
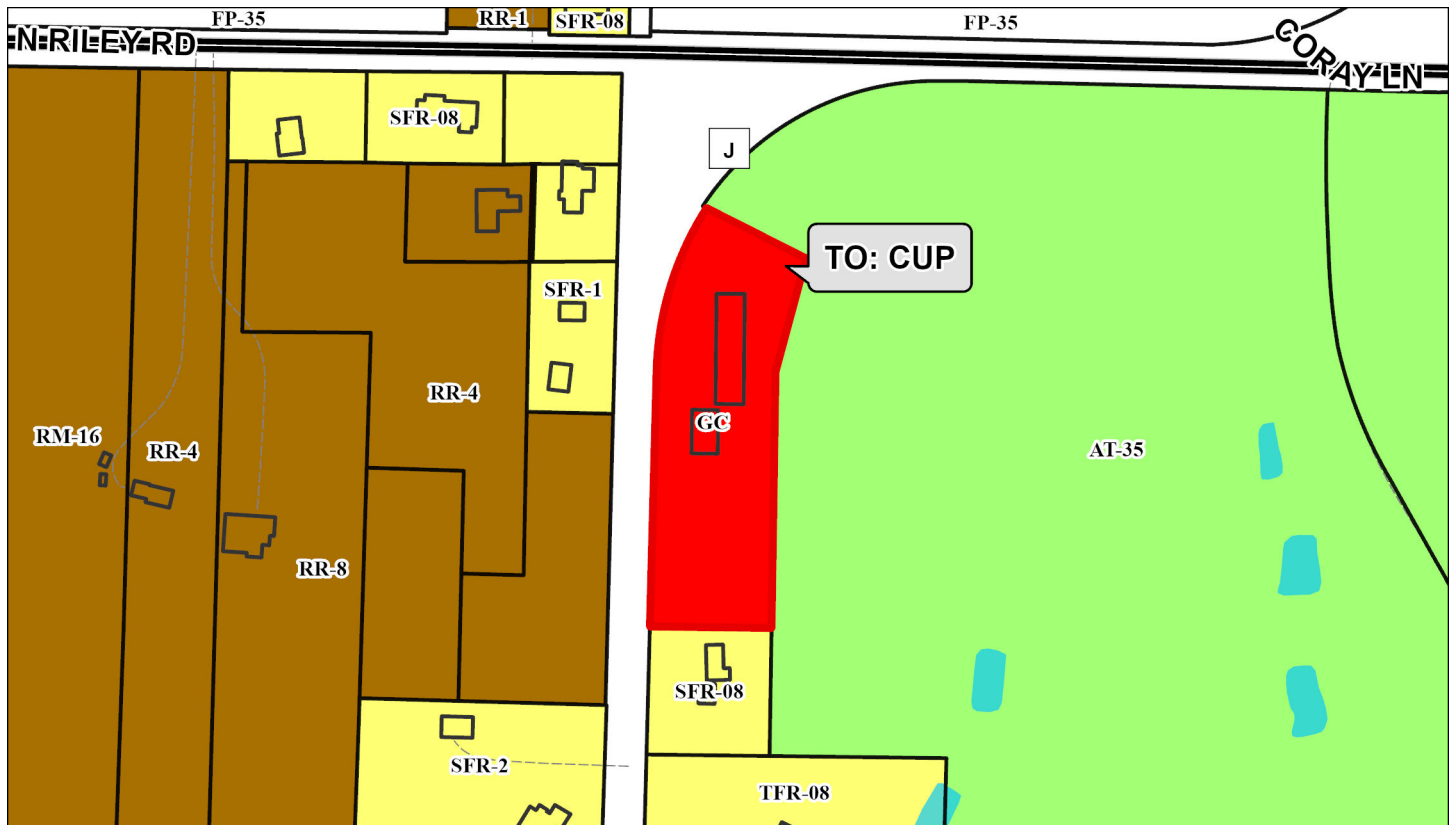


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> June 24, 2025		Conditional Use 02664
	<u>Zoning Amendment Requested:</u> TO CUP: Residence within the GC General Commercial Zoning District		<u>Town, Section:</u> SPRINGDALE, Section 1
	<u>Size:</u> 3.1 Acres	<u>Survey Required:</u>	<u>Applicant:</u> HIGHWAY J WAREHOUSE LLC
	<u>Reason for the request:</u> Residence within the GC General Commercial Zoning District		<u>Address:</u> 3184 COUNTY HWY J



DESCRIPTION: Applicant requests a conditional use permit (CUP) to have a residence on a property with GC General Commercial zoning. The property contains multiple buildings, which have previously been used for community organizations and church activities, and one of which has been used as a residence before. The GC Zoning district only allows residential use on the property with an approved CUP.

OBSERVATIONS: In the GC zoning district, a residence is allowed as a conditional use (with an approved conditional use permit). The application shows the proposed residence would be created in the upper floor of “Building 1”, while the other buildings on site and the lower level of the residential structure would continue to be used for other purposes (community gathering space, gym use).

Staff requested more information on the other buildings on site so that those reviewing the CUP can understand how all of the buildings on site are used, and how the proposed residence will relate to the rest of the site and the activities occurring there. The applicant provided a revised site plan that shows the other two buildings are used as gym space. He also provided the existing and proposed floor plans for both levels of the house (see application materials).

COUNTY HIGHWAY ACCESS: The applicant will need to obtain a change of use access permit from Dane County Highway. Please contact Kevin Eslick 608-283-1486 / eslick.kevin@danecounty.gov

RESOURCE PROTECTION: There are no sensitive environmental features on the subject property. There are wetlands located to the west of the property but not within 75 feet. No new construction is proposed that would involve land disturbance or encroachment on wetland buffers.

COMPREHENSIVE PLAN: The proposal does not create new development and the conditional use proposed is allowed, therefore, the proposal is consistent with the Comprehensive Plan. For questions about the Plan, contact Senior Planner Bridgit Van Belleghem vanbelleghem.bridgit@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 applicant states that this standard will be met because the proposal fits exactly into how the adjoining properties are being used. Staff concurs that the proposed use would better fit the neighborhood; it may also enhance public health, safety and welfare by providing more continuous supervision by an on-site resident.

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 the adjoining properties are of the same use as the proposed change, so there should be no impairment to the neighborhood due to the conditional 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.*

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 applicant states that the proposed conditional use matches the surrounding property. This property and most of the surrounding properties are already developed with residential lots of various sizes (with SFR, RR, and TFR zoning); other lands to the east and north are in agricultural or open space use (with AT-35 and FP-35 zoning).

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. The applicant states that the site is serviced by a private well and septic, with LP gas heating and utility electric, as well as existing driveways. The applicant has been working with the Public Health sanitarian to verify the existing septic system capacity is adequate to serve all of the uses occurring on site, including the proposed residence. The sanitary has no objections at this time so staff is confident that this can be resolved through the typical process of zoning permit and sanitary permit reviews.

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 on existing paved surfaces (parking lots) and indoor garage space. The applicant states that Building 1 (the proposed residence) has typical vehicle usage, and the floor plan provided shows the lower level parking areas.

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

The proposed use conforms to the applicable regulations of the GC zoning district. A residence is an allowable conditional use in the GC zoning district. Applicant states the proposed use will not require any increased buffering or screening or licensing.

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 residences within commercial zoning districts are most likely to involve incompatibility due to noise or traffic. In this case, the non-residential use of the property is the pre-existing situation, and uses seem to be compatible with a residence on site. The applicant's 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 the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for this proposed use.

TOWN ACTION: On May 20th, the Town Board recommended approval of the CUP with the following comments:

Property currently zoned general commercial and residential is conditional use. Proposed meets 7 standards, CUP would only apply to the upstairs portion of the main building. building to be used only as single-family not multi-family. Not to be used for incidental/transient/tourist lodging. Needs to comply with Springdale's dark sky ordinance by extinguishing all front circle drive lights except 2 upon purchase. All may be used eventually if converted to dark sky compliant fixtures.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information outlined above, and is also reflected in the town's approval / recommended conditions. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards above, and (2) we recommend approval with the conditions below.

CUP 2664 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 CUP # 2664:

13. This CUP shall apply only to the upstairs portion of Building #1, which shall be used only as single-family dwelling (no multi-family use).
14. Any incidental/transient or tourist lodging (short-term rental) use is prohibited.
15. The applicant shall comply with Springdale's dark sky ordinance by extinguishing all front circle drive lights except for 2 upon purchase. All lights may be used eventually if converted to dark sky compliant fixtures (subject to approval by the Town of Springdale).

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