


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 24, 2023		CUP 02581
	<i>Zoning Amendment Requested:</i> TO CUP: Caretaker's Residence; outdoor storage; storage of more than 12 vehicles/equipment on the property		<i>Town/Section:</i> SPRINGDALE, Section 21
	<i>Size:</i> 5 Acres	<i>Survey Required:</i>	<i>Applicant:</i> GREEN FIRE PROPERTIES LLC
	<i>Reason for the request:</i> Caretaker's Residence; outdoor storage; storage of more than 12 vehicles/equipment on the property		<i>Address:</i> 8864 OFFERDAHL ROAD



DESCRIPTION: Applicant Mike Healy of Adaptive Restoration and Green Fire Properties LLC requests a conditional use permit (CUP) in order to build a caretaker’s residence on the property, and have outdoor storage and more than 12 vehicles or pieces of equipment on site as part of the existing ecological restoration and land management/landscaping business. The CUP application was submitted in conjunction with a petition to rezone the entire 5-acre property to LC Limited Commercial. A caretaker’s residence, outdoor storage, and more than 12 vehicles or pieces of equipment are allowable conditional uses in the LC zoning district.

OBSERVATIONS / FACTUAL INFORMATION: The property is located at the northeast corner of Offerdahl Road and Town Hall Road. The site is across the road from the Springdale Town Hall, and is surrounded by agricultural lands and a handful of rural residences. The applicant has been operating Adaptive Restoration, an ecological restoration and land management business, as well as a tree farm at this site, which was formerly the Olmsted Nursery.

The zoning ordinance defines a “caretaker’s residence” as a dwelling on a nonresidential property occupied by the person who oversees the nonresidential property 24 hours a day, and his or her family.

RESOURCE PROTECTION: There are no sensitive environmental features on site. Part of the far west end of the lot is within the shoreland zone due to proximity to a stream within 300’ to the west. There are resource protection corridors mapped on the property in the vicinity of steeper slopes, which reflect the grading around existing buildings and the wooded area in the northeast quarter of the property.

For any new construction or ground disturbance associated with the construction of the new home or other site improvements, the landowner must obtain erosion control and stormwater permits from the Land & Water Resources Department under Chapter 14, Dane County Code.

TOWN PLAN: The *Town of Springdale/Dane County Comprehensive Plan* supports Conditional Use Permits for “a single-family residence for an owner of the business or a caretaker” on properties in the LC zoning district. (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)

CONDITIONAL USE PERMIT DECISION MAKING: “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the applicant’s testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

Application states the caretaker residence will improve the safety and security of the site, and will improve the aesthetics and ability to maintain the land and buildings. The construction process may involve the removal of aging and collapsing old farm buildings. Outdoor storage and storage of more than 12 vehicles and equipment is consistent with what is allowed under the current AT-B zoning.

2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.*

Application states the caretaker residence will improve the safety and security of the site, and will improve the aesthetics and ability to maintain the property. The construction process may involve the removal of aging and collapsing old farm buildings. There are ample existing concrete and gravel surfaces (~80,000 sf) for accommodating outdoor vehicle storage and parking. Outdoor storage and storage of more than 12 vehicles and equipment is consistent with what is allowed under the current AT-B zoning.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Application states the caretaker residence would be consistent with the rural residential uses of the properties to the north and east. There are no development areas adjacent to the property.

4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

Application states the property is already served by 2 driveways and power. Other site improvements will be done as needed to support caretaker residence.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Applicant states that the property is already served by 2 driveways, on a low-traffic road. One driveway may primarily serve the caretaker residence. Staff notes that the site appears to have sufficient parking spaces for the current and proposes uses. A single-family home typically generates 10 vehicle trips per day.

6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*

Applicant states the caretaker residence supports an existing business serving the rural and agricultural landowners of the town and nearby communities. Staff notes the proposed CUP may only be approved if the land is first rezoned to the LC Limited Commercial district, as the applicant has requested in a separate petition.

7. *That the conditional use is consistent with the adopted town and county comprehensive plans.*

Applicant states the proposed residence site is consistent with the town plan and not sited on agricultural land, and is clustered with nearby residences. See also staff comments above in Town Plan section.

8. *If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).*

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: Unlike commercial land uses, a caretaker’s residence does not typically have many potential nuisances associated with it. The applicant’s CUP application addresses the compatibility of the proposed residence with the surrounding uses.

Under Dane County Zoning Ordinance section 10.103, there are no special requirements or conditions that must be applied to a caretaker’s residence. Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the ZLR Committee. In addition to the 13 standard conditions required for all conditional use permits (see Staff Recommendation section below), the Town Board and zoning committee may impose any other conditions deemed necessary to meet the eight CUP standards. Such conditions may include limits on building size; limits on the number of people, vehicles or animals on the premises; and requirements for screening or setbacks to minimize disturbance to neighboring properties, among other conditions.

The Zoning Ordinance specifies what may constitute a “caretaker’s residence”, and the Town of Springdale has already approved the CUP with conditions it has found would satisfy the CUP requirements. Staff recommends conditions related to the screening of outdoor storage areas from the view from the road be part of any CUP approval. The construction of the caretaker’s residence may provide some screening between the storage areas and the home to the east, and the applicant has indicated their intent to remove the old dairy barn. The applicant has been asked to identify specific areas on their site plan for screening, based on discussions with the Town. Updated plans were provided, as noted below.

TOWN ACTION: On November 15th, the Springdale Town Board recommended approval of the CUP with the following conditions:

1. The caretaker residence shall be occupied by the person who oversees the nonresidential property 24 hours a day, and their family.
2. The residence is not to be used for incidental or transient or tourist lodging.
3. Outdoor storage is limited to thirty (30) vehicles or pieces of construction equipment.
4. The outdoor storage of vehicles or pieces of construction equipment is limited to only those owned/affiliated with the LC business.
5. The owner must maintain/improve the screening in the area between Offerdahl Rd and the outdoor storage area delineated on the site plan.
6. CUP IS TO EXPIRE WITH THE SALE OF THE PROPERTY with the exception of the caretaker residence, which may remain in perpetuity.

STAFF RECOMMENDATION: To address the town’s condition to maintain/improve screening between the outdoor storage areas and the road, the applicant provided an updated site plan and screening information (see Site Plan dated 1/18/2023 and Screening Plan dated 1/19/2023). Staff confirmed that this meets the town’s intent, which is to maintain vegetative screening similar to what exists in front the site today.

Pending any comments at the public hearing, staff recommends that the ZLR Committee makes a finding as to whether the proposed conditional use meets the applicable CUP standards. If the Committee agrees that the standards are met, staff recommends approval of the CUP with the potential conditions listed below.

CUP 2581 Potential Conditions of Approval:

1. Any conditions required for specific uses listed under s.10.103 of County Ordinances;
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code;
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the county zoning administrator upon request;

5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the county zoning administrator upon request;
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. 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;
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
8. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances;
9. If Dane County Highway Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use;
10. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site;
11. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division;
12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours;
13. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation;
14. The caretaker residence shall be occupied by the person who oversees the nonresidential property 24 hours a day, and their family.
15. The residence is not to be used for incidental or transient or tourist lodging.
16. Outdoor storage is limited to thirty (30) vehicles or pieces of construction equipment.
17. The outdoor storage of vehicles or pieces of construction equipment is limited to only those owned/affiliated with the LC business.
18. The owner must maintain/improve the screening in the area between Offerdahl Road and the outdoor storage area delineated on the site plan.
19. This CUP shall expire upon the sale of the property, with the exception of the caretaker residence, which may remain in perpetuity.

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