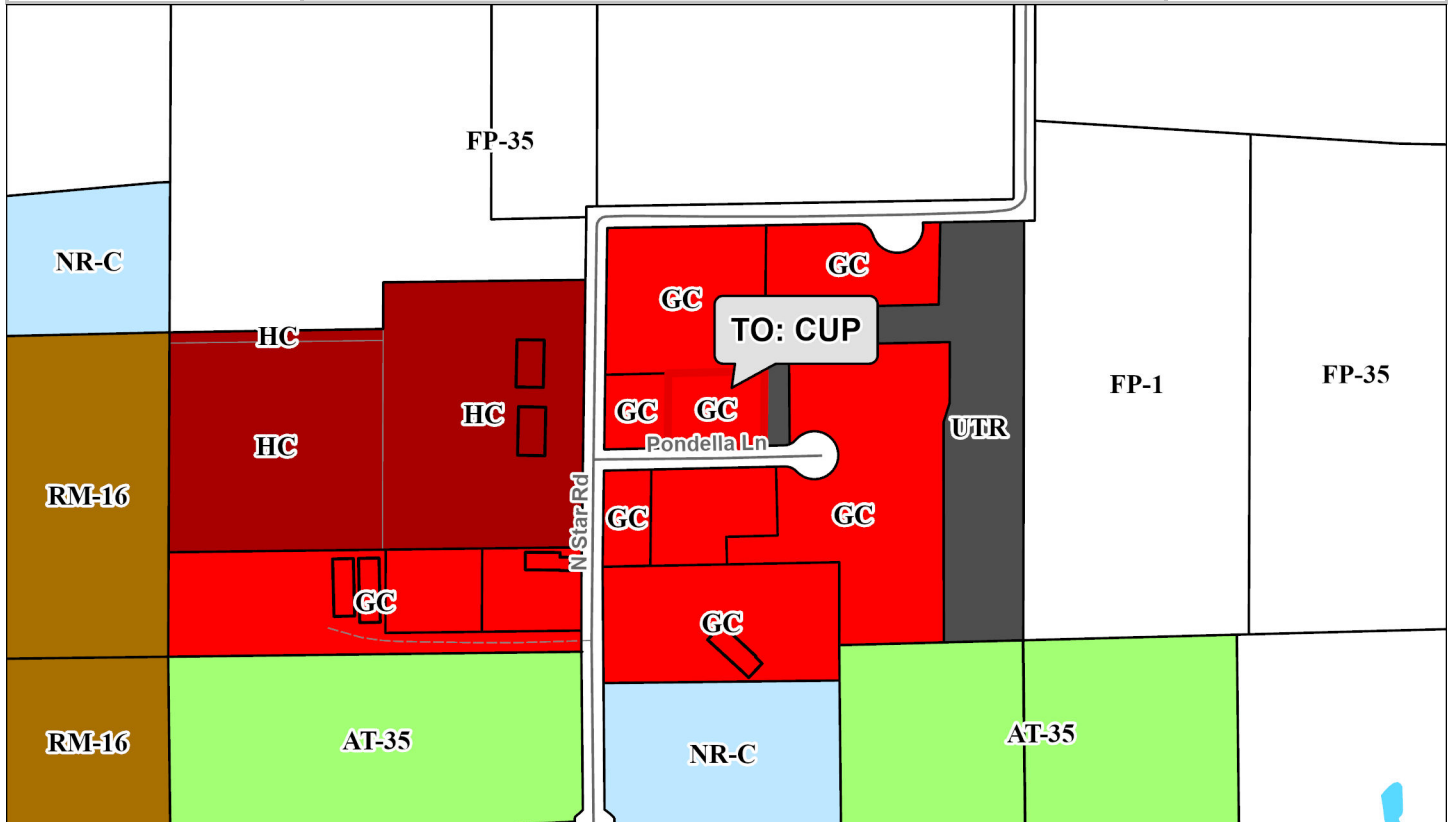


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 25, 2026		Conditional Use 02717
	<u>Zoning Amendment Requested:</u> TO CUP: OUTDOOR STORAGE IN THE GC ZONING DISTRICT ASSOCIATED WITH A LANDSCAPING COMPANY		<u>Town, Section:</u> COTTAGE GROVE, Section 27
	<u>Size:</u> 1.6 Acres	<u>Survey Required:</u>	<u>Applicant:</u> FRANKIES LANDSCAPING LLC (FRANCISCO GOMEZ JR.)
	<u>Reason for the request:</u> OUTDOOR STORAGE IN THE GC ZONING DISTRICT ASSOCIATED WITH A LANDSCAPING COMPANY		<u>Address:</u> PONDELLA LANE



<H:\Zoning\ZLR\ZLR TRAINING AND TEMPLATES\ZLR TEMPLATES\Staff reports\Staff Report Contents Guide.pdf>

DESCRIPTION: Applicant requests approval of a conditional use permit for outdoor storage of materials and equipment associated with landscaping contracting company.

OBSERVATIONS: The property is currently undeveloped, but zoned GC for future commercial use. No sensitive environmental features on site. The applicant has provided information demonstrating compliance with applicable ordinance requirements.

COMPREHENSIVE PLAN: This petition is in the town's commercial planning area and is subject to the land use policies related to that designation. Comprehensive plan policies for this area are focused on ensuring quality development and minimizing negative aesthetic impacts that may occur from outdoor storage uses. The town has established the following purposes for the commercial area:

- Enable a range of agricultural business, retail, commercial service, storage, light assembly, institutional, health care, research and development, institutional, and recreational uses.

- Require that new development meet high standards for site, building, landscape, lighting, stormwater, and signage design per Town and County ordinance requirements.
- Support development of an agricultural business center, to enhance rural research and production opportunities and build off similar initiatives in the area.
- Provide logical locations for highway-oriented commercial development consistent with the Town's character, population, needs, and public service capabilities.
- Minimize uses that focus on outdoor storage or display and that may someday require extensive public services and utilities

The town has a design review ordinance that will also apply and includes a number of requirements designed to fulfill plan objectives and policies. The town's commercial area has a number of other businesses that conduct outdoor storage activities.

The applicant proposes a 6' screening fence and landscaping to limit view of the storage area from Pondella Lane. The town has recommended approval of the CUP, but their action includes a condition that storage activities cannot commence until building and zoning permits have been obtained for the proposed building, construction of the building has commenced, and the fence and landscape screening have been installed.

Pending imposition of the town's recommended conditions, the proposed CUP appears reasonably consistent with comprehensive plan policies.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: No resource protection areas located on / near the property.

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 operations plan. The applicant states that this standard is met because the operation is small-scale with minimal traffic, operating during standard business hours, and equipment will be maintained in good working order.

Staff notes the site is on a dead end road, largely out of sight from Highway 12/18 to the south and internal to the commercial subdivision.

Fence and landscape screening will be used to soften the exposure from Pondella Lane.

The applicant's site plan proposes visual screening with landscaping along the entrance drive off Pondella Ln and long the future office and south side of the future shop in the form of a row of arborvitaes, maples, oaks, hostas, and hydrangea.

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.*

The applicant states that this standard will be met because the property will be visually screened and organized with no retail traffic.

Staff notes this is part of a larger commercial business park with similar General Commercial zoning surrounding the property, with a large outlot (zoned UTR) for regional (subdivision) stormwater management abutting to the east.

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.*

The applicant states that this standard will be met because the proposed use is low-impact. The applicant states that it will help with the future uses of neighboring parcels but doesn't elaborate why or how.

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.*

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

The applicant states that the site contains electricity and internet access, but does not yet have septic or a well. There are swales surrounding the property for runoff control.

The applicant has not yet provided requested information on preliminary or final review of sanitary facilities or stormwater management.

The lighting plan is illegible and contains mismatched information. The plan shows a lack of lighting for the driveway and parking areas. Applicants should explain how the site will be lit during evening and winter hours.

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 a new driveway and culvert will provide safe access to the site.

The reviewed parking plan proposes 6 stalls to serve employees and patrons. The applicant does not indicate how many vehicles are stored on site, and for each an additional parking stall is required, in addition to stalls required for the outdoor storage use.

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

The proposed use may conform to the applicable regulations of the GC zoning district; however, a principal use of the property has not yet been established. Outdoor storage is an allowable conditional use in the district.

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

As noted above, the proposal appears reasonably 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 operations most likely involve noise, lighting, odors, runoff, and traffic. The applicant's CUP application contains deficiencies in addressing how these potential nuisances are handled, particularly to lighting, stormwater management, and sanitary management.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for outdoor storage operations.

TOWN ACTION: Town Board recommends approval, with the following recommended conditions:

1. Outdoor storage shall be limited to the area marked as “outdoor storage space (gravel)” and “trash enclosure” on the Site Plan (Sheet C-400) updated 6/16/26.
2. Outdoor storage shall be limited as follows:
 - a. Only materials and equipment that support the contractor business on site may be stored outdoors.
 - b. Any inoperable, unlicensed, dilapidated, severely rusted, unpainted or junk vehicles of any nature must be kept indoors.
 - c. Any rubbish, trash, garbage, building materials, yard waste (e.g., leaves, grass clippings, or other organic debris), or other waste materials may only be located within the “trash enclosure” area on the Site Plan.
 - d. No materials or equipment of any kind may be stored or kept in the driveway that connects the permitted outdoor storage space to Pondella Lane.
3. Outdoor storage shall not be introduced to the site until building and zoning permits for the building shown on submitted plans updated 6/16/26 have been issued, construction of the building has commenced, and fence and landscape screening along Pondella Lane per the Site Plan and Landscape Plan (Sheet A0.1) updated 6/16/26 has been installed.

STAFF RECOMMENDATION: Zoning staff does not recommend allowing the outdoor storage use until a building is constructed on site, and a certificate of compliance issued. This is driven by the town’s comprehensive plan and the purpose of the general commercial zoning district. As noted above, Zoning staff has experienced other CUP proposals in this business park come in “prematurely”, where the applicants were not in a position to obtain the necessary permits to begin their business operations.

Staff recommends that prior to ZLR action on this CUP, the applicants should (1) obtain a favorable preliminary review letter from LWRD for the on-site stormwater management, (2) verify their septic plans are suitable to Public Health, and (3) provide Dane County Zoning with the revised plans used for review by the Town of Cottage Grove, along with additional clarifications previously requested (as early as at time of application).

Staff believes that the applicant has not yet provided sufficient evidence, including the latest site plan reviewed by the Town, to address the CUP standards and mitigate the potential concerns. Staff has requested additional information to verify the business will be able to obtain the stormwater permit and sanitary permits to enable construction within one year before any approved CUP would expire.

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.

Staff recommends postponement at this time, due to the need for more information, in accordance with the ZLR Committee’s adopted rules and procedures. Potential conditions of approval are listed below for consideration at this time.

Pending any concerns raised at the ZLR Public Hearing, the conditional use permit should be subject to the following recommended conditions of approval, as to satisfy the applicable standards for approval of a conditional use permit.

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
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 this CUP:

13. Outdoor storage shall be limited to the area marked as "outdoor storage space (gravel)" and "trash enclosure" on the Site Plan (Sheet C-400) updated 6/16/26.
14. Outdoor storage shall be limited as follows:
 - a. Only materials and equipment that support the contractor business on site may be stored outdoors.
 - b. Any inoperable, unlicensed, dilapidated, severely rusted, unpainted or junk vehicles of any nature must be kept indoors.
 - c. Any rubbish, trash, garbage, building materials, yard waste (e.g., leaves, grass clippings, or other organic debris), or other waste materials may only be located within the "trash enclosure" area on the Site Plan.
 - d. No materials or equipment of any kind may be stored or kept in the driveway that connects the permitted outdoor storage space to Pondella Lane.
15. Outdoor storage shall not be introduced to the site until building and zoning permits for the building shown on submitted plans updated 6/16/26 have been issued, fence and landscape screening along Pondella Lane per the Site Plan and Landscape Plan (Sheet A0.1) updated 6/16/26 has been installed, and a certificate of compliance has been issued by Dane County Zoning.

Please contact Hans Hilbert at (608) 266-4993 or Hilbert.hans@danecounty.gov if you have questions about this petition or staff report.