



Staff Report

Zoning and Land Regulation
Committee

Public Hearing: **December 18, 2018**

Petition: **CUP 02444**

Zoning Amendment:
**CUP for Agricultural
Entertainment**

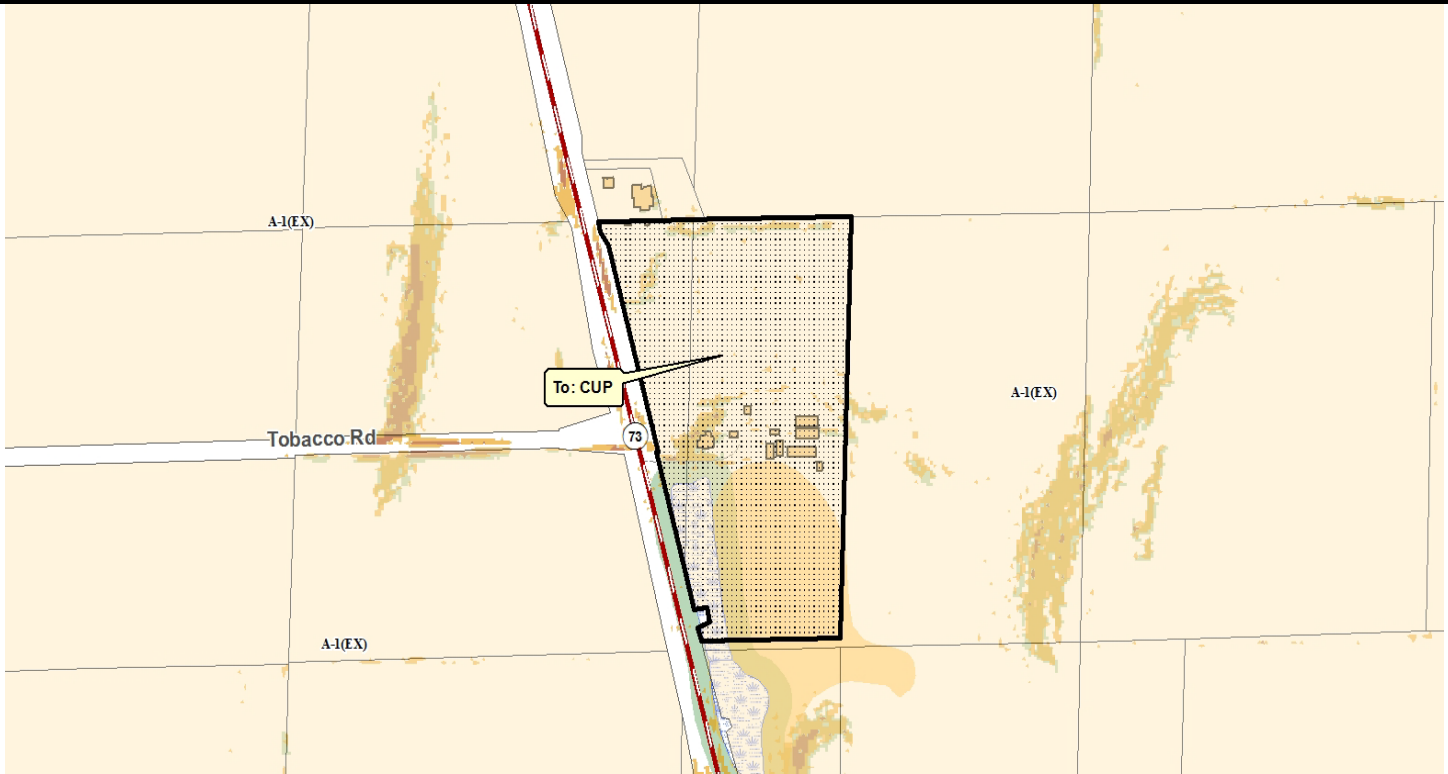
Town/Section:
Christiana, Section 34

Acres: 19.4
Survey Required? No

Applicant:
Thomas W. Watson

Reason:
**CUP for seasonal agricultural
entertainment, like farm-to-table
dinners and wood-fired pizza
nights, for Sprouting Acres CSA**

Location:
1746 State Highway 73



DESCRIPTION: The applicant is requesting approval of a conditional use permit to allow seasonal agricultural entertainment activities, including farm-to-table cooking classes and dinners, featuring wood-fired “pizza nights” serving pizza made using ingredients grown on the farm. The 20-acre property is the site of “Sprouting Acres,” an organic community supported agriculture (CSA) farm.

OBSERVATIONS: Surrounding land uses include agriculture / open space, and scattered rural residences (one adjacent residence). There is a small area of mapped wetlands located on the south-westerly portion of the property. No new structural development is proposed.

TOWN PLAN: The property is located in the town’s agricultural preservation area.

STATE HIGHWAY DEPT: State Highway 73 is a controlled access highway. The applicant has requested a change of use permit approval from the Wisconsin Department of Transportation (WISDOT). State Highway Access Committee approval may be required.

RESOURCE PROTECTION: There is a small area of resource protection corridor associated with the mapped wetlands.

STAFF: Town plan policies generally support agriculture-related business uses that are compatible with surrounding uses and the rural character of the town. The proposed conditional use is reasonably consistent with town plan policies. As indicated above, State Highway 73 is a controlled access highway. If WISDOT has not issued a change of use permit by the date of the ZLR public hearing, staff recommends that the petition be postponed. Staff has recommended several conditions of approval (please see below on page two).

TOWN: The Town Board approved the conditional use permit with conditions (incorporated into the recommendations below).

DECEMBER 18th ZLR MEETING: The Committee postponed action until the Wisconsin DOT review the highway access.

STAFF UPDATE: The applicant has obtained approval from the Wisconsin DOT for 24 Agricultural Entertainment Events. A condition has been added to reflect the limitation on entertainment events. Expansion past the 24 events will require a revised conditional use permit along with Wisconsin DOT approval.

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. These include the conditions required by the town of Christiana. 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. This conditional use permit shall be for the following seasonal agricultural entertainment activities to occur annually from May through October: farm to table dinners, including pizza nights on the farm.
2. Agricultural entertainment events (farm to table dinners and pizza nights) shall be limited to 24 events per year.
3. Cooking classes are permitted but shall have a limit of no more than 10 people
4. Hours of operation of the agricultural entertainment activities shall be limited, as follows:
 - a. Dinners/Pizza Nights: 4:30pm to 9:00pm, Sundays
 - b. Cooking classes: 4:00pm to 8:00pm, Monday, Tuesday, and Wednesday.
5. Applicant shall install any improvements that may be required by WISDOT to ensure safe ingress/egress.
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 or Uniform Dwelling Code.
7. 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.
8. 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.
9. Onsite or portable wastewater sewage disposal systems shall be provided to accommodate the anticipated occupant load. Disposal system shall be approved by Dane County Department of Health.
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 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.
12. 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.