

## **SPECIAL MEETING NOTICE**

The City of Stoughton will hold a **Special** meeting of the **Planning Commission** on **Monday, November 22, 2010 at 6:00pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street**, Stoughton WI.

### **AGENDA**

1. Call to order
  2. Consider approval of the November 8, 2010 Planning Commission meeting minutes.
  3. Status of Developments including Movin' Out (Elven Sted) project update. (Page 5)
  4. Mike Ashiky, owner of Sunrise Family Restaurant requests a conditional use permit to construct an addition to the east side of the building at 1052 W. Main Street for dining area expansion. (Page 7)
    - Public Hearing
    - Recommendation to Council
  5. Mitch Gilbertson, Stevens Construction Corp., representing the owner of B & G Foods, Inc., requests a conditional use permit to construct an addition at 430 Industrial Circle to allow employees to smoke outdoors in a sheltered area according to State of Wisconsin requirements. (Page 31)
    - Public Hearing
    - Recommendation to Council
  6. Curt Davey, representing Uniroyal Engineered Products LLC, requests a conditional use permit to construct a 20,000 square foot accessory building; construct a 1,200 square foot accessory building expansion; and to expand the parking area at 501 S. Water Street; all to provide more storage. (Page 52)
    - Public Hearing
    - Recommendation to Council
  7. Request by Public Safety Committee to consider adding language to recent resolution approvals for Pack R Place and Water's Edge Tavern related to signage. (Page 78)
  8. Planning Commission request to review/discuss the large development regulations (big box). (Page 82)
  9. Adjournment
- 11/16/10mps

### **COMMISSIONERS:**

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

Todd Krcma  
Carl Chenoweth

Ron Christianson  
Troy Wieser

### **CC: PACKETS:**

Rodney Scheel  
Troy Wieser

Michael Stacey (3)  
Todd Krcma

Rollie Odland  
Mayor Donna Olson

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

All Department Heads  
Pili Hougan  
Scott Wegner  
Area Townships

Council members  
Peter Sveum  
Autumn Dressell – HUB

Steve Kittelson  
Derek Westby  
City Attorney Matt Dregne

**MAIL NOTICES:**

Sunrise Family Restaurant, Mike Ashiky, 1052 W. Main Street, Stoughton; Stevens Construction Corp., Mitch Gilbertson, P.O. Box 7726, Madison, WI. 53707-7726; B & G Foods, Inc., Gary Schumacher, 430 Industrial Circle, Stoughton; Curt Davey, 207 E. Jefferson Street, Stoughton; Uniroyal Engineered Products LLC, George Sanchez, 501 S. Water Street, Stoughton;

If you are disabled & in need of assistance, please call 608-873-6677 prior to this meeting.

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

## **Planning Commission Meeting Minutes**

**Monday, November 8, 2010 - 6:00 p.m.**

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

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

**Absent and Excused:**

**Staff:** Zoning Administrator/Assistant Planner, Michael Stacey.

**Guests:** Dennis Steinkraus and James Sutter

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the October 4, 2010 Planning Commission meeting minutes.**  
Motion by **Christianson** to approve the minutes of October 4, 2010 as presented, 2nd by **Krcma**. Motion carried 7 - 0.
3. **Council Representative Report.**  
Hohol stated there were no items presented at Council.
4. **Status of Developments/Projects.**  
Stacey referred to the status of development and meeting summary provided in the packet and noted there was another single family home permit issued. There were no questions.
5. **Proposed ordinance amendments for sections 78-206(1)(a)3 & 78-206(1)(a)2 to clarify that existing duplexes are not required to install separate water and sewer laterals when converting to a twin house (zero lot line) and newly constructed duplexes and twin homes are required to install separate water and sewer laterals.**  
Mayor Olson introduced the request. Stacey explained the history of the request.  
  
Mayor Olson opened the public hearing.  
  
No one registered to speak for or against the proposed amendments.  
  
Mayor Olson closed the public hearing.  
  
Motion by **Wieser** to recommend Council approve the zoning ordinance amendments as presented, 2nd by **Krcma**. Krcma questioned how this would affect a four unit building. Stacey stated these sections only affect duplexes and twin homes.  
Motion carried 7 - 0.

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

Mayor Olson introduced the request. Dennis Steinkraus gave an overview of their proposed development process. James Sutter, who has an interest in the remaining Mabie Farm property, was also on hand. Stacey stated we are seeking direction or discussion on 3 items:

1. As part of the Urban Service Area Amendment (USA) process, the city must attempt to include the Town of Rutland Board with the preferred outcome being full support or no objection to the USA. Does the Commission want to be involved in the discussions with the Town of Rutland Board or is there a preference to just have staff and Mayor Olson be involved in those discussions?

The consensus of the Commission is that they want involvement with discussions after a presentation has been made to the Town of Rutland Board.

Motion by **Chenoweth** to direct staff to work with the developer to present information to the Town of Rutland Board, 2nd by **Christianson**. Motion carried 7 - 0.

2. Discuss expanding the Urban Service Area Amendment request beyond the development to include the commercial Town properties such as Stark Auto, Stoughton Lumber etc...

The consensus between the developer and Commissioner's is to include the commercial properties if the inclusion does not affect the development.

3. Does the Commission support the proposed process submitted by Forward Development, recognizing there may be a more detailed plan adoption necessary depending on the size & scope of the Commercial development at a later time.

The Commissioner's support the process proposed by the developer.

**7. Future agenda items.**

Special Planning Commission meeting on Nov. 22, 2010 for conditional use requests by B & G Foods; Uniroyal and Sunrise Family Restaurant. Forward Development Group proposed development. Chenoweth would like to review the "big box" ordinance at the next meeting. The Commission would like an update regarding the Movin' Out project (Elven Sted) at the next meeting.

**8. Adjournment.** Motion by **Chenoweth** to adjourn at 6:35 pm, 2<sup>nd</sup> by **Wieser**. Motion carried 7- 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](http://www.cityofstoughton.com/planning)

RODNEY J. SCHEEL  
DIRECTOR

Date: November 16, 2010

To: Planning Commission Members

From: Rodney J. Scheel  
Director of Planning & Development

Michael Stacey  
Zoning Administrator/Assistant Planner

Subject: November 22, 2010 Planning Commission Meeting - Status of Developments and Meeting Summary.

**Status of Developments:**

- West View Ridge - 32 improved lots remaining.
- Stone Crest - 11 improved lots remaining.
- North American Fur Expansion – In Process.
- Lean Distribution Expansion – In Process.
- 8 single family home permits issued for 2010 compared to 1 in 2009.
- Proposed Development at NW corner of US Hwy 51 & State Hwy 138 – status to be provided at next meeting.

**Meeting Summary:**

**Item #4 – Mike Ashiky, owner of Sunrise Family Restaurant requests a conditional use permit to construct an addition to the east side of the building at 1052 W. Main Street for dining area expansion.**

Mr. Ashiky is seeking to expand the dining area while increasing the energy efficiency of his restaurant. After exploring all options with his contractor, Mr. Ashiky found it necessary to expand to the east. Since he did not have ample room to expand and meet the required 10-foot side yard setback, he requested and received a variance from the Board of Appeals to allow a 5-foot addition with a side yard setback of between 5.3 feet and 7.1 feet. Additionally, restaurants are listed as conditional uses within the Planned Business district. A public hearing is required to allow neighboring property owners a chance to comment on the proposed expansion. A recommendation to the Common Council is necessary. The Common Council may deny the request or approve the request with or without conditions such as bufferyard requirements; landscaping; lighting; etc... A draft resolution; Board of Appeals minutes and application materials are provided.

**Item #5 – Mitch Gilbertson, Stevens Construction Corp., representing the owner of B & G Foods, Inc., requests a conditional use permit to construct an addition at 430 Industrial Circle to allow employees to smoke outdoors in a sheltered area according to State of Wisconsin requirements.**

This request is to provide an outdoor area for employees to smoke in compliance with State of Wisconsin requirements. Heavy industrial uses such as this are listed as conditional uses within the Heavy Industrial district. A public hearing is required to allow neighboring property owners a chance to comment on the proposed addition. A recommendation to the Common Council is necessary. The Common Council may deny the request or approve the request with or without conditions such as bufferyard requirements; landscaping; lighting; etc... A draft resolution; and application materials are provided.

**Item #6 - Curt Davey, representing Uniroyal Engineered Products LLC, requests a conditional use permit to construct a 20,000 square foot accessory building; construct a 1,200 square foot accessory building expansion; and expansion of the parking area at 501 S. Water Street to primarily provide for more storage.**

This request is to provide much needed storage for their growing production needs. Heavy industrial uses such as this are listed as conditional uses within the Heavy Industrial district. A public hearing is required to allow neighboring property owners a chance to comment on the proposed addition. A recommendation to the Common Council is necessary. The Common Council may deny the request or approve the request with or without conditions such as bufferyard requirements; landscaping; lighting; etc... A draft resolution; and application materials are provided.

**Item #7 – Request by Public Safety Committee to consider adding language to recent resolution approvals for Pack R Place and Water's Edge Tavern related to signage.**

This request comes from a recent Public Safety Committee meeting where neighbor's voiced concern about requiring the tavern owner to post the hours that patrons can use the decks. Unfortunately, at this point the resolutions have been approved by Common Council and recorded with Dane County Register of Deeds. We believe another public hearing would be necessary to add any additional conditions. Additionally, the outdoor alcohol permits have been approved without any additional requirements. Ultimately, it is the owner's responsibility to comply with the conditions of the conditional use permit.

**Item #8 – Planning Commission request to review the large development regulations (big box).**

As requested by the Commission, the large development regulations are provided for review/discussion.

## 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: Mike Ashiky

Conditional Use Requested: Addition to Interior Restaurant seating

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

Presubmittal staff meeting scheduled

Date of Meeting: 10/27/10 Time of Meeting: 12:20 pm Date:      By: MPS

Follow-up staff meeting scheduled if necessary

Date of Meeting:      Time of Meeting:      Date:      By: N/A

Application form filed with Zoning Administrator

Date: 10/27 By: MPS

Application fee of \$ 365 received by Zoning Administrator

Date: 10/27 By: MPS

+ \$30 recording fee

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

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

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

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

↓

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

☒ Showing all lands for which the zoning is proposed to be amended.

staff ☐ 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).

☒ 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?

*Addition of Restaurant seating area is consistent with long term use of the property. Area has been a food service venue for over 50 years and addition compliments this use. Restaurants serve a need to a community and help to strengthen the cities overall business climate by serving its citizens and bringing others into the city for the restaurants services.*

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?

*The restaurant is in a long time business plaza setting and contributes to the consumer destination for all the business located within the plaza. The conditional use Application is consistent with long time use of the facility and represent no change from existing use.*

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?

*Application is consistent with long time use and proposes no change to that use.*

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

*No proposed changes to long time use. Increase in seating approx 10 to 12 persons.*

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 additional area does not take away from existing parking, increase demand for public services or require any special conditions over existing infrastructure.*

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?

Addition will increase customer comfort and make spaces more suitable for customers with disabilities to enjoy the restaurants services.

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

Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator Date: 10/27 By: MPS

Notified Neighboring Property Owners (within 300 feet) Date: 11/4 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet) Date: 11/4 By: MPS

Class 2 legal notice sent to official newspaper by City Clerk Date: 10/28 By: MPS

Class 2 legal notice published on 11/4/10 and 11/11/10 By: MPS

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



EXISTING BUILDING

LIQUOR STORE

DUMPSTERS

RESTAURANT

EXISTING EAST WALL

PROPOSED SIDELOT

NEW CONC. EXIST  
PAD - 5X5  
AT RELOCATED EXIT  
DOOR

PROPOSED EXTERIOR  
EAST WALL

PROPOSED SIDELOT

EXISTING  
LANDSCAPE

EXISTING  
LANDSCAPE

HC.

EXISTING  
LIGHT POLE

9X18 STALL  
TYP

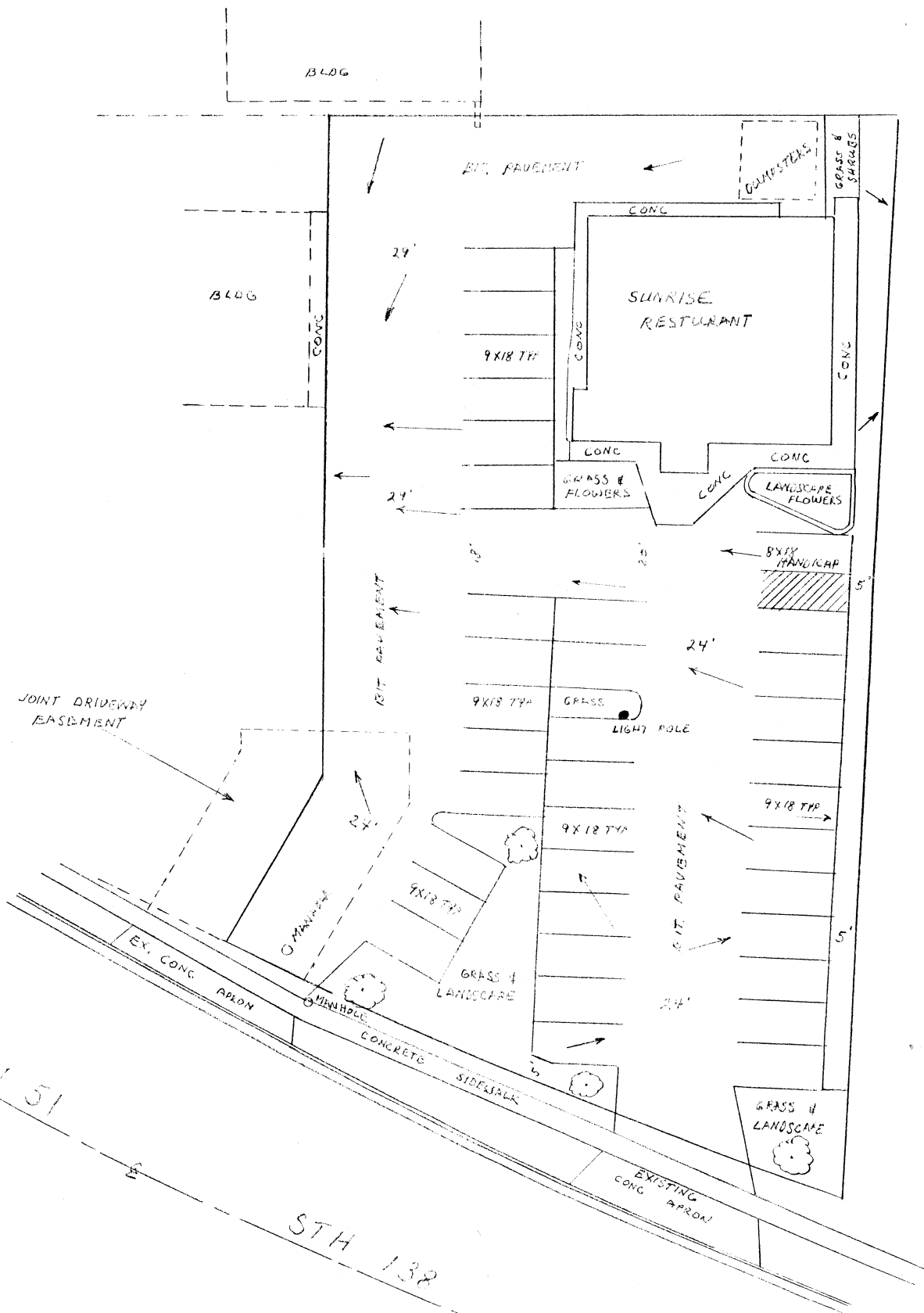
CONC DRIVE APRON

USH 51 / 5TH 138

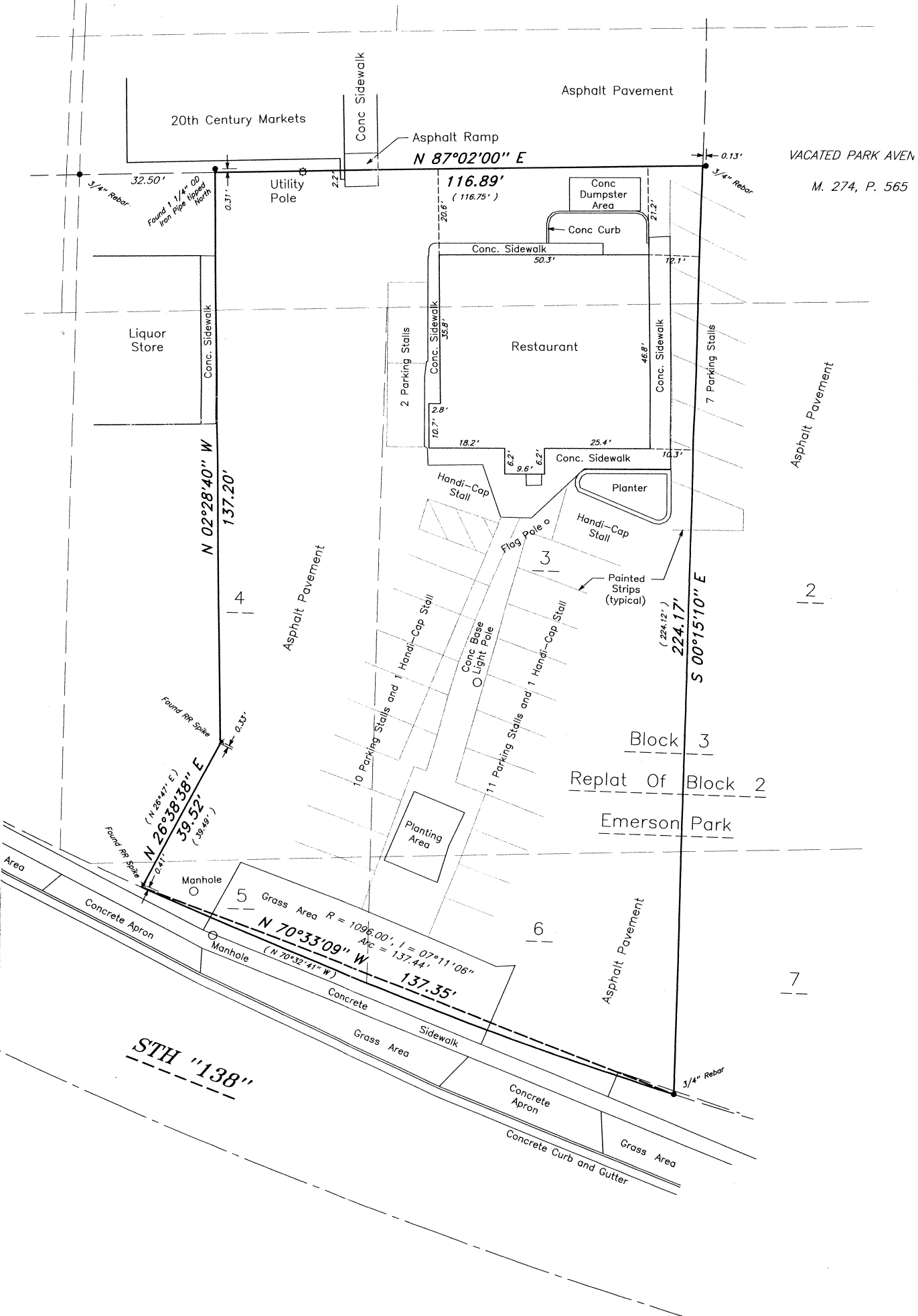
CONC DRIVEWAY  
APRON

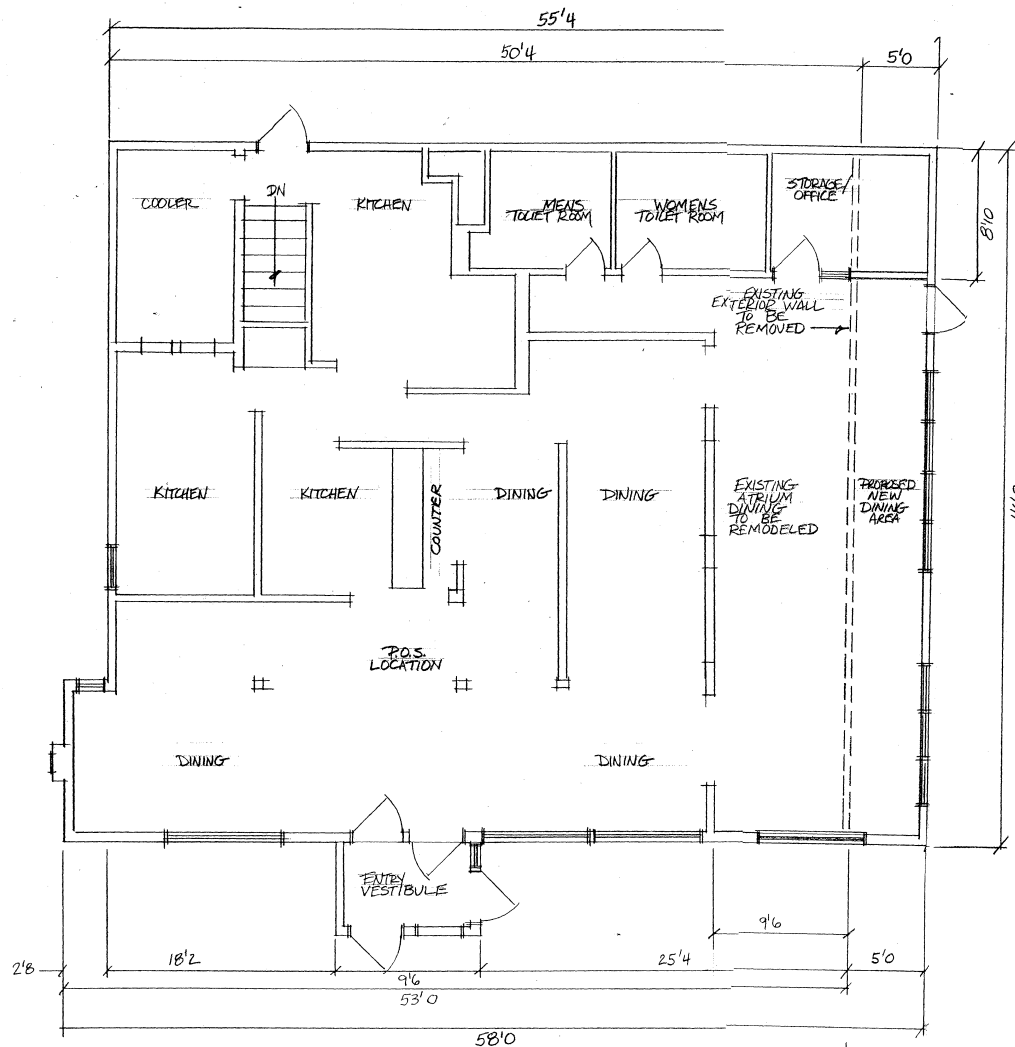
SCALE  
1" = 20'

JDM









### REMODELED ATRIUM AREA

PROPOSED 50' ADDITION TO ALLOW FOR MAXIMUM SEATING  
AREA = 140' WIDE SPACE

REMOVE OLD ATRIUM WINDOWS AND SKYLIGHTS

REMOVE 4" STEEL COLUMNS AND BEAM

NEW WINDOWS APPROX 30" WIDE X 40" TALL

RELOCATE EXIT ONLY DOOR

NEW FINISHES (WALL/CEILING/FLOORS)

\*CONCEPT REQUIRES VARIANCE TO 10'0" EAST SIDELOT REQUIREMENT

EXISTING BUILDING

PROPOSED DINING ADDITION

### PROPOSED DINING ADDITION - EAST SIDE

SUNRISE RESTAURANT

1052 W. MAIN STREET

STOUGHTON, MA.

FIELD MEASURE AND DRAWINGS FOR DMC INC.

DRAWN BY DWM

9/24/2010

SCALE 3/16" = 1'0"

C2

# AccessDane

geographic and land information

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Wednesday, October 27, 2010

Parcel information updated on Wednesday, October 27, 2010 unless otherwise noted.

**Parcel Number - 281/0511-071-0264-4**[Return to Previous Page](#)**Parcel Status:** [Active Parcel](#)[Show Map](#)**Parcel Information**

Municipality	CITY OF STOUGHTON
State Municipality Code	281
Township	05
Township Direction	N
Range	11
Range Direction	E
Section	07
Quarter	NE
Quarter-Quarter	NE
Plat Name	EMERSON PARK, REPLAT OF BLOCK 2
Lot/Outlot/Unit	LOT 3
Block/Building	3

**Assessment Information**

Assessment Year	2010	2009
Valuation Classification	<u>G2</u>	<u>G2</u>
Assessment Acres	0.372	0.372
Land Value	\$84,300.00	\$84,300.00
Improved Value	\$241,700.00	\$241,700.00
Total Value	\$326,000.00	\$326,000.00
Valuation Date	03/24/2010	04/22/2009

[About Annual Assessments](#)**Zoning Information**

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

**Owner Name and Address**

Owner Status	CURRENT OWNER
Name	VLORA LLC
Property Address	1052 W MAIN ST
City State Zip	STOUGHTON, WI 53589
Country	USA

**Parcel Address**

Primary Address  1052 W MAIN ST

**Billing Address**

Attention	
Street	1052 W MAIN ST
City State Zip	STOUGHTON, WI 53589
Country	USA

**2009 Tax Values**

Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$84,300.00 /	0.9808	\$85,951.00
Improvement	\$241,700.00 /	0.9808	\$246,432.00
Total	\$326,000.00 /	0.9808	\$332,382.00

2009 Taxes:	\$6,130.49
2009 Lottery Credit(-):	\$0.00
2009 First Dollar Credit(-):	\$61.74
2009 Specials(+):	\$0.00
2009 Amount:	\$6,068.75

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

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

**Tax Property Description**

For a complete legal description, see the recorded documents  
 REPLAT OF BLOCK 2 EMERSON PARK BLOCK 3 LOT 3 & PRT LOT 4  
 & TH PRT LOTS 5 & 6 LYG N OF USH 51 & PRT VAC PARK AVE  
 DESCR AS BEG INTERSECTION OF NLY LN USH 51 WITH E LN LOT  
 3 TH N0DEG15'10"W ALG SD E LN 224.12 FT TH S87DEG02'00"W  
 116.75 FT TH S2DEG28'40"E 137.20 FT TH S26DEG47'W 39.49 FT TO  
 NLY LN USH 51 TH ALG ARC OF CURVE RAD 1096 FT L/C  
 S70DEG32'41"E 137.35 FT TO POB SUBJ TO & TOG W/ESMT IN DOC  
 #2780298

**Recorded Documents**

Doc.Type	Date Recorded	Doc. Number	Volume	Page
WD	10/19/2004	3980689		

[Document Types and their Abbreviations](#)

## PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, November 22, 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 to expand the building at Sunrise Family Restaurant, 1052 W. Main Street, Stoughton, Wisconsin by Mike Ashiky, owner. The owner is requesting approval to construct an addition to expand the dining area. The property at 1052 W. Main Street, Stoughton, Wisconsin is more fully described as follows:

Parcel Number: 281/0511-071-0264-4

REPLAT OF BLOCK 2 EMERSON PARK BLOCK 3 LOT 3 & PRT LOT 4 & TH PRT LOTS 5 & 6 LYG N OF USH 51 & PRT VAC PARK AVE DESCR AS BEG INTERSECTION OF NLY LN USH 51 WITH E LN LOT 3 TH N0DEG15'10"W ALG SD E LN 224.12 FT TH S87DEG02'00"W 116.75 FT TH S2DEG28'40"E 137.20 FT TH S26DEG47'W 39.49 FT TO NLY LN USH 51 TH ALG ARC OF CURVE RAD 1096 FT L/C S70DEG32'41"E 137.35 FT TO POB SUBJ TO & TOG W/ESMT IN DOC #2780298

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

Michael P Stacey  
Zoning Administrator

Published November 4, 2010 Hub  
Published November 11, 2010 Hub

## **Board of Appeals Meeting Minutes**

**Monday, October 25, 2010 5:00 p.m.**

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

**Members Present:** Al Wollenzien, Chair; Kristin Ott, Vice-Chair; David Erdman, Secretary; Russ Horton; Robert Barnett and Gilbert Lee.

**Members Absent and Excused:** Robert Busch

**Staff:** Michael Stacey, Zoning Administrator.

**Guests:** Mike Ashiky; Rev. David Handt and Dave McKichan.

1. **Call meeting to order.** Wollenzien called the meeting to order at 5:00 pm.
2. **Consider approval of the August 30, 2010 minutes.** Motion by **Erdman** to approve the August 30, 2010 Board of Appeals minutes as presented, 2<sup>nd</sup> by **Ott**. Motion carried 5 – 0. (Wollenzien, Ott, Erdman, Horton and Barnett)
3. **Mike Ashiky (Vlora LLC) owner of Sunrise Family Restaurant, 1052 W. Main Street, Stoughton, Wisconsin, Parcel # 281/0511-071-0264-4, with a legal description of: REPLAT OF BLOCK 2 EMERSON PARK BLOCK 3 LOT 3 & PRT LOT 4 & TH PRT LOTS 5 & 6 LYG N OF USH 51 & PRT VAC PARK AVE DESCR AS BEG INTERSECTION OF NLY LN USH 51 WITH E LN LOT 3 TH N0DEG15'10"W ALG SD E LN 224.12 FT TH S87DEG02'00"W 116.75 FT TH S2DEG28'40"E 137.20 FT TH S26DEG47'W 39.49 FT TO NLY LN USH 51 TH ALG ARC OF CURVE RAD 1096 FT L/C S70DEG32'41"E 137.35 FT TO POB SUBJ TO & TOG W/ESMT IN DOC #2780298, has appealed the requirements of the City of Stoughton zoning ordinance section 78-105(4)(b)8bF, which requires a minimum side yard setback of 10 feet for buildings within the PB - Planned Business District. The owner/applicant requests a variance to allow the existing building at 1052 W. Main Street, Stoughton to be expanded 5 feet to the east which leaves a setback of between 5.3 feet and 7.1 feet.**  
Wollenzien introduced the variance request and opened the public hearing. Dave McKichan, representing the owner, explained the request. Erdman questioned the increase in seating capacity. Mike Ashiky explained he will lose 2 seats but gain 12 to bring the total seating to 104 while the zoning code allows a capacity of 108 for 36 parking stalls. Wollenzien allowed anyone to speak for or against the request. No one registered to speak. Wollenzien read a registration in favor of the request by Rev. David Handt. Zoning Administrator Michael Stacey stated he was contacted by the adjacent property owner, Lee Madden who stated he is in favor of the variance but is concerned about the business keeping the operation on their property and increasing the seating capacity to allow more patrons may cause more parking issues. Stacey stated that since this is a conditional use, if the variance is approved, these issues can be addressed during the conditional use process, which includes notification to all property owners within 300 feet and a public hearing at a Planning Commission meeting.

Stacey provided a staff review of the proposed variance request according to the 3 standards necessary to approve a variance request as follows:

A. Unnecessary Hardship:

Does the ordinance in place today unreasonably prevent the landowner from using the property for a permitted purpose or are the standards unnecessarily burdensome?

In this case, it could be argued that this type of commercial development is more suited to a Planned Development zoning classification, where the setbacks are not set by ordinance rather a plan is provided by an applicant and the Planning Commission and Common Council review the plan and decide what the setbacks should be. Ideally, a planned development could work in this location if all adjacent properties were included so the properties could be reviewed as a whole for traffic, parking, landscaping etc...

B. Unique Property Limitation:

Are there any unique property limitations such as the shape, slope or size? The limitations should not be common to a number of properties and the circumstances of the individual are not justification.

The lot is flat, rectangular and the size is in compliance with today's standards. The lot is unique in that traffic for adjacent uses moves all around the building except for the parking area, so there really is no side or rear yard as compared to most standard development.

C. Protection of Public Interest.

What are the potential negative impacts of the request such as environmental, aesthetics, safety, etc...?

Increased capacity may impact adjacent properties if parking becomes an issue.

What are the potential positive impacts of the request related to the environment, aesthetics, safety, etc...?

Building aesthetics will be improved and providing better accommodations for all patrons including handicapped individuals.

Alternative solutions.

Are there any alternative solutions to the request that would meet the requirements of the ordinance?

There really are no good alternatives that will allow the applicant to maintain the required parking stalls.

Recommendations.

If the board does opt to approve the variance, staff recommends approving with the condition that a conditional use permit be approved by the Common Council for the addition and to waive any landscaping requirements that would be required as part of the addition.

Motion by **Barnett** to approve the variance request contingent on a conditional use permit approved by the Common Council and that any landscaping requirements for the addition be waived, 2<sup>nd</sup> by **Erdman**. Motion carried 5 – 0 on role (Wollenzien, Ott, Erdman, Horton and Barnett)

The next step is to apply for a conditional use permit.

**4. Adjournment.** Motion by **Erdman** to adjourn at 5:20 pm, 2nd by **Ott**. Motion carried 5 - 0

Respectfully Submitted,

Michael Stacey



CITY OF STOUGHTON  
DEPARTMENT OF PLANNING & DEVELOPMENT  
381 East Main Street, Stoughton, WI. 53589  
[www.cityofstoughton.com/planning](http://www.cityofstoughton.com/planning)

RODNEY J. SCHEEL  
DIRECTOR  
(608) 873-6619  
fax: (608) 873-5519

November 1, 2010

Sunrise Family Restaurant  
Mike Ashiky  
1052 W. Main Street  
Stoughton, WI. 53589

Dear Mr. Ashiky:

I have completed a review of the proposed conditional use request for Sunrise Family Restaurant, Stoughton. Application and site plans received October 27, 2010. This item is scheduled for public hearing at the November 22, 2010 Special Planning Commission meeting of which you will receive notice. You and/or a representative are required to attend the meeting. The following items are identified for your review.

1. The property at 1052 W. Main Street is zoned PB – Planned Business. Per Zoning Code section 78-206 (4) (b)2b, Indoor Commercial land uses such as restaurants are permitted as a conditional use within the Planned Business district. The Planning Commission will conduct a public hearing and review your request for a conditional use permit to expand the building/use. The Commission will offer a recommendation to the City Council. The City Council could make their decision as early as November 23, 2010.
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 Council may place conditions on the use related to screening; lighting; parking requirements, etc...**
3. The proposed addition is setback 5 feet from the east side lot line. The side yard setback requirement is 10 feet. A variance was recently granted by the Board of Appeals on October 25, 2010 to allow the building addition to be 5 feet from the east lot line with the condition that the Common Council approve a conditional use permit and that all landscaping requirements for the additions be waived. The minutes from the Board of Appeals meeting will be provided to the Planning Commission and Common Council.



November 16, 2010

4. 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.
  - 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. Pictures of the property will be provided for the Planning meeting.**
5. As discussed with your contractor Dave McKichan, the intent is to install signage to attempt to control customer parking for the restaurant. Additionally, a planting area is planned for east of the proposed addition which will help eliminate customers parking along the east side of the building.
6. Adjacent property owner, Lee Madden has expressed concern over a grease collection container being stored on his property, north of the Sunrise Family Restaurant property line. This should be moved onto your property.
7. The Comprehensive Plan, planned land use map designates this property as Planned Mixed Use. Restaurants are consistent with this type of use.
8. State approved plans and appropriate City of Stoughton building permits are required before construction.

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. Dave McKichan, 1324 Vernon Street, Stoughton  
Planning Commissioners



















**CITY COUNCIL RESOLUTION NO. R- -2010**

**Resolution Approving a Conditional Use Permit allowing a building addition at Sunrise Family Restaurant, 1052 W. Main Street, Stoughton, Wisconsin.**

**WHEREAS**, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on November 22, 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 request and the City of Stoughton Planning Commission would at that time make a recommendation to the City of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 1052 W. Main Street, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-071-0264-4 - REPLAT OF BLOCK 2 EMERSON PARK BLOCK 3 LOT 3 & PRT LOT 4 & TH PRT LOTS 5 & 6 LYG N OF USH 51 & PRT VAC PARK AVE DESCR AS BEG INTERSECTION OF NLY LN USH 51 WITH E LN LOT 3 TH N0DEG15'10"W ALG SD E LN 224.12 FT TH S87DEG02'00"W 116.75 FT TH S2DEG28'40"E 137.20 FT TH S26DEG47"W 39.49 FT TO NLY LN USH 51 TH ALG ARC OF CURVE RAD 1096 FT L/C S70DEG32'41"E 137.35 FT TO POB SUBJ TO & TOG W/ESMT IN DOC #2780298

**WHEREAS**, the Common Council of the City of Stoughton, Wisconsin, has reviewed the application for a Conditional Use permit by Mike Ashiky, owner of Sunrise Family Restaurant, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

**WHEREAS**, an Indoor Commercial Entertainment use such as a Restaurant at 1052 W. Main Street is consistent with the Comprehensive Plan.

**THEREFORE BE IT RESOLVED**, that the City of Stoughton Common Council approves the conditional use permit for Sunrise Family Restaurant, 1052 W. Main Street, Stoughton, Wisconsin, to allow an addition to the building, 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.

---

Donna L. Olson, Mayor

---

Pili Hougan, Deputy Clerk

## **CERTIFICATION**

I, Pili Hougan, Deputy 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.

\_\_\_\_\_, Deputy Clerk

## 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: B&G Foods, Inc.

Conditional Use Requested: Shelter built outside for smoking area

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

Pre-submittal staff meeting scheduled

Date of Meeting: 10/27/10 Time of Meeting: 1:30 pm Date:      By: mps

Follow-up staff meeting scheduled if necessary

Date of Meeting:      Time of Meeting:      Date:      By:      N/A

Application form filed with Zoning Administrator Date: 10/27/10 By: mps

Application fee of \$ 375 received by Zoning Administrator Date:      By:     

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

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

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

*Final Application (1 copy to Zoning Administrator)* Date: 10/27/10 By: mps

#### X (a) A map of the proposed conditional use:

X Showing all lands for which the zoning is proposed to be amended.

X Showing all other lands within 300 feet of the boundaries of the subject property.

X 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).

X Map and all its parts are clearly reproducible with a photocopier.

X Map size of 11" by 17" and map scale not less than one inch equals 100 ft.

X All lot dimensions of the subject property provided.

X Graphic scale and north arrow provided.

- X (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.
- X (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
- X (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.

X (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?

The proposed shelter area for smokers is not in opposition to any current use ordinances in effect in the city of Stoughton at this time, to our knowledge.

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?

The proposed smoking shelter area is on an existing concrete pad at the facility and is in harmony With all current city of Stoughton plans and Zoning Ordinances.

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?

The Smoking area shelter does not have any adverse effect on surrounding property, the neighborhood, the environment, traffic in the area, parking, public improvements, public property or right of ways, or any other matters affecting public health, safety, or general welfare as the currently exist or as they may exist in the future.

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 use of this area will have no environmental impact on the area around it. The area being considered is located in an area between two existing sections of our building.

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 area under consideration will have no impact on municipal services.

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?

There are no adverse impacts in the proposed addition.

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

Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator Date: 10/27 By: MPS

Notified Neighboring Property Owners (within 300 feet) Date: 11/4 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet) Date: 11/4 By: MPS

Class 2 legal notice sent to official newspaper by City Clerk Date: 10/28 By: MPS

Class 2 legal notice published on 11/4/10 and 11/11/10 By: MPS

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

**Written justification for the proposed conditional use:**

The State of Wisconsin has passed legislation that prohibits smoking in all public places. We have long had a separate smoking building on the property so that all smokers would not be inside the facility smoking. The smoking shelter was outside of the main building and afforded the users an area that was sheltered from the elements. The smoking shelter also meant that those in the facility who do not smoke were not subject to any second hand smoke.

The new State of Wisconsin legislation also states that a smoking area cannot have two substantial walls to be in compliance. Since passage of this legislation we closed and locked our smoking building and all smokers have been smoking outside in the elements, while we put together quotes and proposals for a new structure that would comply with the legislation.

This proposal will address the concerns with the legislation by having the sides open and only one substantial wall with a canopy roof over the top. The structure will be 3' away from the existing outside walls of our factory. The wall on the north side will be a solid panel wall, which will protect the area from some of the winter weather, blowing winds, driving rains and public traffic along the sidewalk. The canopy over the top will also protect employees from rain and snow issues even though the sides are open. The area will be lighted at night as we are a 24 hour operating factory.

Gary Schumacher



Plant Manager

B&G Foods, Inc.

430 Industrial Circle

Stoughton, WI 53589

Phone: 608-877-3101

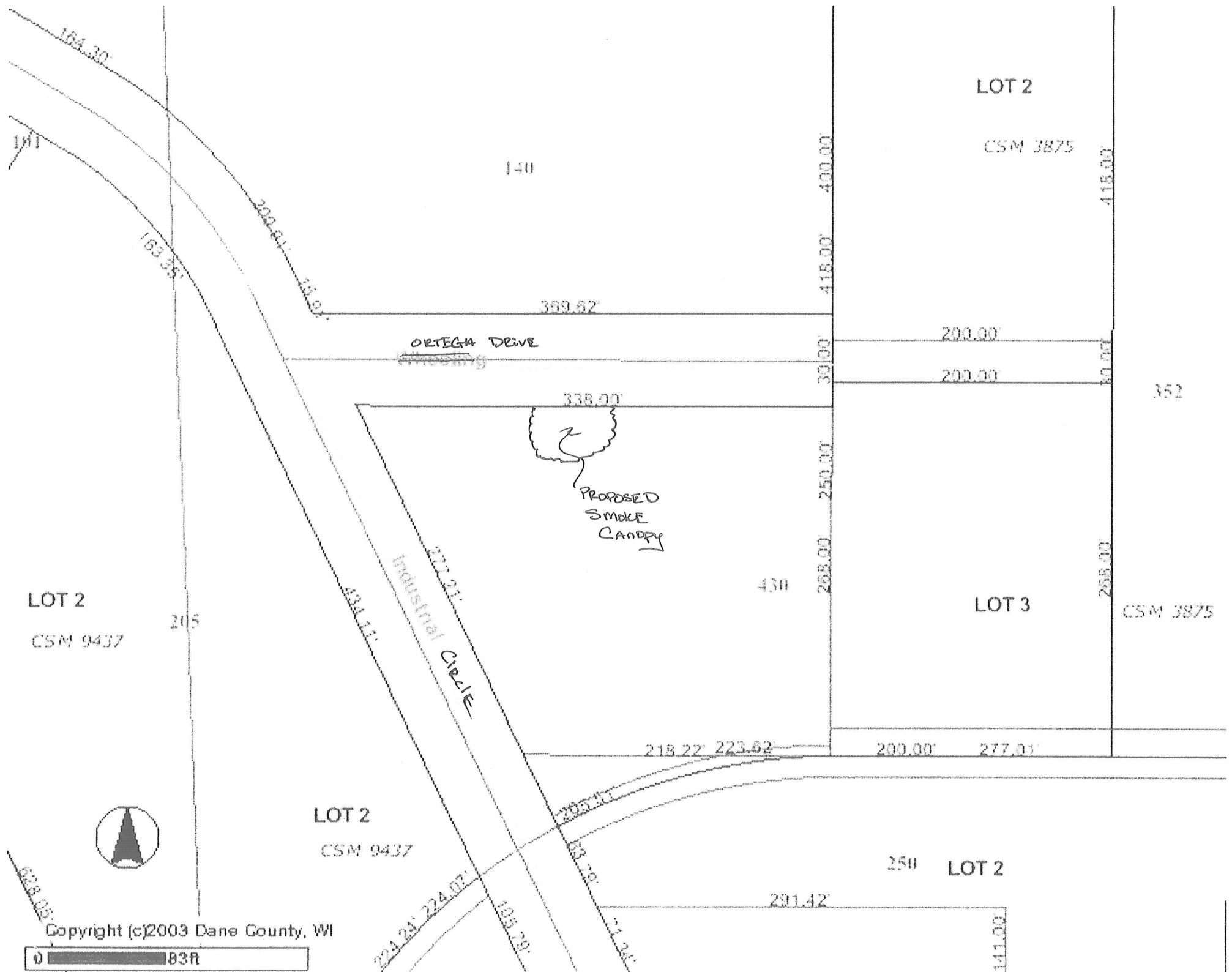
### **Written description of proposed conditional use.**

The proposed use for this building addition is to provide a space for the company employees who smoke. The proposed area will meet the guidelines of the new legislation passed in Wisconsin that prohibits smoking in a public place.

The smoking area will be a canopy section with one substantial wall, a railing along one side (for safety reasons) and will have lighting provided for use at night as we are a factory that operates 24 hours a day.

The smoking area will not be attached to the existing building. It will be set 3' off the walls of the existing building on three sides and have a solid wall along the sidewalk or north side of the structure. It will be accessed through a new door from the employee entrance area through a hallway and into the outside structure.





SCALE: 1/16" = 1'



Ortega Drive

Industrial Circle

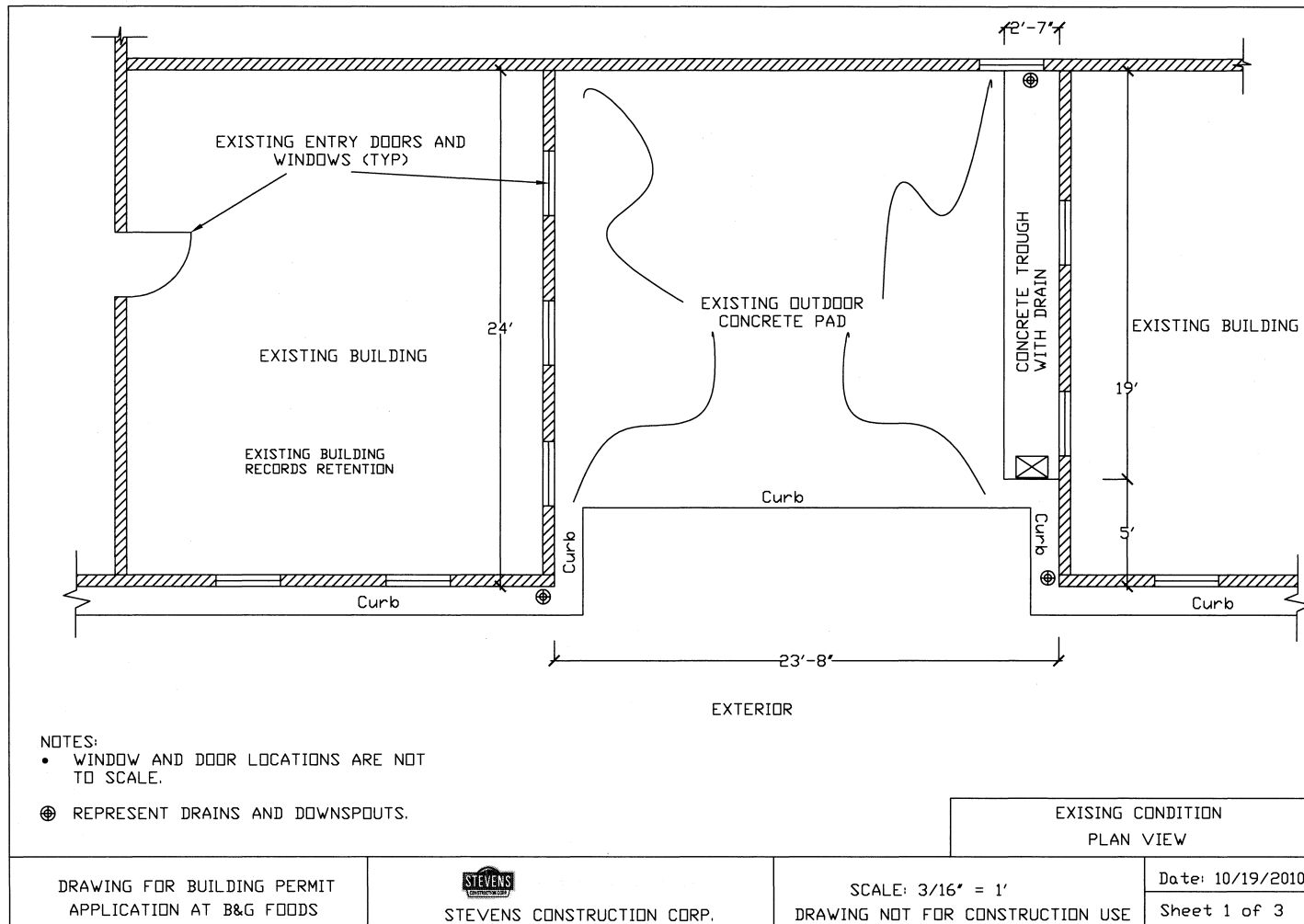
35'-7"

RECORDS RETENTION  
ROOM

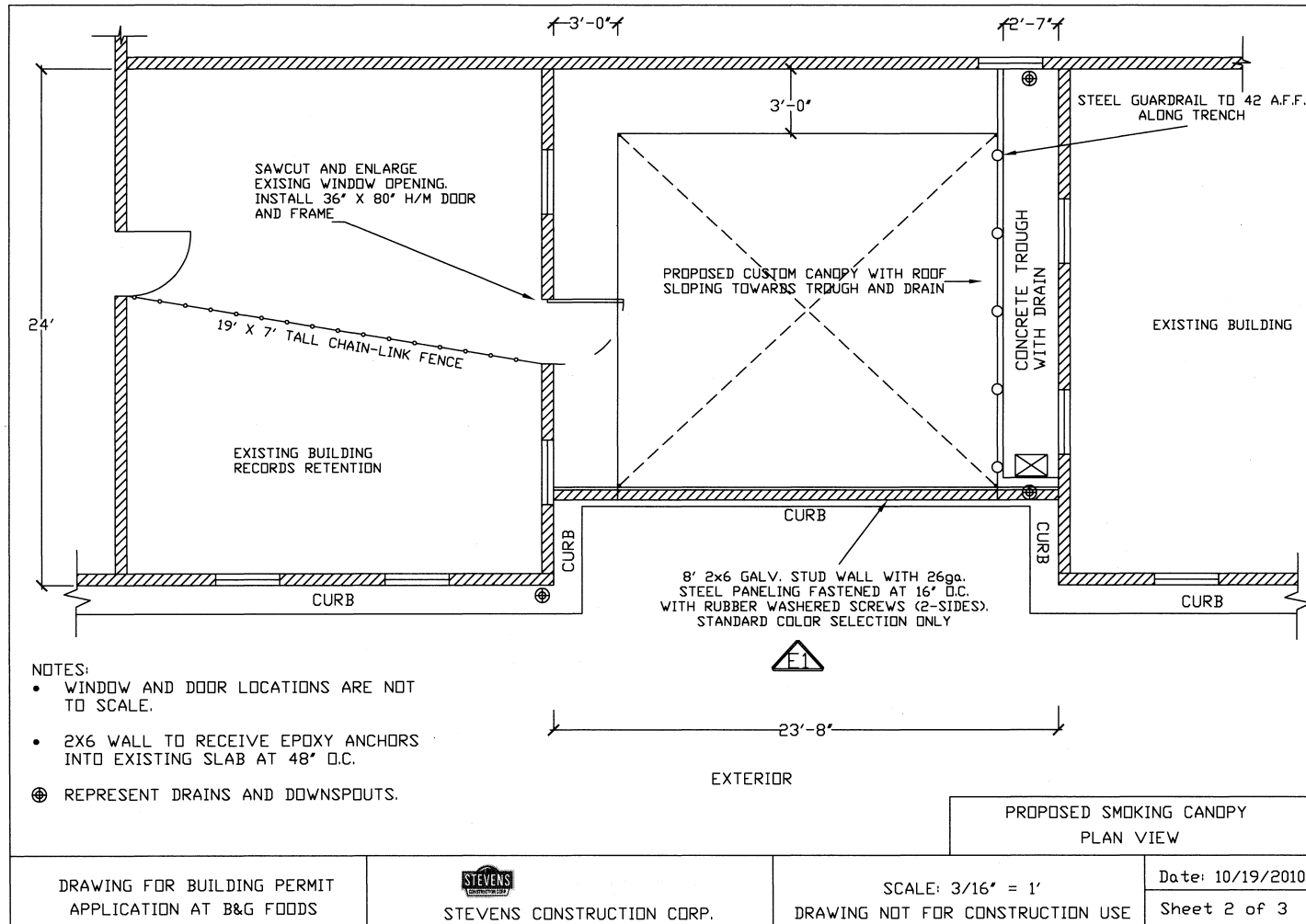
LOCKERS

430

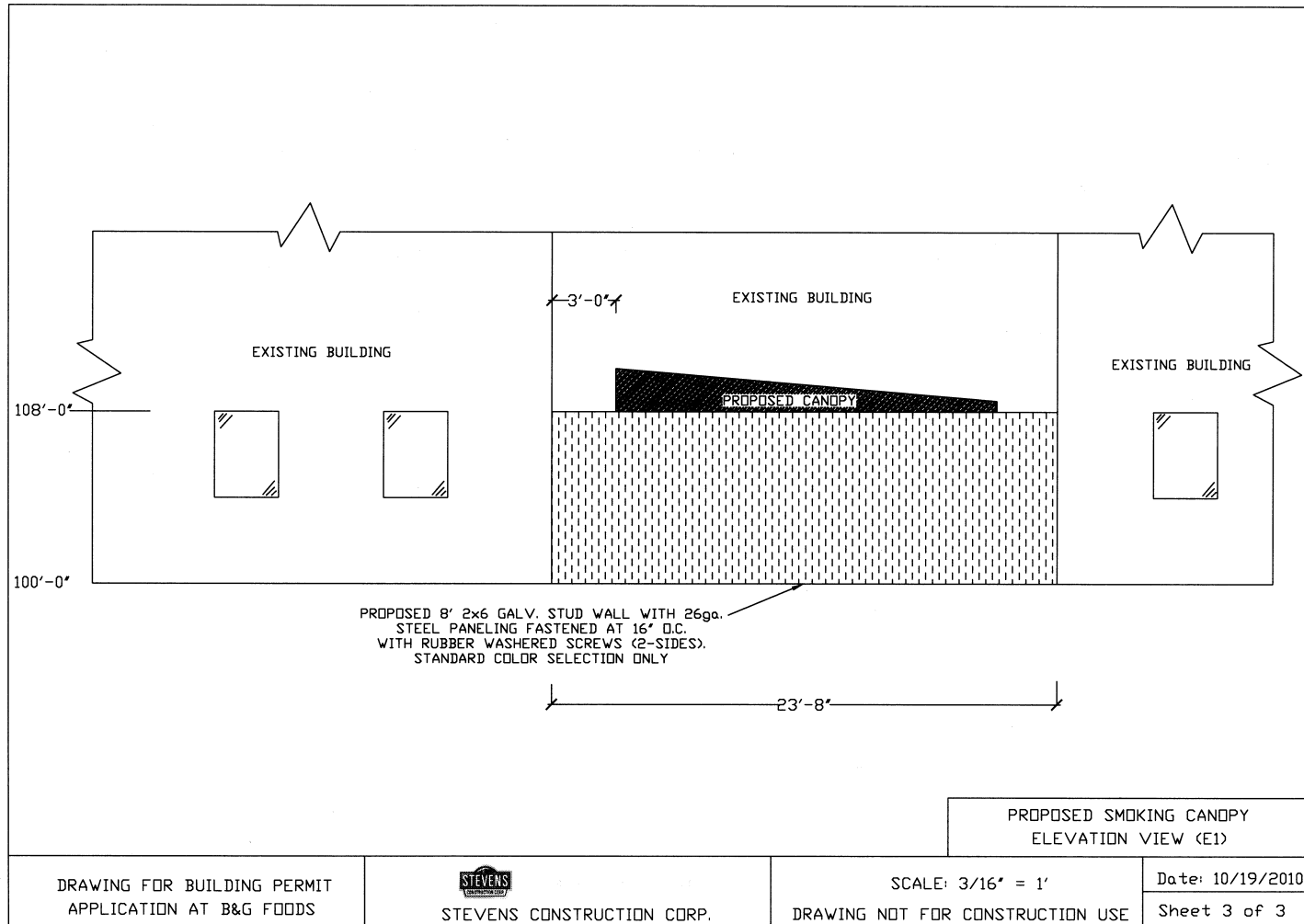
PROPOSED SMOKING  
CANOPY



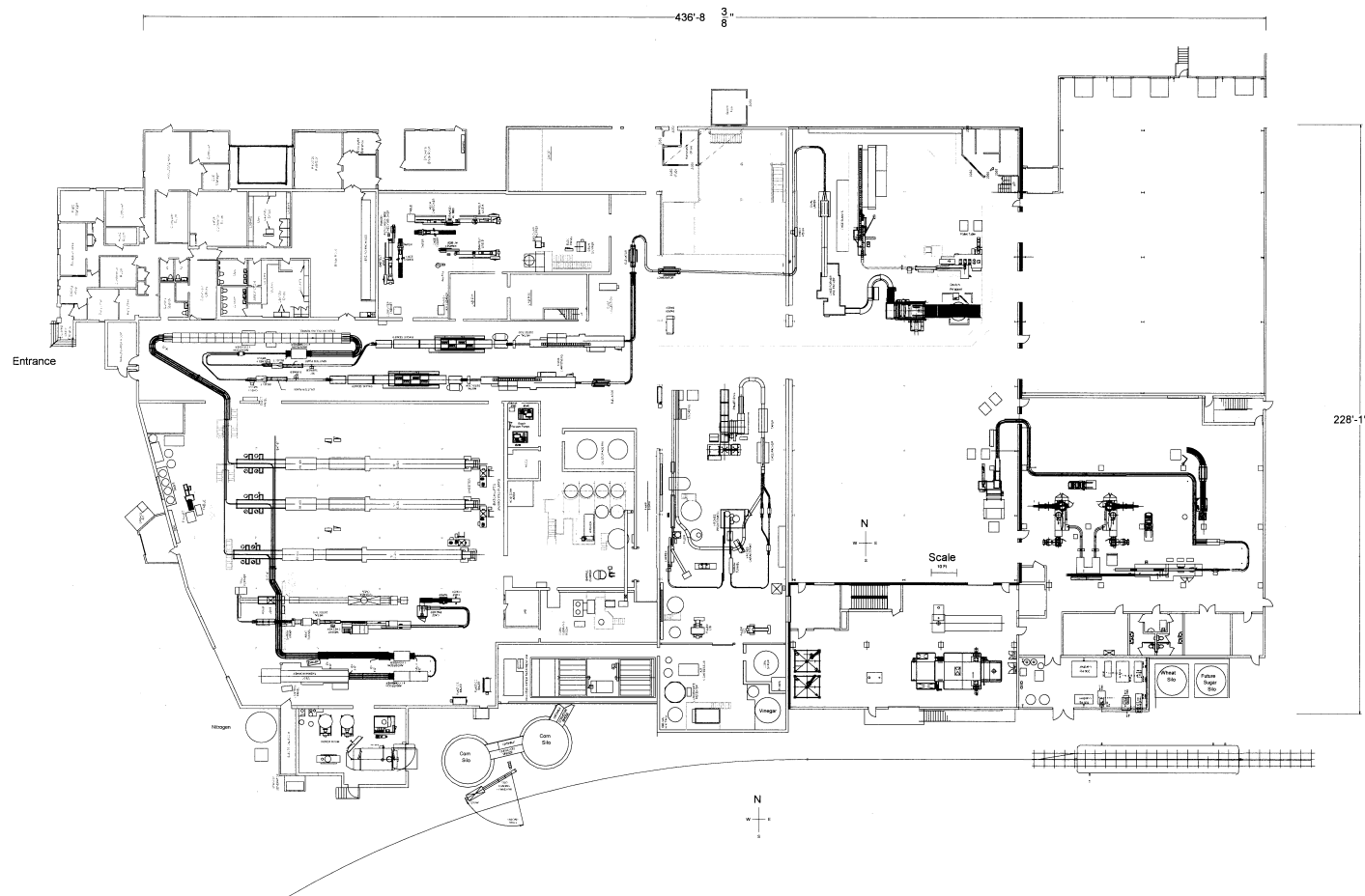
North  
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North  
↓



North  
↓





## Specifications

Description:	Vinyl laminated on a weft insertion scrim base of high tenacity filament polyester.
Weight:	17 oz. per lineal yard
Width:	62 inches / 157.48 centimeters
Surface:	Top surface treated with Rain Kleen® for color retention and prolonged fabric life.
Transparency:	Some light color shades offer good illumination.
Abrasion Resistance:	Excellent
Dimensional Stability:	Excellent
Flexibility:	Excellent in both hot and cold environments
Flame Resistance:	Meets California State Fire Marshall Title 19, NFPA-701 ASTM E84-81A Flame Spread Rating Class A (15)
Mildew Resistance:	Excellent
Chemical Resistance:	Excellent
Water Repellency:	Excellent – Water Proof
Oil Resistance:	Excellent
Sewability:	Excellent
Heat Sealability:	Excellent. Can be sealed by hot air weg welder or radio frequency bar type.



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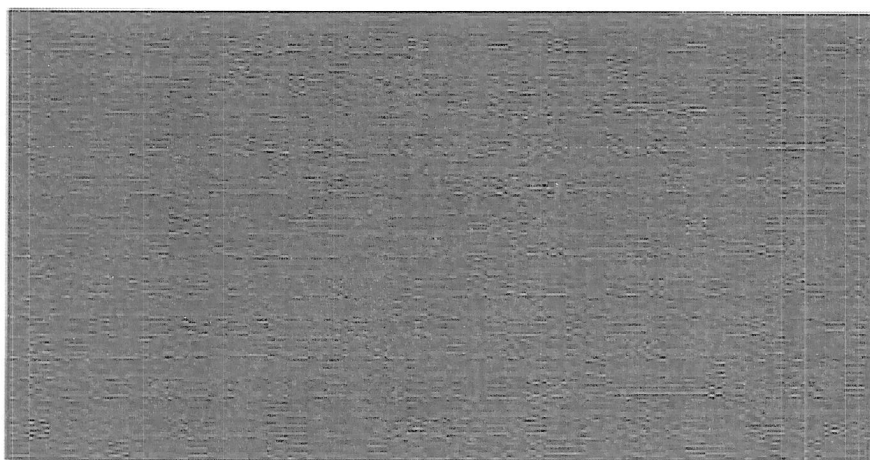
EMAIL: [customercare@herculite.com](mailto:customercare@herculite.com)



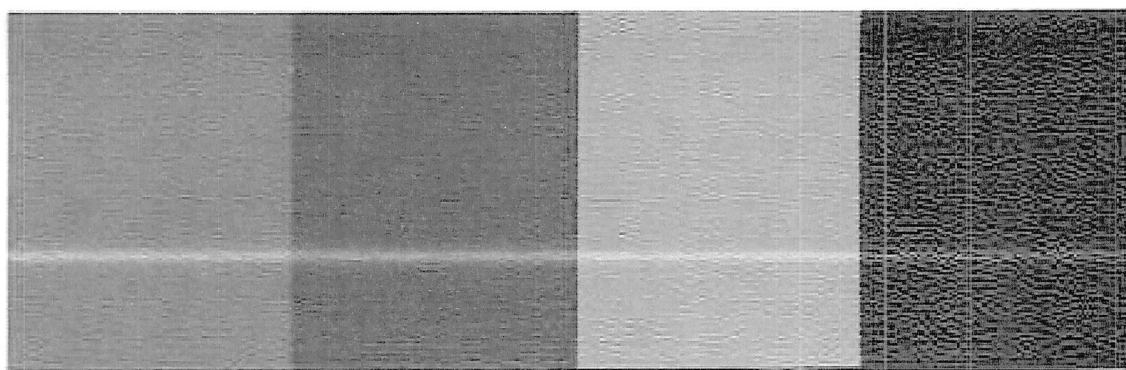
# Architectural Awning Fabric

Weblon®

## VANGUARD®



2004 Colonial Blue  
10000



2001 Ocean Blue  
10000

2002 Deep Sea Blue  
10000

2003 Distressed  
10000

2005 Black  
10000

- Width: 62' / 1.87 meters
- 17 oz. per sq. yd.
- Superior outdoor pigments ensure prolonged color retention and ultraviolet protection.  
stays flexible after extended outdoor use
- Extreme strength and dimensional stability
- Flame Resistant: meets requirements of California State Fire Marshal
- Waterproof, mildew, dirt and stain resistant
- Double surface treatment of Rain Kleen® vinyl compatible acrylic eases maintenance and enhances fabric life and flexibility
- Easy handling; readily fabricated by standard or electronic welding procedures
- Accepts most forms of graphics
- Reinforcing polyester fabric is wick resistant
- 8 year manufacturer's limited warranty

1,000 - denier ; 10 mil Vinyl PAD



## PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, November 22, 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 to expand the building at B & G Foods, Inc., 430 Industrial Circle, Stoughton, Wisconsin by Mitch Gilbertson of Stevens Construction Corp. The owner is requesting approval to construct an addition to expand the building to allow employees to smoke outdoors in a sheltered area according to State of Wisconsin requirements. The property at 430 Industrial Circle, Stoughton, Wisconsin is more fully described as follows:

Parcel Number: 281/0511-051-9165-0

SEC 5-5-11 PRT SW1/4NE1/4 COM SEC N1/4 COR TH S1DEGE 1253.8 FT TH S89DEGW 44.99 FT TH S31DEGW 175.9 FT TH S58DEGE 269.07 FT TH S25DEGE 193.86 FT TO POB TH E 338 FT TH N 18 FT TH E 200 FT TH S 268 FT TH W 194.38 FT TH ALG CRV TO L CL RR SPUR RAD 410.3 FT LC S75DEGW 205.51 FT TH N25DEGW 334.28 FT M/L TO POB (INCLUDES LOT 3 CSM 3875 CS16/79&80 R3390/48&49-2/10/82)

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

Michael P Stacey  
Zoning Administrator

Published November 4, 2010 Hub  
Published November 11, 2010 Hub

# AccessDane

geographic and land information

Public Access System

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Monday, November 15, 2010

Parcel information updated on Monday, November 15, 2010 unless otherwise noted.

**Parcel Number - 281/0511-051-9165-0**[Return to Previous Page](#)**Parcel Status:** Active Parcel[Show Map](#)

## Parcel Information

Municipality	CITY OF STOUGHTON
State Municipality Code	281
Township	05
Township Direction	N
Range	11
Range Direction	E
Section	05
Quarter	NE
Quarter-Quarter	SW
Plat Name	METES AND BOUNDS
Lot/Outlot/Unit	NA
Block/Building	

## Assessment Information

Assessment Year	2010	2009
Valuation Classification	<u>G3</u>	<u>G3</u>
Assessment Acres	2.958	2.958
Land Value	\$92,800.00	\$93,700.00
Improved Value	\$4,712,900.00	\$4,822,500.00
Total Value	\$4,805,700.00	\$4,916,200.00
Valuation Date	11/04/2010	11/11/2009

[About Annual Assessments](#)

## Tax Information

### 2009 Tax Values

Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$93,700.00 /	0.9808	\$95,535.00
Improvement	\$4,822,500.00 /	0.9808	\$4,916,905.00
Total	\$4,916,200.00 /	0.9808	\$5,012,439.00

## Zoning Information

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

## Owner Name and Address



Property owner has requested confidentiality

Owner Status	CURRENT OWNER
Name	O BRAND ACQUISITION CORP
Property Address	4 GATEHALL DR STE
City State Zip	PARSIPPANY, NJ 07054
Country	USA

2009 Taxes:	\$92,450.10
2009 Lottery Credit(-):	\$0.00
2009 First Dollar Credit(-):	\$61.74
2009 Specials(+):	\$0.00
2009 Amount:	\$92,388.36

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

## Parcel Address

Primary Address	430 INDUSTRIAL CIR
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## District Information

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

## Billing Address

Attention	% AMY CHIOVARI, B&G FOODS INC
Street	4 GATEHALL DR STE 110
City State Zip	PARSIPPANY, NJ 07054
Country	USA

## Tax Property Description

For a complete legal description, see the recorded documents  
 SEC 5-5-11 PRT SW1/4NE1/4 COM SEC N1/4 COR TH S1DEGE  
 1253.8 FT TH S89DEGW 44.99 FT TH S31DEGW 175.9 FT TH  
 S58DEGE 269.07 FT TH S25DEGE 193.86 FT TO POB TH E 338 FT  
 TH N 18 FT TH E 200 FT TH S 268 FT TH W 194.38 FT TH ALG CRV  
 TO L CL RR SPUR RAD 410.3 FT LC S75DEGW 205.51 FT TH  
 N25DEGW 334.28 FT M/L TO POB (INCLUDES LOT 3 CSM 3875  
 CS16/79&80 R3390/48&49-2/10/82)

## Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
D	09/03/2003	3802152		

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



CITY OF STOUGHTON  
DEPARTMENT OF PLANNING & DEVELOPMENT  
381 East Main Street, Stoughton, WI. 53589  
[www.cityofstoughton.com/planning](http://www.cityofstoughton.com/planning)

RODNEY J. SCHEEL  
DIRECTOR  
(608) 873-6619  
fax: (608) 873-5519

November 1, 2010

Stevens Construction Corp.  
Mitch Gilbertson  
P.O. Box 7726  
Madison, WI. 53707-7726

Dear Mr. Gilbertson:

I have completed a review of the proposed conditional use request for B & G Foods, Inc., Stoughton. Application and site plans received October 27, 2010. This item is scheduled for public hearing at the November 22, 2010 Planning Commission meeting of which you will receive notice. You and/or the owner or a representative are required to attend the meeting. The following items are identified for your review.

1. The property at 430 Industrial Circle is zoned HI – Heavy Industrial. Per Zoning Code section 78-206 (5) (c)2b, Heavy Industrial uses are permitted as a conditional use within the Heavy Industrial district. The Planning Commission will conduct a public hearing and review your request for a conditional use permit to expand the building/use. The Commission will send a recommendation to the City Council. The City Council could make their decision as early as November 23, 2010.
2. Heavy Industrial is defined in part, as follows: “Heavy industrial land uses are industrial facilities which do not comply with one or more of the following criteria: 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion).”

**The City Common Council may place conditions on the use such as screening; lighting; etc...**

3. We have been informed the proposed addition is setback 23 feet from the front lot line. This meets the front setback requirement of 20 feet for the Heavy Industrial district.
4. The regulations pertaining to Heavy Industrial land uses are as follows:
  - Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space abutting properties which are not zoned Heavy Industrial. **There are no adjacent residential properties.**
  - All outdoor areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over the bufferyard screening elements. **There are no residentially zoned properties within 100 feet of the proposed addition.**

November 16, 2010

5. The Comprehensive Plan planned land use map designates this property as General Industrial. Heavy industrial land uses are consistent with this type of planned land use.
6. If necessary, State approved plans are required and appropriate City of Stoughton building permits before construction.

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. B & G Foods, Inc., Gary Schumacher  
Planning Commissioners



**CITY COUNCIL RESOLUTION NO. R- -2010**

**Resolution Approving a Conditional Use Permit allowing a building addition at B & G Foods, 430 Industrial Circle, Stoughton, Wisconsin.**

**WHEREAS**, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on November 22, 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 request and the City of Stoughton Planning Commission would at that time make a recommendation to the City of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 430 Industrial Circle, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-051-9165-0- SEC 5-5-11 PRT SW1/4NE1/4 COM SEC N1/4 COR TH S1DEGE 1253.8 FT TH S89DEGW 44.99 FT TH S31DEGW 175.9 FT TH S58DEGE 269.07 FT TH S25DEGE 193.86 FT TO POB TH E 338 FT TH N 18 FT TH E 200 FT TH S 268 FT TH W 194.38 FT TH ALG CRV TO L CL RR SPUR RAD 410.3 FT LC S75DEGW 205.51 FT TH N25DEGW 334.28 FT M/L TO POB (INCLUDES LOT 3 CSM 3875 CS16/79&80 R3390/48&49-2/10/82)

**WHEREAS**, the Common Council of the City of Stoughton, Wisconsin, has reviewed the application for a Conditional Use permit by O Brand Acquisition Corp., owner of B & G Foods, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

**WHEREAS**, a Heavy Industrial use at 430 Industrial Circle is consistent with the Comprehensive Plan.

**THEREFORE BE IT RESOLVED**, that the City of Stoughton Common Council approves the conditional use permit for B & G Foods, 430 Industrial Circle, Stoughton, Wisconsin, to allow an addition to the building, 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.

---

Donna L. Olson, Mayor

---

Pili Hougan, Deputy Clerk

## **CERTIFICATION**

I, Pili Hougan, Deputy 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.

\_\_\_\_\_, Deputy Clerk

Nov 22<sup>nd</sup>

## 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: Unicoyl Engineered Products  
Conditional Use Requested: Build Storage Warehouse on South Side of Bldg.

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

Presubmittal staff meeting scheduled

Date of Meeting: 10/29/10 Time of Meeting: 2:00 pm By: MPS

Follow-up staff meeting scheduled if necessary

Date of Meeting: 11/16/10 Time of Meeting: 4:00 pm By: MPS

Application form filed with Zoning Administrator Date: 10/29 By: MPS

Application fee of \$ 395 received by Zoning Administrator Date: 10/29 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: 11/16/10 By: MPS



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

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



- ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property in relation to the City as a whole. N/A
- ☒ (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 N/A
- ☒ (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?

We believe this proposed conditional use request is consistent with the goals & objectives of the comprehensive plan & zoning ordinance. The intent of this request is to provide a storage area for overflow of materials used at our existing plant.

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?

One of the land use goals within the comprehensive plan is to protect and enhance Stoughton's economic independence. Allowing the growth of Uniroyal will create jobs and further the economic independence of the city.

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?

We don't believe the proposed storage warehouse will result in any substantial or undue adverse impact on nearby property, character of the neighborhood, environmental factors, traffic factors, parking, public improvements, or matters affecting public health, safety, or general welfare.

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 the proposed Storage Warehouse to be consistent with the land uses and intensities, and land use impacts of the HI zoned area.

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?

We believe the proposed Storage Warehouse will not pose any undue burden regarding improvements, facilities, utilities, or services provided to the existing 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 of increase employment, community growth and business growth outweigh all potential adverse impacts of our Proposed Storage Warehouse.

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

Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator Date: 10/29 By: mpc

Notified Neighboring Property Owners (within 300 feet) Date: 11/4 By: mps

Notified Neighboring Township Clerks (within 1,000 feet) Date: \_\_\_\_\_ By: \_\_\_\_\_ N/A

Class 2 legal notice sent to official newspaper by City Clerk Date: 10/28 By: mpc

Class 2 legal notice published on 11/4/10 and 11/11/10 By: mpc

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

# AccessDane

geographic and land information

Welcome

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Monday, November 15, 2010

Parcel information updated on Monday, November 15, 2010 unless otherwise noted.

**Parcel Number - 281/0511-082-6001-6**[Return to Previous Page](#)**Parcel Status:** **Active Parcel**[Show Map](#)**Parcel Information**

Municipality	CITY OF STOUGHTON
State Municipality Code	281
Township	05
Township Direction	N
Range	11
Range Direction	E
Section	08
Quarter	NW
Quarter-Quarter	SE
Plat Name	STOUGHTON
Lot/Outlot/Unit	LOT 6
Block/Building	23

**Assessment Information**

Assessment Year	2010	2009
Valuation Classification	<u>G3</u>	<u>G3</u>
Assessment Acres	6.98	6.98
Land Value	\$212,200.00	\$178,400.00
Improved Value	\$1,706,700.00	\$1,809,500.00
Total Value	\$1,918,900.00	\$1,987,900.00
Valuation Date	11/04/2010	11/11/2009

[About Annual Assessments](#)**Tax Information****2009 Tax Values**

Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$178,400.00 /	0.9808	\$181,893.00
Improvement	\$1,809,500.00 /	0.9808	\$1,844,923.00
Total	\$1,987,900.00 /	0.9808	\$2,026,815.00

**2009 Taxes:** **\$37,382.84****2009 Lottery Credit(-):** **\$0.00****2009 First Dollar Credit(-):** **\$61.74****2009 Specials(+):** **\$0.00****2009 Amount:** **\$37,321.10**[Show Tax Information Details](#)[Show Tax Payment History](#)**Zoning Information**

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

**Owner Name and Address**

Owner Status	CURRENT OWNER
Name	UNIROYAL ENGINEERED PRODUCTS LLC
Property Address	209 COCOANUT AVE STE
City State Zip	SARASOTA, FL 34236
Country	USA

**Parcel Address**

Primary Address	501 S WATER ST
-----------------	----------------

**Billing Address**

Attention	
Street	1800 2ND ST STE 970
City State Zip	SARASOTA, FL 34236
Country	USA

**District Information**

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

**Tax Property Description**

For a complete legal description, see the recorded documents ORIGINAL PLAT BLOCK 23 LOTS 6, 7 & 8; S1/2 BLOCKS 26 & 33; ALL BLOCKS 24 & 25; ALL VACATED STREETS WITHIN ABV-DESCR AREA ; BLOCK 26 S1/2 LOTS 1 & 2; VAC W 1.35 FT FOURTH ST ADJ TO BLOCK 33 LOT 8; ALL LANDS LYG S OF BLOCK 25 BETWEEN E & W LNS EXTENDED SLY TO YAHARA RIVER ALSO W 33 FT VAC FOREST ST ADJ TO LOT 1 BLK 26 IN R13809/21

**Recorded Documents**

Doc.Type	Date Recorded	Doc. Number	Volume	Page
DFI	10/24/2003	DFI3713884		
WD	10/21/2003	3830730		

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

## PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, November 22, 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 to expand the use at Uniroyal Engineered Products, 501 Water Street, Stoughton, Wisconsin by Curt Davey, representing Uniroyal. The owner is requesting approval to construct an accessory building; construct an accessory building addition; and expand the parking area. The property at 501 Water Street, Stoughton, Wisconsin is more fully described as follows:

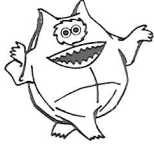
Parcel Number: 281/0511-082-6001-6

ORIGINAL PLAT BLOCK 23 LOTS 6, 7 & 8; S1/2 BLOCKS 26 & 33; ALL BLOCKS 24 & 25; ALL VACATED STREETS WITHIN ABV-DESCR AREA; BLOCK 26 S1/2 LOTS 1 & 2; VAC W 1.35 FT FOURTH ST ADJ TO BLOCK 33 LOT 8; ALL LANDS LYG S OF BLOCK 25 BETWEEN E & W LNS EXTENDED SLY TO YAHARA RIVER ALSO W 33 FT VAC FOREST ST ADJ TO LOT 1 BLK 26 IN R13809/21

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

Michael P Stacey  
Zoning Administrator

Published November 4, 2010 Hub  
Published November 11, 2010 Hub



**NAUGAHYDE**<sup>®</sup>  
BRAND FABRIC



*Recognized for Quality and Customer Service by the National Association of Decorative Fabric Distributors*

November 16, 2010

To Whom It May Concern:

This letter is in response to your request for additional information about the number of parking spots needed for current employees.

We currently employ the following number of people on each shift:

- |  |     |
|--|-----|
| • 1 <sup>st</sup> Shift (7:00am-3:00pm)  | 106 |
| • 2 <sup>nd</sup> Shift (3:00pm-11:00pm) | 58  |
| • 3 <sup>rd</sup> Shift (11:00pm-7:00am) | 38  |

Please recognize that visitors are not included in these numbers. Our corporate employees, located in Sarasota, Florida, are also not included in the count. It is imperative that we have spots available for when they visit.

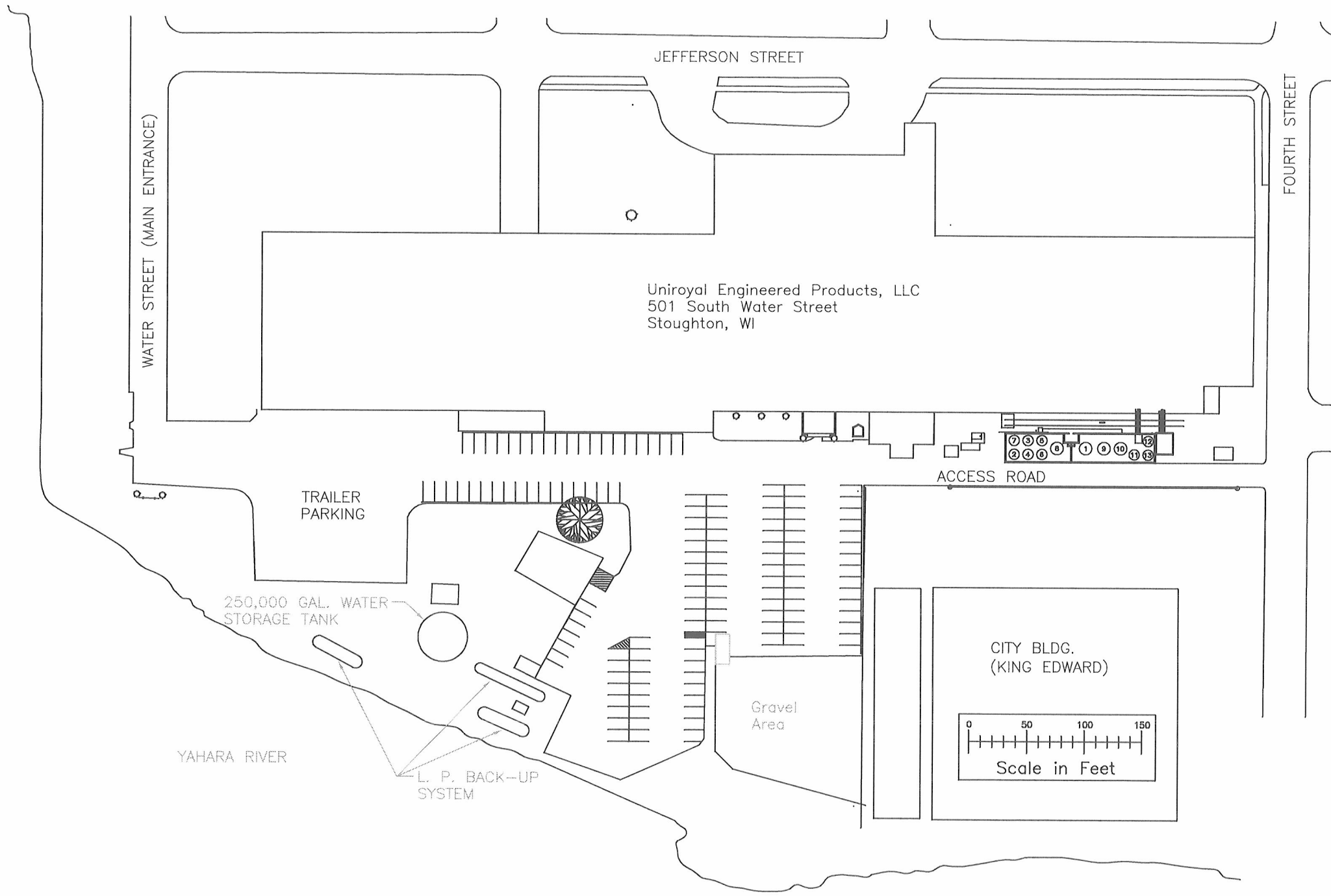
If you have any questions, please contact me at (608) 873-6631 ext. 212 if you have any questions or concerns.

Sincerely,

Rachel Kreif  
Human Resources Generalist



Existing



JEFFERSON STREET

WATER STREET (MAIN ENTRANCE)

FOURTH STREET

Uniroyal Engineered Products, LLC  
501 South Water Street  
Stoughton, WI

ACCESS ROAD

TRAILER  
PARKING

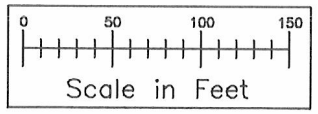
250,000 GAL. WATER  
STORAGE TANK

YAHARA RIVER

L. P. BACK-UP  
SYSTEM

Gravel  
Area

CITY BLDG.  
(KING EDWARD)



WATER STREET (MAIN ENTRANCE)

JEFFERSON STREET

FOURTH STREET

Uniroyal Engineered Products, LLC  
501 South Water Street  
Stoughton, WI

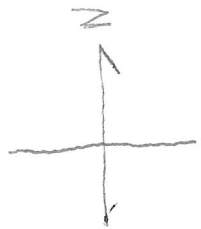
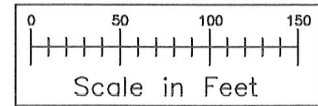
TRAILER  
PARKING

Proposed Roof  
1200 sq ft

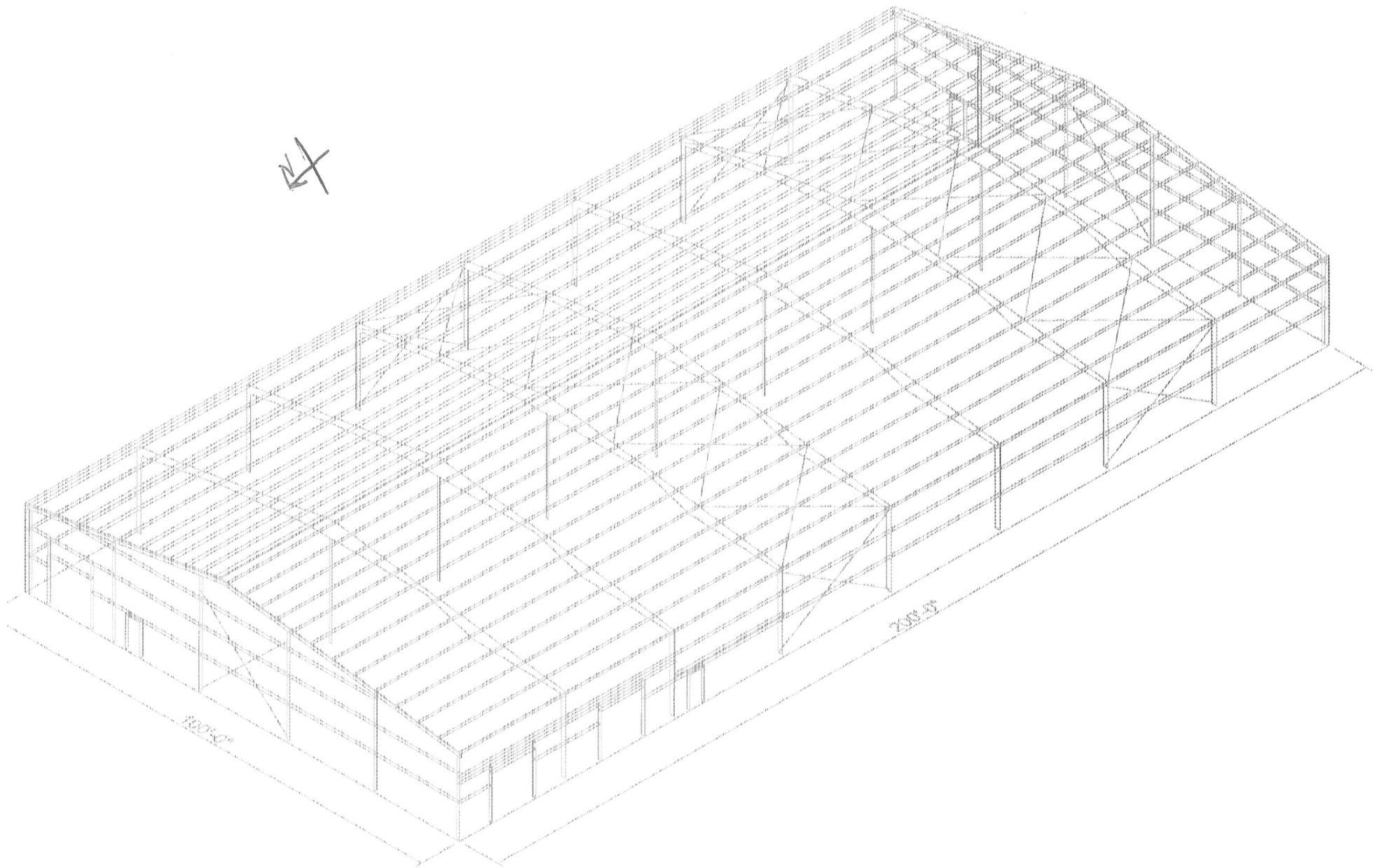
100 ft  
200 ft  
Proposed  
Building  
20,000 sq ft

ACCESS ROAD

CITY BLDG.  
(KING EDWARD)



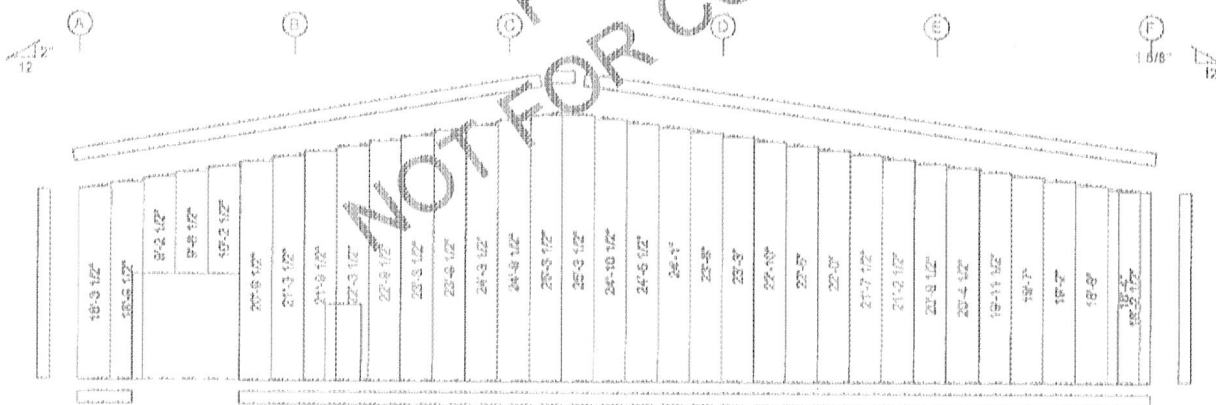
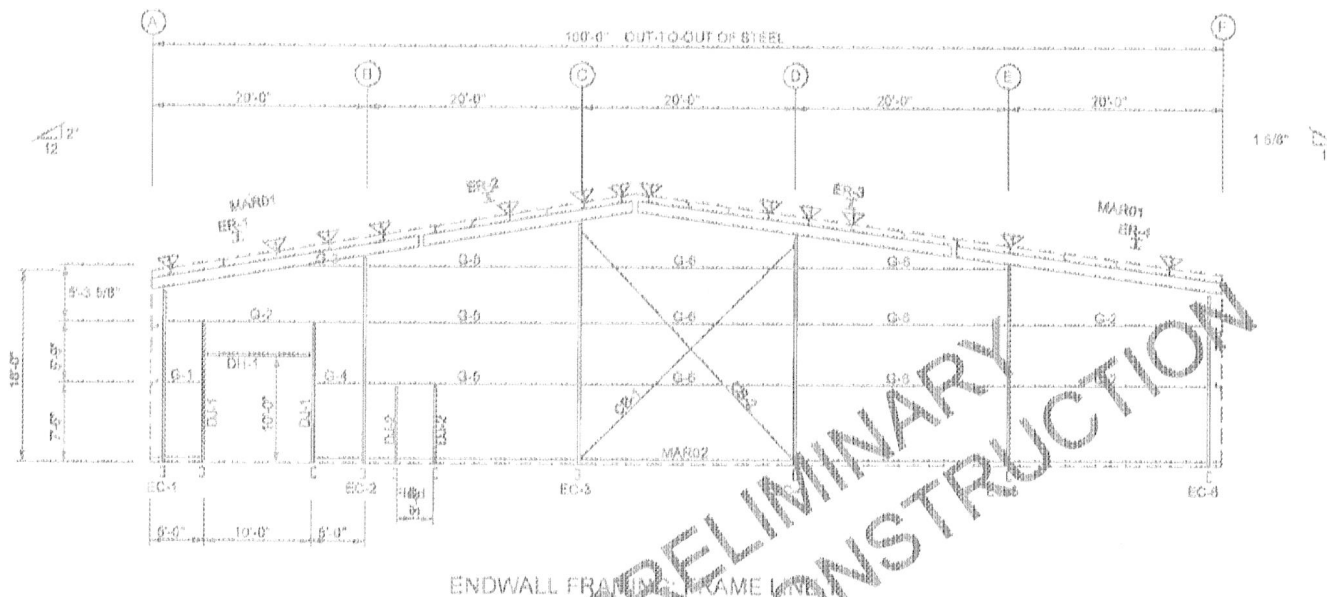




2X

200'0"

100'0"



ENDWALL SHEETING & TRIM FRAME LINE 1

PANELS: 26 GA. CW - Undefined color A

BOLT TABLE				
FRAME LINE 1				
LOCATION	QUAN	TYPE	DIA	LENGTH
ER-2/ER-3	4	A325	1/2"	2"
Column/Ref	6	A325	1/2"	2"

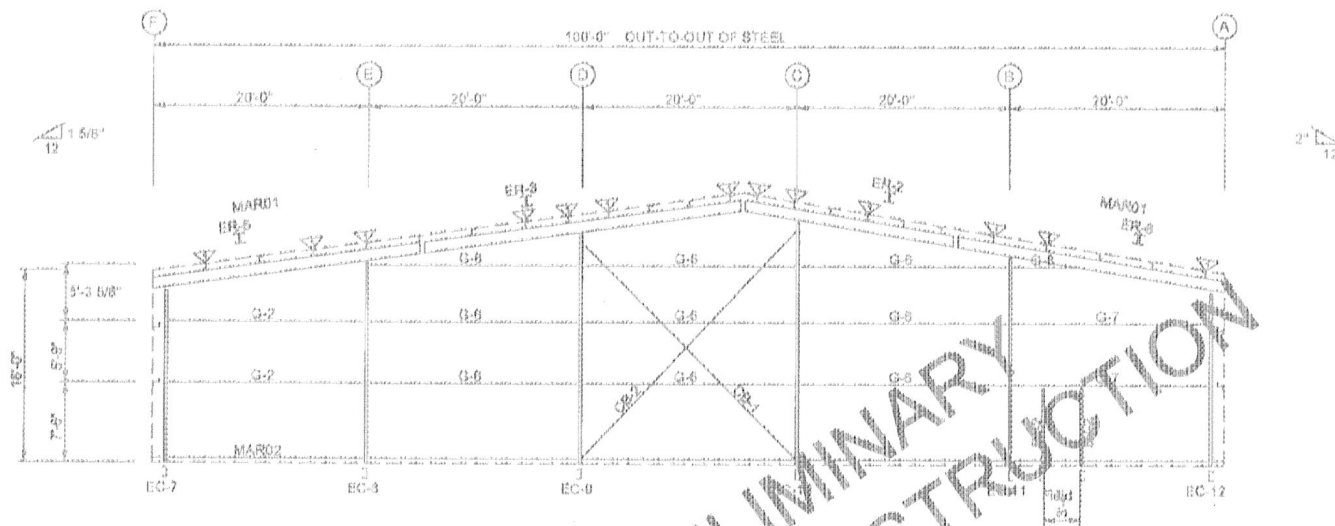
FLANGE BRACE TABLE		
FRAME LINE 1		
VIOL MARK	LENGTH	
11 FBR02	37' 130"	

GIRT LOCATIONS SHOWN ARE  
PRELIMINARY AND SUBJECT TO  
CHANGE BASED ON FINAL DESIGN.

North  
Elevation

Customer Name  
Project Name  
Jobsite Address  
55703



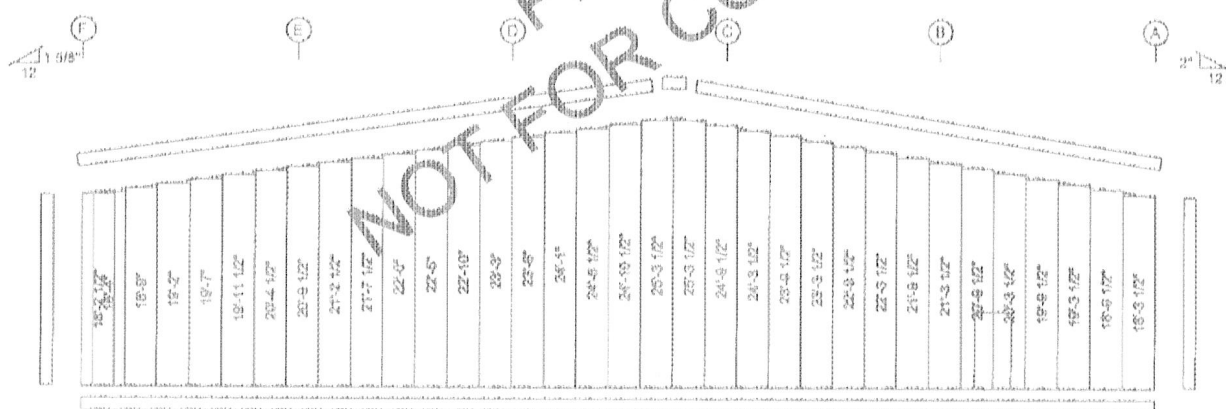


BOLT TABLE				
FRAME LINE	QUAN	TYPE	DIA	LENGTH
ER-2/ER-3	4	A325	1/2"	2"
Column/Ref	6	A325	1/2"	2"

FLANGE BRACE TABLE		
FRAME LINE	VID MARK	LENGTH
1	FB02	37' 130

GIRT LOCATIONS SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.

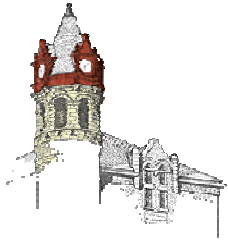


South Elevation

ENDWALL SHEETING & TRIM: FRAME LINE 9  
 PANELS: 26 Ga. CW - Undefined color A

Customer Name
Project Name
Jobsite Address
13701





CITY OF STOUGHTON  
DEPARTMENT OF PLANNING & DEVELOPMENT  
381 East Main Street, Stoughton, WI. 53589  
[www.cityofstoughton.com/planning](http://www.cityofstoughton.com/planning)

RODNEY J. SCHEEL  
DIRECTOR  
(608) 873-6619  
fax: (608) 873-5519

November 9, 2010

Uniroyal Engineered Products  
Curt Davey  
501 Water Street  
Stoughton, WI. 53589

Dear Mr. Davey:

I have completed a review of the proposed conditional use request for Uniroyal Engineered Products, 501 Water Street, Stoughton. (Plans submitted on October 29, 2010). The plans include a new 20,000 square foot accessory structure; a 1,200 square foot roof addition to an existing accessory structure and an expansion of the parking area. As noted, additional information may be required to be provided or shown on the plans. **We will need a site plan showing the existing conditions.**

**Zoning Code Requirements:**

1. The property at 501 S. Water Street is zoned HI – Heavy Industrial. Per Zoning Code section 78-105(5)(c)2b, Heavy Industrial uses of this nature are permitted as a conditional use within the Heavy Industrial district. The Planning Commission will conduct a public hearing and review your request for a conditional use permit on November 22, 2010 of which you will receive notice. You and/or your representatives are required to attend the public hearing. The Commission will offer a recommendation to the Common Council. The Common Council could make their decision as early as November 23, 2010. **The Common Council may include conditions for the use such as screening; landscaping; lighting; etc...**
2. Heavy Industrial is defined in part, as follows: “Heavy industrial land uses are industrial facilities which do not comply with one or more of the following criteria: 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion).”
3. The regulations pertaining to Heavy Industrial land uses are as follows:
  - Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space abutting properties which are not zoned Heavy Industrial. **The property abuts Institutional zoned property to the east (Stoughton Utilities). There are a number of ways to meet this requirement including a combination of fencing and landscaping.**
  - All outdoor areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over the bufferyard screening elements. **There are no residentially zoned properties within 100 feet of this proposal.**
  - Parking requirements: One space per each employee on the largest work shift. **We will need information to verify this requirement is met.**

4. Article VI of the city zoning code requires landscaping for new buildings; and new parking areas as follows:
  - For developed lots - 5 landscaping points per 1,000 square feet of building footprint **(20,000/1,000 x 5 = 100 landscaping points);**
  - For building foundations – 20 landscaping points per 100 feet of building foundation **(600/100 x 20 = 120 landscaping points);**
  - For new paved areas – 40 points per 20 parking stalls or 10,000 square feet of parking area **(we need information to verify this requirement)****A landscaping plan will need to be provided to meet the above requirements.**
5. Article VII of the city zoning code provides the following requirements related to the parking area: “All off-street parking and traffic circulation areas shall be completed prior to building occupancy. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area. Parking stalls shall be marked in a manner which clearly indicates required parking stalls.” **“Parking stalls are required to be 9 feet wide and 18 feet long.” “Parking aisles are required to be 24 feet in width.” The provided plan will meet these requirements.**
6. Article VII of the city zoning code provides the following requirements related to lighting: “Parking and traffic circulation areas serving 6 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 shall not exceed 0.5 footcandles measured at the property lines.” **We will need a photometric plan to meet this requirement for the parking expansion area.**
7. Section 78-707, Exterior lighting standards, requires a maximum average on-site lighting of 2.4 footcandles. **We will need a photometric plan for any new lighting to meet this requirement.**
8. The accessory building and accessory building addition meets the setback and height requirements of the Heavy Industrial district. **A survey will be required to verify the 4-foot side yard setback for the new building.**
9. A stormwater management and erosion control plan, application and fee are required. Dane County Land Conservation, the City’s consultant, will review the plan and perform inspections. **The plan, application and fee shall be submitted to the Department of Planning & Development office at City Hall. We will need information related to the pipe coming from the property to the Yahara River from the area where the new building is proposed.**
10. **State approved plans and appropriate City of Stoughton building permits are required before construction. Depending on your project, this may require you to hire a professional engineer, architect, etc. to design your improvements to meet applicable codes and is subject to applicable local and/or State fees.**

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

● Page 3

cc. Planning Commissioners  
Utilities Director Bob Kardasz (via-email)  
George Sanchez, Uniroyal (via-email)





















**CITY COUNCIL RESOLUTION NO. R- -2010**

**Resolution Approving a Conditional Use Permit allowing a new accessory building to be constructed; an accessory building addition; and parking expansion at Uniroyal Engineered Products, LLC, 501 Water Street, Stoughton, Wisconsin.**

**WHEREAS**, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on November 22, 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 request and the City of Stoughton Planning Commission would at that time make a recommendation to the City of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 501 Water Street, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-082-6001-6- ORIGINAL PLAT BLOCK 23 LOTS 6, 7 & 8; S1/2 BLOCKS 26 & 33; ALL BLOCKS 24 & 25; ALL VACATED STREETS WITHIN ABV-DESCR AREA ; BLOCK 26 S1/2 LOTS 1 & 2; VAC W 1.35 FT FOURTH ST ADJ TO BLOCK 33 LOT 8; ALL LANDS LYG S OF BLOCK 25 BETWEEN E & W LNS EXTENDED SLY TO YAHARA RIVER ALSO W 33 FT VAC FOREST ST ADJ TO LOT 1 BLK 26 IN R13809/21.

WHEREAS, the Common Council of the City of Stoughton, Wisconsin, has reviewed the application for a Conditional Use permit by Uniroyal Engineered Products, LLC., owner of 501 Water Street, Stoughton, Wisconsin, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

**WHEREAS**, a Heavy Industrial use at 501 Water Street is consistent with the Comprehensive Plan.

**THEREFORE BE IT RESOLVED**, that the City of Stoughton Common Council approves the conditional use permit for Uniroyal Engineered Products, LLC, 430 Industrial Circle, Stoughton, Wisconsin, to allow construction of a new accessory building; an accessory building addition and parking lot expansion, 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.

---

Donna L. Olson, Mayor

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Pili Hougan, Deputy Clerk



## **CERTIFICATION**

I, Pili Hougan, Deputy 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.

\_\_\_\_\_, Deputy Clerk

**CITY COUNCIL RESOLUTION NO. R- -2010**

**Resolution Approving a Conditional Use Permit allowing an expansion of the tavern use at Pack R Place, 208 W. Main Street, Stoughton, Wisconsin.**

**WHEREAS**, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on October 4, 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 request and the City of Stoughton Planning Commission would at that time make a recommendation to the City of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 208 W. Main Street, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-082-1446-9 – ORIGINAL PLAT, BLOCK 18, PRT LOT 1, W 23 FT OF E 47 FT OF S 99 FT THF.

**WHEREAS**, the Common Council of the City of Stoughton, Wisconsin, has review the application for a Conditional Use permit by K & K of Stoughton LLC, owner of Pack R Place Bar, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

**WHEREAS**, an Indoor Commercial Entertainment use such as a Tavern at 208 W. Main Street is consistent with the Comprehensive Plan.

**THEREFORE BE IT RESOLVED**, that the City of Stoughton Common Council approves the conditional use permit for Pack R Place, 208 W. Main Street, Stoughton, Wisconsin, to allow an expansion of the Tavern use, with the following conditions:

1. The north exit door must remain closed during the hours of operation, except for entering and exiting.
2. All music shall be banned from the outdoor area.
3. The outdoor area shall be closed at 10:00 pm. No use of the deck (or patio) shall occur after 10:00 p.m.
4. The owner shall install a sign clearly visible at the door leading to the outdoor area stating the above three conditions.

This Resolution is duly adopted by the City Council of the City of Stoughton at a regularly scheduled meeting on October 12, 2010.

---

Donna L. Olson, Mayor

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Pili Hougán, Deputy Clerk

## **CERTIFICATION**

I, Pili Hougán, Deputy 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 October 12, 2010. Motion by Hohol, seconded by Chenoweth, to adopt the Resolution.

Vote: Yes- 9 Noe -3

Resolution Adopted.

\_\_\_\_\_, Deputy Clerk

## **CITY COUNCIL RESOLUTION NO. R- -2010**

### **Resolution Approving a Conditional Use Permit allowing an expansion of the tavern use at Dave's Water's Edge, 324 S. Water Street, Stoughton, Wisconsin.**

**WHEREAS**, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on October 4, 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 of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 324 S. Water Street, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-082-1412-9 – ORIGINAL PLAT, BLOCK 17, LOT 2 EXC. N. 22 FT.

**WHEREAS**, the Common Council of the City of Stoughton, Wisconsin, has review the application for a Conditional Use permit by Dave Atkins, owner of Dave's Water's Edge, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

**WHEREAS**, an Indoor Commercial Entertainment use such as a Tavern at 324 S. Water Street is consistent with the Comprehensive Plan.

**THEREFORE BE IT RESOLVED**, that the City of Stoughton Common Council approves the conditional use permit for Dave's Water's Edge, 324 S. Water Street, Stoughton, Wisconsin, to allow an expansion of the Tavern use, with the following conditions:

1. The west exit door must remain closed during the hours of operation, except for entering and exiting.
2. All music shall be banned from the outdoor area.
3. The outdoor area shall be closed at 10:00 pm. No use of the deck (or patio) shall occur after 10:00 p.m.
4. The owner shall install a sign clearly visible at the door leading to the outdoor area stating the above three conditions.

This Resolution is duly adopted by the City Council of the City of Stoughton at a regularly scheduled meeting on October 12, 2010.

---

Donna L. Olson, Mayor

---

Pili Hougan, Deputy Clerk

## **CERTIFICATION**

I, Pili Hougan, Deputy 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 October 12, 2010. Motion by Hohol, seconded by Chenoweth, to adopt the Resolution.

Vote: Yes-9 Noe-3

Resolution Adopted.

\_\_\_\_\_, Deputy Clerk

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

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

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

2. *Requirements.*

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

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



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

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

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

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

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

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

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

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

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

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

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

Figure 205.1: Large Scale Retail and Commercial Development Requirements

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

Figure 205.2 Large Development Questionnaire

Person filling out this form	
Address	

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

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

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

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



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

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

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

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

Figure 205.3: Economic and Fiscal Impact Analysis Requirements

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

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

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

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

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

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

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