
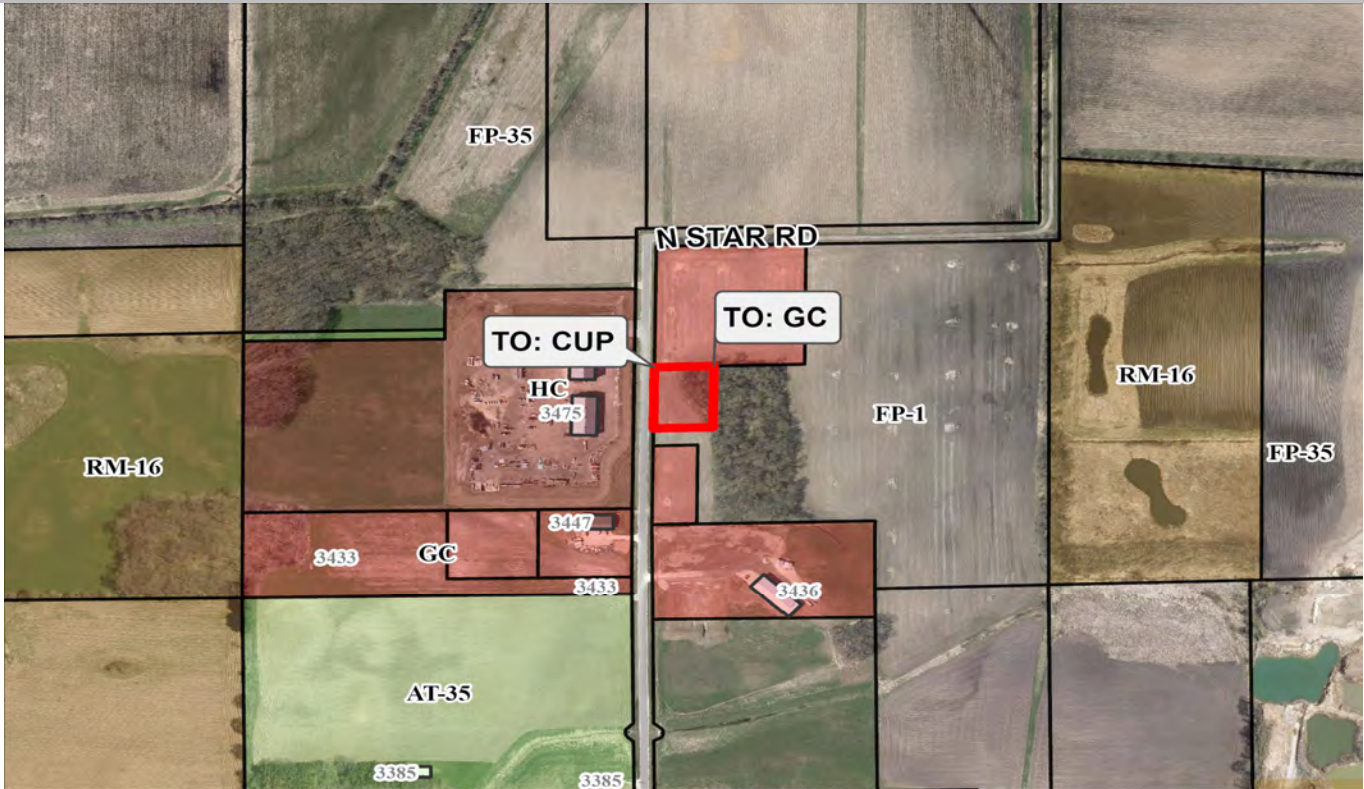


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> September 26, 2023		Conditional Use 02605
	<i>Zoning Amendment Requested:</i> TO CUP: VEHICLE REPAIR OR MAINTENANCE OPERATION		<i>Town/Section:</i> COTTAGE GROVE, Section 27
	<i>Size:</i> 1.07 Acres	<i>Survey Required.</i>	<i>Applicant:</i> KRISTINE LEON
	<i>Reason for the request:</i> VEHICLE REPAIR OR MAINTENANCE OPERATION		<i>Address:</i> EAST OF 3475 N STAR RD.



DESCRIPTION: Kristi Leon requests a conditional use permit to operate a new European-auto repair shop in the Town of Cottage Grove’s emerging business park on N. Star Road. The property is Lot 2 of Certified Survey Map #16140. The proposal includes:

- A new 5,000 square foot building with office, indoor storage and auto repair space with 3 auto bays with lifts
- A roughly 4,000 square foot storage building (proposed as Phase 2 / future construction)
- 24 surface parking stalls, and associated site landscaping
- Site to be served by new well and septic facilities
- Hours by appointment (see Town approval conditions below for clarification)

The applicant has also submitted a separate rezone petition ([Rezone Petition 11977](#)) to modify an existing deed restriction. Approval of rezone petition 11977 is required in order for this CUP petition to move forward.

OBSERVATIONS: The GC zoning district allows vehicle repair and maintenance with an approved conditional use permit, and allows office uses, indoor sales, and indoor storage and repair as permitted uses. The application indicates that outdoor sales and display of vehicles is proposed. In initial conversations with the applicant, staff advised that the GC zoning district does not allow outdoor sales, display or repair because businesses that conduct those primary activities outdoors require HC Heavy Commercial zoning. However, the zoning ordinance definition of “outdoor sales, display or repair” specifies that this definition does not include uses where the outdoor sales or display area is *less than 15 percent*

of the gross floor area of any principal building where sales are also conducted, which are instead classified in the "indoor sales" land use category. Fifteen percent of the initial 5,000 square foot building would be 750 square feet, enough space for five (5) parking stalls for vehicle display and sales. To comply with the property's zoning and the land use restrictions adopted by the Town of Cottage Grove, the business operation will need to stay within the 15% limit. See staff recommendations below, as well as deed restriction information on the associated [Rezone 11977](#).

RESOURCE PROTECTION: No sensitive environmental features on or within 300' of the subject property. Erosion control and stormwater management permits will be required from Dane County Land and Water Resources for this commercial development. The property is located in a closed watershed, which has additional stormwater requirements. The applicant has been advised to work with LWRD staff to obtain preliminary review.

COMPREHENSIVE PLAN: The property is located in the town's commercial planning area. The proposed conditional use appears reasonably consistent with comprehensive plan policies, and the anticipated nature and pattern of commercial development for the area. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@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 of fact 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 s.10.101(7)(d) of the Zoning Code, and a summary of relevant facts 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 applicants state that all auto work will be performed in the shop, and no body work or salvage work will be done. Vehicles being repaired would be stored indoors in the shop; any vehicles stored outside will be in running condition and fully assembled. Waste materials being recycled, including tires, would be kept in a fenced trash enclosure at the rear of the site.

Staff notes that parking stalls would need to be used for vehicles kept outdoors for the purpose of employee and customer parking, or limited sales and display. By ordinance this is different from "outdoor storage" which does not include loading and parking areas.

The site development will be subject to the Town of Cottage Grove's design review process which includes requirements for site landscaping, lighting, and other items to ensure aesthetic quality. Staff believes the proposal could be considered to meet this standard because (a) the town has approved this CUP and (b) the final site plan will be subject to the town's design review process. However, it is difficult to fully assess whether the proposal meets this standard because the applicant has not yet provided specific information requested for:

- site lighting (such as fixture type, pole height, and shielding to minimize potential glare);
- whether or how any hazardous materials would be stored on site and any proposed spill containment measures;
- fencing (whether the waste enclosure is the only fenced area, and would it be screened from view);
- business signage.

These items could be addressed through the conditions of CUP approval, see recommendations below.

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.*

Applicant states that the parking area will be paved with asphalt to minimize dust and gravel in the vicinity. Auto work will be done in the shop building and will adhere to the "quiet hours" established by the Town.

Staff notes that the Town of Cottage Grove limited the business operating hours, and vehicle repair activities, as conditions of CUP approval. As noted above, the lot is located in an emerging business park. The surrounding lands contain commercial properties with a mix of GC General Commercial and HC Heavy Commercial 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.*

Applicant states that the business will comply with the site standards established by the town and will be kept orderly; the business will not have salvage cars nor perform body work.

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 site is part of a larger business park development that will use a new shared road extending off of N. Star Road, as well as shared stormwater management facilities. The surrounding area consists of lands with similar land uses and zoning. The proposed conditional uses would not appear to impede the development of surrounding properties.

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

Applicant states that the land has been surveyed for the septic/water but these utilities have not yet been built.

The lot will have road frontage on N. Star Road as well as a new cul-de-sac road extending eastward into the business park development that is already under construction. This site has been determined to be suitable for well and septic, which would be permitted as the project progresses. This business park is being developed on a "regional" stormwater plan which means each lot will use some shared stormwater facilities located off-site to meet most requirements; however, this Lot 2 will still need to meet certain requirements on-site. Because the regional plan has been reviewed by Land and Water Resources, staff believes the site can be developed to meet the requirements of County Code Chapters 11 and 14. The utilities, access roads, drainage, and other site improvements appear sufficient to support the conditional use.

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 there will be a 24-foot wide driveway on N. Star Road as well as the new road along the south side of the lot. The road construction is being handled through the Town of Cottage Grove and Duane Swalheim, the developer of the adjacent lands.

Off street parking is provided on site in 24 parking stalls, and the parking lot layout meets ordinance requirements.

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

Applicant states the conditional use will adhere to the site standards established by the Town of Cottage Grove and will comply with all noise regulations.

The proposed site plan conforms to the applicable regulations of the GC zoning district, and other site layout requirements in Chapter 10. As noted above, the GC district allows vehicle repair and maintenance as an allowable permitted uses in the GC district. However, to comply with GC regulations the outdoor vehicle sales and display must be limited to no more than 15% of the gross floor area for buildings on site.

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. The applicant states that the town is planning to expand commercial development along UW Highway 12/18 and County Highway N, due to its proximity to Madison and major highways.

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 vehicle repair and maintenance most likely involves noise, vehicle traffic, and site aesthetics. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

Under Dane County Zoning Ordinance section 10.103, there are no special requirements for vehicle repair and maintenance operations. See below for recommended conditions.

TOWN ACTION: On September 5, 2023 the Town Board approved the conditional use permit with the following conditions:

1. Hours for vehicle repair and maintenance limited to Monday-Friday 7:30am to 5:30pm (Saturdays would be limited to sales only).
2. Development of site is subject to the Town's Design Review process.

STAFF RECOMMENDATION: The staff comments in this report reflect the conversations held with the applicant and town staff prior to reviewing this petition, and staff worked with the applicant to provide guidance on the CUP application requirements.

The application seems to suggest that outdoor vehicle display and sales are a significant aspect of the business, which was not staff's understanding from the early conversations. For this reason we emphasize that to comply with regulations of the GC zoning district and the deed restrictions applied as part of the business park's GC zoning, the outdoor vehicle sales and display activities must be limited to no more than 15% of the gross floor area for buildings on site. For Phase 1 with the first 5,000 square foot building, this would mean a maximum of 5 vehicles displayed for sale. If the applicants are unable to comply with this limitation, they have the options of (a) displaying and selling vehicles indoors, or (b) submitting a petition to rezone the property to HC Heavy Commercial. Rezoning of the property would be up to the discretion of the Town.

At this time, staff believes that the petition provides sufficient evidence to address the CUP standards. This includes: the site plan received 7/19/23, information on the site soils, the approved status of the regional stormwater management plan, and the fact that this lot will be subject to the Town of Cottage Grove's design review standards. These things, and the suggested conditions below, would help ensure compatibility with the surrounding neighborhood and the GC zoning district. Staff recommends more specific condition-language regarding the hours of operation, because the application does not propose specific operating hours and the town's condition speaks more to limiting the vehicle repair and maintenance activities.

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 the ZLR Committee makes a finding as to whether the proposed conditional use meets the applicable CUP standards. If the Committee finds that the proposal meets the standards, staff recommends approval with the conditions listed below.

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

Possible CUP Conditions:

Standard Conditions for all Conditional Use Permits

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
2. 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.
3. 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.
4. 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.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.
8. 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.
9. 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.
10. 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.
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. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation.

Conditions Unique to CUP 2605

13. Operating hours shall be limited to Monday-Saturday 7:30am to 5:30pm (Saturdays shall be limited to sales only).
14. The landowner is responsible for obtaining site plan approval per the Town's Chapter 12 Design Review process. Exterior lighting, landscaping, and screening shall comply with the Town of Cottage Grove Chapter 12 ordinance requirements.
15. Evidence of compliance with Dane County stormwater management regulations shall be required prior to development, including arrangements for ongoing maintenance of the regional stormwater facilities.
16. Outdoor display and sales of vehicles shall be limited to five (5) vehicles.
17. This CUP shall become effective upon Rezone petition 11977 becoming effective to modify the current deed restriction.