
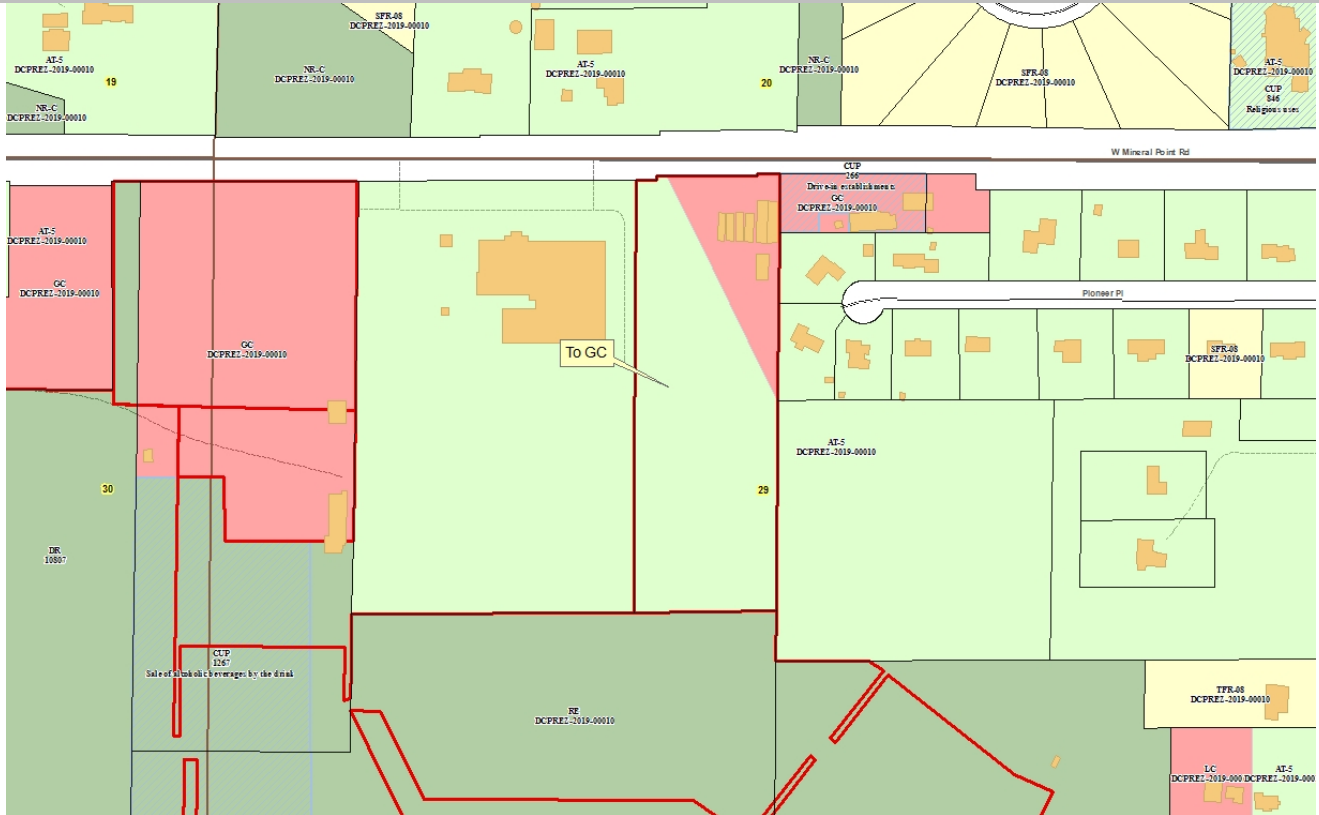


Staff Report  Zoning and Land Regulation Committee	<u>Public Hearing:</u> January 22, 2019 February 12, 2019		Petition 11381
	<u>Zoning Amendment Requested:</u> GC General Commercial District and AT-5 Agriculture District to GC General Commercial District		<u>Town/Section:</u> Middleton, Section 29
	<u>Size:</u> 1.6, 6.2 Acres	<u>Survey Required?</u> No	<u>Applicant:</u> Chris Hendrickson
	<u>Reason for the request:</u> Expansion of existing land use (retail greenhouse)		<u>Address:</u> 7595 West Mineral Point Road



DESCRIPTION: The applicant, K&A Greenhouse, would like to expand the current greenhouse operation. The current 1.5 acres of GC zoning (formerly B-1) would be expanded to GC zoning for the entire 7.8-acre tax parcel. Outdoor storage areas would be added to the operation, for which the applicant has submitted a Conditional Use Permit request (#2463, scheduled for the 4/30/19 ZLR public hearing). A new parking area and retail greenhouse would be established on the currently vacant southerly portion of the property (see attached site plan).

OBSERVATIONS: The property is part of a small cluster of commercial development along Mineral Point Road that was originally rezoned to B-1 on April 5, 1973. This expansion proposal is located between a residential neighborhood to the east and an elementary school to the west. There is a golf course to the south, which is also slated for redevelopment (please see Rezone 11379). No sensitive environmental features observed.

TOWN PLAN: The Town of Middleton Comprehensive Plan was recently amended to show this area as planned for commercial uses. Dane County Ordinance Amendment #33, adopting the town plan amendments, was recommended for adoption by the ZLR Committee on March 26, 2019.

RESOURCE PROTECTION: The proposed rezone is outside of any resource protection areas.

STAFF: The proposal is consistent with the recently amended town plan, which designates the subject property as future commercial. As noted above, Dane County OA #33 adopting the town plan amendment was recommended for approval by the ZLR Committee on March 26.

A Conditional Use Permit has been applied for to allow for the proposed outdoor storage. CUP #2463 will be heard by the ZLR Committee at the April 30 public hearing. As requested, the applicant has provided a detailed site and operations plan in support of both the rezoning request and CUP application.

Staff's understanding is that initial concerns raised by a neighboring resident have been resolved following discussions between the applicant and neighbor. The recommended conditions of approval also help to address the neighbor's concern about potential future commercial uses on the property.

Staff recommends that the petition be recommended for approval with the following conditions:

1. The applicant shall record a deed restriction on the GC zoned property prohibiting the installation of off-premises signs (billboards) and limiting uses exclusively to the following:
 - Contractor, landscaping or building trade operations
 - Undeveloped natural resource and open space areas
 - Office uses
 - Indoor entertainment or assembly. Any indoor entertainment and assembly use shall be limited to no more than 5000 square feet of floor space
 - Indoor sales
 - Indoor storage and repair
 - Personal or professional service
 - Utility services associated with a permitted use
 - Agriculture and accessory uses (livestock not permitted)
2. Any outdoor lighting shall be positioned and designed so as to avoid light pollution spilling onto any adjoining residential property.
3. Business operations and development of the site shall comply with the site and operations plans. Any revisions shall be subject to review and approval by the town of Middleton.
4. Prior to the issuance of zoning permits for any new structural development, the applicant shall obtain any required highway access and/or stormwater/erosion control permits.

TOWN: Approved with conditions limiting the range of permitted uses in the GC district (town conditions have been consolidated in the staff recommendations, above).