



Staff Report

Public Hearing: **November 25, 2014**

Petition: **Rezone 10774
CUP 2295**

Zoning Amendment:
**B-1 Business District to C-1
Commercial District**

Town/sect:
**Bristol
Section 22**

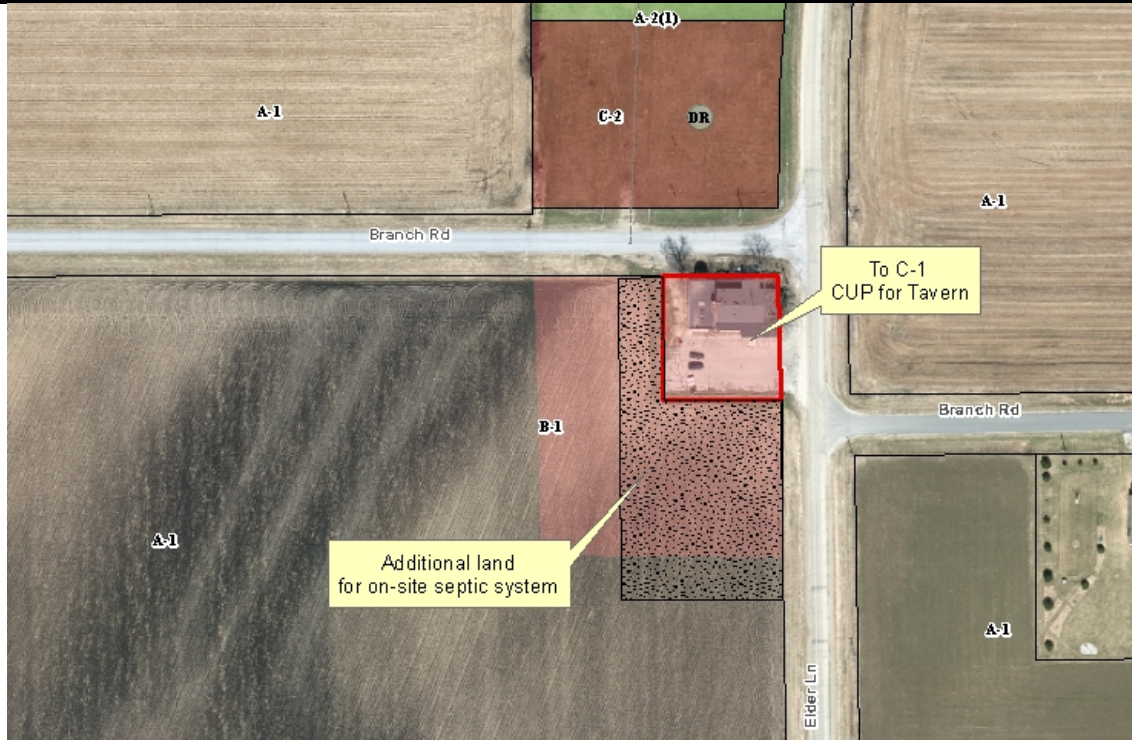
Acres: ~~5~~—1.5
Survey Req. ~~No~~ YES

Applicant
Thomas J Bobek

Reason:
**Supper Club / banquet facility
CUP Description: Tavern**

Location:
6925 Elder Lane

Zoning and Land Regulation Committee



DESCRIPTION: The applicant wishes to reopen as a supper club/banquet facility. He will be building an addition onto the existing building and will provide an asphalt parking area with cars entering from Branch Rd. Additional parking is available on property located directly across Branch Rd. The applicant was granted a variance for setbacks (2014 BOA-006) on the condition that the design of the addition is modified to improve vision at the Intersection of Branch Road and Elder Lane.

OBSERVATIONS: There is an existing 2-story structure on the property. The building was used as a tavern that had apartments on the second floor. The tavern has been abandoned for approximately three years. The building takes up approximately 30% of the lot. The remainder of the lot is paved and used for parking. There are six residences within 1000 feet of the property.

TOWN PLAN: The subject property is located in the *Agricultural Preservation* land use district of the Town of Bristol Land Use Plan. It also falls within the town's *Community Separation Area*.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: Staff is concerned that development may not have adequate sanitary facilities. The location of outdoor lighting, including the parking areas should be shown on the site plan. A parking plan should be developed for the parking area north of Branch Street. Staff recommends postponement of the petition to allow the applicant time to adequately address the sanitary concern and develop an operations plan as required under section 10.255(2)(e) of the zoning code.

TOWN: The Town approved the rezoning with 4 conditions. The Conditional Use Permit was also approved.

CONTINUED

**Rezone 10774 CUP 2295 continued
Bobek, Section 22, Bristol**

11/25 ZLR: The petition was postponed to allow time to address Staff's concerns.

STAFF UPDATE:

At the time of the November 25th ZLR Public Hearing, staff concerns included: the lack of adequate sanitary facilities; and that the applicant needed to submit a parking plan for the off-site parking area north of branch street. The applicant has been working with the Dane County Department of Environmental Health to resolve issues related to sanitary facilities. Because more space is needed to accommodate an on-site septic field, the applicant has negotiated with the neighboring land owner to purchase land so that he can expand his existing parcel. The transfer of land will be done via a certified survey map (CSM). The applicant has also provided a parking plan for the off-site parking as requested.

Because the existing sign posts may not be in conformance, staff also asked the town if a condition stating that the signage meet current Dane County signage requirements would be acceptable. This change in condition language is acceptable to the town. In addition, staff verified that the town is comfortable with the requested hours of operation.

STAFF RECOMMENDATIONS:

Zoning:

1. Staff suggests that the zoning petition boundaries be amended to include the additional 1-acre portion of land for the location of the on-site septic system. See attached map.
2. Zoning approval be conditioned upon a certified survey map being prepared and recorded for the entire site.
3. Staff suggests that a deed restriction be recorded on the property to limit the land uses to the following: supper club, banquet facility, and tavern.

Conditional Use Permit:

1. Staff suggest that 10 conditions be imposed on the proposed land use. The hours of operation have been amended from the original proposal. The Town of Bristol is in agreement with this change. The condition regarding the existing sign was revised due to the existing post appears to violate current sign ordinances.

Proposed Conditional Use Permit # 2295

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Owner to provide approvals from Dane County Public Health for a well and septic system of a proper capacity for the proposed use.
2. Applicant must provide parking plan for CUP area and the off-site parking area located on the other side of Branch Road, to be approved by Dane County Zoning.
3. Maximum customer capacity shall be 200. Owner to provide enough parking spaces for 200 occupants by utilizing parking on site and in the additional lot across the street.
4. The hours of operation shall be 11:00 a.m. to 2:00 a.m. Monday through Wednesday, 4:00 p.m. to 2:00 a.m. Thursday through Saturday, and 9:00 a.m. to 1:00 a.m. on Sundays.
5. There will be no outside storage.
6. Outdoor lighting shall utilize fixtures that direct lighting downward to minimize lighting going off-site.
7. Outside loudspeakers are prohibited.
8. Signs shall comply with Dane County Code of Ordinances. Signage to be placed on existing sign posts if in conformance with sign ordinances.
9. Retaining wall located at the corner of Branch Road and Elder Lane will be cut down per agreement with Town Chairman and owner.
10. Use permit shall become null and void upon the sale of the property to an unrelated 3rd party.