

**CITY OF WAUKESHA****Administration**

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<b>Committee:</b> Common Council	<b>Date:</b> 8/7/2018
<b>Common Council Item Number:</b> ID#	<b>Date:</b> 8/7/2018
<b>Submitted By:</b> Jennifer Andrews, Community Development Director	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator
<b>Finance Department Review:</b> Rich Abbott, Finance Director	<b>City Attorney's Office Review:</b> Brian Running, City Attorney
<b>Subject:</b> Resolution clarifying the intent of the February 15, 1991 Land Use Agreement for Hillcrest Business Center.	

**Details:**

In 1991 the City entered into a land use agreement with the owner and developer of the Hillcrest business park. The agreement acknowledged the land uses identified in the M-3 zoning (which is the zoning in place for the park) and also stated that a extended stay hotel use with restaurant, lounge, meeting and conference space. The property in question was never developed for that purpose. Instead it was developed as a dental clinic which is a permitted use in M-3. The owner is selling the property and the title company is asking the City to clarify that the dental clinic use is permitted and that the intent of the agreement was not to restrict the development to only an extended stay hotel. The staff reviewed the original agreement and believes the intent of the agreement was to allow the extended stay hotel use in addition to the permitted uses found in M-3. The City Attorney has drafted a resolution to clarify that fact.

**Options & Alternatives:**

The dental clinic has been approved and constructed per the M-3 zoning. Not approving the resolution would make the use a nonconforming use. In addition, the building was constructed as a clinic not a hotel so reuse of the building as a hotel is infeasible.

**Financial Remarks:**

No financial impact

**Executive Recommendation:**

Approve the resolution as presented.

