



# Staff Report

Zoning and Land Regulation  
Committee

Public Hearing: **August 28, 2018**

Zoning Amendment:  
**B-1 Local Business District to  
Planned Unit Development (PUD)**

Acres: 3  
Survey Req. No

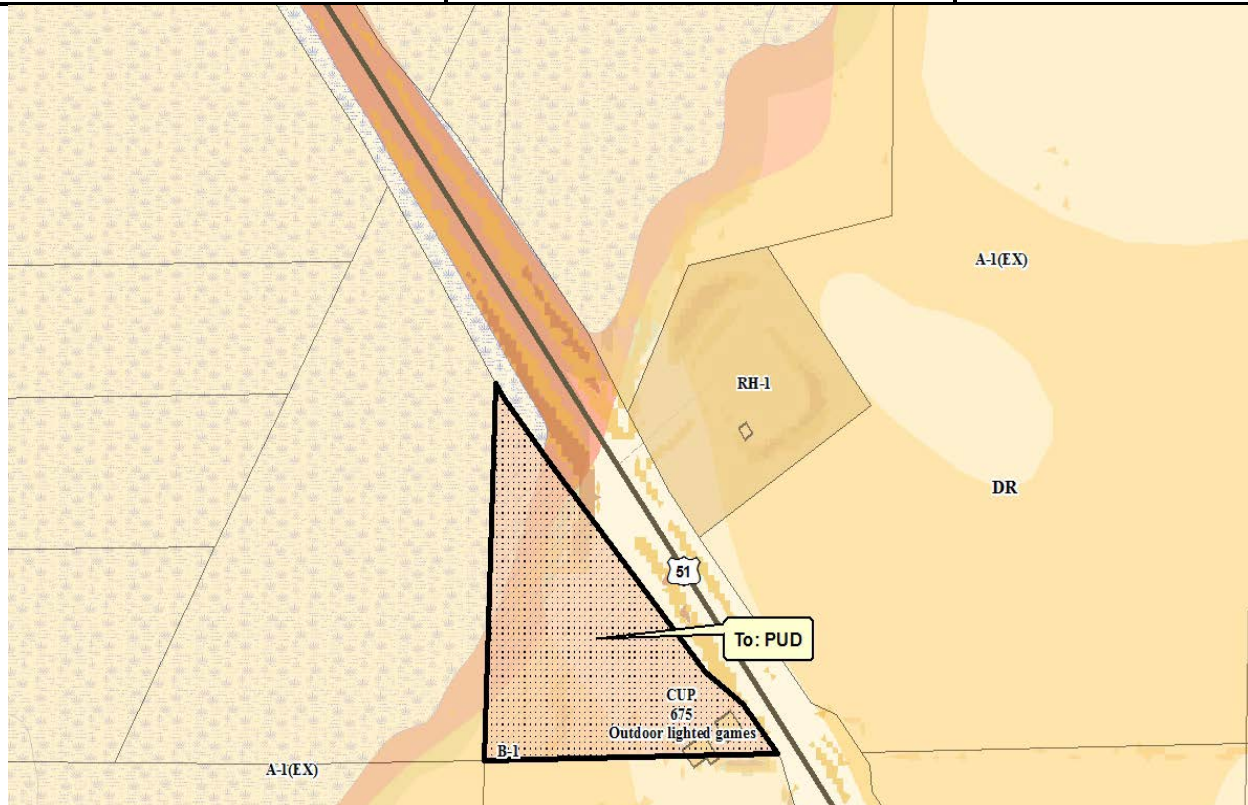
Reason:  
**PUD for dog park and restaurant**

Petition: **Petition 11331**

Town/sect:  
**Dunn, Section 15**

Applicant  
**Lucky Pup, LLC**

Location:  
**2515 US Highway 51**



**DESCRIPTION:** The applicant seeks approval of a Planned Unit Development (PUD) to allow an existing B-1 zoned property to be used as a restaurant / tavern and dog park. The proposed “Pupper Club” would offer indoor / outdoor dining, outdoor entertainment, including volleyball, as well as a gated dog park area. The development proposal involves removing an existing structure and replacing it with a new ~8,000 square foot building, which will serve as the restaurant / tavern, a new parking lot, landscaping and stormwater management features, and replacing an existing small baseball field with the dog park area. The proposed hours of operation are as follows: Dog Park: M-Th, 9am-10pm; Fr-Sun, 7am-10pm; Restaurant (dining): M-Th, 11am-9pm; Fr-Sun, 7am-10pm; Tavern: M-Th, 10am-12am; Fr-Sun, 7am-2am.

**OBSERVATIONS:** The subject property was the site of the former Cold Fusion restaurant / tavern. Surrounding land uses include agriculture / open space and a WP&L station. The nearest residence is located approximately 1,000’ to the southeast. A large wetland complex is located to the west of the property, with a small area of wetlands and wetland buffer encroaching onto the westerly edge of the property.

**TOWN PLAN:** The property is located in the town’s Agricultural Preservation Area. The town plan includes a detailed policy on consideration of PUD proposals (see “STAFF” section below). The proposed PUD appears reasonably consistent with town plan policies.

**RESOURCE PROTECTION:** An area of resource protection corridor associated with a large wetland complex is located to the west of the property. Any new structural development would need to abide by minimum wetland setback requirements.

**STAFF:** As noted above, the town has adopted policies for consideration of PUD proposals on properties that historically supported businesses. The PUD process affords the town discretion over the development/redevelopment of commercial properties, ensuring any such development is compatible with town planning objectives and existing neighborhood uses and character. The subject property has historically served as a bar / restaurant with outdoor entertainment activities.

**STAFF, Continued:** Town plan policies generally discourage any new commercial development in the Town. However, the town has adopted policies for consideration of PUD proposals on properties that historically supported businesses (see below).

Town of Dunn PUD Policies (pages 2-21 & 2-22, town of Dunn/Dane County Comprehensive Plan):

E. Planned Unit Development (PUD) is to be used only in limited circumstances for properties that have historically supported businesses and can support neighborhood-friendly, limited commercial uses. The PUD process gives the Town broad control over the specific uses, scale, design, and landscaping of the site. PUD may be appropriate for former business sites where a new business or commercial use would benefit the neighborhood. PUD may also be appropriate for former business sites where residential development is impossible or impractical.

The Town will support applications to the Planned Unit Development (PUD) district at its discretion and only if the following criteria are met: 1) The PUD is a redevelopment of a former or current business site existing on or after September 1, 1979. 2) There is neighborhood support of the PUD. 3) The scale of the proposed use, particularly the size of buildings, fits the character of the Neighborhood. 4) There is a community benefit, such as removal and/or replacement of dilapidated structures, or adaptive reuse of usable existing buildings. 5) There is a natural resources benefit, such as wetland or prairie restoration, or stormwater management improvement like rain gardens or ponds. 6) There is sufficient infrastructure to serve the new use, including but not limited to water, sewer, and roads. There is no public water provided in the Town and only certain areas are served by public sewer. Existing roads must be able to support the PUD. 7) Lighting for the proposed use must follow dark sky principles. 8) The design fits with the rural character of the Town. 9) The proposal must meet all applicable Town, County, State, and Federal regulations.

However, as a Planned Unit Development, additional information and detail is needed to properly evaluate the proposal. These include the following:

1. An updated overall concept plan and site map showing how each building and area will be used.
2. Details on the proposed size and lighting of signage.
3. Specific details on proposed outdoor lighting, including the location of any new poles and the type of fixture being used. Per town requirements, downward directed/dark sky compliant lighting is required.
4. A narrative statement indicating how the proposal meets the Town's comprehensive Plan policies (see above).
5. Additional information on proposed on-site parking compliance with standards in section 10.18(5)(u). Ordinance requires one space per 75 square feet of indoor occupiable floor area, plus one space per 100 square feet of outdoor eating/drinking area, not including any area occupied by an outdoor recreation facility. Information should also be provided regarding Interior traffic circulation as well as overflow parking for events.
6. Additional information on the planned stormwater management facilities.

**TOWN:** The Town Board approved the petition with conditions.

**August 28<sup>th</sup> ZLR Meeting:** The petition was postponed due to additional information needed and public opposition. A neighbor was concerned on the amount of outdoor entertainment and the decibel level.

**Staff Update:** The General Development plan was updated to include details on lighting, parking, and outdoor events. The General Development Plan appears complete and provides sufficient information on the proposal. Staff suggests approval of the General Development Plan contingent upon the following conditions:

1. The Specific Implementation Plan (SIP) shall be submitted for review within one year of GDP approval.
2. As part of the SIP, a deed restriction shall be recorded with the Register of Deeds which will detail decibel limits on outdoor entertainment, number of events, and hours of operation.
3. A storm water maintenance agreement shall be record with the Register of Deeds for the two bio-retention basins.
4. An on-site septic system shall be installed on the property to facility the development.
5. A highway access permit shall be obtained from the Wisconsin Department of Transportation regarding highway access and allowing parking in the existing gravel area which is located in the highway right-of-way.
6. As part of the SIP, detailed information will be presented for signs. One pylon sign shall be permitted on the property similar to the size of the existing sign. The new sign shall not be internally illuminated and meet dark sky requirements.
7. As part of the SIP, a deed restriction shall be recorded with the Register of Deeds to establish hours of operation for the bar/restaurant.