

<p>Staff Report</p>  <p>Zoning & Land Regulation Committee</p>	<i>Public Hearing: April 22, 2025</i>		Conditional Use 02656
	<i>Zoning Amendment Requested:</i> To CUP: Agricultural entertainment activities 10 or more days per calendar year (update existing permit)		<i>Town, Section:</i> CHRISTIANA, Section 34
	<i>Size: 15.76 Acres</i>	<i>Survey Required:</i>	
	<i>Reason for the request:</i> Agricultural entertainment activities 10 or more days per calendar year (update existing permit)		<i>Applicant:</i> THOMAS AND CHRISTINA WATSON
			<i>Address:</i> 1746 STATE HWY 73



DESCRIPTION: Applicant Andy Watson requests a new conditional use permit (CUP) for agricultural entertainment activities over 10 days per calendar year. The Watsons have been hosting farm-to-table “pizza night” events with wood-fired pizza served made with ingredients grown on the farm, along with live music and cooking classes. This CUP would update the existing permit ([CUP #2444](#)) that was approved in 2019.

The previous/current CUP limits the activities to 24 events per year from May to October, with pizza night hours from 4:30pm-9:00pm on Sundays, and cooking class hours from 4:00pm to 8:00pm Mon/Tues/Wed. Cooking classes were limited to 10 people. This petition requests the following changes, to provide flexibility in scheduling classes and events:

- Expanded hours for Pizza Nights: Saturdays and Sundays from May to October from 2:00pm-9:00pm (adding Saturdays and enabling an earlier start).
- Expanded hours for cooking classes: Sunday-Saturday (7 days/week available for scheduling) from 1:00pm-9:00pm (expanding from original Monday-Wednesday evening times).
- Applicant requests no limit on the number of cooking class attendees; classes may range from 2-25 people.

Other aspects of the business would remain unchanged.

OBSERVATIONS/ FACTUAL INFORMATION: The property is 15.8 acres in size and is used for a mix of residential and agricultural purposes. The neighboring lands are almost all in agricultural use with Farmland Preservation zoning. The Watsons own the residential lot abutting the north side of the site, which was separated from the rest of the property in 2023. One other residential lot to the north is zoned SFR-08. Wisconsin DOT owns land to the south along Highway 73.

Agricultural entertainment activities for 10 or more days per calendar year is an allowable conditional use in the RM-8 zoning district. For pizza nights, pizzas are brought outside from the kitchen to be cooked in a wood-fired oven and served to customers who eat outside on the lawn or in one of two indoor seating areas. There is also a wine/beer bar, a music area, and play area for kids.

STATE HIGHWAY ACCESS: Access permit was previously granted by WisDOT for joint use, with Rezone petition [11983](#) that created the RR-2 zoned residential lot on the Watson property.

RESOURCE PROTECTION: There is a DNR-mapped wetland present in south end of the property; no concerns as no new construction is proposed in association with this petition.

COMPREHENSIVE PLAN: This property is located within the Town's Agricultural Preservation Area. The Town's Comprehensive Plan generally supports agriculture-related business uses that are compatible with surrounding uses, fit with the rural character of the Town, and can serve Town residents. The proposed CUP would not add any additional structures that would require site plan consideration. The proposed use is reasonably consistent with Town plan policies and conditions of approval similar to the existing CUP, but that allow for expanded hours, should be considered. For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The CUP application describes the proposed operations plan. The applicant states that they do not use any tractors or vehicles during pizza nights, and the driveway and parking lots are such that vehicles have to drive slowly. There are no hazardous materials stored on site (gasoline and diesel cans are stored in a secure area). Applicants have indicated their kitchen is licensed for processing use as well as on-farm dinners. With the prior CUP, they also said they have a parking attendant on duty to guide vehicles coming and going.

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.*

The applicant states that the adjoining properties are fields with the closest neighbor ¼ mile away. He states that noise is mitigated by the farm being in a valley with trees or hills on all sides and Highway 73 to the west. The closest neighbors are ¼ mile down the road, and in the residence immediately to the north. Dust, soot and runoff are not issues with this operation.

Staff notes there have been no complaints associated with the operation to date.

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.*

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and most of the

surrounding properties are in agricultural or open space use, with the exception of one residence to the north. The applicant states that the surrounding properties will not be affected by the farm's CUP.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place. The applicant states that they have an indoor ADA accessible bathroom, staff bathroom and two porta-potties all season long. A septic system and drain field were installed for the kitchen building/bathroom in 2017. The kitchen is certified through Dane County Public Health. Waste is managed by a combination of composting kitchen vegetable scraps for the farm, and commercial trash and recycling pickup.

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.

Off street parking is provided on a grass parking lot along the driveway, an area roughly 175'x250' in size. Zoning code does allow for seasonal parking on grass surfaces for six months out of the year under Sec. 10.102(8)(d). The applicant states that they have a partial passing/turn lane on the east side of Highway 73 that helps pull customers off the road if travelling to the farm from the south. They also have a wide driveway entrance and their operating hours are typically lower traffic times since they are on the weekends.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The proposed use conforms to the applicable regulations of the RM-8 zoning district. This is an allowable conditional use in the RM-8 zoning district.

7. That the conditional use is consistent with the adopted town and county comprehensive plans.

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans. Applicant notes they are a vegetable farm that markets and sells its pizzas and other on farm and local food items to customers directly on the farm.

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).

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to agricultural entertainment most commonly involve vehicle traffic, noise, lighting, and manure management. The application contains information on how those potential nuisances are handled, and these are also discussed above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Common topics include but are not limited to: hours of operation, limits on amplified sound and lighting, and site access provisions.

Under Zoning Code section 10.103(3), there are special requirements for agricultural entertainment that are intended to address the potential conflicts with the land use. These are not required as "permit conditions" unless the Town or ZLR Committee wish to impose conditions based on these. See below for the requirements and staff comments:

(a) For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, the landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues: 1. the number of events proposed each year; 2. the maximum expected attendance at each event; 3. off-street parking, to meet standards in s. 10.102(8); 4. days and hours of operation; 5. ingress and egress; 6. Sanitation; 7. trash / recycling collection and disposal; 8. proposed signage; 9. other public safety issues

(b) Event plans must be filed with the following: 1. the zoning administrator, 2. town clerk, 3. servicing fire department, 4. emergency medical service provider, 5. Dane County Sheriff's Department and 6. any local law enforcement agency.

(c) Event plans for such activities must be filed at least 30 days prior to the start of any activities in each calendar year.

Typically, an event plan is finalized after a CUP approval, added to the permit file, and distributed by County staff to other agencies. Event plans designate a location for emergency service providers to go to in the event of an emergency.

TOWN ACTION: The Town Board approved the CUP, with no conditions specified (see recommendations below).

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the site plan and plan of operation, the highway access permit, licensed kitchen facility, and is also reflected in the town's approval. If the Committee requires additional information on which to base a decision, they can request specific information at the public hearing.

Pending any comments at the public hearing, Staff recommends (1) ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards above, and (2) we recommend approval with the conditions below.

CUP 2656 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
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 borne by the landowner. Costs borne 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 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.

Conditions specific to CUP # 2656:

13. 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, and cooking classes.
14. Hours of operation of the agricultural entertainment activities shall be limited to the following times from May to October:
 - a. Dinners/Pizza Nights: Saturdays and Sundays from 2:00pm-9:00pm
 - b. Cooking classes: Sunday-Saturday (7 days per week) 1:00pm-9:00pm

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.