

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/18/17</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF THE FRANKLIN PUBLIC SCHOOLS FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.7.</i></p>

SUMMARY

Environmental Commission. At its June 21, 2017 meeting, the Environmental Commission moved to recommend approval of the Special Exception to Natural Resource Features for the Franklin Public Schools new Forest Park Middle School contingent upon the applicants making the changes as proposed by staff and addressing any changes made by the Plan Commission.

Plan Commission. At its July 6, 2017 meeting, following a properly noticed public hearing, the Plan Commission approved a motion to “recommend approval of the Franklin Public Schools Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations”.

The Plan Commission’s recommended conditions in its Decision included:

- 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted;
- 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;
- 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Franklin Public Schools (Forest Park Middle School) and all other applicable provisions of the Unified Development Ordinance;
- 4) that the applicants shall revise the Erosion Control and Grading Plans to remove all land disturbing activities from within the dripline of trees T91, T95, and T100, for Department of City Development review and approval prior to the issuance of a Building Permit;

5) that the applicants shall revise the Project Summary, Natural Resource Special Exception Plan, the Landscaping Plan, and the Wetland Mitigation Plan, to indicate that active management of all mitigation areas will occur for four years, for Department of City Development review and approval prior to the issuance of an Occupancy Permit. The applicants shall also prepare and submit an annual Mitigation Management Plan to the Department of City Development;

6) that the applicants shall revise the Landscape Plan to delineate the 'Wetland Setback for Mitigation Areas' pursuant to appropriate basin limits, soils/hydrology factors, and landscaping areas, for Department of City Development review and approval prior to the issuance of a Building Permit. The applicants shall also provide details of the proposed Low Growing Meadow seed mix for Department of City Development review and approval prior to the issuance of a Building Permit;

7) that the applicants shall revise the Landscape Plan to provide details of the invasive species control and existing native woodland maintenance of the proposed 'Woodland Enhancement Area' to include but not be limited to timing, methods, extent/quantities, and duration, for Department of City Development review and approval prior to issuance of an Occupancy Permit; and

8) approval of the Natural Resource Special Exception shall be conditioned upon receipt of all other permits and approvals including but not limited to wetland fill approval from the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.

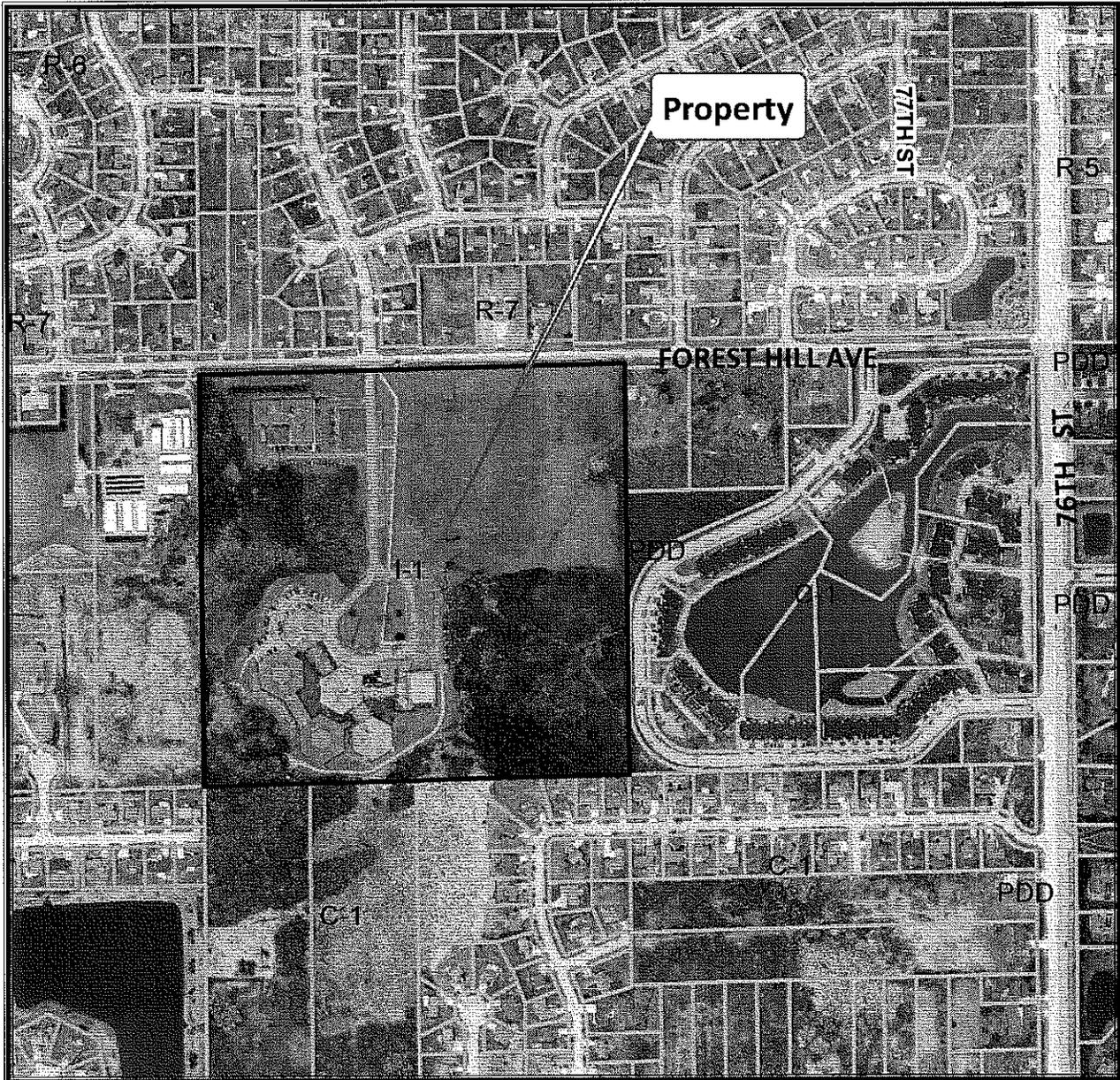
It can be noted that the applicants are currently revising the Natural Resource Special Exception Plan to reduce the amount of natural resource impacts to be less than the amounts as set forth in the public hearing notice for this matter. As such, the Plan Commission recommended approval of an additional condition, "The applicants shall revise the Special Exception Plan and Mitigation Plan maps and associated tables to indicate the revised amount of impacts, for Department of City Development review and approval prior to issuance of a Building Permit."

COUNCIL ACTION REQUESTED

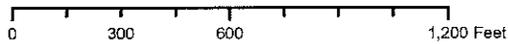
Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of the Franklin Public Schools for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.



8225 W. Forest Hill Ave.
TKN: 838 9978 000



Planning Department
(414) 425-4024



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.

Draft 7/11/17

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Franklin Public Schools for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance (for Forest Park Middle School new building and associated parking lot construction)

Whereas, Franklin Public Schools having filed an application dated May 16, 2017, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated June 21, 2017 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated July 6, 2017 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 8225 West Forest Hill Avenue, zoned I-1 Institutional District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated May 16, 2017, by Franklin Public

Schools, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the School District established the middle school on this property many years ago. At the time, there was no way to know how environmental restrictions would change and how demand for school attendance or space requirements would change. Given that environmental restrictions have changed, and need for a new school has increased, the school district is now obligated to proceed with what they have. This is not a self imposed issue.*

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

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *Compliance would force the school district into an inadequate facility. Either the existing inadequate building, or a new and inadequate building; or*

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

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

a. be consistent with the existing character of the neighborhood: *The site is currently a middle school. The School District proposed to continue serving the neighborhood with a middle school on the site.*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *This site is consistent with the spirit and intent of the ordinance and special exception. Therefore, this project does not undermine the ordinance or the ability to enforce its requirements; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The intent of the ordinance and the Special Exception is to give the city the flexibility to provide properties reasonable relief from requirements when those requirements would make reasonable development that is otherwise in keeping with the spirit of the law unworkable. In other words, the middle school project is the kind of project that is the purpose of the Special Exception; and*

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

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The middle school complies with all setback requirements.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *There are few other sites that are existing schools where the public has voted to fund expansion. It is clear that the city and the citizens of the city want this school here.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The property is a school, and given the need to educate children, it is very likely that the city will continue to need the school here. The proposed school is sized to accommodate the full population build-out of the service area.*

4. Aesthetics: The public was included in the decisions on how to arrange the site. *It was the public that demanded the road frontage be kept as open field. The site is designed to be in keeping with the existing aesthetics as much as possible.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *Most of the protected Natural Resources are protected and will remain. Only a small fraction needing a special exception will be impacted. See impact chart on sheet C109.*

6. Proximity to and character of surrounding property: *The property closest to the impacted wetland is the condominiums to the east. These condos face a lake. Because the condos are oriented away from the school, any impacts to the small wetlands on the school property will not affect the character of the condos.*

7. Zoning of the area in which property is located and neighboring area: *The site is currently the middle school. Therefore, keeping this as a middle school will not affect zoning nearby.*

8. Any negative affect upon adjoining property: *The property closest to the impacted wetland is the condominiums to the east. These condos face a lake. Therefore, any impacts to the small wetlands on the school property will not have a negative affect on the condos.*

9. Natural features of the property: *The site will retain most of its existing protected natural resources. Therefore, the affect of the wetland impacts on the natural features of the property will be minimal.*

10. Environmental impacts: *The affect of the wetland impacts on the environment will be minimal. All appropriate permits will be obtained and required protections followed.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of June 21, 2017 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Franklin Public Schools (Forest Park Middle School) and all other applicable provisions of the Unified Development Ordinance; 4) that the applicants shall revise the Erosion Control and Grading Plans to remove all land disturbing activities from within the dripline of trees T91, T95, and T100, for Department of City Development

review and approval prior to the issuance of a Building Permit. 5) that the applicants shall revise the Project Summary, Natural Resource Special Exception Plan, the Landscaping Plan, and the Wetland Mitigation Plan, to indicate that active management of all mitigation areas will occur for four years, for Department of City Development review and approval prior to the issuance of an Occupancy Permit. The applicants shall also prepare and submit an annual Mitigation Management Plan to the Department of City Development.; 6) that the applicants shall revise the Landscape Plan to delineate the 'Wetland Setback for Mitigation Areas' pursuant to appropriate basin limits, soils/hydrology factors, and landscaping areas, for Department of City Development review and approval prior to the issuance of a Building Permit. The applicants shall also provide details of the proposed Low Growing Meadow seed mix for Department of City Development review and approval prior to the issuance of a Building Permit; 7) that the applicants shall revise the Landscape Plan to provide details of the invasive species control and existing native woodland maintenance of the proposed 'Woodland Enhancement Area' to include but not be limited to timing, methods, extent/quantities, and duration, for Department of City Development review and approval prior to issuance of an Occupancy Permit; 8) approval of the Natural Resource Special Exception shall be conditioned upon receipt of all other permits and approvals including but not limited to wetland fill approval from the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers; 9) The applicants shall revise the Special Exception Plan and Mitigation Plan maps and associated tables to indicate the revised amount of impacts, for Department of City Development review and approval prior to issuance of a Building Permit. The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2017.

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____

From: [Karl Jensen](#)
To: [Joel Dietl](#)
Cc: [Joseph Doyle](#)
Subject: Re: Forest Park Middle School - Wetland Buffer Areas
Date: Wednesday, July 05, 2017 11:20:11 AM

Mr. Dietl,

The revised wetland buffer impact is 34,550 SF, wetland setback impact is 33,000 SF and mature woodland impact is 0.94 Acres. The required mitigation is revised to 51,825 SF of wetland buffer/woodland enhancement and 49,500 SF of wetland setback. The revision with the additional mature woodland impact removes 22% of the existing mature woodland area, below the allowed 30% removal allowed by City regulations without a Special Exception. The revised wetland buffer and setback areas are less than the values included in the Public Hearing notice of 35,400 SF and 34,750 SF respectively.

The revised areas are due to revised grading adjacent to the small northern wetland area OO and shift in the southern stormwater retention facility adjacent to wetland area Z which removes project disturbance outside of existing wetland buffer areas.

The revisions do not change the proposed wetland impact and required mitigation areas of 9,950 SF and 14,925 SF respectively.

If you have any questions or comments, please contact our office.

Thank you,

Karl A. Jensen, PE, CFM



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Phone: (262) 875-5000
Cell: (815) 690-1996
www.vierbicher.com

On Wed, Jul 5, 2017 at 9:49 AM, Joel Dietl <JDietl@franklinwi.gov> wrote:

Joe,

That sounds good.

What about the wetland setbacks? The latest maps/tables show 36,050 sq ft of impact/loss, compared to the public hearing's 34,750 sq ft.



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of July, 6, 2017

Natural Resource Special Exception

RECOMMENDATION: City Development staff recommends approval of the proposed Natural Resource Special Exception for the new Forest Park Middle School upon property located at 8225 W. Forest Hill Avenue subject to the conditions set forth in the draft Standards, Findings, and Decision.

Project Name:	Forest Park Middle School SP and NRSE
Project Address:	8225 W. Forest Hill Avenue
Applicants:	Heidi Kramer, Plunkett Raysich Architects Joseph Doyle, Vierbicher
Property Owner:	Franklin School District
Current Zoning:	I-1 Institutional District
2025 Comprehensive Plan	Institutional and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north; single-family residential and natural resource features to the south; multi-family residential to the east; and single-family residential, business, and natural resource features to the west
Applicant Action Requested:	Recommendation of approval for the proposed Natural Resource Special Exception for the new Forest Park Middle School at 8225 W. Forest Hill Avenue.

Please note:

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

INTRODUCTION

At its June 21, 2017 meeting, the Environmental Commission approved a motion to recommend approval of the Forest Park Middle School Natural Resource Special Exception contingent upon the applicants making the changes as proposed by staff and addressing any changes made by the Plan Commission.

At its June 22, 2017 meeting, the Plan Commission approved a motion to postpone and continue the public hearing for the Forest Park Middle School Natural Resource Special Exception (NRSE) to the July 6, 2017 meeting. In this regard, staff had noted a number of concerns with the NRSE including: differing natural resource impact acreages and natural resource delineations were provided throughout the application materials; the natural resource mitigation areas were not included within a Conservation Easement; and wetland buffer mitigation comprised of the establishment of native upland prairie vegetation was proposed within existing mature and young woodlands.

On June 28, 2017, the applicants submitted updated and revised Natural Resource Special Exception (NRSE) application materials on behalf of the Franklin School District. As with the earlier submittal, it is proposed to remove certain wetlands, wetland buffers, and wetland setbacks in order to construct the proposed middle school. The applicants also indicate that new wetlands, wetland buffers, wetland setbacks, and woodland enhancements will be established as mitigation for the envisioned natural resource impacts.

PROJECT DESCRIPTION AND ANALYSIS

As indicated in the attached Natural Resource Special Exception materials (see **Map C111**), the applicants indicate that they are unable to avoid impacts upon some of the protected natural resource features located within the subject property, and therefore are proposing to:

- Clear, grade, fill and develop approximately 88,700 square feet (2.04 acres) of protected natural resource features comprised of:
 - Approximately 9,950 square feet of wetlands.
 - Approximately 42,700 square feet of wetland buffers.
 - Approximately 36,050 square feet of wetland setbacks.

NATURAL RESOURCE PROTECTION PLAN (NRPP)

The applicants have prepared a Natural Resource Protection Plan (see **Map C108**), and associated Site Intensity Calculations, which identifies wetlands, wetland buffers and setbacks, and mature and young woodlands within the subject property. The NRPP also identifies the extent of existing and proposed development/disturbance within these areas (see **Maps C109 and C110**). The Wisconsin Department of Natural Resources, by letter dated June 5, 2017, has confirmed the subject wetland delineations.

Certain existing development (most notably the entrance drive and the existing school's parking lot) were constructed in 1970 but are currently located immediately adjacent to wetlands and within wetland setbacks and buffers. The applicants propose to replace the existing school's parking lot with a new parking lot and sidewalk, which will remain approximately 20 feet from the existing wetland. They also propose to retain the entrance drive's current location but widen it eastward into a four-lane boulevard. As this existing development predates the City's current natural resource protection regulations, staff has no objection to the existing encroachment remaining, or being redeveloped in kind and in place, as long as no further encroachment into protected natural resource features occurs.

It can also be noted that approximately 33,950 square feet or about 18 percent of the mature woodlands, and approximately 2,450 square feet or about 6 percent of the young woodlands will also be impacted and removed during construction of the proposed new school (but does not require a Natural Resource Special Exception).

As required by the Unified Development Ordinance, staff recommends that the applicants shall prepare a Conservation Easement document and exhibit to include all natural resource features to be protected, for staff review and Common Council approval prior to issuance of an Occupancy Permit. The Conservation Easement is also anticipated to include:

- a portion of an existing trail (located within the woodlands within the southeastern corner of the property) which is proposed to be maintained; and

- some of the stormwater management bio basin and dry basin facilities (located within various wetland setbacks) are proposed to be maintained.

NATURAL RESOURCE SPECIAL EXCEPTION (NRSE)

As mitigation for the impacts noted above, the applicants propose **as shown on Map C112:**

- Creation of an approximately 16,550 square foot wetland immediately adjacent to an existing wetland located in the southeastern portion of the property. The applicants indicate that the proposed 'Wetland Mitigation Area and Monitoring Area' will be excavated and graded outside but adjacent to the existing wetland, and will be hydraulically connected to the existing wetland, and will be seeded with a stormwater seed mix.
- Establishment of an approximately 72,600 square foot 'Wetland Mitigation Buffer Area' to be located immediately south and west of the proposed new wetland. The applicants indicate that this 'Wetland Buffer Area' will be seeded with a native upland prairie vegetation seed mix.
 - Staff would note that only approximately 23,000 square feet would technically qualify as a wetland buffer (lands within 30 feet of a wetland) that are connected to, and associated with, the adjacent wetland from a vegetation and topographical standpoint.
 - Staff would further note that the remaining approximately 49,600 square feet are located within existing mature and young woodlands, and is proposed to consist of invasive species removal, new tree plantings, and woodland management. However, staff has no objection to these activities as part of the mitigation for the existing wetland buffers to be removed/developed.
- Establishment of approximately 60,800 square feet of 'Wetland Setback for Mitigation Areas' to be located within/adjacent to Dry Basin's #1 and #5. The applicants indicate (see Map L100) that the 'Wetland Setback for Mitigation Area' adjacent to Dry Basin #1 will be seeded with a swale seed mix, and that the 'Wetland Setback for Mitigation Area' adjacent to Dry Basin #5 will be seeded with a low growing meadow seed mix.

It can be noted that the applicants have revised the 'Wetland Mitigation and Monitoring Area' from their previous submittal, to slightly reduce and move portions of this area up to 50' westward. However, as shown on Map L100, filling and grading associated with the "Wetland Mitigation and Monitoring Area' still extends into the area along the eastern property boundary where 11 mature trees identified by the applicant's Tree Survey are located, such that only three of the 11 trees are proposed to be protected. Furthermore, it appears that filling and grading will extend within the dripline of these three trees (two Shagbark Hickories and one Crabapple). Staff recommends that the applicants shall revise the Erosion Control and Grading Plans to remove all land disturbing activities from within the dripline of trees T91, T95, and T100 for Department of City Development staff review and approval prior to issuance of an Building Permit.

Neither the Project Summary, the Natural Resource Special Exception maps, nor the Landscape Plan indicates the length of time active maintenance of the mitigation areas will occur. It can be noted that the Wetland Mitigation Plan does indicate that invasive weed control within the buffer and wetland mitigation areas will occur for four years. Staff recommends that the applicants shall revise the Project Summary, Natural Resource Special Exception Plan, the Landscaping Plan, and the Wetland Mitigation Plan, to indicate that active management of all mitigation areas will occur for four years, for Department of City Development review and

approval prior to issuance of an Occupancy Permit. Staff also recommends that the applicants shall prepare and submit an annual Mitigation Management Plan to the Department of City Development.

While the applicants have now provided details of the proposed swale and stormwater seed mixes, the applicants have not provided such details about the proposed Low Growing Meadow seed mix. In addition, the applicants have changed the location of the proposed 'Wetland Setback for Mitigation Areas'. It can be noted that these new locations do not appear to coincide with any site features such as basin limits, specific soils/hydrology, or landscaping areas. Staff recommends that the applicants shall revise the Landscape Plan to delineate the 'Wetland Setback for Mitigation Areas' pursuant to appropriate basin limits, soils/hydrology factors, and landscaping areas, for Department of City Development review and approval prior to issuance of a Building Permit. Staff also recommends that the applicants shall provide details of the proposed Low Growing Meadow seed mix for Department of City Development review and approval prior to issuance of a Building Permit.

The applicants did not provide details of the 'Woodland Enhancement Area' invasive species control and existing native woodland maintenance (although details of the proposed tree planting were provided in the Landscape Plan shown on Map L100). Staff recommends that the applicants shall revise the Landscape Plan to provide details of the invasive species control and existing native woodland maintenance of the proposed 'Woodland Enhancement Area' to include but not be limited to timing, methods, extent/quantities, and duration, for Department of City Development review and approval prior to issuance of an Occupancy Permit.

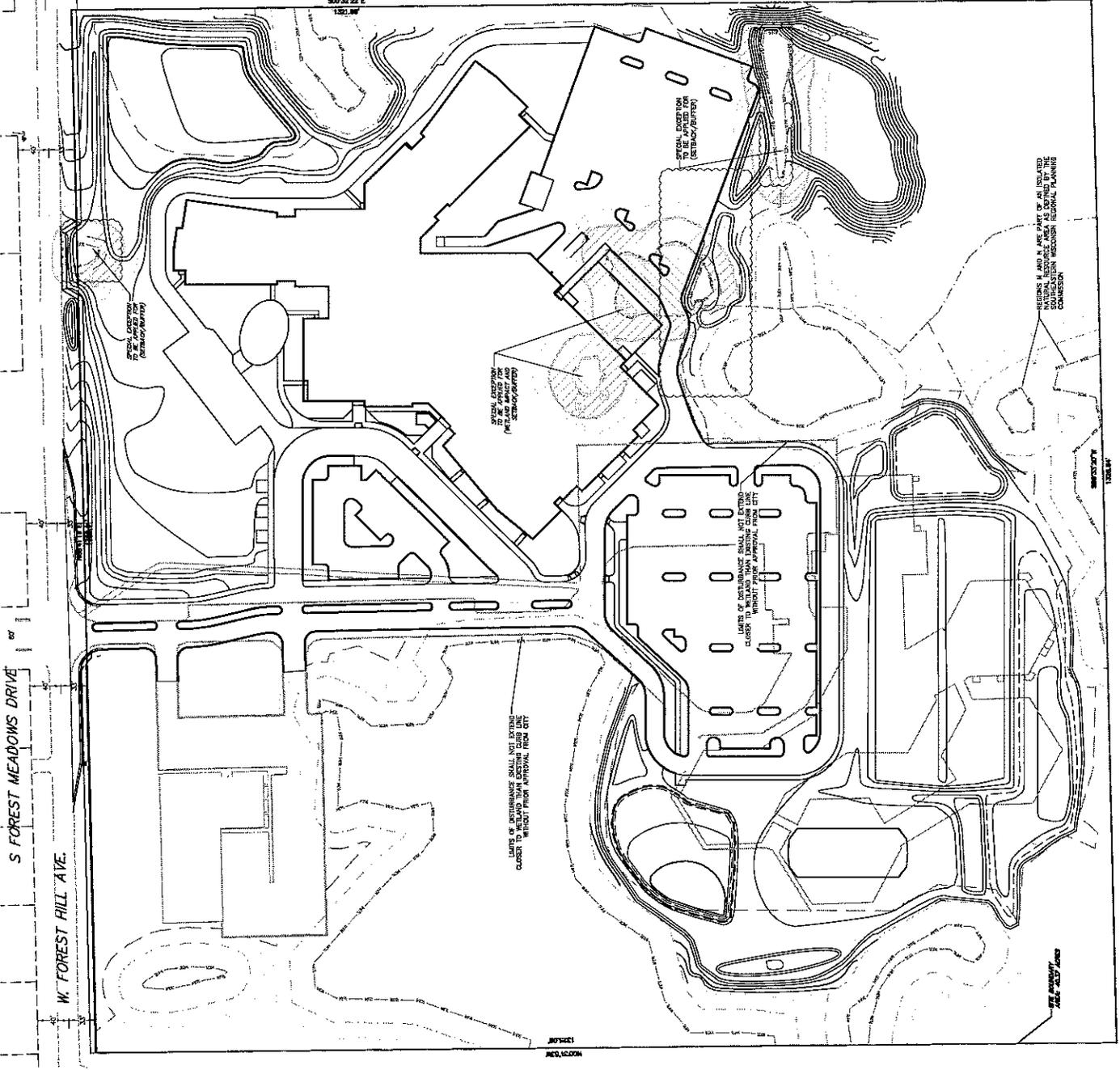
As a description of the "Wetland Setback for Mitigation Areas" was not provided in the Project Summary (but such information is provided on Maps C112 and L100), staff would suggest that the applicants revise the Project Summary to include a description of the proposed 'Wetland Setback for Mitigation Areas'.

It is important to note that the wetland concurrence letter from the Wisconsin Department of Natural Resources also states, "Some of the water features within the project area may be considered navigable by the Department. DNR Chapter 30 permits may be needed if earthwork (filling, dredging, etc.) or structures (culverts, bridges, erosion control, etc.) are proposed in or adjacent to navigable waters." Staff would also note that should there be any navigable waters, that the NRPP would need to be revised to indicate a Shore Buffer. Therefore, staff recommends that approval of the Natural Resource Special Exception shall be conditioned upon receipt of all other permits and approvals including but not limited to wetland fill approval from the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.

STAFF RECOMMENDATION

City Development staff recommends approval of the Natural Resource Special Exception for the proposed Forest Park Middle School located at 8225 W. Forest Hill Avenue subject to the conditions set forth in the draft Standards, Findings and Decision.

CALCULATION OF NATURAL RESOURCE PROTECTION LAND	
NATURAL RESOURCE PROTECTION DISTRICT	ACRES OF LAND IN PREFERENCE FEATURE
WETLANDS	0.4
WETLANDS - 100' BUFFER	0.0
WETLANDS - 50' BUFFER	0.0
WETLANDS - 25' BUFFER	0.0
WETLANDS - 10' BUFFER	0.0
WETLANDS - 5' BUFFER	0.0
WETLANDS - 2.5' BUFFER	0.0
WETLANDS - 1.25' BUFFER	0.0
WETLANDS - 0.625' BUFFER	0.0
WETLANDS - 0.3125' BUFFER	0.0
WETLANDS - 0.15625' BUFFER	0.0
WETLANDS - 0.078125' BUFFER	0.0
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- TOPOGRAPHIC LINES/LINE LEGEND**
- EXISTING WETLAND DELINEATION
 - EXISTING 50' WETLAND SETBACK (STY)
 - EXISTING 30' WETLAND BUFFER (STY)
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR
 - PROPOSED ASPHALT
 - EXISTING WETLAND PART TO BE MAINTAINED
 - DETURRED WETLAND BUFFER
 - DETURRED WETLAND SETBACK
 - DETURRED WETLAND

REMOVED WETLAND AREAS	
REGION	AREA (SQ FT)
X	10,000
Y	15,000
Z	20,000
AD	25,000
TOTAL	70,000

REMOVED WETLAND BUFFER AREAS	
REGION	AREA (SQ FT)
X	10,000
Y	15,000
Z	20,000
AD	25,000
TOTAL	70,000

REMOVED WETLAND SETBACK AREAS	
REGION	AREA (SQ FT)
X	10,000
Y	15,000
Z	20,000
AD	25,000
TOTAL	70,000



Franklin School District – Forest Park Middle School
8225 W. Forest Park Middle School.
March 22, 2017
Revised June 27, 2017

PROJECT SUMMARY

CONTENTS

- A. Project Description
- B. Legal Site Description
- C. Building Heights
- D. Operations
- E. Projected Project Costs
- F. Project Schedule
- G. Parking Stall Break-down
- H. Landscape to Surface Ratio
- I. Site Intensity and Site Capacity
- J. Natural Resource Preservation

A. PROJECT DESCRIPTION

Project consists of a new 207,620 sq. ft. 2-story middle school on the existing 40+ acre site that will replace the existing Forest Park School. Building is being designed for a capacity of 1,350 students in grades 6 thru 8. Project will house all appropriate disciplines for middle school studies including Science, Business, Culinary Arts, Fabrication Labs, Music and Physical education. Mechanical roof top equipment will be housed in fully enclosed penthouses on the roof accessible from the inside of the building via stairs.

The school will be accessed from Forest Hill Ave. down a four lane divided boulevard and then to a circular drive up to the main entry of the building. This circular drive will also be used for bus parking at drop-off and pick-up times. Parent drop-off will occur on the south side of the building away from bus traffic. There will be visitor parking at the main entry, event parking on the south west side and staff parking on the south east side of the building. Deliveries and garbage pick-up will take place on the south east of the building just north of the gymnasium. Trash and recycling collection will be screened. A fire access lane is being provided along the entire perimeter of the building. Playfields, partial basketball courts and an outdoor learning space are being provided as well. A thick row of evergreen type trees is planned to be located along the north side of the site to screen views of the school activities from the adjacent Forest Hill Avenue.

Earth toned brick is being utilized on the façade. A lighter tan face brick is the prominent material being used on the façade of the building with a second darker brownish tone for variety and interest. A champagne colored aluminum storefront window system is being used throughout with clear insulated glass and some spandrel. The main commons and heart of the building is a two story space that will be provided with clerestory windows along

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2310 crossroads drive suite 2000 madison, wisconsin 53718 608 240 9900
1613 fruitville road suite 3 sarasota, florida 34236 941 348 3618

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Partners: Michael P. Brush, Martin P. Choren, Gregg R. Golden, Mark C. Herr, John J. Holz, Nicholas D. Kent,
Steven A. Kieckhafer, Scott A. Kramer, David J. Raysich, Michael H. Scherbel, Michael J. Sobczak



the north and south sides as well as a full curtain wall system with insulating glass on the west side facing the main entry drive and front plaza area.

B. LEGAL SITE DESCRIPTION

The Northwest 1/4 of the Southeast 1/4 of Section 16, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, which is bounded and described as follows:

Beginning at the Northwest corner of said Southeast 1/4 of Section 16; thence North 88°41'25" East along the north line of said Southeast 1/4 of Section 16, 1328.59 feet to the east line of said Northwest 1/4 of the Southeast 1/4 Section 16; thence South 00°32'10" East along said east line of the Northwest 1/4 of the Southeast 1/4 of Section 16, 1321.94 feet to the south line of said Northwest 1/4 of the Southeast 1/4 of Section 16; thence South 88°33'23" West along said south line of the Northwest 1/4 of Southeast 1/4 of Section 16, 1328.83 feet to the west line of said Southeast 1/4 of Section 16; thence North 00°31'39" West along said west line of the Southeast 1/4 of Section 16, 1325.05 feet to the point of beginning;

Said parcel contains 40.366 acres or 1,758,349 square feet, more or less, inclusive of W. Forest Hill Ave. right of way.

Note: This legal description was derived from letter report No. 56212, as prepared by US Title and closing Services, LLC, Warranty Deed in Reel 459, Image 843, Doc. No. 4439683

C. BUILDING HEIGHTS

- 36 ft. - Top of wall at Gymnasium (Double height space)
- 28'-8" - Top of masonry at 2 story classroom wings (2 story)
- 44 ft. - Top of mechanical penthouse over classroom wing.

D. OPERATIONS

School hours will be as follows:

- Busses approximately begin dropping students off at 7:25am and end at 8:00am
- Classes begin at 8:00am
- Class dismissal is at 3:15pm
- Busses will begin arriving for pick up around 3:00pm
- After School activities vary

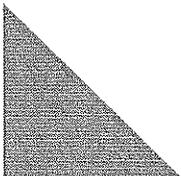
E. PROJECTED PROJECT COSTS

Costs listed below are approximate.

\$39,330,000 – Project Target Total

\$4,072,000 – Estimated total site costs including existing building demolition, site grading, excavation, utilities, paving, curbs & gutters, concrete walks, concrete paving and Landscaping.

\$2,563,000 – Estimated Division 1, General requirements



\$32,695,000 – Estimated Building Construction costs including plumbing, fire protection, HVAC, Electrical and Telecommunications work.

F. PROJECT SCHEDULE

New building construction will begin site mobilization mid-June, 2017 and will be ready for students to move over from the existing school in January 2019. After the move, phase 2 will begin which entails the demolition of the existing school. Grading and parking lot work on the south side to follow in phase 3.

See attached project schedule and Design/construction timeline and phasing plan.

G. PARKING STALL BREAK-DOWN

Site = 40.366 acres (1,758,349 SF)
New Middle School Building Footprint=140,270 SF

- **Existing Forest Park Middle School:**

- Existing parking count near school = 165, (6) of which are ADA accessible

- Existing parking count near north play fields = 39

During the construction period Phase 1 when the existing school is still operational, 154 parking stalls will be available adjacent to the existing building including all (6) existing ADA stalls.

- **Existing District Office Building:**

Requirements per Table 15-5.0203 of UDO

General Office = 3.33/1,000 sf of GFA

Occupied during business hours 7:00am to 5:00pm

- (1) Story Office Building = 17,642 SF

- Parking requirements based on UDO = 59 stalls

- Actual Parking Count = **74**, (6) of which are ADA accessible. (14 for extra overflow from new middle school)

- **New Forest Park Middle School:**

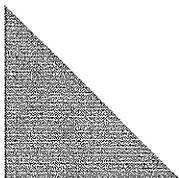
Requirements per Table 15-5.0203 of UDO

Schools = .2/gym or auditorium scat, or .3/student, whichever is greater and 10 queuing spaces

Calculations per UDO requirements:

- Student Population: 1,350 students = 405 Parking stalls + Allowable increase of 10% = 440 Total Parking Stalls allowed.

- Graduation Event: 2250 people, based on 450 students + 4 invited attendees per student = 450 parking stalls + Allowable increase of 10% = 495 Parking Stalls (This assumes that every person in attendance would drive individually)



Building information:

-New Building: 201,820 SF + 5,800 mechanical penthouses.

-Gymnasium bleachers are designed to accommodate 1,100 people. The remaining floor space can be outfitted with 972 chairs for a total of 2,072. If the full 2,250 attend, the remaining 178 individuals would be set up in the commons to view the graduation remotely.

-During construction, between Phase 2 and the end of Phase 3, 220 stalls will be available for the new school, (6) of which are ADA accessible.

• **Total parking being requested:**

-Total new parking for school being designed for the once a year major graduation event.

398 of which (8) are ADA parking and (2) Van accessible stalls per IBC Table 1106.1.

During a major event, the additional parking can occur at the adjacent ECC.

-During the normal school year the additional 6 stalls required can be accommodated at the existing ECC.

H. LANDSCAPE TO SURFACE RATIO

The landscape to surface ratio is 0.68 as defined by area of landscaped surface to total project site surface.

I. SITE INTENSITY AND SITE CAPACITY

Site intensity and capacity calculations are as follows:

Minimum required landscape surface: 15.66 ac

Actual landscape surface area: 21.29 ac

Net Buildable Site Area: 23.49 ac

Maximum Net Floor Area Yield of Site: 22.89 ac

Maximum Gross Floor Area Yield of Site: 14.88 ac

Maximum Permitted Floor Area of Site: 648,172.8 sf

H

Actual Floor Area (Existing ECC): 17,642 sf

Actual Floor Area (New Middle School): 207,620 sf

Actual Floor Area (Total Site Building Area): 225,262 sf

J. NATURAL RESOURCE PRESERVATION

The site contains eleven distinct wetland areas and significant young and mature wooded areas. The wooded areas include both low quality (poplar, box elder, cottonwood) and high quality (red oak, bur oak, pine, hawthorn) species. Proposed site improvements have been configured to preserve as much of the wetland and wooded areas as possible, although due to the extent of the improvements needs there are significant areas of disturbance. In the current design, 95% of the wetland and 71% of the wetland buffer areas will be undisturbed. The disturbance areas are partially due to an existing impervious surface within the buffer that will remain and



filling of wetland areas underneath the proposed building & parking areas. Wetland mitigation and wetland buffer mitigation areas are shown on the Mitigation Plan (C112) and total 16,550 sf of wetland mitigation area (based on 9,950 sf of filled wetland) and 72,600 sf of wetland buffer mitigation and woodland enhancement area (based on 42,700 sf of filled/disturbed wetland buffer).

The woodland enhancement of the site to offset a portion of the wetland buffer mitigation will be completed by multiple processes. The first will be to remove the hand removal of invasive and poor quality vegetation within the enhancement area. The second is to maintain the existing native vegetation and the third is to supplement the existing vegetation with new native plantings ranging in size from 5' seedlings to 4" caliper trees.

Mature woodland areas will be maintained in greater areas than the requirement (82% maintained vs. 70% minimum). Young woodland areas preserved also surpasses the preservation requirement (94% maintained vs. 50% required). New site tree plantings will focus on high quality native species such as red oak, swamp white oak, hackberry, sugar maple, red maple, and paper birch. Because disturbance of wooded areas on site is less than 30%, mitigation is not required. Proposed conservation easement areas are shown on the Natural Resource Protection Plan, totaling 16.3 acres.

At the eastern property line, a proposed berm is to be located between the wetland (Region Z on the Natural Resource Protection Plans) and the property line. As part of the berm construction, multiple trees will be removed, most of which are of poor quality or invasive species. These include box elder, buckthorn and ash trees. Transplanting the remaining trees will be prohibitive due to their size. Regrading the area is also prohibitive due to the topography and close proximity of the wetland to the property line while meeting the stormwater requirements for the site. The wetland mitigation area along with the grading north of the wetland is shifted away from the property line as quickly as possible to maintain the recommended 30' landscape buffer to the maximum extent practical.

K. PROJECT PERMIT STATUS

The project is currently in the process of obtaining all required local, county, state and federal permits/approvals for the project.



Franklin Forest Park Middle School - Wetland Mitigation Plan

Understanding: Forrest Park Middle School Located in the City of Franklin plans to construct a new school on school owned property. The new school construction is unable to avoid wetland impacts. As part of the school construction 9,950 SF less susceptible wetlands are planned to be permanently impacted. The City of Franklin requires wetland mitigation made at a ratio of 1.5 times the acreage permanently disturbed.

In addition, the wetland buffers and setbacks will also be impacted as part of the project. 42,700 SF of wetland buffer and 36,050 SF of wetland setback area will be impacted as a result of the project. The City of Franklin requires mitigation for wetland buffers and recommends mitigation for wetland setbacks made at a ratio of 1.5 times the acreage permanently disturbed.

Wetland Mitigation: Wetlands are present onsite in areas outside of the impacted area. The existing wetland located south of the proposed school is planned to be expanded as part of the wetland mitigation. The expansion will include grading a proposed 16,550 SF (14,925 SF required) area outside of but adjacent to the existing wetland. The upland area of land next to the existing wetland will be excavated to an elevation equal to the existing wetland. This area will be hydraulically connected to the existing wetland. The newly created wetland area will be seeded with a native seed mix (Cardno Native Plant Nursery Stormwater Seed Mix or approved equal).

Wetland Buffer: The newly created wetland buffers will have a minimum width of 30 feet as required under City of Franklin Municipal Ordinance 15-4.0102H. The wetland buffer within disturbed areas will be seeded with native prairie vegetation (Cardno Native Plant Nursery Swale Seed Mix or approved equal). Existing woodland areas are also proposed to be part of the mitigated wetland buffer. The woodland areas will be enhanced by the hand removal of poor condition trees and invasive species along with the installation of additional canopy trees, understory trees, and shrubs. The wetland buffer will be located adjacent to the proposed wetland mitigation areas and existing buffers shall be expanded to meet the 64,050 SF wetland buffer mitigation requirement.

Wetland Setbacks: The newly created wetland setback areas will be seeded with native prairie vegetation (Cardno Native Plant Nursery Swale Seed Mix or approved equal). The proposed wetland setbacks will be located adjacent to existing wetland setback areas which shall be expanded to meet the 54,075 SF wetland setback mitigation requirement. Turf grass is prohibited within the wetland setbacks.

Monitoring and Maintenance and Prohibitions

The wetland mitigation areas and buffers shall be inspected at least semi-annually in early Spring and early Autumn. Owner shall maintain records of all inspection and maintenance activities.

- If compromised, the wetland setback, buffer and mitigation areas shall be restored per specifications of originally approved plan or modified as approved by City Engineer.
- Mowing is prohibited in wetland buffer and mitigation area unless prior approval is obtained from the City.
- Greater than 80% vegetation shall be maintained within the wetland buffer
- All vehicular or equipment is prohibited from driving onto or wetland buffers unless prior approval is obtained from the City.
- Pedestrian traffic is prohibited from crossing basin unless prior approval is obtained from the City.

- Snow shall not be dumped directly into the wetland mitigation area
- The Owner shall maintain plants by watering, weeding, hand pulling and/or herbicide applications, as required to establish healthy, viable plants. Herbicide treatments shall be performed by licensed applicators who are experienced with native and non-native plant identification. Herbicides will be used in full conformance with label requirements and application techniques will limit overspray and damage to off-target species.
- The Owner is responsible for a spot selective invasive weed control treatment on the entire buffer and wetland mitigation area once in the initial growing season, two times in the first full growing season after seeding, two times in the second full growing season after seeding, and three times in the third and fourth full growing season after seeding. This can include combinations of hand weed control and selective herbicide treatment. Herbicide treatment can be conducted with tools such as hand held or backpack sprayers. Examples of common invasive species to be controlled from spread are Narrow-leaved cattail and reed canary grass in wetland areas; Canada thistle, Flowering spurge, Common teasel, Sweet clover, Red clover, Wild parsnip are examples of more upland type species to be controlled. Applications to perennial weeds need to occur prior to seed formation of such species. If such species do go to seed, contractor is responsible for cutting the seed heads, bagging them, and removing them from the project site. Herbicide applications that are necessary must be performed by qualified personnel trained in the identification of native species and also licensed appropriately for herbicide applications in the state or region in which they are applying.

Natural Resource Special Exception Question and Answer Form

Section 1: Per Section 15-9.0110, Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature of this Ordinance shall include the following:

- A. Name and address of the applicant and all abutting and opposite property owners of records.
(Please attach supplemental documents as necessary)

ATTACHED

- B. Plat of survey. Plat of survey prepared by a registered land surveyor showing all of the information required under §15-9.0102 of this Ordinance for a Zoning Compliance Permit.
(Please attach) **ATTACHED**

- C. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:

1. Indication of the section(s) of the UDO for which a Special Exception is requested.

Section 15-4.0102 G. Wetlands and Shoreline Wetlands, Section 15-4.0102 H. Wetland Buffers and Section 15- 4.0102 I. Wetland Setbacks.

2. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.

Applicant proposes filling 9,950 square feet of wetlands on site. The applicant also requests an exception of 42,700 square feet of wetland buffer, and 36,050 square feet of wetland setbacks.

3. Statement of the reason(s) for the request.

Wetland and wetland setback sizes and locations will limit building and parking envelopes to below the School District needs and City requirements. These requirements are set to accommodate the peak usage scenario (ex. Graduation) which will require 495 parking stalls, a soccer field, practice field, and property line setbacks. The student population size of 1,350 is based on demographic projections of full build-out of the school service area.

4. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

Significant public input was considered in the presented plan. The proposed plan, including Special Exception, is in harmony with the intent of the ordinance because it preserves existing character of the site, as well as most of the valuable natural resources. Safegaurds to the property include a proposed conservation easement as well as the fact that the school district is ultimately controlled by the city.

This property contains the existing Middle School. The existing school building is about 50 years old and is no longer adequate for the school district. The rooms are too small for current standards and plans to expand from 7th – 8th grade to 6th – 8th graders make the school capacity is far short. The district needs a larger and more up to date facility to accommodate students.

Reasons why this particular request is an appropriate case for Special Exception include:

- Moving the middle school to another location would cause significant disruption to the students, staff, parents, and community.
- A concurrent construction schedule is required in order to serve the students. When the existing building is demolished, the students must have a new building in which to transfer.
- Preserving all of the protected Natural Resources would make an adequate school impracticable due to the size and location restrictions imposed by some of those resources.
- The cost of a new property along with all of the accoutrements would be un-necessary compared to using the existing property that is already set up (roads, sewer, water, neighborhood acceptance, etc.) to accommodate the school.
- The wetlands impacted are small, isolated, and dominated by invasive species, and therefore have minimal function and value.
- The larger wetlands that are contiguous to other wetlands off site are preserved. These larger preserved wetland have higher functions and values compared to the smaller isolated wetlands.

a. Background and Purpose of the Project.

- i. Describe the project and its purpose in detail. Include any pertinent construction plans.

The project consists of a new two story 200,000 square foot middle school that will replace the existing Forest Park Middle School. The proposed school will be designed for a capacity of 1,350 students. The school will meet city parking requirements offering a staff parking, event parking, and a visitor parking area along with a 29 bus capacity loop.

- ii. State whether the project is an expansion of an existing work or new construction.

The project is a redevelopment of the existing Forest Park Middle School site.

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

The space needed for the new school and appurtenances along with the scattered location of the smaller wetlands on site made avoidance of the small wetlands impracticable. It would be impractical to construct the school, incorporate the necessary parking, fields, stormwater, isolation from the road, etc. and not impact some of the smaller wetlands.

Splitting some of the facilities (building, parking, stormwater, etc.) would create a disjointed layout which would still impact protected forest Natural Resources.

b. Possible Alternatives.

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

The project could be reduced in size to reduce or avoid wetland impacts:

- Reduce the number of parking stalls
- Reduce the size of the athletic fields
- Reduce the size of the stormwater ponds and conveyance
- Reduce the size of school by either
 - Reducing the number of students served or
 - Making the school taller (3+ stories)
- Change schedule to demolish existing school, then build new school on the old school footprint.
- Build at another site

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

Some items could be moved closer to Forest Hill Ave. to the north.

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

See b.i. above.

- iv. State what geographic areas were searched for alternative sites.

The other site considered for the Forest Park Middle School was the district's vacant Stonewood Glen Site at the intersection of W. Hilltop Lane and S. 83rd Street. The district does not own any other property within the area to be served by Forest Park Middle School.

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

The Stonewood Glen site contains wetlands mapped by the Wisconsin Wetland Inventory, as well as hydric indicator soils. It is likely that this site is similarly restricted by wetlands.

- vi. State what will occur if the project does not proceed.

If the project does not proceed, the School District will be left with an inadequate and outdated (50 year old) school to continue using for

servicing students. Students would continue to suffer from an insufficient learning setting.

The School District would still have to replace the school at another time with the same constraints in place or at a new site the District will need to purchase. That would require another public referendum which would again cost additional time and money for the District.

c. Comparison of Alternatives.

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

No costs have been computed for alternative designs as they are not viable options as indicated below.

The resource loss (loss of small isolated wetlands) to the community is minimal. These have limited function and value, and the community has indicated that it would prefer to have a new school as suggested by the funding referendum.

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

- Reducing the size of the project (parking, fields, fewer students served, etc.) would make the school inadequate for the needs of the School District. The School District has determined that they need to serve 1,350 students and size of the project stems from there.
- Reducing the size of stormwater facilities would mean that the site could not comply with local and state stormwater regulations, and therefore would not be allowed. In particular, the Milwaukee Metropolitan Sewerage District (MMSD) would require stormwater detention for both new and existing surfaces even if the existing building was renovated.
- A taller school (3 or more stories) was deemed undesirable to the neighborhood during public meetings. Taller buildings are not acceptable to the community.
- Changing the schedule to demolish first and construct the school in the old footprint would mean there would be at least a year during which the School District would have nowhere to teach middle school.
- Building at another site would be limited to the Stonewood Glen site as the only other significantly sized site the School District owns in the area.

The Stonewood Glen site contains a significant amount of wetlands, meaning that it will have similar Natural Resource constraints. Stonewood Glen is also too small for the intended student capacity and parking. Access to the Stonewood Glen Site passes through residential streets which are not appropriate for school traffic.

- Shifting parts of the site north is counter to the wishes of the community. Public comment from the community indicated that

they want to maintain the open field character of the current site without buildings or parking near the road. Therefore, buildings and parking is not allowed close to W. Forest Hill Ave. Also there are safety concerns with having less distance from the middle school to the public street.

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

None

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

No other reasons at this time.

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

The School District needs a new school to accommodate a projected number of students (1,350 students). The community has voted their support for a school. The proposed plan limits the wetland impact to the extent practicable preserving the most valuable Natural Resources. All of the other alternatives either do not satisfy the needs of the project, introduce significant unnecessary costs., or are not allowed by various regulatory requirements.

- e. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

A total of 11 wetlands are present on the site. 1 of 11 wetlands is a moderately susceptible wetland. This wetland and associated buffers and setbacks will not be affected/changed by the project. This wetland will be preserved.

10 of 11 wetlands are low susceptible wetlands (low quality). Two of these wetlands will be impacted directly, and one will have its setback and buffer impacted.

0.23 acre of 4.52 total wetlands on the site will be impacted.

0.98 acre of 3.37 acres total wetland buffer will be impacted.

The wetlands impacted contain a significant amount of invasive species (ex. shining buckthorn *Rhamnus frangula*) and were clearly modified in the past leading to their relatively recent development. As such, they have little value or function.

- f. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the above functional

values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

- i. Diversity of flora including State and/or Federal designated threatened and/or endangered species.
The wetlands impacted contain a significant amount of invasive species (ex shining buckthorn *Rhamnus frangula*) and were clearly modified in the past leading to their relatively recent development. As such, they have little value or function. There are no documented plant species on site that are state or federally listed.
- ii. Storm and flood water storage.
As part of the overall site plan, we will be providing stormwater management practices to meet the City of Franklin, Milwaukee Metropolitan Sewage Department (MMSD), and State requirements for stormwater storage through the use of stormwater detention basins.
- iii. Hydrologic functions.
As part of the overall site plan, we will be providing stormwater management practices to meet the City of Franklin, Milwaukee Metropolitan Sewage Department, and State requirements for stormwater storage through the use of stormwater detention basins.
- iv. Water quality protection including filtration and storage of sediments, nutrients or toxic substances.
As part of the overall site plan, we will be providing Total Suspended Solids Removal to meet the City of Franklin and State requirements through the use of multiple bio-retention basins on site.
- v. Shoreline protection against erosion.
No shoreline on the property.
- vi. Habitat for aquatic organisms.
No aquatic habitat on site.
- vii. Habitat for wildlife.
The wetlands impacted contain a significant amount of invasive species (ex *Rhamnus frangula*) and were clearly modified in the past leading to their relatively recent development. As such, they have little value or function. This also means that it is unlikely that the impacted wetlands would support any threatened or endangered species. These wetlands are not the habitat that would support any of the listed Rare, Threatened or Endangered Species.
- viii. Human use functional value.
The impacted wetlands serve no functional beyond being wooded space. Most of the wooded space on the property will be preserved.
- ix. Groundwater recharge/discharge protection.
As part of the overall site plan, we will be providing stormwater management practices to meet the City of Franklin, Milwaukee Metropolitan Sewage Department (MMSD), and State requirements for stormwater storage through the use of stormwater detention basins.

x. Aesthetic appeal, recreation, education, and science value.
Due to the sites proposed use (Middle School), the other wetlands on the site will be beneficial for outdoor educational and science criteria.

xi. Specify any State or Federal designated threatened or endangered species or species of special concern.
The following endangered species were recorded from within the project area and surrounding vicinity: Prairie Crayfish (*Procambarus gracilis*), Least Darter (*Etheostoma microperca*), Rusty Patched Bumble Bee Federal High Potential Zone, and Blanding's Turtle (*Emydoidea blandingii*). The Review can also be found ATTACHED.

xii. Existence within a Shoreland.
No shoreland present.

xiii. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.
According to 2010 environmental corridor data available from the Southeastern Wisconsin Regional Land Information Interactive Map, there are no environmental corridors present on the site. See ATTACHED.

g. Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

As part of the overall site plan, we will be providing Total Suspended Solids Removal to meet the City of Franklin and State requirements through the use of multiple bio-retention basins on the site.

5. Date of any previous application or request for a Special Exception and the disposition of that previous application or request (if any).

Not applicable.

D. Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit. *(Please attach accordingly)*

The project is currently in the process of obtaining all required local, county, state and federal permits/approvals for the project.

Section 2: Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature, per Section 15-10.0208B.2. of the Unified Development Ordinance.

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

The School District established the middle school on this property many years ago. At the time, there was no way to know how environmental restrictions would change and how demand for school attendance or space requirements would change. Given that environmental restrictions have changed, and need for a new school has increased, the school district is now obligated to proceed with what they have. This is not a self imposed issue.

b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

i. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

Compliance would force the school district into an inadequate facility. Either the existing inadequate building, or a new and inadequate building.

_____ ; or

ii. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

Compliance would force the school district into an inadequate facility. Either the existing inadequate building, or a new and inadequate building.

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

i. be consistent with the existing character of the neighborhood:

The site is currently a middle school. The School District proposes to continue serving the neighborhood with a middle school on the site.

_____ ; and

ii. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:

This site with the spirit and intent of the ordinance and special exception. Therefore, this project does not undermine the ordinance or the ability to enforce the requirements.

_____ ; and

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

The intent of the ordinance and the Special Exception is to give the city the flexibility to provide properties reasonable relief from requirements when those requirements would make reasonable development that is otherwise in keeping the the sprit of the law unworkable. In other words, the middle school project is the kind of project that is the purpose of the Special Exception.

_____ ; and

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

Not applicable.

d. In making its determinations, the Common Council shall consider factors such as:

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

The middle school complies with all setback requirements.

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

There are few other sites that are existing schools where the public has voted to fund expansion. It is clear that the city and the citizens of the city want this school here.

- iii. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

The property is a school, and given the need to educate children, it is very likely that the city will continued to need the school here. The proposed school is sized to accommodate the full population build-out of the service area.

- iv. Aesthetics:

The public was included in the decisions on how to arrange the site. It was the public that demanded the road frontage be kept as open field. The site is designed to be in keeping with the existing aesthetics as much as possible.

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

Most of the protected Natural Resources are protected and will remain. Only a small fraction needing a special exception will be impacted. See impact chart on sheet C109.

- vi. Proximity to and character of surrounding property:

The property closest to the impacted wetland is the condominiums to the east. These condos face a lake. Because the condos are oriented away from the school, any impacts to the small wetlands on the school property will not affect

the character of the condos.

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

The site is currently the middle school. Therefore, keeping this as a middle school will not affect zoning nearby.

viii. Any negative affect upon adjoining property:

The property closest to the impacted wetland is the condominiums to the east. These condos face a lake. Therefore, any impacts to the small wetlands on the school property will not have a negative affect on the condos.

ix. Natural features of the property:

The site will retain most of its existing protected natural resources. Therefore, the affect of the wetland impacts on the natural features of the property will be minimal.

x. Environmental impacts:

The affect of the wetland impacts on the environment will be minimal. All appropriate permits will be obtained and required protections followed.

APPLICANT:

Franklin School District #5
8255 W Forest Hill Ave.
Franklin, WI 53132

NEIGHBORS:

Ronald and Susan Pesche
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Roberto Diaz Jr.
8218 W Puetz Rd.
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Jeffrey J and Darcy K Marx
8515 S 81st St.
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Norman and Gail Mackenson
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Ahmad Ali and Fatima Ajaz
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Michael and Tracy Wist
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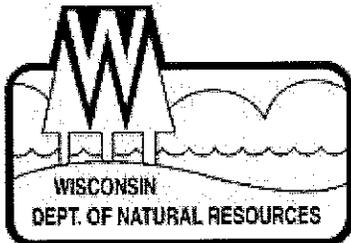
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State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

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Cathy Stepp, Secretary

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May 3, 2017

James Mahoney
Vierbicher Associates
N27 W23957 Paul Road, Suite 105
Pewaukee, WI 53072

SUBJECT: Endangered Resources Review (ERR Log # 17-265)
Proposed Forest Park Middle School, Milwaukee County, WI (T05N R21E S16)

Dear James Mahoney,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received April 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: 7 species

No Follow-Up Actions: 4 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 608-264-8968 or via email at anna.rossler@wi.gov if you have any questions about this ER Review.

Sincerely,

Anna Rossler
Endangered Resources Review Program

cc:

Endangered Resources Review for the Proposed Forest Park Middle School, Milwaukee County
(ER Log # 17-265)

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:

Location	Milwaukee County - T05N R21E S16
Project Description	Construction of a new middle school building for Forest Park Middle School. The new building will be constructed in the northeastern quadrant of the lot. Following the completion of the new school building, the current school building will be demolished. Two athletic fields will be built in the space vacated by the demolished building. New driveways and parking lots will tie into the existing entrance road. The total disturbance area will be 24.4 acres.
Project Timing	July 2017- June 2018
Current Habitat	The total site area is 40.4 acres. The breakdown of existing land use is as follows: 18.4% wetlands, 33.5% grassland/landscaped areas, 29.2% woodlands, and 18.9% constructed impervious surfaces. The wetlands were field located by Vierbicher on 11/07/2016. The most abundant tree species are cottonwood at 16.4% of all the trees on the site, poplar at 13.7%, hawthorn 13.7%, and red oak 8.2%. A complete inventory of trees on the site can be found in the attached Natural Resource Protection Plan.
Impacts to Wetlands or Waterbodies	Within one mile several perennial lake/pond and several stream/rivers. See attached document for details
Property Type	Public
Federal Nexus	No

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

	Group	State Status	Federal Status
Mesic Prairie (<i>Mesic prairie</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	
Prairie Crayfish (<i>Procambarus gracilis</i>)	Crustacean~	SC/N	
Longear Sunfish (<i>Lepomis megalotis</i>)	Fish~	THR	
Least Darter (<i>Etheostoma microperca</i>)	Fish~	SC/N	
Redfin Shiner (<i>Lythrurus umbratilis</i>)	Fish~	THR	
Lake Chubsucker (<i>Erimyzon sucetta</i>)	Fish~	SC/N	
Rusty Patched Bumble Bee Federal High Potential Zone	Other	NA	HPZ

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 - Other

State Status: NA Federal Status: HPZ

Impact Type	Impact possible
Required Measures	Other
Description of Required Measures	<p>The rusty patched bumble bee (RPBB) is listed as federally endangered and special concern in Wisconsin. The USFWS created a model to identify the zones around current (2007-2016) RPBB records where there is a high potential for the species to be present. This High Potential Zone (HPZ) is regulated by the USFWS.</p> <p>This project is within the RPBB HPZ and portions of the project site contain suitable habitat. Suitable active season habitat includes but is not limited to prairies, woodlands, marshes/wetlands, agricultural landscapes and residential parks and gardens. The RPBB 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.</p> <p>You must consult with the USFWS for any activities that take place in suitable habitat within the HPZ. Andrew Horton can assist you with questions (Andrew_horton@fws.gov). More information about the RPBB and the HPZ can be found at https://www.fws.gov/midwest/endangered/insects/rpbb/guidance.html</p>

Actions recommended to help conserve Wisconsin's Endangered Resources:

• Mesic Prairie - Community

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	<p>Mesic prairie 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 the mesic prairie.</p>

• Wet Prairie - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	<p>Wet prairie 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 the wet prairie.</p>

• Emergent Marsh - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Emergent marsh 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 the emergent marsh.

• Shrub-carr - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Shrub-carr 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 the shrub-carr .

• Southern Sedge Meadow - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Southern sedge meadow 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 the southern sedge meadow.

• Prairie Crayfish (*Procambarus gracilis*) - Crustacean~

State Status: SC/N

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Prairie crayfish are known to occur near the project site. This species frequents burrows in banks of ponds, roadside ditches, small sluggish creeks, marshes, swamps, and small artificial lakes, as well as wet pastures and flat fields in prairies. The burrows can be quite deep and branching, with a characteristic mud chimney. There may be suitable habitat on the property. It is recommended to minimize disturbance within suitable habitat and avoid any possible crayfish burrows.

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

State Status: SC/P Federal Status: SOC

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

Description of Recommended Measures

Since suitable habitat for the Blanding's Turtle 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. Because this species can be found in these wetlands and water bodies throughout the year, impacts to these wetlands and water bodies should be avoided at all times.

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 15 – 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 March 14. 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, please safely move any turtles out of the project site in the direction they were moving.

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

Wetlands occur on the site 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:

• 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	No suitable waterbodies are present at the project site. No suitable habitat will be disturb and no impacts are anticipated.

• 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

No suitable waterbodies are present at the project site. No suitable habitat will be disturb and no impacts are anticipated.

• 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

No suitable waterbodies are present at the project site. No suitable habitat will be disturb and no impacts are anticipated.

• 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

No suitable waterbodies are present at the project site. No suitable habitat will be disturb and no impacts are anticipated.

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*.

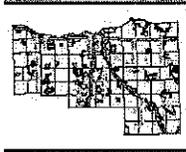
How endangered resources searches are conducted for the proposed project area: An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The 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.



Layers

Legend

Help

Regional Mapping

Select map layer(s), then click "Refresh Map" button to display. Many layers are scale-dependent; zoom in to view these map features. Point to an "Info" box to show details about a map layer.

Refresh Map

Land Use Features

- 1963 Land Use: Detailed
- 1963 Land Use: Generalized
- 1970 Land Use: Detailed
- 1970 Land Use: Generalized
- 1980 Land Use: Detailed
- 1980 Land Use: Generalized
- 1990 Land Use: Detailed
- 1990 Land Use: Generalized
- 1995 Land Use: Detailed
- 1995 Land Use: Generalized
- 2000 Land Use: Detailed
- 2000 Land Use: Generalized
- 2010 Land Use: Detailed
- 2010 Land Use: Generalized

Resource Features

- 2000 Environmental Corridors
- 2010 Environmental Corridor
- Planned Environmental Corridors
- 2005 Wisconsin Wetland Inventory
- 2010 Wisconsin Wetland Inventory
- Soil Mapping Units

Aerial Orthophotography

- 1995 Orthophotography
- 2000 Orthophotography
- 2005 Orthophotography

Specialty Seed Mixes



Established Swale Seed Mix



Asclepias incarnata, Swamp Milkweed



Iris virginica, Blue Flag

For current pricing, availability, and information on our full installation and management services, visit cardnativeplantnursery.com

Swale

Best suited for drainage swales or depressions, the native plants used in this mix help filter pollutants from lawns and pavement runoff. This seed mix can also be applied to areas that temporarily retain water after a rain event or dry-bottomed detention basins. The swale seed mix includes at least 10 of 12 native permanent grass and sedge species and 12 of 17 native forb species to provide diversity for establishment. Apply at 32.30 PLS pounds per acre.

Botanical Name	Common Name	PLS Oz/Acre
Permanent Grasses/Sedges		
<i>Andropogon gerardii</i>	Big Bluestem	4.00
<i>Carex comosa</i>	Bristly Sedge	2.50
<i>Carex cristatella</i>	Crested Oval Sedge	2.00
<i>Carex lurida</i>	Bottlebrush Sedge	2.50
<i>Carex spp.</i>	Prairie Sedge species	8.00
<i>Carex vulpinoidea</i>	Brown Fox Sedge	4.00
<i>Elymus virginicus</i>	Virginia Wild Rye	8.00
<i>Glyceria striata</i>	Fowl Manna Grass	1.00
<i>Panicum virgatum</i>	Switch Grass	2.00
<i>Scirpus atrovirens</i>	Dark Green Rush	2.00
<i>Scirpus cyperinus</i>	Wool Grass	1.00
<i>Spartina pectinata</i>	Prairie Cord Grass	3.00
	Total	40.00
Temporary Cereals		
<i>Avena sativa</i>	Common Oat	360.00
<i>Lolium multiflorum</i>	Annual Rye	100.00
	Total	460.00
Forbs		
<i>Alisma spp.</i>	Water Plantain Mix	1.00
<i>Asclepias incarnata</i>	Swamp Milkweed	2.00
<i>Coreopsis tripteris</i>	Tall Coreopsis	1.00
<i>Eutrochium maculatum</i>	Spotted Joe Pye Weed	0.25
<i>Iris virginica</i>	Blue Flag	4.00
<i>Liatris spicata</i>	Marsh Blazing Star	1.00
<i>Lobelia cardinalis</i>	Cardinal Flower	0.25
<i>Lobelia siphilitica</i>	Great Blue Lobelia	0.50
<i>Lycopus americanus</i>	Common Water Horehound	0.25
<i>Pycnanthemum virginianum</i>	Common Mountain Mint	0.50
<i>Rudbeckia triloba</i>	Brown-Eyed Susan	0.50
<i>Sagittaria latifolia</i>	Common Arrowhead	0.25
<i>Senna hebecarpa</i>	Wild Senna	1.00
<i>Silphium terebinthinaceum</i>	Prairie Dock	1.00
<i>Symphyotrichum novae-angliae</i>	New England Aster	1.00
<i>Verbena hastata</i>	Blue Vervain	1.50
<i>Zizia aurea</i>	Golden Alexanders	0.75
	Total	18.75

Stormwater

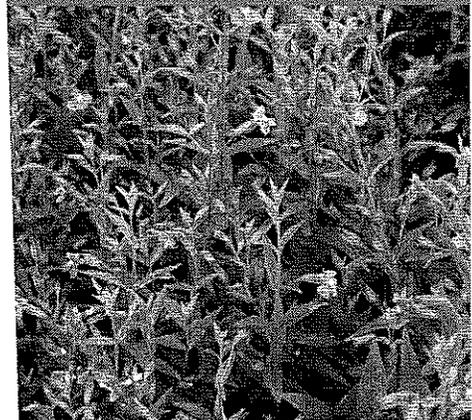
A wetland seed mix for saturated soils in a detention pond or for seeding a saturated basin, this mix will tolerate highly fluctuating water levels and poor water quality associated with urban stormwater wetlands and ponds. For detention basins that experience long, dry periods, use the Economy Prairie seed mix in the upper third to half of the basin area in combination with this mix. This seed mix includes at least 10 of 12 native permanent grass and sedge species and 12 of 16 native forb species. Apply at 32.81 PLS pounds per acre.

Botanical Name	Common Name	PLS Oz/Acre
Permanent Grasses/Sedges		
<i>Bolboschoenus fluviatilis</i>	River Bulrush	0.25
<i>Carex cristatella</i>	Crested Oval Sedge	2.00
<i>Carex lurida</i>	Bottlebrush Sedge	3.00
<i>Carex vulpinoidea</i>	Brown Fox Sedge	6.00
<i>Elymus virginicus</i>	Virginia Wild Rye	13.50
<i>Glyceria striata</i>	Fowl Manna Grass	1.25
<i>Juncus effusus</i>	Common Rush	2.00
<i>Leersia oryzoides</i>	Rice Cut Grass	1.00
<i>Panicum virgatum</i>	Switch Grass	2.00
<i>Schoenoplectus tabernaemontani</i>	Softstem Bulrush	3.00
<i>Scirpus atrovirens</i>	Dark Green Rush	2.00
<i>Scirpus cyperinus</i>	Wool Grass	1.00
	Total	37.00
Temporary Cover		
<i>Avena sativa</i>	Common Oat	360.00
<i>Lolium multiflorum</i>	Annual Rye	100.00
	Total	460.00
Forbs		
<i>Alisma spp.</i>	Water Plantain Mix	4.25
<i>Asclepias incarnata</i>	Swamp Milkweed	1.50
<i>Bidens spp.</i>	Bidens Mix	2.00
<i>Helenium autumnale</i>	Sneezeweed	2.00
<i>Iris virginica</i>	Blue Flag	4.00
<i>Lycopus americanus</i>	Common Water Horehound	0.25
<i>Mimulus ringens</i>	Monkey Flower	1.00
<i>Oligoneuron riddellii</i>	Riddell's Goldenrod	0.50
<i>Penthorum sedoides</i>	Ditch Stonecrop	0.50
<i>Polygonum spp.</i>	Pinkweed Mix	4.00
<i>Rudbeckia subtomentosa</i>	Sweet Black-Eyed Susan	1.00
<i>Rudbeckia triloba</i>	Brown-Eyed Susan	1.50
<i>Sagittaria latifolia</i>	Common Arrowhead	1.00
<i>Senna hebecarpa</i>	Wild Senna	1.00
<i>Symphotrichum novae-angliae</i>	New England Aster	1.50
<i>Thalictrum dasycarpum</i>	Purple Meadow Rue	2.00
	Total	28.00

Specialty Seed Mixes



Carex cristatella Crested Oval Sedge



Mimulus ringens Monkey Flower



Rudbeckia subtomentosa
Sweet Black-Eyed Susan

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City of Franklin Environmental Commission

TO: Common Council
DATE: June 21, 2017
RE: Special Exception application review and recommendation
APPLICATION: Franklin School District, Applicant,
dated: June 12, 2017
(8225 W. Forest Hill Avenue)

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

1. Unified Development Ordinance Section(s) from which Special Exception is requested:
Table 15-4.0100 and Section 15-4.0103 B. of the City of Franklin Unified Development Ordinance.
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):
To fill and develop approximately 9,950 square feet of wetland, about 34,550 square feet of wetland buffer, and about 33,000 square feet of wetland setback.
2. Applicant's reason for request:
To construct a new Forest Park Middle School and associated parking lots. Existing wetlands, wetland buffers, and wetland setbacks will limit building and parking envelopes to below the School District needs and City requirements.
3. Applicant's reason why request appropriate for Special Exception:
Significant public input was considered in the presented plan. The proposed plan, including Special Exception, is in harmony with the intent of the ordinance because it preserves existing character of the site, as well as most of the valuable natural resources. Safeguards to the property include a proposed conservation easement.

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:

Wetland impact area (9,950 square feet) consists of all of one wetland, and a majority of a second wetland, of a total of 11 wetlands on the site. The wetlands impacted are low quality wetlands with a significant amount of invasive species. The wetland buffer/setback impact area (67,550 square feet) contains a significant amount of invasive species and were clearly modified in the past.

There are no documented plant species on site that are state or federally listed.

2. Storm and flood water storage:

As part of the overall site plan, the applicants will be providing stormwater management practices to meet the City of Franklin, Milwaukee Metropolitan Sewerage District, and State requirements through the use of stormwater detention basins.

3. Hydrologic functions:

As part of the overall site plan, the applicants will be providing stormwater management practices to meet the City of Franklin, Milwaukee Metropolitan Sewerage District, and State requirements through the use of stormwater detention basins.

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:

As part of the overall site plan, the applicants will be providing Total Suspended Solids removal to meet the City of Franklin, Milwaukee Metropolitan Sewerage District, and State requirements through the use of multiple bio-retention basins.

5. Shoreline protection against erosion:

No shoreline on the subject property.

6. Habitat for aquatic organisms:

No aquatic habitat on the subject property.

7. Habitat for wildlife:

The impacted wetlands contain a significant amount of invasive species and were clearly modified in the past. As such, they have little value or function.

8. Human use functional value:

The impacted wetlands serve no function beyond being wooded. Most of the woodlands will be preserved.

9. Groundwater recharge/discharge protection:

As part of the overall site plan, the applicants will be providing stormwater management practices to meet the City of Franklin, Milwaukee Metropolitan Sewerage District, and State requirements through the use of stormwater

detention basins.

10. Aesthetic appeal, recreation, education, and science value:

Due to the sites proposed use (Middle School), the other wetlands on the site will be beneficial for outdoor educational and science uses.

11. State or Federal designated threatened or endangered species or species of special concern:

The following endangered species were recorded within the project area and surrounding vicinity: Prairie Crayfish, Least Darter, Rusty Patched Bumble Bee, and Blandings Turtle.

12. Existence within a Shoreland:

No shoreland present within the subject property.

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

An Isolated Natural Resource Area is located within a small area on the southern boundary of the subject property.

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

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

The School District established the middle school on this property many years ago. At the time, there was no way to know how environmental restrictions would change and how demand for school attendance or space requirements would change. Given that environmental restrictions have changed, and need for a new school has increased, the school district is now obligated to proceed with what they have. This is not a self imposed issue.

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

a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

Compliance would force the school district into an inadequate facility. Either the existing inadequate building, or a new and inadequate building. or

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

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

- a. be consistent with the existing character of the neighborhood:
The site is currently a middle school. The School District proposed to continue serving the neighborhood with a middle school on the site.; and
- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:
This site is consistent with the spirit and intent of the ordinance and special exception. Therefore, this project does not undermine the ordinance or the ability to enforce its requirements; and
- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:
The intent of the ordinance and the Special Exception is to give the city the flexibility to provide properties reasonable relief from requirements when those requirements would make reasonable development that is otherwise in keeping with the spirit of the law unworkable. In other words, the middle school project is the kind of project that is the purpose of the Special Exception; and
- d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

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

- 1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:
The middle school complies with all setback requirements.
- 2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:
There are few other sites that are existing schools where the public has voted to fund expansion. It is clear that the city and the citizens of the city want this school here.
- 3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:
The property is a school, and given the need to educate children, it is very likely that the city will continue to need the school here. The proposed school is sized to accommodate the full population build-out of the service area.
- 3. Aesthetics:
It was the public that demanded the road frontage be kept as open field. The

site is designed to be in keeping with the existing aesthetics as much as possible.

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

Most of the protected Natural Resources are protected and will remain. Only a small fraction needing a special exception will be impacted. See impact chart on sheet C109.

6. Proximity to and character of surrounding property:

The property closest to the impacted wetland is the condominiums to the east. These condos face a lake. Because the condos are oriented away from the school, any impacts to the small wetlands on the school property will not affect the character of the condos.

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

The site is currently the middle school. Therefore, keeping this as a middle school will not affect zoning nearby.

8. Any negative affect upon adjoining property:

The property closest to the impacted wetland is the condominiums to the east. These condos face a lake. Therefore, any impacts to the small wetlands on the school property will not have a negative affect on the condos.

9. Natural features of the property:

The site will retain most of its existing protected natural resources. Therefore, the affect of the wetland impacts on the natural features of the property will be minimal.

10. Environmental impacts:

The affect of the wetland impacts on the environment will be minimal. All appropriate permits will be obtained and required protections followed.

V. Environmental Commission Recommendation:

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commission recommends that should the Common Council approve the Application, that such approval be subject to the following condition:

- a. That the applicants make the changes as proposed by staff and addressing any changes made by the Plan Commission.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 21st day of June, 2017.

Dated this 12th day of JULY, 2017.

Wesley Cannon
Wesley Cannon, Chairman

Attest:

Joel Dietl
Joel Dietl, Planning Manager

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



June 5, 2017

WIC-SE-2017-41-01138

Franklin Public Schools
Mark Clotier
8255 West Forest Hill Ave
Franklin, WI 53132

RE: Wetland Delineation Report for an approximately 40 acre project area (Forest Park Middle School) located in the NW1/4 of the SE1/4 of Section 16, Township 05 North, Range 21 East, City of Franklin, Milwaukee County

Dear Mr. Clotier:

We have received and reviewed the wetland delineation report prepared for the above mentioned site by Vierbicher Associates, Inc. This letter will serve as confirmation that the wetland boundaries as shown on the attached wetland delineation map are acceptable. This finding is based upon a May 3, 2017 field visit. 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).

Some of the water features within the project area may be considered navigable by the Department. DNR Chapter 30 permits may be needed if earthwork (filling, dredging, etc.) or structures (culverts, bridges, erosion control, etc.) are proposed in or adjacent to navigable water features. The Wetland ID program recommends that all waterways and water bodies within the project area be evaluated by the Department for navigability purposes.

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

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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.

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
Neil Pfaff, Vierbicher Associates Inc.
Geri Radermacher, DNR Water Management Specialist
Intake, DNR Stormwater SE Region
Chris Jors, SEWRPC

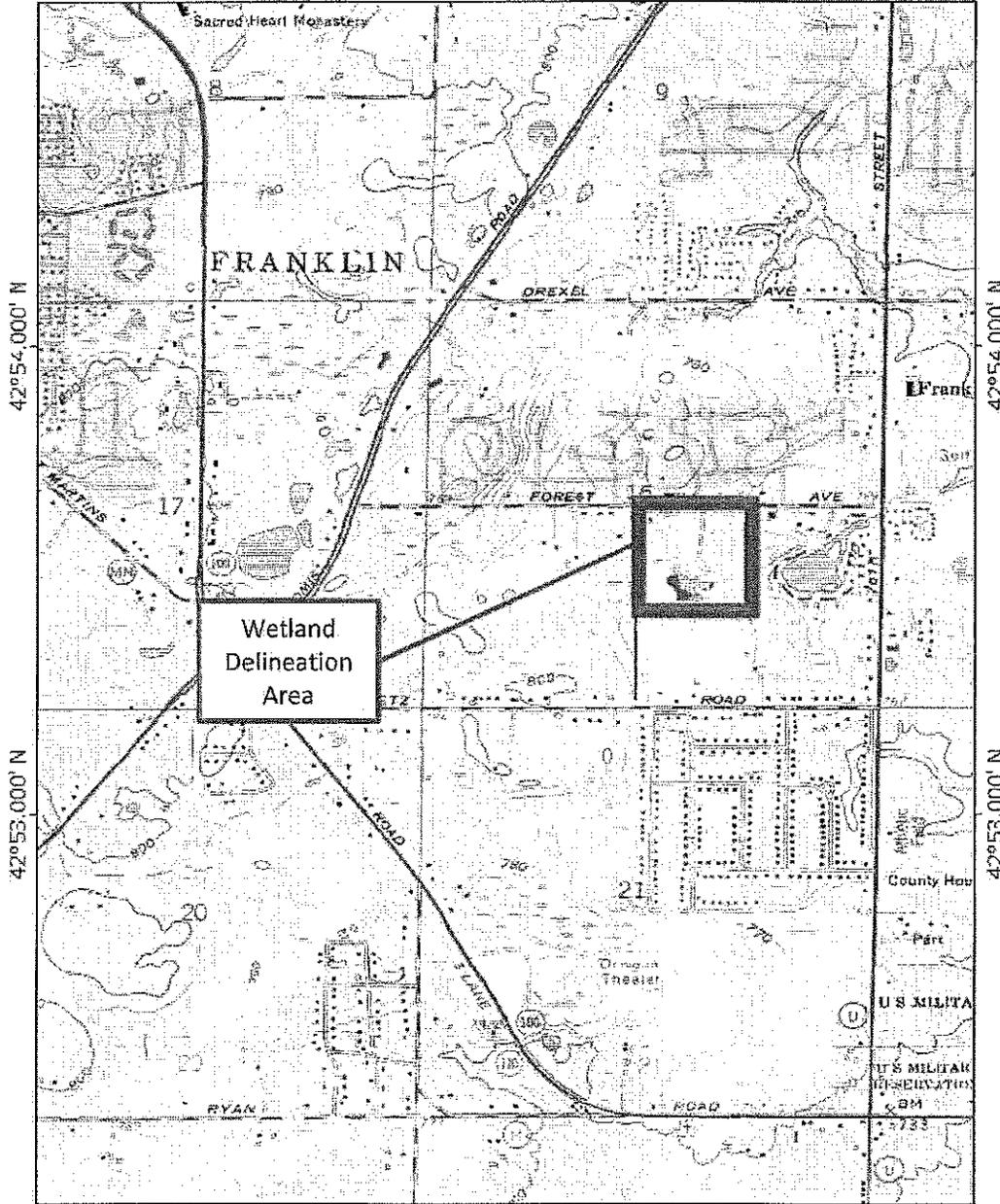
Attachments:

General Project Area Location Map
Wetland Delineation Survey Exhibit for the Project Area

Forest Park Middle School

88°02.000' W

WGS84 88°01.000' W



42°54.000' N

42°54.000' N

42°53.000' N

42°53.000' N

88°02.000' W

WGS84 88°01.000' W

MIN IN
4°



Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

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planners engineers advisors



Figure I - USGS Quad Map
Project Name: Forest Park Middle School
Project Location: Franklin, Wisconsin

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