

ORDINANCE NO. L 2012-7

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY
LOCATED AT 4200 UNIVERSITY AVENUE
FROM C-2 (P) COMMERCIAL DISTRICT (PLANNED OVERLAY)
TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

RECITALS

1. Flad Development & Investment Corp. (the "Applicant"), has requested that the zoning classification of the property described in Exhibit A (the "Property") be changed to Planned Unit Development ("PUD").

2. The Planned Unit Development District is intended to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Village by allowing for greater design freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of the Village's Zoning Ordinance and Comprehensive Plan. Pursuant to Wis. Stat. § 62.23(7)(b), the Village may not zone property Planned Unit Development District without the consent of the owners.

3. The Applicant has submitted a General Development Plan (the "GDP") and a Specific Development Plan (the "SDP") consisting of the following of documents:

A. "Walnut Grove Redevelopment - The Shoppes at Walnut Grove – The Lodge at Walnut Grove, 4200 University Avenue, Shorewood Hills, Wisconsin – Plan Commission PUD (GDP/SDP) Submittal Package August / September 2012." This set of documents is referred to in this Ordinance as the "August 2012 Submittal" and contains the following:

- (1) PUD zoning application by Flad Development & Investment Corp. dated August 29, 2012.
- (2) Correspondence from Flad Development & Investment Corp. dated August 29, 2012.
- (3) Location Map and Aerial photograph.
- (4) Current Zoning Map.

- (5) Legal Descriptions.
- (6) Certified Survey Map.
- (7) Title Sheet, 11 x 17 sheet numbered T-1, prepared by Knothe & Bruce, Project No. 1121, dated July 31, 2012.
- (8) Existing Conditions, 11 x 17 sheet numbered C-0.1, prepared by Knothe & Bruce, Project No. 1221, dated August 31, 2012.
- (9) Site Plan, 11 x 17 sheet numbered C1.0 prepared by Knothe & Bruce, Project No. 1221, dated August 31, 2012.
- (10) Grading Plan, 11 x 17 sheets numbered C-2.0 and C-2.1, prepared by Knothe & Bruce, Project No. 1221, dated August 31, 2012.
- (11) Erosion Control Plan, 11 x 17 sheet numbered C-2.2, prepared by Knothe & Bruce, Project No. 1221, dated August 31, 2012.
- (12) Site Utilities, 11 x 17 sheets numbered C-3.0 and C-3.1, prepared by Knothe & Bruce, Project No. 1221, dated August 31, 2012.
- (13) Landscape Plan, 11 x 17 sheet numbered L-1.0, prepared by The Bruce Company, dated August 30, 2012.
- (14) Site Lighting Plan, 11 x 17 sheet numbered E0.1, prepared by Electric Construction Inc., dated August 31, 2012.
- (15) Site Lighting Photometrics, 11 x 17 sheet numbered E0.2, prepared by Electric Construction Inc., dated August 31, 2012.
- (16) 64 Unit Building Basement Plan, 11 x 17 sheet numbered A-1.0, prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012.
- (17) 64 Unit Building First Floor Plan, 11 x 17 sheet numbered A-1.1, prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012.

- (18) 64 Unit Building Second Floor Plan, 11 x 17 sheet numbered A-1.2, prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012.
- (19) 64 Unit Building Third Floor Plan, 11 x 17 sheet numbered A-1.3, prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012.
- (20) 64 Unit Building Fourth Floor Plan, 11 x 17 sheet numbered A-1.4, prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012.
- (21) 64 Unit Building Elevations, 11 x 17 sheets numbered A-1.5 and A-1.6 prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012.
- (22) 36 Unit Building Basement Plan, 11 x 17 sheet numbered A-1.7, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012.
- (23) 36 Unit Building First Floor Plan, 11 x 17 sheet numbered A-1.8, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012.
- (24) 36 Unit Building Second & Third Floor Plan, 11 x 17 sheet numbered A-1.9, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012.
- (25) 36 Unit Building Fourth Floor Plan, 11 x 17 sheet numbered A-1.10, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012.
- (26) 36 Unit Building Fourth Floor Plan, 11 x 17 sheet numbered A-1.10, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012.
- (27) 36 Unit Building Elevations, 11 x 17 sheets numbered A-1.11 and A-1.12, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012.
- (28) Commercial – Floor Plan, 11 x 17 sheet numbered A-1.13, prepared by GMK, Comm No. K1225, undated.
- (29) Commercial – Elevations, 11 x 17 sheet numbered A-1.14, prepared by GMK, Comm No. K1225, undated.

- (30) Correspondence from The Bruce Company dated August 29, 2012.
- (31) Correspondence from Steven R. Bessett, Inc., dated August 8, 2012, with East Wall Tree Analysis and East Wall Existing Tree Analysis Plan.
- (32) Residential Buffer East Lot Line, 11 x 17 sheet numbered L1, prepared by The Bruce Company, dated August 30, 2012
- (33) Depictions of bench and bike rack.
- (34) Elevations re Trash Enclosure at Retail
- (35) Site Lighting Plan, 11 x 17 sheet numbered E0.1, prepared by Electric Construction, dated August 31, 2012.
- (36) Site Narrative – The Shoppes at Walnut Grove
- (37) Site Narrative – The Lodge at Walnut Grove
- (38) Lighting specifications – U.S. Architectural Lighting
- (39) Lighting specifications – Cooper Lighting
- (40) Light fixture – Artisan II – 0680
- (41) Lighting specifications – Sternberg lighting
- (42) Lighting specifications – McGraw-Edison
- (43) Light fixture – Apartment Balcony – Progress Lighting
- (44) Renderings – two 11 x 17 sheets.
- (45) Sign Regulations – 8 pages.

B. "Amendment No. 1 (November 7, 2012) Walnut Grove Redevelopment PUD (GDP/SDP) Submittal Package August / September 2012." This set of documents is referred to in this Ordinance as "Amendment No. 1" and contains the following:

- (1) Correspondence from Vierbicher dated October 10, 2012.
- (2) Flad Development Response to Vierbicher Review Letter of October 10, 2012 – Walnut Grove Redevelopment.

- (3) Correspondence from Oak Park Place dated October 16, 2012.
- (4) Site Plan, 11 x 17 sheet numbered C1.0 prepared by Knothe & Bruce, Project No. 1221, Revised November 5, 2012.
- (5) Grading Plan, 11 x 17 sheets numbered C-2.0 and C-2.1, prepared by Knothe & Bruce, Project No. 1221, Revised November 5, 2012.
- (6) Erosion Control Plan, 11 x 17 sheet numbered C-2.2 prepared by Knothe & Bruce, Project No. 1221, revised November 5, 2012.
- (7) Utility Plan, 11x17 sheets numbered C3.0 and C3.1, prepared by Knothe & Bruce, Project No. 1221, revised November 5, 2012.
- (8) Landscape Plan, 11 x 17 sheet numbered L-1, prepared by The Bruce Company, revised November 7, 2012.
- (9) Site Lighting Plan, 11 x 17 sheet numbered E0.1, prepared by Electric Construction, dated November 5, 2012.
- (10) Site Lighting Photometrics, 11 x 17 sheet numbered E0.2, prepared by Electric Construction Inc., dated November 5, 2012.
- (11) Elevations re Trash Enclosure at Retail, dated November 1, 2012.
- (12) North Elevation – Revised, Retail Building.
- (13) Exhibit C – Retail Building Wall Sign Area Limitations Chart.
- (14) Bike Rack Specifications – Belson Outdoors.
- (15) Concrete Bench Specifications – Belson Outdoors.
- (16) 36 Unit Building Roof Plan, 11 x 17 sheet numbered A-1.11, prepared by Knothe and Bruce, Project No. 1121, dated October 9, 2012.

- (17) 64 Unit Building Roof Plan, 11 x 17 sheet numbered A-1.4a, prepared by Knothe and Bruce, Project No. 1121, dated October 9, 2012.
- (18) Commercial – Floor Plan, 11 x 17 sheet numbered A-1.13, prepared by GMK, Comm No. K1225, undated.
- (19) Courtyard Plaza Plan, 11 x 17 sheet.
- (20) Sun Study – March 21 – 9:00 a.m.
- (21) Sun Study – March 21 – 3:00 p.m.
- (22) Sun Study – June 21 – 9:00 a.m.
- (23) Sun Study – June 21 – 3:00 p.m.
- (24) Sun Study – September 21 – 9:00 a.m.
- (25) Sun Study – September 21 – 3:00 p.m.
- (26) Sun Study – December 21 – 9:00 a.m.
- (27) Sun Study – December 21 – 3:00 p.m.
- (28) 64 Unit Building Basement Plan, 11 x 17 sheet numbered A-1.0, prepared by Knothe & Bruce, Project No. 1121, revised August 27, 2012, with bike rack details.
- (29) 36 Unit Building Basement Plan, 11 x 17 sheet numbered A-1.7, prepared by Knothe & Bruce, Project No. 1121, issued July 26, 2012, with bike rack details.
- (30) Saris Bike Rack details.
- (31) 64 Unit Building Third Floor Plan, 11 x 17 sheet numbered A-1.3, prepared by Knothe & Bruce, Project No. 1121, revised October 25, 2012.
- (32) 64 Unit Building Fourth Floor Plan, 11 x 17 sheet numbered A-1.4, prepared by Knothe & Bruce, Project No. 1121, revised October 25, 2012.
- (33) 64 Unit Building Elevations, 11 x 17 sheets numbered A-1.5 and A-1.6 prepared by Knothe & Bruce, Project No. 1121, revised October 25, 2012.

4. For purposes of this PUD Zoning Ordinance, the GDP shall consist of the Correspondence from Flad Development & Investment Corp. dated August 29, 2012 included in the August 2012 Submittal, and the Site Plan, 11 x 17 sheet numbered C1.0 prepared by Knothe & Bruce, Project No. 1221, revised November 5, 2012, included in Amendment No. 1. All other elements of the August 2012 Submittal and Amendment No. 1 shall constitute the SDP. In the event of any inconsistency between the August 2012 Submittal and Amendment No. 1, Amendment No. 1 shall govern.

5. The SDP shall also include the correspondence from Town & Country Engineering, Inc., dated November 2, 2012, and the correspondence from Vierbicher dated November 21, 2012, excepting comment #4 in such correspondence.

6. On October 16, 2012, the Village Plan Commission conducted a public hearing on the application.

7. On November 27, 2012, the Plan Commission recommended changing the zoning classification of the Property to PUD, and recommended approving the GDP and SDP.

8. On December 17, 2012, the Village Board considered the application for changing the zoning classification of the property to PUD District, and considered approving the GDP and SDP.

9. The Village Board finds, based upon the criteria set forth in section 10-1-33 of the Village Code of Ordinances, and subject to certain conditions, that changing the zoning classification of the Property to PUD, and approving the GDP and SDP, is consistent with the spirit and intent of the Village's Zoning Code, is consistent with the Village's Comprehensive Plan and the Pyare Neighborhood Plan, has the potential for producing significant community benefits in terms of housing, will substantially increase the Village's tax base, and promotes the public health, safety and general welfare of the Village.

NOW THEREFORE the Village Board of the Village of Shorewood Hills, Dane County, Wisconsin adopts the following ordinance:

Section 1. The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.

Section 2. Subject to the conditions set forth in section 3 below, the zoning classification the Property is changed to Planned Unit Development District, and the GDP and SDP are approved, pursuant to section 10-1-33 of the Village Code and Wis. Stat. § 62.23(7)(d).

Section 3. The change in the zoning classification of the Property to Planned Unit Development District shall not be effective until the following conditions have been satisfied:

- A. The applicant or its assignee shall acquire ownership of all of the Property.
- B. A stormwater management plan meeting the Village's requirements shall be approved by the Village Engineer.
- C. The applicant shall obtain Village approval of, and record, a Certified Survey Map in substantially the same form as the Certified Survey Map included in the August 2012 Submittal. Approval of this Ordinance does not constitute approval of the Certified Survey Map included in the August 2012 Submittal.
- D. An agreement relating to the development of the Property, that is satisfactory to the Village and the applicant, must be signed by the applicant or its assignee, the Village of Shorewood Hills, and any other parties deemed necessary by the Village. The agreement must address tax increment financing for the development (if any), the taxable status of the Property, shared access between the Property and the adjacent parcel currently occupied by a McDonalds restaurant, and any other issues the Village or the applicant deem necessary or appropriate in connection with the development of the Property.

Section 4. The Property shall be developed and used in full compliance with the General Development Plan and a Specific Development Plan. The General Development Plan and Specific Development Plan shall constitute the zoning regulations for the Property, and may be enforced as any other zoning regulation in the Village of Shorewood Hills. A copy of the General Development Plan and a Specific Development Plan shall be maintained and kept on file by the Village Clerk.

Section 5. If the conditions in Sections 3.A. through 3.D. (inclusive) of this Ordinance have not been satisfied by 12:00 noon on June 17, 2013, then this Ordinance shall automatically, and without any further action, become null and void and of no further force or effect.

The above and foregoing resolution was duly adopted by the Village Board of the Village of Shorewood Hills at its meeting held on _____, 2013, by a vote of _____ in favor, _____ opposed, and _____ not voting.

APPROVED:

By _____
Mark Sundquist, Village President

ATTEST:

Colleen Albrecht, Village Clerk

Attachment: Exhibit A - Legal Description of the Property

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The Property consists of the current Walnut Grove property located at 4200 University Avenue, and part of the Pyare site located at 4610 University Avenue. The Property is described as follows:

1. Description of Current Walnut Grove Property:

Parcel A: Lot 1, Certified Survey Map 5876, recorded in Vol.28 of Certified Survey Maps, page 5, as #2148136, in the Village of Shorewood Hills, Dane County, Wisconsin. EXCEPT that part conveyed in Warranty Deed recorded as #3254276.

Parcel B: Lot 2, Certified Survey Map 5876, recorded in Vol.28 of Certified Survey Maps, page 5, as #2148136, in the Village of Shorewood Hills, Dane County, Wisconsin.

Measured Legal Description:

Commencing at the South 1/4 Corner of Section 17, T7N, R9E, said point marked by a Dane County Concrete Monument with Brass Cap, said monument lies S 89°25'31" E, 2655.97 feet from the SW 1/4 Corner of Said Section 17 (also marked by a Dane County Concrete Monument with Brass Cap); thence N 01°10'55" E, along the North-South 1/4 section line of said Section 17, 43.36 feet to a point on the Northerly platted right-of-way line of University Avenue and the Southerly platted boundary line of Lot 2, C.S.M. 5876, said point also being the POINT OF BEGINNING of this description.

thence S 88°33'46" W, along the southerly platted boundary line of said Lot 2, of C.S.M. 5876, said line also being the northerly platted right-of-way line of University Avenue, 232.93 feet; thence N 00°11'25" E, along the Westerly platted boundary line of said C.S.M. 5876, 279.95 feet; thence S 89°50'28" W, along a southwesterly platted boundary line of said C.S.M. 5876, 159.99 feet; thence N 00°15'17" E, along a westerly platted boundary line of said C.S.M. 5876, 130.71 feet; thence N 81°24'15" E, along the southerly line of a parcel of land described in Document No. 3254276, 76.88 feet; thence N 00°20'40" E, 17.74 feet; thence S 89°39'20" E, 84.00 feet; thence S 00°20'40" W, 4.52 feet; thence N 81°24'15" E, along the southerly line of a parcel of land described in Document No. 3254276, 26.03 feet; thence N 82°41'00" E, along the southerly line of a parcel of land described in Document No. 3254276, 42.67 feet; thence N 00°20'40" E, 15.99 feet; thence S 89°39'20" E, 118.90 feet; thence N 82°41'00" E, along the southerly line

of a parcel of land described in Document No. 3254276, 45.93 feet; thence S 00°10'12" W, along the North South 1/4 Section line of said Section 17, said line also being an Easterly platted boundary line of said C.S.M. 5876, 348.12 feet; thence S 89°06'10" E, along a northeasterly platted boundary line of said C.S.M. 5876, 104.58 feet; thence S 00°13'09" W, along an easterly platted boundary line of said C.S.M. 5876, 105.05 feet; thence N 89°03'26" W, along the northerly platted right-of-way line of University Avenue, said line also being the southerly platted boundary line of said C.S.M. 5876, 104.49 feet; thence S 00°10'12" W, along said North-South 1/4 Section line, 5.93 feet to the POINT OF BEGINNING.

This Description Contains, 139,695 square feet or 3.21 acres

2. Description of Property to Be Acquired from Pyare Site:

Being a part of Lot 1, Certified Survey Map Number 5876, as recorded in Volume 28 of Certified Survey Maps, on Pages 5-7, as Document Number 2148136, Dane County Registry, also part of the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 17, Township 07 North, Range 09 East, Village of Shorewood Hills, Dane County Wisconsin, more fully described as follows:

Commencing at the Northwest corner of said Lot 1; thence S 00°15'17" W along the West line of said Lot 1, 8.09 feet; thence N81°24'15"E, 76.88 feet to the point of beginning; thence N 00°20'40" E, 17.74 feet; thence S 89°39'20" E, 84.00 feet; thence S 00°20'40" W, 4.52 feet; thence S 81°24'15" W, 85.03 feet to the point of beginning. Said description contains 935 square feet more or less

TOGETHER WITH the following described lands; Commencing at the Northeast corner of said Lot 1; thence S 00°10'12"W along the East line of said Lot 1, 10.00 feet; thence S 82°41'00" W, 45.93 feet to the point of beginning; thence continuing S 82°41'00" W, 119.97 feet; thence N 00°20'40" E, 15.99 feet; thence S 89°39'20" E, 118.90 feet to the point of beginning.

Said description contains 951 square feet more or less.