

## RESOLUTION OF THE COMMON COUNCIL

Authorizing and directing the proper city official(s) to approve the Outdoor Alcohol Consumption Permit renewals for these businesses: Cully's Cocktail Lounge, Dave's Water's Edge Tavern, Banushi's Bar & Grill, American Legion Post 59.

Committee Action: Public Safety

Fiscal Impact: \$-0-

**File Number:** R-74-2013

**Date Introduced:** May 28, 2013

**WHEREAS** the City Clerk's office has received applications for renewals of the Outdoor Alcohol Consumption Permit from these businesses:

Cully's Cocktail Lounge  
Dave's Water's Edge Tavern  
Banushi's Bar & Grill  
American Legion Post 59

**WHEREAS** the Public Safety Committee met on May 22, 2013, to consider the terms of the Outdoor Alcohol Consumption Permit renewals and, upon advisement from the Police Chief, recommends approval; now therefore

**BE IT RESOLVED** by the Common Council of the City of Stoughton that the proper city official(s) be hereby authorized and directed to execute the renewals of these Outdoor Alcohol Consumption Permits, attached hereto and incorporated as part of this resolution, between the City of Stoughton and Cully's Cocktail Lounge, Dave's Water's Edge Tavern, Banushi's Bar & Grill, American Legion Post 59.

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

**Mayoral Action:** ☐ Accept ☐ Veto

\_\_\_\_\_  
Donna Olson, Mayor

\_\_\_\_\_  
Date

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

Permits for outdoor consumption at Class B premises.

a.

Required for outdoor consumption. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the city council. Such permits are issued by the council as provided in this article after review by the licensing committee. The permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid permit. The VFW shall be allowed to permit the consumption of alcohol beverages outside their building in the picnic area as an exception to the requirements of this section.

b.

Limitations on issuance of outdoor permits. No permit shall be issued for an outdoor area if the area is greater than 50 percent of the gross floor area of the adjoining licensed premises. Each application for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. Amplified sound or music shall not be permitted within the outdoor area of the licensed premises. Outdoor areas permitted pursuant to this section shall be not be open later than 11:00 p.m. on Fridays and Saturdays, and later than 10:00 p.m. on all other nights. The council may impose additional restrictions on a case-by-case basis which shall be incorporated into any outdoor consumption permit including, but not limited to, conditions relating to fencing, screening and noise abatement.

PD  
✓

☐ New Permit  
☒ Renew Permit  
☐ Permit has met all Planning and zoning requirements

City of Stoughton  
381 E Main St  
Stoughton WI 53589 608.873.6677



Application for Outdoor Alcohol Consumption Permit  
Section 14-40(k)(6)  
(Must meet all required Planning & Zoning requirements)

Alcohol License holder: DAVID ATKINS  
Doing Business as: DAVE'S WATER'S EDGE TAVERN  
Street Address, City, State & Zip: 324 S. WATER ST. STOUGHTON WI 53589  
Contact Name: DAVE ATKINS Phone #: 873-1677  
Mailing Address: [REDACTED]  
Type of Beverage License currently at this location: CLASS B  
Proposed Outdoor Area (Description):  
Please attach a plan or drawing of area.  
Square footage of indoor area: 1850 SQ. FT.  
Square footage of outdoor area: 432 SQ. FT.  
Number of seats in outdoor area: 16  
Describe fencing: 6 FT. HIGH CEDAR  
How many feet to the closest structure used residentially? 25 FT.  
Hours of Outdoor Operation: Sun. - Thur.: No later than 10:00 p.m. Fri. & Sat.: No later than 11:00 p.m.  
Other restrictions proposed by applicant: \_\_\_\_\_

I declare under penalty provided by law, that the foregoing is true and correct to the best of my knowledge, and that I will comply with all City Codes and Regulations in the conduct of my business.

[Signature]  
Applicant's Signature

4-29-2013  
Date

Received in the City Clerks Office:

[Signature]  
Staff Signature

4/29/2013  
Date

## Review Process Summary:

### Planning & Zoning:

Date Reviewed:

4/30/13

Recommend ☒

Recommend ☐

Approval:

Denial:

Additional Restrictions/Requirements Per Conditional Use Permit:

RENEWAL.

Council Resolution R-29-2010 Attached w/  
Conditions

### Public Safety Committee:

Date Reviewed:

Recommend ☐

Recommend ☐

Approval:

Denial:

Additional Restrictions/Requirements Recommended by the Committee:

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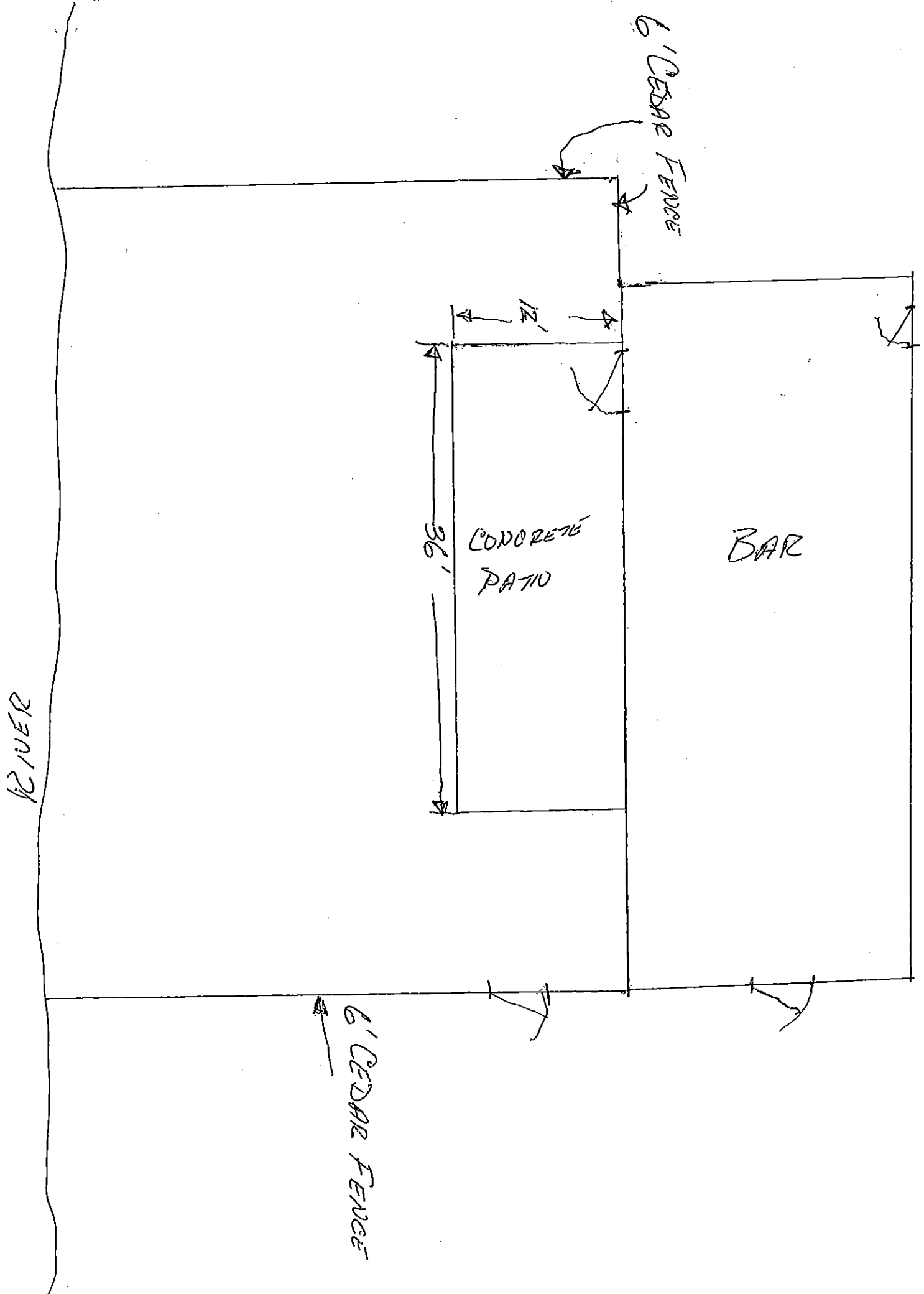
### Council:

Date Reviewed:

Approved: ☐

Denied: ☐

Additional Restrictions/Requirements:



**CITY COUNCIL RESOLUTION NO. R-29-2010**

**Resolution Approving a Conditional Use Permit allowing an expansion of the tavern use at Dave's Water's Edge, 324 S. Water Street, Stoughton, Wisconsin.**

WHEREAS, notice was given that the City of Stoughton Planning Commission is conducting a public hearing at 6:00 p.m. on October 4, 2010 in the Stoughton Council Chambers, 321 S. Fourth Street, at which time any persons wishing, could be heard regarding the above Conditional Use Permit and the City of Stoughton Planning Commission would at that time make a recommendation to the City of Stoughton Common Council. Notices were mailed to property owners within 300 feet of the property located at 324 S. Water Street, Stoughton, Wisconsin, legally described as:

Parcel Number: 281/0511-082-1412-9 – ORIGINAL PLAT, BLOCK 17, LOT 2 EXC. N. 22 FT.

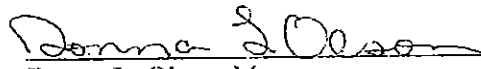
WHEREAS, the Common Council of the City of Stoughton, Wisconsin, has review the application for a Conditional Use permit by Dave Atkins, owner of Dave's Water's Edge, under the provisions of zoning code section 78-905 and has considered the recommendation from the City Planning Commission and has considered all comments from persons speaking at the public hearing.

WHEREAS, an Indoor Commercial Entertainment use such as a Tavern at 324 S. Water Street is consistent with the Comprehensive Plan.

THEREFORE BE IT RESOLVED, that the City of Stoughton Common Council approves the conditional use permit for Dave's Water's Edge, 324 S. Water Street, Stoughton, Wisconsin, to allow an expansion of the Tavern use, with the following conditions:

1. The west exit door must remain closed during the hours of operation, except for entering and exiting.
2. All music shall be banned from the outdoor area.
3. The outdoor area shall be closed at 10:00 pm.

This Resolution is duly adopted by the City Council of the City of Stoughton at a regularly scheduled meeting on October 12, 2010.

  
Donna L. Olson, Mayor

  
Pili Hougau, Deputy Clerk

## CERTIFICATION

I, Pili Hougan, Deputy Clerk of the City of Stoughton, certify that the foregoing Resolution was duly and regularly adopted by the City Council at a duly scheduled meeting held at the City Hall on October 12, 2010. Motion by Hohol, seconded by Chenoweth, to adopt the Resolution.

Vote: Yes-9 Noe-3

Resolution Adopted.

Pili Hougan, Deputy Clerk

PD  
5-2-13  
406

☐ New Permit

☒ Renew Permit

☐ Permit has met all Planning and zoning requirements

City of Stoughton  
381 E Main St  
Stoughton WI 53589 608.873.6677



Application for Outdoor Alcohol Consumption Permit  
Section 14-40(k)(6)

CITY OF STOUGHTON (Must meet all required Planning & Zoning requirements)

Alcohol License holder: American Legion Post 59

Doing Business as: \_\_\_\_\_

Street Address, City, State & Zip: 803 W. Page St.

Contact Name: Jim Oler Phone #: 608-340-4400

Mailing Address: [Redacted], Stoughton, WI 53589

Type of Beverage License currently at this location: Class B-beer / Reserve class B  
Liquor

Proposed Outdoor Area (Description): \_\_\_\_\_

Please attach a plan or drawing of area. \_\_\_\_\_

Square footage of indoor area: 5084

Square footage of outdoor area: 2500

Number of seats in outdoor area: Bench / 4- picnic Tables

Describe fencing: Chain Link

How many feet to the closest structure used residentially? 100 ft

Hours of Outdoor Operation: Sun. - Thur.: No later than 10:00 p.m. Fri. & Sat.: No later than 11:00 p.m.

Other restrictions proposed by applicant: \_\_\_\_\_

I declare under penalty provided by law, that the forgoing is true and correct to the best of my knowledge, and that I will comply with all City Codes and Regulations in the conduct of my business.

Jim Oler - Finance Officer 04-15-13  
Applicant's Signature Date

Received in the City Clerks Office:

Maria Hongar 4-29-2013  
Staff Signature Date



## Review Process Summary:

### Planning & Zoning:

Date Reviewed:

4/30/13

Recommend ☒ Approval:

Recommend ☐ Denial:

Additional Restrictions/Requirements Per Conditional Use Permit:

RENEWAL.

Appears to be conflict w/ parking spaces &  
outdoor consumption area. \* NOT A GREAT PLAN!  
- conditional use resolution attached.

MPS

### Public Safety Committee:

Date Reviewed:

Recommend ☐ Approval:

Recommend ☐ Denial:

Additional Restrictions/Requirements Recommended by the Committee:

### Council:

Date Reviewed:

Approved: ☐

Denied: ☐

Additional Restrictions/Requirements:

Carpet Warehouse

New Outdoor Countertop

Flashing Side  
Pile

FENCE

50'  
100'  
50'

ORIGINAL LOT LINE

Parking

Parking

132' Parking

Parking

Parking

Legion  
5,084 #

Proposed  
out door permit  
New Addition

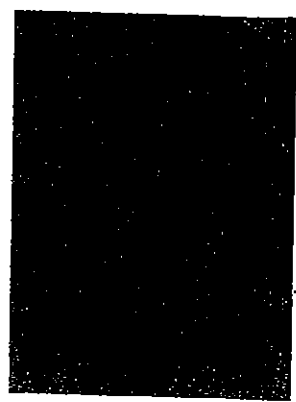
Smith back

Parking

wood

Legion

Parking



# RESOLUTION

Use black ink

At the (City) Village / Town of Stoughton, Wisconsin  
Circle one

official meeting held on July 26, 2011, the following

conditional use  
resolution was adopted concerning land in Dane County described as:  
(Give the legal description of the affected property or, if attached, say "see attached.")

803 N. Page Street, Stoughton, Wisconsin.

LOT 1 CSM 13109 CS84/88&89-06/02/2011 F/K/A PRT LOTS 29, 30, 31,  
32 & 33 BLOCK 18 CORRECTED SURVEY & PLAT OF SARAH E  
TURNER'S ADDN TO CITY OF STOUGHTON DESCR AS SEC 5-5-11  
PRT NE1/4SW1/4 (0.748 ACRES)



8 2 8 6 3 6 0  
Tx:8176136

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
**4786970**

08/26/2011 1:21 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 5

Recording area

Name and return address:

City of Stoughton  
Michael Stacey  
381 E. Main Street  
Stoughton, WI. 53589

281/0511-053-0527-2

PARCEL IDENTIFICATION NUMBER\*  
(\*Not required for road right of ways)

A copy of the resolution is  
attached.

Maria P. Hougan  
Signature of City/Village/Town official

8-5-2011  
Date

Maria P. Hougan  
Name printed

Deputy Clerk  
Title

STATE OF WISCONSIN, County of Dane

Subscribed and sworn to before me on 8-5-11 by the above named person(s).

Signature of notary or other person  
authorized to administer an oath  
(as per s. 706.06, 706.07)

Tamara M. Bader-Fleres

Print or type name: Tamara M. Bader-Fleres

Title Receptionist Date commission expires: 5-6-12

This document was drafted by:  
(print or type name below)

Michael P. Stacey  
MICHAEL P. STACEY  
Names of persons signing in any  
capacity must be typed or printed  
below their signature.  
DCROD 3/1/2002

CITY OF STOUGHTON, 381 E. MAIN STREET, STOUGHTON, WISCONSIN

RESOLUTION OF THE PLAN COMMISSION

Approving a Conditional Use Permit to allow a building addition for American Legion Post 59 at 803 N. Page Street, Stoughton, Wisconsin.

Committee Action: Recommend Council approval 4 - 0

Fiscal Impact: None.

File Number: R- 92 -2011

Date Introduced: July 26, 2011

**WHEREAS**, on July 11, 2011 the City of Stoughton Planning Commission held a public hearing and reviewed the Conditional Use request by American Legion Post 59 for a building addition at 803 N. Page Street, Stoughton, Wisconsin; and

**WHEREAS**, the Conditional Use application was reviewed by the City Director of Planning & Development and Zoning Administrator and found to be in compliance with the City Zoning ordinance; and

**WHEREAS**, the Comprehensive Plan Planned Land Use Map is used as a guide for the general pattern of permanent zoning as determined by the Planning Commission and Common Council. The City Zoning Administrator has confirmed the addition should not interfere with and is consistent with the City's Comprehensive Plan; now therefore

**BE IT RESOLVED** by the Common Council of the City of Stoughton that the Conditional Use permit request for a building addition by American Legion Post 59 for property located at 803 N. Page Street, Stoughton, Wisconsin, is hereby approved, contingent on the following:

1. Contingent on the Department of Planning and Development staff review letter dated July 1, 2011 (attached);
2. Allowing two years from the date of approval to provide a hard surface for all parking areas.

Council Action:

☒

Adopted

☐

Failed

Vote

9-0-1

Mayoral Action:

☒

Accept

☐

Veto

Donna Olson

Donna Olson, Mayor

7-26-11

Date

Council Action:

☐

Override

Vote



CITY OF STOUGHTON  
DEPARTMENT OF PLANNING & DEVELOPMENT  
381 East Main Street, Stoughton, WI. 53589  
[www.cityofstoughton.com/planning](http://www.cityofstoughton.com/planning)

RODNEY J. SCHEEL  
DIRECTOR  
(608) 873-6619  
fax: (608) 873-5519

July 1, 2011

Sonny Swangstu  
701 Bickley Court  
Stoughton, WI. 53589

Dear Mr. Swangstu:

I have completed a review of the proposed conditional use permit request for a building addition at American Legion Post #59, 803 N. Page Street, Stoughton. (application received June 17, 2011). This request is scheduled for public hearing at the July 11, 2011 Planning Commission meeting of which you will receive notice. The owner and/or representative are required to attend the meeting. The following items are identified for your review.

1. The property at 803 N. Page Street is zoned PB – Planned Business. Per Zoning Code section 78-105(4)(b)2b, Indoor Commercial land uses such as taverns are permitted as a conditional use within the Planned Business district. **The Planning Commission will conduct a public hearing and review your request for a conditional use permit to expand the building/use. The Commission will offer a recommendation to the City Common Council. The Common Council should make their decision on July 26, 2011. The Common Council may place conditions on the use related to screening; lighting; parking, etc...**
2. Indoor Commercial Entertainment is defined as follows: 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.
3. The Comprehensive Plan, planned land use map designates this property as General Industrial. Taverns are consistent with a General Business designation. **The planned land use map is used as a guide for the general pattern of permanent zoning as determined by the Planning Commission and Common Council. We believe this site is more appropriate for General Business rather than General Industrial. The map will need to be amended in the future to reflect the existing use.**
4. The minimum rear yard setback requirement is 20 feet while the minimum side yard setback is 10 feet. **The addition meets the minimum setback requirements. A foundation survey will be required since the side yards will be set at 10 feet.**

5. The parking requirement for indoor commercial entertainment is one space per every three patron seats; or one space per three persons at the maximum capacity of the establishment; (whichever is greater). **On April 7, 2008 the Board of Appeals approved a variance to reduce the number of parking stalls to 26 for this property/use. We have been informed the capacity is not changing for the building, so 26 stalls are required. 34 parking stalls are shown on the plan.**
6. All off-street parking and circulation facilities shall be paved with a hard, all-weather surface and spaces shall be clearly marked. **There are areas that are currently not paved. A timetable will need to be provided to complete the paving.**
7. **The sanitary sewer connection at West Street will require: A street opening permit; Scheduling with Stoughton Utilities consultants for an inspection at your cost; Work with the Building Inspector for the installation outside of the right-of-way; and provide Stoughton Utilities with the lateral-sewer main connection cost upon completion. Any needed easements are your responsibility.**
8. The regulations pertaining 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. **The rear entrance is more than 150 feet from residentially zoned property.**
  - The facility shall provide a bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property. **There is a residentially zoned property abutting the rear (east) property line of the subject property. A plan has been submitted in an attempt to comply with zoning code section 78-610 related to the bufferyard. The trees will need to be spread out along the east property line to meet the bufferyard requirement. The fence will need to be setback 10 feet from the south property line for vision.**
9. An erosion control plan is required to be provided at the time of building permit application.
10. Building additions are required to be accented by a minimum amount of landscaping placed near the building foundation. For each 100 feet of building foundation perimeter, the landscaping installed shall at a minimum have 40 points of landscaping. The proposed addition has approximately 93 feet of perimeter which will require 38 points of foundation landscaping. Additionally, developed lots require 10 points of landscaping per 1,000 square feet of building foot-print. The proposed 1,080 square foot addition which requires 11 landscaping points. **A landscaping plan has been provided to meet these requirements.**
11. **The smoking room is required to meet State of Wisconsin requirements.**
12. **Since the addition is in the location of the approved outdoor consumption area, any new outdoor consumption area will need to be revisited by the Public Safety Committee and approved by Council.**
13. **State of Wisconsin approved building plans will be necessary prior to issuance of a building permit but are 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//Assistant Planner

cc. Planning Commissioners

\_\_\_ New Permit

☒ Renew Permit

\_\_\_ Permit has met all Planning and zoning requirements

City of Stoughton  
381 E Main St  
Stoughton WI 53589 608.873.6677



Application for Outdoor Alcohol Consumption Permit  
Section 14-40(k)(6)  
(Must meet all required Planning & Zoning requirements)

Alcohol License holder: 2012 1

Doing Business as: Banushis Bar & Grill

Street Address, City, State & Zip: 800 Nygaard St Stoughton WI 53589

Contact Name: Ilir Banushi Phone #: 608-921-4547

Mailing Address: 800 Nygaard St Stoughton WI 53589

Type of Beverage License currently at this location: Class B

Proposed Outdoor Area (Description):

Please attach a plan or drawing of area. see plan

Square footage of indoor area: Total Sq Ft 13,000

Square footage of outdoor area: 1050 Sq Ft

Number of seats in outdoor area: 8 tables 32 chairs

Describe fencing: 4 ft wood post Fence see through

How many feet to the closest structure used residentially?

Hours of Outdoor Operation: Sun. - Thur.: No later than 10:00 p.m. Fri. & Sat.: No later than 11:00 p.m.

Other restrictions proposed by applicant: \_\_\_\_\_

I declare under penalty provided by law, that the forgoing is true and correct to the best of my knowledge, and that I will comply with all City Codes and Regulations in the conduct of my business.

[Signature]  
Applicant's Signature

5/7/13  
Date

Received in the City Clerks Office:

[Signature]  
Staff Signature

5-15-2013  
Date



## Review Process Summary:

### Planning & Zoning:

Date Reviewed: 5-16-13

Recommend ☒ Approval:      Recommend ☐ Denial:

Additional Restrictions/Requirements Per Conditional Use Permit:

RENEWAL.

Outdoor use is Accessory to the approved  
Indoor Commercial Entertainment use.

MPS

### Public Safety Committee:

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

Recommend ☐ Approval:      Recommend ☐ Denial:

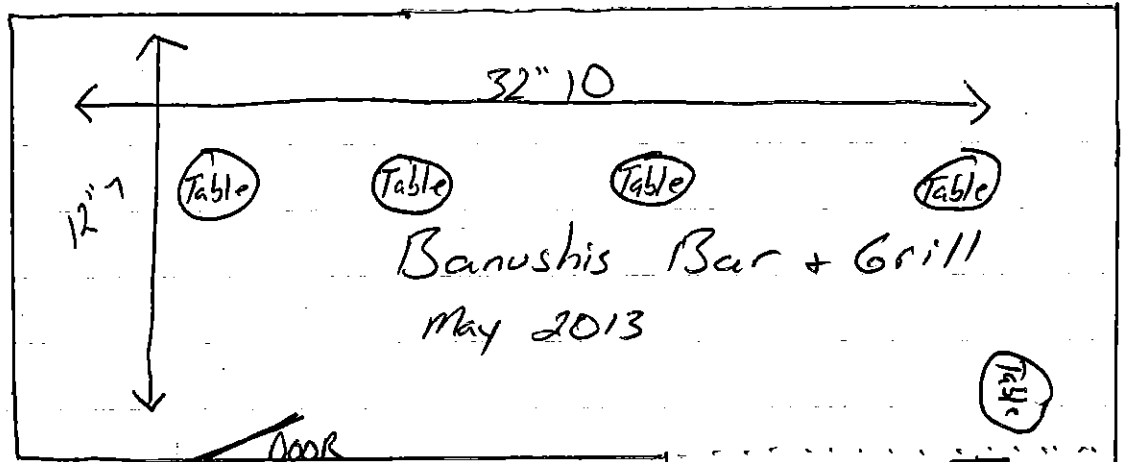
Additional Restrictions/Requirements Recommended by the Committee: \_\_\_\_\_

### Council:

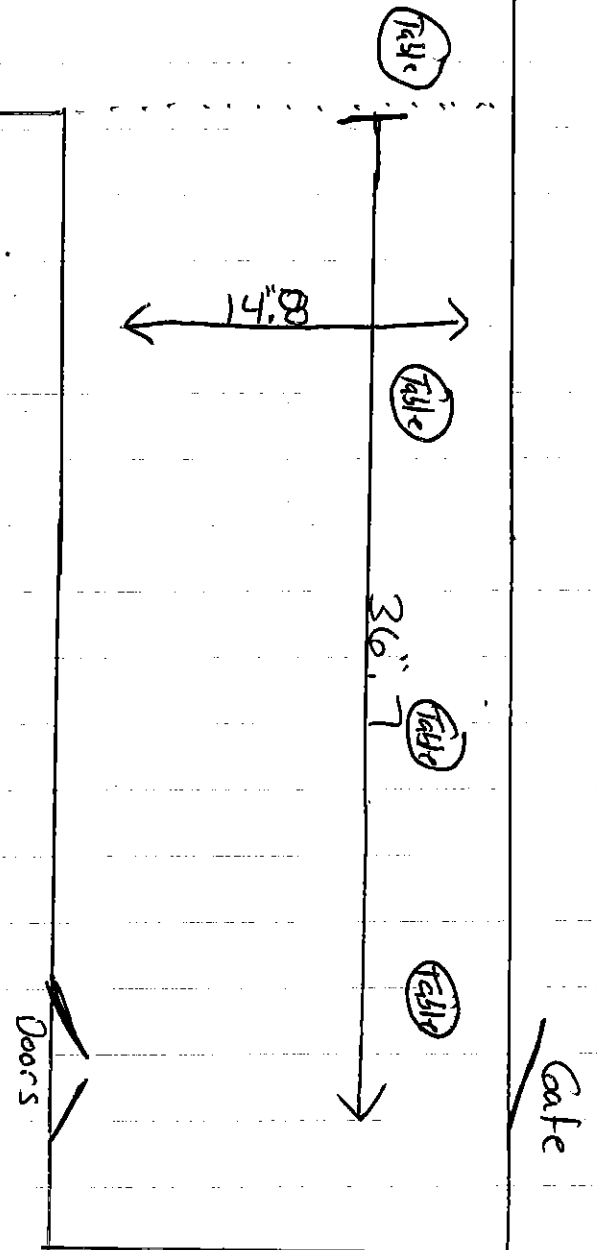
Date Reviewed: \_\_\_\_\_

Approved: ☐      Denied: ☐

Additional Restrictions/Requirements: \_\_\_\_\_



Total Sq feet 1,050."  
measurements not to scale.



☐ New Permit

☒ Renew Permit

☐ Permit has met all Planning and zoning requirements

City of Stoughton  
381 E Main St  
Stoughton WI 53589 608.873.6677



Application for Outdoor Alcohol Consumption Permit  
Section 14-40(k)(6)  
(Must meet all required Planning & Zoning requirements)

Alcohol License holder: Purple Ocean LLC

Doing Business as: Cully's

Street Address, City, State & Zip: 210 S Water St, Stoughton WI 53589

Contact Name: Robert Viets Phone #: 608-322-7965

Mailing Address: 210 S Water St, Stoughton WI 53589

Type of Beverage License currently at this location: Class B liquor

Proposed Outdoor Area (Description):

Please attach a plan or drawing of area.

Square footage of indoor area: About 1500 sq

Square footage of outdoor area: About 800 sq

Number of seats in outdoor area: About 40

Describe fencing: 6' wood panel along property line and railing around deck.

How many feet to the closest structure used residentially? Attached to Duplex

Hours of Outdoor Operation: Sun. - Thur.: No later than 10:00 p.m. Fri. & Sat.: No later than 11:00 p.m.

Other restrictions proposed by applicant:

I declare under penalty provided by law, that the forgoing is true and correct to the best of my knowledge, and that I will comply with all City Codes and Regulations in the conduct of my business.

Robert Viets  
Applicant's Signature

5-20-13  
Date

Received in the City Clerks Office:

Maria Houghton  
Staff Signature

5-20-2013  
Date

## Review Process Summary:

### Planning & Zoning:

Date Reviewed:

5/20/13

Recommend ☒ Approval:

Recommend ☐ Denial:

Additional Restrictions/Requirements Per Conditional Use Permit:

RENEWAL

OUTDOOR SEATING ALLOWED AS AN ACCESSORY USE  
FOR INDOOR COMMERCIAL ENTERTAINMENT. MPS

### Public Safety Committee:

Date Reviewed:

Recommend ☐ Approval:

Recommend ☐ Denial:

Additional Restrictions/Requirements Recommended by the Committee:

### Council:

Date Reviewed:

Approved: ☐

Denied: ☐

Additional Restrictions/Requirements:

