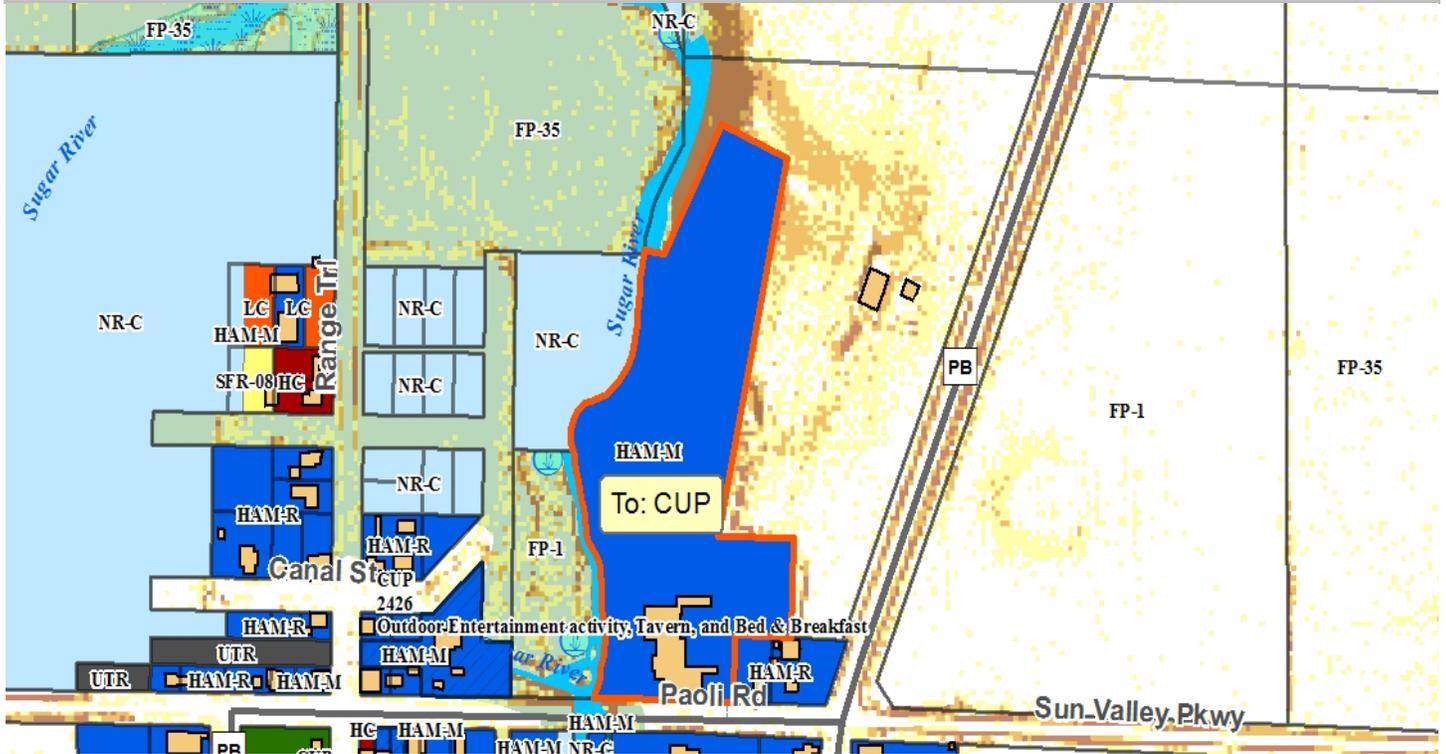


<p>Staff Report REVISED 12/8/2021</p>  <p>Zoning and Land Regulation Committee</p>	<p><u>Public Hearing:</u> November 23, 2021</p>	<p>CUP 02544</p>
	<p><u>Zoning Amendment Requested:</u> TO CUP: Indoor entertainment or assembly; Outdoor entertainment; Commercial indoor lodging</p>	<p><u>Town/Section:</u> MONTROSE, Section 2</p>
	<p><u>Size:</u> 7.5 Acres</p>	<p><u>Survey Required.</u></p>
	<p><u>Reason for the request:</u> Indoor entertainment or assembly; Outdoor entertainment; Commercial indoor lodging</p>	



DESCRIPTION: The applicant seeks a conditional use permit for indoor entertainment, outdoor entertainment and commercial indoor lodging to operate an 8-room hotel, bar, café and restaurant on property in the Hamlet (Mixed-Use) zoning district, in the unincorporated hamlet of Paoli. The entire establishment would have a total maximum capacity of 219 customers at a time, with up to 16 employees on the premises at any time. Outdoor eating and drinking would also occur on the grounds.

OBSERVATIONS/ FACTUAL INFORMATION: The property is the site of the historic Paoli Creamery Building, built in 1920. The building is listed in the Wisconsin Historical Society’s Architectural History Inventory as a structure of regional significance. In more recent years, the building has been used as a tavern, a bed and breakfast, apartments, retail stores and an art gallery.

TOWN PLAN: The *Town of Montrose / Dane County Comprehensive Plan* supports conditional use permits for “hotels and taverns,” provided the following criteria are met:

- building area 10,000 square feet or less, unless the Town Board finds that it is in the public interest to allow larger facilities;
- sanitary requirements are met by an approved septic system, and;
- siting and operational criteria detailed in the plan are met.

The town / county plan also supports adaptive reuse of “properties that contribute to the Town’s historical character.”

RESOURCE PROTECTION: The property is immediately adjacent to the Sugar River, and portions of the grounds are within the 1% regional floodplain. The existing creamery building and most of the grounds are out of the regulated floodplain, as shown in the county's adopted floodplain zoning maps. Any new construction, impervious surface area and / or ground disturbance must comply with county shoreland, wetland, floodplain and shoreland-erosion control standards.

STAFF: Since the November 23, 2021 public hearing, the applicant has provided:

- Sanitary permit and septic and holding tank designs approved by the Dane County Division of Environmental Health;
- A revised operational plan and occupancy numbers, reflecting design capacities of approved septic systems and holding tanks;
- A Preliminary Review Letter from the Dane County Land & Water Resources Department indicating that county erosion control and stormwater standards can be reasonably met on the site, given the proposed development.

See Page 3 for recommended conditions of approval.

TOWN: On October 5, 2021, the Town of Montrose Board of Supervisors voted to recommend approval of CUP 2544 with the following conditions:

1. Outdoor entertainment will not exceed 60 decibels, and;
2. The conditional use permit will be reviewed every three years.

CUP 2021 2544 Recommended Conditions of Approval (including town-recommended conditions)

1. No more than the following number of people may be on the premises at any one time, associated with each specific use of the property:
 - a. Indoor commercial lodging (hotel), no more than 28 guests.
 - b. Indoor assembly, no more than 107 patrons total, consisting of the following:
 - i. Formal restaurant, no more than 60 patrons;
 - ii. Casual restaurant / café, no more than 15 patrons;
 - iii. Bar, no more than 32 patrons.
 - c. Outdoor entertainment, no more than 84 patrons or guests.
2. Hours of operation shall be limited to the following:
 - a. Hotel, 24 hours a day, 7 days a week.
 - b. Retail and café uses, 7:00 a.m. to 8:00 p.m., 7 days a week.
 - c. Formal restaurant and bar, 11:00 a.m. to 9:00 p.m., Wednesday through Sunday. The restaurant and bar will be closed on Monday and Tuesday.
3. The operation shall not employ more than 24 employees in total, with no more than 16 employees on the site at any one time.
4. Noise levels, from all uses combined, shall not exceed a peak level of 60 decibels (dbA scale), as measured from any property line.
5. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
6. 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.
7. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits, including Town of Montrose alcoholic beverage permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
8. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including Town of Montrose alcohol licenses. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
9. Onsite wastewater sewage disposal systems and holding tanks must be installed and maintained, at the landowner's expense, in accordance with sanitary permits approved by the Dane County Division of Environmental Health, and in full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
10. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
11. At least 79 off-street parking spaces must be provided, consistent with s. 10.102(8).
12. 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.

13. The Zoning Administrator or designee may enter the premises of the operation 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.
14. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
15. 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.
16. 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.
17. 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.
18. This Conditional Use Permit will expire three years after the date of final approval. Continuance of covered activities after the expiration date requires approval of a new conditional use permit.