



May 19, 2017

WIC-SE-2017-41-01131

Marso Companies LLC  
Greg Marso  
9120 W. Loomis Road, #400  
Franklin, WI 53132

RE: Artificial/Exempt Wetland Determination Request, Portion of the Ballpark Commons Project, SE ¼ of Section 04, T05N R21E, City of Franklin, Milwaukee County.

Dear Mr. Marso:

This letter is in response to your request for an artificial/exempt wetland determination for five wetlands delineated within the project area as described above. These five wetland areas are depicted as two portions of Wetland Area 3, Wetland Area 4, Wetland Area 5A, and Wetland Area 5B on the attached wetland delineation exhibit. This request was received by the Department on April 12, 2017.

According to NR 103.02(1m), Wis. Adm. Code, an artificial wetland is a landscape feature where hydrophytic vegetation may be present as a result of human modifications to the landscape or hydrology for which there is not prior wetland or stream history. Four types of artificial wetlands are exempt from state wetland water quality standards, **provided they do not provide significant functional values or uses**: 1) Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes; 2) Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds; 3) Actively maintained farm drainage and roadside ditches; and 4) Artificial wetlands within active nonmetallic mining operations.

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

- Historic aerial photography for the project area
- Natural Resources Conservation Service (NRCS) soil mapping and Wisconsin Wetland Inventory (WWI) mapping for the site and surrounding area
- Various submitted materials providing evidence that the areas in question fall within the definition of sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes artificial wetlands
- July 2016 and May 2017 site visits to the project area to concur with the delineated wetland boundaries and document conditions in and around the delineated wetlands

Below is a brief summary of our review process and findings:

### Step 1 – Wetland/Waterway History

The first step in the review process is to determine if the areas in question ever exhibited any wetland or waterway history.

NRCS soil mapping in and around the five areas in question includes Ozaukee silt loam (MzdB, MzdD2) and Gravel pit (GP). Ozaukee soils and areas mapped as Gravel pit are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is a forested wetland (T3K) mapped to the west of Wetland Area 3.

Examination of historic aerial photography shows that in 1937 the five areas in question were either in crop fields/pasture (the two portions of Wetland Area 3, Wetland Area 5B) or wooded (Wetland Area 4, Wetland Area 5B). From the 1950's through the 1990's, a quarry and then landfill operation eventually encompassed all of the areas in question with the exception of the southern portion of Wetland Area 3. Periodic grading and disturbance activity continued within and around all of the areas in question after the closure of the landfill in the late 1990's, with the most recent activity being disturbance related to the construction of The Rock Sports Complex around and to the north and east of the areas in question between 2013 and 2015.

The area within and around all five of the areas in question did not appear to exhibit any obvious signs of prolonged historic wetness prior to the quarrying and landfill activities which began in the 1950's. All of the five areas in question have developed either directly or indirectly as a result of subsequent activity related to either the closure of the landfill or the development of The Rock Sports Complex.

**Therefore, all five of the areas in question do not exhibit any obvious wetland history and are eligible for consideration for artificial/exempt status.**

## **Step 2: Satisfaction of Landscape Features as Artificial Wetlands**

The next step in the review process is to determine if the five areas in question qualify as artificial wetlands by meeting the following landscape characteristic: "Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes."

### **Wetland Area 3 (both northern and southern portions)**

Materials provided by the applicant indicate that the general direction of water flow is from north to south through Wetland Area 3, east through the roadside ditch portion of Wetland Area 3 immediately to the north of Crystal Ridge Road, north and east through culverts under Crystal Ridge Road and Loomis Road, and eventually discharging into Koepmier Lake. A review of the historic aerial photography shows the same approximate extent of Koepmier Lake in 1937 as seen today.

While it is apparent that the southern portion of Wetland Area 3 does provide some conveyance functionality (this is less clear for the northern portion of Wetland Area 3) Koepmier Lake, as a natural feature on the landscape not specifically designed to function as a stormwater detention basin, does not meet the standard defined in NR 103.06(4) of a stormwater detention basin operated and maintained only for sediment detention and flood storage purposes. By extension, neither the northern or southern portions of Wetland Area 3 can be considered associated conveyance features to a stormwater detention basin operated and maintained only for sediment detention and flood storage purposes.

**Therefore, neither the northern nor southern portions of Wetland Area 3, as depicted on the attached exhibit, meet the qualifications for any of the four types of artificial wetlands as defined under NR 103.06(4) and are not eligible for exemption.**

#### Wetland Area 4

The applicant provided 2013 grading plans for a portion of the Rock Sports Complex within and around all of the areas in question that was not fully completed. These plans indicate that water was intended to be conveyed south and east through Wetland Area 4 into a stormwater detention basin which was never constructed. Currently, Wetland Area 4 is cut off from both Wetland Area 5A and the roadside ditch immediately northwest of Crystal Ridge Road. See attached photo for reference.

Additionally, even if there was some sort of indirect connection between Wetland Area 4 and the Crystal Ridge Road roadside ditch, water within this ditch discharges into Koepmier Lake, the same as with both portions of Wetland Area 3.

**Therefore, Wetland Area 4, as depicted on the attached exhibit, does not meet the qualifications for any of the four types of artificial wetlands as defined under NR 103.06(4) and is not eligible for exemption.**

#### Wetland Area 5A

The applicant provided 2013 grading plans for a portion of the Rock Sports Complex within and around all of the areas in question that was not fully completed. These plans indicate that water was intended to be conveyed north and east through Wetland Area 5A and into Wetland Area 5B. Proposed grades within and around Wetland Area 5B provide evidence that Wetland Area 5B was intended to serve as a stormwater retention basin, although it did not appear to have been constructed fully, at least not to the extent shown on the 2013 plan.

Once the water reaches a certain level within Wetland Area 5B, it spills over into the roadside ditch immediately northwest of Crystal Ridge Road, where it is conveyed to the north and east. Finally, the water from this ditch is discharged into a larger stormwater retention basin located to the northwest of the intersection of Crystal Ridge Road with S. 76<sup>th</sup> Street.

Based on the materials provided by the applicant and the July 2016 and May 2017 site visits, there does appear to be sufficient evidence that Wetland Area 5A is a conveyance feature associated with two functional stormwater retention basins (Wetland Area 5B and the detention basin to the northwest of the intersection of Crystal Ridge Road and S. 76<sup>th</sup> Street) operated and maintained only for sediment detention and flood storage purposes.

**Therefore, it does appear that Wetland Area 5A meets the artificial wetland category of sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes as defined under NR 103.06(4) and remains eligible for exemption from state wetland regulations.**

#### Wetland Area 5B

The applicant provided 2013 grading plans for a portion of the Rock Sports Complex within and around all of the areas in question that was not fully completed. These plans indicate that water was intended to be conveyed north and east through Wetland Area 5A and into Wetland Area 5B. Proposed grades within and around Wetland Area 5B provide evidence that Wetland Area 5B was intended to serve as a stormwater retention basin, although it did not appear to have been constructed fully, at least not to the extent shown on the 2013 plan.

Once the water reaches a certain level within Wetland Area 5B, it spills over into the roadside ditch immediately northwest of Crystal Ridge Road, where it is conveyed to the north and east. Finally, the water from this ditch is discharged into a larger stormwater retention basin located to the northwest of the intersection of Crystal Ridge Road with S. 76<sup>th</sup> Street.

Based on the materials provided by the applicant and the July 2016 and May 2017 site visits, there does appear to be sufficient evidence that Wetland Area 5B, although not fully completed, is providing a minimum level of functionality as a stormwater retention basin. Regardless, it is a component of a larger system that conveys water into a fully functional larger retention basin northwest of the intersection of Crystal Ridge Road and S. 76<sup>th</sup> Street.

**Therefore, it does appear that Wetland Area 5B meets the artificial wetland category of sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes as defined under NR 103.06(4) and remains eligible for exemption from state wetland regulations.**

### **Step 3: Significant Wetland Functional Values**

The final step in the review process is to determine if Wetland Areas 5A and 5B provide significant functional values or uses for wildlife, both aquatic and non-aquatic, or provides significant recreational, cultural, educational or scientific uses or natural scenic beauty. The Wisconsin Rapid Assessment Methodology (WRAM) criteria are used as the basis for these determinations.

**Evaluating Wetland Areas 5A and 5B based on the WRAM criteria, both of these areas would likely rate predominantly in the low to moderate significance classifications for both aquatic and non-aquatic wildlife and human use values and as such can be exempted from state wetland regulations.**

### **Conclusion**

**Based on our review, Wetland Area 5A and Wetland Area 5B, as depicted on the attached wetland delineation exhibit, are exempt from state wetland and waterway regulations. Both the northern and southern portions of Wetland Area 3 and Wetland Area 4 are not exempt from state wetland and waterway regulations. All other wetlands depicted on the exhibit aside from those features listed above have either been exempted in a February 2017 exemption request or have not been evaluated for exemption from state wetland regulations and should be considered non-exempt.**

It should be noted that the determination that a wetland is not exempt from state wetland regulations does not preclude proposed wetland impacts through the wetland permitting process or a determination of state regulatory authority through other means.

In addition to contacting DNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project. **We strongly recommend that you request a U.S. Army Corps of Engineers jurisdictional determination for the site's wetland features since these are exemptions that do not exist in**

**federal law.** The U.S. Army Corps of Engineers contact for Milwaukee County is April Marcangeli. Ms. Marcangeli can be reached at April.N.Marcangeli@usace.army.mil.

If you have any questions regarding this letter, please call me at (608) 261-6430 or email Neil.Molstad@wisconsin.gov.

Sincerely,

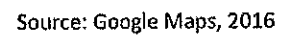


Neil Molstad  
Wetland Identification Specialist

cc: April Marcangeli, Project Manager, U.S. Army Corps of Engineers  
Joel Dietl, Planning Manager, City of Franklin  
Kristi Sherfinski, JSD Professional Services, Inc.  
Geri Radermacher, DNR Water Management Specialist  
Kristina Betzold, DNR/DOT Environmental Analyst and Review Specialist  
Intake, DNR Stormwater SE Region  
Chris Jors, SEWRPC

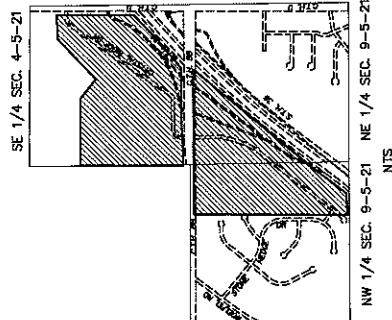
Attachments:

Project Area Location Map  
Wetland Delineation Exhibit Showing Wetlands Exempt from State Regulation  
Photo Looking Northwest from Crystal Ridge Road Towards Wetland Area 4



## APPENDIX 1. LOCATION MAP

WETLAND DELINEATED BY KRISTI SHERPINSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.

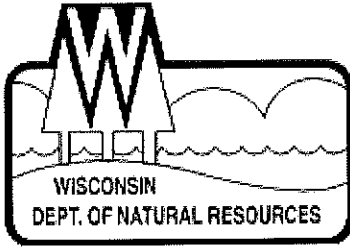


 <b>JSD</b> JSD Incorporated 262.575.0088 Phone   192.511.1322 Fax 262.575.0088 Phone   192.511.1322 Fax	PROJECT: <b>BALLPARK COMMONS</b> CITY OF FRANKLIN, WI	SHEET TITLE: <b>WETLAND MAP EXHIBIT SHEET 2 OF 4</b>	JSD PROJECT NUMBER: <b>14-0548</b> DRAWN BY: <b>SJUKKAS</b> DATE: <b>5-16-16/07-18-16</b>	SHEET NUMBER: <b>EX-1B</b>
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**State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES**

Scott Walker, Governor  
Cathy Stepp, Secretary

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June 23, 2017

Ms. Kristi Sherfinski  
JSD Professional Services, Inc.  
N22 W22931 Nancys Ct., Suite 3  
Waukesha, WI 53186

SUBJECT: Endangered Resources Review (ERR Log # 17-419)  
Proposed Ballpark Commons LLC, Milwaukee County, WI (T05N R21E S04, T05N R21E S09)

Dear Ms. Kristi Sherfinski,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received June 19, 2017. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 1 species

Recommended Actions: 9 species

No Follow-Up Actions: 6 species

Additional Recommendations Specified: Yes

This ER Review may contain Natural Heritage Inventory data (<http://dnr.wi.gov/topic/NHI>), including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law. As a result, information contained in this ER Review may be shared only with individuals or agencies that require this information in order to carry out specific roles in the permitting, planning and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.**

Please contact me at 608-267-0862 or via email at [melissa.tumbleson@wi.gov](mailto:melissa.tumbleson@wi.gov) if you have any questions about this ER Review.

Sincerely,

*Melissa Tumbleson*  
Endangered Resources Review Program

cc: John Budzinski, Field Integration Leader <br>Joshua Wied, Water Regulations and Zoning Specialist

**Endangered Resources Review for the Proposed Ballpark Commons LLC, Milwaukee County**  
(ER Log # 17-419)

**Section A. Location and brief description of the proposed project**

Based on information provided by in the ER Review Request form and attached materials, the proposed project consists of the following:

<b>Location</b>	Milwaukee County - T05N R21E S04, T05N R21E S09
<b>Project Description</b>	The project involves the construction of a mixed-use sports facility/retail center and multi-family residential housing.
<b>Project Timing</b>	January 1, 2018 through January 1, 2023
<b>Current Habitat</b>	Site habitat includes 37% capped landfill, 15% roads/roadside slopes, 40% scrub-shrub old field, 5% single family residential and 3% wetland.
<b>Impacts to Wetlands or Waterbodies</b>	Several wetland areas have been identified within the project boundary.
<b>Property Type</b>	Private, Public
<b>Federal Nexus</b>	Unknown

*It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever project plans change or new details become available to confirm if results of this ER Review are still valid.*

**Section B. Endangered resources recorded from within the project area and surrounding area**

	<b>Group</b>	<b>State Status</b>	<b>Federal Status</b>
Rusty Patched Bumble Bee	Bee	NA	HPZ
Southern Dry-mesic Forest ( <i>Southern dry-mesic forest</i> )	Community	NA	
Wet Prairie ( <i>Wet prairie</i> )	Community~	NA	
Emergent Marsh ( <i>Emergent marsh</i> )	Community~	NA	
Shrub-carr	Community~	NA	
Southern Sedge Meadow ( <i>Southern sedge meadow</i> )	Community~	NA	
Northern Wet Forest ( <i>Northern wet forest</i> )	Community~	NA	
Lake Chubsucker ( <i>Erimyzon sucetta</i> )	Fish~	SC/N	
Least Darter ( <i>Etheostoma microperca</i> )	Fish~	SC/N	
Redfin Shiner ( <i>Lythrurus umbratilis</i> )	Fish~	THR	
Longear Sunfish ( <i>Lepomis megalotis</i> )	Fish~	THR	
Bluestem Goldenrod ( <i>Solidago caesia</i> )	Plant	END	
Smooth Black-haw ( <i>Viburnum prunifolium</i> )	Plant	SC	
Plains Gartersnake ( <i>Thamnophis radix</i> )	Snake~	SC/H	
Butler's Gartersnake ( <i>Thamnophis butleri</i> )	Snake~	SC/H	
Blanding's Turtle ( <i>Emydoidea blandingii</i> )	Turtle~	SC/P	SOC

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).

## Section C. Follow-up actions

### Actions that need to be taken to comply with state and/or federal endangered species laws:

#### • Rusty Patched Bumble Bee Federal High Potential Zone - Bee

State Status: NAFederal Status: HPZ

Impact Type	Impact possible
Required Measures	Time of year restriction,Other
Description of Required Measures	<p>This project is located within a Rusty Patched Bumble Bee High Potential Zone. The upland wooded areas of the site may contain suitable overwintering habitat. Additional areas of suitable overwintering habitat may also be present, see description of suitable and non-suitable habitat below. Work in suitable overwintering areas should be conducted during the bee's active season, from April through October. If spring ephemerals are present within these wooded areas, work should be conducted from June through October.</p> <p>Additional recommended (voluntary) follow-up actions for suitable active season habitat for the Rusty patched bumble bee include:</p> <p>A) Follow the USFWS' recommended conservation measures below (as applicable)</p> <ul style="list-style-type: none"> <li>• using native flowering plants in landscaping,</li> <li>• providing plants that bloom from spring through fall,</li> <li>• avoiding use of pesticides, especially systemic insecticides. If pesticides cannot be avoided,               <ol style="list-style-type: none"> <li>1) they should not be applied while the plant is blooming.</li> <li>2) follow the label and manufacturer's directions</li> <li>3) use the least toxic options</li> <li>4) use low concentrations</li> </ol> </li> <li>• vegetation management (hay, mowing, grazing, and burning) should be limited during the active season (March through September)</li> <li>• leave one or more areas of unmowed habitat for the entire year in management areas</li> <li>• If mowing during the active flight season, create a mosaic of patches with variable vegetation structure</li> <li>• use a high cutting height, a minimum of 8-10 inches, but 12-16 inches is ideal</li> <li>• prescribed burns should be rotated to ensure that there are substantial unburned refugia every year</li> </ul> <p>OR</p> <p>B) Conduct surveys according to USFWS survey protocol. USFWS recommends conducting surveys during four evenly spaced sampling periods between early-June and mid-August. Refer to Survey Protocol 2 for details on how to conduct a presence/absence survey. Please keep in mind that a federal recovery permit is needed for the capture of bees for identification and handling. For further information about obtaining a federal permit and surveyor qualifications please see Appendix A in the survey protocol document.</p> <p>If none of the above conservation measures can be followed or surveys cannot be completed, then contact the USFWS Bloomington Field Office at (952) 252-0092 or <a href="mailto:TwinCities@fws.gov">TwinCities@fws.gov</a> for further consultation.</p> <p>Rusty Patched Bumble Bee (<i>Bombus affinis</i>), listed as Federally Endangered and Special Concern in Wisconsin, is extremely rare in Wisconsin and is considered both state- and globally-imperiled. This bee relies on diverse and abundant flowering plant species in proximity to suitable overwintering sites for hibernating queens. Overwintering habitat includes but is not limited to non-compacted and often sandy soils or woodlands but does not include wetlands. Suitable active season habitat includes but is not limited to prairies, woodlands, marshes/wetlands, agricultural landscapes and residential parks and gardens. Non-suitable habitat includes but is not limited to: permanently flooded areas/open water, paved areas, areas planted to annual row crops, forest where invasive shrubs are dominant and spring ephemeral flowers are absent, and areas mowed too frequently to allow development of diverse wildflower resources (e.g., road shoulders, medians, lawns). Queens emerge from hibernation in April and the colony is active through September.</p>

## Actions recommended to help conserve Wisconsin's Endangered Resources:

### • Southern Dry-mesic Forest - Community

State Status: NA

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing,Other
Description of Recommended Measures	This natural community may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of this natural community.

### • Wet Prairie - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing,Other
Description of Recommended Measures	This natural community may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of this natural community.

### • Emergent Marsh - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing,Other
Description of Recommended Measures	This natural community may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of this natural community.

### • Shrub-carr - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing,Other
Description of Recommended Measures	This natural community may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of this natural community.

### • Southern Sedge Meadow - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing,Other
Description of Recommended Measures	This natural community may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of this natural community.

• Northern Wet Forest - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing,Other
Description of Recommended Measures	This natural community may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of this natural community.

• Plains Gartersnake (*Thamnophis radix*) - Snake~

State Status: SC/H

Impact Type	Impact possible
Recommended Measures	Time of year restriction,Exclusion Fencing
Description of Recommended Measures	<p>The Plains Gartersnake has been recorded within the vicinity of the project area. Since suitable habitat is present within the project site, the following measures can voluntarily be implemented to avoid take:</p> <p>Wetlands – Plains Gartersnakes are typically present in open to semi-open canopy wetlands year-round. Since this species can be found in this habitat throughout the year, avoidance of these wetlands should be incorporated into the project design, where possible.</p> <p>Uplands – For semi-open canopy uplands within 400 ft (122 m) of a wetland, conduct work outside of the Plains Gartersnake active season (March 5 – November 15). The installation and maintenance of exclusion fencing using the WDNR Amphibian and Reptile Exclusion Fencing Protocol is an avoidance option that can be used during this period as long as the exclusion fencing is installed between November 16 and March 4. Work can then be conducted within the fenced area at any time of year as long as the fencing is maintained.</p> <p>Plains gartersnakes (<i>Thamnophis radix</i>) are a Species of Special Concern in Wisconsin and prefer almost any open-canopy wetland type (not open water) and adjacent open to semi-open canopy upland, including prairies, old fields and weedy vacant lots. They also prefer low-canopy vegetation (&lt;24"), although they will occupy habitats with taller vegetation such as reed canary grass. This species can be active from mid-March through early November, usually emerging shortly after frost-out and remaining active until daytime temperatures fall consistently below 50 deg. F. Breeding usually occurs in April or early May but can occur in fall and live young are born between mid-July and mid-August.</p>

• Butler's Gartersnake (*Thamnophis butleri*) - Snake~

State Status: SC/H

Impact Type	Impact possible
Recommended Measures	Time of year restriction,Exclusion Fencing



**Description of  
Recommended  
Measures**

The Butler's Gartersnake has been recorded within the vicinity of the project area. Since suitable habitat is present within the project site, the following measures can voluntarily be implemented to avoid take:

Wetlands – Butler's Gartersnakes are typically present in open to semi-open canopy wetlands year-round. Since this species can be found in this habitat throughout the year, avoidance of these wetlands should be incorporated into the project design, where possible.

Uplands – For semi-open canopy uplands within 300 ft (91 m) of a wetland, conduct work outside of the Butler's Gartersnake active season (March 5 – November 15). The installation and maintenance of exclusion fencing using the WDNR Amphibian and Reptile Exclusion Fencing Protocol is an avoidance option that can be used during this period as long as the exclusion fencing is installed between November 16 and March 4. Work can then be conducted within the fenced area at any time of year as long as the fencing is maintained.

The Butler's gartersnake (*Thamnophis butleri*), a Species of Special Concern in Wisconsin, prefers almost any open or semi-open canopy wetland habitat and adjacent open or semi-open canopy upland habitat, including prairies, old fields and weedy vacant lots. They prefer low-canopy vegetation (<24"), although they will occupy habitats with taller vegetation such as reed canary grass. Butler's gartersnakes can be active from early March through mid-November, usually emerging shortly after frost-out and remaining active until daytime temperatures fall consistently below 50° F. Breeding usually occurs in April and early May but can occur in fall; live young are born between mid-July and mid-August. See the species guidance document for avoidance measures and management guidance from the Natural Heritage Conservation Program.

• **Blanding's Turtle (*Emydoidea blandingii*) - Turtle~**

**State Status: SC/PFederal Status: SOC**

**Impact Type**

Impact possible

**Recommended  
Measures**

Time of year restriction, Exclusion Fencing

**Description of  
Recommended  
Measures**

The Blanding's Turtle has been recorded within the vicinity of the project area. Since suitable habitat is present within the project site, the following measures can voluntarily be implemented to avoid impacts:

Overwintering areas – Blanding's Turtles typically overwinter in wetlands or water bodies with standing water at least three feet deep. This species can be found in these wetlands and water bodies throughout the year, therefore, avoidance of these areas should be incorporated into the project design, where possible.

Non-overwintering areas – For wetlands / water bodies shallower than three feet at the deepest point, conduct work outside of the Blanding's Turtle's active season (March 5 – November 15). The installation and maintenance of exclusion fencing using the WDNR Amphibian and Reptile Exclusion Fencing Protocol is an avoidance option that can be used during this period as long as the exclusion fencing is installed between November 16 and March 4. Work can then be conducted within the fenced area at any time of year as long as the fencing is maintained.

Upland nesting habitat – Avoid work in suitable upland nesting habitat (sandy and/or well-drained soils) within 275 m (900 ft) of a wetland or water body during the Blanding's Turtle's nesting period (May 20 – October 15). The installation and maintenance of exclusion fencing using the WDNR Amphibian and Reptile Exclusion Fencing Protocol is an avoidance option that can be used during this period as long as the exclusion fencing is installed between October 16 and May 19. Work can then be conducted within the fenced area at any time of year as long as the fencing is maintained.

Otherwise if a turtle is found, please carefully move it to suitable habitat outside the project area.

Blanding's turtles (*Emydoidea blandingii*) are listed as a Species of Special Concern in Wisconsin. They utilize a wide variety of aquatic habitats including deep and shallow marshes, shallow bays of lakes and impoundments where areas of dense emergent and submergent vegetation exists, sluggish streams, oxbows and other backwaters of rivers, drainage ditches (usually where wetlands have been drained), and sedge meadows and wet meadows adjacent to these habitats. This species is semi-terrestrial and individuals may spend quite a bit of time on land. They often move between a variety of wetland habitats during the active season, which can extend from early March to mid-November. They overwinter in standing water that is typically more than 3 feet deep and with a deep organic substrate but will also use both warm and cold-water streams and rivers where they can avoid freezing. Blanding's turtles generally breed in spring, late summer or fall. Nesting occurs from about mid-May through early July depending on spring temperatures. They strongly prefer to nest in sandy soils and may travel up to 300 m (984 ft) from a wetland or waterbody to find suitable nesting sites. This species appears to display nest site fidelity, returning to its natal site and then nesting in a similar location annually. Hatching occurs from early August through mid-October. This species takes 17 to 20 years or more to reach maturity. See the species guidance document for avoidance measures and management guidance from the Natural Heritage Conservation Program.

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

### Additional Recommendations

Several wetlands are located within and adjacent to the project area and we strongly recommend implementing erosion and runoff prevention measures during the course of the project.

Please note that erosion control netting (also known as erosion control blankets, erosion mats or erosion mesh netting) used to prevent erosion during the establishment of vegetation can have detrimental effects on local snake and other wildlife populations. Plastic netting without independent movement of strands can easily entrap snakes moving through the area, leading to dehydration, desiccation, and eventually mortality. Netting that contains biodegradable thread with the "leno" or "gauze" weave (contains strands that are able to move independently) appears to have the least impact on snakes and should be used in areas adjacent to or near any waterbody.

If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.

### No actions are required or recommended for the following endangered resources:

#### • Lake Chubsucker (*Erimyzon sucetta*) - Fish~

State Status: SC/N

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Due to the distance to a suitable waterbody, impacts to this species are not anticipated and no further actions are necessary.

#### • Least Darter (*Etheostoma microperca*) - Fish~

State Status: SC/N

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Due to the distance to a suitable waterbody, impacts to this species are not anticipated and no further actions are necessary.

#### • Redfin Shiner (*Lythrurus umbratilis*) - Fish~

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Due to the distance to a suitable waterbody, impacts to this species are not anticipated and no further actions are necessary.

#### • Longear Sunfish (*Lepomis megalotis*) - Fish~

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary

**Justification**

Due to the distance to a suitable waterbody, impacts to this species are not anticipated and no further actions are necessary.

**• Bluestem Goldenrod (*Solidago caesia*) - Plant****State Status: END****Impact Type**

No impact or no/low broad ITP/A

**Reason**

Lack of Suitable Habitat within Project Boundary

**Justification**

Bluestem Goldenrod has been recorded within the vicinity of the project area. However, based on conversations with the NHC plant species expert, suitable habitat for this species is not present on-site and no further actions are necessary.

**• Smooth Black-haw (*Viburnum prunifolium*) - Plant****State Status: SC****Impact Type**

No impact or no/low broad ITP/A

**Reason**

Lack of Suitable Habitat within Project Boundary

**Justification**

Smooth Black-haw has been recorded within the vicinity of the project area. However, the site does not contain suitable forested habitat for this species and no further actions are necessary.

**Section D. Next Steps**

---

1. Evaluate whether the **'Location and brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
2. Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:
  - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
  - If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
  - 'Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
3. If federally-protected species or habitats are involved and the project involves federal funds, technical assistance or authorization (e.g., permit)

and there are likely to be any impacts (positive or negative) to them, consultation with USFWS will need to occur prior to the project being able to proceed. If no federal funding, assistance or authorization is involved with the project and there are likely to be adverse impacts to the species, contact the USFWS Twin Cities Ecological Services Field Office at 612-725-3548 (x2201) for further information and guidance.

## Section E. Standard Information to help you better understand this ER Review

**Endangered Resources (ER) Reviews** are conducted according to the protocols in the guidance document Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Wisconsin DNR Staff.

**How endangered resources searches are conducted for the proposed project area:** An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

**Categories of endangered resources considered in ER Reviews and protections for each:** Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

**Please remember** the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project.

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
101 S. Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



July 21, 2016

WIC-SE-2016-41-02098

Marso Companies LLC  
Greg Marso  
9120 W. Loomis Road, #400  
Franklin, WI 53132

RE: Wetland Delineation Report for an approximately 120 acre project area located in the SE1/4 of the SE1/4 of Section 4, Township 5 North, Range 21 East, City of Franklin, Milwaukee County

Dear Mr. Marso:

We have received and reviewed the wetland delineation report prepared for the above mentioned site by JSD Professional Services, Inc. This letter will serve as confirmation that the wetland boundaries as shown on the attached wetland delineation maps are acceptable. This finding is based upon July 13 and July 14, 2016 field visits. Any filling or grading within these areas will require DNR approvals. Our wetland confirmation is valid for five years unless altered site conditions warrant a new wetland delineation be conducted. Be sure to send a copy of the report, as well as any approved revisions, to the U.S. Army Corps of Engineers.

In order to comply with Chapter 23.321, State Statutes, please supply the department with a polygon shapefile of the wetland boundaries delineated within the project area. Please do not include data such as parcel boundaries, project limits, wetland graphic representation symbols, etc. If internal upland polygons are found within a wetland polygon, then please label as UPLAND. The shapefile should utilize a State Plane Projection, and be overlain onto recent aerial photography. If a different projection system is used, please indicate what system the data are projected to. In the correspondence sent with the shapefile, please supply a brief description of each wetland's plant community (eg: wet meadow, floodplain forest, etc.). Please send these data to Calvin Lawrence (608-266-0756, or [calvin.lawrence@wisconsin.gov](mailto:calvin.lawrence@wisconsin.gov)).

If you are planning development on the property, you are required to avoid take of endangered and threatened species, or obtain an incidental take authorization, to comply with the state's Endangered Species Law. To insure compliance with the law, you should submit an endangered resources review form (Form 1700-047), available at <http://dnr.wi.gov/topic/ERReview/Review.html>. The Endangered Resources Program will provide a review response letter identifying any endangered and threatened species and any conditions that must be followed to address potential incidental take.

In addition to contacting WDNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project.


We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.



If you have any questions, please contact me at (608) 261-6430 or email  
Neil.Molstad@wisconsin.gov.

Sincerely,

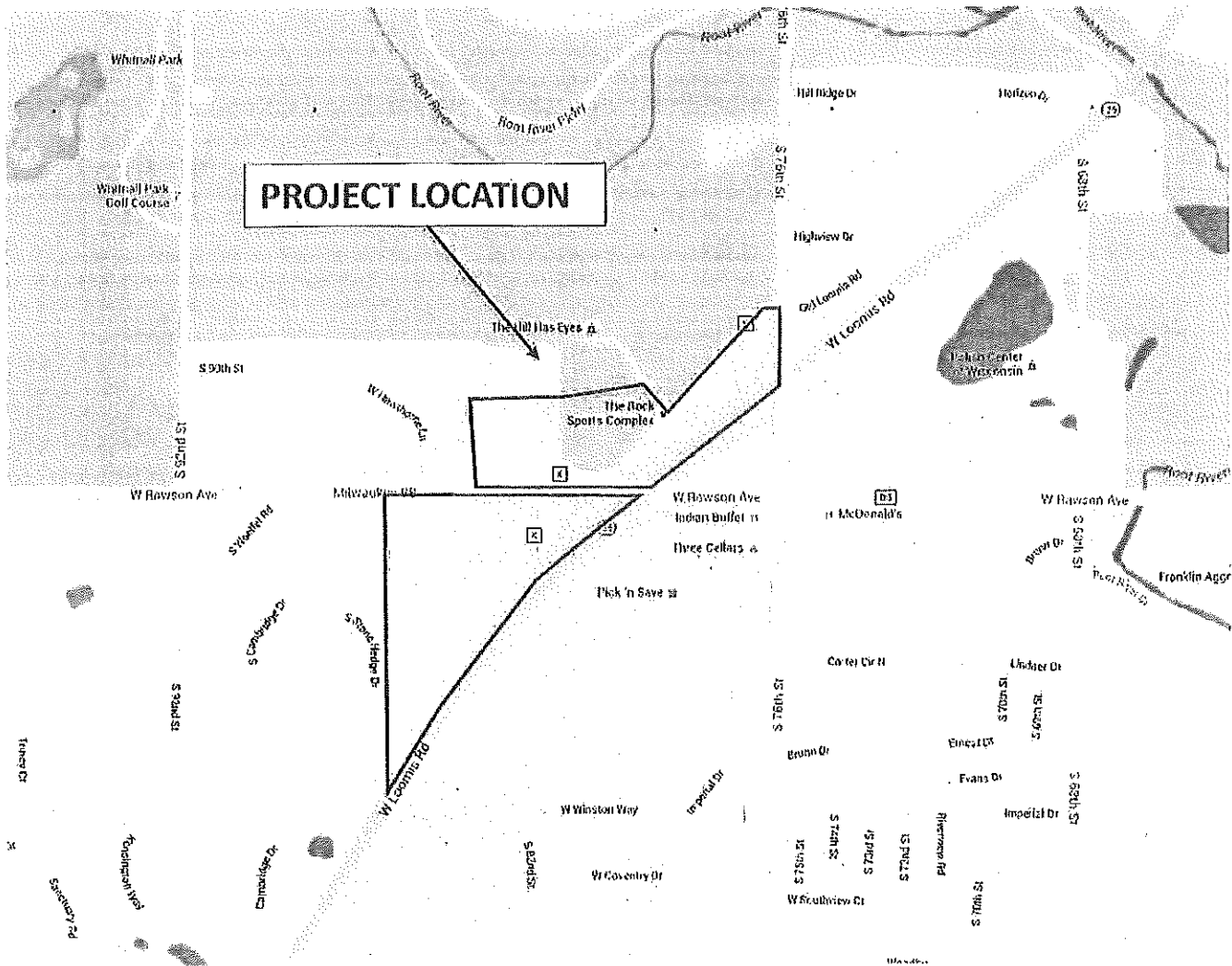


Neil Molstad  
Wetland Identification Specialist

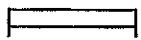
cc: April Marcangeli, Project Manager, U.S. Army Corps of Engineers  
Joel Dietl, Planning Manager, City of Franklin  
Kristi Sherfinski, JSD Professional Services, Inc.  
Geri Radermacher, DNR Water Management Specialist  
Kristina Betzold, DNR/DOT Environmental Analyst and Review Specialist  
Intake, DNR Stormwater SE Region  
Chris Jors, SEWRPC

Attachments:

General Location Map of the Project Area  
Wetland Delineation Mapping for the Project Area (Four Sheets)



Source: Google Maps, 2016

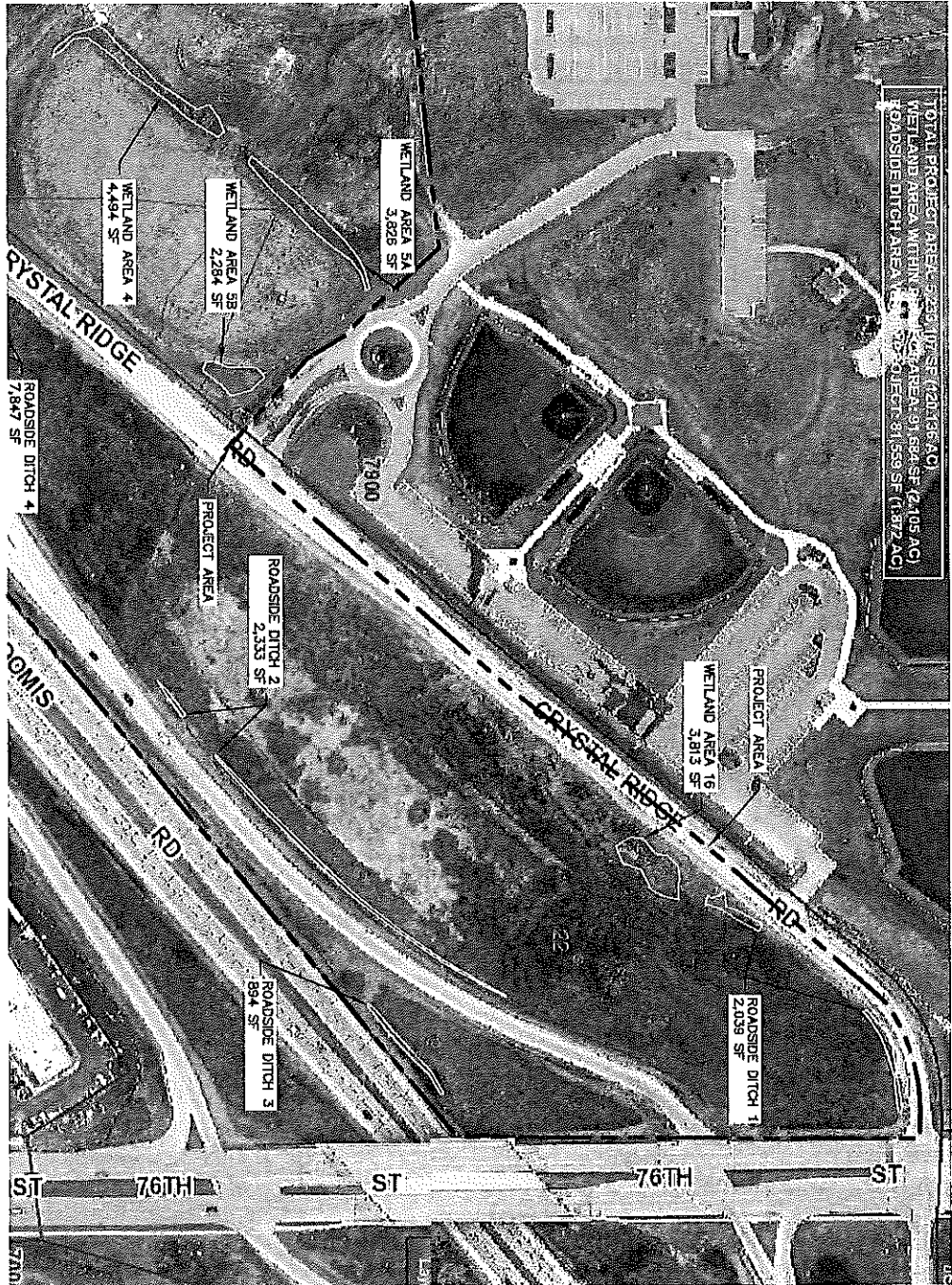


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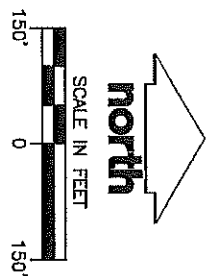


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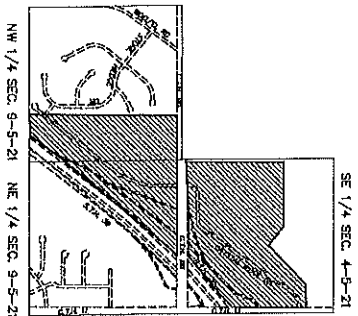
## APPENDIX 1. LOCATION MAP



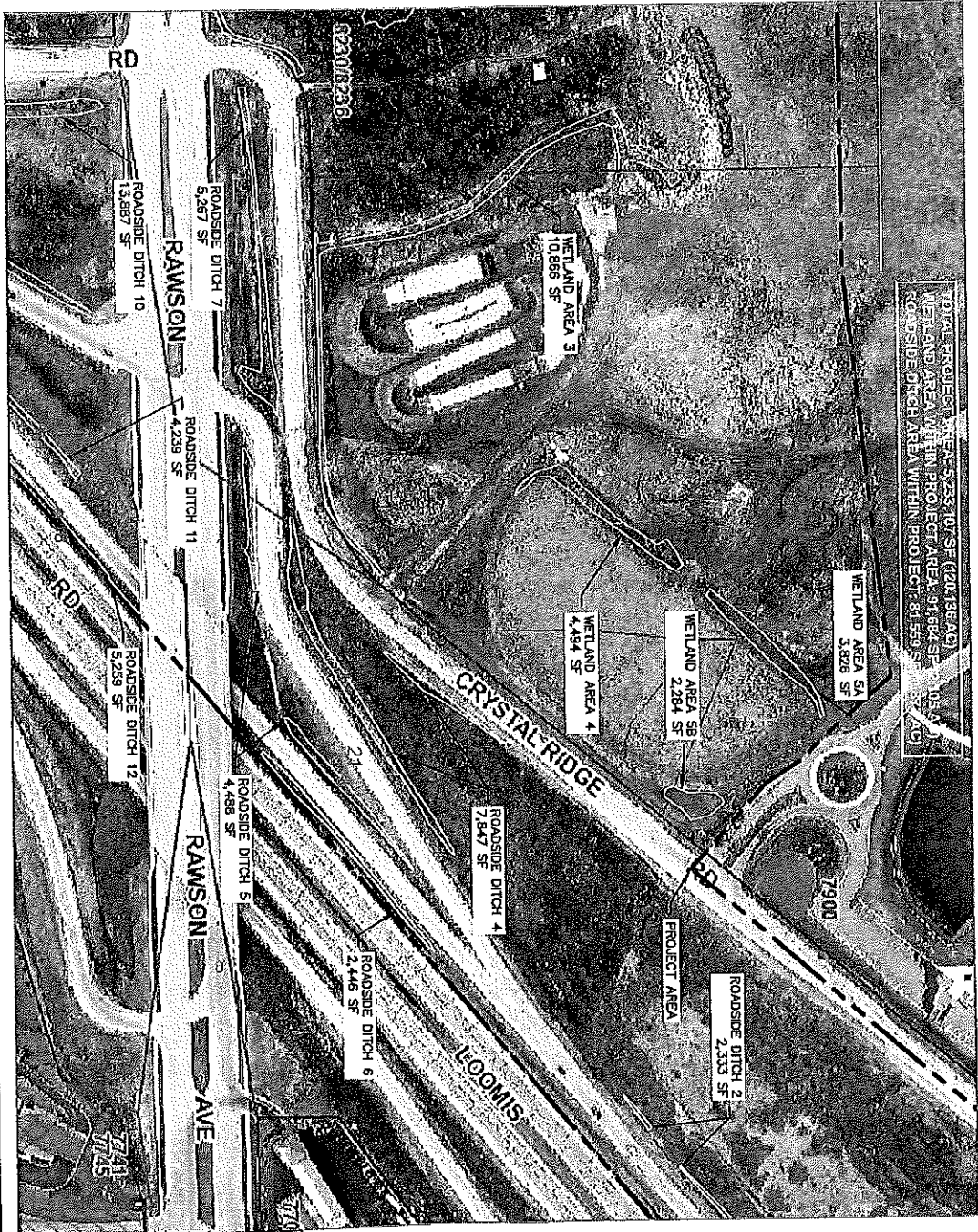
MADISON | MILWAUKEE | KENOSHA | APPLETON



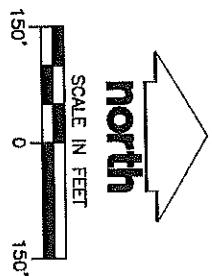
WETLAND DELINEATED BY KRISTI SHERPENS OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.



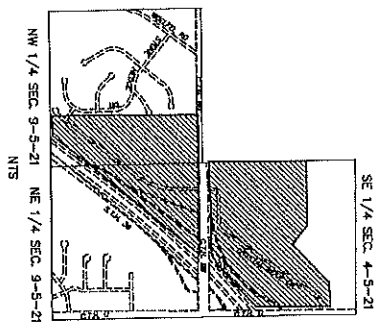
<b>JSD</b> Professional Services, Inc. 2145 W. WISCONSIN AVE. SUITE 200 MILWAUKEE, WI 53233 TEL: 414.381.1234 FAX: 414.381.1235 WWW.JSDINC.COM	PROJECT: <b>BALLPARK COMMONS</b> CITY OF FRANKLIN, WI	SHEET TITLE: <b>WETLAND MAP EXHIBIT</b> SHEET 1 OF 4 JSD PROJECT NUMBER: 14-0548 DRAWN BY: CHECKED BY: SJK/KAS DATE: 5-16-16/07-18-16 SHEET NUMBER: <b>EX-1A</b>
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MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI  
SHERKINSKI OF JSO  
PROFESSIONAL SERVICES, INC.  
ON APRIL 25, 2016 AND MAY 3,  
2016.



<p><b>JSO</b> Professional Services, Inc. 2100 West 2nd Avenue, Suite 200 Milwaukee, WI 53233-1000 Tel: 414.224.1000 Fax: 414.224.1001 www.jsodinc.com</p>	<p>PROJECT: BALLPARK COMMONS CITY OF FRANKLIN, WI</p>	<p>SHEET TITLE: WETLAND MAP EXHIBIT SHEET 2 OF 4</p>	<p>JSO PROJECT NUMBER: 14-6548 DRAWN BY: CHECKED BY: SJK/KAS DATE: 5-16-16/7-18-16</p> <p>SHEET NUMBER: EX-1B</p>
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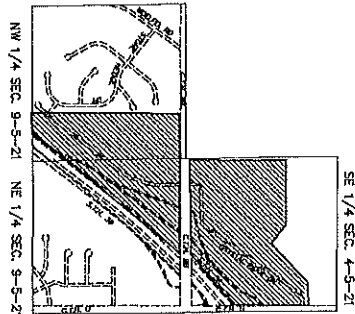


MADISON MILWAUKEE KENOSHA APPLETON

**JSD** Professional Services, Inc.  
• Engineers • Architects • Planners  
JAE WALLACE, REGIONAL OFFICE  
1621 WYATT MANOR'S COLONY DRIVE, 3  
WALNUTHIA, WISCONSIN 53190  
262.510.8566 PHONE / 262.510.2222 FAX  
www.jsdinc.com

PROJECT:  
**BALLPARK COMMONS**  
CITY OF FRANKLIN, WI

WETLAND MAP EXHIBIT  
SHEET 3 OF 4



ISSUE NUMBER	14-6548
DRAWN BY: CHECKED BY:	SJKRAS
DATE:	5-16-16/07-18-16

EX-10

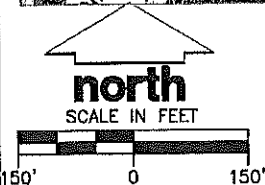
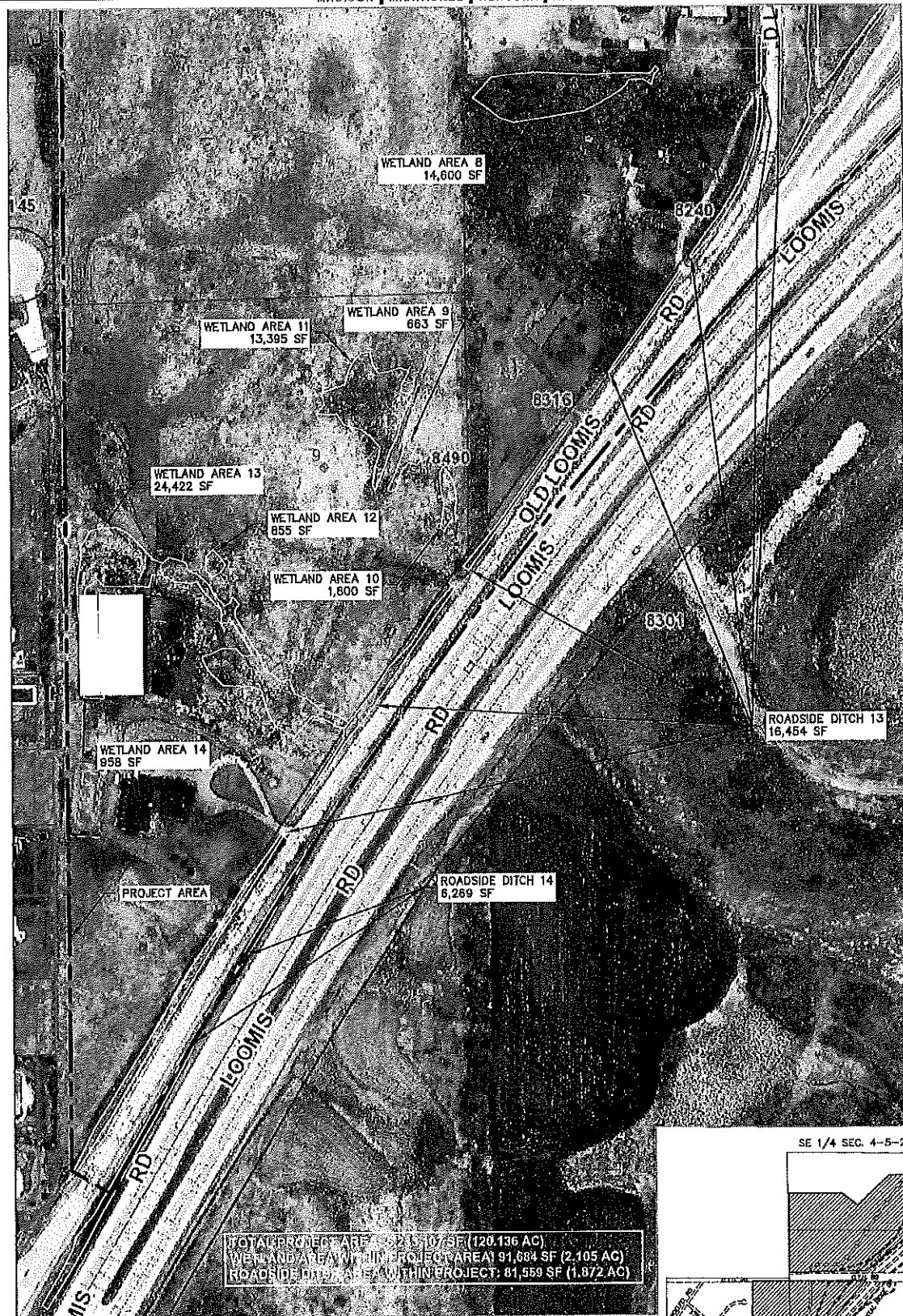
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SCALE IN FEET

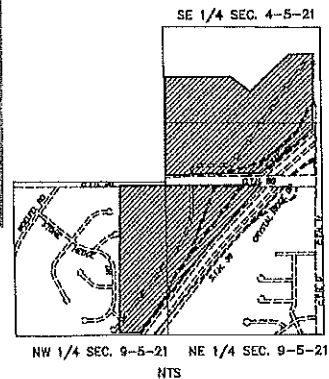
north

WET AND DELINEATED BY KRISTI  
SHERIDAN OF JSD PROFESSIONAL  
SERVICES, INC. ON APRIL 28, 2016  
AND MAY 3, 2016.





WETLAND DELINEATED BY KRISTI  
SHERFINSKI OF JSD PROFESSIONAL  
SERVICES, INC. ON APRIL 29, 2018  
AND MAY 3, 2018.



R:\2014\140548 Ballpark Commons.dwg \140548 WETLAND EXHIBIT.dwg User: schmidt

**JSD** Professional Services, Inc.  
Engineers • Surveyors • Planners  
MILWAUKEE REGIONAL OFFICE  
10715 22ND TRAIL, SUITE 100  
WILSON, WI 53190-1318  
262.513.0466 PHONE • 262.513.1132 FAX  
www.jsdinc.com

PROJECT:  
**BALLPARK COMMONS**  
CITY OF FRANKLIN, WI

SHEET TITLE:  
**WETLAND MAP EXHIBIT  
SHEET 4 OF 4**

JSD PROJECT NUMBER:  
14-8548  
DRAWN BY: CHECKED BY:  
SJK/KAS  
DATE:  
5-16-16/07-18-16

SHEET NUMBER:  
**EX-1D**

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S. Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



May 18, 2017

WIC-SE-2016-41-02098

Marso Companies LLC  
Greg Marso  
9120 W. Loomis Road, #400  
Franklin, WI 53132

RE: Delineated Wetland Area 3 within the proposed Ballpark Commons project, located in the SE1/4 of the SE1/4 of Section 04, Township 05 North, Range 21 East, City of Franklin, Milwaukee County

Dear Mr. Marso:

This letter is intended to serve as an addendum to the Wetland Delineation Confirmation Letter issued by the Department for the Ballpark Commons development in its entirety on July 21, 2016.

During site visit by the Department on May 4, 2017 to evaluate the conditions within and around Wetland Area 3, it was determined that a portion of Wetland Area 3 does not meet wetland criteria and is not considered regulated wetland by the Department. This area is outlined in light blue on the attached exhibit and can be observed in the attached photo.

Additionally, there are two portions of Wetland Area 3 that are considered state regulated wetland and have not been determined to be exempt by the Department as of today. These two areas are outlined in green on the attached exhibit.

Finally, the roadside ditch portion of Wetland Area 3 was exempted from state wetland regulations by the Department in a February 27, 2017 letter. This area is outlined in red on the attached exhibit.

Please update all mapping to reflect that a portion of Wetland Area 3 is no longer considered state regulated wetland.

If you have any questions, please contact me at (608) 261-6430 or email Neil.Molstad@wisconsin.gov.

Sincerely,

Neil Molstad  
Wetland Identification Specialist

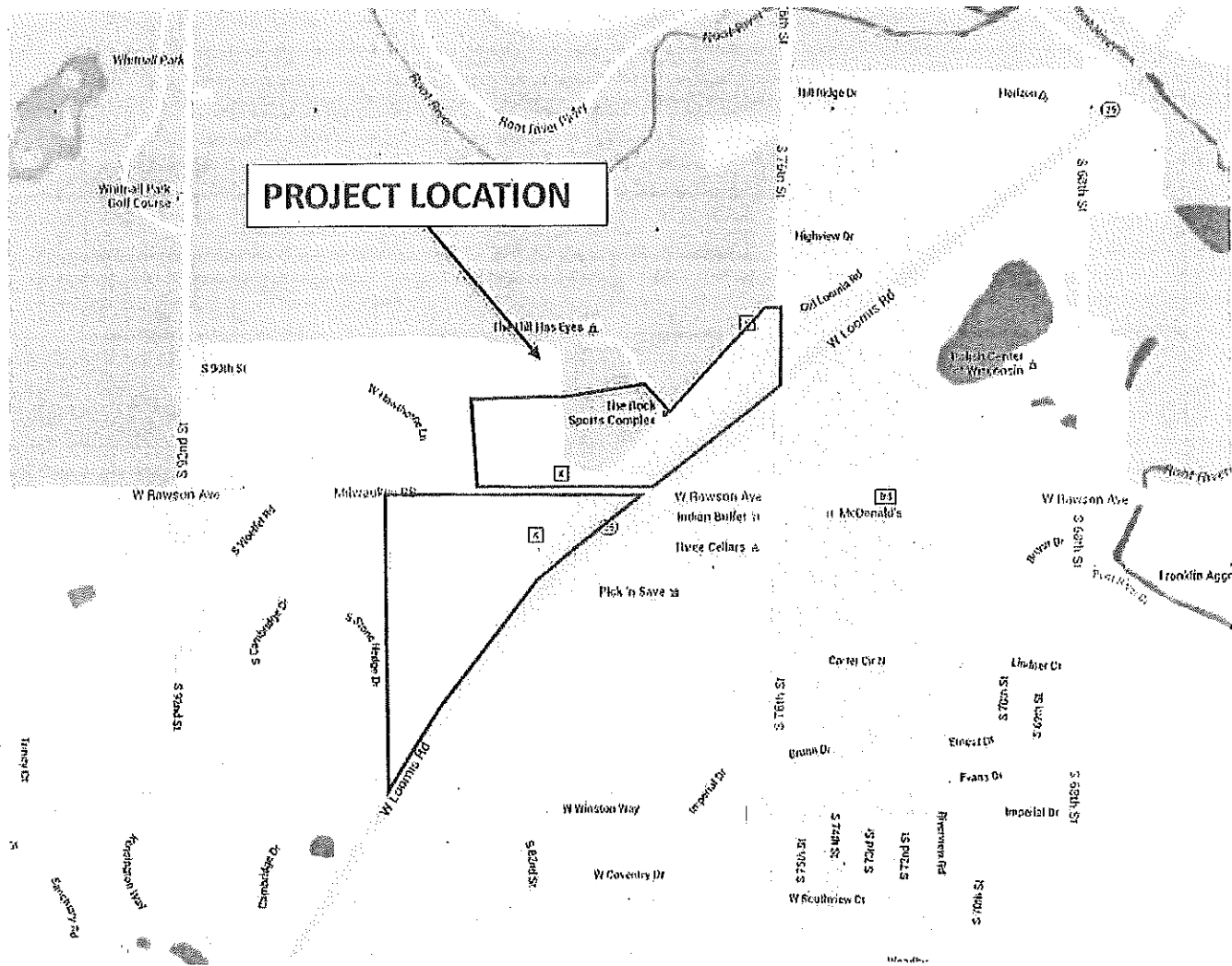
We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

cc: April Marcangeli, Project Manager, U.S. Army Corps of Engineers  
Joel Dietl, Planning Manager, City of Franklin  
Kristi Sherfinski, JSD Professional Services, Inc.  
Geri Radermacher, DNR Water Management Specialist  
Kristina Betzold, DNR/DOT Environmental Analyst and Review Specialist  
Intake, DNR Stormwater SE Region  
Chris Jors, SEWRPC

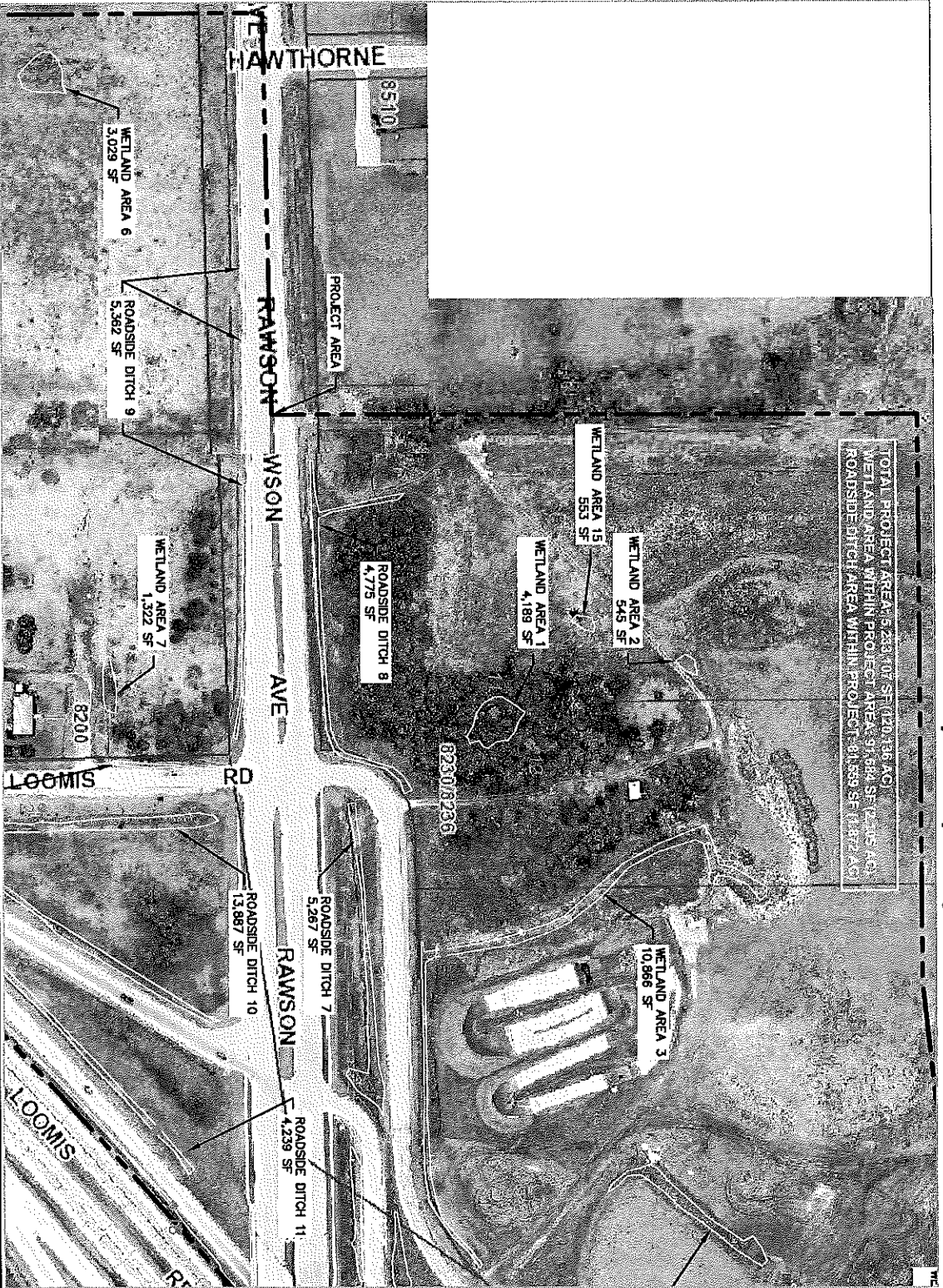
Attachments:

General Location Map of the Project Area  
Wetland Delineation Exhibit Depicting the Modifications to  
Wetland Area 3  
Photo of Non-Wetland Portion of Wetland Area 3 5-4-2017

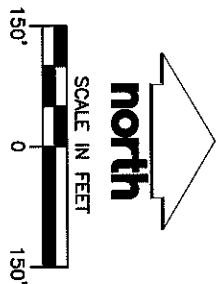


Source: Google Maps, 2016

## APPENDIX 1. LOCATION MAP

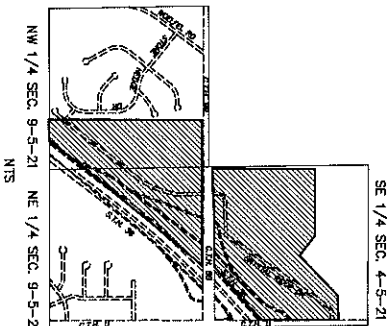


MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI SHERINSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.

<p><b>JSD</b> <i>Professional Services, Inc.</i>                  1400 W. WISCONSIN AVE., SUITE 200                  MILWAUKEE, WI 53233-1200                  TEL: 414.381.1200 FAX: 414.381.1201                  WWW.JSDINC.COM</p>	<p>PROJECT: <b>BALLPARK COMMONS</b></p>	<p>SHEET TITLE: <b>WETLAND MAP EXHIBIT</b></p>	<p>SHEET NUMBER: <b>EX-1C</b></p>
	<p>CITY OF FRANKLIN, WI</p>	<p>SHEET 3 OF 4</p>	<p>DATE: 5-16-16/07-18-16</p>





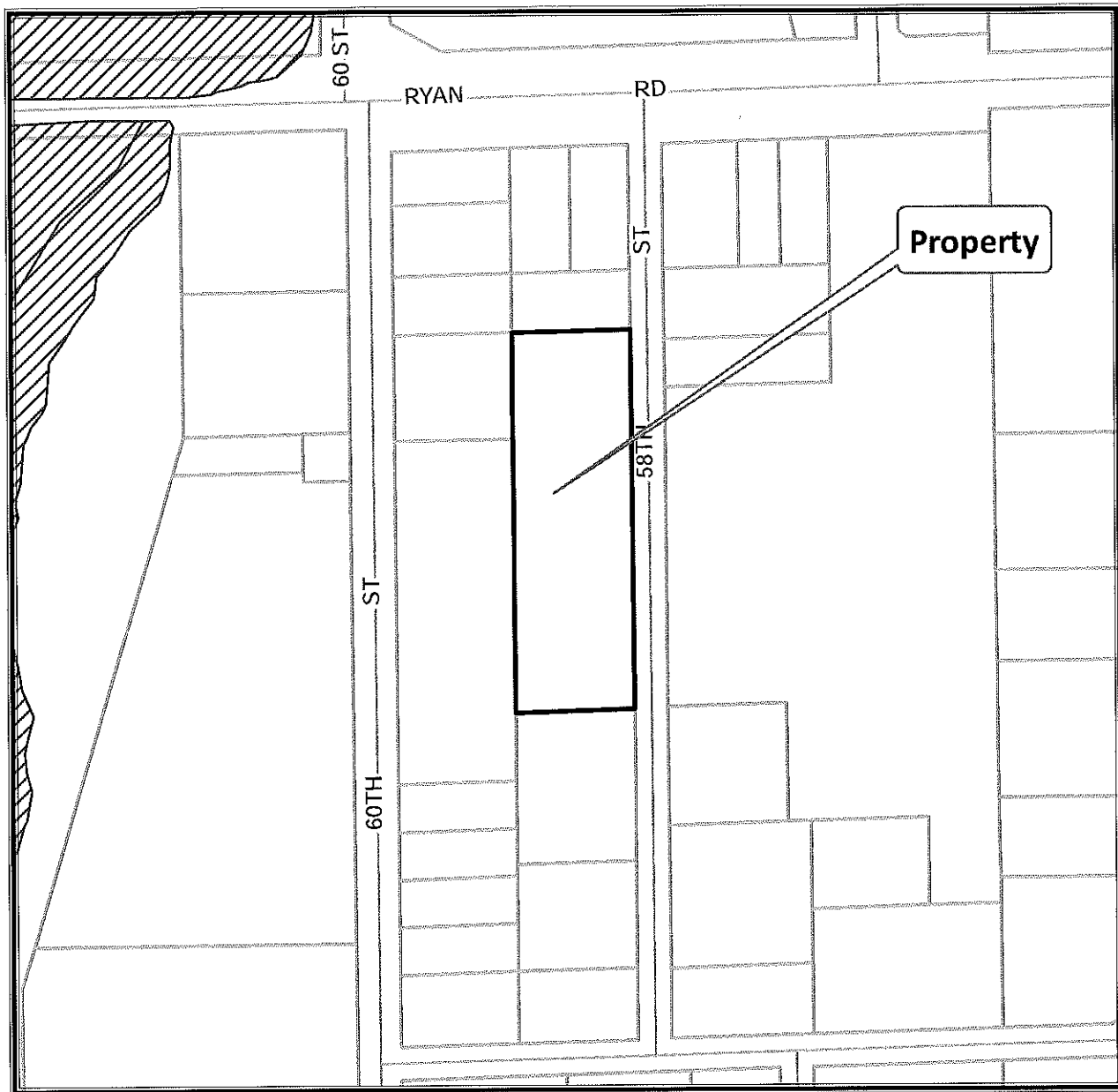


<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 1/09/18
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND §15-5.0205 OFF-STREET LOADING REQUIREMENTS, SPECIFICALLY §§15- 5.0205B. AND 15-5.0205F., AND TO AMEND §15-5.0206 OFF-STREET LOADING SPACE DESIGN, SPECIFICALLY §15- 5.0206B., TO PROVIDE SOME FLEXIBILITY WITH REGARD TO AND TO ALLOW FOR THE USE OF PUBLIC STREETS FOR TRUCK LOADING AND UNLOADING DELIVERY SERVICES PURPOSES, PRIMARILY IN INDUSTRIAL AREAS INVOLVING A DEAD END STREET (KRONES, INC., APPLICANT)</b>	<b>ITEM NUMBER</b> <i>G.6.</i>
<p>At their meeting on January 4, 2018, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text to amend §15-5.0205 Off-street Loading Requirements, specifically §§15-5.0205B. and 15-5.0205F., and to amend §15-5.0206 Off-Street Loading Space Design, specifically §15-5.206B., to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas involving a dead end street (Krones, Inc., Applicant).</p> <p style="text-align: center;"><b>COUNCIL ACTION</b></p> <p>A motion to adopt Ordinance No. 2018-_____ to amend the Unified Development Ordinance text to amend §15-5.0205 Off-street Loading Requirements, specifically §§15-5.0205B. and 15-5.0205F., and to amend §15-5.0206 Off-street Loading Space Design, specifically §15-5.206B., to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas involving a dead end street (Krones, Inc., Applicant).</p>		



City of Franklin

9611 S. 58th Street  
TKN 899 9990 062



Planning Department  
(414) 425-4024

0 205 410 820 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.*

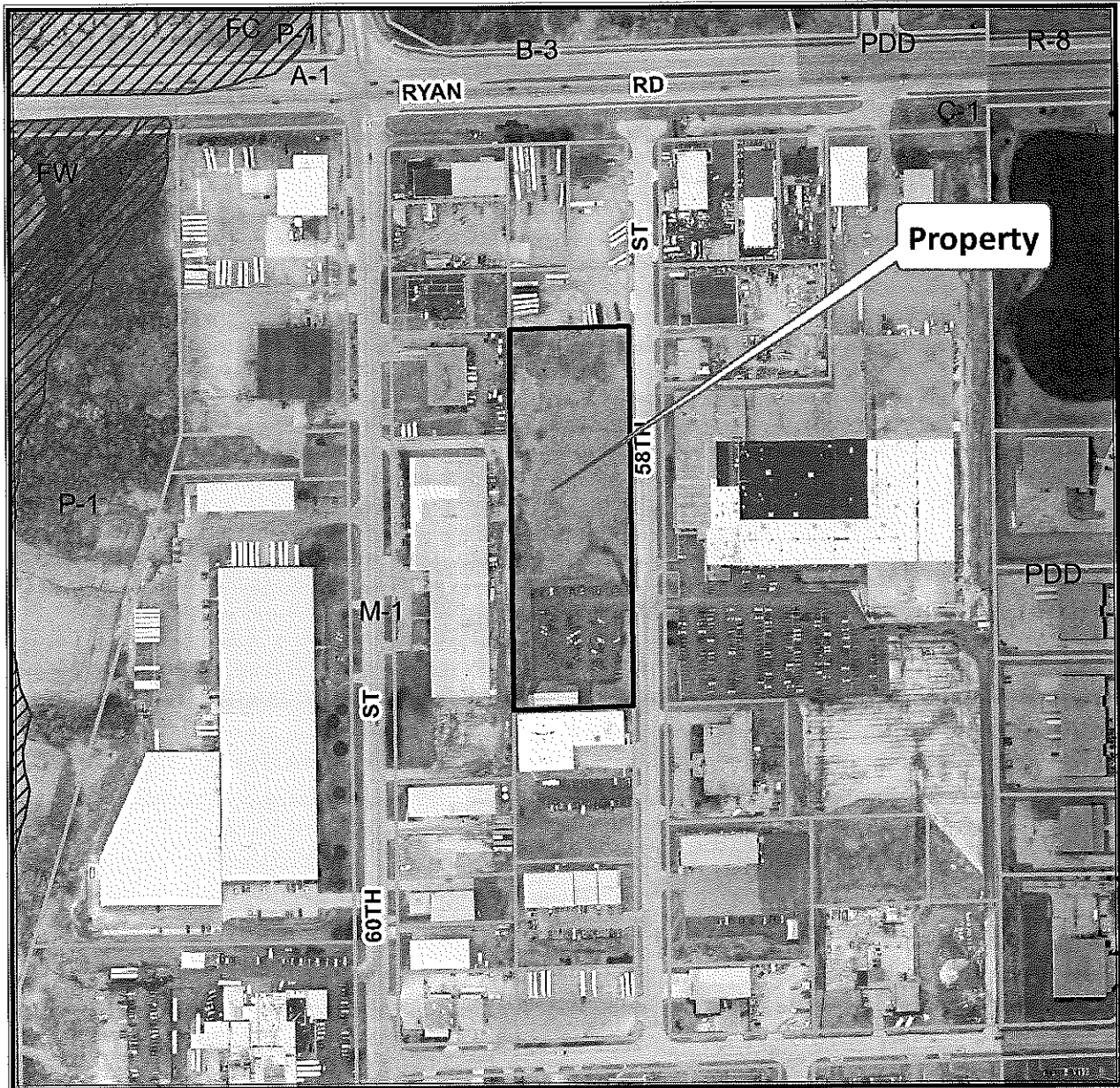


2017 Aerial Photo





9611 S. 58th Street  
TKN 899 9990 062



Planning Department  
(414) 425-4024

0 205 410 820 Feet



2017 Aerial Photo

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



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of January 4, 2018

## Unified Development Ordinance Text Amendment

---

**RECOMMENDATION:** Department of City Development staff recommends approval of the proposed Unified Development Ordinance Text Amendment in regard to Off-Street Loading requirements (i.e. truck maneuvering within public rights-of-way) subject to the conditions and restrictions within the draft ordinance.

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<b>Project Name:</b>	Krones, Inc. Unified Development Ordinance Text Amendment
<b>Project Location:</b>	City-wide
<b>Applicant:</b>	Krones, Inc.
<b>Agent:</b>	Thomas Schulz, Krones, Inc.
<b>Applicant's Action Requested:</b>	Approval of the Unified Development Ordinance to allow truck maneuvering in industrial districts within City rights-of-way

---

Please note:

- Staff suggestions are *in italics* and are not included in the draft ordinance.

**INTRODUCTION:**

On December 5, 2017, the applicant filed a Unified Development Ordinance Text Amendment Application initially requesting the following changes to the UDO:

- Section 15-5.0205B. to insert "generally" between "areas" and "other." See excerpt below.  
Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas *generally* other than public ways.
- Section 15-5.0205F. to insert "generally" between "not" and "within" and add at the end of the section, "In industrial districts, a dead-end right of way may serve as off-street truck maneuvering when adequate information is provided describing how it meets the intent of this section." See excerpt below.  
Adequate off-street truck maneuvering area shall be provided on-site and not *generally* within any public street right-of-way or other public lands. *In industrial districts, a dead-end right of way may serve as off-street truck maneuvering when adequate information is provided describing how it meets the intent of this section.*

- Section 15-5.0206B. to insert “generally” between “areas” and “other.” See excerpt below.

Loading spaces on lots located on public ways shall be so situated as to enable the vehicles to back into the loading dock from areas *generally* other than the public way.

### **HISTORY:**

Recently, the Plan Commission approved a Site Plan for construction of a 40,000 square foot pre-engineered metal building on property located across the street from Krones, Inc.’s North American headquarters at 9611 South 58th Street.

The Site Plan approval included the condition below.

“The site plan shall be redesigned to accommodate all truck movements onsite, subject to review and approval by the Department of City Development. Alternatively, a Unified Development Ordinance Text Amendment Application shall be approved to allow truck maneuverability within public rights-of-way prior to issuance of a Building Permit.”

As such, the applicant is requesting the Unified Development Ordinance Text Amendment.

Note that the City also approved a Natural Resource Special Exception related to the proposed project to allow the applicant to permanently fill and remove approximately 6,750 square feet of wetland buffer and 13,670 square feet of wetland setback to allow for construction of the proposed building and parking lot.

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

The proposed UDO Text Amendment would affect all properties zoned M-1, M-2 and BP Districts. Specifically for Krones, Inc., the request is being made as the approved site plan includes a loading dock on the north side of the proposed building that requires trucks to maneuver within City right-of-way (S. 58<sup>th</sup> Street), as opposed to accommodating all truck movements onsite as is currently required by the Unified Development Ordinance.

Following staff review of the applicant’s proposed UDO changes; staff recommended the proposed amendment language be revised as indicated below. The applicant agreed with these revisions and submitted a revised request accordingly.

#### **SECTION 15-5.0205 OFF-STREET LOADING REQUIREMENTS**

Off-street loading spaces accessory to designated uses shall be provided as follows:

- B. **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways, *unless as otherwise approved by the Plan Commission per subsection 15-5.0205F*. The blocking of loading spaces by other loading spaces, permanent or moveable

structures of any type, including trash receptacles or compactors, shall be prohibited.

- F. **Maneuvering Space Required to Service Outdoor Loading Areas.** Adequate off-street truck maneuvering area shall be provided on-site and not within any public street right-of-way or other public lands, *except as may be allowed by the Plan Commission for properties located within the M-1, M-2 and BP Districts where permanently dead-ended streets and cul-de-sacs may serve as off-street truck maneuvering when the Plan Commission has considered the number of proposed loading docks, the proposed use and frequency of loading and unloading, and the number of businesses located on the dead-end street or cul-de-sac; and has determined that the adjacent businesses will not be adversely impacted or affected.*

*Staff would suggest that the proposed change to Section 15-5.0205F. also include Plan Commission consideration of potential adverse impacts to the City right-of-way and street pavement and Plan Commission authority to require if deemed necessary a Letter of Credit or other approved financial security sufficient to ensure repair of any damage to the public right-of-way or public street.*

#### **SECTION 15-5.0206 OFF-STREET LOADING SPACE DESIGN**

- B. **Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Industrial Districts.** The minimum number and size of off-street loading spaces accessory to uses in the M-1, M-2, and BP Districts shall be in accordance with Table 15-5.0206. For each additional one hundred thousand (100,000) square feet of gross floor area, or fraction thereof, over one hundred thousand (100,000) square feet of gross floor area, one (1) additional loading space shall be provided. Such additional space shall be a minimum of twelve (12) feet in width by fifty (50) feet in length, and have a vertical clearance of not less than fifteen (15) feet. *Loading spaces on lots located on public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than the public way.*

#### **STAFF RECOMMENDATION:**

Even with the staff recommended language, Department of City Development and Engineering Department staff has concerns and reservations related to the proposed Unified Development Ordinance Text Amendment, which would allow trucks to utilize rights-of-way for loading and unloading traffic movements. Staff concerns relate to long-term impacts such as increased wear and tear on City roads, as well as the potential adverse impacts on traffic and adjacent loading and unloading.

With that said, Staff finds the amendment is limited enough in scope to recommend approval of the Unified Development Ordinance Text Amendment subject to the conditions and restrictions within the draft ordinance.



## ORDINANCE NO. 2018-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE TEXT TO AMEND §15-5.0205 OFF-STREET LOADING  
REQUIREMENTS, SPECIFICALLY §§15-5.0205B. AND 15-5.0205F., AND TO  
AMEND §15-5.0206 OFF-STREET LOADING SPACE DESIGN, SPECIFICALLY §15-  
5.0206B., TO PROVIDE SOME FLEXIBILITY WITH REGARD TO AND TO ALLOW  
FOR THE USE OF PUBLIC STREETS FOR TRUCK LOADING AND UNLOADING  
DELIVERY SERVICES PURPOSES, PRIMARILY IN INDUSTRIAL AREAS  
INVOLVING A DEAD END STREET  
(KRONES, INC., APPLICANT)

---

WHEREAS, §15-5.0205B. Access of the Unified Development Ordinance requires in part that each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways, §15-5.0205F. Maneuvering Space Required to Service Outdoor Loading Areas of the Unified Development Ordinance requires that adequate off-street truck maneuvering area shall be provided on-site and not within any public street right-of-way or other public lands and §15-5.0206B. Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Industrial Districts of the Unified Development Ordinance requires in part that loading spaces on lots located on public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than the public way; and

WHEREAS, Krones, Inc. having applied for a text amendment to §§§15-5.0205B., 15-5.0205F. and 15-5.0206B. of the Unified Development Ordinance so as to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas involving a dead end street; and

WHEREAS, the Plan Commission having reviewed the proposed amendments to provide some flexibility with regard to and to allow for the use of public streets for truck loading and unloading delivery services purposes, primarily in industrial areas involving a dead end street, and having held a public hearing on the proposal on the 4th day of January, 2018 and thereafter having recommended approval of such amendments; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendments are consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and 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: §15-5.0205 OFF-STREET LOADING REQUIREMENTS, specifically §15-5.0205B. Access of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended as follows: insert “unless as otherwise approved by the Plan Commission per subsection 15-5.0205F.” following “ways” at the end of the second last sentence in the paragraph.
- SECTION 2: §15-5.0205 OFF-STREET LOADING REQUIREMENTS, specifically §15-5.0205F. Maneuvering Space Required to Service Outdoor Loading Areas of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended as follows: insert “except as may be allowed by the Plan Commission for properties located within the M-1, M-2 and BP Districts where permanently dead-ended streets and cul-de-sacs may serve as off-street truck maneuvering when the Plan Commission has considered the number of proposed loading docks, the proposed use and frequency of loading and unloading and the number of businesses located on the dead-end street or cul-de-sac and has determined that the adjacent businesses will not be adversely impacted or affected” following “lands” at the end of the first sentence in the paragraph.
- SECTION 3: §15-5.0206 OFF-STREET LOADING SPACE DESIGN, specifically §15-5.0206B. Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Industrial Districts of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended as follows: delete “Loading spaces on lots located on public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than the public way.”, the last sentence in the paragraph.
- SECTION 4: 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 5: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

ORDINANCE NO. 2018-\_\_\_\_

Page 3

SECTION 6: 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 \_\_\_\_\_, 2018, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

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

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



City of Franklin  
Planning Department

9229 West Loomis Road  
Franklin WI, 53132

KRONES, INC.  
9600 South 58<sup>th</sup> Street  
P.O. Box 321801  
Franklin, WI 53132-6241 USA

Thomas Schulz  
Tel: (414) 409-4210  
Cell: (414) 526-7166  
T.schulz@kronesusa.com

Tuesday December 19, 2017

**Subject: Amendment to Unified Development Ordinance (UDO) Text Amendment  
Submittal for Truck Maneuvering -SECTION 15-5.0205 OFF-STREET LOADING  
REQUIREMENTS. (Reference letter dated December 1<sup>st</sup> for additional detail)**

Attention Planning Department:

**Based on feedback from city staff we are amending our proposed language suggestion for the  
proposed UDO Text Amendment for Truck Maneuvering:**

- It is our request that the existing ordinance "SECTION 15-5.0205 OFF-STREET LOADING REQUIREMENTS" be amended to allow off-site maneuvering of trucks like that of adjacent properties that have been grandfathered prior to the generation of the current ordinance.
- The logistics strategy for the proposed building has very limited truck traffic, approximately two-three trucks per week.
- larger equipment in our showroom area will rotate every three years.
- The building is located near the end of a dead-end street with very limited traffic
- Krones is trying to optimize the available undeveloped land and reserve area for future expansion of this new building.

**Project Narrative:**

The proposed project consists of the construction of a 42,454-square foot pre-engineered metal building on a parcel of land adjacent to an existing parking lot. The property is currently owned by Krones and is located within the original Franklin industrial park. The East elevation of the building will be finished in flat architectural metal panel combined with several large storefront windows. The large storefront windows along the East are intended to showcase Krone's current equipment offerings. The South elevation will be faced with flat architectural metal panel and punctuated with insulated aluminum windows intended to bring natural lighting deep into the interior of the building. The West elevation will be faced with ribbed metal panel. The North elevation will be a combination of ribbed metal panel and flat architectural metal panels. The roof of the building will be a standing seam metal panel system with integral skylights within a mono-slope roof which pitches to the West. The project will feature a retention pond on the North end of the property for onsite storm water storage. The existing parking lot will be pulverized and resurfaced with additional asphalt parking areas being constructed on the north

KRONES, INC.

9600 South 58<sup>th</sup> Street  
P.O. Box 321801  
Franklin, WI 53132-6241

Phone: (414) 409-4000  
Fax: (414) 409-4100  
Internet: [www.kronesusa.com](http://www.kronesusa.com)

- 1 -

Franklin

DEC 19 2017

City Development



and south portions of the existing lot. The building will fill an important need for the operations of this international company. The building's intended purpose is to both host prospective and current consumers, introducing them to Krone's line of industry leading equipment and to host international trainees, giving them a single location to both demonstrate and learn to operate and maintain Krone's proprietary equipment.

Revised Franklin Ordinance Language Suggestion Per City Staff Recommendation:

#### **SECTION 15-5.0205 OFF-STREET LOADING REQUIREMENTS**

Off-street loading spaces accessory to designated uses shall be provided as follows:

**A. Location.** All required loading spaces shall be located on the same lot as the use served. No permitted or required loading space shall be located within forty (40) feet of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required side yard abutting a residential zoning district, residential portion of a PDD District, or a required front yard.

**B. Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways, *unless as otherwise approved by the Plan Commission per subsection 15-5.0205F*. The blocking of loading spaces by other spaces, permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.

**C. Surfacing.** All open off-street loading spaces shall be improved with pavement and storm water drainage facilities in accordance with such standards set forth in Section 15-5.0202 of this Ordinance.

**D. Computation.** Where the total floor area of the use being served is less than two thousand (2,000) square feet, the required off-street loading spaces may be used to satisfy the requirements for any off-street parking spaces. Employee parking maneuver areas may also be used for access to loading docks and as truck standing areas.

**E. Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.

**F. Maneuvering Space Required to Service Outdoor Loading Areas.** Adequate off-street truck maneuvering area shall be provided on-site and not within any public street right-of-way or other public lands, *except as may be allowed by the Plan Commission for properties located within the M-1, M-2 and BP Districts where permanently dead-ended streets and cul-de-sacs may serve as off-street truck maneuvering when the Plan Commission has considered the number of proposed loading docks, the proposed use and frequency of loading and unloading and the number of businesses located on the dead-end street or cul-de-sac and has determined that the adjacent businesses will not be adversely impacted or affected.*



**G. Interference With Fire Exit or Emergency Access Prohibited.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

**SECTION 15-5.0206 OFF-STREET LOADING SPACE DESIGN**

**A. Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Business and Public and Semi-Public Districts.** The minimum number of required off-street loading spaces accessory to nonresidential uses in the B-1, B-2, B-3, B-4, B-5, B-6, CC, VB, I-1 and P-1 Districts shall be one (1) loading space for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional loading space for each additional one hundred thousand (100,000) square feet of gross floor area or shall be ten (10) feet in width and twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and it shall have a vertical clearance of not less than fifteen (15) feet.

**B. Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Industrial Districts.** The minimum number and size of off-street loading spaces accessory to uses in the M-1, M-2, and BP Districts shall be in accordance with Table 15-5.0206. For each additional one hundred thousand (100,000) square feet of gross floor area, or fraction thereof, over one hundred thousand (100,000) square feet of gross floor area, one (1) additional loading space shall be provided. Such additional space shall be a minimum of twelve (12) feet in width by fifty (50) feet in length, and have a vertical clearance of not less than fifteen (15) feet. *Loading spaces on lots located on public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than the public way.*

Best regards

Best regards

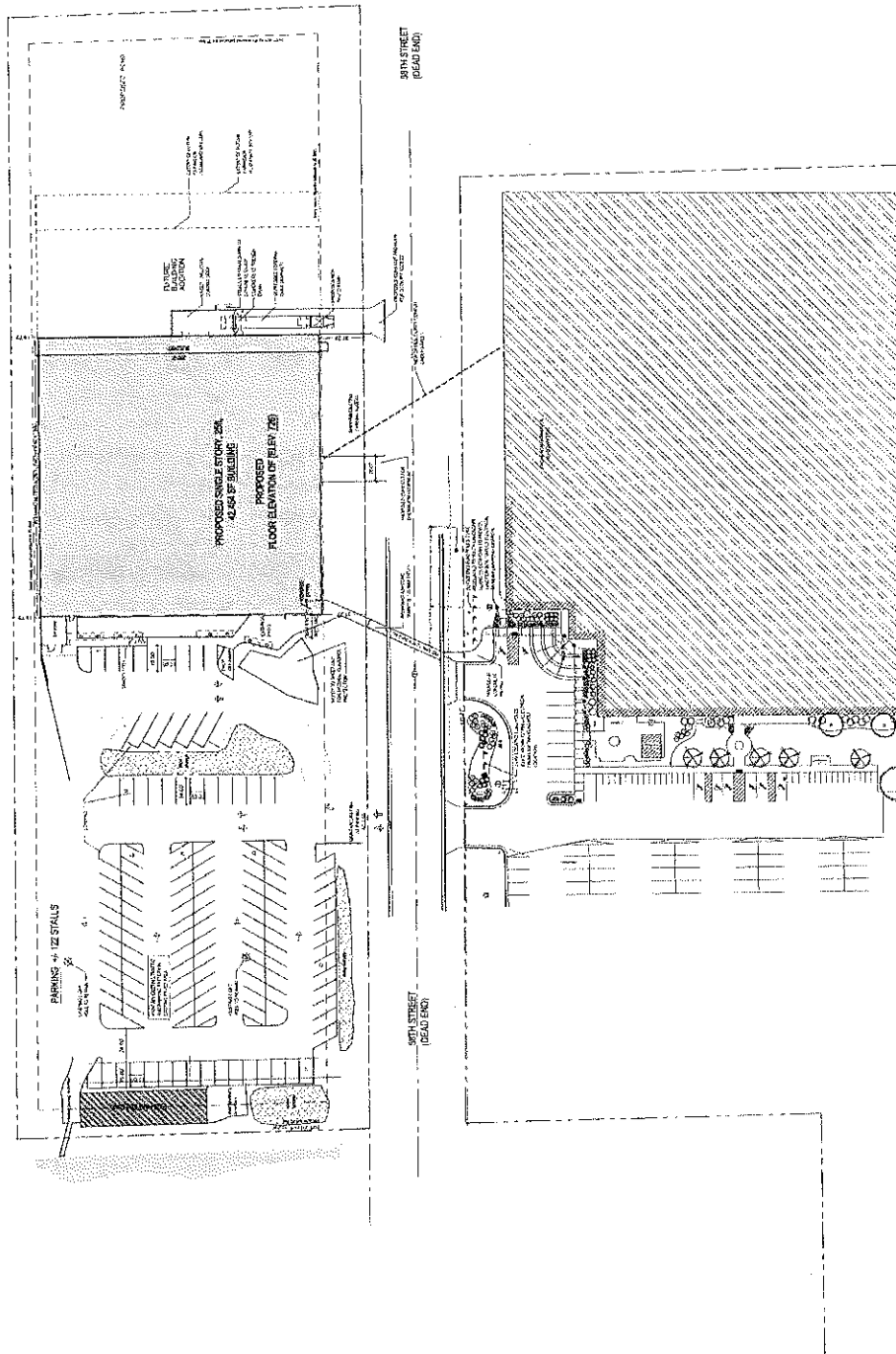
Tom Schulz  
Vice President  
Head of Manufacturing

Krones LCS Center, North America

Direct: 414-409-4210  
Cell: 414-526-7166  
Email: [t.schulz@kronesusa.com](mailto:t.schulz@kronesusa.com)

**Attachments:**  
Proposed Site Plan

FRANKLIN, ZONING DISTRICT 121 (C) (M) (H) (A) (S)	
1. The site (front and rear) required setbacks are 25 feet.	
2. The side (front and rear) required setbacks are 15 feet.	
3. The back (rear) required setback is 15 feet.	
4. 40% green space must be maintained (netting purpose).	
5. Parking - 40% required (2.1 / 1,000 sq ft - 45 spaces required).	
6. Loading - 40% required (2.1 / 1,000 sq ft - 45 spaces required).	
7. Parking	81,664 sq ft
8. TOTAL NON-PERVIOUS	109,335 sq ft
9. Site Area Light Description (Form)	109,335 sq ft (4,274 acres)
10. Site Area Light Description (Form)	109,335 sq ft (4,274 acres)
11. TOTAL GREEN SPACE	41,020 sq ft (1.18 acres)
12. Landscape Ratio (LSP)	41.02 % (1.18 acres)
13. Green Floor Area Ratio (GFR)	21.95 % (6.19 acres)
14. Net Floor Area Ratio (NFR)	27.85 % (7.79 acres)
15. Gross Floor Area Ratio (GFR)	6,500 sq ft (0.15 acres)



ARCHITECTURAL SCHEMATIC SITE PLAN  
SCALE: 1" = 30' (WHEN PRINTED TO 30X42 SHEET)

KRONES, INC.  
PROPOSED BUILDING FOR  
5515 5TH STREET  
FRANKLIN, WI 53120

ANDERSON  
ARCHITECTS  
1000 1ST AVE  
FRANKLIN, WI 53120  
TEL: 262.234.1100  
WWW.ANDERSONARCHITECTS.COM



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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 01/9/18
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN ELECTRICAL CONTRACTOR BUSINESS USE UPON PROPERTY LOCATED AT 11610 WEST RAWSON AVENUE (JOHN PRUSINSKI, OWNER AND OPERATOR OF JEMCO, LLC D/B/A JEMCO ELECTRIC, APPLICANT)</b>	<b>ITEM NUMBER</b> <i>G.7.</i>

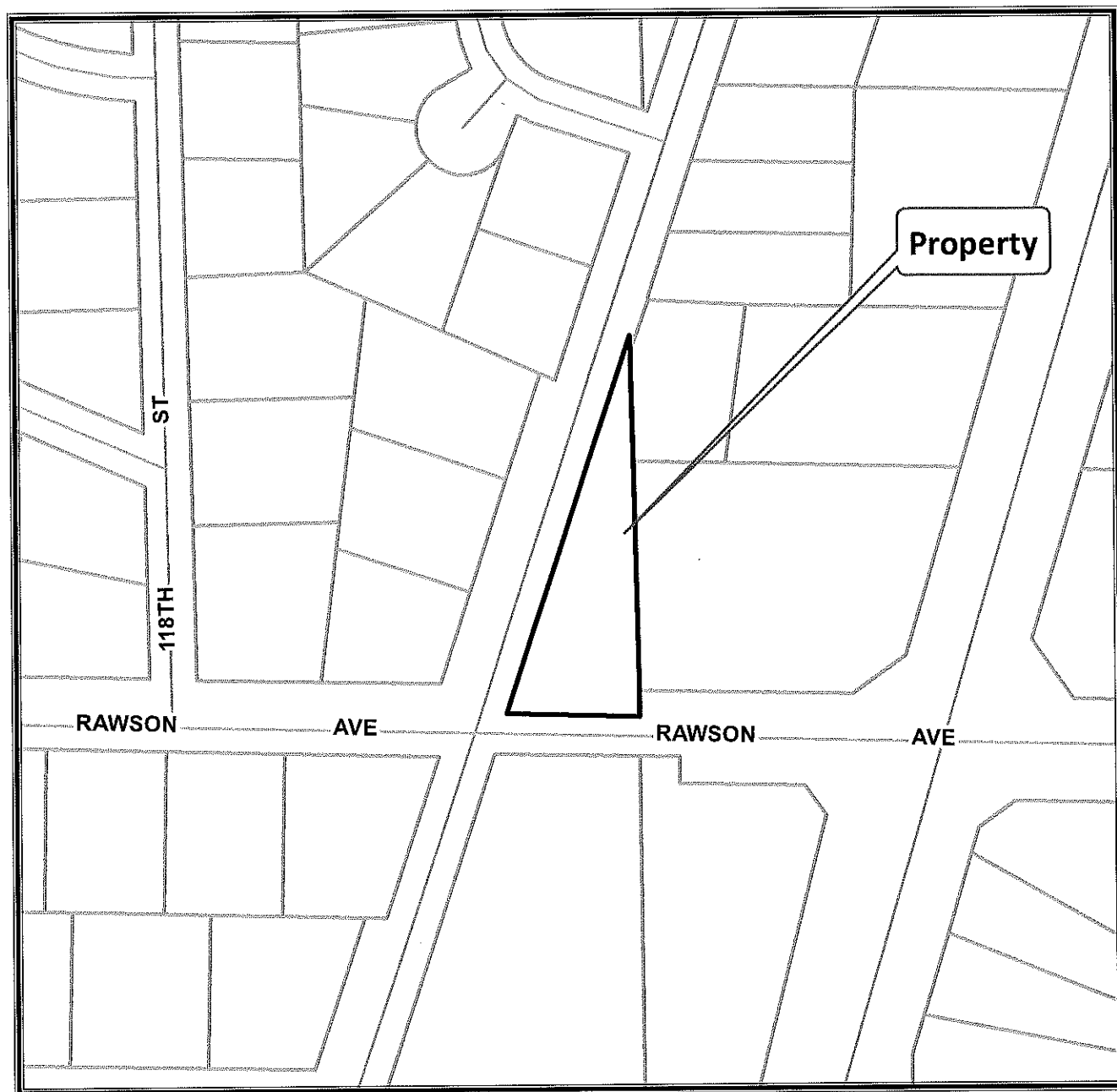
At the December 21, 2018 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use for an electrical contractor business use upon property located at 11610 West Rawson Avenue.

#### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2018-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a Special Use for an electrical contractor business use upon property located at 11610 West Rawson Avenue (John Prusinski, Owner and Operator of Jemco, LLC d/b/a Jemco Electric, Applicant).



11610 W. Rawson Ave.  
TKN: 749 9999 000



Planning Department  
(414) 425-4024

0 120 240 480 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.*



2017 Aerial Photo

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR AN ELECTRICAL CONTRACTOR  
BUSINESS USE UPON PROPERTY LOCATED AT 11610 WEST RAWSON AVENUE  
(JOHN PRUSINSKI, OWNER AND OPERATOR OF JEMCO, LLC D/B/A JEMCO  
ELECTRIC, APPLICANT)

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WHEREAS, John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric, having petitioned the City of Franklin for the approval of a Special Use within a B-2 General Business District under Standard Industrial Classification Title No. 1731 "Electrical Work", to allow for an electrical contractor business use within the former Woodcrest Market building located at 11610 West Rawson Avenue, bearing Tax Key No. 749-9999-000, more particularly described as follows:

A triangular parcel of land in the Southwest 1/4 of Section 6, 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 the said 1/4 Section, running thence west along the south line of said 1/4 Section, 236.28 feet to a point in the centerline of North Cape Road; thence North 17°00'13" East, along the centerline of North Cape Road, 707.89 feet to a point on the East line of the said 1/4 Section; and thence South 2°28'34" East, along the East line of said 1/4 Section to the place of beginning, excepting therefrom the East 25.00 feet deeded to the Milwaukee Light, Heat and Traction Company, as right of way for electric railway, which electric railway has been abandoned; 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 21st day of December, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission

JOHN PRUSINSKI, OWNER AND OPERATOR OF JEMCO, LLC D/B/A JEMCO  
ELECTRIC – SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_  
Page 2

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 John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric, 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 John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric, successors and assigns, as an electrical contractor business use, which shall be developed in substantial compliance with, and operated and maintained by John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric, pursuant to those plans City file-stamped December 14, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric, 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 Jemco Electric electrical contractor business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric and the electrical contractor business use for the property located at 11610 West Rawson Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. A written conservation easement document shall be submitted to the Department of City Development for review and approval by the Common Council, prior to issuance of an Occupancy Permit.
5. Off-street parking areas shall be striped in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance, prior to issuance of an Occupancy Permit.

JOHN PRUSINSKI, OWNER AND OPERATOR OF JEMCO, LLC D/B/A JEMCO  
ELECTRIC – SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

6. One (1) accessible parking space shall be striped in accordance with Table 15-5.0202(I) of the City of Franklin Unified Development Ordinance, prior to issuance of an Occupancy Permit.

BE IT FURTHER RESOLVED, that in the event John Prusinski, owner and operator of Jemco, LLC d/b/a Jemco Electric, 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 \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

JOHN PRUSINSKI, OWNER AND OPERATOR OF JEMCO, LLC D/B/A JEMCO  
ELECTRIC – SPECIAL USE  
RESOLUTION NO. 2017-\_\_\_\_\_  
Page 4

APPROVED:

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

ATTEST:

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





## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of December 21, 2017

## Special Use

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed special use for an electrical contractor business use upon property located at 11610 West Rawson Avenue, subject to the conditions of approval in the attached draft resolution.

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<b>Project Name:</b>	Jemco, LLC Special Use
<b>Project Address:</b>	11610 West Rawson Avenue
<b>Applicant:</b>	Jemco, LLC dba Jemco Electric
<b>Owners (property):</b>	Kowalski Trust
<b>Current Zoning:</b>	B-2 General Business District
<b>2025 Comprehensive Master Plan</b>	Commercial
<b>Use of Surrounding Properties:</b>	Single-family residential (to the north and west), vacant commercial land (to the east), and Ken Windl Park (to the south).
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Special Use for Jemco, LLC to operate at 11610 West Rawson Avenue.

---

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft resolution.

**INTRODUCTION:**

On November 10, 2017, John Prusinski submitted a Special Use application on behalf of Jemco, LLC dba Jemco Electric requesting approval to operate an electrical contractor business use within the former Woodcrest Market building located at 11610 West Rawson Avenue. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 1731, Electrical Work, which is allowed within the B-2 General Business District as a Special Use.

**PROJECT DESCRIPTION AND ANALYSIS:**

The applicant is requesting Special Use approval to operate an electrical contractor business use in the west portion of an approximately 3,210 square foot existing building located at 11610 West Rawson Avenue. John Prusinski, owner and operator of Jemco, LLC dba Jemco Electric is currently in negotiations to purchase the property from its current owners, Marvin and Ingeborg Kowalski. The property is approximately 0.93 acres or 40,510 square feet. According to the Project Narrative, Jemco Electric has seven (7) employees. The building will be used primarily as an office/workshop and storage space for equipment. Proposed hours of operation for the business are Monday through Friday from 7:00 a.m. to 5:00 p.m. According to the applicant, no vehicles over 8,000 pounds rated gross vehicle weight will be parked outside overnight.

The applicant is proposing to make numerous improvements to the site and building including installing new LP SmartSide lap siding; installing a new Novabrik wainscoting; installing new windows and exterior doors; installing new gable dormers, replacing the soffit and fascia; installing new gutters; installing new downspout drains to existing ditches; striping parking lines in the parking lot; and planting landscaping. The applicant estimates the proposed improvements will cost between \$75,000 and \$100,000.

Landscaping:

The Landscape Surface Ratio of the site is approximately 67%, which complies with the B-2 General Business District minimum Landscape Surface Ratio of 0.35. The applicant is proposing to add landscaping to the site during the second year of owning the property.

Natural Resource Protection Plan:

The applicant submitted a Natural Resource Protection Plan (NRPP) prepared by Tina Myers of R.A. Smith. Tina Myers is a Wisconsin Department of Natural Resources Assured Wetland Delineator. The NRPP identifies an approximately 0.04 acre wetland with an associated 0.13 acre wetland buffer on the northern portion of the property. There are no proposed impacts to these natural resource features associated with the Jemco, LLC Special Use Application. The applicant has not yet provided a written conservation easement for staff review. Therefore, Staff recommends the applicant submit a written conservation easement document to the Department of City Development for review and approval by the Common Council, prior to issuance of an Occupancy Permit.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance defines requirements for off-street parking. According to this section, a contractor shop is required to provide 1.0 space per 1,000 square feet of gross floor area (GFA), plus required parking spaces for offices, or similar uses where those uses exceed 10% GFA. If one applies this standard, then the approximately 1,980 square foot electrical contractor business use would be required to provide a minimum of five (4) off-street parking spaces.

The subject building has a large paved parking lot, but there are no spaces striped. The applicant is proposing to paint parking lines within the second year of owning the building. However, Staff believes striped parking stalls are necessary for the safe and efficient flow of vehicles through the site. Therefore, Staff recommends striping the off-street parking areas in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance, prior to issuance of an Occupancy Permit. Furthermore, Staff recommends the applicant stripe one (1) accessible parking space in accordance with Table 15-5.0202(I) of the City of Franklin Unified Development Ordinance, prior to issuance of an Occupancy Permit.

Dumpster Enclosure:

According to Section 15-3.0803(I) of the Unified Development Ordinance, "All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials

compatible with the materials on the front building wall of the main building." The applicant is proposing a sight-proof wood fence enclosure on the north side of the building in accordance with Section 15-3.0803(I) of the UDO.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the proposed special use for an electrical contractor business use upon property located at 11610 West Rawson Avenue, subject to the conditions of approval in the attached draft resolution.

## TECHNICAL ELECTRICAL CONTRACTOR

City Development

W 143 50766 TESS CORNERS DP  
 100000000, 100000000  
 100000000, 100000000  
 100000000, 100000000

December 13<sup>th</sup>, 2017

City Development

**11610 W. RAWSON AVENUE**

**DEFINED AS PART OF SW 6 5 21 LYING SELY OF CENTER OF S NORTH CAPE RD.  
EXC E 25 FT CONSISTING OF 1.449 ACRES**

**PARCEL NUMBER 749-9999-000**

ANTICIPATED TIME FRAME TO COMPLETE IS 2 TO 3 YEARS, AND OUR YEARLY GOALS ARE AS FOLLOWS:

**YEAR 1**

- ❖ INSTALL NEW ELECTRICAL SERVICE
- ❖ RE-WORK PLUMBING SYSTEM.
- ❖ REMODEL PROPOSED JEMCO AREA TO OCCUPY AS SOON AS POSSIBLE
- ❖ DEMO EXISTING SIDING, SOFFIT, AND FACIA
- ❖ INSTALL NEW WINDOWS AND DOORS
- ❖ INSTALL EXTERIOR WAINSCOTE OF 'NOVA BRIK' SELF-VENTILATED MORTARLESS BRICK SIDING WITH TOP SILL.
- ❖ INSTALL LP SMARTSIDE TEXTURED STRAND LAP SIDING
- ❖ INSTALL NEW ALUMINUM SOFFIT AND FASCIA

**YEAR 2**

- ❖ REMOVE ASPHALT AROUND BUILDING FOR PLANTING AREA AND TO EXTEND DOWNSPOUTS AWAY FROM BUILDING
- ❖ ROUTE AND INSTALL DOWNSPOUTS IN THOSE AREAS
- ❖ EXPAND PARKING AT NORTH END OF JEMCO WAREHOUSE FOR (2) MORE PARKING SPACES
- ❖ ADD, REPAIR AND OR REPLACE ASPHALT AS NECESSARY
- ❖ REMODEL REMAINDER OF BUILDING FOR ADDITIONAL TENANT

**YEAR 3**

**LANDSCAPING**

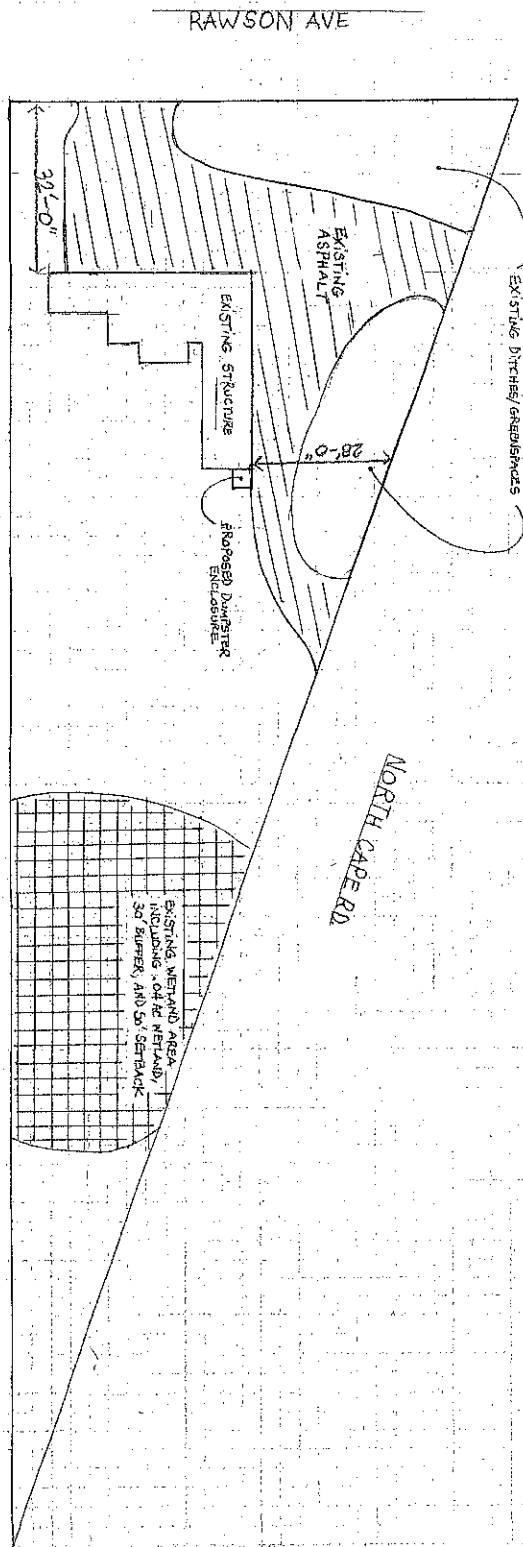
**Franklin**

**DEC 14 2017**

City Development

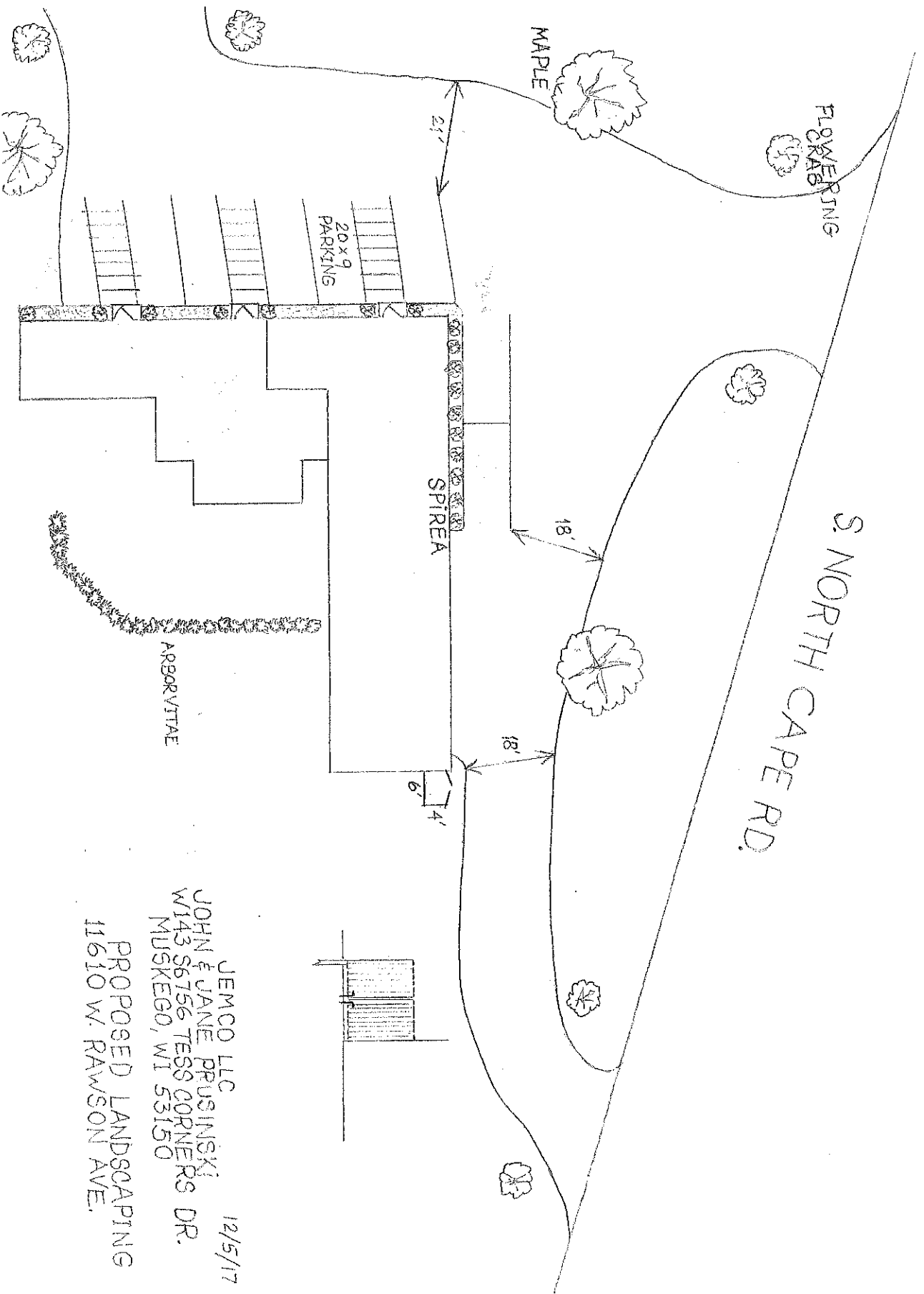
11610 W. RAWSON AVE.

DEVELOPER:  
JOHN & JANE PRUSINSKI  
W43 S6750 TESS CORNERS DRIVE  
MUSKEGO, WI 53150



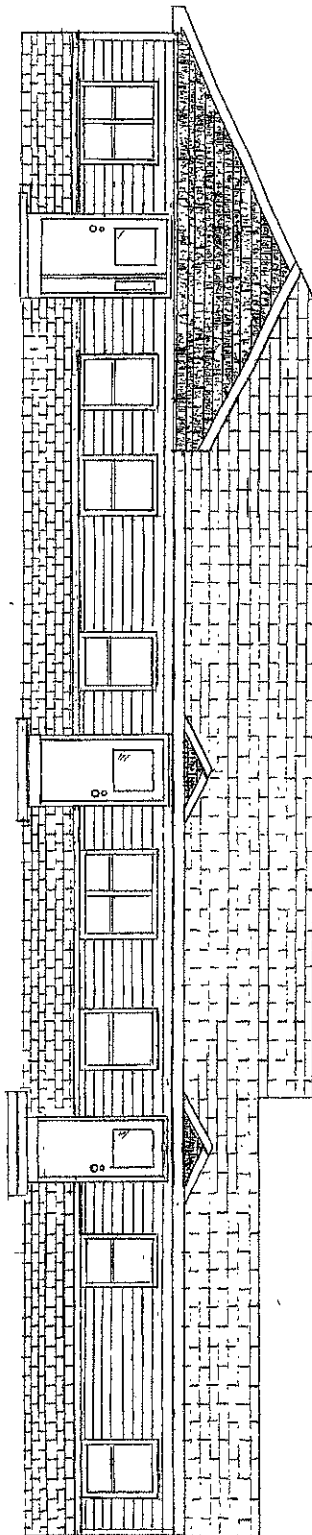
JEMCO LLC  
SITE DRAWING 12/5/17  
FOR JOHN PRUSINSKI  
APPROX. 1:5A OR 65,340  
ZONED B-2 GENERAL BUSINESS



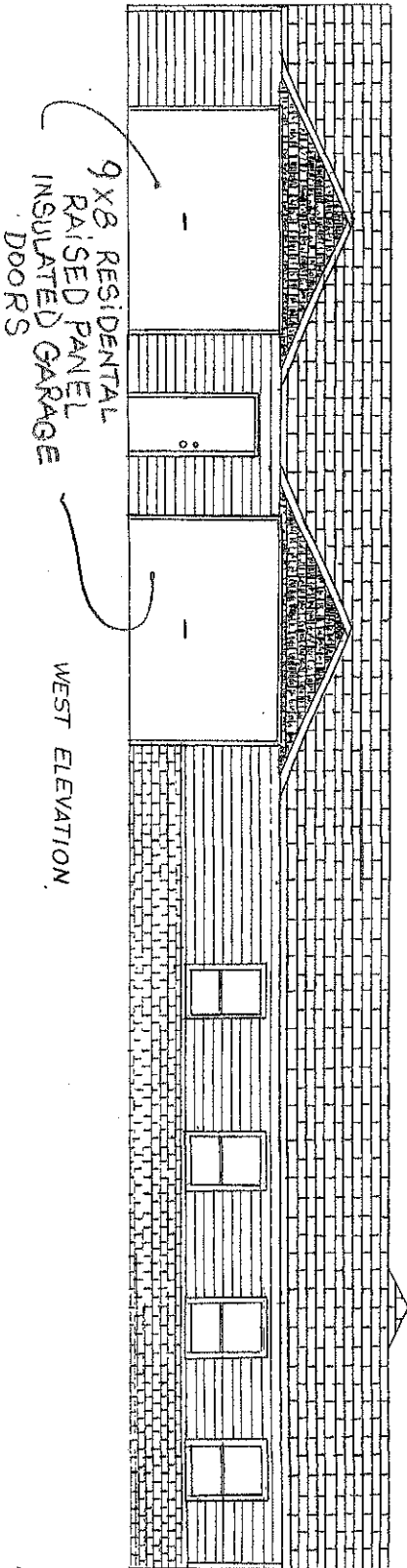


JEMCO LLC  
 JOHN & JANE PRUSINSKI  
 W143 S6756 TESS CORNERS DR.  
 MUSKEGO, WI 53150  
 12/5/17

PROPOSED LANDSCAPING  
 11610 W. RAWSON AVE.



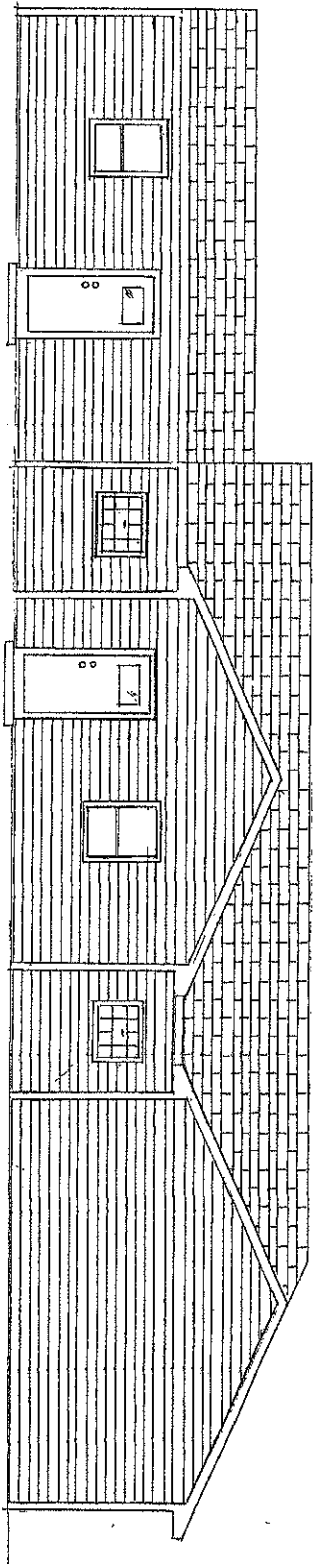
SOUTH ELEVATION



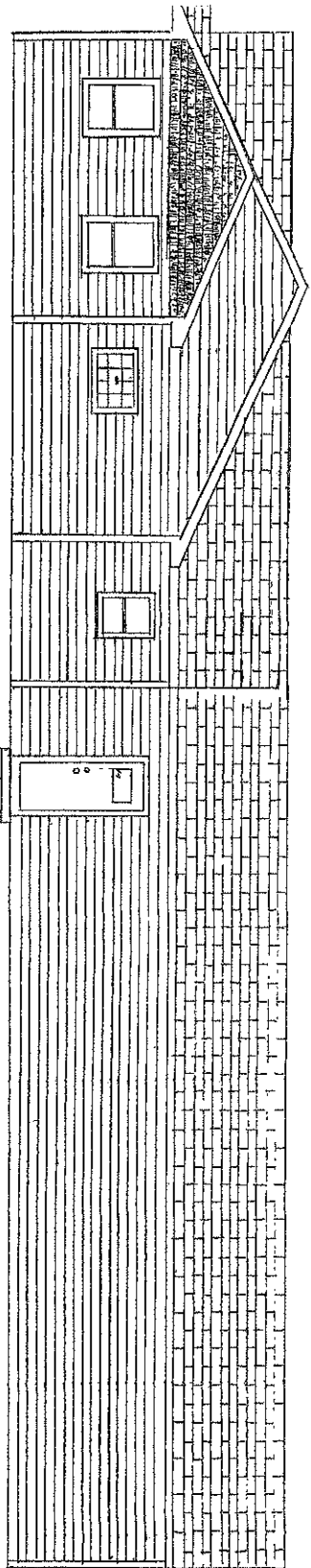
WEST ELEVATION

Fiskin  
DEC 14 2017  
City Development

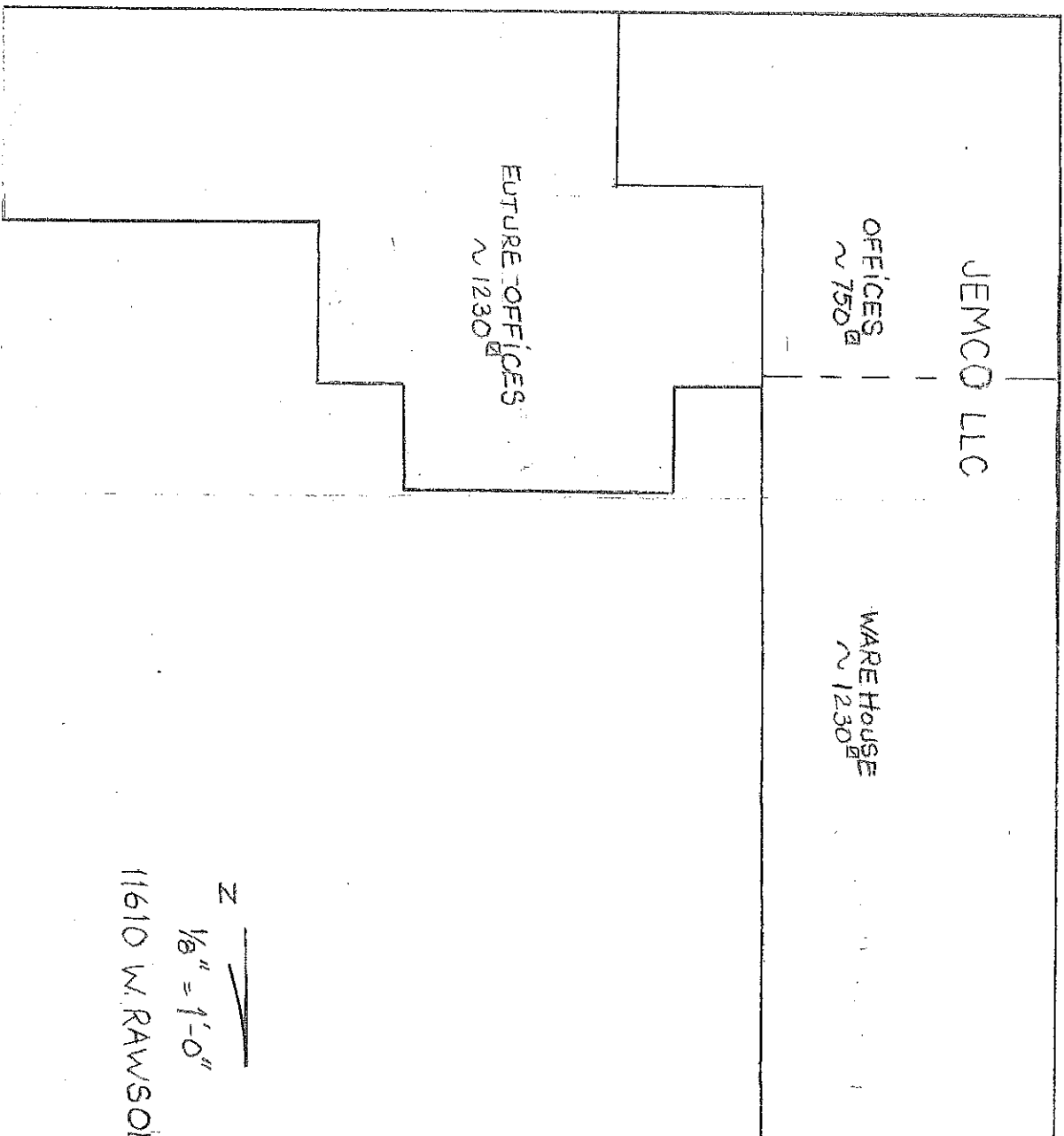
11610 W RAWSON  
SLATE BLUE SIDING  
WHITE TRIM  
LT. GRAY GABLES  
ASPEN GRAY BRICK



NORTH ELEVATION



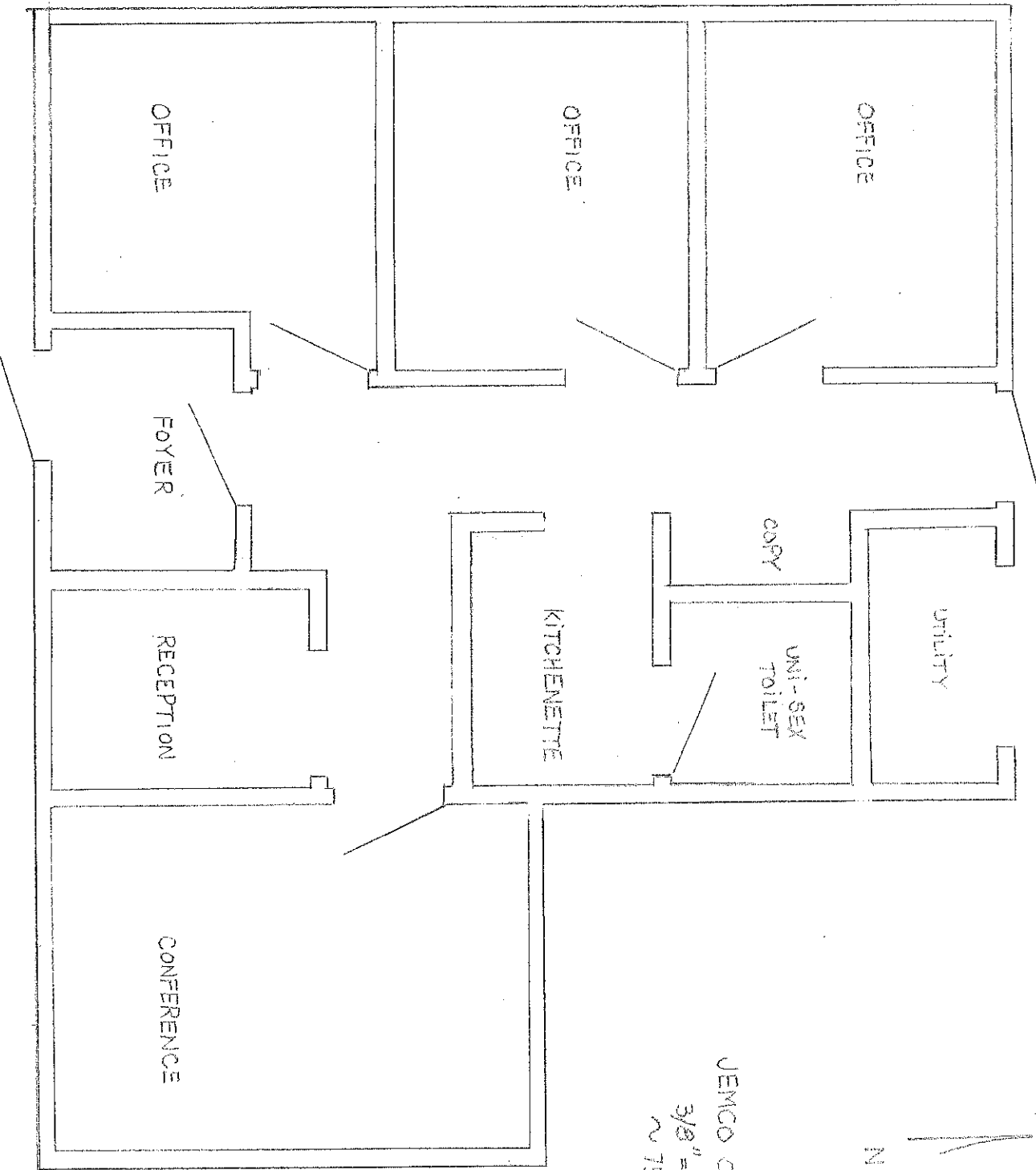
EAST ELEVATION



Z             
1/8" = 1'-0"

11610 W. RAWSON AVE

Franklin  
DEC 14 2017  
City Development



N

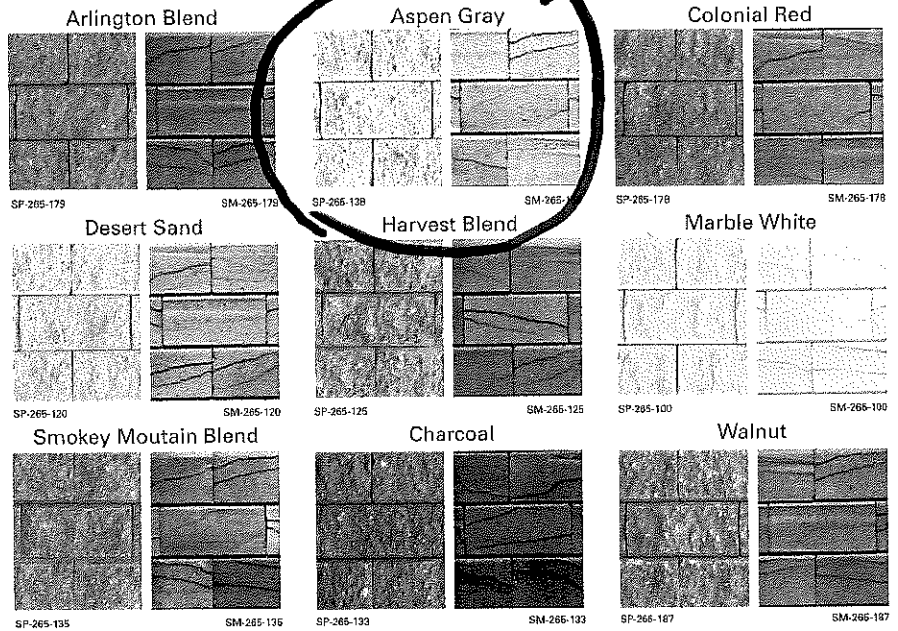
JEMCO OFFICES  
3/8" = 1'-0"  
~ 750 sq

Franklin  
DEC 14 2017  
City Development

**Nova brik**  
SELF-VENTILATED MORTARLESS BRICK SIDING

Contact us for budget costing  
on your Novabrik project

**Available Colors - 4" Split / Smooth**



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Due to printing process, actual colors may not be exactly as shown.  
Please check the Novabrik samples.

We endeavor to manufacture our products in even colors, shades, and textures, but variances may still occur in daily manufacture.

To obtain an even distribution of color and texture, it is recommended that product from a number of pallets be blended together during the installation process.

\*50 Years Limited Warranty

BUILDING CODE APPROVALS: CCMC 12833-R  
ICC-ES ESR-1245

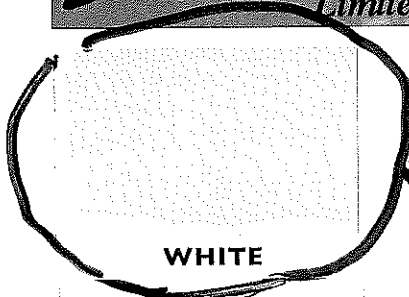
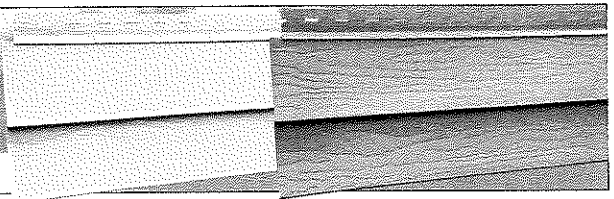
Novabrik is manufactured and distributed according to the terms of licensing contracts granted by Novabrik International Inc.

**www.novabrik.com**

Residential

# STEEL SIDING

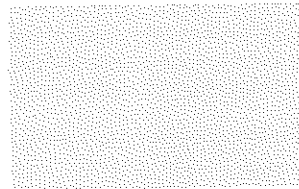
Limited Lifetime Warranty



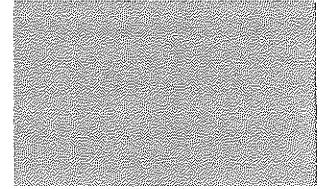
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TRIM

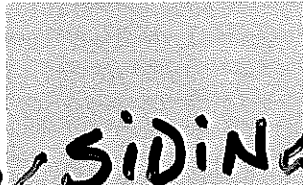
PRAIRIE WHEAT



IVORY

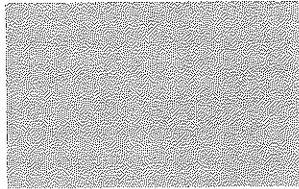


TAN

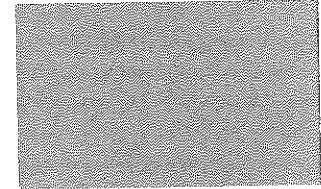


PINEWOOD

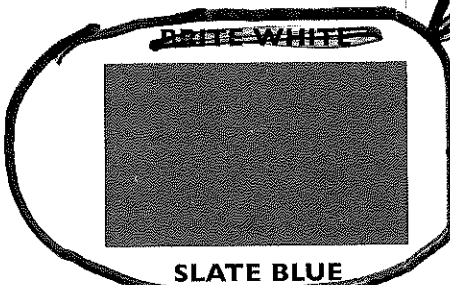
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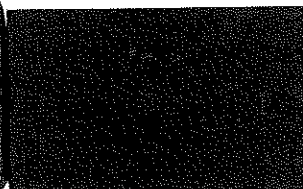
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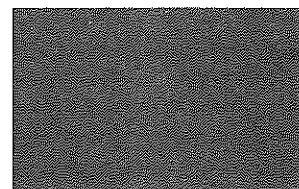
PATINA GREEN



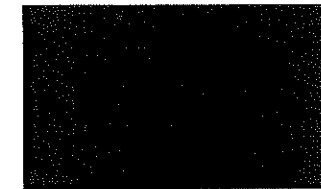
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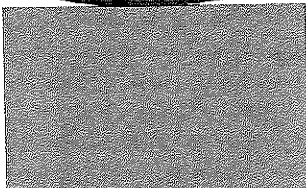
OCEAN BLUE



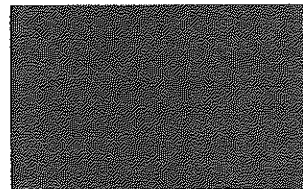
FOREST GREEN



EMERALD GREEN



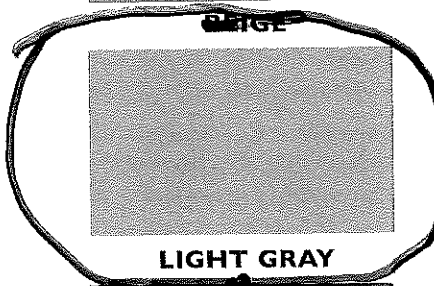
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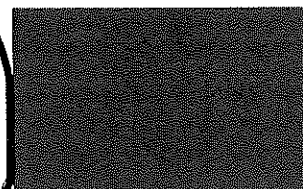
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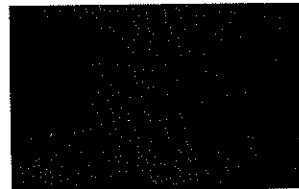
BROWN



LIGHT GRAY



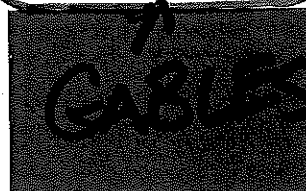
CHARCOAL GRAY



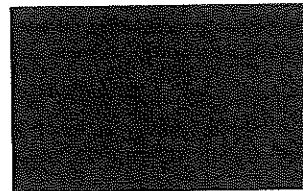
MIDNIGHT GRAY



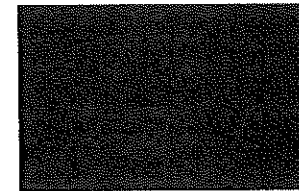
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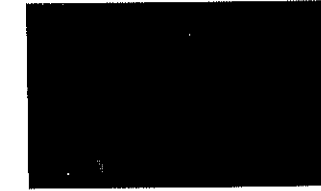
BRITE RED



RED



COLONIAL RED



BURGUNDY

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**Note:** Color chips show approximate tone. Color of actual product may vary.  
Final color approval should be made with actual material.



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## Ideal Door® 5-Star 9' x 8' White Premium Insulated Garage Door

Model Number 559, Model# 559, EZ-SET, 4254722 | Menards® SKU# 4254722  
Variation: White Finish Steel

Online Price

**\$875<sup>00</sup>** each

**Variation:**  
White Finish Steel

### Online Availability



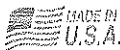
- ☒ **Ship to Home**  
Not eligible for Ship to Home
- ☐ **Delivery from Store**  
Contact a store for delivery options
- ☒ **Ship to Store - Free!**

Quantity **1**

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Hover to zoom in.



[Description](#) | [Accessories](#) | [Specifications](#)

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### Optional Accessories



Ideal Door® Double Track Low Headroom Kit for Overhead Garage Doors

Variation: Galvanized

**\$67.98**

Online Price

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Ideal Door® Keyed Lockset Kit for Residential Overhead Garage Door

Variation: Galvanized

**\$24.97**

Online Price

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**4254722 4254722**

Ideal Door® EZ-SET® 4-Star  
Heavy-Duty Insulated  
Carriage House Garage

**\$999.00**

### Description & Documents

This 9-foot wide by 8-foot high garage door from Ideal Door® is the best choice for homes with rooms adjacent to or above the garage. This raised panel door offers maximum performance and superior insulation. This white solid door with no windows features a sturdy sandwich construction of Intellicore® insulation between two steel skins for a warmer, quieter, and stronger door. Quieter than all other insulated and non-insulated doors, these doors offer long-lasting beauty and exceptional value. WindCode® rated to withstand winds up to 90 miles per hour. Certain municipalities in some states are requiring that garage doors are capable of resisting the wind loads generated by a 90 mile per hour wind storm. Please check your local building codes to determine if a W1 (90 mph) rated garage door is necessary. W1 rated WindCode® garage doors include additional struts if required. Also included are installation drawings and instructions explaining the proper installation of WindCode® products as well as WindCode® approval labels that help confirm the door's specifications to building inspectors.

- Premium value door with beautiful deep embossed elegant short panel design
- Solid 3-layer construction with two layers of steel, 27-gauge exterior, wrapped around an insulating core
- Industry-leading, energy-efficient 2" Intellicore® insulation provides an R-value of 18.4 to be warmer, quieter, and stronger
- Hinge and roller hardware included, featuring nylon rollers that provide quiet, smooth, and long-lasting performance
- Track included with standard 12" radius requiring 12" of headroom
- EZ-SET® torsion spring system included for enhanced performance and to provide easier, faster, and safer installation
- Bottom weatherseal in rust-proof retainer to help seal the door tight to the floor
- Optional support strut required (sold separately) when using an automatic garage door opener
- Includes an opener reinforcement bracket
- Rear track hanger kit, lock, and opener sold separately

Ideal Door® 3-Star  
Standard Value Non-  
Insulated Garage Door

**\$274.00**



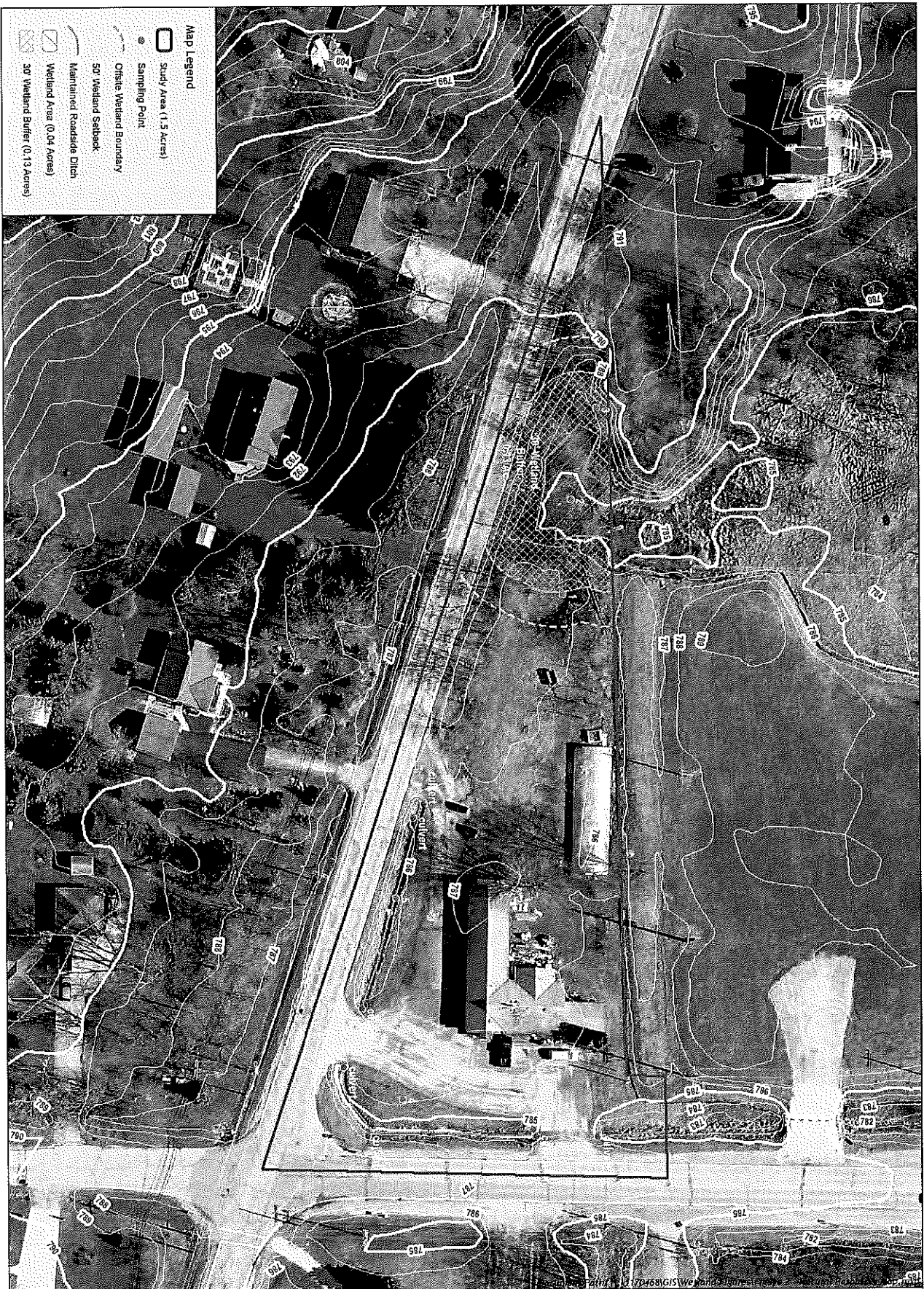


Figure 2  
Natural Resources  
Map

John Prusinski  
11610 W. Rawson Avenue  
City of Franklin  
Milwaukee County, Wisconsin

**Smith**  
1 inch = 50 feet  
October 3, 2017  
1170468

ERT, HERE, DeLorme,  
MapmyIndia, & OpenStreetMap  
contributors  
Source: Esri, DigitalGlobe,  
GeoEye, Earthstar Geographics,  
CNES/Airbus DS, USDA, USGS,  
AeroGRID, IGN, and the GIS User  
Community

11610 W. RAWSON AVE

**DIVISION 15-3.0700**

**SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701**

**GENERAL STANDARDS FOR SPECIAL USES**

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

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

Response: YES, IT WILL BE IN HARMONY WITH  
THE COMPREHENSIVE MASTER PLAN

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

Response: NO, IT WILL HAVE NO UNDU  
ADVERSE IMPACT

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

Response: NO IT WILL NOT INFRINGE ON  
SURROUNDING PROPERTIES

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: THE EXISTING PUBLIC FACILITIES  
WILL EXCEED WHAT IS NEEDED

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

Response: THIS PROPOSE USE WILL NOT  
CAUSE ANY TRAFFIC CONGESTION

Franklin

DEC 14 2017

City Developer

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

Response:

NO, THE PROPOSED USE WILL FOLLOW THE CITY'S EXISTING POLICIES REGARDING SUCH

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

Response:

YES, WE WILL COMPLY WITH STANDARDS

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

Response:

UNDERSTOOD

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

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response:

THE PROPOSED USE WILL PROVIDE ANOTHER AVENUE FOR ELECTRICAL INSTALL AND SERVICE IN THE COMMUNITY

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

Response:

THIS SPECIAL USE WOULD BE APPROPRIATE IN ANY AREA EXCEPT A RESIDENTIAL

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

*Response:* THE PROPOSED USE WILL UTILIZE  
AN EXISTING BUILDING

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

*Response:* THIS PROPOSED USE WILL NOT  
SET ANY PRECEDENT APART FROM  
WHAT ALREADY EXISTS IN THE GENERAL  
VICINITY.

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>1/9/2018</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Implementation of the "Labor Agreement Between the City of Franklin and Franklin Professional Firefighters I.A.F.F. Local 2760." The Common Council may enter closed session with regard to the Labor Agreement implementation subject matter pursuant to Wis. Stat. § 19.85(1)(c), to consider employment or compensation data of a public employee over which the Common Council has jurisdiction or exercises responsibility; Wis. Stat. § 19.85(1)(f), to consider financial, medical, or personal history data, which if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to; Wis. Stat. § 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; and Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons for the purpose of deliberating, negotiating, or conducting other specified public business in relation to the Labor Agreement implementation subject matter; and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</b>	<b>ITEM NUMBER</b> 

The Director of Administration recommends the Common Council enter closed session to discuss a matter concerning the implementation of the "Labor Agreement Between the City of Franklin and Franklin Professional Firefighters I.A.F.F. Local 2760." As part of the closed session, the Director of Administration will provide written advice from Attorney James R. Korom, who regularly advises the City on labor and employment related issues.

**COUNCIL ACTION REQUESTED**

A motion to enter closed session with regard to the Labor Agreement implementation subject matter pursuant to Wis. Stat. § 19.85(1)(c), to consider employment or compensation data of a public employee over which the Common Council has jurisdiction or exercises responsibility; Wis. Stat. § 19.85(1)(f), to consider financial, medical, or personal history data, which if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to; Wis. Stat. § 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; and Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons for the purpose of deliberating, negotiating, or conducting other specified public business in relation to the Labor Agreement implementation subject matter; and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>1/9/18</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> <b>H.1.</b>
<p data-bbox="186 401 883 443">See attached list from meeting of January 9, 2018.</p> <p data-bbox="527 1562 1102 1604"><b>COUNCIL ACTION REQUESTED</b></p>		





**License Committee  
Agenda\*  
Aldermen's Room  
January 09, 2018 – 5:25 pm**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>		
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>			
<b>License Applications Reviewed</b>		<b>Recommendations</b>		
<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Inspection Report Review 5:30 p.m.</b>	<b>Pantheon of Wisconsin, Inc.</b> Dba Pantheon Family Restaurant 7621 W Rawson Ave Debbie Koutromanous, Agent			
<b>Inspection Report Review 5:45 p.m.</b>	<b>Alley Katz, LLC</b> Dba Swiss Street Pub & Grille 11430 W Swiss St John Trudeau, Agent			
<b>Operator 2017-18 6:05 p.m.</b>	<b>Shawna A Kullas</b> 3801 S Logan Ave Milwaukee, WI 53207 Milwaukee Burger Company			
<b>Operator 2017-18</b>	<b>Katie J Brzozowski</b> 2255 W Goldcrest Ave Milwaukee, WI 53221 Walgreen #05884			
<b>Operator 2017-18</b>	<b>Stephen M Gostomski</b> 2064 S 87 <sup>th</sup> St West Allis, WI 53227 Country Lane			
<b>Operator 2017-18</b>	<b>Aaron J Lambert</b> 5037 Sycamore St Greendale, WI 53129 Hideaway Pub & Eatery			
<b>Operator 2017-18</b>	<b>Lorene A Ornelas</b> 2955 W Drexel Ave., #412 Franklin, WI 53132 Iron Mike's			
<b>Change of Agent 2017-18</b>	<b>Haley S Dixon</b> 4175 S 58 <sup>th</sup> St Milwaukee, WI 53220 Pick N Save # 6431			
<b>3.</b>	<b>Adjournment</b>			
		<b>Time</b>		

\*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.

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>1/09/18</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <b>I. 1</b>

Attached are vouchers dated December 15, 2017 through January 4, 2018 Nos. 167277 through Nos. 167509 in the amount of \$ 3,422,037.83. Included in this listing are EFT's Nos. 3655 through Nos. 3670 and Library vouchers totaling \$ 8,749.91. Voided checks in the amount of (\$ 318.59) are separately listed.

Vouchers approved at the Council meeting dated December 19, 2017 that are included in this distribution.

Lunda Construction	\$125,329.18
Miller, Stephen	\$119.69
Ruffing, Joseph	\$250.00
Wesolowski, Reidenbach and Sajdak	\$ 29,402.98
World Fuel	\$15,123.47
Library Vouchers	\$ 8,749.91
<b>TOTAL</b>	<b>\$178,975.23</b>

Early release disbursements dated December 15, 2017 through January 3, 2018 in the amount of \$ 2,624,246.67 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated December 22, 2017 is \$ 372,331.60, previously estimated at \$ 370,000.00. Payroll deductions dated December 22, 2017 are \$ 395,333.50 previously estimated at \$ 408,000.00.

The net payroll dated January 5, 2018 is \$385,188.99, previously estimated at \$ 389,000.00. Payroll deductions dated January 5, 2018 are \$ 232,058.55 previously estimated at \$ 233,000.00.

The estimated payroll for January 19, 2018 is \$ 406,000.00 with estimated deductions and matching payments of \$ 413,000.00.

Attached is a list of property tax refunds and payments Nos. 17214 through Nos. 17510 and EFT Nos. 177 through Nos. 186 dated December 15, 2017 through January 4, 2018 in the amount of \$ 50,714,980.94. \$50,650,000 of this represents the transfer of collections to investment accounts. The total refunds are \$64,980.94. These payments have been released as authorized under Resolution 2013-6920.

### **COUNCIL ACTION REQUESTED**

Motion approving the following:

- City vouchers with an ending date of January 4, 2018 in the amount of \$ 3,422,037.83 and
- Payroll dated December 22, 2017 in the amount of \$ 372,331.60 and payments of the various payroll deductions in the amount of \$ 395,333.50 plus City matching payments and
- Payroll dated January 5, 2018 in the amount of \$ 385,188.99 and payments of the various payroll deductions in the amount of \$ 232,058.55 plus City matching payments and
- Estimated payroll dated January 19, 2018 in the amount of \$ 406,000.00 and payments of the various payroll deductions in the amount of \$ 413,000.00, plus City matching payments and
- Property Tax refunds and payments with an ending date of January 4, 2018 in the amount of \$ 50,714,980.94.

**ROLL CALL VOTE NEEDED**