

Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 25, 2026		Conditional Use 02718
	<u>Zoning Amendment Requested:</u> TO CUP: NONPROFIT COMMUNITY USE		<u>Town, Section:</u> PLEASANT SPRINGS, Section 8
	<u>Size:</u> 25.5 Acres	<u>Survey Required:</u>	<u>Applicant:</u> DIA LEGACY LLC
	<u>Reason for the request:</u> NONPROFIT COMMUNITY USE		<u>Address:</u> 2825 WILLIAMS DR



DESCRIPTION: Applicant requests a conditional use permit (CUP) for nonprofit community use, to operate community wellness and educational programs on the 25.5-acre property on Williams Drive. Specifically, they would like to host leadership building retreats and cultural gatherings in an existing barn building. Their intent is to host activities focused on healing, empowerment, and transformation, and would function like a place of worship or community sanctuary.

OBSERVATIONS / FACTUAL INFORMATION: The property is a 25.5-acre lot with RR-16 zoning located on Williams Drive roughly 1,100 feet from I-39. Surrounding lands are primarily in farm (crop land) use with Farmland Preservation zoning. The property to the south includes a commercial storage operation that has operated under a permit (CUP #1830) since 2003. There are approximately five residences within 1,000 feet of the site. The site is less than a half mile from the commercial area to the east along County Highway N in Pleasant Springs.

The current lot configuration and proposed site plan meet county ordinance requirements for lot size, public road frontage, buildings, and minimum on-site parking capacity. No new construction is proposed. The site contains a residence with attached garage, a detached 2-car garage, and a 3,200 square foot barn/shed. The shed building would host the nonprofit use, with primary activities being held between May and October. The shed is considered a residential accessory building for zoning purposes, and contains no sanitary plumbing fixtures. No sanitary fixtures are proposed in the building for this conditional use; portable restroom facilities would be rented as needed. Off-street parking would be provided in the areas designated on their site and parking plan.

The house would not be part of the nonprofit program use, but would be maintained separately. It is proposed to be used for short-term rentals primarily for guests that are associated with the nonprofit operator (see related [CUP petition #2719](#)). The house has its own septic system, installed in 2024.

The RR-16 zoning district allows for Governmental, institutional, religious, or nonprofit community use with an approved CUP. Dia Legacy LLC's parent organization, Moving Mountains, Inc., a registered 501(c)3 tax-exempt organization that provides community leaders with space, resources and support for their work.

The application says they would use the barn for these activities, and would have gardening activities on the property. They would also host some cultural gatherings and celebrations with no more than 100 people. In the Chapter 10 Zoning Ordinance, smaller gatherings with fewer than 50 people, and a limited number of larger events, are generally acceptable and compatible in non-commercial zoning districts. However, event-driven attendance of larger groups (50 or more people) occurring for 10 or more days per calendar year would be considered "indoor entertainment or assembly", a land use that would require commercial zoning. This was discussed with the applicants when they first approached Zoning Staff, and they have confirmed these limits are agreeable and consistent with their proposal.

Indoor assembly use also typically includes operating hours that extend significantly later than other commercial land uses. Under this proposal, events would conclude by 10 PM, and outdoor activity would conclude by sundown.

RESOURCE PROTECTION: No new construction is proposed; staff has no concerns with resource protection. Shoreland zoning may apply across much of the property, due to a perennial stream that runs through it from east to west and on the adjacent property to the north. Hydric soils and wetland indicator soils are present, but not in the vicinity of the existing buildings and site improvements. If new construction is proposed in the future, a Navigability Determination may be requested to confirm if shoreland zoning permit requirements apply. Additionally, any future construction must comply with wetland zoning requirements, including avoiding wetland areas and maintaining a 75-foot wetland buffer.

COMPREHENSIVE PLAN: This petition is in the town's agricultural preservation planning area and is subject to the land use policies related to that designation. While comprehensive plan policies do not specifically address nonprofit community uses, they do address general land use concerns like minimizing impacts from conditional uses and generally avoiding the siting of incompatible uses next to one another.

The proposed uses would include periodic gatherings of up to 100 people, outdoor activities, as well as short term rental as proposed under related CUP #2719. Given the size and location of the subject property, existing natural buffers, topography, and significant distance to closest neighboring residences (>950 feet), impacts from the proposed use are likely to be nominal. The site plan shows onsite parking and traffic flow that appear to satisfy the applicable requirements for the proposed use found in section 10.102(8)(e) of the county zoning code.

Pending any concerns raised at the ZLR Public Hearing, or by the town in the course of its review, the proposed conditional use appears reasonably consistent with comprehensive plan policies.

For questions about the comprehensive plan, please 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 all activities will be low-intensity and non-commercial in character. Retreats would be limited in size and duration so as not to create impacts beyond those typical of normal residential use. Barn gatherings would have a maximum of 50 people typically, or up to 100 people for certain larger events, and would conclude by 10 PM, with outdoor activities

concluding by sundown. The site plan provides parking for up to 32 cars and building code safety standards would be maintained.

Staff noted above that the site is over 25 acres in size, is located 1,100 feet from I-39, most of the surrounding land is agricultural use, there five residences within 1,000 feet, and the site is less than a half mile from a commercial area to the east on County Highway N.

The site plan does not show where the bathroom facilities would be located; however, with 25 acres there is ample space for portable rented facilities on an as-needed basis, and for those to be located well away from the road in compliance with applicable building setbacks (minimum 30 feet from road right-of-way or 63 feet from road centerline, and 10 feet from side yard lot lines).

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 no commercial events or high-impact uses are proposed, that gatherings would be small to medium-sized, seasonal in nature, and limited to warmer months of May to October. The property is in a rural setting that provides natural buffering from neighboring land that minimizes potential impacts. There would be no amplified sound, no permanent structures or alterations are proposed, and all waste will be managed through contracted services. Vehicle parking and circulation can be contained entirely on site. The property would be maintained consistent with neighboring residential properties.

Staff believes the use is likely to be compatible with the surrounding properties, and is well suited to the way this site is developed. The CUP enables the town and county to establish limits on the size and intensity of operations, and things like hours of operation and the size and number of gatherings can be set as conditions of CUP approval (see Staff Recommendations below).

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.***

The applicant states that the proposed use will meet this standard as it involves no permanent construction or barn alterations, and no changes to the land itself. They note the use would be seasonal and temporary, all activities would be contained within the bounds of the property, and they anticipate no spillover of traffic, noise, waste, or other impacts onto surrounding land.

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 cropland use with farmland preservation zoning, which limits development potential in this area and provides for natural buffering. No exterior changes to the property are proposed that would impede the improvement of adjacent lands.

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 mostly in place already. The applicant states that the barn has existing electrical service to support the use, the existing gravel driveway provides sufficient access for standard passenger vehicles, and there is room for up to 32 vehicles on site. Based on the low-intensity and seasonal nature of the use, they anticipate it will not cause deterioration or require improvements to the driveway.

Water access and restroom facilities for events would be provided through contracted rental services. (In contrast, staff notes that zoning code allows for sanitary fixtures in accessory buildings if approved as part of a conditional use. However, in those cases the fixtures must be removed once a conditional use has ceased which requires active enforcement and coordination with landowners.)

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 for the property on existing gravel paved areas and on the lawn. The site plan provides for separate points of ingress and egress, allowing for safe and efficient traffic flow without backups or

conflicts on the adjacent road. The zoning ordinance allows for seasonal parking on grass, defined as up to six months per year OR “related to a unique or annually occurring event or condition of limited duration.” The proposed conditional use would be seasonal and limited in size according to the ordinance requirements mentioned elsewhere in this report, and CUP conditions may be set that limit the scope of the operation.

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 RR-16 zoning district. Nonprofit community use is an allowable conditional use in the district, provided the CUP standards are met. As noted above, the proposed use would not be considered “indoor assembly” provided that fewer than 10 events per year draw 50 or more participants. If the operation would exceed these limits, it could find itself in violation and in that case a property with commercial zoning would be more suitable.

Conditions on the permit may be imposed if needed to meet the CUP standards.

Signage is desired. This would require a zoning permit from Dane County and be subject to the limitations of the zoning district and section 10.800 County Code.

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.

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 nonprofit community uses vary depending on the specific operation, but are most likely to involve concerns with traffic, parking, and noise. The applicant’s CUP application addresses how these potential nuisances are handled, as noted 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. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for nonprofit operations.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information summarized above, particularly the property’s size, existing building and driveway improvements, the surrounding lands and lack of residential density in proximity to the site, and the applicants’ providing for adequate parking and sanitary services. The proposal is similar in nature and scale to another conditional use that was approved in 2019 on Rinden Road, for a religious organization to host worship and meditation space, community gatherings and celebrations on a rural residential parcel ([CUP #2477](#)).

If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Staff recommends postponement at this time, due to the need for town action in accordance with the ZLR Committee’s adopted rules and procedures. Pending town action, and any comments at the public hearing, Staff recommends that (1) the 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 listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and staff’s recommended conditions. These may be modified after receiving the town board’s recommendation.

CUP 2718 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 (none).
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 this CUP:

13. This conditional use permit is authorized for DIA LEGACY LLC. This permit shall automatically expire on sale of the property or the business to an unrelated third party.
14. The operation shall limit gatherings to no more than 50 people, except for up to nine (9) gatherings up to 100 people in accordance with the Dane County Zoning Ordinance.
15. Quiet hours shall be enforced after 10:00 PM.
16. Outdoor amplified sound is prohibited.

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