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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request by Reyes Aranda for La Cantina LLC (restaurant) at 620 Nygaard Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends Common Council approval – 0

Fiscal Impact: None.

File Number:	R- -2019	**Date Introduced:**

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

WHEREAS, on September 9, 2019 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application by Reyes Aranda for La Cantina LLC at 620 Nygaard Street, Stoughton, Wisconsin; and

WHEREAS, the conditional use permit is requested to operate a restaurant at 620 Nygaard Street; 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 Reyes Aranda for La Cantina LLC at 620 Nygaard Street is hereby approved subject to:

- Staff review dated August 22, 2019

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

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

_____

Tim Swadley, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____

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PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, September 9, 2019 at 6:00 o'clock p.m., or as soon after as the matter may be heard, in the Council Chambers, Public Safety Building, 321 South Fourth Street, Second Floor, Stoughton, Wisconsin, 53589, to consider a proposed Conditional Use Permit Application by Reyes Aranda (La Cantina LLC), for an Indoor Commercial Entertainment use (restaurant) at 620 Nygaard Street, Stoughton.

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

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

Michael P. Stacey
Zoning Administrator

Published August 22, 2019 Hub
Published August 29, 2019 Hub

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

Applicant Name: Reyes Aranda La Cantina LLC

Applicant Address: 440 Union Sun Prairie WI 53590

Applicant Phone and Email: aranda.lulu12@gmail.com

Property Owner Name (if different than applicant): Vito Cerniglia

Property Owner Phone: _____

Subject Property Address: 620 NYGAARD STREET

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: 8/14/19

Application fee of $450 received by Zoning Administrator — Date: 8/14/19

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: 8/14/19

(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 conditional use is in harmony with the purposes, goals objectives, policies, and standards of the City of Stroughton. The site location is designated as full service restaurant. The proposed use is consistent with this designation. The subject property is zoned 620 Nygaard st. it was a restaurant when this business was open and will be use as a full service restaurant and plan to serve alcohol. The restaurant has 160 seats and a bar. The property has adequate parking space

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?

The building located at 620 Nygaard was designed for restaurant purposes. The site prior to construction was reviewed and approved based on all applicable City of Stoughton plans and regulations. (According to the owner and realtor). While the restaurant will likely draw additional traffic to the immediate area that traffic will be accomodated by the existing site and road network and anything the additional traffic will have a positive impact on the City of Stoughton. Any business serving alcohol has potential to be disruptive, concerns are minimal but can happen considering will be serving alcohol 11:00 a.m to closed the facility will be open no later than 11:00 p.m. The property is not adjacent to any residentially zoned properties.

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 proposed use will fit within an existing building. The existing building was reviewed and approved relative to all applicable City plans and ordinances, and it mantains the desired consitency and intensity of use full service restaurant.

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 full range of Urban services are availabe at the subject property and the proposed use will not add an undue burden to any public utility or service.

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 proposed used is not anticipated to create any adverse impacts on the Village or neighboring properties, while the potential public benefits are several including: it will serve Mexican food to the citizents of Stoughton with an family enviroment and option for dine in for the community, customers who become regulars and can bring more business to the community and employment.

IV. Application Information for City Use

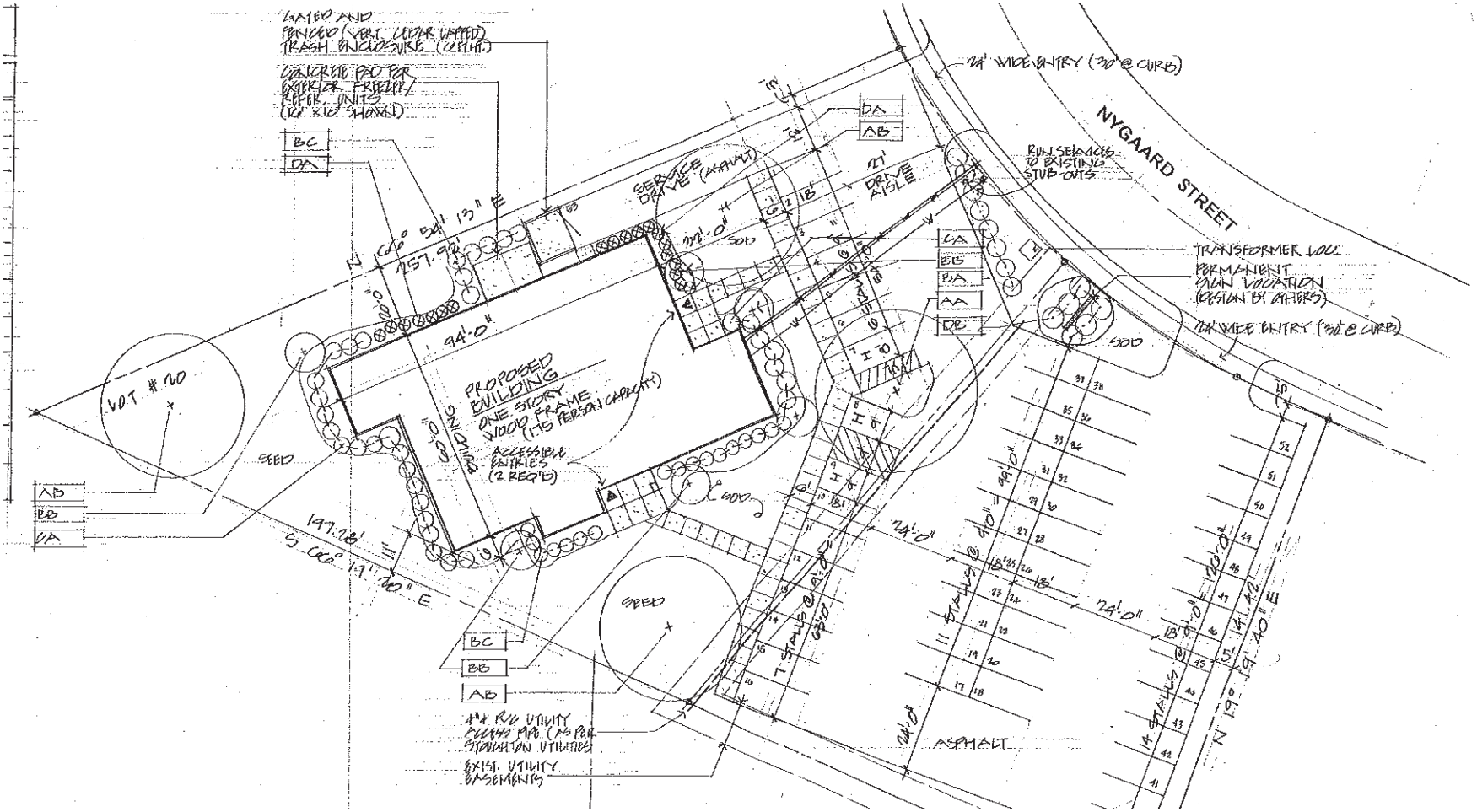
Notified Neighboring Property Owners (within 300 feet) Date: 8/19/19

Notified Neighboring Township Clerks (within 1,000 feet) Date: 8/19/19

Class 2 legal notice sent to official newspaper by City Clerk Date: 8/15/19

Class 2 legal notice published on 8/22/19 and 8/29/19 Date: _____

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


NYGAARD STREET
24' WIDE ENTRY (30' @ CURB)
24' WIDE ENTRY (30' @ CURB)
GRADED AND FENCED (VERT. CEDAR LAPPED) TRASH ENCLOSURE (2 PLHS.)
CONCRETE PAD FOR EXTERIOR FREEZER/ REFER. UNITS (10' X 10' SHOWN)
RUN SERVICES TO EXISTING STUB-OUTS
TRANSFORMER VOLT.
PERMANENT SIGN LOCATION (DESIGN BY OTHERS)
SERVICE DRIVE (ASPHALT)
27' DRIVE AISLE
N 66° 54' 13" E
257.98'
94'-0"
PROPOSED BUILDING ONE STORY WOOD FRAME (115 PERSON CAPACITY)
ACCESSIBLE ENTRIES (2 REQ'D)
VOT # 20
SEED
197.28'
S 66° 17' 00" E
4" X 8" UTILITY POLES MAP (AS PER STOUGHTON UTILITIES
EXIST. UTILITY EASEMENTS
ASPHALT
24'-0"
N 19° 19' 40" E
191.42'
BC
DA
AB
BB
CA
BA
AA
DB

LEE & ASSOCIATES
COMMERCIAL REAL ESTATE SERVICES

Restaurant For Sale/Lease

620 Nygaard Street, Stoughton, WI

Building Details and Demographics

Former Moreila's Cafe is available for sale or lease with all FF&E included. Ample parking & seating make a restaurant concept or conversion to an office/retail use easily accessible.

- 5,000 Sq. Ft. Available
- Seating for over 160
- 7.27/1,000 Parking Ratio
- .91 Acre Lot
- Zoned G2 (Commercial)

Sale Price: $729,000
Lease Rate: $12.00/Sq. Ft. (NNN)

Demographics	1 Mile	3 Miles	5 Miles
Population	5,471	16,974	20,849
Avg. H.H. Income	$79,704	$78,765	$82,468

For more information on this property, please contact:

John Walsh
Direct: (608) 327-4002
Cell: (608) 575-1694
jwalsh@lee-associates.com

The information contained herein is based on estimates and assumptions and is presented for illustration purposes only. No representations, warranties or guarantees of any kind are made.

LEE & ASSOCIATES
COMMERCIAL REAL ESTATE SERVICES

Restaurant For Sale/Lease

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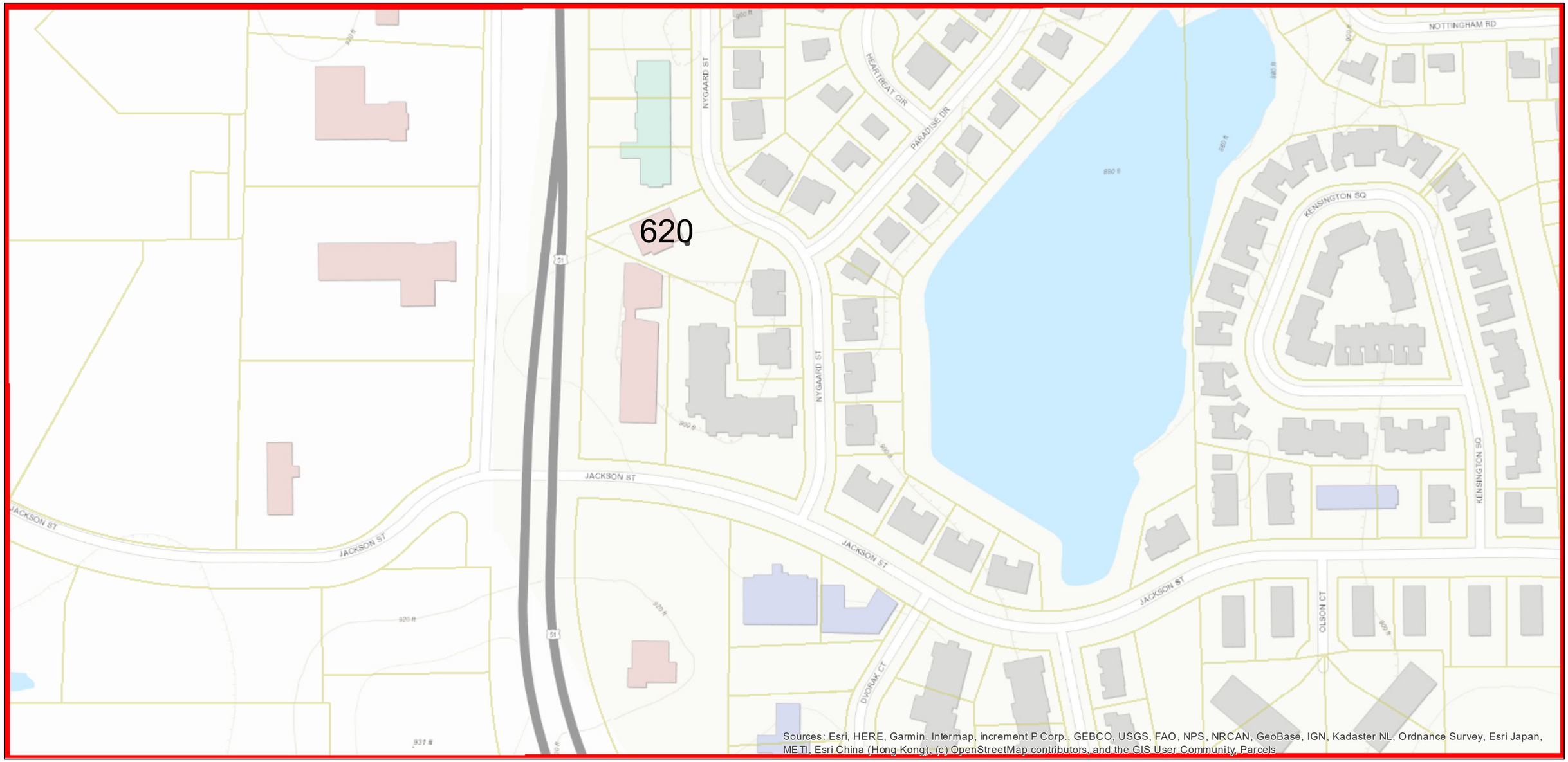
620 Nygaard Street



September 3, 2019

Parcels

0 125 250 500 Feet

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CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

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

August 22, 2019

Reyes Aranda
620 Nygaard Street
Stoughton, WI. 53589

Dear Ms. Aranda:

I have completed a review of the proposed conditional use permit application for La Cantina (restaurant), 620 Nygaard Street, Stoughton, WI. 53589 – application received 18/14/19. This is an existing site/building so many zoning requirements have already been met.

1. The property at 620 Nygaard Street, Stoughton is zoned PB – Planned Business. An Indoor Commercial Entertainment use such as a restaurant is allowable as a conditional land use. **A public hearing is scheduled for the September 9, 2019 Plan Commission meeting. You and/or a representative will need to attend the meeting to present your request and answer questions. A recommendation will be sent by the Plan Commission to the Common Council for review/approval of the conditional use permit. We anticipate Council action on September 24, 2019.**

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, …
The proposed use meets this description.

3. 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. **N/A**
   - Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property. **N/A**

4. The Comprehensive Plan, planned land use map designates this property as Planned Business which is consistent with the zoning and proposed use.

5. The parking requirement for Indoor Commercial Entertainment is one space per every three patron seats or one space per three persons at maximum capacity of the establishment (whichever is

greater). **The previous building capacity was 120 people which requires 40 parking stalls. 41 stalls are provided. <u>We'll need details if this capacity has changed</u>.**

6. Handicap parking spaces shall be installed at a size, number, location, and with signage as specified by state and federal regulations. **This is expected.**

7. Except for handicap parking stalls, the minimum parking stall length shall be 18 feet with a minimum width of 9 feet. **This is expected.**

8. The parking aisle width for 90-degree parking shall be a minimum of 24 feet. **The site meets this requirement.**

9. The site shall meet the off-street loading stall requirements per section 78-705. **Backing into or from the street is not allowed.**

10. All exterior trash storage areas shall be located within a gated enclosure which completely screens the view a said trash. **This is expected.**

11. Required off-street parking and traffic circulation areas shall not be used for snow storage. **Snow cannot be stored onsite which creates a vision problem for motorists/pedestrians.**

12. Any proposed signage will require a detailed plan and permit prior to installation. **This is expected**

13. State of Wisconsin approved plans may be necessary 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

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