

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPZP-2018-00415

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/28/2018

Whereas, the Town Board of the Town of Springdale having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): **Approved** **Denied** **Postponed**

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. *Deed restriction* limiting use(s) in the LC-1 zoning district to **only** the following:
see attached - sent to Roger Lane via email 8/22/18
- 2. *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
- 3. *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
- 4. *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
- 5. *Other Condition(s)*. Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Susan Duerst Severson, as Town Clerk of the Town of Springdale, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 8/20/2018

Town Clerk Susan Duerst Severson Date: 8/22/2018

Town of Springdale

2379 Town Hall Rd
Mt. Horeb, WI 53572
(608)437-6230

Town Action Report DCPREZ-2018-11328 Petition 11328

Agenda: **RICK KLINGER III /GUST ROAD /SEC. 12/ SPOT REZONING # 11328 FOR SPOT REZONING FROM A-1 TO LC-1 WITH DEED RESTRICTIONS:**

Background:

*KLINGER BUSINESS-Lawn Works Madison LLC, 2731 Gust Road: Dane County Zoning mailed a zoning violation letter to Klinger, dated April 20, 2018 listing the various concerns:

1. Illegal land divisions dating back to 1996.
2. Operating the landscape business on land zoned A-1 which does not permit commercial activity.
3. Impervious surfaces have been added to the property without adherence to storm water management rules and regulations.
4. A building has been constructed without a zoning or building permit.

*Since the June 25, 2018, Plan Commission meeting, Klinger has revised his application by removing the two-lot CSM, instead, an area of the current A-1 CSM lot will be spot zoned for the LC-1 zoning, the lot is not eligible for a second lot, and the spot zoning will result in less strip development and a buffer of green space at Gust Road. Klinger has also rescinded the CUP #02433 since there will be no significant outdoor storage of materials and the number of vehicles will not exceed 12. (See Dane County Planning and Development letter to Klinger dated July 9, 2018 from Roger Lane Dane County Zoning Administrator.)

Plan Commission MOTION by A. Jester/J. Rosenbaum to recommend approval of the spot zoning to LC-1 conditioned upon compliance with Dane County Zoning and the Town Building Code for the existing building and with the deed restrictions shown below. MOTION carried 5-0

Town Board MOTION: Fagan/Schwenn to approve spot zoning with the conditions listed below after:

1. CSM has been submitted and approved, and
2. Building permit for existing building (built without building permits) has been submitted, paid for, and passed inspection,

Tentatively on Town Board Agenda for September 17, 2018

Conditions:

1. The spot zoning to LC-1 shall be limited to professional lawn care, mulch and stone installation, concrete flatwork and snow plowing/removal services. This is an off-site service-oriented business – no sale, no manufacturing, no assembly of products on the premises.
2. The hours of operation shall be Monday – Saturday, 7 a.m. - 5 p.m. in the summer and winter hours vary depending upon snow fall.
3. The number of employees shall be limited to six full-time equivalent employees with the number of hours tallied on-site to not exceed 40 hours per week per employee.
4. The vehicles and pieces of equipment used in the business shall be limited to 12.
5. No customers shall visit the site. No retail sales shall be conducted on the property. The on-site business shall not be opened to the public.

6. Outside loudspeakers are prohibited.
7. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall conform to the Town of Springdale Dark Sky Ordinance and shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.
8. Signage shall comply with the Town of Springdale Sign Ordinance.
9. The site plan shall conform to the exhibit submitted to the Town entitled "Site Exhibit" prepared by Vierbicher and dated 06/12/2108 which delineates the gravel employee parking and gravel equipment storage areas and the footprint of the shop and storage building within the spot zoned area.
10. Outdoor storage of material is prohibited.
11. The existing building shall comply with all Dane County Zoning and Town of Springdale Building Code requirements. Secure building permit for existing building (not to contain an office)
12. No remodel/addition to be done on existing structure(s) without prior Town approval.
13. Spots zoned LC-1 shall prohibit on-site burning.
14. Contact Dane County Zoning to facilitate the removal of materials left behind by the previous owner.
15. Continue to enhance the appearance of the property
16. Obtain updated CSM