
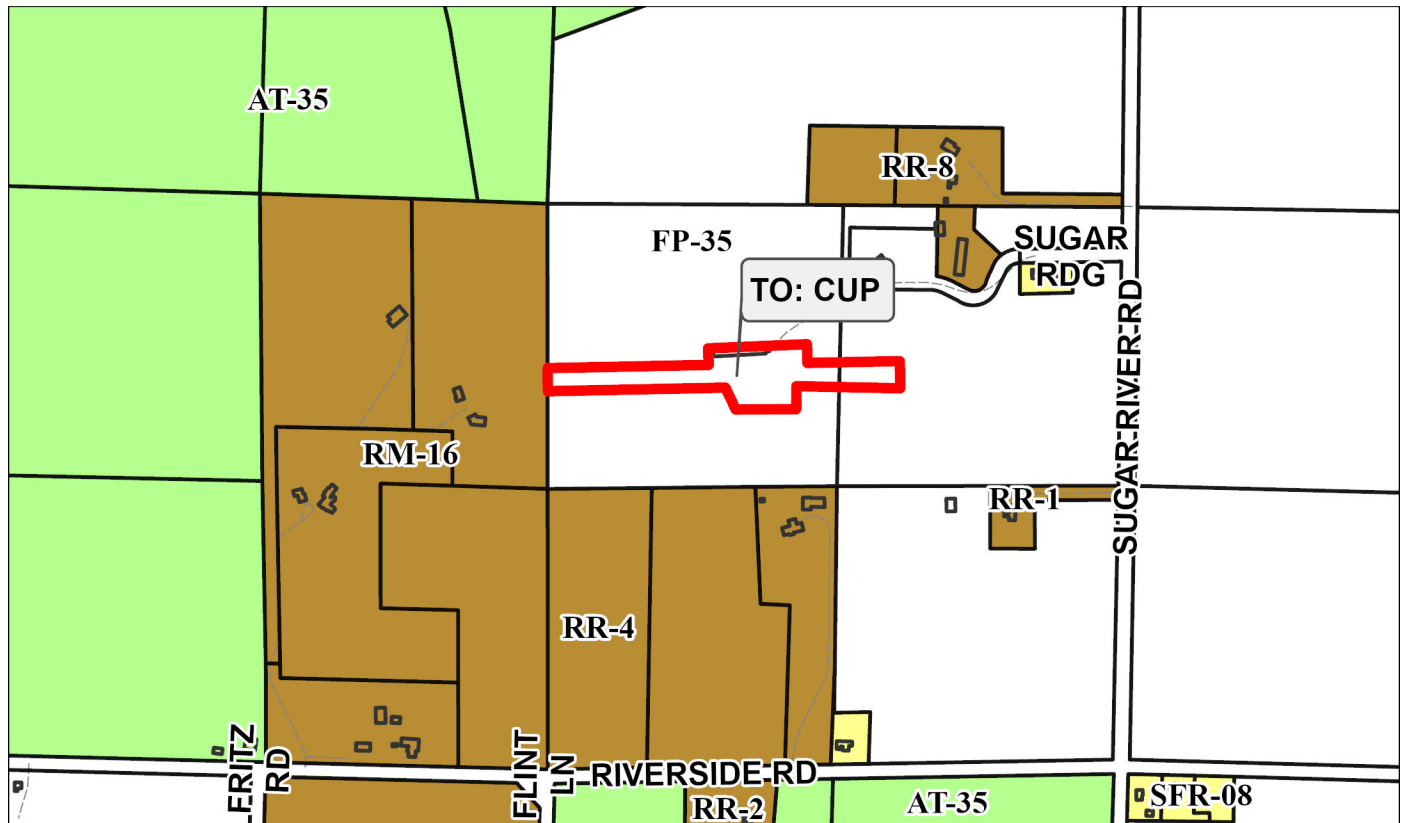


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> July 23, 2024		Conditional Use 02624
	<u>Zoning Amendment Requested:</u> TO CUP: Private air strip (update existing permit)		<u>Town, Section:</u> VERONA, Section 29
	<u>Size:</u> 6.22 Acres	<u>Survey Required:</u>	<u>Applicant:</u> MATTHEW AND JADRIAN HOFELDT
	<u>Reason for the request:</u> Private air strip (updates to existing)		<u>Address:</u> SOUTH OF 7550 SUGAR RIDGE



DESCRIPTION: Matt and Jade Hofeldt request a conditional use permit to update the existing permit for the private air strip located on agricultural land on Sugar River Road. The air strip has been in use since 1988 when a conditional use permit was issued to Tom Kretschman (the longtime owner and still current resident of the home at 7550 Sugar Ridge). A new CUP would achieve the following:

- Better detail the runway's placement on the property
- Better detail and convey the airstrip's function, use, and overall activity on site
- Allow an expanded hangar lounge with sanitary provisions for the air strip owners and their visitors
- Airport hangar would share a well and septic system with the Hofeldts' future home which is proposed to be built immediately north of the hangar.

OBSERVATIONS/ FACTUAL INFORMATION: The property currently consists of multiple unplatted parcels; however the landowners are in the process of reconfiguring the property with a new certified survey map (CSM). See associated [Rezoning petition #12050](#) which was recently approved by the town and county. As a result of the new CSM, the air strip will be located entirely on one CSM lot.

Sugar Ridge is a town road that extends part way into the property. The town wishes to vacate this right-of-way and is in the process of doing so prior to the new CSM being recorded.

COMPREHENSIVE PLAN: The property is within a Farmland Preservation Area under the *Town of Verona / Dane County Comprehensive Plan*. Commercial uses that are compatible with agricultural use are supported. Site design should seek to minimize conflicts with neighboring residential uses. For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or allan@danecounty.gov

RESOURCE PROTECTION: There are no resource protection corridors on or within 300 feet of the subject property.

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 issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. 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 the conditional use will not change the flying or event aspects to anything different than what the community has expected from this property over past decades. That the CUP is prompted by the slightly expanded hangar to allow a functional space for visiting friends, visitors and the Hofeldts’ own family. The application notes that this is the Town of Verona’s only FAA approved landing site, making it valuable to med-flight, crop dusters and the recreational pilot community.

Staff notes that the air strip has been in active use since 1988. The air strip is used and has visitors year-round, including but not limited to community group visits and an annual fly-in car show where people gather with food and music to see various machines and historic artifacts. Airports are regulated by the Federal Aviation Administration (FAA) and the Bureau of Aeronautics; they classify airports as either “public” or “private” based on their use. Sugar Ridge is a private-use facility, meaning it is available for use by the owner only or by the owner and other persons authorized by the owner. This is distinct from public airports which are available for use by the general public without prior approval from the owner/operator.

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.*

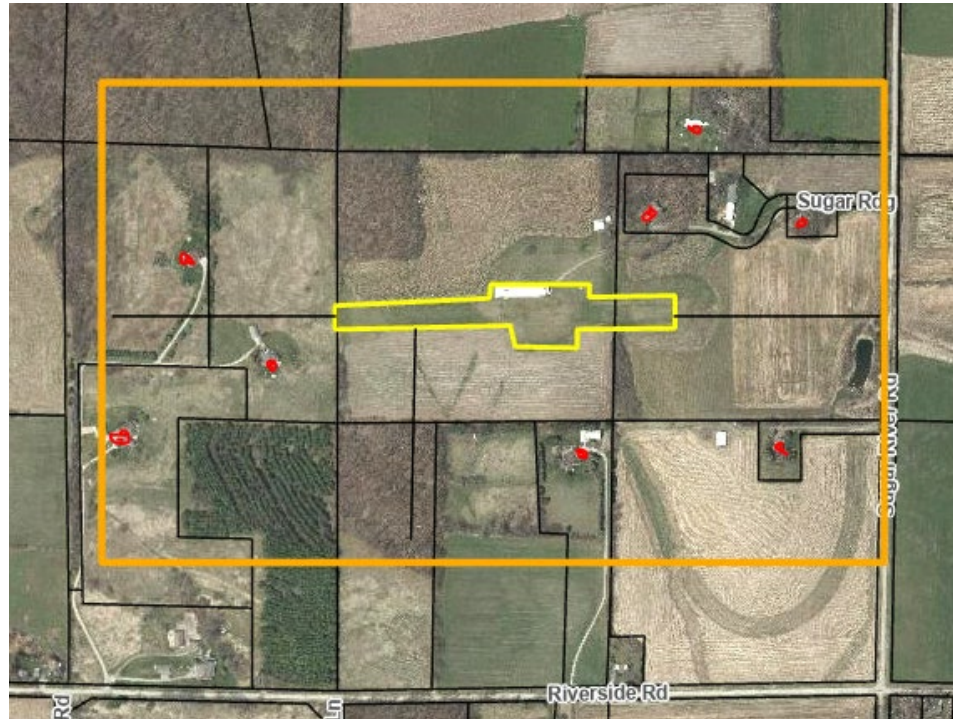
The applicant states that the site is an FAA-approved airstrip that has hosted a few gatherings yearly for the last several decades, and the property would continue in the same manner, scale, frequency and scope that the surrounding community is accustomed to. They also state the hangar addition will not affect any neighboring land uses or properties.

The property is already developed. The only site improvements proposed as part of this new CUP are the hangar addition and the associated septic system installation. The building project would replace a porch addition that is roughly 450 square feet in size with one 1,250 square feet in size, in the same location on the east end of the building. The septic system would be built in conjunction with a new single-family house being built just north of the hangar. These improvements, and the continued operation of the hangar, are not expected to substantially impair or diminish the surrounding properties in the area.

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 most immediate surrounding property is of agricultural, Farmland Preservation designation or legacy residences, many of which have existed for decades alongside Sugar Ridge and its use. The proposed use would adhere to the requirements of the FP-35 zoning and does not impede the normal and orderly development and improvement of surrounding properties.

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 already developed and zoned for agricultural use. A handful of properties are zoned for Rural Mixed Use which allows both residential and agricultural use. There are roughly 8 homes located within 1,000 feet of the air strip facility today, including one owned by the former air strip owner and one owned by the Hofeldts (see image below).



4. Adequate utilities, access roads, drainage and other necessary site improvements have been/are being made.

The applicant states that the existing infrastructure is sufficient to serve the needs of this request, but for a well/septic that is proposed to serve the requested sanitary system that will be shared with the new house intended to be built on the property (on a separate RR-4 zoned residential lot proposed as part of Rezone petition #12050).

The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place, with the exception of the proposed new septic system for the bathroom addition. The proposed septic system would be subject to review by Public Health Madison & Dane County as part of the sanitary permit process. The specific requirements for the septic system would be determined as part of that permit process, including any easement needed to clarify shared use of the septic field. This item is addressed by the standard conditions of CUP approval, see below.

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 by a shared access driveway. The applicant states that no increased traffic (air or road) is proposed, so the current shared driveway access is adequate. The driveway is shared with the previous owner and creator of the air strip, who continues to live in one of the lots on site.

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 FP-35 zoning district. FP-35 zoning allows airports, landing strips or heliports for private aircraft owned by the owner or operator of a farm, with a conditional use permit. See below for specific requirements for air strips.

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).**

In addition to the requirements of s. 10.101(7)(d), the zoning committee must find that the following standards are met before approving any conditional use permit in any Farmland Preservation zoning district.

- a) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.***

The FP-35 district is intended for a wide range of agriculture and agricultural-accessory uses at various scales, as well as other incidental activities compatible with agricultural use. The applicants state the proposed continued use will continue the tradition of community engagement and preserving farmland.

- b) The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.***

Applicant states that the use and location are reasonable and appropriate given the prior and existing use of the property.

- c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.***

Applicant states that there would be no impact to existing farmland due to the request. Staff concurs.

- d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.***

Applicant states that the proposed site plan does not change the existing layout of the parcel or affect any surrounding agricultural uses, and that Verona's only approved airstrip has been used and may be used in the future to support aerial applicators that support farm operations.

- e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.***

Applicant states that no proposed changes will be on or affect the existing farmland, and that the small building addition will be promptly landscaped.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to private air strip operations most likely involve concern over noise and traffic. The applicant's CUP application addresses how these potential nuisances are handled, as noted above, and no noticeable change to the current use is proposed.

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 special requirements for airports / landing strips.

Airport, landing strip or heliport.

- (a) All buildings, structures, outdoor airplane or helicopter storage areas shall conform to the setbacks, maximum building height and lot coverage requirements for agricultural or commercial accessory buildings in the underlying zoning district.***
- (b) Runways shall be located a minimum of 100 feet from all lot lines.***
- (c) Runways must be laid out to provide sufficient clear space, either within the property boundaries, or through the use of a recorded avigation easement for safe takeoff and landing. Clear space must meet current WISDOT Bureau of Aeronautics distance-to-height ratios appropriate to the speed of the proposed aircraft.***
- (d) All proposed airports, landing strips or heliports must meet all current requirements of Chapter 114, Wisconsin Statutes, TRANS 57, Wisconsin Administrative Code, or its successor and any applicable standards from the Federal Aeronautics Administration.***
- (e) Applicants must submit, with their conditional use permit application, copies of Wisconsin Department of Transportation airport review applications or approved certificates.***
- (f) The committee and town board may require visual screening, per the standards in s. 10.102(12), provided that such screening will not interfere with airport operations.***

Staff has confirmed the airport is in good standing with the FAA. All site improvements comply with the applicable building regulations in the FP-35 zoning district. The current boundary of the CUP from 1988 is mismatched with the actual air strip location on the ground; this updated CUP is correcting that by providing a more accurate map and legal description. The existing runway is less than 100 feet from the western property boundary; however this is an existing condition that is considered a legal nonconforming situation and would not be changed by this proposal.

TOWN ACTION: On May 7, 2024 the Town Board approved the CUP with one condition:

1. The uses of the air strip be limited to those as provided in the application.

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 operations plan provided by the applicants detailing the use of the air strip, and the additional information outlined above. This is also reflected in the town's approval and conditions.

Pending 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 below.

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.

CUP 2624 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 #2624:

13. The uses of the air strip be limited to those as provided in the application.

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