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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request for a Group Daycare at 1424 US Highway 51-138, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends approval 7 - 0

Fiscal Impact: None.

File Number:	R-8-2022	**Date Introduced:**	January 25, 2022

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

WHEREAS, on January 10, 2022 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application for a Group Daycare at 1424 US Highway 51-138, 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 a Group Daycare use at 1424 US Highway 51-138 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: January 3, 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 10, 2022 Plan Commission Meeting and January 25, 2022 Common Council Meeting

Conditional use permit (CUP) for a group daycare use at 1424 US Highway 51-138.
This request is to approve a conditional use permit for a group daycare use at the former Pizza Hut property, 1424 US Highway 51-138. The Comprehensive Plan depicts this property as Planned Business which is consistent with the daycare use and 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.

Intended Use of the Property

12/9/2021

Jeffrey Boness
Aurora Borealis Properties

We are purchasing the property and the existing building on 1424 US Hwy 51, Stoughton, WI 53589 with the intent of opening a childcare center that focuses on children under the age of 6 year old. We are keeping the existing building and the changes will only affect the inside layout. Our business hours will be from 6 am to 6pm. We will offer full and part week care.

A chain link fence, with privacy slats, that is 6 foot high will be erected in part of the parking lot to act as a playground.

The current parking lot, not counting the spots that we are using for the playground, has 48 spots. Our license will be for up to 60 children. The most staff we will have on during the heaviest part of the day is 15. To meet the bicycle requirement, a bike rack with no less than an 8 bike capacity will be purchased and placed by the playground.

Sincerely,

Jeffrey Boness
Aurora Borealis Properties

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

Applicant Name: Jeffrey Boness Aurora Borealis Properties LLC

Applicant Address: 906 Hamilton St. Stoughton WI 53589

Applicant Phone and Email: 907-830-5945 sboness2014@gmail.com

Property Owner Name (if different than applicant): _____

Property Owner Phone: _____

Subject Property Address: 1424 US Highway 51 - 138

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: 12.6.21

Application fee of $ 455 received by Zoning Administrator — Date: 12.6.21

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: 12.6.21

(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?

The exsisting building is in harmony. We are looking to add a fence to the back part of the parking lot for a playground. Other than the use from a resturant to a childcare those are the planned changes.

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, the only outside change is adding a fence for a play ground.

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 exsisting building is being used. The outside change is to add a fence over part of the back parking lot for a play ground.

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 utilities, streets and services in place ar adequate for our needs.

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?

The childcare will provide quality services to the families of the greater Stoughton area.

IV. Application Information for City Use

Notified Neighboring Property Owners (within 300 feet) Date: 12.13.21

Notified Neighboring Township Clerks (within 1,000 feet) Date: 1.4.22

Class 2 legal notice sent to official newspaper by City Clerk Date: 12.7.21

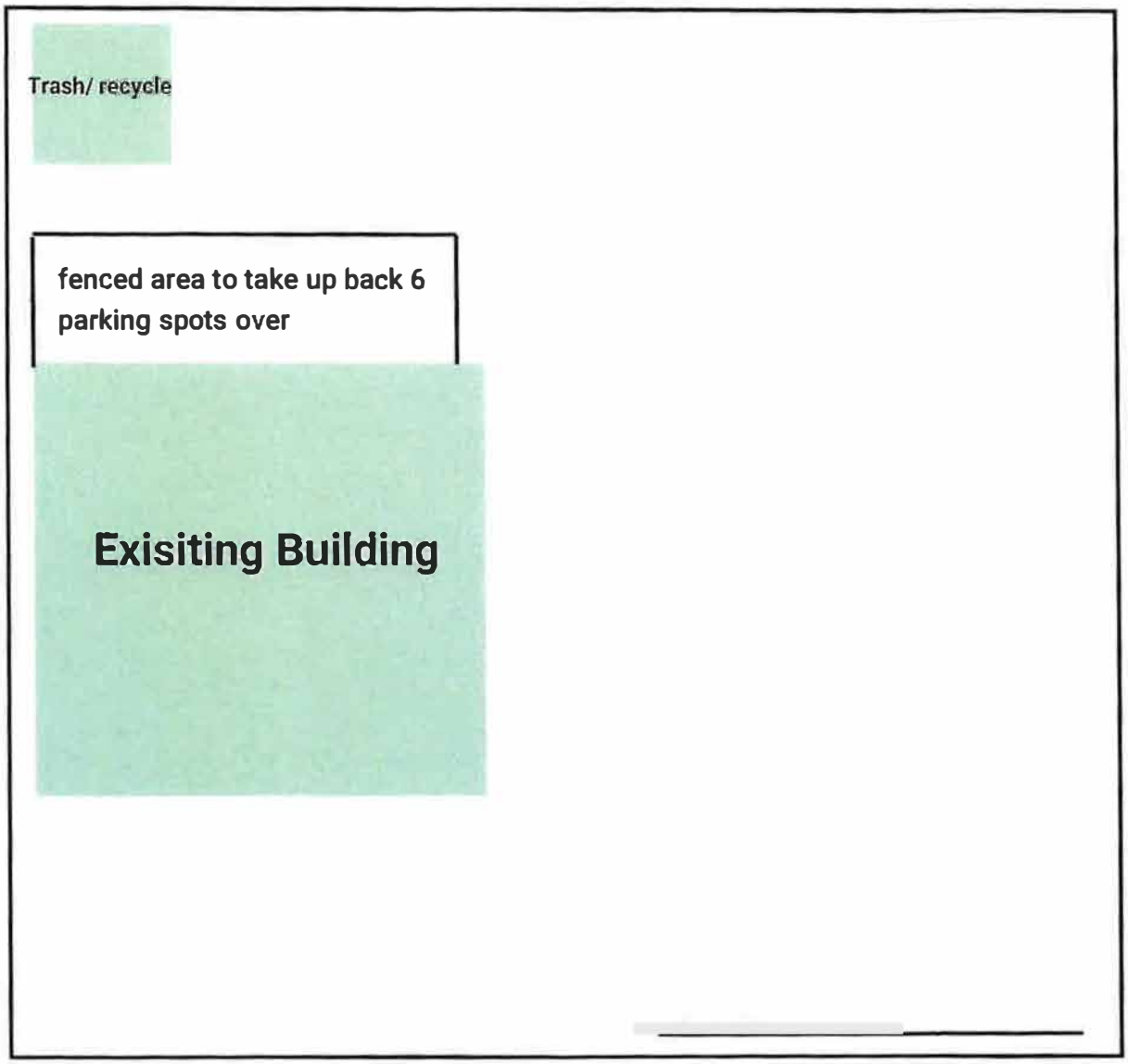
Class 2 legal notice published on 12.16.21 and 12.23.21 Date: _____

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

infogram

Share

Create your own

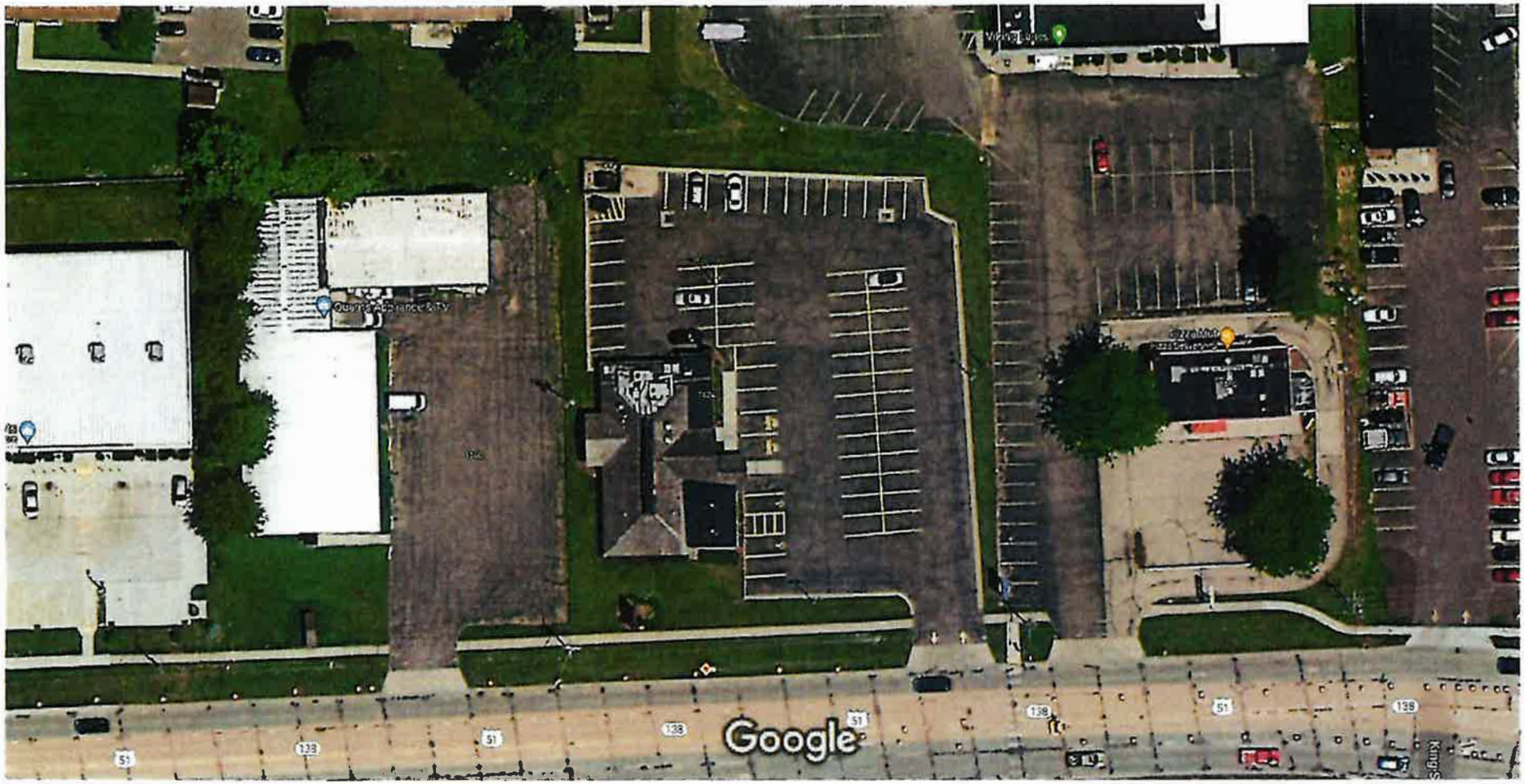


Made with infogram

Untitled map

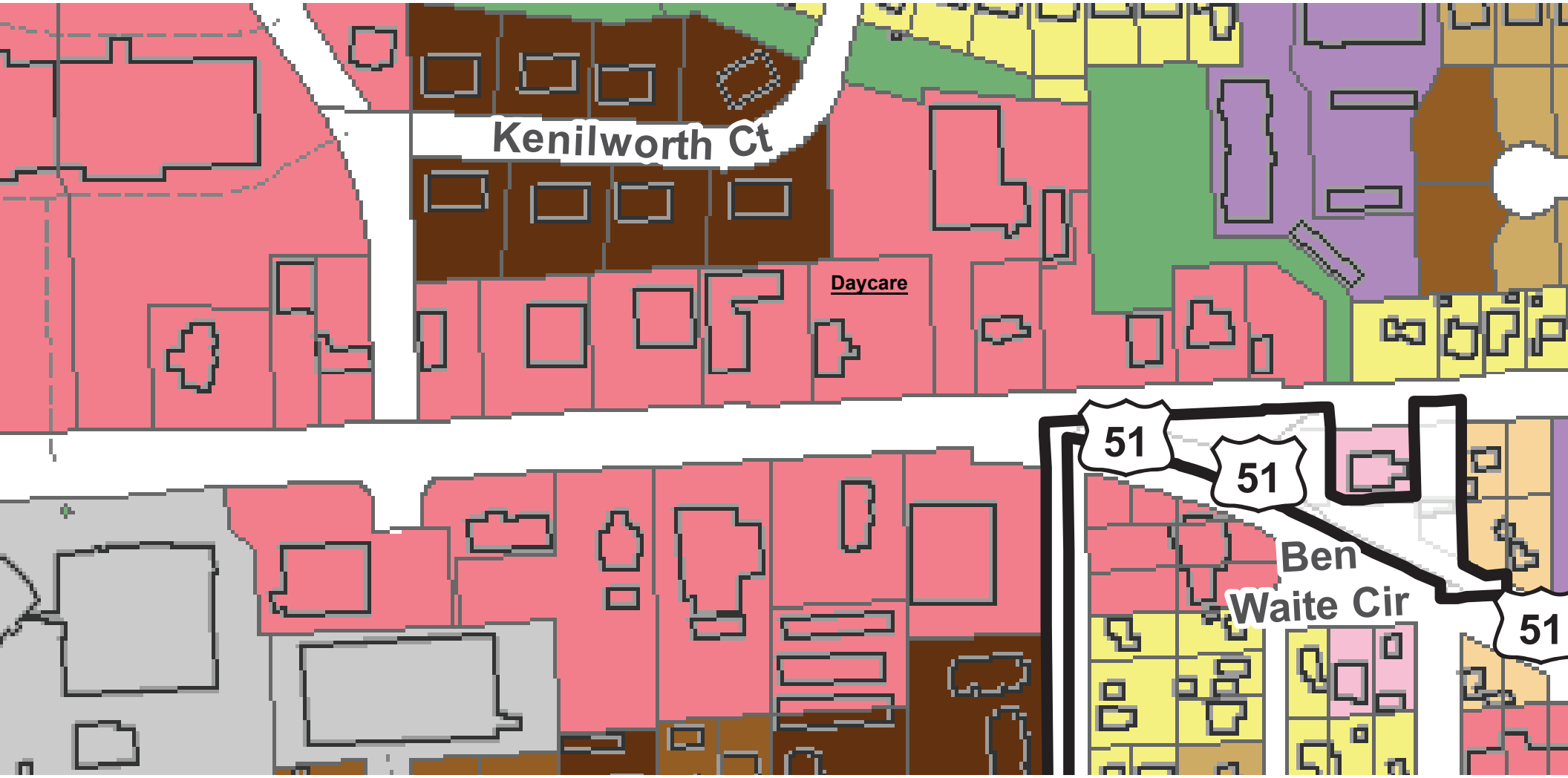
Report

Google Maps



Map data ©2021 , Map data ©2021 20 ft

ZONING MAP SECTION



CERTIFIED SURVEY PLAT

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
COUNTY OF DANE) ss.

I hereby certify that this survey is in compliance with Chapter 236.34 of Wisconsin Statutes.

I hereby certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information furnished.

George A. Weir

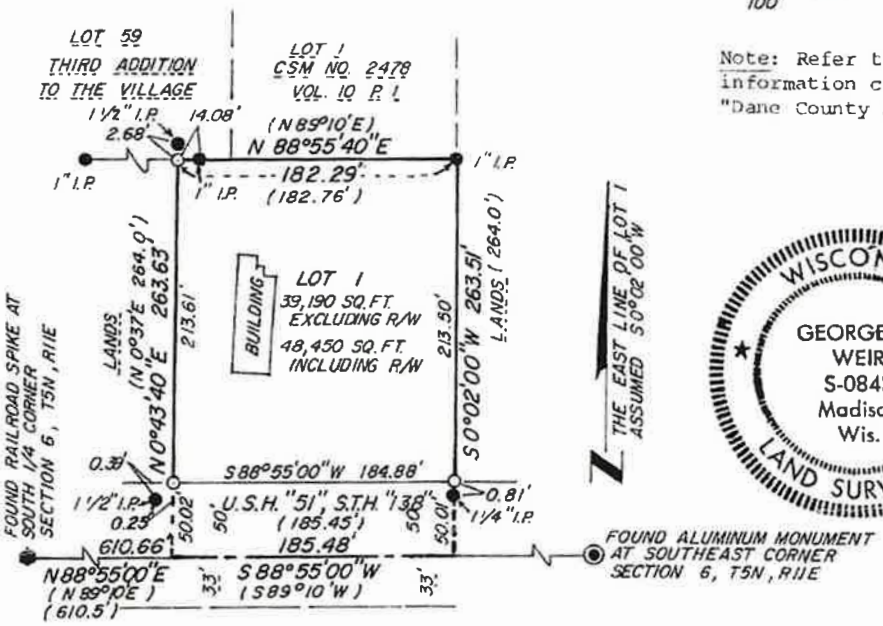
George A. Weir Registered Land Surveyor S-843

GEORGE A. WEIR, SURVEYOR
&
ROYAL OAK ENGINEERING, INC.
5610 Medical Circle, #6
Madison, Wisconsin 53719
Phone: (608) 274-0500

SCALE: 1" = 100'

100' 0 100'

Note: Refer to building site information contained in the "Dane County Soil Survey".



WISCONSIN
GEORGE A. WEIR
S-0843
Madison
Wis.
LAND SURVEYOR

DESCRIPTION:

Part of the Southwest 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 11 East, City of Soughton, Dane County, Wisconsin, more fully described as follows:

Commencing at the South 1/4 corner of said Section 6;

Thence N88°55'00"E, 610.66 feet along the South line of said Southeast 1/4 to the Point of Beginning of this description;

Thence N 0°43'40"E, 263.63 feet;

Thence N88°55'40"E, 182.29 feet;

Thence S 0°02'00"W, 263.51 feet;

Thence S88°55'00"W, 185.48 feet along the South line of said Southeast 1/4 to the Point of Beginning of this description.

This parcel contains 1.112 acres and is subject to a 50 foot right of way for U.S. Highway "51" and State Trunk Highway "138" as shown above.

LEGEND

Scale: 1 inch = 100 Feet
● Iron Stakes Found
○ 1" x 24" Iron Pipe Driven Min. Wt. = 1.13 #/ln. ft.
( ) Recorded as

SURVEYED KCN, RAM
DRAWN RAM
CHECKED RAM
APPROVED GAW
Field Book 648 Page 51
Date of Survey August 3, 1983
Tape No. 35

Office Map No. 11284

SURVEYED FOR: Peter Sveum
625 W. Main St., Stoughton, Wisconsin 53589

DESCRIPTION-LOCATION: Part of the SW 1/4 of the SE 1/4 of Section 6, T5N, R11E, City of Stoughton, Dane County, Wisconsin.

APPROVED FOR RECORDING PER STOUGHTON PLANNING COMMISSION action of 8/16 1983

Helen J. Johnson Helen J. Johnson, City Clerk

REGISTER OF DEED'S CERTIFICATE

Received for record this 14th day of September, 1983 at 8:26 o'clock, A.M. and recorded in Volume 17 of CERTIFIED SURVEY MAPS of Dane County, on Page 286.

Carol R. Mehnke
Register of Deeds

DOCUMENT NO. 1800278

CERTIFIED SURVEY MAP NO. 4181, VOLUME 17 PAGE 286

Google Maps 1424 WI-138

Image capture: Jul 2019 © 2021 Google

Stoughton, Wisconsin

Google

Street View - Jul 2019

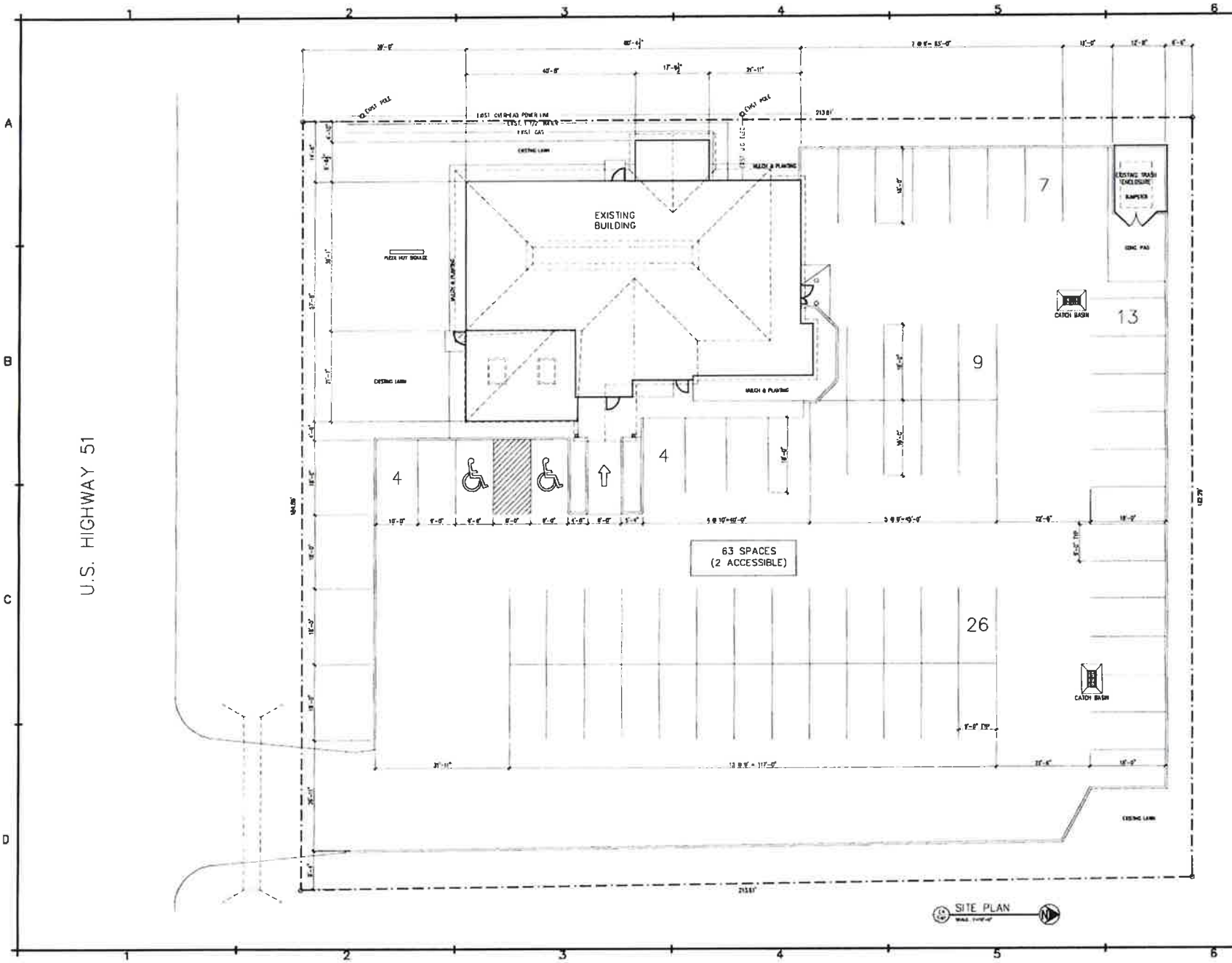
Google Maps 1416 WI-138

Image capture: Jul 2019 © 2021 Google

Stoughton, Wisconsin

Google

Street View - Jul 2019



GMK architecture

1424 HIGHWAY 51
STOUGHTON, WISCONSIN 53589

of Southern Wisconsin, Inc.

Comm. No. K9621	
issued for	Date
PRELIM	05.21.09

SITE PLAN

SW1

DOOR SCHEDULE

DOOR #	TYPE	SIZE	MATERIAL	FRAME	MATERIAL	GLAZING	HARDWARE	RATING	DETAILS		REMARKS
117	FLUSH	3'-0" X 7'-0" X 1-3/4"	SOLID CORE WOOD	SINGLE	HOLLOW METAL	---	SET #2	---	E/A4.2	F/A4.2	
118	FLUSH	3'-0" X 7'-0" X 1-3/4"	SOLID CORE WOOD	SINGLE	HOLLOW METAL	---	SET #2		E/A4.2	F/A4.2	
119	FULL GLAZED	3'-0" X 7'-0" X 1-3/4"	SOLID CORE WOOD	SINGLE	HOLLOW METAL	TEMPERED	SET #3	---	H/A4.2	J/A4.2	
120	CASED OPENING	3'-0" X 7'-0" X 1-3/4"	---	SINGLE	HOLLOW METAL	---	---	---	E/A4.2	F/A4.2	
121	FULL GLAZED	3'-0" X 7'-0" X 1-3/4"	ALUMINUM	SINGLE	ALUMINUM	INSULATING	SET #1	---	B/A4.2	C/A4.2	

DOOR HARDWARE SETS

SET #1: ALUMINUM STOREFRONT SET

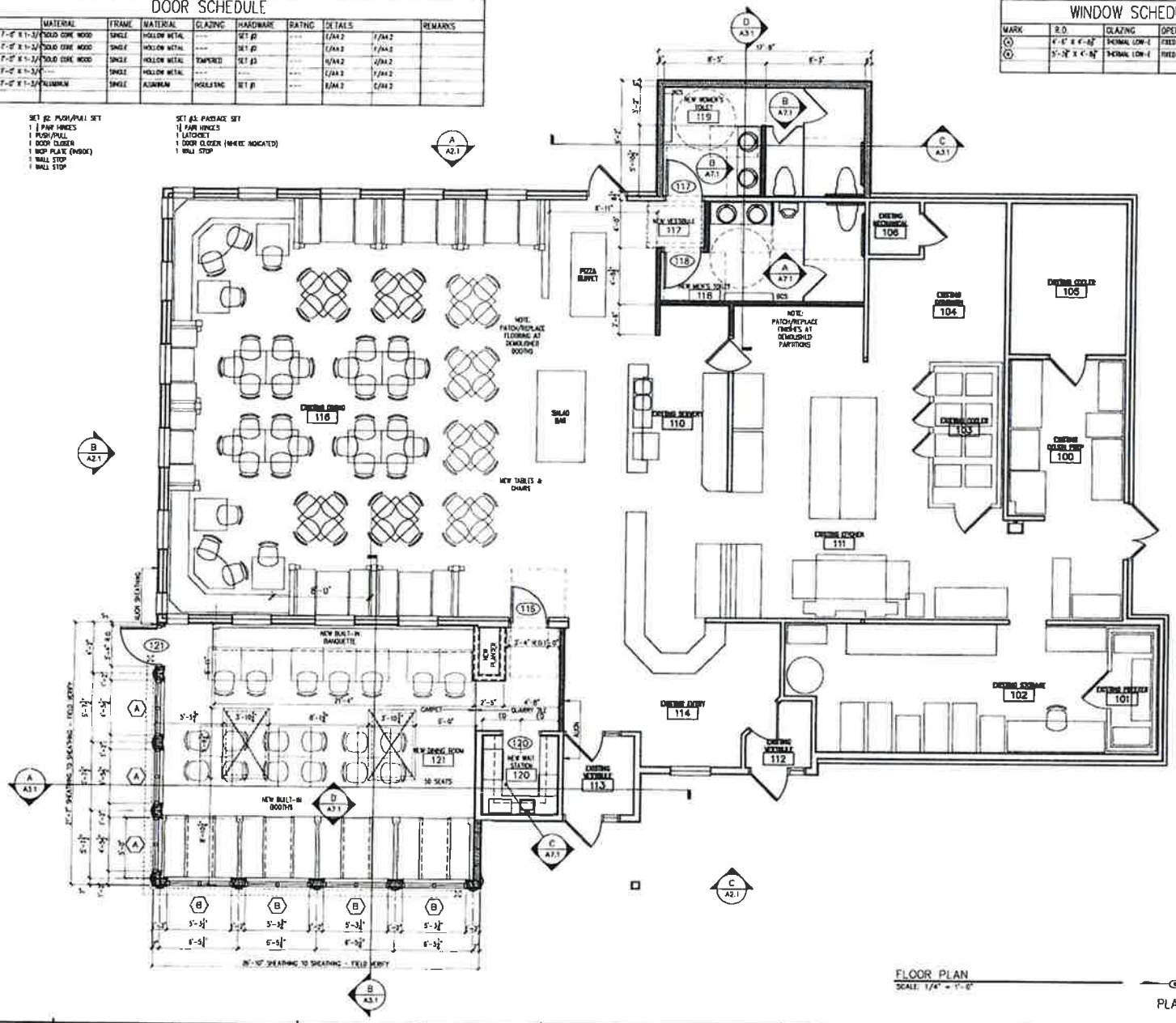
1 CYLINDER LOCK
BALANCE OF HARDWARE BY DOOR MANUFACTURER

SET #2: PUSH/PULL SET
1 | PAIR HINGES
1 PUSH/PULL
1 DOOR CLOSER
1 MOP PLATE (INSIDE)
1 WALL STOP
1 WALL STOP

SET #3: PASSAGE SET
1 | PAIR HINGES
1 LATCHSET
1 DOOR CLOSER (WHERE INDICATED)
1 WALL STOP

WINDOW SCHEDULE

MARK	R.O.	GLAZING	OPERATION	REMARKS
(X)	4'-6" X 4'-8½"	THERMAL LOW-E	FIXED	
(X)	3'-0½" X 4'-8½"	THERMAL LOW-E	FIXED	



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

PLAN NORTH

ARCHITECTURE Inc.
718 East Road Madison, WI 53713
(608) 277 0585 FAX (608) 277 0587

1424 HIGHWAY 51
STOUGHTON, WISCONSIN 53589

of Southern Wisconsin, Inc.

Comm. No.	K9621
Issued For	Date
CD'S	09.24.02

FLOOR PLAN

A1.1

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 10, 2021

Jeffrey and Stephanie Boness
906 Hamilton Street
Stoughton, WI. 53589

Dear Applicant:

I have completed a review of the proposed conditional use and site plan for a group daycare use at 1424 US Highway 51-138, Stoughton – application provided 12/6/2021. As noted, additional information may be required or shown on the plans.

1. The property at 1424 US Highway 51-138 is currently zoned PB – Planned Business. **A Group Daycare Center is allowed as conditional uses within the PB district. A public hearing is planned for the January 10, 2022 Plan Commission meeting. It is anticipated that the Common Council will act on the CUP request at their January 25, 2022 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 group daycare 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 Planned 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, future land use map designates the property at 1424 US Highway 51-138 as Planned Business. **The zoning and proposed use appear to be consistent with the Comprehensive Plan.**

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**
   B. Property site drawing. **Plan of existing site provided**

5. Regulations applicable to a group daycare are as follows:
   - Facility shall provide a bufferyard with a minimum opacity of .50 along all property borders abutting residentially zoned property (See zoning section 78-610).
     N/A

6. The parking requirement for a group daycare is one space per five students, plus one space for each employee on the largest work shift. **There is ample parking to meet this requirement.**

7. All off-street parking and traffic circulation areas shall be paved with a hard, all-weather surface and completed prior to building occupancy. <u>All parking spaces shall be clearly marked to indicate required spaces</u>. **Expected**

8. Accessible parking spaces must be installed at a size, number, location, and with signage as specified by state and federal regulations. **Expected**

9. Except for accessible parking stalls, the minimum parking stall length shall be 18 feet with a minimum width of 9 feet. **Expected**

10. The parking aisle width shall be a minimum of 24 feet. **Expected**

11. The access drive shall be a minimum of 18 feet in width and the curb opening for an access drive shall have a maximum width of 30 feet for non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet and may be exceeded with explicit Plan Commission approval. **The access is existing.**

12. Per section 78-704 (13)(a), bicycle parking is required equal to 10% of the automobile parking space requirement. There are specific requirements related to bicycle parking in section 78-704 (13). **8 bike spaces will be provided.**

13. A gated, screened, trash enclosure is required for the handling of waste. **Existing enclosure**

14. Required off-street parking shall not be used for snow storage. **Expected**

15. Any proposed signage will require a detailed plan, application and fee prior to installation. **Expected**

16. A fence permit will be necessary prior to installation. **Expected**

17. State of Wisconsin approved building plans may be necessary for the interior work prior to issuance of a 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

Plan Commission Meeting Minutes
Monday, January 10, 2022 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Brett Schumacher, Vice-Chair; Todd Barman; Phil Caravello; Al Farrow; Tom Majewski; and Tom Robinson
Members Absent: None
Staff: Rodney Scheel, Director of Planning and Development; Michael Stacey, Zoning Administrator
Press: None
Guests:

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 December 13, 2021.** Caravello stated a correction is needed at #3 Council representative report, it should state Luca's Pizza not Luigi's Pizza.

   Motion by **Robinson** to approve the minutes as corrected, 2nd by **Caravello**. Motion carried unanimously.

3. **Council Representative Report.** Caravello stated Ordinance 29 of 2021 was approved.

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

5. **Façade improvements at 143 E. Main Street. (Postponed from December 13, 2021)** Scheel explained the request.

   Robinson stated he went by the building and has no problem with the exterior colors.

   Motion by **Robinson** to approve the façade improvements as presented, 2nd by **Farrow**.

   Schumacher stated he is also ok with the existing colors.

   Barman stated the code only allows 3 different colors and it was previously brought up that the dark blue around the door was too dark.

   Majewski stated the only issue is there are 4 different colors.

   Motion carried 6-1 (Barman is opposed)

6. **Conditional use permit for a Group Daycare at 1424 US Highway 51-138 (Formerly Pizza Hut).**
   Scheel gave an overview of the request.

Barman stated this review appears to be just for the change of use not for the site plan and there may be a need for more playground area. Mayor Swadley questioned if there are any requirements for the playground area. Scheel stated there is no zoning requirement for the size of playground rather there may be State requirements for the daycare use.

Schumacher questioned if the pavement would be staying under the playground area. Scheel stated he is not sure.

Barman questioned if the change of use triggered any requirements such as landscaping. Scheel stated it is just a change of use with no site plan changes so we believe there are no additional site requirements.

Farrow noted this area is very busy with traffic.

Mayor Swadley opened the public hearing.

No one registered to speak.

Mayor Swadley closed the public hearing.

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

7. **Site plan review for Stoughton High School Athletic Complex Improvements at 600 Lincoln Avenue.**
Scheel explained the request.

Barman asked for a summary of the stormwater management improvements. Scheel stated there is a retention pond proposed at the east end of the site and the applicant has provided a stormwater management and erosion control plan that are currently being reviewed by Dane County.

Mayor Swadley explained the history of planning for these improvements and the positive impacts.

Caravello noted there are ADA improvements listed on the plan. Scheel stated it appears accessible routes are being brought into compliance.

Schumacher has concerns about the grade in the northwest area of the site.

Motion by **Robinson** to approve the High School Athletic Complex as presented, 2nd by **Schumacher**. Motion carried unanimously.

8. **Site plan review for an outdoor patio area at La Cantina, 620 Nygaard Street.**
Scheel explained the request.