

CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, MARCH 8, 2018 AT 8:00 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Ordinance to Amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to Revise the District as it Pertains to Certain Site Preparation Work in the Following Manner: to Clarify that Only Those Land Disturbance Activities Within the Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement Require Prior MMSD Approval, Pursuant to Condition Number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to Allow General Site Clearing and Grading to Occur Prior to Establishment of any New Roadway Bond for the Portion of any Roadway Located on the Landfill, Pursuant to Condition Number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to Allow General Site Clearing and Grading to Occur Prior to Approval of a Comprehensive Stormwater Management Plan Which Plan Must be Approved Prior to Issuance of any Building Permits, Pursuant to Condition Number 25 in Planned Development District No. 37, Ordinance No. 2016-2212 (7900 West Crystal Ridge Drive) (Zim-Mar Properties, LLC, Applicant) (Zim-Mar Properties, LLC, and Wisconsin Department of Transportation, Property Owners).
- D. Adjournment.

*Notice is given that a majority of the Community Development Authority, Economic Development Commission and Plan Commission may attend this meeting to gather information about an agenda item over which the Community Development Authority, Economic Development Commission and Plan Commission has decision-making responsibility. This may constitute a meeting of the Community Development Authority, Economic Development Commission and Plan Commission, per State ex rel. Badke v. Greendale Village Board, even though the Community Development Authority, Economic Development Commission and Plan Commission will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 03/08/18
REPORTS & RECOMMENDATIONS	<p>ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT AS IT PERTAINS TO CERTAIN SITE PREPARATION WORK IN THE FOLLOWING MANNER: TO CLARIFY THAT ONLY THOSE LAND DISTURBANCE ACTIVITIES WITHIN THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) LANDFILL GAS PIPELINE EASEMENT REQUIRE PRIOR MMSD APPROVAL, PURSUANT TO CONDITION NUMBER 8 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212; TO ALLOW GENERAL SITE CLEARING AND GRADING TO OCCUR PRIOR TO ESTABLISHMENT OF ANY NEW ROADWAY BOND FOR THE PORTION OF ANY ROADWAY LOCATED ON THE LANDFILL, PURSUANT TO CONDITION NUMBER 13 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212; AND TO ALLOW GENERAL SITE CLEARING AND GRADING TO OCCUR PRIOR TO APPROVAL OF A COMPREHENSIVE STORMWATER MANAGEMENT PLAN WHICH PLAN MUST BE APPROVED PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, PURSUANT TO CONDITION NUMBER 25 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212</p> <p>(7900 WEST CRYSTAL RIDGE DRIVE) (ZIM-MAR PROPERTIES, LLC, APPLICANT) (ZIM-MAR PROPERTIES, LLC, AND WISCONSIN DEPARTMENT OF TRANSPORTATION, PROPERTY OWNERS)</p>	ITEM NUMBER C.
<p>At their meeting on March 8, 2018, the Plan Commission is to consider a request from Zim-Mar Properties LLC to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District (PDD) No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District to generally:</p> <ul style="list-style-type: none"> clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and 		

- allow general site clearing and grading to occur prior to approval of a comprehensive Stormwater Management Plan which Plan must be approved prior to issuance of any Building Permits, pursuant to condition number 25 in Planned Development District No. 2016-2212.

The specific revisions are set forth in the attached draft Ordinance.

The applicant has requested these changes in order to expedite and facilitate clearing, grubbing, soil stock piling, and possibly some initial rough filling and grading throughout the Ballpark Commons project area.

It is important to note that all standard construction site erosion control and stormwater management measures will be required, that all remaining natural resource features will be protected, and that this does not grant any approvals of any buildings.

COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2018-_____, an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District in the following manner: to clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive Stormwater Management Plan which Plan must be approved prior to issuance of any Building Permits, pursuant to condition number 25 in Planned Development District No. 2016-2212 (7900 West Crystal Ridge Drive) (Zim-Mar Properties LLC, Applicant), (Zim-Mar Properties LLC and Wisconsin Department of Transportation, property owners).

ORDINANCE NO. 2018-____

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT AS IT PERTAINS TO CERTAIN SITE PREPARATION WORK IN THE FOLLOWING MANNER: TO CLARIFY THAT ONLY THOSE LAND DISTURBANCE ACTIVITIES WITHIN THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) LANDFILL GAS PIPELINE EASEMENT REQUIRE PRIOR MMSD APPROVAL, PURSUANT TO CONDITION NUMBER 8 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212; TO ALLOW GENERAL SITE CLEARING AND GRADING TO OCCUR PRIOR TO ESTABLISHMENT OF ANY NEW ROADWAY BOND FOR THE PORTION OF ANY ROADWAY LOCATED ON THE LANDFILL, PURSUANT TO CONDITION NUMBER 13 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212; AND TO ALLOW GENERAL SITE CLEARING AND GRADING TO OCCUR PRIOR TO APPROVAL OF A COMPREHENSIVE STORMWATER MANAGEMENT PLAN WHICH PLAN MUST BE APPROVED PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, PURSUANT TO CONDITION NUMBER 25 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212
(7900 WEST CRYSTAL RIDGE DRIVE)
(ZIM-MAR PROPERTIES, LLC, APPLICANT)
(ZIM-MAR PROPERTIES, LLC, AND WISCONSIN DEPARTMENT OF TRANSPORTATION PROPERTY OWNERS)

WHEREAS, §15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), same having been created by Ordinance No. 2012-2089 and later amended by Ordinance No. 2013-2101, 2016-2212, 2017-2278, and 2017-2312 with such District primarily being located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 745-8998-000, 744-8985-001, 744-8985-002, 744-8989-000, 744-8988-000, 755-9996-000, 754-9988-002, 755-9995-001, 708-8996-000, 708-8999-000, 744-8980-001, 745-0029-000, 745-8999-004, 755-9995-002, 754-9988-001 and 744-8981-000 [all preceding Tax Key Nos. are Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) zoning, with the exception of Tax Key Nos. 708-8996-000 and 744-8980-001 which are zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District], and is more particularly described below; and

WHEREAS, Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) includes those lands legally described as follows:

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHEAST 1/4, AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4

OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 21 EAST, AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4; AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF SECTION 4; THENCE NORTH 88°42'47" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 SECTION, 1452.10 FEET TO LOOMIS ROAD (STATE TRUNK HIGHWAY "36") REFERENCE LINE AS SHOWN IN WISCONSIN DEPARTMENT OF TRANSPORTATION PLAT OF RIGHT OF WAY PROJECT NUMBER F064-I(5)/2240-02-22, DATED JULY 3, 1956 AND THE POINT OF BEGINNING; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 908.15 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY 1280.09 FEET ALONG SAID REFERENCE LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, WHOSE RADIUS IS 3819.72 FEET AND WHOSE CHORD BEARS SOUTH 40°09'15" WEST, 1274.10 FEET TO A POINT OF TANGENCY; THENCE SOUTH 30°33'51" WEST ALONG SAID REFERENCE LINE, 912.57 FEET; THENCE NORTH 59°26'09" WEST, 146.77 FEET TO THE SOUTHEAST CORNER OF STONE HEDGE SUBDIVISION ADDITION NO. 1; THENCE NORTH 00°11'17" WEST ALONG THE EAST LINE OF SAID STONE HEDGE SUBDIVISION ADDITION, 2266.74 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST RAWSON AVENUE; THENCE NORTH 88°31'09" EAST ALONG SAID NORTH RIGHT OF WAY LINE 393.64 FEET; THENCE NORTH 76°43'11" EAST 212.76 FEET TO A POINT ON THE EAST LINE OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3107; THENCE NORTH 00°21'06" WEST ALONG THE EAST LINE OF SAID PARCEL 1 AND ALONG THE EAST LINE OF LOTS 14, 13, AND 12 OF BLOCK 1 OF WHITNALL VIEW SUBDIVISION ADDITION NO. 1, 809.21 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 88°41'11" WEST ALONG THE NORTH LINE OF SAID LOTS 12 AND 11 OF SAID WHITNALL VIEW SUBDIVISION ADDITION, 484.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE NORTH 00°21'07" WEST ALONG THE EAST LINE OF LOTS 10 AND 9 OF SAID WHITNALL VIEW SUBDIVISION, 400.06 FEET TO THE NORTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 88°41'11" EAST ALONG SAID NORTH LINE, 544.58 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 4; THENCE SOUTH 00°21'07" EAST ALONG SAID EAST LINE OF SAID SOUTHWEST 1/4, 35.86 FEET; THENCE NORTH 88°42'30" EAST, 662.58 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE WEST 1/4 OF SAID 1/4 SECTION; THENCE NORTH 00°22'39" WEST, 1349.21 FEET; THENCE NORTH 88°33'16" EAST 1252.39, FEET; THENCE SOUTH 00°19'12" EAST, 367.35 FEET; THENCE NORTH 54°02'33" EAST , 648.24 FEET; THENCE NORTH 88°33'16" EAST, 204.06 FEET TO THE EAST LINE

OF SAID NORTHEAST 1/4 OF SECTION 4, BEING THE CENTERLINE OF SOUTH 76TH STREET; THENCE SOUTH 00°19'12" EAST ALONG SAID EAST LINE, 519.27 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 4; THENCE SOUTH 00°25'03" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 4, 1659.84 FEET TO SAID REFERENCE LINE; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 1561.74 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 8,951,502 SQUARE FEET (205.498 ACRES) OF LAND, MORE OR LESS; and

WHEREAS, Ballpark Commons, LLC, applicant, having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the district in the following manner: to clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive Stormwater Management Plan which Plan must be approved prior to issuance of any Building Permits, pursuant to condition number 25 in Planned Development District No. 2016-2212; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to Planned Development District No. 37 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and that it will promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to clarify that only those land disturbance activities within the

Milwaukee Metropolitan Sewerage District (MMSD) Landfill Gas Pipeline Easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive Stormwater Management Plan which Plan must be approved prior to issuance of any Building Permits, pursuant to condition number 25 in Planned Development District No. 2016-2212; subject to the following conditions:

1. That Ordinance No. 2016-2212 Condition of Approval No. 8 be replaced as follows: "The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development within the MMSD landfill gas pipeline easement limits. The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline. The applicants shall also submit a detailed map of the location of the gas pipeline and associated easement, to City staff, prior to the submittal of any detailed plans for the landfill area."
2. That Ordinance No. 2016-2212 Condition of Approval No. 13 be replaced as follows: "Any portion of a public road that is located on any portion of the historic landfill shall be the subject of a 20-year bond by the applicants in an amount and terms to be approved by the City to insure adequate funds for any repair and reconstruction of such roads due to landfill conditions, for Engineering Department staff review, prior to acceptance of new roadway subgrade in segments traversing areas of subsurface waste material. In the event the Developer fails to complete the proposed roadway improvements in a timely manner, the City also maintains the right to special assess to ensure completion of the work."
3. That Ordinance No. 2016-2212 Condition of Approval No. 25 be replaced as follows: "The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for

Engineering Department staff review and approval, prior to issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond, subject to receipt of all necessary Wisconsin Department of Natural Resource and Milwaukee Metropolitan Sewerage District permits and approvals, receipt of a City of Franklin Fill/Soils Disturbing Permit, and Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.”

SECTION 2: All other applicable terms and provisions of §15-3.0442, shall apply to the subject Ballpark Commons, LLC Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) district revisions, and all terms and provisions of §15-3.0442 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this __ day of ____, 2018, by ____.

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES __ NOES __ ABSENT __



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of March 8, 2018

Planned Development District No. 37 Minor Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the Minor Amendment of Planned Development District No. 37 to Conditions Nos. 8, 13 and 25.

Project Name:	Ballpark Commons/The Rock Sports Complex, Minor PDD Amendment
Project Address:	7900 West Crystal Ridge Drive
Applicant:	Justin Johnson, JSD
Current Zoning:	Planned Development District No. 37, FW Floodway District
2025 Comprehensive Plan:	Mixed Use and Areas of Natural Resource Features
Use of Surrounding Properties:	Root River Parkway (Village of Greendale) to the north, single-family residential and vacant land zoned commercial to the east, Loomis Road (State Highway 36) to the south, and single-family residential to the west
Applicant's Action Requested:	Recommendation to the Common Council for approval of the proposed Planned Development District Minor Amendment

Introduction and Analysis:

On May 2, 2018, the applicant submitted a Planned Development District (PDD) Amendment application to amend Condition Nos. 8, 13 and 25 of Ordinance No. 2016-2212. The proposed amendments would allow limited site work and land disturbing activities in certain areas of the site prior to final storm water approval, MMSD approval and submittal of a 20-year bond for repair and reconstruction of the future road.

The site work primarily consists of tree removal and grubbing activities, limited grading and bringing fill to the site. All site work proposed is still subject to WDNR approvals, MMSD stormwater approvals and approval of Fills/Soils Disturbing Permits by the Engineering Department. The revised conditions allow this infrastructure and site work to be potentially phased and completed in smaller pieces at staff level.

The applicant's project narrative states the existing condition and their proposed revisions in red. Attached is Exhibit A, which shows staff recommended changes in blue. The staff recommended conditions are the conditions outlined in the attached draft ordinance.

The applicant is recommending that the Plan Commission classify the proposed amendment as a Minor PDD Amendment. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to use, and changes to street layouts.

Staff Recommendation:

Department of City Development staff recommends approval of the Minor Amendment of Planned Development District No. 37 to Conditions Nos. 8, 13 and 25.

March 2, 2018

Mayor Steve Olson
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Subject: Ballpark Commons
Franklin, WI

Dear Mayor Olson,

We are excited about the recent public announcements related to the Ballpark Commons development, and are grateful to have you and your staff as a strong partner with our development team. We look forward to seeing the project begin to take shape. To that end, we respectfully request consideration of three minor revisions to the approved PDD text so that we can begin some of the site preparation work. This will allow us to hit the ground running on major sitework and building construction when the weather warms, and will keep us on course for on-time turnover of space to our committed tenants and a Spring 2019 first pitch at the stadium.

Our three requested text amendments are as follows. Original approved text is indicated in italics, with modifications shown in red:

- (8) *The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development of within the MMSD landfill gas pipeline ~~area~~ easement limits. The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline. The applicants shall also submit a detailed map of the location of the gas pipeline and associated easement, to City staff, prior to the ~~submittal~~ final City approval submittal of any detailed site development plans for the landfill area for areas encroaching into the MMSD landfill gas pipeline easement for the landfill area.*

- PURPOSE OF TEXT CHANGE: Modification of this item will allow grading operations to begin immediately upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control)

City Staff Track Changes Revisions 3-2-18

- permit. Only work within the landfill gas pipeline easement would be subject to the MMSD permit/approval requirement.
 - The proposed revisions in the third sentence are unnecessary, as this part of the condition pertains to a map of the existing easement, which has already been provided.
- (13) *Any portion of a public road ~~to be owned by the City of Franklin~~ that is located on any portion of the historic landfill shall be the subject of a 20-year bond by the applicants in an amount and terms to be approved by the City to insure adequate funds for any repair and reconstruction of such roads due to landfill conditions, for Engineering Department staff review, prior to ~~any development within such applicable portion(s) of PDD No. 37~~ acceptance of new roadway subgrade in segments traversing areas of subsurface waste material. ~~This condition shall be considered complete if waived by the City Engineer.~~ In the event the Developer fails to complete the proposed roadway improvements in a timely manner, the City also maintains the right to ~~utilize TIF funds~~ special assess to ensure completion of the work.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow tree clearing to begin immediately in accordance with the approved NRPP/NRSE, and will allow grading operations to begin upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of Intent (erosion control) permit.
 - City Attorney has noted the City will not actually own the road on the landfill, therefore the first sentence has been revised. The City Engineer is not comfortable with the second sentence and requests it be removed. The City Engineer has no objection to indicating that the City's ability to special assess for future road repair is a viable option, in addition to a bond.
- (25) *The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for Engineering Department staff review and approval, prior to ~~any development within PDD No. 37~~ issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond, subject to receipt of all necessary Wisconsin Department of Natural Resource and Milwaukee Metropolitan Sewerage District permits and approvals, receipt of a City of Franklin Fill/Soils Disturbing Permit, and Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.*
- PURPOSE OF TEXT CHANGE: Modification of this item will allow tree clearing to begin immediately in accordance with the approved NRPP/NRSE, and will allow grading operations to begin upon receipt of a City of Franklin Land Disturbance Permit and Wisconsin DNR Notice of

Intent (erosion control) permit. The applicant understands that any grading work performed prior to final Stormwater Management Plan approval is at his own risk, as revisions to stormwater design calculations could impact final grading design. The proposed verbiage is stated so as to allow building permits to be issued on the south side of Rawson Avenue if the south pond is approved first, or likewise on the north side of Rawson Avenue if the north pond is approved first.

- The Engineering Department has no objection to phasing of the development or its land disturbing activities, as long as each phase is clearly identified, has obtained all necessary permits and approvals, and that the plans for each phase are correct and complete.

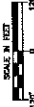
Please feel free to give us a call with any questions.

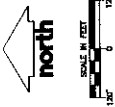
Thank you,

Justin Johnson, P.E.

Associate

JSD Professional Services, Inc.





Some buffers and sachas overlapped due to the proximity of wetlands. Calculations account for the overlap so buffers and sachas are not double-counted.

- 4.2 ACRE OF BROWN MARL IS LOCATED ON THE WEST SIDE OUTCROPS WITH THE FLUORINATE.
- BROWN MARL AND FLUORINATE ARE THEREFORE EXCLUDED FROM THE CALCULATION.