



Staff Report

Zoning and Land Regulation
Committee

Public Hearing: **November 27, 2018**

Petition: **Petition 11357**

Zoning Amendment:
C-2 Commercial District TO C-2 Commercial District, A-1 Agriculture District TO C-2 Commercial District

Town/sect:
SPRINGDALE, Section 12

Acres: 4.18,0.41
Survey Req. Yes

Applicant
DALE N CHESTNUT

Reason:
REZONE TO MODIFY CURRENT DEED RESTRICTIONS

Location:
2731, 2733, AND 2737 GUST ROAD



Description: Dale Chestnut is requesting that the current deed restrictions on his property to be amended allow additional land uses (a landscaping business). The current C-2 Commercial Zoning District is deed restricted to allow for manufacturing and repair of trailers, trailer sales, and auto repair and sales. Mr. Chestnut is currently leasing the southerly building to Bassett Landscaping, which intends to purchase the southerly portion of the Chestnut property.

The landscaping business is currently a prohibited use on the property and presently in violation of the deed restrictions. There is a pending lawsuit filed by Dane County regarding the violation of the deed restrictions. In addition, Mr. Chestnut purchased approximately 18,000 square feet of land to the west of his property in 2014. The purchase is in violation of the land division regulations and will need to be corrected through the certified survey map process.

Observations: The property has been used for commercial activity for 26 years. Over the years, more and more greenspace has been turned into a gravel surface for storage and vehicle movement. Currently, there is very little greenspace on the property. With the introduction of an additional business on the property, the property is filled with vehicles and equipment to a point of overcrowding. The southerly portion of the lot has a 66-foot driveway easement for the benefit of the neighbor to the west. Landscaping vehicles are being parked in the easement area, which causes conflicts with the neighboring property owner. There are three metal buildings on the property. There have been

significant improvements made to the southerly building in order to house the landscaping business. No permits have issued or commercial plans approved for these improvements. There are significant amounts of trailers being stored on along the road and various metal piles spread out on the property that detracts from the property's appearance.

Town Plan: The Town Land Use Map designates the area as "Commercial/Industrial". There is an area, just north of the property, designated as an "Environmentally sensitive area" due to a neighboring wetland complex. The Town plan supports commercial uses that are related to agriculture which do not negatively impact the rural character of the Town. Commercial areas within 100 feet of a residence are required to be screened from view. The comprehensive plan requires architectural review of commercial development to ensure that the exterior appearance, design, and parking meet Town standards.

Resource Protection Area: The east half of the property is identified within the Zone A floodplain. Any grading or filling of the property would require a floodplain permit and an analysis to determine the base flood elevation. Additional development of the property may be limited due to the floodplain.

The GIS information shows a drainage way running along the southern border of the property, flowing east under the road, and then north, into the wetland complex. There has been a significant amount of impervious surface added to the property without a storm water management plan. A storm water management plan should be created for the current 3-acre of impervious surface.

Staff: The property has been developing without the appropriate town review. To correct the pending violations, the current deed restriction will need to be revised to allow a landscaping businesses and a certified survey map will be needed to correct land division violations. If denied, the County will continue with the lawsuit to enforce the current deed restrictions.

The appearance, lack of storm water management, and inadequate parking raises concerns for the proposed expansion of land uses. The proposed revision to the deed restrictions would allow for 64 employees on the property with significant amount of outdoor activity, storage, and display of products. The petition as proposed may conflict with the goals and policies of the Town of Springdale Comprehensive Plan. Below is a list of specific concerns:

1. There is 66-foot drive easement that is located along the southern lot line of property that is recorded under ROD Document 1923533. The easement notes that the area shall be used for ingress and egress for the property to the west. The submitted plan shows that a significant amount of parking encroaches into this easement area. The landowner to the west should be in agreement with the proposed parking plan or a new site plan be developed to relocate the parking.
2. The site plan appears to show an inadequate amount of parking spaces for Bassett Landscaping as described in the application. Currently, there are conflicts with the adjacent neighbor with access to his property. Additional lands should be added to the proposed Bassett Lot in order to accommodate the land use.
3. Some of the land uses listed in the proposed deed restriction revision appear to conflict with town plan policies. Proposed activities should be related to agriculture in some fashion. The sale of used vehicles and used construction trailers does not appear to have any agricultural purpose and may be inappropriate for the area. Revisions to the proposed land uses may be needed.
4. The current condition of the property is poor. The aerial photo shows that the entire area has been graveled overtime with materials scattered throughout the property. There is an overabundant amount of trailers and product on display. The site plan should be revised to provide the following:
 - a. an ample amount of greenspace areas throughout the property
 - b. a limit to the outdoor display area (possibly no more than 40% of the frontage)
 - c. a specific landscaping plan for the front of the lot (noting size and species) to enhance the character of the property
 - d. a storm water management plan which would be incorporated as part of the site plan.

TOWN: The Town Board has approved the zoning changes conditions upon various limitations to address concerns.

Staff Update: The petitioner has made significant changes to the proposal to meet Town and Staff concerns. A new driveway agreement has been reached with the adjacent landowner that narrows the shared drive path from 66 feet to 22 feet. The parking plan has been revised to allow adequate parking to facilitate the landscape company. Vehicle sales have been limited to five vehicles. The applicant has organized the outdoor storage of materials and equipment. Landscaping will be added to the front of the lot to improve appearance. Specific areas of the site have been designated for storage of trailers and equipment. A storm water management design is being prepared.

If the petition is approved, staff is suggesting that the town conditions be part of the motion in order to address the identified concerns. The town conditions are summarized below. See revised deed restrictions for exact language.

Deed restrictions applicable to both lots

1. Landscaping shall be installed per site plan.
2. Any demolished vehicles shall be prohibited on the property.
3. All vehicles or equipment shall be stored in a neat and orderly fashion.
4. On-street parking is prohibited.
5. Specific truck route for vehicles exceeding 12,000 lbs.
6. The use of outdoor loud speakers is prohibited.
7. All new lighting fixtures shall be full cut-off fixtures that prevent all upward transmission of light.
8. The Waste Disposal Plan shall conform to that submitted on Oct. 8, 2018.
9. A further division of the land is prohibited.
10. Signage shall conform to the Town of Springdale Sign Ordinance
11. Architectural review shall be required prior to constructing any improvements
12. The maximum height of any buildings shall be thirty-five (35) feet.

Deed restriction specific to Lot 1 (Chestnut)

1. The land use for Lot 1 shall be limited to the following: Repair, storage and service to all types of motor vehicles, trailers, machinery or equipment; Sales or rental of used motor vehicles limited to five; Manufacturing of truck trailers, equipment and general purpose trailers; Sales or rental of new or used trailers and equipment of all types.
2. Hours of operation shall be limited to weekdays and Saturdays between the hours of 6:00 a.m. to 6:00 p.m. Business operations on Sunday may occur as needed due to weather or in the event of emergencies.
3. On-site employees are limited to 20 or fewer, full-time or equivalent employees.
4. Specific truck route for vehicles exceeding 12,000 lbs.
5. The 0.41-acre parcel currently zoned A-1 shall retain A-1 zoning and the uses shall be limited to access to the existing building only.

Deed restrictions specific to Lot 2 (Bassett)

1. The land use for Lot 2 shall be limited to the following: Landscape contracting businesses; Storage of construction equipment necessary for the operation of such onsite landscape contracting business; Repair, storage and service to all types of motor vehicles, trailers, machinery or equipment used in connection with the operation of such onsite landscape contracting business; Temporary outside storage of materials or supplies used by such onsite landscape contracting business in fulfilling its contracts; Seasonal outside storage of nursery stock and plants.
2. Hours of operation shall be limited to weekdays between the hours of 4 a.m. to 8 p.m. Business operations on weekends may only occur as needed due to weather or in the event of emergencies.
3. Parking shall comply per site plan.
4. Pervious green space shall be installed per site plan.
5. The total building footprint shall not exceed 35% of the area of Lot 2.
6. A maximum of 28 employee parking spaces is permitted on Lot 2.
7. On-site burning is prohibited.
8. In the event Lot 2 ceases to be owned or operated by the Bassett Entities or, in the event Lot 2 is used by any person or entity other than as a landscape contracting business permitted under the restrictions above, then the use of Lot 2 shall be limited to the uses and subject to restrictions applicable to the Limited Commercial District (LC-1) under the Dane County Zoning Ordinance, Section 10.11 or its successor provision(s) and the Town of Springdale Land Use Plan. Prior to the sale to an unrelated third party, a petition shall be submitted to Dane County Zoning to apply to have the property rezoned to LC-1.