

City of Sun Prairie, Wisconsin

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT DISTRICT GENERAL DEVELOPMENT PLAN AND PRECISE IMPLEMENTATION PLAN TO CONSTRUCT A FOUR STORY, 100 DWELLING RESIDENTIAL BUILDING AND A FOUR-STORY, 63 UNIT HOTEL WITH RESTAURANT AND STRUCTURED PARKING LOCATED AT THE NORTHWEST CORNER OF W. MAIN STREET AND N. BRISTOL STREET.

JCAP DEVELOPMENT & CONSTRUCTION – GDP/PIP

Presented: August 6, 2024

Adopted: August 6, 2024

Published: August 9, 2024

Ordinance No.: #953

ORDINANCE

WHEREAS, there has been submitted a request by JCap Development and Construction for approval of a Planned Development District General Development Plan (GDP) and Precise Implementation Plan (PIP) to construct a four-story, 100-dwelling building and a four-story, 63 room hotel with restaurant and structured parking located at the northwest corner of W. Main Street and N. Bristol Street; and,

WHEREAS, the City of Sun Prairie has adopted the Sun Prairie Stronger Plan, a component of its Comprehensive Plan, to guide the future development within downtown Sun Prairie, including the implementation of a desired community character; and,

WHEREAS, the City of Sun Prairie has adopted a Zoning Ordinance which is specifically designed to implement the Comprehensive Plan including the implementation of said desired community character; and,

WHEREAS, Section 17.12.030 of the City of Sun Prairie's Zoning Ordinance is designed to implement the control of the community's character and land uses via an Official Zoning Map; and,

WHEREAS, Section 17.12.080 of the City of Sun Prairie's Zoning Ordinance is designed to permit Planned Developments for development and redevelopment in areas of the community that are experiencing a lack of significant reinvestment or to accommodate forms of development that promote both the aesthetic and economic development objectives of the City by controlling the site design and appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements; and,

WHEREAS, on Tuesday, April 9, 2024, the Plan Commission held a public hearing to consider the JCap Development and Construction GDP/PIP and recommended that the City Council adopt the GDP/PIP with conditions; and,

WHEREAS, the City Council has reviewed the staff report for Plan Commission Case No. PC24-3174, dated April 9, 2024, and the Plan Commission recommendation to the City Council dated August 6, 2024 and has found that the proposed GDP/PIP is in the best interest of the City and should therefore be approved, subject to conditions.

NOW, THEREFORE, the City of Sun Prairie adopts the following ordinance:

SECTION 1: AMENDMENT OF THE OFFICIAL ZONING MAP: That the Official Zoning Map of the City of Sun Prairie, Wisconsin, as described in Section 17.12.030 of the City of Sun Prairie Code of Ordinances, be amended to approve a Planned Development District General Development Plan for property described below:

LEGAL DESCRIPTION:

PARCELS I & II:

PART OF LOT NINE (9), BLOCK SIX (6), OF THE ORIGINAL PLAT OF THE VILLAGE OF SUN PRAIRIE, NOW CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT AND THENCE NORTH ALONG THE WEST LINE OF BRISTOL STREET, 77 FEET; THENCE WEST PARALLEL TO MAIN STREET 29.5 FEET; THENCE SOUTH PARALLEL WITH BRISTOL STREET, 19.1 FEET; THENCE NORTHWESTERLY PERPENDICULARLY TO BRISTOL STREET 1/2 FOOT TO A POINT 30 FEET WEST OF BRISTOL STREET, THENCE SOUTH PARALLEL WITH WEST LINE OF BRISTOL STREET TO NORTH LINE OF MAIN STREET; THENCE EAST ALONG NORTH LINE OF MAIN STREET TO THE POINT OF BEGINNING.

PART OF LOT NINE (9), BLOCK SIX (6) OF THE ORIGINAL PLAT OF THE VILLAGE OF SUN PRAIRIE, NOW CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN, COMMENCING ON THE WEST SIDE OF BRISTOL STREET AT A POINT 77 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 9, OF BLOCK 6, OF THE ORIGINAL PLAT OF THE VILLAGE OF SUN PRAIRIE, NOW CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN; THENCE WEST PARALLEL WITH MAIN STREET A DISTANCE OF 29.5 FEET; THENCE SOUTHERLY PARALLEL WITH BRISTOL STREET FOR A DISTANCE OF 19.1 FEET; THENCE NORTHWESTERLY PERPENDICULAR TO BRISTOL STREET 1/2 FOOT TO A POINT WHICH IS 30 FEET WEST OF BRISTOL STREET MEASURED PARALLEL TO MAIN STREET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO BRISTOL STREET FOR A DISTANCE OF 58 FEET MORE OR LESS TO THE NORTH SIDE OF MAIN STREET; THENCE SOUTH SIDE OF SAID LOT AND SAID BLOCK 6, WHICH POINT IS 30 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT; THENCE WEST ALONG MAIN STREET 19.5 FEET; THENCE NORTH PERPENDICULAR TO MAIN STREET FOR A DISTANCE OF 4.9 FEET; THENCE NORTHEASTERLY PARALLEL TO BRISTOL STREET AND A DISTANCE OF 50 FEET WEST THEREFROM TO A POINT 104 FEET NORTH OF MAIN STREET; THENCE EAST TO THE WEST LINE OF BRISTOL STREET; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF BRISTOL STREET 27 FEET TO THE PLACE OF BEGINNING.

PARCEL III:

PART OF LOTS EIGHT (8), NINE (9) AND TEN (10), BLOCK SIX (6), VILLAGE OF SUN PRAIRIE, NOW IN THE CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTHEAST LINE OF SAID LOT 8 DISTANT THEREON 55.3 FEET FROM THE NORTHEAST CORNER OF SAID LOT 8; THENCE NORTHWESTERLY 115.97 FEET TO A POINT 58 FEET SOUTH OF THE NORTH LINE OF SAID LOT 8; THENCE SOUTH 55 FEET TO THE NORTH LINE OF SAID LOT 10; THENCE WEST ALONG SAID NORTH LINE 8 FEET TO A POINT 32 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 10; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID LOT 10, 165 FEET TO THE SOUTH LINE OF SAID LOT 10; THENCE EAST ALONG THE SAID LINE OF SAID LOTS 10 AND 9 TO A POINT 49.5 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH, AT RIGHT ANGLES WITH SAID SOUTH LINE, 4.8 FEET TO A POINT IN CENTER LINE OF PARTY WALL (SAID LATTER POINT BEING 50 FEET WEST OF THE EAST LINE OF SAID LOT 9 MEASURED PARALLEL WITH SOUTH LINE OF SAID LOT 9); THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID LOT 9 TO A POINT 104 FEET NORTHERLY OF SOUTH LINE OF SAID LOT 9 MEASURED PARALLEL TO EAST LINE OF SAID LOT 9; THENCE EAST PARALLEL WITH SOUTH LINE OF SAID LOT 9, 50 FEET TO POINT ON EAST LINE OF SAID LOT 9; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOTS 9 AND 8 TO THE POINT OF BEGINNING.

PARCEL IV:

LOT 11 AND THE WEST 32 FEET OF LOT 10, BLOCK 6, IN THE VILLAGE, NOW CITY OF SUN PRAIRIE, AND PART OF LOT 8, BLOCK 6, IN THE VILLAGE, NOW CITY OF SUN PRAIRIE, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 11 IN BLOCK 6 AND RUNNING NORTHERLY ON CONTINUATION OF LINE BETWEEN LOTS 10 AND 11, IN BLOCK 6, 59 FEET; THENCE EASTERLY AT RIGHT ANGLES 40 FEET; THENCE SOUTHERLY ON A LINE PARALLEL WITH THE WEST LINE OF THIS PARCEL TO THE POINT ON THE LINE RUNNING EASTERLY AND WESTERLY BETWEEN LOTS 8, 9 AND 10, IN SAID BLOCK 6; THENCE RUNNING WESTERLY ON SAID LINE TO PLACE OF BEGINNING-

AND

PART OF LOT 8, BLOCK 6, ORIGINAL PLAT OF THE VILLAGE OF SUN PRAIRIE, NOW IN THE CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE EAST 60.21 FEET ALONG THE SOUTH LINE OF SAID LOT 8; THENCE NORTH 2° 50' EAST, 49.30 FEET; THENCE NORTH 89° 49' WEST, 60.0 FEET; THENCE SOUTH 3° 08' WEST, 49.5 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL V:

THE SOUTH 125 FEET OF LOT TWELVE (12), BLOCK SIX (6), VILLAGE OF SUN PRAIRIE, IN THE CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN.

PARCEL VI:

THE SOUTH 1/2 OF LOT THIRTEEN (13) AND THE SOUTH 11 FEET OF THE NORTH 1/2 OF LOT THIRTEEN (13), BLOCK SIX (6), ORIGINAL PLAT OF THE VILLAGE OF SUN PRAIRIE, IN THE CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN.

PARCEL VII:

THE SOUTH 1/2 OF LOT SEVEN (7), BLOCK SIX (6), VILLAGE OF SUN PRAIRIE, NOW IN THE CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN.

Tax Key No.: 0811-054-4307-9, 0811-054-4318-6, 0811-054-4339-1, 0811-054-4349-9, 0811-054-4359-7, 0811-054-4328-4, 0811-054-4361-3, 0811-054-4372-0, 0811-054-4383-7

SECTION 2: PLANNED DEVELOPMENT DISTRICT REGULATIONS: Pursuant to Section 17.12.090 F. of the City of Sun Prairie Zoning Ordinance, the following Planned Development District regulations shall apply to the property described as:

1. Statement of Purpose: This General Development Plan (GDP) and Precise Implementation Plan (PIP) are established to allow a mixed use redevelopment at the northwest corner of W. Main Street and Bristol Street.
2. The approval of the GDP and PIP is based on the application received on January 26, 2024, and revised façade design package received April 9, 2024, and the accompanying plans, and subsequent revisions, submitted in association with file PC24-3174, as may be revised based upon the conditions noted below. Where there may be discrepancies, the details illustrated in the materials dated April 9th shall control. All of the development of the site shall be accomplished in fidelity with the aforementioned plans and details.
3. The following variations from the requirements of the Municipal Code of Ordinances are hereby granted:
 - a. Increase in the maximum building height from 40 feet to 50 feet.
 - b. Live-Work Overlay District standards for 122 W. Main and 128 W. Main are not applied.
4. Prior to the issuance of a building permit, the following details shall be subject to review and approval by the Planning Director:
 - a. A photometric plan showing illumination at the property lines. In no instance shall the amount of illumination exceed 0.50 foot-candles as measured at the property line.
 - b. Installation details for all bicycle parking fixtures and equipment, meeting city standards 17.36.040 K.
 - c. The developer shall provide evidence of good faith pursuit and accomplishment of features and public benefits listed in the *Public Benefits Narrative* provided by the developer.
 - d. A final utility plan shall be subject to review and approval by the City's Engineer and Sun Prairie Utilities.

5. The developer shall enter into a development agreement for the addition and/or modification of public infrastructure, including but not limited to the relocation of underground stormwater facilities, and modification to Main Street to add the turning restriction median.
6. Prior to the issuance of a building permit, an agreement regarding the acquisition of city-owned property by the developer, and the completion of a Certified Survey Map (CSM) combining the existing parcels shall be submitted and approved by the City and recorded with the Dane County Register of Deeds.
 - In partial consideration of the sale of city property, the developer shall dedicate an easement or similar public right encompassing the plaza at Main and Bristol, and enter into an agreement describing the balance of ongoing maintenance and improvement relationships between the city and property owner.
7. All signage shall comply with Section 17.40.070 of the City's Ordinance for nonresidential zoning districts. Prior to the installation of any sign, a sign permit shall be obtained from the Building Inspection and Code Enforcement Department.
8. An Erosion Control/Stormwater Management Permit must be obtained from the Engineering Department prior to commencing any land disturbance activities.
9. Enforcement: This Planned Development District General Development Plan and Precise Implementation Plan shall be binding upon the owner of the real estate within the District and its successors and assigns and enforceable by the City of Sun Prairie in conformity with its ordinances, and may be amended only in conformity with the ordinances of the City of Sun Prairie. City representatives shall be provided access at any reasonable time for the purposes of inspection to determine compliance with the approved Plan.

SECTION 3: PROCEDURAL REQUIREMENTS: The City Council hereby confirms that all procedural requirements of Section 17.44.030 of the Code of Ordinances of the City of Sun Prairie have been complied with.

SECTION 4: REVISION OF OFFICIAL ZONING MAP NOTATION: The date of said Amendment to the Official Zoning Map and this ordinance number shall be depicted on the Official Zoning Map of the City.

SECTION 5: EFFECTIVE DATE: This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: _____
Paul T. Esser, Mayor

Date Approved: August 6, 2024

Date Signed: August 7, 2024

This is to certify that the foregoing ordinance was approved by the Common Council of the City of Sun Prairie at a meeting held on the 6th day of August 2024, and was submitted for signatures on the 7th day of August 2024.

Elena Hilby, City Clerk