

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, APRIL 6, 2017, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of March 23, 2017.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **X-PER-T'S SERVICES, INC. LANDSCAPING, SNOW REMOVAL AND BUILDING MAINTENANCE BUSINESS.** Special Use application by Brian F. Drumel, owner, X-Per-T's Services, Inc., to operate a landscaping, snow removal and building maintenance business upon property zoned B-4 South 27th Street Mixed-Use Commercial District, located at 8833 South 27th Street; Tax Key No. 855-9908-001. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.** [SUBJECT MATTER CONTINUED FROM THE MARCH 9, 2017 MEETING. THIS PUBLIC HEARING WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON MARCH 9, 2017, AND THEN POSTPONED AND CONTINUED TO THE APRIL 6, 2017 PLAN COMMISSION MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.]
2. **STEPHANIE MARIE DANCE COMPANY, LLC; "DANCE STUDIOS, SCHOOLS, AND HALLS" USE.** Special Use application by Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, to operate a dance Company (competitive dance teams ranging in age from 4 to 18 years; noncompetitive classes offered) within a 6,500 square foot vacant tenant space, upon property zoned M-1 Limited Industrial District, located at 11311 West Forest Home Avenue; Tax Key No. 748-9994-003. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **HOME DEPOT (STORE 4907) OUTDOOR SALES.** Temporary Use application by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) located at 6489 South 27th Street; Tax Key No. 714-9996-015.

Franklin Plan Commission Agenda

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E. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

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

REMINDERS:

Next Regular Plan Commission Meeting: April 20, 2017

City of Franklin
Plan Commission Meeting
March 23, 2017
Minutes

Unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the March 23, 2017 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners Patricia Hogan, Patrick Leon, Kevin Haley, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused was Commissioner David Fowler. Also present were Principal Planner Nick Fuchs, Planning Manager Joel Dietl and Alderwoman Susan Mayer.

B. Approval of Minutes

1. Regular Meeting of March 9, 2017.

Commissioner Hogan moved and Commissioner Haley seconded approval of the March 9, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (5-0-0).

C. Public Hearing Business Matters

1. **LIBAN'S LAWN SERVICE, INC. OPERATION EXPANSION.** Special Use Amendment application by Mark Liban, President of Liban's Lawn Service, Inc., for expansion of a lawn maintenance, landscaping and snow removal business operation, upon property zoned M-1 Limited Industrial District, located at 11307 West Forest Home Avenue; Tax Key No. 748-9994-003.

Planning Manager Dietl presented the request by Mark Liban, President of Liban's Lawn Service, Inc., for expansion of a lawn maintenance, landscaping and snow removal business operation, upon property zoned M-1 Limited Industrial District, located at 11307 West Forest Home Avenue.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:04 p.m. and closed at 7:07 p.m.

Commissioner Hogan moved and Commissioner Haley seconded a motion to recommend approval of a Resolution to amend Resolution No. 2002-5350, imposing conditions and restrictions for the approval of a Special Use for property located at 11307 West Forest Home Avenue to expand the operation of a lawn maintenance, landscaping and snow removal business, subject to amending the time-frames for Conditions No. 4 and No. 8 to within 60 days and Conditions No. 5 and No. 6 to 30 days, as well as adding a condition stating that gaps within the existing fence shall be repaired and/or filled within 60 days of the date of adoption of the resolution. On voice vote, all voted 'aye'. Motion carried (4-1-0).

2. BRIDGESTONE CAPITAL LLC SINGLE-FAMILY RESIDENCE (2) CONSTRUCTION. Rezoning application by Ryan S. Konicek, Operator of Bridgestone Capital LLC, to rezone a portion of the property located at 8647 South 35th Street from C-1 Conservancy District to R-6 Suburban Single-Family Residence District to allow for construction of 2 single-family residences on the property; Tax Key No. 833-9999-000.

Planning Manager Dietl presented the request by Ryan S. Konicek, Operator of Bridgestone Capital LLC, to rezone a portion of the property located at 8647 South 35th Street from C-1 Conservancy District to R-6 Suburban Single-Family Residence District to allow for construction of 2 single-family residences on the property.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened at 7:35 p.m. and closed at 7:42 p.m.

City Engineer Morrow moved and Commissioner Haley seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District. On voice vote, all voted 'aye'. Motion carried (5-0-0).

D. Business Matters

1. PRAIRIE GRASS PRESERVE SUBDIVISION LOT 42 TWO UNIT CONDOMINIUM PLAT. Declaration of Condominium (Final) Plat application by Dan Kanitz, member of Wyndham Homes LLC, for construction of a two unit condominium, for property zoned R-7 Two-Family Residence District, located at 9062 and 9064 South Cordgrass Circle East, Lot 42 in Prairie Grass Preserve Subdivision; Tax Key No. 847-0081-000. None.

Planning Manager Dietl presented the request by Dan Kanitz, member of Wyndham Homes LLC, for construction of a two unit condominium, for property zoned R-7 Two-Family Residence District, located at 9062 and 9064 South Cordgrass Circle East, Lot 42 in Prairie Grass Preserve Subdivision.

Commissioner Leon moved and Alderman Dandrea seconded a motion to recommend approval of a resolution conditionally approving a condominium Final Plat for lot 42 in Prairie Grass Preserve Subdivision (at 9062 and 9064 South Cordgrass Circle East). On voice vote, all voted 'aye'. Motion carried (5-0-0).

2. ZUERN BUILDING PRODUCTS, INC. OPEN STORAGE BUILDING ADDITION. Site Plan Amendment application by Gen3 Ventures, LLC, for the construction of an 18 foot by 60 foot (1,080 square foot) addition to the existing northern open storage building, for property zoned M-1 Limited Industrial District, located at 9545 South 80th Street; Tax Key No. 896-9996-003.

Planning Manager Dietl presented the request by Gen3 Ventures, LLC, for the construction of an 18 foot by 60 foot (1,080 square foot) addition to the existing northern open storage building, for property zoned M-1 Limited Industrial District, located at 9545 South 80th Street.

Commissioner Haley moved and Commissioner Leon seconded a motion to approve a Resolution amending the Site Plan for property located at 9545 South 80th Street to allow for a 1,080 square foot addition to the existing northern open storage building at Zuern Building Products, Inc.. On voice vote, all voted 'aye'. Motion carried (5-0-0)

E. Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of March 23, 2017 at 7:49 p.m. All voted 'aye'; motion carried. (5-0-0)



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of March 9, 2017

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for a landscaping, snow removal and building maintenance business use upon property located at 8833 South 27th Street, subject to the conditions of approval in the attached draft resolution.

Project Name: X-Per-T's Services, Inc. Special Use

Project Address: 8833 South 27th Street

Applicant: X-Per-T's Services, Inc.

Owners (property): X-Per-T's Services, Inc. (L/C)
Ervin W & Beverly Martens

Current Zoning: B-4 South 27th Street Mixed Use Commercial District

2025 Comprehensive Master Plan Mixed Use

Use of Surrounding Properties: Vacant land zoned B-4 South 27th Street Mixed Use Commercial District (to the north), Commercial (to the south), the City of Oak Creek (to the east) and vacant land zoned R-3 Suburban/Estate Single-Family Residence District (to the west).

Applicant Action Requested: Recommendation of approval for the proposed Special Use for X-Per-T's Services, Inc. to operate at 8833 South 27th Street.

Please note:

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

INTRODUCTION:

On January 26, 2017, Brian F. Drumel submitted a Special Use application on behalf of X-Per-T's Services, Inc. requesting approval to operate a landscaping, snow removal and building maintenance business use within the former National True Value building located at 8833 South 27th Street. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 0782, Lawn and Garden Services (with outdoor storage) and SIC Title No. 7349 Building Maintenance Services, Not Elsewhere Classified, which are both allowed within the B-4 South 27th Street Mixed Use Commercial District as a Special Use.

At the March 9, 2017 meeting of the Plan Commission, following a properly noticed public hearing, the following action was approved: move to postpone and continue the Public hearing to the April 6, 2017 Plan Commission meeting.

HISTORY:

X-Per-T's Services, Inc. has been operating at 8833 South 27th Street since April of 2016, without any approvals from the City of Franklin. In order to address this situation, Staff has been working with X-Per-T's Services, Inc. on obtaining Special Use approval.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate a landscaping, snow removal and building maintenance business use in the west portion of an approximately 16,250 square foot existing building located at 8833 South 27th Street. The property is approximately 1.56 acres or 68,000 square feet. According to the Project Narrative, X-Per-T's Services, Inc. has two (2) full time and three (3) part time employees. Office operations for this business are conducted at a different location in Greendale. The building is primarily used as a workshop and storage space for equipment. Proposed hours of operation for the business are Monday through Saturday from 7:00 a.m. to 5:00 p.m. According to the applicant, no vehicles over 8,000 pounds rated gross vehicle weight will be parked outside overnight.

The applicant is proposing to tighten loose boards and paint the exterior of the building. Therefore, Staff recommends painting the exterior of the building located at 8833 South 27th Street, within 120 days of the date of adoption of the Special Use Resolution. Staff also recommends repairing loose boards and any holes in the walls of the building located at 8833 South 27th Street, within 120 days of the date of adoption of the Special Use Resolution.

In the Project Narrative, the applicant has proposed to remove the former National True Value pole sign along South 27th Street. Staff supports this effort to improve the aesthetics of the property. Therefore, Staff suggests X-Per-T's Services, Inc. remove the former National True Value pole sign from the property.

Outdoor Storage:

X-Per-T's Services, Inc. is currently storing several large piles of leaves, stumps, brush, miscellaneous debris, etc. on the west side of the building. There are also pallets and other miscellaneous junk strewn along the north side of the building. According to §178-7(E) of the Municipal Code, "No person or other entity shall allow an accumulation of rocks, trees, stumps, brush, waste building material or other debris from land development or improvement, building construction, street grading or other activities upon the surface of the land for a period of more than 30 days." Therefore, Staff recommends the leaves, stumps, brush, debris, and junk on the north and west sides of the building at 8833 South 27th Street be removed within 60 days of the date of adoption of the Special Use Amendment Resolution.

The applicant is proposing to use the side yard of the property (west side of the building) as an outdoor storage yard for the landscaping portion of the business. According to Section 15-3.0803(F) of the City of Franklin Unified Development Ordinance, outdoor storage shall be screened from the street and residential properties. The applicant's Site Plan depicts an eight-foot tall solid wood fence along 50-feet of the west property line and extending 15-feet west from the southwest corner of the building. The fence is intended to screen the proposed storage yard from the single-family residences to the west and West Franklin Terrace to the south. In order to prevent erosion and sediment runoff from the property, Staff recommends the applicant install

gravel throughout the proposed outdoor storage yard within 120 days of the date of adoption of the Special Use Resolution. The applicant is proposing to construct a material storage bin for wood mulch within the proposed outdoor storage yard. However, the proposed landscape material bin is not depicted on the Site Plan. Furthermore, there are several technical Site Plan corrections pointed out in Staff's review comments that have not been addressed. Therefore, Staff recommends X-Per-T's Services, Inc. submit a revised Site Plan, addressing technical corrections, to the Department of City Development for review and approval by Staff, within 120 days of the date of adoption of the Special Use Resolution.

Landscaping:

The applicant has not proposed any landscaping as part of their Special Use application. The Landscape Surface Ratio of the site is approximately 54.5%, which complies with the B-4 South 27th Street Mixed Use Commercial District minimum Landscape Surface Ratio of 0.30. The applicant is proposing a wooden fence along the west and part of the south side of the proposed outdoor storage area. Existing trees and shrubs growing in southwest corner of the property screen the south side of the proposed outdoor storage yard during the growing season. However, planting evergreen trees along the inside of the deciduous trees and shrub would provide a year round buffer. Therefore, Staff recommends X-Per-T's Services, Inc. plant five (5) evergreens trees of a species, size, and in a location to be reviewed and approved by Department of City Development Staff, within 60 days of the date of adoption of the resolution approving the Special Use.

Natural Resource Protection Plan:

The Wisconsin Department of Natural Resources Surface Water Data Viewer identifies a portion of a wetland on the northwest corner of the property. Therefore, Staff recommends the applicant submit a Natural Resource Protection Plan in accordance with Section 15-7.0103-Q of the City of Franklin Unified Development Ordinance to the Department of City Development for review and approval by Staff, within 60 days of the date of adoption of the resolution approving the Special Use. Furthermore, the applicant has not yet provided a written conservation easement for staff review. Staff recommends the applicant submit a written conservation easement document to the Department of City Development for review and approval by the Common Council, within 120 days of the date of adoption of the resolution approving the Special Use.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance defines requirements for off-street parking. According to this section, a contractor shop is required to provide 1.0 space per 1,000 square feet of gross floor area (GFA), plus required parking spaces for offices, or similar uses where those uses exceed 10% GFA. If one applies this standard, then the approximately 3,000 square foot landscaping, snow removal and building maintenance business use would be required to provide a minimum of three (3) off-street parking spaces.

The subject building has a large paved parking lot, but the parking lot striping has faded beyond recognition. The applicant is proposing to re-tar the existing asphalt and paint parking lines within the area of the building X-Per-T's Services will use. Staff recommends striping the off-street parking areas in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance, within 120 days of the date of adoption of the resolution approving the Special Use. Furthermore, the applicant is proposing to reserve one (1) off-street parking space

on the property for persons with disabilities as required by Section 15-5.0202(I) of the UDO.
Staff recommends the applicant stripe one (1) accessible parking space in accordance with Table 15-5.0202(I) of the City of Franklin Unified Development Ordinance, within 120 days of the date of adoption of the resolution approving the Special Use.

Dumpster Enclosure:

According to Section 15-3.0803(I) of the Unified Development Ordinance, “All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.” Currently, an unscreened dumpster is being stored outside at the southwest corner of the building. Therefore,
Staff recommends dumpsters be stored inside the building at 8833 South 27th Street unless the applicant submits plans for a dumpster enclosure in accordance with Section 15-3.0803(I) of the City of Franklin Unified Development Ordinance to the Department of City Development for review and approval by Staff.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for a landscaping, snow removal and building maintenance business use upon property located at 8833 South 27th Street, subject to the conditions of approval in the attached draft resolution.

RESOLUTION NO. 2017-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A LANDSCAPING, SNOW
REMOVAL AND BUILDING MAINTENANCE BUSINESS USE UPON PROPERTY
LOCATED AT 8833 SOUTH 27TH STREET
(BRIAN F. DRUMEL, OWNER, X-PER-T'S SERVICES, INC., APPLICANT)

WHEREAS, Brian F. Drumel, owner, X-Per-T's Services, Inc., having petitioned the City of Franklin for the approval of a Special Use within a B-4 South 27th Street Mixed-Use Commercial District under Standard Industrial Classification Title No. 0782 "Lawn and Garden Services" and Standard Industrial Classification Title No. 7349 "Building Cleaning and Maintenance Services, Not Elsewhere", to allow for a landscaping, snow removal and building maintenance business use, upon property located at 8833 South 27th Street, bearing Tax Key No. 855-9908-001, more particularly described as follows:

PARCEL A: That part of the Northeast 1/4 of Section 24, in Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in the East line of said 1/4 Section, 836.30 feet South of the Northeast corner of said 1/4 Section; thence South 88° 26' 40" West and parallel to the North line of the South 1/2 of the North 1/2 of said 1/4 Section 357.79 feet to a point; thence South and parallel to the East line of said 1/4 Section, 163.96 feet to a point; thence North 88° 29' 30" East and parallel to the South line of the South 1/2 of the North 1/2 of said 1/4 Section, 357.78 feet to a point in the East line of said 1/4 Section; thence North along the East line 164.30 feet to the place of commencement, excepting the East 80 feet and the South 30 feet thereof.

PARCEL B: That part of the South 1/2 of the North 1/2 of the Northeast 1/4 of Section 24, in Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Northeast corner of said 1/4 Section; running thence South along the East line of said 1/4 Section 666.30 feet to a point; thence South 88° 29' 40" West along the North line of South 1/2 of the North 1/2 of said 1/4 Section, 357.79 feet to the place of beginning of the land about to be described; continuing thence South 88° 29' 40" West 100.00 feet to a point; thence South and parallel to the East line of said 1/4 Section, 333.93 feet to a point; thence North 88° 29' 30" East and parallel to the South line of North 1/2 of said 1/4 Section 100.00 feet to a point; thence North and parallel to the East line of said 1/4 Section, 334.02 feet to the place of commencement, excepting the South 30 feet thereof; and

BRIAN F. DRUMEL, OWNER, X-PER-T'S SERVICES, INC. – SPECIAL USE
RESOLUTION NO. 2017-_____

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WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 9th day of March, 2017, said hearing postponed and continued at the April 6, 2017 Plan Commission meeting, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Brian F. Drumel, owner, X-Per-T's Services, Inc., for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Brian F. Drumel, owner, X-Per-T's Services, Inc., successors and assigns, as a landscaping, snow removal and building maintenance business use, which shall be developed in substantial compliance with, and operated and maintained by Brian F. Drumel, owner, X-Per-T's Services, Inc., pursuant to those plans City file-stamped March 28, 2017, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Brian F. Drumel, owner, X-Per-T's Services, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the X-Per-T's Services, Inc. landscaping, snow removal and building maintenance business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

BRIAN F. DRUMEL, OWNER, X-PER-T'S SERVICES, INC. – SPECIAL USE
RESOLUTION NO. 2017-_____

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3. The approval granted hereunder is conditional upon Brian F. Drumel, owner, X-Per-T's Services, Inc. and the landscaping, snow removal and building maintenance business use for the property located at 8833 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The exterior of the building located at 8833 South 27th Street shall be painted within 120 days of the date of adoption of this Resolution.
5. Loose boards and holes in the exterior walls of the building located at 8833 South 27th Street shall be repaired within 120 days of the date of adoption of this Resolution.
6. Leaves, stumps, brush, debris and junk on the north and west sides of the building located at 8833 South 27th Street shall be removed within 60 days of the date of adoption of this Resolution.
7. Gravel shall be installed throughout the proposed outdoor storage yard within 120 days of the date of adoption of this Resolution.
8. X-Per-T's Services, Inc. shall submit a revised Site Plan, addressing technical corrections, to the Department of City Development for review and approval by Staff within 120 days of the date of adoption of this Resolution.
9. X-Per-T's Services, Inc. shall plant five (5) evergreen trees of a species, size and in a location to be reviewed and approved by Department of City Development Staff within 60 days of the date of adoption of this resolution.
10. X-Per-T's Services, Inc. shall submit a Natural Resource Protection Plan in accordance with Section 15-7.0103Q. of the City of Franklin Unified Development Ordinance to the Department of City Development for review and approval by Staff within 60 days of the date of adoption of this Resolution.
11. X-Per-T's Services, Inc. shall submit a written conservation easement document to the Department of City Development for review and approval by the Common Council within 120 days of the date of adoption of this Resolution.
12. The off-street parking areas shall be striped in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance within 120 days of the date of adoption of this Resolution.
13. One (1) accessible off-street parking space in accordance with Section 15-5.0202I. shall be striped within 120 days of the date of adoption of this Resolution.

BRIAN F. DRUMEL, OWNER, X-PER-T'S SERVICES, INC. – SPECIAL USE
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14. Dumpsters shall be stored inside the building at 8833 South 27th Street, unless X-Per-T's Services, Inc. submits plans for a dumpster enclosure in accordance with Section 15-3.0803I. of the City of Franklin Unified Development Ordinance to the Department of City Development for review and approval by Staff.

15. [other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event Brian F. Drummel, owner, X-Per-T's Services, Inc., successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this

_____ day of _____, 2017.

BRIAN F. DRUMEL, OWNER, X-PER-T'S SERVICES, INC. – SPECIAL USE
RESOLUTION NO. 2017-_____

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

APPROVED:

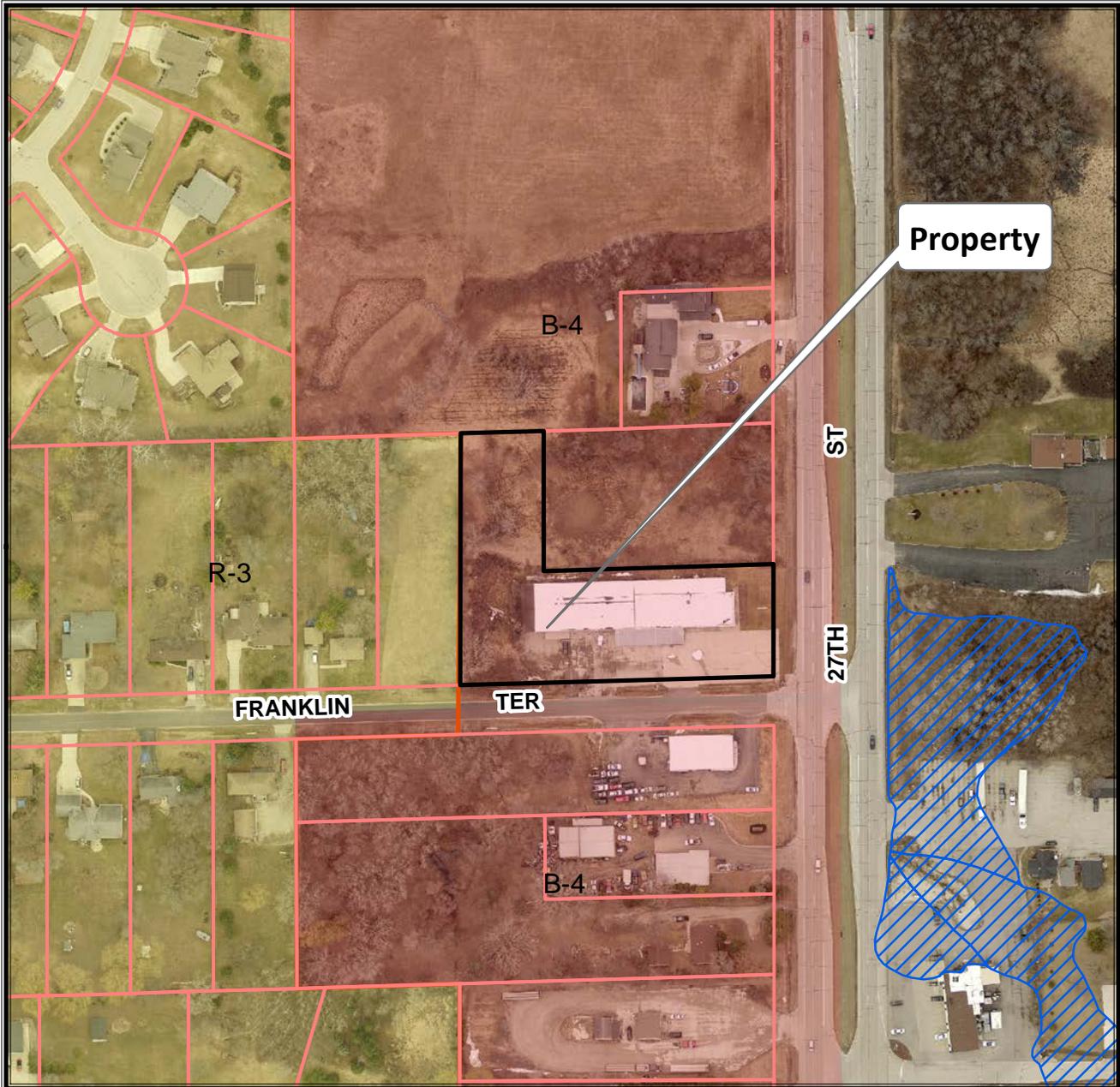
Stephen R. Olson, Mayor

ATTEST:

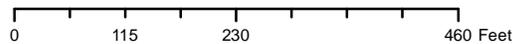
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

8833 S. 27th Street
TKN 855 9908 001



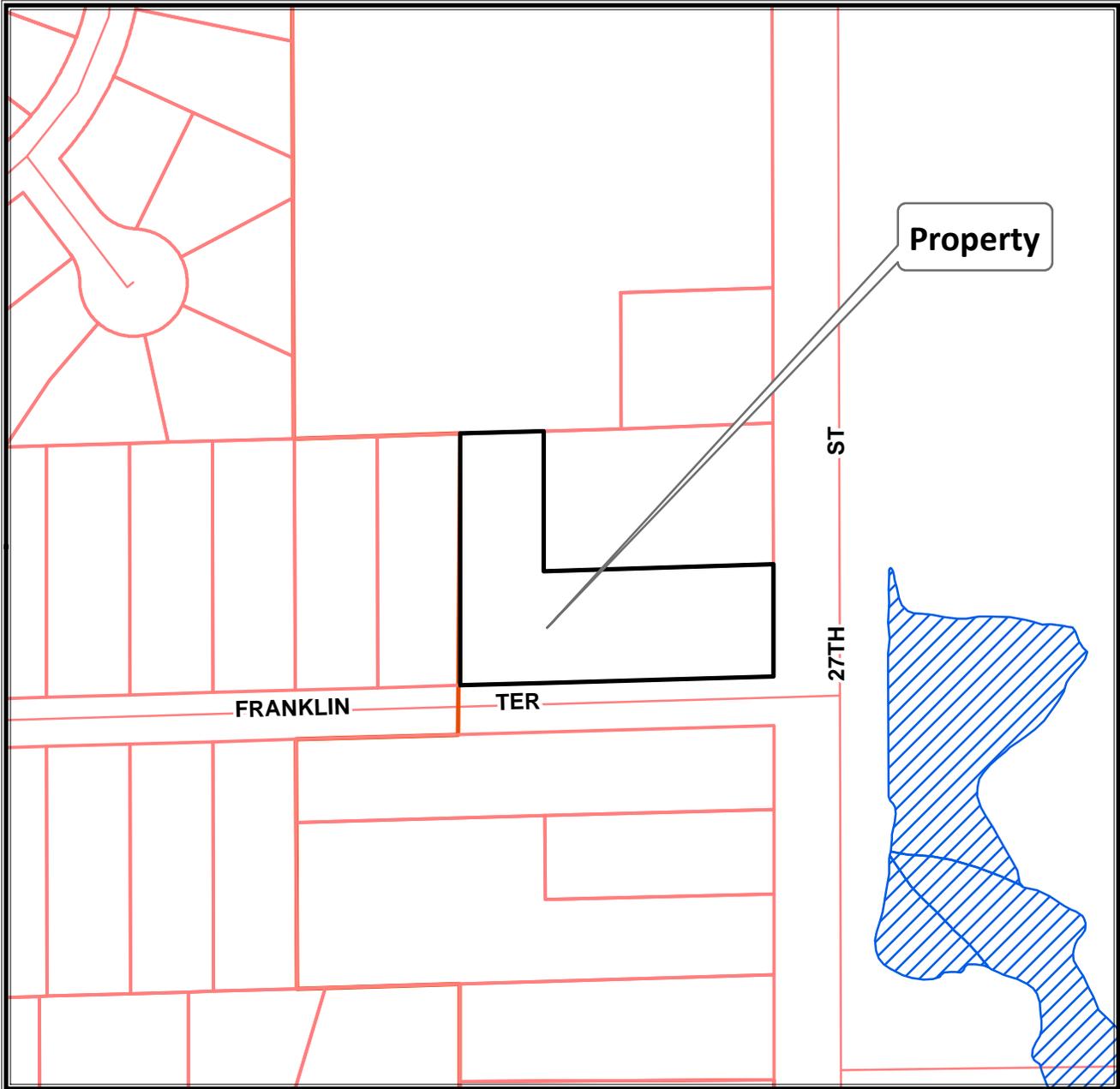
Planning Department
(414) 425-4024



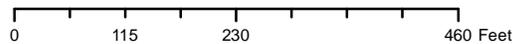
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



8833 S. 27th Street
TKN 855 9908 001



Planning Department
(414) 425-4024



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





March 27, 2017

Orrin Sumwalt
Associate Planner
City of Franklin

Dear Mr. Sumwalt,

X-Per-T's Services, Inc is a landscaping and snow plow service company who has 2 full time employees and 3 part-time employees. Every work day, the 2 full-time employees arrive at the Franklin property to pick up the equipment needed for the day and leave after approximately 30 minutes to meet the part-time employees at the work site. After the work for the day is complete, the 2 full-time employees return to the shop with the equipment, put things away and leave for the day.

This could be less in the event that there is no landscaping work or snow plow services needed.

The office operations of the business are conducted at a different location in Greendale, WI.

In addition, within the next 5 months, X-Per-T's Services will add a 50' fence on the south side of the property and a 15' fence coming off the building on the southwest corner to hide any views into the yard area. We will also tighten up any lose boards on the building and repaint the entire exterior.

We will build a cement block stall to keep the one style of mulch that we keep on hand contained.

X-Per-T's Services will have a dumpster on wheels that we will keep indoors and only put out in the yard when the waste company will be emptying it.

We will also remove the old True Value sign completely to the ground. Finally, we will re-tar the existing asphalt and paint parking lines with 1 handicap space for the area in which X-Per-T's Services will use.

If you have any further question, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Brian F. Drumel".

Brian F. Drumel
Owner



Experts you can count on.
(414) 421-1015 • www.X-Per-Ts.com
PO Box 285 • Greendale, WI 53129

Franklin

MAR 28 2017

City Development

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: Our special use permit will follow all regulations of the B-4 zoning code.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: No. No Undue Adverse Impact

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: There will be no interference with surrounding development

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: There are currently adequate Public Facilities

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: No Traffic congestion will occur due to our business.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: There will be no destruction of significant features

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: X-Per-T's Services will comply with standard.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: Our special use permit fits under B-4 zoning permit

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: Our special use permit will not have a negative effect on neighborhood or community

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: No. X-Per-T's Services owns the building this is the location we prefer to occupy.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

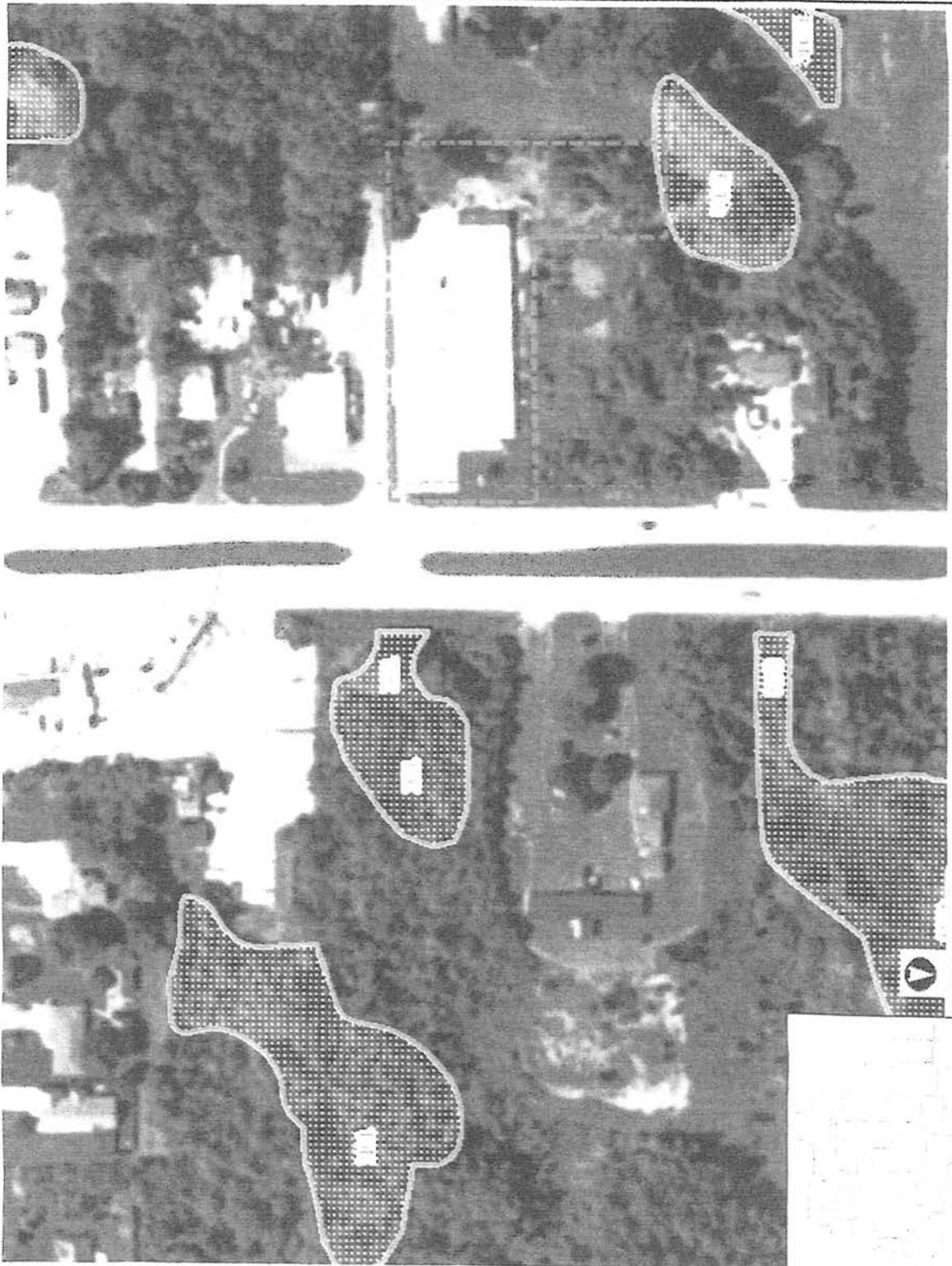
Response: Grounds will be kept to city standards

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: There will be no out of ordinary usage of the grounds or building.



Surface Water Data Viewer Map



Legend

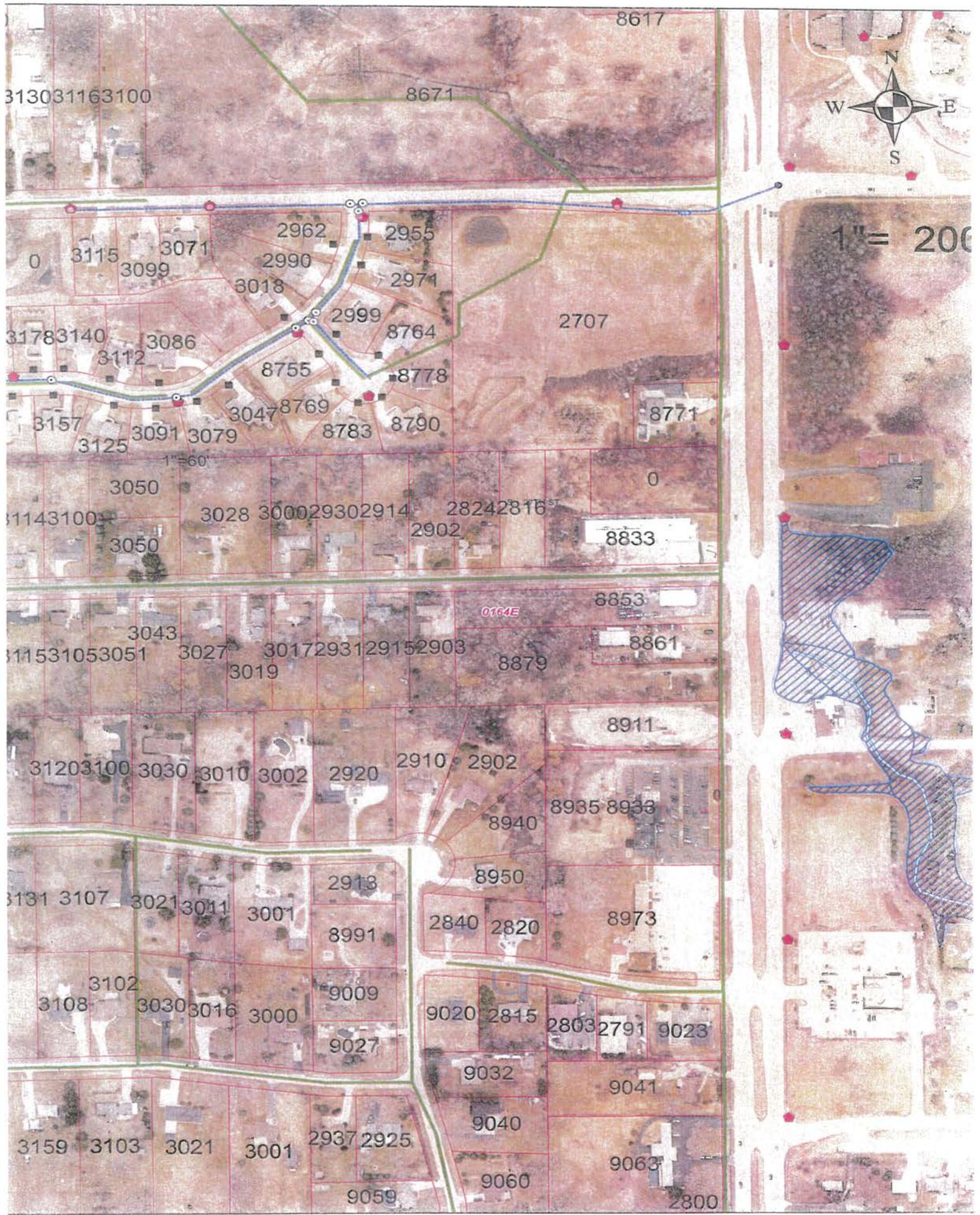
- Wetland Class Points**
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/drainaged wetland
 - Wetland too small to delineate
- Filled Points**
- Wetland Class Areas**
 - Wetland
 - Upland
- Filled Areas**
- Rivers and Streams**
- Intermittent Streams**
- Lakes and Open water**

Notes

DNR's AERL The information shown on these maps has been obtained from various sources, and use of varying size, reliability, and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about hydrology or public access. No warranty, expressed or implied, is made regarding accuracy, reliability, or legality of the information depicted on this map. For more information, see the DNR Legal Notice web page: <http://dnr.wi.gov/legal/>



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CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of April 6, 2017

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use for the Stephanie Marie Dance Company business use upon property located at 11311 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

Project Name: Stephanie Marie Dance Company Special Use

Project Address: 11311 W. Forest Home Avenue

Applicant: Becky Bontempo, Partner, Stephanie Marie Dance Company

Owners (property): FHCC, LLC

Current Zoning: M-1 Limited Industrial District

2025 Comprehensive Master Plan: Industrial

Use of Surrounding Properties: M-1 District zoned industrial land to the north, M-2 zoned industrial land and single-family residential to the south, single-family residential to the east and commercial to the west

Applicant Action Requested: Recommendation of approval for the proposed Special Use for the Stephanie Marie Dance Company

INTRODUCTION:

On March 7, 2017, the applicant filed an application for a Special Use to allow the Stephanie Marie Dance Company to locate within vacant tenant space at 11311 W. Forest Home Avenue, zoned M-1 Limited Industrial District.

The subject business use is classified as Standard Industrial Classification Code No. 7911: Dance Studios, Schools, and Halls. In 2016, the City adopted an ordinance allowing SIC Code No. 7911 as a Special Use in the M-1 District. The SIC manual describes SIC Title No. 7911 Dance Studios, Schools, and Halls as:

“Establishments primarily engaged in operating dance studios, schools, and public dance halls or ballrooms. Establishments primarily engaged in renting facilities used as dance halls or ballrooms are classified in Real Estate, Industry 6512.”

The following specific uses are associated with SIC Title No. 7911 and included in the description:

- Ballroom operation
- Children's dancing schools
- Dance hall operation

- Dance instructors
- Dance studios and schools
- Discotheques, except those serving alcoholic beverages
- Professional dancing schools

PROJECT DESCRIPTION AND ANALYSIS:

Special Use:

The Stephanie Marie Dance Company provides dance instruction to four competitive dance teams ranging in age from 4 to 18 years with approximately 60 dancers. The company also offers noncompetitive classes. Currently 80 children are enrolled in their program, including competition and studio classes. The school employs three coaches and five assistant teachers, in addition to the three ownership partners.

If approved, the school will locate within an existing 6,500 square foot tenant space located at the northwest corner of the building. Typical class hours are Monday through Thursday, 4:00 p.m. to 9:00 p.m. There will also be Saturday and Sunday hours depending upon their needs. Weekend hours will typically be between 9:00 a.m. and 3:00 p.m.

The property contains several buildings with a mix of existing tenants generally consisting of light manufacturing, warehousing, office, landscaping, etc. The property has approximately 173 parking spaces onsite, which are shared by all tenants. Staff is not aware of any parking issues related to this property.

The applicant is not proposing any new landscaping, lighting or exterior modifications to the building. Staff would anticipate tenant signage being added to the existing monument sign, which requires review and approval by the Architectural Review Board and a Sign Permit issued by the Inspection Department.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed Special Use for the Stephanie Marie Dance Company business use upon property located at 11311 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

RESOLUTION NO. 2017-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE FOR A DANCE INSTRUCTION USE UPON
PROPERTY LOCATED AT 11311 WEST FOREST HOME AVENUE
(REBECCA BONTEMPO, PARTNER, STEPHANIE MARIE
DANCE COMPANY, LLC, APPLICANT)

WHEREAS, Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 7911 "Dance Studios, Schools, and Halls", to allow for a dance instruction use (competitive dance teams ranging in age from 4 to 18 years; noncompetitive classes offered) within a 6,500 square foot vacant tenant space, upon property located at 11311 West Forest Home Avenue, bearing Tax Key No. 748-9994-003, more particularly described as follows:

All of Outlot A of Block 1; all of Lot 9 and 10 of Block 2; of the North Cape Industrial Park, and part of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more fully described as follows: Beginning at the Northeast corner of Lot 9, Block 2 of the North Cape Industrial Park as platted; thence South 00 degrees 24'00" East, along the Easterly line of said North Cape Industrial Park and Westerly line of Block 8, North Cape Estates Addition and as extended, 598.15 feet to a point being on the North line of the Southerly 50 acres of said 1/4 section; thence North 88 degrees 37'56" West, along said North line, 1035.79 feet to a point being on the Easterly right-of-way line of West Forest Home Avenue; thence North 16 degrees 39'13" East, along said Easterly right-of-way line, 582.97 feet to a point being at the Southwesterly corner of the North Cape Industrial Park as platted; thence South 87 degrees 19'58" East, along said Southerly plat line, 453.13 feet to a point being at the Northeast corner of Outlot A of said Block 1, said point being on the Westerly right-of-way line of south 112th Street; thence North 88 degrees 15'51" East, 60.15 foot to a point being at the Northwest corner of the South 1/2 of said Lot 9, Block 2, as platted; thence South 88 degrees 30'10" East, along the North line of said Lot 9, 346.90 feet (recorded as 346.92 feet) to the place of beginning; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 6th day of April, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain

REBECCA BONTEMPO, PARTNER, STEPHANIE MARIE DANCE COMPANY, LLC –
SPECIAL USE

RESOLUTION NO. 2017-_____

Page 2

conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, successors and assigns, as a dance instruction use, which shall be developed in substantial compliance with, and operated and maintained by Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, pursuant to those plans City file-stamped March 28, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Stephanie Marie Dance Company, LLC dance instruction facility, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, and the dance instruction use for the property located at 11311 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for

and applicable to the project to be developed and as presented for this approval.

4. [other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event Rebecca Bontempo, Partner, Stephanie Marie Dance Company, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

REBECCA BONTEMPO, PARTNER, STEPHANIE MARIE DANCE COMPANY, LLC –
SPECIAL USE
RESOLUTION NO. 2017- _____
Page 4

APPROVED:

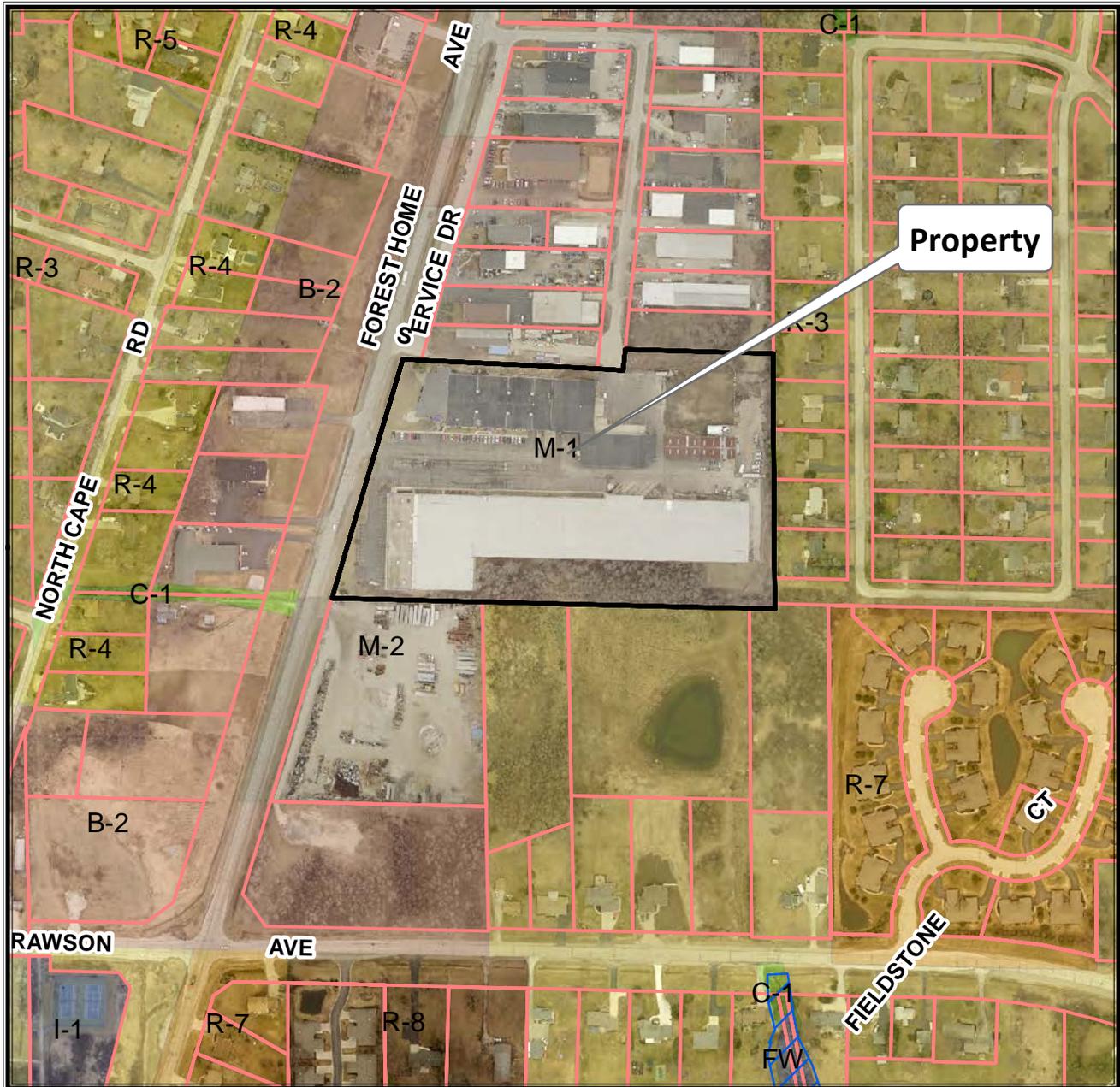
Stephen R. Olson, Mayor

ATTEST:

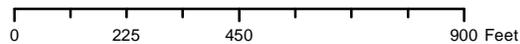
Sandra L. Wesolowski, City Clerk

YES _____ NOES _____ ABSENT _____

11311 W. Forest Home Ave.
TKN 748 9994 003

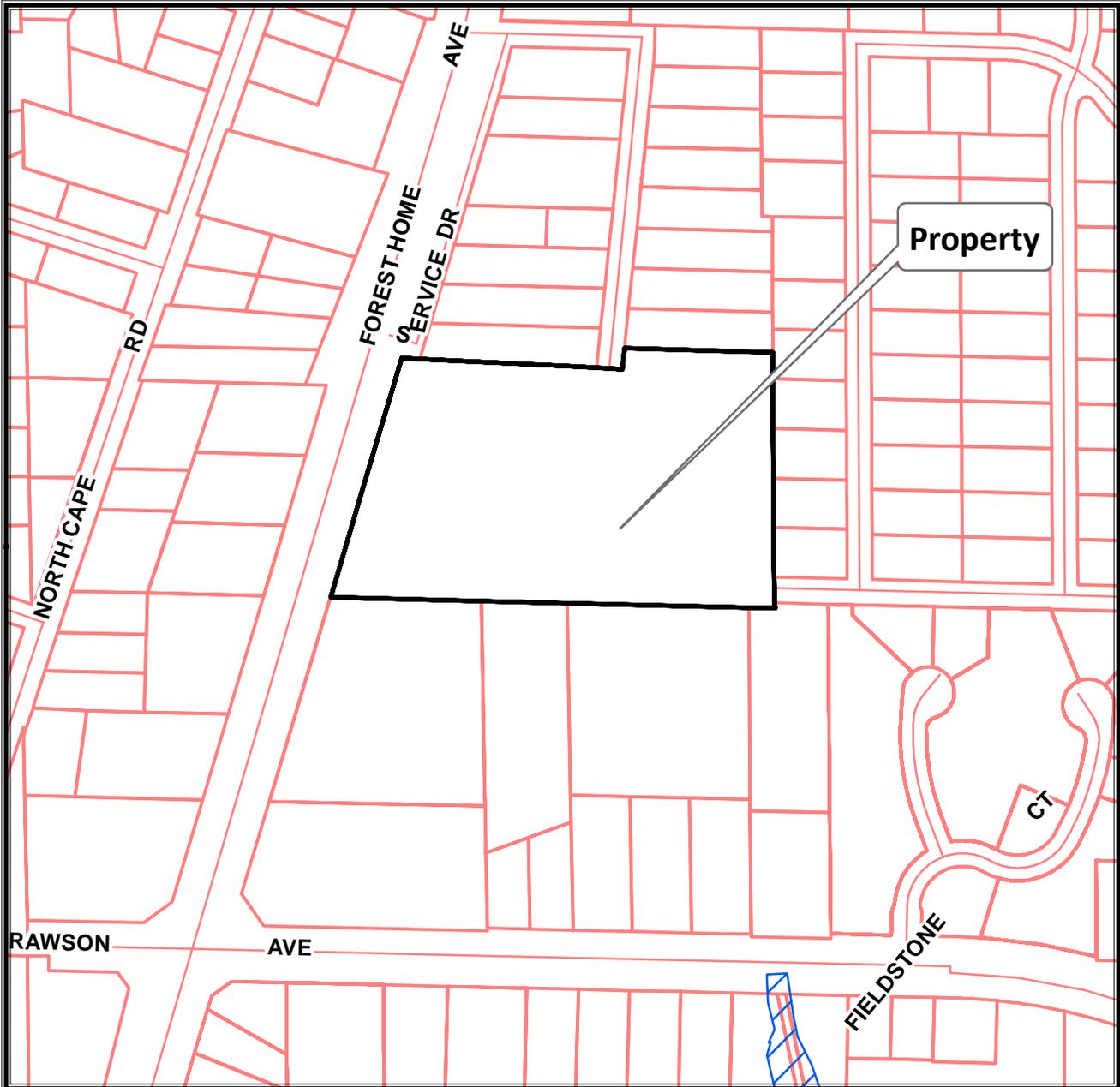


Planning Department
(414) 425-4024



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

11311 W. Forest Home Ave.
TKN 748 9994 003



Planning Department
(414) 425-4024



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

Stephanie Marie Dance Company, LLC

The Stephanie Marie Dance Company believes in providing ALL DANCERS with the ability to take classes, perform and compete. We focus on teaching and leading our students, that's why our choreography and costumes are age-appropriate. Experience the difference today, experience the Stephanie Marie Dance Company.

The Stephanie Marie Dance Company is committed to providing the best competitive and performance experience to their dancers. We are a competitive company that challenges our athletes to the discipline, determination and passion it takes to become an All-Star Dancer. We offer training in ballet, lyrical, jazz, pom, hip hop, technique classes, private camps, recreational classes and private coaching.



After 4 years partnering with the Greenfield Recreation Department, the Stephanie Marie Dance Company has grown so fast that it is time for us to branch out into our own space.

- ★ Currently we have 80 children enrolled in our program. This includes competition kids and studio type classes.
- ★ In our new space we will employ 3 coaches and 5 assistant teachers. This number will change based on enrollment. The 3 partners will also work the floor and schedule.
- ★ The hours will be Monday - Thursday 4pm-9pm. Saturday and Sunday hours will fluctuate depending on needs. Hours for weekends would be 9am - 3pm.
- ★ Our competition kids have won numerous awards. We compete at the team, solo, duet, trio and small group level.
- ★ We Coach ages 4-18.

Please visit our website or facebook page to experience the SMDC life and see what our family is all about- www.smdcdance.com



Franklin

MAR 28 2017

City Development

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: Stephanie Marie Dance Company offers both competitive dance instruction along with non-competitive studio classes. Our hours of operation can vary, but will typically run Monday - Thursday 4pm-9pm with occasional weekend classes.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: No it will not. Considering our hours are outside of typical office hours we do not anticipate any effect upon our neighbors.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: Yes. We have no plans for any additional development.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: The common area restrooms will at all times be accessible to our customers. Typically parents drop their children off for their class times. If parents choose

to stay we believe the existing parking at the property is more than adequate.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: Our studio staff and customers will use the driveway already used by the property. Again, with our hours being after typical office hours our traffic will not cause any additional congestion to the area or the driveway in and out.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: We don't plan to make any of these types of alterations.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: Understood.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: We have submitted all requested documents. We have no intentions of operating outside of our approved zoning permit.

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility

that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: The Stephanie Marie Dance Company prides itself on coaching young people to be confident, compassionate and competitive. While in the City of Greenfield we have been thrilled to be a part of their community working with their youth through their recreational program. Our Studio also coordinates an annual event with the Milwaukee Admirals- currently called the SouthShore Community Night with the Admirals. Our girls are required to do different service hours throughout the year, besides their required training for competition.

While at greenfield 2 of our teachers were honored with instructor of the year recognition.

Stephanie Marie Dance Company works hard to keep costs lower than our competitors to make competitive and studio dance more accessible to kids of all walks of life.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

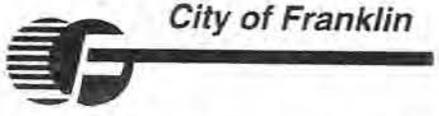
Response: We don't believe this is applicable.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: Besides our limitations due to our lease, the Stephanie Marie Dance Company has no plans for any construction or landscape changes.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: We do not feel that our studio will negatively affect neighboring businesses or the neighborhood.



Date of Application: _____

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

Complete, accurate and specific information must be entered. *Please Print.*

Applicant (Full Legal Name[s]): Name: <u>Rebecca Bontempo</u> Company: <u>Stephanie Marie Dance Co.</u> Mailing Address: <u>625 Westfield Way #10</u> City / State: <u>Pewaukee WI</u> Zip: <u>53072</u> Phone: <u>414-403-2631</u> Email Address: <u>smdbontempo@gmail.com</u>		Applicant is Represented by: (contact person)(Full Legal Name[s]) Name: _____ Company: _____ Mailing Address: _____ City / State: _____ Zip: _____ Phone: _____ Email Address: _____	
Project Property Information: Property Address: <u>11311 W. Forest Home Ave</u> Property Owner(s): <u>Fitcc, LLC</u>		Tax Key Nos: <u>748 9994 003</u>	
Mailing Address: <u>8575 W. Forest Home #160</u> City / State: <u>Greenfield WI</u> Zip: <u>53028</u> Email Address: _____		Existing Zoning: _____ Existing Use: _____ Proposed Use: _____ Future Land Use Identification: _____	

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:
 - \$1500, New Special Use over 4,000 square feet
 - \$1000 Special Use Amendment
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD.doc or compatible format).
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov.
- Seven (7) complete **collated** sets of Application materials to include:
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
 - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 17-7.0101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
 - Four (4) **folded** reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package.
- One colored copy (11"x17") of the building elevations, if applicable.
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO).
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

*Upon receipt of a complete submittal, staff review will be conducted within ten business days.
 *Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature - Property Owner
Michael Dilmore
 Name & Title (PRINT)
 Date: 3/6/17

Signature - Property Owner
 Name & Title (PRINT)
 Date: _____

Signature - Applicant
Rebecca Bontempo
 Name & Title (PRINT)
 Date: 3-6-17

Signature - Applicant's Representative
 Name & Title (PRINT)
 Date: _____

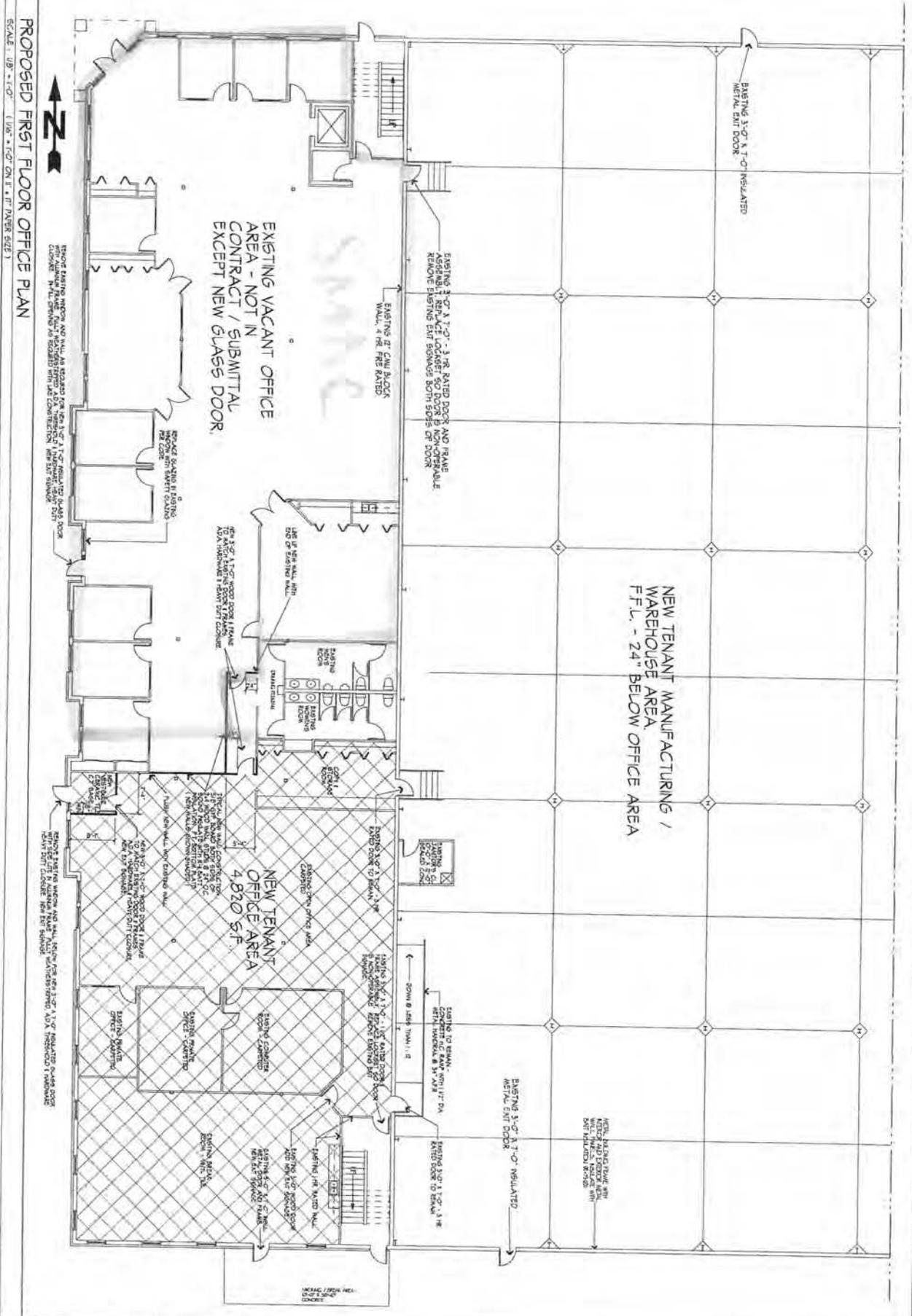
Stephanie Marie Dance Company

11311 W. Forest Home Avenue, Franklin

Legal Description:

COM SE COR LOT 10 IN BLK 2 IN NORTH CAPE INDUSTRIAL PARK SE 6 5 21 TH S
411.19 FT TO N LI S 50 ACS OF SD QUAR W 1035.79 FT TO E LI W FOREST
HOME AVE NE 582.97 FT TO SW COR SD SUBD E 412.22 FT SW 146.90 FT E
496.03 FT TO BEG & OUTLOT A IN BLK 1 & LOTS 9 & 10 IN BLK 2 IN SD SUBD &
VAC S 112TH STR ADJ SD OUTLOT CONT 12.49 ACS

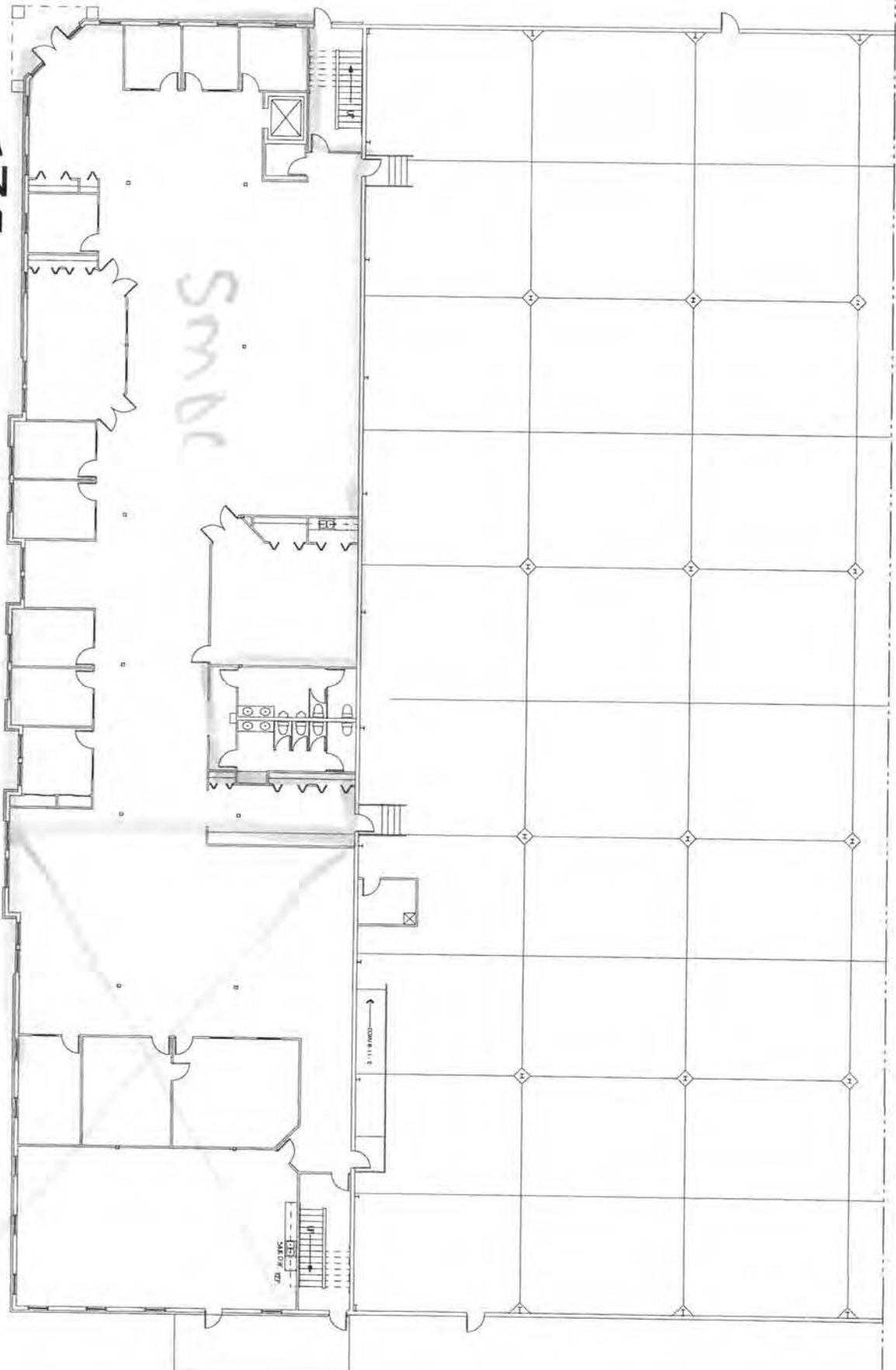
Stephanie Marie Bance Studio
AS IS



PROPOSED FIRST FLOOR OFFICE PLAN
SCALE: 1/8" = 1'-0" (1/8" = 1'-0" ON E.P. PAPER SIZE)

<p>4</p>	<p>TENANT PROPOSED REMODELING FOR: ADVANTI WIND SYSTEMS INC. 131 WEST FOREST HOME AVENUE FRANKLIN, WISCONSIN</p>	<p>OWNER: FHCC - LLC 8515 W. FOREST HOME AVENUE - SUITE 801 GREENFIELD, WISCONSIN 53228 PHONE: (414) 425-4939</p>	<p>DESIGNER: PAUL MEIER INC. 456 SOUTH 76TH STREET WEST ALLES, WISCONSIN 5324 PHONE: (414) 255-7450</p>
	<p>DATE: MARCH 1, 2016</p>	<p>PROJECT: 1/8" = 1'-0"</p>	<p>SHEET: 208 - 20</p>

EXISTING FIRST FLOOR OFFICE PLAN
 SCALE: 1/8" = 1'-0" (1/8" = 1'-0" ON F. T. PAPER SIZE)



Stephanie Marie Dancer Co.
 - As IS -

3
 OF 1

DESIGN:
 PLAN - P.M.
 ARCHIT 206
 SCALE
 1/8" = 1'-0"
 JOB NO
 206-70
 SHEET

TENANT:
PROPOSED REMODELING FOR:
 ADVANTI WIND SYSTEMS INC.
 154 WEST FOREST HOME AVENUE
 FRANKLIN, WISCONSIN

OWNER:
FHCC - LLC
 8575 N. FOREST HOME AVENUE - SUITE 600
 GREENFIELD, WISCONSIN 53228
 PHONE: (414) 425-4931

DESIGNER:
PAUL MEIER INC.
 1156 SOUTH 76th STREET
 WEST ALLIS, WISCONSIN 53224
 PHONE: (414) 255-7458

EXISTING
 SHEET

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of April 6, 2017****Temporary Use**

RECOMMENDATION: City Development Staff recommends approval of the Temporary Use to allow The Home Depot to have outdoor seasonal sales of plant goods and commodity bagged goods from April 10, 2017 through July 8, 2017, upon property located at 6489 South 27th Street, subject to the conditions of approval in the attached resolution.

Project Name:	Seasonal Sales Area Temporary Use
Project Address:	6489 South 27th Street
Applicant:	Home Depot U.S.A., Inc.
Zoning:	Planned Development District No. 14
Use of Surrounding Properties:	Multi-Family Residential (north and west) Restaurants and Retail (east) Retail (south)
2025 Comprehensive Plan:	Commercial
Applicant Action Requested:	Approval of the Temporary Use for outdoor seasonal sales of plant goods and commodity bagged goods from April 10, 2017, through July 8, 2017, upon property located at 6489 South 27th Street.

BACKGROUND AND ANALYSIS:

On April 7, 2016, the Plan Commission granted The Home Depot Temporary Use approval for outdoor seasonal plant sales, upon property located at 6489 South 27th Street. The Plan Commission also granted similar temporary use approvals in 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.

The applicant has once again submitted an application for a temporary use in Planned Development District (PDD) No. 14 to allow for outdoor seasonal sales of plant goods, and landscape commodity bagged goods. All of the plant goods and commodity bagged goods will be placed within a fenced in corral measuring 120 feet long by 96 feet wide for a total area of 11,520 square feet. The fence will be metal and chain-link in style. The height of the fence will be six (6) feet which is in conformance with Section 15-3.0803 (C) (2) of the Unified Development Ordinance. The 11,520 square foot corral area is shown on the site plan attached to the letter of intent, City file-stamped March 29, 2017.

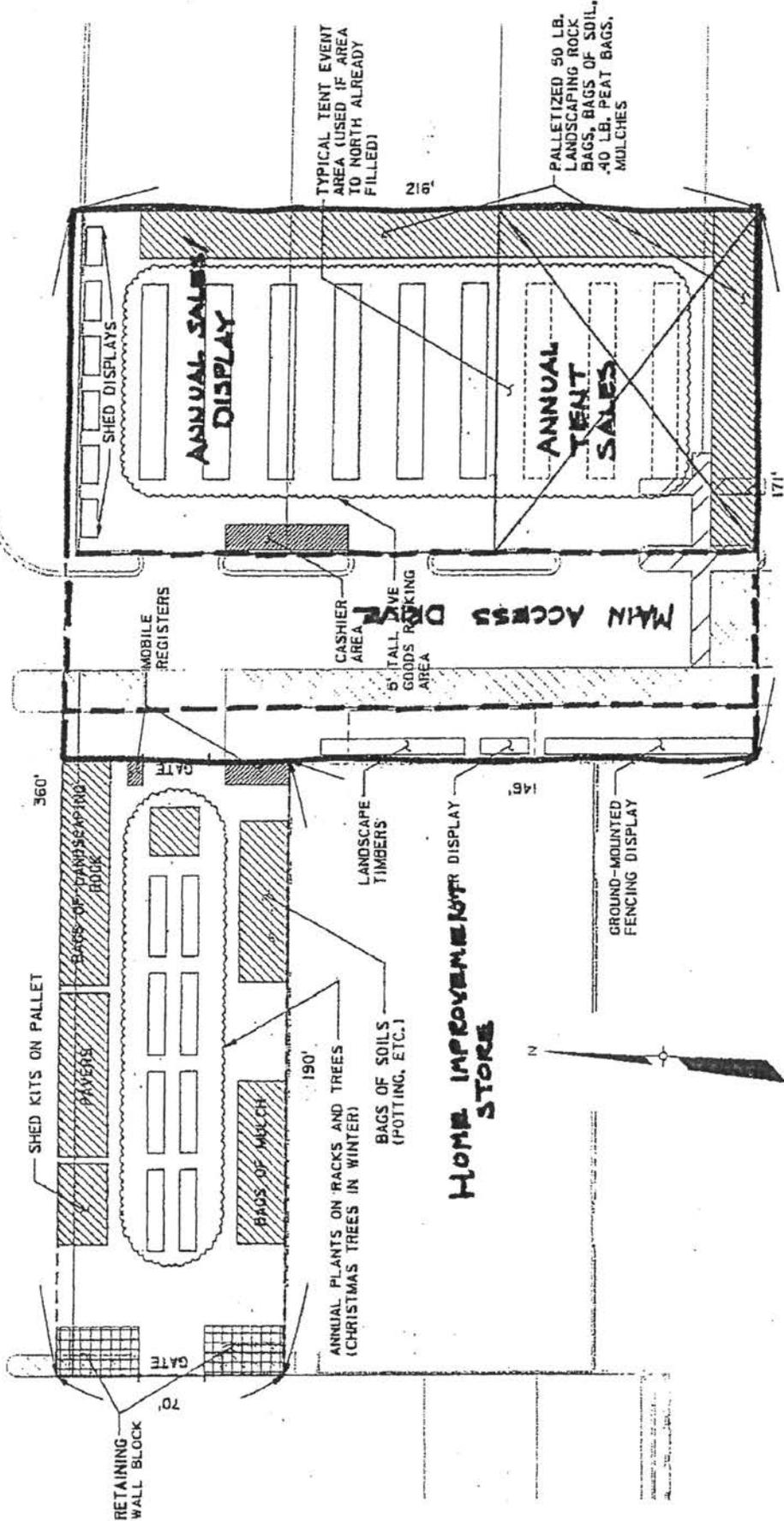
PDD No. 14 (Ordinance No. 99-1553) allows for a seasonal display area for outdoor live plant material within a 40,000 square foot area shown on "Exhibit A," with location to be approved on an annual basis by the Plan Commission. Staff finds the location of the proposed outdoor seasonal sales area, as shown on the site plan, is consistent with the 40,000 square foot area shown on "Exhibit A" of Ordinance No. 99-1553.

Ordinance No. 2005-1858 provides for the administrative issuance of Temporary Use Permits by the Zoning Administrator and designees of the City Planning Department and to further specify the types of and conditions upon temporary uses, which may be permitted. Section 15-3.0804 (A)(4) states that, "Each individual outdoor sales event (up to 4 per year, per property) shall be no longer than 14 consecutive days; provided, however, that the total days of such temporary uses during a calendar year shall not exceed 30 calendar days. Owners must obtain a Temporary Use Permit for each such temporary outdoor sale before the use is permitted." The Home Depot has requested a temporary use lasting longer than 14 consecutive days (90 days total). Therefore, the Department of City Development has referred The Home Depot Temporary Use Application to the Plan Commission.

According to Section 15-3.0804(L) of the City of Franklin Unified Development Ordinance, "Each Temporary Use Permit shall specify the date upon which such use may commence and the date upon which such use shall expire; in no event, except as otherwise specifically and expressly set forth in this Section, shall any temporary use exceed 90 days in duration during any calendar year." The proposed outdoor seasonal tree and shrub sales event will start on April 10, 2017 and end on July 8, 2017, with a duration of exactly 89 days.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the Temporary Use to allow The Home Depot to have outdoor seasonal sales of plant goods and commodity bagged goods from April 10, 2017 through July 8, 2017, upon property located at 6489 South 27th Street, subject to the conditions of approval in the attached resolution.



RUST
Rust Environment & Infrastructure Inc.
101678
OUTDOOR DISPLAY AREA
THE HOME DEPOT
FRANKLIN, WISCONSIN
SEPTEMBER 1998

HOME IMPROVEMENT DISPLAY

ORD1999-1553,
Exhibit A

RESOLUTION NO. 2017-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR OUTDOOR SEASONAL TREE
AND SHRUB SALES FOR PROPERTY LOCATED AT 6489 SOUTH 27TH STREET
(HOME DEPOT U.S.A., INC., APPLICANT)

WHEREAS, Home Depot U.S.A., Inc. (Home Depot 4907) having petitioned the City of Franklin for the approval of a Temporary Use to allow for seasonal sales (April 10, 2017 through July 8, 2017) in The Home Depot store parking lot, with a 7 foot 5 inch wide by 6 foot high black wire fence around a 96 foot wide x 120 foot deep area of plant goods and commodity bagged goods, upon property located at 6489 South 27th Street; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Home Depot U.S.A., Inc. (Home Depot 4907) for the approval of a Temporary Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall commence upon April 10, 2017 and terminate and expire on July 8, 2017.
2. All outdoor seasonal tree, shrub and commodity bagged goods sales shall take place within the 40,000 square foot area shown on "Exhibit A" of Ordinance No. 99-1553.
3. The approval granted hereunder is subject to verification by City Development Department staff that all the outdoor sales and display on The Home Depot's property are in conformance with Ordinance No. 99-1553.
4. Fire Lane access must be maintained.
5. [other conditions, etc.]

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2017.

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

HOME DEPOT U.S.A., INC. – TEMPORARY USE
RESOLUTION NO. 2017-_____

Page 2

APPROVED:

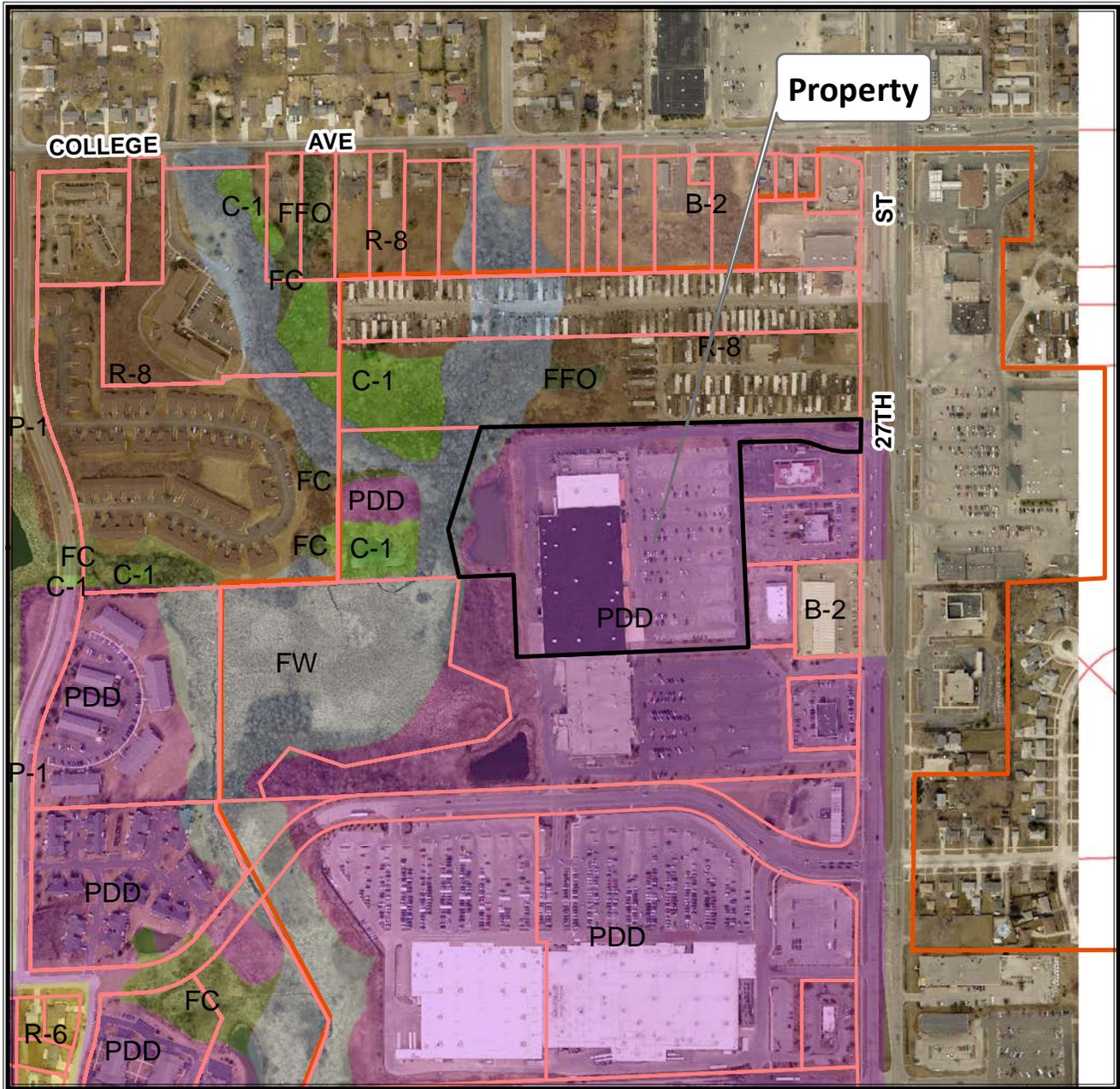
Stephen R. Olson, Chairman

ATTEST:

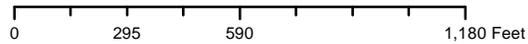
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

6489 S. 27 Street

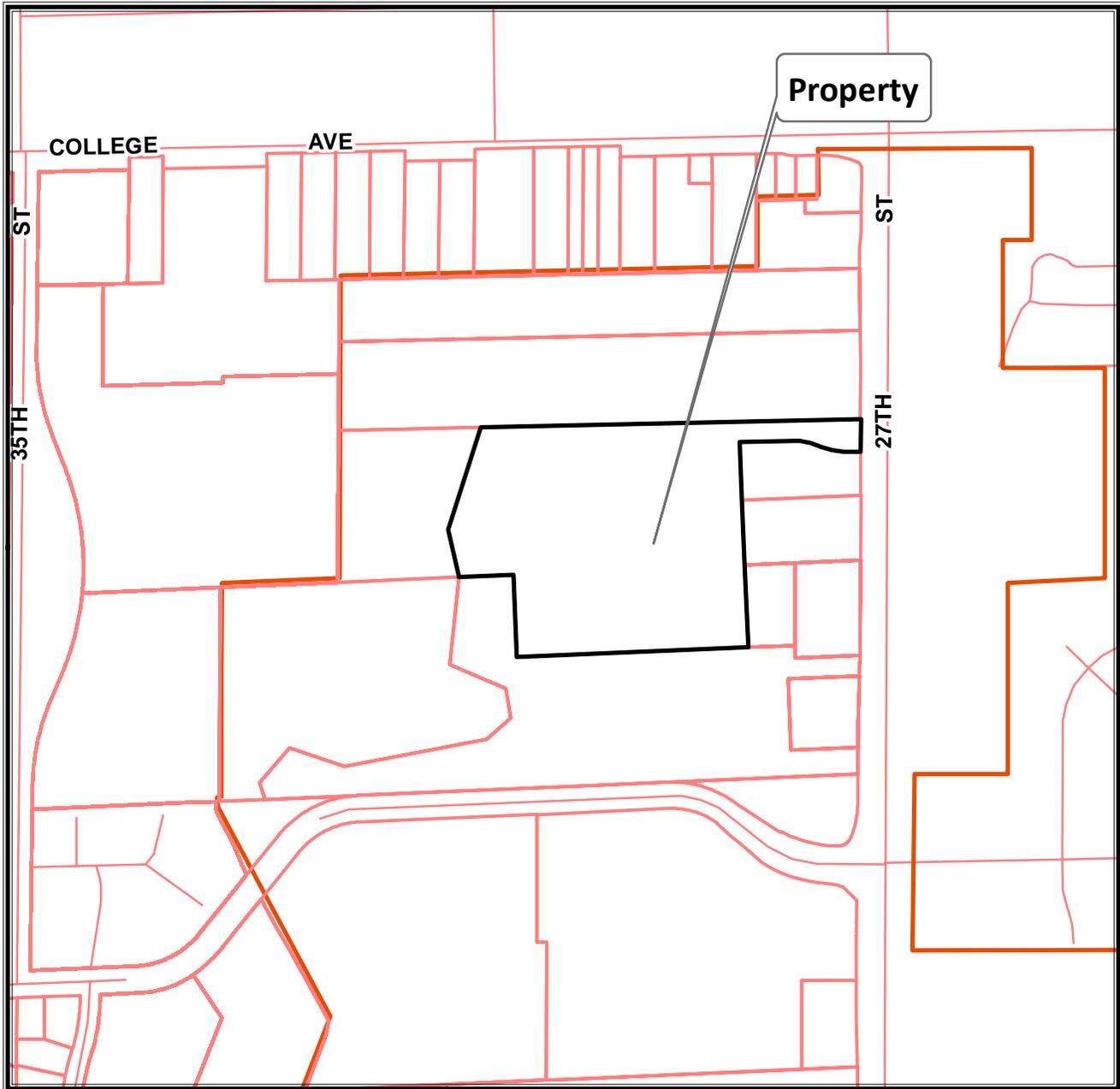


Planning Department
(414) 425-4024

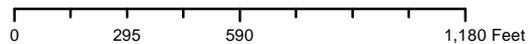


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

6489 S. 27 Street



Planning Department
(414) 425-4024



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





6489 S 27th St. • Franklin, WI 53132
(414)304-1024 • Fax: (414)304-3416

**Franklin Department of City Development
9229 West Loomis Road**

To Franklin Planning Department:

Enclosed is a temporary use application for our seasonal sales area in the parking lot of the Home Depot. The attached layout shows the exact area we are proposing to use. Listed below are the details as follows.

Date of Use: April 10, 2017 through July 8, 2017

Location: Location of the temporary fenced in coral will be used for Retail sale of Trees, Shrubs, and landscape bagged goods. Placement of the coral will be set in the parking lot as noted On the site plan attached. The approximate size is 96 ft wide X 120 ft deep.

Fence Type: 7'5" long x 6' high black wire fence panels

Power Required: None

Hours of Operation: Hours of operation will be that of the store:
Monday – Saturday 6am – 10pm
Sunday 8am – 8pm

Sincerely,
Store Manager
Franklin Home Depot 4907
Franklin, WI 53132

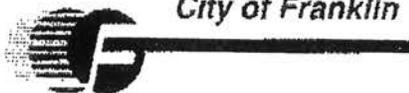
Franklin

MAR 29 2017

City Development



Planning Department
9279 West Loomis Road
Franklin, Wisconsin 53132
Email: zenersplanning@franklinwi.gov



Phone: (414) 425-4024
Fax: (414) 427-7691
Web Site: www.franklinwi.gov

Date of Application: _____

TEMPORARY USE APPLICATION

Complete, accurate and specific information must be entered. Please Print.

Applicant Name: <u>HOME DEPOT USA INC</u> Company: _____ Mailing Address: <u>2455 PACES FERRY RD # C-20</u> City / State: <u>ATLANTA GA</u> Zip: <u>30339</u> Phone: <u>(770) 433-8211</u> Email Address: _____	Applicant is Represented by (contact person) Name: <u>BRIAN L DAVIS</u> Company: <u>THE HOME DEPOT</u> Mailing Address: <u>6489 S 27TH ST</u> City / State: <u>FRANKLIN WI</u> Zip: <u>53132</u> Phone: <u>(414) 304-1024</u> Email Address: <u>AS.M_4907@HOME DEPOT.COM</u>
Project Property Information: Property Address: <u>6489 S 27TH ST</u> Property Owner(s): <u>HOME DEPOT</u> Mailing Address: <u>6489 S 27TH ST</u> City / State: <u>FRANKLIN WI</u> Zip: <u>53132</u> Email Address: <u>AS.M_4907@HOME DEPOT.COM</u>	Tax Key Nos: _____ Existing Zoning: _____ Existing Use: <u>PARKING</u> Proposed Use: <u>TEMPORARY OUTDOOR SALES AREA</u>

Temporary Use Type (Check One): * Indicates that the Temporary Use is allowed without the issuance of a Temporary Use Permit.

<input checked="" type="checkbox"/> Commercial Temporary Outdoor Sales	<input type="checkbox"/> Dumpsters for Construction Sites*
<input type="checkbox"/> Temporary Miscellaneous Outdoor Sales	<input type="checkbox"/> Model Homes, Model Dwelling Units, & Pre-Construction Sales Offices*
<input type="checkbox"/> Christmas Tree Sales Lot	<input type="checkbox"/> Temporary Roadside Stands for the Sale of Agricultural Products*
<input type="checkbox"/> Concrete Batch/Asphalt Reprocessing Plants	<input type="checkbox"/> Public Interest and Special Events*
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Construction Trailers/Temporary Mobile Offices*

Temporary Use Application submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin: \$50
- Seven (7) complete collated sets of Application materials to include:
 - One (1) original and six (6) copies of a written Project Narrative, including detailed description of the project.
 - Seven (7) folded, scaled copies, of the Site Plan. (See Section 15-3.0804 of the Unified Development Ordinance for information that must be denoted on each respective plan or included with the submittal, and for additional information on the review and approval process.)

<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Plan Commission review and approval may be required Section 15-3.0804 of the Unified Development Ordinance.
- Submittal of Application for review is not a guarantee of approval. Approval of Temporary Use does not exclude potential requirement for additional licenses or permits. For information on other licenses or permits that may be required, contact the City Clerk's office at (414) 425-7500, the Health Department at (414) 425-9101, and the Building Inspection Department at (414) 425-0084.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s) knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

HOME DEPOT U.S.A. INC

 Signature - Property Owner
Jessica Borgert
 Name & Title (PRINT) Senior Corporate Counsel
 Date: 3/6/17

Signature - Applicant
BRIAN L DAVIS A.S.M.
 Name & Title (PRINT) BRIAN L. DAVIS A.S.M.
 Date: 3/29/17

Signature - Property Owner
 Name & Title (PRINT)
 Date: _____

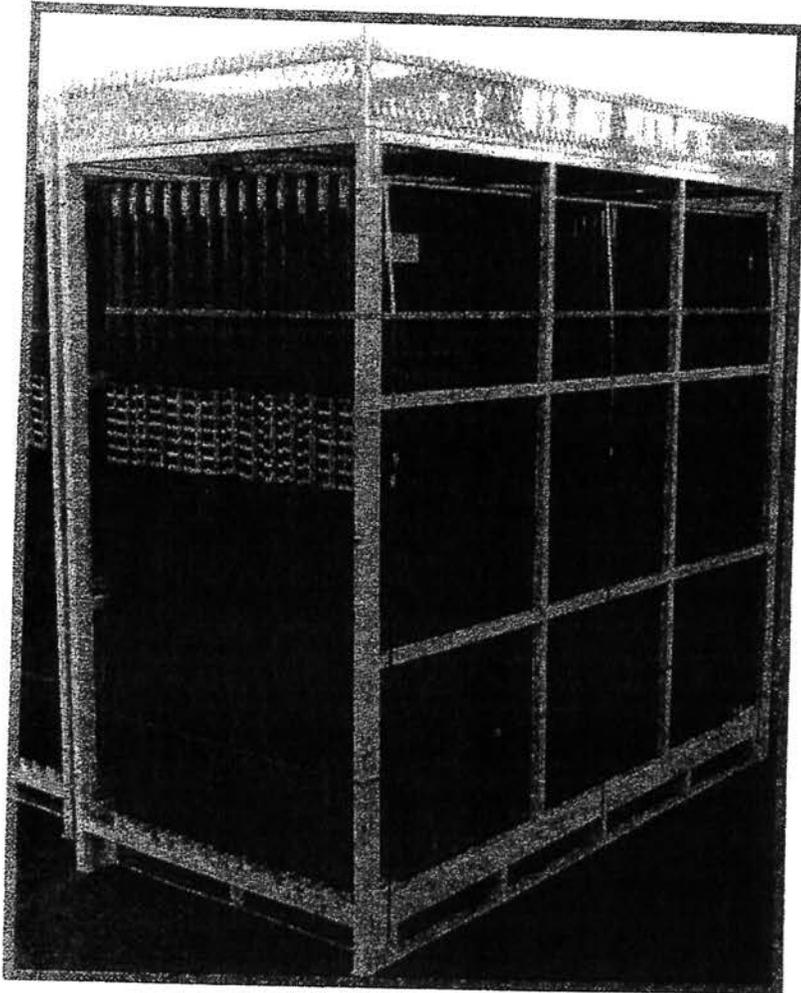
Signature - Applicant's Representative
 Name & Title (PRINT)
 Date: _____



SECURITY FENCE PROGRAM

SPRING 2010

Outdoor Asset Protection, Equipment Security



PERIMETER PATROL™

High Visibility Security Barricade Fence System

Free-standing, heavy-duty steel panels with 2-step powder coated finish

Self-contained secure pallet for storage and transportation.

2" x 4" 8 gauge wire mesh panels are welded at the frame center - no sharp edges.

Outdoor asset protection, equipment storage and security.

210 linear feet per pallet, with ground bases and panel clamps.

Panel Dimensions: 7.5' Long x 6' High

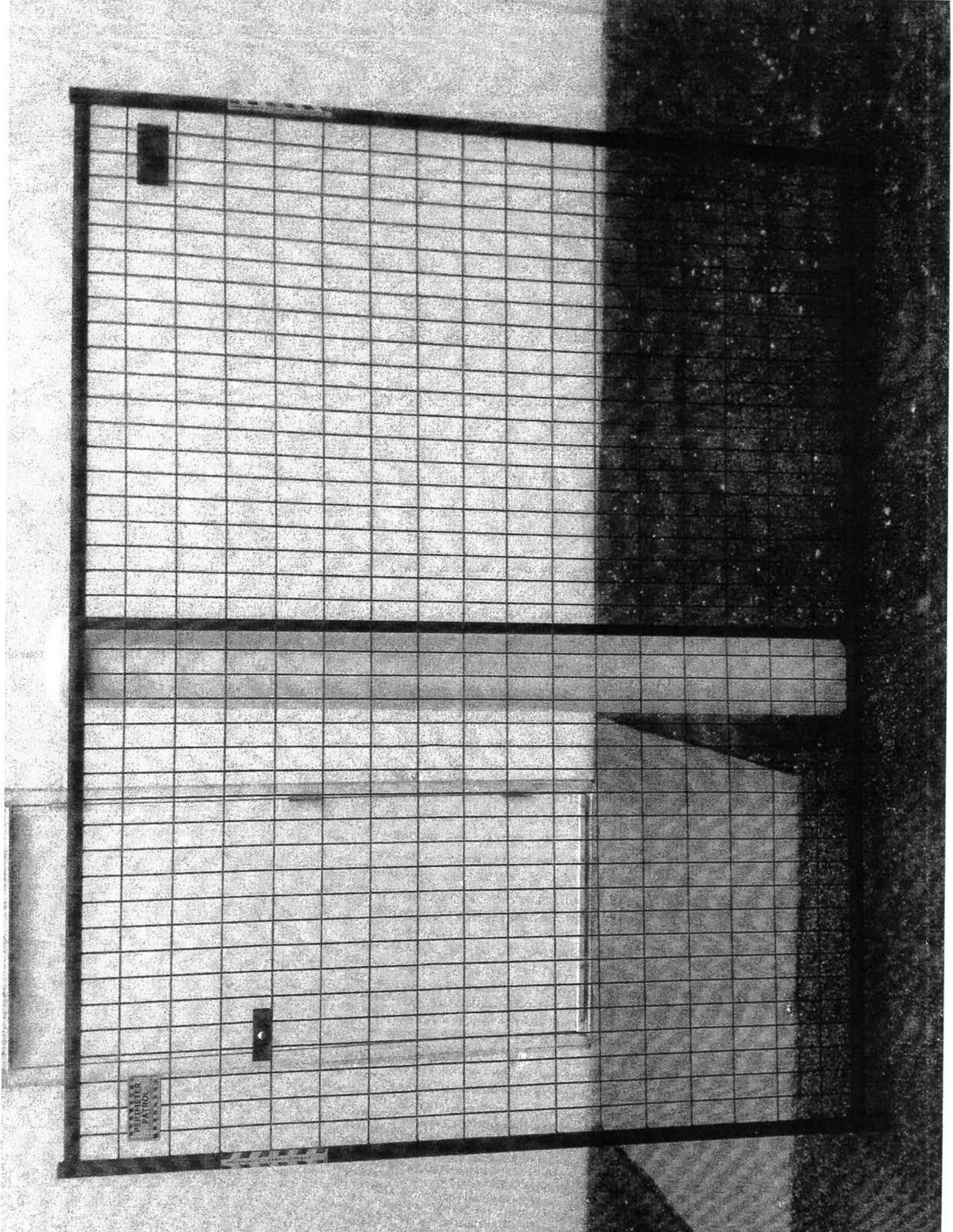
Supplier Contact Information

Order Confirmations, Questions, Parts Inquiries, Issues - Please contact:

Steve French
Perimeter Patrol™ Product Manager
800-547-5877
steve@jewettcameron.com



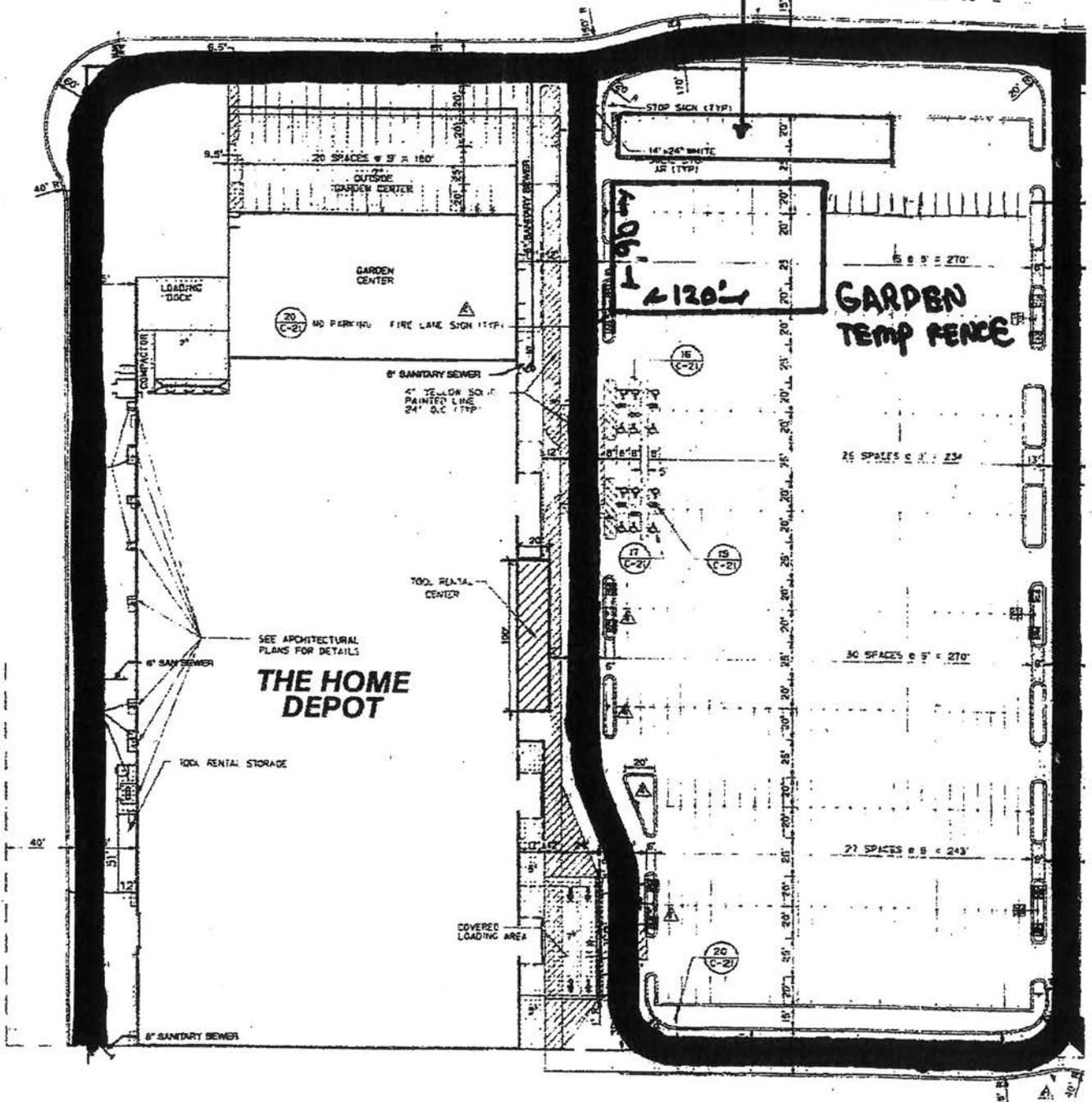
North Plains, OR
www.jewettcameron.com



PERIMETER
PATROL

Shed Display

CONSTRUCT NORTHMOST DRIVE PARK



LEGEND

[Symbol]	HEAVY ASPHALT PAVEMENT	(3)
[Symbol]		(20)
[Symbol]		(21)