

Ordinance Amending 2325 and 2351 Holmgren Way PUD

AN ORDINANCE APPROVING AN AMENDMENT TO AN EXISTING PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR 2325 AND 2351 HOLMGREN WAY, PARCELS VA-116-6, VA-116-7 AND VA-116-8-1 TO REVISE THE ALLOWABLE USES FOR A DRIVE-THRU LOCATED AT 2325 HOLMGREN WAY, SUITE 130

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

WHEREAS, Developers have filed an Application with the Village of Ashwaubenon for a proposed amendment to revise the allowable uses for a drive-thru at 2325 Holmgren Way, Suite 130 of an existing Planned Unit Development (PUD) Overlay Zoning District Ordinance No. O6-1-06 adopted June 13, 2006, Ordinance O9-2-13 adopted September 27, 2013, Ordinance No. O8-1-20 adopted August 25, 2020 and Ordinance No. O8-1-2023 August 22, 2023 for Parcels VA-116-6, VA-116-7, and VA-116-8-1, located in the Village of Ashwaubenon, Wisconsin; and

WHEREAS, the Plan Commission has reviewed the Application and Preliminary Development Plan and other submittals for the proposed amendment to the allowable uses for a drive-thru at 2325 Holmgren Way, Suite 130 of the existing Planned Unit Development 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 Application for proposed amendment to the allowable uses for a drive-thru at 2325 Way, Suite 130 of the existing Planned Unit Development Overlay District of the property described below 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 amendment to the allowable uses for a drive-thru at 2325 Holmgren Way, Suite 130 of the existing Planned Unit Development Overlay District and has maintained at her office during regular business hours the PUD Zoning Overlay Amendment for the specific property recommended for amendment to the allowable uses for a drive-thru at 2325 Holmgren Way, Suite 130 of the existing Planned Unit Development Overlay Zoning;

WHEREAS, pursuant to the above-mentioned notice, a public hearing has been held at the Village Hall on the 28th day of May, 2024 at 6:00 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. That an amendment to the General Conditions of the existing Planned Unit Development Overlay Zoning is approved to revise the allowable uses for a drive-thru at 2325 Holmgren Way, Suite 130.

SECTION 2. That Ordinance No. O6-1-06, Ordinance No. O9-2-13, Ordinance No. O8-1-20 and Ordinance O8-1-23 and all its conditions shall remain in full force in effect with the exception of

Ordinance Amending 2325 and 2351 Holmgren Way PUD

the amendment as set for below, and that pursuant to Section 17-3-500(B)(6) of the Ashwaubenon Municipal Code, as they apply, the following conditions are imposed:

1. General Conditions – All requirements of the underlying B-3 zoning, existing PUD, and all other Village Code Requirements shall be in effect unless specially listed below.
 - a. Permitted Uses
 - vii. Restaurant

SECTION 3. The provisions of this ordinance, including without limitation to all obligations, conditions, restrictions, and limitations related thereto, shall run with, and 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 run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its 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.

SECTION 4. 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 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. 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 7. 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 8. This ordinance shall take effect upon its adoption and publication.

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the 28th day of May, 2024.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____
Mary Kardoskee, Village President

ATTEST:

Ordinance No. O5-1-24

Ordinance Amending 2325 and 2351 Holmgren Way PUD

Kris Teske, Clerk

{SEAL}

Motion to Approve/Deny Ordinance No. O5-1-24 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)	T. Flucke			
President	M. Kardoskee			

Date of Publication:

May 31, 2024