


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 24, 2023	Petition 11915
	<i>Zoning Amendment Requested:</i> LC Limited Commercial District TO LC Limited Commercial District, AT-B Agriculture Transition Business District TO LC Limited Commercial District	<i>Town/Section:</i> SPRINGDALE, Section 21
	<i>Size:</i> 1.16,3.84 Acres	<i>Survey Required:</i> No
	<i>Reason for the request:</i> Zoning change to allow for a caretaker's residence	
		<i>Address:</i> 8864 OFFERDAHL ROAD



DESCRIPTION: Applicant Michael Healy of Adaptive Restoration and Green Fire Properties LLC proposes to rezone his 5-acre property LC Limited Commercial, in order to allow for the construction of a caretaker’s residence on the site which is currently occupied by his ecological restoration and land management/landscaping business. The property is currently zoned AT-B Agriculture Transition-Business with a 1.16-acre LC spot zone. The rezone is associated with a proposed conditional use permit (CUP 2581) that was submitted for a new caretaker’s residence; while the proposals are separate items, the rezoning to LC would enable the CUP to be approved.

OBSERVATIONS: The property is located at the northeast corner of Offerdahl Road and Town Hall Road. The site is across the road from the Springdale Town Hall, and is surrounded by agricultural lands and a handful of rural residences. The applicant has been operating Adaptive Restoration, an ecological restoration and land management business, as well as a tree farm at this site, which was formerly the Olmsted Nursery.

When the property was last rezoned to A-2(2) and LC-1 in 2005, a deed restriction was recorded that limited the land uses and business operations with provisions that are similar but not identical to the current proposal (see recorded Document #4011934). If this new rezone is approved, the current deed restriction must be terminated and updated, see staff recommendations below.

The LC zoning district is intended for small commercial uses that may need to locate in rural areas due to their often large service areas and their need for larger lot sizes, and such uses are often similar to agricultural uses in their appearance and operation.

The LC district allows businesses to have up to 10,000 square feet of commercial building area, ground and wall signs, limited outdoor lighting, and no retail sales. It allows offices and contractor, landscaping or building trade operations as permitted uses. Caretaker's residences, outdoor storage, and storage of more than 12 vehicles and pieces of construction equipment are allowed only with an approved conditional use permit. In addition, construction equipment, vehicles, or material may not be stored within the front setback area of the lot.

Not all of the current buildings on site are in usable condition. The existing buildings still in use are considered legal nonconforming structures where they do not meet applicable setback requirements. The owner intends to remove the old dairy barn. The site appears to have sufficient parking spaces for the current and proposed uses.

TOWN PLAN: The *Town of Springdale/Dane County Comprehensive Plan* supports rezones to the Limited Commercial zoning district, provided the proposed use minimizes impacts to farming, neighboring properties and natural resources. Buildings and other construction should avoid agricultural lands and environmental resource areas. Screening is required for LC-zoned parcels within 100 feet of an existing residence. (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)

RESOURCE PROTECTION: There are no sensitive environmental features on site. Part of the west end of the lot is within the shoreland zone due to proximity to a stream within 300' to the west. There are resource protection corridors mapped on the property in the vicinity of steeper slopes, which reflect the grading around existing buildings and the wooded area in the northeast quarter of the property.

For any new construction or ground disturbance associated with the construction of the new home or other site improvements, the landowner must obtain erosion control and stormwater permits from the Land & Water Resources Department under Chapter 14, Dane County Code.

TOWN ACTION: On November 15th, the Springdale Town Board recommended approval with the following conditions:

1. Businesses shall be limited to contractor or landscaping only
2. No retail sales: except seasonal sale of Christmas trees
3. Hours of operation: 7:00 a.m.-6:00 p.m., extended hours as needed seasonally.
4. Outside amplification prohibited
5. Outdoor lighting must be consistent with the Town Dark Sky Ordinance
6. Signage must be consistent with Town Sign Ordinance

STAFF RECOMMENDATION: As noted above, the zoning code requires screening for any LC parcel within 100 feet of an existing residence. This site contains an access easement and underground utilities along the east edge of the lot where there is a shared driveway with the adjacent home; this easement would prohibit installation of fencing or screening. However, the applicant should be required to install screening outside the easement area after the dairy barn is removed, to meet zoning ordinance requirements (see recommended conditions). The applicant provided an updated site plan and screening information (see Site Plan dated 1/18/2023 and Screening Plan dated 1/19/2023), which addresses this.

Pending and any comments at the public hearing, staff recommends approval of the rezone subject to the following conditions:

1. The existing deed restriction (Doc #4011934) shall be terminated with the Register of Deeds.
2. A deed restriction shall be recorded on the property that specifies the following:
 - a. Business activities shall be limited to contractor or landscaping only.
 - b. No retail sales are allowed on site.
 - c. Hours of operation shall be limited to 7:00am to 6:00pm, except for extended hours as needed seasonally for the harvesting of Christmas trees grown on site.

- d. Outdoor sound amplification is prohibited.
- e. Outdoor lighting must be consistent with the Town Dark Sky Ordinance; all outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
- f. Signage must be consistent with the Town Sign Ordinance and Dane County sign regulations.
- g. The parking and circulation plan shall comply with the Zoning Ordinance requirements of section 10.102(8).
- h. Visual screening, consistent with Section 10.102(12), Dane County Code, shall be established and maintained between the business operations on the LC parcel and the RR-2 parcel to the east.

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