

MEETING NOTICE

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, January 10, 2011 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 December 13, 2010.
 3. Council Representative Report.
 4. Status of Developments/Projects. (Page 5)
 5. Merle Ziegler representing VFW Badger Post #328 requests a conditional use permit to install an accessory structure and fence an area at 200 Veterans Road to allow patrons to smoke outside of the principal building per State of Wisconsin requirements. (Page 7)
 - Public Hearing
 - Recommendation to Council
 6. Dennis Steinkraus of Forward Development Group, LLC, to provide an update regarding the Urban Service Area Amendment for the proposed Westend development at the northwest corner of US Highway 51 and State Highway 138.
 7. Extraterritorial request by William Schiel, Pleasant Springs Development Corp., for a land division (preliminary csm) of Lot 20, Country Club Estates. (Page 28)
 8. Planning Commission request to review/discuss the large development regulations (big box) (Page 33).
 9. Future agenda items
 10. Adjournment
- 1/5/11mps

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
Public Safety Committee

Steve Kittelson
Derek Westby
City Attorney Matt Dregne

MAIL NOTICES:

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;
Merle Ziegler, 991 County Trk. N, Stoughton; Patrick Nowlin, PO Box 13, Stoughton; William Schiel, 3 Point Place, Suite 100, Madison, WI. 53719;

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, December 13, 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; Rollie Odland and Ron Christianson.

Absent and Excused: Troy Wieser and Carl Chenoweth.

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

Guests: Dennis Steinkraus; Jim Bricker; Robert Jensen; Gary Oien; Tom Chose; George & Kathy Thode; and Luke Stacey.

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the November 22, 2010 Planning Commission minutes and December 7, 2010 joint Planning Commission and Business Park North Committee minutes.**
Motion by **Odland** to approve the November 22, 2010 Planning Commission minutes and December 7, 2010 joint Planning Commission and Business Park North Committee minutes as presented, 2nd by **Krcma**. Motion carried 5 - 0.
3. **Council Representative Report.**
Hohol stated all items from Planning were approved except the Uniroyal conditional use permit request was tabled.
4. **Status of Developments/Projects.**
Scheel referred to the status of development and meeting summary provided in the packet. There were no questions.
5. **Curt Davey, representing Uniroyal Engineered Products LLC, requests a conditional use permit to construct a 20,000 square foot accessory building; construct a 1,200 square foot accessory building expansion; and to expand the parking area at 501 S. Water Street; all to provide more storage. Tabled from the November 22, 2010 meeting.**
Scheel stated staff has attempted to contact the applicant by phone and email without any response.

Motion by **Christianson** to table this request until the applicant comes back with more information, 2nd by **Hohol**. Motion carried 5 – 0.
6. **C & J Property Development, Robert Jensen requests Certified Survey Map (CSM) approval to split the property at 1101 & 1117 Hamilton Street.**
Scheel explained the request. Christianson questioned the numerous items in the staff review letter. Scheel stated the review letter can be addressed after this item.

Motion by **Hohol** to recommend Council approve the Certified Survey Map as presented, 2nd by **Krcma**. Motion carried 5 – 0.

7. **C & J Property Development, Robert Jensen requests to rezone the property at 1117 Hamilton Street from PD – Planned Development (General Development Plan) to PD – Planned Development (Specific Implementation Plan).**
Scheel gave an overview of the request.

Mayor Olson opened the public hearing.

George & Kathy Thode registered with a note requesting a wall and fence between properties, installed prior to first renters.

No one registered to speak for or against the rezoning.

Mayor Olson closed the public hearing.

Hohol questioned the park fees. Scheel stated the applicant is seeking to have the park impact fees waived and there is a specific process to follow in chapter 67 which allows a request to be within 15 days of building permit issuance.

A lengthy discussion took place regarding park impact fees. Christianson questioned the numerous variations in the staff review letter requested by the applicant. Scheel stated the review letter is a comparison using the Multi-Family Residential (MR-24) requirements to the proposed plan. Scheel went through the staff review letter point by point. Hohol questioned the location of the gazebo. Scheel stated that similar to the shared driveway; parking; and dumpster; the gazebo will be included in a mutual agreement between properties. Hohol questioned how the applicant can reach the .4 opacity requirement. Scheel stated by adding plantings. Gary Oien, architect for the applicant provided a plan and discussed how additional plantings could be added. Kathy Thode suggested a wall with a fence on top instead of a berm with a fence. Scheel questioned Oien regarding the number of windows on the west side of the building. Oien stated there are 2 doors and 2 windows per floor. Oien does not see a solution to preventing someone from looking into the Thode's dining room window. Hohol suggested extending the fence the full length of the property with landscaping on each end and adding balcony screening on the west side of the building.

Motion by **Hohol** to recommend Council approve the rezoning from PD – Planned Development (General Development Plan) to PD-Planned Development (Specific Implementation Plan) contingent on the staff review letter dated December 7, 2010; extending the fence the full length of the west side of the property; and add 5 feet of screening for the balconies on the west side of the building, 2nd by **Odland**. Krcma stated he is in favor of the balcony screening. Christianson questioned whether the Commissioner's are in agreement with all the points in the review letter. Odland stated he is in favor of the motion. Motion carried 5 – 0.

8. Dennis Steinkraus of Forward Development Group, LLC requests approval of a resolution to proceed with the Urban Service Area Amendment (USAA) application for the proposed Westend Commercial Center at the northwest corner of US Highway 51 and State Highway 138.

Scheel gave an overview of the request and explained the process to amend the urban service area.

Motion by **Hohol** to recommend Council approve the resolution as presented, 2nd by **Krcma**. Motion carried 5 – 0.

9. Planning Commission request to review/discuss the large development regulations (big box).

Scheel explained the request. A lengthy discussion took place regarding:

- Potentially eliminating the economic development requirements of the ordinance.
- Creating or not creating a sub-committee to review the ordinance again.
- Ordinance is not friendly for applicants.
- There is negativity to the process for applicants.
- It is too costly for applicants.
- Changes have been made to the ordinance to make it easier for buildings less than 80,000 sq. ft. in area.

Motion by **Krcma** to table this item until the next meeting, 2nd by **Christianson**. Hohol would like the large development ordinance included in the packet next month. Motion carried 5 – 0.

10. Future agenda items.

Large Development Regulations and Westend Development.

11. Adjournment. Motion by **Christianson** to adjourn at 7:21 pm, 2nd by **Krcma**. 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: January 5, 2011

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: January 10, 2011 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 32 improved lots remaining.
- Stone Crest - 11 improved lots remaining.
- Lean Distribution Expansion – In Process.
- Proposed Westend Neighborhood at NW corner of US Hwy 51 & State Hwy 138 – status to be provided at meeting.
- Movin' Out (Elven Sted) project.

Meeting Summary:

Item #5 - Merle Ziegler representing VFW Badger Post #328 requests a conditional use permit to install an accessory structure and fence an area at 200 Veterans Road to allow patrons to smoke outside of the principal building per State of Wisconsin requirements.

This conditional use permit request is to allow patrons to smoke outdoors according to the requirements set forth by the State of Wisconsin. The applicant also intends to seek an outdoor alcohol consumption permit to allow patrons to consume alcohol within the accessory structure and fenced area. Property owners within 300 feet of this property were given notice of this public hearing and 2 notices were published with the last notice being at least 10 days prior to the public hearing. Conditions may be placed on the outdoor use related to screening; noise buffering; lighting; time of use; size of area, etc... The draft resolution; application materials and the staff review letter are provided. A recommendation to Council is necessary.

Item #6 – Dennis Steinkraus of Forward Development Group, LLC, to provide an update regarding Urban Service Area Amendment for the proposed Westend Development at the northwest corner of US Highway 51 and State Highway 138.

An update will be provided at the meeting.

Item #7- Extraterritorial request by William Schiel, Pleasant Springs Development Corp., for a land division (preliminary csm) of Lot 20, Country Club Estates.

It appears this request is to divide lot 20, Country Club Estates and create 2 lots. The single family zoning classification is not changing. The letter from Dane County Planning & Development; Land Division Application; and preliminary csm are provided. A recommendation to Council is necessary. Staff recommends approval.

Item #8 - Planning Commissioner's request to review/discuss the large development regulations (big box).

Large development regulations from Stoughton; Janesville; Sun Prairie; Verona; and Wauwatosa have been provided in the packet.

VFW Post 328
200 Veterans Road
Stoughton WI 53589

Attached is a proposal for a new exit door leading from the North wall of the dining room to a portable building to be used by smokers for smoking including carrying their beverages. We believe our liquor license, originating when we were annexed to the city from Dunkirk, allows patrons to drink outside the bar except for and not to include any parking area.

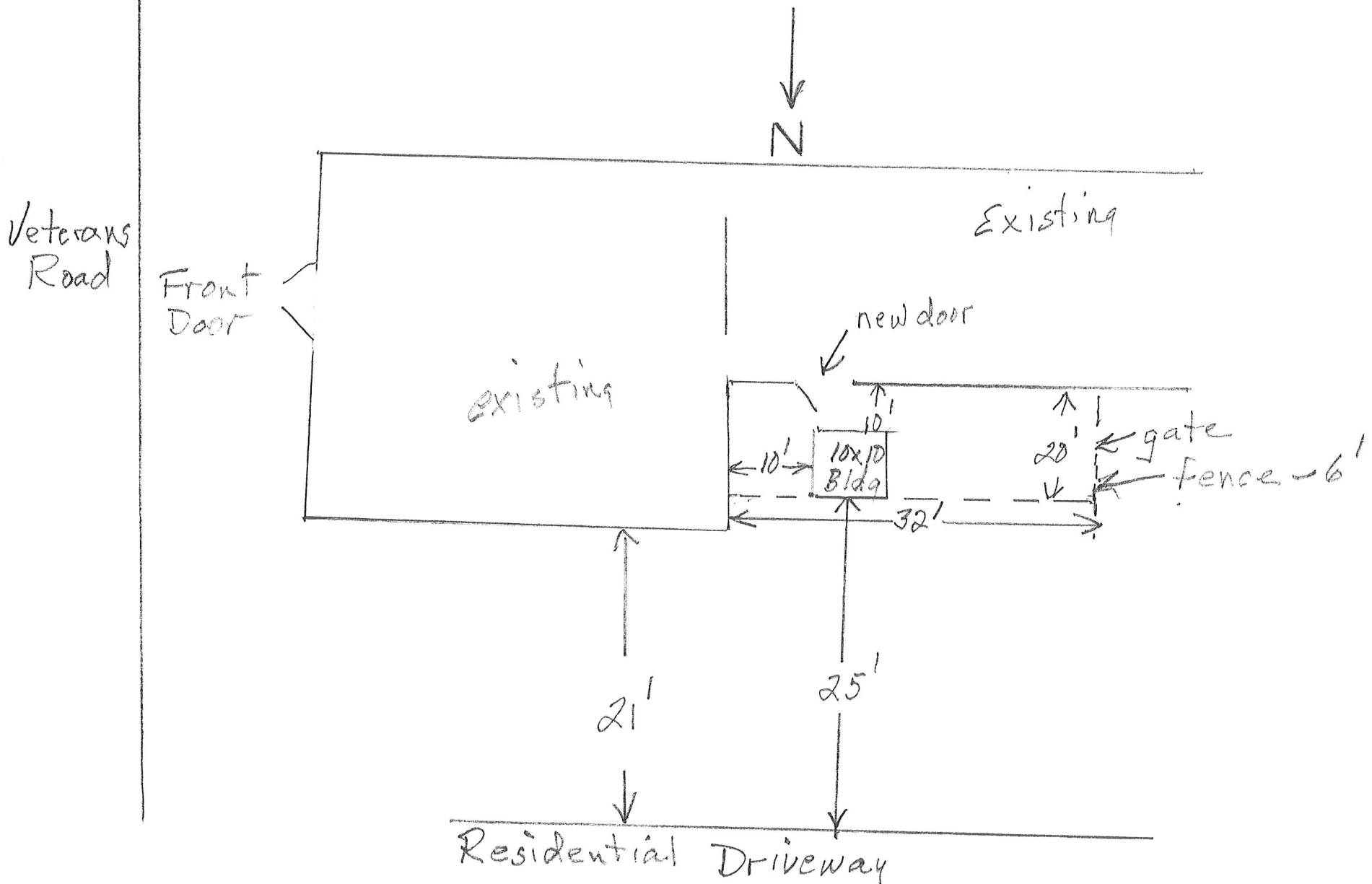
Sincerely,

Merle Ziegler


House Committee Chairman

Phone 513-3505

VFW Post 328
New 10'x10' smoking shed in
20'x32' fenced in area
(not to scale)



VFW POST 328
STOUGHTON , WI

Additional information as requested

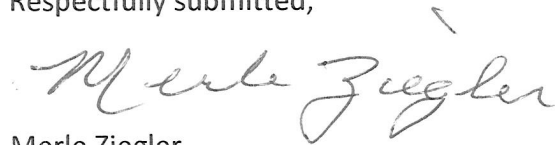
The smoking building is of wood frame construction with windows as per State law. It is proposed to contain 8 chairs or stools.

The fence will have privacy slats or be of wood construction and have an emergency gate only.

The fenced in area is proposed to have 2 picnic tables.

Attached is a grade level drawing of the building

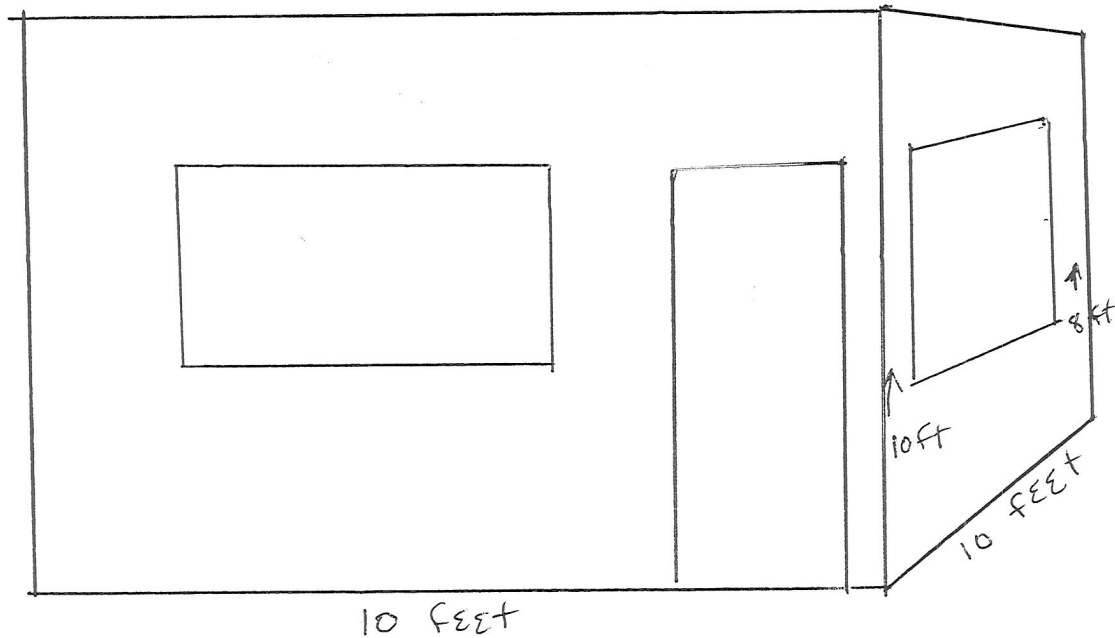
Respectfully submitted,

A handwritten signature in cursive script that reads "Merle Ziegler". The signature is written in dark ink and is positioned above the printed name.

Merle Ziegler

Judge Advocate/Chairman of the house committee

VFW POST 328
Proposed Building
for Smoking -
(includes door and
windows on 4 sides
in compliance with law)



Smoking Ban: Final Analysis

We have received many calls and emails with questions about the smoking ban recently signed by Governor Doyle. While we were not supportive of any smoking ban bill in the end the Tavern League of Wisconsin was able to secure a number of critical changes to the bill.

Under the bill, effective July 5, 2010 smoking will be prohibited in restaurants, taverns, hotels and virtually all other public places. Smoking is prohibited in an "enclosed area" of a business. Under the statewide smoking ban any local ordinances and local penalties will be pre-empted by the state law on July 5, 2010. Every municipality must abide by the state law and state penalties.

The new law pre-empts the ability of cities, towns and villages to pass any ordinance restricting smoking outdoors of any licensed tavern or restaurant. This was an extremely important provision of the bill we were able to incorporate into the final document. After July 5, 2010 local governments will not have the power to regulate smoking on Class B licensed premises either indoors or outdoors nor will they be able to establish local fines relating to violations of the state smoking ban.

When the law takes effect on July 5, 2010 it will permit the use of outdoor structures

where patrons can smoke. In order for patrons to smoke in a structure it cannot meet the definition of an enclosed area. If an outdoor smoking structure does not meet the following definitions smoking is permitted. There is also no state restriction on the sale of food or drink in an outdoor smoking area, providing it is part of your licensed premise.

An "enclosed area" is a structure or area that has a roof and three or more substantial walls.

A substantial wall is a wall with an opening that may be used to allow air in from the outside that is less than 25% of the wall's surface area.

If an outdoor structure has four solid walls and no permanent roof, as opposed to a tarp or removable roof, it would not meet the definition of an enclosed area and smoking would be permitted.

If an outdoor structure has a roof and four walls and two or more of the walls have an opening greater than 25%, smoking is permitted.

Under Governor Doyle's original smoking ban proposal, business owners faced fines up to \$500 for each occurrence of smoking on a licensed premise. If 10 people were smoking in an establishment the fine could

be as much as \$5000 to the business. In addition, the original bill would have permitted the municipality to use any smoking violations to revoke, suspend or not renew a liquor license.

The amended version of the bill requires business owners receive a warning for a first violation and any subsequent violations would be \$100 per day not per person smoking. It also prohibits a municipality from using any smoking violations to revoke, suspend or not renew a liquor license.

We hope this begins to answer some of the questions you may have regarding the smoking ban. We will continue to provide you with helpful information to make sure you know what type of outdoor smoking areas are permitted. Feel free to visit our website www.tlw.org to see more detailed information and also an FAQ section which may be helpful to you.

For further information, please contact The Tavern League of Wisconsin, 2817 Fish Hatchery Rd, Fitchburg, WI 53713, (608) 270-8591, www.tlw.org.

The Governor's original smoking ban bill contained in the budget would have done the following:

- Take Effect August, 2009
- Permitted municipalities to ban smoking outdoors
- Fined business owners up to \$500 for each occurrence of smoking on a licensed premise
- Permitted municipalities to use smoking violations to revoke, suspend or not renew a liquor license.

The bill signed by the Governor contained the following provisions:

- Effective July 5, 2010
- Pre-empts local governments from passing restrictions regulating outdoor smoking
- Gives business owners a warning for first violation and any subsequent violations would be \$100 fine per day not per violation
- Municipalities may not use any smoking violations to revoke, suspend or not renew a liquor license.

City of Stoughton Procedural Checklist for Conditional Use Review and Approval (Requirements per Section 78-905)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a conditional use *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City when processing said application.

Name of Applicant: VFW Badger Post 328
Conditional Use Requested: Outdoor Alcohol Consumption For Smoking Area

I. Record of Administrative Procedures for City Use

Presubmittal staff meeting scheduled

Date of Meeting: 12-17-10 Time of Meeting: 3:00 pm ~~Date: _____~~ By: MPS

Follow-up staff meeting scheduled if necessary

Date of Meeting: 12-27-10 Time of Meeting: 2:00 pm ~~Date: _____~~ By: MPS

Application form filed with Zoning Administrator Date: 12/27 By: MPS

Application fee of \$ 365 received by Zoning Administrator Date: 12/17/10 By: MPS

If necessary, reimbursement of consultant costs agreement executed: Date: _____ By: _____ N/A

II Application Submittal Packet Requirements for City and Applicant Use

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application for staff review, followed by one revised final application based upon staff review and comments.

Final Application (1 copy to Zoning Administrator) Date: 12-27-10 By: MPS



☒ (a) A map of the proposed conditional use:

- ☒ Showing all lands for which the zoning is proposed to be amended.
- ☒ Showing all other lands within 300 feet of the boundaries of the subject property. STAFF
- ☒ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Dane County (as provided by the City of Stoughton). STAFF
- ☒ Map and all its parts are clearly reproducible with a photocopier.
- ☐ Map size of 11" by 17" and map scale not less than one inch equals 100 ft. N/A
- ☒ All lot dimensions of the subject property provided.
- ☒ Graphic scale and north arrow provided.

- ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property in relation to the City as a whole.
- ☒ (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations
- ☒ (d) A site plan (conforming to the requirements of Section 78-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a large development (per Sections 78-205(11)) or a group development (per Section 78-205(12)) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 78-908.
- ☒ (e) Written justification for the proposed conditional use:
- ☐ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-905(4)

STAFF

III Justification of the Proposed Zoning Ordinance Amendment for Applicant Use

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

To Provide Services For our Veterans
of Foreign Wars.

2. How is the proposed conditional use, in its specific location, in harmony with the purposed, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

To Provide Services For our Veterans
of Foreign Wars.

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 78-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

Not To our knowledge

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

*No changes or negative
impact to present use.*

5. Is the proposed conditional use located in an area that will be adequately served by and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

Yes.

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 78-905(4)(b)1.5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

No Advers impacts envisioned

IV. Final Application Packet Information for City Use

Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator Date: _____ By: _____ N/A

Notified Neighboring Property Owners (within 300 feet) Date: 12/24 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet) Date: 12/27 By: MPS

Class 2 legal notice sent to official newspaper by City Clerk Date: 12/17 By: MPS

Class 2 legal notice published on 12/23/10 and 12/30/10 By: MPS

Conditional Use recorded with the County Register of Deeds Office By: _____

US HIGHWAY 51

VETERANS RD

Vernon St

Chalet Dr

VFW



12/29/2010





12/29/2010



12/29/2010



12/29/2010

Public Access System

Public Access | Public Agency Access | Subscription Access | [Log Out](#)

Monday, January 3, 2011

Parcel information updated on Monday, January 03, 2011 unless otherwise noted.

Parcel Number - 281/0511-092-8440-9**Parcel Status: Active Parcel!**[Return to Previous Page](#)[Show Map](#)[Show Beta Map](#)

* Current version of DCiMap

New version of DCiMap

[Map Questions?](#)

* Current Version of DCiMap will be replaced by Jan 1st, 2011

Parcel Information

Municipality	CITY OF STOUGHTON
State Municipality Code	281
Township	05
Township Direction	N
Range	11
Range Direction	E
Section	09
Quarter	NW
Quarter-Quarter	NE
Plat Name	METES AND BOUNDS
Block/Building	

Assessment Information

Assessment Year	2010	2009
Valuation Classification	X4	X4
Assessment Acres	0	0
Land Value	\$0.00	\$0.00
Improved Value	\$0.00	\$0.00
Total Value	\$0.00	\$0.00
Valuation Date	03/24/2010	04/22/2009

[About Annual Assessments](#)**Tax Information****2010 Tax Values**

Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$0.00 /	0.972	\$0.00
Improvement	\$0.00 /	0.972	\$0.00
Total	\$0.00 /	0.972	\$0.00

Zoning Information

Contact your local city or village office for municipal zoning information.

Owner Name and Address

Owner Status	CURRENT OWNER
Name	BADGER POST #328 VETERANS OF FOREIGN WARS
Property Address	PO BOX 12
City State Zip	STOUGHTON, WI 53589
Country	USA

Parcel Address

Primary Address	200 VETERANS RD
-----------------	-----------------

Billing Address

Attention	
Street	PO BOX 12
City State Zip	STOUGHTON, WI 53589
Country	USA

2010 Taxes:	\$0.00
2010 Lottery Credit(-):	\$0.00
2010 First Dollar Credit(-):	\$0.00
2010 Specials(+):	\$298.28
2010 Amount:	\$298.28

[Show Tax Information Details](#)[Show Tax Payment History](#)**District Information**

Type	State Code	Description
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
SCHOOL DISTRICT	5621	STOUGHTON SCHOOL DIST

Tax Property Description

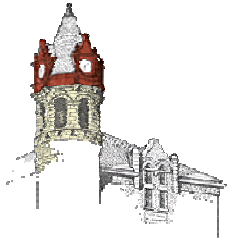
For a complete legal description, see the recorded documents
 SEC 9-5-11 PRT NE1/4NW1/4 COM SEC N1/4 COR TH S89DEG33'W
 33 FT TH S0DEG2'W 327.55 FT TH S89DEG56'W 33 FT TO POB TH
 S0DEG 2'W 285 FT TH S89DEG56'W 305.43 FT TH N0DEG5'W 285 FT
 TH N89 DEG56'E 306.01 FT TO POB 2 ACRES

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
			D732	571

[Document Types and their Abbreviations](#)[Document Types and their Definitions](#)

- For questions on property and assessment



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 29, 2010

Merle Ziegler
991 County Trk. N
Stoughton, WI. 53589

Dear Mr. Ziegler:

I have completed a review of the proposed site plan for VFW Badger Post #328, 200 Veterans Road, Stoughton. Site plan received December 27, 2010. This item is scheduled for public hearing at the January 10, 2011 Planning Commission meeting of which you will receive notice. You and/or a representative are required to attend the meeting. The following items are identified for your review.

1. The property at 200 Veterans Road is zoned PB – Planned Business. Per Zoning Code section 78-206 (4) (h) Indoor Commercial Entertainment such as Taverns are permitted as a conditional use within the Planned Business district. **The Planning Commission will conduct a public hearing and review your request for a conditional use permit to expand the tavern use. The Commission will send a recommendation to the City Council. The City Council should make their decision on January 25, 2011. The City Council may place conditions on the outdoor use related to operating hours; screening; lighting, etc...**
2. Indoor Commercial Entertainment is defined as follows: Indoor commercial entertainment land uses include all land uses which provide entertainment services primarily within an enclosed building. Outdoor seating or patio areas associated with a proposed indoor commercial entertainment land use shall be allowed subject to city approval of a site plan showing any such proposed outdoor seating or patio area. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. **We will need more details related to the outdoor seating and potential capacity. If approved, we recommend a sign be placed on the exit door to the outdoor area explaining the hours of use.**
3. The Comprehensive Plan, Planned Land Use Map depicts this property as Institutional. The map should be amended to Planned Business.
4. The proposed shed meets the size and location requirements of zoning code section 78-206(8)(c). The code states, "A utility shed is a structure used primarily to store residential maintenance equipment of subject property." **We will need more details regarding the use and construction of the shed. State law prohibits smoking in an enclosed structure. I have attached the Wis. DOJ memorandum on 2009 WI ACT 12.**

January 3, 2011

5. The regulations pertaining to Indoor Commercial Entertainment uses are as follows:
- If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property. **The customer entrance is on the east side of the building. The proposed new door should only be used to access the fenced smoking area.**
 - Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property. **There is a residential property that abuts the north property line. A plan will need to be submitted to meet the .60 opacity requirement. There are numerous combinations of landscaping points combined with fencing which will meet the .60 opacity requirement. Additionally, there are existing trees which will aid in meeting this requirement. Pictures of the property will be provided for the Planning meeting.**

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

cc. Planning Commissioners
Patrick Nowlin, PO Box 13, Stoughton

PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, January 10, 2011 at 6:00 o'clock p.m., or as soon after as the matter may be heard, in the Council Chambers, Public Safety Building, 321 South Fourth Street, Second Floor, Stoughton, Wisconsin, 53589, to consider a proposed Conditional Use Permit Application to expand the use Veteran's of Foreign War Badger Post #328(VFW), 200 Veteran's Road, Stoughton, Wisconsin by Merle Ziegler, representing VFW. The applicant is requesting approval to install an additional entrance/exit and a shed for patrons to use for smoking/drinking on the north side of the building. The property at 200 Veteran's Road, Stoughton, Wisconsin is more fully described as follows:

Parcel Number: 281/0511-092-8440-9

SEC 9-5-11 PRT NE1/4NW1/4 COM SEC N1/4 COR TH S89DEG33'W 33 FT TH
S0DEG2'W 327.55 FT TH S89DEG56'W 33 FT TO POB TH S0DEG 2'W 285 FT TH
S89DEG56'W 305.43 FT TH N0DEG5'W 285 FT TH N89 DEG56'E 306.01 FT TO POB 2
ACRES

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

Michael P Stacey
Zoning Administrator

Published December 23, 2010 Hub
Published December 30, 2010 Hub

CITY COUNCIL RESOLUTION NO. R- -2011

Resolution Approving a Conditional Use Permit allowing an expansion of the tavern use at Veteran's of Foreign War Badger Post #328 (VFW), 200 Veteran's Road, Stoughton, Wisconsin.

WHEREAS, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on January 10, 2011 in the Stoughton Council Chambers, 321 S. Fourth Street, at which time any persons wishing, could be heard regarding the above Conditional Use Permit request and the City of Stoughton Planning Commission would at that time make a recommendation to the City of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 200 Veteran's Road, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-092-8440-9

SEC 9-5-11 PRT NE1/4NW1/4 COM SEC N1/4 COR TH S89DEG33'W 33 FT TH S0DEG2'W 327.55 FT TH S89DEG56'W 33 FT TO POB TH S0DEG 2'W 285 FT TH S89DEG56'W 305.43 FT TH N0DEG5'W 285 FT TH N89 DEG56'E 306.01 FT TO POB 2 ACRES

WHEREAS, the Common Council of the City of Stoughton, Wisconsin, has review the application for a Conditional Use permit by Merle Ziegler, representing VFW, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

WHEREAS, an Indoor Commercial Entertainment use such as a Tavern at 200 Veteran's Road is consistent with the Comprehensive Plan.

THEREFORE BE IT RESOLVED, that the City of Stoughton Common Council approves the conditional use permit for VFW, 200 Veteran's Road, Stoughton, Wisconsin, to allow an expansion of the Tavern use, with the following conditions:

- 1.

This Resolution is duly adopted by the City Council of the City of Stoughton at a regularly scheduled meeting on January 25, 2011.

Donna L. Olson, Mayor

Kelly Michaels, City Clerk

CERTIFICATION

I, Kelly Michaels, City Clerk of the City of Stoughton, certify that the foregoing Resolution was duly and regularly adopted by the City Council at a duly scheduled meeting held at the Public Safety Building on _____, 2011. Motion by _____, seconded by _____, to adopt the Resolution.

Vote: Yes- Noe-

Resolution Adopted.

_____, City Clerk



Dane County Planning & Development

Division of Zoning

January 4, 2011

Attention to whom it may concern:

Re: Certified Survey Map application # 9255

Dane County Planning & Development is in receipt of a preliminary certified survey map application. Attached with this letter is a copy of the survey map.

Please review the proposal and comment at your earlier convenience such that the Dane County Zoning and Land Regulation Committee will recognize your position and concerns in acting in this matter.

Reviewing Agency:

- **Clerk, Town of Pleasant Springs**
- **Clerk, City of Stoughton – *extraterritorial review***

If you have any comments regarding this proposal please forward them to me no later than March 1, 2011.

Sincerely,

Dan Everson
Assistant Zoning Administrator
608.267.1541



Application ID#: 9255
Process Date: 1/4/2011
OFFICE USE ONLY

Dane County Planning & Development

Division of Zoning

Land Division Application

In order for applications to be processed, all information, survey drawings, application signatures and fees required must be submitted at time of application. Please check the appropriate box below for the type of application being submitted:

- ☒ Preliminary Certified Survey Map* ☐ Certified Survey Map
☐ Subdivision Preliminary Plat* ☐ Subdivision Final Plat

Property Owner Information		Surveyor Information	
Name	Pleasant Springs Development Corp.		JSD Professional Services, Inc. C/O Hans Justeson
Address	3 Point Place, Ste. 100 Madison, WI 53719		161 Horizon Dr. Ste 101 Verona, WI 53593
Phone Number	(608) 345-2022		(608) 845-6860
E-Mail Address	bschiel@charter.net		hans.justeson@jsdinc.com

Property/Location Information (accessdane.co.dane.wi.us)			
Township	Pleasant Springs	Section	30
		1/4	1/4 1/4
Acreage	0.929		
Parcel Number(s)	0611-303-6889-0		
Current Zoning	R-1	Proposed Zoning	R-1
CSM	Lot 20	Subdivision	Country Club Estates
		Block/Lot	

- Is proposed land division associated with a rezone petition?
Yes ☐ No ☒ : If Yes, Petition # _____
- Does the property abut or adjoin a County Trunk Highway?
Yes ☐ No ☒ : If Yes, County Highway Name: _____
- Does the property abut or adjoins a State Trunk Highway?
Yes ☐ No ☒ : If Yes, State Highway Number: _____
- Will public sewer serve the land division? Yes ☒ No ☐
- Does the subdivision have significant features like shoreland, wetland and/or floodplain? Yes ☐ No ☒
If Yes, describe features : _____

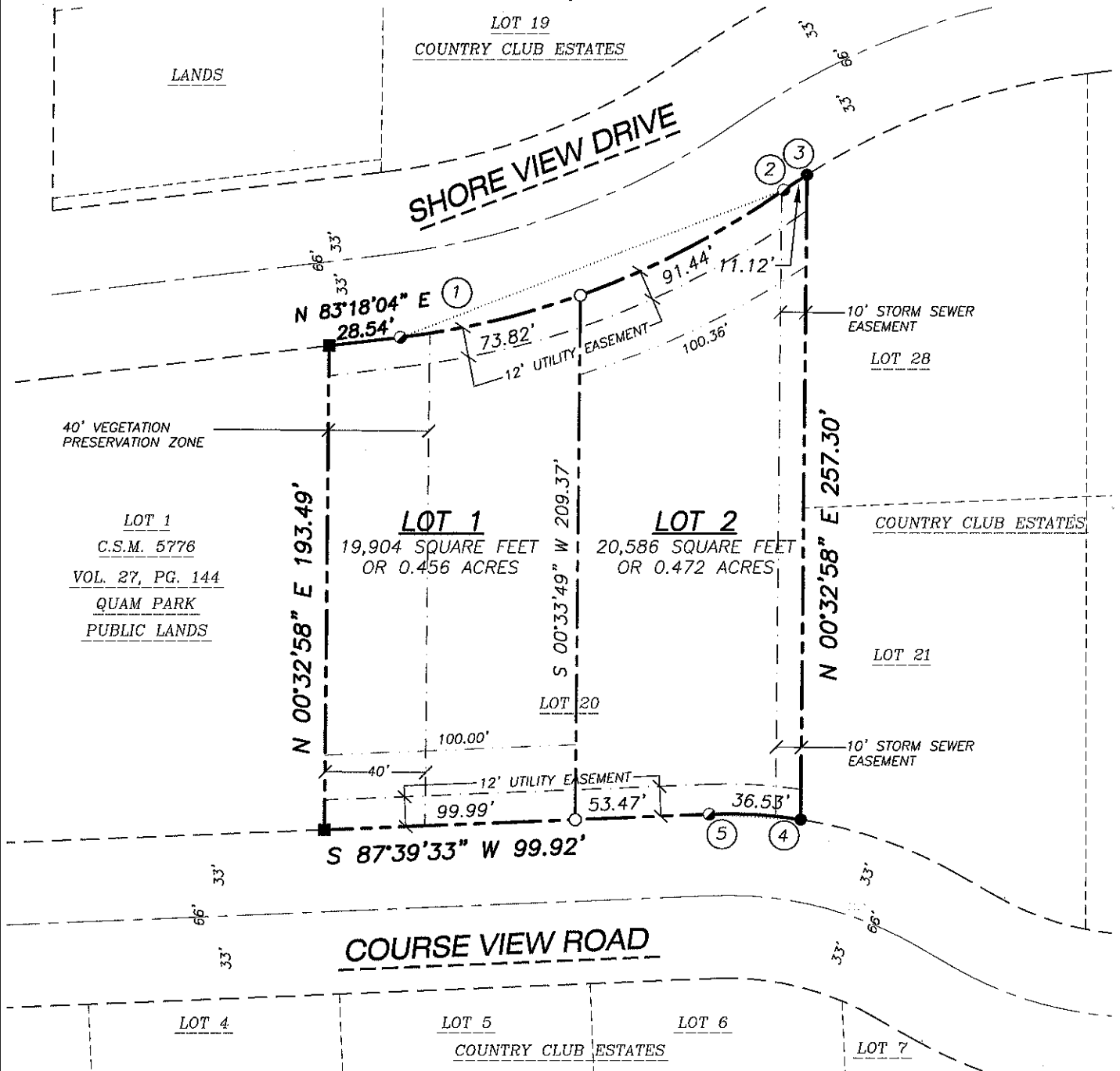
Print Name: William H. Schiel Date: January 4, 2011

Signature: Wm H. Schiel

*By signing this application, applicants for a preliminary CSM or Plat hereby consent to automatic extension of the 90 day review / action period, should such an extension be necessary.

PRELIMINARY
CERTIFIED SURVEY MAP NO.

LOT 20 OF COUNTRY CLUB ESTATES, RECORDED IN VOLUME 59-013A ON PAGES 73 AND 74 OF PLATS AS DOCUMENT NO. 4216101, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 11 EAST, TOWN OF PLEASANT SPRINGS, DANE COUNTY, WISCONSIN.

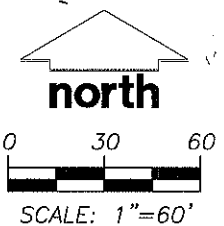


LEGEND

- 1/4" REBAR FOUND
- 3/4" REBAR FOUND
- 1" IRON PIPE FOUND
- 3/4" REBAR SET (1.50 LBS/LF)
- PARCEL BOUNDARY
- RIGHT-OF-WAY LINE
- CENTERLINE
- PLATTED LOT LINE
- SETBACK LINE
- EASEMENT LINE

NOTES

- BEARINGS FOR THIS SURVEY AND MAP ARE REFERENCED TO THE WEST LINE OF LOT TWENTY, RECORDED AS N 00°32'58" E.
- FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. THE WEEK OF JANUARY 10, 2011.
- 40' VEGETATION PRESERVATION ZONE-BUILDINGS ARE PROHIBITED WITHIN THIS ZONE. NO TREE REMOVAL OR OTHER IMPROVEMENTS WITHOUT PRIOR AUTHORIZATION FROM THE COUNTRY CLUB ESTATES HOMEOWNERS ASSOCIATION.



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
1-2	165.26'	333.00'	28°26'03"	84.37'	163.57'	N 69°05'02" E
LOT 1	73.82'	333.00'	12°42'04"	37.06'	73.67'	N 76°57'02" E
LOT 2	91.44'	333.00'	15°43'59"	46.01'	91.15'	N 62°44'00" E
2-3	11.12'	267.00'	02°23'08"	5.56'	11.12'	N 56°03'35" E
4-5	36.53'	183.00'	11°26'18"	18.33'	36.47'	N 86°37'18" W

PREPARED BY:
JSD • Engineers • Surveyors
Jenkins Survey & Design, Inc.
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
PHONE: (608)848-5060

PREPARED FOR:
PLEASANT SPRINGS
DEVELOPMENT CORP.
14 WOOD BROOK WAY
MADISON, WI 53711

PROJECT NO: 04-1745
FILE NO: B-184
FIELDBOOK/PG: -
SHEET NO: 1 OF 3

SURVEYED BY: -
DRAWN BY: JK
CHECKED BY: DRS
APPROVED BY: HPJ

C.S.M. NO. _____
DOC. NO. _____
VOL. _____ PAGE _____

PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

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LEGAL DESCRIPTION

ALL OF LOT 20 OF COUNTRY CLUB ESTATES, RECORDED IN VOLUME 59-013A, PAGES 73 AND 74 OF PLATS AS DOCUMENT NUMBER 4216101, LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 11 EAST, TOWN OF PLEASANT SPRINGS, DANE COUNTY, WISCONSIN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 20, AFORESAID; THENCE NORTH 00 DEGREES 32 MINUTES 58 SECONDS EAST ALONG SAID WEST LINE, 193.49 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SHORE VIEW DRIVE; THENCE NORTH 83 DEGREES 18 MINUTES 04 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE, 28.54 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY 165.26 FEET NORTHEASTERLY ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD BEARING NORTH 69 DEGREES 05 MINUTES 02 SECONDS EAST, 163.57 FEET TO A POINT OF REVERSE CURVE; THENCE CONTINUE ALONG SAID RIGHT OF WAY 11.12 FEET ALONG THE ARC OF A 267.00 FOOT RADIUS CURVE TO THE RIGHT, THE CHORD BEARING NORTH 56 DEGREES 03 MINUTES 35 SECONDS EAST, 11.12 FEET TO THE EAST LINE OF SAID LOT 20; THENCE SOUTH 00 DEGREES 32 MINUTES 58 SECONDS EAST ALONG SAID LINE, 257.30 FEET TO A POINT ON A CURVE AND THE NORTHERLY RIGHT-OF-WAY OF COURSE VIEW ROAD; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY 36.53 FEET ALONG THE ARC OF A 183.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD BEARING NORTH 86 DEGREES 37 MINUTES 18 SECONDS WEST, 36.47 FEET; THENCE CONTINUING SOUTH 87 DEGREES 39 MINUTES 33 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 99.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 40,490 SQUARE FEET OR 0.929 ACRES.

SURVEYOR'S CERTIFICATE

I, JOHN KREBS, WISCONSIN PROFESSIONAL LAND SURVEYOR S-1878, DO HEREBY CERTIFY THAT BY DIRECTION OF PLEASANT SPRINGS DEVELOPMENT CORPORATION, I HAVE SURVEYED, DIVIDED, AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES.

JOHN KREBS, S-1878
WISCONSIN PROFESSIONAL LAND SURVEYOR

DATE

CORPORATE OWNER'S CERTIFICATE

PLEASANT SPRINGS DEVELOPMENT CORPORATION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES.

IN WITNESS WHEREOF, THE SAID PLEASANT SPRINGS DEVELOPMENT CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVES THIS _____ DAY OF _____, 2011.

PLEASANT SPRINGS DEVELOPMENT CORPORATION

BY: _____
WILLIAM H. SCHIEL
MANAGING MEMBER

STATE OF WISCONSIN) SS
DANE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2011,
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED PLEASANT SPRINGS
DEVELOPMENT CORPORATION, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, DANE COUNTY, WISCONSIN

MY COMMISSION EXPIRES

PREPARED BY:

PREPARED FOR:

PROJECT NO: 04-1745

SURVEYED BY: --

FILE NO: B-184

DRAWN BY: JK

FIELDBOOK/PG: --

CHECKED BY: DRS

SHEET NO: 2 OF 3

APPROVED BY: HPJ

VOL. _____ PAGE _____

DOC. NO. _____

C.S.M. NO. _____

JSD Professional Services, Inc.
• Engineers • Surveyors • Planners

161 HORIZON DRIVE, SUITE 101
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PHONE: (608)848-5060

PLEASANT SPRINGS
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14 WOOD BROOK WAY
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PRELIMINARY

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CERTIFICATE OF TOWN BOARD APPROVAL

I HEREBY CERTIFY THAT THIS CERTIFIED SURVEY MAP WAS APPROVED BY THE TOWN BOARD OF THE TOWN OF PLEASANT SPRINGS ON _____, 2011.

CASSANDRA CLERKIN, TOWN CLERK

DATE

CERTIFICATE OF COUNTY APPROVAL

APPROVED BY THE DANE COUNTY ZONING AND LAND REGULATION COMMITTEE.

AUTHORIZED REPRESENTATIVE

DATE

(PRINT NAME)

OFFICE OF THE REGISTER OF DEEDS

COUNTY, WISCONSIN
RECEIVED FOR RECORD _____
20 ____ AT _____ O'CLOCK ____ M AS
DOCUMENT # _____
IN VOL. _____ OF CERTIFIED SURVEY
MAPS ON PAGE(S) _____

REGISTER OF DEEDS

PREPARED BY:

JSD Professional Services, Inc.
• Engineers • Surveyors • Planners

161 HORIZON DRIVE, SUITE 101
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FB/PG: -

SHEET NO: 3 OF 3

SURVEYED BY: -

DRAWN BY: JK

CHECKED BY: DRS

APPROVED BY: HPJ

(11) *Large development regulations:* The following definitions shall be incorporated as part of this section:

- (a) *Large scale retail and/or commercial development:* An area of land comprising one or more contiguous parcels or building sites for a single enterprise or multiple enterprises engaged primarily in retail sales and/or commercial services, the area of which is subject to a coordinated plan of building placement where the cumulative size of the building or buildings housing enterprises that are or will be engaged in retail sales and/or commercial services exceeds 20,000 square feet of gross floor area, including both display and enclosed storage areas, and where one or both of the following conditions exist:
 - 1. The parking area is or will be served by an integrated system of off-street vehicular parking benefiting all or substantially all improvements within such area.
 - 2. The area is or will be subject to reciprocal access rights benefiting all or substantially all improvements within such area.
- (b) *Large scale retail building:* A single building in which 20,000 square feet or more of gross floor area, including enclosed storage areas, is or will be used primarily for retail sales.
- (c) *Large scale commercial service building:* A single building in which 20,000 square feet or more of gross floor area, including enclosed storage areas, is or will be used primarily for commercial services.
- (d) *Retail sale:* The transfer of title to tangible personal property in the ordinary course of business to the purchaser for consumption or use other than resale or further processing or manufacturing, but not including transfers in response to orders placed by mail, telephone, internet or similar means where the tangible personal property is shipped to the purchaser.
- (e) *Commercial services:* Labor or services provided in the ordinary course of business that do not produce a tangible commodity. For purposes of this ordinance, "commercial services" may include retail sales that are incidental to the primary use of providing commercial services.
 - 1. *Applicability.* The requirements of this section are applicable to all new retail and commercial service developments according to the schedule in Figure 2.1 at the end of this section, and such developments shall be conditional uses in the zoning districts in which they are allowed. A separate conditional use permit is not required where such developments are part of a PUD district. All additions to existing retail and commercial service developments built either before or after the adoption of this section, which results in the total development size reaching a new threshold limit as defined in Figure 2.1 shall also require a conditional use permit and become subject to the requirements of this section.

The following standards are intended to ensure that large retail and commercial service developments are properly located and are compatible with the surrounding area and the overall community character of the city. Such projects shall also be subject to the more general standards for the approval of conditional use permits or PUD districts.

2. *Requirements.*

- a. *Compatibility with city plans.* A compatibility report is required when a retail and commercial service development reaches a defined threshold as outlined in Figure 2.1. The applicant shall provide, through a written compatibility report submitted with the petition for a conditional use permit or rezoning application for the PUD districts, adequate evidence that the proposed building and overall development project will be compatible with the city's comprehensive plan, any detailed neighborhood plan for the area, and any other plans officially adopted by the city.
- b. *Large development questionnaire.* A large development questionnaire shall be completed when a development reaches a defined threshold as outlined in Section 78-205(11) Figure 2.1. The large development questionnaire shall be in the format included as Figure 2.2 at the end of this section.
- c. *Traffic impact analysis.* A traffic impact analysis is required when a development reaches a defined threshold as outlined in Figure 2.1. The traffic impact analysis shall be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT. In addition, the following are required:
 - d. All projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the planning commission;
 - e. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and sidewalks;
 - f. The site design shall provide direct connections to adjacent land uses if required by the city;
 - g. The applicant shall provide funding to the city to hire a traffic engineer of the city's choice to complete and present a traffic impact analysis;
 - h. Where the applicant's or the city's traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) C, then the city may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS C for a planning horizon of a minimum of ten years assuming full build-out of the development.
 - i. The city has the option to require a trip generation study.
3. *Economic and fiscal impact analysis.* An economic and fiscal impact analysis is required when a development reaches a defined threshold as outlined in Figure 2.1. The economic and fiscal impact analysis shall include all of the items identified in Figure 2.3 of this section. In addition, the economic and fiscal impact analysis shall include the following:
 - a. Identify and assess the economic and fiscal impacts on the community;

- b. Propose measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the project. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
 - c. The applicant shall provide the necessary funding to the city to hire a consultant of the city's choice, with appropriate experience to complete and present an economic and fiscal impact analysis to the city.
- 4. *Detailed neighborhood plan.* In the absence of an adopted detailed neighborhood plan for the subject property, the conditional use or planned unit development application for a development exceeding 80,000 square feet in total gross floor area of all combined buildings within the development shall be accompanied or preceded by a new city-approved detailed neighborhood plan for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the planning commission and common council to be part of the defined neighborhood. The detailed neighborhood plan shall clearly demonstrate the provision of land use, multi-modal transportation, utility, stormwater management and community character components, and patterns that support the objectives of the city's comprehensive plan, as determined by the planning commission and common council.
- 5. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than one inch equals 400 feet:
 - a. Land use with specific zoning districts and/or land uses;
 - b. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character;
 - c. Complete public road network;
 - d. Pedestrian and bicycle network;
 - e. Transit routes and stops, where applicable;
 - f. Conceptual stormwater management network;
 - g. Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities;
 - h. Recommendations for community character themes including building materials, landscaping, streetscaping and signage.
- 6. *Facilities and associated features.* The following requirements are applicable when a retail and commercial service development reaches the defined threshold outlined in Figure 2.1:
 - a. *Building location.* Where buildings are proposed to be distant from a public street, as determined by the planning commission, the overall development design shall include smaller buildings on pads or outlots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads

and neighboring commercial areas, and neighborhoods, and must forward community character objectives as described in the city's comprehensive plan.

- b. *Building materials.* Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the planning commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
- c. *Building design.* The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the planning commission, including the following:
 - A. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building;
 - B. A minimum of 20 percent of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted facade shall extend more than 100 feet;
 - C. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet;
 - D. Roofs with particular slopes may be required by the city to complement existing buildings or otherwise establish a particular aesthetic objective;
 - E. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) or spandrel glass between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity;
 - F. Building facades shall include a repeating pattern that includes no less than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
- d. *Building entrances.* Public building entryways shall be clearly defined

and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. When additional stores located in the principal building exceed 30 percent of the gross floor area, separate entrances may be considered for each such store that shall conform to the above requirements.

- e. *Building color.* Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, subject to the limitations in article VIII.
- f. *Screening.*
 - A. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior;
 - B. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs so as to not be visible from public streets adjacent or within 1,000 feet of the subject property. Fences or similar rooftop screening devices may not be used to meet this requirement;
 - C. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above;
 - D. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.
- g. *Parking.*
 - A. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required in section 78-704 shall be allowed only with specific and reasonable justification;
 - B. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every 20 spaces in that aisle. Islands at

the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of 360 square feet in landscaped area;

- C. Landscaped and curbed medians, a minimum of ten feet in width from back-of-curb to back-of-curb, shall be used to create distinct parking areas of no more than 120 parking stalls.
- h. *Bicycle and pedestrian facilities.*
 - A. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties;
 - B. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten feet; and the minimum width for sidewalks elsewhere in the development shall be five feet;
 - C. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length. Such landscape shall match the landscaping used for the street frontages;
 - D. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, or pavement color, or pavement textures, and signage;
 - E. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces;
 - F. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area;
 - G. The development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one bench seat for every 10,000 square feet of gross floor area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.
- i. *Central areas and features.* Each development exceeding 80,000 square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

- j. *Cart returns.* A minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of the building.
- k. *Outdoor display areas.* Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten feet. Display areas on building aprons must maintain a minimum walkway width of ten feet between the display items and any vehicle drives.
- l. *Outdoor storage uses and areas.* Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan, such outdoor storage uses and areas shall be appropriately screened as required by subsection (6)a. using techniques as found in subsection (6)c.
- m. *Landscaping.* On-site landscaping shall be provided at time of building occupancy and maintained per the following landscaping requirements:
 - A. Landscaping plan shall be submitted to the planning commission for approval, as part of the site plan.
 - B. Building foundation landscaping is required for all building frontages facing public streets in order to provide visual breaks in the mass of the building. Such foundation landscaping shall be placed along 30 percent of facades facing public streets. Foundation landscaping may be planted between the building and drive lane. One ornamental tree with a minimum one and one-half inch caliper or one minimum six-foot tall tree ("whips" not permitted), and four shrubs at a minimum height of 18 inches tall shall be planted for every ten linear feet of building foundation planter area. Appropriate trees and shrubs include Crabapple, Birch, Cherry, Hawthorne, Service Berry, Arborvitae, Dogwood, Lilac, Viburnum, Cotoneaster, Forsythia, Hazelnut, Barberry, Spirea, Juniper, Yew, or similar species and varieties approved by the city;
 - C. One street tree at a minimum of two-inch caliper shall be planted at 50-foot centers along, and within ten feet of, all public and private streets and drives, including parking lot connections and circulation drives, and loading areas. Such tree plantings shall be planted in tree wells along the circulation drives adjacent to the sides of the store that face a public or private street, along both sides of internal drives, and along the outside edge of loading areas. Appropriate trees include sugar maple, pin oak, ginkgo, or similar species and varieties approved by the city;

- D. One shade tree at a minimum of two-inch caliper shall be planted on each parking lot peninsula and island. Appropriate trees include honey locust, green or white ash, linden, sugar maple, red maple, or similar species and varieties approved by the city;
 - E. Where possible, all landscaped areas shall be at least ten feet wide in their smallest dimension, except that tree wells may be a minimum of 36 square feet;
 - F. For development exceeding 40,000 square feet in total gross floor area, and where the subject property abuts an area zoned or planned for residential, institutional, or office use, a minimum six-foot high berm shall be provided. The berm shall be planted with a double row of white, green or blue spruce plantings, or similar species and varieties approved by the city, spaced 15 feet on center.
- n. *Lighting.* On-site exterior lighting shall meet all the standards of section 78-707, except that in addition:
- A. Total cut-off luminaries with angles of less than 90 degrees shall be required for all pole and building security lighting to ensure no fugitive up lighting occurs.
 - B. At a minimum, as measured over ambient lighting conditions on a clear night, exterior lighting shall not exceed more than one-half foot-candles above ambient levels along all property lines, and shall not exceed an average illumination level of 3.6 foot-candles nor provide below a minimum of 0.9 foot-candles in public parking and pedestrian areas.
 - C. The color and design of pole lighting standards shall be compatible with the building and the city's public lighting in the area, and shall be uniform throughout the entire development site.
 - D. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. The applicant must provide to the city information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties and roadways. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
 - E. The applicant shall submit to the city sufficient information, in the form of an overall exterior lighting plan, to enable the city to determine that the requirements of this section will be satisfied. The exterior lighting plan shall include at least the following:
 - 1) Manufacturer specification sheets, cut-sheets or other information provided by the manufacturer for all proposed lighting fixtures.
 - 2) The proposed location, mounting height, and aiming point of all exterior lighting fixtures.

- 3) If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture.
 - 4) A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting and a computer generated photometric grid showing foot-candle readings every ten feet within the property or site, and ten feet beyond the property lines at a scale specified by city staff. Iso-footcandle contour line style plans are also acceptable.
- o. *Signage.* The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the development, including outlots. All freestanding signage within the development shall complement on-building signage. Monument style ground signs are required, and shall not exceed a height of eight feet. Consolidated signs for multiple users may be required instead of multiple individual signs. The city may require the use of muted corporate colors on signage if proposed colors are not compatible with the city's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, and shall be considered as contributing to the number and area of permitted signs.
 - p. *Noise.* Noise associated with activities at the site shall not create a nuisance to nearby properties, and shall comply with applicable city noise requirements.
 - q. *Natural resources protection.* Each project shall meet the erosion control and stormwater management standards found in Article V and other application city ordinances. In addition, post-development runoff rates shall not exceed pre-settlement rates. In general, existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated and accepted by the city.
 - A. *Additional requirements.* All large scale retail and commercial buildings and developments in excess of 20,000 square feet are subject to the following additional requirements:
 - 1) *Policy on vacation of existing sites.* Where such a building is proposed as a replacement location for a business already located within the city, the city shall prohibit any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease.
 - 2) *Developer's agreement.* The developer shall enter into a development agreement with the city, which shall include the payment of all utilities including but not limited to storm water, sanitary sewer, and street infrastructure, and the commitment

to adhere to the policy on vacation of existing sites per subsection (1) above. Off-site improvements may also be required as part of the development agreement.

- 3) *Absolute building area cap.* No individual building shall exceed a total of 155,000 square feet in gross floor area. This cap may not be exceeded by the granting of a planned development permit.
 - 4) *Outlots.* All buildings on outlots shall be of architectural quality comparable to the primary structure as determined by the planning commission.
- (f) *Exceptions.* This subsection 78-205(11) establishes standards for the development of buildings over 20,000 square feet of gross floor area. In the event the applicant desires a deviation or exception from such requirements, the applicant shall present justification for such deviation or exception, which may be approved or denied by the common council after recommendation by the planning commission.
- (g) *Appendices.* The following appendices referenced herein are incorporated into the requirements of this section. Amendments to the appendices may be made by a majority vote of the common council after review and recommendation by the planning commission.

Figure 205.1: Large Scale Retail and Commercial Development Requirements

<i>Requirement</i>	<i>Large Scale Retail and Commercial Development:</i>		
	<i>Large Scale Retail and Commercial Development:</i>	<i>Large Scale Retail Building:</i>	<i>Large Scale Commercial Service Building:</i>
Complete compatibility report-fits existing comp plan/DNP	>20,000 sq. ft.	>20,000 sq. ft.	>20,000 sq. ft.
Complete latest big box questionnaire	>20,000 sq. ft.	>20,000 sq. ft.	>20,000 sq. ft.
In the absence of detailed neighborhood plan (DNP) and traffic district a 3rd party traffic impact study is required	>20,000 sq. ft. w/ > 50 parking stalls	>20,000 sq. ft. w/ > 50 parking stalls	>20,000 sq. ft. w/ > 50 parking stalls
3rd party economic impact study	>100,000 sq. ft.	>80,000 sq. ft.	Not Applicable
In absence of detailed neighborhood plan (dnp) a development is required to provide one	>80,000 sq. ft.	>80,000 sq. ft.	>80,000 sq. ft.
Facilities and associated features (materials, landscape, etc)	>20,000 sq. ft.	>20,000 sq. ft.	>20,000 sq. ft.

Figure 205.2 Large Development Questionnaire

Person filling out this form	
Address	

CITY OF STOUGHTON
ARTICLE II. LAND USE REGULATIONS
Sec. 78-205. Regulations applicable to all land uses.

Phone Number	
Date	
I. Project Contacts	
Property Owner	
Property Owner Representative	
Developer:	
Developer Representative	
Prime Contractor Representative	
Civil Engineering Representative	
Architectural Representative	
Land Planner Representative	
Landscape Arch. Representative	
Exterior Lighting Representative	

II. Existing Site Conditions		
A. Total Site Area (inclusive of all areas within parcel boundary):	___ acres	___ sq. ft.
B. Environmental Corridor Components:	___ acres	___ sq. ft.
Surface Water	___ acres	___ sq. ft.
Wetlands (including _____ foot buffer)	___ acres	___ sq. ft.
100-Year Floodplain	___ acres	___ sq. ft.
Steep Slopes (equal to or greater than 12 percent)	___ acres	___ sq. ft.
Upland Woodlands (per Environmental Corridor criteria)	___ acres	___ sq. ft.

III. Adopted Plans and Policies.	
<i>Describe how the proposed development is compatible with the following:</i>	
A. City of Stoughton Comprehensive Plan:	
Planned Land Use Map	
Transportation Plan Map	
Community Facilities Plan Map	
Community Character Plan Map	
Goals, Policies and Objectives	
Agricultural and Natural Resources	

<i>III. Adopted Plans and Policies.</i> <i>Describe how the proposed development is compatible with the following:</i>	
Economic Development	
Other Provisions of Comp. Plan	
B. City of Stoughton Park and Open Space Plan	
C. City of Stoughton Intergovernmental Agreements	
D. Dane County Comprehensive Plan	
E. Dane County Park and Open Space Plan	
F. Dane County Transportation Plan	
G. State of Wisconsin DOT Plans and Policies	
H. State of Wisconsin DNR Plans and Policies	
I. Other Pertinent Plans and Policies as Indicated by City	

<i>IV. Proposed Development</i>			
A. General Description of Proposed Development and Land Use Mix			
B. Modifications to Existing Site Conditions:			
TOTAL SITE	Acres Converted	Acres Not Converted	Total
<i>Total Environmental Corridor:</i>			
Surface Water Areas			
Wetland Areas			
Floodplain Areas			
Steep Slopes (12 percent or more) Areas			
Woodland Areas			
<i>Total Agricultural/Open Space:</i>			
<i>Total Agricultural/Open Space:</i>			
<i>Cultivation & Husbandry Areas</i>			
<i>Other Open Space Areas</i>			

CITY OF STOUGHTON
ARTICLE II. LAND USE REGULATIONS
Sec. 78-205. Regulations applicable to all land uses.

IV. Proposed Development			
Total Existing Development:			
Existing Building Areas			
Existing Paved Areas			
Existing Lawn & Land-scaped Areas			
C. General Development Details:			
Total Site Area:	_____ square feet	_____ acres	
Area of Building Footprint:	_____ square feet	_____ acres (1)	
Area of Paving:	_____ square feet	_____ acres (1)	
Area of Pervious Paving	_____ square feet	_____ acres (2)	
Area of Lawn & Landscaping	_____ square feet	_____ acres (3)	
Area of Stormwater Management:	_____ square feet	_____ acres (1)	
Area of Impervious Surface (all 1s)	_____ square feet	_____ acres	
Area of Semi-Pervious Surface (all 2s)	_____ square feet	_____ acres	
Area of Pervious Surface (all 3s)	_____ square feet	_____ acres	
Total Floor Area:	_____ square feet		
First Floor Area:	_____ square feet		
Second Floor Area:	_____ square feet		
Upper Floor Areas:	_____ square feet		
Useable Basement Area:	_____ square feet		

Figure 205.3: Economic and Fiscal Impact Analysis Requirements

1. For the project, estimate the following:	
a. Types of jobs created	
b. Number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created	
c. The impact of the project on the overall local job market at year one and year five.	
2. Estimate the amount of local labor to be used in the construction of the project and in employment. Local is defined as city or county residents or businesses.	
3. Include an analysis indicating the market proposed for the project and the area from which patrons will be attracted.	
4. Evaluate the impact of the proposed project on commercial and/or retail vacancy rates in the proposed market area.	
5. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.	
6. Compare and evaluate the projected costs and benefits to the community resulting from the project including:	
a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.	
b. Value of improvements to public services and infrastructure to be provided by the project.	

c. Projected tax revenues to the city to be generated by the project in the first five years.	
d. Projected impact of the project in the first five years on land values (both residential and commercial) and potential loss or increase in tax revenues to the City of Stoughton.	
7. Projected lifespan of building.	

(12) Group developments. A group development is any development containing:

- (a)** Two or more structures containing principal land uses on the same lot;
- (b)** Any single structure on a single lot which contains five or more dwelling units or two or more non-residential uses; and/or,
- (c)** Any new institutional, commercial, and office buildings in excess of 5,000 gross square feet and to all multi-building group developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed 5,000 square feet.
- (d)** Any building additions to institutional, commercial, and office buildings that bring the total building size to over 5,000 gross square feet. These regulations shall apply to the building addition, the older portions of the building constructed prior to the adoption of this section, and to the site.
- (e)** Common examples of group developments include six-unit apartment buildings, apartment complexes, condominium complexes, strip centers, shopping centers, and office centers. (One tenant office or commercial buildings containing less than 5,000 square feet of gross floor area, four-unit apartment buildings, and other land uses in which each non-residential building contains only one tenant, or where the lot contains only one structure, or where each residential building contains four or fewer dwelling units, are not group developments even though such developments may contain parcels under common ownership.)

A group development does not offer the ability to customize the regulations of this zoning ordinance as could be achieved using a planned development per subsection 78-105(7). A group development approval is not required for an approved specific implementation plan.

Any land use that is permitted as a Permitted by Right land use or as a Conditional land use within the applicable zoning district(s) is permitted to locate within a group development. The detailed land use regulations of this subsection that pertain to individual land uses shall also apply to individual land uses within a Group Development, as will all other applicable provisions of this chapter. Therefore, land uses permitted by right in the Zoning District shall be permitted by right within an approved group development (unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development as a whole), and land uses permitted as a conditional use in the Zoning District shall be permitted within the group development only with conditional use approval for the specific use. In all cases, the following conditional use conditions shall be applied to the group development as a whole, and to individual uses within the group development:

- 1. The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.

Chapter 18.34**PHYSICAL DEVELOPMENT STANDARDS**

Sections:

18.34.010 Purpose.

- 18.34.020 Application of Standards.
- 18.34.030 Architectural Standards.
- 18.34.040 Landscaping Standards.
- 18.34.050 Exterior Lighting and Illumination Standards.
- 18.34.060 Pedestrian and Site Amenity Standards.
- 18.34.070 Motor Vehicle Standards.
- 18.34.080 Streets, Highway and Traffic Standards.

18.34.010 Purpose. The following standards and provisions are hereby deemed necessary and are intended to:

- A.** Protect the health and welfare of the citizenry;
- B.** Provide a safe environment;
- C.** Improve the visual image of the City;
- D.** Encourage physical diversity;
- E.** Mitigate urban heat islands
- F.** Apply best management practices to storm water management;
- G.** Protect existing development and improve upon it;
- H.** Provide adequate public infrastructure and street and highway capacity;
- I.** Encourage alternative modes of transportation and minimize the visual, physical and environmental impacts of a motor vehicle dominated transportation system;
- J.** Minimize light pollution and the creation of sky glow;
- K.** Recognize the physical, environmental, social and psychological benefits of good design of all aspects of the built environment including but not limited to building construction, site improvement, signs and landscaping

18.34.020 Application of Standards.

A. The standards codified and established by this Chapter shall apply to the physical development of all vacant land and the redevelopment of all other lands that are zoned O1, O2, O3, B1, B2, B3, B4, B5, B6 and BT. For purposes of this title, redevelopment is defined as the removal of any building, structure and/or improvement for the purpose or intent of constructing, erecting, creating, or otherwise improving the underlying land area with new buildings, structures, uses and/or improvements. The standards contained herein shall also apply to building additions which double the gross floor area of any existing building.

B. Compliance with the regulations contained herein shall be determined by the Site Plan Review Coordinator. The Coordinator may, at his/her discretion, consult with the Planning Director, City Engineer, Director of Public Works and Director of Code Administration or their designees for their input, information, expertise and opinion regarding the status of compliance with said regulations. Applicants that are in disagreement or aggrieved with the findings of the Site Plan Review Coordinator may request mediation of Coordinator's actions by the Plan Commission as outlined in Section 18.24.050 F. of the Janesville Code of General Ordinances.

18.34.030 ARCHITECTURAL STANDARDS.

A. Purpose. The intent of the following standards is to insure that development within the district results in the creation of functional and aesthetically pleasing high quality environment. A high quality environment is one that is designed for longevity and flexibility in use, has low or reduced maintenance, is environmentally compatible and pedestrian friendly and will instill pride of use and ownership in those operating and visiting such areas.

1. Maximum building size: in accord with the applicable zoning district standard.
2. The maximum height of any building, structure or use shall be in accord with the applicable zoning district standard.
3. The size, bulk and shape of buildings shall be compatible with those located on parcels in the surrounding neighborhood. When such surrounding buildings consist of dramatically different sizes and styles that may not be compatible with each other, new buildings shall be designed to provide a transition between such other buildings. Where there are few or no surrounding buildings, the size, bulk and shape of buildings shall be consistent with the planned character of what will be the surrounding development as reflected in City's Comprehensive Plan and other adopted plans for the area. The character of buildings and structures constructed in the O3 and B1 districts shall be consistent with residential buildings in the surrounding area.
4. Buildings, particularly large structures, shall be designed to reduce the physical and visual scale and/or appearance of said structures through the use of varied design elements including but not limited to varied setbacks, building height, roof treatments, door and window openings, and other structural and decorative elements. In addition, consideration should be given to varying the vertical walls of buildings with exterior horizontal wall protrusions and recesses and also the tops of walls, roof eaves and parapet walls through the use of varying vertical heights from the ground plane. Buildings and structures located in the O3 and B1 districts shall have pitched residential styled gabled or hip roofs, except where the character of surrounding buildings suggest that other roof styles are appropriate.
5. All buildings shall have entrances clearly defined with roofs, canopies, porticos, arches or other features that identify them and invite users of the site to them. If appropriate relative to the location of on-site parking, at least one entrance shall be located on the front or sides of buildings so that it is visible from the adjoining public street right-of-way. Buildings larger than 50,000 square feet and single tenants occupying spaces greater than 50,000 square feet in a multi-tenant building shall provide multiple entrances convenient to parking and pedestrian improvements. Separate entrances shall be provided for each tenant or tenant space within a building where practical.
6. Exterior building materials shall be durable and low maintenance. Buildings must consist primarily of wood, glass, brick, decorative concrete block, stucco and / or similar materials. The Site Plan Review Coordinator may approve the moderate use of vinyl and seamless metal siding, decorative architectural metal siding with concealed fasteners and standing seam or otherwise architecturally unique metal roofing when such items are sensitively incorporated as design elements and not just building skins.
7. Building design and architectural elements shall be applied to all sides of buildings in the O3 and B1 Districts and only those sides and rears of buildings in the remaining office and commercial districts which are clearly visible from public lands, public streets and residential areas. Under said circumstances, all facades of a building shall contain similar building materials and architectural details.

8. Primary building facades shall have storefront windows or window like displays or details in quantities sufficient to create a recognizable architectural element from the adjoining parking lots, pedestrian ways and public streets. Said windows or window like features shall be provided for each individual tenant or tenant space within a building when such tenant space adjoins an exterior wall of the building.

9. In general, colors used on the exteriors of buildings should be non-reflective, subtle or neutral tones. Bright, vibrant or highly reflective colors or surfaces should be used sparingly as accent features and not applied copiously as an attention getting device.

10. The intent of the O3 and B1 zone districts is to provide office, commerce and service uses to smaller, local geographic areas and the residents thereof and not necessarily to the community at large or regional customers. As such uses within the district should be considered as destinations rather than attractions. Thus the use of standard corporate buildings, signage and images may be inappropriate in size, scale, color and image. Any use of such elements must be subtly incorporated into the overall character of the development and the area.

11. All permanent loading facilities and trash / recyclable storage areas shall be completely screened from view by an opaque vertical wall or fence that is a minimum of five feet in height or greater as necessary to adequately screen the trash enclosure(s). Said wall or fence shall be constructed of the same or complimentary materials as the building that it serves. Loading and trash storage areas shall be designed in consultation with professional service providers in order to accommodate all desired functions within the screened area. Loading and trash storage areas shall be proximal to the building they serve in order to provide convenience in access for employees using such facilities.

12. Roofs and the tops of building walls shall be designed to sufficiently break planes and horizontal lines, reflect sunlight, and add interest to the structures they are a part and to minimize buildings from appearing as big, flat boxes. Pitched roofs are encouraged when overall building sizes allow their use without creating disproportionately large and/or tall roofs and when pitched roofs are the predominate style of surrounding development or when a building will be proximal to residences.

13. Roof mounted mechanical equipment shall be located behind screening walls or covers that are similar or complimentary in material to those used on the facades of the building. Ground or wall mounted mechanical equipment shall be placed out of site from adjoining public streets and screened with landscaping, walls or fences.

14. Buildings designed or converted for multiple tenant occupancy shall be designed with roofs, canopies, trellises and/or other roof like structures intended to provide maximum covered areas over sidewalks connecting the entrances to the multiple tenant space.

15. Lots, parcels, sites or developments containing multiple buildings shall incorporate varied building setbacks from the property lines adjoining public streets. Said setback variations must generally be no less than 50 feet, however, the Site Plan Review Coordinator may allow less setback to facilitate good site design.

18.34.040 LANDSCAPING STANDARDS.

A. Purpose. The landscaping standards contained herein establish a point system to determine the appropriateness and effectiveness of plant installation. The system recognizes that the installation and maintenance of live plants is essential to creating a healthy, safe and aesthetically pleasing environment. The system places priority on the planting of deciduous shade trees which results in the highest level of environmental impact mitigation. As such all real property proposed for development shall be landscaped as follows:

1. Planting designs shall concentrate on shading building roofs, parking lots, pedestrian facilities and the adjoining public streets. Secondary importance is focused on foundation and screening plantings intended to soften the transition from the ground plane to the vertical plane.

2. Landscaping requirements. Landscaping shall be provided based on the following requirements or point schedules. Landscaping is defined as living plants normally cultivated for use on residential and business sites. These requirements supercede any other landscaping or screening requirements of the zoning ordinance. The requirements of each of the following categories are additive and must be satisfied independently except in the following circumstances: 1) On corner lots, one-half of the trees provided to meet the Street Frontage requirement may be credited toward satisfying the landscape point / tree requirements of the Paved Areas standard if said Street Frontage trees meet the location requirements of both the Street Frontage and Paved Areas sections; 2) The landscape point totals associated with landscaping planted to meet the Buffer Yard requirements shall be credited toward the point totals required to meet any other landscape requirement provided the Buffer Yard plants meet the location requirements of both the Buffer Yard section and the section for which credit is requested.

a. Street Frontages: One Large Deciduous tree shall be planted for each 50 feet of property line along a public street right-of-way. Said trees shall be planted in the public terrace equidistant from the curb and the normal sidewalk line or on the private site and within 10 feet of the property line adjoining the public right-of-way. The preference for tree locations is on private property. The trees should be planted as near as possible at intervals of 50 feet on center although the clustering of trees for valid design purposes may be allowed.

b. Paved Areas: 150 points of landscaping shall be planted for each 3,000 square feet of paving. At least one-half of the landscape points required shall be satisfied by the planting of Large Deciduous Trees. Paving is defined as all hard surfaced areas within the ground plane including but not limited to parking stalls, driveways, trash enclosure pads, loading docks, sidewalks, plazas and patios. Plants required by this section shall be installed in landscape islands within or extending into the paved area or generally within 15 feet of the perimeter of the edges of the paved area. Parking lots containing more than 75 stalls shall incorporate at least one-third of the required landscaping within planting islands that are located within the interior of the parking lot. Such islands shall be a minimum of 10 feet wide and 360 square feet in area and shall contain at least one Large Deciduous. Said islands should be evenly dispersed throughout the parking lot. Emphasis should be placed creating islands that function positively with respect to plant physiology, vehicle maneuvering and overall site maintenance. Linear islands located between rows of parking stalls are preferred rather than small islands located at the ends of parking rows.

c. Building Foundations: 300 points of landscaping for each 100 lineal feet of exterior building wall. Plants required by this section must generally be installed within 20 feet of the building foundation. Large Deciduous Trees should not be used as foundation plantings.

d. Buffer Yards: There shall be provided and maintained a permanent ten foot wide buffer yard screening element along any boundary of an office or business zoned property and any residential zone district including any O1 or O2 zoned site that is developed with a residential use or is vacant. Said buffer yard screening element is intended to visually screen the office or business use from the adjoining residential district. The buffer yard screen shall be located within 25 feet of the common property line between the office or business use and residential property. A buffer yard screen shall consist of any combination of an earth berm, opaque fence constructed of materials compatible with the materials of buildings within the development and/or landscape plantings and shall be designed to provide a permanent all-season visual screen that will be a minimum of five feet tall. If plantings are used, such elements must be a minimum of three feet high and wide at the time of planting and of a species that will attain a height and width of at least five feet within four years following planting. When such buffer yard planting is located within the required building setback from a public street right-of-way the height of the plants within that setback area must be maintained at 30 inches or less. The location of the buffer yard planting should be offset from the property line a distance equal to any utility easement of any nature that may be located along and encompassing said line.

e. Development Sites: Development sites shall satisfy the Street Frontage landscaping requirements and shall be graded to a mowable condition and seeded with an acceptable lawn mix. Development sites are defined as any land area that is a separate site, lot, parcel or a vacant portion of a larger site that included within a development but which is intended to be developed in the future for building, parking or other physical improvement purposes.

3. Landscaping point credits. Credit for landscaping will be granted based on the following schedule:

a.	Large deciduous tree:	150 points per tree
b.	Small deciduous tree	60 points per tree
c.	Evergreen or Conifer tree	60 points tree
d.	Shrub	20 points per shrub
e.	Annual / Perennial bed	20 points per 20 square feet of planted

bed

4. Landscaping elements are defined as follows:

a. Large deciduous tree. A large deciduous tree is any deciduous tree that will attain a mature height exceeding 25 feet, is classified as having a hardiness zone standard of 2 – 5 and is at least 2.5 inches in diameter at the time of planting. Large deciduous trees planted within the public street right-of-way shall be a species normally classified as Street trees. Trees will be downsized appropriately when overhead utility lines exist within the terrace area.

b. Small deciduous tree. A small deciduous tree is any deciduous tree that will attain a mature height less than 25 feet, is classified as having a hardiness zone standard of 2 - 5 and is at least 1.0 inch in diameter at the time of planting.

c. Evergreen or Conifer Tree. Evergreen or conifer trees are any upright conifer that will attain a mature height exceeding 12 feet, is classified as having a hardiness zone standard of 2 - 5 and is at least 4 feet tall at the time of planting.

d. Shrubs. Shrubs are plants that are both deciduous or evergreen in character, attain mature heights between 2 – 8+ feet, are classified as having hardiness zone standards of 2 – 5 and that are at least 18 inches in height at the time of planting.

e. Annual / perennial beds. Annual / perennial beds are any planting area containing annual and perennial bedding plants or other ground covers such as creeping evergreens, that are intensively planted to form a continuous planting mass and are at least 20 contiguous square feet in area.

5. Green areas of the site not used for landscaping shall be seeded or sodded with an acceptable maintainable lawn seed mix. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials. Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into walks, drives, streets or other hard surfaced portions of the site. Functional weed barriers will be installed in all areas to be mulched.

6. Installation. All landscaping shall be installed consistent with industry accepted standards. Installation shall occur prior to the issuance of a Certificate of Occupancy for the site unless such occupancy occurs during winter, in which case the landscaping shall be completed by 1 July of the next summer.

7. Maintenance. Landscaping required by this title is intended to be a permanent site improvement just as any other building, structure or infrastructure that is necessary to facilitate the intended use of the site. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes, maintenance shall include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year.

8. Utility easements. Planting in utility easements should be avoided. If such planting does occur, it is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at their cost. Replacement landscaping shall satisfy the minimum standards of this title.

18.34.050 EXTERIOR LIGHTING AND ILLUMINATION STANDARDS.

A. Purpose. The intent of the following standards is mitigate the impact of exterior illumination related to development on surrounding properties, particularly in areas proximal to residential uses, while providing safe, healthy and visually attractive nighttime environments. In order to achieve that, good lighting design shall be practiced. Good lighting design is characterized by:

Illumination levels appropriate for the visual task.

Reasonably uniform illumination levels on adjoining sites.

An absence of glare.

Consideration of the Compatibility and aesthetics of illumination and the mechanical improvements that create it as those relate to surrounding properties and the character of the community.

In order to insure that proper lighting design occurs, the following standards shall apply to all development within the district.

1. All exterior lighting fixtures shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North American (IESNA). All lighting shall be designed and fixtures selected to prevent glare. The Site Plan Review Coordinator may modify the cutoff fixture requirement for security lighting in areas where the exterior lights are not visible from a residential area or a public street.

2. Illumination of sites and improvements thereon shall be designed to avoid competition with illumination on adjoining or neighboring properties.

3. Illumination levels shall be appropriate for the intended improvement, area and / or function to be illuminated. In general, illumination levels should follow the guidelines and recommendations of the IESNA.

4. In no event shall any exterior illumination exceed an average illumination level of 20.0 foot-candles for the surface to be illuminated unless approved otherwise by the Plan Commission as part of a conditional use permit.

5. The illumination uniformity ratio (the ratio of the average illumination to the minimum illumination) for the surface to be illuminated shall not exceed 4:1.

6. The illumination level at any property line shall not exceed 0.5 foot-candle above the ambient lighting conditions on a cloudless night.

7. In no instance shall an outdoor lighting fixture be mounted or oriented such that the lighting element is visible from any residence located in a residential zone district.

8. The following shall be the maximum mounting height for the respective lighting fixture. The mounting height shall be measured from the surface to be illuminated to the bottom of the light fixture.

a. Parking lot light fixtures in lots containing 100 or fewer stalls – 18.0 feet.

b. Parking lot light fixtures in lots containing more than 100 stalls – 25.0 feet.

c. Building or security lighting – 10.0 feet.

d. Any other site lighting fixture 18.0 feet or as determined appropriate and consistent with the intent of this title by the Site Plan Review Coordinator.

9. Hours of operation: When a use is not in operation, only building mounted security lighting and up to 25% of all other outdoor lighting fixtures may remain illuminated.

10. Exterior illumination of wall, building or ground signs, architecture, landscaping, site amenities or other specialty illumination of any kind shall be designed consistent with the intent of this title. The provisions of Section xi. Alternatives shall apply to any such lighting.

11. Alternatives. Alternatives to these standards may be proposed to incorporate the use of a particular architectural style or theme or to incorporate innovative or unique illumination techniques. Such alternatives shall be presented to the Site Plan Review Coordinator with supportive evidence sufficient to determine that the proposal is consistent with intent of the heretofore-established standards. Approval of an alternative illumination plan is at the discretion of the Site Plan Review Coordinator.

12. A lighting plan, specifications for all proposed fixtures and photometric plan or other plans delineating illuminance levels that evidence compliance with the established standards are required for all developments in order to determine compliance with these standards.

18.34.060 PEDESTRIAN AND SITE AMENITY STANDARDS.

A. Purpose. The intent of the following regulations is to further the goal of providing and promoting alternative methods of access and travel to uses established within large-scale developments. Creating developments that provide ease of pedestrian or bicycle access is paramount. As such, the following development standards shall apply.

1. At least one five-foot wide sidewalk shall be provided between the primary entrance to any building and existing or planned public sidewalks, mid-block walkways and bike trails.

2. If more than one building is proposed on a site or multiple adjoining sites are proposed for building development, on-site sidewalk links shall be provided between buildings. Said sidewalks shall be a minimum of five feet wide and designed to provide convenient pedestrian access. Public sidewalks may satisfy this requirement if deemed appropriate by the Site Plan Review Coordinator.

3. All parking, sidewalks, plazas, patios, and any other hard surfaced site improvement shall comply with the standards of the Americans with Disabilities Act. Site design shall place a priority of convenience on pedestrian movements rather than motor vehicle movements.

4. Accommodations shall be made for bicycle access and parking.

5. If more than one building is proposed on a site or multiple adjoining sites are proposed for building development, the site plan shall be reviewed by the Janesville Transit System (JTS) for consideration of creating a transit stop. If deemed necessary by JTS a transit stop shall be constructed as part of the development or within the adjoining public right-of-way. Any such transit stop shall be connected to the development or site by an appropriate sidewalk. The cost of any such transit stop shall be paid for by the developer.

6. If more than one building is proposed on a site or multiple adjoining sites are proposed for building development, site improvements shall include appropriate amenities for employees and patrons. The design of any such amenities shall be functional, inviting and compatible with the adjoining structures and uses. Such items may include but are not limited to the following:

- Receptacles for refuse and recyclables
- Benches
- Information kiosks
- Potable water fountains
- Comprehensively designed newspaper boxes
- Employee lunch areas
- Flower beds, boxes or hanging baskets
- Works of art
- Smoking shelters

18.34.070 MOTOR VEHICLE STANDARDS.

A. Purpose. Motor vehicles, their associated movement and parking represent one of the primary sources of impact from development on surrounding properties, especially residences. In order to reduce the impact associated with motor vehicles, the following standards shall apply to development within the district.

1. Vehicle access for non-residential development is prohibited from a local residential street unless said point of access is within 500 feet of a Through or Connecting Arterial Street as enumerated in Chapter 10 of the Janesville Code of General Ordinances or, in the opinion of the City Engineer, said local street will eventually be classified as a Through or Connecting Arterial Street.

2. The parking of trucks, trailers of any motor vehicle weighing in excess of 1.5 tons for more than a 24 hour period is prohibited.

3. Off-Street parking and loading shall be as provided in Sections 18.32.070 and 18.32.080. No more than 110% of the minimum number of parking stalls required by the aforesaid sections may be provided unless determined appropriate by the Site Plan Review Coordinator.

4. No more than one-half of the parking stalls provided on a site shall be located between the front of the principal building or buildings and public street frontages unless, in the opinion of the Site Plan Review Coordinator, specific site limitations or adjoining land use considerations render such placement impractical or undesirable. The remaining parking shall be located in the side, corner side or rear yards of the site. Within the O3 District, all parking shall be placed in the interior side yard or rear yard unless, in the opinion of the Site Plan Review Coordinator, specific site limitations or adjoining land use considerations render such placement impractical or undesirable.

5. Consideration shall be given to the use of non-reflective parking lot surfacing materials.

6. All parking lots, driveways and other paved surfaces shall be properly striped, marked and signed to adequately define parking stalls, drive lanes, turning movements, fire lanes, prohibited movements or parking and any other such instructions necessary to facilitate safe pedestrian and motor vehicle movement. All such markings shall be designed and installed to place priority on pedestrian movements rather than motor vehicle movement.

7. All pavement stripping, markings and signage shall be permanently maintained in order to provide for continual and safe pedestrian, bicycle and vehicle movements.

8. Consideration shall be given to the use of best management practices for storm water run-off. The use of on-site retention, rainwater gardens and other mitigation methods or strategies designed to reduce off-site storm water run-off shall be incorporated into site development plans. All such proposals shall include management plans for any on-site water storage.

9. For parking lots containing more than 25 stalls, poured in place concrete or equivalent curbing shall be installed in all high vehicle volume areas of the lot in order to define traffic movements, protect pavement edges and prevent disturbance or destruction of green areas and landscaping, to prevent erosion and to protect pedestrians. Said curbing shall be 6 inches tall and shall contain barrier free design facilities where necessary and appropriate.

18.34.080 STREETS, HIGHWAY AND TRAFFIC STANDARDS.

A. Purpose. Large developments generally involve significant land area and/or building area. As such they typically generate significant traffic and thus they often negatively impact existing street, highway and traffic improvements. In order to determine the impact from any such development on existing and planned streets, highways and traffic facilities, and to determine what if any new improvements are necessary to mitigate such impacts, a traffic study must be completed and submitted with each development proposal. Said study shall comply with the following standards:

1. A traffic impact study shall be completed for every Large Development as defined by the applicable zoning district regulations if determined necessary by the City Engineer. Said study shall be completed by a qualified engineer or equivalent professional or firm having past experience and expertise in completing such studies.

2. The cost of the study shall be paid for by the applicant.

3. The study shall analyze the existing transportation network in the area surrounding the Large Development site. This would entail identifying or collecting traffic volumes for all arterial, collector, and non-residential local streets, conducting turning counts at major intersections, and a review of all planned transportation system improvements within an area surrounding the Large Development site as determined appropriate by the City Engineer.

4. The study shall identify existing and projected traffic volumes and turning movements for the aforesaid transportation network components. Traffic projections should be based on the full build out of all lands within the study area using city land use plans for those areas that are undeveloped.

5. The study shall determine the existing and project the anticipated Levels of Service for all components of the transportation network within the study area as such Levels of Service are defined in the most recent edition of the Transportation Research Board's Highway Capacity Manual.

6. The study shall make recommendations for all improvements that may be necessary to maintain a Level of Service of D or better for all components of the transportation network. The Plan Commission may modify this requirement if they find that the construction of such improvements are impractical or excessive.

7. The study shall prorate on a percentage basis the portion of the need for any such improvements that can be attributed to the proposed Large Development covered by the study.

8. The applicant may be responsible for the installation costs of any improvements necessary to maintain a Level of Service of D or better on the transportation network components that would be adversely affected by the proposed development. The Plan Commission may modify this requirement if they find that the construction of such improvements are impractical or excessive.

17.36.220 - Design standards and conditional use permit requirement for large developments in the suburban commercial (SC) and urban commercial (UC) zoning districts.

A.

Applicability. The following design standards and conditional use permit requirement for large developments shall apply to all new buildings and uses in the city that are located within the suburban commercial (SC) and urban commercial (UC) zoning districts and the building footprint are in excess of twenty-five thousand (25,000) gross square feet. The design standards and conditional use permit requirement for large developments in the suburban commercial (SC) and urban commercial (UC) zoning districts are required in addition to the general performance standards of Chapter 17.36 of the zoning ordinance. In the event of conflicting provisions, the more restrictive shall control. The design standards and conditional use permit requirement for large developments in the suburban commercial (SC) and urban commercial (UC) zoning districts shall also be applied to all building additions to an existing building within the suburban commercial (SC) or urban commercial (UC) zoning district which brings the total building footprint size to over twenty-five thousand (25,000) gross square feet. This twenty-five thousand (25,000) square foot building footprint limit shall apply to individual freestanding buildings including any future additions or buildings and to group developments including any future additions to buildings or future buildings in which the combined total of the footprints of all structures within a development (regardless of diverse lotting, use or tenancy) combine to more than twenty-five thousand (25,000) square feet. The words "within a development" shall mean single building or multi-building projects including any buildings additions or future buildings that share a common theme, share common ingress and egress, share common parking areas and/or other aspects that bind them together as a unified project.

B.

Definition. "Large development" means individual freestanding buildings including any future additions or buildings and group developments including any future additions to buildings or future buildings in which the combined total of the footprint area of all structures within a development (regardless of diverse lotting, use or tenancy) combine to more than twenty-five thousand (25,000) square feet.

C.

Purpose. These standards and the conditional use permit requirement are intended to ensure that all large development is compatible with the surrounding area and contributes to the unique character of Sun Prairie.

D.

Development Standards.

1.

Aesthetic Character.

a.

Facades and Exterior Walls.

i.

Facades (all sides of building) greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet (see Figure 1 at the end of this section).

ii.

Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent (60%) of their horizontal length (see Figure 1).

b.

Small Retail Stores. Where principal buildings contain additional, separately owned stores that occupy footprint areas of less than twenty-five thousand (25,000) square feet, with separate, exterior customer entrances, the street level facade of such stores shall be transparent (e.g. windows) between the height of three feet and eight feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade of such additional stores.

c.

Detail Features. Building facades must include:

i.

A repeating pattern that includes no less than three of the following elements:

(A)

Color change;

(B)

Texture change;

(C)

Material module change;

(D)

An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib (see Figure 2 at the end of this section).

Note: At least one of elements (A), (B) or (C) above shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

d.

Roofs. Roofs shall have no less than two of the following features with the exception that subsection (D)(1)(d)(i) of this section shall be required for all structures:

i.

Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment (see Figure 3 at the end of this section);

ii.

Overhanging eaves, extending no less than three feet past the supporting walls (see Figure 3);

iii.

Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

iv.

Three or more roof slope planes.

e.

Materials and Colors.

i.

Predominant exterior building materials shall be high quality materials, including but not limited to, brick, stone, and tinted/textured concrete masonry units.

ii.

Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

iii.

Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

iv.

Exterior building materials shall not include smooth faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

2.

Entryways.

a.

Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

i.

Canopies or porticos;

ii.

Overhangs;

iii.

Recesses/projections;

iv.

Arcades;

v.

Raised corniced parapets over the door;

vi.

Peaked roof forms;

vii.

Arches;

viii.

Outdoor patios;

ix.

Display windows;

x.

Architectural details such as tile work and moldings which are integrated into the building structure and design;

xi.

Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

b.

Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

3.

Site Design and Relationship to Surrounding Community.

a.

Entrances. All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

b.

Parking Lot Location. No more than fifty percent (50%) of the off street parking area for the lot, tract, or area of land devoted to the large retail establishment shall be located between the front facade of the principal building(s) and the abutting streets.

c.

Back Sides of Buildings. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line. Where the facade faces adjacent residential uses, an earthen berm, no less than six feet in height, containing at a minimum evergreen trees planted at intervals of twenty (20) feet on center, or in clusters or clumps shall be provided.

d.

Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses.

4.

Pedestrian Circulation.

a.

Sidewalks at least eight feet wide in width shall be provided along all sides of the lot that abuts a public street.

b.

Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent (50%) of the length of the walkway.

c.

Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

d.

Internal pedestrian walkways provided in conformance with subsection (D)(4)(b) of this section shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.

e.

All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

5.

Delivery/Loading Operations. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of ten p.m. and seven a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) decibels, as measured at the lot line of any adjoining property.

6.

Central Features and Community Space. Each large development subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio seating area, pedestrian plaza with benches, transportation/transit center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the city council, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

7.

Landscaping Standards. Note: In addition to the landscaping and bufferyard standards described in Chapter 17.32, Sections 17.32.010 through 17.32.030 and 17.32.070 through 17.32.130 of the city of Sun Prairie zoning ordinance, the following landscaping standards shall apply to all large developments in the suburban commercial (SC) and urban commercial (UC) zoning districts. In the event of conflicting provisions, the more restrictive shall control.

a.

One two and one-half inch to three inch caliper canopy shade tree shall be required for every twelve (12) parking spaces. In addition, one two and one-half inch to three inch caliper canopy shade tree shall be required for the first eleven (11) parking spaces. To calculate the number of trees required, divide the number of parking

stalls by twelve (12) and add one.

- b. In parking lots containing fifty (50) spaces or more with two drive aisles or more, or two or more parking bays, at least fifty percent (50%) of the required canopy shade trees shall be planted in interior landscape islands, each having a minimum area of eighty (80) square feet of ground area per tree.
- c. At least ten percent (10%) of the interior space of all parking lots shall be landscaped areas.
- d. Each landscaped island shall include one or more canopy shade trees. Each landscaped island shall be of length greater than eight feet in its smallest dimension. All landscaped islands shall have raised concrete curbs.
- e. The required trees contribute no points toward the required landscape plan total of six landscaping points for every parking space. The required six landscaping points per parking space shall be accumulated on the basis of the following landscaping point values for individual landscape elements:

**Six Landscaping Points Per Parking
Space Requirement**

Canopy Shade Tree—2 1/2" to 3" caliper	75 points each
Deciduous Shrub At planting, shrubs shall be at least one-half of their mature height	3 points each
Evergreen Shrub At planting, shrubs shall be at least one-half of their mature height	5 points each
Decorative Wall or Fence Minimum height 3 feet	5 points per 10 lineal feet
Earth Berm-Avg. Height 30"	5 points per 10 lineal feet

Note: required trees (as described in (D)(7)(a) of this section) are not included in the six landscape points per parking stall point count.

- f. Street Frontages and Side Lot Lines. Canopy shade trees shall be provided at a ratio of one tree per twenty lineal feet along a public street and one tree per forty (40) lineal feet along a side lot line parking setback area. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way. Trees required along street frontages shall not contribute to the point total of six points per parking stall.
- g. Parking Lot Screening. All parking lots shall be screened from adjacent uses and from the street through the use of decorative fences or walls, earthen berms, dense hedges, or a combination thereof. Where street screening is required, plans submitted for city review shall include a graphic depiction of the parking lot screening as seen from the street. Plant materials used for screening shall achieve effective visual screening of the parking areas during all seasons of the year.
- h. Driveway and Drive Aisle Screening. Driveways through or to parking lots shall have one canopy shade tree per forty (40) lineal feet of and along each side of such driveway or drive aisle, in landscape areas within five feet of such driveway or drive aisle.
- i. Screening of Visually Intrusive Site Elements. Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, loading docks, and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required.
- j. Screening Materials. Required screening shall be provided in the form of new or existing plantings, decorative walls and fences, topographic changes, buildings or a combination of these techniques.
- k. Building Foundation Screening. Exposed sections of building walls that are in high use or high visibility areas of the building exterior shall have planting beds at least five feet wide placed directly along at least fifty percent (50%) of such walls.

Note: See Figures 1, 2 and 3.

E.

Conditional Use Permit Requirement for Large Developments. Large developments within the suburban commercial (SC), and urban commercial (UC) zoning districts are only allowed if a conditional use permit is granted to the applicant for such large development by the city. (Refer to Section 17.44.050 for conditional use permit review and approval requirements.)

(Ord. 164, §§ 1—3, 11-16-2004)

VERONA, WISCONSIN

Sec. 13-1-371 Planned Development District Procedures.

(a) Purpose.

(1) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed Planned Developments, and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district.

(2) Planned Developments are intended to provide more incentives for infill development and redevelopment in areas of the community which are experiencing a lack of significant reinvestment. Furthermore, Planned Developments are designed to forward both the aesthetic and economic development objectives of the City by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.

(3) Planned Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, Planned Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all Planned Developments are required to meet certain procedural requirements applicable only to Planned Developments, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a Planned Development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(4) Planned Development District procedures must be utilized for any proposed development that will include "indoor sales and service" land uses as defined in Subsection 13-1-89(c) contained within buildings 100,000 square feet in size or larger.

(b) Provision of Flexible Development Standards for Planned Developments.

(1) ***Permitted Location.*** Planned Developments shall be permitted with the approval of a Planned Development Overlay Zoning District, specific to the approved Planned Development, within the Mixed Residential (MR), Urban Residential (UR), Neighborhood Office (NO), Urban Commercial (UC), Central Commercial (CC), Urban Industrial (UI), and Heavy Industrial (HI) Zoning Districts.

(2) ***Flexible Development Standards.*** The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Development:

a. ***Land Use Requirements.*** All land uses listed as "Residential", "Institutional", or "Commercial" in Section 13-1-82 may be permitted within a Planned Development.

b. ***Density and Intensity Requirements.*** All requirements listed in Sections 13-1-121 and 13-1-122 for residential density and nonresidential intensity may be waived within a Planned Development.

- c. **Bulk Requirements.** All requirements listed in Sections 13-1-161 through 13-1-165 may be waived within a Planned Development.
- d. **Landscaping Requirements.** All requirements listed in Sections 13-1-243 through 13-1-249 may be waived within a Planned Development.
- e. **Parking and Loading Requirements.** All requirements listed in Sections 13-1-283 and 13-1-284 may be waived within a Planned Development.
- (3) **Requirements to Depict All Aspects of Development.** Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the approved Planned Development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Section 13-1-161 through 13-1-165. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such exemptions shall not be permitted.
- (c) Initiation of Request for Approval of a Planned Development. Proceedings for approval of a Planned Development shall be initiated by:
 - (1) An application of the owner(s) of the subject property;
 - (2) A recommendation of the Plan Commission; or
 - (3) By action of the Common Council.
- (d) Application Requirements. All applications for proposed Planned Developments, regardless of the party of their initiation per Subsection (c) above, shall be approved as complete by the Zoning Administrator a minimum of 2 weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the City Clerk. Said application shall apply to each of the process steps in Subsections (e) through (h) below.
- (e) PD Process Step 1: Pre-Application Conference.
 - (1) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the PD on the Plan Commission agenda.
 - (2) No details beyond the name of the Applicant and the identification of the discussion item as a PD is required to be given in the agenda.
 - (3) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential PD. Appropriate topics for discussion may include the location of the PD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
 - (4) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the City, but should be considered as the informal, nonbinding basis for proceeding to the next step.
- (f) PD Process Step 2: Concept Plan.
 - (1) The Applicant shall provide the Zoning Administrator with a draft PD Concept Plan Submittal Packet for a determination of completeness prior to placing the proposed PD on the Plan Commission agenda for Concept Plan review. This submittal packet shall

contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:

- a. A location map of the subject property and its vicinity at 11" × 17", as depicted on a copy of the City of Verona Land Use Plan Map;
 - b. A general written description of proposed PD including:
 1. General project themes and images;
 2. The general mix of dwelling unit types and/or land uses;
 3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 4. The general treatment of natural features;
 5. The general relationship to nearby properties and public streets;
 6. The general relationship of the project to the Master Plan;
 7. An initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,
 - c. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 1. Land Use Exemptions;
 2. Density and Intensity Exemptions;
 3. Bulk Exemptions;
 4. Landscaping Exceptions;
 5. Parking and Loading Requirements Exceptions;
 - d. A conceptual plan drawing (at 11" × 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 11" × 17" reduction.
 - e. Sufficient additional detail shall be provided with the Concept Plan Submittal Packet to provide the Plan Commission and Common Council with information about the desired end development being proposed, including but not limited to information as required in Subsections (g) and (h). The Plan Commission and/or Common Council may require additional information for Concept Plans so that the city may adequately review proposed Planned Developments.
- (2) Within 10 working days of receiving the draft PD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed PD Concept Plan shall be placed on the Plan Commission and Common Council agenda.
- (3) At the Plan Commission and Common Council meetings, the Applicant shall engage in an informal discussion with the Plan Commission and Common Council regarding the conceptual PD. Appropriate topics for discussion may include any of the information provided in the PD Concept Plan Submittal Packet, or other items as determined by the Plan Commission and Common Council.
- (4) Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the Applicant or the City, but should be considered as the informal,

nonbinding basis for proceeding to the next step. The preferred procedure is for one or more iterations of the Plan Commission and Common Council review of the Concept Plan to occur prior to the introduction of the formal petition for rezoning which accompanies the GDP application.

(g) PD Process Step 3: General Development Plan (GDP). The Applicant shall provide the Zoning Administrator with a draft GDP Plan Submittal Packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:

(1) A location map of the subject property and its vicinity at 11" × 17", as depicted on a copy of the City of Verona Land Use Plan Map;

(2) A map of the subject property showing all lands for which the planned infill development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the City of Verona). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(3) A general written description of proposed PD including:

- a. General project themes and images;
- b. The general mix of dwelling unit types and/or land uses;
- c. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
- d. The general treatment of natural features;
- e. The general relationship to nearby properties and public streets;
- f. The general relationship of the project to the Master Plan;
- g. A Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
- h. A complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- i. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 1. Land Use Exemptions;
 2. Density and Intensity Exemptions;
 3. Bulk Exemptions;

4. Landscaping Exceptions;

5. Parking and Loading Requirements Exceptions.

(4) A General Development Plan Drawing at a minimum scale of 1"=100' (11" × 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

a. A conceptual plan drawing (at 11" × 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 11" × 17" reduction;

b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;

c. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and

d. Notations relating the written information provided in Subsection (g)(3)a-f above to specific areas on the GDP Drawing.

(5) A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Chapter (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.

(6) A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.

(7) Written justification for the proposed Planned Development. (The Applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)

(8) The process for review and approval of the GDP shall be identical to that for conditional use permits per Section 13-1-363 of this Chapter and (if land is to be divided) to that for preliminary and final plats of subdivision per this Code of Ordinances.

(9) All portions of an approved PD/GDP not fully developed within 5 years of final Common Council approval shall expire, and no additional PD-based development shall be permitted. The Common Council may extend this 5 years period by up to 5 additional years via a majority vote following a public hearing.

(h) PD Process Step 4: Precise Implementation Plan (PIP). After the effective date of the rezoning to PD/GDP, the Applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Plan Commission. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for PD review:

(1) A location map of the subject property and its vicinity at 11" × 17", as depicted on a copy of the City of Verona Land Use Plan Map;

(2) A map of the subject property showing all lands for which the planned infill development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said

map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the City of Verona). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(3) A general written description of proposed PIP including:

- a. Specific project themes and images;
- b. The specific mix of dwelling unit types and/or land uses;
- c. Specific residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
- d. The specific treatment of natural features;
- e. The specific relationship to nearby properties and public streets.
- f. A Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
- g. A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(4) A Precise Implementation Plan Drawing at a minimum scale of 1"=100' (11" × 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

- a. A PIP site plan conforming to any and all the requirements of Section 13-1-366(c). If the proposed Planned Development is a group development (per Section 13-1-97) a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan.
- b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
- c. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and
- d. Notations relating the written information provided in (h)(3)a--f, above to specific areas on the GDP Drawing.

(5) A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.

- (6) A series of building elevations for the entire exterior of all buildings in the Planned Development, including detailed notes as to the materials and colors proposed.
 - (7) A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
 - (8) A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
 - (9) A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
 - (10) Any and all variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and,
 - (11) The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
 - (12) The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
 - (13) The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
 - (14) The Plan Commission or Common Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
 - (15) The process for review and approval of the PD shall be identical to that for conditional use permits per Section 13-1-363 of this Chapter and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code.
 - (16) The start of construction of any and all development(s) in an approved PD/GDP shall be initiated within 365 days of their approval by Common Council. All portions of an approved PD/GDP not fully developed within 5 years of final Common Council approval shall expire, and no additional PD-based development shall be permitted. The Common Council may extend this 5-year period by up to 5 additional years via a majority vote following a public hearing.
- (Ord. No. 06-707, § 3, 1-12-06; Ord. No. 08-738, 1-14-08)

Wauwatosa, Wisconsin

Chapter 24.25 LARGE RETAIL DEVELOPMENTS

Sections:

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24.25.010 Purpose and definitions.

The purpose of this section is to apply design standards and additional conditions to large developments proposed in the city of Wauwatosa in order to ensure that such developments are properly located and compatible with the surrounding area and community character, and that such developments do not negatively affect the city and property owners in the future. These large developments should present high-quality materials and design, promote pedestrian-friendly environments, encourage responsible stormwater management practices, and ensure that the development is beneficial to the community. Any developer's agreement approved by the common council pursuant to this chapter shall conform as closely as possible to these standards, but shall have the flexibility to consider the unique requirements of the individual development. Large developments are defined as individual freestanding buildings and group developments in which the combined total of all structures and outdoor sales areas within a development (regardless of diverse lotting, use or tenancy) combine to more than fifty thousand square feet. Any single retail building fifty thousand square feet or more in size is a conditional use within any zoning district where such use would otherwise be allowed. Conditional use approval does not exempt such use from the provisions of this chapter, when applicable.

(Ord. O-05-7 § 3 (part), 2005)

24.25.015 Community impact statements.

The purpose of conditional use review is to provide for detailed analysis of certain land uses which, because of their scale or intensity of use, have the potential for significant impact on the health, safety or general welfare of residents, including negative effects on the environment, abutting property values, the character of the surrounding neighborhood, demand for services and infrastructure, and traffic safety.

A. At the time of submission of an application for conditional use for a property subject to this chapter, or as otherwise required by law, the applicant shall submit to the city a community impact statement, prepared to appropriate professional standards, which shall evaluate the potential impact of the development upon the factors below. The scope and detail of the community impact statement shall be subject to the discretion of the director of community development:

1. Traffic and parking conditions on site and within the surrounding area;
2. Municipal utilities and services including water supply, sewage, disposal, storm drains, police, fire protection, emergency services, schools, and other town services;
3. The physical and ecological characteristics of the site and the surrounding land, including wetlands, floodplain vegetation, wildlife habitat, and other environmental conditions;
4. The character of the community, including scenic, historic and archaeological conditions;

5. The economic impact of the project on local businesses and residents, including number and types of jobs created, amount of local labor to be used, the amount, type and location of potential spin-off development, impact of changing land use patterns and potential for development pressure on surrounding neighborhoods.

B. The costs of all studies and investigations reasonably necessary to prepare a community impact statements required under this section shall be borne by the applicant. If it becomes necessary for the city to hire outside professionals to review the impact statement, the cost of hiring the consultant(s) shall be borne by the applicant.

(Ord. O-05-7 § 3 (part), 2005)

24.25.020 Aesthetic and visual guidelines.

Unless otherwise specifically provided in a developer's agreement approved by the common council, all parcels or development sites with a total of fifty thousand square feet or more of retail development shall be required to comply with the following provisions, subject to review by the design review board:

A. Smaller Retail Stores. The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. When principal buildings contain additional, separately owned stores, which occupy less than fifty thousand square feet of gross floor area, with separate customer entrances:

1. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than sixty percent of the horizontal length of the building facade of such additional stores;

2. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

B. Facades and Exterior Walls Including Sides and Backs.

1. The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Buildings shall have at least two functional stories unless approved by the plan commission. Long building walls of at least one hundred feet shall be broken up with projections or recessions of sufficient depth along all sides, and in sufficient number, to reduce the unbroken massing into lengths of approximately fifty feet or less along all sides of the building. Projections from the facade can be used as an alternate approach.

2. Along any public street frontage, the building design should include vision windows, arcades, awnings or other acceptable features along at least sixty percent of the building length. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g., parking lots, walkways, etc.) on-site. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than six feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of fifteen feet on center. Additional landscaping may be required by the plan commission or design review board to effectively buffer adjacent land use as deemed appropriate.

C. Detail Features. The building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture changes, wall offsets, reveals, or projecting ribs.

D. Roofs. The roof design shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.

E. Materials and Color. The buildings shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low-reflective, subtle, neutral, or earth tone. Examples of acceptable high-quality materials include: brick, wood, sandstone, and other native stone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities as building trims and as accents may be considered at the discretion of the plan commission or design review board. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.

F. Entryways.

1. The building design shall provide design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly visible customer entrances. Large retail buildings are encouraged to feature multiple entrances. Multiple entrances reduce walking distances from cars and facilitate pedestrian and bicycle access from public sidewalks. Multiple entrances also mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

2. If a building faces multiple public or private rights-of-way, it shall feature at least one customer entrance on those sides. Where the principal building faces more than two abutting public or private rights-of-way, this requirement may be interpreted to apply only to the two sides of the building facing the primary street and one secondary street. Where additional stores will be located in the principal building, each store shall have at least one exterior customer entrance, which shall conform to the above requirements. The number of entrances shall be addressed at the preliminary development plan stage.

G. Screening of Mechanical Equipment. Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. (Ord. O-05-7 § 3 (part), 2005)

24.25.030 Site design and relationship to surrounding community.

Unless otherwise specifically provided in a developer's agreement approved by the common council, all parcels or development sites with a total of fifty thousand square feet or more of retail development shall be required to meet additional design guidelines as stated below:

A. Traffic Impacts. The applicant shall have a traffic impact study prepared according to the standard traffic methodology. In addition to the general standards of the methodology, the traffic impact study shall include weekend traffic generation and impact analysis. The traffic impact

study shall also study intersections within an area designated by the city engineer to take into account the regional traffic draw of a large-scale retail establishment.

B. Vehicular Access. The use shall provide safety and protection to adjacent uses by having motor vehicles access only from an arterial, major or business district road as designated in the master plan.

C. Stormwater Management. Every application must be accompanied by a stormwater impact statement in order for the permit application to be considered. The city engineer shall prescribe the form(s) and information that shall be submitted to determine compliance with Title 18 of the Wauwatosa Municipal Code and other applicable stormwater rules. Applicants are encouraged to pursue more innovative stormwater management practices such as bioswales and pervious pavement if they are determined to be appropriate for the site by the city engineer.

D. Landscaping. Each parking area shall be surrounded by a ten-foot-wide landscaped area around its edge. Shade and ornamental trees are also required in the parking areas, with the amount and placement to be determined through consultation with the city forester. Species should be suitable for their location including resistance to salt damage and appropriateness for climate. Landscaping must be in compliance with Chapter 24.44 of this code and receive approval from the design review board.

E. Buffers. The use shall provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the site property line where it adjoins residential uses or zones. The landscape buffer should include canopy trees at regular intervals to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.

F. Pedestrian Flows. The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a pedestrian-friendly, inviting image. Continuous internal pedestrian walkways, no less than six feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Sidewalks shall also connect the store to transit stops on- or off-site and to nearby residential neighborhoods. If possible, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent of their length. Sidewalks shall be provided along the full length of any building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. Internal pedestrian walkways shall provide weather protection features such as awnings or arcades within thirty feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

G. Central Features and Community Spaces. The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should

be considered internal parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two of these areas.

H. **Outdoor Lighting.** The applicant must provide an outdoor lighting report which provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways. Outdoor lighting should provide clear visibility and a feeling of security. This can be accomplished by aiming the lights down and placing hoods on them. The light element should not protrude below the lower edge of the hood. To minimize any indirect overflow of light on adjacent residential properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses or residentially used properties.

I. **Outdoor Sales and Storage.** Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers.

J. **Delivery and Loading Spaces.**

1. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to streets and adjoining residential neighborhoods. If there is a residential use or residentially zoned area adjacent to the site, such operations shall not be permitted between nine p.m. and six a.m. (Chapter 7.46 Noise of the Municipal Code). For good cause shown, the plan commission may permit deliveries at additional times provided the applicant submits evidence that such deliveries will not negatively impact nearby residential uses. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site. A landscape buffer of substantial width should be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer should include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.

2. Delivery trucks shall not be parked on the premises during nondelivery hours with motor and/or refrigerators/generators running, unless the truck noise is mitigated so that it does not significantly affect nearby residential properties.

3. The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways or adjacent properties. The screen shall be of masonry construction and at least ten feet high or of a design approved by the design review board to screen the noise and activity of the loading dock.

K. Accessory Uses. All accessory uses must be compatible with the proposed development and be an allowed use under AA business district zoning. The parking lot shall not provide space for overnight camping, storage of vehicles, or additional activities with the exception of those uses approved under other sections of the ordinance codified in this chapter. The applicant must demonstrate that any accessory uses will not have negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any accessory uses must be oriented to face away from any residential use or residentially zoned property that is adjacent to the site.

L. Temporary or Seasonal Uses. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. No such sales/displays shall be allowed unless reviewed and approved by the board of public works.

M. Trash Collection Area and Time Limitations. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas should be gated and screened, recessed or enclosed so that they are not visible from adjoining properties and/or public streets. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than forty feet apart, or on those sides of buildings that do not have customer entrances. No area for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty feet of any public street, public sidewalk or pedestrian right-of-way. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are substantially different from or inferior to the principal materials of the building and landscape. In locations where applicable, refuse collection shall be subject to the time limitations in Section 7.46.060 of the Wauwatosa Municipal Code.

N. Parking Lots and Structures. Parking areas must provide safe, convenient and efficient access for vehicles and pedestrians. They must be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. Ideally, no more than thirty percent of the total parking provided should be located on any side facing a street unless approved by the city plan commission. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance. No more than sixty percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outlot development and additional tree plantings and/or berms. Landscaping shall be used to define parking areas, primary vehicular drives and pedestrian areas in an aesthetically and environmentally pleasing manner. Parking structure facades should achieve the same high-quality design and appearance as the buildings they serve. The parking structure's utilitarian appearance should be minimized by utilizing effective design treatments such as colonnades, arcades, awnings, street furniture and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting and signage should all be considered for garage facades.

(Ord. O-05-7 § 3 (part), 2005)

24.25.040 Maintenance and reuse of properties.

Unless otherwise specifically provided in a developer's agreement approved by the common council, all parcels or development sites with a total of fifty thousand square feet or more of new retail development shall be subject to the following provisions:

- A. The owner shall maintain the property in compliance with all provisions of the Wauwatosa Municipal Code or a plan approved as part of a developer's agreement approved by the common council. If the property is not found to be in compliance with the code or the approved plan, the city may take action to correct the situation, after providing the owner or operator with notice of the defective condition and an opportunity to cure the alleged defective condition. Costs of any such corrective action by the city shall be assessed as a special charge against the property, to be added to the property tax bill pursuant to Section 66.0627 of the Wisconsin Statutes.
- B. If the facility is vacated, the owner or operator, within twelve months, shall submit, to the plan commission, a plan contemplating the removal or reuse of the facility. The time limit may be extended by the plan commission. If the owner or operator is unable to provide a plan which is acceptable to the plan commission, the city may utilize the Land Conservation Fund described in Section 20.14, Charter Ordinances, or other funds which may be made available for such purpose, to take whatever action is permitted by law to assure appropriate redevelopment or reuse of the facility.
- C. Prior to issuance of a building permit for any development subject to these provisions, the building owner shall be required to contribute to the Land Conservation Fund described in Section 20.14, Charter Ordinances, city of Wauwatosa. The amount of such contribution shall be calculated based upon the number of square feet of retail space being created, and shall be as set forth in the consolidated fee schedule.