

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/05/17
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (7543 SOUTH NORTH CAPE ROAD) (APPROXIMATELY 18.35 ACRES) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)	ITEM NUMBER A.1.

At its July 20, 2017 meeting, following a properly noticed public hearing, the Plan Commission passed a motion to postpone action on this item to the August 17th Plan Commission meeting.

At their August 17, 2017 meeting, City Engineer Morrow moved and Alderman Dandrea seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land from R-2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District (7543 South North Cape Road) (approximately 18.35 acres). On voice vote, 2 voted 'aye' and 2 voted 'nay'. Motion failed (2-2-3).

It is important to note that a Protest Petition has been submitted in regard to the subject rezoning. Staff has verified that the Petition meets the requirements of State Statute 62.23(7)(d)m.a. and Section 15-9.0209 of the City of Franklin Unified Development Ordinance. As such, no such rezoning shall become effective except by the favorable vote of three-fourths of the full Common Council membership. A copy of the Protest Petition is attached.

Also attached are two letters the City recently received, one from a neighboring property owner, and one from the subject property owner, in regard to the subject rezoning.

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2017-_____, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from R-2 Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District (7543 South North Cape Road) (approximately 18.35 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

Or

As directed.



7543 S. North Cape Road
TKN: 797 9946 000



Planning Department
(414) 425-4024

0 225 450 900 Feet

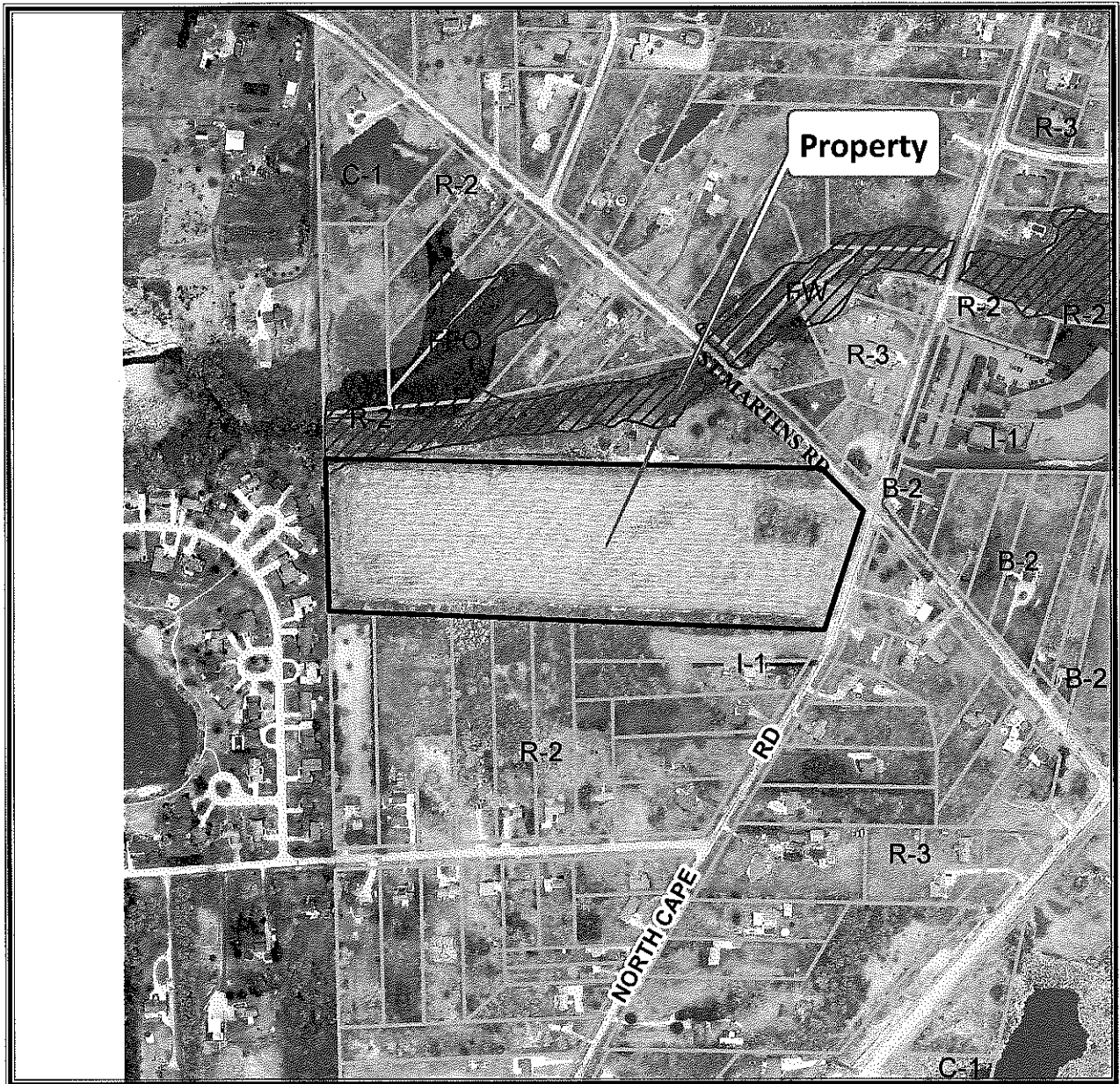


2017 Aerial Photo

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



7543 S. North Cape Road
TKN: 797 9946 000



Planning Department
(414) 425-4024

0 300 600 1,200 Feet

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



2017 Aerial Photo

CIRCULATORS' AFFIDAVIT

We, Barbara McMahon and Thomas J. Balthazor, personally circulated and obtained signatures from the following citizens to protest the rezoning of the property at 7543 S. North Cape Road from R2 to R3, which is to be before the City of Franklin Plan Commission on August 17, 2017:

Lee Fry, 12045 W. St. Martins Road, Franklin, WI
Bryan and Patricia O'Donnell, 12020 W. St. Martins Road, Franklin, WI
Nathan Fabry (business), 7508 S. North Cape Road, Franklin, WI
Robert Hartmann, 11901 W. St. Martins Road, Franklin, WI
Bernard Michael, 7606 S. North Cape Road, Franklin, WI
Barbara McMahon, 7618 S. North Cape Road, Franklin, WI
Ernest Timm, 7605 S. North Cape Road, Franklin, WI
Vincent Trier, 12216 W. McShane Road, Franklin, WI
Mario Palomino and Marie Razo, 12230 W. McShane Road, Franklin, WI
Donald Woznicki, 12248 W. McShane Road, Franklin, WI
Michael and Kathleen Behrens, 12326 W. McShane Road, Franklin, WI
Jennette Burau, 12312 W. McShane Road, Franklin, WI
Brian Martens, 12247 W. McShane Road, Franklin, WI
Jarrod Jones, 12215 W. McShane Road, Franklin, WI
Gretchen Jones, 12215 W. McShane Road, Franklin, WI
Marion Bruce, 12144 W. McShane Road, Franklin, WI
Anthony Raymond, 12343 W. McShane Road, Franklin, WI
Melissa Gerber, 12216 W. McShane Road, Franklin, WI
Jack Clark, 7661 S. North Cape Road, Franklin, WI
Jackie Clark, 7661 S. North Cape Road, Franklin, WI
Eileen Sturomski, 7635 S. North Cape Road, Franklin, WI
James E. Hansen, 7638 S. North Cape Road, Franklin, WI
Carlene Hansen, 7638 S. North Cape Road, Franklin, WI
Daniel Burau, 12312 W. McShane Road, Franklin, WI
Charlotte M. Hahn, 7615 S. North Cape Road, Franklin, WI
Dawn M. Krueger, 7615 S. North Cape Road, Franklin, WI
Roger Piotrowski, 7660 S. North Cape Road, Franklin, WI
Diane Sanborn, 11860 W. St. Martins Road, Franklin, WI
John Paul Sanborn, 11860 W. St. Martins Road, Franklin, WI
Scott Sharrow, 7700 S. North Cape Road, Franklin, WI
Michelle Kwapick, 7700 S. North Cape Road, Franklin, WI
Richard J. Hammond, 11459 W. St. Martins Road, Franklin, WI
Donald J. Brudnicki, W125S7532 Stratford Court, Muskego, WI
Gary Bugalski, S75W12448 Stratford Court, Muskego, WI
David McCoy, S75W12470 Stratford Court, Muskego, WI
Nick Musolf, S75W12494 Coventry Court, Muskego, WI
Mike Donata, W125S7570 Coventry Lane, Muskego, WI
Fred Praefke, W125S7586 Coventry Lane, Muskego, WI

CIRCULATORS' AFFIDAVIT
Page 2

Susanne and Michael Novak, W125S7524 Stratford Court, Muskego, WI
Tamara Raymond, 12343 W. McShane Road, Franklin, WI

Printed Name: BARBARA McMAHON

Signed Name: *Barbara McMahon*

Printed Name: THOMAS J. BALTHAZOR

Signed Name: *Thomas J Balthazor*

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

The foregoing Circulators' Affidavit was acknowledged before me on the 11th day of August, 2017.



Kathleen S. Rivedal
Notary Public, State of Wisconsin
My commission expires 6/16/2019

August 9, 2017

City of Franklin WI Elected Officials,

We the undersigned are submitting this petition to protest the re-zoning of the property at 7543 S. North Cape Rd from R2 to R3.

We ask that you please give a copy of this petition to all the Common Council Members, Planning Commission Members and any other officials with a need to know well before the August 17, 2017, Planning Commission meeting.

We ask that you please include this letter and petition as part of public record in all pertaining meeting packets.

We ask that if you believe this petition doesn't qualify to force the 5 Council votes to please notify one of the persons below (Barbara or Thomas) immediately and prior to the matter being voted on and we will make the necessary adjustments.

Thank You,

Barbara McMahon 262-951-0858

Barbara J McMahon
Thomas J Balthazor 414-704-6351

Thomas J. Balthazor

2017 AUG 10 AM 9:02
CITY OF FRANKLIN, WI

PROTEST PETITION

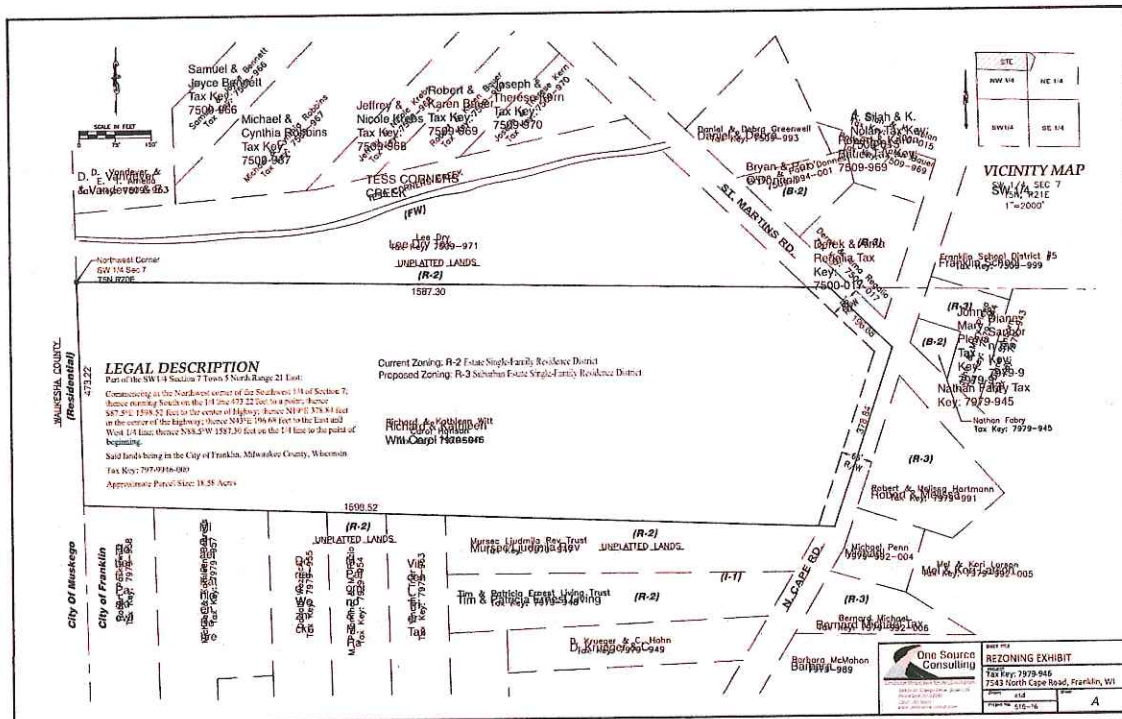
FOR THE SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT - Rezoning application by Rick J. Przybyla, President of Creative Homes, Inc., to rezone the property located at 7543 South North Cape Road (approximately 18.35 acres) from R-2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District to allow for a single-family residential subdivision development which includes a cul-de-sac with 26 lots ranging in size from 20,378 square feet to 31,605 square feet; Tax Key No. 797-9946-000. (Map attached)

LEGALLY DESCRIBED ON THE DEVELOPER'S PLAT AS:

Part of the SW1/4 Section 7 Town 5 North Range 21 East: Commencing at the Northwest corner of the Southwest 1/4 of Section 7; thence running South on the 1/4 line 473.22 feet to a point; thence beginning. Said lands being in the City of Franklin, Milwaukee County, Wisconsin. Tax Key: 797-9946-000 Approximate Parcel Size: **18.58 Acres**

OR AS LEGALLY DESCRIBED WITHIN THE PLAN COMMISSION DRAFT ORDINANCE AS:

That part of the Southwest quarter of Section 7, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Beginning at the Northwest corner of said 1/4 Section; thence South on the West line of said 1/4 Section 7.22 chains (476.52 feet); thence East 23.67 chains (1562.22 feet) more or less to the middle of the Milwaukee Road; thence Northeasterly along the middle of said road to its intersection with the middle line of the Harrisburgh Road; thence Northwesterly along the middle of said last named road to the North line of said 1/4 Section; thence West along North line of said 1/4 Section to the place of beginning; which said premises are also described as follows, to wit: Beginning at the center (should be Northwest corner of Southwest - NOT center of 1/4 which is Northeast corner) of Section 7, in Township 5 North, Range 21 East, and thence running South on the 1/4 line 7 chains and 17 links (473.22 feet); thence South 87.5 degrees East 24 chains and 22 links (1598.52 feet) to the center of highway; thence North 19 degrees East in the center of highway, 5 chains and 74 links (378.84 feet); thence North 43 degrees West 2 chains and 98 links (196.68 feet) to the East and West 1/4 line; thence North 88.5 degrees West on the 1/4 line 24 chains and 5 links (1587.3 feet) to the place of beginning (approximately **18.35 acres**). Tax Key No. 797-9946-000.



PROTEST PETITION

PER WISCONSIN STATUTES

In case of a protest against an amendment proposed under subd. 2., duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.

WE, THE DULY UNDERSIGNED, HEREBY PROTEST THE ABOVE DESCRIBED LAND REZONING FROM R2E TO R3S/E FOR THE REASONS PRESENTED DURING THE JULY 20, 2017 PUBLIC HEARING BEFORE THE CITY OF FRANKLIN PLAN COMMISSION, AND NOT LIMITED TO, THE REASONS BELOW.

1. To prevent inconsistency with the surrounding neighborhood character
2. To stabilize and protect existing property values by encouraging more appropriate density.
3. To lesson street congestion, specifically two nearby schools already adding significant traffic.
4. To promote public safety, comfort, prosperity, aesthetics and general welfare per the UDO.
5. To prevent a limited access single road to a large parcel.
6. To secure safety from fire due to limited access.
7. To prevent additional financial burdens and maintenance challenges of dead-end streets.
8. To foster a rational future layout of the city's road patterns while promoting orderly development.
9. To regulate population density from undue concentration to one parcel of land.
10. To preserve and protect the beauty of, and natural resource impacts to, the area and Tess Creek.

Adjoining Land Petitioners:

12045 W St Martins Rd 7.77 acres Lee Fry

8.2  7-25-17 Lee Fry

12110 W St. Martins Rd 1.16 acres Daniel and Debra Greenwell

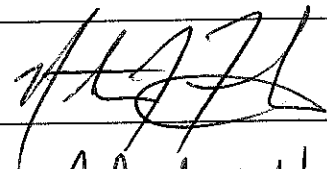
Patricia O'Donnell 7-25-17
Bryan O'Donnell 7-25-17

12020 W St Martins Rd .47 acres Bryan and Pat O'Donnell

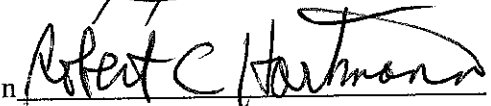
11950 W St Martins Rd .79962 acres Derek and Anna Regalia

7500 S North Cape Rd .61 acres John and Mary Plewa

7508 S North Cape Rd .16 acres (Business) Nathan Fabry

 8-8-17

11901 W St Martins Rd 1.27 acres Robert & Melissa Hartmann

 7-23-17

7582 S North Cape Rd .47 acres Michael Penn

7606 S North Cape Rd .64 acres Bernard Micheal

 7-23-17

7618 S North Cape Rd 1.39 acres Barbara McMahon Barbara McMahon 7/23/17

7577 S North Cape Rd 1.97 acres Mursec Ljudmila _____

7605 S North Cape Rd 1.77 acres Ernest & Patricia Timm Ernie Timm 8/8/17

12216 W McShane Rd 1.97 acres Vincent Trier Vincent R Trier 7/23/17

12230 W McShane Rd 1.99 acres Mario Palomino and Marie Razo Mario Palomino 7/25/2017

12248 W McShane Rd 2.02 acres Donald Woznicki Don Woznicki 7/23/2017

12326 W McShane Rd 3.09 acres Michael & Kathleen Behrens Michael & Kathleen Behrens 7/23/17

12344 W McShane Rd 2.45 acres Robert Paskiewicz _____

This petition was circulated by: Barbara J. McMahon on July 22 - Aug 9, 2017.
Thomas J. Balthazor

Print name: Barbara J McMahon

Thomas J. Balthazor
THOMAS J. BALTHAZOR

Additional Petitioners

Print Name: Jennette Burau

Signature: Jennette Burau

Address: 12312 W. McShane Rd, Franklin WI 53132

Print Name: Brian Martens 7-23-17

Signature: Brian Martens

Address: 12247 W. McShane Rd, Franklin, WI 53132

Print Name: Jarrod Jones 7-23-17

Signature: Jarrod Jones

Address: 12215 W McShane Rd, Franklin, WI 53132

Print Name: Catherine Jones 7-23-17

Signature: Catherine Jones

Address: 12215 W. McShane Rd Franklin WI 53132

Print Name: Marion Bruce

Signature: Marion Bruce 7-23-17

Address: 12144 W. McShane Rd Franklin WI 53132

Print Name: Anthony Raymond

Signature: Anthony Raymond 7/23/17

Address: 12343 McShane Rd FRANK 53132

Print Name: MELISSA GERBER

Signature: Melissa Gerber

Address: 12216 W McShane Rd FRANKLIN WI 53132

This petition was circulated by: Barbara J. McMahon on July 22 - Aug 9, 2017.

Print name: Barbara J McMahon
THOMAS J BALTAZOR

Additional Petitioners

Print Name: JACK CLARK 7/23/17

Signature: J. Clark

Address: 7661 S. NORTH CAPE Rd

Print Name: Jackie Clark

Signature: Jackie Clark

Address: 7661 S. North Cape Rd 7/23/17

Print Name: Eileen Sturonski

Signature: Eileen Sturonski

Address: 7635 So North Cape Rd 7-23-17

Print Name: JAMES E HANSEN

Signature: James E. Hansen

Address: 7638 S. NORTH CAPE Rd 23 JULY, 2017

Print Name: Carlene Hansen

Signature: Carlene Hansen

Address: 7638 So North Cape Rd

Print Name: Daniel Burau

Signature: [Signature]

Address: 12312 W McShane Rd 7/23/17

This petition was circulated by: Barbara J. McMahon on July 22 - Aug 9, 2017.

Print name: Barbara J McMahon
THOMAS J. BALTHAZOR

Additional Petitioners

Print Name: Charlotte M. Hahn

Signature: [Signature]

Address: 7615 S. North Cape Rd, Franklin WI 53132

Print Name: Dawn M Krueger

Signature: [Signature]

Address: 7615 S. North Cape Rd, Franklin WI 53132

Print Name: ROGER PROTROWSKI

Signature: [Signature]

Address: 7615 S. NORTH CAPE RD FRANKLIN WI 53132

Print Name: Diane Sanborn

Signature: [Signature]

Address: 11860 W St Martins Rd Franklin WI 53132

Print Name: John Paul Sanborn

Signature: [Signature]

Address: 11860 W St. Martins Rd Franklin WI 53132-2019

Print Name: Scott Shaferow

Signature: [Signature]

Address: 7700 S. NORTH CAPE RD FRANKLIN WI. 53132

Print Name: Michelle Kuwapiuk

Signature: [Signature]

Address: 7700 S. North Cape Rd Franklin WI 53132

This petition was circulated by: Barbara J. McMahon on July 22-Aug 9, 2017.

Print name: Barbara J McMahon
THOMAS J. BALTAZOR

Additional Petitioners

Print Name: RICHARD J. HAMMOND

Signature: *Richard J. Hammond*

Address: 11459 W. ST. MARTINS RD. FRANKLIN

Additional Petitioners Muskego, WI

Print Name: DONALD J. BRUDNICKI

Signature: *Ronald J Brudnicki*

Address: W12557532 STRAT FORD CT.

Print Name: GARY BUGALSKI

Signature: *Gary Bugalski*

Address: 575 W12448 STRATFORD CT.

Print Name: David McLoj

Signature: *David McLoj*

Address: 575 W12470 Stratford Ct., Muskego, WI

Print Name: Nick Musolf

Signature: *Nick Musolf*

Address: 575 W12494 Coventry Ct. Muskego, WI

Print Name: Mike Dolata

Signature: *Mike Dolata*

Address: W125 S7570 Coventry Ln. Muskego, WI

Print Name: FRED PRAEFKE

Signature: *Fred Praefke*

Address: W125 S 2586 Coventry Ln.

This petition was circulated by: Barbara J. McMahon on July 22 - Aug 9, 2017.

Print name: Barbara J McMahon

THOMAS J. BALTHAZOR

Additional Petitioners Muskego WI

Print Name:

SUSANNE & MICHAEL NOVAK

Signature:

Susanne & Michael Novak

Address:

W125 S7524 STRATFORD CT MUSKEGO, WI 53150

Additional Petitioners Franklin

Print Name:

TAMARA RAYMOND

Signature:

Tamara & Raymond

Address:

12343 W - McShane Rd Franklin WI 53132

Print Name: _____

Signature: _____

Address: _____

Print Name: _____

Signature: _____

Address: _____

Print Name: _____

Signature: _____

Address: _____

Print Name: _____

Signature: _____

Address: _____

Print Name: _____

Signature: _____

Address: _____

This petition was circulated by:

Barbara J. Balthazor
Thomas J. Balthazor

on July 22 - Aug 9, 2017.

Print name:

Barbara J. Balthazor
THOMAS J BALTHAZOR

To : Nick Fucks

Senior Planner

Department of City Development

City of Franklin

Hello Nick,

Here is a letter the seller drafted in regards to the zoning change request on their 18 acres at 7543 S North Cape RD. They are requesting that either the Mayor or yourself read this in to the public record for the minutes of the Council meeting on the 5th of September and a copy of the letter be given to all the council members.

Tom Rademacher


RE/MAX Realty 100

To our Neighbors,

8-12-17

You do not know me personally, but my family has been your neighbor for the last four generations. My great grandmother owned the 18 acre little farmstead at the corner of North Cape Road where she quietly lived out her final days many years ago. After her passing my grandfather, then my mother has owned the little farm. They made sure that the property was kept up; the land was tilled to keep the weeds under control and paid their taxes. They did not raise an eyebrow when all of the surrounding properties were developed and houses were built. Nor did they complain when the county arbitrarily zones their property to large parcels only. They could not foresee way back then the cost of development in the 21st century, or that the best use for the community would be for smaller lots to provide more affordable housing for the community and more tax base for the county. My family has just quietly endured the changes and continued to be the quiet, compliant neighbor. When the county brought sewer lines past the property, we just quietly absorbed the expense. When the house became an attractive nuisance, we had it raised and capped the well to keep it safe. For years the rent from the farmer to keep it in crop rather than weeds has failed to cover the taxes. Now that my mother has passed, it is time to move the land to a more productive use.

I have been a home builder and developer in South Dakota for the last thirty years. I am very familiar with the growing pains of change and a new development. I will not try to tell you that with those changes there may not be some inconveniences. But I will tell you that they are worth it. A community that is not growing is dying.

Our family has been a quiet but integral tax paying member of this community for a very long time. Please help us to pay our final respects to it by elevating this land to its best purpose that will long serve the community into the future.

Thank you,

Kurt Hanson

Franklin, WI City council members
Franklin City Hall
9229 W. Loomis Road
Franklin, WI 53132

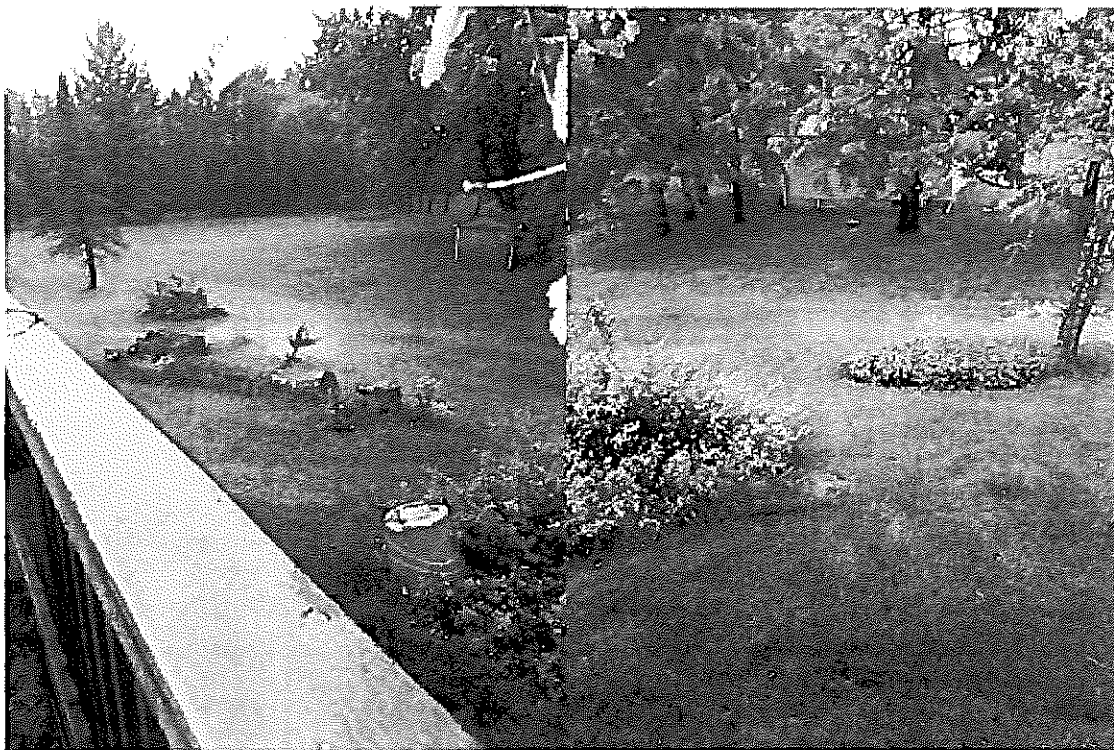
Subject: Rezoning (R2 to R3) at 7543 S North Cape Rd, Franklin WI 53132

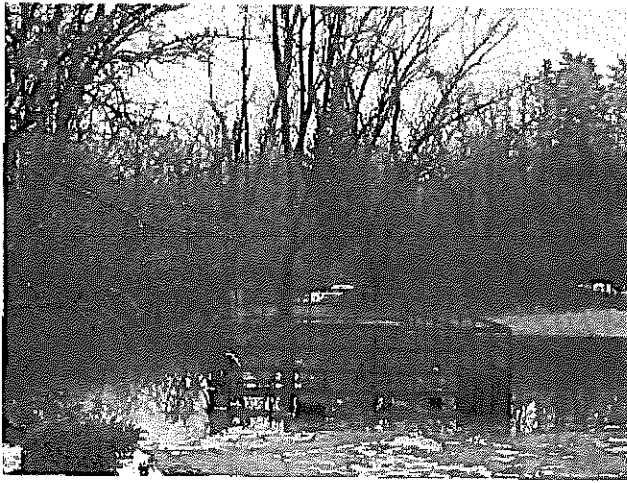
Dear City Council members,

I absolutely agree that new development is needed in Franklin, and will benefit all members of our community. I moved to Franklin from Greenfield, as my number one priority was to buy a house in a community where I could have a big yard, enjoy the wild life, and garden. I currently have deer, turkeys, and many other species of birds which I enjoy watching. With the exception of the cars on McShane exceeding the posted speed limit, I really enjoy my privacy, the neighbors and the neighborhood.

I have been at both of the Plan Commission meetings and have several concerns about the proposed change in zoning from R2 to R3 at 7543 S North Cape Rd in Franklin as outlined below.

1. Water runoff – During periods of heavy rain, I get a large amount of water in our back yard as is evidenced by the pictures below taken in the spring of 2017. Not only is there a river running between my house and the neighbors, but the water pools in a large area in the back yard. I enjoy my garden, and spend a lot of time growing my own vegetables, and don't want them ruined by a pond in my backyard. I understand that the new development requires two large retaining ponds, but I am not convinced that two retaining ponds will prevent my yard from flooding more often than it already does, with anywhere from 23-26 new homes in the property adjacent to my land.





2. Secondary road – I am fairly certain that the city will build a secondary road if this development is approved, and as I am one of three houses where this proposed road could be built, I am very concerned about two things. First, my house could be condemned and I will have to find a new place to live with probably a very minimal amount given to me for my house/property. Second, if my house is spared, a road going thru one of my two neighbor's yards will take away from the peace and quiet of the neighborhood, eliminate much of the wooded area behind the houses, and make the view off of my deck much less appealing. There is already an incredible amount of traffic on McShane, and I only see that becoming worse with another entry point onto McShane. Also, a new road will cause more water runoff into my yard.
3. Unanswered questions – At the first Plan Commission meeting, Mr. Przybyla said he would come back to the next meeting with a more appealing plan and try to alleviate fears about some very specific issues that were brought up. Instead of addressing the issues and bringing an alternate plan, Mr. Przybyla read his own letter that I did not find pertinent. I was offended by the letter he read, where he accused all of the neighbors of being resistant to this development, which is not what I heard at the first Plan Commission meeting. Most of the residents were more than willing to hear alternatives. I came out of the first Plan Commission meeting with an open mind, looking forward to a plan that would bring additional houses to the neighborhood. Mr. Przybyla also stated that he was offended that we assumed he didn't do his homework and insinuated we didn't know what we were talking about. I disagree, and was backed up on my opinion by two of the Plan Commission members, who told him that he didn't do his homework and didn't have answers to the concerns that were raised. His arrogance and insulting attitude at the meeting did not set a very good tone with me. Not once did Mr. Przybyla come and talk to the neighbors to hear our concerns and have a productive discussion about alternatives. He did not come back to the Plan Commission with what he agreed to, only with a letter insulting my neighbors and I. Needless to say, I am very much against supporting this plan because of how this played out.

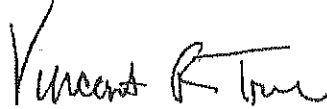
I feel I am a very reasonable person. After hearing the discussion at the first Plan Commission meeting, Mr. Przybyla needed a carefully thought out plan that addressed all of the issues raised. Mr. Przybyla did NOT do his homework, though, and didn't seem interested in working with the neighborhood to come up with a reasonable plan. In any business, you sometimes have to take risks, and spend money in order to make money. Mr. Przybyla does not want to spend any money to come up with a real plan. Giving Mr. Przybyla the freedom to do whatever he wants is NOT in the best interest of the community.

I do not know Mr. Przybyla. I am sure he builds very beautiful homes and is very good at doing that. His actions to date, though, force me not to trust him when he does not do what he says he will do. This makes

me very uneasy about what might happen if the rezoning is approved and he develops an even more unfavorable plan than his "conceptual" plan contained.

I strongly urge you NOT to rezone this property, as there are still many questions that need to be answered, and issues that need to be resolved before the rezoning is approved.

Thank you for your consideration

A handwritten signature in black ink, appearing to read "Vincent R. Trier". The signature is fluid and cursive, with the first name "Vincent" being the most prominent.

Vincent R. Trier

12216 W. McShane Road

Franklin, WI 53132

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of August 17, 2017****Rezoning**

RECOMMENDATION: Department of City Development staff recommends approval of the Rezoning Application, subject to the conditions set forth in the attached draft ordinance.

Project Name:	Creative Homes Rezoning
Project Location:	7543 South North Cape Road
Property Owner:	Richard Witt, Kathleen Witt and Carol Hanson
Applicant:	Creative Homes, Inc.
Agent:	Rick Przybyla, Creative Homes, Inc.
Current Zoning:	R-2 Estate Single-Family Residence District
2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north and south, single-family residential and commercial to the east and City of Muskego to the west
Applicant's Action Requested:	Approval of the Rezoning for future residential development

Introduction

At the July 20, 2017 meeting, the Plan Commission passed a motion to postpone action on this item to the August 17th Plan Commission meeting. The application materials for this meeting were distributed with the July 20, 2017 Plan Commission packets and should be utilized for this meeting as well.

Attached are two letters that staff received from Franklin residents regarding this item. No new or supplemental information has been received from the applicant.

Staff Recommendation

Department of City Development staff recommends approval of the Rezoning Application, subject to the conditions set forth in the attached draft ordinance.



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of July 20, 2017

Rezoning

RECOMMENDATION: Department of City Development staff recommends approval of the Rezoning Application, subject to the conditions set forth in the attached draft ordinance.

Project Name:	Creative Homes Rezoning
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Property Owner:	Richard Witt, Kathleen Witt and Carol Hanson
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2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north and south, single-family residential and commercial to the east and City of Muskego to the west
Applicant's Action Requested:	Approval of the Rezoning for future residential development

Introduction and Project Description

On June 14, 2017 Rick Przybyla of Creative Homes, Inc. filed a Rezoning Application for property located at 7543 S. North Cape Road in anticipation of a future single-family residential subdivision development. The Rezoning Application requests to rezone the property from R-2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District.

The subject parcel is approximately 18.35 acres. The applicant has provided a conceptual subdivision layout, which includes a public street (cul-de-sac) with 25 lots ranging in size from 20,378 square feet to 28,056 square feet.

The cul-de-sac shown on the conceptual layout exceeds the maximum cul-de-sac street length of 800 feet per Section 15-5.0103A.1. of the Unified Development Ordinance (UDO). Therefore, upon submittal of a Preliminary Plat Application, a Land Division Variance Application will be required as well. According to Section 15-9.0310 of the UDO, the Plan Commission may waive or modify land division requirements within Divisions 15-5.0100, 15-8.0100 and 15-8.0200.

Comprehensive Master Plan:

- *Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

The property is currently designated as Residential and Areas of Natural Resource Features and does not need to be amended to be consistent with the proposed zoning or anticipated future development of a single-family residential subdivision. The Areas of Natural Resource Features use is located along the south property line where there is an existing tree line and covers only a very small portion of the property.

Public Sewer and Water Service

Public sanitary sewer and water service will be required (unless waived by the Common Council). It can be noted that a public water main is currently located on W. Forest Home Avenue approximately 1,200 feet east of the subject property. Public sanitary sewers are located within and immediately adjacent to the subject property.

Natural Resource Protection Plan

The applicant has included best available natural resource features information, including Wisconsin Department of Natural Resources and Southeastern Wisconsin Regional Planning Commission mapping as well as a Wetland Determination dated April 2, 2007, which found no wetlands onsite. A detailed Natural Resource Protection Plan will be required upon submittal of an application to further develop the parcel. All natural resources required for protection will be placed within a Conservation Easement at that time.

Staff Recommendation

Department of City Development staff recommends approval of the Rezoning Application, subject to the conditions set forth in the attached draft ordinance.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2017-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL
OF LAND FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO
R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT
(7543 SOUTH NORTH CAPE ROAD)
(APPROXIMATELY 18.35 ACRES)
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

WHEREAS, Rick J. Przybyla, President of Creative Homes, Inc. having petitioned for the rezoning of a certain parcel of land from R-2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District, such land being located at 7543 South North Cape Road; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 20th day of July, 2017, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from R-2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District:

That part of the Southwest quarter of Section 7, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Beginning at the Northwest corner of said 1/4 Section; thence South on the West line of said 1/4 Section 7.22 chains (476.52 feet); thence East 23.67 chains (1562.22 feet) more or less to the middle of the Milwaukee Road; thence Northeasterly

along the middle of said road to its intersection with the middle line of the Harrisburgh Road; thence Northwesterly along the middle of said last named road to the North line of said 1/4 Section; thence West along North line of said 1/4 Section to the place of beginning; which said premises are also described as follows, to wit: Beginning at the center (should be Northwest corner of Southwest - NOT center of 1/4 which is Northeast corner) of Section 7, in Township 5 North, Range 21 East, and thence running South on the 1/4 line 7 chains and 17 links (473.22 feet); thence South 87.5 degrees East 24 chains and 22 links (1598.52 feet) to the center of highway; thence North 19 degrees East in the center of highway, 5 chains and 74 links (378.84 feet); thence North 43 degrees West 2 chains and 98 links (196.68 feet) to the East and West 1/4 line; thence North 88.5 degrees West on the 1/4 line 24 chains and 5 links (1587.3 feet) to the place of beginning (approximately 18.35 acres). Tax Key No. 797-9946-000.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

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

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

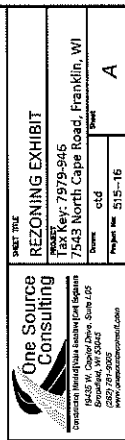
APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



Unfortunately,

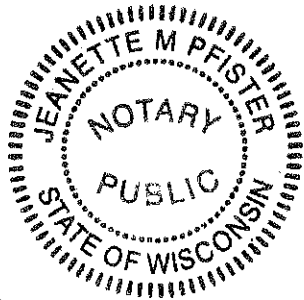
I am unable to attend the public hearing regarding the public hearing for 7543 S. North Cape Tax Key 7979946-000 from R2 to R3.

My address is 7605 S. North Cape Timm family. We had a scheduled vacation. I request

that the zoning remains R2. I am a tax payer + strong voter in my district. We do not want a crowded subdivision in our area. We bought in Franklin to avoid this and want to maintain a more spaced community. That is why we are paying larger taxes. We chose Franklin because our community reflects this charm.

I have 2 small children and traffic will be greater with more homes. Also, that combined with the new Muskego school on the other side of South North Cape Road. There will be a lot of traffic with the new school + crowded subdivision.

Patricia Timm



Jeanette M. Pfister

Jeanette M. Pfister

9-8-2017

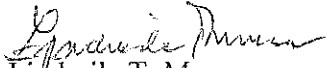
5511 W Jerelyn Place
Milwaukee, Wisconsin 53219

July 27, 2017

Plan Commission
City of Franklin
9229 W Loomis Road
Franklin, WI 53132-9630

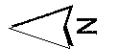
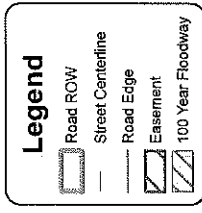
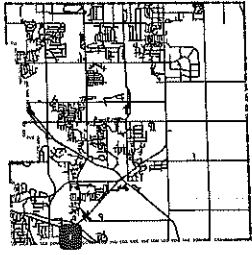
Re: 7543 S North Cape Road - Proposed Residential Subdivision Development

As the owners of the adjacent land at 7577 S North Cape Road (Tax Key 797-9947-000) to the south of the parcel at 7543 South North Cape Road we are in favor of the development of the subdivision.


Lidmila T. Mursec

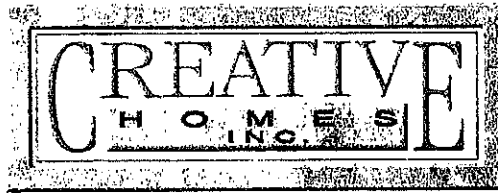
Milan M. Mursec





City of Franklin
GIS Department
9229 W. Loomis Rd.
Franklin, WI 53132
www.franklinwi.gov

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.



June 14, 2017

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

RE: PROJECT SUMMARY
7543 North Cape Road (Project to be Named)

Dear Nick,

This letter is to serve as a Project Summary for the property located at 7543 North Cape Road, project to be named, consisting of approximately 18.5 acres.

We are requesting to rezone this parcel from the current zoning of R-2 to R-3. Our proposed layout would consist of approximately 24-25 residential home sites, with lot sizes at approximately ½ acre or greater (21,000 to 26,000 square feet). The proposed site would be serviced with sanitary sewer, however would require the extension of municipal water from the intersection of Hwy 00 and Saint Martins Road.

Our intent is to develop an architecturally controlled subdivision, with well-designed homes, yielding anticipated home market values of \$ 450,000 - \$ 575,000. This translates to project completion values of approximately \$ 11MM to \$ \$ 14MM. This development would be projected to be completed in a single phase.

We feel that this project presents numerous benefits, including:

- Enhancement to current neighborhood
- Creates much needed single family residential home sites within the city
- Extension of municipal water to North Cape Road for future hook up for other residents, as well as Country Dale Elementary School
- Consistency with master comprehensive plan (single family residential homes)

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rick J. Przybyla".

Rick J. Przybyla
President

Franklin

JUL 10 2017

City Development

"A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

North Cape Road - Rezoning

Parcel Owners located within 200'

Created: 07/07/2017 from Milwaukee County GIS

Tax key	Owner 1	Owner 2	Owner address	Owner city, state	Owner zip
7979989000	BARBARA MC MAHON		7618 S NORTH CAPE RD	FRANKLIN WI	53132
7979991000	ROBERT & MELISSA HARTMANN		11901 W ST MARTINS RD	FRANKLIN WI	53132
7979992004	MICHAEL PENN		7582 S NORTH CAPE RD	FRANKLIN WI	53132
7979992005	MEL A & KORI A LARSON		11839 W ST MARTINS RD	FRANKLIN WI	53132
7979992006	BERNARD MICHEAL		7606 S NORTH CAPE RD	FRANKLIN WI	53132
7509963000	DAVID VANDEVER	TOOMEY AMELIA	12381 W ST MARTINS RD	FRANKLIN WI	53132
7509966000	SAMUEL D & JOYCE F BENNETT		12243 W ST MARTINS RD	FRANKLIN WI	53132
7509967000	MICHAEL K & CYNTHIA A ROBBINS		12217 W ST MARTINS RD	FRANKLIN WI	53132
7509968000	JEFFREY KREBS	NICOLE LOETHER KREBS	12153 W ST MARTINS RD	FRANKLIN WI	53132
7509969000	ROBERT C & KAREN S BAUER		12141 W ST MARTINS RD	FRANKLIN WI	53132
7509970000	JOSEPH R KERN	THERESE J KERN	12129 W ST MARTINS RD	FRANKLIN WI	53132
7509971000	LEE R FRY		P O BOX 320953	FRANKLIN WI	53132
7509993000	DANIEL J & DEBRA GREENWELL		12110 W ST MARTINS RD	FRANKLIN WI	53132
7509994001	BRYAN & PAT O'DONNELL		12020 W ST MARTINS RD	FRANKLIN WI	53132
7509999000	FRANKLIN SCHOOL DIST #5		8255 W FOREST HILL AVE	FRANKLIN WI	53132-9705
7979943000	DIANE T SANBORN		11860 W ST MARTINS RD	FRANKLIN WI	53132
7979944000	JOHN & MARY PLEWA		8640 W HAWTHORNE LN	FRANKLIN WI	53132
7979945000	NATHAN FABRY		564 W18363 TOPAZ	MUSKGO WI	53150
7979946000	RICHARD & KATHLEEN WITT	HANSON CAROL B	644 BURNS AVE	FLOSS MOOR IL	60422
7979947000	MURSEC LJUDMILA T REV TRUST		5511 W. JERELYN PL.	MILWAUKEE WI	53219
7979948000	TIMM ERNEST & PATRICIA LIV TRUST		11451 WEST FOREST HOME AVENUE	FRANKLIN WI	53132
7979949000	DAWN M KRUEGER	CHARLOTTE M HAHN	7615 S NORTH CAPE RD	FRANKLIN WI	53132
7979953000	VINCENT ROBERT TRIER		12216 W. MCSHANE ROAD	FRANKLIN WI	53132
7979954000	MARIO PALOMINO	MARIA E RAZO	12230 W MCSHANE RD	FRANKLIN WI	53132
7979955000	DONALD M WOZNICKI		12248 W MCSHANE RD	FRANKLIN WI	53132
7979957000	MICHAEL J & KATHLEEN M BEHRENS		12326 W MCSHANE RD	FRANKLIN WI	53132
7979958000	ROBERT S PASKIEWICZ		12344 W MCSHANE RD	FRANKLIN WI	53132
7500016000	JACOB R & SARAH A BAUER		7499 S NORTH CAPE RD	FRANKLIN WI	53132
7500017000	DERRICK AND ALMA REGALIA		11950 WEST ST. MARTINS ROAD	FRANKLIN WI	53132



148.3 0 74.25 149.3 Feet

NO. 1227 2nd Avenue, Apartment 3, Suite 100, 4852

-
-
-

DIVISION 15-3.0500 SITE INTENSITY AND CAPACITY CALCULATIONS

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

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

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

SECTION 15-3.0502**CALCULATION OF BASE SITE AREA**

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

Table 15-3.0502

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

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	18.58 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 1.44 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0.00 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	- 0.00 acres
STEP 5:	Equals "Base Site Area"	= 17.14 acres

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

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

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

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

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

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

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

Table 15-3.0504

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

STEP 1:	CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): 17.14 Acres Multiply by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X 0.00 Equals MINIMUM REQUIRED ON-SITE OPEN SPACE = 0.00 acres
STEP 2:	CALCULATE NET BUILDABLE SITE AREA: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): 17.14 Acres Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: - 0.00 (TBV) Equals NET BUILDABLE SITE AREA = 17.14 acres
STEP 3:	CALCULATE MAXIMUM NET DENSITY YIELD OF SITE: Take <i>Net Buildable Site Area</i> (from Step 2 above): 17.14 Acres Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X 1.718 Equals MAXIMUM NET DENSITY YIELD OF SITE = 29.4 D.U.s
STEP 4:	CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE: Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): 17.14 Acres Multiply by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X 1.718 Equals MAXIMUM GROSS DENSITY YIELD OF SITE = 29.4 D.U.s
STEP 5:	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE: Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above): 29 D.U.s

North Cape EC





North Cape Road



Legend

- Wetland Class Points**
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Fluctuating wetland
 - Wetland too small to delineate
- Filled Points**
 - Wetland
 - Upland
- Wetland Class Areas**
 - Wetland
 - Upland
- Filled Areas**
 - Wetland
 - Upland
- NRCS Wetspots**
 - Wetland Indicators

Notes

DISCLAIMER: This information shown on these maps has been obtained from various sources, and are not verified, updated, and validated. There is no warranty or representation about the accuracy or reliability of the information shown on these maps. It is made available for informational purposes only. For more information, see the DISC 1 user manual web page, located at www.dgs.gov.

1:1,980

0.1 0 0.03 0.1 Miles

NAD_1983_HARN_Wisconsin_TM

City of Franklin
APR 05 2007
Plan Department

WETLAND DETERMINATION

O'MALLEY DEVELOPMENT
MILWAUKEE COUNTY, WISCONSIN

April 2, 2007



NRC PROJECT # 07-035-01

NATURAL RESOURCES CONSULTING, INC.

119 S. Main Street, P.O. Box 128

Cottage Grove, WI 53527

(608) 839-1998

www.nrc-inc.net

WETLAND DETERMINATION

**O'MALLEY DEVELOPMENT
MILWAUKEE COUNTY, WISCONSIN**

April 1, 2007

Prepared For:

O'Malley Development, LLC
840 W. Ryan Road
Oak Creek, WI 53154

Prepared By:



Natural Resources Consulting, Inc.
119 S. Main St., P.O. Box 128
Cottage Grove, WI 53527
Phone: (608) 839-1998
Fax: (608) 839-1995
www.nrc-inc.net

NRC Project # 07-035-01

A handwritten signature in cursive script, which appears to read "Stacey J. Carlson".

for

**Stacey J. Carlson
Environmental Scientist**

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- Figure 3. Wisconsin Wetlands Inventory Data
- Figure 4. Field Data

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- Appendix A --Wetland Determination Forms

EXECUTIVE SUMMARY

A determination of wetland boundaries at the site of a proposed residential development near Franklin, Wisconsin (Milwaukee County) identified no wetland within the proposed project limits. No other waters of the U.S. are present on the proposed project site. The tree lines located along the northern, western, and southern property boundaries meet the definition of either young or mature woodland as per the City of Franklin Unified Development Ordinance. In order to determine the type of woodland, off site tree inventory (to the north and south of the project limits) is necessary.

INTRODUCTION

Natural Resources Consulting, Incorporated (NRC) performed a wetland determination at the site of a proposed residential development near the city of Franklin, Wisconsin in Milwaukee County. The project site is located at the intersection of West St. Martins Road and South North Cape Road in Section 7, Township 5 North, Range 21 East (Figure 1).

Project Description

O'Malley Development, LLC is proposing a residential subdivision on the site. The proposed development would include construction of one main road and a stub road. Construction of a pond is planned for the northwest corner of the site.

The property is currently an agricultural field with tree lines on the north, west and south edges of the site. The field is relatively flat with no steep slopes or drainageways present within the property boundary.

Purpose of the Project

The purpose of this investigation was to determine the boundaries of wetlands at the proposed project site.

METHODS

Wetlands

Wetland determinations on the majority of the site were made using methods described in the National Food Securities Act (FSA) Manual (USDA, 1996). The Natural Resources Conservation Service (NRCS) is the lead agency responsible for wetland determinations on agricultural land and the State Conservationist has the final authority for all agricultural land wetland determinations within the state (USDA, 1996). FSA slides were viewed at the local Farm Services Agency office in Waukesha County, which covers Milwaukee County. Slides from 1997 through 2006 were used for this determination.

Wetland determinations on the non-agricultural portions of the site were made using the criteria and methods outlined in the USACE Manual (USACE, 1987), subsequent guidance documents (USACE, 1991, 1992), *Guidelines for Submitting Wetland Delineations in Wisconsin* to the St. Paul District Corps of Engineers (USACE, 1996), and the *Basic Guide to Wisconsin's Wetlands and their Boundaries* (Wisconsin Department of Administration Coastal Management Program, 1995). The U.S. Army Corps of Engineers and U.S. Environmental Protection Agency define wetland as:

“Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.”

The State of Wisconsin wetland definition differs slightly; however, the Wisconsin Administrative Code also cites the usage of the 1987 Manual.

The initial steps in the wetland determination process included a review of the following documents:

- Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), excerpts from Soil Survey of Milwaukee County, Wisconsin (Figure 2);
- NRCS list of hydric soil for Milwaukee County;
- The Wisconsin Wetlands Inventory (WWI) Map for the area (Figure 3).

These documents provide information on where wetlands have been previously identified or areas that possess a high likelihood of wetlands occurring.

Wetland determinations on the non-agricultural portions of the site were made using the Routine On-Site Determination Method defined in the U.S. Army Corps of Engineers Wetland Delineation Manual (Environmental Laboratory, 1987) and subsequent guidance documents (USACE, 1991, 1992). According to procedures described in this Manual, areas that under normal circumstances reflect a predominance of hydrophytes (water-loving vegetation), hydric soils, and wetland hydrology (e.g., inundated or saturated soils) are considered wetlands.

At each observation point:

1. The presence or absence of normal circumstances was determined;
2. The plant community was characterized by identifying dominant plant species using the "50/20" rule and, in some cases, the FAC-neutral test. The 50/20 rule is conducted by placing plant species present (in each stratum) in a list. The plants are listed in decreasing order of abundance. The dominant plant species are identified as those plants constituting the first half of the total species present when the number of species is totaled from the most abundant to the least abundant. Any of the remaining species that exceed 20 percent of the total are also dominant species. A wetland indicator status is determined and recorded for each dominant species. Wetland indicator status is ranked by percent probability of the species occurrence in wetlands as follows:

OBL = Obligate Wetland, occurs with an estimated 99 percent probability of occurrence in wetlands

FACW = Facultative Wetland, estimated 67 to 99 percent probability of occurrence in wetlands

FAC = Facultative equally likely to occur in wetlands and non-wetlands (34 to 66 percent probability)

FACU = Facultative upland, 67 to 99 percent probability in non-wetlands, 1 to 33 percent in wetlands

UPL = Obligate Upland, greater than 99 percent probability in non-wetlands in this region

NI = No indicator, insufficient information available to determine an indicator status

Wetland indicator status can be modified with a positive sign (+) to indicate a frequency toward the higher end of the category, while a minus sign (-) indicates a frequency toward the lower end of the category (Resource Management Group, 1995);
3. Soil pits were dug to a depth of at least 20 inches and the soil was evaluated for hydric soil

characteristics; and

4. Hydrology was assessed by observing for primary (i.e., inundation, saturation within the root zone, water marks, etc.) and secondary (i.e., oxidized pore linings, water stained leaves, etc.) indicators of wetland hydrology.

An on-site wetland delineation was completed on March 29, 2007 by NRC staff. Data forms were completed for each plant community present in each wetland and for representative non-wetland sites. A minimum of one wetland and one non-wetland point were sampled at each wetland location. Data forms are included in Appendix A. Sampling Points are shown on Figure 4. Wetlands were classified using the Cowardin et al. (1979) system.

Wetland boundaries and sampling points were identified in the field and were mapped using a Global Positioning System (GPS). The GPS data were then transferred to aerial photography.

Natural Resource Features Assessment and Identification

NRC staff assessed Natural Resource Features defined under the City of Franklin Unified Development Ordinance (2004) *Section 15-4.0102- Natural Resource Features Determination*. The site was assessed for the presence of the following features:

1. Steep Slopes
2. Woodlands and Forests
3. Lakes and Ponds
4. Streams
5. Shore Buffers
6. Wetlands and Shoreland Wetlands
7. Wetland Buffers

A tree inventory was completed as defined in the City of Franklin Natural Resource Features Determination ordinance. Tree lines border the site to the north, west and south. The field survey included determination of location, size and species of all healthy trees having a diameter of eight inches or greater at breast height (DBH) within 25 feet of the proposed impact area. The limits of a proposed stub road and constructed pond were staked prior to the field visit in order to more accurately inventory the trees.

WETLANDS FINDINGS

No wetland was found within the proposed project limits. A review of slide years 1997 through 2006 identified a potential wetland signature visible in only one slide year (2002). A small area of dark green was observed on the 2002 slide; however, an investigation of soils in that vicinity identified no redoximorphic characteristics. Soils in that area are mapped as Blount silt loam, which is listed on the local hydric soils list, and Morley silt loam, a non-hydric soil (USDA, 2007; Figure 2). A potential wetland signature was visible in only 1 of 10 years examined (10%); therefore, the area was determined to be non-wetland.

WWI inventory maps indicate a palustrine forested (broad-leaved deciduous) wetland (T3k) at the northwest corner of the property (Figure 3). Soils at this location are made up of very dark grayish brown (10YR 3/2) silt loam with dark yellow brown (10YR 4/6) redox concentrations present at 6 inches (Sampling Point 2, Appendix A). Soils in this corner of the site are mapped as Sebewa silt loam, which is listed on the local hydric soils list (USDA, 2007; Figure 2). NRCS hydric soil indicators present include Redox Dark Surface (F6) (USDA, 1998).

The tree layer is primarily Eastern cottonwood (*Populus deltoides*) in this area; however, herbaceous

vegetation is almost entirely creeping Charlie (*Glechoma hederacea*) and gooseberry (*Ribes cynosbati*) is the dominant shrub. This area was determined to be non-wetland based on the lack of hydrology indicators and hydrophytic vegetation.

Upland Areas

A low area near the east entrance to the site was investigated to determine the presence of wetlands (Sampling Point 1). This small, wooded area was formerly the site of a homestead. Remnants of the foundation, electrical box and a well are present. While this area is lower in elevation than the rest of the site, no primary hydrology indicators were present on the day of the field work.

Soils at this location were made up of very dark grayish brown (10YR 3/2) silt loam to 6 inches. Below 6 inches, the matrix changes to a yellowish brown (10YR 5/4) silt loam. No redoximorphic characteristics were found within the upper 20 inches of soil at this location. Soils are mapped as Blount silt loam, a soil listed on the local hydric soils list (USDA, 2007). No NRCS hydric soil indicators were present (USDA, 1998). Herbaceous vegetation at this location is primarily creeping Charlie (*Glechoma hederacea*), with some giant foxtail (*Setaria faberi*), motherwort (*Leonurus cardiaca*) and common burdock (*Arctium minus*) present on the edges as non-dominant species. The tree layer consists primarily of black cherry (*Prunus serotina*), bur oak (*Quercus macrocarpa*) and red oak (*Quercus rubra*).

Woodland (tree lines) adjacent to the agricultural field consists of black cherry, bur oak, red oak, green ash (*Fraxinus pennsylvanica*), Eastern cottonwood (*Populus deltoides*) and paper birch (*Betula papyrifera*). Common burdock, giant foxtail and Queen Anne's lace (*Daucus carota*) are the primary herbaceous species adjacent to the field.

NATURAL RESOURCE FEATURES ASSESSMENT AND IDENTIFICATION

No steep slopes, lakes, ponds, shores or shoreland buffers are present within the project limits (Figures 1-4).

NRC staff completed a tree inventory as defined in the City of Franklin Natural Resource Features Determination ordinance. The field survey included determination of location, size and species (if known) of all healthy trees having a diameter of eight inches or greater at breast height (DBH) within 25 feet of the proposed impact area. The presence of young and mature woodland was also assessed.

Young woodland is defined as an area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least 50 percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches.

Mature woodland is defined as an area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees grown for commercial purposes should be considered a mature woodland.

The tree lines located along the northern, western, and southern property boundaries meet the definition of either young or mature woodland as per the City of Franklin Unified Development Ordinance. In order to determine the type of woodland, off site tree inventory (to the north and south of the project limits) is necessary.

Table 1 indicates tree species and DBH for two potential impacts areas on the site: a proposed pond

located in the northwest corner of the site and a proposed stub road on the south side of the site. Individual trees within each area were given a unique number designation as indicated in Table 1 below.

Table 1
Tree Inventory – O'Malley Development

Tree Species - Pond Location (Northwest Corner)¹		
Flag Number	Species	DBH (inches)
1	Bur Oak	12.2
2	Bur Oak	8.3
3	Bur Oak	27.1
4	Bur Oak	19.7
5	Paper Birch	10.6
6	Poplar sp.	8.3
7	Oak sp.	24
8	Black Cherry	16.1
9	Oak sp.	24.8
10	Black Cherry	8.6
11	Black Cherry	16.5
12	Eastern Cottonwood	9.1
13	Green Ash	8.7
14	Eastern Cottonwood	10.6
15	Eastern Cottonwood	10.6
16	Eastern Cottonwood	15
17	Eastern Cottonwood	9.1
21	Paper Birch	8.3
22	Birch	8.3
23	Black Cherry	11
24	Oak sp.	21.3
25	Green Ash	8.3
26	Green Ash	9.8
27	Black Cherry	8.3
28	Unknown	9.4
29	Unknown	8.3
Tree Inventory - Stub Road Location (Southern Edge)¹		
Flag Number	Tree Species	DBH (inches)
		11.8
1	Red Oak	9.8
2	Black Cherry	12.6
3	Red Oak	13
4	Red Oak	23.6
5	Red Oak	9.1
6	Eastern Cottonwood	35.4
7	Eastern Cottonwood	30.7
8	Eastern Cottonwood	32.7

Tree Species - Pond Location (Northwest Corner) ¹		
Flag Number	Species	DBH (inches)
9	Bur Oak	11.8

¹ See Figure 4 for location of tree areas

OTHER WATERS OF THE U.S.

No other waters of the U.S. are found within the proposed project limits.

CONCLUSIONS

A wetland determination conducted at the project site identified no wetland within the project area. No other waters of the U.S. are present within the project boundaries.

No steep slopes, lakes, ponds, shores or shoreland buffers are present within or adjacent to the project corridor. Tree lines adjacent to the site meet the requirement for young woodland. A Natural Resources Protection Plan will need to be prepared to show compliance with protection standards for either young or mature woodland as defined within the City of Franklin Unified Development Ordinance.

REGULATORY REVIEW AND CONCURRENCE

Prior to beginning work at this site, NRC strongly recommends that the owner obtain the necessary permits or other agency regulatory review and concurrence with regard to the proposed work in order to comply with applicable regulations. NRC would be happy to assist with any additional resources inventory or identification work at your request, to the extent that the work is within our range of expertise.

The information provided regarding wetland boundaries is an estimate of the wetland boundary and the opinions presented are best estimates of the conditions at the time the wetlands were viewed. The ultimate decision on the boundaries defining regulatory jurisdiction over wetlands rests with the USACE and the Wisconsin DNR. As a result, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary from time to time depending on various factors including, but not limited to, precipitation and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature and extent of wetlands on the site. It is recommended the Client obtain an opinion and authority from regulating government agencies before proceeding with any development or utilization of the property. If the Client proceeds to change, modify or utilize the property in question without obtaining authorization from the regulating governmental agency, it will be done at the Client's own risk and Natural Resources Consulting, Inc. will not be responsible or liable for any resulting damages.

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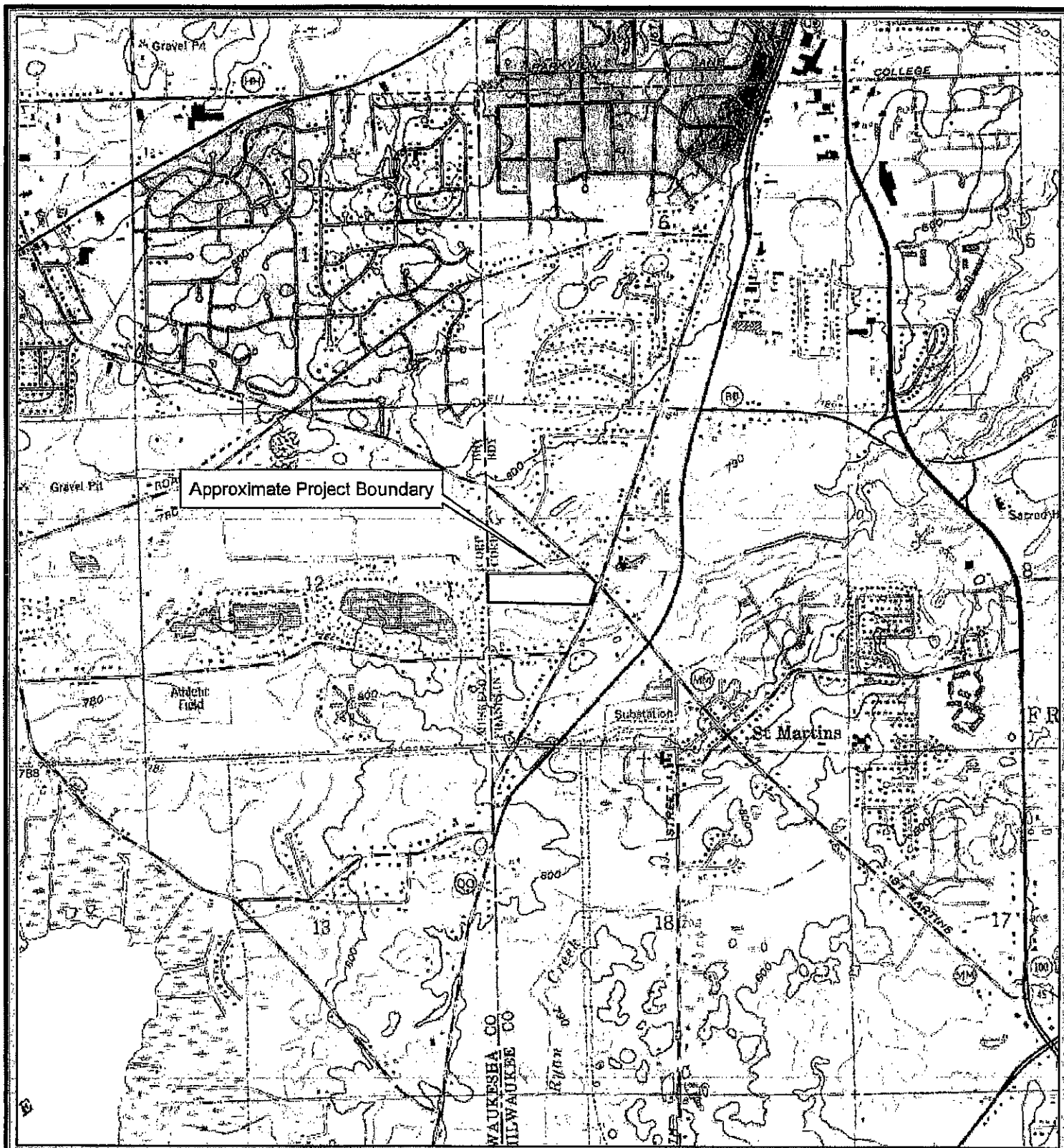
Wisconsin Department of Natural Resources, *Wisconsin Wetlands Inventory*, Milwaukee County, Wisconsin.

O'Malley Development, LLC
April 1, 2007

Wetland Determination
Milwaukee County, Wisconsin

Resource Management Group National List of Plant Species that Occur in Wetland Region 3 North

FIGURES



**FIGURE 1. USGS TOPOGRAPHY
O'Malley Development**

<p>Map Area Shown in Red</p>	<p>Location SWQ of Section 7, T5N, R21E, City of Franklin, Milwaukee County, WI</p> <p>Project Information NRC Project Number #: 07-035-01 Modified March 28, 2007</p> <p>0 1,000 2,000 Feet</p>	<p>Legend</p> <p>Approximate Project Boundary</p>	<p>NRC Natural Resource Consulting, Inc.</p> <p>119 South Main Street P.O. Box 128 Cottage Grove, WI 53527-0128 phone: 608-839-1998 fax: 608-839-1995 www.nrc-inc.net</p>
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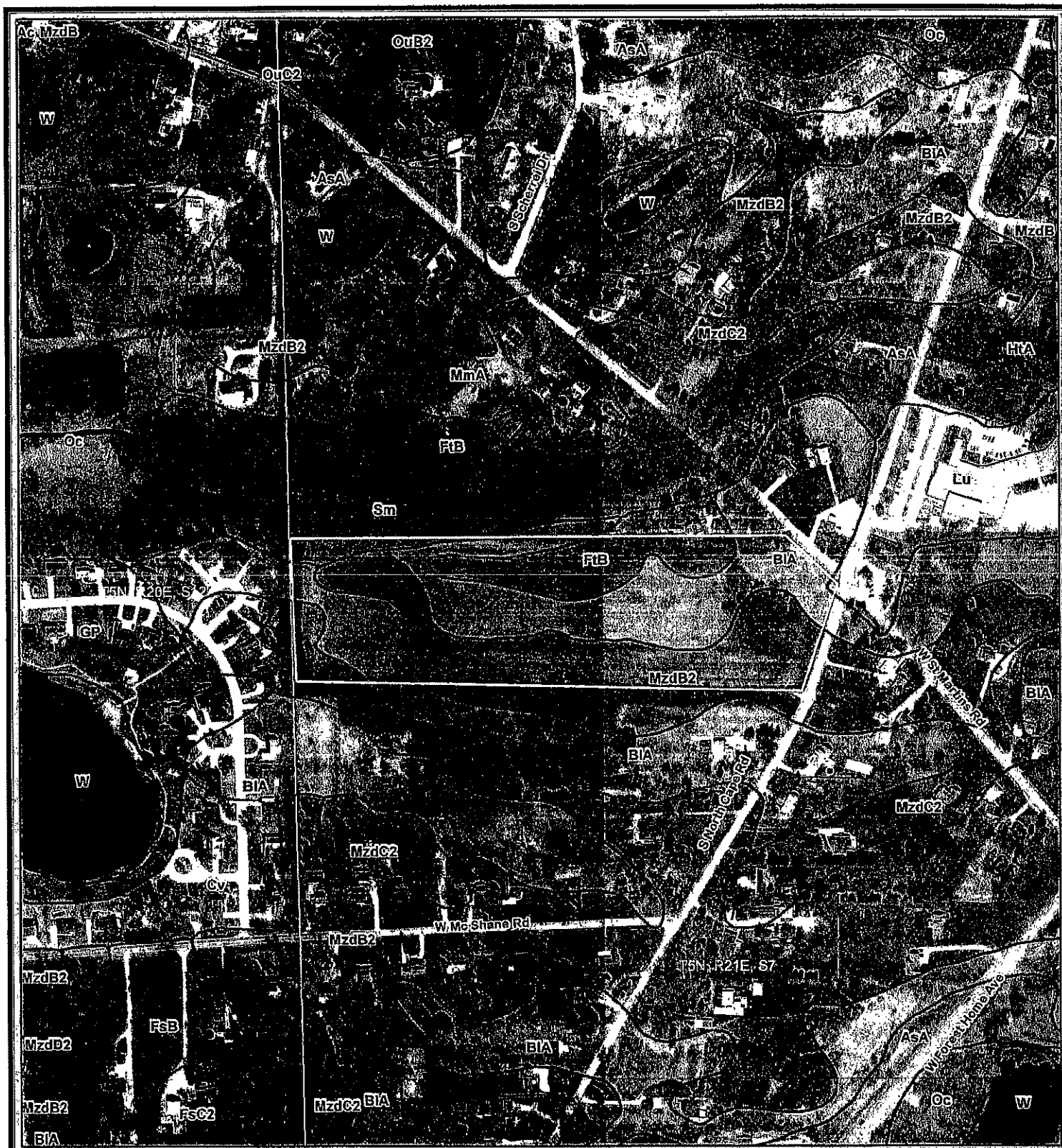
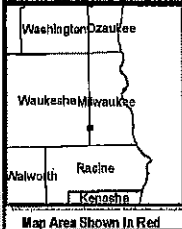


FIGURE 2. NRCS SOIL SURVEY DATA
O'Malley Development



Location
 SWQ of Section 7, T5N, R21E,
 City of Franklin, Milwaukee County, WI

Project Information
 NRC Project Number #: 07-035-01
 Modified March 28, 2007

0 200 400 Feet

Legend

Approximate Project Boundary

24K Hydro Layer
 Section Line

NRCS Soil Survey Data

Hydric Soils
 Poss. Hydric Inclusions
 Non-Hydric Soils

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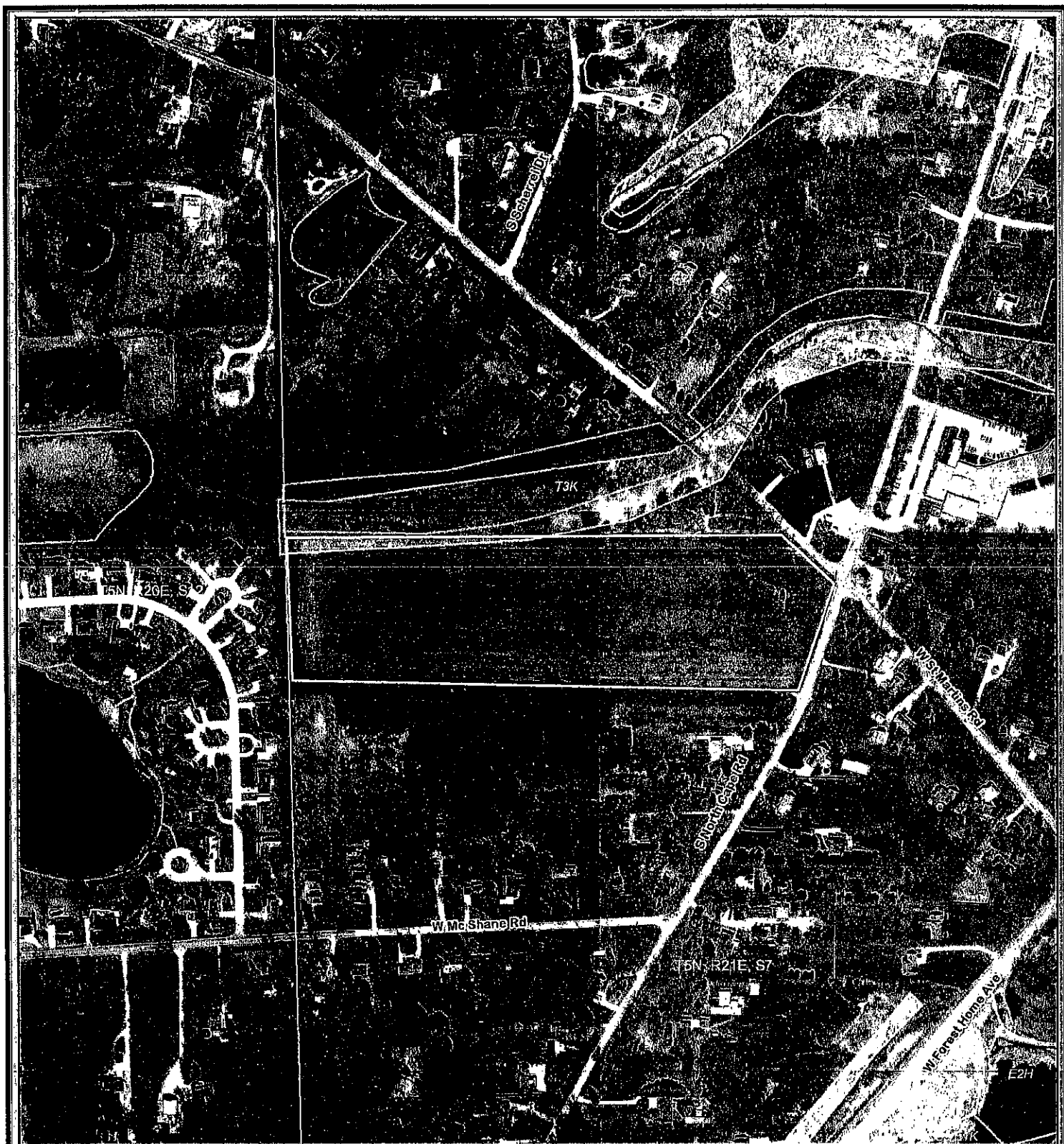


FIGURE 3. WI WETLAND INVENTORY
O'Malley Development



Location
 SWQ of Section 7, T5N, R21E,
 City of Franklin, Milwaukee County, WI

Project Information
 NRC Project Number #: 07-035-01
 Modified March 28, 2007

0 200 400 Feet

Legend

- Approximate Project Boundary
- SEWRPC Wetlands Aerial Interpretation
- SEWRPC Wetlands Field Verified
- WI Wetland Inventory
- 24K Hydro Layer
- Section Line

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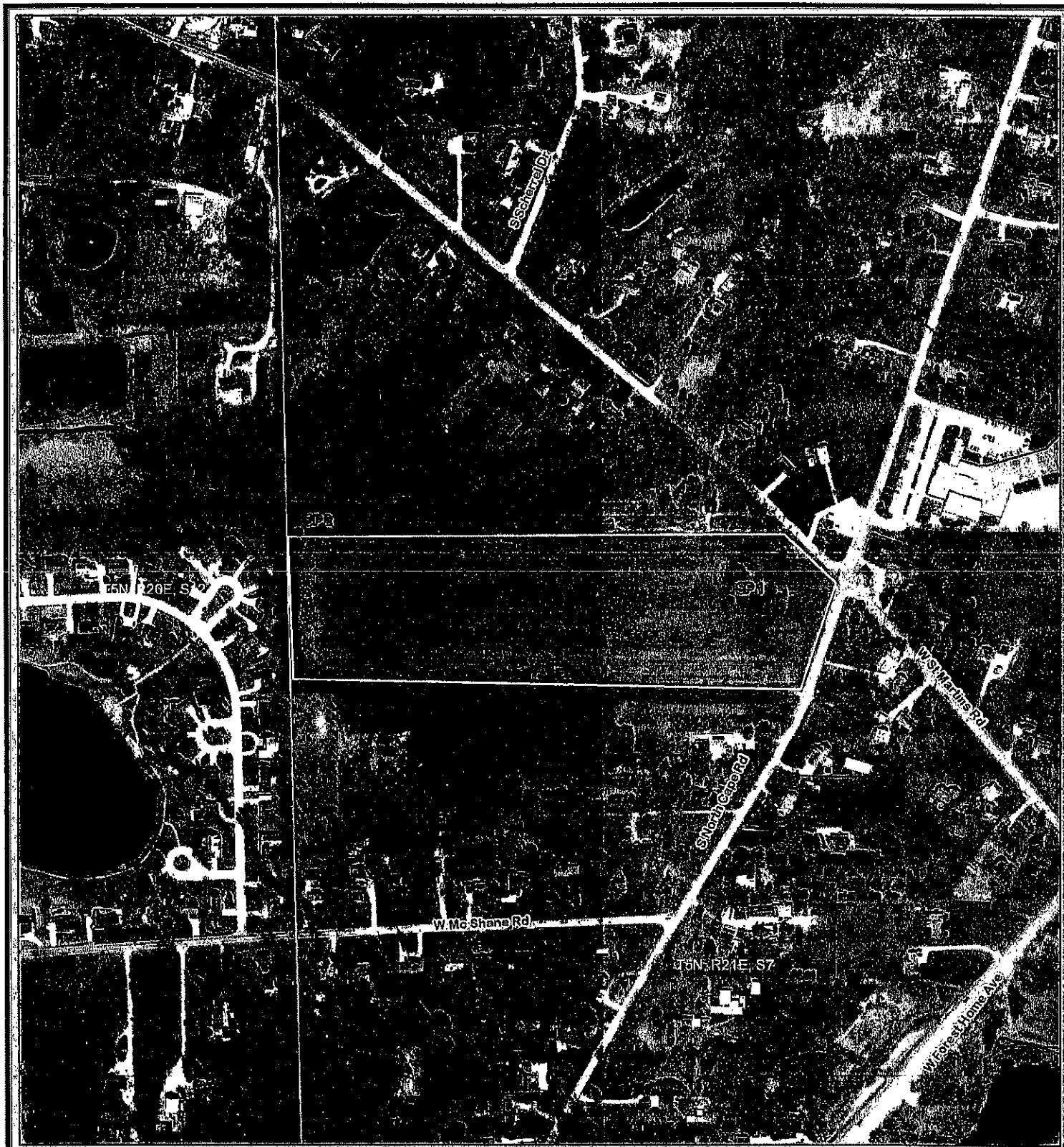
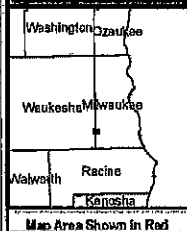


FIGURE 4. FIELD DATA
O'Malley Development



Location
 SWQ of Section 7, T5N, R21E,
 City of Franklin, Milwaukee County, WI

Project Information
 NRC Project Number : 07-035-01
 Modified April 2, 2007

0 200 400 Feet

Legend

- Approximate Project Boundary
- Sample Point
- 24K Hydro Layer
- Section Line

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APPENDIX A
DATA FORMS

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: Estates of St. Martin		Date: 03/29/07
Applicant/Owner: O'Malley Development, LLC		County: Milwaukee
Investigator #1: Stacey Carlson, NRC		State: Wisconsin
#2: --		Wetland ID: --
Do Normal Circumstances Exist On The Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sampling Point: 1
Is The Site Significantly Disturbed (Atypical Situation)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is The Area A Potential Problem Area? (If needed, explain on reverse)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

VEGETATION

Dominant Species					Non-Dominant Species				
	Species Name	Ind Status	Stratum	% Cover		Species Name	Ind Status	Stratum	% Cover
1.	<i>Prunus serotina</i>	FACU	TREE	40	1.	<i>Setaria faberi</i>	N/I	HERB	5
2.	<i>Quercus rubra</i>	FACU	TREE	5	2.	<i>Leonurus cardiaca</i>	N/I	HERB	5
3.	<i>Quercus macrocarpa</i>	FAC-	TREE	5	3.	<i>Arcotium minus</i>	N/I	HERB	5
4.	<i>Glechoma hederacea</i>	FACU	HERB	65	4.				
5.	--	--	--	--	5.	--	--	--	--
Percent of Dominant Species That Are OBL, FACW, Or FAC (Excluding FAC-)					0/4 = 0%				

Remarks: Some bare soil found at this location.

HYDROLOGY

<input checked="" type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, Or Tide Gauge <input checked="" type="checkbox"/> Aerial Photos FSA Slides <input type="checkbox"/> Other <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators: <input checked="" type="checkbox"/> None Primary Indicators: <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands Secondary Indicators (2 or More Required): <input type="checkbox"/> Oxidized Root Channels In Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: 0 (in.) Depth to Free Water: >20 (in.) Depth to Saturated Soil: >20 (in.)	

Remarks:

SOILS

Map Unit Name: Blount Silt Loam	Series Drainage Class: Somewhat Poorly Drained																																																	
Taxonomy (Subgroup): Aeric Ochraqualfs	Field Observations Confirm Mapped Type? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																	
Profile Description:																																																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Top Depth</th> <th>Bottom Depth</th> <th>Horizon</th> <th>Matrix Color (Munsell Moist)</th> <th>Mottle Colors (Munsell Moist)</th> <th>Mottle Abundance/Contrast</th> <th>Texture, moisture, etc</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>6</td> <td>A</td> <td>10YR 3/2</td> <td>---</td> <td>---</td> <td>silt loam</td> </tr> <tr> <td>6</td> <td>20</td> <td>A</td> <td>10YR 5/4</td> <td>---</td> <td>---</td> <td>silt loam</td> </tr> <tr> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> </tr> <tr> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> </tr> <tr> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> </tr> <tr> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> <td>--</td> </tr> </tbody> </table>	Top Depth	Bottom Depth	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, moisture, etc	0	6	A	10YR 3/2	---	---	silt loam	6	20	A	10YR 5/4	---	---	silt loam	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Top Depth	Bottom Depth	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, moisture, etc																																												
0	6	A	10YR 3/2	---	---	silt loam																																												
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Hydric Soil Indicators:		
<input type="checkbox"/> Histosol	<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Organic Streaking In Sandy Soils
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> Gleyed Or Low-Chroma Colors	<input checked="" type="checkbox"/> Listed On Local Hydric Soils List
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Concretions	<input type="checkbox"/> Listed On National Hydric Soils List
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> High Organic Content In Surface Layer In Sandy Soils	<input type="checkbox"/> No Indicator Met

NRCS Hydric Soil Field Indicators:			
<input type="checkbox"/> A1 - Histosol	<input type="checkbox"/> A10 - 0.75-In. Muck	<input type="checkbox"/> S6 - Stripped Matrix	<input type="checkbox"/> F5 - Thick Dark Surface
<input type="checkbox"/> A2 - Histic Epipedon	<input type="checkbox"/> S1 - Sandy Muck Mineral	<input type="checkbox"/> F1 - Loamy Muck Mineral	<input type="checkbox"/> F6 - Redox Dark Surface
<input type="checkbox"/> A3 - Black Histic	<input type="checkbox"/> S3 - 2-In. Mucky Peat or Peat	<input type="checkbox"/> F2 - Loamy Gleyed Matrix	<input type="checkbox"/> F7 - Depleted Dark Surface
<input type="checkbox"/> A4 - Hydrogen Sulfide	<input type="checkbox"/> S4 - Sandy Gleyed Matrix	<input type="checkbox"/> F3 - Depleted Matrix	<input type="checkbox"/> F8 - Redox Depressions
<input type="checkbox"/> A5 - Stratified Layers	<input type="checkbox"/> S5 - Sandy Redox	<input type="checkbox"/> F4 - Depleted Below Dark Surface	<input type="checkbox"/> TF7 - Thick Dark Surface 2/1
			<input checked="" type="checkbox"/> No Indicator Met

Remarks:

WETLAND DETERMINATION			
Hydrophytic Vegetation Present?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hydric Soils Present?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wetland Hydrology Present?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is This Sampling Point Within A Wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Remarks:			

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: Estates of St. Martin		Date: 03/29/07
Applicant/Owner: O'Malley Development, LLC		County: Milwaukee
Investigator #1: Stacey Carlson, NRC		State: Wisconsin
#2: —		Wetland ID: —
Do Normal Circumstances Exist On The Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sampling Point: 2
Is The Site Significantly Disturbed (Atypical Situation)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is The Area A Potential Problem Area? (If needed, explain on reverse)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

VEGETATION

Dominant Species					Non-Dominant Species				
	<i>Species Name</i>	<i>Ind. Status</i>	<i>Stratum</i>	<i>% Cover</i>		<i>Species Name</i>	<i>Ind. Status</i>	<i>Stratum</i>	<i>% Cover</i>
1.	<i>Populus deltoides</i>	FAC+	TRBE	90	1.	<i>Setaria faberi</i>	FACU+	HERB	10
2.	<i>Ribes cynosbati</i>	N/I	SHRUB	30	2.	--	--	--	--
3.	<i>Glechoma hederacea</i>	FACU	HERB	65	3.	--	--	--	--
4.	--	--	--	--	4.	--	--	--	--
5.	--	--	--	--	5.	--	--	--	--
Percent of Dominant Species That Are OBL, FACW, Or FAC (Excluding FAC-)				1/3 33%					

Remarks: Wooded area adjacent to agricultural field.

HYDROLOGY

<input checked="" type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, Or Tide Gauge <input checked="" type="checkbox"/> Aerial Photos FSA Slides <input type="checkbox"/> Other <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators: <input checked="" type="checkbox"/> None Primary Indicators: <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands Secondary Indicators (2 or More Required): <input type="checkbox"/> Oxidized Root Channels In Upper 12 Inches <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: 0 (in.) Depth to Free Water: >20 (in.) Depth to Saturated Soil: >20 (in.)	

Remarks:

SOILS

Map Unit Name:		Sebewa Silt Loam		Series Drainage Class:		Poorly Drained	
Taxonomy (Subgroup):		Typic Argiaquolls		Field Observations Confirm Mapped Type?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Profile Description:							
Top Depth	Bottom Depth	Horizon	Matrix Color (Munsell Moist):	Mottle Colors (Munsell Moist):	Mottle Abundance/Contrast		Texture, moisture, etc
0	6	A	10YR 3/2	— — —	— — —	— — —	silt loam
6	16	A	10YR 3/2	10YR 4/6	common	prominent	silt loam
16	20	A	10YR 3/3	10YR 4/6	common	prominent	silt loam
—	—	—	—	— — — — —	— — —	— — —	—
—	—	—	—	— — — — —	— — —	— — —	—
—	—	—	—	— — — — —	— — —	— — —	—
—	—	—	—	— — — — —	— — —	— — —	—

Hydric Soil Indicators:		
<input type="checkbox"/> Histosol	<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Organic Streaking In Sandy Soils
<input type="checkbox"/> Histic Epipedon	<input checked="" type="checkbox"/> Gleyed Or Low-Chroma Colors	<input checked="" type="checkbox"/> Listed On Local Hydric Soils List
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Concretions	<input type="checkbox"/> Listed On National Hydric Soils List
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> High Organic Content In Surface Layer In Sandy Soils	<input type="checkbox"/> No Indicator Met

NRCS Hydric Soil Field Indicators:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> A1 - Histosol | <input type="checkbox"/> A10 - 0.75-In. Muck | <input type="checkbox"/> S6 - Stripped Matrix | <input type="checkbox"/> F5 - Thick Dark Surface |
| <input type="checkbox"/> A2 - Histic Epipedon | <input type="checkbox"/> S1 - Sandy Muck Mineral | <input type="checkbox"/> F1 - Loamy Muck Mineral | <input checked="" type="checkbox"/> F6 - Redox Dark Surface |
| <input type="checkbox"/> A3 - Black Histic | <input type="checkbox"/> S3 - 2-In. Mucky Peat or Peat | <input type="checkbox"/> F2 - Loamy Gleyed Matrix | <input type="checkbox"/> F7 - Depleted Dark Surface |
| <input type="checkbox"/> A4 - Hydrogen Sulfide | <input type="checkbox"/> S4 - Sandy Gleyed Matrix | <input type="checkbox"/> F3 - Depleted Matrix | <input type="checkbox"/> F8 - Redox Depressions |
| <input type="checkbox"/> A5 - Stratified Layers | <input type="checkbox"/> S5 - Sandy Redox | <input type="checkbox"/> F4 - Depleted Below Dark Surface | <input type="checkbox"/> TF7 - Thick Dark Surface 2/I |
| | | | <input type="checkbox"/> No Indicator Met |

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hydric Soils Present?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wetland Hydrology Present?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is This Sampling Point Within A Wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Remarks:

Site Identification No. _____ - _____ (Tract No. + Site No.)

[illegible]

8 = plowed/tilled

_____ years out of # _____ years observed have wet (Y) signatures...

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