CITY OF STOUGHTON, 207 S. FORREST STREET, STOUGHTON, WISCONSIN

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request by Danny Senf for Pizza Hut at 1400 US Highway 51-138, Stoughton, Wisconsin. (Site plan dated 3/3/21)

Committee Action: Plan Commission recommends Common Council approval 6 – 0

Fiscal Impact: None.

File Number:	R-31-2021	**Date Introduced:**	March 23, 2021

The City of Stoughton, Wisconsin, Common Council does proclaim as follows:

WHEREAS, on March 8, 2021 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application by Danny Senf for property at 1400 US Highway 51-138, Stoughton, Wisconsin; and

WHEREAS, the conditional use permit is requested for the following:

- Indoor Commercial Entertainment (restaurant use) and for In-Vehicle Sales and Service (drive-thru).

WHEREAS, the Zoning Administrator has determined:

- The proposed conditional use (the use in general and at the proposed specific location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton comprehensive Plan, zoning ordinance or any other plan;
- The conditional use in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city of other government agency having jurisdiction to guide development;
- The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property;
- The proposed conditional use is located in an area that will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the subject property;
- The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts; and

WHEREAS, the Plan Commission and Common Council determined the proposed conditional use permit will not create undesirable impacts on nearby properties, the environment, nor the community as a whole; now therefore

BE IT RESOLVED, by the City of Stoughton Common Council that the Conditional Use Permit request by Danny Senf for property at 1400 US Highway 51-138 is hereby approved as presented subject to:

- Staff review dated March 3, 2021

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Tim Swadley, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____

S:\MPS-Shared\Resolutions\Pizza Hut CUP.doc

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

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

RODNEY J. SCHEEL
DIRECTOR

Date: February 28, 2021

To: Plan Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator

Subject: Agenda Item for the March 8, 2021 Plan Commission Meeting and Common Council Meeting of March 23, 2021

Request by Danny Senf representing Pizza Hut for approval of a conditional use permit (CUP) for Indoor Commercial Entertainment and In-Vehicle Sales and Service uses including site plan approval at 1400 US Highway 51-138.
This proposal is to renovate a vacant building for a restaurant use with a drive-thru. The use and site appears to meet all necessary Comprehensive Plan and zoning requirements. A public hearing and recommendation to Council is necessary for the CUP. The site plan may be approved by the Plan Commission contingent on the CUP approval. The resolutions, application information and staff review are provided.

PIZZA HUT OF SOUTHERN WISCONSIN, INC.
ROCKFORD PIZZA, LLC
434 S. Yellowstone Drive Suite 101 • Madison, Wisconsin 53719
Phone: (608) 833-2113 • Fax: (608) 833-2977

February 8, 2021

Zoning Board of Appeals
Attn: Michael P. Stacey
207 Forest Ave
Stoughton, WI 53589

Re: Pizza Hut Relocation From 1424 U.S. Hwy 51 to 1400 U.S. Hwy 51

Due to the pandemic, the hospitality dine-in business has changed dramatically. Our loss in restaurant dine-in business has negatively affected our business by 100%. As a result, we are diligently working to offset those business losses by increasing our delivery and carryout sales.

Our income and survival depend on three things:

- Quality products
- User friendly pick-up / carryout
- Expeditious delivery service

The reasons for submitting this request are as follows:

1) Improve user-friendly, convenient carryout service utilizing a pick-up window.
2) Maximize safety for our customers and team members.
3) Reduce operating costs by reducing dine-in capacity.

Where we have installed pick-up windows at other locations, 8 out of 10 carryout customers utilized the window instead of coming into the store for pickup. This greatly reduces any risk pertaining to COVID-19 related concerns.

For the reasons stated above, please consider our request to relocate the existing Pizza Hut from 1400 U.S. Hwy 51 to 1424 U.S. Hwy 51.

Respectfully,

Danny Senf
Vice President, Facilities and Real Estate
Pizza Hut of Southern Wisconsin
434 S Yellowstone Dr, Ste 101, Madison, WI 53719
P 608.669.1869 | **F** 608.833.2977 | **pizzahut.com**

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February 8, 2021

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Attn: Michael P. Stacey
207 Forest Ave
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Attached Information for Zoning and Conditional Use Applications

Type of Business = Pizza Hut Restaurant for dine-in/ carryout pick-up window, and delivery of products.

Type of Activities = Restaurant Dine-in, Carryout, Drive-thru, and Delivery.

1400 U.S. Hwy 51
Current use = vacant building that was used as a restaurant from the time it was built.

1400 U.S. Hwy 51
Proposed use = downsize and relocate existing Pizza Hut for delivery, pick-up window, and minimal seating (30 seats).

Proposed # of Employees:	22
Proposed # of Customers:	Pickup 55
	Delivery 45
	Dine-in 5
Hours of Operation:	Sunday - Thursday 10:30am – 10:30pm
	Friday & Saturday 10:30am – 12:00am
Peak Hours:	11:00am – 2:00pm
	5:00pm – 9-:00pm

City of Stoughton Application for Site Plan Review and Approval (Requirements per Section 78-908)

Applicant Name: Pizza Hut Madison Inc. (Danny Senf)

Applicant Address: 434 Yellowstone Dr. Ste 101 Madison, WI 53719

Applicant Phone and Email: (608)669-1869 Danny.Senf@phsw.net

Property Owner Name (if different than applicant): MSG LLP

Property Owner Phone: Agent (608)669-1869 Danny R. Senf

Subject Property Address: 1424 U.S. Hwy 51 Stoughton, WI

This form is designed to be used by the Applicant as a guide to submitting a complete application for a site plan review *and* by the City to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - III are to be used by the City when processing said application.

I. Record of Administrative Procedures for City Use

Application form filed with Zoning Administrator Date: 02/08/2021

II Application Submittal Packet Requirements for Applicants Use

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application packet for staff review followed by one revised final application packet based upon staff review and comments. The application shall include the following:

- ☑ **(a) A *written description* of the intended use describing in reasonable detail the following:**
  - ☐ Existing zoning district(s) (and proposed zoning district(s) if different).
  - ☐ Comprehensive Plan Future Land Use Map designation(s).
  - ☐ Current land uses present on the subject property.
  - ☐ Proposed land uses for the subject property (per Section 78-206).
  - ☐ Projected number of residents, employees, and daily customers.
  - ☐ Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio.
  - ☐ Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
  - ☐ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 78-701 through 721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.
  - ☐ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII".
  - ☐ Exterior building and fencing materials (Sections 78-716 and 78-718).

- ☐ Possible future expansion and related implications for points above.
- ☐ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

☑ **(c) A *Property Site Plan* drawing which includes the following:**

- ☐ A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer or planner) for project.
- ☐ The date of the original plan and the latest date of revision to the plan.
- ☐ A north arrow and a graphic scale (not smaller than one inch equals 100 feet).
- ☐ A reduction of the drawing provided electronically at 11" x 17".
- ☐ A legal description of the subject property.
- ☐ All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- ☐ All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
- ☐ All required building setback lines.
- ☐ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, utilities and walls.
- ☐ The location and dimension (cross-section and entry throat) of all access points onto public streets.
- ☐ The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance.
- ☐ The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
- ☐ The location of all outdoor storage areas and the design of all screening devices.
- ☐ The location, type, height, size and lighting of all signage on the subject property.
- ☐ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property—including the clear demonstration of compliance with Section 78-707.
- ☐ The location and type of any permanently protected green space areas.
- ☐ The location of existing and proposed drainage facilities.
- ☐ In the legend, data for the subject property on the following

  a. Lot Area

  b. Floor Area

  c. Floor Area Ratio (b/a)

  d. Impervious Surface Area

  e. Impervious Surface Ratio (d/a)

  f. Building height

☑ ☐ **(d) A *Detailed Landscaping Plan* of the subject property:**

- ☐ Scale same as main plan (> or equal to 1" equals 100').
- ☐ Electronic Map at 11" x 17".
- ☐ Showing the location of all required bufferyard and landscaping areas.
- ☐ Showing existing and proposed Landscape Points including fencing.
- ☐ Showing berm options for meeting said requirements.
- ☐ Demonstrating complete compliance with the requirements of Article VI.
- ☐ Providing individual plant locations and species, fencing types and heights, and berm heights.

N/A ☐ ☐ **(e) A *Grading and Erosion Control Plan*:**

- ☐ Scale same as main plan (> or equal to 1" equals 100').
- ☐ Electronic map at 11" x 17"
- ☐ Showing existing and proposed grades including retention walls and related devices, and erosion control measures.

☑ ☐ **(f) *Elevation Drawings* of proposed buildings or remodeling of existing buildings:**

- ☐ Showing finished exterior treatment.
- ☐ With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance.
- ☐ Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 78-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

III. Final Application Packet Information for City Use

Receipt of (8.5" by 11" text and 11" by 17" graphics electronically) copies of complete final application packet by Zoning Administrator

Date: 3/2/21

City of Stoughton Application for Conditional Use Review and Approval (Requirements per Section 78-905)

Applicant Name: Pizza Hut Madison Inc. (Danny Senf)

Applicant Address: 434 Yellowstone Dr. Ste 101 Madison, WI 53719

Applicant Phone and Email: (608)669-1869 Danny R. Senf

Property Owner Name (if different than applicant): MSG LLP

Property Owner Phone: Agent (608)669-1869 Danny R. Senf

Subject Property Address: 1424 U.S. Hwy 51 Stoughton, WI

This form is designed to be used by the Applicant as a guide to submitting a complete application for a conditional use review *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application. (See conditional use review and approval procedures attached)

I. Record of Administrative Procedures for City Use

Application form filed with Zoning Administrator — Date: 02/08/2021

Application fee of $ $310 + 455 received by Zoning Administrator — Date: 02/08/2021

II Application Submittal Packet Requirements

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application for staff review at least 30 days prior to a Planning Commission meeting, followed by one revised draft final application packet based upon staff review and comments. The final application materials are required to be submitted at least 2 weeks prior to the Planning Commission meeting.

Initial Packet

(1 electronic 11 x 17 copy of plans to Zoning Administrator) — Date: _____

Final Packet

(1 electronic 11 x 17 copy of plans

and if necessary one large scalable copy of plans to Zoning Administrator) — Date: 3/2/21

(a) A map of the proposed conditional use:

- ☑ Showing all lands under conditional use consideration.
- ☑ All lot dimensions of the subject property provided.
- ☑ Graphic scale and north arrow provided.

(b) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(c) A site plan (conforming to the requirements of Section 78-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a large development (per Sections 78-205(11)). A proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 78-908.

(d) Written justification for the proposed conditional use indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-905(5)(c)1.-6, as follows.

III Justification of the Proposed Conditional Use Request.

1. How is the proposed conditional use and location in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted?

Existing Location is in harmony we are just relocation operation.

2. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 78-905(4)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map or ordinance adopted?

No

3. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the surroundings of the subject property?

4. Is the proposed conditional use located in an area that will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

Yes

5. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 78-905(5)(c)1-5.), after taking into consideration any proposed options to minimize such impacts?

IV. Application Information for City Use

Notified Neighboring Property Owners (within 300 feet) Date: 2/15/21

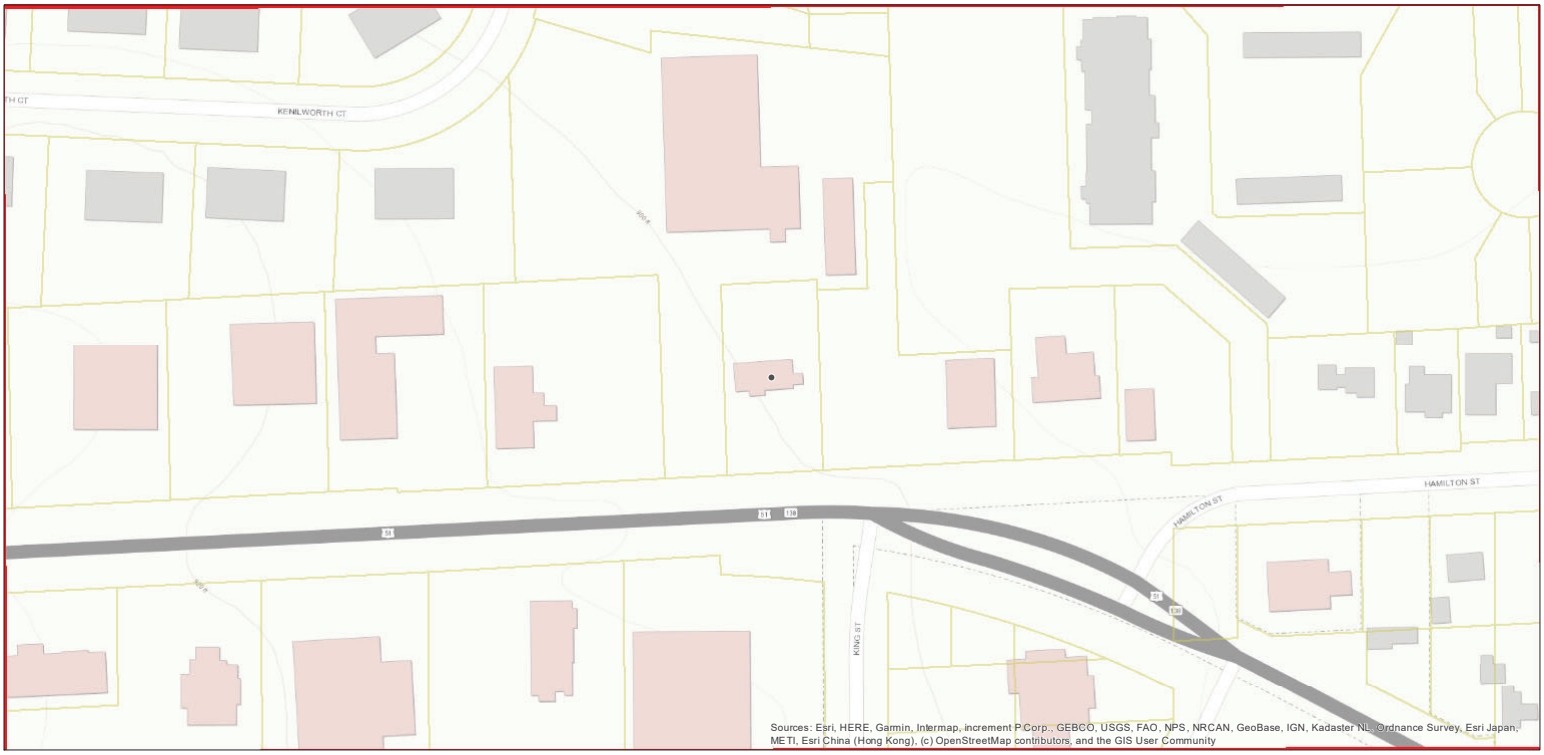
Notified Neighboring Township Clerks (within 1,000 feet) Date: 3/4/21

Class 2 legal notice sent to official newspaper by City Clerk Date: 2/8/21

Class 2 legal notice published on 2/18 and 2/25 ~~Date:~~

Conditional Use recorded with the County Register of Deeds Office after approval ☐

1400 US 51 Location Map



February 9, 2021

Dane County Mask

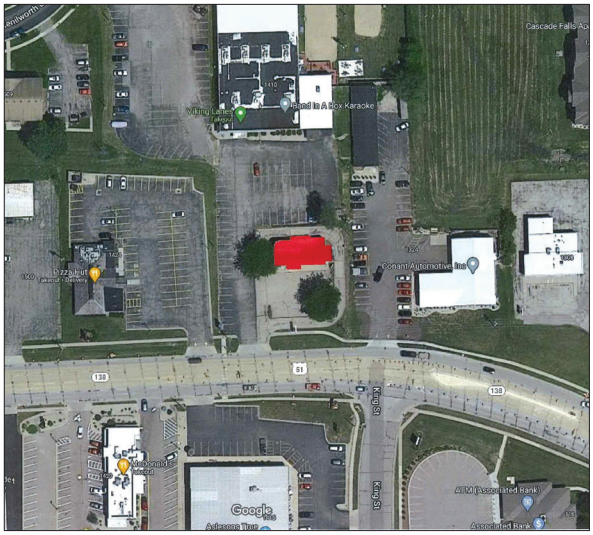
- Dane County Mask
- Parcels

0 62.5 125 250 Feet

N

Remodeling for Pizza Hut

1400 US Highway 51
Stoughton WI, 53589



LOCATION

GMK architecture

3220 syene road, suite 101
madison, wi 53713

608 . 277.0585
www.gmkarch.com

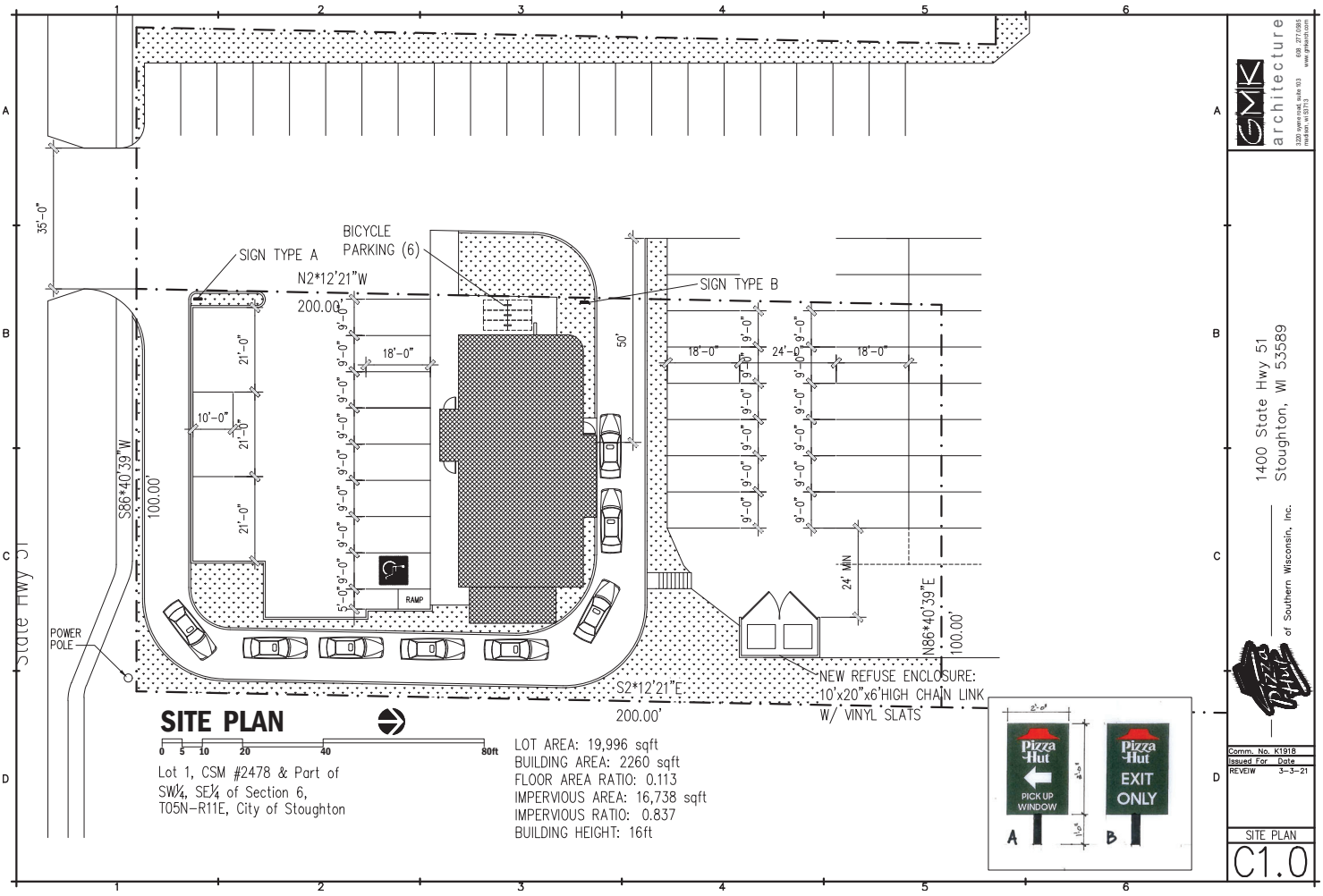
IEBC 2015
Alteration Level 2

One Story
Type VB
Occupancy Group A-2

REVIEW 3-3-2021

SHEET INDEX

SHT.	DESCRIPTION
	COVER
C1.0	SITE PLAN
L1.0	LANDSCAPE PLAN
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS
	SIGNAGE



SITE PLAN

0 5 10 20 40 80ft

Lot 1, CSM #2478 & Part of SW¼, SE¼ of Section 6, T05N–R11E, City of Stoughton

LOT AREA: 19,996 sqft
BUILDING AREA: 2260 sqft
FLOOR AREA RATIO: 0.113
IMPERVIOUS AREA: 16,738 sqft
IMPERVIOUS RATIO: 0.837
BUILDING HEIGHT: 16ft

GMK architecture
1323 seven oaks, suite 103 608.277.0085
madison, wi 53711 www.gmkarch.com

1400 State Hwy 51
Stoughton, WI 53589

of Southern Wisconsin, Inc.

Comm. No. K1918	
Issued For	Date
REVEIW	3-3-21

SITE PLAN

C1.0

PLANT LIST

KEY	QUAN	SIZE	COMMON NAME	BOTANICAL NAME	ROOT
	(2)		Canopy Trees @ 75 pts each		
E-M	2	12" +	Existing Maple	Acer	EX
	(2)		Medium Deciduous Trees @ 15 pts each		
TM	2	2"	Tatarian Maple	Acer	BB
	(5)		Low Evergreen Trees @ 12 pts each		
WBJ	5	4'	Wichita Blue Juniper	Juniperus scoparium	BB
	(5)		Tall Deciduous Shrubs @ 5 pts each		
AVB	5	36"	Arrowood Viburnum	Viburnum Dentatum	Pot
	(18)		Medium Deciduous Shrubs @ 3 pts each		
GFS	4	18"	Gold Flame Spirea	Spirea Japonica	Con
DBH	14	18"	Dwarf Bush Honeysuckle	Diervilla Lonicera	Pot
	(12)		Low Deciduous Shrubs @ 1 pts each		
GLS	8	18"	Gro Low Sumac	Rhus Aromatica	Pot
MCS	4	18"	Magic Carpet Spirea	Spirea 'Magic Carpet"	Pot

NOTES:

1) New lawn areas and existing lawn areas disturbed by construction to receive a minimum of 4" of topsoil, seed (Madison Parks mix), starter fertilizer, and straw mulch.
2) Foundation planting beds and other designated planting beds to be mulched with shredded hardwood bark spread to a depth of 3".
3) Individual trees and shrub groupings in lawn areas to receive shredded hardwood bark mulch plant rings (4' diameter) spread to a depth of 3"
4) Designated planting beds to be separated from lawn areas with 5" black vinyl edging.

LANDSCAPE WORKSHEET

Landscape Points Required Lot zoning: **(PB) Planned Business**

Foundation Points Required:
(40 points/100 LF building foundation) 222/100 * 40 = 89 points

Street Frontage Points Required:
(40 points/100 LF street frontage) 100 LF/100 * 40 = 40 points

Paved Area Points Required:
(60 points/20 parking stalls 29/20 * 60 = ~~87 points~~
(60 points/10,000 SF) 16,738/10,000: * 60 = 100 points

Developed Lot Points Required:
(10 points/1,000 SF GFA) 2,260/ 1,000 SF * 10 = 23 points

Total Landscape Points Required **252 points**

Landscape Points Supplied

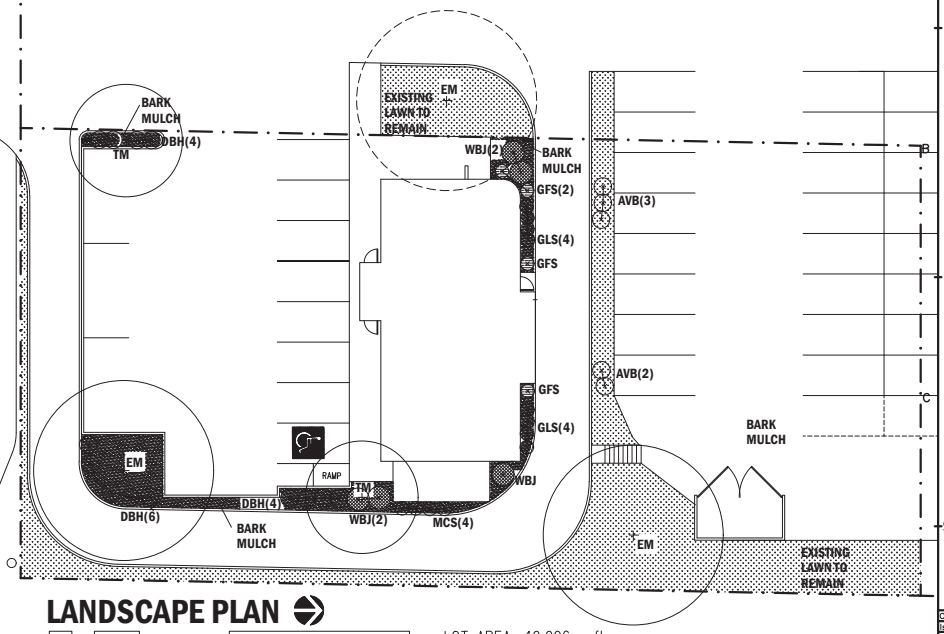
Foundation Points Supplied:
1 Medium deciduous trees @ 15 = 15 points
5 Low evergreen trees @ 12 = 60 points
4 Medium deciduous shrubs @ 3 = 12 points
12 Low deciduous shrubs @ 1 = 12 points
Foundation subtotal: 99 points

Street Frontage Points Supplied:
1 Climax tree @ 75 = 75 points
1 Medium deciduous trees @ 15 = 15 points
Street Frontage subtotal: 90 points

Paved Area Points Supplied:
1 Climax tree @ 75 = 75 points
14 Medium deciduous shrubs @ 3 = 42 points
Paved Area subtotal: 117 points

Developed Lot Points Supplied:
5 Tall deciduous shrubs @ 5 = 25 points
Developed Lot subtotal: 25 points

Total landscape points supplied = **331 points**



LANDSCAPE PLAN

0 5 10 20 40 80ft

Lot 1, CSM #2478 & Part of SW¼, SE¼ of Section 6, T05N–R11E, City of Stoughton

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GMK architecture
1323 ayres road, suite 103
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www.gmkarch.com

1400 State Hwy 51
Stoughton, WI 53589

of Southern Wisconsin, Inc.

Comm. No. K1918
Issued For Date
REVEIW 3–3–21

SITE PLAN
C1.0

WEST ELEVATION

0 1 2 4 8 16 32 FEET

SOUTH ELEVATION

0 1 2 4 8 16 32 FEET

GMK architecture
1225 warner road, suite 103
madison, wi 53704
608.277.0885
www.gmkarch.com

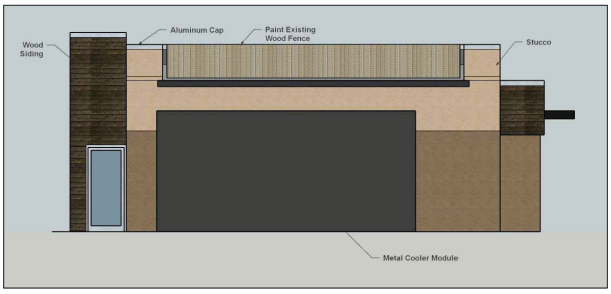
1400 State Hwy 51
Stoughton, WI 53589

of Southern Wisconsin, Inc.

Comm. No. K1918	
Issued For	Date
REVEIW	3-2-21

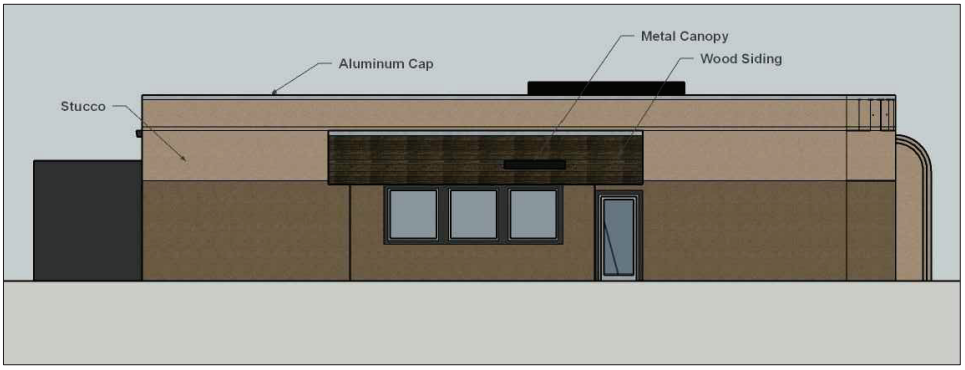
EXTERIOR ELEV

A2.1



EAST ELEVATION

0 1 2 4 8 16 32 FEET



NORTH ELEVATION

0 1 2 4 8 16 32 FEET

GMK architecture
1225 warner road, suite 103
fitchburg, wi 53713
608.277.0585
www.gmkarch.com

1400 State Hwy 51
Stoughton WI 53589

of Southern Wisconsin, Inc.

Comm. No. K1918	
Issued For	Date
REVEIW	3-2-21

EXTERIOR ELEV

A2.2

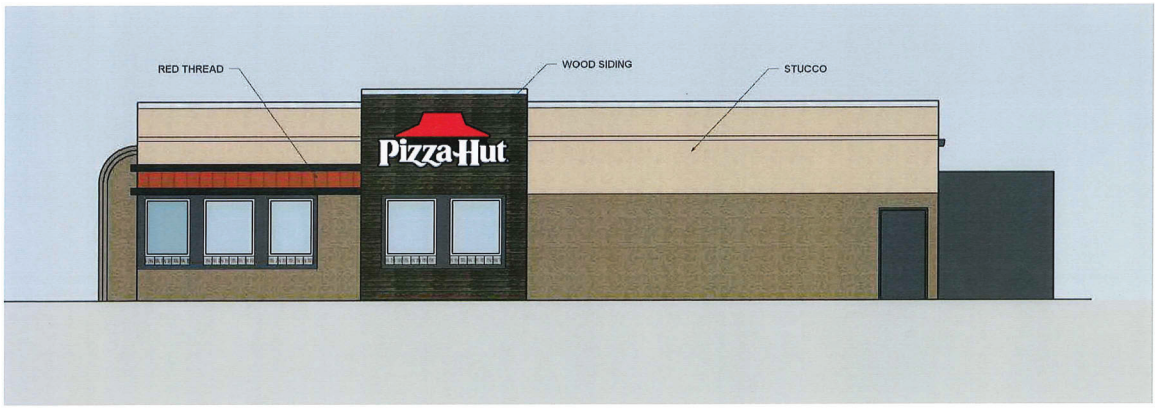
IF THIS PRINTS ONTO ARTWORK PAGE THE FILE HAS BEEN SIZED TO FIT PAPER AND WILL NOT BE TO SCALE - UNCHECK THE FIT TO PAGE BOX IN ACROBAT TO PRINT A SCALE PRINT

10'-3 1/4"

4'-8"

Pizza Hut

ISC-27



CONCEPTUAL RENDERING (*MAY NOT BE TO EXACT SCALE)

TOTAL SQ. FT. OF SIGNAGE: 54.9 ft^2

UNLESS OTHERWISE SPECIFIED:
* ALL FLUORESCENT LAMPS WILL BE T12-CW-HO LAMPS. * ALL BALLASTS WILL BE COLD START ALL-WEATHER BALLASTS. * ALL NEON TRANSFORMERS WILL BE 30 MILLIAMPS. * 120V PRIMARY POWER TO SIGNS WILL BE BY OTHERS. * ALL DATA LINES TO ELECTRONIC SIGNAGE WILL BE BY OTHERS. * ALL PAINT COLORS WILL BE SEMI-GLOSS FINISH.

THIS IS AN ORIGINAL COMPUTER GENERATED COLOR PRINT. COLORS REPRESENTED ON THIS PRINT MAY NOT MATCH THE PMS CHIP, VINYL OR PAINT COLORS EXACTLY. IT IS TO BE VIEWED AS A REPRESENTATION ONLY. ALL SIZES AND SHAPES DEPICTED ARE REPRESENTATIONAL AND MAY VARY FROM FINAL PRODUCT. THEY ARE ONLY FOR THE CUSTOMERS USE IN CONNECTION WITH A PROPOSED PROJECT. ARTWORK AND PRINTED MATERIAL ARE NOT TO BE USED BY ANYONE OUTSIDE OF YOUR ORGANIZATION, NOR IS IT TO BE REPRODUCED, COPIED OR EXHIBITED IN ANY FORM

WWW.GRANTSIGNS.NET 2810 SYENE RD - MADISON, WI 53713 608.838.7794

GRANT SIGNS OF INDUSTRIES LLC
608. 838.7794

SIMULATED NIGHT VIEW

JOB DESCRIPTION

LED-ILLUMINATED CHANNEL LETTERS

RECEIVE & INSTALL CUSTOMER-PROVIDED WALL SIGN

R1: 01.26.21 • CS • UPDATED RENDERING PHOTO

FILE NAME: 59610-05-1 DATE: 01.21.21 SCALE: 1/2" = 1'-0"
FILE TYPE: ☐ OUT ☐ PROD ☐ OTHER
JOB NAME: PIZZA HUT STOUGHTON
LOCATION: 1400 HWY 51 STOUGHTON, WI
DRAWN BY: CS SALESMAN: DAN PIETRZYKOWSKI

DESIGN APPROVED BY:
AUTHORIZED SIGNATURE
DATE

IF THIS PRINTS ONTO ARTWORK PAGE THE FILE HAS BEEN SIZED TO FIT PAPER AND WILL NOT BE TO SCALE - UNCHECK THE FIT TO PAGE BOX IN ACROBAT TO PRINT A SCALE PI

Google Maps 1400 US-51

Image capture: Jul 2019 © 2021 Google

Stoughton, Wisconsin

Google

Street View

Google Maps 1439 US-51

Image capture: Jul 2019 © 2021 Google

Stoughton, Wisconsin

Google

Street View

1400 US HWY 51

February 9, 2021

Dane County Mask

Dane County Mask

Parcels

0 50 100 200 Feet

N

Nelson

CERTIFIED SURVEY MAP

SURVEYORS CERTIFICATE
STATE OF WISCONSIN)
COUNTY OF DANE) ss.

I hereby certify that this survey is in compliance with Chapter 236.34 of Wisconsin Statutes.

I hereby certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information furnished.

George A Weir

George A. Weir, Registered Land Surveyor S-0843

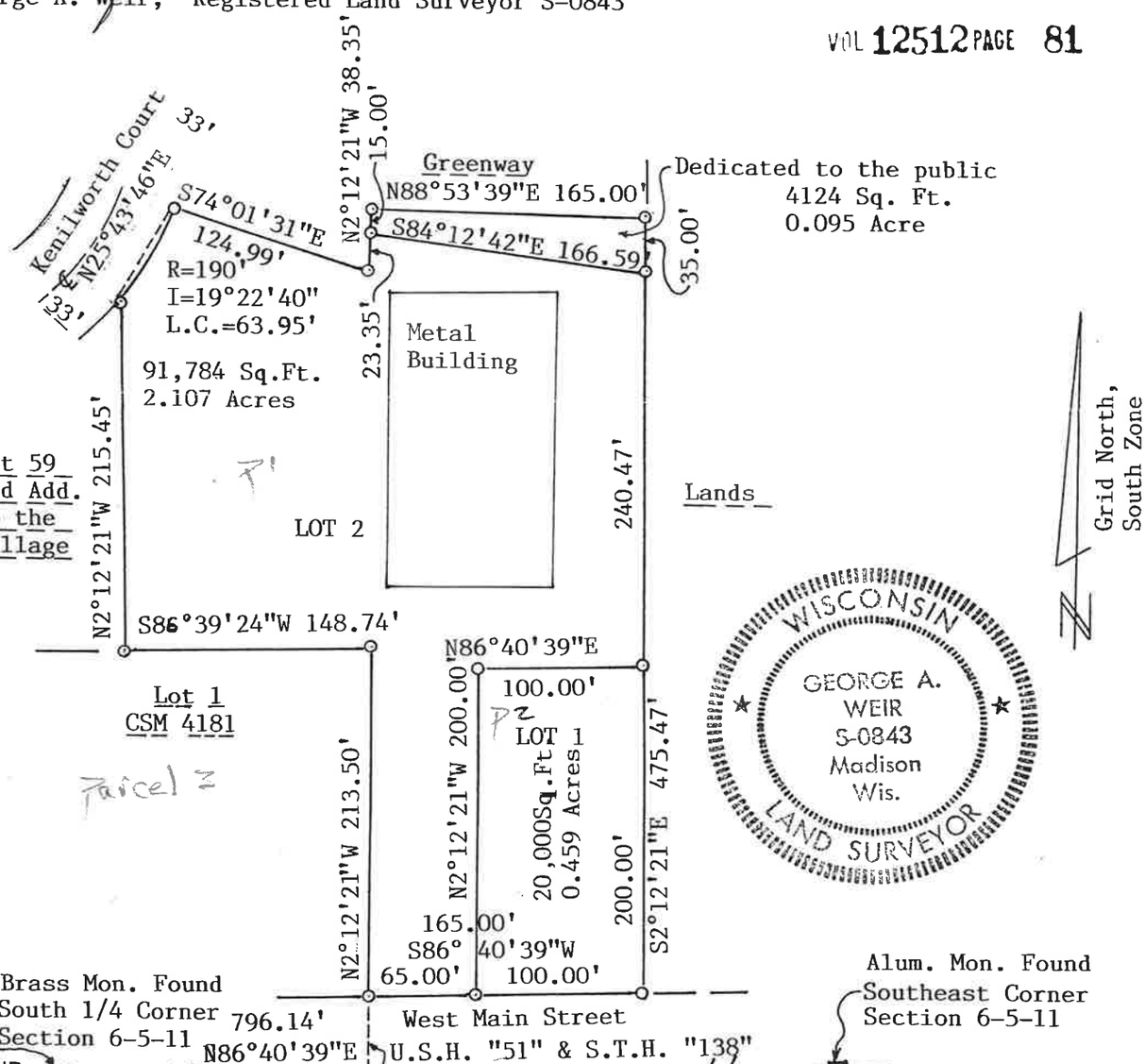
George A. Weir, Land Surveyor
&
Royal Oak Engineering, Inc.

5610 Medical Circle, Suite 6
Madison, Wisconsin, 53719
Phone: (608) 274-0500

SCALE 1" = 100'

100 50 0 100

VOL 12512 PAGE 81



LEGEND

Scale: 1 inch = 100 Feet
● Iron Stake Found
○ 1" X 24" Iron Pipe Driven
Min. Wt. = 1.13 #/In. ft.
( ) Recorded As

SURVEYED FOR: Carter Smith, Nel-Car Corporation
1410 Highway "51" West, Stoughton, Wi. 53589

DESCRIPTION-LOCATION: Part of Lot 1,CSM #2478 & part of the SW1/4,SE1/4 of Section 6, T05N-R11E, City of Stoughton, Dane County,Wisconsin

APPROVED FOR RECORDING PER _____ action of 2/14 1989

Judy A Kinning, Deputy City Clerk
Helen Johnson, City Clerk JUDY A. KINNING, DEPUTY CITY CLERK

SURVEYED GAR, TGR
DRAWN GAR, TAM
CHECKED GAW
APPROVED GAW
Field Book 727 Page 1-20
Date of Survey 1/4/89
Disk or Tape No.
COGO
LAYOUT FILE
DRAFTM FILE

REGISTER OF DEEDS CERTIFICATE
Received for record this 17th day of FEBRUARY, 1989 at 3:21 o'clock, P.m. and recorded in Volume 27 of CERTIFIED SURVEY MAPS of Dane County, on Page(s) 116 117 118

JANE LICHT / KAREN SUBERA
Register of Deeds DEPUTY CLERK

Office Map No. 12255
Sheet 1 of 3 Sheet(s)

DOCUMENT NO. 2127606
CERTIFIED SURVEY MAP NO. 5764, VOLUME 27 PAGE 116 117 118

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DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
3525960

08/07/2002 02:19:42PM

Trans. Fee:
Exempt #:

Rec. Fee: 21.00
Pages: 6

001785

INGRESS / EGRESS AND PARKING EASEMENT

In re: Lot 2, Certified Survey Map No. 5764, recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on February 17, 1989, as Document Number 2127606, located in the City of Stoughton, Dane County, Wisconsin. (PARCEL 1)

Lot 1, Certified Survey Map No. 5764, recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on February 17, 1989, as Document Number 2127606, located in the City of Stoughton, Dane County, Wisconsin. (PARCEL 2)

THIS SPACE RESERVED FOR RECORDING DATA

Return To: Attorney Vernon J. Jesse
MURPHY & DESMOND, S.C.
P.O. Box 2038
Madison, WI 53701-2038

Tax Parcel No. 281-0511-064-9320-6

281-0511-064-9310-8

Lot 1, Certified Survey Map No. 4181, recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on September 14, 1983, as Document Number 1800278, located in the City of Stoughton, Dane County, Wisconsin. (PARCEL 3)

WHEREAS, Nel-Car Corporation (hereafter referred to as "Nel-Car"), is the owner of Parcel 1 described above; and

WHEREAS, MSG Limited Partnership (hereafter referred to as "MSG"), is the owner of Parcel 2 and Parcel 3 described above; and

WHEREAS, Certified Survey Map Number 5764 depicts a 65 foot wide strip fronting on U.S. Highway 51 ("US 51") and State Highway 138 ("SH 138") which is the southern portion of Parcel 1; and

WHEREAS, access to Parcel 1 and Parcel 2 from US 51 / SH 138 is over a driveway presently located on the eastern portion of said 65 foot strip; and

WHEREAS, MSG, as the owner of Parcel 2, is desirous of obtaining an ingress / egress easement over a portion of said 65 foot strip for the purpose of providing ingress and egress access to Parcel 2; and

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WHEREAS, MSG, as the owner of Parcel 3, is desirous of obtaining a parking easement and ingress and egress easement over portions of said 65 foot strip for the purpose of customer and employee parking in the southwesterly most fifteen (15) parking spaces located in said 65 foot strip and accessing said parking spaces from US 51 / SH 138; and

WHEREAS, Nel-Car, as the owner of Parcel 1, is desirous of establishing, creating and granting an easement to MSG for ingress and egress to Parcel 2 on the terms provided herein and granting to MSG a parking and ingress / egress easement to Parcel 3 on the terms provided herein; and

WHEREAS, Nel-Car, as the owner of Parcel 1, is desirous of obtaining a parking easement of the northerly portion of Parcel 2; and

WHEREAS, MSG, as the owner of Parcel 2, is desirous of establishing, creating and granting a parking easement to Nel-Car on the terms provided herein.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the undersigned do hereby declare and agree as follows:

1. Nel-Car, as the owner of Parcel 1, does hereby establish, create, and grant a non-exclusive ingress and egress easement on which a driveway shall be and is located over that portion of Parcel 1 for the benefit of Parcel 2, said easement area more particularly described as follows:

> Located within Lot 2, Certified Survey Map No. 5764, recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on February 17, 1989, as Document Number 2127606, located in the City of Stoughton, Dane County, Wisconsin, being further described as follows:
>
> Commencing at the Southwest corner of Lot 1 of said Certified Survey Map No. 5764; thence N 2°12'21" W 200.00 feet along the west line of Lot 1 of said CSM 5764; thence S 86°40'39" W 30.0 feet; thence S 2°12'21" E 200.00 feet to the south line of said Lot 2, CSM 5764; thence N 86°40'39" E 30.0 feet along the south line of said Lot 2, CSM 5764 to the point of beginning.

("the Parcel 2 Ingress/Egress Easement Area").

2. Nel-Car as the owner of Parcel 1, does hereby establish, create and grant an ingress and egress easement and parking easement over that portion of Parcel 1 for the benefit of Parcel 3, said easement more particularly described as follows:

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> Located within Lot 2, Certified Survey Map No. 5764, recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on February 17, 1989, as Document Number 2127606, located in the City of Stoughton, Dane County, Wisconsin, being further described as follows:
>
> Commencing at the Southwest corner of Lot 1 of said Certified Survey Map No. 5764; thence N 2°12'21" W 150.00 feet along the west line of Lot 1 of said CSM 5764; thence S 86°40'39" W 65.0 feet; thence S 2°12'21" E 150.00 feet to the south line of said Lot 2, CSM 5764; thence N 86°40'39" E 65.0 feet along the south line of said Lot 2, CSM 5764 to the point of beginning.

("the Parcel 3 Parking and Ingress / Egress Easement Area").

Within the Parking and Ingress / Egress Easement Area, parking of cars or other vehicles shall only be permitted for the benefit of Parcel 3 in the fifteen (15) parking spaces located on the westerly most portion of said Easement Area located immediately north of the existing neon sign at the southwesterly most corner of Parcel 1. This easement shall be exclusive as to said fifteen (15) parking spaces. The remainder of said Easement Area is available to Parcel 3 for the sole purpose of ingress and egress to said fifteen (15) parking spaces from US 51 / SH 138. The easement shall be non-exclusive as to the ingress and egress aspect of the easement.

3. MSG, as the owner of Parcel 2, does hereby establish and create a non-exclusive parking easement over that portion of Parcel 2 for the benefit of Parcel 1, said easement more particularly described as follows:

> That portion of Lot 1, Certified Survey Map No. 5764, recorded in the Office of the Register of Deeds for Dane County, Wisconsin, on February 17, 1989, as Document Number 2127606, located in the City of Stoughton, Dane County, Wisconsin, located north of the retaining wall existing on said Lot 1 as of the date hereof.

4. All maintenance costs and responsibilities associated with the Easement Areas located on Parcel 1 shall be paid by the owner of Parcel 1. Notwithstanding the foregoing, Parcel 2 or Parcel 3, as the case may be, shall be solely responsible for repairing any damage to the Easement Areas resulting from use of the rights granted herein, normal wear and tear excepted. Any Party may improve any portion of the Easement Areas, including paving, at their sole cost and expense without consent of any other party.

5. All maintenance costs and responsibilities associated with the Easement Areas located on Parcel 2 shall be paid by the owner of Parcel 2. Notwithstanding the foregoing,

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Parcel 1 shall be solely responsible for repairing any damage to the Easement Areas resulting from use of the rights granted herein, normal wear and tear excepted. Any Party may improve any portion of the Easement Areas, including paving, at their sole cost and expense without consent of any other party.

6. The easements declared herein shall be permanent easements and shall be construed as easements appurtenant and covenants running with the land.

7. No party shall obstruct, impede or interfere with any other party's use or their respective rights to either Easement Area including, but not limited to, by the parking of any vehicles in the Parcel 2 Ingress / Egress Easement Area.

8. The Easements granted herein shall be construed to include the permittees, licensees, invitees, tenants and guests of the owners of Parcel 2 and Parcel 3, as well as service vehicles, emergency vehicles and garbage collection vehicles which may serve Parcel 2 and/or 3.

9. There shall be no improvements of any sort permitted in the Easement Areas except for the joint driveway and parking areas which are presently in place or replacements thereof.

10. Each recipient of easement rights hereunder shall indemnify and hold harmless the grantor of said easement rights from any and all claims related to the exercise of said easement rights and shall keep and maintain liability insurance which names said grantor as an additional insured thereunder.

11. This Agreement shall be binding upon the parties hereto, their respective heirs, successors and assigns.

12. This Agreement may only be amended upon the execution of a written amendment signed by all of the owners of Parcel 1 and Parcel 2 (as to the Parcel 2 Easement) or Parcel 1 and Parcel 3 (as to the Parcel 3 Easement) and subsequently recorded in the Office of the Register of Deeds for Dane County.

13. This Agreement has been drafted with the review and input of all Parties. Each party has been advised and given ample opportunity to obtain independent legal counsel and has obtained such counsel or waived such right prior to executing this Agreement.

14. This Agreement constitutes the sole and entire agreement of the Parties hereto with respect to the matters covered hereby and supersedes all prior negotiations and written, oral or implied representations, warranties, commitments, offers, contracts and understandings between the Parties with respect to such matters.

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15. This Agreement supercedes and renders null and void all prior agreements, written or verbal, recorded or unrecorded, pertaining to easement rights for the benefit of Parcel 2 regarding ingress and egress to Parcel 2 from US 51 / SH 138, except that certain ingress / egress easement set forth in Warranty Deed dated March 9, 1989, and recorded April 19, 1989, in Volume 12731 of Records, Page 31, as Document Number 2136622. In the event of a conflict between the terms and provisions of this Agreement and said Warranty Deed, the terms and provisions of this Agreement shall control.

Dated this 25th day of, 2002.

NEL-CAR CORPORATION

By: _____

By: _____

Dated this 25 day of July, 2002.

MSG LIMITED PARTNERSHIP
PROGENY, LLC, Managing Partner

By: _____
Terry D. Turner, Authorized Agent

Dated this 25th day of July, 2002.

STATE OF WISCONSIN)
) ss.:
COUNTY OF DANE)

Personally came before me, this 25th day of July, 2002, the above named CARTER J SMITH, Officers of the above named Nel-Car Corporation, to me known to be such person(s) and officer(s) who executed the foregoing instrument and acknowledge that they executed the same as such officer(s), by its authority, for the purposes therein contained.

_____
Notary Public, State of Wisconsin
My Commission: 8/8/04

CINDY A. DAMMEN NOTARY PUBLIC STATE OF WISCONSIN

221183-8vjj-240702kka/bjb
Ingress Egress and Parking Easement

NON OFFICIAL COPY

STATE OF WISCONSIN)
) ss.:
COUNTY OF DANE)

Personally came before me, this 25 day of July, 2002, the above named Terry D. Turner, Authorized Agent of the above named Progeny, LLC, to me known to be such person(s) and officer(s) who executed the foregoing instrument and acknowledge that they executed the same as such officer(s), by its authority, for the purposes therein contained.

Notary Public, State of Wisconsin
My Commission: Perm

Drafted by:

Attorney Vernon J. Jesse
MURPHY & DESMOND, S.C.
P.O. Box 2038
Madison, WI 53701-2038
(608) 257-7181

CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR
(608) 873-6619
fax: (608) 873-5519

March 3, 2021

Pizza Hut of Southern Wisconsin
Danny Senf
434 S Yellowstone Dr, Ste 101
Madison, WI 53719

Dear Mr. Senf:

I have completed a final review of the proposed conditional use and site plan for Pizza Hut, 1400 US Highway 51-138, Stoughton, WI. (site plan dated 3/3/21) A conditional use public hearing (restaurant and drive-thru uses) and site plan review are planned for the Plan Commission meeting of March 8, 2021. We anticipate Common Council approval of the Conditional Use Permit on March 23, 2021.

1. The property at 1400 US Highway 51-138 is zoned PB - Planned Business. **A scalable or fully dimensioned plan including all lot lines has been provided.**

   Indoor Commercial Entertainment uses such as a restaurant is permitted as a conditional use. **Conditional use permit application submitted.**

   In-Vehicle Sales and Services accessory to the Indoor Commercial Entertainment land use is permitted as a conditional accessory use. **Conditional use permit application submitted.**

   The site plan may be approved by the Plan Commission contingent on the conditional use permit being approved by the Common Council.

2. Indoor Commercial Entertainment is defined as follows:
   Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services primarily within an enclosed building. Outdoor seating or patio areas associated with a proposed indoor commercial entertainment land use shall be allowed subject to city approval of a site plan showing any such proposed outdoor seating or patio area. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. **The proposed use meets this definition.**

3. Regulations related to Indoor Commercial Entertainment uses are as follows:
    - If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property. **N/A**
    - Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see section 78-610). **N/A**
    - *Parking requirements:* One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater). **23 existing parking stalls will allow a maximum capacity of 69 patrons. 30 seats proposed.**

4. In-vehicle sales and service uses are defined as follows:
   Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use. **The proposed use meets this definition.**

5. Regulations related to In-Vehicle Sales and Service uses per 78-206(8)(g) are as follows:
    A. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s). **No customer access adjacent to the drive-thru.**
    B. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts. **Appropriate signage to direct traffic to and out of the drive-thru is provided. We'll also need to see any existing or proposed access or parking space easement with the adjacent property (Viking Lanes). Lot line is over parking spaces.**
    C. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section. **Expected.**
    D. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet per the measurement of roof height. **N/A**
    E. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load. **Expected.**

F. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property. **N/A**

G. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines. **If applicable. Drive-thru is for pick-up only.**

6. The parking requirement for In-Vehicle Sales and Service is as follows: **See parking requirement for Indoor Commercial Entertainment (#3 above).** Each drive-up lane shall have a minimum stack length of 100 feet behind the pass through window and 40 feet beyond the pass through window. **The site plan meets these requirements.**

7. The property meets all zoning lot width and area requirements.

8. The proposed use and zoning meets the intent of the City Comprehensive Plan.

9. The existing building and proposed addition meets the following height and setback requirements:
   - Minimum front yard setback for principal building: 20 feet
   - Minimum rear yard setback for principal building: 20 feet
   - Minimum side yard setback for principal building: 10 feet
   - Maximum building height: 45 feet

10. Public sidewalk is required along all public frontages and shall be delineated on the site plan. **Existing.**

11. All off-street parking and traffic circulation areas shall be paved with a hard, all-weather surface and completed prior to building occupancy. All parking spaces shall be clearly marked to indicate required spaces. **Expected.**

12. Accessible parking spaces shall be installed at a size, number, location, and with signage as specified by state and federal regulations. **Expected.**

13. Except for accessible parking stalls, the minimum parking stall length shall be 18 feet with a minimum width of 9 feet. **The plan meets this requirement.**

14. The parking aisle width for 90-degree parking shall be a minimum of 24 feet. **The plan meets this requirement.**

15. The minimum landscape surface ratio (LSR) is 25%. **The site is existing and it appears to have approximately 16% coverage.**

16. The maximum floor area ratio is 1. This is calculated by dividing the total floor area of all buildings by the gross site area. **The plan meets this requirement.**

17. All access drives shall have a minimum width of 18 feet. **The existing access meets this requirement.**

21. All curb openings for access drives shall have a maximum width of 30 feet for non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet and may be exceeded with explicit Plan Commission approval. **The access drive is existing.**

22. The minimum paved surface setback from a side and rear lot line is 5 feet while the minimum is 10 feet from a right-of-way line. **The existing paving does not meet this requirement.**

23. Per section 78-704 (13) (a), bicycle parking is required equal to 10% of the automobile parking space requirement. **The plan appears to meet this requirement.**

24. Off-street loading stall requirements per section 78-705(11)(b). One loading berth shall be required for each building having a gross floor area of <u>6,000 square feet</u> to 99,999 square feet. **N/A**

18. Except for exposed foundations not to exceed three feet in height from adjacent grade, non-single family development shall employ only high-quality, decorative exterior construction materials on the visible exterior of the following portions of all structures:
    - Any portion of the structure within 50 feet of an adjacent residentially zoned property;
    - Any portion of the structure located within 50 feet of a public right-of-way;
    - Any other portion of the structure visible from a public street… The following exterior construction materials shall not be considered "high quality, decorative": non-decorative concrete or cinder block, non-decorative concrete foundation walls or panels, non-decorative plywood, asphaltic siding, or other materials using exposed fastener systems or non-decorative surfaces as determined by the Planning Commission. However, such materials may be allowed by the Planning Commission as decorative elements.

    Existing building.

25. Architectural and design elements shall be compatible with the surrounding area and community standards and shall minimize user specific elements <u>as determined by the plan commission</u>. Metal panels with exposed exterior fasteners of the same color may be used on a maximum of 50 percent of the front side of the building. This material is not allowed within 50 feet of any customer or visitor entrance. **As determined by the Planning Commission. Existing building.**

26. The existing landscaping was previously approved. **Provided landscaping plan meets necessary requirements.**

27. We'll need details for any changes to exterior lighting. **Any changes to outdoor lighting shall meet all zoning standards. No lighting element can be seen from any residentially zoned property.**

28. A gated trash enclosure with 6-foot fencing shall be delineated on the plan for the handling of waste. **Chain-link fencing with slats is proposed for screening the trash enclosure. Since the building is more of a stucco exterior and the trash enclosure is located behind the building, we believe the screening meets the intent of the ordinance.**

29. Any excavation over 4,000 square feet will require an erosion control plan, application and fees. **N/A**

30. Proposed utilities-including electrical transformers and HVAC locations shall be shown on the utility plan. **Utilities are existing. Contact Stoughton Utilities for electric, water and wastewater services.**

31. Required off-street parking shall not be used for snow storage. **Expected.**

32. Any proposed signage will require a detailed plan and zoning permit prior to installation. **Wall and directional signage are shown on the plan. The existing pole at the front of the lot is planned to be removed.**

33. State of Wisconsin approved building plans may be necessary prior to issuance of a building permit but are not necessary to begin the City review processes.

If you have any questions, please contact me at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator

s:\planning\property log folder\1400 us highway 51 & 138\pizza hut 2.9.21\updated plans 3.3.21\pizza hut final review 3.3.21.doc