

MEETING NOTICE

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, December 10, 2012 at 6:00 pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton WI.**

AGENDA

1. Call to order
 2. Consider approval of the Planning Commission meeting minutes of November 12, 2012.
 3. Council Representative Report.
 4. Meeting Summary & Status of Developments/Projects. (Page 4)
 5. The Bryant Foundation requests to rezone 305 S. Page Street from MR-10 - Multi-Family Residential to CB – Central Business. (Page 6)
 - Public Hearing
 - Recommendation to Council
 6. The Bryant Foundation requests to combine the properties at 277 W. Main Street and 305 S. Page Street by Certified Survey Map. (Page 16)
 - Recommendation to Council
 7. Chris Overson requests a Conditional Use Permit (CUP) to allow indoor commercial entertainment (Pool Hall) and an upper story dwelling unit at 556 E. Main Street. (Page 19)
 - Public Hearing
 - Recommendation to Council
 8. Resolution to oppose Dane County Ordinance Amendment 33, 12-13. (Page 32)
 - Recommendation to Council
 9. Discuss single family construction starts community comparison. (Page 40)
 10. Future agenda items
 11. Adjournment
- 12/5/12mps

COMMISSIONERS:

Mayor Donna Olson, Chair
Eric Hohol, Vice-Chair
Scott Truehl

Todd Krcma
Rollie Odland

Ron Christianson
Eric Olstad

CC:PACKETS:

Rodney Scheel
Todd Krcma

Michael Stacey (3)
Mayor Donna Olson

Rollie Odland
Scott Truehl

E-MAIL NOTICES:

All Department Heads
Area Townships
City Attorney Matt Dregne
Citizen Planning Commissioners
Adam Kane

Council members
Stoughton Hub
Peter Sveum
Bill Livick
Chris Overson

Steve Kittelson
Derek Westby
Scott Wegner
Ed Cormier
Patrick Miles

MAIL NOTICES: Chris Overson, 556 E. Main Street; Bryant Foundation, June Bunting, P.O. Box 600, Stoughton;

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, November 12, 2012 - 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; Scott Truehl; Ron Christianson; Todd Krcma and Eric Olstad

Absent and Excused: Rollie Odland

Staff: Planning Director, Rodney Scheel; Zoning Administrator, Michael Stacey; Finance Director, Laurie Sullivan

Press: None

Guests: Jason Jerman; Lawrence Franceschi.

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission meeting minutes of October 8, 2012 and October 29, 2012.**
Motion by **Olstad** to approve the Planning Commission minutes of October 8, 2012 and October 29, 2012 as presented, 2nd by **Truehl**. Motion carried 5 – 0.
3. **Council Representative Report.**
Hohol stated the Common Council on October 23, 2012 approved a resolution for a Memorandum of Understanding between the City and the Capital Area Regional Planning Commission to move forward with the Future Urban Development Area process and Council approved a resolution to amend TID #3.
4. **Status of Developments/Projects.**
Scheel introduced the status of developments. There were no questions.
5. **Proposed ordinance amendment to section 78-206 (4) (d), Outdoor display.**
Scheel gave an overview of the proposed amendment.

Mayor Olson opened the public hearing.

Lawrence Franceschi spoke in favor of the amendment.

Krcma arrived at 6:06 pm

Mayor Olson closed the public hearing.

Motion by **Hohol** to recommend Council approve the ordinance amendment as presented, 2nd by **Truehl**. Motion carried 6 – 0.
6. **Request by the Stoughton Redevelopment Authority to purchase the Highway Trailer property at 501 E. South Street.** Truehl gave an overview of the request. Sullivan provided info regarding grant funding opportunities. Olstad questioned the vision for the property. Truehl explained this property is the first piece to

redevelopment of that area of the community. Hohol questioned what buildings would be removed and expressed concern about what may be found during the clean-up. Sullivan stated there are grants available for the removal and environmental clean-up.

Motion by **Hohol** to recommend Council approve the purchase of the Highway Trailer property at 501 E. South Street, 2nd by **Olstad**. Motion carried 6 – 0.

7. Jason Jerman requests site plan approval to construct a 10-unit addition at 1528 W. Main Street.

Scheel gave an overview of the request. Jason Jerman was available for questions.

Motion by **Olstad** to approve the 10-unit addition at 1528 W. main Street contingent on the staff review letter dated October 29, 2012, 2nd by **Hohol**. Motion carried 6 – 0.

8. Request to construct a pavilion at Rotary Park, northwest corner of E. Jefferson Street & S. Sixth Street (adjacent to Fire Department).

Mayor Olson gave an overview of the request.

Motion by **Hohol** to approve the pavilion construction for Rotary Park contingent on the staff review letter dated October 16, 2012, 2nd by **Truehl**.

Christianson questioned the upkeep costs. Mayor Olson stated Rotary Club members plan to spruce things up once a year and the Parks Dept. will continue to mow the park. Motion carried 6 – 0.

9. Future agenda items.

- Olstad requests staff to provide a comparison of housing construction starts of similar communities.
- FUDA Update.

10. Adjournment. Motion by **Christianson** to adjourn at 6:30 pm, 2nd by **Truehl**. Motion carried 6 – 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: December 5, 2012

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: December 10, 2012 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 22 improved lots remaining.
- Stone Crest - 10 improved lots remaining.
- Proposed Kettle Park West development – In process.
- Nelson Global – construction completed.
- Weebleworld Daycare – construction completed.
- Haag Addition – construction has begun.
- Harkins Addition – proposed purchase of City property.
- Proposed Settler's Point development – waiting for concept plan & narrative

Department of Planning & Development Information:

Planning staff has been working primarily on the following:

- Proposed Kettle Park West Development – Progress meetings
- Continued building and zoning inspections
- Stormwater Utility
- 217 S. Prairie Street property demolition request to State Historical Society
- Rezoning and conditional use requests
- Spransy land request

Meeting Summary:

Item #5 – The Bryant Foundation requests to rezone 305 S. Page Street from MR-10 - Multi-Family Residential to CB – Central Business.

This rezoning request will allow the Bryant Foundation to combine this parcel with the parcel at 277 W. Main Street to proceed with a proposed Norwegian Heritage Center. The intent is to demolish the home at 305 S. Page Street and the commercial building at 277 W. Main Street to make room for this redevelopment project. The Comprehensive Plan designates this property as Single Family Residential and will have to be amended in the future to reflect this potential change of use and zoning. A conditional use permit process

and site plan review will be the next step if this rezoning and csm are approved. The State Historical Society has approved the demolition of this contributing building. The ordinance, staff review letter and related materials are provided. A recommendation to Council is necessary. Staff recommends approval.

Item #6 – The Bryant Foundation requests to combine the properties at 277 W. Main Street and 305 S. Page Street by Certified Survey Map.

Combining these 2 parcels will allow the Bryant Foundation to proceed with a proposed Norwegian Heritage Center. The resolution and CSM are provided. A recommendation to Council is necessary. Staff recommends approval contingent on the rezoning approval for 305 S. Page Street.

Item #7 - Chris Overson requests a Conditional Use Permit (CUP) and site plan approval to allow indoor commercial entertainment (Pool Hall) and an upper story dwelling unit at 556 E. Main Street.

Indoor commercial entertainment and upper story dwelling units are allowed within the PB – Planned Business district as a conditional use. A public hearing and recommendation to Council are necessary. The resolution, staff review letter, site plans and related materials are provided. Staff recommends approval contingent on the staff review letter.

Item #8 – Resolution to oppose Dane County Ordinance Amendment 33, 12-13

This resolution is provided to oppose the proposed Dane County ordinance amendment to change the name of the Dane County Planning and Development Department to the Dane County Regional Planning Department. There is concern that this proposed amendment may lead to a significant policy change in extraterritorial planning authority, such as requiring cities and villages to submit extraterritorial plans to the Dane County Board for approval. See provide letters in opposition from Madison Mayor Paul Soglin and Forbes McIntosh. A recommendation to Council is necessary. Staff recommends approval.

Item #9 - Discuss single family construction starts community comparison.

As requested, City Staff has provided a summary comparison of construction starts.

City of Stoughton Procedural Checklist for Amendment of Official Zoning Map (Requirements per Section 78-903)

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map *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: Bryant Foundation

Property location for zoning change: 305 S. Page Street

Zoning Change Request from MR-10 Multi-Family Residential to Central Business

I. Record of Administrative Procedures for City Use

Meetings with Staff:

Date of Meeting: 11/14/2012

By: MPS

Application form filed with Zoning Administrator

Date: 11/14/2012 By: MPS

Application fee of \$380.00 received by Zoning Administrator

Date: 11/14/12 By: MPS

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

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 draft final application packet based upon staff review and comments.

Initial Application

Date: _____ By: _____

↓ Final Application (1 copy to Zoning Administrator)

Date: 11/14/2012 By: MPS

↓

☐ ☒ (a) A copy of the Current Zoning Map of the subject property and vicinity:

- ☒ Showing all lands for which the zoning is proposed to be amended.
- ☒ Showing all other lands within 300 feet of the subject property.
- ☒ Referenced to a list of the names and addresses of the owners of said lands.
- ☒ 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.
- ☒ All lot dimensions of the subject property provided.
- ☒ Graphic scale and north arrow provided.

☐ ☒ (b) A copy of the Planned Land Use Map of the subject property and vicinity.

- ☐ ☒ (c) **Written justification for the proposed text amendment**
- ☒ Indicating reasons why the Applicant believes the proposed map amendment is in harmony with the recommendations of the City of Stoughton Master Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-903(4)(c)1.-3.

II Justification of the Proposed Zoning Map Amendment for Applicant Use

1. How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 78-005 (and, for floodplains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA))?

The purpose of the Official Zoning Map is to implement the City of Stoughton Comprehensive Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes. The zoning ordinance is designed to control and lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to promote adequate light and air; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities. The purpose of this rezoning request is to allow demolition of a deteriorated structure and build a state of the art Norwegian Heritage Center in its place. The proposed Heritage Center will meet the purposes of the zoning ordinance. Though the City Comprehensive Plan depicts this property as single family residential, the plan also recommends encouraging redevelopment within the downtown area.

2. Which of the following has arisen that are not properly addressed in the current Official Zoning Map? (Please provide explanation in space below.)
 - a) The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan.
 - b) A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.)
NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.
 - ☒ **(c) Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.**
 - d) Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.

The Bryant Foundation has purchased the properties at 277 W. Main Street and 305 S. Page Street with the intent to combine the lots for development. The Bryant Foundation has been working for over a year with key community organizations, citizens and with the City of Stoughton to make this happen. The Norwegian Heritage Center will house programs and activities that will complement existing community programs and organizations.

3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

The proposed Norwegian Heritage Center will be a positive impact for the community and downtown area of Stoughton. The planned programs and activities will not negatively affect other land uses in the immediate area. The neighbors surrounding this property are enthusiastically supportive of our plans to build a Heritage Center. The land use intensity will be similar to the existing intensity.

IV. Final Application Packet Information for City Use

Receipt of one reduced (8.5" by 11" text and 11" by 17" graphics) copy of final application packet by Zoning Administrator Date: 11/14/12 By: MPS

Certification of complete final application packet and required copies to Zoning Administrator Date: 11/14/12 By: MPS

Notified Neighboring Property Owners (within 300 feet) Date: 11/27/12 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet) N/A

Class 2 legal notice sent to official newspaper by Planning Staff Date: 11/15/12 By: MPS

Class 2 legal notice published on 11/22/12 and 11/29/12 By: MPS

PUBLIC HEARING NOTICE

The City of Stoughton **Planning Commission** will hold a Public Hearing on **Monday, December 10, 2012 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 S. Fourth Street**, Second Floor, Stoughton, Wisconsin, 53589, to consider the proposed **rezoning of the following parcel of land at 305 S. Page Street, Stoughton, WI., owned by the Bryant Foundation. A request has been made to rezone 305 S. Page Street from MR-10 – Multi-Family Residential to CB – Central Business to allow the construction of a state of the art Norwegian Heritage Center**, in the City of Stoughton, Dane County, WI, more fully described:

Parcel number: 281/0511-082-1124-8

ORIGINAL PLAT PRT LOTS 3, & 4 COM SE COR W MAIN & S PAGE ST TH S 67 FT TO POB THIS DESC TH S 66.6 FT E 76 FT N 66.6 FT W 76 FT TO POB THE S 12 FT SUBJ TO ROW

For questions related to this notice contact Michael Stacey at 608-646-0421

Michael Stacey
Zoning Administrator

Published November 22, 2012 and November 29, 2012 HUB



November 6, 2012

Mr. Michael Stacey
City Planning Department
381 East Main Street
Stoughton, WI 53589

Dear Mr. Stacey,

This letter is written in response to your request for information about the Bryant Foundation's intentions for the property located at 305 So. Page Street. We understand that the property is located in part of the city's historic district. The house located on this property is not on the historical register. In fact, the house is externally in such a deteriorated state that it is detrimental to the appearance of the historic district. The house interior is even worse than the exterior. The Bryant Foundation wants to demolish the house and build a state of the art Norwegian Heritage Center. The Heritage Center would be constructed as soon as possible on a combination of the 305 So. Page Street property and the adjoining 277 West Main Street property. The Bryant Foundation has purchased both properties and is committed to using the Heritage Center to house programs and activities that will complement existing community programs and organizations. We have been working for over a year with key community organizations, citizens and with the City of Stoughton to help make this happen. The neighbors surrounding this property are enthusiastically supportive of our plans to build a Heritage Center.

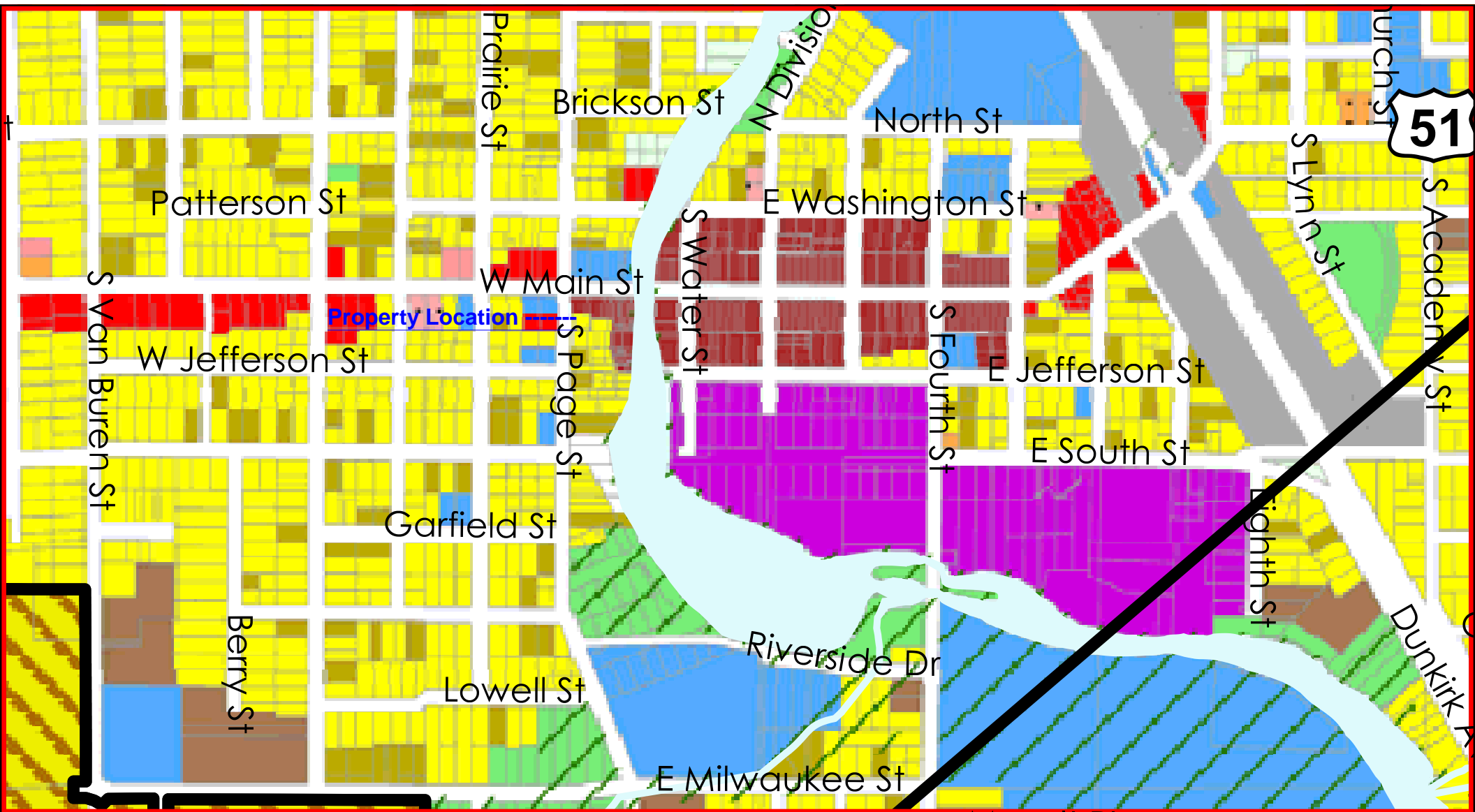
Please feel free to contact either Jerry Gryttenholm (at 873-7829) or me (at 873-4378) if you need us to provide further information.

Respectfully submitted,

A handwritten signature in cursive script that reads "June Bunting".

June Bunting
Executive Director

C:\Bryant\BRYANT\City Planning.November 2012.wpd





08.01.2012 14:22



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 3, 2012

Bryant Foundation
Attn: June Bunting
P.O. Box 600
Stoughton, WI. 53589

Dear Ms. Bunting:

I have completed a review of the proposed rezoning request to change the zoning at 305 S. Page Street from MR-10 – Multi-Family Residential to CB – Central Business. Additionally, there is a request to combine the properties at 277 W. Main Street and 305 S. Page Street by certified survey. The property at 277 W. Main Street is currently zoned CB – Central Business. A public hearing is scheduled for the Planning Commission meeting on December 10, 2012 of which you will receive notice. A recommendation will be sent to the Common Council who will act on this request on January 8, 2013.

1. The property at 305 S. Page Street is contributing to the Southwest Side Historic District of Stoughton. I have informed the State Historical Society that we have received an application to demolish the home at 305 S. Page Street and anticipate a letter back from the State this week to allow the demolition to proceed. A demolition permit will be required.
2. The Comprehensive Plan, Planned Land Use Map designates this property as Single Family Residential. The Comprehensive Plan also recommends encouraging redevelopment within the downtown area. If the rezoning is approved, the Comprehensive Plan will need to be amended in the future to depict the actual use and zoning.
3. The proposed use of the combined properties is for a Norwegian Heritage Center. Indoor Institutional land uses are conditional within the Central Business district and will require a conditional use permit process. This process can proceed once the rezoning/csm are approved and site/building plans have been provided for review.

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

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE PLANNING COMMISSION			
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 305 S. PAGE STREET, STOUGHTON, WI. FROM MR-10 MULTI-FAMILY RESIDENTIAL TO CB – CENTRAL BUSINESS			
Committee Action:			
Fiscal Impact: None			
File Number:	O - - 2013	Date Introduced:	January 8, 2013 – 1 st Reading
		Re-Introduced:	January 22, 2013 – 2 nd Reading

The Common Council of the City of Stoughton do ordain as follows:

1. The Bryant Foundation (the “Applicant/Owner”) has requested the zoning classification of the property at 305 S. Page Street, Stoughton, WI. be amended from MR-10 Multi-Family Residential to CB – Central Business zoning classification, subject to certain conditions being satisfied.

2. The CB – Central Business District is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum landscape surface ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street. No requirements for on-site landscaping or parking are required in this district. This district is strictly limited to the central city locations. *Rationale:* This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) District and is designed to assist in maintaining the long-term viability of the central city.

3. The City Comprehensive Plan encourages redevelopment within the downtown area.

4. On December 10, 2012, the City of Stoughton Planning Commission held a public hearing regarding the application to change the zoning classification of the property at 305 S. Page Street, Stoughton to CB – Central Business, which was preceded by the publication of a class 2 notice under ch. 985 of the Wisconsin Statutes. The Planning Commission considered the application, and recommended that the Common Council approve the proposed rezoning request with or without conditions.

5. The Common Council determines that, subject to certain conditions, changing the zoning classification of the property to CB – Central Business is consistent with the spirit and intent of the City’s Zoning Code; has the potential for producing significant community benefits in terms of aesthetic design, community character and allows appropriate use of the property.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Stoughton, Dane County, Wisconsin do ordain as follows:

Section 1. The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.

Section 2. Subject to the conditions set forth in section 4 below, the zoning classification of the property is hereby changed to CB – Central Business pursuant to section 78-903 of the City Code and Wis. Stat. § 62.23(7)(d).

Section 3. The Property shall be developed and used in full compliance with the CB zoning requirements.

Section 4. This ordinance shall take effect upon publication with the following conditions:

- No conditions have been placed on this property.

Section 5. Upon the effective date of this ordinance, the zoning classification of the Property shall be designated on the zoning map of the City of Stoughton as CB – Central Business.

Dates

Council Adopted: _____

Mayor Approved: _____

Published: _____

Attest: _____

Donna Olson, Mayor

Nick Probst, City Clerk

Certified Survey Map

Owner's Certificate
As owners, We hereby certify that we have caused the land described on this certified survey to be surveyed, divided, and mapped as represented on this certified survey map.

Edwin E. and Janet L Byrant
Foundation Incorporated
by:

STATE OF WISCONSIN)
COUNTY OF DANE)ss.
Personally came before me this day of , 2012, the above named owner to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin
my commission expires

Surveyor's Certificate
I hereby certify that in full compliance with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of Stoughton, and by the direction of Adam Kane agent for the, owner, I have surveyed, divided and mapped the lands described hereon, and that such map correctly represents the exterior boundaries of the lands surveyed, and that this land is located within and more fully described to wit:

Part of Lots 2, 3, and 4, Block 13, Original Plat of Stoughton, being in the NE 1/4 of the NW 1/4 of Section 8, T.5N., R.11E., City of Stoughton, Dane County, Wisconsin, being more fully described as follows:

Commencing at the Northwest corner of Section 8; thence S00°12'50"E along the West line of the NW 1/4, 640.79 feet to the extended North line of Block 13 of the Original Plat of Stoughton; thence S88°51'18"E along said line, 1938.11 feet to the Northwest corner of said Block and the point of beginning; thence continue S88°51'18"E along the North line of said Block, 154.36 feet; thence S01°16'40"W, 86.00 feet; thence N88°50'35"W, 77.79 feet; thence S01°03'40"W, 47.57 feet; thence N89°00'27"W, 75.95 feet to the West line of said Block; thence N00°56'14"E. 133.76 feet to the point of beginning. The above described containing 16,874 square feet.

David C. Riesop S-1551



City Approval
This Certified Survey Map, having been approved by Plan Commission action of and Common Council action of , is hereby approved for recording,

City Clerk, City of Stoughton

Register of Deeds Certificate
Received for recording this day of , 2012 at o'clock M. and recorded in Volume of Certified Surveys, Pages.

Kristi Chlebowski, Register of Deeds

Wisconsin Mapping, LLC

surveying and mapping services
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Dwg. No. 4253-12 Date 10/26/2012
Sheet 2 of 2
Document No.
C. S. M. No. V. P.

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

RESOLUTION OF THE PLAN COMMISSION

Approving a Certified Survey Map (CSM) for the Bryant Foundation, 277 W. Main Street & 305 S. Page Street, Stoughton, Wisconsin.

Committee Action:

Fiscal Impact: None.

File Number: R- -2013

Date Introduced: January 8, 2013

WHEREAS, on December 10, 2012 the City of Stoughton Planning Commission reviewed the Certified Survey Map approval request by the Bryant Foundation for property located at 277 W. Main Street and 305 S. Page Street, Stoughton, Wisconsin; and

WHEREAS, the Certified Survey Map was reviewed by the City Zoning Administrator and found to be in compliance with the City Zoning ordinance and Land Division ordinance; and

WHEREAS, the Certified Survey Map is requested to combine the properties and construct a proposed Norwegian Heritage Center, Stoughton, Wisconsin, and

WHEREAS, the City Zoning Administrator has confirmed the Certified Survey Map will not interfere with and is consistent with the intent of the City's Comprehensive Plan; now therefore

BE IT RESOLVED by the Common Council of the City of Stoughton that the Certified Survey Map request by the Bryant Foundation for property located at 277 W. Main Street and 305 S. Page Street, Stoughton, Wisconsin, is hereby approved, as presented.

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

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

Donna Olson, Mayor

Date

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

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: Chris Overton

Conditional Use Requested: Indoor Commercial Entertainment / Upper Dwellings

I. Record of Administrative Procedures for City Use

Meetings with Staff:

Date of Meeting: _____ Time of Meeting: _____ By: _____

Date of Meeting: _____ Time of Meeting: _____ By: _____

N/A

Application form filed with Zoning Administrator Date: 11/1/12 By: mps

Application fee of \$420⁰⁰ received by Zoning Administrator Date: 11/1/12 By: mps

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

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: 11/1/12 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.
- ☒ 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)

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?

Bringing activities to Stoughton is always a good thing. We are looking for conditional use to put assembly space (pool hall), offices, & a residential apartment on the premise. Bringing employment & revenue to the city

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?

Many residence will find the proposed use a great addition. Much like the youth center, our building will promote activities, youth opportunities, & education. The residential unit is for the parcels facilities manager

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?

Approving the use will not create any adverse impact on the area or city. The complete opposite will happen - Cleaning up that corner will help Stoughton's appearance and hopefully let us or encourage the current neighbor to fix up his place (green building)

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?

The physical site will not change in any way. We don't plan on adding any more structures or add more concrete.

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?

All public service agencies will not be impacted

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?

Yes the proposed use outweighs any adverse impacts. We believe that there are no adverse effects. If there are any, we believe that improving a parcel will out way any adverse effects

IV. Final Application Packet Information for City Use

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

Date: 11/11/12 By: MPS

Notified Neighboring Property Owners (within 300 feet)

Date: 11/14/12 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet)

Date: _____ By: _____ N/A

Class 2 legal notice sent to official newspaper by Planning Staff

Date: 11/6/12 By: MPS

Class 2 legal notice published on 11/15/12 and 11/22/12

By: MPS

Conditional Use recorded with the County Register of Deeds Office

By: MPS

PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, December 10, 2012 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 Chris Overson, to primarily use the property at 556 E. Main Street, Stoughton, Wisconsin, for indoor commercial entertainment (pool hall) and offices. Upper story dwelling units are proposed as an accessory use. The property at 556 E. Main Street is more fully described as follows:

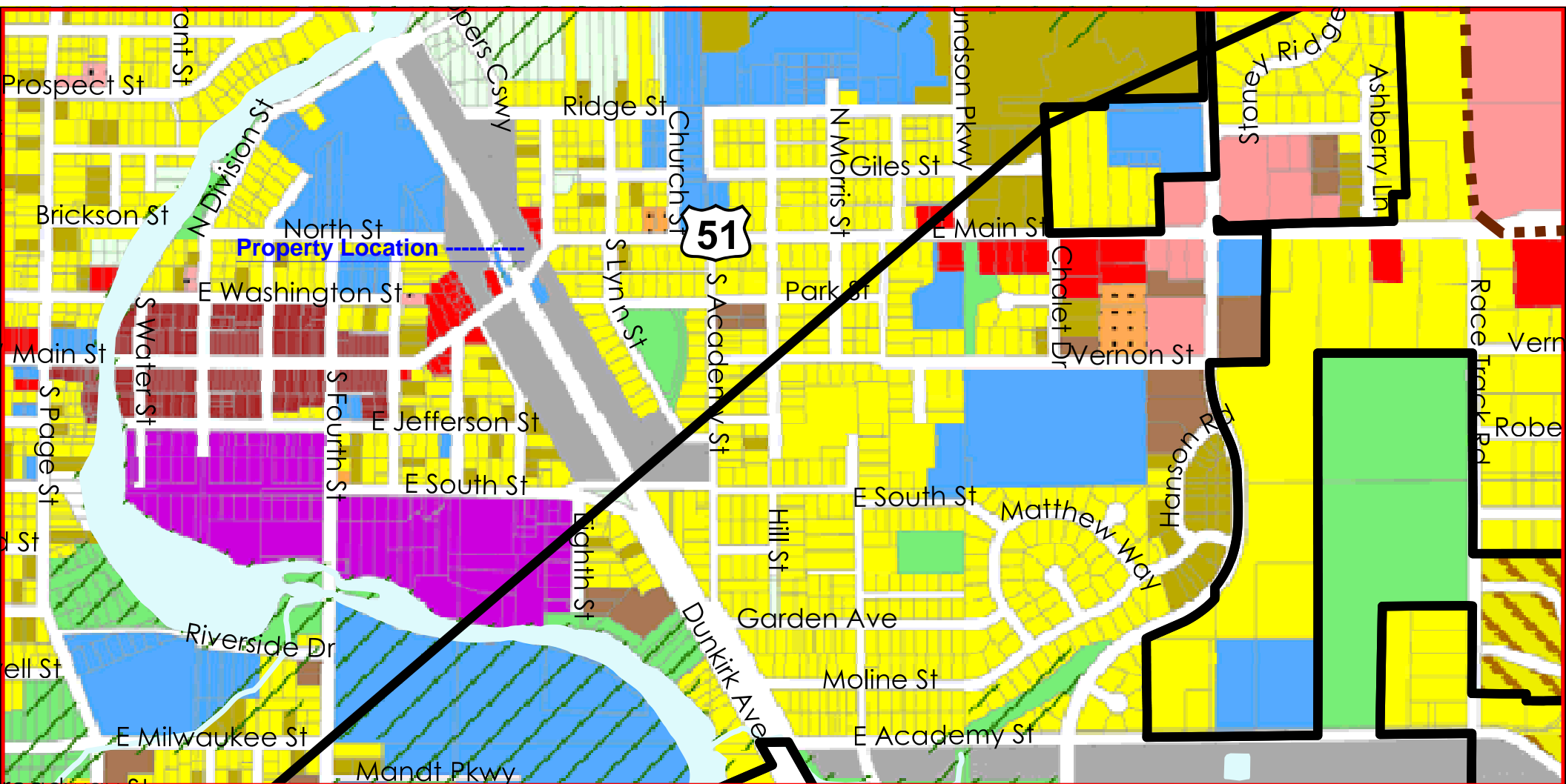
Parcel Number: 281/0511-054-7060-2

LOT 1 CSM 12811 CS81/126-131 12-03-09 DESCR AS O M TURNER'S ADDN BLOCK 6 PRT LOTS 16, 17 & 18 AND ALL LOTS 33 & 34 AND SEC 05-05-11 PRT OF SE1/4 SE1/4 & SEC 08-05-11 PRT NE1/4 NE1/4 (2.555 ACRE)

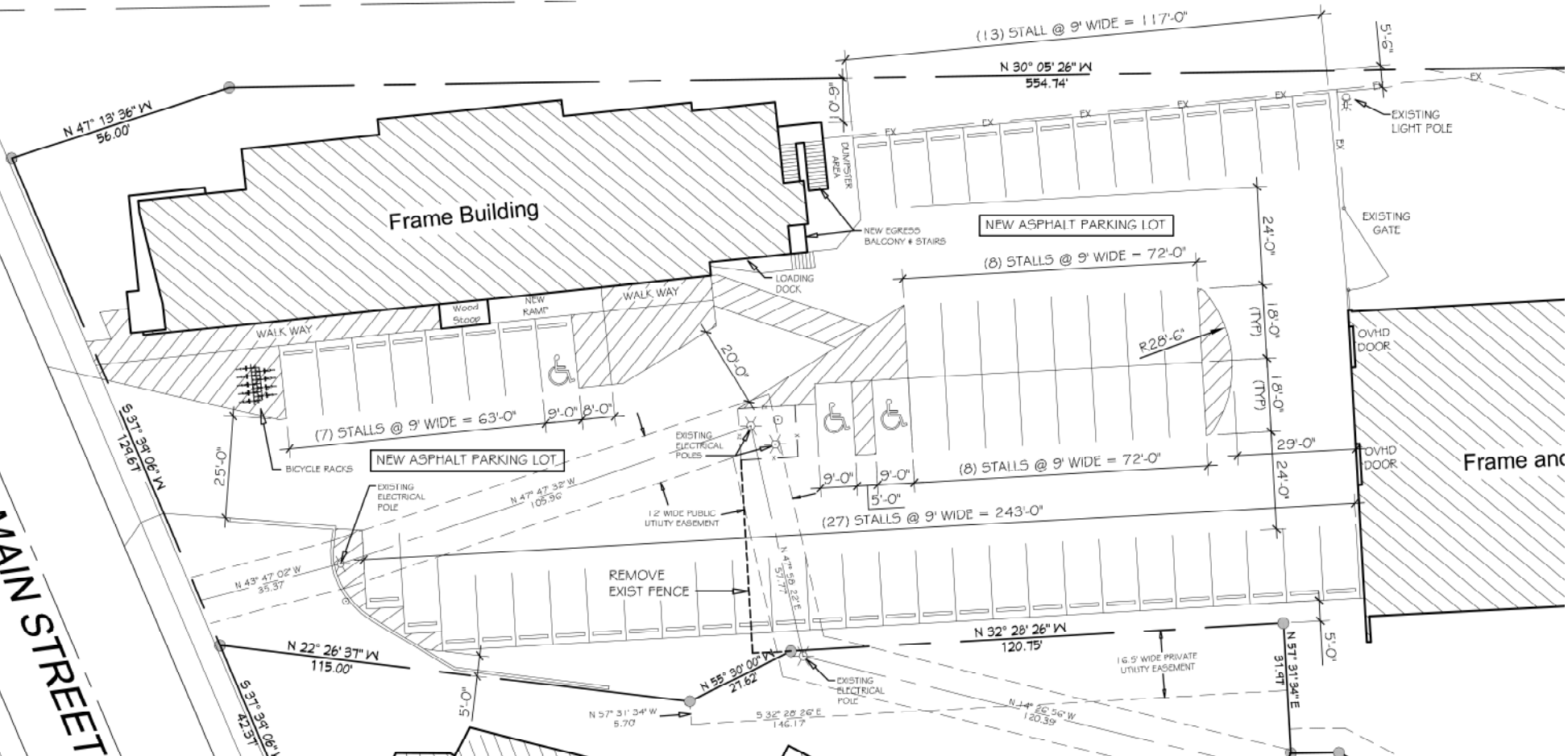
For questions regarding this notice please contact Michael Stacey, Zoning Administrator at 608-646-0421

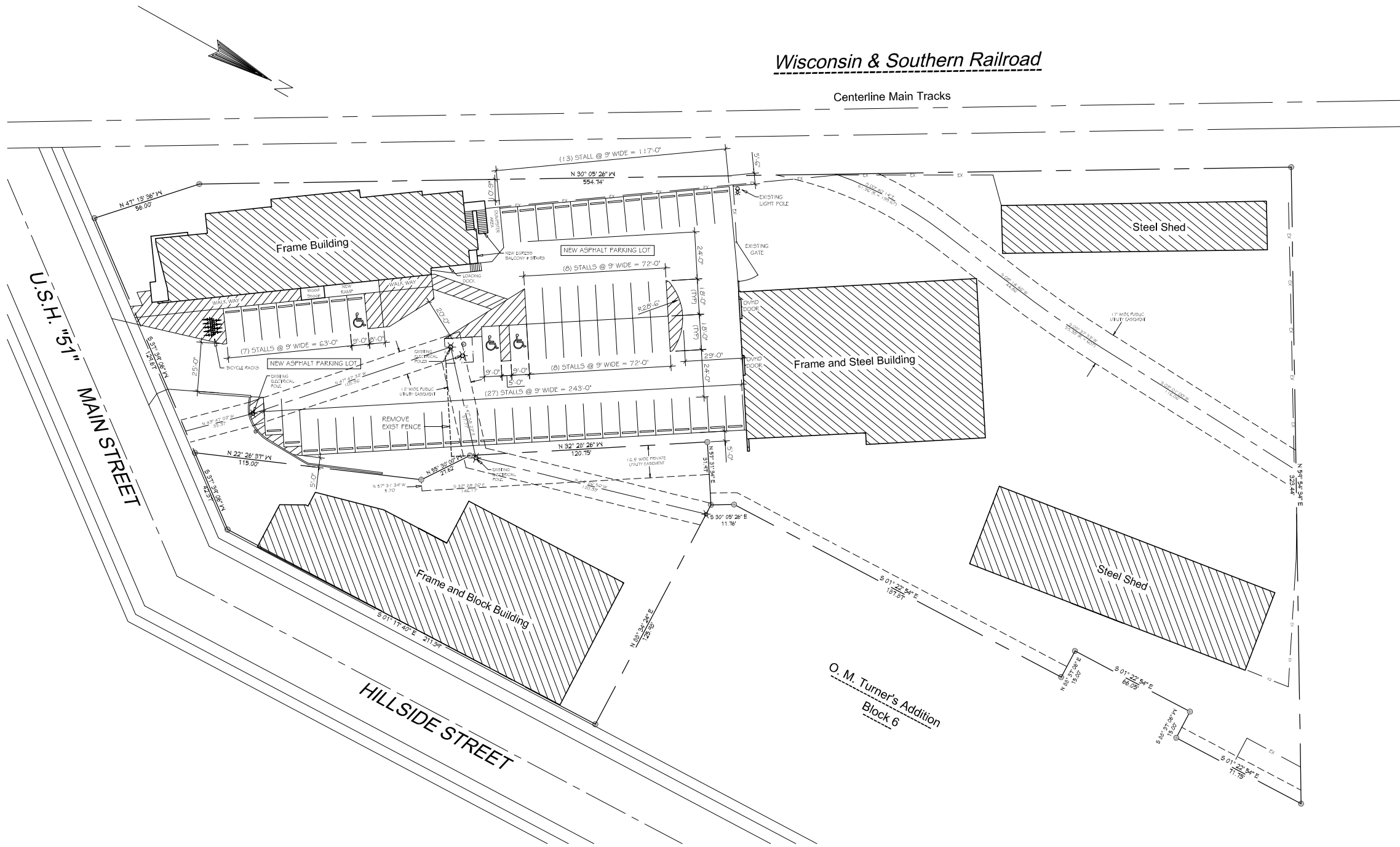
Michael P Stacey
Zoning Administrator

Published November 15, 2012 Hub
Published November 22, 2012 Hub

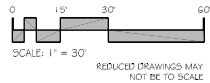


U.S.H. "51" MAIN STREET





1 SITE LAYOUT PLAN
1" = 30'



SURVEY INFORMATION FROM CSM DATED 10-15-09 BY ROYAL OAKS ENGINEERING, INC., 5610 MEDICAL CIRCLE, SUITE 6, MADISON, WI 53719, (608) 274-0500.

PARKING COUNT			
STALL TYPE	# OF STALLS	WIDTH	DEPTH
ADA (VAN ACCESSIBLE)	1	9'-0"	18'-0"
ADA	2	9'-0"	18'-0"
STANDARD	7	9'-0"	18'-0"
STANDARD	8	9'-0"	18'-0"
STANDARD	8	9'-0"	18'-0"
STANDARD	13	9'-0"	18'-0"
STANDARD	27	9'-0"	18'-0"
TOTAL:		66	

REVISIONS		
Δ	DATE	ISSUE

PROJECT NO
12044

DATE
November 26, 2012

DRAWN BY

SW
101

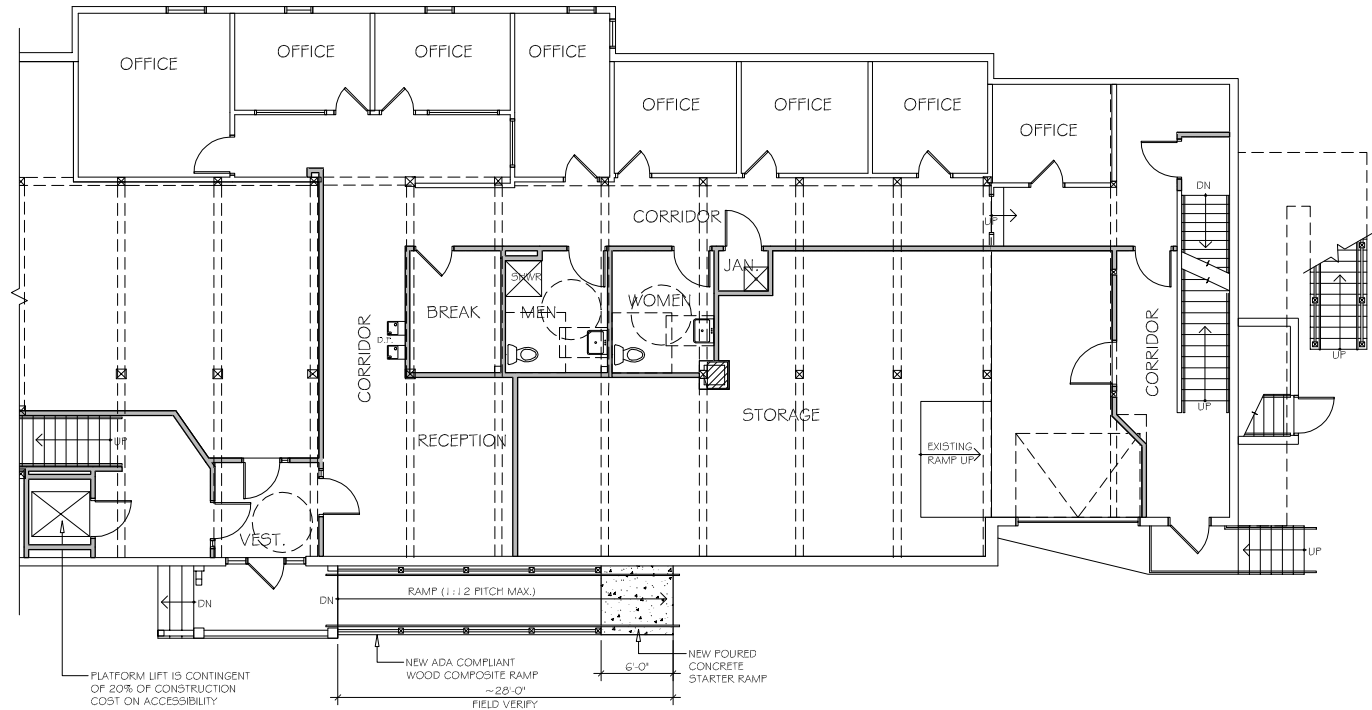
ALTERATION LEVEL 2 FOR:
CHRIS OVERTON
THE OCI GROUP
556 EAST MAIN STREET,
STOUGHTON, WISCONSIN

Bouril Design Studio, LLC
architects
1 Point Place, Suite 100, Madison, WI 53712-2809
Phone: (608) 833-3400 Fax: (608) 833-3408
E-mail: bouril@bourilstudio.com

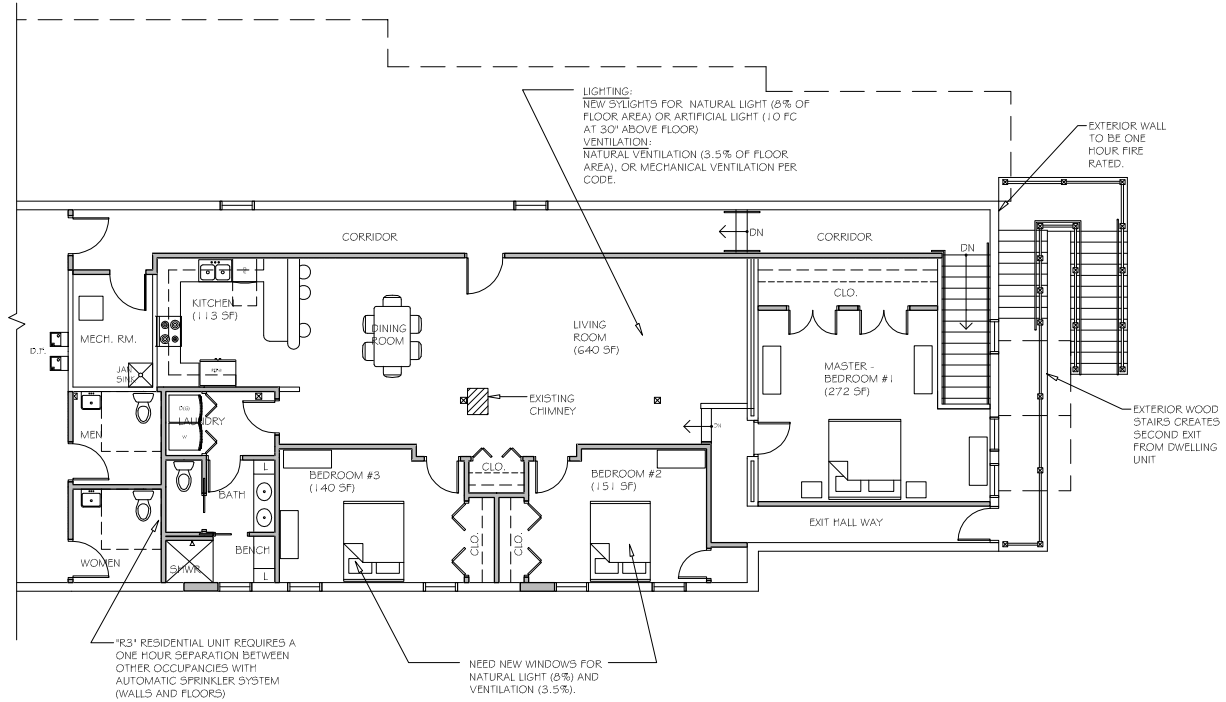
**PRELIMINARY
DRAWINGS**
NOT FOR CONSTRUCTION

THE DESIGN REPRESENTED BY THESE DRAWINGS IS THE PROPERTY OF BOURIL DESIGN STUDIO, LLC. THESE DRAWINGS, WHETHER PRINTED OR IN ELECTRONIC FORMAT, MAY NOT BE COPIED OR REPRODUCED IN ANY FORM WITHOUT THE WRITTEN CONSENT OF BOURIL DESIGN STUDIO, LLC OF MADISON, WISCONSIN.

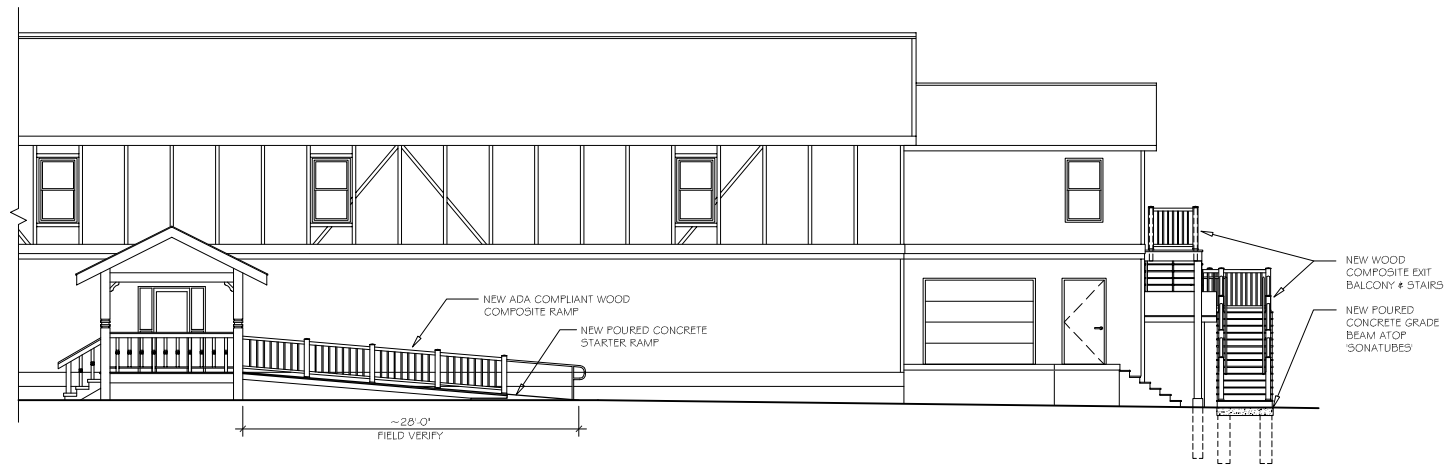
J:\2012 PROJECTS\12044 OVERTON, CHRIS - THE OCI GROUP\DRAWINGS\12044 A101 FPD\B1 (SCALE-26).DWG 12/03/2012 - 10:50 AM



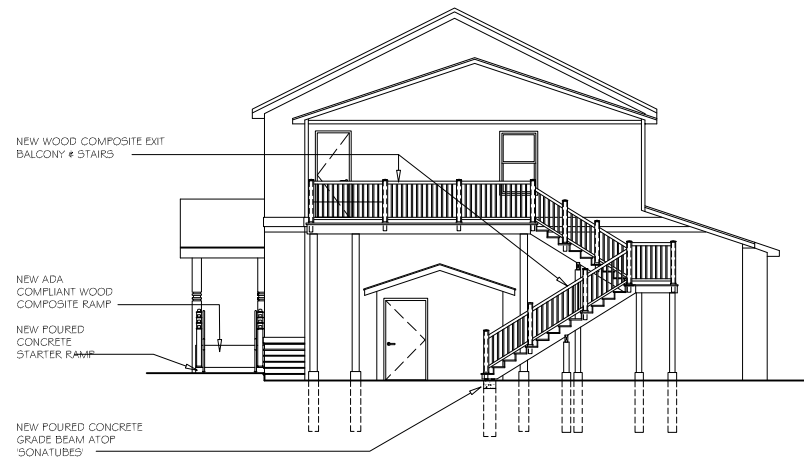
1 PARTIAL FIRST FLOOR
CONSTRUCTION PLAN
1/8" = 1'-0"



2 PARTIAL SECOND FLOOR
CONSTRUCTION PLAN
1/8" = 1'-0"



3 PARTIAL EAST ELEVATION
1/8" = 1'-0"



4 NORTH ELEVATION
1/8" = 1'-0"

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PRELIMINARY
DRAWINGS
NOT FOR CONSTRUCTION

Bouril Design Studio, LLC
1 Point Place, Suite 100, Madison, WI 53712-2809
Phone: (608) 833-3400 Fax: (608) 833-3408
Email: bouril@bourilstudio.com
architects

ALTERATION LEVEL 2 FOR:
CHRIS OVERTON
THE OCI GROUP
556 EAST MAIN STREET,
STOUGHTON, WISCONSIN

REVISIONS		
DATE	ISSUE	
-	-	-
-	-	-
-	-	-
-	-	-

PROJECT NO
12044

DATE
November 26, 2012

DRAWN BY
JLM

A
100



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 3, 2012

Chris Overson
556 E. Main Street
Stoughton, WI. 53589

Dear Mr. Overson:

I have completed a review of the proposed conditional use permit (CUP) & site plan request to allow indoor commercial entertainment (pool hall) and an upper story dwelling unit at 556 E. Main Street, Stoughton. As noted, additional information may be required to be provided or shown on the plan.

1. The property at 556 E. Main Street, Stoughton is zoned PB – Planned Business. Indoor commercial entertainment and upper story dwellings are permitted as a conditional use within the Planned Business district.
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. **The City Common Council may place conditions on the use related to the operating hours for outdoor patio areas; screening; lighting, etc...**
3. The Comprehensive Plan, Planned Land Use Map designates this property as General Industrial which is not consistent with the zoning or the proposed land use. This property has historically been used for commercial land uses. The Planned Land Use Map will need to be amended in the future to reflect the zoning and use.
4. Parking requirements:
 - The parking requirement for an indoor commercial entertainment use is one space per 3 patron seats; or one space per three persons at the maximum capacity of the establishment; (whichever is greater). **We will need information to confirm this requirement. The proposed 65 parking stalls will allow a maximum capacity of 195 patrons.**
 - The parking requirement for an upper story dwelling unit is one space for each bedroom. Parking spaces provided by non-residential uses on the site may be counted for this requirement with the approval of the zoning administrator. **It seems appropriate to not require additional parking for the dwelling unit since 65 stalls are already provided.**

5. Zoning code section 78-703(11) states, "Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic in and out of all off-street parking, loading and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into the streets or pedestrian ways. Traffic control devices shall be required as determined by the director of planning & development."
6. Zoning code section 78-704(5) states, "Installation and maintenance of off-street parking circulation areas. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided in section 78-706."
7. All paved surfaces shall be marked in a manner which clearly indicates required parking stalls.
8. Zoning code section 78-704(6) (b) states, "Curbing. All off-street parking areas designed to have head-in parking within six and one-half feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this chapter." Curbing is shown on the plan.
9. Zoning code section 78-704(6) (c) states, "Lighting. All off-street parking and traffic circulation areas serving six or more vehicles shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles is recommended for said areas, and said illumination level shall not exceed 0.5 footcandles at the property line." **A photometric plan will need to be submitted to meet this requirement.**
10. Zoning code section 78-704(13) (s) states in part, "Bicycle parking standards. For residential and non-residential sites having an off-street parking requirement of less than 100 spaces, a number of off-street bicycle parking spaces shall be provided equal to 10% of the parking space requirement. Each U-type rack provided will count as two bicycle parking spaces." This is shown on the plan.
11. Required off-street parking and circulation areas shall not be used of snow storage.
12. Handicap parking spaces shall be provided at a size, number, location, and with signage as specified by state and federal regulations.
13. Except for handicap parking stalls, the minimum parking stall length shall be 18 feet with a minimum width of 9 feet.
14. The aisle width requirement for 90 degree parking is 24 feet.
15. 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. N/A
 - Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property. There are no residentially zoned properties abutting the subject property.
16. A plan and permit are required prior to placement of signage.
17. State of Wisconsin approved building plans may be required and appropriate City of Stoughton building permits are required before construction, but are not necessary to begin the City review process.

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

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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit for Chris Overson to operate an indoor commercial entertainment establishment and an upper story dwelling unit at 556 E. Main Street, Stoughton, Wisconsin.

Committee Action:

Fiscal Impact: None.

File Number: R- -2013

Date Introduced: January 8, 2013

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

WHEREAS, on December 10, 2012 the City of Stoughton Planning Commission held a public hearing and reviewed the proposed conditional use permit request by Chris Overson, for property located at 556 E. Main Street, Stoughton, Wisconsin; and

WHEREAS, the conditional use permit is requested to operate an indoor commercial entertainment establishment and an upper story dwelling unit at 556 E. Main Street; and

WHEREAS, the conditional use permit request was reviewed by the Zoning Administrator and found to be in compliance with the City zoning ordinance as reflected in the staff review letter dated December 3, 2012; and

WHEREAS, the Comprehensive Plan, Planned Land Use Map is used as a guide for the general pattern of permanent zoning as determined by the Planning Commission and Common Council. This property has historically been used for commercial type uses. The Comprehensive Plan, Planned Land Use Map depicts this property as General Industrial which is not-consistent with the past or proposed use or zoning. The Planning Land Use Map will need to be modified in the future to match the existing Planned Business zoning and proposed use; now therefore

BE IT RESOLVED, by the City of Stoughton Common Council that the Conditional Use Permit request for Chris Overson to operate an indoor commercial entertainment establishment and an upper story dwelling unit at 556 E. Main Street, Stoughton, Wisconsin is hereby approved contingent on the following:

- Staff review letter dated December 3, 2012;
-

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

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

Donna Olson, Mayor

Date

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

AMENDING CHAPTERS 7, 15, and 82 OF THE DANE COUNTY CODE OF ORDINANCES, AMENDING THE
NAME OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 7.12(1) is amended to read as follows:

7.12 ZONING & LAND REGULATION COMMITTEE. (intro.) The zoning & land regulation committee shall have the duty and responsibility to:

(1) Act as the supervisory committee for the Dane County Regional Planning Department ~~planning and development department~~, including survey, zoning, tax description and plat review functions.

ARTICLE 3. Subsection 7.19(5) is amended to read as follows:

7.19 THE ENVIRONMENT, AGRICULTURE & NATURAL RESOURCES COMMITTEE. (intro.) The environment, agriculture & natural resources committee shall have the duty and responsibility to:

(5) Cooperate with the Board of Health for Madison and Dane County, the Dane County Regional Planning Department ~~Department of Planning and Development~~, the area-wide water quality planning agency, the Wisconsin Department of Commerce, the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Department of Natural Resources on all matters relating to water resources and pollution control, as appropriate.

ARTICLE 3. Subsection 15.195(5) is amended to read as follows:

15.195 AGRICULTURAL ADVISORY COUNCIL.

(5) The Dane County Regional Planning Department ~~department of planning and development~~ shall provide staff support for the council, with assistance from the UW-Extension Dane County Office and other county departments, as necessary.

ARTICLE 4. Subsection 15.30(6)(c) is amended to read as follows:

15.30 PARK COMMISSION.

(6) *Greenspace duties.*

(c) In the course of carrying out the duties of this section, the commission may appoint a citizen advisory committee; consult with representatives of the Dane County Towns Association and mayors and village presidents of Dane County; hold public hearings on proposals and recommendations for the preservation of greenways, open spaces and corridors; report to the county board with proposals and recommendations; and have authority to request staff support and assistance from the ~~planning and development department~~ Dane County Regional Planning Department and the parks department as necessary from time to time.

ARTICLE 5. Subsection 82.02 is amended to read as follows:

82.02 ADMINISTRATION. This chapter shall be administered by the ~~Planning and Development Department~~ Dane County Regional Planning Department.

ARTICLE 6. Subsection 82.56(2)(b)2. is amended to read as follows:

82.56 AMENDMENTS AND PERIODIC UPDATES.

(2) (a) Five years after the effective date of the Dane County Comprehensive Plan, the chair of the Dane County Board of Supervisors shall appoint a Comprehensive Plan Steering Committee to review the plan and make recommendations regarding any necessary revisions.

(b) The Comprehensive Plan Steering Committee shall:

1. Solicit public participation in reviewing the plan using the procedures in the Public Participation Plan.
2. Review Dane County Regional Planning Department ~~Department of Planning and Development~~ annual reports on the Dane County Comprehensive Plan.

ARTICLE 7. Subsection 82.57(1) is amended to read as follows:

82.57 INTERPRETATION. The provisions of this ordinance shall be interpreted as a minimum requirement and shall be liberally construed in favor of the purposes of this ordinance. This ordinance shall not be deemed to limit or repeal any other powers granted to Dane County by state law.

(1) To assist in the consistent administration and interpretation of town plans incorporated into the Dane County Comprehensive Plan under s. 82.55, the Dane County Board of Supervisors adopts the Dane County Comprehensive Plan Addendum, incorporated herein as Appendix B. The Addendum shall include chapters for each town plan incorporated into the Dane County Comprehensive Plan and may be utilized by the Board of Supervisors to note town plan policy clarifications, interpretations, or to omit provisions of incorporated town plans that may conflict with county plan policies. A copy of the Dane County Comprehensive Plan Addendum is on file with the County Clerk's Office and the Dane County ~~Department of Planning and Development~~ Regional Planning Department.

Submitted by Supervisors Miles, Hendrick and Bollig, November 1, 2012.
Referred to EXECUTIVE and ZONING & LAND REGULATION.

ORD. AMDT. 34, 12-13

AMENDING CHAPTER 69 OF THE DANE COUNTY CODE OF ORDINANCES, ADJUSTING SPEED LIMITS
ON COUNTY HIGHWAYS

The County Board of Supervisors of the County of Dane does hereby ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 69.03(2)(b)1. is amended to read as follows:

(b) County Trunk Highway "AB"

1. **Town of Dunn**

Thirty miles per hour from its intersection with Fish Camp Road ~~the bridge over the Yahara River located on a line common to sections 13 and 14, Town of Dunn, southwesterly to its intersection with~~ USH 51.

ARTICLE 3. Subsection 69.03(2)(d)2. is amended as follows:

(d) County Trunk Highway "BB"

2. **Cottage Grove Road, Town of Blooming Grove and City of Madison**

Forty miles per hour from the its overhead bridge with U.S. Interstate ~~39~~ 90, easterly to a point ~~300~~ 500 feet east of its intersection with Harrington Drive, Sprecher Road.

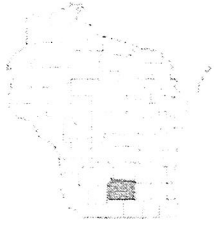
ARTICLE 4. Subsection 69.03(2)(t)1a. is amended as follows:

(t) County Trunk Highway "Q"

2. **Village of Waunakee, Town of Westport**

Forty ~~Forty-five~~ miles per hour from a point 0.15 mile north of Woodland Drive to a point ~~0.45~~ 0.40-mile south of Woodland Drive.

DANE COUNTY CITIES' & VILLAGES' ASSOCIATION



President:

Jon Hochkammer
Mayor
City of Verona
(608) 845-5833

Vice President:

Kurt Sonnentag
Mayor
City of Middleton
(608) 827-1059

Treasurer:

Bill Burns
City Administrator
City of Verona
(608) 845-6495

Secretary:

Donald Peterson
Village Administrator
Village of McFarland
(608) 838-3153

Lobbying Consultant:

Forbes McIntosh
Gov't Policy Solutions
(608) 255-0029

Address:

P.O. Box 110
McFarland, WI 53558

**To: Supervisor Patrick Miles, Chair
Members of the Zoning & Land Regulation Committee**

From: Forbes McIntosh

Date: Tuesday, November 27, 2012

Re: DCCVA Opposition to O.A. 33

The Dane County Cities' & Villages' Association (DCCVA) is urging the members of the Zoning and Land Regulation Committee to oppose passage of Ordinance Amendment 33, 2012-13 relating to the name change of the "Dane County Planning & Development Department" to the "Dane County Regional Planning Department."

The DCCVA is concerned that this proposal may represent an expectation that a simple alteration of a county department name will lead to a significant policy change in extraterritorial planning authority – i.e. requiring cities and villages to submit extraterritorial plans to the Dane County Board for approval.

It is clear that O.A. 33 is intended to have some impact on city and village extraterritorial planning. What is not clear is how a simple name change would negate or interact with language in sec. 59.69(3)(b) stating that the county development plan shall include the master plan of any city or village "without change." Also, sec. 59.69(3)(e) says that a master plan adopted by a municipality under sec. 62.23(2) and (3) shall control in unincorporated territory in a county affected thereby.

The legal ambiguity surrounding this issue does not promote intergovernmental cooperation, but rather invites litigation.

Further, the DCCVA questions whether there maybe additional intent for the assimilation of some duties by a "regional planning department" governed by one local government entity over the of the shared governance structure of the existing Capital Area Regional Planning Commission (CARPC).

The DCCVA understands that there is no prohibition against a county board renaming a department as such, however our members are concerned with what the strategy or intended policy objective of such a change might be.

As Committee members maybe aware O.A. 33 was introduced soon after Dane County Personnel & Finance Budget Amendment P&F-48 was introduced, a proposal that also provided for the department name change specifying the intent was to be consistent with state statute 62.23(2).

Dane County Budget P&F Amendment 48

“move to change the name of the Dane County Planning & Development Department to the “Dane County Regional Planning Department” to more accurately describe the function of the department and to be consistent with the statutory provision of the County's role in municipalities' comprehensive plans as described in State Statute 62.23(2).”

Wisconsin Statutes 62.23(2)

(2) Functions. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.



Office of the Mayor

Paul R. Soglin, Mayor

City-County Building, Room 403
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703-3345
PH 608 266 4611
FAX 608 267 8671
www.cityofmadison.com
mayor@cityofmadison.com

November 27, 2012

To: Members of the Dane County Zoning and Land Regulation Committee

From: Mayor Paul R. Soglin, City of Madison

Re: County Ordinance Amendment 33

I urge you to oppose Ordinance Amendment 33. This amendment changes the name of the Dane County Planning & Development Department to the "Dane County Regional Planning Department." When this change was proposed as a budget amendment I voiced my opposition on legal and practical grounds. Since then, I have not heard anything to change my opinion. The amendment is problematic both as a matter of law and as a question of policy.

On the face of it, the amendment appears to be an effort to require cities and village to submit extraterritorial plans to the County for approval. The basis of this assertion of power derives from Sec. 62.23(2). That provision reads, in regards to creating the City master plan, "in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors." The Madison City Attorney's office could find no definition of a "regional planning department," nor any other reference in state statute to a "regional planning department." Their research yielded only more questions, the most pressing of which is whether the county can legally confer on itself such a power simply by changing the title of a department. Any attempt to exercise such an oversight power would be a dramatic policy change which Madison would strongly oppose.

Independent of the question of the legitimacy of the genesis of such a power, there are numerous policy concerns regarding the nature and scope of this new power. Since there is no statutory definition of this department, we have no idea what powers such a department would claim to possess. For example, it seems that the power of such a department would overlap with Capital Area Regional Planning Commission (CARPC), but it is unclear how those two bodies would interact, and what functions would be performed by each. This legal and practical ambiguity does not foster cooperation, and invites litigation.

On Wednesday, Supervisor Hendrick contacted my office about meeting to discuss these issues. I would like to thank him for reaching out to the city. We will be meeting with him soon. However, until I have a different understanding the goal and scope of this amendment, I continue to strongly oppose it.

Thank you for the opportunity to present my concerns to you.

Motion by Bollig / Hendrick to approve Conditional Use Permit #2222 with 10 conditions; motion carried, 4-0. YGP: 1-0.

1. The Horse Boarding Facility shall be limited up to 20 horses.
2. Horse Boarding shall be limited to boarding and training of personal horses and horses owned by others.
3. Public riding events or competitions are prohibited.
4. Outside loud speakers or amplified sounds are prohibited.
5. Sanitary facilities, a toilet and sink (no shower), and water facilities necessary for horse boarding, shall be permitted in the accessory building.
6. Residential uses (apartments or living quarters) are prohibited in the accessory building.
7. The exterior lighting shall be dark-sky lighting with full-cutoff fixtures with no dusk to dawn lighting.
8. Employees shall be limited to family members residing on the farm and a maximum of two non-family employees.
9. Horse trailer parking is prohibited on or within 50 feet of Spring Rose Road.
10. The owner shall be responsible for instituting a nutrient management (manure) plan with Dane County Land Conservation.

16. **ORDINANCE AMENDMENT 32, 2012-2013:** Amending Chapter 82 of the Dane County Code of Ordinances, Amending the Dane County Comprehensive Plan Related to Amendments Proposed by the Town of Oregon.

IN FAVOR: Andrew Bremer of MSA Professional Services represented the Town of Oregon and explained that the change just clarifies existing practices; Town Assessor Andy Blomstrom

OPPOSED: Ruth McNair stated that she was part of the original drafting the Town's Comprehensive plan and does not recall that it was decided that RH zoned properties would be allowed to be divided; Timothy Fox stated that he was opposed to the additional housing density rights and that there should be more town input on the subject change; Ann Moses stated that she is opposed to the additional housing density rights and that all the affected RH landowners should decide on the change.

STAFF: P&D

TOWN: Approved

Motion by Bollig / Matano to postpone in order to acquire additional information regarding the actual language of the existing town plan and how it was interpreted in the past. The Committee is concerned on whether the plan amendment adds housing density rights or just clarifies existing language; motion carried, 4-0. YGP: 1-0.

Motion by Matano / Hendrick to suspend the rules of the Zoning and Land Regulation Committee and take up Petition #10474 at this time; motion carried, 4-0. YGP: 1-0. (See action below.)

17. **ORDINANCE AMENDMENT 33, 2012-2013:** Amending Chapters 7, 15, and 82 of the Dane County Code of Ordinances, Amending the Name of the Planning and Development Department.

As the primary sponsoring supervisor, Chair Miles summarized his rationale for proposing OA 33. Changing the name of the department is in large part rooted in the reference to 'regional planning department' in s. 62.23(2) of Wisconsin State Statutes, which states that, ". . . in any county where a regional planning department [underlining added by staff to accentuate the relevant clause] has been established, areas outside of the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors." Chair Miles stated that currently counties must include city and village plans without question or change into the county comprehensive plan, while Dane County may work cooperatively with towns on the development of town plans for subsequent incorporation into the county comprehensive plan. Supervisor Miles stated that it was reasonable to propose that the county should have the same opportunity to work cooperatively with cities and villages on the development of city and village plans for subsequent incorporation into the county comprehensive plan. He noted that the county has worked very cooperatively with towns, and to his best recollection does not believe that the county has denied a single town plan during his tenure on the board. He cited many land use issues and challenges to communities that transcend jurisdictional boundaries, noting those of particular county interest, e.g. agricultural preservation and natural resource protection. Responding to such challenges requires intergovernmental cooperation. He emphasized that he did not see

his proposal as creating a 'hammer' that the county will use to exercise its will over cities and villages, but rather as establishing a formal medium for cooperative partnership. This OA ties into other initiatives sponsored by Chair Miles in the 2013 budget to the benefit of cities and villages, e.g. reinitiating and funding the Better Urban Infill and Design (BUILD) program and prompting work to begin on a countywide inventory of urban infill development opportunities. He acknowledged that there are a number of outstanding questions related to the name change yet to be worked through, but that OA 33 is a beginning to this dialogue. He indicated that he will be doing more outreach on the issue, and will be starting on Wednesday, November 28 by meeting with the Dane County Cities and Villages Association.

IN FAVOR: Constance Threinen representing League of Women's Voters

Caryl Terrell representing CRANES

Jon Becker representing CRANES

Stefi Harris representing Western Dane Coalition for Smart Growth

Arnold Harris representing Western Dane Coalition for Smart Growth

Harry Read representing Madison Audubon Society

Most of those speaking in favor of OA 33 cited the need for countywide planning, at least planning on a broader 'regional' level well beyond the immediate scope of the individual municipality. Some speakers cited the appeal and benefits of tying together OA 33, the BUILD program, and the Infill Inventory. Multiple speakers indicated that such a role for the county and the planning department would benefit town interests by providing them with a stronger voice in planning for municipal expansion and would improve how the greater Dane County community plans for growth at the urban/rural fringe. Additionally, speakers cited the advantage of providing potential planning resources to towns and smaller municipalities without their own professional planning staff. There were a couple of references to the Capital Area Regional Planning Commission (CARPC), primarily to the effect that the more narrow urban service area (USA) amendment approval authority of CARPC does not include the ability to approve or deny a community master plan and that the authority of CARPC over USA amendments can be overridden by the Wisconsin Department of Natural Resources (DNR).

NEUTRAL: Phil Salkin representing Realtors Association of South Central Wisconsin

Attorney Mark Hazelbaker representing Dane County Towns Association

Those that presented themselves as not yet having an opinion generally commented that there has not yet been sufficient time for their respective organizations to establish a position. Mr. Salkin indicated that the proposal has not yet been properly vetted throughout the community and range of stakeholders. He added that a desirable process for community outreach would be something similar to the process followed in the recent shoreland zoning amendment process, of which he spoke favorably. Attorney Hazelbaker indicated that DCTA had not yet taken a position on OA 33, but commented that he is not aware of any other county in the state of Wisconsin that has attempted to utilize this provision in state statute. As an attorney, he added that he was not able to find any other references in state statute to 'regional planning department,' and opined that the exercise of this initiative is "highly dubious" from a legal perspective.

OPPOSED: Forbes McIntosh representing Dane County Cities and Villages Association

Nicholas Zavos representing the City of Madison Mayor's Office

Those speaking in opposition to OA 33 represented municipal interests and expressed concerns over the intentions behind the name change. Mr. McIntosh cautiously indicated that while the introductory comments by Chair Miles had an aspect of reasonability that may serve as the basis for further discussion between Dane County and DCCVA, the comments of those speaking in support of the OA had Mr. McIntosh very concerned, especially comments clearly eluding to the desire to put greater restraints on the autonomy of cities and villages to expand their borders. Mr. McIntosh reiterated that Chair Miles would be meeting with DCCVA members the next day to hear their concerns. Mr. Zavos briefly indicated that Madison's Mayor Soglin had concerns about the proposal and questioned the legal basis. Mr. Zavos also expressed support for Mr. McIntosh's comments.

In addition to those present and speaking in opposition to OA 33, a number of letters and emails were received by committee members and staff in opposition to the OA, including the city of Middleton, town of Westport, and village of Waunakee. All of these items were entered into the record.

Motion by Hendrick / Matano to Postpone; motion carried, 4-0. YGP: 1-0.

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

RESOLUTION OF THE COMMON COUNCIL

Opposing a Dane County Ordinance Amendment 33, 12-13, Amending Chapters 7, 15 and 82 of the Dane County Code of Ordinances, Amending the Name of the Dane County Planning and Development Department.

Committee Action:

Fiscal Impact: None.

File Number: R- -2013

Date Introduced: January 8, 2013

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

WHEREAS, on December 10, 2012 the City of Stoughton Planning Commission reviewed a proposed Dane County Ordinance Amendment to change the name of the Dane County Planning and Development Department to the Dane County Regional Planning Department, as well as a budget amendment for their 2013 budget to effectuate a similar purpose; and

WHEREAS, the amendment specifically refers to the County's role in municipalities' master planning under State Statutes 62.23(2), and it is problematic both because it appears to make a dramatic policy change, and also because the ordinance amendment's legal and practical effects are unclear; and

WHEREAS, the legal and practical ambiguity surrounding the County's proposal does not foster cooperation and may encourage litigation; and

WHEREAS, the amendment would seem to require cities and villages to submit extraterritorial plans to the County for approval; now therefore

BE IT RESOLVED, the City of Stoughton Common Council requests that the Dane County Board of Supervisors oppose Dane County Ordinance Amendment 33, 12-13; Amending Chapters 7, 15 and 82 of the Dane County Code of Ordinances, Amending the Name of the Dane County Planning and Development Department to be the "Dane County Regional Planning Department" and oppose budgetary measures to further its implementation.

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

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

Donna Olson, Mayor

Date

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

SINGLE FAMILY & DUPLEX CONSTRUCTION STARTS COMPARISON

<u>CITY-VILLAGE</u>	<u>2010 POPULATION</u>	<u>MILES FROM DOWNTOWN MADISON</u>	<u>MILES FROM JANESVILLE</u>	<u>HOUSING STARTS 2012 through Oct.</u>	<u>HOUSING STARTS 2011</u>	<u>2012 AVERAGE CONSTRUCTION VALUE</u>	
STOUGHTON	12611	18		8	1	\$209,500	
EDGERTON	5461	29	12	0	1	-	
MCFARLAND	7808	9		8	5	\$245,375	
MOUNT HOREB	7009	25		12	12	\$228,583	
OREGON	9231	12		27	23	\$316,556	
DEFOREST	8936	15		31	26	\$237,452	
MIDDLETON	17442	7		32	15	\$409,531	(DANE COUNTY)
FITCHBURG	25260	7		38	30	\$229,211	
WAUNAKEE	12097	13		39	38	\$322,077	
SUN PRAIRIE	29364	13		42	28	\$218,476	
VERONA	10619	11		57	38	\$234,000	
					AVE:	\$265,076	
EVANSVILLE	5012	24	17	17	16		
FORT ATKINSON	12368	33	20	2	3		
JEFFERSON	7973	32	27	2	1	\$570,000	(OTHERS)
MILTON	5546	35	7	3	2		
MONROE	10827	45	36	1	1		