
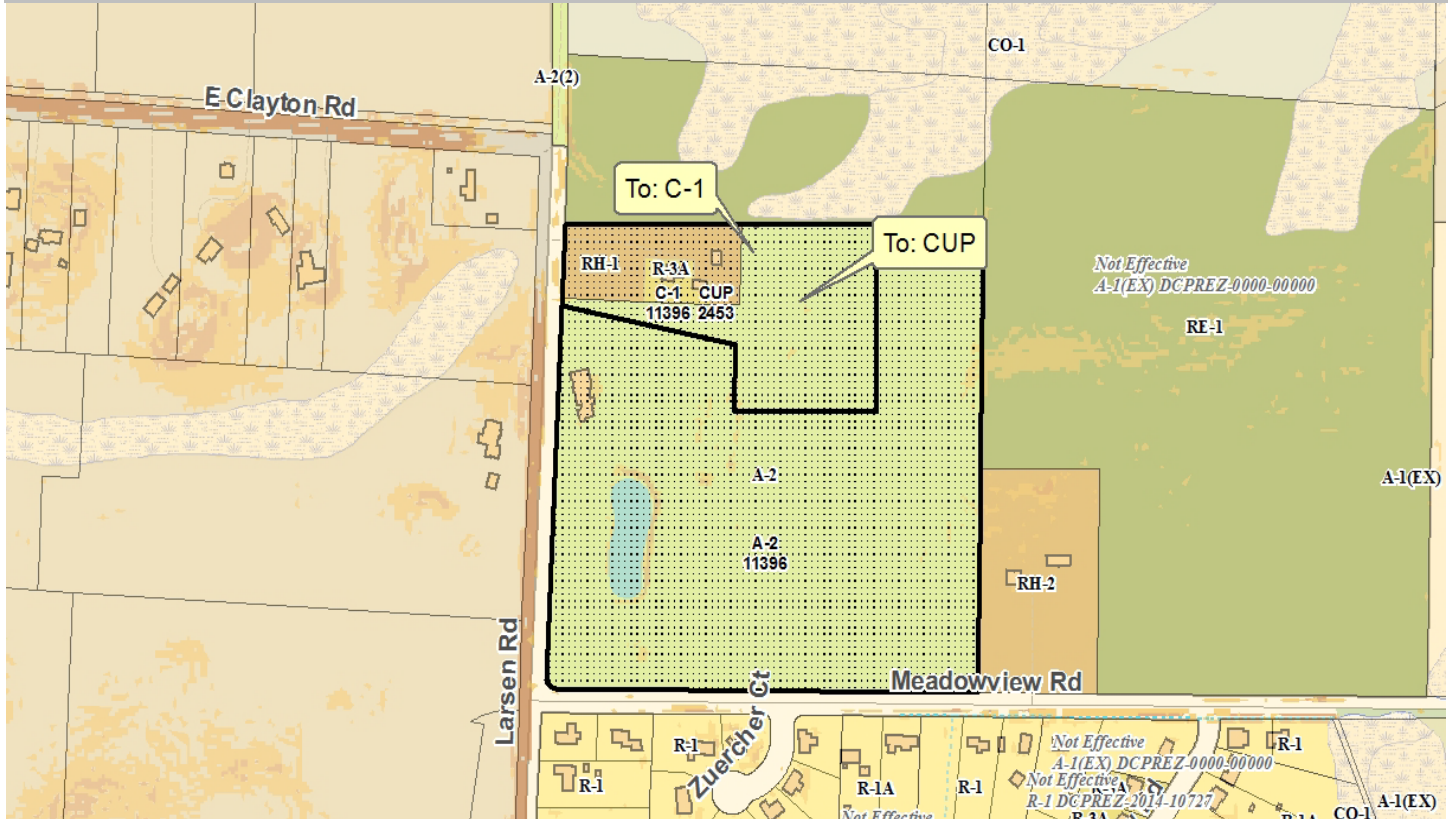


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<p>Public Hearing: March 26, 2019</p>	<p>Petition 11396 CUP 02453</p>	
	<p><u>Zoning Amendment Requested:</u> TFR-08 (R3A) Residence District TO GC (C-1) General Commercial District, RR-2 Rural Homes District TO GC Commercial District, RM-16 Rural Mixed Use District TO GC General Commercial District</p>	<p><u>Town/Section:</u> BLOOMING GROVE, Section 31</p>	
	<p><u>Size:</u> .47,2.05,5.54 Acres</p>	<p><u>Survey Required:</u> Yes</p>	<p><u>Applicant:</u> DAVID D WOOD</p>
	<p><u>Reason for the request:</u> ALLOW COMMERCIAL USES FOR WEDDING/RECEPTION FACILITY TO CUP: OUTDOOR ENTERTAINMENT & RESIDENTIAL USES</p>		<p><u>Address:</u> 3200 LARSEN RD</p>



DESCRIPTION: The applicant wishes to rezone to GC (General Commercial formerly known as C-1) and RM-16 (formerly A-2) with a conditional use permit for outdoor entertainment and residential use. The proposal includes a 2-lot CSM, one 8 acres in size to be zoned GC, and the other 29 acres to remain in RM-16.

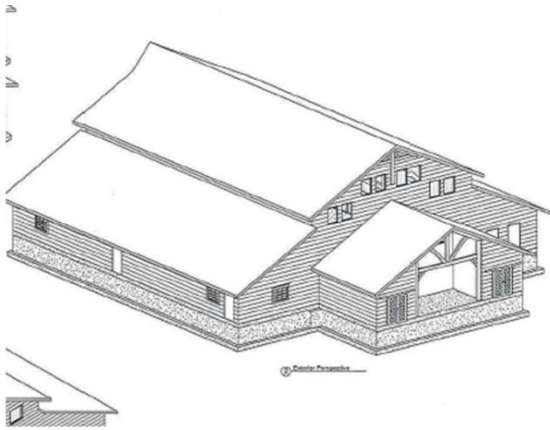
SUMMARY OF PROPOSED USE: The proposed use is an event venue for wedding receptions and ceremonies, family activities (birthdays, retirements, graduations); business uses (meetings, seminars, conferences, banquets, monthly meetings); and educational (retreats, wildlife tours, photography/nature tours).

The plan is remove the existing barn and build a new barn structure that includes a main indoor area plus a large screened in porch. The existing duplex and 4-car garage will remain



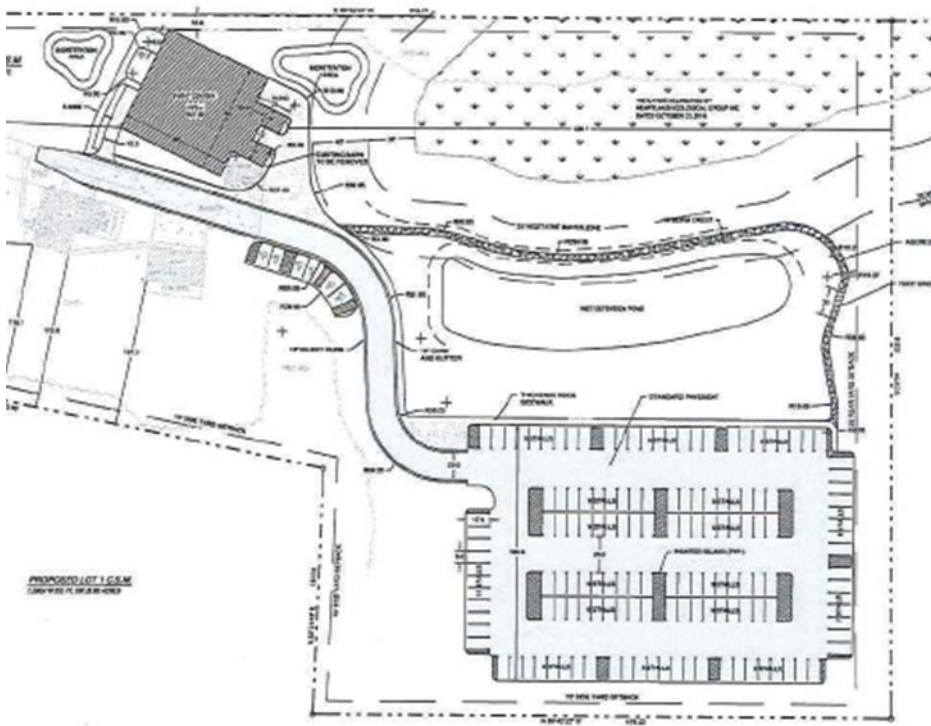
with the garage serving as storage. The future use of the duplex will be used as a wedding party “retreat”.

The capacity of the main area is 300 plus the option to open the 20’ x 80’ porch. The application describes the anticipated number of employees to be four family members to start and then “hiring staff as needed”. Hours of operation will be Friday through Sunday 10:00 AM to 11:00 PM on weekends; and on weekdays to be determined by event special request. Weekend activities are anticipated to be weddings, family events/celebrations; and weekday activities are anticipated to be business/educational use by request. Traffic management is addressed in the site plan, including signage to direct cars to the parking lot, and noting the fire lane. Safety measures include a well-lit exterior of the building and parking lot.



OBSERVATIONS: The property is located in the southwest corner of the town of Blooming Grove, bordering the town of Dunn to the south, the City of Fitchburg to the west, and the City of Madison to the north.

The surrounding uses include sensitive environmental areas, and residential uses of various densities, including a subdivision located south of Meadowview Rd. The boundary with the City of Fitchburg is along Larsen Road, and the Town of Dun is located south of Meadowview Rd. Residential development is planned in the City of Fitchburg west of Larsen Road.



TOWN PLAN: The subject property is located in *rural residential & conservancy* land use districts of the Town of Blooming Grove Comprehensive Plan. The purpose of the rural residential district states “This district is developed to maintain the rural character of the town with lower densities and preserved open space within the development”. Most detail provided in the plan describes residential development. More importantly, is the *Cooperative Plan* between the Cities of Fitchburg and Madison and the Town of Blooming Grove. The subject property will ultimately be annexed into the City of Madison.

RESOURCE PROTECTION: There is a pond on a portion of the proposed larger lot, and there are wetlands to the north of the property.

STANDARDS FOR APPROVING A CUP: Compliance with Standards Required for Granting Conditional Uses: Chapter 10 provides six standards for granting a CUP in Section 10.255(2)(h), as follows:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. That 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. That 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. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
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.

The applicant has provided information on how he believes the proposal meets these 6 standards (please see attached application materials).

TOWN: The town of Blooming Grove Plan Commission and Board both voted unanimously in support of this proposal. As noted in the Town Action Report, *“due to the Cooperative Plan between the Town and the City of Madison, the City of Madison Planning Department approves the development in a way that is materially consistent with the project as proposed”*. See Town Action Report.

TOWN/CITY PLAN: Property in the town of Blooming Grove is set to be annexed into the Cities of Madison and Fitchburg. The subject property falls in the Cooperative Plan with the Town of Blooming Grove and the City of Madison.

STAFF: There are three potential nuisances associated with the proposed land use. They are traffic, noise, and exterior lighting. Potential conditions are suggested below to address the concerns. If the permit is approved, staff recommends that the 13 conditions listed below are adopted.

MARCH 26TH ZLR: The Committee postponed action due to public opposition. The neighboring landowners expressed concerns regarding traffic, noise generation, parking lot lighting, and the proposal disrupting the rural nature of the area. One neighbor suggested that the land uses should be limited exclusively to an event venue rather than all of the land uses listed in the General Commercial Zoning District.

STAFF UPDATE: County Staff has reviewed the proposal against the concerns raised by the public. Staff believes that the concerns can be mitigated through conditions which limit activities on the property. Below is a list of the concerns raised with suggested actions to address the concern.

TRAFFIC: The roadways adjacent to the proposed project are capable of handling an additional 150 vehicles that will be produced by the events. The roadways are 24 feet wide with dividing lines marking the 11-foot drive lanes. Both Larson Road and E. Clayton Road are posted at a 40mph speed limit. The Town of City Engineer should evaluate the egress/ingress point for the property to ensure that the intersection is designed properly. The landowner should be responsible for any improvements that are required.

NOISE GENERATION: In order to address noise concerns, the applicant plans to hold all music events indoors. The event building has been positioned to project sounds from the covered porch area in the northeast direction away from any residential areas (toward public parkland). Part of the suggested conditions would prohibit outdoor music events, set maximum decibel limits at the property line, and set limits on the hours of operation to ensure that the activities do not become a nuisance to the neighborhood.

PARKING LOT LIGHTING: County Staff has suggested that “Dark Sky” requirements be part of the conditions for the conditional use permit. The conditions would require the lighting to be mounted on low posts and the intensity of the illumination being minimal having a soft color. In addition, the City of Madison is requiring the parking lot to be designed to meet City ordinances regarding lighting, landscaping, and drainage.

DISRUPTION OF RURAL CHARACTER: The location of the proposed activity area is approximately 800 feet away from residential housing and relatively hidden from the surrounding neighborhood. The site is buffered by a hill and tall trees on the south side. Although the structure will be seen prominently from the bike trail, the building’s design mimics a barn which fits into the rural surroundings.

EXTENT OF COMMERCIAL USES: The General Commercial Zoning District lists of host of commercial activities which include daycares, retail stores, restaurants, outdoor entertainment, and taverns which may not be appropriate for the area depending upon the scale of the operation. County Staff would suggest that a deed restriction being placed on the property to limit the activity to the ones proposed in light of the neighboring surroundings.

Suggested Zoning Change Conditions:

1. A deed restriction shall be recorded on the property to limit the land uses exclusively to the following: an assembly hall for events, weddings, and meeting; tourist or transient lodging; and passive outdoor recreation.

Suggested Conditional Use Permit conditions:

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, and phasing plan.
2. 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.
3. 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.
4. 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.
5. The operation shall be served by public sewer.
6. 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.
7. 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.
8. 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.
9. Outdoor lighting shall be direct down-lit full cutoff fixtures. If the fixtures are mounted on posts, the maximum mounting height shall be 15 feet. The maximum light produced shall not exceed 3 foot candles. The Kelvin temperature of the lighting shall not exceed 3000K.
10. The amplified sounds shall not exceed 65 decibels DbA measured along Larson Road, south property line, or east property line. All amplified music events shall be held indoors. Outdoor amplified music events are prohibited.
11. The landowner shall obtain street access approval from the Town of Blooming Grove. The landowner shall install any driveway improvement features as deemed necessary by the Town at the landowner’s expense.

12. On-site parking must be provided as per submitted operations plans. The parking areas and drive paths shall be paved as designated on the operations plan. Landscaping and screening shall be installed around the parking that meet the City of Madison Landscaping and Screening requirements Ordinance 28.42.
13. The hours of operation shall be 10:00 AM to 11:00 PM on Friday through Sunday, 8:00am to 10:00pm on Mondays through Thursday.