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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit for an Indoor Commercial Entertainment Use (lounge and restaurant) at 210 S. Water Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council 6 - 0

Fiscal Impact: None.

File Number:	R-154-2023	**Date Introduced:**	September 26, 2023

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

WHEREAS, on September 11, 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 (lounge and restaurant) at 210 S. 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 for an Indoor Commercial Entertainment Use (lounge and restaurant) at 210 S. Water Street is hereby approved contingent on the following:

- Staff review letter dated September 6, 2023;
- No amplified music allowed indoors or outdoors;
- Windows and doors to be closed and no outdoor patrons or activities after 11:00 pm nightly.

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: September 5, 2023

To: Plan Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the September 11, 2023 Plan Commission Meeting and September 26, 2023 Common Council meeting

Conditional Use for an Indoor Commercial Entertainment Use (Lounge and Restaurant) at 210 S. Water Street.
The applicant is requesting a conditional use permit to allow an Indoor Commercial Entertainment use (Lounge and Restaurant) at 210 S. Water Street. It is unclear how food will be prepared since there is no kitchen at this establishment. The applicant has stated his intent to have food brought in from another location or from a food truck. Food trucks are not allowed downtown. The applicant is working with the Clerk's Office on the liquor licensing. The application, resolution, staff review and related documents are provided.

A public hearing and recommendation to the Common Council is necessary.

PUBLIC HEARING NOTICE

The City of Stoughton Plan Commission will hold a Virtual Public Hearing on Monday, September 11, 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 Ombeni Pallangyo. The applicant is requesting conditional use approval for an Indoor Commercial Entertainment use (Restaurant/Tavern) at 210 S. Water Street, Stoughton, WI. 53589. The property description is as follows:

Parcel Number: 281/0511-082-1421-8

Description for tax purposes: 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 including location map at: http://stoughtoncitydocs.com/planning-commission/

You can join the meeting via Zoom or Phone below:
https://us06web.zoom.us/j/89360767883?pwd=OS9tRDZFQ2gzNnIwVk1jS3lMZ09BUT09

Phone in: +1 312 626 6799 Meeting ID: 893 6076 7883 Passcode: 068512

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 August 17 and 24, 2023 Hub

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

Applicant Name: Ombeni E- Pallangyo

Applicant Address: 187. W. Main Street. Stoughton, WI, 53589

Applicant Phone and Email: 608. 316. 5343. ombeni. pallangyo@gmail.com

Property Owner Name (if different than applicant): David

Property Owner Phone: _____

Subject Property Address: 214. S. Water 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: 8/7/23

Application fee of $520 received by Zoning Administrator — Date: 8/7/23

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: 8/7/23

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

(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?

N/A

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?

N/A

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?

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?

NO

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?

N/A

From: Ombeni Emanuel
To: Michael Stacey
Subject: Re: CUP Application
Date: Thursday, August 24, 2023 4:33:33 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Michael,

Thank you for the information.

Ben

On Thu, Aug 24, 2023 at 3:50 PM Michael Stacey <MStacey@cityofstoughton.com> wrote:

> Hello Ben,
>
> You are scheduled for a public hearing on September 11th so we'll send you a notice. You will need to attend the meeting in person or via zoom.
>
> A food truck will not be able to be used for your business downtown.
>
> Michael P. Stacey
>
> City of Stoughton
>
> Zoning Admininstrator
>
> 207 S. Forrest Street
>
> Stoughton, WI. 53589
>
> 608.646.0421
>
> M-F 7am – 4pm
>
> **From:** Ombeni Emanuel <ombeni.pallangyo@gmail.com>
> **Sent:** Thursday, August 24, 2023 2:46 PM
> **To:** Michael Stacey <MStacey@cityofstoughton.com>
> **Subject:** Re: CUP Application

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Michaeli,

Good day sir. Sorry for the delays, I plan to rent the kichen from **Roxy's and Eat at Joe) -Benjoe Food-** Both those certified kitchens, Then we will serve on site - As a delivery or Catering From Ouside: Otherwise, Le's put food aside until next time:

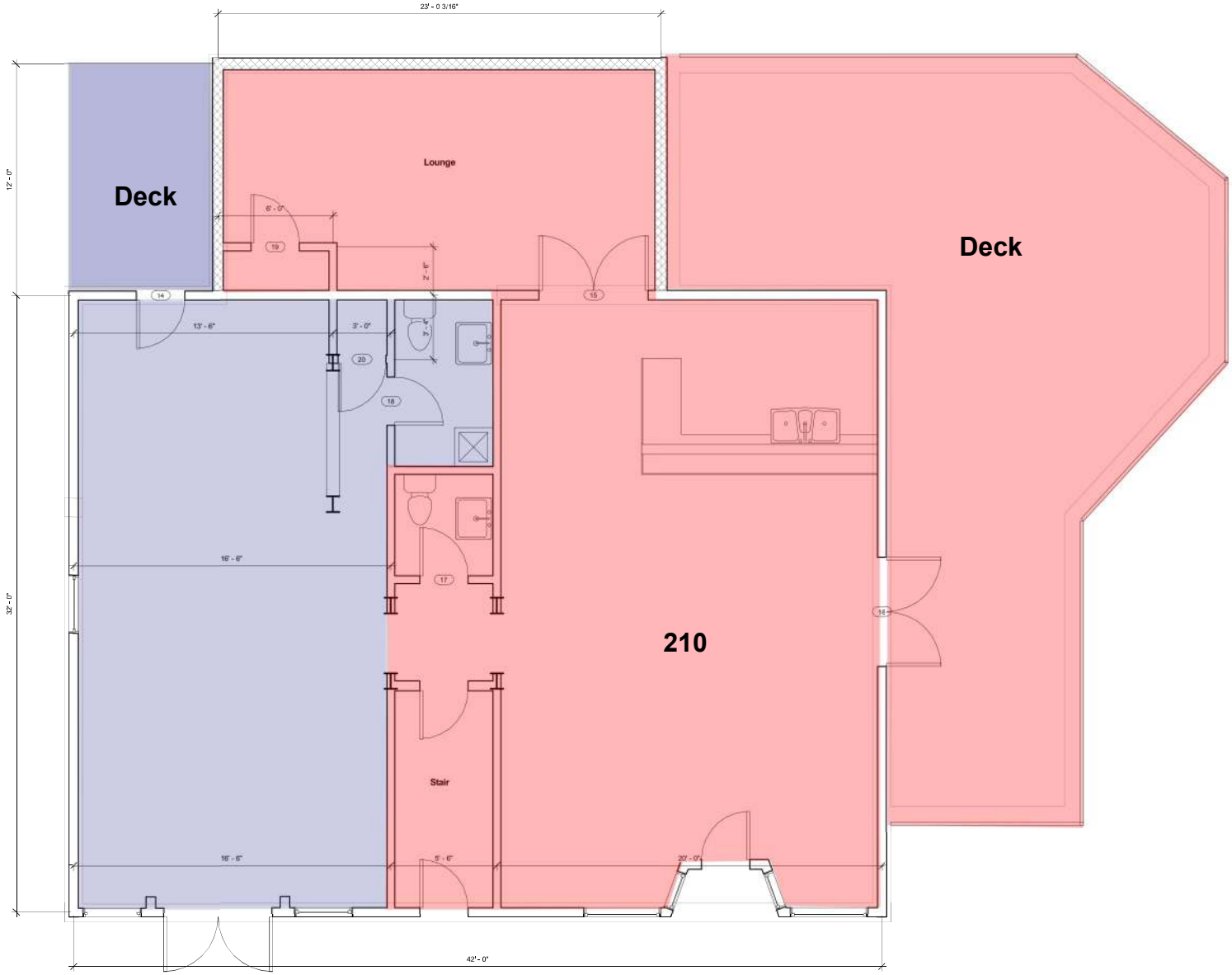
Thanks much!

Ben

On Wed, Aug 23, 2023 at 11:12 AM Michael Stacey <MStacey@cityofstoughton.com> wrote:

> Hello Ben,
>
> I still need a written summary of the proposed use.
>
> Have you figured out how you will cook your food at this property? A food truck is not allowed at this location.
>
> Thanks,.
>
> Michael P. Stacey
>
> City of Stoughton

YAHARA RIVER



WATER STREET

Google Maps

Image capture: Jul 2019 © 2023 Google

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

September 6, 2023

Ombeni Pallangyo
187 W. Main Street
Stoughton, WI. 53589

Mr. Pallanggo:

I have completed a review of the proposed conditional use permit (CUP) request for an Indoor Commercial Entertainment use at 210 Water Street, Stoughton. A public hearing has been scheduled for the September 11, 2023 Plan Commission meeting. A notice will be sent to you the week prior to the hearing. The meeting is hybrid, in person and Zoom. You and/or your representative will need to be present to answer questions if necessary.

1. The property at 210 Water Street is zoned CB – Central Business. **An Indoor Commercial Entertainment use is allowed as a conditional use within the CB district. A recommendation is sent to the Common Council and it is anticipated that the Common Council will act on the CUP request at their September 26, 2023 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. 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**

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

6. Food trucks are not allowed within the Central Business district.

7. Any proposed exterior work including signage will require approval by the Landmarks Commission.

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

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator