

ORDINANCE NO. L-2012-2

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

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

RECITALS

1. Oak Park Properties of Shorewood Hills 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 a General Development Plan (the “GDP”) consisting of the following items in a collection of 15 sheets:

- a. PUD Rezoning Request by Oak Park Properties of Shorewood Hills LLC, by Scott Frank, dated January 25, 2012.
- b. Correspondence from Architectural Design Consultants, Inc., to Karl Frantz, dated January 25, 2012.
- c. Preliminary Plat of Survey, 11 x 17 sheet numbered C100, prepared by Professional Engineering, Inc., dated 2-20-12.
- d. Site Plan, 11 x 17 sheet numbered C101, prepared by Professional Engineering, Inc., dated 2-21-12.
- e. Grading Plan, 11 x 17 sheet numbered C200, prepared by Professional Engineering, Inc., dated 2-21-12.

- f. Utility Plan, 11 x 17 sheet numbered C300, prepared by Professional Engineering, Inc., dated 2-21-12.
- g. Sun Study, 9:00 a.m., June 21 - color schematic prepared by Architectural Design Consultants, Inc., Project #11-043, dated 01-25-12.
- h. Sun Study, 3:00 p.m., June 21 - color schematic prepared by Architectural Design Consultants, Inc., Project #11-043, dated 01-25-12.
- i. Sun Study, 9:00 a.m., December 21 - color schematic prepared by Architectural Design Consultants, Inc., Project #11-043, dated 01-25-12.
- j. Sun Study s, 3:00 p.m., December 21 - color schematic prepared by Architectural Design Consultants, Inc., Project #11-043, dated 01-25-12.
- k. Concept Rendering, 11 x 17 color sheet, prepared by Architectural Design Consultants, Inc., Project #11-043, dated 1-25-12.
- l. Massing from West, 11 x 17 color sheet, prepared by architectural Design Consultants, Inc., Project #11-043, dated 1-25-12.

4. On January 10, 2012, the Village Plan Commission considered the application for changing the zoning classification of the property to PUD District, and approving the GDP. On February 14, 2012, the Village Plan Commission conducted a public hearing on the application.

5. On March 13, 2012, the Plan Commission recommended approving changing the zoning classification of the Property to PUD, and approving the GDP, subject to certain conditions.

6. On March 19, 2012, the Village Board held a public hearing on the application for changing the zoning classification of the property to PUD District, and approving the GDP.

7. 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, is consistent with the spirit and intent of the Village's Zoning Code, is consistent with the Village's Comprehensive Plan and the Pyare Neighborhood Plan, has the potential for producing

significant community benefits in terms of housing, 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 that portion of the Property that is located within the corporate limits of the Village of Shorewood Hills is changed to Planned Unit Development District, and the GDP is 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. A Specific Development Plan for the Property shall be approved.
- B. The Property shall be developed and used in full compliance with the General Development Plan and a Specific Development Plan. The General Development Plan and a 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 a Specific Development Plan shall be maintained and kept on file by the Village Clerk.
- C. No development of the Property, other than that approved by the General Development Plan and an approved Specific Development Plan, shall be permitted, except in accordance with the Village's zoning regulations, which may require approval of an amended General Development Plan, approval of an amended Specific Development Plan, or both.
- D. 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.
- E. The applicant, Oak Park Properties of Shorewood Hills, LLC, shall be duly formed and in good standing as a Wisconsin limited liability company.
- F. A stormwater management plan meeting the Village's requirements shall be approved by the Village Engineer.

- G. The owner of the lands to the West of the Property shall grant an easement to the Village, satisfactory to the Village, allowing for emergency access to the westerly side of the Property.
- H. 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 must address increment financing for the development (if any), 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.
- I. If the conditions in Sections 3.A. and 3.C. through 3.G. (inclusive) of this Ordinance have not been satisfied by 12:00 noon on March 19, 2013, then this Ordinance shall automatically, and without any further action, become null and void and of not 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 April 25, 2012, by a vote of 5 in favor, 0 opposed, and 0 not voting.

APPROVED:

By _____
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

Parcel I: Part of the unplatted portion of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of Section 17; thence North 00 degrees 26' 10" East 32.83 feet; thence North 89 degrees 49' 42" West 392.63 feet to the point of beginning of this description; thence North 89 degrees 49' 42" West 125.00 feet; thence North 00 degrees 14' 10" West, 463.43 feet; thence along a curve to the right whose radius is 17,138.55 feet and whose long chord bears North 80 degrees 31' 20" East, 126.63 feet; thence South 00 degrees 14' 10" East, 484.66 feet to the point of beginning.

Parcel II: Part of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 26' 10" East for a distance of 32.83 feet to the North right of way line of University Avenue; thence North 89 degrees 49' 42" West along the said right of way line for a distance of 392.63 feet to the Southeast corner of property of Pyare Square Company; thence North 00 degrees 14' 10" West along the East line of aforementioned property a distance of 484.66 feet to a point on the Southerly right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad and the point of beginning of this description; thence Easterly along said right of way by the arc of a circle curving to the right having a radius of 17,138.55 feet a distance of 355 feet more or less to a point which is 40 feet Westerly of the North-South 1/4 line of said Section 17; thence South 00 degrees 14' 10" East on a line parallel to and 40 feet from the aforementioned North-South 1/4 line, a distance of 65 feet more or less; thence Westerly and parallel to and 65 feet from the aforesaid right of way line of Chicago, Milwaukee, St. Paul & Pacific Railroad a distance of 355 feet, more or less, to a point on the East line of aforementioned property of Pyare Square Company; thence North 00 degrees 14' 10" West a distance of 65 feet more or less, to the point of beginning.

Parcel III: Part of the Southwest 1/4 of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, described as follows: Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 26' 10" East 32.83 feet; thence North 00 degrees 14' 10" West 479.63 feet to the point of beginning of this description; thence on a curve to the left which has a radius of 17,073.55 feet and a long chord South 81 degrees 58' 30" West, 40.37 feet; thence North 00 degrees 14' 10" West 65.62 feet; thence along a curve to the right which has a radius of 17,138.55 feet and a long chord North 81 degrees 58' 50" East, 40.37 feet; thence South 00 degrees 14' 10" East 65.62 feet to the point of beginning.

Parcel IV: All that part of the Southeast 1/4 of the Southwest 1/4 of Section 17, Township 7 North, Range 9 East, in the City of Madison, Dane County, Wisconsin, described as follows: Beginning at a point in the intersection of the South line of the grantor's right of way with the East line of said Southeast 1/4 of the Southwest 1/4 of Section 17; thence Southwesterly along said grantor's Southerly right of way line a distance of 524 feet; thence Northerly, parallel with the East line of said Southeast 1/4 of the Southwest 1/4 of Section 17 to a point 25 feet Southerly of, measured radially, the centerline of grantor's maintrack; thence Northeasterly, along a line 25 feet Southerly of, measured radially, the centerline of the grantor's main tract to the East line of said Southeast 1/4 of the Southwest 1/4 of Section 17; thence Southerly along a straight line of the point of beginning. Also described as all of railroad right of way adjacent to and between Parcels 1,2, and 3, and a line 25.00 feet South of and parallel with the railroad centerline and located in the Southwest 1/4 of Section 17, Township 7 North, Range 9 East, in the City of Madison, Dane County, to—wit: Commencing at the South 1/4 corner of said Section 17; thence North 00 degrees 26' 10" East 32.83 feet; thence North 00 degrees 14'10" West 545.25 feet to the South line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right of way, said point being the point of beginning of this description; thence Southwesterly along said South line, on a curve to the left which has a radius of 17,138.55 feet and a chord which bears South 81 degrees 10' 47" West, 523.48 feet; thence North 00 degrees 14' 10" West 25.46 feet to a point on a curve; thence Northeasterly on a curve to the right which has a radius of 5,704.65 feet and a chord which bears North 81 degrees 13' 03" East 523.43 feet; thence South 00 degrees 14' 10" East, 25.11 feet to the point of beginning, excepting therefrom those lands deeded to the Village of Shorewood Hills by Document No. 3262259.

Parcel V: Leasehold Estate created by indenture of lease entered into by and between the Village of Shorewood Hills, as lessor(s) and Lee & Lee Limited Partnership, as lessee(s), dated October 6, 2000, a lease agreement of which was recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on October 30, 2000 as Document No. 3262262 demising premises situated in said County and State and described as follows:

A Parcel of land being the Westerly 150 feet of the Locust Drive right of way in the recorded plat of Garden Homes Addition, located in the Southwest 1/4 of the Southeast 1/4 of Section 17, Township 7 North, Range 9 East, in the Village of Shorewood Hills, Dane County, Wisconsin, Excepting therefrom, any part thereof which lies within the traveled way at the corner of Maple Terrace and Locust Drive in said plat, and together with any extension thereof, extended Easterly to said traveled way.

Property conveyed from Shorewood Hills to Lee & Lee Limited Partnership of Wisconsin. Part of Lot One (1), Certified Survey Map No. 5876, recorded in Volume 28 of Certified Survey Maps, page 5, as Document No. 2148136, in the Village of Shorewood Hills, Dane County, Wisconsin, to wit:

Beginning at the Northwest corner said Lot One (1); thence South 00 degrees 14' 10" East 8.09 feet; thence North 80 degrees 56' 46" East, 187.93 feet; thence North 82 degrees 15' 00" East, 208.70 feet; thence North 00 degrees 14' 10" West 10.00 feet to a point on a curve; thence along a curve to the left which has a radius of 17,073.55 feet and a chord which bears South 81 degrees 21' 34" West 396.88 feet to the point of beginning.