



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **January 28, 2014**  
**February 25, 2014**

Petition: **Rezone 10639**  
**CUP 2258**

Zoning Amendment:  
**B-1 Business District and R-3  
Residence District to C-1  
Commercial District**

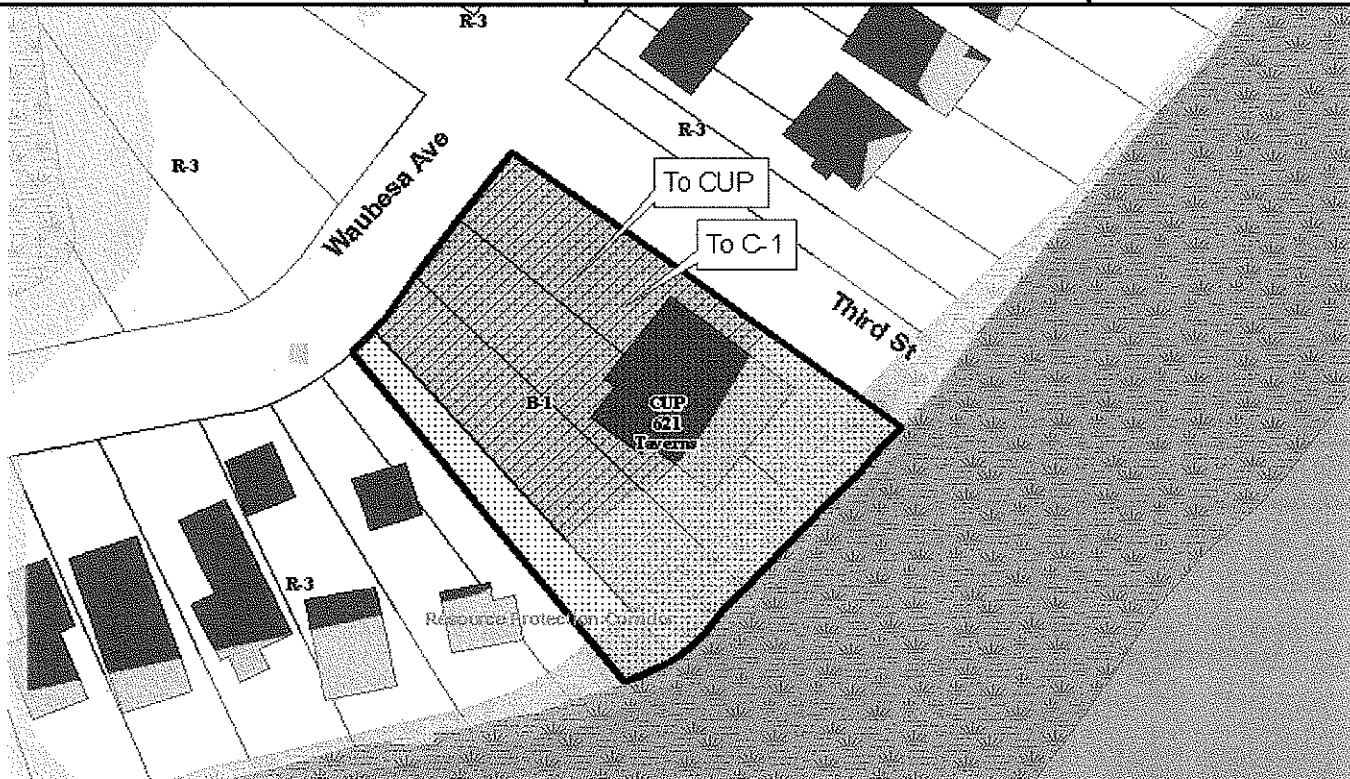
Town/sect:  
**Dunn  
Section 05**

Acres: *0.782, 0.085*  
Survey Req. *Yes*

Applicant  
**Waubesa Beach Club  
LLC**

Reason:  
**Expansion of existing land uses  
CUP Description: tavern, lighted  
outdoor volleyball, outdoor  
events**

Location:  
**2952 Waubesa Ave**



**DESCRIPTION:** Christy's Bar would like to expand their existing volleyball court and bring their existing non-conforming use (tavern) into compliance with current zoning regulations. The request would bring the existing tavern into compliance, allow two lighted outdoor volleyball courts, and define the amount of outdoor events. The request is part of a corrective action for a pending zoning violation (expansion of volleyball court without prior approvals).

**PROPOSAL:** The owner would like to reconfigure the outside area to allow for two volleyball courts. The zoning boundary is proposed to be shifted slightly to the west to account for the existing fence location that separates the property's residential structure from the commercial activity. New lighting will be installed to illuminate the volleyball court area. Limited outdoor activities will be defined as part of the Conditional Use process. The double residential lot will be reconfigured into a single lot.

**OBSERVATIONS:** The property is located in the Second Addition of Waubesa Beach Subdivision which was platted in 1911. Waubesa Beach Club LLC owns five of the subdivision lots which contain Christy's Bar and a single family residence located west of the bar. The tavern has been in operation for over 77 years.

In 1950, the property was zoned to B-1 Business Zoning District to identify the existing tavern land use. In 1987, a conditional use permit was obtained for an illuminated outdoor volleyball court as part of a tavern expansion. In 1992, Dane County changed the land uses listed under the B-1 Business Zoning District which deleted taverns and lighted outdoor activities within the district. This made the existing tavern and outdoor volleyball a legal non-conforming use.

In August of 2013, Dane County found that the existing non-conforming use (volleyball courts) was being expanded. A stop work order was issued and the expansion was halted. The applicant was given the opportunity to obtain the necessary approvals for the expansion to occur.

## Staff Report Rezone 10639 / CUP 2258

The property is located on the shores of Lake Waubesa and subject to Shoreland Regulations. The shallow water along the shoreline is identified as aquatic bed wetland. The lands are outside the flood hazard area as shown on the 2009 FEMA Floodplain maps.

**TOWN PLAN:** The property is located in the Waubesa Limited Service Area and identified as an existing commercial land use on the 2007 land use map. The Town Plan does not allow properties to be zoned to C-1 Commercial. It appears that the proposal meets the intent of the Town's Comprehensive Plan under the provision to allow an existing use to continue operation if the Board finds the land use to be in existence prior to September 1, 1979.

**RESOURCE PROTECTION:** The Town identifies sensitive water features and slopes over 20% grade as part of their resource protection area. The portion of the existing parcel contains areas of resource protection due to being on the shores of Lake Waubesa.

**STAFF:** The proposal meets the dimensional standards of the C-1 Commercial Zoning District, however, the newly configured residential lot will need a waiver from the minimum lot frontage width and minimum building setback width requirements found in the Land Division Regulations. The new residential lot configuration will also need a variance from Shoreland Regulations due to lot frontage requirements.

Staff has worked with the Town of Dunn Staff to prepare a list of suggested conditions to mitigate potential nuisances from the proposed land use. The conditions limit the hours of operation, limit the number of events held each year, define maximum noise levels, identify specific illumination levels, and require screening to be installed to limit illumination spill to neighboring properties.

**TOWN:** Approved Zoning and CUP. See below.

**Zoning Amendment:** Approval of Dane County Zoning Petition number 10639 *conditioned upon* the approval of the Certified Survey Map submitted in conjunction with the petition, and *conditioned upon* a deed restriction limiting the C-1 district permitted uses on the property to allow only marinas, and rental businesses only to the extent rentals of watercraft or equipment occur incidental to marina operations or outdoor recreation activities conducted as a permitted or conditional use. This restriction is not intended to limit approved conditional uses on the property.

**Conditional Use Permit:** Recommended conditions:

1. Hours of operation shall be from 9:00am until 2:00am on Sunday through Thursday, 9:00am until 2:30am on Friday and Saturday.
2. The number of parking spaces shall be maintained at the existing 55 parking stalls. Waubesa Beach Club LLC shall maintain these parking areas. On-site parking shall not be reduced in any fashion.
3. There shall be no more than two volleyball courts on the property. The courts shall be located as depicted on the attached site plan.
4. The exterior lighting design shall be installed as per the attached lighting plan.
5. Court screening: Screening shall be installed as required in section 10.16(7) of the Dane County Code of Ordinances. In addition, a 12' tall privacy screen that blocks 90% of light shall be installed as shown on the attached site plan, and shall be in the raised position during volleyball play after dark and lowered after volleyball play.
6. Hours of operation (both courts and lighting of courts): Limited to from 8:00 am to 10:00 pm.
7. Noise: Use of whistles must be limited and used only to stop play.
8. Prohibit picnic tables and portable toilets in the area indicated on the attached site plan.
9. Number of Events per year: Music events shall be limited to 25 per year.
10. Hours of operation for events: Events on Thursdays, Fridays, and Saturdays limited to 9:00 pm. Events on Sundays limited to 8:00pm. A maximum of 5 identified events limited to 10:00pm.
11. Amplified noise levels: Amplified sounds shall be limited to 85 decibels DbA at property lines.
12. CUP approval conditioned upon approval of Rezone Petition # 10639.

**2/25 ZLR Action:**

**Motion** by Hendrick / Matano to postpone action on Rezone #10639 and CUP #2258; motion carried, 5-0.

YGP: 2-0. One neighbor was opposed to the expansion and stated that the project would diminish his property value and create additional noise.

**3/11 ZLR Action:**

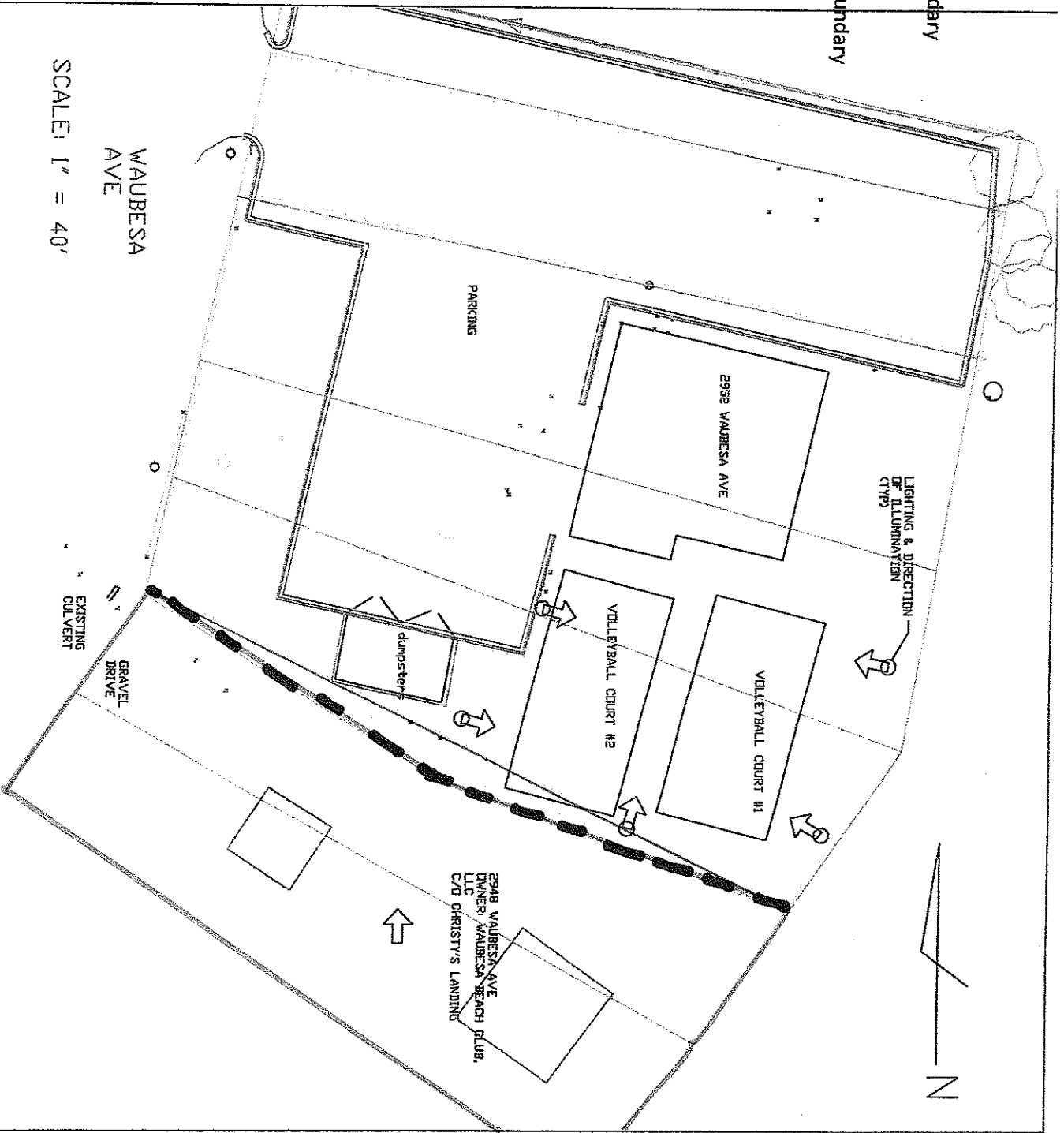
**Motion** by Bollig / Kolar to recommend approval of the petition #10639 subject to the following condition; motion carried, 5-0. YGP: 1-0

1. The land uses on the property shall be deed restricted to taverns, outdoor entertainment, volleyball courts, and marinas.

**Motion** by Bollig / Kolar to approve Conditional Use Permit #2258 subject to 11 conditions and contingent upon Zoning Petition #10639 becoming effective; motion carried, 5-0. YGP: 1-0

Existing Boundary

Proposed Boundary



SCALE: 1" = 40'

WAUBESA AVE

2952 WAUBESA AVE

VOLLEYBALL COURT #2

VOLLEYBALL COURT #1

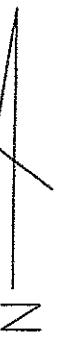
dumpster

2948 WAUBESA AVE  
DINER/ WAUBESA BEACH CLUB,  
C/O CHRISTY'S LANDING

EXISTING  
CULVERT

GRAVEL  
DRIVE

LIGHTING & DIRECTION  
OF ILLUMINATION  
(TYP)



2952 WAUBESA AVE - CHRISTY'S CUP PLAN  
PLAN PREPARED BY: CLINTON J CHRISTENSON, P.E.

Existing Boundary