

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, MARCH 23, 2017, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of March 9, 2017.

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

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. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
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. **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. **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.
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

Franklin Plan Commission Agenda

3/23/17

Page 2

open storage building, for property zoned M-1 Limited Industrial District, located at 9545 South 80th Street; Tax Key No. 896-9996-003.

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 6, 2017

**City of Franklin
Plan Commission Meeting
March 9, 2017
Minutes**

Unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the March 9, 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, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused were Commissioners Kevin Haley and David Fowler. Also present were Principal Planner Nick Fuchs, Planning Manager Joel Dietl and Director of Economic Development Aaron Hertzberg.

B. Approval of Minutes

1. Regular Meeting of February 23, 2017. Alderman Dandrea moved and Commissioner Hogan seconded approval of the February 23, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-0).

C. Public Hearing Business Matters

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.

Planning Manager Dietl presented the request 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.

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 7:04 p.m.

Commissioner Leon moved and Commissioner Hogan seconded a motion to postpone and continue the Public Hearing to April 6, 2017 Plan Commission meeting. On voice vote, all voted 'aye'. Motion carried (4-0-0).

2. MULTI-TENANT RETAIL BUILDING WITH A DRIVE THROUGH FACILITY. Special Use application by Steven W. Doran, Managing Member of Daybreak Capital, LLC, to allow for construction of an approximately 4,500 square foot multi-tenant retail building (3 tenants) with a drive through facility within the outlot at

Planning Manager Dietl presented the request by Steven W. Doran, Managing Member of Daybreak Capital, LLC, to allow for construction of an approximately 4,500 square foot multi-tenant retail building (3 tenants) with a drive through facility within the outlot at the front of the Hobby Lobby building located at 6807 South 27th Street.

The Official Notice of Public Hearing was read in to the record by Principal Planner Fuchs and the Public Hearing was opened

the front of the Hobby Lobby building located at 6807 South 27th Street, property zoned Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club); Requested Waivers of South 27th Street Design Overlay District Standards:

- a. 15-3.0352B. Allowance of 51% more parking than required under Section 15-5.0203 (68 spaces requested) subject to applicant providing additional landscape plantings beyond the amounts required by the Unified Development Ordinance.
- b. 15-3.0355B.7. Allowance for windows with glazing and gray film and without pediments at the top, on the building’s east facade. Tax Key No. 738-9974-008.

at 7:11 p.m. and closed at 7:14 p.m.

Commissioner Leon moved and Commissioner Hogan seconded a motion to waive the required standards under 15-3.0352B. pertaining to parking. On voice vote, all voted 'aye'. Motion carried (5-0-0).

Commissioner Leon moved and Commissioner Hogan seconded a motion to waive the required standards under 15-3.0355B.7 pertaining to windows. On voice vote, all voted 'aye'. Motion carried (5-0-0).

Commissioner Leon moved and City Engineer Morrow seconded a motion to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use to allow for an eating and drinking places use upon property located at 6807 South 27th Street, amending Condition No. 5 of the draft resolution to strike “obtain approval from” and replace with “notify” and adding “and attempt to return to the City acknowledgement from easement holder,” following “respective easement,.” On voice vote, all voted 'aye'. Motion carried (4-0-0)

D. Business Matters

- 1. None.

E. Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of March 9, 2017 at 7:27 p.m. All voted 'aye'; motion carried. (4-0-0)



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of March 23, 2017

Special Use Amendment

RECOMMENDATION: City Development Staff recommends approval of the proposed special use amendment for the expansion of a lawn maintenance, landscaping and snow removal business upon property located at 11307 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

Project Name:	Liban's Lawn Service, Inc. Special Use Amendment
Project Address:	11307 West Forest Home Avenue
Applicant:	Liban's Lawn Service, Inc.
Owners (property):	FHCC, LLC
Current Zoning:	M-1 Limited Industrial District
2025 Comprehensive Master Plan	Industrial
Use of Surrounding Properties:	Industrial (to the north), industrial 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 Amendment for Liban's Lawn Service, Inc. to expand their operation at 11307 West Forest Home Avenue.

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 & BACKGROUND:

On February 8, 2017, Mark Liban submitted a Special Use Amendment application on behalf of Liban's Lawn Service, Inc. requesting approval to expand the operation of his existing lawn maintenance, landscaping and snow removal business at 11307 West Forest Home Avenue. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 0782, Lawn and Garden Services (with outdoor storage), which is allowed within the M-1 Limited Industrial District as a Special Use.

On February 19, 2002, the Franklin Common Council adopted Resolution No. 2002-5350 granting Special Use approval to Liban's Lawn Service, Inc. to operate in the rear of the property located at 11305 W. Forest Home Avenue. The building Liban's Lawn Service, Inc. leases has since been readdressed to 11307 W. Forest Home Avenue.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting a Special Use Amendment to expand the operation of an existing lawn care, landscaping and snow removal business at 11307 West Forest Home Avenue. The property is approximately 12.5 acres or 544,500 square feet. Mr. Liban's company leases space within a storage building and the surrounding land at the northeast corner of the site. Hours of operation for the business are Monday through Friday from 7:00 a.m. to 7:00 p.m. and occasionally on Saturdays. Winter hours vary according to snowfall events. According to the Project narrative, there are nine (9) commercial vehicles over 8,000lbs gross vehicle weight parked on the property overnight. There are ten (10) full time employees presently working for Liban's Lawn Service, Inc.

The applicant is not proposing any changes to the building at this time. However, the metal siding, trim and gutters are visibly rusting in several locations. Therefore, Staff suggests painting the storage building located at 11307 West Forest Home Avenue. Furthermore, the bottom of the overhead garage door associated with Liban's lease space is broken. Therefore, Staff recommends repairing or replacing the overhead garage door on the storage building located at 11307 West Forest Home Avenue. There is an open field north of the storage building Liban's Lawn Service, Inc. leases, which is strewn with construction debris, wood utility poles, a boat and other miscellaneous junk. This grassy area is on the same property as Liban's Lawn Service, Inc. Staff recommends the construction debris, junk, wood utility poles, and boat located in the field north of the building at 11307 W. Forest Home Avenue be removed within one year of the date of adoption of the Special Use Amendment Resolution.

Outdoor Storage:

Liban's Lawn Service, Inc. has an outdoor storage yard located north of the storage building they lease. This area has historically been screened to the east and west by a six-foot solid wood fence. As part of this Special Use Amendment, the applicant is proposing to expand the outdoor storage yard further north, to the north lot line of the property. The applicant's Site Plan depicts the six-foot solid wood fence being extended to the north lot line accordingly. The applicant is also proposing to add concrete block storage bins within the outdoor storage area to organize landscaping materials. As proposed, the outdoor storage is properly screened from the street and the residential properties to the east in accordance with Section 15-3.0803(F) of the City of Franklin Unified Development Ordinance. There is currently a rusty cargo container located on the south side of the company's company vehicle parking area. The cargo container is in poor condition and is visible from the West Forest Home Avenue right-of-way. Therefore, Staff recommends removing the rusty cargo container from the property.

Drainage:

There is a drainageway located along the east side of Liban's outdoor storage yard, which drains into a stormwater pond for the development on an adjacent property immediately to the south. The Engineering Department raised concerns with sediment runoff from the outdoor storage yard getting into the pond. Therefore, Staff recommends installing a minimum of two (2) ditch checks in the drainageway, in locations to be reviewed and approved by Engineering Department Staff.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) 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 2,750 square feet of storage space leased by the lawn care, landscaping and snow removal business would be required to provide a minimum of three (3) off-street parking spaces. The proposed site plan identifies three (3) off-street parking spaces and one (1) accessible off-street parking space on the south side of the leased building, which meets the minimum UDO requirements. The site plan also depicts six (6) parking spaces along the east side of the tenants lease space. Staff recommends striping the off-street parking areas in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance.

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 amendment for the expansion of a lawn care, landscaping and snow removal business upon property located at 11307 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

RESOLUTION NO. 2017-_____

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
(MARK LIBAN, PRESIDENT OF LIBAN'S LAWN SERVICE, INC., APPLICANT)

WHEREAS, Mark Liban, President of Liban's Lawn Service, Inc. having petitioned the City of Franklin for the approval of an amendment to Resolution No. 2002-5350, conditionally approving a Special Use, such prior Resolution authorizing a landscaping and lawn service business upon property located at 11307 West Forest Home Avenue, such property being zoned M-1 Limited Industrial District, 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; Tax Key No.: 748-9994-003; and

WHEREAS, such proposed amendment being for the purpose of expanding the operation of a lawn maintenance, landscaping and snow removal business use; 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

MARK LIBAN, PRESIDENT OF LIBAN'S LAWN SERVICE, INC. – AMENDMENT TO SPECIAL USE

RESOLUTION NO. 2017- _____

Page 2

Commission on the 23rd day of March, 2017, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment to 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 recommendations and also having found that the proposed amendment to 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 Mark Liban, President of Liban's Lawn Service, Inc., for the approval of an amendment to 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 amendment to Special Use is approved only for the use of the subject property by Mark Liban, President of Liban's Lawn Service, Inc., successors and assigns, for the Liban's Lawn Service, Inc. operation expansion project, which shall be developed in substantial compliance with and constructed, operated and maintained by Mark Liban, President of Liban's Lawn Service, Inc., pursuant to those plans City file-stamped March 13, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Mark Liban, President of Liban's Lawn Service, 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 consultants to the City of Franklin, for the Liban's Lawn Service, Inc. operation expansion project, 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.

MARK LIBAN, PRESIDENT OF LIBAN'S LAWN SERVICE, INC. – AMENDMENT TO
SPECIAL USE
RESOLUTION NO. 2017- _____

Page 3

3. The approval granted hereunder is conditional upon Mark Liban, President of Liban's Lawn Service, Inc. and the Liban's Lawn Service, Inc. operation expansion project for the property located at 11307 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. The overhead garage door on the building located at 11307 West Forest Home Avenue shall be repaired or replaced, within one year of the date of adoption of this Resolution.
5. Construction debris, junk, wood utility poles and a boat located in the field north of the building at 11307 W. Forest Home Avenue shall be removed from the property within six months of the date of adoption of this Resolution.
6. The rusty cargo container shall be removed from the property.
7. A minimum of two (2) ditch checks shall be installed in the drainageway on the east side of the property, in locations to be reviewed and approved by Engineering Department Staff.
8. The off-street parking areas shall be striped in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance.

BE IT FURTHER RESOLVED, that in the event Mark Liban, President of Liban's Lawn Service, 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 amendment to 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 additional 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.

MARK LIBAN, PRESIDENT OF LIBAN'S LAWN SERVICE, INC. – AMENDMENT TO
SPECIAL USE
RESOLUTION NO. 2017- _____
Page 4

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution No. 2002-5350, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

BE IT FURTHER RESOLVED, Pursuant to §15-9.0103G. of the Unified Development Ordinance, the additional 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.

APPROVED:

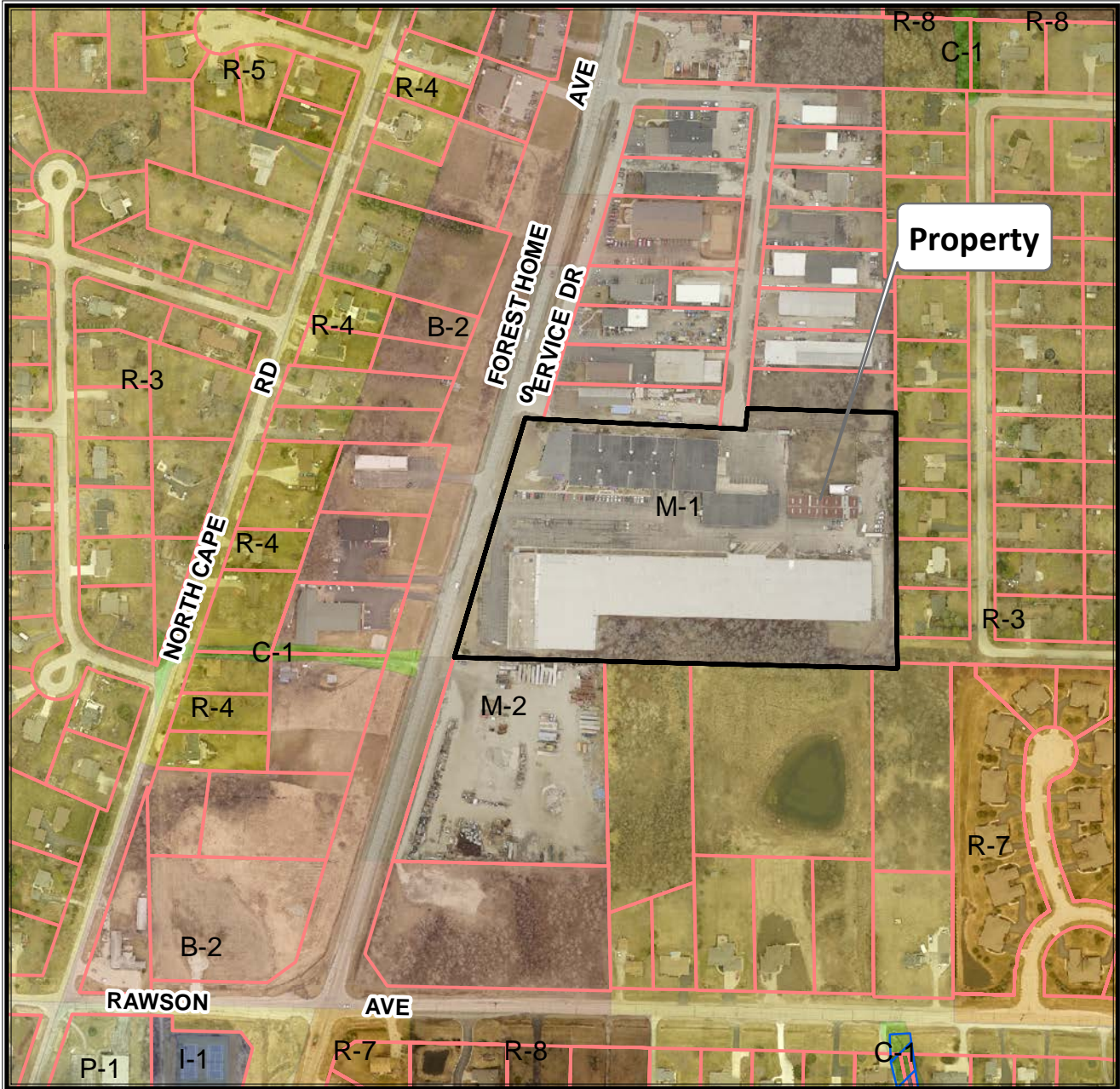
Stephen R. Olson, Mayor

ATTEST:

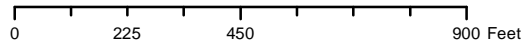
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

11307 W. Forest Home Avenue
TKN 748 9994 003

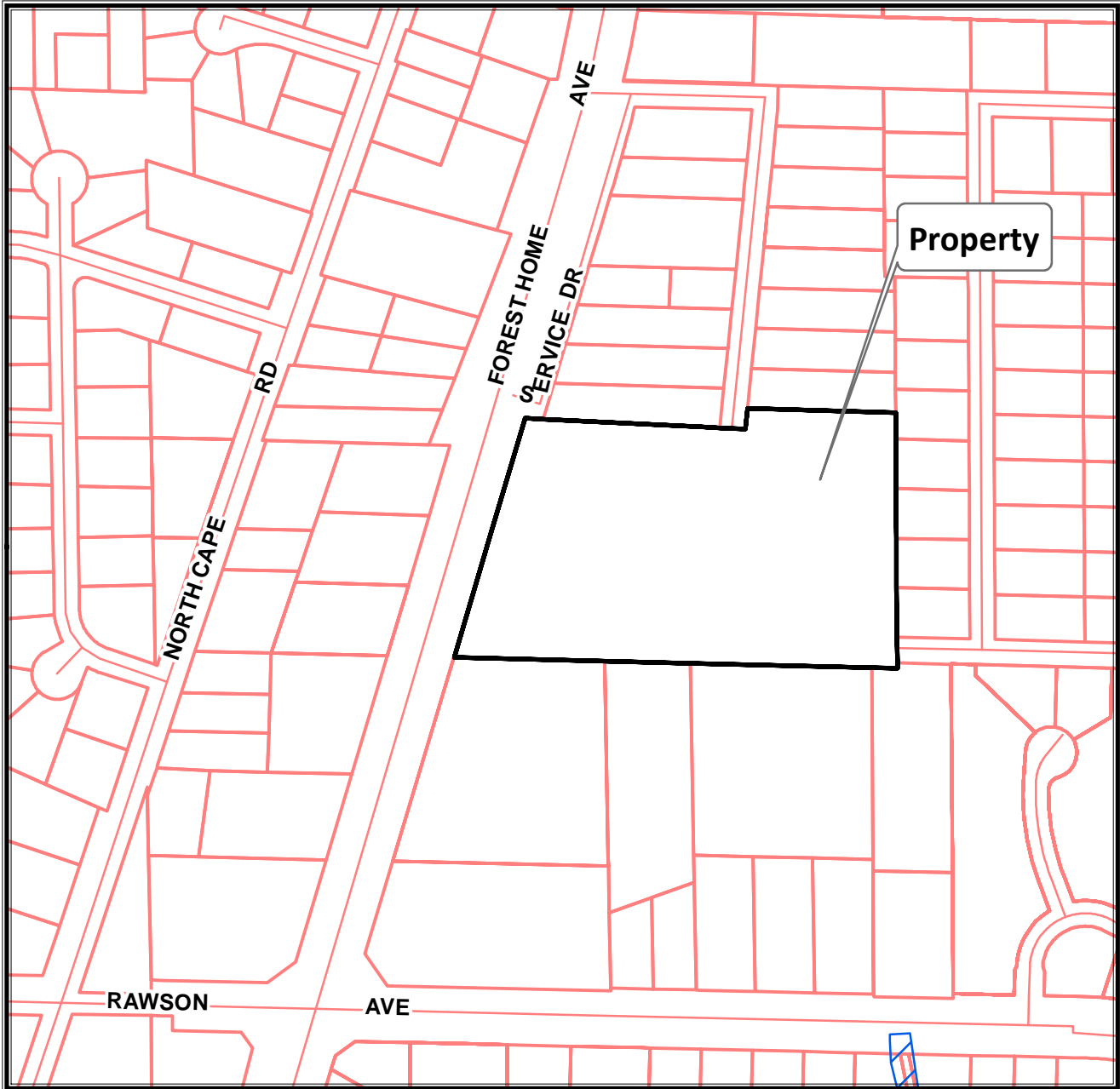


Planning Department
(414) 425-4024

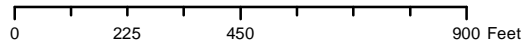


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

11307 W. Forest Home Avenue
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.

Liban's LaWN Service Inc.
21380 W. Lawnsdale Court
New Berlin, WI 53146
Mark Liban
414-406-7619
libanslandscape@wi.rr.com

Vehicle List:

2005 GMC Dump 25,000#
2016 Dodge Dump, 16,000#
2013 GMC Dump 10,000#
2007 Chev Dump 10,000#
2008 GMC Cube Van 8,000#
(4) GMC Pick Up

Employees: 9 to 10 Full time

Hours of operations: Summer 7:00 AM through 7:00 PM, Monday through Friday, Saturday occasionally. Winter, Anytime the snow stops, happens 2 to 6 times a month, Dec through April.

Services offered off site: Lawn maintenance, Landscaping, Snow removal.

Services offered on site: None

Site Operations: Employees drive to site, pick up schedule, vehicle, equipment and material. After 30 min to an hour they have left the site to complete scheduled work. Return at end of day to park equipment and vehicles and leave site. Maintenance and minor repairs are done on equipment during normal working hours.

Material stored on site: Mulch, gravel, field stone, hardscape material and top soil. Material is not used for retail sales only used for work scheduled.

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.

City Development

Response: Current zoning M-1 Limited industrial. Liban's operations at site consist of storage for vehicles, equipment and material. All services are performed off site at client's location. We load up equipment and material in the morning and unload at night.

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: Site requesting use of is currently a field. No further development. Area to be used for storage. Area will be covered with compacted gravel and surrounded with a 6' dog eared solid wood fence. Keep a 10' buffer zone between lot line and fence along east lot line to allow existing trees for additional screening. Area will have weekly trash cleanup.

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: Operations on site are 7:00 AM to 9:00AM and 4:00 PM to 9:00 PM Monday through Friday and some Saturdays. Operating hours on site average 2 to 3 hours per day. No 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: Site has electric and natural gas utilities. Employees are working on site on average 2 to 3 hours per day. Fire hydrants located within 75'

Franklin

MAR 13 2017

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: 3 to 5 vehicles leave in the morning and return in the evening.

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: None present.

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: Operations comply with M-1 zoning.

- 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: No special standards requested.

- 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: Liban's patronizes and relies greatly on many surrounding companies and has been for 19 years. There is also a tax revenue benefit for the city.

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: 1) Down size to the approved size of site, restore requesting area to field and rent additional property from neighboring property to the south.

2) Locate to new site. Do not have options at this time.

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: No new development. Screen entire area with fence. Maintain area weekly.

Removal of storage unit. New location of dumpster. Organize yard including bins for loose material.

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: Neighboring sites have similar operations. Liban's term of use for property will be 8 to 12 years.

LEASE

THIS LEASE is made as of 6/1/14 by Michael Dilworth and Robert's No. 9 LLC, ("Landlord") located at 8575 W. Forest Home Avenue, Suite 140, Greenfield, Wisconsin and Liban's Lawn Service, Inc. ("Tenant") located at 21380 W. Lawnsdale Ct, New Berlin, WI 53146.

FOR VALUE RECEIVED, Landlord and Tenant agree as follows:

1. Premises. Landlord leases to Tenant and Tenant rents from Landlord the Premises, being a part of the real estate located at 11311 W. Forest Home Avenue, Franklin, Wisconsin, part of the 8,230 square foot metal structure building, as more particularly described in Exhibit A (the "Premises"), 9,000+ square feet of exterior space and gravel fenced area to the North of the leased building and gravel parking space to the East of the leased building, as more particularly described in Exhibit B (the "Premises") for the Term defined below and in accordance with the provisions of this Lease. Tenant accepts the Premises in as-is condition. Landlord and Tenant to determine location within the building that is acceptable to both parties.

2. Term. The "Term" of this Lease shall be a month to month basis.

3. Use. Tenant shall use the Premises only for storage, parking, and warehousing (the "Permitted Uses") and for no other purpose without Landlord's prior consent, which may be withheld in Landlord's sole discretion. Tenant shall not commit or permit on the Premises any (a) violation of law (including, without limitation, the Americans With Disabilities Act) or private restriction; (b) public or private nuisance; (c) act or condition in the Premises that would invalidate or conflict with any insurance policy covering the Premises or property in it or make insurance unavailable; (d) waste; or (e) introduction, storage, or use of hazardous materials. Tenant shall promptly notify Landlord of any defective condition in the Premises or possible environmental contamination of the Premises that becomes known to Tenant.

4. Rent.

a.) It is understood by both Landlord and Tenant that this is a month to month lease. Either party may terminate the Lease with a written 30 day notice.

b.) Tenant may expand to additional square footage subject to the same terms as this Lease, and provided Landlord is able to provide for such request.

c.) Tenant shall pay to Landlord, without set off, deduction, or demand, "Rent" and other charges, in monthly installments in advance on or before the first day of each month in the following amounts:

Monthly Rent and Expenses:

	Per Month
Base Rent Interior	\$750.00
Base Rent Exterior	\$500.00
TOTAL MONTHLY PAYMENT:	\$1,250.00

Franklin

MAR 13 2017

19. Notices. Notices shall be sent to the following addresses:

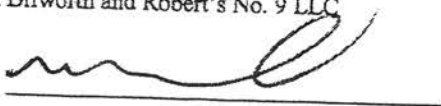
Landlord: Robert's No. 9 LLC & Michael Dilworth
Attn: Michael Dilworth
8575 W. Forest Home Ave., Suite 140
Greenfield, WI 53228

Tenant: Liban's Lawn Service, Inc.
Attn: Mark Liban
21380 W. Lawnsdale Ct.
New Berlin, WI 53146

LANDLORD:

Michael Dilworth and Robert's No. 9 LLC

By: _____



TENANT:

Liban's Lawn Service, Inc.

By: _____

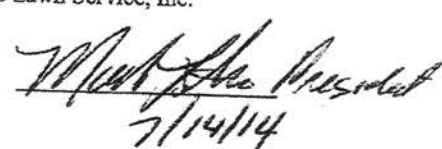


Exhibit A

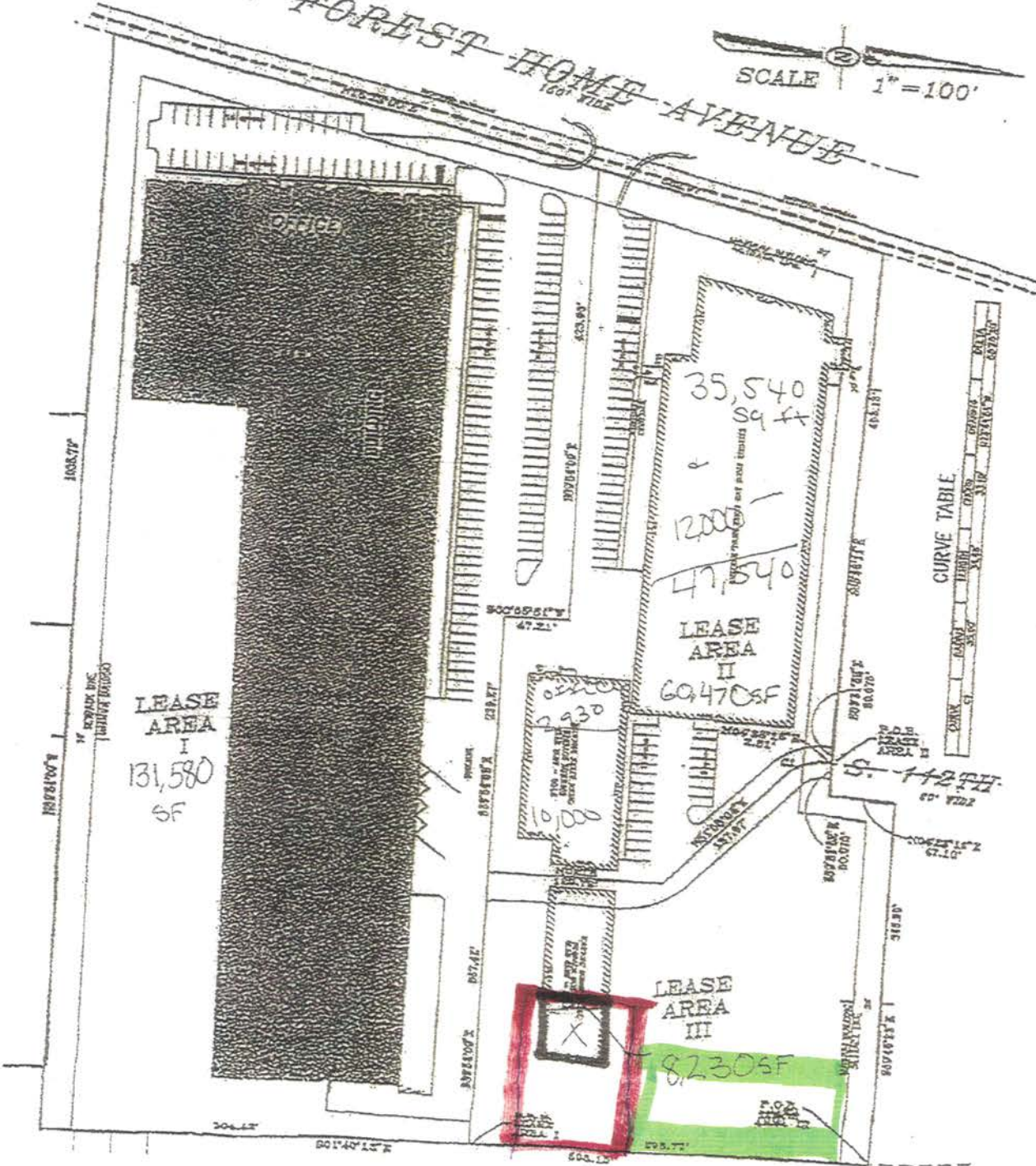
PROJ. NO. 02-13-88-112
 DWG. NO. 881272.DWG
 DATE: OCTOBER 15, 1998

NOISE DIRECTION DESIGN
 SOUND MEASUREMENT
 VIBRATION MONITORING
 AND ASSOCIATED ENG.
 5471 NORTH 51ST COURT
 ARIZONA, AZ 85225
 PHONE: (480) 616-4840
 FAX: (480) 616-4822

EXHIBIT DRAWING OF LEASE AREAS

W. FOREST HOME AVENUE

SCALE 1" = 100'



COMERT area
 - New area