
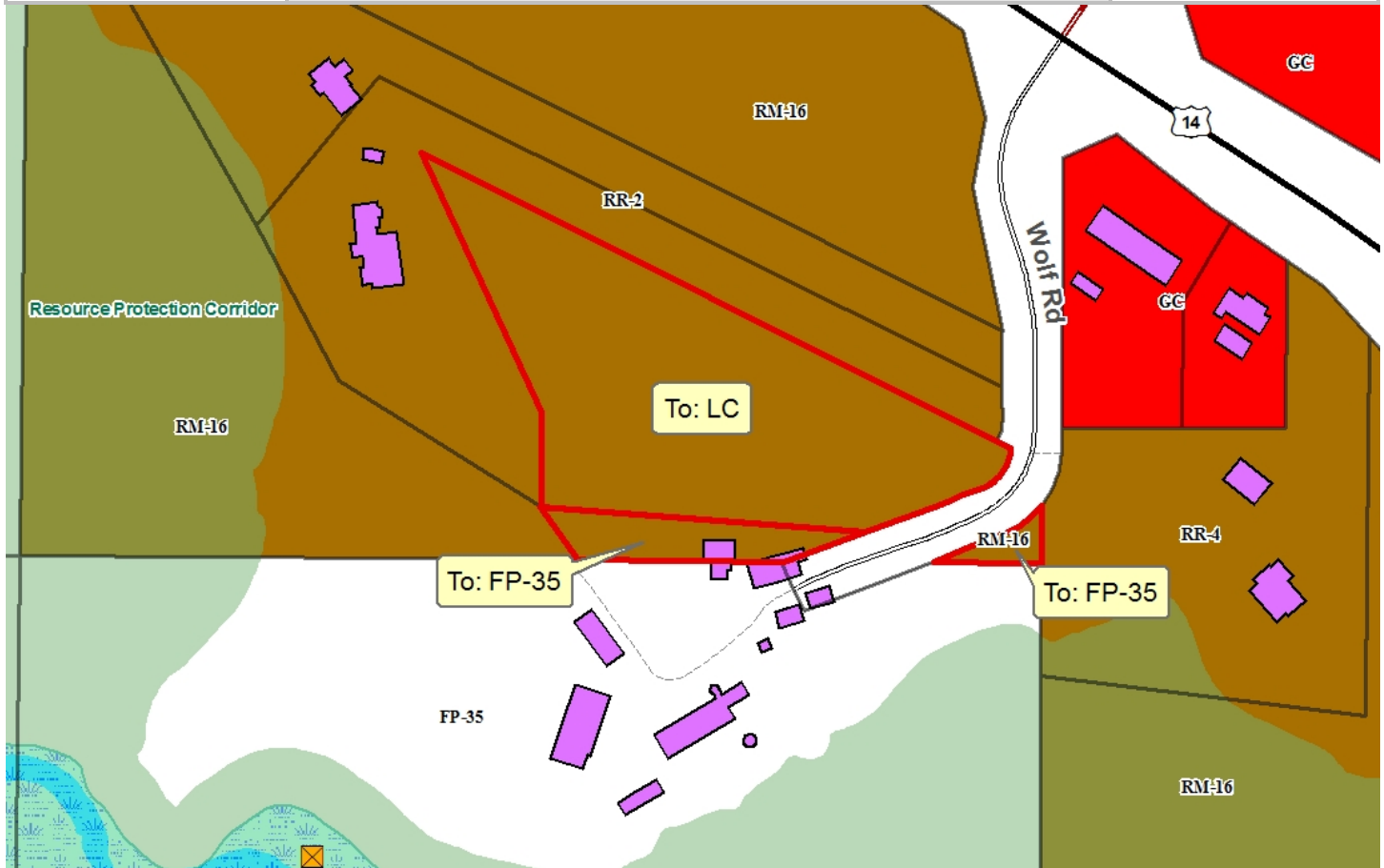


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>April 25, 2023</b>		<b>Petition 11939</b>
	<i>Zoning Amendment Requested:</i> <b>RM-16 Rural Mixed-Use District TO LC Limited Commercial District, RM-16 Rural Mixed-Use District TO FP-35 Farmland Preservation District</b>		<i>Town/Section:</i> <b>MAZOMANIE, Section 15</b>
	<i>Size:</i> <b>3.78,0.55 Acres</b>	<i>Survey Required.</i> <b>Yes</b>	
	<i>Reason for the request:</i> <b>creating a lot for a building contractor office</b>		<i>Applicant</i> <b>FREDERICK C WOLF</b>
			<i>Address:</i> <b>NORTH OF 5630 WOLF ROAD</b>



**DESCRIPTION:** Applicant Fred Wolf proposes LC Limited Commercial zoning in order to create a new lot to build a contractor business facility for 2 Dogs Construction LLC. The concept plan includes a new 8,960 square foot (SF) building with associated improvements for driveway, parking, drainage, well and septic. The petition would also rezone a half-acre from RM-16 to FP-35, to match the zoning for all of the existing buildings off the end of Wolf Road.

**OBSERVATIONS:** The Wolf property is currently 142 total acres. The proposed lots meet the dimensional and road frontage requirements of the County zoning and land division ordinances. The rezone application includes the proposed site plan, operational details, and building plans that include the exterior elevations and interior floor plans.

LC zoning allows small commercial uses that are suitable for predominantly rural areas. This includes contractor, landscaping or building trade operations, indoor storage and repair, and office uses which are permitted by right. LC zoning limits commercial buildings to 10,000 square feet in total floor area, limits storage to no more than 12 total vehicles and pieces of construction equipment. Outdoor storage, and more than 12 vehicles/pieces of equipment is allowed only with approval of a conditional use permit. The proposed operation meets all of this criteria, and applicant indicates that the storage and any light construction activity would be indoors. Applicants indicate that most of the construction work is done off-site and the primary purpose of the new building is for material storage.

LC zoning limits office uses to 6 employees on site at a time. The application indicates the business would have 10 employees, and clarified this would include just 1 office staff person. The floor plan shows the potential future office at roughly 180 SF and showroom space at 850 SF.

Proposed parking is sufficient to meet code requirements; the plans provide for 10 outdoor vehicle parking spaces, as well as some indoor space for at least 2 company vehicles.

Applicant indicates that outdoor lighting will be minimal and will not impact surrounding properties. Zoning code requires that any outdoor lighting be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.

**COMPREHENSIVE PLAN:** Commercial rezones must be compatible with rural character; minimal conflict with the neighbors; and have limited outdoor storage. The Town of Mazomanie has a 1 home per 40 acres in its agricultural preservation area. Commercial rezones do not count against the density policy, so this is consistent with the Town's Density Policy. Should the owner of the proposed LC property ever apply for the caretaker's residence via CUP, that will have to comply with the Town's density policy as well. (For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com))

**RESOURCE PROTECTION:** There are no resource protection corridors mapped on or within 300' of the proposed LC lot. Commercial development with over 4,000 SF of disturbance requires an erosion control permit and creation of over 20,000 SF impervious surface requires a stormwater management permit from Dane County Land and Water Resources.

**TOWN ACTION:** On March 13<sup>th</sup> the Town Board recommended approval of the rezone with no conditions.

**STAFF RECOMMENDATION:** The RM-16 zoning came to be on this property when the County and Towns approved the comprehensive zoning code/zoning map updates in 2019. RM-16 zoning allows agricultural uses, as well as single-family homes as by right. The RM-16 zoning on the map (proposed CSM lot 2) would use the last remaining split; see above and also the associated density study. If RM-16 stays on the map the land must be included in the CSM as a separate lot, and we recommend a deed restriction on the remaining FP-35 zoned land to prohibit non-farm residential development since the farm has no splits remaining.

If the owner wishes, he could opt to convert the RM-16 zoning back to FP-35, which would eliminate the need to include the RM-16 area in the CSM and would also leave one split remaining available on the farm property.

Pending any comments at the public hearing, Staff recommends approval of the rezone subject to the recording of the CSM and the following conditions:

1. A deed restriction shall be recorded on the new LC-zoned CSM lot stating the following:
  - a. A caretaker's residence land use is prohibited on the property because the housing density units have been exhausted on the original farm per the Town Comprehensive Plan policies.
2. A deed restriction shall be recorded on FP-35 zoned tax parcels 080616495002, 080616485004, 080616480009, 080616193600, 080616191607, 080615390000 stating the following:
  - a. Further nonfarm/residential development is prohibited. The housing density units have been exhausted per the Town Comprehensive Plan density policies.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)