

**Staff Report**



**Zoning & Land Regulation Committee**

Public Hearing: **September 24, 2024**

**Report updated for the October 22<sup>nd</sup> ZLR meeting**

**Petition 12091**

Zoning Amendment Requested:

**FP-35 Farmland Preservation District TO FP-B Farmland Preservation Business District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District**

Town, Section:

**MEDINA, Section 12**

Size: **16.4,18.6 Acres**

Survey Required: **Yes**

Applicant:

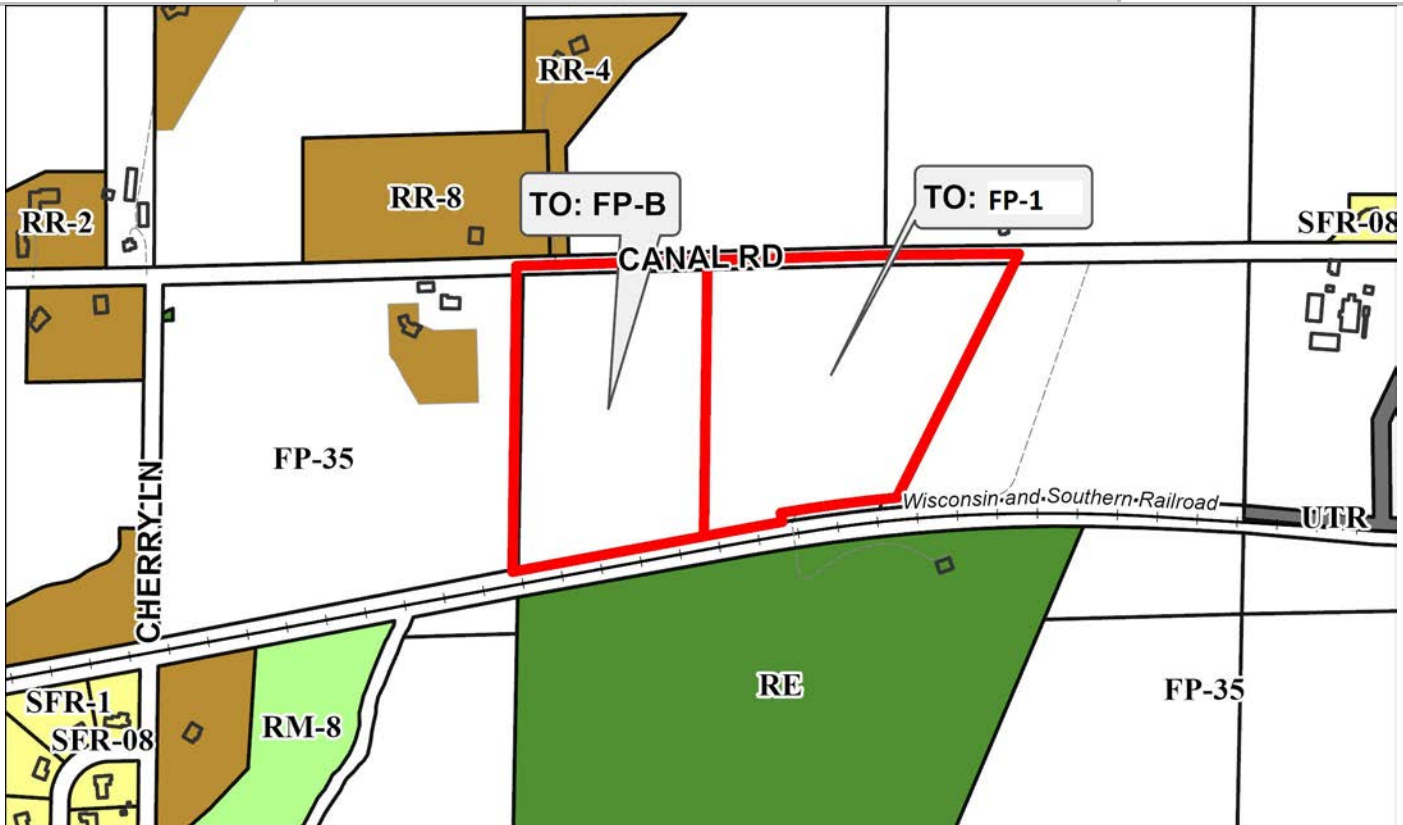
**VAN HOLTENS INC  
(ATTN: STEVE BYRNES)**

Reason for the request:

**ZONING FOR A NEW PICKLE FERMENTATION BUSINESS SITE AND ONE AGRICULTURAL LOT**

Address:

**EAST OF 211 CANAL RD**



**DESCRIPTION:** Applicant proposes a rezone to locate a pickle business on a 16.4 acre lot with FP-B zoning, and create one 18.6-acre agricultural lot with FP-1 zoning. The business operation includes:

- A pickle tank yard capable of storing and fermenting 200,000-300,000 cucumber bushels. Construction plans are phased, with an initial build-out for 200 tanks and a maximum build-out of 500 tanks.
- A new 66'x106' storage shed building, a 50'x17.5' salt shed, and one 11,000-gallon tank for calcium chloride (11' diameter, 16' high).
- A 30' wide gravel driveway from Canal Road on the NE corner of the site, to provide access in and around the tank yard as well as to the storage buildings. Parking for 9 vehicles plus two loading areas.
- A new well 200' deep with capacity of 65 gallons per minute (gpm) for water supply.
- A new septic system to handle wastewater / sewage (sanitary facilities in the main building).
- A 6' tall chain-link fence enclosure to surround the tank yard, to be expanded with the phased construction.
- Stormwater management facilities (basins and swales) to manage runoff.

The tank yard facility would have up to 10 seasonal employees and would be comparable to Van Holten's tank yard located one mile east in Waterloo. Operating hours would be 6am to 4pm, 7 days/week but weekends only seasonally. The cucumbers are grown elsewhere and would arrive over an 8-12 week span in the summer (10 truck trips/day during harvest). The fermented cucumbers would be taken to Van Holten's Waterloo factory throughout the year; the brine would be recycled there as well.

**OBSERVATIONS:** The FP-B zoning district is intended for a wide range of agriculture and agricultural-related land uses, at various scales and on lots large enough to accommodate the use. FP-B accommodates uses that are commercial or industrial in nature, associated with agricultural production, require a rural location due to their land area needs or proximity of agricultural resources, and do not require urban services. Such businesses typically have low to moderate traffic, and may involve noises/odors or other potential nuisances. This type of business would be considered an ag-related use, as it is a facility for processing natural agricultural products or by-products.

The other lot is proposed for FP-1 zoning since agricultural use is proposed at this time. However, the property would retain one housing density unit / development right, so it may be converted to a home site as part of a future rezone petition. The property is within the Village of Marshall's extraterritorial jurisdiction for reviewing the land division.

**Zoning district requirements:** The proposed lots meet ordinance requirements for minimum lot area and public road frontage. The proposed site plan meets requirements for the FP-B zoning district, including building setbacks. The parking is adequate to meet code requirements based on the four employees anticipated, and room for truck loading.

**Surroundings and screening:** The property abuts three residential properties: one immediately west, and two to the NW across Canal Road. The nearest home is ~220 feet to the west of the property line, downhill from the site. Applicants propose screening along Canal Road using a row of trees spaced 10 feet apart. The zoning ordinance does not require visual screening for an FP-B zoned property proposed next to a residential-zoned property. (It only requires it for standard commercial zoned lots, for commercial uses within 100 feet of any residence).

**Lighting and signage:** Lighting is proposed consisting of 4 fixtures on the two buildings, which would be "dark sky compliant" and not on the facades facing Canal Road (lighting was scaled back from the initial proposal in response to town feedback). By ordinance, any outdoor lighting must be directed downward and away from adjacent properties and public rights-of-way. See Staff Recommendations below.

Signage (unlit) would be installed to identify the site for truckers. FP-B zoning allows wall signs, projecting signs, ground signs (less than 8' tall), and pylon signs (taller than 8'). It does not allow off-premise billboards or electronic message signs. Future signage will require a sign permit from Dane County.

**COMPREHENSIVE PLAN:** The property is located in the town's agricultural preservation area, where nonfarm development is limited to a low density (1 lot/dwelling per 35 acres). However, the current proposal would be considered farm-related development and comprehensive plan policies do not count rezones to farmland preservation zoning categories as "nonfarm development".

The [town's comprehensive plan](#) includes objectives for economic development that center on the continued viability of agriculture and agricultural production:

- *The objective of the Town of Medina Economic Development goal is to maintain agriculture as an important part of our local economy, support maintaining a sustainable regional economy, and foster regional economic growth while preserving our rural character.*
- *Focus economic development efforts on farming and farm-related businesses.*

The plan includes the following policies with regard to commercial uses within the agricultural preservation area:

*Business uses within the Agricultural Preservation District or the Environmental and Resources Protection District will be considered only if:*

- 1. A location in the Town of Medina is required to serve Town of Medina residents;*
- 2. No or very little prime agricultural land is used;*
- 3. The Town of Medina's rural character is maintained;*
- 4. Natural resources or environmentally sensitive land is not diminished;*
- 5. The quality of existing, adjacent housing stock and agricultural land is maintained; and*
- 6. The land use goals, objectives, and policies elsewhere in this plan are not undermined.*

The proposed rezoning to FP-B would facilitate expansion of a longstanding agri-business in the area. The proposed rezoning appears consistent with comprehensive plan policies. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [allan.majid@danecounty.gov](mailto:allan.majid@danecounty.gov).

**RESOURCE PROTECTION:** There are no sensitive environmental features on the site. Staff has no concerns.

**STAFF RECOMMENDATION (Sept 24th):** As of the time of writing, the applicants are still working with the Town of Medina to obtain approval. They are also working with the Land and Water Resources Department to obtain a favorable review of the stormwater plans. LWRD staff issued a preliminary review letter in August which identified some issues that needed to be resolved before staff would recommend approval of the rezone and the associated site plan.

Staff recommends postponement to allow time to resolve the above items, per the ZLR Committee's adopted rules and procedures. Once these items are resolved and the town has made a decision, a recommendation will be updated. Conditions of approval would be warranted to reference the site plan provided, specify restrictions on site lighting (to ensure dark-sky compliance and minimize disturbance to neighbors), and document the remaining development right on proposed Lot 2, for ease of future zoning administration.

**TOWN ACTION:** On October 15<sup>th</sup> the Town Board recommended approval of the rezone conditioned on a deed restriction that limits the use of the property to a business that ferments pickles, and to the Van Holtens business and site plan as of September 20<sup>th</sup>, 2024.

**SEPTEMBER 24<sup>th</sup> ZLR PUBLIC HEARING:** The ZLR Committee postponed action on the petition after the public hearing, to allow more time for town action and a successful preliminary review by LWRD of the stormwater plan.

**STAFF UPDATE:** Since the public hearing, the town has approved the proposal and the stormwater plan has been favorably reviewed by LWRD staff (see preliminary review letter dated October 4, 2024). The applicants provided an updated operations plan narrative dated September 20, 2024 which includes the site plan dated August 21, 2024 and updated exhibits in response to information requested by the town. Among other things, Van Holtens added landscape screening along Canal Road and significantly reduced the amount of site lighting to minimize visual impacts of the operation. Staff recommends approval of the rezone subject to the CSM being recorded and the following conditions:

1. A deed restriction shall be recorded on the lot stating the following:
  - a. Land uses on the property shall be limited exclusively to the following:
    - i. Pickle tankyard (fermentation and storage) operation
  - b. Site construction shall conform to the site and operation plans as approved as part of Rezone Petition 12091.
  - c. Lighting shall be installed per the plans presented. Lighting shall be limited to a maximum of 3,000K color temperature. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
  - d. Business signage shall require a sign permit and shall comply with all applicable restrictions of the Dane County Zoning Ordinance sign regulations.
2. One density unit remains available to the FP-1 zoned lot.
3. The CSM shall be recorded within 1 year of approval of the rezone petition (extending the Delayed Effective Date at the applicants' request).

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.