
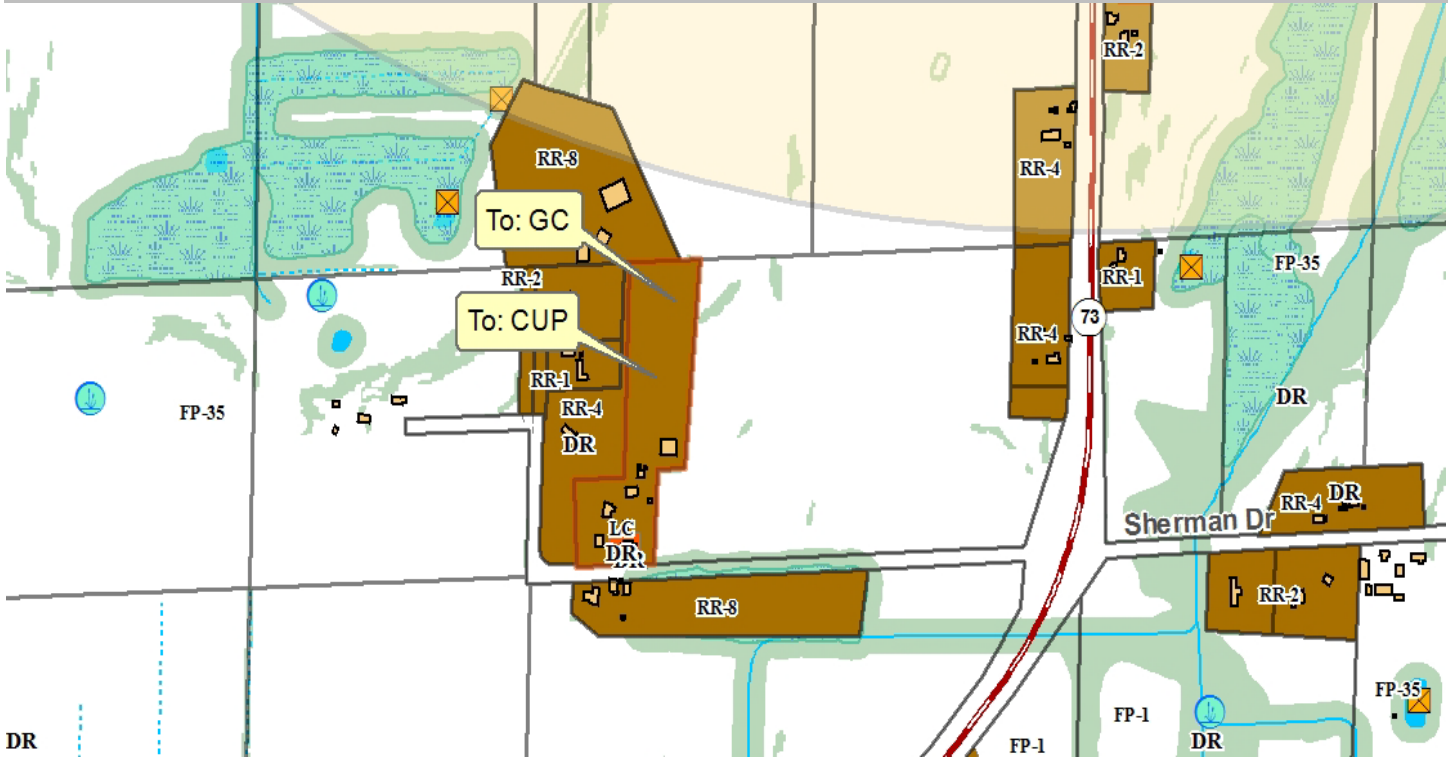


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> August 24, 2021	CUP 02527	
	<i>Zoning Amendment Requested:</i> TO CUP: OUTDOOR STORAGE AND RESIDENTIAL USE		
	<i>Size:</i> 9.747 Acres	<i>Survey Required:</i>	<i>Town/Section:</i> MEDINA, Section 28
	<i>Reason for the request:</i> OUTDOOR STORAGE AND RESIDENTIAL USE		<i>Applicant:</i> GONZALO ANDRES REINA CARRATU <i>Address:</i> 898 SHERMAN DR



DESCRIPTION: This application is for correcting existing zoning violations. The property also has erosion control and stormwater violations with the Department of Land & Water. The applicants have been working closely with zoning, planning, and land & water staff to correct the existing non-compliance with the county zoning and stormwater erosion control ordinance. They have also been responsive to concerned neighbors and the town. Local concerns expressed were mostly associated with the previous land owner. This application for a CUP is paired with a rezoning application (Petition #11727) to rezone to general commercial (GC). A residence is allowed in GC as a conditional use.

VIOLATION HISTORY:
 The landscaping business grew beyond what was originally allowed. This happened prior to the current owners. There is one structure that was built without a permit, as well as outdoor storage that is not allowed with the current zoning (rural residential RR-8 and limited commercial LC).



OBSERVATIONS: There are existing homes located to the west and north of the property, as well as one to the south on the other side of Sherman Drive.

OPERATION: This is a full service landscaping business including snow plowing during the winter months. The property owner and his family is living in the house located on the property. General hours of operation are 7 am to 5 pm, Monday through Saturday. Mowing and landscaping crews arrive at 7 am, load trucks and equipment and depart before 8 am, and return at various times throughout the afternoon/early evening. During snow removal season, hours of operation vary based on weather events, so off-hour operation is limited to departing and returning crews during a weather event.

There are currently 14 full time employees, but it is rare to have all 14 employees on site and any given time. After crews depart, there are generally 4 to 6 employees on site. Drainage concerns are being addressed as part of the erosion control & stormwater permitting process. Landscaping materials will be stored both indoors and outdoors, in existing buildings and concrete storage bins.

Employees park on site. The primary type of traffic during summer is ¾ ton trucks with trailers carrying mowers. Also during the summer months, deliveries of mulch occur twice monthly on average. Deliveries of bulk decorative stone by dump truck as well as deliveries of patio pavers/retaining wall blocks are done on an as needed basis. Sherman Drive is a dead end road with limited residential traffic. There are no existing homes along Sherman between the site and Highway 73.

COMPLIANCE WITH STANDARDS REQUIRED FOR GRANTING CONDITIONAL USES:

Chapter 10 provides eight standards for granting a CUP in Section **10.107(7)(d)(1)**, as follows:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. That 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. 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.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
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.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans.
8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the finding described in Section 10.220(1)

TOWN PLAN: The subject property is in the Agricultural Preservation land use district in the town of Medina Comprehensive Plan. Because they are not changing the existing land use, but lessening the impacts of the existing land use, this proposal is consistent with the town and county comprehensive plans.

RESOURCE PROTECTION: The property is not located in an environmental corridor.

TOWN: On August 20th, the town approved with the following conditions:

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

Motion to approve the conditional use of the residence at 898 Sherman Drive and of the related outdoor storage exclusive of the salt/top soil storage structure located NE of building #1 consisting of two 40' shipping containers with 20' by 40' concrete pad and canopy roof between them until a zoning permit is obtained

STAFF: Staff recommends approval with the town condition. In addition, are conditions required in the ordinance as described below.

Standard CUP Conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit, which are common across all CUPs:

- 1) Any conditions required for specific uses listed under s. 10.103 (see list below).
- 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.
- 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.

Any questions about this petition or staff report please contact Pamela Andros at (608) 261-9780 or andros@countyofdane.com