

CITY OF STOUGHTON, 381 E. MAIN STREET, STOUGHTON, WISCONSIN

RESOLUTION OF THE COMMON COUNCIL

Resolution by the Common Council of the City of Stoughton
Conditionally Approving the Preliminary Plat of Kettle Park West

Committee Action: Planning Commission recommends Council approval – with the Mayor voting.

Fiscal Impact: N/A

File Number:

Date Introduced:

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

RECITALS

- A. A preliminary plat entitled “Preliminary Plat of Kettle Park West” with revision date ~~March 3~~April 4, 2016 (the “Plat”) was submitted by Forward Development Group (the “Developer”) to the City of Stoughton (the “City”) on ~~March 3~~April 5, 2016 for review and action, and the statutory review period will expire on ~~June 1~~July 4, 2016.
- B. The Plat was referred to the Plan Commission for review and recommendation to the City Council.
- C. The Plan Commission has reviewed the Plat, and determined that the Plat will only be consistent with the City of Stoughton ordinances, Chapter 236 of Wisconsin Statutes, and the City of Stoughton Comprehensive Plan if all of the conditions set forth below are satisfied. The Plan Commission recommended approving the Plat subject to the conditions set forth below.
- D. The double frontage of Outlots 4 and 3 are found to be necessary to overcome disadvantages of topography and orientation, pursuant to Section 66.714 of the Stoughton Municipal Code.
- E. Those portions of Wild Senna Trail that fall outside the block-length requirements specified in Section 66.713 of the Stoughton Municipal Code are found acceptable due to limiting factors of good design, pursuant to Section 66.713(b).
- F. The Common Council has reviewed the Plat, and agrees with the Plan Commission recommendations.

RESOLUTION

The Common Council of the City of Stoughton hereby approves the Preliminary Plat of Kettle Park West (revision date March 3, 2016) subject to the following conditions:

1. A development agreement providing for the construction of all on-site and off-site public improvements needed to serve the Plat, and meeting the requirements of Section 66-903 of the City of Stoughton Code of Ordinances, must be approved and executed by the City and Developer before the City will sign a Final Plat.
2. The City must adopt an ordinance changing the zoning classification of the lots within the Plat as follows:
 - A. Lots 1-12 and ~~29-56~~30-57 must be zoned SR-5 Single-Family Residential 5;
 - B. Lots 13 and ~~21-28~~22-29 must be zoned MR-10 – Multi-Family Residential 10;
 - C. Lots 17-20 must be zoned MR-24 – Multi-Family Residential 24;
 - D. Outlots ~~1-4~~1-5 and Lot 16 must be zoned I – Institutional;
 - ~~E.~~ E. Lots 14-15 must be zoned PB – Planned Business.;
 - ~~F.~~ F. Lot 21 is zoned to SR-6 – Single Family Residential;
3. An agreement that provides access to and connectivity between the proposed “Oak Opening Drive” within the Plat, and Oak Opening Drive and Deer Point Drive within the Town of Rutland continuing to U.S.H. 51, must be approved and executed by the City and the Town of Rutland. The agreement must provide for the improvement of Oak Opening Drive and Deer Point Drive within the Town of Rutland in a manner that is acceptable to the Town of Rutland and the City. The agreement must also contain assurances acceptable to the City that the Town will not act unilaterally in a manner that would prevent Oak Opening Drive and Deer Point Drive from serving as a means of entering and exiting the lands within the Plat, except when necessary for emergency or maintenance purposes. The City shall have no obligation to negotiate or enter such an agreement, except in the manner and on such terms as the City, in its sole discretion, deems appropriate. Improvements within the Town of Rutland shall provide bike/pedestrian accommodations and traffic signals (whether temporary or permanent) at the Roby Road/Deer Point Drive and USH 51 intersection.
- ~~4. Deed restrictions must be recorded that prohibit any development of Lots 21-23 until the proposed “Oak Opening Drive” is improved and connected to S.T.H. 138.~~

- 5.4. All unpaid special assessments levied against any lands within the Plat must be paid before the City will sign a Final Plat.
- 6.5. Before the City will sign a Final Plat, Developer must provide written confirmation from the Capital Area Regional Planning Commission ("CARPC") that the Plat and the proposed development of the lands within the Plat are consistent with and meet all of the conditions and recommendations adopted by CARPC or the Department of Natural Resources in connection with the addition of the lands within the Plat to the City of Stoughton Urban Service Area.
- 7.6. Before the City will sign a Final Plat, Developer must provide evidence that the Plat has been submitted to all necessary objecting and approving authorities, that all objections have been addressed, and that all necessary approvals have been given.
- 8.7. Parkland shall be dedicated on the final plat, or fees in lieu of parkland dedication shall be paid before the City will sign the final plat, in such manner as is determined by the City in accordance with applicable City ordinances.
- 9.8. The final plat shall include a notation informing prospective purchasers of the obligation to pay park improvement fees to the City at the time a building permit is issued.
- 10.9. Before the City will sign a Final Plat, Developer must reimburse the City for all expenses incurred by the City in connection with its review and processing of the Plat, a Final Plat, and the development of the lands within the Plat. Such reimbursement shall include all fees the City has paid to legal, planning, engineering, financial and other consultants.
- 11.10. Before the City will sign a Final Plat, Developer must provide either a letter of credit or a performance bond in the amount of 120 percent of the estimated total cost to complete the required public improvements. The form and substance of the letter of credit must be acceptable to and approved by the city attorney.
- ~~12. The following items required by Section 66-303 of the City of Stoughton Code of Ordinances shall be provided, addressed or both to the satisfaction of the City Planning Director:~~
- ~~A. The location, right of way width, and pavement width of easements or rights of way adjacent to the plat shall be shown on the Plat. Detailed information describing the dedication of and existing improvements to Oak Opening Drive within the Town of Rutland shall be provided to the City Planning Director.~~
- ~~B. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table shall be established through appropriate investigation and reported to the City Planning Director. Where the investigation indicates the potential for groundwater less than 10 feet from a proposed street centerline~~

~~elevation, that information and the lots affected shall be noted on the face of the Final Plat.~~

~~C. Existing land use and zoning within 300 feet of the Plat shall be provided to the City Planning Director.~~

~~D. The lowest building elevation must be designated on the Plat to be one foot above the seasonal high water table. The minimum elevation must be shown on the Plat for each affected parcel.~~

~~13.11.~~ Plans and specifications for the construction of all public improvements needed to serve the Plat shall be approved by the City before the City will sign a Final Plat. Among other things, construction plans must show street tree locations, sizes and species and incorporate traffic calming features on Oak Opening Drive.

~~14.12.~~ Erosion controls and stormwater management plans must be approved by the City before the City will sign a Final Plat. Stormwater management will be evaluated as part of the construction plan review.

~~15.13.~~ All easements the City or Stoughton Utilities identify as necessary during the course of reviewing the Plat or the construction plans and specifications must be dedicated on the Final Plat.

14. Proposed street names must be investigated for conflicts within the City of Stoughton School and Fire Districts, and are subject to approval by the City Council.

15. Changes to the Preliminary Plat notes are to be changed on the final plat as follows: Note #3 is to indicate both Outlot 4 and Outlot 5 are to be dedicated as Park; Note #4 should be deleted; Note #5 should include Outlot #1

16. The Final Plat is to incorporate the following changes: a) remove four lots (25, 26, 27, 28) on the west side of Oak Opening Drive; b) modify the lot at the southwest corner of Oak Opening Drive and Buttercup Court (Lot 29) by repositioning it to face and access Buttercup Court for a single-family use; c) create two additional single-family parcels on the southeast corner of Wild Sienna Trail and Buttercup Court between Lot 39 and Lot 40; d) create an additional parcel intended for a duplex in southwest corner of Oak Opening Drive & Wild Sienna Trail by modifying the lot configuration of Lot 22, Lot 23 and Lot 24.

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

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

Donna Olson, Mayor

Date

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

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