

# Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
09/15/2015	DCPREZ-2015-10913
Public Hearing Date	C.U.P. Number
11/24/2015	DCPCUP-2015-02331

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME DON PECKHAM	PHONE (with Area Code) (608) 206-6888	AGENT NAME JOHN MULLIGAN	PHONE (with Area Code) (715) 892-2164
BILLING ADDRESS (Number & Street) 6551 LAKE RD		ADDRESS (Number & Street) 7840 LEARY RD	
(City, State, Zip) WINDSOR, WI 53598		(City, State, Zip) MINOCQUA, WI 54548	
E-MAIL ADDRESS DPECKHAM@CHARTER.NET		E-MAIL ADDRESS JTM7840@GMAIL.COM	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
EAST OF 3019 COUNTY HIGHWAY BB					
TOWNSHIP COTTAGE GROVE	SECTION 7	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0711-071-8790-7		0711-071-9050-0			

REASON FOR REZONE			CUP DESCRIPTION	
ALLOW OUTDOOR STORAGE FOR A LANDSCAPING AND CONSTRUCTION BUSINESS			OUTSIDE STORAGE OF CONSTRUCTION EQUIPMENT	
FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
R-1A Residence District	LC-1 Limited Commercial Dist	.224	10.111(3)(A)	2.183
C-1 Commercial District	LC-1 Limited Commercial Dist	1.959	10.111(3)(E)	2.183

C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>JTM</i>	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>JTM</i>	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <i>JTM</i>	INSPECTOR'S INITIALS  SSA1	SIGNATURE: (Owner or Agent) <i>John T. Mulligan</i>
				PRINT NAME: <i>John T. Mulligan</i>
				DATE: <i>9-15-2015</i>



DANE COUNTY  
**PLANNING & DEVELOPMENT**

Zoning Division  
Room 116, City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53703-3342  
Phone: (608) 266-4266  
Fax: (608) 267-1540

## Zoning Change Application

Items that must be submitted with your application:

- o Written Legal Description of the proposed Zoning Boundaries  
Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.
- o Scaled Drawing of the location of the proposed Zoning Boundaries  
The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name Don Peckham  
Address 6551 Lake Rd  
Phone Winson WI 53598  
608-206-6888  
Email dpeckham@charter.net

Agent's Name John Mulligan  
Address 7840 Leary Rd  
Phone Minocqua, WI 54548  
715-892-2164  
Email JTM7840@gmail.com

Town: Cottage Grove Parcel numbers affected: 0711-071-8790-7 & 0711-071-9050-0  
Section: 7 Property address or location: East of 3019 CTH BB  
Zoning District change: (To / From / # of acres) To LC1 From C1 - 1.959 acres &  
To LC1 From R1a - .224 acres

Soil classifications of area (percentages) Class I soils: \_\_\_\_\_ % Class II soils: \_\_\_\_\_ % Other: \_\_\_\_\_ %

Narrative: (reason for change, intended land use, size of farm, time schedule)

- ☐ Separation of buildings from farmland
- ☐ Creation of a residential lot
- ☐ Compliance for existing structures and/or land uses
- ☒ Other:

The reason for LC1 is that outdoor storage is only available in LC1, not in C1 as exists. This is for storage for a landscaping & construction business. We will be putting a 60x100 Building for indoor storage on site.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: Don Peckham

Date: 9-10-15





DANE COUNTY  
**PLANNING & DEVELOPMENT**

**Conditional Use Application**

Application Fee: \$486 Mineral Extraction: \$1136

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210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53703-3342  
Phone: (608) 266-4266  
Fax: (608) 267-1540

Items required to be submitted with application:

- o Written Legal Description of Conditional Use Permit boundaries
- o Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.
- o Scaled map showing neighboring area land uses and zoning districts
- o Written operations plan describing the items listed below (additional items needed for mineral extraction sites)
- o Written statement on how the proposal meets the 6 standards of a Conditional Use

Owner	<u>Don Peckham</u>	Agent	<u>John Mulligan</u>
Address	<u>6551 Lake Rd</u>	Address	<u>7840 Leary Rd</u>
Phone	<u>Winsor WI 53598</u>	Phone	<u>Minocqua WI 54548</u>
	<u>608-206-6888</u>		<u>715-892-2164</u>
Email	<u>dpeckham@Charter.net</u>	Email	<u>STM7840@gmail.com</u>

Parcel numbers affected: 0711 071 8790 7 extg RIA  
0711 071 9050 0 extg CI

Town: Cottage Grove Section: 7

Property Address: none

Existing/ Proposed Zoning District: RIA and CI to LC1

- o Type of Activity proposed:  
*Separate checklist for mineral extraction uses must be completed.*

- ☒ Hours of Operation 6 AM - 8 PM
- ☒ Number of employees 3 Fulltime + 6-8 parttime
- ☒ Anticipated customers not usually on site
- ☒ Outside storage yes - need conditional use
- ☒ Outdoor activities Storage of Vehicle & Equipment & piles of Rock, gravel - sand & dirt
- ☒ Outdoor lighting South side of Bldg Facing down
- ☒ Outside loudspeakers NO
- ☒ Proposed signs 1 - plow Blade with name near Road
- ☒ Trash removal Town trash Pickup
- o Six Standards of CUP (see back)

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By:

Date: 9-10-15

## Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

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

*It will have very little impact & is surrounded by other businesses.*

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.

*This will have very little additional effect & fits existing area land use. with tree screen visuals will improve over existing use.*

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.

*Should have no impact on surrounding property.*

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

*Access is already approved & utility service will not be a problem.*

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

*Already possess right to use access for up to 100 one way trips per day & should not even use 1/2 of that.*

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

*this should not be a problem.*



D R A F T

- Hours of operation limited to 6 a.m. to 6 p.m. Monday thru Friday, and 7 a.m. to 4 p.m. on up to five Saturdays per calendar year, with prior notice given to neighbors. No operations on Sundays.
- All necessary State and County permits must be secured prior to the beginning of mining operations.
- Operator shall notify neighbors in advance of any crushing done on the site.

**MOTION FAILED FOR LACK OF SECOND.**

**MOTION** by DuPlayee/Anders to approve the conditional use permit beginning on January 1, 2016 to allow non-metallic mining on 35 acres with the same conditions as the failed motion above, but allowing up to 15 acres of the 35 to be open at any one time. The six standards under DCCO section 10.255(2)(b) were considered with the following votes:

1. Failed 2-3
2. Approved 3-2
3. Approved 4-1
4. Approved 5-0
5. Approved 4-1

**MOTION FAILED 2-3** (Fonger, Anders and Williams opposed).

2. John T. Mulligan, applicant, Don Peckham, owner – parcels 0711-071-8790-7 and 0711-07-9050-0 on County Road BB: seeing rezone to LC-1 with a conditional use permit for outdoor storage of construction materials for .224 acres currently zoned R-1A and 1.959 acres currently zoned C-1: Anders stated that he had opposed this rezone at the Plan Commission level because he did not approve of the large quantities of material it would allow to be stored outdoors. Discussion was that materials would be limited to gravel, sand, boulders and topsoil and the piles would not be visible from County BB. DuPlayee wondered about truck traffic on such a busy road, but Mulligan stated there would be a half dozen or so coming and going each day. **MOTION** by Fonger/Anders to accept the Plan Commission's recommendation to approve the rezone of the entire 2+ acres to LC-1 with a CUP for outside storage of materials and vehicles as specified above and below:

a) Design review and landscaping plans to include:

- Overhead doors facing south and no windows.
- Screening requirements: continuous evergreen plantings, ultimately reaching 6' wide by 5' high, or a 6-8' fence.
- Outdoor lighting only at the back doors of the building, and downward facing.
- Up to 3 full time employees.
- No additional signage.

- b) Hours from 6:00 a.m. to 8:00 p.m., winter excluded from enforcement of these hours due to the unpredictable nature of snow removal.

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
SEPTEMBER 8, 2015

D R A F T

- c) Total vehicles and equipment on site not to exceed 24.
- d) Total vehicles and equipment stored outside at any one time not to exceed 18.
- e) Outdoor material storage size not to exceed 18 yards of any individual item, limited to gravel, sand, boulders and topsoil.

The six standards under DCCO section 10.255(2)(b) were considered with the following votes:

- 1. Approved 4-1
- 2. Approved 5-0
- 3. Approved 5-0
- 4. Approved 4-1
- 5. Approved 5-0

**MOTION CARRIED 4-1** (DuPlayee opposed).

- B. Discuss/Consider progress of property clean-up at 2842 Gaston Road: The property owners were present and asked to be allowed until the end of September to complete the residing of the outbuilding. **MOTION** by DuPlayee/Williams to extend the deadline for residing of the outbuilding to September 30<sup>th</sup>, with no more extensions granted. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Collective Bargaining Agreement between the Deer-Grove EMS District and International Association of Fire Fighters Local 311: Lt. Jerry McMullen, who had lead the bargaining committee, said that negotiations had gone smoothly and without legal costs except to draft the tentative agreement to include the negotiated terms. The main thing the union was looking for was wage steps, which a spreadsheet showed occurring over the proposed three year contract, along with the wage related costs for each of the three years. There were also three non-budgeted items, including the extension of benefits to continue for up to 6 months under workers compensation, use of accrued vacation after 6 months of employment, and allowing for vacation hours to count toward overtime when an employee would normally be scheduled for 48 hours during the week of the vacation. **MOTION** by DuPlayee/Williams to approve the Collective Bargaining Agreement between the Deer-Grove EMS District and International Association of Fire Fighters Local 311 as presented. **MOTION CARRIED 4-0-1** (Anders abstained).
- D. Discuss/Consider approval of a second driveway for 1986 Nora Road: Highway Superintendent Jeff Smith was not at the meeting but had advised Hampton that he has no problem with the second driveway as represented on the diagram provided. **MOTION** by Anders/Fonger to approve a second driveway for 1986 Nora Road as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of waiver of Change of Land Use Fee for the Madison Area Radio Control Society: An email from MARCS President David Rush requested the waiver based on the club status of the applicant, stating that Dane County has waived their re-zoning fees. **MOTION** by Fonger/Anders to waive the change of land use fee. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of loan for 2016 Patrol Truck: The Treasurer provided three loan quotes for a 60 month loan for \$109,195.00 with 5 annual payments.



Prepared For:

Donovan Peckham

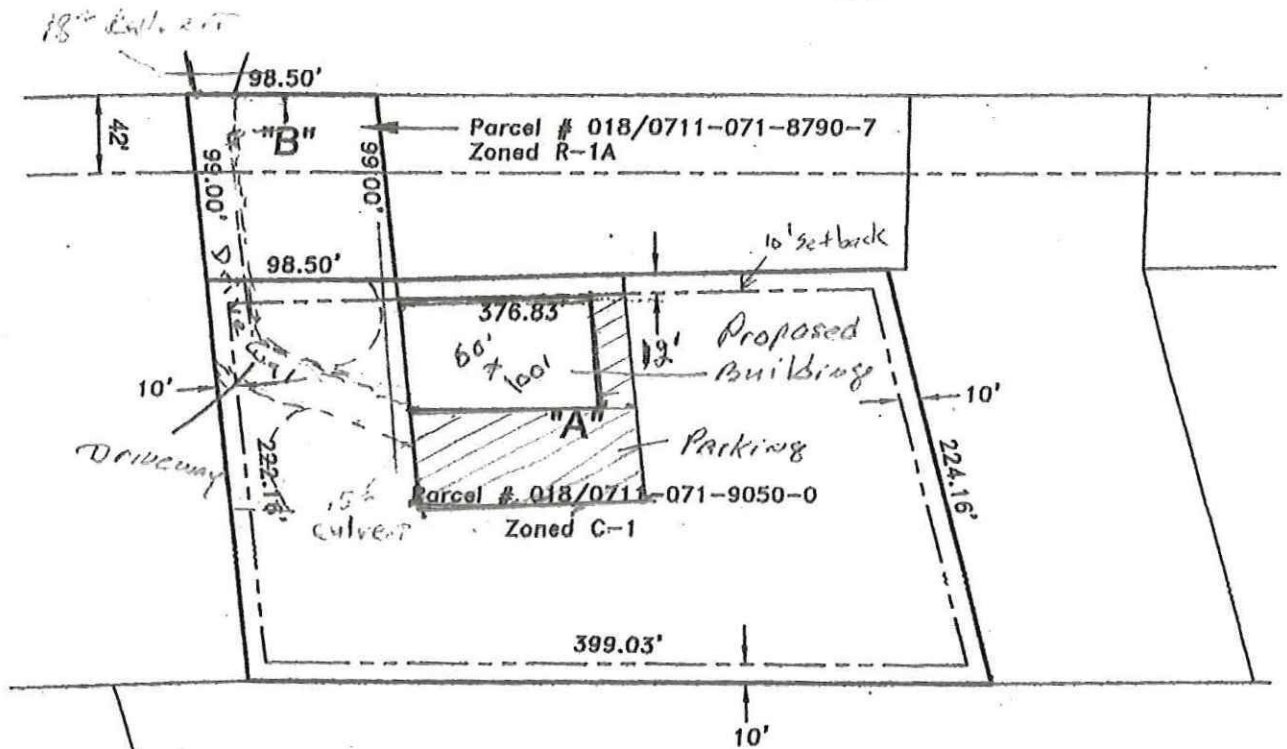
6551 Lake Road

Windsor, WI 53598

(608)-289-6888- 206-6888

dpeckham@charter.net

COUNTY TRUNK HIGHWAY 'BB'



Building will be 12' off Property Line.

Note:

This is not a property survey.  
Property dimensions are per Access Dane  
property information.



Dated: March 15, 2013

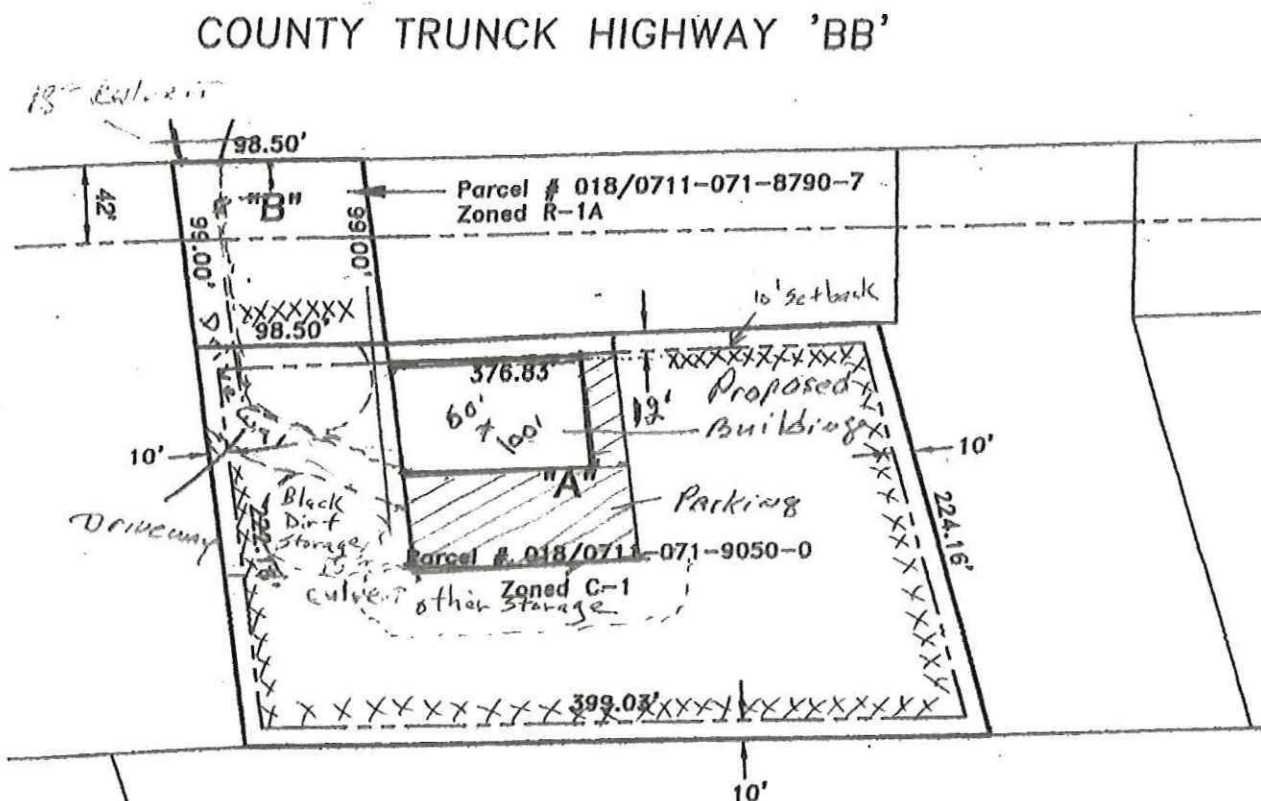
Drawn: T.K.

Approved:

Office Map No. 130022

dpeckham@charter.net

## Showing Planting Areas

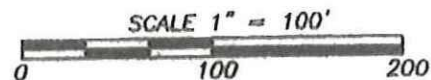


Building will be 12' off Property Line.

← Storage Areas

XXXXXX tree shield to be planted

*This is not a property survey.  
Property dimentions are per Access Dane  
property information.*



SHEET 1 OF 1



071107185010

071107185010  
MARY SHOWERS FARM PRTNSP

BB

071107187907

071107187907  
DONOVAN PECKHAM

071107188004

071107185004  
SHANNON L MANDEVILLE & TINA MANDEVILLE

071107188308

JENNIFER L PETERSON & LANCE B PETERSON

7

071107190800  
GOFF

071107190800

17,163 sq. ft. New Impervious

071107190500

071107190500  
DONOVAN PECKHAM

071107190402

JENNIFER L PETERSON & LANCE B PETERSON

071107190700

RANDY S SCHLUPP

071107191509

071107191509

ZAPP FAMILY IRRIGATION

071107191803

071107191803

DOCK CREEK GOLF COURSE

071107191607



