

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **August 24, 2021**

Zoning Amendment Requested:

**LC Limited Commercial District TO GC General Commercial District,
RR-8 Rural Residential District TO GC General Commercial District**

Size: **0.46,9.287 Acres**

Survey Required. **No**

Reason for the request:

COMPLIANCE FOR EXISTING USES AND STRUCTURES

Petition 11727

Town/Section:

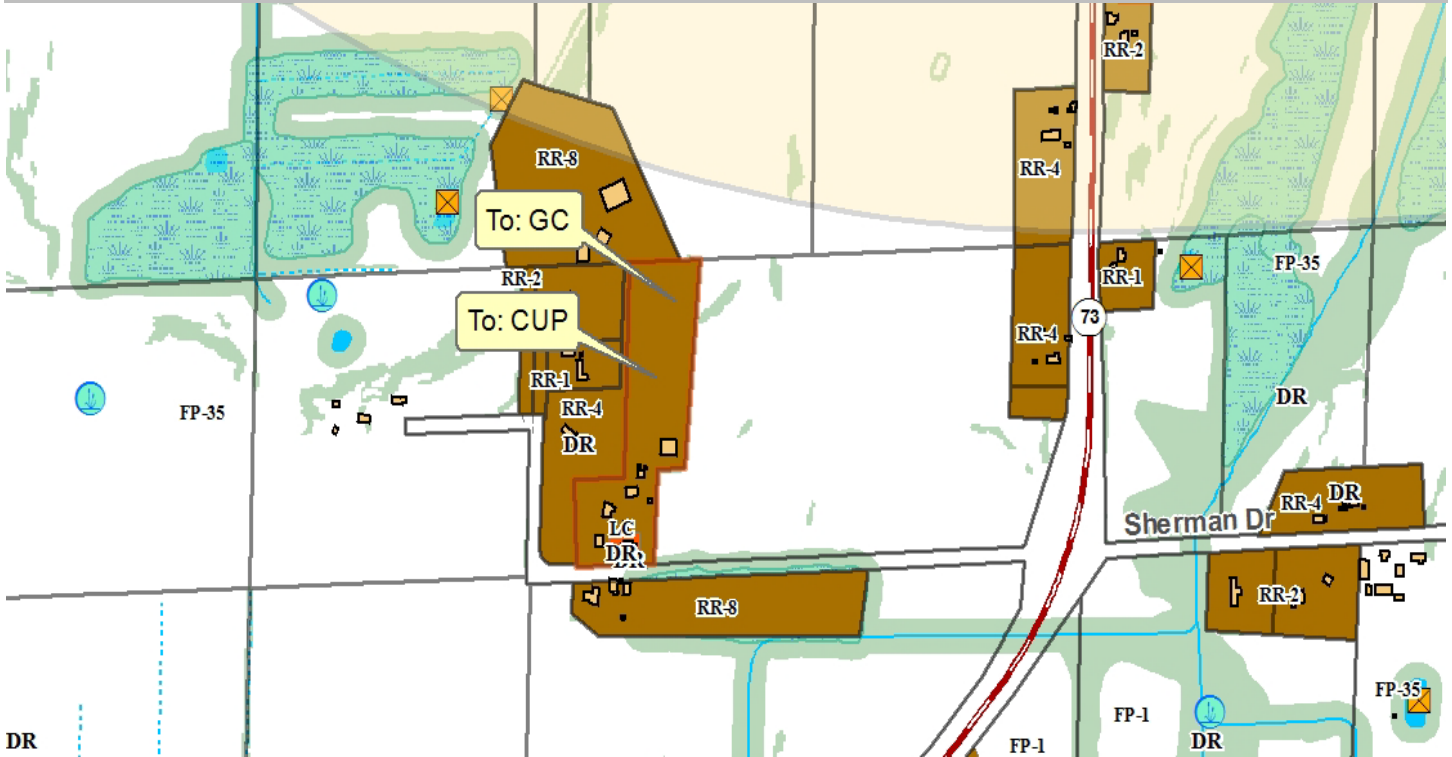
MEDINA, Section 28

Applicant

**GONZALO ANDRES
REINA CARRATU**

Address:

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 rezone application is paired with a conditional use permit application (CUP 2527) for outdoor storage and residential use in the general commercial (GC) zoning district.

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 is 7 am to 5 pm, Monday through Saturday. Mowing and landscape 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.

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: The town approved with the following conditions:

1. Deed restriction limiting uses in the General Commercial zoning district to only the following:
 - a. A landscaping contracting business and building used in connection with such activity;
 - b. The site plan and operational narrative as submitted in the Dane County Rezone application for Petition #DCPREZ-2021-11727; and

- c. The construction of any additional buildings or structures on the property is prohibited.
2. A chapter 14 permit regarding erosion and stormwater management.
3. A zoning permit for the salt/top soil storage structure located NE of the Building #1, consisting of two 40 shipping containers with 20' x 40' concrete pad and canopy roof between them

STAFF: Staff recommends approval with the following conditions. This list includes those identified by the town:

1. A deed restriction shall be recorded on the property to limit use of the property to a landscaping operation. The DR shall state that additional buildings are prohibited from being placed on the property.
2. Chapter 14 permits shall be obtained from Dane County Land and Water Resources Department to correct the existing chapter 14 violations.
3. A zoning permit shall be obtained for the existing mulch/salt storage building. Any salt or other landscaping materials being stored in the building must be contained within the building and not spill out onto the surrounding property.
4. There shall be no bulk hazardous, toxic, or explosive materials stored on site.
5. Outdoor lighting shall be limited to lights on building 1 and 7 as designated on the site plan submitted for rezoning petition #11727 and CUP 2527.

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