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

ORDINANCE OF THE COMMON COUNCIL			
Approving a General Development Plan at 565 Kensington Square for a proposed deck expansion.			
Committee Action:	Planning Commission recommend Council approval 7 - 0 with the Mayor voting		
Fiscal Impact:	None		
File Number:	O -3- 2018	**Date Introduced:**	January 23, 2018
		Re-Introduced:	

The Common Council of the City of Stoughton do ordain as follows:

1. Lewis and Deloris Huntington (the "Owner's") have requested that the General Development Plan for the property described in #2 below (the "Property") be approved to allow for a deck expansion subject to certain conditions being satisfied.

2. The property known as 565 Kensington Square is more formally described as follows: 565 Kensington Square, Parcel # 281/0511-063-1525-2, Kensington Square Condominium – Phase 1, Unit 565.

3. The Owner has submitted a General Development Plan for the proposed deck expansion (the "GDP Documents"), attached.

4. For purposes of this Ordinance, all GDP Documents shall collectively be the General Development Plan for the Property pursuant to Section 78-914(7) of the City of Stoughton Code of Ordinances.

5. The Planned Development District is intended to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City by allowing for greater design freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of the City's Zoning Ordinance and Comprehensive Plan.

6. On January 8, 2018, the City of Stoughton Planning Commission held a public hearing regarding the application to approve the General Development Plan, which was preceded by the publication of a class 2 notice under chapter 985 of the Wisconsin Statutes. The Planning Commission considered the application, and recommend the Common Council approve the proposed General Development Plan subject to:

    - Planning & Development staff review letter dated December 7, 2017.

7. The Common Council determines that, subject to certain conditions, approving the General Development Plan 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.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Stoughton, Dane County, Wisconsin do ordain as follows:

Section 1 - The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.

Section 2 - Subject to the conditions set forth in section 4 below, the General Development Plan has been approved pursuant to section 78-914 of the City Code and Wis. Stat. § 62.23(7)(d).

Section 3 - The Property shall be developed and used in full compliance with the General Development Plan. The General Development Plan shall constitute the zoning regulations for the Property, may be enforced as any other zoning regulation in the City of Stoughton, and shall be maintained and kept on file by the Department of Planning & Development.

Section 4 - This ordinance shall take effect upon publication contingent on the staff review letter dated December 7, 2017.

Section 5 - Upon the effective date of this ordinance, the General Development Plan shall be the zoning for this property and shall be shown on the official zoning map as PD - Planned Development.

Section 6 - *A*ll ordinances and parts of ordinances in conflict herewith shall hereby be repealed.

Dates
Council Adopted:_____

Mayor Approved: _____ _____
Donna Olson, Mayor

Published:_____

Attest:_____ _____
Holly Licht, City Clerk

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

Date: December 28, 2017

To: Planning Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the January 8, 2018 Planning Commission Meeting and January 23, 2018/February 13, 2018 Common Council Meetings.

Request by Lewis and Deloris Huntington for planned development – general development plan approval for expansion of a deck at 565 Kensington Square.
This request is for approval of a General Development Plan to allow a small expansion of a deck at 565 Kensington Square. Kensington Square is an area of the City that was previously approved as a planned unit development. Setbacks are set as part of the planned unit development approval so any expansion requires re-approval. The ordinance, plans, and staff review letter are provided. A public hearing and recommendation to Council are necessary.

PUBLIC HEARING NOTICE

The City of Stoughton **Planning Commission** will hold a Public Hearing on **Monday, January 8, 2018,** at **6:00 o'clock p.m.**, or as soon after as the matter may be heard, in the **Council Chambers, Second Floor, 321 S. Fourth Street**, Stoughton, Wisconsin, 53589, to consider approval of a General Development Plan (GDP) to accommodate a deck addition at 565 Kensington Square, Kensington Condominiums, in the City of Stoughton, Wisconsin. The property at 565 Kensington Square is owned by Lewis and Deloris Huntington and is more fully described as:

565 Kensington Square, Parcel # 281/0511-063-1525-2, KENSINGTON SQUARE CONDOMINIUM UNIT 565.

For questions related to this notice, contact Michael Stacey at 608-646-0421

Kelli Krcma
Deputy Clerk

Published December 14, 2017 and December 21, 2017 HUB

S:\MPS-Shared\Ordinances\Rezonings\Rezoning Notices\Rezoning GDP 565 Kensington Sq.doc

Lewis and Dolores Huntington
565 Kensington Square
Stoughton WI, 53589

December 6, 2017

City of Stoughton
Department of Planning and Development

We are the owners of the property above in Stoughton, we are asking for the review and approval to add three feet to our deck.
We are one of at four unit condo unit; our property is located in the middle of the four. We have followed the Kensington Square Condominium rules to get approval from the owners on each side of our unit. Both owners at 561 and 569 have given their approval. We have included to our petition a copy of the project.

As a reference, the owner of condo located at 607 Kensington Square has already received the approval for the same kind of project and has completed the addition.

We thank you for your consideration and time for our request.

Respectfully,

Lewis and Dolores Huntington

RECEIVED
DEC 0 6 2017
By

CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
BUILDING/ZONING PERMIT APPLICATION

Date of Application 11-

Applicant Name LEWIS + DOLORES HUNTINGTON **Phone** 608-205-2043

Applicant Email LHUNTINGTONJR @ CHARTER . NET

Owners Name (if different than applicant) _____ **Phone** _____

Subject Property Address 565 KENSINGTON SQUARE, STOUGHTON

Permit for DECK ENLARGEMENT

Proposed use(s) OUTDOOR RELAXATION - FAMILY GATHERINGS

Project area for new structures and additions (sq. ft.) 3' x 12' 36 sqf

Estimated building construction cost including labor $252.00 OWNER BUILT
Estimated electric construction cost including labor 0
Estimated plumbing construction cost including labor 0
Estimated hvac construction cost including labor 0
*Do not include costs related to flooring, carpeting or painting.

Permit fee _____

Contractor Information:

Construction _____ **Phone#** _____ **Lic#** _____

Electrical NONE **Phone#** _____ **Lic#** _____

Plumbing _____ **Phone#** _____ **Lic#** _____

HVAC _____ **Phone#** _____ **Lic#** _____

Cautionary Statement to Owners Obtaining Building Permits

Section 101.65 (1r) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under Section 101.654(2)(a), the following consequences might occur:
The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under this building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under this building permit.
The owner may not be able to collect from the contractor, damages for any loss sustained by the owner because of a violation by the contractor of the one and two-family dwelling code or an ordinance enacted under sub. (1)(a), because of any bodily injury to or death of others or damage to property of others that arises out of the work performed under this building permit or because of any bodily injury to or death of others or damage to

property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under this building permit.

Cautionary Statement to Contractors for Projects Involving Buildings Built Before 1978

If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 sq. ft. or more of paint per room, 20 sq. ft. or more of exterior paint, or involves windows, then the requirements of Chapter DHS 163 requiring Lead-Safe Renovation Training and Certification apply. Call (608)266-6876 or go to http://dhs.wisconsin.gov/lead/WisconsinRRPRule.htm

Wetlands Notice to Permit Applicants

"You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification web page: (http://dnr.wi.gov/wetlands/delineation.html) or contact a department of Natural Resources service center."

Additional Responsibilities for Owners with Projects Disturbing One or More Acres of Soil

I understand that this project is subject to Chapter NR 151 regarding additional erosion control and stormwater management and will comply with those standards.

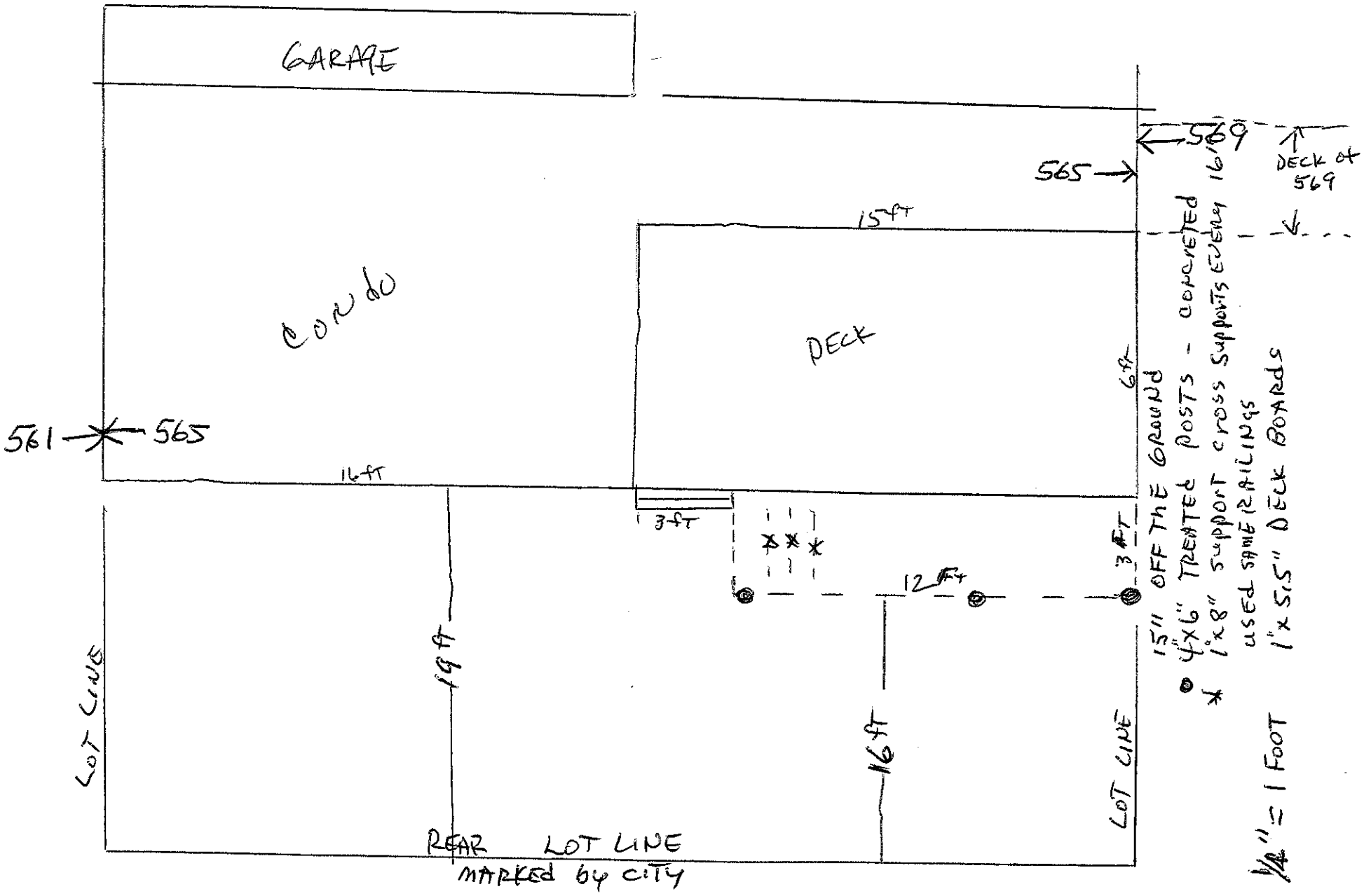
IF APPLICABLE, A PLAN MUST BE SUBMITTED SHOWING LOT LINES AND ALL DIMENSIONS OF THE PROJECT. NO WORK SHALL BEGIN WITHOUT A BUILDING PERMIT. ANY QUESTIONS, CALL THE DEPARTMENT OF PLANNING & DEVELOPMENT AT 608-873-6677. THERE IS ADDITIONAL INFORMATION AT WWW.CITYOFSTOUGHTON.COM/PLANNING

Owner/Contractor Signature Lewis A Huntington Date 11-16-17

Lewis A Houghton Jr

GOT PERMISSION from EACH NEIGHBOR TO Add DECKING.

565 KENSINGTON SQUARE



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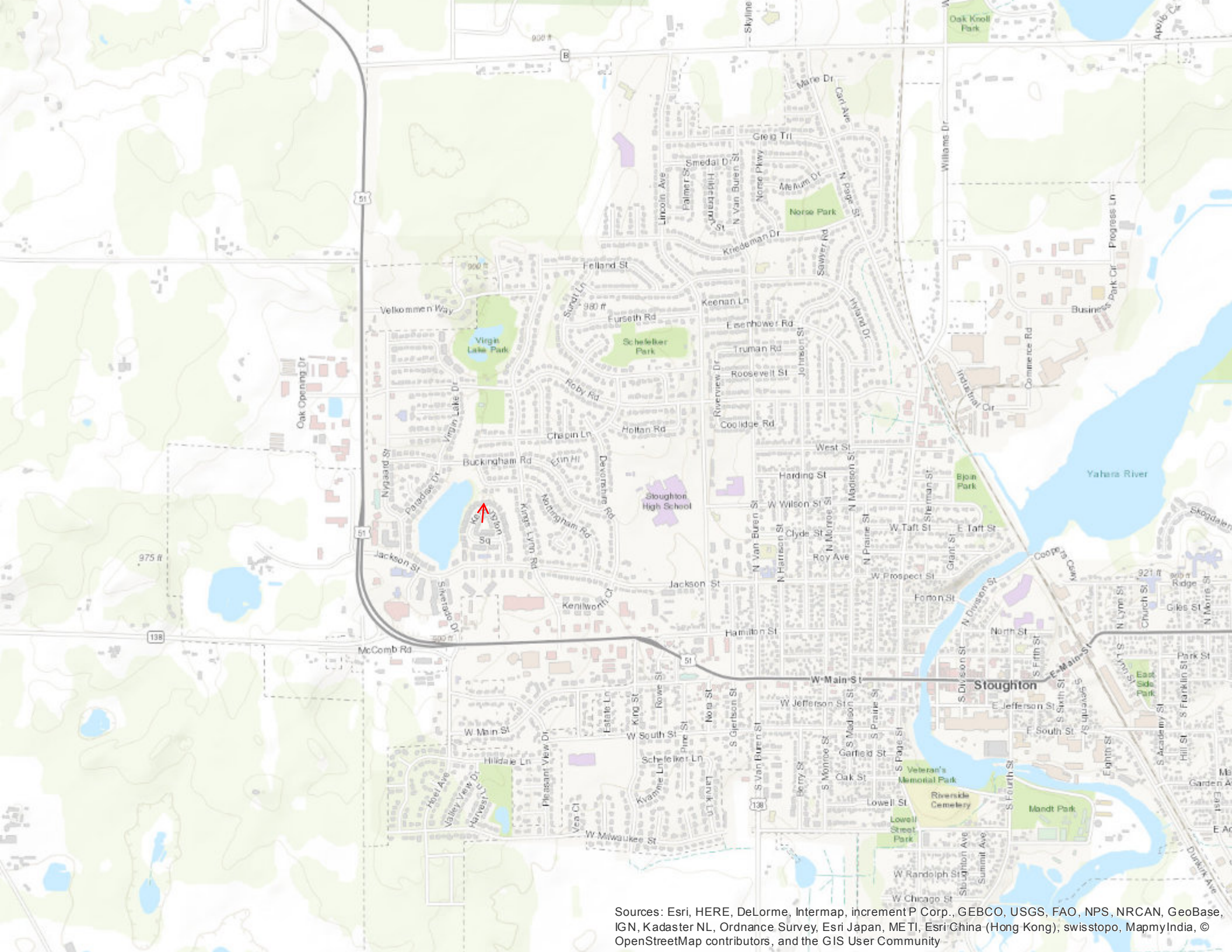
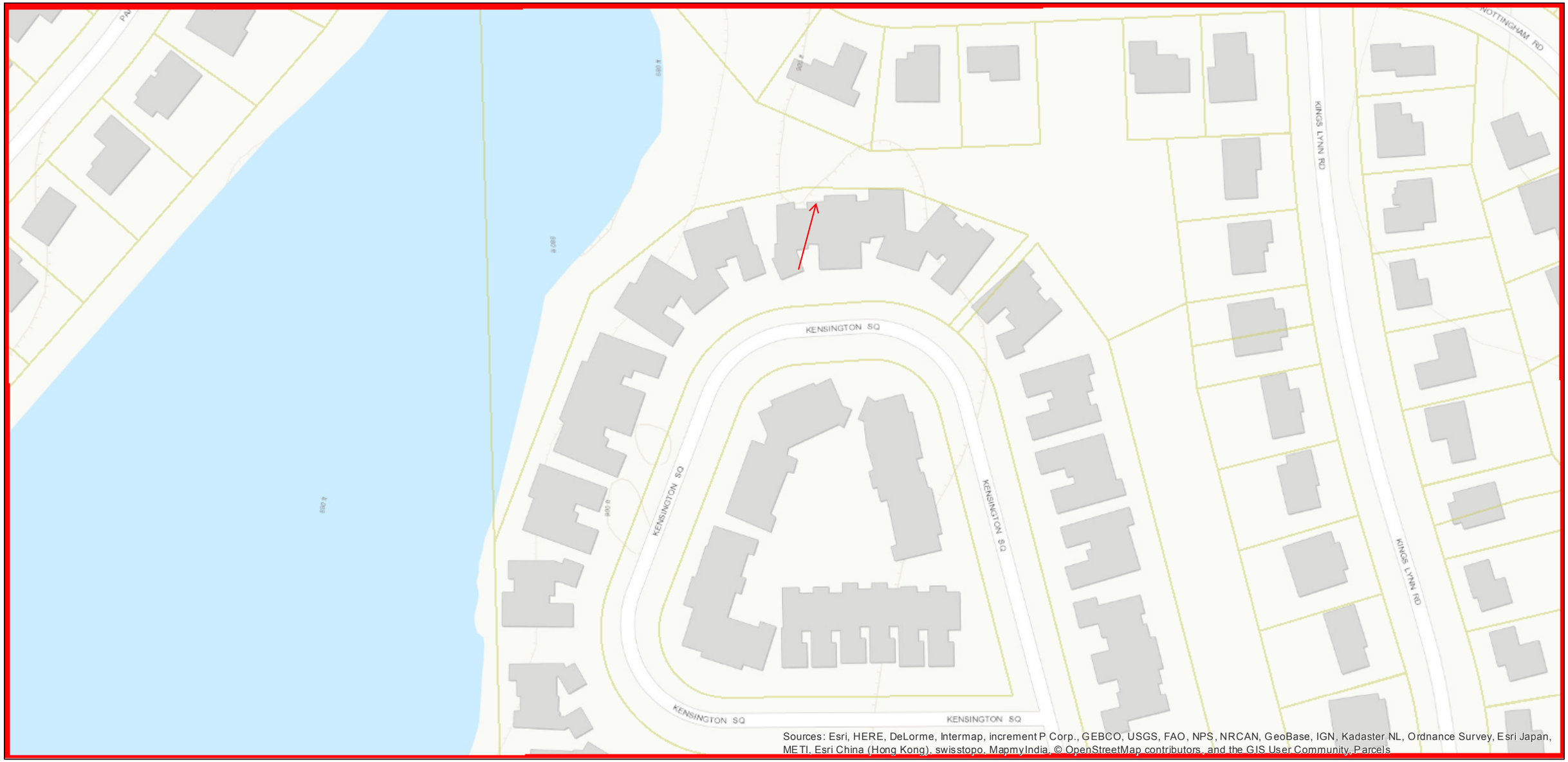


Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

565 Kensington GDP



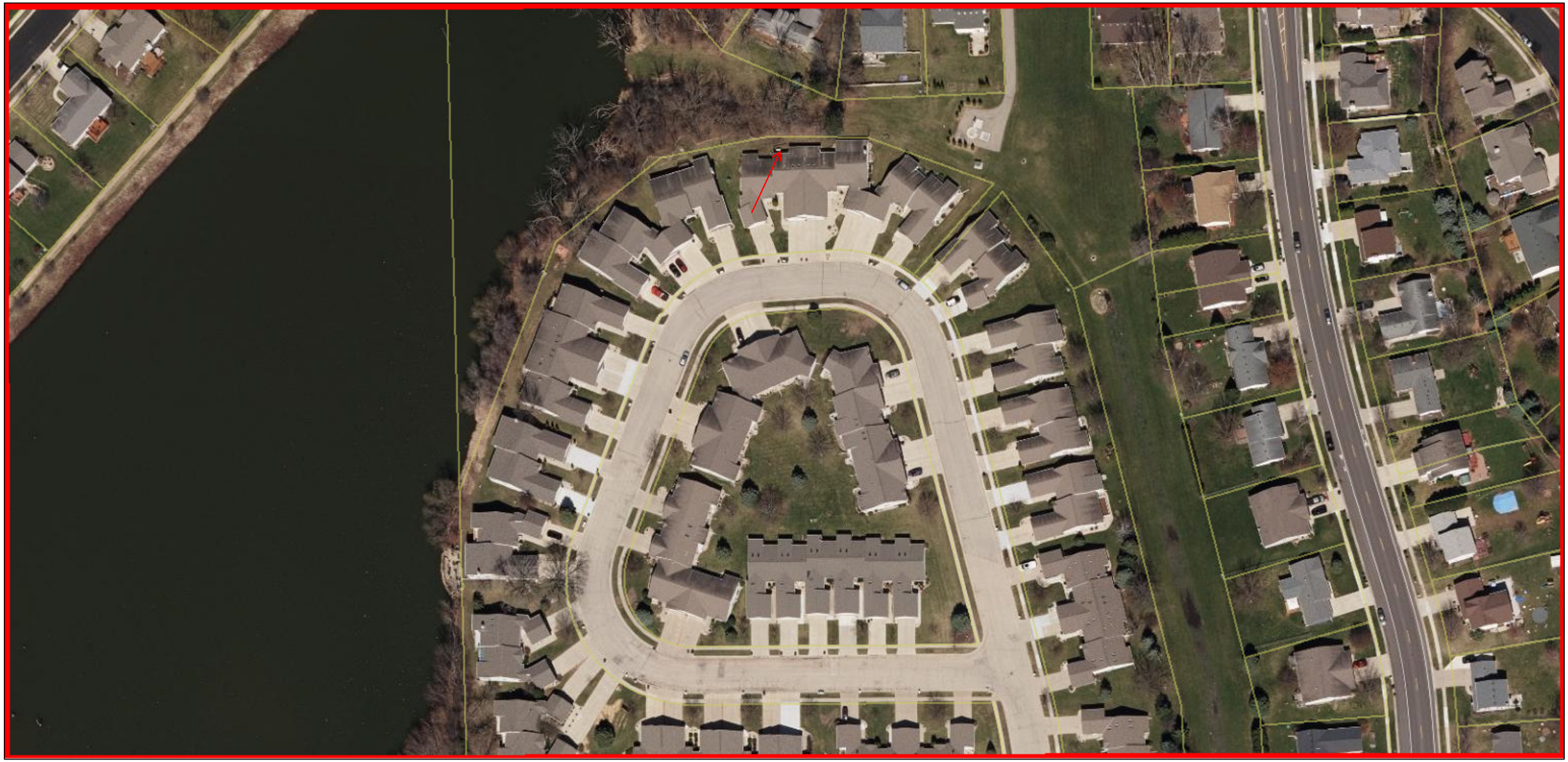
December 7, 2017

Tax Parcels

1 inch = 100 feet

0 62.5 125 250 Feet

565 Kensington Square GDP



December 7, 2017

Tax Parcels

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0 62.5 125 250 Feet

CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

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

December 7, 2017

Lewis & Deloris Huntington
565 Kensington Square
Stoughton, WI. 53589

Dear Applicant:

I have completed a review of the request for General Development Plan approval for a 3-foot deck expansion completed without a permit at 565 Kensington Square, Stoughton. Application submitted 12/6/17. A public hearing has been set for December 8, 2018 of which you will receive notice. You and/or your representative will need to attend the meeting to answer questions.

1. The property at 565 Kensington Square is currently zoned PD -Planned Development. **This request for a deck expansion requires approval of a General Development Plan which sets the building setbacks and acts as the zoning for the property. The Planning Commission will provide a recommendation to the Common Council for final review/approval (expected Council review date: January 23, 2018).**

2. The Planned Development District is intended to provide incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and the land use, appearance, density or intensity of development within the district in a manner which is consistent with the sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Section 78-914 provides regulations which govern the procedure and requirements for review and approval/denial, of the proposed Planned Development, and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district. **The standard zoning district for this condominium development is MR-10 – Multi-Family Residential. The MR-10 district requirements will be used as a guide for this General Development Plan Amendment.**

3. The MR-10 district requires a minimum rear lot line setback of 40 feet and a minimum side lot line setback of 15 feet to a principal structure. The zoning code also allows a 20-foot minimum rear setback for decks which do not extend more than 1-foot above grade. **The proposed deck addition (GDP) plan indicates a rear setback of approximately 16 feet.**

Lot stakes have been identified by a licensed surveyor. The side yard setback is well over the 20-foot side yard setback requirement. The closer rear setback is not uncommon within this condominium development and previous approved general development plans. The property adjacent to the rear is a City owned greenway.

4. If approved, all appropriate City of Stoughton building permits are required before construction. State of Wisconsin building approval may be necessary prior to building permit issuance.

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

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

7. **Request by Lewis and Deloris Huntington for planned development – general development plan approval for expansion of a deck at 565 Kensington Square.**
Scheel explained the request.

Mayor Olson opened the public hearing.

No one registered to speak.

Mayor Olson closed the public hearing.

Barman asked if the deck was already installed. Scheel stated the deck is installed.

Barman stated the deck expansion seems reasonable due to the small size of the existing deck.

Motion by **Barman** to recommend the Common Council approve the General Development Plan to expand the deck as presented, 2nd by **Bartlett**.

Truehl questioned if this change will take care of any other potential expansions in Kensington Square. Scheel stated this is only for this unit. Scheel noted that staff has historically educated and tried to work with the Kensington Square residents and Condominium Association regarding expansions.

Hanna noted the normal rear setback for multi-family is 40 feet.

Motion carried 7 - 0.

8. **Request by Calvin Merath for site plan approval to construct a garage addition at 320 North Street for Stoughton Area School District.**
Scheel explained the request.

Hanna questioned if the building materials are consistent with the existing building. Katrina Bower, representing the school district stated the addition will match the existing garage.

The landscaping location was discussed.

Motion by **Truehl** to approve the garage addition as presented, 2nd by **Engelberger**. Motion carried 7 - 0.

9. **Request by Ruth Sigle for renovation approval of a new sign within the Downtown Design Overlay Zoning District at 135 W. Main Street, Suite 100.**
Scheel explained the request and noted the sign is already installed.

Motion by **Bartlett** to approve the new signage as presented, 2nd by **Krcma**.