
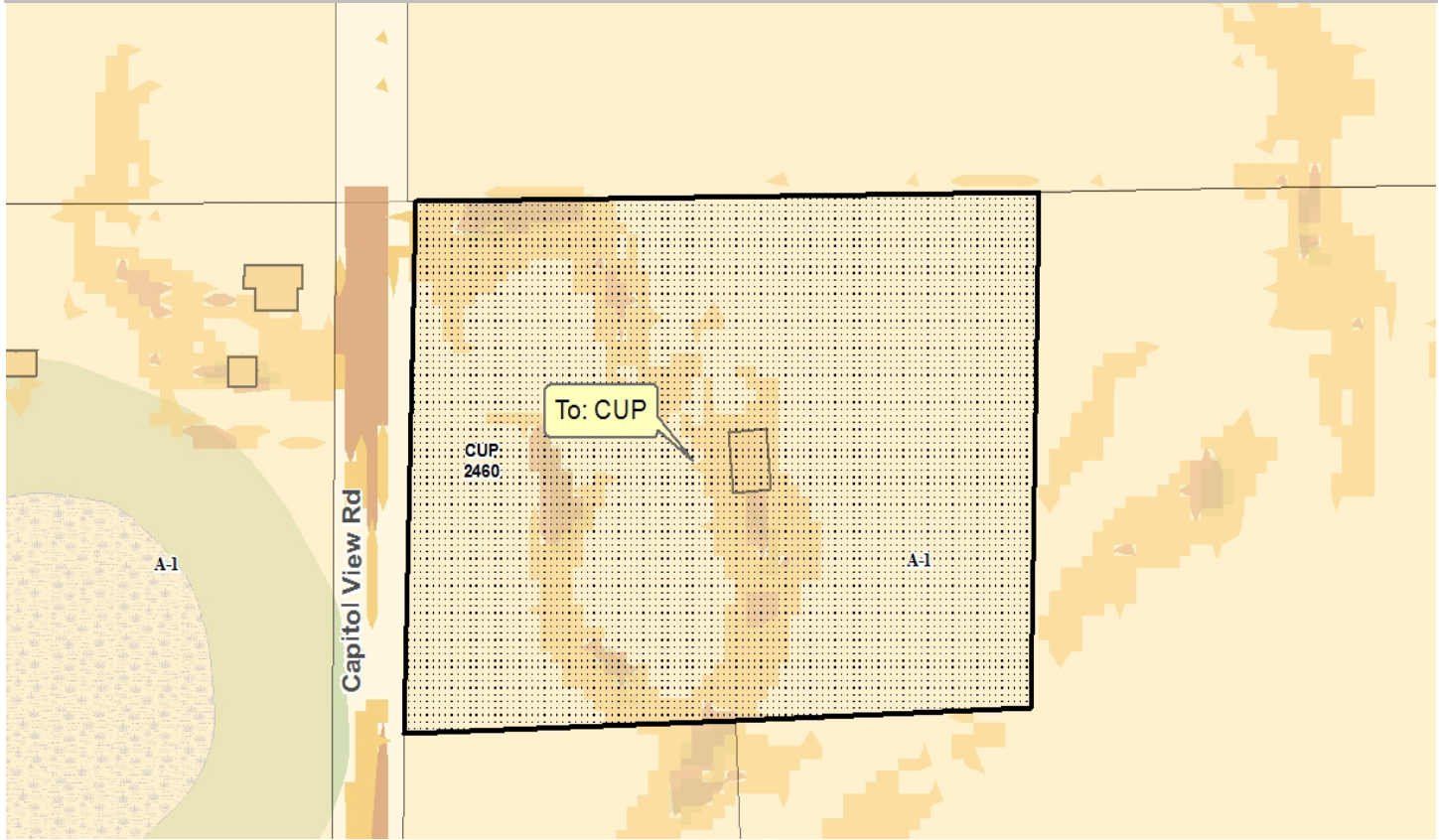


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>April 30, 2019</b>		<b>CUP 02460</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: agriculture entertainment</b>		<i>Town/Section:</i> <b>MIDDLETON, Section 4</b>
	<i>Size:</i> <b>5.8 Acres</b>	<i>Survey Required:</i>	<i>Applicant:</i> <b>STEVEN G &amp; JOAN W ZIEGLER</b>
	<i>Reason for the request:</i> <b>agriculture entertainment</b>		<i>Address:</i> <b>4796 CAPITAL VIEW ROAD</b>



**DESCRIPTION:** The applicant would like to create an agricultural educational school with a community space for the agricultural related and non-agricultural events. The primary plan is to provide a spot where vegetables and other plants are grown and cultivated and the processes of production are taught to the general public. Activities on the property will meet the purpose of supporting local food systems and farmland preservation, teaching stewardship and/or fostering community.

The seasonal operation, based around local food systems and farmland preservation, would teach stewardship and foster community through workshops that would cater to both school aged children and the general public. Workshop topics include but are not limited to: ecological restoration, pollination, seed starting, prairie landscapes, apiary, fibers, canning, pickling, herb drying, wetland preservation, bird migration, pruning, and wreath making.

Classroom topics would include: orchard maintenance and harvest, seed starting, geology, history of Wisconsin family farms, prairie ecology, pollination, vegetable harvest and cleaning, canning and pickling. Along with education, there would be a continuing and expanding relationship with the 'MOM', Middleton Outreach Ministry, agricultural programs. Currently, it is home to their melon patch with plans to increase garden activities, agricultural education workshops and community events.

**OBSERVATIONS:** The property is surrounded by agricultural uses and scattered residences.

**TOWN PLAN:** The property is located in the Town's Residential planning area.

**RESOURCE PROTECTION:** There are no resource protection corridors on site.

**STAFF:** Town plan policies generally support uses that are compatible with surrounding uses and the semi-rural character of the town. The proposed conditional use is reasonably consistent with town plan policies. The program is directly consistent with Dane County Comprehensive Plan goals relating to food systems, education and farmland preservation.

**TOWN:** The Town approved on 4/26/2019 with the conditions. (Combined below)

### **Staff Report for Conditional Use Permit 2460**

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. Any conditions required for specific uses listed under s. 10.103.
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be

brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. 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.
11. 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.
12. 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.
13. 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.

#### Town Conditions

14. The conditional use permit shall expire in the event the property is sold or transferred to another owner. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County. The Property Owner shall record a deed restriction that includes the conditions of approval, in a form approved by the Town Attorney.
15. The applicant shall submit a detailed parking plan showing the number of parking spaces within all designated parking areas, up to 100 spaces.
16. "Agricultural education" events shall be limited to occur from April 1 to November 15.
17. The total number of "non-agricultural" events shall be limited to 25 events between April 1 and November 15.
18. Hours of operation for all non-agricultural events shall be limited to 8 am to midnight with all guests vacating the premises by midnight.
19. Amplified music shall be limited to the hours of 8:00 am to 10:00 pm.
20. The total number of people permitted on site at a given time shall be limited to two times the number of parking stalls, up to a maximum 200 persons.
21. The maximum number of people permitted indoors shall be set by the Fire Department based on building capacity.
22. There will be no parking on Capitol View Rd, across Capitol View Road, or on adjacent properties, associated with the conditional use.
23. All lighting will conform to the City of Middleton's lighting code and all fixtures on the building shall be full cutoff fixtures. And agricultural yard light shall be allowed on a switch until 12:00 midnight.
24. The address for the CUP property is 4796 Capitol View Road.

#### Additional Conditions

25. The amplified sounds shall not exceed 65 decibels DbA measured along Capitol View Road or any other property line on this parcel. All amplified music events shall be held indoors, either inside the structure or an event tent. Outdoor amplified music events are prohibited.
26. The wastewater disposal system shall be approved by Dane County Department of Health.
27. Signs will not exceed 3' x 4'