

Staff Report



Zoning & Land Regulation Committee

Public Hearing: February 25, 2025

Zoning Amendment Requested:

RM-16 Rural Mixed-Use District TO HC Heavy Commercial District

Size: 20.4 Acres

Survey Required: No

Reason for the request:

Zoning to allow for a Landscaping Contractor business

Petition 12140

Town, Section:

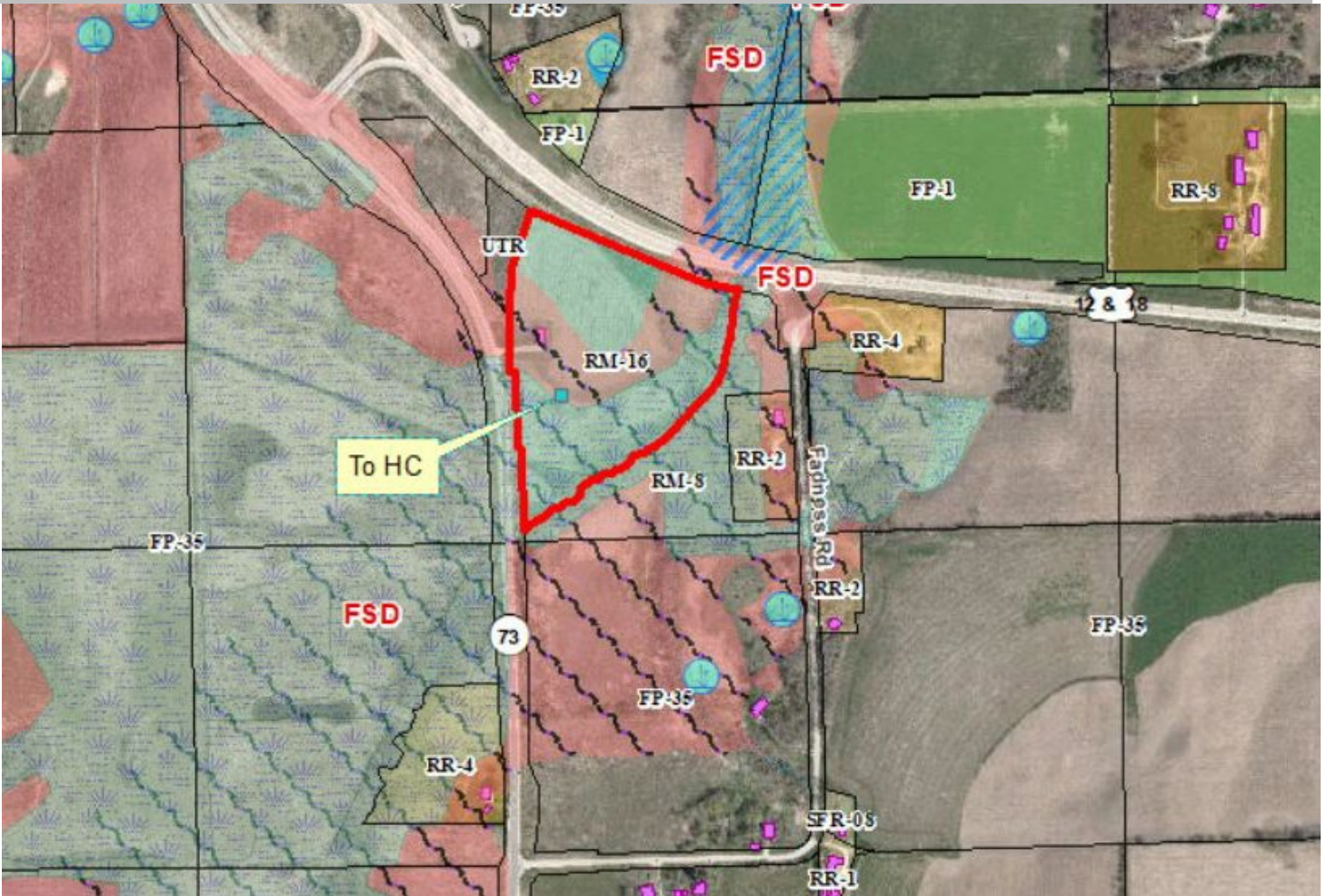
CHRISTIANA, Section 3

Applicant:

MICHAEL AND NANCY BARTH

Address:

3140 STH 73



DESCRIPTION: Michael and Nancy Barth propose to rezone a 20.4-acre parcel that they intend to sell. The intended buyer is Kayla Sipple of South Central Landscapes LLC, a contractor business that specializes in hardscaping and designing outdoor spaces. This petition would rezone the property to HC Heavy Commercial in order to locate the business on site. The proposed business operation includes the following:

- **Construction:** Site currently has a 2,320 square foot storage building, which may be retained for some period of time. Applicants would build a 7,200 square foot office and warehouse building at a future date. They would also build concrete storage bunkers, a screened trash area, and install outdoor lighting at that time.
- **Employees:** up to 6 full-time on site at a time (including administrative staff and field installers)
- **Hours:** Seasonal hours vary. Landscaping operations from March to December are 7:30am-6:00pm. Winter snow removal operations are 8:00am to 5:00pm at the facility; on-call snow removal crews may be on site any time.
- **Outdoor storage:** Storage area (located south of the building) for mulch, construction aggregate, soil, paving blocks/pavers, wall blocks, customer sample displays, rock salt, and salt brine. Also storage of company vehicles, trailers, and equipment, which would be mostly indoors except for one quad-axle truck and up to 4 trailers.
- **Parking:** Space for at least 10 vehicles to park outdoors.

- **Well & septic:** Site is not currently served; new septic system and water well are to be installed by the applicant.
- **Signage:** Not yet proposed; future signage is subject to Zoning Ordinance s. 10.800 and permit requirements.

The applicants have indicated that they keep very little inventory of materials on site, as they order it specifically for each custom project. They prefer to have most of their materials and company vehicles stored indoors. They do not keep plants / nursery items on site. In addition, the application indicates that rock salt or salt brine kept on site for use during winter months would comply with TRANS 277 requirements including placement on an impermeable surface, material covered by a waterproof material, and measures to prevent airborne and ground runoff

OBSERVATIONS: The initial proposal meets most county zoning ordinance requirements for the proposed use. The [HC zoning district](#) allows contractor, landscaping or building trade operations as a permitted use. It also allows outdoor sales, display or repair. The proposed site plan would meet applicable building setbacks and lot coverage limits. (See Resource Protection comments below regarding floodplain and shoreland-wetland zoning.)

The site plan meets most ordinance requirements; however more information is needed to verify compliance with parking and outdoor lighting standards. Staff has requested information on the number of company vehicles that would be parked on site, and a photometric plan for future outdoor lighting. The zoning code requires a detailed parking plan for employee and company vehicle parking, and requires that lighting is directed downward and away from adjacent properties and public rights-of-way. Visual screening is only required when a commercial property is adjacent to residential properties. In this case, there is natural screening by trees along the eastern/southern property boundary, to screen the site from the residence to the east. One residence to the north, that is across Highway 12/18 and faces this property, may or may not be impacted by the proposed development depending on how the lighting is installed.

A certified survey map (CSM) will not be required with this petition, as the property is a legal lot of record that pre-dates the County's land division ordinance policy (adopted 1998) that new lots under 35 acres in size be created by CSM.

HIGHWAY ACCESS: The applicants will need a change of use / access permit from the Wisconsin DOT, for the new business to access Highway 73. Applicants are advised to contact: Scot Hinkle scot.hinkle@dot.wi.gov / 608.246.5334

COMPREHENSIVE PLAN: The property is located in a designated agricultural preservation area. The [town's comprehensive plan](#) does not define a specific commercial development area, but rather provides for limited commercial development opportunities along the Highway 12/18 corridor within 1.5 miles of the village of Cambridge. The majority of the limited commercial development that has occurred in the town in the past decade has been along Rodney Road, which is directly off US 12/18 and adjacent to Cambridge. The subject property is approximately 2 miles from Cambridge.

The primary town plan policy regarding commercial development is found in the land use element on page 41:

“Non-farm commercial uses are generally discouraged in the town, except in the Highway 12/18 corridor within 1.5 miles of the Village of Cambridge western boundary. The town may consider zoning changes or conditional use permits to accommodate existing, established commercial uses in the town, or for limited, family-owned businesses that serve town residents. Conditional zoning approval will be used to ensure that any commercial use fits with the rural character of the town...”

Several plan provisions make distinctions between farm and non-farm commercial uses, as well as some allowance for continuation or redevelopment of existing commercial sites. For example, the Economic Development element of the town plan includes the following objective:

“Allow for local businesses, agriculture-related businesses and homebased occupations that are compatible with surrounding land uses. (See criteria for commercial development in Chapter 8: Land Use).”

And this policy from the land use element:

“Allow limited commercial development via redevelopment or improvement of properties already zoned for commercial/industrial uses.”

As indicated elsewhere in this report, the site presents challenges for development, including the majority of the property being located in a flood storage district, and access directly on to State Highway 73 where the speed limit is 55

mph. There are currently no bypass lanes on either side of the highway, which could present safety concerns for the types of heavy vehicles and equipment coming/going from the site. Planning staff is concerned that the request is to rezone the entire 20-acre property to Heavy Commercial when the submitted site plan shows the developed area taking up an area of 4-6 acres.

Staff discussed plan consistency concerns with several town officials who have signaled their support for the proposal. The officials noted that the Koshkonong solar project will result in significant changes to the rural character of the township, and that the proposed commercial use will generally align with that changing character.

Staff suggests that the petition be postponed until more information is provided regarding DOT access approvals and improvement, and that consideration be given to either revising the request to LC (Limited Commercial) zoning on the ~5 acre development site, or reducing the HC request to match the actual area of development, with a suitable open space zoning category assigned to the balance of the 20 acre property.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

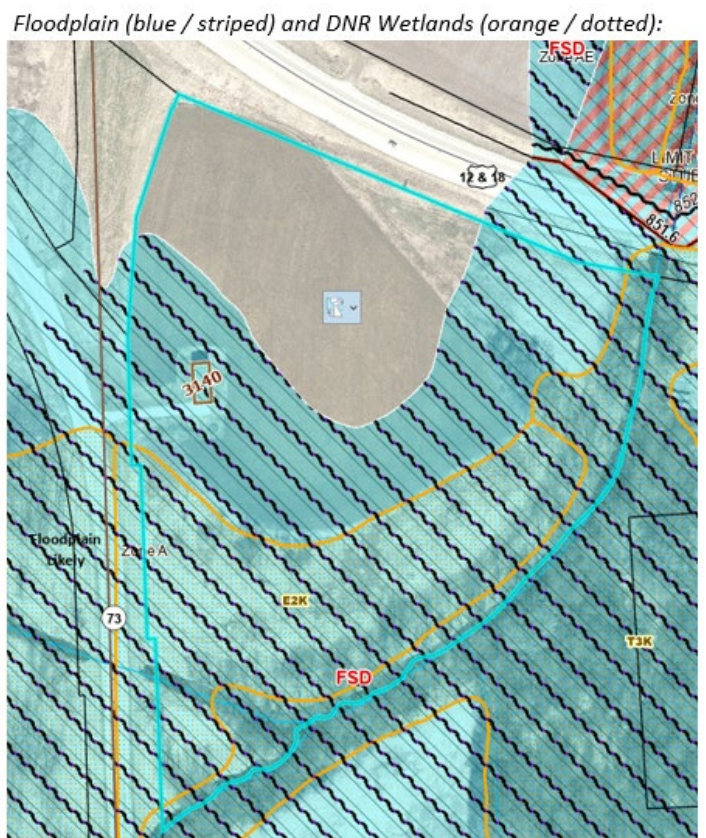
RESOURCE PROTECTION: The site abuts Mud Creek, a perennial stream that runs along the property's eastern/southern boundary. Impervious surfaces are regulated under shoreland zoning within 300 feet of the creek; however, no development is proposed within the shoreland area. The property also contains DNR-mapped wetlands and wetland-indicator soils. However, it appears that the driveway extension will be located more than 75 feet away from the wetlands, and the proposed development will be even further away. Based on this, a delineation was not required as part of this petition review.

Floodplain analysis needed: Except for a roughly 5-acre upland area, the property is within a mapped flood hazard area of the river (FEMA floodplain Zone A, with no established Base Flood Elevation) and Flood Storage District. The proposed driveway and access to the commercial site is through the mapped floodplain and flood storage district. In order to develop in this area, the applicants need an engineering analysis of the flood profile to determine the base flood elevation. Depending on the results of the analysis, fill may be needed to provide dryland access to the business. Placing fill on site may trigger the need to provide compensatory storage, which may also prompt a wetland delineation depending on which areas are to be excavated.

Stormwater Management needed: The proposed development appears to create more than 20,000 square feet of impervious surface. A stormwater management permit and erosion control permit will need to be obtained from Dane County Land and Water Resources Department. Applicants are advised to obtain a Preliminary Stormwater Review letter to ensure the proposed development plan will be able to meet stormwater management requirements.

TOWN ACTION: The Town Board has recommended approval of this petition with no conditions.

STAFF RECOMMENDATION: Staff has concerns regarding site access, site lighting, and how the environmental constraints will be managed, which have not yet been addressed. Staff shared these concerns with the applicants last fall and communicated that additional information would be needed as part of any zoning petition. Staff recommends postponement by the ZLR Committee at this time, to allow the applicant more time to address these. If this petition



proceeds, staff would also recommend a deed restriction to limit the allowable future use of the property and mitigate the potential for unlimited outdoor storage, based on the town comprehensive plan policies.

Information needed is as follows:

- 1) Information from the Wisconsin DOT confirming that existing driveway can be used for the proposed commercial development (access permit).
- 2) A Preliminary Stormwater Review letter from Dane County Land and Water Resources to ensure the proposed development plan will be able to meet stormwater management requirements.
- 3) A floodplain study to verify the proposed Base Flood Elevation and ensure compliance with floodplain regulations.
- 4) A photometric lighting plan to ensure the proposed development will not result in glare onto the adjacent highway or nearby residences.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.