
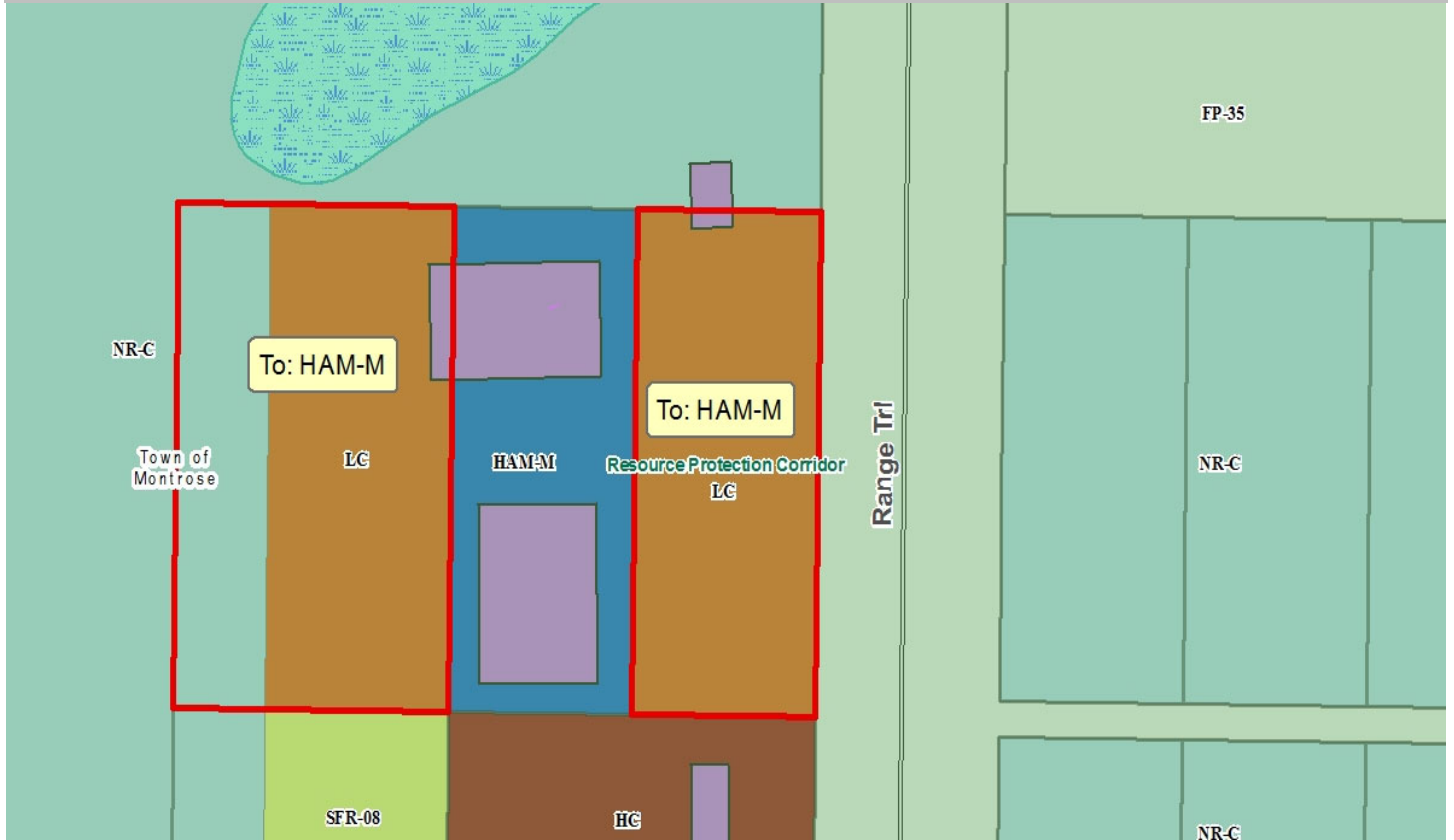


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> April 25, 2023	Petition 11938
	<i>Zoning Amendment Requested:</i> LC Limited Commercial District and NR-C Natural Resource Conservation District TO HAM-M Hamlet Mixed-Use District	<i>Town/Section:</i> MONTROSE, Section 3
	<i>Size:</i> 0.5, 0.12 Acres	<i>Survey Required:</i> Yes
	<i>Reason for the request:</i> Bring property into compliance with existing land use (Town Public Works Facility)	<i>Applicant:</i> TOWN OF MONTROSE c/o JOHN SAYLES <i>Address:</i> 1415 RANGE TRAIL



DESCRIPTION: The Town of Montrose (agent John Sayles) requests HAM-M zoning in order to bring the property into compliance based on the existing land use, the town’s public works facility. The town wants to clean up the property and consolidate the lots via certified survey map (CSM) so that it can either be sold or the Town may retain it and rebuild a garage that was recently destroyed by fire.

OBSERVATIONS: The property consists of 3 lots that were part of the 1856 Town of Paoli subdivision plat. The lots would comply with the requirements of the HAM-M zoning district. The HAM-M district has a maximum lot coverage of 60%.

COMPREHENSIVE PLAN: The town/county plan predates the comprehensive revision of the Dane County Zoning Ordinance. Consequently, the plan provides no specific guidance for rezones to the HAM-M district. However, the proposed rezone appears reasonably consistent with the plan’s overall goals and objectives. No conflicts anticipated. (For questions about the town plan, contact Senior Planner Brian Standing at standing@countyofdane.com.)

RESOURCE PROTECTION: Entire site is mapped as resource protection corridor, reflecting the presence of floodplain and wetlands in the area. Most of the property is within the FEMA-mapped floodplain (Zone AE). The lot has been confirmed to be developable. Based on the available survey information, the development/redevelopment is out of the regulatory floodplain. However, given the past flood history (exceeding the base flood elevation) we recommend any redevelopment of the site be built on fill.

Any redevelopment of the property will need to comply with floodplain, wetland, and shoreland regulations. The Town of Montrose is working with the Zoning Division to comply with all regulations. Also note that erosion control permit will be required from Dane County Land and Water Resources for any land disturbance over 4,000 sf, and stormwater management plan approval is needed for impervious surface exceeding 20,000 square feet.

TOWN ACTION: On March 7, 2023 the Town Board recommended approval of the rezoning with no conditions.

STAFF RECOMMENDATION: Pending any comments at the public hearing, Staff recommends approval of the rezone with no conditions other than recording the new CSM.

APRIL 25TH ZLR MEETING: On April 25th the ZLR Committee discussed with the applicant and postponed action on the petition, directing staff to work with the Town/applicant on a restriction to address concerns about the flood elevation for future construction.

STAFF UPDATE: Staff has worked with the Town of Montrose to prepare recommended deed restriction language for future use of the property, which is currently owned by the town but could potentially be sold. The Town has agreed to a deed restriction that would (a) limit the land uses to the kinds of uses the town is likely to use the property for, and (b) require that any development on the site comply with the “Standards for Development in the Floodfringe District” under Chapter 17 of Dane County ordinances. This will require a lowest level elevation of 2 feet above the BFE (base flood elevation) along with other regulations required for floodplain development, even though the property is not technically in the regulatory floodplain.

Staff recommends approval of the rezoning subject to the owner recording a deed restriction for the property with the Register of Deeds that states the following:

1. The land uses on the property shall be limited exclusively to the following:
 - a. Permitted uses:
 - i. Office uses
 - ii. Governmental, institutional, religious or nonprofit community uses
 - iii. Undeveloped natural resource and open space areas
 - iv. Utility services associated with a permitted use
 - v. Transportation, utility, communication or other uses required by law
 - b. Conditional uses:
 - i. Reduction of side yard setback to less than 10 feet total
 - ii. Outdoor sales events
 - iii. Transportation, utility, communication or other uses not required by law
2. Any development on the property shall comply with the “Standards for Development in the Floodfringe District” under Chapter 17 of Dane County ordinances.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com