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: April 6, 2022

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 April 11, 2022 Plan Commission Meeting and Common Council Meeting of April 26, 2022.

Proposed conditional use permit request to allow an Indoor Commercial Entertainment Use (restaurant/tavern type uses) at 183/187 E. Main Street. (Postponed on March 15, 2022)
This request is to allow restaurant/tavern type uses to be located on the first and second floor at 183/187 E. Main Street. The owner is proposing to expand the uses to the 2nd floor to include various classes, demonstrations, tastings and other events as schedule until 9:00 pm. A public hearing was held on March 15, 2022. The request was postponed to allow staff to research requirements to allow emergency exiting only from Cheeser's 2nd floor door to the hallway between the buildings and out to the Main Street exit. Stoughton Fire Department staff confirmed the Main Street access door between the buildings can be signed to limit access for residential tenants. Cheeser's 2nd floor exit door to the hallway can be locked on the hallway side and a sign can be placed on the interior of the door stating "Emergency Exit Only". This door must be kept unlocked from the inside. A recommendation to Council is necessary. We received a letter requesting the Plan Commission reopen the public hearing to allow more testimony from the adjacent property owner including some requested conditions. The Plan Commission will need to decide whether to allow the public hearing to reopen and what conditions to recommend to the Common Council for consideration. The proposed use is not similar to any other tavern use in the City rather the proposal is for classes and other events with alcohol consumption. Ultimately, there could be noise on the second floor without the serving of alcohol. The resolution and related materials are provided.

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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request for an Indoor Commercial Entertainment use (restaurant/tavern type uses) at 183/187 E. Main Street, Stoughton, Wisconsin.

Committee Action: Plan Commission recommends approval - 0

Fiscal Impact: None.

File Number:	R- -2022	**Date Introduced:**

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

WHEREAS, on March 14, 2022 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application for an Indoor Commercial Entertainment use (restaurant/tavern type uses) at 183/187 E. Main Street, Stoughton, Wisconsin; and

WHEREAS, on April 11, 2022 the City of Stoughton Plan Commission continued their review of the proposed conditional use permit application for an Indoor Commercial Entertainment use (restaurant/tavern type uses) at 183/187 E. 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 for Indoor Commercial Entertainment use (restaurant/tavern type uses) at 183/187 E. Main Street is hereby approved with the following conditions:

- The Cheeser's 2nd floor exit to the hallway between the buildings shall be signed and used as an Emergency Exit Only;
- The Main Street access door between the buildings (Cheesers/Woodland Studios) shall not be used as a customer entrance for Cheeser's business operation;
- Alcohol shall not be served after 9:00 pm on the second floor.

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

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

_____

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, March 14, 2022 at 6:00 o'clock p.m., or as soon after as the matter may be heard, to consider a Conditional Use Permit Application by J & S Nordic Enterprises LLC (Cheesers). The applicant is requesting conditional use approval for an Indoor Commercial Entertainment use at 183 E. Main Street, Stoughton, WI. 53589. The property description is as follows:

Parcel Number: 281/0511-081-2111-2

Description for tax purposes: ORIGINAL PLAT BLOCK 27 W 22 FT OF E 44 FT LOT 1
*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/94609974784?pwd=eUUyV3g3anpKSzRkQWVHTUtHT3NFQT09

Phone in: +1 312 626 6799 Meeting ID: 946 0997 4784 Passcode: 427325

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 February 17 and 24, 2022 Hub

STROEBEL LAW, LLC
30 W. Mifflin Street, Suite 1001
Madison, WI 53703-9500

Christopher Stroebel
Telephone: (608) 441-8100
christopher.stroebel@stroeblaw.com

April 4, 2022

By First Class Mail
and Email (mstacey@ci.stoughton.wi.us**)**

City of Stoughton
Plan Commission
Attn: Michael Stacey
Zoning Administrator/Assistant Planner
City of Stoughton Department of Planning & Development
207 S. Forest Street
Stoughton, WI 53589

RE: Conditional Use Permit to allow and Indoor Commercial Entertainment Use (restaurant/tavern type) at 183/187 E. Main Street

Request to Reopen Public Hearing

Dear Plan Commissioners:

I represent Saige Properties, LLC ("Saige"), the owner of the two-story building at 195 E. Main Street, located at the southwest corner of E. Main Street and S. Forrest Street. Saige's building is a mixed-use property with commercial and residential tenants. Woodland Studios' fine art gallery is located on the first floor of the building, facing E. Main Street. There are two residential apartment units in the building located on the second floor.

This letter concerns the conditional use permit sought by J & S Nordic Enterprises LLC d/b/a Cheesers Lokal Market ("Cheesers") to operate various events involving the consumption of alcohol on the second floor the property owned by A&B Keystone Properties, LLC at 183/187 E. Main Street. Cheesers proposes various alcohol-related gatherings on its second floor, include wine and cheese pairing, wine release events, special events with "industry experts" and "tasting events for wine, beer, cider, bourbon, etc." Cheesers proposes to expand its business hours from 5pm to 9pm to hold these events.

Cheesers' building is right next to Saige's building. Although you would never guess it from reading Cheesers' conditional use application, the tavern-like "events" that Cheesers proposes to hold would take place mere feet from two second-floor residential apartments owned and managed by Saige, across a narrow hallway between the buildings. The second-floor residential units in

Saige's building are accessible only by stairs leading to the hallway. The hallway is also accessible from the space where Cheesers proposes to hold its "events," through two doors that are located directly across the hallway from the doors to the residential units.

Saige respectfully requests that the Commission:

(1) Reopen the public hearing held on March 14, 2022. Saige's owner, Alan Sheets, attended the March 14 meeting but was allowed only three minutes to provide facts and information to the Commission about the effect of the proposed use on Saige's property. Although Mr. Sheets was able to convey the gist of Saige's concerns with the proposed use, he was not provided with sufficient time to share all pertinent information relating to Cheesers' application.

(2) If, after consideration of the facts and information presented by Saige, the Commission approves Cheesers' application, it should do so only as a limited conditional use.

Cheesers' proposal for tavern-like "events" would mark a departure from the City's Comprehensive Plan and have a substantial and undue adverse impact on the second-floor residences in Saige's building, located just a few feet away. Cheesers' application lacks many important details, such as the frequency of events, that make it impossible to gauge the impact of the proposed use, even when reasonable conditions are imposed. Thus, the proposed use should be limited to a six-month period to determine the full extent of the undesirable impact and whether it would be feasible to mitigate any impact with additional conditions.

The Close Relationship and Connection Between Cheesers' and Saige's Properties.

A brief explanation of the buildings' architecture is helpful in understanding the proximity of the events that Cheesers proposes to hold to the residences. The buildings are connected by a four-foot-wide hallway that runs between the buildings. There are two flights of stairs at each end of the hallway leading to the ground floor, one on the front, north side between the buildings and the second on the rear, south side of buildings. Each staircase is 43 inches wide with twenty-one steps, longer than most modern stairs given the tall ceilings on the first floors of each building.

Each building has two doors opening into the second-floor hallway, situated directly across one another. The first set of doors are located at the top of the south stairway, the second set at the top of the north stairway. The two doors in Saige's building are the only entrances to two residential apartments which have been continuously occupied by tenants for many years. The doors on Cheesers' property open into the space that Cheesers proposes to use for its events involving the consumption of alcohol.

A plan showing the hallway is enclosed. The plan is taken from Cheesers' application and has been amended to clearly show the relationship between the second-floor spaces of the buildings. (Saige does not adopt the dashed line shown on the plan as determinative of the boundaries between the properties.)

The Substantial and Undue Adverse Impact of the Proposed Use.

A key purpose in the consideration of a conditional use is that it "will not create undesirable impacts on nearby properties." City of Stoughton Ord. § 78-905. It is not hard to see how booze-fueled festivities would have a substantial and undue adverse impact on the residences just across the hall. Events involving alcohol are noisy. Most people have had the unpleasant experience at some point of loud, drunk neighbors whether at their home or while staying at a motel.

Few people want to live next to a tavern, even an occasion tavern, let alone a tavern located just across the hall from your home. The doors from Cheesers' space to the adjoining hallway are decades old. Even if all doors remain shut (as they should), the noise from the events will certainly be audible in the nearby apartments.

Saige is concerned that the noise and disruption of Cheesers' second-floor events will disturb its tenants and potentially make the apartments less attractive, potentially resulting in stagnant rent and perhaps less desirable tenants. One tenant has already approached Mr. Sheets to express concern after learning from Cheesers that it would be holding events directly across from her apartment.

The City's Comprehensive Plan recognizes the historic downtown as one of its strengths and must be developed in a way that encourages people to live downtown. Downtown residents, not occasional partygoers, will ensure that the City's downtown not only continues to be viable but thrives. The Comprehensive Plan expressly embraces this goal: "The City should encourage living opportunities in the downtown area." (*Id*., p. Appx. D-5) In Stoughton's historic downtown, the Comprehensive Plan envisions "[a] transition of land uses within most buildings from retail and/or service uses on the ground floors *to office to residential on upper floors*." (*Id*., p. 55.)

After purchasing the building in 2016, Saige invested a significant amount of its own money to fully renovate the two apartments, including a shared laundry room on the second floor. Saige is exactly the type of property owner that the City's Comprehensive Plan says that the City wants to attract and encourage.

Cheesers' proposal to hold tavern events in its second-floor space, in close proximity to downtown residences, is not consistent with the City's vision and plan for its historic downtown. Residents, not drunk patrons, make a viable community. Cheeser's application is not in harmony with City's vision of development that respects downtown residents and promotes residential growth. The

Commission should impose conditions and limits on the use proposed by Cheesers to protect the neighboring residences.

Cheesers' Failure to Meet Its Burden of Providing "Substantial Evidence" for the Proposed Use

Cheesers' application emphasizes commercial development while ignoring the balanced approach to growth that the City has adopted. The application offers absolutely nothing—no evidence or even an acknowledgement of the issue—to address the impact of the proposed use on the neighboring residences.

Instead, the application repeatedly makes bald statements without any support, such as "[t]he proposed use will have no impact on the surrounding area" and fails to even mention the neighboring residents—of whom which Cheesers owners are very well aware—while opining, again without any support that "the proposed use has no impact on the surrounding buildings[.]"

Cheesers' failure to even acknowledge the obvious impact of its proposed use is not sufficient for it to grain approval. As the applicant, Cheesers has the burden of demonstrating, through the presentation of "substantial evidence," that the proposed conditional use "will not create undesirable impacts on nearby properties." Wis. Stat. § 62.23(de); City of Stoughton Ord. § 78-905(1)(a).

Cheesers' application makes no effort to address the impact of its proposed use on the neighboring residences. As a result, Cheesers' application does not meet the standard necessary for approval.

When he learned about the proposed use, Mr. Sheets attempted to discuss the matter with Cheesers' owners, Brian Johnson and Amy Brashi. Cheesers agreed that it would use the stairway inside its building for second-floor operations. Unfortunately, Cheesers did not disclose the extent to which its proposal would involve alcohol (describing the events as wine and cheese tasting) and declined to reach a written agreement concerning conditions on its use.

Saige's Proposal

Saige supports the development of downtown Stoughton and does not outright oppose Cheesers' proposed use. The Commission should impose sufficient limits and conditions on the use to protect the quiet enjoyment of the adjoining residences. After careful consideration of the matter, Saige proposes the following:

1. The two exit doors from Cheesers second-floor space should be marked appropriately as "Emergency Exit Only" and should be locked from the outside (hallway side) and remain open from the inside for emergency egress. Cheesers must take full responsibility to ensure that its customers do not stray into the hallway.

2. Other than exit in the case of an emergency, Cheesers customers and deliveries must use the interior stairway inside the Cheesers building.

3. Saige intends to label the front Main Street entrance to the hallway "residential access only" and install a lock system on the rear entrance to the hallway. Building owners and tenants will be provided with access. If the Commission approves a conditional use permit, these steps should be included in the permit as conditions intended to mitigate possible confusion about the use of the stairways and hallway.

4. Cheesers hours should not go any later than 9pm and events on the second floor should be limited to nonconsecutive Friday or Saturday nights no more than twice per month.

5. The conditional use should be limited to a period of six months to determine the extent of the noise, disruption and other undesirable impacts on the residences. Any additional concerns can be taken up by the property owners and the Commission can revisit the proposed use upon further application by Cheesers.

Thank you for your attention to Saige Properties, LLC's concerns and your consideration of this matter.

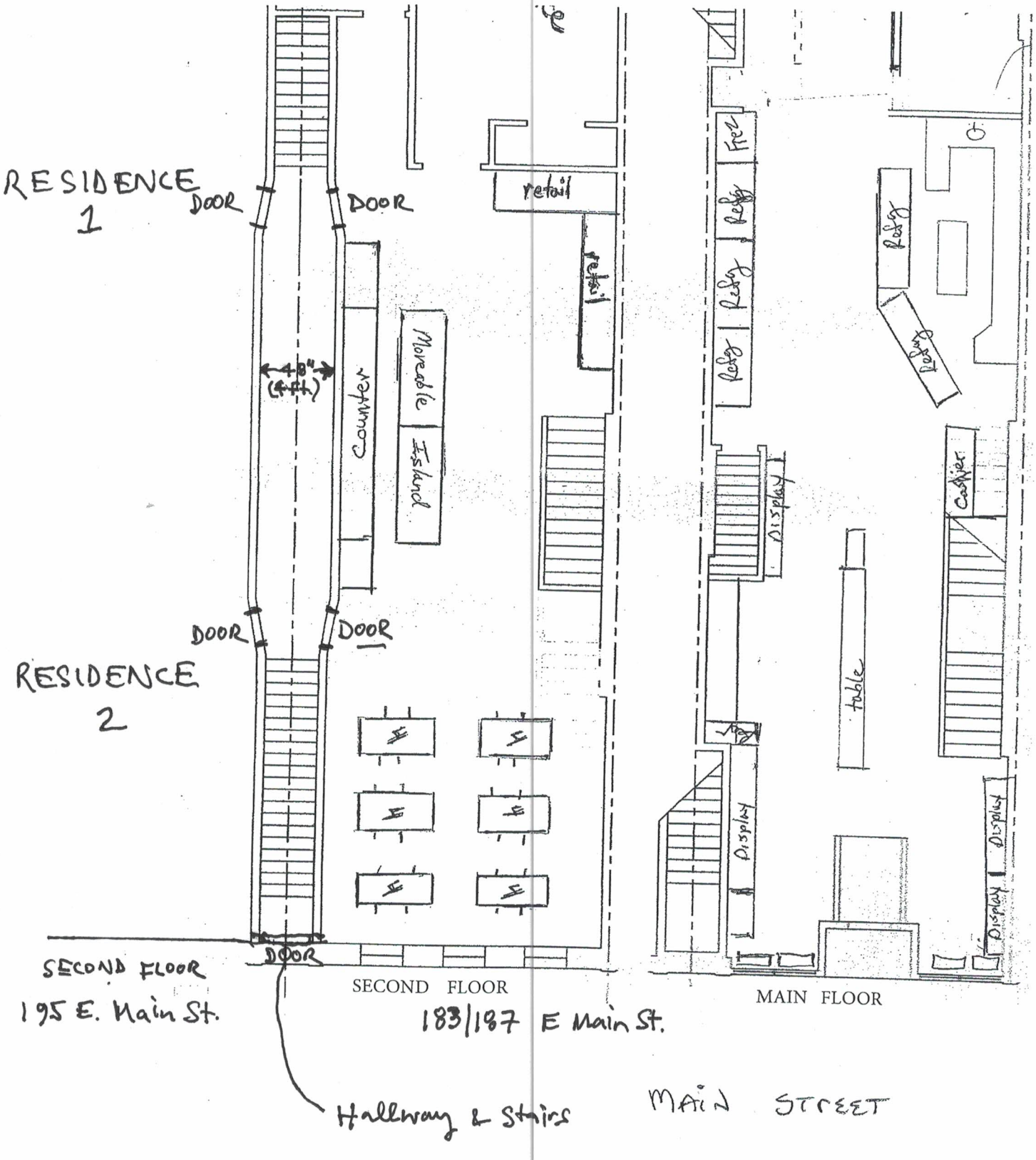
Very truly yours,

STROEBEL LAW, LLC

Christopher J. Stroebel

Encl.

Cc: Alan Sheets (w/Encl.)


RESIDENCE 1
DOOR
DOOR
48" (4 ft)
Counter
Moveable Island
retail
retail
DOOR
DOOR
RESIDENCE 2
DOOR
SECOND FLOOR
195 E. Main St.
SECOND FLOOR
183/187 E Main St.
Hallway & Stairs
Display
Display
Display
Display
Display
Display
Display
Display
Display
table
Cashier
MAIN FLOOR
MAIN STREET

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

Applicant Name: J & S Nordic Enterprises LLC

Applicant Address: 183 E Main St. Stoughton WI 53589

Applicant Phone and Email: 608-873-1777 brian@cheesers.com

Property Owner Name (if different than applicant): Brian Johnson

Property Owner Phone: 608-216-6184 or 608-873-1777

Subject Property Address: 183 E 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: 2.2.22

Application fee of $480 received by Zoning Administrator — Date: 2.8.22

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: 2.2.22

Final Packet
(1 electronic 11 x 17 copy of plans
and if necessary one large scalable copy of plans to Zoning Administrator) — Date: 2.2.22

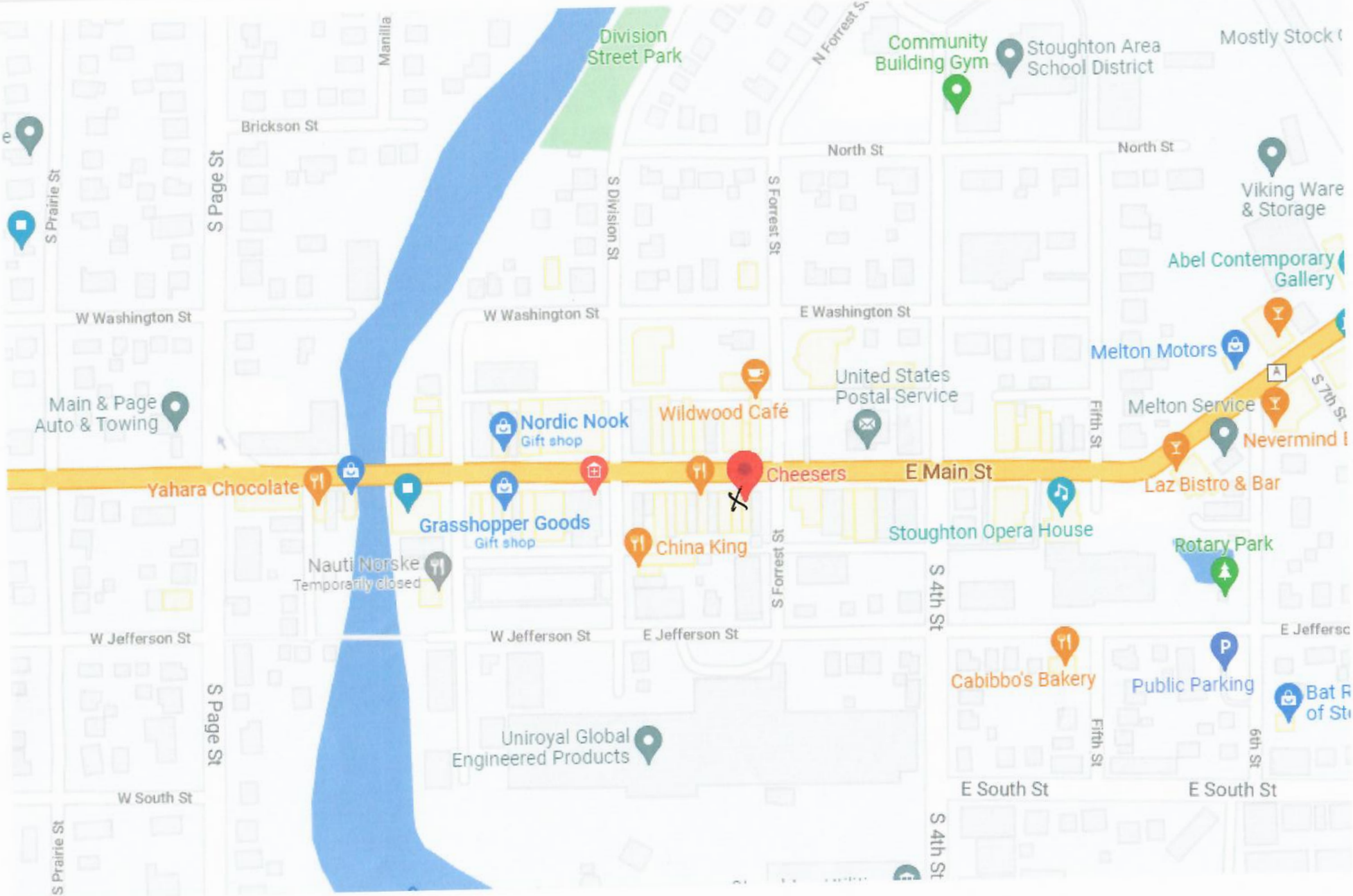
(a) A map of the proposed conditional use:

- ☐ 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.


Division Street Park
Community Building Gym
Stoughton Area School District
Mostly Stock
Brickson St
Manilla
N Forrest St
North St
North St
Viking Ware & Storage
S Prairie St
S Page St
S Division St
S Forrest St
Abel Contemporary Gallery
W Washington St
W Washington St
E Washington St
Melton Motors
United States Postal Service
Main & Page Auto & Towing
Nordic Nook
Gift shop
Wildwood Café
Melton Service
Fifth St
S 7th St
Nevermind
Yahara Chocolate
Cheesers
E Main St
Laz Bistro & Bar
Grasshopper Goods
Gift shop
China King
Stoughton Opera House
Rotary Park
Nauti Norske
Temporarily closed
S Forrest St
S 4th St
W Jefferson St
W Jefferson St
E Jefferson St
E Jefferso
Cabibbo's Bakery
Public Parking
Bat R of St
S Page St
Uniroyal Global Engineered Products
Fifth St
6th St
W South St
E South St
E South St
S Prairie St
S 4th St

City of Stoughton Procedural Checklist for Conditional Use Review and Approval (Requirements per Section 79-905)

Prepared by: Brian Johnson and Amy Brashi

Owners J & S Nordic Enterprises LLC DBA: Cheesers Lokal Market

II c – 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.

Cheesers Lokal Market is a privately owned business that offers artisan cheese, meats, curated wines, local craft beer, locally made jams, pickles, etc, gourmet gift baskets/boxes, wine and cheese tasting/pairings to the community of Stoughton and surrounding communities. We also ship cheese and gifts nationwide through our website and on Amazon. We have become a premier destination store for downtown Stoughton. Cheesers has been operating at its current location since 2006.

A. A map of the proposed Conditional use:
   Address: 183 E Main St and 187 E Main St, Stoughton WI 53589
   Legal Description: The Center 1/3 of Lot 2, Block 27, Original Plat of Stougton, in the City of Stoughton, Dane County Wisconsin
   Parcels: 281/051108121112

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.

Indoor commercial entertainment (per subsection 78-206(4)(h)) (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.)

Primary use of conditional use will be for:

Offering:

1. Charcuterie board building classes
2. Wine and cheese pairing classes
3. Special events/demonstrations with industry experts
4. New cheese and wine release events
5. Tasting events for wine, beer, cider, bourbon, etc.

In addition, we will expand our retail offerings to include glassware, bar ware, etc.

Current Hours of Operation:

M-F 10am-5pm Sat 9am-5pm Sun Closed

We would maintain the current hours with classes and tastings held from 5-9pm on a scheduled basis.

Cheesers currently holds:

Food and Drink -Retail Food Establishment License from Dane County Public Health

Class B Reserve Liquor & Class "B"Beer License from City of Stoughton

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?

   Cheesers Lokal Market is located in the Historic Downtown district

   City of Stoughton Comprehensive Plan
   Top Priorities: When asked to select the top three issues that the City should prioritize in the next five years, the issues that received the highest ratings included improving the school system, **attracting new business and retail development**, and redeveloping vacant downtown buildings.
   When asked to select from five choices for their top vision for Stoughton, the most commonly chosen option was "a full-service city where all work, shopping, service, housing, healthcare, and educational needs can be met."
   When asked to list specific stores, offices, or industries, many respondents described a need for more restaurants, another grocery store, clothing stores, coffee shops, and specialty shops in the downtown.

2. 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? 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?

Fits into the city planning goals and guidelines.
City of Stoughton-Overall Planning Goals
Strengthen and diversify the local job and tax base, and retail opportunities
The proposed use will have no impact on the surrounding area

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?

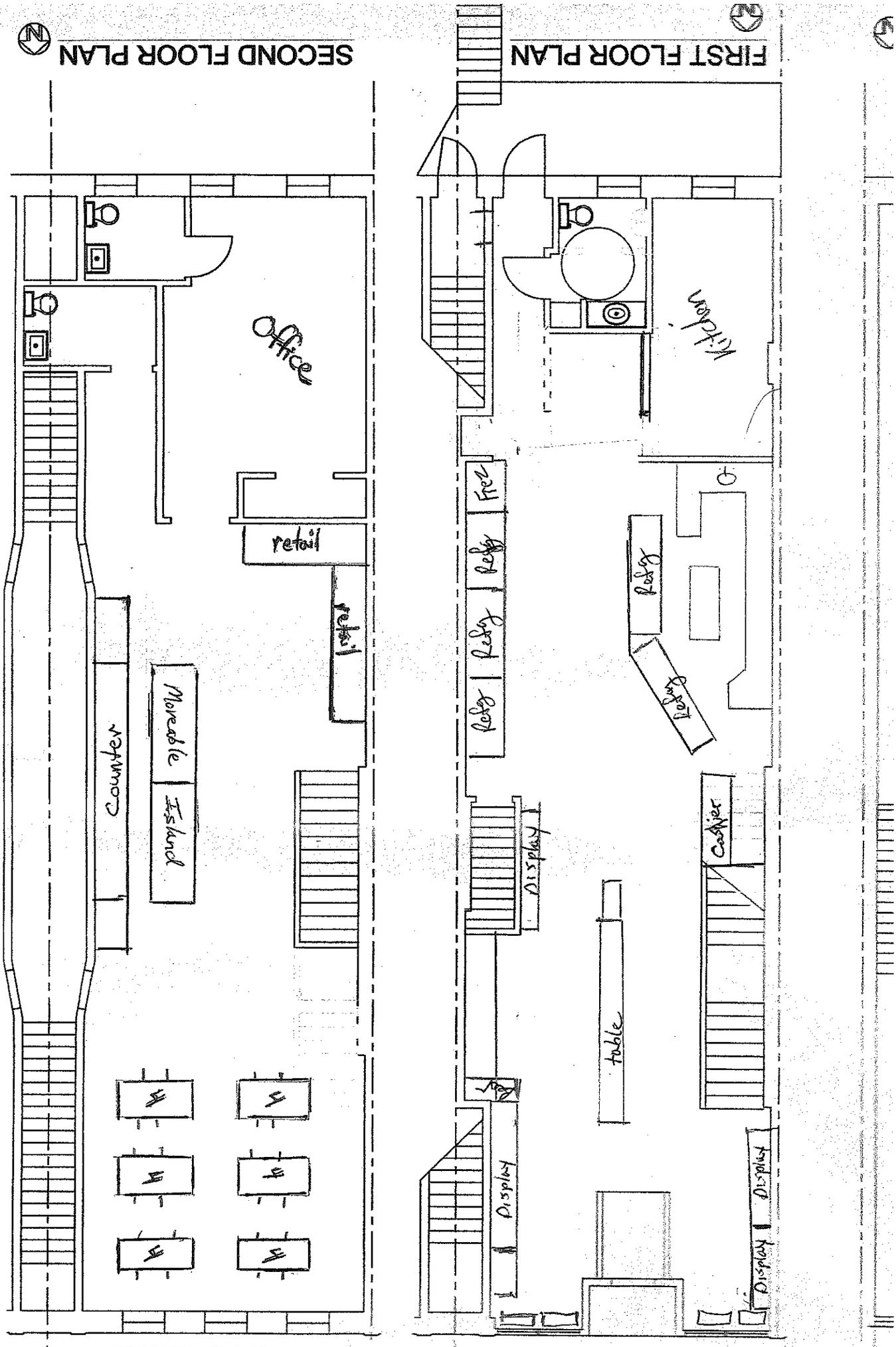
   Located in the heart of downtown Stoughton with two restaurants, one bar and numerous retail stores on the same block the proposed use has no impact on the surrounding buildings

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, the use is located in the middle of downtown Stoughton with the no additional services necessary.

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?

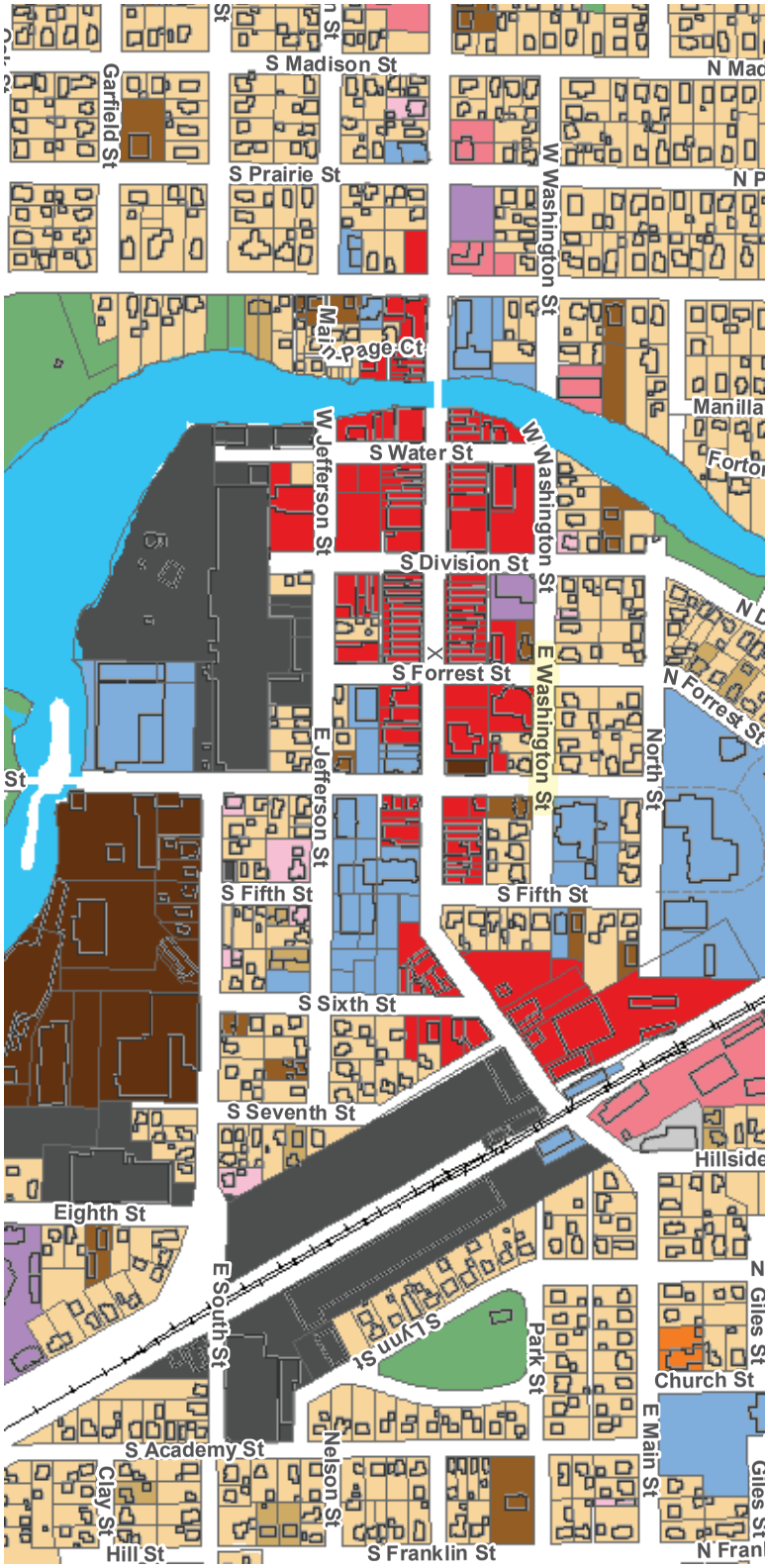
   When our property was renovated in 2005 the owners spent a considerable amount of money adding an interior stairwell that connects the first floor with the second. This interior stairwell provides convenient access to both floors and having one store using both floors facilitates Cheesers continued growth.



SECOND FLOOR

MAIN FLOOR

MAIN STREET


S Madison St
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W Washington St
Page Ct
Manilla
W Jefferson St
S Water St
W Washington St
S Division St
S Forrest St
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N Forrest St
E Jefferson St
North St
S Fifth St
S Fifth St
S Sixth St
S Seventh St
Hillside
Eighth St
E South St
Park St
Church St
E Main St
S Academy St
Nelson St
Clay St
Hill St
S Franklin 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

February 16, 2022

J & S Nordic Enterprises LLC
Brian Johnson
183 E. Main Street
Stoughton, WI. 53589

Dear Mr. Johnson:

I have completed a review of the proposed conditional uses for Cheeser's, 183 E. Main Street, Stoughton, WI. (Application provided 2/2//22) A conditional use public hearing (indoor commercial entertainment uses) is planned for the Plan Commission meeting of March 14, 2022.

1. The property at 183 E. Main Street is zoned CB - Central Business. **All current and proposed uses are allowable per zoning code.**

   Indoor Commercial Entertainment uses such as a tavern use and training studio are permitted as a conditional use. **Conditional use permit application submitted.**

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 uses meet this definition.**

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 the downtown area zoned Central Business.**

4. The proposed use and zoning meets the intent of the City Comprehensive Plan.

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

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator

s:\planning\property log folder\183-187 e. main street\cup request 2.8.22\cheesers cup review 2022.doc

6. **Consideration and possible action on "Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 9, City of Stoughton, Wisconsin"**
   Motion by **Schumacher** to approve the resolution for TID 9 as presented, 2nd by **Farrow**. Motion carried 5-1. (Caravello abstained and Majewski voted no)

7. **Conditional use permit for and Indoor Commercial Entertainment use at Cheeser's, 183/187 E. Main Street.**
   Scheel explained the request.

   Mayor Swadley opened the public hearing.

   Ed Guzman spoke in favor.

   Gianna Catanzaro spoke in favor.

   Alan Sheets is in favor of the request but would like Cheeser's customers to only use their internal stairway and use the stairway between the buildings as an emergency exit only.

   Brian Johnson, owner/applicant, spoke in favor of the request and stated the plan is for customers to use the internal stairway for the 2nd floor use.

   Mayor Swadley closed the public hearing.

   Barman questioned the individual uses proposed. Stacey stated the uses are restaurant and tavern-like but deferred to applicant/owner Brian Johnson to explain.

   Brian Johnson discussed several types of possible uses such as cooking classes, tastings, and serving glasses of wine during classes.

   Caravello questioned the times of use. Alan Sheets stated he is not concerned about the time of use rather only the use of the stairway between the buildings.

   Motion by **Robinson** to recommend the Common Council approve the conditional use as presented, 2nd by **Caravello**.

   Motion by **Barman** to amend the motion to require the stairway between the buildings be used for emergency exit only from the 2nd floor door, 2nd by **Caravello**.

   There was discussion about how to legally restrict access to the stairway between the buildings from the 2nd floor.

The motion to amend the original motion failed 3-4 (Majewski, Robinson and Barman voted in favor)

There was further discussion about how to restrict access to the stairway.

Farrow suggested staff work on a resolution and bring back for approval. Scheel stated staff can work with the Fire Department and/or the tenant to figure out a resolution.

Motion by **Majewski** to postpone this agenda item until staff figures out a resolution, 2nd by **Caravello**. Motion carried 6-1 (Robinson voted no).

8. **Annexation of approximately 38.46 acres from the Town of Dunkirk (Teigen Farm).**
   Scheel explained the request.

   Motion by **Schumacher** to recommend the Common Council approve the annexation as presented, 2nd by **Barman**. Motion carried unanimously.

9. **Planned Development – Concept Plan for property located at the northeast corner of Williams Drive and Glacier Moraine Drive.**
   Rob Fisher gave an overview presentation of the Emmi Roth business and proposed project.

   Barman questioned if the use would produce any undesirable smells. Rob Fisher stated the cheese products would not be made at this facility rather cheese will be repackaged so there should not be any odors.

   Schumacher asked if retail sales of product is planned. Rob Fisher stated retail is not planned at this time.

   Farrow questioned the lack of roof solar panels on the building concept. Rob Fisher stated the solar panels are still in the design phase.

   Schumacher questioned the location of the planned building expansion area. Rob Fisher stated the expansion area is to the north of the proposed building.

   Caravello stated it is nice to see the planned sustainability components and questioned if the Fitchburg operation would move to Stoughton. Rob Fisher stated that is the plan.

CHEESERS INNER STAIRWAY TO 2ND FLOOR

MAIN STREET ENTRANCE BETWEEN THE BUILDINGS
(MAY HAVE SIGNAGE TO LIMIT ACCESS TO APARTMENT TENANTS)
187
G. CHRISTOFFER BUILDING

CHEESERS 2ND FLOOR DOOR TO UPPER HALLWAY

(DOOR CAN BE LOCKED ON THE OUTSIDE, ALWAYS OPEN FROM INSIDE, AND SIGNAGE TO BE PLACED STATING "EMERGENCY EXIT ONLY")