
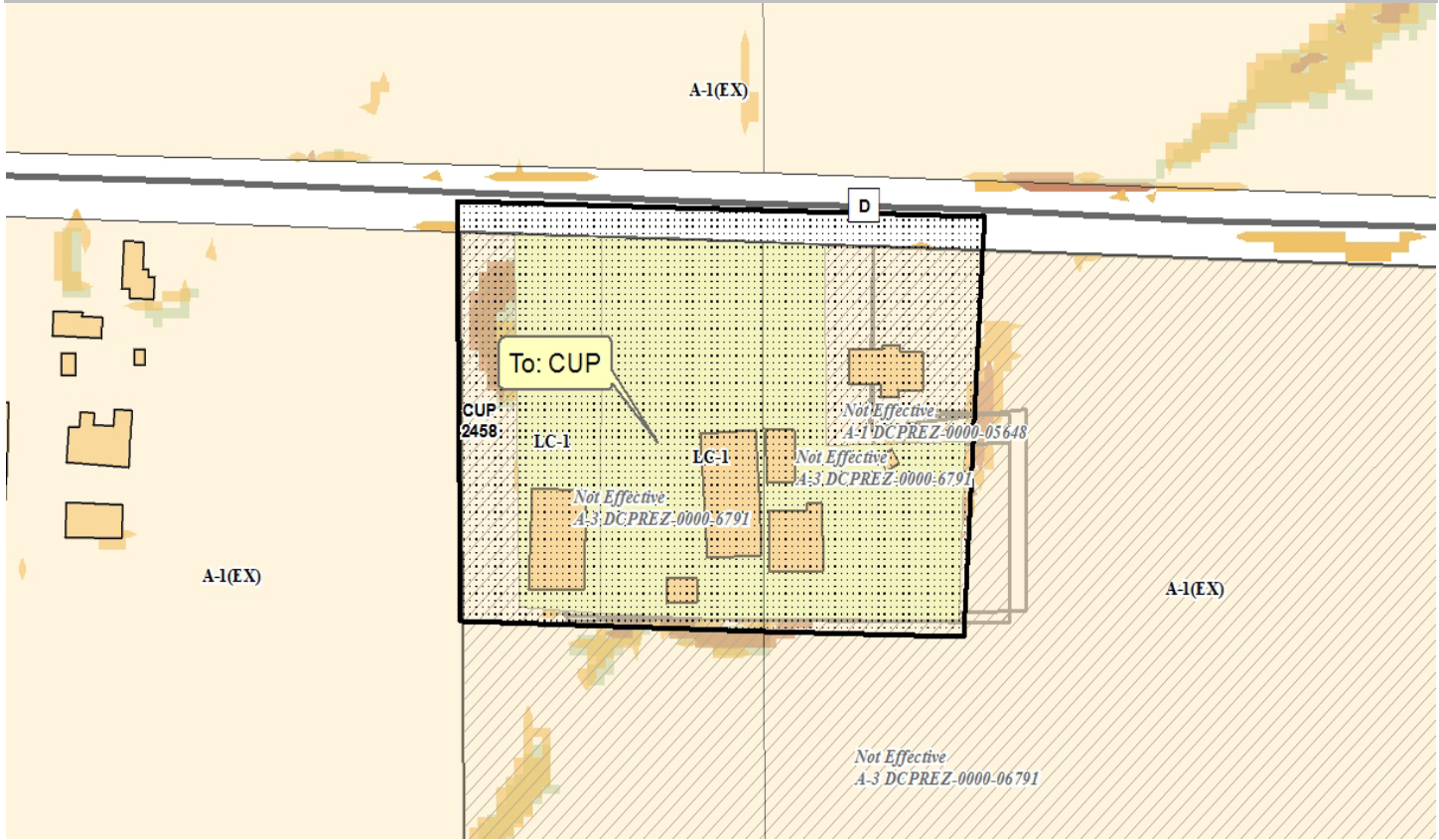


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> April 30, 2019	CUP 02458	
	<i>Zoning Amendment Requested:</i> TO CUP: Landscape Company – Outdoor storage & storage of more than 12 pieces of machinery / construction equipment		
	<i>Size:</i> 5.115 Acres	<i>Survey Required:</i>	<i>Town/Section:</i> OREGON, Section 17
	<i>Reason for the request:</i> Outdoor storage & storage of more than 12 pieces of machinery / construction equipment		<i>Applicant:</i> Greenscapes RE LLC
		<i>Address:</i> 5995 COUNTY HIGHWAY D	



DESCRIPTION: Applicant, Greenscapes LLC, is in the process of relocating their full service landscape contracting business to the subject property and requests approval of a Conditional Use Permit to allow outdoor storage and storage of more than 12 vehicles / pieces of equipment in the LC-1 Limited Commercial district. Outdoor storage consisting of a large bulk mulch pile and bins of landscaping materials would be located south of the landscape building shown on the site plan screened from view. The operation has approximately 75 pieces of equipment, including 27 dump trucks, 4 bobcats, 14 lawnmowers, 13 snow plows, and 16 trailers. They propose to store no more than 12 pieces of equipment outside, overnight. Note that applicant also has pending rezone petition 11344 to revise the boundaries of the LC-1 lot.

OBSERVATIONS: There are several outbuildings on the property used for the storage of material and equipment. The easterly portion of the property was identified in 1969 as a legal non-conforming mineral extraction site; however, no extraction is evident on the property. The majority of the property consists of Class I and II soils which are soils of State-wide significance.

TOWN PLAN: The property is located in an area shown as appropriate for commercial development in the town plan.

RESOURCE PROTECTION: No resource protection corridors on the property.

STAFF: The applicant has worked with staff and the town of Oregon to provide a more detailed site and operations plan from what was initially submitted with related rezone petition 11344. The proposal appears reasonably consistent with town plan policies. Staff has recommended conditions of approval, below. Note that most conditions listed apply to all conditional uses per the new ordinance, section 10.101(7)(d)2a.

TOWN: Approved with conditions (town conditions incorporated in staff recommendations, below).

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the standards as listed above to allow the conditional use on the property. Many of these conditions are from section 10.101(7)(d)2a of the zoning ordinance and apply to *all* conditional uses. 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. Any conditions required for specific uses listed under s. 10.103.
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. Indoor storage of more than 12 total vehicles and pieces of construction equipment is allowed. Outdoor storage of equipment of up to, and not to exceed, 12 total vehicles and pieces of construction equipment overnight. All equipment must be stored behind the buildings overnight.
4. Outdoor storage of landscaping materials only and must be stored in bins. Mulch will be stored behind the building so as to screen from view from the road. The decorative stone will be stored in bins. Debris pile must be located behind a building so as to screen it from view of the road and not exceed 60 cubic yards. No outdoor storage of tires, parts, chemicals, salt, etc., at any time.
5. 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.
6. 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.
7. 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. Storage of all hazardous materials, including fuel and chemicals must be done in accordance as detailed in the site and operations plan and must be compliant with applicable local, state, and/or federal standards. This includes the spill containment, emergency shutoffs, and security fencing / indoor storage proposed for fuel tanks.

8. 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.
9. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
10. Off-street parking must be provided, consistent with s. 10.102(8).
11. 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
12. 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.
13. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved 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.
14. 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.
15. 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 a reasonable opportunity to correct any violations prior to revocation.