

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE  06/19/18
REPORTS & RECOMMENDATIONS	<p>AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO SENIOR HOUSING, MEMORY CARE RESIDENCE FACILITY, COMMUNITY LIVING ARRANGEMENT, ATHLETE HOUSING/APARTMENTS, ROCK CRUSHING/BATCH PLANT, AND BASEBALL STADIUM; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SIZE LIMITS, LOT AREA REQUIREMENTS, DENSITY REQUIREMENTS, SIGNAGE AMOUNTS, HOURS OF OPERATION AND LIGHTING CURFEW, PUBLIC WATER SERVICE, FENCING REQUIREMENTS, LANDSCAPING REQUIREMENTS, AND CERTAIN DESIGN STANDARDS; TO REVISE CERTAIN FINANCIAL SURETY REQUIREMENTS IN CONDITION NO. 15 IN THE STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS DATED JANUARY 9, 2018; AND TO REVISE THE COMPREHENSIVE SOUND AND LIGHT STUDY REQUIREMENTS IN CONDITIONS NUMBERS 2 AND 3 IN PLANNED DEVELOPMENT DISTRICT NO. 37 ORDINANCE NO. 2018-2324; (BPC COUNTY LAND LLC, AND BPC MASTER DEVELOPER LLC, APPLICANTS) (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE, AND ALONG WEST RAWSON AVENUE, WEST LOOMIS ROAD, AND WEST OLD LOOMIS ROAD)</p>	<p>ITEM NUMBER</p> <p>2.10.</p>

**Please note a track changes draft of the associated Ordinance has been prepared, and included within the Council packet, which reflects the PDD Amendment changes as proposed by the Plan Commission, and which also includes comments from staff and the applicant.**

Introduction

At their meeting on June 7, 2018, the Plan Commission recommended approval, with conditions and restrictions, of an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District (PDD) No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District to:

- Allow additional uses as Permitted Uses;
- Revise certain District Standards;
- Revise certain financial surety requirements; and
- Revise the Comprehensive Sound and Light Study requirements.

#### Plan Commission Recommendations

The Plan Commission recommended approval of the following more substantial requested changes:

- Increase the minimum building height from three to four-stories.
- Revise the Ballpark Commons Landscape Plan to allow 25 percent less landscape plantings, as may be approved by the Plan Commission.
- Addition of athlete housing/apartments as a Permitted Use to The Rock Sports Complex portion of PDD No. 37.
- Exclude interior signage within the Stadium, the ballfields, the golf facility, and the baseball facility from the amount of signage allowed by the City of Franklin Municipal Code.
- Change the lighting curfew for all of The Rocks Sports Complex outdoor facilities from 10:30 p.m. to 11:00 p.m., and in the event of rain delays, extra innings, etc., an extension up to 12:00 a.m. (midnight) is allowed. And further allow additional infrequent minor extensions beyond midnight.
- Establish the hours of operation for the outdoor golf and indoor baseball facilities as 12:00 a.m. (midnight), and for the indoor activities associated with the golf facility as 2:00 a.m.
- Increase the density of the Multi-Family portion of Ballpark Commons to 16 units per acre, and allow it to be averaged between all multi-family developments.
- Addition of Memory care residence facility as a Permitted Use in the Multi-Family portion of Ballpark Commons.
- Change the Community living arrangements serving 9 or more persons, and Multiple-family residential housing for older persons, from Special Uses to Permitted Uses.
- Remove the requirement for the Comprehensive Sound and Lighting Studies, and instead establish that the sound and light enhancements as set forth in the agreement between Milwaukee County and Ballpark Commons shall be implemented, that Ballpark Commons shall abide by the City's noise and light standards, that a report on the noise monitoring shall be presented to the Plan Commission after one year, and that a comprehensive photometric plan be prepared for City review and approval.
- Revise condition number 15 of the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions to allow the provision of a personal guaranty instead of a Letter of Credit.

The Plan Commission did not recommend approval of the following more substantial requested changes:

- Addition of Temporary Stone Crushing operations as a Permitted Use.
- Revision of the Stadium and Office uses from Special Uses to Permitted Uses.
- Establish the hours of operation for the outdoor portion of the golf facility as 2:00 a.m. on Friday's and Saturday's.

#### Staff Recommendations

It can be noted that staff did not agree with many of the proposed changes noted above. Summary information about those concerns can be found in the comment boxes in the track changes version of the Ordinance, and more detailed information can be found in the Staff Report prepared for this PDD amendment.

Public Hearing Summary

A public hearing was held on June 7, 2018, before the City of Franklin Plan Commission to receive public comment on the request by BPC County Land LLC and BPC Master Developer LLC to revise Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons). After an introduction and brief summary by staff, 10 persons spoke on this matter in opposition to, or with concerns about, the proposed changes and revisions. Noted concerns included:

- too many project changes/revisions;
- not enough parking provided;
- noise and dust associated with the proposed rock crushing operation;
- extended hours of operation;
- the field lights will be too tall and too bright;
- removal of the comprehensive sound and light studies; and
- changes to the landscape plan/less landscaping.

**COUNCIL ACTION REQUESTED**

A motion to approve Ordinance No. 2018-\_\_\_\_\_, an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District in the following manner: to allow additional uses as permitted uses, including but not limited to senior housing, memory care residence facility, community living arrangement, athlete housing/apartments, rock crushing/batch plant, and baseball stadium; to revise certain District standards including but not limited to building height and building size limits, lot area requirements, density requirements, signage amounts, hours of operation and lighting curfew, public water service, fencing requirements, landscaping requirements, and certain design standards; to revise certain financial surety requirements in condition no. 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018; and to revise the comprehensive sound and light study requirements in condition numbers 2 and 3 in Planned Development District No. 37, Ordinance No. 2018-2324 (7900 West Crystal Ridge Drive) (BPC County Land LLC and BPC Master Developer LLC, Applicants, BPC County Land LLC, Zim-Mar Properties LLC, and Wisconsin Department of Transportation, property owners).

June 1, 2018

Mr. Joel Dietl  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

Subject: Mayor PDD Amendment  
Ballpark Commons  
Franklin, WI

Dear Mr. Dietl,

We hereby respectfully submit for your review the Planned Development District Mayor Amendment documents of section 15.3-0442 of the Unified Development Ordinance for Ballpark Commons. The project is located at, and near, The Rock sports complex in Franklin, Wisconsin, with portions of the site lying on either side of West Rawson Avenue. We understand that the development of this project will involve a complex, multi-step process, and are excited to continue working through those steps together with the City of Franklin, Milwaukee County, Wisconsin DNR and other stakeholders.

As an overview, we are proposing amendments for the "Ballpark Commons" development zoning district as currently approved in PDD No. 37. Since the PDD was created we have submitted specific site plans for much of the project, and the main purpose of this mayor amendment is to realign the overlaying district wide standards to better match what we now know is now coming within the district. These changes as proposed, if adopted, will simplify future approvals of the site-specific plan approvals.

We are looking to expand the "permitted uses" as currently adopted to include, but not limited to; senior housing and memory care in the multi-family district, athlete housing/apartments and baseball stadium in the rock sports complex district, and a temp crushing plant for the site.

We are looking to revise certain district standards on, but not limited to, building size, building heights, site densities, hours of operation, landscape requirements, and some of the original conditions of approval to fit the current development plans.

The detail on all the proposed amendments have been provided and reviewed with city staff.

Thank you for your consideration of this matter. We look forward to working with you to continue this vibrant new development to the City of Franklin.

Sincerely,

A handwritten signature in black ink that reads "Greg Marso". The signature is stylized with a large, sweeping "G" and "M".

Greg Marso  
Marso Companies, LLC & Ballpark Commons Development Team



# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

Meeting of June 7, 2018

### Planned Development District No. 37 Amendment

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**RECOMMENDATION:** City Development staff recommends approval of the Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) major amendment, subject to the conditions of approval in attached draft ordinance.

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

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Please note the following changes to the draft ordinance and staff report formats:

- The changes identified in the draft PDD amendment ordinance have been requested by the applicant to facilitate construction of various components of Ballpark Commons.
- The conditions of approval located at the end of the draft ordinance reflect those revisions recommended by staff (and as further described in the Comment boxes in the margins of the track changes version of the draft ordinance).

### **INTRODUCTION:**

On March 23, 2018 BPC County Land LLC and BPC Master Developer LLC submitted an application, and on May 21, 2018 provided additional information, for a Planned Development District (PDD) amendment to amend various PDD No. 37 district standards such as building heights, building sizes, permitted uses, etc.

The applicant had also simultaneously submitted applications for the proposed stadium, and the proposed indoor baseball facility. The stadium Special Use Amendment/Site Plan is a separate

item on the June 7, 2018 Plan Commission agenda. Staff is still reviewing the proposed Indoor Baseball facility application, which is envisioned to be on the Plan Commission's June 21<sup>st</sup> agenda.

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

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

The applicant has proposed a number of changes to the Planned Development District standards, including but not limited to:

- Increased building height and size limits. See page 7 ( #9), of the draft ordinance.
- That private sanitary sewer and water systems can continue to be utilized for existing buildings within The Rock Sports Complex. See page 7 (#10) of the draft ordinance.
- Addition of a new permitted use, Temporary Stone Crushing. See page 8 (#11), of the draft ordinance.
- Revision of the landscape standards, to allow less landscaping, as set forth in a revised Landscape Plan. See page 8 (#13), page 16 (#4), and page 32, (#3).
- Changing the stadium and office uses from Special Uses to Permitted Uses, and adding Athlete Housing/Apartments as a new Permitted Use, in The Rock Sports Complex portion of PDD No. 37. See page 11 of the draft ordinance.
- Allowing additional signage. See page 14 of the draft ordinance.
- Expanding the Hours of Operation for the various components of The Rock Sports Complex. See page 17 of the draft ordinance.
- Removing the requirement for Comprehensive Sound and Lighting Studies. See pages 18 and 45 of the draft ordinance.
- Increased net density. See page 26 (Table 15-3.0442D.1.), of the draft ordinance.
- Adding memory care as a new Permitted Use in the Multi-Family Residence Area portion of PDD No. 37, and changing Community living arrangement (serving 9 or more persons) and Multiple-family Residential Housing for Older Persons, from Special Uses to Permitted Uses.
- **Please refer to the draft PDD ordinance (with track changes) to see the specific changes as proposed by the applicant.**

While the changes to the draft PDD ordinance reflect what the applicant has requested, the Comment boxes in the margins and the conditions of approval at the end of the ordinance reflect the changes as recommended by staff. In some instances, the changes requested by staff contradict the changes requested by the applicant, in those cases:

- If the Plan Commission concurs with the change proposed by the applicant, the Plan Commission must make a motion removing staff's recommended condition pertaining to that matter.
- If the Plan Commission concurs with staff's recommended condition, no special motion is needed; the appropriate revision to the ordinance will be incorporated into the final draft.

### **PDD Amendment Concerns**

Staff has significant concerns associated with the following changes requested by the applicant:

- Addition of a new permitted use, Temporary Stone Crushing. See page 7 (#11), of the draft ordinance. Staff would note that this use is proposed to be located within 700' of the nearest residential home (rather than the UDO required 1,000'), is proposed to last from June 2018 to August 2018, and would operate on Mondays through Saturdays.
  - Staff recommends that this use remain a Temporary Use, as set forth in the UDO, for review and approval by the Plan Commission, and that it meet all UDO standards.
- Revision of the landscape standards, to allow less landscaping, as set forth in a revised Landscape Plan. See page 8 (#13), page 16 (#4), and page 32, (#3). The applicant is requesting that the Landscape Plan for Ballpark Commons be allowed to provide 25 percent less landscaping than is required by the UDO. Staff would note that Ballpark Commons will likely be one of the densest developments in the City, is located adjacent to the Root River Parkway, and provides few green infrastructure elements.
  - As such, staff recommends that the UDO landscape standards be met. However, staff is open to flexibility in some of the landscape standards, such as a landscaping quantity credit for the provision of larger trees, etc.
- Changing the stadium and office uses from Special Uses to Permitted Uses, and adding Athlete Housing/Apartments as a new Permitted Use, in The Rock Sports Complex portion of PDD No. 37. See page 11 of the draft ordinance. Staff is particularly concerned about changing the stadium to a Permitted Use. This facility, and any changes to it in the future, may have significant impacts not only upon adjacent developments, but upon the existing adjacent neighborhoods as well.
  - Therefore, staff recommends this use remain a Special Use, to allow the neighbors an opportunity to comment on any changes during a public hearing process, but also to allow the Common Council the opportunity to review any changes, and ultimately to approve or deny any such changes over time.
- Removing the requirement for Comprehensive Sound and Lighting Studies. See pages 18 and 45 of the draft ordinance. The applicant is requesting that the sound and light enhancements and standards, as agreed upon with Milwaukee County, serve in lieu of the Comprehensive Sound and Lighting Studies currently required by PDD No. 37 (although the applicant will prepare a combined photometric plan for the overall lighting of the area). Staff would note that the sounds and lights from the facilities comprising The Rock Sports Complex portion of PDD No. 37 might have significant impacts not only upon adjacent developments, but upon the existing adjacent neighborhoods as well. It can be noted that the decibel levels assumed by the applicant are incorrect for these types of uses, that lighting levels can be cumulative, that particularly at night sound/noise levels as experienced by the neighbors can be significant, are affected by wind directions and distance from the noise, that optional light visors and internal glare louvers are becoming more common and effective, etc.
  - Staff recommends that the Comprehensive Studies be conducted as currently required, and that they incorporate the additional concerns raised in staff's preliminary review of the stadium Special Use Amendment/Site Plan.
- Adding memory care as a new Permitted Use in the Multi-Family Residence Area portion of PDD No. 37, and changing Community living arrangement (serving 9 or more persons) and Multiple-family Residential Housing for Older Persons, from Special Uses to Permitted Uses. The applicant is requesting that the proposed Senior Housing Development (proposed to replace the market rate apartment Buildings A1 and A2 and the hotel Building C7) be

allowed as a Permitted Use. Staff would note that the proposed development would consist of an independent living senior component, an assisted living senior component, and a memory care component. The Fire Department has expressed concerns with this type of development in regard to its impact upon the Department's staffing levels, response times, and EMS incidents. The Department of City Development believes that this use is not consistent with the sports anchored mixed use development envisioned in Ballpark Commons, particularly in regard to any ability to create substantial synergy between the two, and the potential for adverse impacts of traffic, noise, lights, and long hours of operation from the Ballpark Commons uses and activities upon the senior housing development.

- Staff recommends that the senior housing development not be approved, and if allowed, that it be identified as a Special Use, in order to allow the neighbors an opportunity to comment on any changes during a public hearing process, but also to allow the Common Council the opportunity to review any changes, and ultimately to approve or deny any such changes over time.

### **CONCLUSION:**

City Development staff recommends approval of the Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) amendment subject to the conditions of approval in attached draft ordinance.



STATE OF WISCONSIN      CITY OF FRANKLIN      MILWAUKEE COUNTY  
*Draft track changes copy: 6-11-18*  
ORDINANCE NO. 2018-\_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO SENIOR HOUSING, MEMORY CARE RESIDENCE FACILITY, COMMUNITY LIVING ARRANGEMENT, ATHLETE HOUSING/APARTMENTS, ROCK CRUSHING PLANT, AND BASEBALL STADIUM; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SIZE LIMITS, LOT AREA REQUIREMENTS, DENSITY REQUIREMENTS, SIGNAGE AMOUNTS, HOURS OF OPERATION AND LIGHTING CURFEW, PUBLIC WATER SERVICE, FENCING REQUIREMENTS, LANDSCAPING REQUIREMENTS, AND CERTAIN DESIGN STANDARDS; TO REVISE CERTAIN FINANCIAL SURETY REQUIREMENTS IN CONDITION NUMBER 15 IN THE STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS DATED JANUARY 9, 2018; AND TO REVISE THE COMPREHENSIVE SOUND AND LIGHT STUDY REQUIREMENTS IN CONDITIONS NUMBERS 2 AND 3 IN PLANNED DEVELOPMENT DISTRICT NO. 37 ORDINANCE NO. 2018-2324; (BPC COUNTY LAND LLC, AND BPC MASTER DEVELOPER LLC, APPLICANTS) (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE, AND ALONG WEST RAWSON AVENUE, WEST LOOMIS ROAD, AND WEST OLD LOOMIS ROAD)

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WHEREAS, Section 15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), same having been created by Ordinance No. 2012-2089 and later amended by: Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013; Ordinance No. 2013-2101; Ordinance No. 2016-2212; Ordinance No. 2017-2278, Ordinance No. 2018-2312, Resolution No. 2018-7339, Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018, Ordinance No. 2018-2318, Ordinance No. 2018-2324, and Ordinance No. 2018-\_\_\_\_\_ (re: Buildings B1 thru B4) with such District primarily being located at 7900 West Crystal Ridge Drive, bearing tax key nos. 708-8996-000, 708-8999-000, 744-8980-001, 744-8981-000, 744-8985-001, 744-8985-002, 744-8988-000, 744-8989-000, 745-0029-000, 745-8998-000, 745-8999-004, 754-9988-001, 754-9988-002, 755-9995-001, 755-9995-002, 755-9996-000, and is more particularly described below; and

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

Part of the Southeast 1/4 of the Southwest 1/4; the Northeast 1/4, Northwest 1/4, Southeast 1/4, and Southwest 1/4 of the Southeast 1/4; and the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 4, Township 5 North, Range 21 East, and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4; and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Commencing at the Southwest corner of said Southeast 1/4 of Section 4; thence North 88°42'47" East along the South line of said Southeast 1/4 section, 1452.10 feet to Loomis Road (State Trunk Highway "36") reference line as shown in Wisconsin Department of Transportation Plat of Right of Way Project Number F064-I(5)/2240-02-22, dated July 3, 1956 and the point of beginning;

Thence South 49°44'47" West along said reference line, 907.00 feet to a point of curve; thence southwesterly 1280.00 feet along said reference line and along the arc of said curve to the left, whose radius is 3819.72 feet and whose chord bears South 40°08'47" West, 1274.02 feet to a point of tangency; thence South 30°32'47" West along said reference line, 913.06 feet; thence North 59°36'20" West, 148.15 feet to the southeast corner of Stone Hedge Subdivision Addition No. 1; thence North 00°10'59" West along the east line of said Stone Hedge Subdivision Addition, 1801.35 feet to the northeast corner of said Stone Hedge Subdivision Addition; thence North 00°03'31" East, 485.75 feet to the north right of way line of West Rawson Avenue; thence North 88°25'44" East along said north right of way line 598.14 feet to the southeast corner of Parcel 1 of Certified Survey Map No. 3107; thence North 00°17'04" West along the east line of said Parcel 1 and then along the east line of Lot 14, Lot 13, and Lot 12 of Block 1 of Whitnall View Subdivision Addition No. 1, 852.41 feet to the northeast corner of said Lot 12; thence South 88°37'08" West along the north line of said Lot 12 and then the north line of Lot 11 of said Whitnall View Subdivision Addition, 485.05 feet to the northwest corner of said Lot 11; thence North 00°24'53" West along the east line of Lot 10 and then along the east line of Lot 9 of said Whitnall View Subdivision, 399.30 feet to the northeast corner of said Lot 9; thence North 88°36'34" East, 545.17 feet to the East line of said Southwest 1/4 of Section 4; thence South 00°20'48" East along said east line of said Southwest 1/4 of Section 4, 38.94 feet; thence North 88°41'22" East, 661.95 feet; thence North 00°14'26" West, 1877.15 feet; thence North 88°31'03" East 1252.42, feet; thence South 00°19'01" East, 369.30 feet; thence North 54°01'00" East, 650.18 feet; thence North 88°32'16" East, 202.64 feet to the east line of said Northeast

1/4 of Section 4; thence South 00°19'12" East along said east line, 520.62 feet to the southeast corner of said Northeast 1/4 of Section 4; thence South 00°25'03" East along the east line of said Southeast 1/4 of Section 4, 1659.17 feet to said reference line; thence South 49°44'7" West along said reference line, 1561.91 feet to the point of beginning.

Containing in all 8,946,167 square feet (205.376 acres) of land, more or less.

WHEREAS, BPC County Land LLC and BPC Master Developer LLC, , having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District in the following manner: to allow additional uses as permitted uses, including but not limited to senior housing, memory care residence facility, community living arrangement, athlete housing/apartments, rock crushing plant, and baseball stadium; to revise certain District standards including but not limited to building height and building size limits, lot area requirements, density requirements, signage amounts, hours of operation and lighting curfew, public water service, fencing requirements, landscaping requirements, and certain design standards; to revise certain financial surety requirements in condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018; and to revise the comprehensive sound and light study requirements in condition numbers 2 and 3 in Planned Development District No. 37, Ordinance No. 2018-2324; and

WHEREAS, the City of Franklin Plan Commission on the 7th day of June, 2018, having reviewed the proposed amendment to Planned Development District No. 37 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; and

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

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

SECTION 1: Section 15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to revise the District in the following manner: to allow additional uses as permitted uses, including but not limited to senior housing, memory care

residence facility, community living arrangement, athlete housing/apartments, rock crushing plant, and baseball stadium; to revise certain District standards including but not limited to building height and building size limits, lot area requirements, density requirements, signage amounts, hours of operation and lighting curfew, public water service, fencing requirements, landscaping requirements, and certain design standards; to revise certain financial surety requirements in condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018; and to revise the comprehensive sound and light study requirements in condition numbers 2 and 3 in Planned Development District No. 37, Ordinance No. 2018-2324

SECTION 2:

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

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

- A. **Exhibits.** This Planned Development District shall be constructed, operated and maintained in conformance with the following listed Exhibits, all containing matters approved hereunder or by the separate approval of the Common Council as set forth below, and all applicable terms and provisions of the Municipal Code and the Unified Development Ordinance not enumerated herein and not contrary to the terms or provisions of this ordinance, including, but not limited to such permits as are required under Division 15-8.0200 Construction, Division 15-8.0300 Construction Site Erosion Control, Division 15-8.0600 Stormwater Management, as well as the Development Agreement adopted by the Common Council on February 6, 2018.
1. **Exhibit A:** Ordinance No. 2012-2089.
  2. **Exhibit B:** Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013.
  3. **Exhibit C:** Ordinance No. 2013-2101.
  4. **Exhibit D:** Ordinance No. 2016-2212.
  5. **Exhibit E:** Ordinance No. 2017-2278.
  6. **Exhibit F:** Ordinance No. 2018-2312.
  7. **Exhibit G:** Resolution No. 2018-7339.
  8. **Exhibit H:** Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018.
  9. **Exhibit I:** Ordinance No. 2018-2318.
  10. **Exhibit J:** Ordinance No. 2018-2324.
  11. **Exhibit K:** Ordinance No. 2018-\_\_\_\_ (re: Buildings B1 thru B4).
  12. Those Plans City file-stamped \_\_\_\_\_, 2018.
- B. **District Intent.** It is the intent of Planned Development District No. 37 to provide a unique and high quality sports anchored mixed-use development

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

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

**Comment [jed1]:** Applicant requested and PC recommended change, staff has no objection.

8. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
9. Require special use approval for all new buildings greater than 46,000 90,000 square feet in area and/or taller than three-four stories, or 60 feet in height, whether single-tenant or multi-tenant spaces, except for Buildings B1, B2, B3, and B4 which require a special use approval if greater than 65,000 square feet in area and/or taller than three stories. And Buildings C2 and S3 having a combined total square footage of up to 145,000 without the need for a special use.
10. Be served by public sanitary sewer and water supply facilities. Existing facilities will have the option for public water.
11. Temporary Stone Crushing operations, to crush concrete obtained from both onsite and offsite sources, solely to be used onsite for temporary roads, staging areas, and as structural fill, shall be a permitted use.
11. A Permitted Use lawfully existing and established with an existing principal building within the area of this District prior to and upon the recreation of this District shall remain as such Permitted Use and a conforming use, with any future addition, expansion and/or enlargement to the use and/or amendment to any site plan for the use, to be permitted and/or granted only upon the consideration of all applicable standards for the review and approval of such permits and site plans, and the District Intent and District Standards in this Section.
12. Allow smaller building setbacks along all public streets, up to 0' building setbacks from the public right-of-way (or corresponding easement), as well as into associated traffic visibility setbacks, bufferyards, parking lot setbacks, etc. subject to Site Plan approval by the Plan Commission; upon due consideration of applicable standards for Site Plans and traffic and pedestrian safety.

**Comment [jed2]:** Applicant requested and PC recommended changes. Staff objects, particularly with the increased building height to four stories. Staff has previously noted concerns about inadequate amounts and locations of parking, which would be worsened if the buildings are larger. Only Buildings M1 and C6 are envisioned to be 4 stories, may be Special Uses anyway, and will likely be built last. Staff has lesser concerns about the size of buildings, and the difficulty providing enough space for landscaping.

**Comment [jed3]:** Applicant requested and PC recommended change, staff only has a few concerns as long as public utilities are available nearby for eventual use. Staff would note that because of the size of the public investment into the public sewer and water system for this development, all buildings and uses should utilize the public systems to maximize the return on the City's investment.

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**Comment [jed4]:** Applicant requested change. PC and Staff objects. Staff recommends that this use be a temporary use as set forth in Section 15-3.0804D. of the UDO. However, the applicant has noted that the rock crushing operation would be located approximately 700' from the nearest home, not the 1,000' as required by the UDO.

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

**Comment [jed5]:** Applicant requested and PC recommended change. Staff objects, as many UDO landscape standards (types of plantings, proportion of landscape planting types, etc.) can be met, and as planting quantities (with certain exceptions and considerations), may be able to be met. Staff would note that the Ballpark Commons development will likely be one of, if not the most, densely developed project in the City, it connected to the Root River Parkway, and provides few green infrastructure elements. As such, the provision of substantial landscaping, as defined by the UDO, is appropriate.



## SECTION 15-3.0442A The Rock Sports Complex Area

**A. District Intent.** It is the intent of The Rock Sports Complex Area (which is located in that area north of West Rawson Avenue, West Crystal Ridge Drive or future Ballpark Drive, west of South 76th Street, and east of the Whitnall View subdivision), to provide a multi-use sports and entertainment complex where the recreational needs of area residents can be met without undue disturbance of natural resources and adjacent uses, and in that regard, the entire Sports Complex Area in general, and the existing ballfields and proposed stadium in particular, shall employ superior lighting and sound systems so as to minimize potential adverse impacts upon adjacent properties. All development within this area shall comply with the standards and requirements of the P-1 Park District and all other applicable zoning requirements of the Unified Development Ordinance, except as otherwise specifically set forth in this Planned Development District No. 37. All decisions upon approvals to be made hereunder shall be made upon the application of such intent and standards and requirements.

### **B. Permitted, Special and Prohibited Uses.**

1. **District Permitted Uses.** The following are permitted uses in The Rock Sports Complex Area:
  - a. The Rock Sports Complex (Scenario 2, Phase 1) as depicted in Exhibits A through J of Ordinance No. 2012-2089 as such Exhibits are amended from time to time.
  - b. Snowshoeing
  - c. Indoor and Outdoor Soccer
  - d. Indoor and Outdoor Volleyball
  - e. Indoor and Outdoor Golf
  - f. Indoor and Outdoor Baseball
  - g. Indoor climbing wall
  - h. Indoor pickleball
  - ~~g-i.~~ General Retail
  - ~~h-j.~~ Slides/Children's Play Areas
  - ~~i-k.~~ Physical Therapy
  - ~~j-l.~~ Sports Medicine
  - ~~k-m.~~ Medical Offices

**Comment [jed6]:** Applicant requested and PC recommended changes. Staff has no objection, but notes that these uses would have been defined as permitted uses in any event.

l.n. Fitness studios/Gyms

m.o. Restaurants/eating and drinking establishments

n.p. Skiing

o.q. Snowboarding

p.r. Sledding & tubing

q.s. Cross country skiing

r.t. Baseball

s.u. Softball

t.v. Commercial batting cages

u.w. Volleyball

v.x. Football

w.y. Lacrosse

x.z. Soccer

y.aa. Mountain biking

z.bb. Bicycle motocross

aa.cc. Running

bb.dd. Temporary Uses/Extraordinary Entertainment & Special Events  
as permitted by the Unified Development Ordinance and Municipal  
Code

ee.ee. Restaurant/Umbrella Bar (without drive through facilities)

dd.ff. Concession stands

ee.gg. Equipment rental

ff.hh. Retail equipment and accessory sales

gg.ii. A Sprecher Beer Café within the four fields located on the north  
end of the site.

hh.jj. Those uses permitted within the P-1 Park District

ii.kk. Monitoring and other activities associated with the landfill as  
required by the Wisconsin Department of Natural Resources

ll. Except as set forth under subs. a. above, those uses found to be  
similar to the above permitted uses under the terms of §15-2.0210  
of this ordinance.

~~mm. Stadium~~

~~nn. Office~~

~~jj-oo. Athlete Housing/Apartments.~~

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

**Comment [jed7]:** Applicant requested changes. PC and Staff objects, particularly in regard to the stadium and the indoor and outdoor drinking places. Due to the potential impact of the stadium and outdoor drinking places upon the surrounding neighborhoods and adjacent properties, these two uses and any changes to them in the future, warrant review by neighbors and approval by the Common Council. Staff has lesser concerns with the office and apartments, primarily in regard to lack of details and impacts upon parking.

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

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

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

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

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

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

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

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

2. **Lot Dimensional Requirements.**

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

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

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

- 3. **Maximum Building Height:** 3.0 stories/50-60 feet. The stated maximum building height may be increased pursuant to the granting of a Site Plan approval.

**Comment [jed8]:** Applicant requested and PC recommended change, staff has no objection.

- 4. **Indoor/Outdoor Netting:**

~~The proposed Indoor/Outdoor Golf facility's netting may will exceed this height limitation (up to 170') subject to Plan Commission approval of the associated Site Plan. The proposed Stadium lights may exeeed this height limitation subject to Plan Commission approval of the associated Site Plan and Common Council approval of a Lighting Study pursuant to Ordinance No. 2016 2212 Section 3: Conditions of Approval No. 5.~~

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**Comment [jed9]:** Applicant requested and PC recommended change, staff has no objection.

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**Comment [jed10]:** This language has been moved to Section 7. Lighting

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#### D. **Approved Uses.**

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

##### 1. **Site Restrictions:**

###### a. *Accessory Structures:*

Accessory structures or uses not depicted upon any Exhibit to this ordinance shall require approval under §15-9.0102 of this Ordinance

and the Zoning Administrator shall apply the standards of this ordinance upon the review of an application therefore.

b. *Fencing:*

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

**Comment [jed11]:** Applicant requested and PC recommended change, staff has no objection.

c. *Temporary Structures:*

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

d. *Ancillary Structures:*

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

e. *Signs:*

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

**Comment [jed12]:** Applicant requested and PC recommended changes. Staff would not object to Plan Commission review of signage as part of the site plan process, with the ability to grant the additional 20% of signage normally reserved for variances.

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

**Comment [jed13]:** PC and Staff recommended change. Applicant does not object.

2. **Parking:**

a. *Parking Generally:*

The Rock Sports Complex shall be provided with adequate paved on-street and off-street automobile parking as approved by the Plan Commission. Overnight parking of campers, mobile homes, boats, trailers and similar vehicles is prohibited unless prior written approval is obtained from the Plan Commission. Overnight parking of trucks and service vehicles shall be behind landscape screening so as to minimize visibility from the roadway unless prior written approval is secured from the Plan Commission.

b. *Parking Location:*

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

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

c. *Parking Ratio:*

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

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

3. **Screening:**

a. *Storage:*

Waste and recycling containers shall be screened from view from the streets and adjacent sites by completely opaque screens unless

otherwise approved by the Plan Commission. No other articles, goods, materials, finished or semi-finished products, incinerators, storage tanks, or other items shall be kept outdoors or exposed to public view, or to view from adjacent sites.

4. **Landscaping:**

a. *Landscape Requirements:*

The Rock Sports Complex shall provide landscape plantings as may be approved by the Plan Commission during its review and consideration of Site Plans depicted upon the Landscape Plan City file stamped August 1, 2012 and annexed hereto as Exhibit B.

Plantings shall be provided with a minimum ~~three (3)~~ two (2) year planting guaranty.

**Comment [jed14]:** Applicant requested and PC recommended changes. Staff objects, see comment #5.

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

**Comment [jed15]:** Applicant requested and PC recommended change, staff has no objection.

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

Future Phases and Uses shall provide Landscaping in compliance with all requirements set forth per Division 15-5.0300 of the Unified Development Ordinance.

**Comment [jed16]:** Applicant requested and PC recommended change. Staff objects, see comment #5.

5. **Architecture:**

a. *Architecture:*

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

**Comment [jed17]:** Applicant and staff requested and PC recommended changes, to reflect such plans as they become adopted and amended over time.

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

6. **Hours of Operation:**

a. *Athletic Fields and Concession Stands:*



Hours of operation for the athletic fields and concession stands shall be limited to 7:00 a.m. to ~~10:30~~11:00 p.m.

**Comment [jed18]:** Applicant requested and PC recommended change, staff has no objection.

b. *Athletic field lighting curfew:*

All athletic field lights shall be shut off by ~~10:30~~11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed.

**Comment [jed19]:** Applicant requested and PC recommended change, staff has no objection.

c. *Stadium:*

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

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**Comment [jed20]:** Applicant requested and PC recommended change, staff has no objection, subject to approval of a Comprehensive Lighting Study by the Common Council.

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d.i. *Indoor Golf:*

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

d.ii. *Outdoor Golf:*

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

**Comment [jed21]:** Applicant requested change. Staff objects, as these hours are longer than the other facilities, and this facility is located closer to the Hawthorne area. Staff recommends the same hours as the athletic fields and stadium. PC recommended revisions shown here.

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e. *Indoor Baseball:*

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

**Comment [jed22]:** Applicant requested and PC recommended changes. Staff objects to the earlier start time, as this facility is closest to the Hawthorn area. Staff recommends the same hours as the athletic fields and the stadium.

**Comment [jed23]:** Applicant requested and PC recommended change, staff has no objection.

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

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

d. *Bicycle Motoeross and Mountain Biking:*

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

**Comment [jed24]:** PC and Staff recommended change, as this facility is no longer provided.

e. *Ski Hill:*

Hours of operation for the ski hill shall be limited to 10:00 a.m. to 10:00 p.m.

f. *Truck Deliveries and Refuse Collection:*

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

Trucks shall be prohibited from idling while loading and unloading.

7. **Lighting:**

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

**Comment [jed25]:** PC and Staff recommended change, to reflect the eventual Comprehensive Lighting Study.

**Comment [jed26]:** Applicant requested and PC recommended change, staff has no objection, subject to Council approval of the comprehensive Lighting Study.

8. **Noise:**

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

**Comment [jed27]:** PC and Staff recommended change, to reflect the eventual Comprehensive Sound Study.

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

A. **Area Intent.** The Ballpark Commons Sports Village Commercial/Mixed Use Area is intended to provide for the development of certain mixed commercial uses that is compatible with and serves to create a synergy with, the adjacent multi-use sports and entertainment complex, in furtherance of the goals and objectives of the City of Franklin Comprehensive Master Plan and:

1. To be located in that area bounded by Crystal Ridge Drive or future Ballpark Drive, 76th Street, Loomis Road, and Rawson Avenue.
2. Allow multi-story mixed-use commercial buildings, with commercial and retail uses, roof-top and/or outdoor seating areas, fountains, gardens, plazas, and/or other similar shared amenities that are compatible in function, form, and operation.
3. Provide both on-street and off-street parking for tenants and customers including formal shared parking arrangements with the adjacent multi-use sports and entertainment complex.
4. Provide a pedestrian-oriented environment.
5. Provide superior four-sided architecture.
6. Provide signage as may be approved by the Plan Commission during Site Plan review, and approval of a Sign Permit from the Inspection Department.

B. **Area Standards.** The Ballpark Commons Sports Village Commercial/Mixed Use Area is further intended to have the development standards as set forth in Table 15-3.0442B.1.

**Table 15-3.0442B.1.**

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

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	

Minimum Landscape Surface Ratio (LSR) The LSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots within the Sports Village may be less than 0.25 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.	0.25
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	25
Minimum Rear Yard (feet)	20
Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic visibility corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications, and traffic and pedestrian safety, in making such determinations.	
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/ <del>50</del> /60
Accessory Structure (stories/ft.)	1.0/35
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

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C. **Permitted, Accessory, and Special Uses.**

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

- a. Those uses permitted within the OL-2 General Business Overlay District, ~~baseball fields, and hotel (up to 4 stories)~~
- b. Mixed use buildings up to ~~three-four~~ stories in height, with residential apartments on the upper floors, or specialty retail, food, and beverage outlets.
- c. Monitoring and other activities associated with: the landfill as required by the Wisconsin Department of Natural Resources; and with the Emerald Park Landfill gas pipeline as required by the Milwaukee Metropolitan Sewerage District.

**Comment [jed28]:** Applicant requested change. PC and Staff objects to the hotel as a permitted use due to parking concerns, and its height and proximity to the residential development east of 76<sup>th</sup> Street. Staff does not object to the baseball fields.

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**Comment [jed29]:** Applicant requested change. PC and Staff objects, see comment #29.

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

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

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

**Comment [jed30]:** Applicant requested change. PC and Staff objects, see comment #29.

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

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

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

**SECTION 15-3.0442C      Ballpark Commons Mixed Use Area**

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

**Table 15-3.0442C.1.**

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

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	

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

Maximum Building Height	
Principal Structure (stories/ft.)	3.0/454.0/60
Accessory Structure (stories/ft.)	1.0/35
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

**Comment [jed31]:** Applicant requested and PC recommended change. Staff objects to the increase to 4 stories, see comment #29.

**C. Permitted, Accessory, and Special Uses.**

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

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

**Comment [jed32]:** Applicant requested and PC recommended change. Staff objects, see comment #29.

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

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

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

**Comment [jed33]:** Applicant requested and PC recommended change. Staff objects, see comment #29.

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

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

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



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

- A. **Area Intent.** The Ballpark Commons Multi-Family Residence Area is intended to provide multiple family residential uses, housing choices and building densities compatible with the mixed-use area to the north, while providing an enhanced buffer between it and the single-family residential development to the west, in furtherance of the goals and objectives of the Comprehensive Master Plan, and:
1. To be located south of Rawson Avenue (west and south of the Mixed-Use Area) generally extending from Loomis Road or future Ballpark Drive to the Stone Hedge subdivision.
  2. Provide multi-story apartment buildings with partially exposed underground parking throughout the area, with a community center, pool, trails, gardens, and/or other similar shared amenities that are compatible in function, form, and operation.
  3. Provide both on-street and off-street parking for tenants and visitors, including underground parking for all multi-story buildings, including formal shared parking arrangements with the adjacent mixed use area.
  4. Provide a pedestrian-oriented environment.
  5. Provide superior four-sided architecture.
  6. Provide an enhanced buffer consisting of a highly attractive and effective berm and landscaping along the entire western boundary of the subject area. The entirety of which shall be constructed prior to or along with the first phase of any development within the subject area. And which shall be maintained in perpetuity and which shall be the subject of an easement to be approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office.
  7. Provide buffering between residential development and non-residential uses.
- B. **Area Standards.** The Ballpark Commons Multi-Family Residence Area is further intended to have the development standards as set forth in Tables 15-3.0442D.1. and 15-3.0442D.2.

**Table 15-3.0442D.1.**

**BALLPARK COMMONS MULTI-FAMILY RESIDENCE AREA  
DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Minimum Open Space Ratio and Maximum Density</b>	
Open Space Ratio (OSR) The OSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots in the Multi-Family Residence Area may be less than 0.25 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.	0.25
Gross Density (GD)	<del>8.00</del> 16.00
Net Density (ND)	<del>12.00</del> 16.00
The stated maximum density regulations may be averaged across the portion of PDD No. 37 located south of Rawson Avenue, and may be increased pursuant to the granting of a Special Use permit.	
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (square feet)	6,000
Minimum Lot Width at Setback Line (feet)	60
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	5
Minimum Side Yard on Corner Lot (feet)	15
Minimum Rear Yard (feet)	25
Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications, and traffic and pedestrian safety, in making such determinations.	
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	

**Comment [jed34]:** Applicant requested and PC recommended change. Staff objects as the density of the Building M1 parcel and the A1/P17 parcel in particular are too dense for this neighborhood. It can be noted that the Building M1 development may be the most dense development in the City at approximately 36 units per acre, and that the Building A1/P17 development may be the third most dense development at approximately 23 units per acre.

Principal Structure (stories/ft.)	3.0/45 <u>50</u>
Accessory Structure (stories/ft.)	1.0/25
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

Table 15-3.0442D.2.

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

Type of Dwelling Structure & Number of Dwelling Units	Average Dwelling Unit Size (Square Feet) for One (1) Bedroom Dwelling Units (a)	Average Area (Square Feet) to be Added to Minimum Dwelling Unit Size for Each Bedroom Over One (1) Bedroom (a)
Thirteen (13) or More Dwelling Units per Structure	750	200
Dens, libraries, studies, etc. or other room within a dwelling unit which can potentially be used as a bedroom shall be considered and counted as a bedroom.		

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

Table 15-3.0442D.3.

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

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

**Comment [jed35]:** See comment #38.

**Comment [jed36]:** Applicant requested and PC recommended changes. Staff objects, as the Fire Department has expressed its opposition to further high density residential development, particularly senior/assisted living facilities, because of concerns related to Department staffing levels, response times, and EMS incidents. In addition, this type of use is not compatible with a sports anchored mixed use development comprised of numerous businesses with long hours of operation, frequent special events, elevated levels of traffic, noise and lights, etc. And it is not synergistic with many of the other Ballpark Commons uses, as these residential tenants will rarely frequent the sporting events, bars, and restaurants, etc.

	Accessory uses (see Section 15-2.0208 & Division 15-3.0800)	P
	Required off-street parking (see Division 15-5.0200)	P
	Required on-street parking	P
	Essential Services	P
	Multiple-family Residential Housing for Older Persons	<del>SP</del>

<sup>a</sup> Multiple-family dwellings and apartments up to three stories are permitted, over three stories are special uses.

**Comment [Jed37]:** Applicant requested and PC recommended change. Staff objects, see comment #37. Note that staff has fewer concerns with independent living senior housing.

## **SECTION 15-3.0442E      Design Standards**

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

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

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

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

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

**b. Number of parking spaces limited**

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

**c. On-street parking**

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

**d. Parking reductions/Land banking**

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

**2. GENERAL SITE DESIGN STANDARDS**

**a. Vision Clearance Necessary**

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

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

**b. Coordination of site furnishings**

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

**c. Pedestrian considerations**

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

**d. Reducing the impact of vehicular use areas**

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

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

**e. Bicycle and pedestrian amenities required**

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

**3. LANDSCAPE STANDARDS**

**a. Landscaping**

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

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

**b. Central Areas/Features**

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

**c. Cart Returns**

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

**Comment [jed38]:** Applicant requested and PC recommended change. Staff objects, see comment #5.



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

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

a. **Parking Lot Landscaping Required**

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

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

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

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

**c. Interior Landscaping for Off-street Parking Areas**

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

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

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

**d. Screening for Off-street Parking Areas**

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

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

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

## 5. ARCHITECTURAL REQUIREMENTS

### a. Building Character and Design

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

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

#### i. Purpose and Intent

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

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

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

ii. **Compatibility with Existing Buildings**

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

c. **Building Materials and Colors**

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

- iv. Wood (or fiber cement) siding must be bevel (horizontal lap), shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern.

**Comment [jed39]:** Applicant requested and PC recommended change, staff has no objection.

- v. Building façade colors shall be non-reflective and approved on a case by case basis. The use of high intensity colors, metallic colors, or fluorescent colors on façades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

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

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

**e. Building Facades**

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

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

**f. Change in Relief of Building**

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

**g. Windows**

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

**h. Pedestrian Accessibility**

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

**i. Landscaping/Streetscape**

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

**Comment [jed40]:** Applicant requested and PC recommended change, staff has no objection.

**j. External Storage**

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



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

**a. Purpose and Intent**

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

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

**b. Waiver of Standards**

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

**c. Compatibility with City Plans**

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

**d. Building Materials**

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

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

**e. Building Design**

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

**f. Building Entrances**

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

**g. Building Color**

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

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

**h. Building Location**

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

**i. Screening**

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

**j. Traffic Impact**

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

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

**k. Natural Resources Protection**

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

**l. Signage**

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

**SECTION 3: Conditions of Approval.**

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

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

comprehensive outdoor sound study of The Rock Sports Complex (incorporating both existing and proposed events and facilities), that such study shall identify and recommend such practices, equipment and systems to not only fully comply with all pertinent City noise regulations and standards, but which also reasonably addresses neighbors concerns, that such study be reviewed by an independent party of the City's choosing and at the applicants reasonable expense, for review and acceptance by the Common Council, prior to any further development within The Rock Sports Complex. Any recommendations from the Comprehensive Study that apply to existing facilities or events shall be implemented by the applicants within two years from the date of acceptance of the Study by the Common Council have agreed to implement the sound enhancements as set forth in the BPC County Lands LLC agreement with Milwaukee County set forth in Exhibit C/Addendum of that agreement. The applicants have also agreed to comply with the City of Franklin's noise ordinances as they relate to the standard of 79 dBA at the property boundary. The applicants shall also provide a report to the Plan Commission after one year from the date of Occupancy Permit of the new stadium to review the results of the noise monitoring.

3. Prior In regard to any new or revised ballfields, parking lots, or outdoor events utilizing lighting systems, including but not limited to the proposed baseball stadium, the applicants shall prepare a comprehensive outdoor lighting study of The Rock Sports Complex (incorporating both existing and proposed events and facilities), that such study shall identify and recommend such practices, equipment and systems to not only fully comply with all pertinent City lighting regulations and standards, but which also reasonably addresses neighbors concerns, that such study be reviewed by an independent party of the City's choosing and at the applicants reasonable expense, for review and acceptance by the Common Council, prior to any further development within The Rock Sports Complex. Any recommendations from the Comprehensive Study that apply to existing facilities or events shall be implemented by the applicants within two years from the date of acceptance of the Study by the Common Council have agreed to implement the lighting enhancements as set forth in the BPC County Lands LLC agreement with Milwaukee County set forth in Exhibit C/Addendum of that agreement. The applicants have also agreed to comply with the City of Franklin's lighting standards as set forth in PDD No. 37. The applicant shall also prepare a comprehensive photometric plan for City review and approval meeting the City's lighting standards at the PDD No. 37 exterior boundaries.
4. The applicants shall obtain all required approvals and permits from the Milwaukee Metropolitan Sewerage District prior to any disturbance or development within the MMSD landfill gas pipeline easement limits.

**Comment [jed41]:** Applicant requested and PC recommended change. Staff objects, and recommends preparation of a comprehensive sound study as detailed in Staff Comments for the Stadium dated May 13<sup>th</sup>, that the correct City noise standard of 55 dBA at the property boundary be utilized, and that the sound meters be installed as recommended by staff. Staff also recommends that the comprehensive study include an analysis of the anticipated sound levels at the nearest inhabited residential dwelling factoring in different wind directions and if such sound levels are not approaching 0 dBA after 11:00 p.m., that the 40 dBA level be implemented from 11:00 p.m. to 7:00 a.m.

**Comment [jed42]:** Applicant requested and PC recommended change. Staff objects, recommends preparation of a comprehensive lighting study as detailed in Staff Comments for the Stadium dated May 13<sup>th</sup>, revisions to the stadium lighting, and independent field verification of all lighting over 20'. Staff recommends that all sports field and facility lighting utilize shields and internal glare louvers.

The applicants shall ensure that the City is an active participant in, and that City staff is invited to, all discussions with the Milwaukee Metropolitan Sewerage District regarding development of, and permits and approvals for, disturbance of the lands adjacent to the gas pipeline.

5. The applicants shall prepare example Bike and Pedestrian elements, identifying potential District wide design and location details for such facilities as sidewalks, trails, crosswalks, signage, pedestrian scale lighting, bike rest/rental/repair stations, etc., for staff review and approval, prior to issuance of a Building Occupancy Permit.
6. The applicants shall prepare example Streetscaping elements, identifying potential District wide features as decorative lighting, special signage, pedestrian rest areas, etc., for staff review and approval, prior to issuance of a Building Occupancy Permit.
7. The applicants shall prepare example Landscape elements identifying potential District wide design and location details for such features as buildings, parking, and bufferyards, for staff review and approval, prior to issuance of a Building Permit.
- 8.6. The requested General Landscape Plan, and the pertinent zoning district standards, shall be revised to reflect a minimum 60' wide landscape buffer, including a predominantly 8' high berm, to be located along the entire western boundary of PDD No. 37, for staff review, prior to issuance of a Building Permit.
9. The applicants shall prepare example Architectural and Site Design elements, identifying potential District wide features such as the use of common or complementary design themes, elements, or features throughout the development, for staff City review and approval prior to issuance of a Building Permit as part of Site Plan approval.
- 10.7. The applicants shall submit a Comprehensive Stormwater Management Plan for PDD No. 37, for Engineering Department staff review and approval, prior to issuance of any Building Permit within the portion of the development contributory to the subject stormwater pond, subject to receipt of all necessary Wisconsin Department of Natural Resource and Milwaukee Metropolitan Sewerage District permits and approvals, receipt of a City of Franklin Fill/Soils Disturbing Permit, and Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.
- 11.8. The applicants shall prepare a Master Sign Program for PDD No. 37, for staff review and approval, prior to issuance of a Building Permit. Alternatively, the applicant shall abide by the City's existing sign regulations as set forth in the Municipal Code, and the variance process set forth in the Unified Development Ordinance. In either event, such plans shall be submitted for Plan Commission approval with each building Site Plan submittal.
- 12.9. In the event that no building permit has been issued for any one of the substantial structures; that being the stadium, the four-seasons

**Comment [jed43]:** Applicant requested and PC recommended change. Staff objects, this info has not been provided yet.

**Comment [jed44]:** Applicant requested and PC recommended change. Staff objects, this info has not been provided yet.

**Comment [jed45]:** Applicant requested and PC recommended change, staff concurs.

**Comment [jed46]:** Applicant requested and PC recommended change, staff concurs.

**Comment [jed47]:** Applicant requested and PC recommended change. Staff objects, this info has not been provided yet.

complex, any one or more retail buildings along Crystal Ridge Drive, any one or more multi-use buildings along West Rawson Avenue, or any one or more apartment buildings; prior to the expiration of 24 months from the date of enactment of this Ordinance, and allowing a three month extension, the zoning designation shall revert back to the zoning for the subject parcel(s) which existed prior to the effective date of this Ordinance.

- 13.10. The applicant shall submit and regularly update a PDD/Site Plan amendment map which clearly identifies all constructed, approved, and pending amendments for Department of City Development review and approval prior to issuance of an Occupancy Permit.
11. The applicant shall revise the utility plans along proposed Ballpark Drive to stub the water main into The Rock Sports Complex main entrance to allow a potential future connection of the ski chalet to the public water system, for Engineering Department review and approval prior to issuance of an Occupancy Permit.
12. Section 15-3.0442B.11 District Intent pertaining to Temporary Stone Crushing shall be removed. In addition, the applicant shall obtain a Temporary Use approval from the Plan Commission, meeting all Unified Development Ordinance standards, prior to any Stone Crushing operations.
13. Section 15-3.0442A.B.1. and B.2. pertaining to the stadium and office uses shall remain as established in Ordinance No. 2018-2324.
14. Section 15-3.0442A.D.1.e. pertaining to signs shall be revised to allow the Plan Commission during its review of Site Plans to grant the Authorized Variance for additional signage, subject to its consideration of the applicable standards for Site Plans and variances.
15. Table 15-3.0442B.1. pertaining to Minimum Lot Area shall remain as established in Ordinance No. 2018-2324.
16. Table 15-3.0442B.1. pertaining to Principal Structure Height (stories) shall remain as established in Ordinance No. 2018-2324.
17. Sections 15-3.0442B.C. 1.a. and 2.b. pertaining to building height (stories) shall remain as established in Ordinance No. 2018-2324.
18. Condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018, pertaining to certain financial surety requirements, is herein revised to accept a personal guaranty in lieu of a Letter of Credit for those costs associated with the installation and maintenance of the subject Mitigation Plan.
- 14.19. Other.

**Comment [jed48]:** Applicant requested, PC recommended, and CC approved change. Staff objects, and recommends that a Letter of Credit be the means of financial surety, as they are for most landscape, mitigation and development agreements.

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

and provisions shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 19<sup>th</sup> day of June, 2018, by \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19<sup>th</sup> day of June, 2018.

APPROVED:

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

ATTEST:

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

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



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*Draft changes accepted copy: 6-11-18*

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

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO SENIOR HOUSING, MEMORY CARE RESIDENCE FACILITY, COMMUNITY LIVING ARRANGEMENT, ATHLETE HOUSING/APARTMENTS, ROCK CRUSHING PLANT, AND BASEBALL STADIUM; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SIZE LIMITS, LOT AREA REQUIREMENTS, DENSITY REQUIREMENTS, SIGNAGE AMOUNTS, HOURS OF OPERATION AND LIGHTING CURFEW, PUBLIC WATER SERVICE, FENCING REQUIREMENTS, LANDSCAPING REQUIREMENTS, AND CERTAIN DESIGN STANDARDS; TO REVISE CERTAIN FINANCIAL SURETY REQUIREMENTS IN CONDITION NUMBER 15 IN THE STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS DATED JANUARY 9, 2018; AND TO REVISE THE COMPREHENSIVE SOUND AND LIGHT STUDY REQUIREMENTS IN CONDITIONS NUMBERS 2 AND 3 IN PLANNED DEVELOPMENT DISTRICT NO. 37 ORDINANCE NO. 2018-2324; (BPC COUNTY LAND LLC, AND BPC MASTER DEVELOPER LLC, APPLICANTS) (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE, AND ALONG WEST RAWSON AVENUE, WEST LOOMIS ROAD, AND WEST OLD LOOMIS ROAD)

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WHEREAS, Section 15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), same having been created by Ordinance No. 2012-2089 and later amended by: Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013; Ordinance No. 2013-2101; Ordinance No. 2016-2212; Ordinance No. 2017-2278, Ordinance No. 2018-2312, Resolution No. 2018-7339, Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018, Ordinance No. 2018-2318, Ordinance No. 2018-2324, and Ordinance No. 2018-\_\_\_\_\_ (re: Buildings B1 thru B4) with such District primarily being located at 7900 West Crystal Ridge Drive, bearing tax key nos. 708-8996-000, 708-8999-000, 744-8980-001, 744-8981-000, 744-8985-001, 744-8985-002, 744-8988-000, 744-8989-000, 745-0029-000, 745-8998-000, 745-8999-004, 754-9988-001, 754-9988-002, 755-9995-001, 755-9995-002, 755-9996-000, and is more particularly described below; and

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

Part of the Southeast 1/4 of the Southwest 1/4; the Northeast 1/4, Northwest 1/4, Southeast 1/4, and Southwest 1/4 of the Southeast 1/4; and the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 4, Township 5 North, Range 21 East, and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4; and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Commencing at the Southwest corner of said Southeast 1/4 of Section 4; thence North 88°42'47" East along the South line of said Southeast 1/4 section, 1452.10 feet to Loomis Road (State Trunk Highway "36") reference line as shown in Wisconsin Department of Transportation Plat of Right of Way Project Number F064-I(5)/2240-02-22, dated July 3, 1956 and the point of beginning;

Thence South 49°44'47" West along said reference line, 907.00 feet to a point of curve; thence southwesterly 1280.00 feet along said reference line and along the arc of said curve to the left, whose radius is 3819.72 feet and whose chord bears South 40°08'47" West, 1274.02 feet to a point of tangency; thence South 30°32'47" West along said reference line, 913.06 feet; thence North 59°36'20" West, 148.15 feet to the southeast corner of Stone Hedge Subdivision Addition No. 1; thence North 00°10'59" West along the east line of said Stone Hedge Subdivision Addition, 1801.35 feet to the northeast corner of said Stone Hedge Subdivision Addition; thence North 00°03'31" East, 485.75 feet to the north right of way line of West Rawson Avenue; thence North 88°25'44" East along said north right of way line 598.14 feet to the southeast corner of Parcel 1 of Certified Survey Map No. 3107; thence North 00°17'04" West along the east line of said Parcel 1 and then along the east line of Lot 14, Lot 13, and Lot 12 of Block 1 of Whitnall View Subdivision Addition No. 1, 852.41 feet to the northeast corner of said Lot 12; thence South 88°37'08" West along the north line of said Lot 12 and then the north line of Lot 11 of said Whitnall View Subdivision Addition, 485.05 feet to the northwest corner of said Lot 11; thence North 00°24'53" West along the east line of Lot 10 and then along the east line of Lot 9 of said Whitnall View Subdivision, 399.30 feet to the northeast corner of said Lot 9; thence North 88°36'34" East, 545.17 feet to the East line of said Southwest 1/4 of Section 4; thence South 00°20'48" East along said east line of said Southwest 1/4 of Section 4, 38.94 feet; thence North 88°41'22" East, 661.95 feet; thence North 00°14'26" West, 1877.15 feet; thence North 88°31'03" East 1252.42, feet; thence South 00°19'01" East, 369.30 feet; thence North 54°01'00" East, 650.18 feet; thence North 88°32'16" East, 202.64 feet to the east line of said Northeast

1/4 of Section 4; thence South 00°19'12" East along said east line, 520.62 feet to the southeast corner of said Northeast 1/4 of Section 4; thence South 00°25'03" East along the east line of said Southeast 1/4 of Section 4, 1659.17 feet to said reference line; thence South 49°44'7" West along said reference line, 1561.91 feet to the point of beginning.

Containing in all 8,946,167 square feet (205.376 acres) of land, more or less.

WHEREAS, BPC County Land LLC and BPC Master Developer LLC, , having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the District in the following manner: to allow additional uses as permitted uses, including but not limited to senior housing, memory care residence facility, community living arrangement, athlete housing/apartments, rock crushing plant, and baseball stadium; to revise certain District standards including but not limited to building height and building size limits, lot area requirements, density requirements, signage amounts, hours of operation and lighting curfew, public water service, fencing requirements, landscaping requirements, and certain design standards; to revise certain financial surety requirements in condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018; and to revise the comprehensive sound and light study requirements in condition numbers 2 and 3 in Planned Development District No. 37, Ordinance No. 2018-2324; and

WHEREAS, the City of Franklin Plan Commission on the 7th day of June, 2018, having reviewed the proposed amendment to Planned Development District No. 37 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; and

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

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

SECTION 1:           Section 15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to revise the District in the following manner: to allow additional uses as permitted uses, including but not limited to senior housing, memory care

residence facility, community living arrangement, athlete housing/apartments, rock crushing plant, and baseball stadium; to revise certain District standards including but not limited to building height and building size limits, lot area requirements, density requirements, signage amounts, hours of operation and lighting curfew, public water service, fencing requirements, landscaping requirements, and certain design standards; to revise certain financial surety requirements in condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018; and to revise the comprehensive sound and light study requirements in condition numbers 2 and 3 in Planned Development District No. 37, Ordinance No. 2018-2324

**SECTION 2:**

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

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

A. **Exhibits.** This Planned Development District shall be constructed, operated and maintained in conformance with the following listed Exhibits, all containing matters approved hereunder or by the separate approval of the Common Council as set forth below, and all applicable terms and provisions of the Municipal Code and the Unified Development Ordinance not enumerated herein and not contrary to the terms or provisions of this ordinance, including, but not limited to such permits as are required under Division 15-8.0200 Construction, Division 15-8.0300 Construction Site Erosion Control, Division 15-8.0600 Stormwater Management, as well as the Development Agreement adopted by the Common Council on February 6, 2018.

1. **Exhibit A:** Ordinance No. 2012-2089.
2. **Exhibit B:** Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013.
3. **Exhibit C:** Ordinance No. 2013-2101.
4. **Exhibit D:** Ordinance No. 2016-2212.
5. **Exhibit E:** Ordinance No. 2017-2278.
6. **Exhibit F:** Ordinance No. 2018-2312.
7. **Exhibit G:** Resolution No. 2018-7339.
8. **Exhibit H:** Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018.
9. **Exhibit I:** Ordinance No. 2018-2318.
10. **Exhibit J:** Ordinance No. 2018-2324.
11. **Exhibit K:** Ordinance No. 2018-\_\_\_\_ (re: Buildings B1 thru B4).
12. Those Plans City file-stamped \_\_\_\_\_, 2018.

B. **District Intent.** It is the intent of Planned Development District No. 37 to provide a unique and high quality sports anchored mixed-use development

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

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

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

Special Uses, and Land Combination applications in making such determination. In addition, the overall quantity of landscape plantings shall be allowed to be reduced by 25 percent from the UDO standards, subject to review and approval by the Plan Commission. Furthermore, the revised Landscape Plans for Buildings C1, C2, C3, C4, S1, S2, S3, B1, B2, B3, B4, and A1/P17 shall be submitted for Plan Commission review and approval prior to issuance of Occupancy Permits for those buildings.



## **SECTION 15-3.0442A      The Rock Sports Complex Area**

**A. District Intent.** It is the intent of The Rock Sports Complex Area (which is located in that area north of West Rawson Avenue, West Crystal Ridge Drive or future Ballpark Drive, west of South 76th Street, and east of the Whitnall View subdivision), to provide a multi-use sports and entertainment complex where the recreational needs of area residents can be met without undue disturbance of natural resources and adjacent uses, and in that regard, the entire Sports Complex Area in general, and the existing ballfields and proposed stadium in particular, shall employ superior lighting and sound systems so as to minimize potential adverse impacts upon adjacent properties. All development within this area shall comply with the standards and requirements of the P-1 Park District and all other applicable zoning requirements of the Unified Development Ordinance, except as otherwise specifically set forth in this Planned Development District No. 37. All decisions upon approvals to be made hereunder shall be made upon the application of such intent and standards and requirements.

### **B. Permitted, Special and Prohibited Uses.**

1. **District Permitted Uses.** The following are permitted uses in The Rock Sports Complex Area:
  - a. The Rock Sports Complex (Scenario 2, Phase 1) as depicted in Exhibits A through J of Ordinance No. 2012-2089 as such Exhibits are amended from time to time.
  - b. Snowshoeing
  - c. Indoor and Outdoor Soccer
  - d. Indoor and Outdoor Volleyball
  - e. Indoor and Outdoor Golf
  - f. Indoor and Outdoor Baseball
  - g. Indoor climbing wall
  - h. Indoor pickleball
  - i. General Retail
  - j. Slides/Children's Play Areas
  - k. Physical Therapy
  - l. Sports Medicine
  - m. Medical Offices

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

mm. Athlete Housing/Apartments.

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

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

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

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

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

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

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

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

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

2. **Lot Dimensional Requirements.**

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

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

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

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

#### D. **Approved Uses.**

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

##### 1. **Site Restrictions:**

###### a. *Accessory Structures:*

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

###### b. *Fencing:*

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

c. *Temporary Structures:*

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

d. *Ancillary Structures:*

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

e. *Signs:*

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

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

2. **Parking:**

a. *Parking Generally:*

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

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

b. *Parking Location:*

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

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

c. *Parking Ratio:*

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

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

3. **Screening:**

a. *Storage:*

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

4. **Landscaping:**

a. *Landscape Requirements:*

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

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

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

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

5. **Architecture:**

a. *Architecture:*

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

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

6. **Hours of Operation:**

a. *Athletic Fields and Concession Stands:*

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

b. *Athletic field lighting curfew:*

All athletic field lights shall be shut off by 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00



a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed.

c. *Stadium:*

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

d.i. *Indoor Golf:*

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

d.ii. *Outdoor Golf:*

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

e. *Indoor Baseball:*

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

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

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

d. *Mountain Biking:*

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

e. *Ski Hill:*

Hours of operation for the ski hill shall be limited to 10:00 a.m. to 10:00 p.m.

f. *Truck Deliveries and Refuse Collection:*

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

Trucks shall be prohibited from idling while loading and unloading.

7. **Lighting:**

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

8. **Noise:**

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

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

A. **Area Intent.** The Ballpark Commons Sports Village Commercial/Mixed Use Area is intended to provide for the development of certain mixed commercial uses that is compatible with and serves to create a synergy with, the adjacent multi-use sports and entertainment complex, in furtherance of the goals and objectives of the City of Franklin Comprehensive Master Plan and:

1. To be located in that area bounded by Crystal Ridge Drive or future Ballpark Drive, 76th Street, Loomis Road, and Rawson Avenue.
2. Allow multi-story mixed-use commercial buildings, with commercial and retail uses, roof-top and/or outdoor seating areas, fountains, gardens, plazas, and/or other similar shared amenities that are compatible in function, form, and operation.
3. Provide both on-street and off-street parking for tenants and customers including formal shared parking arrangements with the adjacent multi-use sports and entertainment complex.
4. Provide a pedestrian-oriented environment.
5. Provide superior four-sided architecture.
6. Provide signage as may be approved by the Plan Commission during Site Plan review, and approval of a Sign Permit from the Inspection Department.

B. **Area Standards.** The Ballpark Commons Sports Village Commercial/Mixed Use Area is further intended to have the development standards as set forth in Table 15-3.0442B.1.

**Table 15-3.0442B.1.**

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

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	

Minimum Landscape Surface Ratio (LSR) The LSR may be averaged across the entire PDD No. 37 District such that the LSR on one or more lots within the Sports Village may be less than 0.25 as long as District wide the average LSR of 0.50 is maintained at all times. The Plan Commission shall consider the applicable standards for Site Plan, Special Use, and Land Combination applications in making such determinations.	0.25
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	25
Minimum Rear Yard (feet)	20
Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from any lot line or public right-of-way (or corresponding easement), as well as from associated traffic visibility corners, bufferyards, parking lots, etc. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications, and traffic and pedestrian safety, in making such determinations.	
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/60
Accessory Structure (stories/ft.)	1.0/35
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

**C. Permitted, Accessory, and Special Uses.**

- District Permitted Uses.** The following are permitted uses in the Ballpark Commons Sports Village Commercial/Mixed Use Area:

- a. Those uses permitted within the OL-2 General Business Overlay District.
- b. Mixed use buildings up to four stories in height, with residential apartments on the upper floors, or specialty retail, food, and beverage outlots.
- c. Monitoring and other activities associated with: the landfill as required by the Wisconsin Department of Natural Resources; and with the Emerald Park Landfill gas pipeline as required by the Milwaukee Metropolitan Sewerage District.

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

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

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

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

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

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

## SECTION 15-3.0442C      **Ballpark Commons Mixed Use Area**

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

**Table 15-3.0442C.1.**

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

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	

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

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

C. **Permitted, Accessory, and Special Uses.**

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

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

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

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

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

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

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

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



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

- A. **Area Intent.** The Ballpark Commons Multi-Family Residence Area is intended to provide multiple family residential uses, housing choices and building densities compatible with the mixed-use area to the north, while providing an enhanced buffer between it and the single-family residential development to the west, in furtherance of the goals and objectives of the Comprehensive Master Plan, and:
1. To be located south of Rawson Avenue (west and south of the Mixed-Use Area) generally extending from Loomis Road or future Ballpark Drive to the Stone Hedge subdivision.
  2. Provide multi-story apartment buildings with partially exposed underground parking throughout the area, with a community center, pool, trails, gardens, and/or other similar shared amenities that are compatible in function, form, and operation.
  3. Provide both on-street and off-street parking for tenants and visitors, including underground parking for all multi-story buildings, including formal shared parking arrangements with the adjacent mixed use area.
  4. Provide a pedestrian-oriented environment.
  5. Provide superior four-sided architecture.
  6. Provide an enhanced buffer consisting of a highly attractive and effective berm and landscaping along the entire western boundary of the subject area. The entirety of which shall be constructed prior to or along with the first phase of any development within the subject area. And which shall be maintained in perpetuity and which shall be the subject of an easement to be approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office.
  7. Provide buffering between residential development and non-residential uses.
- B. **Area Standards.** The Ballpark Commons Multi-Family Residence Area is further intended to have the development standards as set forth in Tables 15-3.0442D.1. and 15-3.0442D.2.

### **Table 15-3.0442D.1.**

#### **BALLPARK COMMONS MULTI-FAMILY RESIDENCE AREA DEVELOPMENT STANDARDS**

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

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

**Table 15-3.0442D.2.**

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

<b>Type of Dwelling Structure &amp; Number of Dwelling Units</b>	<b>Average Dwelling Unit Size (Square Feet) for One (1) Bedroom Dwelling Units (a)</b>	<b>Average Area (Square Feet) to be Added to Minimum Dwelling Unit Size for Each Bedroom Over One (1) Bedroom (a)</b>
Thirteen (13) or More Dwelling Units per Structure	750	200
Dens, libraries, studies, etc. or other room within a dwelling unit which can potentially be used as a bedroom shall be considered and counted as a bedroom.		

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

**Table 15-3.0442D.3.**

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

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

	Accessory uses (see Section 15-2.0208 & Division 15-3.0800)	P
	Required off-street parking (see Division 15-5.0200)	P
	Required on-street parking	P
	Essential Services	P
	Multiple-family Residential Housing for Older Persons	P

<sup>a</sup> Multiple-family dwellings and apartments up to three stories are permitted, over three stories are special uses.

## **SECTION 15-3.0442E      Design Standards**

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

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

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

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

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

**b. Number of parking spaces limited**

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

**c. On-street parking**

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

**d. Parking reductions/Land banking**

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

**2. GENERAL SITE DESIGN STANDARDS**

**a. Vision Clearance Necessary**

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

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

**b. Coordination of site furnishings**

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

**c. Pedestrian considerations**

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

**d. Reducing the impact of vehicular use areas**

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

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

e. **Bicycle and pedestrian amenities required**

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

3. **LANDSCAPE STANDARDS**

a. **Landscaping**

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

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

b. **Central Areas/Features**

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

c. **Cart Returns**

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



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

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

a. **Parking Lot Landscaping Required**

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

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

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

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

**c. Interior Landscaping for Off-street Parking Areas**

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

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

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

**d. Screening for Off-street Parking Areas**

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

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

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

## 5. ARCHITECTURAL REQUIREMENTS

### a. Building Character and Design

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

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

#### i. Purpose and Intent

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

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

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

ii. **Compatibility with Existing Buildings**

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

c. **Building Materials and Colors**

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

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

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

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

**e. Building Facades**

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

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

**f. Change in Relief of Building**

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

**g. Windows**

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

**h. Pedestrian Accessibility**

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

**i. Landscaping/Streetscape**

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

**j. External Storage**

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



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

**a. Purpose and Intent**

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

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

**b. Waiver of Standards**

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

**c. Compatibility with City Plans**

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

**d. Building Materials**

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

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

**e. Building Design**

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

**f. Building Entrances**

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

**g. Building Color**

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

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

**h. Building Location**

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

**i. Screening**

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

**j. Traffic Impact**

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

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

**k. Natural Resources Protection**

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

**l. Signage**

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

**SECTION 3: Conditions of Approval.**

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

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

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

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

Engineering Department review and approval of all pertinent grading, erosion control, restoration, etc. plans.

9. The applicants shall prepare a Master Sign Program for PDD No. 37, for staff review and approval, prior to issuance of a Building Permit. Alternatively, the applicant shall abide by the City's existing sign regulations as set forth in the Municipal Code, and the variance process set forth in the Unified Development Ordinance. In either event, such plans shall be submitted for Plan Commission approval with each building Site Plan submittal.
10. In the event that no building permit has been issued for any one of the substantial structures; that being the stadium, the four-seasons complex, any one or more retail buildings along Crystal Ridge Drive, any one or more multi-use buildings along West Rawson Avenue, or any one or more apartment buildings; prior to the expiration of 24 months from the date of enactment of this Ordinance, and allowing a three month extension, the zoning designation shall revert back to the zoning for the subject parcel(s) which existed prior to the effective date of this Ordinance.
11. The applicant shall submit and regularly update a PDD/Site Plan amendment map which clearly identifies all constructed, approved, and pending amendments for Department of City Development review and approval prior to issuance of an Occupancy Permit.
12. The applicant shall revise the utility plans along proposed Ballpark Drive to stub the water main into The Rock Sports Complex main entrance to allow a potential future connection of the ski chalet to the public water system, for Engineering Department review and approval prior to issuance of an Occupancy Permit.
13. Section 15-3.0442A.D.1.e. pertaining to signs shall be revised to allow the Plan Commission during its review of Site Plans to grant the Authorized Variance for additional signage, subject to its consideration of the applicable standards for Site Plans and variances.
14. Condition number 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to certain natural resource provisions dated January 9, 2018, pertaining to certain financial surety requirements, is herein revised to accept a personal guaranty in lieu of a Letter of Credit for those costs associated with the installation and maintenance of the subject Mitigation Plan.
15. Other.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 19<sup>th</sup> day of June, 2018, by \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19<sup>th</sup> day of June, 2018.

APPROVED:

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

ATTEST:

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

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

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