



Staff Report

Public Hearing: **September 29, 2015**

Petition: **Rezone 10891
CUP 2327**

Zoning Amendment:
**A-1 Agriculture District to LC-1
Limited Commercial District**

Town/sect:
**Mazomanie
Section 1**

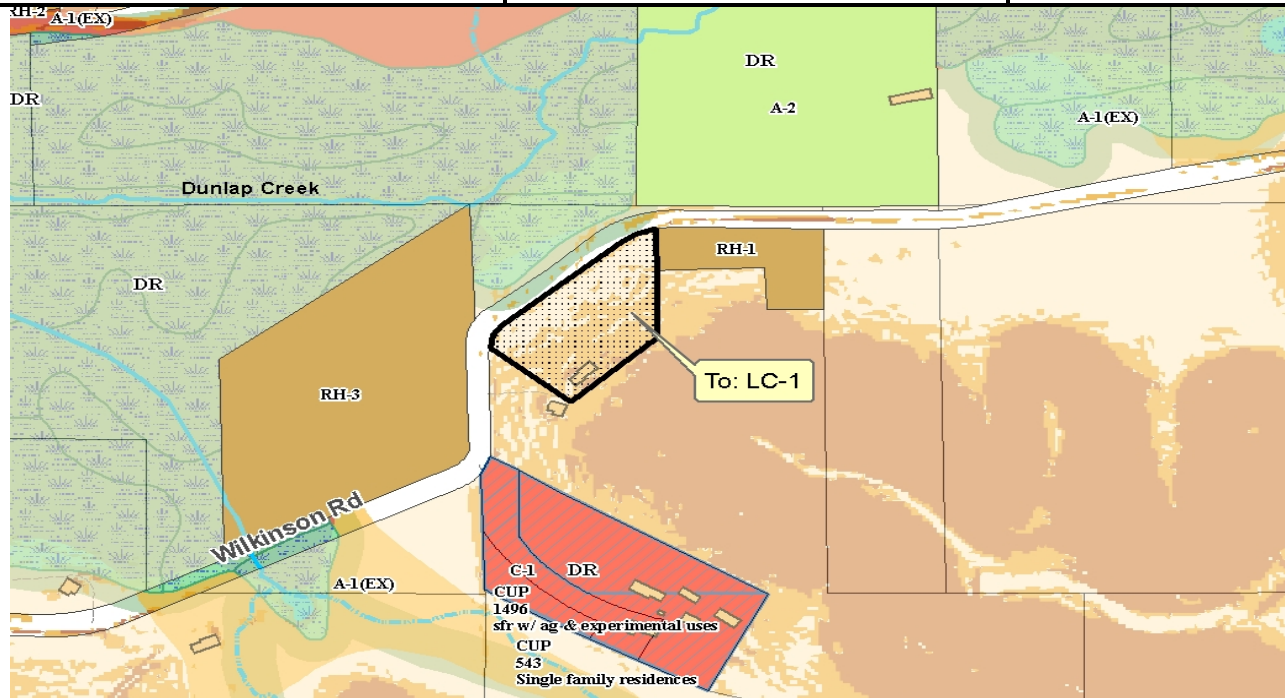
Acres: *1.01*
Survey Req. *Yes*

Applicant
Tim Andrews

Reason:
**Zoning to allow a landscaping
business**
CUP Description:
**Outside storage of materials and
vehicles**

Location:
9751 Wilkinson Road

Zoning and Land Regulation Committee



DESCRIPTION: Applicant would like to correct a pending zoning violation seeks to bring existing landscape / arborist contractor business into compliance with the zoning code by obtaining LC-1 (Limited Commercial) zoning, and a Conditional Use Permit for outdoor storage of materials and more than 12 pieces of construction equipment. A new building and storage area for materials is shown on the site plan submitted with the application.

OBSERVATIONS: The property is currently used in the operation of the business. Areas of steep slope topography over 12% grade exist on portions of the property.

VILLAGE/TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: The proposed rezoning and CUP would bring the existing uses of the property into zoning compliance. As indicated on the attached density study, 4 possible splits remain available to the property. If the petition is approved, it appears 3 possible splits will remain.

TOWN: Approved with conditions on both rezone, and CUP (see attached CUP). The following town conditions of approval should be placed on the rezoning and implemented via a deed restriction on the property:

1. Delivery times between 10 a.m. 2 p.m., to be implemented immediately.
2. Hours of operation limited as follows: six days a week, 7 a.m. to 7 p.m., Monday through Saturday, to be implemented immediately.
3. Outdoor lighting to be limited to down shrouded.
4. Signage prohibited
5. Business related traffic to be via Hwy 78 and the West end of Wilkinson Rd.

Proposed Conditional Use Permit # 2327

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. 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. Debris and mulch piles to be stored in concrete containment barriers, limited in size to (2) 30' x 30' contained areas located as shown on the site plan.
2. Install screening on property along road, with exception of driveway, using a combination of existing trees, red cedars and natural screening. New screening to be planted 53' from center of the road (as indicated on site plan), to be a minimum of 4 feet in height with a maximum height of 25 feet in height, 12 feet apart (intended to allow for adequate spacing and screening at maturity), to be completed one year from Dane County approval.
3. Total vehicles allowed on property:
 - a. Employee vehicles: limited to the 70' x 70' space as shown on site plan as Employee Parking.
 - b. Business owned vehicles/machinery: limited to Equipment Parking, the 40' x 40' space, located next to new building and the 75' x 30' space located next to the Employee Parking Area as shown on site plan.