

DIVISION 15-3.0500 SITE INTENSITY AND CAPACITY CALCULATIONS

SECTION 15-3.0501NATURAL RESOURCE PROTECTION AND SITE
INTENSITY AND CAPACITY CALCULATIONS FOR
RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED

- A. **Recognition of Natural Resource Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
- B. When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required. Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of Section 15-3.0501C. of the Unified Development Ordinance.
- C. **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations** Are Not Required). Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of singlefamily and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on

City of Franklin Unified Development Ordinance

Part 3: Zoning Districts: District Establishment, Dimensional, and Use Regulations

the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remnant" parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in §15-4.0102A., B., C., D., and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.

SECTION 15-3.0502 CALCULATION OF BASE SITE AREA

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

WORKSHEET FOR THE CALCULATION OF BASE SITE AREA FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.		33.18 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of- way, land located within the ultimate road rights-of-way of existing roads, the rights- of-way of major utilities, and any dedicated public park and/or school site area.	-	1.11 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	-	0.00 acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	-	0.00 acres
STEP 5:	Equals "Base Site Area"	=	32.07 acres

SECTION 15-3.0503 CALCULATION OF THE AREA OF NATURAL RESOURCES TO BE PROTECTED

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.

Table 15-3.0503

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature		
	Agricultural District	Residential District	Non- Residential District.			
Steep Slopes:						
10-19%	0.00	0.60	0.40	X 0.00 =	0.00	
20-30%	0.65	0.75	0.70	X 0.00 =	0.00	
+ 30%	0.90	0.85	0.80	X 0.00 =	0.00	
Woodlands & Forests:						
Mature	0.70	0.70	0.70	X 0.00 =	0.00	
Young	0.50	0.50	0.50	X 0.00 =	0.00	
Lakes & Ponds	1	1	1	X 0.00 =	0.00	
Streams	1	1	1	X 0.06=	0.06	
Shore Buffer	1	1	1	X 0.04 =	0.04	
Floodplains	1	1	1	X 0.77 =	0.77	
Wetland Buffers	1	1	1	X 4.20 =	4.20	
Wetlands & Shoreland Wetlands	1	1	1	X 3.80 =	3.80	
TOTAL RESOURCE PROTECT (Total of Acres of Land in Resource)	8.87					

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

SECTION 15-3.0504 CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT

	CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE Take	
	Base Site Area (from Step 5 in Table 15-3.0502): 32.07 Acres	
STEP 1:	Multiple by Minimum Open Space Ratio (OSR)(see specific residential zoning district OSR standard):X0.00	
	Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =	0.00 acres
	CALCULATE NET BUILDABLE SITE AREA:	
	Take Base Site Area (from Step 5 in Table 15-3.0502):32.07Acres	
STEP 2:	Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: - <u>8.87 Acres</u>	
	Equals NET BUILDABLE SITE AREA =	23.20 acres
	CALCULATE MAXIMUM NET DENSITY YIELD OF SITE: Take	
	<i>Net Buildable Site Area</i> (from Step 2 above): 23.20 Acres	
STEP 3:	Multiply by Maximum Net Density (ND)(see specific residential zoning district ND standard):X 2.972	
	Equals MAXIMUM NET DENSITY YIELD OF SITE =	68 D.U.s
	CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE: Take	
	Base Site Area (from Step 5 of Table 15-3.0502): 32.07 Acres	
STEP 4:	Multiple by Maximum Gross Density (GD)(see specific residential zoning district GD standard):X 2.972	
	Equals MAXIMUM GROSS DENSITY YIELD OF SITE =	95 D.U.s
	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:	
STEP 5:	Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):	68 D.U.s

SECTION 15-3.0505 CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL USES

In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

A. Maximum Permitted Floor Area for a Retail Building:

- 1 Not withstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
 - a. B-1 Neighborhood Business District
 - b. B-2 General Business District
 - c. B-3 Community Business District
 - d. B-5 Highway Business District
- 2 Not withstanding, any other provision of this Ordinance, no special use permit, PDD District, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformace with the limits of subparagraph (1).

Table 15-3.0505

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL DEVELOPMENT

STEP 1:	CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:	
	Take Base Site Area (from Step 5 in Table 15-3.0502):	
	Multiple by Minimum Landscape Surface Ratio (LSR) (see specific zoning district LSR standard): X	
	Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE =	acres
STEP 2:	CALCULATE NET BUILDABLE SITE AREA:	
	Take Base Site Area (from Step 5 in Table 15-3.0502):	
	Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater:	
	Equals NET BUILDABLE SITE AREA =	acres
STEP 3:	CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:	
	Take <i>Net Buildable Site Area</i> (from Step 2 above):	
	Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X	
	Equals MAXIMUM NET FLOOR AREA YIELD OF SITE =	acres
STEP 4:	CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:	
	Take Base Site Area (from Step 5 of Table 15-3.0502):	
	Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X	
	Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =	acres
STEP 5:	DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:	
	Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):	acres
	(Multiple results by 43,560 for maximum floor area in square feet):	(s.f.)





December 1, 2017

City of Franklin Attn: Nick Fuchs 9229 W Loomis Road Franklin, WI 53132

RE: EVERGREEN ESTATES NATURAL RESOURCE PROTECTION PLAN MODIFICATION

Dear Nick,

As you are aware, there has been ongoing research being conducted into the validity of the Evergreen Estates Natural Resource Protection Plan report dated September 30th, 2016. After intense research including obtaining the expertise of three additional certified arborists, we can confidently confirm that the existing plan is inaccurate with regards to the young woodlands portion.

The three outside representative's that conducted a field study include the following:

- · Tom Riha, ISA Certified Arborist / Municipal Specialist, City of Franklin
- Tom Zagar, ISA Certified Arborist, City of Muskego
- Daniel Blazer, ISA Certified Arborist, The Davey Tree Expert Company

In addition, two representatives from the City of Franklin also confirmed that there are inaccuracies evident in the report regarding the young woodlands.

Attached please find the reports from the three above arborists, along with a revised Natural Resource Protection Plan Summary Page, which we are requesting replace the existing one on file. This revised summary corrects the young woodland errors. It has been determined that this property contains no young or mature woodlands. The remaining portions, including the wetland delineations conducted by Dave Meyer, remain unchanged and intact.

Your cooperation to this matter is greatly appreciated.

Thank you in advance.

Sincerely,

Rick J. Przybyla

Creative Homes, Inc. enclosures

Franklin UEC-082017

City Development

"A Builder of Quality Homes & Developments" 9244 West Grandview Court • Franklin, W1 53132 • Phone: 414.529.0958 • Fax: 414.529.4032 November 30, 2017

Mr. Rick Przybyla:

This letter serves as a follow up to my correspondence of March 2, 2017 in which I assessed the woody plant communities on a property at 7501 S. 49th Street, Franklin, WI (Tax Key: 7889981001).

Subsequent to that assessment you had contracted to remove invasive brush (primarily Common buckthorn and Tatarian honeysuckle) within an approximate 1.2 acre "woody" area in the northwestern portion of the property (shaded in yellow on accompanying map). Revisiting the property after removal of this invasive undergrowth reinforced my earlier determination that this area did not meet the definition of young woods: The remaining trees – woody plants in excess of 3" diameter (which were primarily Green ash and American elm) - provide canopy to no more than 10% of the area and most of these trees were dead or in a dying condition. Furthermore, some of the remaining trees were apple trees left over from when this area was planted as an orchard (as evident in historic aerial photos). Per City of Franklin guidelines, these commercially grown apple trees would not be counted in young woodland.

The woody plant composition of the L-shaped "tree line" (green shaded) was also assessed. The majority of canopy here consists of buckthorn and honeysuckle less than 3" diameter. Scattered mature trees on this property line /crop field edge are primarily dead or dying Green Ash and American elm. Existing live trees that exceed 3" diameter comprise much less than 50% canopy. Therefore this area is also not young woodland as defined:

Young Woodland: An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches. However, no trees grown for commercial purposes shall be considered a young woodland.

I have edited the Natural Resources map to reflect that both the above-referenced 1.2-acre area, and the tree line area, should not be classified as "young woodland" as had been incorrectly indicated in the earlier assessment by Lynch & Associates..

Please let me know if you need any further clarification on this matter.

Respectfully,

Tom Zagar ISA Certified Arborist WI-0541A



March 2, 2017

Mr. Rick Przybyla:

At your request, on February 23, 2017 I accompanied you to assess the woody plant communities on a property at 7501 S. 49Th Street, Franklin, WI (Tax Key: 7889981001). Referencing the image below, the woody plants within the green oval, the vegetation along the property line (green arrows), and the vegetation around the house (blue oval) were examined.



My assessment of these woody plant areas and other comments follows:

- All woody plant areas marked in green consist of "volunteer" vegetation that has colonized the area since cessation of farming within the past 30 years. Very few native woody species exist. The number one plant in terms of biomass is Common Buckthorn, an invasive shrub species. Invasive Tatarian Honeysuckle shrubs are also quite abundant.
- There are very few native tree species within areas examined. These consist primarily of Green ash and American elm. Most of the ash trees are dead or dying from Emerald Ash Borer infestation. Similarly, American elms have succumbed to Dutch elm disease.
- While the canopies of these areas are clearly much greater than 50%, I estimate that individual
 native trees in excess of 3" DBH probably comprise less than 10% of the canopy and these are
 largely dying as noted above. The vast majority of the tree canopy visible on the photo is
 attributable to invasive shrubs. Furthermore these invasive shrubs are less than 3" DBH. Thus,
 these woody plant areas clearly do not meet the definition of "young woodlands" in the City of
 Franklin development ordinance.

- The trees growing around the house on the north side of the property (smaller blue oval) consist
 of yard landscape plantings and are not native "woodland" trees. With their proximity to the
 house, these trees would be impacted by the razing of this structure.
- In my work I preserve native woodlands and other native plant communities and work to
 restore them for ecological health. Because of the heavy invasion of buckthorn and meager
 representation of native plants I consider this site to have a negative ecological value.

Respectfully,

Tom Zagar ISA Certified Arborist WI-0541A >! Dietl <JDietl@franklinwi.gov>; Mike Doble <MDoble@lynch-engineering.com> #ject: Grove of Trees on Marquette

To Whom It May Concern:

On 11/1/2016 I met with Richard Przybyla and Michael Doble to discuss the determination of a grove of spruce trees being mature woodland. It is my belief that this grove of trees should not be considered mature woodland for the following reasons.

- These trees approximately 8-9 spruce were clearly planted by a homeowner as a windscreen. I would classify these trees as landscape/ornamental. The trees were also planted too closely together.
- The spruce trees in question are showing numerous signs of needle disease/dieback. The entire bottom ½ to 2/3 of the trees are completely dead with only the tops showing foliage. Of the top ½ to 2/3 of the trees the needles are browning. This can be attributed to the improper plant spacing.
- 3. These spruce trees appear to be Colorado Blue Spruce a species not native to the area.

Please feel free to contact me with any questions or concerns,

Tom Riha ISA Certified Arborist/Municipal Specialist City of Franklin Cell # 414-550-1117

Setback on Evergreen

Tom Riha

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ricigizybyla@hotmail.com* snckprzybyla@hotmail.com<_

To Whom It May Concern,

On 11/7/2016 I met with Rick Przybyla to determine if the woodlands on the eastern edge of his property classify as mature woodland. I believe this area doesn't meet the qualifications for the following reasons.

- 1. Only 5-6 trees are over 12" in diameter
- 2. The understory is 90% buckthorn and prickly ash.
- 3. The first 100' of trees have some oaks and elms mixed in with box elder and ash. Further north the woodland is 90% ash and box elder with a few elms.

Another concern was the setback of right of way in regards to the tree line. The tree line is adjacent to a cultivated field. With the years of cultivation very few if any roots would be disturbed with any new excavations in this area. The first 15'-20' of vegetation is buckthorn and prickly ash. The large oak tree of concern's drip line comes out to the edge of the brush line. If excavation is kept 15'-20' off the brush line that should be adequate for protection of the more desirable species. I would also recommend removal of buckthorn in the area to allow better light penetration to the forest floor. The presence of buckthorn severally limits the natural reproduction and survival of any young trees in the area.

Tom Riha City of Franklin ISA Certified Arborist/Municipal Specialist To Whom It May Concern:

On Nov 18th 2016 I met with Rick Przybyla to identify trees in the woodland area west of Marquette Avenue. The area is predominately ash and elm trees. The understory is largely buckthorn with a few dead apple trees and some hawthorn trees mixed in. Of the remaining ash and elm trees the ash showed significant signs of Emerald Ash borer. Though the trees may not be completely dead at this time they will be shortly. The elm trees are in various stages of Dutch elm disease some trees have fallen over, others have no bark attached to the trunk. Looking for live trees determined by the buds we were able to identify approximately 10-12 trees in healthy condition. With the heavy presence of Dutch elm disease, and Emerald Ash Borer it will not take long for the remaining trees to become infected.

Please feel free to contact me with any questions or concerns.

Sincerely,

Thomas J. Riha

City of Franklin

ISA Certified Arborist/ Municipal Specialist

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Undo

Tree Assessment

BD Blazer, Daniel <Daniel.Blazer@davey.com> Today, 9:14 AM

You replied on 4/7/2017 9:20 AM.

You

I toured the property we discussed near 7501 S. 49TH Street in Franklin. The total area I surveyed was around 12 ACRES. There shrub areas. These trees and shrubs also appear to have been Agricultural lands at one point. The individual trees observed ranged was at least 7 acres of planted grassland which appeared to be barren Agricultural fields. The remaining 5 or so acres was tree and dead or infected with Dutch Elm's Disease. Being a forested area and in the middle of a heavily hit area with Emerald Ash Borers, I European honeysuckle. The native trees observed were 95% Green Ash and American Elm. Over half of the Elm trees were either from less than 1 inch to 10 inches in diameter. Over 60% of the wooded areas consisted of invasive trees such as Buckthorn and wouldn't expect the population of forest Ash trees to survive into the future. Rick,

recommend not planting not more than 10% of any one species so any future insect/disease problem does not devastate the entire area. I highly recommend consulting with ISA Certified Arborists regarding the selection, placement, and installation of new trees wooded areas provided that trees and shrubs planted in the new areas were resistant to certain common diseases and insects. I If this area were to be developed into a residential area, there would be no harm in removing all of the above described and shrubs.

Let me know if you have any other questions. -Dan

Daniel Blazer | Consulting Arborist ISA Certified Arborist #WI-0769A The Davey Tree Expert Company [P] (262)521-1860 | [F] (262)521-1415







Reply



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