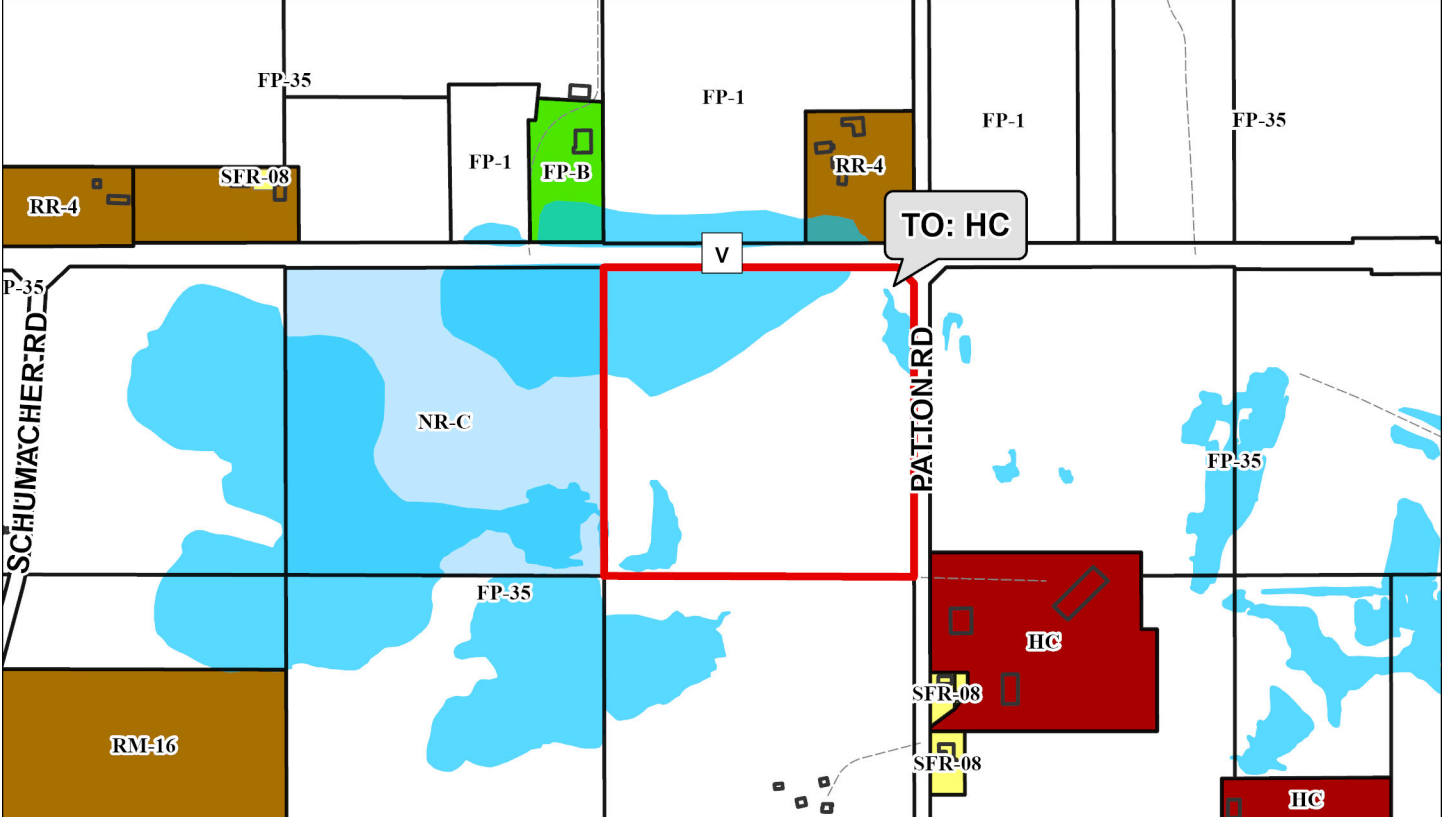


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> May 26, 2026 Report updated for the July 14th ZLR Committee meeting		Petition 12275
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO HC Heavy Commercial District		<u>Town, Section:</u> VIENNA, Section 21
	<u>Size:</u> 38.6 Acres	<u>Survey Required:</u> No	<u>Applicant:</u> HAHN IRREV TR
	<u>Reason for the request:</u> commercial development for a truck repair business		<u>Address:</u> SW CORNER OF THE PATTON ROAD / COUNTY HWY V INTERSECTION



DESCRIPTION: The applicant would like to locate a commercial business for heavy truck repair on the southwest portion of the parcel. The company, Madison Spring, provides spring and suspension repairs to light- and heavy-duty trucks. This site is intended for the company to relocate two existing sites to this one location, with approximately 25-30 employees.

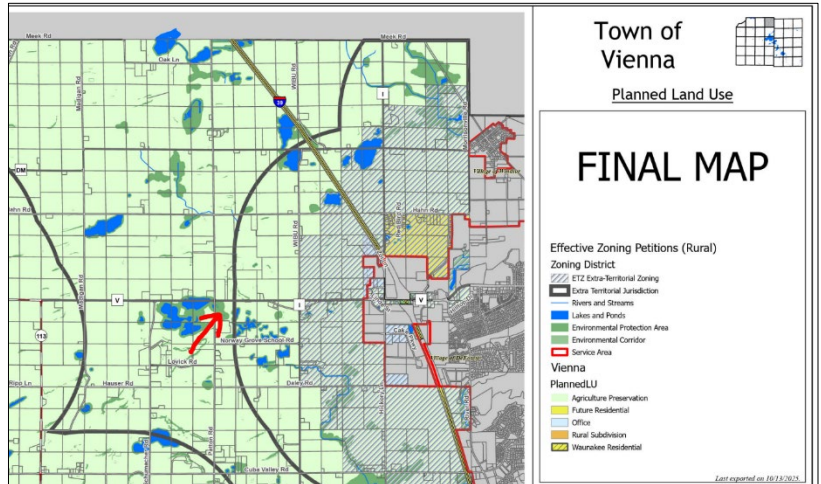
OBSERVATIONS: The petition proposes to rezone a 40-acre unplatted parcel to HC Heavy Commercial, with roughly 13 acres of the site proposed for development reflecting the approximate edge of wetlands and wetland buffer areas. The rezone from FP-35 to HC is rarely done without an existing business park or land use, much less rezoning of 40 acres. The HC district allows vehicle repair or maintenance services, outdoor storage, and a variety of other land uses as permitted uses. Given the nature of uses available to that zoning district, any rezoning should be done with care and should be deed restricted to eliminate any unused land use options for HC. The stated purpose of the HC district is to accommodate retail and commercial uses that may occur primarily indoors or outdoors, uses that are of relatively large scale and intensity, and uses that are appropriate to a highly developed area.

The subject property adjoins the county-owned 81-acre Vienna Pothole Wildlife and 39 acre USFWS Vienna Waterfowl Production Areas.

The development proposal includes a one-story, 37,000 square foot building, a hard paved parking lot for employees and customers, a gravel paved parking lot for trucks and trailers (roughly 113 truck/trailer spaces) and material storage. Also, the installation of a well, septic system, and stormwater management facilities. Operating hours would be 7am to

5pm Monday to Friday. The business would have two driveway access points onto Patton Road. The site plan suggests phasing for future building and parking lot expansions. The rear parking lot would extend to roughly 40 feet from the southern property line, with landscaping (Chapter 10 only requires a landscape buffer between commercial zoning and residential-zoned land, but does require landscaping around parking lots). The site lighting plan provides 23' tall light poles in the front lot, wall fixtures around the building to light the building and rear parking/storage lot. Fixtures would be full cutoff, with reasonable lighting levels/lumens. However, the details on the fixtures, such as color temperature, are not legible but would be needed in order to fully review the lighting.

COMPREHENSIVE PLAN: This petition is in the town's Agricultural Preservation planning area and is subject to the land use policies related to that designation. The town recently updated its plan policies with regards to commercial development. Whereas the prior plan provided for commercial opportunities focused within the town of Vienna / village of DeForest extra-territorial zoning (ETZ) area, the updated plan now indicates that the town will consider commercial proposals on a case-by-case basis throughout the township, but with a particular emphasis on the Patton Road/CTH V corridor. The town's change in approach was based in part on their concerns over DeForest annexing commercial properties from the town and thereby removing the tax base these properties represent.



Town of Vienna Planned Land Use Map Excerpt

The [relevant town plan policy](#) reads, "Requests for rezoning for general commercial uses will only be considered on a case-by-case basis, must be consistent with this plan and be accompanied with a development agreement."

Other relevant plan objectives and policies include the following:

From Chapter 16, Natural Resources

Objective 1.0: Consider the potential impact on natural resources, environmental corridors, or habitat areas when evaluating potential residential, commercial, industrial and intensive agricultural uses. (Note: this objective also in the land use chapter)

[From Chapter 20 \(Economic Development Policies\)](#)

1.01 Desired Characteristics of Commercial Uses - Proposed commercial or industrial uses must do the following:

- 1.01.1 Sustainability - Maintain a sustainable revenue to cost ratio over the long term.
- 1.01.2 Mitigation of Potential Negative Impacts - Minimize potential negative impacts on the surrounding community.
- 1.01.3 Enhancement of Tax Base - Create sufficient tax base.
- 1.01.4 Enhancement of the Local Economic Base - Diversify and stabilize the local economic base.
- 1.01.5 Compatibility - Maintain a high degree of compatibility with existing uses.

1.02.2 Commercial Corridor – When possible, focus Commercial and Economic development along the Patton Road Corridor North and South of Hwy V and along Hwy V where existing commercial and utility properties exist. (See map and see also 1.07 reuse of inactive Quarries)

1.03 Compatibility with Existing Uses - Proposed commercial and light industrial uses within the Town should be located and designed in a manner that will not adversely impact the value or use potential for commercial uses on adjacent properties. The Town will decide if compatibility has been met on a case-by-case basis.

1.06 High Traffic Uses - Any proposed uses that have the potential for significant traffic generation should be located in a manner as to minimize the impact on the Town.

1.012 Development Agreement - All commercial projects should have a development agreement with the Town of Vienna, this agreement should include (but is not limited to) the following:

1.012.1 Noise Abatement

1.012.2 Visual Screening

1.012.3 Road Bonding

1.012.4 Site location

1.012.5 Building Facades

1.012.6 Broader Community Impacts

a) Power Needs

b) Water Needs

c) Site Bonding for discontinuance

d) Any other Environmental Impacts

1.013 Regulation - All commercial operations must conform to all appropriate regulations:

1.013.1 Town of Vienna Ordinances

1.013.2 Chapter 14 - Erosion Control & Stormwater Management;

1.013.3 Chapter 11 - Shoreland and Wetland Regulations;

1.013.4 Chapter 10 – Zoning;

1.013.5 Any state statutes as applicable

There are also a number of relevant objectives and policies from the Dane County Comprehensive Plan focused on protecting and enhancing water quality, wildlife habitat, and the ecological services that wetland areas provide. These include the following:

Preserve for posterity the nature and biodiversity of Dane County's natural heritage by protecting and enhancing in-stream, riparian, wetland, and upland habitat, and; protecting, maintaining and restoring diverse, high quality biological communities that occurred naturally in southern Wisconsin (woods, savannas, prairies, wetlands).

Preserve the role of wetlands, woodlands and streambank buffers as essential components of the hydrologic system as well as valuable wildlife habitat. Restore degraded wetland resources and streambank buffers where possible.

Protect natural areas, including wetlands, wildlife habitats, lakes, woodland, open spaces and groundwater resources

The current petition is the first commercial rezone proposal since adoption of the updated comprehensive plan. The town was aware of the proposal as it was updating the plan and anticipated its submittal. As indicated elsewhere in this report, over 70 comments have been submitted on this petition, the vast majority of which have expressed concern over potential negative impacts to the surrounding wetland area on both the subject and surrounding properties.

Given the opposition received and anticipated at the ZLR public hearing, staff recommended postponement of the petition in accordance with committee rules and to provide time to evaluate the concerns.

For questions about the comprehensive plan, contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: There are sensitive environmental resources within 300 feet of the subject property, the northwest portion of the property is covered by a wetland and the Town maintains the water levels as the result of a flooding event that at one time submerged County Hwy V.

There are resource protections corridors on site related to the wetlands, the Town of Vienna Plan States:

- *“Any proposed development in a primarily agricultural area meeting subdivision requirements should be located on non-productive, non-tillable land that does not significantly threaten or affect natural resources,...”*
- *“Direct any new development to locate in a manner that does not encroach upon or impact delineated wetlands or floodplains”*
- *“Work with Dane County, Wisconsin DNR and other agencies to identify, plan for, and preserve open spaces, natural habitat and environmental corridors within the Town where appropriate”*
- *“Ensure residential, commercial, and agricultural uses are sited in a manner to minimize the impact on identified natural resource areas as designated on the proposed land use map of this comprehensive plan.”*

Dane County and the US Fish and Wildlife currently own adjacent parcels to the west and southwest as part of the Vienna Pothole Wildlife Area. There was a negotiation at one time that fell through for the County to purchase part of this property to expand the Wildlife Area.

Dane County Zoning received a wetland delineation performed by an assured wetland delineator prior to the May 26, 2026 public hearing. The overview map included in the petition materials shows the delineated wetland boundary.

TOWN ACTION: The Town approved unanimously on 5/4/2026 with one condition:

- The Wetland Delineation report is completed and provided for the records.

INITIAL STAFF ANALYSIS AND RECOMMENDATION (for the 5/26 public hearing): This is a unique proposal: a single lot 40-acre commercial development within an agricultural preservation future planning area, as well as a rezone request to HC Heavy Commercial within the wetland overlay district. Staff has reviewed the Madison Spring development plan, and generally found that it would comply with our HC zoning, wetland, and shoreland zoning regulations as proposed. Even so, we are concerned on the probable impacts to a unique, and rarely large, prairie/pothole emergent marsh complex which remains as part of the Empire Prairie region. At the time of writing the initial staff report the applicants had not provided the wetland delineation report, a favorable preliminary review letter from Land and Water Resources for the stormwater management plan, or a completed developer agreement with the Town of Vienna.

While the Town of Vienna Planned Land Use map identifies the development area as agricultural preservation, the Town recently updated their comprehensive plan to allow commercial developments to be considered on a case-by-case basis. Generally, lands in farmland preservation would present less of an impact to a water resource due to its typical open and vegetated land cover, compared to concentrated impervious surfaces typically associated with heavy commercial development. The rezoning of this site will require careful evaluation of various policies, including farmland preservation, economic development, and environmental protections, by the Committee to determine if the proposed land classification is consistent with plan goals and objectives.

For the May 26, 2026 public hearing, Staff recommended the Committee **postpone** action to allow consideration of public comments.

ZLR PUBLIC HEARING: On May 26th the ZLR Committee held the public hearing on the proposed rezoning. The committee postponed action on the petition due to public opposition. Many public comments were submitted for the hearing—more than for nearly any zoning proposal the county has considered in recent memory—and many individuals attended the hearing. In total for the hearing, there were 4 people registered in support, 44 in opposition, and 3 neutral on the proposal. Of the written comments that were submitted, 17 were in support and 63 against the rezoning.

Supporters cited the fact that Highway V already has heavy truck traffic from nearby businesses, and that Madison Spring is a locally-owned, reputable company that operates well-maintained sites and would serve the local farm community.

Opponents cited concerns over potential impacts the proposed development could have on the Vienna Pothole Wildlife and Vienna Waterfowl Production Areas that abut and are partially on the subject property. These include negative impacts on wetland quality and functions relating to water quality, flood abatement, wildlife, nesting grassland bird and waterfowl habitat, and negative impacts to the current recreational use of the abutting lands for birdwatching and hunting. Many opponents noted they are not against the specific business operation, but suggest it is not a compatible land use given the proximity to the wetland resource.

APPLICANT RESPONSE TO CONCERNS: Following the 5/26 public hearing, the applicants submitted a response to comments addressing stormwater plan review, wetland protections, HC zoning compatibility, the draft town developer agreement, lighting plans, and hazardous material storage (see 6/2/26 Applicant Response Letter and 5/29/26 letter from attorneys at Geier Homan & Roy LLP). Staff provide the following analysis of the applicant's response:

Stormwater: Plans were resubmitted to Dane County Land and Water Resources Department (LWRD). At this time, we have not received a favorable preliminary review letter from LWRD for the stormwater management plan. **LWRD staff indicate comments may be available prior to the 7/14 work meeting, in such case they will be included for committee consideration.**

Wetlands: The applicant's site plan would maintain the 75-foot wetland buffer/setback per County requirements, and a 30-foot no-grading buffer along the wetland (a requirement typical in urban service areas but not generally applied in rural areas served by well and septic). They argue that the proposed development of roughly 12 acres would be less intrusive to the wetlands, disturb less land, and provide more habitat for migratory birds than the current cropping, which they note extends into the mapped wetlands. Staff notes that this assumption presumes that the crop land currently provides no habitat function, which is ecologically inaccurate. Harvested fields regularly serve as vital seasonal foraging grounds for wildlife as well as provides a generally quiet space, free of obstructions or hazards important to nesting birds. While not specifically quantified, the applicant states that their operation would have less pollutant runoff compared to herbicides/pesticides/fertilizers/manure typically used on cropland. They also maintain that regulatory requirements for stormwater management would result in more control of oil, grease, and solids in surface water runoff.

HC Zoning Compatibility: The applicant indicates that they are open to rezoning only the approximately 12 acre portion of the site that is suited for development. They further argue that the rezone is supported by the town plan which allows commercial development on a case-by-case basis.

Town Developer Agreement: We have not yet received a final developer agreement with the Town of Vienna to demonstrate implementation of the town comprehensive plan. Applicants cite the town communication indicating that this project would not require any additional costs or "assessments" than other normal permits, and so meets the comprehensive plan requirement and should not be a reason for delay. As previously noted, this is the first commercial rezone following the revision to the Town comprehensive plan requiring a developer agreement of this nature. This adds to the complexity of understanding if the policy has been satisfied.

Lighting plan: Their lighting plan would include wall-packs on building and two (2) light poles; the photometric plan indicates no light levels (0.0 footcandles of light) at the edge of the wetland. They have revised light color intensity from 4000K to 3000K as recommended by staff to minimize disruption to wildlife.

Chemical/Hazardous Material Storage: The applicant states that no chemicals or oils will be stored or dispensed outdoors. To mitigate outdoor spill risks, work will be performed strictly inside the shop, leaking vehicles will be brought indoors immediately for repair, and outdoor spill kits will be maintained on-site. Inside the building, fresh and waste oil will be stored in dual-walled tanks equipped with secondary containment catch pans. Floor drains within the facility are designed to route any uncontained interior spills into a dedicated holding tank for offsite disposal in compliance with state regulations. Furthermore, the applicant notes that the operation utilizes no acetone or glycol-based chemicals, and all flammable materials will be housed in designated flammable storage cabinets. While the specific operational protocols and containment engineering proposed by Madison Spring address immediate containment concerns, staff cautions that zoning amendments run with the land, not the specific tenant or business owner. If this 38.6-acre site is rezoned to Heavy Commercial (HC), the classification permanently alters the permitted uses allowed on the property by right.

STAFF RECOMMENDATION (updated): Since the hearing, staff has considered the comments shared at the public hearing, the town board's action and stated rationale for supporting the petition, as well as the applicants' submittals and responses to the concerns raised. Staff has also reviewed in closer detail the applicable comprehensive plan policies and ordinance standards. As detailed in a recent update to the town plan, commercial rezoning proposals are to be considered on a case-by-case basis. This petition is the first to be submitted under the new set of policies. While a case-by-case approach provides flexibility to consider proposals throughout the town, it also increases the level of uncertainty, as decision makers at the town and county level may come to differing conclusions. The plan contains relatively few policies or standards regarding decision making parameters for new commercial development, which complicates a straightforward, predictable approach to reviewing such proposals.

In addition to the applicable town and county comprehensive plan provisions noted above, the proposed rezoning is subject to additional standards for rezones out of a state certified farmland preservation district. Per section 10.220 of the county code, the County Board must make the following additional findings when rezoning land out of a Farmland Preservation zoning district in order to comply with state farmland preservation law:

(b) Rezones out of a Farmland Preservation Zoning District. The county board must find that the following standards are met before approving any petition to rezone any land from a Farmland Preservation Zoning district to a non-Farmland Preservation zoning district:

1. The land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with the current adopted version of the Dane County Comprehensive Plan.
3. The rezoning is substantially consistent with the current state- certified Dane County Farmland Preservation Plan.
4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

Staff is concerned that the required findings cannot be made, as the proposal is inconsistent with standards 1 and 3, and is not wholly consistent with the comprehensive plan (standard 2).

With regard to standard #1, given the unique and sensitive nature of portions of the subject property, and that of adjoining properties, it is difficult to find that the land is better suited to a use not allowed in the farmland preservation zoning district – unless that use is strictly open space or otherwise low intensity and passive in nature. With regard to standard #3, the county farmland preservation plan indicates that nonagriculturally related commercial and industrial uses will be located in areas, “...identified for such use and where the full range of public services... can be economically provided”. In addition, the farmland preservation plan does not list HC zoning as a category that [the county board will consider](#) when rezoning land out of a farmland preservation zoning district.

The Dane County Land and Water Resources Department has submitted staff comments expressing concern over the potential impact of the development on the adjoining [Vienna Waterfowl Production Area](#) and [Vienna Pothole Wildlife Area](#). In their submittal, it is noted that, “*Changing the hydrology of these sites through development of impervious surfaces will impede the overall function of the site and lead to lower quality habitat development and less utility for the wildlife that we are intending to protect. We shouldn’t be looking at the Vienna Pothole as a stormwater retention basin, but rather as a high quality ecosystem worthy of protection.*” The written comments express additional concerns over negative impacts to recreational uses on adjoining public lands that were purchased with taxpayer dollars for the express intent of protecting the valuable resource for recreational and ecological purposes.

Staff has significant concerns with the compatibility with of the proposed development with the existing adjacent land uses (specifically the residential and open space / environmental corridor areas), the findings required for zoning land out of farmland preservation status under section 10.220, and the likelihood of potentially irrevocable impacts to a significant wetland ecosystem in the long-term.

Staff recommends that the Committee place primary weight on the natural resource protection objectives of the Dane County Comprehensive Plan and the specific hydrologic warnings issued by the Land and Water Resources Department.

While the Town of Vienna's updated policies allow for case-by-case commercial considerations, the operational scale and intensity of land uses of a heavy commercial designation at this specific location presents a direct conflict with county environmental policies. Staff therefore recommends the Committee determine that the proposal is inconsistent with the overarching resource-protection goals of the Comprehensive Plan which remain best supported by the objectives found in the Farmland Preservation Plan and the district this land is currently zoned.

Please contact Hans Hilbert at (608) 266-4993 or *Hilbert.hans@danecounty.gov* if you have questions about this petition or staff report.