



Notice of Public Hearing

Zoning and Land Regulation Committee

Revised to 18.5 acres

Public Hearing: **July 25, 2017**

Zoning Amendment:
RE-1 Recreational District TO C-2 Commercial District

Acres: **4, 18.5**
Survey Req. **Yes**

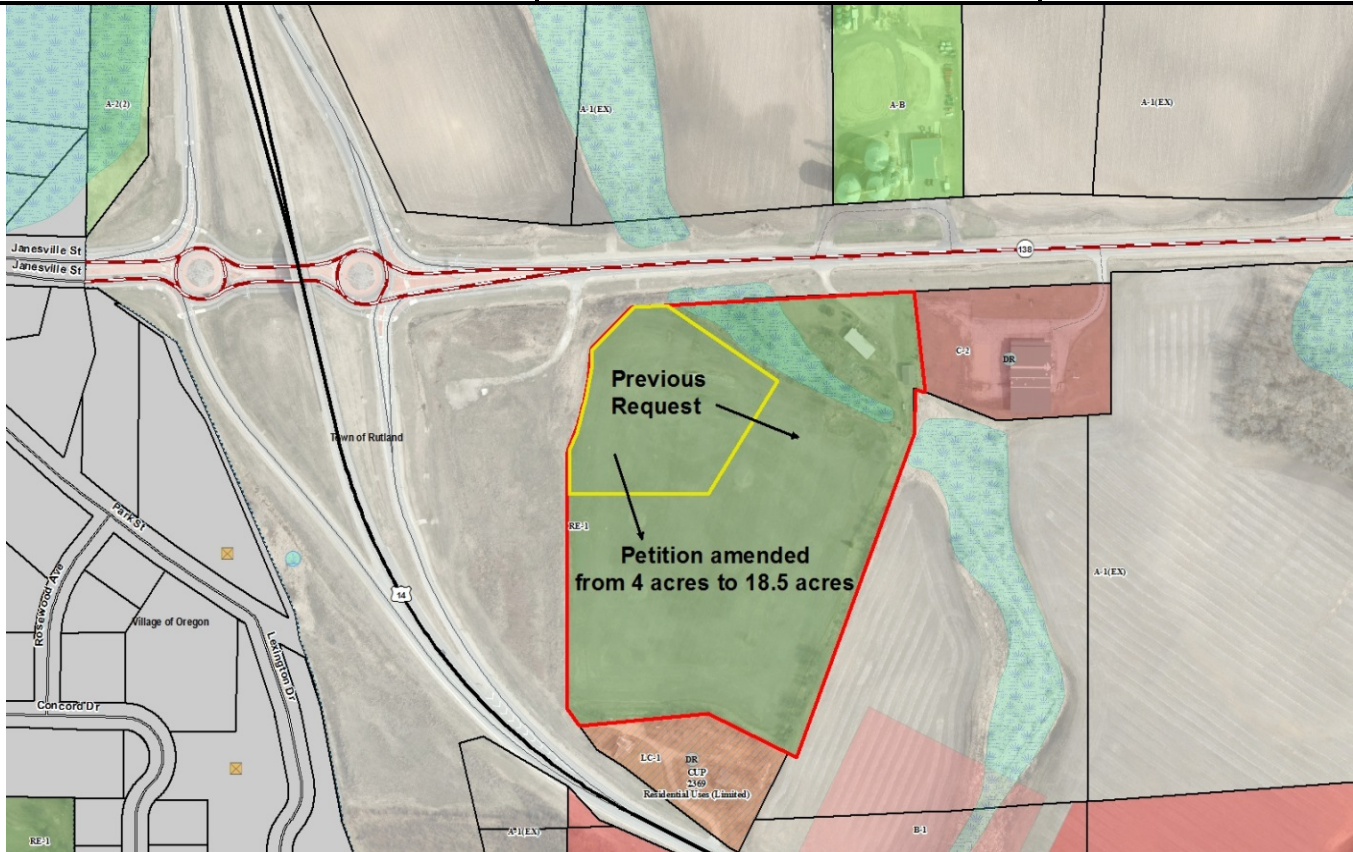
Reason:
COMMERCIAL ZONING FOR FOUR ACRE PARCEL

Petition: **Petition 11165**

Town/sect:
RUTLAND, Section 7

Applicant
BULLSI LLC

Location:
4645 STATE HIGHWAY 138



DESCRIPTION: The applicant is requesting C-2 commercial zoning for undefined commercial uses on 4 acres of an existing ~19 acre parcel which is currently zoned RE-1 Recreational. NOTE: Petition has been amended to include the entire 19-acre property to C-2 Commercial.

OBSERVATIONS: The property is currently used as a golf driving range. There is an intermittent stream which bisects the northeast portion of the property. Wetlands are present along this intermittent stream. The intermittent stream is assumed navigable until a field determination is conducted. Shoreland regulations may apply to any development within 300 feet of the intermittent stream. The property is not designated as a flood hazard area. The northeast and southwest corners of the property contain Class 2 soils. Neighboring land uses are agriculture and a landscape business.

TOWN PLAN: The property is currently located in the town's agricultural preservation area.

RESOURCE PROTECTION: There is a resource protection corridor present which is located along intermittent stream and wetland area.

STAFF: The proposal appears to be inconsistent with the town plan's agricultural preservation designation for the property. Town plan policies for the agricultural preservation area do not support the types of commercial uses proposed under this petition. The town board noted the inconsistency in its action report for the petition, but supports commercial uses on the property at this time. The Village of Oregon shows the property as being within a future growth area, has indicated that it does not oppose commercial zoning on the property, "at such time the proposed rezoning is inconsistent with the Town of Rutland Comprehensive Plan." See attached email from the village's planner, Michael Slavney of Vandewalle and Associates.

No detailed information has been provided about the proposed future commercial uses of the property. Staff has requested that the applicant provide details on the proposed types and location of commercial uses on the property. Applicant has indicated that he may request postponement of the petition to allow time to assemble the additional information and consider options for possibly amending the petition. The Town of Rutland is also considering an update to its comprehensive plan that would include the possibility of designating this and nearby properties as future commercial.

Given the concerns over lack of consistency with the town comprehensive plan and lack of detailed information regarding potential commercial uses of the property, staff recommends that the petition be postponed at this time.

7/25 ZLR: The petition was postponed to allow time for the Town to revised their Comprehensive plan and have the developer create a concept plan for the site.

TOWN: The Town approved the petition with conditions that limit the range of commercial uses: Permitted Uses: major repairs to motor vehicles; Sales or leasing of new and used motor vehicles; recreational equipment rental sale and service; repairs, storage, sales, rental or leasing of new and used contractor's machinery and equipment; sales and storage of lumber and building material; parking or storing of motor vehicles (inside only). Conditional uses: Auto laundries and car washes; dog and cat boarding kennels, grooming and training facilities; governmental uses; agricultural uses; religious uses; and motels and hotels.

PETITION REVISED from 4 acres to 19 acres. The Town approved the amendment.

STAFF UPDATE: The Town of Rutland has amended their Comprehensive Plan to include this 19-acre parcel in the Commercial Planning area. The County Board has adopted the amendment under Ordinance Amendment 2017 OA-30. The proposed commercial zoning now appears to be consistent with the Town Comprehensive Plan.

WETLANDS: A wetland delineation report was performed on the property. The report shows that there is a ribbon of wetlands existing on the property as the Wisconsin Wetland Inventory Maps indicated. There is an existing 12-foot cart path that bisects the wetlands ribbon. The applicant proposes to widen the path and fill a portion of the delineated wetlands. The DNR has reviewed the proposal and has no objections to the minor filling of wetlands. NOTE: The wetland area that is proposed to be filled will need to be declassified (rezoned) from the Dane County wetland inventory maps.

STATE HIGHWAY ACCESS: County Staff contacted Scot Hinkle with the Wisconsin DOT regarding access onto US Highway 138. Scot stated that Hwy 138 is a controlled access highway. The existing driveway is restricted to its current use (golf range). In order to change the access, the developer will need to prepare a Traffic Impact Analysis (TIA) to determine what improvements will be needed to allow safe access onto Hwy 138. The access request will need to be approved by the WiscDOT Access Committee in order to make changes.

REQUESTED LAND USES: The Town has approved the petition conditioned upon limited land uses. However, the list does not include retail or other associated business land uses The Town has revisit the list of permitted land uses at their January 3rd meeting. The list of acceptable land uses is attached to the town action report.

CONCEPT PLAN: A concept plan for the entire 19 acres has not been submitted to County for review. Staff has requested that a plan showing a road layout with building/parking envelopes be submitted for the site. So far, only one building site area, covering 4 acres, has been submitted. Given the absence of a clear plan for the property, Staff suggests that the petition be postponed until a comprehensive plan is created for the 19 acres. As an alternative, the application could be revised to limit the zoning request to the known development area.

SUMMARY: The proposed owner of the property has made great progress in addressing issues with the Town Comprehensive Plan and identifying the wetland area. However, access onto Hwy 138 still is of great concern given the proposed 19 acres of unknown development.

1/9 ZLR: The petition was postponed to all staff time to draft conditions for the proposed development.

Staff Update: A concept plan has been submitted to the Dane County Zoning Division for review. The plan shows several buildings which will be used for multi-tenant spaces and an area for mini-warehouses. The proposed owner has not provided any minimum standards for the development of the 19 acres other than the proposed 14,000 square foot building for the Wisconsin Best business. Due to the lack of information, staff is suggesting that deed restrictions be placed on the property to address overall development concerns. The conditions are geared toward a small commercial park that provides business spaces for a host of retail, personal services, indoor entertainment, auto repair, and contractor office land uses. Outdoor storage is suggested to be restricted due to potential conflicts with retail uses.

Traffic control

A deed restriction shall be recorded on the property that acknowledges State Highway 138 is a controlled access highway. A State Highway Access Permit shall be required to be obtained for any new buildings or changes in land use which will cause any increase of traffic volume to the property. The State Highway Access Permit shall be obtained prior to the issuance of a zoning permit. A traffic impact study shall be prepared and approved by the State Highway Department to identify any necessary improvements that are needed for the safe access onto State Highway 138. The landowner shall be responsible for any and all costs for the improvements.

Land Uses

A deed restriction shall be recorded on the property to limit the property to the following land uses: Offices, indoor sales, indoor entertainment, personal and professional services, indoor contractor/ trade operations, vehicle repair services, indoor storage, distribution centers, light industrial businesses, governmental uses, religious uses, institutional uses, and veterinarian clinic. Outside storage of materials or construction equipment may be permitted subject to site plan approval.

Other land uses may be permitted through a conditional use permit: personal storage facilities (mini-warehouses), and outdoor entertainment.

The following land uses shall be strictly prohibited: off-premise advertising signs.

Outdoor Storage Areas

A deed restriction shall be recorded on the property to limit outdoor storage. All areas that are used for the outdoor storage of materials or the storage of construction equipment/vehicles shall be screened from view with a minimum of six-foot barrier with 90% opacity. Site plan approval shall be obtained by the Town Board and County Zoning Committee for any outdoor storage areas.

Lighting

A deed restriction shall be recorded on the property to limit exterior lighting to the following: All outdoor light fixtures shall be down-lit. The fixtures shall comply with dark sky lighting requirements. The posts for parking lot lighting shall be no higher than 25 feet. The posts used for main drive entrance shall be no higher than 35 feet.

Building Exterior

A deed restriction shall be recorded on the property to building design. All buildings constructed on the property shall have a similar appearance using similar exterior materials and color palate. Any refuse containers shall be screened from view using similar materials used for the exterior of buildings.

Landscaping

A deed restriction shall be recorded on the property to provide landscape features. There shall be a minimum of (1) 2" caliper deciduous tree planted for every 3,000 square feet of building space constructed. The location of the trees shall be shown on a site plan prior to the issuance of a zoning permit.

Parking and Drive Areas

A deed restriction shall be recorded on the property to provide appropriate drive surfaces. All parking areas or areas used for vehicular movement shall be paved with asphalt surfacing.

Signs

A deed restriction shall be recorded on the property to provided clarity regarding sign regulations. All signs shall conform to the Dane County sign ordinance. There shall be one on-premise pylon sign and one on-premise ground sign for advertising all businesses on the property. The maximum sign allowance for wall signs shall be divided up equally amongst multiple tenants within a building, if applicable. All tenant wall signs shall have the same style as selected by the landowner. Off-premise advertising signs shall be prohibited from being constructed on the property. All signs require a zoning permit to be obtained prior to installation. Temporary advertising signs shall be prohibited.