

ORDINANCE NO. L 2015-7

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY
LOCATED AT 4610 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: (1) the “Pyare Square Redevelopment, 4610 University Avenue, Shorewood Hills, Wisconsin, Plan Commission PUD (GDP/SDP Submittal Package, April, 2015)” (the “April Submittal”); and, (2) “AMENDMENT 1 (August 2015) to Plan Commission PUD (GDP/SDP) Submittal Package (April, 2015) Pyare Square Redevelopment” (the “August Submittal”).

4. For purposes of this Ordinance, the following documents contained in the April Submittal, the August Submittal, or both shall be deemed to be the General Development Plan (the “GDP”):

- A. Redevelopment introduction letter from Flad Development & Investment Corp. to Karl Frantz dated April 7, 2015 with attached Project Summary and Project Addendum.
- B. Site Plan, 11 x 17 sheet, numbered C1.4, prepared by Knothe & Bruce and Professional Engineering, Pyare Square Project No. 1403, Site Plan Review – 08/13/15.

- C. Exterior Elevations-North Wing West Elevation, 11 x 17 sheet numbered A-2.1A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- D. Exterior Elevations-South Wing West Elevation, 11 x 17 sheet numbered A-2.1B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- E. Exterior Elevations-South Wing East Elevation, 11 x 17 sheet numbered A-2.2A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued August 4, 2015.
- F. Exterior Elevations-North Wing East Elevation, 11 x 17 sheet numbered A-2.2B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- G. Exterior Elevations-South Wing South Elevation and North Wing North Elevation, 11 x 17 sheet numbered A-2.3, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued August 4, 2015.

5. For purposes of this Ordinance, the following documents contained in the April Submittal, the August Submittal, or both shall be deemed to be the Specific Development Plan (the “SDP”):

- A. Village of Shorewood Hills PUD Rezoning Request by Flad Development & Investment Corp. dated April 7, 2015.
- B. Location Map and Aerial photographs, two color pages.
- C. Current Land Use and Zoning Maps by Vierbicher.
 - (1) Map 3-1: Existing Land Use (07/23/2009)
 - (2) Map 3-2: Future Land Use (07/23/2009)
- D. ALTA / ACSM Land Title Survey prepared by Isthmus Surveying, LLC

Site and Building Plans:

- E. Overall Grading Plan, 11 x 17 sheet, numbered C-2.0, prepared by Knothe & Bruce and Professional Engineering, Pyare Square Project No. 1403, Site Plan Review - 03/06/15.

- F. Utility Plan, 11 x 17 sheet, numbered C-3.0, prepared by Knothe & Bruce and Professional Engineering, Pyare Square Project No. 1403, Site Plan Review - 03/06/15.
- G. South Wing, Basement Floor Plan, 11 x 17 sheet, numbered A-1.0A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- H. Basement Floor Plan-North Wing Basement Floor Plan, 11 x 17 sheet, numbered A-1.0B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued August 4, 2015.
- I. First Floor Plan-South Wing First Floor Plan, 11 x 17 sheet, numbered A-1.1A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued August 4, 2015.
- J. North Wing First Floor Plan, 11 x 17 sheet, numbered A-1.1B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- K. South Wing Second Floor Plan, 11 x 17 sheet numbered A-1.2A, prepared by Knothe & Bruce, Pyare Square Project No. 1403.
- L. North Wing Second Floor Plan, 11 x 17 sheet numbered A-1.2B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- M. South Wing Third Floor Plan, 11 x 17 sheet numbered A-1.3A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- N. North Wing Third Floor Plan, 11 x 17 sheet numbered A-1.3B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- O. South Wing Fourth Floor Plan, 11 x 17 sheet numbered A-1.4A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- P. North Wing Fourth Floor Plan, 11 x 17 sheet numbered A-1.4B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.

- Q. South Wing Fifth Floor Plan, 11 x 17 sheet numbered A-1.5, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued April 7, 2015.
- R. South Wing Roof Plan, 11 x 17 sheet numbered A-1.6A, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued August 4, 2015.
- S. North Wing Roof Plan, 11 x 17 sheet numbered A-1.6B, prepared by Knothe & Bruce, Pyare Square Project No. 1403, issued August 4, 2015.
- T. Pyare-Shorewood East Elevation April 8, 2015, 11 x 17 sheet prepared by Knothe & Bruce.
- U. Pyare-Shorewood West Elevation April 8, 2015, 11 x 17 sheet prepared by Knothe & Bruce.
- V. Pyare-Shorewood North and South Elevations April 8, 2015, 11 x 17 sheet prepared by Knothe & Bruce.
- W. Untitled 11 x 17 sheets, 2 color photographs of the Lodge at Walnut Grove (street views and interior/exterior views).
- X. Untitled 11x 17 sheet, 1 three dimensional rendering prepared by James Faecke.
- Y. Easement Agreement between Flad Development & Investment Corp. and Hong Kong Metro Realty CO., Inc. dated January 28, 2013 and recorded with the Dane County Register of Deeds on May 8, 2013 as Document No. 4985590, seventeen pages.

Landscape Section:

- Z. Overall Site Landscape Plan, 11 x 17 sheet, numbered L1, prepared by The Bruce Company, revised date 08/03/15.
- AA. South Building, 11 x 17 sheet, numbered L2, prepared by The Bruce Company, revised date 08/03/15.
- BB. North Building, 11 x 17 sheet, numbered L3, prepared by The Bruce Company, revised date 08/03/15.
- CC. Untitled Landscape Drawing, 11 x 17 sheet, numbered L4, prepared by The Bruce Company, revised date 08/03/15.

- DD. Bike Station, 11 x 17 sheet, numbered L5, prepared by The Bruce Company, revised date 08/03/15.
- EE. Untitled - Outdoor Activity Specifications, 11 x 17 sheet, numbered L6 Details, prepared by The Bruce Company, revised date 08/03/15, including Haws 3377 Outdoor Drinking Fountain, Nantucket Swing Set, Madrax RepairStan, Penn Table, Reading Bench, and Bollards & Post and Ring Racks, seven pages.
- FF. Pyare Square Redevelopment, four pages of photos of trees, bushes and flowers.
- GG. Website of Belson Outdoors depicting Bollards & Bollard Bike Racks with Round Arms, page 1 of 3, visited 08/27/2012.
- HH. Depictions of bench and bike rack.
- II. Type "A" – 6006 Locking Vertical Rack, by Saris Cycling Group.
- JJ. Type "B" – 6 Bike Stadium U-Rack, by Saris Cycling Group.

Site Lighting:

- KK. Site Lighting Photometrics explanation attaching Site Lighting Photometrics, 11 x 17 sheet, numbered E0.2, prepared by Electric Construction, Inc., Preliminary Site Plan Review dated 03/20/15, Added Roadway Lighting dated 07/14/15.
- LL. Lighting specifications, BDA8-HV, type B3, BDA8-HV-AL-70MH-HS180 U.S. Architectural Lighting, pages C1-7 and C1-8, two pages.
- MM. Security lighting, TR Tribute, MPTR-3S-MP150, Type P3 by Cooper Lighting-Lumark, 15 feet pole, three pages.
- NN. Light specifications, Artisan II – 0680, photo and diagram, Type SP3 & SP5, two pages.
- OO. Lighting specifications, Sternberg 1280 Artisan Series, pages I-54, I-57, I-55 and I-56, four pages.
- PP. Security lighting by McGraw-Edison, IST 70 MP 120 2S Type W4, IST Impact Elite Trapezoid outdoor Luminaire, two pages.

- QQ. Apartment Balcony Light Fixture, Incandescent lighting by Progress Lighting 5” cylinder outdoor wall mount, photo and specifications, two pages.
- RR. Signage, Lodge Phase II Entrance Marker at University Avenue Entrance drawing.

Shadow Studies:

- SS. University Avenue, Pyare Square Solar Studies, Proposed March 21 9am and 3pm and Existing March 21 9am and 3pm, one 11x17 sheet with drawings by Knothe & Bruce.
- TT. University Avenue, Pyare Square Solar Studies, Proposed June 21 9am and 3pm and Existing June 21 9am and 3pm, one 11x17 sheet with drawings by Knothe & Bruce.
- UU. University Avenue, Pyare Square Solar Studies, Proposed September 21 9am and 3pm and Existing September 21 9am and 3pm, one 11x17 sheet with drawings by Knothe & Bruce.
- VV. University Avenue, Pyare Square Solar Studies, Proposed December 21 9am and 3pm and Existing December 21 9am and 3pm, one 11x17 sheet with drawings by Knothe & Bruce

6. On August 11, 2015 the Village Plan Commission conducted a public hearing on the GDP and SDP.

7. On September 15, 2015 the Village Plan Commission recommended changing the zoning classification of the Property to PUD, and recommended approving the GDP and SDP.

8. On October 19 and November 16, 2015, the Village Board considered changing the zoning classification of the Property to PUD, 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, 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.

ORDINANCE

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 should be changed to Planned Unit Development District, and the GDP and SDP should be 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 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. That portion of the Property currently located in the City of Madison has been detached from the City of Madison and attached to the Village of Shorewood Hills.
- D. The applicant has obtained Village approval of, and recorded, a Certified Survey Map in substantially the same form as the Certified Survey Map, dated August 4, 2015, included in the August Submittal.
- E. 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; public, pedestrian use of and maintenance responsibility for the sidewalks on the Property; public use of the park on the Property; cross easements for pedestrian and vehicular use of private drives on the Property and The Lodge Phase 1 property; termination (by not later than August 31, 2017) of the lease agreement regarding Locust Drive entered into by the Village and Lee & Lee on October 1, 2000; 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 the Specific Development Plan shall be maintained and kept on file by the Village Clerk.

Section 5. If the conditions in Section 3 of this Ordinance have not been satisfied by 12:00 noon on June 30, 2016, or such later date as the Village Board may approve, this Ordinance shall automatically, and without any further action, become null and void and of no further force or effect.

The above and foregoing ordinance was duly adopted by the Village Board of the Village of Shorewood Hills at its meeting held on November 16, 2015, by a vote of _____ in favor, _____ opposed, and _____ not voting.

APPROVED:

By _____
Mark Sundquist, Village President

ATTEST:

By _____
Colleen Albrecht, Village Clerk

Attachment: Exhibit A - Legal Description of the Property

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Parcel I: Part of the unplatted portion of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of Section 17; thence North 00 degrees 26' 10" East 32.83 feet; thence North 89 degrees 49' 42" West 392.63 feet to the point of beginning of this description; thence North 89 degrees 49' 42" West 125.00 feet; thence North 00 degrees 14' 10" West, 463.43 feet; thence along a curve to the right whose radius is 17,138.55 feet and whose long chord bears North 80 degrees 31' 20" East, 126.63 feet; thence South 00 degrees 14' 10" East, 484.66 feet to the point of beginning.

Parcel II: Part of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 26' 10" East for a distance of 32.83 feet to the North right of way line of University Avenue; thence North 89 degrees 49' 42" West along the said right of way line for a distance of 392.63 feet to the Southeast corner of property of Pyare Square Company; thence North 00 degrees 14' 10" West along the East line of aforementioned property a distance of 484.66 feet to a point on the Southerly right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad and the point of beginning of this description; thence Easterly along said right of way by the arc of a circle curving to the right having a radius of 17,138.55 feet a distance of 355 feet more or less to a point which is 40 feet Westerly of the North-South 1/4 line of said Section 17; thence South 00 degrees 14' 10" East on a line parallel to and 40 feet from the aforementioned North-South 1/4 line, a distance of 65 feet more or less; thence Westerly and parallel to and 65 feet from the aforesaid right of way line of Chicago, Milwaukee, St. Paul & Pacific Railroad a distance of 355 feet, more or less, to a point on the East line of aforementioned property of Pyare Square Company; thence North 00 degrees 14' 10" West a distance of 65 feet more or less, to the point of beginning.

Parcel III: Part of the Southwest 1/4 of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, described as follows: Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 26' 10" East 32.83 feet; thence North 00 degrees 14' 10" West 479.63 feet to the point of beginning of this description; thence on a curve to the left which has a radius of 17,073.55 feet and a long chord South 81 degrees 58' 30" West, 40.37 feet; thence North 00 degrees 14' 10" West 65.62 feet; thence along a curve to the right which has a radius

of 17,138.55 feet and a long chord North 81 degrees 58' 50" East, 40.37 feet; thence South 00 degrees 14' 10" East 65.62 feet to the point of beginning.

Parcel IV: All that part of the Southeast 1/4 of the Southwest 1/4 of Section 17, Township 7 North, Range 9 East, in the City of Madison, Dane County, Wisconsin, described as follows: Beginning at a point in the intersection of the South line of the grantor's right of way with the East line of said Southeast 1/4 of the Southwest 1/4 of Section 17; thence Southwesterly along said grantor's Southerly right of way line a distance of 524 feet; thence Northerly, parallel with the East line of said Southeast 1/4 of the Southwest 1/4 of Section 17 to a point 25 feet Southerly of, measured radially, the centerline of grantor's maintrack; thence Northeasterly, along a line 25 feet Southerly of, measured radially, the centerline of the grantor's main tract to the East line of said Southeast 1/4 of the Southwest 1/4 of Section 17; thence Southerly along a straight line of the point of beginning. Also described as all of railroad right of way adjacent to and between Parcels 1,2, and 3, and a line 25.00 feet South of and parallel with the railroad centerline and located in the Southwest 1/4 of Section 17, Township 7 North, Range 9 East, in the City of Madison, Dane County, to—wit: Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 26' 10" East 32.83 feet; thence North 00 degrees 14'10" West 545.25 feet to the South line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right of way, said point being the point of beginning of this description; thence Southwesterly along said South line, on a curve to the left which has a radius of 17,138.55 feet and a chord which bears South 81 degrees 10' 47" West, 523.48 feet; thence North 00 degrees 14' 10" West 25.46 feet to a point on a curve; thence Northeasterly on a curve to the right which has a radius of 5,704.65 feet and a chord which bears North 81 degrees 13' 03" East 523.43 feet; thence South 00 degrees 14' 10" East, 25.11 feet to the point of beginning, excepting therefrom those lands deeded to the Village of Shorewood Hills by Document No. 3262259.

Parcel V: Leasehold Estate created by indenture of lease entered into by and between the Village of Shorewood Hills, as lessor(s) and Lee & Lee Limited Partnership, as lessee(s), dated October 6, 2000, a lease agreement of which was recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on October 30, 2000 as Document No. 3262262 demising premises situated in said County and State and described as follows:

A Parcel of land being the Westerly 150 feet of the Locust Drive right of way in the recorded plat of Garden Homes Addition, located in the Southwest 1/4 of the Southeast 1/4 of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, Excepting therefrom, any part thereof which lies within the traveled way at the corner of Maple Terrace and Locust Drive in said plat, and together with any extension thereof, extended Easterly to said traveled way.

Property conveyed from Shorewood Hills to Lee & Lee Limited Partnership of Wisconsin. Part of Lot One (1), Certified Survey Map No. 5876, recorded in Volume 28

of Certified Survey Maps, page 5, as Document No. 2148136, in the Village of Shorewood Hills, Dane County, Wisconsin, to wit:

Beginning at the Northwest corner said Lot One (1); thence South 00 degrees 14' 10" East 8.09 feet; thence North 80 degrees 56' 46" East, 187.93 feet; thence North 82 degrees 15' 00" East, 208.70 feet; thence North 00 degrees 14' 10" West 10.00 feet to a point on a curve; thence along a curve to the left which has a radius of 17,073.55 feet and a chord which bears South 81 degrees 21' 34" West 396.88 feet to the point of beginning.