

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

ORDINANCE NO. L-2010-3

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY
LOCATED AT 4610 UNIVERSITY AVENUE FROM C-2(P) LIMITED
COMMERCIAL DISTRICT (PLANNED OVERLAY) TO A PLANNED UNIT
DEVELOPMENT (PUD) DISTRICT.

RECITALS

1. Jun Lee, Lee & Lee Limited Partnership, David Bornstein and Andover Hill Investments (the “Applicants”) have 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 Master Plan.

3. The Applicants have submitted a General Development Plan (the “GDP Documents”) attached as Exhibit A hereto, entitled Pyare Square Redevelopment General Development Plan, dated January 29, 2010, consisting of the following:

- a. Application for Conditional Use Permit;
- b. Pyare Square Redevelopment General Development Plan Text and Plans.

4. For purposes of this Ordinance, the GDP Documents shall collectively be the General Development Plan for the Property pursuant to Section 10-1-33 of the Village Code of Ordinances.

5. On February 9, 2010, the Village Plan Commission considered the application for changing the zoning classification of the property to PUD District, and recommended that the Village Board approve the proposed General Development Plan with certain conditions.

6. On December 15, 2009 the Village Board held a public hearing regarding the application to change the zoning classification of the Property to PUD District, 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 200 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 Code of Ordinances, changing the zoning classification of the Property to PUD is consistent with the Village's Comprehensive Plan, 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. 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 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 Wis. Stat. § 62.23(7)(d).

Section 3. The Property shall be developed and used in full compliance with the General Development Plan. The General Development Plan shall, in combination with a Specific Development Plan that has not yet been approved, constitute the zoning regulations for the Property, and may be enforced as any other zoning regulation in the Village of Shorewood Hills, and shall be maintained and kept on file by the Village Clerk

Section 4. Phase 1 of the development shall include an interim development plan for all parts of the Property outside the boundaries of Phase 1, to be completed during Phase 1 and maintained until Phase 2 is implemented and developed. The interim plan for the property outside the boundaries of Phase 1 shall be approved by the Village as part of the specific development plan.

Section 5. Prior to the approval of a specific development plan for the Property, the Applicants shall demonstrate to the satisfaction of the Village Board that Applicants have the financial capability to complete the development of Phase 1 of the development, including but not limited to the interim development of all parts of the Property outside the boundaries of Phase 1.

Section 6. Prior to the approval of a specific development plan for the Property, the Applicants shall demonstrate to the satisfaction of the Village Board that emergency

vehicles have adequate access to the West side of the buildings proposed to be constructed on the Property. The Village Board may require the specific development plan to include provisions it deems appropriate to secure adequate emergency vehicle access to the West side of the buildings.

Section 7. The Village Board may condition approval of a specific development plan on the Applicants providing easements or dedications deemed appropriate by the Village to allow for pedestrian and vehicular access within the broader Pyare Square neighborhood planning area.

Section 8. The specific development plan shall include a final survey of the Property showing the boundaries of the legal parcels on the Property

Section 9. Upon the adoption and publication of this ordinance, the zoning classification of the Property shall be changed on the zoning map of the Village of Shorewood Hills from its present C-2(P) (Limited Commercial District – Planned Overlay District) to a PUD (Planned Unit Development) District.

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

APPROVED:

Mark Sundquist, Village President

ATTEST:

Colleen Albrecht, Village Clerk