

VILLAGE OF SHOREWOOD HILLS DANE COUNTY WISCONSIN

ORDINANCE NO. L-2008-4

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT
800 UNIVERSITY BAY DRIVE FROM C-3 MEDICAL-OFFICE COMMERCIAL DISTRICT
TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

RECITALS

1. 800 University Bay Drive, LLC, WAYMORJAC6 LLC, RELECT7 LLC and DCC7 LLC (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 General Development Plan and Specific Development Plan Documents (collectively the "GDP/SDP Documents") consisting of the following:

a. Planned Unit Development Cover Drawing, as shown on Sheet 1 of 24, dated April 22, 2008.

b. Drawing List, as shown on Sheet 2 of 24, dated April 22, 2008.

c. Site Context Photographs, as Shown on Sheet 3 of 24, dated February 12, 2008.

d. ALTA/ACSM Land Title Survey, as shown on Sheet 4 of 24, drawn by Burse Surveying & Engineering Inc., and dated August 2, 2007.

e. Site Layout Plan, as shown on Sheet 5 of 24, drawn by Potter Lawson, Inc, and dated March 11, 2008.

f. Site Grading, Erosion Control, and Utility Plan, as shown on Sheet 6 of 24, drawn by Burse Surveying and Engineering, Inc., and dated February 2, 2008.

- g. Civil Details, as shown on Sheet 7 of 24, drawn by Burse Surveying and Engineering, Inc., and dated February 12, 2008.
- h. Site Landscape Plan, as shown on Sheet 8 of 24, drawn by the Bruce Company and dated February 12, 2008.
- i. Plant Material List, as shown on Sheet 9 of 24, drawn by the Bruce Company and dated February 1, 2008.
- j. Site Lighting Plan, as shown on sheet 10 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- k. Architectural Floor Plan for Parking Level 2, as shown on Sheet 11 of 24, drawn by Potter Lawson, Inc., and dated March 11, 2008.
- l. Architectural Floor Plan for Parking Level 1, as shown on Sheet 12 of 24, drawn by Potter Lawson, Inc., and dated March 11, 2008.
- m. First Floor Architectural Plan, as shown on Sheet 13 of 24, drawn by Potter Lawson, Inc., and dated March 11, 2008.
- n. Second Floor Architectural Plan, as shown on Sheet 14 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- o. Third Floor Architectural Plan, as shown on Sheet 15 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- p. Fourth Floor Architectural Plan, as shown on Sheet 16 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- q. Site Context, as shown on Sheet 17 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- r. Shadow Study, as shown on Sheet 18 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- s. South and East Elevations, as shown on Sheet 19 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- t. North and West Elevations, as shown on Sheet 20 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.
- u. Architectural Rendering at University Bay Drive – Marshall Court Intersection, as shown on Sheet 21 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.

v. Architectural Rendering at University Bay Drive, as shown on Sheet 22 of 24, drawn by Potter Lawson, Inc., and dated January 15, 2008.

w. Perspective Views, as shown on Sheet 23 of 24, drawn by Potter Lawson, Inc., and dated February 12, 2008.

x. Building Signage, as shown on Sheet 24 of 24, drawn by Potter Lawson, Inc., and dated March 11, 2008.

4. The Applicants have submitted the Written Description of Planned Unit Development attached as Exhibit A hereto and incorporated herein.

5. For purposes of this Ordinance, the GDP/SDP Documents and the Written Description of Planned Unit Development attached as Exhibit A shall collectively be the General Development Plan and the Specific Development Plan for the Property pursuant to Section 10-1-33 of the Village Code of Ordinances.

6. On March 11, 2008, 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 and Specific Development Plan with certain conditions.

7. On April 21, 2008 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.

8. 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 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 in section 4 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. Stats. § 62.23(7)(d).

Section 3. The Property shall be developed and used in full compliance with the General Development Plan and the Specific Development Plan. The General Development Plan and the Specific Development Plan shall constitute the zoning regulations for the Property, 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. This ordinance shall not take effect unless an agreement relating to the development of the Property, and preservation of the taxable status of the Property, and that is satisfactory to the Village of Shorewood Hills and the owners of the Property, has been signed by all of the owners of the Property and the Village of Shorewood Hills. If the agreement required by this section has not been executed by the owners of the Property and the Village by 12:00 noon on September 15, 2008, then this ordinance shall automatically, and without any further action, become null and void and of no force or effect. The effective date of this ordinance shall be the date on which such agreement is fully executed by all of the owners of the Property and the Village of Shorewood Hills.

Section 5. Upon the effective date 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-3 (Medical Office-Commercial) District to a PUD (Planned Unit Development) District.

Section 6. Within 12 months after the date this Ordinance is adopted, and before the issuance of any zoning or other permit for the Property, the Applicants shall record this Ordinance, the General Development Plan and the Specific Development Plan, and the agreement required by section 4 of this ordinance, with the Dane County Register of Deeds Office, or this ordinance shall be 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 May 19, 2008, by a vote of ____ in favor, ____ opposed, and ____ not voting.

APPROVED:

Mark Sundquist, Village President

ATTEST:

Colleen Albrecht, Village Clerk