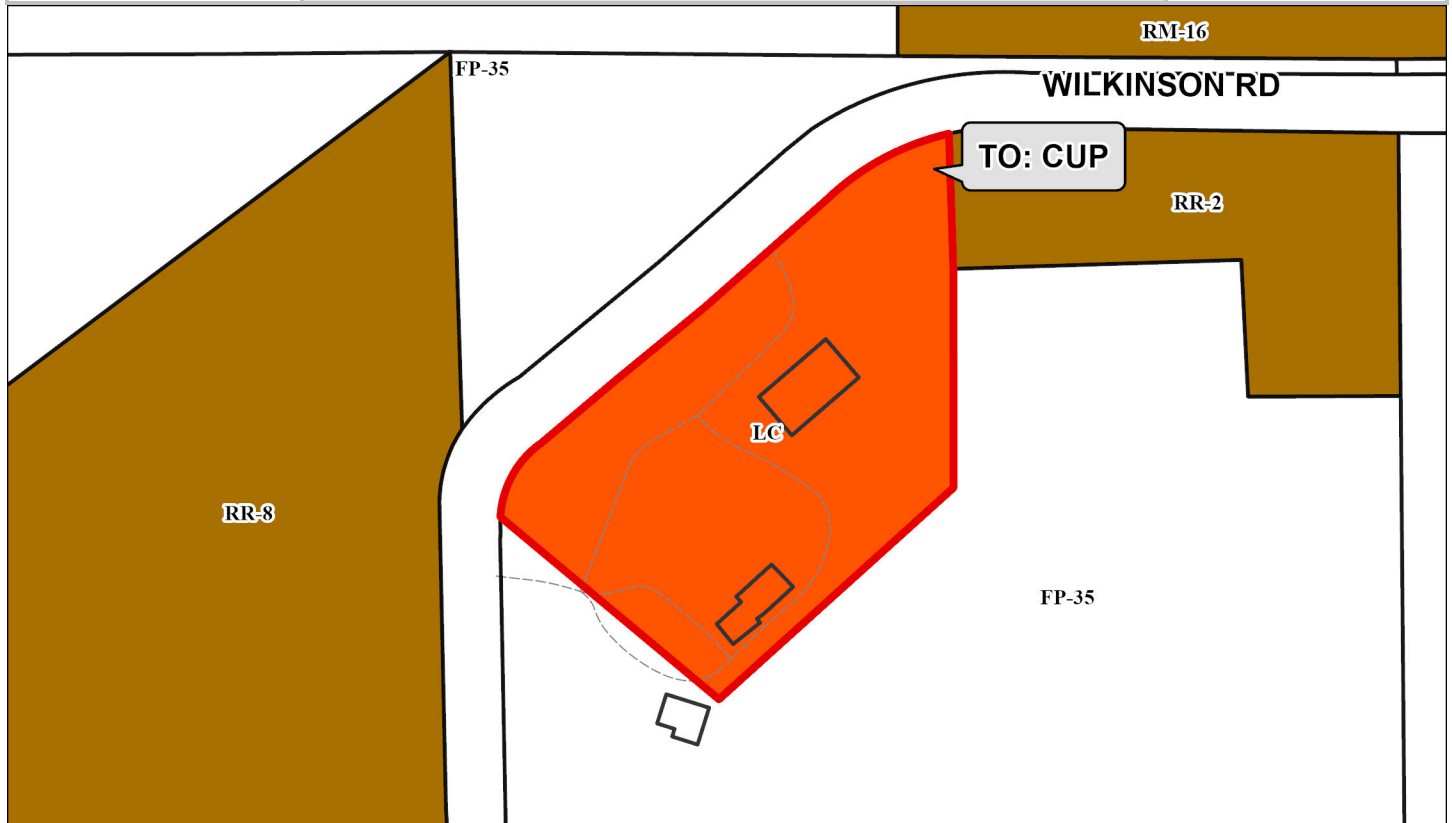


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> July 22, 2025		Conditional Use 02668
	<u>Zoning Amendment Requested:</u> TO CUP: Revise CUP for outdoor storage within the LC Zoning District		<u>Town, Section:</u> MAZOMANIE, Section 1
	<u>Size:</u> 3.37 Acres	<u>Survey Required:</u>	<u>Applicant:</u> TIM ANDREWS
	<u>Reason for the request:</u> Revise CUP for outdoor storage within the LC Zoning District		<u>Address:</u> 9751 WILKINSON ROAD



DESCRIPTION: Applicant Tim Andrews requests a conditional use permit (CUP) for outdoor storage in the LC zoning district to reconfigure the outdoor storage for his landscape materials (gravel, soil, boulders, blocks and bricks). He operates a landscaping company and already has a conditional use approval ([CUP #2327](#)) for Outdoor storage of vehicles and materials, which was approved in 2016. This petition would update the permit by revising the site/operations plan for the business. Specifically, concrete block storage bins will be added to the site to match the ones already there. Palletized block and stone will be stored behind the bins, at the back of the property so as to be screened from view.

OBSERVATIONS: The property is in commercial use and is 3.3 acres in size. The neighboring land uses include undeveloped residential lots with woodlands and open space under Rural Residential zoning (to east and west), undeveloped lands with Farmland Preservation zoning (to north and south/SE), and one rural residential lot to the northeast with RM-16 Rural Mixed Use zoning.

RESOURCE PROTECTION: There are no sensitive environmental features on the property.

COMPREHENSIVE PLAN: The request is in the Agricultural Preservation Planning District. The Town of Mazomanie has a 1 home per 40 acres density policy. Town policies recognize the need to make a living for Town residents. The proposal is not inconsistent with the Town Plan. For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

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 rental operations plan and house rules. The applicant states the addition of storage bins and designated areas for outdoor storage of landscape materials will add order to the site.

- 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 there is very little change from the existing CUP proposed, except for the designation of specific areas for storage of his landscape materials. Gravel will be added to the existing dirt access roads. As noted above, palletized blocks will be stored behind the bins, at the back of the property so as to be screened from view. The application also notes the existing CUP has been approved (by the town) at annual reviews since 2015.

- 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*. Much of the surrounding properties are owned by the applicant and are zoned for either Farmland Preservation or Rural Residential use. Applicant states that no changes or additional impacts are foreseen. No change is proposed to the number of employees and trucks. The proposal is not expected to impede the development of these lands. The proposed improvements are expected to enhance the site.

- 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 proposed use are already in place. Applicant states no additional utilities are needed, and storage bins will be added to contain gravel and soil.

- 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.***

Off street parking is provided for the property by an existing driveway and buildings. No changes are proposed.

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

The existing and proposed use conforms to the applicable regulations of the LC Limited Commercial zoning district. Outdoor storage is listed as an allowable conditional use in the zoning district. The Chapter 10 zoning ordinance states that the LC zoning district is intended for small commercial uses that include contractors and which may have outdoor stockpiles of materials, storage and maintenance of large construction equipment, early morning activity, and large utilitarian buildings.

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

The applicants are verifying with the town and county that their proposal is consistent with applicable 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 typically involves aesthetic impacts and sometimes traffic or noise. The CUP application addresses how these potential nuisances are handled as noted above. Potential conditions of approval specific to this CUP can be developed after public input and deliberation by town and the ZLR Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for outdoor storage.

TOWN ACTION: On June 2nd, the Town Board recommended approval of the CUP with the previous conditions from CUP #2327.

JULY 22nd ZLR COMMITTEE MEETING: The applicant requested postponement to allow time for the Town Board to revisit the conditions. The Town Board wanted to discuss previous condition #17 regarding limiting landscaping traffic to the west end of Wilkinson Road.

TOWN ACTION UPDATE: The Town Board decided to remove Condition 17 from the CUP. Reasoning: There are less houses and driveways on the east side of Wilkinson Road than the western side. The limitation on traffic flow is unnecessary.

STAFF UPDATE: Staff suggests removing Condition 17 at the request of the Town Board.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the existing screening, the location of the storage bins away from the road, and also 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 findings of fact as to whether the proposal meets the CUP standards, and (2) we recommend approval with the conditions listed below.

CUP 2668 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 CUP # 2668:

13. Hours of operation shall be limited to Monday through Saturday, 7 a.m. to 7 p.m.
14. Delivery times shall be between 10 a.m. 2 p.m., Monday through Saturday.
15. Outdoor lighting shall be limited to down shrouded fixtures.
16. Signage shall be prohibited on-site.
- ~~17. Business related traffic to be via Hwy 78 and the West end of Wilkinson Road.~~
18. Debris and mulch piles to be stored in concrete containment barriers, limited to the containment areas as shown on the site plan dated May 12, 2025.
19. Applicant shall maintain existing screening on property along road. . Dogwood and Viburnum shall be installed and maintained along the east property line in order to provide additional screening for the outdoor storage area.
20. Total vehicles allowed on property:
 - a. Employee vehicles: limited to the space shown on site plan as Employee Parking.
 - b. Business owned vehicles/machinery: limited to Equipment Parking spaces shown on the site plan.

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