
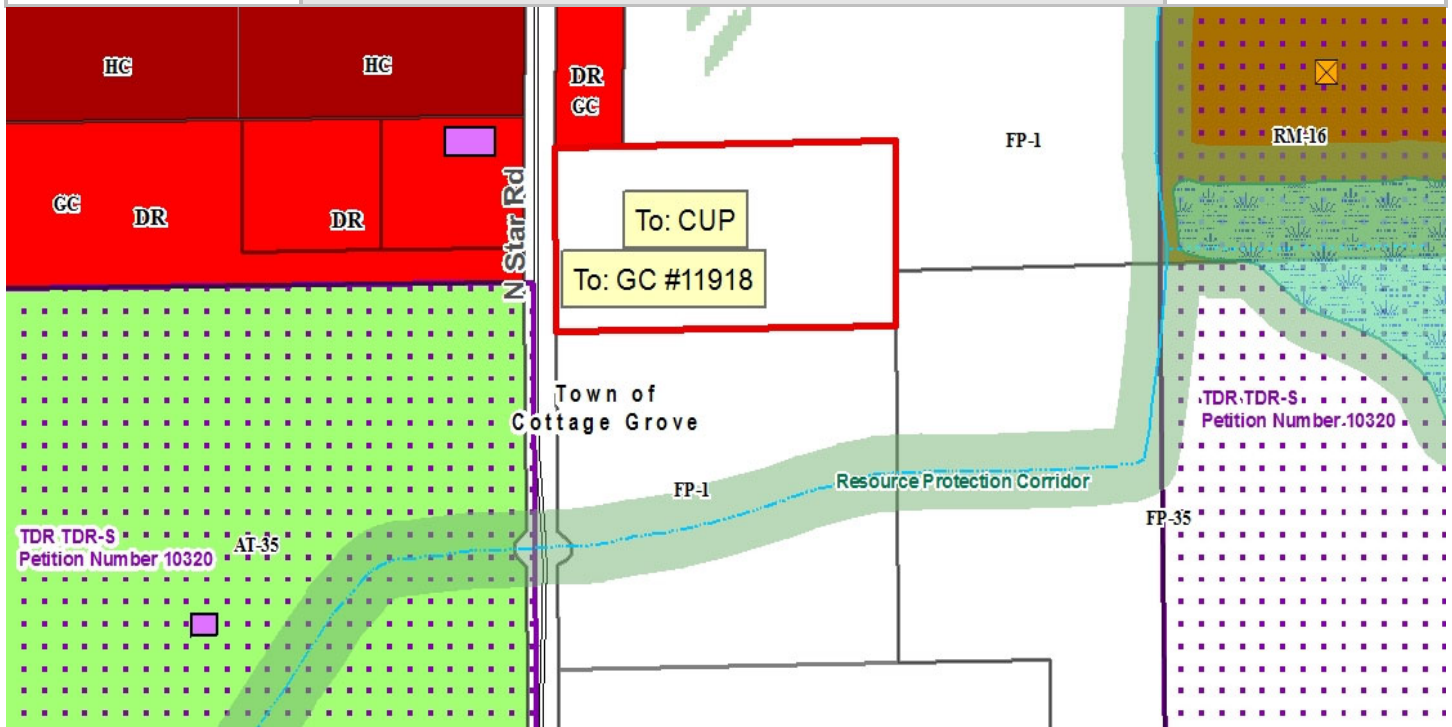


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 28, 2023		CUP 02589
	<i>Zoning Amendment Requested:</i> TO CUP: Outdoor storage for contractor business		<i>Town/Section:</i> COTTAGE GROVE, Section 34
	<i>Size:</i> 6.2 Acres	<i>Survey Required.</i>	<i>Applicant</i> CUMMINGS AND TURK FARMS LLC
	<i>Reason for the request:</i> Outdoor storage for contractor business		<i>Address:</i> 3436 NORTH STAR RD



DESCRIPTION: Applicant David Cummings, along with co-owner Jeff Turk, request a conditional use permit (CUP) for outdoor storage associated with their electrical contractor business on this six-acre property. The property was recently rezoned to GC General Commercial (see rezone [petition 11918](#)), though the rezoning is not yet in effect since the certified survey map has yet to be finalized and recorded.

OBSERVATIONS/ FACTUAL INFORMATION: The site is located north of Highway 12/18 and East of County Highway N, and is part of a larger planned business park in the Town of Cottage Grove that is transitioning to commercial and industrial use.

The GC zoning district allows offices, indoor storage, and contractor, landscaping or building trade operations as permitted uses. Outdoor storage is allowed only with an approved CUP.

The commercial site plan includes an existing 10,200 square foot shed building and a new 8,400 square foot building, as well as driveway, parking, and stormwater management facilities to serve the site. The outdoor storage area would be located behind the existing building on the northeast side.

The Wisconsin DOT is currently using the property to stockpile material as part of a nearby DOT project. The applicant has submitted engineering plans to the Land and Water Resources Department for erosion control and stormwater management for both the existing and proposed site improvements. LWRD staff has confirmed no concerns at this time, though plans will need full review and approval prior to issuance of construction permits.

RESOURCE PROTECTION: No resource protection corridors are mapped on the proposed lot. The far southeast corner of the proposed lot is at the edge of the shoreland zone, as it is within 300' of intermittent stream to the south. Soils are predominantly non-hydric, and some of the site contains prime agricultural soil.

COMPREHENSIVE PLAN: The subject property is in the Commercial Development future land use area of the Town's comprehensive plan. Pending the town's review of the proposed site plan, the proposal appears to be reasonably consistent with the town and county comprehensive plans. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

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 issue a determination 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 Zoning Code section 10.101(7)(d), and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

Standards and Findings of Fact

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 states that the equipment and materials stored in the CUP area have zero hazards to the public's health and well-being. It describes the proposed operation as storage for trailers, equipment, and material in the location shown on the site plan. Material will be moved by hand or by skid loader. Proposed operating hours are 6am to 6pm. Outdoor lights would be used during loading and unloading for safety purposes and would turn off when not in use.

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 CUP area is screened by the building and trees from North Star Road, and material will be load by hand or by skid loader during the 6am to 6pm hours of operation. Applicant notes there are multiple commercial properties on the west side of North Star Road, and other lands are converting to commercial use. The map contained in the petition materials shows the surrounding lands zoned GC, HC, FP-1 and AT-35; this area is planned for future commercial and light industrial use, including outdoor storage yards.

Screening requirements of zoning code s.10.270 do not apply as there are no residences within 100 feet. However, as noted above the town has required screening as part of its site plan review. Zoning code requires that all lighting be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.

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 the CUP will not affect the agricultural land that surrounds the 17 acres owned by CaT. The proposed outdoor storage use would not appear to impede the development of surrounding property, since those lands are planned for other business and industrial sites.

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

The site plans included in the CUP application provide for utilities, access, and drainage improvements. The proposed outdoor storage does not require utilities; the overall site plan is undergoing review by stormwater management staff as part of the permitting process. No concerns noted by staff at this time.

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 proposed outdoor storage is part of a larger site plan which includes full access, parking and loading areas. Applicant anticipates daily traffic to be a few vehicles in the morning and afternoon, and 2-4 box truck and tractor trailer deliveries per week. The site plan meets the parking requirements in zoning code s. 10.102(8).

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. The GC zoning was recently approved in January and will be made effective up on the applicant recording the CSM and deed restrictions.

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

As noted above, the proposal appears to be reasonably consistent with the comprehensive plan.

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 most likely involve visual screening, site access, and lighting. The applicant has submitted as part of their application on how those potential nuisances are handled; as summarized 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 special requirements for outdoor storage.

TOWN ACTION: The Town Board approved the conditional use permit with 5 conditions:

1. A seven-foot-high berm must be constructed on the south side of the outdoor storage area, planted with evergreens of sufficient size and density to provide effective screening of the outdoor stored items.
2. The berm must be planted and mowed to prevent erosion and invasive species.
3. The berm and plantings must be completed within 6 months of approval of the CUP. Trees are to be planted on the north side of the outdoor storage area where possible (up to the Bio Basin)
4. Hours of operation for loading and unloading of outdoor stored items to be 6 a.m. to 6 p.m., seven days per week.
5. Applicant to follow his written statement of intent and operations plan as submitted with his CUP application to Dane County.

The Town also required screening as part of its previous action on the rezone. Conditions on the rezone to GC included:

1. Owner shall be required to obtain a Change of Use permit, and bring the existing building up to commercial building code, prior to using the building for commercial purposes.
2. Outdoor storage will be behind the existing building as viewed from North Star Road, and a berm with trees will be installed to screen the view of it from the north. A Conditional Use Permit shall be obtained for outdoor storage.

The proposed storage use is deemed to be consistent with these requirements based on the town's approval of the CUP.

STAFF RECOMMENDATION: Staff notes that detailed plans, including building design and lighting, will be required by the Town of Cottage Grove and by Dane County prior to the issuance of zoning permits for construction.

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 the ZLR Committee makes a finding as to whether the proposed conditional use meets the applicable CUP standards. If the Committee finds that the standards are met, potential conditions of approval are listed below.

CUP 2589 Potential Conditions of Approval:

1. A seven-foot-high berm must be constructed on the south side of the outdoor storage area, planted with evergreens of sufficient size and density to provide effective screening of the outdoor stored items.
2. The berm must be planted and mowed to prevent erosion and invasive species.
3. The berm and plantings must be completed within 6 months of approval of the CUP. Trees are to be planted on the north side of the outdoor storage area where possible (up to the Bio Basin)
4. Hours of operation for loading and unloading of outdoor stored items to be 6 a.m. to 6 p.m., seven days per week.
5. Applicant to follow his written statement of intent and operations plan as submitted with his CUP application to Dane County.
6. This CUP shall become effective upon Rezone Petition 11918, to rezone the land from FP-1 to GC, becoming effective.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com