tax Key Nos: 8399990000, 8399990004

Existing Zoning: Residential

Existing Use: Commercial

Proposed Use: Institutional

CMP Land Use Identification: Residential

\*Property specific information may be inapplicable and not required if the requested amendment does not apply to specific property.

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

### Comprehensive Master Plan Amendment submittals for review must include and be accompanied by the following:

- ☐ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin: ☐ \$125.00
- ☐ Legal Description for the subject property (WORD.doc or compatible format) if applicable.
- ☐ Seven (7) complete collated sets of Application materials to include:
  - ☐ Seven (7) copies of a written Project Narrative, including a specific, detailed description of the proposed amendment, its intent, impacts, and consistency with the Comprehensive Master Plan.
  - ☐ Seven (7) folded copies of a Site Development Plan/Map, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- ☐ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in Adobe PDF (and AutoCAD compatible format (where applicable).
- ☐ Additional Information as may be required.

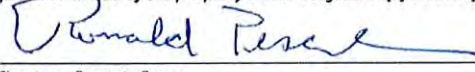
•Upon receipt of a complete submittal, staff review will be conducted within ten business days.

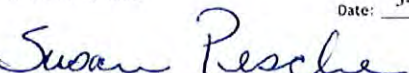
•Requires a Class I Public Hearing notice at least 30 days before the Common Council meeting.

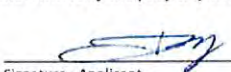
•All Comprehensive Master Plan Amendment requests require Plan Commission review and recommendation and Common Council approval.

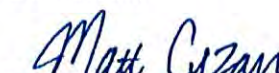
The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information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

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

  
Signature - Property Owner  
Ronald Pesche President Luxembourg Gardens  
Name & Title (PRINT) Date: 5-15-19

  
Signature - Property Owner  
Susan Pesche Vice-President Luxembourg Gardens  
Name & Title (PRINT) Date: 5-15-19

  
Signature - Applicant  
James Milzer Director of Business Services  
Name & Title (PRINT) Date: 5-15-19

  
Signature - Applicant's Representative  
Matt Cyran Project Manager Point of Beginning  
Name & Title (PRINT) Date: 5-15-19



### **Project Summary**

The Franklin Public School District is purchasing the Luxembourg Gardens properties located at 8429 and 8459 West Forest Hill Avenue to expand the site that it owns to the east which contains Forest Park Middle School and the Education and Community Center. In the development of the existing middle school site for the new middle school, the school district lost acres of previously usable property to the delineation of wetlands, wetland buffers and conservancy areas. Consequently, there is less usable open land on the site for the larger school population as well as for community recreational use. The District is adding the Luxembourg Gardens property to the middle school site to add space to this site for current and future needs. The school district is currently in the process of assessing which of those needs it will pursue on the new property. This use will most likely be a combination of multi-use grass fields for sports such as soccer and lacrosse, as well as district and recreation related facilities. There is some interest in using the site for tennis courts as well as for classes run by the Recreation Department for senior citizens and others especially for use during the day. The site is not large enough for all of these uses, so the District will be making decisions on prioritizing these uses over the next 10-12 months. This site would not be used for a new school as the site is too small. All of the current structures will be removed from both properties.

The current owners of the property have provided a great service to the community for many years, but are now looking to retire and would like to conclude this rezoning and property sale as soon as possible. The District would also like to conclude this rezoning as soon as possible so that the demolition of the structures on this site can be done at the same time as the demolition of the current middle school, thus saving tax payer dollars in the process.

To make the zoning consistent with the use of the property, the Franklin Public School District is requesting that the zoning for both properties, 8429 and 8459 West Forest Hill Avenue, be changed from R-6 residential to I-1 institutional.

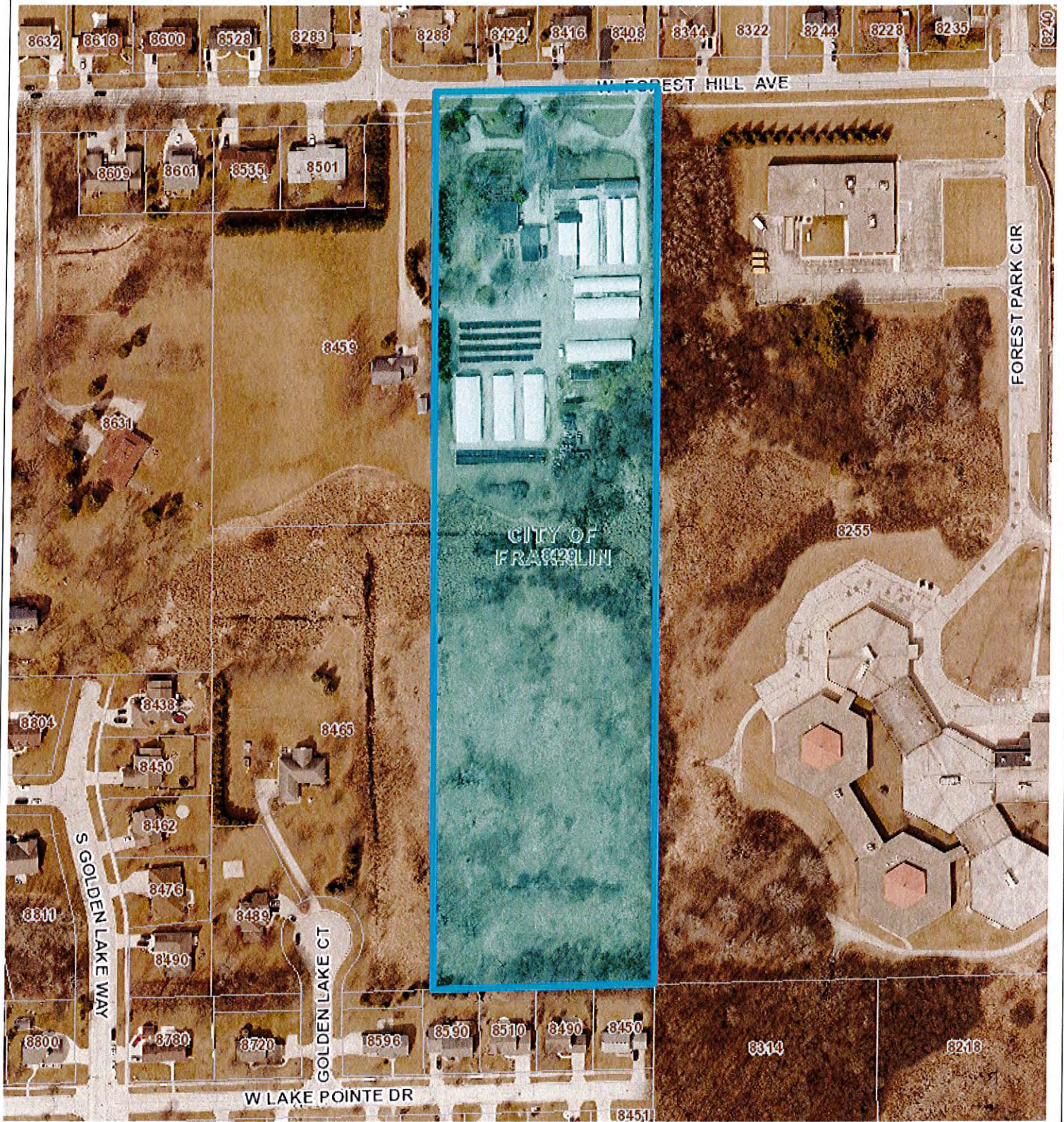
**Parcel Description**

The East 330 feet of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 16, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.





# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



Projection  
NAD\_1983\_2011\_StatePlane\_Wisconsin\_South  
\_FIPS\_4803\_Ft\_US

## Notes

**DISCLAIMER:** This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

376

188 376 Feet

1:2,257



THIS MAP IS NOT TO BE USED FOR NAVIGATION © MCAMLIS



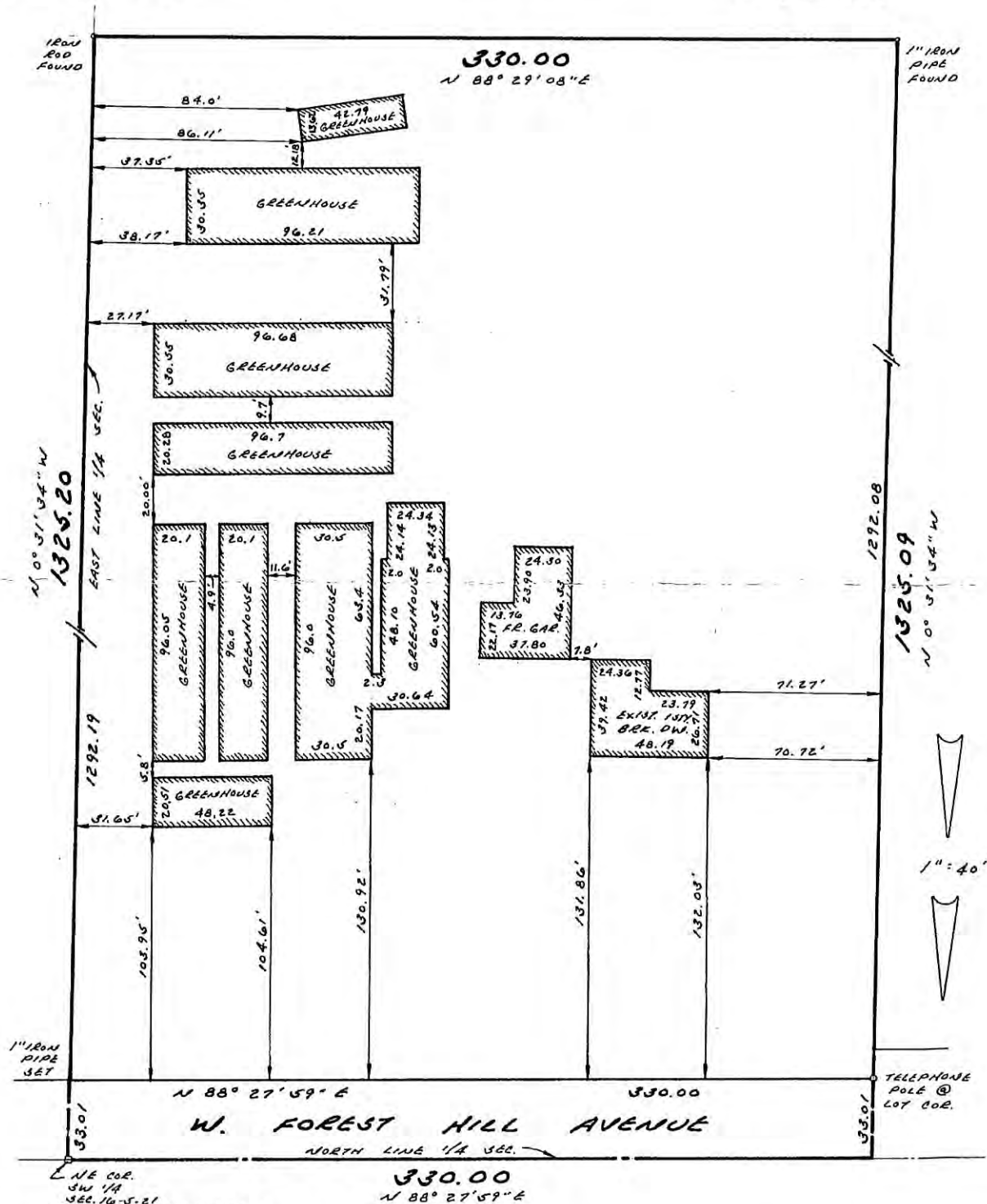
## PLAT OF SURVEY

**LOCATION:** 8429 West Forest Hill Avenue, Franklin, Wisconsin

**LEGAL DESCRIPTION:** The East 330 feet of the Northeast 1/4 of the Southwest 1/4 of Section 16, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

February 02/18/93

Survey No. 81881



**METROPOLITAN SURVEY SERVICE, INC.**  
REGISTERED LAND SURVEYORS  
9415 W. FOREST HOME AVE., SUITE 202, HALES CORNERS, WI 53130  
PH. 629-5380 FAX 629-9787



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

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

SIGNED

*[Signature]*



Point of Beginning

**For: Franklin Public Shools  
Rezone Area**

**(R-6) Residential to (I-1) Institutional**

**Legal Description**

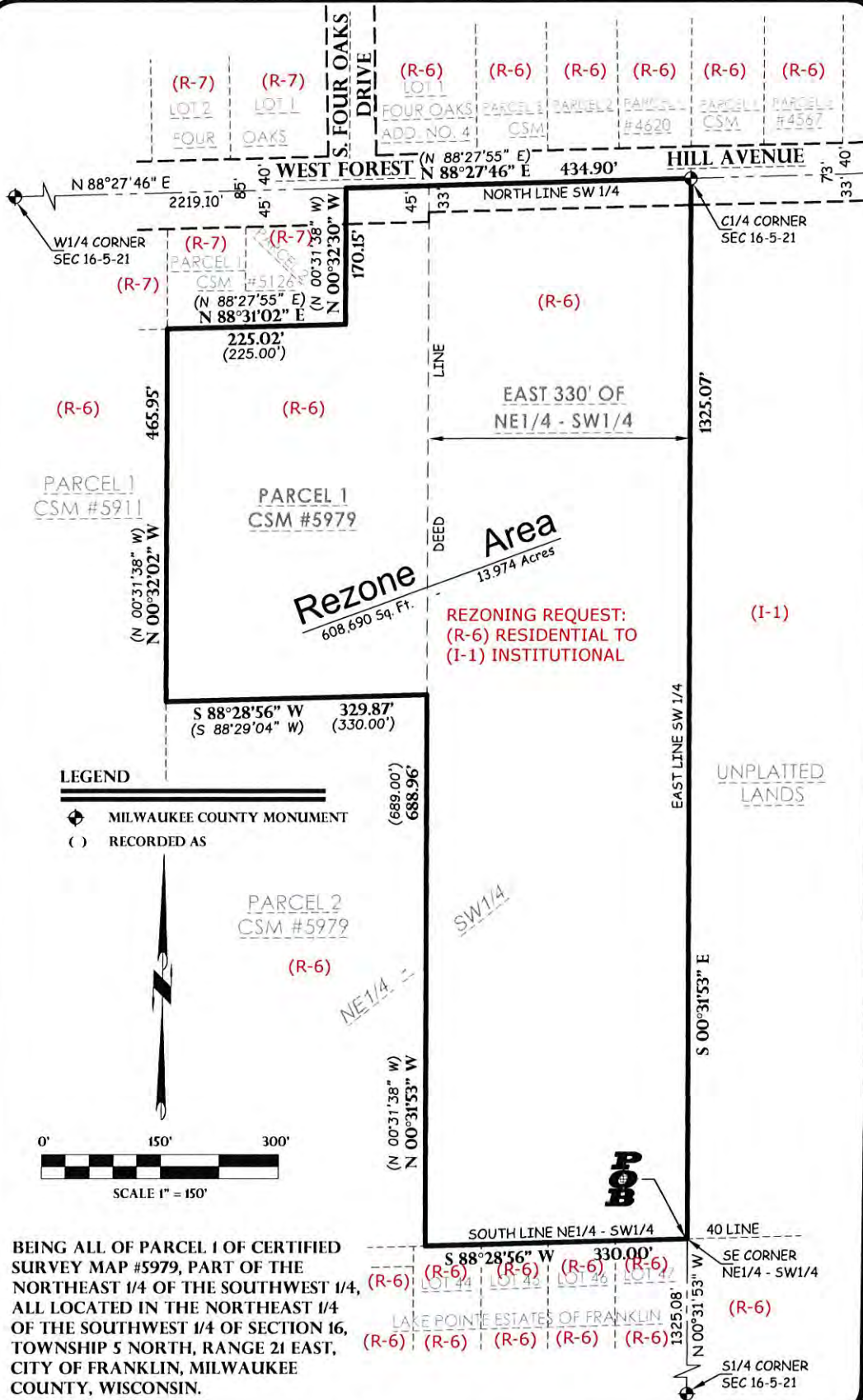
Being all of Parcel 1 of Certified Survey Map #5979 and part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , all located in the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 16, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin,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

Commencing at the South  $\frac{1}{4}$  corner of Section 16, Township 5 North, Range 21 East;  
Thence N  $00^{\circ}31'53''$  W along the East line of the Southwest  $\frac{1}{4}$  of said Section 16, 1325.08 feet to the Northeast corner of Lake Pointe Estates of Franklin, the Southeast corner of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 16 and the point of beginning (POB) of the parcel to be described;  
Thence S  $88^{\circ}28'56''$  W along the South line of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  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  $00^{\circ}31'53''$  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  $88^{\circ}28'56''$  W along the South line of said Parcel 1, 329.87 feet to the Southwest corner thereof;  
Thence N  $00^{\circ}32'02''$  W along the West line of Parcel 1 of said Certified Survey Map #5979, 465.95 feet to the Northwest corner thereof;  
Thence N  $88^{\circ}31'02''$  E along the North line of said Parcel 1, 225.02 feet;  
Thence N  $00^{\circ}32'30''$  W along the North line of said Parcel 1, 170.15 feet to the North line of the Southwest  $\frac{1}{4}$  of said Section 16;  
Thence N  $88^{\circ}27'46''$  E along the North line of the Southwest  $\frac{1}{4}$  of said Section 16, 434.90 feet to the Center  $\frac{1}{4}$  of said Section 16;  
Thence S  $00^{\circ}31'53''$  E along the East line of the Southwest  $\frac{1}{4}$  of said Section 16, 1325.07 feet to the point of beginning.

Containing: 608,690 Square Feet, 13.974 Acres.



# REZONE EXHIBIT MAP



Civil Engineering  
Land Surveying  
Landscape Architecture  
**Jordan G. Brost, PLS #3009**  
4941 Kirschling Court  
Stevens Point, WI 54481  
715.344.9999(PH) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY JORDAN BROST  
AND DRAWN BY TRAVIS PLANTICO

FOR: FRANKLIN PUBLIC SCHOOLS

SHEET 1 OF 1 SHEETS

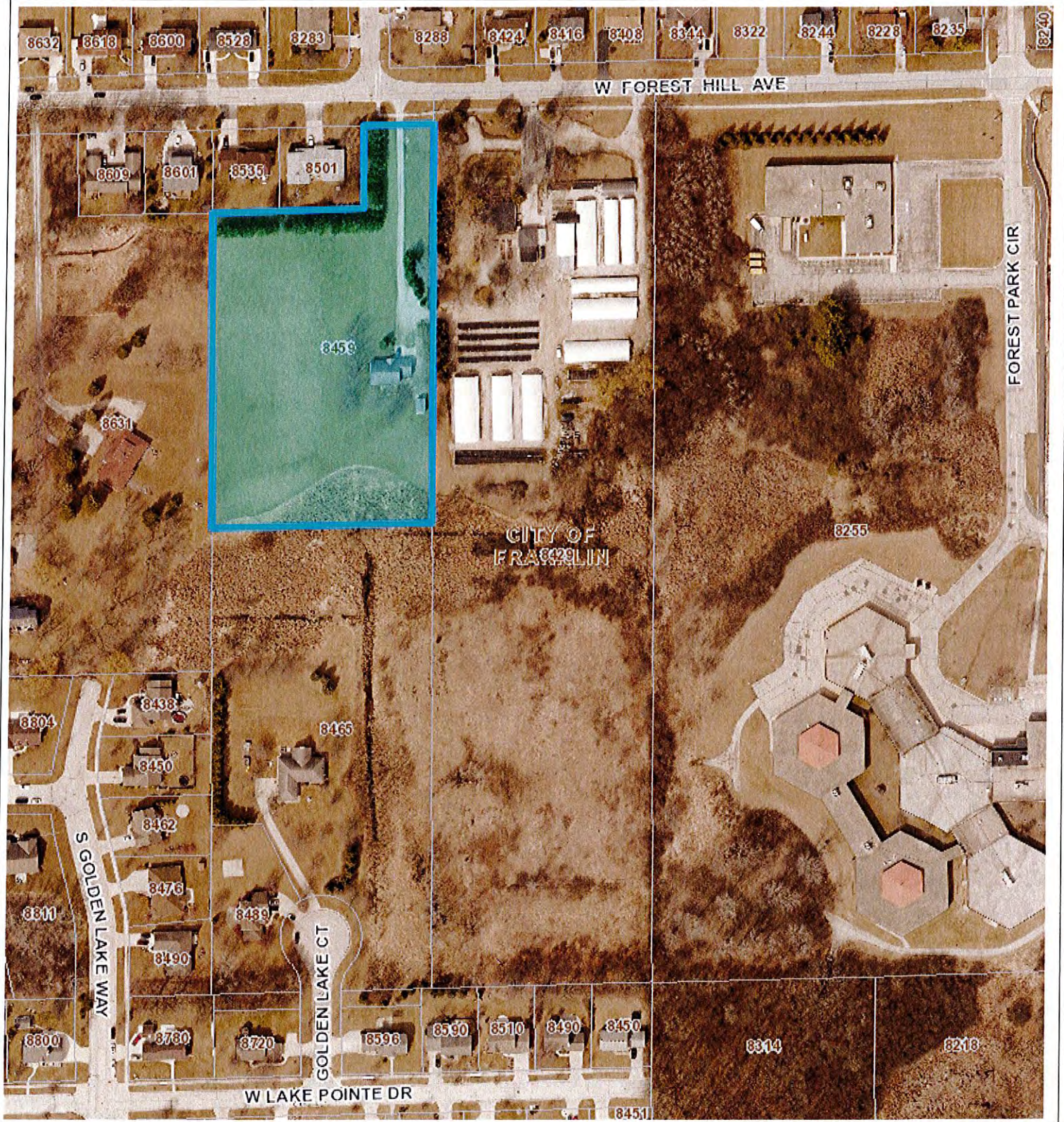
### **Parcel Description**

Parcel 1, CSM No. 5979, located in the Southwest  $\frac{1}{4}$  of Section 16, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.





# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



Projection  
NAD\_1983\_2011\_StatePlane\_Wisconsin\_South  
\_FIPS\_4803\_Ft\_US

Notes

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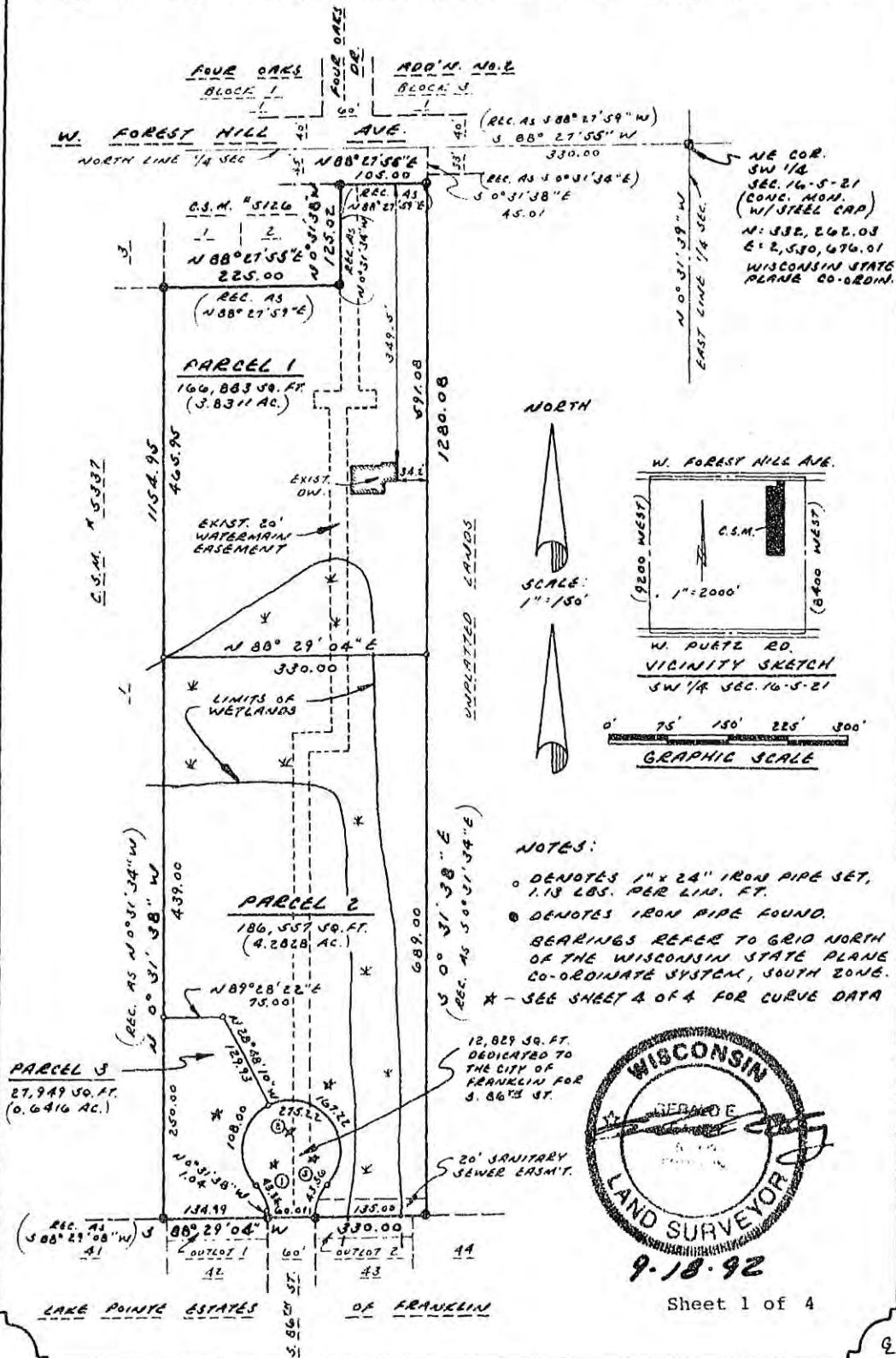


REEL 3292 IMAG 1600

Job No. 81287

## CERTIFIED SURVEY MAP NO. 5979

being a re-division of Parcel 3 of Certified Survey Map No. 5126,  
being a part of the NE 1/4 of the SW 1/4 of Section 16, Town 5 North,  
Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



CERTIFIED SURVEY MAP NO. 5979

being a re-division of Parcel 3 of Certified Survey Map No. 5126,  
being a part of the NE 1/4 of the SW 1/4 of Section 16, Town 5 North,  
Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) SS

I, Gerald E. Casey, land surveyor, do hereby certify:

That I have surveyed, mapped and re-divided Parcel 3 of Certified Survey Map No. 5126, being a part of the NE 1/4 of the SW 1/4 of Section 16, T 5 N, R 21 E, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said SW 1/4; thence S 88°27'55" W along the North line of said SW 1/4, 330.00 feet to a point; thence S 0°31'38" E, 45.01 feet to a point on the South line of W. Forest Hill Ave., said point being the place of beginning of the lands to be described; thence continuing S 0°31'38" E, 1280.08 feet to a point; thence S 88°29'04" W, 330.00 feet to a point; thence N 0°31'38" W, 1154.95 feet to a point; thence N 88°27'55" E, 225.00 feet to a point; thence N 0°31'38" W, 125.02 feet to a point on the South line of W. Forest Hill Ave.; thence N 88°27'55" E along said South line, 105.00 feet to the place of beginning. Said lands containing 9.050 acres.

That I have made such survey, land division and map by the direction of James A. Kupfer and Cynthia R. Minshall, owners of said land.

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

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 21 of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

9-18-92  
Date

Gerald E. Casey  
Gerald E. Casey  
Registered Land Surveyor S-1329

OWNER'S CERTIFICATE

As owner's we hereby certify that we have caused the land described above to be surveyed, re-divided and mapped as represented on this map in accordance with the requirements of Chapter 21 of the City of Franklin Municipal Code.

WITNESS the hand and seal of said owners this 12 day of April, 1994

IN THE PRESENCE OF:

Gary Minshall  
Witness

Mary Minshall  
Witness

James A. Kupfer  
James A. Kupfer  
Cynthia R. Minshall  
Cynthia R. Minshall





REEL 3292 IMAGE 1602

CERTIFIED SURVEY MAP NO. 5979

being a re-division of Parcel 3 of Certified Survey Map No. 5126,  
being a part of the Northeast 1/4 of the Southwest 1/4 of Section  
16, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee  
County, Wisconsin.

STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) SS

PERSONALLY came before me this 12 day of April, 1994, the  
above named James A. Kupfer and Cynthia R. Minshall, to me known to  
be the persons who executed the foregoing instrument and acknowledged  
the same.

Antonia S. Schubert  
Notary Public-State of Wisconsin  
My Commission Expires 4-12-97

## COMMON COUNCIL APPROVAL

Approved and dedication accepted by the Common Council of the City  
of Franklin, Resolution No. 93-4058 on this 2ND day of  
November, 1993.

Frederick F. Klimetz  
Frederick F. Klimetz, Mayor

James C. Payne  
James C. Payne, Administrator

## CONSENT OF CORPORATE MORTGAGEE

Mutual Savings Bank, a corporation duly organized and existing  
under and by virtue of the laws of the State of Wisconsin, mortgagee  
of the above described land, does hereby consent to the surveying,  
re-dividing and mapping of the land described above and hereby  
consent to the above certification of James A. Kupfer and Cynthia A.  
Minshall, owners.

IN WITNESS WHEREOF, the said Mutual Savings Bank has caused these  
presence to be signed by Michael T. Crowley, President and  
Kenneth E. Zipperer, Secretary at Mutual Savings Bank and its  
corporate seal to be hereunto affixed this 6th day of April,  
1994.

IN THE PRESENCE OF:

Witness



Mutual Savings Bank

By:

Michael T. Crowley  
Michael T. Crowley, President

By:

Kenneth E. Zipperer  
Kenneth E. Zipperer, Secretary

Witness



6952952

REGISTER'S OFFICE } SS  
Milwaukee County, WI }  
RECORDED AT \_\_\_\_\_

MAY 19 1994

REEL 3292 IMAGE 1600 to 1603

REGISTER  
OF DEEDS

RECORD

6952952 A  
16.00

-1:25 PM

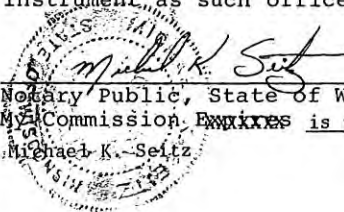
REEL 3292 IMAG 1603

CERTIFIED SURVEY MAP NO. 5979

being a re-division of Parcel 3 of Certified Survey Map No. 5126,  
being a part of the Northeast 1/4 of the Southwest 1/4 of Section 16,  
Town 5 North, Range 21 East, City of Franklin, Milwaukee County,  
Wisconsin.

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

PERSONALLY came before me this 6th day of April, 1994,  
Michael T. Crowley, President and Kenneth E. Zipperer, Secretary  
of Mutual Savings Bank and acknowledged that they executed the foregoing  
instrument as such officers of said corporation by its authority.

  
Notary Public, State of Wisconsin  
My Commission Expires is permanent

Michael K. Seitz

CURVE DATA

NO.	RADIUS	ARC	CHORD	I	CHORD BEARING
1	60.00	43.36	42.43	40° 24' 33"	N 21° 13' 55" W
2	60.00	275.22	90.00	262° 49' 06"	N 89° 28' 22" E
3	60.00	43.36	42.43	41° 24' 33"	N 20° 10' 39" E
P2	60.00	167.22	118.12	159° 41' 05"	N 38° 57' 37" W
P3	60.00	108.00	94.00	103° 08' 01"	N 09° 37' 50" E



THIS INSTRUMENT WAS DRAFTED BY:  
Gerald E. Casey, R.L.S. S-1329

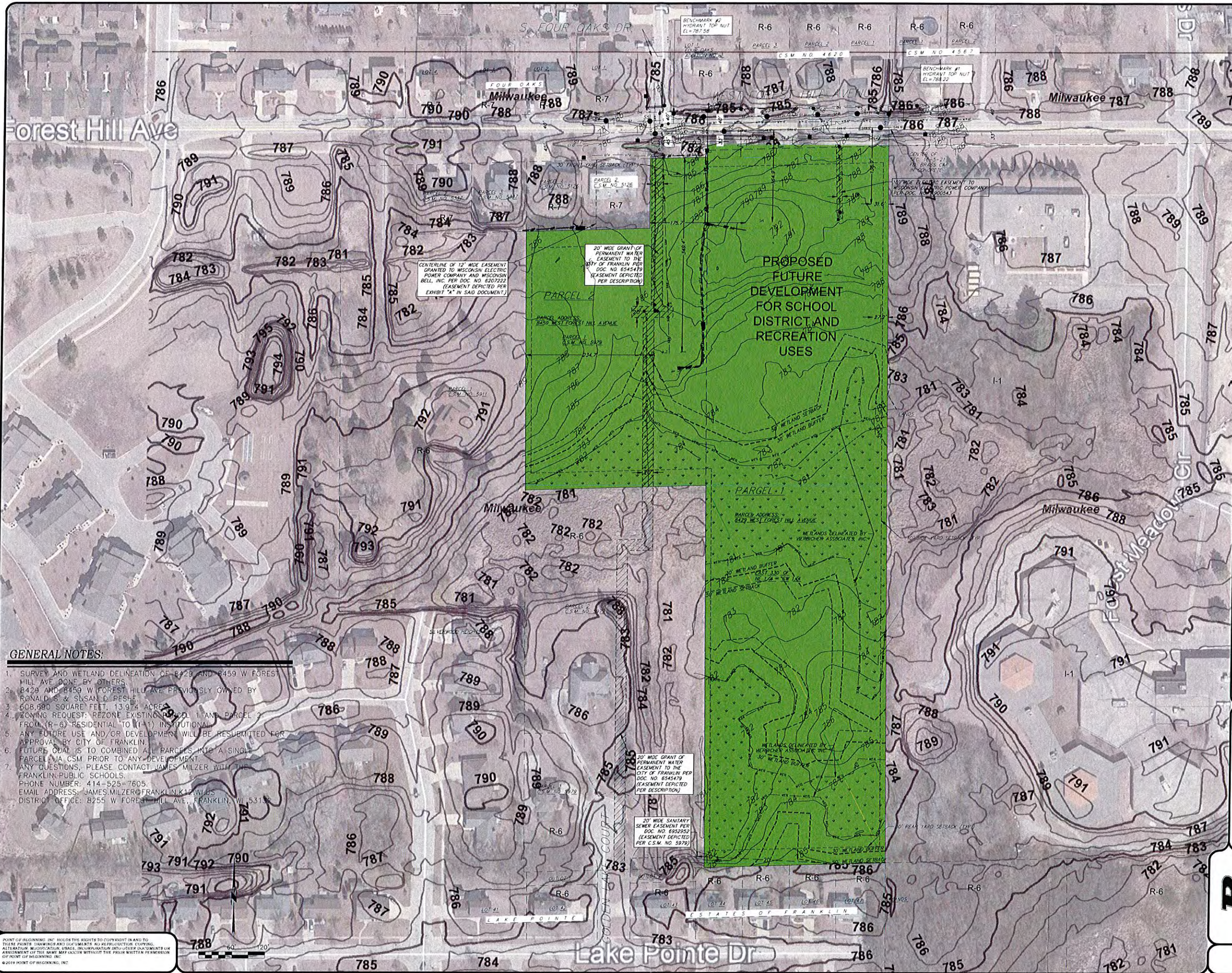


**FRANKLIN PUBLIC SCHOOLS****Parcel Acquisition - Rezoning Project (Franklin, WI)****Neighboring Parcel Information****September 26, 2019**

Point of Beginning

Parcel #	Owner's Names	Address
8020379000	ERIC M & DEBORAH A BABULA	8282 S FOUR OAKS DR
8020378000	PERRY & LYNN WYSOCKI	8288 S FOUR OAKS DR
8029999014	SCOTT & CHERYL WILLIAMS	8424 W FOREST HILL AVE
8029999013	SCOTT R & BETH L MUNRO	8416 W FOREST HILL AVE
8029999012	BRUCE R & JANET MANDEL	8408 W FOREST HILL AVE
8039989003	JOHN A POULAKOS	8344 W FOREST HILL AVE
8039989003	MICHAEL J & TRACEY L WIST	8322 W FOREST HILL AVE
8389978000	FRANKLIN SCHOOL DISTRICT	8255 W FOREST HILL AVE
8389979000	MARK & KATHLEEN REIDY	8314 W PUETZ RD
8390048000	BRYAN A & CYNTHIA LORENTZEN	8451 W LAKE POINTE DR
8390047000	CHARLENE D BOST	8450 W LAKE POINTE DR
8390049000	BUDDY L AND ROXANNE WHITE	8491 W LAKE POINTE DR
8390046000	ROBERT L & BARBARA K SAGADIN	8490 W LAKE POINTE DR
8390050000	JEFFREY AND ROSE YOURICH	8521 W LAKE POINTE DR
8390045000	KRISTEN E FURRY	8510 W LAKE POINTE DR
8390051000	DONALD M JR & PAULINE DORSAN	8593 W LAKE POINTE DR
8390044000	MICHAEL & SUSAN THEIS	8590 W LAKE POINTE DR
8390043000	VASILIKI LIAPIS	8596 W LAKE POINTE DR
8399991005	STEVEN J PALUSZYNSKI	8465 S GOLDEN LAKE CT
8399992010	JOVO & ANNE MARIE OKLOBDIJA	8631 W FOREST HILL AVE
8399992008	KULWINDER KAUR	8609 W FOREST HILL AVE
8399992009	JENNIFER K NELSON	8601 W FOREST HILL AVE
8399991001	PHILIP R & LYNN M TOME	8535 W FOREST HILL AVE
8399991002	260 NORTH 12TH ST LLC	8501 W FOREST HILL AVE
8399992000	JUSTIN J KINDLER	8528 W FOREST HILL AVE
8399991000	MICHAEL J QUARTINA & DANIEL J CARMODY	8523 85 2 FOUR OAKS DR





**GENERAL NOTES:**

1. SURVEY AND WETLAND DELINEATION OF 8429 AND 8459 W FOREST HILL AVE DONE BY OTHERS.
2. 8429 AND 8459 W FOREST HILL AVE PREVIOUSLY OWNED BY RONALD S & SUSAN D PESHE.
3. 608,880 SQUARE FEET, 13.974 ACRES.
4. ZONING REQUEST: REZONE EXISTING PARCEL 1 AND PARCEL 2 FROM (R-6) RESIDENTIAL TO (I-1) INSTITUTIONAL.
5. ANY FUTURE USE AND/OR DEVELOPMENT WILL BE RESUBMITTED FOR APPROVAL BY CITY OF FRANKLIN.
6. FUTURE GOAL IS TO COMBINE ALL PARCELS INTO A SINGLE PARCEL VIA CSM PRIOR TO ANY DEVELOPMENT.
7. ANY QUESTIONS, PLEASE CONTACT JAMES MILZER WITH THE FRANKLIN PUBLIC SCHOOLS.  
PHONE NUMBER: 414-525-7605.  
EMAIL ADDRESS: JAMES.MILZER@FRANKLIN.K12.WI.US  
DISTRICT OFFICE: 8255 W FOREST HILL AVE, FRANKLIN, WI 53132

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REVISIONS	
1	09/23/19
CHECKED: SNO	
DRAWN: MJC	
DATE: 05/21/19	
PROJECT NO: 19.049	

**FUTURE USE MAP**

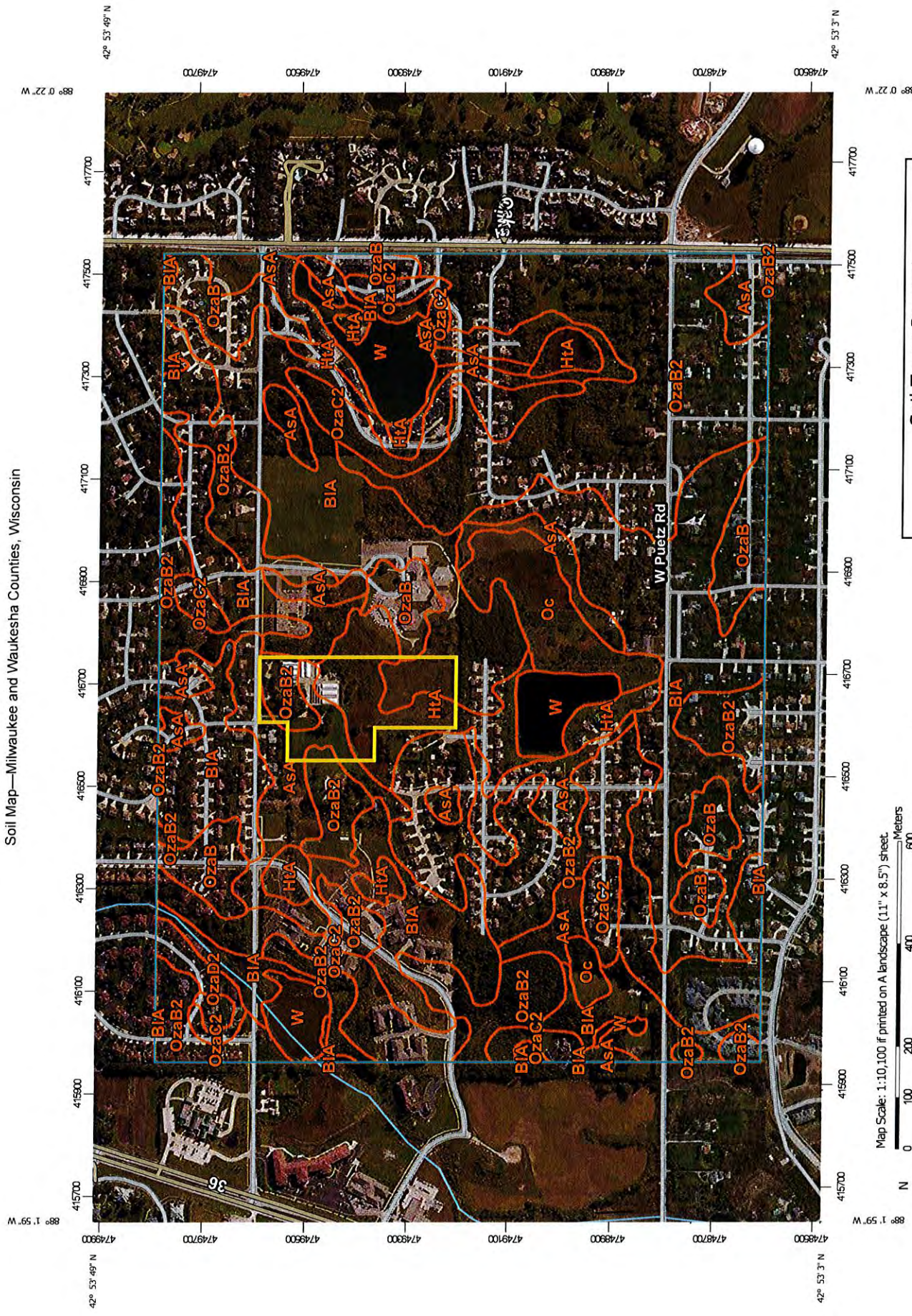
FRANKLIN PUBLIC SCHOOLS  
PROPERTY ACQUISITION  
PARCEL REZONING PROJECT  
CITY OF FRANKLIN  
MILWAUKEE COUNTY

Land Surveying  
Engineering  
Landscape Architecture  
4941 Kirschling Ct.  
Stevens Point, WI 54481  
715.344.9999 (ph) 715.344.9922 (fx)

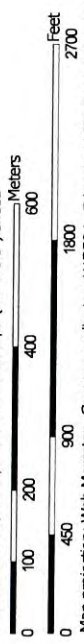
**POB**  
Point of Beginning  
C0.0



Soil Map—Milwaukee and Waukesha Counties, Wisconsin



Map Scale: 1:10,100 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84

Soil Types Present

- AsA - Ashkum silty
- BIA - Blount silt
- HtA - Houghton muck
- OzaB - Ozaukee silt
- OzaB2 - Ozaukee silt loam

Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey



### Map 5.7



## Future Land Use

## Areas of Natural Resource Features

- Existing Trail  
Proposed Trail

The changes on this map reflect hand notes provided by Planning to GIS on 8/25/09. The changes were made to a copy of the 2005 Existing Land Use layer.

Disclaimer

The information depicted on this map was compiled from a variety of sources, including photogrammetric, means survey maps, plats of survey, flood insurance studies, or other similar documents, including aerial photographs, which may be consulted when attempting to locate features on a site or property or when precise accuracy is required.

## Map 5.7



## Areas of Natural Resource Features

- Existing Trail

The information depicted on this map was compiled from a variety of sources, including photogrammetric means. This map is not intended for use as a legal document, and official map documents, including certified survey maps, plats of survey, flood insurance studies, or other similar documents should be consulted when attempting to locate features on a site or property or when precise accuracy is required.



# Future Land Use Map

2025

Map 5.7



- Legend**
- Future Land Use**
- Areas of Natural Resource Features
  - Business Park
  - Commercial
  - Communication and Utilities
  - Industrial
  - Institutional
  - Landfill
  - Light Manufacturing
  - Mixed Use
  - Office
  - Recreational
  - Residential
  - Residential - Multi-Family
  - Transportation
  - Water
  - Future Roads (SW Plan)
  - Existing Trail
  - Proposed Trail
  - Milwaukee County Parkway

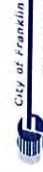
## Notes

The changes on this map reflect hand notes provided by Planning to GIS on 5/7/2009.  
The changes were made to a copy of the 2005 Existing Land Use layer.

The boundary areas have been identified as a Potential Development Area. However, it is anticipated that any development / redevelopment of any area will not occur until a final decision has been made by the City of Franklin. Such development / redevelopment is to occur in accord with any provisions as set forth in Ordinance No. 57-4506 as may be amended.

## Disclaimer

The information depicted on this map was compiled from a variety of sources, including photographic means. This map is not intended for use as a legal document. It is not a substitute for a professional survey. Certified survey maps, state of survey, flood insurance studies, or other similar documents should be consulted when determining the location of a lot or property or when precise accuracy is required.

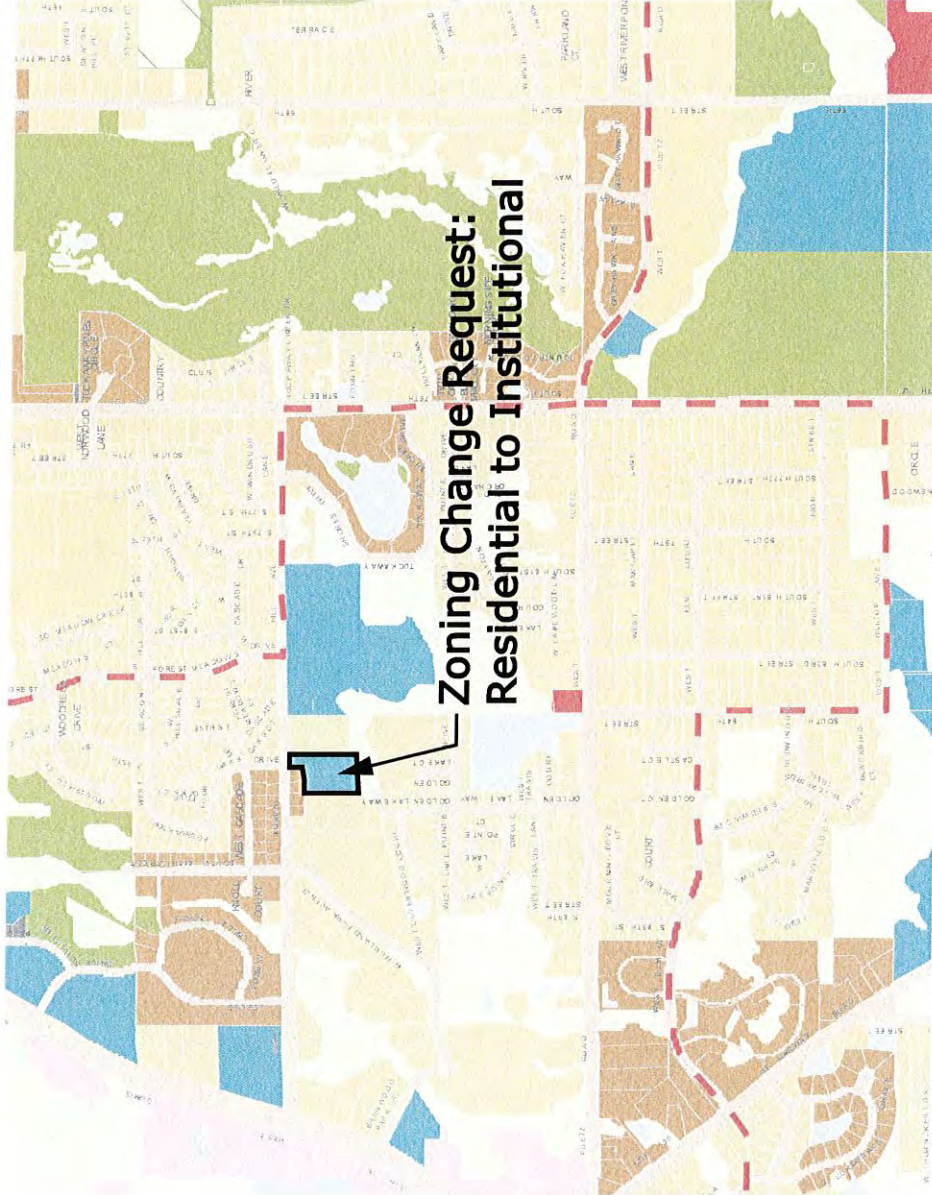


City of Franklin  
GIS Department  
8228 W. Loomis Rd.  
Franklin, WI 53132  
www.franklinwi.gov

# Future Land Use Map

2025

Map 5.7



- Legend**
- Future Land Use**
- Areas of Natural Resource Features
  - Business Park
  - Commercial
  - Communication and Utilities
  - Industrial
  - Institutional
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  - Mixed Use
  - Office
  - Recreational
  - Residential
  - Residential - Multi-Family
  - Transportation
  - Water
  - Future Roads (SW Plan)
  - Existing Trail
  - Proposed Trail
  - Milwaukee County Parkway

## Notes

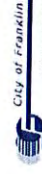
The changes on this map reflect land uses provided by Planning to GIS on 8/7/2009.

The changes were made to a copy of the 2005 Planning Land Use Map.

The study area has been identified as a Potential Development Area. However, it is anticipated that any development / redevelopment / land use change will be subject to a future land use plan. Such development / redevelopment / land use change will be subject to a future land use plan.

## Disclaimer

The information displayed on this map was compiled from a variety of sources, including photographic means. This map is not intended to serve as a legal document. The map is not intended to serve as a legal document. The map is not intended to serve as a legal document. The map is not intended to serve as a legal document.



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Franklin, WI 53132  
www.franklinwi.gov





REPORT TO THE PLAN COMMISSION

Meeting of October 3, 2019

**Comprehensive Master Plan Amendment,  
Rezoning, Special Use and Site Plan**

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**RECOMMENDATION:** City Development Staff recommends denial of the Comprehensive Master Plan Amendment, Rezoning, Special Use and Site Plan applications submitted by Bodner Property Management, LLC.

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<b>Project Name:</b>	Knollwood Legacy Apartments
<b>Project Location:</b>	Scepter Drive and Church Street/ Tax Key 759-9999-008
<b>Property Owner:</b>	122ND Street Land Co.
<b>Applicant:</b>	William Bodner, Bodner Property Management, LLC
<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 of approval of the Rezoning, Comprehensive Master Plan Amendment, Special Use and Site Plan applications

---

**Please Note:**

- *Although staff is recommending denial of the proposed project, should the City wish to approve the project, suggested conditions of approval are set forth in each of the associated draft resolutions and ordinances.*
- *Further details of staff's comments are contained in the attached Memorandum dated August 27, 2019.*

**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).

Below is a summary of the applications submitted which are required for the subject development to move forward.

- Rezoning Application to 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).

- Comprehensive Master Plan Amendment request to amend the 2025 Future Land Use Map use designation for the subject property from Mixed Use to Residential – Multi-Family.
- Special Use and Site Plan Application to allow for the construction of five 8-unit multi-family residential apartment buildings (and associated parking, landscaping, lighting, etc.) as allowed by Table 15-3.0602, which permits ‘Multiple-family dwellings and apartments’ as a Special Use in the R-8 District.
- Natural Resource Special Exception (to be reviewed at a future Plan Commission meeting) request to remove the majority of two areas of young woodlands. This application is currently scheduled for the October 23, 2019 Environmental Commission meeting and subsequent Plan Commission meeting.

A Neighborhood Meeting for this project was conducted by the applicant on December 12, 2018. The applicant has noted that the meeting was attended by 11 neighbors and Alderman Dan Mayer. The applicant indicates that subsequent to the meeting, the MacKenzie Square Condominium Association sent a letter to Alderman Mayer stating they would prefer the property to remain zoned for single family use.

A Concept Review of this project was held by the Common Council at its meeting of March 5, 2019. At that meeting, the applicant presented preliminary plans of the proposed project to the Council for review and discussion.

### **PROJECT DESCRIPTION/ANALYSIS:**

According to the applicant, each apartment will have an attached 2-car garage. Lower units will have an area of 1,280 square feet consisting of 2-bedrooms. Upper units have an area of 1,402 square feet and are 2-bedroom units with a den, which is considered a bedroom when considering zoning standards and regulations.

#### ***Special Use***

While the R-8 zoning district allows a maximum density of 8.0 dwelling units per acre, the applicant is proposing a gross density of 7.0 units per acre, and a net density of 9.3 units per acre. It can be noted that as part of a special use approval, the Common Council may approve increases of the maximum density limit.

#### ***Site Plan***

The total site has an area of 5.7 acres (249,108 square feet) and is currently vacant. The development will result in 97,052 square feet of impervious surface and 152,056 square feet of greenspace, which equates to an Open Space Ratio of 38.9%, which meets the UDO minimum requirement of 25%.

The site plan includes two access drives from S. Scepter Drive. However, staff is particularly concerned that the proposed development does not include the construction of West Allwood Drive from West Scepter Drive to South Lovers Lane Road (STH 100) along the north property

line, as required by Resolutions 1985-2607, 1990-3499 and 1991-3564. Construction of this road would:

- allow full and direct access of this property to STH 100;
- allow full and direct access of the property to the north to STH 100;
- provide such access at a location already approved by the Wisconsin DOT and which is already signalized; and
- be consistent with the investment made by Target and the Shoppes of Wyndham Village into the development of this intersection.

Staff would further note that the intersection of West Allwood Drive with STH 100 should be provided with a pedestrian cross-walk to accommodate the pedestrian traffic not only from the subject development, but also from adjacent developments.

### ***Parking***

All buildings include two-car attached garages for each unit. In total there are 40-units, thus 80 enclosed parking spaces. Also included are 28 exterior spaces, including two ADA accessible parking space. The proposed parking meets the UDO required parking standards.

### ***Landscaping***

Based upon the proposed number of dwelling units, Table 15-5.0302, and the bufferyard easement requirements of the UDO, 72 canopy/shade trees, 48 evergreens, 48 decorative trees and 144 shrubs are required.

The applicant is providing 36 canopy/shade trees, 89 evergreens, 43 decorative trees and 62 shrubs. The applicant is requesting that the additional evergreens proposed replace or count towards the shade tree, and decorative tree, and shrub shortfall. It can be noted that this type of replacement is not allowed by the UDO. Therefore, the proposed landscaping does not meet the UDO required landscaping standards.

According to the applicant, the selected plant material should not need constant watering. Therefore, the applicant is requesting a waiver of irrigation requirements of Section 15-5.0303D. of the UDO.

### ***Outdoor Lighting***

The outdoor lighting plan identifies building lighting only. The applicant has included detailed information on the proposed coach type lights for the buildings and locations are shown on the Lighting Plan and Building Elevations. The proposed light levels are low and do not exceed UDO lighting standards.

### ***Natural Resource Protection Plan (NRPP)***

Detailed natural resource information and a Natural Resource Protection Plan have been provided by the applicant. The property contains two young woodland areas onsite. A wetland is also located on the property; however, 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.

Approximately 1.15 acres of the 1.31 acres of young woodland onsite will be impacted to allow for the grading and construction of the proposed development. This proposal does not meet the protection standards of 50 percent for young woodlands. The applicant has applied for a Natural Resource Special Exception to allow 87 percent of the young woodlands to be removed, and to be allowed to provide no mitigation. As previously noted, this Special Exception is scheduled for the October 23<sup>rd</sup>, 2019 Environmental Commission meeting.

### ***Architecture***

The primary building materials and features specified for the proposed buildings include brick veneer and cement board/LPSmart siding. Each unit is proposed with a patio or balcony. The R-8 District allows principal structures to have a maximum height of 3.0 stories or 45 feet. The proposed buildings have a peak height of 24 feet.

### ***Stormwater Management***

The site plan includes a bio-filtration stormwater basin on the east side and another on the south side of the property. Additionally, two bio-swales are located along S. Scepter Drive. The stormwater management plan is currently under review by the City.

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

The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as “Mixed Use.”

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

Balanced Development Principle. As an overall guiding element of the CMP, Chapter 2 recommends that development be balanced with natural resource protection such that the high quality suburban character of the City is maintained, and that large-lot residential development, small-scale commercial development, and preservation of natural resources be supported.

- Land Use Principle. Encourage quality development that includes smaller and mixed use commercial centers and corridors.
- Transportation Principle. Provide viable options for travel through multiple modes including driving, transit, walking, and bicycling.

70/30 Goal. Chapter 2 of the CMP recommends that the City strive to achieve a balance of 70 percent residential to 30 percent commercial assessed valuation to help lower the City’s tax rate and to help achieve the Balanced Development Principle.

- Other Principles and Goals for which the subject request is not consistent include:
  - Create jobs for a growing population (Economic Development chapter principle)
  - Encourage high quality commercial, retail and office development in appropriate locations (Land Use chapter goal)



- Provide access to parks, open space, and a wide range of recreational programs and facilities that help to promote an active and healthy lifestyle.
- Encourage high quality commercial, retail, and office development in appropriate locations.
- Accommodate (where appropriate) high quality neighborhood-scale commercial development, which serves local residents, is compatible with adjacent uses, and is consistent with the capacity of the City's infrastructure.
- Encourage compatible uses, such as high quality non-residential development next to residential development, and/or by providing appropriate buffers between them.
- Develop a system of sidewalks and paths that links neighborhoods to active destinations.

### **Staff Recommendation:**

City Development Staff recommends denial of the Knollwood Legacy Apartments proposal as it does not meet many of the pertinent requirements and standards set forth in the UDO, and as it is not consistent with many of the guiding elements, goals, and principles contained within the City's Comprehensive Master Plan, as set forth in this staff report and in the attached staff comments Memorandum dated August 27, 2019.

However, if the City wishes to approve the proposed project, staff recommends it be approved subject to the conditions of approval contained in the various attached draft resolutions and ordinances. In addition, staff would have the following suggestions.

### **Staff suggestions**

- To better light the exterior parking spaces and to ensure a safe environment for tenants, it is suggested that the applicant add light poles within the off-street parking areas, subject to Department of City Development staff approval.
- The development should include one or more of the following amenities such as a clubhouse, swimming pool, dog walking area, park/playground area, central courtyard/open space area, outdoor workout area or other such amenities that would enhance the quality of the development.
- As residents of this apartment development will likely utilize the Shoppes at Wyndham Village development, internal walkways or paths should be included from all buildings that would extend to a sidewalk and safe pedestrian access across STH 100. It is further recommended that the WisDOT be contacted to discuss installing a crosswalk and pedestrian striping across STH 100 at the existing traffic lights adjacent to the entrance drive to the Shoppes of Wyndham Village development.
- The site plan should be revised to add a sidewalk on the east side of Scepter Drive. Additionally, this sidewalk should be connected to the proposed development.
- The Site Plan should be revised to add a second garbage enclosure to the south side of the project, adjacent to the south side of Building #2.

- 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).

## **MEMORANDUM**

Date: August 27, 2019

To: William Bodner  
Bodner Property Management, LLC

From: City of Franklin, Department of City Development

RE: Applications for Rezoning, Comprehensive Master Plan Amendment, Special Use, Site Plan and Natural Resource Special Exception

---

Please be advised that the Department of City Development has reviewed the above applications. Staff comments are as follows for the Rezoning and Comprehensive Master Plan Amendment, Special Use (including signage), Site Plan (including landscape, lighting and architecture) and Natural Resource Special Exception (including Natural Resource Protection Plan), applications submitted by William Bodner, and date stamped by the City of Franklin on May 24, 2019.

### **Rezoning and Comprehensive Mater Plan Amendment**

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

1. Please provide an Exhibit for the Rezoning and Comprehensive Master Plan Amendment that indicates the existing and proposed zoning and future land use designation as well as the information below per Section 15-9.0203 of the Unified Development Ordinance (UDO).
  - a. Owners' Names and Addresses Required. Name, address, and telephone number of the petitioner for a zoning amendment agent; and tax key numbers, names, and addresses of all property owners of all properties lying within 200 feet of the area proposed to be rezoned.
  - b. Plot Plan Required. Plot plan drawn to a reasonable scale (as determined by the City Planner and/or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
    - i. Please note that the proposed site plan, with inclusion of all of the above required information, would be sufficient.

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

2. As indicated as part of the Concept Review, as the adjacent properties to the east and north are currently zoned mixed use and business uses respectively, and as the Comprehensive Master Plan Future Land Use Map identifies the the subject property and the adjacent areas to the north, south, and east as mixed use, a mixed use or commercial development is preferred for the subject parcel.
  - a. As such, staff recommends that the subject plans be withdrawn, revised to reflect a mixed use development, and submitted instead as a Planned Development District. With this approach, a Comprehensive Master Plan Amendment would not be required.
3. Please correct your project summary: this project also requires a Natural Resource Special Exception; and the lands to the north are partially developed with a gas station.

## **Special Use**

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

4. As specified in the Site Intensity and Capacity Calculations provided the maximum number of units per Net Density is 37 dwelling units. The 40-units proposed exceeds that standard.

Note that as a Special Use, per Section 15-3.0701A.7. of the UDO, the Common Council pursuant to the recommendation of the Plan Commission may modify district standards. This approval process is required to proceed with 40-units.

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

5. Please be aware of the attached Impact Fee schedule.
6. Note that State law now requires that substantial evidence must be provided. Substantial evidence is defined as “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion”

If not familiar with this law change, review of Wis. Statute 62.23(7)(de) *Conditional use permits* is recommended.

- a) Staff recommends that additional, more accurate information be provided for the responses to the Special Use General Standards and Considerations, particularly for: General Standards #1 (please note that the proposed project is not consistent with the current Comprehensive Master Plan and requires approval of an amendment of the Future Land Use Map, and the proposed project is not consistent with the current zoning and requires approval of a rezoning to R-8); #4 (see attached resolutions regarding the proposed Allwood Drive, please note that the proposed development will not be providing the public street and therefore is not consistent with these requirements).

**Signage:** Is any signage proposed? Staff recommends submitting signage as part of the Special Use application.

## **Site Plan**

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

7. Please provide the following information on the Site Plan per Section 15-7.0103 of the Unified Development Ordinance.
  - a. Owner's and/or Developer's Name and Address. Owner's and/or developer's name and address noted on the Site Plan.
  - b. Existing and Proposed Topography. Existing and proposed topography shown at a contour interval of not more than two feet at National Geodetic Vertical Datum of 1929 (mean sea level). Existing contour lines may also be required to be shown a distance of 200 feet outside of the boundaries the subject property by the Zoning Administrator and/or Plan Commission. A site grading plan may also be required by the Zoning Administrator and/or Plan Commission. - - A separate preliminary grading plan may be included for the proposed topography.

- c. Soils Data. The characteristics and types of soils related to contemplated specific uses. Soil borings may be required by the City Engineer, Zoning Administrator, and/or Plan Commission.
  - d. Building Height. Height of all building(s), including both principal and accessory, expressed in both feet and stories.
  - e. Development Staging/Phasing. A graphic outline of any development staging or phasing which is planned. - - Is any phasing proposed? In what order will buildings be constructed?
  - f. Easements. The location of all existing and proposed easements on the site including natural resource protection and mitigation area easements, landscape easements, access easements, utility easements, and all other easements. - - A Conservation Easement is recommended to protect the remaining young woodland area onsite.
  - g. Existing and Proposed Zoning Boundaries. The existing and proposed zoning boundaries of the property.
8. Pursuant to UDO Section 15-7.0102(K), please provide details for the dumpster enclosure (height, materials, etc.)
  9. Please label a typical parking space size on the Site Plan. All parking spaces are required to be a minimum of 9-feet wide and 180 square feet.
  10. Please label the parking setbacks on the Site Plan in addition to the building setbacks. A 10-foot parking setback is required from the north, east and west property lines and a 15-foot setback is required from the south property line (as it abuts a single-family zoned property).
  11. Pursuant to Sections 15-7.0102B., 15-7.0103M. and 15-5.0108 of the UDO, please provide a 40' arterial street setback from Hwy. 100, and revise the Site Plan and other maps accordingly. Please note that Building #5 is located too close to Hwy. 100 and must be relocated.

#### Additional City Development Department Comments

12. Pursuant to Resolutions 1985-2607, 1990-3499, and 1991-3564, it is recommended that West Allwood Drive be constructed as part of this development. The road should extend from W. Scepter Drive to South Lovers Lane Road (STH 100) along the north property line.
  - a. Please note that the Site Plan must then be revised accordingly, to meet all required setbacks from this public road.
13. Is one trash enclosure sufficient for five buildings and forty units? Is this similar to Forest View Apartments where each apartment unit will have trash and recycle containers within their garage for individual private pickup and the dumpster is for overflow only?
14. It is recommended that the development include amenities such as a clubhouse, swimming pool, dog walking area, park/playground area, central courtyard/open space area, outdoor workout area or other such amenities that may enhance the quality of the development.
15. The current plan shows two (2) accessible parking stalls for the development. It is suggested that additional ADA accessible parking be provided. Accessible parking should be near building entrances or paved pathways to entrances with appropriate slopes and curb cuts.
16. Staff also suggests adding pedestrian amenities to the site such as benches and bike racks.
17. It is suggested that underground parking be considered. Underground parking would eliminate the large number of exterior garage doors. It also may be difficult to back out of the side garage parking spaces as they back up onto the main access drives. Furthermore, it would assist in differentiating this project, primarily the architecture, to the Forest View Apartments development.
18. As residents of this apartment development will likely utilize the Shoppes at Wyndham Village development it is important to consider pedestrian accessibility and access. As such, it is

recommended that internal walkways or paths be included from all buildings that would extend to a sidewalk and safe pedestrian access across STH 100. It is further recommended that the WisDOT be contacted to discuss installing a crosswalk and pedestrian striping across STH 100 at the existing traffic lights adjacent to the entrance drive to the Shoppes development.

## **Landscape plan**

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

19. Please provide the following information on the Landscape Plan per Section 15-7.0301 of the Unified Development Ordinance as may be applicable. Mitigation to compensate for impacts to the young woodlands and a bufferyard adjacent to the single-family zoned property to the south are recommended.
  - a. Landscape Bufferyard Easements and Natural Resource Mitigation Areas. All proposed "Landscape Bufferyard Easements" and/or areas of natural resource mitigation shall be clearly delineated and dimensioned. and graphically shown in relation to all proposed lot lines and lots upon which said "Landscape Bufferyard Easements" or mitigation areas are located.
  - b. Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of the proposed development, Subdivision, Certified Survey Map, or Condominium which are designated as a "Landscape Bufferyard Easement" and/or mitigation area. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the "Landscape Plan." - - Note that if mitigation is proposed for the tree impacts, it must be illustrated on the Landscape Plan. In addition, if any credit for existing trees is proposed, a tree inventory indicating the tree type and size is required.
  - c. Natural Resource Features Mitigation Plan Required. If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Plan Commission, shall be submitted with the "Landscape Plan." - - Note that if mitigation is proposed, a plan must be provided for review.
20. Note that Section 15-5.0302C. of the UDO applies as the property to the south is zoned single-family residential. Please review these standards and revise the Landscape Plan accordingly.
21. Please illustrate areas for snow storage on the Landscape Plan in accordance with Section 15-5.0210 of the UDO.
22. Please provide irrigation as required by Section 15-5.0303D. of the UDO.

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

23. It is recommended that the Cleveland Select Pear be replaced with a noninvasive tree type, such as an Autumn Brilliance Serviceberry tree.

## **Lighting plan**

24. It is suggested that decorative light poles with fixtures matching the building lighting be included within the parking areas.



## **Architecture**

25. Staff recommends replacing the vinyl siding with a cement board siding product.
26. It is preferred and recommended that the architecture be substantially different from the Forest View Apartments.

## **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.
  - a. 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.
  - b. 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.
  - c. 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.

### **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.
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.
30. Include the total Acres of Land Impacted on the NRPP Map.
31. If areas of young woodland or other natural resources such as wetlands overlap, show or note the area of overlap on the map.

## **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:
  - a. Question and Answer Section, Item D: Statement of Appropriateness
  - b. Section 2, Possible Alternatives: Items A through F.
  - c. Section 3, Comparison of Alternatives: Items A through D.
  - d. Section 4, Choice of Project Plan

- e. 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.

- 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.
  - 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.
- 

#### Inspection Services Department Comments

- 35. “The applicant should be advised that a fire protection system (sprinklers) will, most likely, be required for the proposed buildings”.

#### Franklin Fire Department Comments

- 36. “I concur with Scott, that state DSPS will likely require fire sprinklers. Fire hydrant density/locations and Fire Department Connections locations (if required) must be acceptable to FD.”.

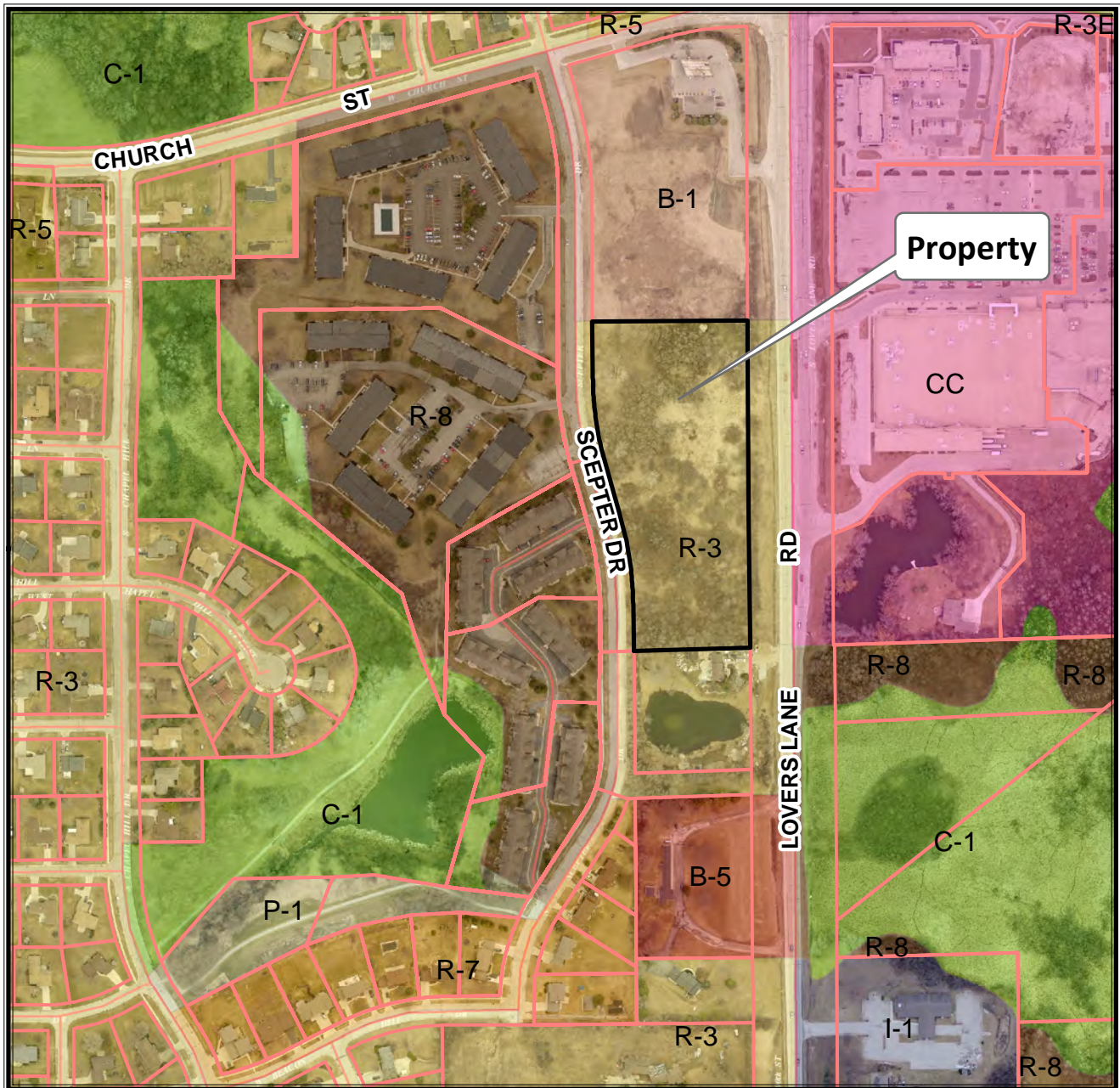
#### Wisconsin Department of Transportation Comments

- 37. “WisDOT is willing to allow for the removal of the construction of Allwood Drive if the following occurs:
  - No access to WIS 100 is allowed for Mr. Bodner’s development, it shall be from Scepter Drive
  - All land north of the proposed Allwood Drive access is limited to a private driveway opposite of the Target Driveway
  - The current Speedway Gas Station driveway to WIS 100 is removed and relocated to the new private driveway opposite Target”

#### Engineering Department Comments

- 38. “For Engineering review, we need a full set of engineering plans. The horizontal must be referenced to the State Plane Coordinate System and the vertical to NAD 29 (see SEWRPC). May need to submit an easement for the depicted utilities and storm drainage ponds and, Storm Water Management Plan”.

TKN: 795 9999 008



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

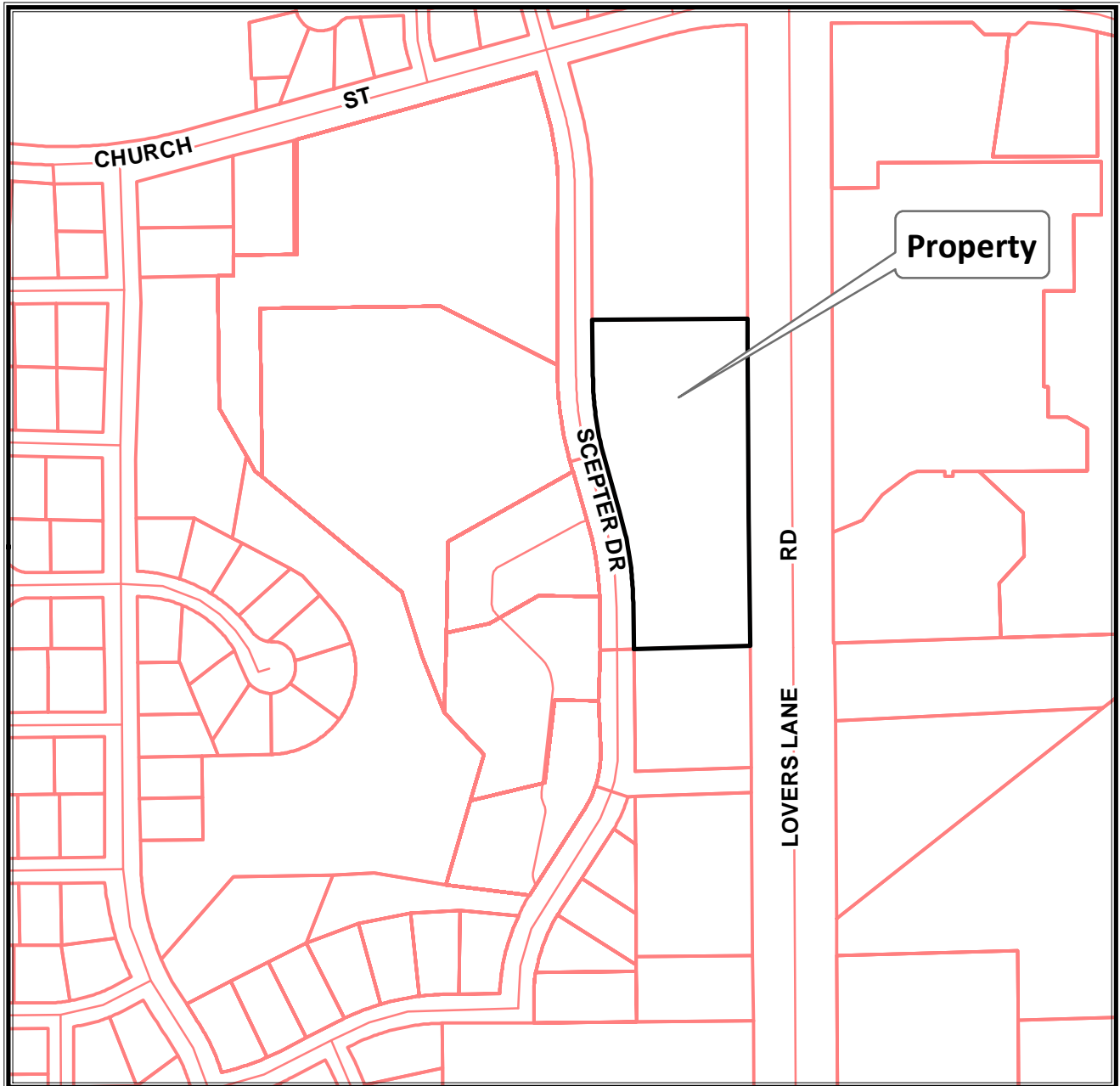
0 230 460 920 Feet

*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.*





STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-9-19]*

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 PROPERTY GENERALLY  
LOCATED AT SOUTH SCEPTER DRIVE AND WEST CHURCH STREET FROM  
MIXED USE TO RESIDENTIAL – MULTI-FAMILY USE  
(APPROXIMATELY 5.723 ACRES)  
(WILLIAM BODNER, MANAGING MEMBER,  
BODNER PROPERTY MANAGEMENT, LLC, APPLICANT)

---

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, William Bodner, Managing Member, Bodner Property Management, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at South Scepter Drive and West Church Street, from Mixed Use to Residential – Multi-Family Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on October 3, 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 property generally located at South Scepter Drive and West Church Street, from Mixed Use to Residential – Multi-Family 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, 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 property generally located at South Scepter Drive and West Church Street, from Mixed Use to Residential – Multi-Family 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 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)

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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, William Bodner, Managing Member, Bodner Property Management, LLC having applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at South Scepter Drive and West Church Street, from Mixed Use to Residential – Multi-Family Use, such property bearing Tax Key No. 795-9999-008, more particularly described as follows:

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 curve; Thence Northwesterly 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 Northwesterly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet 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 761.22 feet to the point of beginning, except the East 100 feet thereof; and

WHEREAS, the Plan Commission having determined that the proposed amendment,

in form and content as presented to the Commission on October 3, 2019, in conjunction with an application to rezone the subject property as is more particularly described within the ordinance draft presented to the Commission for such purpose, 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 property generally located at South Scepter Drive and West Church Street, from Mixed Use to Residential – Multi-Family 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

ATTEST:

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

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



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-16-19]*

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

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)  
(WILLIAM BODNER, MANAGING MEMBER, BODNER  
PROPERTY MANAGEMENT, LLC, APPLICANT)

---

WHEREAS, William Bodner, Managing Member, Bodner Property Management, LLC having petitioned for the rezoning of a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District, such land being generally located at South Scepter Drive and West Church Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of October, 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 property described below be changed from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District:

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 curve; Thence Northwesterly 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 Northwesterly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet 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 761.22 feet to the point of beginning, except the East 100 feet thereof. Tax Key No. 795-9999-008.

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.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk  
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

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

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR A FIVE 8-UNIT  
MULTI-FAMILY RESIDENTIAL APARTMENT BUILDINGS (40 UNITS)  
USE UPON PROPERTY LOCATED AT APPROXIMATELY SOUTH  
SCEPTER DRIVE AND WEST CHURCH STREET  
(WILLIAM BODNER, MANAGING MEMBER, BODNER  
PROPERTY MANAGEMENT, LLC, APPLICANT)

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WHEREAS, William Bodner, Managing Member, Bodner Property Management, LLC having petitioned the City of Franklin for the approval of a Special Use in an R-8 Multiple-Family Residence District [concurrent application to rezone property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District], to allow for the development of a five 8-unit multi-family residential apartment buildings (40 units) use, upon property located at approximately South Scepter Drive and West Church Street, bearing Tax Key No. 795-9999-008, more particularly described as follows:

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 curve; Thence Northwesterly 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 Northwesterly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet 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 761.22 feet to the point of beginning, except the East 100 feet thereof; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 3rd day of October, 2019, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in

WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT,  
LLC – SPECIAL USE  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of William Bodner, Managing Member, Bodner Property Management, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by William Bodner, Managing Member, Bodner Property Management, LLC, successors and assigns, for the five 8-unit multi-family residential apartment buildings (40 units) use, under Option 2 in Table 15-3.0203 R-3 Suburban/Estate Single-Family Residence District Development Standards, Special Use “Open Space Subdivision”, requiring in part a minimum of 0.3 open space ratio, 1.736 gross density and 2.48 net density upon the property, which shall be developed in substantial compliance with, and operated and maintained by William Bodner, Managing Member, Bodner Property Management, LLC, pursuant to those plans dated September 5, 2019, and annexed hereto and incorporated herein as Exhibit A.
2. William Bodner, Managing Member, Bodner Property Management, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the William Bodner, Managing Member, Bodner Property Management, LLC five 8-unit multi-family residential apartment buildings (40 units) development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon William Bodner, Managing Member, Bodner Property Management, LLC, and the five 8-unit multi-family



residential apartment buildings (40 units) use under Option 2 in Table 15-3.0203 R-3 Suburban/Estate Single-Family Residence District Development Standards, Special Use “Open Space Subdivision”, requiring in part a minimum of 0.3 open space ratio, 1.736 gross density and 2.48 net density, for the property located at approximately South Scepter Drive and West Church Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. The applicant shall prepare a Conservation Easement for all protected natural resource features for staff review and Common Council approval, and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.
5. The applicant shall prepare a Landscape Bufferyard Easement for staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office prior to issuance of a Building Permit. Alternatively, the Bufferyard Easement could be incorporated into the Conservation Easement, and the Conservation Easement revised accordingly.
6. The applicant shall submit a separate Sign Review application to the Department of City Development for review and approval, shall obtain a Sign Permit from the Inspection Department, and shall verify that the proposed entry sign is located outside any vision triangle and easements pursuant to Section 15-5.0201 of the Unified Development Ordinance, prior to installation.
7. The applicant shall submit a revised Landscape Plan for Department of City Development review and approval that meets all requirements of Sections 15-5.0302 and 15-5.0303 of the UDO, and provides a 2-year planting guaranty prior to issuance of a Building Permit.
8. The applicant shall submit easements for the depicted utilities and storm drainage ponds for review by the Engineering Department, approval by the Common Council, and recording with the Milwaukee County Register of Deeds Office prior to the issuance of building permits.
9. The applicant shall obtain final approval of grading, erosion control, storm water management, and utilities by the Engineering Department prior to any land disturbance activities.
10. The applicant shall install a pedestrian crosswalk from one of the development’s proposed driveways to the existing sidewalk on the west side of Scepter Drive.

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

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

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

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

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

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

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

WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT,  
LLC – SPECIAL USE  
RESOLUTION NO. 2019-\_\_\_\_\_  
Page 5

APPROVED:

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

ATTEST:

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

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

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

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)  
(WILLIAM BODNER, MANAGING MEMBER OF BODNER PROPERTY  
MANAGEMENT, LLC, APPLICANT)

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WHEREAS, William Bodner, Managing Member of Bodner Property Management, LLC having applied for approval of a proposed site plan for construction of a multi-family residential apartment development (“Knollwood Legacy Apartments”) consisting of 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 including two ingress/egress locations from South Scepter Drive, and onsite parking comprised 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), on property currently zoned R-3 Suburban/Estate Single-Family Residence District [concurrent application to rezone property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District, located at approximately South Scepter Drive and West Church Street; and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0421 of the Unified Development Ordinance and in furtherance of those express standards and purposes of a site plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for the construction of a multi-family residential apartment development (“Knollwood Legacy Apartments”) consisting of five 8-unit buildings, for a total of 40-units, as well as associated parking, landscaping, lighting, dumpster enclosures, and storm water management facilities, on property currently zoned R-3 Suburban/Estate Single-Family Residence District, located at approximately South Scepter Drive and West Church Street, as depicted upon the plans dated September 5, 2019, attached hereto and incorporated herein, is hereby approved, subject to approval of the application to rezone the property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District, and subject to the following terms and conditions:



WILLIAM BODNER, MANAGING MEMBER OF BODNER PROPERTY  
MANAGEMENT, LLC – SITE PLAN  
RESOLUTION NO. 2019-\_\_\_\_\_

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1. The property subject to the Site Plan shall be developed in substantial compliance with and operated and maintained pursuant to the Site Plan for the William Bodner, Managing Member of Bodner Property Management, LLC multi-family residential apartment development (“Knollwood Legacy Apartments”) construction dated September 5, 2019.
2. William Bodner, Managing Member of Bodner Property Management, LLC, successors and assigns, and any developer of the William Bodner, Managing Member of Bodner Property Management, LLC multi-family residential apartment development (“Knollwood Legacy Apartments”) construction project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the William Bodner, Managing Member of Bodner Property Management, LLC multi-family residential apartment development (“Knollwood Legacy Apartments”) construction project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the William Bodner, Managing Member of Bodner Property Management, LLC multi-family residential apartment development (“Knollwood Legacy Apartments”) construction project (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. That the William Bodner, Managing Member of Bodner Property Management, LLC multi-family residential apartment development (“Knollwood Legacy Apartments”) construction project shall be developed and constructed pursuant to such Site Plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin.
5. The approval granted hereunder is subject to conditions and restrictions set forth in Resolution No. \_\_\_\_\_ for the approval of Special Use.

WILLIAM BODNER, MANAGING MEMBER OF BODNER PROPERTY  
MANAGEMENT, LLC – SITE PLAN  
RESOLUTION NO. 2019-\_\_\_\_\_

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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

ATTEST:

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

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

## MEMORANDUM

Date: August 27, 2019

To: William Bodner  
Bodner Property Management, LLC

From: City of Franklin, Department of City Development

RE: Applications for Rezoning, Comprehensive Master Plan Amendment, Special Use, Site Plan and Natural Resource Special Exception

**Franklin**  
**SEP 20 2019**  
City Development

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Please be advised that the Department of City Development has reviewed the above applications. Staff comments are as follows for the Rezoning and Comprehensive Master Plan Amendment, Special Use (including signage), Site Plan (including landscape, lighting and architecture) and Natural Resource Special Exception (including Natural Resource Protection Plan), applications submitted by William Bodner, and date stamped by the City of Franklin on May 24, 2019.

### **Rezoning and Comprehensive Master Plan Amendment**

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

1. Please provide an Exhibit for the Rezoning and Comprehensive Master Plan Amendment that indicates the existing and proposed zoning and future land use designation as well as the information below per Section 15-9.0203 of the Unified Development Ordinance (UDO).
  - a. Owners' Names and Addresses Required. Name, address, and telephone number of the petitioner for a zoning amendment agent; and tax key numbers, names, and addresses of all property owners of all properties lying within 200 feet of the area proposed to be rezoned.  
**Completed. See Site Plan**
  - b. Plot Plan Required. Plot plan drawn to a reasonable scale (as determined by the City Planner and/or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
    - i. Please note that the proposed site plan, with inclusion of all of the above required information, would be sufficient. **See Plan**

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

2. As indicated as part of the Concept Review, as the adjacent properties to the east and north are currently zoned mixed use and business uses respectively, and as the Comprehensive Master Plan Future Land Use Map identifies the the subject property and the adjacent areas to the north, south, and east as mixed use, a mixed use or commercial development is preferred for the subject parcel.
  - a. As such, staff recommends that the subject plans be withdrawn, revised to reflect a mixed use development, and submitted instead as a Planned Development District. With this approach, a Comprehensive Master Plan Amendment would not be required. **We intend on moving forward with the plan as presented, with additional requested information provided.**



3. Please correct your project summary: this project also requires a Natural Resource Special Exception; and the lands to the north are partially developed with a gas station. **Revised**

## **Special Use**

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

4. As specified in the Site Intensity and Capacity Calculations provided the maximum number of units per Net Density is 37 dwelling units. The 40-units proposed exceeds that standard. **As part of the Special Use we are requesting the project consist of 40 units.**

Note that as a Special Use, per Section 15-3.0701A.7. of the UDO, the Common Council pursuant to the recommendation of the Plan Commission may modify district standards. This approval process is required to proceed with 40-units. **Special Use request for 40 units is part of my Submittal.**

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

5. Please be aware of the attached Impact Fee schedule. **Reviewed and aware**
6. Note that State law now requires that substantial evidence must be provided. Substantial evidence is defined as “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion”

If not familiar with this law change, review of Wis. Statute 62.23(7)(de) *Conditional use permits* is recommended.

- a) Staff recommends that additional, more accurate information be provided for the responses to the Special Use General Standards and Considerations, particularly for: General Standards #1 (please note that the proposed project is not consistent with the current Comprehensive Master Plan and requires approval of an amendment of the Future Land Use Map, and the proposed project is not consistent with the current zoning and requires approval of a rezoning to R-8); #4 (see attached resolutions regarding the proposed Allwood Drive, please note that the proposed development will not be providing the public street and therefore is not consistent with these requirements). **We believe the proposed development is a better use for the subject property. The Master Plan will be amended as part of this process to allow the proposed development. As such, we request that Allwood Drive not go through, but an access be reserved for future use of the northern parcel (See WDOT concurrence letter).**

**Signage:** Is any signage proposed? Staff recommends submitting signage as part of the Special Use application. **See revised Site Plan.**

## **Site Plan**

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

7. Please provide the following information on the Site Plan per Section 15-7.0103 of the Unified Development Ordinance.
  - a. Owner's and/or Developer's Name and Address. Owner's and/or developer's name and address noted on the Site Plan. **See revised Site Plan.**



- b. Existing and Proposed Topography. Existing and proposed topography shown at a contour interval of not more than two feet at National Geodetic Vertical Datum of 1929 (mean sea level). Existing contour lines may also be required to be shown a distance of 200 feet outside of the boundaries the subject property by the Zoning Administrator and/or Plan Commission. A site grading plan may also be required by the Zoning Administrator and/or Plan Commission. - - A separate preliminary grading plan may be included for the proposed topography. This is currently shown and shall change contours to NAVD 29 in design phase.
  - c. Soils Data. The characteristics and types of soils related to contemplated specific uses. Soil borings may be required by the City Engineer, Zoning Administrator, and/or Plan Commission. **Understood. Soil information can be provided.**
  - d. Building Height. Height of all building(s), including both principal and accessory, expressed in both feet and stories. **See revised Site Plan.**
  - e. Development Staging/Phasing. A graphic outline of any development staging or phasing which is planned. - - Is any phasing proposed? In what order will buildings be constructed? All infrastructure, ponds, and internal roadway will be built at the same time. Ground breaking for each building will be staggered 30 +/- days. Anticipated order is: Bldg 1, Bldg2, Bldg3, Bldg 5, Bldg4.
  - f. Easements. The location of all existing and proposed easements on the site including natural resource protection and mitigation area easements, landscape easements, access easements, utility easements, and all other easements. - - A Conservation Easement is recommended to protect the remaining young woodland area onsite. Will be completed when lender is chosen, prior to any permits.
  - g. Existing and Proposed Zoning Boundaries. The existing and proposed zoning boundaries of the property. **See revised Site Plan**
8. Pursuant to UDO Section 15-7.0102(K), please provide details for the dumpster enclosure (height, materials, etc.) **See sheet G1**
  9. Please label a typical parking space size on the Site Plan. All parking spaces are required to be a minimum of 9-feet wide and 180 square feet. **See revised Site Plan**
  10. Please label the parking setbacks on the Site Plan in addition to the building setbacks. A 10-foot parking setback is required from the north, east and west property lines and a 15-foot setback is required from the south property line (as it abuts a single-family zoned property). **See revised Site Plan**
  11. Pursuant to Sections 15-7.0102B., 15-7.0103M. and 15-5.0108 of the UDO, please provide a 40' arterial street setback from Hwy. 100, and revise the Site Plan and other maps accordingly. Please note that Building #5 is located too close to Hwy. 100 and must be relocated. **See revised Site Plan**

#### Additional City Development Department Comments

12. Pursuant to Resolutions 1985-2607, 1990-3499, and 1991-3564, it is recommended that West Allwood Drive be constructed as part of this development. The road should extend from W. Scepter Drive to South Lovers Lane Road (STH 100) along the north property line.
  - a. Please note that the Site Plan must then be revised accordingly, to meet all required setbacks from this public road. **We do not agree and request Allwood Dr not be constructed. Please see WDOT Letter.**
13. Is one trash enclosure sufficient for five buildings and forty units? Is this similar to Forest View Apartments where each apartment unit will have trash and recycle containers within their garage



- for individual private pickup and the dumpster is for overflow only? The dumpster garage will hold four 2 yard containers which is sufficient for garbage and recycling. This is the same process used at Forest View Apts which has 42 units. There will be no individual dumpsters.
14. It is recommended that the development include amenities such as a clubhouse, swimming pool, dog walking area, park/playground area, central courtyard/open space area, outdoor workout area or other such amenities that may enhance the quality of the development. The development is too small (number of units) to include a clubhouse, etc.
  15. The current plan shows two (2) accessible parking stalls for the development. It is suggested that additional ADA accessible parking be provided. Accessible parking should be near building entrances or paved pathways to entrances with appropriate slopes and curb cuts. We meet proper code. We have located the 2 accessible stalls across the development to provide access to all areas.
  16. Staff also suggests adding pedestrian amenities to the site such as benches and bike racks. See revised Site Plan. Two benches have been added. No bike racks will be added.
  17. It is suggested that underground parking be considered. Underground parking would eliminate the large number of exterior garage doors. It also may be difficult to back out of the side garage parking spaces as they back up onto the main access drives. Furthermore, it would assist in differentiating this project, primarily the architecture, to the Forest View Apartments development. This comment changes the entire plan, scope and concept of the development. Nearly every new project now consist of large buildings with big underground parking gargaes. Our niche is that we offer tenants the ability to drive right into their apartment. There are many people who feel safer having this ability and seek out this option.
  18. As residents of this apartment development will likely utilize the Shoppes at Wyndham Village development it is important to consider pedestrian accessibility and access. As such, it is recommended that internal walkways or paths be included from all buildings that would extend to a sidewalk and safe pedestrian access across STH 100. It is further recommended that the WisDOT be contacted to discuss installing a crosswalk and pedestrian striping across STH 100 at the existing traffic lights adjacent to the entrance drive to the Shoppes development. The internal private drive will offer the ability for residents to walk throughout the property. See Site Plan for added walkways to access potential Hwy 100 crosswalk. If the DOT is willing to add a cross walk, we will add the path shown on the site plan.

## **Landscape plan**

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

19. Please provide the following information on the Landscape Plan per Section 15-7.0301 of the Unified Development Ordinance as may be applicable. Mitigation to compensate for impacts to the young woodlands and a bufferyard adjacent to the single-family zoned property to the south are recommended.
  - a. Landscape Bufferyard Easements and Natural Resource Mitigation Areas. All proposed "Landscape Bufferyard Easements" and/or areas of natural resource mitigation shall be clearly delineated and dimensioned. and graphically shown in relation to all proposed lot lines and lots upon which said "Landscape Bufferyard Easements" or mitigation areas are located. The requested 30' Landscape Bufferyard would be completed within the Conservation easement we show, so there is no need for an additional easement as this area is already protected and being preserved.



- b. Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of the proposed development, Subdivision, Certified Survey Map, or Condominium which are designated as a "Landscape Bufferyard Easement" and/or mitigation area. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the "Landscape Plan." - - Note that if mitigation is proposed for the tree impacts, it must be illustrated on the Landscape Plan. In addition, if any credit for existing trees is proposed, a tree inventory indicating the tree type and size is required. See revised plan. – Since no mitigation or credit is proposed at this time, we have not added a tree inventory to the plan. We have added the tree locations and numbers that are identified in the Woodland Determination report where an inventory is listed.
  - c. Natural Resource Features Mitigation Plan Required. If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Plan Commission, shall be submitted with the "Landscape Plan." - - Note that if mitigation is proposed, a plan must be provided for review. We request no mitigation
- 20. Note that Section 15-5.0302C. of the UDO applies as the property to the south is zoned single-family residential. Please review these standards and revise the Landscape Plan accordingly. See revised plan
  - 21. Please illustrate areas for snow storage on the Landscape Plan in accordance with Section 15-5.0210 of the UDO. See revised plan
  - 22. Please provide irrigation as required by Section 15-5.0303D. of the UDO. The plant material selected should not need constant watering and shall survive normal Wisconsin conditions such that irrigation is not required for the health of the plant and we are asking to waive this requirement.

#### Additional City Development Department Comments

- 23. It is recommended that the Cleveland Select Pear be replaced with a noninvasive tree type, such as an Autumn Brilliance Serviceberry tree. See revised plan. We added a Crabapple since we already were using the Serviceberry.

### **Lighting plan**

- 24. It is suggested that decorative light poles with fixtures matching the building lighting be included within the parking areas. There are exterior lights at each garage and front door. We have found this is sufficient for this type of development. We request no pole lights to be required.

### **Architecture**

- 25. Staff recommends replacing the vinyl siding with a cement board siding product. See revised elevation plan. Changed this from vinyl to cement board/LPSmart Side type product.
- 26. It is preferred and recommended that the architecture be substantially different from the Forest View Apartments. We do not agree with this as the Forest View building has been highly



desirable, hence the reason for pursuing this development. We offer a different type of product than most new developments, offering attached garage units. The Forest View property is nearly 6 miles from this site. The color scheme will be very different from Forest View.

## **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.
- a. Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site. - - Please show the Conservation Easement boundary around the remaining Young Woodland, wetland, wetland buffer, and wetland setback. See revised Plan
  - b. 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
  - c. 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:
- a. Question and Answer Section, Item D: Statement of Appropriateness
  - b. Section 2, Possible Alternatives: Items A through F.
  - c. Section 3, Comparison of Alternatives: Items A through D.
  - d. Section 4, Choice of Project Plan
  - e. 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.**
- 

#### Inspection Services Department Comments

35. "The applicant should be advised that a fire protection system (sprinklers) will, most likely, be required for the proposed buildings". **We have planned for sprinkling of the buildings.**

#### Franklin Fire Department Comments

36. "I concur with Scott, that state DSPS will likely require fire sprinklers. Fire hydrant density/locations and Fire Department Connections locations (if required) must be acceptable to FD.". **will provide accordingly**

#### Wisconsin Department of Transportation Comments

37. "WisDOT is willing to allow for the removal of the construction of Allwood Drive if the following occurs:
- No access to WIS 100 is allowed for Mr. Bodner's development, it shall be from Scepter Drive
  - All land north of the proposed Allwood Drive access is limited to a private driveway opposite of the Target Driveway
  - The current Speedway Gas Station driveway to WIS 100 is removed and relocated to the new private driveway opposite Target" **We have provided for an access easement for the property to the north, so that the WisDOT guidelines can be met.**

#### Engineering Department Comments

38. "For Engineering review, we need a full set of engineering plans. The horizontal must be referenced to the State Plane Coordinate System and the vertical to NAD 29 (see SEWRPC). May need to submit an easement for the depicted utilities and storm drainage ponds and, Storm Water Management Plan". **Full plans will be prepared subject to rezoning and approval process.**

Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
Email: [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)



City of Franklin

Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web Site: [www.franklinwi.gov](http://www.franklinwi.gov)

Date of Application: \_\_\_\_\_

## REZONING APPLICATION

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

### Applicant (Full Legal Name[s]):

Name: William Bodner  
Company: Bodner Property Management, LLC  
Mailing Address: 11514 N Port Washington Rd  
City / State: Mequon, WI Zip: 53092  
Phone: 262.241.9101  
Email Address: bill@bodnerproperties.com

### Project Property Information:

Property Address: Scepter Dr and Church St  
Property Owner(s): 122nd Street Land Company  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Address: mike.seeland@prc.bz

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

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Tax Key Nos: 7959999008  
Existing Zoning: R-3  
Existing Use: vacant  
Proposed Use: Multi-family  
CMP Land Use Identification: Mixed Use

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

### Rezoning submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin: ☐ \$1,250 ☐ \$350 (One Parcel Residential)
- ☒ Legal Description for the subject property (WORD.doc or compatible format).
- ☒ Seven (7) complete collated sets of Application materials to include:
  - ☒ One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
  - ☒ Seven (7) folded copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- ☒ Email (or CD ROM) with all plans/submittal materials.
- ☐ Additional Information as may be required.

- Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Rezoning requests require Plan Commission review and recommendation and Common Council approval.

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

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

Signature - Property Owner

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Property Owner

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Applicant

Name & Title (PRINT)

Date: 9/20/19

Signature - Applicant's Representative

Name & Title (PRINT)

Date: \_\_\_\_\_



February 18, 2019

RE: Parcel 7959999008 on South Scepter Dr., Franklin, WI

To Whom It May Concern:

Please be advised that as Mr. Bodner, through his company, has my above referenced land under contract to develop as multi-family use. I am aware of the zoning changes being requested, and support this proposed development.

Sincerely,

122<sup>nd</sup> Street Land Company



## 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.

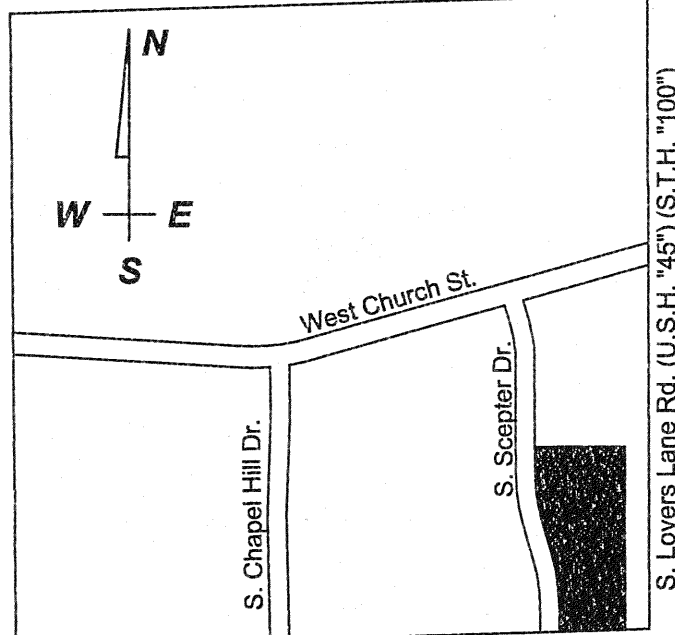
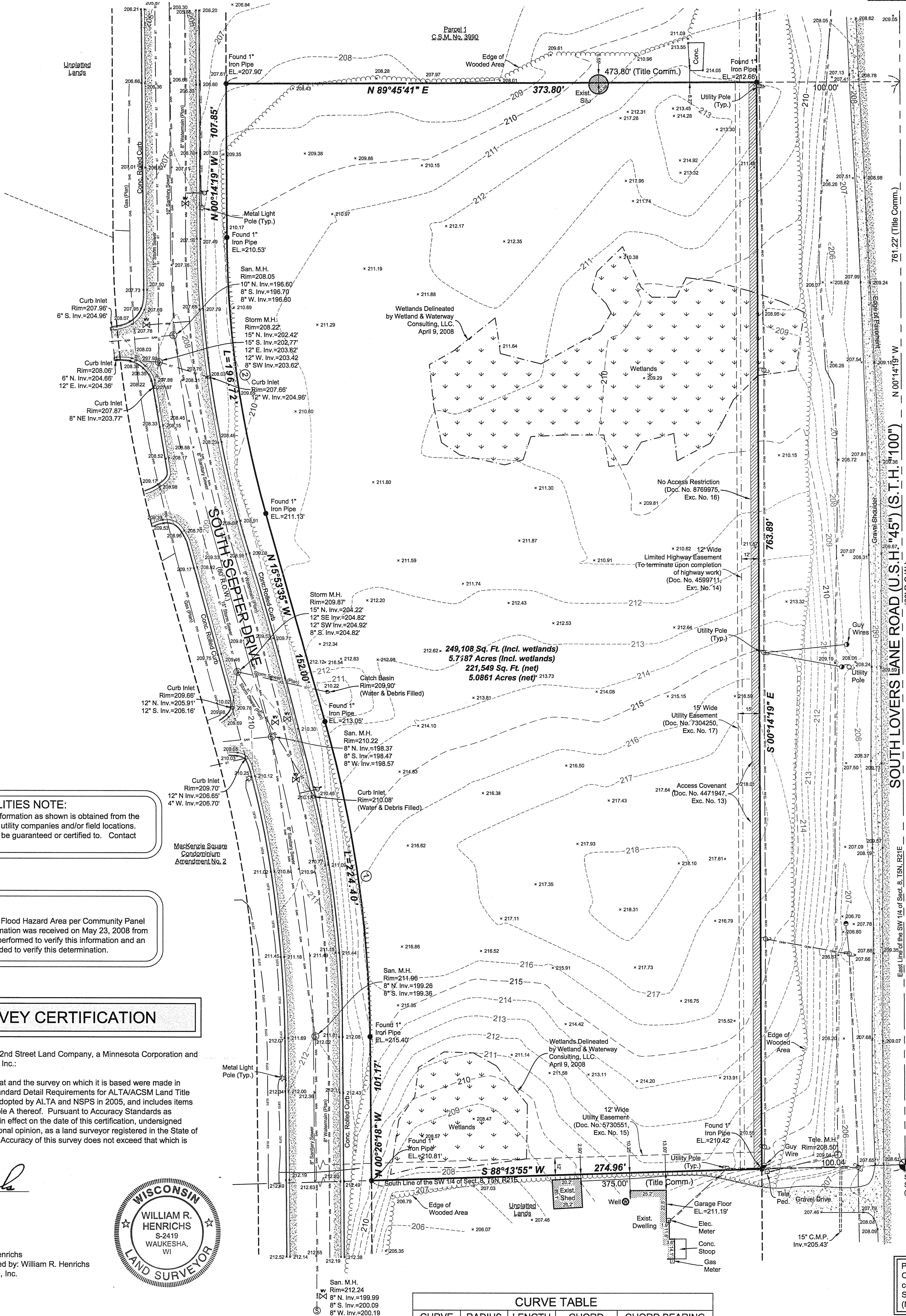
## LEGAL DESCRIPTION - Field Survey:

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	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:

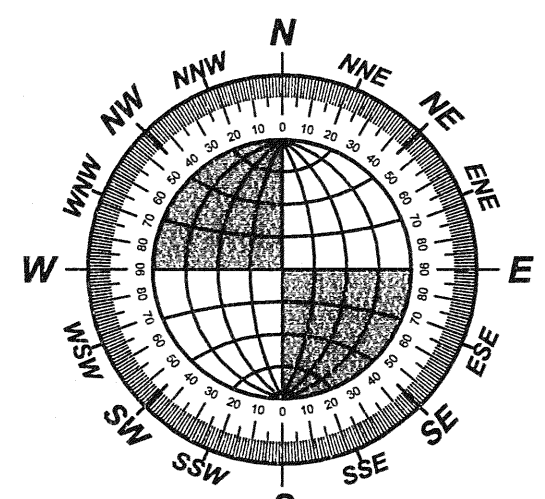
Front: 45'  
Rear: 30'  
Side: 40'  
Wetland: 30'

\*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



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 ¼ of said Section 8;  
Thence South 88° 13' 55" West along the South line of said ¼ Section, 375.00 feet;  
Thence North 00° 26' 18" West 101.17 feet to a point of curve;  
Thence Northwesterly 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 Northwesterly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet 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 ¼ Section.  
Thence South 00° 14' 19" East along the East line of said Southwest ¼ section 761.22 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, LLC. Commitment number 0805R0215 bearing an effective date of April 11, 2008 at 8:00 A.M.



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

September 20, 2019

Plan Commission  
City of Franklin  
9229 W. Loomis Rd.  
Franklin, WI 53132

RE: KnollWood Legacy Apartments

Dear Development Review Team:

Bodner Property Management, LLC (“Bodner”) is pleased to submit the following plan for your review. The property is a 5.723 acre parcel located on South Scepter Drive, just south of Church Street (Parcel 7959999008). We intend to develop this property as multi-family apartments, building five buildings of eight units each, totaling 40 luxury apartment homes.

Attached with this overview and Application are the following:

- \*Legal Description
- \*Site Plan
- \*Building elevations
- \*Colored building elevations
- \*Landscape Plan
- \*Storm Calculations
- \*Wetland Report
- \*Wetland Exemption Letter
- \*Wetland Map
- \*Woodland Report

The property is currently zoned R-3, allowing for single family homes. The proposed development will require rezoning to R-8 plus a special use amendment, and an amendment to the Comprehensive Master Plan.

The neighborhood surrounding the property is comprised as follows: heavy commercial to the east; the northern property is mostly vacant, with a Speedway gas station on the northern end of

the parcel; multi-family to the west, both condominium and apartments; the south bordering property contains one single family home. We believe that the proposed luxury apartment development will be a good buffer between the high intense commercial use to the east (along with the heavily trafficked Lovers Lane Rd) and the residential use to the west.

The 2025 Future Land Use Map shows the subject parcel, and the neighboring parcel to the north, as Mixed Use. We believe our project more appropriately fits in with the dominant residential uses that surround it. A residential-only development will create a fraction of the traffic and be far less congested for the surrounding neighbors than a mixed-use project. In discussions with neighboring residents, there was a strong opinion that a dense, intense use on the subject parcel was not desired. There is little or no foot traffic along Lovers Land Rd, which would hinder successful mixed-use development. Additionally, as this area is suburban in nature and not in an urban setting, our opinion is that the available buildable vacant land is not sufficient to create a properly planned mixed-use development. For all these reasons, we believe the highest and best use for the subject parcel is our suburban, two story multi-family project.

A wetland delineation was done by Heartland Ecological Group. An exemption of wetlands has been granted by the WDNR and the Army Corps., as evidenced within this submittal package.

On December 12, 2018 we hosted a neighbor meeting to obtain comments and concerns from the surrounding residents. Of the nearly 100 invitations that were mailed, 11 people attended. There were subsequent discussions with board members of the neighboring condominium association which resulted in modifications to the landscape plan, offering more screening to the west and south.

This proposed project is modeled after the development we completed 3 years ago, Forest View Apartment Homes. The proposed buildings are wood frame construction, brick masonry and vinyl construction exterior. All buildings contain 8 units, each with an attached 2 car garage. Tenants and guests may also park in front of their garage. The units are 2 bedroom, and 2 bedroom with a den, and all have 2 full bathrooms. Some of the unit features are as follows:

- \*Square Footage: 1,280 Lower. 1,402 Upper
- \*Quartz/Granite Countertops
- \*Maple cabinetry
- \*Premium model stainless steel appliances
- \*9 foot ceilings lower, cathedral ceilings upper
- \*Hard surface flooring
- \*Individual entries – no common hallways or interior common areas
- \*Full size washer/dryer in each unit

The site improvement costs will be approximately \$4.5MM, plus land and soft costs. Completed, the project value will be approximately \$7.5MM.

Professional management will be handled by our Mequon office. For a more local presence, a manager will live on-site, offering tenants easy access to assistance when needed. This also will help ensure residents and guests abide by our rules and regulations.

We are excited and proud to add another City of Franklin development to our portfolio. Thank you in advance for your consideration.

Sincerely,

BODNER PROPERTY MANAGEMENT, LLC

William Bodner  
Managing Member

Enclosures



<u>PARCEL ID</u>	<u>OWNR_NAME1</u>	<u>OWNR_NAME2</u>	<u>OMAIL_STRE</u>	<u>OMAIL_ST_1</u>	<u>OMAIL_CITY</u>	<u>OMAIL_STAT</u>	<u>OMAIL_ZIP</u>
800 9971 000	CUEVAS ALEJANDRO A		7911 S 100TH ST		FRANKLIN	WI	53132
795 9999 007	MEGNA LIVING TRUST		10321 W CHURCH ST		FRANKLIN	WI	53132
795 9999 008	122ND STREET LAND CO		P.O. BOX 27757		MINNEAPOLIS	MN	55427-0757
800 9972 005	FRANKLIN, CITY OF		9229 W LOOMIS RD		FRANKLIN	WI	53132
795 0321 000	SCHRIMPF, GEORGE E & JEAN G	SCHRIMPF, JAMES J	7883 S SCEPTER DR #1		FRANKLIN	WI	53132
795 0322 000	GENGOZIAN KYLE A		7883 S SCEPTER DR #2		FRANKLIN	WI	53132
795 0323 000	AKTEPE, DENIZ ENIS		7883 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0324 000	GUNDERSEN, CLIFFORD	GUNDERSEN, DOROTHY	7883 S SCEPTER DR #4		FRANKLIN	WI	53132
795 0325 000	SCHWABE, PAUL & ELFRIEDE - JT REV TRUST	C/O BARBARA WILSON	6991 S JUNIPER DR		OAK CREEK	WI	53154
795 0328 000	SALIN, ROLAND & NANCY		7883 S SCEPTER DR #8		FRANKLIN	WI	53132
795 0331 000	DINEEN FRANCIS C		7871 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0334 000	LOMAS JR, CHARLES H	LOMAS, PATTI R	7871 S SCEPTER DR #6		FRANKLIN	WI	53132
795 0336 000	WHOLEAN MICHAEL B & TRACY E		7871 S SCEPTER DR #8		FRANKLIN	WI	53132
795 0313 000	MUSIAL EDWARD J & JEAN L		7895 S SCEPTER DR #1		FRANKLIN	WI	53132
795 0315 000	SCHULTZ, ELIZABETH J	SCHULTZ, DONALD J ET AL	7895 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0316 000	WILDE, THOMAS W	WILDE, JANIS	7895 S SCEPTER DR	UNIT 4	FRANKLIN	WI	53132
795 0317 000	HILDEBRAND, BRIAN P	HILDEBRAND, LYNETTE A	7895 S SCEPTER DR #5		FRANKLIN	WI	53132
795 0318 000	HOSKINS, MARYANN		7895 S SCEPTER DR #6		FRANKLIN	WI	53132
795 0319 000	BURNS DONNA L		7895 S SCEPTER DR #7		FRANKLIN	WI	53132
795 0320 000	ANDERSON, ELIZABETH S REVOC LIVING TRUST		7895 S SCEPTER DR #8		FRANKLIN	WI	53132
794 9999 004	TARGET CORPORATION	PROPERTY TAX DEPT	P O BOX 9456		MINNEAPOLIS	MN	55440-9456
801 9979 000	WISCONSIN STATE OF		819 N 6 ST		MILWAUKEE	WI	53203
795 0274 000	DALLMANN PATRICIA A FAMILY TRUST		7949 S SCEPTER DR #2		FRANKLIN	WI	53132
795 0276 000	GODUGUMURU, MOHAN REDDY	MOHAN, FNU ANJANA	7949 S SCEPTER DR	UNIT 4	FRANKLIN	WI	53132
795 0277 000	GEIGER, CAESAR F	GEIGER, CANDACE R	7949 S SCEPTER DR #5		FRANKLIN	WI	53132
795 0279 000	BRAASCH DANIEL L	WENDT, AMY	7949 S SCEPTER DR #7		FRANKLIN	WI	53132
795 0280 000	THEEL, DEBRA		7949 S SCEPTER DR #8		FRANKLIN	WI	53132
795 0282 000	KLAUSER, DOREEN		7937 S SCEPTER DR #2		FRANKLIN	WI	53132
795 0283 000	SVENSON, CHAD B		7937 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0284 000	BUERO DANIEL T		7937 S SCEPTER DR #4		FRANKLIN	WI	53132
795 0285 000	HUTTO, JEFFERY E & PRUDENCE M REVOC TRUST		7937 S SCEPTER DR #5		FRANKLIN	WI	53132
795 0286 000	HERRMANN DANIEL R & SHELLY M		7937 S SCEPTER DR #6		FRANKLIN	WI	53132
795 0287 000	KIRSCH, PHYLLIS M		7937 S SCEPTER DR #7		FRANKLIN	WI	53132
795 0288 000	DOERSCHING PHYLLIS E		7937 S SCEPTER DR #8		FRANKLIN	WI	53132
795 0291 000	MUTH, DENNIS E	WIERZBA, MARYANN	7925 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0294 000	PARWORTH, NICHOLAS A	ROULET, CARRIE ANN	7925 S SCEPTER DR #6		FRANKLIN	WI	53132
795 0297 000	ZHONG WEI	XU FEI	7913 S SCEPTER DR #1		FRANKLIN	WI	53132
795 0299 000	FOLEY, JULIE		7913 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0300 000	RAASCH ANTHONY L & LINDA M		7913 S SCEPTER DR #4		FRANKLIN	WI	53132
795 0302 000	BAYER, CURTIS K AND NANCY M	WALLACE, KELLY S	1400 E PARKSIDE DR		OAK CREEK	WI	53154
795 0303 000	OAKS, KATHLEEN P		570 W20251 ADRIAN DR		MUSKEGO	WI	53150
795 0304 000	TONIAZZO, EDWARD J		7913 S SCEPTER DR #8		FRANKLIN	WI	53132
795 0305 000	KATZNER, HERBERT H & ANGELINE J FAMILY TRUST		7901 S SCEPTER DR #1		FRANKLIN	WI	53132
795 0306 000	STROW, DONALD & POLLY		7901 S SCEPTER DR #2		FRANKLIN	WI	53092
795 0307 000	KINSELLA, JANE		7901 S SCEPTER DR #3		FRANKLIN	WI	53132
795 0308 000	MUSSON, NADINE S		7901 S SCEPTER DR #4		FRANKLIN	WI	53132
795 0311 000	HAVERLOCK, PETER J		7901 S SCEPTER DR #7		FRANKLIN	WI	53132
794 9999 006	FRANKLIN-WYNDHAM LLC		666 DUNDEE RD SUITE 901		NORTHBROOK	IL	60062
800 9972 008	MACKENZIE SQUARE CONDOS LLC	%PROSPECT MANAGEMENT CO	5646 N GREEN BAY AVE		GLENDALE	WI	53209
800 0107 000	SZYMBORSKI, GARY & SHARON	BRODY STEVEN & WENDY	7956 S SCEPTER DR		FRANKLIN	WI	53132
800 9973 000	B BOYS PROPERTIES LLC		7761 W RYAN RD		FRANKLIN	WI	53132
795 0327 000	EICHTEN PATRICIA J TRUST		7883 S SCEPTER DR #7		FRANKLIN	WI	53132
795 9999 010							
795 0290 000	BANYAN PROPERTIES LLC		1010 SPRING MILL AVE, SUITE 100		CONSHOHOCKEN	PA	19428
795 0310 000	KIRKMAN, RACHEL N		7901 S SCEPTER DR #6		FRANKLIN	WI	53132
795 0330 000	JOHNSON, KELLY SUE		7871 S SCEPTER DR #2		FRANKLIN	WI	53132
795 0273 000	PETROVIC, NIKOLA & KOSAVA		7949 S SCEPTER DR #1		FRANKLIN	WI	53132
795 0293 000	JAEGER ROBERT C & ELEANOR A REVC LIV TRU		7925 S SCEPTER DR #5		FRANKLIN	WI	53132

795 0296 000	LASZKIEWICZ, GARY B	KOERBER, JANET M	7925 S SCEPTER DR #8	FRANKLIN	WI	53132
795 0333 000	MARKS, THOMAS G & MARY M		7871 S SCEPTER DR #5	FRANKLIN	WI	53132
794 9999 005	BARBIAN, BARBARA J 2010 REVOC TRUST		7810 S 100TH ST	FRANKLIN	WI	53132
795 0278 000	PUNNIYAKOTTI, AVINASH	RAMAYANAM, MANASA	7949 S SCEPTER DR #6	FRANKLIN	WI	53132
795 0298 000	TYSZKA RICHARD J & JEANNE T		7913 S SCEPTER DR #2	FRANKLIN	WI	53132
795 0301 000	LARSEN, BERNHARDT & GLORIA	LARSEN LIVING TRUST	7913 S SCEPTER DR #5	FRANKLIN	WI	53132
795 0332 000	WATERMAN AGNES M		7871 S SCEPTER DR #4	FRANKLIN	WI	53132
795 0335 000	GARCZYNSKI, IVAN A	EGARCZYNSKI, RACHAEL A	7871 S SCEPTER DR #7	FRANKLIN	WI	53132
795 0275 000	TRIMBORN JOINT REVOCABLE TRUST		7949 S SCEPTER DR #3	FRANKLIN	WI	53132
795 0295 000	PAWLINSKI KATHLEEN		7925 S SCEPTER DR #7	FRANKLIN	WI	53132
795 0314 000	SALTER, BRANDON J		7895 S SCEPTER DR #2	FRANKLIN	WI	53132
795 0281 000	KLEIST, STEVEN M		4600 W MINNESOTA AVE	FRANKLIN	WI	53132
795 0326 000	STYS, JANIS		7883 SCEPTER DR #6	FRANKLIN	WI	53132
795 0329 000	BERKES, JANET M		7871 S SCEPTER DR #1	FRANKLIN	WI	53132
795 9999 002	FRANKLIN MISSION HILLS LLC		100 TRI STATE INTERNATIONAL DR STE 200	LINCOLNSHIRE	IL	60069
800 0106 000	SZYMBORSKI GARY & SHARON 2007 REVOC TRUS		4080 N PORT WASHINGTON RD	MILWAUKEE	WI	53212
795 0289 000	PLUCKHAN, CARL F		7925 S SCEPTER DR #1	FRANKLIN	WI	53132
795 0292 000	HAWKINS, EARL C & IRENE G - JT REV LIV TRUST	HAWKINS, EARL C & IRENE G - TRUSTEES	7925 SCEPTER DR #4	FRANKLIN	WI	53132
795 0309 000	WINTER, DIANE R		7901 S SCEPTER DR #5	FRANKLIN	WI	53132
795 0312 000	LENSKI, GILBERT	LENSKI, CYNTHIA	7901 S SCEPTER DR #B	FRANKLIN	WI	53132
801 9980 000	DZICKOWSKI, DEAN F		1104 COUNTRY CLUB CIR	NORTH PALM BEACH	FL	33408
795 0261 000	PANFIL, WILLIAM C		7644 S BISHOPS WAY	FRANKLIN	WI	53132
795 0260 000	GLASER WILLIAM R		7651 S BISHOPS WAY	FRANKLIN	WI	53132
795 0097 000	WENSINK, DAVID & SUSAN		10130 W SCEPTER CIR	FRANKLIN	WI	53132
795 0098 000	COSTA, MICHAEL J	COSTA, STEFANIE A	10125 W SCEPTER CIR	FRANKLIN	WI	53132
795 0083 000	CONTRERAS, GUILLERMO H	CONTRERAS, KELSEY E	10270 W SCEPTER CT	FRANKLIN	WI	53132
795 0084 000	JOSHI, GIRISH D		10280 W SCEPTER CT	FRANKLIN	WI	53132
795 0085 000	TABASKA, MARY ANN		10290 W SCEPTER CT	FRANKLIN	WI	53132
795 0103 000	JANICKI RANDALL L SR & LORNA E		10285 W SCEPTER CIR	FRANKLIN	WI	53132







Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
Email: [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)



City of Franklin

Franklin  
SEP 20 2019

City Development

Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web Site: [www.franklinwi.gov](http://www.franklinwi.gov)

Date of Application: \_\_\_\_\_

## COMPREHENSIVE MASTER PLAN AMENDMENT (CMP) APPLICATION

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

### Applicant (Full Legal Name[s]):

Name: William Bodner  
Company: Bodner Property Management LLC  
Mailing Address: 11514 N Port Washington Rd  
City / State: Mequon, WI Zip: 53092  
Phone: 262.241.9101  
Email Address: bill@bodnerproperties.com

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

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### Project Property Information:

Property Address: Scepter Dr and Church St  
Property Owner(s): 122nd Street Land Company  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Address: mik.seeland@prc.bz

Tax Key Nos: 7959999008  
Existing Zoning: R-3  
Existing Use: vacant  
Proposed Use: Multi-family  
CMP Land Use Identification: Mixed Use

*\*Property specific information may be inapplicable and not required if the requested amendment does not apply to specific property.*

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

### Comprehensive Master Plan Amendment submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin: ☒ \$125.00
- ☒ Legal Description for the subject property (WORD.doc or compatible format) if applicable.
- ☒ Seven (7) complete collated sets of Application materials to include:
  - ☒ Seven (7) copies of a written Project Narrative, including a specific, detailed description of the proposed amendment, it's intent, impacts, and consistency with the Comprehensive Master Plan.
  - ☒ Seven (7) folded copies of a Site Development Plan/Map, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- ☒ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in Adobe PDF (and AutoCAD compatible format (where applicable)).
- ☐ Additional Information as may be required.

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

• Requires a Class I Public Hearing notice at least 30 days before the Common Council meeting.

• All Comprehensive Master Plan Amendment requests require Plan Commission review and recommendation and Common Council approval.

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

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

Signature - Property Owner

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Applicant

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Property Owner

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Applicant's Representative

Name & Title (PRINT)

Date: \_\_\_\_\_



Mid-America Real Estate-Wisconsin, LLC  
MidAmericaGrp.com  
t: 414.273.4600

600 N. Plankinton Avenue, Suite 301  
Milwaukee, Wisconsin 53203  
f: 414.273.4605

August 27, 2019

Mr. Bill Bodner  
Bodner Property Management, LLC  
11514 N. Port Washington Road, Ste 1  
Mequon, WI 53092

Re: Scepter Drive Development  
Franklin, WI

Dear Bill:

It was a pleasure speaking with you last week regarding Franklin's Land Use Plan for the area of South Lovers Lane Road and Drexel Avenue. I have been watching the piece of land that you have since 2007, when Mid-America began working across the street. I just didn't think that it would be 13 years later that something would finally go.

Incorporating retail or commercial into your residential project will only add to an already high vacancy rate for the Franklin trade area. Wyndham Village has had consistent vacancy since it was built in 2008, and store performance from anchor retailers has been reported as well below store averages. There is vacancy at Franklin Center, Orchard View, and the recently built Ballpark Commons. What the trade area needs is more bodies and density of residential projects.

We are finding it increasingly difficult to find internet-resistant users to take the place of a shrinking population of traditional retailers, especially in unanchored retail developments like Hwy 100 & Drexel that are not at Main and Main.

I am more than happy to discuss further, but I wanted to share my thoughts.

Best of Luck!

Sincerely,

MID-AMERICA REAL ESTATE – WISCONSIN, L.L.C.

Dan Rosenfeld  
Principal





Date of Application: \_\_\_\_\_

## SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

### Applicant (Full Legal Name(s)):

Name: William Bodner  
Company: Bodner Property Management, LLC  
Mailing Address: 11514 N port Washington Rd  
City / State: Mequon, WI Zip: 53092  
Phone: 262.241.9101  
Email Address: bill@bodnerproperties.com

### Project Property Information:

Property Address: Scepter Dr and Church St  
Property Owner(s): 122nd Street Land Company

Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Address: mike.seeland@prc.bz

### Applicant Is Represented by: (contact person)(Full Legal Name(s))

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Tax Key Nos: 7959999008

Existing Zoning: R-3

Existing Use: vacant

Proposed Use: Multi-family

Future Land Use Identification: Mixed Use

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

### Special Use/Special Use Amendment submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin:
  - ☒ \$1500, New Special Use over 4,000 square feet
  - ☐ \$1000 Special Use Amendment
  - ☐ \$750, New Special Use under 4,000 square feet
- ☒ Legal Description for the subject property (WORD.doc or compatible format).
- ☒ One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of the Unified Development Ordinance available at [www.franklinwi.gov](http://www.franklinwi.gov).
- ☒ Seven (7) complete collated sets of Application materials to include:
  - ☒ One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
  - ☒ Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 17-7.0101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
  - ☒ Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package.
- ☒ One colored copy (11"x17") of the building elevations, if applicable.
- ☒ Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO).
- ☒ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

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

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

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

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

Signature - Property Owner \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_

Date: \_\_\_\_\_

Signature - Property Owner \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_

Date: \_\_\_\_\_

Signature - Applicant \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_

Date: \_\_\_\_\_

Signature - Applicant's Representative \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_

Date: \_\_\_\_\_

Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
Email: [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)



City of Franklin

Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web Site: [www.franklinwi.gov](http://www.franklinwi.gov)

Date of Application: \_\_\_\_\_

## SITE PLAN / SITE PLAN AMENDMENT APPLICATION

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

### Applicant (Full Legal Name[s]):

Name: William Bodner  
Company: Bodner Property Management LLC  
Mailing Address: 11514 N Port Washington Rd  
City / State: Mequon, WI Zip: 53092  
Phone: 262.241.9101  
Email Address: bill@bodnerproperties.com

### Project Property Information:

Property Address: Scepter Dr and Church St.  
Property Owner(s): 122nd Street Land Company  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Address: mike.seeland@prc.bz

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

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Tax Key Nos: 7959999008

Existing Zoning: R-3  
Existing Use: Vacant  
Proposed Use: Multi-family  
Future Land Use Identification: Mixed Use

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

### Site Plan/Site Plan Amendment submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin: ☒ Tier 1: \$2000 ☐ Tier 2: \$1000 (Lot size ≤ 1 acre)  
☐ Tier 3: \$500 (≤ 10% increase or decrease in total floor area of all structures with no change to parking; or change to parking only).
- ☒ Legal Description for the subject property (WORD.doc or compatible format).
- ☒ Seven (7) complete collated sets of Application materials to include:
  - ☒ One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
  - ☒ Seven (7) folded full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 15-7.0103, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
  - ☒ Reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package will be at Planning staff recommendation, if applicable.
- ☒ One colored copy (11"x17") of the building elevations, if applicable.
- ☒ One copy of the Site Intensity and Capacity Calculations, if applicable (see Division 15-3.0500 of the UDO).
- ☒ Three copies of the Natural Resource Protection report, if applicable (see Section 15-7.0103Q of the UDO).
- ☒ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within ten business days. Additional materials may be required.
- Site Plan/Site Plan amendment requests require Plan Commission or Community Development Authority review and approval.

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

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

Signature - Property Owner

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Property Owner

Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Applicant

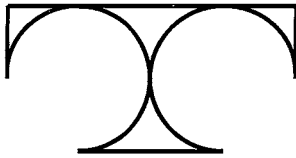
Name & Title (PRINT)

Date: 9/2/19

Signature - Applicant's Representative

Name & Title (PRINT)

Date: \_\_\_\_\_



## 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  
SEP 20 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

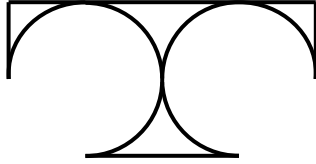


area of overlap with wetland and wetland buffer is not counted as part of the required 50% preserved. Thus there is a total of 1.31 acres of Young Woodland to have 50% preserved, or a total of 0.66 acres required to be preserved. As stated above, the developer is willing to preserve 0.16 acres within 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



# 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 12, 2019

City of Franklin  
Joel Dietl  
Planning manager

Subject: Knollwood Legacy Apartments Special Use Request

Dear Mr. Dietl

For the proposed Knollwood Legacy Apartment development, a special use is required in the R-8 zoning for the multi-family use. Per the UDO requirements, below is the response to the General Standards for Special Uses.

## General Standards:

1. Ordinance and Comprehensive Master Plan purposes and Intent.  
The current Comprehensive Master Plan proposes Mixed Use for the development parcel as well as the properties to the north, south, and east. The properties to the west are proposed to be Residential Multifamily in the Comprehensive Master Plan. The proposed development use of apartments will match adjacent uses to the west of condominiums and apartments and is cohesive with existing retail use to the east. If the entire proposed mixed use are in the Comprehensive plan was looked at as a whole, the proposed apartments would fit the residential mix needed within other business uses of which a large portion exists to the east. The property to the south is currently used as a single family, and the property to the north is currently partially un-developed and has a gas station at the north end. As part of the development's submittal, an update to the Comprehensive Master Plan is requested to match the proposed multi-family use. The current zoning also needs to be changed from R-3 to R-8 for the proposal.
2. No Undue Adverse Impact.  
The proposed development matches the architectural character of the neighboring developments.
3. No Interference with Surrounding Development.  
The proposed development will not dominate the neighboring properties. The proposed buildings are 2-story 8-unit buildings of equivalent size or neighboring developments.
4. Adequate Public Facilities.  
The proposed development would have access off Sceptor Drive and does not need any further access points. The City has plans to extend Allwood Drive along the north property line to WIS 100, but the developer would prefer not to have this road and has proposed an access easement such that the property to the north can access WIS 100 at the existing intersection. The proposed development has public utilities available and can be served adequately by other City services.
5. No Traffic Congestion.  
The proposed development of 40 apartment units will not cause a traffic concern to the neighborhood. Traffic for the development would likely use Drexel Avenue and Sceptor Drive.
6. No Destruction of Significant Features.  
The proposed development is requesting a NRSE for removal of Young Woodland areas dominated by invasive species.
7. Compliance with Standards.  
The proposed development complies with the R-8 zoning requirements.

Special Standards for Specified Special Uses – none

## Considerations

1. Public Benefit.  
The proposed development of apartments fits in with the neighboring uses and should be considered a benefit to neighboring retail uses.
2. Alternative Locations.  
The proposed location of this development should be considered appropriate due to adjacent similar uses.

3. Mitigation of Adverse Impacts.

The proposed development use landscaping to screen neighboring developments.

4. Establishment of Precedent of Incompatible Uses in the Surrounding Area.

The proposed use is already in the surrounding area.

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

Sincerely,

Rob Williams,  
Project Manager



## Natural Resource Special Exception Question and Answer Form.

Franklin  
SEP 20 2019  
City Development

### 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. \_\_\_\_\_  
15-4.0103(B)(1) Woodlands and Forests- Natural Resource Mitigation  
\_\_\_\_\_  
\_\_\_\_\_
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
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.  
\_\_\_\_\_
- C. Statement of the reason(s) for the request.  
See Cover letter -The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with under brush of invasive buckthorn and honeysuckle.  
\_\_\_\_\_  
\_\_\_\_\_
- 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.  
The proposed development is an apartment community consisting of (5) 8-unit buildings for a total of 40 units.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b) State whether the project is an expansion of an existing work or new construction.  
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.

None of these areas are being disturbed.

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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.

The proposed project does not affect any of these items.

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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.

The proposed project does not affect any of these items.

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

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.

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

None.

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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.

The proposed project does not affect any of these items.

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

Loss of development opportunity on the parcel.

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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.

Not applicable due to not affecting the areas identified in sub. 2.

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

Not applicable due to not affecting the areas identified in sub. 2.

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

Not applicable due to not affecting the areas identified in sub. 2.

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

Not applicable due to not affecting the areas identified in sub. 2.

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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.

Not applicable due to not affecting the areas identified in sub. 2.

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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.

The proposed project does not affect any of these items.

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 checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| b) | Storm and flood water storage.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| c) | Hydrologic functions.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| d) | Water quality protection including filtration and storage of sediments, nutrients or toxic substances.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| e) | Shoreline protection against erosion.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| f) | Habitat for aquatic organisms.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| g) | Habitat for wildlife.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| h) | Human use functional value.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| i) | Groundwater recharge/discharge protection.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| j) | Aesthetic appeal, recreation, education, and science value.  | <input checked="" 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 checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| l) | Existence within a Shoreland.  | <input checked="" 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 checked="" 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:

The proposed project does not affect any of these items.

7) **Water Quality Protection.**

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

Proposed project will meet storm water requirements of the City and State.

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**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.

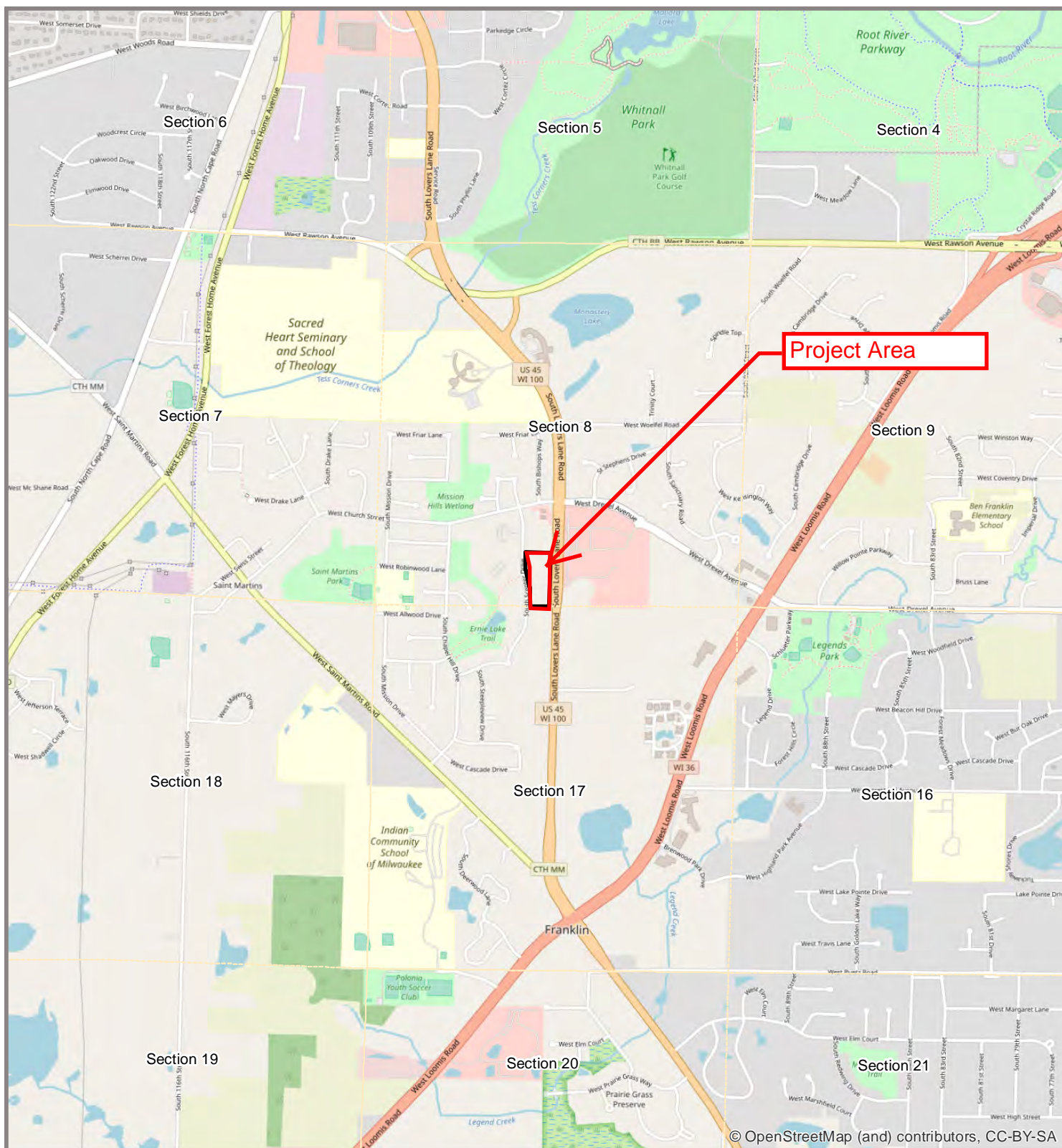
#### **SECTION IV: DATA SOURCES.**

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

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**Heartland**  
ECOLOGICAL GROUP INC

**Figure 1. Project Location**

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

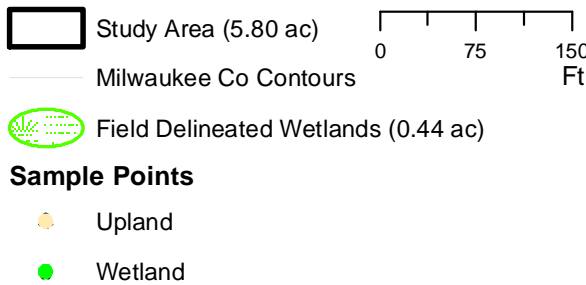
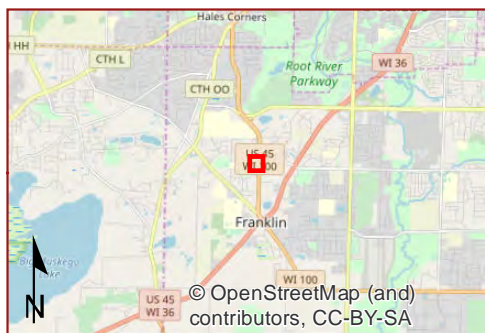
OpenStreetMap  
Data: HEG

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:



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	Ulmus pumila, Acer negundo	27	0.60
WD-2	Young	Acer negundo, Populus deltoides	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

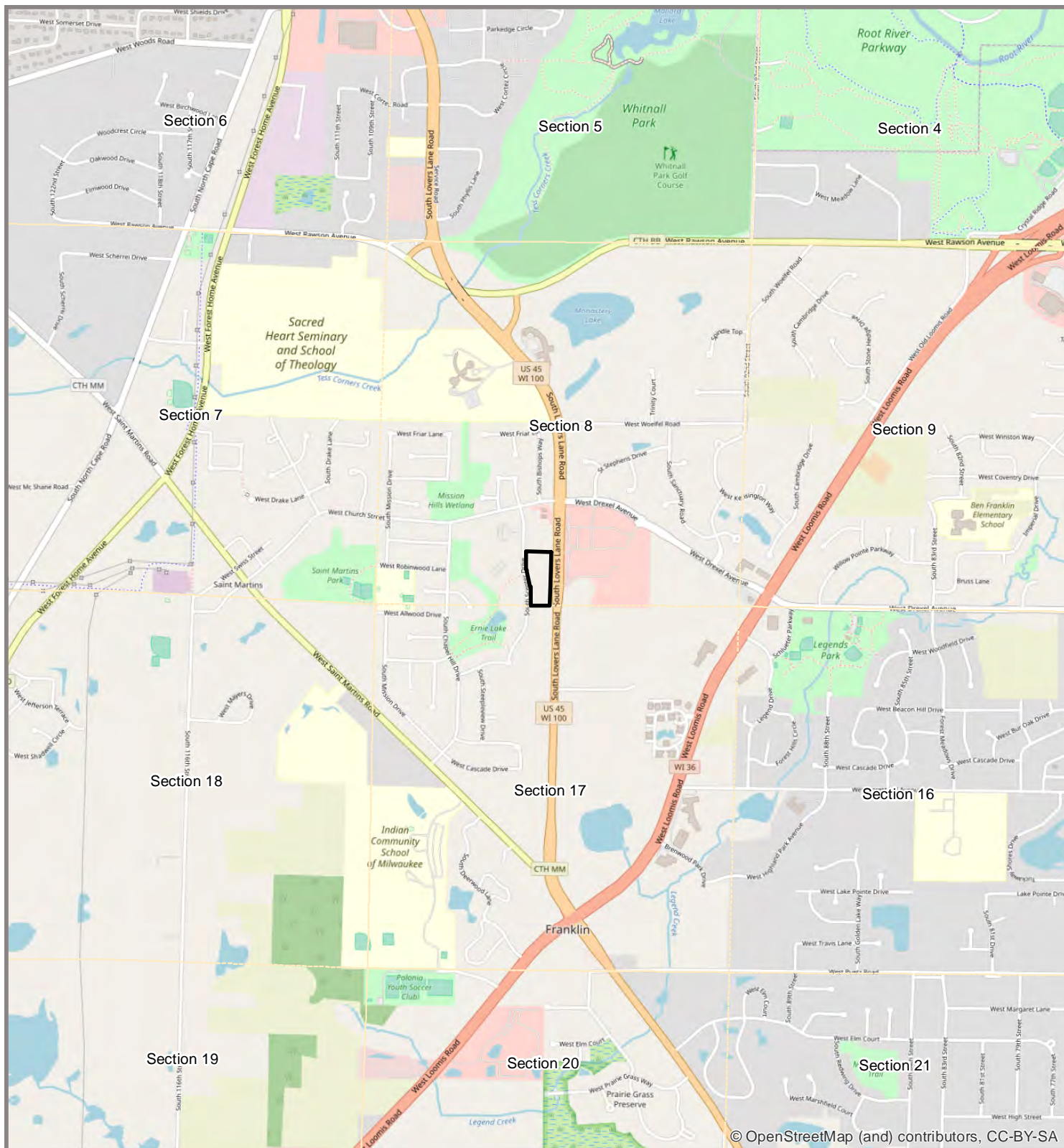
Attachments:

- 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**



- Study Area
- Township
- Section

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**Heartland**  
ECOLOGICAL GROUP INC

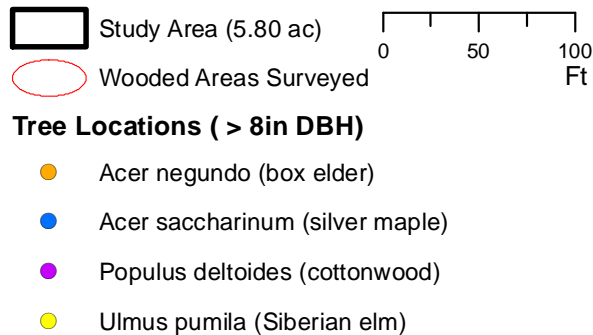
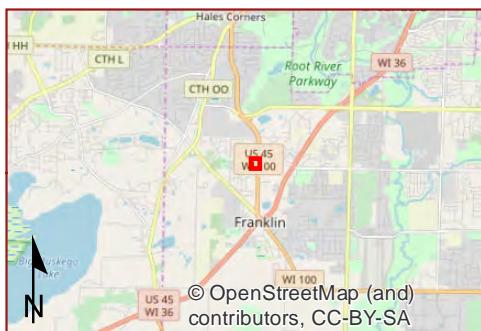
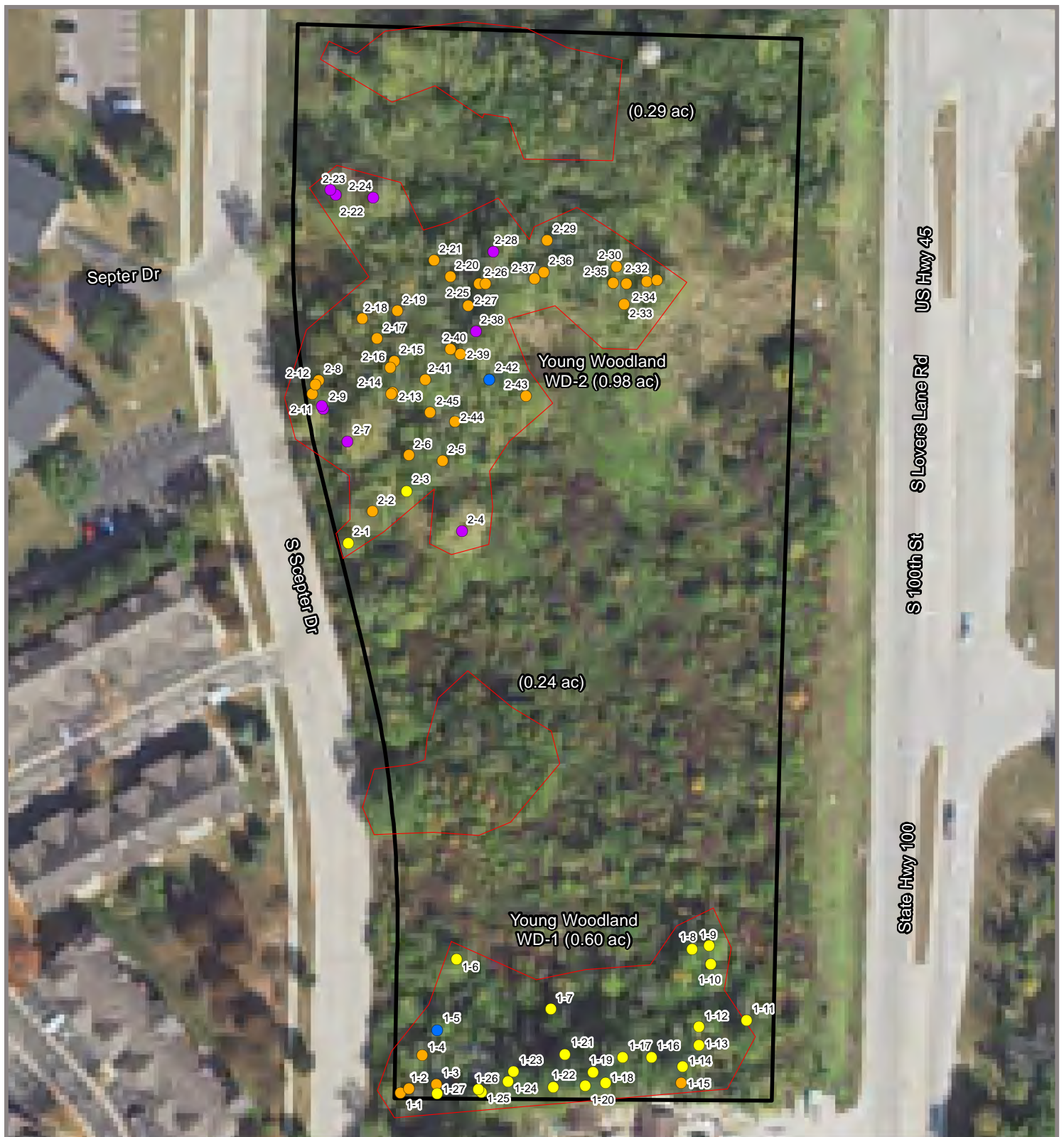
### Figure 1. Project Location

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:  
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## **Attachment 2 | Site Photographs**





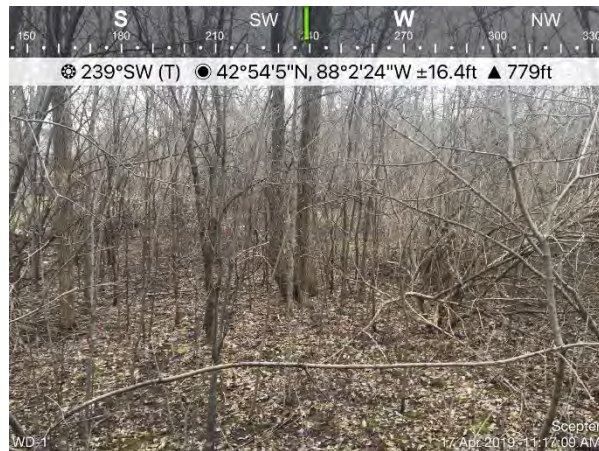
**Photo #1** Ribbon flagging used to mark the edges of woodland, typical.



**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) (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



# Assured Wetland Delineation Report

South Scepter Drive

City of Franklin, Milwaukee County, Wisconsin

December 18, 2018

Project Number: 20180136



# South Scepter Drive

City of Franklin, Milwaukee County, Wisconsin

December 18, 2018

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**Prepared for:**

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## 1.0 Introduction

Heartland Ecological Group, Inc. ("Heartland") completed an assured wetland determination and delineation on the South Scepter Drive site on November 8, 2018 at the request of Bodner Property Management, LLC. Fieldwork was completed by Jeff Kraemer, an assured delineator qualified via the Wisconsin Department of Natural Resources (WDNR) Wetland Delineation Assurance Program (Appendix E, Qualifications). 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 (Figure 1, Appendix A). The purpose of the wetland delineation was to determine the location and extent of wetlands within the Study Area.

Two (2) wetland areas totaling approximately 0.44 acres were delineated and mapped within the Study Area (Figure 5, Appendix A). Wetlands discussed in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the WDNR, and local zoning authorities. Heartland recommends this report be submitted to local authorities, the WDNR, and USACE for final jurisdictional review and concurrence.





## 2.0 Methods

### 2.1 Wetlands

Wetlands were determined and delineated using the criteria and methods described in the USACE Wetlands Delineation Manual, T.R. Y-87-1 ("1987 Corps Manual") and the applicable *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*. In addition, the *Guidance for Submittal of Delineation Reports to the St. Paul District USACE and the WDNR* (WDNR, 2015) was followed in completing the wetland delineation and report.

Determinations and delineations utilized available resources including the U.S. Geological Survey's (USGS) *WI 7.5 Minute Series (Topographic) Map* (Figure 2, Appendix A), the Natural Resource Conservation Service's (NRCS) Soil Survey Geographic Database (SSURGO), U.S. Department of Agriculture's (USDA) *Web Soil Survey* (Figure 3, Appendix A), the U.S. Fish and Wildlife Service's (USFWS) *National Wetland Inventory* mapping (Figure 4, Appendix A), and aerial imagery available through the USDA Farm Service Agency's (FSA) National Agriculture Imagery Program (NAIP) and Milwaukee County historic orthophotography. The USGS *National Hydrography Dataset* is included on Figures 2 and 4, Appendix A.

Wetland determinations were completed on-site at sample points, often along transects, using the three (3) criteria (vegetation, soil, and hydrology) approach per the 1987 Corps Manual and the Regional Supplement. Procedures in these sources were followed to demonstrate that, under normal circumstances, wetlands were present or not present based on a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology.

Recent weather conditions influence the visibility or presence of certain wetland hydrology indicators. An assessment of recent precipitation patterns helps to determine if climatic/hydrologic conditions were typical when the field investigation was completed. Therefore, a review of the antecedent precipitation in the three (3) months leading up to the field investigation was completed. Using a WETS analysis developed by the NRCS, the amounts of precipitation in these three (3) months were compared to averages and standard deviation thresholds over the past 30 years to generally represent if conditions encountered during the investigation were normal, wet, or dry. Recent precipitation events



in the week prior to the investigation were considered while interpreting wetland hydrology indicators. In some cases, the Palmer Drought Index was checked for long-term drought or moist conditions (NOAA, 2018).

The uppermost wetland boundary and sample points were identified and marked with wetland flagging and located with a Global Positioning System (GPS) capable of sub-meter accuracy. In some cases, wetland flagging was not utilized to mark the boundary and the location was only recorded with a GPS unit, particularly in active agricultural areas. The GPS data was then used to map the wetlands using ESRI ArcMap™ 10.6 software.

## 3.0 Results and Discussion

### 3.1 Desktop Review

#### Climatic Conditions

According to the WETS analysis using the previous three (3) months of precipitation data, conditions encountered at the time of the fieldwork were expected to be wet for the time of year (Appendix B). The Palmer Drought Index was checked on line and the long-term conditions at the time of the fieldwork were in the extremely moist range. The growing season was determined to still be underway based on the presence of several plant species with green leaf tissue. The WDNR determined that the growing season ended state-wide on November 9, 2018, the day following wetland delineation site visit.

#### General Topography and Land Use

The topography within the Study Area was gently sloping with various rises and depressions. A topographic high of approximately 799 feet above mean sea level (msl) was observed in the southcentral portion of the Study Area. A topographic low of approximately 788 feet above msl was observed within identified wetlands along the eastern and southern borders of the Study Area (Figures 2 and 5, Appendix A). The Study Area consists of a vacant lot with wet meadow and shrub carr vegetation within a depression and old field and disturbed shrub-scrub vegetation within uplands. Land uses in the surrounding areas are primarily residential and commercial. General drainage is to the east towards STH 100 within northern portions of the Study Area and towards a pond just south of the Study Area.



### Soil Mapping

Soils mapped by the NRCS Soil Survey within the Study Area and their hydric status are summarized in Table 1. Wetlands identified during the field investigation are located primarily within areas mapped as hydric or partially hydric soils including wetland indicator soils (Figure 3, Appendix A).

Table 1. Summary of NRCS Mapped Soils within the Study Area

<b>Soil symbol: Soil Unit Name</b>	<b>Soil Unit Component</b>	<b>Soil Unit Component Percentage</b>	<b>Landform</b>	<b>Hydric status</b>
BIA: Blount silt loam, 1 to 3 percent slopes	Blount	90	Moraines	No
	Ashkum soils		Depressions	Yes
OzaB2: Ozaukee silt loam, 2 to 6 percent slopes, eroded	Ozaukee-Eroded	88-100	Ground moraines,end moraines	No
	Ashkum-Drained	0-7	End moraines,ground moraines	Yes
	Pewamo-Drained	0-7	Drainageways on ground moraines,depressions on ground moraines	Yes
	Urban land	0-5	Ground moraines	No
OzaC2: Ozaukee silt loam, 6 to 12 percent slopes, eroded	Ozaukee-Eroded	88-100	End moraines,ground moraines	No
	Blount-Lake mighican lobe	0-7	Ground moraines,end moraines	No
	Urban land	0-5	Ground moraines	No
	Ozaukee-Severely eroded	0-5	Ground moraines,end moraines	No

### Wetland Mapping

The National Wetlands Inventory (NWI) mapping (Figure 4, Appendix A) depicts no wetlands within the Study Area. One wetland area is identified within the pond south of the Study Area and another pond and emergent wetland complex is identified southeast of the Study Area, across STH 100.





### 3.2 Field Review

Two (2) wetlands were identified and delineated within the Study Area. Wetland determination data sheets (Appendix C) were completed at five (5) sample points that were representative of the wetland and upland conditions near the boundary and where potential wetlands may be present based on the desktop review and field reconnaissance. Appendix D provides photographs, typically at the sample point locations of the wetlands and adjacent uplands. The wetland boundary and sample point locations are shown on Figure 5 (Appendix A) and the wetlands are summarized in Table 2 and detailed in the following sections.

Table 2. Summary of Wetlands Identified within the Study Area

Wetland ID	Wetland Description	*Surface Water Connections	*NR151 Protective Area	Acreage (on-site)
W-1	Wet Meadow	No Apparent Surface Water Connections	Less susceptible, 10-30 feet	0.33
W-2	Shrub Carr	No Apparent Surface Water Connections	Less susceptible, 10-30 feet	0.10
<i>*Classification based on Heartland's professional opinion. Jurisdictional authority of wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities may have additional restrictions. USACE has authority for determining federal jurisdiction of wetlands and waterways.</i>				<b>0.44</b>

#### Wetland 1 (W-1)

Wetland 1 (W-1) is a 0.33-acre wet meadow within the northeastern portion of the Study Area. This wetland continues off-site to the east where it intersects with the roadside ditch along the western edge of STH 100 which does not appear to be contiguous with any other waterway or wetland. The wetland may be considered artificial as it appears to have developed after extensive site grading, building demolishon, reconstruction of STH 100, as well as adjacent commercial development.

Dominant vegetation observed in W-1 included reed canary grass (*Phalaris arundinacea*, FACW) and spreading bent grass (*Agrostis stolonifera*, FACW).

The Depleted Below Dark Surface (A11) hydric soil indicator was noted in W-1, which is consistent with depressions within the NRCS-mapped Blount silt loam soil type.



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The primary wetland hydrology indicator of Saturation (A3) was noted within W-1. Secondary wetland hydrology indicators included Geomorphic Position (D2) and a positive FAC-Neutral Test (D5).

The boundary of W-1 generally followed a moderately-defined topographic break.

#### Wetland 2 (W-2)

Wetland W-2 consists of shrub carr vegetation and is located along the southern boundary of the Study Area. This wetland continues off-site to the south and is contiguous with wetland areas surrounding a pond located approximately 100 feet south of the Study Area boundary. The pond does not appear to have any surface water connections.

Dominant vegetation observed in W-2 included buckthorn (*Rhamnus cathartica*, FAC), box elder (*Acer negundo*, FAC), and cottonwood (*Populus deltoides*, FAC).

The Histosol (A1) hydric soil indicator was observed within W-2.

The primary wetland hydrology indicators of Surface Water (A1), Saturation (A3) and Sparsely Vegetated Concave Surface (B8) were noted within W-2. Secondary wetland hydrology indicators included Geomorphic Position and a positive FAC-Neutral Test (D5).

The boundary of W-2 followed a well-defined topographic break.



### 3.3 Other Considerations

This report is limited to the identification and delineation of wetlands within the Study Area. Other regulated environmental resources that result in land use restrictions may be present within the Study Area that were not evaluated by Heartland (e.g. navigable waterways, floodplains, cultural resources, and threatened or endangered species).

Wisconsin Act 183 provides exemptions to permitting requirements for certain artificial and nonfederal wetlands. Nonfederal wetlands are wetlands that are not subject to federal jurisdiction. Exemptions apply to projects in urban areas with wetland impacts up to 1-acre per parcel. An urban area is defined as an incorporated area; an area within ½ mile of an incorporated area; or an area served by a sewerage system. Exemptions for nonfederal wetlands also apply to projects in rural areas with wetland impacts up to three (3) acres per parcel. Exemptions in rural areas only apply to structures with an agricultural purpose such as buildings, roads, and driveways. The determination of federal and nonfederal wetlands MUST be made by the USACE through an Approved Jurisdictional Determination (AJD). This report may be submitted to the USACE to assist with their determination.

Wis. Adm. Code NR 151 ("NR 151") requires that a "protective area" (buffer) be determined from the Ordinary High-Water Mark (OHWM) of lakes, streams and rivers, or at the delineated boundary of wetlands. Per NR 151.12, the protective area width for "less susceptible" wetlands is determined by using 10% of the average wetland width, no less than 10 feet or more than 30 feet. "Moderately susceptible" wetlands, lakes, and perennial and intermittent streams identified on recent mapping require a protective area width of 50 feet; while "highly susceptible wetlands" are associated with outstanding or exceptional resource waters in areas of special natural resource interest and require protective area width of 75 feet. Table 2 above lists the potential wetland buffers per NR 151 for each wetland identified based on Heartland's professional opinion. Please note that jurisdictional authority on wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities and regional planning organizations may have additional land use restrictions within or adjacent to wetlands.





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## 4.0 Conclusion

Heartland completed an assured wetland determination and delineation within the South Scepter Drive site on November 8, 2018 at the request of Bodner Property Management, LLC. Fieldwork was completed by Jeff Kraemer, an assured delineator qualified via the WDNR Wetland Delineation Assurance Program. The Study Area lies in Section 8, T5N, R21E, City of Franklin, Milwaukee County, WI.

Two (2) wetland areas were delineated and mapped within the 5.80-acre Study Area. The wetlands, which may be classified as wet meadow and shrub carr, total approximately 0.44 acres within the Study Area. W-1 may qualify for an exemption under WI Act 183 as an artificial and nonfederal wetland. W-2 may qualify for an exemption under WI Act 183 as nonfederal wetland.

Wetlands and waterways discussed in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the WDNR, and the local zoning authority. Heartland recommends this report be submitted to the USACE for final jurisdictional review and concurrence. Review by local authorities may be necessary for determination of any applicable zoning and setback restrictions.

Heartland recommends that all applicable regulatory agency reviews and permits are obtained prior to beginning work within the Study Area or within or adjacent to wetlands or waterways. 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 wetland delineation.

Experienced and qualified professionals completed the wetland determination and delineation using standard practices and professional judgment. Wetland boundaries may be affected by conditions present within the Study Area at the time of the fieldwork. All final decisions on wetlands and their boundaries are made by the USACE, the WDNR, and/or sometimes a local unit of government. Wetland determination and boundary reviews by regulatory agencies may result in modifications to the findings presented to the Client. These modifications may result from varying conditions between the time the wetland



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Project #: 20180136  
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delineation was completed and the time of the review. Factors that may influence the findings may include but not limited to precipitation patterns, drainage modifications, changes or modification to vegetation, and the time of year.



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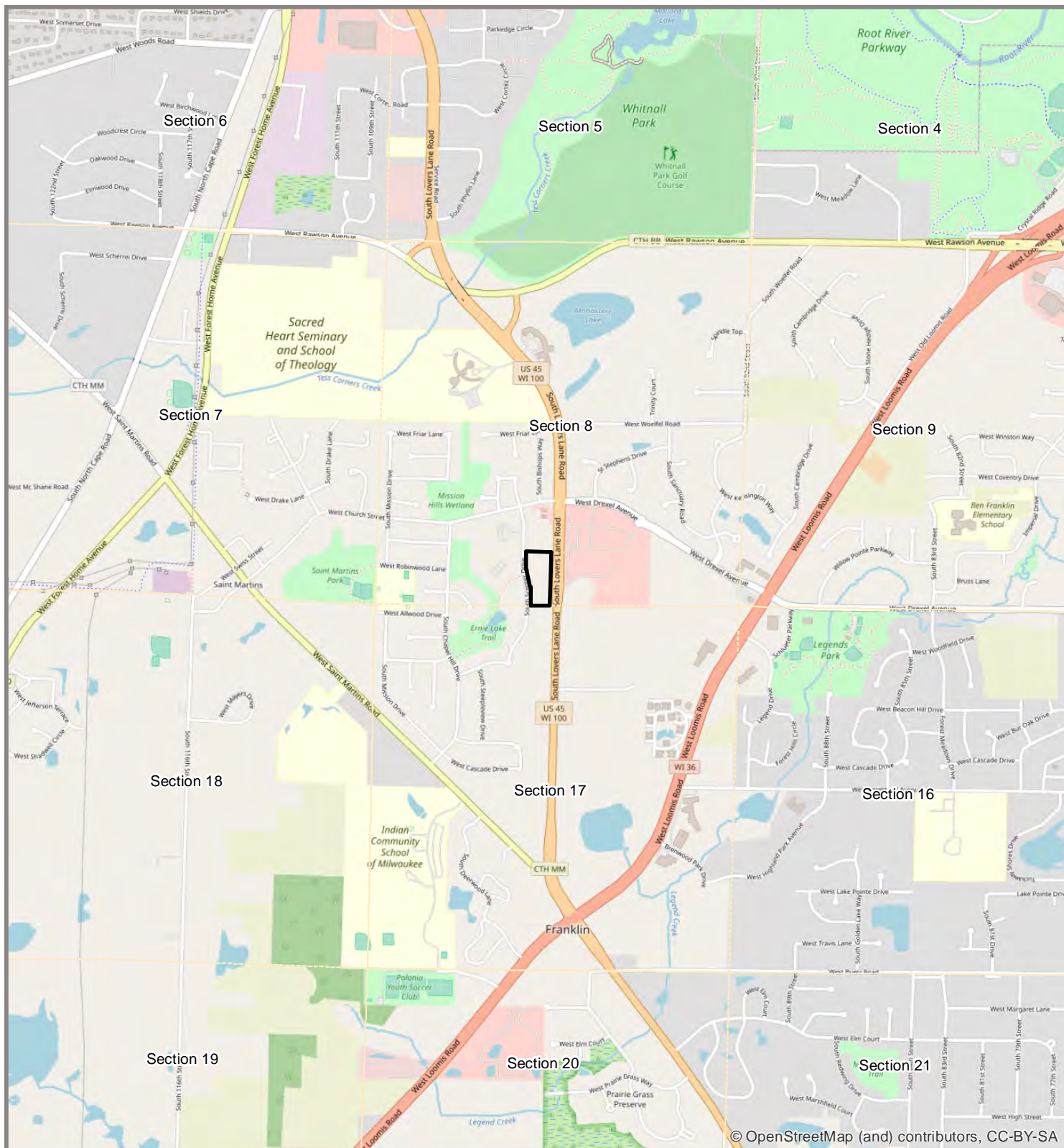


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South Scepter Drive  
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## Appendix A | Figures





- Study Area
- Township
- Section

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Ft

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### Figure 1. Project Location

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

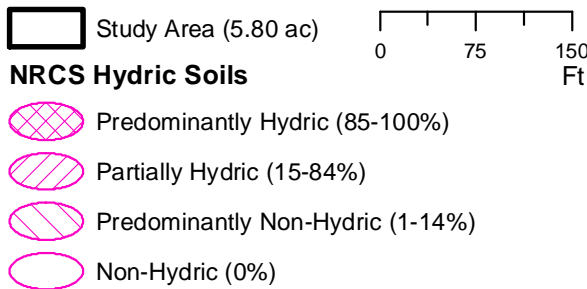
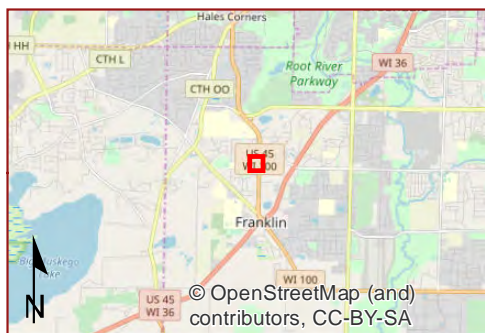
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Data: HEG

11/2/2018









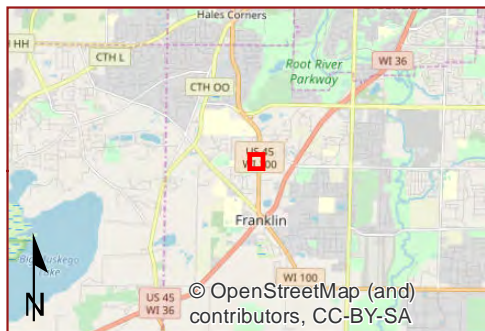
**Heartland**  
ECOLOGICAL GROUP INC

**Figure 3. NRCS  
Hydric Soils**

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

2017 NAIP  
Data: NRCS, HEG 11/2/2018





- Study Area (5.80 ac)
- NWI Wetlands
- NHD Waterbody

0 75 150  
Ft

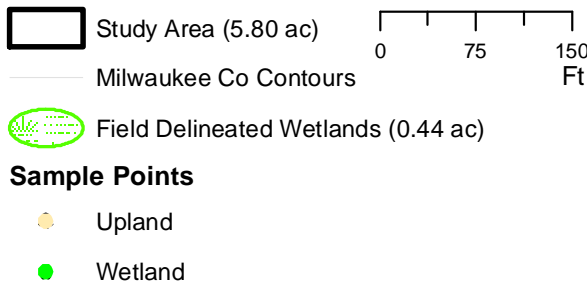
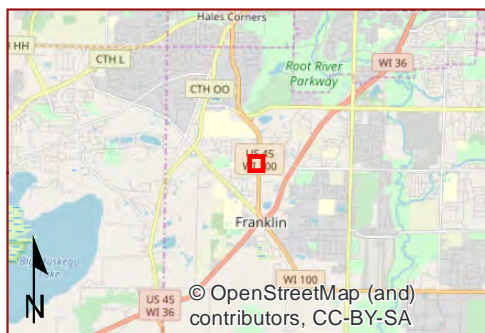
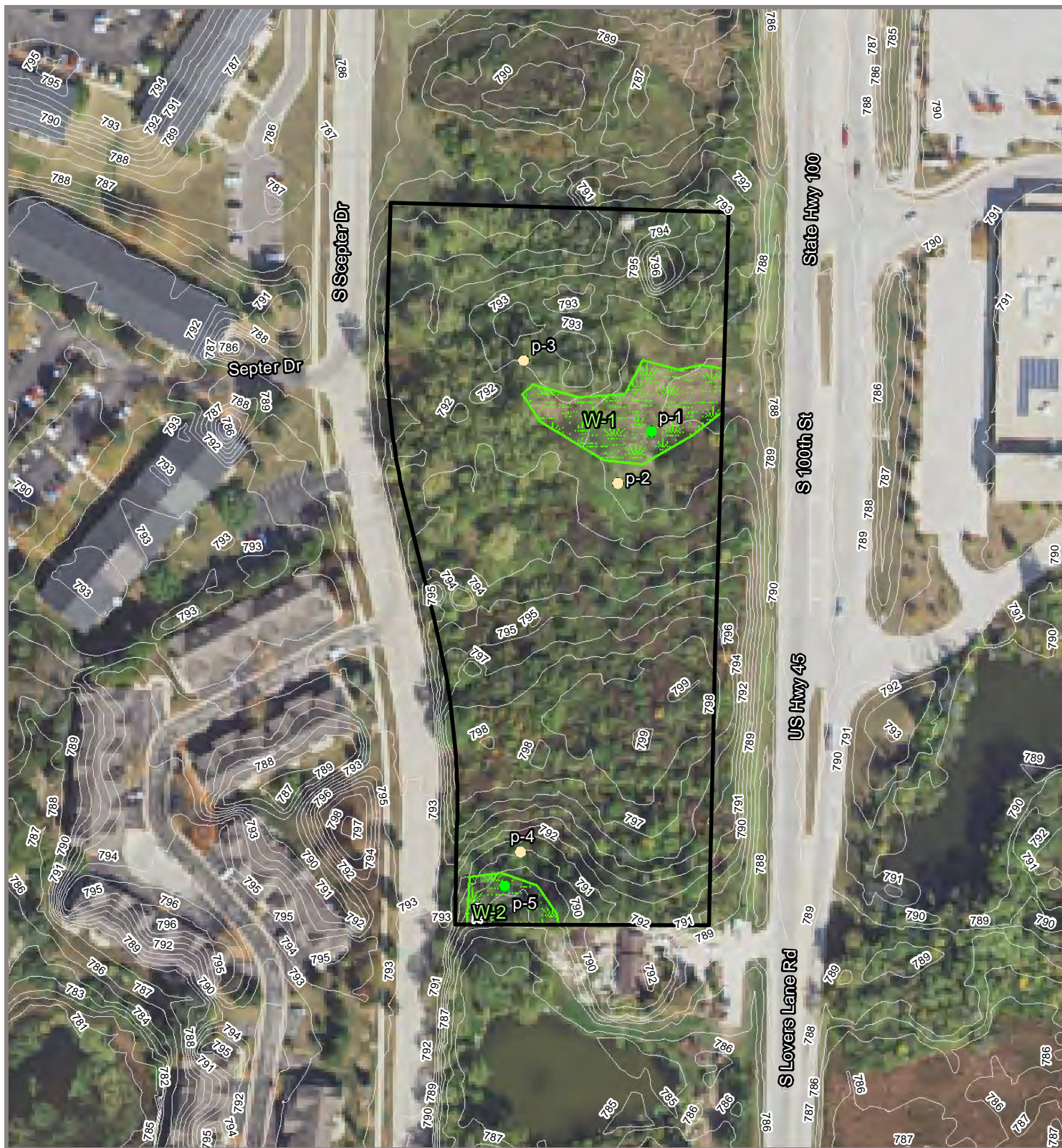
**Heartland**  
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**Figure 4. National Wetland Inventory**

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

2017 NAIP  
Data: USGS, HEG 11/2/2018





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**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



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## Appendix B | WETS Analysis



## WETS Analysis Worksheet

Project Name: South Scepter Drive  
Project Number: 20180136  
Period of interest: August - October 2018  
Station: Mitchell International Airport  
County: Milwaukee

**Long-term rainfall records (from WETS table)**

	Month	3 years in 10 less than	Normal	3 years in 10 greater than
1st month prior:	October	1.68	2.64	3.19
2nd month prior:	September	1.95	3.07	3.70
3rd month prior:	August	2.24	3.57	4.30
Sum =		<b>9.28</b>		

**Site determination**

Site Rainfall (in)	Condition Dry/Normal*/Wet	Condition** Value	Month Weight	Product
4.50	Wet	3	3	9
6.83	Wet	3	2	6
5.68	Wet	3	1	3
Sum =	<b>17.01</b>		Sum*** =	<b>18</b>

\*Normal precipitation with 30% to 70% probability of occurrence

Determination: ☒ Wet  
☐ Dry  
☐ Normal

\*\*Condition value:

Dry = 1  
Normal = 2  
Wet = 3

\*\*\*If sum is:

6 to 9 then period has been drier than normal  
10 to 14 then period has been normal  
15 to 18 then period has been wetter than normal

Precipitation data source: Midwest Regional Climate Center, cli-MATE: MRCC Application Tools Environment

Reference: Donald E. Woodward, ed. 1997. *Hydrology Tools for Wetland Determination*, Chapter 19. Engineering Field Handbook. U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, TX.



Bodner Property Management, LLC  
South Scepter Drive  
Project #: 20180136  
December 18, 2018

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## Appendix C | Wetland Determination Data Sheets

# WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: South Scepter Drive Parcel City/County: C Franklin/Milwaukee Sampling Date: 11/8/2018  
 Applicant/Owner: Bodner Property Management, LLC State: WI Sampling Point: P1  
 Investigator(s): Jeff Kraemer, Heartland Ecological Group Section, Township, Range: T5N, R21E, S08  
 Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave  
 Slope (%): 0% Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Blount silt loam NWI classification: N/A

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

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

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X</u> No _____	
Remarks: A WETS analysis was conducted and indicates that conditions are wetter than would be observed in a normal year. Each of the three months leading up to the field investigation exceeded normal precipitation values.	

## VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
		=Total Cover		
Sapling/Shrub Stratum	(Plot size: <u>15ft</u> )			
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
		=Total Cover		
Herb Stratum	(Plot size: <u>5ft</u> )			
1.	<u>Phalaris arundinacea</u>	<u>70</u>	<u>Yes</u>	<u>FACW</u>
2.	<u>Agrostis stolonifera</u>	<u>25</u>	<u>Yes</u>	<u>FACW</u>
3.	<u>Dipsacus fullonum</u>	<u>10</u>	<u>No</u>	<u>FACU</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
		<u>105</u>	=Total Cover	
Woody Vine Stratum	(Plot size: <u>30ft</u> )			
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
		=Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>95</u>	x 2 = <u>190</u>
FAC species <u>0</u>	x 3 = <u>0</u>
FACU species <u>10</u>	x 4 = <u>40</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>105</u> (A)	<u>230</u> (B)
Prevalence Index = B/A = <u>2.19</u>	

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No \_\_\_\_\_

Remarks: (Include photo numbers here or on a separate sheet.)  
 No trees, shrubs, or woody vines observed.



## SOIL

Sampling Point: P1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0 - 11	10YR 3/1	100					Loamy/Clayey	Silty Clay Loam
11 - 20	10YR 4/1	95	10YR 5/6	5	C	PL/M	Loamy/Clayey	Silty Clay

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	
<input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	
<input type="checkbox"/> Sandy Redox (S5)	
<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Dark Surface (S7)	
<input type="checkbox"/> Loamy Mucky Mineral (F1)	
<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks:	

## HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)		

<b>Field Observations:</b> Surface Water Present?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): 18 Saturation Present?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): 10 (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

# WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: South Scepter Drive Parcel City/County: C Franklin/Milwaukee Sampling Date: 11/8/2018  
 Applicant/Owner: Bodner Property Management, LLC State: WI Sampling Point: P2  
 Investigator(s): Jeff Kraemer, Heartland Ecological Group Section, Township, Range: T5N, R21E, S08  
 Landform (hillside, terrace, etc.): Gentle Sideslope Local relief (concave, convex, none): None  
 Slope (%): 3 Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Blount silt loam NWI classification: N/A

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

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

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: A WETS analysis was conducted and indicates that conditions are wetter than would be observed in a normal year. Each of the three months leading up to the field investigation exceeded normal precipitation values.	

## VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1.				
2.				
3.				
4.				
5.				
		=Total Cover		
Sapling/Shrub Stratum	(Plot size: <u>15ft</u> )			
1.				
2.				
3.				
4.				
5.				
		=Total Cover		
Herb Stratum	(Plot size: <u>5ft</u> )			
1.	<u>Dipsacus fullonum</u>	<u>85</u>	<u>Yes</u>	<u>FACU</u>
2.	<u>Agrostis stolonifera</u>	<u>10</u>	<u>No</u>	<u>FACW</u>
3.	<u>Solidago canadensis</u>	<u>10</u>	<u>No</u>	<u>FACU</u>
4.				
5.				
6.				
7.				
8.				
9.				
10.				
		<u>105</u> =Total Cover		
Woody Vine Stratum	(Plot size: <u>30ft</u> )			
1.				
2.				
		=Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>10</u>	x 2 = <u>20</u>
FAC species <u>0</u>	x 3 = <u>0</u>
FACU species <u>95</u>	x 4 = <u>380</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>105</u> (A)	<u>400</u> (B)
Prevalence Index = B/A = <u>3.81</u>	

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

   Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)  
 Old field vegetation. No trees, shrubs, or woody vines observed.

## SOIL

Sampling Point: P2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0 - 12	2.5Y 3/1	100					Loamy/Clayey	Silty Clay Loam
12 - 20	10YR 4/2	95	10YR 5/6	5	C	PL/M	Loamy/Clayey	Silty Clay

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	
<input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	
<input type="checkbox"/> Sandy Redox (S5)	
<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Dark Surface (S7)	
<input type="checkbox"/> Loamy Mucky Mineral (F1)	
<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks:	

## HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)		

<b>Field Observations:</b> Surface Water Present?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: No wetland hydrology indicators observed.	



# WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: South Scepter Drive Parcel City/County: C Franklin/Milwaukee Sampling Date: 11/8/2018  
 Applicant/Owner: Bodner Property Management, LLC State: WI Sampling Point: P3  
 Investigator(s): Jeff Kraemer, Heartland Ecological Group Section, Township, Range: T5N, R21E, S08  
 Landform (hillside, terrace, etc.): Gentle Sideslope Local relief (concave, convex, none): None  
 Slope (%): 3 Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Ozaukee silt loam NWI classification: N/A

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

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

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: A WETS analysis was conducted and indicates that conditions are wetter than would be observed in a normal year. Each of the three months leading up to the field investigation exceeded normal precipitation values.	

## VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)
1. <u>Acer negundo</u>	<u>30</u>	<u>Yes</u>	<u>FAC</u>	
2. <u>Populus deltoides</u>	<u>3</u>	<u>No</u>	<u>FAC</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>33</u> =Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by: OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>123</u> x 3 = <u>369</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>123</u> (A) <u>369</u> (B) Prevalence Index = B/A = <u>3.00</u>
Sapling/Shrub Stratum (Plot size: <u>15ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Rhamnus cathartica</u>	<u>70</u>	<u>Yes</u>	<u>FAC</u>	
2. <u>Acer negundo</u>	<u>10</u>	<u>No</u>	<u>FAC</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>80</u> =Total Cover				
Herb Stratum (Plot size: <u>5ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Indicators:</b> _____ 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% _____ 3 - Prevalence Index is ≤3.0 <sup>1</sup> _____ 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Rhamnus cathartica</u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
<u>10</u> =Total Cover				
Woody Vine Stratum (Plot size: <u>30ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ =Total Cover				
Remarks: (Include photo numbers here or on a separate sheet.) Disturbed shrub/scrub vegetation. No woody vines observed.				

## SOIL

Sampling Point: P3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0 - 11	10YR 3/3	100					Loamy/Clayey	Silty Clay Loam
11 - 18	10YR 4/4	80					Loamy/Clayey	Silty Clay
	2.5Y 5/3	20						

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	
<input type="checkbox"/> Sandy Redox (S5)	
<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Dark Surface (S7)	
<input type="checkbox"/> Loamy Mucky Mineral (F1)	
<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes _____ No <u>X</u>
---	---

Remarks:  
No hydric soil indicators observed.

## HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)		

<b>Field Observations:</b> Surface Water Present?    Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present?    Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present?    Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes _____ No <u>X</u>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
No wetland hydrology indicators observed.

# WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: South Scepter Drive Parcel City/County: C Franklin/Milwaukee Sampling Date: 11/8/2018  
 Applicant/Owner: Bodner Property Management, LLC State: WI Sampling Point: P4  
 Investigator(s): Jeff Kraemer, Heartland Ecological Group Section, Township, Range: T5N, R21E, S08  
 Landform (hillside, terrace, etc.): Sideslope Local relief (concave, convex, none): None  
 Slope (%): 5 Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Blount silt loam NWI classification: N/A

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

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

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: A WETS analysis was conducted and indicates that conditions are wetter than would be observed in a normal year. Each of the three months leading up to the field investigation exceeded normal precipitation values.	

## VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Ulmus americana</u>		<u>5</u>	<u>Yes</u>	<u>FACW</u>
2. _____				
3. _____				
4. _____				
5. _____				
		<u>5</u>	=Total Cover	
Sapling/Shrub Stratum	(Plot size: <u>15ft</u> )			
1. <u>Rhamnus cathartica</u>		<u>35</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Cornus alba</u>		<u>15</u>	<u>Yes</u>	<u>FACW</u>
3. <u>Lonicera X bella</u>		<u>15</u>	<u>Yes</u>	<u>FACU</u>
4. _____				
5. _____				
		<u>65</u>	=Total Cover	
Herb Stratum	(Plot size: <u>5ft</u> )			
1. <u>Rhamnus cathartica</u>		<u>15</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Fragaria virginiana</u>		<u>5</u>	<u>Yes</u>	<u>FACU</u>
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
		<u>20</u>	=Total Cover	
Woody Vine Stratum	(Plot size: <u>30ft</u> )			
1. _____				
2. _____				
			=Total Cover	

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>20</u>	x 2 = <u>40</u>
FAC species <u>50</u>	x 3 = <u>150</u>
FACU species <u>20</u>	x 4 = <u>80</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>90</u> (A)	<u>270</u> (B)
Prevalence Index = B/A = <u>3.00</u>	

**Hydrophytic Vegetation Indicators:**

   1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

   3 - Prevalence Index is ≤3.0<sup>1</sup>

   4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

   Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No \_\_\_\_\_

Remarks: (Include photo numbers here or on a separate sheet.)  
 Shrub/scrub vegetation. No woody vines observed.



## SOIL

Sampling Point: P4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0 - 14	2.5Y 3/2	100					Loamy/Clayey	Silty Clay Loam
14 - 20	2.5Y 5/3	90					Loamy/Clayey	Silty Clay
	2.5Y 5/2	10						

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes _____ No <u>X</u>
---	---

Remarks:  
No hydric soil indicators observed.

## HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)		

<b>Field Observations:</b> Surface Water Present?    Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present?    Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present?    Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes _____ No <u>X</u>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
No wetland hydrology indicators observed.

# WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: South Scepter Drive Parcel City/County: C Franklin/Milwaukee Sampling Date: 11/8/2018  
 Applicant/Owner: Bodner Property Management, LLC State: WI Sampling Point: P5  
 Investigator(s): Jeff Kraemer, Heartland Ecological Group Section, Township, Range: T5N, R21E, S08  
 Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave  
 Slope (%): 2 Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Blount silt loam NWI classification: N/A

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

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

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X</u> No _____	
Remarks: A WETS analysis was conducted and indicates that conditions are wetter than would be observed in a normal year. Each of the three months leading up to the field investigation exceeded normal precipitation values.	

## VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer negundo</u>		<u>20</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Populus deltoides</u>		<u>5</u>	<u>Yes</u>	<u>FAC</u>
3. _____				
4. _____				
5. _____				
		<u>25</u>	=Total Cover	
Sapling/Shrub Stratum	(Plot size: <u>15ft</u> )			
1. <u>Rhamnus cathartica</u>		<u>65</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Cornus racemosa</u>		<u>3</u>	<u>No</u>	<u>FAC</u>
3. <u>Acer negundo</u>		<u>5</u>	<u>No</u>	<u>FAC</u>
4. _____				
5. _____				
		<u>73</u>	=Total Cover	
Herb Stratum	(Plot size: <u>5ft</u> )			
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
			=Total Cover	
Woody Vine Stratum	(Plot size: <u>30ft</u> )			
1. _____				
2. _____				
			=Total Cover	

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>0</u>	x 2 = <u>0</u>
FAC species <u>98</u>	x 3 = <u>294</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>98</u> (A)	<u>294</u> (B)
Prevalence Index = B/A = <u>3.00</u>	

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0<sup>1</sup>

4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No \_\_\_\_\_

Remarks: (Include photo numbers here or on a separate sheet.)  
 No herbaceous layer. Shrub carr vegetation. No woody vines observed.

## SOIL

Sampling Point: P5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0 - 6	2.5Y 3/2	100					Loamy/Clayey	Silty Clay Loam
6 - 14	2.5Y 3/2	92	2.5Y 5/6	3	C	PL/M	Loamy/Clayey	Silty Clay Loam
			2.5Y 5/2	5	D	M		
14 - 20	N 2.5/	100					Mucky Loam/Clay	Mucky Silt Loam

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils <sup>3</sup> :
<input checked="" type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	
<input type="checkbox"/> Sandy Redox (S5)	
<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Dark Surface (S7)	
<input type="checkbox"/> Loamy Mucky Mineral (F1)	
<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Matrix (F3)	
<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if observed):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks:	

## HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)	
<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)		
<input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)		

<b>Field Observations:</b> Surface Water Present?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>1</u> Water Table Present?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>14</u> Saturation Present?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>0</u> (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Saturated at surface, some inundation in lower areas	





Bodner Property Management, LLC  
South Scepter Drive  
Project #: 20180136  
December 18, 2018

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## Appendix D | Site Photographs



**Photo #1** Culvert under 100<sup>th</sup> St west of W1



**Photo #2** Sample point P1



**Photo #3** Sample point P1



**Photo #4** Sample point P1



**Photo #5** Sample point P1



**Photo #6** Sample point P2

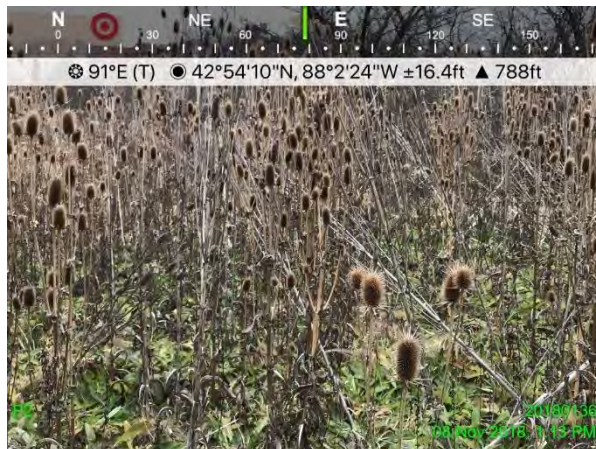




**Photo #7** Sample point P2



**Photo #8** Sample point P2



**Photo #9** Sample point P2



**Photo #10** Sample point P3



**Photo #11** Sample point P3



**Photo #12** Sample point P3





**Photo #13** Sample point P3



**Photo #14** Sample point P4



**Photo #15** Sample point P4



**Photo #16** Sample point P4



**Photo #17** Sample point P4



**Photo #18** Sample point P5





**Photo #19** Sample point P5



**Photo #20** Sample point P5



**Photo #21** Sample point P5



Bodner Property Management, LLC  
South Scepter Drive  
Project #: 20180136  
December 18, 2018

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## Appendix E | Delineator Qualifications





## **Jeff Kraemer**

### **Principal Scientist**

506 Springdale Street  
Mount Horeb, WI 53572  
jeff@heartlandecological.com  
(608) 433-9864

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Jeff is the founder of Heartland Ecological Group, Inc. With over 16 years' experience as an environmental consultant, ecological and regulatory policy practitioner, and managing business leader, Jeff provides proven value to clients with his vast experience guiding often complex projects through environmental regulatory and technical challenges applied throughout a diversity of industry sectors. Jeff is recognized by the Wisconsin Department of Natural Resources Wetland Delineation Assurance Program and is the longest standing assured wetland delineator in the state of Wisconsin.

Jeff is a recognized expert in the field of wetland ecology and delineation; wetland restoration and mitigation banking; and regulatory policy and permitting associated with wetlands and waterways. His experience includes: Wetland Determination, Delineation & Functional Assessment; Wetland Restoration, Mitigation, Banking & Monitoring; Botanical / Biological Surveys & Natural Resource Inventories; Rare Species Surveys, Conservation Plans & Monitoring; Habitat Restoration, Wildlife Surveys, SCAT surveys, Environmental Assessments; Local, state, federal permit applications; Expert Witness testimony; and Regulatory permit compliance.

## **Education**

MS, Biological Sciences (Emphasis in Wetland Ecology), University of Wisconsin – Milwaukee, WI, 2003

BS, Biological Sciences (Emphasis in Aquatic Biology) University of Wisconsin – La Crosse, WI 1999

Regional Supplement Field Practicum  
Wetland Training Institute (WTI)  
Portage, WI, 2017

Basic and Advanced Wetland Delineation  
Training, Continuing Education and Extension,  
UW-La Crosse, WI, 2001

Identification of Sedges Workshop, UW-  
Milwaukee, Saukville, WI 2001

Vegetation of Wisconsin Workshop, UW-  
Milwaukee, Saukville, WI 2000

Environmental Corridor Delineation Workshop,  
Southeastern Wisconsin Regional Planning  
Commission (SEWRPC), 2004

Wetland Soils and Hydrology Workshop,  
Wetland Training Institute, Toledo, OH, 2003

Critical Methods in Wetland Delineation  
University of Wisconsin - La Crosse Continuing  
Education and Extension  
Madison, WI, 2006 - 2018

Federal Wetland Regulatory Policy Course  
Wetlands Training Institute (WTI)  
Cottage Grove, WI, 2010

## **Registrations**

Professionally Assured Wetland Delineator,  
Wisconsin Department of Natural Resources  
(2005-Present)

Wetland Professional in Training (WPIT),  
Society of Wetland Scientists Certification  
Programs











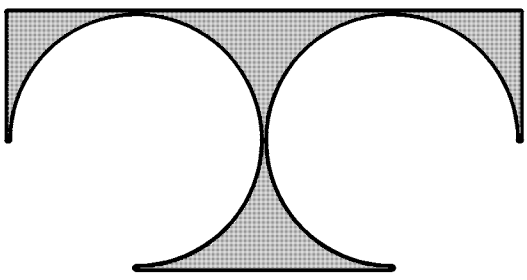


SCALE: 1" = 20'-0"

228 OTHER DECIDUOUS AND EVERGREEN SHRUBS PROVIDED UNDER 36"

OWNER/DEVELOPER:

<b>REVISIONS:</b>		TDI ASSOCIATES, INC. All Rights Reserved		 <p><b>OWNERSHIP OF DOCUMENTS:</b>  This document, and the ideas 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>			
<b>NOTE</b>	<b>DATE</b>						
		N# W22350 JOHNSON DRIVE, SUITE B4 WAUKESHA, WISCONSIN 53186 PHONE: 262-409-2530 FAX: 262-409-2531					
		TDI ASSOCIATES, INC. ARCHITECTURE & PLANNING					
		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	



TDI ASSOCIATES, INC.  
ARCHITECTS, ENGINEERS & PLANNERS

N8 W22350 JOHNSON DRIVE, SUITE B4  
WAUKESHA, WISCONSIN 53186  
PHONE 262-409-2530 FAX 262-409-2531

KNOLLWOOD LEGACY APARTMENTS  
EIGHT UNIT BUILDING  
SCEPTER DRIVE  
FRANKLIN, WISCONSIN

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Sheet Title  
Exterior Elevations  
w/ Side Garage

Revisions

Issued Date:

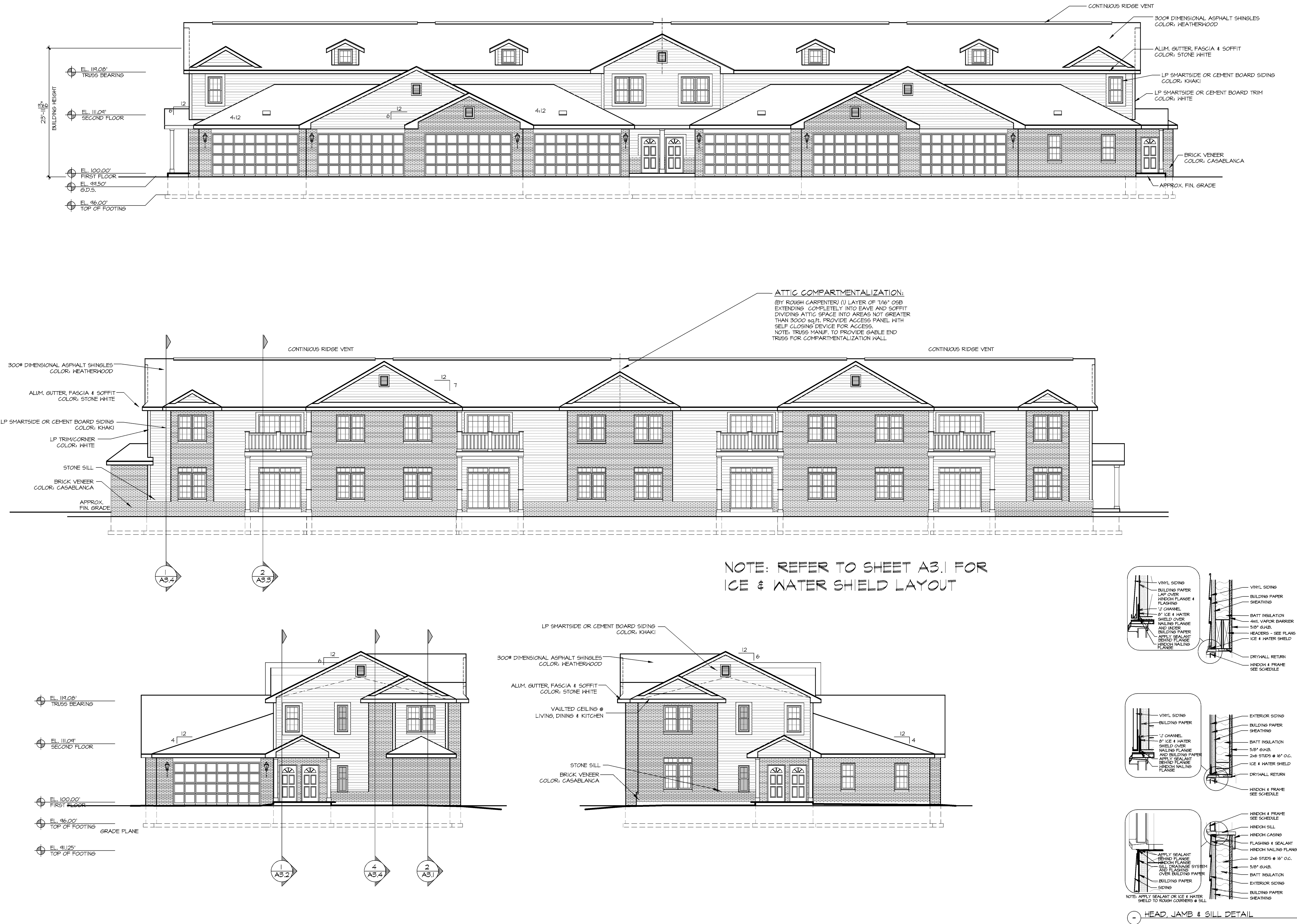
Date: 9/20/19

Job NO.: 18291.001

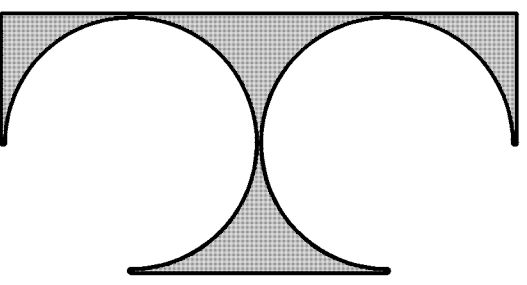
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Sheet No.

A2.1







TDI ASSOCIATES, INC.  
ARCHITECTURE & PLANNING

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Sheet Title  
Overall First & Second Floor Plans

Issued For: Date:

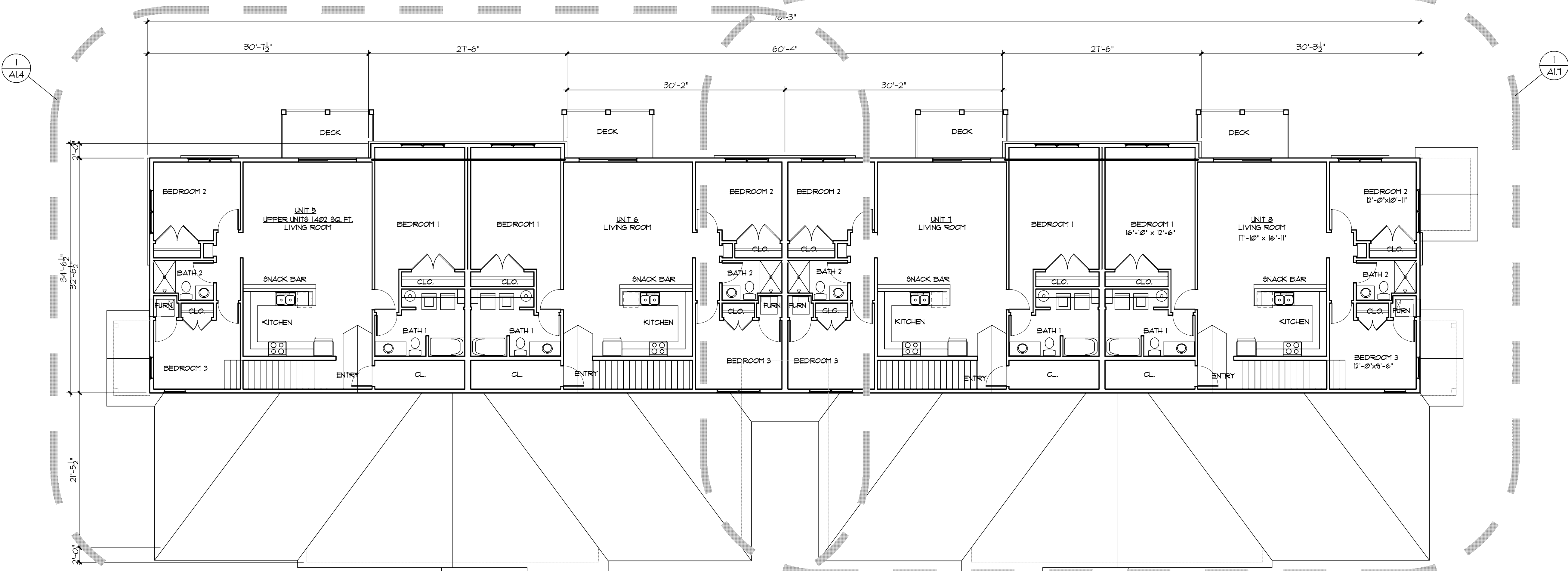
Date: 9/20/19

Job NO.: 18291.001

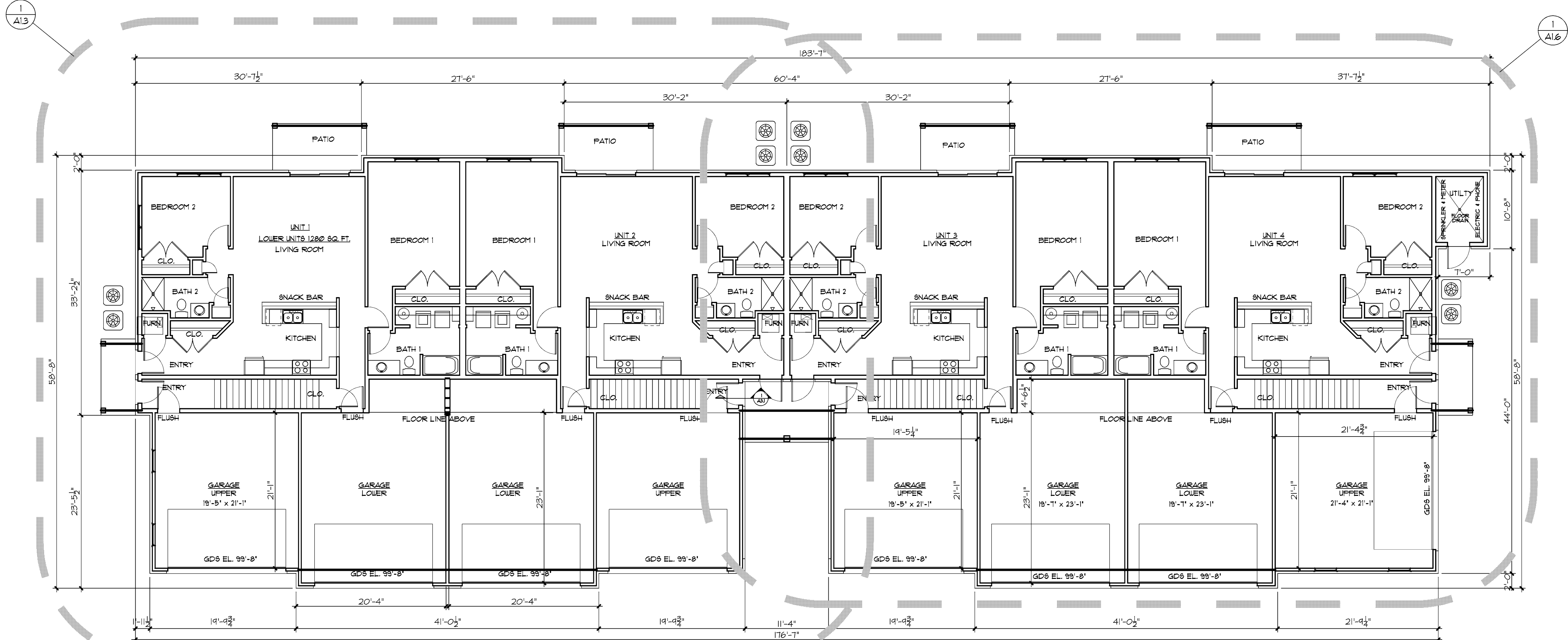
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A1.1

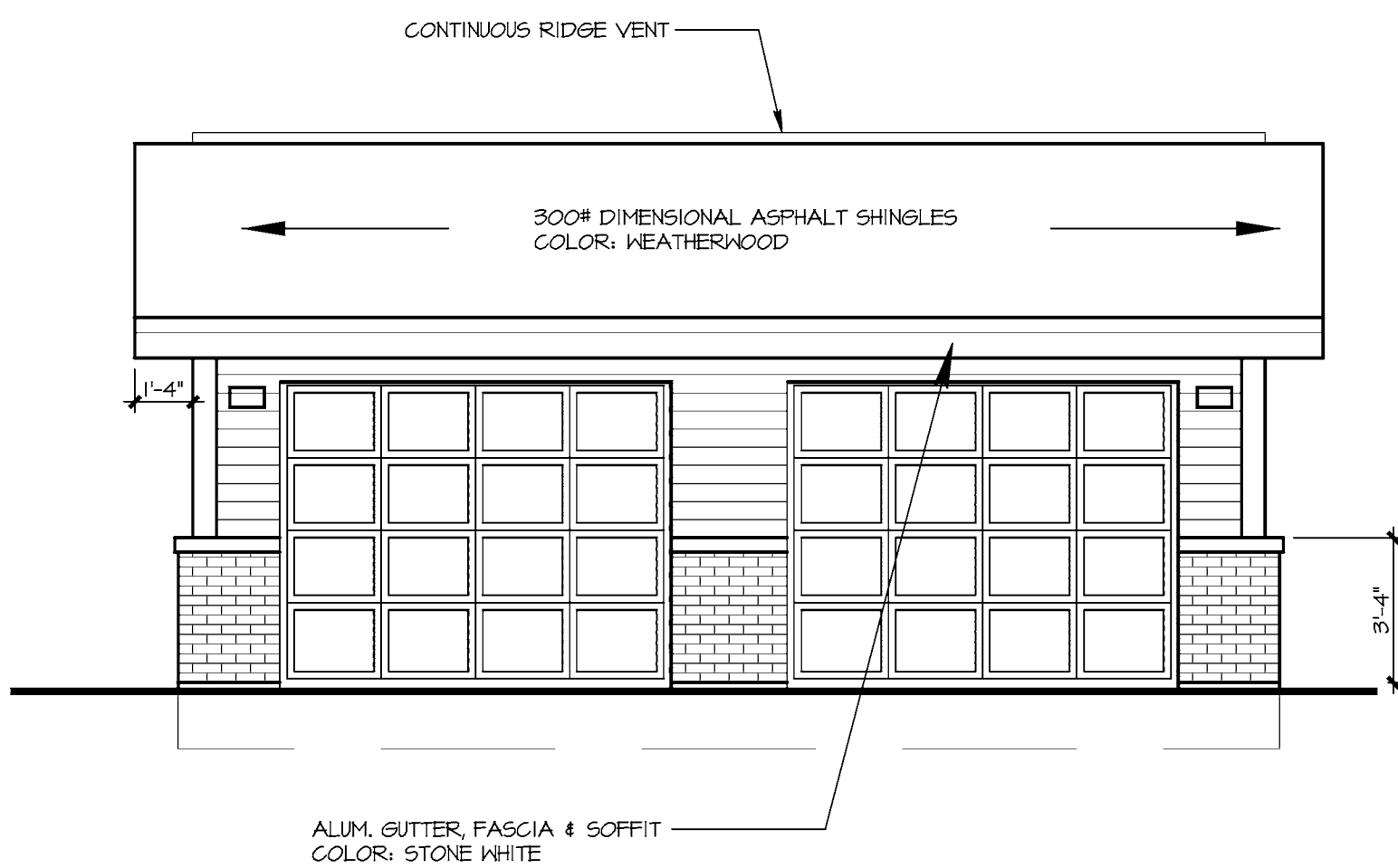


SECOND FLOOR PLAN  
1/8" = 1'-0"



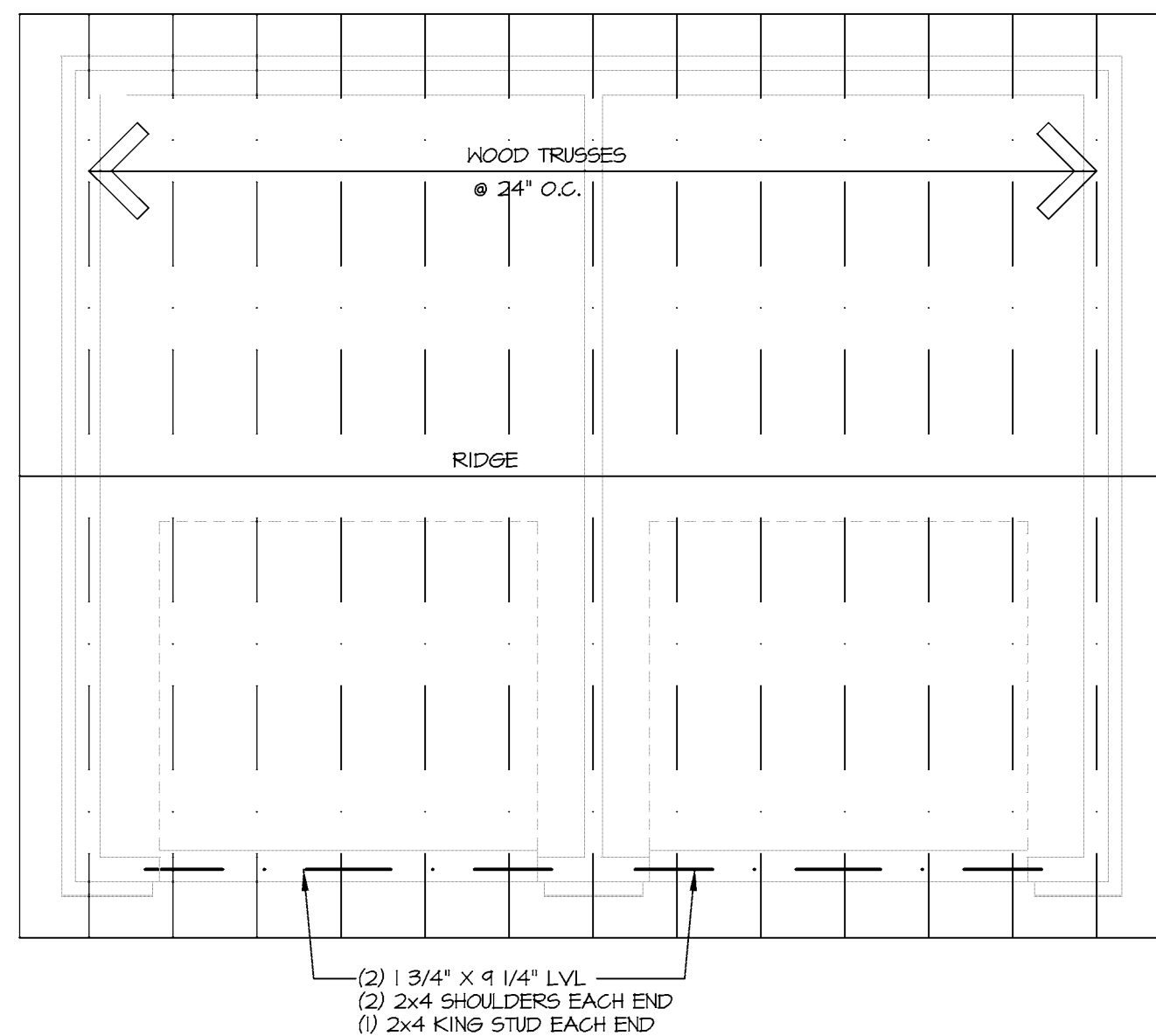
FIRST FLOOR PLAN  
1/8" = 1'-0" FIRST FLOOR UNITS #1-#4 ARE TYPE 'B' PER ICC/ANSI A117.1



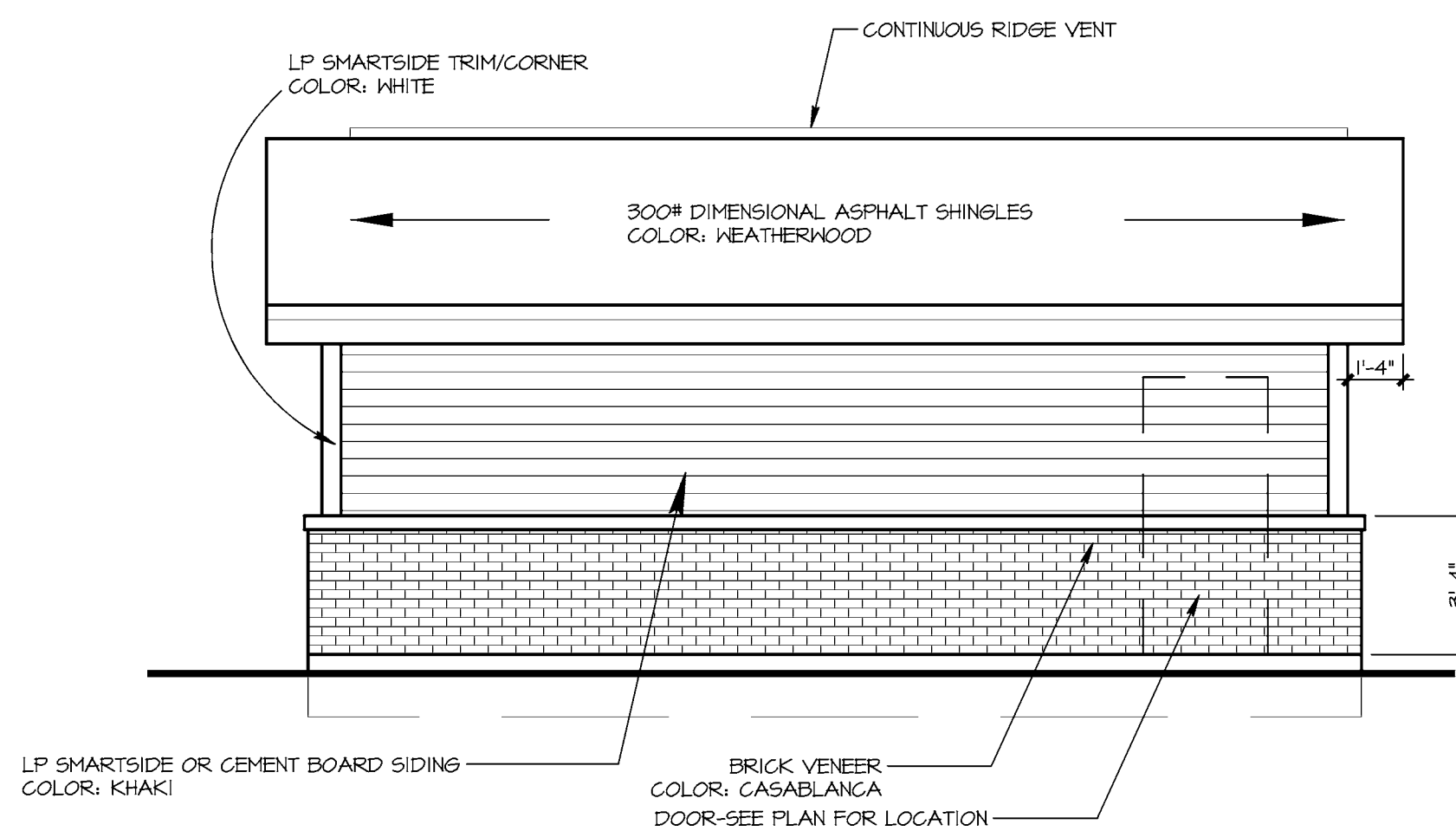


1 FRONT ELEVATION  
1/4" = 1'-0"

BALANCED SNOW LOAD: 21 PSF  
UNBALANCED SNOW LOAD: 40.4 PSF (LEEWARD)  
0 PSF (WINDWARD)



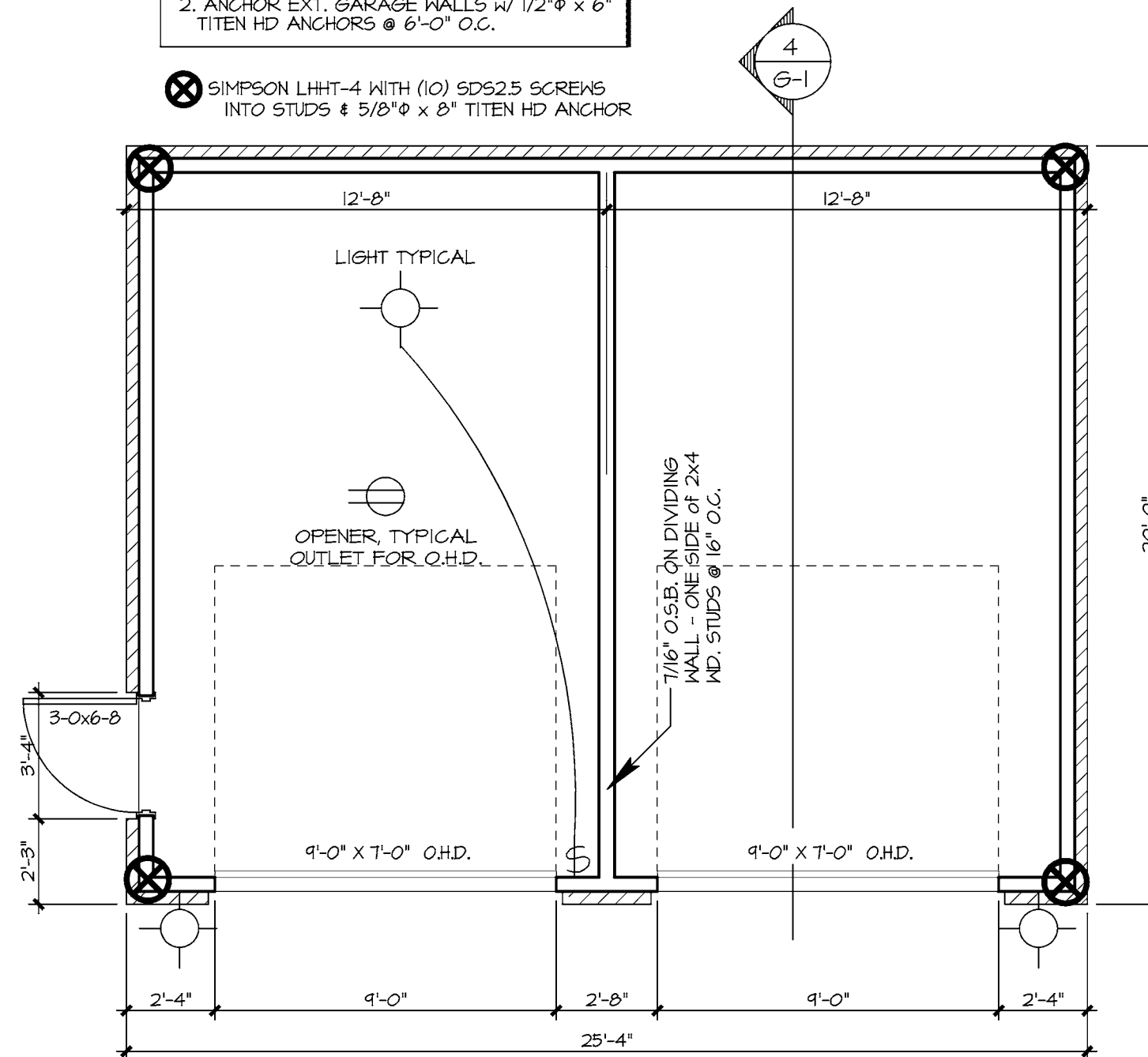
2 ROOF FRAMING PLAN  
1/4" = 1'-0"



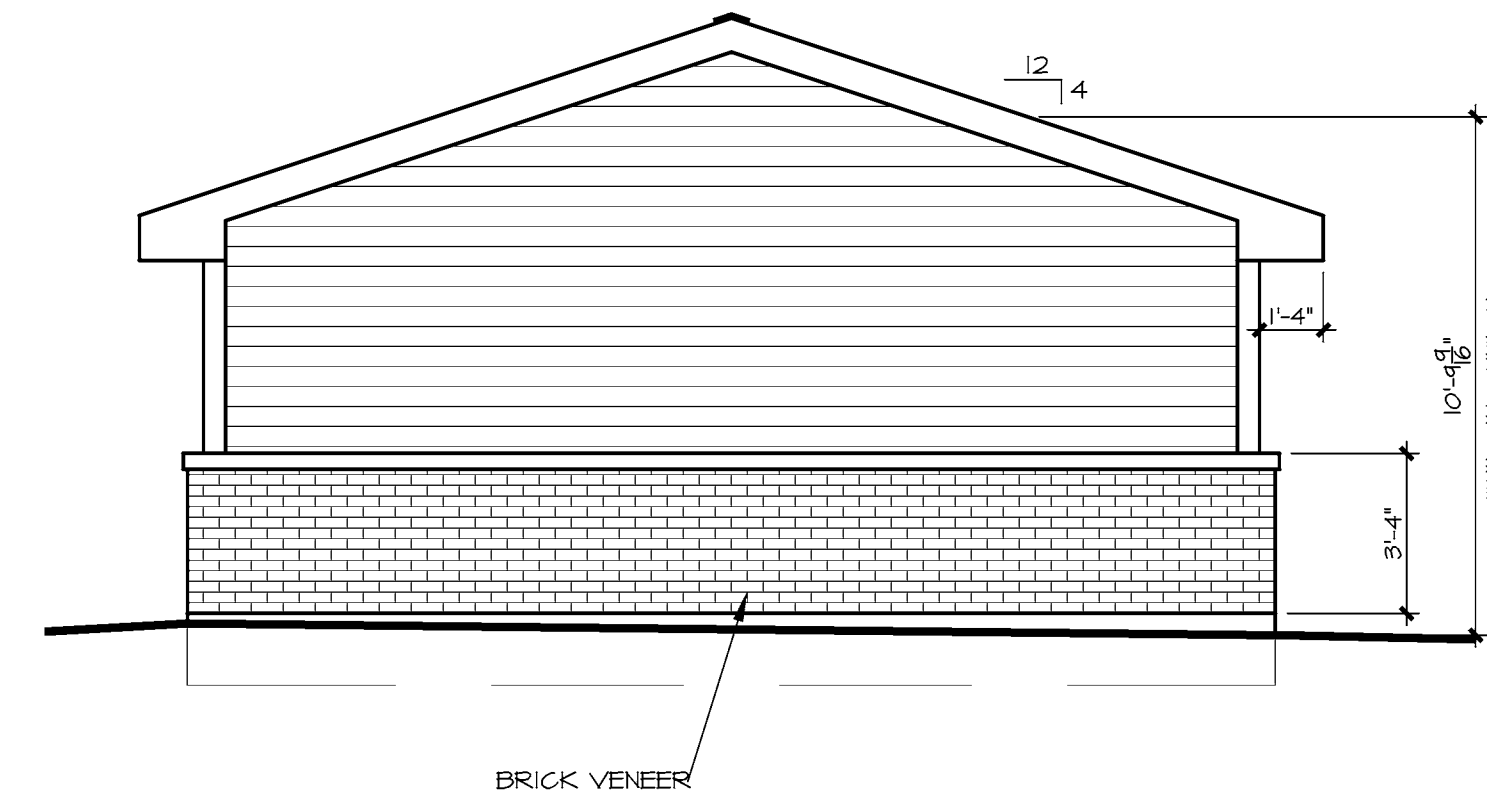
3 REAR ELEVATION  
1/4" = 1'-0"

NOTE:  
1. ANCHOR INT. GARAGE PARTITION WALLS w/  
1/2" x 6" TITEN HD ANCHORS @ 6'-0" O.C.  
2. ANCHOR EXT. GARAGE WALLS w/ 1/2" x 6"  
TITEN HD ANCHORS @ 6'-0" O.C.

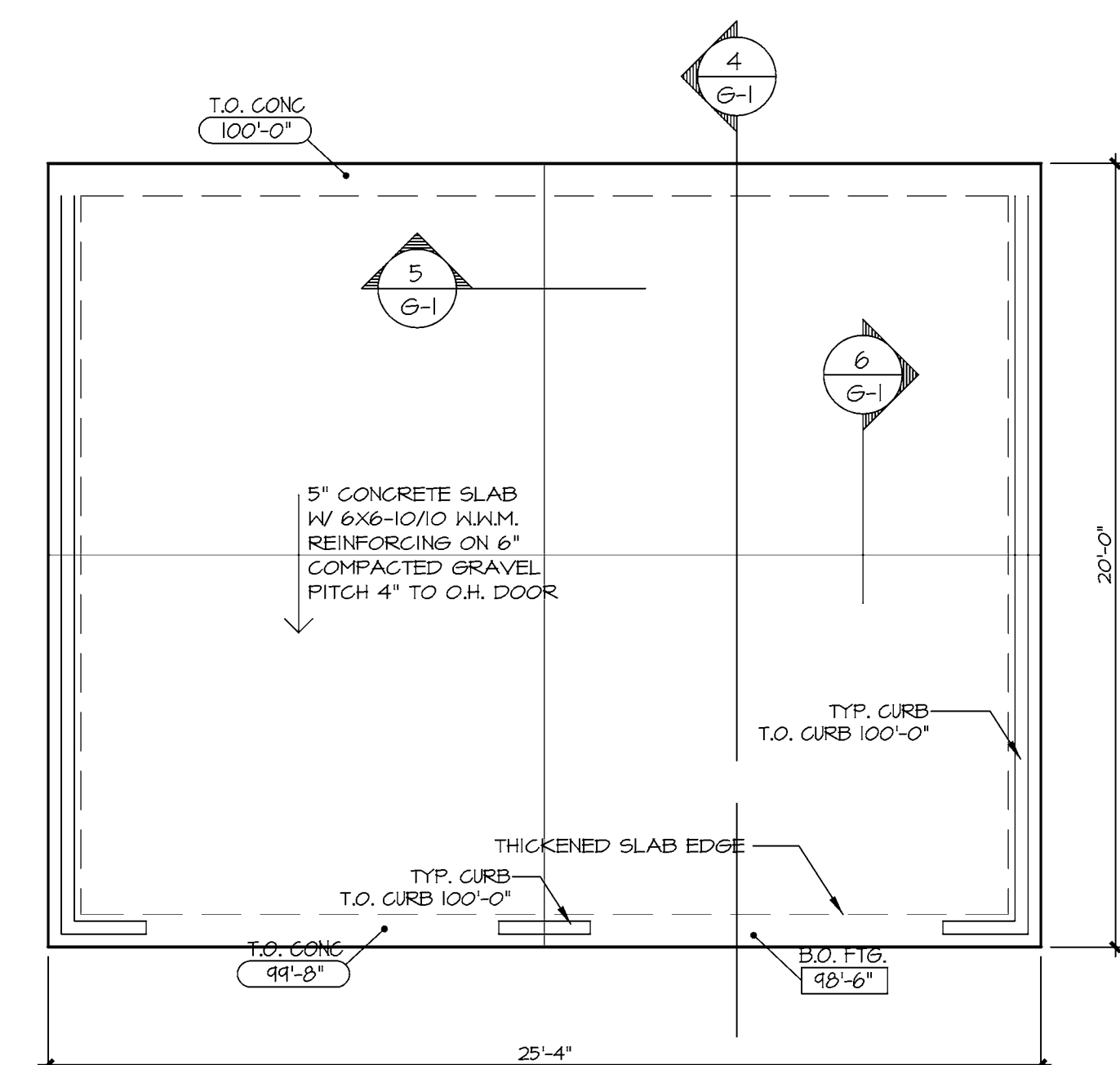
⊗ SIMPSON LHHT-4 WITH (10) SD525 SCREWS  
INTO STUDS & 5/8" x 8" TITEN HD ANCHOR



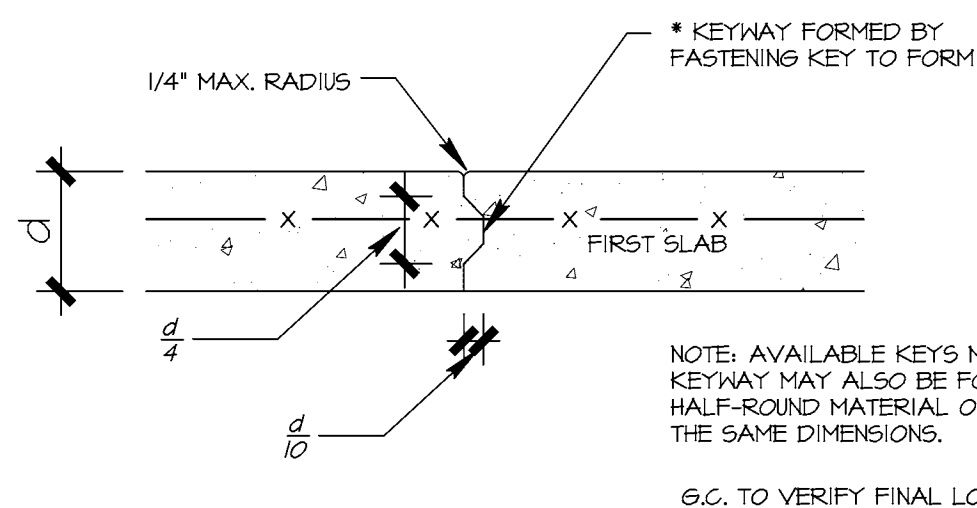
4 FLOOR PLAN  
1/4" = 1'-0"



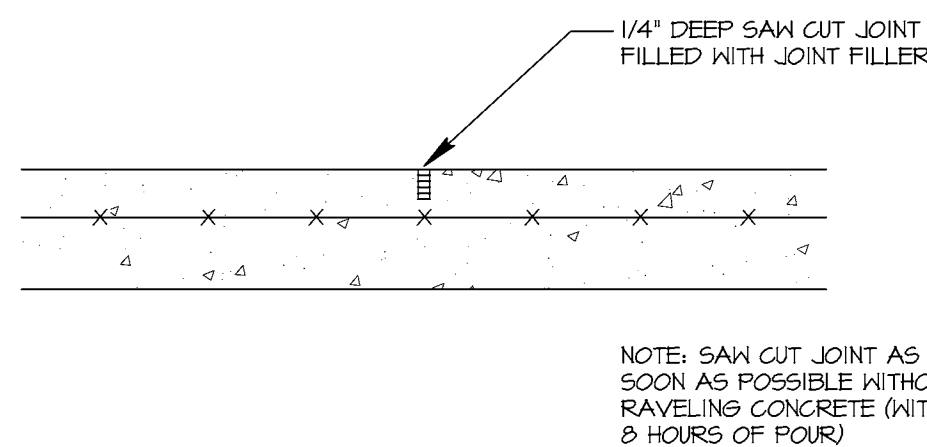
5 SIDE ELEVATIONS  
1/4" = 1'-0"



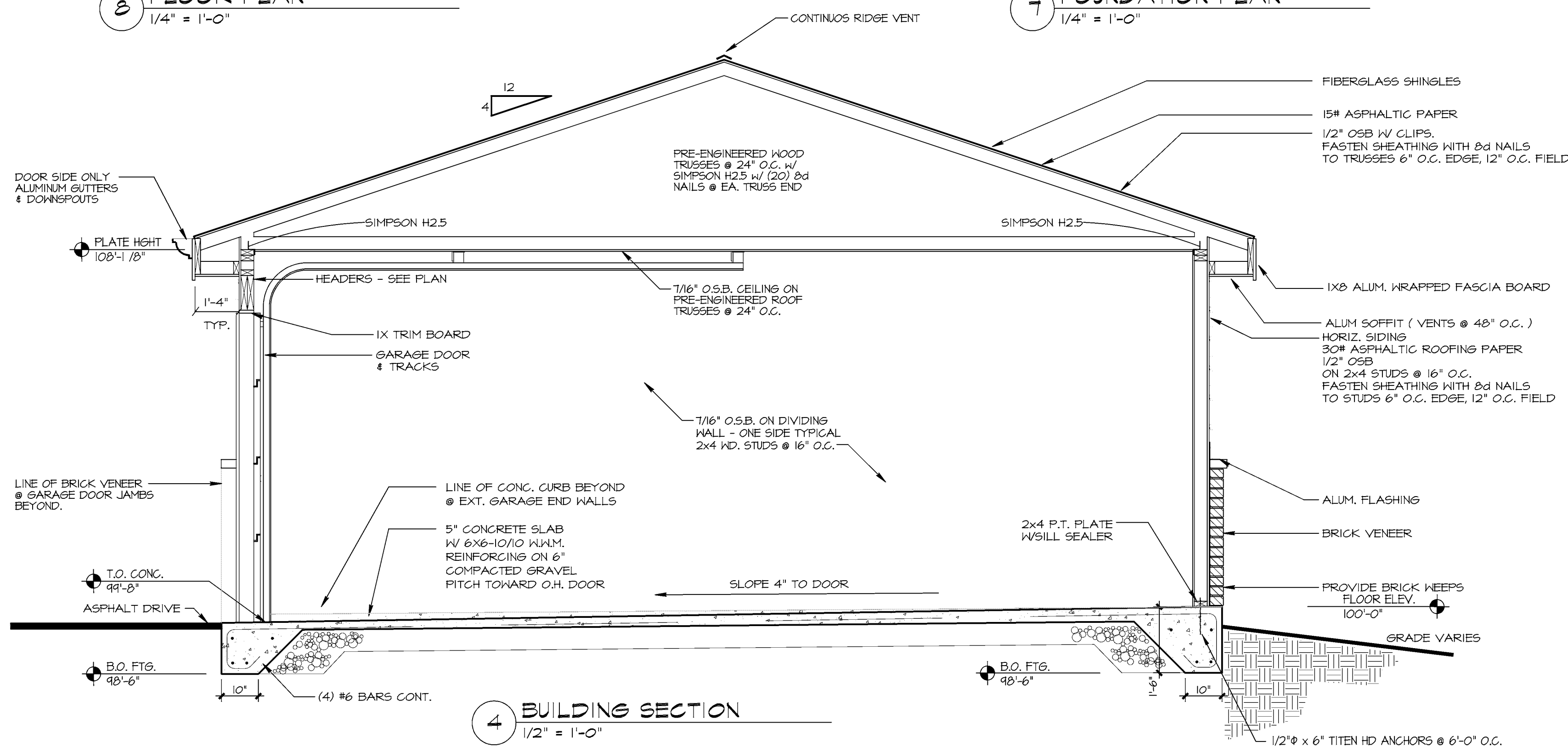
6 FOUNDATION PLAN  
1/4" = 1'-0"



7 CONSTRUCTION JOINT  
1 1/2" = 1'-0"



8 CONTROL JOINT  
1 1/2" = 1'-0"



9 BUILDING SECTION  
1/2" = 1'-0"

KNOLLWOOD LEGACY APARTMENTS  
GARAGE BUILDING  
SCEPTER DRIVE  
FRANKLIN, WISCONSIN

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Sheet Title  
PLANS, ELEVATIONS  
SECTIONS &  
DETAILS

Revisions

Date: 9/20/19  
Job NO.: 18291.006  
Drawn By: -  
Sheet No.

G-1

[illegible]





**Franklin**  
SEP 20 2019  
City Development















## CONSERVATION EASEMENT

### (KnollWood Legacy Apartment Homes)

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Bodner Property Management LLC and/or assigns, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

#### WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located on S. Scepter Dr., Parcel Number 7959999008, within the City of Franklin, Milwaukee County, Wisconsin, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, young woodlands, wetland buffers, and wetlands, and refer to Wetland Delineation Report by Heartland Ecological Group, dated December 18, 2018, and the Woodland Determination Report by Heartland Ecological Group, dated April 19, 2019, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over, and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement; and

WHEREAS, the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby;

WHEREAS, Mortgage Holder Name, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over, and across the protected property.

Grantee's rights hereunder shall consist solely of the following:

1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

Franklin

SEP 23 2019

City Development

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over, or across the protected property, the Grantor, without the prior consent of the Grantee, shall not:

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:

Bodner Property Management LLC and/or Assigns  
Attn: William Bodner  
11514 N. Port Washington Rd.  
Suite 1  
Mequon, WI 53092

To Grantee:

City of Franklin  
Office of the City Clerk  
9229 W. Loomis Road  
Franklin, Wisconsin 53132

In witness whereof, the grantor has set its hand and seals this on this date of \_\_\_\_\_, 20\_\_.

Bodner Property Management LLC

By:

William Bodner

STATE OF WISCONSIN       )  
  ) ss  
COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by

Name(s) of person(s) as Title (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed)

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation, limited liability company, etc.

\_\_\_\_\_  
Notary Public





## MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No. \_\_\_\_\_, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the day and year first above written.

Name of Mortgagee

a Wisconsin Banking Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN       )  
  )ss  
COUNTY OF MILWAUKEE    )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of (name of mortgagee), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: \_\_\_\_\_

Notary Public, State of Wisconsin

My commission expires \_\_\_\_\_

Exhibit A



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

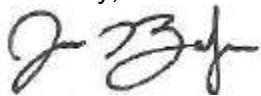
Based upon the information provided above, the area described as W-1 lacked definitive evidence of wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards.

**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