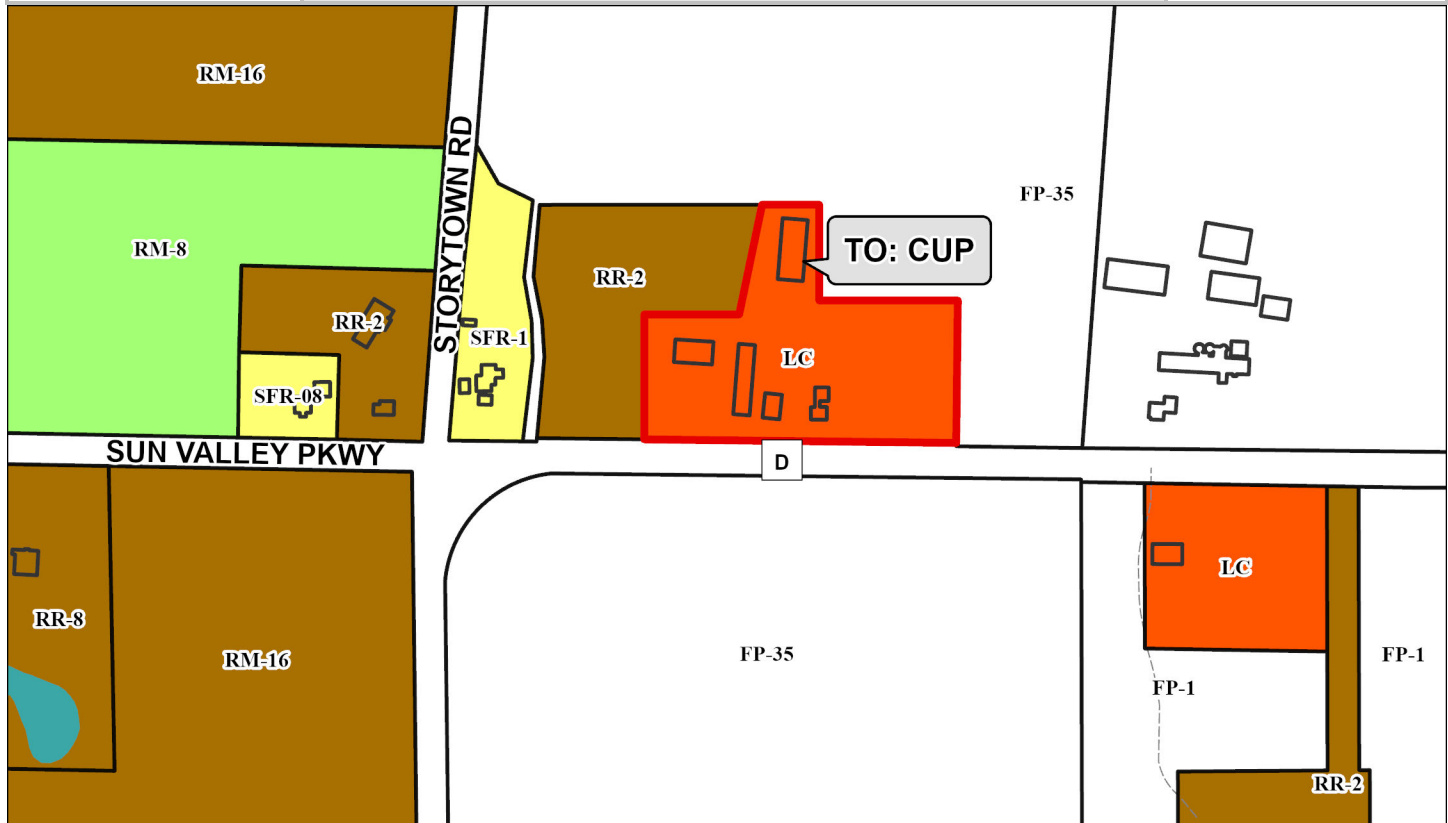


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> May 26, 2026		Conditional Use 02702
	<u>Zoning Amendment Requested:</u> To CUP: update existing CUP for outdoor storage and a caretaker's residence		<u>Town, Section:</u> OREGON, Section 5
	<u>Size:</u> 4.88 Acres	<u>Survey Required:</u>	<u>Applicant:</u> AMBLE LAND LLC
	<u>Reason for the request:</u> Increase outdoor storage and to have a caretaker's residence		<u>Address:</u> 5900 CTH D



DESCRIPTION: Applicant requests a conditional use permit (CUP) to update the landscaping company's current permit for outdoor storage and a caretaker residence. The applicants have also submitted rezone petition #12256 requesting GC General Commercial zoning, to enable reconstruction of a building because the site currently exceeds the LC zoning district's limits for total building footprint (10,000 square feet). They would like to update that building, add some office space and bathrooms for employees, and install a septic system, but otherwise want to continue using the property as they have been. The current CUP ([CUP #2495](#)) was approved in 2020 for both outdoor storage and a caretaker's residence in the LC zoning district. The CUP needs to be updated to account for the proposed zoning change, and to clarify the requirements pertaining to the outdoor storage.

OBSERVATIONS/ FACTUAL INFORMATION: The property is in commercial use and is 4.9 acres in size. The neighboring lands are in agricultural use on all sides, with Farmland Preservation zoning on three sides and an undeveloped residential lot adjacent to the west which the applicants also own. Other properties in the area include a few residential lots, larger Rural Mixed Use lots to the west along Storytown Road, and a Limited Commercial lot to the east.

The property was zoned LC in 2020 (rezone petition #11530). At that time, a deed restriction was required to limit the business operation—recorded document #5612599 addresses outdoor lighting, signage, burning of debris, operating hours, and other matters. A new restriction is required because rezoning the land terminates the current restriction.

The outdoor storage is currently located behind the main business building (dirt and material storage bins) and in the paved parking lot (equipment and vehicles) behind a screening fence that was installed previously.

COMPREHENSIVE PLAN: This petition is in the town's farmland preservation planning area and is subject to the land use policies related to that designation. This CUP proposal is consistent with the goals, objectives of policies related to commercial development in the Comprehensive Plan. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@danecounty.gov.

RESOURCE PROTECTION: No sensitive environmental resources exist within 300 feet of the subject property. A DNR navigability determination found the nearby stream non-navigable, so no shoreland zoning applies to the property.

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 of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including 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.*

The CUP application describes the proposed operations plan. The applicant states that the outdoor storage and continuation of the caretaker's residence have operated on the property without incident or complaint. Also that the site is designed and maintained to minimize impacts through controlled storage areas, limited lighting, and normal business operations typical of landscaping contractors.

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.*

The applicant states that the surrounding area is primarily agricultural with scattered rural residences and occasional commercial service uses. Also that the landscaping operation has existed for an extended period and has not resulted in documented complaints. The outdoor storage is limited and located behind existing buildings (and fencing) to minimize visual impacts to neighboring properties.

Staff affirms that no complaints or zoning violations have occurred on this property since the business located here.

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.*

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. The applicant states that the proposed conditional uses represent a continuation of existing site operations and do not introduce new land uses or increased operational intensity. Also that these uses will not interfere with the surrounding agricultural or residential development patterns.

Being on a county trunk highway, this area has a variety of land uses and property types. The surrounding properties to the N/E/S are in farmland preservation status, which allows little development and subject to the Town of Oregon's land use plan. The lot to the west is owned by the applicants, and a handful of large and small-lot residential properties exist in the area.

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

The utilities, access roads, drainage, and other improvements needed for the conditional uses are already in place. The applicant states that the property has established driveway access from County Highway D and internal circulation areas for vehicles and equipment, stormwater retention basin, and existing and proposed sanitary facilities that are being reviewed and permitted through the Public Health Department.

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.*

The applicant states that ingress and egress is provided by the existing driveway, and traffic consists primarily of employee vehicles and landscaping trucks and trailers. The conditional uses proposed will not significantly increase traffic volumes; the commercial operation is not being expanded.

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

The proposed use conforms to the applicable regulations of the proposed GC zoning district. Outdoor storage and caretaker residence are allowable conditional uses in the GC zoning district. By contrast, the current LC zoning allows some outdoor storage as a permitted use (up to 12 vehicles or pieces of equipment), and only requires a CUP to exceed that limit.

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

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

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: The potential nuisances that pertain to outdoor storage most likely involve visual impacts, or possibly dust and noise. The applicant's CUP application (and current site improvements / site plan) addresses how these potential nuisances are handled, as noted above.

Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for outdoor storage operations or caretaker residences. Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee.

TOWN ACTION: Town Board recommends approval, with 8 unique conditions (see recommended conditions #13-20 below).

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the fact that the business use would be limited in scope by the town's recommended conditions, as well as the deed restrictions recommended as part of rezone petition #12256, that the storage and residential uses are not proposed to change from what already exists, and provisions are already in place for visual screening for the storage areas. This is also reflected in the town's approval and conditions. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) we recommend approval with the conditions listed below. The conditions below reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and the town approved conditions.

CUP 2702 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (none).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the 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 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 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 must be provided, consistent with s. 10.102(8).
9. If the 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 Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to 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 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.
12. 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.

Conditions specific to this CUP:

13. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
14. Outdoor storage shall be limited to landscaping materials, equipment and vehicles associated with the landscaping company / contractor operation. This includes landscaping materials (soil, mulch, and bark in the designated bin areas behind the buildings), and trailers, vehicles, and equipment to be stored behind the existing screening along Highway D.
15. No more than 9 pieces of equipment may be stored outside overnight.
16. Outdoor storage of parts, tires or debris piles is prohibited.
17. Permanent fuel storage shall be prohibited on the property. Two mobile fuel transfer tanks shall be permitted. Mobile tanks must meet all spill containment standards required by the Division of Environmental Health.
18. Vegetative screening, consistent with Section 10.102(12), Dane County Code, must be maintained along the western side of the property, to shield the adjacent residentially-zoned lot. Additional evergreen screening must be installed along CTH D from the new, shared driveway, to the existing driveway to be eliminated.
19. This conditional use permit will expire on the sale of the property to a third party. Continuation of the conditional use after sale to a third party will require approval of a new conditional use permit.
20. This CUP is only effective upon Rezone Petition #12256 becoming effective.

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