

Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 25, 2026		Conditional Use 02719
	<u>Zoning Amendment Requested:</u> TO CUP: TRANSIENT OR TOURIST LODGING		<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> TRANSIENT OR TOURIST LODGING		<u>Address:</u> 2825 WILLIAMS DR



DESCRIPTION: Applicants request a conditional use permit (CUP) for transient or tourist lodging, to use the existing home for short-term rentals. The property is a 25.5-acre lot with RR-16 zoning located on Williams Drive roughly 1100 feet from I-39. The applicants propose a maximum of 8 guests, based on the septic system capacity.

OBSERVATIONS/FACTUAL INFORMATION: Surrounding lands are primarily in farmland 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 existing lot and structures comply with all county ordinance requirements for the lot configuration and buildings.

A Public Health Department license is also required for the short-term rental use. The septic system must be adequately sized for the number of guests proposed. The Town of Pleasant Springs has a licensing program for short-term rentals.

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 adjacent lands to the north. Hydric soils and wetland indicator soils are present on the property, but not in the vicinity of the existing buildings and site improvements. No new construction is proposed; staff has no concerns with resource protection. Applicants are advised that 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. Comprehensive plan policies do not specifically address short-term vacation rentals, though the town has adopted a short-term rental licensing ordinance. State law allows for the short-term rental of residences and limits local government regulation to defined parameters. In accordance with the state law, the town's ordinance establishes rental periods of 7-29 days for up to 180 days in a calendar year, though shorter rental periods are possible if the home serves as the applicant's primary residence, which is defined as occupancy for at least 183 days/calendar year. The applicant indicates rental periods will be for a minimum of 7 days and abide by the limitation of no more than 180 days/calendar year.

In addition to the town license, all such short-term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health. To operate lawfully, the applicant will need to obtain and maintain both the Pleasant Springs and PHMDC licenses.

Pending any concerns raised at the ZLR public hearing, or by the Town in the course of its review, the proposal 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 rental operations plan and house rules. The applicants state that the proposed use of the farmhouse will be limited in scale and operate in a manner that protects public health, safety, and neighborhood character. It would be used primarily to house and host overnight guests affiliated with nonprofit organizations using the property for meetings, educational programs, and corporate or organizational retreats (see companion CUP petition #2718). They would limit the use to 8 guests, with stays to comply with the town's ordinances. Quiet hours would be enforced after 10 PM.

All short term rentals must be licensed through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health.

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.*

Applicants state that the proposed use closely resembles ordinary residential occupancy patterns typical of surrounding homes, and overnight guests will generate activity levels comparable to a single-family residence hosting visitors. They say that property maintenance, landscaping, lighting, parking management, and overall stewardship will be consistent with or exceed neighboring residential properties.

Staff agrees the rental use is likely to be compatible with the surrounding properties. They have agreed to limit the number of guests to a maximum of 8 at a time, off-street parking will be provided and required for tenants, and there will be rental rules that include quiet hours after 10:00pm. Applicants should indicate how long the quiet hours would go into the morning. Some or all of these measures can be made into conditions of CUP approval, see below. For example, limiting the number of guests and establishing quiet hours are commonly used to control noise, which is the most common concern that arises with short-term rentals.

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.*

Applicants state that the proposed use is residential in scale, appearance, and intensity. They say the limited overnight occupancy and quiet hours will ensure the use will not hinder neighboring property owners, and the farmhouse will continue to function in a manner comparable to other dwellings.

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. 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 comparable to those necessary for a single-family house that is not used for short-term rentals. According to permit records, the septic system serving the property was installed in 2024 and sized for 4 bedrooms / 8 adults. (Septic design capacity is based on residential code which requires 150 gallons/day, or 2 adults per bedroom.) If the owners ever wish to rent to more than 8 guests, the existing system would need to be evaluated by a licensed professional and upgraded to meet applicable code standards.

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 an existing driveway and garage. No changes are proposed. The property contains ample parking spaces in the garages and outdoor areas for guests to park off-street.

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 SFR-08 zoning district. Transient or tourist lodging is listed as an allowable conditional use in the 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.

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 short-term rentals typically involve noise, vehicle traffic, and sanitary waste management. The CUP application addresses how these potential nuisances are handled as noted above. In addition, potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for short-term rental 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, including the scale of the use and the surrounding lands which are sparsely populated. 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 2719 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. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health and the Town of Pleasant Springs.
14. The rental shall be limited to 8 overnight guests.
15. Quiet hours shall be 10:00pm to 8:00am, all days of the week.
16. The owner, or their designated emergency contact person, must be available within one (1) hour to address any problems.
17. Emergency contact information shall be provided to the neighbors, the Town, and the Dane County Zoning Division.

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