
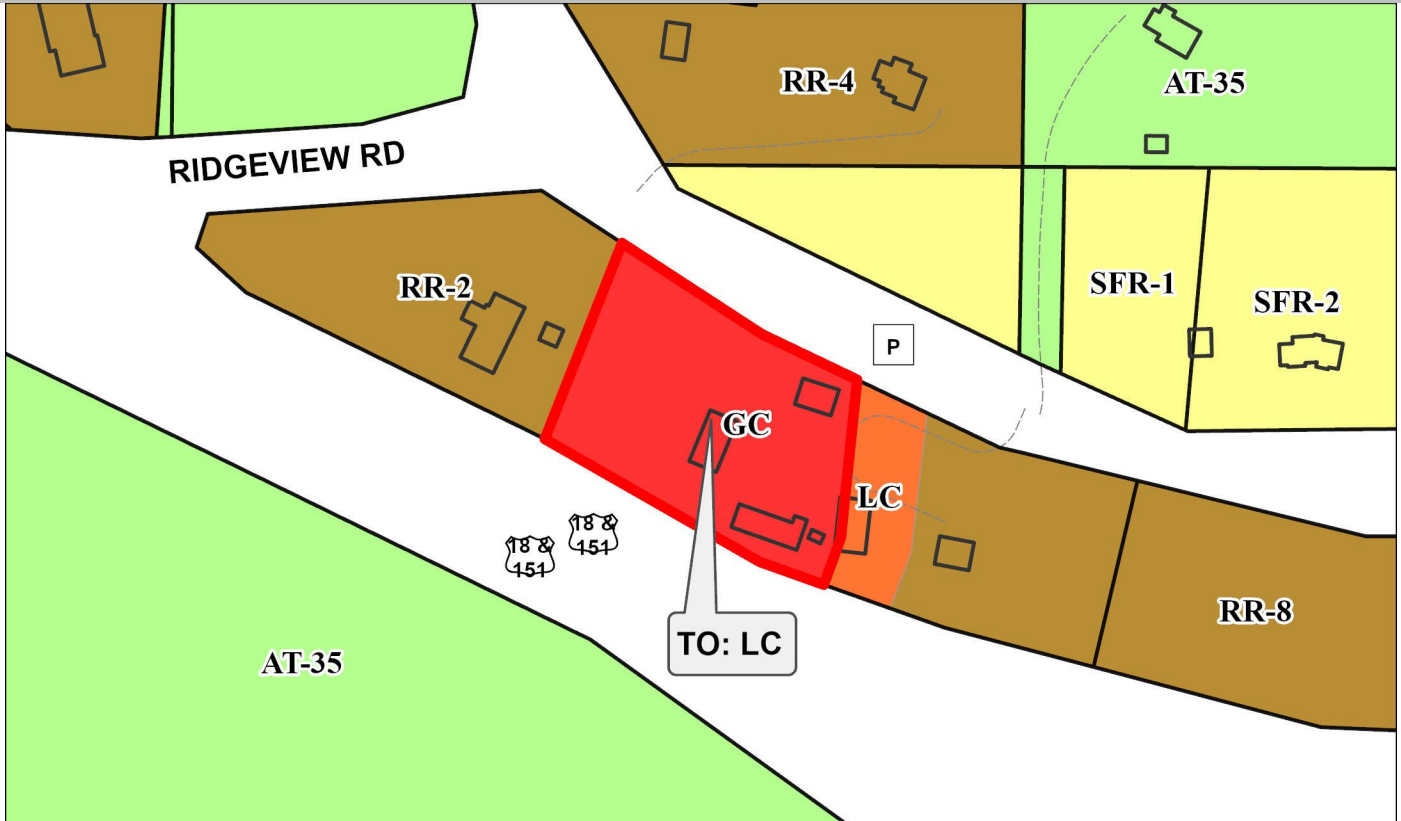


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>February 27, 2024</b>		<b>Petition 12016</b>
	<i>Zoning Amendment Requested:</i> <b>GC General Commercial District TO LC Limited Commercial District</b>		<i>Town/Section:</i> <b>SPRINGDALE, Section 16</b>
	<i>Size:</i> <b>3.35 Acres</b>	<i>Survey Required:</i> <b>No</b>	
	<i>Reason for the request:</i> <b>Zoning to allow for limited contractor business use</b>		<i>Applicant:</i> <b>ALBERT G HAWLEY &amp; KAREN ZETHMAYR</b>
			<i>Address:</i> <b>2669 CTH P</b>



**DESCRIPTION:** Applicants propose to rezone an existing 3.4-acre commercial lot from GC to LC Limited Commercial. The current owners Albert Hawley and Karen Zethmayr have operated an auction facility from the site for some time. They are selling the property to new owner who wish to rent space to contractor, landscaping or building trade businesses. The “down-zoning” to LC is proposed to accommodate the buyer’s goals as well as the Town of Springdale’s preference for less intensive commercial zoning and land uses at this location.

The application contains a site plan showing the site improvements and a written operation plan. The proposal is to use the existing buildings and parking lot layout, with no changes proposed at this time. Business hours are proposed as 6:00am to 8:00pm all week, with 10 or fewer employees expected on the premises. The applicants expect minimal noise from traffic, no outdoor material storage, and no nuisances to neighboring properties (fumes, pollution, dust, runoff).

**OBSERVATIONS:** The lot is an existing certified survey map lot (Lot 1 of CSM #8719). The lot conforms to the requirements of the proposed LC zoning district, which requires lots be at least 20,000 square feet and at most 5 acres in size. The existing buildings also appear to be just within the LC district’s unique limits that set a maximum of 10,000 square feet in total floor area for the buildings on site.

Buildings numbered “1” and “3” on the site plan do not appear to meet current-day setback requirements from the adjacent highway centerlines and right-of-way. However, these are existing conditions whether the property is zoned under the GC or LC district. Businesses would use the existing driveway access onto County Highway P. There is no driveway access onto Highway 151 and access there is prohibited by the current CSM.

**COUNTY HIGHWAY DEPT. COMMENTS:** CTH P is not a controlled access highway. No new access will be permitted on CTH P due to reconfiguration of lots. Any change of use for access requires a permit from the Highway Department. Joint access will be required. Not enough information provided to estimate traffic projections. Note: The included CSM references an approved driveway permit no. 6-119. Applicants must provide this permit to the Highway Department.

**COMPREHENSIVE PLAN:** The *Town of Springdale / Dane County Comprehensive Plan* allows for Limited Commercial zoning where proposed uses do not negatively impact : (a) neighboring farms and farmland, (b) neighboring residences, (c) natural environment, (d) property values, (e) traffic and parking, (f) the creation of noise, odor, and waste products, (g) aesthetics, (h) enjoyment of the land, (i) rural character, (j) existing or natural topography. Site plans are required.

Petition 12016 would downzone an existing commercial auction facility from General Commercial to Limited Commercial. This should significantly reduce the potential for incompatible uses on the site. No new construction is proposed, existing driveways will be reused, and existing stormwater and sanitary systems appear adequate for the proposed use. The applicant has submitted a site plan for the property. The proposed development appears reasonably consistent with the adopted plan standards. *(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or [standing@countyofdane.com](mailto:standing@countyofdane.com))*

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the property.

**TOWN ACTION:** On February 20, 2024 the Town Board recommended approval of the petition conditioned on a deed restriction being recorded that specifies:

1. Hours of operation be limited from 6am to 8pm, 7 days a week
2. A maximum number of three (3) contractor, landscaping or building trade operation businesses
3. Number of employees limited to 10 full-time equivalents on-site (total for all businesses)
4. No retail sales
5. No paid storage on the property
6. Lighting and signage conform to the Town's ordinances.
7. Existing onsite wastewater sewage disposal systems, if any, serving the businesses uses must be inspected by a licensed plumber to determine its suitability for all proposed or expanded uses. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

**STAFF RECOMMENDATION:** The LC zoning district allows a limited variety of business uses. Contractors, landscaping or building trade operations are permitted by right, as well as Indoor storage and repair, Office uses with up to six on-site employees, and Outdoor storage of up to 12 total vehicles and pieces of construction equipment. The town's recommended restrictions on the future uses would help ensure the commercial use of the site is limited in scope.

Pending any comments at the public hearing, staff recommends approval of the rezone subject to the applicant recording a deed restriction on the property that specifies:

1. Hours of operation are limited to between 6am and 8pm, 7 days a week
2. A maximum number of three (3) contractor, landscaping or building trade operation businesses
3. Number of employees limited to 10 full-time equivalents on-site (total for all businesses)
4. No retail sales
5. No paid storage on the property
6. Lighting and signage shall conform to the Town of Springdale and Dane County ordinances.
7. Existing onsite wastewater sewage disposal systems, if any, serving the businesses uses must be inspected by a licensed plumber to determine its suitability for all proposed or expanded uses. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.

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