

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, February 19, 2020

Agenda Item 4

Applicant: Shannon and Angel Zimmerman

Request: CUP Renewal for Belle Vinez Winery

Background:

The applicant received a Conditional Use Permit (CUP) to establish the “Belle Vinez” winery with incidental food service in August of 2013. The applicants also reside on the 20 acre parcel. The Land Management Committee approved an expansion in 2016 to allow year-round operation and a Food and Wine Plan, detailing how the food operations will be incidental and subordinate to winery operations, in 2014. The operation opened to the public in May, 2015. The commercial structure includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms. Last year Condition #10 was modified to allow for extended hours for special events.

Issues Pertaining to the Request:

- The property is located in the SW ¼ of the NW ¼ of Section 3, T27N, R19W in the Town of Clifton. The home address is W10877 875th Ave. and the property is zoned General Rural Flexible-8.
- The tasting room is permitted to be open seven days a week. The hours of operation are 11 a.m. to 9p.m. Hours for special events are 11 am. to 11 p.m. with lights out by 12 a.m. Off-sale wine and other various crafts are sold in this area. Only appetizers are served in the tasting room. Customers of the tasting room are able to use the plaza and lounge for seating.
- The pizza service is open Thursday through Sunday with hours of operation being 11am to 9pm with lights out by 10p.m.

(The wording of this condition has been discussed at previous meetings and it was concluded that service for the customers would stop at 9p.m and customers would leave the premises by 10pm)

- The lounge has a 120 person seating capacity for food service. Limited seating can be moved to the plaza depending on the weather. Food items will only be available to those at the dining tables. Patrons of the winery who are on the plaza would not be served food, unless seated at a table.
- Reservations are required for dining with the ability to serve customers who do not have reservations as long as they have seating and parking space available. The reservation system is a means to eliminate the potential for large crowds waiting onsite for available seating.
- No parking is allowed on 875th Ave. and signs are posted in the parking lot about the need for reservations and the no street parking requirement.
- A sound system plays light music and all speakers are placed within structures.
- Staff was contacted the Town of Clifton Chairperson, LeRoy Peterson, regarding this renewal. He had no concerns about renewing the permit.
- Staff is recommending to allow this permit to be renewed administratively in the future. There have been issues of compliance since the operation began and staff has not received any complaints since the last renewal.

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- Existing conditions are:
 1. Activities shall be conducted consistent with the application unless modified by another condition of this approval.
 2. Applicant shall obtain all necessary permits for any future structures or signs not presented in this plan from the Zoning Office.
 3. The winery shall produce “wine” as defined by the State of Wisconsin.
 4. Applicant shall develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations.
 5. The applicant shall obtain necessary licenses from the Town of Clifton.
 6. Applicant shall obtain all other necessary permits from state and municipal agencies.
 7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
 8. Seating capacity for the pavilion and plaza shall not exceed 120.
 9. Applicant shall install signs detailing the need for reservations and no parking on the street.
 10. Hours of operation shall be 11am to 9pm. Hours of operation for special events shall be 11am to 11pm with lights out at 12am.
 11. Full menu food service (pizza and appetizers) may be provided Thursday through Sunday. Hours of operation shall be 11am to 9pm with lights out by 10pm. Limited menu food service (appetizers only) may be provided in the tasting room during regular hours of operation.
 12. No beer or liquor shall be served in the tasting room.
 13. Lighting shall comply with the Land Management Department policy.
 14. Sound system shall only be within the structures.
 15. No audio bird repellent shall be used onsite.
 16. Weddings and special events must be conducted consistent with the other conditions of this permit.
 17. This Conditional Use Permit shall expire in 2 years.
 18. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
 19. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
 20. Sound shall be limited to no more than 80 decibels at the property line.
 21. Promoted access route shall be along County Road M.

- Following discussion with Legal Counsel, staff is recommending the removal of Conditions #5 and #6. This condition, in essence, requires the Land Management Department and Committee to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicant's failure to comply with, or dispute about the administration of, another agency's ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUPs to compliance with other agencies rules and regulations.

Removal of this condition would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

Recommendation:

Staff recommends the Land Management Committee consider whether any additions or modifications to the established conditions are necessary to mitigate impacts to neighboring properties. If no additions or modifications are necessary, staff recommends the LMC renew this permit with the following conditions:

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13. No audio bird repellent shall be used onsite.
14. Weddings and special events must be conducted consistent with the other conditions of this permit.
15. This Conditional Use Permit shall expire in 2 years. **Permit may be renewed administratively if no compliance issues arise.**
16. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
17. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
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Submitted By: Brad Roy
Zoning Administrator