
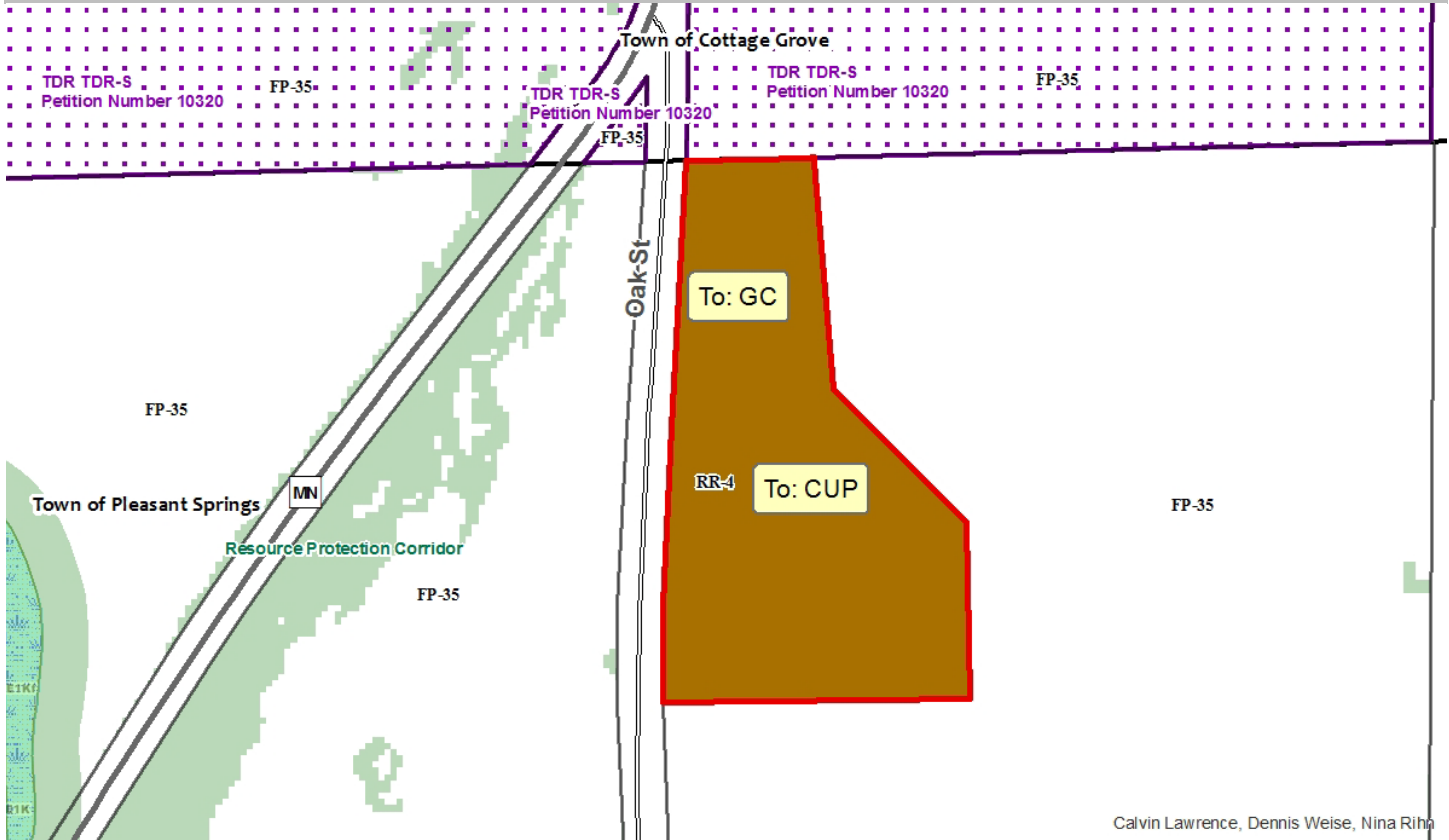


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: July 25, 2023</b> <b>Report updated for the August 22, 2023 ZLR meeting</b>	<b>Petition 11961</b>
	<b>Zoning Amendment Requested:</b> <b>RR-4 Rural Residential District TO GC General Commercial District</b>	<b>Town/Section:</b> <b>PLEASANT SPRINGS, Section 4</b>
	<b>Size: 7.5 Acres</b>	<b>Survey Required. No</b>
	<b>Reason for the request:</b> <b>Zoning to allow for institutional residential use</b>	



**DESCRIPTION:** Under the Oak Trees LLC proposes to rezone a 7.5-acre lot from RR-4 to GC General Commercial in order to operate a long-term transitional residential housing facility and restoration program for women who have been sexually trafficked and/or exploited. The proposal would enable the applicants to redevelop the site into a residential facility that includes a mix of living space and program space for up to 18 women and children participants. The operator is a registered non-profit that would provide 24/7 support and oversight with up to 4 live-in staff or “house parents”.

The applicants contacted town and county representatives prior to submitting this application, in order to determine the most suitable zoning request. This type of land use – a restoration or rehabilitation center – would be classified as “institutional residential”, a land use that is only listed in the MFR, GC, HC, and HAM-M zoning districts. A conditional use permit application has also been submitted for the Institutional Residential use (see CUP [Petition 2598](#)). Approval of rezone petition #11961 would be necessary in order to approve the associated CUP.

The property currently contains a house and garage, which would be demolished as part of this project. New buildings proposed to be constructed include 2 private homes, a commons building with office and program space, a 3-car garage, a small chapel, a 46’x46’ horse barn (for equine therapy using 2 horses and 1 donkey), and 3 future tiny homes. Other planned site improvements include new driveway and parking areas, stormwater management and septic facilities, a horse pasture, play area, and landscaping. The existing vegetation surrounding the lot would be maintained and would serve as a buffer for privacy and visual screening.

**OBSERVATIONS:** The property abuts the border between the Town of Pleasant Springs and the Town of Cottage Grove. The land to the north (in the Town of Cottage Grove) is zoned FP-35 and is a TDR Sending Area; with that zoning this area is not expected to see future development. The land surrounding the property to the east, south and west (in the Town of Pleasant Springs) is zoned FP-35 and under common ownership. Other lands nearby include farmland (zoned FP-35), Jim’s Country Fireplace and Paradise Pond Shop (zoned GC), a handful of rural residences (zoned RR), and landscaping and construction companies (zoned HC). The property is within one mile of two quarry sites which are located to the north across US Highway 12&18.

The proposed site plan meets the requirements of the proposed GC zoning district, including building setbacks, building height and lot coverage, and parking requirements. The proposal contains a unique mix of land uses, all intended as key components of a program focused on therapy, education, and life skill building:

- The “institutional residential” use (the principal use of the property) would include the two 5-bedroom residential homes, the 3 potential future tiny homes, and the commons building. “Institutional residential” is defined in the Zoning Ordinance, and distinguished from other similar terms, as follows:
  - (a) *A congregate residential use that provides some level of human, health or social service to non-transient residents, in addition to basic housing.*
  - (b) *Institutional residential uses include, but are not limited to: group homes, convents, monasteries, nursing homes, convalescent homes, rehabilitation centers, assisted living facilities, congregate care facilities and retirement communities.*
  - (c) *Institutional residential uses do not include: community living arrangements, day care centers, duplexes, multifamily residences, rooming houses, adult family homes, foster homes or treatment foster homes.*
- The applicants indicate that the tiny homes are desired as “stepping stones” for women to transition from full community living to more independent living; however these homes are not required for their programming, if they were to be excluded from any approval.
- The chapel building and horse barn would be accessory/ancillary uses to the primary institutional residential land use. (The proposal for 2 horses and 1 donkey is too small to be considered “animal boarding”.)
- The applicants propose a [deed restriction](#) to limit the use of the land to the proposed institutional residential use, limit the number of livestock on site to the 3 proposed animals, and limit any other land uses to the uses normally allowed under the RR-4 zoning district (the property’s current zoning). The deed restriction would tie the allowable uses to Conditional Use Permit 2598, if approved. Staff believes that a simpler approach to the deed restriction would be adequate to include the proposed institutional residential use and related uses, and would enable the community to enforce the land uses and control the future use of the property in the event that the ownership or operation were to change. See staff recommendations below.

**COMPREHENSIVE PLAN:** The property is located in the town’s agricultural preservation area immediately adjacent to the Rural Mixed Use planning area. Both planning areas include similar goals, objectives, and policies to accommodate small-scale or family run rural businesses compatible with the rural atmosphere of the town and adjoining land uses. The property abuts the Town of Cottage to the north, which has designated the area surrounding County Highway N as a commercial development area.

The town’s “1 per 35” density limitation for new development applies in both areas; however, no land division is proposed for the existing residential parcel. As noted, the GC rezoning is requested to facilitate institutional residential use of the property as proposed under related [Conditional Use Permit #2598](#). Town policies indicate that conditional zoning will be utilized for commercial development:

*“Utilize conditional zoning to enforce town standards and criteria for commercial development. Such conditions may include, but are not limited to, restrictions limiting the range of permitted uses, signage, size/intensity of use, prohibit further division of parcels, landscaping/screening requirements, lighting, parking, ingress/egress, outside storage facilities, etc.”*

In accordance with comprehensive plan policies, staff would recommend a condition requiring recording of a deed restriction limiting allowable land uses:

1. Applicant shall record a deed restriction on the GC zoned property limiting land uses exclusively to residential use, including institutional residential use as may be permitted under an approved Conditional Use Permit.

(For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com))

**RESOURCE PROTECTION:** There are environmental corridors mapped on the property reflecting areas with steep slopes. There are no sensitive environmental features present on site. No concerns based on the proposal.

**JULY 25, 2023 ZLR MEETING:** On July 25<sup>th</sup>, the ZLR Committee held a public hearing on the proposal and postponed action due to no town action at that time.

**TOWN ACTION:** On August 15, 2023 the Town Board recommended approval of the rezone on a 3-2 vote conditioned on the following deed restrictions:

1. Land use shall be limited to uses allowed under the proposed General Commercial Zoning that are relevant to this proposal.
2. Land use shall be limited exclusively to residential use, including institutional residential use as may be permitted under an approved Conditional Use Permit.
3. Land uses of the property shall be limited exclusively to the following permitted uses:
  - a. Undeveloped natural resource and open space areas
  - b. Utility services associated with, and accessory to, a permitted or conditional use

**STAFF RECOMMENDATION (updated):** While the proposed land use is not strictly “residential” or “commercial” in nature, the comprehensive plan policies for handling commercial zoning proposals that are compatible with a rural area informed the review of this proposal. The proposal for GC zoning includes a specific site plan intended for an institutional residential land use and associated accessory land uses, and a proposal to deed restrict the property to tie it to the proposed uses. If this rezone and the associated CUP are approved, they can be approved with specific conditions that would give the town and county the ability to control the future use of the property, should there be a change in the ownership or operation of the program.

To this end, staff recommends a deed restriction consistent with the town’s recommendation on the rezone. As noted above, all of the principal and accessory land uses proposed for this site can be accommodated under the “institutional residential” land use, and any limitations established by approval of a CUP for that land use. For this reason, we recommend that the deed restriction be simplified to only uses allowed under the proposed GC zoning that are relevant to this proposal. Referring to the RR-4 district (the property’s current zoning) would be overly confusing.

Pending any comments at the public hearing, staff recommends approval of the rezone petition subject to the following conditions:

1. A deed restriction shall be recorded on the lot stating the following:
  - a. Land uses on the property shall be limited exclusively to the following permitted uses:
    - i. Undeveloped natural resource and open space areas
    - ii. Utility services associated with, and accessory to, a permitted or conditional use
  - b. Land uses on the property shall be limited exclusively to the following conditional uses:
    - i. Institutional Residential and associated accessory uses

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)