
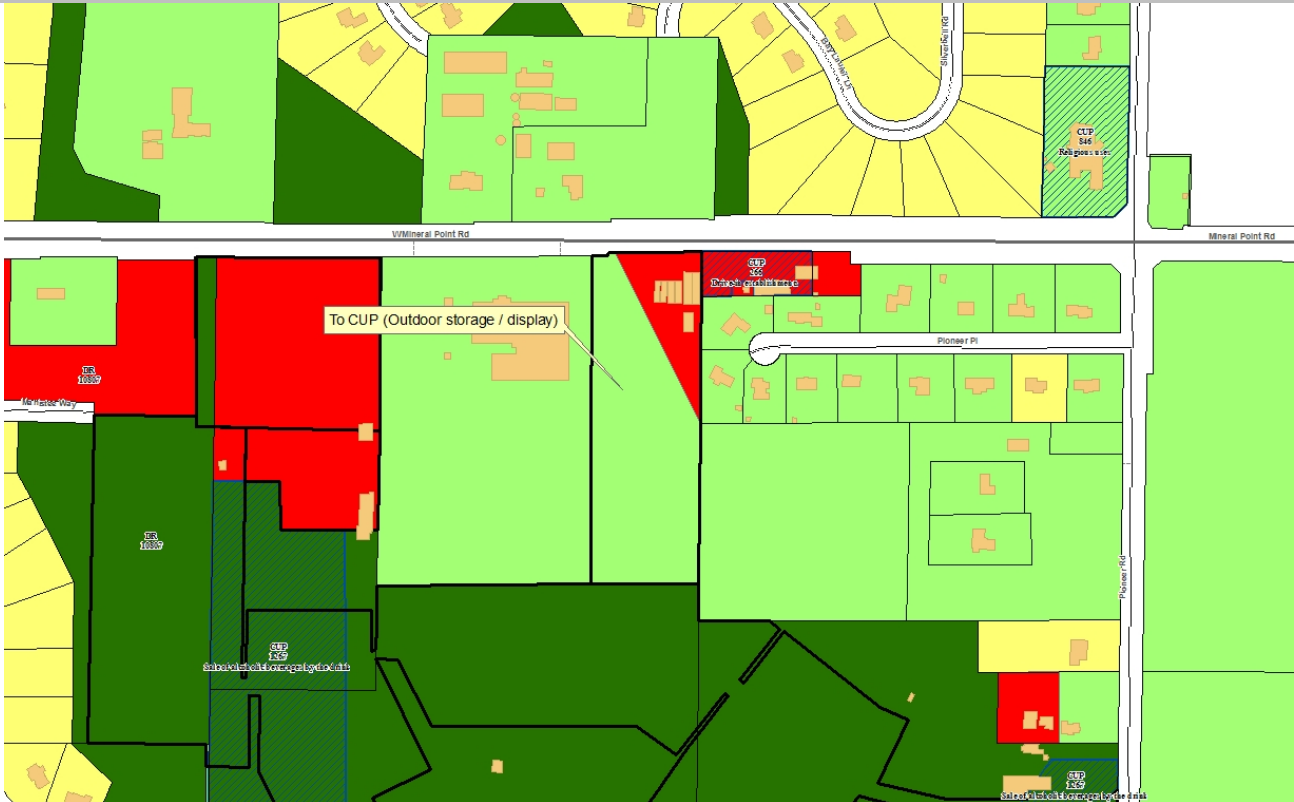


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> April 30, 2019		CUP 02463
	<i>Zoning Amendment Requested:</i> TO CUP: seasonal outdoor storage and display of shrubs, etc.		<i>Town/Section:</i> MIDDLETON, Section 29
	<i>Size:</i> 8.8 Acres	<i>Survey Required:</i>	<i>Applicant:</i> CHRIS HENDRICKSON
	<i>Reason for the request:</i> Seasonal outdoor storage and display of shrubs, etc.		<i>Address:</i> 7595 W MINERAL POINT ROAD



DESCRIPTION: Applicant operates the existing K&A Greenhouse business located on the property and requests approval of a Conditional Use Permit to allow the seasonal outdoor storage and display of plants, shrubs and related landscaping products. The proposal is part of an overall expansion of the existing business. Recently approved petition #11381 rezoned the entire ~8.8 acre parcel to the GC General Commercial district.

OBSERVATIONS: The property is part of a small cluster of commercial development along Mineral Point Road that was originally rezoned to B-1 on April 5, 1973. Surrounding land uses include a residential neighborhood and existing Kwik Trip gas station / convenience store to the east and an elementary school to the west. There is a golf course to the south, which is also slated for redevelopment (please see Rezone 11379). No sensitive environmental features observed.

TOWN PLAN: The Town of Middleton Comprehensive Plan was recently amended to show this area as planned for commercial uses. Dane County Ordinance Amendment #33 was adopted by the County Board on April 11, 2019.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: The proposal for outdoor storage / display of shrubs, trees, and related landscaping products is part of an overall planned expansion of the K&A Greenhouse operation. The town of Middleton plan commission and board will be reviewing the CUP and site plan at their meetings in May (1st and 20th, respectively). Staff recommends that action be postponed pending the town’s review and action on the proposed CUP. Staff has recommended draft conditions, below, based on applicable requirements found in chapter 10, section 10.101(7)(d)2a.

APRIL 30th ZLR MEETING: The conditional use permit was postponed due to no town action.

TOWN: The Town Board approved the conditional use permit with County Staff conditions and 4 additional conditions.

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. The conditions listed below are from section 10.101(7)(d)2a of the zoning ordinance and apply to *all* conditional uses. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Any conditions required for specific uses listed under s. 10.103.
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. Storage of all hazardous materials, including fuel and chemicals must be done in accordance as detailed in the site and operations plan and must be compliant with applicable local, state, and/or federal standards. This includes the spill containment, emergency shutoffs, and security fencing / indoor storage proposed for fuel tanks.
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 born by the landowner. Costs born 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 must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
12. 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.
13. 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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Additional Town Conditions

14. The site shall be developed and maintained in accordance with the final Site Plan approved by the Town;
15. Outdoor storage shall be limited to greenhouse inventory only, and shall be located in the areas designated on the approved site plan.
16. Large truck deliveries of company inventory shall be limited to the hours of operation indicated by the applicant (9am-7pm Mon-Sat, 9am-6pm Sunday).
17. All outdoor site lighting shall consist of full-cutoff fixtures that are dark sky compliant. The proposed lighting plan is acceptable.

Other Town Comments

- Per item #9, page 5, of the April 24, 2019 Vierbicher letter, that the site entrance does not need to be modified to accommodate semi-truck traffic to safely enter the site from the west off of Mineral Point Road, as the maneuver is very rare and is an existing condition.
- Per item #25, page 7 of the April 24, 2019 Vierbicher letter, that the proposed planting plan is acceptable, including the granting of credit for protecting existing trees.
- Per item #32, page 8 of the April 24, 2019 Vierbicher letter, the security lighting is not required.