

**Village of Shorewood Hills  
Board of Trustees Minutes  
Monday, September 17, 2018**

**1. Called to Order** Village President David Benforado called the meeting to order at 7:00 p.m.

**2. Roll Call** Members of the Board present were Mr. Benforado and Trustees Fred Wade, Scott Freidman, John Imes, Anne Readel, Mark Lederer and Village Treasurer Sean Cote. Trustee Tracy Bailey was excused. Also in attendance were Public Works Chief John Mitmoen, Police Chief Aaron Chapin, Administrative Services Manager/Deputy Clerk David Sykes, Village Administrator Karl Frantz and Village Clerk Karla Endres.

**3. Statement of Public Notice** Karl Frantz stated the meeting has been properly noticed.

**4. Procedures Orientation**

**C. Ordinances**

**i. Third reading of an ordinance L-2018-3 rezoning property located at 2801 Marshall Court from C-3 to planned unit development general development plan (Lodgic co-working, restaurant, childcare mixed use development)**

Duane Johnson, KBA, briefly discussed the sign package. The signage was changed by the number of signs on the building as well as the size of the signs. There has been a reduction in size of the signs and the lighting of the signs. The word “bar” has been removed from two of the signs. There were two signs added to the parking garage.

Mr. Benforado confirmed that the Plan Commission had reviewed and recommended approval of the sign package.

Maureen Rickman, Psychiatric Services, stated they have come to an agreement with the parking and that she has a suggestion for the board to consider, a minor change on Catafalque Drive. She is requesting that it be changed to a one way street to reduce congestion and increase the safety of those coming out of those four parking spaces along the Lodgic building. It also allows for angle parking and increases the flow of parking in that area. They have an agreement to rent spaces at Arbor Crossing on a month to month, but it is not a long term solution to their parking needs.

Michael Stiennon, 2814 Marshall Court, agrees with Maureen Rickman that Catafalque Drive should be made into a one way street or a dead end. Dr. Stiennon would like the Board to follow up with the parking problem on Marshall Court. He also stated that the Developers have not reached out to the residents of Marshall Court to discuss the development project and the disruption it will cause during construction.

Melody Liu, 2808 Marshall Court, is concerned about the traffic issue. The bikers and congestion on Marshall Court since the stop light was installed has increased. She mentioned the UW Shuttle bus was picking up and dropping employees off on Marshall Court and waiting for their employees, which causes congestion.

Vincent Gibbons, 2800 Marshall Court, has concerns on the number of kids at the childcare facility during the day and the impact that will have on the traffic of Marshall Court. If this project doesn't succeed in 2021 or so, what impact does that have on the Village?

Mr. Benforado explained the importance of the neighborhood plan and how that relates to the Lodgic development. He explained his thoughts on why he was in support of this development plan. He stated this plan is responsive to the comprehensive plan and the neighborhood plan. The development isn't as tall as the previous development proposed. Mr. Benforado likes the

completion of the missing link in the bike path that will be included. The village has also had a very positive track record and relationship with the developer. The developer is not asking for TIF money. Mr. Benforado stated that he thinks the Board should discuss and enforce Marshall Court being a regulated parking enforcement area seven days a week, 24 hours a day. Mr. Benforado explained the reasons for his support of the project (attached to these minutes). Mr. Lederer stated the parking signs going to the Lodgic project don't include the Everyday Kitchen restaurant and that might create confusion for those that are going to the restaurant and therefore take up on street parking spaces instead. He also stated that the Lodgic project has to come to the Village for approval on liquor license each year. The Village has the ability to deal with potential problems or issues that might arise.

Ms. Readel stated that the Marshall Court area was designated for high density projects on both sides of the street and keeping it a walkable street. She stated that parking will continue to be a problem that keeps popping up in the Village based on what street is being focused on. She is in support of this project.

Mr. Wade stated he is in agreement with the other trustee's comments and the project is a real opportunity for some of the younger families moving into the Village. He is concerned and continues to be concerned about the traffic on Marshall Court.

Mr. Imes stated he is in support of the project and likes the scale of the project. He stated there are some really nice amenities for village residents with not only having a workspace but also a high quality daycare facility. He would also like to see a preconstruction meeting with the developer and residents.

Mr. Friedman stated that density is good and believes that the Village is in a good position to have this project in the Village.

Mr. Imes moved and Mr. Wade seconded a motion to waive the third reading of the ordinance and approve the rezoning of the property.

Motion approved 6-0.

#### **D. New Business Resolutions and Motions**

##### **i. Resolution R-2018-8 Approving Specific Development Plan for 2801 Marshall Court mixed use development.**

Ms. Readel moved and Mr. Friedman seconded a motion to approve resolution R-2018-8 approving specific development plan for 2801 Marshall Court that incorporates the sign package. Motion approved 6-0.

#### **C. Ordinances**

##### **ii. Second reading of an ordinance L-2018-4 creating a two-hour parking zone on Marshall Court**

Mr. Friedman moved and Ms. Readel seconded a motion to approve the second reading of ordinance L-2018-4 creating a two-hour parking zone on Marshall Court.

Motion approved 6-0.

#### **D. New Business Resolutions and Motions**

##### **vi. Resolution R-2018-10 Authorizing the Village to participate in the National Flood Insurance Program**

Mr. Frantz gave a brief explanation that the Village has a Floodplain Zoning Ordinance in place but it will need to be updated. The Village needs to consider a resolution first and then publish

public hearing notices before readopting the floodplain ordinance. Once that is done then village residents are able to apply for flood insurance from a private agency. The Village will have to adopt the FEMA flood maps and the Village is zoned in zone X, except for a couple areas on Lake Mendota Drive on the cliff. That means that FEMA considers them outside of the five hundred year floodplain. Mr. Frantz explained that the definition of a flood can be considered surface water runoff which is what happened on August 20, 2018. That means residents would be eligible to coverage for that event if they had flood coverage. Flood insurance doesn't cover all items lost in a flood but may cover items such as mechanicals, not furniture, drywall, etc., especially in basements.

Gloria Beach, 907 Swarthmore Court, understands the Villages flood risk assignment and questions if the village could have different zones of flood plain so that residents on the hill near the golf course would not be upset if they were required to purchase flood insurance if they really would never be prone to a flood. She also asked for the definition of a 500 year flood versus a 100 year flood being 6 inches of water in a 24 hour period. Her final question was about the definition of a flood and that surface water versus a body of water are conflicting for definitions.

Michael Stiennon, 2814 Marshall Court stated this is for unusual flooding and this happens annually.

Anne Helsley-Marchbanks, 817 Maple Terrace, wants to see the Village participate in the National Flood Insurance Program.

Mark Mandel, 3205 Tally Ho Lane, we are in the minority of municipalities that do not participate in the national flood insurance program.

Jason Stephenson, 3201 Tally Ho Lane, would like to know what implications of the history to deal with stormwater.

Leslie Clark, 838 Maple Terrace, needs flood insurance and received a quote through Lloyds of London for \$5,600 a year. She would like to make sure the Village doesn't have any future development that allows developers to build up around her that will cause more problems for flooding.

Mr. Wade moved and Ms. Readel seconded a motion to approve Resolution R-2018-10 authorizing the Village to participate in National Flood Insurance Program.

Mr. Benforado stated that if the Village is one of 50 municipalities in the State not participating in the program, why not? The Village has some due diligence to find out why we are not participating in a program that most municipalities in the state are participating in.

Motion to approve Resolution R-2018-10 passed 6-0.

## **5. Appearances and Communications**

### **i. 2018 Fireworks Fund – Gary Johnson**

Mr. Benforado referred to the written summary provided by Gary Johnson.

No action was taken.

## **6. Board Matters**

### **A. Payment of Bills**

Mr. Cote gave a brief background on the prepaids and the September board bills.

Mr. Cote ratified the August prepaids in the amount of \$58,116.41 and the September board bills in the amount of \$149,407.74 for a total of \$207,524.15 for approval.

Mr. Wade moved and Mr. Lederer seconded approval of the August prepaids in the amount of \$58116.41 and the September Board Bills in the amount of \$149,407.74 for a total of \$207,524.15.

Karla Endres asked if the Delta Dental invoice could be decreased by \$0.02 due to an estimate based of the previous month's bill to include for timely payment purposes.

The total was lowered by \$0.02 cents for a total approved amount of \$207,524.13.

Motion passed 6-0.

#### **D. New Business Resolutions and Motions**

##### **iv. Consider conditional use permit to add a chimney and roof overhang over a stairway on property located at 3616 Lake Mendota Drive.**

Mr. Imes moved and Mr. Friedman seconded to accept the findings of the conditional use permit for 3616 Lake Mendota Drive.

Motion passed 6-0.

##### **viii. Consider engineering proposal for boiler/equipment replacement at pool**

Mr. Lederer gave a brief background of the need to move quickly on this to ensure it won't interfere with the 2019 season.

Chris Carbon stated the engineering report is significant in the replacement of the boilers to ensure they are ready for the next pool season. One boilers was in need of replacement before the flood occurred but engineering must be done prior to the boiler being installed. The engineering will provide the pool with multiple options but the insurance will only cover "like" replacement to what the existing boilers were there.

Ms. Readel asked how this engineering study plays into the redesign of the area as a whole with the community center being redesigned or if the pool and community center will be done together.

Mr. Imes asked if this gives an opportunity for the future to plan accordingly now with the new boilers.

Ms. Readel moved and Mr. Wade seconded the acceptance of the August 9<sup>th</sup> engineering proposal by Ramaker and Associates not to exceed \$8,008.00.

Motion passed 6-0.

##### **ix. Consider participation in Dane County Community restorative court program**

Mr. Friedman stated this is a program that won't happen often in our municipal court and he believes it's a good program to be part of and the concept of the program is desirable.

Mr. Friedman moved and Ms. Readel seconded a motion to join the Dane County Community restorative court program.

Motion passed 6-0.

##### **x. Consider joining Safe Communities program and \$1,500 donation**

Aaron Chapin gave a brief background on the Safe Communities program.

Ms. Readel would like to know how the Village residents would know about this program that the Village would participate in.

Mr. Wade is concerned about the tough budget year and due to the flooding, he is reluctant to decide on a monetary donation.

Mr. Friedman moved and Mr. Lederer seconded a motion to approve the village join Safe Communities.

Motion passed 6-0.

Mr. Benforado stated the Finance Committee will take this item up for a \$1,000 donation in 2019.

## **B. Consent Agenda**

### **ii. Street Use Permits- Red Tutu Trot- October 14, 2018**

Mr. Lederer moved and Mr. Wade seconded a motion to approve the Red Tutu Trot.

Motion passed 6-0.

### **i. Regular Board meeting minutes of August 20, 2018 and Special session minutes of September 6, 2018**

August 20, 2018 minutes

Minor change from Mr. Lederer.

Mr. Lederer moved and Mr. Wade seconded to approve the August 20, 2018 minutes with the minor change noted.

Motion passed 6-0.

September 6, 2018 minutes were tabled for the draft to be reviewed for suggested changes by the Village engineer.

### **iii. Consider conditional use permit to fill in excess of ten cubic yards of soil on property located at 3580 Lake Mendota Drive.**

Mr. Benforado gave a brief update of plans to demolish the existing structure and rebuild.

Mr. Imes moved and Mr. Wade seconded a motion to approve the conditional use permit at 3580 Lake Mendota Drive.

Motion passed 6-0.

### **v. Resolution R-2018-9 Authorizing submittal of PARC grant application for bike path project**

Mr. Imes moved Mr. Friedman seconded a motion to approve resolution R-2018-9 authorizing submittal of PARC grant application for a bike path project.

Motion passed 6-0.

### **vii. Consider installation of temporary speed hump on Edgehill Drive and agreement with County Highway Department for speed and volume counts.**

Mr. Lederer gave a brief background on the traffic study done on Edgehill Drive and the idea of installing a speed hump. He explained the cost was roughly \$800 and 200 holes drilled into the road to install the speed hump.

Mr. Wade is uncomfortable with the cost of the project as well as the 200 holes drilled into the new road and therefore is not in support of the installation of the speed hump.

Mr. Benforado would be in favor of a new speed board that holds a charge and a couple of the solar powered speed boards to be budgeted in 2019. He would not be in support of the 200 holes drilled in the road and the speed hump in general. He would like to see more efforts in education of drivers to slow down.

Ms. Readel would like to see more information as to why we want to slow traffic down more and if there are other measures that can be taken.

This item was referred back to the Public Works Committee.

**xi. Consider certified survey map dividing property located 3311 Topping Road**

Mr. Imes moved and Mr. Wade seconded a motion to accept the certified survey map at 3311 Topping Road.

Motion passed 6-0.

**7. Reports of Officials and Committees**

**A. Village President**

**i. Discuss establishment of ad hoc and/or use of existing committees related to stormwater/flooding and disaster preparedness**

Put an article in the October bulletin regarding the formation of an ad hoc committee for stormwater/flooding and disaster preparedness.

Mr. Lederer asked the continuity between public works and stormwater if they should be all in the same committee.

Mr. Benforado would like to see an ad hoc committee for Stormwater/flooding.

**ii. Village facilities planning**

Tabled.

Mr. Lederer made a comment that the time table on the pool is moving up fast now due to the flooding.

**B. Village Administrator**

**i. University Avenue design update** – Mr. Frantz updated the Board on the monthly progress meeting with the City. The federal funding also covers up to 60% of the University Bay Drive reconstruction.

Mr. Benforado asked Karl to write to the Madison Area Transportation Board to strongly suggest that the bike/overpass on University Bay Drive still happen as planned initially.

Mr. Frantz gave a brief update on the insurance claim from the crash recovery.

**C. Report on Shorewood League Flood Relief Campaign** – Tracy Bailey’s written report was given on the Leagues fundraising goals.

**D. Report on Village FEMA disaster assessment submittal**

David Sykes reported on the status of the FEMA submittal.

**E. Personnel Committee** – nothing to report.

**F. Finance Committee** – meeting scheduled.

**G. Plan Commission** – nothing to report

**H. Public Works Committee** –nothing to report

**I. Services Committee** – nothing to report.

**J. Public Health & Safety Committee** – nothing to report.

**K. Recreation Committee**- nothing to report.

**L. Ad hoc Sustainability Committee** – nothing to report.

**M. Ad Hoc Heiden Haus** – met and suggested an article in the October bulletin.

**N. Parks Committee** – nothing to report.

**O. Blackhawk Liaison Committee** –Scramble went well. Blackhawk seemed satisfied.

**P. Golf Committee** – nothing to report.

**Q. Pool Committee** – nothing to report.

**R. Waterfront Committee** – nothing to report.

**S. Joint Campus Area Committee** – September meeting was cancelled.

**8. Confirm next meeting date**

**i. October 15**

**ii. November 5**

**iii. November 19**

**9. Adjourn**

Meeting was adjourned at 10:32 p.m.

Respectfully submitted,

Karla Endres, Village Clerk

## **Village President Dave Benforado's thoughts on Lodgic proposal pending before Shorewood Hills Board of Trustees**

### **1. Important History of Marshall Court Redevelopment:**

#### **a. TID #3 (adopted Sept. 2008, amended Jan. 2010):**

- i. Created to promote the orderly development by promoting mixed use development and causing infrastructure improvements to be made.
- ii. "The Village intends to promote orderly development by encouraging higher density development on a site that is currently underutilized, increase the availability of employment and services to Village residents, and broaden the tax base ...". (page 1).
- iii. TID #3 must be closed by 2028, with 2023 being the final year for expenditures.

#### **b. Doctor's Park Neighborhood Plan (adopted Jan 2009):**

- i. "Doctor's Park property owners are seeing renewed interest and an opportunity for reinvestment in the area. This Neighborhood Plan creates a set of standards for the redevelopment. ... Future land use applications for the Doctor's Park area should be evaluated based on the components of this Plan, as it was developed with input from Village staff, Village officials and stakeholders, and provides a comprehensive and coordinated vision for the future of Doctor's Park." (page 2).
- ii. The Plan recommends medium-density mixed-use development, structured parking, a dedicated bike path along the rail corridor, and pedestrian-friendly reconstruction of Marshall Ct.

#### **c. Village Comprehensive Plan, incorporating Doctor's Park Neighborhood Plan (adopted December 2009):**

- i. Work on the Village Comprehensive Plan began in 2002 to comply with new Smart Growth state law, and paused in 2003.
- ii. After the completion of the two Neighborhood Plans (Doctor's Park NP in Jan. 2009 and Pyare NP in April 2009), work resumed on the Comprehensive Plan during 2009, concluding in late 2009 with the Plan including a 20 year planning horizon.
- iii. "Doctor's Park is a key redevelopment area due to its low density and desirable location close to bus service, ... the UW campus, and the VA and UW Hospitals. ...Developers should consult the Neighborhood Plan when creating redevelopment proposals, and the Plan Commission and Village Board should refer to the Plan when reviewing redevelopment proposals." (page 26).

### **2. Lodgic Proposal (2801 Marshall Court):**

- a. **Stonehouse Development (Rich Arneson):** approached the Village earlier this year to discuss the Lodgic proposal.
  - i. Informal pre-application presentation to the Plan Commission occurred 2/13/18, generally a favorable response.
  - ii. Formal GDP (General Development Plan) and SDP (Specific Development Plan) application filed, public hearing before Plan Commission on 6/12/18, public hearing continued to 7/10/18, Plan Commission meeting. At the 7/10 Plan Commission meeting, the Commission bifurcated the project's GDP and SDP, recommending the GDP for review and approval by the Village Board (6-0, one member absent), suggesting further Plan Commission review on certain issues regarding the SDP at its 8/7/18, meeting. The GDP as an ordinance requires three readings by the Village Board over the course of two or three meetings; the SDP was reviewed and recommended by the Plan Commission and the Board may adopt the SDP by resolution (i.e., at one meeting).
  - iii. Tonight is the third Village Board of Trustees meeting dedicated in large part to the Lodgic proposal. We reviewed the project on 7/16/18, heard from the developer and Lodgic representatives, and heard from about a dozen Village residents, ultimately approving the GDP's first reading (7-0). On 8/20/18, we heard from the developer and Lodgic representatives again and several Village residents, ultimately approving the GDP's second reading (5-0, two trustees absent).
- b. **Public comment and concerns:** the Plan Commission and the Village Board heard from several Village residents and a local business during the 6/12 and 7/10 Plan Commission public hearings, and the 7/16 and 8/20 Board meetings, and received two lengthy letters from several Shackelton Condominiums residents opposed to the project, a summary of the key concerns expressed and heard here:
  - i. Parking impact: concern expressed that the project does not park itself, and that the street is already too congested.
  - ii. Traffic impact: concern expressed that the street is too congested and cannot accommodate more vehicles.
  - iii. Other externalities (light, noise): concern expressed as to late night lighting shining north towards Shackelton Square condos; concern expressed that outdoor seating areas will have amplified loud music, perhaps late into the night.
  - iv. Proposed restaurant/café/bar: concern expressed that the project combines a child care facility in the same building as a bar, that a bar does not belong in that neighborhood, that there is nowhere for a semi to safely park when it delivers restaurant supplies.
  - v. Day care facility: concern expressed that business model will not work, that the available spaces will be quickly used by UW Hospital or UW personnel, instead of Lodgic members.

- vi. Lodgic business model: concern expressed as to the viability and sustainability of the Lodgic business model.
  - vii. Renewable energy: concern expressed that the Village was not requiring the new facility to have solar panels on its roof.
  - viii. Customer parking needs of adjoining business (Psychiatric Services): the south parking area of the business property just east is a key part of the bike path extension, so the Village has been working closely with this business to figure out how the Village could acquire that small strip of land and best maintain the number of available private and public parking stalls for their customers.
- c. **Why I support the project** – it is responsive to both the Village Comprehensive Plan and the Doctor’s Park Neighborhood Plan in many ways.
- i. It’s a two-story (roughly 36 ft) above ground mixed-use building with two decks of underground parking (eliminating surface parking spaces). It is not as tall as the prior redevelopment proposal. The shadow study didn’t find any fatal flaws.
  - ii. The mixed-use is novel, all based around a co-working entrepreneurial space; in my mind, this is a 21<sup>st</sup> Century variation of downtown Madison’s 100State and the Starting Block building for new age tech and app startups, but located right here in Shorewood Hills.
  - iii. Will allow for the completion of the much needed “missing link” in the east-west bike path just north of the railroad tracks, and a realignment of the north-south property lot line with the adjoining University Station which will allow University Station to add a few additional parking stalls.
  - iv. Will allow for the extension of Catafalque Drive to Marshall Court, completing the new U shaped Village street.
  - v. Will allow for the completion of the Marshall Court streetscape west, with additional on street parking and contiguous pedestrian sidewalks.
  - vi. The Village has a positive track record with the developer (Arbor Crossing development).
    - 1. While the Village did not require solar panels on the roof of the Arbor Crossing building, the developer (Rich Arneson) installed them as well as some solar water heating panels. At the July 10 Plan Commission meeting and the July 16 Board meeting, he stated that while he can’t promise to do so with the Lodgic proposal, assuming the project is approved, he will try to do so once the project expenses are better known.
  - vii. While located in TID #3, the developer is not asking for TIF, which is a two-edged sword. It means that the Village will be able to close TID #3 on time by 2028 or earlier. (The property is currently assessed at just under \$700K and the final assessed value of the project if built will be nearly a ten-fold increase; the property tax on the increment being available to pay off TID #3 borrowing during the life of the TIF.) But is also means that means the Village does not have the degree of leverage we have had with other TID developments,

although we do have some leverage since they are requesting a PUD (Planned Unit Development).

- viii. At the July 10 Plan Commission meeting, Village Traffic consultant Jeff Held (Strand Associates) stated that the traffic estimates in the 2008 Village traffic study are playing out as we thought they would, as validated by the 2016 Village Traffic Study check in. Those estimates were further validated by Strand's actual traffic counts at two points on Marshall Court that were taken the last week in July 2018.
  1. Marshall Court is a bit of a mess right now because of the Ronald McDonald expansion project (it has no on-site parking and has blocked a good chunk of the west bound drive land and the north side curbside parking area).
  2. As I have mentioned at previous meetings, the Village should revisit regulation and enforcement of parking on Marshall Court, especially on weekends when it appears to be parked up.
    - a. It should become a 7-day/week 2 hour regulated parking area, the Village parking fine amounts need to be raised since they have been flat for a number of years, and if someone thinks they can park on Marshall Court for 8 ½ hours and only risk receiving one Village parking ticket, they should expect to receive three or four parking tickets during that time period. We need to make it uneconomic for these parking abusers compared with what it costs to rent a parking stall on or off campus.
  3. The Board is in the process of approving more on street parking spots at the west end of Marshall Court.
- ix. At various Plan Commission and Board meetings over the last three months, the Commission and the Board and the developer agreed to solutions that will address many of the concerns expressed about this project:
  1. Lighting: developer agreed to install timed window shades on north facing windows of the co-working area.
  2. Semi-deliveries: developer agreed that deliveries to restaurant would not be by semi.
  3. Noise: developer agreed to abide by the existing stringent Village noise ordinance (Chapter 21, Village Ordinances), and slightly reconfigure the sound baffle fence around the roof mounted HVAC system so that noise will be directed to University Ave.
  4. Signs: the sign package reviewed and recommended by the Plan Commission earlier this month shows a much softer sign presence facing Marshall Court (with no mention of the word "Bar") than the original sign package, acknowledgment of the concerns expressed by Shackelton residents.

5. Parking/Traffic: I believe that Village traffic consultant Jeff Held's conclusions are correct – that the 2008 Village traffic study numerics are playing out as we thought they would, as validated by his 2016 Traffic Study check in for the Village and by his July 2018 Marshall Court traffic counts for the Village.
6. Lodgic business model: while some residents have asked that the Village perform a financial analysis of the project so that Board members can decide whether they think it is financially feasible or not, I do not think that is in the purview of the Village Board, particularly since there is no TIF funds that will be paid to the developer. Instead, I believe it is the Board's job to assess this entire unique proposal and the developer's track record in the area, and rely on the developer's decision and analysis to move forward with the project since it is the developer who will be taking the risk.
  - a. Due diligence: Village Administrator did have a productive and informative conversation earlier this month with Champaign (IL) County Economic Development Corporation Executive Director Carly McCrory about the Champaign IL Lodgic project. McCrory spoke very highly of the project, how well it is being received, how they handled some of the same points of friction that we did (e.g., child care facility, a bar), and invited all of us to the 10/4/18 Grand Opening.