

**TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT**

Regarding Petition # \_\_\_\_\_ Dane County ZLR Committee Public Hearing \_\_\_\_\_

**Whereas**, the Town Board of the **Town of** \_\_\_\_\_ having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one):  **APPROVED**

**DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**PLANNING COMMISSION VOTE:**        \_\_\_ **In Favor**        \_\_\_ **Opposed**

**TOWN BOARD VOTE:**                \_\_\_ **In Favor**        \_\_\_ **Opposed**

**Whereas**, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.222 (3) (a), if applicable, are found to be (check one):

**SATISFIED**

**NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):**

**PLEASE NOTE:** The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, \_\_\_\_\_, as Town Clerk of the Town of \_\_\_\_\_, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on \_\_\_\_\_

**Town Clerk** \_\_\_\_\_ **Date** \_\_\_\_\_

# **FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS**

**If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :**

*“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”*

**PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)**

- |   |  |
|---|--|
| 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.   | 1. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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.   | 3. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.   | 4. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.   | 5. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.   | 6. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans.   | 7. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220 (1).  | 8. <input type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

**THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:**

Town of Montrose  
Regular Board Meeting Minutes  
Tuesday 5 October 2021

Meeting was called to order by Roger Hodel, at 7:03 PM.

Present: Roger Hodel, Town Chair; Dan Palmer and Randy Francois, Supervisors; Jennifer Novinska, Clerk; and Missy Salisbury, Treasurer. Residents: Junior Eichelkraut, Deb Brucaya, Jerry Brucaya, David Ziegler and Tim Bahls. Non-Residents: Nic Mink, and Mike Endres.

Meeting was posted according to law.

Minutes of the September 7, 2021, town board meeting were read by Jennifer Novinska.

**Motion by Dan Palmer to approve the minutes as read, Randy Francois seconded. Roger Hodel approved. Noted.**

Treasurer's report was read by Missy Salisbury.

**Dan Palmer motioned to approve the Treasurer's report as read, and to pay all bills. Randy Francois seconded. Roger Hodel approved.**

ANNOUNCEMENTS

The EMS meeting for Belleville, Montrose, and Exeter will be held Tuesday, October 12. Because the EMS is no longer strictly run by volunteers, the budget for next year will increase by approximately \$5-\$7 per person.

The Town's budget workshop will be held at 6:30 PM, Monday October 18, at the Town Hall. The Budget Hearing and Electors' Approval will be before the Regular Board Meeting on Tuesday, November 2, at 7PM.

AGENDA ITEMS

Application for liquor license

**Motion by Randy Francois to grant liquor license to Landmark Creamery LLC. Class A beer and Class A liquor license. Anna Landmark, President/Member, 6895 Paoli Road, Belleville WI 53508. Retail store consisting of one room with beverage and cheese cases and display. The processing kitchen in an adjoining room with a walk-in cooler separating the two areas where bottles of wine and beer are stored contingent upon application, paperwork, and fees. Dan Palmer seconded. Roger Hodel approved.**

#### Land Use Committee Meeting

Junior Eichelkraut, Chairman of the Land Use Committee provided summaries of the Conditional Use Permit applications for CUP 2543 and CUP 2544.

**Motion by Dan Palmer to approve the DCPCUP-2021-02543 request of Kevin and Tyra Grinvalsky to convert the lower level of the barn located at 7002 Little Lakes Road to an office and showroom to display products and finishes for customer of their general contracting business; with the conditions that: 1) the second story plumbing be capped and 2) they will use the other building on the property as their residence. Randy Francois seconded. Roger Hodel Approved.**

Nic Mink provided clarifying details and responses from questions regarding: the parking lot lighting (to prevent light pollution), well, building footprint, and septic, questions. Nic spoke of on-going negotiations to purchase adjoining land for additional parking; he understands this will need additional approval from the Land Use Committee and the Board. Nic is working with the National Parks Service to ensure the creamery is restored with historical integrity and for the creamery to be added to the National Registry. He hopes to obtain a grant from WEDC to help with the cost of restoring the 100-year-old creamery building. Nic was advised that he will need to research and obtain a liquor license, as the Town has no additional liquor licenses available; the liquor license will also need Board approval. Nic's goal is to be operational by the end of 2022.

**Motion by Randy Francois to approve DCPCUP-2021-02544 request of Danika Brubaker and Nicolaas Mink, agents for the Paoli Cheese Factory Association LLC, for approval of a CUP to cover 1) Indoor Entertainment/Assembly, 2) Outdoor Entertainment/Assembly, and 3) Commercial Indoor Lodging. This will allow the new owners to operate 1) two indoor restaurants, 2) outdoor and patio dining, and 3) a 10-room boutique hotel in the Old Paoli Creamery, which they intend to preserve yet modernize, all on the existing building footprint.**

**This property is zoned HAM-M (hamlet mixed use). Detailed site and concept plans for landscaping, lighting, drainage, grading, erosion control and more are available at the Town Hall. Additional conditions that: 1) outdoor entertainment will not exceed 60 decibels and 2) the conditional use permit will be reviewed every three years. Dan Palmer seconded. Roger Hodel approved.**

#### Review of Insurance Coverage

Mike Endres, Endres Insurance presented an insurance coverage proposal for the Town's buildings, property, and personnel. Coverage is from Continental Western Group in Des Moines, IA. His proposal mirrored the Town's current coverage. The Board will discuss and decide whether to keep the current coverage or change to Endres Insurance.

#### Review of Garbage Collection Proposals

A bid from current provider, Pelletteri was received. Discussions about trash pickup providers are postponed.

#### Public Input

Dan Ziegler raised concerns about parking in Paoli and specifically blocking his driveway. Dan Palmer will investigate whether additional No-Parking signs should be placed around the Paoli Park square.

#### ADJOURNMENT

**Motion by Randy Francois to adjourn. Seconded by Dan Palmer. Roger Hodel approved.**

Meeting adjourned at 8:49 PM.

Respectfully submitted,

Jennifer Novinska

Town Clerk

Minutes not final until approved by Town Board

## Town of Montrose Land Use Committee September 27, 2021 Meeting Report

**Present:** Deb Brucaya (recorder), Junior Eichelkraut (chairman), Jerome Gobel, Tom Sarbacker, Tim Schmitt

**Minutes are not official until approved by land use committee (LUC) members**

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Chairman Eichelkraut called the meeting to order. Jerome moved and Tim seconded to approve the report of the May 24, 2021 land use committee meeting. Motion carried unanimously.

The first agenda item was a CUP request from Kevin and Tyra Grinvalsky to open in the lower level of the barn at 7002 Little Lakes Road an office and showroom for clients of their home business, Rodina Builders. Upon CUP approval, the purchase will proceed and the Grinvalskys will live in the adjacent house. Low to no impact is expected on traffic along this short, dead end road. Plumbing to the barn's second floor bathroom will be capped. The well for the barn and the residence, thought to have been dug in 2007 or 2008, is located on STH 69 right of way. The Grinvalskys will have a new well dug. Melissa Francois, a neighbor, does not object to this proposed use. There was no other public input.

**Tim moved and Jerome seconded to recommend approval to the town board of Kevin and Tyra Grinvalsky's CUP request to convert the lower level of the barn located at 7002 Little Lakes Road to an office and showroom to display products and finishes for customers of their general contracting business, with the understanding that the plumbing to the second floor of the barn will be capped. The standards for approval under s. 10.101(7)(d) of Dane County's zoning ordinance were found to be met. Motion carried unanimously.**

The second agenda item was a request from Danika Brubaker and Nicolaas Mink, agents for the Paoli Cheese Factory Association LLC, for approval of a CUP to cover 1) Indoor Entertainment/Assembly, 2) Outdoor Entertainment/Assembly, and 3) Commercial Indoor Lodging. This will allow the new owners to operate 1) two indoor restaurants, 2) outdoor and patio dining, and 3) a 10-room boutique hotel in the Old Paoli Creamery, which they intend to preserve yet modernize, all on the existing building footprint. This property is zoned HAM-M (hamlet mixed use). Detailed site and concept plans for landscaping, lighting, drainage, grading, erosion control and more are available at the Town Hall.

Since the May LUC meeting, significant structural and mechanical problems were identified that affected initial plans. Nic explained their current plans, noting that the restoration process will follow National Historic Preservation Act of 1966 guidelines to allow the former creamery to qualify for the National Park Service's registry of historic places.

This restoration project will preserve and protect a local historic site, which fits into Item #7 of the Town's LUP's General Development Guidelines and Standards. The region's agricultural and dairy heritage will be showcased. The applicant has adopted the historic name of the original farmers coop that sent milk to the factory starting in 1888, namely the "Paoli Cheese Factory Association". Additional improvements encompass:

1. redesigned and rebuilt mechanical, electrical, plumbing, sanitary and fire protections systems
2. crushed gravel-surfaced parking for 79 spaces
3. new stormwater drainage systems to prevent surface run-off into the Sugar River

4. new roofing and sheathing
5. masonry and foundation work to improve the building's structural integrity
6. removal of invasive growth along the Sugar River to create a 1.7 mile hiking trail and a boat landing
7. fully restoring an oak savanna and prairie on this 7.5 acre parcel
8. livable wage jobs with benefits
9. ambient parking lot lighting and accent lighting on the building
10. a buffer between the parking lot and the two residential properties to the east

In response to the committee's comments and questions, Nic stated that -

- the 500 person projection refers to a possible top number throughout the day, not at any one time;
- the retention pond's design ensures that gravel thrown during winter plowing does not affect the basin's effectiveness;
- proposed outdoor activities consist of nothing more than dining on the north and west sides of the building and enjoyment of the restored savanna and prairie areas, hiking trail, and boat landing;
- there will be no competition with existing outdoor music venues, no bands will be hired for outside concerts. Creamery background music will not exceed 70 decibels, later corrected to the 60 decibels stated in the written materials.

The chairman opened the discussion to the public. Lori McGowen provided written comments. An e-mail from Amanda Crookshank, a town resident, was read aloud.

Speakers expressed a strong wish to have the town address the dangerous and inadequate parking situation in Paoli, with Rich Joseph stating that parking is the number one threat to a business remaining in Paoli. Mark Franklin, Kevin Grinvalsky, Lori and Patrick McGowen, Sarah Boyd, Mary Kulp, and Kelly Hickman all shared these concerns.

Some speakers felt the creamery proposal will add to the parking problem, even though the proposal covers the expected parking needs of the new uses by adding a large number of new spaces for creamery clientele use. Others said existing businesses have overloaded area resources without having a plan to handle increased numbers of visitors. Still others observed that the applicant should not be penalized for an existing problem that is not the applicant's responsibility to solve.

When asked how many parking spaces each business now has, Mark estimated 34 spaces, Rich 20-30, and Lori a few. It was noted that some parking spaces claimed by businesses were actually public spaces in public right-of-way. The Paoli Business Association acknowledges there is limited additional parking space available in the area and members are looking into solutions that include leasing land.

Mary Kulp thought crosswalks would increase pedestrian safety, suggesting three possible locations: by the church, at the Pub and Range Trail Road, and at the Schoolhouse. Mark Franklin thought CUPs should be reviewed annually and revoked when warranted. He thought that crosswalks will not help with safety in Paoli because people will ignore them.

In response to public comments, Nic repeated there will be no bands or concerts outside, and existing music events should not conflict with the proposed uses. The top number of 500 visitors on some days is an estimate based on rotations of people throughout the day, not at one time. He is well aware of the issues in Paoli and has ideas for parking and improving the overall walkability of the area. Nic is

enthusiastic about sharing the talents of the Paoli Cheese Factory Association to help solve these problems. Work is projected to begin in 2022 with the hotel and restaurants opening by the end of 2022.

To conclude, Junior noted the importance of preserving this local landmark and thanked everyone for their participation.

**Jerome moved and Tom seconded to recommend approval to the town board of CUP No. 2544 to allow the Paoli Cheese Factory Association LLC to open and operate two indoor restaurants, outdoor and patio dining, and a 10-room boutique hotel in the Old Paoli Creamery as part of restoring the building and lands at 6858 Paoli Road. Standards for approval under s. 10.101(7)(d) of Dane County's zoning ordinance were found to be met. Motion carried unanimously.**

There were no additional items. The meeting adjourned after unanimous approval of Tim's motion and Deb's second to do so.

Submitted by: Deborah A. Brucaya, Meeting Recorder, Town of Montrose Land Use Committee