

VILLAGE OF SHOREWOOD HILLS DANE COUNTY WISCONSIN

ORDINANCE NO. L-2008-4

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
TO RECLASSIFY PROPERTY LOCATED AT 800 UNIVERSITY BAY DRIVE,
WHICH COMPRISES A TOTAL OF 1.2 ACRES OF LAND FROM
ITS PRESENT C-3 MEDICAL-OFFICE COMMERCIAL DISTRICT
TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

RECITALS

1. Krupp General Contractors (“Applicant”) has requested that the zoning classification of the property described in Exhibit A (“Property”) (insert legal description as Exhibit A) be reclassified 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 Master Plan.
3. As a basis for determining the acceptability of a planned unit development district application, the Village has found that the application demonstrates compliance with specific criteria consistent with the spirit and intent of the PUD Ordinance and produces significant community benefits in terms of environmental and aesthetic design.
4. The attached set of documents represents the General Development Plan (GDP) and Specific Implementation Plan (SIP) for the Planned Unit Development (PUD) at 800 University Bay Drive as required by Section 10-1-33 of the Village Ordinances and approved by the Village Board of the Village of Shorewood Hills on April 21st, 2008. For purposes of this Ordinance, the entirety of the PUD Application shall be the proposed GDP and SDP. This Ordinance includes approval of zoning for the entire site of PUD-SIP and includes the following documents:
 1. Legal Description of Property
 2. Written Description of Planned Unit Development, dated 4-18-08.
 3. General Development/Specific Development Plan Set, dated 4-18-08, including:
 - a. Site survey, as shown on Sheet 4 of 23, drawn by Burse Surveying & Engineering Inc., and dated August 2, 2007;

- b. Site layout plan, as shown on Sheet 5 of 23, drawn by Potter Lawson, Inc, and dated April 18, 2008;
 - c. Site grading, erosion control, and utility plan, as shown on Sheet 6 of 23, drawn by Burse Surveying and Engineering, Inc., and dated April 18, 2008;
 - d. Civil details, as shown on Sheet 7 of 23, drawn by Burse Surveying and Engineering, In., and dated April 18, 2008;
 - e. Site landscape plan, as shown on Sheets 8 and 9 of 23, drawn by the Bruce Company and dated April 18, 2008;
 - f. Site lighting plan, as shown on Sheet 10 of 23, drawn by Potter Lawson, Inc., and dated April 18, 2008;
 - g. Architectural floor plans, as shown on Sheets 11, 12, 13, 14, 15 and 16 of 23, drawn by Potter Lawson, Inc., and dated April 18, 2008;
 - h. Architectural elevations, as shown on Sheets 18 and 19 of 23, drawn by Potter Lawson, Inc., and dated April 18, 2008.
5. On March 11, 2008, the Village Plan Commission considered the application for rezoning the property to PUD-SDP, and recommended that the Village Board approve the proposed GDP and SDP with certain conditions.
6. On April 21, 2008 the Village Board held a public hearing regarding the application to change the zoning classification of the Property to PUD-SDP, which was preceded by the publication of a class 2 notice under ch. 985, Wis. Stats., posting of notice in at least one conspicuous place in each block proposed to be rezoned, and mailing of notice to owners or occupants of property situated in the block and within 1,000 feet from the Property.
7. The Village Board determines that, subject to certain conditions, and based upon the criteria set forth in section 10-1-33 of the Village's Zoning Code, zoning the Property PUD-SDP is consistent with the spirit and intent of the Village's Zoning Code, has the potential for producing significant community benefits in terms of environmental and aesthetic design, promotes the public health, safety and general welfare of the Village, and allows appropriate use of the Property.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Shorewood Hills, Dane County, Wisconsin do ordain as follows:

Section 1. Subject to the conditions set forth below, the zoning classification of the Property is hereby change to Planned Unit Development District, pursuant to section 10-1-33 of the Village Code and section 62.23(7)(d), Wis. Stats.

Section 2. The official zoning map of the Village of Shorewood Hills is hereby changed from its present C-3 (Medical Office-Commercial) District to a PUD (Planned Unit Development) District.

Section 3. Subject to the following conditions, the GDP and SDP are hereby approved, pursuant to section 10-1-33(4) of the Village Code and the following conditions:

1. The Property will remain on the Village tax roll in perpetuity.
2. The Developer agrees to participate in the potential negotiation of a Parking Utility along Marshall Court.
3. The Developer agrees to participate in the re-design of the Marshall Court right-of-way cross-section and potentially amend site plans as appropriate.
4. Prior to the issuance of any building permits or the commencement of any land disturbing or construction activities on the Property:
 - a. The Developer shall obtain approval from the Village Engineer and the Village Board of a final utility plan, stormwater management plan and construction site erosion control plan for the Property, which plans shall be made a part of the final SDP.
 - b. The Developer shall obtain approval from the Village Board of a Noise Study identifying compliance with Chapter 21, Noise Regulation, of the Village's Code of Ordinances.
 - c. The Developer shall submit a complete Signage Plan for review and approval by the Village.
 - d. Covenants and restrictions, in a form acceptable to the Village Attorney, and enforceable by the Village, shall be recorded, and shall provide for the following:
 - i. *Noise limitations.* The Property shall comply with all provisions of Chapter 21, Noise Regulation, of the Village's Code of Ordinances.
 - ii. *Outdoor Lighting.* The Property shall comply with all provisions of Chapter 22, Dark Sky, of the Village's Code of Ordinances.
 - iii. *Landscaping.* Plant materials shall be well maintained, especially during the year following their installation. Any dead plant shall be replaced during the next planting season.
 - iv. *Bicycle Friendliness.* Bicycle parking areas shall be cleared of snow and maintained for year-round use.

- v. *Recycling.* Contractors shall, on the Site, separate for recycling major building materials, including corrugated steel, wood, metals and concrete.

- vi. *Hours of operation.*
 - 1. Construction activities on the Property shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday.

 - 2. No trash pick-up shall be made anywhere on the Site except during the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and 10:00 a.m. to 12:00 p.m. Sunday.

 - 3. No deliveries shall be made to the building except during the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and 10:00 a.m. to 12:00 p.m. Sunday.

Section 4. The attached set of documents shall constitute the zoning regulations for the Property, and shall be maintained and kept on file by the Village Clerk. Within 12 months after the date this Ordinance is approved, and before the issuance of any zoning or other permit for the Property, the Developer shall record a memorandum of agreement and declaration of restrictions incorporating the above described zoning regulations for the Property, in a form acceptable to the Village Attorney, with the Dane County Register of Deeds Office, or this Ordinance shall become null and Void.

The above and foregoing ordinance was duly adopted by the Village Board of the Village of Shorewood Hills at its meeting held on April 21, 2008, by a vote of ___ in favor, ___ opposed, and ___ not voting. This Ordinance shall take effect upon passage and posting pursuant to law.

APPROVED:

Mark Sundquist, Village President

ATTEST:

Colleen Albrecht, Village Clerk