



CITY OF STOUGHTON  
DEPARTMENT OF  
PLANNING & DEVELOPMENT  
381 East Main Street, Stoughton, WI. 53589

RODNEY J. SCHEEL  
DIRECTOR

(608) 873-6619      [www.ci.stoughton.wi.us](http://www.ci.stoughton.wi.us)

Date:            September 8, 2020

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 14, 2020 Plan Commission Meeting and September 22, 2020 Common Council Meeting.

**Request by Joseph Baird of Mershon's Cidery for a conditional use permit for an indoor commercial entertainment use (tavern uses) and for light industrial activities incidental to indoor sales (cider manufacturing) at 124 W. Main Street.**

This conditional use permit request will allow Mershon's Cidery to move from the current location in the Business Park North to the Cinema Café building at 124 W. Main Street. There is also a proposed zoning code amendment on the Plan Commission agenda which will allow cider manufacturing in the central business district. We believe this use is a good fit in the downtown and for this particular location. A Plan Commission public hearing and recommendation to Council is necessary. 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 request by Joseph Baird for property at 124 W. Main Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council approval – 0

Fiscal Impact: None.

**File Number:** R- -2020

**Date Introduced:**

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

**WHEREAS**, on September 14, 2020 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application by Joseph Baird for property at 124 W. Main Street, Stoughton, Wisconsin; and

**WHEREAS**, the conditional use permit is requested for the following:

- Indoor Commercial Entertainment (tavern uses) and for light industrial activities incidental to indoor sales (cider manufacturing).

**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 Joseph Baird for property at 124 W. Main Street is hereby approved as presented subject to:

- Staff review dated August 26, 2020
- Zoning ordinance amendment to section 78-206(7)(a) regarding light industrial land uses.

**Council Action:**  **Adopted**       **Failed**      **Vote** \_\_\_\_\_

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

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Tim Swadley, Mayor

Date

**Council Action:** \_\_\_\_\_       **Override**      **Vote** \_\_\_\_\_

## PUBLIC HEARING NOTICE

The City of Stoughton Plan Commission will hold a Virtual Public Hearing on Monday, September 14, 2020 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 Joseph Baird for an Indoor Commercial Entertainment use (tavern type uses) and for Light Industrial activities incidental to Indoor Sales (Cider Manufacturing) at 124 W. Main Street, Stoughton, WI.

The property is more formally described as:

Parcel # 281/0511-082-1597-7

Legal Description: ORIGINAL PLAT BLOCK 21 LOT 7 & LOT 8

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

Additional information including a location map can be found at: <http://stoughtoncitydocs.com/planning-commission/>

Due to the COVID-19 Pandemic, this meeting will not be open to the public in an in-person capacity. For those wishing to view the meeting and/or ask questions, you may do so via the following options:

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/547935901>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 877 309 2073

- One-touch: <tel:+18775684106,,547935901#>

United States: +1 (571) 317-3129

- One-touch: <tel:+15713173129,,547935901#>

Access Code: 547-935-901

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/join/547935901>

If you wish to speak at or have your comments read aloud at the meeting, please register at <http://speak.cityofstoughton.com> by 5:45 on the day of the meeting. The Clerk will receive comments and forward them on to the "Organizer". The public can click on the link or call in and use the access code. When connected the public will have to identify themselves in order for the "Organizer" to rename them on the "Attendee" screen. If you plan to speak, please mute TV or stream volume (if online) and do not use speakerphone, as it creates feedback, there may be a delay. The Public Comment participant will be unmuted by the "Organizer" when it is their turn and have up to 3 minutes to speak. After speaking, the "Organizer" will mute the Public Comment participant. The participant can log out or hang up and stream at WSTO, or watch on Channel 981 on Charter/Spectrum.

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

Published August 27 and September 3, 2020 Hub

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

Applicant Name: Mershonian Cidery LLC

Applicant Address: 280 Business Park Circle #7, Stoughton, WI 53589

Applicant Phone and Email: 608-235-6832     Joseph@MershonsCider.com

Property Owner Name (if different than applicant): Dennis Lange

Property Owner Phone    608-205-7527

Subject Property Address: 124 W. Main St, 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: 8/18/20

Application fee of \$455 received by Zoning Administrator

Date: 8/18/20

**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: 8/18/20

**(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?

It will create a destination in Stoughton where customers can see and taste locally made products, while learning more about craft beverage making processes and history. In having the location of this attraction winery in the central business district it creates opportunities for people familiar with Mershon's, through our varied advertising and distribution avenues, to also patron other local businesses and discover 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

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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 land use will remain consistent with established uses, but add value with the experience and products being offered. This conditional use will allow new businesses and attractions to thrive, while maintaining the history of the cinema and the surrounding area.

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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

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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?

Options can be assessed if such an impact arises, but there are no clear adverse impacts given the scope and type of business proposed use.

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**IV. Application Information for City Use**

Notified Neighboring Property Owners (within 300 feet)

Date: 8/24/20

Notified Neighboring Township Clerks (within 1,000 feet)

Date: 8/31/20

Class 2 legal notice sent to official newspaper by City Clerk

Date: 8/18/20

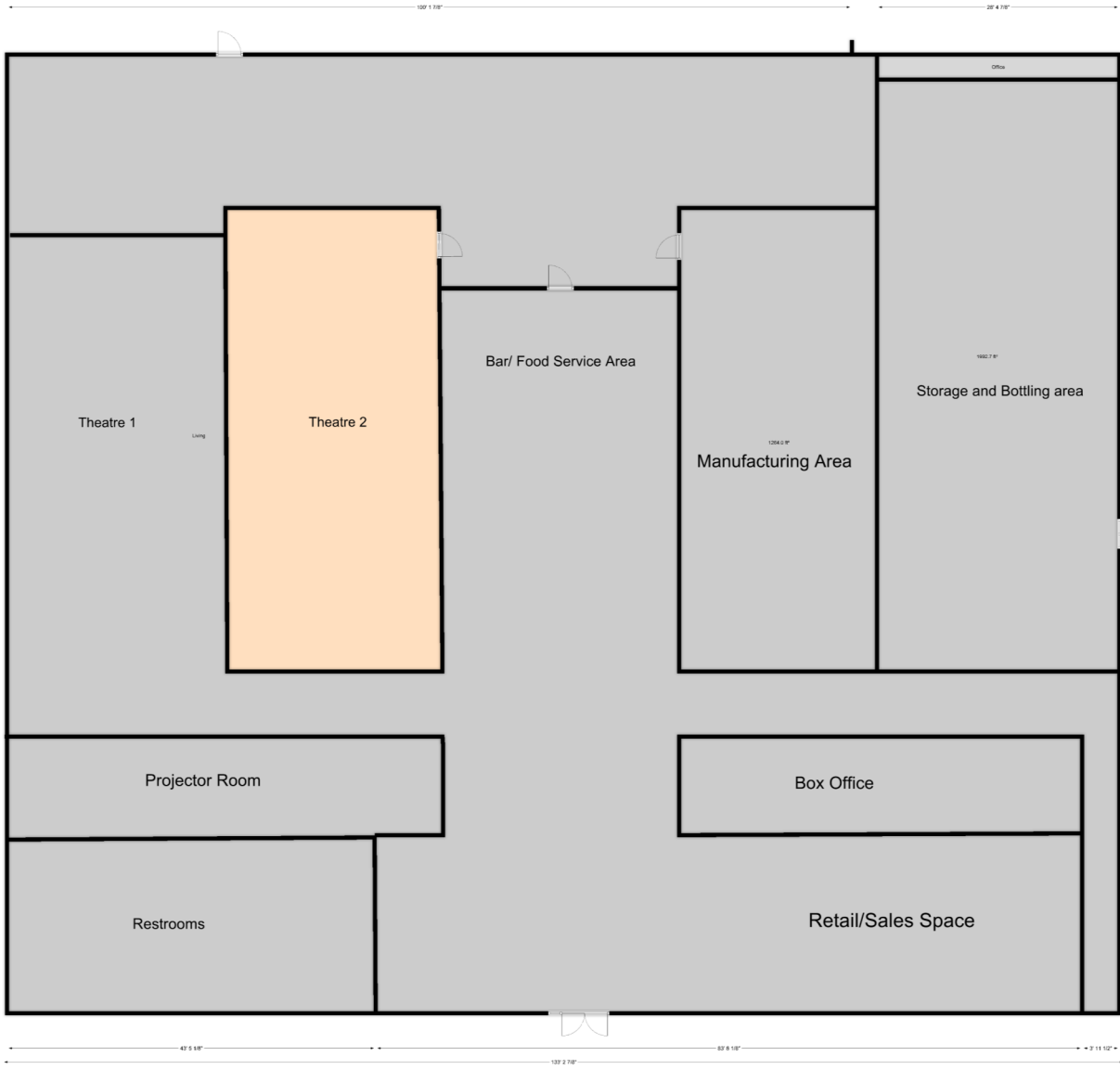
Class 2 legal notice published on 8/27/20 and 9/3/20

Date: \_\_\_\_\_

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





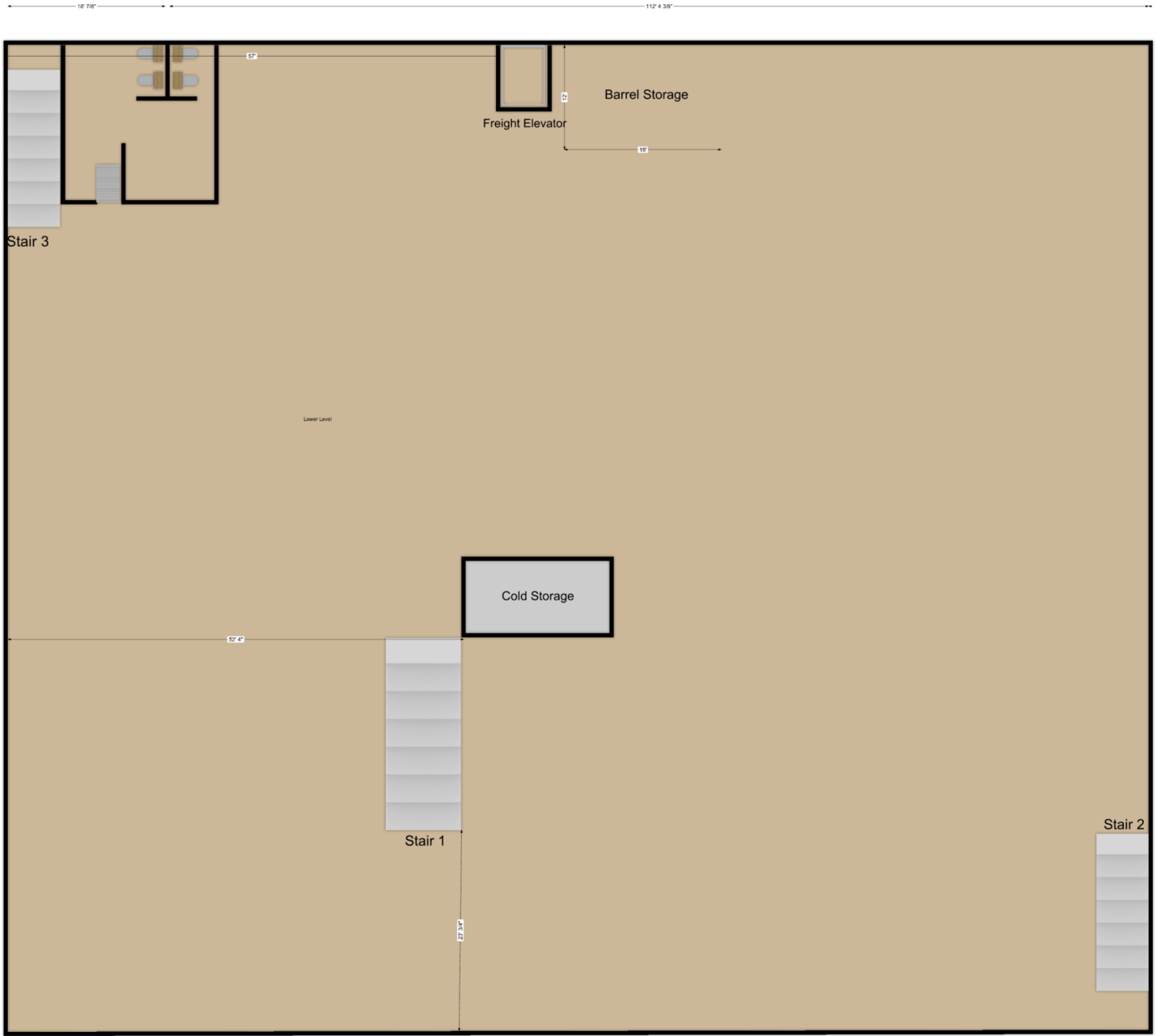


**MAIN FLOOR**

Division St

W Main ST

# BASEMENT



**Proposed Use of Cinema Cafe - 124 W Main St, Stoughton, WI 53589**

Manufacturing of craft beverages including wines, ciders, beer, and spirits along with barrel storage for aging and maturing products. Bar and restaurant for in house service for products manufactured on site along with other products from the surrounding area. Tours to educate customers on fermentation and the cider and wine making process. Retail space for the sale of bottled craft beverage products and other locally made goods. Entertainment for continued use as a movie theater, music and arts venue, and tasting event space.

Google Maps 121 US-51



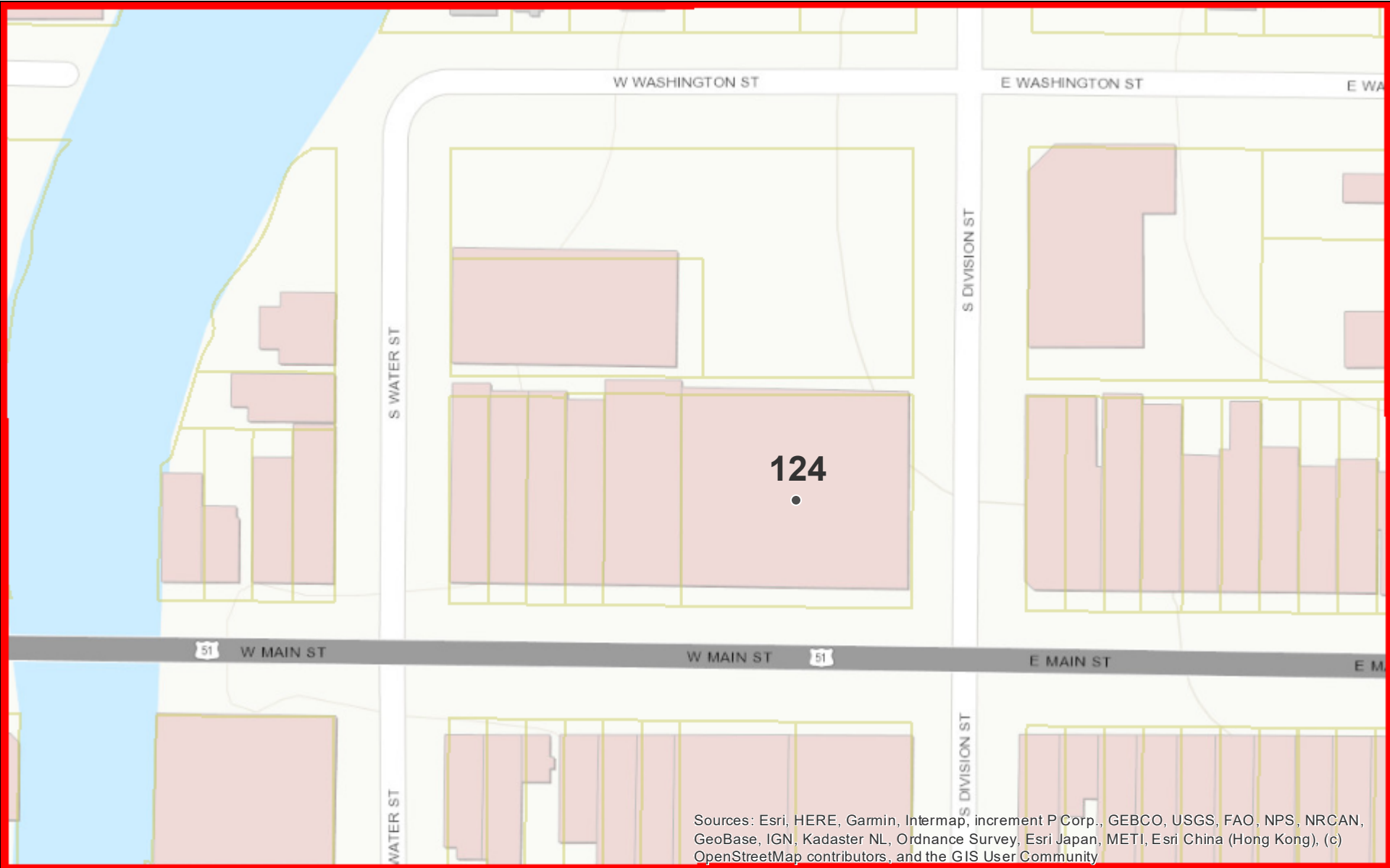
Image capture: Aug 2018 © 2020 Google

Stoughton, Wisconsin

Google

Street View



# 124 W. Main Street

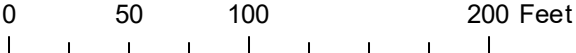


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

September 3, 2020

### Dane County Mask

-  Dane County Mask
-  Parcels





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

August 26, 2020

Joseph Baird  
280 Business Park Circle #7  
Stoughton, WI. 53589

Dear Mr. Baird:

I have completed a review of the proposed conditional use request for an Indoor Commercial Entertainment use (Tavern and Restaurant uses) and for Light Industrial activities incidental to Indoor Sales (Cider Manufacturing) at 124 W. Main Street, Stoughton - application provided 8/10/20. As noted, additional information may be required or shown on the plans.

1. The property at 124 W. Main Street is currently zoned CB – Central Business. **An Indoor Commercial Entertainment use is allowed as a conditional use within the CB district. The application and fee have been submitted. A public hearing is planned for the September 14, 2020 Plan Commission meeting to review the conditional use application. It is anticipated that the Common Council will act on this request at their September 22, 2020 meeting. This approval will be contingent on a zoning ordinance amendment approval to clarify that cider manufacturing is an allowable incidental light industrial use.**
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 proposed use and we have not received any complaints from neighboring property owners related to this request.**

- 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 zoning requirements.**
  - 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 124 W. Main Street as Central Business. **This request is consistent with the Comprehensive Plan.**
  4. Regulations applicable to an indoor commercial entertainment 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**
  5. Regulations applicable to light industrial land uses are as follows:
    - All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  6. There are no parking requirements within the Central Business district.
  7. Any proposed signage will require a detailed plan and zoning permit prior to installation. **The fee for signage is \$75 at the time of application.**

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

Sincerely,  
City of Stoughton

*Michael P. Stacey*

Michael P. Stacey  
Zoning Administrator