



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **August 28, 2018**

Zoning Amendment:  
**CUP for 'limited rural business'**

Acres: 4.92  
Survey Req. No

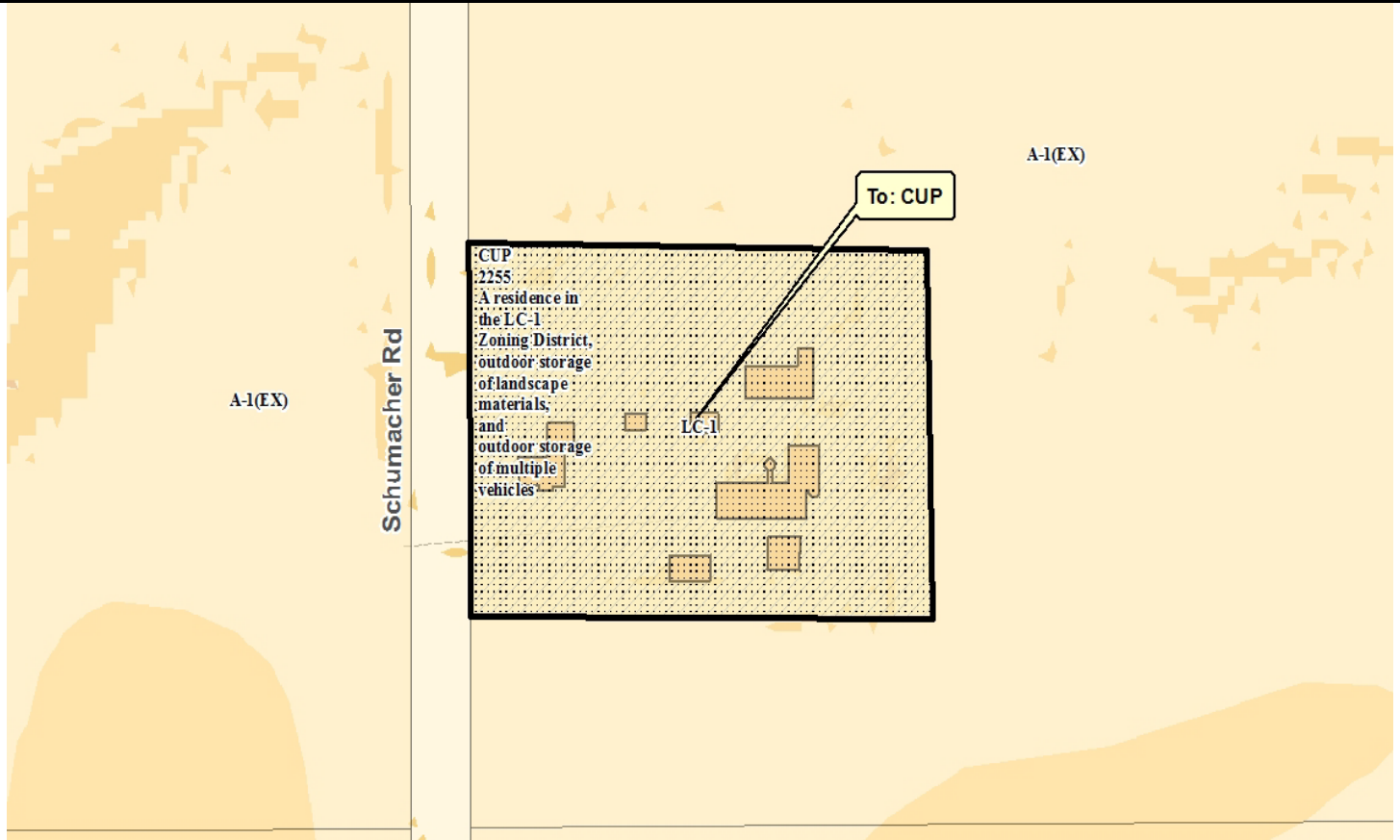
Reason:  
**Allow for banquets and weddings to be held inside an existing barn**

Petition: **CUP 02429**

Town/sect:  
**Vienna, Section 33**

Applicant  
**Timothy J. Foulker**

Location:  
**6538 Schumacher Road**



**DESCRIPTION:** The applicant would like to obtain approvals to correct a pending land use violation: operating a wedding barn without approvals. The applicant is seeking a conditional use permit (CUP) to add barn events or a “wedding barn” to an existing LC-1 property using the “Limited Rural Business” option within LC-1. Current uses on the property include a single-family residence and a landscape business with accompanying outdoor material storage, which were allowed by way of prior CUP 2255. (Please refer to supplemental history and land use material prepared by the Zoning Administrator and included in the Legistar record.)

**OBSERVATIONS:** The 4.9-acre parcel is surrounded on four sides by agricultural fields, and access is provided off of Schumacher Road, a town road.

**TOWN PLAN:** The property is located in the town’s Agricultural Preservation Area. Limited agricultural related commercial uses are permitted by the town plan if certain conditions are met, for example, limited conflict with adjacent land uses, non-disruption of agricultural uses, etc.

**RESOURCE PROTECTION:** There are no areas of resource protection on the proposed CUP area.

**STAFF:** Recommend approval with staff conditions and any subsequent conditions that the town of Vienna may propose.

**TOWN:** The Town Board approved the Conditional Use Permit with various conditions. The conditions have been incorporated in the Staff suggested conditions.

## Staff Report for Conditional Use Permit 2429

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. As noted some conditions are Town recommended. 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. The conditional use permit shall expire after a 1 year period unless reviewed and approved by the Town Board. The facility will be reviewed on the safety of the operation and to ensure all of the conditions listed below are being followed. (town)
2. The Conditional Use Permit shall expire upon the transfer of ownership to an unrelated third party. (town)
3. A split rail fence shall be installed to surround the property to deter patrons from wandering off site. (town)
4. The operator shall acquire an Operator's Liquor License from the Town of Vienna. (town)
5. The number of events is limited to 30 per year. (town)
6. Outside loudspeakers are prohibited. (town)
7. All music shall be contained to the inside of the building. In no event shall the volume of music or amplified sounds exceed a decibel limit of 80 DbA measured at the property line. (staff)
8. The hours of operation shall be from 9:00 am to 10:00 pm on Sunday through Thursday, and 9:00 am to 12:00 am on Friday and Saturday. (town)
9. The capacity shall be limited to 300 patrons per event based on available parking on site. (staff)
10. The facility will be upgraded to provide ample bathroom facilities that would meet all sanitary regulations, including a larger septic tank and ADA bathrooms. (town)
11. The facility will be upgraded to meet the Commercial Building Code by means of plan submittal and inspections from Wisconsin Safety and Buildings Department. The facility shall not operate until building plans are approved by the State and the necessary improvements made to the structure. (town)
12. The applicant shall remove the outdoor deck and all outdoor seating areas. All activities shall be confined to the inside of the barn. (town)
13. The landowner shall obtain a storm water management permit from Dane County Land and Water Resources Department for the previous increase of impervious surface. (town)
14. The operator will have a traffic study conducted to determine road safety. The landowner will be responsible for the construction of required improvements. (town)
15. Parking on Schumacher Road shall be prohibited. (town) No Parking signs shall be installed along the road by landowner as designated by the Town.
16. The all exterior lighting shall be down lighted and shall not cause a nuisance to neighboring properties. (town)