ORDINANCE NO. L-2011-8

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY
LOCATED FROM 2707 THROUGH 2719 MARSHALL COURT, FROM C-3
MEDICAL-OFFICE COMMERCIAL DISTRICT TO A PLANNED UNIT
DEVELOPMENT (PUD) DISTRICT

RECITALS

1. 2715 Marshall Court, LLC (the “Applicant”) has 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 Comprehensive Plan. Pursuant to
Wis. Stat. § 62.23(7)(b), the Village may not zone property Planned Unit Development
District without the consent of the owners.

3. The Applicant has submitted General Development Plan and Specific
Development Plan Documents (collectively the “GDP/SDP Documents”) consisting of
the following items in a collection of 30 sheets:

   a. PUD Rezoning Request by 2715 Marshall Court, LLC: Rich
      Arnesen, dated September 13, 2011.

   b. Memorandum from Knothe & Bruce Architects dated October 7,
      2011.

   c. Legal Description of the Property.

   d. Property Location (aerial map).

   e. Site Plan, Knothe & Bruce Project No. 1114, Drawing No. C-1.0
      dated October 7, 2011.

   f. Plat of Survey & Topographic Survey, Vierbicher Project No.
g. **Existing Conditions**, Vierbicher Project No. 33117686, Drawing No. C-1.2 dated September 12, 2011.

h. **Fire Department Access Lane**, Knothe & Bruce Project No. 1114, Drawing No. C-1.3 dated October 7, 2011.

i. **Site Lighting Plan**, Knothe & Bruce Project No. 1114, Drawing No. C-1.4 dated October 7, 2011.


n. **Overall Landscape Plan and Details**, Knothe & Bruce Project No. 1114, Drawing No. L-1.0 dated September 30, 2011.


r. **First Floor Plan**, Knothe & Bruce Project No. 1114, Drawing No. A-1.2 dated October 7, 2011.


4. On July 12, 2011 the Village Plan Commission considered the application for changing the zoning classification of the property to PUD District. On October 4, 2011, the Village Plan Commission conducted a public hearing on the application. On October 11, 2011, the Plan Commission recommended approving the application, subject to certain conditions.

5. On October 17, 2011, the Village Board held a public hearing on the application for changing the zoning classification of the property to PUD District.

6. The Village Board finds, based upon the criteria set forth in section 10-1-33 of the Village Code of Ordinances, and subject to certain conditions, that changing the zoning classification of the Property to PUD, and approving the GDP/SDP Documents, is consistent with the spirit and intent of the Village’s Zoning Code, is consistent with the Village’s Comprehensive Plan and the Doctor’s Park Neighborhood Plan, has the potential for producing significant community benefits in terms of affordable housing and environmental and aesthetic design, promotes the public health, safety and general welfare of the Village, and allows appropriate use of the Property.

NOW THEREFORE the Village Board of the Village of Shorewood Hills, Dane County, Wisconsin adopts the following ordinance:

Section 1. The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.

Section 2. The zoning classification of the Property is changed to Planned Unit Development District, and the GDP/SDP Documents are approved, pursuant to section 10-1-33 of the Village Code and Wis. Stat. § 62.23(7)(d), and subject to the conditions set forth in section 3 below.

Section 3. The change in the zoning classification of the Property to Planned Unit Development District shall be subject to the following conditions:
A. 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, and may be enforced as any other zoning regulation in the Village of Shorewood Hills. A copy of the General Development Plan and the Specific Development Plan shall be maintained and kept on file by the Village Clerk.

B. All of the current owners of the Property shall notify the Village in writing that they consent to the change in the zoning classification of the Property.

C. The applicant, 2715 Marshall Court, LLC, shall be duly formed and in good standing as a Wisconsin limited liability company.

D. A stormwater management plan meeting the Village’s requirements shall be approved by the Village Engineer.

E. Final plans and specifications for any improvements to public property may differ from what is shown in the GDP/SDP Documents, as determined by the Village.

F. The parcels within the Property shall be combined into a single parcel using a certified survey map approved by the Village and recorded with the Register of Deeds for Dane County, Wisconsin.

G. The change in zoning shall not take effect unless: (1) the applicant purchases the Property; and (2) an agreement relating to the development of the Property, that is satisfactory to the Village and the applicant, has been signed by the applicant, the Village of Shorewood Hills, and any other parties deemed necessary by the Village. The agreement should address the dedication of public right-of-way, the termination of encumbrances on the areas to be dedicated, the preservation of access to neighboring properties during construction, tax increment financing for the development (if any), the affordability of units in the project, the construction of public improvements to serve the development, the taxable status of the Property, and any other issues the Village or the applicant deems necessary or appropriate in connection with the development of the Property.

H. If the conditions in Section 3 B through G (inclusive) of this Ordinance have not been satisfied by 12:00 noon on May 1, 2013, then this Ordinance shall automatically, and without any further action, become null and void and of no further force or effect.
The above and foregoing resolution was duly adopted by the Village Board of the Village of Shorewood Hills at its meeting held on November 21, 2011, by a vote of 6 in favor, 0 opposed, and 0 not voting.

APPROVED:

_________________________________
Mark L. Sundquist, Village President

ATTEST:

_________________________________
Colleen Albrecht, Village Clerk

Attachment:
   Exhibit A  –  Legal Description of the Property
EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION: per Title Commitments

Lot Three (3), Farley Plat, except the Northerly 8 feet thereof, in the Village of Shorewood Hills, Dane County, Wisconsin.
Tax Parcel No: 181/0709-212-0023-5

Lot Four (4), Farley Plat, except the Northerly 8 feet thereof, in the Village of Shorewood Hills, Dane County, Wisconsin.
Tax Parcel No: Part of 181/0709-212-0016-8
Tax Parcel No: 181/0709-212-0034-2

Parking Parcel 1 to be described: A portion of [DESCRIPTION TO BE FURNISHED] the Westerly One Half (W ½) of the following described property: All that portion of the East 983.4 feet of the NE ¼ NW ¼ of said Section 21, lying between a line 25 feet Northeastery of and parallel to the centerline of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way and a line 74.5 feet Northeastery of and parallel to said centerline, more fully described as follows: Commencing at the North Quarter corner of said Section 21; thence South 0°08'16" East along the East line of the NE ¼ of said Section 21, 428.03 feet; thence North 72°41'10" West, 515.22 feet to the point of beginning of this description; thence South 0°08'16" East, 51.73 feet; thence North 72°41'10" West, 159.90 feet, said line being parallel to and 25 feet perpendicular to the centerline of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence North 0°08'16" West, 51.73 feet; thence South 72°41'10" East, 159.90 feet to the point of beginning of this description.

Tax Parcel No: Part of 181/0709-212-0076-8

Parking Parcel 2 to be described: The Easterly One Half (E ½) of the following described property: All that portion of the East 983.4 feet of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) of Section Twenty-One (21), Township Seven (7) North, Range Nine (9) East, in the Village of Shorewood Hills, Dane County, Wisconsin, lying between a line 25 feet Northeastery of and parallel to the centerline of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right-of-way and a line 74.5 feet Northeastery of and parallel to said centerline, more fully described as follows: Commencing at the North Quarter corner of said Section 21; thence South 0°08'16" East along the East line of the NW ¼ of said Section 21, 428.03 feet to the point of beginning of this description; then continuing South 0°08'16" East, along said East line, 51.73 feet; thence North 72°41'10" West, 1030.45 feet, said line being parallel with and 25 feet perpendicular to the centerline of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's track; thence North 0°08'16" West, 51.73 feet; thence South 72°41'10" East, 1030.45 feet to the point of beginning of the description, EXCEPT that part thereof described as follows: Commencing at the North Quarter corner of said Section 21; thence South 0°08'16" East along the East line of the NW ¼ of said Section 21, 428.03 feet; thence North 72°41'10" West, 146.00 feet to the point of beginning of this description; thence South 0°08'16" East, 51.73 feet; thence North 72°41'10" West, 159.90 feet, said line being parallel with and 25 feet perpendicular to the centerline of the Chicago, Milwaukee, St. Paul & Pacific Railroad track; thence North 0°08'16" West, 51.73 feet; thence South 72°41'10" East, 159.90 feet to the point of beginning of the description of said excepted part, FURTHER EXCEPT that part adjacent to University Bay Drive which has approximate dimensions of 140' x 62'" [DESCRIPTION TO BE FURNISHED].

Tax Parcel No: Part of 181/0709-212-8016-8

Lot Five (5), Farley Plat, Village of Shorewood Hills, Dane County, Wisconsin, EXCEPT the North 8 feet.
Tax Parcel No: 181/0709-212-0045-9