
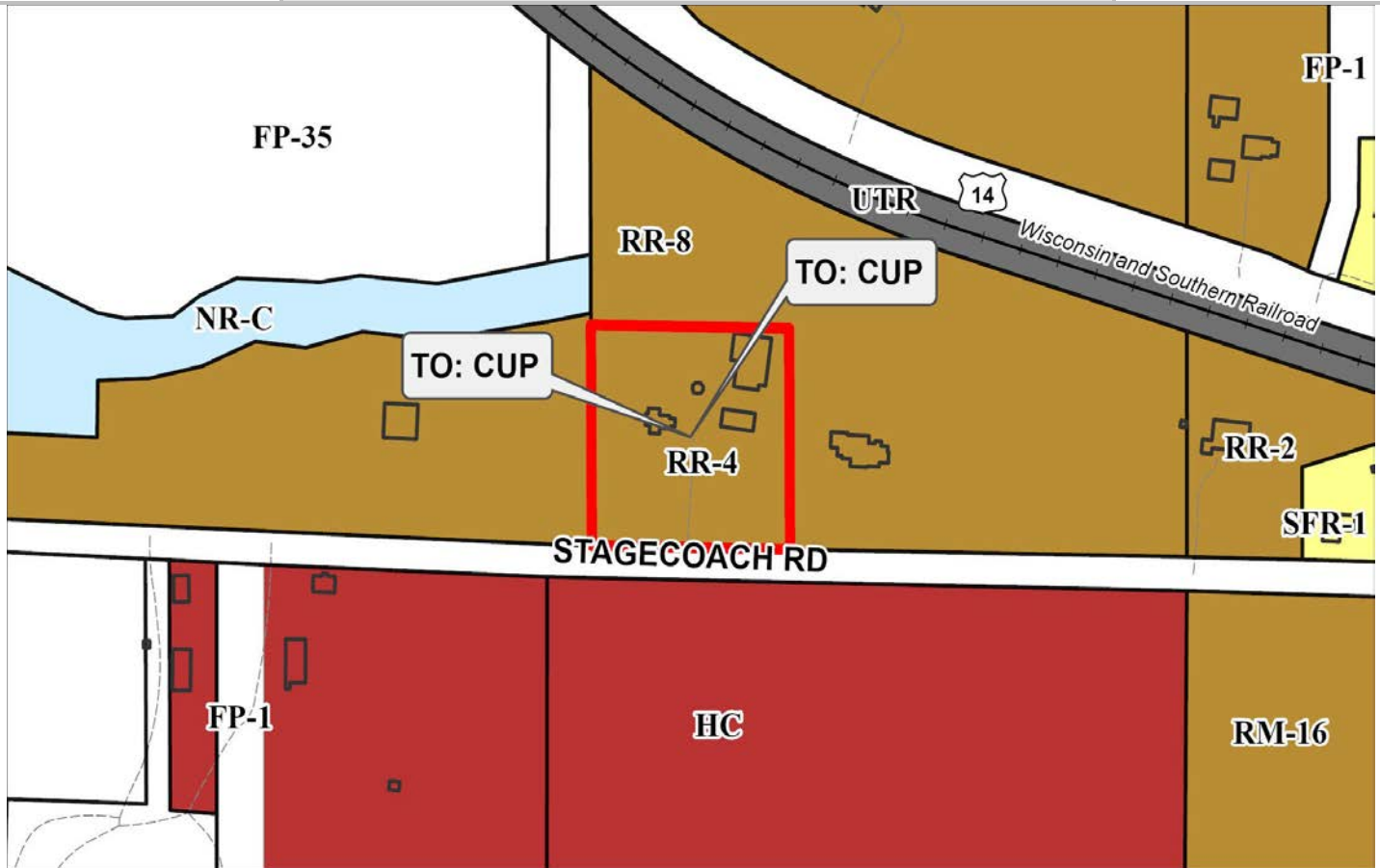


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> May 28, 2024		Conditional Use 02613
	<i>Zoning Amendment Requested:</i> TO CUP: Limited Family Business - Educational and Community workshops		<i>Town/Section:</i> CROSS PLAINS, Section 11
	<i>Size:</i> 4.5 Acres	<i>Survey Required.</i>	<i>Applicant</i> HANEYS TAVERN LLC
	<i>Reason for the request:</i> Limited Family Business - Educational and Community workshops		<i>Address:</i> 8310 STAGECOACH ROAD



DESCRIPTION: Jill Riley requests a conditional use permit for a Limited Family Business in order to hold educational and community workshops on her property with RR-4 zoning. Workshops would be held for small groups (less than 50 people) in and around the barn, highlighting the seasonal flowers grown on the property, as well as the historic Haney’s Tavern which was built in 1840 and is a Wisconsin State Historical Site. They would have a farm stand in the driveway to sell locally produced products. Workshops would primarily be held on weekends.

This petition was submitted along with another CUP (CUP Petition #2615) for short-term rental of the house on site. Each CUP is being reviewed separately.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in residential use and is 4.2 acres in size. The neighboring land uses are rural residential on the east and west (including a horse stable to the west and the applicant’s own residence to the east), US Highway 14 and a Wisconsin and Southern Railroad line to the north, and multiple mineral extraction sites to the south.

Limited family business is listed as an allowable conditional use in the RR-4 zoning district. The applicants are proposing a business operation that is seasonal, with operating hours from dawn to dusk 7 days a week, with workshops held

primarily on weekends. The application indicates they are planning for two to four workshops each week, but up to a maximum of 12 workshops per week. Each workshop would be approximately 3 hours.

RESOURCE PROTECTION: The subject property is almost entirely within the shoreland zone due to proximity to Black Earth Creek located to the north running across the adjacent parcel owned by the applicants, and the quarry pond to south across Stagecoach Road. No new construction is proposed in conjunction with this CUP.

COMPREHENSIVE PLAN: Property is within a Farmland Preservation Area in the *Town of Cross Plains / Dane County Comprehensive Plan*. Conditional uses in Rural Residential zoning districts are supported, provided any commercial or business use does not result in environmental degradation, inappropriate traffic volumes or conflict with farming operations. Establishment of maximum occupancy, noise decibel limits appropriate to the area, and hours of operation should be included as conditions on the CUP. Assuming zoning ordinance standard conditions regarding sanitary system capacity and off-street parking are all met, the proposal appears reasonably consistent with the adopted town/county comprehensive plan. *(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@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 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 educational workshops in and around the barn will not impact public health, safety, comfort or general welfare; that flowers are grown on site, there are no commercial sales or deliveries. In addition they state there are excellent visible entrances, low noise, no dust, and no required site or building improvements needed.

See staff comments below which address other neighborhood impacts and safe ingress and egress.

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 neighboring properties will not be impaired or diminished in any way. They state the property to the east is their own home and the next house is ¼ mile away, the property to the west is a private horse stable with adequate buffering of trees on the property line, and there is an active quarry to the south with noise, dust, and truck traffic. They also indicate that outdoor speakers would be limited to 60 decibels.

Staff notes that there is only one home within 500 feet of the site, which is the applicants' home. A limited family business of this nature would seem compatible with the neighborhood as the operation would be mostly seasonal, with daylight operating hours and workshops held primarily on weekends, ranging from 2 to 12 workshops each week lasting roughly 3 hours.

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 business and workshops will complement the surrounding properties, and that events will be quiet, peaceful, educational workshops held during daylight hours. They also state there is enough distance and screening to buffer the neighboring properties.

As noted above, this property and most of the surrounding properties are already developed for rural uses that include residential, agricultural-related, and mineral extraction land uses. In addition, the nearby US Highway and railroad by their nature restrict development of surrounding lands and generate noise in this area.

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

The applicant states that no changes are needed to the existing utilities, access roads, drainage, and other site improvements in order to accommodate the small events that are proposed. They indicate that guests will use existing bathroom facilities on site, and a rented porta-potty may be used for larger groups (though group size would still be under 50 people). They propose a future bathroom with sanitary fixtures in the lower level of the barn. Staff notes that sanitary fixtures may be allowed in an accessory building, if approved as part of a conditional use; however the fixtures would need to be removed once the conditional use has ceased.

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.*

The applicant states that there are two highly visible entrances to allow for safe ingress and egress, and there will be minimal traffic.

Off street parking is provided for the property by existing paved areas as well as a grass lawn area designated for parking at peak times. The parking plan provides an area roughly 125 feet by 85 feet in size which could fit at least 40 vehicles. Zoning code allows parking on grass if it is "seasonal" (up to six months/year) OR "related to a unique or annually occurring event or condition of limited duration."

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

The proposed use would conform to the applicable regulations of the RR-4 zoning district. A limited family business is an allowable conditional use in the RR-4 zoning district. The parking appears adequate to serve the use. Site lighting consists one existing 20' LED pole light for security on the property, and applicants note that any lighting that may be added shall be dark sky compliant.

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 limited family business operations most likely involve increased vehicle traffic and noise. The 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(12), there are special requirements for limited family business operations:

- a) No limited family or rural business shall conflict with the purposes of the zoning district in which it is located.
- b) The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
- c) Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.
- d) The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
- e) The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.
- f) Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.

- g) Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
- h) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

TOWN ACTION: On April 11, 2024 the Town Board approved the conditional use with no special conditions.

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 described the sections above, and is also reflected in the town's approval with no additional limitations.

Staff recommends that the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards, and 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, as well as some conditions that reflect the specific requirements for limited family businesses in s. 10.103 of the zoning code.

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 2613 Potential Conditions of Approval:

General conditions for all conditional uses:

1. Any conditions required for specific uses listed under s. 10.103.
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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Conditions specific to CUP #2613:

13. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
14. Sanitary fixtures to serve the limited family business use may be installed in the barn, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
15. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov