CITY OF STOUGHTON, 207 S. Forrest St., Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION OF A PORTION OF THE TOWN OF DUNN TO THE CITY OF STOUGHTON, DANE COUNTY, WISCONSIN			
Committee Action:	Plan Commission recommends Council approval 5 - 2		
Fiscal Impact:	$0		
File Number:	O-26-2019	**First Reading:**	November 26, 2019
		Second Reading:	December 10, 2019

RECITALS

A. DVORAK INVESTMENTS II, LLC ("Owner") owns land in the Town of Dunn as described in Exhibit A (the "Territory") and is seeking to annex the Territory to the City of Stoughton, pursuant to Wis. Stat. § 66.0217(2).

B. The City of Stoughton Plan Commission has recommended that the Territory be annexed to the City, and that the Territory be assigned a temporary zoning classification of RH- Rural Holding.

C. The proposed annexation is in the process of being reviewed by the Wisconsin Department of Administration.

D. The annexation represents approximately 51.315 acres from the Town of Dunn.

NOW, THEREFORE, the Common Council of the City of Stoughton, Dane County, Wisconsin, does ordain as follows:

ORDINANCE

1. Recitals. The above recitals are material to and are incorporated in this Ordinance.

2. Territory Annexed. The Territory is annexed to the City of Stoughton pursuant to Wis. Stat. § 66.0217(2).

3. Effect of Annexation. From and after the effective date of this ordinance, the Territory shall be a part of the City of Stoughton for any and all purposes provided by

law, and all persons coming or residing within such Territory shall be subject to all ordinances, rules, and regulations governing the City of Stoughton.

4. Temporary Zoning Designation. The Territory shall be temporarily zoned R-H Rural Holding.

5. Ward Designation. The Territory shall be added to Ward No. 16 of the City of Stoughton.

6. Clerk Duties. The City Clerk is hereby directed to publish notice of and provide copies of this Ordinance in accordance with the applicable Wisconsin Statutes.

7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

APPROVED:

By:_____
Tim Swadley, Mayor

ATTEST:

_____
Holly Licht, City Clerk

APPROVED: _____
PUBLISHED: _____

ANNEXATION PETITION

UNANIMOUS PETITION FOR DIRECT ANNEXATION UNDER § 66.0217(2), WIS. STATS.

To the City Council of the City of Stoughton, Dane County, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described on Exhibit A attached hereto to the City of Stoughton, Dane County, Wisconsin, whereby said territory would be detached from the Town of Dunn, Dane County, Wisconsin, pursuant to § 66.0217(2), Wis. Stats.

2. Attached hereto as Exhibit B is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City and includes a graphic scale on the face of the map.

3. The current population of the territory proposed to be annexed is 0.

4. This petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

Owners of All Lands Within the Territory Proposed to be Annexed:

Name of Owner: Dvorak Investments II, LLC

Address of Owner: 1081 Eagle Court
Edgerton, WI. 53534

Date of Signing: May 7, 2019

Signature: By: _____
Robert H. Dvorak,
Authorized Member

EXHIBIT A

RHD Properties LLC
Annexation Legal Description

Parcel 1:

A part of the Northeast ¼ of the Southeast ¼ and a part of the Southeast ¼ of the Northeast ¼ all within Section 36, Township 6 North, Range 10 East in the Town of Dunn, Dane County, Wisconsin. More particularly described as follows:

Commencing at the East ¼ corner of said Section 36; thence South 01°22'47" West along the East line of the Southeast ¼ of said Section 36, a distance of 66.01 feet to the Point of Beginning; thence continuing South 01°22'47" West along the East line of the Southeast ¼ of said Section 36, a distance of 1246.53 feet to the Southeast corner of the said Northeast ¼ of the Southeast ¼; thence North 89°42'12" West along the South line of the said Northeast ¼ of the Southeast ¼, a distance of 1311.99 feet to the Southwest corner of the said Northeast ¼ of the Southeast ¼; thence North 01°11'51" East along the West line of the said Northeast ¼ of the Southeast ¼, a distance of 1319.32 feet to the Northwest corner of the said Northeast ¼ of the Southeast ¼; thence North 01°17'52" East along the West line of the said Southeast ¼ of the Northeast ¼, a distance of 1091.70 feet to a point on the Southwesterly right-of-way of USH 51; thence along the Southwesterly right-of-way of USH 51 the following courses:

1) Thence South 51°30'25" East, a distance of 181.94 feet;
2) Thence South 36°34'32" East, a distance of 155.24 feet;
3) Thence South 51°30'25" East, a distance of 200.00 feet;
4) Thence South 68°12'22" East, a distance of 104.40 feet;
5) Thence South 51°30'25" East, a distance of 316.16 feet to a point at the intersection of the westerly property line of lands owned by Wisconsin Department of Transportation;

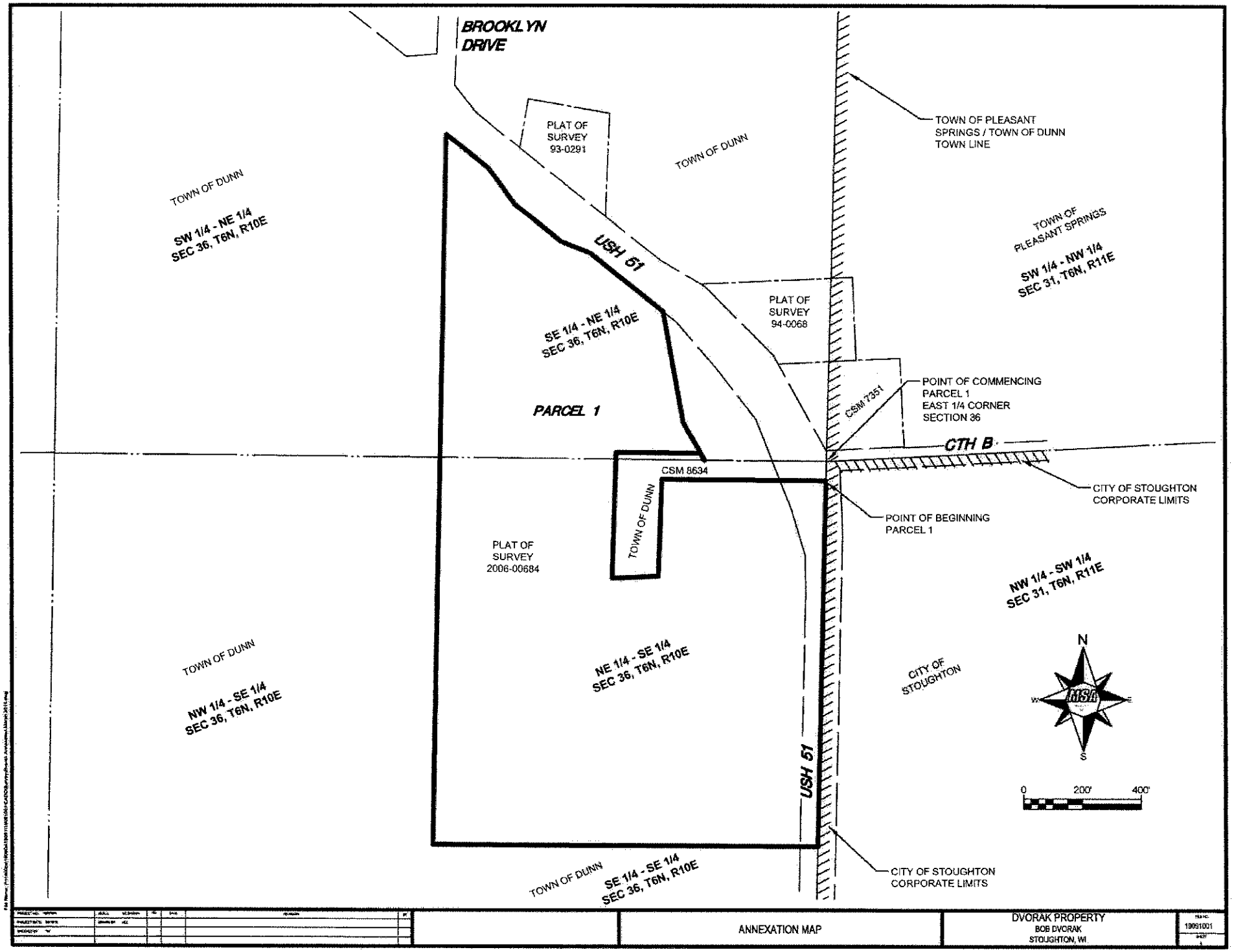
Thence leaving the said right-of-way of USH 51 South 10°09'19" East along the westerly property line of lands owned by the Wisconsin Department of Transportation, a distance of 381.88 feet; thence South 29°57'19" East along the westerly property line of lands owned by the Wisconsin Department of Transportation, a distance of 146.40 feet to a point on the North line of Lot 1 of Certified Survey Map No. 8634 recorded in Volume 47, Pages 224-225 as Document No. 2869955; thence along the boundary of said Lot 1 the following courses:

1) Thence North 89°23'36" West, a distance of 1.02 feet;
2) Thence North 30°03'52" West, a distance of 26.76 feet;
3) Thence North 89°24'19" West, a distance of 286.90 feet;
4) Thence South 01°57'05" West, a distance of 428.79 feet;
5) Thence North 87°23'21" East, a distance of 157.87 feet;
6) Thence North 02°11'39" East, a distance of 330.86 feet;
7) Thence South 89°24'19" East, a distance of 402.03 feet to a point on the said Southwesterly right-of-way of USH 51;

Thence leaving the said boundary of Lot 1 of Certified Survey Map No. 8634 and continuing South 89°24'19" East, a distance of 156.96 feet to the Point of Beginning.

Said Parcel contains 2,235,268 square feet or 51.315 acres more or less.

EXHIBIT B


BROOKLYN DRIVE
PLAT OF SURVEY 93-0291
TOWN OF DUNN
TOWN OF PLEASANT SPRINGS / TOWN OF DUNN TOWN LINE
TOWN OF DUNN
SW 1/4 - NE 1/4 SEC 36, T6N, R10E
USH 51
TOWN OF PLEASANT SPRINGS
SW 1/4 - NW 1/4 SEC 31, T6N, R11E
PLAT OF SURVEY 94-0068
SE 1/4 - NE 1/4 SEC 36, T6N, R10E
PARCEL 1
CSM 7351
POINT OF COMMENCING PARCEL 1 EAST 1/4 CORNER SECTION 36
CTH B
CSM 8634
TOWN OF DUNN
CITY OF STOUGHTON CORPORATE LIMITS
POINT OF BEGINNING PARCEL 1
PLAT OF SURVEY 2006-00684
NW 1/4 - SW 1/4 SEC 31, T6N, R11E
TOWN OF DUNN
NE 1/4 - SE 1/4 SEC 36, T6N, R10E
CITY OF STOUGHTON
NW 1/4 - SE 1/4 SEC 36, T6N, R10E
N
W
E
S
0
200'
400'
USH 51
TOWN OF DUNN
SE 1/4 - SE 1/4 SEC 36, T6N, R10E
CITY OF STOUGHTON CORPORATE LIMITS
ANNEXATION MAP
DVORAK PROPERTY
BOB DVORAK
STOUGHTON, WI.
19091001

AMENDED

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
http://doa.wi.gov/municipalboundaryreview

Petitioner Information

Name: **DVORAK INVESTMENTS II, LLC**

Address: **ATTN: ROBERT DVORAK**
1081 EAGLE COURT
EDGERTON, WI 53534

Email: **BOB@RHDPROPERTIES.COM**

Office use only:

RECEIVED
AUG 20 2019
Municipal Boundary Review
Wisconsin Dept. of Admin.

1. Town where property is located: **DUNN**
2. Petitioned City or Village: **STOUGHTON**
3. County where property is located: **DANE**
4. Population of the territory to be annexed: **0**
5. Area (in acres) of the territory to be annexed: **51.315**
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): **028/061038480011 AND 028/061036196516**

Petitioners phone: **608-712-2048**

Town clerk's phone: **608-838-1081**

City/Village clerk's phone: **608-873-6677**

Contact Information if different than petitioner:

Representative's Name and Address:
RUMPF LAW OFFICE, S.C.
ATTN: MICHAEL D. RUMPF
PO BOX 1
CAMBRIDGE, WI 53523
Phone: **608-423-3254**
E-mail: **MRUMPF@RUMPFLAW.COM**

Surveyor or Engineering Firm's Name & Address:
MSA PROFESSIONAL SERVICES, INC.
ATTN: KEVIN LORD
2901 INTERNATIONAL LANE #300
MADISON, WI 53704
Phone: **608-242-7779**
E-mail: **KLORD@MSA-PS.COM**

Required Items to be provided with submission (to be completed by petitioner):

1. ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
2. ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
3. ☐ Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
   - ☐ Unanimous per s. 66.0217 (2), or,

   OR
   - ☐ Direct by one-half approval per s. 66.0217 (3)
5. ☐ Check or money order covering review fee [see next page for fee calculation]

(2012)

Rumpf
Law Office, S.C.

152 W. Main Street | P.O. Box 1 | Cambridge, WI 53523
608.423.3254 | fax 608.423.4570

Michael D. Rumpf
mrumpf@rumpflaw.com

August 15, 2019

Municipal Boundary Review
PO Box 1645
Madison, WI 53701

RE: Dvorak Investments II, LLC Annexation
MBR number 14218

Municipal Boundary Review:

Enclosed please find the following:

1. Copy of your letter dated June 17, 2019 regarding file no. 14218.
2. Copy of an Amended Request for Annexation Review.
3. Copy of the amended legal description.
4. Copy of the amended annexation map.

Please process.

Very truly yours,

Michael D. Rumpf
MDR/s
Encl.
cc: City of Stoughton
Town of Dunn
Robert Dvorak

TONY EVERS
GOVERNOR
JOEL BRENNAN
SECRETARY
Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: **wimunicipalboundaryreview@wi.gov**
Web: **http://doa.wi.gov/municipalboundaryreview**

August 20, 2019 PETITION FILE NO. 14248

HOLLY LICHT, CLERK
CITY OF STOUGHTON
207 S FORREST ST
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY RD B
MC FARLAND, WI 53558-9754

Subject: DVORAK INVESTMENTS ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the TOWN OF DUNN to the CITY OF STOUGHTON (see attached description) must be reviewed pursuant to the statute.

To assist us in making this determination, we urge that you promptly supply the data requested on the enclosed questionnaire (where possible) and return the questionnaire to the department.

The purpose of this questionnaire is to assist the department in determining "Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town...." The statute further stipulates that the department shall study the "shape of the proposed annexation and the homogeneity of the territory with the annexing municipality." In addition, we would appreciate receiving from you any comments or information bearing on governmental services or shape and homogeneity that would indicate whether the annexation is in or against the public interest.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of September 10, 2019. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

For additional information on annexation or other land use issues, visit our web site at http://doa.wi.gov/municipalboundaryreview/.

Sincerely,

Erich Schmidtke

Enclosures

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

August 22, 2019

Municipal Boundary Review – DOA
Attention: Erich Schmidtke
101 E. Wilson Street
P.O. Box 1645, Madison, WI 53701

Re: Dvorak Investments II, LLC Annexation: Petition File No. 14248

Dear Mr. Schmidtke:

I have attached the completed Annexation Review Questionnaire for the above annexation petition. This letter is intended to supplement the responses within the questionnaire.

- The petition area is located within the City's Comprehensive Plan to accommodate urban development as part the City of Stoughton. Our Future Land Use Map (copy included) depicts this area as part of the Northwest Planned Mixed Use Area.
- The petition area is contiguous to a large tract of land south of CTH B on the east side of USH 51 that is already in the City limits.
- While this property is currently not in the Urban Service Area, it is anticipated an Urban Service Area amendment will be pursued to include the petition area as the plan for development evolves. Having this property within the City will bolster the application for an Urban Service Area Amendment.
- As reflected in the questionnaire, this property is currently undeveloped and the Town taxes for five years (total $257) will be paid to the Town.
- Stoughton's development history has provided for compact urban development. Working under the City's Comprehensive Plan and Ordinances, the City will work with the landowner to develop a plan for the petition area. Developing a detailed plan for the area before annexation leaves uncertainty of whether an annexation would be approved in the future.
- Upon annexation, we anticipate the petition area will continue to be used for agricultural purposes until development occurs.
- The City has a full-time Director of Planning & Development and a full-time Assistant Planner/Zoning Administrator. The City utilizes local zoning and subdivision regulations for properties within the City as a tool to implement the City's Comprehensive Plan.
- We anticipate a new ward will be created for the petition area.

Please let me know if you have any follow up questions.

Sincerely,
CITY OF STOUGHTON

Rodney Scheel

Rodney Scheel
Director of Planning & Development

TONY EVERS
GOVERNOR
JOEL BRENNAN
SECRETARY
Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: **wimunicipalboundaryreview@wi.gov**
Web: **http://doa.wi.gov/municipalboundaryreview**

September 10, 2019 PETITION FILE NO. 14248

HOLLY LICHT, CLERK
CITY OF STOUGHTON
207 S FORREST ST
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY RD B
MC FARLAND, WI 53558-9754

Subject: DVORAK INVESTMENTS ANNEXATION

The proposed annexation submitted to our office on August 20, 2019, has been reviewed and found to be in the public interest.

This petition is an amendment to an earlier proposal – MBR #14218 – which was found to be *Against the Public Interest* because it would have created a town island contrary to Wisconsin statutes. Additionally, the Department was unclear whether services could be provided to the area.

In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city…." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide municipal services to the territory, or whether a neighboring community could better provide needed and requested services

The amended petition is for territory that is reasonably shaped and contiguous to the City of Stoughton. The amended petition corrects the prior town island problem by excluding territory to the east and north to connect the former island parcel to the rest of the Town.

Regarding services, the City has provided information from its comprehensive plan which anticipates that this annexation territory will ultimately become part of the City's *Northwest Planned Mixed Use Area*. Some requested City services will be available immediately. Others, such as sewer and water service, will require more time. For example, an Urban Service Amendment is needed to extend sewer and water infrastructure, which the City estimates could take 5 years or more. Clearly no other neighboring community could better provide the requested services to the territory.

The Town again points out that the land use changes motivating this annexation, and the City's designating this area as its *Northwest Planned Mixed Use Area*, run directly counter to the Town's comprehensive plan which designates this territory as *Agricultural Preservation Area*. The two Communities' comprehensive plans lay bare their divergent future land use visions for this area. However, both Communities comprehensive plans are consistent in that both plans recommend creating an intergovernmental boundary

agreement, preserving farmland, promoting compact and orderly development, and implementing joint planning to "keep issues calm and outcomes predictable and mutually beneficial"[1]. Developing a boundary agreement could successfully resolve the Communities' shared land use and service issues. The Town already has an existing boundary agreement with the Village of McFarland, which could serve as impetus and precedent.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14248 with your ordinance.** Ordinance filing checklist available at http://mds.wi.gov/, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: http://mds.wi.gov/View/Petition?ID=2322
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

[1] *City of Stoughton Comprehensive Plan* (2017), page 154

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
http://doa.wi.gov/municipalboundaryreview/

Petitioner: **Dvorak Investments II, LLC**

Petition Number: **14248**

1. Territory to be annexed: From Town of: **Dunn** To City/Village of: **City of Stoughton**

2. Area (Acres): **51.315**

3. Pick one: ☒Property Tax Payments **OR** ☐Boundary Agreement

a. Annual town property tax on territory to be annexed: $**51**
b. Total that will be paid to Town (annual tax multiplied by 5 years): **257**
c. Paid by: ☒Petitioner ☐City ☐Village ☐Other:

a. Title of boundary agreement _____
b. Year adopted ____
c. Participating jurisdictions
d. Statutory authority (pick one)
☐s. 66.0307 ☐s. 66.0225 ☐s. 66.0301

4. Resident Population: Electors: **0** Total: **0**

5. Approximate **present land use** of territory:
Residential: ____% Recreational: ____% Commercial: ____% Industrial: ____%
Undeveloped: **100**%

6. If territory is undeveloped, what is the **anticipated use**?

Residential: **35**% Recreational: **15**% Commercial: **40**% Industrial: **5**%
Other: **5%**

Comments: **The City's Comprehensive Plan includes the annexation area in our Future Land Use Map as part of our Northwest Planned Mixed Use Area.**

7. Has a ☐preliminary or ☐final plat been submitted to the Plan Commission: ☐Yes ☒No
Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village? **Agriculture**

In the town?: **Agriculture**

9. What are the **basic service needs** that precipitated the request for annexation?

☒Sanitary sewer ☒Water supply ☒Storm sewers
☐Police/Fire protection ☐EMS ☒Zoning
Other:

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒Yes ☐No. Town ☐Yes ☒No

If yes, approximate time table for providing service:	City/Village	Town
Sanitary Sewers immediately	☒	☐
or, write in number of years.	5+	____
Water Supply immediately,	☒	☐
or, write in number of years.	5+	____

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?
☒Yes ☐No.

If yes, identify the nature of the anticipated improvements and their probable costs: **Sanitary Sewer & water infrastructure will need to be extended to this area. Once development plans area submitted and as part of the Urban Service Amendment process, the City will evaluate the scope of these improvements along with the timing and funding mechanisms available.**

11. Planning:

1. Do you have a comprehensive plan for the City/Village/Town? ☒Yes ☐No

   Is this annexation consistent with your comprehensive plan? ☒Yes ☐No

   Describe: **The petition area is located within the City's Comprehensive Plan to accommodate urban development as part the City of Stoughton. Our Future Land Use Map depicts this area as part of the Northwest Planned Mixed Use Area**

2. Annual appropriation for planning? $ _____

3. How is the annexation territory now zoned? **County Zoning - A-1(Ex)**

4. How will the land be zoned and used if annexed? **Under City Zoning, Planned Mixed Use which can include: Planned Business, Institutional, Planned Office, Planned Industrial and Multifamily.**

12. Other relevant information and comments bearing upon the public interest in the annexation:

Prepared by: ☐Town ☒City ☐Village

Name: **Rodney Scheel**

Email: **rjscheel@ci.stoughton.wi.us**

Phone: **608-873-6619**

Date: **8-22-2019**

Please **RETURN PROMPTLY** to:
wimunicipalboundaryreview@wi.gov

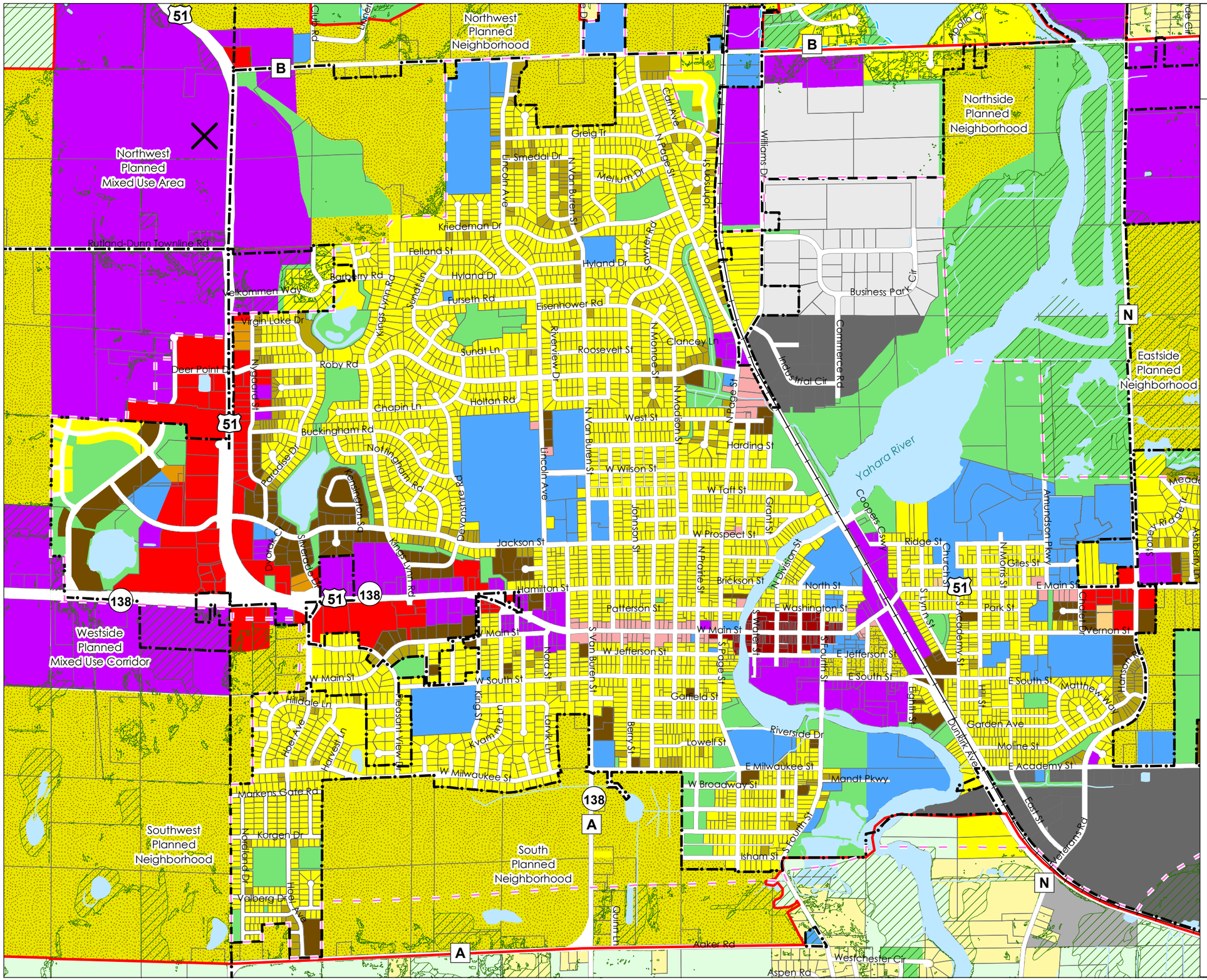
Municipal Boundary Review
PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(April 2013)

City of Stoughton Comprehensive Plan

Map 6a

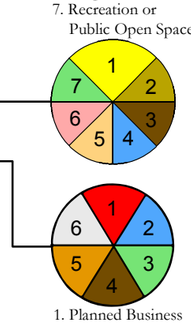


Future Land Use

- Planned Stoughton Urban Development Area**
- 2017 Urban Service Areas
- 2017 Limited Service Areas
- 2017 Municipal Boundaries
- Railroads

Future Land Use

- Agriculture/Rural/Vacant
- Unsewered Residential
- Single Family Residential
- Two Family Residential
- Multi-Family Residential
- Planned Neighborhood
- Central Business
- Planned Mixed Use
- Planned Office
- Neighborhood Office
- Planned Business
- Neighborhood Business
- Planned Industrial
- General Industrial
- Heavy Industrial
- Landfill/Extraction
- Institutional
- Recreation or Public Open Space
- Environmental Corridor (subject to confirmation)*
- Surface Water
- Right-of-Way



1. Single Family Residential
2. Two Family Residential
3. Multi-Family Residential
4. Institutional
5. Neighborhood Office
6. Neighborhood Business
7. Recreation or Public Open Space

1. Planned Business
2. Institutional
3. Recreation or Public Open Space
4. Multi-Family Residential
5. Planned Office
6. Planned Industrial

Shapes on map represent general recommendations for future land use. Actual boundaries between different land use types and associated zoning districts may vary somewhat from representations on this map. Existing (not future) land use pattern shown beyond Planned Development Area.

*Environmental corridors are a composite of the most important natural resources. Individual components consist of most of those elements seen on Map 2: Natural Resources. These include: DNR Wetlands, 100 Year Floodplain, Woodlands, Public Lands, Steep Slopes above 12%, and all other Environmental Corridors as defined by CARPC. Within the Stoughton Urban Service Area, only Corridors defined by CARPC are depicted.

** See Table 9 for Acreage Totals.

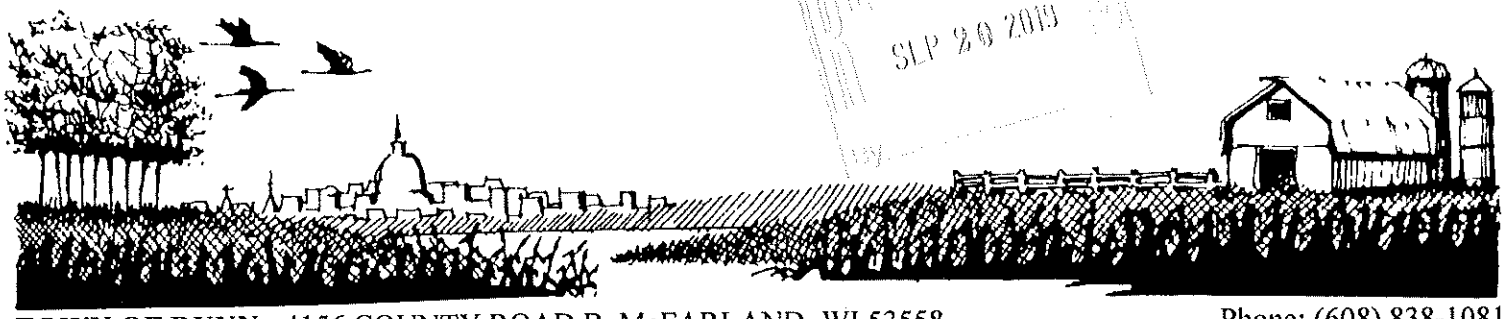
0 0.125 0.25 0.5 Miles

Adopted: July 11, 2017

Sources: Dane County LIO, City of Stoughton, CARPC, FEMA, WI DNR, Madison Area Transportation Planning Board

VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change

N



RECEIVED
SEP 20 2019
BY

TOWN OF DUNN - 4156 COUNTY ROAD B, McFARLAND, WI 53558
Website: www.town.dunn.wi.us
E-mail: townhall@town.dunn.wi.us

Phone: (608) 838-1081
FAX: (608) 838-1085

September 18, 2019

Holly Licht
207 S. Forrest Street
Stoughton, WI 53589

Dear Holly,

Enclosed, you will find Resolution 2019-10 Opposing Amended Annexation Petition File Number 14218, approved by the Town of Dunn Town Board on September 10, 2019.

Please share this letter and Resolution 2019-10 with the appropriate Commissions and Boards in Stoughton. The DOA analysis recommends that the City and Town develop a boundary agreement. The Town and Village of McFarland have an existing boundary agreement that has worked well for both parties and the Town would be open to discussing such an agreement with the City of Stoughton.

Sincerely,

Ben Kollenbroich
Planning & Land Conservation Director
Town of Dunn
608.838.1081 ext. 205

Resolution 2019-10

To Oppose Amended Annexation Petition File Number 14218 for a Unanimous Petition for Direct Annexation from the Town of Dunn to the City of Stoughton in Section 36

WHEREAS, a landowner in the Town of Dunn has filed a unanimous petition for direct annexation of parcels 0610-364-8001-1 and 0610-361-9561-6 to the City of Stoughton; and

WHEREAS, the Town has reached out to the City of Stoughton to develop a boundary agreement and the Town believes it should be afforded the chance to work on this boundary agreement with Stoughton prior to the City considering this annexation petition; and

WHEREAS, in response to the original annexation petition, the Wisconsin Department of Administration wrote that it is unclear if the City of Stoughton can provide needed services to the proposed annexation parcels and the City also indicated that an extension of the Urban Service Area is necessary, but a timeframe for such extension is unknown. Since one of the measures of public interest under s. 66.0217(6)(c) is whether governmental services supplied to the territory proposed for annexation "could clearly be better supplied" by another city, the Town does not believe this threshold has been met; and

WHEREAS, the proposed area to be annexed is roughly one half mile away from the City's current residential boundary, thus meaning in order to provide water or sewer services to the area, the Urban Service Area of Stoughton must be extended, likely resulting in an increase of tax payer burden due to the addition of infrastructure and its associated costs; and

WHEREAS, there is already 185 acres of undeveloped land in the adjacent area and within the City of Stoughton. These lands lie between the proposed annexation territory and the current residential boundary and are closer to the urban service boundary than the proposed annexation area. In order to promote well-planned, high-quality, and compact urban development, development should be focused on areas immediately adjacent to the City of Stoughton's urban service boundary, rather than perpetuating sprawling development; and

WHEREAS, annexation and development of these parcels contradicts the Town's Comprehensive Plan, the Town's Farmland Preservation plan, the City of Stoughton's Comprehensive Plan, and Dane County's Farmland Preservation Plan; and

WHEREAS, nearly 100% of the parcels consist of nutrient-rich, prime soils which are valuable to the area's agricultural economy; and

WHEREAS, annexation of these parcels would expose the lands for the potential of higher-intensity development than what would be allowed in the Town of Dunn. If developed, this may create leap-frogged, sprawled development away from the City's core.

THEREFORE, BE IT RESOLVED That the Town of Dunn Town Board officially goes on record to oppose Amended Annexation Petition File Number 14218.

Dated this 10th day of September 2019.

TOWN OF DUNN

Edmond Minihan, Chair

Attested:

Cathy Hasslinger, Clerk Treasurer

Plan Commission Meeting Minutes
Monday, October 14, 2019 at 6:00 pm
Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Thomas Majewski; Tom Robinson; Tom Selsor; and Brett Schumacher
Members Absent: None
Staff: Rodney Scheel, Director of Planning & Development
Press: None
Guests: Mary Wandtke; John Brigham; Bob Dvorak; Darren Marabelli; Dennis Steinkraus; Jim Bricker

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of September 9, 2019.**
   Motion by **Schumacher** to approve the minutes as presented, 2nd by **Caravello**. Motion carried 7 - 0.

3. **Council Representative Report.** Caravello stated all items from the Plan Commission were approved by Council.

4. **Staff Report - Status of Current Developments.**
   Scheel gave an overview of the current status of developments as outlined in the packet.

5. **Request by Mary Wandtke for final condominium plat approval of the Good View Condominium, 2209 and 2211 Wood View Drive.**
   Scheel explained the request.

   Motion by **Robinson** to recommend the Common Council approve the final plat for the Good View Condominium, 2209 and 2211 Wood View Drive as presented, 2nd by **Caravello**.

   Motion carried 7 - 0.

6. **Request by Dvorak Investments II, LLC for direct annexation of 51.315 acres of land along the west side of US Highway 51 north near County Highway B, from the Town of Dunn.**
   Scheel explained the request.

   Majewski indicated he has some concerns such as other lands recently annexed by Dvorak are not being developed yet; large amount of land annexed that has not been developed yet and if it all gets developed at the same time city services may not be able to keep up; the annexation is premature and the land will sit fallow.

   Mr. Dvorak indicated he is interested in being proactive with this annexation to evaluate the larger region for stormwater, sanitary sewer, water, and USH 51 Corridor Study. The land is intended to remain as farmland until development occurs.

   Barman indicated that adjacent land use plans should be coordinated with the DOT during their Study process.

   The commission discussed the Town of Dunn's opposition to the annexation.

Motion by **Caravello** to postpone action on the annexation request until the next meeting so the City can contact the Town about their concern regarding this annexation and how they see a boundary agreement impacting this request, 2nd by **Majewski**.

Barman reinforced that this annexation request is consistent with the City's Comprehensive Plan

Motion carried 7 – 0.

7. Request by Dr. Daniel Tataje of Stoughton Family Dental for approval of a projecting sign at 101 W. Main Street.
Scheel explained the request.

Barman made a suggestion that the applicant consider increasing the font size especially of the "Family Dental" text to make it more legible.

Motion by **Barman** to approve the signage at 101 W. Main Street as presented, 2nd by **Caravello**.

Motion carried 7 - 0.

8. Introduce Preliminary Plat – The Meadows at Kettle Park West.
Scheel explained the Preliminary Plat. Jim Bricker provided background related to the development of the Preliminary Plat.

Scheel explained that a Preliminary Plat needs to be acted on by the City Council within 90 days of submittal in order to meet Wis. Stats. Scheel provided a potential calendar for consideration as follows:

October 14, 2019 - Plan Commission – Introduce Preliminary Plat
October 22, 2019 – Common Council – Introduce Preliminary Plat
November 11, 2019 – Plan Commission – Hold Public Hearing on Preliminary Plat
Consider Action on Preliminary Plat
December 9 2019 – Plan Commission – Action on Preliminary Plat (unless action was taken on November 11, 2019)
January 14, 2020 – Common Council - Action on Preliminary Plat
(Note: This possible schedule will require an extension by the Developer to exceed the 90-day limit.)

Steinkraus indicated they are willing to grant a reasonable extension.

9. The Meadows at Kettle Park West – Discuss Planned Development Standards for small lot single-family detached district.

Scheel and Bricker discussed potential zoning standards for the small lot single-family detached portions of the Preliminary Plat. The items discussed included:

Plan Commission Meeting Minutes
Monday, November 11, 2019 at 6:00 pm
Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Thomas Majewski; Tom Robinson; Tom Selsor; and Brett Schumacher
Members Absent: None
Staff: Rodney Scheel, Director of Planning & Development; Michael Stacey, Zoning Administrator
Press: None
Guests: Jeff Davis; Chuck Davis; Brad Anderson; Katie Sappey; Emily Bahr; Scott Foley; Natalie Richter; Chris Overson; Bob Dvorak; Dennis Steinkraus; Jim Bricker; and Brittany Rusch.

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of October 14, 2019.**
Motion by **Schumacher** to approve the minutes as presented, 2nd by **Caravello**. Motion carried 7 - 0.

3. **Council Representative Report.** Caravello reported the Good View Condominium Final Plat was approved and the Preliminary Plat Concept for The Meadows at Kettle Park West was discussed including Kettle Park West Phase 2 TIF.

4. **Staff Report - Status of Current Developments.**
Scheel gave an overview of the current status of developments as outlined in the packet. There were no questions.

5. **Request by Dvorak Investments II, LLC for direct annexation of 51.315 acres of land along the west side of US Highway 51 north near County Highway B, from the Town of Dunn. (Tabled on October 14, 2019)**
Scheel explained the request and provided information about the meeting with the Town of Dunn that he and Mayor Swadley had.

Mayor Swadley gave an overview of the meeting with the Town of Dunn.

Caravello asked if a boundary agreement was discussed. Scheel stated it seemed there was a general acknowledgement that natural environmental corridors exist that will limit development to the north and west.

Schumacher questioned if the home in the middle of the annexation area would become part of the future development or would be removed when a roundabout is installed at Hwy 51 and County Road B. Scheel stated the roundabout is not planned to remove the farmstead. At this time, it is not known whether the dwelling would be removed as part of a development plan.

Caravello stated the Dept. of Administration (DOA) recommends the City work with the Town of Dunn on a boundary agreement. Mayor Swadley stated that is something we could look at in the future but does not appear to be necessary now and the DOA includes that statement as a standard in their letters.

Majewski asked if the City worked with the Town so the Comprehensive Plan did not conflict. Scheel stated all the Towns were included in the Comprehensive Planning process. The City

focuses on the 1.5-mile extra-territorial jurisdiction from the current City borders and it is not uncommon for city and town plans to disagree in this overlap planning area. Scheel stated the annexation area is within the 1.5-mile jurisdiction of the City and in the City's Comprehensive Plan for City development.

Motion by **Schumacher** to recommend the Common Council approve the annexation as presented, 2nd by **Barman**.

Caravello would like the City to focus on areas where there is approved urban service area. Majewski and Schumacher agree with Caravello.

Schumacher will support this annexation because he believes it is an important area for the City to have control of since it is the entry to the City.

Mayor Swadley supports the annexation because it allows the City to better plan for future development of that area.

Motion carried 5 – 2 (Majewski and Caravello voted no)

6. Request by Natalie Richter for a conditional use permit (CUP) to allow group daycare and nursery school uses and site plan approval to construct a new building at 1940 Jackson Street.

Scheel explained the request.

Scott Foley of Ultimate Construction explained the existing building is planned to be removed and the existing foundation will be altered for the new building.

Brittany Rusch, Pumpkin Patch Board President summarized the Pumpkin Patch operation.

Schumacher questioned the need to remove the existing building. Scott Foley stated the cost to remodel exceeds the cost to replace; the building has mold and is in very poor condition.

Majewski asked why they don't rent from the Stoughton Schools. Brittany Rusch stated they do not need that much room.

Majewski is concerned about the number of children (60) being dropped off and the traffic it will generate. Brittany Rusch stated children are dropped off at different times during the day and at least 10 children are bused in.

Barman asked if they knew of the history of the building. Scott Foley stated the building was built in the 90's and is pretty rough inside. Natalie Richter, Pumpkin Patch School Director stated the building is not the right size for the number of children they intent to have.

Selsor stated he owns the adjacent 4-unit residential building to the east and lives within Kensington Square so he plans to abstain from voting on this project. Selsor stated some adjacent