

Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
08/20/2015	DCPCUP-2015-02327
Public Hearing Date	C.U.P. Number
09/29/2015	

OWNER INFORMATION	AGENT INFORMATION
-------------------	-------------------

OWNER NAME TIMOTHY E ANDREWS	PHONE (with Area Code) (608) 223-9970	AGENT NAME	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 2804 WAUBESA AVE		ADDRESS (Number & Street)	
(City, State, Zip) MADISON, WI 53711		(City, State, Zip)	
E-MAIL ADDRESS tahort@gmail.com		E-MAIL ADDRESS	




ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
--------------------	--------------------	--------------------

ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
9751 Wilkinson Road					
TOWNSHIP MAZOMANIE	SECTION 1	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0806-012-9180-0					

REASON FOR REZONE	CUP DESCRIPTION
-------------------	-----------------

--	--

FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES

C.S.M REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <u> </u>	PLAT REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <u> </u>	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <u> </u>	INSPECTOR'S INITIALS SCW1	SIGNATURE:(Owner or Agent) 
PRINT NAME: 				
DATE: 				

RECEIPT

MADISON
MADISON
210 MARTIN LUTHER KING, JR. BLVD
CITY TREASURER OFFICE

Application: DCPCUP-2015-02327
Application Type: DaneCounty/Zoning/Conditional Use/NA
Address: 9751 WILKINSON RD, TOWN OF MAZOMANIE, WI 99999

Receipt No.	725870					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Check	2261	\$486.00	08/24/2015	SCW1		

Owner Info.: TIMOTHY E ANDREWS
2804 WAUBESA AVE
MADISON, WI 53711

Work Description: outdoor storage & vehicle storage of greater than 12 vehicles

LC-1 Limited Commercial District

Zoning district intended for small scale businesses
CH. 10-Zoning, Section 10.

Purpose of the Limited Commercial District 10.111(1)

- o The Limited Commercial Zoning district is intended for small commercial uses that may need to locate in predominantly rural areas due to their often large service areas, and their need for larger lot sizes. In appearance and operation, such uses are often similar to agricultural uses and therefore are more suited to a rural area.
- o Such uses include, but are not limited to: Contractor businesses; transportation businesses; building trade businesses; and landscaping operations.
- o Limited Commercial uses are typically characterized by: Outdoor stockpiles of materials; storage and maintenance of large construction or transportation equipment; early morning activity; and large utilitarian buildings often with metal siding.
- o Limited Commercial uses do not create high traffic volume, have no retail sales, and have limited outdoor lighting and signage.

Permitted Uses 10.111(2)

- o Office uses (limited to 6 on-site employees)
- o Incidental parking for employees
- o Indoor storage
- o Incidental indoor maintenance
- o Outdoor storage of up to 12 total vehicles and pieces of construction equipment
- o Utility Services

Conditional Uses 10.111(3)

- o Outdoor storage
- o Single family residences for a caretaker or owner of the business
- o Light Industrial (see definition below)
- o Limited Rural Businesses (see definition below)
- o Storage of more than 12 total vehicles and pieces of construction equipment

Setbacks, Height , and Size requirements 10.111(6-10)

Front setback for all structures from highway centerline / right-of-way line (whichever is greater)

State or Federal Highway: 100/42 feet minimum

County Highway: 75/42 feet minimum

Town Road: 63/30 feet minimum

Subdivision streets platted prior to ordinance: 20 feet minimum

All other streets: 30 feet minimum

Height: 2 ½ stories or 35 feet maximum

Side Yards:

10 feet minimum each side

Rear Yards:

Commercial buildings: 10 feet minimum

single-family residences: 25 feet minimum

residential accessory buildings: 10 feet minimum

Maximum Size of Commercial Buildings:

10,000 square feet

Lot Width & Area: 10.111(6)

Area: 20,000 square feet minimum,
5 acres maximum

Lot Width: 100 feet minimum

LC-1 Limited Commercial District
Zoning district intended for small scale businesses
CH. 10-Zoning, Section 10.111

Lot Coverage 10.11(7)

Maximum 35% of all buildings on property

Definitions and General Notes for LC-1 Limited Commercial District 10.01, 10.111

DEFINITIONS:

- **Incidental indoor maintenance 10.01(27g):** Maintenance and repair of equipment and vehicles owned and operated by a principal business on the premises, and not as a service to others. All maintenance activities must take place within an enclosed building.
- **Indoor storage 10.01(27h):** Uses that are primarily oriented to the receiving, holding and shipping of materials for a single business. Such uses are not for retail sales, storage of personal belongings of others, or warehousing of materials for others. With the exception of loading facilities, such uses are contained entirely within an enclosed building.
- **Light industrial 10.01(30f):** The processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from previously processed or previously manufactured materials. All operations (with the exception of loading operations): (a) are conducted entirely within an enclosed building; (b) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; (c) do not pose a significant safety hazard (such as danger of explosion); (d) include no retail sales.
- **Limited rural business 10.01(30g):** May include any use permitted in the A-B, B-1, C-1 or C-2 zoning districts if it is located exclusively in building(s) in existence prior to April 30, 2005, maintains, restores or enhances the existing exterior character of the building(s), employs no more than 4 non-family employees, and does not conflict with the overall purposes of the LC-1 district. "Family" has the meaning set forth in section 10.01(23)
- **Office 10.01(40m):** An exclusive indoor land use whose primary function is the handling of information or administrative services. Such uses do not typically provide services directly to customers on a walk-in or on-appointment basis.
- **Outdoor storage 10.01(40l):** Uses primarily oriented to the receiving, holding and shipping of materials for a single business. Such a use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage use. Such uses do not include junk or other materials typically associated with a junkyard, salvage recycling center or solid waste recycling center, as defined in this ordinance. Outdoor storage of materials is not permitted within the building setback area described in s. 10.17.

NOTES:

- The total number of vehicles and pieces of construction equipment shall not exceed 12, unless authorized by a Conditional Use Permit.
- Construction equipment, vehicles, or materials shall not be stored between the building setback line and the front lot line.
- Off-street parking shall be provided as required in Section 10.18 of the Dane County Code of Ordinances (DCCO).
- Screening must be provided and maintained on lots adjacent to an R- Residential district, RH- Rural Homes district, or A-2 Agriculture district. Screening typically requires landscaping consisting of either a planted evergreen screen at least 6 feet wide and initially planted with 4-foot tall evergreen shrubs to ultimately form a continuous hedge at least 5 feet in height and maintained with healthy shrubs; or a solid 6-8 feet tall decorative wall or fence without any signs and consistent with Section 10.16(7) DCCO.
- **LC-1 Contractor Businesses:** Typical contractor businesses permitted in the LC-1 district include, but are not limited to, landscaping, electrical contractors, plumbing contractors, and heating/ventilating/air conditioning (HVAC) contractors.
- **Alternative Commercial Zoning:** Contractor businesses other than general, mechanical and landscaping contractor businesses may need C-1 Commercial or, more commonly, C-2 Commercial zoning. Both C-1 and C-2 zoning do not limit the number of items of construction equipment. C-2 accommodates outside parking or storing of motor vehicles (Section 10.14(1)(q) DCCO), while C-1 does not.

Livestock 10.16(1)

Not Permitted

Plan of Operation

Name of Business: Tim Andrews Horticulturist, LLC

Property Address: 9751 Wilkinson Rd. Mazomanie, WI 53560

Type of Activity Proposed: Landscape maintenance and Nursery growing

Description of Proposed Use: Tim Andrews Horticulturist, LLC is a high quality landscape care company specializing in ecological restoration and vegetative management, landscape gardening, spring and fall clean-ups, prairie gardens, lawn care and repair, rain gardens, makeovers and renewals, tree pruning, cabling and planting, insect and disease diagnosis and control. The owner of the company will reside in the adjoining residence.

Hours of Operation: 7:00am – 7:00pm (6 days a week, closed on Sunday's)

Number of Employees: up to 6 on-site employees

Anticipated Customers: zero

Parking: There will be approximately 12 parking spaces available next to the existing shed

Deliveries: The business will receive occasional deliveries, perhaps 3 to 4 per month, maybe fewer.

Outdoor Storage: Only storage of items typically associated with landscape use such as Shredded Bark Mulch, Nursery stock, pots and potting material.

Outdoor Activities: Only those activities typical of a small landscape company (tractors loading and unloading plants and organic materials)

Outdoor Lighting: Typical for a landscape operation (motion detector lighting on existing building)

Outside Loudspeakers: None

Proposed Signs: None

Trash Removal: Subject to a commercial waste/recycling service, removed from the property on a periodic basis.

Conditional Use Permit Criteria

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare*

Tim Andrews Horticulturist LLC is a well-run, high quality landscape care company. The owner Tim Andrews will reside in the adjoining residence at 9751 Wilkinson Rd. To ensure the safe operation of the business at all times.

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.*

The subject property is located within the proposed LC-1 zoning district and is surrounded by A-1(Ex). Tim Andrews Horticulturist's proposed use of the property is to store and use shredded hardwood mulch in the landscape operations as well as maintaining and growing nursery stock. Neighboring property owners will not experience any impairment or diminishment of the use, value and enjoyment of their properties as a result of Tim Andrews Horticulturist's operation.

3. *That 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.*

The proposed use is consistent with uses in the vicinity and consistent with the preservation of rural areas as set forth in the Town's comprehensive plan.

4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

Tim Andrews Horticulturist proposes to construct one high quality building 45' x 90' to be used primarily as incidental indoor maintenance and storage for company owned trucks and equipment. A small office within said building whose primary function is the handling of information or administrative services. There will be no retail services provided directly to customers or walk-ins. The majority of the acreage owned by Tim & Cyndy Andrews is in the CRP and MFL programs which will continue into the future, which will serve as a buffer to neighboring properties. Tim Andrews Horticulturist's contractor will comply with all applicable storm water management and erosion control requirements when constructing these improvements.

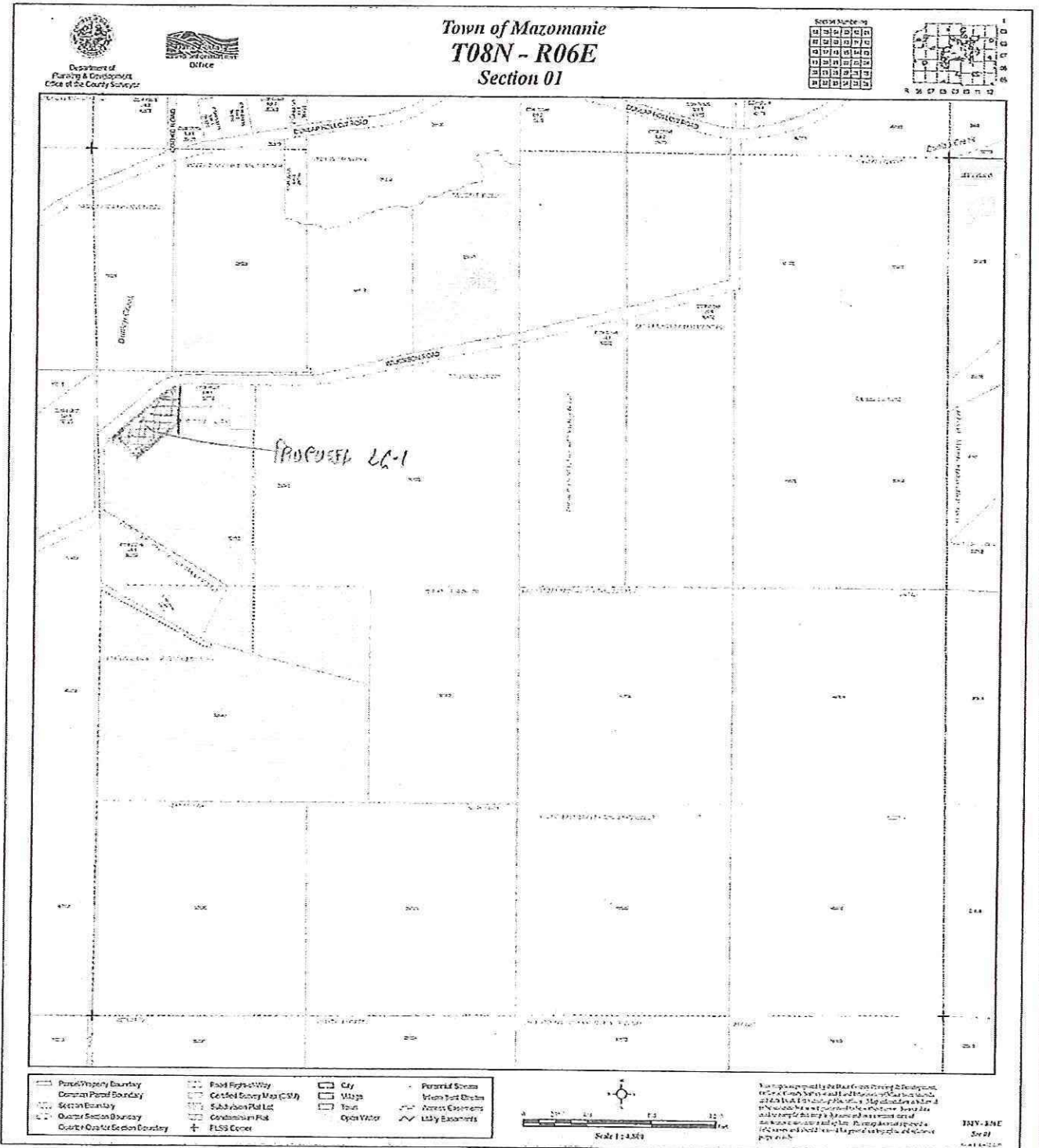
5. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

A new driveway will be established for safe off road loading and unloading of equipment and materials, and safe turn around for any deliveries that may occur. It is anticipated that the business will only generate a handful of trips to and from the facility on a daily basis.

6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*

The proposed improvements will comply with the applicable regulations contained in the LC-1 zoning

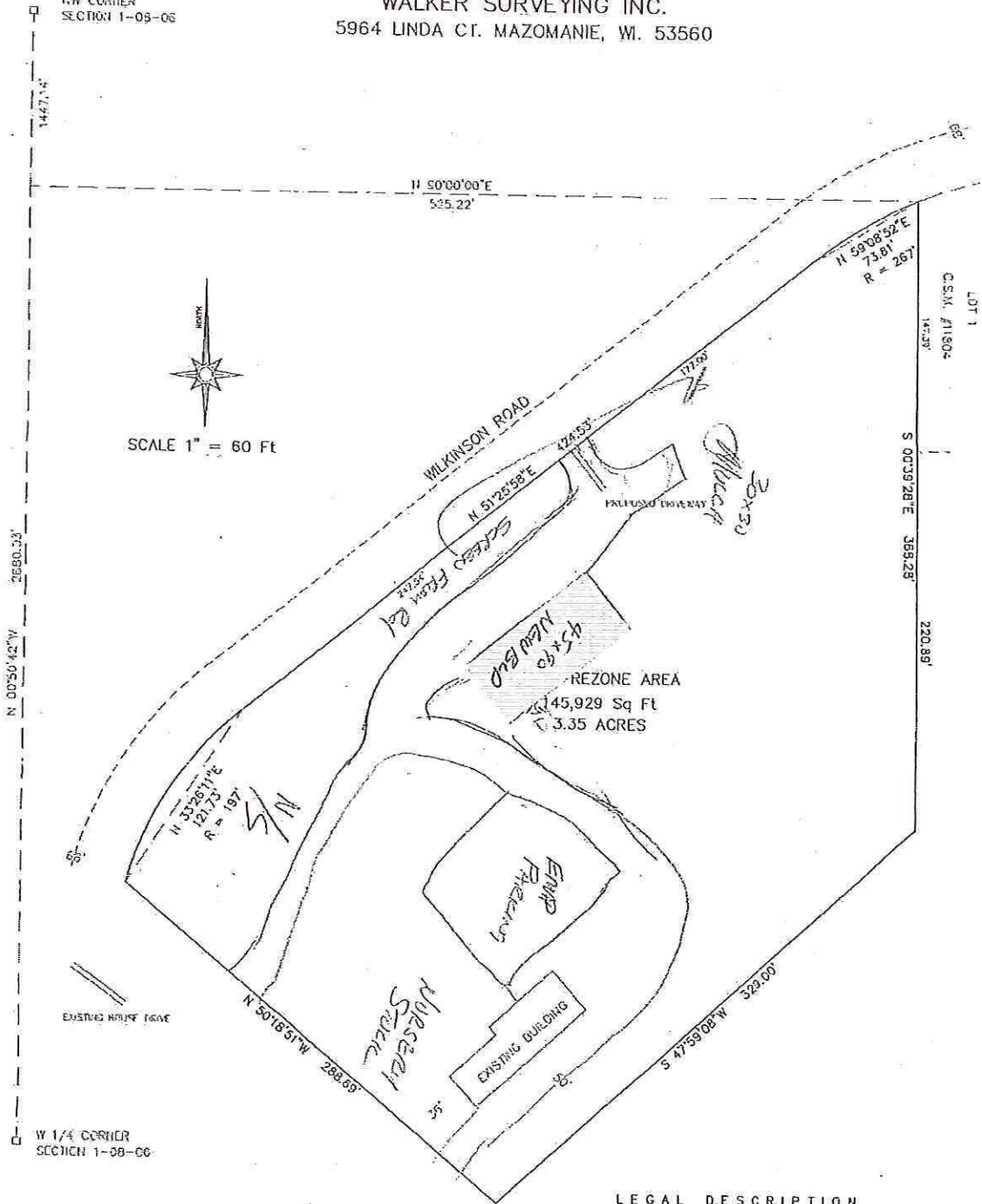
LAND OWNED BY TIM + CYNBY ANDREWS 6-17-15



60 = 1"

NW CORNER
SECTION 1-08-06

WALKER SURVEYING INC.
5964 LINDA CT. MAZOMANIE, WI. 53560



LEGAL DESCRIPTION

Part of the SW 1/4 of the NW 1/4, Section 1, T08N, R06E, Town of Mazomanie, Dane County, Wisconsin more fully described as follows;

Commencing at the NW corner of said Section 1

THENCE South 00 degrees 50 minutes 42 seconds East for a distance of 1447.14 feet along the West line of the NW 1/4 said Section 1

THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 525.22 feet to the South Right-of-way Wilkinson Road and the West line of C.S.M. #11804 to the point of beginning

THENCE South 00 degrees 39 minutes 28 seconds East for a distance of 369.28 feet along the West line of said C.S.M. #11804

THENCE South 47 degrees 59 minutes 08 seconds West for a distance of 329.00 feet

THENCE North 50 degrees 18 minutes 51 seconds West for a distance of 288.69 feet to the South Right-of-way of Wilkinson Road

THENCE along a curve to the right having a radius of 197.00 feet and an arc length of 123.75 feet, being subtended by a chord of North 33 degrees 26 minutes 11 seconds East for a distance of 121.73 feet along said Right-of-way

THENCE North 51 degrees 25 minutes 58 seconds East for a distance of 424.53 feet along said Right-of-way

THENCE along a curve to the right having a radius of 267.00 feet and an arc length of 74.05 feet, being subtended by a chord of North 59 degrees 08 minutes 52 seconds East for a distance of 73.81 feet along said Right-of-way to the point of beginning



DANE COUNTY
PLANNING DEVELOPMENT

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342
Phone: (608) 266-4266
Fax: (608) 267-1540

Conditional Use Application

Application Fee: \$486 Mineral Extraction: \$1136

Items required to be submitted with application:

- Written Legal Description of Conditional Use Permit boundaries
- Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs. *BUFFER*
- Scaled map showing neighboring area land uses and zoning districts
- Written operations plan describing the items listed below (additional items needed for mineral extraction sites)
- Written statement on how the proposal meets the 6 standards of a Conditional Use

Owner	<u>TIM ANDREWS</u>	Agent	_____
Address	<u>2804 WAUBESA AVE.</u>	Address	_____
Phone	<u>MADISON, WI 53711</u>	Phone	_____
	<u>608-223-9970</u>		_____
Email	<u>TAHORT@GMAIL.COM</u>	Email	_____

Parcel numbers affected: _____ Town: Matomanic Section: 1
 Property Address: 9751 Wilkinson Dr

Existing/ Proposed Zoning District : From A-1 to LC1 3.35 Acres

- Type of Activity proposed:
Separate checklist for mineral extraction uses must be completed.
- Hours of Operation *✓ 7am - 7pm*
- Number of employees *✓ up to 6 on-site employees.*
- Anticipated customers *∅*
- Outside storage *✓ yes - bark mulch + Nursery stock.*
- Outdoor activities *✓ yes loading and unloading planting materials + mulch*
- Outdoor lighting *✓ yes - motion detector on existing building*
- Outside loudspeakers *✓ NO*
- Proposed signs *✓ NO*
- Trash removal *✓ yes - dumpster*
- Six Standards of CUP (see back)

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: Tim Andrews Date: 8-5-15

Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Materials and parking will be well away from public right of way and out of view as much as possible using vegetative screening.

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.

The current use has been going on for approximately 4 years. Establishing a new driveway entrance further away from curve and moving the mulch pile out of sight and away from road will be safer & more aesthetic.

3. That 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.

I own the surrounding 2.7 - 2.3 Acres.

There are no plans for growth beyond 6 on site employees including office staff.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

Parking, access roads and other necessary improvements will be made immediately following receipt of CUP.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Driveway location will be established with guidance of town engineer & town board.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The CUP will conform to all regulations contained in LC-1 Zoning.



DANE COUNTY
PLANNING & DEVELOPMENT

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342
Phone: (608) 266-4266
Fax: (608) 267-1540

Conditional Use Application

Application Fee: \$486 Mineral Extraction: \$1136

Items required to be submitted with application:

- o Written Legal Description of Conditional Use Permit boundaries
- o Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.
- o Scaled map showing neighboring area land uses and zoning districts
- o Written operations plan describing the items listed below (additional items needed for mineral extraction sites)
- o Written statement on how the proposal meets the 6 standards of a Conditional Use

Owner	<u>TIM ANDREWS</u>	Agent	_____
Address	<u>2804 WAUBESA AVE.</u>	Address	_____
Phone	<u>MADISON, WI 53711</u>	Phone	_____
	<u>608-223-9970</u>		_____
Email	<u>TAHORT@GMAIL.COM</u>	Email	_____

Parcel numbers affected: _____ Town: Mazomanie Section: 1
 Property Address: 2751 Wilkinson Dr

Existing/ Proposed Zoning District : From A-1 to LC1 3.50 Acres

o Type of Activity proposed:
Separate checklist for mineral extraction uses must be completed.

- o Hours of Operation 7am - 7pm
- o Number of employees up to 6 on-site employees.
- o Anticipated customers Ø
- o Outside storage yes - back match + Nursery stock.
- o Outdoor activities yes loading and unloading planting materials + mulch.
- o Outdoor lighting yes - motion detector on existing building
- o Outside loudspeakers NO
- o Proposed signs NO
- o Trash removal yes - dumpster
- o Six Standards of CUP (see back)

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.
 Submitted By: Tim Andrews Date: 8-5-15

① SHOW MATERIALS, PARKING, BUILDINGS, AND SCREENING ON SITE PLAN.

Stoke w/ Maria

Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Materials and parking will be well away from public right of way and out of view as much as possible using vegetative screening

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.

The current use has been going on for approximately 4 years. ESTABLISHING A NEW DRIVEWAY entrance further away from curve road moving the mulch pile out of sight and away from road will be safer + more aesthetic

3. That 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.

I own the surrounding tract - 93 Acres.

There are no plans for growth beyond 6 on site employees including office staff.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

Parking, access roads and other necessary improvements will be made immediately following receipt of CUP.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

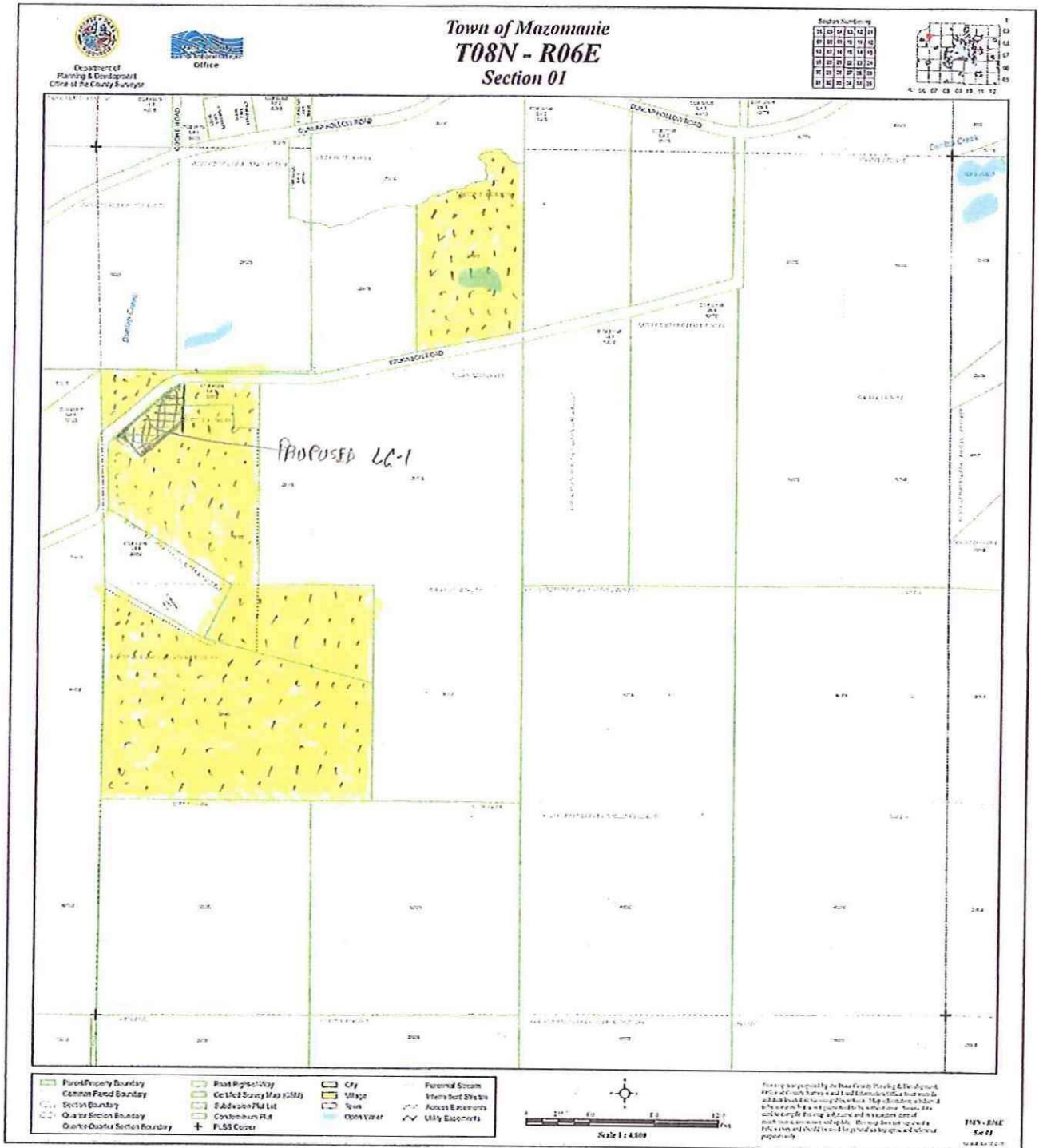
Driveway location will be established with guidance of town road foreman + Town board.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

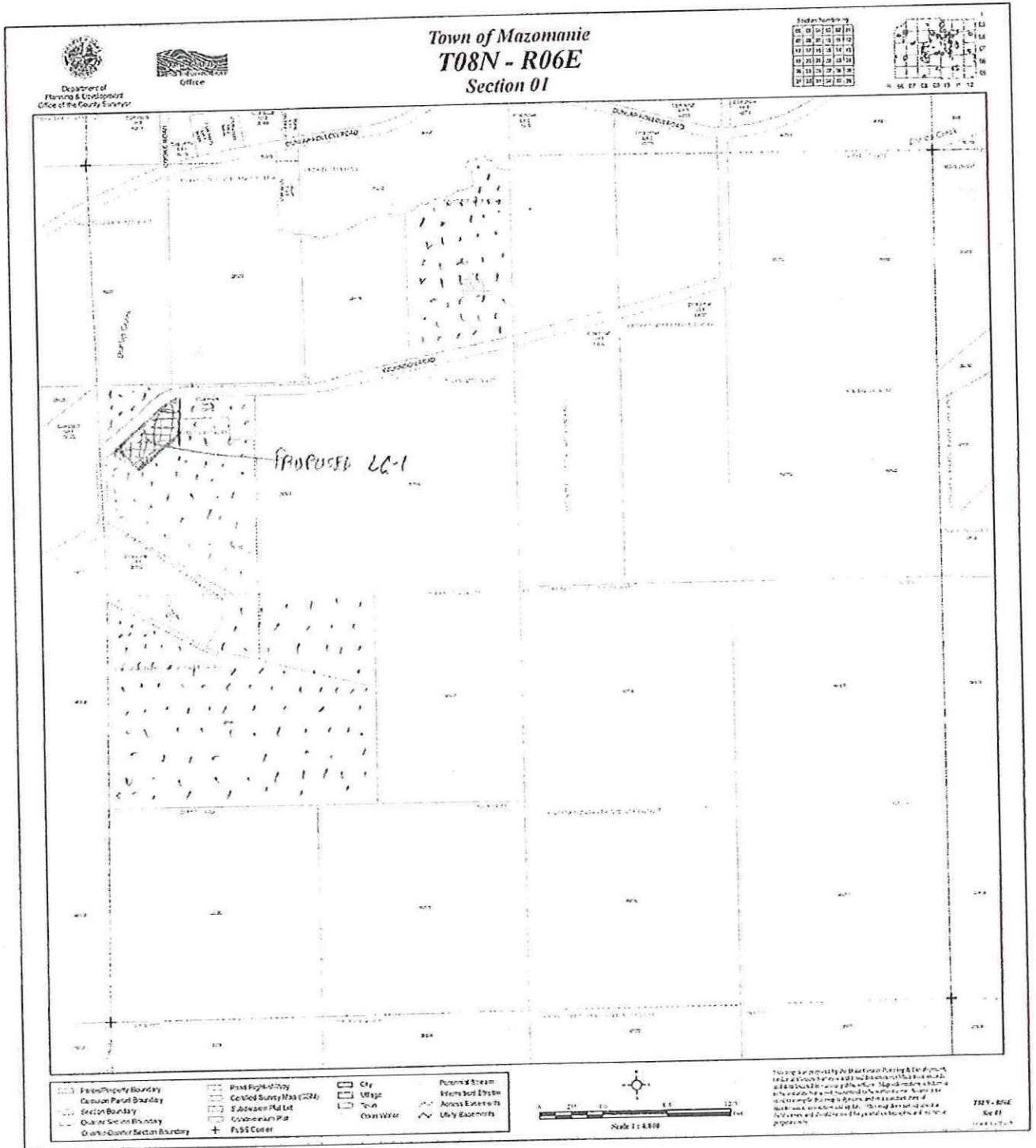
The CUP will conform to all regulations contained in LC-1 zoning.



= LAND OWNED BY TIM + CYNDA ANDREWS 6-17-15



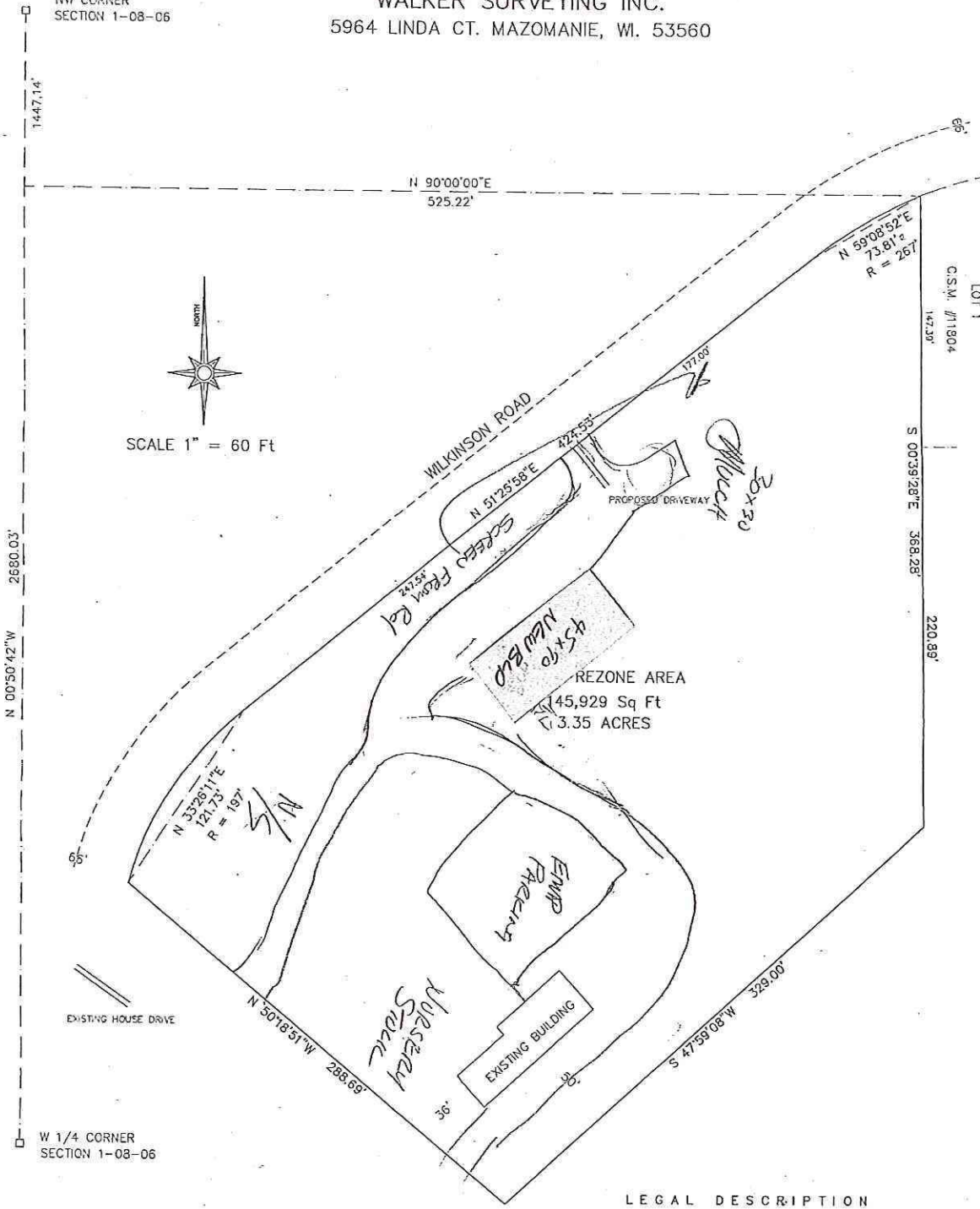
 = LAND OWNED BY TIM + CYNDA ANDREWS 6-17-15



60' = 1"

NW CORNER
SECTION 1-08-06

WALKER SURVEYING INC.
5964 LINDA CT. MAZOMANIE, WI. 53560



LEGAL DESCRIPTION

Part of the SW 1/4 of the NW 1/4, Section 1, T08N, R06E, Town of Mazomanie, Dane County, Wisconsin more fully described as follows;

Commencing at the NW corner of said Section 1

THENCE South 00 degrees 50 minutes 42 seconds East for a distance of 1447.14 feet along the West line of the NW 1/4 said Section 1

THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 525.22 feet to the South Right-of-way Wilkinson Road and the West line of C.S.M. #11804 to the point of beginning

THENCE South 00 degrees 39 minutes 28 seconds East for a distance of 368.28 feet along the West line of said C.S.M. #11804

THENCE South 47 degrees 59 minutes 08 seconds West for a distance of 329.00 feet

THENCE North 50 degrees 18 minutes 51 seconds West for a distance of 288.69 feet to the South Right-of-way of Wilkinson Road

THENCE along a curve to the right having a radius of 197.00 feet and an arc length of 123.75 feet, being subtended by a chord of North 33 degrees 26 minutes 11 seconds East for a distance of 121.73 feet along said Right-of-way

THENCE North 51 degrees 25 minutes 58 seconds East for a distance of 424.53 feet along said Right-of-way

THENCE along a curve to the right having a radius of 267.00 feet and an arc length of 74.05 feet, being subtended by a chord of North 59 degrees 08 minutes 52 seconds East for a distance of 73.81 feet along said Right-of-way to the point of beginning