

## **MEETING NOTICE**

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, November 8, 2010 at 6:00pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street**, Stoughton WI.

### **AGENDA**

1. Call to order
  2. Consider approval of the Planning Commission minutes of October 4, 2010.
  3. Council Representative Report.
  4. Status of Developments/Projects. (Page 6)
  5. Proposed ordinance amendments for sections 78-206(1)(a)3 & 78-206(1)(a)2 to clarify that existing duplexes are not required to install separate water and sewer laterals when converting to a twin house (zero lot line) and newly constructed duplexes and twin homes are required to install separate water and sewer laterals. (Page 8)
    - Public Hearing
    - Recommendation to Council
  6. Dennis Steinkraus of Forward Development Group, LLC, to provide an update regarding the proposed neighborhood development at the northwest corner of US Highway 51 and State Highway 138. (Page 12)
  7. Future agenda items
  8. Adjournment
- 11/3/10mps

### **COMMISSIONERS:**

Mayor Donna Olson, Chair  
Eric Hohol, Vice-Chair  
Rollie Odland

Todd Krcma  
Carl Chenoweth

Ron Christianson  
Troy Wieser

### **CC: PACKETS:**

Rodney Scheel  
Troy Wieser

Michael Stacey (3)  
Todd Krcma

Rollie Odland  
Mayor Donna Olson

### **E-MAIL NOTICES:**

All Department Heads  
Pili Hougan  
Scott Wegner  
Area Townships

Council members  
Peter Sveum  
Autumn Dressell – HUB

Steve Kittelson  
Derek Westby  
City Attorney Matt Dregne

### **MAIL NOTICES:**

Morgan & Janet Kinney, 69655 E. Long Lake Road, Iron River, WI. 54847; JSD Professional Services Inc., Jim Bricker, 161 Horizon Drive, Suite 101, Verona, WI. 53593; Oakbrook Corporation, Charles Redjinski, 2 Science Drive, Madison, WI., 53744; Forward Development Group, LLC, Dennis Steinkraus, 161 Horizon Drive, Suite 101, Verona, WI. 53593;

IF YOU ARE DISABLED & IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING.

**NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.**

## **Planning Commission Meeting Minutes**

**Monday, October 4, 2010 - 6:00 p.m.**

**Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.**

**Members Present:** Mayor Donna Olson, Chair; Eric Hohol, Vice-Chair, Todd Krcma; Troy Wieser; Carl Chenoweth; Rollie Odland and Ron Christianson.

**Absent and Excused:**

**Staff:** Director of Planning & Development, Rodney Scheel; and Zoning Administrator/Assistant Planner, Michael Stacey.

**Guests:** Alice Forsythe; Dennis Steinkraus; Dale Hanson; Dave Atkins; Dave Knop; Jim Shebesta; Pam Barnes; Katharin Giansante; Betty Marshall.

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the September 13, 2010 Planning Commission meeting minutes.**  
Motion by **Chenoweth** to approve the minutes of September 13, 2010 as presented, 2nd by **Christianson**. Motion carried 7 - 0.
3. **Council Representative Report.**  
Hohol stated the Movin' Out and 623 Kensington Square rezonings were both approved while the Payne and Dolan Annexation was a first reading at Council.
4. **Status of Developments/Projects.**  
Scheel gave an overview on the status of specific projects listed in the packet. There were no questions.
5. **Dave Atkins, owner of Water's Edge Tavern requests a conditional use permit to construct an enclosed patio addition at the rear of the building and install fencing in the backyard to the Yahara River at 324 S. Water Street to allow patrons to smoke outdoors per State of Wisconsin requirements.**  
Scheel gave an overview on the history of this request and noted that the zoning code was amended to allow indoor entertainment uses to expand outside as a conditional use within the Central Business district.

Mayor Olson opened the public hearing.

The following people registered to speak in favor of the proposed conditional use request:

Dave Atkins – explained his intent for this request.

Kathy Johnson phoned in to the planning staff stating she does not have a problem with this request.

The following people registered to speak in opposition of the proposed conditional use request:

Alice Forsythe – concerned about noise.  
Mary Condon – opposed due to noise down the river.  
Pam Barnes – noise, voices, music.  
Katharine Giansante – noise, music.

Mayor Olson closed the public hearing.

A lengthy discussion took place by the Commissioner's related to what conditions if any should be placed on this request. A letter from Police Chief Greg Leck was read by Mayor Olson which detailed the need for conditions and recommended tabling until those conditions can be thought out. The Commissioner's discussed fencing; noise; limiting the hours outside; noise violations; and police response.

Motion by Christianson to recommend Council approve the conditional use resolution as presented, 2<sup>nd</sup> by Chenoweth.

Christianson stated he wants businesses to have a chance to succeed without too many restrictions. Krcma agreed. Hohol stated this request is a separate issue from the outdoor alcohol and noted the zoning code was amended to allow this as a conditional use on a case by case basis and he is not in favor of putting no conditions on this outdoor use. The discussion continued regarding the history of problems with the old Stella's and now Cully's on Water Street.

Motion by Chenoweth to amend the original motion to include a condition that the west exit door must remain closed during the hours of operation except for entering and exiting, 2<sup>nd</sup> by Hohol.

Motion by Chenoweth to amend the original motion to also include a condition to ban all music from the outdoor area, 2<sup>nd</sup> by Hohol.

Hohol asked the applicant to comment on the restrictions. Dave Atkins stated he is willing to accept the restrictions.

Motion by Hohol to amend the original motion to also include a condition that the outdoor area be closed at 10:00 pm, 2<sup>nd</sup> by Chenoweth. Motions carried 7 – 0.

6. **Dave Knop, owner of Pack R Place Bar requests a conditional use permit to construct a deck addition at the rear of the building at 208 W. Main Street to allow patrons to smoke outdoors per State of Wisconsin requirements.**  
Scheel gave an overview of the request. Chenoweth questioned the building requirements for the deck. Scheel stated state approval would be necessary.

Mayor Olson opened the public hearing.  
The following people registered in favor of the conditional use request.

Dave Knop – explained his intent.

Kathy Johnson phoned in to the planning staff stating she does not have a problem with this request.

The following people registered in opposition of the conditional use request.

Pam Barnes – not in favor due to more noise.

Mary Condon – more noise issues.

Betty Marshall – does not have an issue with smoking outside, not in favor of alcohol.

Mayor Olson closed the public hearing.

Motion by **Wieser** to recommend Council approve the conditional use with the following conditions: The north exit door to the deck area must remain closed during hours of operation except for entering and exiting; All music shall be banned from the outdoor area; and the outdoor area shall be closed at 10:00 pm, 2<sup>nd</sup> by **Chenoweth**. A brief discussion took place regarding the conditions proposed for this use. Hohol stated as a Council member he is not in favor of an outdoor alcohol permit being granted for this use. Motion carried 7 – 0.

**7. Dale Hanson of Rite-Way Construction representing William Chritton requests building addition approval at 113 E. Main Street.**

Scheel gave an overview of the proposed request. Dale Hanson was available for questions.

Motion by **Hohol** to approve the building addition contingent on staff review letter dated September 14, 2010, 2<sup>nd</sup> by **Chenoweth**. Motion carried 7 – 0.

**8. James Shebesta of Alliant Energy requests approval to construct bunker silos for storage of gravel, black dirt and clean stone at 1521 Progress Lane.**

Scheel explained the request. Chenoweth questioned potential runoff issues. James Shebesta stated the bunkers are being installed to prevent runoff since the piles of gravel and black dirt are currently exposed.

Motion by **Krcma** to approve the construction of bunker silos at Alliant Energy, 1521 Progress Lane contingent on staff review letter dated September 16, 2010, 2<sup>nd</sup> by **Wieser**. Motion carried 7 – 0.

**9. Dennis Steinkraus of Forward Development Group, LLC to provide an update of the proposed development at the northwest corner of US Highway 51 and State Highway 138.**

Dennis Steinkraus gave an overview of where the group is in the process and what the next steps will be, Urban Service Area Amendment (USA); Detailed Neighborhood Plan and the recent discussions with end users looks very good. Chenoweth questioned the time frame and what is needed from the Commission or City. Steinkraus stated they recently met with Kamran Mesbah of the Capital Area Regional Planning Commission and City staff to discuss the USA. Mr. Mesbah indicated they would need a plan by December if there is any intent on breaking ground by this time next year or the Spring of 2012. There was a brief discussion regarding the extent of the Traffic Impact Analysis (TIA). Steinkraus indicated the TIA will be extensive. Scheel stated he has been working closely with the development group and has contacted the WDOT to inform them of the potential proposed development.

**10. Future agenda items.**

Forward Development Group proposed development.

**11. Adjournment.** Motion by Wieser to adjourn at 7:30 pm, 2<sup>nd</sup> by Christianson. Motion carried 7– 0.

Respectfully Submitted,  
Michael Stacey



CITY OF STOUGHTON  
DEPARTMENT OF  
PLANNING & DEVELOPMENT  
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RODNEY J. SCHEEL  
DIRECTOR

Date: November 3, 2010

To: Planning Commission Members

From: Rodney J. Scheel  
Director of Planning & Development

Michael Stacey  
Zoning Administrator/Assistant Planner

Subject: November 8, 2010 Planning Commission Meeting - Status of Developments and Meeting Summary.

**Status of Developments:**

- West View Ridge - 33 improved lots remaining.
- Stone Crest - 11 improved lots remaining.
- North American Fur Expansion – In Process.
- Lean Distribution Expansion – In Process.
- 7 single family home permits issued for 2010 compared to 1 in 2009.
- Proposed Development at NW corner of US Hwy 51 & State Hwy 138 – update will be provided at this meeting.

**Meeting Summary:**

**Item #5 – Proposed ordinance amendment for sections 78-206(1)(a)3 & 78-206(1)(a)2 to clarify that existing duplexes are not required to install separate water and sewer laterals when converting to a twin house (zero lot line) and newly constructed duplexes and twin homes are required to install separate water and sewer laterals.**

One of the intentions of the recent comprehensive zoning code update was to eliminate non-conformities for existing development. While the above code sections do not create any non-conformity for existing duplexes or twin homes; they do however create a heavy financial burden on property owners that want to convert a duplex to a twin house (zero lot line). The current code requires installing separate water and sewer laterals for that conversion. That was not the intent of the zoning ordinance update. We propose to amend the zoning code to clarify only newly constructed duplexes and twin homes after the effective date of this ordinance are required to have separate water and sewer laterals. A public hearing is required and a recommendation to the Common Council is necessary. The proposed ordinance amendments are provided.

**Item #6 – Dennis Steinkraus of Forward Development Group, LLC, to provide an update regarding the proposed neighborhood development at the northwest corner of US Highway 51 and State Highway 138.**

A representative of Forward Development Group will be on hand to provide an update on this proposed development.

## NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, November 8, 2010**, at **6:00 o'clock p.m.**, or as soon thereafter as the matter may be heard, at the **Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street**, Stoughton, Wisconsin, to consider a proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances sections 78-206(1)(a)2 & 78-206(1)(a)3. The proposed amendments will clarify that existing duplexes are not required install separate water and sewer laterals when converting to a twin home (zero lot line) and vice-versa. All new duplexes and twin homes constructed after the effective date of the ordinances will be required to install separate water and sewer laterals.

For questions regarding this notice please contact Zoning Administrator Michael Stacey at 608-646-0421

Luann J. Alme  
City Clerk

Published October 7, 2010 and October 14, 2010 Hub

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**AN ORDINANCE TO AMEND SECTION 78-206(1)(a)2  
OF THE STOUGHTON MUNICIPAL CODE**

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

1. Section 78-206(1)(a)2 of the Stoughton Municipal Code are hereby amended and shall read as follows:

Sec. 78-206. (1)(a)2 – Duplex.

Description: These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit. Upon the effective date of this ordinance amendment, all newly constructed Duplexes are required to install a sanitary sewer lateral and public water lateral for each individual dwelling unit. The two residences are located on the same lot. These dwelling unit types may not be split into additional residences. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:

2. This ordinance shall take effect upon its passage and publication.

Adopted on roll call at a regular meeting of the Common Council of the City of Stoughton held on the    day of    , 2010.

VOTE:

Ayes:

Noes:

Adopted:

Published:

APPROVED:

\_\_\_\_\_  
Donna L. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Pili Hougan, Deputy Clerk

**AN ORDINANCE TO AMEND SECTION 78-206(1)(a)3  
OF THE STOUGHTON MUNICIPAL CODE**

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

1. Section 78-206(1)(a)3 of the Stoughton Municipal Code are hereby amended and shall read as follows:

Sec. 78-206. (1)(a)3 – Twin House.

Description: These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit. Upon the effective date of this ordinance amendment, all newly constructed Twin Homes are required to install a and individual sanitary sewer lateral and public water laterals, for between each individual dwelling unit. Separate water and sewer laterals are not required when converting an existing Duplex to a Twin Home. The two residences are located on separate lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group or large development. These dwelling unit types may not be split into additional residences. A mutual maintenance agreement is recommended to be drafted and recorded between property owners to address for example; repair and/or replacement of the exterior components of the structure. Refer to the illustration on the following page and to Article I for setback requirements labeled in capital letters:

2. This ordinance shall take effect upon its passage and publication.

Adopted on roll call at a regular meeting of the Common Council of the City of Stoughton held on the     day of     , 2010.

VOTE:

APPROVED:

Ayes:

\_\_\_\_\_  
Donna L. Olson, Mayor

Noes:

Adopted:

ATTEST:

Published:

\_\_\_\_\_  
Pili Hougan, Deputy Clerk

**9. Dennis Steinkraus of Forward Development Group, LLC, requests conceptual approval of a proposed neighborhood development at the northwest corner of US Highway 51 and State Highway 138.**

Dennis Steinkraus gave an overview of the request. Jim Bricker gave a powerpoint presentation and explained the conceptual plan. There was a lengthy discussion related to transportation; stormwater management; types of potential uses and the need for a neighborhood plan. Scheel discussed the positive aspects of development in this area.

Motion by Hohol to go on record as being supportive of the proposed neighborhood development, 2<sup>nd</sup> by Krcma. Motion carried 4 – 0.

**10. Discuss a proposed ordinance amendment to amend sections 78-206(1)(a)3 & 78-206(1)(a)2 to clarify that existing duplexes are not required to install separate water and sewer laterals when converting to a twin house (zero lot line).**

Scheel explained the proposed amendments.

Motion by Hohol to recommend staff move forward with the proposed zoning amendments, 2<sup>nd</sup> by Krcma. Motion carried 4 – 0

**11. Future agenda items.**

Payne & Dolan annexation; Forward Development proposal; and Zoning ordinance amendment related to duplexes and twin houses.

**12. Adjournment.** Motion by Christianson to adjourn at 6:44 pm, 2<sup>nd</sup> by Hohol. Motion carried 4 – 0.

Respectfully Submitted,  
Michael Stacey