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| APPROVAL <i>slw</i> | REQUEST FOR COUNCIL ACTION | MTG. DATE 04/18/2017 |
| Reports & Recommendations | WATER EXTENSION TO SERVE 3 LOTS ON THE NORTHWEST CORNER OF W. PUETZ ROAD AND S. 35 TH STREET | ITEM NO. G.4. |

BACKGROUND

RESOLUTION NO. 2017-7240- A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING THAT PART OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (RYAN S. KONICEK, OPERATOR OF BRIDGESTONE CAPITAL LLC, APPLICANT) (8647 SOUTH 35TH STREET) was approved subject to several conditions, including condition 6:

Prior to recording the Certified Survey Map, the applicant shall request that the City extend public water facilities to serve the proposed lots. If rejected, the proposed lots may be developed with private well-water systems. A statement shall be added to Sheet 1 of the Certified Survey Map to indicate whether the land is being served by public sewer and water or public sewer only.

ANALYSIS

The master plan shows a 24-inch diameter watermain extending along W. Puetz Road and a 12-inch diameter watermain extending along S. 35th Street. A developer is required to extend the pipe to the edge of development, thus approximately 920 feet along W. Puetz and 520 feet along S. 35th Street.

Staff estimates that the total project cost would be approximately \$450,000. The City would pay the difference between an 8-inch watermain and the respective 24- and 12-inch lines. This over-sizing is estimated to be at least \$30,000.

For a three-lot development, the price of water may be considered excessive at $(\$450k - \$30k)/3 = \$140,000$ per lot. The developer would prefer that the requirement to construct the watermain be waived and in return the property owners would be assessed at the time when water is extended by the City.

If common council waives the requirement to extend the water mains at this time, it should be understood that future property owners be advised that they waive their right to contest a future assessment for water mains.

OPTIONS:

Require the developer to extend the watermain per the water master plan along W. Puetz Road and S. 35th Street. Or

Waive the requirement to extend water mains at this time and assess the properties when water is extended by the City or others.

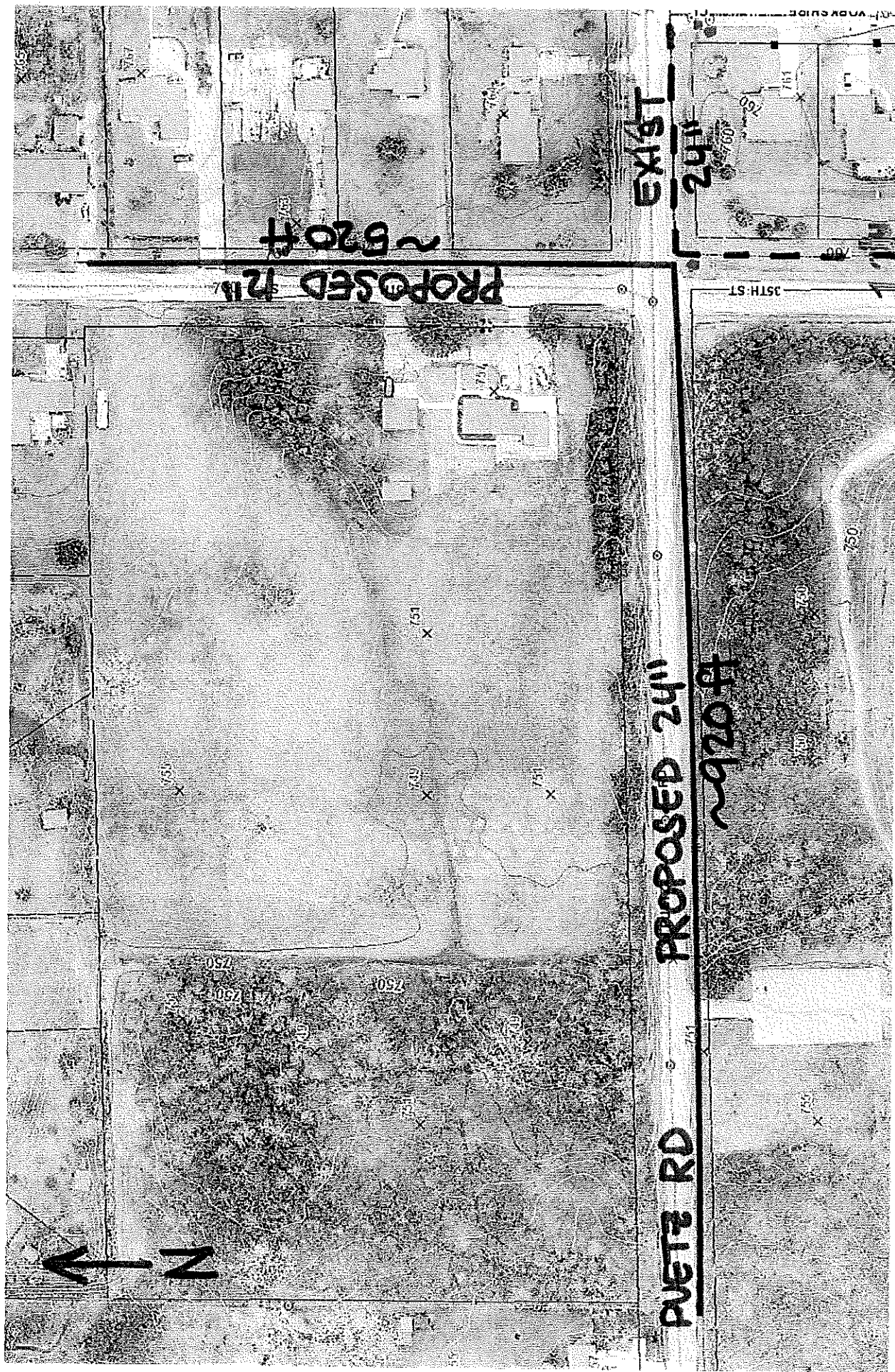
FISCAL NOTE

There are sufficient appropriations in the Development Fund to reimburse the developer for the over-sizing costs.


RECOMMENDATION

Waive the requirement to extend water mains at this time and assess the properties when water is extended by the City or others.

Department of Engineering GEM



| WATER MAIN 35TH STREET AND PUETZ ROAD | | | | |
|---|-------|----------|--------------|------------|
| ASSUME NO EASEMENT PURCHASE REQUIRED | | | | |
| ASSUME DEVELOPER PAYS FOR LATERALS TO WATER MAIN UNDER 35TH STREET AND PUETZ AND FOR STREET RESTORATION | | | | |
| ITEM | UNIT | QUANTITY | UNIT COST | TOTAL COST |
| WETLAND DELINEATION | LS | 1 | \$ 5,000.00 | \$ 5,000 |
| MOBILIZATION | LS | 1 | \$ 33,549.57 | \$ 33,550 |
| TRAFFIC CONTROL (35TH STREET) | LS | 1 | \$ 5,000.00 | \$ 5,000 |
| TRAFFIC CONTROL (PUETZ ROAD) | LS | 1 | \$ 5,000.00 | \$ 5,000 |
| CLEARING AND GRUBBING (PUETZ ROAD) | LS | 1 | \$ 6,000.00 | \$ 6,000 |
| SILT FENCE | LS | 1 | \$ 8,640.00 | \$ 8,640 |
| SAWCUT TWO (2) DRIVEWAYS (35TH STREET) | LF | 84 | \$ 1.50 | \$ 126 |
| SAWCUT DRIVE TO KAYLA'S (PUETZ ROAD) | LF | 112 | \$ 1.50 | \$ 168 |
| 24" WATER MAIN CONNECTION | EA | 1 | \$ 7,500.00 | \$ 7,500 |
| 12"X24" TEE | EA | 1 | \$ 4,000.00 | \$ 4,000 |
| 12-INCH WATER MAIN WITH GRANULAR BACKFILL (35TH STREET) | LF | 520 | \$ 120.00 | \$ 62,400 |
| 24-INCH WATER MAIN WITH GRANULAR BACKFILL (PUETZ ROAD) | LF | 920 | \$ 160.00 | \$ 147,200 |
| HYDRANTS (27TH STREET) (ASSUME EVERY 400 FT) | EA | 2 | \$ 4,000.00 | \$ 8,000 |
| HYDRANTS (PUETZ ROAD) (ASSUME EVERY 400 FT) | EA | 3 | \$ 4,000.00 | \$ 12,000 |
| HYDRANT LEADS (ASSUME 10 FT PER HYDRANT) | LF | 50 | \$ 100.00 | \$ 5,000 |
| HYDRANT VALVES | EA | 5 | \$ 1,300.00 | \$ 6,500 |
| 12" MAINLINE VALVES (35TH STREET) | EA | 6 | \$ 2,500.00 | \$ 15,000 |
| 24" MAINLINE VALVES (PUETZ ROAD) | EA | 1 | \$ 7,500.00 | \$ 7,500 |
| REMOVE AND REPLACE 7" DRIVEWAY (35TH STREET) - CONCRETE | SQ YD | 47 | \$ 80.00 | \$ 3,733 |
| 2" - 3/4" LIMESTONE BASE FOR DRIVES (35TH Street) | TON | 4 | \$ 25.00 | \$ 88 |
| REMOVE DRIVE TO KAYLA'S (PUETZ ROAD) - ASPHALT | SQ YD | 62 | \$ 1.50 | \$ 93 |
| REPLACE DRIVE TO KAYLA'S (PUETZ ROAD) - 2" SURFACE ASPHALT | TON | 7 | \$ 260.00 | \$ 1,780 |
| REPLACE DRIVE TO KAYLA'S (PUETZ ROAD) - 4" BINDER | TON | 14 | \$ 370.00 | \$ 5,295 |
| REPLACE DRIVE TO KAYLA'S (PUETZ ROAD) - TACK COAT | GAL | 3 | \$ 2.00 | \$ 6 |
| 8" - 3/4" LIMESTONE BASE FOR DRIVE TO KAYLA'S (PUETZ ROAD) | TON | 19 | \$ 25.00 | \$ 467 |
| GRASS RESTORATION (NO PAVEMENT) | SQ YD | 2400 | \$ 10.00 | \$ 24,000 |
| SUBTOTAL | | | | \$ 374,045 |
| CONTINGENCY (20%) | | | | \$ 74,809 |
| ESTIMATED TOTAL | | | | \$ 448,854 |

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| APPROVAL <i>slw</i>  | REQUEST FOR COUNCIL ACTION | MEETING DATE 04/18/2017 |
| REPORTS & RECOMMENDATIONS | A RESOLUTION TO ESTABLISH OR AMEND AN EMPLOYEE BENEFIT TO PROVIDE FOR CONTINUATION OF ELIGIBILITY TO PARTICIPATE IN AND FOR PAYMENT OR PARTIAL PAYMENT OR REIMBURSEMENT FOR THE PAYMENT OR PARTIAL PAYMENT OF PREMIUMS FOR HOSPITAL, SURGICAL, AND OTHER HEALTH INSURANCE FOR CERTAIN DISABLED EMPLOYEES AND THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF AN EMPLOYEE, ALREADY RECEIVING FAMILY HEALTH INSURANCE BENEFITS, WHO DIES OR BECOMES TOTALLY PERMANENTLY DISABLED WHILE EMPLOYED WITH THE CITY OF FRANKLIN | ITEM NUMBER <i>G.5.</i> |

In recent months the Personnel Committee has been actively reviewing non-represented employee benefit levels as the next phase of the classification and compensation plan that was previously adopted. The preliminary review generated some questions that warranted a more extensive collection of data from the comparable communities which has made the review more complex, but will provide the Personnel Committee with better information to eventually provide a recommendation to the Common Council. Nonetheless, based on this review, a gap or hole in the health insurance benefit has been identified which warrants immediate consideration. The gap or hole pertains to the extent of access to and subsidy for continued participation in the City's health insurance program for the surviving spouse and dependents of an employee who dies while in active employee status and while already covered under our health plan. The same problem occurs for the employee and their spouse and dependents in the event the employee becomes totally permanently disabled.

The City provides insurance to certain active employees and identifies which retirees have access to continued participation in the health plan, which policy is one of the items under review by the Personnel Committee. When an employee voluntarily leaves employment or is terminated, the City is under no obligation to provide insurance other than as is required by COBRA. COBRA continuation is at the full cost to the individual and does not have a premium cost to the City. The City also provides partially subsidized insurance continuation for one year for the spouse and dependents of an individual covered by the Police Labor contract who dies in the line of duty. Similarly, Wisconsin Statutes provides for a continuation of coverage for the family of a fire fighter killed in the line of duty. Other than continuing at their own cost through COBRA, a surviving spouse of an employee who dies other than in the line of duty but while an active employee is not provided eligibility for continued subsidized health insurance.

Of the 12 comparable communities reviewed in detail, four (Brookfield, Greenfield, Sun Prairie, and Wauwatosa) are effectively providing some support in the form of providing a retiree health insurance savings account (in one form or another) that receives contributions during employment or at the end of employment. These funds can be used to fund premium shares. Since they are "owned" by the employee, they remain the asset of the spouse following the death of an employee and can be used by the spouse to fund premium costs under COBRA or under another plan to which they might move. Although this is an indirect subsidy, it very effectively addresses this issue of assisting a family in maintaining insurance coverage immediately following the death of an employee.

Four additional communities (New Berlin, Mequon, Caledonia, and Fitchburg) specifically address the scenario and provide some subsidy. Fitchburg extends their "Sick Leave at Retirement" credit to provide a subsidy and would calculate the cash value of up to 140 days of banked sick leave which the City then uses to make continued premium payments to the State's health plan run through the Employee Trust Fund (WRS). New Berlin allows fifty percent of the value of accrued sick leave, with no limit to accruals, to be cashed out and held by the City for a similar purpose. Mequon has a similar program but uses paid time off (PTO) instead of sick leave banks, which can accrue a credit that provides for a maximum additional coverage of 18 months. Caledonia provides 6 months of coverage at no cost to the survivors. Four other communities do not provide such coverage: Oak Creek, West Bend, Fond du Lac, and Menomonee Falls. Mt. Pleasant did not respond, and the North Shore Fire Department was not contacted because the statutory provision applies to them and they don't have "general" employees.

Given that just over half of the comparable communities provide the benefit, the first question is whether or not Franklin should provide such coverage? The Director of Administration believes it is appropriate to do so. The recommendation of the Personnel Committee will be provided to the Common Council following their meeting. Considering hypothetical circumstances helps emphasize the appropriateness of extending such coverage. For example, if an employee died one week before their retirement date, their family would be out coverage that just a week later would have been subsidized. It seems reasonable, appropriate, and compassionate to enable a surviving spouse to continue in health insurance coverage to some extent.

The second question, then, is what should be the extent or basis of the coverage? If an employee dies one week after being hired does the City really have as much obligation to extend coverage? The City does have an obligation to control costs, so such subsidized health insurance continuation must be reasonable. Franklin has voluntarily established through its labor negotiations and labor contract with the WPPA (Police Union) that the surviving spouse of an officer who is killed in the line of duty can get up to one year of coverage with 75% of the premium paid for by the City. This then would seem to be the maximum extent of the coverage using our current policies as a basis since it would seem incongruous to provide a lesser benefit to an employee who died in the line of duty. At the same time, it remains a reasonable length of coverage from a cost control perspective as the comparable communities that do address this benefit generally, currently, provide the potential for more coverage.

Comparable communities can also be examined to suggest a basis for providing such coverage. In short, the comparable communities which provide such a benefit, either directly or indirectly through a retiree health savings account, are doing so with some linkage to unused sick leave. That method effectively incorporates a longevity component because an accrued sick leave bank is significantly impacted by an employee's longevity. Fitchburg, for example, provides a "Severance Benefit at Retirement" which is then made available to a spouse in the event of the employee's death. Franklin has a similar retiree benefit that allows two sick days to be converted to severance for each completed year of service provided the employee has sufficient sick leave in their leave bank to cover the days. The total days are, therefore, limited by the length of service, except in the case of Police and Fire Department Officers and Command Staff for whom a maximum of sixty days applies.

The attached policy proposes using this linkage to severance as the basis for the extent of additional coverage provided. An employee who did not use much sick leave and was able to build a balance that could be converted upon retirement would be able to have their family use an amount substantially equivalent to that balance in the event they died before retiring. Conversely, an active employee who had no sick balance at the time of their death has already received the full economic benefit from the sick leave benefit the City offered. That employee would not have an expectation of any severance had they continued on to retirement.

Considering the hypothetical possibilities was also the reason that the Director of Administration recommends writing the policy such that it also extends to an employee who becomes totally permanently disabled. If, for example, two employees are driving to an event off work hours and a car crash kills one and leaves the other totally permanently disabled, it would not make sense to provide an extension of coverage to the deceased employee's family and discontinue coverage for the totally permanently disabled employee and his/her family. In both instances, the families are thrust into a very new, unexpected, life-changing ordeal, and extending some health insurance coverage while they attempt to get their life back in some semblance of order is appropriate.

The policy itself is written to address a lot of the questions that could arise as to the implementation of the benefit. It also sets forth two options ("a" and "b") which address the City's response depending upon whether the individuals remain "eligible" for insurance according to the health coverage plan and the stop-loss insurance plan. This is an important risk management step, and enables the City to deal with the coverage extension whether it is through COBRA or not.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. _____, "A RESOLUTION TO ESTABLISH OR AMEND AN EMPLOYEE BENEFIT TO PROVIDE FOR CONTINUATION OF ELIGIBILITY TO PARTICIPATE IN AND FOR PAYMENT OR PARTIAL PAYMENT OR REIMBURSEMENT FOR THE PAYMENT OR PARTIAL PAYMENT OF PREMIUMS FOR HOSPITAL, SURGICAL, AND OTHER HEALTH INSURANCE FOR CERTAIN DISABLED EMPLOYEES AND THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF AN EMPLOYEE, ALREADY RECEIVING FAMILY HEALTH INSURANCE BENEFITS, WHO DIES OR BECOMES TOTALLY PERMANENTLY DISABLED WHILE EMPLOYED WITH THE CITY OF FRANKLIN"

A STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2017-_____

A RESOLUTION TO ESTABLISH OR AMEND AN EMPLOYEE BENEFIT TO PROVIDE FOR CONTINUATION OF ELIGIBILITY TO PARTICIPATE IN AND FOR PAYMENT OR PARTIAL PAYMENT OR REIMBURSEMENT FOR THE PAYMENT OR PARTIAL PAYMENT OF PREMIUMS FOR HOSPITAL, SURGICAL, AND OTHER HEALTH INSURANCE FOR CERTAIN DISABLED EMPLOYEES AND THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF AN EMPLOYEE, ALREADY RECEIVING FAMILY HEALTH INSURANCE BENEFITS, WHO DIES OR BECOMES TOTALLY PERMANENTLY DISABLED WHILE EMPLOYED WITH THE CITY OF FRANKLIN

WHEREAS, the City of Franklin provides for hospital, surgical, and other health insurance for certain of its employees and their dependents and also provides such insurances to certain of its retirees and their dependents, both with premium share contributions from the employee or retiree, and

WHEREAS, in conjunction with the establishment of a new classification and compensation plan for City non-represented employees, the City is reviewing benefits as provided by comparable communities to their employees and retirees and is reviewing the benefits the City itself provides to its employees and retirees with the goal of establishing a set of benefits that is reasonable, fair, appropriately consistent, and in the best interest of the City in serving its needs to maintain a workforce to provide the residents of the City with the essential services provided by the City, and

WHEREAS, although this review by staff and the Personnel Committee continues to be underway, a gap or hole in the health insurance benefit has been identified which warrants immediate consideration, which gap or hole pertains to the extent of access to and subsidy for continued participation in the City's health insurance program for a surviving spouse and dependents, already covered under said plan, of an employee who dies or becomes totally permanently disabled while in active employee status, and

WHEREAS, the provision of a surviving spouse and dependent health insurance benefit is commonly evident in the benefit packages of comparable communities, as previously established by the Common Council, and the Personnel Committee and Common Council believe the provision of such a benefit, in the manner provided for below, is appropriate, fair, reasonable, compassionate, and in the best interest of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the City of Franklin hereby amends its employee benefits to establish or amend an employee benefit to provide for continuation of eligibility to participate in and for payment or partial payment or reimbursement for the payment or partial payment of premiums for hospital, surgical, and other health insurance, excluding dental, for certain disabled employees and for the surviving spouse and dependent children of an employee, already receiving family health insurance benefits, who dies or becomes totally permanently disabled while employed with the City of Franklin, subject to the following provisions:

“Surviving Spouse and Dependent Children and
Certain Disabled Employees Family Health Insurance Benefits

In the event an employee becomes totally permanently disabled, noting the exception provided for below, or dies prior to retirement and who is eligible for and is participating in the City's health insurance (except when such participation is for single coverage in the circumstance of an employee's death), the employee (and their spouse and dependents if then currently enrolled), in the circumstance

of a total permanent disability, or the surviving spouse and dependents, in the circumstance of the employee's death, shall be eligible for one of the following, as determined solely by the City:

- a. if provided for and allowable under the eligibility provisions of the health insurance plan, continuation in the City's Health Plan for a number of months as fully funded by an amount equivalent to the value of the "Severance Pay," as provided for in the Employee Handbook for retirees, calculated based upon using the last day worked as the end of the years of service, which period may also be adjusted for any leaves of absence or other such adjustment provided for by City policy or contract; or
- b. if not provided for and allowable under the eligibility provision of the health insurance plan and electing COBRA continuation, payment of or reimbursement of monthly COBRA premium payments for a number of months as fully funded by an amount equivalent to the value of the "Severance Pay," as provided for in the Employee Handbook for retirees, calculated based upon using the last day worked as the end of the years of service, which period may also be adjusted for any leaves of absence or other such adjustment provided for by City policy or contract.

The number of months as fully funded by an amount equivalent to the value of the "Severance Pay" is calculated by dividing the "Severance Pay" by the then current total monthly premium for the applicable policy coverage and truncating the result leaving a whole number.

Alternatives "a" and "b" above are both limited to a maximum allowable extension of coverage of 12 calendar months and a minimum allowable extension of coverage of 1 calendar month, unless the equivalent "Severance Pay" calculation equals zero.

In the circumstance of an employment separation due to an employee becoming totally permanently disabled, this benefit shall not accrue to the employee if the employee is eligible for Medicare or Medicaid or any other such applicable State program; however, it may be implemented for continuation of coverage for the spouse and dependents. An individual may be designated as totally permanently disabled (for the purposes of this policy only and for which such designation shall have no merit or consideration outside of this policy) if qualifying for social security benefits based upon the disability or because such social security determinations may be significantly delayed, if designated as such by the City, at the sole determination of the City, following submission of a written request and supporting documentation by the employee or the employee's designated representative to the Director of Administration. The initial determination for City shall be made by the Director of Administration, which determination is subject to appeal to the Personnel Committee.

In order to aid in the interpretation of this policy, it is noted that this policy and its implementation anticipate the following:

- changes may occur, from time to time at the discretion of the City, to the "Severance Pay" section, which will then also impact the benefit provided for herein, except in the circumstance of an individual already in a continuation of coverage period as provided for by the policy;
- an individual covered by the WPPA Collective Bargaining Agreement (CBA) who dies in the line of duty with a substantial length of service may be eligible for a greater continuation of coverage benefit hereunder than provided for by the CBA, and the City's decision to provide such benefit does not create a past practice or obligation to continue such a benefit unless otherwise subsequently and specifically provided for by the CBA;
- an employee who becomes totally permanently disabled may have used up all of their available sick leave and would, therefore, not be eligible for any further continuation of benefits under this policy;

- continuation for “fully funded” months and the mathematical step of truncating will generally leave a residual value such that the net value of the benefit to the surviving spouse or disabled employee is slightly less than the full equivalent value of the “Severance Pay” calculation;
- the length of the continuation of coverage is not recalculated should the health insurance premium change during the period of extended coverage; and
- an Extended-Term Part-Time With Benefits employee or their surviving spouse may be available for such a fully-funded month(s) of coverage even though they had a higher premium share prior to application of this policy.

Each surviving spouse or retiree is responsible for any tax implications and any federal or state taxes as may be required. Each surviving spouse or retiree is responsible to provide the City with any information it needs in order to meet its reporting responsibilities. Failure of the surviving spouse or retiree to provide such information could lead to termination or discontinuation of this benefit.

Continuation of this benefit does not restrict the City from amending or changing the underlying policy or health plan; therefore, the retiree or surviving spouse is required to accept any policy or plan changes that are implemented by the City. In the event the City establishes a post-retirement health savings account, the City may elect to contribute the amount equivalent to the value of the “Severance Pay” to the appropriate post-retirement health savings account.

Solely as determined by the City, this benefit does not apply to an employee, surviving spouse or dependents, or heirs in an instance where continuation of health insurance or health insurance premium payments is provided for by Wisconsin Statutes 66.0137.

Additionally, no employee, surviving spouse, or heir shall make any claim against the City for additional compensation or payment in lieu of or in addition to the City's participation or contribution as set forth herein and as interpreted at the sole discretion of the City.”

BE IT FURTHER RESOLVED by the Mayor and Common Council of the City of Franklin that this policy shall be effective January 1, 2017, and the Director of Administration shall administer its retroactive application.

BE IT FURTHER RESOLVED by the Mayor and Common Council of the City of Franklin that the Director of Administration is authorized to incorporate this policy into the Employee Handbook and the Civil Service Personnel Administration Program in a form and manner as he determines is appropriate.

Introduced at a regular meeting of the Common Council of the City of Franklin this 18th day of April, 2017, by Alderman _____.

Passed and adopted by the Common Council of the City of Franklin this 18th day of April, 2017.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, Director of Clerk Services

AYES ____ NOES ____ ABSENT ____

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| APPROVAL <i>slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 04/18/17 |
| REPORTS & RECOMMENDATIONS | 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) | ITEM NUMBER <i>G.6.</i> |

At the April 6, 2017 meeting of the Plan Commission the following action was approved: move to recommend approval of 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, subject to conditions containing 120 days be replaced with the date of June 30, 2017; that all downspouts and the like be removed from connecting to sewer; removal of the existing pole sign; and fence placement shall be approved by the City Engineer.

Per the above motion, Staff added the following conditions to the draft resolution:

15. All downspouts and the like shall be disconnected from the sewer system by June 30, 2017.
16. The former National True Value pole sign shall be removed from the property.
17. Fence placement shall be approved by the City Engineer to ensure it doesn't impede drainage.

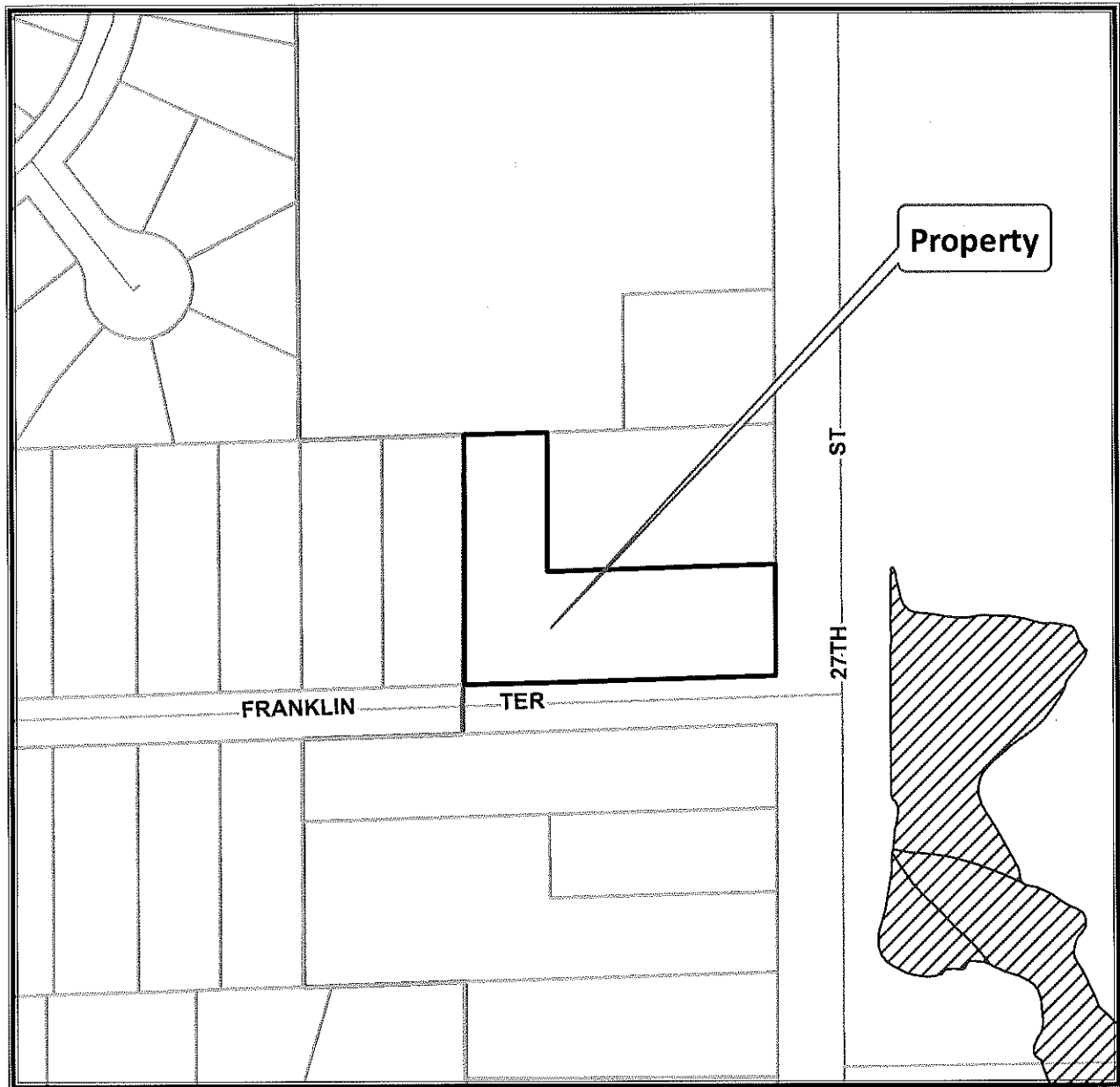
Staff also amended Condition Nos. 4, 5, 7, 8, 11, 12 and 13 of the draft resolution by replacing "within 120 days of the date of adoption of this Resolution" with "by June 30, 2017."

COUNCIL ACTION REQUESTED

A motion to adopt 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)



8833 S. 27th Street
TKN 855 9908 001



Planning Department
(414) 425-4024

0 115 230 460 Feet

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



2017 Aerial Photo

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

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 by June 30, 2017.
5. Loose boards and holes in the exterior walls of the building located at 8833 South 27th Street shall be repaired by June 30, 2017.
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 by June 30, 2017.
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 by June 30, 2017.
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 by June 30, 2017.
12. The off-street parking areas shall be striped in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance by June 30, 2017.
13. One (1) accessible off-street parking space in accordance with Section 15-5.0202L shall be striped by June 30, 2017.

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

Page 4

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. All downspouts and the like shall be disconnected from the sewer system by June 30, 2017.
16. The former National True Value pole sign shall be removed from the property.
17. Fence placement shall be approved by the City Engineer to ensure it doesn't impede drainage.

BE IT FURTHER RESOLVED, that in the event Brian F. Drumel, 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.

BRIAN F. DRUMEL, OWNER, X-PER-T'S SERVICES, INC. – SPECIAL USE
RESOLUTION NO. 2017-_____
Page 5

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 _____



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 27 th 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 27 th Street Mixed Use Commercial District |
| 2025 Comprehensive Master Plan | Mixed Use |
| Use of Surrounding Properties: | Vacant land zoned B-4 South 27 th 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 27 th 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.



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 cursive script that reads "Brian F. Drumel".

Brian F. Drumel
Owner



Franklin

MAR 28 2017

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

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.

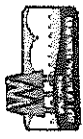
Response: No. X-Per-T's Services owns the building this is the location we prefer to occupy.

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.

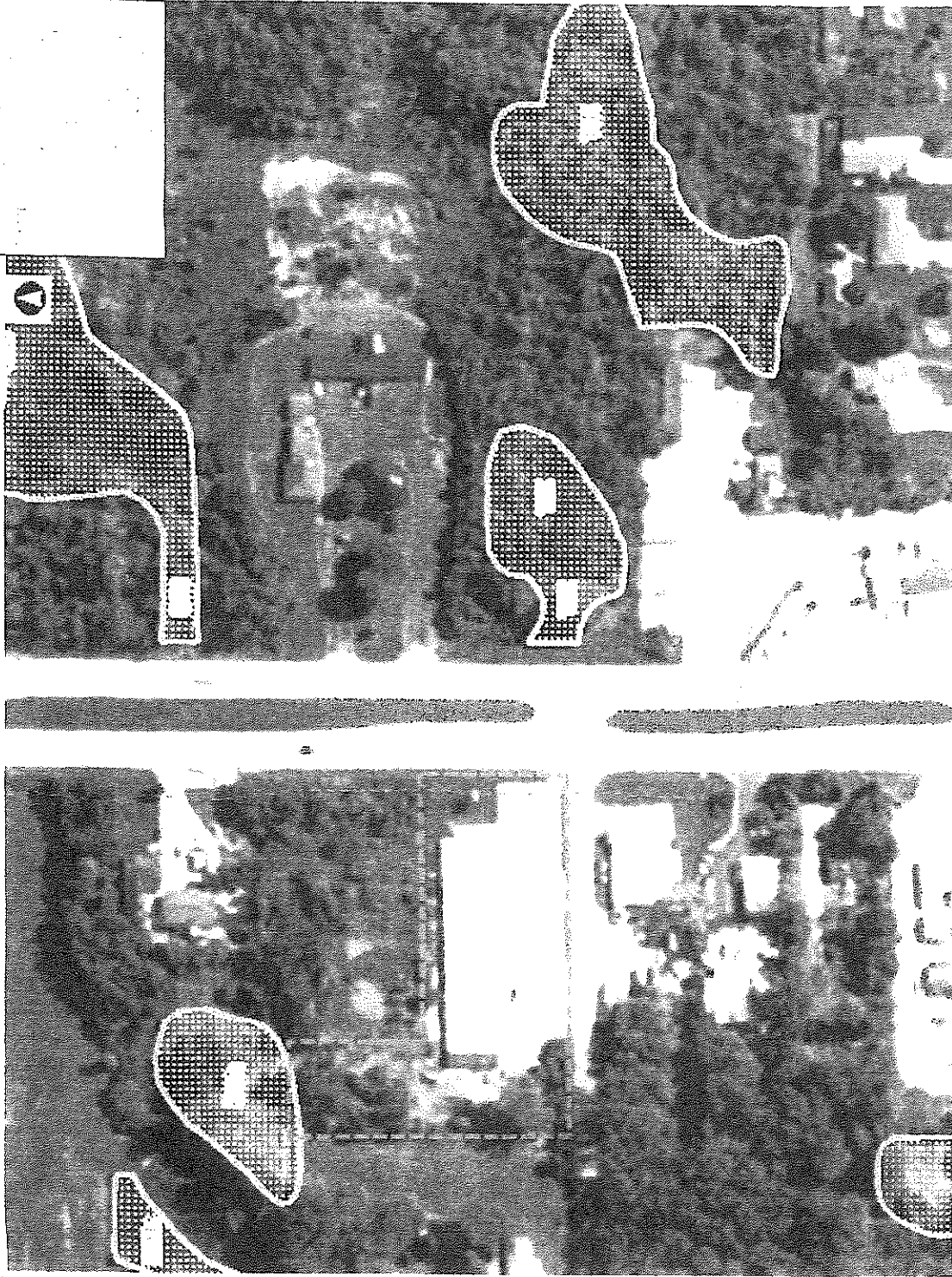
Response: Grounds will be kept to city standards

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



DISCLAIMER: The information shown on this map was derived from various sources, and are of varying accuracy. The information is not intended to be used for navigation, and no warranty is made regarding accuracy. The information is provided for informational purposes only. For more information, see the Data Linkage web page (<http://dnr.wisconsin.gov/data-linkage>).

0.1 Miles

0.03

0

NAD_1983_HARN_Wisconsin_TM

1: 1,980

Notes

Legend

Wetland Class Points

Dammed pond

Excavated pond

Filled excavated pond

Filled/draind wetland

Wetland too small to delineate

Filled Points

Wetland Class Areas

Wetland

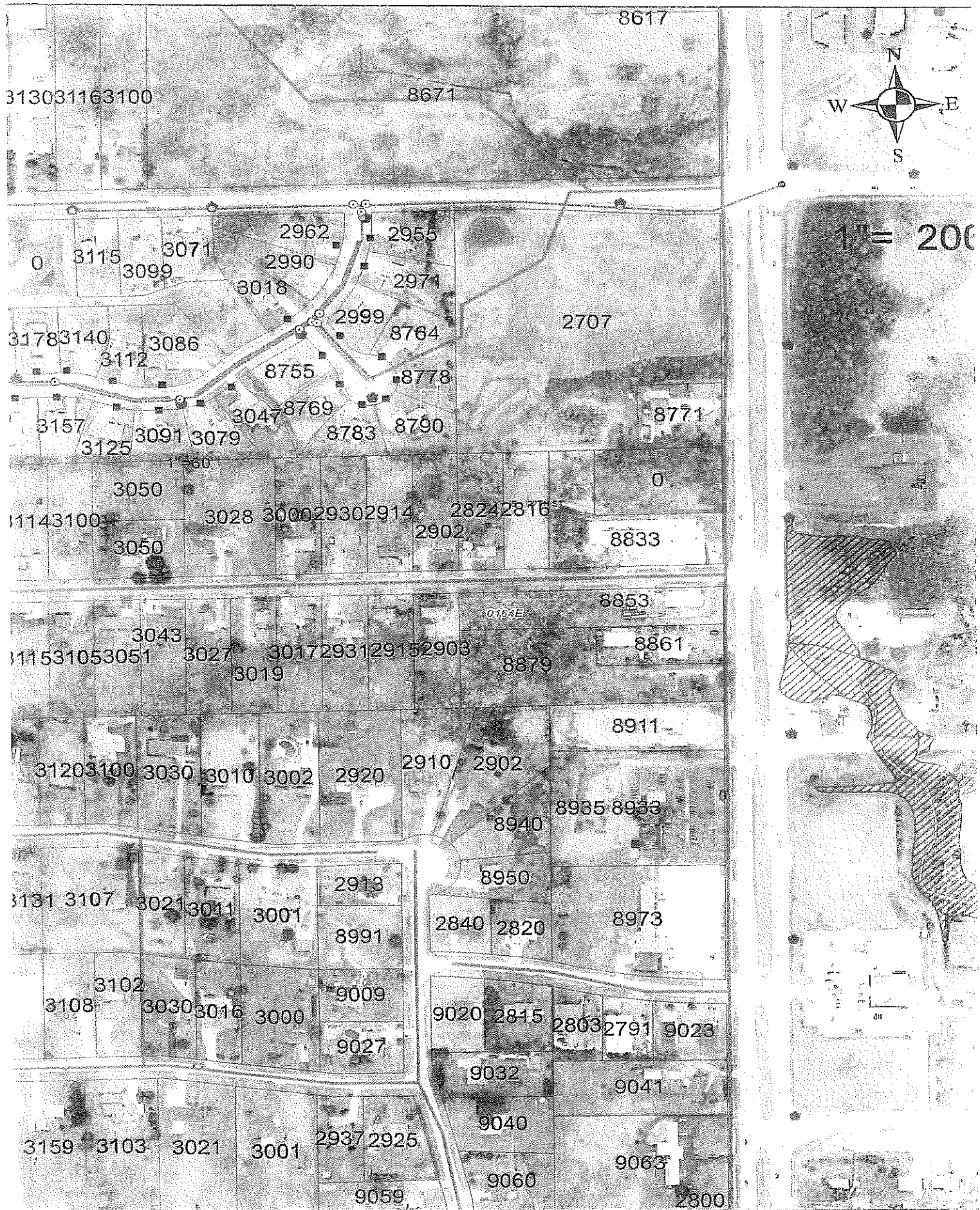
Upland

Filled Areas

Rivers and Streams

Intermittent Streams

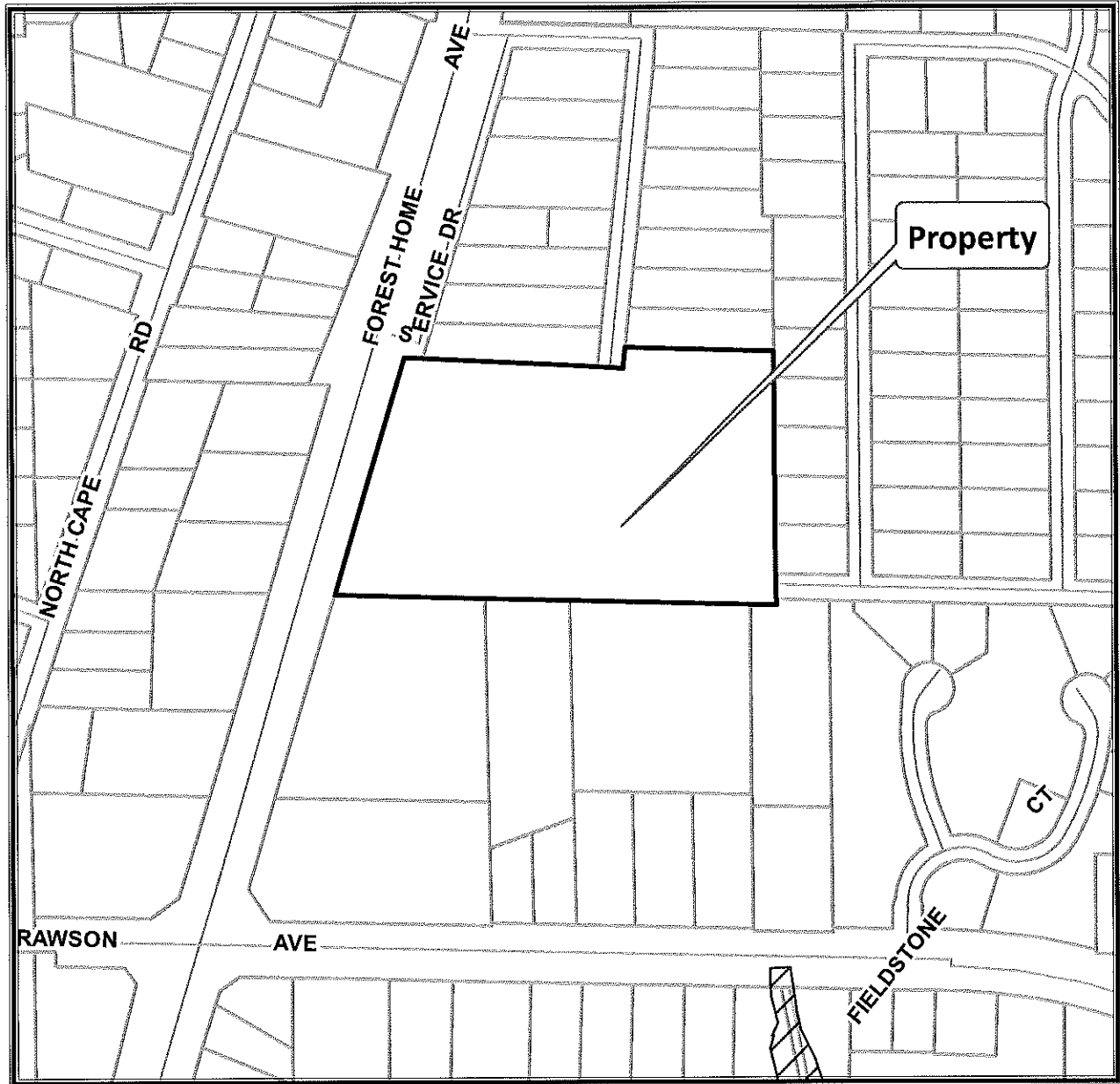
Lakes and Open water



| | | |
|--|--|-------------------------------------|
| APPROVAL <i>slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 04/18/17 |
| REPORTS & RECOMMENDATIONS | 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) | ITEM NUMBER <i>G.7.</i> |
| <p>At its April 6, 2017 meeting the Plan Commission recommended approval of 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).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt 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).</p> | | |



11311 W. Forest Home Ave.
TKN 748 9994 003



Planning Department
(414) 425-4024

0 225 450 900 Feet

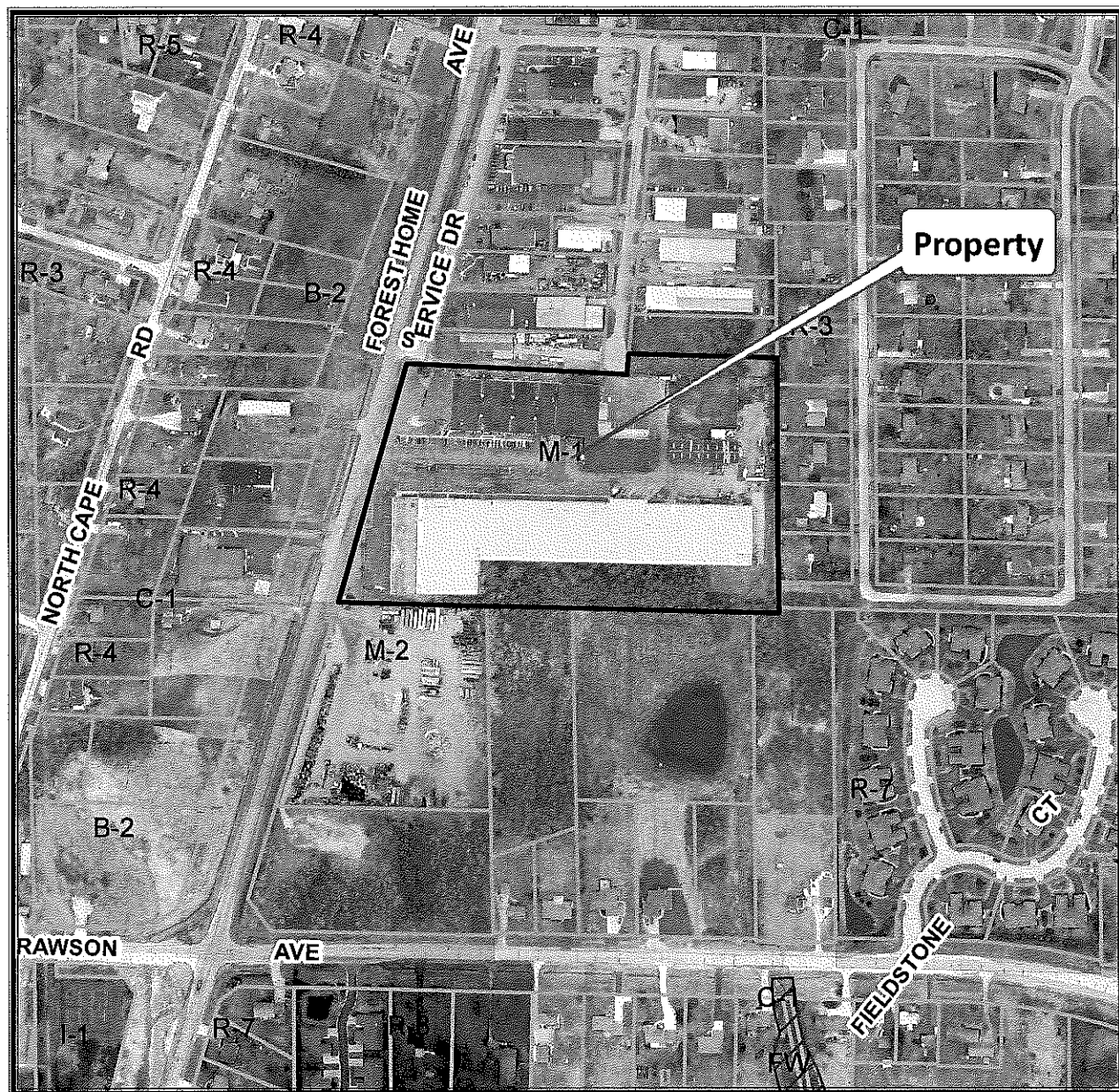


2017 Aerial Photo

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



11311 W. Forest Home Ave.
TKN 748 9994 003



Planning Department
(414) 425-4024

0 225 450 900 Feet



2017 Aerial Photo

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

**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

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

RESOLUTION NO. 2017-_____

Page 3

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

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 _____

Exhibit A

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.

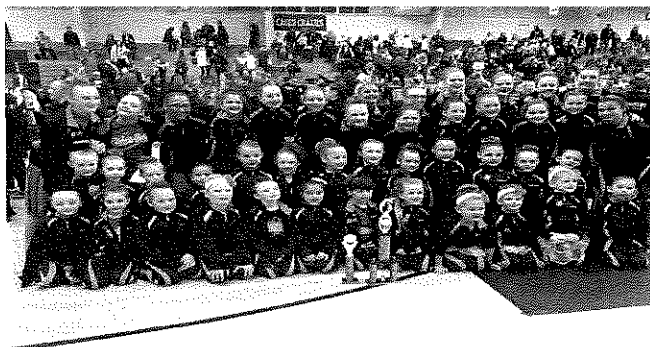
The Stephanie Marie Dance Company is committed to providing the best competitive and performance experience to their dancers. We are a competitive company that challenges our athletes to the discipline, determination and passion it takes to become an All-Star Dancer. We offer training in ballet, lyrical,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

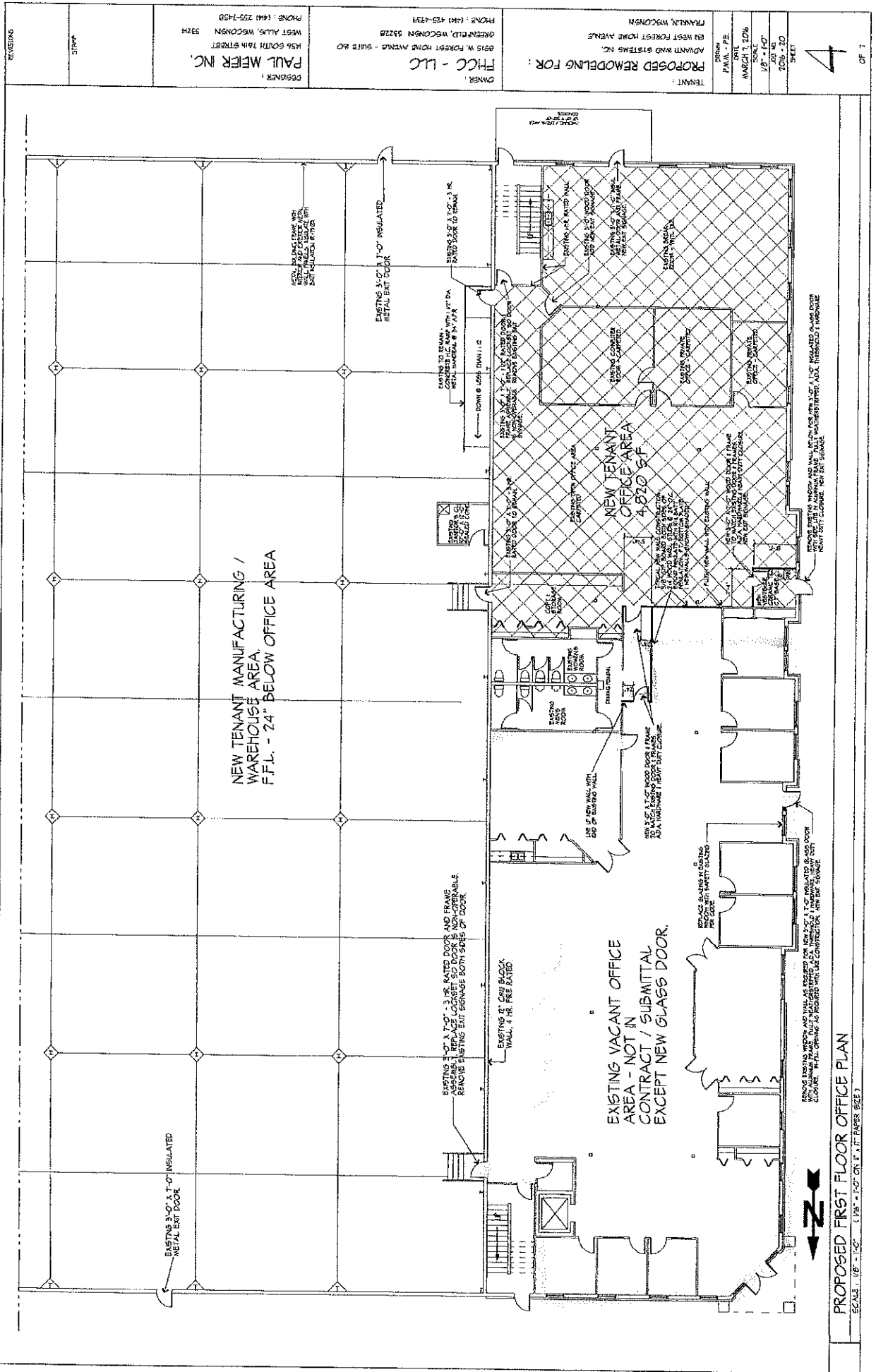
Response: We do not feel that our studio will negatively affect neighboring businesses or the neighborhood.

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 Dance Studio
AS IS

4

OF 7

PROPOSED REMODELING FOR:
ADVANTAGE WOOD SYSTEMS, INC.
8315 W. FOREST HOME AVENUE - SUITE 200
FRANKLIN, WISCONSIN
PHONE: (414) 425-4734

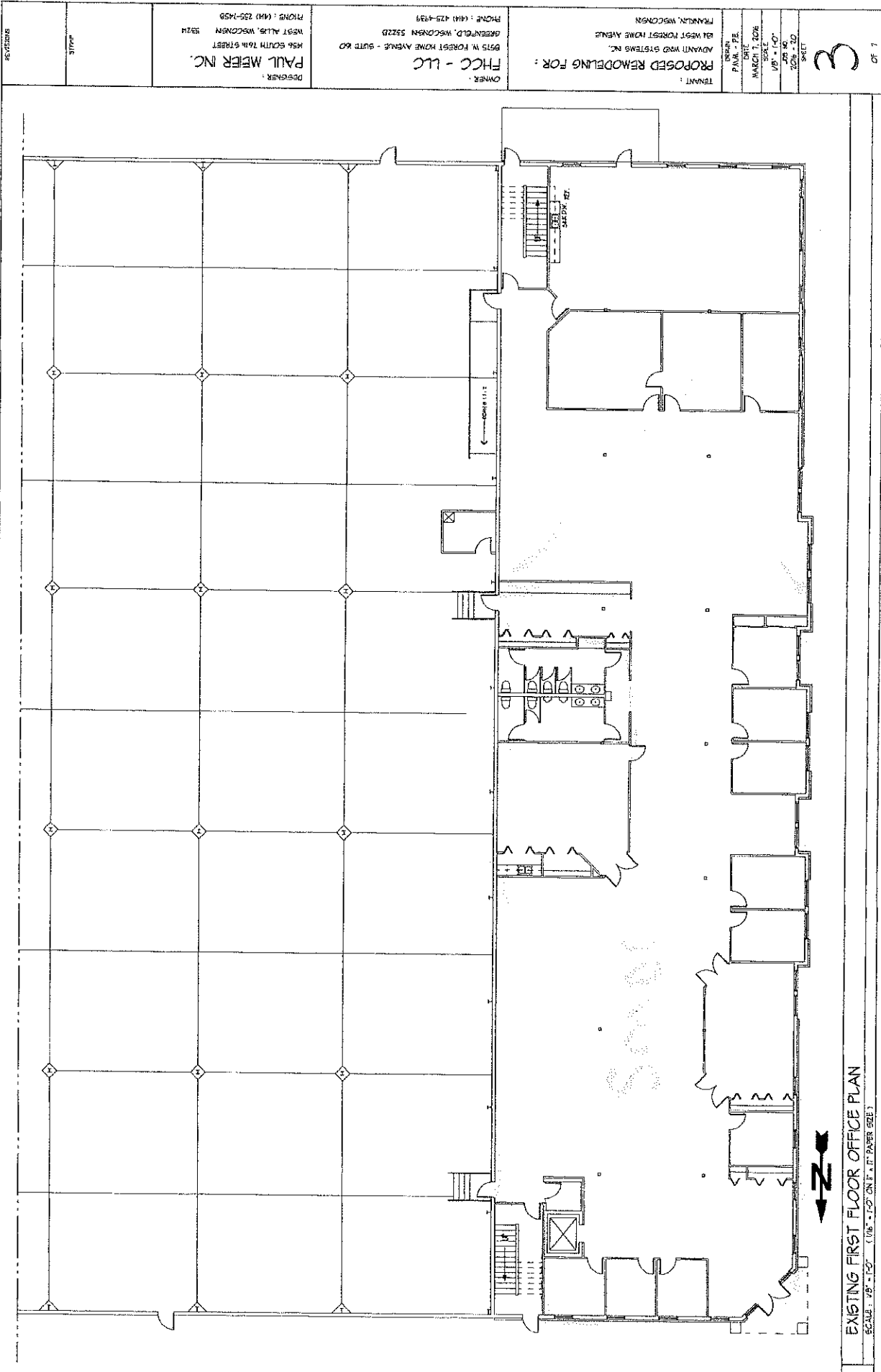
OWNER:
FHCC - LLC
8315 W. FOREST HOME AVENUE - SUITE 200
FRANKLIN, WISCONSIN 53228
PHONE: (414) 425-4734

DESIGNER:
PAUL MEIER INC.
456 SOUTH 16TH STREET
WEST ALLIS, WISCONSIN 53224
PHONE: (414) 255-7450

DATE:
MARCH 1, 2020

SCALE:
1/8" = 1'-0"

SHEET:
200 OF 200



EXISTING FIRST FLOOR OFFICE PLAN
SCALE: 1/8" = 1'-0" (1/8" = 1'-0" ON 11" PAPER SIZE)

Stephanie Marie Dance Co.
- As Is -

PROPOSED REMODELING FOR:

ADVANT VIB SYSTEMS INC.
141 WEST FOREST HOME AVENUE
FRANKLIN, WISCONSIN

OWNER:

FHCC - LLC
8515 W. FOREST HOME AVENUE - SUITE 60
GREENFIELD, WISCONSIN 53220
PHONE: (414) 429-4191

DESIGNER:

PAUL MEIER INC.
456 SOUTH TWIN STREET
WEST ALFRED, WISCONSIN 53214
PHONE: (414) 255-1458

DATE:

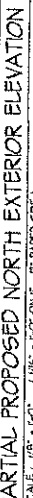
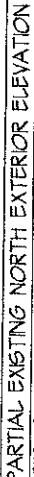
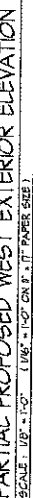
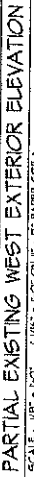
SHEET:

3
OF 1

DEPT
P.A.M. - P.E.
DATE
MARCH 7, 2016
SCALE
1/8" = 1'-0"
JOB NO.
2016 - 20
SHEET

FOR :

DESIGNER:
PAUL MEIER INC.
456 SOUTH 16TH STREET
WEST ALB., WISCONSIN 53214
PHONE: (414) 255-7458



5/NDIG/1433

STOP

DESIGNER:
PAUL MEIER INC.
456 SOUTH 74th STREET
WEST ALIS, WISCONSIN 53234

OWNER :
FHCC - LLC
5975 W FOREST HOME AVENUE - SUITE 60
GREENFIELD, WISCONSIN 53228

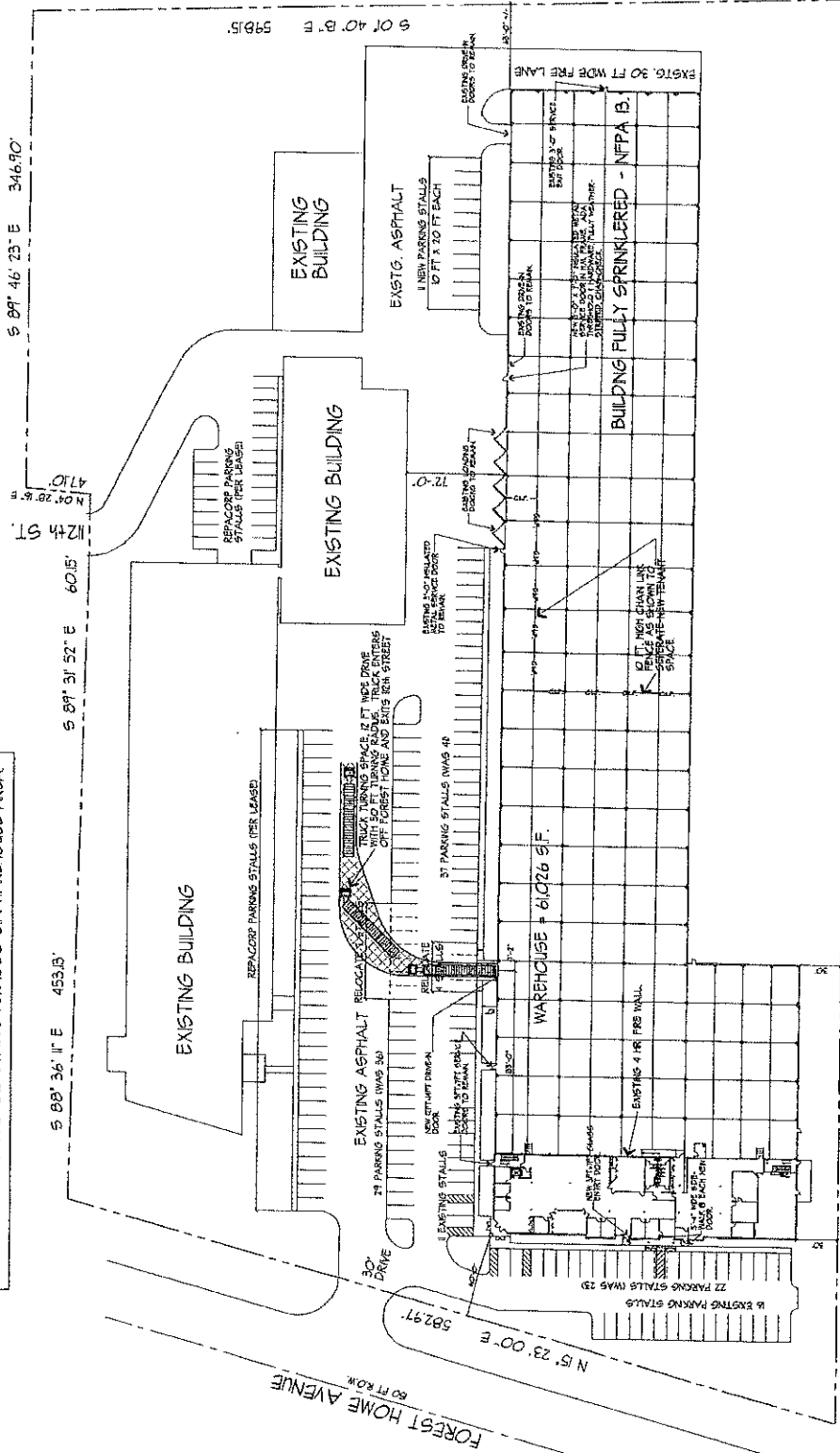
PROPOSED REMODELING FOR :

| | | | | |
|---------------|---------------|--------------|-----------|-------|
| DESIGN | DATE | SCALE | JOB NO | SHEET |
| P.A.M. - P.E. | MARCH 9, 2016 | 1/8" = 1'-0" | 2016 - 20 | |

| | | |
|---|-------------|-----------|
| AVANTI WAREHOUSE SPACE | 6109 S.F. | 31 STALLS |
| AVANTI OFFICE SPACE | 5,381 S.F. | 18 STALLS |
| ACTUAL AVANTI EMPLOYEE COUNT = 31 | | |
| REST OF WAREHOUSE SPACE | 56,645 S.F. | 29 STALLS |
| REST OF 1st FLOOR OFFICE SPACE | 7113 S.F. | 24 STALLS |
| 2nd FLOOR OFFICE SPACE | 12,494 S.F. | 42 STALLS |
| TOTAL REQUIRED = 126 STALLS (USING AVANTI EMPLOYEE COUNT) | | |

EXISTING PARKING STALL COUNT = 127 STALLS
NEW PARKING STALL COUNT = 127 STALLS
REMOVING 11 STALLS AND ADDING 11 NEW STALLS

PARKING STALL REQUIREMENTS BASED ON 333 STALLS PER 1,000 S.F. FOR OFFICE AREA AND 0.5 STALLS PER 1,000 S.F. WAREHOUSE AREA.



EXISTING SITE PLAN - REVISED PARKING & SIDEWALK PLAN

[illegible]

| | | |
|--|--|-------------------------------------|
| APPROVAL <i>slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 04/18/17 |
| REPORTS & RECOMMENDATIONS | RESOLUTION 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) | ITEM NUMBER G. 8, |

At the April 3, 2017 meeting of the Common Council the following action was approved: move to postpone until April 18, 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 business (Mark Liban, President of Liban's Lawn Service, Inc., applicant).

At the March 23, 2017 meeting of the Plan Commission the following action was approved: move 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 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.

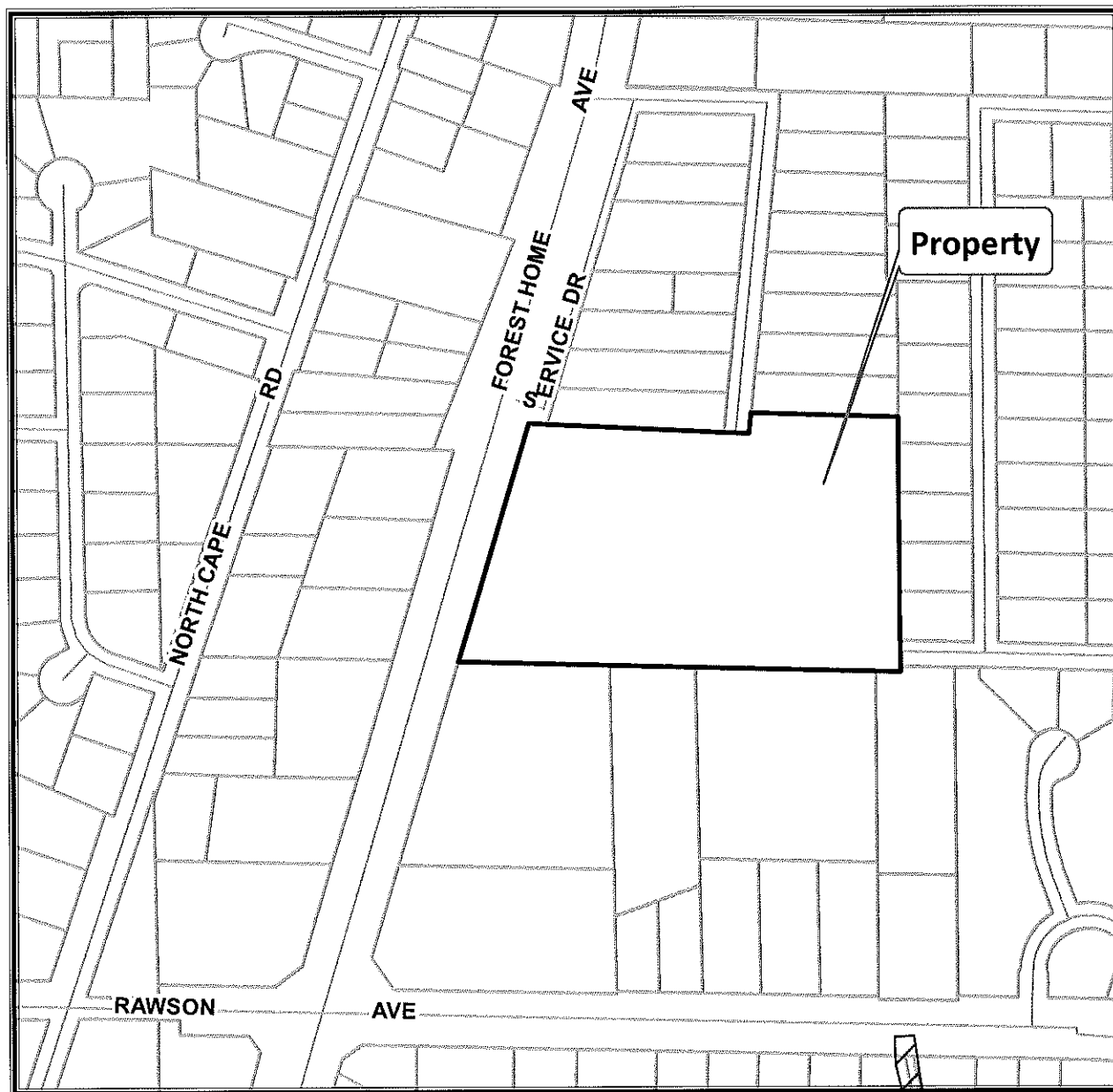
Per the above motion, Staff added the following condition to the draft resolution: "Gaps within the existing fence shall be repaired and/or filled within 60 days of the date of adoption of this Resolution." Staff also amended the time-frames for Condition Nos. 4, 5, 6 and 8 of the draft resolution accordingly.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2017-_____, a resolution 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)



11307 W. Forest Home Avenue
TKN 748 9994 003



Planning Department
(414) 425-4024

0 225 450 900 Feet

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



2017 Aerial Photo

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 60 days 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 30 days of the date of adoption of this Resolution.
6. The rusty cargo container shall be removed from the property within 30 days of the date of adoption of this Resolution.
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, within 60 days of the date of adoption of this Resolution.
9. Gaps within the existing fence shall be repaired and/or filled within 60 days of the date of adoption of this Resolution.

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

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

Page 4

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 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 _____

**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.

Exhibit A

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.

Liban's

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: Current zoning M-1 Limited industrial. Liban's operations at site consist of storage for vehicles, equipment and material. All services are preformed 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

City Development

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.

Liban's

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:

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Franklin

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City Development

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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.

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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 6/11/14 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: _____

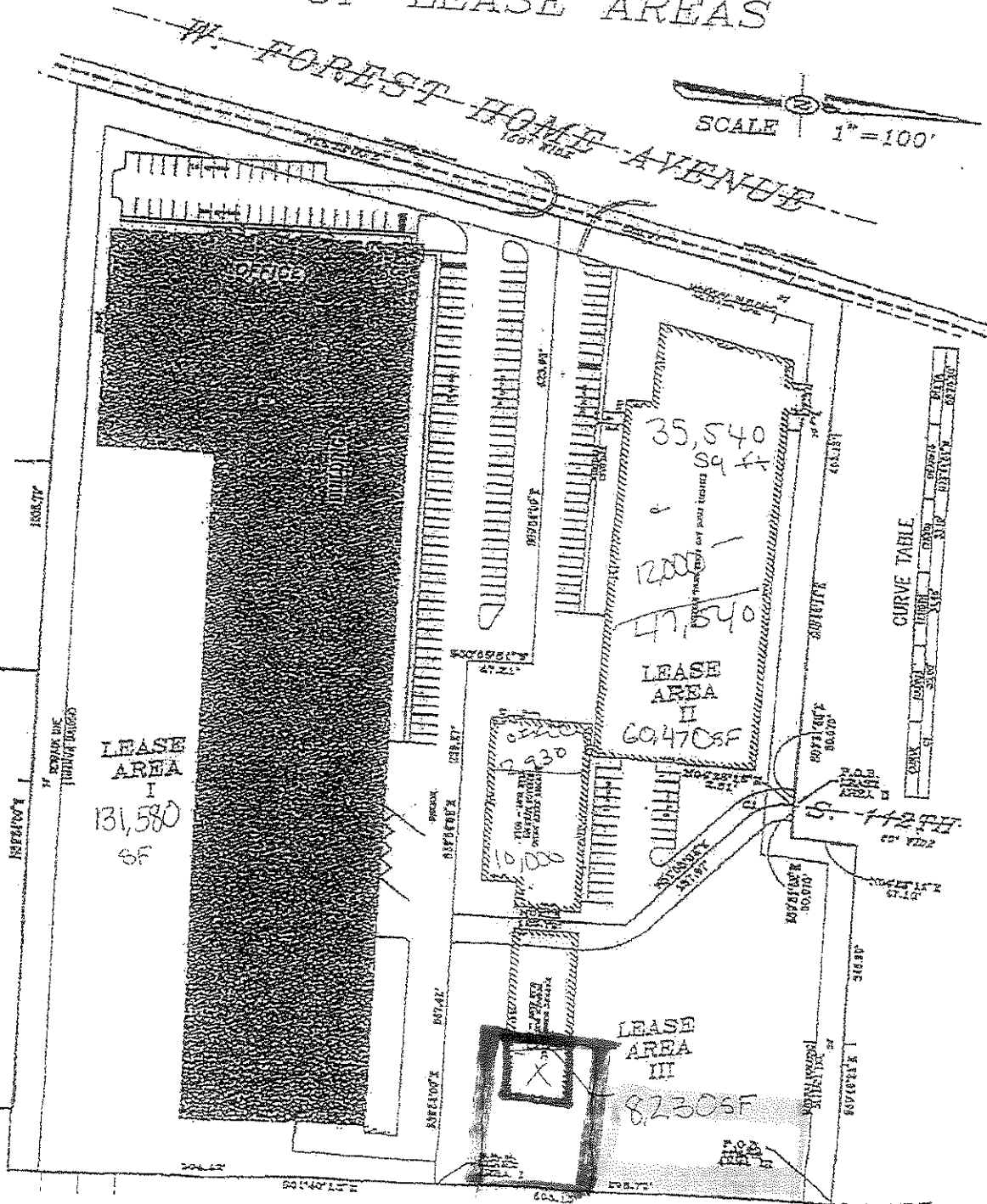
Mark Liban President
7/14/14



Exhibit A

PROJ. NO. 06-13-88-112
 DWG. NO. 981222.DWG
 DATE: OCTOBER 15, 1998

KHARR ENGINEERING, INC.
 5411 NORTH 18TH COURT
 MESA, AZ 85205
 PHONE: (480) 516-4210
 FAX: (480) 516-4385

EXHIBIT DRAWING OF LEASE AREAS



 Court area
 - New area

[illegible]

in development

Durham Library Service Newark Library
215 So W. Lewisdale St Newark, N.J.

Play Site: 1307 W Forest Home Ave

Revised Date 3-10-17

Outside Subt Rented 19,000 yft

Building Sept area rated 2,750 sq ft

Exterior Zone M-Limited Industrial

Scale $\frac{1}{2} = 1'$

10/10/10

2nd Party Contract

100-604-1150

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Porton Central Ditch Check Snow Storage

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Existing Building