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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit for an Indoor Commercial Entertainment (restaurant) use at 183 W. Main Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council 6 - 0

Fiscal Impact: None.

File Number:	R-10-2023	**Date Introduced:**	January 24, 2023

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

WHEREAS, on January 9, 2023 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application for an Indoor Commercial Entertainment use at 183 W. Main 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 for an Indoor Commercial Entertainment use at 183 W. Main 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: December 30, 2022

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 January 9, 2023 Plan Commission Meeting and Common Council Meeting of January 24, 2023.

Conditional use for an indoor commercial entertainment use (restaurant) at 183 W. Main Street.

This request is to allow a restaurant use at 183 W. Main Street. A public hearing is scheduled for the January 9, 2023 Plan Commission meeting. A recommendation to the Common Council is necessary. Notices were sent to all property owners within 300 feet of this property and we have heard from no one at this point. We see no issues with this request. This is a change of use from retail to assembly. The owner has met with the Fire Department and Building Inspection staff. The resolution, application information, and staff review are provided.

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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit for an Indoor Commercial Entertainment (restaurant) use at 183 W. Main Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council - 0

Fiscal Impact: None.

File Number:	R- -2023	**Date Introduced:**

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

WHEREAS, on January 9, 2023 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application for an Indoor Commercial Entertainment use at 183 W. Main 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 for an Indoor Commercial Entertainment use at 183 W. Main Street is hereby approved as presented.

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

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

_____

Tim Swadley, Mayor Date

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

PUBLIC HEARING NOTICE

The City of Stoughton Plan Commission will hold a Hybrid Public Hearing on Monday, January 9, 2023 at 6:00 o'clock p.m., or as soon after as the matter may be heard, to consider a Conditional Use Permit Application by Alexandra Tepp-Marwitz (Black Cat Café and Gallery) at 183 W. Main Street, Stoughton, WI. 53589. The applicant is requesting approval for an Indoor Commercial Entertainment use (Restaurant). The property description is as follows:

Parcel Number: 281/0511-082-1656-5

Description for tax purposes: ORIGINAL PLAT BLOCK 22 E 22 FT OF W 44 FT LOT 4

*This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deeds.

See additional information including location map at can be viewed at:
http://stoughtoncitydocs.com/planning-commission

In-Person: Council Chambers (2nd floor of the Public Safety Building), 321 S. Fourth Street, Stoughton, WI

Virtual: You can join the meeting via Zoom or Phone below:

https://us06web.zoom.us/j/81157545973?pwd=SHlWS0ZaVWZaQ0Y2aDdvL3h5c1BwZz09

Phone in: +1 312 626 6799 Meeting ID: 811 5754 5973 Passcode: 595103

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 December 22 and 29, 2022 Hub

Black Cat Cafe & Gallery is focused on providing designated gluten free, dairy free, and allergen friendly foods to vegetarians, vegans, and those with food allergies like lactose intolerance, gluten intolerance, and celiac disease. The National Foundation for Celiac Awareness says about 1% (1 in every 133 people or 3.19 million) of the general population has been diagnosed with celiac disease, while 83% of people with the condition aren't even diagnosed.* People with celiac disease are often found to be lactose intolerant and sometimes even fructose intolerant too. When you consider these people, who have no choice but to go gluten free and possibly dairy free, alongside the people that choose to have a plant based diet, those groups represent a large chunk of the population. At Black Cat Cafe & Gallery such people would have a safe place to eat where they would not have to worry about cross contamination and they can eat healthy versions of some of their favorite foods. Black Cat Cafe & Gallery wants to create a safe and comfortable space for everyone no matter their age, race, sexual preferences, or health issues.

The renovations needed inside Black Cat Cafe & Gallery at 183 W Main Street are mainly for the creation of a bathroom and a kitchen/prep area.

A 13' 6" wall will be placed in the second room in order to separate the kitchen/prep area from the customer space. The wall will extend out from the corner of the hallway and towards the barn doors. In addition to the wall, a series of sinks will be put into place along the wall opposite the newly placed wall. These sinks include a handwashing sink, a prep sink, 2 sinks for washing dishes (in case dishwasher breaks) and a mop sink. Depending on the size of these sinks, the kitchen may only have 1 dish sink that would be used for rinsing dishes before placing them in the dishwasher.

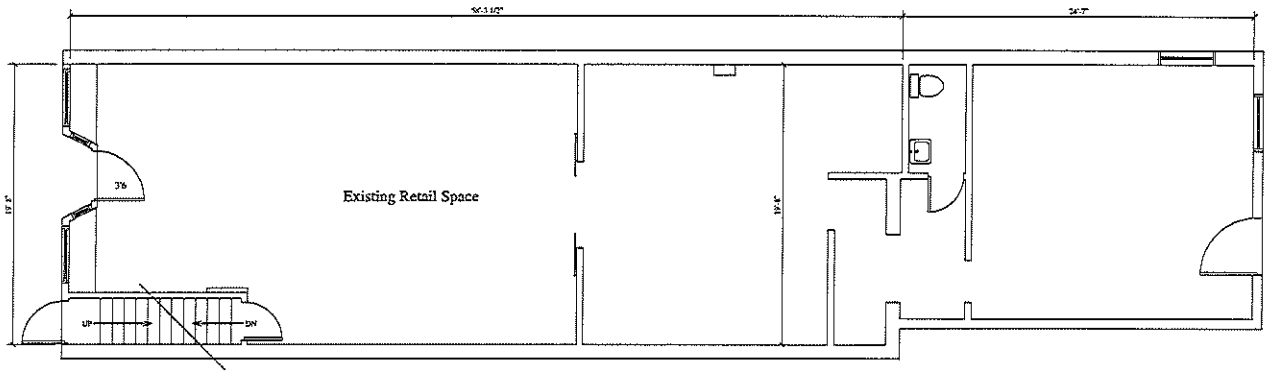
A 7' 7" wall and door will be placed in the second room to close off space to create a new handicap accessible bathroom. The wall will extend from the corner of the hallway and over towards the brick wall. The bathroom will have a toilet on the back bathroom wall with a sink placed along the hallway wall.

In the front room a hand wash sink and dump sink will be installed. The hand wash sink will be placed on the outer wall, in the corner where it meets with the wall the double doors are on. Next to the hand wash sink will be the second smaller sink for dumping drink waste.

These changes are justified, in order for a food establishment to meet health code and city guidelines it must have a designated area for preparing food and drinks that is kept separate from customer space. A handicap accesible restroom is needed to also meet these guidelines. The several sinks are needed to meet health codes for washing produce, dishes, and for employees to wash their hands. Without meeting all of the guidelines, the cafe will not be able to supply healthy food and beverages to customers in a safe and timely manner. The cafe will not be able to open in general if it does not meet these guidelines.

Sources:

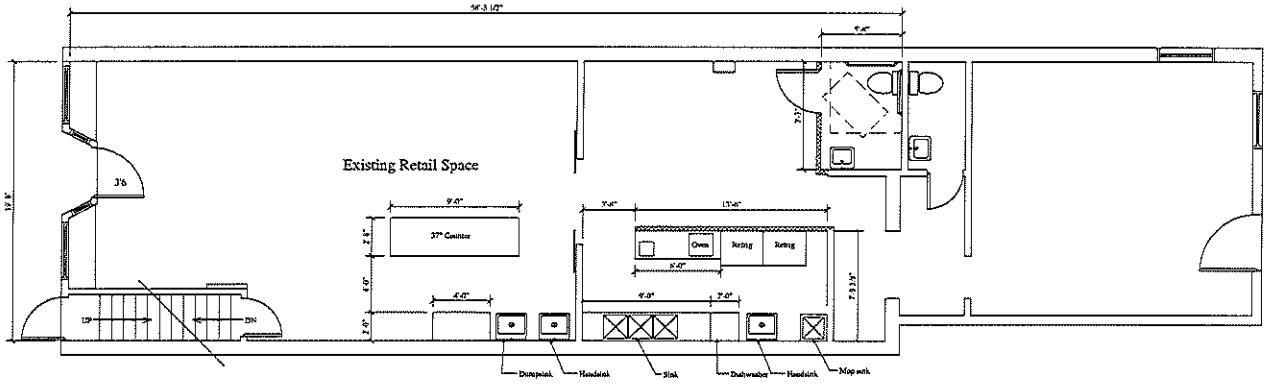
https://www.beyondceliac.org/celiac-disease/facts-and-figures/



Existing First Floor Plan

Scale = 1/8"=1'-0"

<— N



New First Floor Plan

Scale = 1/8"=1'-0"

Jeffery Groesser, Architect
W125 Amidon Road
Brooklyn, WI 53521
608-698-3196

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Concepts In Architecture, LLC

Proposed for: Black Cat Cafe and Gallery, LLC
Alexandra Tepp

Address: 183 W. Main Street
Stoughton, WI
608-957-2554

Project: 183 W. Main Street

Address: Stoughton, WI

Sheet Title: First Floor Plan

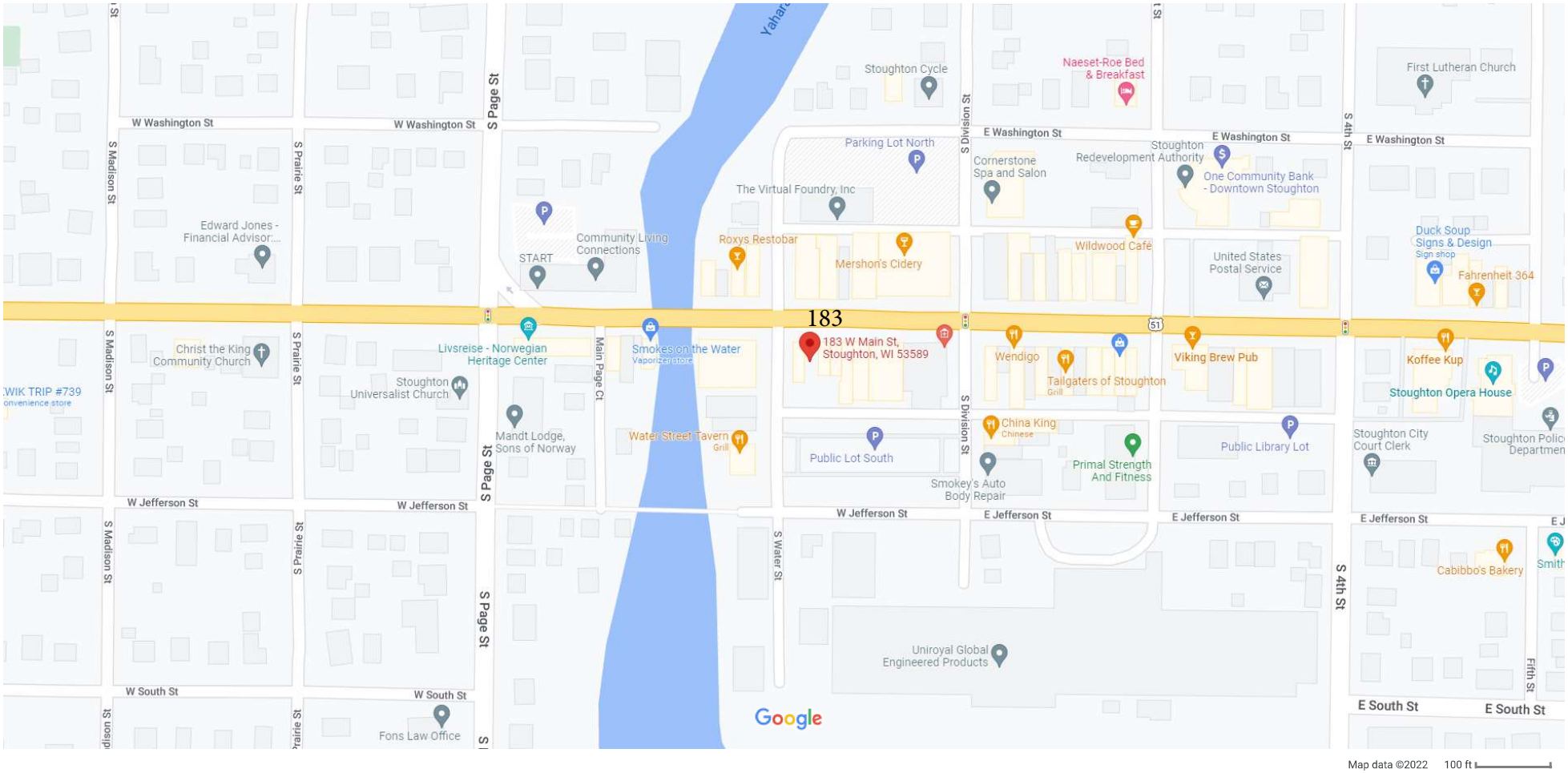
Date: 10-19-2022

Scale: As Noted

Job #: 05-01

SHEET
1

Google Maps 183 W Main St



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

Applicant Name: Alexandra Tepp-Marwitz

Applicant Address: 410 S Lewis Street, Columbus, WI 53925

Applicant Phone and Email: 608-957-2554 blackcatcafe.gallery@gmail.com

Property Owner Name (if different than applicant): Erica Beckman

Property Owner Phone: 612-655-9294

Subject Property Address: 183 W Main Street, Stoughton, WI 53589

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: 12/9/2022

Application fee of $ 400 received by Zoning Administrator — Date: 12/12/22

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: 12/12/22

(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?

The proposed conditional use and location is in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton. We've worked with the mayor of Stoughton along the way and we've spoken with multiple other business owners in the downtown area to generate ideas and understand where we can fit in making the downtown area more attractive to potential shoppers. We also want to ensure our cafe and gallery is welcoming and can be considered a place where members of the community can hang out, read, and listen to music without being pressured to buy anything.

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?

No, it does not have 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 and etc.

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?

The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the surroundings in many ways.

- Opening a gallery and cafe in this building helps maintain its use and consistency as an operating place of business within the downtown area.

- There are currently no designated gluten free, dairy free AND allergen sensitive places within the Madison and Stoughton area. The proposed changes for the property will open up a location for an underserved portion of the community to dine out safely. Our hope is that this will attract more people to Stoughton and other downtown businesses.

-We hope that our gallery will encourage artists and those in a younger demographic to come to the area.

-Our business and products are tailored towards validating marginalized groups. This will likely have a positive effect on said groups within the community and may serve to draw additional traffic to nearby downtown businesses.

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?

The proposed conditional use is located where it can be adequately served by and will not impose any undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the property.

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?

Yes, the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use.

IV. Application Information for City Use

Notified Neighboring Property Owners (within 300 feet) Date: 12/16/22

Notified Neighboring Township Clerks (within 1,000 feet) Date: 12/27/22

Class 2 legal notice sent to official newspaper by City Clerk Date: 12/13/22

Class 2 legal notice published on DEC 22 and DEC 29 2022

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

S:\Planning\MPS\Forms&Pamphlets\Applications 2017\Conditional Use Permit APP.doc

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

December 14, 2022

Alexandra Tepp-Marwitz
183 W. Main Street
Stoughton, WI. 53589

Dear Ms. Marwitz:

I have completed a review of the proposed conditional use for an Indoor Commercial Entertainment use (restaurant) at 183 W. Main Street, Stoughton – application provided 12/12/2022. As noted, additional information may be required or shown on the plans. A public hearing is planned for the January 9, 2023 Plan Commission meeting of which a notice will be sent to you. You and/or a representative will need to attend the public hearing. It is anticipated the Common Council will act on the Conditional Use request at their January 24, 2023 meeting.

1. The property at 183 W. Main Street is currently zoned CB – Central Business. **An Indoor Commercial Entertainment use is allowed by conditional use permit within the CB district.**

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 and zoning code.

   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 and zoning code.

   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 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 identified.**

3. The Comprehensive Plan, future land use map designates the property at 183 W. Main Street as Central Business. **The zoning and proposed use are consistent with the future land use map.**

4. Relevant site plan review and approval procedural requirements per zoning section 78-908 are as follows:
   A. Written description of the intended use. **Provided**

5. Regulations applicable to an Indoor Commercial Entertainment use is as follows:
   - Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (See zoning section 78-610). **N/A**
   - If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property. **N/A**

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

7. Any proposed signage will require a detailed plan, application and fee prior to installation. **Plan Commission approval is necessary for any exterior work including signage.**

8. Check with the Fire Marshal and Building Inspector for any change of use requirements.

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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