



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **December 18, 2018**

Petition: **Petition 11366  
CUP 02445**

Zoning Amendment:  
**R-2 Residence District to LC-1  
Limited Commercial District; C-2  
Commercial District to LC-1  
Limited Commercial District; and  
A-1EX Agriculture District to LC-1  
Limited Commercial District**

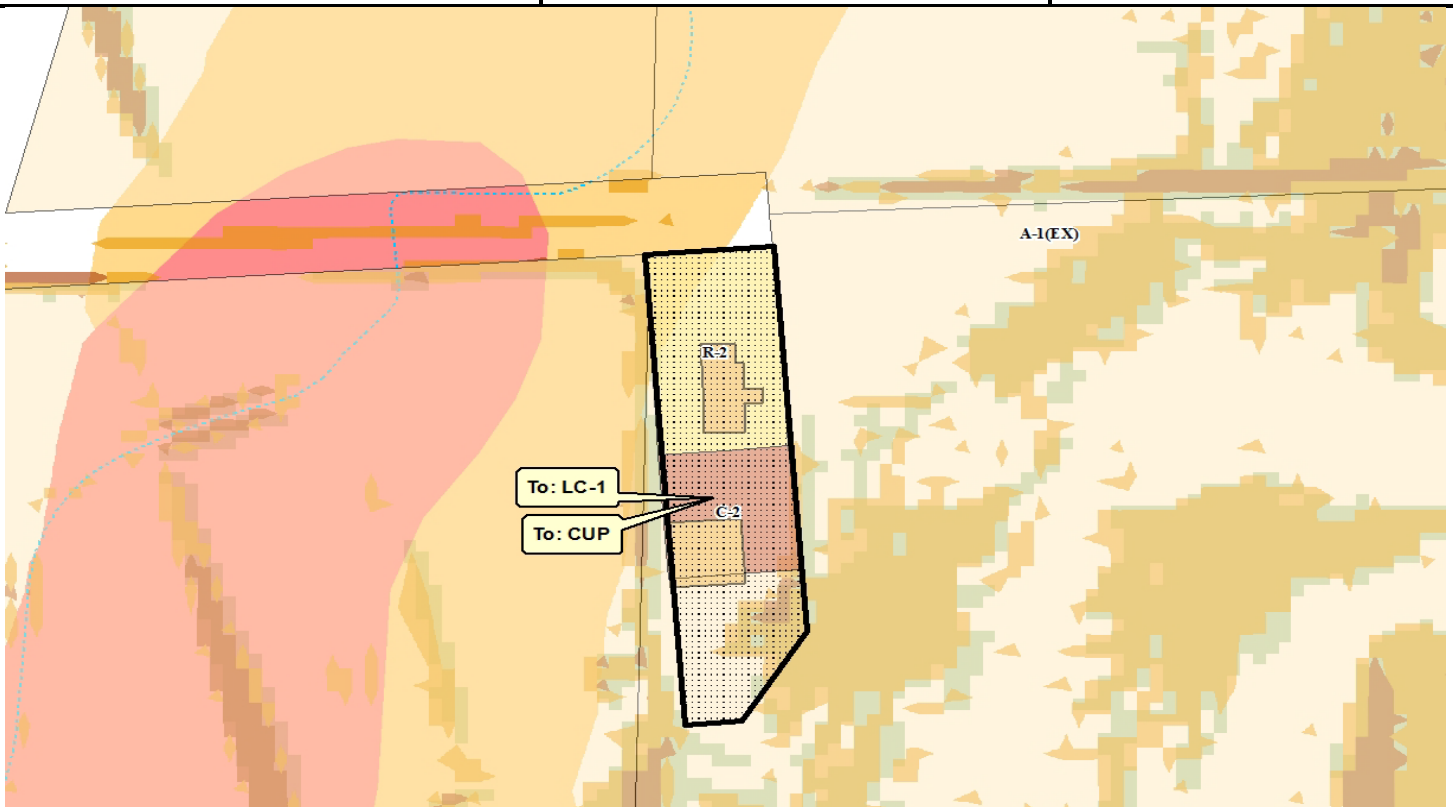
Town/Section:  
**Medina, Section 33**

Acres: 0.488; 0.247; and 0.165  
Survey Required? *Yes*

Applicant:  
**Mandt Living Trust,  
Dolores Margaret**

Reason:  
**Zoning compliance, with a CUP  
for the existing residence**

Location:  
**4818 STH 73**

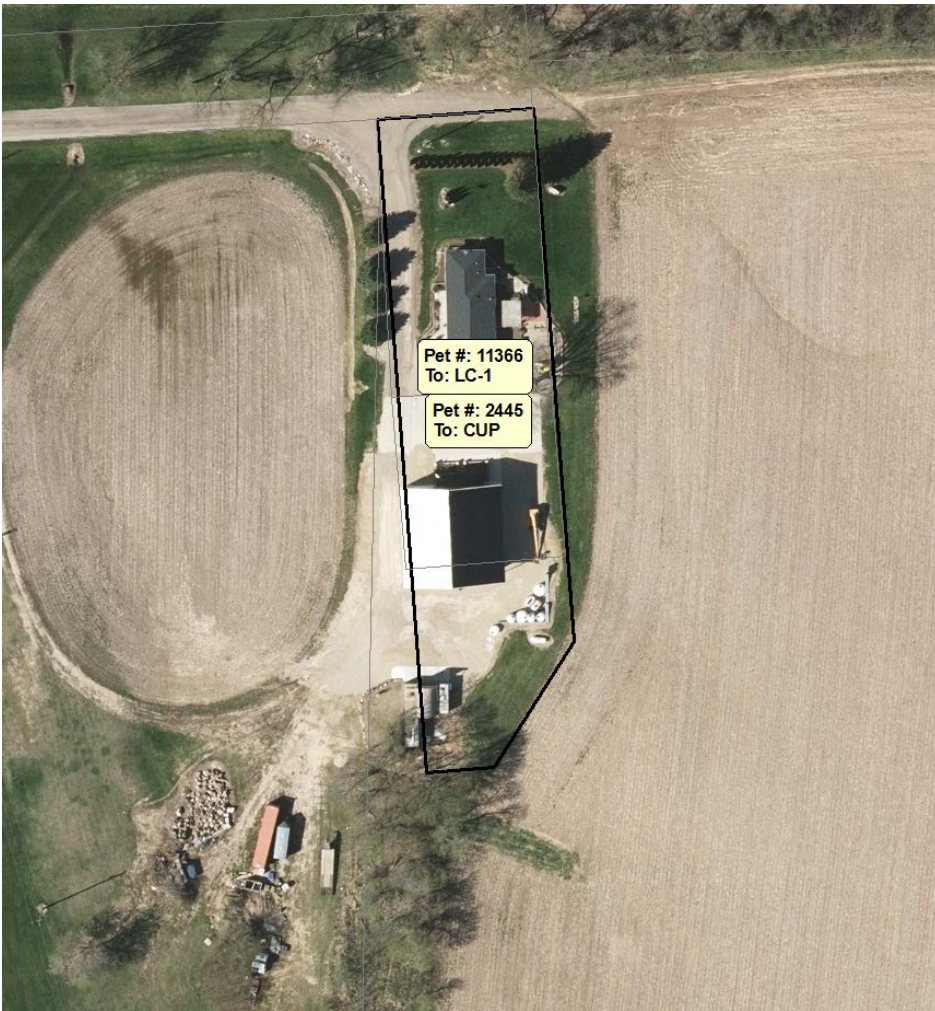


**DESCRIPTION:** The applicant wishes to rezone 0.9 acres from a combination of R-2, C-2 and A-1(EX) to LC-1 with a conditional use permit (CUP) for an existing single-family residence. The property is proposed to be sold. The buyer would like to purchase the additional land to the south that coincides with a septic easement for the property.

In order to bring the property into compliance with zoning and land division regulations, the entire property will need to be consolidated into a single certified survey map (CSM) lot and zoning assigned to the entire property. Because the commercial activity is desired, county staff suggest that the entire property be rezoned to LC-1 Limited Commercial. This would allow warehousing/contractor uses to occur inside the southerly building.

**HISTORY:** The parcel containing the residence was created in 1965. This lot was created prior to the adoption of the land division regulations; however, the lot did not meet the minimum area requirement of 20,000 square feet under the A-1 Agriculture zoning district. As such, this parcel is considered an illegal zoning lot. The second parcel containing the business was created in 1980 through the recording of a metes and bounds description. The land division regulations at the time required that the parcel be created through a certified survey map. So, this parcel is also considered to be in violation of land division regulations. In 1994, the property was zoned to R-2 and C-2 by John Lambert in order to correct a violation for operating an auto repair business from the agricultural building. The current commercial zoning does not have a restriction limiting the land use to just auto repair. The commercial building burnt down in 2012 and was replaced with a 3,600 sq.ft. building.

**OBSERVATIONS:** There is an existing residence and a commercial building on the property. The property is surrounded by agricultural uses. Interstate 94 is located to the south and State Highway 78 is to the west.



**TOWN PLAN:** The subject property is in the *Agricultural Preservation Area* in the Town of Medina Comprehensive Plan.

**RESOURCE PROTECTION:** There are no environmentally sensitive features on the site. Soils consists of St. Charles Silt Loam eroded (Class III soils).

**STAFF:** The proposal will bring the property into compliance with current zoning regulations. Staff is suggesting 2 conditions as part of the conditional use permit.

**TOWN:** Zoning: The Town Board approved the zoning change with no conditions.  
CUP: The Town Board approved the conditional use permit with no 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. These include the condition required by the town of Primrose. 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. The conditional use permit allows for the business owner's residence. The residence shall be occupied by the owner of the business. Rental of the residence shall be prohibited.
2. On-site sanitary system shall be in compliance with Dane County Code of Ordinances Chapter 46, Private Sewage Systems.