

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **October 27, 2020**

Zoning Amendment Requested:

NR-I Natural Resource Identification District TO NR-I Natural Resource Identification District

Size: **0.57 Acres**

Survey Required: **No**

Reason for the request:

Declassification of wetland pocket on a commercial development site

Petition 11592

Town/Section:

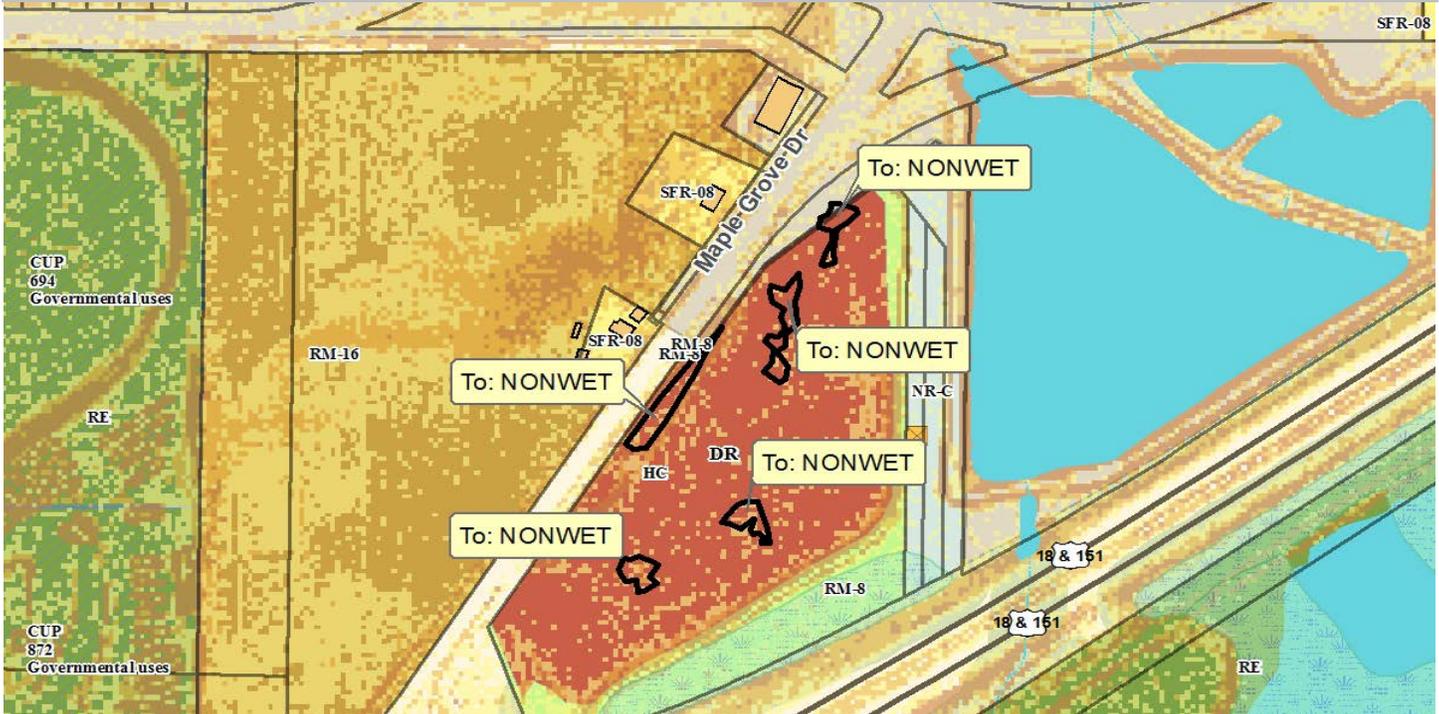
VERONA, Section 13

Applicant

**MADISON VERONA
SELF STORAGE LLC**

Address:

**SOUTHEAST OF 4234
MAPLE GROVE ROAD**



DESCRIPTION: Landowner wishes to rezone a total of 0.57 acres out of the Shoreland Wetland Overlay Zoning District. This will allow for the fill of five wetland remnants, ranging from 3,500 square feet to 7,800 square feet in area. Filling and grading of the site will allow for the construction of a personal storage facility, a permitted use in the existing, underlying HC (Heavy Commercial) zoning district.

OBSERVATIONS: Petition 11525 (effective July 21, 2020) rezoned this parcel to the HC zoning district, with conditions limiting the uses to a personal storage facility, requiring an assessment of the wetlands on the site and requiring the applicant to obtain appropriate permits and wetland rezones, as necessary, prior to construction. A field delineation by a DNR-assured delineator was conducted, confirming the presence of six small pockets of wet-meadow on the site. Based on the delineation report, these wetland areas appear to be degraded and dominated by non-native, invasive and common species of vegetation. The U.S. Army Corps of Engineers has indicated none of the wetlands on the site fall within their jurisdiction. The Wisconsin Department of Natural Resources has determined that the project is eligible for exemption from DNR wetland fill permits under s. 281.36(4n), Wis. Stats., and that necessary wetland mitigation measures have been implemented. Erosion control and stormwater management permits will be required before land disturbing activity or the addition of impervious surface area may commence.

TOWN PLAN: This area is within a Commercial Area as described in the *Town of Verona / Dane County Comprehensive Plan*.

RESOURCE PROTECTION: The entire parcel is within the Floodfringe Overlay District, with a projected 1% regional flood elevation of between 964.04 and 964.3 feet above sea level. The applicant has obtained a Floodplain Zoning Permit

from the Zoning Division, which determined that the proposed construction would have no net impact on flood elevations due to cut and fill. Commercial construction is permitted within the Floodfringe Overlay District, however the first floor of all commercial buildings must be at least 2 feet above the projected regional flood elevation and must have dryland access. Parking lots and commercial yards are permitted at or below the regional floodplain elevation.

STAFF: Proposed findings of fact (relevant Chapter 11 standards in italics.)

(2) A wetland, or a portion thereof, in the shoreland-wetland or inland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(a) Storm and flood water storage capacity;

The applicant will obtain stormwater management permits under Chapter 14, Dane County Code, which will require a site-specific stormwater plan to meet county runoff and infiltration standards. The Dane County Zoning Division has determined that the proposed fill will have no net impact on flood storage capacity in the floodplain.

(b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

There are no intermittent or perennial streams that flow through the wetlands in question. The small size, isolation and degraded character of the remnant wetlands on the site make them unlikely to contribute significantly to the hydrology of nearby wetlands, ponds or streams.

(c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

Sediments, nutrients and compounds bound to particulate matter will be adequately retained through approved stormwater practices to avoid contamination of surface waters. Flow from the site would be from north to south, where it would be effectively blocked by U.S. Highway 18 & 151 before entering any navigable waterways.

(d) Shoreline protection against soil erosion;

Soil erosion should be adequately addressed through construction-site erosion control and stormwater measures. The small size of the remnant wetlands makes them unlikely to contribute significantly to shoreline protection.

(e) Fish spawning, breeding, nursery or feeding grounds;

(f) Wildlife habitat; or

(g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

Field reviews of the site, including the wetland delineation report and the DNR exemption determination indicate that the wetlands are common wetland types, dominated by non-native and invasive vegetation. Due to their small size and degraded condition, these wetlands provide minimal habitat value to fish and wildlife.

Recommended Conditions of Approval:

If the ZLR makes the above findings of fact, staff recommends approval with the following conditions:

1. Prior to the start of any land disturbance on the site, the landowner shall obtain the following, including compliance with any permit conditions:
 - a. Erosion Control and Stormwater Management Permits under Chapter 14, Dane County Code
 - b. Floodplain Zoning Permits under Chapter 17, Dane County Code;
 - c. Any other permits required under federal or state law.

TOWN: The Town Board approved the petition with no conditions.

Note that as a wetland rezone under Chapter 11, town action is not mandatory.

Questions? Contact Brian Standing at standing@countyofdane.com