

AN ORDINANCE AMENDING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR MARINA LANE, PARCELS VA-132-13, VA-132-15, AND VA-132-16

THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON DOES ORDAIN AS FOLLOWS:

WHEREAS, Developers have filed an Application and proposed revised site plan with the Village of Ashwaubenon for a second amendment to an existing Planned Unit Development (PUD) Overlay Zoning District (Ordinance No. O11-4-24 adopted November 26, 2024 and First Amendment Ordinance No. O9-2-25 adopted September 2, 2025) on Parcels VA-132-13, VA-132-15, and VA-132-16, located in the Village of Ashwaubenon, Wisconsin; and

WHEREAS, the Village Plan Commission has reviewed the proposed second PUD amendment and site plan which will specifically allow for the addition of a Community Based Residential Facility (CBRF) for memory care and a three story 61 unit senior (55+) apartment building without a supportive care designation (“Revised Uses”), in accordance with Section 17-2-600, PUD Review Procedure of the Village of Ashwaubenon Municipal Code; and

WHEREAS, the Village Board of Trustees of the Village of Ashwaubenon has received the recommendation of the Village Plan Commission approving the PUD Application to allow for the Revised Uses and amended site plan of the property and has scheduled a public hearing on the matter then to be decided by the Village Board of Trustees; and

WHEREAS, the Village Clerk has published a Notice of Public Hearing regarding the proposed PUD Application to allow for the Revised Uses and amended site plan of the property and has maintained at her office during regular business hours the PUD Zoning Overlay Amendment Application for the specific property; and

WHEREAS, pursuant to the above-mentioned notice, a public hearing has been held at the Village Hall on the 23rd day of June 2026 at 5:30 p.m., whereupon the Village Board of Trustees heard all interested parties and/or their agents and attorneys.

NOW THEREFORE, the Village Board of Trustees of the Village of Ashwaubenon, does hereby ordain as follows:

SECTION 1. Pursuant to Section 17-2-600 PUD Review Procedure and Section 17-3-500(B)(6) Planned Unit Development (PUD), Ashwaubenon Municipal Code, together with the zoning map and statutory authority referred to therein, a Planned Unit Development (PUD) Overlay Zoning District is hereby amended on the following described property (see map attached hereto as Exhibit A):

Parcel Numbers: VA-132-13, VA-132-15, and VA-132-16
The underlying Zoning District in the PUD is B-3 Community Business.

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SECTION 2. That a Planned Unit Development Overlay Zoning is approved to allow for a Community Based Residential Facility (CBRF) for memory care and three story 61-unit senior (55+) apartment building without a supportive care designation.

SECTION 3. Pursuant to Section 17-3-500(B)(6) of the Ashwaubenon Municipal Code, the following conditions are imposed:

1. General Conditions – All requirements of the underlying B-3 Community Business and all other Village Code Requirements shall be in effect unless specially listed below.
 - a. Allowable Uses
 - i. One Community Based Residential Facility (CBRF) for memory care, one 3-story 61-unit senior (55+) apartment building without a supportive care designation, pickleball court, refuse enclosure, off-street parking, and lawn.
 - b. Site Plan
 - i. The site plan shall be substantially similar to the attached Exhibit B including any additional improvements in the listed conditions of approval.
 - ii. Minor revisions to the site plan meeting the criteria under Section 17-2-600(J)(1) may be authorized by Village Staff.
2. Timelines
 - a. Construction must commence within twelve months from the date of PUD ordinance amendment approval as required under Section 17-2-600(H) Ashwaubenon Municipal Code.
 - b. Construction consistent with the approved plans shall be completed no later than June 30, 2029.
 - c. Requested extensions to the identified dates shall be submitted in writing and reviewed and acted upon by the Ashwaubenon Village Board.

SECTION 4. The provisions of this ordinance, including without limitation to all obligations, conditions, restrictions, and limitations related thereto, shall run with, and shall be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall constitute a covenant running with the land and shall automatically be assigned to be binding upon and inure to the benefit of the owners' successors and assigns, including without limitation any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

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SECTION 5. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit, and the plans identified therein, had been set forth in its entirety in the body of this ordinance.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. In addition to all other remedies available to the Village of Ashwaubenon, the Village may decline to issue any building or other permits otherwise required by any ordinance of this Village while any violation of this ordinance remains uncured.

SECTION 8. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the Village of Ashwaubenon that all provisions of this ordinance are separable.

SECTION 9. Nothing in this ordinance shall be deemed a waiver or limitation of any Village immunity, power or authority conferred by law including but not limited to special assessments and special charges.

SECTION 10. This ordinance shall take effect upon its adoption and publication.

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the 23rd day of June 2026.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____
Mary Kardoskee, Village President

ATTEST:

Wendy Helgeson, Clerk

{SEAL}

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Motion to Approve/Deny Ordinance No. O4-5-26 made by: _____ seconded by: _____

Votes:

Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)	C. Telford			
President	M. Kardoskee			

Date of Publication:

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Exhibit A: PUD SECOND AMENDMENT BOUNDARIES



