### Site Plan

- 1. Section 15-7.0101 of the UDO, please provide all required site plan information.
  - a. Please identify and clearly label all existing and proposed uses and structures on the Site Plan maps. This includes: the ski hill; the lodge; all Halloween event areas and any associated permanent/semi-permanent structures; the Oak Leaf Trail; the umbrella bar; the BMX Bike Track (existing and relocated); the Sprecher Beer Café; the Summer Concert Series; the Food Truck Rally; etc.

### JLA can identify basic areas prior to Plan Commission.

i. Please note that any existing approved uses and facilities, which are not envisioned to change, should be shown in light grey as already generally depicted on the Site Plan maps.

### Currently shown greyed out as existing areas.

- ii. Please verify that all Site Plan maps, and the Masterplan maps, reflect the most up-to-date site and building layouts.
  - 1. Please note that the size of many buildings on the detailed site plans do not match the sizes noted in the Masterplan Data and parking tables.

# Most updated site plan is submitted, please anticipate the plan is subject to minor amendments related to market demand impacts.

iii. Please clearly identify and explain all new facilities and uses, and changes to existing facilities and uses. For example, please explain the proposed soccer field north of the umbrella bar, and please confirm if the existing BMX bike track is to be relocated, and if so, to where.

## At this time, the location of the BMX track will be a future consideration.

- b. It appears from review of the submitted application materials that Site Plan approval is only being requested for the apartments south of Rawson Avenue. However, please note that the Site Plan requirements and standards apply to those projects (or portions of projects) involving Special Use approvals, Site Plan approvals, and road construction. In regard to future phases of development, preliminary site plan information may be acceptable, as determined by the Plan Commission/Common Council.
  - i. For the baseball stadium, please correct the inconsistencies between the Site Plan and the Landscape Plan. In addition, please clearly label all structures and uses.

# The landscape areas on the stadium pad will be submitted at the time of the Stadium Plans.

c. As further discussed later in these staff comments, staff recommends that additional detailed site plan information be provided, at a minimum for the sites associated with Buildings S2, S3, and C1 through C4.

### Each parcel specific pad will be submitted at a future date.

- 2. Section 15-7.0102B. of the UDO, please provide all building dimensions and clearly identify all parcel boundaries and right-of-ways so that conformance with all setback requirements can be verified.
  - a. As noted in PDD comment #3, staff recommends that the UDO minimum arterial road setback of 40' be maintained along W. Rawson Avenue and S. 76<sup>th</sup> Street for

G-3 control

all principal structures. As such, the site plan for the apartments south of Rawson Avenue must be revised.

Applicant in the PDD text has requested a minimum street setback  $\mathbf{0}$  ft – the explanation is contained in other section so this staff response .

- i. Please note that staff recommends that all dimensional requirements be provided for Buildings S2, S3, C1 through C4.
  - JLA to provide building dimensions at the time of each buildings pad specific application.
- ii. Please clearly label all building and structure setbacks.
- 3. Section 15-7.0102E. of the UDO, please verify that all needed highway permits and approvals have been obtained from Milwaukee County and the Wisconsin Department of Transportation.

Applicant requests a conditional city approval conditioned up third party these permits including DNR and DOT.

- 4. Section 15-7.0102I. of the UDO, please verify with the City of Franklin Police and Fire Departments that proper emergency vehicle access has been provided.
  - a. In particular, verify that the proposed public and private roads and driveways are adequately sized for emergency vehicles.

JSD can schedule meeting with departments for fire and police chief, however has there been any feedback on the plans submitted to date.

- b. Please note that staff would also recommend provision of an emergency access to the northwest corner of the apartment development south of Rawson Avenue (most likely along the proposed trail), and to the northern portion of the Ballpark Commons project from 76<sup>th</sup> Street (possibly around the proposed storm water pond).
- c. Those buffer paths are 5 ft walking trails designed with specific sensitivity to the subdivisions requesting minimal path and traffic impacts. (We request the department evaluate their ladder reach radius from existing access points).
- 5. Section 15-7.0103B. of the UDO, please include the owner's name and contact information on the site plans.

### JSD completed

6. Section 15-7.0103C. of the UDO, please include the architect's/engineer's name and contact information on the site plans.

### JSD Completed

- 7. Section 15-7.0103E. of the UDO, please include the size of the site on the site plan.
  - **JSD Completed**
- 8. Section 15-7.0103G. of the UDO, please provide soils data for entire project area. GZA Report is anticipated available 12/18/17.
- 9. Section 15-7.0103H. of the UDO, please verify the number of parking spaces.
  - a. Due to site constraints, the amount of parking needed overall, the importance of providing adequate amounts of parking near each site, and the value of shared

parking and shared access within this project, staff recommends a more detailed parking analysis (similar to that done for Building M1) be prepared for the entire Ballpark Commons development.

### JLA provided a parking table in the Narrative Exhibit.

b. Staff recommends preparation of a separate map and accompanying table identifying the amount of parking provided by building and use (including a breakdown by method provided, i.e. underground, off-street, and on-street), to enable easier review and analysis.

### JLA provided a parking table in the Narrative Exhibit.

c. Please verify the amount of parking needed and the amount provided throughout the development. For instance: Buildings M1 and B2 appear to double count 28 parking spaces; building sizes referenced in parking tables do not match sizes shown in the detailed site plan maps; the amount of parking spaces noted on the Masterplan maps, in the Masterplan Data table, and on the Site Plan maps do not always match one another; etc.

### JLA provided a parking table in the Narrative Exhibit.

d. Due to the number of discrepancies in the available parking related information, and the amount information still needed, staff has not completed its parking analysis review. However, preliminary indications are that a significant parking shortfall may exist north of Rawson Avenue, but that parking may be adequate south of Rawson Avenue.

JLA provided a parking table dated 11/3 in the Narrative Exhibit. Staff would need to be able to identify data to support the North Side overdemand analysis. The Stadium will generate added traffic for limited windows of time that are seasonal in nature. Many stadium games will be at night or weekends, many of the other users schedule will not share the same peak demand time cycles. JLA has updated their peak demand analysis and submit 12/11. The applicant has identified additional overflow grass stalls on the site in the grass section and there is a secondary future grass section that has also been planned for to accommodate "limited special event overflow". The South Side Surface Parking and South Side BPC Public Streets could accommodate overflow parking form North BPC peak demand stadium events as an additional point of relief.

The parking demand analysis needs to be reduced by other connectivity means of transportation, example pedestrian friendly & bike friendly linkages should reduce the number of automobile impact.

10. Section 15-7.0103I. of the UDO, please provide the size and height of the proposed club house, and the size and location of all signage.

The clubhouse is to be designed feature that will be applied for at the time of building permit, it is a single story residential looking structure that where the leasing center and community space for the multifamily apartment community will locate. The clubroom will be a resident center for gatherings

etc. with some select business center offerings for residents, host resident social activities and limited fitness access to fenced pool areas etc. The dog walk area will also be later supplied along with outdoor grill area etc.

a. If this information is not provided, separate review and approval of these structures will be required.

### **Applicant agrees**

11. Section 15-7.0103K. of the UDO, please provide the proposed street names.

### **Ball Park Drive**

12. Section 15-7.0103L. of the UDO, please clearly identify all existing and proposed right-of-ways.

### JSD Site Plan ROW

- 13. Section 15-7.0103M. of the UDO, please clearly indicate and dimension all setbacks and building lines on the site plan.
  - a. Please note that these setbacks must be in conformance with the applicable standards within PDD No. 37, as may be amended.
- 14. Section 15-7.0103V. of the UDO, please provide architectural elevations for the proposed club house.

### See Section 10

- 15. Sections 15-7.0103X, and 15-5.0109A. of the UDO, please clearly identify all existing and proposed easements.
  - a. Please note that easement documents must be prepared separately, reviewed by staff, and approved by the Common Council.
    - Easements should be anticipated after once the site plan has been approved by council.
  - b. In addition to the Conservation Easement needed for the remaining natural resource features to be preserved and any mitigation, please submit separate easements for the Landscape Easement along the western portion of the subject project area.

### Applicant Agrees to buffer areas being in a conservation easement

c. An easement for the Oak Leaf Trail will also be necessary.

### **Applicant Agrees**

16. Section 15-7.0103Y. of the UDO, please obtain Milwaukee County (and if necessary, Wisconsin Department of Transportation) approval of the access to Rawson Avenue.

# Applicant requests conditional city approvals subject to/continent upon County & DOT permits

17. Section 15-7.0103Z. of the UDO, please clearly identify the existing zoning boundaries of PDD No. 37.

### JSD Perimeter Legal Description Provided

18. Section 15-7.0103AA. of the UDO, please update the Market Analysis previously prepared for the Ballpark Commons project to reflect the current proposal.

### Anticipate updated market report end of December

- 19. Section 15-7.0103BB. of the UDO, please provide a Financial Plan for the Ballpark Commons project.
  - a. Please note that some of this information, which has been provided in recent TIF District related analyzes, does not match similar information provided on the

various site plan maps and Masterplan Parking Table (i.e. building sizes are different, and Buildings C8 and C9 are no longer included in the Ballpark Commons development).

### The TIF projections have been updated with recent city meetings

- 20. Section 15-7.0103CC. of the UDO, please provide a Project Summary/Project Narrative including operational information, building schedule, estimated project value, site improvement costs, etc.
  - a. Please verify that the estimated values reflect the most recent site plans. For instance, Buildings C8 and C9 are no longer proposed on the Masterplan or Site Plan maps.

### The TIF projections have been updated with recent city meetings

- 21. Section 15-7.0103DD. of the UDO, please provide the following additional information.
  - a. Preliminary site and architectural plans for all proposed public spaces, plazas, and outdoor seating areas, including setbacks, pedestrian accommodations, etc.
    - Staff further recommends consideration of such outdoor seating/street café standards and guidelines as those set forth by the National Association of City Transportation Officials, the Institute of Transportation Engineers, etc.

The outdoor areas will be defined in each landscaping plan of future pads.

ii. Staff recommends that decorative lighting be provided in these areas.

We have supplied the proposed fixture type for the district, Staff has an opinion of the cut sheet supplied not meeting that decorative standard. The Applicant feels the fixture provided is non – box standard and decorative that meets the design intent of the district.

- b. A detailed site plan for the area surrounding the intersection of Rawson Avenue and the proposed new public street to the north, including Buildings S2, S3, C1 through C4.
  - i. Staff is concerned with the proximity and density of buildings and outdoor uses in this intersection with a major County Trunk Highway. Specific issues include: traffic conflicts with the on-street parking in this area; encroachment of buildings into setbacks, encroachment of uses and activities into the public street right-of-ways; lack of space for snow storage, landscaping, and pedestrian amenities; etc.

The elevations provided generally depict the intent however each building and minor modifications should be anticipated.

ii. Staff recommends removal of the parallel parking immediately north of Rawson, greater building setbacks from the proposed public street so additional outdoor seating and wider sidewalks can be provided, etc. The parallel parking is desired by the applicant and market commitments that are requesting localized short term parking for retail and office convenience.

### Landscaping -

(Applicant will have an updated version for plan commission submitted on 12/11) - the plan should address this section of follow up.

- 1. Section 15-5.0301A. of the UDO, please prepare a Landscape Plan depicting the required landscaping for all lots, bufferyards, parking areas, and mitigation areas within the Ballpark Commons project.
  - a. Please note this includes landscaping for all proposed buildings and parking lots, as well as street landscaping.
  - b. Please note that the proposed NRSE mitigation must be shown on the Landscape Plan. However, if necessary for clarity purposes, a separate map depicting this information is acceptable. (NRSE was submitted separately).
  - c. Please utilize the most up-to-date site layout for at least that portion of the Landscape Plan for the multi-family apartments south of Rawson Avenue. The Landscape Plan plantings locations, quantities, etc. shall then be revised accordingly.
  - d. As noted in PDD comment #9, landscape information (except for the portions of the project associated with the apartments and the NRSE mitigation) may be preliminary, if agreed upon by the Plan Commission.
- 2. Section 15-5.0302A. of the UDO, please provide and verify the amount of plantings as set forth in Table 15-5.0302.
- 3. Section 15-5.0302C. of the UDO, please provide and verify that the majority of the increased bufferyard plantings are located within the landscape easement along the western boundary of the Ballpark Commons project area.
- 4. Section 15-5.0302F. of the UDO, please provide and verify the required species mix for each planting type.
- 5. Section 15-5.0302I. of the UDO, please include the preparer's name, the most up-to-date site plan/site layout, any existing plantings to be preserved, and the Landscape Surface Ratio on the landscape plan.
- 6. Section 15-5.0303D. of the UDO, please identify the permanent, onsite, outdoor water supply for irrigation of the landscaping.
- 7. Sections 15-5.0303E. and 15-5.0210 of the UDO, please prepare a snow storage plan.
  - a. Please note that staff recommends a snow storage plan for all public spaces, in addition to all streets and parking lots, as further discussed later in these staff comments.
- 8. Section 15-5.0303F. of the UDO, please indicate the timing of installation of the landscaping.
  - a. Please note that staff recommends installation of the Landscape Easement berm and associated landscaping simultaneously with construction of the first phase of the Ballpark Commons project.

The area of the berm will require cutting and filling so the trees will need to wait for the best planting conditions based on the schedule likely the fall of 2018.

b. Please note that a financial surety will be required to insure installation of the Landscape Easement and of any mitigation.

(Two year warranty on landscape materials)

- 9. Section 15-5.0303G. of the UDO, please indicate the maintenance responsibilities, any phasing schedules, and a minimum 2 year warranty on the Landscape Plan.
  - a. Please note staff recommends that the landscaping in the Landscape Easement/Bufferyard along the western boundary of the project area clearly state it will be maintained in perpetuity.

The conservation easement and landscape buffer will be maintained for the life of the development.

10. Section 15-5.0303H. of the UDO, please provide and verify the required plant material species mixture.

See landscape plan.

### Planned Development District No. 37 Amendment (Ordinance No. 2016-2212) Remaining Conditions of Approval:

Please Note: If a particular condition from Ordinance No. 2016-2212 is not referenced below, staff believes that condition has been addressed or is no longer pertinent.

- 1. Pursuant to conditions #2 and #24, architectural drawings or sketches exhibiting compatible design, character, and site are still required for Buildings C5, C6, C7, and M1 as well as for the baseball stadium.
  - a. Please note this information is required prior to submittal of any detailed plans (i.e. the apartments south of Rawson Avenue). However, staff has previously indicated that simultaneous submittal would be acceptable.
  - b. Staff is aware that an architectural theme, different than that being proposed for all other buildings within Ballpark Commons, may be under consideration for the baseball stadium. However, these two conditions require, and staff recommends, that all buildings exhibit common architectural elements and/or themes.
    - A baseball stadium is a unique project that mandates branding elements and approaches as a necessity of the related to it sitting on landfill materials, this causes stadium construction methods and structures that can not mirror the balance of the site. The types of structures being proposed will not have traditional footings and foundations.
- 2. Pursuant to condition #3, the Project Narrative must include mention of any unusual situations that may be encountered in regard to the provision of sanitary sewer and water services.
  - a. This should include the use of flexible pipes, placement within a landfill cap, planning/design/location of such systems around the gas extraction system and around the MMSD gas pipeline, retaining any existing private sewer and water services, etc.

Those designs are detailing with city engineer, we anticipate engineering will need to approve the plans prior to permits being issued.

The existing facilities are not proposed to tie into the new water or sewer lines, the applicant has invested significant dollars into the existing systems.

- b. Please note this information is required prior to submittal of any detailed plans (i.e. the apartments south of Rawson Avenue). However, staff has previously indicated that simultaneous submittal would be acceptable.
- 3. Pursuant to condition #4, please clearly identify what existing and proposed buildings, sites, and activities will be addressed by the proposed noise mitigation plan. In addition, please clearly identify what practices, equipment, or systems may have recently been revised, installed, or are anticipated to help meet the proposed standards.

Applicant submitted a sound and light mitigation plan that the county approved in the fall of 2017. We have submitted that same plan to the city of Franklin of Franklin that is compliant with Franklin's sound and light UDO requirements.

a. Please note that implementation of all recommendations in this regard must occur within 2 years of Common Council acceptance of the study/mitigation plan.

Time frame of implementation – the lighting shields will be installed on or before baseball is played on the "quad fields" in the spring of 2018. The sound monitoring location have a target date of Fall of 2018. The perimeter sound monitoring stations need additional utility connections that will be implemented by fall 2018, therefore we request the additional time for the sound meters.

4. Pursuant to condition #5, please clearly identify what existing and proposed buildings, sites, and activities will be addressed by the proposed light mitigation plan. In addition, please clearly identify what practices, equipment, or systems may have recently been revised, installed, or are anticipated to help meet the proposed standards.

All future buildings will supply a photometric plan for outdoor lighting that will be compliant with the perimeter monitoring plans Franklin's UDO ordinances.

All future pads that have will be subject to UDO compliance standards at BPC perimeter boundary noise monitoring program to be under the perimeter noise standards at the district's boundaries.

a. Please note that implementation of all recommendations in this regard must occur within 2 years of Common Council acceptance of the study/mitigation plan.

- 5. Pursuant to condition #6, please note that Wisconsin Department of Natural Resources and Milwaukee County approvals are required prior to any disturbance or development of the landfill area.
  - a. Please clearly identify and label the landfill limits on all pertinent Site Plans.

Sigma's Closure Plan and Modification Request Submitted to the DNR on 12/06/17, we requested a conditioned approval subject to DNR approvals and permits.

- 6. Pursuant to condition #8, please note that Milwaukee Metropolitan Sewerage District approval is required prior to any disturbance or development of the gas pipeline area.
  - a. Please clearly identify and label the gas pipeline location on all pertinent Site Plans.

This is on the engineering plans and we request city approvals subject to MMSD permitting

- 7. Pursuant to conditions #9 and #10, please provide additional details about the multi-family residential component of those lands north of Rawson Avenue.
  - a. However, it appears from the Masterplan Data table that apartments are no longer envisioned north of Rawson, although the revised PDD No. 37 text still retains standards for apartments in this area. Please revise the discrepancy, and revise the parking tables accordingly.

The parking table and PDD No.37 Amendment are revised.

- 8. Condition #12, regarding the Traffic Impact Analysis, is currently under review by the Engineering Department.
  - a. Please note that separate approval of the TIA by the Wisconsin Department of Transportation, Milwaukee County, and the City of Franklin is required prior to submittal of any final Ballpark Commons plans.

Applicant is in agreement.

- 9. Condition #13, regarding a bond for maintenance of any portion of a public road located on the landfill, is currently under review by the Engineering Department.
  - a. Please note that any such decision is required prior to development of that portion of PDD No. 37.

JSD and GZA have provided a design profiles that JSD is awaiting further changes.

- 10. Condition #14, regarding relocating Crystal Ridge Road, is currently under review by the Engineering Department.
  - a. Please note that any such decision is required prior to submittal of any final Ballpark Commons plans.

Applicant is in agreement, waiting for comments.

- 11. Condition #15, regarding a street design plan, is currently under review by the Engineering Department.
  - a. Staff recommends widening Rawson Avenue (adding additional lanes or turn lanes) west of the project limits, possibly to Hawthorne Lane.

Applicant agrees to install offsite improvements recommended by TADI & County comments on the road.

- b. Staff recommends additional traffic calming and pedestrian safety elements at appropriate locations, such as: colored/textured pavement and/or elevated road sections at pedestrian crossings; additional curb extensions; bollards at intersections with significant pedestrian traffic; pedestrian refuge islands in medians; high-intensity activated crosswalks at select mid-block crosswalks; etc. Staff's recommendations are additional elements beyond what has been recommended by TADI's report, based on public road standards. Applicant recommends staying with the TADI design and budgeted parameters.
- c. Staff recommends incorporation of the practices and facilities recommended in the Bike and Pedestrian Plan and the Streetscape Plan into the street design plan. This recommendation seems to conflict with the intent of Oakleaf Trail that is the primary bike and pedestrian corridor, this is the preferred solution that will run parallel to the public road.
- d. Please note that such plan is required prior to submittal of any final Ballpark Commons plans.
- 12. Pursuant to condition #16, please prepare a separate Bike and Pedestrian Plan (and/or a separate map) identifying the entire trail/sidewalk system, crosswalks, signage, connections to existing and proposed facilities and public spaces, etc.
  - a. Please correct the Masterplan and Site Plan maps accordingly, to consistently identify all sidewalks and trails.
    - JSD provided an exhibit that details those linkages.
  - b. Please identify the location of the Oak Leaf Trail currently under construction, and any planned changes due to development of Ballpark Commons.
     JSD provided an exhibit that details the Oakleaf linkages. The county is planning a solution to keep the path open near the ski lift, that is subject to county action.
  - c. Staff recommends that the sidewalk/trail system connect all existing and proposed facilities to one another and to adjacent parking lots. This would include sidewalk/trail connections to the Ski Lodge, the proposed soccer field to the north, along the existing private road to the lodge/umbrella bar, to Building C6, to the overflow parking area, etc.
    - JSD shows substantial connectivity between elements see plans. We feel that connectivity exists through multiple pathways.
  - d. Staff recommends that the sidewalk/trail system connect to all existing and proposed adjacent facilities. This would include:
    - i. A sidewalk or trail along the west side of S. 76<sup>th</sup> Street, along the entire project boundary southward to the existing sidewalk adjacent to the Hampton Inn and Suites.
      - We do not have plans to extend walks over the bridge, we would have concern about extending sidewalk down the 76<sup>th</sup> street we would prefer pedestrian and bike traffic internal to the development.
    - ii. A sidewalk along the north side of Rawson Avenue westward to the intersection with Hawthorne Lane, and along the west side of Old Loomis Road southward to the intersection with Warwick Way.

Extending the trail to the south end of the site but not into neighboring subdivision, there are no sidewalks to connect to, prior neighborhood meetings asked for no direct connections from the new development.

iii. Please note that the 76<sup>th</sup> Street sidewalk is also recommended by the Police Department and is suggested by the Wisconsin Department of Transportation, and that the Rawson Avenue sidewalk is recommended by the Police Department.

At this time we see limited benefit by adding connection points to subdivisions that have expressed concern about people parking in neighborhoods, we feel the walk would encourage offsite parking.

e. Although staff would prefer that sidewalks be 6' in width (as currently required by PDD No. 37), staff would have no objection in this instance to 5' wide sidewalks as long as this width remains free of all obstructions such as light and utility poles, parking meters, outdoor seating areas, etc. Please note that PDD No. 37 would need to be revised accordingly.

Agreed on 5 foot path width, also, other paths are wider 10 feet wide Oak Leaf trail.

- 13. Pursuant to condition #17, please prepare a separate Streetscape Plan (and/or a separate map) incorporating such features as decorative lighting, decorative pavement, pedestrian rest areas, landscaping, etc.
  - a. Please note this information is required prior to submittal of any detailed plans (i.e. the apartments south of Rawson Avenue). However, staff has previously indicated that simultaneous submittal would be acceptable.

### At the time of individual pad submittal

- 14. Pursuant to condition #18, please submit a comprehensive Parking Study.
  - a. The Parking Study must include all buildings and uses, be structured as was done for Building M1 (i.e. identifying all principal building uses, shared/overlapping uses and times, etc.), and must also identify any possible/anticipated shared parking agreements, cross access easements, overflow parking areas, on-street parking, special events with additional parking needs, etc.

### See JLA's Parking Table 11/3/17

- b. Staff recommends that the Parking Study utilize the parking ratios as set forth in the UDO, or provide detailed information justifying the use of alternative ratios. See answers in e.
- c. Staff recommends the Parking Study be corrected to reflect the building sizes shown in the detailed site plans, i.e. Building C2 is approximately 16,500 square feet x 2 floors (and may expand and extend further into Building S3) not 15,000 20,000 square feet, Building M1 is approximately 32,300 square feet not 30,000 square feet, Building C1 is approximately 18,000 square feet 3 floors, etc. See answers in e.
- d. Staff recommends the Parking Study be based upon those building heights and uses which are requested to be permitted within PDD No. 37. Such as: buildings north of Rawson Avenue can be up to 4-stories as a permitted use (Building C1?); physical therapy/sports medicine/orthopedics has been added as a permitted use (Building C2?); etc.

See answers in e.

- e. Please note any departures from the parking standards as set forth in the UDO. Applicant is asking for PDD 37 district standards that reflects of intended uses not modeling the UDO requirements. Each future approval would need to be in harmony with the district or a minor amendment or major amendment there is a large shared parking lot will be in over supply.
- 15. Pursuant to condition #19, please revise the Landscape Plan to reflect more up-to-date site plan layout, to include public area and public street landscaping, etc.

### Updated plan to be submitted 12/11/17

- 16. Pursuant to condition #20, please revise the Landscape Plan to reflect a minimum 8' high landscaped berm. Please note that the majority of the berm located south of Rawson Avenue is approximately 5' high.
  - a. Please note that staff does not object to an undulating berm, with periodic breaks to improve its aesthetic appeal, subject to maintaining an average height of 8' and with dense landscaping.
    - The plan was amended to add multiple layers of landscaping we request consideration of the 5 feet berm in an effort to minimize impacts on environmental wetlands, this was requested by the DNR.
  - b. Please revise the PDD standards to reflect the 60' setback on the western portion of the project area north of Rawson Avenue, and the 150' setback south of Rawson Avenue.
    - Generally agree, however methane monitoring and water quality wells need to be present in the setbacks, per Sigma's recommendations to the DNR.
- 17. Pursuant to condition #21, please prepare a separate Snow Storage Plan.
  - a. Staff recommends that the Plan include all public spaces, in addition to all roads, sidewalks, trails, and parking lots.
  - b. Staff recommends that the Plan incorporate offsite removal of all snow associated with significant snowfall events.
  - c. Staff further recommends snow removal within 24 hours from those areas of high vehicular and pedestrian traffic, including but not limited to the roads, sidewalks, and parking lots immediately adjacent to Buildings C1 through C4, and Buildings S2 and S3. For all other areas, staff recommends snow removal within 48 hours as required by the UDO.

Generally agree to the snow removal elements above, however, there may be sections of the shared parking lots that are not plowed due to a lack of winter period parking demand. These pockets may be adjusted due to seasonal variable demand and need as the winter parking loads are better identified.

18. Pursuant to condition #22, please provide a Project Narrative for the NRSE, including a brief description of how the natural resources to remain will be protected, and a detailed description of the proposed mitigation.

JSD has submitted the updated NRPP & and additional Narrative Summary that passed Franklin's Environmental Commission on 11/29.

19. Pursuant to condition #23, please note that a Lighting Plan will still be required for the proposed baseball stadium, the proposed golf facility, and for any locations for special events, which must be consistent with the Light Mitigation Plan that was submitted.

All future buildings will supply a photometric plan for outdoor lighting that will be compliant with the perimeter monitoring plans Franklin's UDO ordinances.

All future pads that have will be subject to UDO compliance standards at BPC perimeter boundary noise monitoring program to be under the perimeter noise standards at the district's boundaries.

- 20. Condition #25, regarding the stormwater management plan, is currently under review by the Engineering Department.
  - a. This information is required prior to any development within PDD No. 37. **Agreed**
- 21. Pursuant to condition #26, please prepare a Master Sign Program (or other similar package of sign standards and guidelines) for the entire Ballpark Commons development.
  - a. This information is required prior to any development within PDD No. 37.

We will request signs based on each individual sign application, there will not be a formal master sign program, please see signs outlined in the elevations as general examples, actual future signs are subject to change.

- b. Further information on this topic is provided in the next section of staff comments.
- 22. Pursuant to condition #27, please note that a building permit for at least one of the substantial structures proposed within this development must be issued by April 4, 2018. Should this not occur, the zoning for the Ballpark Commons project shall revert back to the previous zoning designations.

We requested a 90 day extension of the PDD 1<sup>st</sup> permit deadline from April to July in the public hearing for Dec 21<sup>st</sup>, 2017.

a. Please note that any changes to this condition must be proposed as part of the subject PDD Amendment, and must be approved by the Common Council prior to the deadline noted above.

We requested a 90 day extension of the PDD 1<sup>st</sup> permit deadline from April to July in the public hearing for Dec 21<sup>st</sup>, 2017.

### <u>Planned Development District No. 37 Amendment (Ordinance No. 2016-2212)</u> Changes proposed by the Applicant:

1. Please clarify that sub-areas envisioned within Ballpark Commons. If different than currently set forth in PDD No. 37, the Ordinance would need to be revised accordingly, and the PDD map should be revised to delineate the boundaries of these sub-areas as well.

We submitted a diagram showing likely pad areas grey scaled back within the narrative report.

- 2. Pages 8 and 9, staff does not object to additional permitted uses within The Rock Sports Complex such as snowshoeing, soccer, golf driving range, etc. However, staff does object to the following uses (but would not object to them as special uses): physical therapy, sports medicine, orthopedics; walks, runs, adventure races; tailgating games and activities; seasonal themed events; food trucks; entertainment music events; and wedding receptions and catered events.
  - a. Staff may not object to some of the above noted events should additional details be provided, such as: size and space limits; acceptable locations; agreed upon frequency, etc.

The commercial district envisions the services of sports medicine and related uses most noted in C2 and possibly C1. To have every use come back as a special use seems to be a counterproductive when the original intent of the district is described.

The "music food and entertainment" plans to continue at the umbrella bar and S1 stadium areas, the Applicant plans to produce a calendar of likely dates for concerts similar to the summer concert series. We would request a general approval for times and music, so long as it is compliant with the light and sound standards set for the district. Each year there after we Applicant renews its request, Staff or City could look to change calendar.

If a retail user/ food and beverage / coffee shop wanted to host an acoustic / music at a seating areas at C1- C6 those areas would also be open for cultural.

Because S1 is a large seating outdoor venue it would be well suited to host 4<sup>th</sup> of July or other civic or holiday events. The July 4<sup>th</sup> fireworks location is anticipated to be a viewing location. If these types of uses can be calendared and planned subject to city knowledge and disclosure, Applicant requests having an anticipated "Annual Events Calendar" that suggests the likely dates of recurring concerts and holiday events. Then each year the city can review the events and determine what activities are approved for the next calendar year. If special events are wanted to be hosted and do not fit the traditional permitted events, then a special permit could be requested through application to the city of Franklin.

3. Please clarify where the above noted uses are envisioned. For instance, are they also envisioned within the proposed Sports and Commercial District? If so, what are the boundaries of this area?

Generally S1-S3 are sports, C1-C6 are commercial, M is Mixed Use (1<sup>st</sup> floor commercial units above multifamily), and A & B are Multifamily Residential, All the areas are intended to synergistically mix and enhance.

4. Page 10, staff would not recommend approval of any motorized activities within the Ballpark Commons development, even as a Special Use.

The vision was to allow for small engine go carts – they could be electric to minimize noise, it was envisioned in the S1 in a fenced off area.

- 5. Page 11, staff would not recommend approval of revisions to the stated setbacks. Staff continues to recommend that the Plan Commission may waive internal PDD setbacks on a case-by-case basis upon review of detailed site plans.
  - a. Staff would note that additional changes may be necessary in this and other sections of the Ordinance to reflect the setback required by the Landscape Easement on the west side of the development, and the 40' setback from 76<sup>th</sup> Street and Rawson Avenue.

Applicant needs the reduced setbacks in some cases "0 ft" primarily along Rawson for S3, C2, C1, S2, S1, C3, C4, C5, C6 & C7. These are needed due to the unique limited developable pad areas working around the landfill cap and monitoring areas. We have in exchange offered – larger setbacks for buffer / setbacks along the Western neighboring subdivisions. We ask for additional consideration for these matters. If these are widened to 40 feet that would shrink the development and ancillary impacts would need to be reviewed.

6. Page 12, staff does not object to inclusion of additional building height for partially exposed underground parking.

### Agreed

a. Staff does object to additional floors beyond 2 stories until such time as a detailed Parking Study and analysis is conducted confirming adequate parking for such taller buildings.

We would request the general ratio's be targeted for the development as a whole, each pad and parking can be addressed at point for application for parcel.

b. Please clarify the meaning of the added text to this section, it is not clear to staff what is being stated here.

### **Needs discussion with Staff**

c. Staff tentatively concurs with the changes to the fencing section, subject to review of specific site plan proposals.

### Agreed

- d. Staff does not concur with the temporary structures change. Staff recommends that the Plan Commission continue to review and approve all such structures. Please note that any such structures specifically identified in a detailed site plan approval would not need to obtain a later temporary structure approval.
  - Applicant requests for general approvals of merchandise, food and beverage etc, type uses as these are interior use elements within permitted uses or if a use is not permitted we could bring in a permit request with staff permission or minor text amendments.
- 7. Page 13, staff does not concur with the ancillary structures change. Staff recommends that the Plan Commission continue to review and approve all such structures. Please note

that any such structures specifically identified in a detailed site plan approval would not need to obtain a later ancillary structure approval.

We would ask for general approvals of merchandise, food and beverage etc, or if a use is not permitted we could bring in a permit request with staff permission or minor text amendments.

- 8. Page 13, staff does not concur with the sign section changes. All signs permitted at the time of building pad application.
- 9. Staff recommends that only those signage standards unique to this sub-area of Ballpark Commons be stated in this section. Any signage standards pertinent to the entire development should be provided in a separate document. All signs permitted at the time of building pad application.
- 10. Staff recommends that the amount of signage allowed not be determined until such time as a detailed sign analysis is conducted as noted below in Additional Staff Recommendations comment #1.n. . All signs permitted at the time of building pad application.
- 11. As previously noted, staff does not object to additional signage amounts internal to the stadium, ballfield fences, and the golf facility. Staff also does not object to additional signage for those architecturally imbedded into buildings, subject to review of additional details on this matter. All signs permitted at the time of building pad application.
- 12. Staff recommends that all signage shall obtain specific city approval, although subject to whatever technical standards are approved within this PDD Amendment. All signs permitted at the time of building pad application.
- 13. Page 14, the added parking text should be removed, and added instead to the Project Summary/Narrative. Only technical standards should be stated in this Ordinance.
  - a. Staff does not object to certain parking restrictions, subject to review and approval by the Board of Public Works and the Common Council.
    - Agreed to limited short term parking in certain retail commercial sections
  - b. The seasonal parking lot should be removed from this section and added to the Parking Study and analysis as recommended elsewhere in these staff comments. The Grass Parking in the Parking Study.
- 14. Page 15, the bufferyard section should be revised to reflect the details of the Landscape Easement along the west side of the development. As previously indicated, staff does not support a berm less than 8' on average in height.

### It was revise to 5ft based on minimizing wetland impacts.

- 15. Page 16, the architecture statement is solely intended to state that the stadium shall be in substantial compliance with whatever detailed plans are approved.
- 16. Page 16, the hours of operation section should be revised to indicate that ballfield lighting beyond 10:30pm is allowed for extra innings, weather delays, and lighting repair and maintenance, up to 11:30pm. Staff would not recommend any later hours except for those instances where prior city approval is obtained.
  - a. Please note that the umbrella bar hours were changed from 2:00am to 10:30pm, is that correct? **10:30** is the current hours for the Umbrella Bar Page 17, lighting section should be revised to refer to the light mitigation plan and that all additional stadium, golf facility, etc. lighting shall be part of and in

conformance with that study and its standards and recommendations. Applicant submitted a sound and light mitigation plan that the county approved in the fall of 2017. We have submitted that same plan to the city of Franklin of Franklin that is compliant with Franklin's sound and light UDO requirements.

- 17. Page 17, noise section should be revised to refer to the noise mitigation plan and that all additional stadium, golf facility, special event etc. sound systems shall be part of and in conformance with that study and its standards and recommendations.
  - Applicant submitted a sound and light mitigation plan that the county approved in the fall of 2017. We have submitted that same plan to the city of Franklin of Franklin that is compliant with Franklin's sound and light UDO requirements.
- 18. Page 17, sports village area, please verify if any apartments are envisioned within these areas. The PDD Ordinance would then need to be revised accordingly, pages 19, 20, 22, etc. There may be limited areas mixed use area for sports apartments within the district.
- 19. Page 18, staff does not concur with the setback changes, see comment #4 above. Setbacks answers have been provided in other areas of this document.
- 20. Page 19, staff does not concur with the building height changes, see comment #5 above. Building Heights were provided in other areas of this document.
- 21. Page 21, staff does not concur with the setback changes, see comment #4 above. Setbacks answers have been provided in other areas of this document.
- 22. Page 22, staff does not concur with the building height changes, see comment #5 above. Building Heights were provided in other areas of this document.
- 23. Page 24, staff does not concur with the setback changes, see comment #4 above. Setbacks answers have been provided in other areas of this document.
- 24. Page 25, staff does not concur with the building height changes, all other materials indicate the apartment buildings will only be 3.5 stories tall.
  - Building Heights were provided in other areas of this document.
- 25. Pages 27 through 41, as previously noted, all design standard requirements must be included in this section, and any changes to the current standards clearly identified. Staff has no objection to optional design guidelines being listed in this section, or in the separate Project Summary/Narrative.
  - a. Such mandatory or optional changes should include: outdoor seating/café standards; allowing roof top seating, green roofs, etc.; requiring (rather than allowing) outdoor pedestrian amenities such as furniture, bike racks, etc.; \_\_\_\_
- 26. Page 28, parking reductions, should be revised to put back in the text about letter of credits.
- 27. Pages 34 and 35, staff does not concur with the use of metal siding as a primary building material or that faux materials are permitted. **Discussed in other areas of this document.**
- 28. Page 36, roof materials, staff does not concur with removal of the stepped parapet requirement.

We are relying on the architectural recommendation of JLA and other professional firms rendering the district intent.

29. Page 37, windows, staff does not concur with permitting glass curtain walls, darkly tinted windows, etc.

We are relying on the architectural recommendation of JLA and other professional firms rendering the district intent.

- 30. Page 38, storage, staff does not concur with allowing (rather than prohibiting) outdoor storage unless approved by the Plan Commission. **Requesting allowing areas of storage based on operational needs.**
- 31. Page 39, waiver of standards, staff does not concur with changing the vote from ¾ to a majority. **Requesting majority**
- 32. Pages 39 and 40, building design, staff does not concur with changing the amount of façade protrusions/recesses from 20% to 5%, and allowing less windows.

We are relying on the architectural recommendation of JLA and other professional firms rendering the district intent.

33. Page 40, building color, staff does not concur with allowing metallic colors, etc. on a case by case basis.

We are relying on the architectural recommendation of JLA and other professional firms rendering the district intent.

34. Page 41, signage, staff does not concur with providing for high visibility signage. If such signage is requested, staff would have further concerns with signage amounts more than currently allowed by the Municipal Code.

### **Additional Staff Recommendations:**

Please note that the following recommendations are: technical corrections intended to improve internal consistency of the Ballpark Commons plans and maps; technical corrections intended to clarify the project's standards and guidelines; or are intended to further the intent of PDD No. 37, the goals, objectives, and policies of the City's Comprehensive Master Plan, and sound planning principals and practices.

- 1. Staff recommends that the document entitled "Ballpark Commons PDD Guidelines" be revised and clearly state that it only contains additional information about the intent and goals of the Ballpark Commons development, and provides optional guidelines consistent with and in addition to the mandatory standards set forth in Ordinance 2016-2212 establishing Ballpark Commons (as may be amended). Furthermore, this document could be expanded to serve as the required Project Summary/Narrative as noted in numerous earlier comments. Staff also recommends that any standards or mandatory requirements in this document be removed and placed instead within the PDD No. 37 Ordinance. In these regards:
  - a. Sections 2.0 and 3.0 of this document should be revised. Ordinance 2016-2212, the UDO, the City's Design Standards and Construction Specifications, and the

- anticipated Development Agreement, should be referenced here as the primary controlling documents for the development of Ballpark Commons.
- b. Page 7 should be revised to include the 2 new proposed ballfields, the proposed soccer field, and the overflow parking area. Building heights should be mentioned. The existing facilities and any changes to them should also be mentioned here. **Agreed** 
  - i. It appears that multi-family residential development is no longer proposed for this part of the Ballpark Commons project. If that is so, PDD No. 37 must be revised accordingly. **Agreed.**
- c. Page 8, please note that if commercial uses are proposed on any upper floors of Building M1, PDD No. 37 must be revised accordingly. **Agreed** 
  - i. Please note that staff does not have any objection at this time to Building M1 being 4 stories tall (as a permitted use), due to its location and as preliminary indications are that adequate parking will exist. However, staff may have objections to Building C7 being taller than 3 stories (pending review of final parking calculations).
- d. Page 9 should be expanded to include a brief description of the proposed public spaces (outdoor seating/café's, plazas, etc.).
  - i. Please note that staff recommends that outdoor seating/café standards be established, which standards would then be placed in PDD No. 37. Additional guidelines may be appropriate as well, which could be placed in this document. **Agreed.**
- e. Page 9 should be expanded to include a brief description of the proposed pedestrian crossings and identify any optional pedestrian design features (i.e. raised crosswalks, high intensity crosswalk systems, etc.). While mandatory design features could be referenced here, they must be included within the appropriate detailed plans and/or within PDD No. 37. Agreed
- **f.** Page 10 should be revised to reflect the latest site plan maps, masterplan maps, and to be consistent with PDD No. 37. **Completed** 
  - i. Is all of the area north of Rawson Avenue now part of the Sports and Commercial District? Or just the area around Buildings/Parcels S1, S2, S3, and C1 C4? PDD No. 37 must be revised accordingly, including the establishment of any specific standards such as building heights and setbacks.
  - ii. Should this area include Buildings/Parcels C5 and C6?
- g. Page 11 should be revised to reflect the latest site plan maps, masterplan maps, and to be consistent with PDD No. 37.
  - i. Buildings S1, C8, and M2 should be removed.
  - ii. Any other buildings included in the Sports and Commercial District should be removed.
  - iii. Most of these buildings appear to no longer have apartments on the upper floors. If so, the Masterplan maps, tables, and the PDD No. 37 Ordinance must be revised accordingly. **Amended to reflect current plan**.
- h. Page 12 should be revised to reflect the latest site plan maps, masterplan maps, and to be consistent with PDD No. 37.

- i. The apartment buildings should be referred to as Buildings "A" and "B", not "R". Amended to reflect current plan.
- ii. Verify setbacks with the most up-to-date site plans, please note they do not match PDD No. 37. Staff would not recommend approval of 0' setbacks as the PDD standard, but does not object to allowing that on a case-by-case basis with Plan Commission approval of detailed site plans (as currently set forth in PDD No. 37).

Requesting "0 ft" setbacks in selected areas, see prior answers.

iii. Staff would not recommend approval of lesser setbacks adjacent to 76<sup>th</sup> Street and Rawson Avenue as explained in PDD comment #3, but may be open to slightly lesser setbacks along the proposed public street.

Requesting "0 ft" setbacks in selected areas, see prior answers.

iv. Please verify if studio apartments are proposed, and if so, correct PDD No. 37, the parking tables, and the apartment building elevation tables appropriately.

### See DD plans submitted in prior applications

v. Please note that any significant change(s) to final apartment counts, sizes, types, etc. will be subject to Site Plan Amendments.

Agreed

- i. Page 13, please verify if any changes to the PDD No. 37 Design Standards are envisioned. Any optional Ballpark Commons design guidelines should be placed within this document, and any mandatory setbacks, building heights, accessory uses, etc. should be placed within the PDD Ordinance.
  - i. Staff concurs with the "Identical Buildings" section, and would further recommend that apartments B1 and B4 include additional architectural and footprint variations from the other apartment buildings, reflecting their greater frontage along public streets. This should include more prominent main entrances, with carryover of some of those additional elements to the secondary entrances as well.

### The buildings have the elevations detailed as provided.

- j. Page 14, should be revised to include the architectural style that is being proposed for the stadium.
  - i. Please be aware that staff may not recommend approval of a stadium design that includes little or no common architectural elements with the remainder of the Ballpark Commons development.

The Stadium is a unique parcel and elements are specialized due to the structures occurring on the landfill cap materials, these area will need to be different from the balance of structures.

 Staff recommends that consideration be given to greater use of roof tops for outdoor seating for bars, restaurants, etc. throughout the Ballpark Commons development.

The recommendation will be taking in account but market users will need to identify how that fits into their operational plans.

- iii. Staff recommends that consideration be given to green roofs, terraces, patios, etc. throughout the Ballpark Commons project.
   There architects have limited areas where green roofs will work within the plans. However can be considered on future buildings.
- iv. Please note that the PDD No. 37 Ordinance must be revised to include any such outdoor uses.
- k. Page 16 should be revised to include a section on decorative building lighting.
  - i. Should the "industrial" architectural theme be retained, staff will recommend to a greater extent than otherwise, the use of decorative site and building lighting to soften their appearance and for additional aesthetic appeal.

### The district intent is illustrated in the elevations.

- ii. Staff recommends that the metal and glass wall panel systems not be allowed on the primary facades of any buildings. Staff may not object to the use of these materials in those locations for such uses as indoor/outdoor seating for bars and restaurants, etc., subject to the review and approval of detailed site and architectural plans.
  - Applicant strongly requests the uses of metals and glass throughout the district as a progressive architectural element that best reflects the intent.
- iii. Please note that if any of these features are to remain, the PDD No. 37 Design Standards would need to be revised accordingly.
- 1. Page 17, please verify with the Engineering Department that such lighting meets City design and construction standards.
  - i. Staff recommends that decorative street and parking lot lighting fixtures and poles be employed throughout the Ballpark Commons development, with a particular emphasis on all areas accessible to the public.
    - The cut sheets provided are a non standard fixture that is used in other higher end developments.
  - ii. Staff recommends that all decorative lighting (street, parking lot, pedestrian, and principal building and site) be coordinated with one another in a separate Decorative Lighting Plan.

### The photometrics reflect the existing lighting plans.

m. Page 18, staff recommends pedestrian scale lighting (typically 16' tall) for all principal pedestrian pathways, and that such lighting be incorporated into the overall lighting plan for the adjacent streets and parking lots to ensure safe and efficient distribution of lighting.

We do not have the lower pole heights reflected in the plan and that was not the intent of the public lighting, any lower lighting would come back on an individual pad plan.

- n. Pages 19 and 20 should be revised to consist only of a general summary to the proposed signage goals, objectives, and optional guidelines if any.
  - i. Staff recommends that all signage standards be located in a separate document, and clearly identify the review and approval process, as well as technical standards in regard to signage amounts, materials, etc.

ii. Staff does not recommend approval of any signage within landscape or open space easements.

# Applicant requests two district BPC sign at the north and south entry off Rawson, to be supplied at a later date.

iii. Staff concurs that signage may be integrally designed with adjacent open spaces, and building architecture, in mind.

### Agreed.

iv. Staff does not recommend approval of the amount of signage at this time. Staff recommends that a sign analysis first be provided, depicting various amounts of signage on select buildings for review and comparison, for staff review, recommendation by the Plan Commission or Architectural Review Board, and approval by the Common Council.

# For Future consideration with each pad application for elevation approval.

v. Staff concurs that signage within the stadium, as well as within the golf facility and the indoor sports facility (as long as it is not visible outside these facilities) should not count against any amount of signage allowed elsewhere throughout the Ballpark Commons development.

### Agreed

vi. Staff is also open to the idea of not counting certain amounts of signage that is integrated into the design of a building, subject to the provision of much greater details and definitions of what that may entail, for further review by staff, recommendation by the Plan Commission/Architectural Review Board, and approval by the Common Council.

### Agreed

vii. Please note that absent a significant amount of common unifying themes throughout the entire Ballpark Commons development (including the stadium), staff would likely not be supportive of an amount of signage above those standards currently provided in the City's Municipal Code.

Applicant Disagrees, with the type of development and market demand – the PDD should allow for exceptions and encourage visual signage that enhances public engagement of the district's commercial users.

- 2. Staff recommends the following additional trail, sidewalk, and pedestrian system changes:
  - a. The proposed trail within the Landscape Easement should be extended to Karrington Drive, and the trail from this point north to Rawson Avenue should be designed to serve as an access route for emergency vehicles.

### Disagree with the intent to minimize the trails uses as discussed with neighborhood groups at prior meetings

- b. A looped 5 kilometer, 10' wide, trail system should be designed through the Ballpark Commons development, to accommodate activities such as charity runs/walks, etc.
- c. All pedestrian crosswalks should include one or more of the following design elements, with a particular focus upon the intersections of the proposed public road with 76<sup>th</sup> Street and with Rawson Avenue.

- i. Raised crosswalks, painted/colored crosswalks, pedestrian signals, curb extensions, pedestrian refuge islands, high intensity crosswalk systems, bollards, etc.
- d. Bollards or other similar structures should be placed along those public and private streets and parking lot driveways adjacent to any areas with high amounts of pedestrian traffic, activated public spaces such as plazas and outdoor seating/café's, etc.
- 3. Staff recommends that further revisions/additional information be included into the noise and light mitigation plan and associated standards.
  - a. The study should be reviewed for consistency with the Municipal Code and the UDO, i.e. there are some standards that are different between the two documents
  - b. The study should be reviewed for consistency with Milwaukee County's "Summary of Final Documents for the Ballpark Commons Project". This document includes additional requirements such as re-aligning sound speakers, the County can inspect the decibel meters, variances require 24 hours notice, etc.
  - c. Staff recommends that these documents clearly state that all new lighting and sound systems shall become part of, and shall meet all standards and requirements of the mitigation plan. And furthermore, that these documents shall be referenced in, and be part of, the plans for the Ballpark Commons development and the PDD Ordinance.
- 4. Staff recommends that the Masterplan maps be revised to: reflect the latest detailed site plans; color green only those areas which are pervious open space areas (not pavement, truck parking areas, etc.).
- 5. Staff recommends that all of the Site Plan maps be revised to: draw all existing facilities not proposed to change in light grey lines; grey shade all future development areas where little or no details are yet available; include the proposed stormwater ponds; correctly map the Oak Leaf Trail (and the proposed revisions to its location); show the complete sidewalk and trail system (or note that such information is on another map); identify the number of floors associated with all proposed buildings; clearly label all existing and proposed facilities (i.e. the soccer field, the umbrella bar, BMX track, etc.); parking counts and tables should be removed (and added to a separate parking study map); all greenspace areas and all public gathering areas should be clearly labeled; all existing and proposed r.o.w. and parcel boundaries clearly be identified.
- 6. Staff recommends that a separate map with appropriate notes be used to show and explain all existing and proposed fences.
  - a. Staff further recommends that a fence be constructed around the large stormwater pond on the north end of the property.
    - i. There is a safety shelf designed into the two ponds,
- 7. Staff recommends that the first phase of construction associated with the apartments include the full width (25') parking lot drive isle as located on the east side of that area.
- 8. Staff recommends that the appropriate site plan map(s) clearly identify how the future development parcel south of Rawson Avenue and immediately west of Loomis Road will have proper access to a public street.

- 9. Staff recommends that all public roads include a terrace for landscaping, except possibly the area adjacent to Buildings C1 C4 (subject to review and approval of a detailed site plan for that area).
- 10. Staff recommends that on-street parking stalls be 9' x 20' where possible. Any exceptions should be confirmed with the Engineering Department.

### Ballpark Commons Mixed Use for Multifamily & Senior Facilities and Programming

As you know, the newest Ballpark Commons configuration includes roughly approximately 300 market rate apartments, 130-200 age restricted apartments (active seniors), including Independent & assisted living units, and memory care units.

The "senior-marketed" apartments and services are all on the south side of the development, but are designed to be fully integrated into the programming and community fabric of Ballpark Commons. They are integrated with enormous forethought as to how they work together. For example: north side physical therapy and medical entities and fit for purpose programming on south side, which includes pickle ball courts, pub, shops, etc.

The entire development group is enormously excited about the implications of creating and maintaining a mixed-use community that is expressly designed to maximize social engagement opportunities for all ages and all abilities. Our goal is not to merely *accommodate* persons with challenges related to age or physical disability, but *eliminate*, as best we can, any and all barriers to community interaction.

This is an advantageous situation for all parties. As more and more homeowners find themselves needing to make tough decisions as a new stage of life emerges, we would like to position the city of Franklin and Ballpark Commons as facilitators to transitions that maintain a high quality of life for persons in all stages of life.

The nation is now at the beginning of a 20-plus-year surge in the older population, so the time is *now* to prepare to serve these emerging realities.

### Aging In Place

Aging in place is a term used to describe a person living in the residence or community of their choice, for as long as they are able, as they age. This includes being able to access any services (or other support) they might need over time as their needs change.

The Ballpark Commons facilities and programs plan is designed to provide the means by which residents can transition from stage-to-stage in their lives without having to lose access to and integration into the social fabric. There is no reason that a "moat" has to be drawn around housing and facilities for persons who are getting older, isolating them from regular community and social contacts.

This is a two-way street. Retired professionals, for example, may no longer put on a suit and tie for their old 9–5 job, but they have an enormous amount of experience and knowledge to share with persons just getting started. Keeping those valuable and experienced persons in the sphere of a Ballpark Commons coworking space, for instance, where they can mentor young professionals and novice start-ups, provides enormous value to all parties.

Franklin DEC 112017

City Development

### Programming and Planning

Designing buildings and cities to better accommodate the eldest among us helps us all by creating communities that are more socially connected and accessible. This is more important than ever because of some pretty sobering demographic facts (as provided by the Joint Center for Housing Studies of Harvard University):

- The majority of U.S. renters are now older than 40 (overturning the assumption that the rental boom is only the result of twenty-somethings flocking to hip urban centers).
- Baby boomers born after World War II are growing older, which has also caused sharp increases in the number of renters between the ages of 55 and 69 during the past 10 years.
- Over the next twenty years, the population aged 65 and over is expected to grow from 48 million to 79 million.
- The number of households headed by someone the over-65 age group will increase by 66 percent to almost 50 million. By 2035, an astounding one out of three American households will be headed by someone aged 65 or older.
- By 2035, the number of older households with a disability will increase by 76 percent to reach 31.2 million.
- By that time, 17 million older households will include someone with a mobility disability, 12 million with a self-care disability, and 27 million with a household activity disability.

So, while a development group can certainly be seen as "altruistic" when they bring forward plans that integrate seniors into the fabric of the programming and planning of a multi-use community, the truth is that demographics and hard numbers make it *imperative* that developers and municipalities take action now to prepare for and service an aging population that wants to remain engaged and integral to their social surroundings.

That's not to mention the value this demographic represents to a community in terms of sharing knowledge and experience, as well as providing a workforce eager to engage others via positions at the stadium and retail/hospitality opportunities in the Commons.

### The Drive to Engage an Aging Demographic: Trading Isolation for Community

From the report issued by Joint Center for Housing Studies of Harvard University:

Housing design features that increase accessibility can allow those with mobility disabilities much more independence in the home, while assistive devices and technologies are increasingly able to improve safety and make it easier to conduct household activities.

Universal design elements such as zero-step entrances into the home, single-floor living, and wide halls and doorways that can accommodate a wheelchair are particularly important, as are electrical controls reachable from a wheelchair and lever-style handles on faucets and doors. However, only 1 percent of the current housing stock offers all five of these features.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Projections and Implications for Housing a Growing Population: Older Households 2015-2035, Joint Center for Housing Studies of Harvard University

Clearly, the municipality that fosters and facilitates development of Aging in Place options - while offering programming that keeps community engagement high - will stand to retain residents who would otherwise flee to retirement villages or end up cloistered in a nursing home as a result of having no better available options.

Isolation is a concern, particularly in suburban/rural areas. Even as technologies such as online shopping and banking and telehealth offer easier access to services, they also heighten the risk of isolation by keeping older adults more often at home.

At this point, responsible and forward-looking development takes on the mantle of Social Architecture, which involves the conscious design of an environment that encourages a desired range of social behaviors leading towards some goal or set of goals. In our case, we're talking about creating options that keep persons engaged in their community, both as benefactors and contributors.

Many of us are old enough to remember a time when having an interaction with a disabled person was rare enough to engender a sense of discomfort in even the most empathetic person. It was just *easier* to avoid eye contact with the boy with Down syndrome, or give wide berth to a wheelchair-bound person with cerebral palsy.

Things began to change when the Education for All Handicapped Children Act (EHA; later renamed the Individuals with Disabilities Education Act [IDEA]) was passed in 1975. One of the consequences of the legislation was the "mainstreaming" of students with disabilities into public school classrooms. Within a very short amount of time, children and adults with differences were suddenly part of the daily landscape for typically–developing kids. Before long, that kid with Down syndrome was being greeted enthusiastically by friends when they'd cross paths at the supermarket; the wheelchair–bound person with cerebral palsy had a place in the Homecoming parade, etc.

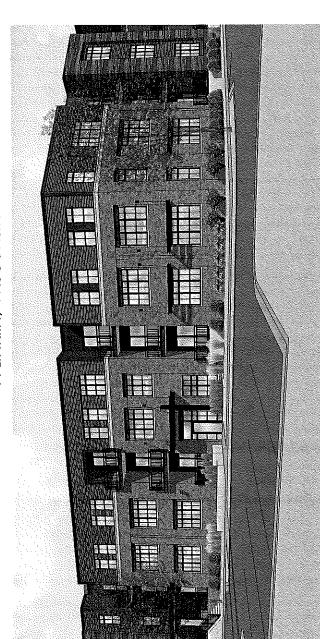
As a result of the peculiar geography of the suburbs, we find persons of a certain age suddenly "disappearing" from regular contact and interaction with their community. Some seniors have the financial ability to relocate to specially-built senior communities, where they trade their lifelong community connections for a homogenous population of "folks my age." Others find their ability to get around rather severely restricted when they can no longer drive. Still others relocate to far-flung nursing homes and elder care facilities that are, frankly, segregated from the rest of us.

Due to these and other circumstances, they become *invisible* to persons who have so much to learn from them and share with them.

It would be difficult to find a more literal expression of Return on Community - the "ROC" in ROC Ventures - than this concerted effort to maintain - and actually *create* - the kinds of informal social connections that strengthen all of us.

# BALLPARK COMMONS APARTMENTS

Rawson & Loomis Roads Franklin, Wisconsin



# **DESIGN DEVELOPMENT**

OCTOBER 18, 2017

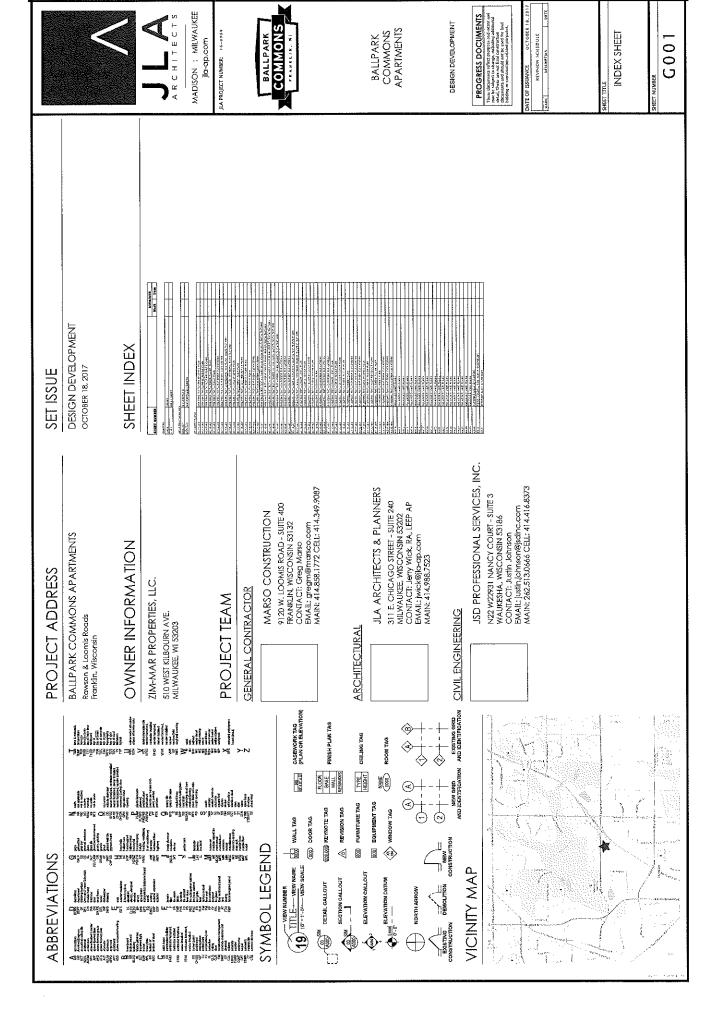


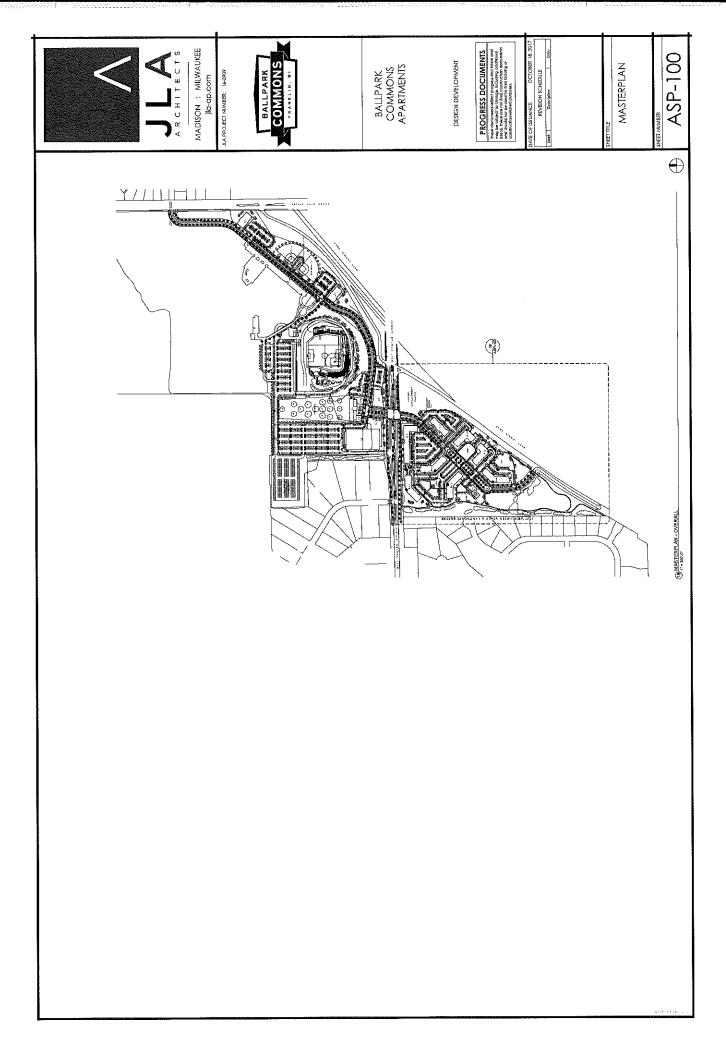


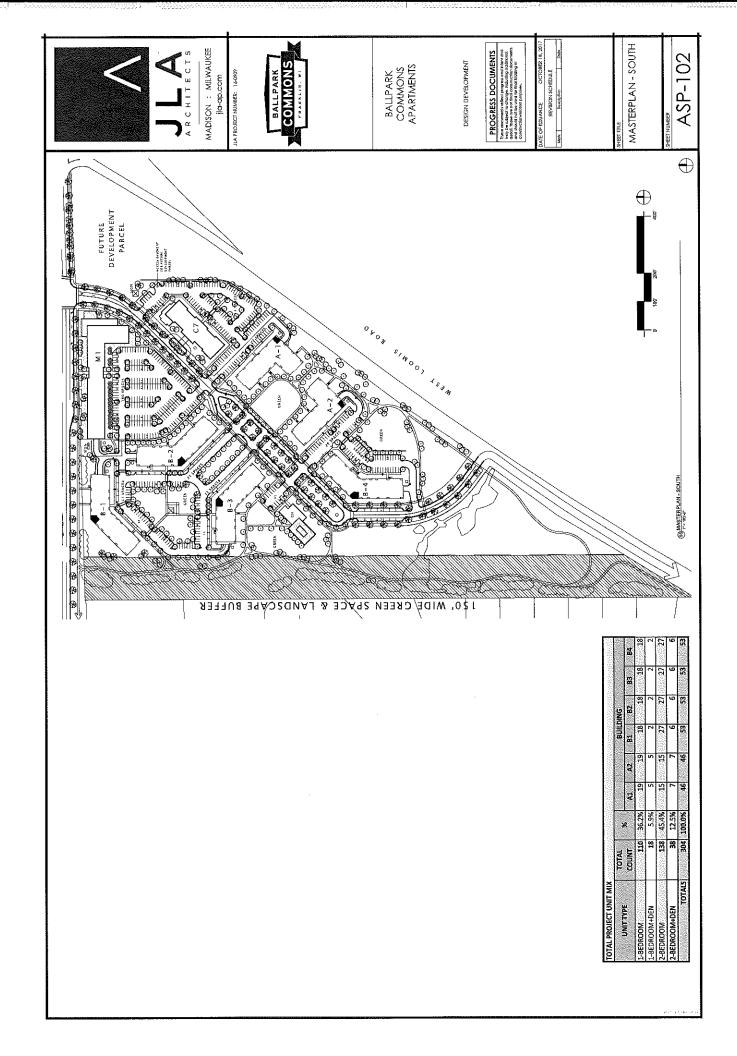
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JLA PROJECT NUMBER:

16-0909







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APPROVAL Slur	REQUEST FOR COUNCIL ACTION	MEETING DATE 01/09/18
REPORTS & RECOMMENDATIONS	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)	ITEM NUMBER

At their meeting on December 21, 2017, the Plan Commission recommended approval of a resolution imposing conditions and restriction for a special use for a proposed 4,000 person total capacity outdoor baseball/soccer stadium use upon property located at 7900 W. Crystal Ridge Drive (The Rock Sports Complex/Ballpark Commons) to:

- Serve as the home field for an independent minor league baseball team, University of Wisconsin – Milwaukee baseball team, and a professional and/or summer college soccer team.
- Serve as an extension of the current sports programming offered at The Rock Sports Complex.
- Host civic and/or entertainment events.
- Include such accessory uses and activities as entertainment, music, and fan engagement zones.
- Serve food and beverages utilizing traditional concession stands, open air and mobile concessions, and food trucks.

However, the Plan Commission did not recommend approval of all of the applicant's requested uses and activities. Rather, condition #4 in the draft resolution states that concerts, fireworks, motorized amusement rides, motorized vehicles, tailgating, and any activities that would exceed the capacity of the stadium would not be allowed until such time as a Special Use Amendment can be approved which includes confirmation of conformance with all of the joint Milwaukee County/Ballpark Commons sound and light standards, and the PDD No. 37 and UDO sound, light, and parking standards.

In addition, the applicant had requested, and the Plan Commission has no objection, to separate site plan review of the proposed stadium as a Site Plan application for review and consideration by the Plan Commission, rather than as a Special Use amendment for review and consideration by the Common Council (see condition #6).

### **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 for the Special Use for the proposed outdoor baseball/soccer stadium use. After an introduction by Mayor Olson, and a brief summary by staff, five persons spoke on this matter in opposition to, or with concerns about, the proposed Special Use. Noted concerns included:

### Page 2

- potential adverse impacts upon the Tax Incremental Financing District;
- the financial analysis, market study, etc. should be updated first;
- site plans, etc. should be completed first;
- more details of the proposed uses should be provided;
- monitoring of the uses should be conducted annually; and
- expressed opposition to concerts and similar loud uses.

Staff also received 9 emails 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.

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 adopt Resolution No. 2018—\_\_\_\_\_\_, 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).

MILWAUKEE COUNTY [Draft 12-22-17]

RESOLUTION NO. 2017-

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, ZIM-MAR PROPERTIES, LLC AND MILWAUKEE COUNTY, PROPERTY OWNERS)

WHEREAS, Ballpark Commons, LLC having petitioned the City of Franklin for the approval of a Special Use within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District, to allow for construction and operation of a proposed stadium with capacity for approximately 4,000 people that will serve 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. Further, the stadium is proposed to be used as an extension of the current sports programming offered at The Rock Sports Complex including baseball tournaments, league play, and practices. Lastly, the stadium is envisioned to host civic and/or entertainment events including farmer's markets, expos, ice skating, concerts, weddings, corporate events, fireworks, and other special events. The perimeter of the proposed Stadium will include such accessory uses and activities as entertainment, music, and fan engagement zones consisting of games, amusement rides, and various activities for children and adults. The proposed stadium will serve food and beverages in a variety of ways utilizing traditional concession stands, open air and mobile concessions, and food trucks. Such proposed stadium use is to be located south of the ski hill, upon property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District (Tax Key No. 744-8980-001 only), located at 7900 West Crystal Ridge Drive. The properties which are the subject of the application bear Tax Key Nos. (all or portions of parcels) 744-8980-001, 744-8989-000, 744-8988-000 and 744-8985-001 and are more particularly described as follows:

PART OF THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE N 88°42'47"E ALONG THE SOUTH LINE OF SAID 1/4 SECTION 648.49 FEET; THENCE N01°17'13"W 493.73 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N03°14'34"W 519.66 FEET; THENCE N90°00'00"E 578.321 FEET; THENCE N00°00'00"E 203.35 FEET; THENCE N90°00'00"E 86.70 FEET; THENCE S31°40'40"E 181.12 FEET THENCE SOUTHEASTERLY 63.34 FEET ALONG A CURVE TO THE LEFT WHOSE RADIUS IS 193.58 FEET AND WHOSE CHORD BEARS

BALLPARK COMMONS, LLC – SPECIAL USE RESOLUTION NO. 2017-\_\_\_\_ Page 2

> \$39°56'59"E 63.05 FEET; THENCE \$46°02'39"E 10.68 FEET; THENCE SOUTHERLY 85.13 FEET ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 119.50 FEET AND WHOSE CHORD BEARS S25°38'12"W 83.34 FEET: THENCE S48°21'29"E 24.43 FEET: **THENCE** SOUTHEASTERLY 14.77 FEET ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 47.50 FEET AND WHOSE CHORD BEARS \$39°26'50"W 14.72 FEET; THENCE \$30°32'10"E 34.82 FEET; THENCE SOUTHEASTERLY 39.84 FEET ALONG A CURVE TO THE LEFT WHOSE RADIUS IS 118.34 FEET AND CHORD BEARS S40°10'47"E 39.65 FEET; THENCE \$49°49'23"E 83.36 FEET; THENCE \$40°00'00"W 57.99 FEET; THENCE SOUTHWESTERLY 117.31 FEET ALONG A CURVE TO THE LEFT WHOSE RADIUS IS 340.00 FEET AND WHOSE CHORD BEARS S30°06'57"W 116.73 FEET; THENCE S20°13'54"W 106.76 FEET: THENCE SOUTHWESTERLY 180.60 FEET ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 260.00 FEET AND WHOSE CHORD BEARS S40°07'50"W 176.99 FEET; THENCE S60°01'46"W 69.82 FEET; THENCE WESTERLY ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 660.00 FEET AND WHOSE CHORD BEARS S79°00'53"W 429.43 FEET; THENCE N82°00'00"W 17.90 FEET; THENCE N08°00'00"E 60.10 FEET; THENCE N61°28'00"W 115.14 FEET; THENCE N28°39'38"W 60.02 FEET; THENCE N56°05'17"W 119.13 FEET TO THE POINT OF BEGINNING. CONTAINING 621,405 SQUARE FEET OR 14.2655 ACRES; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 21st day of December, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

# BALLPARK COMMONS, LLC – SPECIAL USE RESOLUTION NO. 2017-\_\_\_\_Page 3

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Ballpark Commons, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

- 1. That this Special Use is approved only for the use of the subject property by Ballpark Commons, LLC, successors and assigns, as an outdoor baseball/soccer stadium use, which shall be developed in substantial compliance with, and operated and maintained by Ballpark Commons, LLC, pursuant to those plans City file-stamped \_\_\_\_\_\_\_, 2017 and annexed hereto and incorporated herein as Exhibit A.
- 2. Ballpark Commons, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Ballpark Commons, LLC outdoor baseball/soccer stadium, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 3. The approval granted hereunder is conditional upon the Ballpark Commons, LLC outdoor baseball/soccer stadium use for the property located at 7900 West Crystal Ridge Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
- 4. The 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.
- 5. The subject Special Use approval shall 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.

BALLPARK COMMONS, LLC – SPECIAL USE
RESOLUTION NO. 2017-
Page 4

- 6. This Special Use approval shall allow consideration of the required site plan approval through a Site Plan Application review by the Plan Commission.
- 7. [other]

BE IT FURTHER RESOLVED, that in the event Ballpark Commons, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introdu	ced a	it a regular	me	eeting of	f the Con	nmo	n C	ouncil c	of the	City	of Fran	klin t	this
day o	f				2017.								
Passed	and	adopted at	а	regular	meeting	of 1	the	Commo	n Co	uncil	of the	City	of
Franklin this		day of	_	Ü	mooning		20				01 0110	City	O1

	RK COMMONS TION NO. 2017	S, LLC – SPECIAL '	USE	
			APPROVED:	
ATTEST:			Stephen R. Olson, Mayor	
Sandra L.	Wesolowski, C	ity Clerk		
AYES	NOES	ABSENT		

### **DIVISION 15-3.0700** SPECIAL USE STANDARDS AND REGULATIONS

### **SECTION 15-3.0701**

### GENERAL STANDARDS FOR SPECIAL USES

- **A.** <u>General Standards</u>. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:
- 1. Ordinance and Comprehensive Master Plan Purposes and Intent. The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: Yes, the baseball Stadium is in harmony with the general intent of PDD 37 the balance of sports and entertainment venues blended within the proposed district.

- 2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
  - Response: The intent is to create a venue for baseball and entertainment that enhanced the community identity of the development and will create a regional attraction to Franklin. The plan should be fully compliant with district photometrics, light and sound standards governing the development. Traffic has been addressed through the traffic impact analysis.
- 3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: The stadium is centered in the development plan creating a central hub to best buffer distances from neighboring residential uses.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: The ballpark intent is to meet public standards.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate

measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: The development completed a Traffic Impact Analysis and supplied with the PDD application materials.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: Not to our knowledge.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: We propose the plan as our narrative summary describes, the stadium will need to provide a stadium lighting plan that is compliant with photometrics and allow for ample field lighting for playing standards to achieve a safety standards. The light poles may be higher than 45 feet to allow for angle needed to cast lighting downward rather than outward to best mitigate lighting glare, (a prior neighbor concern). We will hire a national lighting firm to provide the photometrics and outline the plan to balance both needed considerations.

B. <u>Special Standards for Specified Special Uses</u>. When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: Applicant will work with Staff and Franklin to balance the needs of the applicant and needs of Franklin.

- C. <u>Considerations</u>. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:
- 1. **Public Benefit**. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

- Response: The Stadium will establish a social and entertainment venue that fosters community gathering and linking neighboring communities (that people can drive to, walk to and bike to) by attracting people for the goal of engaging in sports and entertainment benefiting the greater community.
- 2. **Alternative Locations**. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
  - Response: The stadium is located in the heart of Franklin to best repurpose land that otherwise would not generate value for Franklin. The linkages and other neighboring business should benefit from new activity and this is intended to draw visitors and generate improved economic and community goals. "ROC" stands for Return on Community. This development is the hub or heart or this development.
- 3. **Mitigation of Adverse Impacts**. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
  - Response: The site plan went through years or rework and alternate design analysis and for many reasons the site plan proposed has been identified as the best alternative to balance all the consideration on the site.
- 4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area**. Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.
  - Response: No, The PDD district is a defined geographic area that would only be permitted through City of Franklin control. It is also an infill site completed bound / surrounded by developed parcels, conservation areas and highways.

City of Franklin - Applicant's BTC Response to Stalt Comments Dept. of City Development

### **Balance of Phase 1 CO Openings Commences**

12. Section 15-9.0208E.6.a. of the UDO, please include within a Project Narrative information about the compatibility of the proposed project's uses with the surrounding neighborhoods.

Please see the district intent in the narrative section.

13. Section 15-9.0208E.6.c. of the UDO, please include within a Project Narrative information about the compatibility of the proposed project's density with the surrounding neighborhoods.

Please see the district intent in the narrative section.



### Special Use

- 1. Section 15-3.0701A. of the UDO, please complete a separate Special Use Standards and Regulations form for each Special Use requested.
  - a. Please note that pursuant to PDD No. 37 Ordinance No. 2016-2212, the Indoor Sports Complex and buildings over 3 stories are also Special Uses.

We have requested that Staff Consider the Indoor Sports S3 be a permitted use in PDD 37. We ask for a 3 story 36 ft height for the B apartment buildings. The A apartment buildings near Hwy 36 & Rawson we may request a 4<sup>th</sup> story 45 ft to add 1<sup>st</sup> floor retail & commercial.

The following is a description of stories and heights (all heights are approximated and subject to change at the time of parcel application):

For Sports S1 Stadium 45 ft for buildings

1 Story (Most Structures Example Bathrooms, Merchandise, Food and Beverage) Press Box 2 Story Selected Out Field Stands may ask for viewing deck Upper Stadium Concourse is approx. 14 ft above field level - berm seating bowl

For Sports S2 Golf < 50 ft for building 3 Stories For Sports S3 Indoor Sports < 50 ft for building 1Story Primary Structure

C1 3 Stories 45 Ft

C2 3 Stories 40 Ft

C5 & C5 will likely be 1 to 2 story 30 ft, C6 may be a hotel up to 5 stories 50ft

Some exceptions, S1 Stadium will have light poles approximately 70 ft for light poles and S2 Golf will have 170 ft for net poles.

b. Staff recommends that the Special Use (and associated site plan data) for the Indoor Sports Complex be submitted at this time due to the intensity and density of uses and buildings adjacent to the intersection of the proposed public road with Rawson Avenue as noted in a number of other staff comments.

We request that Staff considering that the Indoor sports complex be a permitted use and request that the Plan Commission evaluate the building at time of plan application for that parcel.

c. Section 15-3.0703N. of the UDO, please address the applicable requirements for golf driving ranges.

At the time of the Golf plans pad application.

d. Please note that staff does not object to classifying a golf driving range within the Ballpark Commons project as a permitted use (PDD No. 37 must be revised accordingly). However, staff recommends that all of the UDO Special Use requirements be met to the greatest extent practical.

We support Staff's recommendation to make Golf a permitted use within PDD 37.

- 2. Section 15-3.0703S. of the UDO, please address the requirements for landfill and disposal uses.
  - a. Please note that pursuant to PDD No. 37, Wisconsin Department of Natural Resources required monitoring and maintenance activities are a permitted use and need not meet these Special Use requirements. Any other waste relocation would be a Special Use and must meet these UDO Special Use standards, unless otherwise authorized by the Wisconsin Department of Natural Resources and the Common Council.

Waste is being relocated is a part of the applicants Closure Plan and Modification Request Submitted to the DNR on 12/06/17. We can submit a draft plan for your review and consideration. Since the waste relocation is a known condition to the plan currently submitted and being permitted through third party engineering and DNR oversight, we request that the process is a permitted use.

- 3. Section 15-9.0103C. of the UDO, please submit a completed Special Use application.
  - a. Please note that the Special Use application must include a legal description for the subject building/site, a site plan (the submitted preliminary site plan, subject to review and approval of a final site plan at a later date, may be acceptable), a Project Narrative, and information clearly identifying all types of structures and uses proposed as part of the stadium (otherwise, such structures and uses would require separate reviews and approvals).

The special use application and Narrative was submitted to Staff. The stadium will be applied for as a separate pad, Staff, PC, and Council.

i. Please note that staff has no objection to the proposed stadium use as a special use, but would likely not recommend approval of certain ancillary and accessory uses (tailgating, seasonal themed experience events, food trucks, etc.) until more detailed information about each use can be provided (i.e. hours of operation, size and frequency of these events and uses, parking needs, site/space/structure impacts, infrastructure needs, etc.).

### The special use application and Narrative was submitted to Staff for the Stadium.

ii. As further discussed later in these staff comments, staff is recommending that the sound and lighting systems for the proposed stadium be analyzed for compliance with the overall projects noise and light standards as part of the Special Use application.

At the time the specific stadium plan is brought forward we agree that a photometric plan and sound be compliant with the PDD 37 district objectives & the UDO perimeter boundary plan as defined at the perimeter of the property per the UDO's ordinances.

b. Please note that if multiple special use approvals are requested, all such uses could be included within one application, but a separate Special Use Standards and Regulations form must be completed for each Special Use.

We have made clear the intent of future uses, the city will need to determine how many public hearings they intend to host.

### **Natural Resource Protection Plan (NRPP)**

- 1. Section 15-7.0201F. of the UDO, please include all existing and proposed lot lines, right-of-ways, and easements on the NRPP map.
  - a. In order to keep the NRPP map legible, additional NRPP maps may be necessary, such as one set of maps to show existing conditions (using the Existing Conditions Map) for the underlying base map features, and a second set of maps to show impacts and proposed conditions (please verify that the most up-to-date site plans are being used).

### JSD has submitted the updated NRPP and passed Franklin's Environmental Commission on 11/29.

- 2. Sections 15-7.0201J. and 15-7.0103Q. of the UDO, please correctly identify all disturbance of protected natural resource features.
  - a. Please note that temporary land disturbing activities associated with construction are only allowed within wetland setbacks. Such disturbances are not allowed within wetlands, wetland buffers, or woodlands. In such cases, these activities must be included as part of the Natural Resource Special Exception request.

### EXHIBIT C NOISE AND LIGHT ADDENDUM

The Rock Sports Complex and Ballpark Commons project is a multi-use facility developed for a multi-use sports and entertainment complex ("Project") encompassing the boundaries set forth in Exhibit C.1 ("Abatement Boundaries"). Residents in the communities of Franklin and Greendale have expressed concerns regarding noise and light levels at and beyond the Project Boundaries, originating from activities associated with the Project. This Noise and Light Addendum shall be incorporated into Project documents<sup>1</sup> and consists of three components:

- 1) 2017/2018 Noise and Light Mitigation Plan;
- 2) Noise and Light Standards and Development Plan;
- 3) Noise and Light Compliance Plan.

As specified further herein, BPC County Land, LLC, The Rock Sports Complex LLC, and/or any subsequent or related owner, user, operator, sub-lessee, etc. shall comply with the following:

### 1. 2017/2018 Noise and Light Mitigation Plan

Attached as Exhibit C.2<sup>2</sup> are:

- To mitigate unintended light trespass and glare visible from nearby residential areas:
  - O This Mitigation Plan details current conditions and identifies 67 lights for new improved glare reduction and control over unintended light trespass ("Gold Standard Visors") and 11 existing lights for retrofitting with Gold Standard Visors. These new visors and retrofits will be installed on or before the beginning of the Spring 2018 baseball season. All 223 existing fixtures will be adjusted as part of the retrofit effort.
  - New fixtures for lighting outdoor facilities shall meet or exceed the performance of the retrofit fixtures with respect to glare and unintended light trespass.
- To mitigate noise and measure compliance:
  - Past compliance has been measured through handheld monitoring devices. This Mitigation Plan details the installation of permanent monitoring devices at the Abatement Boundaries in the three approximate locations shown in Exhibit C.1. The monitoring devices will trigger a notification in the event of an exceedance and record continuous performance data. Since the monitors require permanent electrical connections, the installation needs to coincide with utility installations, commencing in Spring, 2018 and completed during the outdoor concert season in

<sup>&</sup>lt;sup>1</sup> The Project documents are: 1) Development Agreement between BPC County Land, LLC and Milwaukee County (as Exhibit C); 2) Lease Agreement between BPC County Land, LLC and The Rock Sports Complex, LLC and Milwaukee County (as Exhibit D); and 3) Development Agreement between BPC County Land, LLC and City of Franklin (as Exhibit \_\_); 4) the Contribution and Participation Agreement between BPC County Land, LLC and Milwaukee County; and the 5) Option to Purchase (as Exhibit F).

<sup>&</sup>lt;sup>2</sup> Exact locations for noise and light remediation tools and fixtures are subject to reasonable adjustment.

2018 (no later than November 1, 2018) generally at the locations shown in the Mitigation Plan.

### 2. Noise and Light Standards and Development Plan

To ensure compliance with objective standards, the Project shall be subject to the following noise and light standards as set forth in the Franklin Ordinances ("Noise and Light Standards"):

- Section 15-3.1104 Glare:
- Division 15-5.0400 Lighting;
- Section 183-41 Noise;
- With approval by the City of Franklin, such other applicable Noise or Light standards as may apply for a particular event or specified uses within the Project Boundaries.

The point of compliance for application of the Noise and Light Standards, and all activities conducted at the Project, shall be the Abatement Boundaries as set forth in Exhibit C.1.

All development within the Abatement Boundaries shall be subject to final plan approval by the City of Franklin following the specifications and process set forth in the Franklin Ordinances. A Lighting plan meeting the requirements of Section 15-5.0402 shall be submitted to the Plan Commission for the City of Franklin, with a copy provided to the Village of Greendale.

### 3. Noise and Light Compliance Plan

To ensure ongoing compliance, the Project operator(s) shall maintain a compliance log with the following information:

Light Compliance. The City of Franklin shall conduct a final inspection following the installation of any new permanent light emitting outdoor fixture extending or mounted more than 20 feet above ground. The City shall, within 15 days of its inspection, indicate whether any modifications are needed to comply with the plan. The operator and the City of Franklin shall jointly visually inspect light compliance in the Spring, prior to the start of each baseball season, at or across the roadway from the Abatement Boundaries, as designated on the attached Exhibit C.2 as "visual compliance inspection locations."

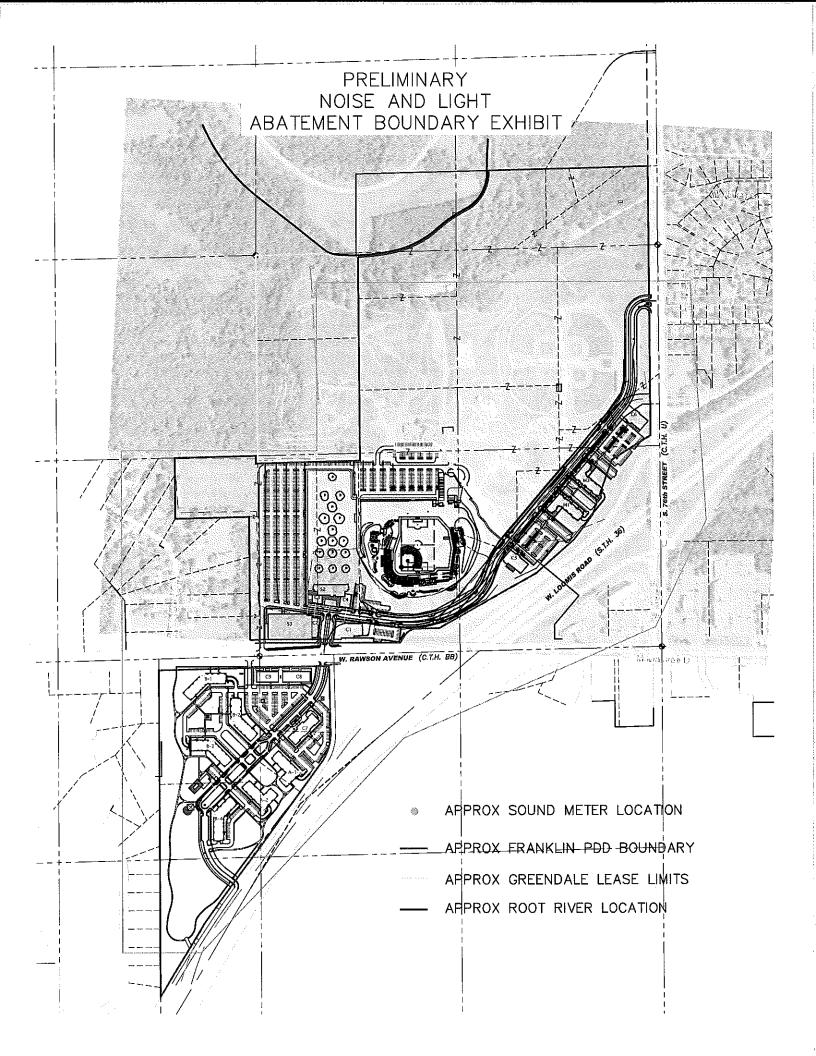
#### Noise Monitoring.

Annually, the operator will provide the City of Franklin with a list of concerts and special events requiring a permit, including dates and times for operations during the event. A copy of the list of concerts and permitted events shall be provided to the Manager for the Village of Greendale. Events will also be posted at the Property and through electronic media to ensure neighbors can be aware of forthcoming events. The Operator shall provide a means for receiving complaints, through a web page or equivalent electronic media, and shall preserve a record of complaints that will be provided to the City of Franklin, Village of Greendale or County upon request. These records shall be preserved for a minimum of two years. Nothing herein is intended to prevent citizens from being able to file public complaints, but this is intended to allow verification of whether or not a complaint and violation occurred.

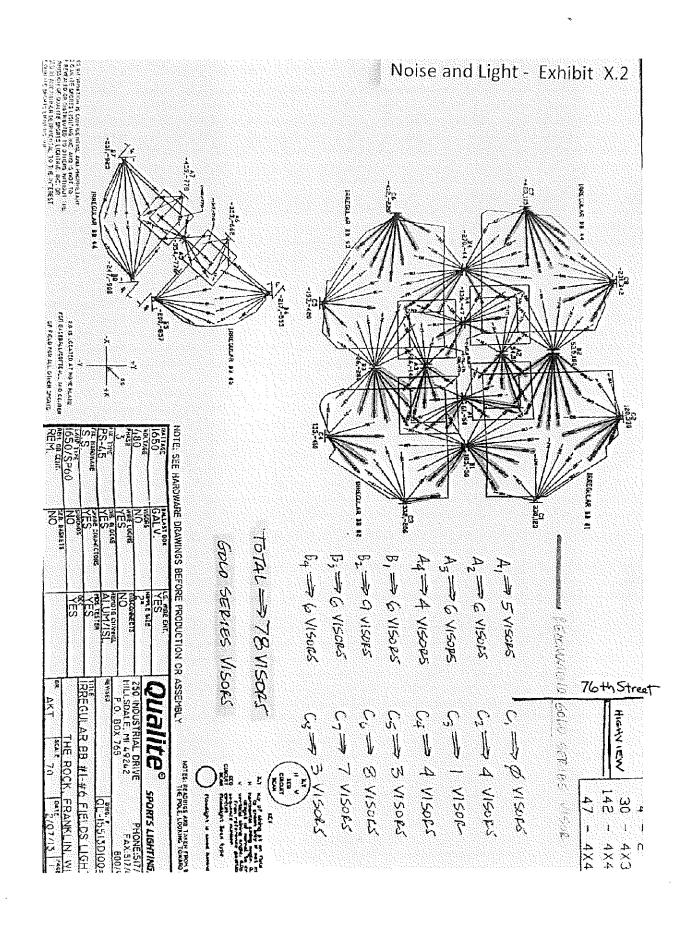
Continuous noise monitoring data shall be kept for twelve months. Upon reasonable request by the County, City of Franklin, or the Village of Greendale, noise monitoring data and reports, and a record of complaints, shall be provided to the County, City or Village, evidencing the status of compliance. A violation will be considered material if it represents a complaint filed with the operator or the City of Franklin and is evidenced in the monitoring data logs by an exceedance ("Trigger Event") that is not permitted and is not corrected and remediated within 30 minutes of the Trigger Event. The City shall have the right to enforce payment of the penalties specified in the Noise and Light Standards, which may include payment of a double permit fee for any material violation. If the operator has more than four unpermitted material violations in a calendar year, the operator shall be subject to stepped-up enforcement measures as specified in the Noise and Light Standards. If the City declines to take enforcement action, the County, under the terms of this agreement, shall have the right to impose penalties on the operator, in the County's reasonable judgment given the severity and duration of the violation and the number of violations, which shall not exceed \$1,000 for an individual violation and \$10,000 in aggregate for a calendar year.

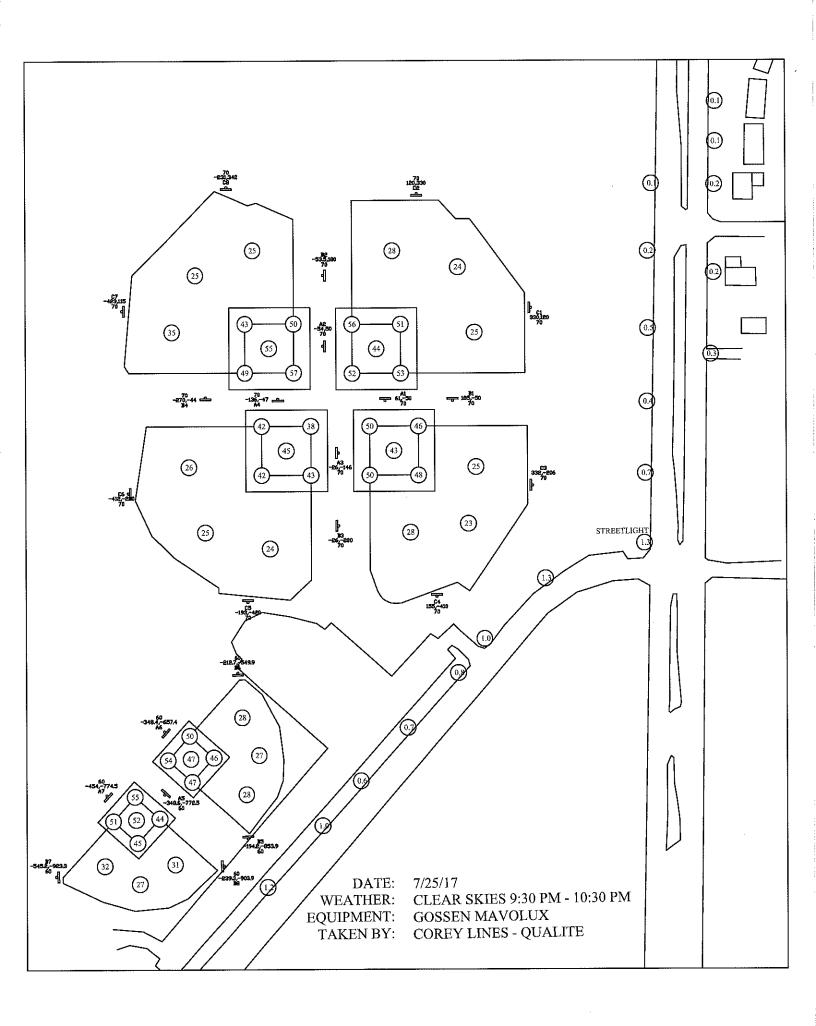
No provision of this addendum shall be construed to impair any common law or statutory cause of action or legal remedy or to replace the obligations more specifically set forth in the Noise and Light Standards.

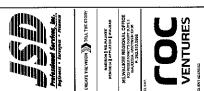
# **EXHIBIT C.1 Abatement Boundaries**



# **EXHIBIT C.2 Mitigation Plan**

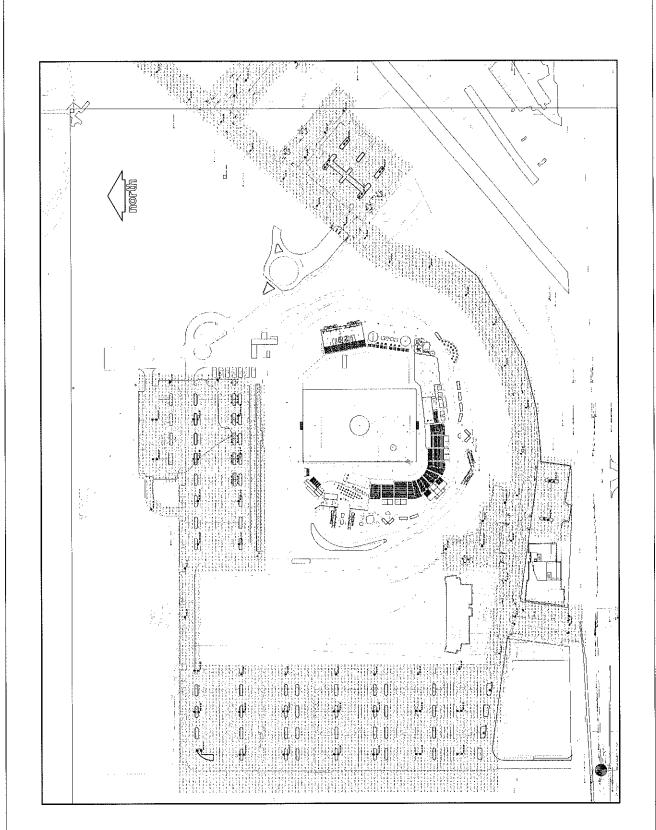


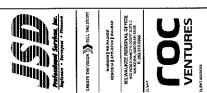








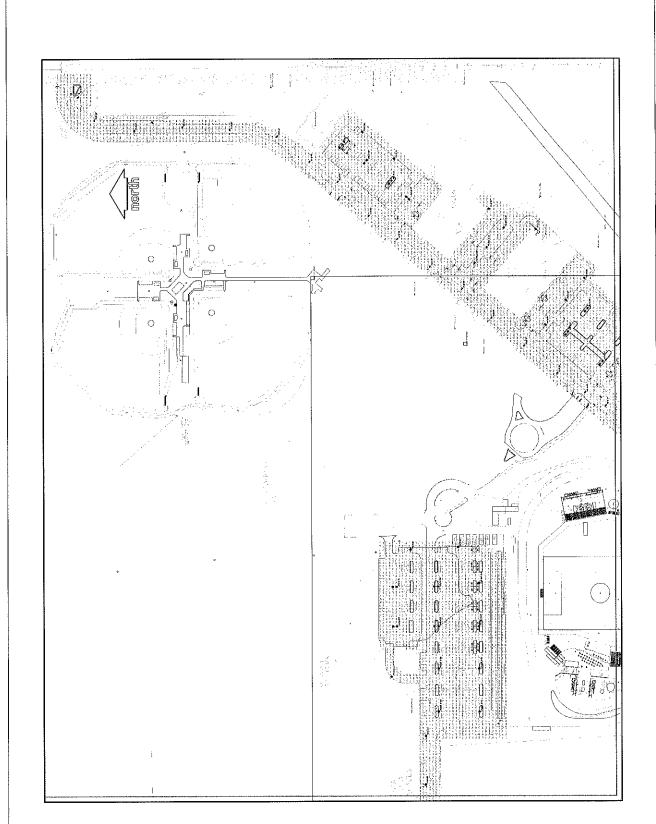








X4.1











X4.2