

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*

TUESDAY MAY 7, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements – Proclamation Designating the Month of May as Lyme Disease Awareness Month.
- C. Approval of Minutes:
Regular Common Council Meeting of April 16, 2019.
- D. Hearings.
- E. Organizational:
The following appointments are for Council confirmation:
 - 1. Alderman Barber appointment – Maryanne Mlodzik, 7206 S. 36th St., Ald. Dist. 3, Board of Review (3 year term expiring 4/19/22).
 - 2. Alderman Dandrea appointment – Peter Jankowski, 8160 S. 77th St., Ald. Dist. 1, Board of Review (3 year term expiring 4/19/22).
 - 3. Alderman Mayer appointment – Carol Brunner, 7473 S. Karth Ct., Ald. Dist. 5, Board of Review (3 year term expiring 4/19/22).
The Mayor has made the following appointments for Council confirmation:
 - 1. Richard Budny, 9237 S. 48th St., Ald. Dist. 4 – Personnel Committee (3 year term expiring 4/30/22).
 - 2. Frank Prusko, 8007 S. Steepleview Dr., Ald. Dist. 2 – Personnel Committee (3 year term expiring 4/30/22).
 - 3. Patricia Nissen, 8010 W. Coventry Dr., Ald. Dist. 2 – Board of Health (2 year term expiring 4/30/21).
 - 4. Wayne Hustad, 10320 W. St. Martins Rd., Ald. Dist. 2 – Board of Health (2 year term expiring 4/30/21).
 - 5. Patrick Leon, 7836 W. Winston Way, Ald. Dist. 2 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
 - 6. Arthur Skowron, 9046 S. Cordgrass Circle East, Ald. Dist. 6 – Architectural Review Board (3 year term expiring 4/30/22).
 - 7. James Bartoszek, 6720 S. Harvard Dr., Ald. Dist. 5 – Parks Commission (3 year term expiring 4/30/22).
 - 8. Barbara Wesener, 7479 Carter Circle South, Ald. Dist. 5 – Economic Development Commission (2 year unexpired term expiring 6/30/19).
 - 9. Barbara Wesener, 7479 Carter Circle South, Ald. Dist. 5 – Economic Development Commission (2 year term expiring 6/30/21).
 - 10. Michelle Runte, 8235 W. Coventry Dr., Ald. Dist. 2 – Park Ambassador Program Coordinator (Ex-Officio, Non-Voting Member of the Parks Commission).

F. Letters and Petitions.

G. Reports and Recommendations:

1. Consent Agenda:
 - (a) Geographic Marketing Advantage, LLC Agreement for Geographic Information System (GIS) Support and Database Maintenance Services for 2019.
 - (b) Approval to Purchase AutoCAD Annual Subscription Licenses for Engineering Department.
 - (c) Approval to Purchase VMWare Server & SAN Disk Expansion & Warranty Support as Budgeted in the 2019 Information Services Capital Outlay Budget.
 - (d) A Resolution Engaging Actuarial and Health Care Solutions, LLC to Perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2019.
 - (e) Designation of Official Newspaper.
 - (f) A Resolution to Authorize Execution of a Change Order No. 2 for Rawson Homes Drainage Improvements and Water Main Relay in the Amount of \$2,772.30 Savings.
 - (g) Donation from Virginia Norman and Others in Memory of Donald Norman in the Amount of \$730 to be used to Help Fund Fire and Safety Education Programs in the Community.
 - (h) 23rd Annual Poster for Tobacco Prevention Contest Winners.
2. Project Updates for Ballpark Commons.
3. An Ordinance to Amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to Revise and Relocate Proposed Mixed-Use Building M-1 (to a Newly Acquired Parcel East of Ballpark Drive (Formerly Owned by the Wisconsin Department of Transportation)) at the Southeast Corner of Rawson Avenue and Ballpark Drive, to Add a Single-Story Approximately 11,000 Square Foot Commercial/Retail Building, and to Revise the Hours of Operation of for the Snow Park (Ballpark Commons Apartments LLC, an Affiliate of Mandel Group, Inc, and in Partnership with Zim-Mar Properties, LLC, Applicants, Zim-Mar Properties, LLC and BPC County Land, LLC, Property Owners) (at Approximately 7115 Ballpark Drive and Vicinity).
4. A Resolution Conditionally Approving a 2 Lot Certified Survey Map, Being Part of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Ballpark Commons Apartments LLC, an Affiliate of Mandel Group, Inc., and in Partnership with Zim-Mar Properties, LLC, Applicant, Zim-Mar Properties, LLC, and BPC County Land, LLC Property Owners) (7115 South Ballpark Drive and Vicinity (Southwest Corner of West Rawson Avenue and Ballpark Drive)).
5. Request to Schedule Special Common Council Meeting on May 23, 2019.
6. Authorization to go to Bid on the City Hall Roof, HVAC, and Fascia Wood Replacement Project.
7. Franklin Senior Citizens Travel Program Update for 2018 Year End.

8. Concept Review for a Proposed Childcare and Learning Facility at 7760 S. Lovers Lane Road (TKN 794-9999-009) (Franklin-Wyndham LLC, Owner) (Bradford Franklin LLC, Applicant).
9. A Resolution Conditionally Approving a Final Plat for Ryanwood Manor Addition No. 1 Subdivision (at Approximately South 76th Street and West Oakwood Road) (Oakwood at Ryan Creek, LLC, Applicant).
10. A Resolution Authorizing Certain Officials to Execute a Subdivision Development Agreement with the Developer of Ryanwood Manor Subdivision Addition #1.
11. A Resolution Approving a Partial Release and Partial Restriction Waiver of a City Storm Sewer Easement Upon Lot 24, in Whispering Woods Subdivision, to Allow for the Location of a Deck Within the Easement Area Released and Waived (6828 West Fox Haven Court) (Brion Thomas Winters, Applicant).
12. Authorize the Director of Health and Human Services to Sign a Contract with Entercom to Provide Marketing Services for Two Upcoming Health Department Events in 2019 for \$2,698.
13. March 2019 Monthly Financial Report.
14. Recommendation from the Committee of the Whole Meeting of May 6, 2019 - Presentation of the 2018 Annual Comprehensive Financial Report for the City of Franklin.
15. Menard, Inc. v. City of Franklin, Milwaukee County Circuit Court, Case No. 16-CV-8734 (Consolidated): Claims of Excessive Property Assessment for 2016, 2017, & 2018. 2019 Assessment may be incorporated. Wal-Mart Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 17-CV-12974 (Consolidated): Claims of Excessive Property Assessment for 2017 and 2018. 2019 Assessment may be Incorporated. Sam's Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 17-CV-12977 (Consolidated): Claims of Excessive Property Assessment for 2017 and 2018. 2019 Assessment may be incorporated. The Common Council may Enter Closed Session Pursuant to Wis. Stat. §19.85(1)(g), to Confer with Legal Counsel for the Common Council who is Rendering Advice Concerning Strategy to be Adopted by the Body with Respect to the Subject Litigations, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
16. Potential Acquisition of Property at and about the Northwest Corner of South 51st Street and West Drexel Avenue for the South 51st Street and West Drexel Avenue Roundabout Public Works Road Improvement Project. The Common Council may Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), for Competitive and Bargaining Reasons, to Consider the Potential Acquisition of Property at and About the Northwest Corner of South 51st Street and West Drexel Avenue to be Used for Public Road Purposes in the South 51st Street and West Drexel Avenue Roundabout Public Works Road Improvement Project and the Negotiating of the Purchase and the Investing of Public Funds with Regard to the Potential Acquisition Thereof, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of May 7, 2019.

Common Council Meeting Agenda

May 7, 2019

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I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

REMINDERS:

May 9	Plan Commission Meeting	7:00 p.m.
May 21	Common Council Meeting	6:30 p.m.
May 23	Plan Commission Meeting	7:00 p.m.
May 27	Memorial Day	City Hall Closed

P City of Franklin roclamation

Whereas, Lyme disease is a bacterial disease transmitted to humans by an infected tick commonly known as the black-legged or deer tick; and

Whereas, according to the Wisconsin Department of Health Services, the disease was first recognized in the United States in 1975 in Lyme, Connecticut; and

Whereas, according to the Centers for Disease Control and Prevention, in 2017 there were 42,743 cases of Lyme disease in the United States, with over 4,200 reported from Wisconsin which is almost double the number of cases from 10 years ago; and

Whereas, signs and symptoms generally set in after 3-30 days and commonly include a fever, headache, fatigue, and a circular skin rash or lesion; and

Whereas, if left untreated, the infection may spread to other parts of the body, producing symptoms that include additional lesions, facial or Bell's palsy, severe headaches and neck stiffness, pain and swelling in large joints, fatigue, cognitive decline, shooting pains, and heart palpitations; and

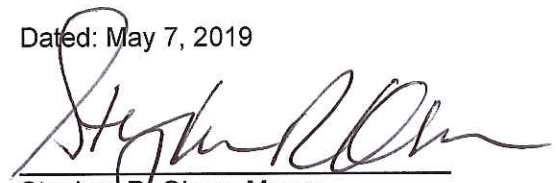
Whereas, the best ways to prevent Lyme disease are to avoid wooded and bushy areas with high grass, use repellants with 20-30 percent DEET, wear light-colored clothing to cover exposed skin, and check skin thoroughly after being in areas where ticks may be present; and

Whereas, it is important to provide information and raise public awareness of Lyme disease causes, effects, and treatments and to emphasize important education and research efforts surrounding Lyme disease and other tick-borne diseases; and

Now Therefore, be it proclaimed, that I, Mayor Stephen R. Olson on behalf of the Common Council and the residents of the City of Franklin hereby declare the month of May 2019 to be Lyme Disease Awareness Month and call upon residents to learn about the importance of tick avoidance and personal protection, tick detection and removal, signs and symptoms of tick-borne illness, and the need for prompt diagnosis and treatment.

Presented to the City of Franklin Common Council this 7th day of May, 2019

Dated: May 7, 2019



Stephen R. Olson, Mayor

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 16, 2019
MINUTES

ROLL CALL AND
CALL TO ORDER

- A. The regular meeting of the Common Council was held on April 16, 2019 and was called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, and Alderman Mike Barber. Excused was Alderman John R. Nelson. Also present were Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT
PERIOD

- B. Citizen comment period was opened at 6:34 p.m. and was closed at 6:59 p.m.

APPROVAL OF
MINUTES

- C. Alderman Barber moved to approve the minutes of the regular Common Council Meeting of April 1, 2019 as presented at this meeting. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

APPOINTMENTS

- E. Alderwoman Wilhelm requested to separate the action on Item E.4., confirmation of the appointment of Andrew Ruffing to the Quarry Monitoring Committee.

COMMON COUNCIL
PRESIDENT
ELECTION

- E.1. Alderwoman Wilhelm requested to postpone the election of Common Council President to a future meeting; however, it was determined by the City Attorney that pursuant to §62.09(8)(e), Wis. Stats., the Common Council shall choose the Common Council President at this meeting, being the first meeting subsequent to the Election held on April 2, 2019.

Mayor Olson called for nominations for Common Council President.

Alderman Taylor moved to nominate Alderman Dandrea as Common Council President. Seconded by Alderwoman Wilhelm.

Alderman Mayer moved to nominate Alderman Barber as Common Council President. Seconded by Alderman Barber.

Hearing no further nominations and upon the request for a vote by secret ballot, the results were as follows: Alderman Dandrea received three votes and Alderman Barber received two votes. Alderman Dandrea was declared the Common Council President.

MAYORAL
APPOINTMENTS

Alderman Mayer then moved to confirm the following Mayoral appointments:

- E.2. Gene Ninnemann as Weed Commissioner/Cutter with a weed cutting fee of \$90 per hour for the calendar year 2019.
- E.3. Francesco Mineo, 8715 W. Meadow Ln., Ald. Dist. 2, to Police and Fire Commission for 5 year term expiring 4/30/24.

Seconded by Alderwoman Wilhelm. On roll call, all voted Aye; motion carried.

MAYORAL
APPOINTMENTS

- E.4. Alderwoman Wilhelm moved to postpone indefinitely the confirmation of the Mayoral appointment of Andrew Ruffing to the Quarry Monitoring Committee. Motion died due to the lack of a second.

Alderman Barber moved to confirm the Mayoral appointment of Andrew Ruffing, 4728 West Sharon Lane, for a 3-year term to the Quarry Monitoring Committee expiring 5/31/22. Seconded by Alderman Mayer. On roll call, Alderman Barber, Alderman Mayer, and Alderman Dandrea voted Aye; Alderman Taylor voted No; and Alderwoman Wilhelm Abstained. Motion failed due to lack of majority vote of all members of the Common Council.

MAYORAL
APPOINTMENTS

- E.5-23. Alderman Dandrea moved to confirm the following Mayoral appointments of Aldermen to Boards and Commissions:

Finance Committee

- 5. Alderwoman Kristen Wilhelm, 1 year term expiring 4/21/20.
- 6. Alderman Mark Dandrea, 1 year term expiring 4/21/20.
- 7. Alderman John Nelson, 1 year term expiring 4/21/20.

Parks Commission

- 8. Alderman John Nelson, 1 year term expiring 4/21/20.

Plan Commission

- 9. Alderman Mark Dandrea, 1 year term expiring 4/21/20.

Environmental Commission

10. Alderman Daniel Mayer, 1 year term expiring 4/21/20.

License Committee

11. Alderwoman Kristen Wilhelm, 1 year term expiring 4/21/20.
12. Alderman Steve Taylor, 1 year term expiring 4/21/20.
13. Alderman John Nelson, 1 year term expiring 4/21/20.

Quarry Monitoring Committee

14. Alderwoman Kristen Wilhelm, 2 year term expiring 6/30/21.
15. Alderman Mike Barber, 2 year term expiring 6/30/21.

Fair Commission:

16. Alderman Daniel Mayer, 3 year term expiring 4/19/22.

Board of Health:

17. Alderman Mike Barber, 3 year term expiring 4/19/22.

Personnel Committee:

18. Alderman Mark Dandrea, 3 year term expiring 4/19/22.
19. Alderman Daniel Mayer, 3 year term expiring 4/19/22.
20. Alderman Mike Barber, 3 year term expiring 4/19/22.

Technology Committee:

21. Alderman Daniel Mayer, 3 year term expiring 4/19/22.

Community Development Authority:

22. Alderman Mark Dandrea, 3 year term expiring 4/19/22.

Economic Development Commission:

23. Alderman Mike Barber, 3 year term expiring 4/19/22.

Seconded by Alderman Mayer. On roll call, all voted Aye; motion carried.

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| PAYNE & DOLAN,
INC. RESPONSE TO
NEIGHBORS | F. | A letter form Clint Weninger, P.G. Land Resources Manager, Payne & Dolan, Inc. in response to neighbors' concerns was provided to the Quarry Monitoring Committee and no action was needed at this meeting. |
| CONSENT AGENDA | G.1. | Alderman Mayer moved to approve the following consent agenda items: |
| DONATION TO FIRE
DEPT. | G.1.(a) | Accept the donation of \$50 from Madeline Barefoot in memory of Donald Norman for the Franklin Fire Department fire and safety educational programs. |
| DONATION TO FIRE
DEPT. | G.1.(b) | Accept the donation of \$50 from Lori Keck in memory of Donald Norman for the Franklin Fire Department fire and safety educational programs. |
| DONATION TO
POLICE DEPT. | G.1.(c) | Accept the donation from Summit Credit Union to the Franklin Police Department in the amount of \$500 to be used for flashing safety lights to be distributed at the 2019 annual Bicycle Rodeo on June 8, 2019. |
| SALT PURCHASE | G.1.(d) | Authorize the City of Franklin to participate in the State contract to purchase 1,500 tons of salt. |
| BIKE RODEO STREET
CLOSURE | G.1.(e) | Temporary street closure for Franklin Bike Rodeo on June 8, 2019. |
| | | Approval of Consent Agenda items was seconded by Alderman Dandrea. All voted Aye; motion carried. |
| BALLPARK
COMMONS UPDATE | G.2. | No action was taken following a project updated on Ballpark Commons presented by Ballpark Commons representatives. |
| AMEND EXISTING
TID 5, PDD 37 | G.3. | Alderman Barber moved to amend the boundary to incorporate newly purchased property located on the Southeast corner of West Rawson Avenue and West Loomis Road into Tax Incremental District No. 5 and move forward with the Project Plan. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, and Alderman Barber voted Aye; Alderman Mayer voted No. Motion carried. |
| | | Alderman Barber moved to increase tax increment funding by \$5.2 million to cover public infrastructure cost overruns. Seconded by Alderman Dandrea. On roll call, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried. |

COMM. OF WHOLE
RECOMMENDATION
TID 5 AND
POTENTIAL NEW TID
7

G.20.(b) Alderman Taylor moved to direct staff and financial consultants and special legal counsel to proceed with the negotiations of potential amendments to the Development Agreement for Tax Incremental District No. 5 and a potential Development Agreement for potential new Tax Incremental District No. 7 terms as discussed in closed session at the 4/15/2019 Committee of the Whole meeting for return to the Common Council. Seconded by Alderman Dandrea. On roll call, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

KAYLA'S
PLAYGROUND
AMBASSADOR
PROGRAM

G.5. Alderman Mayer moved to approve implementation of the Kayla's Playground Ambassador Program by the Parks Commission, directing staff to complete the necessary steps for implementation of the program and confirmation of the appointment of Michelle (Shelly) Runte as the unpaid, volunteer Park Ambassador Program Coordinator effective upon the effective date of the Ordinance, and further that the Common Council be notified of any changes made by the Parks Commission at the next Common Council meeting following the change. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2019-2366
PARK AMBASSADOR
PROGRAM
COORDINATOR ON
PARKS COMM.

G.6. Alderman Taylor moved to adopt Ordinance No. 2019-2366, AN ORDINANCE TO AMEND SECTION 10-7 A, PARKS COMMISSION - MEMBERSHIP, OF THE MUNICIPAL CODE BY ADDING THE PARK AMBASSADOR PROGRAM COORDINATOR AS AN EX-OFFICIO, NON-VOTING MEMBER OF THE PARKS COMMISSION. Seconded by Alderman Barber. All voted Aye; motion carried.

NRPP SPECIAL
EXCEPTION
7475 S. 49TH ST.

G.11. Alderwoman Wilhelm moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Fred Arbanella, Arbanella/Carmody Homes, applicant, for a Special Exception to certain Natural Resource provisions of the City of Franklin Unified Development Ordinance (Proposed Oak Ridge of Franklin Subdivision Development; 7475 South 49th Street; Tax Key No. 759-9981-010). Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2019-7482
STREET AND
SIDEWALK
CONSTRUCTION AT

G.12. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7482, A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET AND SIDEWALK UPON LANDS IN PART SUPPORTING NATURAL RESOURCE FEATURES LOCATED

7475 S. 49TH ST.

AT OR ABOUT 7475 SOUTH 49TH STREET (FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT, WALTER HABLEWITZ, PROPERTY OWNER (PROPOSED OAK RIDGE OF FRANKLIN SUBDIVISION DEVELOPMENT; 7475 SOUTH 49TH STREET; TAX KEY NO. 759-9981-010)), subject to technical corrections by the City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

WIC PROGRAM WITH
WEST ALLIS HEALTH
DEPARTMENT

G.8.

Alderman Taylor moved to continue the Memorandum of Understanding with the West Allis Health Department to provide screening and consultation services for Franklin residence enrolled in the Women, Infants, and Children (WIC) program. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CITY LOGO

G.4.

Following review of two logos presented by THIEL Brand Design as recommended by the Tourism Commission and the Economic Development Commission, Alderman Barber moved to adopt Logo 2 as the City logo. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Barber moved to adopt the tagline "Celebrating Quality of Life". Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Barber moved to return the Logo to the Tourism Commission and Economic Development Commission to make slight color adjustments. Seconded by Alderman Taylor. All voted Aye; motion carried.

QUARRY
MONITORING COMM.

G.7.

Alderwoman Wilhelm presented an update from the Quarry Monitoring Committee regarding recommendations to have full committee appointments to determine who may be allowed to attend surveying; to support competent and interested individuals for the open committee seat; and to the change for the Quarry Monitoring Committee Ordinance so that it coincides with the Aldermanic term lengths.

ORD. 2019-2367
REZONE 8547 AND
8567 S. 76TH ST. (2
MIKE'S LLC,
APPLICANT)

G.9.

Alderman Dandrea moved to adopt Ordinance No. 2019-2367, AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE TWO PARCELS OF LAND FROM R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT FOR THE PROPERTY LOCATED AT 8547 AND 8567 SOUTH 76TH

STREET (APPROXIMATELY 0.48 ACRES) (2 MIKE'S LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7481
3-LOT CSM (2 MIKE'S
LLC, APPLICANT)

G.10. Alderman Dandrea moved to adopt Resolution No. 2019-7481, A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, LOCATED IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (2 MIKE'S LLC, APPLICANT) (8547 AND 8567 SOUTH 76TH STREET). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7483
W. ELM RD.
RECONSTRUCTION

G.13. Alderman Taylor moved to adopt Resolution No. 2019-7483, A RESOLUTION FOR THE DECLARATION OF PUBLIC NECESSITY AND RELOCATION ORDER TO RECONSTRUCT W. ELM ROAD. Seconded by Alderman Barber. All voted Aye; motion carried.

WATER MAIN ALONG
S. 50TH ST. TO W.
MINNESOTA AVE.
AND TO S. 51ST ST.

G.14. Alderwoman Wilhelm moved to have adjacent developer prepare cost estimates for design, permitting and construction of water main along S. 50th Street to W. Minnesota Avenue and to S. 51st Street and further to survey properties in the vicinity of S 50th Street and W. Minnesota Avenue and S. 51st Street for interest in public water service. Seconded by Alderman Taylor. All voted Aye; motion carried.

ON-SITE WASTE
SYSTEM AND WELL
9533 W. RYAN RD.

G.14a. Alderman Taylor moved to table to May 21, 2019, the property owners' request for permission to allow an on-site waste treatment system and private well for parcels in a proposed Certified Survey Map. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2019-7484
EASEMENTS FOR
RECONSTRUCTION
OF S. 51ST ST. AND
W. DREXEL AVE.

G.15. Alderwoman Wilhelm moved to adopt Resolution 2019-7484, A RESOLUTION TO EXECUTE TEMPORARY LIMITED EASEMENTS TO FACILITATE THE RECONSTRUCTION OF THE INTERSECTION OF S. 51ST STREET AND W. DREXEL AVENUE. Seconded by Alderman Mayer. All voted Aye; motion carried.

LIGHTING AT S. 51ST
ST. AND W. DREXEL
AVE.

G.16. Alderwoman Wilhelm moved to authorize WE Energies to replace lighting at the intersection of S. 51st Street and W. Drexel Avenue. Seconded by Alderman Mayer. All voted Aye; motion carried.

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| RES. 2019-7485
2019 FORD RANGER
XLT FROM EWALD
FOR SEWER & WATER
DEPT. | G.17. | Alderman Mayer moved to adopt Resolution 2019-7485, A RESOLUTION TO PURCHASE A 2019 FORD RANGER XLT 4WD SUPER CAB 6' BOX FROM EWALD AUTOMOTIVE GROUP, LLC FOR THE SEWER AND WATER UTILITY DEPARTMENT IN THE AMOUNT OF \$27,959 AND PURCHASE THE ACCESSORIES FROM ULTIMATE TRUCK AND ACCESSORIES FOR \$3,500 AND LIGHTS FROM GENERAL FIRE EQUIPMENT FOR \$2,264. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. |
| 5 YR NASPO LEASE
AGMT-JAMES
IMAGING FOR
COPIER | G.18. | Alderman Mayer moved to authorize the Director of Administration to enter into a new 5-Year National Association of State Procurement Officers' ValuePoint Cooperative Purchasing Organization ("NASPO") lease agreement with James Imaging Systems for the City Hall's first floor main copier. Seconded by Alderman Barber. All voted Aye; motion carried. |
| REPLACEMENT
BITDEFENDER
GRAVITYZONE-
DESKTOP, LAPTOP
ENVIRONMENTS | G.19. | Alderman Taylor move to authorize the Director of Administration and IT Director to purchase the licenses and modules for Bitdefender Gravityzone Ultra as the Standardized Advanced Threat Management (ATM) Client for desktop, laptop, and server computing environments from appropriations within the Information Services 2019 Operating Budget. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| COMM. OF WHOLE
RECOMMENDATIONS | G.20. | For action on recommendations from the April 15, 2019 Committee of the Whole meeting, see Item G.20.(b) on page 5 (Tax Incremental District No. 5 Planned Development District No. 37, The Rock Sports Complex/Ballpark Commons, Ballpark Commons Sports Anchored Mixed-Use Development Project Development Status and Future Development in the District); and see Item G.4. on page 6 (THIEL Brand Design Presentation of Phase One and Phase Two of the Branding and Marketing Services Project, Including Discussion and Review of the Two Logos). |
| MENARD, INC.
EXCESSIVE
ASSESSMENT | G.21. | No action was taken at this time regarding Menard, Inc. v. City of Franklin, Milwaukee County Circuit Court, Case No. 16-CV-8734 (Consolidated): Claims of excessive property assessment for 2016, 2017, 2018 and 2019 assessment may be incorporated. |
| LICENSES AND
PERMITS | H. | Alderman Taylor moved to approve the following:
Grant 2018-2019 Operator Licenses to Ashley E. Derus, 3038 N. Cramer St., Milwaukee; Kenneth C. Humont, 7119 W. Jordan Ct.; James F. Metz, 6550 W. Milwaukee, WI;
Grant 2018-2019 and 2019-2020 Operator Licenses to Amanda N. |

Julian, 2811 W. Acre Ave.; Mozelle Malone-Kelly, 7444 S. 35th St.; Cassidy Weyers, W330 N4113 Lakeland Dr., Nashotah; Hold Operator license applications for appearance for Grace Ann L. Cole, 10863 S. 60th St.

Grant 2019-2020 Day Care Licenses subject to compliance with City Ordinance and approval of inspections to, Faith Academy Child Care Development Center, Manager Jennifer Finch, 7700 W. Faith Dr.; Ingenious, Inc., Manager Banmeet K Dadwal, 7260 S. 76th St.; Jubilee Christian Day Care, Manager Tanya Soich, 6855 S. 50th St.; Knowledge Universe LLC, Manager Theresa Castronovo, 6350 S. 108th St.; Mrs. Rikki's Structured Daycare, Manager Rochelle Boyce, 11224 W. Forest Home Ave.; and Grant Amusement Device Operator licenses to American Entertainment, Owner Ken Grothman, W337S5059 Hwy GG, Dousman; Mitchell Novelty Co., Owner Ralph Fleege, 3506 W National Ave, Milwaukee; National Entertainment Network, Owner, James F Sevalt, 325 Interlocken Pkwy B, Broomfield, CO., 80021.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

- I.1. Alderman Taylor moved to approve the following: City vouchers with an ending date of April 11, 2019 in the amount of \$605,632.91; and payroll dated April 12, 2019 in the amount of \$382,383.64 and payments of the various payroll deductions in the amount of \$209,401.19, plus City matching payments; and estimated payroll dated April 26, 2019 in the amount of \$393,000.00 and payments of the various payroll deductions in the amount of \$418,000.00, plus City matching payments; and Property Tax refunds and investments with an ending date of April 11, 2019 in the amount of \$8.40; and the release of property tax settlements in the amount of \$7,621,388.81. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the regular meeting of the Common Council at 9:31 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/07/19
ORGANIZATIONAL BUSINESS	Boards and Commissions Appointments	ITEM NUMBER <i>E.</i>

The following appointments are for Council confirmation:

1. Alderman Barber appointment – Maryanne Mlodzik, 7206 S. 36th St., Ald. Dist. 3, Board of Review (3 year term expiring 4/19/22).
2. Alderman Dandrea appointment – Peter Jankowski, 8160 S. 77th St., Ald. Dist. 1, Board of Review (3 year term expiring 4/19/22).
3. Alderman Mayer appointment – Carol Brunner, 7473 S. Karth Ct., Ald. Dist. 5, (3 year term expiring 4/19/22).

The Mayor has made the following appointments for Council confirmation:

1. Richard Budny, 9237 S. 48th St., Ald. Dist. 4 – Personnel Committee (3 year term expiring 4/30/22).
2. Frank Prusko, 8007 S. Steepleview Dr., Ald. Dist. 2 – Personnel Committee (3 year term expiring 4/30/22).
3. Patricia Nissen, 8010 W. Coventry Dr., Ald. Dist. 2 – Board of Health (2 year term expiring 4/30/21).
4. Wayne Hustad, 10320 W. St. Martins Rd., Ald. Dist. 2 – Board of Health (2 year term expiring 4/30/21).
5. Patrick Leon, 7836 W. Winston Way, Ald. Dist. 2 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
6. Arthur Skowron, 9046 S. Cordgrass Circle East, Ald. Dist. 6 – Architectural Review Board (3 year term expiring 4/30/22).
7. James Bartoszek, 6720 S. Harvard Dr., Ald. Dist. 5 – Parks Commission (3 year term expiring 4/30/22).
8. Barbara Wesener, 7479 Carter Circle South, Ald. Dist. 5 – Economic Development Commission (2 year unexpired term expiring 6/30/19).
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10. Michelle Runte, 8235 W. Coventry Dr., Ald. Dist 2 – Park Ambassador Program Coordinator (Ex-Officio, Non-Voting Member of the Parks Commission).

COUNCIL ACTION REQUESTED

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Shirley Roberts

From: volunteerfactsheet@franklinwi.info
Sent: Tuesday, February 19, 2019 9:57 PM
To: Lisa Huening; Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Patrick Leon
PhoneNumber: 414-828-2801
EmailAddress: leonpl@hotmail.com
YearsasResident: 5+
Alderman: Daniel Mayer
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 1
EconomicDevelopmentCommission: 0
EnvironmentalCommission: 0
FinanceCommittee: 0
FairCommission: 0
BoardofHealth: 0
FirePoliceCommission: 1
ParksCommission: 0
LibraryBoard: 0
PlanCommission: 1
PersonnelCommittee: 0
BoardofReview: 0
BoardofPublicWorks: 0
QuarryMonitoringCommittee: 0
TechnologyCommission: 0
TourismCommission: 0
BoardofZoning: 0
WasteFacilitiesMonitoringCommittee: 0
BoardWaterCommissioners: 0
CompanyNameJob1: Rockwell Automation
TelephoneJob1: 414-382-1239
StartDateandPositionJob1: 3/2013 / Buyer
EndDateandPositionJob1: N/A
CompanyNameJob2: U.S. Army Reserve
TelephoneJob2: 920-339-7200
StartDateandPositionJob2: 10/2002 / Operations Sergeant Major
EndDateandPositionJob2: N/A
CompanyNameJob3: Midwest/Frontier Airlines


TelephoneJob3:	N/A
StartDateandPositionJob3:	6/2006 / Reservations Agent
EndDateandPositionJob3:	9/2012 / Help Desk Agent
Signature:	Patrick L. Leon
Date:	2/19/2019
Signature2:	Patrick L. Leon
Date2:	2/19/2019
Address:	7836 W Winston Way
PriorityListing:	(1) Community Development Authority; (2) Fire and Police Commission; (3) Plan Commission
WhyInterested:	To help shape development and/or public use projects in Franklin.
CompanyAddressJob1:	1201 South 2nd Street Milwaukee, WI 53204
DescriptionofDutiesJob1:	Supply chain
AddressJob2:	2929 Holmgren Way Green Bay, WI 54304
DescriptionofDutiesJob2:	Oversight of Army Reserve battalion operations and planning section.
AddressJob3:	555 West Air Cargo Way Milwaukee, WI 53207
DescriptionofDutiesJob3:	Call center airline reservations support.
AdditionalExperience:	Previously served on Franklin Plan Commission from 2016-2017 (*resigned due to overseas deployment with Army Reserve. Four overseas deployments with U.S. Army Civil Affairs battalion working with local government on projects to improve/stabilize conditions in various municipal and regional areas.
ClientIP:	75.9.81.117
SessionID:	mlpai3x41vivliw0zfc1545
<u>See Current Results</u>	

Shirley Roberts

From: volunteerfactsheet@franklinwi.info
Sent: Thursday, March 28, 2019 2:32 PM
To: Lisa Huening; Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Barbara Wesener
PhoneNumber: 4147028538
EmailAddress: matplan@wi.rr.com
YearsasResident: 25
Alderman: Mike Barber
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
EconomicDevelopmentCommission: 1
EnvironmentalCommission: 0
FinanceCommittee: 0
FairCommission: 0
BoardofHealth: 0
FirePoliceCommission: 0
ParksCommission: 0
LibraryBoard: 1
PlanCommission: 0
PersonnelCommittee: 0
BoardofReview: 0
BoardofPublicWorks: 0
QuarryMonitoringCommittee: 0
TechnologyCommission: 0
TourismCommission: 1
BoardofZoning: 0
WasteFacilitiesMonitoringCommittee: 0
BoardWaterCommissioners: 0
CompanyNameJob1: South Suburban Chamber of Commerce
TelephoneJob1: 4147685845
StartDateandPositionJob1: May 1, 2005
EndDateandPositionJob1: May 30, 2019, Executive Director
CompanyNameJob2: Wisconsin Ready Mixed Concrete Association
TelephoneJob2: n/a
StartDateandPositionJob2: June 1, 1986
EndDateandPositionJob2: April 30, 2004 Executive Director
CompanyNameJob3:

TelephoneJob3:
StartDateandPositionJob3:
EndDateandPositionJob3:
Signature: Barbara Wesener
Date: March 28, 2019
Signature2: Barbara Wesener
Date2: March 28, 2019
Address: 7479 Carter Circle South
PriorityListing: Tourism Commission, Economic Development, Library Board
WhyInterested: For the past 14 years I have supported the businesses and economic development of the entire region as the Executive Director of the South Suburban Chamber of Commerce. As of June 1, 2019 I will be retiring from that position. In that position I have been an ad hoc member of the Oak Creek Tourism Commission and I would like to bring my experience to the Franklin Tourism Commission. My experience would also be supportive of the Economic Development Commission. As for the Library Board, I have been a library user and supporter ever since moving to Franklin. I have volunteered for their Children's Re-sale fundraising event in the past. I believe that the Library is an important and essential asset to the well being of the entire community.
CompanyAddressJob1: 8040 S 6TH ST
The Chamber is a business organization whose purpose is to promote the interests of its members and enhance the regional business climate, economy and community. As its executive director, I managed more than 60 events a year, networked with civic, educational and communities leaders, and managed the Chamber's daily operations and staff.
DescriptionofDutiesJob1:
AddressJob2: 9415 W. Forest Home Avenue Hales Corners, Wi (now relocated to Madison)
DescriptionofDutiesJob2: Association management of the state-wide trade association, meeting planning, planning education programs, lobbying and managed the association's operations and staff.
AddressJob3:
DescriptionofDutiesJob3:
AdditionalExperience: When possible, I have volunteered for various organizations such as the Franklin Education Foundation, the Boerner Botanical Gardens and Historic Milwaukee. As a soon to be retiree, I want to contribute to the Franklin community and support its continued growth and success.
ClientIP: 162.211.0.135
SessionID: armct3rbga5cqm55vf52q0ni
See Current Results

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/7/2019
REPORTS & RECOMMENDATIONS	Geographic Marketing Advantage, LLC Agreement for Geographic Information System (GIS) Support and Database Maintenance Services for 2019	ITEM NUMBER <i>G. I. (a)</i>

Geographic Marketing Advantage, LLC has served as the City's primary consultant on its GIS system. City staff is very pleased with the performance of this company and its employees and is interested in continuing this relationship for an additional year. The owner, Todd Niedermeyer, and his employee, Brian Fausel, have been very responsive in addressing our needs and very dedicated to continuing to move GIS forward. They have also been very active and proactive in working to help address the transition from EditApp, the customized software that controls data distribution between Govern and GIS.

Staff seeks authority to execute a contract extending the term through 2019 and adjusting the rates by 2% effective May 1, 2019. The requested 2% rate adjustment is in line with the adopted budget. Other than the rate adjustment, the remaining 2019 contract would be in the same form as last year.

The contract reflects the 2019 budget as approved and, in general, is funded approximately 80% by the General Fund with approximately 20% split between the Sewer and Water Funds. A marked-up copy of the current contract is attached for your convenience.

Staff recommends approval.

COUNCIL ACTION REQUESTED

Motion to authorize the Director of Administration to execute a contract with Geographic Marketing Advantage, LLC for Geographic Information System Support and Database Maintenance Services in a form substantially equivalent to the current contract but incorporating a 2% rate increase effective May 1, 2019.

PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT, made and entered into this _____ day of _____, 2017/2019, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Geographic Marketing Advantage, LLC, a Wisconsin Limited Liability Corporation (hereinafter "CONSULTANT"), whose principal place of business is 8757 W. Elm Ct, Franklin, WI 53132.

WITNESSETH

WHEREAS, CONSULTANT is duly qualified and experienced as a consultant and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to employ CONSULTANT in connection with outsourcing the design, development, and operation of an enterprise GIS for the City of Franklin.

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONSULTANT agree as follows:

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. CONSULTANT shall provide services to CLIENT for the continuation of services for operation and support of the City of Franklin's GIS and for performing updates and maintenance to the GIS database. Services to be provided under this AGREEMENT are provided in Attachment A.
- B. CONSULTANT shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies, and will give consultation and advice to CLIENT during the performance of said services. CONSULTANT may employ the services of outside consultants and subcontractors when deemed necessary by CONSULTANT to complete work under this AGREEMENT.
- C. CONSULTANT is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONSULTANT and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONSULTANT as employer. CLIENT understands that express AGREEMENTS may exist between CONSULTANT and its employees regarding extra work, competition, and nondisclosure.
- D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

- E. CONSULTANT maintains certain copyrighted source documents that are subject to periodic independent evaluation and updates. CONSULTANT reserves the right to use copyrighted source documents and be compensated for such use, in an amount as mutually agreed upon, when it is necessary or convenient to accomplish the Basic Services covered by this AGREEMENT, and the fee for such use would be less than or equal to the cost of providing the same service through the creation of original source documents. For all copyrighted works provided to CLIENT, CONSULTANT grants CLIENT permission to reproduce such works in any manner; prepare derivative works; and lend, lease, rent, or transfer ownership to any private or public entity involved with the operation, financing, and use of the City of Franklin GIS. CLIENT agrees that the use of materials prepared from copyrighted source documents will be limited to the project needs encompassed by this AGREEMENT. Use of materials prepared from copyrighted source documents for other purposes shall be limited to reproduction for criticism, comment, news reporting, teaching, scholarship, research, or similar activities covered by the "fair use" principles of the copyright law. All copyrighted source documents will be clearly marked by the CONSULTANT.

II. FEES AND PAYMENTS

CLIENT agrees to pay CONSULTANT, for and in consideration of the performance of Basic Services further described in Attachment A for a total not-to-exceed cost in the amount of ~~\$129,593~~\$130,179, in accordance with Attachment "B" and subject to the terms detailed below:

- A. CONSULTANT may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay undisputed CONSULTANT's invoice within 30 days of invoice date for all approved work.
- B. CONSULTANT will invoice CLIENT on an hourly basis for tasks identified in Attachment A. Total cost will not exceed ~~\$129,593~~\$130,179 unless changes to the project budget are specifically agreed upon by CONSULTANT and CLIENT and documented in writing. For services rendered, invoices will clearly state the percentage of work completed and the fee earned.
- C. In consideration of the faithful performance of this AGREEMENT, the CONSULTANT will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in draft and final reports, it will notify CONSULTANT in writing within thirty (30) days of receipt of report and the CONSULTANT will remedy the deficiencies within thirty (30) days of receiving CLIENT's review.
- E. CONSULTANT shall not initiate any services prior to January 1, ~~2018~~2019 and shall complete all services covered by this AGREEMENT by December 31, ~~2018~~2019, excepting for delays caused through no fault of the CONSULTANT or except when continued month-to-month as provided for herein.

III. MODIFICATION AND ADDITIONAL SERVICES

- A. CLIENT may, in writing, request changes in the Basic Services required to be performed by CONSULTANT under this AGREEMENT. Upon acceptance of the request of such changes, CONSULTANT shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONSULTANT. Should any such actual changes be made, an equitable adjustment as mutually agreed upon will be made to compensate CONSULTANT for any incremental labor or direct costs. Any claim by CONSULTANT for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONSULTANT of notice of such changes from CLIENT.
- B. CLIENT and CONSULTANT reserve the right to subsequently amend this AGREEMENT to include additional services. Compensation and schedule for completion for additional services will be as agreed by CLIENT and CONSULTANT prior to the start of work on said additional services and may be incorporated as an Addendum to this AGREEMENT.

IV. ASSISTANCE AND CONTROL

- A. Todd Niedermeyer, or designee, will perform the work of the CONSULTANT, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B. CLIENT will timely provide CONSULTANT with all available information concerning PROJECT as deemed necessary by CONSULTANT.
- C. CONSULTANT will appoint, subject to the approval of CLIENT, Todd Niedermeyer as CONSULTANT's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.
- D. CONSULTANT shall maintain all records pertaining to this AGREEMENT until at least three (3) years following its completion of the services hereunder and CLIENT shall have the right to inspect and copy such records upon request.

V. TERMINATION

- A. This AGREEMENT may be terminated by either party to this AGREEMENT upon thirty (30) days written notice. Upon such termination by CLIENT, CONSULTANT shall be entitled to payment of such amount as shall fairly compensate CONSULTANT for all work performed and expenses incurred up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential AGREEMENTs for services with other parties.

- B. In the event that this AGREEMENT is terminated for any reason, CONSULTANT shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONSULTANT may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold CONSULTANT harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and CONSULTANT under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

VI. INSURANCE

The CONSULTANT shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

A. Limit of General/Commercial Liability	\$1,000,000
B. Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C. Workers' Compensation and Employer's Liability	Per Statute
D. Professional Liability	\$1,000,000

Upon the execution of this AGREEMENT, CONSULTANT shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days written notice to CLIENT.

The CONSULTANT agrees, to the fullest extent permitted by law, to indemnify, defend, and hold harmless the CLIENT from any damage, liability or cost, including reasonable attorney's fees and costs of defense, arising from any negligent or intentional and wrongful act or omission of CONSULTANT.

VII. TIME FOR COMPLETION

Subject to the conditions of Section II E., CONSULTANT shall commence immediately upon receipt of a Notice to Proceed to complete all work required herein. The CONSULTANT shall exert all reasonable effort to adhere to the services in Attachment A except that the services may be notified with the approval of CLIENT and shall be extended day for day for any delay introduced during CLIENT's review of products or in the general conduct of the project.

VIII. DISPUTES

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for all actions arising under this AGREEMENT shall be the circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

IX. CONFIDENTIALITY

CONSULTANT shall keep confidential, except as may be required to perform its obligations under this AGREEMENT, any and all confidential information of the CLIENT of which the CONSULTANT has knowledge, possession, or to which the CONSULTANT has access. This confidentiality obligation shall survive the termination of this AGREEMENT.

X. TERM

This AGREEMENT shall cover a period including all of calendar year 2018-2019 and shall continue thereafter on a month-to-month basis, at the fixed hourly rates provided for herein, until such time that the AGREEMENT is terminated, as provided for herein, or modified or extended by a separate, future AGREEMENT.

XI. AMMENDMENTS TO THE AGREEMENT

This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONSULTANT.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

City of Franklin, Wisconsin

Geographic Marketing Advantage, LLC

BY: _____

BY: _____

PRINT NAME: Mark W. Lubenda

PRINT NAME: Todd Niedermeyer

TITLE: Director of Administration

TITLE: President, Sole Member

DATE: _____

DATE: _____

Attachment A

Continued GIS Support and Services for ~~2018~~2019

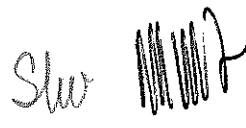
On-Site Management and Technical Support of GIS Operation

- Monitor EditApp to determine continued effectiveness and operability and to participate, including testing and development review, in capital projects to join Govern and ESRI through a methodology as determined.
- Continue communications and coordination with the City's Administration and Information Technology Support Providers.
- Provide technical and programming services as needed by the City.
- Setup login parameters for ArcGIS licenses.
- Support database management.
- Evaluate data quality and data errors.
- Provide GIS user support.
- Produce product to support special requests, including but not limited to map development.
- Provide continued documentation, instruction and training.
- Installation of software and software updates.
- Load new and revised GIS data.
- Provide other support as needed by the City.
- Provide training on GIS applications and tools, including website tools.
- Perform GIS database updates and maintenance, including related applications such as but not limited to Signview and Sewerview (Note: City staff will also continue to perform similar and related tasks. As such, Contractor will be evaluated on this aspect based upon their accuracy and productivity in performance of this contracted service.)
- Work with ESRI and Cartegraph Products and Services.
- Help develop, support, and promote additional GIS applicability and use throughout City Departments.
- Maintenance and continued development, with approval of the Director of Administration, of the web-based GIS portal used for public access to mapping services.

Attachment B

**Geographic Marketing Advantage, LLC
TOTAL "NOT TO EXCEED" BUDGET
for
Continued On-Site Support Services And
GIS Database Updates and Maintenance**

Service	Approx. Number of Hours Per Week	Approx. Number of Weeks	Approx. Total Hours	Fixed Hourly Rate	Budget
On-Site Administrative and Project Management Support of GIS Operations (Project Manager)	16	50	800	\$93.85 (thru 4/30/19) \$95.73 (starting 5/1/19)	\$75,080 <u>\$76,072</u>
Technical and Mapping Support	16	50	800	\$65.54 (thru 4/30/19) \$66.85 (starting 5/1/19)	\$52,432 <u>\$53,124</u>
Total Estimated Expenditure					\$127,512 <u>\$129,196</u>
Available for Additional Services Authorized in Writing					\$2,081 <u>\$983</u>
Total "Not to Exceed"					\$129,593 <u>\$130,179</u>

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/7/2019
REPORTS & RECOMMENDATIONS	Approval to Purchase AutoCAD Annual Subscription Licenses for Engineering Department	ITEM NUMBER G. I. (6)

AutoDesk, the manufacturer of the popular AutoCAD engineering design software, moved from a portfolio-based licensing model to that of an annual subscription model. Starting in 2018, AutoCAD licenses were no longer being sold using customer-owned licenses, and the support model for existing licenses will reach end-of-life in 2020. The vendor has instituted a subscription license model, which is becoming more and more common within the software industry. Software is purchased on an annual basis, which allows the customer to migrate to the latest versions of all of their software at no additional charge. The "entitlement-based licensing model" is frequently used by software vendors transitioning services and software to a cloud-based collaboration platform, where software updates and patches are automatically received and supplied when a user logs into the software/portal.

For 2019, the Engineering Department has requested two AutoCAD licenses for a total of \$8,004 (quote attached), which will allow two concurrent users to be logged into the system at the same time. The software can be legally deployed on more than two computers; however, only two users can be logged into the AutoCAD portal and have a license checked out concurrently. In 2018 Engineering had requested \$7,600 in capital funding for one additional license of AutoCAD where funds were returned end of year (not used) after the new licensing model was discovered. Due to the need to being concurrent with the latest CAD formats for incoming engineering project files, the Engineering Department has requested moving to the subscription/entitlement-based model.

At the time of budgeting for the 2019 budget, \$7,046 was quoted/requested for the two AutoCAD licenses within the IT Software Maintenance account. The price now for the two licenses is \$8,004. Overages in the 2019 IS Software Maintenance account are anticipated to be addressed through under-spending of other IS operational or capital outlay accounts.

Engineering and IT is requesting the purchase of two AutoCAD "Architecture Engineering Construction Collection" licenses to replace the existing portfolio of design software licenses, which will no longer be supported in the upcoming year. The software agreement will be an annual expense that will be recorded within the IT Software Maintenance budget, unless otherwise moved as part of the annual budget process.

COUNCIL ACTION REQUESTED

Motion to approve the purchase of two AutoCAD "Architecture Engineering Construction Collection" licenses for the Engineering Department funded through the Information Services Software Maintenance operational account budget for 2019.



Price Quotation

Quote: 4633606
Reference: 1402130
Date: 05/02/2019
Expires: 06/03/2019

To: James Matelski
Franklin City of (WI)
9229 W Loomis Rd
Franklin, WI 53132

From: Ervin So
DLT Solutions, LLC
2411 Dulles Corner Park
Suite 800
Herndon, VA 20171

Phone: (414) 427-7645
Fax:
Email: jmatelski@franklinwi.gov

Phone: (703) 708-9688
Fax: (866) 708-6705
Email: ervin.so@dlt.com

#	DLT Part No.	Contract	Qty	Unit Price	Ext. Price
1	9701-1001743	OM	2	\$4,002.00	\$8,004.00
	Architecture Engineering Construction Collection IC Government New Multi-user ELD Annual Subscription				

This quote is on behalf of MasterGraphics Inc., your local Authorized Autodesk Reseller. MasterGraphics Inc. has three locations throughout Wisconsin.

Total: \$8,004.00

Contract Number: OPEN MARKET
DUNS #: 78-646-8199
Federal ID #: 54-1599882
CAGE Code: 0S0H9
FOB: Destination
Terms: Net 30 (On Approved Credit)
DLT accepts VISA/MC/AMEX
DLT's standard Terms & Conditions apply

THIS QUOTE IS SUBJECT TO THE TERMS AND CONDITIONS AT <http://www.dlt.com/products/client-commercial-licenses> THAT APPLY TO THE PRODUCTS AND/OR SERVICES INCLUDED IN THIS QUOTATION. CUSTOMER IS DIRECTED TO INCORPORATE (BY REFERENCE) THIS QUOTE IN ANY RESULTING TASK/DELIVERY ORDER OR AWARD. THE TERMS OF THE AFOREMENTIONED CONTRACT ARE THE ONLY CONTROLLING TERMS AND ANY TERMS OR CONDITIONS CONTAINED IN AN ORDER, AWARD OR OTHER INSTRUMENT OF BUYER, WHICH ARE IN ADDITION TO OR INCONSISTENT WITH ANY OF THE TERMS OR CONDITIONS CONTAINED IN THOSE REFERENCED HEREIN, SHALL NOT BE BINDING ON DLT OR ITS MANUFACTURERS AND SHALL NOT APPLY UNLESS SPECIFICALLY AGREED TO IN WRITING BY DLT.


**PLEASE REMIT
PAYMENT TO:**

ACH: DLT Solutions, LLC
Bank of America
ABA # 111000012
Acct # 4451063799

-OR-

Mail: DLT Solutions, LLC
P.O. Box 743359
Atlanta, GA 30374-3359

Customer orders subject to applicable sales tax in: CA, CO, CT, DC, FL, GA, HI, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, NC, NM, NJ, NV, NY, OH, OK, PA, RI, SC, TN, TX, VA, WA, WI

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/7/2019
REPORTS & RECOMMENDATIONS	Approval to Purchase VMWare Server & SAN Disk Expansion & Warranty Support as Budgeted in the 2019 IS Capital Outlay Budget	ITEM NUMBER B.1.(c)

For the 2019 Information Services (IS) Capital Outlay budget, \$70,000 in funds were allocated to extend the warranty and support of the existing VMWare server and 3PAR SAN (storage area network) storage environment. Four HP DL380 servers and two HP 8200 SANs were purchased in 2016 as part of core infrastructure upgrades at both City Hall and the Police Department. The long-term goal was to provide computing stability, storage efficiency, and a scalable expansion path for potential upgrades that would be necessary for the upcoming five years. The servers and computing systems were designed with an anticipated lifespan of five years, while the 3PAR SAN disk storage had an anticipated life cycle of ten years. For the initial purchase, a three-year hardware warranty and support agreement was included within the original equipment purchase. In order to meet anticipated life cycle usage, warranties for the computing and storage systems need to be extended until the end of 2020.

The capital request is to allow for the purchase warranty and support contracts for all HP DL380 servers and 3PAR SAN storage systems, up to the end of 2020. It is anticipated that all servers will be replaced within the 2021 budget, and the 3PAR storage system will undergo modest hardware upgrades and have support extended to 2026. For 2019, additional disks will be added to both the City Hall and Police Department storage systems. Eight (8) terabytes of disk will be installed both at City Hall and the Police Department. The disk upgrades will include the cost of hardware, SAN licenses, and warranty and support.

To date, both the HP storage and server environment has been extremely reliable and has undergone very limited outages and required limited security patching. The system was designed to be used in a 24x7x365 environment with limited outages and sufficient input/output performance. Within the past three years, both the server computing and storage environment has performed admirably, resolving all SQL performance bottlenecks that were facing the Police Department. It is recommended that this platform be maintained for the next two years and all equipment, originally purchased under the HP Renew program (refurbished) in order to lower costs, is covered under vendor support contracts. It is anticipated that the additional 8 terabytes of disk at each site will be sufficient for continual use up to the end of 2020.

Per the below financial analysis, total anticipated project costs per quotes received from Paragon Development Systems, Inc. (PDS) is \$59,254, which is \$10,746 under budget of the \$70,000 allocated for this IS capital outlay project. The remaining portion of the allocated budget (\$10,746) will be used towards project incidentals or remain unspent.

Financial Analysis:

City Hall 8TB Disk Expansion & Licensing (Quote 2028145)	\$10,196
PD 8TB Disk Expansion & Licensing (Quote 2028148)	10,196
City Hall DL380 Server Support (11/19 to 11/21) (Quote 2030561)	7,309
PD DL380 Server Support (11/19 to 11/21) (Quote 2030561)	7,309
City Hall 3PAR SAN Support (11/19 to 11/21) (Quote 2030293)	11,000
PD 3PAR SAN Support (11/19 to 11/21) (Quote 2030293)	13,244
Total Anticipated Project Costs	\$59,254

PDS was chosen as the main warranty processing vendor, as the vendor has full inventory of all purchased equipment and the corresponding warranties. HP provides warranty pricing based on State of Wisconsin negotiated pricing for infrastructure components, where the hardware vendor provides standardized pricing to all value-added resellers. All warranty and support pricing is then provided by HP Enterprise and is independent of the reseller. PDS has been selected as the firm to do onsite disk expansion, as the storage engineer who originally built and configured the system will be the same person performing the addition of new LUN (logical unit number) volumes. The PDS engineer committed to the project is already familiar with the SAN setup, configuration into the VMWare environment, and usage of the virtual service processors located at each corresponding remote VMWare site. For day-to-day SAN support issues, HP Enterprise (HPE) provides remote storage engineers under the existing support contracts, eliminating the need for the City of Franklin to hire or contract a dedicated storage engineer for regular performance monitoring and problem resolution.

COUNCIL ACTION REQUESTED

Motion to approve the above/attached quotes with Paragon Development Systems, Inc. (PDS) totaling \$59,254 for the purchases related to the VMWare Server and SAN Disk Expansion and Warranty/Support project, with the remaining portion of the allocated budget to be used towards project incidentals or remain unspent, as budgeted for in the 2019 IS Capital Outlay Budget.



**Paragon Development
Systems, Inc.**
13400 Bishops Lane
Suite 190
Brookfield, Wisconsin 53005
United States
(P) 262-569-5300

Quote (Open)

Date
Mar 08, 2019 02:38
PM CST

**Expiration
Date**
03/31/2019

Modified Date
Mar 08, 2019 02:48 PM
CST

Doc #
2028145 - rev 1 of 1

Description
City Hall - HPE 3PAR 1.2TB SFF HDD
- RENEW

SalesRep
Erbe, Jason
(P) 262-641-3057

Customer Contact
Matelski, James
(P) 414-858-1100

Customer
City of Franklin (003235)
Matelski, James
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Bill To
City of Franklin
Payable, Accounts
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Ship To
Receiving, Shipping
9229 W Loomis Rd.
Franklin, WI 53132
United States

Payment Method
Terms: Net 30

Customer PO:

Terms:
Net 30

Ship Via:
FedEx Ground

Special Instructions:

Carrier Account #:

QTY	DESCRIPTION	UNIT	PRICE	AMOUNT	TOTAL
1	3PAR 1.2TB+SW 10K SFF HDD, Refurb Hewlett Packard Enterprise - pds #: 460647	K2P93BR	8	\$735.00	\$5,880.00
2	PDS SOW for Install Services Hewlett Packard Enterprise - pds #: 550620	H4F39A1	1	\$0.00	\$0.00
3	3PAR 8200 Transition All-Inc SW LTU Hewlett Packard Enterprise - pds #: 460648	L7E73A	1	\$165.81	\$165.81
4	3PAR All-inclusive Single-system Software, E-Media Hewlett Packard Enterprise - pds #: 358603	L7F20AAE	1	\$104.56	\$104.56
5	3yr 24x7x4hr Proactive Care SVC Hewlett Packard Enterprise - pds #: 308499	H1K92A3	1	\$0.00	\$0.00
6	3PAR Internal Entitlement Purpose Hewlett Packard Enterprise - pds #: 308504	H1K92A3 WSF	2	\$0.00	\$0.00
7	3PAR 8000 1.2TB+SW 10K SFF HDD SUPP HP, Inc. - pds #: 460649	H1K92A3 X82	8	\$318.18	\$2,545.44
8	ProService Basic Server Installation/Configuration Paragon Development Systems - pds #: 390860	PDS1899567	1	\$1,500.00	\$1,500.00

Subtotal: \$10,195.81
Tax (0.000%): \$0.00
Shipping: \$0.00
Total: \$10,195.81



Paragon Development Systems, Inc.
13400 Bishops Lane
Suite 190
Brookfield, Wisconsin 53005
United States
(P) 262-569-5300

Quote: (Open)	
Date Mar 08, 2019 02:49 PM CST	Expiration Date 04/06/2019
Modified Date Mar 08, 2019 02:50 PM CST	
Doc # 2028148 - rev 1 of 1	
Description PD - HPE 3PAR 1.2TB SFF HDD - RENEW	
SalesRep Erbe, Jason (P) 262-641-3057	
Customer Contact Matelski, James (P) 414-858-1100	

Customer
City of Franklin (003235)
Matelski, James
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Bill To
City of Franklin
Payable, Accounts
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Ship To
Receiving, Shipping
9229 W Loomis Rd.
Franklin, WI 53132
United States

Payment Method
Terms: Net 30

Customer PO:

Terms:
Net 30

Ship Via:
FedEx Ground

Special Instructions:

Carrier Account #:

	Qty	Unit Price	Amount
1 3PAR 1.2TB+SW 10K SFF HDD, Refurb Hewlett Packard Enterprise - pds #: 460647	K2P93BR	8	\$735.00 \$5,880.00
2 PDS SOW for Install Services Hewlett Packard Enterprise - pds #: 550620	H4F39A1	1	\$0.00 \$0.00
3 3PAR 8200 Transition All-Inc SW LTU Hewlett Packard Enterprise - pds #: 460648	L7E73A	1	\$165.81 \$165.81
4 3PAR All-inclusive Single-system Software, E-Media Hewlett Packard Enterprise - pds #: 358603	L7F20AAE	1	\$104.56 \$104.56
5 3yr 24x7x4hr Proactive Care SVC Hewlett Packard Enterprise - pds #: 308499	H1K92A3	1	\$0.00 \$0.00
6 3PAR Internal Entitlement Purpose Hewlett Packard Enterprise - pds #: 308504	H1K92A3 WSF	2	\$0.00 \$0.00
7 3PAR 8000 1.2TB+SW 10K SFF HDD SUPP HP, Inc. - pds #: 460649	H1K92A3 X82	8	\$318.18 \$2,545.44
8 ProService Basic Server Installation/Configuration Paragon Development Systems - pds #: 390860	PDS1899567	1	\$1,500.00 \$1,500.00

Subtotal: \$10,195.81
Tax (0.000%): \$0.00
Shipping: \$0.00
Total: \$10,195.81



**Paragon Development
Systems, Inc.**

13400 Bishops Lane
Suite 190
Brookfield, Wisconsin 53005
United States
(P) 262-569-5300

Quote (Open)

Date

Mar 26, 2019 04:17
PM CDT

**Expiration
Date**

04/24/2019

Modified Date

Mar 26, 2019 04:22 PM
CDT

Doc #

2030561 - rev 1 of 1

Description

HPE Server Support Renewal

SalesRep

Rossi, Rod
(P) 262-560-7092

Customer Contact

Matelski, James
(P) 414-858-1100

Customer

City of Franklin (003235)
Matelski, James
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Bill To

9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Ship To

Receiving, Shipping
9229 W Loomis Rd.
Franklin, WI 53132
United States

Payment Method

Terms: Net 30

Customer PO:

Terms:

Net 30

Ship Via:

FedEx Ground

Special Instructions:

Carrier Account #:

Description	Part #	Qty	Unit Price	Total
1 HPE Foundation Care 24x7 wDMR SVC	H7J35AC	1	\$14,618.00	\$14,618.00

Note: *** Hardware Support ***

HPE Hardware Maintenance Onsite Support
Hardware Problem Diagnosis
Onsite Support
Parts and Material provided
24 hrs, Day 6
4 Hr Onsite Response
24 hrs, Day 7
Holidays Covered
24 Hrs Std Office Days
Defective Media Retention
HPE Collaborative Remote Support
Basic Software Phone Support
Collaborative Call Managemnt
24 Hours, Day 1-7 Phone Supp
Standard Response Time

7,309 City Hall
7,309 Police Dept

Term: 10/13/2019-11/12/2021
Service Agreement ID: 1046 8207 6733

Subtotal: \$14,618.00
Tax (0.000%): \$0.00
Shipping: \$0.00
Total: \$14,618.00

Terms and Conditions

Unless a specific Master Services & Product Sales Agreement is in effect between the parties, this quote is subject to PDS's Terms & Conditions which can be viewed at <http://www.shoppds.com/termsforsale.aspx>



**Paragon Development
Systems, Inc.**
13400 Bishops Lane
Suite 190
Brookfield, Wisconsin 53005
United States
(P) 262-569-5300

Quote Order	
Date Mar 25, 2019 12:58 PM CDT	Expiration Date 04/23/2019
Modified Date Apr 02, 2019 07:42 AM CDT	
Doc # 2030293 - rev 1 of 1	
Description 3Par Support Renewal	
SalesRep Rossi, Rod (P) 262-560-7092	
Customer Contact Huening, Lisa (P) 414-858-1100	

Customer
City of Franklin (003235)
Huening, Lisa
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Bill To
City of Franklin
Payable, Accounts
9229 W Loomis Rd.
Franklin, WI 53132
United States
(P) 4148581100

Ship To
City of Franklin
Receiving, Shipping
9229 W Loomis Rd.
Franklin, WI 53132
United States

Payment Method
Terms: Net 30

Customer PO:

Terms:
Net 30

Ship Via:
FedEx Ground

Special Instructions:

Carrier Account #:

City Hall 3PAR SAN support

Qty	Description	Unit	Price	Total
1	Foundation Care 24x7 w/DMR Service	H7J35AC	1	\$11,000.00

Note: *** Hardware Support ***
HPE Hardware Maintenance Onsite Support
Hardware Problem Diagnosis
Onsite Support
Parts and Material provided
4 Hr Onsite Response
24 Hrs Std Office Days
24 hrs, Day 6
24 hrs, Day 7
Holidays Covered
Travel Zone 1
Defective Media Retention

*** Software Support ***
HPE Software Technical Unlimited Support
SW Technical Support
SW Electronic Support
24 Hrs Std Office Days
24 Hrs Day 6
24 Hrs Day 7
Holidays Covered
Standard Response
HPE Software Updates SVC
License to Use & SW Updates
HPE Recommended SW Upd Method
HPE Recommended Doc Upd Method

PD 3PAR SAN support

QTY	DESCRIPTION	UNIT	PRICE	TOTAL
2	Foundation Care 24x7 w/DMR Service	H7J35AC	1	\$13,244.00

Note: *** Hardware Support ***
HPE Hardware Maintenance Onsite Support
Hardware Problem Diagnosis
Onsite Support
Parts and Material provided
4 Hr Onsite Response
24 Hrs Std Office Days
24 hrs, Day 6
24 hrs, Day 7
Holidays Covered
Travel Zone 1
Defective Media Retention

*** Software Support ***
HPE Software Technical Unlimited Support
SW Technical Support
SW Electronic Support
24 Hrs Std Office Days
24 Hrs Day 6
24 Hrs Day 7
Holidays Covered
Standard Response
HPE Software Updates SVC
License to Use & SW Updates
HPE Recommended SW Upd Method
HPE Recommended Doc Upd Method

Support Account Reference:
37086642-18MAR19-01
Coverage from: 03/13/2019 to: 11/07/2021

Subtotal:	\$24,244.00
Tax (0.000%):	\$0.00
Shipping:	\$0.00
Total:	\$24,244.00

Terms and Conditions

Unless a specific Master Services & Product Sales Agreement is in effect between the parties, this quote is subject to PDS's Terms & Conditions which can be viewed at <http://www.shoppds.com/termsforsale.aspx>

Shipping and tax amounts are estimated.

Purchases made by credit card may be subject to a 3% Convenience Fee at the time of invoicing.

PDS has been notified by numerous technology manufacturers that pricing is subject to rapid change due to the recent tariffs imposed on China.

While we will make every effort to update you with any changes as they arise, we are unable to guarantee pricing. This situation is not unique to PDS and likely has impact across most technology manufacturers.

Please contact your sales team with additional questions.

APPROVAL <i>Slw</i> <i>pk</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE May 7, 2019
REPORTS & RECOMMENDATIONS	Resolution Engaging Actuarial & Health Care Solutions, LLC to perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2019	ITEM NUMBER <i>G.I. (d)</i>

Background

The City of Franklin offers employees Other Post Employment Benefits, with certain service and other conditions, upon retirement from service to the City. The cost of those benefits can be estimated by an actuarial study involving various assumptions.

Financial regulations direct that periodic actuarial studies be conducted to estimate the cost of those benefits, and that certain information be provided in annual financial reports. That information includes, but is not limited to, the Actuarial Value of Assets on Hand, the Actuarial Accrued Liability for future benefits for current and retired eligible employees, and the Unfunded Actuarial Liability for the benefits. The information is included in the Comprehensive Annual Financial Report (CAFR) annually.

Actuarial & Health Care Solutions, LLC [Mequon, WI] has been providing these actuarial services for the City of Franklin since 2008.

Recommendation

Staff recommends engagement of Actuarial & Health Care Solutions, LLC for the 2019 & 2020 Actuarial Report on the City of Franklin Other Post Employment Benefits.

Fiscal Impact

Actuarial & Health Care Solutions, LLC has quoted \$6,400 for this service. There are sufficient appropriations in the 2019 budget for this project.

COUNCIL ACTION REQUESTED

Motion Adopting Resolution 2019-_____ authorizing the Mayor and Clerk to engage Actuarial & Health Care Solutions, LLC to perform an actuarial study of the City of Franklin Other Post Employment Benefits for 2019.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2019-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENGAGE ACTUARIAL
& HEALTH CARE SOLUTIONS, LLC TO PERFORM AN ACTUARIAL STUDY OF THE
CITY OF FRANKLIN OTHER POST EMPLOYMENT BENEFITS FOR 2019

WHEREAS, the City of Franklin offers Other Post Employment Benefits to certain eligible employees upon the completion of 20 years of service and attaining certain ages until age 65, and

WHEREAS, certain information related to that benefit is required disclosure in the Annual Comprehensive Financial Report for the City of Franklin, and

WHEREAS, the last Actuarial Report on the Other Post Employment Benefits was conducted as of January 1, 2018, and

WHEREAS, Actuarial & Health Care Solutions, LLC has performed this study for the City of Franklin since 2008 and

WHEREAS, Actuarial & Health Care Solutions, LLC is a reputable and respected actuary firm performing this service for many Southeast Wisconsin municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk are authorized to engage Actuarial & Health Care Solutions, LLC to perform an actuarial study on the Other Post Employment Benefits of the City of Franklin as of January 1, 2020 for a fee not to exceed \$6,400.

Introduced at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2019 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____th day of _____, 2019.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

ACTUARIAL & HEALTH CARE SOLUTIONS, LLC

RICHARD J. MARCHEL, FSA, MAAA

March 27, 2019

Mr. Paul Rotzenberg
Dir of Finance & Treasurer
Franklin City Hall
9229 W. Loomis Road
Franklin, WI 53132

RE: Actuarial Study – Other Post Employment & Benefits:

Dear Paul:

In response to the City of Franklin's (City) recent request, this letter provides a description of services provided by Actuarial & Health Care Solutions, LLC (AHCS) related to the valuation of the City's liability for other post-employment benefits. The valuation will be prepared for the fiscal year ending December 31, 2020.

SERVICES TO BE PROVIDED

Services to be provided by AHCS include the following:

1. Provide the City with a detailed list of information needed by AHCS to perform the valuation.
2. Work with City staff as needed to get the information into a usable format and select assumptions for use in the calculations.
3. We will review the actuarial assumptions with you and discuss their general effect on the actuarial valuation. We will document the actuarial assumptions selected by you and the rationale for using them.
4. Perform the calculations necessary to determine the liability for the OPEB benefits.
5. Will provide the information necessary to meet the requirements of GASB Standard 75 (OPEB).
6. The valuation will include financial statement items for the 2019 and 2020 fiscal years.
7. Discuss by conference call the actuarial study to address conclusions found in the valuation reports.

March 27, 2019

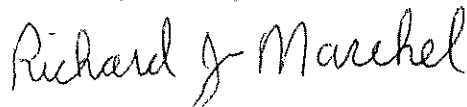
All valuations will be completed in accordance with Governmental Accounting Standards Board (GASB) Statement No. 75. Actuarial valuations will also be completed in conformance with all applicable Actuarial Standards of Practice (ASOP's).

FEES

Professional fees for performing the actuarial valuation of the postretirement health benefits would be \$6,400 for the OPEB valuation. These fees assume all data is accurate and complete and provided in readily usable computer format. These fees are all-inclusive - there will be no additional charges for out-of-pocket or miscellaneous expenses. Material changes to the covered group or benefit provisions, or a change in the GASB standard for the valuation will result in additional work beyond the scope of the above valuation fees. Such additional work will be done at the hourly rate of \$260. Advance approval by the City will be obtained before commencing work requiring additional fees.

If you have any questions, please call me at (262) 408-5101. We look forward to assisting the City in this regard.

Sincerely,

A handwritten signature in black ink that reads "Richard J. Marchel". The signature is written in a cursive, flowing style.

Richard J. Marchel

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 5-7-2019
Reports and Recommendations	Designation of Official Newspaper	ITEM NUMBER <i>G.I.(e)</i>

Each year the Council must designate the official newspaper for the City of Franklin in which the City publishes its official notices. Pursuant to Chapter 61, Franklin Municipal Code and Wis. Stat § 985.03, bids were solicited and the one bid received was opened April 25, 2019.

Attached for your review is the bid received, which is from NOW Media Group (South Now).

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. 2019-_____ resolution designating an official newspaper.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019-

A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER

WHEREAS, The Wisconsin State Statutes, Chapter 985 provide that the City of Franklin name an official newspaper to publish their legal notices; and

WHEREAS, bids have been solicited pursuant to Section 61, Franklin Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that The Milwaukee Journal Sentinel (South NOW) is hereby designated as the official newspaper of the City of Franklin for one (1) year commencing May 1, 2019 and ending April 30, 2020.

BE IT FURTHER RESOLVED that the price of publication shall not exceed the legal rate for like work.

Introduced at a regular meeting of the Common Council of the City of Franklin on this _____ day of May, 2019 by Alderman _____.

Passed and adopted by the Common Council on the _____ day of May, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES NOES ABSENT



Invitation for Bid – 2019

April 12, 2019

City of Franklin
City Clerk- Sandra Wesolowski
9229 W Loomis Rd
Franklin, WI, 53132

The below information is the state certified information for the NOW Newspapers South NOW newspaper for legal advertising.

Name of Type: Arial Classified
Type size: 8

Indicate Line Rates:	1 st Insertion	Subsequent Insertion	Column Width (pica)
1 column	\$.6140	\$.4850	8.89

Display Rates, per column inch:

1st Insertion: \$6.14

Subsequent Insertion: \$4.85

Paid Newspaper Subscriptions to be circulated in this geographic area: 15146

Affidavit Cost: \$1.00

Affidavits shall be mailed within 10 days of publication.

Dates of Publication: Every Wednesday

Vendor: South NOW

Authorized Signature: /s/ Tara Mondloch

Print Name & Title: Tara Mondloch, Director- Public Notices
tmondloch@gannett.com

Address: 333 W. State Street, Milwaukee, WI 53203

Telephone: 414-224-2121

Fax: 877-943-0443

Email: legal@jmg.com

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE May 7, 2019
REPORTS & RECOMMENDATIONS	RESOLUTION TO AUTHORIZE EXECUTION OF A CHANGE ORDER NO. 2 FOR RAWSON HOMES DRAINAGE IMPROVEMENTS AND WATER MAIN RELAY IN THE AMOUNT OF \$2,772.30 SAVINGS	ITEM NUMBER <i>6.1.(f)</i>

BACKGROUND

Dorner, Inc. is the contractor for the Rawson Homes Drainage Improvements and Water Main Relay project in the vicinity of S. 36th Street, S. 37th Place, W. Madison Boulevard, W. Minnesota Avenue, & W. Marquette Avenue. City Staff is self-performing many functions from inspection to some construction activities to stretch the Milwaukee Metropolitan Sewerage District (MMSD) funding.

ANALYSIS

Staff has identified asphalt driveway patching as an opportunity for DPW to self-perform and allow the additional funds to extend subsurface drainage further along S. 37th Place. This additional 321 feet represents an additional three yards to have subsurface drainage features. DPW will self-perform the asphalt drive approaches out of the 2019 and 2020 DPW operating budgets.

Reduction of asphalt drives and the resulting increase for additional drainage features is a net decrease of \$2,772.30.

BID ITEM	DESCRIPTION	UNIT PRICE	ORIG QUANTITY	NEW QUANTITY	CHANGE
29	ASPHALT DRIVE REPLACEMENT (SY)	\$65.00	250	0	\$(16,250.00)
52	12" HDPE DRAIN TILE (LF)	\$38.70	810	1131	\$ 12,422.70
53	12" YARD DRAIN (EA)	\$900.00	11	14	\$ 2,700.00
54	15" HDPE DRAIN TILE (LF)	\$40.50	1160	1250	\$ 3,645.00
55	15" YARD DRAIN (EA)	\$1,100.00	14	15	\$ 1,100.00
61	SWALE CONSTRUCTION (LF)	\$16.00	3150	3565	\$ 6,640.00
66	ASPHALT DRIVE REPLACEMENT (SY)	\$65.00	230	0	\$(14,950.00)
69	RESTORATION (SY)	\$6.40	2250	2550	\$ 1,920.00
				Total	\$ (2,772.30)

OPTIONS

- A. Authorize execution of Change Order No. 2 in the amount of \$2,772.30 making the total project costs \$2,026,188.90. Note that this is a unit price project and contractor will be paid for actual quantities installed. Or
- B. Refer back to Staff with further direction.

FISCAL NOTE

There is adequate funding available as reimbursement from MMSD and the Franklin Water Utility. Other than DPW self-performing some project elements, there are no tax dollars dedicated to the construction of this project.

To summarize the anticipated funding sources:

\$ 439,502.25	MMSD Green funding
\$ 424,334.95	MMSD PPII funding
\$1,162,351.70	Franklin Water Utility funding
\$2,026,188.90	Anticipated Total Project Costs (anticipated because this is a unit price project)

Additionally, consultant (Ruekert-Mielke) invoices will be allocated 70/30 to Green/PPII funding and reimbursable by MMSD

COUNCIL ACTION REQUESTED

(OPTION A) Motion to authorize execution of a Change Order No. 2 for Rawson Homes Drainage Improvements and Water Main Relay in the amount of \$2,772.30 savings

ENG-GM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019 -

A RESOLUTION TO AUTHORIZE EXECUTION OF A
CHANGE ORDER NO. 2 FOR
RAWSON HOMES DRAINAGE IMPROVEMENTS AND
WATER MAIN RELAY IN THE AMOUNT OF
\$2,772.30 SAVINGS

WHEREAS, Dorner, Inc. (Luxemburg, WI) was awarded a contract to construct subsurface drainage system and water main relay project in the Rawson Homes area of Franklin for \$2,261,745.70. And

WHEREAS, previous change orders were issued to bring the cost of the project to \$2,028,961.20. And

WHEREAS, project elements have been identified for performance by City Staff and allowing Dorner, Inc. to extend drainage features to accommodate additional properties.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to execute Change Order No. 2 for a savings of \$2,772.30.

Introduced at a regular meeting of the Common Council of the City of Franklin the
_____ day of _____, 2019, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the
_____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____
GEM/db

CHANGE ORDER
CITY OF FRANKLIN
DEPARTMENT OF ENGINEERING

Change Order No: 02

Dated: May 8, 2019

PROJECT NAME RAWSON HOMES DRAINAGE IMPROVEMENTS AND WATER MAIN RELAY

PROJECT LOCATION 36th St., 37th Pl., Madison Blvd., Minnesota Ave., & Marquette Ave.

CONTRACTOR: Dorner Inc.

Nature of the Changes: modification to subsurface drainage design

BID ITEM	DESCRIPTION	UNIT PRICE	ORIG QUANTITY	NEW QUANTITY	CHANGE
	ASPHALT DRIVE				
29	REPLACEMENT (SY)	\$65.00	250	0	\$(16,250.00)
52	12" HDPE DRAIN TILE (LF)	\$38.70	810	1131	\$ 12,422.70
53	12" YARD DRAIN (EA)	\$900.00	11	14	\$ 2,700.00
54	15" HDPE DRAIN TILE (LF)	\$40.50	1160	1250	\$ 3,645.00
55	15" YARD DRAIN (EA)	\$1,100.00	14	15	\$ 1,100.00
61	SWALE CONSTRUCTION (LF)	\$16.00	3150	3565	\$ 6,640.00
	ASPHALT DRIVE				
66	REPLACEMENT (SY)	\$65.00	230	0	\$(14,950.00)
69	RESTORATION (SY)	\$6.40	2250	2550	\$ 1,920.00
				Total	\$ (2,772.30)

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price \$2,261,745.70

Contract price prior to this Change Order \$2,028,961.20

Net DECREASE resulting from this Change Order \$ 2,772.30

Current contract price including this Change Order \$2,026,188.90

Net (Increase/Decrease) in time resulting from this Change Order Increase 0 calendar days

The above changes are Approved by:

Mayor

City Clerk

Contractor:

By: Stephen R. Olson

By: Sandra L. Wesolowski

By: _____

Date: _____

Date: _____

Date: _____

Director of Finance & Treasurer

City Attorney

By: Paul Rotzenberg

By: Jesse A. Wesolowski

Date: _____

Date: _____

APPROVAL <i>Slur</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE <i>5/07/2019</i>
REPORTS AND RECOMMENDATIONS	Donation from Mrs. Virginia Norman and Others in Memory of Franklin Resident Donald Lee Norman in the amount of \$730.00	ITEM NUMBER <i>G.I.(9)</i>

The Franklin Fire Department has received a donation of \$500.00 from Franklin Resident Mrs. Virginia A. Norman, in memoriam of her late husband Donald. L. Norman, who passed away in March of 2019.

The Department also received several other donations in Donald's name from friends, family members, and loved ones, as was generously requested in his obituary. These donations together amount to an additional \$230.00.

The Fire Department relies on donations to help fund fire and safety educational programs in the community.

COUNCIL ACTION REQUESTED

Request approval to accept \$730.00 donation from Mrs. Virginia Norman, and others in memory of Mr. Donald Lee Norman.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE <i>5/07/2019</i>
Reports and Recommendations	23rd Annual <u>Posters for Tobacco Prevention</u> Contest Winners	ITEM NUMBER <i>G.I.(h)</i>

Background: While Wisconsin has a smoke-free workplace law, tobacco companies continue advertising to children and teens with flavored tobacco products. The City of Franklin Health Department sponsored a movie theater poster contest amongst 7th grade students at Forest Park Middle School. Winning posters will be displayed at Showtime Movie Theater in Franklin from June 2019-February 2020. Our students' artwork will help spread the truth about tobacco to their peers and the Franklin community.

Analysis: Over 230 posters were submitted and nine were chosen to be displayed. All poster contest winners were honored at the May 8th Franklin Public Schools' Board of Education meeting. Winning posters will be displayed in the lobby of city hall prior to the Common Council meeting. The winning students are:

- Madison Trinko
- Megan Gramblicka
- Madison Grulkowski
- Nadeen Asha
- Grace Wood
- Sam Cool
- Ella Michalak
- Kayla TenHaken
- Refia Calislean

Additionally, for the first time this year, four additional students' artwork were chosen to be advertised on social media outlets for their creativity and unique message. These students are: Natalie Kim, Lucy Karcher, Kelly Dordel, Nathan Kazmierczak.

Many thanks to this year's judges who represent the Common Council, Franklin Public Schools, and other leaders and business in Franklin.

Fiscal Note: Winners will receive a copy of their poster, a \$100 gift card, and Marcus movie pass. The four additional students will receive a copy of their poster and a gift card to Target. Funding for this program is derived from tobacco license fees paid to the City of Franklin and is a line item in the department budget.

COUNCIL ACTION REQUESTED:

The Common Council is requested to accept this report and place it on file.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE May 7, 2019
REPORTS & RECOMMENDATIONS	Project Updates for Ballpark Commons	ITEM NUMBER <i>G.2.</i>

Representatives from Ballpark Commons will present an update on the development.

COUNCIL ACTION REQUESTED

No action requested. This presentation is only for providing updates on the Ballpark Commons project.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/07/19
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE AND RELOCATE PROPOSED MIXED-USE BUILDING M-1 (TO A NEWLY ACQUIRED PARCEL EAST OF BALLPARK DRIVE (FORMERLY OWNED BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION)) AT THE SOUTHEAST CORNER OF RAWSON AVENUE AND BALLPARK DRIVE, TO ADD A SINGLE-STORY APPROXIMATELY 11,000 SQUARE FOOT COMMERCIAL/RETAIL BUILDING, AND TO REVISE THE HOURS OF OPERATION OF FOR THE SNOW PARK (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC, AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANTS, ZIM-MAR PROPERTIES, LLC AND BPC COUNTY LAND, LLC, PROPERTY OWNERS) (AT APPROXIMATELY 7115 BALLPARK DRIVE AND VICINITY)	ITEM NUMBER <i>G.3.</i>

Please note that the PDD Amendment changes as proposed by the Plan Commission have been highlighted in the attached draft Ordinance (pages 17, 22, 27, and 46).

INTRODUCTION

At their meeting on April 18, 2019, the Plan Commission recommended approval, with conditions, of an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District (PDD) No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District to:

- Extend the hours of operation for the ski hill to 11:00 p.m. and to allow snow grooming equipment to be operated at all hours necessary to maintain the ski hill from November 1st to March 31st annually.
- To revise and relocate the proposed mixed-use building M-1 to a newly acquired parcel east of Ballpark Drive formerly owned by the Wisconsin Department of Transportation (at the southeast corner of West Rawson Avenue and Ballpark Drive), and to allow single story retail buildings.
- To reduce the required average dwelling unit size for apartments from 750 square feet to 700 square feet.

Staff has also updated the ordinance in regard to certain tax key and legal description information, and to remove Conditions of Approval number 11 pertaining to revision of utility plans to stub the water main into The Rock Sports Complex (which condition has now been addressed).

In addition, the Plan Commission also approved the following:

- As allowed by PDD No. 39 Table 15-3.0442D.1., the Plan Commission approved the applicant's request to allow the residential density of the Ballpark Commons Multi-Family Residence Area to be averaged across the entire subject portion of the Ballpark Commons development, rather than have each separate parcel meet the residential density.
- As allowed by PDD No. 39 Table 15-3.0442D.1., the Plan Commission approved the applicant's request to reduce the required front yard setback for the proposed apartment Building B5 from 25 feet to 8 feet.
- A motion to only require submittal of the Building B5 drawings.
 - It can be noted that the applicant had not included within its PDD Amendment materials for the Plan Commission any plans related to the proposed new or revised buildings.
- A motion to require the applicant to update the Open Space Ratios, Gross Densities, Net Densities, etc., as applicable, for the entire project area and each parcel.

Lastly, it can be noted that prior Ballpark Commons PDD Amendment, Natural Resource Special Exception, and Site Plan Amendment approvals have required submittal of certain additional information pertaining to a comprehensive landscape plan, mitigation plan, and related easements prior to issuance of any Occupancy Permit within the Ballpark Commons development. These conditions of approval are still outstanding as only partial/incomplete information was provided by the applicants. It is anticipated that this information will be provided for a future Common Council meeting for consideration and approval.

PUBLIC HEARING COMMENTS

A public hearing was held on this matter at the Plan Commission meeting of April 18, 2019. Two persons spoke during the hearing, and indicated they were opposed to the proposed PDD Amendment. One of those persons has also requested that their written comments be provided to the Common Council. Those comments are attached.

COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2019-_____, an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise and relocate proposed mixed-use building M-1 (to a newly acquired parcel east of Ballpark Drive (formerly owned by the Wisconsin Department of Transportation)) at the southeast corner of Rawson Avenue and Ballpark Drive, to add a single-story approximately 11,000 square foot commercial/retail building, and to revise the hours of operation for the snow park (Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties, LLC applicants, Zim-Mar Properties, LLC and BPC County Land, LLC property owners).

May 1, 2019

Joel Dietl
Planning Manager
City of Franklin
Planning Department
9229 W. Loomis Road
Franklin, WI 53132

RE: Ballpark Commons PDD Amendment Resubmittal to Planning Staff

Dear Mr. Dietl:

Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc. ("Mandel") and in partnership with Zim-Mar Properties LLC is pleased to resubmit required materials as part of the PDD Amendment Application submitted on February 1, 2019, resubmitted for review April 24, 2019 and pursuant to mutually agreed upon conditions approved at the April 18, 2019 Plan Commission meeting. The modified PDD Ordinance was referred by the Plan Commission ("PC") to the Common Council ("CC") with a favorable recommendation for action on May 7, 2019, subject to mutually agreed upon conditions and the resubmittal of certain documents. Planning Staff reviewed the documents which were resubmitted on April 24, 2019 and provided comments in an email on April 27, 2019.

Enclosed under cover of this letter you will find the requested resubmittal of site intensity calculations for the apartment parcels, M1 and R1 buildings and a formatted table depicting the required densities and ratios for these parcels. The site intensity calculations include the following:

1. Required Open Space Ratios;
2. Minimum On-Site Open Space;
3. Maximum Gross Density;
4. Maximum Net Density;
5. Net Floor Area Ratio
6. Maximum Net Floor Area
7. Maximum Gross Floor Area;
8. Landscape Surface Ratios; and,
9. Minimum Required Landscape Surface.

As mentioned previously, the PC approved the use of gross site density calculations aggregated across the apartment parcels (B1 through B5 and clubhouse) to calculate the maximum number of dwelling units among all parcels. The PC approved the gross site density if less than or equal to 280 units.

Ballpark Commons Apartments LLC is the developer for the apartment parcels (B1 though B5 and clubhouse) and, to date, has not been involved with the development of the balance of the project which includes the area north of Rawson and the New Perspective Senior Living development. Therefore, the site intensity calculations for the balance of the project, overall and individual parcels, will be provided by the master developer. Ballpark Commons Apartments LLC, respectfully requests that the Common Council follow the recommendation of the Plan Commission and approve the apartment site intensity/density calculations separately from the overall site intensity calculations.

We welcome the opportunity to answer any questions you have regarding our submittal materials.

Very Truly Yours,



Emily Cialdini
Senior Development Associate

Site Intensity Calculations (Apartment Parcels, R1 and M1)												
Tax Key ID	Address	Building ID	Minimum Required On-Site			Maximum		Maximum		Actual		Min Required Landscape Surface Area [acres]
			Open Space Ratio	Open Space [acres]	Gross Density	Maximum Net Density	Net Floor Area Ratio	Net Floor Area	Maximum Gross Floor Area	Landscape Surface Ratio	Landscape Surface Ratio	
	7195 Ballpark Dr.	B-1; B-2; B-3; Clubhouse B-5 B-4										
754-9002-000	7165 Ballpark Dr.											
754-9001-000	7125 Ballpark Dr.			0.25	5.84	374 du	280 du	N/A	N/A	0.25	0.7	5.84
754-9008-000	7250 Ballpark Dr.											
N/A	N/A	R-1	N/A	N/A	N/A	N/A	0.57	0.56	0.41 (17,690 sf)	0.25	0.34	0.33
754-9006-000	N/A	M-1 (former DGT)	N/A	N/A	N/A	N/A	0.57	1.62	1.18 (51,450 sf)	0.25	0.32	0.95

SECTION 15-3.0502**CALCULATION OF BASE SITE AREA**

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

MI BLDG

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	3.80 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0.00 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0.00 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	- 0.00 acres
STEP 5:	Equals "Base Site Area"	= 3.80 acres

SECTION 15-3.0503**CALCULATION OF THE AREA OF NATURAL RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X 0.00 =	0.00
20-30%	0.65	0.75	0.70	X 0.00 =	0.00
+ 30%	0.90	0.85	0.80	X 0.00 =	0.00
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.00 =	0.00
Young	0.50	0.50	0.50	X 0.00 =	0.00
Lakes & Ponds	1	1	1	X 0.00 =	0.00
Streams	1	1	1	X 0.00 =	0.00
Shore Buffer	1	1	1	X 0.00 =	0.00
Floodplains	1	1	1	X 0.00 =	0.00
Wetland Buffers	1	1	1	X 0.02 =	0.02
Wetlands & Shoreland Wetlands	1	1	1	X 0.00 =	0.00
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					

Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

WETLAND SETBACK

1

0.6

0.6

TOTAL

0.62

Table 15-3.0505

**WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND
CAPACITY FOR NONRESIDENTIAL DEVELOPMENT**

STEP 1:	CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>3.80</u> Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard): X <u>0.35</u> Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE = <u>1.33</u> acres	
STEP 2:	CALCULATE NET BUILDABLE SITE AREA: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>3.80</u> Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater: - <u>1.33</u> Equals NET BUILDABLE SITE AREA = <u>2.47</u> acres	
STEP 3:	CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE: Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>2.47</u> Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X <u>0.57</u> Equals MAXIMUM NET FLOOR AREA YIELD OF SITE = <u>1.41</u> acres	
STEP 4:	CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE: Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>3.80</u> Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X <u>0.31</u> Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE = <u>1.18</u> acres	
STEP 5:	DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE: Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above): (Multiple results by 43,560 for maximum floor area in square feet):	<u>1.18</u> acres <u>(51,314</u> s.f.)

April 18, 2019 City of Franklin Planning Commission

Dana Gindt public comment

I oppose the major amendments to the PDD for Ballpark Commons. The uniform building ordinance was created to "promote the health, safety, morals, prosperity, aesthetics and general welfare of the City of Franklin and its environs." (UDO page 1-1) These ordinances were created to restrict and regulate land use and development. Why is this project being held to a lower standard than the rest of the City? This project abuts a residential neighborhood and an environmental corridor. Both should require the highest level of regulations nearby.

Based on my research, it is not clear that any similar activity on Milwaukee County park land can be operated past 10:00 pm without a single event special permit. Was Milwaukee County even notified of this proposed regulation change? In addition, the ski hill is partially located in Greendale. Was that municipality involved in this proposed modification? The Commission should have approvals in writing from the County and Greendale before proceeding on this issue. Finally, operation of snow grooming equipment at any hour of the day without restriction and adjacent to residential neighbors should not be acceptable.

What restrictions does the County Sound and Light agreement contain concerning extended hours of operation or other operational aspects of this project? What does the Uniform Building Ordinance require for noise and light nuisances? Section 15-3.0442 attached to this Planning Commission submittal refers to the Comprehensive Sound and Light Study. Was that study actually performed for the BPC development?

I see that another major amendment is requested for the addition of a 3-story, 53 unit apartment building. I want to express my concerns that the most recent Ehlers financial schedules proposed for BPC, were supplied without the appropriate 24-hour notice for the April 16, Common Council meeting. But more importantly, this work does not make an informed judgement of market economic viability for any aspect of this project including the apartments and retail. Just totaling up numbers to achieve the desired project valuation does not mean that any part of the business proposed is economically feasible at this location. Most significantly, a market feasibility study should have been included. Calculating hypothetical building valuations of potential development is not an assessment of feasibility. There are already 600 recently constructed apartments within 5 miles of this location and others entitled and under construction.

There is no public basis for the financial projections used for this development. The financial spreadsheet supplied on Tuesday does not confirm current market viability for any aspect of the BPC or the feasibility of apartments or retail at this location.

I again oppose any further funding of this project and the extension of times of operation or maintenance of the ski hill. I also request that the City stop granting approvals without complete submittals and full analysis. I am requesting this speech be included on the online summary and official file.

ORDINANCE NO. 2019-____

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE AND RELOCATE PROPOSED MIXED-USE BUILDING M-1 (TO A NEWLY ACQUIRED PARCEL EAST OF BALLPARK DRIVE (FORMERLY OWNED BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION)) AT THE SOUTHEAST CORNER OF RAWSON AVENUE AND BALLPARK DRIVE, TO ADD A SINGLE-STORY APPROXIMATELY 11,000 SQUARE FOOT COMMERCIAL/RETAIL BUILDING, AND TO REVISE THE HOURS OF OPERATION FOR THE SNOW PARK
(BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANTS, ZIM-MAR PROPERTIES, LLC AND BPC COUNTY LAND, LLC, PROPERTY OWNERS)
(AT APPROXIMATELY 7115 BALLPARK DRIVE AND VICINITY)

WHEREAS, Section 15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), same having been created by Ordinance No. 2012-2089 and later amended by: Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013; Ordinance No. 2013-2101; Ordinance No. 2016-2212; Ordinance No. 2017-2278, Ordinance No. 2018-2312, Resolution No. 2018-7339, Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018, Ordinance No. 2018-2318, Ordinance No. 2018-2324, Ordinance No. 2018-2323 (re: Buildings B1 thru B4) and Ordinance No. 2018-2333, with such District primarily being located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 708-8996-002, 744-1003-000, 744-1004-000, 744-1005-000, 744-1007-000, 744-1008-000, 744-1009-000, 744-1010-000, 754-9001-000, 754-9002-000, 754-9006-000, 754-9007-000, 754-9008-000, and is more particularly described below; and

WHEREAS, Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) currently includes those lands legally described as follows:

PDD BOUNDARY

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHEAST 1/4, AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 5

NORTH, RANGE 21 EAST, AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4; AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF SECTION 4; THENCE NORTH 88°42'47" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 SECTION, 1452.10 FEET TO LOOMIS ROAD (STATE TRUNK HIGHWAY "36") REFERENCE LINE AS SHOWN IN WISCONSIN DEPARTMENT OF TRANSPORTATION PLAT OF RIGHT OF WAY PROJECT NUMBER F064-I(5)/2240-02-22, DATED JULY 3, 1956 AND THE POINT OF BEGINNING; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 908.15 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY 1280.09 FEET ALONG SAID REFERENCE LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, WHOSE RADIUS IS 3819.72 FEET AND WHOSE CHORD BEARS SOUTH 40°09'15" WEST, 1274.10 FEET TO A POINT OF TANGENCY; THENCE SOUTH 30°33'51" WEST ALONG SAID REFERENCE LINE, 912.57 FEET; THENCE NORTH 59°26'09" WEST, 146.77 FEET TO THE SOUTHEAST CORNER OF STONE HEDGE SUBDIVISION ADDITION NO. 1; THENCE NORTH 00°11'17" WEST ALONG THE EAST LINE OF SAID STONE HEDGE SUBDIVISION ADDITION, 2266.74 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST RAWSON AVENUE; THENCE NORTH 88°31'09" EAST ALONG SAID NORTH RIGHT OF WAY LINE 393.64 FEET; THENCE NORTH 76°43'11" EAST 212.76 FEET TO A POINT ON THE EAST LINE OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3107; THENCE NORTH 00°21'06" WEST ALONG THE EAST LINE OF SAID PARCEL 1 AND ALONG THE EAST LINE OF LOTS 14, 13, AND 12 OF BLOCK 1 OF WHITNALL VIEW SUBDIVISION ADDITION NO. 1, 809.21 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 88°41'11" WEST ALONG THE NORTH LINE OF SAID LOTS 12 AND 11 OF SAID WHITNALL VIEW SUBDIVISION ADDITION, 484.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE NORTH 00°21'07" WEST ALONG THE EAST LINE OF LOTS 10 AND 9 OF SAID WHITNALL VIEW SUBDIVISION, 400.06 FEET TO THE NORTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 88°41'11" EAST ALONG SAID NORTH LINE, 544.58 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 4; THENCE SOUTH 00°21'07" EAST ALONG SAID EAST LINE OF SAID SOUTHWEST 1/4, 35.86 FEET; THENCE NORTH 88°42'30" EAST, 662.58 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE WEST 1/4 OF SAID 1/4 SECTION; THENCE NORTH 00°22'39" WEST, 1349.21 FEET; THENCE NORTH 88°33'16" EAST 1252.39, FEET; THENCE SOUTH 00°19'12" EAST, 367.35 FEET; THENCE NORTH 54°02'33" EAST, 648.24 FEET; THENCE NORTH 88°33'16" EAST, 204.06 FEET TO THE EAST LINE OF SAID NORTHEAST 1/4 OF SECTION 4, BEING THE CENTERLINE OF SOUTH

76TH STREET; THENCE SOUTH 00°19'12" EAST ALONG SAID EAST LINE, 519.27 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 4; THENCE SOUTH 00°25'03" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 4, 1659.84 FEET TO SAID REFERENCE LINE; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 1561.74 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 8,951,502 SQUARE FEET (205.498 ACRES) OF LAND, MORE OR LESS.

WHEREAS, the Mixed-Use Building M-1 site within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) currently includes those lands legally described as follows:

LOT 1 OF CERTIFIED SURVEY MAP NO. 9042 RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. 10785127, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. SAID PARCEL CONTAINS 125,667 SQUARE FEET OR 2.8849 ACRES.

WHEREAS, Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties, LLC, having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise and relocate proposed mixed-use building M-1 (to a newly acquired parcel east of Ballpark Drive (formerly owned by the Wisconsin Department of Transportation)) at the southeast corner of Rawson Avenue and Ballpark Drive, to add a single-story approximately 11,000 square foot commercial/retail building, and to revise the hours of operation for the snow park; and

WHEREAS, the City of Franklin Plan Commission on the 18th day of April, 2019, having reviewed the proposed amendment to Planned Development District No. 37 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission, and having determined that the proposed amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and that it will promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: Section 15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to revise and relocate proposed mixed-use building M-1 (to a newly acquired parcel east of Ballpark Drive (formerly owned by the Wisconsin Department of Transportation)) at the southeast corner of Rawson Avenue and Ballpark Drive, to add a single-story approximately 11,000 square foot commercial/retail building, and to revise the hours of operation for the snow park.

SECTION 2: Section 15-3.0442 of the Unified Development Ordinance of the City of Franklin is hereby codified through current and amended as follows:

**Section 15-3.0442 PLANNED DEVELOPMENT DISTRICT NO. 37 (THE
ROCK SPORTS COMPLEX/BALLPARK COMMONS)**

- A. **Exhibits.** This Planned Development District shall be constructed, operated and maintained in conformance with the following listed Exhibits, all containing matters approved hereunder or by the separate approval of the Common Council as set forth below, and all applicable terms and provisions of the Municipal Code and the Unified Development Ordinance not enumerated herein and not contrary to the terms or provisions of this ordinance, including, but not limited to such permits as are required under Division 15-8.0200 Construction, Division 15-8.0300 Construction Site Erosion Control, Division 15-8.0600 Stormwater Management, as well as the Development Agreement adopted by the Common Council on February 6, 2018.
1. **Exhibit A:** Ordinance No. 2012-2089.
 2. **Exhibit B:** Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013.
 3. **Exhibit C:** Ordinance No. 2013-2101.
 4. **Exhibit D:** Ordinance No. 2016-2212.
 5. **Exhibit E:** Ordinance No. 2017-2278.
 6. **Exhibit F:** Ordinance No. 2018-2312.
 7. **Exhibit G:** Resolution No. 2018-7339.
 8. **Exhibit H:** Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018.
 9. **Exhibit I:** Ordinance No. 2018-2318.
 10. **Exhibit J:** Ordinance No. 2018-2323.
 11. **Exhibit K:** Ordinance No. 2018-2324.
 12. **Exhibit L:** Ordinance No. 2018-2333
- B. **District Intent.** It is the intent of Planned Development District No. 37 to provide a unique and high quality sports anchored mixed-use development

which includes a multi-use sports and entertainment complex and certain compatible mixed-uses including commercial, retail, office, and residential development. And to provide an attractive center of recreational and economic activity which serves to enhance not only the subject District but the City of Franklin, surrounding communities, and Milwaukee County as well, in furtherance of the goals and objectives of the City of Franklin Comprehensive Master Plan and:

1. All development within this District shall comply with the zoning and land division standards and requirements of the Unified Development Ordinance, including but not limited to Division 15-3.0700 Special Uses, Division 15-3.0800 Accessory and Temporary Uses and Structures, Division 15-5.0100 Design Standards for Land Divisions, Division 15-5.0200 Traffic, Off-Street Parking and Loading, and Highway Access, except as otherwise specifically set forth within this Planned Development District No. 37.
2. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
3. Provide for an arrangement of recreation, entertainment, commercial, retail, office, and multi-family residential uses that are compatible in function, form, and operation.
4. Apply superior architectural and site design considerations whenever new principal and/or accessory structures are constructed. Encourage multi-story buildings.
5. Provide a safe, interconnected, and pedestrian-friendly network of public streets, private roads, sidewalks, and trails which encourages a multi-modal system of transportation throughout the District, and through this network, with the surrounding community. A Complete Streets design, incorporating such considerations as narrower travel lanes, on-street parking, curb extensions, frequent and safe crossing opportunities, dedicated sidewalks and/or trails, etc., is encouraged.
6. Provide both on-site and off-site parking for tenants and customers combined with a pedestrian-oriented environment.
7. Provide shared parking arrangements between adjacent uses and properties through the use of easements and other similar agreements. Encourage shared parking arrangements throughout the entire District, including consideration of formal shuttle services, etc.

8. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
9. Require special use approval for all new buildings greater than 90,000 square feet in area and/or taller than four stories, or 60 feet in height, whether single-tenant or multi-tenant spaces, except for Buildings B1, B2, B3, and B4 which require a special use approval if greater than 65,000 square feet in area and/or taller than three stories. And Buildings C2 and S3 having a combined total square footage of up to 145,000 without the need for a special use.
10. Be served by public sanitary sewer and water supply facilities. Existing facilities will have the option for public water.
11. Temporary Stone Crushing operations, to crush concrete obtained from both onsite and offsite sources, solely to be used onsite for temporary roads, staging areas, and as structural fill, shall be a permitted use between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.
12. A Permitted Use lawfully existing and established with an existing principal building within the area of this District prior to and upon the recreation of this District shall remain as such Permitted Use and a conforming use, with any future addition, expansion and/or enlargement to the use and/or amendment to any site plan for the use, to be permitted and/or granted only upon the consideration of all applicable standards for the review and approval of such permits and site plans, and the District Intent and District Standards in this Section.
13. Allow smaller building setbacks along all public streets, up to 0' building setbacks from the public right-of-way (or corresponding easement), as well as into associated traffic visibility setbacks, bufferyards, parking lot setbacks, etc. subject to Site Plan approval by the Plan Commission; upon due consideration of applicable standards for Site Plans and traffic and pedestrian safety.

14. Allow Landscape Surface Ratio averaging, such that the Plan Commission may allow and grant approval of a minimum landscape surface ratio calculation which considers separate but contiguous parcels as one development site throughout the entire PDD. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, and Land Combination applications in making such determination. In addition, the overall quantity of landscape plantings shall be allowed to be reduced by 25 percent from the UDO standards, subject to review and approval by the Plan Commission. Furthermore, the revised Landscape Plans for Buildings C1, C2, C3, C4, S1, S2, S3, B1, B2, B3, B4, and A1/P17 shall be submitted for Plan Commission review and approval prior to issuance of Occupancy Permits for those buildings.

SECTION 15-3.0442A The Rock Sports Complex Area

- A. **District Intent.** It is the intent of The Rock Sports Complex Area (which is located in that area north of West Rawson Avenue, West Crystal Ridge Drive or future Ballpark Drive, west of South 76th Street, and east of the Whitnall View subdivision), to provide a multi-use sports and entertainment complex where the recreational needs of area residents can be met without undue disturbance of natural resources and adjacent uses, and in that regard, the entire Sports Complex Area in general, and the existing ballfields and proposed stadium in particular, shall employ superior lighting and sound systems so as to minimize potential adverse impacts upon adjacent properties. All development within this area shall comply with the standards and requirements of the P-1 Park District and all other applicable zoning requirements of the Unified Development Ordinance, except as otherwise specifically set forth in this Planned Development District No. 37. All decisions upon approvals to be made hereunder shall be made upon the application of such intent and standards and requirements.
- B. **Permitted, Special and Prohibited Uses.**
1. **District Permitted Uses.** The following are permitted uses in The Rock Sports Complex Area:
 - a. The Rock Sports Complex (Scenario 2, Phase 1) as depicted in Exhibits A through J of Ordinance No. 2012-2089 as such Exhibits are amended from time to time.
 - b. Snowshoeing
 - c. Indoor and Outdoor Soccer
 - d. Indoor and Outdoor Volleyball
 - e. Indoor and Outdoor Golf
 - f. Indoor and Outdoor Baseball
 - g. Indoor climbing wall
 - h. Indoor pickleball
 - i. General Retail
 - j. Slides/Children's Play Areas
 - k. Physical Therapy
 - l. Sports Medicine
 - m. Medical Offices

- n. Fitness studios/Gyms
- o. Restaurants/eating and drinking establishments
- p. Skiing
- q. Snowboarding
- r. Sledding & tubing
- s. Cross country skiing
- t. Baseball
- u. Softball
- v. Commercial batting cages
- w. Volleyball
- x. Football
- y. Lacrosse
- z. Soccer
- aa. Mountain biking
- bb. Bicycle motocross
- cc. Running
- dd. Temporary Uses/Extraordinary Entertainment & Special Events as permitted by the Unified Development Ordinance and Municipal Code
- ee. Restaurant/Umbrella Bar (without drive through facilities)
- ff. Concession stands
- gg. Equipment rental
- hh. Retail equipment and accessory sales
- ii. A Sprecher Beer Café within the four fields located on the north end of the site.
- jj. Those uses permitted within the P-1 Park District
- kk. Monitoring and other activities associated with the landfill as required by the Wisconsin Department of Natural Resources
- ll. Except as set forth under subs. a. above, those uses found to be similar to the above permitted uses under the terms of §15-2.0210 of this ordinance.

- mm. Stadium
- nn. Office
- oo. Athlete Housing/Apartments.

Review and approval required. Except for the permitted uses set forth in subs. a. above, which are conditionally approved under this ordinance, permitted uses are subject to site plan review and approval under the terms of §15-7.0100 of this Ordinance.

2. **District Special Uses.** The following are special uses in The Rock Sports Complex:

- a. Those special uses allowed within the P-1 Park District
- b. Outdoor Climbing Walls
- c. Indoor and Outdoor Sports (non-motorized) not elsewhere classified
- d. Entertainment Outdoor and Indoor Music
- e. Electric Vehicle Racing
- f. Drinking Places (without drive through facilities)
- g. Those uses found to be similar to the above special uses under the terms of §15-2.0210 of this Ordinance.

Review and Approval required. Special uses are subject to special use review and approval under the terms of §§15-3.0701 and 15-3.0703 and site plan review and approval under the terms of §15-7.0100 of this Ordinance.

3. **Accessory Uses.** All ancillary and accessory uses which are not specifically enumerated in the aforementioned plans shall first be submitted to the Department of City Development in a written form providing all of the information regarding such use as would otherwise be required for a zoning compliance application, for the review and written approval of the Department upon its consideration of the standards set forth in Section 15-3.0701 of the Unified Development Ordinance as they pertain to such use, location, physical layout, and operation, and as to whether such proposed use(s) is reasonably determined to be ancillary and accessory to the overall intent of this District and any subsequent amendment, special use, and site plan approvals.

4. **District Prohibited Uses.** The following uses shall be prohibited in The Rock Sports Complex Area, including when proposed as accessory to a Permitted or a Special Use:

- a. Motorized recreational vehicles including but not limited to snowmobiles, dune buggies, motorcycles, dirt bikes and all-terrain vehicles, except for snow grooming and grounds keeping operations, and /or emergency rescue operations
- b. Riding/equestrian trails
- c. Hunting, trapping, game propagation
- d. Automobile racing, including track operation
- e. Cabins or cottages (rental)
- f. Campgrounds (rental, for tents and/or recreational vehicles)
- g. Firearm Ranges (indoor and outdoor)
- h. Archery Ranges (indoor and outdoor)
- i. All uses not listed as a permitted use, special use or accessory use thereto within the P-1 Park District.

- C. **District Standards.** The Rock Sports Complex Area is further intended to have the following development standards:

1. **Landscape Surface Ratio and Floor Area.** The Rock Sports Complex Area shall maintain a minimum Landscape Surface Ratio (LSR) of .50 and Floor Area Standards in compliance with P-1 Park District standards pursuant to Table 15-3.0313. The LSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots within The Rock Sports Complex may be less than 0.50 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.

2. **Lot Dimensional Requirements.**

- a. Minimum Lot Area (s.f.): 40,000
- b. Minimum Lot Width at Setback Line (feet): 100
- c. Minimum Front Yard (feet): 50
- d. Minimum Side Yard (feet)(a): 20

- e. Minimum Side Yard on Corner Lot (feet): 50
- f. Minimum Rear Yard (feet)(a): 50
- g. Minimum Shore Buffer (feet): 75
- h. Minimum Wetland Buffer (feet): 30
- i. Minimum Wetland Setback (feet): 50

(a) Upon approval of site plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic visibility corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Division applications, and traffic and pedestrian safety, in making such determination.

- 3. **Maximum Building Height:** 3.0 stories/60 feet. The stated maximum building height may be increased pursuant to the granting of a Site Plan approval.
- 4. **Indoor/Outdoor Netting:**
The proposed Indoor/Outdoor Golf facility's netting will exceed this height limitation (up to 170') subject to Plan Commission approval of the associated Site Plan.

D. **Approved Uses.**

The Rock Sports Complex Area development for the time period as set forth in this ordinance is an "approved use" under this ordinance. The following terms and provisions of this subs. E. shall only apply to such approved uses where the subject matter of the following terms and provisions is not otherwise addressed or depicted in the Exhibits to this ordinance. The following terms and provisions of this subs. E. shall apply to all future uses of the property within the District.

1. **Site Restrictions:**

a. *Accessory Structures:*

Accessory structures or uses not depicted upon any Exhibit to this ordinance shall require approval under §15-9.0102 of this Ordinance and the Zoning Administrator shall apply the standards of this ordinance upon the review of an application therefore.

b. *Fencing:*

No fences shall be constructed on any Site without the approval of the Plan Commission. Fencing, where permitted, shall be solely for purposes of screening, security and landscape enhancement. Fencing shall be constructed only of permanent, high quality materials such as black vinyl coated chain link fencing with or without privacy slats, pressure-treated wood, masonry, or metal, and shall be approved by the Plan Commission in every instance.

c. *Temporary Structures:*

No temporary structures or trailers are permitted without prior written approval of the Plan Commission, except those belonging to construction companies during periods of construction.

d. *Ancillary Structures:*

No water tower, storage tank, processing equipment, solar collector, telecommunications equipment, cooling tower, satellite disks or other ancillary structure or outside equipment shall be constructed, erected or placed in the District without the prior written approval of the Plan Commission.

e. *Signs:*

All signs must be in accordance with the Municipal Code, as amended, and approved by the Architectural Review Board, or as approved by the Plan Commission on an individual site plan basis, and subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Architectural Review Board or from the Plan Commission as appropriate.

Interior Signage associated with the Stadium, the ballfields, the indoor/outdoor golf facility, and the indoor baseball facility, if not visible to the general public located outside of The Rock Sports Complex (not withstanding minor and indirect views of such signage), shall be permitted and in addition to, whatever amount of signage as may be allowed by the Municipal Code, subject to Plan Commission approval of associated site plans.

2. **Parking:**

a. *Parking Generally:*

The Rock Sports Complex shall be provided with adequate paved on-street and off-street automobile parking as approved by the Plan Commission. Overnight parking of campers, mobile homes, boats, trailers and similar vehicles is prohibited unless prior written approval

is obtained from the Plan Commission. Overnight parking of trucks and service vehicles shall be behind landscape screening so as to minimize visibility from the roadway unless prior written approval is secured from the Plan Commission.

b. *Parking Location:*

No parking shall be allowed within the parking setbacks set forth in Division 15-5.0200 of the Unified Development Ordinance unless otherwise approved in writing by the Plan Commission, except parking setbacks from interior lot lines of a property zoned PDD No. 37 when abutting another property zoned PDD No. 37.

Utilization of parking on any adjacent site is prohibited and shall not be counted towards parking requirements unless prior approval of the Plan Commission is obtained and subject to recorded shared parking agreements/easements/etc.

c. *Parking Ratio:*

Unless otherwise approved by the Plan Commission, areas for current and future parking needs shall be provided as follows:

- i. Off-street parking space and on-site queuing requirements shall comply with Section 15-5.0203 and Table 15-5.0203 of the Unified Development Ordinance. On-street parking, as may be approved by the Plan Commission, may also be utilized to address these required parking needs.
- ii. Each use shall have parking capacity adequate to serve the reasonable expected parking needs for the Site, which may include shared parking arrangements as approved by the Plan Commission, and as set forth in recorded shared parking agreements/easements/etc.; and
- iii. No continuing or extended use shall be made of a Site or any building constructed thereon which requires, or is reasonably expected to require, parking in excess of the capacity of the parking facilities available on said Site.

3. **Screening:**

a. *Storage:*

Waste and recycling containers shall be screened from view from the streets and adjacent sites by completely opaque screens unless otherwise approved by the Plan Commission. No other articles, goods, materials, finished or semi-finished products, incinerators, storage tanks, or other items shall be kept outdoors or exposed to public view, or to view from adjacent sites.

4. **Landscaping:**

a. *Landscape Requirements:*

The Rock Sports Complex shall provide landscape plantings as may be approved by the Plan Commission during its review and consideration of Site Plans.

Plantings shall be provided with a minimum two (2) year planting guaranty.

The 30' Buffer Yard Setback as depicted on the Landscape Plan City file-stamped August 1, 2012 shall be reserved for the planting of trees and shrubs; the building of structures hereon is prohibited, except for existing and proposed driveway access and trails as may be permitted by the Plan Commission.

The quantity of plantings within Bufferyard Easements shall be held in perpetuity and maintained throughout the life of the development.

5. **Architecture:**

a. *Architecture:*

The sports facilities, consisting of Buildings S1, S2/C3/C4, S3/C2, the ballfields and associated dugouts, concession stands, and announcer's booth; the Hinterhof indoor/outdoor facility, and the Umbrella Bar/restaurant architecture shall be completed, and in substantial compliance, per the approved Site and Architectural Plans.

Future uses and structures shall provide architectural elements consistent with the structures approved in Phase I to provide a single cohesive development.

6. **Hours of Operation:**

a. *Athletic Fields and Concession Stands:*

Hours of operation for the athletic fields and concession stands shall be limited to 7:00 a.m. to 11:00 p.m.

b. *Athletic field lighting curfew:*

All athletic field lights shall be shut off by 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed.

c. *Stadium:*

Hours of operation for the stadium shall be limited to 7:00 a.m. to 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed.

d.i. *Indoor Golf:*

Hours of operation of the indoor portion of the golf facility shall be limited to 7:00 a.m. to 12:00 a.m. (midnight) Sunday – Thursday and 7:00 a.m. to 2:00 a.m. Friday – Saturday.

d.ii. *Outdoor Golf:*

Hours of operation of the outdoor portion of the golf facility shall be limited to 7:00 a.m. to 12:00 a.m. (midnight).

e. *Indoor Baseball:*

Hours of operation of the Indoor Baseball and associated facility shall be limited to 5:00 a.m. to 12:00 a.m. (midnight).

f. *Umbrella Bar/restaurants (including the Hinterhof indoor/outdoor eating/drinking establishment):*

Hours of operation for the restaurant shall be limited to 7:00 a.m. to 2:00 a.m.

g. *Mountain Biking:*

Hours of operation for mountain biking on site shall be limited to sunrise to sunset.

h. *Ski Hill:*

Hours of operation for the ski hill shall be limited to 10:00 a.m. to 11:00 p.m. Snowmaking and snow grooming equipment may be operated at all hours necessary to maintain the ski hill from November 1st to March 31st of each year.

i. *Truck Deliveries and Refuse Collection:*

Truck deliveries and refuse collection shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

Trucks shall be prohibited from idling while loading and unloading.

7. **Lighting:**

- a. Unless otherwise approved by the Plan Commission, except as may otherwise be approved by the Common Council as part of the Comprehensive Lighting Study, all site lighting shall be in compliance with the regulations set forth in Division 15-5.0400 of the Unified Development Ordinance and in the Milwaukee County and Ballpark Commons Development Agreement/Exhibit C Noise and Light Addendum. Stadium light poles shall be allowed up to 110' above field level.

8. **Noise:**

- a. All noise levels must be in compliance with Sections 15-3.0908 and 15-3.1107 of this Ordinance and §183-38 through §183-46 of the City of Franklin Municipal Code, the Milwaukee County and Ballpark Commons Development Agreement/Exhibit C Noise and Light Addendum, and as may otherwise be approved by the Common Council as part of the comprehensive Sound Study.

**SECTION 15-3.0442B Ballpark Commons Sports Village
Commercial/Mixed Use Area**

- A. **Area Intent.** The Ballpark Commons Sports Village Commercial/Mixed Use Area is intended to provide for the development of certain mixed commercial uses that is compatible with and serves to create a synergy with, the adjacent multi-use sports and entertainment complex, in furtherance of the goals and objectives of the City of Franklin Comprehensive Master Plan and:
1. To be located in that area bounded by Crystal Ridge Drive or future Ballpark Drive, 76th Street, Loomis Road, and Rawson Avenue.
 2. Allow multi-story mixed-use commercial buildings, with commercial and retail uses, roof-top and/or outdoor seating areas, fountains, gardens, plazas, and/or other similar shared amenities that are compatible in function, form, and operation.
 3. Provide both on-street and off-street parking for tenants and customers including formal shared parking arrangements with the adjacent multi-use sports and entertainment complex.
 4. Provide a pedestrian-oriented environment.
 5. Provide superior four-sided architecture.
 6. Provide signage as may be approved by the Plan Commission during Site Plan review, and approval of a Sign Permit from the Inspection Department.
- B. **Area Standards.** The Ballpark Commons Sports Village Commercial/Mixed Use Area is further intended to have the development standards as set forth in Table 15-3.0442B.1.

Table 15-3.0442B.1.

**BALLPARK COMMONS SPORTS VILLAGE COMMERCIAL/MIXED USE
AREA DEVELOPMENT STANDARDS**

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	

Minimum Landscape Surface Ratio (LSR) The LSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots within the Sports Village may be less than 0.25 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.	0.25
Lot Dimensional Requirements	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	25
Minimum Rear Yard (feet)	20
Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic visibility corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications, and traffic and pedestrian safety, in making such determinations.	
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Maximum Building Height	
Principal Structure (stories/ft.)	4.0/60
Accessory Structure (stories/ft.)	1.0/35
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

C. Permitted, Accessory, and Special Uses.

1. **District Permitted Uses.** The following are permitted uses in the Ballpark Commons Sports Village Commercial/Mixed Use Area:
 - a. Those uses permitted within the OL-2 General Business Overlay District, baseball fields, and hotel (up to 4 stories).

- b. Mixed use buildings up to four stories in height, with residential apartments on the upper floors, or specialty retail, food, and beverage outlots.
- c. Monitoring and other activities associated with: the landfill as required by the Wisconsin Department of Natural Resources; and with the Emerald Park Landfill gas pipeline as required by the Milwaukee Metropolitan Sewerage District.

Review and approval required. Permitted uses are subject to site plan review and approval under the terms of Section 15-7.0100 of this Ordinance.

2. **District Special Uses.** The following are special uses in the Ballpark Commons Sports Village Commercial/Mixed Use Area:

- a. Those special uses allowed within the OL-2 General Business Overlay District.
- b. Mixed use buildings over four stories in height, with residential apartments on the upper floors.

Review and Approval required. Special uses are subject to special use review and approval under the terms of §§15-3.0701 and 15-3.0703 and site plan review and approval under the terms of §15-7.0100 of this Ordinance.

3. **District Prohibited Uses.** The following uses shall be prohibited in the Ballpark Commons Sports Village Commercial/Mixed Use Area, including when proposed as accessory to a Permitted or a Special Use:

- a. All uses not listed as a permitted use, special use, or accessory use thereto within the OL-2 General Business Overlay District.

SECTION 15-3.0442C Ballpark Commons Mixed Use Area

- A. **Area Intent.** The Ballpark Commons Mixed Use Area is intended to provide for the development of certain mixed-uses, primarily including office, commercial, retail, and multi-family residential development, that is compatible with and serves to create a synergy with, the adjacent multi-use sports and entertainment complex, the adjacent Commercial area, and the adjacent multi-family residential area, in furtherance of the goals and objectives of the City of Franklin Comprehensive Master Plan and:
1. To be located at the southeast and southwest corners of the intersection of Rawson Avenue and Ballpark Drive.
 2. Provide single-story retail buildings and multi-story mixed use buildings with ground floor office/commercial/retail uses, and upper story residential apartments, roof-top and/or outdoor seating, fountains, gardens, plazas, and/or and other similar shared amenities that are compatible in function, form, and operation.
 3. Provide both on-street and off-street parking for tenants and customers, including underground parking for all multi-story buildings and formal shared parking arrangements with the adjacent multi-family residential area.
 4. Provide a pedestrian-oriented environment.
 5. Provide superior four-sided architecture.
 6. Require that new residential development meet the R-8 Multiple-Family Residence District Development Standards in Table 15-3.0209.
- B. **Area Standards.** The Ballpark Commons Mixed-Use Area is further intended to have the development standards as set forth in Table 15-3.0442C.1.

Table 15-3.0442C.1.

**BALLPARK COMMONS MIXED-USE AREA
DEVELOPMENT STANDARDS**

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	

Minimum Landscape Surface Ratio (LSR) The LSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots within the Mixed Use Area may be less than 0.25 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.	0.25 ^a
Lot Dimensional Requirements	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	25
Minimum Rear Yard (feet)	20
Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic visibility corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications, and traffic and pedestrian safety, in making such determinations.	
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Minimum Total Living Area per Residential Apartment Dwelling Unit (D.U.) in Mixed Use Commercial Buildings	
For less than 3 D.U.'s per structure for one bedroom D.U.	900 sq. ft. (plus 200 sq. ft. for each bedroom over 1 bedroom)
For 3 or more D.U.'s per structure	(see Table 15-3.0442D.1.)
^a Commercial apartments may be permitted on the upper levels of a multi-story building only. The minimum landscape surface ratio (LSR) for the entire site shall be 0.35.	

Maximum Building Height	
Principal Structure (stories/ft.)	4.0/60
Accessory Structure (stories/ft.)	1.0/35
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

C. Permitted, Accessory, and Special Uses.

1. **District Permitted Uses.** The following are permitted uses in the Ballpark Commons Mixed Use Area:

- a. Those uses permitted within the B-4 South 27th Street Mixed Use Commercial District.
- b. Mixed use buildings up to four stories in height, with residential apartments on the upper three floors.

Review and approval required. Permitted uses are subject to site plan review and approval under the terms of Section 15-7.0100 of this Ordinance.

2. **District Special Uses.** The following are special uses in the Ballpark Commons Commercial Area:

- a. Those special uses allowed within the B-4 South 27th Street Mixed-Use Commercial District.
- b. Mixed use buildings over four stories in height, with residential apartments on the upper floors.

Review and Approval required. Special uses are subject to special use review and approval under the terms of §§15-3.0701 and 15-3.0703 and site plan review and approval under the terms of §15-7.0100 of this Ordinance.

3. **District Prohibited Uses.** The following uses shall be prohibited in the Ballpark Commons Commercial Area, including when proposed as accessory to a Permitted or a Special Use:

- a. All uses not listed as a permitted use, special use, or accessory use thereto within the B-4 South 27th Street Mixed-Use Commercial District.

SECTION 15-3.0442D Ballpark Commons Multi-Family Residence Area

A. **Area Intent.** The Ballpark Commons Multi-Family Residence Area is intended to provide multiple family residential uses, housing choices and building densities compatible with the mixed-use area to the north, while providing an enhanced buffer between it and the single-family residential development to the west, in furtherance of the goals and objectives of the Comprehensive Master Plan, and:

1. To be located south of Rawson Avenue (west and south of the Mixed-Use Area) generally extending from Loomis Road or future Ballpark Drive to the Stone Hedge subdivision.
2. Provide multi-story apartment buildings with partially exposed underground parking throughout the area, with a community center, pool, trails, gardens, and/or other similar shared amenities that are compatible in function, form, and operation.
3. Provide both on-street and off-street parking for tenants and visitors, including underground parking for all multi-story buildings, including formal shared parking arrangements with the adjacent mixed use area.
4. Provide a pedestrian-oriented environment.
5. Provide superior four-sided architecture.
6. Provide an enhanced buffer consisting of a highly attractive and effective berm and landscaping along the entire western boundary of the subject area. The entirety of which shall be constructed prior to or along with the first phase of any development within the subject area. And which shall be maintained in perpetuity and which shall be the subject of an easement to be approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office.
7. Provide buffering between residential development and non-residential uses.

B. **Area Standards.** The Ballpark Commons Multi-Family Residence Area is further intended to have the development standards as set forth in Tables 15-3.0442D.1, and 15-3.0442D.2.

Table 15-3.0442D.1.

BALLPARK COMMONS MULTI-FAMILY RESIDENCE AREA DEVELOPMENT STANDARDS

Type of Standard	Standard
Minimum Open Space Ratio and Maximum Density	
Open Space Ratio (OSR) The OSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots in the Multi-Family Residence Area may be less than 0.25 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.	0.25
Gross Density (GD)	16.00
Net Density (ND)	16.00
The stated maximum density regulations may be averaged across the portion of PDD No. 37 located south of Rawson Avenue, and may be increased pursuant to the granting of a Special Use permit.	
Lot Dimensional Requirements	
Minimum Lot Area (square feet)	6,000
Minimum Lot Width at Setback Line (feet)	60
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	5
Minimum Side Yard on Corner Lot (feet)	15
Minimum Rear Yard (feet)	25
Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications, and traffic and pedestrian safety, in making such determinations.	
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Maximum Building Height	

Principal Structure (stories/ft.)	3.0/50
Accessory Structure (stories/ft.)	1.0/25
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

Table 15-3.0442D.2.

**BALLPARK COMMONS MULTI-FAMILY RESIDENCE DISTRICT
MINIMUM DWELLING UNIT SIZE STANDARDS FOR MULTI-FAMILY
DWELLING STRUCTURES WITH MORE THAN TWO (2) DWELLING
UNITS PER STRUCTURE**

Type of Dwelling Structure & Number of Dwelling Units	Average Dwelling Unit Size (Square Feet) for One (1) Bedroom Dwelling Units (a)	Average Area (Square Feet) to be Added to Minimum Dwelling Unit Size for Each Bedroom Over One (1) Bedroom (a)
Thirteen (13) or More Dwelling Units per Structure	700	200
Dens, libraries, studies, etc. or other room within a dwelling unit which can potentially be used as a bedroom shall be considered and counted as a bedroom.		

- C. **Permitted, Accessory, and Special Uses.** The Ballpark Commons Multi-Family Residence Area is further intended to have the permitted, accessory, and special uses as set forth in Table 15-3.0442D.3.

Table 15-3.0442D.3.

**BALLPARK COMMONS MULTI-FAMILY RESIDENCE AREA
PERMITTED, ACCESSORY, AND SPECIAL USES**

	Multiple-family dwellings and apartments	P/S ^a
	Memory care residence facility	P
	Home occupations	P
	Foster family home	P
	Community living arrangement (serving 8 or fewer persons)	P
	Community living arrangement (serving 9 or more persons)	P

	Accessory uses (see Section 15-2.0208 & Division 15-3.0800)	P
	Required off-street parking (see Division 15-5.0200)	P
	Required on-street parking	P
	Essential Services	P
	Multiple-family Residential Housing for Older Persons	P
^a Multiple-family dwellings and apartments up to three stories are permitted, over three stories are special uses.		

SECTION 15-3.0442E Design Standards

A. Design Standards Intent. The Ballpark Commons Design Standards are intended to create a high quality, attractive, unifying theme throughout Planned Development District No. 37 and is intended to:

1. Further the integration and compatibility of Planned Development No. 37 with the surrounding area and to:
 - a. Be a local and regional destination for people to work, live, shop, recreate, and interact with one another.
 - b. Be an attractive center of recreational and economic activity in Milwaukee County with clearly and conveniently linked developments, beautiful open spaces, and engaging civic places.
 - c. Serve as a unifying place for the City of Franklin, the Village of Greendale, and Milwaukee County.
2. Apply whenever new principal and/or accessory buildings are constructed in the district following the effective date of this ordinance.
3. Authorize the Plan Commission to waive any of the Design Standards by 4 votes of all the members of the Plan Commission provided that supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard, or, in the case of parking provisions, where it can be demonstrated that the required parking is excessive or where specified areas are provided for the future provision of additional parking if necessary. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.
4. Allow existing structures to remain conforming with regard to this Section.

B. Design Standards. These standards are intended to apply fully to the Commercial and Mixed-Use areas of Planned Development District No. 37, and only when applicable and reasonable to The Rock Sports Complex and the Multi-Family Residence areas of Planned Development District No. 37, as may be determined by the Plan Commission and the Common Council.

1. **PARKING REQUIREMENTS**
On-site parking shall be provided as set forth in Section 15-5.0203. In addition, the following standards apply:

a. Parking required and location regulated

Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot.

b. Number of parking spaces limited

Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required under Section 15-5.0203 are not permitted.

c. On-street parking

Upon approval of Site Plans, the Plan Commission may allow on-street parking. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Division 15-5.0100 Design Standards for Land Divisions, and Division 15-5.0200 Traffic, Off-Street Parking and Loading, and Highway Access in making such determinations.

d. Parking reductions/Land banking

When a parking reduction has been authorized, the Plan Commission may require that sufficient area on the property be held in reserve for the potential future development of paved off-street parking to meet the full requirements. When required, this reserve off-street parking area shall be shown and noted on the site plan, maintained as open space, and developed with paved off-street parking spaces when the City determines that such off-street parking is necessary due to parking demand on the property which exceeds original expectations. The reserve parking area may not be counted as part of any required green space area, nor may it be used as the location of landscaping that is required under Section 15-5.0302. The City may require that a letter of credit or other approved financial surety be provided at the time of application request for Buildings C5 and/or C6, to be exercised at City discretion, should the need for a parking lot expansion be determined.

2. GENERAL SITE DESIGN STANDARDS

a. Vision Clearance Necessary

Landscaping and site amenities shall be provided to satisfy the requirements of this Section. All site improvements shall be designed and undertaken in such a way that clear site lines are

maintained for the safety and convenience of all pedestrian and vehicular users.

b. Coordination of site furnishings

Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) shall complement the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk throughout the entire District.

c. Pedestrian considerations

- i. New streets proposed as part of new developments shall provide “pedestrian and bike friendly” streetscapes.
- ii. Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting (see lighting discussion below) and furnishings to create a pedestrian-friendly character.
- iii. The entire area shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
- iv. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds.
- v. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities.
- vi. Internal pedestrian walkways shall be distinguished from driving surfaces.
- vii. The building shall provide awnings or other weather protection features within thirty (30) feet of all customer entrances along a building.

d. Reducing the impact of vehicular use areas

For properties such as gas stations – where vehicular circulation is dominant on the site – walkways, landscaping, architectural features and lighting shall be provided to make these areas more attractive and inviting. Decorative fences, walls and/or

landscaped edges shall screen front parking areas from the public sidewalk. Screening shall not exceed 3' 6" in height.

e. Bicycle and pedestrian amenities required

The area shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location.

3. LANDSCAPE STANDARDS

a. Landscaping

On-site landscaping shall be provided per the landscaping requirements found in Section 15-5.0302, or as may be approved by the Plan Commission during its review and approval of Site Plans. In addition, the project shall provide:

- i. Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building. Building foundation landscaping shall be placed so that, at maturity, the plant's drip line is within ten (10) feet of the foundation. Canopy/shade trees shall not be used to meet this requirement.
- ii. Screen fences and/or landscaped buffers at property edges, particularly where commercial and light industrial properties adjoin residential properties.
- iii. Off-street parking area landscaping as set forth in Section 15-5.0302.

b. Central Areas/Features

Each development which contains a building over forty-thousand (40,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

c. Cart Returns

A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces for any establishment utilizing carts. Cart corrals shall be of durable, all season construction, and shall be designed and

colored to be compatible with the building and parking lot light standards. Exterior cart return or cart storage areas shall be situated for the safety and convenience of users, however no such facilities shall be located within twenty-five (25) feet of the building.

4. **LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING AREAS**

a. **Parking Lot Landscaping Required**

Interior and perimeter buffer landscaping is required for all off-street parking lots and their associated vehicular use areas, with the exception of those infill and redevelopment projects that have been granted an exception by the Plan Commission. These regulations stipulate the design and placement of such plantings. The actual number of plant units utilized in such plantings may be counted toward the total number of plant units required on-site as determined under Section 15-5.0302.

b. **Required Trees for Parking Lot Perimeter and Interior Applications**

- i. Shade or decorative trees are required within the vehicular use area at a ratio of one tree for every fifteen (15) parking spaces or fraction thereof, unless the Plan Commission grants an exception. The trees must be evenly distributed throughout the vehicular use area.
- ii. Existing trees of desirable species and quality that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the canopy remains undisturbed, shall count toward the tree requirements for off-street parking areas on a tree-for-tree basis.
- iii. Where a landscape border or other landscape area abuts the vehicular use area, shade or decorative trees within those landscaped areas may count toward the vehicular use area requirement, provided:
 - (a) The trees are located within ten (10) feet of the vehicular use area.
 - (b) The number of trees that are provided within the vehicular use area is not reduced by more than fifty (50) percent of the amount required; and
 - (c) There is a minimum of one tree provided within the vehicular use area.

- iv. Trees shall be planted in such a way that they are protected from vehicle damage.

c. Interior Landscaping for Off-street Parking Areas

The interior parking lot landscaping standards of this section shall apply to all off-street parking lots and their vehicular use areas containing twenty (20) or more parking spaces. The intent of this section is to require landscaping within vehicular use areas; therefore, landscaping screens, planting strips and landscaping surrounding buildings shall not be considered as interior landscaping. Interior parking lot landscaping is required as follows:

- i. A minimum of twenty (20) square feet of interior landscaped island shall be provided per parking stall.
- ii. The interior landscaping shall be provided within landscaped islands a minimum of 250 square feet in area. Landscaped islands shall be three (3) feet shorter than the depth of any adjacent space. A landscaped island 9 feet in width and 30 feet in length with rounded ends, placed alongside two parking stalls each 18 feet in depth placed end to end, would meet all dimensional requirements for landscaped islands, provided the dimensions are measured from the inside of any curbs.
- iii. The interior parking lot landscaping shall be placed so as to delineate driving lanes, define rows and generally mitigate the visual impact of the parking lot while maintaining clear site lines for safety purposes.
- iv. Plants in landscaped islands shall be underlain by soil (not base course material), and shall be protected by curbing or other protective treatment.
- v. The interior parking lot landscaping shall be composed of a combination of hardy trees, shrubs, perennials, and groundcover that are able to tolerate winter salt and snow. Where islands are used as retention/infiltration areas for storm water management, they should be landscaped appropriately for that purpose. Decorative mulch and weed barriers may be utilized when shown on an approved landscape plan.
- vi. Landscaped islands that function as storm water retention/infiltration areas shall be subject to the following:

- (a) Landscaped islands shall be a minimum of fifteen (15) feet in width if used for this purpose.
- (b) Parking areas will sheet drain into the landscaped islands through curb cuts or other apertures.
- (c) Proposed plantings shall be tolerant of flood conditions.

d. Screening for Off-street Parking Areas

The perimeter parking lot screening standards of this section shall apply to all off-street parking areas for six (6) or more vehicles or larger than 2,000 square feet in area. Off-street parking areas, including aisles and driveways, shall be effectively screened year round as follows:

- i. Perimeter planting areas shall be designed to maintain and protect visibility at driveways and access points.
- ii. On-site perimeter greenbelts at least ten (10) feet in width shall be installed along any street side and along all interior lot lines when parking is located on that side of any building on the site.
 - (a) Street side greenbelts shall contain dense landscape screening which provides plantings at least eighteen (18) inches high at planting and thirty (30) inches high at maturity. Such greenbelts shall provide a semi-opaque screen at a minimum during the winter season.
 - (b) Interior side lot line greenbelts for non-residential uses when adjacent to residential uses shall contain dense landscape screening which provides plantings at least thirty-six (36) inches high at planting and forty-eight (48) inches high at maturity. Such greenbelts shall provide a semi-opaque screen at a minimum during the winter season.
 - (c) Other greenbelts not specifically described above shall contain a minimum of one tree or shrub for each fifteen (15) feet of perimeter to be planted in effective groupings within said strip. The remainder of the strip shall be planted in grass, ground cover or other effective landscape treatment.

- iii. Berms may be utilized as part of the perimeter landscaping.

5. ARCHITECTURAL REQUIREMENTS

a. Building Character and Design

- i. Buildings located on prominent sites -- such as key intersections, corners, terminations of street vistas, and on high points -- shall be multi-story and exhibit quality architectural design to serve as landmarks.
- ii. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.
- iii. Brick, metal, stone and cementitious siding are preferred primary materials for new buildings or additions.
- iv. The use of false brick or other "faux" sidings is discouraged.
- v. Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.
- vi. Painting of brick and stone is discouraged.
- vii. Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties.
- viii. All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the public street shall receive equal design attention.
- ix. Building massing that creates modulation and articulation is encouraged.
- x. Multi-story buildings that allow for a mix of retail, office or residential uses are preferred.

b. Design Standards for Non-Residential Buildings [20,000 Square Feet or Less in Area]

i. Purpose and Intent

The purpose of these design standards is to guide the design of smaller non-residential buildings constructed in Planned Development District No. 37 to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings in the vicinity.

These standards are intended to support good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians and motorists. Good design results in buildings that are in visual harmony with nearby buildings, leading to a city that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a sustainable community which facilitates easy pedestrian movement and establishment of a rich mixture of uses.

The standards of this section apply whether the use is allowed as a Permitted Use, Special Use or Accessory Use. The Plan Commission shall evaluate site plans and architectural plans for compliance with these provisions.

- ii. Compatibility with Existing Buildings
 - (a) Buildings shall maintain a similar size, shape, height, bulk, scale and mass of surrounding architecture, unless required to vary due to zoning district dimensional standards.
 - (b) Where building sizes will not be equivalent or comparable to those existing in the same general vicinity, larger building facades shall be broken down into units that resemble the size of existing facades.

c. Building Materials and Colors

- i. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
- ii. Exterior building materials shall convey an impression of durability. Materials such as masonry, metal, stone, stucco, and wood are encouraged. Metal is allowed as the primary exterior building material, though it may be used for accents including awnings.
- iii. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.

- iv. Wood (or fiber cement) siding must be bevel (horizontal lap), shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern.
- v. Building façade colors shall be non-reflective and approved on a case by case basis. The use of high intensity colors, metallic colors, or fluorescent colors on façades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

d. Roof Materials, Parapets, and Flat and Roof Pitch

- i. Flat roofs are permitted with detailed parapets or detailed coursing.
- ii. Parapet corners can be stepped or flat or the parapet can be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
- iii. Visible sloped roofs can be neutral in color, such as gray, black, or dark brown.
- iv. Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.
- v. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

e. Building Facades

- i. Decorative devices -- such as molding, entablature, and friezes -- are expected at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.
- ii. Alcoves, Porches, Arcades, etc.

Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.

f. Change in Relief of Building

Buildings must include changes in relief on at least ten (10) percent of their primary facade for pedestrian interest and scale. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments.

g. Windows

- i. Windows which allow views to the interior activity or display areas are expected. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass may be used but are not encouraged.
- ii. First Floor Window Standards
 - (a) All new buildings must provide ground floor windows.
 - (b) Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - (c) Required windows should have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
 - (d) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
 - (e) The primary façade of each building, or for corner buildings each of the two facades, must contain at least twenty (20) percent of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
 - (f) Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is sixteen (16) square feet per story or five (5) percent of the facade, whichever is greater.
- iii. Upper Floor Window Standards
 - (a) Glass area dimensions shall not exceed 5' x 7'. (The longest dimension may be taken either horizontally or vertically.)
 - (b) Windows must have trim or molding at least two inches wide around their perimeters.

h. Pedestrian Accessibility

- i. Buildings shall maintain and/or enhance the pedestrian scale.
- ii. Building entries must comply with the accessibility requirements of the applicable state and federal codes.
- iii. Special attention shall be given to designing a primary building entrance that is both attractive and functional.
- iv. Buildings located at the intersection of two streets shall utilize a corner entrance to the building unless this requirement is waived by the Plan Commission.
- v. The pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

i. Landscaping/Streetscape

- i. Benches, outdoor seating, and trash receptacles must complement any existing decorative street lighting and be in keeping with the overall architectural character of the area.
- ii. Upon prior approval of the Plan Commission and Common Council, benches and other streetscape items may be placed within the public right-of-way, provided they do not block free movement of pedestrians. A minimum pedestrian walkway width of six (6) feet shall be maintained at all times when adjacent to or in the public right-of-way.

j. External Storage

- i. The external storage of merchandise and/or materials directly or indirectly related to a business is prohibited unless identified on an approved site plan and fully screened.
- ii. Outdoor seasonal displays of merchandise are permitted during business hours only. A minimum pedestrian walkway width of six feet must be maintained at all times.
- iii. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel. All trash collection areas must be located within the structure, or behind the building in an enclosure, in accordance with the provisions of Sections 15-3.0802 and 15-3.0803.

6. **DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS**
[Greater than 40,000 square feet in area]

a. Purpose and Intent

The design standards for buildings greater than 40,000 square feet are intended to ensure that large buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the Planned Development District No. 37. Such projects shall also be subject to the more general standards for the approval of Special Use Permits when applicable.

The following requirements are applicable to all new buildings in excess of forty thousand (40,000) gross square feet. These requirements are also applicable when additions to non-residential and mixed-use buildings built either before or after the effective date of this Division, bring the total building size to over forty thousand (40,000) gross square feet.

b. Waiver of Standards

The Plan Commission may waive any of the following standards by a majority vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.

c. Compatibility with City Plans

The applicant shall provide, through a written report submitted with the petition for a Site Plan adequate evidence that the proposed building and overall development project shall be compatible with the City's community character, urban design, natural area preservation, commercial development, redevelopment, or community facility objectives as expressed in adopted elements of the City's Comprehensive Master Plan.

d. Building Materials

Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic quality on all sides viewable by the public. Building materials

such as glass, brick, decorative concrete block, or stucco shall be used. Decorative architectural metal may be approved if sensitively incorporated into the overall design of the building.

e. Building Design

The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of twenty (20) percent of all of the combined façades of the structure viewable by the public shall employ actual façade protrusions or recesses. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure viewable by the public shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet for buildings over sixty thousand (60,000) square feet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are on properties that are in any part within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is strongly encouraged, however not required if operational needs require less windows.

f. Building Entrances

Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Unless exempted by the Plan Commission, all sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two (2) sides of any building.

g. Building Color

Building façade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on façades shall be approved on a

case by case basis. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

h. Building Location

Modest building setbacks are encouraged. Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.

i. Screening

Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.

j. Traffic Impact

All projects that include buildings over forty thousand (40,000) square feet shall have direct access to an arterial or collector street, or shall dedicate public roads which have direct access to a public street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the City. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following Wisconsin Department of Transportation guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the City may deny the application, require a size reduction in the proposed development, or require that the

developer construct and/or pay for required off-site improvements.

k. Natural Resources Protection

Existing natural features shall be integrated into the site design as a site and community amenity.

l. Signage

The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and colors throughout the development. All freestanding signage within the development shall compliment on-building signage. Monument style ground signs are strongly preferred over pole signs, and consolidated signs for multiple users are strongly preferred over multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area. Exterior signage, if architecturally embedded in, and compatible with the form and function of the building in an aesthetically manner, is also allowed. Furthermore, use of such signage may, as determined by the Plan Commission or Architectural Review Board (as may be appropriate), be in addition to the typical amount of regulated signage.

SECTION 3: Conditions of Approval.

The development of Planned Development District No. 37 upon the adoption of Section 15-3.0442 as herein amended shall occur and be in compliance with all adopted plans, as may be amended from time to time (including the conditions of approval below). Limited development defined as construction and installation of all necessary utilities and infrastructure, shall be allowed prior to addressing the conditions of approval herein, subject to receiving all other required permits and approvals.

1. The submittal of plans for detailed approval of the various components of Planned Development District No. 37 shall be forwarded to the Common Council for approval, after review and recommendation by the Plan Commission, unless otherwise specifically set forth in PDD No. 37, such as for those uses/structures identified as permitted uses.
2. In regard to any new or revised concerts, live music venues, or outdoor events utilizing speakers, including but not limited to the proposed baseball stadium, the applicants have agreed to implement the sound

enhancements as set forth in the BPC County Lands LLC agreement with Milwaukee County set forth in Exhibit C/Addendum of that agreement. The applicants have also agreed to comply with the City of Franklin's noise ordinances as they relate to the standard of 79 dBA at the property boundary. The applicants shall also provide a report to the Plan Commission after one year from the date of Occupancy Permit of the new stadium to review the results of the noise monitoring.

3. In regard to any new or revised ballfields, parking lots, or outdoor events utilizing lighting systems, including but not limited to the proposed baseball stadium, the applicants have agreed to implement the lighting enhancements as set forth in the BPC County Lands LLC agreement with Milwaukee County set forth in Exhibit C/Addendum of that agreement. The applicants have also agreed to comply with the City of Franklin's lighting standards as set forth in PDD No. 37. The applicant shall also prepare a comprehensive photometric plan for City review and approval meeting the City's lighting standards at the PDD No. 37 exterior boundaries.
4. The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development within the MMSD landfill gas pipeline easement limits. The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline.
5. The applicants shall prepare example Bike and Pedestrian elements, identifying potential District wide design and location details for such facilities as sidewalks, trails, crosswalks, signage, pedestrian scale lighting, bike rest/rental/repair stations, etc., for staff review and approval, prior to issuance of a Occupancy Permit.
6. The applicants shall prepare example Streetscaping elements, identifying potential District wide features as decorative lighting, special signage, pedestrian rest areas, etc., for staff review and approval, prior to issuance of a Occupancy Permit.
7. The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for Engineering Department staff review and approval, prior to issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond, subject to receipt of all necessary Wisconsin Department of Natural Resource and Milwaukee Metropolitan Sewerage District permits and approvals, receipt of a City of Franklin Fill/Soils Disturbing Permit, and Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.
8. The applicants shall prepare a Master Sign Program for PDD No. 37, for staff review and approval, prior to issuance of a Building Permit. Alternatively, the applicant shall abide by the City's existing sign

regulations as set forth in the Municipal Code, and the variance process set forth in the Unified Development Ordinance. In either event, such plans shall be submitted for Plan Commission approval with each building Site Plan submittal.

9. In the event that no building permit has been issued for any one of the substantial structures; that being the stadium, the four-seasons complex, any one or more retail buildings along Crystal Ridge Drive, any one or more multi-use buildings along West Rawson Avenue, or any one or more apartment buildings; prior to the expiration of 24 months from the date of enactment of this Ordinance, and allowing a three month extension, the zoning designation shall revert back to the zoning for the subject parcel(s) which existed prior to the effective date of this Ordinance.
10. The applicant shall submit and regularly update a PDD/Site Plan amendment map which clearly identifies all constructed, approved, and pending amendments for Department of City Development review and approval prior to issuance of an Occupancy Permit.
11. Condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018, pertaining to certain financial surety requirements, is herein revised to accept a personal guaranty in lieu of a Letter of Credit for those costs associated with the installation and maintenance of the subject Mitigation Plan.
12. The applicant shall update the Open Space Ratios, Gross Densities, Net Densities, Floor Area Ratios, Landscape Surface Ratios, and Site Intensity Calculations--as applicable--for the entire project area as well as for each lot or parcel, for Department of City Development review and approval prior to issuance of any Occupancy Permits.
13. The applicant shall implement all snow grooming such that grooming begins on the eastern side of the ski hill so as to minimize the impacts of noise and lights associated with the grooming operations upon those homes located closest to the ski hill's facing slopes.

SECTION 4: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2019, by _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES __ NOES __ ABSENT __