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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request by Luke Campion for an Indoor Commercial Entertainment (Restaurant) use at 177 W. Main Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council approval 5 – 0.

Fiscal Impact: None.

File Number:	R-170-2021	**Date Introduced:**	**November 23, 2021**

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

WHEREAS, on November 8, 2021 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application by Luke Campion for an Indoor Commercial Entertainment (Restaurant) use at 177 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 by Luke Campion for an Indoor Commercial Entertainment (Restaurant) use at 177 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
381 East Main Street, Stoughton, WI. 53589

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

RODNEY J. SCHEEL
DIRECTOR

Date: November 1, 2021

To: Plan Commissioners

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the November 8, 2021 Plan Commission Meeting.

Request by Luke Campion for Conditional Use Permit approval for an indoor commercial entertainment use (restaurant) at 177 W. Main Street.
This request is to open up a new restaurant at this location. A restaurant requires a conditional use public hearing process. The resolution, application information, and staff review are provided. Any exterior work including signage will require future Plan Commission approval. A recommendation to Council is necessary.

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

Applicant Name: Luke Campion

Applicant Address: 208 N. Forrest St Stoughton WI 53589

Applicant Phone and Email: (608) 2057518

Property Owner Name (if different than applicant): JPS Holdings

Property Owner Phone: (608) 2067270 Bryan Earleywine

Subject Property Address: 177 W MAIN ST

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: 10/4/21

Application fee of $ 455 received by Zoning Administrator — Date: 10/4/21

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: 10/4/21

(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?

The proposed Luca's Pizza/Italian Kitchen significantly fulfills the vision of the community. After reading the document, I realized this opportunity checks an abundance of the purposes, goals, objectives policies and standards outlined in The City of Stoughton Comprehensive plan. A redevelopment and enhancement plan for a vacant distressed downtown property to promote private business and investment into downtown. All the while, providing restaurant services and hospitality to the community and contributing to the arts and entertainment industry in historic Stoughton.

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

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?

Luca's Pizza will enhance and improve the property. Most recently used as a food/beverage space, Luca's will upgrade into a commercial kitchen. The downtown district has many restaurants, eateries and community activities. We will compliment and contribute to the arts and entertainment district.

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?

Yes

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

PUBLIC HEARING NOTICE

The City of Stoughton Plan Commission will hold a Virtual Public Hearing on Monday, November 8, 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 Luke Campion for an Indoor Commercial Entertainment use (restaurant) at 177 W. Main Street, Stoughton, WI.

The property is more formally described as:
Parcel # 281/0511-082-1651-0
Legal Description: ORIGINAL PLAT E 22 FT LOT 4 BLOCK 22
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://zoom.us/j/96711910891?pwd=S1E0aXpFMFExVEZ2Y1prdzU2dHFxdz09

Phone in access: +1 929 205 6099 **Meeting ID**: 967 1191 0891 **Passcode**: 620382

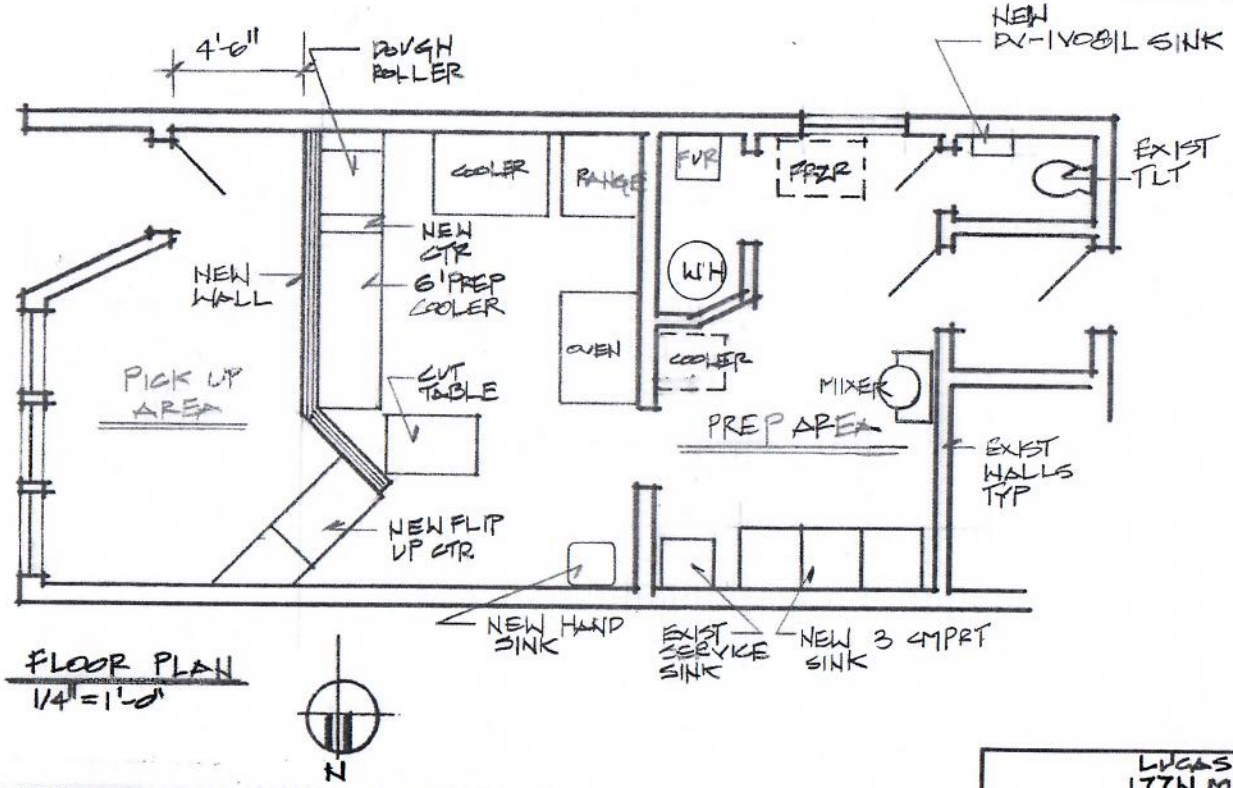
If you wish to call in and speak at the meeting, please register at: http://speak.cityofstoughton.com by 5:45 on or before the day of the meeting. Any written comments will be forwarded on to the "Organizer" and Commissioners.

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

Published October 14 and 21, 2021 Hub

Notes:

Business Occupancy
Square Footage – 500 SF
Per 2015 IBC – 500/100 = 5 Occupants
Per 2015 IBC - (P) 2902.2 Exception 2 – 1 toilet required
Per 2015 IBC – (P) 2902.3 Exception 3 – No public toilet required



FLOOR PLAN
1/4" = 1'-0"

THIS DOCUMENT CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION BELONGING TO JSS CONSULTING, LLC. NEITHER THIS DOCUMENT NOR THE INFORMATION HERE-IN IS TO BE REPRODUCED, DISTRIBUTED, USED, OR DISCLOSED EITHER IN WHOLE OR IN PART EXCEPT AS AUTHORIZED BY JSS CONSULTING, LLC.
JSS CONSULTING, LLC ASSUMES NO LIABILITY FOR THE CONSTRUCTION PROCEDURES NECESSARY TO EXECUTE THE DESIGN CONCEPTS SET FORTH WITH THESE PLANS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO PROCEEDING WITH CONSTRUCTION. CONTRACTOR MUST ALSO VERIFY & CONFIRM COMPLIANCE WITH ALL LOCAL CODES AND CONDITIONS. EXTREME CARE HAS BEEN TAKEN BY JSS CONSULTING, LLC TO PROVIDE AN ACCURATE PLAN SET. HOWEVER, PLANS ARE FOR REFERENCE ONLY AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ENGINEERING AND REVISIONS TO PLANS AS A RESULT OF UNFORESEEN SITE AND/OR EXISTING BUILDING CONDITIONS. ALL/ANY SUCH ENGINEERING SHALL INCORPORATE ACTUAL SITE CONDITIONS

LUCAS PIZZA LLC
177 N. MAIN STREET
STOUGHTON, WI. 53589

SCALE: AS NOTED	APPROVED BY:	DRAWN BY NSS
DATE: 9.28.21		REVISED

JSS CONSULTING LLC
9814 HAWKS NEST DR
VERONA, WI. 53593

DRAWING NUMBER
1 OF 1

Luca's Pizza

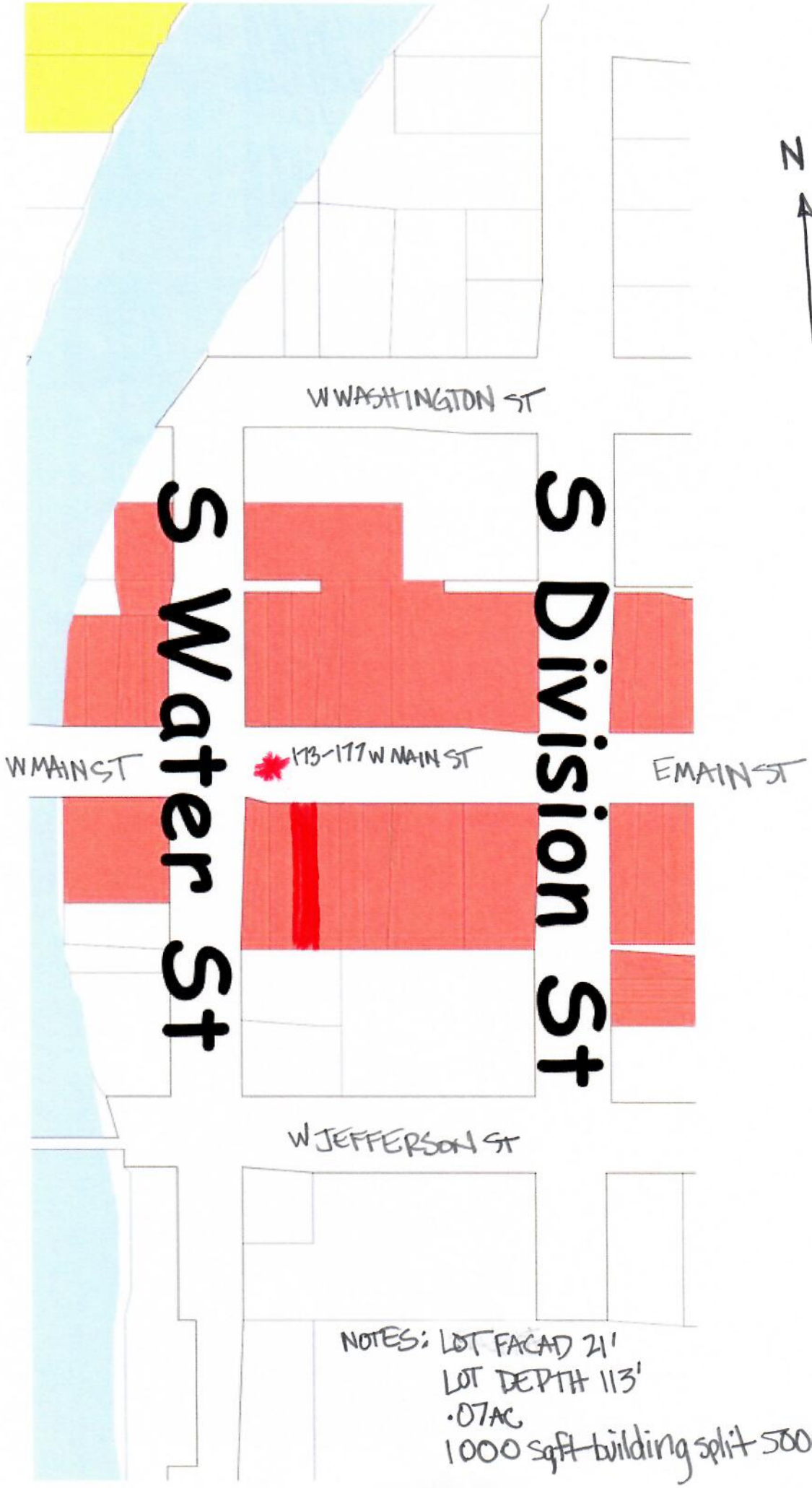
- Description and Justification

The proposed Luca's Pizza is a family owned and operated take out/delivery Pizzeria and Italian kitchen. Located at 177 W. Main St. Stoughton WI, Luca's Pizza vision is to renovate and upgrade a downtown district property that has been neglected for years. Transforming this former food and beverage establishment into a fully functioning and approved commercial kitchen. This undertaking is fully funded by applicant who also has negotiated an option to buy in hopes of owing said property and upgrades in the future. (Luke Campion) I have 25 years experience in the restaurant/hospitality industry, many of those in pizzerias. After years of growth, planning and perseverance the opportunity to pursue my dreams and goals can be reached and obstacles overcome.

Luca's Pizza mission is to provide pizza and Italian kitchen services. Stoughton, at this time does not have an Italian restaurant or a pizzeria that creates a 'Chicago Style' pizza. Lucas will also prepare pasta sandwitches and salads. We are pursueing this opportunity as a long term project and will take pride on becoming a Stoughton favorite for many years to come.

Luke Campion

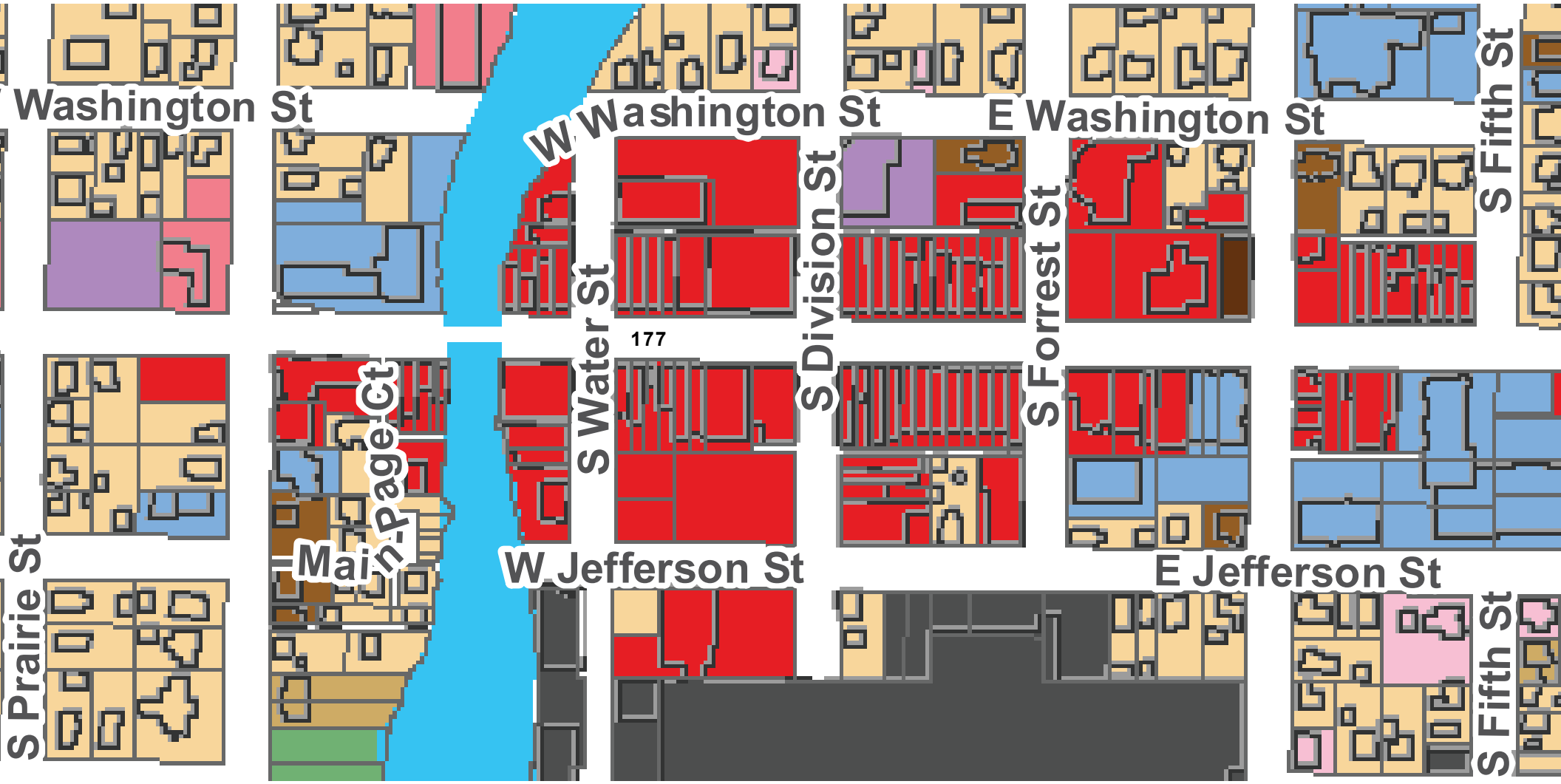
9.26.2021



NOTES: LOT FACAD 21'
LOT DEPTH 113'
.07AC
1000 sqft building split 500ea level.

5:26
68%
FIRED UP NUTRITION
177 W. MAIN
OPEN

ZONING MAP


Washington St
W Washington St
E Washington St
S Fifth St
S Division St
S Forrest St
S Water St
177
Main Page Ct
W Jefferson St
E Jefferson St
S Prairie St
S Fifth St

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

October 5, 2021

Luke Campion
208 N. Forrest Street
Stoughton, WI. 53589

Dear Mr. Campion:

I have completed a review of the proposed conditional use for Luca's Pizza/Italian Kitchen, 177 W. Main Street, Stoughton, WI. A public hearing for the restaurant use is planned for the Plan Commission meeting of November 8, 2021 of which you will receive notice.

1. The property at 177 W. Main Street is zoned CB - Central Business.

   Indoor Commercial Entertainment uses such as a restaurant is permitted as a conditional use. **Conditional use permit application submitted on October 4, 2021.**

   We anticipate possible Common Council review/approval on November 23, 2021.

2. Indoor Commercial Entertainment is defined as follows:
   Description: 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 proposed use meets this definition. We'll need to know if outdoor seating is planned.**

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

- *Parking requirements:* One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater). **N/A is CB district.**

4. 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 restaurant 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.**

5. The Comprehensive Plan, planned land use map designates the property as Planned Business, which is consistent with this request. **This request appears to be consistent with the Comprehensive Plan.**

6. Any proposed signage will require a detailed plan and zoning permit prior to installation. **Plan Commission approval is necessary prior to any changes to the exterior including signage.**

7. State plan approval will likely be necessary for the change of use and for interior remodeling.

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, November 8, 2021 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Brett Schumacher, Vice-Chair; Phil Caravello; Tom Majewski; and Tom Robinson
Members Absent: Al Farrow and Todd Barman
Staff: Rodney Scheel, Director of Planning and Development; Michael Stacey, Zoning Administrator
Press: None
Guests: Luke Campion; Susan Burgard; Konner Kearney; Chuck McMillan and Colette Spranger

1. **Call to Order.** Mayor Swadley called the meeting to order at 6:03 pm.

2. **Consider approval of the Plan Commission meeting minutes of October 11, 2021.** Motion by **Majewski** to approve the minutes as presented, 2nd by **Caravello**. Motion carried unanimously.

3. **Council Representative Report.** Caravello stated Council approved O-20 and 21 on Oct 12th and R-159 on Oct 26th.

4. **Staff Report - Status of Current Developments.** Scheel gave an overview of the status of developments as outlined in the packet. There were no questions.

5. **Request by Luke Campion for Conditional Use Permit approval for an Indoor Commercial Entertainment use (restaurant) at 177 W. Main Street.**
Scheel explained the request.

   Mayor Swadley opened the public hearing.

   No one registered to speak.

   Mayor Swadley closed the public hearing.

   Luke Campion was available for questions.

   Motion by **Caravello** to recommend Council approval of the resolution as presented, 2nd by **Majewski**.

   Caravello questioned if there will be sale of whole pies and slices. Luke Campion stated whole pies initially.

   Caravello questioned if the proposed use is for take-out and delivery only. Luke Campion stated yes.

Luke Campion stated he will be seeking future approval of a new awning and signage. Mayor Swadley suggested Luke talk to Michael Stacey during this process.

Motion carried unanimously.

6. **Request by Jessica Vaughn, JSD Professional Services for approval of a Planned Development – General Development Plan at 2525 Jackson Street.**
Scheel explained the request.

Mayor Swadley opened the public hearing.

No one registered to speak.

Mayor Swadley closed the public hearing.

Konner Kearney of Forward Development Group gave an overview of the request.

Scheel gave an overview of the GDP document, the ordinance and requested exceptions.

Scheel explained the need to address parkland, park improvements and provided updated language as a condition of approval.

Caravello would like to expand the language to include the parkland will be used to expand the parkland already along Oak Opening Drive.

Majewski questioned the timeline for parkland dedication. Scheel stated the intent is to not approve any building permits until the City has a satisfactory agreement approved by the Common Council on parkland and park improvements.

Schumacher is concerned about density and how it will affect City services such as EMS, Fire and Police. Scheel stated he can't speak to Police, Fire or EMS services. Mayor Swadley stated there will be future discussions about what those impacts mean.

Mayor Swadley asked Konner Kearney what he is seeing around Dane County for residential trends. Konner Kearney stated the current trend is for multi-family residential.

Tom Robinson arrived at 6:34 pm.

Majewski and Schumacher would like to hear from the EMS Director, Police Chief and Fire Chief regarding the proposed density and how it will affect services.

Motion by **Schumacher** to Table the request until the next meeting to allow the EMS Director, Police Chief and Fire Chief to respond to the propose density and how it may affect their services, 2nd by **Majewski** . Motion carried unanimously.