

## NOTICE

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

### AGENDA

1. Call to order
  2. Consider approval of the minutes of January 11, 2010 and March 1, 2010.
  3. Council Representative Report.
  4. Status of Development and Meeting Summary. (Page 5)
  5. Tom Lynch, Parks & Recreation Director, requests a conditional use permit to allow a Community Garden at the United Methodist Church property located at 525 Lincoln Avenue. (Page 6)
    - Public Hearing
    - Recommendation to Council
  6. Tom Lynch, Parks & Recreation Director, requests site plan approval to construct a shed at Mill Pond Park, S. Page Street. (Page 21)
  7. Scott Wegner, Deputy Fire Chief, requests an amendment to Chapter 10, Buildings and Building Regulations, Section 10-15 Outdoor Furnaces. (Page 25)
    - Recommendation to Council
  8. Future agenda items
  9. Adjournment
- 3/3/10mps

### COMMISSIONERS:

Mayor Jim Griffin, Chair	Eric Hohol	Todd Krcma
Dave McKichan, Vice-Chair	Troy Wieser	Ron Christianson
Sonny Swangstu		

### CC:PACKETS:

Rodney Scheel	Michael Stacey (4 packets)	Eric Hohol
Scott Wegner	Dave McKichan	Todd Krcma
Troy Wieser	Tom Lynch	

### E-MAIL NOTICES:

All Department Heads	Council members	Mary Gavigan, SASD
Pili Hougan	Peter Sveum	Derek Westby
Area Townships	Denise Duranczyk	Dean Sutton
Steve Kittelson	Rick Hummel – HUB	City Attorney Matt Dregne
Scott Wegner		

### MAIL NOTICES:

None

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, January 11, 2010 - 6:00 p.m.**  
**Public Safety Building, 321 S. Fourth St., Stoughton, WI.**

**Members Present:** Mayor Jim Griffin; Dave McKichan, Vice-Chair; Ron Christianson; Sonny Swangstu; Troy Weiser and Todd Krcma.

**Absent and Excused:** Eric Hohol

**Absent:**

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

**Press:** None

**Guests:** Gary Becker; Mike Slavney; Dave Porterfield; Ken Wahlin; Carl Chenoweth; Paul Lawrence; and Chuck Haase.

1. **Call to order.** Mayor Griffin called the meeting to order at 6:00 pm.
2. **Consider approval of the minutes of December 14, 2009.**  
Motion by **Christianson** to approve the December 14, 2009 minutes as presented.  
2<sup>nd</sup> by **McKichan**. Motion carried 6 - 0.
3. **Council Representative Report.**  
McKichan indicated the Council approved the zoning ordinance amendments; zoning map; annexation for the McComb Road property and rezoned the Bickley property on N. Page to MR-10.
4. **Staff Summary.**  
Scheel gave a brief summary of the status of developments. There were no questions.
5. **Dave Porterfield, Movin' Out, Inc., requests to rezone the property at 623 Eighth Street from HI – Heavy Industrial to PD – Planned Development.**

Dave Porterfield requested to recess this request until March 1, 2010.

Mayor Griffin opened the public hearing.

Chuck Haase, 529 E. Main Street, Stoughton, questioned whether or not the site would need to be cleaned up since it has been industrial for over 100 years; Prefers to have open space in that area; Indicated the property is prime real estate; Questioned the tax revenue generated from a non-profit development; Questioned if the TIF money would be paid back; Questioned who will occupy the units; Questioned if a background financial check has been made to check the track record for Movin Out.

Mayor Griffin closed the public hearing.

Motion by **Christianson** to recess this request until the Special Planning Commission meeting on March 1, 2010 at 6:00 pm, 2<sup>nd</sup> by **Weiser**. Motion carried 6 – 0.

**6. Approve the commencement of acquisition of 314 W Main Street by the RDA.**

Scheel gave some background information regarding the property at 314 W. Main Street. Finance Director Laurie Sullivan stated the City needs to gain control of the property in order to get any grant money. McKichan questioned the owner search and funding for the cleanup. Sullivan stated the information is in the TID #4 amendment plan. Sullivan stated they are working on an appraisal of the property using TIF funds and when the property is sold, that money will pay back the TIF. Krcma stated he is not a big fan of eminent domain and questioned whether it can be used to acquire a property when there is no development plan. Scheel stated City Attorney Dregne has said we can for blighted properties. Mayor Griffin stated there has been public demand to clean the site up and believes it is worth the risk. Weiser questioned the potential for gaining grant money. Sullivan stated the chances are good because the State wants it cleaned up. Scheel stated the State has ordered the site be cleaned up. Scheel added that the cleanup would cost around \$30,000 to make it green.

Motion by Christianson to recommend Council approve the commencement of the acquisition of 314 W. Main Street, Stoughton, 2<sup>nd</sup> by Swangstu. Motion carried 6 - 0.

**7. Overview of Tax Increment Finance District #5 by Gary Becker. (Information Only)** Gary Becker gave a powerpoint overview of TID #5.

**8. Mike Slavney of Vandewalle & Associates will explain the statutory consistency requirement related to the Comprehensive Plan.**

Mike Slavney explained the statutory consistency requirement related to the Comprehensive Plan which began on Jan 1, 2010. Slavney gave his conservative recommendation on how to comply with the consistency requirement.

**9. Future Agenda Items.** None

**10. Adjournment.** Motion by McKichan to adjourn at 7:13 pm, 2<sup>nd</sup> by Christianson. Motion carried 6 – 0.

Respectfully Submitted,  
Michael Stacey

**Special Planning Commission Meeting Minutes**  
**Monday, March 1, 2010 - 6:00 p.m.**  
**Public Safety Building, 321 S. Fourth St., Stoughton, WI.**

**Members Present:** Mayor Jim Griffin, Chair; Dave McKichan, Vice-Chair; Ron Christianson; Sonny Swangstu; Eric Hohol; Troy Wieser and Todd Krma.

**Absent and Excused:**

**Absent:**

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

**Press:** None

**Guests:** Gary Becker; Dave Porterfield; Carrie Bublitz-Cardarella; Scotty Sheets; Jennifer Sorenson; Theresa Leighton; Peter Sveum; Tim Carter; Paul Lawrence; Greg Jensen; Dan Kittleson; Steve Sletten; Finance Director Laurie Sullivan and Jim Schaefer.

1. **Call to order.** Mayor Griffin called the meeting to order at 6:00 pm.
2. **Dave Porterfield, Movin' Out, Inc., requests to rezone the property at 623 Eighth Street from HI – Heavy Industrial to PD-GDP – Planned Development-General Development Plan.**  
This item was recessed on January 11, 2010.

Dave Porterfield of Movin' Out, Inc. explained the intent of the proposed rezoning request. Jim Gluek of Gluek Architects gave an overview of the General Development Plan. Hohol asked for an overview of the Movin' Out organization. Porterfield explained that Movin' Out is a 501c3 organization which emphasizes on development for families with a disable member. Hohol questioned whether the development would be done all at once or in phases. Porterfield stated they would try to develop most of the site in 14 – 16 months. Swangstu questioned handicap accessibility including elevators. Porterfield stated that all of the units will have some form of handicap accessibility but not to the second floor. Wieser questioned the amount of parking. Porterfield stated they have done similar projects and have found there has been less need for parking because some of the tenants do not drive. Porterfield added that if a need arises, they would add more onsite parking.

Mayor Griffin opened the public hearing.

The following people spoke in support of the rezoning:  
Carrie Bublitz-Cardarella, 6515 Watts Road, Madison  
Scotty Sheets, 1884 Paddock Place, Fitchburg

The following people registered in support of the rezoning:  
Jennifer Sorenson, 627 W. Main Street, Stoughton  
Theresa Leighton, 715 Ridge View Lane, Oregon

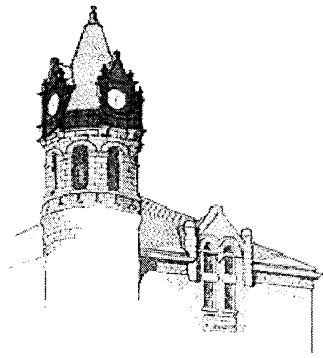
Mayor Griffin closed the public hearing.

Scheel explained that this phase of the rezoning process would rezone the property from HI – Heavy Industrial to PD-GDP – Planned Development-General Development Plan and that once the rezoning is approved the final phase for the applicant would be to come back with a Specific Implementation Plan. Scheel recommends the Draft Technical Advisory Committee Meeting Minutes of February 25, 2010 be included in the rezoning ordinance language and the date December 31, 2011 be added to section 4 of the rezoning ordinance language which will act as a sunset clause if the property is not purchased and conveyed to the City of Stoughton Redevelopment Authority by that date and will make the rezoning null and void.

Motion by **Hohol** to recommend Council approve the rezoning request contingent on adding the Draft Technical Advisory Committee Meeting Minutes dated February 25, 2010 to the rezoning ordinance and adding the date December 31, 2011 to section 4 of the rezoning ordinance, 2<sup>nd</sup> by **Krcma**. Motion carried by role 7 – 0.

**3. Adjournment.** Motion by **Swangstu** to adjourn at 6:30 pm, 2<sup>nd</sup> by **Krcma**. Motion carried 7 – 0.

Respectfully Submitted,  
Michael Stacey



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

RODNEY J. SCHEEL  
DIRECTOR

(608) 873-6619      [www.cityofstoughton.com/planning](http://www.cityofstoughton.com/planning)

Date:            March 3, 2010

To:              Planning Commission Members

From:          Rodney J. Scheel  
                  Director of Planning & Development

                  Michael Stacey  
                  Zoning Administrator/Assistant Planner

Subject:        March 8, 2010 Planning Commission Agenda - Item #4 –Status of Development  
                  and Meeting Summary.

**Status of Developments:**

- West View Ridge - 34 improved lots remaining.
- Barberry Fields - 3 improved lots remaining.
- Stone Crest - 13 improved lots remaining.
- Blackhawk Community Credit Union – Under Construction.
- Stellar Services – Under Construction
- Tom Haag Building - Under Construction.

**Item #5 - Tom Lynch, Parks and Recreation Director, requests a conditional use permit to allow a Community Garden at the United Methodist Church property located at 525 Lincoln Avenue.**

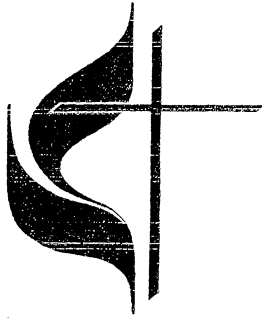
This request is proposed to expand an existing community garden at the United Methodist Church property located at 525 Lincoln Avenue. Conditions may be required as part of the conditional use permit such as hours of operation; parking requirements; screening, signage, etc... A staff review letter; application materials and a draft resolution are provided. A recommendation to Council is necessary.

**Item #6 - Tom Lynch, Parks and Recreation Director, requests site plan approval to construct a shed at Mill Pond Park (S. Page Street).**

The zoning code requires Planning Commission approval for construction of a shed on institutionally zoned land. A site plan and the staff review are provided.

**Item #7 – Scott Wegner, Deputy Fire Chief, requests an amendment to Chapter 10, Buildings and Building Regulations, Section 10-15 Outdoor Furnaces.**

Scott Wegner will be at the meeting to explain the request and answer questions. The draft ordinance is provided. A public hearing is not required. A recommendation to Council is necessary.



UNITED METHODIST CHURCH  
OF STOUGHTON

525 LINCOLN AVENUE STOUGHTON WI 53589-1225 (608) 873-3273  
Email: stoughtonumc@wisconsinumc.org Website: www.stoughtonumc.org  
Fax: (608) 873-6948

*Rooted in Christ we grow, in God's love,  
bear fruit, and share the harvest with the world*

December 14, 2009

Tom Lynch  
Stoughton Parks and Recreational Department  
321 South Fourth Street  
Stoughton, WI 53589

Dear Tom,

Thanks for your interest regarding the expansion of the community gardens at the Stoughton United Methodist church site. As you know, we've managed a successful program for several years now. As the city is interested in seeing the program expanded, and the church has additional land available for community plots, it was good that we shared discussion over the past few weeks. In these economic hard times, the church is interested in participating in a partnership that will allow expansion of the community gardens and enhance life for the people of Stoughton.

As a follow-up to our trustee meeting on 12/8/2009, I offer a summary of the contingencies that we discussed regarding the expansion of the present community gardens at Stoughton United Methodist Church:

- The city will provide a written agreement drafted by the city's legal counsel regarding the city's management of the community gardens at the Stoughton United Methodist Church.
- The city will determine a nominal fee for the garden plots and manage the money in a way that excess profits will be distributed to a needy cause on behalf of the city and the church.
- The city will provide a certificate of liability insurance for the use of land space at the Stoughton United Methodist Church to the church prior to expansion.
- The city will oversee pre-season plowing/tilling of a space not to exceed 100' X 150' of the community gardens at the Stoughton United Methodist Church.
- The city will provide for an adequate amount of compost bins and their management at the church site.
- The city will provide for an adequate amount of water sources at the site of the community gardens. The cost of water usage for the gardens will be the responsibility of the city.
- The city will consult with the church as to adequate signage that credits the church's involvement with the community gardens. The cost will be endured by the city.

Rev Dr Lamarr V Gibson, Pastor  
lgibson@wisconsinumc.org

Becky J Severson, Admin Assistant  
secretary@wisconsinumc.org

Lisa Shimon, Music Director  
lshimon@wisconsinumc.org

- The city and the church will agree to promotions and publications regarding the community gardens.
- The city will allow the 2009 Stoughton United Methodist Church community garden participants the right of first refusal in 2010.
- The city will provide one garden plot to the church for use by the youth of the Stoughton United Methodist Church.
- The city will provide the names, addresses, and phone numbers of community garden users to the church for the purpose of assistance to the city with complaint management.
- The city will enforce community garden parking only on the tarred surface of the church parking lot.
- The city will establish a procedure for complaint management.
- A city representative and the board of trustees of the church will complete an annual review at the end of each garden season for the purpose of improvement.

Again, this list is offered as a summary of our discussion. Please feel free to clarify or add items that would be helpful.

We look forward to joining forces with the city for the benefit of the people.

Let us know when you are ready to take the next step.

Sincerely, 

Tom Lunde  
Trustee Chair  
Stoughton United Methodist Church



## **The City of Stoughton Community Garden Project**

The City of Stoughton Parks and Recreation Department would like to enter into an agreement with the United Methodist Church to create a community garden for public use on the UMC property.

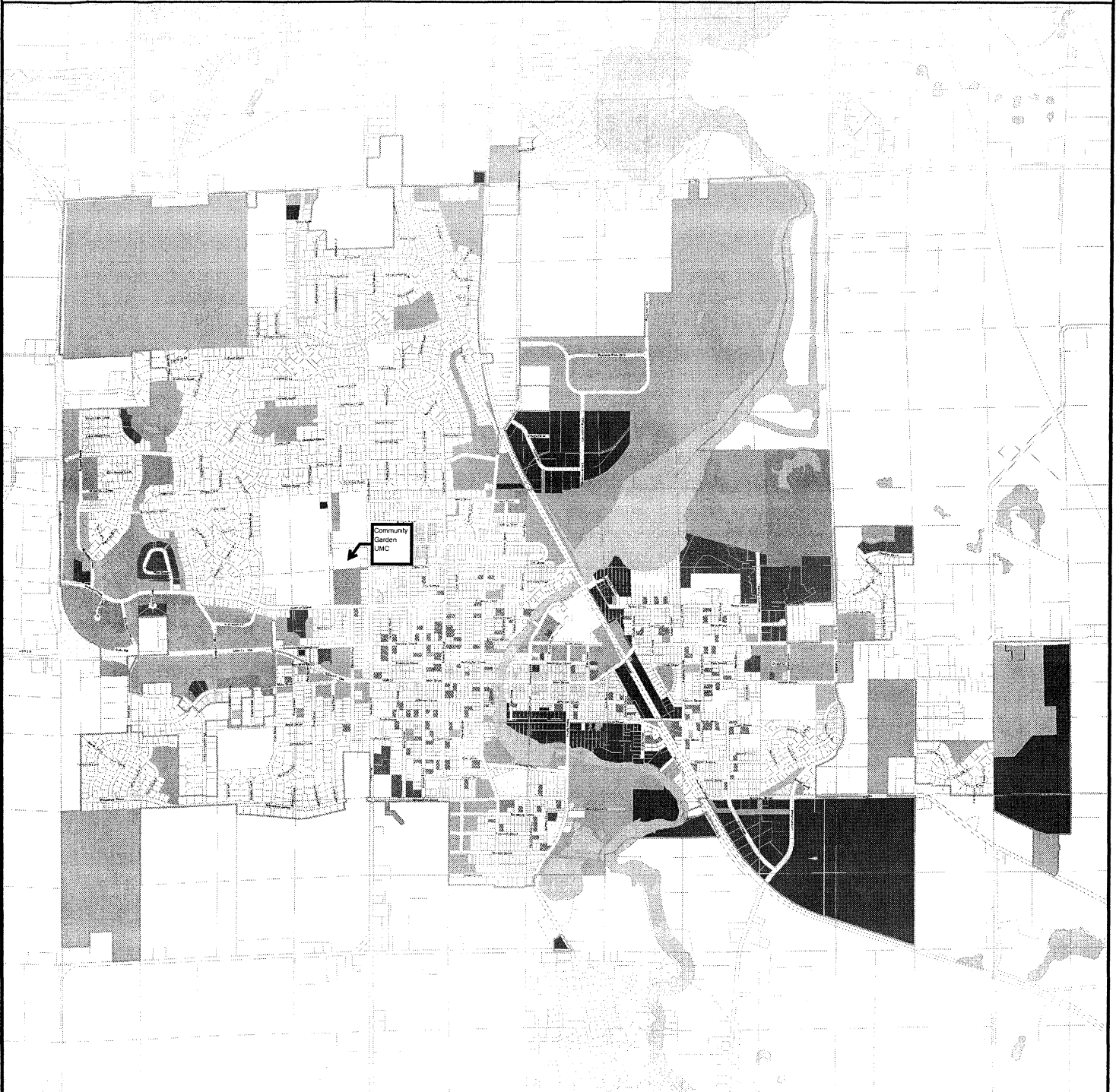
**Usage:** The City will create and rent to the public 42 garden plots on a 150' x 100' section of the UMC property south of the current tree farm. Renters will frequent the plots for upkeep. Cars will park in the church parking lot.

**Structures:** A small building, no larger than 5 x 10 may be placed near the gardens for the storage of maintenance equipment.














**Water:** A water line will be installed, running from the north end of the garden to Wilson St.

# City of Stoughton

## Dane County, Wisconsin



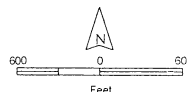
### Zoning Districts

	B-1 Central Business District		PUD Planned Unit Development
	B-2 Highway Business District		R-1 Single Family Residential
	B-3 Neighborhood Business District		R-2 Two Family Residential
	C-R Conservation & Recreation		R-3 Medium Density Multi-Family
	I-1 Light Industrial		R-4 High Density Multi-Family
	I-2 Heavy Industrial		R-H Rural Holding
	Grandfathered Two Family Residences		

October 2008: DCP&D

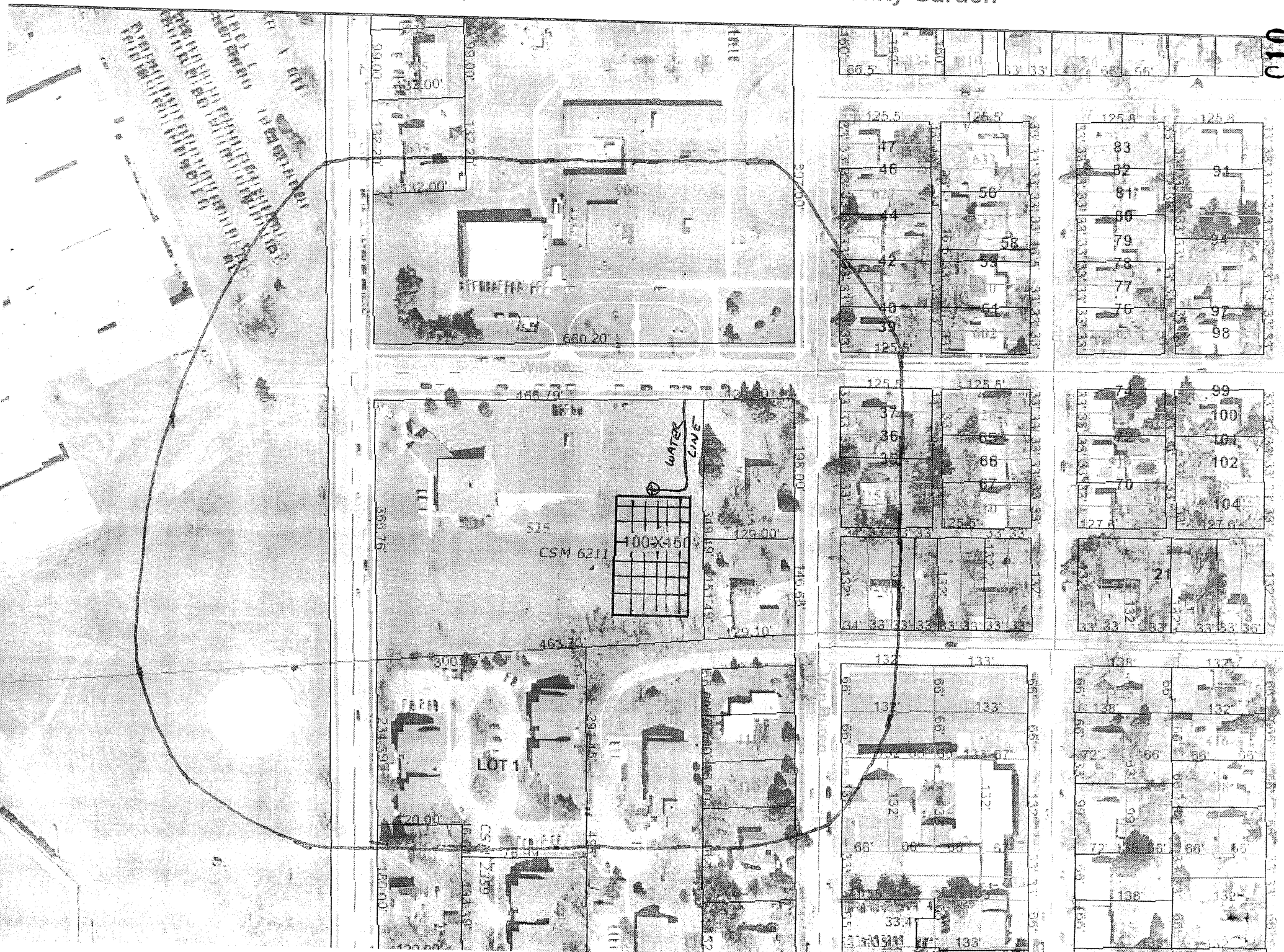
This zoning map reflects the zoning district changes to October 1, 2007. Changes since that time are reflected on a zoning map at the office of the Department of Planning & Development. Questions about zoning for a specific property location should be discussed with Planning and Development Staff at Stoughton City Hall.

Note: The symbols for grandfathered two-family dwellings represent possible locations where that use has been grandfathered. A grandfathered two-family means a two-family use was present at the time of adoption of the zoning code. The symbol does not represent a separate zoning district. A grandfathered use is lost if abandoned or discontinued for a period of 12 months.



# UMC Community Garden

C10



# NOTICE

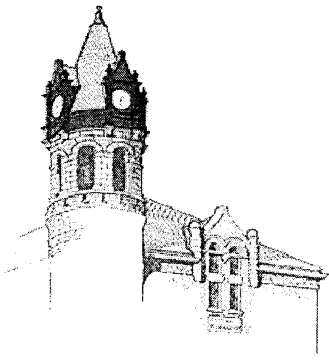
The City of Stoughton Planning Commission will hold a Public Hearing on Monday, March 8, 2010 at 6:00 o'clock p.m., or as soon after as the matter may be heard, in the Council Chambers, Public Safety Building, 321 South Fourth Street, Second Floor, Stoughton, Wisconsin, 53589, to consider a proposed Conditional Use Permit Application by the City of Stoughton to create and operate a community garden at the United Methodist Church, 525 Lincoln Avenue, in the City of Stoughton, Dane County Wisconsin, more fully described:

LOT 3 CSM 6211 CS30/50&51 R14776/12&14 DESCR AS SEC 6-5-11 P RT NE1/4 (3.824 ACRES)

For questions regarding this notice contact Tom Lynch at 608-873-6746

Luann J. Alme  
City Clerk

Published February 18, 2010 Hub  
Published February 25, 2010 Hub



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

(608) 873-6619 [www.ci.stoughton.wi.us](http://www.ci.stoughton.wi.us)

RODNEY J. SCHEEL  
DIRECTOR

March 2, 2010

Tom Lynch, Parks & Recreation Director  
381 E. Main Street  
Stoughton, WI. 53589

Dear Tom:

I have completed a review of the proposed conditional use request for a Community Garden at the United Methodist Church property, 525 Lincoln Avenue. This item is scheduled to be placed on the March 8, 2010 Planning Commission agenda of which you will receive notice. The following items are identified for your review.

1. The United Methodist Church property located at 525 Lincoln Avenue is zoned I – Institutional. Community Gardens are permitted as a conditional use within the Institutional district. A public hearing is required to allow area neighbors and the public to respond to this request. A notice has been sent to all property owners within 300 feet of the subject property. A recommendation to the City Council is necessary. The City Council will approve or deny the request with or without conditions. If approved, the conditional use is required to be recorded with the Dane County Register of Deeds.
2. The requirements for a Community Garden are as follows per zoning code section 78-206 (2) (h), with staff comments in **bold**:

Community Garden

Description: An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands.

Regulations:

- a. All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district. **We will need more information regarding the height and location of the proposed garden shed.**
- b. Site plan submittal shall include the property owner, established sponsoring organization, and garden manager. **The property owner is United Methodist Church. The Stoughton Recreation Department is the sponsor and manager of the garden.**

- c. Site plan which demonstrates considerations for and indicates locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking. **We will need a plan showing the location of structures including composting bins. Access and parking is proposed to be from the United Methodist Church parking lot. Water is shown on the plan.**
  - d. The following structures are permitted: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.
  - e. Signs shall be limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet. **We will need details of the size and locations of all signage.**
  - f. Fences shall comply with the regulations in section 78-718, except that chicken wire, woven wire, and related garden fencing shall be permitted without restriction around and within cultivated areas. **Fencing is not proposed.**
3. Per section 78-905 (2), the Commission may recommend a Limited Conditional Use or a Regular Conditional Use. A Limited Conditional Use has a duration or term of existence until a time certain or be limited to a future happening or event at which time the same shall terminate.
  4. Any conditional use which has been discontinued for a period of 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period. All requirements of an approved conditional use shall be continued regardless of ownership of the subject property.
  5. Generally, we believe this request is in harmony with the recommendations of the Comprehensive Plan. Regarding existing Institutional areas, the Comprehensive Plan states, "grounds maintenance should be emphasized to maintain the quality of these areas." There should be considerations regarding the appearance of the site.
  6. If the Planning Commission recommends approval, it shall state in the minutes, its conclusion and any finding of facts supporting its conclusion as to the following: That the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed conditional use. Council shall take final action by Resolution.

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  
Tom Lynch (via-email)

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## 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.

### I. Record of Administrative Procedures for City Use

N/A

Presubmittal staff meeting scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Follow-up staff meetings scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Application form filed with Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_

Application fee of \$ \_\_\_\_\_ received by City Treasurer Date: \_\_\_\_\_ By: \_\_\_\_\_

Reimbursement of professional consultant costs agreement executed: Date: \_\_\_\_\_ By: \_\_\_\_\_

### II Application Submittal Packet Requirements for City and Applicant Use

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

*Initial Packet (5 copies to Zoning Administrator)* Date: \_\_\_\_\_ By: \_\_\_\_\_

↓ *Draft Final Packet (1 copy to Zoning Administrator)* Date: 2/22/10 By: mps

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- (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.
  - 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).



- 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 800 ft.
- 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)(b)1.-6.

### 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?

The primary use is Institutional, which is consistent with the Comprehensive Plan & Zoning Code. The proposed Community Garden is permitted as a conditional use in the Institutional district.

2. How is the proposed conditional use, in its specific 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?

We believe the Community Garden can work in harmony with adjacent land uses in the proposed location. A Community Garden is a low impact use that can fit well in an existing neighborhood. Additionally, there is a fair amount of separation from adjacent properties.

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?

A Conditional Use allows the Common Council to place conditions on specific uses such as this Community Garden. Further discussion/review is necessary taking into account the Planning Commission recommendation and public hearing comments to determine the impact on neighboring properties. Some impacts may include: parking; hours of operation; appearance; and improvements.

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?

We believe a Community Garden is consistent with the land uses of the neighborhood and will have minimal impact on the environment and land use intensity. This is an expansion of an existing community garden in this location.

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?

The proposed Community Garden should not impact or burden any improvements, facilities, utilities or services provided to the subject property.

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?

We believe the potential public benefits outweigh any adverse impacts of the Community Garden.

#### **IV. Final Application Packet Information for City Use**

Receipt of 5 full-scale copies in blue/line or black/line of complete final application packet by Zoning Administrator

Date: \_\_\_\_ By: \_\_\_\_ N/A

Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator

Date: 2/22/10 By: mps

Certification of complete final application packet and  
required copies to Zoning Administrator by City Clerk

Date: \_\_\_\_\_ By: \_\_\_\_\_.

Notified Neighboring Property Owners (within 300 feet)

Date: 2/18/10 By: DB .

Notified Neighboring Township Clerks (within 1,000 feet)

Date: \_\_\_\_ By: \_\_\_\_ N/A

Class 2 legal notice sent to official newspaper by City Clerk

Date: 2/16/10 By: LJA .

Class 2 legal notice published on 2/18/10 and 2/25/10

By: LJA .

Conditional Use recorded with the County Register of Deeds Office

**CITY COUNCIL RESOLUTION NO. -2010**

**Resolution Approving a Conditional Use Permit allowing a Community Garden at 525 Lincoln Avenue, Stoughton, Wisconsin.**

**BE IT RESOLVED**, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on March 8, 2010 in the Stoughton Council Chambers, 321 S. Fourth Street, at which time any persons wishing, could be heard regarding the above Conditional Use Permit and the City of Stoughton Planning Commission would at that time make a recommendation to the City Council. Notices were mailed to property owners within 300 feet of the property located at 525 Lincoln Avenue, Stoughton, Wisconsin, legally described as:

LOT 3 CSM 6211 CS30/50&51 R14776/13&14 DESCR AS SEC 6-5-11 P RT NE1/4SE1/4 (3.824 ACRES)

**BE IF FURTHER RESOLVED**, that the Common Council of the City of Stoughton, Wisconsin, has review the application for a Conditional Use permit by the City of Stoughton Parks and Recreation Department 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.

**THEREFORE BE IT RESOLVED BY THE CITY OF STOUGHTON COMMON COUNCIL**, that the Conditional Use Permit be approved for 525 Lincoln Avenue, Stoughton, Wisconsin, allowing a Community Garden, 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 \_\_\_\_\_, 2010.

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James S. Griffin, Mayor

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Luann J. Alme, City Clerk

**CERTIFICATION**

I, Luann J. Alme, 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 City Hall on \_\_\_\_\_, 2010. Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the Resolution.

Vote: Yes    Noe

Resolution Adopted.

\_\_\_\_\_, City Clerk

[s/common/lja/ord&res/Res – Community Garden](#)



CITY OF STOUGHTON

381 East Main Street Stoughton, WI 53589  
(608) 873-6677 www.ci.stoughton.wi.us

February 25, 2010

Tom Lynch, Parks & Recreation Director  
381 E. Main Street  
Stoughton, WI. 53589

Dear Tom:

I have completed a review of the proposed storage building site plan for Mill Pond Park, S. Page Street. This item will be placed on the March 8, 2010 Planning Commission meeting agenda of which you will receive notice. The following items are identified for your review.

1. The Mill Pond Park property located on S. Page Street is zoned I – Institutional (Park). The institutional use at this park is Passive Outdoor Public Recreational which is permitted by right. Storage buildings are permitted on institutionally zoned lands subject to Planning Commission approval.
2. Zoning Code section 78-105 (6) (a) 8b H and I states that accessory structures shall be setback a minimum of 4 feet from the side and rear lot lines. The site plan complies with this requirement.

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  
Tom Lynch (via-email)

## **PARKS AND RECREATION COMMITTEE MEETING MINUTES**

Monday December 21, 2009

Recreation Department

Present: Alderpersons Paul Lawrence, Sonny Swangstu, and Parks and Recreation Director Tom Lynch

Absent and Excused: Carl Chenoweth, Rollie Odland

Guests: Richard and Giovanna Lazarro

### **1. Call to Order**

Meeting called to order by Swangstu at 6:00 PM.

### **2. Approval of Minutes for October 19, 2009**

*Motion by Lawrence, seconded by Swangstu, to approve the minutes from October 29, 2009.*

*Motion passed 2-0 (without quorum).*

### **3. Communications**

None

### **4. Memory Garden Building Request**

At the last meeting, Giovanna Lazarro, asked for funding help for a storage building to keep tools and other supplies on site for upkeep of the Memory Garden at Mill Pond Park. The committee tabled the item, wanting to see a stronger plan for the structure. Swangstu presented a set of updated plans and costs for a proposed storage building for Memory Garden at Mill Pond Park. Lawrence felt the request for \$700 to purchase the materials was justified considering all effort that the volunteers have put into the park so far.

Motion by Lawrence, seconded by Swangstu, to recommend to Council, to fund the materials for a storage building at Memory Garden at Mill Pond Park, not to exceed \$700, to come from the park development fund. Motion passed 2-0 (without quorum).

### **5. Community Garden at United Methodist Church**

Lynch and Swangstu discussed the provisions for a garden at the United Methodist Church and decided to table the item until more members can be present.

### **6. 2010 Department Goals**

Lynch discussed goals for 2010 with Swangstu.

### **7. Future Agenda Items**

Community Garden at United Methodist Church

*Motion to adjourn at 7:35 by Swangstu, no other members available for a second. Motion passed 1-0 (without quorum).*

# Certified Survey Map

Northwest Corner of Section 8, Aluminum Monument Found

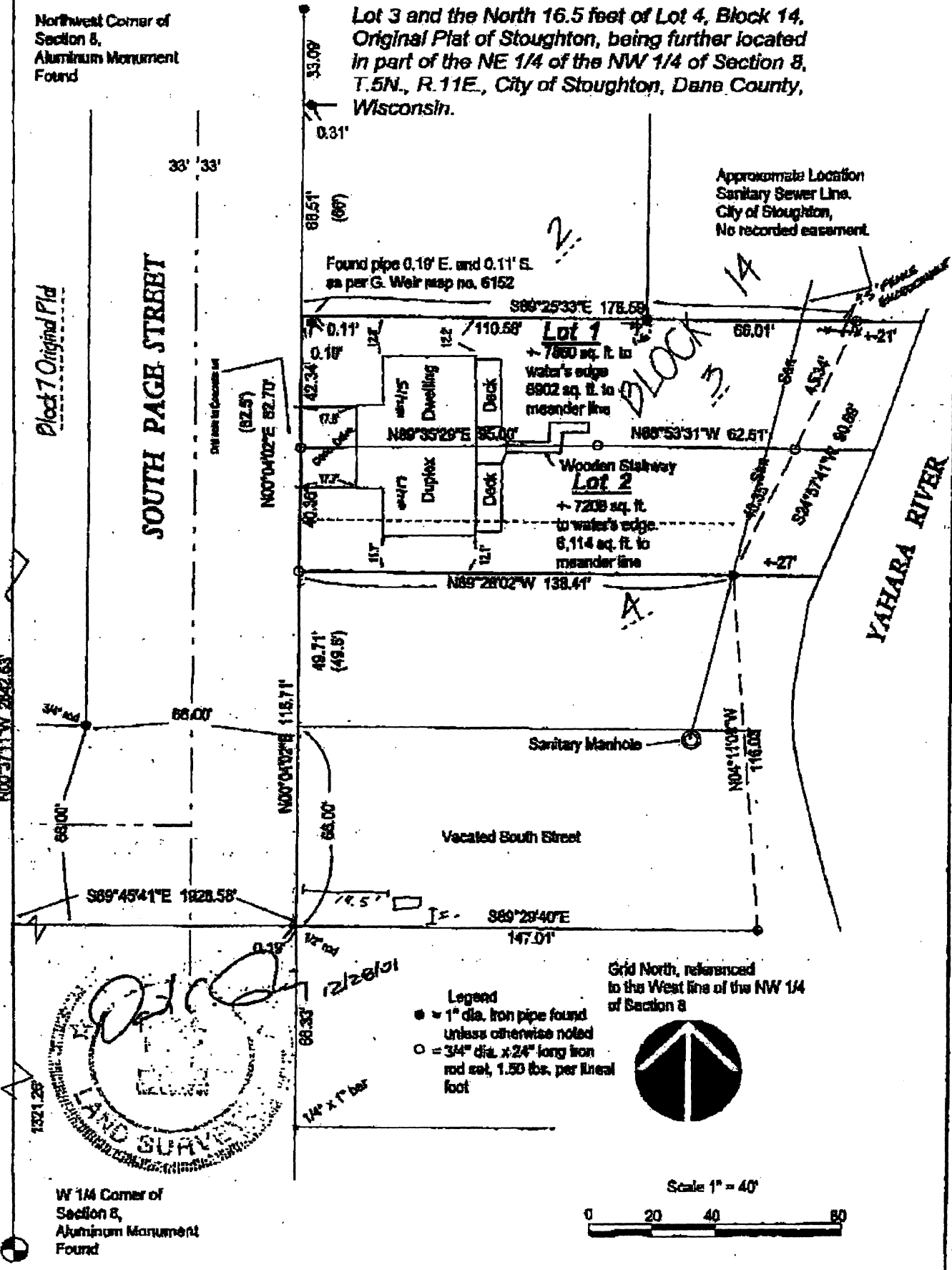
Lot 3 and the North 16.5 feet of Lot 4, Block 14, Original Plat of Stoughton, being further located in part of the NE 1/4 of the NW 1/4 of Section 8, T.5N., R.11E., City of Stoughton, Dane County, Wisconsin.

Approximate Location Sanitary Sewer Line, City of Stoughton, No recorded easement.

Block 7 Original Plat

SOUTH PAGE STREET

YAHARA RIVER



Found pipe 0.10' E. and 0.11' S. as per G. Weir map no. 6152

Lot 1  
+ 7860 sq. ft. to water's edge  
6902 sq. ft. to meander line

Lot 2  
+ 7208 sq. ft. to water's edge  
6,114 sq. ft. to meander line



- Legend
- = 1" dia. iron pipe found unless otherwise noted
  - = 3/4" dia. x 24" long iron rod set, 1.50 lbs. per lineal foot

Grid North, referenced to the West line of the NW 1/4 of Section 8

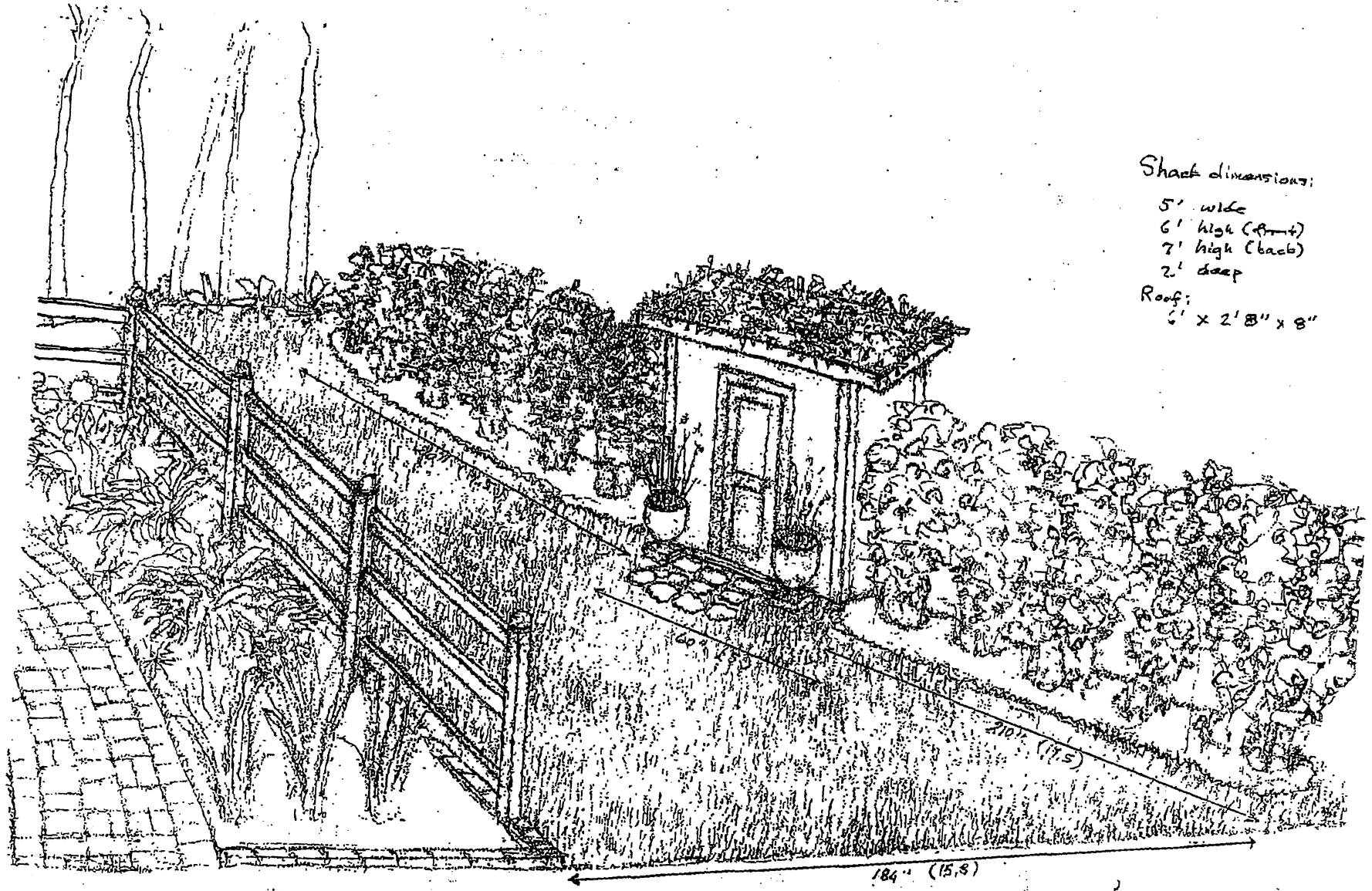


Scale 1" = 40'



W 1/4 Corner of Section 8, Aluminum Monument Found





Shed dimensions:

- 5' wide
- 6' high (front)
- 7' high (back)
- 2' deep

Roof:

6' x 2' 8" x 8"

**Proposed Ordinance Amendment**

O- - 10

**AN ORDINANCE TO AMEND SECTION 10-15 OF CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, STOUGHTON MUNICIPAL CODE**

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

1. Section 10-15 of the Stoughton Municipal Code is hereby amended and shall read as follows:

Sec. 10-15 ~~Reserved: Outdoor furnaces.~~

No person within the City of Stoughton shall install or use any exterior located furnace for the heating of any building in the City of Stoughton including but not limited to commercial buildings; industrial buildings; residential buildings; and any type of accessory buildings. Such furnaces are to include, but shall not limited to, outdoor water circulating/recycling wood fire furnaces; coal furnaces; waste oil furnaces, or any other furnace not located within the exterior walls of the building for which it is providing heat.

2. This ordinance shall be in force and effect from and after its adoption and publication.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Stoughton at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

VOTE:

Ayes:

Noes:

Adopted:

Published:

APPROVED:

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Luann J. Alme, City Clerk