

ORDINANCE No. L 2015-3

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY
LOCATED AT 3310 UNIVERSITY AVENUE
FROM C-1 (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 documents:

A. “Final Submission (April, 2015) AT&T Redevelopment, 3310 University Avenue, Shorewood Hills, Wisconsin – Original Plan Commission PUD (GDP/SDP) Submittal Package November, 2014.” This set of documents is referred to in this Ordinance as the “April 2015 Submittal” and contains the following:

- (1) Village of Shorewood Hills PUD Rezoning Request by Flad Development & Investment Corp. dated April 7, 2015.
- (2) Redevelopment introduction letter from Flad Development & Investment Corp. to Karl Frantz dated April 7, 2015 with attached Revised Project Summary (April, 2015) and Mass & Height Comparison Drawing.
- (3) Location Map and Aerial photographs, two color pages.

- (4) Current Land Use and Zoning Maps by Vierbicher.
 - (a) Map 3: Proposed Land Use, TID 3 Amendment (01/21/10)
 - (b) Map 5: Zoning & Proposed Changes to Zoning, TID 3 Amendment (09/28/09)
 - (c) Map 3-2: Future Land Use (07/23/2009)
- (5) Legal Descriptions / JSD - Flad Development.
 - (a) Proposed Lot 1
 - (b) Village Parcel
 - (c) Dedicated to the Public
- (6) Certified Survey Map / JSD Professional Services, 7 pages.
 Site and Building Plans:
 - (7) Title Sheet, 11 x 17 sheet, numbered T-1.1 prepared by Knothe & Bruce Architects, University Park Project, dated March 12, 2015.
 - (8) Existing Conditions Survey, 11 x 17 sheet, prepared by JSD Professional Services provided to Flad Development & Investment Corp, approved 9/26/14, Map No. E-219.
 - (9) Site Plan-Preliminary, 11 x 17 sheet, numbered C1.0, prepared by JSD Professional Services provided to Flad Development, design and drawn date 03/17/15.
 - (10) Grading and Erosion Control Plan-Preliminary, 11 x 17 sheet, numbered C-2.0, prepared by JSD Professional Services provided to Flad Development, design and drawn date 03/17/15.
 - (11) Utility Plan-Preliminary, 11 x 17 sheet, numbered C-3.0, prepared by JSD Professional Services provided to Flad Development, design and drawn date 03/17/15.
 - (12) Landscape Plan, 11 x 17 sheet, numbered L1, prepared by The Bruce Company, revised date 12/29/14.

- (13) 20' Landscape Buffer, 11 x 17 sheet, numbered L2, prepared by the Bruce Company, revised date 12/29/14.
- (14) Site Lighting Photometrics, 11 x 17 sheet, numbered E0.2, prepared by Electric Construction Inc., general revision dated 12/23/14.
- (15) Basement Floor Plan, 11 x 17 sheet, numbered A-1.0, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (16) First Floor Plan, 11 x 17 sheet, numbered A-1.1, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (17) Second Floor Plan, 11 x 17 sheet numbered A-1.2, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (18) Third Floor Plan, 11 x 17 sheet numbered A-1.3, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (19) Fourth Floor Plan, 11 x 17 sheet numbered A-1.4, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2014 (*should be 2015*).
- (20) Roof Plan, 11 x 17 sheet numbered A-1.5, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (21) Exterior Elevations-South and North, 11 x 17 sheet numbered A-2.1, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (22) Exterior Elevations-East and West, 11 x 17 sheet numbered A-2.2, prepared by Knothe & Bruce, University Park Project No. 1357, submitted March 12, 2015.
- (23) University Park Landscaping design goals by The Bruce Company, one page.
- (24) Untitled 11 x 17 sheet numbered L1, prepared by The Bruce Company, revised date December 29, 2014.

- (25) 20' Landscape Buffer, 11 x 17 sheet numbered L2, prepared by The Bruce Company, revised date December 29, 2014.
- (26) University Avenue/Shorewood Blvd., Revised Design - AT&T Redevelopment, by Flad Development Jan 2015, 11 x 17 unnumbered sheet.
- (27) Aerial View, 11 x 17 unnumbered sheet.
- (28) University Park, four pages of photos of trees, bushes and flowers.
- (29) Depictions of bench and bike rack.
- (30) Elevations re Trash Enclosure at Retail.
- (31) Site Lighting, one page Site Narrative.
- (32) Site Lighting Photometrics, 11 x 17 sheet numbered E0.2, prepared by Electric Construction, general revision dated December 23, 2014.
- (33) Light fixture – Artisan II – 0680 fixture.
- (34) Lighting – Type SP3 and SP5 by Sternberg Lighting, dark bronze finish.
- (35) Lighting specifications, four pages – Sternberg 1280 Artisan Series, pages I-54, I-57, I-55 and I-56.
- (36) Lighting specifications, two pages, BDA8-HV, type B3, U.S. Architectural Lighting, pages C1-7 and C1-8.
- (37) Security lighting - TR Tribute, MPTR-3S-MP150, type P3 by Cooper Lighting-Lumark, 15 feet pole, three pages.
- (38) Incandescent lighting by Progress Lighting 5” cylinder outdoor wall mount, photo and specifications, two pages.
- (39) Security lighting by McGraw-Edison, IST 70 MP 120 2S type W4, IST Impact Elite Trapezoid outdoor Luminaire, two pages.
- (40) Rendering – one color 11 x 17 sheet.

- (41) Sign Regulations – 10 pages, including: Exhibits A - Sign Site Plan; Exhibit B - Elevations; and Exhibit C - Sign Code.

Review Letters:

- (42) Vierbicher & Town & Country Comments, one page.
- (43) Vierbicher Review Letter of December 4, 2014 re Review of Proposed AT&T Plaza Rezoning from C-1(P) to Planned Unit Development (PUD), (comments numbered 1-20) 11 pages plus 2 page attachment: University Park Redevelopment Project, Summary of PUD-GDP and CSM Comments by Vierbicher (comments numbered 21-31).
- (44) Vierbicher review letter dated January 20, 2015 re Review of Amendment #2 to Proposed AT&T Plaza PUD Rezoning for “University Park” Project, four pages.
- (45) Town & Country Engineering letter dated November 6, 2014 re Initial Review-AT&T Plaza Redevelopment PUD (GDP-SDP) Submittal Package, two pages.
- (46) Town & Country Engineering letter dated December 8, 2014 to Frantz re Review of Amendment No. 1 to AT&T Plaza Redevelopment PUD (GDP-SDP) Submittal Package, two pages.

- B. “Amendment 1 (July 2015) to Final Submission (April 2015) AT&T Redevelopment,” which contains “Amendment 1-A (4-story),” “Amendment 1-B (3-story),” and “Appendix.” For the purposes of this Ordinance, Amendment 1-B (3-story) is not included in the GDP or SDP. Amendment 1-A (4-story) and the Appendix are referred to in this Ordinance as the “July 2015 Submittal” and contain the following:

Amendment 1-A (4-story).

- (1) Redevelopment introduction letter from Flad Development & Investment Corp. to Karl Frantz dated July 7, 2015 with attached Revised Project Summary (Amendment 1-A.....July, 2015), Mass & Height Comparison Drawing, and one black and white corner perspective sketch.

Site and Building Plans:

- (2) Site Plan-Preliminary, 11 x 17 sheet, numbered C1.0, prepared by JSD Professional Services provided to Flad Development, design and drawn date 03/17/15 (*should be July 2015*).
- (3) Landscape Plan, 11 x 17 sheet, numbered L1, prepared by The Bruce Company, revised date 07/06/15.
- (4) 20' Landscape Buffer, 11 x 17 sheet, numbered L2, prepared by the Bruce Company. revised date 07/06/15.
- (5) Basement Floor Plan Option-1A, 11 x 17 sheet, numbered A-1.0, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (6) First Floor Plan Option-1A, 11 x 17 sheet, numbered A-1.1, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (7) Second Floor Plan Option-1A, 11 x 17 sheet numbered A-1.2, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (8) Third Floor Plan Option-1A, 11 x 17 sheet numbered A-1.3, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (9) Fourth Floor Plan Option-1A, 11 x 17 sheet numbered A-1.4, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (10) Roof Plan Option-1A, 11 x 17 sheet numbered A-1.5, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (11) Exterior Elevations Option-1A, South and North, 11 x 17 sheet numbered A-2.1, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (12) Exterior Elevations Option-1A, East and West, 11 x 17 sheet numbered A-2.2, prepared by Knothe & Bruce, University Park Project No. 1357, submitted July, 2015.
- (13) Rendering – one color 11 x 17 sheet.

Appendix.

(14) Set-Back Comparison Photos, two photos.

4. For purposes of this PUD Zoning Ordinance, the GDP shall consist of the documents in the April 2015 Submittal described in Sections 3.A.(1), (2), (3), (4), (5), (6), (7), (9), (21), (22), and (40) above and the documents in the July 2015 Submittal described in Sections 3.B.(1), (2), (11), (12), and (13). All other elements of the April 2015 Submittal and the July 2015 Submittal shall constitute the SDP. To the extent there are any differences between those parts of the GDP and SDP included in the April 2015 Submittal and the July 2015 Submittal, the July 2015 Submittal shall control.

5. On April 14, 2015, the Village Plan Commission conducted a public hearing on the application.

6. On July 14, 2015, the Plan Commission recommended changing the zoning classification of the Property to PUD, and approving the GDP and SDP.

7. On July 20, 2015, the Village Board considered the application for changing the zoning classification of the property to PUD District, and considered approving the GDP and SDP.

8. 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, has the potential for producing significant community benefits in terms of housing (including affordable housing), will substantially increase the Village's tax base, and promotes the public health, safety and general welfare of the Village.

AGREEMENT

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 resolution as if set forth in full.

Section 2. Subject to the conditions set forth in sections 3 and 4 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 SDP is approved subject to the following conditions that shall be deemed part of the SDP:

- A. All commercial and retail tenants shall keep University Avenue doors unlocked during hours of operation.
- B. No more than 25% of the south, University Avenue facing, windows shall be spandrel glass. The locations of such glass shall be at the discretion of the Applicant and tenants. Any requested modification from this requirement shall return to the Plan Commission on a case-by-case basis as a minor SDP modification.
- C. Prior to the issuance of sign permits, the Village Engineer shall verify that the entrance markers listed on a submitted sign plan do not interfere with vision triangle standards.
- D. All deliveries for commercial and residential units shall occur from the northern parking lot.
- E. Multi-family units and amenities (fitness center, common areas, etc.) shall be located only on floors two through four.

Section 4. 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 has acquired ownership of all of the Property.
- B. A stormwater management plan meeting the Village's requirements has been approved by the Village Engineer.
- C. The applicant has obtained Village approval of, and recorded, a Certified Survey Map in substantially the same form as the Certified Survey Map included in the April 2015 Submittal. Approval of this Ordinance does not constitute approval of the Certified Survey Map included in the April 2015 Submittal.
- D. An agreement relating to the development of the Property, that is satisfactory to the Village and the Applicant, has been 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, an exchange of easements between the Village and the Applicant where the Village shall grant an easement across the current Village Hall north-south drive aisle and the Applicant shall grant the Village an ingress and egress easement to allow for the use to the drive aisle that connects to University Avenue, and any other issues the Village or the Applicant deem necessary or appropriate in connection with the development of the Property.

Section 5. The Property shall be developed and used in full compliance with the General Development Plan and the 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 the Specific Development Plan shall be maintained and kept on file by the Village Clerk.

Section 6. If the conditions in Sections 4.A. through 4.D. (inclusive) of this Ordinance have not been satisfied by 12:00 noon on _____, 2015, or such later date as the Village Board may approve, then this Ordinance shall automatically, and without any further action, become null and void and of not 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 July 20, 2015, 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

Part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 07 North, Range 09 East, Village of Shorewood Hills, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southeast corner of Section 17, aforesaid; thence North 88 degrees 57 minutes 58 seconds West along the South line of the Southeast Quarter, 105.92 feet; thence North 01 degrees 03 minutes 34 seconds East, 41.56 feet to the Point of Beginning; thence South 82 degrees 29 minutes 24 seconds West, 18.08 feet; thence North 88 degrees 57 minutes 49 seconds West, 204.02 feet; thence North 01 degrees 30 minutes 46 seconds East, 124.26 feet; thence North 88 degrees 56 minutes 26 seconds West, 33.50 feet; thence North 01 degrees 21 minutes 09 seconds East, 20.04 feet; thence South 88 degrees 56 minutes 26 seconds East, 6.13 feet; thence North 00 degrees 57 minutes 45 seconds East, 199.70 feet to the Southwesterly right-of-way line of the Wisconsin Southern Railroad Company; thence South 72 degrees 15 minutes 08 seconds East along said right-of-way line, 32.11 feet; thence South 01 degrees 44 minutes 26 seconds West, 190.49 feet; thence South 88 degrees 56 minutes 26 seconds East, 278.51 feet to the Westerly right-of-way line of Shorewood Boulevard; thence South 01 degrees 44 minutes 26 seconds West along said right-of-way line, 19.90 feet; thence North 89 degrees 02 minutes 59 seconds West, 20.00 feet; thence South 01 degrees 44 minutes 26 seconds West, 70.19 feet to a point of curve; thence Southwesterly 48.00 feet along an arc of a curve to the right, having a radius of 31.45 feet, the chord bears South 46 degrees 53 minutes 37 seconds West, 43.48 feet; thence North 88 degrees 56 minutes 30 seconds West, 6.23 feet; thence South 01 degrees 03 minutes 34 seconds West, 21.11 feet to the Point of Beginning.

Subject to an easement over the Northerly 30 feet for Locust Drive.

Parcel Contains 43,065 square feet or 0.989 acres.