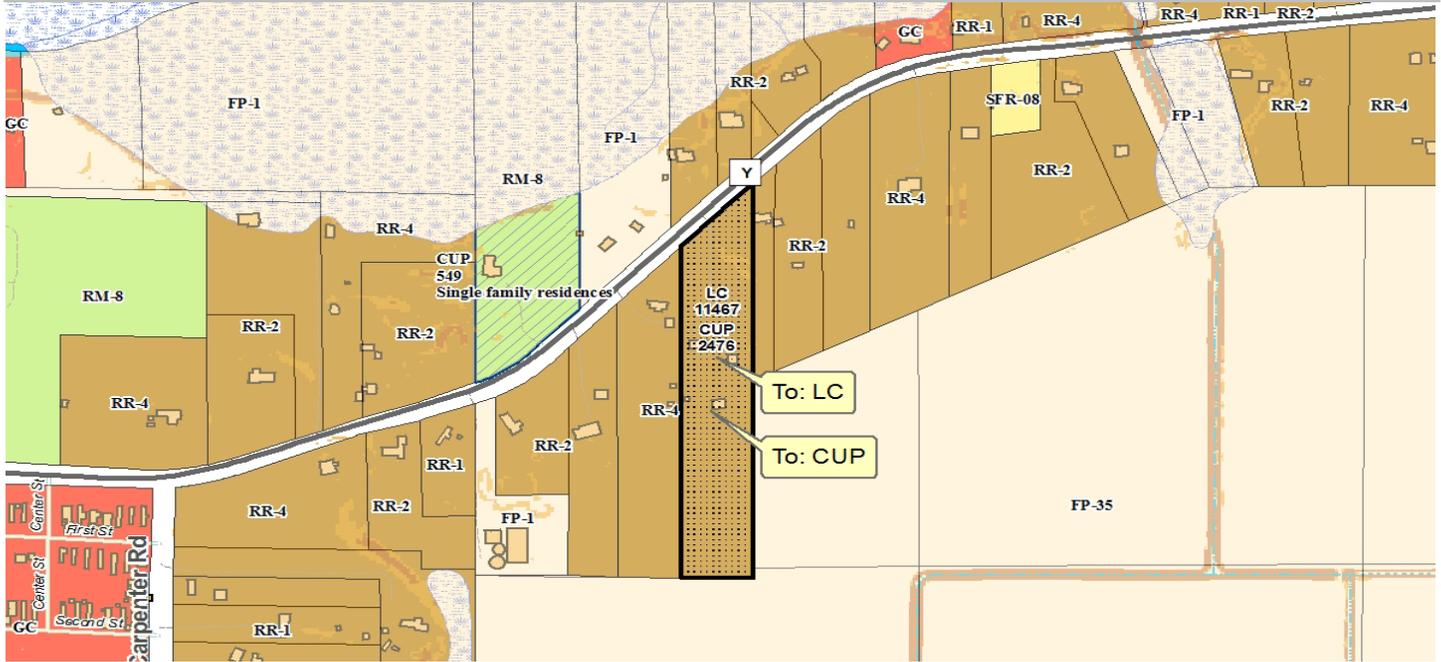


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p>	<p>Public Hearing: August 27, 2019</p>	<p>CUP 02476</p>
	<p><u>Zoning Amendment Requested:</u></p> <p>Conditional Use Permit (CUP) to allow for a caretaker residence in the LC-Limited Commercial District and allow outdoor storage</p>	<p><u>Town/Section:</u></p> <p>MAZOMANIE, Section 27</p>
	<p><u>Size:</u> 5.9 Acres</p>	<p><u>Survey Required:</u> No</p>
	<p><u>Reason for the request:</u></p> <p>Allow a residence within the commercial zoning district and allow commercial outdoor storage</p>	<p><u>Applicant:</u></p> <p>SLATER J DIEDERICH</p> <p><u>Address:</u></p> <p>10267 County Hwy Y</p>



DESCRIPTION: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for the existing residential use on the property to continue and outdoor storage. This CUP is associated with a separate rezone petition, also on the August 27, 2019 ZLR public hearing agenda, Rezone 11467, for which there is a separate staff report. Petition 11467 is for a rezone from the RR-4 (Rural Residential, 4 to 8 acres) District to the LC (Limited Commercial) District to bring an existing tree service business into compliance. Both uses currently exist onsite. This report is for the CUP.

CONDITIONAL USE PERMIT PROCESS: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of conditional use permits.

In order to obtain a Conditional Use Permit, an applicant must provide **substantial evidence** to demonstrate that the application, and all requirements and conditions established by the county relating to the conditional use, are or shall be satisfied. Substantial evidence means, *“facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”*

Prior to granting or denying a conditional use, the zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- a. 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;

- b. 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;
- c. 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. 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;
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.
- h. 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).

The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met. The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable, measurable.

RELEVANT FACTS & INFORMATION

Location, size, existing use and characteristics of subject property: The property is located in section 27 of the town of Mazomanie and totals approximately 5.9 acres. Existing uses of the property are a residence and a tree service business. The property consists of approximately 15 percent residential with the remaining property dedicated to the tree service operation. Surrounding land uses include agriculture / open space and scattered rural residences. The south end of the property has sensitive environmental features related to flood plains. No new structural development proposed.

Current zoning and applicable district regulations: Current zoning is RR-4 but a change is proposed under Rezone 11467 to the LC district (separate petition). Contractor, landscaping or building trade operations are all listed as permitted uses in the LC district with a caretaker residence listed as a conditional use.

Utilities, access, drainage, and other necessary site improvements: The applicant has submitted that no other improvements are planned at this time. No new parking is planned. No new point of access is proposed, no outdoor loudspeakers, and no additional outdoor lighting. The applicant indicates he will work with the town to keep the property to residential standards.

Operations Plan: An operations plan for tree service business was submitted as part of this application.

Outdoor Storage: Included in the details of the operations plan are vehicles, trailers, landscape equipment, landscape supplies, metal and other vehicle maintenance supplies. Also noted for outdoor storage are bulk wood and bulk woodchips.

On the site plan, two areas are delineated for wood/woodchip storage:

- Area 1 is south of the structures, near the edge of the floodplain and possible wetland area on the south end of the property;
- Area 2 is near the north end of the property adjacent to the driveway a little way off the main road.

The applicant is currently awaiting a wetland determination to establish any boundaries and areas that may not be disturbed.

COUNTY HIGHWAY DEPARTMENT: County Highway Y is not a controlled access highway. No new access points shall be permitted in this area. Any change of use requires a new access permit to be obtained.

TOWN PLAN: The property is in the Agricultural Preservation Area of the Town comprehensive plan. The Town has a one-dwelling-unit-per-40-acres density policy.

Staff has prepared the following list of recommended conditions based on substantial evidence and which may be applied to ensure the use meets the applicable standards for approval and the purposes of the ordinance. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The applicant/landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances Section 10.101(7)2.a. Standard Conditions.
2. The conditional use permit shall allow a single family residence within the LC Limited Commercial Zoning District and allow for the outdoor storage of materials.
3. Any existing or proposed structure used as a residence must meet applicable building code requirements.
4. Outdoor storage shall be prohibited within the floodplain area or areas designated as wetlands.
5. Gasoline and diesel fuel storage shall comply with Wisconsin DNR standards.

STAFF: Please contact Curt Kodl (608)266-4183 or kodl@countyofdane.com with any questions.

AUGUST 27TH ZLR ACTION: The Committee postpone action on the conditional use permit due to no Town Action.

STAFF UPDATE: The Town Board has approved the CUP with no conditions. If approved, Staff suggest several conditions be placed on the property as noted above.