
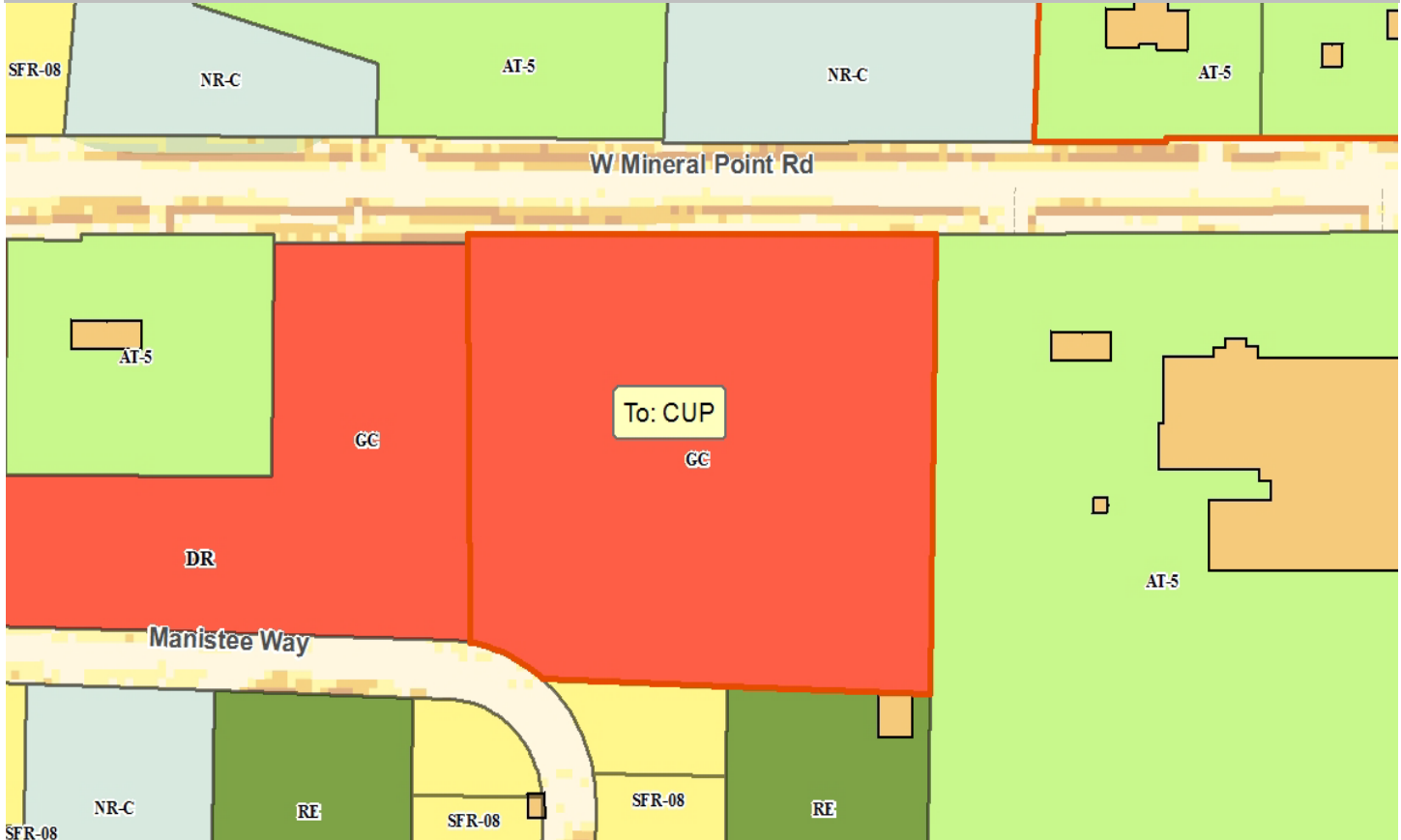


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> December 28, 2021		CUP 02546
	<i>Zoning Amendment Requested:</i> TO CUP: Outdoor Active Recreation (swimming pool, tennis courts, pickle ball courts) and Outdoor Entertainment (outdoor seating for bar/restanurant)		<i>Town/Section:</i> MIDDLETON, Section 29
	<i>Size:</i> 6.45 Acres	<i>Survey Required.</i>	<i>Applicant</i> JEKY GOLF LLC
	<i>Reason for the request:</i> Outdoor Active Recreation (swimming pool, tennis courts, pickle ball courts) and Outdoor Entertainment (outdoor seating for bar/restanurant)		<i>Address:</i> 3730 MANISTEE WAY



DESCRIPTION: The applicant is proposing an outdoor recreation area and outdoor seating for a restaurant as part of the updated golf course club house area.

OBSERVATIONS/ FACTUAL INFORMATION: The golf course was recently redesigned from 18 holes down to a 9-hole course with far more residential lots adjacent to the golf course. This area is where the old club house stood and will be updated to include a restaurant.

TOWN PLAN: The Town of Middleton/Dane County Comprehensive Plan has this area designated for commercial use.

RESOURCE PROTECTION: There appear to be no resource protection areas on site.

STAFF: Staff recommends approval with Town Conditions. Any questions about this petition or staff report please contact Curt Kodl at (608) 266-4183 or kodl@countyofdane.com

TOWN: The Town approved with conditions.

1. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 1.101(7)(d)2, as applicable.
2. The CUP shall be reviewed by the Town in the event of a change in ownership of the property and/or a change to the operator of the restaurant facility. Outdoor Active Recreation activities are limited to swimming pool, tennis courts, and pickle ball courts.
3. Outdoor Entertainment activities are limited to outdoor seating for the bar/restaurant.
4. Both are subject to the following conditions:
 - a. Hours of operation
 - i. All general outdoor activity shall cease no later than midnight/12am, except amplified sound and/or music options
 - ii. Pool and Golf course are open from 7 am to 9 pm 7 days a week.
 - iii. Restaurant is open 11 am - Midnight weekdays
 - iv. Restaurant is open 10 am - Midnight on weekends
5. Outdoor entertainment activities shall have a maximum capacity of 250 persons.
6. Outdoor lighting shall be downward-directed, designed to minimize ambient spill, and shall comply with all applicable requirements of the Town of Middleton. The light plan shall be consistent with the approved site plan.
7. Amplified sound and/or music options:
 - a. Outdoor music shall be limited to no later than 10pm, Sunday through Thursday, and no later than 11pm on Friday and Saturday.
 - b. Under no circumstances should noise levels exceed 55 decibels DbA per the Environmental Protection Agency's (EPA) health and welfare standard, as measured at any of the property's boundaries.
8. The operation shall be served by public sewer.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
12. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. Off-street parking spaces must be provided, in a manner consistent with s. 10.102(8). [Refer to s. 10.102(8) standards for specific use, calculate appropriate number of spaces and insert that number into this condition]
15. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
16. The Zoning Administrator or designee may enter the premises of the operation during normal business hours in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
17. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
18. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

19. The landowner may, at their own initiative, apply for a new conditional use permit to revise or extend the use, at any time. Such application will go through the same process, including public notice and hearing, as any new conditional use permit.
20. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.