
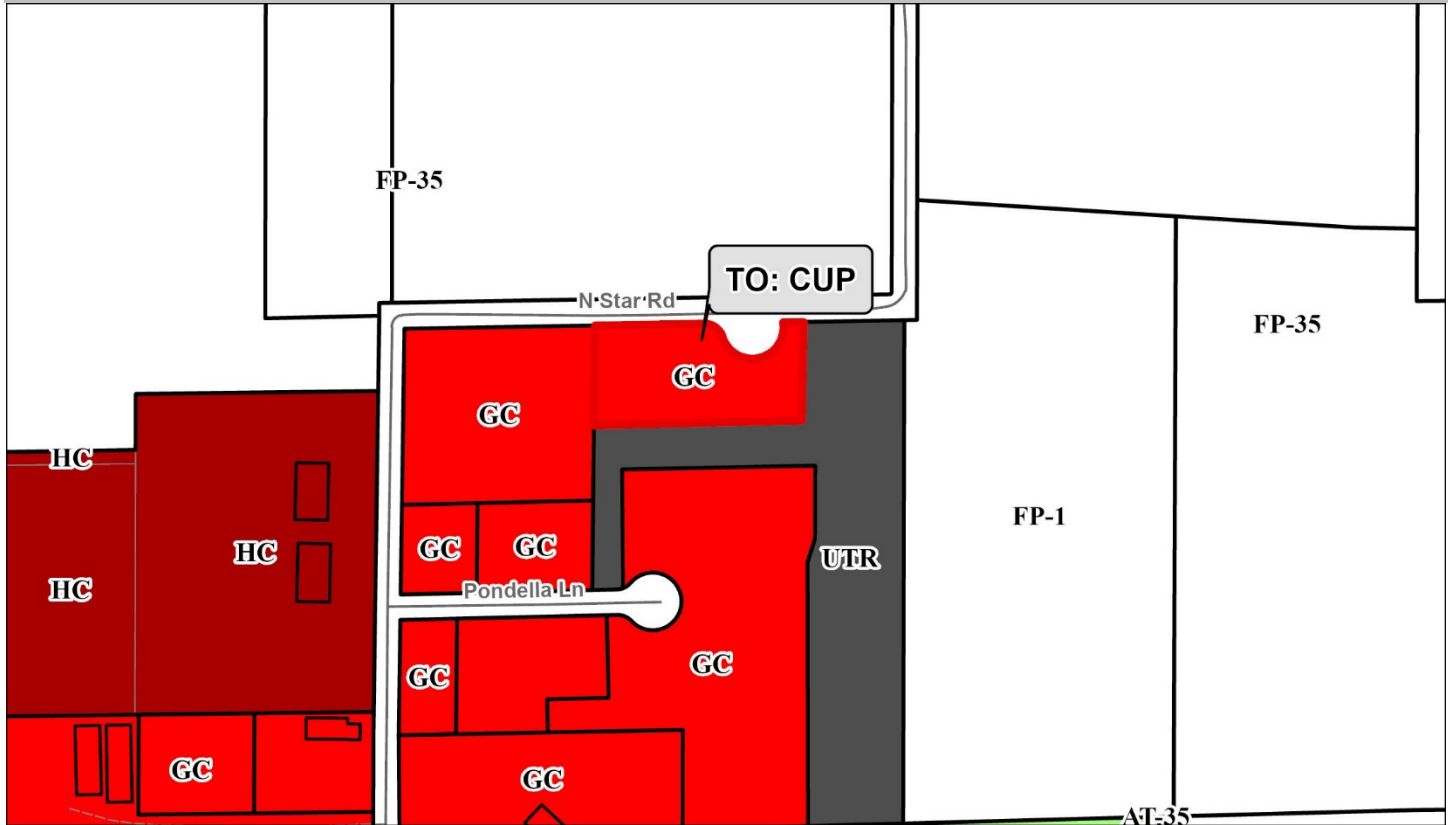


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<i>Public Hearing:</i> <b>June 23, 2026</b>	<b>Conditional Use 02708</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: Outdoor storage - dumpsters for contractor business</b>	<i>Town, Section:</i> <b>COTTAGE GROVE, Section 27</b>
	<i>Size:</i> <b>2.92 Acres</b>	<i>Survey Required:</i>
	<i>Reason for the request:</i> <b>Outdoor storage - dumpsters for contractor business</b>	<i>Applicant:</i> <b>SWALHEIM 2011 REV TR (c/o ELEMENTS LAWN AND SNOW)</b>
		<i>Address:</i> <b>NE OF 3475 N STAR RD</b>



**DESCRIPTION:** Applicant requests a conditional use permit (CUP) to allow outdoor storage as part of a landscaping contractor business located on a lot with GC General Commercial zoning. Elements Lawn and Snow is purchasing this lot. They propose to construct a new building for their office and equipment storage needs (6,700 square feet initially, with a potential 3,120 square foot expansion in the south end of the building). They are requesting the outdoor storage use in order to store dumpsters outdoors in a gravel lot.

The business' operating hours will be Monday through Saturday 7am-6pm, with hours subject to change during snow fall (winter) season.

**OBSERVATIONS/ FACTUAL INFORMATION:** The property is an undeveloped commercial lot 3 acres in size. The lot is located in the Swalheim Business Park, a commercial subdivision that was established in 2025. The neighboring lands are in commercial use and General Commercial zoning on most sides; to the north is agricultural and open space lands zoned for Farmland Preservation.

Outdoor storage is listed as an allowable conditional use in the GC zoning district. This lot and other business park lots were the subject of [Rezone Petition #11960](#) which established GC zoning with deed restrictions (recorded Document #6035447). The restrictions allow for a select range of permitted and conditional uses, which include outdoor storage.

The plat contains other notes regarding requirements that the developers of each lot will be responsible for, including tree plantings, stormwater management (requirements beyond the "regional" stormwater management provided for by the business park developer), and septic system:

10. All Lots are required to have tree plantings above normal Town ordinance requirements. Additional detail on this requirement may be prescribed in a separate recorded restriction.

11. Individual lots require testing for precise septic system type and placement.

15. Septic areas approximate. Individual lots require testing for precise septic system type and placement.

**In order to establish the business operation on this site, there are several important tasks to complete and staff notes that these can impact the business' schedule for commencing with the proposed conditional use.**

Under section 10.101(7)(f) of the Dane County Zoning Ordinance, if the conditional use is not commenced within one year of issuance of the permit, the CUP will expire/be terminated. Applicants are advised that the process to obtain all of the permits required prior to development of the property can take several months. If a CUP expires, a new conditional use would need to be approved, which means going through the entire CUP process again. (This is mentioned because there have already been two other sites in this development where CUPs were obtained and expired before the primary business use got established on site.)

Prior to construction of the building, a zoning permit is required from Dane County. Before a zoning permit is issued:

- An erosion control permit and stormwater management permit must be obtained from Dane County Land and Water Resources Department (LWRD). The process to obtain a stormwater permit can take several months. For this CUP, applicants were advised to obtain a preliminary review from LWRD for this site.
- A sanitary permit needs to be obtained from Public Health Madison & Dane County (PHMDC). Applicants will need to conduct soil testing to verify the septic system design for obtaining a sanitary permit. For this CUP, they were advised to coordinate with PHMDC as soon as possible.
- A driveway permit would need to be obtained from the Town of Cottage Grove. The subdivision plat contains a note (Note 6) which prohibits the issuance of building permits for non-farm buildings until the east-west segment of North Star Road is improved to town road standards (see below).

*6. No building permit shall be granted and no non-farm building constructed on Lot 4 until the east-west segment of North Star Road along the north line of the subdivision is improved to town road standards per engineering plans approved by the Village Engineer. Prior to such improvement, any driveway access to Lot 4 from North Star Road or Outlot 1 shall be for agricultural purposes only. A separate recorded restriction may provide additional detail.*

- After a zoning permit has been issued by Dane County Zoning, a building permit will need to be obtained from the building inspector for the Town of Cottage Grove. Before the building inspector issues the building permit, design review would be required by the Town for the commercial building. The Town now does design review concurrent with CUP review, for properties that involve both.

**RESOURCE PROTECTION:** The lot contains secondary shoreland zoning in the far east end of the lot. This does not appear consequential to the proposed site plan as no development is proposed there.

**COMPREHENSIVE PLAN:** This petition is in the town's commercial planning area and is subject to the land use policies related to that designation. 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 proposal for outdoor storage associated with the landscaping operation is reasonably consistent applicable plan policies which seek to ensure such uses are conducted in a manner that minimizes negative aesthetic impacts. However, as noted in the above sections of this report, there is concern over the timing of the issuance of a conditional use permit for outdoor storage when the principal commercial use has yet to be established. There are also concerns with the sufficiency of information submitted with the application to demonstrate compliance with the standards for approval of a conditional use permit (see below).

Pending the applicant addressing the deficiencies and outstanding issues noted elsewhere in this report, staff believes that the proposal can be found 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](mailto:Allan.Majid@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 operations plan. The applicant states that this standard is met because the property is on a dead end road of an industrialized area for commercial development, out of sight from “main public roads”, all dumpsters will be empty on premise and stored outside and trucked in and out as needed. Additionally, the site will not be open to the public.

Staff notes the site is on a dead end road, largely out of sight from Highway 12/18 to the south; however, the storage yard will be visible from N. Star Road, the town road that serves this broader development area.

It does not appear that any fencing is proposed as part of the development.

The applicant’s site plan proposes visual screening with landscaping along the north side of the lot along N. Star Road, in the form of a row of arborvitaes, plus additional landscape trees around the stormwater pond in the east end. The town planner commented that the 10-foot spacing of arborvitaes may not achieve full screening from the town road, and suggested adjustments such as a second row of trees and replacing some with a deciduous tree in the NW corner.

**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 is on a dead end road of an industrialized area for commercial development, is out of sight from public main roads, and the development was designed for small businesses as such to be built.

Staff notes this is part of a larger commercial business park with similar General Commercial zoning to the west and south, with a large outlot (zoned UTR) for regional (subdivision) stormwater management abutting to the south and east. The lands to the north and east (across the road and Outlot) are in farmland use and 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.***

The applicant states that this standard will be met, for the same reason given for standards #1 and 2 above.

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 utilities, access roads, drainage, and other improvements needed for the proposed use are still being installed and site investigations are still being done. The applicant states that this CUP standard will be met as they will be required to address stormwater management on site and in the regional facility, that they will be putting in a septic field and a well, and access roads are under construction.

As noted above, N. Star Road is being reconstructed in this area to full town road specifications. The construction schedule is unknown. The town planner noted in early May that the engineering plans for this site do not yet incorporate Town Engineer's comments related to road reconstruction and stormwater drainage.

The stormwater management plan is under review by Dane County Land and Water Resources Department (LWRD). A favorable preliminary review from LWRD is needed to verify that the plan is sufficiently developed to demonstrate that the site will be able to meet county stormwater requirements.

Site plan identifies "approximate" areas for the septic tank septic field, which are preliminary and based on the conceptual areas identified as part of the subdivision plat. Soil testing is still being done. As of May 26<sup>th</sup>, Public Health staff indicated they had not received soil tests, a sanitary permit application, nor a well location permit application for this site development. At this time staff is unable to verify that these areas will be suitable for the well and septic, and whether the design of the septic system would require any adjustments to the site plan.

The lighting plan provided does not show the full extent of the property, or the full extent of lighting, and is illegible in many places. With the proposed operating hours of 7am-6pm, and hours subject to change during winter / snow-removal season, outdoor lighting in the yard is anticipated to be needed. Applicants indicate no external lighting provided for outside storage of dumpster yard at this time. 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 new access road is in progress, that the site and paving will not be open to the public, and the driveway and site are laid out to give adequate ability.

Parking plan proposes 8 stalls to serve employees and patrons. The parking plan falls short of county code requirements, which require a minimum of 13 parking stalls based on the number of employees and the size of the storage yard. The applicant does not indicate how many vehicles are stored on site, and for each an additional parking stall is required.

Dane County Highway estimates this land use will generate 76 trips per day.

**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 the applicant needs to provide additional information on the reason that dumpsters are being stored on the property. 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 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 lacks required information to address 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 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 recommended approval subject to:

1. Outdoor storage shall be limited to the area marked as "gravel storage area" and "trash area" on the Site Plan (Sheet C-400) revised 5/14/26.
2. Outdoor storage shall be limited as follows:
  - a. Only materials and equipment that support the contractor business on site may be stored.
  - 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 area" on said Site Plan.
3. Outdoor storage shall not be introduced to the site until building and zoning permits for the building shown on submitted plans revised 5/14/26 have been issued, construction of the building has commenced, and landscape screening along North Star Road per the Landscape Plan (Sheet A0.1) revised 5/14/26 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) verify that there is viable access approved on N. Star Road and that the road has been fully constructed to town standards.

Staff is not aware of other landscaping contractors that utilize outdoor storage of dumpsters in their operation as part of a conditional use permit. We have concerns regarding the actual use of the property and have requested that the applicant provide a more detailed description, however as of 6/17/2026 a response has not been received.

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.

***CUP 2708 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 (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 "gravel storage area" and "trash area" on the Site Plan (Sheet C-400) revised 5/14/26.
14. Outdoor storage shall be limited as follows:
  - a. Only materials and equipment that support the contractor business on site may be stored.
  - 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 area" on said Site Plan.
15. Outdoor storage shall not be introduced to the site until building and zoning permits for the building shown on submitted plans revised 5/14/26 have been issued, landscape screening along North Star Road per the Landscape Plan (Sheet A0.1) revised 5/14/26 has been installed, and a certificate of compliance issued by Dane County Zoning has issued.
16. All salt storage shall fully comply with Wisconsin Trans 277 storage practices.

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