

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL	
Approving the Planned Development (PD) zoning for the property at the northwest corner of US Highway 51 and State Highway 138. (Kettle Park West Commercial Center)	
Committee Action:	Recommend Approval
Fiscal Impact:	None
File Number:	O-29-2014
Date Introduced:	November 11, 2014 – 1 st Reading November 25, 2014 – 2 nd Reading

RECITALS

- A. Leslie & Jeanette Mabie, 1400 US Highway 51 LLC, Peter Burno, and Robert & Margaret Veek (the "Owners") are the owners of the property described on Exhibit A (the "Property").
- B. Forward Development Group ("the Applicant"), acting on behalf of and with the consent of the Owners, previously requested that the zoning classification of the Property be changed to Planned Development ("PD"), to establish a mixed use development and submitted a proposed General Development Plan (the "GDP") consisting of a document entitled "Kettle Park West Commercial Center General Development Plan," dated "September, 2013.
- C. On October 14, 2013, the City of Stoughton Planning Commission held a public hearing and recommended changing the zoning classification of this Property to PD.
- D. On November 12, 2013, the Common Council adopted Ordinance No. 0-23-2013, (the "GDP Ordinance") changing the zoning classification of the Property to PD and approving the GDP, except as specifically noted in such GDP Ordinance.
- E. Forward Development Group and Kettle Park West LLC have submitted an amended and restated GDP, dated November 5, 2014 (the "Amended and Restated GDP"), a copy of which is attached hereto as Exhibit B, containing the following:
 - a. 22 numbered pages, and
 - b. Exhibits as follows:
 - Map showing GDP Boundary and Property Owners within 300 feet.
 - Exhibit A – Description of Amended General Development Plan Boundary.
 - Kettle Park West Commercial Center Master Plan.

- E. The Applicant, acting on behalf of and with the consent of the Owners, is now requesting that the Common Council adopt an ordinance approving the Amended and Restated GDP.
- G. On October 28, 2014, the Common Council considered and deemed appropriate "An Economic Impact Analysis for Kettle Park West Commercial Development Phase-I" by Maxfield Resources Inc. dated September 2014.
- H. On October 27, 2014, the City of Stoughton Planning Commission held a public hearing regarding the application to amend the GDP Ordinance, which was preceded by the publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes.
- I. On November 3, 2014, the Planning Commission recommended approval of the application to approve the Amended and Restated GDP, subject to certain conditions.
- J. The Common Council hereby determines that, subject to certain conditions, approving the Amended and Restated GDP is consistent with the spirit and intent of the City's Zoning Code, has the potential for producing significant community benefits in terms of environmental and aesthetic design, promotes the public health, safety and general welfare of the City and allows appropriate use of the Property.

ORDINANCE

The Common Council of the City of Stoughton, Dane County, Wisconsin do ordain as follows:

1. The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.
2. The Amended and Restated GDP is approved, and the GDP Ordinance is hereby amended and restated in its entirety as set forth herein, pursuant to section 78-914 of the City Code and Wis. Stat. § 62.23(7)(d). The Amended and Restated GDP and this ordinance shall hereinafter control the development of the Property.
3. Neither this ordinance, nor the Amended and Restated GDP constitute City approval of any plans or specifications for any public improvements referred to in the Amended and Restated GDP, including utility improvements, street improvements, and other public improvements. Plans and specifications for all public improvements to be constructed within the Property shall be approved by the City, separately from the approval of the Amended and Restated GDP, and in accordance with the City's ordinances and policies relating to the design, approval and construction of public improvements.
4. No part of the Property may be developed until a Specific Implementation Plan (SIP) has been submitted and approved for that part of the Property. Specific Implementation Plans may be approved in phases, for parts of the Property. However, Planned Development zoning, the GDP, the Amended GDP, and any approved SIP, shall expire for any part of

the Property that is not fully developed by November 12, 2023, and the zoning classification of such property shall revert to RH District.

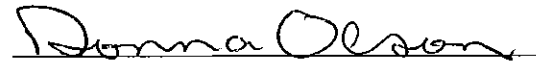
5. The Property shall be developed and used in full compliance with all standards and requirements in Chapter 78 of the City Code that apply to lands zoned Planned Business, except those standards and requirements that are expressly modified in this ordinance or that are expressly modified in an approved Specific Implementation Plan for all or part of the Property. Chapter 78 of the City Code, this ordinance and approved SIPs, constitute the zoning regulations for Property, and may be enforced as any other zoning regulation in the City of Stoughton. A copy of the Amended GDP and any approved Specific Development Plan shall be maintained and kept on file by the City Clerk.
6. This ordinance shall take effect upon publication.

Council Adopted: 11/25/14


Mayor Approved: 11/25/14

Published: _____

Attest: 11/25/14



Donna Olson, Mayor



City Clerk

Attachment: Exhibit A — Description of Amended General Development Plan Boundary
Attachment: Exhibit B — Amended and Restated GDP

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL	
Approving a Specific Implementation Plan ("SIP") for certain property on the north side of State Highway 138, west of US Highway 51. <p align="center">(Walmart)</p>	
Committee Action:	Recommend Approval
Fiscal Impact:	None
File Number:	O-30-2014
Date Introduced:	November 11, 2014 – 1 st Reading November 25, 2014 – 2 nd Reading

RECITALS

- A. On November 12, 2013, the Common Council adopted Ordinance No. 0-23-2013, (the "GDP Ordinance"), changing the zoning classification of the property described on Exhibit A (the "Property") to PD and approving the components of a proposed General Development Plan (the "GDP") incorporated into the GDP Ordinance with the changes specifically noted in such GDP Ordinance.
- B. On November 25, 2014, the Common Council adopted Ordinance No. 0-29-2014, attached hereto as Exhibit B approving an amended and restated GDP Ordinance (the "Amended GDP Ordinance") and an amended GDP Plan (the "Amended GDP").
- C. Walmart Real Estate Business Trust (the "Applicant") desires to develop those portions of the Property described on Exhibit C (the "Walmart Site") and has submitted a specific implementation plan dated September 2014 (the "SIP") for the Walmart Site, consisting of the following:
 - a. Specific Implementation Plan General Written Description updated November 6, 2014 and attached hereto as Exhibit D;
 - b. Site Plan and Design Information/Written Description of The Intended Use updated November 6, 2014 and attached hereto as Exhibit E;
 - c. Specific Implementation Plan Supplemental Submittal - Narrative Statement updated November 6, 2014 and attached hereto as Exhibit F;
 - d. Specific Implementation Plan Supplemental Submittal - Narrative Statement updated November 6, 2014 and attached hereto as Exhibit G;
 - e. Comprehensive Plan Map 6a depicting the Walmart Site and attached hereto as Exhibit H;
 - f. Site Aerial Exhibit dated August 6, 2014, revised November 5, 2014, and attached hereto as Exhibit I;
 - g. Overall Site Dimensional and Paving Plan dated May 29, 2014, last revised November 5, 2014, and attached hereto as Exhibit J;
 - h. Colored Landscape Plan dated May 29, 2014, last revised November 10, 2014 (3 sheets), and attached hereto as Exhibit K;
 - i. Landscape Surface Ratio Exhibit dated July 23, 2014, last revised November 5, 2014, and attached hereto as Exhibit L;
 - j. Cross Section of West Buffer Area dated May 29, 2014, revised October 31, 2014, and attached hereto as Exhibit M;
 - k. Landscape Island Details, dated May 29, 2014, last revised November 10, 2014 (2 sheets), and attached hereto as Exhibit N;

- l. Photometrics Plan dated August 13, 2014, last revised November 5, 2014, and attached hereto as Exhibit O;
 - m. Building Elevations dated August 11, 2014 and attached hereto as Exhibit P;
 - n. Building and Site Signage dated August 11, 2014 and attached hereto as Exhibit Q;
 - o. Renderings dated August 11, 2014 and attached hereto as Exhibit R; and
 - p. Garden Center Enclosure dated October 29, 2014 and attached hereto as Exhibit S.
 - q. Grading Plan last revised November 5, 2014 and attached hereto as Exhibit T.
- D. On October 27, 2014, the City of Stoughton Planning Commission held a public hearing regarding the SIP application which was preceded by the publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes.
- E. On November 10, 2014, the Planning Commission recommended approving the SIP and approving certain deviations from the City's Code.
- F. The Common Council hereby approves the SIP and those deviations from the City's Code set forth below.

ORDINANCE

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

1. The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.
2. The SIP is approved, and this ordinance is hereby adopted as set forth herein, pursuant to section 78-914 of the City Code and Wis. Stat. § 62.23(7)(d). Those deviations from the City's Code set forth below are specifically approved:
 - a) Installation of two significant landscaped medians and landscape islands at each end cap may be provided in lieu of the parking lot landscaping described in City Code sections 78-205(11)(f)6.g. and 78-604(3)(d). See Exhibit D Item 7b and Exhibit F Item 8b.
 - b) The landscaping, fences and screen walls depicted on the submitted plans shall be deemed consistent with City Code section 78-205(11)(f)6.f.C. although truck docks are not entirely screened to the south. See Exhibit G Item 2a.
 - c) Striping and signage (not different pavement materials) shall distinguish crosswalks to meet the intent of City Code section 78-205(11)(f)6.h.D. See Exhibit D Item 7c.
 - d) A 37 foot stacking lane shall be deemed sufficient for the pharmacy drive-thru under City Code section 78-206(4)(g)(2). See Exhibit F Item 8c.
 - e) Recognizing that foundation plantings attract rodents to food stores, enhancing landscaping away from building foundations will meet the intent of City Code sections 78-604 and 78-612. See Exhibit F Item 8a.
 - f) To separate truck and customer traffic, the director of planning and development has approved two access points to the customer parking lot at the Walmart Site and a third access point for delivery trucks along State Highway 138 which are deemed consistent with City Code section 78-702(3)(a). See Exhibit D Item 7d.
 - g) Parking stalls may be located not more than 415 feet from store vestibules, parking stalls will be 9.5 feet in width, and drive aisles will be 24 feet wide, all of which is deemed permitted under City Code sections 78-704(2), 78-704(8)(b) and Table 78-704(6)(j). See Exhibit D Item 7e.

- h) Planning Commission approved access openings in excess of 30 feet as well as 50 foot radius curb returns consistent with City Code section 78-702(10). See Exhibit D Item 7f.
- i) The two sides of the store building not exposed to public view shall be screened with vegetation, landscaping and fencing in lieu of articulation under City Code section 78-205(11)(f)6.c.A. and need not include the repeating pattern contemplated under City Code section 78-205(11)(f)6.c.F. See Exhibit D Item 7h and Item 7k.
- j) On store facades, protrusions and recesses ranging from 8 inches to 4 feet in depth shall be deemed consistent with City Code section 78-205(11)(f)6.c.B. See Exhibit D Item 7i.
- k) Roof height differences of less than six feet shall be deemed consistent with City Code section 78-205(11)(f)6.c.C. See Exhibit D Item 7j.
- l) Rooftop mechanical equipment on the north and west store elevations are deemed sufficiently screened by grading and landscaping and without parapets under City Code section 78-205(11)(f)6.f.B. See Exhibit D Item 7l.
- m) Aluminum ornamental fencing as depicted in the submitted plans meets the intent of City Code section 78-205(11)(f)6.f.D. See Exhibit D Item 7m and Exhibit S.
- n) Provision of bench seats interior and exterior to the store building as depicted on the submitted plans shall be deemed consistent with City Code section 78-205(11)(f)6.h.G. See Exhibit F Item 8e.
- o) Light spillover at the southeast corner of the Walmart Site shall be permitted to light a main entrance to the Property despite City Code section 78-707(4)(b). See Exhibit G Item 2c.
- p) Given the size of the store facades and lot size, the wall signage, way-finding signs and monument signs depicted on the submitted plans is deemed appropriate under City Code section 78-814. See Exhibit F Item 8d and Exhibit G Item 2b.

- 3. The approved SIP shall expire for the Walmart Site if it is not fully developed by November 25, 2019.
- 4. The Walmart Site shall be developed and used in full compliance with all standards and requirements in Chapter 78 of the City Code that apply to lands zoned Planned Business, except those standards and requirements that are expressly modified in Ordinance No. 0-29-2014 or this ordinance. Chapter 78 of the City Code, the Amended GDP Ordinance, and the approved SIP, constitute the zoning regulations for the Walmart Site, and may be enforced as any other zoning regulation in the City of Stoughton. A copy of the Amended GDP Ordinance and the SIP shall be maintained and kept on file by the City Clerk.
- 5. This ordinance shall take effect upon publication.

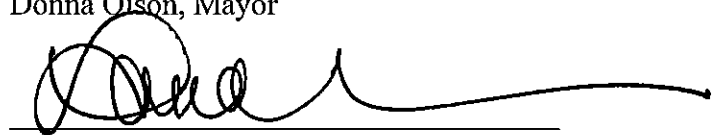
Council Adopted: November 25, 2014

Mayor Approved: 11/25/14


 Donna Olson, Mayor

Published: 12/11/2014

Attest: 11/25/14


 City Clerk

- Attachment: Exhibit A - Legal Description of the Property
 Exhibit B - Ordinance No. 0-__-2014
 Exhibit C - Legal Description of the Walmart Site
 Exhibit D - Specific Implementation Plan General Written Description updated November 6, 2014

- Exhibit E - Site Plan and Design Information/Written Description of The Intended Use updated November 6, 2014
- Exhibit F - Specific Implementation Plan Supplemental Submittal - Narrative Statement updated November 6, 2014
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