
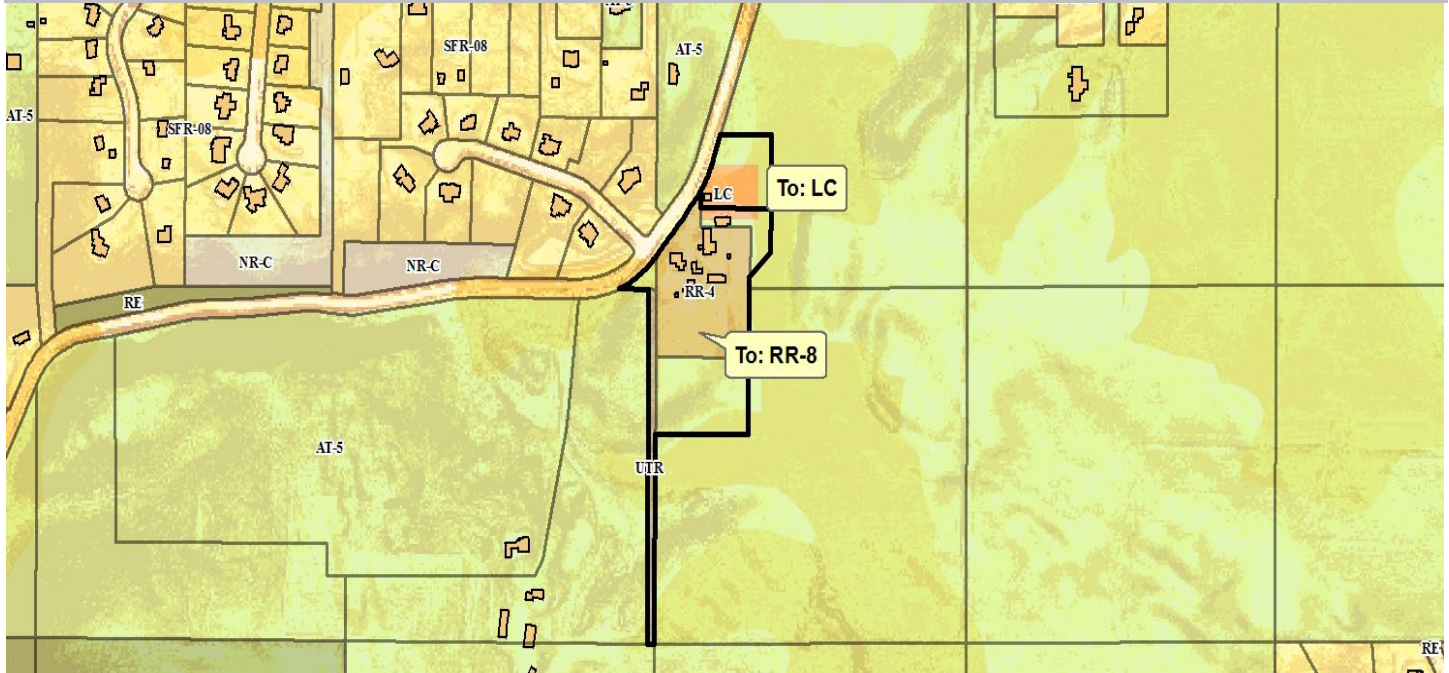


Staff Report  Zoning and Land Regulation Committee	Public Hearing: February 25, 2020	Petition 11521	
	Zoning Amendment Requested: AT-5 (Agriculture Transition, 5 acres) District TO LC (Limited Commercial District)		Town/Section: MIDDLETON, Section 5
	Size: 0.694 Acres	Survey Required. Yes	Applicant JOHN VOSEN
Reason for the request: INCREASE LIMITED COMMERCIAL LOT SIZE TO MEET TOWN'S MINIMUM SIZE.		Address: ADJACENT TO 4622 ROCKY DELL ROAD	



DESCRIPTION: The applicant wishes to separate and expand an existing historic and unused LC Limited Commercial zoning area (a ‘postage stamp’ zoning area). The applicant’s plans are for increasing the building size and housing a new electrical business. Currently, there is one small two-bay garage on site, which is not used for commercial purposes.

OBSERVATIONS: The limited commercial zoning on the property was historically for the property owner to park excavation machines outside. There is no existing commercial use. New lots in the town of Middleton are to have a minimum lot size of one (1) acre.

TOWN PLAN: The Town of Middleton Comprehensive Plan has the entire area designated for residential development. Policies include allowing the continuation of *existing* uses. Any development or residential development is to be in accordance with the Town’s Comprehensive Plan and the Town’s Land Division Ordinance, which states that development must minimize site disturbance through preservation of existing stone rows, fence lines and tree lines.

The Town of Middleton Comprehensive Plan Commercial policies state: “Direct businesses to locate along U.S. Highway 14, Mineral Point Road and within appropriate Town islands.” This area is not noted in the plan or designated for commercial use.

UPDATE: 5/18/2020 The Town of Middleton Updated the Town Comprehensive Plan. Now business are allowed to locate on US Hwy 14 and “Businesses may locate elsewhere as permitted by existing zoning and any other applicable county and town regulations.” The property is currently zoned LC is now designated commercial on the Map 9.3 Future Land Use Map.

RESOURCE PROTECTION: There appear to be no resource protection features onsite.

STAFF: The previous LC-1 zoning under the prior zoning ordinance is no longer in use and by all rights should have been removed during the zoning ordinance update. The current proposal is not consistent with the residential policies of the Town of Middleton Comprehensive Plan. Any commercial use would require a Comprehensive Plan amendment. Under Dane County Code of Ordinances Section 10.101(6), a site plan is to be submitted with all commercial zoning proposals. The applicant has not submitted a site plan showing the details of the commercial development.

Staff has also raised concerns regarding the location of the proposed lot. The proposal does not take into account the entire LC zoning boundary leaving a remnant portion in unplatted lands. The proposal also leaves an approximate 70-foot strip of land between lots which would conflict with the orderly development of the area. See photo below.

If the ZLR Committee approves the OA3-2020 and in light of the revised CSM from the petitioner for two adjacent parcels; all previous consistency issues and land division issues appear to have been addressed and staff would recommend approval.

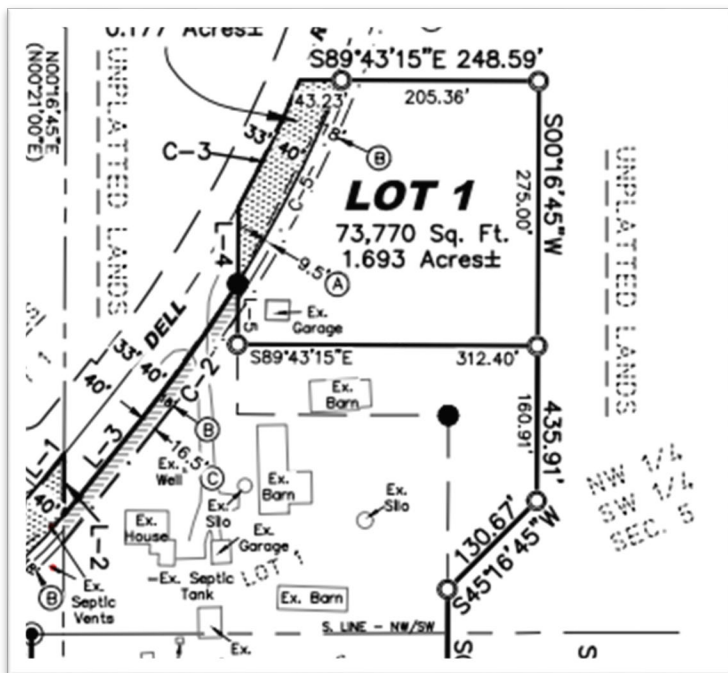
TOWN: The town has approved the petition AND approved a Comprehensive Plan Amendment on 5/18/2020. OA3-2020 is pending

The Town of Middleton Approved with the following conditions on 5/18/2020:

A Deed Restriction Stating: No outdoor storage; no demolition materials; no dumping grounds; no communication towers; no outdoor signage (except on building); dark sky compliant lighting; no retail showroom; and prohibition on Light Industrial as a primary use.

Other Condition: Commercial use shall not be expanded on the balance of the property, and subject to the closing of the property purchase.

If there are any questions about this petition or staff report, please contact Curt Kodl at (608)266-4183, or kodl@countyofdane.com



Close-up of revised CSM boundaries, with previous gap removed.