

Resolution No. 2011-15

Planned Development District
Village of Shorewood, WI

Whereas: Mandel Group Properties LLC has submitted an application pursuant to code 535-22 for a zoning change to Planned Development District and the Village Board, at its May 2, 2011 meeting, having referred the matter to the Shorewood Village Plan Commission; and

Whereas: the Plan Commission has reviewed the application on March 22, 2011 and on April 26, 2011, May 24, 2011, June 8, 2011 and June 14, 2011, following procedures set forth in Sec. 62.23(7)(d), Wis. Stats; and the Design Review Board has reviewed the application and applicable plans on April 21, 2011, May 26, 2011 and final recommendation for the mixed-use structure on June 9, 2011; and staff has reviewed the application and all supplemental materials; and

Whereas: after consideration and review at a meeting and hearing of the Shorewood Plan Commission on June 14, 2011 duly noticed and published by law, a quorum being present and a majority of the Commission voting therefore, the Plan Commission recommended approval of the application for the zoning change from B-1 Commercial District to Planned Development District for Mandel Group Properties LLC after making the findings and with the conditions listed as required;

Now, therefore: at the June 20, 2011 meeting of the Shorewood Village Board and after public hearing, a quorum being present and a majority of the Board voting in favor, it is hereby resolved that the application for zoning change from B-1 Commercial to Planned Development District for the properties described in the application is approved 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 within the 4000 Oakland Avenue block, approximate addresses 4041 N. Oakland Avenue and 4002 N. Bartlett Avenue 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 hearings establish that" several 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 this required finding are as follows:

--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, 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 \$14.7 million upon completion. This development greatly exceeds the current value of these properties, which are currently assessed at \$1.25 million.

TaxKey	Business	Parcel SqFt	2010 Land	2010 Improvement	2010 Total Assessed Value
240-0019-000	parking lot -Bartlett Ave	21190	\$379,900	\$11,000	\$390,900
240-0026-000	parking	4800	\$210,000	\$68,700	\$278,700
240-0027-000	parking	<u>28560</u>	<u>\$548,400</u>	<u>\$32,100</u>	<u>\$580,500</u>
					\$1,250,100

--The B-1 Commercial Use District zoning ordinance expressly "is intended to provide the Village with a mix of retail, service, restaurant, office, and residential uses in a pedestrian-friendly, active shopping environment. Building massing, scale and appearance and the general character of this district should be oriented toward a small town, Main Street, pedestrian character. To encourage further retail development within the district, especially in the core blocks extending from the Capitol and Oakland intersection, first-floor commercial is required." The proposed site plan makes an effective use of the site, adding vibrancy to the central core commercial node. Residents of the proposed development 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. Residential density on upper floors provides new pedestrian-oriented demand and activity for area retailers and services. To the extent ground-level parking is required it is carefully detailed to contribute to the development's pedestrian scale and overall convenience, while maintaining the overall continuity of the streetscape.

--The Master Plan and B-1 zoning ordinance require predominantly structured parking. The proposed site plan places all of the residential parking under the proposed building and provides additional parking for existing users and the public in a parking structure. 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"

Factual findings to support this required finding are as follows:

--The total area of the land was found to be approximately 53,210 square feet for two parcels. The proposed development includes certain public improvements and private improvements that will be available for public use.

--The development proposal site depth is 122 feet for the Oakland Avenue mixed-use structure and 133 feet for the multi-deck parking structure. The front and rear faces of the mixed-use building have zero setbacks from the property line. There is a one (1') foot subterranean foundation encroachment into the public right-of-way along each of these two sides. The north elevation is set back three (3') feet from the proposed property line, excepting a protruding window bay of eleven (11') feet in length at the corner of Kenmore and Oakland Avenues which is four (4") inches from the proposed property line. The parking structure has zero setback to the property line on the west (Bartlett Avenue) side and a one (1') foot setback from the property line on the north side. There is a one (1') foot subterranean foundation encroachment into the public right-of-way along the Bartlett Avenue side of the structure. The parking structure has a thirteen (13') foot setback on the rear/east interior side along the public alley and a two foot plus four inch (2'-4") setback on the south side along the public alley. These latter two setbacks are necessary in order to allow for the turning clearances required of delivery trucks.

--Currently, the site upon which Mandel Group proposes to construct a mixed-use development and parking structure is currently comprised of two leased private parking lots for the exclusive use of the businesses and residential tenants of the North Shore Apartment building and Sendik's customers and employees. The lease expires in August, 2014, after which time the availability of any public or private parking facilities is in question.

--The development includes structured parking that will be available to currently served businesses and residences as well as a broader demand anticipated from adjoining properties. Business retention (Sendik's and Walgreens) is accomplished, as is support of the future, additional development of properties in the immediate area.

--The development proposes a structure that is visually interesting, offering 20% affordable housing units and family supporting rental housing options not found in the Village, and public parking not currently available. The broad range of housing options and the availability of requisite off-street parking will provide housing opportunities for Shorewood residents not currently available.

--The development proposal is being undertaken in connection with public improvements including reducing the width of E. Kenmore Place so that the overall street design is more in balance with pedestrian as well as automotive needs. The resulting curblin will align with the existing curb west of the alley. The site's north property line is proposed to be relocated five (5') feet northerly of its current location. The development plan incorporates the narrowing of a portion of the public mid-block alley by two (2') feet commencing at East Kenmore Place and extending to the southerly

end of the property owned by North Shore Presbyterian Church, and incorporating storm water management infrastructure in the public alley where none currently exists.

--The development proposal consisting of a mixed-use structure and supporting parking facilities 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 Plan Commission should recommend the rezoning of the land associated with the mixed-use proposal to Planned Development District because 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 and E. Kenmore Place.

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 this required finding are as follows:

--The development will be constructed in two phases. Construction is planned to commence in the fall of 2011 for the Bartlett Avenue parking structure which will be made available for use upon its completion. Construction of the mixed-use building is planned to commence in the spring of 2012. The total project is expected to take approximately 18 to 24 months from the commencement of the Bartlett Avenue ramp to the completion of the Oakland Avenue mixed-use building. The parking located along Oakland Avenue is proposed to be made available for use prior to the completion of retail and residential components of the mixed-use building. The first floor retail space (Walgreens) is intended to open to the public before residential apartments are complete.

--Phase one of the project, a free standing parking ramp, is 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 this required finding are as follows:

--Water for the proposed development will be provided from the existing watermain on either Oakland Avenue or Kenmore Place. The water pressures at these mains are generally adequate, however, we will be conducting modeling work to determine if the proposed building will be required to install, operate and maintain booster pumps serving the building's domestic potable water and fire protection needs.

--Sanitary sewer from the proposed building 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.

--Garage drains of the Oakland Avenue building will be connected to the existing combined sewer on Oakland Avenue. This sewer flows south on Oakland Avenue and ultimately discharges to the MMSD system at Edgewood Avenue. Roof drainage from the Oakland Avenue building and drains of the Bartlett Avenue parking structure will be connected to the storm sewer on Bartlett Avenue. This pipe discharges to the Milwaukee River via Capitol Drive storm sewers. Neither building will increase imperviousness at the site and therefore will not increase runoff contributions to the sewers.

--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 this required finding are as follows:

-- The Kenmore Place street width will decrease by five feet on the south side, east of the mid-block alley, creating a uniform curb line along the south side of the 1700 block of E. Kenmore Place. The width of the north-south public alley will decrease by two (2') feet on the east side from Kenmore Place to mid-block where the east-west drive lane intersects. The remaining north-south alley south of the mid-block will increase by thirteen (13') feet through the granting by the developer of a permanent public right-of-way easement. The east-west alley on the south side of the project that enters from Bartlett Avenue will increase by three (3') feet through the granting by the developer of a permanent public right-of-way easement. The Village will vacate five (5') feet (610 square feet) of public property along Kenmore Place from Oakland Ave parcel boundary, westward 122 feet to the westerly parcel boundary and two (2') feet (506 square feet) on the east side of the north-south alley between Kenmore Place and the east-west drive.

--The applicant will provide public access easements on the south and east property lines of the Bartlett Avenue parcel to provide sufficient alley width for anticipated trucks and delivery vehicles. The applicant will secure a public easement across the adjoining Sendik's property to provide for permanent public access across the property.

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 this required finding are as follows:

--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, the interior five (5') foot setback and rear five (5') foot setback is not met. The maximum building height is sixty (60') feet, not to exceed four (4) stories. Parcels immediately south of the project site have a maximum of seventy (70') feet not to exceed five (5) stories. As proposed, the overall building height totals six (6) stories and seventy-six (76') feet in height along Oakland Avenue. Because of the relatively small size of the current parcels and the incorporation of significant public-use components, setback requirements do not permit economical development by the applicant.

--The substantial increase in property value resulting from the high quality of the proposed development should have a positive effect on neighboring property values.

--The proposed development is a high quality 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 such that it would lower the current standards of operation as calculated by traffic engineers. Adequate access and egress is provided in the design of the proposed project such that customer and delivery traffic will flow smoothly and be provided with multiple options for entering and exiting the site.

--The proposed project includes a green roof of approximately 5,380 square feet on the front and rear cut out of the second floor mixed use building, serving the 84 apartment residents. The green roof element helps absorb and detain stormwater runoff as compared to the current surface parking lot. Stormwater flows from the property will connect to a storm sewer located in the Bartlett Avenue right-of-way.

--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 this required finding are as follows:

--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 this required finding are as follows:

--The urban design for the proposed development places the taller building structure in the Oakland Avenue commercial corridor and the lower-scaled parking structure on Bartlett Avenue, which is characterized by duplex residential and institutional uses. Façade design strategies are incorporated to moderate the scale of each structure relative to its context. Upper floor front and rear setbacks lessen the overall scale of the Oakland Avenue building. The front of the building along Oakland Avenue matches the other existing buildings' front build-to lines.

--The Bartlett Ave. three (3) story (four level) parking structure compliments the surrounding buildings' heights. The structure will be screened in part with natural landscaping elements, but will remain transparent enough to allow the public to see into and through the covered areas for an enhanced sense of safety.

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 this required finding are as follows:

--The total development costs are approximately \$34,100,000. The owner will contribute or originate through investors approximately \$4,000,000 of direct equity.

The developer and owner expect to receive a \$21,675,000 authorization from the Wisconsin Housing and Economic Development Authority (WHEDA) which authorization will allow the applicant to sell tax-exempt bonds to finance the first-mortgage loan amount. The owner shall enter into a Tax Incremental Financing agreement with the Village of Shorewood for a portion of the project costs.

--Upon completion the development will be assessed at approximately \$14,700,000. The owner has confidence in his ability to finance the development. The loan to value ratio shall be approximately 85%. The anticipated capital structure is supportable within commercially reasonable standards as demonstrated by materials submitted by the applicant.

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.

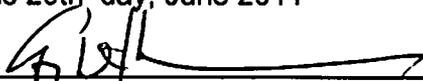
(i) Any changes or additions to the original approved development plan shall require re-submittal and approval by the Plan Commission, and if such changes or additions are substantial in the opinion of the Plan Commission such plan as modified shall be considered as an original application, and the requirements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

Conditions

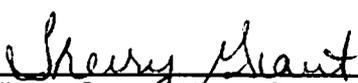
On the basis of the findings described, the Shorewood Plan Commission recommends that the application of Mandel Group Properties LLC for a zoning change for certain properties in the B-1 Commercial District to Planned Development District be approved with the following conditions:

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 for the parking structure.
6. That a parking agreement between the developer Mandel Group Properties, LLC and the Village of Shorewood be approved.
7. That a final landscape plan and streetscape plan 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.
10. That any subsequent necessary Certified Survey Map be approved by the appropriate Village Staff and municipal Boards, Committees and Commissions.

Passed and adopted by the Village Board
this 20th day, June 2011



Guy Johnson, Village President



Sherry Grant, Village Clerk