CITY OF STOUGHTON, 207 S. FORREST STREET, STOUGHTON, WISCONSIN

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request by David Baehr for a Commercial Indoor Lodging Use at 210 Water Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council 7 - 0

Fiscal Impact: None.

File Number:	R-133-2021	**Date Introduced:**

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

WHEREAS, on August 9, 2021 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application by David Baehr for a Commercial Indoor Lodging Use at 210 Water Street, Stoughton, Wisconsin; and

WHEREAS, the Zoning Administrator has determined:

- The proposed conditional use (the use in general and at the proposed specific location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton comprehensive Plan, zoning ordinance or any other plan;
- The conditional use in its proposed location and as depicted on the required site plan does not result in a 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 this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city of other government agency having jurisdiction to guide development;
- The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property;
- The proposed conditional use is 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 potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts; and

WHEREAS, the Plan Commission and Common Council determined the proposed conditional use permit will not create undesirable impacts on nearby properties, the environment, nor the community as a whole; now therefore

BE IT RESOLVED, by the City of Stoughton Common Council that the Conditional Use Permit request by David Baehr for a Commercial Indoor Lodging Use at 210 Water Street is hereby approved as presented.

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

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

_____

Tim Swadley, Mayor Date

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

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: August 3, 2021

To: Plan Commission and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the August 9, 2021 Plan Commission Meeting and August 24, 2021 Common Council Meeting

Request by David Baehr for approval of a conditional use to allow a commercial indoor lodging use at 210 Water Street.
This request is to approve a conditional use permit for a new indoor lodging use. The Comprehensive Plan Future Land Use Map depicts this property as Central Business, which is consistent with the proposed use and existing zoning. Notices have been sent to all property owners within 300 feet of the subject property at least 10 days prior to the hearing. A public hearing and recommendation to the Common Council is necessary. The resolution, staff review and application materials are provided.

PUBLIC HEARING NOTICE

The City of Stoughton Plan Commission will hold a Virtual Public Hearing on Monday, August 9, 2021 at 6:00 o'clock p.m., or as soon after as the matter may be heard, to consider a proposed conditional use permit application by David Baehr for a Commercial Indoor Lodging use at 210 Water Street, Stoughton, WI.

The property is more formally described as:
Parcel # 281/0511-082-1421-8
Legal Description: ORIGINAL PLAT BLOCK 18 PRT LOT 1 LYG E OF YAHARA RVR EXC S 132 FT THF
*This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deed.

See additional information at: http://stoughtoncitydocs.com/planning-commission/

You can join the meeting via Zoom or Phone below:
https://zoom.us/j/94076865878?pwd=OW1CUmh4R0xzYmthWHNpL2ozMmtzUT09

Meeting ID: 940 7686 5878
Passcode: 360231

Phone in access: +1 312 626 6799 US
Meeting ID: 940 7686 5878
Passcode: 360231

If you wish to call in and speak at the meeting, please register at:
http://speak.cityofstoughton.com by 5:45 on or before the day of the meeting. Any written comments will be forwarded on to the "Organizer" and Commissioners.

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

Published July 22 and July 29, 2021 Hub

July 5th, 2021

Re: Letter of Intent for the CUP application made by Prairie Construction LLC

To whom it may concern,

Prairie Construction LLC is respectfully requesting the ability to use the main level of the building at 210 S Water Street as a commercial indoor lodging facility. Currently, the main level features a bar area, a room overlooking the river that was previously used as a smoking room, a pool table area and two bathrooms.

The space will convert with a small amount of renovation to a commercial indoor lodging facility. We plan to keep the original bar intact and use it as an island in the kitchen. We will add a shower to one of the bathrooms and the space will be able to accommodate sleeping arrangements for up to eight.

The following construction schedules will apply to the project:
Start date: October 1st, 2021
Occupancy date: December 1st, 2021

The applicable parties are:
Applicant: Prairie Construction LLC
Property Owner: Purple Ocean LLC
Contractor: Prairie Construct Inc.
Architect: Sieger Architects
Landscaper: Prairie Construct Inc.
Business Name: The Baehr Haus on the Yahara River

David and Rachel Baehr have been in the short-term housing space since 2019 and have successful facilities in Butternut, Merrimac and Sun Prairie, WI. In addition, we will be opening a fourth facility in Kaukauna, WI on the Fox River this month. All the facilities are fully furnished with 24-hour support and cleaning staff. Please take a moment to view our website at: https://baehrhaus.com/

We love to highlight the history of our properties and encourage our guests to support local businesses.

The site is .17 acres, and the property features 6,000 above grade square ft.

The proposed conditional use and location works in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan and the Zoning Ordinance.

The Baehr Haus on the Yahara River will offer visitors of Downtown Stoughton a pleasant lodging experience.

The proposed conditional use does not result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed because of the implementation of the provisions and policies of the Comprehensive Plan.

The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The proposed conditional use property is 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.

Thank you for your consideration,

David Baehr

David Baehr

Prairie Construction LLC

Direct: 608-213-6686
Office: 608-834-2613
Fax: 608-834-2620
Email: david@baehrinc.com

130 N Bristol Street
Sun Prairie, WI 53590

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

Applicant Name: Prairie Construction LLC

Applicant Address: 130 N Bristol Street, Sun Prairie, WI 53590

Applicant Phone and Email: 608-213-6686 david@baehrinc.com

Property Owner Name (if different than applicant): Purple Ocean LLC

Property Owner Phone: (608) 630-2205

Subject Property Address: 1405 Laukant St, Reedsburg, WI 53959

This form is designed to be used by the Applicant as a guide to submitting a complete application for a conditional use review *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application. (See conditional use review and approval procedures attached)

I. Record of Administrative Procedures for City Use

Application form filed with Zoning Administrator — Date: 7/6/21

Application fee of $455 received by Zoning Administrator — Date: 7/12/21

II Application Submittal Packet Requirements

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application for staff review at least 30 days prior to a Planning Commission meeting, followed by one revised draft final application packet based upon staff review and comments. The final application materials are required to be submitted at least 2 weeks prior to the Planning Commission meeting.

Initial Packet
(1 electronic 11 x 17 copy of plans to Zoning Administrator) — Date: _____

Final Packet
(1 electronic 11 x 17 copy of plans
and if necessary one large scalable copy of plans to Zoning Administrator) — Date: 7/6/21

(a) A map of the proposed conditional use:

- ☒ Showing all lands under conditional use consideration.
- ☒ All lot dimensions of the subject property provided.
- ☒ Graphic scale and north arrow provided.

(b) 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.

(c) 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)). 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.

(d) 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(5)(c)1.-6, as follows.

III Justification of the Proposed Conditional Use Request.

1. How is the proposed conditional use and 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?

Prairie Construction LLC is respectfully requesting the ability to use the main level of the building at 210 S Water Street as a commercial indoor lodging facility. Currently, the main level features a bar area, a room overlooking the river that was previously used as a smoking room, a pool table area and two bathrooms. The space will convert with a small amount of renovation to a commercial indoor lodging facility. We plan to keep the original bar intact and use it as the island in the kitchen. We will add a shower to one of the bathrooms and the space will be able to accommodate sleeping arrangements for up to eight. The proposed conditional use and location works in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan and the Zoning Ordinance.

2. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 78-905(4)(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 or ordinance adopted?

See attached.

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

See attached.

4. 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?

See attached.

5. 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(5)(c)1-5.), after taking into consideration any proposed options to minimize such impacts?

See attached.

IV. Application Information for City Use

Notified Neighboring Property Owners (within 300 feet) Date: 7/22/21

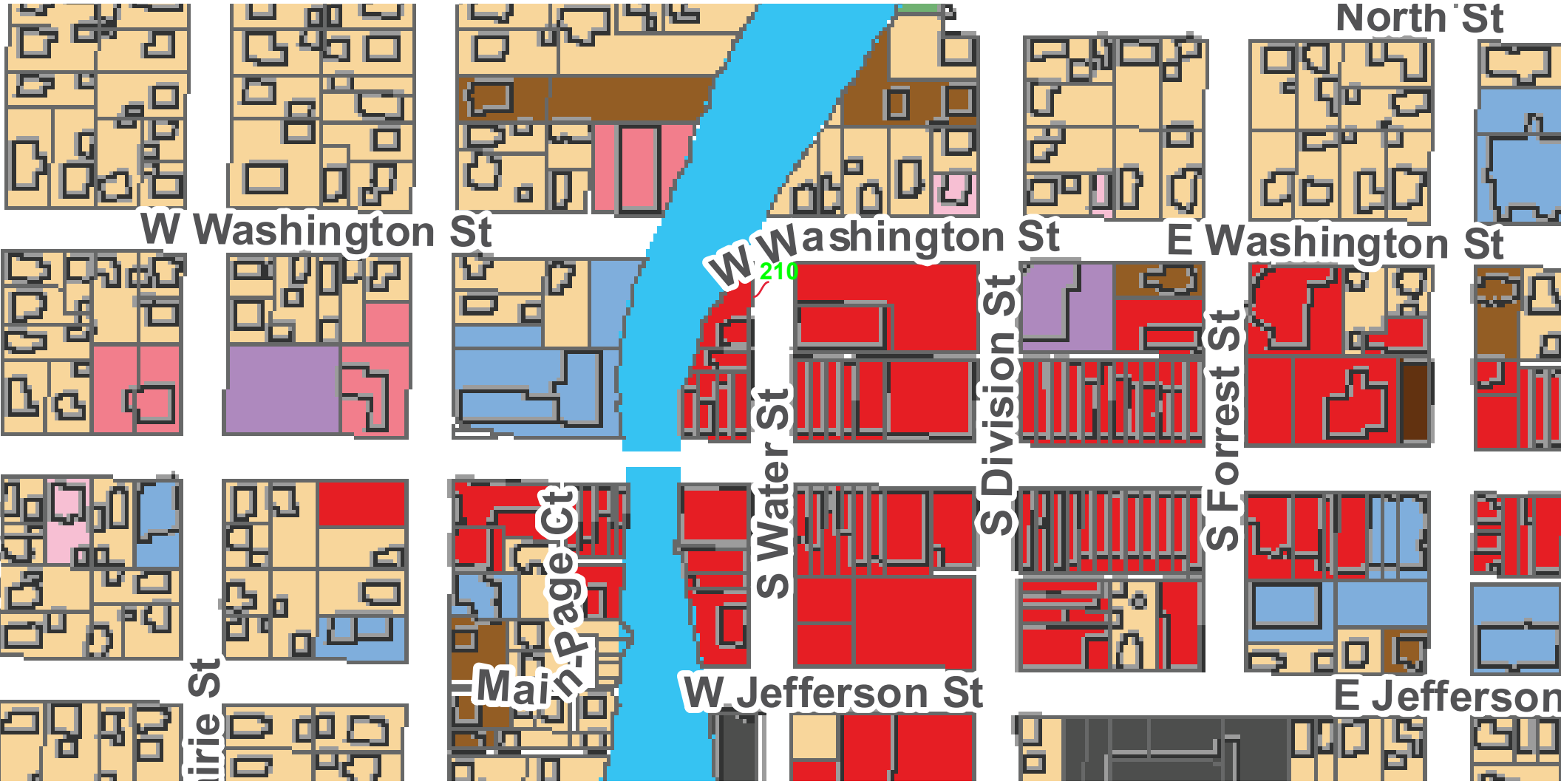
Notified Neighboring Township Clerks (within 1,000 feet) Date: 8/4/21

Class 2 legal notice sent to official newspaper by City Clerk Date: 7/14/21

Class 2 legal notice published on 7/22 and 7/29 Date: 2021

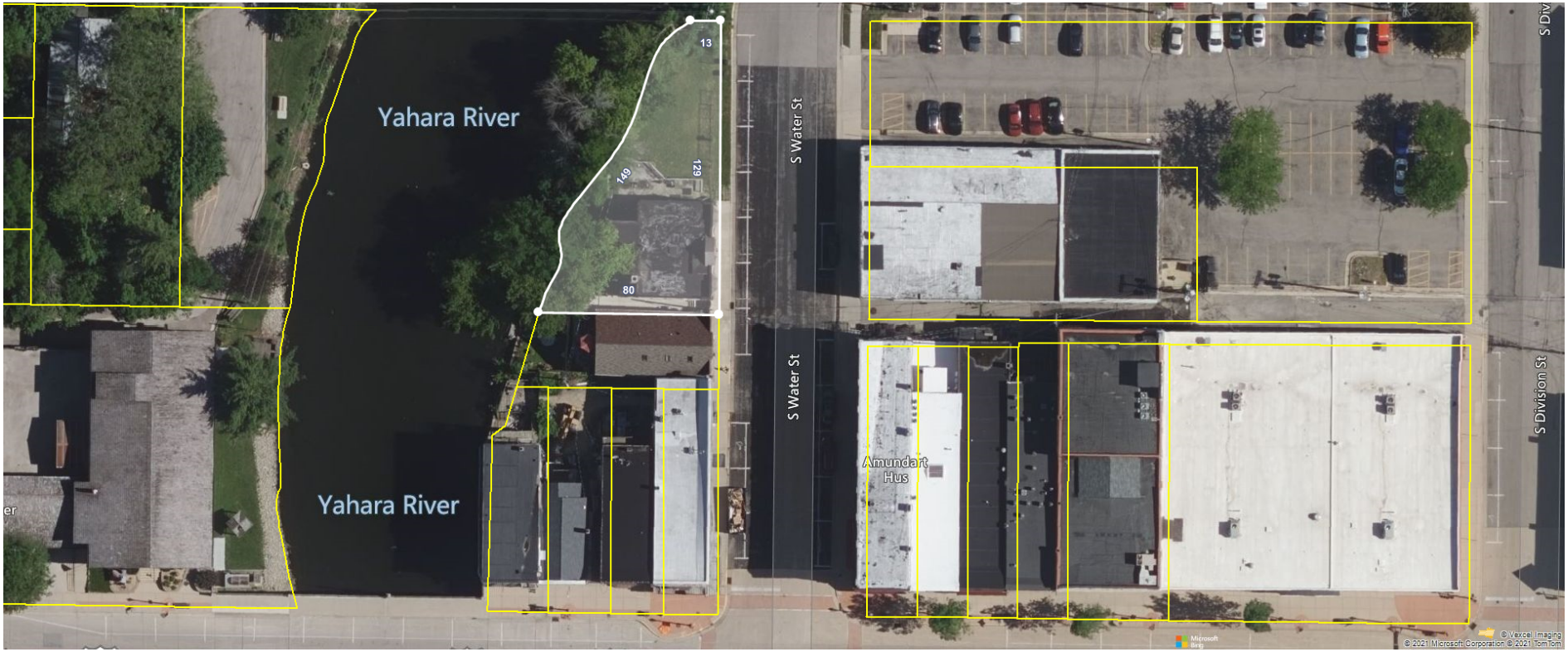
Conditional Use recorded with the County Register of Deeds Office after approval ☐

ZONING MAP


North St
W Washington St
W Washington St
E Washington St
210
S Water St
S Division St
S Forrest St
Main Page Ct
W Jefferson St
E Jefferson
irie St

MLS Tax Suite™
Powered by CRS Data

Map for Parcel Address: 210 S Water St Stoughton, WI 53589-2138 **Parcel ID:** 0511-082-1421-8



North

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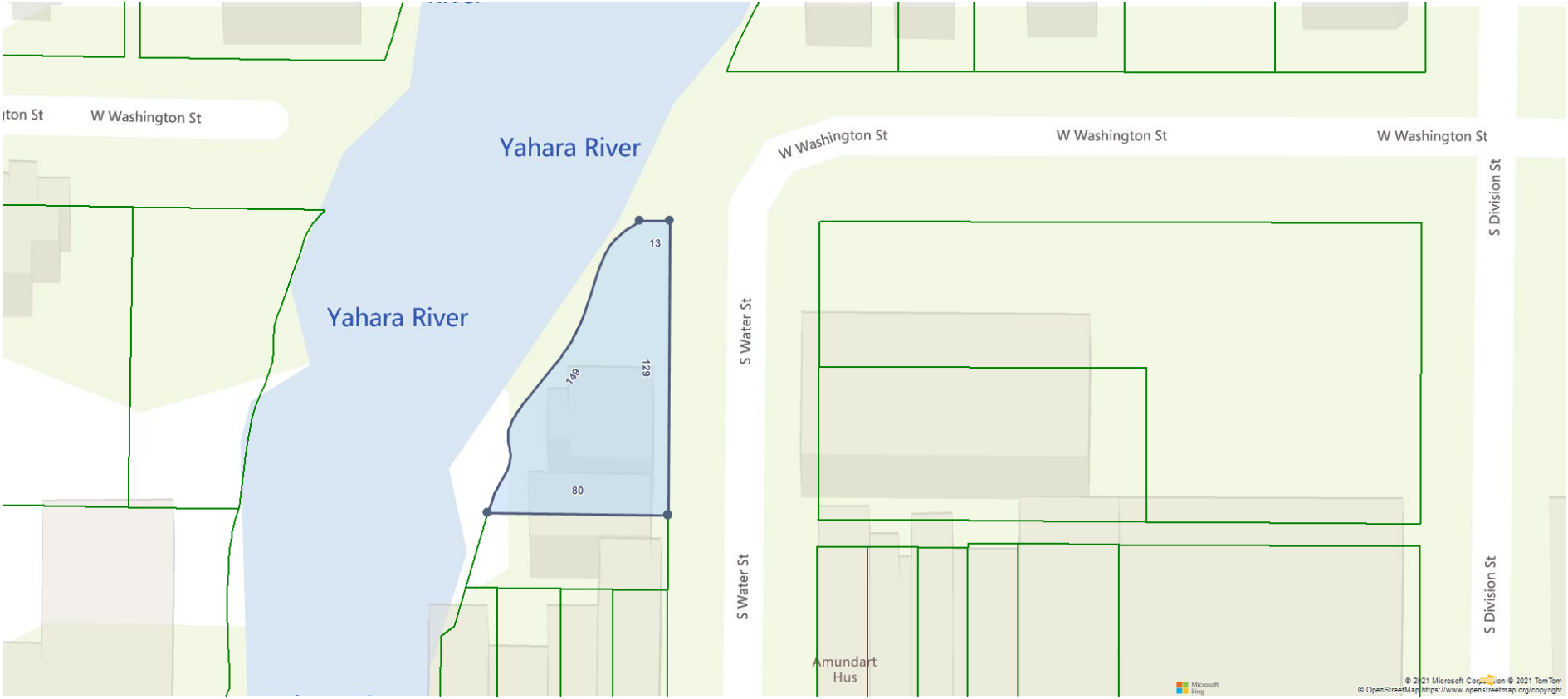
MLS Tax Suite™
Powered by CRS Data

Map for Parcel Address: 210 S Water St Stoughton, WI 53589-2138 **Parcel ID:** 0511-082-1421-8



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CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

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

July 13, 2021

Prairie Construction LLC
David Baehr
1405 Laukant Street
Reedsburg, WI. 53959

Dear Mr. Baehr:

I have completed a review of the proposed conditional use permit (CUP) request for a Commercial Indoor Lodging use at 210 Water Street, Stoughton – application and fee submitted 7.12.21. As noted, additional information may be required or shown on the plans.

1. The property at 210 Water Street is zoned CB – Central Business. **A Commercial Indoor Lodging use is allowed as a conditional use within the CB district. A public hearing is scheduled for the August 9, 2021 Plan Commission meeting. It is anticipated that the Common Council will act on the CUP request at their August 24, 2021 meeting.**

2. Ordinance section 78-905(5)(c) provides the following criteria which the Zoning Administrator may use to evaluate the conditional use application to determine whether the request is in harmony with the recommendations of the Comprehensive Plan:

   a) 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, this chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the city?

      We believe the conditional use is consistent with the Comprehensive Plan.

   b) 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, this chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the city?

      We believe the conditional use is consistent with the Comprehensive Plan.

   c) Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see subsection (4)(d), above), result in a 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 this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other

governmental agency having jurisdiction to guide development? **We do not see any substantial or major adverse impacts related to the lodging use.**

d) 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 is consistent with the Central Business zoning classification.**

e) 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 use should not impose a burden on utilities or services.**

f) Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections 1. through 5., above), after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts? **No adverse impacts have been identified.**

3. The Comprehensive Plan, planned land use map designates the property at 210 Water Street as Central -Business, which is consistent with this request. **This request appears to be consistent with the Comprehensive Plan.**

4. Commercial Indoor Lodging is described as follows: *Description:* Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

5. Regulations applicable to a Commercial Indoor Lodging use are as follows:
   - If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property. **N/A**
   - Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see section 78-610). **N/A**
   - Within the PO District, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes. **N/A**

6. There are no parking requirements within the Central Business district.

7. Any proposed signage will require a permit prior to installation.

8. State of Wisconsin approved building plans may be necessary for the change of use prior to issuance of any building permit but is not necessary to begin the City review process.

If you have any questions, please contact me at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator

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Plan Commission Meeting Minutes
Monday, August 9, 2021 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Al Farrow; Tom Majewski; Tom Robinson; and Brett Schumacher
Members Absent: None
Staff: Michael Stacey, Zoning Administrator
Press: None
Guests: David Baehr; Rob Beyer; Jessica Vaughn; Emily Bahr; Brent Ellifson; Kristen Zoerner; Colette Spranger; Tanya Berg.

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of July 12, 2021.**
   Motion by **Robinson** to approve the minutes as presented, 2nd by **Schumacher**. Motion carried unanimously.

3. **Council Representative Report.** Caravello stated the Common Council approved R15, 16 and 105-109.

4. **Staff Report - Status of Current Developments.** Mayor Swadley introduced the status of current developments as outlined in the packet. There were no questions.

5. **Request by David Baehr, Prairie Construction LLC for approval of a conditional use to allow a commercial indoor lodging use at 210 Water Street.**
   Mayor Swadley introduced the request.

   David Baehr explained the intent of the request.

   Farrow asked if there were any plans to upgrade the exterior. David Baehr stated he plans to upgrade the exterior lighting to LED and there will be new signage.

   Barman questioned if there are plans to change the windows. David Baehr stated there are no plans to change the windows.

   Barman asked how many units are planned. David Baehr stated just one on the main floor with the upper apartments remaining as month to month rentals.

   Mayor Swadley opened the public hearing.

   Rob Beyer asked if the main floor unit will be similar to a hostel. David Baehr explained the layout of the main floor concept which would not be like a hostel.

   Emily Bahr questioned how the indoor lodging would be managed. David Baehr stated each tenant would be given an introduction and access code and they have a devoted person

available 24-7 to address any concerns that may arise.

Emily Bahr questioned what the rate will be for the indoor lodging. David Baehr stated $250 on weeknights and $400 on weekends.
Barman stated the rate makes sense with the capacity at 8 occupants.

Rob Beyer asked if there is any surveillance planned. David Baehr stated there will be exterior cameras.

Mayor Swadley closed the public hearing.

Motion by **Robinson** to recommend the Common Council approve the conditional use as presented, 2nd by **Schumacher**. Motion carried unanimously.

6. **Request by Jessica Vaughn, JSD Professional Services for review of a Concept Plan for Lot 27, Kettle Park West.**
Mayor Swadley introduced the request.

Jessica Vaughn gave an overview of the concept plan.

Barman questioned the dog-leg entrance that Fire Chief Josh Ripp was concerned about. Jessica Vaughn stated they will look into refining the plan.

Majewski asked how a fire truck will be able to turn around onsite. Jessica Vaughn stated they will meet with the Fire Chief to discuss.

The applicant will be bringing back a site plan and plans to put in the foundation by this fall.

7. **Request by Jessica Vaughn, JSD Professional Services for review of a Planned Development – Concept Plan for Lot 2 and 3, Kettle Park West.**
Mayor Swadley introduced the request.

Jessica Vaughn gave an overview of the concept plan.

Majewski questioned where snow is planned to be stored. Jessica Vaughn stated there are 2 parking lot islands and an area near the wetland that could be used. Majewski would prefer the area near the wetland not be used for snow storage.

Barman thanked the JSD team for providing the massing diagrams. Barman would like to see a more direct access to the trail system from the building by possibly using colored crosswalks.

Majewski asked where the refuse containers are planned to be located. Brent Ellifson stated either in the underground parking area or just outside of that entrance.