



# Staff Report

Public Hearing: **July 24, 2018**

Petition: **CUP 02426**

Zoning Amendment:  
**CUP: OUTDOOR ENTERTAINMENT ACTIVITY, TAVERN, AND BED & BREAKFAST**

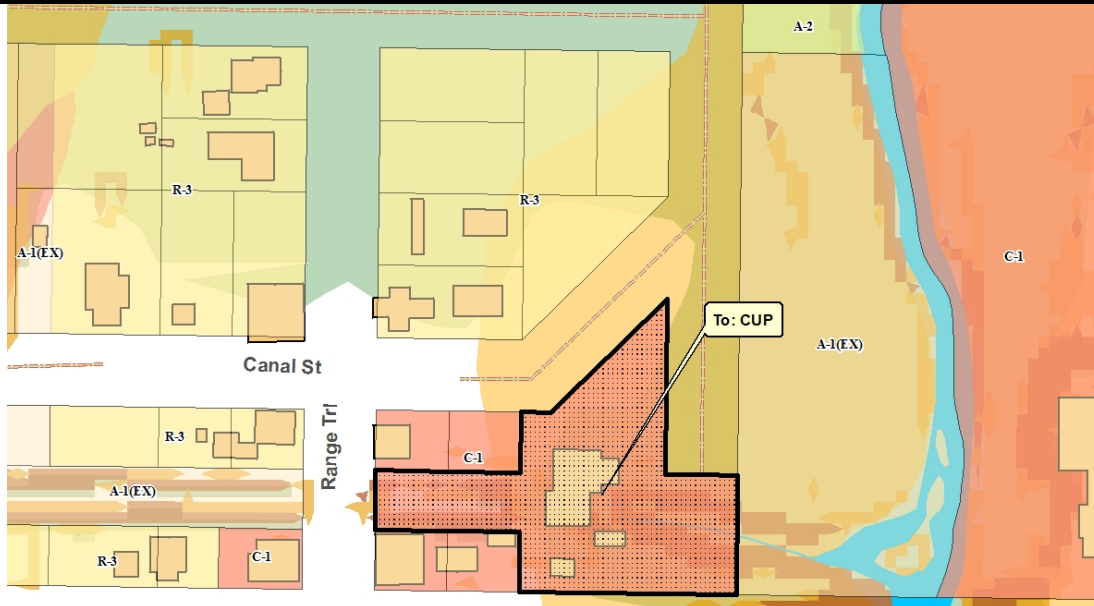
Town/sect:  
**MONTROSE, Section 3**

Zoning and Land Regulation Committee

Acres: 1  
Survey Req. No  
Reason:  
**OUTDOOR ENTERTAINMENT ACTIVITY, TAVERN, AND BED & BREAKFAST**

Applicant  
**WILLIAM H HASTINGS**

Location:  
**6890 PAOLI ROAD**



**DESCRIPTION:** Landowner would like to apply for a Conditional Use Permit for a tavern and outdoor recreation activity to bring an existing use into zoning compliance. In addition, the landowner is also applying for a conditional use to expand the operation to include a bed and breakfast.

**OBSERVATIONS:** The use takes place in the historic Paoli Mill building, originally constructed in 1864, and surrounding outdoor private parklands. There are six residences located within 150 feet of the mill. The outdoor activity area is located on the east side of the mill which shields the activity area from the residences. There is a small parking area to the north of the mill. Current parking may be inadequate to provide parking for a 300-person wedding as proposed.

**TOWN PLAN:** The *Town of Montrose / Dane County Comprehensive Plan* supports commercial tavern and outdoor recreational uses where new town roads are not required and where development will not create a significant burden on public costs. Commercial uses are limited in size, must demonstrate adequate sanitary capacity, must meet siting standards, and noise buffering requirements. Applications must be accompanied by a detailed site plan.

**RESOURCE PROTECTION:** All of the existing building and most of the outdoor private parkland fall within the 1% regional floodplain of the Sugar River. Floodplain and shoreland zoning standards (including flood proofing requirements, limits on impervious surfaces and shoreland erosion control standards) will apply to any new development.

**STAFF:** County Staff recommends postponement to allow time for the applicant to create a parking plan showing the location of adequate parking. The applicant has agreed to reduce the maximum wedding capacity to 200 persons.

**TOWN:** The town of Montrose approved the CUP with the following conditions: Property conditions to be reviewed in 3 years; times for music limited to no later than 8pm, Monday – Thursday, no later than 10pm, Friday and Saturday. No music Sundays.

**JULY 24<sup>th</sup> ZLR:** The Committee postponed action to allow time for the applicant to meet with the Town Board to discuss possible changes to the approved Town conditions.

**REVISED TOWN ACTION:** The Town Board revised the conditions of approval. They approved hours of operation being extended from 10pm to 11pm on Fridays and Saturdays. The renewal period will remain every 3 years. The suggested conditions below were amended accordingly.

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. This Conditional Use Permit is for a tavern, outdoor entertainment activities, and a bed and breakfast operation.
2. The permit holder is required to meet with the Town Plan Commission and/or Town Board every 3 years. The Town will review the conditions of approval and the overall operation for the continuation of the conditional use permit. Failure to comply with this condition will terminate the conditional use permit.
3. Outdoor music shall be limited to no later than 8pm, Sunday through Thursday, and no later than 11pm on Friday and Saturday.
4. All general outdoor activity shall cease no later than 11:30pm.
5. Amplified music or speakers shall not exceed 85 decibels measured at the northwest corner of the property.
6. Outdoor entertainment activities shall have a maximum capacity of 200 persons.
7. The existing parking areas, located on the north side and the west side of the mill, shall remain open and the areas used exclusively for parking.
8. Portable sanitary facilities shall be required for all wedding events or large gatherings.