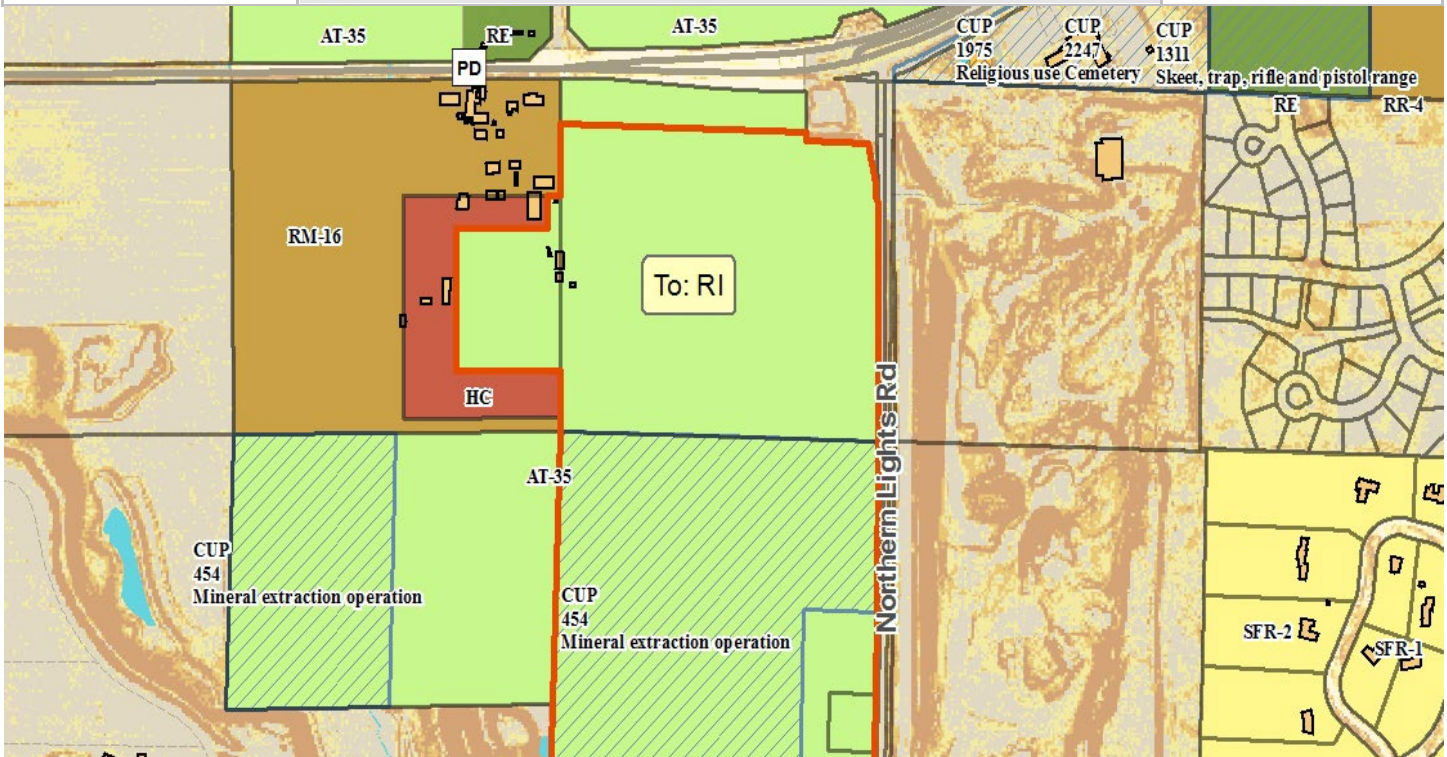


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>May 10, 2022</b>	<b>Petition 11824</b>	
	<u>Zoning Amendment Requested:</u> <b>AT-35 Agriculture Transition District TO RI Rural Industrial District</b>		<u>Town/Section:</u> <b>VERONA, Section 9</b>
	<u>Size:</u> <b>77 Acres</b>	<u>Survey Required:</u> <b>No</b>	<u>Applicant</u> <b>EPIC SYSTEMS CORPORATION c/o JAMES SCHUMACHER</b>
	<u>Reason for the request:</u> <b>Allow for a grading contractor operation</b>		<u>Address:</u> <b>7391 COUNTY HWY PD AND LANDS WEST OF NORTHERN LIGHTS ROAD</b>



**DESCRIPTION:** Epic Systems, Incorporated wishes to rezone 77 acres from the AT-35 zoning district to the RI (Rural Industrial) zoning district to convert an existing quarry into a shop and yard for a grading contractor, Edgerton Contractors. Edgerton Contractors' shop at this location would exclusively serve internal corporate construction projects on the adjacent Epic Systems campus in the City of Verona.

**OBSERVATIONS:**

**Continuance of existing CUP**

Epic Systems purchased the property from Wingra Real Estate, LLC in 2021. Wingra had continuously operated portions of this property as a mineral extraction site under CUP 454 (effective March 25, 1986). CUP 454 includes the following conditions:

1. That the driveway to the wash plant from CTH PD be primed as needed with liquid asphalt to maintain dust control, as specified in Wingra's plan dated 9/21/1985;
2. That an earth berm be constructed along Nine Mound Road as specified in Wingra's plan dated 9/21/1985;
3. That the specific choice of trees to be planted on the berm be determined by an ad hoc committee to be appointed by the town board and to include representatives of Wingra, the residents, and a person designated by the board;
4. That Wingra provide the Town of Verona with a letter which guarantees that Wingra Stone will never conduct blasting for mineral extraction on its property in Section 8 and 9, Town of Verona, and that any sale of the

*property will be bound with appropriate deed restrictions to assure that blasting for mineral extraction will not be conducted by any subsequent ownership;*

5. *Hours of operation be limited on weekends from June 1 through September 15 to:*
  - a. *8:00 a.m. – 6:30 p.m. Saturday*
  - b. *No operation of wash plant on Sundays.*

Epic Systems proposes to move existing sand and aggregate to the Epic Systems campus. The Zoning Administrator has determined that this is sufficient mineral extraction activity to keep CUP 454, and associated conditions, in effect, even if Petition 11824 is approved.

### **Mineral Extraction Reclamation Plan**

The approved mineral extraction reclamation plan (2004) for the Wingra site calls for the site to be reclaimed to “agricultural pastureland.” “Agricultural use” is a permitted use in the RI zoning district.

### **Zoning Ordinance Provisions for Rezones to Processing, Manufacturing and Industrial Zoning Districts**

Section 10.280 of the Dane County Zoning Ordinance includes standards for any rezone to either the RI or MI zoning districts.

#### *10.280. Processing, Manufacturing and Industrial Zoning Districts*

##### *(1) Provisions applicable to all Processing, Manufacturing and Industrial Districts*

- a) *Off-street parking. Off-street parking shall be provided as required in s. 10.102(8).*
- b) *Screening. For commercial uses adjacent to any Residential, Rural Residential or Rural Mixed-Use district, screening must be provided as required in s. 10.102(12).*
- c) *Stormwater. The Zoning Administrator may not issue a zoning permit for any development in any Processing, Manufacturing and Industrial district until the Department of Land and Water Resources issues a Stormwater Management permit for the project under Chapter 14, Dane County Code.*

##### *(2) Rezones to Processing, Manufacturing and Industrial Zoning Districts.*

- a) *The county board may not approve a petition to rezone to the RI or MI zoning districts on lands that are wholly or partially within the zone of contribution to a municipal well, as shown in the most current adopted version of the Dane County Water Quality Plan*
- b) *Where necessary to minimize impacts to neighboring properties, the zoning committee may recommend, and the county board may adopt, conditions on zoning petitions to any Processing, Manufacturing and Industrial zoning district that impose deeper setbacks, wider minimum lot widths, and/or wider side or rear yards than otherwise provided in this ordinance. Such conditions shall be based on the nature of the use and shall be adopted subject to the standards under s. 10.101(8)(d).*

The Capital Area Regional Planning Commission (CARPC) has legal responsibility for maintaining the *Dane County Water Quality Plan*. Based on the most recent CARPC data, portions of the proposed RI zoning parcel fall within the zone of contribution to City of Verona Municipal Well #5 (see attached map). Boundaries of the proposed RI zoning district should be revised to avoid municipal well contribution zones.

The site plan submitted with this application is inadequate; it is not possible to determine the exact nature and location of the specific proposed uses within the site (such as outdoor storage, berms, vehicle repair, grading operations, office, interior driveways, etc.), nor compliance with county parking standards. The plan should be revised to meet all of the standards of s.10.101(6) of the Dane County Zoning Ordinance.

**TOWN/COUNTY PLAN:** Portions of the site in Section 9, between the section line to the west, and Northern Lights Road to the east, are in a Natural/Recreational Resources area under the *Town of Verona/Dane County Comprehensive Plan*. Approximately 5.25 acres of the proposed RI zoning parcel in Section 8 (on the western side of the parcel, adjacent to the existing HC zoning) is planned for Commercial under the town/county plan.

**RESOURCE PROTECTION:** An excavated pond, approximately 25 acres, and associated floodplain, covers much of the southern portion of the proposed RI parcel. 1968 aerial photography shows no significant water features at this

location, so this would appear to be a human-made pond resulting from the quarry. An intermittent stream runs from north to south approximately 300 feet from the westernmost proposed zoning boundary.

**STAFF:** Recommend postponement until the applicant can provide the following:

1. Revised zoning boundaries and/or zoning districts that keep any Rural Industrial zoning completely outside the zone of contribution for City of Verona Municipal Well #5.
2. A revised site plan that fully meets all of the standards of s.10.101(6), Dane County Code.
3. Profiles of existing berms and vegetation and a description of plans to maintain existing screening.
4. A Preliminary Review Letter from the Dane County Land and Water Resources Department, under s. 14.09 of the Dane County Code, that confirms that stormwater and erosion control standards can be reasonably met.

Questions? Contact Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com)

**TOWN:** On April 12, 2022, the Town of Verona Board recommended approval of Petition 11824 with the following condition:

*All light fixtures must adhere to the Town of Verona Dark Sky Ordinance.*