



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **August 26, 2014**

Zoning Amendment:
None

Acres: 30
Survey Req. No

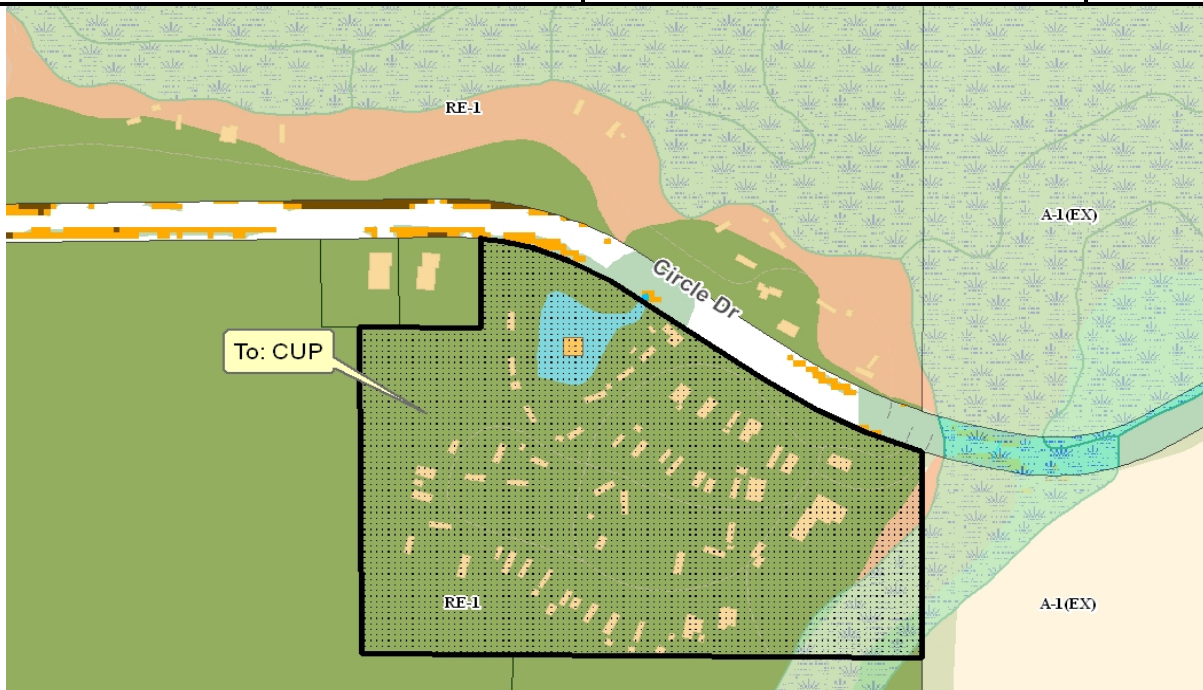
Reason:
**Sale of alcoholic beverages by
the glass**

Petition: **CUP 2281**

Town/sect:
**Pleasant Springs
Section 20**

Applicant
First Rate Resorts LLC

Location:
2671 Circle Drive



DESCRIPTION: Applicant is requesting a conditional use permit to allow sale of alcoholic beverages by the drink at the “Badgerland Campground”, out of an existing building on the property. The applicant indicates that the proposed sale of alcoholic beverages by the drink would be intended primarily to serve patrons of the campground, but would also be open to the public. CUP request also would bring the existing campground / resort use into compliance with the zoning code, as the RE-1 district requires a CUP for, “Recreational camps, campgrounds and camping resorts along with the services and facilities necessary to serve the premises...”

OBSERVATIONS: The property was zoned for recreational purposes in 1972. The campground consists of approximately 100 spaces. There is a small pond and a perennial stream located on the property. The campground is bordered by wetlands to the east and north.

TOWN PLAN: The property is located in the town’s agricultural preservation area.

RESOURCE PROTECTION: There is an area of resource protection corridor consisting of wetlands and floodplain associated with an unnamed perennial stream tributary to the Yahara River. No new development is proposed that could impact the resource protection corridor.

STAFF: Town plan policies allow for a limited amount of nonfarm commercial development in the agricultural preservation area. Expansion of existing recreational facilities, including campgrounds, requires careful review by the town plan commission to ensure that any such expansion is consistent with applicable town plan town’s goals and objectives for the area. Subject to appropriate limitations, including limiting hours of operation, signage, and floor area, it appears that the proposed use is reasonably consistent with town plan policies. See attached staff recommended conditions on the CUP.

TOWN: Approved with conditions.

8/26 ZLR: Postponed due to public opposition. Concerns were raised regarding the safety of the site and the intensification of commercial activity in the rural neighborhood.

Staff Update: Staff reviewed the neighborhood concerns with the Town. The Town stated that the neighbors were present at the Town meetings and their concerns were taken into account during the approval. The Town feels that the concerns were addressed with conditions that limit the hours of operation, limitations on signs, and the required safety features for Circle Drive. Further, the Town will review the premises annually under their control of liquor licenses.

Proposed Conditional Use Permit # 2281

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. The sales of alcoholic beverages shall only be permitted during the 205 days that the campground is open in conformance with Town Ordinances.
2. Sales of alcoholic beverages by the drink shall be limited to between 11am and 10:30pm daily. The hours shall be posted on the building.
3. The serving area shall be limited to a 300 square foot area within the existing building as shown on the site plan. Outdoor seating may be permitted at the Town's discretion and approval.
4. Outdoor loudspeakers or amplified sounds are prohibited.
5. Outdoor lighting shall be limited to what is necessary for safety.
6. Owner shall provide adequate lighting until midnight for the crossing on Circle Drive. The lighting for the crossing shall only operate during the time that the campground is in operation.
7. Signage for the commissary shall be limited to a wall sign not to exceed 15sqft. The sign shall not be visible from the road. There shall be no lighted signs advertising for the bar.
8. The capacity of the building shall be set by the Fire Marshal and the owner shall comply with the occupancy limit for the life of the conditional use permit.
9. Adequate sanitary facilities shall be provided for patrons.
10. All safety features required to be installed by the Town shall be at the expense of, and maintained by, the owner of the campground.
11. If ownership of the campground changes, this Conditional Use Permit will be subject to review by the Town of Pleasant Springs and the County for potential amendments.