

Resolution # 2014-17
Planned Development District
Village of Shorewood, WI

Whereas: General Capital Group has submitted an application pursuant to code 535-22 for a zoning change to Planned Development District for properties on the west side of Oakland Avenue from the north side of E. Kenmore Place continuous to the south side of E. Olive Street; and

Whereas: the Plan Commission has reviewed the petition on April 22, 2014 as considered the pre-petition conference established in code 535-25D(4), reviewed on May 27, 2014 and June 17, 2014 to discuss this application, and made a recommendation to approve the Planned Development District Findings per 535-22D(4)[a] including conditions set forth on June 24, 2014, and following procedures set forth in Sec. 62.23(7)(d), Wis. Stats; and

Whereas: the Design Review Board has reviewed the application and applicable plans on June 12, 2014 and June 26, 2014 and is scheduled to consider the application July 10, 2014;

Now Therefore: at a meeting of the Shorewood Village Board on July 7, 2014 and after public hearing that was duly noticed and published by law, a quorum being present and a majority of the Board voting therefore, the Village Board hereby approves of the application for the zoning change for certain properties in the B-1 Commercial District to Planned Development District for General Capital Group after making the following findings and with the conditions listed:

Article IV Zoning Districts

535-22 Subsection D.4(a). In order to approve the rezoning of the B-1 Commercial properties on the west side of Oakland Avenue from E. Kenmore Place, north to E. Olive Street to a Planned Development District, the Plan Commission and the Village Board must “find that the facts submitted with the application and presented at the hearing establish that” all requirements are met.

Required finding i:

“The development plan is in accord with the intent and purpose of the Village’s comprehensive plan, this ordinance, and is in the public interest.”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

--With respect to the B-1 Commercial Use District, the Master Plan objective (codified in the applicable B-1 zoning ordinance) is to encourage high quality, high density, and high property value development. The proposed site plan is consistent with this objective because it proposes a high density, high quality project with an estimated property assessed value in excess of \$37 million upon completion. This development greatly exceeds the current value of these properties, which are currently assessed at \$7.6 million.

Parcel Address	Parcel ID	Use	2013 Assessed Value		
			Land	Improvement	Total
4081 N. Oakland Ave	240-0044-000	parking lot and commercial	\$981,500	\$1,047,500	\$2,029,000
4093 N. Oakland Ave	240-0045-001	commercial	\$337,200	\$620,300	\$957,500
4095 N. Oakland Ave	240-0045-002	parking lot	\$335,500	\$5,000	\$340,500
4097 N. Oakland Ave	240-0046-000	parking lot	\$961,100	\$29,200	\$990,300
4145 N. Oakland Ave	240-0053-000	commercial grocery store	\$1,374,300	\$1,657,400	\$3,031,700
4145 N. Oakland Ave	240-0054-000	commercial grocery store	\$222,800	\$3,200	\$226,000
					\$7,575,000

--The B-1 Commercial Use District zoning ordinance is intended to provide the Village with a mix of retail, service, restaurant, office, and residential uses in a pedestrian-friendly, active shopping environment.

--The 2006 Central District Master Plan objectives are to:

- Sustain and enhance the Central District as:
 - A neighborhood shopping center providing goods and services to local residents
 - A community-level shopping center providing grocery and drug-store items to our residents
 - A regional destination for specialty shops and restaurants

- Encourage mixed-use development of key sites to create more active, cohesive and walkable shopping zones
- Increase commercial development to provide more goods and services for residents and visitors
- Support strategies to attract and retain families with school-aged children
- Increase commercial and residential opportunities, including housing above stores in mixed-use buildings, apartment and condominium buildings, and rowhomes.

--The Central District Master Plan land use strategy for the Commercial Core area where the project is located states *“Existing retail and service activity should be maintained and new commercial development concentrated in these blocks.”* The Plan acknowledges that non-commercial uses have created gaps within and between commercial blocks. *“The large surface parking lots serving the grocery stores and drug store have broken up the pedestrian experience or pedestrian street wall along the west side of the Oakland north of Capitol.”*

--The proposed site plan makes an effective use of the site, adding vibrancy to the Central Core Commercial node. Residents of the proposed development and area will appreciate the convenience of key services and uses, transportation access, and apartment unit options.

--A sensitive approach to maintaining a pedestrian scale is reflected in the proposed design, increasing public space by recessing portions of the buildings and through street curb bump outs. The project will create a strong pedestrian orientation on all three sides of the property and create programmed space in front of the parking structure and public benches the entire length along Oakland Ave. Roundy’s has agreed to have two pedestrian entries to the store along Oakland Avenue, reinforcing the pedestrian scale and experience on the street. A third and fourth entrance is within the parking deck on levels one and three. Residential density on upper floors of the mixed use building provides new pedestrian-oriented demand and activity for area retailers and services. Well-designed bicycle accommodations provide convenient (and secure) bicycle parking, an area for oversize bicycles/trailers and a convenience station with an air pump and simple tools. Space has been identified for a future bike share station in front of the parking deck and accommodations for ride share services that recently entered the Shorewood market. A 24-foot wide pedestrian arcade was added, separating the parking deck and mixed use building, allowing access from the neighborhood to the west and opportunity for public programming, and outdoor dining for a new restaurant.

--The Master Plan and B-1 zoning ordinance require predominantly structured parking. Parking lots may not exceed 100 spaces and at minimum, 50% of total required parking spaces shall be in a structure. The midblock parking structure provides shared parking for all new retail, additional stalls for the apartments, and public parking. Current parking is private and limited to specified users. All existing surface parking lots are eliminated and the land area developed with multiple levels of uses.

Required finding ii:

“The area to be developed is not less than 75,000 square feet, or that it is undertaken in connection with a public improvement, in which case it is not less than 25,000 square feet and will be developed in an efficient and economically satisfactory manner, and will contribute to the improvement of the area in which the development is to be located” (Ord 1917, 10.23.2006)

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

--The total area of the land was found to be approximately 142,000 square feet for the six parcels. The proposed development includes certain public improvements and private improvements that will be available for public use.

--The development proposal site depth is 155 feet. The front of the Metro Market building is set back 16 to 26 feet from the street curb and a zero setback from the front parcel boundary. The Metro Market corner street side setback along E. Kenmore Place is 6’10 inches. The parking structure has zero front setbacks from the parcel boundary except for a section that is recessed 8 feet from the parcel boundary and is setback 16 to 25 feet from the street curb. All buildings have 15 feet setbacks from the rear of the parcel. The mixed use building front has a zero setback from the parcel boundary and meets the 15 foot build-to curb line and is recessed back at each corner. The distance from the mixed use front façade to the street curb ranges 16 to 20 feet. The Olive Street corner side setback is 20 feet. The following table shows zoning requirements compared to the proposed project.

<u>Zoning Code</u>	<u>Code</u>	<u>Proposed Project</u>	<u>Meets Code Y/N</u>
Zoning	B-1	PDD	
Front Setback	15 FT from curb to building	15 FT	Yes
Corner Setback/ Kenmore	20 FT from curb to building	6’10” FT	No
Corner Setback/ Olive	20 FT from curb to building	20 FT	Yes
Interior Side Setback @ Jarvis	Zero	Zero	Yes
Interior Side Setback @ Wood	Zero or 5Ft if next to dwelling	24 FT	Yes
Rear Setback	10 FT	15 FT	Yes
Height			
Grocery	60FT/ 4 stories	44- 48 FT/ 2 stories	Yes
Parking Structure	60FT/ 4 stories	34’-6”-46’-0”/4 stories	Yes
Mixed-Use	60FT/ 4 stories	73’-8” , 6 stories	No

--Currently, the six parcels upon which developer General Capital proposes to construct a grocery store, parking deck and mixed-use development, are leased by Roundy's and has two vacant commercial buildings and a Pick N Save grocery store. The grocery store has 141 surface parking spaces that also served one of the vacant buildings. The southern vacant building, recently vacated by Walgreens, has a 40 space parking lot. The mid-block vacant building has been without a tenant for approximately four years.

--The development will contain a total of approximately 416 parking spaces in two structures. The primary four-story parking structure will contain approximately 304 parking spaces. The mixed-use development will contain approximately 112 parking spaces on two levels. One level is accessed from the first level parking structure and the other from Olive Street.

Use	Size	Unit	Proposed Parking	Code Requires	Code	-
Metro Market	82,000	SF	304	320	250	per 1000 SF
Apartments	90	Units	112	157	1.75	per unit
Retail	15,000	SF		60	250	per 1000 SF
		Total	416	537		

--The development proposes structures that are visually interesting and contemporary in design. The concept behind the Metro Market is to offer Shorewood residents a high quality, full spectrum grocery store that is currently not available in the Village. The store will include unique "quick casual" dining and prepared foods that will greatly expand the offerings of the current Pick 'N Save. The store will feature a wine bar, sushi bar, juice/smoothie bar, "Veg'd Vegan" kiosk, Todds BBQ, specialty cheese department, olive oil bar, Vero coffee and gelato bar, trail mix bar and an expanded organic food/produce section.

--The range of housing options and the availability of requisite off-street parking will provide housing opportunities for Shorewood residents not currently available. The majority of Shorewood's dwellings were built pre-1939 with many multifamily buildings built in 1928 with no on-site parking and other current and expected housing amenities.

--The proposal is being developed in connection with public improvements including modifying the street frontage with pedestrian "bump outs" for added pedestrian safety, a major new mid-block pedestrian crossing, two improved transit stops including a new integrated bus shelter at the corner of Kenmore and Oakland, new public open space with pedestrian and bicycle amenities, a pedestrian arcade connecting Bartlett Ave to Oakland Ave outdoor seating and other pedestrian-oriented amenities to create a vibrant public street along the entire development.

--In addition to improvements to the public pedestrian realm, the proposal incorporates cutting edge stormwater management practices to reduce stormwater impacts including a significant reduction in impervious area by removing the existing

private alley and replacing it with a vegetated swale and stormwater sedimentation basin. The project also calls for installing a new oversized stormwater facility in East Kenmore Place to accommodate current and future stormwater flows separate from the combined sewer found in Oakland Avenue.

--The development proposal consisting of a grocery store, parking structure and mixed-use structure will concentrate a variety of mutually supportive uses at a higher density, consistent with the Village's comprehensive plan; will contribute to the overall improvement of the area as a result; and is eligible for rezoning to Planned Development District.

--The development site is greater than 25,000 square feet, and the overall development is found to contribute to the economic and physical improvement of the area along N. Oakland Avenue, from E. Kenmore Place to N. Olive St.

Required finding iii:

“The various stages, if any, by which the development is proposed to be constructed or undertaken as stated in the development plan, are practical, are capable of standing on their own as separate and independent stages should the development not be completed timely, and are in the public interest”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

Statement of Stages:

--The development will be constructed in two phases. Construction is planned to commence in fall 2014 for the grocery store and parking structure. Construction of the mixed-use building is planned to commence in the spring of 2015. The total project is expected to take approximately 24 to 26 months. The current Pick N' Save grocery store will close tentatively May 2015 and the new store opening two to three months after.

--Project Phase One for a grocery store and parking structure is practical and capable of standing on its own.

Required finding iv:

“Public facilities and utilities, existing or proposed, either in conjunction with the plan or separately, are or will be adequate by the time the development plan is completed”

Based on a Village of Shorewood Engineering review, the factual findings to support an ultimate finding of fact that the plan meets this required finding:

--The current site is split into two drainage areas. One area is discharged to the combined sewer in Oakland Avenue and the other area drains across pavement and out the southwest corner of the site to East Kenmore Place. It then flows west down the road to the catch basin located near Bartlett Avenue.

--Water for the proposed development will be provided from the existing watermain on Oakland Avenue. The water pressures at these mains are generally adequate.

--Sanitary sewer from the proposed buildings will be connected to the existing 36 inch combined sewer on Oakland Avenue. This sewer flows south on Oakland Avenue and ultimately discharges to the MMSD system at Edgewood Avenue. The sewers serving the proposed development will have adequate capacity to handle the anticipated flows.

--In summary, public utilities are adequate to accommodate this development as proposed.

Required finding v:

“The proposed changes, if any, to the Village map with regard to street and alley location, levels, closing or vacations, are necessary, desirable and in the public interest”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

-- The Kenmore Place street of the 1700 block of Oakland will decrease by one foot in width directly aside the grocery store. Street curb bump outs will be added along N. Oakland Avenue at several locations for pedestrian safety and creating larger public spaces. The south end of the site will include a bus stop and a bus stop just north of the northern parking entrance. A bump out will be located in front of the main pedestrian entrance on Oakland to create an outdoor seating area protected by brick piers. None of the work in the street or sidewalk areas will impact the width of the existing public right-of-way (ROW).

-- The Wood Street ROW terminates at the property line of the proposed development on the west side of the site. The proposal includes a pedestrian connection to tie the pedestrian realm of Oakland Avenue to the neighborhood to the west.

Required finding vi:

“That the development as proposed will create an environment of sustained desirability and stability, will not be detrimental to present and potential surrounding uses, will not adversely affect neighboring property values or be incompatible with the character of the surrounding area, but will have an overall beneficial effect which could not be achieved under other zoning districts.”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

--The proposed development cannot be achieved under the current B-1 Commercial District zoning because of various zoning restrictions incompatible with site dimensions, setbacks, and proposed building heights. Under the B-1 District the 20 foot side corner setback is not met along E. Kenmore Place. The maximum building height is 60 feet, not to exceed 4 stories. The mixed-use building along N. Oakland Ave and E. Olive Street is proposed at 6 stories. The highest point mid-façade is 73’ 8 inches.

--The two-story grocery store is 44 feet in height with three bays that are slightly taller (48 FT). The parking deck is 34’6 inches tall with two stair towers slightly taller (46 FT).

--The substantial increase in property value resulting from the high quality of the proposed development should have a positive effect on neighboring property values. Reports gathered by Village Staff show that higher-density housing does not adversely affect property values and may enhance the value of existing homes in surrounding neighborhoods.

--The proposed development is a high quality grocery store, parking structure and mixed-use development with first floor commercial and upper floor apartments which will not be incompatible with the character of the surrounding area.

--The proposed development will not impact overall traffic movements or intersection performance. The standards of operation as calculated by traffic engineers, improve at the parking structure’s southern entrance with the development. All other standards of operation surrounding the grocery store and mixed use development remain at acceptable levels.

--Adequate access and egress is provided in the design of the proposed project such that customers will flow smoothly and be provided with two options for entering and exiting the site parking deck. There is a drop off area immediately inside the parking deck and will not obstruct traffic. Delivery for the Metro Market will be along E. Kenmore Place. An interior loading dock will accommodate semi-tractor trailers. The north side of E. Kenmore Place, from N. Oakland Ave to the loading dock, will be a loading zone to accommodate smaller truck deliveries. The refuse for the mixed use building residents and businesses will be on the interior of the building and not occur on the street for pick up.

--The proposed project includes green features. The site currently has 3,050 SF of green space. The proposed site will increase green space to 10,000 SF. The entire rear of property will be green space and stormwater management facilities. The proposed runoff flows will be reduced by the added green space and by disconnecting impervious flow by routing it through a vegetated swale. A portion of the parking deck will discharge directly to the existing combined sewer. The remaining portion of the parking deck will discharge to the vegetated swale to be treated. There will be an underground detention tank at the south end of the vegetated swale to capture runoff.

--The proposed development will create an environment of sustained desirability and stability. The developer possesses the financial resources, business competence, and track record to suggest its ability to erect, maintain and operate the proposed improvements in an appropriate manner such that the project will remain a positive contributor to the character of the Village of Shorewood into the future.

Required finding vii:

“Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the development plan.”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

--It has been determined that no special exception is necessary for the proposed development.

Required finding viii:

“The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

--The urban design for the proposed development limits the Metro Market and parking structure to essentially three stories or less, compatible with the surrounding neighborhoods. The Metro Market will average 44 feet in height and the parking deck will be 34’ 6 inches. The mixed use building is six stories, 73’ 8 inches tall. Nearby building heights vary between 20 and 90 feet.

--The massing of the proposed six story building is designed to provide visual interest and appropriate scale compatible with Oakland Avenue. Façade design strategies are incorporated to moderate the scale of each structure relative to its context including several steps in the massing of the building to create an appropriate sense of scale. In the case of the Metro Market structure, several vertical brick elements are incorporated to reduce the horizontal scale of the structure. In the case of the mixed-use building, the front façade steps back from the street to moderate the sense of height of the building relative to the pedestrian experience on Oakland Avenue. In addition, several step backs are included on the Olive Street and back side of the building to reduce the sense of scale toward the residential neighborhood to the west. The rear is recessed in excess of 60 feet or more. The rear units are further stepped back at floors five and six. The higher density nature of this building is consistent with Shorewood’s urban design intent for Oakland Avenue.

Required findings ix:

“The proposed method of financing the development is feasible and that it is probable that proponents of the plan will be able to finance or arrange to finance the development”

Factual findings to support an ultimate finding of fact that the plan meets this required finding:

The total development costs are approximately \$45.7 million. Funding sources for that cost are:

✓ Developer bank Loan	\$27.2 Million
✓ Village Loan	6.5 Million
✓ Village Grant	5.5 Million
✓ Developer Equity	<u>6.5 Million</u>
Total Sources	\$45.7 Million

The developer will enter into an agreement with the Village indicating the nature and amount of Village support and conditions to be met by the developer in return. The current assessed value of the property is \$7.6 million. The total assessed value of the property after completion of planned Phase I and Phase II development is expected to be \$37.8 million, an increase of \$30.2 million over current assessment. After anticipated close of the project in 2029, the developed property is expected to generate additional (incremental) annual property taxes of \$1.2 million per year over current taxes.

Additional findings under 535-22 Subsection D.4:

(b) If, from the facts presented, the Plan Commission or the Village Board is unable to make the necessary findings, the application shall be denied.

(c) In taking action, the Plan Commission may recommend a denial of the development plan and development schedule as submitted, or may recommend approval of said plan and schedule subject to specified amendments.

(d) The Plan Commission or the Village Board may conditionally approve a plan subject to modification and/or subject to a showing that the method of financing the development plan is feasible and that it is probable that the proponents of the plan will be able to finance or arrange to finance the development plan, such showing to be made at a time thereafter to be determined by the Plan Commission or the Village Board, but prior to the giving of final approval hereunder.

(e) The Village Board may rezone hereunder to take effect upon final approval of a plan filed pursuant to the provisions of this ordinance and/or subject to the issuance of a building permit for the implementation of a plan approved by the Village Board in accordance with the provisions of this ordinance.

(f) At the time of adopting any ordinance establishing a Planned Development District, the Village Board shall make appropriate arrangements with the applicant as may be permitted under law which will assure the accomplishment and completion at scheduled times of the development plan, in accordance with approvals given.

(g) If no development has occurred to effectuate a planned development within a time limit, if any, established by the Village Board, or if the development is not completed timely, the Plan Commission shall review the action and determine whether or

not the continuation of a given planned development is in the public interest. Upon its determination, it shall make recommendations to the Village Board in accordance therewith.

(h) Upon receipt of the recommendation of the Plan Commission, in the event no development has occurred to effectuate a planned development within a time limit established or if the development is not completed timely, the Village Board shall determine what action, if any, shall be taken, including whether or not the area shall be rezoned to its former classification.

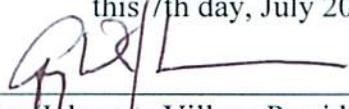
(i) Any changes or additions to the original approved development plan shall require re-submittal and approval by the Plan Commission, and if such changes or additions are substantial in the opinion of the Plan Commission such plan as modified shall be considered as an original application, and the requirements for same shall govern prior to final approval of such modifications.

Conditions

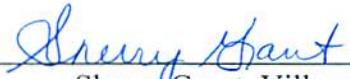
On the basis of the findings described, the Shorewood Village Board hereby resolves that the application of General Capital LLC for a zoning change for certain properties in the B-1 Commercial District to Planned Development District be approved with the following conditions:

1. That all utility and storm water plans are approved by the Village Engineer and the Department of Public Works.
2. That the building and site plan is in substantial compliance with plans, specifications and designs as submitted and approved by all relevant staff and municipal entities.
3. That the final plans comply with all applicable federal, state, local laws, statutes, ordinance and best practices.
4. That a developer agreement be entered into and approved by the Community Development Authority and Village Board.
5. That the Design Review Board finalize design approval.
6. That a parking agreement between the developer General Capital Group and the Village of Shorewood be approved.
7. That a final landscape plan including maintenance plan, streetscape plan and public way accommodations be submitted and approved by all relevant staff and municipal entities.
8. That a traffic signage plan and pedestrian safety and signage plan be approved and reviewed as necessary by the appropriate Village Staff and municipal Boards, Committees and Commissions.
9. That any additional conditional uses on the property be granted and conditions satisfied.

Passed and adopted by the Village Board
this 7th day, July 2014



Guy Johnson, Village President



Sherry Grant, Village Clerk