

A DEVELOPMENT PLAN FOR THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD

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**COMMUNITY ASSISTANCE PLANNING REPORT
NUMBER 138**

**A DEVELOPMENT PLAN FOR THE
FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD**

**City of Franklin
Milwaukee County, Wisconsin**

**Prepared by the
Southeastern Wisconsin Regional Planning Commission
P. O. Box 1607
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916 N. East Avenue
Waukesha, Wisconsin 53187-1607**

July 1988

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Outside Region \$20.00**

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July 4, 1988

The Honorable Mark E. Miazga
Mayor of the City of Franklin, and
Members of the Common Council
and City Plan Commission
Municipal Building, 9229 W. Loomis Road
Franklin, Wisconsin 53132

Ladies and Gentlemen:

The Southeastern Wisconsin Regional Planning Commission has for a number of years assisted the City of Franklin in the preparation of neighborhood unit development plans. Fifteen residential neighborhood units and two industrial neighborhood units have been delineated for which such plans should eventually be prepared. To date plans have been completed for three of the 15 residential neighborhoods. This report presents a plan for one of the industrial neighborhood units, the unit known as the "Franklin Industrial Park Neighborhood."

The report presents basic information on the present stage of development of the Franklin Industrial Park Neighborhood, including information on the existing real property boundary and land use patterns; the existing sanitary sewerage, water supply, and stormwater management facilities; and the topography, drainage pattern, soils, woodlands, and wetlands of the neighborhood area, all of which constitute important considerations in any neighborhood planning effort. Based on the findings of these inventories, and on recommended neighborhood development standards, the report sets forth a recommended neighborhood unit development plan which is consistent with both regional and local development objectives.

The Commission is pleased that the City of Franklin has already taken significant steps toward the implementation of this plan through the recent development by the City of the 105-acre Franklin Industrial Park at the intersection of W. Franklin Drive and S. 60th Street. The plan presented in this report is intended to be used by city officials to guide the further development of the Franklin Industrial Park Neighborhood over time and should be used as a point of departure in the making of development decisions concerning that area of the City.

The Regional Planning Commission staff is appreciative of the assistance provided by city officials in the preparation of the plan. The Commission staff stands ready to assist the City in presenting the plan documented in this report to the public for review and evaluation prior to local adoption and to assist in subsequent implementation of the plan over time.

Sincerely,



Kurt W. Bauer
Executive Director

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Chapter I

INTRODUCTION

The Southeastern Wisconsin Regional Planning Commission, since its inception in 1960, has urged local plan commissions to consider the preparation of detailed neighborhood unit development plans as an important means of guiding and shaping urban land use development and redevelopment in the public interest. SEWRPC Planning Guide No. 1, Land Development Guide, published in November 1963, discussed the importance of neighborhood unit planning to the attainment of good residential land subdivision. This guide indicated that effective public regulation of the important process of land subdivision--a process through which much of the form and character of a community are determined--requires the preparation of detailed neighborhood unit development plans. The regional land use plan originally adopted by the Commission in December 1966 more specifically recommended that local plan commissions identify neighborhood units within areas of existing or proposed urban use and prepare detailed plans for the development of these units.

The City of Franklin, on August 15, 1967, formally requested project planning services from the Regional Planning Commission and entered into an agreement with the Commission on May 20, 1969, wherein the Commission staff would assist the City in the delineation of neighborhood units as defined in this report, and in the design of precise development plans for these units. The Commission staff, working with the Plan Commission of the City of Franklin, initially identified 23 neighborhood units for which detailed plans should be prepared. Subsequent changes in the regional land use plan as it applies to the City of Franklin, together with the realignment of some of the neighborhood boundaries and the consolidation of some neighborhood units, based upon careful consideration by the City Plan Commission, have resulted in the identification and delineation of 17 neighborhood units. Fifteen of these units are basically residential, and two are basically industrial. The purpose of this report is to describe the precise development plan prepared for one of the two industrial neighborhoods--the Franklin Industrial Park Neighborhood.

The plan suggests future arterial, collector, and land access street locations and alignments and attendant block configurations for industrial-related land uses. The plan further identifies areas that should be protected from intensive development for environmental protection and enhancement purposes, and identifies the needed reservation of land for major drainageway and utility easements. The plan is intended to provide one of several means of attaining the following objectives:

1. Conservation and protection of desirable existing residential, commercial, industrial, and agricultural development;
2. The provision of a broad range of choice in industrial sites to meet the needs of a variety of industrial establishments;

3. The provision of an adequate, flexible, and balanced level of community services and facilities;
4. The protection, wise use, and sound development of the natural resource base;
5. The development of areas having distinctive individual character based on physical conditions, historical factors, and local desires; and
6. The provision of an energy-conscious and energy-efficient urban form.

GENERAL SETTING

The City of Franklin is located in the southwestern portion of Milwaukee County in U. S. Public Land Survey Township 5 North, Range 21 East. The City is bordered on the east by the City of Oak Creek, on the north by the Village of Greendale and the Village of Hales Corners, on the west by the City of Muskego, and on the south by the Town of Raymond in Racine County. Map 1 shows the location of the City of Franklin in the Southeastern Wisconsin Region and the pattern of historic urban development in the Region.

HISTORY OF THE CITY OF FRANKLIN¹

The Town of Franklin, much of which is now the City of Franklin, was formed out of the original Town of Kinnickinnic by the territorial legislature on December 20, 1839. The Town was originally covered with a heavy growth of timber, mostly of hardwood varieties such as walnut, butternut, hickory, oak, beech, maple, yellow poplar, white-wood, white ash, and elm. Shrubs native to Franklin included hazel, blackberry, huckleberry, juneberry, and hackberry. The Town was noted for its abundance of game and was a favorite hunting ground for the Indians for many years, even after the cession of the land to European settlers.

The Town of Franklin was among the earliest towns settled in Milwaukee County, with the first homesteader arriving in 1834, and the initial sale of the public lands occurring in 1838. During the early twentieth century, Franklin was one of the most wealthy and prosperous towns in Milwaukee County. Agriculture was the principal industry, and principal agricultural pursuits included stock raising and fruit growing. Farming remained of primary importance until the early 1960's, when farms still occupied more than 80 percent of the total area of the Town. By the early 1970's, approximately 35 percent of the land area of the original civil town had been converted to residential, commercial, and industrial uses.

In 1938, Franklin was the only civil town in Milwaukee County that retained its original 36.03-square-mile area intact, and was therefore coterminous with

¹Frances Beverstock and Robert P. Stuckert, eds., Metropolitan Milwaukee Fact Book: 1970 (Milwaukee: Milwaukee Urban Observatory, 1972) p. 319; and Lieutenant Colonel Jerome A. Watrous, ed., Memoirs of Milwaukee County (Madison: Western Historical Association, 1909) pp. 211-218.

Map 1

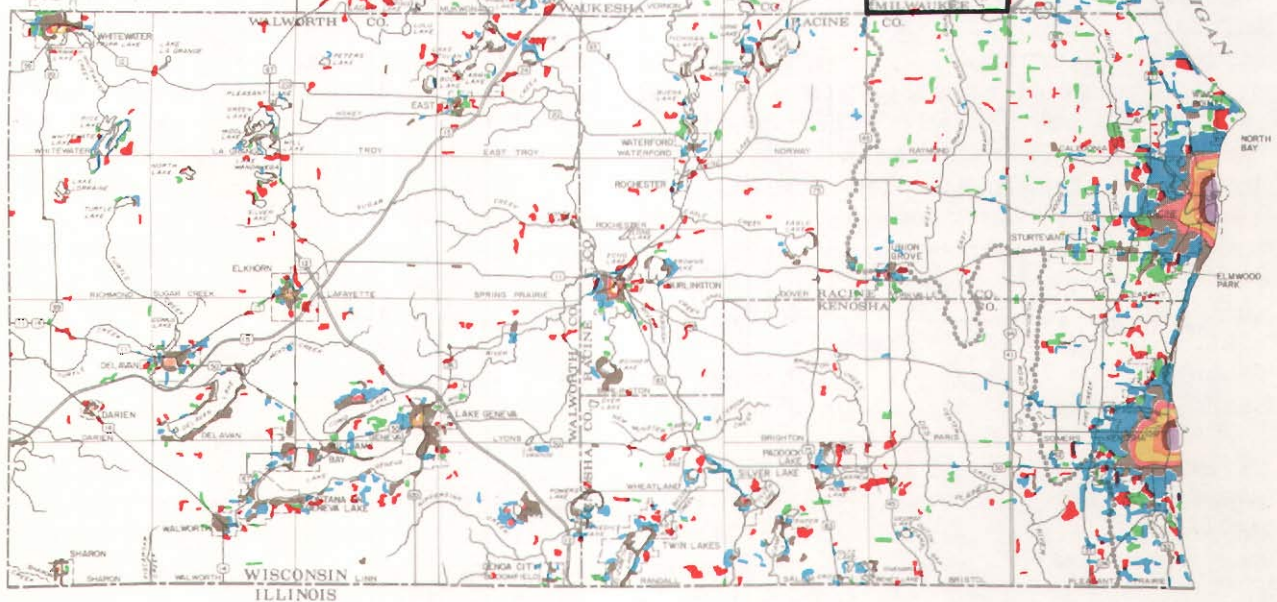
**LOCATION OF THE CITY OF FRANKLIN
IN THE SOUTHEASTERN WISCONSIN
REGION AND THE EXTENT OF HISTORIC
URBAN DEVELOPMENT**

LEGEND

- 1850
- 1880
- 1900
- 1920
- 1940
- 1950
- 1963
- 1970
- 1980



GRAPHIC SCALE



Source: SEWRPC.

U. S. Public Land Survey Township 5 North, Range 21 East. On November 1, 1938, the Village of Greendale was incorporated to the north of Franklin, and the incorporation included approximately 1.4 square miles of area in Franklin, with 34.6 square miles of land remaining unincorporated. On April 11, 1955, the Village of Hales Corners to the north annexed approximately 20 acres of the Town of Franklin. On August 15, 1956, the remaining approximately 34.6-square-mile area of the Town was incorporated as a fourth class city. The City of Franklin has a mayor-council form of government, with the mayor presiding over six aldermen elected by ward.

The population of the Franklin area remained almost entirely rural from 1840 to 1940. A small urban population enclave existed in the unincorporated Village of St. Martins, a community within the Town of Franklin which was settled around a Roman Catholic mission in about 1848. The resident population of the Franklin area grew slowly during the first 100 years following European settlement, as shown in Table 1. The last 40 years, from 1940 to 1980, were characterized by major changes in land use and population. Much of the increase in the population of the Franklin area over this later period was due to the development of residential areas occupied by persons who worked in commercial and industrial centers in the greater Milwaukee area.

In 1980, the resident population of the City of Franklin was 16,871 persons. The rapid growth of the City over the recent past dictates the need for a local planning program to provide a sound basis for development decision-making by local officials on a day-to-day basis.

THE NEIGHBORHOOD UNIT CONCEPT

The Regional Planning Commission recommendation that detailed neighborhood unit development plans be prepared by local plan commissions is based upon the concept that an urban area should be formed of, and developed in, a number of individual cellular units and not as a single, large, formless mass. These cellular units may be categorized by their primary or predominant land use and, as such, may be residential, commercial, institutional, or industrial. Insofar as possible, each neighborhood unit should be bounded by arterial streets; major park, parkway, or institutional lands; bodies of water; or other natural or cultural features which serve to clearly and physically separate each unit from the surrounding units. The internal street pattern of industrial park neighborhood units should be designed to facilitate ready access by transportation systems, service vehicles, public works service vehicles, and emergency vehicles to the sites within the unit while facilitating the provision of necessary sanitary sewerage, water supply, and stormwater drainage facilities. Importantly, in developing areas, the neighborhood unit concept is intended to facilitate the difficult task of good land subdivision design. The proper relationship of individual subdivisions to areawide features, to existing and proposed land uses, and to other subdivisions can best be achieved through a precise plan for neighborhood unit development.

Unlike the community comprehensive or master plan, which is necessarily quite general, the plan developed for a neighborhood unit is quite precise. It explicitly depicts alternative development patterns designed to meet such needs as traffic circulation, stormwater drainage, sanitary sewerage, water supply, and a sound arrangement of land uses. Neighborhood unit planning,

Table 1

**HISTORIC AND FORECAST POPULATIONS FOR THE
TOWN AND CITY OF FRANKLIN: 1840-2000**

Year	Population	Percent Population Change from Previous Period
1840	250 ^a	--
1850	1,176	370.4
1860	1,773	50.8
1870	2,090	17.9
1880	1,819	-13.0
1890	1,868	2.7
1900	1,738	- 7.0
1910	1,770	1.8
1920	1,712	- 3.3
1930	2,012	17.5
1940	2,304	14.5
1950	3,886 ^b	68.7
1960	10,006	157.5
1970	12,247	22.4
1980	16,871	37.7
1990	20,900 ^c	23.9
2000	38,600 ^c	84.7

^aLieutenant Colonel Jerome A. Watrous, ed., Memoirs of Milwaukee County (Madison: Western Historical Association, 1909), p. 220.

^bThe City of Franklin was incorporated from the Town of Franklin on August 15, 1956.

^cForecasts based upon regional land use plan for the year 2000.

Source: U. S. Bureau of the Census and SEWRPC.

therefore, must involve careful consideration of such factors as soil suitability, land slopes, drainage patterns, flood hazards, and woodland and wetland cover; existing and proposed land uses in and surrounding the neighborhood unit; and real property boundaries. Although the neighborhood unit concept most readily applies to medium- and high-density residential areas, it can be successfully applied in low-density areas, commercial areas, and industrial areas with some modifications to the urban planning and design criteria, as outlined in Chapter III.

The neighborhood unit development plan, while precise, must nevertheless be flexible. The plan is intended to be used as a standard for evaluating development proposals of private and public agencies as such proposals are advanced over time. It should not be presumed that private developers cannot present development plans harmonious with sound development standards, nor that any development plans which are privately advanced and at variance in some respect with adopted neighborhood unit plans are necessarily unacceptable. Local planning officials should remain receptive to proposed plan changes which can be shown to be better than the adopted plan, yet compatible with the overall objectives for the development of the neighborhood and the community as a whole.

THE NEIGHBORHOOD PLANNING PROCESS

The recommended neighborhood planning process consists of the following steps: 1) preparation of an overall community comprehensive plan; 2) neighborhood delineation; 3) inventory of the factors affecting land use development in the neighborhood area; 4) analysis of inventory data and the identification of neighborhood developmental problems and potentials; 5) formulation of neighborhood urban design criteria; 6) development of alternative neighborhood plans; 7) evaluation of alternative neighborhood plans; 8) neighborhood plan selection and adoption; and 9) neighborhood plan implementation and policy development. The neighborhood planning process is outlined in graphic form in Figure 1. Imperative within the neighborhood planning process is citizen participation and input. Also imperative to the process is the need to continually reevaluate alternative neighborhood plan schemes based upon the emergence of new data and citizen input.

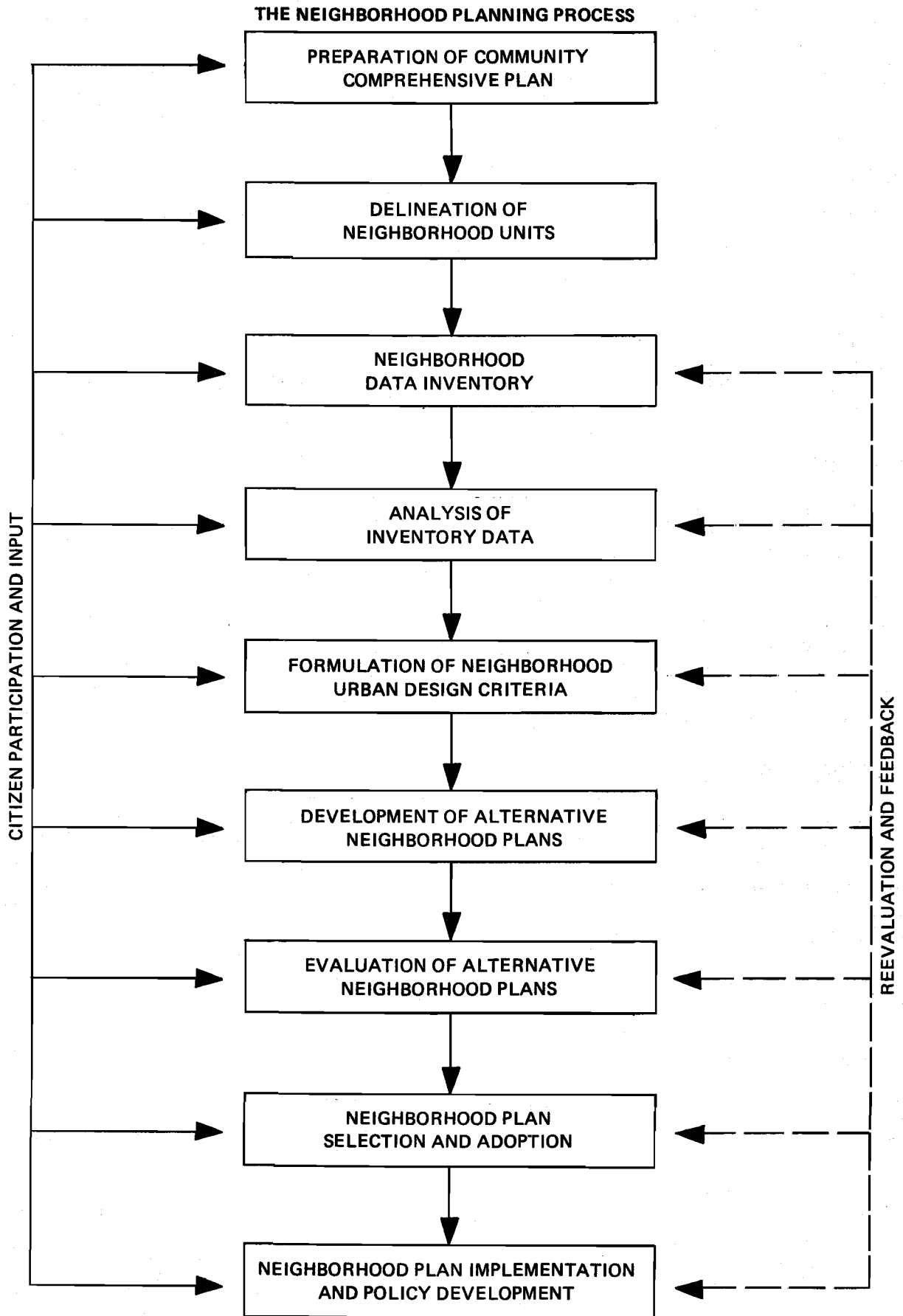
The Community Comprehensive Plan

A community should have an adopted comprehensive plan as a basis for the preparation of precise neighborhood unit development plans. Sound planning practice dictates that, just as neighborhood plans should be prepared within the framework of community plans, community plans should be prepared within the framework of regional plans. In October 1965, Wm. S. Lawrence and Associates, Inc., and the North American Research Corporation, Chicago-based consulting firms, prepared a land use plan for the City of Franklin entitled Comprehensive Plan: Franklin, Wisconsin. The plan included information on the economic environment, socioeconomic factors, existing land use, community facilities, circulation, and housing, and made various recommendations pertaining to each of these planning areas. The plan was prepared for the design year 1980 and did not extend beyond the then-existing city boundaries. A delineation of neighborhoods was included in the comprehensive plan. The plan delineated a total of seven neighborhood units ranging in size from 1,900 acres to 4,530 acres. The plan contained much information of value and, while now obsolete, was carefully reviewed as a part of the current planning effort in order to incorporate those concepts still held to be valid. This plan, however, was not adopted by the City.

The City has used the Commission regional land use plan, together with certain other regional plan elements, as a basis for its land use planning efforts. However, the regional land use plan is insufficient in depth and detail to provide a sound basis for the preparation of precise neighborhood unit development plans. The adopted regional land use plan as it applies to the City of Franklin is shown on Map 2, together with the recommended neighborhood boundaries.

Several of the adopted regional plan elements are particularly important to the preparation of a general plan for the City of Franklin and, therefore, to the development of precise neighborhood unit development plans within the City. These elements are described in the following Regional Planning Commission reports: SEWRPC Planning Report No. 9, A Comprehensive Plan for the Root River Watershed; SEWRPC Planning Report No. 11, A Jurisdictional Highway System Plan for Milwaukee County; SEWRPC Planning Report No. 16, A Regional Sanitary Sewerage System Plan for Southeastern Wisconsin; SEWRPC Planning Report No. 20, A Regional Housing Plan for Southeastern Wisconsin; SEWRPC Planning Report No. 25, A Regional Land Use Plan and a Regional Transportation Plan for Southeastern Wisconsin: 2000; SEWRPC Planning Report No. 27, A Regional Park and Open Space Plan for Southeastern Wisconsin: 2000; and SEWRPC

Figure 1



Source: SEWRPC.

Planning Report No. 30, A Regional Water Quality Management Plan for South-eastern Wisconsin: 2000. The findings and recommendations of these adopted regional plan elements are reflected in the neighborhood unit development plan presented herein.

In preparation for its overall planning program, and in support of other planning and engineering programs, the City in 1963 prepared large-scale (1 inch equals 100 feet scale, two-foot contour interval) topographic maps to National Map Accuracy Standards for much, but not all, of the area of the City. The companion cadastral maps were prepared in September 1973. These maps and attendant control surveys were prepared in accordance with specifications prepared for the City by the Regional Planning Commission and involved the relocation, monumentation, and placement on the Wisconsin State Plane Coordinate System of all U. S. Public Land Survey corners within the areas to be mapped, and the determination of the grid lengths and bearings of all quarter-section lines. The resulting topographic and cadastral information was essential to the conduct of the precise neighborhood development planning program documented herein.

Neighborhood Delineation

As already noted, the Plan Commission of the City of Franklin has identified 15 residential neighborhood units for which detailed neighborhood plans should eventually be developed. As shown on Map 2, these are the Country Dale, Forest Hills, Franklin, Hillcrest, Mission Hills East, Mission Hills West, Pleasant View, Riverview North, Riverview South, St. Martins, Southwood, Whitnall, Xaverian, Willow Edge, and Woodview Neighborhoods. The 15 neighborhoods were delineated based on the neighborhood unit concept described herein. The neighborhood boundaries were located along strong transportation and environmental barriers such as Loomis Road, Rawson Avenue, S. 76th Street, S. 27th Street, STH 100, and the Root River Parkway.

Inventory and Analysis

The sound formulation of a neighborhood unit plan requires that factual data be developed on the existing land use pattern; on the potential ultimate demand for each of the various major land use categories; and on the major determinants of these ultimate demands, as well as on the underlying natural resource and public utility base and its ability to support land use development.

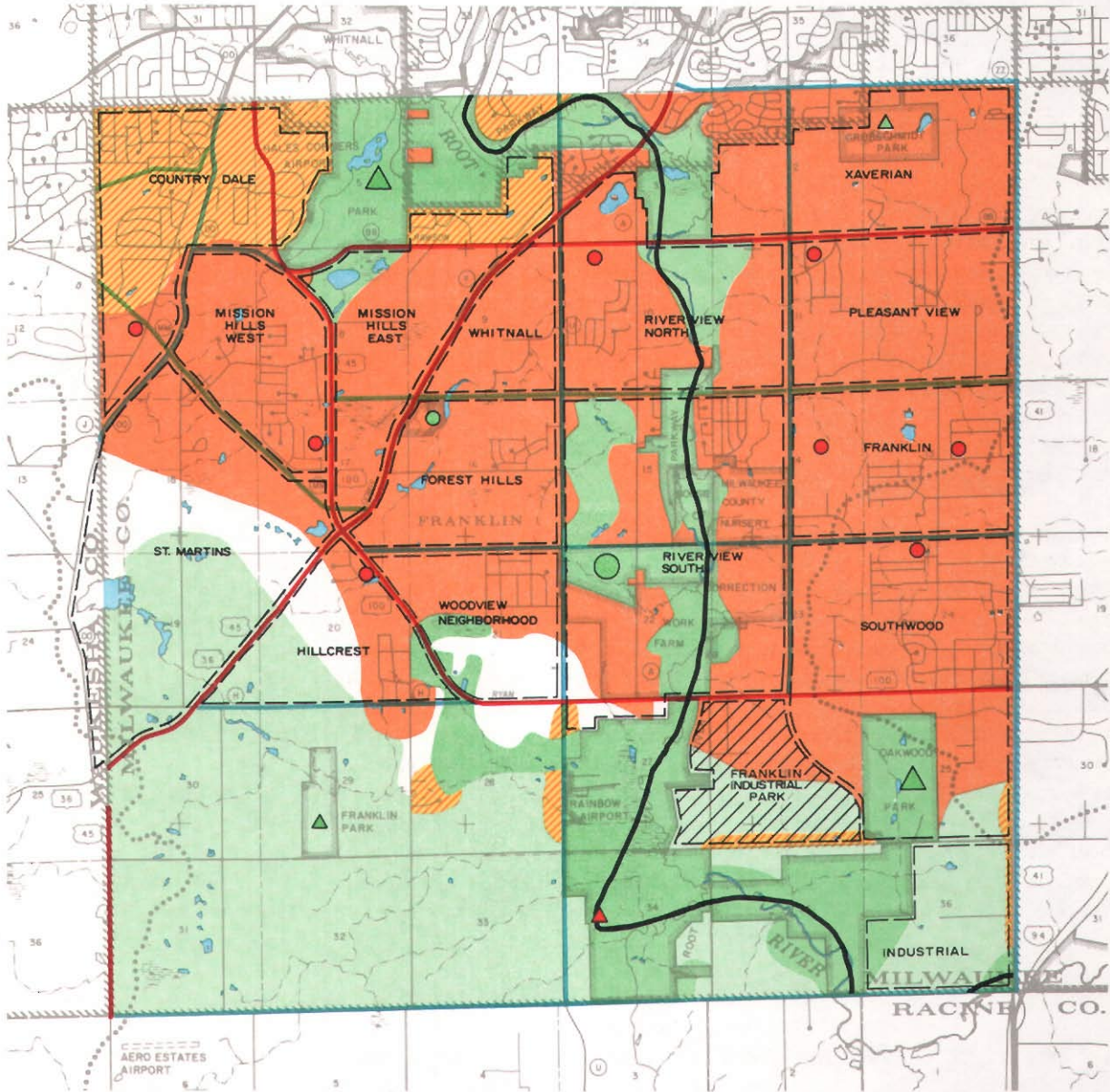
The necessary inventories and analyses not only provide data describing existing conditions, but also provide a basis for identifying existing and potential problems in the planning area. The inventory data are also crucial to the forecasting of ultimate neighborhood land use needs, to formulating alternative neighborhood development plans, and to evaluating such alternative plans.

Urban Design Criteria

Urban design criteria serve as a guide to the preparation of alternative neighborhood plans. Urban design criteria consist of a body of information which can be applied to the development of a solution or solutions to a specific design problem or set of problems and are of a high level of specificity. The neighborhood plan herein presented was related, in terms of physical design, to the attendant urban design criteria as set forth in Chapter III of this report.

Map 2

SELECTED ELEMENTS OF THE REGIONAL LAND USE, PARK AND OPEN SPACE, AND TRANSPORTATION PLANS FOR THE CITY OF FRANKLIN PLANNING AREA: 2000



LEGEND

- LOW DENSITY RESIDENTIAL (1.7-2 DWELLING UNITS PER NET RESIDENTIAL ACRE)
- MEDIUM DENSITY RESIDENTIAL (2.5-5 DWELLING UNITS PER NET RESIDENTIAL ACRE)

MAJOR PUBLIC PARK SITE TYPE I (250 OR MORE ACRES)

- EXISTING

OTHER PUBLIC PARK SITE TYPE II (100-249 ACRES)

- EXISTING
- PROPOSED

MAJOR PUBLIC PARK SITE TYPE III (25-99 ACRES)

- EXISTING

OTHER PUBLIC PARK SITE TYPE IV (5-24 ACRES)

- EXISTING
- PROPOSED

- PRIMARY ENVIRONMENTAL CORRIDOR
- PRIME AGRICULTURAL LAND
- OTHER AGRICULTURAL AND RURAL LAND
- WATER

ARTERIAL STREET AND HIGHWAY SYSTEM

- STATE TRUNK
- COUNTY TRUNK
- LOCAL TRUNK

- RECREATION CORRIDOR
- NEIGHBORHOOD UNIT BOUNDARY LINE



Source: SEWRPC.

Development of Alternative Neighborhood Plans

In the neighborhood planning effort, data regarding the ultimate design population for the neighborhood unit must be considered and used to determine, in part, the ultimate land use pattern of the neighborhood unit. The ultimate design population should be accommodated in each of the alternative plan designs for the neighborhood unit, as well as in the recommended plan.

Plan Evaluation and Selection

Alternative neighborhood plans should be evaluated based upon their relative ability to attain the agreed-upon neighborhood unit development objectives. Such evaluation involves the use of data obtained during the inventory and analysis stages of the neighborhood planning process, and of the results of the alternative plan preparation process. In addition, the neighborhood plan evaluation and selection process requires that citizen desires be considered prior to the selection and adoption of a neighborhood plan. These aspects are accommodated at public hearings on the alternative plans and the recommended plan.

Neighborhood Plan Implementation

Implementation of the recommended neighborhood plan presented herein will require the use of several legal planning tools. Subdivision regulations governing the review and approval of plats and certified survey maps should specify standards to be followed in the laying out of new streets, lots, and improvements in conformance with the plan. A zoning ordinance and accompanying zoning map should be used to determine the kind of land use, the arrangement of buildings on land, the intensity of the use of land, and the needed supporting facilities which are permissible in the City in order to carry out the intent of the neighborhood plan. An official map should be used to protect and preserve in advance of development the rights-of-way and site boundaries for streets, highways, parkways, parks, and playgrounds proposed in the neighborhood plan. The implementation of the neighborhood plan can also be forwarded through the promulgation of relevant public policies. The policies should be based upon the desired objectives of the plan and their respective attainment.

FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD LOCATION AND BOUNDARIES

The Franklin Industrial Park Neighborhood, one of two industrial park neighborhoods identified within the City of Franklin, is located in the southeast corner of the City. The neighborhood is bounded on the north by W. Ryan Road (STH 100), on the east by the proposed extension of S. 51st Street, on the south by W. Oakwood Road, and on the west by the Root River Parkway. The neighborhood occupies a total area of 552.5 acres, or 0.86 square mile of land.

Chapter II

INVENTORY FINDINGS AND ANALYSIS

INTRODUCTION

Reliable planning and engineering data are essential to the formulation of workable development plans. Consequently, inventory becomes the first operational step in any planning process. The formulation of a neighborhood development plan requires that factual data be developed on the existing characteristics of the neighborhood area, including the topography and surface drainage patterns, the existence of any areas subject to special hazards such as flooding, the extent of woodlands and wetlands, the existing land use, the real property ownership, the community utilities and facilities, the street and highway facilities, and the soils.

TOPOGRAPHY AND SURFACE DRAINAGE

Map 3 shows the topography and surface drainage patterns of the Franklin Industrial Park Neighborhood, and the wetland areas in the neighborhood. The area is marked by gently rolling terrain, with a maximum local relief of approximately 58 feet.

The neighborhood is located within the Root River watershed, and also lies in the Upper and Lower Root River subbasins, as indicated on Map 3. In 1985, the neighborhood was not serviced by a storm sewer system. Stormwater from the Upper Root River subwatershed generally flows to the west, while stormwater from the Lower Root River subwatershed generally flows to the south.

SOILS

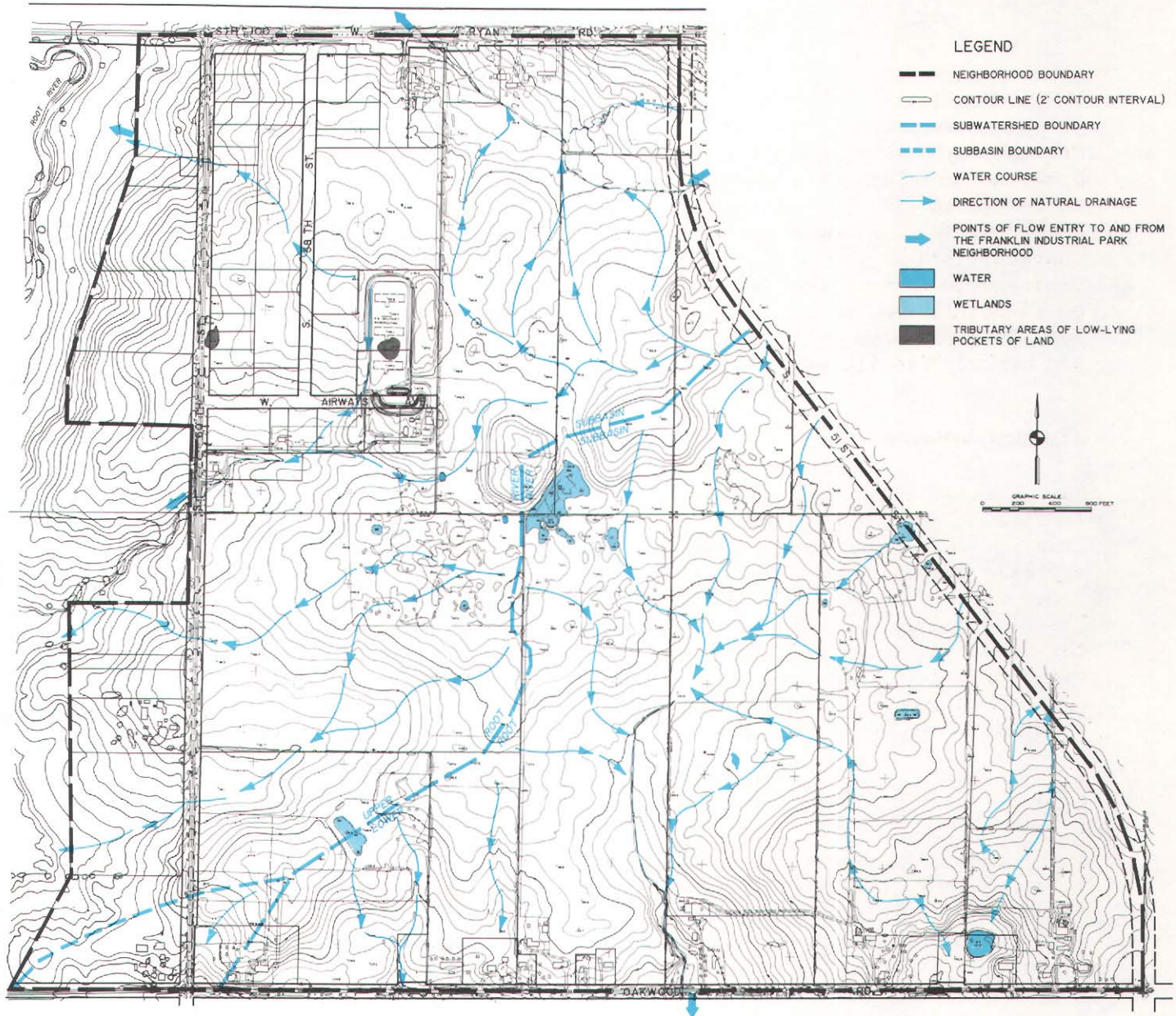
Soil properties exert a strong influence on the manner in which man uses land. A need exists, therefore, to examine the soils of the Franklin Industrial Park Neighborhood. This examination requires a soils suitability survey which maps the geographic location of various soils in the Franklin Industrial Park Neighborhood, and provides information on the suitability of each of the soil types for industrial uses and on the characteristics of each soil type.

Pertinent Soil Characteristics

Seven types of soils have been identified within the Franklin Industrial Park Neighborhood; these soils, along with selected characteristics, are shown on Map 44 and summarized in Table 2. The most prevalent type of soil in the neighborhood is the Morley silt loam, which covers over 57 percent of the total area of the neighborhood. The second most prevalent type is the Blount silt loam, which covers about 38 percent of the neighborhood area.

Map 3

TOPOGRAPHY AND SURFACE DRAINAGE PATTERNS
IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD

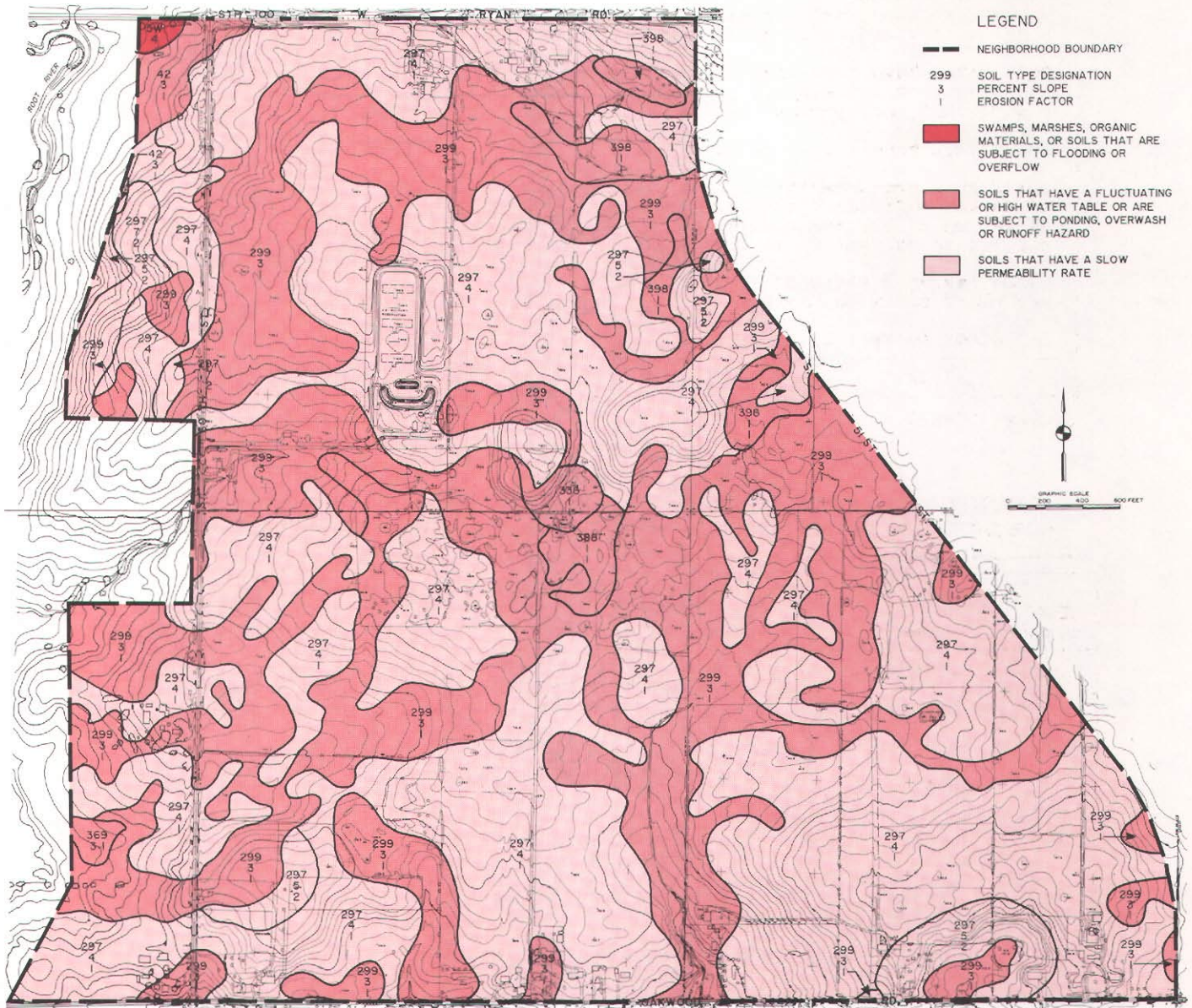


Source: SEWRPC.

Table 3 lists all the soils found in the Franklin Industrial Park Neighborhood and indicates the suitability of these soils for light industrial and commercial buildings. The term "moderate limitation" indicates that the soil has limitations for the indicated use, but ones that can normally be overcome with proper planning, careful design, and average management. The term "severe limitations" indicates that the soil has limitations that are somewhat difficult to overcome and which require above-average planning, design, and management. The term "very severe limitations" indicates that development of

Map 4

SELECTED CHARACTERISTICS OF SOILS IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

the soil for the uses indicated will entail costs that are generally prohibitive, and major soil reclamation work will generally be required. Less than 1 percent of the soils in the neighborhood have very severe limitations for light industrial and commercial buildings, while about 42 percent of the soils exhibit severe limitations. These soils are scattered throughout the lower lying areas of the neighborhood. Map 5 shows the location and extent of soils in the neighborhood area with severe and very severe limitations.

Table 2

**SELECTED CHARACTERISTICS OF SOILS IN THE
FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD**

Selected Characteristic	Area Covered in Acres	Percent of Total
Swamps, marshes, organic materials, or soils subject to flooding or overflow.....	1.1	0.2
Soils that have a fluctuating or high water table or that are subject to ponding, overflow runoff, or overwash hazard.....	231.8	42.0
Soils that have a slow permeability rate....	319.6	57.8
Soils that are underlain by shallow bedrock or in which filter fields are subject to siltation or the groundwater table is subject to contamination.....	0	0
Lands having a slope of 12 percent or greater and where soils may be erosive.....	0	0
All other soils.....	0	0
Total	552.5	100.0

Source: SEWRPC.

Table 3

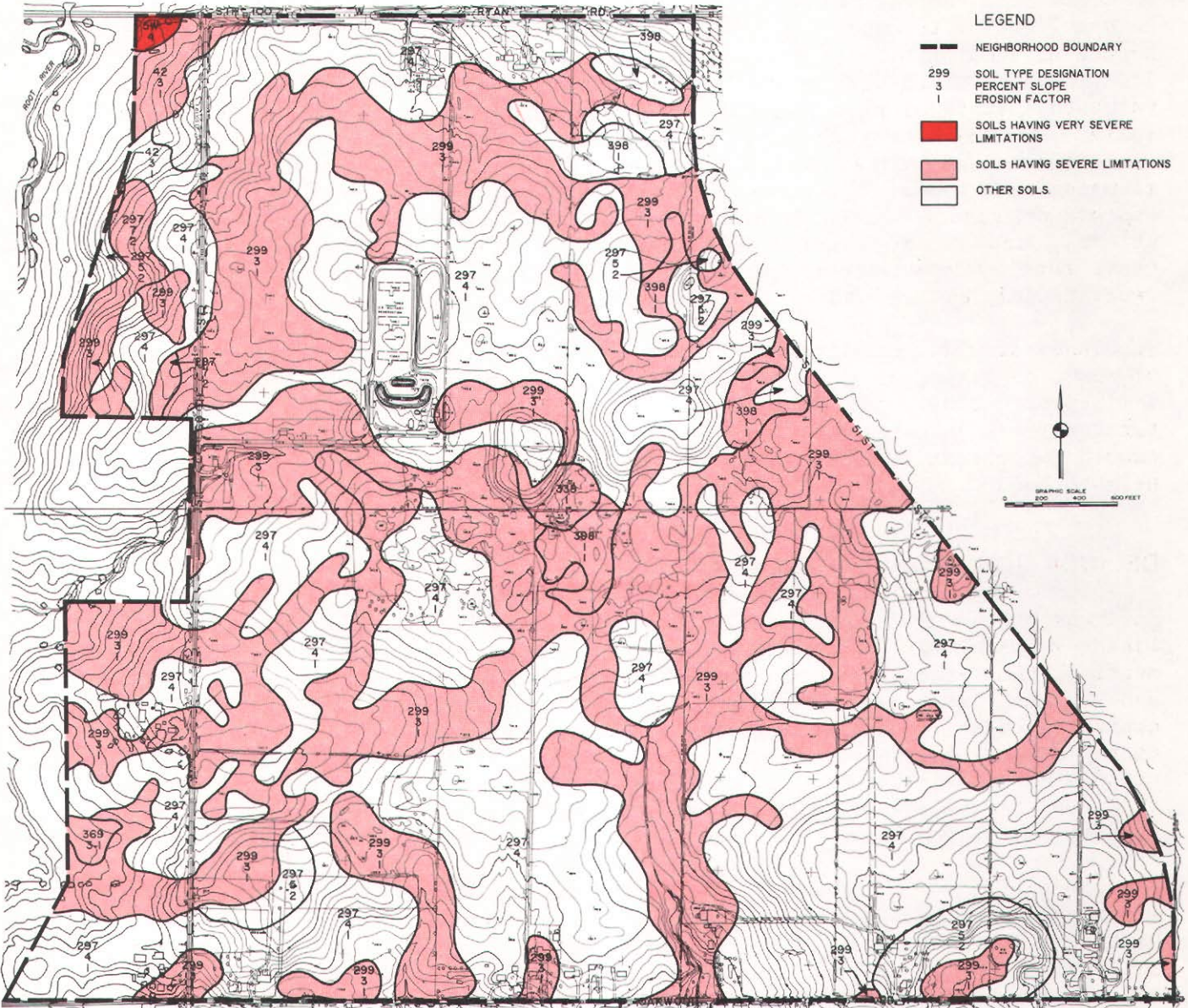
**LIMITATIONS OF SOILS FOR LIGHT INDUSTRIAL AND COMMERCIAL DEVELOPMENT
FOR THOSE SOIL SERIES FOUND IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD**

SEWRPC Symbol	Soil Name	Limitation for Light Industrial and Commercial Buildings	Area Covered in Acres	Percent of Neighborhood
5W	Otter silt loam	<u>Very severe</u> --frequent overflow; high water table; low bearing capacity; piping; frost heave	1.1	0.2
42	Tichigan silt loam	<u>Severe</u> --high water table; high shrink-swell potential; low bearing capacity; erosive on slopes	4.8	0.9
297	Morley silt loam	<u>Moderate</u> --on 0-6 percent slopes; <u>severe</u> --on steeper slopes; low bearing capacity; high shrink- swell potential; erosive on slopes	319.6	57.8
299	Blount silt loam	<u>Severe</u> --high water table; high shrink-swell potential; low bearing capacity; erosive on slopes; frost heave	208.0	37.6
338	Ashkum silty clay loam	<u>Severe</u> --low bearing capacity; high shrink-swell potential; high water table	2.6	0.5
369	Mosel silt loam	<u>Severe</u> --high water table; high shrink-swell potential; low bearing capacity; low shear strength; high compressibility	1.1	0.2
398	Ashkum silty clay loam	<u>Severe</u> --low bearing capacity; high shrink-swell potential; high water table	15.3	2.8
		Total	552.5	100.0

Source: SEWRPC.

Map 5

SOIL LIMITATIONS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

WOODLANDS

Woodlands have important values beyond any potential monetary return from forest products. With good management, woodlands can serve a variety of uses and provide a number of important benefits. The quality of life within an area is greatly influenced by the overall quality of the environment, as measured in terms of clean air, clean water, scenic beauty, and diversity. In addition to contributing to clean air and water, woodlands can contribute to the scenic beauty of an area and to the maintenance of a diversity of plant and animal life in association with human life. Importantly, woodlands can add substantial value to industrial areas, and their preservation should, therefore, be carefully considered in the design of such areas. The existing woodlands of the area, which required a century or more to develop, can be destroyed through mismanagement within a comparatively short time. Such deforestation increases stormwater runoff, contributes to flooding and the siltation of lakes and streams, and destroys wildlife habitat. Woodlands should be maintained for their total values: scenic, wildlife habitat and open space, educational and recreational, and air and water quality protection and enhancement.

Woodlands in the Franklin Industrial Park Neighborhood occupy a combined area of about 35 acres, or about 6 percent of the neighborhood area. Because of the limited amount of woodland areas in the neighborhood, the woodlands are a particularly valuable resource. The preservation and wise use of these woodlands should be carefully considered in any planning for the development of the neighborhood.

DELINEATION OF ENVIRONMENTALLY SIGNIFICANT AREAS

Environmental corridors are defined by the Regional Planning Commission as linear areas in the landscape which contain concentrations of high-value elements of the natural resource base. Preservation of the natural resource base and natural resource-related elements, especially where these elements are concentrated in identifiable geographic areas, is essential to the maintenance of the overall environmental quality of an area, to the continued provision of certain amenities that provide a high quality of life for the resident population, and to the avoidance of excessive costs associated with the development, operation, and maintenance of urban land uses.

Seven elements of the natural resource base are considered by the Regional Planning Commission to be essential to the maintenance of the ecological balance and overall quality of life in an area. These elements are: 1) lakes, rivers, streams, and the associated undeveloped shorelands and floodlands; 2) wetlands; 3) areas covered by wet, poorly drained, and organic soils; 4) woodlands; 5) prairie; 6) wildlife habitat areas; and 7) rugged terrain and high-relief topography having slopes exceeding 12 percent. Five of these seven elements of the natural resource base, as they occur in the neighborhood, have been described earlier in this chapter. Wildlife habitat is related to wetlands and woodland areas and need not, for neighborhood planning purposes, be considered separately from such uses.

The environmental corridors and other environmentally significant areas in the neighborhood were delineated using the following criteria:

1. Point values between 1 and 20 were assigned to each natural resource and resource-related element. These point values were based on the premise that those elements having intrinsic natural resource values and a high degree of natural diversity should be assigned relatively high point values, whereas elements having only implied natural values should be assigned relatively low point values. These values for each element of corridor are shown in Table 4.
2. Each element was then depicted on 1 inch equals 400 feet scale, ratioed and rectified aerial photographs, or on 1 inch equals 400 feet scale base maps of the study area.
3. Cumulative point values were totaled for all areas of the Franklin Industrial Park Neighborhood containing natural resource-related elements. These areas are shown on Map 6.
4. Environmental corridors were then delineated based on the following criteria, as shown in Table 5.
 - a. Areas having a point value of 10 or greater, with a minimum area of 400 acres and a minimum length of two miles, were designated as primary environmental corridors. There were four acres of primary environmental corridors delineated in the Franklin Industrial Park Neighborhood in 1980, as shown on Map 6.
 - b. Areas having point values of 10 or greater, with a minimum area of 100 acres and a minimum length of one mile, were designated as secondary environmental corridors. There were no secondary environmental corridors delineated in the Franklin Industrial Park Neighborhood.
 - c. Isolated areas having point values of 10 or greater, with a minimum area of five acres, were designated as isolated natural areas. There were 37 acres of isolated natural areas delineated in the Franklin Industrial Park Neighborhood in 1980, as shown on Map 6.

It is important to note in this report that, because of the many interlocking and interacting relationships which exist between living organisms and their environment, the destruction or deterioration of any one element of the total natural resource base may lead to a chain reaction of deterioration and destruction. The draining and filling of wetlands, for example, may destroy fish spawning grounds, wildlife habitat, groundwater recharge areas, and the natural filtration action and floodwater storage functions which contribute to maintaining high levels of water quality and stable streamflows and lake stages in a watershed. The resulting deterioration of surface water quality may, in turn, lead to the deterioration of the quality of the groundwater which serves as a source of domestic, municipal, and industrial water supply and on which low flows in rivers and streams may depend. Similarly, the destruction of woodland cover may result in soil erosion and stream siltation and more rapid stormwater runoff and attendant increased flood flows and stages, as well as the destruction of wildlife habitat. Although the effects of any one of these environmental changes may not in and of itself be overwhelming, the combined effects will eventually create serious environmental and developmental problems. These problems include flooding, water pollution,

Table 4

POINT VALUE DESIGNATION FOR ELEMENTS OF PRIMARY ENVIRONMENTAL CORRIDOR, SECONDARY ENVIRONMENTAL CORRIDOR, AND OTHER ENVIRONMENTALLY SIGNIFICANT LANDS

Resource Base or Related Element	Point Value
Natural Resource Base	
Lake	
Major (50 acres or more).....	20
Minor (5-49 acres).....	20
Rivers or Streams (perennial).....	10
Shoreland	
Lake or Perennial River or Stream.....	10
Intermittent Stream.....	5
Floodland (100-year recurrence interval).....	3
Wetland.....	10
Wet, Poorly Drained, or Organic Soil.....	5
Woodland.....	10
Wildlife Habitat	
High Value.....	10
Medium Value.....	7
Low Value.....	5
Steep Slope	
20 Percent or More.....	7
13-19 Percent.....	5
Prairie.....	10
Natural Resource Base-Related	
Existing Park or Open Space Site	
Rural Open Space Site ^a	5
Other Park and Open Space Sites.....	2
Potential Park Site	
High Value.....	3
Medium Value.....	2
Low Value.....	1
Historic Site	
Structure.....	1
Other Cultural.....	1
Archaeological.....	2
Scenic Viewpoint.....	5
Scientific Area	
State Scientific Area.....	15
State Significance.....	15
County Significance.....	10
Local Significance.....	5

^aIncludes publicly owned forests and wildlife management areas.

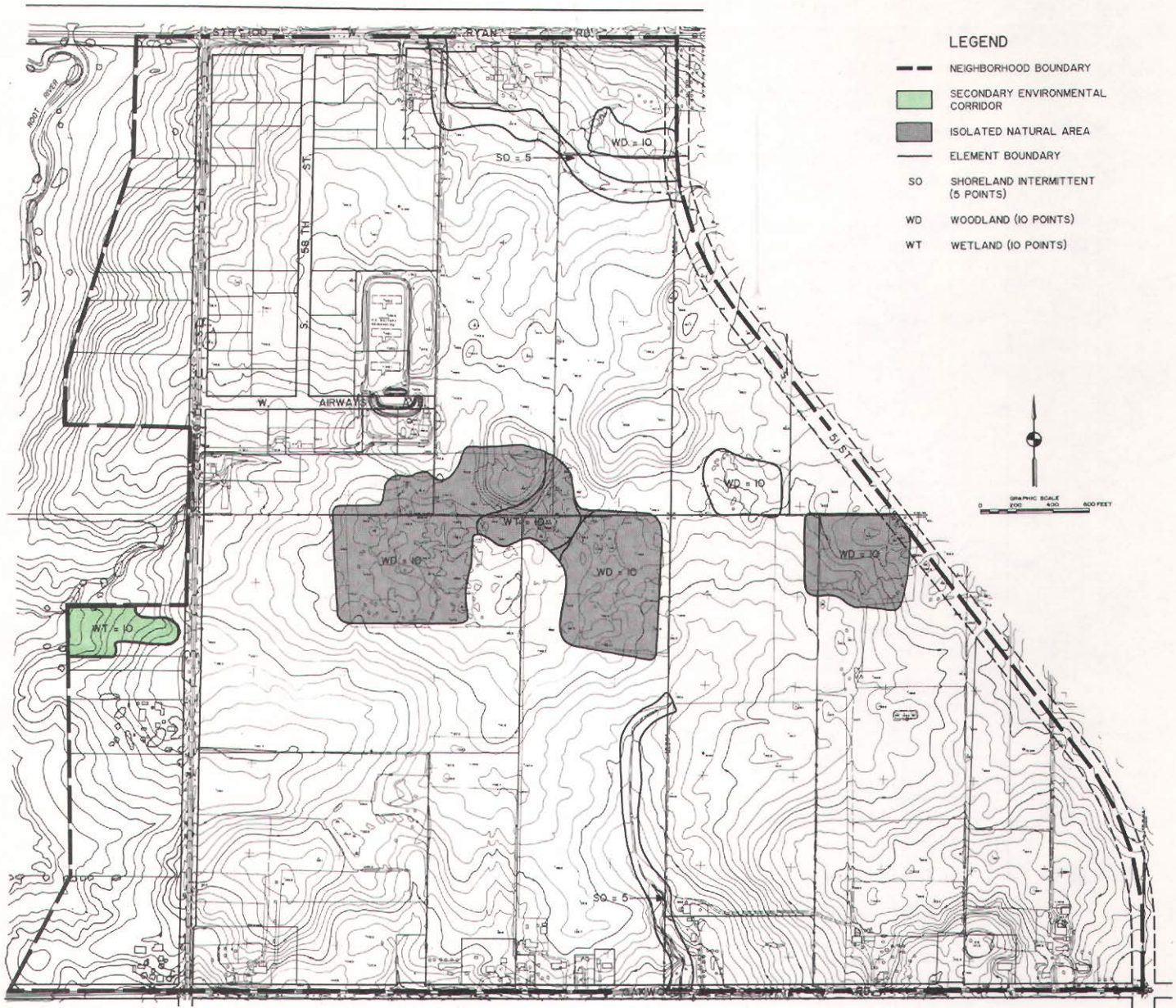
Source: SEWRPC.

deterioration and destruction of wildlife habitat, loss of groundwater recharge, and destruction of the unique natural beauty of the area. The need to maintain the integrity of the remaining environmental corridors and environmentally significant lands thus becomes apparent.

The adopted regional land use plan accordingly recommends that all remaining primary environmental corridors be maintained in essentially natural, open uses, which may, in some cases, include limited agricultural and low-density residential uses, and certain other urban uses. As already noted, there are only four acres of primary environmental corridor areas in the Franklin Industrial Park Neighborhood.

Map 6

POINT VALUE DESIGNATION OF ENVIRONMENTALLY SIGNIFICANT AREAS IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1980



Source: SEWRPC.

The adopted regional land use plan also recommends that, as the urban planning process proceeds at the local level, all remaining secondary environmental corridors and high-value isolated natural areas be considered for preservation in essentially open uses as drainageways and parks. Thus, the consideration of potential open space uses and the careful integration of isolated natural areas into the urban fabric is important to the planning of the Franklin Industrial Park Neighborhood.

Table 5

MINIMUM REQUIREMENTS FOR CLASSIFICATION OF PRIMARY ENVIRONMENTAL CORRIDOR, SECONDARY ENVIRONMENTAL CORRIDOR, AND OTHER ENVIRONMENTALLY SIGNIFICANT LANDS

Classification	Minimum Cumulative Point Value	Minimum Area (acres)	Minimum Length (miles)
Primary Environmental Corridor.....	10	400	2
Secondary Environmental Corridor ^a ...	10	100	1
Isolated Natural Area.....	10	5	--

^aSecondary environmental corridors may serve to connect primary corridor segments or be linked to primary environmental corridor segments, particularly when they are related to surface drainage (no minimum area or length requirements).

Source: SEWRPC.

Table 6

EXISTING LAND USE IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985

Land Use Category	Number of Acres	Percent of Neighborhood
Residential (single-family)	12.8	2.3
Commercial	9.0	1.6
Industrial	40.0	7.2
Transportation and Utilities		
Trucking Related.....	8.8	1.6
Utility.....	4.2	0.8
Streets and Highways.....	24.3	4.4
Subtotal	37.3	6.8
Natural Areas		
Woodlands.....	40.5	7.4
Wetlands.....	4.0	0.7
Water.....	1.4	0.2
Subtotal	45.9	8.3
Agricultural, Open, and Unused Lands	407.5	73.8
Total	552.5	100.0

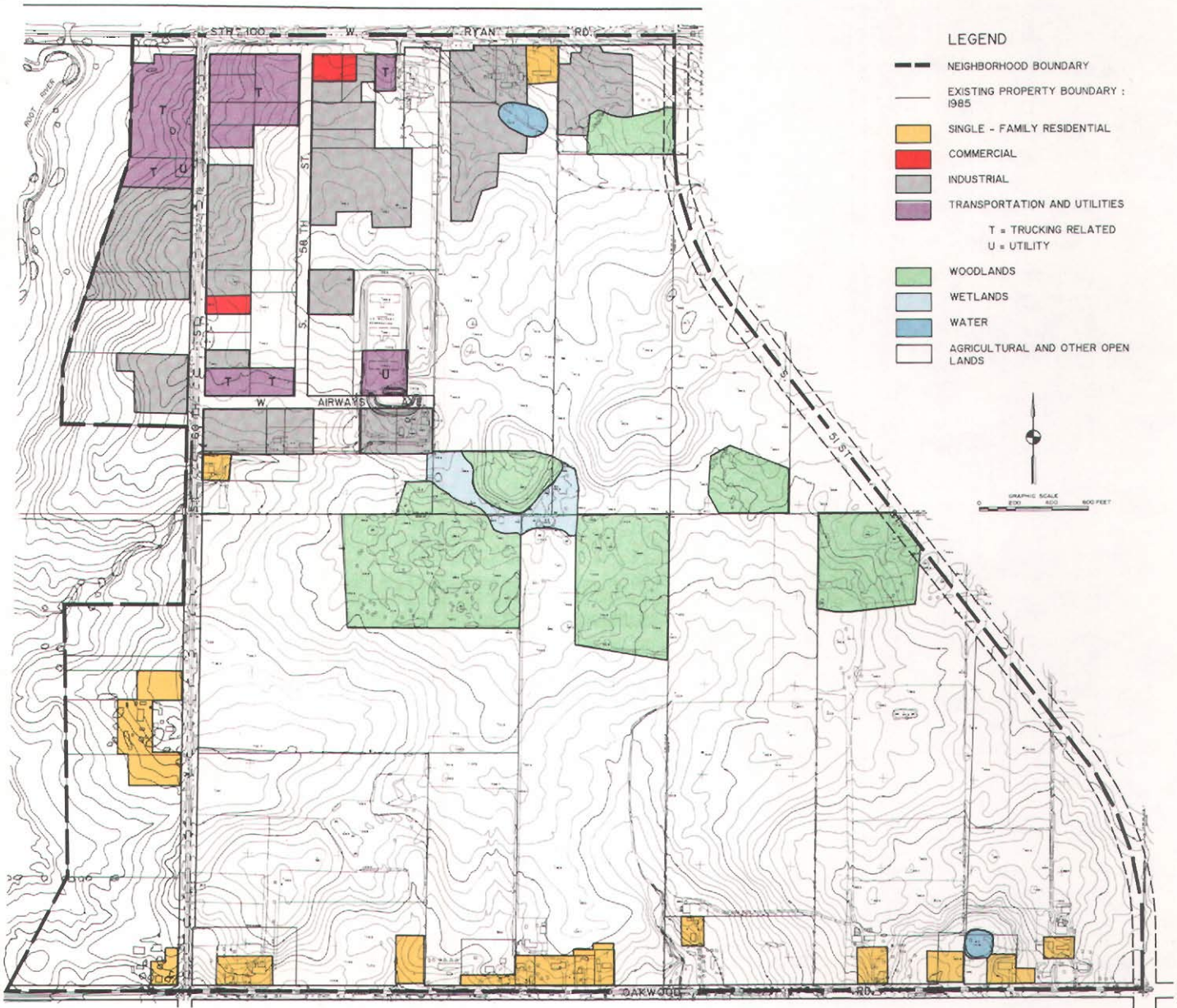
Source: SEWRPC.

EXISTING LAND USE

Pertinent data on the existing land uses within the Franklin Industrial Park Neighborhood, as of April 1985, are provided in Table 6 and on Map 7. The largest land use category in the neighborhood is agricultural, open, and unused lands, occupying about 432 acres, or about 78 percent, of the total 552.5-acre neighborhood area. The second largest land use in the neighborhood is woodlands, with the existing woodland areas located in the central portion

Map 7

EXISTING LAND USE IN THE
FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985

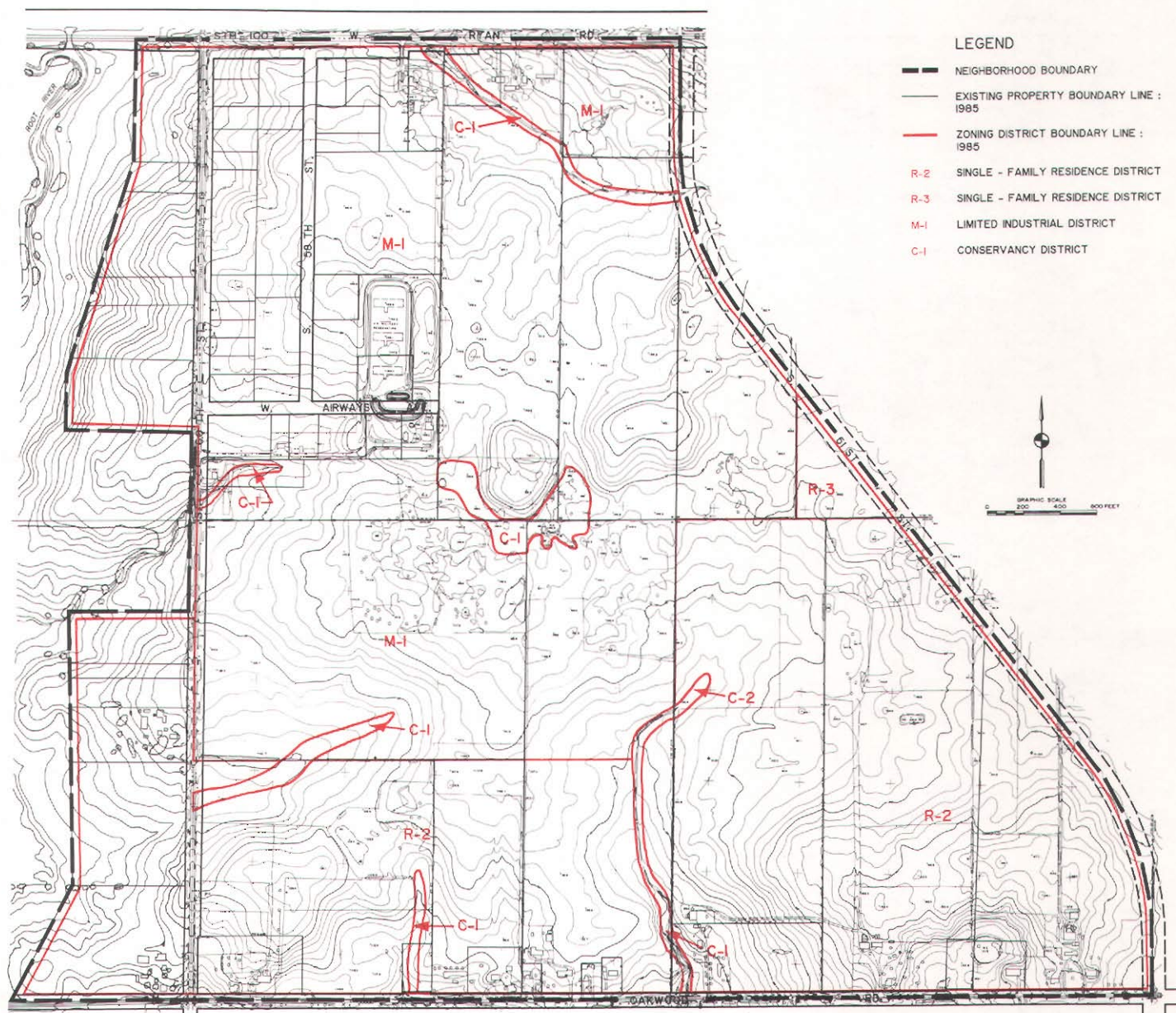


Source: SEWRPC.

of the neighborhood and occupying about 41 acres, or over 7 percent of the total neighborhood area. The third largest land use is industrial, located in the northwest corner of the neighborhood and occupying about 40 acres, or a little over 7 percent of the total neighborhood area. Residential land uses are of the single-family type and are located predominantly adjacent to S. 60th Street and Oakwood Road. Residential land uses, however, occupy only about 13 acres, or a little over 2 percent of the entire neighborhood area.

Map 8

EXISTING ZONING IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985



Source: SEWRPC.

EXISTING ZONING

Land use development in the Franklin Industrial Park Neighborhood is regulated by the City of Franklin Zoning Ordinance. Four of the 25 zoning districts provided in the city ordinance were being applied within the neighborhood in 1985. The boundaries of these districts are shown on Map 8. The regulations governing these four zoning districts are set forth in Table 7. Approximately 51 percent of the neighborhood was zoned for limited industrial use. A significant portion of the neighborhood, over 45 percent, however, was zoned for single-family residential uses. The remaining 4 percent of the neighborhood was zoned for conservancy use.

Table 7

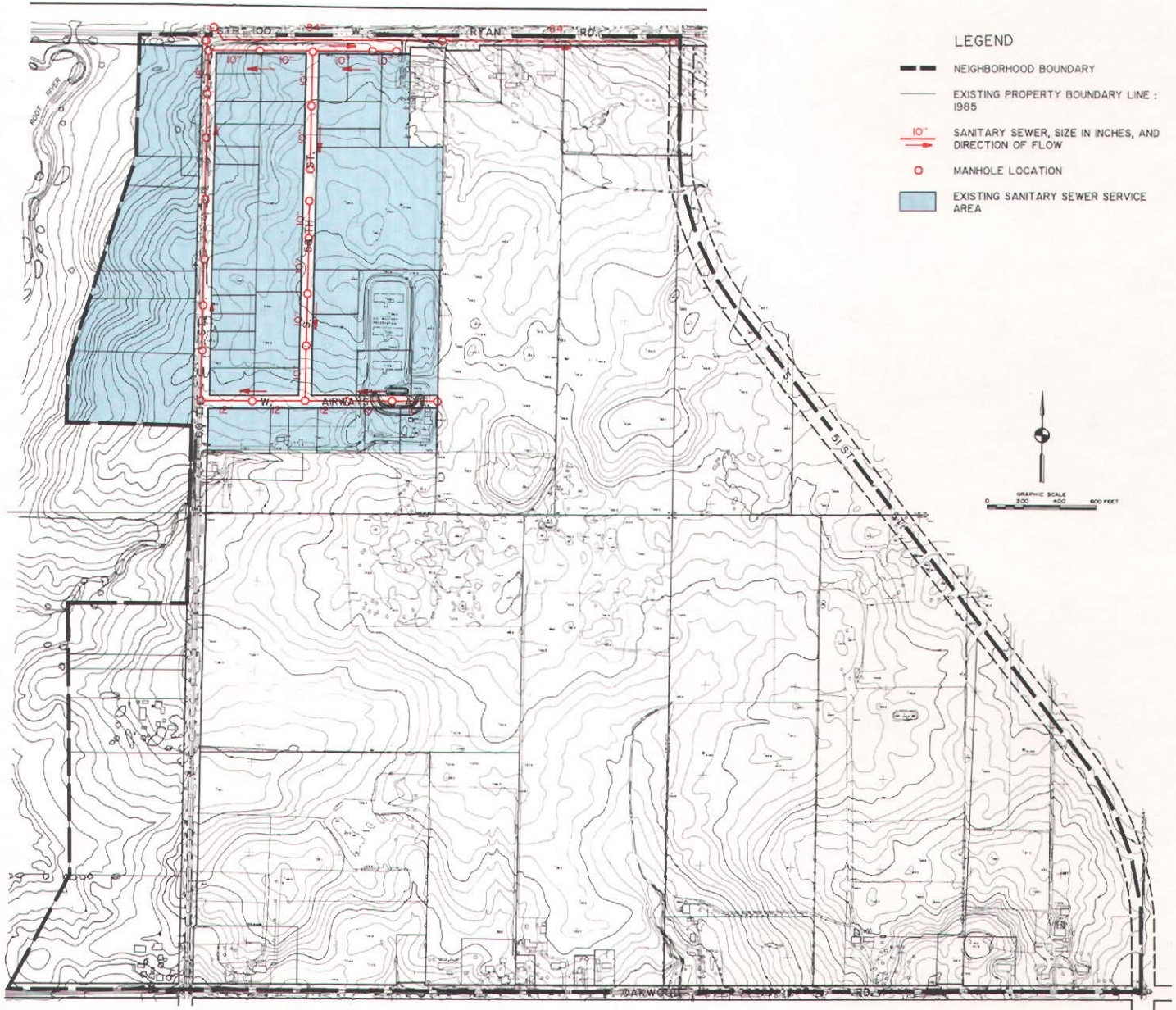
SUMMARY OF EXISTING ZONING DISTRICTS FOR THE CITY OF FRANKLIN AS APPLIED IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985

District	Permitted Uses		Special Uses	Maximum Residential Density (dwelling units per net acre)	Minimum Lot Size			Minimum Yard Requirements			Maximum Building Height (feet)	Area of Neighborhood Zoning District (acres)	Percent of Total
	Principal	Accessory			Total Area (square feet)	Area per Family (square feet)	Width at Setback (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)			
R-2 Single-Family Residence	One-family detached dwellings, home occupations	Off-street parking facilities	Private boathouses, stables, railroad rights-of-way, agricultural, off-street open parking area	1.09	40,000	40,000	150	60	20; 45 on corner lots	30	30 or 2½ stories	246.2	44.6
R-3 Single-Family Residence	One-family detached dwellings, home occupations	Off-street parking facilities	Private boathouses, stables, railroad rights-of-way, agricultural, off-street open parking area	2.17	20,000	20,000	100; 110 at corner lots	45	10; 35 on corner lots	30	30 or 2½ stories	4.6	0.8
M-1 Limited Industrial	Retail and service uses; production, processing, cleaning, etc.; wholesaling and warehousing; public and community service uses	Radio and television towers, temporary buildings, off-street parking facilities	Automobile laundries, automobile service stations, drive-in banks, airports, industrial planned developments	--	None. Determined by setback requirements and floor area ratio	--	--	30	10; 30 on corner lots	None	None	280.7	50.8
C-1 Conservancy	Fishing; scenic, historic and scientific areas; soil and water conservation; sustained yield forestry; wild-life preserves	Drainage, water measurement and control, grazing, orchards, truck farming, utilities, wild crop harvesting	--	--	--	--	--	--	--	--	--	21.0	3.8
Total											552.5	100.0	

Source: SEWRPC.

Map 9

EXISTING SANITARY SEWER SERVICE IN THE
FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985



Source: SEWRPC.

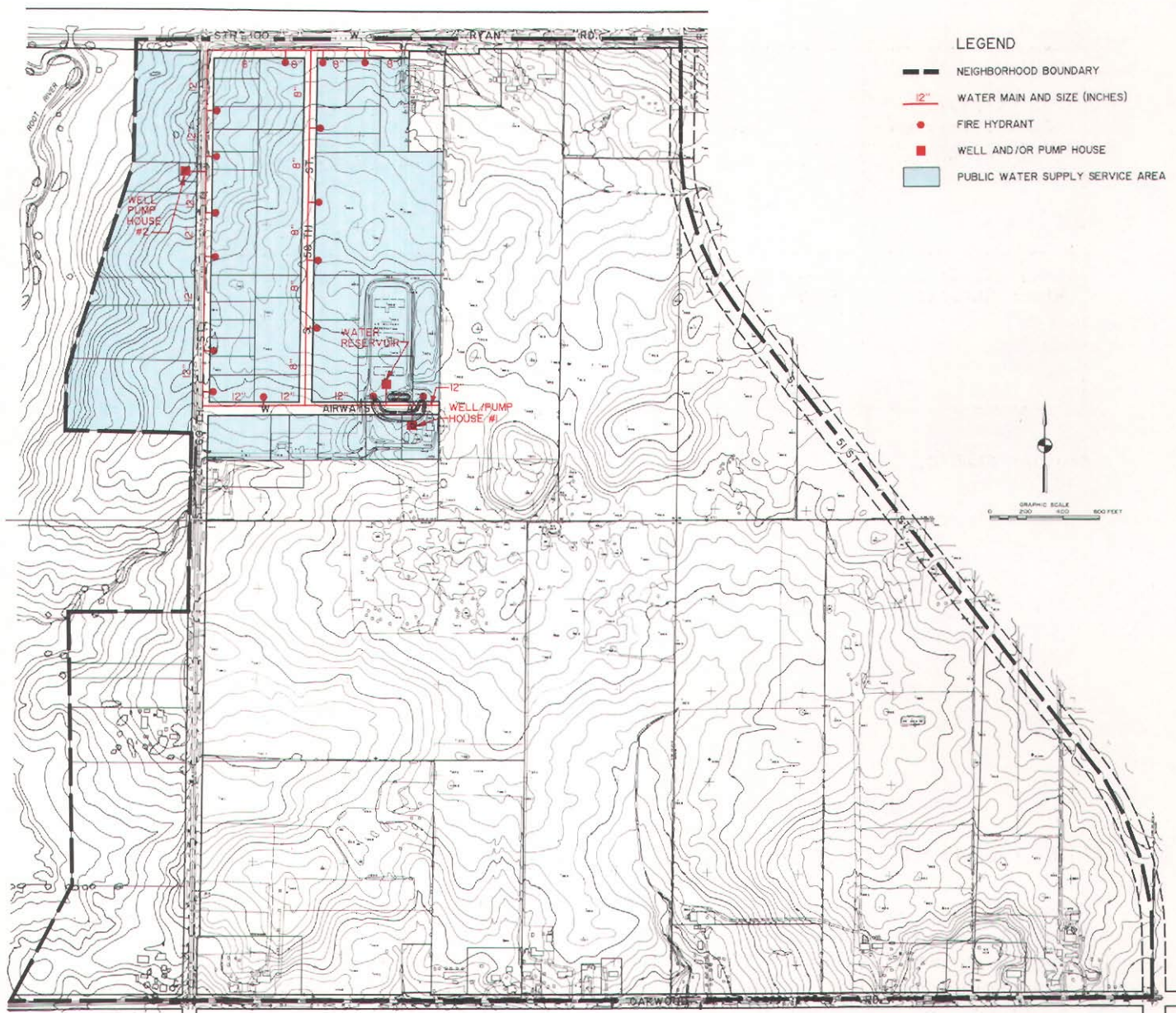
NEIGHBORHOOD UTILITIES

Sanitary Sewer

In 1985, approximately 96 acres in the neighborhood, or about 17 percent of the total area of the neighborhood, were served by centralized sanitary sewer facilities, or were capable of being served by such facilities in the near future, as shown on Map 9. The treatment and disposal of wastewater in other parts of the neighborhood were provided by onsite soil absorption sewage disposal systems.

Map 10

EXISTING PUBLIC WATER SUPPLY SERVICE IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985



Source: SEWRPC.

Water Supply

In 1985, about 96 acres in the neighborhood, or about 17 percent of the total area of the neighborhood, were served by public water supply facilities, as shown on Map 10. This area includes lands that are capable of being readily served by existing municipal water supply facilities, as well as lands actually served by such facilities. In other areas of the neighborhood, water was supplied by private onsite wells.

Storm Sewer

In 1985, none of the neighborhood was served by an engineered stormwater drainage system.

Table 8

EXISTING STREETS AND HIGHWAYS IN
THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985

Street Classification	Name	Direction	Existing Right-of-Way (feet)	Length (miles)
Arterial Streets	W. Ryan Road (STH 100)	East-west	200 to 260	0.57
	S. 60th Street	North-south	80	1.00
	W. Oakwood Road	East-west	80	1.18
	Subtotal			2.75
Land Access or Minor Streets	Service Road	East-west	70	0.21
	S. 58th Street	North-south	70	0.36
	W. Airways Avenue	East-west	70	0.24
	Subtotal			0.81
	Total			3.56

Source: SEWRPC.

STREET AND HIGHWAY FACILITIES

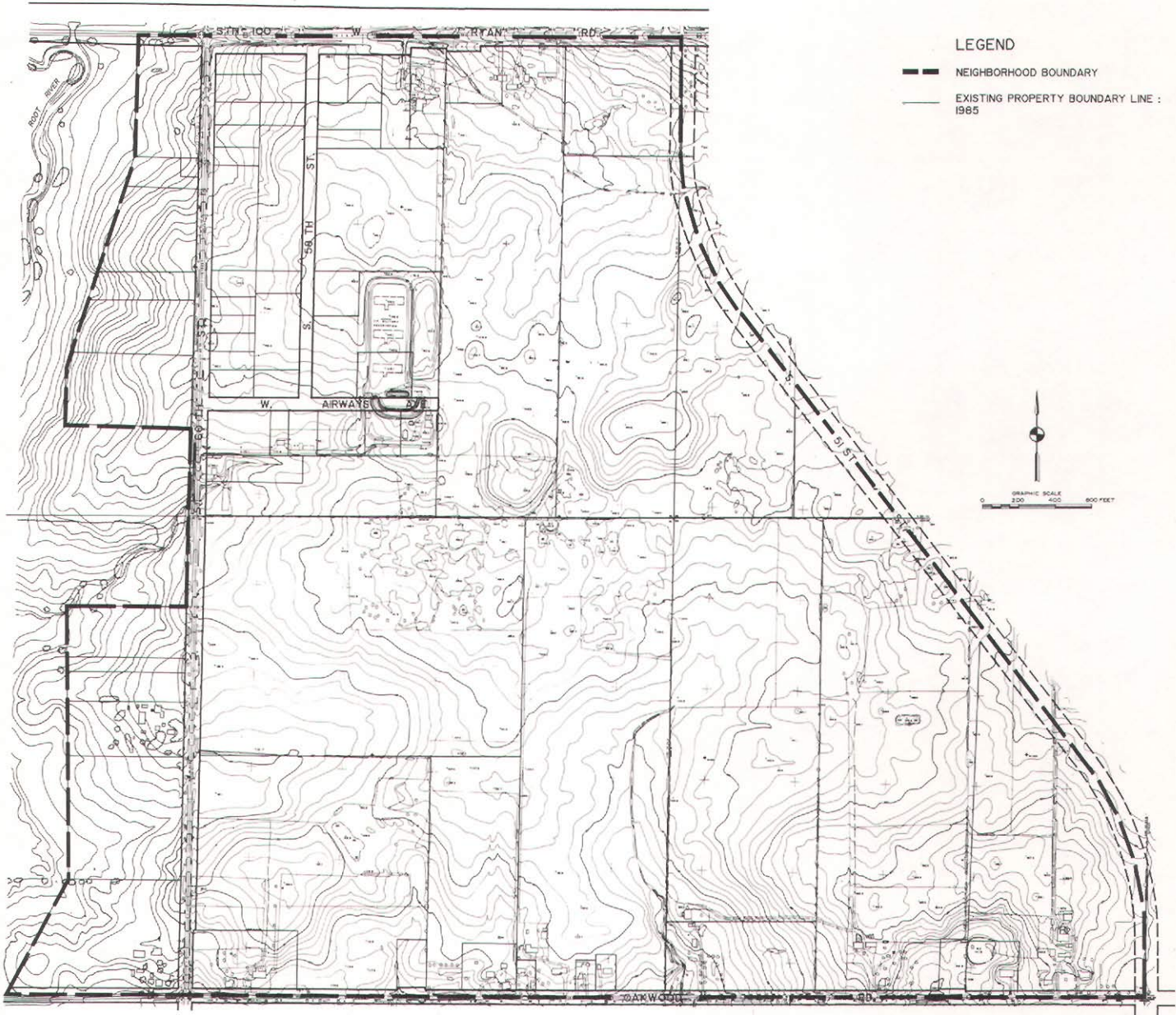
The existing streets and highways within and adjacent to the neighborhood are shown on Map 7. Pertinent information concerning the existing streets and highways is set forth in Table 8. Streets and highways, including one-half of the boundary arterial streets and highways, presently account for about 24.3 acres, or about 4.4 percent, of the total area of the neighborhood. Arterial streets and highways in the Franklin Industrial Park Neighborhood total 2.75 miles; there are no collector streets; and minor land access streets total 0.81 mile.

REAL PROPERTY OWNERSHIP

As of March 1985, 68 separate parcels of real property existed within the Franklin Industrial Park Neighborhood, ranging in size from 0.23 acre to 54 acres. The boundaries of these parcels are shown in their correct location and orientation on Map 11.

Map 11

EXISTING 1985 PROPERTY BOUNDARIES IN
THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

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Chapter III

INDUSTRIAL PARK URBAN DESIGN CRITERIA AND SITE PLANNING DESIGN GUIDE

INTRODUCTION

Urban design criteria may be defined as a body of information which can be applied in the development of sound solutions to a specific urban design problem or set of problems. Decisions concerning urban development and redevelopment should be based in part upon good urban design criteria. Urban design criteria must be of a relatively high level of specificity in order to assist in the development of detailed solutions to urban development problems. Accordingly, urban design criteria are herein proposed with respect to environmental preservation; the type, location, and extent of the various land uses; user motor vehicle characteristics; street facility design; automobile parking facility design; truck service area facility design; utility easements; stormwater drainage; erosion and sedimentation control; and landscaping.

URBAN DESIGN CRITERIA

Environmental Preservation

Environmental Corridors: Primary environmental corridors are, by definition, a composite of the best individual elements of the natural resource base. Through the preservation of these corridors, flood damage can be reduced, soil erosion abated, water supplies protected, air cleansed, wildlife populations enhanced, and opportunities provided for scientific, educational, and recreational pursuits. Accordingly, all remaining undeveloped lands identified in the inventories as primary environmental corridors should be preserved in essentially natural, open uses.

Secondary environmental corridors, while containing important elements of the natural resource base, do not necessarily contain the variety of such elements that the primary corridors do, nor are the secondary corridors equivalent in extent to the primary corridors. Nevertheless, such corridors may facilitate surface water drainage, maintain "pockets" of natural resource features, and provide for the movement of wildlife, as well as for the movement and dispersal of seeds for a variety of plant species. Accordingly, secondary corridors should also be preserved in essentially open, natural uses as urban development proceeds within an area, particularly when the opportunity is presented to incorporate such corridors into urban stormwater detention areas, associated drainageways, and parks and open spaces.

Isolated Natural Areas: In addition to the primary and secondary environmental corridors, other, small concentrations of natural resource base elements exist within the neighborhood. These elements are isolated from the environmental corridors by urban development or agricultural uses. Although

separated from the environmental corridor network, such "isolated" natural areas also have important natural value. Isolated natural areas may provide the only available wildlife habitat in an area, provide good locations for local parks and nature study areas, and lend aesthetic character and natural diversity to an area. Accordingly, high-value isolated natural areas should be protected from urban development.

Lakes and Streams: Inland lakes and streams contribute to the atmospheric water supply through evaporation; provide a suitable environment for desirable forms of plant and animal life; provide the resident population with wholesome recreational areas; provide a desirable aesthetic setting for certain types of land use development; serve to receive, store, and convey floodwaters; and provide certain water supply needs. Accordingly, inland lakes and streams and their associated undeveloped shorelands and floodlands should be protected from urban development and from the deleterious effects of such development.

Wetlands: Wetlands support a wide variety of desirable and sometimes unique plant and animal life; assist in the stabilization of lake levels and stream-flows; trap and store plant nutrients in runoff, which reduces the rate of enrichment of surface waters, thus aiding in the control of noxious weed and algae growth; contribute to the atmospheric oxygen supply; reduce stormwater runoff by providing areas for floodwater impoundment and storage; trap soil suspended in runoff, thus reducing stream sedimentation; and provide the population with opportunities for certain scientific, educational, and recreational pursuits. Accordingly, high-value wetlands should be protected from urban development.

Woodlands and Vegetation: Woodlands assist in maintaining unique natural relationships between plants and animals; reduce stormwater runoff; contribute to the atmospheric oxygen supply; contribute to the atmospheric water supply through transpiration; aid in reducing soil erosion and stream sedimentation; provide the population with opportunities for certain scientific, educational, and recreational pursuits; and provide a desirable aesthetic setting for certain types of land use development. Accordingly, high-value woodlands should be protected from urban development.

Wildlife Habitat: Wildlife, when provided with a suitable habitat, supplies the population with opportunities for certain scientific, educational, and recreational pursuits; constitutes an integral component of the life systems which are vital to beneficial natural processes, including the control of harmful insects and other noxious pests and the promotion of plant pollination; offers an economic resource for the recreation industries; and serves as an indicator of environmental health. Accordingly, high-value wildlife habitat areas should be protected from urban development.

Soils: Properly relating industrial land use development to soil type and distribution can serve to prevent the creation of costly environmental and developmental problems and promote the wise use of an irreplaceable resource. Industrial development should not be located in areas covered by soils identified in the regional, detailed, operational soil survey as having very severe limitations for such development. Where soils exhibit severe limitations for industrial development, improvements should be properly engineered so as to overcome these limitations.

Location and Extent of the Various Land Uses

Land Uses: Land uses should be limited to manufacturing and warehousing and related corporate offices, together with essential supporting uses such as street rights-of-way, utility sites and rights-of-way, drainageways, and stormwater retention or detention areas. The retail sale of any merchandise or service other than retail sales by park occupants of those products which they manufacture or handle at wholesale should be prohibited.

Industry Clustering: Industries with similar characteristics generally should form clusters in the industrial park neighborhood; thus, light industrial uses should be grouped in one area of the park, and heavy industrial uses in another. Clustering industries in this fashion permits adaptation of the site layout and design to the requirements of the intended uses. The light industries, which typically require smaller lot sizes than the heavy industries, should be clustered near arterial streets so as to provide easy access to the arterial street system which serves the park.

Buffers: Industrial land uses should be effectively buffered from adjacent incompatible land uses such as residential, commercial, and institutional uses by means such as landscaping or fencing, or by maintaining an adequate distance between the incompatible uses.

User Motor Vehicle Characteristics

Streets and parking and loading areas should be designed to accommodate motor vehicles of the type expected to be operated by occupants of the park. These types of motor vehicles include the passenger car, single-unit truck, intermediate-size semitrailer combination, large-size semitrailer combination, and semitrailer-fulltrailer combination. The vehicle dimensions or specifications important to effective site planning for these types of vehicles are summarized in Table 9 and in Figure 2. The vehicle dimensions are shown for the typical wheelbase, front overhang, rear overhang, overall length, overall width, height, minimum outside turning radius to the path of the left front wheel, and minimum inside turning radius to the path of the right rear wheel.

Street Facility Design

Limitation of Access to Arterial Streets: Whenever proposed industrial parks abut an arterial street or highway, access from abutting park uses should be limited to adequately protect the arterial facility. This protection can be accomplished through the separation of through and local traffic, where possible, by use of reversed frontage lots. Provision should be made for a planting screen or landscaping in a nonaccess reservation located along the rear property line of all such reversed frontage lots. The landscape planting reservation strip should be a minimum of 20 feet in width, and be used for a judicious mixture of conifers and deciduous planting materials, providing a sight-proof landscape screen. Figure 3 illustrates three alternative planting designs for this type of screen.

Street Cross-Sections: Street cross-section design criteria for industrial parks are graphically shown in Figure 4. It is recommended that a minimum right-of-way width of 70 feet be used.

Table 9

**SITE-RELATED PHYSICAL CHARACTERISTICS OF MOTOR
VEHICLES TYPICALLY USED IN AN INDUSTRIAL PARK**

Type of Motor Vehicle	Typical Dimensions in Feet ^a							
	Wheelbase	Front Overhang	Rear Overhang	Overall Length	Overall Width	Height	Minimum Outside Turning Radius ^b	Minimum Inside Turning Radius ^c
Passenger Car	11	3	5	19	7	--	24	14.9
Single-Unit Truck	20	4	6	30	8.5	13.5	42	27.8
Intermediate Size								
Semitrailer								
Combination	13 + 27 = 40	4	6	50	8.5	13.5	40	17.7
Large Size								
Semitrailer								
Combination	20 + 30 = 50	3	2	55	8.5	13.5	45	16.6
Semitrailer-Fulltrailer								
Combination	9.7 + 20.0 + 9.4 ^d + 20.9 = 60	2	3	65	8.5	13.5	45	21.4

^a These may, of course, vary slightly depending upon the vehicle manufacturer.

^b To the path of the left front wheel.

^c To the path of the right rear wheel.

^d Distance between rear wheels of front trailer and front wheels of rear trailer.

Source: Homburger, Wolfgang S. (Editor), Transportation and Traffic Engineering Handbook—Second Edition, Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1982; and SEWRPC.

Turning Roadway Pavement Design: Figure 5 illustrates minimum edge-of-pavement design criteria for 50-foot-long intermediate-size semitrailer combination trucks and 55-foot-long large-size semitrailer combination trucks.

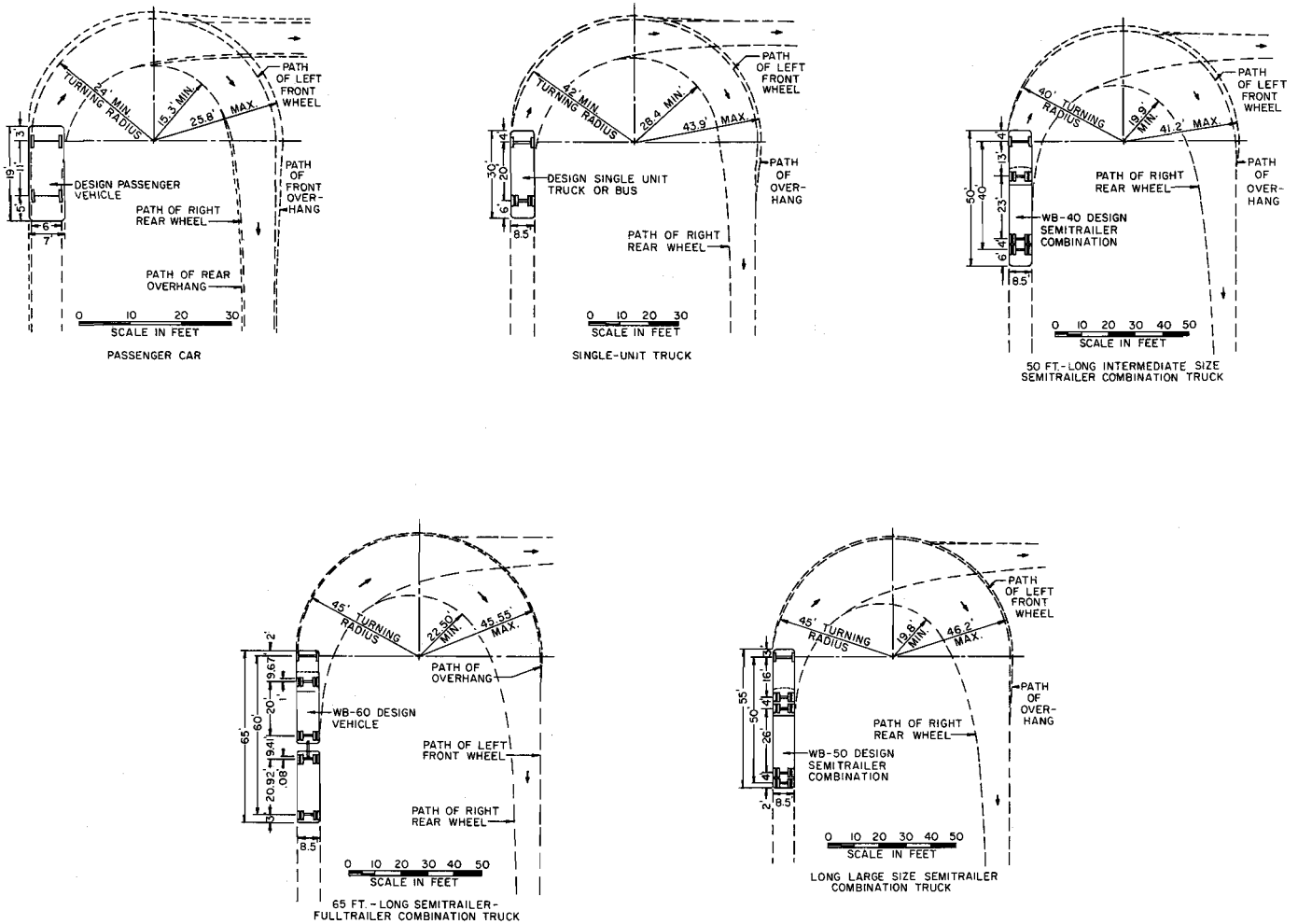
Street Grades: Unless necessitated by exceptional topography, the maximum grade of any street in an industrial park should not exceed 3 percent. In addition, the grade of any street should not be less than five-tenths of 1 percent. Street grades should be established so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and unnecessary leveling of the topography.

Stormwater Drainage and Street Location: Wherever practical, streets should follow natural lines of stormwater drainage.

Street Intersections: Streets should intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition, the number of streets converging at one intersection should be held to a minimum, and the distance between intersections should, generally, not be less than 1,200 feet. Minor street or land access street openings onto arterial streets should be minimized to improve traffic flow and reduce traffic hazard. Property lines at street intersections should be rounded with a minimum radius of 15 feet, or preferably, should be cut off by a straight line through the joints of tangency of an arc having a radius of 15 feet.

Figure 2

TURNING RADII OF SELECTED MOTOR VEHICLES



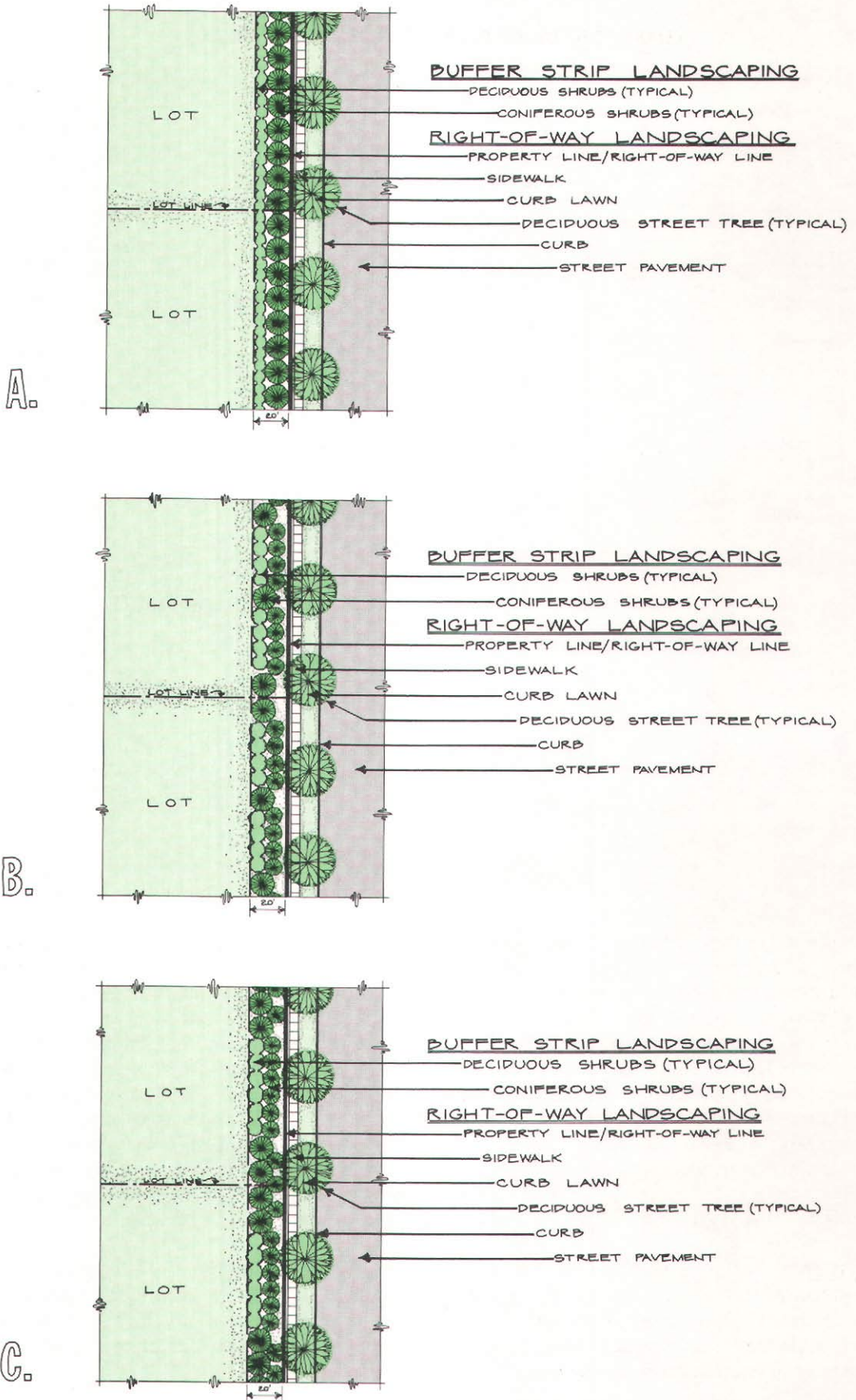
Source: SEWRPC.

When a continuous street centerline deflects at any point by more than 10 degrees, a circular curve should be introduced having a radius of curvature on the centerline of not less than the following: arterial streets, 500 feet; collector and industrial land access streets, 300 feet. A tangent of at least 100 feet in length should be provided between reverse curves on arterial, collector, and industrial land access streets. Minor and collector streets should not necessarily continue across arterial streets. If the distance between the centerline intersection of any street and the centerline intersection of any intersecting street is less than 250 feet, measured along the centerline of the intersecting street, then the street location should be adjusted so that the distance is increased or the connection across the intersecting street is continuous in alignment, thus avoiding a jog in the flow of traffic.

Half Streets: The platting of half streets should be avoided. Half streets put an unrealistic reliance on the chance that adjacent property owners will develop their adjacent properties at the same time. If half streets are allowed and then improved, their narrow width may result in street maintenance and traffic circulation problems.

Figure 3

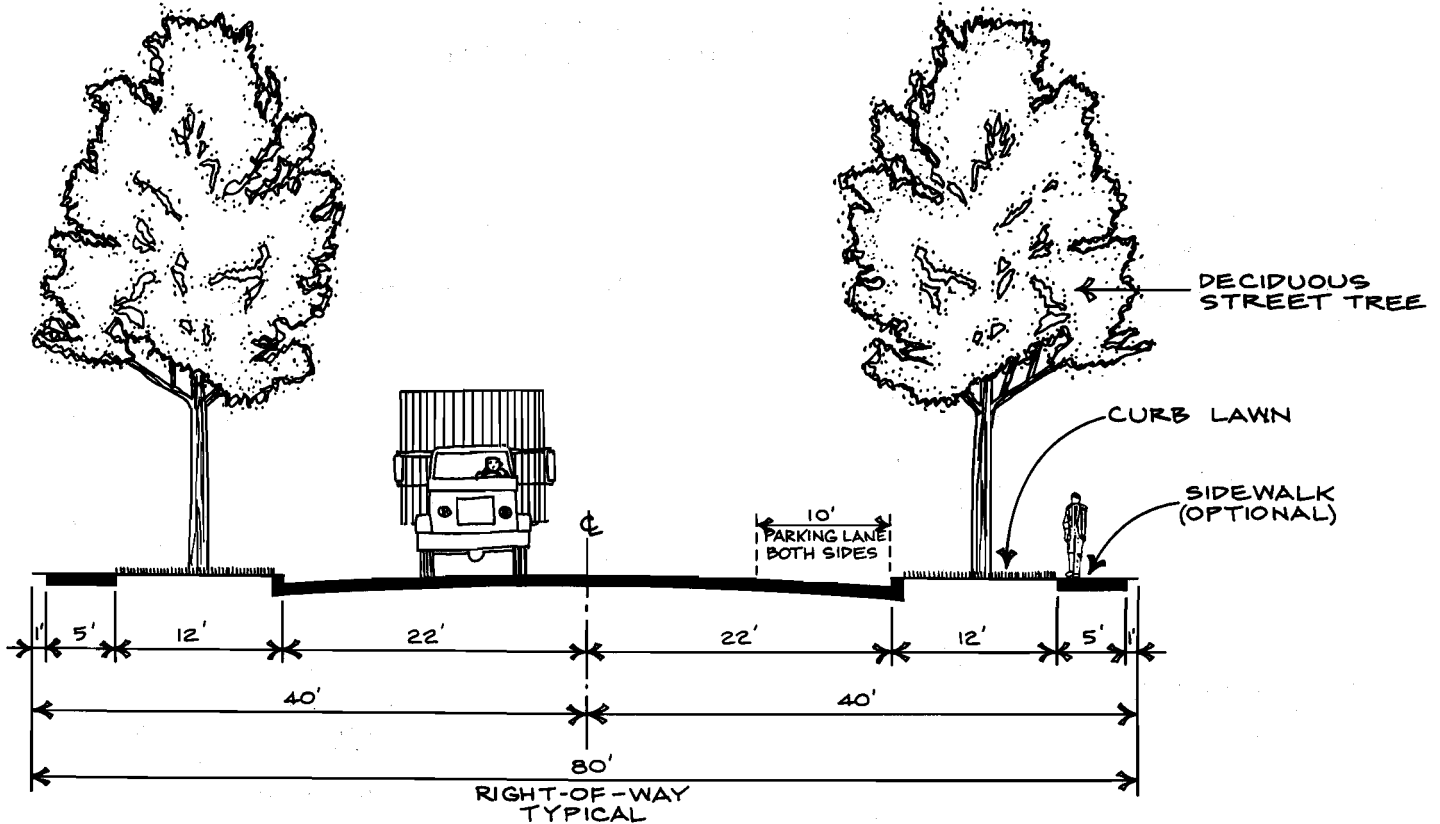
ALTERNATIVE 20-FOOT-WIDE PLANTING SCREEN FOR REVERSED FRONTAGE LOTS IN INDUSTRIAL PARKS



Source: SEWRPC.

Figure 4

TYPICAL CROSS-SECTION DESIGN FOR AN INDUSTRIAL
PARK STREET IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

Cul-de-sacs: Cul-de-sac or dead-end streets should not be permitted in an industrial park because of the severe problems associated with the typical bulb design radii of large trucks.

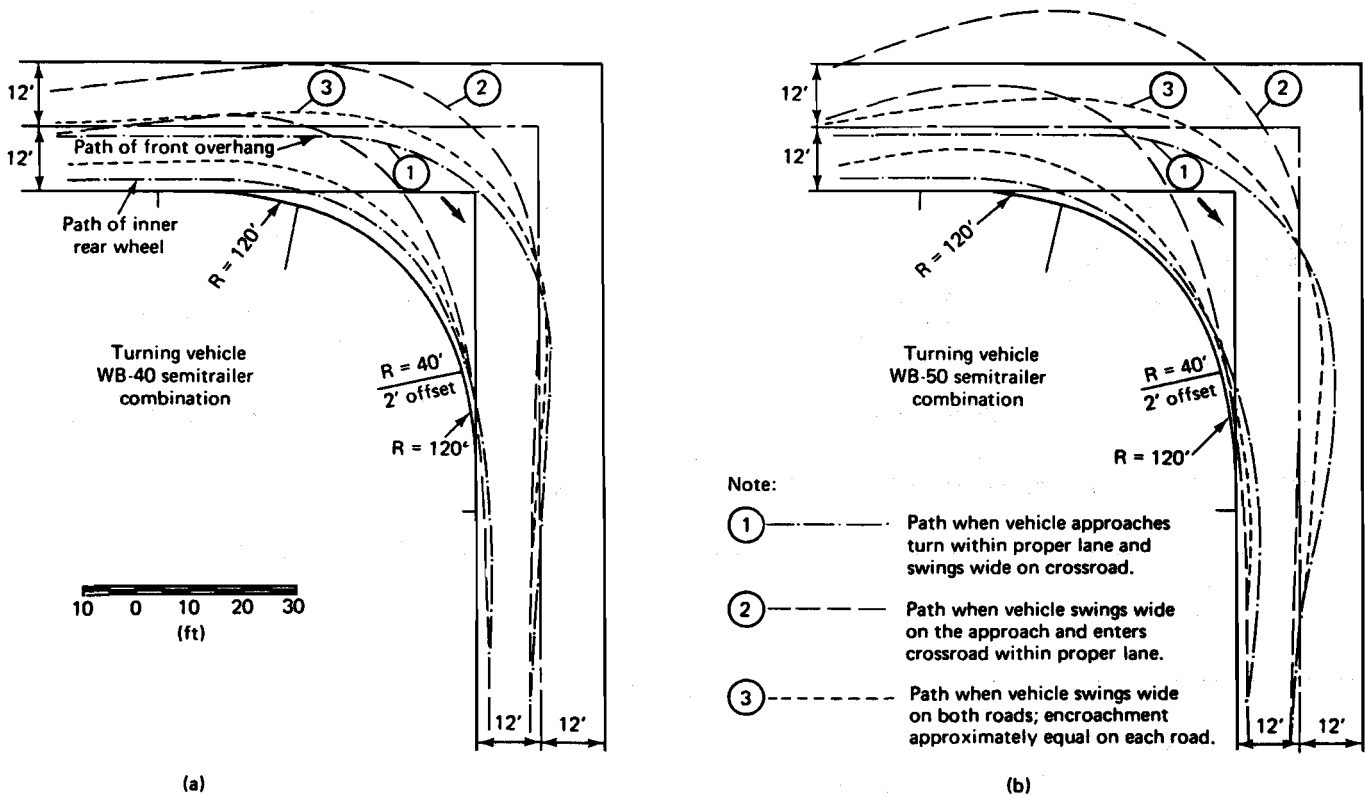
Industrial Park Layout

General: The widths, lengths, and shapes of blocks of industrial lots should be suited to the planned use of the land; community zoning requirements; the need for convenient access, control, and safety of street traffic; the potential phasing or staged growth of the entire industrial park; and the limitations of and opportunities presented by the topography. The size, shape, and orientation of industrial lots should be appropriate for the type of industrial development and use contemplated, and facilitate assembly of smaller lots into larger parcels. Lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. Also, the overall topography of the lot should not exceed slopes of about 6 percent, depending on the industry proposed to use the lot.

Block Width: Blocks should be wide enough to provide for, generally, two tiers of industrial lots of appropriate depth. The width of lots or parcels reserved or designated for industrial use should be adequate to provide for the off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

Figure 5

**MINIMUM EDGE-OF-PAVEMENT DESIGN CRITERIA
FOR TURNING ROADWAYS IN INDUSTRIAL PARKS**



50 FT.-LONG INTERMEDIATE SIZE SEMITRAILER
COMBINATION TRUCK

55 FT.-LONG LARGE SIZE SEMITRAILER
COMBINATION TRUCK

Source: American Association of State Highway Officials, *A Policy on Geometric Design of Rural Highways*, Washington, D.C., 1965, pp. 314 and 316; and SEWRPC.

Side Lot Lines: Side lot lines should be at right angles to the straight street lines or radial to the curved street lines which the lots face. Lot lines should follow municipal boundary lines rather than cross them.

Double Frontage Lots: Double frontage or "through" lots should be avoided except where necessary to provide for separation of industrial development from arterial traffic or to overcome specific disadvantages of topography and orientation. Where double frontage lots prove to be a necessary design feature of the industrial park, the lots should have access to a minor land access street only.

Street/Lot Access: Every lot should front or abut a public street in the industrial park. Lots generally should not have direct access to the arterial street system.

Lot Size: Area and dimensions of all industrial lots should conform, at a minimum, to the requirements of the local municipal zoning ordinance for industrial uses. The minimum permitted lot area in an industrial park should be about one acre.

Lot Shape: The shape or configuration of an industrial lot should not be so irregular as to hamper efficient development of individual sites. The shape of the lot should facilitate the development required by the industry locating on it, and should assist in promoting the assembly of individual lots into larger parcels of industrial property under one ownership.

Lot Depth: The depth of lots designated for industrial use should be adequate to provide for the off-street service and parking required by the use contemplated. Industrial lots backing onto lands of a lesser intensity of land use should have adequate depth to permit landscape plantings or other means to serve as a buffer between the two land uses. Lot depths which permit the assembly of individual lots into larger parcels of industrial property under one ownership should be encouraged. Minimum permitted lot depth should be 200 feet.

Lot Width: Lots within the interior of an industrial block should have the minimum average width required in the municipal zoning district.

Front Yards: Buildings and structures should not be located nearer than 30 feet from the front lot line of any industrial lot. Parking should not be permitted in the front yard except under special conditions.

Side Yards: Buildings and structures on interior lots should have side yards of at least 10 percent of the lot width, or a minimum of 10 feet, whichever is greater. Side yards on all street sides of corner lots should be at least 30 feet. The parking or storage of trucks, products, or equipment should be prohibited in any side yard.

Rear Yards: Buildings and structures should not be located nearer than 25 feet to any rear lot line unless they are buildings or structures used for outside railway car-loading or -unloading facilities.

Automobile Parking Facility Design

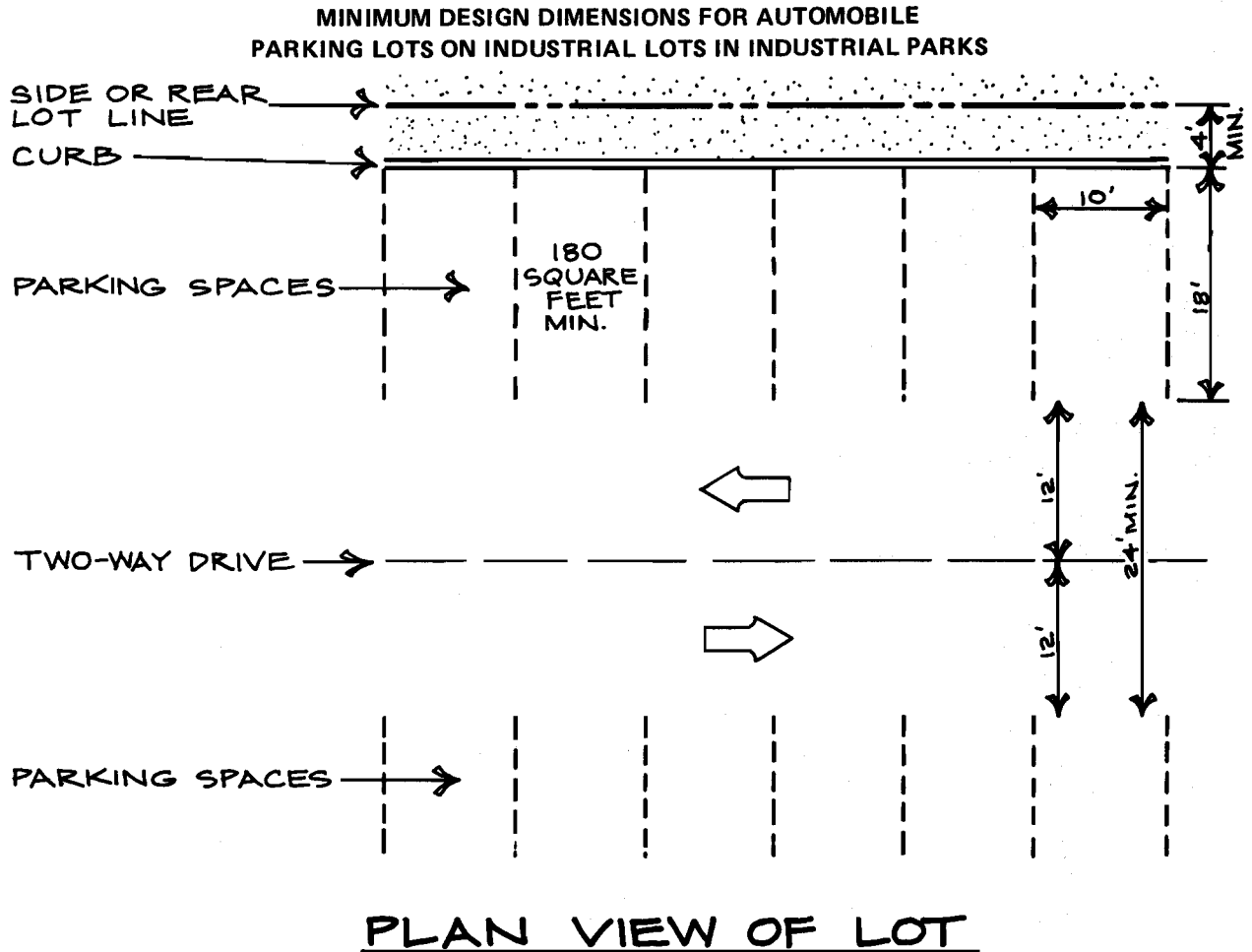
Placement of Off-Street Automobile Parking on Lots: Employee off-street parking should not be permitted within the front yards of lots. However, visitor or customer parking may be allowed in such yards.

Automobile Parking Spaces: One parking stall of not less than 180 square feet, excluding drives and parking stall access area, should be provided on each industrial property for each 1,000 square feet of building area, or for every two employees on the two largest shifts combined, whichever amount constitutes the greater number of parking stalls. Additional parking stalls should be provided on each property as needed to accommodate all employees as building facilities expand. Automobile parking spaces should also be provided for the handicapped pursuant to American National Standards Institute standards and the state building code.

Automobile Parking Lot Drive Width: Automobile parking lot drives should be a minimum of 24 feet wide for two-way traffic and a minimum of 12 feet wide for one-way traffic.

Automobile Parking Lot Surfacing: All off-street automobile parking areas should be graded and hard surfaced so as to be dust free and properly drained. Automobile parking areas for more than five vehicles should have the aisles

Figure 6



Source: SEWRPC.

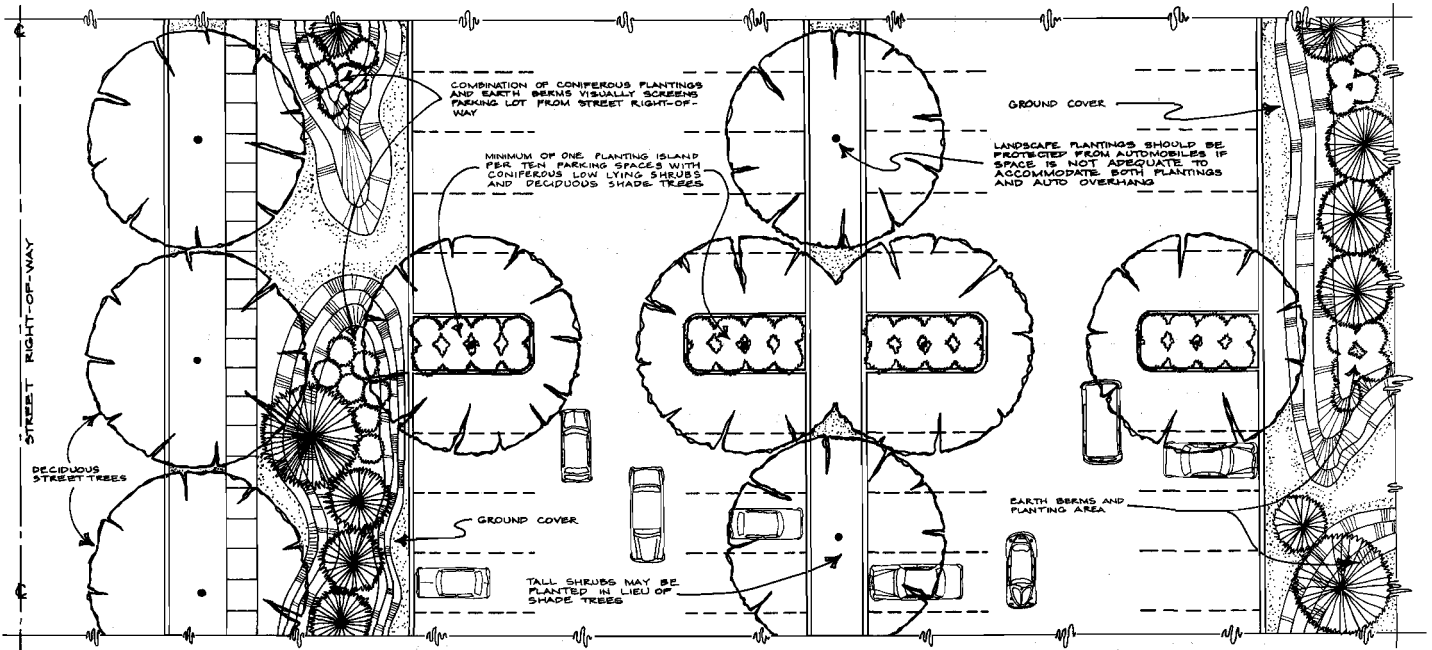
and parking spaces clearly marked in order to distinguish between parking stalls and vehicular circulation areas. Recommended minimum dimensions for automobile parking lots are shown in Figure 6.

Automobile Parking Curbs and Barriers Near Side and Rear Lot Lines: Curbs or barriers should be installed a minimum of four feet from side and rear property lines so as to prevent the parked vehicles from extending over any lot lines and to provide space for visual screening when needed, as indicated in Figure 6.

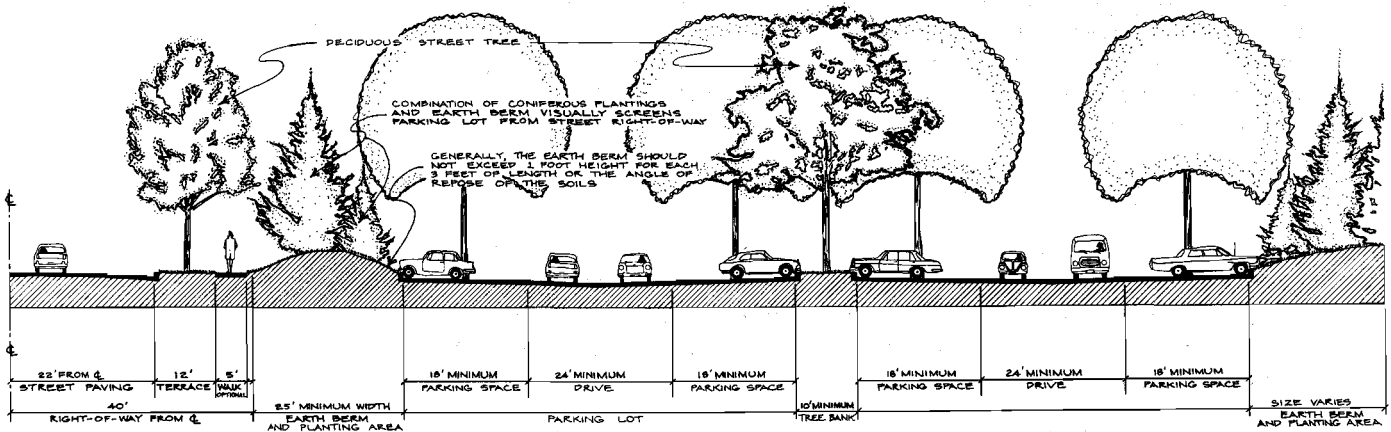
Automobile Parking Lot Landscaping: Landscaping should be provided for automobile parking lots. Off-street parking areas which serve five or more vehicles should be provided with accessory landscape areas totaling not less than 5 percent of the surfaced area. Figure 7 illustrates the effective screening of parking lots from neighboring street rights-of-way through the use of plant materials and earthen berms. Also, a minimum of one planting island per 10 automobile parking spaces, as shown in Figure 7, should be provided to break up the visual monotony of the parking lot, as well as to add color, texture, interest, scale, and shade. In addition, ground cover, shrubs, and trees should be introduced on the borders of the paved parking areas. Landscaping materials should be placed so as not to interfere with parking lot maintenance, vehicular egress and ingress, and snow removal.

Figure 7

LANDSCAPING OF INDUSTRIAL-RELATED AUTOMOBILE PARKING LOTS



PLAN



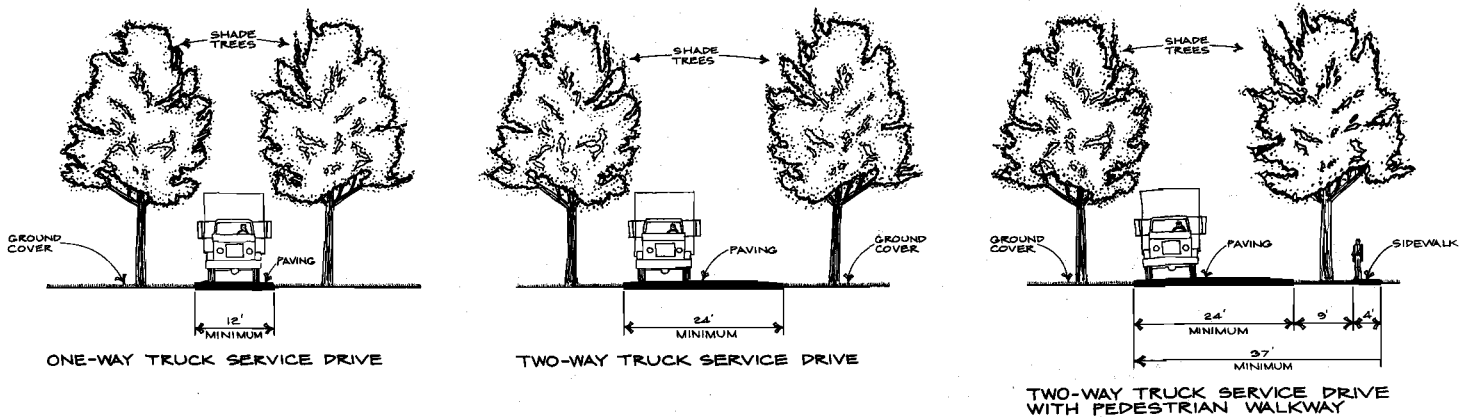
SECTION

Source: SEWRPC.

Drive and Parking Lot Lighting: Parking lot lighting should serve four purposes. First, the lighting should facilitate the safe movement of pedestrian and vehicular traffic. Second, it should promote real property and personal security and crime prevention. Third, it should aid in creating an aesthetically pleasing nighttime environment. Fourth, it should facilitate nighttime use of the industrial facilities. Parking areas should be provided with an illumination of about 1.0 footcandle. Drives should be provided with an illumination of about 0.6 footcandle. The illumination should be designed with careful attention to luminaire height, luminaire spacing, transverse location of luminaires, luminaire selection, traffic conflict areas, glare onto adjacent parcels, and transition lighting requirements.

Figure 8

MINIMUM CROSS-SECTION DESIGN OF ONE-WAY, TWO-WAY, AND TWO-WAY WITH PEDESTRIAN CIRCULATION TRUCK SERVICE DRIVES IN INDUSTRIAL PARKS



Source: SEWRPC.

Automobile Parking Lot Location: Automobile parking lots should be so located so as to minimize both employee and visitor walking distances to the facility that the parking lot is intended to serve.

Onsite Access and Egress Automobile Space: There should be sufficient onsite space to accommodate at least three queued automobiles waiting to enter or exit an automobile parking lot without using any portion of the land access street or collector street which the lot fronts or otherwise interfering with street traffic.

Truck Service Area Facility Design

General Truck Access: The distance which trucks travel after entering an industrial lot should be minimized. The service drive entering the lot from land access or collector streets should be at least twice as long as the longest truck anticipated to serve the industrial use, thus allowing for onsite vehicle queuing.

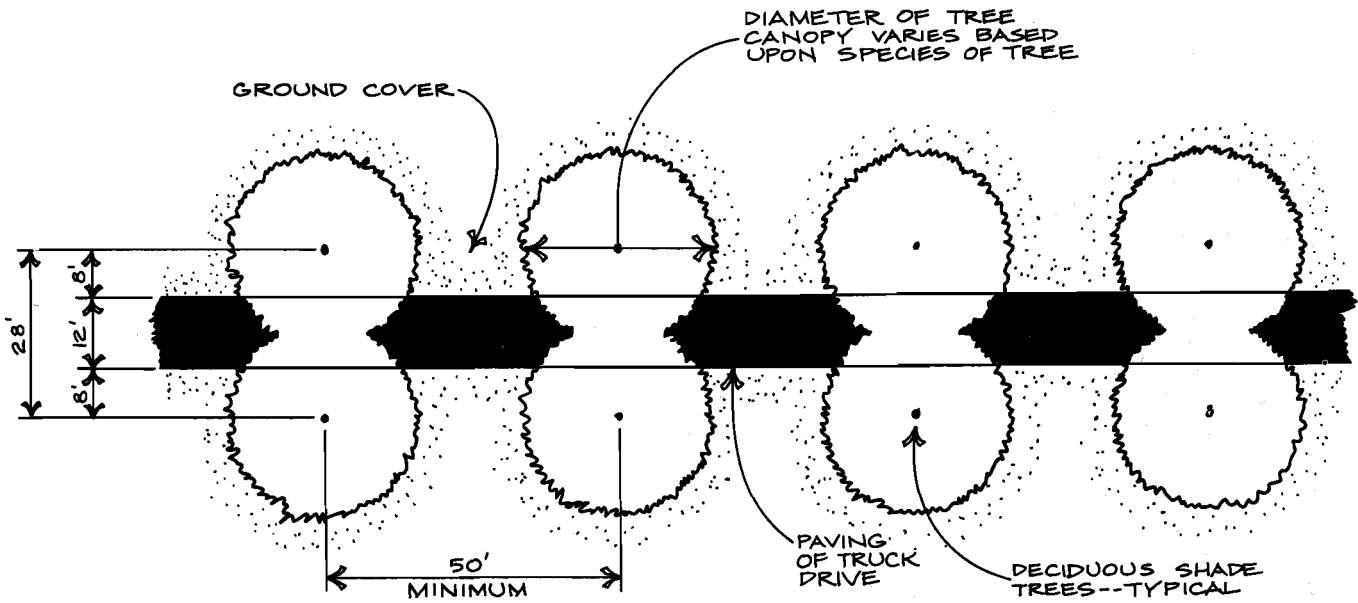
Truck Service Drives: Truck service drives should have a width of at least 12 feet for one-way traffic and 24 feet for two-way traffic. If required, pedestrian paths along service drives should have a width of at least four feet and should be separated from the vehicular drive by a curb lawn at least nine feet wide. Design cross-sections of one-way truck service drives, two-way truck service drives, and two-way truck service drives with pedestrian circulation are illustrated in Figure 8.

Truck Service Drive Landscaping: Suggested landscaping of truck service drives is shown in Figures 8 and 9. Such landscaping can include an array of plant materials, including trees, shrubs, and ground covers as well as earthen berms.

Truck Circulation: Onsite truck traffic should generally follow a counter-clockwise pattern of flow to enhance visibility, safety, and efficiency.

Figure 9

**SUGGESTED LANDSCAPING OF A TYPICAL
TRUCK SERVICE DRIVE IN AN INDUSTRIAL PARK**



PLAN VIEW

Source: SEWRPC.

Required Number of Truck Loading/Unloading Docks: Truck loading and unloading docks for manufacturing and warehouse uses should be provided at a minimum rate of one berth for the first 5,000 square feet of gross building floor area and one berth for each additional 40,000 square feet of gross building floor area. Truck loading and unloading docks for storage uses should be provided at a minimum rate of one berth for the first 10,000 square feet of gross building floor area and one berth for each additional 25,000 square feet of gross building floor area.

Truck Loading/Unloading Dock Location: Facilities for truck loading and unloading should be placed and/or screened so as not to be visible from public street rights-of-way.

Truck Loading/Unloading Dock Design: Truck loading and unloading dock design should incorporate the minimum design standards set forth in both Figure 10 and Table 10.

Easements

Utility Cables: Underground locations for all utility lines should be considered, since poles and overhead wires detract from the overall appearance of the industrial park.

Utility Easements: Utility easements of widths adequate for the intended purpose, but not less than five feet along each side of all rear lot lines and along side lot lines, should be provided for electric power and communication wires and conduits; storm and sanitary sewers; and gas, water, and other utility lines.

Where traversed by a watercourse or drainageway, an easement of adequate width should be provided for drainage purposes.

Pedestrian Ways: Pedestrian ways in wooded, wetland, and other open areas of the industrial park should have a minimum width of 10 feet and should be located and constructed so as to result in the minimum disturbance of the natural soil, and minimum impairment of the natural beauty.

Stormwater Drainage and Erosion/Sedimentation Control

Stormwater drainage facilities may include curbs and gutters, catch basins and inlets, storm sewer roadway ditches, culverts, open channels, and water detention and retention basins. The facilities should be of adequate size and grade to hydraulically accommodate the design volumes of flow through, and from within, the development, and should be so designed as to prevent and control soil erosion and sedimentation and to minimize hazards to life or property. Where possible, stormwater drainage should be maintained by landscaped open channels or swales of adequate size and grade.

Earth-moving activities such as topsoil removal, excavation and grading, waterway construction or enlargement, channel clearing, ditching, drain tile laying, dredging, and lagooning should be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, water regimen, and topography. Cut and filled lands outside of street rights-of-way should be graded to a maximum slope of one on four, or to the angle of repose of the soil. The industrial park should have grasses, trees, and vines and other protective and rehabilitative measures as may be necessary to prevent soil erosion and sedimentation. Erosion control plans should incorporate the best management practices to reduce soil loss during construction.

General Landscaping

Areas of Vegetation: Every effort should be made to protect and retain all existing trees, shrubbery, vines, and grasses not actually located in public roadways, drainageways, paths, and trails. Trees should be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of constructed wells, islands, or retaining walls whenever abutting grades are altered to the extent that existing trees could be damaged.

Soil and Landscape Planting: General landscape guides for the planting and selection of various trees, shrubs, and vines to perform a variety of functions, such as shade, street landscaping, lawn landscaping, hedges, screens, and windbreaks for an industrial park, can be found in SEWRPC Planning Report No. 8, Soils of Southeastern Wisconsin.

The landscape guides are based upon soil types found in the Region, and show the various types of trees, shrubs, and vines which can be accommodated for a variety of landscape planting uses. The various soils found in the Region have

been grouped into categories termed "woodland suitability groups," based upon their response and suitability to various tree, shrub, and vine species. The woodland suitability groups have been numbered according to a statewide classification system.

Street Trees: At least one street tree of an approved species and of at least six feet in height should be planted for each 50 feet of frontage on proposed streets and private drives. However, the placement and selection of street tree species should not hamper or interfere with access to natural light and air for nearby industrial lots and structures. Tree species should be selected, in part, based upon soil conditions and species hardiness to soil conditions. Columnar varieties of street trees may require shorter distances between plantings. Street trees should be located so as to be a minimum of 10 feet from a street light, five feet from a fire hydrant, five feet from a driveway, and five feet from any public sidewalk, as illustrated in Figure 11.

Wind and Landscape Planting: Landscaping should be done in such a way as to minimize winter wind and promote summer wind effects on structures. Winter wind protection is afforded by planting landscaping, desirably evergreen plant materials, of an adequate height on the west side of structures. However, if sunlight would be blocked, low shrubs should be used to divert or enhance winds. An optimum distance between a winter windbreak and a structure is approximately twice the tree height.

Sunlight and Landscape Planting: With respect to sunlight, landscaping planted to the south of structures should be short, broad, deciduous species with open twig patterns, affording the passage of light through the branch structure in the winter.

Sunlight and Open Space: In industrial parks, open space should be located so that, whenever possible, it acts as a buffer between low structures and the shadows cast by neighboring structures or landscape materials. Sunlight should be afforded each industrial building in order to permit potential solar energy use.

Noise and Landscape Planting: Groups of trees, shrubs, and other masses such as earthen berms can serve as noise barriers and should be utilized where noise could create problems for neighboring land uses. Such landscaped noise barriers are most effective when they are near the noise source or receiver. Landscape plantings should provide for noise reductions.

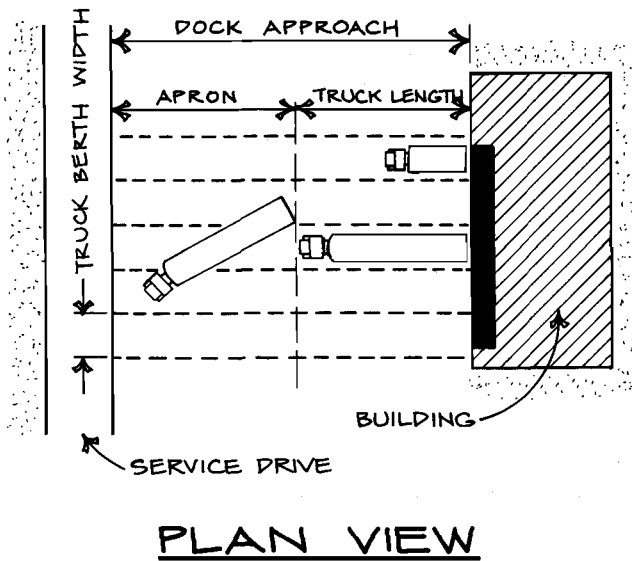
DETAILED SITE PLANNING FOR AN INDUSTRIAL PARK LOT

Functional Considerations of the Site

A typical industrial site must provide areas for the performance of many functions, including the proper location and setting for the buildings and the entrances to the buildings, off-street parking, automobile drives, truck service drives, truck loading/unloading, outdoor storage, railway service, railway car loading/unloading, and landscaping. Figure 12 is a matrix illustrating the various functional relationships between site uses and spaces; these relationships are defined as high, medium, or low spatial relationships. The matrix should assist the industrial lot site planner in laying out the various functional areas of an industrial site in an orderly manner.

Figure 10

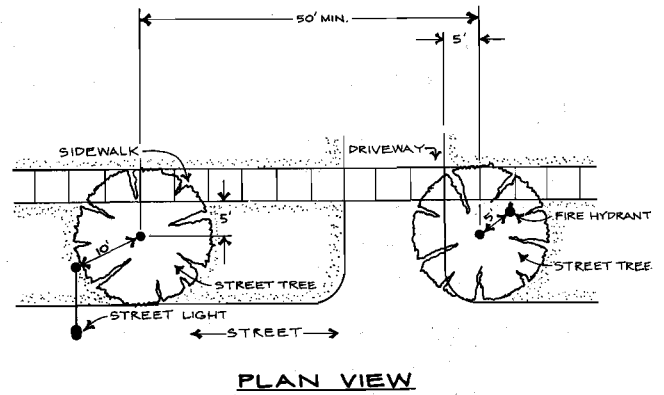
ELEMENTS OF TRUCK LOADING/UNLOADING DOCK DESIGN FOR AN INDUSTRIAL LOT



Source: SEWRPC.

Figure 11

MINIMUM STREET TREE PLANTING DISTANCES IN PUBLIC RIGHTS-OF-WAY IN INDUSTRIAL PARKS



Source: SEWRPC.

Table 10

RECOMMENDED MINIMUM TRUCK LOADING/UNLOADING DOCK DESIGN STANDARDS

Overall Length of Truck (feet)	Truck Berth Width (feet)	Recommended Truck Apron Length (feet) ^a	Recommended Dock Approach (feet)
40	10	46	86
	12	43	83
	14	39	79
45	10	52	97
	12	49	94
	14	46	91
50	10	60	110
	12	57	107
	14	54	104
55	10	65	120
	12	62	117
	14	58	113
60	10	72	132
	12	63	123
	14	60	120

^aNote that additional truck apron length may be needed, depending upon the location and design of the service drive, in order to accommodate truck turning movements.

Source: R. H. Haskell, "Recommended Yard and Dock Standards," *Transportation and Distribution Management*, October 1966, p. 27; and SEWRPC.

Figure 12

FUNCTIONAL RELATIONSHIPS BETWEEN INDUSTRIAL SITE SPACES AND USES

	MAIN BUILDING ENTRANCE	OFF-STREET PARKING	AUTOMOBILE DRIVE	PUBLIC STREET	TRUCK SERVICE DRIVE	TRUCK LOADING/UNLOADING	OUTDOOR STORAGE	RAILWAY SERVICE SPUR	RAILWAY LOADING/UNLOADING	LANDSCAPING
INDUSTRIAL BUILDING STRUCTURE	●	◐	○	○	○	●	○	○	●	●
MAIN BUILDING ENTRANCE		●	◐	◐	○	○	○	○	○	●
OFF-STREET PARKING			●	◐	○	○	○	○	○	●
AUTOMOBILE DRIVE				●	◐	○	○	○	○	●
PUBLIC STREET					●	○	○	○	○	●
TRUCK SERVICE DRIVE						●	◐	○	○	●
TRUCK LOADING/UNLOADING							◐	○	○	◐
OUTDOOR STORAGE								◐	●	◐
RAILWAY SERVICE SPUR									●	◐
RAILWAY LOADING/UNLOADING										◐

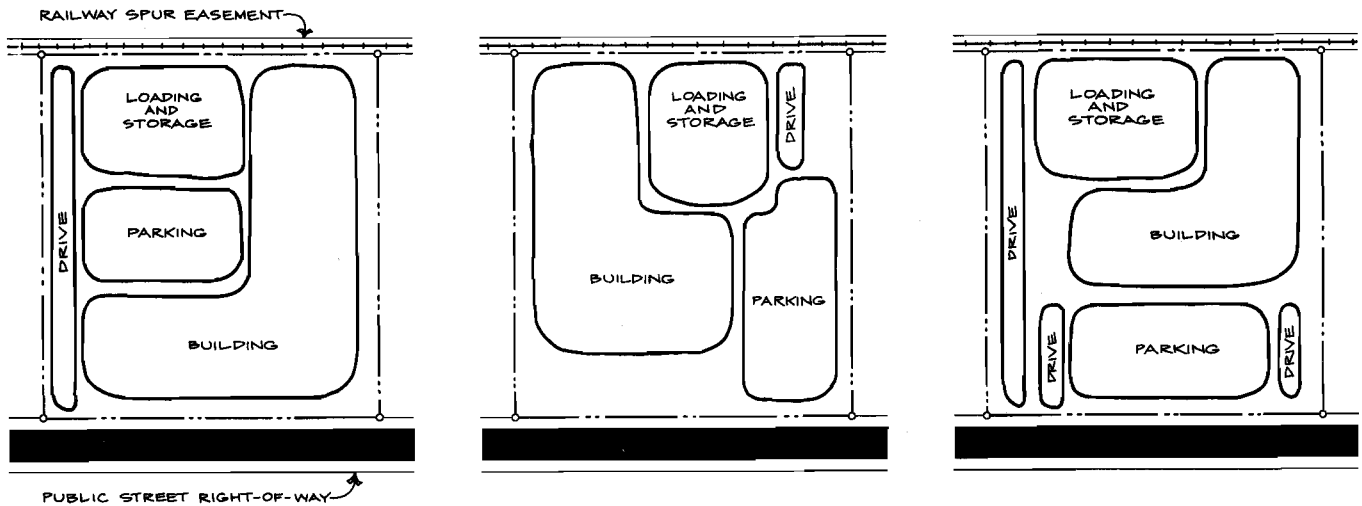
- HIGH FUNCTIONAL RELATIONSHIP
- ◐ MEDIUM FUNCTIONAL RELATIONSHIP
- LOW FUNCTIONAL RELATIONSHIP

Source: SEWRPC.

Off-site nearby uses which play a significant role in organizing the industrial site itself are the public land access street and the industrial park railway service spur. The public land access street is the most critical factor affecting the overall industrial site plan, since the public image of the industry is projected to this publicly used area. That image can be

Figure 13

ALTERNATIVE CONCEPTUAL SCHEMES FOR ORGANIZING AN INDUSTRIAL SITE



TYPE A:

BUILDING IN FRONT PORTION OF LOT AND AUTOMOBILE PARKING IN THE REAR. SHARED TRUCK AND AUTOMOBILE DRIVE.

TYPE B:

BUILDING LOCATED ON SIDE OF LOT AND AUTOMOBILE PARKING LOCATED ON SIDE OF LOT. SHARED TRUCK AND AUTOMOBILE DRIVE.

TYPE C :

PARKING LOCATED IN FRONT PORTION OF LOT WITH BUILDING BEHIND THE PARKING AREA. SEGREGATED AUTOMOBILE AND TRUCK DRIVES.

Source: SEWRPC.

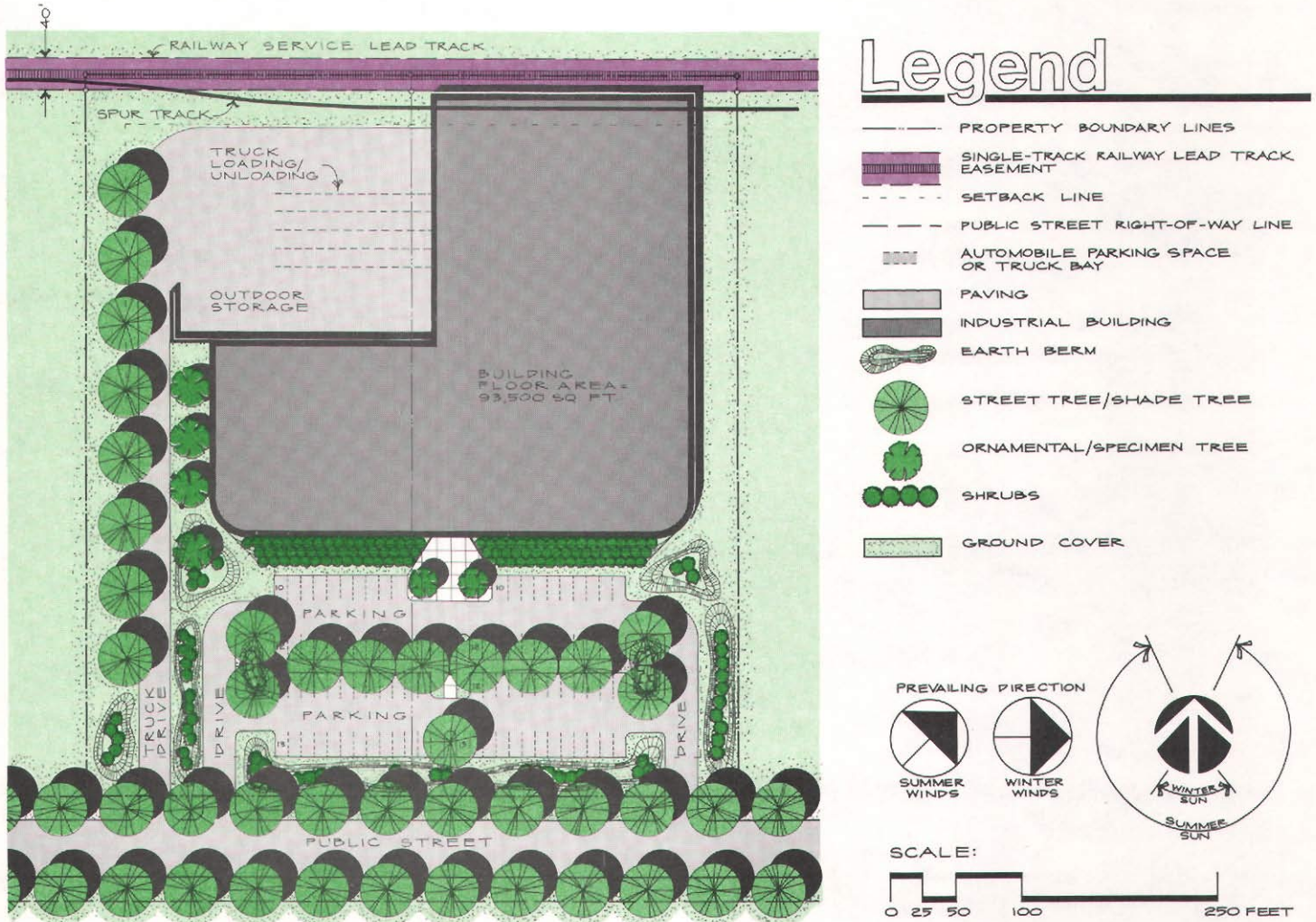
manipulated by the site planner, primarily through the location of the main building; parking, loading, and storage areas; and drives at the site. Figure 13 illustrates three alternative orientations of these uses on the industrial site. Type A in Figure 13 shows the main building as the dominant site feature located in the front of the site, being highly visible from the public street. Type B shows the main building located on one side of the lot and automobile parking on the other. Type C shows the parking lot located along the front of the site and the main building adjacent to the parking lot. Each of these generalized schemes is a viable alternative influencing the character and image of the industry occupying a site in the park. Also, each scheme can be greatly influenced by the ultimate landscaping of the site.

Detailed Site Plan for an Industrial Lot

Based upon the conceptual scheme of an industrial site plan illustrated by Type C in Figure 13, a detailed site plan was prepared for two adjoining three-acre lots based upon the previously discussed site planning design criteria. This plan is shown in Figure 14. These two lots are proposed to be under one ownership and have been amassed to accommodate a single industrial use. Figure 15 illustrates specific applications of some of the industrial park site planning design criteria to the detailed site plan.

Figure 14

DETAILED SITE PLAN FOR TWO ADJOINING LOTS IN A MODEL INDUSTRIAL PARK

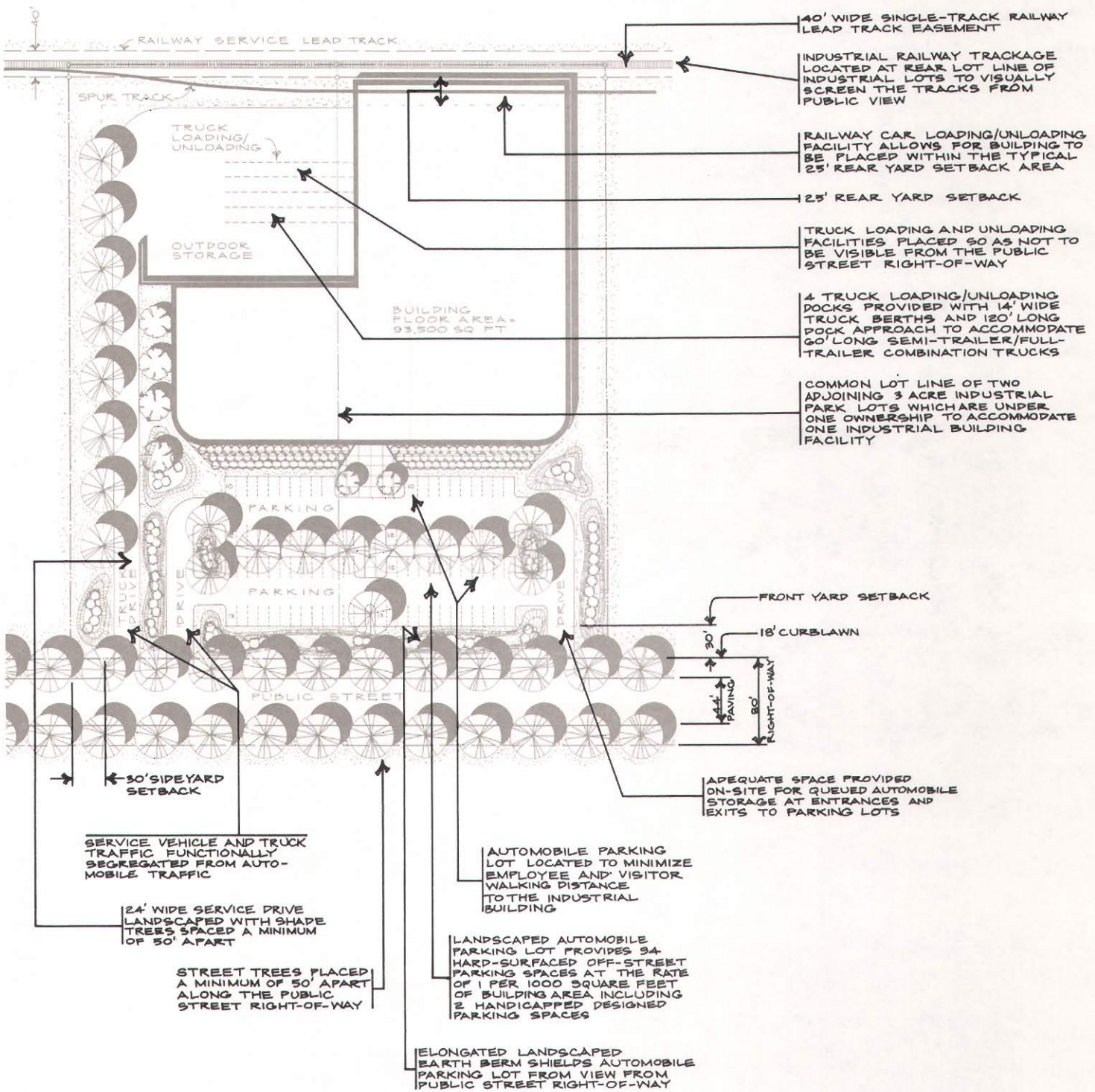


Source: SEWRPC.

The industrial site plan illustrated in Figure 14 shows a six-acre parcel of land accommodating a 93,500-square-foot building, 94 ancillary automobile parking spaces, a truck service drive, a truck loading/unloading area, outdoor storage, and ancillary railway car loading/unloading at the building. Employee and visitor automobile parking is provided between the public street and the industrial building, with a landscaped earthen berm lying between the street and the parking area in order to visually screen the parked automobiles from the public street. In addition, the loading, unloading, and storage areas are effectively hidden from public view at the rear of the parcel behind the building. Landscape planting materials are provided at the site to improve the overall aesthetic quality of the development.

Figure 15

APPLICATION OF DESIGN CRITERIA TO THE DETAILED SITE PLAN FOR TWO ADJOINING LOTS IN A MODEL INDUSTRIAL PARK



Source: SEWRPC.

Chapter IV

THE RECOMMENDED FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD PLAN

INTRODUCTION

A recommended industrial park neighborhood plan was prepared for the Franklin Industrial Park Neighborhood in accordance with the community development objectives and neighborhood unit design principles set forth in Chapter I of this report and the industrial park urban design criteria set forth in Chapter III of this report. The recommended plan is shown on Map 12. The recommended plan was prepared at a scale of 1 inch equals 200 feet using topographic maps having a vertical contour interval of two feet, on which cadastral data were superimposed. All of the basic data pertaining to good land subdivision design as inventoried and analyzed in Chapter II of this report were carefully considered in the design of the neighborhood unit.

THE RECOMMENDED PLAN

Land Use Description

Residential: The southern-most edge of the neighborhood which abuts Oakwood Road is shown to be in single-family residential uses. This area occupies approximately 39.8 acres of land, or 7.2 percent of the neighborhood, and is proposed to be buffered from the adjoining industrial land uses by a 40-foot-wide landscaped planting easement. All other existing residential land uses are proposed to be phased out of the remaining areas of the neighborhood, thus preventing any potential land use conflicts with the proposed industrial uses.

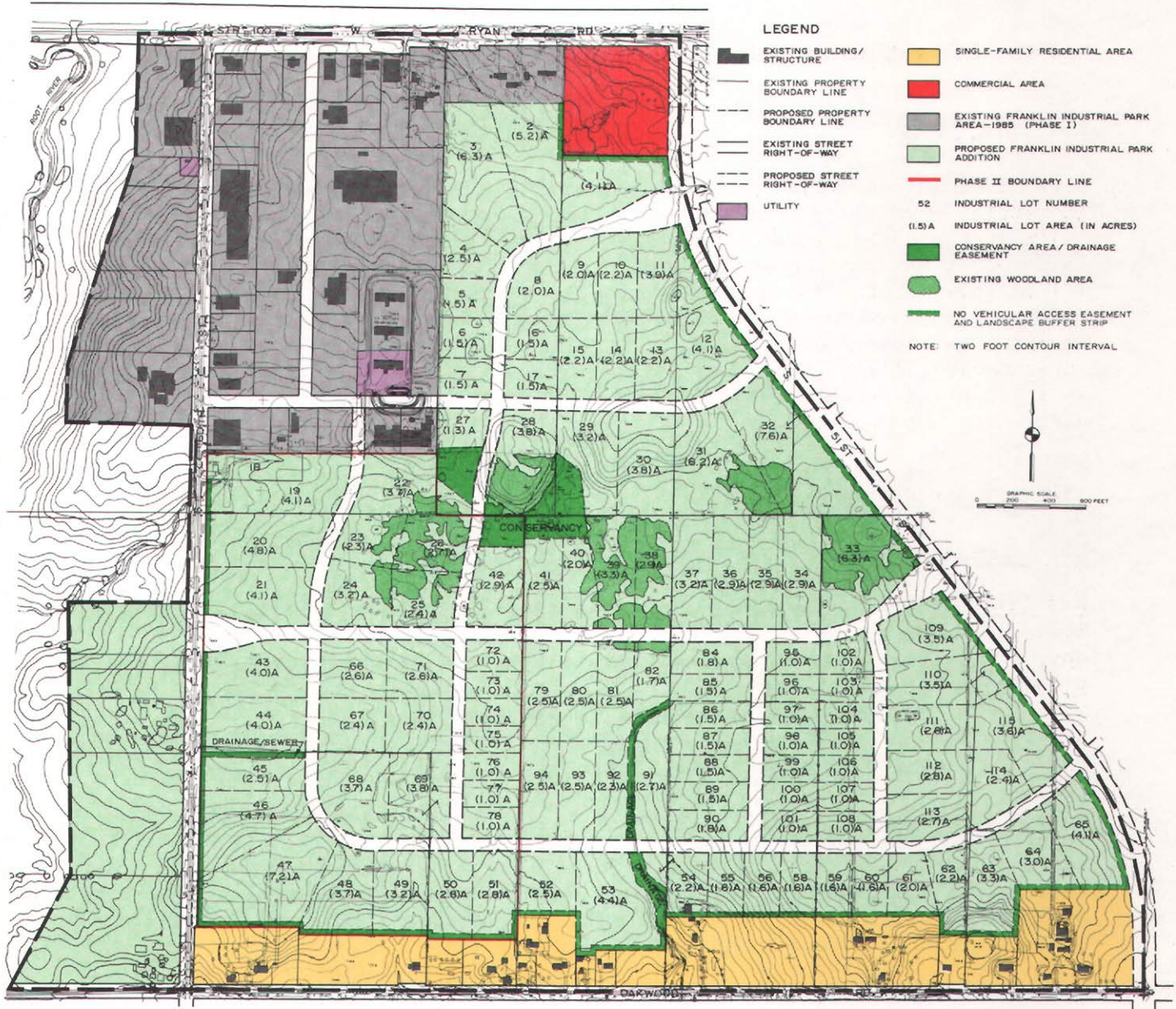
Commercial: On the recommended neighborhood plan, commercial land uses are located on the southwest corner of the intersection of W. Ryan Road (STH 100) and S. 51st Street. This commercial area is intended for convenience shopping, restaurants, financial institutions, and industry-supporting professional offices. These proposed commercial land uses would account for about 8.0 acres of land, or about 1 percent of the total neighborhood area.

Industrial: Industrial land uses would account for about 459 acres of land, or about 83 percent of the total industrial park neighborhood area. A total of 114 new industrial lots are shown on plan Map 12, in addition to 43 already existing lots which are also shown for industrial use. There are therefore a total of 157 industrial lots shown in the recommended plan, which range in size from about 0.6 acre to 8.0 acres.

Transportation: Land access under the recommended plan would be accomplished by a system of 70 foot-wide street rights-of-way. Land access or minor streets total about 4.57 miles in length on the recommended plan. Arterial streets and highways abutting the neighborhood total about 3.89 miles in length. Access to arterial streets and highways from the industrial park neighborhood would be limited by the use of double frontage lots which back onto the arterial

Map 12

THE RECOMMENDED FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD PLAN



Source: SEWRPC.

streets and highways. The back of the lot which abuts the arterial street should be landscaped for visual screening and buffering purposes. The lengths of all planned streets and highways in the Franklin Industrial Park Neighborhood are shown in Table 11, and the existing street right-of-way, proposed right-of-way, and typical cross-section are shown in Table 12.

Table 11

EXISTING AND PROPOSED LAND USE IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD

Land Use Category	Existing 1985		Plan Increment		Planned Ultimate Land Use	
	Acres	Percent of Total	Acres	Percent of Increase	Acres	Percent of Total
Residential (single-family)	12.8	2.3	27.0	110.9	39.8	7.2
Commercial	9.0	1.6	- 1.0	- 11.1	8.0	1.4
Industrial ^a	48.8	8.8	410.1	840.3	458.9	83.1
Transportation and Utilities	4.2	0.8	0	0	4.2	0.8
Utilities	24.3	4.4	15.9	65.4	40.2	7.2
Streets and Highways.....						
Subtotal	28.5	5.2	15.9	20.7	44.4	8.0
Natural Areas						
Woodlands.....	40.5	7.4	0 ^b	0	0 ^b	0
Wetlands	4.0	0.7	0 ^b	0	0 ^b	0
Water.....	1.4	0.2	0	0	1.4	0.2
Subtotal	45.9	8.3	0	0	1.4	0.2
Agricultural, Open Space, and Unused Lands	407.5	73.8	-407.5	-100.0	0	0
Total	552.5	100.0	--	--	552.5	100.0

^aIncluding trucking related.

^bTo be effectively incorporated into any industrial development site plan.

Source: SEWRPC.

Table 12

STREETS AND HIGHWAYS IN THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD: 1985 AND UPON ULTIMATE DEVELOPMENT

Street Classification	Name	Existing Right-of-Way (feet)	Proposed Right-of-Way (feet)	Typical Cross-Section	Length (miles)
Arterial Streets and Highways	W. Ryan Road (STH 100)	200 to 260	200 to 260	Desirable 4-Lane	0.57
	S. 60th Street	80	80	Desirable 2-Lane	1.00
	W. Oakwood Road	80	80	Desirable 2-Lane	1.18
	S. 51st Street	--	130	Desirable 4-Lane	1.14
	Subtotal				3.89
Land Access or Minor Streets	Service Road	70	70	Urban Minor	0.21
	S. 58th Street	70	70	Urban Minor	0.36
	W. Airways Avenue	70	70	Urban Minor	0.58
	Unnamed Streets	70	70	Urban Minor	3.42
	Subtotal				4.57
Total					8.46

Source: SEWRPC.

Natural Areas: Woodlands and wetland areas occupied about 45 acres of land, or only about 8 percent of the neighborhood area, in 1985. Under the recommended plan, these areas will be effectively incorporated into industrial or industrial-related development projects in order to exploit their natural beauty as an amenity for the entire industrial park area.

Industrial Park Neighborhood Entrances

Figure 16 illustrates an earlier suggested reconstructed vehicular entrance and accompanying landscape design for the older industrial area of the neighborhood located in the vicinity of Service Road. Figure 16 suggests that Service Road be vacated from S. 60th Street to S. 58th Street and that two landscaped earthen berms be constructed upon that vacated right-of-way. Properties which had access to this vacated Service Road segment would have new access to either S. 60th Street or S. 58th Street. In addition, the eastern-most segment of Service Road is shown to be terminated on the far east by a vehicular turn-around bulb, with ornamental or specimen trees lining its northern-most right-of-way line. South 58th Street is shown extended northerly to intersect W. Ryan Road (STH 100) and expanded into a landscaped boulevard entrance. This entrance to the neighborhood has since been redesigned and constructed with landscaping in a somewhat different configuration.

Figure 17 illustrates suggested vehicular entrance and landscape designs for S. 60th Street and S. 51st Street in the Franklin Industrial Park Neighborhood. The detailed plan, which is applicable to all three park entrances located along S. 60th Street and S. 51st Street, shows a boulevard entrance to the park with generous deciduous and coniferous landscape plant materials to mark their respective locations in the landscape. Each entrance would also be properly signed with the Franklin Industrial Park name and logo.

CONCLUDING REMARKS

The Franklin Industrial Park Neighborhood plan presented herein is intended to constitute an "ultimate end stage" plan. The "ultimate end stage" is considered to be that point in time when the neighborhood is fully developed in accordance with the recommended plan.

The recommended neighborhood unit plan is intended to be used as a point of departure in making development decisions over the years in order to avoid mistakes that could create serious and costly developmental or environmental problems, and to guide actual piecemeal development over time into a coordinated and harmonious whole. In this respect, it must be recognized that over long periods of time, socioeconomic and related cultural conditions, and, therefore, development standards and practices may change, and such change may dictate changes in the adopted neighborhood unit plan. The responsible public officials must accordingly remain flexible in the use and application of the plan, and the plan itself should be updated on a periodic basis. Future changes in the primary means of transportation may alter the concepts embraced in the preparation of the plan. Similarly, significant socioeconomic changes could occur which would result in industries different from those now prevalent, thus requiring a change in the plan.

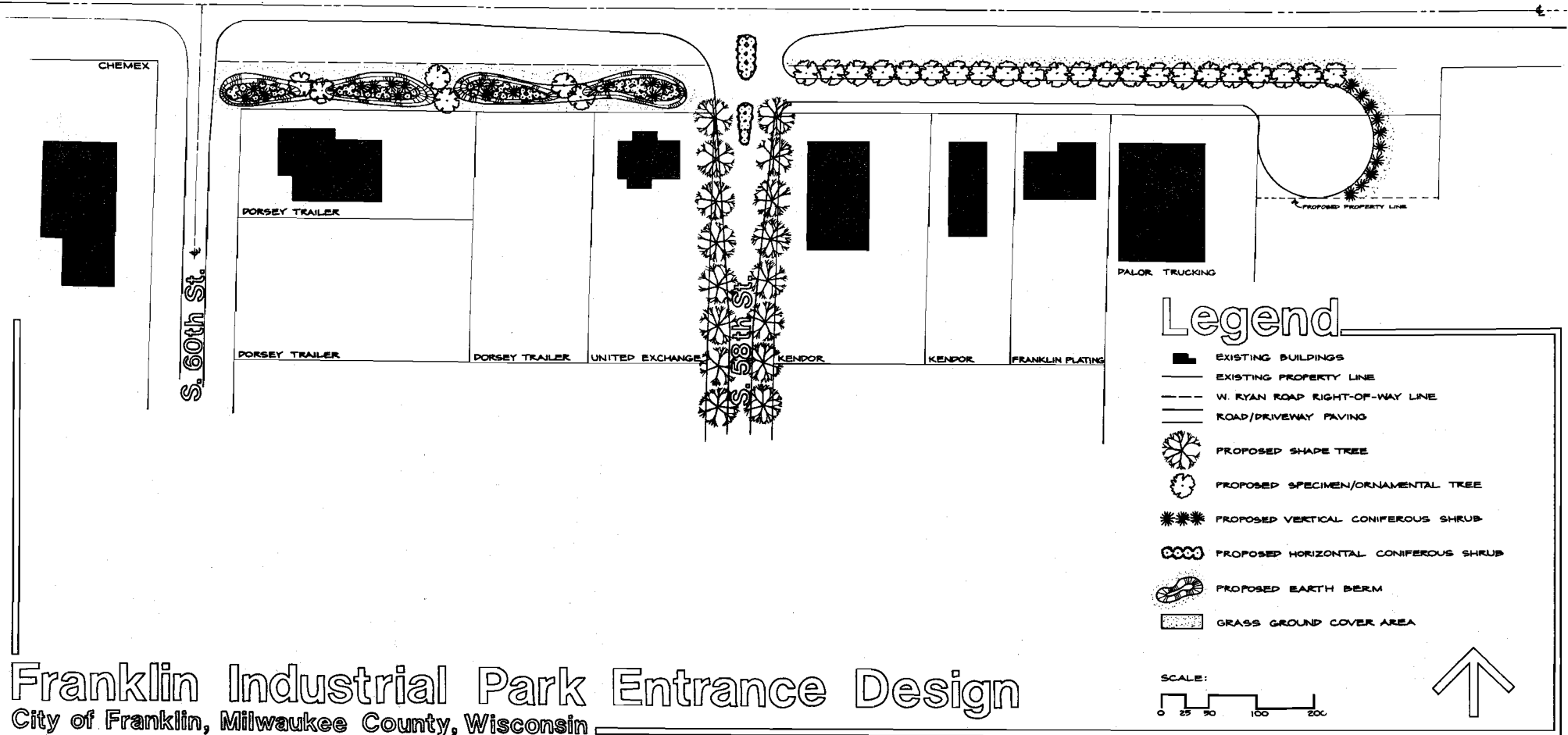
Nevertheless, at present and for the near future, the proposed neighborhood unit plan, as presented herein, offers a sound guide to the rational physical development of the delineated neighborhood. Proper utilization of the plan by city officials can provide many benefits, including:

1. The plan provides a framework upon which proposed land uses can be properly related to existing and probable future land uses in the area and to supporting transportation, utility, and stormwater drainage needs and facilities. The plan provides for the development of a basic street network able to move traffic into and out of, as well as within, the

Figure 16

INITIALLY SUGGESTED RECONSTRUCTED VEHICULAR ENTRANCE AND LANDSCAPE DESIGN FOR THE EXISTING FRANKLIN INDUSTRIAL PARK AT SERVICE ROAD

W. Ryan Rd.

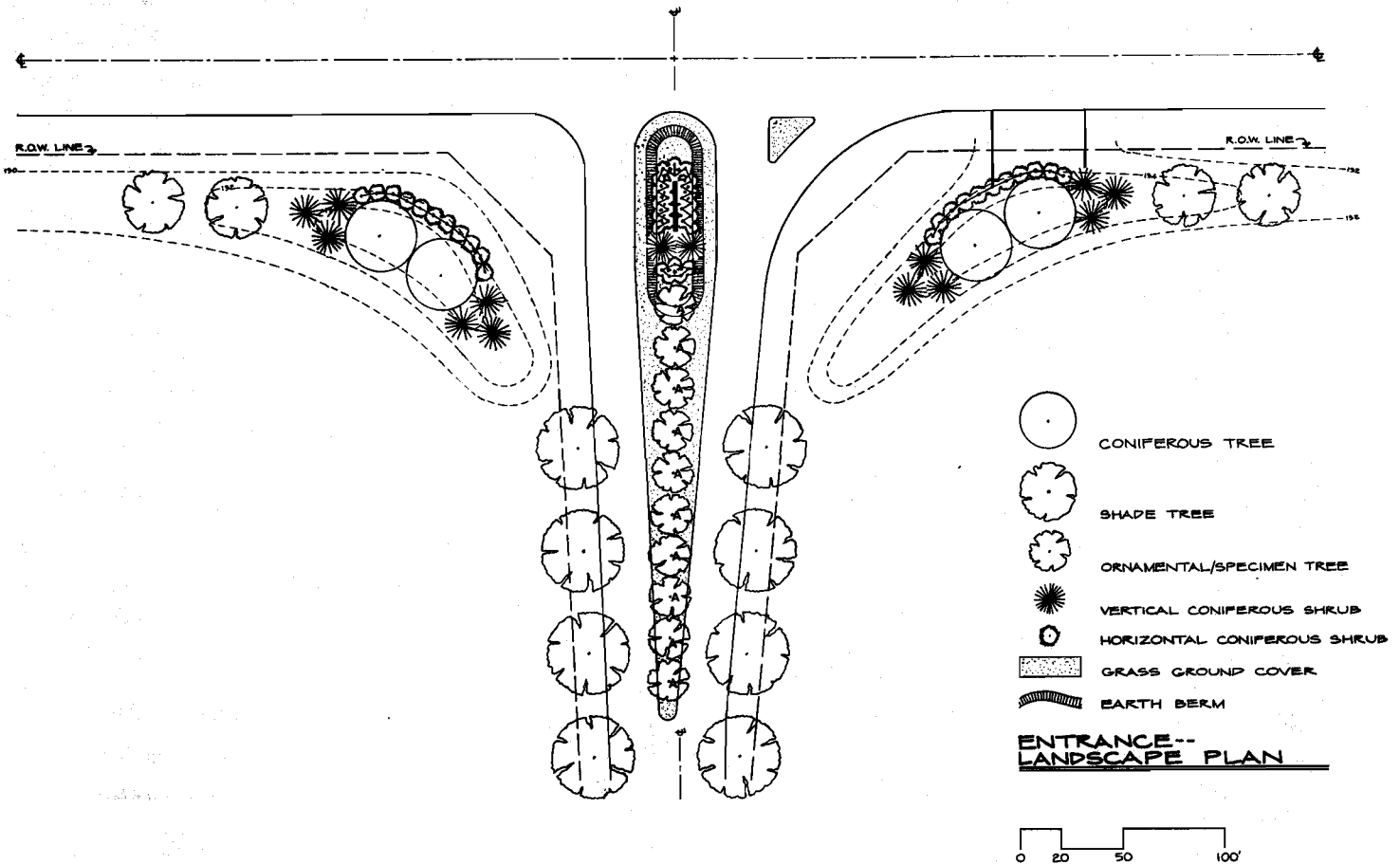


Franklin Industrial Park Entrance Design
City of Franklin, Milwaukee County, Wisconsin

Source: SEWRPC.

Figure 17

**SUGGESTED S. 60TH STREET AND S. 51ST STREET VEHICULAR ENTRANCES
AND LANDSCAPE DESIGNS FOR THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD**



neighborhood efficiently and safely. The proposed street pattern also provides the basic public rights-of-way necessary to accommodate needed utilities and stormwater drainage efficiently.

2. The plan can accommodate a diversity of industrial needs and can, therefore, accommodate a wide range of land subdivision proposals.
3. The plan recognizes soil types and accommodates their limitations on development in order to avoid the creation of serious and costly developmental and environmental problems.
4. The plan presents proposals for zoning district changes together with an outline, in tabular form, of zoning text changes which can assist in implementing the plan.

As already noted, the plan should be applied over time in a thoughtful, flexible manner, and the City Plan Commission must assume the final responsibility of determining when, where, and how future development is to take place in the neighborhood. The plan, however, provides the Plan Commission with a broad view of how individual development proposals may be fit into the neighborhood as a whole without creating problems.

Chapter V

PLAN IMPLEMENTATION

INTRODUCTION

Site planning is only the first in a series of both public and private actions required for the ultimate development of an industrial park in accordance with its master plan. The attainment of an industrial park master plan requires the application of several plan implementation instruments and perhaps the modification of existing plan implementation instruments. Plan implementation instruments include an adopted industrial park neighborhood plan; an industrial park control board; zoning districts and zoning district regulations applicable to the industrial park; deed restrictions and protective covenants for the industrial park; an adopted official map showing the location of streets, highways, and parkways in the industrial park neighborhood plan; subdivision plat review; and the community capital improvements program.

An important aspect of plan implementation is the installation of the public utility and facility infrastructure such as streets, curbs and gutters, sanitary sewers, water mains, and the like in a manner characteristic of a properly designed and developed industrial park. The appearance and proper design of the industrial site, consistent with the site planning design criteria outlined in Chapter III, will ensure park marketability, and will stabilize or increase property values for the good of both the community and the individual property owner.

PUBLIC INFORMATIONAL MEETINGS AND HEARING

The state municipal planning enabling legislation does not require local plan commissions to hold public hearings on proposed plan elements, such as an industrial park neighborhood plan, prior to adoption of those elements. It is, nevertheless, recommended that the local plan commission hold one or more public informational meetings and a formal public hearing to acquaint residents, landowners, and persons interested in industrial development with all details of the proposed industrial park neighborhood plan and to solicit public reaction to the plan proposals. The plan should be modified to incorporate any desirable new ideas which may be advanced at the meetings and hearing.

INDUSTRIAL PARK NEIGHBORHOOD PLAN ADOPTION

An important step in industrial park neighborhood plan implementation is the formal adoption of the plan by the local plan commission and certification of the adopted plan to the governing body of the municipality pursuant to state enabling legislation. Upon such adoption, the industrial park neighborhood plan becomes the official guide to the making of decisions concerning the development of the park by local officials. Model resolutions of plan adoption for a City Plan Commission and Common Council are provided in Appendices A and B, respectively.

CITY OF FRANKLIN-OWNED INDUSTRIAL PARKLAND AND THE CITY INDUSTRIAL DEVELOPMENT COMMISSION

The City of Franklin Industrial Development Commission was established to ensure that property owners in City of Franklin-owned industrial parks would have an active role in their governance and to ensure the proper enforcement of the industrial park deed restrictions and protective covenants. A model ordinance for revising some elements of the Industrial Development Commission to better accomplish these objectives is set forth in Appendix C. The primary duty and function of the City Industrial Development Commission is to promote the sound long-term development and maintenance of industrial parks in the City of Franklin. The Industrial Development Commission is responsible for enforcing deed restrictions and protective covenants, including the review and approval of land use, site, and landscaping plans, building plans, building setbacks, architectural appearance, landscaping maintenance, off-street parking and loading, outdoor storage, waste incineration, security fencing, signs and billboards, utility control, easements, and drainage. In 1987, the Industrial Development Commission changed its name to the Economic Development Commission.

INDUSTRIAL DEVELOPMENT NONPROFIT ORGANIZATION

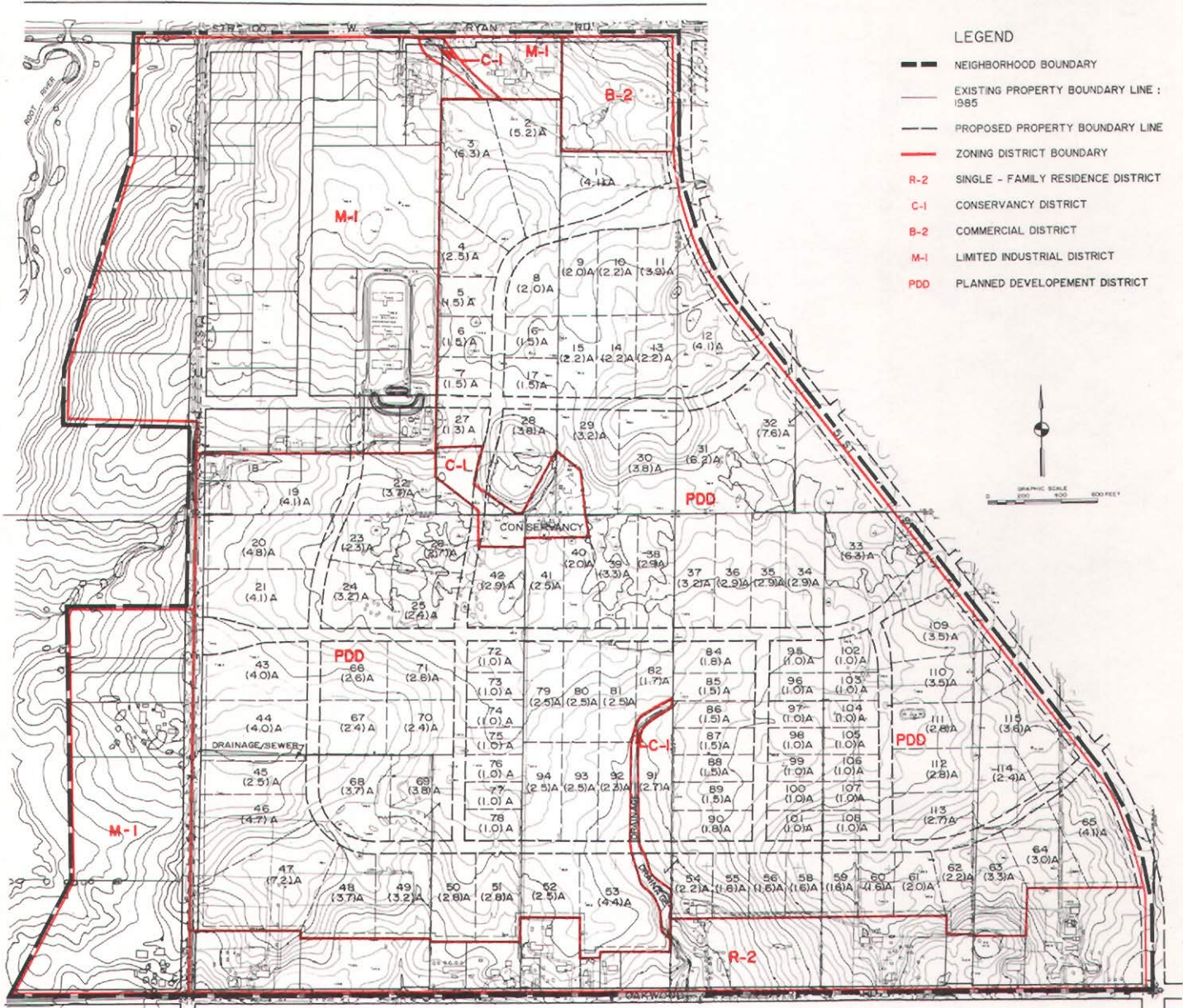
Another way in which to ensure that property owners in the City of Franklin-owned industrial parks have an active role in their governance, and to ensure the proper enforcement of the industrial park deed restrictions and protective covenants, is to create a private, nonprofit City of Franklin Industrial Development Corporation. A private, nonprofit industrial development corporation is supported by membership fees and the donations of public and private entities such as the local government and private business. The corporation can receive cash, land, buildings, or other donations, with these donations being tax deductible. Should the corporation be dissolved, its funds are distributed to the City of Franklin. The membership provisions and board of directors requirements are specified in the by-laws of the organization and need not include approval or representation by the local unit of government, although local government members could be required by the organization's by-laws. A private, nonprofit industrial development organization would be organized according to the regulations set forth in Chapter 181 of the Wisconsin Statutes. A model for creating a City of Franklin Industrial Development Corporation is shown in Appendix D.

ZONING

Following adoption of the neighborhood development plan by the City Plan Commission and certification to the Common Council, the Plan Commission should initiate amendments to the city zoning district map and zoning ordinance text to bring the map and zoning ordinance into conformance with the proposals advanced in the plan as presented herein. Map 13 shows the ultimate zoning districts required to implement the plan. Table 13 provides a summary of the zoning district regulations for each district in the zoning ordinance. Map 14 shows the initial zoning district map to accommodate Phase II development of the neighborhood. Phase II development of the neighborhood is shown to be zoned as Planned Development District No. 7, which is a zoning district of the planned unit development type created especially for Phase II. The purpose of Planned Development District No. 7, as outlined in its "Intent" clause, is to

Map 13

PROPOSED ULTIMATE ZONING MAP FOR THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

assist in enhancing the development of the City of Franklin Industrial Park for a general mix of light and heavy industry, office uses, industrial service uses, wholesale and warehousing uses, and associated public and community service uses. Appendix E presents the complete text of Planned Development District No. 7.

Table 13

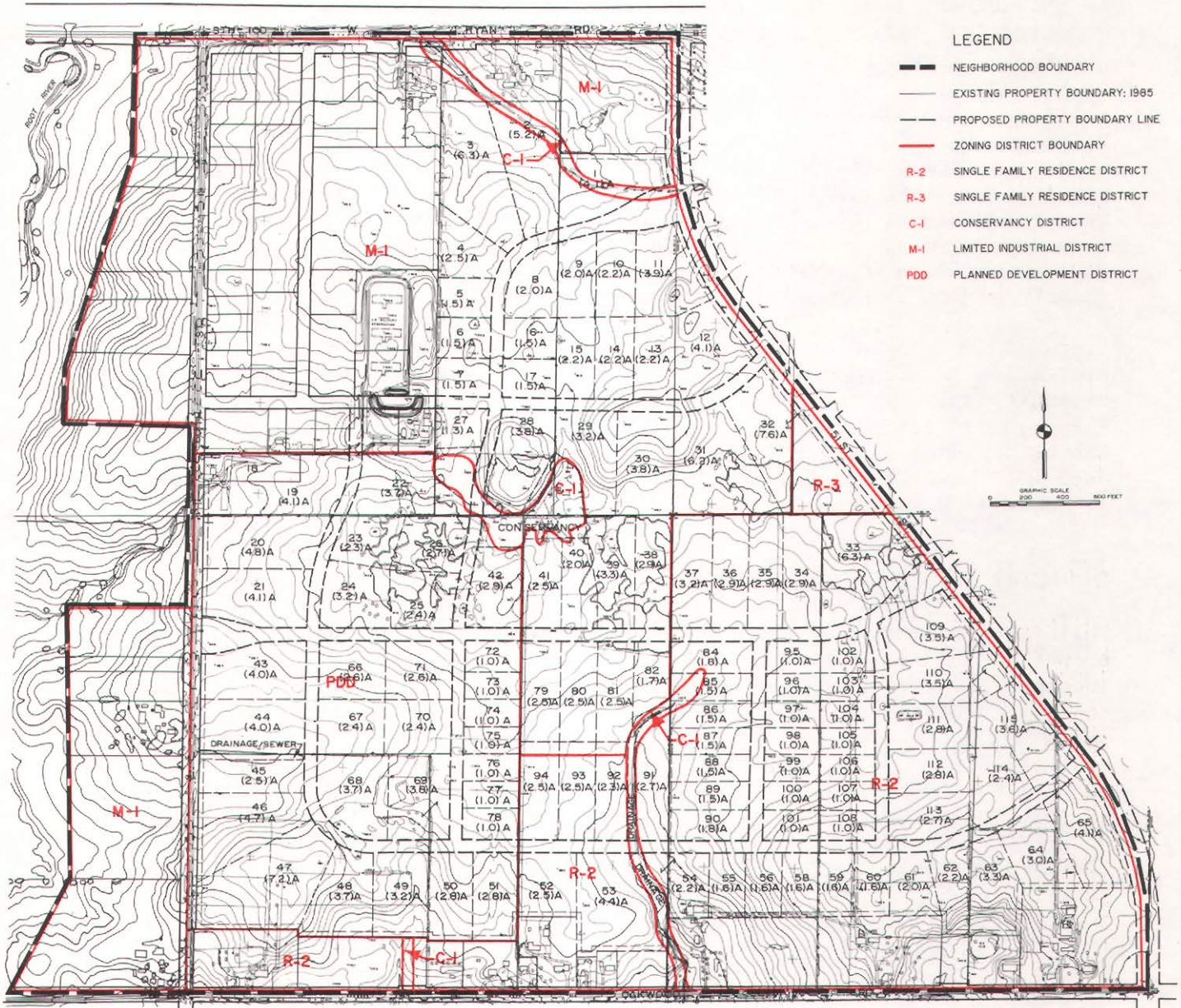
SUMMARY OF RECOMMENDED ZONING DISTRICTS FOR THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD

District	Permitted Uses		Special Uses	Maximum Residential Density (dwelling units per net acre)	Minimum Lot Size			Minimum Yard Requirements			Maximum Building Height (feet)
	Principal	Accessory			Total Area (square feet)	Area per Family (square feet)	Width at Setback (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	
R-2 Single-Family Residence	One-family detached dwellings, home occupations	Off-street parking facilities	Private bathhouses, stables, railroad rights-of-way, agricultural, off-street open parking area	1.09	40,000	40,000	150	60	20; 45 on corner lots	30	30 or 2½ stories
B-2 Commercial	Service and retail trade uses	Off-street parking facilities	Animal hospitals, banks, convents, hospitals, motels, etc.	--	--	--	--	25	10; 35 on corner lots	20	--
M-1 Limited Industrial	Retail and service uses; production, processing, cleaning, servicing, etc.; wholesaling and warehousing; public and community service uses	Radio and television towers, temporary buildings, off-street parking	Automobile laundries, automobile service stations, drive-in banks, airports, industrial planned developments	--	None. Determined by setback requirements and floor area ratio	--	--	30	10; 30 on corner lots	None	None
C-1 Conservancy	Fishing; scenic, historic and scientific areas; soil and water conservation; sustained yield forestry; wild-life preserves	Drainage, water measurement and control, grazing orchards, truck farming, utilities, wild crop harvesting	--	--	--	--	--	--	--	--	--
PDO Planned Development (Industrial)	As per individual planned development district requirements	As per individual planned development district requirements	As per individual planned development district requirements	--	40 acres	--	As per individual planned development district requirements	As per individual planned development district requirements	As per individual planned development district requirements	As per individual planned development district requirements	As per individual planned development district requirements

Source: SEWRPC.

Map 14

RECOMMENDED INITIAL ZONING MAP FOR THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

INDUSTRIAL PARK DEED RESTRICTIONS AND PROTECTIVE COVENANTS

Deed restrictions and protective covenants can be defined as the limitations placed upon the use of real property in the writing of a deed. Deed restrictions and protective covenants are governed by the law of contracts, and the legal presumption is in favor of the free exercise of the right to contract. This generalization is subject to two important limitations: 1) contracts may not be contrary to public policy; and 2) contracts must not be unreasonable. The industrial park deed restrictions and protective covenants are intended to supplement public land use controls.

Industrial park deed restrictions and protective covenants should be designed to protect the investments of occupants of the park and the general community interest, and to ensure that property in the park will retain value. In addition, protective covenants should ensure that industrial clientele locating in the industrial park improve their property in accordance with established standards and that individual site development will be in harmony with the overall development of the industrial park.

There are several reasons why deed restrictions and protective covenants are valuable industrial land development control tools and are frequently preferred to zoning regulations. Perhaps the most important of these is promotion of the physical needs of a particular industrial park. Public zoning regulations set out standards for the development of industrial districts which must be suitable for a generalized application in the municipality. Industrial clientele may desire more restrictive requirements tailored for specific use in the industrial park concerned.

Items which should be taken into account by these deed restrictions and protective covenants for the benefit of both the industrial client and the community are the use of land, site plan and building plan approval, landscaping, off-street automobile parking, fencing, environmental control, signs, and maintenance. The set of industrial park deed restrictions recommended and used for Phase II development of the Franklin Industrial Park Neighborhood plan is provided in Appendix F.

OFFICIAL MAPPING

Following the adoption of the industrial park neighborhood plan, existing and proposed streets, highways, and parks and parkways on the plan should be incorporated into an Official Map for the City. Section 62.23(6) of the Wisconsin Statutes provides that the Common Council of any city may establish an Official Map for the precise designation of right-of-way lines and site boundaries of streets, highways, parkways, parks, and playgrounds. Such a map has all the force of law and is deemed to be final and conclusive with respect to the location and width of both existing and proposed streets, highways, and parkways, and the location and extent of existing and proposed parks. The Statutes further provide that the Official Map may be extended to include areas beyond the corporate limits but within the extraterritorial plat approval jurisdiction of the municipality.

One of the basic purposes of the Official Map is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use. Furthermore, the Official Map is the only arterial street and highway system plan implementation device that operates on an areawide basis in advance of land development, and can thereby effectively assure the integrated development of the street and highway system. And, unlike subdivision control which operates on a plat-by-plat basis, the industrial park master plan with the Official Map as one of its implementation instruments can operate over a wide planning area well in advance of development proposals. The Official Map is a useful device to achieve public acceptance of long-range plans in that it serves legal notice of the government's intention to all parties concerned well in advance of any actual improvements. It thereby avoids the altogether too common situation of development being undertaken without knowledge or regard for the long-range plan, and thereby does much to avoid local resistance when plan implementation becomes imminent.

SUBDIVISION PLAT REVIEW

Following adoption of the neighborhood unit plan, the plan should serve as a basis for the preparation of preliminary and final land subdivision and certified survey plats within the neighborhood. In this respect, the neighborhood plan should be regarded as a point of departure against which all proposed land division plats are evaluated. Developers should be required to fully justify any proposed departures from the plan, demonstrating that such departures are an important improvement to, or a proper refinement of, the adopted plan. It should be noted that Wisconsin Statutes specifically provide that the approval of a subdivision plat by the Common Council constitutes an amendment to the Official Map, thus providing flexibility in its administration.

THE CAPITAL IMPROVEMENTS PROGRAM

A capital improvements program is simply a list of fundable major public improvements--such as an industrial park and its associated infrastructure--needed in a community over the next five years, arranged in order of preference, to assure that the improvements are carried out in priority of need and in accord with the community's ability to pay. A capital improvements program is intended to promote well-balanced community development without over-emphasis on any particular phase of development, and to promote coordinated development. With such a program, required bond issues and tax revenues can be foreseen and provisions made. Land needed for projects can be acquired in a timely fashion, and staged construction can be facilitated. Without such a coordinated program for the industrial park neighborhood, the improvement and sale of industrial parklands may not be completed.

The general procedure for the preparation of a capital improvements program is as follows. An initial list of the improvements believed to be needed over the next five years is compiled. This list is then evaluated to determine the relative importance and desirability of each proposed improvement. This evaluation should initially be divorced completely from the issue of funding availability. Criteria which may be helpful in assigning an order of priority to the list of projects include: protection of life, maintenance of public health, protection of property, conservation of resources, maintenance of property, provision of essential public services, and reduction in operating costs.

When the relative need or desirability of the various proposed projects has been determined--that is, when the list of projects has been arranged in priority order--the available financial resources of the community can be analyzed, and the funds which may be expected to become available for the proposed improvements over the five-year period can be determined. The projects are then selected and scheduled for construction in accordance with their priority order and the funds available. The projects recommended for the first year of the five-year schedule are then included in the capital budget for the ensuing year and the recommended program given legislative consideration. At the end of the first year, the program is again reviewed. Any new projects which appear to be needed are shifted in position in the schedule as new information may dictate; an additional year is added to replace the year completed; and the revised list of projects is again scheduled over the full period of the program. Thus, a carefully conceived public improvements program is always available and in readiness for use but with only one year of the program being actually committed at any time. Since, as the process becomes

established, proposed projects are evaluated year after year before ultimately reaching actual authorization, a safeguard is provided against hasty or ill-conceived actions.

The capital improvements program should be presented in a well-arranged tabular form listing projects in the proposed order of construction and in the order of year scheduled. The estimated cost of the proposed projects, together with attendant charges for operation and maintenance, should be shown. Where a project extends over more than one year, costs should be distributed accordingly. Proposed methods of financing should be indicated, and explanations regarding urgency of need provided. A financial summary sheet should be prepared showing the effect of the proposed program upon the finances of the community, and particularly upon taxes.

LOCAL FINANCING

The Wisconsin Tax Increment Law provides an arrangement whereby cities and villages share redevelopment costs with overlying tax jurisdictions, including the county and the State. When a tax incremental district is created, a "tax incremental base" is established; this base is the aggregate value of all taxable property in the district as of the date of creation (equalized by the Department of Revenue). Any subsequent growth in the tax incremental district base is then "captured" so that as property value increases, levies on this growth represent positive dollar increments used for financing redevelopment. These increments are generated not only from municipal taxes, but also from taxes of overlying jurisdictions.

The Tax Increment Law has been established to encourage development by allowing the municipality to recover the project costs before the surrounding municipalities benefit from the additional values created. When the project costs are paid off, the added value is then utilized in the apportionment process and every municipality gains. The effect of the Tax Increment Law, then, is to put off reflecting to general government the increase in values due to the improvements financed by the tax incremental district until the costs of generating the development are paid for.

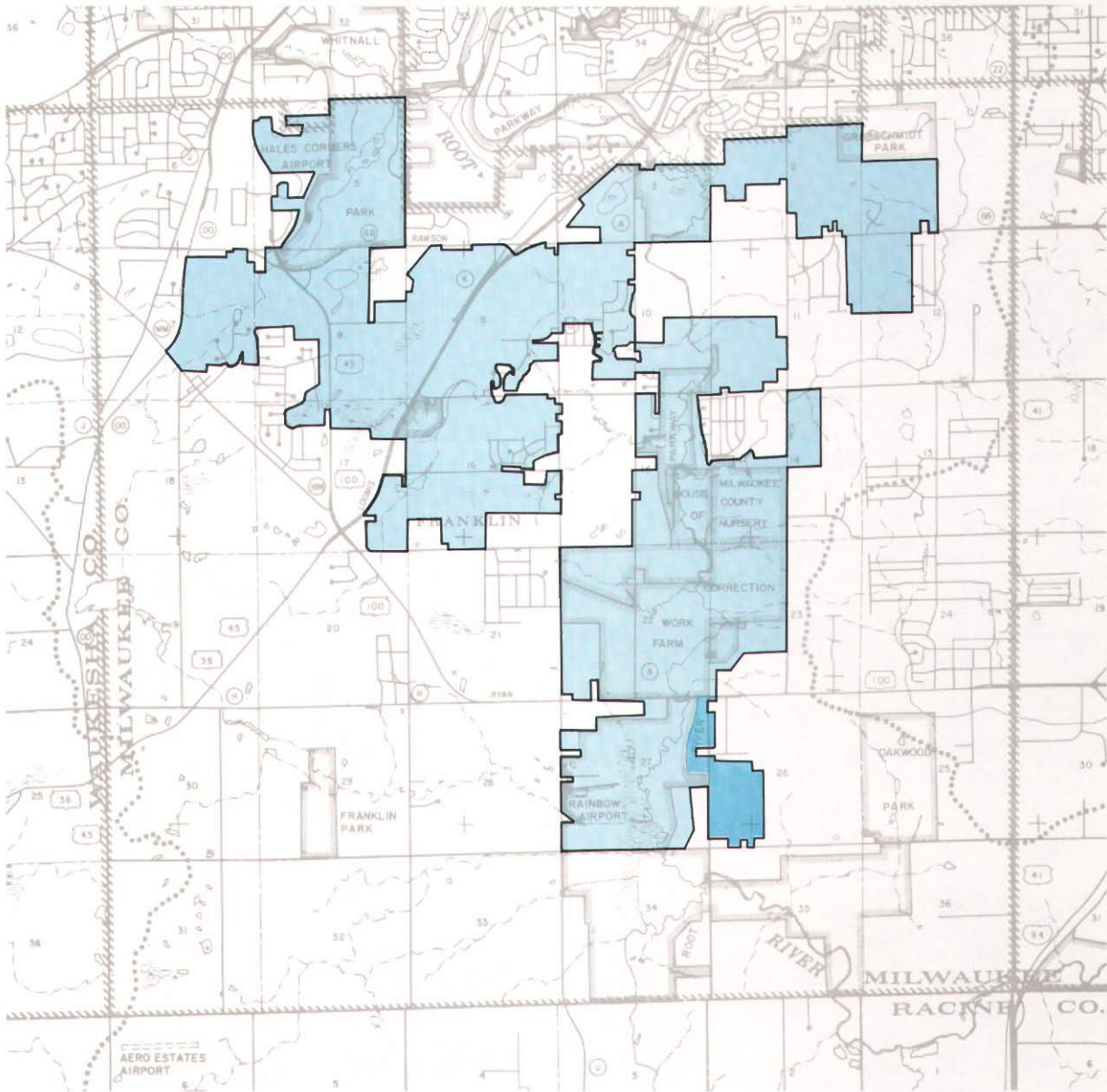
It is important to note that the underlying assumption of the Tax Increment Law is that without the tax incremental financing district as a vehicle for development, no development would have taken place. The effect of this would be no increase in property values in the tax incremental district area other than normal economic increases. Therefore, there would be no shift in the relationship between municipalities and no advantage to any municipality. The tax incremental financing district for the City of Franklin, and for the district area pertaining to the Franklin Industrial Park Neighborhood, is shown on Map 15.

THE FRANKLIN INDUSTRIAL PARK--PHASE II DEVELOPMENT

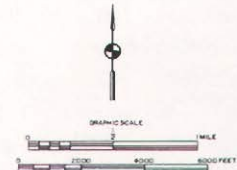
Map 16 indicates the locations of both Phase I and II of the Franklin Industrial Park Neighborhood. In February 1985, the Common Council, based upon a recommendation of the Franklin Industrial Development Commission, decided to purchase property for the extension of the existing Phase I industrial area. This area, indicated as Phase II on Map 16, occupies about 105 acres of land. On March 18, 1985, the City of Franklin Common Council authorized city staff

Map 15

TAX INCREMENTAL FINANCING DISTRICT FOR THE CITY OF FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



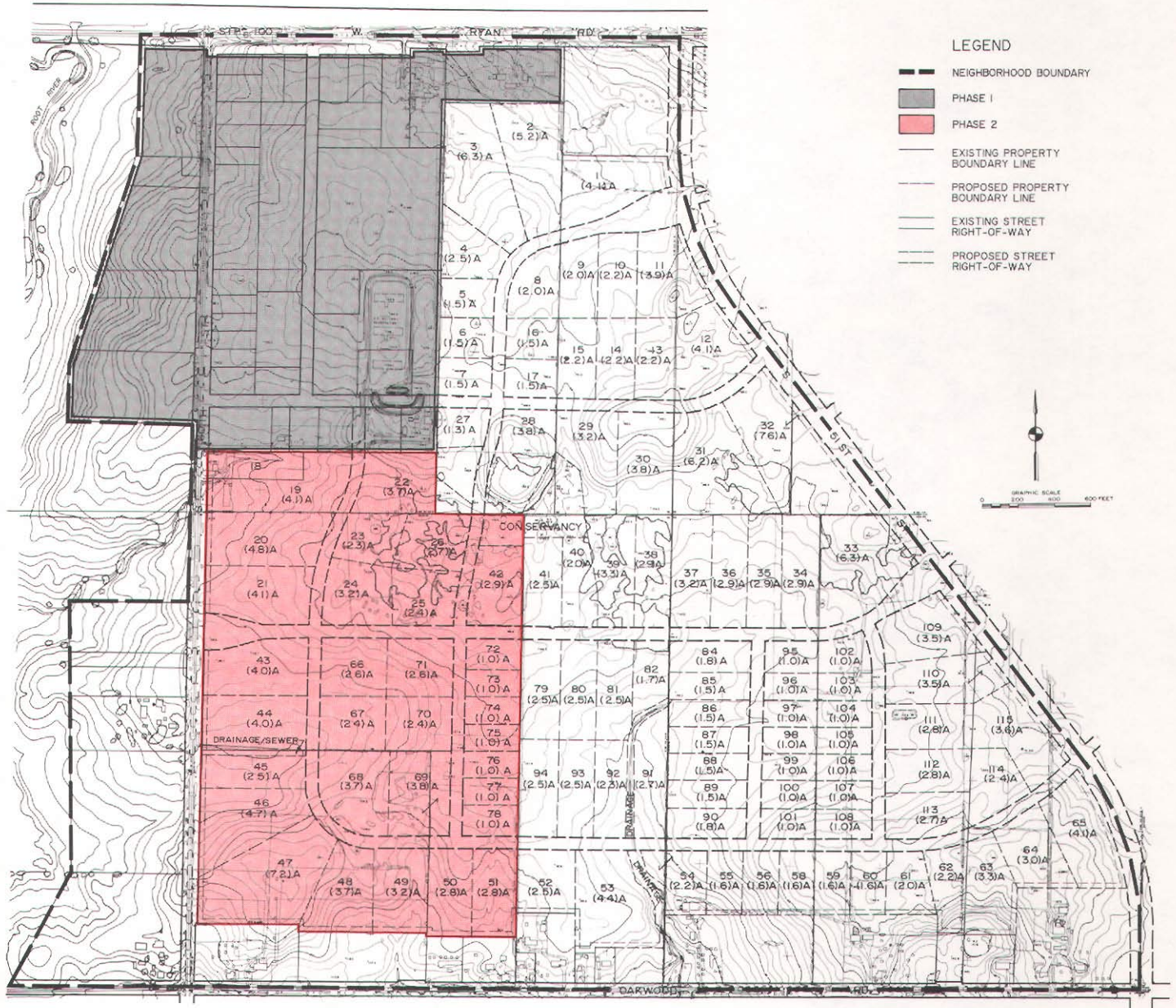
- LEGEND**
- TAX INCREMENTAL FINANCING DISTRICT BOUNDARY
 - AREA OF TAX INCREMENTAL FINANCING DISTRICT WITHIN THE INDUSTRIAL PARK NEIGHBORHOOD
 - AREA OF TAX INCREMENTAL FINANCING DISTRICT WITHIN THE CITY OF FRANKLIN



Source: City of Franklin and SEWRPC.

Map 16

PHASE I AND II OF THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD



Source: SEWRPC.

to negotiate the purchase of this property from the various owners. The properties were purchased by the City of Franklin, and the Common Council approved the Phase II layout, phasing, and design standards on May 21, 1985. Also on May 21, 1985, the Common Council authorized the City of Franklin Engineering Department to obtain bids for the construction of Phase II of the Franklin Industrial Park Neighborhood. The Milwaukee area engineering firm of Zimmerman Engineering Corporation was retained by the City of Franklin to provide professional engineering services for final land platting and the design of permanent site improvements. These documents were prepared pursuant to detailed

urban design plans prepared for Phase II by the staff of the Southeastern Wisconsin Regional Planning Commission. The City Plan Commission held a formal public hearing for the rezoning of Phase II to the Planned Development District No. 7 special zoning classification (see Appendix E) on May 23, 1985, and recommended the rezoning of Phase II to the Common Council on June 13, 1985. The Common Council approved the rezoning of Phase II on June 18, 1985, and, subsequently, on July 1, 1985, adopted Resolution No. 85-2585 (see Appendix F) for the establishment and recordation of "Deed Restrictions and Protective Covenants" for Phase II.

The staff of the Southeastern Wisconsin Regional Planning Commission was directed by the City of Franklin Engineer to prepare a detailed landscape planting plan and related specifications for the entrance and earthen berms of Phase II of the Franklin Industrial Park Neighborhood. Figure 19 presents the Phase II landscape plan drawings and a brief plant material list. The plan calls for the use of 63 coniferous shrubs, 62 coniferous trees, and 170 deciduous trees, for a total of 295 individual plants representing 13 different types of plant materials. A detailed discussion of the landscape planting plan and its plant material usage is presented in Appendix G. The specifications for landscape plant material used in Phase II as shown in Figure 19 are presented in Appendix H. Specifications are a written description of the work to be done, forming part of the contract and describing quantities of material and make of construction, and also giving information not shown in the drawings. Pre-construction and construction views of Phase II of the Franklin Industrial Park are provided in Figure 18.

Figure 18

PHASE II OF THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD UNDER CONSTRUCTION



pre-construction view of the Franklin Industrial Park looking northeast from S. 60th Street south of Ryan Road (STH 100).



Construction view of the Franklin Industrial Park looking northeast from S. 60th Street south of Ryan Road (STH 100) illustrating the rough grading and sanitary sewer installation.

Photos by Patrick J. Meehan.

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APPENDICES

Appendices A, B, C, and D are intended to be used as guides for the formulation of local legal instruments. Competent legal assistance should be sought in conjunction with their use. Appendix E, "Ordinance Text for Planned Development District No. 7," has been formally approved by the City of Franklin Common Council and Appendix F has also been formally approved by the City of Franklin Common Council and duly recorded at the Milwaukee County Register of Deeds. Both Appendices E and F pertain to Phase II of the Franklin Industrial Park Neighborhood.

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Appendix A

A SUGGESTED CITY OF FRANKLIN PLAN COMMISSION RESOLUTION ADOPTING THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD UNIT DEVELOPMENT PLAN

WHEREAS, the City of Franklin Plan Commission, pursuant to the provisions of Section 62.23 of the Wisconsin Statutes, has the function and duty of making and adopting a master plan for the physical development of the City; and

WHEREAS, the City of Franklin Plan Commission has:

1. Adopted the regional land use and transportation plans for southeastern Wisconsin as prepared by the Southeastern Wisconsin Regional Planning Commission;
2. Prepared and adopted a detailed master plan for land use in the City of Franklin;
3. Prepared and adopted a zoning district map for the City of Franklin;
4. Prepared and adopted an official map ordinance for the City of Franklin; and
5. Adopted a plan for the delineation of 15 residential neighborhoods and two industrial park neighborhoods for the City of Franklin; and

WHEREAS, the City of Franklin Plan Commission, with the assistance of the staff of the Southeastern Wisconsin Regional Planning Commission, has proceeded to prepare precise plans to guide the future development of one of the two industrial neighborhoods within the City, known as the Franklin Industrial Park Neighborhood, a neighborhood generally bounded by W. Ryan Road (STH 100) on the north, the proposed extension of S. 51st Street on the east, W. Oakwood Road on the south, and the Root River Parkway on the west; and

WHEREAS, the City of Franklin Plan Commission has held a public informational meeting to acquaint residents and owners within the Franklin Industrial Park Neighborhood with the recommendations contained in the plan as described in SEWRPC Community Assistance Planning Report No. 138, A Development Plan for the Franklin Industrial Park Neighborhood, City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the City of Franklin Plan Commission has considered the plan, together with the statements and requests of individual landowners within the neighborhood, and has proceeded to incorporate, where deemed advisable, their requests into the plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

Pursuant to Section 62.23 of the Wisconsin Statutes, the City Plan Commission on the ___ day of _____, 198_, hereby adopts the precise neighborhood unit development plan described in SEWRPC Community Assistance Planning Report

No. 138 as a guide for future development of the Franklin Industrial Park Neighborhood; this plan shall be further deemed to be a part of the master plan of the City of Franklin.

BE IT FURTHER RESOLVED THAT:

The Secretary of the Plan Commission transmit a certified copy of this Resolution to the Common Council of the City of Franklin and the Southeastern Wisconsin Regional Planning Commission.

City of Franklin Plan Commission Chairman

ATTESTATION:

Secretary, City of Franklin Plan Commission

Appendix B

A SUGGESTED CITY OF FRANKLIN COMMON COUNCIL
RESOLUTION FOR ADOPTING THE FRANKLIN INDUSTRIAL
PARK NEIGHBORHOOD UNIT DEVELOPMENT PLAN

WHEREAS, the City of Franklin, pursuant to the provisions of Section 62.23(1) of the Wisconsin Statutes, has created a City Plan Commission; and

WHEREAS, the City Plan Commission has prepared, with the assistance of the Southeastern Wisconsin Regional Planning Commission, a plan for the physical development of the neighborhood, said plan embodied in SEWRPC Community Assistance Planning Report No. 138, A Development Plan for the Franklin Industrial Park Neighborhood, City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the City Plan Commission did on the ____ of _____, 198_, adopt SEWRPC Community Assistance Planning Report No. 138 and has submitted a certified copy of that resolution to the Common Council of the City of Franklin; and

WHEREAS, the Common Council of the City of Franklin concurs with the City Plan Commission and the objectives and policies set forth in SEWRPC Community Assistance Planning Report No. 138.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Franklin on the ____ day of _____, 198_, hereby adopts SEWRPC Community Assistance Planning Report No. 138 as a guide for the future development of the Franklin Industrial Park Neighborhood; and

BE IT FURTHER RESOLVED that the City Plan Commission shall annually review the Franklin Industrial Park Neighborhood Plan and shall recommend extensions, changes, or additions to the plan which the commission considers necessary. Should the Plan Commission find that no changes are necessary, this finding shall be reported to the Common Council.

Mayor, City of Franklin

ATTESTATION

Clerk, City of Franklin

Appendix C

CITY OF FRANKLIN ORDINANCE ESTABLISHING AN INDUSTRIAL DEVELOPMENT COMMISSION: SECTION 1.06(8) OF THE CITY OF FRANKLIN MUNICIPAL CODE

(8) INDUSTRIAL DEVELOPMENT COMMISSION

- (a) Composition. The Commission shall consist of 5 to 10 members, one of whom may be an Alderman.
- (b) Appointment and Compensation of Members. The members of the Commission shall be appointed by the Mayor and confirmed by the Common Council and serve without compensation.
- (c) Terms of Office. Indefinite, unless the Common Council by Resolution establishes definite terms of office for the members of the Commission.
- (d) Vacancies. Vacancies occurring in the Commission shall be filled for the unexpired term by the Mayor, whose appointment shall be confirmed by the Council.
- (e) Officers. Within 30 days after their appointment the members of the Commission shall meet in regular session and organize by electing from their members a Chairman and Secretary. Said officers shall serve for a period of one year. The Commission shall have the authority to elect such other officers as it may deem necessary.
- (f) Duties of Officers.
 - 1. Chairman. The Chairman shall preside over all meetings of the Commission. In his absence a Chairman pro tempore may be elected to preside.
 - 2. Secretary. It shall be the duty of the Secretary to keep a record of all proceedings of the Commission, transmit its recommendations to the Mayor, Council, and Plan Commission, and perform such other duties as are usually performed by the Secretary of a deliberate body.
- (g) Rules and Procedures. The Commission shall adopt a set of rules to govern its own meetings and procedures. Said rules may be amended from time to time by a majority vote of the Commission.
- (h) Meetings. The Commission shall meet in regular session at least once a month at a time and place selected by vote of its members. The Council Chairman or any three members of the Commission may call special meetings of the Commission. Written notice of special meetings shall be given to all members.

(i) Powers and Duties. The Industrial Development Commission shall have the following powers and duties:

1. To confer with and advise the Council, Mayor, and Plan Commission on all matters concerning the industrial development of the City.
2. To advertise the industrial advantages and opportunities of the City within the means provided by any appropriations made therefor by the Council.
3. To collect data and information as to the type of industries best suited to the City.
4. To develop, compile, and coordinate information regarding available areas suitable for industrial development.
5. To encourage the proper zoning and orderly development of areas suitable for industrial development and promote the interest of industrialization of such areas of the City.
6. To aid the Council, Mayor, and Plan Commission in the attraction of new industries and in the encouragement of expansion by existing industries and business.
7. To cooperate with all community groups which are dedicated to orderly industrial and economic expansion of the City, and furnish them with such aid and advice as is deemed appropriate.
8. To cooperate with all industries and businesses in the City in the solution to any community problems which they might have, and to encourage the management of such concerns to have a constructive interest in the City's health and welfare.
9. To periodically survey the overall conditions of the City from the standpoint of determining whether the City has a community climate and furnishes such services and facilities as are conducive to industrial and economic expansion.
10. The Industrial Development Commission shall also have the following powers pertaining to the City of Franklin Industrial Park:

Administration and Enforcement of the "Declaration of Restrictions and Covenants" and other applicable laws associated with the City of Franklin Industrial Park, including the review and approval of industrial park land use, site and landscape plans, building plans, building setback requirements, architectural control and appearance, landscaping and landscaping maintenance, off-street parking and loading, outdoor storage, waste incineration, security fencing, signs and billboards, utility control, easements, and drainage.

Variances. The Industrial Development Commission may hear and authorize certain variances from the "Declaration of Restrictions and Covenants" where, in the judgment of the Industrial Development Commission, it would be inappropriate to apply literally the provisions

of said "Declaration" because exceptional or undue hardship would result. Such variance shall not be contrary to the public interest and the public health, safety, and welfare or to the zoning and land division ordinances and all other applicable codes and ordinances.

Request assistance from other city officers, departments, commissions, and boards.

Request the applicant to furnish additional information.

Oaths may be administered by the Chairman, who may compel the attendance of witnesses.

- (j) Advisory Capacity. Except as may otherwise be provided by ordinance, the powers and duties of the Industrial Development Commission are of an advisory nature only, and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of other city commissions or boards.
- (k) City Officials to Cooperate. All officers and division heads of the City shall cooperate with the Commission and render all reasonable assistance.
- (l) Commission Limited in Power to Incur Liability. Neither the Commission nor any member thereof shall incur any financial liability in the name of the City.
- (m) Annual Report. The Commission shall render annually a full report of its work to the Council.

Appendix D

PRIVATE NONPROFIT DEVELOPMENT CORPORATION PROPOSED BY-LAWS OF A CITY OF FRANKLIN INDUSTRIAL DEVELOPMENT CORPORATION

Article I

NAME AND LOCATION

SECTION 1. NAME. The name of this corporation is the City of Franklin Industrial Development Corporation.

SECTION 2. OFFICE. The registered office of the corporation is in the State of Wisconsin and shall be located at 9229 W. Loomis Road, Franklin, Wisconsin 53132.

Article II

PURPOSE AND CONTRIBUTION OF FUNDS

SECTION 1. PURPOSE. The City of Franklin Industrial Development Corporation has been formed as a private nonprofit corporation to pursue the development needs of industry in the City of Franklin. The purposes of the corporation are:

1. To promote the start-up and expansion of industry in Franklin through the provision of reasonably priced capital and through the coordination of both private and public funds;
2. To encourage and coordinate investment in industrial projects;
3. To coordinate a formal marketing program for Franklin industrial growth;
4. To identify and coordinate new industrial opportunities in Franklin;
5. To conduct studies which will provide information relative to Franklin industrial market potential, industrial business needs, and opportunities;
6. To assist the local government of the City of Franklin in planning for future industry through study, formulation, and implementation of public planning policies relating to industrial growth in the City of Franklin;
7. To promote cooperation between industrial owners and the City of Franklin for the benefit of the entire Franklin area;
8. To assist Franklin industrial owners and tenants in the furtherance of possible business opportunities related to Franklin industrial growth; and

9. To build, purchase, rehabilitate, and utilize industrial-related buildings in Franklin which further the growth of the City of Franklin.

SECTION 2. CONTRIBUTIONS AND OTHER FUNDS. The corporation shall receive and administer contributions and other funds for advancing the purposes of the corporation as set forth above. The corporation shall exercise any, all, and every power authorized by Chapter 181 of the Wisconsin Statutes, the Wisconsin Nonstock Corporation Law, in furtherance of the above-mentioned purposes. No part of the earnings of this corporation shall ever inure to the private benefit of any member, individual, or corporation.

Article III

MEMBERS

SECTION 1. MEMBERS. Any individual, firm, association, partnership, corporation, including municipal corporations, and other governmental bodies may become a member upon the vote of the board of directors of this corporation. All members shall be located in, or do business in, the City of Franklin.

SECTION 2. APPLICATION FOR MEMBERSHIP. All applicants desiring membership shall make application in writing. All applicants shall be admitted to membership following: a) approval by a majority vote of the board of directors; and b) payment of the application fee.

SECTION 3. PAYMENT OF ASSESSMENTS. The annual assessment of each member shall be determined by a majority vote of the board of directors. The annual assessment of each member shall be payable in advance.

SECTION 4. DELINQUENCIES. Annual membership assessments shall become delinquent if not paid within 30 days of the date payable. When not paid within the period of 30 days, the member will be declared delinquent. When assessments are not paid within three months of the date payable, such membership shall become forfeited.

SECTION 5. DESIGNATION OF REPRESENTATIVES. Each member shall file with the secretary at the office of the corporation a written designation of the person chosen to be its accredited representative.

SECTION 6. RIGHTS OF MEMBERS--RESIGNATION OF MEMBERS. No member shall be entitled to share in the distribution of the corporate assets upon the dissolution of the corporation. Any member may resign from the corporation by delivering a written resignation to the president or executive director of the corporation.

SECTION 7. EX OFFICIO MEMBERS. A classification of ex officio member shall be available, by action of the board of directors. An ex officio member will be invited, from time to time, to attend meetings of the corporation but the usual notice of such meeting shall not be required.

SECTION 8. VOTING RIGHTS. Each member shall be entitled to one vote on each matter submitted to a vote of the members by the board of directors.

Article IV

BOARD OF DIRECTORS

SECTION 1. NUMBER AND TERM OF DIRECTORS. The business, property, and affairs of this corporation shall be managed by a board of directors consisting of not fewer than nine, nor more than 15 persons. The directors shall be selected from the members of the corporation. The terms of the directors shall be three years and limited to two consecutive full three-year terms. All directors shall act for the time for which they were elected and shall be eligible for re-election for one three-year term.

SECTION 2. COMPOSITION OF THE BOARD OF DIRECTORS. The composition of the board of directors will consist of: a) four persons representing the City of Franklin local unit of government; and b) 11 persons representing City of Franklin industrial businesses. The persons representing the City of Franklin local unit of government shall be recommended to the nominating committee through appointment by the Mayor of the City of Franklin and approval by the Franklin Common Council. The business representatives should represent private industrial-related employers located in the City of Franklin.

SECTION 3. ELECTION OF DIRECTORS. Directors shall be nominated by a nominating committee consisting of five directors appointed by the board of directors.

The nominating committee will accept recommendations and nominations for directorships at any time prior to 30 days before the board of directors' quarterly meeting in September of each year. Ten days prior to submitting to the board its recommendations for new directors, the nominating committee will inform the members by mail of its recommendations. The nominating committee will present its recommendations for new directors to the existing board of directors for consideration and approval at the quarterly meeting in September of each year. The directors elected each year will take office at the annual membership meeting in October of each year. The board of directors elected in _____ shall consist of one-third of the directors elected for a term of one year, one-third of the directors elected for a term of two years, and one-third of the directors elected for a term of three years.

SECTION 4. REMOVAL OF DIRECTORS. Any director may be removed from the board of directors by the affirmative vote of two-thirds of the board of directors. Directors may be removed for conduct detrimental to the interests of the corporation, for lack of sympathy with its purposes, or for refusal to render reasonable assistance in carrying out its purposes.

Any such director proposed for removal shall be entitled to at least five days notice in writing by mail of the meeting at which such removal is to be considered and shall be entitled to appear before and be heard at such meeting.

SECTION 5. VACANCIES. In the event of a vacancy on the Board of Directors created by resignation, death, or any other cause, the remaining members of the board of directors shall, within 60 days, choose a person to fill such vacancy and to serve until the end of the term.

SECTION 6. BOARD OF DIRECTORS ACTIVITIES. The directors shall discharge the duties of his/her position in good faith and with that degree of diligence, care, and skill which an ordinarily prudent person would exercise under similar circumstances in a like position. In discharging his/her duties, the directors, when acting in good faith, may rely upon the opinion of counsel of the corporation, upon the report of an independent appraiser selected with reasonable care by the board, or upon financial statements of the corporation represented by him/her deemed to be correct by the president or the officer of the corporation having charge of its books or accounts, or presented in a written report by a certified public accountant.

SECTION 7. STAFF. The board of directors shall have the power to appoint and remove an executive director of the corporation and any other staff members who are necessary to carrying out the purposes of the corporation.

Article V

BOARD OFFICERS AND OTHER COMMITTEES

SECTION 1. BOARD OFFICERS. The officers of the corporation shall be members of the board of directors or a staff member. The officers shall be a president, first vice-president, second vice-president, secretary, and treasurer, who shall be elected by the board of directors. The officers shall serve for a term of one year and shall serve for no more than two consecutive full terms. The board of directors may also appoint such other officers and agents as they may deem necessary for the transaction of the business of the corporation. All officers and agents shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be designated by the board of directors.

SECTION 2. EXECUTIVE COMMITTEE. The board of directors shall appoint a past president to serve on the Committee, and shall constitute a committee of seven members to act for the board of directors between the regular meetings of the board. The executive committee shall furnish minutes of its proceedings to the board of directors at its next regular meeting.

SECTION 3. POWERS AND LIMITATIONS OF THE EXECUTIVE COMMITTEE. The executive committee shall have general supervision of the affairs of the corporation. The executive committee shall have and exercise between board meetings all of the powers of the board of directors, except action with respect to: a) the election of officers, b) the filling of vacancies on the board, and c) changes to these by-laws.

SECTION 4. NOMINATING COMMITTEE. The Nominating Committee shall be appointed by the president with the advice and consent of the board of directors, and shall consist of five members.

SECTION 5. COMMITTEE ON PROJECTS. This committee shall consist of not fewer than three members and shall from time to time make recommendations to the board of directors and the membership on ways in which to encourage development and growth in the industrial area of the City of Franklin.

SECTION 6. PUBLIC RELATIONS COMMITTEE. This committee shall consist of not fewer than three members, and shall plan and recommend to the board of directors and members appropriate publicity programs designed to inform the public concerning the needs and activities of Franklin's industrial areas.

SECTION 7. FINANCE COMMITTEE. This committee shall consist of not fewer than three members, and shall prepare an annual budget for presentation to the board of directors and from time to time make recommendations concerning fair and equitable ways to fund projects of the corporation.

SECTION 8. OTHER COMMITTEES. The board of directors may prescribe the creation of other committees that are necessary to achieve the purposes of the corporation. Each committee shall make such reports to the board of directors of its activities as the board of directors may request.

Article VI

DUTIES OF OFFICERS

SECTION 1. PRESIDENT. The principal duties of the president shall be to perform all such duties as usually devolve upon such office, and to preside over all meetings of the board of directors, the executive committee, and the members. The president shall be ex officio, a member of all standing committees.

The president, following the end of his/her term of office, shall serve as member of the board of directors and the executive committee for one year, regardless of the expiration date of his/her term or re-election.

SECTION 2. FIRST VICE-PRESIDENT. The first vice-president shall perform the duties and exercise the powers of the president during the absence or disability of the president, as well as performing such other duties as shall be assigned to him/her by the president of the board of directors.

SECTION 3. SECOND VICE-PRESIDENT. The second vice-president shall perform the duties and exercise the powers of the president during the absence or disability of the president and the first vice-president, as well as performing such other duties as shall be assigned to him/her by the president of the board of directors.

SECTION 4. SECRETARY. The principal duties of the secretary shall be: a) to keep the minutes of the meetings of the board of directors, executive committee, and members; b) to keep a register of the names and addresses of all members of the corporation; and c) to perform such other duties and exercise such authority as from time to time may be assigned by the president of the corporation. The board of directors may appoint an assistant secretary to assist the secretary in the performance of his/her duties.

SECTION 5. TREASURER. The treasurer shall have such duties, responsibilities and powers as may be prescribed from time to time by the board of directors. The board of directors may appoint an assistant treasurer to assist the treasurer in the performance of his/her duties.

SECTION 6. ADDITIONAL DUTIES. An officer shall discharge the duties of his/her position in good faith and with that degree of diligence, care, and skill which an ordinarily prudent person would exercise under similar circumstances in a like position. In discharging his/her duties, an officer, when acting in good faith, may rely upon the opinion of counsel for the corporation, upon the report of an independent appraiser selected with reasonable care by the board, or upon financial statements of the corporation represented by him/her deemed to be correct by the president or the officer of the corporation having charge of its books or accounts, or presented in a written report by a certified public accountant.

Article VII

CORPORATION EXECUTIVE DIRECTOR AND STAFF

SECTION 1. EXECUTIVE DIRECTOR. The executive director shall be the general manager and chief administrative officer of the corporation. The executive director shall:

1. Have possession of the corporation's records and archives.
2. Be responsible for protecting the confidentiality of client communication.
3. Attend to the publication of all reports.
4. Conduct the corporation's official correspondence.
5. Be responsible to the board of directors for carrying out the work program of the corporation.
6. Be responsible for recruiting, hiring, training, disciplining, and terminating any other employees of the corporation.
7. Participate in the formulation and implementation of the corporation policies and programs.
8. Be empowered to execute documents on behalf of the corporation.
9. Be an ex officio member of the board of directors and executive committee, without voting privileges.
10. Perform such other duties as may be required by the board of directors.

The executive director and any other corporation staff shall discharge the duties of his/her position in good faith and with that degree of diligence, care, and skill which an ordinarily prudent person would exercise under similar circumstances in a like position. In discharging his/her duties, the executive director and any other corporation staff, when acting in good faith, may rely upon the opinion of counsel of the corporation, upon the report of an independent appraiser selected with reasonable care by the board, or upon financial statements of the corporation represented by him/her deemed to be correct by the president or the officer of the corporation having charge of its books or accounts, or presented in a written report by a certified public accountant.

Article VIII

MEETINGS

SECTION 1. ANNUAL MEETING OF MEMBERSHIP. The annual meeting of the membership of this corporation shall be held in October of each year. The annual meeting shall be held at a location determined by the board of directors.

Notice of the annual meeting shall be given to members in writing and shall be mailed to each member at the address for such member appearing on the records of the corporation at least 10 days prior to the annual meeting.

The order of business at the annual meeting will be determined by the executive committee and provided to the members, together with the notice of the annual meeting.

SECTION 2. MEETINGS OF THE BOARD. The board of directors shall hold regular quarterly meetings in March, June, September, and December of each year, and such other meetings as may be necessary. Said meetings may be held at the office of the corporation or at such other place as the board of directors may from time to time determine. Notice of the board of directors meetings shall be given to directors in writing and shall be mailed to each director at least 10 days prior to the meeting.

A special meeting of the board of directors may be called at any time by the president or by any nine members of said board provided that when a special meeting is called, written notice thereof shall be mailed to each member of the board of directors stating the purpose and the time and place thereof at least five days prior to such meeting.

At meetings of the board of directors, a majority of the elected directors shall constitute a quorum. The affirmative vote of a majority of the directors in attendance shall be required on all matters unless otherwise indicated in these by-laws.

At the annual meeting of the corporation's board of directors, the directors shall elect new officers.

SECTION 3. ORDER OF BUSINESS. The order of business of all meetings of the board of directors shall be as follows:

1. Roll call.
2. Reading the minutes of the preceding meeting and action thereon.
3. Reports of officers.
4. Reports of committees.
5. Unfinished business.
6. Miscellaneous business.
7. New business.

SECTION 4. MEETING ATTENDANCE. By virtue of membership, directors are expected to participate fully in the efforts of the corporation, and attendance at regular meetings is expected. If attendance of any director during any 12-month period is less than 75 percent of the meetings or if three consecutive meetings are missed, the board may take action, at its discretion, for removal of such director.

SECTION 5. MEETINGS OF THE EXECUTIVE COMMITTEE. The executive committee shall hold regular monthly meetings and such other meetings as may be necessary. Said meetings may be held at the office of the corporation or at such other places as the executive committee may from time to time determine. Regular and special meetings of the executive committee are subject to the same meeting notice restrictions that board of directors meetings are subjected to as stated in Article VIII, Section 2.

Article IX

FISCAL YEAR

SECTION 1. FISCAL YEAR. The fiscal year of the corporation shall be the calendar year.

Article X

FUNDS AND FINANCES

SECTION 1. BUDGET. With recommendations of the executive committee, the board of directors shall adopt an annual operating budget covering all activities of the corporation. All revenue and expenditures shall be in conformity with the approved budget. The executive committee may adjust the budget during a fiscal year to meet changing conditions and needs; however, any change resulting in an increase in the budget must be approved by the board of directors.

SECTION 2. RECEIPTS AND DISBURSEMENTS. The board of directors and executive director shall be responsible for conducting a regular campaign to fund the activities of the corporation. The executive director shall be responsible for the collection of assessments and any other monies due the corporation.

Operating funds shall be deposited in a depository convenient to the location of the principal office and approved by the executive committee; operating funds may be temporarily invested. Specific-purpose funds will be placed in a separate account.

The corporation is also authorized to accept gifts and contributions.

SECTION 3. CONTRACTS. Subject to the provision of these by-laws, the board of directors may authorize any officer or officers, agent or agents, to enter into any contract or execute or deliver any instrument in the name of and on behalf of the corporation, and such authorization may be general or confined to specific instances. In the absence of other designation, all deeds, mortgages, and instruments of assignment or pledge made by the corporation shall be executed in the name of the corporation by the chairman or the vice-chairman and by the secretary or the treasurer.

SECTION 4. CHECKS, DRAFTS, ETC. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents, of the corporation and in such manner as shall from time to time be determined by or under the authority of a resolution of the executive committee.

SECTION 5. AUDIT. The accounts of the corporation shall be audited not less than annually by a certified public accountant or public accountant who shall be appointed by the president with the approval of the board of directors and who shall provide a financial report to the board of directors.

Article XI

SEAL

The board of directors may have a corporate seal which should be of a form consistent with applicable Wisconsin State Statutes.

Article XII

POWER OF BOARD TO BORROW MONEY

The board of directors shall have full power and authority to borrow money whenever, in the discretion of the board, the exercise of said power is required in the general interests of this corporation. In such a case, the board of directors may authorize the officers of this corporation to make, execute, and deliver such notes, bonds, and other evidence of indebtedness as said board shall deem proper. The board shall have full power to mortgage the property of this corporation, or any part thereof, as security for such indebtedness. Authorization for the corporation to borrow money will require a majority vote of the directors present at the meeting when a 10-day notice of such action was given. Authorization will require a majority vote of the entire board of directors when a 10-day notice of such action was not given.

Article XIII

POWER TO LEND MONEY, PURCHASE AND SELL REAL ESTATE AND PERSONAL PROPERTY

The board of directors shall have the power, subject to the notification and authorization requirements identified in Article XII of these by-laws, to loan money and purchase or sell real and personal property. The board is also authorized to accept evidences of indebtedness and security for the loans thus made.

Article XIV

EXEMPT ACTIVITIES

Notwithstanding any other provisions of these by-laws, no member, trustee, director, officer, employee, or representative of this corporation shall take any action or carry on any activity by or on behalf of the corporation not permitted to be taken or carried on by an organization exempt under the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.

Article XV

INDEMNIFICATION

SECTION 1. THIRD PARTY ACTION. Subject to any contrary provision of the Internal Revenue Code or the regulations promulgated thereunder, the corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the corporation), by reason of the fact that he/she is or was a director, officer, employee, or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him/her in connection with such action, suit, or proceeding if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interests of the corporation or its members, and with respect to any criminal action or proceeding, had no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he/she reasonably believed to be in or not opposed to the best interests of the corporation or its members and, with respect to any criminal action or proceeding, had reasonable cause to believe that his/her conduct was unlawful.

SECTION 2. ACTION BY OR IN RIGHT OF THE CORPORATION. The corporation shall indemnify any person who was or is a party to or is threatened to be made a party to any threatened or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he/she is or was a director, officer, employee, or agent of the corporation, or is serving at the request of the corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by him/her in connection with the defense or settlement of such action or suit if he/she acted in good faith and in a manner he/she reasonably believed to be in or not opposed to the best interests of the corporation or its members, except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his/her duty to the corporation unless and only

to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to be indemnified for such expenses which such court shall deem proper.

SECTION 3. REIMBURSEMENT. To the extent that a director, officer, employee, or agent of the corporation has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in Sections 1 and 2, or in defense of any claim, issue, or matter therein, he/she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him/her in connection therewith.

SECTION 4. SPECIFIC APPROVAL OF INDEMNIFICATION REQUIRED. Any indemnification under Sections 1 or 2 (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee, or agent is proper as set forth in Sections 1 and 2. Such determination shall be made by one of the following methods:

- a. By the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit, or proceeding.
- b. If such quorum is not obtainable or, even if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion.

SECTION 5. ADVANCEMENT OF EXPENSES. Expenses incurred in defending a civil or criminal action, suit, or proceeding described in Sections 1 and 2 may be paid by the corporation in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in Section 4 above upon receipt of an undertaking by or on behalf of the director, officer, employee, or agent to repay such amount, unless it shall ultimately be determined that he is not entitled to be indemnified by the corporation.

SECTION 6. LIMITATIONS. The corporation shall make no provision to indemnify directors, officers, employees, or agents in any action, suit, or proceeding referred to in Sections 1 and 2 which shall be in conflict with the provisions of this article. Nothing contained in this article shall affect any rights to indemnification to which persons other than directors and officers may be entitled by contract or otherwise by law. The indemnifications provided for in this article continue as to a person who has ceased to be a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of such person.

SECTION 7. INSURANCE. The board of directors may, in the exercise of its discretion, from time to time authorize by resolutions duly adopted, purchase, and maintain insurance on behalf of any person who is or was a director, officer, employee, or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against him/her and incurred by him/her in any such capacity or arising out of his/her status as such, whether or not the corporation would have power to indemnify him/her against such liability under Sections 1 and 2 of this Article.

Article XVI

AMENDMENTS

SECTION 1. BY DIRECTORS. The board of directors shall have power to make, alter, amend, and repeal the by-laws of this corporation by affirmative vote of two-thirds of the entire membership of the board of directors. However, a 30-day notice of such impending action shall be required.

Article XVII

DISSOLUTION

In the event of the dissolution of this corporation, all of its property and assets remaining after payment of its debts and liabilities shall be surrendered and turned over to the City of Franklin.

Article XVIII

PARLIAMENTARY PROCEDURE

SECTION 1. AUTHORITY. The rules contained in Robert's Rules of Order, as amended, shall govern this corporation in all cases to which they are applicable, and in which they are not inconsistent with the by-laws of the City of Franklin Industrial Development Corporation.

Appendix E

ORDINANCE TEXT FOR PLANNED DEVELOPMENT DISTRICT NO. 7

ORDINANCE NO. 864

AS RECOMMENDED BY THE CITY PLAN COMMISSION

AN ORDINANCE TO CREATE SECTION 12.10 OF THE CITY OF FRANKLIN ZONING ORDINANCE NO. 221 ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 7 AND TO REZONE A PARCEL OF LAND FROM M-1 LIMITED INDUSTRIAL DISTRICT, C-1 CONSERVANCY DISTRICT, AND R-2 SINGLE-FAMILY RESIDENCE DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 7.

(The Franklin Industrial Park)

WHEREAS, a petition for a zoning change was filed by the City of Franklin to change the zoning on a tract of land from M-1 Limited Industrial District, C-1 Conservancy District, and R-2 Single-Family Residence District to a Planned Development District, which tract of land is generally located in the west one-half of Section 26, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, and more specifically described as follows:

That part of the northwest quarter and the southwest quarter of Section 26, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the southwest corner of said northwest quarter of Section 26; thence N. $00^{\circ}24'28''$ W. along the west line of said northwest quarter section, 330.64 feet; thence N. $88^{\circ}30'22''$ E. along the north line of Certified Survey Map No. 3226, 1,315.80 feet; thence S. $00^{\circ}30'35''$ E. along the east line of said Map No. 3226, 331.06 feet; thence N. $88^{\circ}31'30''$ E. along the north line of said southwest quarter of Section 26, 493.64 feet to the northeast corner of the west 30 acres of the east half of said southwest quarter section; thence S. $00^{\circ}28'04.5''$ E. along the east line of said west 30 acres, 2,348.65 feet to a point which is 290.50 feet north of the south line of said southwest quarter section; thence S. $88^{\circ}32'10''$ W. and parallel with said south quarter-section line, 495.38 feet; thence N. $00^{\circ}25'32.5''$ W. along the north-south eighth line of said southwest quarter section, 19.50 feet to the northeast corner of Certified Survey Map No. 1409; thence S. $88^{\circ}32'10''$ W. and parallel with said south quarter-section line, 710.95 feet to a point which is 610.00 feet east of the west line of said southwest quarter section; thence N. $00^{\circ}18'47''$ W. and parallel with said west quarter-section line, 42.00 feet to a point which is 352.00 feet north of said south quarter-section line; thence S. $88^{\circ}32'10''$ W. and parallel with said south quarter-section line, 610.00 feet; thence N. $00^{\circ}18'47''$ W. along said west quarter-section line, 2,286.92 feet to the northwest corner of said southwest quarter section, being the place of commencement.

and;

WHEREAS, the City of Franklin Plan Commission has determined that the proposed Planned Development District No. 7 is in conformance with the adopted Franklin Industrial Park Neighborhood unit development plan; and

WHEREAS, the proposed Planned Development District No. 7 occupies more than 40 acres of land area pursuant to the requirements set forth in Section 12.1(1) of the City of Franklin Zoning Code; and

WHEREAS, a formal public hearing was held on said petition before the City of Franklin Plan Commission on May 23, 1985, at the Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin, pursuant to the requirements of Section 62.23 of the Wisconsin State Statutes and of City of Franklin Ordinance No. 221 entitled "Zoning Ordinance" and other city ordinances supplementary thereto and amendatory thereof; and

WHEREAS, the City of Franklin Plan Commission has reviewed said proposed Planned Development District No. 7 and, after taking into consideration the items listed in Section 12.3 of Municipal Ordinance 221, has reviewed the City of Franklin Resident Planning Staff Memorandums No. 85-1, 85-3, and 85-4 dated March 19, 1985; April 11, 1985; and April 23, 1985, respectively, and has recommended to the Common Council that the creation of Planned Development District No. 7 be approved subject to the imposition of certain conditions and restrictions upon the location, construction, and operation of Planned Development District No. 7.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

SECTION .01 City of Franklin Ordinance No. 221 "Zoning Ordinance" and its attendant zoning district maps are hereby amended as follows:

"The zoning district map for the above-described parcel of land is hereby amended from M-1 Limited Industrial District, C-1 Conservancy District, and R-2 Single-Family Residence District to Planned Development District No. 7."

SECTION .02 The City of Franklin Ordinance No. 221 text is hereby amended to create Section 12.10 entitled "Planned Development District No. 7" as set forth below:

SECTION 12.10 Planned Development District No. 7
(Franklin Industrial Park)

(1) Intent

It is the intent of the Planned Development District No. 7 to assist in enhancing the development of the City of Franklin Industrial Park for a general mix of light and heavy industry, office uses, industrial service uses, wholesale and warehousing uses, and associated public and community service uses.

(2) Administration

The administration of applicable laws associated with Planned Development District No. 7, including the review and approval of industrial parkland use, site and landscape plans, building plans, building setback requirements, architectural control and appearance, landscaping and landscaping maintenance, off-street parking and loading, outdoor storage, waste incineration, security fencing, signs and billboards, utility control, easements, and drainage, shall be with the Industrial Development Commission pursuant to Section 1.06(8)(i) of the City of Franklin Municipal Code as amended.

(3) Submission of Plans

No building or improvement shall be erected, placed, or altered on any lot in Planned Development District No. 7 until the plans for such buildings or improvement, including site plan, landscape plan, and building plan and specifications, have been approved by the Industrial Development Commission. Said Commission shall review and approve, approve conditionally, or disapprove such plans with respect to conformity with these and other applicable enactments of the City, and with respect to harmony of external design and land use as it affects property within and adjacent to Planned Development District No. 7. Failure of the aforesaid Commission to act upon such building or improvement plans within 60 days after submission to the City of Franklin, City Clerk, shall be deemed to constitute approval of such plans.

(4) Permitted Uses

(a) Office and Industrial Support Uses

1. Professional Services

- Accounting, auditing, and bookkeeping services
- Architectural services
- Chiropractor services
- Dental services
- Engineer services
- Land surveying services
- Legal services
- Optometrists
- Osteopaths
- Physician and surgeon services
- Urban planning services

2. Business Services

- Advertising agency services
- Business and management consulting services
- Collection and adjustment services
- Consumer and mercantile credit reporting services
- Duplicating and mailing services
- Employment services
- Manufacturer representatives, agents, or corporate headquarters
- Public relations services
- Stenographic services
- Transportation ticket services
- Travel arranging services

3. Financial, Insurance, and Real Estate Services
 - Business and personal credit services (including credit unions)
 - Commodity contracts, brokers, and dealers services
 - Holding and investment services
 - Insurance agents, brokers, and services
 - Insurance carriers
 - Real estate agents, brokers, and management services
 - Real estate subdividing and developing services
 - Security brokers, dealers, and flotation services
 - Title abstracting services

4. Governmental Offices

(b) Wholesale Sale and Warehousing Uses

Wholesale and/or warehousing of the following:

1. Air conditioning, refrigerated equipment and supplies
2. Apparel and accessories, hosiery and lingerie
3. Automotive equipment, parts, and supplies
4. Commercial and industrial machinery, equipment, and supplies
5. Dairy products
6. Drugs and druggists sundries
7. Dry goods, piece goods, and notions
8. Electrical appliances, television and radio sets
9. Electronic parts and equipment
10. Equipment and supplies for service establishments
11. Footwear
12. Furniture and home furnishings
13. Glass products
14. Groceries
15. Hardware
16. Household goods
17. Janitorial equipment and supplies
18. Lumber and construction materials
19. Meat and meat products not including slaughtering or outdoor confinement
20. Metals and minerals
21. Paint and varnishes
22. Paper and paper products
23. Plumbing and heating equipment and supplies
24. Printing and publishing houses and related uses
25. Professional equipment and supplies
26. Refrigerated warehousing
27. Tires
28. Tobacco and tobacco products

(c) Industrial Uses

Processing, manufacturing, and/or storage of the following:

1. Apparel and findings-related products
2. Automatic temperature controls
3. Baked goods and bakery products
4. Blank books, looseleaf binders, and devices
5. Blueprinting and photostating

6. Books: publishing, printing, and binding
7. Boot and show cut stock and findings
8. Brooms and brushes
9. Candy and other confectionery products
10. Canvas products
11. Cereal preparations
12. Clothing
13. Costume jewelry, novelties, buttons, and miscellaneous notions
14. Creamery butter
15. Curtains and draperies
16. Dental equipment and supplies
17. Dress and work gloves
18. Electrical appliances, such as lighting fixtures, irons, fans, toasters, and electric toys
19. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery
20. Electrical supplies, manufacturing and assembly of--such as wire and cable assembly, switches, lamp insulation, and dry cell batteries
21. Electrotyping and stereotyping
22. Engineering, laboratory, and scientific and research instruments and associated equipment
23. Envelopes
24. Fabrics, broad and narrow woven
25. Farm crops--growing in open area
26. Felt goods
27. Flavor extracts and flavor syrups
28. Floor coverings limited to rugs and carpeting
29. Footwear
30. Fresh or frozen fruits, fruit juices, vegetables, and specialties
31. Fur goods, but not including tanning or dyeing
32. Greeting cards
33. Handbags and other personal leather goods
34. Hats, caps, and millinery
35. Hosiery
36. Household furniture and furnishings
37. Ice
38. Ice cream and frozen desserts
39. Jewelers findings and materials
40. Jewelry and other precious metals
41. Knit goods
42. Laboratories--medical, dental, research, experimental, and testing--provided there is no danger from fire or explosion or offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences
43. Lace goods
44. Lamp shades
45. Luggage
46. Macaroni, spaghetti, vermicelli, and noodles
47. Manifold business forms
48. Mechanical measuring and controlling instruments
49. Men's, youths', and boys' furnishings, work clothing and allied garments

50. Morticians' goods
51. Musical instruments and parts
52. Newspapers: publishing and printing
53. Office furniture
54. Ophthalmic goods
55. Optical instruments and lenses
56. Orthopedic, prosthetic, and surgical appliances and supplies
57. Paper coating and glazing
58. Partitions, shelving, lockers, and office and store fixtures
59. Pens, pencils, and other office and artist materials
60. Periodicals: publishing and printing
61. Pharmaceutical products, compounding only
62. Photoengraving instruments and apparatus
63. Photograph equipment and supplies
64. Pleating, decorative and novelty stitching and tucking for the trade
65. Pressed and molded pulp goods
66. Printing, commercial
67. Radio and television studios
68. Radio and television service and repair
69. Raincoats and other waterproof outer garments
70. Recording studio
71. Rice milling
72. Robes and dressing gowns
73. Sanitary paper products
74. Signs and advertising displays
75. Silverware and plated ware
76. Surgical and medical instruments and apparatus
77. Tire cord and fabric
78. Toys and amusement, sporting, and athletic goods
79. Typesetting
80. Umbrellas, parasols, and canes
81. Venetian blinds and shades
82. Wallpaper
83. Warehousing
84. Watches, clocks, clockwork-operated devices and parts
85. Women's, misses', juniors', girls', and infants' furnishings, work and dress garments
86. Wool scouring, worsted combing, and towing to top
87. Yarns and threads

(d) Public Community Service Uses

1. Bus terminals, bus turnarounds, bus garages, or bus lots
2. Electric substations
3. Fire stations
4. Police stations
5. Sewage treatment plants
6. Telephone exchange and coin telephones, outdoor
7. Water filtration plants
8. Water pumping stations
9. Water reservoirs

(5) Permitted Accessory Uses

- (a) Accessory garages for storage of vehicles or materials used in conjunction with the operation of the use
- (b) Essential services
- (c) Off-street parking areas
- (d) Outdoor storage

(6) Special Uses

- (a) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which uses include, but are not limited to, the following:

1. Agricultural buildings and structures
2. Advertising displays
3. Apparel and other products manufactured from textiles
4. Art needlework and hand weaving
5. Bottling works
6. Canning and preserving
7. Carpet and rug cleaning
8. Ceramic products--such as pottery and small glazed tile
9. Cleaning and dyeing establishments
10. Cosmetics and toiletries
11. Creameries and dairies
12. Drugs
13. Food products, processing and combining of (except meat and fish)--baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing, and pressing
14. Hair, felt, and feather products (except washing, curing, and dyeing)
15. Hat bodies of fur and wool felt
16. Ink mixing and packaging and inked ribbons
17. Insecticides
18. Leather products, including shoes and machine belting
19. Machine shops for tool, die, and pattern making
20. Meat products
21. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, and heat treatment
22. Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils
23. Monument sales
24. Packing and crating
25. Perfumes and cosmetics
26. Plastic products, but not including the processing of the raw materials
27. Precision instruments--such as optical, medical, and drafting
28. Products from finished materials--plastic, bone, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, precious and semiprecious stones, rubber, shell, and yarn
29. Repair of household or office machinery or equipment
30. Rubber products, small and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps, and atomizers

31. Soap and detergents, packaging only
32. Soldering and welding
33. Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods
34. Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations
35. Storage of household goods
36. Storage and sale of trailers
37. Telegraph offices
38. Textiles--spinning, weaving, manufacturing, dyeing, printing; knit goods; yard; thread; and cordage, but not including textile bleaching
39. Tool and die shops
40. Tools and hardware--such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings, and plumbing appliances
41. Upholstering (bulk), including mattress manufacturing, rebuilding, and renovating
42. Utilities
43. Vehicles, children's--such as bicycles, scooters, wagons, and baby carriages
44. Wood products, such as furniture, boxes, crates, baskets, pencils, and cooperage works
45. Any other manufacturing or related establishment that can be operated in compliance with the performance standards listed below without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor, and that is a use compatible with the use and occupancy of adjoining properties

(b) The following recreational uses:

1. Athletic clubs
2. Gymnasiums
3. Health resorts

(7) Building Area

No principal building for office and industrial support uses shall be less than 12,000 square feet of gross floor area.

(8) Maximum Floor Area Ratio

(a) For office and industrial support uses, the floor area ratio shall not exceed 2.0.

(b) For wholesale, warehousing, and industrial uses, the floor area ratio shall not exceed 1.5.

(9) Area of Lots

No lot in Planned Development District No. 7 shall be created which is less than one acre in area.

(10) Building Setback Requirements

(a) Front Yard

No portion or part of any building shall be erected, constructed, or extended nearer than 30 feet from the street right-of-way line, or both street right-of-way lines on a corner lot in said industrial park. Parking of employee-owned motor vehicles shall be prohibited within 25 feet of the front yard lot line. Visitor or customer parking may be allowed within 25 feet of the street right-of-way line upon approval by the Industrial Development Commission.

(b) Rear Yard

No part or portion of any building shall be erected, constructed, or extended nearer than 25 feet to any rear lot line.

(c) Side Yard

No part or portion of any building shall be erected, constructed, or extended nearer than 10 feet to any side lot line. The combined total of side yards for any parcel shall not be less than 30 feet. Corner lots shall be deemed to have two side lot lines.

(11) Architectural Control and Appearance

The front of all buildings--that is, the side facing the street on which the building is deemed to front--shall be faced with concrete or brick masonry, stone, or other material approved by the Industrial Development Commission and said facing shall extend across the full front of the building and also extend a distance of not less than 20 feet on each side of the front of the building. That portion of any building facing a street, other than the street on which the building fronts, shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of these provisions that all structures be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development.

Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of the Industrial Development Commission. All faces of all buildings must be kept in good repair and appearance at all times. All buildings must be of approved construction in conformance with all applicable building codes. Building shall not exceed 50 feet in height.

(12) Landscaping and Landscaping Maintenance

Every effort shall be made to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, paths, and trails. Trees shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of wells, islands, or retaining walls whenever abutting grades are altered to the extent that an existing tree could be damaged.

At least one street tree of an approved species and of at least six feet in height shall be planted for each 50 feet of frontage on proposed public streets and private drives. However, the placement and selection of street tree species shall not hamper or interfere with access to natural light and air for nearby industrial lots and structures. Tree species shall be selected, in part, based upon soil conditions and species hardiness to soil conditions. Columnar varieties of street trees may require shorter distances between plantings. Street trees shall be located so as to be a minimum of 10 feet from a street light, five feet from a fire hydrant, five feet from a driveway, and five feet from any public sidewalk.

All off-street parking areas which serve five vehicles or more shall be provided with accessory landscape areas totaling not less than 5 percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, and protection afforded the plantings, including curbing and provision for maintenance, shall be subject to approval by the Industrial Development Commission. The preservation of existing trees, shrubs, and other natural vegetation in the off-street parking area may be included in the calculation of the required minimum landscape area. Those off-street parking areas of five or more vehicles, if located adjoining a residential area, shall be screened from such area by a solid wall or fence or by evergreen planting of adequate visual density, built and maintained at a minimum height of six feet.

All grass, trees, and shrubbery shall be kept watered in dry weather and in good appearance at all times. All grass shall be cut as necessary to maintain an attractive appearance. If grass is not cut, or the trees and shrubbery not properly maintained, the City may serve notice and if not complied with in 10 calendar days, the City may maintain same and add the cost incurred to the lot owner's annual real estate bill.

All such landscaping, drives, and walks shall be completed at the time of issuance of a building occupancy permit and certificate of occupancy. In addition to the general landscaping and landscaping maintenance requirements outlined herein, the southern-most boundary of Planned Development District No. 7, where abutting residential land uses or zoning districts, shall be so earthen bermed and landscaped to provide visual screening to the adjacent property. Said earthen berm shall be a minimum of 40 feet wide, and 4 feet higher than surrounding existing grade elevation.

(13) Off-Street Parking and Loading

(a) Parking Lot Drives

Parking lot drives should be a minimum of 24 feet wide for two-way traffic and at least 12 feet wide for one-way traffic.

(b) Parking Spaces and Location

At least one parking space of not less than 180 square feet, excluding driveways and approaches, shall be required for each two employees on the two largest shifts combined to provide a sufficient number of off-street parking spaces to accommodate the maximum number of vehicles of employees and visitors expected on the site

during peak hours of utilization. Employee or truck parking shall not be allowed within the front yard building setback area. Additional parking shall be provided on each property as required by the Industrial Development Commission as may be found necessary to accommodate all employees and visitors.

Any parking areas for five or more vehicles shall have the aisles and spaces clearly marked.

(c) Loading

In addition to employee and visitor parking, there shall be space provided as necessary for the parking of trucks and trailers. Truck loading berths shall be prohibited in the front yard of all building lots unless the face of each truck loading berth is set back at least 10 feet from the street right-of-way line and suitable maneuvering area is provided trucks. Truck loading docks for manufacturing and warehouse uses shall be provided at a minimum rate of one berth for the first 5,000 square feet of gross building floor area and one berth for each additional 40,000 square feet of gross building floor area thereafter. Truck loading and unloading docks for storage uses shall be provided at a minimum rate of one berth for the first 10,000 square feet of gross floor area and one berth for each additional 25,000 square feet of gross building floor area thereafter.

Facilities for handling truck loading/unloading shall be placed on the lot so as not to be visible from any public street right-of-way.

(d) Construction

All walks, driveways, parking lots, and loading areas will be surfaced with bituminous concrete or Portland cement concrete extending to the public street pavement.

(14) Outdoor Storage

All materials, products, or solid or liquid waste materials stored outside buildings shall be kept behind the building setback line, and shall be screened from view from the street and adjoining properties with a solid wall or fence or other screening approved by the Industrial Development Commission. Walls and fences must be kept painted or have such other finish so as to provide a good appearance. Wire fence is not acceptable for this purpose.

(15) Waste Incineration

No waste material shall be burned on the premises except in an incinerator especially designed and constructed for such purpose.

(16) Security Fencing

Lots within Planned Development District No. 7 may be fenced subject to the following:

(a) Type

Fences shall be of chainlink design and may have located on the top thereof a barbed wire Y or angle securing band not to exceed 18 inches in height.

- (b) Height
Fences shall not exceed 10 feet in height, including the security bank along the top.
 - (c) Maintenance
All fences shall be maintained in good condition, including painting as required.
 - (d) Placement
Fences shall not be permitted in the front yard building setback area.
- (17) Signs and Billboards
No signs other than company and product identification signs and directional signs are permitted. The type, location, and placement of signs shall be approved by the Industrial Development Commission.
- (18) Utility Control
All utilities, including all electric power, telephone, gas, water, and storm and sanitary sewers, excepting electric power lines exceeding 12,000 volts, shall be underground. The location of the utility shall be subject to approval by the Industrial Development Commission.
- (19) Cooperation for Easements
All owners and occupants of parcels within Planned Development District No. 7 shall cooperate with the City and other owners and occupants within said industrial park in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, and access roads to the extent that such easements do not interfere with the existing uses of the land or unduly restrict future use or development. Nothing contained in this section shall be deemed to require the purchaser to grant any specific easement, nor grant easements of rights-of-way without reasonable compensation thereof.
- (20) Drainage Control
No land shall be developed and no use shall be permitted that results in flooding, erosion, or sedimentation on adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other stormwater management facility.
- (21) Nuisance Control
No operation, process, manufacturing, or building use in Planned Development District No. 7 shall produce or create excessive noise, light, odors, smoke, dust, gas, vibration, heat, industrial waste, toxic matter, or other excessive measurable external nuisance to an extent greater than the following minimum allowable levels:
- (a) Air Pollution
No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding established state or federal air pollution standards.

(b) Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials will be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have combustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity for materials that produce flammable or explosive vapors shall not exceed 200,000 gallons.

(c) Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(d) Water Quality Protection

No activity shall store or discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(e) Noise

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

(f) Odors

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises.

(g) Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

(h) Vibration

No activity shall emit vibrations which are discernible without instruments outside its premises.

(22) Land Platting

Lots within Planned Development District No. 7 shall be platted in accordance with the provisions and requirements of City of Franklin Ordinance No. 172, "Subdivision and Platting."

(23) Deed Restrictions and Protective Covenants

Prior to the issuance of building permits in Planned Development District No. 7, "Deed Restrictions and Protective Covenants" shall be submitted to the City of Franklin Common Council for approval. The purpose of said "Deed Restrictions and Protective Covenants" shall be to preserve the value of the lots contained in the District, as well as all land located in the general vicinity of the District.

SECTION .03 All ordinances or parts of ordinances in contravention with this Ordinance are hereby replaced.

SECTION .04 This Ordinance shall take effect upon its passage and publication as required by law.

Introduced at a regular meeting of the Common Council this 18th day of June, 1985, by Alderman Romanowicz.

Passed and adopted by the Common Council of the City of Franklin this 18th day of June, 1985.

APPROVED:

s/Theodore J. Fadrow

Theodore J. Fadrow, Mayor
City of Franklin, Wisconsin

ATTEST:

s/Thomas B. Murray

Thomas B. Murray, City Clerk
City of Franklin, Wisconsin

AYES 6 NOES 0 ABSENT 0

Appendix F

INDUSTRIAL PARK DEED RESTRICTIONS AND PROTECTIVE COVENANTS FOR CITY OF FRANKLIN-OWNED INDUSTRIAL PARKS

(CITY OF FRANKLIN COMMON COUNCIL RESOLUTION NO. 85-2585)

CITY OF FRANKLIN INDUSTRIAL PARK DEED RESTRICTIONS AND PROTECTIVE COVENANTS

WHEREAS, the undersigned, CITY OF FRANKLIN, Milwaukee County, Wisconsin, a municipal corporation, is the owner of that certain parcel of land more particularly described as:

(insert legal description of industrial park lands here)

WHEREAS, the undersigned is undertaking and intends to divide and improve or cause to be improved the above-described parcel of land for use as an industrial park to be known as the CITY OF FRANKLIN INDUSTRIAL PARK.

NOW, THEREFORE, in consideration of the aforesaid and for the purpose of preserving the value of the lots contained within the City of Franklin Industrial Park as well as all land located in the general vicinity of the City of Franklin Industrial Park, the undersigned hereby declare and provide that the entire area known as the City of Franklin Industrial Park shall be subject to the following restrictions, covenants, and conditions, to wit:

1. USE OF LAND

It is the intention of the City of Franklin that the City of Franklin Industrial Park be developed to enhance the future industrial growth of the City in a planned development for a general mix of heavy and light industry, distribution and limited retail operations if the latter are an integral part of the manufacturing or distribution process. The type of industry or industry "mix" will be subject to the review and approval of the Industrial Development Commission.

2. AREA OF LOTS

No lot in the City of Franklin Industrial Park shall be created which is less than one (1) acre in area.

3. SUBMISSION OF PLANS

No building or improvement shall be erected, placed, or altered on any lot in the City of Franklin Industrial Park until the plans for such building or improvement, including site plan, landscape plan, and building plan and specifications, have been approved by the Industrial Development Commission. Said Commission shall review and approve, approve conditionally, or disapprove such plans with respect to conformity with these restrictions and other applicable enactments of the City, and with

respect to harmony of external design and land use as it affects property within and adjacent to the City of Franklin Industrial Park. Failure of the aforesaid Commission to act upon such building or improvement plans within 60 days after submission to the City of Franklin, City Clerk, shall be deemed to constitute approval of such plans.

4. BUILDING SETBACK REQUIREMENTS

(a) FRONT YARD:

No portion or part of any building shall be erected, constructed, or extended nearer than thirty (30) feet from the street right-of-way line, or both street right-of-way lines on a corner lot of any lot, in said industrial park. Parking of employee-owned motor vehicles shall be prohibited within twenty-five (25) feet of the front yard lot line. Visitor or customer parking may be allowed within twenty-five (25) feet from the street right-of-way line upon approval by the Industrial Development Commission.

(b) REAR YARD:

No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five (25) feet to any rear lot line.

(c) SIDE YARD:

No part or portion of any building shall be erected, constructed, or extended nearer than ten (10) feet to any side lot line. The combined total of side yards for any parcel shall not be less than thirty (30) feet. Corner lots shall be deemed to have two side lot lines.

5. ARCHITECTURAL CONTROL AND APPEARANCE

The front of all buildings, that is, the side facing the street on which the building is deemed to front, shall be faced with concrete or brick masonry, stone, or other material approved by the Industrial Development Commission, and said facing shall extend across the full front of the building and also extend a distance of not less than twenty (20) feet on each side of the front of the building. That portion of any building facing a street, other than the street on which the building fronts, shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of these provisions that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development of the industrial park.

Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of the Industrial Development Commission. All faces of all buildings must be kept in good repair and appearance at all times. All buildings must be of approved construction in conformance with all applicable building codes. Buildings shall not exceed fifty (50) feet in height.

6. LANDSCAPING AND LANDSCAPING MAINTENANCE

Every effort shall be made to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, paths, and trails. Trees shall be protected and preserved

during construction in accordance with sound conservation practices, including the preservation of trees by use of wells, islands, or retaining walls whenever abutting grades are altered to the extent that an existing tree could be damaged.

At least one street tree of an approved species and of at least six feet in height shall be planted for each 50 feet of frontage on proposed public streets and private drives. However, the placement and selection of street tree species shall not hamper or interfere with access to natural light and air for nearby industrial lots and structures. Tree species shall be selected, in part, based upon soil conditions and species hardiness to soil conditions. Columnar varieties of street trees may require shorter distances between plantings. Street trees shall be located so as to be a minimum of ten feet from a street light, five feet from a fire hydrant, five feet from a driveway, and five feet from any public sidewalk.

All off-street parking areas which serve five vehicles or more shall be provided with accessory landscape areas totaling not less than 5 percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance, shall be subject to approval by the Industrial Development Commission. The preservation of existing trees, shrubs, and other natural vegetation in the off-street parking area may be included in the calculation of the required minimum landscape area. Those off-street parking areas of five or more vehicles, if located adjoining a residential area, shall be screened from such area by a solid wall or fence or by evergreen planting of adequate visual density, built and maintained at a minimum height of six feet.

All grass, trees, and shrubbery shall be kept watered in dry weather and in good appearance at all times. All grass shall be cut as necessary to maintain an attractive appearance. If grass is not cut, or the trees and shrubbery not properly maintained, the City may serve notice and if not complied with in ten calendar days, the City may maintain same and add the cost incurred to the lot owner's annual real estate bill.

All such landscaping, drives, and walks shall be completed at the time of issuance of a building occupancy permit and certificate of occupancy.

7. OFF-STREET PARKING AND LOADING

(a) PARKING LOT DRIVES: Parking lot drives should be a minimum of 24 feet wide for two-way traffic and at least 12 feet wide for one-way traffic.

(b) PARKING SPACES AND LOCATION: At least one parking space of not less than 180 square feet, excluding driveways and approaches, shall be required for each two employees on the two largest shifts combined to provide a sufficient number of off-street parking spaces to accommodate the maximum number of vehicles of employees and visitors expected on the site during peak hours of utilization. Employee or truck parking shall not be allowed within the front yard building setback area. Additional parking shall be provided on each property

as required by the Industrial Development Commission as may be found necessary to accommodate all employees and visitors.

Any parking area for five or more vehicles shall have the aisles and spaces clearly marked.

- (c) LOADING: In addition to employee and visitor parking, there shall be space provided as necessary for the parking of trucks and trailers. Truck loading berths shall be prohibited in the front yard of all building lots unless the face of each truck loading berth is set back at least ten feet from the street right-of-way line and suitable maneuvering area is provided trucks. Truck loading docks for manufacturing and warehouse uses shall be provided at a minimum rate of one berth for the first 5,000 square feet of gross building floor area and one berth for each additional 40,000 square feet of gross building floor area thereafter. Truck loading and unloading docks for storage uses shall be provided at a minimum rate of one berth for the first 10,000 square feet of gross floor area and one berth for each additional 25,000 square feet of gross building floor area thereafter.

Facilities for handling truck loading/unloading shall be placed on the industrial park lot so as not to be visible from any public street right-of-way.

- (d) CONSTRUCTION: All walks, driveways, parking lots, and loading areas will be surfaced with bituminous concrete or Portland cement concrete extending to the public street pavement.

8. OUTDOOR STORAGE

All materials, products, or solid or liquid waste materials stored outside of buildings shall be kept behind the building setback line, and shall be screened from view from the street and adjoining properties with a solid wall or fence or other screening approved by the Industrial Development Commission. Walls and fences must be kept painted or have such other finish so as to provide a good appearance. Wire fence is not acceptable for this purpose.

9. WASTE INCINERATION

No waste material shall be burned on the premises except in an incinerator especially designed and constructed for such purpose.

10. SECURITY FENCING

Lots within the City of Franklin Industrial Park may be fenced subject to the following terms and conditions:

- (a) TYPE: Fences shall be of chainlink design and may have located on the top thereof a barbed wire Y or angle securing band not to exceed eighteen (18) inches in height.
- (b) HEIGHT: Fences shall not exceed ten (10) feet in height, including the security bank along the top.
- (c) MAINTENANCE: All fences shall be maintained in good condition, including painting as required.

(d) PLACEMENT: Fences shall not be permitted in the front yard building setback area.

11. SIGNS AND BILLBOARDS

No signs other than company and product identification, and directional signs are permitted. The type, location, and placement of signs shall be approved by the Industrial Development Commission.

12. UTILITY CONTROL

All utilities including all electric power, telephone, gas, water, storm and sanitary sewers, excepting electric power lines exceeding 12,000 volts, shall be underground. The location of the utility shall be subject to approval by the Industrial Development Commission.

13. COOPERATION FOR EASEMENTS

All owners and occupants of parcels within the City of Franklin Industrial Park shall cooperate with the City and other owners and occupants within said industrial park in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, access roads, railway spurs, and loading tracks to the extent that such easements do not interfere with the existing uses of the land or unduly restrict future use or development. Nothing contained in this section shall be deemed to require the purchaser to grant any specific easement, nor grant easements or rights-of-way without reasonable compensation therefore.

14. DRAINAGE CONTROL

No land shall be developed and no use shall be permitted that results in flooding, erosion, or sedimentation on adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other stormwater management facility.

15. NUISANCE CONTROL

No operation, process, manufacturing, or building use in said industrial park shall produce or create excessive noise, light, odors, smoke, dust, gas, vibration, heat, industrial waste, toxic matter, or other excessive measurable external nuisance to an extent greater than the following minimum allowable levels:

(a) AIR POLLUTION: No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding established state or federal air pollution standards.

(b) FIRE AND EXPLOSIVE HAZARDS: All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials will be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have combustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 200,000 gallons.

- (c) GLARE AND HEAT: No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (d) WATER QUALITY PROTECTION: No activity shall store or discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (e) NOISE: All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.
- (f) ODORS: No activity shall emit any odorous matter of such nature of quantity as to be offensive, obnoxious, or unhealthful outside its premises.
- (g) RADIOACTIVITY AND ELECTRICAL DISTURBANCES: No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- (h) VIBRATION: No activity shall emit vibrations which are discernible without instruments outside its premises.

16. RECAPTURE AND RESALE OF LAND

- (a) If a buyer of any lot does not commence construction of a building or buildings thereon within 12 months after the date of purchase and complete the construction of a building or buildings thereon within two years after the date of purchase, the City shall have the option to repurchase the property. Exercise of the option shall be effected by the resolution adopted by the Common Council. Such option shall be exercisable upon delivery in writing of a notice to the buyer within six months after the expiration of such 12-month or two-year period. Closing shall take place within 60 days following the exercise of such option on such date as shall be designated by the City specified in such notice. The purchase price to be paid by the City upon the exercise of such option shall be the sum of the following:
 - (1) the purchase price paid for the land by the buyer;
 - (2) the current market value of all improvements thereon paid by the buyer; and
 - (3) all special assessments which may have been paid by the buyer or levied against the premises during the period of such buyer's ownership.

Less the sum of the following:

- (1) unpaid real estate taxes;
- (2) proration of current year's real estate taxes to date or closing;
- (3) title insurance policy premium; and
- (4) liens and encumbrances on the property of a definite or ascertainable amount.

Conveyance shall be by warranty deed, free and clear of all liens and encumbrances, except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and land division ordinances, recorded easements for public utilities, and recorded Declaration of Restrictions and Covenants and amendments thereto. Seller shall furnish title insurance policy at seller's expense for full amount of purchase price.

- (b) In the event a buyer elects to sell all or any part of any parcel which is vacant, the same shall first be offered for sale, in writing, to the City at a price per acre computed as set forth in Subsection (a) above. The City shall have 60 days from the receipt of such offer to accept or reject same. Acceptance or rejection of such offer shall be effected by resolution adopted by the Common Council. Upon acceptance by the City, conveyance shall be by warranty deed free and clear of all liens and encumbrances, except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and land division ordinances, easements for public utilities, and building restrictions and ordinances. The seller shall furnish title insurance policy at seller's expense.
- (c) If the City fails to timely exercise the option described in Subsection (a) above or rejects said offer, buyer may then sell such property to any other buyer and the City shall have no further interest therein, except that any use of said property by any subsequent buyer shall be subject to applicable zoning and land division ordinances, restrictions, and regulations of the City relating to the use of said property at the time of such sale and to the provisions of this Declaration of Restrictions and Covenants.
- (d) Nothing contained herein shall be deemed to give the City the right of first refusal or option in the event that a buyer of a parcel who has improved the same by construction of a building or buildings thereon shall propose to sell all of such property as one parcel together with the improvements thereon, it being intended that the provisions of this shall apply only to the resale of vacant parcels.

17. NUMBER OF YEARS RESTRICTIONS AND COVENANTS TO RUN WITH THE LAND

Each lot shall be conveyed subject to the within restrictions and covenants, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of ten years from the date this Declaration of Restrictions and Covenants is recorded, after which time said restrictions and covenants as are then in force and effect shall be automatically extended for successive periods of ten years each, unless [there is] an instrument terminating such restrictions and covenants by the Common Council as evidenced by a

resolution duly adopted by at least three-fourths favorable vote of all members of the Common Council.

18. MODIFICATION AND AMENDMENT OF DECLARATION OF RESTRICTIONS AND COVENANTS

The within restrictions and covenants, except the provisions of Paragraph 16 of these restrictions, may be modified and amended only upon the execution and recording of a written instrument to said effect by the majority of the Common Council evidenced by a resolution duly adopted by at least three-fourths favorable vote of all members of the Common Council at any time.

19. ENFORCEMENT

The enforcement of the restrictions and covenants contained in this Declaration of Restrictions and Covenants shall be by proceedings at law or equity against any person or persons violating or attempting to violate any restrictions or covenants, to restrain violation, obtain substantial compliance, and recover any damages. Such proceedings may be commenced by the City of Franklin or by any owner or owners of lots in said industrial park.

20. SEVERABILITY

Invalidation of any one of these restrictions or covenants contained within this Declaration of Restrictions and Covenants, by judgment or court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

21. OTHER APPLICABLE LAWS

Notwithstanding the provisions contained herein in this Declaration of Restrictions and Covenants, all development within the City of Franklin Industrial Park shall be in accordance with all applicable local, state, and federal laws.

Introduced at a regular meeting of the Common Council on the 1st day of July 1985 by Alderman Franken.

Passed and adopted by the Common Council on the 1st day of July 1985.

IN WITNESS WHEREOF, the said City of Franklin has caused these presents to be signed by Theodore J. Fadrow, its Mayor, and Thomas B. Murray, its Clerk, and its corporate seal to be hereunto affixed this 2nd day of July, 1985.

APPROVED:

s/Theodore J. Fadrow

Theodore J. Fadrow, Mayor
City of Franklin, Wisconsin

ATTEST:

s/Thomas B. Murray

Thomas B. Murray, City Clerk
City of Franklin, Wisconsin

AYES 6 NOES 0 ABSENT 0

Appendix G

LANDSCAPE PLAN DESCRIPTION AND MATERIALS FOR PHASE II OF THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD

This appendix provides a detailed description of both the plant material and design intent for those plant materials specified at Phase II of the Franklin Industrial Park for both the earth berms and entrance areas of the park. Primary data sources used for the plant materials specified are Harrison L. Flint's Landscape Plants for the Central Midwest (Indiana: Purdue University, 1976); the Milwaukee County Park Commission's Deciduous Trees: Southeastern Wisconsin (Milwaukee: Milwaukee County Park Commission, undated); E. R. Hasselkus' and G. L. Worf's Selecting Flowering Crabapples: Special Circular 139 (Madison, Wisconsin: University of Wisconsin-Extension, undated); Donald Wyman's Trees for American Gardens (New York: MacMillan Co., 1965); and Donald Wyman's Shrubs and Vines for American Gardens (New York: MacMillan Co., 1969). A secondary data source used for specifying plant material at the park was Robert L. Zion's Trees for Architecture and the Landscape (New York: Van Nostrand Reinhold Company, 1968).

For each type of plant material specified, the detailed descriptions discuss the plant's common and scientific name, plant type (i.e., tree or shrub), the typical function of the plant as a landscape material, growth rate, texture, maximum height at maturity, branch and foliage spread distance, typical spacing between plants, habit, noteworthy seasonal interest characteristics, general comments about the plant, and comments concerning the use of the plant at Phase II of the Franklin Industrial Park.

1. PLANT NAME: American Beech
(Fagus grandifolia)

TYPE: Tree

FUNCTION: Shade tree, specimen, massing

GROWTH RATE: Slow

TEXTURE: Medium-fine

MAXIMUM HEIGHT: 90 feet

SPREAD: 40 to 60 feet

SPACING: 40 to 60 feet

HABIT: Upright, densely pyramidal

SEASONAL INTEREST:

Spring - Interesting silvery-gray bark

Summer - Interesting silvery-gray bark

Autumn - Golden-bronze foliage

Winter - Dried foliage persists

GENERAL COMMENTS: A splendid native tree, grown over a wide part of this country. Its excellent form, splendid foliage throughout the spring, summer, and fall months, and beautiful light gray bark for winter beauty lend an ornamental interest every season of the year. The fibrous roots make all beeches notorious surface feeders, which means that it is most difficult to grow anything properly underneath their branches. The American Beech

should be placed at the top of the list as a splendid specimen tree. It does not withstand city conditions well, however, but is hardier than the European Beech. A grove of native beeches is a beautiful sight, and as a single specimen there is not a tree which will surpass it in year-round beauty. Prefers moist location.

USE AT THE FRANKLIN INDUSTRIAL PARK: Used as a dense deciduous visual screen at earth berms No. 5 and 6. Two plant sizes are used at the berms to add some visual irregularity common to a natural forested situation in order to limit visual monotony.

2. PLANT NAME: Austrian Pine
(Pinus nigra)

TYPE: Tree

FUNCTION: Screen, specimen

GROWTH RATE: Moderately fast

TEXTURE: Medium-course

MAXIMUM HEIGHT: 40 to 90 feet

SPREAD: 25 to 40 feet

SPACING: 10 to 40 feet

HABIT: Stiffly upright, densely pyramidal while still young, flattening later

SEASONAL INTEREST: Handsome dark green leaves are evergreen, stiffly needle-like

GENERAL COMMENTS: A fast-growing species, with very stiff needles, making a splendid specimen in several forms, with dark green glossy foliage. It makes an excellent windbreak or screen and should grow well in limestone soils. Certainly it does well in acid soils. This is an excellent, stiffly formed tree, well adapted to specimen planting, and holds its needles for three years.

USE AT THE FRANKLIN INDUSTRIAL PARK: Used as a dense coniferous visual screen at earth berms No. 1, 2, and 3. Two plant sizes are used at the berms to add some visual irregularity common to a natural forested situation in order to limit visual monotony. Foliage is retained year round.

3. PLANT NAME: Bar Harbor Juniper
(Juniperous horizontalis "Bar Harbor")

TYPE: Shrub

FUNCTION: Ground cover, specimen, rock garden

GROWTH RATE: Moderate

TEXTURE: Fine

MAXIMUM HEIGHT: 1-1/2 feet

SPREAD: 6 to 20 feet

SPACING: 3 to 20 feet

HABIT: Procumbent to low-spreading

SEASONAL INTEREST: Needle-like to scale-like, green to blue-green foliage is evergreen.

GENERAL COMMENTS: Widely adaptable to soils and climates. Tolerant of dry soils. Tolerant of salt spray.

USE AT THE FRANKLIN INDUSTRIAL PARK: This very low shrub is used to accent and not obscure the proposed ground-mounted park sign to be located in the

boulevard island portion of the W. Franklin Drive entryway. The foliage is retained year-round and the plant is resistant to the salt spray of road-salting operations in winter.

4. PLANT NAME: Colorado Blue Spruce
(Picea pungens glauca)

TYPE: Tree

FUNCTION: Specimen

GROWTH RATE: Moderately slow

TEXTURE: Medium-fine

MAXIMUM HEIGHT: 100 feet

SPREAD: 20 to 35 feet

SPACING: 10 to 35 feet

HABIT: Stiffly pyramidal to almost columnar over lower half

SEASONAL INTEREST: Evergreen foliage is stiffly needle-like and soft green to steely blue in color.

GENERAL COMMENTS: One of the most striking of the conifers in color and habit. Must be used with restraint because it is so positive in appearance. Because of its stiff growth habit and pronounced color, it always stands out prominently wherever it is used. Placing these trees properly in the landscape is really very difficult. All too often they are brazenly spotted in the geometrical center of the lawn, destroying any possible beauty in that area for all time.

USE AT THE FRANKLIN INDUSTRIAL PARK: Four of these monumental appearing trees are used sparingly, perched on top of the two earth berms at the W. Franklin Drive entryway to the park. Because of their ultimate size and strikingly perfect appearance and steely blue color, they are used to provide the park entryway with a dominating visual appearance and are placed symmetrically on each side of the entryway. Foliage is retained year-round.

5. PLANT NAME: Eastern White Pine
(Pinus strobus)

TYPE: Tree

FUNCTION: Screen, specimen

GROWTH RATE: Moderately fast

TEXTURE: Medium-fine

MAXIMUM HEIGHT: 100 feet

SPREAD: Over 50 feet

SPACING: 20 to 50 feet

HABIT: Upright, loosely pyramidal when young, flattening on top and stratified later.

SEASONAL INTEREST: Soft bluish-green foliage is evergreen, finer than most pines.

GENERAL COMMENTS: The second tallest pine native in North America (the Sugar Pine, *P. lambertiana*, is tallest)--a top-notch ornamental evergreen tree, fifth in importance among the timber trees of North America now, although at one time it was the most important.

The delicate, soft green, graceful foliage of the White Pine is unsurpassed by that of any other hardy northern tree except possibly the hemlock. In the fall it drops its three-year needles as do many other evergreens, but

the foliage that remains stays a soft green throughout the winter months. The normal green of White Pine foliage year in and year out makes this tree one of the most valuable for background foliage in any landscape planting, be it large or small. Excellent neutral screening plant.

White Pine may grow 10 feet in 10 years and 25 feet in 20 years if it is in good soil. Young trees are dense and often pyramidal in habit, but the older the tree grows the more picturesque it becomes--with flat top and a missing branch here and there until at an old age these trees are the most conspicuous (and beautiful) in almost any landscape.

Easily transplanted, the White pine also withstands shearing, but this must be done in just the right way. Where required, the White Pine can be restrained by proper pruning and so will not grow out of scale. For landscape work on small properties, in parks along major highways, and for many other purposes, the White Pine is one of the best and most serviceable evergreen trees in eastern North America.

USE AT THE FRANKLIN INDUSTRIAL PARK: Used as a dense coniferous visual screen at earth berm 4. Two plant sizes are used at the berm to add some visual irregularity common to a natural forested situation in order to limit visual monotony. Foliage is restrained year-round.

6. PLANT NAME: Green Ash
(Fraxinus pennsylvanica subintergerrima)

TYPE: Tree

FUNCTION: Shade tree

GROWTH RATE: Fast

TEXTURE: Medium-coarse

MAXIMUM HEIGHT: 30 to 60 feet

SPREAD: 40 to 50 feet

SPACING: 40 to 50 feet

HABIT: Upright, with rounded head to pyramidal habit

SEASONAL INTEREST: Dark green, turning yellow in autumn.

GENERAL COMMENTS: Widely adapted tree. Weeping branches. Diamond-patterned gray bark, reddish twigs. Native to southern Wisconsin.

USE AT THE FRANKLIN INDUSTRIAL PARK: Used as a dense deciduous visual screen at earth berms No. 1 and 4. Two plant sizes are used at the berms to add some visual irregularity common to a natural forested situation in order to limit visual monotony.

7. PLANT NAME: Pfitzer Gold Tip Juniper
(Juniperus chinensis pfitzeriana aurea)

TYPE: Shrub

FUNCTION: Ground cover, rock garden, specimen, screen

GROWTH RATE: Moderate

TEXTURE: Fine

MAXIMUM HEIGHT: 10 feet

SPREAD: 6 to 20 feet

SPACING: 4 to 20 feet

HABIT: Wide-spreading

SEASONAL INTEREST: Green to blue-green foliage is evergreen with golden new growth in early summer.

GENERAL COMMENTS: It is used a great deal in American plantings. The foliage of young plants has a light feathery texture that is decidedly pleasing, and plants have been pruned so that columnar types are simulated. It bears blue berrylike fruits. The outstanding merits of this plant are its wide-spreading natural habit and its ability to withstand trying growing conditions in urban areas or at the seashore. Pfitzeriana aurea--a sport of J. chinensis "Pfitzeriana"--is not to be confused with the botanical variety J. chinensis aurea, which is a tree form. In the heavy soils of Illinois the young foliage is a beautiful golden yellow, but in certain soils of other texture (notably in California and New England) the foliage is not so pronounced.

USE AT THE FRANKLIN INDUSTRIAL PARK: Used at the two park entryway earth berms located at the intersection of W. Franklin Drive and S. 60th Street. To be visually subordinate to both the Colorado Blue Spruce (Picea pungens glauca) and the pyramidal arborvitae (Thuja occidentalis pyramidalis) while, nevertheless, enhancing the visually perceived height and mass of the planted berms. Foliage is retained year-round.

8. PLANT NAME: Profusion Crab Apple
(Malus moerlandsii "Profusion")

TYPE: Tree

FUNCTION: Specimen/ornamental

GROWTH RATE: Medium

MAXIMUM HEIGHT: 20 to 25 feet

SPREAD: 15 to 25 feet

SPACING: 20 feet

SEASONAL INTEREST: Persistent fruit

GENERAL COMMENTS: Small 0- to $\frac{1}{2}$ -inch-diameter red fruit. Resistant to apple scab, which is a fungus-caused disease affecting leaves and fruits, marring a tree's appearance in mid-summer. Flowers are carmine to pink in color. Leaves are bronze in color.

USE AT THE FRANKLIN INDUSTRIAL PARK: Ten of these plants are proposed to be located in the island portion of the boulevard park entryway portion of W. Franklin Drive. Together with the taller Red Maple "Schlesingeri" (Acer rubrum "Schlesingeri"), they form a very formal red-colored promenade park entryway which sharply contrasts in color with the evergreens associated with the entryway landscaped earth berms located along S. 60th Street. The Profusion Crab Apple was selected in particular because of its low maintenance requirements (small 0- to $\frac{1}{2}$ -inch-diameter fruits) and its resistance to apple scab.

9. PLANT NAME: Pyramidal Arborvitae
(Thuja occidentalis pyramidalis)

TYPE: Shrub

FUNCTION: Hedge, screen, massing, specimen

GROWTH RATE: Moderate

TEXTURE: Medium-fine

MAXIMUM HEIGHT: 30 to 60 feet

SPREAD: 3 to 10 feet

SPACING: 3 to 10 feet

HABIT: Upright, narrowly pyramidal

SEASONAL INTEREST: Lustrous dark green to dull bluish-green foliage is evergreen and turns brownish in winter.

GENERAL COMMENTS: Fairly adaptable but best on moist to wet soils with good aeration; one of the best plants for screening under these conditions. They are used primarily as stiff accent points in the landscape.

USE AT THE FRANKLIN INDUSTRIAL PARK: These lustrous green upright specimen shrubs will assist in highlighting the visual prominence of the park entryway as seen from S. 60th Street and, while being a dominant visual feature, will be visually secondary to the awesome Colorado Blue Spruce (Picea pungens glauca). Twelve of these shrubs are to be located on the two berms which are symmetrical about the W. Franklin Drive entryway, as well as two to be located as a visual backdrop to the proposed ground-mounted entryway sign located in the entryway boulevard island. Foliage is retained year-round. These shrubs grow from 12 to 18 inches per year.

10. PLANT NAME: Red Maple "Schlesingeri"
(Acer rubrum "Schlesingeri")

TYPE: Tree

FUNCTION: Shade, street tree

GROWTH RATE: Moderately fast

TEXTURE: Medium

MAXIMUM HEIGHT: Over 100 feet

SPREAD: 30 to more than 60 feet

SPACING: 30 to 60 feet

HABIT: Upright, with ascending branches, narrow or oval head.

SEASONAL INTEREST:

Spring - Red flowers and developing fruits in early April

Summer - Foliage whitish beneath

Autumn - Bright red to yellow foliage

Winter - Silvery-gray bark

GENERAL COMMENTS: The Red Maple is commonly seen in low and swampy areas, especially evident in the early spring since its myriads of small red flowers, each inconspicuous in its own right, are produced in such large numbers and bloom so early that they are noticeable for some distance. In many areas, the bloom of the Red Maple is one of the first visible evidences of spring for many people, just as the brilliant fall coloration is one of the first signs of approaching autumn. One reason the Red Maple colors before most other trees in the fall is that it is native in swamps or low spots where the frosts of fall are felt first. A fast-growing tree, somewhat weak-wooded, it is superior to the Silver Maple as a lawn tree. The tree is tolerant of both wet and dry conditions.

USE AT THE FRANKLIN INDUSTRIAL PARK: Eighteen of these shade trees are used at the W. Franklin Drive entryway to the park. Together with the ornate lower height Profusion Crab Apple (Malus moerlandsii "Profusion"), they form a very formal red-colored promenade park entryway which sharply contrasts in color with the evergreens associated with the entryway landscaped earth berms along S. 60th Street.

11. PLANT NAME: River Birch
(Betula nigra)

TYPE: Tree

FUNCTION: Specimen, border accent, naturalizing

GROWTH RATE: Moderate

TEXTURE: Medium

MAXIMUM HEIGHT: 90 feet

SPREAD: 30 to 50 feet

SPACING: 30 to 50 feet

HABIT: Upright, open, pyramidal

SEASONAL INTEREST: Yellow foliage in the autumn and reddish-brown exfoliating bark.

GENERAL COMMENTS: Commonly found native in lowlands and along stream banks where the soil is moist, often covered with water for several weeks during the course of the year. The River Birch is valued chiefly for its ability to grow in wet places and also for its beautiful paper-thin exfoliating bark in the wintertime. Less subject to the troubles of the white-barked birches in the Midwest. A very ornamental tree.

USE AT THE FRANKLIN INDUSTRIAL PARK: This deciduous tree is used primarily at the park to provide colorful accent and contrast with surrounding dense green border plantings. These trees are primarily used in low areas between earth berms and in drainage swales and are extremely tolerable of wet soils. When used in conjunction with Star Magnolia (Magnolia stellata "rosea"), they will provide an extremely colorful landscape accent planting at the Franklin Industrial Park. The multiple-stemmed habit variety was selected for use at the Franklin Industrial Park because of its interesting branch structure.

12. PLANT NAME: Star Magnolia
(Magnolia stellata "rosea")

TYPE: Tree

FUNCTION: Specimen, patio, border accent

GROWTH RATE: Slow

TEXTURE: Medium

MAXIMUM HEIGHT: 10 to 20 feet

SPREAD: 10 to 20 feet

SPACING: 10 to 20 feet

HABIT: Upright multiple-stemmed tree with horizontal branches

SEASONAL INTEREST:

Spring - Fragrant white flowers with pink buds in early April

Autumn - Cucumber-like pods with red seeds; bronze- to yellow-colored leaves

Winter - Silvery gray, smooth bark, silky buds

GENERAL COMMENTS: The Star Magnolia is the hardiest, and in many respects, the most ornamental of the Asiatic magnolias. The flowers have 12-19 petals, are very fragrant, and sometimes nearly 4 inches in diameter. The long narrow leaves are thick and dark green, turning a lovely bronze color in the fall, especially when grown in direct sunshine. The plant is dense, either a shrub or small tree, and is best used as a specimen plant, as its branches face the ground well. Handsome specimen at all seasons, a good choice in its size group for intensive areas.

USE AT THE FRANKLIN INDUSTRIAL PARK: These specimen trees are specified in low areas between earth berms throughout the park. They will offer some colorful visual relief from the otherwise dense green border plantings which typify the earth berm landscaping. Their height is somewhat lower than their surrounding earth berm border plantings. These colorful specimen trees are used primarily at the ends of or between earth berms at the Franklin Industrial Park.

13. PLANT NAME: Swamp White Oak
(Quercus bicolor)

TYPE: Tree

FUNCTION: Shade tree, specimen

GROWTH RATE: Slow

TEXTURE: Medium-coarse

MAXIMUM HEIGHT: 90 feet

SPREAD: 50 to 90 feet

SPACING: Over 50 feet

HABIT: Upright, with rugged trunk, and massive, gnarled, broad-spreading somewhat weeping limbs.

SEASONAL INTEREST:

Summer - Dense foliage

Autumn - Purplish foliage

Winter - Picturesque branch framework

GENERAL COMMENTS: This is an excellent tree for moist or wet soils. One of the most majestic trees at maturity. Long-lived. Has bicolored foliage; whitish beneath the leaves. Transplants readily.

USE AT THE FRANKLIN INDUSTRIAL PARK: Swamp White Oaks are used sparingly at the park (only four are specified), and are to be situated at two locations along the S. 60th Street east right-of-way line. The first location is at a drainage swale between earth berms No. 2 and 3 (two are specified) and the second is at a low area along earth berm No. 1. The intent of their use is to provide a specimen, majestic deciduous tree at low areas of the proposed earth berms which will tolerate existing and potential wet soil conditions.

Appendix H

SPECIFICATIONS FOR PLANTING NURSERY STOCK AT PHASE II OF THE FRANKLIN INDUSTRIAL PARK NEIGHBORHOOD CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

SECTION 0280. PLANTING NURSERY STOCK

Part 1: General

1.01 Scope

- a. Furnish labor, equipment, and materials necessary to complete the planting, maintaining, and guaranteeing of plants in accordance with the drawings and as specified herein. The work to be completed in this section shall include plants and planting.

1.02 Agency Standards

- a. Nomenclature: All plant materials used shall be true to name and size in conformity with the following standards:
 1. American Joint Committee on Horticulture Nomenclature. 1942 Edition of Standardized Plant Names. (Published by Mount Pleasant Press, J. Horace McFarland Company, Harrisburg, Pa.)
 2. American Standard for Nursery Stock. Copyright 1973. (Published by the American Association of Nurserymen, Inc., 230 Southern Building, Washington, D. C. 20005.)

Part 2: Products

2.01 Plant Materials

- a. Plant List: A complete list of plants, including a schedule of quantities, sizes, and other requirements, is shown on the Drawings. In the event that discrepancies occur between the quantities of plants indicated in the plant list and as indicated on the plan, the plant quantities on the plan shall govern.
- b. Substitutions: No substitutions shall be accepted, except with written permission of the City Engineer. No substitutions shall be accepted before contracts are let.
- c. Quality: All plants shall be typical of their species or variety. All plants shall have normal, well-developed branches and vigorous root systems. They shall be sound, healthy, vigorous, and free from defects, disfiguring knots, abrasions of the bark, sunscald injuries, plant disease, insect eggs, borers, and all other forms of infections. All plants shall be nursery grown unless otherwise stated, and shall have been growing

under the same climatic conditions as the location of this project for at least two years prior to the date of planting on this project. Plants which have been held in storage will be rejected if they show signs of growth during storage.

- d. Measurements: Size and grading standards shall conform to those of the American Association of Nurserymen unless otherwise specified. A plant shall be dimensioned as it stands in its natural position. Stock furnished shall be a fair average between the minimum and maximum sizes specified. Large plants which have been cut back to the specified sizes will not be accepted.
- e. Preparation of Plants:
 1. In preparing plants for moving, all precautions customary in good trade practice shall be taken. Workmanship that fails to meet the highest standards will not be accepted. All plants shall be dug to retain as many fibrous roots as possible. All plants shall be dug immediately before moving unless otherwise specified.
 2. Plants balled and in burlap and balled and platformed plants shall have a solid ball of earth of minimum specified size held in place securely by burlap and a stout rope. Oversize or exceptionally heavy plants are acceptable if the size of the ball or spread of the roots is proportionately increased to the satisfaction of the City Engineer. Broken, loose, or manufactured balls will be rejected. Balled and platformed plants shall be securely tied with a stout rope to sturdy platforms equal in size to the diameter of the upper half of the ball of earth.
- f. Delivery: All plants shall be packed, transported, and handled with utmost care to ensure adequate protection against injury. Each shipment shall be certified by state and federal authorities to be free from disease and infestation. Any inspection certificates required by law to this effect shall accompany each shipment invoice or order of stock, and, on arrival, the certificate shall be filed with the City Engineer.
- g. Inspection: Inspection of all plant material may be made at point of origin, point of delivery, or both, by an authorized representative of the City of Franklin. An inspection during digging will be made whenever such examination is deemed desirable by the City of Franklin. The City's representative shall be the sole judge of the quality and acceptability of the materials. All rejected material shall be immediately removed from the site and replaced with acceptable material at no additional cost.
- h. Wrapping and Guying Details: Materials used in wrapping, guying, protection, etc., shall be as specified herein.
- i. Peat Moss: Peat moss shall be imported Canadian sphagnum peat moss, brown, and low in content of woody material, and be free of mineral matter harmful to plant life. Peat moss shall have an acid reaction of about 4.5 pH, and have a water-absorbing capacity of 1,100 to 2,000 percent by weight. Peat moss shall be thoroughly pulverized before use except when used as a top dressing. No native or sedge peats shall be approved. Top

dressings shall be sphagnum chunks similar to "Professional Bale" as manufactured by Premier Peat Moss Co., New York, New York.

Part 3: Methods of Installation

3.01 Planting

- a. Time of Planting: Planting operations shall be conducted under favorable weather conditions during the next season or seasons which are normal for such work as determined by generally accepted practice. At the Contractor's option and full responsibility, planting operations may be conducted under unseasonable conditions without additional compensation.
- b. Layout: Planting shall be located where it is shown on the plan except where obstructions overhead or below ground are encountered or where changes have been made in construction. Prior to the excavation of planting areas or plant pits, or placing tree stakes, the Contractor shall ascertain the location of all utility lines, electric cables, and conduits so that proper precautions may be taken not to disturb or damage any subsurface improvements. Should obstructions be found, the Contractor shall promptly notify the City Engineer or his representative, who will arrange to relocate the plant material. Necessary adjustments shall be approved by the City Engineer or his representative.
- c. Setting Plants: No planting holes shall be dug until the proposed locations have been staked on the ground by the Contractor, and until such locations have been approved by the City Engineer or his representative. Each plant shall be planted in an individual hole as specified for trees and shrubs. All holes shall be dug with straight vertical sides and crowned bottoms, or as directed. All plants shall be set to ultimate finished grade, so that they will be left in the same relation to the surrounding grade as they have stood before being moved. No filling will be permitted around trunks or stems. All ropes, wires, staves, etc., shall be removed from sides and top of ball and removed from hole before filling in, unless otherwise directed by the City Engineer. Burlap shall be properly cut and removed from sides of ball. When depth is specified, it shall be understood as meaning depth below finished grade. A layer of topsoil six inches thick shall be applied to the bottom of each hole and then lightly tamped. Excess excavation from all holes shall be removed from the site.
- d. Backfilling of Planting Pits and Planting Beds: Use planting mixture of four parts topsoil, one part approved commercial horticultural peat moss. Existing subsoil to be removed from site by Contractor. Planting pits and beds shall be backfilled carefully to fill all voids and to avoid breaking or bruising roots. Tamp backfill firm to prevent settlement. When pit is nearly filled, water thoroughly and allow water to soak away. If settling of the backfill occurs after watering, add more backfill to bring to level.
- e. Trees: All trees shall be planted in holes at least two feet greater in diameter than their ball of earth or spread of roots. The depth of the holes shall be at least two feet, and as much greater as is necessary to accommodate the roots, so that when the tree is placed therein it will

not be necessary to raise or lower it to bring it to the proper finished grade. Topsoil shall be tamped under the edges of balled trees, after inspection by the City Engineer or his representative. Topsoil shall be backfilled in layers of not over nine inches in depth and each layer watered sufficiently to settle before the next layer is put in place. Enough topsoil shall be used to bring the surface to finished grade when settled. A slight "saucer," with a minimum of a 4-inch lip shall be formed around each tree to hold additional water.

- f. Shrubs: All shrubs shall be planted in holes at least one foot greater in diameter than the ball of earth or spread of roots. The depth of the holes shall be at least one foot and as much greater as is necessary to set the plant properly at finished grade. After preparation of the hole as specified, the plant shall be planted in the center of the hole. Roots of bare-rooted plants shall not be matted together, but arranged in their natural position with soil worked in among them. The hole shall be filled with topsoil and settled thoroughly by watering. Area in shrub beds between shrubs must be spaded and pulverized to a depth of six inches. Arrangement of shrubs must meet with the approval of the City Engineer or his representative and be in substantial conformance with the Drawings.

Arrangement of shrubs must meet with the approval of the Construction Superintendent. A slight "saucer" shall be formed around each plant to hold additional water. Shrubs shall not be planted closer than two feet from the edge of shrub bed.

- g. Guying: All trees less than three inches caliper, including pine trees, shall, immediately after setting to proper grade, be guyed with two sets of two strands, No. 12 gauge malleable galvanized iron. Stakes shall be of 2 inch x 2 inch hardwood lumber eight feet long, or other material approved by the City Engineer or his representative. Stakes shall not be driven where utility lines are within five feet of finished grade, but shall be placed by digging holes for them. Generally, all trees less than three-inch caliper shall be guyed as shown on Exhibit A entitled "Planting Detail for Trees Less Than Three Inch Caliper," attached hereto and made a part of these specifications.

All trees three inch caliper or greater in size, including pine trees, shall, immediately after setting to proper grade, be guyed with three sets of two strands, No. 12 gauge malleable galvanized iron, in tripod fashion. Stakes shall be of 2 inch x 4 inch hardwood lumber a minimum of 30 inches long, or other material approved by the City Engineer or his representative. Wire shall be fastened to the stake at ground line. Stakes shall not be driven where utility lines are within five feet of finished grade, but shall be placed by digging holes for them. A board one and one-half inches wide and 30 inches long of uniform thickness shall be hung on each wire. Generally, all trees three-inch caliper or greater in size shall be guyed as shown on Exhibit B entitled "Planting Detail for Trees Three Inches or Greater in Caliper," attached hereto and made a part of these specifications.

Wires shall not come in direct contact with the tree, but shall be covered with rubber hose at points of contact. Wires shall be fastened in

such a manner as to avoid pulling crotches apart. All guying shall be done to the satisfaction of the City Engineer or his representative. All guy stakes shall be placed outside the perimeter of planting pits except as noted on Exhibit A.

- h. Wrapping: The trunks of all trees shall be wrapped spirally with two thicknesses of crinkled paper cemented together with bituminous material (or approved cloth serving same purpose) in strips four inches wide immediately after planting, in a neat manner to the satisfaction of the City Engineer or his representative, to the height of the first branches, or as directed. Wrapping shall be securely tied with lightly tarred medium or coarse sisal yarn twine.
- i. Shrub Bed Weed Barrier: Woven polypropylene fabric acceptable to the City Engineer or his representative shall be used. All types of impervious plastic sheeting are not acceptable. After the planting holes are dug, the fabric may be spread over the bed. Adjacent strips should overlap at least 6 inches. Secure the fabric to the ground with wire staples. The fabric may be cut over the planting hole in a cross pattern and the flaps folded back during planting. After backfilling the planting hole, the flaps shall be turned back against the base of the shrub.
- j. Mulching:
 - 1. After planting has been approved by the City Engineer or his representative, a layer of commercial horticultural peat moss, three inches thick, shall be placed on the finished grade about all plants. The boundaries of the mulch shall be six inches greater in diameter than that of the hole. All shrub beds shall be completely covered with a similar material.
 - 2. Top dress the peat moss mulch with sphagnum chunks to a depth of one and one-half inches.
- k. Watering: Thoroughly water each plant immediately following planting.
 - 1. Pruning and Repair: All plants shall be neatly pruned and/or clipped to preserve the natural character of the plants, and in a manner appropriate to the particular requirements of each plant, and to the satisfaction of the City Engineer. No plants shall be pruned or clipped prior to delivery. Broken or badly bruised branches shall be removed with a clean cut. All pruning shall be done with sharp tools in accordance with proper pruning practice. Pruning cuts 2 inches in diameter or larger shall be painted over with approved tree paint. All accidental damage to trees and shrubs occurring during the course of planting operations, which is not so great as to necessitate removal of a branch or replacement of a plant, shall promptly be treated as required in accordance with recognized horticultural practices.

Part 4: Maintenance, Inspection, Guarantees, and Replacements

4.01 Plants

- a. The City Engineer shall prepare a maintenance schedule for the City. The Contractor shall review and approve the maintenance schedule. The City will assume the responsibility of maintenance, including watering, fertilizing, spraying, weeding, cultivating, and repairing, and tightening guy wires, etc., upon completion of the 90-day maintenance period. The Contractor shall periodically inspect the project during the guarantee period and immediately notify the City Engineer of any irregularities or deficiencies which will affect his guarantee.
- b. The Contractor shall also be responsible for resetting any plant to an upright position or to proper grade, and for the removal and replacement of any dead plant material.
- c. Guarantee: All plants shall be guaranteed to remain alive and healthy for a full 12-month period. Replacements shall be guaranteed an additional 12 months. The guarantee shall be included as part of the price.
- d. Inspection for Beginning the Guarantee Period: Inspection of the planting work, to determine its completion for beginning the guarantee period, will be made by the City Engineer or his representative, upon notice requesting such inspection by the Contractor at least seven days prior to the anticipated date. All planting must be alive and healthy in order to be considered complete. Each phase of this project will be inspected separately.
- e. Final Inspection and Replacements: Inspection of the planting to determine its final acceptance will be made at the conclusion of the guarantee period by the City Engineer or his representative. No plants will be accepted unless they are alive and healthy. The Contractor shall replace any plants which are dead or, in the opinion of the City Engineer, are in an unhealthy or unsightly condition, and/or have lost their natural shape due to dead branches. The cost of such replacement(s) shall be borne by the Contractor and shall be included in his bid price for this section of the work.
- f. 90-Day Maintenance Period to be Provided: The Contractor shall provide 90 days of maintenance after the date of final planting acceptance, and costs therefore shall be included in the prices submitted. The word MAINTENANCE as stated above shall be defined as the occasional care required in keeping the plants in a continuing healthy growing condition through watering, cultivating, adjustment of braces, and other work necessary to keep the plants in a live and vigorous condition. The word MAINTENANCE as used herein shall not be construed to include any daily or regular care of the plants as an aesthetic grooming operation. The months of December through March shall not apply toward the MAINTENANCE period.