

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, JANUARY 9, 2018 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
  - 1. Citizen Comment Period.
  - 2. Mayoral Announcements:
    - (a) Mayoral Proclamation in Recognition of Frederick M. Baumgart.
    - (b) Mayoral Proclamation Declaring the Week of January 22–28, 2018, to be Light & Unite RED Week to Highlight the Efforts to Prevent Substance Abuse.
- C. Approval of Minutes:
  - 1. Regular Common Council Meeting of December 19, 2017.
- D. Hearings.
- E. Organizational Business.  
Mayoral Board and Commission Appointments:
  - 1. Ann Adamski, 7825 South Stonebrook Court (Ald. Dist. 3), to the Fair Commission for an unexpired 3-year term expiring 04/30/2018.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Consent Agenda:
    - (a) Donations to the Franklin Police Department from: AM Painting & Drywalling, LLC in the amount of \$1,000.00; Daniel and Sandra Hay in the amount of \$3,000.00; Jane F. Godfroy in the amount of \$2,000.00 for Canine Related Items.
    - (b) Donation to the Franklin Fire Department in the amount of \$3,000.00 from Daniel and Sandra Hay.
    - (c) Request for Approval for a Lease Agreement for a Sharp MX-3070N Digital Copier for the Fire Department.
    - (d) An Ordinance to Create Section 40-2 of the Municipal Code Regarding a Fee for Payments Returned Unpaid.
  - 2. Request for Approval to Purchase a LUCAS Automatic Chest Compression Device for the Franklin Fire Department.
  - 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 the District in the Following Manner: To Allow Additional Uses as Permitted Uses, Including but not Limited to Indoor/Outdoor Golf Driving Range, and Indoor/Outdoor Entertainment Uses, Music and Sporting Events; to Allow as a Special Use Small Engine Go Cart Racing; to Revise Certain District Standards Including but not Limited to Building Height and Building Setback Limits; to Include Additional More

Detailed Site Information Pertaining to Public and Private Infrastructure Such as Streets, Parking Lots and Stormwater Management Facilities; to Include Additional More Detailed Site Information Pertaining to the Proposed Multi-Family Residential Apartments to be Located South of West Rawson Avenue, and to the Stadium, Indoor Sports Facility and the Retail/Office/Commercial Buildings to be Located North of West Rawson Avenue and to Allow Three Month Extension of the First Building Permit Time Limit in Condition Number 27 in Planned Development District No. 37, Ordinance No. 2016-2212 (7900 West Crystal Ridge Drive) (Ballpark Commons, LLC, Applicant, Zim-Mar Properties, LLC, Milwaukee County, Wisconsin Department of Transportation and FF & E, LLC Property Owners).

4. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Proposed Outdoor Baseball/Soccer Stadium Use Upon Property Located at 7900 West Crystal Ridge Drive (Ballpark Commons LLC, Applicant).
5. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of the Rock Sports Complex, LLC, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
6. An Ordinance to Amend the Unified Development Ordinance Text to Amend §15-5.0205 Off-Street Loading Requirements, Specifically §§15-5.0205B. And 15-0205F., and to Amend §15-05.026 Off-Street Loading Space Design, Specifically §15-5.0206B., to Provide Some Flexibility with Regard to and to Allow for the Use of Public Streets for Truck Loading and Unloading Delivery Services Purposes, Primarily in Industrial Areas Involving a Dead End Street (Krones, Inc., Applicant).
7. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for an Electrical Contractor Business use Upon Property Located at 11610 West Rawson Avenue (John Prusinski, Owner and Operator of Jemco, LLC D/B/A Jemoco Electric, Applicant).
8. Implementation of the "Labor Agreement Between the City of Franklin and Franklin Professional Firefighters I.A.F.F. Local 2760." The Common Council May Enter Closed Session With Regard to the Labor Agreement Implementation Subject Matter Pursuant to Wis. Stat. § 19.85(1)(C), to Consider Employment or Compensation Data of a Public Employee Over Which the Common Council Has Jurisdiction or Exercises Responsibility; Wis. Stat. § 19.85(1)(F), to Consider Financial, Medical, or Personal History Data, Which if Discussed in Public, Would Be Likely to Have a Substantial Adverse Effect Upon the Reputation of Any Person Referred to; Wis. Stat. § 19.85(1)(G), For the Purpose Of Conferring With Legal Counsel for the Governmental Body Who is Rendering Written Advice Concerning Strategy to be Adopted By the Body With Respect to Litigation in Which it is or is Likely to Become Involved; And Wis. Stat. § 19.85(1)(E), for Competitive and Bargaining Reasons for the Purpose of Deliberating, Negotiating, or Conducting Other Specified Public Business in Relation to the Labor Agreement Implementation Subject Matter; 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 January 9, 2018.

I. Bills.

1. Request for Approval of Vouchers and Payroll.

J. Adjournment.

\*"Notice is given that a majority of the Plan Commission, Community Development Authority and Economic Development Commission may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Plan Commission, Community Development Authority and Economic Development Commission per State ex rel. Badke v. Greendale Village Board, even though the Plan Commission, Community Development Authority and Economic Development Commission will not take formal action at this meeting."

\*\*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:

January 18	Plan Commission Meeting	7:00 p.m.
January 23	Common Council Meeting	6:30 p.m.

## A PROCLAMATION IN RECOGNITION OF FREDERICK M. BAUMGART

WHEREAS, in 1973 a young man who grew up in neighboring Waukesha received a Bachelor of Science Degree in Architecture from the University of Wisconsin-Milwaukee; he also applied for, and then was hired as the Assistant Building Inspector of the City of Franklin, Wisconsin and started his first day of work on Monday, June 18, 1973; his name was Frederick M. Baumgart; and

WHEREAS, Frederick was an interested in the science and practice of his profession and dedicated by his nature to getting the job done and always doing and getting it done right person; while the rules of his trade were and are in fact substantial Rules, Regulations, Statutes, Codes and Orders, of the Federal, State, County and City governments, and also substantial public health and safety purposes generated trade organizations, he studied them and worked them from top to bottom and inside out so that the rules were always applied, and fairly and equally applied, to protect the public health, safety and welfare; and

WHEREAS, Frederick received an appointment to Acting Building Inspector on September 13, 1976 and was promoted to the City of Franklin Building Inspector on January 1, 1977; and

WHEREAS, the 1973 Wisconsin Blue Book noted the 1970 population of the City of Franklin at 12,247 People; the Wisconsin Department of Administration noted the estimated 2017 population of the City of Franklin at 36,046 People; nearly all of the dwellings within which those additional some twenty-four thousand People reside were and all are secure and public health and safety habitable following the detailed public service work of the Building Inspection Department of the City of Franklin and Building Inspector Frederick M. Baumgart; and

WHEREAS, the vast majority of the business and institutional structures now existing in Franklin also did not exist when Frederick started work; there was no Franklin Industrial Park, there was no Franklin Business Park, main roads were two lane country roads without street or traffic lights and there were no shopping centers or large grocery stores, there were no large vast employee served global insurance company buildings, there were no substantial hospital and related medical and health services buildings, all serving the some triple number of residents by way of customer/client/employment benefits nearby, and all of which were and are secure following the detailed public service work of the Building Inspection Department of the City of Franklin and Building Inspector Frederick M. Baumgart; and

WHEREAS, the Franklin Building Inspector did his job with the rules and the plans and the documents and applications reviews, but also and always out in the field, and there was no location upon any structure requiring inspection under the Rules which the Building Inspector did not inspect, regardless of the ladders needing climbing, the girders needing traversing or the crawl space needing some gymnastics to survey; the Building Inspector did it his way, the right way; and

WHEREAS, Frederick through all the years was highly respected by his peers; not only by being a serving member of the Building Inspectors Association of Southeastern Wisconsin, but also by serving as the Association Treasurer, Vice-President and President, and also by reaching its pinnacle by being elected the Outstanding Building Inspector in 1993; and

WHEREAS, Frederick went by "Fred" and still does, though yesterday, Monday, was his first day off-duty in over forty-four and a half years and some 16,275 days of service; (he did again work through the weekend); Fred's duties were incredible and incredibly served during his tenure, for many years of which Franklin consistently ranked among the fastest growing communities in Wisconsin; Sir Frederick, you've done it all.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor, and I, Mark A. Dandrea, Common Council President, of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin and the staff of City government, recite and take to heart, and restate from our hearts, the thoughts of those Resolutions of commendation awarded to Frederick M. Baumgart by the Building Inspectors Association and the Common Council of the City of Franklin through the years: Thank You Fred for your "wise leadership and counsel", "invaluable service" and "selfless efforts". Good Luck and Godspeed.

Presented to the City of Franklin Common Council this 9th Day of January, 2018.

Mark A. Dandrea  
Common Council President

Stephen R. Olson  
Mayor



# **City of Franklin** **Proclamation**

**Whereas**, the Milwaukee County Substance Abuse Prevention Coalition has worked with and partnered with organizations throughout Milwaukee County to put a spotlight on the dangers of substance abuse; and

**Whereas**, one of the community groups partnering in this event is Volition Franklin; and

**Whereas**, all of these community groups throughout Milwaukee County have chosen the week of January 22-28, 2018 to shine light upon the dangers of substance abuse and highlight the efforts to prevent substance abuse, and are calling that week Light and Unite RED; and

**Whereas**, the number of drug overdose deaths in Milwaukee County is increasing from 343 drug-related deaths in 2016, to 354 as of December 7<sup>th</sup> 2017.

**Whereas**, community support and neighborhood attachment serve as a protective factor against substance misuse; and

**Whereas**, local leaders in government, schools, businesses, and citizens of the community, know that the support of people in our neighborhood is an effective tool to reduce the misuse of alcohol and other drugs; and

**Whereas**, businesses and citizens are urged to decorate and emphasize the color red as a way of symbolizing our efforts to prevention substance abuse, the City of Franklin will be illuminating an evergreen tree in front of City Hall, and high school youth are planning daily prevention activities amongst the student body during Light and Unite RED week; and

**Whereas**, success will not occur overnight, and continued commitment to drug and alcohol education and prevention are imperative; and

**Now Therefore**, be it proclaimed, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all the Citizens of Franklin, hereby declare the week of January 22-28 to be Light & Unite RED week in the City and ask all citizens and businesses to join me in recognizing that week.

Presented to the City of Franklin Common Council this 9th day of January, 2018

Dated: January 9, 2018

\_\_\_\_\_  
Stephen R. Olson, Mayor

C.

A. The regular meeting of the Common Council was held on December 19, 2017 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Excused was Alderman Dan Mayer. Also present were Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:37 p.m.

B.2.a. Assistant Fire Chief Patrick Hays and Mayor Olson acknowledged letters of recognition to Battalion Chief Kurt Stueck, Lieutenant Andrew Piasecki, Lieutenant Shawn Ganser, Lieutenant Craig Langowski, Lieutenant John Young, Firefighter/Paramedic Sean Behrens, Firefighter/Paramedic Jacob Streicher, Firefighter/ Paramedic Derek Hyde and Firefighter/Paramedic Nicholas Zunker for their professionalism and teamwork on November 4, 2017, and, to Firefighter/Paramedic Chad Foeckler for his professional and heroic efforts on November 4, 2017.

B.2.b. Mayor Olson noted an email from Jerry Deschane, League of Wisconsin Municipalities, regarding SB 291 and SB 292 to reverse the Walgreens assessment decision and close the Dark Store loophole.

C. Alderman Taylor moved to approve the minutes of the regular Common Council Meeting of December 5, 2017 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

E.1. Alderman Barber moved to confirm the Mayoral appointments of Inspectors of Election and alternates for 2018-2020 as listed on the action request form dated 12/19/2017 and as amended. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

E.2. Alderman Taylor moved to confirm Mayoral appointment of Adam Burckhardt, 7541 S. 72nd Street, Ald. Dist. 5, to the Community Development Authority for 4 year unexpired term

AUTHORITY

expiring 8/30/18. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.

DONATION TO POLICE  
DEPARTMENT

- G.1. Alderman Taylor moved to accept donation of \$1,000 to the Police Department from the Alice E. Topel Foundation Ltd. in memory of the late David Dey. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CONTRACT WITH AIRBUS  
DS COMMUNICATIONS FOR  
TEXT 2-911 DATA SERVICE

- G.2. Alderwoman Wilhelm moved to authorize the Police Department to enter into agreement and sign the contract with Airbus to install and service a text 2-911 communication system for the dispatch center. Seconded by Alderman Taylor. All voted Aye; motion carried.

2018 FRANKLIN CIVIC  
CELEBRATION EVENT

- G.3. Alderman Taylor moved to approve adding July 2, 2018 from 7:00 p.m. to 11:00 p.m. to July 3 and 4 for the 2018 Franklin Civic Celebration event. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ORD. 2017-2302  
AMEND ORD. 2016-2240 TO  
PROVIDE APPROPRIATIONS  
FOR REFUNDED 2017 TAXES  
& DEVELOPMENT  
PROFESSIONAL SERVICES

- G.4. Alderwoman Wilhelm moved to adopt Ordinance No. 2017-2302, AN ORDINANCE TO AMEND ORDINANCE 2016-2240, ADOPTING THE 2017 ANNUAL BUDGETS FOR TID3 FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017 TO PROVIDE APPROPRIATIONS FOR REFUNDED 2017 TAXES AND DEVELOPMENT PROFESSIONAL SERVICES. Seconded by Alderman Dandrea. All voted Aye; motion carried.

PAYMENT RELATED TO  
TOWNE REALTY, INC.  
DEVELOPMENT AT 7333 S.  
27TH ST.

- G.5. Alderman Taylor moved to approve payment of \$450 to Ehlers, Inc. for services related to the Towne Realty, Inc. development at 7333 S. 27th Street. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ORD. 2017-2303  
AMEND UDO TO ALLOW  
FOR SPECIAL USE AND  
PERMITTED USE IN B-3  
COMMUNITY BUSINESS  
DIST. (JOSEPH HAIDER,  
LAMACCHIA GROUP,  
APPLICANT)

- G.6. Alderman Taylor moved to adopt Ordinance 2017-2303, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 6061 "CREDIT UNIONS, FEDERALLY CHARTERED (WITH DRIVE THROUGH FACILITIES)" AND 6062 "CREDIT UNIONS, NOT FEDERALLY CHARTERED (WITH DRIVE THROUGH FACILITIES)" TO ALLOW FOR SUCH USES AS A SPECIAL USE, AND 6061 "CREDIT UNIONS, FEDERALLY CHARTERED (WITHOUT DRIVE THROUGH FACILITIES)" AND 6062 "CREDIT UNIONS, NOT FEDERALLY CHARTERED (WITHOUT DRIVE THROUGH FACILITIES)" TO ALLOW FOR SUCH USES AS A PERMITTED USE, IN

THE B-3 COMMUNITY BUSINESS DISTRICT (JOSEPH HAIDER, DESIGNER, LAMACCHIA GROUP, APPLICANT).  
Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7338  
SPECIAL USE AMENDMENT  
AT 7745 W. RAWSON AVE.  
(JOSEPH HAIDER,  
LAMACCHIA GROUP,  
APPLICANT)

G.7. Alderman Taylor moved to adopt Resolution No. 2017-7338, A SPECIAL USE AMENDMENT TO ALLOW FOR BUILDING ARCHITECTURE ENHANCEMENTS AND IMPROVEMENTS TO THE PARKING LOT, SIDEWALKS AND LANDSCAPING FOR THE EXISTING DRIVE-THROUGH BANK PROPERTY APPROVED AS A SPECIAL USE IN ORDINANCE NO. 2002-1735, AN ORDINANCE TO AMEND ORDINANCES 92-1229, 93-1261, 94-1298, 96-1391, 96-1400 AND 98-1508 CREATING PLANNED DEVELOPMENT DISTRICT NO. 16 (FRANKLIN CENTRE) (7745 WEST RAWSON AVENUE) (JOSEPH HAIDER, DESIGNER, LAMACCHIA GROUP, APPLICANT).  
Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

STANDARDS, FINDINGS  
AND DECISION FOR  
KRONES, INC.

G.8. Alderman Taylor moved to adopt Standards, Findings and Decision of the City of Franklin Common Council upon the application of Kronos, Inc., property owner, for a Special Exception to certain Natural Resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2017-2304  
AMEND UDO TO REZONE  
8300 W. SOUTH COUNTY  
LINE RD. (DAVID R. ROSS &  
LEANNE BUDDE-ROSS,  
APPLICANTS)

G.9. Alderman Taylor moved to adopt Ordinance 2017-2304, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT TO R-1 COUNTRYSIDE/ ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (8300 WEST SOUTH COUNTY LINE ROAD) (APPROXIMATELY 7.48 TOTAL ACRES; AREA TO BE REZONED IS APPROXIMATELY 0.82 ACRES) (DAVID R. ROSS AND LEANNE BUDDE-ROSS, APPLICANTS). Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2017-2305  
AMEND UDO TEXT TO  
REVISE TIME LIMIT FOR  
ALL TEMPORARY USES  
(AMERICAN TRANSMISSION  
COMPANY LLC,  
APPLICANT)

G.10. Alderman Taylor moved to adopt Ordinance 2017-2305, AN ORDINANCE TO AMEND THE UNITED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-3.0804 TO INCLUDE THE ABILITY OF THE PLAN COMMISSION TO REQUIRE A LETTER OF CREDIT OR OTHER APPROVED FINANCIAL SECURITY SUFFICIENT TO ENSURE THE SITE IS CLEANED UP AND/OR RESTORED TO ITS PRIOR CONDITION AND TO AMEND SECTION 15-3.0804L. TO

REVISE THE TIME LIMIT FOR ALL TEMPORARY USES FROM 90 DAYS TO 180 DAYS (AMERICAN TRANSMISSION COMPANY LLC, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RESCISSION OF COUNCIL  
DIRECTION – COMMUNITY  
BASED RESIDENTIAL  
FACILITIES NEW USE

- G.11. Alderman Dandrea moved to rescind the adopted April 7, 2015 motion providing that with any future Community Based Residential Facilities that are introduced into the City of Franklin that the Alderman of the District be notified by phone call and that a community development review meeting be held so that everyone can be brought up to speed and direction given on how to proceed with this, with responsibility of letters to be written by City staff and sent to residents within 1,000 feet with the Alderman aware of the letter and who it will be sent to, understanding that City staff will process all such applications and new uses pursuant to the standard City process for new development and use applications and uses as applicable. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2017-2306  
AMEND ORD. 2017-2301 TO  
PROVIDE APPROPRIATIONS  
FOR REFUNDED 2017 TAXES

- G.12. Alderwoman Wilhelm moved to adopt Ordinance 2017-2306, AN ORDINANCE TO AMEND ORDINANCE 2017-2301, ADOPTING THE 2018 ANNUAL BUDGETS FOR TID3 FUND FOR THE CITY OF FRANKLIN TO PROVIDE APPROPRIATIONS FOR REFUNDED 2017 TAXES. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

JOB DESCRIPTION FOR  
ARBORIST

- G.13. Alderman Taylor moved to approve the job description entitled “Arborist”. Seconded by Alderman Barber. All voted Aye; motion carried.

AGREEMENT FOR 2018 GIS  
SUPPORT & DATABASE  
MAINTENANCE SERVICES

- G.14. Alderman Taylor moved 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 3% rate increase effective January 1, 2018. Seconded by Alderman Dandrea. All voted Aye; motion carried.

PURCHASE ORDER WITH  
GEOGRAPHIC MARKETING  
ADVANTAGE, LLC FOR  
GIS/EDIT APP PROJECT

- G.15. Alderman Taylor moved to authorize the Director of Administration to prepare and execute a purchase order, in the form of a contract amendment, with Geographic Marketing Advantage, LLC for a Geographic Information System for \$26,950 to complete the GIS/EDIT App Project, incorporating the Edit App Retirement Plan Primary Steps document. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2017-2307  
AMEND ORD. 2016-2240 TO  
TRANSFER BUDGET  
APPROPRIATIONS FOR  
LONG-TERM DATA  
STORAGE PROJECT

G.16. Alderman Taylor moved to adopt Ordinance 2017-2307, AN ORDINANCE TO AMEND ORDINANCE 2016-2240, AN ORDINANCE ADOPTING THE 2017 ANNUAL BUDGES FOR THE GENERAL FUND AND CAPITAL OUTLAY FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017 TO TRANSFER BUDGET APPROPRIATIONS FROM INFORMATION SERVICES CAPITAL OUTLAY COMPUTER EQUIPMENT TO POLICE DEPARTMENT CAPITAL OUTLAY COMPUTER EQUIPMENT FOR THE LONG-TERM DATA STORAGE PROJECT. Seconded by Alderman Barber. All voted Aye; motion carried.

2017 INFORMATION  
SERVICES PROJECTS &  
SOUND SYSTEM UPDATE  
OF COMMON COUNCIL  
CHAMBERS

G.17. Alderman Taylor moved to recommend staff to proceed with development of and proposals for the SQL Server License Upgrade Project and Remote Office Infrastructure Project, including taking such project proposals to the Technology Commission for consideration, and with the Common Council Chamber Sound System Project and to direct the Director of Finance and Treasurer to incorporate the current remaining 2017 appropriations, for a total amount of \$15,300 in Information Services and \$35,000 in Municipal Buildings, into a budget modification for re-appropriation, or carryover, into the 2018 budget. Seconded by Alderman Dandrea. All voted Aye; motion carried.

APPOINTMENT OF INTERIM  
BUILDING INSPECTOR &  
ESTABLISHMENT OF  
INTERIM ASSIGNMENT PAY

G.18. Alderman Taylor moved to confirm the appointment of John Skuhra as Interim Building Inspector subject to a term not-to-exceed 6 months and effective upon the retirement of the current Building Inspector and to establish an Interim Assignment Pay for Mr. Skuhra of \$82,729.50. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

PART-TIME OR  
TEMPORARY ASSISTANT  
BUILDING INSPECTOR  
STAFFING

G.19. Alderman Taylor moved to authorize the available 2018 Building Inspection Personnel Services appropriations to be used for additional part-time and temporary Assistant Building Inspector staff services, not to exceed the budgeted appropriations. Seconded by Alderman Barber. All voted Aye; motion carried.

CLOSED SESSION  
EMPLOYEE'S PROMOTION  
TO PUBLIC WORKS  
SUPERINTENDENT

G.20. Alderman Dandrea moved to enter closed session at 7:05 p.m. pursuant to Wis. Stats. § 19.85(1)(c), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility, and may reenter open session at the same place thereafter to act on such matters

discussed therein as it deems appropriate. Seconded by Alderman Taylor.

Upon reentering open session at 7:15 p.m., Alderwoman Wilhelm moved to authorize the Director of Administration to prepare and execute an Employment Agreement with Mr. Bill Dudash, effective upon execution, for the position of Department of Public Works Superintendent that provides a) a starting annualized salary of \$82,116; b) three additional years of service credit for the purposes of vacation allowance; and c) qualification for retiree health insurance at a minimum age of 62 and having at least 18 years of service with the cost-share structure as identified in the handbook as of the effective date of the agreement. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.

ORD 2017-2308  
AMEND CH. 92 OF THE  
MUNICIPAL CODE FOR  
BUILDING PERMIT FEES

G.21. Alderman Taylor moved to adopt Ordinance 2017-2308, AN ORDINANCE TO AMEND CHAPTER 92 OF THE MUNICIPAL CODE TO REPEAL AND RECREATE THE SCHEDULE OF PERMIT FEES as amended. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2017-2309  
AMEND CH. 190 OF THE  
MUNICIPAL CODE FOR  
PLUMBING PERMIT FEES

G.22. Alderman Taylor moved to adopt Ordinance 2017-2309, AN ORDINANCE TO AMEND CHAPTER 190 OF THE MUNICIPAL CODE TO REPEAL AND RECREATE THE SCHEDULE OF PERMIT FEES as amended. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2017-2310  
AMEND CH. 118 OF THE  
MUNICIPAL CODE FOR  
ELECTRICAL PERMIT FEES

G.23. Alderman Taylor moved to adopt Ordinance 2017-2310, AN ORDINANCE TO AMEND CHAPTER 118 OF THE MUNICIPAL CODE TO REPEAL AND RECREATE THE SCHEDULE OF PERMIT FEES as amended. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS

H. Alderman Taylor moved to approve the following:  
Grant 2017-2018 Daycare license to Ingenious, Inc., Banmeet Dadwal, Manager, 7260 S. 76th St.; and  
Grant Operator license to Frances Hanley, 3329 E. Whittaker Ave., Cudahy; Carl Schroedl, 7452 S. 75th St., Franklin; and Gerhardt Strothmann, 7760 S. 51st St., #209, Franklin; and  
Deny Operator License application of Adam Kosinski, 9780 W Norwich Ave., Greenfield for falsifying information related to license activity; and  
Hold Operator license application for appearance from Shawna Kullas, 3801 S. Logan Ave., Milwaukee; and  
Approve (PUBLIC) People Uniting for the Betterment of Life

and Investment in the Community Grant to the following:  
Franklin Civic Celebration; Franklin Fire Department Safety Day; Franklin Noon Lions Club, St. Martins Labor Day Fair; and

Approve (PUBLIC) People Uniting for the Betterment of Life and Investment in the Community Grant to Franklin Lioness Club, St. Martins Labor Day Fair pending completion of required documentation.

Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND PAYROLL I.

Alderman Dandrea moved to approve the following:

City vouchers with an ending date of December 14, 2017 in the amount of \$1,048,343.43; Payroll dated December 8, 2017 in the amount of \$385,977.85 and payments of the various payroll deductions in the amount of \$229,347.47, plus City matching payments; and Estimated Payroll dated December 22, 2017 in the amount of \$370,000.00 and payments of the various payroll deductions in the amount of \$408,000.00, plus City matching payments; and Estimated Payroll dated January 5, 2018 in the amount of \$389,000.00 and payments of the various payroll deductions in the amount of \$233,000.00, plus City matching payments; and the release of payment to Wesolowski, Reidenbach and Sajdak not to exceed \$50,000; and the release of various vendor and employee payments not to exceed \$140,822.34; and the release of Library vouchers upon approval by the Library Board. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 7:24 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COMMON COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>1/09/2018</b>
<b>ORGANIZATIONAL BUSINESS</b>	Board and Commission Appointment	<b>ITEM NUMBER</b>  <b>E.1.</b>

The following Mayoral appointment has been submitted for Council confirmation:

Ann Adamski, 7825 S. Stonebrook Court (Ald. Dist. 3) to fill the unexpired 3-year term to the Fair Commission, expiring 4/30/2018.

**COUNCIL ACTION REQUESTED**

Motion to confirm the Mayoral appointment of Ann Adamski to the Fair Commission for a 3-year term expiring 4/30/2018.

## Sandi Wesolowski

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**From:** volunteerfactsheet@franklinwi.gov  
**Sent:** Wednesday, December 27, 2017 12:52 PM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Ann Adamski  
**PhoneNumber:** 414-690-7340  
**EmailAddress:** [Aadamski1@wi.rr.com](mailto:Aadamski1@wi.rr.com)  
**YearsasResident:** 16  
**Alderman:** Kristen Wilhelm  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 1  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 0  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 0  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** BMO Harris Bank  
**TelephoneJob1:** 414-266-5487  
**StartDateandPositionJob1:** 11/2012  
**EndDateandPositionJob1:** Present position  
**CompanyNameJob2:**  
**TelephoneJob2:**  
**StartDateandPositionJob2:**  
**EndDateandPositionJob2:**  
**CompanyNameJob3:**

**TelephoneJob3:**

**StartDateandPositionJob3:**

**EndDateandPositionJob3:**

**Signature:**

Ann Adamski

**Date:**

12/27/2017

**Signature2:**

Ann Adamski

**Date2:**

12/27/2017

**Address:**

7825 S Stonebrook Ct

**PriorityListing:**

**WhyInterested:**

I want to help get the Farmers Market in Franklin to be a must come to event. Also to help and try to get in to a more suitable area of the City where it can be noticed as well as have adequate parking and foot traffic.

**CompanyAddressJob1:**

116th and Theo Trecker Way West Allis WI

**DescriptionofDutiesJob1:**

In house Real Estate Evaluator.

**AddressJob2:**

**DescriptionofDutiesJob2:**

**AddressJob3:**

**DescriptionofDutiesJob3:**

I currently serve on Civic Celebration Commission and am current President of the Franklin Police Citizens Academy Alumni Association. Since the fair meets so sporadically I dont feel this will interfere with other positions I hold. My committee also does a yearly event in the City and have multiple connections with vendors who would love to sell in our city however due to the current location do not want to do so. I feel the Library is a central location for all. It is a safe area for kids and parking as well as walkers. Franklin is an Awesome City with Awesome leadership but needs to try new things and now use the age old, but we've always done it like this.

**AdditionalExperience:**

**ClientIP:**

198.96.180.245

**SessionID:**

syhfk45lxf5wd450favpdnj

See Current Results

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<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <i>1/09/2018</i>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Police Department Donations</b> <b>AM Painting &amp; Drywalling LLC</b> <b>Daniel &amp; Sandra Hay</b> <b>Jane F. Godfroy</b>	<b>ITEM NUMBER</b>  <i>G.I.a</i>

The City of Franklin Police Department received the following donations recently:

1. AM Painting & Drywalling, LLC - \$1000.00 – December 19, 2017.  
A general donation to be put into the Police Donations account.
2. Daniel & Sandra Hay - \$3000.00 – December 21, 2017.  
A general donation to be put into the Police Donation account.
3. Jane F. Godfroy - \$2000.00 – December 27, 2017.  
A donation to be used for canine related items and placed into the Police Canine Donation account.

### **COUNCIL ACTION REQUESTED**

Motion to accept the donations from AM Painting & Drywalling and Daniel & Sandra Hay to be deposited into the Police Donation account and the donation from Jane F. Godfroy to be deposited into the Police Canine Donation account.

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <i>1/09/2018</i>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Donation from Franklin Residents Daniel and Sandra Hay to the Fire Department in the amount of \$3000.00</b>	<b>ITEM NUMBER</b> <i>6.1.b</i>

The Franklin Fire Department has received a donation from Franklin Residents Daniel and Sandra Hay in the amount of \$3000.00. The department intends to use the funds towards the purchase of a mechanical CPR compression device which studies show will improve outcomes for cardiac arrest victims in the City of Franklin.

### **COUNCIL ACTION REQUESTED**

Request approval to accept \$3000.00 donation from Sandra Hay, to be used towards funding a mechanical CPR compression device.

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <i>1/09/2018</i>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Request approval of a Lease Agreement for a Sharp MX-3070N Digital Copier for the Fire Department.</b>	<b>ITEM NUMBER</b>  <i>G.I.C.</i>

The lease on the Fire Department's copier expires in March of 2018. The copier is used to print all Fire Department reports, documents, and forms, as well as to send and receive faxes, and scan and digitize documents, maps, and plans.

The Department has reviewed available copy machine options as well as current printing, scanning, and faxing needs, and recommends leasing a Sharp MX-3070N from Office Copying Equipment under the current State of Wisconsin WSCA Contract.

Cost is \$129.20 per month and is within existing budget allocation. The Fire Department has been extremely satisfied with the current copier and with the service provided by the vendor.

### **COUNCIL ACTION REQUESTED**

**Request Common Council approval to authorize the Fire Department to enter into a four-year lease with Sharp through Office Copying Equipment, Ltd., using the State Bid contract.**



**SHARP®**

be sharp™

11/3/2017

**Chief Remington & friends**

**Franklin Fire Department  
8901 W. Drexel Ave.  
Franklin, WI 53132**

*Dear Chief Remington,*

**Thank you** - for consideration of Sharp and Office Copying Equipment, Ltd. in your decision concerning a digital imaging system at this time.

Our primary objective continues to be maintaining a 100% satisfied client base, from the most basic product installation to the most sophisticated in the "niche" market of document technology. The strength and growth of our company is directly related to totally satisfying all clients as we are dependent on our client's desire to return to us again and again.

We know we have the resources to meet your demanding standards at Franklin Fire Department. We can only ask for the opportunity to prove ourselves and earn your trust and confidence.

Sincerely,

**Michael Graff  
Government Account Manager**

**Office Copying Equipment, Ltd.**

## INVESTMENT OPTIONS

PROPOSED SYSTEM for CITY OF FRANKLIN -- FIRE DEPARTMENT

NEW SHARP MX-3570N DIGITAL BLACK & WHITE / FULL COLOR COPIER  
NEW SHARP MX-FX15 FAX BOARD  
NEW SHARP MX-DE26 PAPER DECK WITH 2<sup>ND</sup> & 3<sup>RD</sup> 500 SHEET DRAWERS

	Sharp Retail	(Per Month) 4 Year Lease*
Sharp MX-3570N	\$ 14,995.00	\$ 110.40*
Sharp MX-FX15	\$ 1,295.00	\$ 9.40*
Sharp MX-DE26	\$ 1,295.00	\$ 9.40*

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PROPOSED SYSTEM	\$ 17,585.00	\$ 129.20*
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\*Sharp MX-3070N Digital Copier Pricing is based on the WSCA State of WI- NASPO Contract Promo Pricing / List 12. \* Above pricing also includes network printing and full color network scanning at No Charge!!

## AVAILABLE OPTIONS

	Sharp Retail	(Per Month) 4 Year Lease*
Sharp MX-FN27** (additional) + \$ 2,000.00 ** Stapling Option		+ \$ 15.27/mo.

Sharp MX-PN4B\*\* (additional) + \$ 850.00 + \$ 7.28/mo.  
\*\* Hole Punching Option, must have finisher installed!

## ADDITIONAL FEES

Set-Up, Training, Delivery, Installation, INCLUDING  
Initial Scope of work by OCE, Ltd. Professional Services on site\*  
(\*\*Norm. \$ 250.00)

\$ N/C !!

## **MAINTENANCE CONTRACT**

Annual Advance Fees

\$ - 0 -

Per Copy "Meter Click" Charges

(Black & White)

\$ 0.0082\*\*

**\*\*with NO Monthly Minimums!!**

Per Copy "Meter Click" Charges

(Full Color)

\$ 0.052\*\*

**\*\*with NO Monthly Minimums!!**

**AGREEMENT PER COPY CHARGE INCLUDES ALL OPERATING COSTS WITH THE EXCEPTION OF PAPER & STAPLES.**

**SERVICE PARTS, LABOR, DRUMS, FUSER ROLLERS, MAINTENANCE KITS, BLACK TONERS, BLACK DEVELOPERS AND PM CALLS ARE ALL PROVIDED AT NO COSTS UNDER THE TERMS OF OUR CONTRACT.**

## **OPTIONAL NETWORK SUPPORT**

Integration Available on an Hourly Basis @ \$ 125.00 per Hour

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Jan 9, 2018
REPORTS & RECOMMENDATIONS	An ordinance to create Section 40-2 of the Municipal Code regarding a fee for payments returned unpaid	ITEM NUMBER <i>G.I.d</i>

### **Background**

The Treasury Department has been charging \$8 for returned checks in payment of Property Taxes. The Deputy Treasurer does not recall the last time this fee was updated. The above fees have been in place for more than ten years.

Processing costs for returned checks (NSF's) involve multiple tasks, from locating the original payment, to drafting correspondence with the remitter to adjusting financial records to reflect the non-payment of the account in question.

A \$10 fee for an NSF check in payment of a water utility bill is set by Public Service Commission order and is subject to PSC jurisdiction.

### **Analysis**

It is currently collection time on the 2017 tax roll. To date, three online payments and at least one check payment have been returned by the drawing bank for various reasons, from account not found to insufficient funds.

### **Options**

The amount of time involved in Treasury to update records and send notifications regarding NSF checks/payments is disruptive and adds no value to the collection efforts. It is required to secure payment from remitters, some of whom do not realize that the payment was not made.

### **Recommendation**

The Treasurer is recommending that a \$25 fee for an NSF check/payment related to any amount owed the City other than for Water Utility payments (which is set by PSC order).

### **Fiscal Impact**

A fee increase to \$25 will begin to recover the costs (human and institutional) related to handling an NSF remittance.

### **COUNCIL ACTION REQUESTED**

Motion to adopt an Ordinance to create Section 40-2 of the Municipal Code regarding a fee for payments returned unpaid

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2018\_\_\_\_\_

AN ORDINANCE TO CREATE SECTION 40-2 OF THE MUNICIPAL CODE REGARDING  
A FEE FOR PAYMENTS RETURNED UNPAID

-----

WHEREAS, the Common Council adopted Franklin Municipal Code Section §40-1 adopting regulations prescribing interest on past due balances; and

WHEREAS, the regulations do not provide a fee for payments returned unpaid by the remitter's financial institution; and

WHEREAS, it is in the City's best interest that a fee for the handling costs of payments returned unpaid be charged to the remitter for extra handling of such transactions.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1: Section §40-2. Will be added to the Franklin Municipal code and shall read:

Payments for all balances due the City, except Water Utility payments, returned unpaid by the remitter's financial institution shall have a \$25 fee added to the balance due.

Section 2: The terms and provision 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 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

Section 4: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <i>1/09/2018</i>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Request approval to purchase a LUCAS automatic chest compression device for the Fire Department.</b>	<b>ITEM NUMBER</b> <i>G.2</i>

Studies continue to demonstrate that performing high-quality chest compressions during CPR is the single most critical factor contributing to the successful resuscitation of a cardiac arrest victim. In the field, performing effective compressions in confined spaces, inclement weather, and for extended periods of time can be challenging.

In recent years, medical device manufacturers have developed mechanical devices that perform consistent, effective compressions for extended periods of time. Studies have shown that use of such devices provides for maximum forward flow of blood during resuscitation and may increase the possibility of immediate survival and improved long-term patient outcomes. It also allows the limited personnel on scene to perform other vital lifesaving measures such as initiating intravenous access and ventilating the patient's airway.

The Fire Department's Medical Director recommended the LUCAS brand specifically due to improved long term outcomes (e.g., patient survival to hospital discharge), and relatively lower cost.

The Department included purchase of a LUCAS device in its capital budget request for 2018, and was approved for up to \$12,000 in funding, with the balance of approximately \$4,000 to be allocated from existing Fire Department grant and donation budget lines.



### **COUNCIL ACTION REQUESTED**

**Request Common Council approval to authorize the Fire Department to purchase one LUCAS automatic compression device from.**



Physio-Control, Inc  
11811 Willows Road NE  
P.O. Box 97006  
Redmond, WA 98073-9706 U.S.A.  
www.physio-control.com  
tel 800.442.1142  
Sales Order fax 800.732.0956  
Service Plan fax 800.772.3340

To CITY OF FRANKLIN FIRE DEPT  
Attn: Patrick Hays  
8901 W DREXEL AVE  
FRANKLIN, WI 53132  
4148708440  
[phays@townofvernon.org](mailto:phays@townofvernon.org)

Quote Number 00107916  
Revision # 1  
Created Date 1/3/2018  
Sales Consultant Jeff Preston  
(920) 342-3339  
[jeff.preston@stryker.com](mailto:jeff.preston@stryker.com)  
FOB Redmond, WA  
Terms All quotes subject to credit approval and the following terms and conditions  
NET Terms NET 30

Contract Vizient T1 CE2543

Expiration Date 2/8/2018

Product	Product Description	Quantity	List Price	Unit Discount	Unit Sales Price	Total Price
99576-000043	LUCAS 3.0 Chest Compression System INCLUDES HARD SHELL CASE, SLIM BACK PLATE, TWO (2) PATIENT STRAPS, (1) STABILIZATION STRAP, 2 SUCTION CUPS, 1 RECHARGEABLE BATTERY, AND INSTRUCTIONS FOR USE WITH EACH DEVICE.	1.00	15,950.00	-2,073.00	13,877.00	13,877.00
11576-000080	LUCAS 3 Battery - Dark Grey - Rechargeable LiPo	1.00	712.00	-106.80	605.20	605.20
11576-000071	LUCAS Power Supply	1.00	371.00	-48.23	322.77	322.77
11576-000060	LUCAS Battery Desk-Top Charger	1.00	1,170.00	-291.10	878.90	878.90
11576-000046	LUCAS Disposable Suction Cup (3 pack)	1.00	140.00	-27.80	112.20	112.20
11576-000089	Grip Tape, LUCAS Slim Back Plate	1.00	28.00	-4.20	23.80	23.80

Subtotal USD 15,819.87

Estimated Tax USD 0.00

Estimated Shipping & Handling USD 0.00

Tax will be calculated at time of invoice and is based on the Ship To location where product will be shipped.

Grand Total USD 15,819.87

#### Pricing Summary Totals

List Price Total USD 18,371.00  
Total Contract Discounts Amount USD -2,502.90  
Total Discount USD -48.23  
Trade In Discounts USD 0.00

Tax + S&amp;H

USD 0.00

GRAND TOTAL FOR THIS QUOTE

USD 15,819.87

Please provide a company issued Purchase Order that includes Billing and Shipping Address.

PO must reference payment terms of Net 30 days.

- OR -

Required information if no Purchase Order is provided

<b>Billing Address</b> same as address on quote	<b>Shipping Address</b> same as Billing Address
Account Name	Account Name
Address	Address
City	City
State                      Zip Code	State                      Zip Code
<b>Accounts Payable Contact Information</b>	
Accounts Payable Contact	Accounts Payable Phone Number
Accounts Payable Email	Customer is Tax Exempt?      Yes      No
<b>Authorized Customer Signature</b>	
Name	Signature
Title	Date

**Optional Information:**

Special Ship to Address

Comments

For Multiple End Users, please attach a supporting document with End User name, physical location, product type and quantity

To update any customer information, please complete form at [www.physio-control.com/account/](http://www.physio-control.com/account/)

Reference Number AC/13619101/150099

**General Terms for all Products, Services and Subscriptions.**

Physio-Control, Inc. ("Physio") accepts Buyer's order expressly conditioned on Buyer's assent to the terms set forth in this document. Buyer's order and acceptance of any portion of the goods, services or subscriptions shall confirm Buyer's acceptance of these terms. Unless specified otherwise herein, these terms constitute the complete agreement between the parties. Amendments to this document shall be in writing and no prior or subsequent acceptance by Seller of any purchase order, acknowledgment, or other document from Buyer specifying different and/or additional terms shall be effective unless signed by both parties.

**Pricing.** Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services unless Physio receives a copy of a valid exemption certificate prior to delivery. Discounts may not be combined with other special terms, discounts, and/or promotions.

**Payment.** Payment for goods and services shall be subject to approval of credit by Physio. Unless otherwise specified by Physio in writing, the entire payment of an invoice is due thirty (30) days after the invoice date for deliveries in the USA, and sight draft or acceptable (confirmed) irrevocable letter of credit is required for sales outside the USA.

**Minimum Order Quantity.** Physio reserves the right to charge a service fee for any order less than \$200.00.

**Patent Indemnity.** Physio shall indemnify Buyer and hold it harmless from and against all demands, claims, damages, losses, and expenses, arising out of or resulting from any action by a third party against Buyer that is based on any claim that the services infringe a United States patent, copyright, or trademark, or violate a trade secret or any other proprietary right of any person or entity. Physio's indemnification obligations hereunder will be subject to (i) receiving prompt written notice of the existence of any claim; (ii) being able to, at its option, control the defense and settlement of such claim (provided that, without obtaining the prior written consent of Buyer, Physio will enter into no settlement involving the admission of wrongdoing); and (iii) receiving full cooperation of Buyer in the defense of any claim.

**Limitation of Interest.** Through the purchase of Physio products, services, or subscriptions, Buyer does not acquire any interest in any tooling, drawings, design information, computer programming, patents or copyrighted or confidential information related to said products or services, and Buyer expressly agrees not to reverse engineer or decompile such products or related software and information.

**Delays.** Physio will not be liable for any loss or damage of any kind due to its failure to perform or delays in its performance resulting from an event beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio inability to obtain goods from its usual sources.

**Limited Warranty.** Physio warrants its products and services in accordance with the terms of the limited warranties located at <http://www.physio-control.com/Documents/>. The remedies provided under such warranties shall be Buyer's sole and exclusive remedies. Physio makes no other warranties, express or implied, including, without limitation, **NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND IN NO EVENT SHALL PHYSIO BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR OTHER DAMAGES.**

**Compliance with Confidentiality Laws.** Both parties acknowledge their respective obligations to maintain the security and confidentiality of individually identifiable health information and agree to comply with applicable federal and state health information confidentiality laws.

**Compliance with Law.** The parties agree to comply with any and all laws, rules, regulations, licensing requirements or standards that are now or hereafter promulgated by any local, state, and federal governmental authority/agency or accrediting/administrative body that governs or applies to their respective duties and obligations hereunder.

**Regulatory Requirement for Access to Information.** In the event 42 USC § 1395x(v)(1)(I) is applicable, Physio shall make available to the Secretary of the United States Department of Health and Human Services, the Comptroller General of the United States General Accounting Office, or any of their duly authorized representatives, a copy of these terms, such books, documents and records as are necessary to certify the nature and extent of the costs of the products and services provided by Physio.

**No Debarment.** Physio represents and warrants that it and its directors, officers, and employees (i) are not excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 USC § 1320a-7b(f); (ii) have not been convicted of a criminal offense related to the provision of healthcare items or services; and (iii) are not under investigation which may result in Physio being excluded from participation in such programs.

**Choice of Law.** The rights and obligations of Physio and Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the state where Buyer is located. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorney's fees, shall be reimbursed by the other party.

**Additional Terms for Purchase and Sale of Products.**

In addition to the General Terms above, the following terms apply to all purchases of products from Physio:

**Delivery.** Unless otherwise specified by Physio in writing, delivery shall be FOB Physio point of shipment and title and risk of loss shall pass to Buyer at that point. Partial deliveries may be made and partial invoices shall be permitted and shall become due in accordance with the payment terms. In the absence of shipping instructions from Buyer, Physio will obtain transportation on Buyer's behalf and for Buyer's account. Delivery dates are approximate. Freight is pre-paid and added to Buyer's invoice. Products are subject to availability.

**Inspections and Returns.** Within 30 days of receipt of a shipment, Buyer shall notify Physio of any claim for product damage or nonconformity. Physio, at its sole option and discretion, may repair or replace a product to bring it into conformity. Return of any product shall be governed by the Returned Product Policy located at <http://www.physio-control.com/Documents/>. Payment of Physio's invoice is not contingent on immediate correction of nonconformities.

**No Resale.** Buyer agrees that products purchased hereunder will not be resold to third parties and will not be reshipped to any persons or places prohibited by the laws of the United States of America.

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 01/09/18
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>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 THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO INDOOR/OUTDOOR GOLF DRIVING RANGE, AND INDOOR/OUTDOOR ENTERTAINMENT USES, MUSIC AND SPORTING EVENTS; TO ALLOW AS A SPECIAL USE SMALL ENGINE GO CART RACING; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SETBACK LIMITS; TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO PUBLIC AND PRIVATE INFRASTRUCTURE SUCH AS STREETS, PARKING LOTS AND STORMWATER MANAGEMENT FACILITIES; TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO THE PROPOSED MULTI-FAMILY RESIDENTIAL APARTMENTS TO BE LOCATED SOUTH OF WEST RAWSON AVENUE, AND TO THE STADIUM, INDOOR SPORTS FACILITY AND THE RETAIL/OFFICE/COMMERCIAL BUILDINGS TO BE LOCATED NORTH OF WEST RAWSON AVENUE AND TO ALLOW A THREE MONTH EXTENSION OF THE FIRST BUILDING PERMIT TIME LIMIT IN CONDITION NUMBER 27 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212(7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS, LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, MILWAUKEE COUNTY, WISCONSIN DEPARTMENT OF TRANSPORTATION AND FF &amp; E, LLC PROPERTY OWNERS)</b>	<b>ITEM NUMBER</b>  <i>G.3.</i>

**Please note a track changes draft of this Common Council Action Sheet (and associated Ordinance) has also been prepared, and included within the Council packet, which title and motion reflects the PDD Amendment changes as proposed by the Plan Commission.**

Introduction

At their meeting on December 21, 2017, the Plan Commission recommended approval, with conditions and restrictions, 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:

- Allow additional uses as Permitted Uses;
- Allow additional uses as Special Uses;

- Revise certain District Standards including but not limited to building heights;
- Include additional more detailed information pertaining to public and private infrastructure; and
- To allow a three month extension of the first building permit time limit.

However, the Plan Commission did not recommend approval of all of the applicant's requested changes. Rather, condition #4 in the draft ordinance states that any other changes or revisions proposed by the applicant must be included in a future PDD Amendment request.

In particular, while the applicant has requested use approval of a senior housing development as part of the Ballpark Commons project, that request was not included within the PDD Amendment application submittal, nor was it provided in time for inclusion in the public hearing notice. As such, another PDD Amendment application requesting inclusion of the senior housing development will be necessary.

In addition, the applicant had requested Site Plan approval of some of the proposed apartments south of Rawson Avenue. However, as the applicant had not submitted a Site Plan application and fee, and had not submitted all of the required information and plans, action cannot be taken on that matter at this time. Rather, a completed Site Plan application will need to be submitted, for Plan Commission review and consideration.

#### Public Hearing Summary

A public hearing was held on December 21, 2017, before the City of Franklin Plan Commission to receive public comment on the request by Ballpark Commons LLC to revise Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons). After an introduction by Mayor Olson, and a brief summary by staff, nine persons spoke on this matter in opposition to, or with concerns about, the proposed changes and revisions. Noted concerns included:

- building height changes/taller buildings;
- too many project changes/revisions;
- potential adverse impact upon the Tax Incremental Financing District;
- more time should be provided for review;
- a building permit time extension should not be granted;
- light poles will be too tall;
- all approvals should be obtained prior to any development; and
- the financial analysis, market study, etc. should be updated.

Staff also received 9 emails (see attached) in opposition to, or with concerns about, the proposed Ballpark Commons changes, some of which included concerns/opposition to the stadium Special Use and/or the Natural Resource Special Exception.

In addition, the City Attorney responded to one citizen's questions and concerns about previously filed protest petitions.

The City also received from the Village of Greendale a cover letter and "A Resolution Stating the Village's Position Regarding The Rock Sports Complex/Ballpark Commons (Located in Franklin, Wisconsin) Ordinance Terms and Uses Amendments, Stadium Special Use and Natural Resources Special Exceptions" indicating the Village's concerns and opposition to additional development in and around The Rock Sports Complex.

**COUNCIL ACTION REQUESTED**

A motion to approve Ordinance No. 2018-\_\_\_\_\_, 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 the District in the following manner: to allow additional uses as permitted uses, including but not limited to indoor/outdoor golf driving range, and indoor/outdoor entertainment uses, music and sporting events; to allow as a special use small engine go cart racing; to revise certain District standards including but not limited to building height limits and building setback limits; to include additional more detailed site information pertaining to public and private infrastructure such as streets, parking lots, and stormwater management facilities; to include additional more detailed site information pertaining to the proposed multi-family residential apartments to be located south of West Rawson Avenue, and to the stadium, indoor sports facility and the retail/office/commercial buildings to be located north of West Rawson Avenue and to allow a three month extension of the first building permit time limit in condition number 27 in Planned Development District No. 37, Ordinance No. 2016-2212 (7900 West Crystal Ridge Drive) (Ballpark Commons LLC, Applicant, Zim-Mar Properties LLC, Milwaukee County, Wisconsin Department of Transportation and FF & E, LLC, property owners).

Department of City Development: JED

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE  01/09/18
REPORTS & RECOMMENDATIONS	<p><b>ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO INDOOR/OUTDOOR GOLF DRIVING RANGE, AND INDOOR/OUTDOOR ENTERTAINMENT USES, MUSIC AND SPORTING EVENTS</b><u>GENERAL RETAIL, SPORTS MEDICINE, RESTAURANTS AND DRINKING ESTABLISHMENTS; TO ALLOW ADDITIONAL USES AS A SPECIAL USES, INCLUDING BUT NOT LIMITED TO SMALL ENGINE GO-CART RACING</u><u>OUTDOOR AND INDOOR SPORTS (NON-MOTORIZED), ENTERTAINMENT, AND GENERAL COMMERCIAL OFFICE;</u> TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SETBACK LIMITS; TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO PUBLIC AND PRIVATE INFRASTRUCTURE SUCH AS STREETS, PARKING LOTS AND STORMWATER MANAGEMENT FACILITIES; <del>TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO THE PROPOSED MULTI-FAMILY RESIDENTIAL APARTMENTS TO BE LOCATED SOUTH OF WEST RAWSON AVENUE, AND TO THE STADIUM, INDOOR SPORTS FACILITY AND THE RETAIL/OFFICE/COMMERCIAL BUILDINGS TO BE LOCATED NORTH OF WEST RAWSON AVENUE AND TO ALLOW A THREE MONTH EXTENSION OF THE FIRST BUILDING PERMIT TIME LIMIT IN</del> CONDITION NUMBER 27 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212(7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS, LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, MILWAUKEE COUNTY, WISCONSIN DEPARTMENT OF TRANSPORTATION AND FF &amp; E, LLC PROPERTY OWNERS)</p>	ITEM NUMBER
<p><u>Introduction</u> At their meeting on December 21, 2017, the Plan Commission recommended approval, with conditions and restrictions, 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:</p> <ul style="list-style-type: none"> <li>• Allow additional uses as Permitted Uses;</li> <li>• Allow additional uses as Special Uses;</li> </ul>		

- Revise certain District Standards including but not limited to building heights;
- Include additional more detailed information pertaining to public and private infrastructure; and
- To allow a three month extension of the first building permit time limit.

However, the Plan Commission did not recommend approval of all of the applicant's requested changes. Rather, condition #4 in the draft ordinance states that any other changes or revisions proposed by the applicant must be included in a future PDD Amendment request.

In particular, while the applicant has requested use approval of a senior housing development as part of the Ballpark Commons project, that request was not included within the PDD Amendment application submittal, nor was it provided in time for inclusion in the public hearing notice. As such, another PDD Amendment application requesting inclusion of the senior housing development will be necessary.

In addition, the applicant had requested Site Plan approval of some of the proposed apartments south of Rawson Avenue. However, as the applicant had not submitted a Site Plan application and fee, and had not submitted all of the required information and plans, action cannot be taken on that matter at this time. Rather, a completed Site Plan application will need to be submitted, for Plan Commission review and consideration.

#### Public Hearing Summary

A public hearing was held on December 21, 2017, before the City of Franklin Plan Commission to receive public comment on the request by Ballpark Commons LLC to revise Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons). After an introduction by Mayor Olson, and a brief summary by staff, nine persons spoke on this matter in opposition to, or with concerns about, the proposed changes and revisions. Noted concerns included:

- building height changes/taller buildings;
- too many project changes/revisions;
- potential adverse impact upon the Tax Incremental Financing District;
- more time should be provided for review;
- a building permit time extension should not be granted;
- light poles will be too tall;
- all approvals should be obtained prior to any development; and
- the financial analysis, market study, etc. should be updated.

Staff also received 9 emails (see attached) in opposition to, or with concerns about, the proposed Ballpark Commons changes, some of which included concerns/opposition to the stadium Special Use and/or the Natural Resource Special Exception.

In addition, the City Attorney responded to one citizen's questions and concerns about previously filed protest petitions.

The City also received from the Village of Greendale a cover letter and "A Resolution Stating the Village's Position Regarding The Rock Sports Complex/Ballpark Commons (Located in Franklin, Wisconsin) Ordinance Terms and Uses Amendments, Stadium Special Use and Natural Resources Special Exceptions" indicating the Village's concerns and opposition to additional development in and around The Rock Sports Complex.

### **COUNCIL ACTION REQUESTED**

A motion to approve Ordinance No. 2018-\_\_\_\_\_, 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 the District in the following manner: to allow additional uses as permitted uses, including but not limited to indoor/outdoor golf driving range, general retail, sports medicine, restaurants and drinking and indoor/outdoor entertainment uses, music and sporting events; to allow additional uses as a special uses small engine go cart racing including but not limited to outdoor and indoor sports (non-motorized), entertainment, and general commercial office; to revise certain District standards including but not limited to building height limits and building setback limits; to include additional more detailed site information pertaining to public and private infrastructure such as streets, parking lots, and stormwater management facilities; ~~to include additional more detailed site information pertaining to the proposed multi-family residential apartments to be located south of West Rawson Avenue, and to the stadium, indoor sports facility and the retail/office/commercial buildings to be located north of West Rawson Avenue and to allow~~ a three month extension of the first building permit time limit in condition number 27 in Planned Development District No. 37, Ordinance No. 2016-2212 (7900 West Crystal Ridge Drive) (Ballpark Commons LLC, Applicant, Zim-Mar Properties LLC, Milwaukee County, Wisconsin Department of Transportation and FF & E, LLC, property owners).

Department of City Development: JED

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Original Ordinance Title/Track Changes Plan Commission Conditions of Approval 1-5-18]*

ORDINANCE NO. 2017-\_\_\_\_\_

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 THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO INDOOR/OUTDOOR GOLF DRIVING RANGE, AND INDOOR/OUTDOOR ENTERTAINMENT USES, MUSIC AND SPORTING EVENTS; TO ALLOW AS A SPECIAL USE SMALL ENGINE GO CART RACING; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SETBACK LIMITS; TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO PUBLIC AND PRIVATE INFRASTRUCTURE SUCH AS STREETS, PARKING LOTS AND STORMWATER MANAGEMENT FACILITIES; TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO THE PROPOSED MULTI-FAMILY RESIDENTIAL APARTMENTS TO BE LOCATED SOUTH OF WEST RAWSON AVENUE, AND TO THE STADIUM, INDOOR SPORTS FACILITY AND THE RETAIL/OFFICE/COMMERCIAL BUILDINGS TO BE LOCATED NORTH OF WEST RAWSON AVENUE AND TO ALLOW A THREE MONTH EXTENSION OF THE FIRST BUILDING PERMIT TIME LIMIT IN CONDITION NUMBER 27 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212  
(7900 WEST CRYSTAL RIDGE DRIVE)  
(BALLPARK COMMONS, LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, MILWAUKEE COUNTY, WISCONSIN DEPARTMENT OF TRANSPORTATION AND FF & E, LLC PROPERTY OWNERS)

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WHEREAS, §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 Ordinance No. 2013-2101, 2016-2212 and 2017-2278, with such District primarily being located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 745-8998-000, 744-8985-001, 744-8985-002, 744-8989-000, 744-8988-000, 755-9996-000, 754-9988-002, 755-9995-001, 708-8996-000, 708-8999-000, 744-8980-001, 745-0029-000, 745-8999-004, 755-9995-002, 754-9988-001 and 744-8981-000 [all preceding Tax Key Nos. are Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) zoning, with the exception of Tax Key Nos. 708-8996-000 and 744-8980-001 which are zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District], and is more particularly described below; and

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

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; and

WHEREAS, Ballpark Commons, LLC, applicant, having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the district in the following manner: to allow additional uses as permitted uses, including but not limited to sports medicine medical offices/facilities, indoor/outdoor golf driving range, and indoor/outdoor entertainment uses, music and sporting events; to allow as a special use small engine go cart racing; to revise certain district standards including but not limited to building height and building setback limits; to include additional more detailed site information pertaining to public and private infrastructure such as streets, parking lots and stormwater management facilities; to include additional more detailed site information pertaining to the proposed multi-family residential apartments to be located south of West Rawson Avenue, and to the stadium, indoor sports facility and the retail/office/commercial buildings to be located north of West Rawson Avenue and to allow a three month extension of the first building permit time limit in condition number 27 in Planned Development District No. 37, Ordinance No. 2016-2212; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of December, 2017, and the Plan Commission 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:           §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow additional uses as permitted uses, including but not limited to indoor/outdoor golf driving range, and indoor/outdoor entertainment uses, music and sporting events; to allow as a special use small engine go cart racing; to revise certain district standards including but not limited to building height and building setback limits; to include additional more detailed site information pertaining to public and private infrastructure such as streets, parking lots and stormwater management facilities; to include additional more detailed site information pertaining to the proposed multi-family residential apartments to be located south of West Rawson Avenue, and to the stadium, indoor sports facility and the retail/office/commercial buildings to be located north of West Rawson Avenue and to allow a three month extension of the first building permit time limit in condition number 27 in Planned Development District No. 37, Ordinance No. 2016-2212, subject to the following conditions:

1.     That Ordinance 2016-2212 Section 2: Section 15-3.0442A. B. 1. Permitted Uses be revised to include Snowshoeing, Indoor and Outdoor Soccer, Indoor and Outdoor Volleyball, Indoor and Outdoor Golf, Indoor and Outdoor Baseball, General Retail (excluding eating and drinking establishments), Slides/Children's Play Areas, and to remove "restaurant" physical therapy, sports medicine, medical offices, fitness studios/gyms, restaurants/eating and drinking establishments.
2.     That Ordinance 2016-2212 Section 2: Section 15-3.0442A. B. 2. Special Uses be revised to include Climbing Walls, Physical Therapy, Sports Medicine, Medical Offices, Fitness

- Studios/Gyms, Restaurants/Eating and Drinking Establishments, Outdoor and Indoor Sports (non-motorized) not elsewhere classified, Entertainment Outdoor and Indoor Music, General Commercial Office, Electric Vehicle Racing, and to remove "Indoor Sports Complex".
3. That Ordinance 2016-2212 Section 2: Section 15-3.0442A. C.3. Maximum Building Height be revised to 3 stories or 45 feet. The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit. The proposed Indoor/Outdoor Golf Facility's netting may exceed this height limitation subject to Plan Commission approval of the associated Site Plan. The proposed Stadium lights may exceed this height limitation subject to Plan Commission approval of the associated Site Plan and Common Council approval of a Lighting Study pursuant to Ordinance 2006-2212, Section 3: Conditions of Approval No.5.
  4. That the applicant shall incorporate any requested changes and revisions not resolved in the current PDD Amendment request into future PDD Amendment application(s) for further review and consideration by the City of Franklin.
  5. That Ordinance No. 2016-2212, Section 3: Conditions of Approval be revised to include after the first sentence "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".
  6. That Ordinance No. 2016-2212 Condition of Approval No. 27 be revised to allow a three month extension of the first building permit time limit.
  7. [other]

SECTION 2:

All other applicable terms and provisions of §15-3.0442, shall apply to the subject Ballpark Commons, LLC Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) district revisions, and all terms and provisions of §15-3.0442 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Track Changes Draft 12-1522-17]*

ORDINANCE NO. 2017-\_\_\_\_\_

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 THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO INDOOR/OUTDOOR GOLF DRIVING RANGE, GENERAL RETAIL, SPORTS MEDICINE, RESTAURANTS AND DRINKING ESTABLISHMENTS~~INDOOR/OUTDOOR ENTERTAINMENT USES, MUSIC AND SPORTING EVENTS~~; TO ALLOW ADDITIONAL USES AS A SPECIAL USES, INCLUDING BUT NOT LIMITED TO SMALL ENGINE GO CART RACING OUTDOOR AND INDOOR SPORTS (NON-MOTORIZED), ENTERTAINMENT, AND GENERAL COMMERCIAL OFFICE; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SETBACK LIMITS; TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO PUBLIC AND PRIVATE INFRASTRUCTURE SUCH AS STREETS, PARKING LOTS AND STORMWATER MANAGEMENT FACILITIES; ~~TO INCLUDE ADDITIONAL MORE DETAILED SITE INFORMATION PERTAINING TO THE PROPOSED MULTI-FAMILY RESIDENTIAL APARTMENTS TO BE LOCATED SOUTH OF WEST RAWSON AVENUE, AND TO THE STADIUM, INDOOR SPORTS FACILITY AND THE RETAIL/OFFICE/COMMERCIAL BUILDINGS TO BE LOCATED NORTH OF WEST RAWSON AVENUE AND TO ALLOW A THREE MONTH EXTENSION OF THE FIRST BUILDING PERMIT TIME LIMIT IN CONDITION NUMBER 27 IN PLANNED DEVELOPMENT DISTRICT NO. 37, ORDINANCE NO. 2016-2212 (7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS, LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, MILWAUKEE COUNTY, WISCONSIN DEPARTMENT OF TRANSPORTATION AND FF & E, LLC PROPERTY OWNERS)~~

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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

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CONTAINING IN ALL 8,951,502 SQUARE FEET (205.498 ACRES) OF LAND, MORE OR LESS; and

WHEREAS, Ballpark Commons, LLC, applicant, having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the district in the following manner: to allow additional uses as permitted uses, including but not limited to sports medicine medical offices/facilities, indoor/outdoor golf driving range, and indoor/outdoor entertainment uses, music and sporting events; to allow as a special use small engine go cart racing; to revise certain district standards including but not limited to building height and building setback limits; to include additional more detailed site information pertaining to public and private infrastructure such as streets, parking lots and stormwater management facilities; to include additional more detailed site information pertaining to the proposed multi-family residential apartments to be located south of West Rawson Avenue, and to the stadium, indoor sports facility and the retail/office/commercial buildings to be located north of West Rawson Avenue and to allow a three month extension of the first building permit time limit in condition number 27 in Planned Development District No. 37, Ordinance No. 2016-2212; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of December, 2017, and the Plan Commission 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

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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: §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow additional uses as permitted uses, including but not limited to indoor/outdoor golf driving range, general retail, sports medicine, restaurants and indoor/outdoor entertainment uses, music and sporting events~~drinking establishments~~; to allow additional uses as a special uses, including but not limited to small engine go cart racing~~outdoor and indoor sports (non-motorized), entertainment, and general commercial office~~; to revise certain district standards including but not limited to building height and building setback limits; to include additional more detailed site information pertaining to public and private infrastructure such as streets, parking lots and stormwater management facilities; to ~~include additional more detailed site information pertaining to the proposed multi-family residential apartments to be located south of West Rawson Avenue, and to the stadium, indoor sports facility and the retail/office/commercial buildings to be located north of West Rawson Avenue and to allow a three month extension of the first building permit time limit in condition number 27 in Planned Development District No. 37, Ordinance No. 2016-2212, subject to the following conditions:~~

1. That Ordinance 2016-2212 Section 2: Section 15-3.0442A. B. 1. Permitted Uses be revised to include Snowshoeing, Indoor and Outdoor Soccer, Indoor and Outdoor Volleyball, Indoor and Outdoor Golf, Indoor and Outdoor Baseball, General Retail (excluding eating and drinking establishments), Slides/Children's Play Areas, and to remove "restaurant" physical therapy, sports medicine, medical offices, fitness studios/gyms, restaurants/eating and drinking establishments.

2. That Ordinance 2016-2212 Section 2: Section 15-3.0442A, B. 2. Special Uses be revised to include Climbing Walls, Physical Therapy, Sports Medicine, Medical Offices, Fitness Studios/Gyms, Restaurants/Eating and Drinking Establishments, Outdoor and Indoor Sports (non-motorized) not elsewhere classified, Entertainment Outdoor and Indoor Music, General Commercial Office, Electric Vehicle Racing, and to remove "Indoor Sports Complex".
3. That Ordinance 2016-2212 Section 2: Section 15-3.0442A, C.3. Maximum Building Height be revised to 3 stories or 45 feet. The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit. The proposed Indoor/Outdoor Golf Facility's netting may exceed this height limitation subject to Plan Commission approval of the associated Site Plan. The proposed Stadium lights may exceed this height limitation subject to Plan Commission approval of the associated Site Plan and Common Council approval of a Lighting Study pursuant to Ordinance 2006-2212, Section 3: Conditions of Approval No.5.

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4. That the applicant shall incorporate any requested changes and revisions not resolved in the current PDD Amendment request into future PDD Amendment application(s) for further review and consideration by the City of Franklin.
5. That Ordinance No. 2016-2212, Section 3: Conditions of Approval be revised to include after the first sentence "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".
6. That Ordinance No. 2016-2212 Condition of Approval No. 27 be revised to allow a three month extension of the first building permit time limit.
7. [other]

SECTION 2: All other applicable terms and provisions of §15-3.0442, shall apply to the subject Ballpark Commons, LLC Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) district revisions, and all terms and provisions of §15-3.0442 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of December 21, 2017

**Planned Development District No. 37 Amendment,  
Special Use, and Natural Resource Special Exception**


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**RECOMMENDATION:** City Development staff recommends approval of the Planned Development District No. 37 (The Rock Sports Complex – Ballpark Commons) amendment, the Special Use, and the Natural Resource Special Exception, subject to the conditions of approval in attached draft ordinance, resolution, and Standards, Findings, and Decision.

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<b>Project Name:</b>	The Rock Sports Complex/Ballpark Commons PDD No. 37 Amendment, SU, and NRSE
<b>Project Address:</b>	7900 W. Crystal Ridge Drive and vicinity
<b>Applicants:</b>	Ballpark Commons, LLC
<b>Property Owners:</b>	Milwaukee County, Wisconsin Department of Transportation, Zim-Mar Properties LLC, FF & E LLC
<b>Current Zoning:</b>	PDD No. 37 and FW Floodway District
<b>2025 Comprehensive Plan:</b>	Mixed Use and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Root River Parkway (Village of Greendale) to the north, S. 76 <sup>th</sup> Street and single-family residential to the east, Loomis Road (State Highway 36) to the south, and single-family residential to the west.
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District amendment, Special Use, and Natural Resource Special Exception.

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Please note:

- Staff recommendations are underlined, in italics, and are included in the draft PDD amendment ordinance, Special Use resolution, or NRSE Standards, Findings and Decision.
- Staff suggestions are only underlined and are not included in the draft PDD amendment ordinance, Special Use resolution, or NRSE Standards, Findings and Decision.
- **On December 12, 2017, the applicant indicated they were also requesting a PDD Amendment for a proposed senior housing development (as a permitted use) in place of buildings A1, A2, and C7, and Site Plan approval of the four apartment buildings labeled B1, B2, B3, and B4. As these are substantive changes which were not included in the public hearing notices nor in the applicant's materials at that time, no action can be taken on these two requests at this time. The applicant will need to resubmit a PDD Amendment application, and a Site Plan application, for these two matters to proceed.**

- As the applicant has submitted few site plan level details, and as the applicant has not requested any site plan approvals at this time (other than for four of the apartment buildings located south of Rawson Avenue), staff has only conducted a cursory review of that information, and therefore is providing few site plan related comments, recommendations, or suggestions at this time. Such review is anticipated to be provided when additional information is provided as part of future PDD Amendment requests from the applicant.
- Although the applicant has indicated that a copy of Ordinance No. 2016-2212 has been provided which highlights the proposed changes to the Ballpark Commons PDD standards, many of the proposed changes have not been highlighted, and some of the current standards have been removed or otherwise revised without any highlighting. Therefore, staff has been unable to complete its review of all of the proposed PDD changes. Staff anticipates continued review of the proposed changes, for inclusion into future PDD Amendment requests from the applicant.

### **INTRODUCTION:**

On April 4, 2016, the Common Council approved, with a number of conditions, Ordinance No. 2016-2212 amending PDD No. 37 to revise the The Rock Sports Complex -- to expand the Planned Development District and to create the Ballpark Commons sports anchored mixed use development. The Ordinance states in part:

“The plans contained in the following Exhibits are only of sufficient detail as to satisfy the Plan Commission and the Common Council as to the general character, scope, and appearance of the proposed development. The approval of such preliminary plans shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses as set forth in the Unified Development Ordinance Section 15-9.0208E.7.”

It can also be noted that a majority of the conditions of approval for the PDD amendment dealt with the provision of additional details (i.e. architectural drawings, comprehensive outdoor sound and lighting studies, traffic impact analysis, etc.) prior to any development.

On October 2, 2017, October 16, 2017, and October 20, 2017, Ballpark Commons LLC submitted applications and information for:

- A Planned Development District (PDD) amendment to amend various PDD No. 37 district standards such as building heights, building setbacks, permitted uses, etc.
- A Special Use to obtain approval of the stadium use and various associated uses and activities.
- A Natural Resource Special Exception (NRSE) to obtain approval to clear, grade, fill and development approximately 21 acres of various protected natural resource features including wetlands, wetland buffers, wetland setbacks, mature woodlands, and floodplain.

As noted above, other than the apartments labeled B1, B2, B3, and B4, the applicant has not yet requested any site plan approvals. The applicant is, however, requesting approval to begin construction of the primary utilities, infrastructure, roads, and parking lots for the Ballpark

Commons project. Technical review of those plans is underway by the Engineering Department but is not yet complete. In particular, "Engineering staff has not completed a full review at this time. Plans were received by the Department on December 4, 2017, and comments will be issued as soon as possible."

### **CURRENT STATUS OF REVIEWS AND APPROVALS:**

In regard to the current status of the various reviews and approvals related to the Ballpark Commons project, it can be noted:

#### City of Franklin

- The Common Council approved the Project Plan for the Creation of Tax Incremental District No. 5 on September 6, 2016.
- The Environmental Commission, at its November 29, 2017 meeting, recommended approval of the NRSE subject to receipt of all DNR and ACOE permits, compliance with any changes made by staff prior to the December 21, 2017 Plan Commission meeting, and consideration of a maintenance agreement for woodland and buffer areas mutually agreed upon between the owner and staff.
- The Common Council has approved a resolution requesting the County vacate Crystal Ridge Drive and portions of West Old Loomis Road, subject to conditions. The land under each road is owned by the State of Wisconsin Department of Transportation (WisDOT). The County has completed a similar vacation request to WisDOT. WisDOT has expressed willingness to accommodate the requests subject to conditions. Representatives of all three levels of government are working with the development team to finalize terms, timelines and responsibilities associated with the transfers.
- Staff is working with the development team to negotiate terms of the development agreement.
- Staff is working with financial consultants to conduct a revised feasibility analysis for the tax incremental finance district (TID) based on the proposed site plan changes. Preliminary analysis suggests the new plan scenario will increase the total assessed value of the TID, post construction, by \$24 million over the previous plan. This does not include potential plans for the addition of senior housing, which are generally assumed to further increase TID revenue and construction timelines. The TID #5 Project Plan anticipated a total assessed value at project completion of \$101,167,000. The new plan scenario anticipates a total assessed value of approximately \$125,800,000. This represents an increase in net annual tax increment of \$650,000 to the district. Several factors have increased the anticipated TID value including, the planned acquisition of tax exempt land, increased building materials and tenants and market factors. NOTE: The estimated values of structures are based on the proposed site plan which includes modifications to PDD requested by the developer. If certain PDD modifications are not granted, it may impact building sizes, in turn, impact TID values. This could include changes to setback requirements, building heights, uses impacting potential tenants, etc. As always, staff will work with the developer to understand any site plan changes and work with financial analysis consultants, as necessary, to evaluate potential impacts on the TID.

#### Milwaukee County

- See the update on vacation of roads above.
- The Milwaukee County board has conditionally approved the sale of portions to Zim-Mar Properties LLC. A closing date is anticipated in early 2018.
- A condition of the County's land sale includes language related to sound and light, with the goal of setting objective metrics for analysis and ensuring County recourse for violations. Those terms are included elsewhere in the packet.
- Milwaukee County has provided conditions of approval for acceptance of the traffic impact analysis (TIA), by letter dated November 28, 2017. The development team is working with the City and County to address those conditions.

#### Wisconsin Department of Natural Resources

- The Wisconsin Department of Natural Resources has concurred with the wetland delineations within the Ballpark Commons project area, including a determination that many of the wetlands have been exempted from State regulations, by letters dated July 21, 2016, February 27, 2017, May 18, 2017, and May 19, 2017.
- The applicant's consultant The Sigma Group, has submitted a Closure Plan Modification and Exemption to Develop on a Closed Landfill, Milwaukee County Franklin Landfill, License Number 881, to the Wisconsin Department of Natural Resources on December 6, 2017.
- A public informational hearing in regard to the applicant's request to fill wetlands has been scheduled by the Wisconsin Department of Natural Resources for December 20, 2017.

#### Wisconsin Department of Transportation

- The Wisconsin Department of Transportation, by letter dated October 16, 2017, has reviewed the Ballpark Commons Traffic Impact Analysis and has identified a list of improvements that are to be constructed for the project, such that the development can now proceed to the Department's permit process.
- WisDOT has suggested a willingness to sell portions of land under and near Crystal Ridge Drive and W. Old Loomis Road. The development team is working with WisDOT to coordinate terms, timelines and responsibilities for acquisition and coordination with the previously mentioned road vacations.

#### **PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT:**

Staff is recommending, with agreement from the applicant, that the Plan Commission classify the proposed amendment as a Major PDD Amendment. It can be noted that Major PDD Amendments are reserved for changes to the exterior boundary of, or proposed uses within, the PDD.

The applicant has provided the following PDD Amendment related materials:

- Ordinance No. 2016-2212, which identifies with bold font the specific changes requested by the applicant.

- The document titled 'Ballpark Commons November 2017 PDD 37 Master Guidelines', which provides a summary of the revised Ballpark Commons project, as well as further information on the proposed changes to the PDD standards.
- The document titled 'City of Franklin – Applicant's BPC Response to Staff Comments Department of City Development', which provides the applicant's responses to staff's comments of the information provided by the applicant in October of 2017.
- Various maps, figures, and tables, including Conceptual Site Plans, Landscape Plans, Lighting Plans, a preliminary Parking Analysis, etc.

#### SUMMARY OF PROPOSED CHANGES TO THE BALLPARK COMMONS PROJECT

Based upon the information provided by the applicant, a number of changes are being proposed for the Ballpark Commons project. It is important to note that the City's approval of the PDD No. 37 amendment in April of 2016 was based upon preliminary plans, and it was specifically noted that additional more detailed plans would be required prior to any further approvals or development. In that regard:

- The baseball stadium, originally proposed as an approximately 2,500 seat and 4,000 total spectator capacity stadium with multiple accessory uses and activities:
  - Is now proposed as a 4,000 seat (with a potentially larger total capacity) baseball/soccer stadium, also serving as the home field for a professional and/or summer college soccer team.
    - Staff recommends that Ordinance 2016-2212 Section 2: Section 15-3.0442A, B. 1. Permitted Uses be revised to include Snowshoeing, Indoor and Outdoor Soccer, Indoor and Outdoor Volleyball, Indoor and Outdoor Golf, Indoor and Outdoor Baseball, General Retail (excluding eating and drinking establishments), Slides/Childrens Play Areas, and to remove "restaurant".
    - Staff recommends that Ordinance 2016-2212 Section 2: Section 15-3.0442A, B. 2. Special Uses be revised to include Climbing Walls, Physical Therapy, Sports Medicine, Medical Offices, Fitness Studios/Gyms, Restaurants/Eating and Drinking Establishments, Outdoor and Indoor Sports (non-motorized) not elsewhere classified, Entertainment Outdoor and Indoor Music, General Commercial Office, Electric Vehicle Racing, and to remove "Indoor Sports Complex".
    - Staff would note that activities/events such as walks/runs, seasonal events, food trucks, etc. would continue to require Extraordinary Entertainment & Special Event or Temporary Use approvals. Staff would be open to considering these uses as permitted uses subject to the provision of more details as part of future PDD Amendments.
    - See the Special Use section of this report for further information about the proposed stadium.
- The multi-purpose indoor sports facility, originally proposed as a family fun center and a entertainment/recreation/event venue:

- Is now proposed to be an indoor baseball/soccer facility and performance training academy and with an attached 2- to 3-story sports medicine, physical therapy, etc. uses building.
  - As noted under the stadium discussion above, the indoor sports facility, and many of the envisioned uses, are recommended to be permitted uses.
  - Although staff has numerous concerns about the quantity and location of parking available for these and adjacent uses, and does not support the requested building height and building setback changes proposed by the applicant, Staff recommends that Ordinance 2016-2212 Section 2: Section 15-3.0442A. C.3. Maximum Building Height be revised to 3 stories or 45 feet. Staff would be open to considering additional building setback or height limit changes, and possibly use changes, subject to the provision of more site details and a more detailed parking analysis as part of a future PDD Amendment.
- The Sports Village Commercial/Mixed Use Area (north of Rawson Avenue), originally proposed as an unknown number of mixed use buildings (possibly with apartments on the upper floors) not to exceed 4 stories each:
  - Is now proposed as two softball fields and four buildings comprised of: one 3-story office/retail building; a 3-story indoor/outdoor golf facility with two attached single-story buildings (possibly one retail building and one restaurant building); and two 1 – 3 story retail/restaurant/office buildings.
    - As previously noted, the applicant has proposed numerous changes to the PDD standards, but has not clearly identified those changes, and staff has numerous concerns about the quantity and location of parking. However, staff would be open to considering some of the proposed changes subject to the provision of more detailed information.
- The Commercial Area (south of Rawson Avenue), originally proposed as two smaller up to 4 story mixed use buildings with office/retail/commercial uses on the ground floor and apartments above, and a 5-story hotel:
  - Is now proposed to be one larger 4-story mixed use building, and a 5-story hotel (or possibly a senior housing development in place of the hotel and two adjacent apartment buildings).
    - As previously noted, the applicant has proposed numerous changes to the PDD standards, but has not clearly identified those changes, and staff has numerous concerns about the quantity and location of parking. However, staff would be open to considering some of the proposed changes subject to the provision of more detailed information.
- The Multi-Family Residential Area (south of Rawson Avenue), originally proposed as approximately 300 apartments within 13 buildings consisting of up to six 5-unit 2-story buildings and up to seven 39-unit 3-story buildings:
  - Is still proposed for about 300 apartments, but within four approximately 50-unit 3-story buildings, and two approximately 50-unit 4-story buildings (or possibly a senior housing development in place of two apartment buildings and the adjacent hotel).

- As previously noted, although the applicant has requested Site Plan approval for four of these buildings, neither this request nor the required Site Plan application and associated information was provided at the time of the public hearing notice. As such, a Site Plan application, and City review/consideration is still required.
- The approximately 60' wide and 8' high landscaped berm:
  - Is now proposed as a 60' wide landscape easement north of Rawson Avenue with a landscaped berm varying in height from about 5' to 10' and in width from about 40' to 60'. And a 150' wide landscape easement south of Rawson Avenue with a landscape berm varying in height from about 0' to 10' and in width from about 20' to 50'.
    - Due to the important bufferyard and natural resource mitigation functions provided by this berm and associated landscape/conservation easement, staff does not recommend approval of the height of the berm as proposed. Specific recommendations in this regard are provided in the NRSE section of this report.

Due to the significance of the proposed changes, the uniqueness and inter-relatedness of many of the aspects of this project, and the need for additional details and corrections, staff suggests that the PDD Amendment be tabled until such time as additional details, and associated Site Plans, can be submitted for review concurrently with the proposed PDD changes. Alternatively, staff recommends that the applicant shall incorporate any requested changes and revisions not resolved in the current PDD Amendment request into future PDD Amendment application(s) for further review and consideration by the City of Franklin.

Due to the significance and extent of the changes proposed to the Ballpark Commons project since its approval in April 2016, and due to the potentially significant impact upon City services and facilities, staff suggests that the applicant prepare a revised and updated Market Analysis of the Ballpark Commons project, including an analysis of its fiscal impact upon the City and its provision of services to this area, for staff review and approval, prior to the submittal of any further PDD Amendments or Site Plan submittals.

The applicant is also requesting approval to allow, prior to the provision of additional information pertaining to architectural drawings, comprehensive outdoor sound and lighting studies, traffic impact analysis, etc.:

- modifications to the methane control system, onsite gas and leachate monitoring network, the landfill cap, and disturbed waste management;
- construction of the public sanitary sewer, water, and stormwater systems for the Ballpark Commons project;
- construction of the private utilities for the Ballpark Commons project;
- construction of the public roads;
- construction of the parking lots envisioned for the stadium/golf facility/indoor sports facility; and
- to allow a three month extension of the first building permit time-limit.

In recognition of the amount of design and engineering work already completed for this project, and the constraints on building locations imposed by the presence of the landfill, Loomis Road, Rawson Avenue, and 76<sup>th</sup> Street, staff generally agrees with the proposed locations of the utilities and infrastructure needed for this project and has no objections should the applicant wish to proceed with the design, review, construction, and installation of the utilities and infrastructure noted above, subject to receipt of all other required permits and approvals. Therefore, staff recommends that Ordinance No. 2016-2212, Section 3: Conditions of Approval be revised to include after the first sentence "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". Staff also recommends that Ordinance No. 2016-2212 Condition of Approval No. 27 be revised to allow a three month extension of the first building permit time limit.

Parking: As previously mentioned in this report, staff has concerns about the quantity and location of parking currently proposed within PDD No. 37, although associated primarily with that portion of Ballpark Commons north of Rawson Avenue. In particular:

- Use of the City's parking standards set forth in the UDO, in conjunction with the building uses and building sizes shown on some of the conceptual site plans, staff calculates that the amount of parking proposed is about 900 spaces less than would be required by the UDO.
- Demand for parking will most often occur for the retail, restaurant, and office uses within Buildings C1, C2, C3, and C4, while the largest amount of parking needed will be for those uses and activities associated with the stadium. However, much of the available parking is not in close proximity to the retail/restaurant/office uses, and that which is would be in high demand from many competing users. When the close parking is full, it may discourage potential customers.
- A Parking Analysis has been prepared by the applicant, which could potentially identify a need for less parking. However, the parking standards utilized in the analysis are in most cases much lower than the UDO standards, do not contain a break-down of the uses and parking needs of each use within the mixed use buildings or the stadium, and in some instances do not utilize the building sizes shown on the conceptual site plans. In addition, staff does not agree with some of the hourly break-downs of parking needs for the individual buildings.
- The Police Department has indicated that the existing parking lots often fill up on tournament nights and overflow into Crystal Ridge Drive. Staff would note that when reconstructed, Crystal Ridge Drive would provide less onstreet parking.
- The Police Department has concerns about traffic flow within the Ballpark Commons project during large parking events and in particular, how that traffic will impact traffic on Rawson Avenue, and has requested a detailed study of those situations.
- Due to these concerns, staff will likely recommend that additional parking be provided. The exact amount, location, and timing of such parking would be subject to review of any additional information and revised parking analyses as may be provided by the applicant, and approval by the City, but could potentially include replacement of the two ballfields currently proposed between Crystal Ridge Drive and Loomis Road, additional underground parking, etc.

### **SPECIAL USE:**

The applicant is only requesting use approval for the proposed stadium, including its associated uses and activities. In particular, the applicant indicates that the stadium will include:

- Seating for approximately 4,000 persons.
- Use as the home field for an independent minor league baseball team, the University of Wisconsin - Milwaukee baseball team, and a professional and/or summer college soccer team.
- Use as an extension of the current sports programming at The Rock Sports Complex.
- Use for civic events, entertainment events, etc.
- Interactive events or zones, such as music, fan engagement, games (shooting gallery), amusement rides, educational experiences, playgrounds, etc.
- Temporary activities such as petting zoos, etc.
- Food and beverage offerings (including alcohol) utilizing typical concession stands, mobile concession stands, food trucks, etc.

Note that the applicant has provided responses to the Special Use Standards and Regulations form, which is attached.

Staff has no objection to special use approval of the stadium and most of its associated uses and activities, however, staff does have concerns with any uses or activities which could have impacts that extend outside the stadium itself. These potential impacts would most likely be associated with the sound and light studies/conformance with the sound and light standards established by Milwaukee County in its approval of the land sale to Zim-Mar Properties LLC, and any the lighting-, sound-, and parking-related standards contained within the PDD and UDO. The Police Department has also noted that its "most important concerns are related to the light and noise impact: all available means to mitigate the lights and noise issues must be required, especially the noise. The county's requirements need to be acknowledged and accepted."

Therefore, staff recommends that the applicant shall revise the special use request to prohibit the following uses--concerts, fireworks, motorized amusement rides, motorized vehicles, tailgating, and any activities that would exceed the seating capacity of the stadium, until such time as a Special Use amendment can be submitted by the applicant which includes confirmation of conformance with all of the joint Milwaukee County/Ballpark Commons, PDD No. 37 and Unified Development Ordinance sound and light standards and PDD No. 37 and UDO parking-related standards, for review and approval by the City of Franklin. Staff further recommends that the subject Special Use approval be contingent upon City of Franklin review and approval of all other required permits and approvals, including but not limited to Site Plan approval(s), Building Permit and Occupancy Permit approval(s), Sign Permits, Liquor License approvals, Health Department inspections, etc.

Pursuant to the amount of information that already has been submitted related to the stadium use, staff recommends that this Special Use approval allow consideration of the required site plan approval through a Site Plan Application review by the Plan Commission.

### **NATURAL RESOURCE SPECIAL EXCEPTION (NRSE):**

Along with the Natural Resource Special Exception materials discussed below, the applicant has provided a Natural Resource Protection Plan with which staff has no comments or concerns. As noted below, the DNR has concurred with the wetland delineations, and the applicant has provided a detailed tree survey.

### **EXISTING RESOURCES/STATUS OF APPROVALS**

The applicant has provided the attached "Natural Resource Special Exemption Application" information, and indicates in those documents:

- Approximately 37.29 acres of protected natural resource features (comprised of wetlands, wetland buffers, wetland setbacks, mature woodlands, floodplain, and shore buffer overlapping floodplain) currently exist within the subject property.
- The wetland delineations were conducted in April and May 2016.
- The Wisconsin Department of Natural Resources concurred with the wetland delineations by letters dated July 21, 2016 and May 18, 2017.
- The Wisconsin Department of Natural Resources exempted all or portions of 17 wetlands (primarily located along ditches) as part of an Artificial/Exempt Wetland Determination by letters dated February 27, 2017 and May 19, 2017.
- The mature woodlands are comprised of more than 1,000 trees over 8" in diameter, of which, about 285 or about 28 percent (primarily comprised of Ash trees), are dead or dying.

As noted by the applicant, while the subject wetland information has been provided to the U.S. Army Corps of Engineers (ACOE), no response has been received yet. It is possible that permits may be required from the ACOE for the proposed wetland fill, which permitting process is also underway with the Wisconsin Department of Natural Resources (DNR). Therefore, staff recommends that the applicant shall obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted. Please note that land disturbing activities not within or adjacent to natural resource features could proceed prior to such DNR and ACOE approvals. However, revised Grading and Erosion Control Plans, incorporating protection of all of the existing natural resource features would be required, for prior review and approval by the City.

**It is important to note that the subject NRSE application and the PDD Amendment application materials include few site plan details. As such, the location and/or amount of impact upon protected natural resource features could potentially change.** For instance, should the size and/or location of the stormwater ponds change, or another extension of the Oak Leaf Trail be constructed adjacent to the Root River, additional natural resource impacts would likely occur and another NRSE would be required. In addition, other than the installation of essential services as defined in the UDO, temporary land disturbing activities are only allowed within wetland setbacks.

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering

the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached.

#### ENVIRONMENTAL COMMISSION

Attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission has completed and must forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

The Environmental Commission, at its November 29, 2017 meeting, has recommended approval of the NRSE subject to receipt of all DNR and ACOE permits, compliance with any changes made by staff prior to the December 21, 2017 Plan Commission meeting, and consideration of a maintenance agreement for woodland and buffer areas mutually agreed between owner and staff.

#### PROPOSED IMPACTS:

Based upon revised information provided by the applicant subsequent to the Environmental Commission meeting, the applicant is requesting approval to:

- Clear, grade, fill and develop approximately 21.05 acres (about 56 percent of the total) protected natural resource features, comprised of the following:
  - Approximately 2.0 acres of wetlands which have received an Artificial/Exempt Wetland Determination from the Wisconsin Department of Natural Resources.
  - Approximately 1.35 acres (about 68 percent of the total) non-exempt wetlands.
  - Approximately 4.27 acres (about 77 percent of the total) wetland buffers.
  - Approximately 3.98 acres (about 88 percent of the total) wetland setbacks.
  - Approximately 9.27 acres (about 77 percent of the total) mature woodlands.
  - Approximately 0.18 acre (about 2 percent of the total) floodplain.

Of the proposed impacts, approximately 0.18 acre consist of floodplain which is being impacted by a stormwater pond's rip-rap outfall and by a sanitary sewer extension. Both of these impacts are permitted activities within the floodplain subject to installation of appropriate erosion control and site restoration measures.

The subject floodplain, shore buffer, wetlands, and woodlands associated with the Root River are also part of a Primary Environmental Corridor as defined by the Southeastern Wisconsin Regional Planning Commission. The applicant indicates that approximately 5.0 acres of the 18 acre Primary Environmental Corridor will be impacted (cleared, filled, and graded) for the proposed stormwater management pond.

#### PROPOSED MITIGATION

The applicant has proposed onsite mitigation comprised of various enhancement and restoration activities, with three years of monitoring/maintenance, including:

- new wetland creation in the southern portion of the subject area, adjacent to Wetland Areas 12 and 13, approximately 0.75 acre;

- existing wetland enhancement and restoration, associated with Wetland Areas 12 and 13 located in the southern portion of the subject area, approximately 0.55 acre;
- establishment of wetland buffers within the Ballpark Commons' two proposed stormwater management ponds (one located at the far northern portion of the subject area near the Root River and one located at the far southern portion of the subject area near Old Loomis Road), approximately 5.5 acres; and
- establishment of new woodlands along portions of a landscaped berm proposed along the entire western boundary of the subject area, approximately 8.5 acres.

#### Wetlands/Buffer/Setback:

It appears that the Restoration Planting Plan maps may have inadvertently transposed the Wetland Seed Mix and Buffer Mix areas, if so, these maps and corresponding tables and acreages shall be revised accordingly. Review of the Buffer/Wetland Plant Schedule indicates that a Callery Pear cultivar (i.e. *Pyrus calleryana*) is proposed. As this tree is a very aggressive growing species with invasive traits, proposed adjacent to and as part of the proposed mitigation, staff recommends that the applicant shall revise the Restoration Planting Plan, maps, and associated Plant Schedules to replace all aggressive/invasive plants such as the *Pyrus calleryana* with more appropriate native species, for Department of City Development review and approval prior to issuance of any Building Permits.

As shown on the Natural Resource Protection Plan Proposed Conditions North map, the Oak Leaf Trail has recently been constructed north of the existing ski hill, and extends through an existing wetland and associated buffers and setbacks. As such, and as the applicant's proposed wetland/buffer/setback mitigation for the Ballpark Commons project is less than the UDO mitigation guideline of 1.5 to 1 (it is approximately 1 to 1 of compensation for each acre of wetland impact, and about 0.7 to 1 of compensation for each acre of wetland buffer/setback impact), staff recommends that the applicant shall revise the Wetland and Buffer Restoration Plan and associated maps to incorporate additional mitigation to be comprised of existing wetland, wetland buffer, and/or wetland setback enhancement and restoration of Wetland Area E and/or of the adjacent Root River wetland/shore buffer area, for Department of City Development review and approval prior to issuance of any Building Permits. In addition, staff suggests that the amount and type of mitigation meet the UDO guideline of 1.5 to 1, and that it be designed in such a manner as to be an amenity to the adjacent Oak Leaf Trail.

It should be noted that the stormwater management plan for the Ballpark Commons project, including the large stormwater ponds, have not yet been reviewed nor approved by the City. Staff recommends that the applicant shall revise the stormwater management plan to incorporate the proposed mitigation, for Engineering Department and Department of City Development review and approval, prior to issuance of any Building Permit. Furthermore, staff recommends that the applicant shall revise the Wetland and Buffer Restoration Plan and associated maps to ensure adequate access to and maintenance of the stormwater management ponds while at the same time ensuring that excessive disturbance of the mitigation areas is not allowed, for review and approval by the Engineering Department and the Department of City Development prior to issuance of any Building Permit. In addition, staff suggests that the northern stormwater pond be re-designed in such a fashion as to minimize its impact upon the existing woodlands and Primary Environmental Corridor, for review by the Southeastern Wisconsin Regional Planning

Commission and approval by the Engineering Department and the Department of City Development.

Woodlands:

The applicant indicates that approximately 8.5 acres of woodlands, associated with the landscaping of the berm along the entire western boundary of the Ballpark Commons project, will be created. The applicant has also indicated that the amount of created woodlands is based upon the UDO mitigation standards, and does not double count the UDO required landscaping including the 20 percent additional plantings required when more dense development is proposed adjacent to existing residential development.

However, it can be noted that the applicant did not:

- calculate the amount of landscape plantings required for all of the parking lots within Ballpark Commons (which would increase the amount of landscaping needed in the bufferyard);
- calculate the amount of landscaping proposed elsewhere within Ballpark Commons (which would decrease the amount of landscaping needed in the bufferyard);
- calculate the amount of landscape plantings for each planting type (which would increase the amount of landscaping needed in the bufferyard); and
- calculate the amount mitigation plantings of canopy trees with a minimum 4" caliper (which would increase the amount of landscaping needed in the bufferyard).

Therefore, *staff recommends that the applicant shall revise the Berm Planting Plan to ensure that all UDO landscape and mitigation planting standards are addressed, for Department of City Development review and approval prior to issuance of any Building Permits.* In addition, *staff recommends that should it be determined that additional plantings are needed but would not be appropriate along the berm, that such additional plantings be placed adjacent to the Root River woodlands within or adjacent to the Primary Environmental Corridor and the Oak Leaf Trail, for Department of City Development review and approval prior to issuance of any Building Permits.* In this regard, it can be noted that prior disturbances have occurred within and adjacent to the Primary Environmental Corridor, and while comprised of a significant amount of dead, dying, or otherwise sub-optimum trees, that a number of healthy native tree species also exist within the large expanse of woodlands associated with the Root River.

Additional Considerations:

As required by the Unified Development Ordinance, all natural resource features to remain, as well as all mitigation areas, must be included within a Conservation Easement, therefore, *staff recommends that the natural resource features and mitigation areas upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted, prior to issuance of any Occupancy Permits. Staff further recommends that the applicant shall revise the Natural Resource Protection Plan maps to identify the location of the Landscape/Conservation Easement, for Department of City Development review and approval prior to issuance of any Building Permits.*

Pursuant to condition #20 of Ordinance No. 2016-2212 (amending PDD No. 37 to incorporate the Ballpark Commons sports anchored mixed use development), "a minimum 60' wide

landscape buffer, including a minimum 8' high berm, to be located along the entire western boundary of PDD No. 37..." is required. Accordingly, the applicant is currently proposing a 60' wide landscape easement north of Rawson Avenue, and a 150' wide landscape easement south of Rawson Avenue, well addressing this aspect of the PDD requirement. However, it can be noted that the berm height north of Rawson Avenue varies from about 5' high to about 10' high, and that the berm height south of Rawson Avenue varies from about 0' to about 5' high. Therefore, staff recommends that the applicant shall revise the Berm Planting Plan and other associated plans to reflect an average berm height of 8' south of Rawson Avenue, for Department of City Development review and approval prior to issuance of any Building Permits. Staff would note that if approved, this condition would supercede condition #20 of the current PDD Ordinance.

As the proposed landscape berm along the entire western portion of the Ballpark Commons project area is required not only as a bufferyard to the adjacent residential development, but is also being utilized as a significant component of the proposed natural resource mitigation, staff recommends that the applicant shall include within the Landscape/Conservation Easement documents that the berm and associated landscaping shall be installed simultaneously with grading of the adjacent areas, and maintained in perpetuity, which duration may be revised by approval of both the City of Franklin and the subject property owner, for review by City staff and approval by the Common Council prior to recording of the easements and issuance of any Occupancy Permits. It can be noted that the current PDD No. 37 Ordinance already requires that the landscaping associated with the berm along the entire western boundary of the PDD be maintained in perpetuity.

In addition, staff recommends that all mitigation shall be monitored and maintained for 5 years, and that the applicant shall revise all pertinent plans and documents accordingly, for Department of City Development review and approval prior to issuance of any Building Permits. Furthermore, staff recommends that all non-berm related mitigation practices shall be installed prior to issuance of any Occupancy Permits. Conversely, staff suggests that all non-berm related mitigation practices be installed in conjunction with installation of the stormwater management facilities.

Pursuant to Section 15-4.0103D. of the UDO, staff recommends that the applicant shall provide a Letter of Credit or other financial surety acceptable to the Common Council for the cost of installation and five years monitoring and maintenance of the approved natural resource mitigation, for staff review and Common Council approval, prior to issuance of any Building Permits.

### **CONCLUSION:**

City Development staff recommends approval of the Planned Development District No. 37 (The Rock Sports Complex – Ballpark Commons) amendment, the Special Use, and the Natural Resource Special Exception, subject to the conditions of approval in attached draft ordinance, resolution, and Standards, Findings, and Decision.

Furthermore, in recognition of the amount of design and engineering work already completed for this project, and the constraints on building locations imposed by the presence of the landfill,

Loomis Road, Rawson Avenue, and 76<sup>th</sup> Street, staff generally agrees with the proposed locations of the utilities and infrastructure needed for this project and has no objections should the applicant wish to proceed with the design, review, construction, and installation of the utilities and infrastructure noted above, subject to receipt of all other required permits and approvals.

However, as previously noted:

- On December 12, 2017, the applicant indicated they were also requesting a PDD Amendment for a proposed senior housing development (as a permitted use) in place of buildings A1, A2, and C7, and Site Plan approval of the four apartment buildings labeled B1, B2, B3, and B4. As these are substantive changes which were not included in the public hearing notices nor in the applicant's materials at that time, no action can be taken on these two requests at this time. The applicant will need to resubmit a PDD Amendment application, and a Site Plan application, for these two matters to proceed.
- As the applicant has submitted few site plan level details, and as the applicant has not requested any site plan approvals at this time (other than for four of the apartment buildings located south of Rawson Avenue), staff has only conducted a cursory review of that information, and therefore is providing few site plan related comments, recommendations, or suggestions at this time. Such review is anticipated to be provided when additional information is provided as part of future PDD Amendment requests from the applicant.
- Although the applicant has indicated that a copy of Ordinance No. 2016-2212 has been provided which highlights the proposed changes to the Ballpark Commons PDD standards, many of the proposed changes have not been highlighted, and some of the current standards have been removed or otherwise revised without any highlighting. Therefore, staff has been unable to complete its review of all of the proposed PDD changes. Staff anticipates continued review of the proposed changes, for inclusion into future PDD Amendment requests from the applicant.





## VILLAGE OF GREENDALE



6500 NORTHWAY  
GREENDALE, WI 53129  
414-423-2100  
FAX 414-423-2107  
[www.greendale.org](http://www.greendale.org)

January 4, 2018

Re: The Village of Greendale Objects to Development at The Rock Sports Complex/Ballpark Commons Development

Dear Sir or Madam:

On January 2, 2018, the Greendale Village Board unanimously approved a resolution objecting to development at The Rock Sports Complex/Ballpark Commons in the City of Franklin. A copy of the resolution is attached to this letter.

The developer of the Rock Sports Complex/Ballpark Commons has presented plans to the Franklin City Council to construct a minor league baseball stadium and a comprehensive commercial and residential development in and around the current Rock Sports Complex. The project is called Ballpark Commons. The plan also includes realigning Crystal Ridge Road with Highview Drive at 76<sup>th</sup> Street to create a four-way intersection with a traffic signal.

The Village of Greendale does not have jurisdiction over the activities that occur in the City of Franklin. The State of Wisconsin, The Milwaukee Metropolitan Sewerage District, Milwaukee County and the City of Franklin have jurisdiction over the development proposed.

The Village objects to the effect realigning Crystal Ridge Road with Highview Drive at 76<sup>th</sup> Street to create a four-way intersection with a traffic signal will have on Greendale Residents.

The Village is adamantly concerned about additional traffic generated by the development and the effect this will have on Greendale Residents.

The Village adamantly objects to the effect the development will have on the environment, including air, and water quantity, quality.

The Village continues to object to the effect noise and light from the development will have on Greendale Residents.

If you have additional questions about this matter, please contact me at [tmichaels@greendale.org](mailto:tmichaels@greendale.org) or 414-423-2100 x3110.

Very truly yours,

Todd Michaels  
Village Manager

**VILLAGE OF GREENDALE**

**MILWAUKEE COUNTY, WISCONSIN**

**RESOLUTION NO. R2018-01**

**A RESOLUTION STATING THE VILLAGE'S POSITION REGARDING THE ROCK SPORTS COMPLEX/BALLPARK COMMONS (LOCATED IN FRANKLIN, WISCONSIN) ORDINANCE TERMS AND USES AMENDMENTS, STADIUM SPECIAL USE AND NATURAL RESOURCES SPECIAL EXCEPTIONS.**

**WHEREAS**, as indicated in previous communications the Village of Greendale is concerned about the impact any additional development in and around The Rock Sports Complex/Ballpark Commons will have on neighboring Greendale residents.

**WHEREAS**, the developer of the Rock Sports Complex/Ballpark Commons has presented plans to the Franklin City Council to construct a minor league baseball stadium and a comprehensive commercial and residential development in and around the current Rock Sports Complex. The project is called Ballpark Commons. The plan also includes realigning Crystal Ridge Road with Highview Drive at 76<sup>th</sup> Street to create a four-way intersection with a traffic signal.

**WHEREAS**, the Village of Greendale does not have jurisdiction over the activities that occur in the City of Franklin. The State of Wisconsin, The Milwaukee Metropolitan Sewerage District, Milwaukee County and the City of Franklin have jurisdiction over the development proposed.

**NOW, THEREFORE, BE IT RESOLVED** by the Village of Greendale, Wisconsin, Board of Trustees as follows:

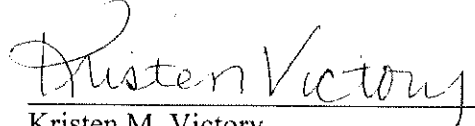
1. The Village objects to the effect realigning Crystal Ridge Road with Highview Drive at 76th Street to create a four-way intersection with a traffic signal will have on Greendale Residents.
2. The Village is adamantly concerned about additional traffic generated by the development and the effect this will have on Greendale Residents.
3. The Village adamantly objects to the effect the development will have on the environment, including air, and water quantity, quality.
4. The Village continues to object to the effect noise and light from the development will have on Greendale Residents.
5. The Village asks the Wisconsin Department of Natural Resources, The Milwaukee Metropolitan Sewerage District, Milwaukee County and the City of Franklin use their utmost due diligence in reviewing this development and consider its impact on the Greendale residents.

6. Copies of this resolution shall be sent to the Wisconsin Department of Natural Resources, The Milwaukee Metropolitan Sewerage District, Milwaukee County and the City of Franklin.
7. The Village wants to be notified about any future changes to The Rock Sports Complex/Ballpark Commons development.

**PASSED AND APPROVED**, this 2nd day of January, 2018, by the Village Board of Trustees, Village of Greendale, County of Milwaukee, Wisconsin.

  
\_\_\_\_\_  
James M. Birmingham  
President

**ATTEST:**

  
\_\_\_\_\_  
Kristen M. Victory  
Clerk-Treasurer

**From:** Joy Draginis-Zingales  
**To:** Joel Dietl  
**Subject:** BPC/Rock  
**Date:** Tuesday, December 19, 2017 10:01:04 AM

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I am adamantly against any more removal of Wetlands from the Franklin area. First and foremost no one knows for sure what or how much toxic material; barrels etc., are in this site and any disruption to the land could permanently destroy not only this piece of the Wetland but the Root River and all that feeds into. We have already noted changes to the Root River over the years. This is Wisconsin and our natural resources are our most precious commodity, not to mention in the country! Development should never come before protecting the very resources that others are begging for and it the the duty of the DNR and our elected officials to protect them at all costs.

Lastly this current proposed project IS NOT the project nor the quality that was "promised" to Franklin, the County or anyone else. If you recall, our group predicted this project was not feasible, would end up with low income apartments, could not be done as projected and would not end up a "downtown" attraction. If I were one of the people sitting on any board who had praised this "beautiful" project, I would be utterly ashamed and embarrassed to see this is what it has literally come down to.

Joy Draginis-Zingales

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

**From:** DANA KERR  
**To:** Steve Olson; Mark Dandrea; Daniel Mayer; Glen Morrow; Joel Dietl; jweslaw@franklinwi.gov; dfowler@franklinwi.gov; phogan@franklinwi.gov; aburckhardt@franklinwi.gov  
**Subject:** Ballpark Commons  
**Date:** Wednesday, December 20, 2017 5:51:58 PM

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Dear Planning Commission Members,

I am deeply concerned and disturbed by the City of Franklin moving forward with this project. What facts now support moving forward with a project that is detrimental to protected natural resources and adjacent neighborhoods. The project economics now proposed are materially different from what was previously contemplated.

I am in opposition of the extension for the building permit. This was a key condition in the approval of the preliminary plan. I am also opposed to clearing of 23.08 acres of protected natural resources (which includes 10.87 acres of mature woodlands out of the total of 12.05 mature woodlands located on the property) Disrupting the natural beauty and peacefulness of this area should not be acceptable by any public officials.

Zero setbacks should not be allowed, nor berms that are 0' tall. It isn't a berm if it is 0' tall. Go-karts, amusement rides, restaurants that are recycled storage containers certainly is nothing of what was proposed to justify the approval of the PDD and TID. These approvals were based on misinformation and invalid plans.

All the market and feasibility studies need to be redone. This project is not consistent with the character of the neighborhood and certainly does not preserve or enhance the area and is detrimental to the community.

According to the Developer's own reports there are 12 of the 22 test pit evacuations which resulted in waste outside and beyond the known limits of this 5.7 Million cubic yard landfill. Clearly the landfill is very complicated and has a troubled past so why disturb it? The developer also states in the Narrative that the stormwater retention pond **MUST** be located adjacent to the Root River because it needs to be located off the waste mass. To avoid weight that "could compress the underlying waste and potentially squeeze leachate or methane in directions that it didn't previously migrate". How is this compression and weight mathematically different from a 4,000 seat stadium with all the accessory structures and parking lots / parked cars ? How could this not cause leachate into our wells and methane into our homes. As a result of the mismanaged landfill the liability of the complications for disturbing this landfill need to be considered and the neighborhoods and surrounding area protected.

No construction of any type should be commenced at the property until all issues, all conditions, all reports, all studies have been thoroughly reviewed and updated. Why disturb the landfill until all details, reports, reviews and studies are complete. This agenda item

needs to be tabled for further information to be supplied.

Thank you for your time,  
Dana Gindt

**From:** [David Froehlich](#)  
**To:** [Joshua.Wied@wisconsin.gov](#); [gerald.demers@wisconsin.gov](#); [Steve Olson](#); [Mark Dandrea](#); [Daniel Mayer](#); [Glen Morrow](#); [Joel Dietl](#); [Jesse Wesolowski](#)  
**Subject:** BALLPARK COMMONS PROJECT  
**Date:** Wednesday, December 20, 2017 7:39:04 PM

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Folks,

How long are we supposed to stand by and hear that another change is requested. I for one state with gusto, NO MORE CHANGES WITHOUT ADEQUATE HEARINGS. NO MORE EXTENSIONS. This project has been rammed down our throats already. Now they want more gifts from us, concerned neighbors. STOP THIS LUNACY. Please know that I will be watching closely and will make sure there is no more ignoring us, the people most damaged by this project. I feel there are far too many unknowns to continue this project without complete investigation of all aspects. I do not care if the developer made some bad decisions and now wants to change horses in the middle of the stream. If you can stop a freeway for a small environmental problem, why not this. I do not want to have to move away from what may turn out to be a horrible environmental disaster because of a lack of foresight. I did not buy my home thinking this could be happening. The more I see, the more I dislike this project. Please listen to our pleas.

David & Kim Froehlich  
7541 Carter Circle South  
Franklin, WI 53132  
414-759-6887  
[excursionking@sbcglobal.net](mailto:excursionking@sbcglobal.net)

**From:** [mimi.sherlowsky](mailto:mimi.sherlowsky)  
**To:** [Joshua.Wied@wisconsin.gov](mailto:Joshua.Wied@wisconsin.gov); [gerald.demers@wisconsin.gov](mailto:gerald.demers@wisconsin.gov); Steve Olson; Mark Dandrea; Daniel Mayer; Glen Morrow; Joel Dietl; Jesse Wesolowski  
**Subject:** Ballpark Commons/ Rock Dec 21  
**Date:** Thursday, December 21, 2017 10:34:52 AM

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Dear Public Servants,

I would like to ask you this holiday season, in good conscience, to consider the will of all the people that are going to be affected by the changes sought in regard to the original proposal. I don't see how the public is being represented here. The proverbial hole is being dug deeper and deeper out of haste, and I think that what everyone will find when done will not be very pleasant. You cannot build value on a weak foundation. These hurried/desperate decisions will come back to haunt us. Which will serve to be the legacy of us all. Please, Please slow this down, allow time for the people you serve to agree with a more conservative and reasonable review of this process. If not, I personally believe that at some point this may developed into a legal matter that the citizens of Franklin will regret.

Thank you for your consideration and your time,

Rudolph Sherlowsky  
Franklin Resident

**From:** John  
**To:** Joshua.Wied@wisconsin.gov  
**Cc:** gerald.demers@wisconsin.gov; Steve Olson; Mark Dandrea; Daniel Mayer; Glen Morrow; Joel Dietl  
**Subject:** Ballpark commons Update comment  
**Date:** Thursday, December 21, 2017 1:43:32 PM  
**Attachments:** image003.png

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To all parties concerned:

My name is John McAdams and I live at 8735 W. Hawthorne Ct., Franklin, WI 53132. Our home is located in the subdivision to the West of the proposed BPC site.

We have had numerous and great concerns from the beginning and have expressed them many times at the public meetings on this project. We've been opposed to this project from the beginning and our opposition grows as the scope of the project continues to grow.

And apparently, the requests from the developer keep on coming in which will make our neighborhood less and less desirable to live and raise our family. Now as I understand, the developer is requesting go-carts and double the stadium capacity among other undesirably amenities. The seeming reckless manner in which the developer is given the "green light" to any and all changes to get this project is quite alarming to myself and our entire surrounding neighborhood.

On behalf of myself, my wife and children and all of the neighbors in which this newer and latest version the developer is proposing which will have a direct impact on all of our lives, wildlife, surrounding natural beauty and safety in regards to the underling (no pun intended) methane gas issue. I'm asking all of you to take a firm stand in resistance to this very risky development. It is why governmental bodies like the very seats all of you are employed in came into being and that is to assure the safety and tranquility of the public above all else. Please, I am asking you to protect us from this risky and ever growing and changing project.

Thank you for listening to my (and all of our neighbors) concerns which I've so awfully expressed here.

Sincerely,

John McAdams  
Colonial Quality Printing, Inc.  
2997 South Howell Avenue  
Milwaukee, WI 53207  
414-489-0218



**From:** Renee Beaudot  
**To:** [Joshua.Wied@wisconsin.gov](mailto:Joshua.Wied@wisconsin.gov); [gerald.demers@wisconsin.gov](mailto:gerald.demers@wisconsin.gov); Steve Olson; Mark Dandrea; Daniel Mayer; Glen Morrow; Joel Dietl; Jesse Wesolowski  
**Subject:** Vote NO to Ballpark Commons Amendments!  
**Date:** Thursday, December 21, 2017 3:52:02 PM

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Dear Franklin and DNR Representatives:

We are writing as concerned citizens to express our strong opposition to proposed amendments to the Ballpark Commons project on the former landfill at 7900 Crystal Ridge Rd in Franklin.

The existing development has already caused disturbing light and noise pollution, and traffic problems for local residents. Furthermore, the development disrupts the abundant wildlife in Whitnall Park and Root River Parkway as well as the enjoyment of these natural areas for local residents and visitors. Further development will only exacerbate these issues as well as cause a high potential for environmental and health hazards from heavy construction and disturbance of the former landfill, which contains methane and leachate.

The developer, Mr. Zimmerman, has not been forthcoming with residents about the proposed changes and their impact on the environment, nor on the health, safety, and quality of life for local residents. He has not addressed residents' concerns about the current light and noise violations, and we have little confidence that he will address future concerns either. In short, Mr. Zimmerman has not shown that he cares about the welfare of the community. He only appears to care about his own pocketbook and personal glory. It would be foolhardy to open the door for such an individual to do whatever he wants on this fragile former landfill.

As such, I implore you, for the health, safety, and quality of life of local residents and the many plant and animal species that call Whitnall Park home:

- Vote NO to an extension on the building permit deadline
- Vote NO to the destruction of protected natural resources
- Vote NO to the building of infrastructure prior to additional details, associated plans and Market Analysis and Fiscal impact on City are reported and finalized
- Vote NO to a 4,000 seat stadium
- Vote NO to 70' light poles when the current 28' poles cause massive light pollution for local residents and hazardous driving conditions for drivers on Loomis Rd., 76th St. and Rawson Ave.
- Vote NO to go-karts, amusement rides, concerts, fireworks at the
- Vote NO to zero distance setbacks
- Vote NO to a retention pond adjacent to Root River

Current and future generations will judge us based on our actions. Please be sure that your vote reflects your concern for the health and safety of your residents, not on the desire to be "open for business" regardless of the consequences.

Respectfully,

--

Renée Beaudot and Alfonso Crespo Cuende  
7271 Hyacinth Ct.  
Greendale, WI 53129

414.803.7936  
[lacastellana@gmail.com](mailto:lacastellana@gmail.com)

**From:** Andy and Becky Kleist  
**To:** Steve Olson; Mark Dandrea; Daniel Mayer; Glen Morrow; Joel Dietl; Jesse Wesolowski  
**Subject:** Ballpark Commons development  
**Date:** Thursday, December 21, 2017 4:01:58 PM

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I am writing to you concerning the planned development of Ballpark Commons at The Rock on 76th and Rawson. As a resident who lives near The Rock I was disappointed to learn that the County would not be protecting this land from further development. I am now further dismayed to learn just how extensively the developer wants to tear up this land fill and the surrounding wetlands and watershed. Do you realize this project is nothing like what he proposed in order to create the PDD and TID? I thought this area of Milwaukee County would be a safe place to raise my family and now I'm not so sure if you allow these plans to go forward.

In the developers submittal there is a long list of extensive changes and requests. Below are just a few that I've highlighted:

1. NO Extension to the building permit deadline. This deadline was a key condition of the approval of the preliminary plan and he already cannot meet it. What else is he going to request an extension on and how much is this going to cost us?
2. NO destruction of protected natural resources; he's requesting the destruction of protected natural resources (mature woodlands, watersheds, and wetlands). His development plan is clearing 23.08 acres of protected natural resources including wetlands and mature woodlands; 10.87 acres of mature woodlands to be cleared out of a total of 12.05 mature woodland acres on the property. The wetlands are essential to avoid flooding, improve water quality and to provide wildlife habitats.
3. NO building of infrastructure prior to additional details, associated plans and Market Analysis and Fiscal impact on City are reported and finalized; He's requesting building of infrastructure prior to additional details, associated plans and Market Analysis and Fiscal impact on City are reported. You, the County, should be demanding the developer to complete a new market analysis and fiscal impact of the project. The City staff is recommending approval of starting this disruption to the landfill with the infrastructure BEFORE everything is finalized. Which would follow their pattern all along. And WHO is paying for this construction aspect?
4. NO 4,000 seat stadium (was 2,500 seat) and 70' light poles; He wants to build a 4,000 seat stadium (was 2,500 seat) and 70' light poles. The developer's engineering company stated that excavating the waste mass behind the Hawthorne homes to construct the indoor sports complex was required and that the stadium will be entirely built on waste mass. How is all this weight going to affect the contents of the landfill and the residents surrounding The Rock? Why did the stadium now double in size? How is he going to control the lighting with 70' light poles?
5. NO go-karts, no amusement rides, no concerts, no fireworks; He's requesting revisions so that he can add go-karts, amusement rides, host concerts, and fireworks. I personally attended and spoke at the Parks, Energy and Environment meeting in June and specifically mentioned fireworks. Supervisor

Taylor from Franklin rolled his eyes at me and shook his head saying that was not true. But now I see the developer wants to have fireworks and more concerts. At this same meeting Mayor Olson spoke and said that Franklin residents wanted more retail and dining options. I'm not really seeing any retail or dining options in this development. I'm also not seeing "luxury" apartments. Mayor Olson must certainly be surprised by this change in plans. Did the developer mention anything about an amusement park in his proposal? Why would you do this in the middle of the suburbs and with park land?

6. NO approval for zero distance setbacks; He's requesting approval for zero distance setbacks. The developer keeps asking for more. It wasn't good enough that he was given permission to build on this land, he now wants more than what was agreed upon originally. The County needs to put it's foot down and say no. He's already planning to do a lot of damage to the land and likely the reputation and property values of the surrounding residents as it stands. He needs to stay within the already agreed upon guidelines.
7. NO approving a retention pond adjacent to Root River; He's requesting approval of a retention pond adjacent to the Root River. The narrative portion of the 57 attachments listed at the City include the developer stating the "storm water retention pond MUST be located adjacent to the Root River to be located off the waste mass" (which the waste mass has already been reported BY the developer to be outside the waste boundaries in many locations from the previous historical data for this 5.7 million cubic yard landfill). It goes on to say that locating "this weight on the waste mass could compress the underlying waste and potentially squeeze leachate or methane in directions that it didn't previously migrate. " How is this weight any different than putting a 4,000 seat stadium full of spectators and the cars parked on the landfill waste mass? How can the adjacent homes on private wells be protected from the mentioned migrating contaminants and methane? Or even people visiting the Rock or people in Greendale?

The plans for this development from the beginning have been misleading and unrealistic. The development was based on false information, misrepresented plans, invalid reports and the TID and PDD should NOT have been created for Ballpark Commons at this location. The studies and reports that the TID used to approve the project are completely without merit. All studies and reports need to be updated. Many of the studies included a 265,000 sq. ft. tournament sized indoor sports complex to justify the project viability, which was actually removed from the plans PRIOR to the City even approving the TID. The misinformation and misrepresented details have been prevalent throughout this project since 2012.

Thank you for your time,

Andy

**From:** [Ann Devine](#)  
**To:** [Joshua.Wied@wisconsin.gov](mailto:Joshua.Wied@wisconsin.gov); [gerald.demers@wisconsin.gov](mailto:gerald.demers@wisconsin.gov); [Steve Olson](#); [Mark Dandrea](#); [Daniel Mayer](#); [Glen Morrow](#); [Joel Dietl](#); [Jesse Wesolowski](#)  
**Subject:** Revision to Conditions of the PDD #37 for the Ballpark Commons Development  
**Date:** Thursday, December 21, 2017 5:40:09 PM

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We are strongly opposed to the acceptance of any revisions proposed by the developer without first getting approvals from the DOT, the DNR and a complete and FINAL plan from the developer.

The City Council has given Zimmerman et al a blank check for this development that will be passed on to unknowing taxpayers. Additionally, there seems to be no safety concerns for the properties abutting the Rock Complex or regards for the natural resources.

Ann and Tim Devine

**From:** Andy and Becky Kleist  
**To:** Steve Olson; Mark Dandrea; Daniel Mayer; Glen Morrow; Joel Dietl; Jesse Wesolowski  
**Subject:** Ballpark Commons - planning commission meeting  
**Date:** Saturday, December 23, 2017 12:19:04 PM

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Good afternoon,

I recently had the experience of attending Franklin's Planning Commission meeting this past Thursday, December 21st. I was dismayed by the indifference in which you, the city of Franklin officials, showed to the tax paying residents you serve and other concerned residents of the surrounding communities regarding your plans to destroy wetlands, mature woodlands, and to tear into a potentially dangerous landfill for Mr. Zimmerman's planned developments.

Residents of Franklin and the surrounding area that spoke at this meeting, many of whom are highly educated and successful in their professions, presented you with thoughtful comments and hard evidence as to why your future development plans for the area are a bad idea, but you didn't care what anyone had to say. You are bent on pushing this development through at all costs, regardless of the objections and financial, health, and safety issues that were presented and will continue to be present years after this Pandora's box is opened.

There were so many contradictions that Mayor Olson couldn't defend at this meeting, that as a spectator, they felt misleading and had the perception of half-truths.

The County mismanaged this landfill for years and allowed questionable activities to take place. Now you are going to continue to mismanage the landfill with this development, and years from now, our children and grandchildren will be forced to clean up the environmental issues this development will create. That's socially irresponsible of you and the city of Franklin.

Regarding the planned retention pond on the north side of the property, what are your plans to monitor the water quality of this pond? What are your plans to address the water quality if methane and other contaminants begin to turn up? What are your plans if this pond eventually floods or seeps contaminated water through the Root River Parkway and eventually Lake Michigan? I'm not a mathematician, but I'd guess the probability of contaminants turning up and the pond potentially flooding or seeping into the Root River is high, especially since it's being placed immediately next to a floodplain.

I request that an advanced notice of at least one month be mailed to all the communities and neighborhoods surrounding The Rock if you are allowed to dig into the landfill. I live near The Rock and am concerned for the health and safety of my family, the community, and myself. While this request may not be required of you or the developer, it should be done out of courtesy since you are listening to very little, if any input from residents and the surrounding communities.

When you approved the variances to allow the developer to build taller apartments and office buildings, Mayor Olson made a statement that has stuck with me. I'm paraphrasing his statement now, but it went something like this -- To be honest, when a developer tells me he wants to add another floor to his development and build taller buildings, it brings a smile to my face. I smile because it means more tax revenue. Being that it's so close to Christmas, this statement made me think of the novella, A Christmas Carol by Charles Dickens. The main character in A Christmas Carol, Ebenezer Scrooge, is an allegory. He represents greed, selfishness, and a lack of goodwill toward humanity. Dickens wrote this novella in 1843 and almost 176 years later, it's still relevant. The greed, selfishness, and lack of goodwill toward residents and the surrounding communities regarding this development are evident. But don't worry; it's not too late. The main character in this story, Ebenezer Scrooge, learned the error of his ways and had a change of heart. You can too! There is still time! This bait and switch development

needs to be tabled and more creative and environmentally friendly uses for this potentially dangerous landfill need to be considered.

Thank you for your time,

Andy

**From:** [Jesse Wesolowski](#)  
**To:** [justinszalanski@gmail.com](mailto:justinszalanski@gmail.com)  
**Cc:** [Claire Silverman](#); [Joel Dietl](#); [Brian Sajdak](#); [Christopher Smith](#)  
**Subject:** zoning protest petition; PDD No. 37 Ordinance (The Rock Sports Complex/Ballpark Commons) amendment application  
**Date:** Wednesday, December 27, 2017 6:36:19 PM

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In follow up to our discussion on the record during the public hearing upon the Planned Development District No. 37 Ordinance amendment application at the Plan Commission meeting last Thursday night, during which I disagreed with the premise (including with regard to your stated primary point position being based upon the proposed 3 month extension to the 24 month zoning reverter condition being part of the proposed amendments) that the protest petitions previously filed (some twenty months ago with regard to the Planned Development District Ordinance adopted by the Common Council on April 4, 2016) were applicable to this proposed amendment, but said I would revisit the protest petition subject matter, please note that upon review, my answer has not changed. The previously filed protest petitions are not applicable to the currently pending Ordinance amendment application and its process.

I also discussed the premised continuing application of the prior protest petitions with the Assistant City Attorneys and the League of Wisconsin Municipalities Legal Counsel Claire Silverman. They all agreed that the prior protest petitions do not apply to the current Ordinance amendment application process.

Below are some of the cites to the Wisconsin case law review I noted in relation to Wis. Stat. § 62.23. Additionally, I found nothing on point in review of the League of Wisconsin Municipalities legal opinions, notes and comments; § 25:268. Protests and objections, 8A McQuillin Mun. Corp.(3d ed.); 3 Rathkopf's The Law of Zoning and Planning (4th ed.) (November 2017 Update), Chapter 43. Rezoning: Protest and Consent Provisions; and researching ALR 4th American Law Reports. Also, as I mentioned during our brief discussion after the meeting last Thursday night, there are many hypotheticals along the same premise line which would all logically fall into the realm of violating basic governmental principles prohibiting attempts at binding legislative control over future legislative decision-makers.

Please let me know if you have any questions or comments. Thanks.

*Jesse A. Wesolowski*

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It is a well-established principle that "[o]ne legislature may not bind a future legislature's flexibility to address changing needs." *Flynn v. Dep't of Admin.*, 216 Wis.2d 521, 543, 576 N.W.2d 245 (1998). Accordingly, a current city government "may not enact a statute which has 'implications of control over the final deliberations or actions of future legislatures.'" *Id.* *McKee Family I, LLC v. City of Fitchburg*, 2017 WI 34, ¶ 52, 374 Wis. 2d 487, 893 N.W.2d 12.

Additionally, we determine that a planned development district zoning classification does not create contractual expectations upon which developers may rely. There is a very strong presumption that legislative enactments do not create contractual or vested rights. *Dunn*, 279 Wis.2d 370, ¶8, 693 N.W.2d 82 (citation omitted). Further, there must be a clear indication that a legislative body intends to bind itself contractually in order to overcome the presumption. *Nat'l R.R. Passenger Corp.*, 470 U.S. at 465-66, 105 S.Ct. 1441. *McKee* has not overcome the presumption that Fitchburg did not intend to enter into a binding contract when it enacted an ordinance approving the zoning classification. *Id.* at ¶ 64.

Plaintiffs' promissory and equitable estoppel claims fail for the same reason. Plaintiffs allege that the ordinance together with statements by City representatives constituted a promise to maintain the cap system in perpetuity, and that this promise induced plaintiffs to pay market rate for the permits. As noted, however, ordinances, even if accompanied by statements from City officials, cannot bind future legislatures from amending or repealing them in reaction to economic and social changes. *Flynn v. Dep't of Admin.*, 216 Wis.2d 521, 556, 576 N.W.2d 245 (1998) ("Because one legislature may not bind future legislatures, it is fully within the legislature's power to change an appropriation put into place by a previous legislative session."). *Joe Sanfelippo Cabs Inc. v. City of Milwaukee*, 148 F. Supp. 3d 808, 814 (E.D. Wis. 2015), *aff'd*, 839 F.3d 613 (7th Cir. 2016).

The appellants contend that the resolution passed at the district school meeting on July 29, 1969, some 14 months prior to the date of the adoption of the ordinance, was sufficient to block any rezoning in the future by anything less than a three-quarters or six to one vote by the village board.

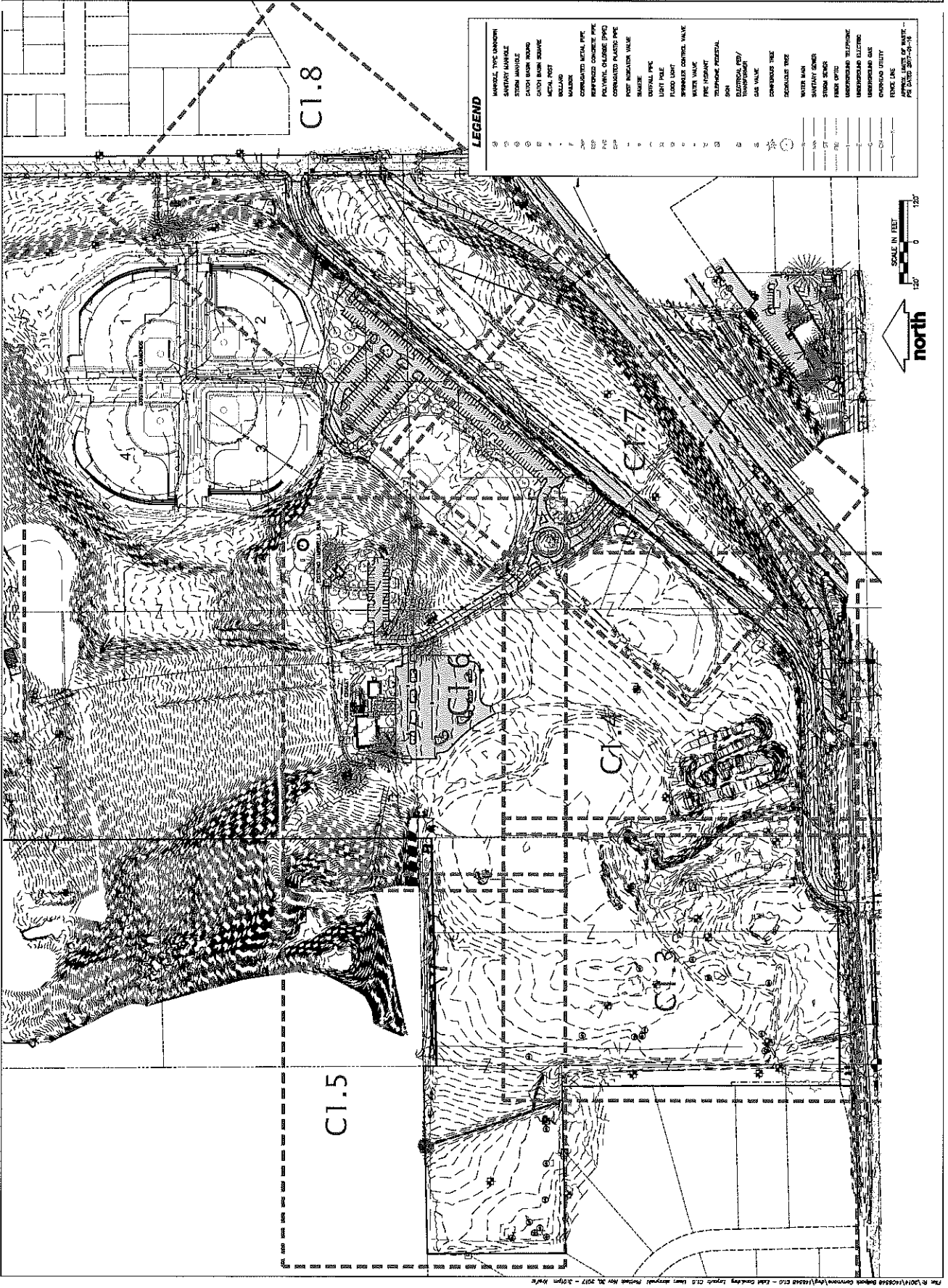
Appellants' contentions on this point have again already been considered and rejected by this court in *Prescher v. Wauwatosa*, *supra*. In that case, one Grede filed a protest to a proposed rezoning. A few days later, the proposed rezoning was modified slightly and resubmitted. Grede then did not file a protest although he was given an opportunity to do so. The trial court held that, because the two proposed rezonings were so similar, the objection to the first one should stand as an objection to the second. This court reversed, noting 34 Wis.2d at page 429, 149 N.W.2d at page 545:

'Grede was tendered an opportunity to protest and could have done so by the simple act of signing his name. The written protest tendered to Grede contained a precise statement of what the proposed second ordinance was designed to do, and he declined to sign it. . . .

'A protester should not be permitted to tie up an entire legislative process by filing a general protest at a given point in time. It is true that sec. 62.23(7)(d), Stats., is designed to protect adjacent landowners from zonings changes, and the statutes

have extended a great deal of protection to such persons. Nevertheless, the fact remains that a majority of the councilmen voted for the second ordinance. Protesters are permitted to block the wishes of a simple majority, but positive action should be required. . . .'

The school district here was given notice of its opportunity to file a protest too. But it did not file a protest. The only reasonable presumption is that in November of 1970, the Joint School District No. 1 did not wish to file a protest, regardless of its intent back in July of 1969. *Rodgers v. Vill. of Menomonee Falls*, 55 Wis. 2d 563, 570-71, 201 N.W.2d 29, 33-34 (1972).







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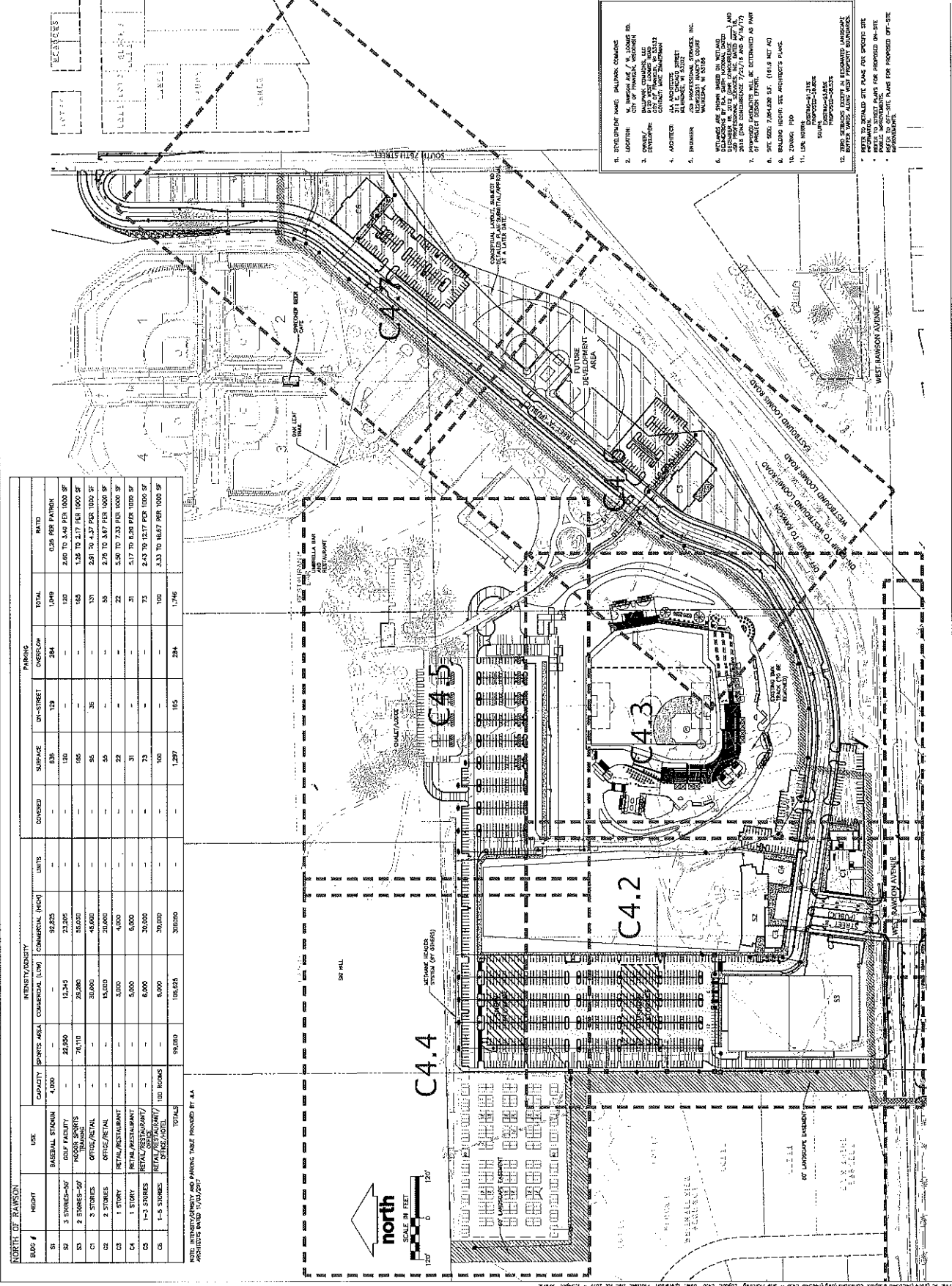
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NORTH OF RAWSON														
BLDG #	HEIGHT	USE	INTENSITY/DENSITY				PARKING				RATIO			
			CAPACITY	SPORTS AREA	COMMERCIAL (LOW)	COMMERCIAL (HIGH)	UNITS	COVERED	SURFACE	ON-STREET		OVERFLOW		
S1		BASEBALL STADIUM	4,000		-	92,825			-		128	284		1,049
S2	3 STORIES-50'	GOLF FACILITY		22,500	12,345	23,205		-			180	-		120
S3	2 STORIES-50'	INDOOR SPORTS	-	76,110	26,200	85,000		-			165	-		150
C1	3 STORIES	OFFICE/RETAIL	-	-	30,000	45,000		-			35	-		165
C2	2 STORIES	OFFICE/RETAIL	-	-	15,000	20,000		-			55	-		58
C3	1 STORY	RETAIL/RESTAURANT	-	-	5,000	6,000		-			22	-		22
C4	1 STORY	RETAIL/RESTAURANT	-	-	5,000	6,000		-			31	-		31
C5	1-3 STORIES	RETAIL/RESTAURANT/	-	-	6,000	20,000		-			73	-		73
C6	4-5 STORIES	RETAIL/RESTAURANT/	100 ROOMS	-	6,000	30,000		-			100	-		100
		OFFICE/HOTEL						-			165	284		1,746
TOTALS				90,600	106,625	306,550					1,297			

NOTE: INTENSITY/DENSITY AND PARKING TABLE PROVIDED BY A.A. ARCHITECTS DATED 11/01/2017

1. DEVELOPER: ROCK VENTURES
2. LOCATION: 1000 WEST RAMSON AVENUE, SUITE 100, INDIANAPOLIS, IN 46202
3. PROJECT: C4.0 SITE PLAN - NORTH
4. ARCHITECT: J.A. HARTMAN ARCHITECTS, INC., 1000 WEST RAMSON AVENUE, SUITE 100, INDIANAPOLIS, IN 46202
5. INCHES: 1/8" = 1'-0"
6. SCALE: 1/8" = 1'-0"
7. DATE: 11/01/2017
8. SITE: 1000 WEST RAMSON AVENUE, SUITE 100, INDIANAPOLIS, IN 46202
9. BUILDING: 1000 WEST RAMSON AVENUE, SUITE 100, INDIANAPOLIS, IN 46202
10. ZONING: P-10
11. LOTS: 1000 WEST RAMSON AVENUE, SUITE 100, INDIANAPOLIS, IN 46202
12. ZERO: 1000 WEST RAMSON AVENUE, SUITE 100, INDIANAPOLIS, IN 46202

NOTE: TO REVEAL SITE PLAN FOR SPECIFIC SITE, REFER TO THE NORTH ARROW AND THE SITE PLAN - SOUTH.

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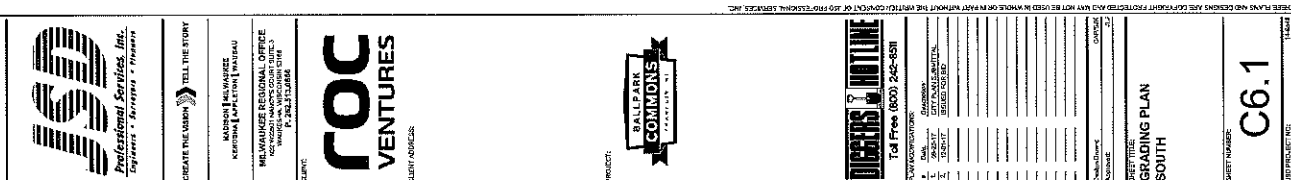






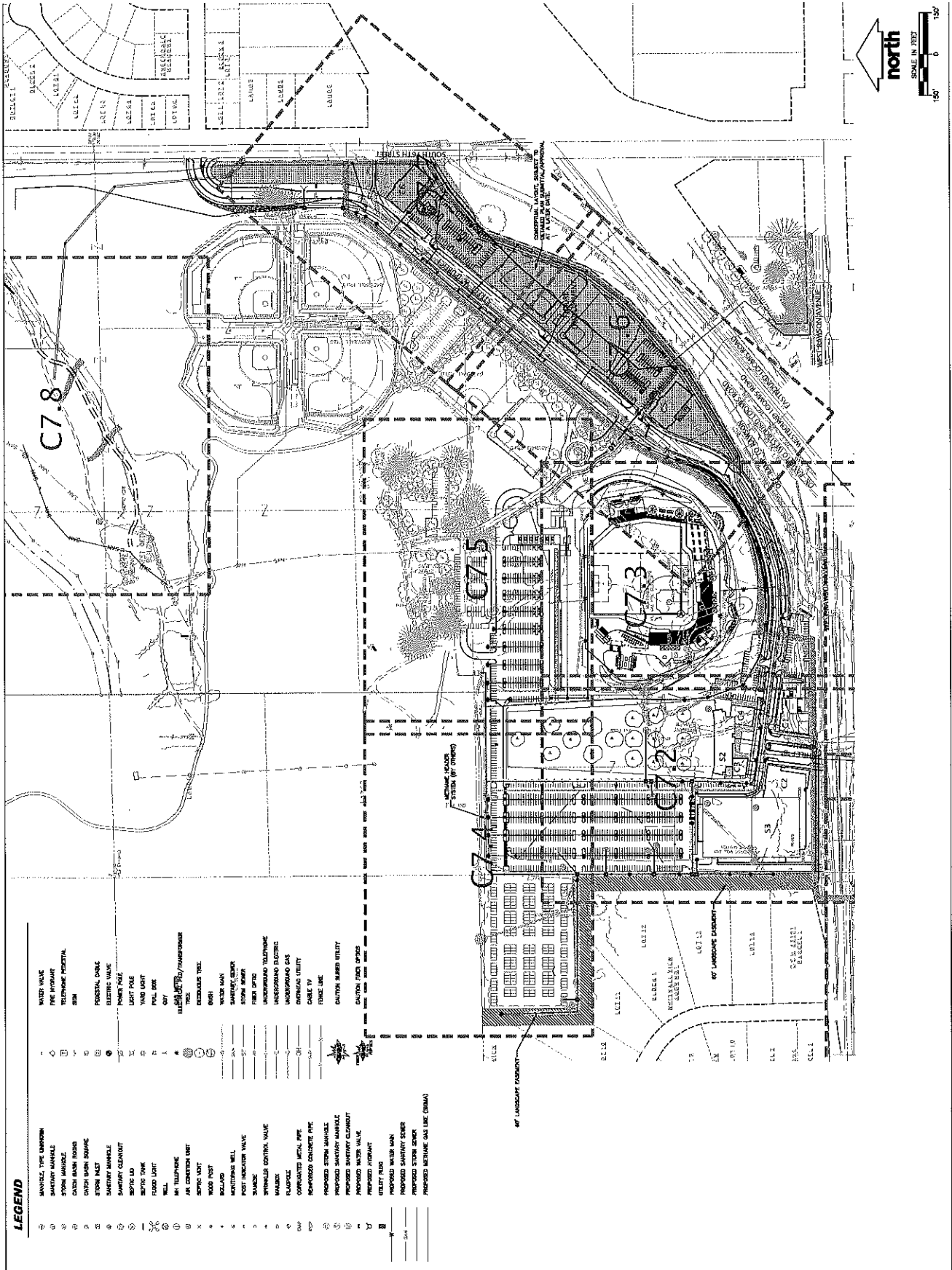
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C6.1

1	MANHOLE TYPE UNKNOWN	2	WATER VALVE	3	TELEPHONE pedestal
4	SEWER MANHOLE	5	SEWER	6	ELECTRICAL PEST/TRANSFORMER
7	CATCH BASIN/POUND	8	PEDESTAL CABLE	9	ELECTRIC VALVE
10	SEWER INLET	11	POWER POLE	12	LIGHT POLE
13	SEWANTY MANHOLE	14	WALL LIGHT	15	PULL BOX
16	SEWANTY CLEANOUT	17	SEPTIC TANK	18	GAS METER
19	SEPTIC LINE	20	FLOOD LIGHT	21	TRUCK
22	WELL	23	UN TELEPHONE	24	RECORDING TRUCK
25	ARE CONDITION UNIT	26	SEPTIC TANK	27	SEWER
28	WOOD POST	29	WALL	30	WATER METER
31	SEWERING WELL	32	POST INSULATOR VALVE	33	SEWER SINK
34	SEWER CONTROL VALVE	35	SEWER CONTROL VALVE	36	UNDERGROUND TELEPHONE
37	MANHOLE	38	UNDERGROUND GAS	39	UNDERGROUND CABLE TV
40	FLAPGATE	41	THOSE LINE	42	UNDERGROUND CABLE TV
43	CONCRETE METAL PIPE	44	UNDERGROUND CABLE TV	45	UNDERGROUND CABLE TV
46	PROPOSED SEWER MANHOLE	47	PROPOSED SEWER MANHOLE	48	UNDERGROUND CABLE TV
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178	PROPOSED SEWER MANHOLE				





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NO.	DESCRIPTION	DATE
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2	UTILITY PLAN	04/17/17
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100	UTILITY PLAN	04/17/17

C7.1

SHEET NUMBER

DATE

PROJECT

SCALE

1" = 100'

0 100 200

SCALE IN FEET

100' 0' 100'

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100' 0' 100'

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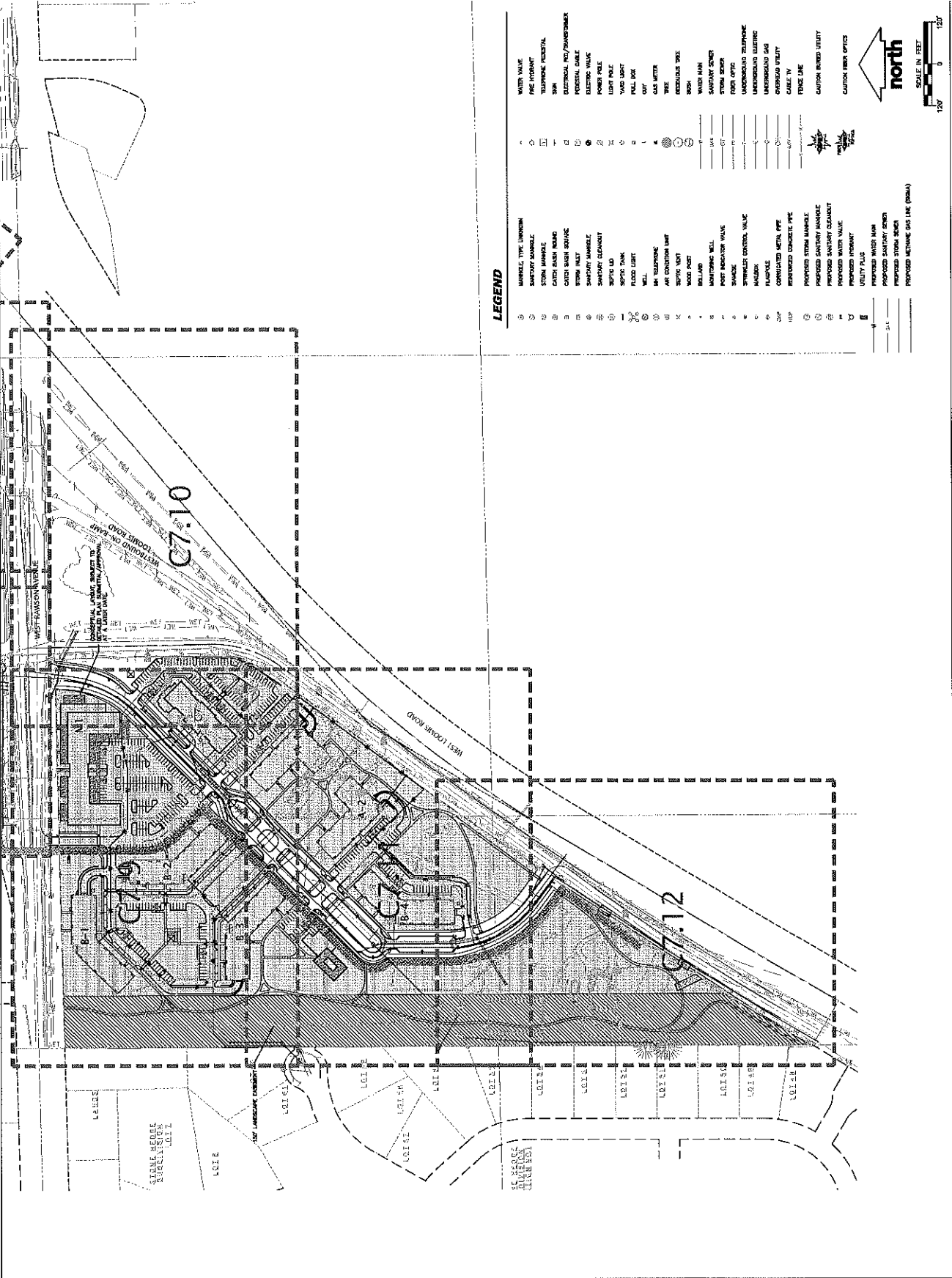
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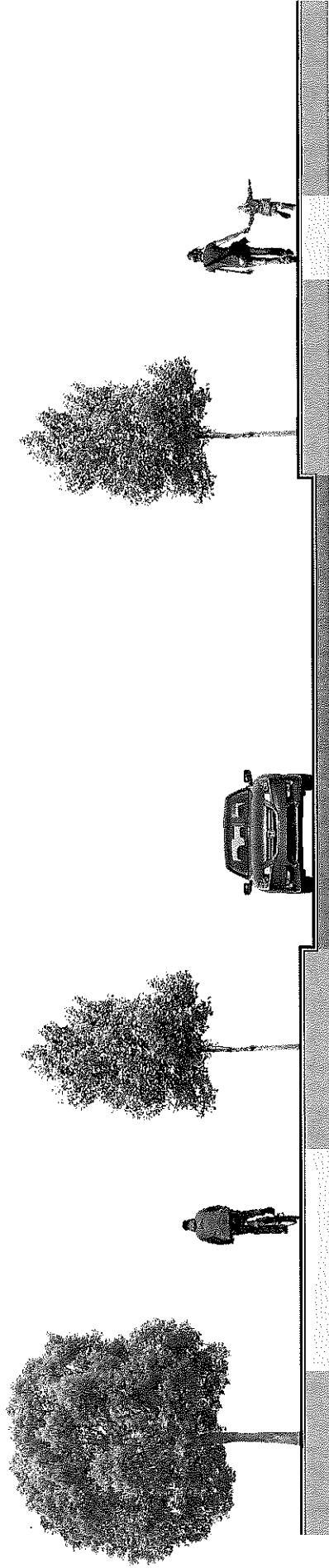
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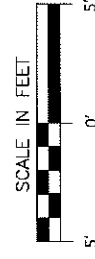
**LEGEND**

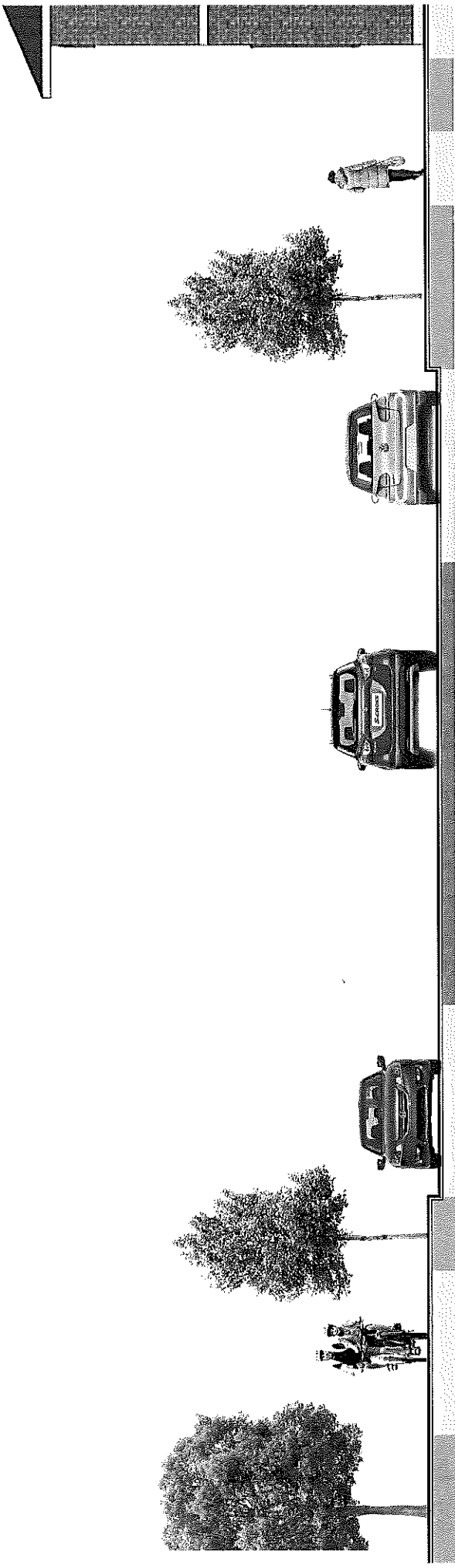
1	WATER VALVE	11	UNDERGROUND TELEPHONE
2	FIRE HYDRANT	12	UNDERGROUND ELECTRIC
3	TELEPHONE PEDIESTAL	13	UNDERGROUND GAS
4	SEWER	14	OVERHEAD UTILITY
5	ELECTRICAL PCD/TRANSFORMER	15	CABLE TV
6	ELECTRICAL CABLE	16	FENCE LINE
7	ELECTRIC VALVE	17	CAUTION WIRED UTILITY
8	POMER POLE	18	CAUTION HENRY OPTIC
9	LIGHT POLE	19	CAUTION HENRY OPTIC
10	YARD LIGHT	20	CAUTION HENRY OPTIC
21	POLL BOX	21	CAUTION HENRY OPTIC
22	OUT	22	CAUTION HENRY OPTIC
23	WATER METER	23	CAUTION HENRY OPTIC
24	TELEPHONE METER	24	CAUTION HENRY OPTIC
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99	TELEPHONE METER	99	CAUTION HENRY OPTIC
100	TELEPHONE METER	100	CAUTION HENRY OPTIC



R-O-W	MULTI-MODAL PATH 10'	TERRACE 10'	CAR LANE 12'	CAR LANE 12'	TERRACE 9'	SIDE- WALK 5'	R-O-W
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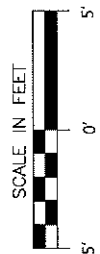
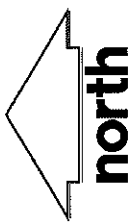
TYPICAL STREET SECTION B  
SOUTH OF RAWSON

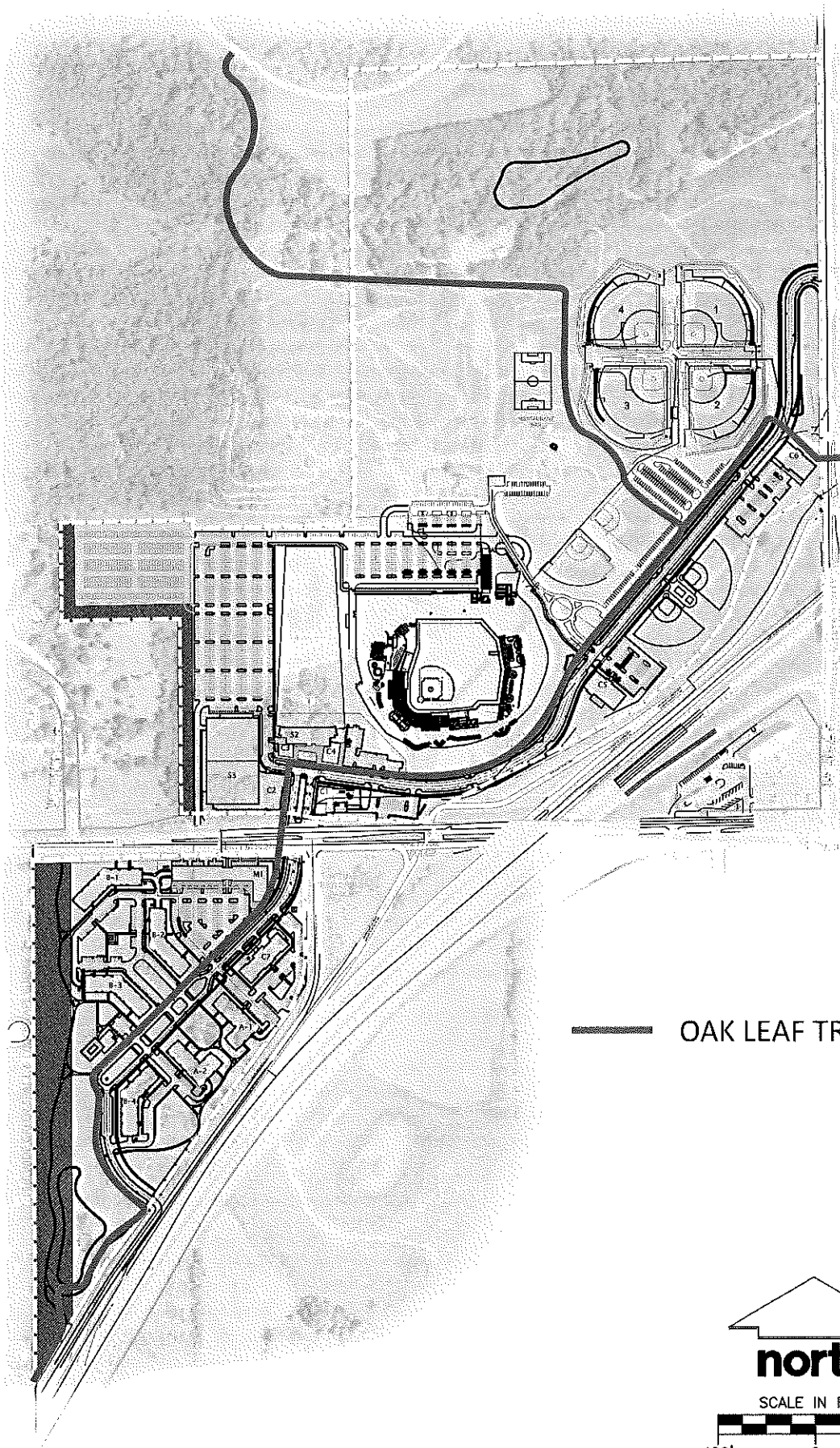




MULTIMODAL PATH 10'	TERRACE	STREET PARKING 4' 11'	CAR LANE 12'	CAR LANE 12'	STREET PARKING 11'	TERRACE	SIDE- WALK 5'	R-O-W
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TYPICAL STREET SECTION A  
NORTH OF RAWSON





— OAK LEAF TRAIL



SCALE IN FEET



R:\2014\1425548 Ballpark Commons\img\1425548 Tree Survey.dwg User: ksherrin

**JSD** Professional Services, Inc.  
 Engineers • Surveyors • Planners  
 MILWAUKEE REGIONAL OFFICE  
 122 W. 23RD ST. SUITE 300  
 MILWAUKEE, WI 53212  
 262.513.0666 PHONE • 262.513.1232 FAX  
[www.jsdinc.com](http://www.jsdinc.com)

PROJECT:  
**BALLPARK COMMONS**

SHEET TITLE:  
**OAK LEAF TRAIL EXHIBIT**

JSD PROJECT NUMBER:	SHEET NUMBER:
DRAWN BY: KAS	1
CHECKED BY:	
DATE:	

# BALLPARK COMMONS MASTERPLAN DATA

As of: November 3, 2017 (In Progress - Subject To Change)

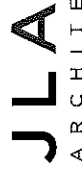


JLA  
ARCHITECTS

NORTH OF RAWSON ROAD														
BUILDING MARK	HEIGHT	USE	CAPACITY	SPORTS AREA	INTENSITY/DENSITY		COMMERCIAL (HIGH)	UNITS	COVERED	SURFACE	ON-STREET	OVERFLOW	TOTAL	NOTES
					COMMERCIAL (LOW)								RATIO	
S1	3 Stories - 50'	Baseball Stadium	4,000	-	-	-	92,825	-	-	-	436	129	284	0.24 per patron
S2	3 Stories - 50'	Golf Facility	-	22,950	-	-	12,345	22,205	-	-	120	-	120	2.60 to 3.40 per 1,000 sq. ft.
S3	2 Stories - 50'	Indoor Sports Training	-	76,110	-	-	55,030	165	-	-	165	-	165	1.26 to 2.17 per 1,000 sq. ft.
C1	3 Stories	Office/Retail	-	-	30,000	45,000	-	45,000	-	-	95	36	-	131 2.91 to 4.37 per 1,000 sq. ft.
C2	2 Stories	Retail/Office	-	-	15,000	20,000	-	20,000	-	-	55	-	-	55 2.75 to 3.67 per 1,000 sq. ft.
C3	1 Story	Retail/Restaurant	-	-	3,000	4,000	-	4,000	-	-	22	-	-	22 5.50 to 7.33 per 1,000 sq. ft.
C4	1 Story	Retail/Restaurant	-	-	6,000	6,000	-	6,000	-	-	73	-	-	73 5.17 to 6.20 per 1,000 sq. ft.
C5	1 to 3 Stories	Retail/Restaurant/Office	100 Rooms	-	6,000	30,000	-	30,000	-	-	73	-	-	73 2.43 to 12.17 per 1,000 sq. ft.
C6	1 to 5 Stories	Retail/Restaurant/Office/Hotel	-	-	30,000	30,000	-	30,000	-	-	100	-	-	100 3.33 to 16.67 per 1,000 sq. ft.
TOTALS				77,060	106,425	-	-	304,940	-	-	1,277	145	284	See Above

SOUTH OF RAWSON ROAD														
BUILDING MARK	HEIGHT	USE	CAPACITY	SPORTS AREA	INTENSITY/DENSITY COMMERCIAL (LOW)	COMMERCIAL (HIGH)	UNITS	COVERED	SURFACE	ON-STREET	PARKING OVERFLOW	TOTAL	RATIO	NOTES
C7	4 to 5 Stories	Hotel	100	-	-	-	-	-	116	-	-	116	1:16 per Room	
M1	4 Stories	Commercial/Retail	-	-	20,000	30,000	-	-	171	-	-	249	See Shared Parking Analysis	
A1	3 Stories	Apartments	-	-	-	-	104	78	22	2	-	69	1.50 per Unit	7 surface spaces at C7
A2	3 Stories	Apartments	-	-	-	-	46	45	22	4	-	74	1.61 per Unit	
B1	3 Stories	Apartments	-	-	-	-	53	53	27	-	-	80	1.51 per Unit	
B2	3 Stories	Apartments	-	-	-	-	53	53	27	2	-	82	1.55 per Unit	
B3	3 Stories	Apartments	-	-	-	-	53	53	26	4	-	83	1.57 per Unit	
B4	3 Stories	Apartments	-	-	-	-	53	53	21	13	-	87	1.64 per Unit	
CH	3 Stories	Club House	-	-	3,808	-	53	-	13	13	-	26	0.01 per 1,000 s.f.	Height Unknown
TOTALS							402	380	435	25	840	See Above		

## December 11, 2017 (In Progress - Subject To Change)



Shared Vehicular Parking Analysis																					
Building Use			Parking Targets		Weekdays						Weekends				Parking Provided						
					Target Ratios		Target Counts		2AM-7AM		7AM-6PM		6PM-2AM				2AM-7AM		7AM-6PM		Covered Parking
			%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count					
Apartments (A1, A2, B1-B4, M1)	408 Units																				
	571 Bedrooms	1.00 Per Bedroom	571	60%	343	100%	571	100%	571	100%	571	100%	571	100%	514	90%	302	148	38	488	
	20,000 Square Feet	10.00 Per 1,000 s.f.	200	30%	60	70%	140	40%	80	30%	60	70%	140	100%	200	78		171	-	249	
	100 rooms	1.16 Per room	116	100%	116	100%	116	5%	6	0%	0	10%	12	0%	0	100		100		100	
	571 Hotels	1.00 per 4 people	1,049	5%	52	100%	1,049	100%	1,049	0%	0	10%	105	0%	0			636	413	1,049	
	34,000 Square Feet	10.00 Per 1,000 s.f.	340	5%	17	100%	340	100%	340	0%	0	10%	34	0%	0			120		120	
	131,000 Square Feet	9.00 Per 1,000 s.f.	393	5%	20	100%	393	5%	20	0%	0	10%	39	0%	0			165		165	
	53 Indoor Sports	3.00 Per 1,000 s.f.	90	5%	5	100%	90	5%	5	0%	0	10%	9	0%	0			95	36	131	
	C1	30,000 Square Feet	3.00 Per 1,000 s.f.	45	5%	2	100%	45	5%	2	0%	0	10%	5	0%	0			55		55
	C2	15,000 Square Feet	3.00 Per 1,000 s.f.	9	5%	0	100%	9	5%	0	0%	0	10%	1	0%	0			22		22
C3	3,000 Square Feet	3.00 Per 1,000 s.f.	15	5%	1	100%	15	5%	1	0%	0	10%	2	0%	0			31		31	
C4	5,000 Square Feet	3.00 Per 1,000 s.f.	90	5%	5	100%	90	5%	5	0%	0	10%	9	0%	0			73		73	
C5	30,000 Square Feet	3.00 Per 1,000 s.f.	90	5%	5	100%	90	5%	5	0%	0	10%	9	0%	0			100		100	
C6	30,000 Square Feet	3.00 Per 1,000 s.f.	90	5%	5	100%	90	5%	5	0%	0	10%	9	0%	0			100		100	
TOTALS			238,000 Square Feet	3,008	853	2720	2082	792	714	360	1,716	487	2,583								

