

MEETING NOTICE

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, May 9, 2011 at 6:00 pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton WI.**

AGENDA

1. Call to order
 2. Elect Vice-Chair.
 3. Discuss meeting times and dates.
 4. Consider approval of the Planning Commission minutes of April 11, 2011.
 5. Council Representative Report.
 6. Status of Developments/Projects.
 7. Request to review zoning ordinance section 78-206(9)(i) related to temporary structures. (Page 6)
 8. Request by A.J. Arnett to discuss preliminary conceptual plan and preliminary land use plan for property located north of the County Garage on County Highway N. (Settlers Point) (Page 11)
 9. Proposed resolution approving an easement amendment between Movin' Out and the City of Stoughton for the property at 623 Eighth Street. (Page 24)
 - Recommendation to Council
 10. Closed Session – Discuss future meetings and negotiations with the Town of Rutland.
*The Planning Commission may convene in closed session pursuant to §19.85(1)(e) Wis. Stats. to discuss future meetings and negotiations with the Town of Rutland. The Planning Commission will reconvene into Open Session to continue the meeting.
 11. Future agenda items
 12. Adjournment
- 5/3/11mps

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:

Elizabeth Kast, 824 N. Madison Street, Stoughton; Quam Engineering, Ryan Quam, 4893 Larson Beach Road, McFarland, WI., 53558; A.J. Arnett, 2255 Tower Road, Stoughton, WI., 53589; GRAEF, Erin Ruth, 5126 West Terrace Drive, Suite 111, Madison, WI. 53718-8343;

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.

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Planning Commission Meeting Minutes

Monday, April 11, 2011 - 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, Carl Chenoweth; Todd Krcma, and Troy Wieser.

Absent and Excused: Ron Christianson and Rollie Odland

Staff: Director of Planning & Development, Rodney Scheel; and Zoning Administrator, Michael Stacey

Guests: City Attorney Matt Dregne

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission minutes of March 14, 2011.**
Motion by Chenoweth to approve the Planning Commission minutes of March 14, 2011, 2nd by Hohol. Motion carried 4 – 0.
3. **Council Representative Report.**
Hohol stated Stoughton Schools conditional use permit was approved and there was a first reading of the Berry Street rezoning.

Wieser arrived at 6:04 pm

4. **Status of Developments/Projects.**
Scheel gave an overview of the status of developments.
5. **Proposed Zoning Ordinance Amendments.**

Mayor Olson opened the public hearing.

No one registered to speak.

Mayor Olson closed the public hearing.

Scheel gave an overview of the amendments.

There was discussion about separating the section related to the economic and fiscal impact analysis requirements of the large development regulations. It was decided this will be discussed at the Council meeting.

Motion by Hohol to recommend Council approve ordinance O-4-2011 to amend multiple zoning code sections of the municipal code as presented, 2nd by Chenoweth. Motion carried 5-0.

6. Closed Session. – Consider Resolution R-31-2011 Relating to Intergovernmental Negotiations with the Town of Rutland.

Motion by Hohol to close the meeting pursuant to section 19.85(1)(e) to consider a recommendation to the Common Council regarding possible negotiations with the Town of Rutland, 2nd by Wieser. Motion carried 5 – 0.

Motion by Hohol to reopen the meeting, 2nd by Krcma. Motion carried 5 – 0.

Motion by Hohol to recommend Council approve resolution R-31-2011 relating to intergovernmental negotiations with the Town of Rutland, 2nd by Chenoweth. Motion carried 5 – 0.

7. Future agenda items.

Scheel stated there has been discussions with AJ Arnett about a possible annexation of property north of the County garage on Highway B and property east of Highway N.

8. Adjournment. Motion by Krcma to adjourn at 6:55 pm, 2nd by Chenoweth. Motion carried 5 – 0.

Respectfully Submitted,
Michael Stacey



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR

Date: May 3, 2011

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: May 9, 2011 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 30 improved lots remaining.
- Stone Crest - 11 improved lots remaining.
- Nordic Ridge Development – No improvements.
- Lean Distribution Expansion – Landscaping/Paving left.
- Proposed Westend Neighborhood at NW corner of US Hwy 51 & State Hwy 138 – status to be provided at meeting.
- Movin' Out (Elven Sted) project – Under Construction.

Department of Planning & Development Information/Happenings:

- Planning staff has been working primarily on the following:
- Budgeting for outcomes.
- CIP updates.
- Interior painting at City Hall.
- Sprucing up landscaping at Senior Center and Public Safety.
- Working with a developer who is interested in acquiring the Silberschmidt Building, 221 Water Street with plans to remodel the upper levels for apartments.
- Floodplain Ordinance amendment to lower the 4th Street Dam failure rating which will save the City \$20,000 in the next 10 years.
- Continued building and zoning inspections.
- Seeking new software for permitting, inspections and code enforcement (current software company is out of business, so no maintenance available)
- Four applications approved for the Keeping of Chickens.
- Continued meetings with the Forward Development Group and the Capital Area Regional Planning Commission (CARPC) to gain an Urban Service Area Amendment for the proposed Westend Development.
- Continuing education for building inspectors.

Meeting Summary:

Item #7 - Request to review zoning ordinance section 78-206(9)(i) related to temporary structures.

Per zoning code section 78-206(9)(i), temporary structures are not allowed in any zoning district. We need to start enforcing this section of the ordinance. A few years ago when we noticed these structures starting to show up, it was brought to the attention of the Planning Commission and at that time the Commissioner's did not see this as a problem that should be enforced. We have had inquiries about these temporary structures affecting property values. The ordinance section and photo examples are provided.

Items #8 - Request by A.J. Arnett to discuss a preliminary conceptual plan and preliminary land use plan for property located north of the County Garage on County Highway N. (Named Settlers Point).

The property owner/developer A.J. Arnett would like to discuss conceptual plans for Settlers Point with the potential for a future annexation.

Item #9 - Proposed resolution approving an easement amendment between Movin' Out and the City of Stoughton for the property at 623 Eighth Street.

This easement amendment is necessary to define/protect the actual area of underground infrastructure.

Item #10 – Closed Session – Discuss future meetings and negotiations with the Town of Rutland.

The meeting will be closed for discussion.

78-206(9)(i)**(i) Temporary Shelter**

Description: These shelters are typically supported by poles, have a fabric roof and/or sides and are usually used to cover automobiles, boats, recreational vehicles, or fire wood on a temporary or permanent basis. These structures are not designed for the snow loading that can occur during the winter months. These shelters are not permitted in any zoning district in the City of Stoughton.



5/3/2011



5/3/2011



5/3/2011



5/3/2011



collaborāte / formulāte / innovāte

April 25, 2011

Rodney Scheel, Director of Planning & Development
City of Stoughton
381 E. Main Street
Stoughton, WI 53589

SUBJECT: Plan Commission Submittal – Settlers Point Concept Diagrams

Dear Rodney:

Thank you for meeting with A.J. Arnett, Ryan Quam, and myself on April 14 regarding the Settlers Point project. Per our discussion at that meeting, we are submitting a preliminary concept plan and a proposed land use plan for review by the City Plan Commission. These maps are attached.

Our intent is to review the proposed project with the Plan Commission and to receive their input prior to engaging in a Neighborhood Planning process, a Comprehensive Plan Amendment process, and an Urban Service Area amendment process.

Mr. Arnett and I will be available at the May Plan Commission meeting to provide a brief overview of the proposed project and to answer any questions the Commission may have. We plan to bring larger display boards with the maps and additional photos.

We are very excited about the preliminary concepts we have put together, and we appreciate the opportunity to present our ideas to the Commission.

Please don't hesitate to contact me with any questions.

Sincerely,

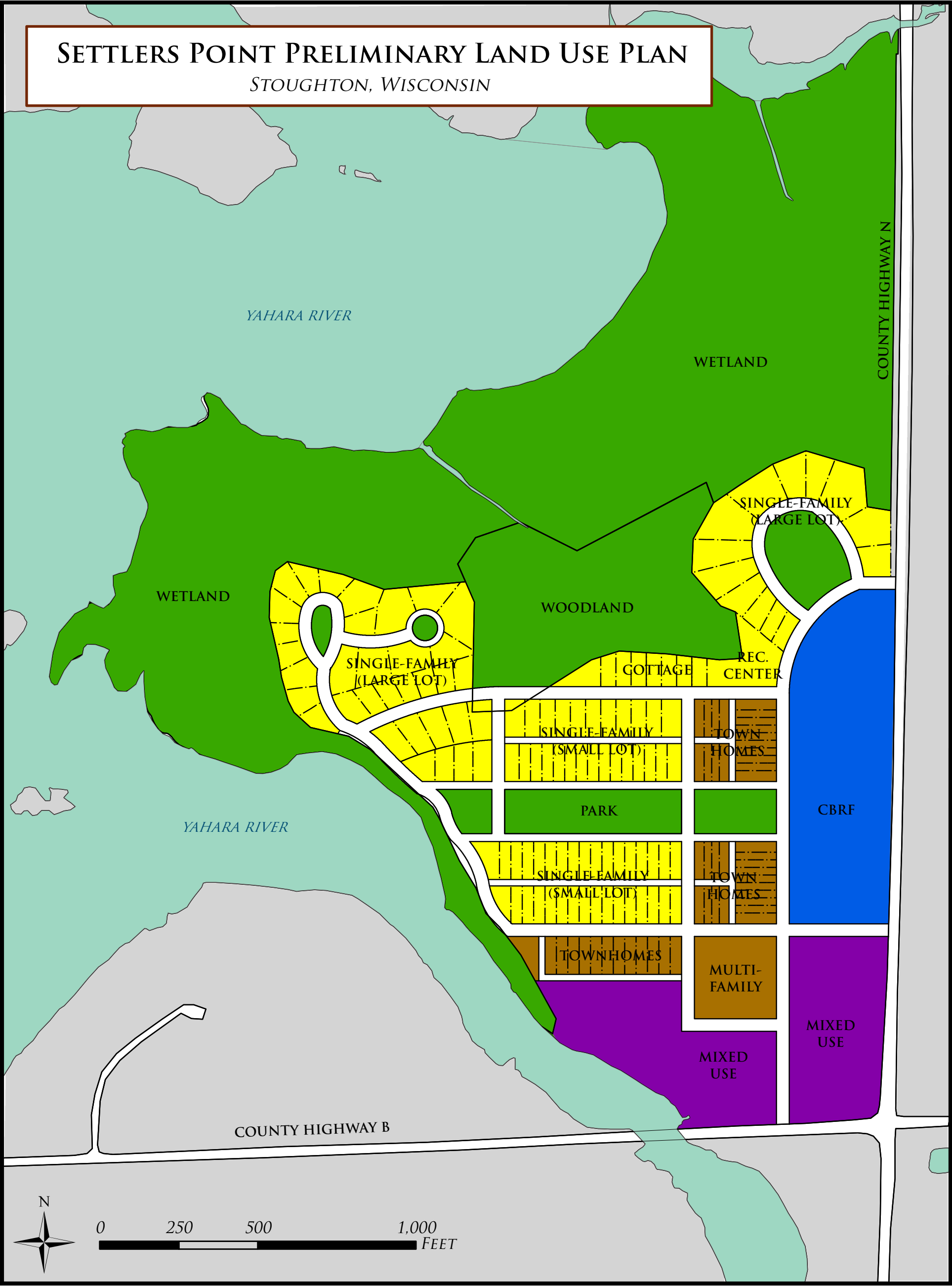
A handwritten signature in black ink, appearing to read 'Erin Ruth'.

Erin Ruth
Planner

EWR:ewr

Att: Settlers Point Preliminary Concept Plan, Settlers Point Preliminary Land Use Plan

cc: A.J. Arnett, Ryan Quam



LAND USE DESIGNATION

- | | |
|-------------------------------|---------------------------------------|
| <div></div> INSTITUTIONAL | <div></div> PUBLIC OPEN SPACE |
| <div></div> MIXED RESIDENTIAL | <div></div> SINGLE FAMILY RESIDENTIAL |
| <div></div> PLANNED MIXED USE | |



Date: 4/25/2011

	WETLANDS		BUILDING		SINGLE FAMILY, SMALL LOT
	WOODLANDS		OPENSACE		SINGLE FAMILY, LARGE LOT
	ROADS		ALLEYS		COTTAGE
	SURFACE WATER		TOWNHOMES		NEW ROADS

**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.021 (2), WISCONSIN STATUTES**

We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Towns of Pleasant Springs, Dane County, Wisconsin and the Town of Dunkirk, Dane County, Wisconsin, lying contiguous to the City of Stoughton, petition the Honorable Mayor and Common Council of the City of Stoughton to annex the territory described below and shown upon the attached map and legal description, as permitted by Chapter 66 of the Wisconsin Statutes, to the city of Stoughton, Dane County, Wisconsin

Legal Description and Exhibit attached.

This Annexation Contains 1,311,560 Square feet or 301 acres of real estate.

The current population of such territory is 0 people.

Dated this ____ day of _____, 2011

Andrew J Arnett for Member/Owner
Arnett Holdings and Investments LLC
AJ Arnett Land and Development LLC
2255 Tower Dr Stoughton WI

_____ for Dane County
210 MARTIN LUTHER KING BLVD
Room 114 Madison WI

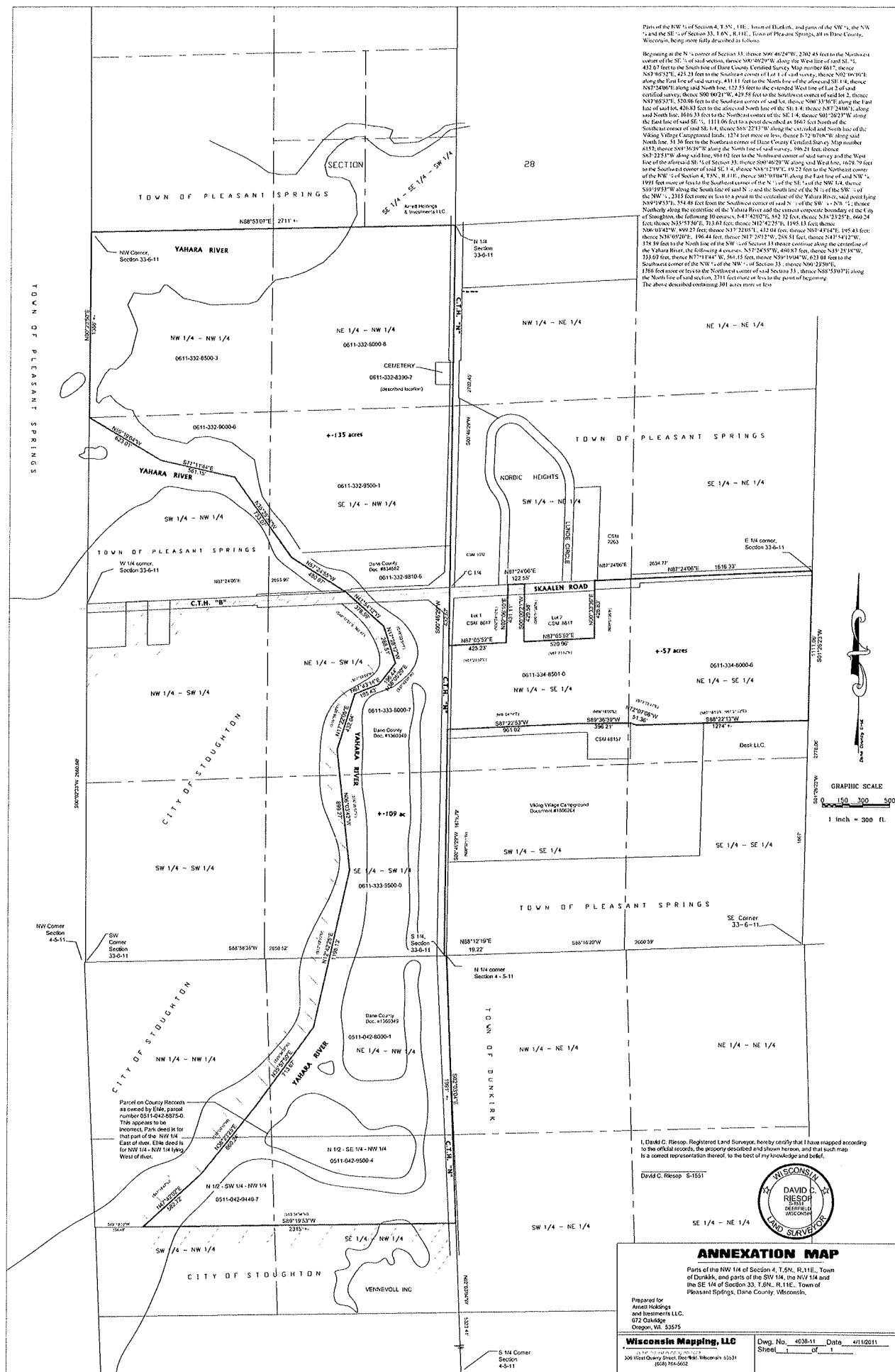
ANNEXATION DESCRIPTION

Parts of the NW ¼ of Section 4, T.5N., 11E., Town of Dunkirk, and parts of the SW ¼, the NW ¼ and the SE ¼ of Section 33, T.6N., R.11E., Town of Pleasant Springs, all in Dane County, Wisconsin, being more fully described as follows:

Beginning at the N ¼ corner of Section 33; thence S00°46'29"W, 2702.45 feet to the Northwest corner of the SE ¼ of said section; thence S00°46'29"W along the West line of said SE ¼, 432.67 feet to the South line of Dane County Certified Survey Map number 8617; thence N87°05'52"E, 425.23 feet to the Southeast corner of Lot 1 of said survey; thence N02°06'10"E along the East line of said survey, 431.11 feet to the North line of the aforesaid SE 1/4; thence N87°24'06"E along said North line, 122.55 feet to the extended West line of Lot 2 of said certified survey; thence S00°00'21"W, 429.58 feet to the Southwest corner of said lot 2; thence N87°05'52"E, 520.96 feet to the Southeast corner of said lot; thence N00°33'36"E along the East line of said lot, 426.83 feet to the aforesaid North line of the SE 1/4; thence N87°24'06"E along said North line, 1616.33 feet to the Northeast corner of the SE 1/4; thence S01°26'23"W along the East line of said SE ¼, 1111.06 feet to a point described as 1667 feet North of the Southeast corner of said SE 1/4; thence S88°22'13"W along the extended and North line of the Viking Village Campground lands, 1274 feet more or less; thence N72°07'08"W along said North line, 51.36 feet to the Northeast corner of Dane County Certified Survey Map number 8157; thence S89°36'39"W along the North line of said survey, 396.21 feet; thence S87°22'53"W along said line, 961.02 feet to the Northwest corner of said survey and the West line of the aforesaid SE ¼ of Section 33; thence S00°46'29"W along said West line, 1679.79 feet

to the Southwest corner of said SE 1/4; thence N88°12'19"E, 19.22 feet to the Northeast corner of the NW 1/4 of Section 4, T5N., R.11E., thence S02°03'04"E along the East line of said NW 1/4, 1991 feet more or less to the Southeast corner of the N 1/2 of the SE 1/4 of the NW 1/4; thence S89°19'53"W along the South line of said N 1/2 and the South line of the N 1/2 of the SW 1/4 of the NW 1/4, 2315 feet more or less to a point in the centerline of the Yahara River, said point lying N89°19'53"E, 354.48 feet from the Southwest corner of said N 1/2 of the SW 1/4 - NW 1/4; thence Northerly along the centerline of the Yahara River and the current corporate boundary of the City of Stoughton, the following 10 courses, N47°42'02"E, 582.72 feet; thence N38°23'25"E, 660.24 feet; thence N35°57'50"E, 713.67 feet; thence N12°42'25"E, 1195.13 feet; thence N06°03'42"W, 899.27 feet; thence N17°22'05"E, 432.04 feet; thence N67°43'14"E, 195.43 feet; thence N38°05'20"E, 196.44 feet; thence N17°28'12"W, 288.51 feet; thence N47°54'12"W, 378.59 feet to the North line of the SW 1/4 of Section 33 thence continue along the centerline of the Yahara River, the following 4 courses, N57°24'55"W, 480.87 feet; thence N35°25'38"W, 733.07 feet; thence N77°11'44" W, 561.15 feet; thence N59°19'04"W, 623.01 feet to the Southwest corner of the NW 1/4 of the NW 1/4 of Section 33; thence N00°23'50"E, 1386 feet more or less to the Northwest corner of said Section 33; thence N88°53'07"E along the North line of said section, 2711 feet more or less to the point of beginning.

The above described containing 13,128,367 square feet, or 301.4 acres more or less.



residential development. This *Plan* recommends that a detailed Redevelopment Plan for this area be prepared in cooperation with site property owners and neighboring property owners and residents. This redevelopment process will likely take a period of years, and require a market analysis, detailed site investigations for underground contamination and specific clean-up activities before any development proposals are put forward. A detailed strategy for “brownfield” redevelopment that applies throughout the City is provided in Chapter Seven. Development approvals within this area should only be granted after submittal and review of detailed development plans.

General and Planned Industrial Areas:

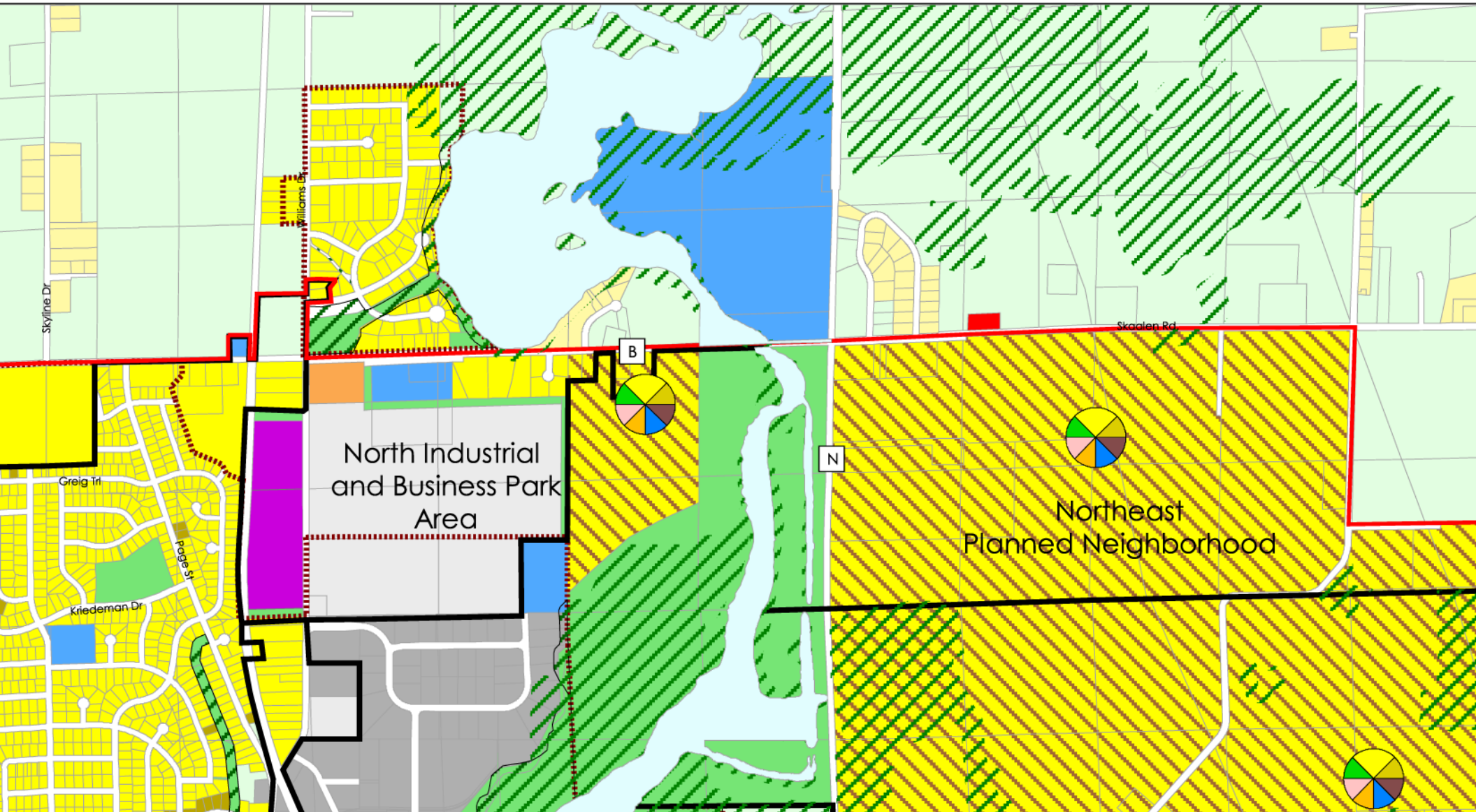
Existing *General Industrial* uses in the South Industrial Park and in the North Industrial and Business Park are proposed to remain intact. Successfully managing neighborhood impacts of such uses are critical. This can be achieved, in part, by stabilizing and beautifying the edges of these areas. As opportunities for reinvestment and redevelopment occur, the appearance of building facades exposed to the public view, including loading docks and storage areas, should be improved. Use of high quality building materials, improved window treatments, high quality loading and storage screening devices and landscaping is strongly recommended with all expansion and renovation projects.

Both of the City’s industrial parks are planned to expand over the planning period. New *Planned Industrial* uses are recommended for undeveloped lands along CTH A on the City’s southeast side, and for undeveloped lands between the Business Park and CHT B on the City’s north side. The *Planned Industrial* category includes high-quality indoor manufacturing, assembly, and storage uses, with generous landscaping and minimal signage. All industrial projects in *Planned Industrial* areas should meet the recommended site, building, and landscape design criteria in Chapter Seven. Image and upkeep is especially important for industrial development along both CTHs A and B, as both serve as “gateways” into the community.

Institutional Areas

Most *Institutional* uses are planned to remain in locations in and near the central parts of the City. These include existing public and parochial school sites, municipal buildings, churches, hospital and medical care facilities, and cemeteries. These uses will remain very important in establishing the character of Stoughton. Building and grounds maintenance should be emphasized to maintain the quality of these areas.

Map 6a, on the following page, provides land use pattern recommendations for the central portion of the planning area.



permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.

- g. Fences shall comply with the regulations in section 78-718, except that chicken wire, woven wire, and related garden fencing shall be permitted without restriction around and within cultivated areas

(3) Institutional Land Uses

(a) Passive Outdoor Public Recreational

Description: Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

1. Parking Requirements:

One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(b) Active Outdoor Public Recreational

Description: Active outdoor public recreational land uses include all recreational land uses located on public property (including school district property) which involves active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

1. Regulations:

- a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 78-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- c. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.

2. Parking Requirements:

One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(c) Indoor Institutional

Description: Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

1. Regulations:

- a. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- b. All structures shall be located a minimum of 50 feet from any residentially zoned property.

2. Parking Requirements:

Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

- a. **Church:** one space per five seats at the maximum capacity.
- b. **Community or Recreation Center:** One space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
- c. **Funeral Home:** one space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.
- d. **Hospital:** one space per two patient beds, plus one space per staff doctor and one space per two employees on the largest work shift.
- e. **Library or Museum:** one space per 300 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
- f. **Elementary and Junior High:** one space per two employees.
- g. **Senior High:** one space per two employees, plus 30 percent of maximum capacity..
- h. **College or Trade School:** one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

(d) Outdoor Institutional

Description: Outdoor institutional land uses include cemeteries, privately held permanently protected green space areas, country clubs, golf courses, and similar land uses.

1. Regulations:

- a. Shall provide off-street passenger loading area if a significant proportion of the users will be children.
- b. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- c. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 78-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- d. Shall comply with Section 78-905, standards and procedures applicable to all conditional uses.

2. Parking Requirements:

Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

- a. **Cemetery:** one space per employee, plus one space per three patrons to the maximum capacity of all indoor assembly areas.
- b. **Golf Course:** 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).
- c. **Swimming Pool:** one space per 30 percent of capacity in persons.
- d. **Tennis Court:** three spaces per court.

(e) Public Service and Utilities

Description: Public service and utilities land uses include all City, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

1. Regulations:

- a. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
- b. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 78-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- c. All structures shall be located a minimum of 20 feet from any residentially zoned property.
- d. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

2. Parking Requirements:

One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

(f) Institutional Residential Development

Description: This land use is a form of residential development designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facility, nursing homes, hospices, group homes, convents, monasteries, dormitories, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23. No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development. A minimum of 30% of the development's Gross Site Area (GSA) shall be held as permanently protected green space. (See note (f) below.)

1. Regulations

- a. Project shall provide an off-street passenger loading area at a minimum of one location within the development.

2. Parking Requirements:

- a. Senior Housing or Retirement Housing: one half space per dwelling unit.
- b. Assisted Living Facility or Limited Care Facility: one space per two dwelling units.
- c. Monastery, Convent or Dormitory: one space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.
- d. Nursing Home or Hospice: one space per four patient beds, plus one space per two employees on the largest work shift, plus one space per doctor.

(g) Community Living Arrangement (1-8 residents)

Description: Community living arrangement land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor

institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

1. Regulations:

- a. No community living arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity unless Planning Commission and City Council agree to a reduction in spacing.

The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the Common Council following a public hearing).

Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to a., above; and shall not be subject to, or count toward, the total arrived at in b., above.

State Law Reference: Section 62.23, Wisconsin Statutes

2. Parking Requirements:

Three spaces.

(h) Community Living Arrangement (9-15 residents)

Description: See (g), above.

1. Regulations:

- a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity unless Planning Commission and City Council agree to a reduction in spacing.
- b. The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the Common Council following a public hearing).

State Law Reference: Section 62.23, Wisconsin Statutes

2. Parking Requirements:

Four spaces.

(i) Community Living Arrangement (16+ residents)

Description: See (g), above.

1. Regulations:

- a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity unless Planning Commission and City Council agree to a reduction in spacing.

The total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the Common Council following a public hearing).

State Law Reference: Section 62.23, Wisconsin Statutes

2. Parking Requirements:

One space per every three residents.

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

RESOLUTION OF THE PLAN COMMISSION

Approving an Easement amendment between Movin' Out and the City of Stoughton for the property located at 623 Eighth Street, Stoughton, Wisconsin. Named "First Amendment to Easement".

Committee Action:

Fiscal Impact: None.

File Number: R- -2011

Date Introduced: May 24, 2011

WHEREAS, on May 9, 2011 the Plan Commission reviewed the Easement amendment between Movin' Out and the City of Stoughton for property at 623 Eighth Street, Stoughton, Wisconsin; and

WHEREAS, this "First Amendment to Easement" document was reviewed by the City Attorney and by the Director of Planning & Development; now therefore

BE IT RESOLVED by the Common Council of the City of Stoughton that the Easement amendment between Movin' Out and the City of Stoughton for property at 623 Eighth Street, Stoughton, Wisconsin is approved as presented.

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

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

Donna Olson, Mayor

Date

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

Document Number

**FIRST AMENDMENT TO
EASEMENT**

THIS FIRST AMENDMENT TO EASEMENT (the “**Amendment**”) is made and effective as of the ____ day of April, 2011, by and between MOVIN’ OUT STOUGHTON LLC, a Wisconsin limited liability company (the “**Grantor**”), and the CITY OF STOUGHTON, a Wisconsin municipal corporation (the “**City**”).

W I T N E S S E T H:

WHEREAS, Grantor and the City executed and recorded a certain Easement, dated December 28, 2011, and recorded in the Dane County Register of Deeds as Document No. 4732938 (the “**Existing Easement**”), whereby the Grantor granted to the City a storm sewer easement for the operation, maintenance, repair, replacement and removal of storm sewer facilities (the “**Facility**”) located in the Easement Area, as defined in the Existing Easement; and

WHEREAS, Grantor and City wish to amend the Existing Easement to revise the legal description of the Easement Area.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Incorporation of Recitals. The terms and provisions of the above recitals are hereby incorporated by reference.
2. Easement Area. Exhibit A of the Existing Easement is hereby deleted in its entirety and replaced with Exhibit A attached hereto.
3. Other Provisions in Effect. All other provisions of the Existing Easement not modified hereby shall remain in full force and effect.

This Amendment may be executed in counterparts, all of which shall constitute a single valid Amendment.

[SIGNATURES ON FOLLOWING PAGE]

Drafted by and after recording return to:

Atty. Kevin A. Martin
Foley & Lardner LLP
P. O. Box 1497
Madison, WI 53701-1497

281/0511-081-9960-1

Property Identification Numbers

IN WITNESS WHEREOF, the parties have duly executed this Amendment, or caused it to be duly executed, and delivered the same as of the day, month, and year first above written.

Grantor:

City:

MOVIN' OUT STOUGHTON LLC

CITY OF STOUGHTON

By: Movin' Out Stoughton MM LLC
Its: Managing Member

By: _____
Donna Olson, Mayor

By: _____
_____, Managing Director

By: _____
Kelly Michaels, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of April, 2011, the above named _____, to me known to be the Managing Director of Movin' Out Stoughton MM LLC, the Managing Member of Movin' Out Stoughton LLC, and the person who executed the foregoing and acknowledge that he executed the same on behalf of said company by its authority.

Typed Name: _____
Notary Public, State of Wisconsin
My Commission: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of April, 2011, the above named Donna Olson, to me known to be the Mayor of the City of Stoughton, and the person who executed the foregoing instrument and acknowledge that she executed the same on behalf of said City by its authority.

Typed Name: _____
Notary Public, State of Wisconsin
My Commission: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of April, 2011, the above named Kelly Michaels, to me known to be the City Clerk of the City of Stoughton, and the person who executed the foregoing instrument and acknowledge that she executed the same on behalf of said City by its authority.

Typed Name: _____
Notary Public, State of Wisconsin
My Commission: _____

CONSENT OF GRANTOR MORTGAGEE

The undersigned Lender, the current holder of that certain Construction Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing (the “**Mortgage**”) granted by Movin’ Out Stoughton, LLC (“**Borrower**”), recorded January 6, 2011 as Document No. 4732940 in the office of the Register of Deeds for Dane County, Wisconsin, does hereby consent to the grant by Borrower of the foregoing First Amendment to Easement and subordinates the liens of its Mortgage and all other agreements recorded, filed, or executed in connection therewith to this easement and the rights created herein.

HARRIS N.A.

By: _____
Name: _____
Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of April, 2011, the above named _____, to me known to be the _____ of Harris N.A., and the person who executed the foregoing instrument and acknowledge that he executed the same on behalf of said company by its authority.

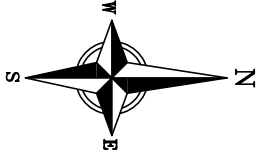
* _____
Notary Public, _____ County, _____
My commission (is)(expires): _____

**EXHIBIT A
TO
FIRST AMENDMENT TO EASEMENT**

Legal Description

An easement located in part of Lot 1, Dane County Certified Survey Map No. 13030, recorded in Volume 83 of Certified Survey Maps, pages 173-176 as Document No. 4725668, in the City of Stoughton, Dane County, Wisconsin described as follows:

Commencing at the southern most corner of said Lot 1; thence N 59°03'39" W, 1.05 feet along the southwesterly side of said Lot 1 to the point of beginning; thence continuing N 59°03'39" W, 17.11 feet along said southwesterly side of Lot 1; thence N 45°33'05" E, 8.78 feet; thence S 44°26'55" E, 3.00 feet; thence N 45°33'05" E, 146.39 feet; thence N 43°22'19" W, 3.20 feet; thence N 51°07'57" E, 85.43 feet to the intersection with the southwesterly right-of-way line of Dunkirk Avenue; thence S 29°42'19" E, 11.31 feet, along the said southwesterly right-of-way line of Dunkirk Avenue; thence 46°54'05" W, 45.84 feet parallel with and 4 feet northwesterly of the southeasterly line of said Lot 1; thence S 43°05'55" E, 3.00 feet; thence S 46°54'05" W, 187.23 feet parallel with and 1 (one) foot northwesterly of the southeasterly line of said Lot 1 to the point of beginning.



NORTH

BEARINGS ARE BASED UPON THE
WISCONSIN COUNTY COORDINATE
SYSTEM, DANE COUNTY, NAD 83
ADJUSTMENT, THE NORTH LINE OF THE
NE ¼ OF SEC. 08-05-11 MEASURED
AS BEARING N89°50'49"W

LEGEND



Limits of proposed
public storm
sewer easement.

EXHIBIT

EIGHTH STREET

RIVER

YAHARA

meander line

C.S.M. #13030
QUILLOT 1

Proposed 25 Unit Building

C. S. M. #13030
LOT 1

PIETER R. PEIERSONS ADDITION

LOT 9

LANDS

N59°03'39"W 17.11'

N59°03'39"W 1.05'

N45°33'05"E 8.78'

S44°26'55"E 3.00'

N45°33'05"E 2.2'

S46°54'05"W 187.23'

S43°05'55"E 3.00'

S46°54'05"W 45.84'

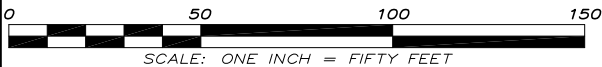
N43°22'19"W 3.20'

N51°07'57"E 85.43'

S29°42'19"E 11.31'

DUNKIRK AVENUE

**STORM SEWER
EASEMENT EXHIBIT**



SCALE: ONE INCH = FIFTY FEET

SURVEYED BY:

vierbicher
planners | engineers | advisors

REEDSBURG - MADISON - PRAIRIE DU CHIEN
999 Fourier Drive, Suite 201 Madison, Wisconsin 53717
Phone: (608) 826-0532 Fax: (608) 826-0530



FN: 32097081

DATE: 1/2/2011

Drawn By: jqua

Checked By: JQUA

PREPARED FOR:

Movin' Out
c/o David Porterfield

600 Williamson Street
Madison, WI 53703

SHEET
1 OF 1

Drawing Name: \\M\Movin' Out\32097081_Stoughton Site\Engineering\Civil3D\Movin' Out_Stoughton Storm Exhibit REV 2-1-11_7081.dwg