

ORDINANCE NO. L 2015-1

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY
LOCATED AT 2701 and 2705 MARSHALL COURT UNIVERSITY AVENUE
FROM C-3 MEDICAL-OFFICE COMMERCIAL DISTRICT
TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

RECITALS

1. 700 University Bay Drive, 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 of documents:

- A. Application dated February 11, 2015.
- B. Sections A, B and C of the letter dated February 11, 2015, from J. Randy Bruce to Karl Frantz, but not including the referenced Certified Survey Map.
- C. Map of Project Area, sheet numbered GDP-1, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- D. General Development Plan, sheet numbered GDP-2, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- E. General Grading Plan, sheet numbered GDP-3, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.

4. The Applicant has submitted a Specific Development Plan (the “SDP”) consisting of the following of documents:

- A. Section D of the letter dated February 11, 2015, from J. Randy Bruce to Karl Frantz.
- B. Alta Survey, sheet numbered C-1.0, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- C. Row Exhibit, sheet numbered C-1.0A, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- D. Site Plan, sheet numbered C-1.1, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- E. Existing Conditions, sheet numbered C-1.2, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- F. Demolition Plan, sheet numbered C-1.3, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- G. Fire Department Access Plan, sheet numbered C-1.4, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- H. Site Lighting Plan, sheet numbered C-1.5, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- I. Grading and Erosion Control Plan, sheet numbered C-1.6, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- J. Utility Plan, sheet numbered C-1.7, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- K. Detail Sheet, sheet numbered C-1.8, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- L. Landscape Plan, sheet numbered L-1.0, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- M. Planting Detail and Notes, sheet numbered L-2.0, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.

- N. Parking Level 2 Floor Plan, sheet numbered A-1.P1, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- O. Parking Level 1 Floor Plan, sheet numbered A-1.P2, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- P. First Floor Plan, sheet numbered A-1.1, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- Q. Second Floor Plan, sheet numbered A-1.2, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- R. Third Floor Plan, sheet numbered A-1.3, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- S. Fourth Floor Plan, sheet numbered A-1.4, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- T. Elevations, sheet numbered A-2.1, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- U. Elevations, sheet numbered A-2.2, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- V. Site Plan, sheet numbered A-2.3, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- W. Exterior Elevations, sheet numbered A-2.4, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.
- X. Exterior Elevations, sheet numbered A-2.5, prepared by Knothe & Bruce Architects, Project No. 1424, dated February 11, 2015.

5. On January 13, 2015, the Village Plan Commission conducted a public hearing on the application.

6. On January 26, 2015, the Village Plan Commission recommended changing the zoning classification of the Property to PUD, and recommended approving the GDP and SDP.

7. On February 16, 2015, the Village Board considered the application for changing the zoning classification of the property to PUD District, and considered approving the GDP and SDP.

8. 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 and SDP, 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 housing and commercial uses, will substantially increase the Village's tax base, and promotes the public health, safety and general welfare of the Village.

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. Subject to the conditions set forth in sections 3, 4 and 5 below, the zoning classification the Property is changed to Planned Unit Development District, and the GDP and SDP are approved, pursuant to section 10-1-33 of the Village Code and Wis. Stat. § 62.23(7)(d).

Section 3. The GDP is approved subject to the following condition that shall be deemed part of the GDP: Parking stalls on the Property are restricted to use by persons who reside on Marshall Court, and to persons whose place of employment is located on Marshall Court, and to persons whose place of employment is the office building known as and located at 800 University Bay Drive.

Section 4. The SDP is approved subject to the following conditions related to signs, which conditions shall be deemed part of the SDP:

- A. No signage shall be allowed on any awnings other than the "Sign Type 2" areas as shown on submitted plans, unless expressly permitted by the Village Plan Commission as part of an SDP modification.
- B. No business shall have more than one sign per frontage (frontages being Marshall Court, University Bay Drive, and University Avenue).

- C. Further detail must be provided as to the precise location and height of both “Sign Type 5” signs for staff approval so that staff may ensure that the signs have sufficient setbacks from the property line and to ensure that the northern sign will not obstruct driver views of the sidewalk or pedestrians from the alley exit.
- D. Ground Sign Type 4 shall be no taller than five feet and shall be set back at least three feet from the property line to provide visibility for bike path users approaching the 700 University Bay Drive sidewalk connection.
- E. Sign Type 3, if a lighted sign, shall only be lit by LED backlight “halo” type lighting (the type of sign that was used for Park Bank at Walnut Grove) to create a more subtle impact than channel lit letters. Sign Type 3 shall have one color for lettering and one for the background, and lighting shall be of a single color, unless otherwise expressly approved by the Village at the time of a sign permit submittal.
- F. All final sign designs shall be submitted to the Village to ensure compliance with approved PUD zoning and for issuance of a sign permit.
- G. Cabinet signs are prohibited, except for business logos. All signage will be limited to business name and logo only or building identification signage, with the exception of the Sign Type 5 directional signs.
- H. All canister-type letters will be individually lit with concealed LED lighting sources.
- I. The following are prohibited: exposed lighting sources such as neon or individual LEDs, moving or rotating signs, sign employing moving or flashing lights, electronic message boards, signs that have exposed attachment devices/clips/wiring/transformers and/or ballast boxes, sign manufacturer or installer names/stamps/decals, signs painted onto the building surface, signs made of material that will not weather well (such as wood), and un-edged or uncapped plastic letters.
- J. Signs or window coverings shall not be placed to obstruct ground-floor windows without the approval of the Village.

- K. Any temporary or movable signage shall be submitted to the Village for review and approval.

Section 5. The change in the zoning classification of the Property to Planned Unit Development District shall not be effective until the following conditions have been satisfied:

- A. The applicant or its assignee shall acquire ownership of all of the Property.
- B. A stormwater management plan meeting the Village's requirements shall be approved by the Village Engineer.
- C. The applicant shall obtain Village approval of, and record, a Certified Survey Map in substantially the same form as the Certified Survey Map recommended for approval by the Plan Commission on January 13, 2015. Approval of this Ordinance does not constitute approval of the Certified Survey Map.
- D. An agreement relating to the development of the Property, that is satisfactory to the Village and the applicant, must be signed by the applicant, the Village of Shorewood Hills, and any other parties deemed necessary by the Village. The agreement must address tax increment financing for the development (if any), the provision of affordable housing, the taxable status of the Property, and any other issues the Village or the applicant deem necessary or appropriate in connection with the development of the Property.

Section 6. 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 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.

Section 7. If the conditions in Sections 5.A. through 5.D. (inclusive) of this Ordinance have not been satisfied by 12:00 noon on May 16, 2015, or such later date as the Village Board may approve, this Ordinance shall automatically, and without any further action, become null and void and of not further force or effect.

The above and foregoing ordinance was duly adopted by the Village Board of the Village of Shorewood Hills at its meeting held on March 16, 2015, by a vote of _____ in favor, _____ opposed, and _____ 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

Part of Lot 1 and Lot 2, Farley Plat and Lands located in the NE1/4 of the NW1/4 of Section 21, T7N, R9E, Village of Shorewood Hills, Dane County, Wisconsin to-wit: Commencing at the North 1/4 corner of said Section 21; thence N89°35'34"W, 259.57 feet along the North line of said NW1/4; thence S00°24'27"W, 235.95 feet to the Northwest corner of said Lot 2 also being the point of beginning; thence S72°14'32"E, 147.00 feet along the North line of said Lot 2 to the Northwest corner of said Lot 1; thence S85°30'09"E, 67.16 feet along the North line of said Lot 1; thence S44°23'48"E, 29.74 feet to a point on the East line of said Lot 2 also being a point of curve; thence Southerly along a curve to the right which has a radius of 1292.50 feet and a chord which bears S01°13'26"E, 68.48 feet; thence S00°17'39"W, 44.40 feet along said East line to the Southeast corner of said Lot 1; thence N72°21'11"W, 21.17 feet along the South line of said Lot 1; thence S09°56'54"W, 6.34 feet; thence S87°38'22"W, 88.00 feet; thence S00°17'39"W, 13.62 feet to the Northerly right-of-way line of the Wisconsin and Southern Railroad; thence N72°18'04"W, 160.07 feet along said Northerly right-of-way line; thence N00°15'42"E, 51.61 feet to the Southwest corner of said Lot 2; thence N17°51'06"E, 106.13 feet along the West line of said Lot 2 to the point of beginning. Containing 37,840 square feet (0.869 acres).