

**City of Franklin  
Plan Commission Meeting  
April 18, 2019  
Minutes**

Approved  
**May 9, 2019**

**A. Call to Order and Roll Call**

Mayor Steve Olson called the April 18, 2019 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners, Kevin Haley and Adam Burckhardt, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused were Commissioners Patricia Hogan and David Fowler. Also present were Planning Manager Joel Dietl, Principal Planner Ben Kohout and City Attorney Jesse Wesolowski.

**B. Approval of Minutes**

1. Regular Meeting of March 21, 2019 and April 4, 2019.

Alderman Dandrea moved and Commissioner Haley seconded approval of the March 21, 2019 and April 4, 2019 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

**D. Business Matters**

**2. RYANWOOD MANOR ADDITION NO. 1 (FORMERLY KNOWN AS OAKWOOD AT RYAN CREEK) SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.**

Final Plat application by Oakwood at Ryan Creek, LLC, to create 34 single-family lots and 1 outlot (Phase 2 of Ryanwood Manor Addition No. 1 Subdivision, 13,892 square feet average lot size), property zoned R-5 Suburban Single-Family Residence District and FW Floodway District, property located at approximately South 76th Street and West Oakwood Road, bearing Tax Key No. 934-9992-010.

Planning Manger Joel Dietl presented the request by Oakwood at Ryan Creek, LLC, to create 34 single-family lots and 1 outlot (Phase 2 of Ryanwood Manor Addition No. 1 Subdivision, 13,892 square feet average lot size), property zoned R-5 Suburban Single-Family Residence District and FW Floodway District, property located at approximately South 76th Street and West Oakwood Road.

City Engineer Morrow moved and Commissioner Haley seconded a motion to recommend approval of a Resolution conditionally approving a Final Plat for Ryanwood Manor Addition No. 1 subdivision (at approximately South 76th Street and West Oakwood Road). On voice vote, all voted 'aye'. Motion carried (4-0-2).

**3. BRION THOMAS WINTERS DECK ADDITION TO EXISTING HOME.** Miscellaneous application by Brion Thomas Winters, to allow for construction of a 385 square foot deck addition on the first floor of the back of the residential home, within an existing 20 foot wide storm sewer easement

Planning Manger Joel Dietl presented the request by Brion Thomas Winters, to allow for construction of a 385 square foot deck addition on the first floor of the back of the residential home, within an existing 20 foot wide storm sewer easement along the rear of the property line (deck will encroach approximately 3 feet 8 inches into the recorded easement), property located at 6828 West Fox Haven Court, zoned R-3 Suburban/Estate Single-Family Residence

along the rear of the property line (deck will encroach approximately 3 feet 8 inches into the recorded easement), property located at 6828 West Fox Haven Court, zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 837-0235-000.

District.

City Engineer Morrow moved and Commissioner Haley seconded a motion to approval of a Resolution conditionally approving a partial release and partial restriction waiver of a city storm sewer easement upon Lot 24, in Whispering Woods Subdivision, to allow for the location of a deck within the easement area released and waived (6828 West Fox Haven Court). On voice vote, all voted 'aye'. Motion carried (4-0-2).

**4. FRANKLIN VILLAGE SHOPPING CENTER SIGNAGE.**

Master Sign Program application by Franklin Village Properties, LLC, property owner, to allow for a Master Sign Program, which will include a request for special exceptions to: the number of monument signs allowed; the distance between monument signs; the amount of tenant signage that would be located on the Master Identification Sign and the total size of the Master Identification Sign, for property zoned B-3 Community Business District, located at 7101-7133 South 76th Street (Franklin Village); Tax Key No. 755-0038-001.

Planning Manger Joel Dietl presented the request by Franklin Village Properties, LLC, property owner, to allow for a Master Sign Program, which will include a request for special exceptions to: the number of monument signs allowed; the distance between monument signs; the amount of tenant signage that would be located on the Master Identification Sign and the total size of the Master Identification Sign, for property zoned B-3 Community Business District, located at 7101-7133 South 76th Street (Franklin Village)

Commissioner Haley moved that the three conditions specified in the proposed resolution draft be approved.

Commissioner Haley moved a new motion that removed proposed condition C.2. as proposed by staff and Commissioner Burckhardt seconded the motion for approval of a Resolution approving a Master Sign Program for Franklin Village as amended (7101-7133 South 76th Street). On voice vote, all voted 'aye'. Motion carried (4-0-2).

**C. Public Hearing Business Matters**

**1. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) MAJOR AMENDMENT, CERTIFIED SURVEY MAP AND A SITE PLAN AMENDMENT FOR A MIXED-USE BUILDING REVISION AND RELOCATION, SNOW PARK HOURS OF OPERATION REVISION AND COMMERCIAL/RETAIL BUILDING AND APARTMENT**

Planning Manger Joel Dietl presented the request by Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties, LLC, Zim-Mar Properties, LLC and BPC County Land, LLC property owners, as follows:

Major Planned Development District Amendment: To revise and relocate proposed mixed-use building M-1 (to a newly acquired parcel east of Ballpark Drive (formerly owned by the Wisconsin Department of Transportation)) at the southeast corner of West Rawson Avenue and Ballpark Drive, to add a single-story approximately 11,000 square foot commercial/retail building, and to revise the hours of operation for the snow park, property located at 7115 South

**BUILDING ADDITION TO THE BALLPARK COMMONS DEVELOPMENT.**

A major Planned Development District Amendment, Certified Survey Map and a Site Plan Amendment Application by Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties, LLC, Zim-Mar Properties, LLC and BPC County Land, LLC property owners, as follows:

Major Planned Development District Amendment: To revise and relocate proposed mixed-use building M-1 (to a newly acquired parcel east of Ballpark Drive (formerly owned by the Wisconsin Department of Transportation)) at the southeast corner of West Rawson Avenue and Ballpark Drive, to add a single-story approximately 11,000 square foot commercial/retail building, and to revise the hours of operation for the snow park, property located at 7115 South Ballpark Drive and vicinity, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key Nos. 754-9001-000, 754-9006-000 and 744-1003-000.

Certified Survey Map: to create two lots out of Lot 1 of Certified Survey Map 9042, located at the southwest corner of West Rawson Avenue and South Ballpark Drive; zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 754-9001-000.

Site Plan Amendment: for a proposed fifth 3-story 53 unit apartment building B- 5, to be located on the western half of Lot 1 of Certified Survey Map 9042, a 3,000 square foot clubhouse which will include a swimming pool, community room and offices, located south of the previously approved B-3 building, and a dog park enclosed with a fence, which will include benches and an obstacle course play area, located south of the clubhouse, property located at 7115 South Ballpark Drive and

Ballpark Drive and vicinity, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key Nos. 754-9001-000, 754-9006-000 and 744-1003-000.

Certified Survey Map: to create two lots out of Lot 1 of Certified Survey Map 9042, located at the southwest corner of West Rawson Avenue and South Ballpark Drive; zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 754-9001-000.

Site Plan Amendment: for a proposed fifth 3-story 53 unit apartment building B- 5, to be located on the western half of Lot 1 of Certified Survey Map 9042, a 3,000 square foot clubhouse which will include a swimming pool, community room and offices, located south of the previously approved B-3 building, and a dog park enclosed with a fence, which will include benches and an obstacle course play area, located south of the clubhouse, property located at 7115 South Ballpark Drive and vicinity, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key Nos. 754-9001-000 and 754-9002-000.

The Official Notice of Public hearing was read in to the record by Principal Planner Ben Kohout and the Public Hearing was opened at 7:30 p.m. and closed at 7:36 p.m.

**A. Planned Development District Amendment**

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of an Ordinance to amend section 15.3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise and relocate proposed mixed-use building M-1 (to a newly acquired parcel east of Ballpark Drive (formerly owned by the Wisconsin Department of Transportation)) at the southeast corner of Rawson Avenue and Ballpark Drive, to add a single-story approximately 11,000 square foot commercial/retail building, and to revise the hours of operation for the snow park (at approximately 7115 Ballpark Drive and vicinity), subject to and including all of the previously voted upon subject matters under this agenda item which were adopted following deliberation and adoption by the Plan Commission, and upon production of all the required information and provisions and the combination thereof and interaction amongst the provisions, shall there be a determination by the City Planning Manager that City standards have been reduced beyond what was intended by the discussion at the meeting, the amount necessary to correct and supplant that reduction shall be made at the discretion of the City Planning Manager following discussion or attempted discussion from thereon. Alderman

vicinity, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key Nos. 754-9001-000 and 754-9002-000.

Dandrea moved and Commissioner Haley seconded a motion to add that the West side ski hill grooming activities commence first. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to determine that the gross density be permitted as proposed by the applicants' submittal under consideration by the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of a waiver of the setback for building B-5 from 25 feet to 8 feet, for moving the building west, and excepting therefrom the window area wells.

On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to only require submittal of the Building B5 drawings. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of a reduction of the average dwelling unit size from 750 square feet to 700 square feet. On voice vote, all voted 'aye'. Motion carried (4-0-2).

## **B. Certified Survey Map**

Commissioner Burckhardt moved and Alderman Dandrea seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map subject to the conditions and changes discussed this evening, being a part of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (7115 South Ballpark Drive and vicinity (Southwest corner of West Rawson Avenue and Ballpark Drive)). On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to revise City Staff Comment Condition No. 7 to that the applicant shall revise the Certified Survey Map to document all private utility easements executed and recorded in the Milwaukee County Register of Deeds Office as of the April 19<sup>th</sup> recording of the Certified Survey Map for staff review and approval prior to recording. On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Engineer Morrow moved and Commissioner Haley seconded a motion to waive Staff Comment Condition No. 8 regarding soil boring and topographic information. On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Engineer Morrow moved and Commissioner Haley seconded a motion to revise Staff Comment Condition No. 10 to comply with all Statutory Requirements. On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Engineer Morrow moved and Commissioner Haley seconded a motion to delete City Staff Comment Condition No. 11. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to amend City Staff Comment Condition No. 12 to change 'all required public easements' to 'the Landscape Bufferyard easement'. On voice vote, all voted 'aye'. Motion carried (4-0-2).

### **C. Site Plan Amendment**

Alderman Dandrea moved and Commissioner Haley seconded a motion to approval of a Resolution amending the Site Plan for property located at 7115 South Ballpark Drive and vicinity to allow for construction of a 3-story, 53 unit apartment building B-5, a clubhouse and a dog park (Tax Key Nos. 754-9001-000 and 754-9002-000) with the inclusion of the comments and motions made this evening. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to delete City Staff Comment Condition No. 4.b. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to revise City Staff Comment Condition No. 11 to insert 'public' between proposed and easements, and to add at the end of the sentence 'by first Occupancy Permit'. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to amend City Staff Comment Condition No. 13 to add 'as a condition of occupancy of the first building.' On voice vote, all voted 'aye'. Motion carried (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to delete April 7<sup>th</sup> City Staff Additional Comment Condition No. 1. On voice vote, all voted 'aye'. Motion carried (4-0-2). On voice vote, all voted 'aye'. Motion carried (4-0-2).

## D. Business Matters

### 1. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) BASEBALL

**STADIUM REVISIONS.** Site Plan Amendment application by BPC Pro Baseball Stadium, LLC/Michael E. Zimmerman, applicant/property owner, to revise certain aspects of the Ballpark Commons stadium site plan previously approved by the Plan Commission, more specifically, the applicant is proposing to: reduce the footprint of the front entrance/gateway into the stadium (i.e. reduce the length of the front entrance/decorative gate from approximately 100 feet to approximately 90 feet, reduce the length of the front canopy from approximately 85 feet to approximately 61 feet, to remove much of the decorative longboard aluminum panels from the front canopy, and to reduce the length of the ticketing cargo container from 40 feet to 30 feet); remove the concession cargo container located west of the beer garden area from the first phase of the stadium plans and move it to a future phase; and, to replace the glass railings on the upper level of the beer garden cargo containers with wire mesh railings, property located at 7035 South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District; Tax Key No.744-1003-000.

Planning Manger Joel Dietl presented the request by BPC Pro Baseball Stadium, LLC/Michael E. Zimmerman, applicant/property owner, to revise certain aspects of the Ballpark Commons stadium site plan previously approved by the Plan Commission, more specifically, the applicant is proposing to: reduce the footprint of the front entrance/gateway into the stadium (i.e. reduce the length of the front entrance/decorative gate from approximately 100 feet to approximately 90 feet, reduce the length of the front canopy from approximately 85 feet to approximately 61 feet, to remove much of the decorative longboard aluminum panels from the front canopy, and to reduce the length of the ticketing cargo container from 40 feet to 30 feet); remove the concession cargo container located west of the beer garden area from the first phase of the stadium plans and move it to a future phase; and, to replace the glass railings on the upper level of the beer garden cargo containers with wire mesh railings, property located at 7035 South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District.

City Engineer Morrow moved and Commissioner Burckhardt seconded a motion to approve Resolution amending the Site Plan for property located at 7035 South Ballpark Drive to revise certain aspects of the stadium Site Plan, including reducing the footprint of the front entrance/gateway into the stadium, removing the concession cargo container west of the beer garden area from the first phase of the stadium plans and replacing the glass railings on the upper level of the beer garden cargo containers with wire mesh railings as discussed and amending during the Plan Commission meeting (Tax Key No. 744-1003-000).

Commissioner Haley moved and Alderman Dandrea seconded a motion to reduce the size of the container proposed to 30 feet and the canopy to 61 feet as presented to the Plan Commission.

On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Engineer Morrow moved and Commissioner Haley seconded a motion to replace glass inserts with wire mesh on the second level Beer Garden as presented to the Plan Commission.

On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to move container No. 6 from west side and move to east side and to take No. 3 out of phase 1 and place in phase 3 as presented to the Plan Commission.

On voice vote, all voted 'aye'. Motion carried (4-0-2).

Commissioner Haley moved and Alderman Dandrea seconded a motion to work with City Staff on appropriate lighting on the site prior to approval.

On voice vote, all voted 'aye'. Motion carried (4-0-2).

Commissioner Haley moved and Alderman Dandrea seconded a motion to amend the glass railing inserts on second level of press box to wire mesh as presented to the Plan Commission.

On voice vote, all voted 'aye'. Motion carried (4-0-2).

## **E. Adjournment**

Commissioner Haley moved and Commissioner Burckhardt seconded a motion to adjourn the Plan Commission meeting of April 18, 2019 at 10:19 p.m. All voted 'aye'; motion carried. (4-0-2).