

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/04/16
REPORTS & RECOMMENDATIONS	<p><b>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)</b></p>	ITEM NUMBER
<p><u>Introduction</u></p> <p>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.</p> <p><u>Public Hearing Summary</u></p> <p>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.</p> <p><u>Additional Public Comment/Information</u></p> <p>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).</p>		

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).

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