APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/04/16
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND SECTION 15- 3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX) TO REVISE THE DISTRICT AND TO EXPAND THE DISTRICT TO ENCOMPASS CERTAIN ADJACENT AREA LANDS TO CREATE THE "BALLPARK COMMONS" SPORTS ANCHORED MIXED- USE DEVELOPMENT (MIKE ZIMMERMAN AND GREG MARSO ZIM-MAR PROPERTIES LLC, AND JOHN DARGLE JR. DIRECTOR OF THE MILWAUKEE COUNTY DEPARTMENT OF PARKS, APPLICANTS) (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE, AND ALONG WEST RAWSON AVENUE, WEST LOOMIS ROAD, AND WEST OLD LOOMIS ROAD)	ITEM NUMBER

Introduction

At their meeting on March 17, 2016, the Plan Commission recommended approval of an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District (PDD) No. 37 (The Rock Sports Complex) to revise and expand the district to encompass certain adjacent lands and to create the proposed "Ballpark Commons" sports anchored mixed-use development.

Public Hearing Summary

A public hearing was held on March 17, 2016, before the City of Franklin Plan Commission to receive public comment on a request by Mr. Michael Zimmerman, Mr. Greg Marso, and Mr. John Dargle Jr. to revise and expand Planned Development District No. 37 (The Rock Sports Complex) to accommodate the proposed Ballpark Commons sports anchored mixed use development. After an introduction by City staff, and a summary of the project by Mr. Blair Williams, Mr. Greg Marso, and associates of Mr. Zimmerman, 39 persons spoke on this matter. Of these, 36 persons spoke in opposition to, or with concerns about, the proposed project, and three persons spoke in support of the proposed project. Noted concerns included: the possible noise, lights, and traffic associated with the proposed project; the inclusion of apartments within the proposed project; potential impacts from such a development being located on a former landfill; possible negative impacts upon adjacent property values; that more time should be provided for City review and consideration of this project; that the plans for the proposed project keep changing; and that the City might be held responsible if the project fails to develop as proposed.

Additional Public Comment/Information

Staff also received 12 emails or letters (see attached) in regard to the proposed Ballpark Commons project, nine of which expressed opposition to or concerns about the proposed project, and three of which expressed support of the proposed project (copies are attached).

Planning Department staff has also talked to four individuals who have indicated that, while they are opposed to or have concerns about the proposed project, if it should be approved by the City, they would recommend that the project be revised in some particular way. Those proposed revisions include: extend public sanitary sewer and water into the Whitnall View subdivision at no cost to those residents; obtain an engineering report in regard to the location and proximity of private wells to the landfill; extend Rawson Avenue as four lanes further westward to Woefel Road; and that the City hire consultants to assist staff with the implementation and site inspection associated with all conditions of approval for this project.

Protest Petition

Please note that the City has recently received petitions from neighbors of the proposed Ballpark Commons project protesting the rezoning/amendment of Planned Development District No. 37 (The Rock Sports Complex). These petitions are currently under review by the City Attorney and the Planning Manager, pursuant to Wisconsin Statutes Section 62.23(7)(d)2m and the Unified Development Ordinance Section 15-9.0209, and staff will report its findings to the Common Council at its April 4, 2016 meeting. A copy of a letter from Mr. Matthew J. Fleming (an attorney representing some of the neighboring property owners) on this matter, and a letter in response from City Attorney Jesse Wesolowski, are attached.

Additional Information from the Applicants

On March 30, 2016, the applicants provided a copy of all of the information they had previously provided to the Plan Commission for its meeting of March 17, 2016, including: the Ballpark Commons Franklin, WI Amended PDD/GDP Submittal; the Market Study and Executive Summary of the Proposed Mixed Use Development prepared by Moegenburg Research Inc.; and additional maps of the subject area.

The applicants have also provided new information in response to some of the Plan Commission's recommended conditions of approval for the proposed PDD amendment including: a breakdown of anticipated total project taxable value; architectural design intents and examples; public sewer and water information; compatibility of land uses information; and approval for use of the City's Transportation Impact Analysis (TIA) of this area for removal of some of the Loomis Road/Rawson Avenue ramps as the preliminary TIA for the proposed Ballpark Commons project.

Additional Changes Recommended by Staff

Staff would note that with receipt of this additional information, of the Plan Commission's 39 recommended conditions of approval (as set forth in the draft PDD Amendment Ordinance):

- Four conditions (#2, 5, 16b, and 31) have now been addressed by the applicants and can be removed from the draft ordinance.
- Four conditions (#3, 4, 6, and 7) have been partially addressed by the applicants, should still remain in the draft ordinance, but the deadline revised as noted in Attachment A.
- 21 conditions are agreed to by the applicants and will be addressed within the timeframe/deadline as proposed by the Plan Commission.
- 10 conditions (#1, 12b, 14, 15, 17, 19b, 20b, 21b, 26, and 28b) are not agreed to by the applicants either due to disagreement with the condition itself or with its recommended timeframe/deadline. Staff recommends that these conditions remain, but that the deadline of conditions #12b, 14, 15, 20b, 21b, 26, and 28b be revised as noted in Attachment A.



See the attached spreadsheet/table entitled 'Attachment A: Staff's Summary and Tracking of the Recommended Conditions for the PDD No. 37 Amendment/Ballpark Commons Project' for a brief summary of all of these proposed conditions, including a brief summary of the applicants recommendations for each (more information from the applicants is provided in their version of a similar spreadsheet/table).

Lastly, staff recommends that a new condition be added "The Planned Development District No. 37 (The Rock Sports Complex) Ordinance shall be subject to minor technical corrections, such as inclusion of 'commercial apartments in the upper stories of mixed use residential buildings' in the Area Intent of Section 15-3.0442B of the Ordinance, and revision of the "S" in Table 15-3.0443D.3. for Multiple-family dwellings and apartments to "P/S", pursuant to review and approval by Planning Department staff and the City Attorney."

COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2016-______, an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex) to revise the district and expand the district to encompass certain adjacent area lands to create the "Ballpark Commons" sports anchored mixed-use development (Mike Zimmerman and Greg Marso, Zim-Mar Properties LLC, and John Dargle Jr. Director of the Milwaukee County Department of Parks, Applicants) (at approximately 7900 West Rawson Avenue, West Loomis Road, and West Old Loomis Road).

Attachment A: Staff's Summary and Tracking of the Recommended Conditions for the PDD No. 37 Amendment/Ballpark Commons Project

	1	Attachment A: Staff	5 Juillillai	y anu ma	CKING OF U	ie kecoiii	illelided Collditions for the F	PDD No. 37 Amendment/Ballpark Commons Project
Recom. # from the								
Draft PDD								
Ord.	Conditions of Approval	Deadline	Staff Rec	PC Rec	Appli Rec	CC Rec	Staff Suggestions	Changes/Comments
								Applicants recommend the PC (not the Council) approve most detailed plans and the PC usually determine what PDD changes go to the Council for
1	All detailed approvals to be made by Council	n/a	х	х	NO			approval.
2	Add \$ value of project breakdown by area	prior to CC	х	х	х			DONE, the condition has been addressed at the applicants have now provided project values for each area of Ballpark Commons
					partially			The applicants have provided more information, but not sketches of all building types. Staff recommends this condition remain, but the deadline
3	Add architectural sketches by building type	prior to CC	х	x	addressed			revised to "prior to submittal of any plans".
								The applicants have provided more information, but not details about any potential issues such as obtaining MMSD approvals and technical issues
					partially			connecting to the MIS, DOT approvals and technical issues for boring underneath Loomis Road, etc. Staff recommends this condition remain, but
4	Add info. about sewer and water service issues	prior to CC	х	х	addressed			the deadline revised to "prior to submittal of any plans". DONE, the condition has been addressed as the applicants have now provided more information about the compatibility of the existing and proposed
5	Add compatibility with adjacent land uses info.	prior to CC	×	x	×			land uses.
					partially			PC recommends staff suggestion. However, applicants instead recommend 2 years for existing development, and the applicants choose the study
6	Prepare a sound study for The Rock	prior to dev in The Rock	х	Х	addressed		apply to ex. dev. within 1 yr	consultant.
					partially			PC recommends staff suggestion. However, applicants instead recommend 2 years for existing development, and the applicants choose the study
7	Prepare a lighting study for The Rock	prior to dev in The Rock	×	x	addressed		apply to ex. dev. within 1 yr	consultant.
8a	Obtain landfill area approvals	prior to landfill disturbance	х	х	х			
								Staff recommends and the applicants agree that the condition be revised to "The applicants shall ensure that the City is an active participant in, and
								that City staff is invited to, all discussions with the DNR and Milwaukee County regarding development of and permits and approvals for disturbance
8b	Obtain prelim. landfill area approvals and map	prior to submittal of plans	х	х	х			of the landfill." Staff recommends and the applicants agree that the conditions be revised to "The applicants shall revise the Development Concept Plan to extend the
		1					remove 2 existing ballfields at Sports	60' wide landscape buffer northward along the entire common boundary with the Whitnall Edge subdivision, for staff review and approval, prior to
9	Remove 1 multi-purpose field at NW corner of The Rock	prior to submittal of plans	х	х	х		Village, combine 10 parcels by CSM	the submittal of any detailed plans for The Rock Sports Complex area."
10	Add apartment standards to Sports Village	n/a	х	х	х			
11a	Obtain MMSD gas pipeline approval	prior to pipeline disturbance	х	х	х			
								Staff recommends and the applicants agree that the condition be revised to "The applicants shall ensure that the City is an active participant in, and
								that City staff is invited to, all discussions with the MMSD regarding development of and permits and approvals for disturbance of the lands adjacent
11b	Obtain prelim. MMSD gas pipeline approval	prior to submittal of plans	х	х	х			to the gas pipeline."
12a	Add multi-fam res. details for Sports Village	prior to submittal of plans	х	х	х			Applicate ladies able lafe and be will be applied by when he have a smallest a fact that a small by the same of th
12b	Add prelim. multi-fam res. details for Sports Village	prior to CC			NO			Applicants indicate this information will be provided later when it becomes available. Staff recommends this condition remain, but the deadline revised to "prior to submittal plans for the Sports Village area".
13	Add apartment standards to Commercial area	n/a	x	×	NO V			
- 13	Add apartment standards to commercial area	li/a						Applicants indicate this information will be provided later when it becomes available. Staff recommends this condition remain, but the deadline
14	Add multi-fam res. details for Commercial area	prior to CC	x	x	NO		move parking east of apartments	revised to "prior to submittal of plans for the Commercial area".
								Applicants indicate this information will be provided later when it becomes available. Staff recommends this condition remain, but the deadline
15	Add note to Dev. Plan Map re: others approvals	prior to CC	х	х	NO			revised to "prior to submittal of any plans".
16a	Prepare TIA for all of Ballpark Commons	prior to submittal of any plans	х	х	х			
16b	Prepare prelim. TIA	prior to CC			ų.			DONE , the condition has been addressed as the applicants have indicated that they support use of the City's TIA as a preliminary TIA for their proposal.
100	Frepare prenini. TIA	phor to cc					public portion of Crystal Ridge to be	Applicants indicate they do not agree with this condition, but are willing to discuss this topic during TIF consideration and pending review with legal
17	Provide 20-year bond for any public roads on landfill	prior to dev in the landfill area	x	x	NO		south of stadium	counsel and Milw Co.
18	Redesign proposed road intersections with right angles	prior to submittal of plans	х	х	х			
19a	Prepare Street Design Plan	prior to submittal of plans	х	х	х			
19b	Rawson Ave as 4 lanes to be extended further westward	prior to submittal of plans	х	х	NO			Applicants indicate they do not agree with this condition, but are willing to discuss this topic after receipt and review of a completed TIA.
20a	Prepare Bike & Ped Plan for all of Ballpark Commons	prior to submittal of any plans	х	х	х		add sidewalk to west side of 76th St, wi	iden Rawson Ave sidewalks
							extend Rawson Ave sidewalks west to at least Hawthorne, add ped	Applicants indicate this information will be provided later when it becomes available. Staff recommends this condition remain, but the deadline
20b	Prepare prelim. Bike & Ped Plan, with a public space	prior to CC			NO		connection to Stone Hedge	revised to "prior to submittal of any plans".
21a	Prepare Streetscaping Plan for all of Ballpark Commons	prior to submittal of any plans	x	×	,,,o			
-10		p to satisfication any pidffs	<u> </u>					Applicants indicate this information will be provided later when it becomes available. Staff recommends this condition remain, but the deadline
21b	Prepare prelim. Streetscaping Plan	prior to CC	х	х	NO			revised to "prior to submittal of any plans".
22	Prepare Parking Study for all of Ballpark Commons	prior to submittal of any plans	x	x	x			
23	Prepare prelim. Land. Plan for all of Ballpark Commons	prior to submittal of any plans	х	х	х			
24	Prepare prelim. Land. Plan w. 60' berm & 40' setback	prior to submittal of any plans	х	х	х			
25	Prepare Snow Storage Plan	along with plans	×	x	x			
								Applicants indicate they are willing to discuss onsite mitigation. Staff recommends this condition remain, but the deadline revised to "prior to the
26	Add NRPP mitigation general info.	prior to CC	х	х	NO			submittal of any plans".
27	Prepare Lighting Plan	along with plans	x	х	х			
28a	Prepare Arch. Plan for all of Ballpark Commons	prior to submittal of any plans	х	х	х			
		1.						Applicants indicate this information will be provided later when it becomes available. Staff recommends this condition remain, but the deadline
28b	Prepare prelim. Architectural Plan	prior to CC	х	х	NO			revised to "prior to submittal of any plans".
29	Prepare Storm. Manage. Plan for all of Ballpark Commons		х	х	х			Staff suggests change deadline to prior to submittal of any plans
30	Prepare Master Sign Program for all of Ballpark Commons	prior to any dev	х	х	х			
31	Prepare Market Analysis for all of Ballpark Commons	prior to submittal of any plans	х	х	х			DONE , the condition has been addressed as the applicants have provided a Market Analysis for the proposed project.
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