

BUILDING SAFETY & ZONING DIVISION
PLAN COMMISSION STAFF REPORT

TO: Plan Commission
DATE: September 29th, 2025
SUBJECT: 1601 East Gate Drive, Conditional Use Permits - CUPs

A request by Jamie Reich, agent for the Silver Moon Tavern, for a Conditional Use Permit (CUP) for 'Indoor Commercial Entertainment' and a Conditional Use Permit (CUP) for 'Outdoor Commercial Entertainment incidental to Indoor Commercial Entertainment'. Parcel PIN(s): 291-0815-0233-001

SITE DETAILS:

Acres: 4.06
Current Zoning: General Business (GB)
Existing Land Use: Vacant Bar/Restaurant
Future Land Use Designation: Neighborhood Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of conditional use permits for 'Indoor Commercial Entertainment' and 'Outdoor Commercial Entertainment incidental to Indoor Commercial Entertainment' to open a bar/restaurant facility with an outdoor seating/serving area. The Outdoor Commercial Entertainment area proposed via the CUP will be limited to 1,000 sq ft of the lower patio. The Outdoor Commercial Entertainment area shall consist of a 10x20 walkway/stairway area (200 sq ft) and a 25x32 seating area (800 sq ft). The applicant also plans to host occasional events on other patio areas, the lawn area, and/or parking lot of the property that will need to be approved via the City's Special Event Permit process. An existing vegetative buffer and fence exist along the south property line between the proposed facility and the adjacent residential parcel. All proposed regular activity areas (including proposed outdoor areas) are located more than 75 feet from residentially zoned parcels. The existing parking lot meets or exceeds the parking requirements. Exterior lighting will utilize existing lighting.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the General Business (GB) Zoning District, 'Indoor Commercial Entertainment' is a principal land use permitted as a conditional use *[per § 550-33B(2)(g)]*. 'Indoor Commercial Entertainment' includes taverns and restaurants among the allowed uses *[per § 550-52H]*.

Applicable regulations for 'Indoor Commercial Entertainment' land uses include the following:

- 'If located on the same side of the building as abutting residentially zoned property, no customer entrance of any
- kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property' *[per § 550-52H(1)(a)]*.
- The 'facility shall provide a bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property' *[per § 550-52H(1)(b)]*.

2. Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).
3. Within the General Business (GB) Zoning District, 'Outdoor Commercial Entertainment incidental to Indoor Commercial Entertainment' is an accessory land use permitted as a conditional use *[per § 550-33C(2)(f)]*. 'Outdoor Commercial Entertainment incidental to Indoor Commercial Entertainment' includes activity conducted incidental to the principal land use of 'indoor commercial entertainment' on the same site *[per § 550-56BB]*.

BUILDING SAFETY & ZONING DIVISION

PLAN COMMISSION STAFF REPORT

Applicable regulations for 'Outdoor Commercial Entertainment incidental to Indoor Commercial Entertainment' land uses include the following:

- Shall comply with all conditions of § 550-521.
- The total area devoted to outdoor commercial entertainment shall not exceed 25% of the total area of the principle structure on the property or 1,000 square feet, whichever is less.
- The outdoor commercial entertainment activity shall only operate between the hours of 7:00 a.m. and 10:00 p.m. on any day and only when the indoor commercial entertainment activity is open.
- Businesses which intend to serve alcohol beverages must comply with Chapter 220 of the City of Watertown Municipal Code and must satisfy the requirements/conditions of the license for the premises.
- Noise must comply with § 550-112, Noise standards, of this chapter.
- Exterior lighting must comply with § 550-110, Exterior lighting standards, of this chapter.

WISCONSIN STATUTES:

All Conditional Use Permits are subject to the requirements of Wisconsin Act 67.

Under 2017 Wisconsin Act 67: Section 16. 62.23 (7) (de) Conditional Use Permits.

1. 62.23 (7) (de)(1) In this paragraph:
 - a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
 - b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
2. 62.23 (7) (de)(2)
 - a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
 - b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.
3. 62.23 (7) (de)(3)

Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.
4. 62.23 (7) (de)(4)

Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.
5. 62.23 (7) (de)(5)

If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

PLAN COMMISSION DECISION:

| Indoor Commercial Entertainment Land Use Criteria | Applicant Provided Substantial Evidence | | Opponent Provided Substantial Evidence | | PC Finds Standards Met | |
|---|---|----|--|-----------|------------------------|----|
| <i>If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.</i> | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| <i>Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).</i> | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| <i>Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).</i> | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |

BUILDING SAFETY & ZONING DIVISION
PLAN COMMISSION STAFF REPORT

| Outdoor Commercial Entertainment Incidental to Indoor Commercial Entertainment Land Use Criteria | Applicant Provided Substantial Evidence | | Opponent Provided Substantial Evidence | | PC Finds Standards Met | |
|--|---|----|--|-----------|------------------------|----|
| Shall comply with all conditions of § 550-52l. (Outdoor Commercial Entertainment) <ul style="list-style-type: none"> Activity areas shall not be located closer than 75 feet to a residentially zoned property. Facility shall provide bufferyard with minimum opacity of 0.80 along all borders of the property abutting residentially zoned property. Parking requirements. One space for every three persons at the maximum capacity of the establishment. | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| The total area devoted to outdoor commercial entertainment shall not exceed 25% of the total area of the principle structure on the property or 1,000 square feet, whichever is less. | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| The outdoor commercial entertainment activity shall only operate between the hours of 7:00 a.m. and 10:00 p.m. on any day and only when the indoor commercial entertainment activity is open. | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| Businesses which intend to serve alcohol beverages must comply with Chapter 220 of the City of Watertown Municipal Code and must satisfy the requirements/conditions of the license for the premises. | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| Noise must comply with § 550-112, Noise standards, of this chapter. | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |
| Exterior lighting must comply with § 550-110, Exterior lighting standards, of this chapter. | <u>Yes</u> | No | Yes | <u>No</u> | <u>Yes</u> | No |

If Plan Commission answers "no" to any of the questions, above, the CUP must be denied. Otherwise, proceed to the conditions of approval.

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission:

STAFF RECOMENDATION:

- Staff recommends approval of this Conditional Use Permit with conditions:
 - The Outdoor Commercial Entertainment activity area shall only operate in the approved area between the hours of 7:00 a.m. and 10:00 p.m. on any day and only when the indoor commercial entertainment activity is open.

ATTACHMENTS:

- Application materials

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