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

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: December 2, 2019

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 December 9, 2019 Plan Commission Meeting and January 14, 2020 Common Council Meeting.

Request by Jeb McMahon for a conditional use permit (CUP) to allow a Two-Flat residential use at 616 Ridge Street.

This request is for approval to reestablish the two-flat use at 616 Ridge Street. The property has historically been used as a two-flat residential home similar to a duplex or twin home. The units are completely separate including exit/entrance and utilities. A public hearing is scheduled for the Plan Commission meeting on December 9, 2019. The resolution, application information, and staff review letter are provided. A recommendation to Council is necessary for the CUP. Staff recommends approval.

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

RESOLUTION OF THE COMMON COUNCIL

Approving a Conditional Use Permit request by Jeb McMahon for a Two-Flat Use at 616 Ridge 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 December 9, 2019 the City of Stoughton Plan Commission held a public hearing and reviewed the proposed conditional use permit application by Jeb McMahon for a Two-Flat Use at 616 Ridge 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 by Jeb McMahon for a Two-Flat Use at 616 Ridge Street is hereby approved subject to:

- Staff review dated November 13, 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, December 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 Jeb McMahon to allow a two-flat residential use at 616 Ridge Street, Stoughton, Wisconsin. The property at 616 Ridge Street is owned by Mic-Man Properties LLC and is more fully described as follows:

Parcel Number and Description: 281/0511-054-6640-7; O M TURNER ADDN BLOCK 6 S 132 FT LOT 10

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

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

Published November 21, 2019 Hub
Published November 28, 2019 Hub

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

Applicant Name: Jeb McMahon Mic-Man Properties LLC

Applicant Address: 11547 W. Hafeman Road

Applicant Phone and Email: 608-290-5569 jcmcmahon44@gmail.com

Property Owner Name (if different than applicant): _____

Property Owner Phone: _____

Subject Property Address: 616 Ridge 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: 11/6/19

Application fee of $450 received by Zoning Administrator — Date: 11/6/19

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: 11/6/19

(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?

meets policies and standards

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

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?

used before as this purpose

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

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?

yes

IV. Application Information for City Use

Notified Neighboring Property Owners (within 300 feet) Date: 11/15/19

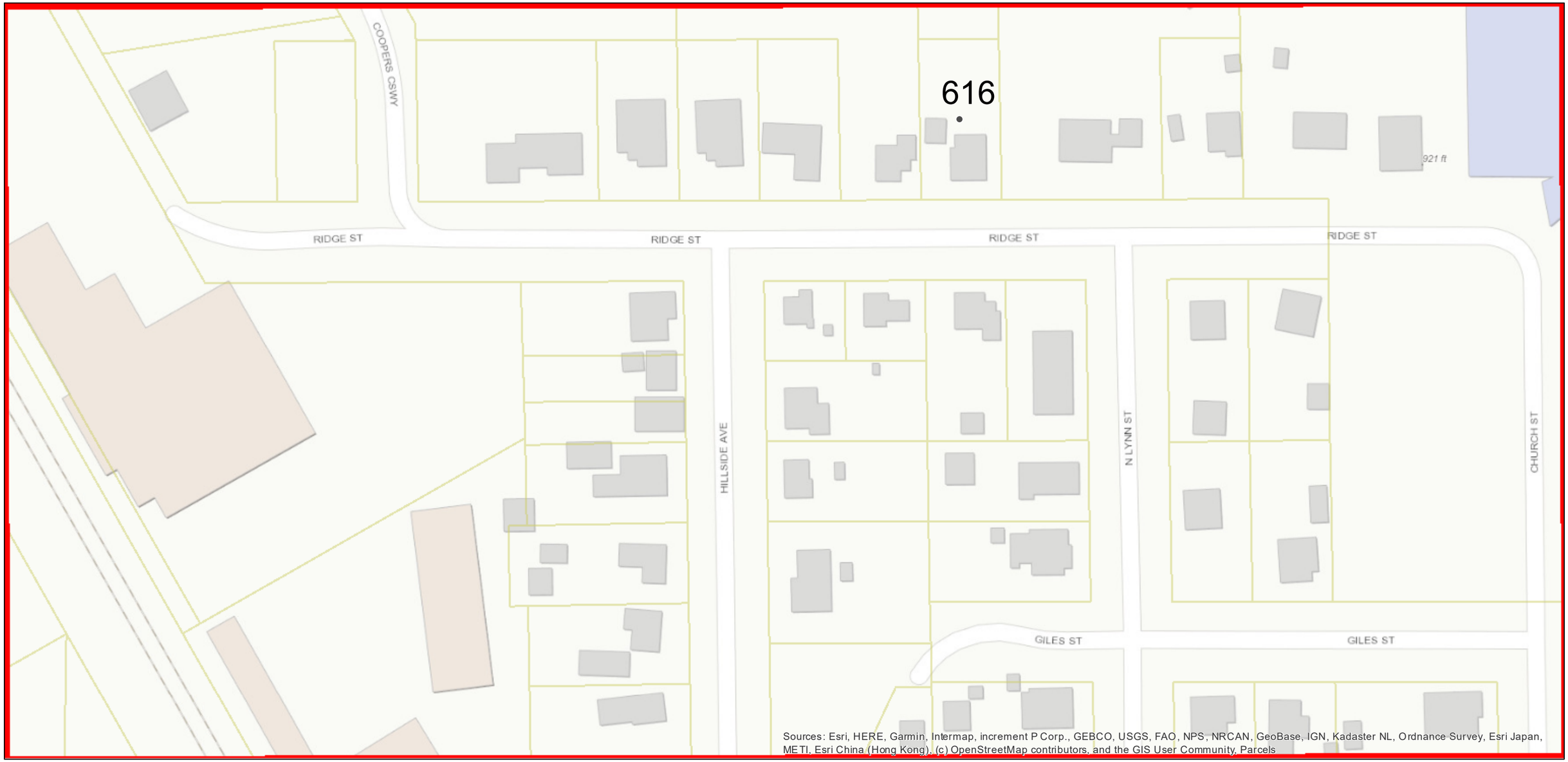
Notified Neighboring Township Clerks (within 1,000 feet) Date: 11/15/19

Class 2 legal notice sent to official newspaper by City Clerk Date: 11/11/19

Class 2 legal notice published on 11/21/19 and 11/28/19 Date: ____

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

616 Ridge Street CUP



November 25, 2019

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Google Maps 616 Ridge St

Image capture: Aug 2011 © 2019 Google

Stoughton, Wisconsin

Google

Street View - Aug 2011

Google Maps 617 Ridge St

Image capture: Aug 2011 © 2019 Google

Stoughton, Wisconsin

Google

Street View - Aug 2011

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

November 13, 2019

Jeb McMahon
11547 W. Hafeman Road
Orfordville, WI. 53576

Dear Mr. McMahon:

I have completed a review of the proposed conditional use request for 616 Ridge Street, Stoughton, WI. - Application submitted 11/6/19. The request is to allow a two-flat residential use to be re-established at 616 Ridge Street. A public hearing is planned for the Plan Commission meeting of December 9, 2019 of which you will receive notice. You and/or a representative will need to attend to answer questions.

1. The property at 616 Ridge Street is currently zoned SR-6 – Single Family Residential. **A two-flat residential home is allowed as a conditional use within this district. Any and all conditional uses that have been discontinued for a period of exceeding 365 days shall have their conditional use invalidated automatically. The building has not been in use in well over 365 days. The house still has separation of the upper and lower units including entrances and utilities.**

2. The Comprehensive Plan, future land use map designates this property as Single Family Residential. **We believe the conditional use request meets the intent of the Comprehensive Plan.**

3. 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?

    - **"Historic single family neighborhoods surrounding the downtown area are proposed to remain intact. With the historic core neighborhoods, scattered areas of existing two-family dwellings are planned for single family residential, as they are encouraged to convert back to single family residences. Over the planning period, the City should monitor any growing trend to convert existing single family residences into two-family units, as frequent conversions may change neighborhood character."**

Since this property has historically been used as a two-flat residence, this request should not have any major impact on the neighborhood. The Comprehensive Plan recommends encouraging conversions back to single family though we have not seen many of these conversions take place.

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?

- **A land use goal of the Comprehensive Plan is to "Enhance and maintain the City's unique neighborhoods", while an objective to meet this goal is to "prohibit incompatible land uses from locating next to residential neighborhoods".**

This proposed use would maintain a consistent residential use at this location.

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 don't see any substantial or major adverse impacts related to the two-flat use. 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 the Single-Family Residential zoning classification.

e) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

The use should not impose a burden on utilities or services. No undue burdens have been identified.

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.

4. A two-flat house is described as follows:
This dwelling unit type consists of a single-family residence, which is in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC), which has been converted into a two-family residence. The two residences are both located on the same lot or within the same group or large development. This dwelling unit type may not be split into additional residences.
The house meets this description. There are no special regulations for this type of use.

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