



PLANNING STAFF REPORT

MEMO DATE: February 6, 2020
MTG. DATE: **FEBRUARY 12, 2020**

TO: Village of Cottage Grove Plan Commission

CC: Village of Cottage Grove Board of Trustees
Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Larry Konopacki – Village Attorney
Kevin Lord – Village Engineer

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: **Farris Auto – Conditional Use Permit Amendment**

BACKGROUND

Property Owner: Farris Auto

Location: 212 W. Cottage Grove Road

Area: 1.4 acres

Agent: Jon and Gerard Farris

Existing Zoning: PB, Planned Business

Proposed Zoning: PB, Planned Business

OVERVIEW

In April 2015, Farris Auto received a conditional use permit to operate a vehicle repair and sales business at 212 W. Cottage Grove Road subject to several conditions (see attached Village Action Report).

Since then, the owners Jon and Gerard Farris purchased the 0.75 acre parcel occupied by the garage (they had been leasing it from UW Credit Union), as well as the adjacent 0.65 acre parcel that had been leased by a lawn mower repair business.

Over the past few months the Village has received complaints regarding the number and condition of cars on the lot.



The conditional use permit limits the number of cars on sale on the property to five. The permit also states that “inoperable or salvage vehicles shall not be stored on site, except inoperable vehicles awaiting repair in the short term.”

At the time the permit was granted the business was expected to be primarily a customer-based repair shop where cars would pass through in a few days at most, with sales expected to be a minor aspect of the business. Since then, the business has begun purchasing cars to repair and resell. While those cars are also “awaiting repair” they do not move through the site as quickly and the site can get cluttered with cars.

Now that Farris Auto owns the site, this may be an opportune time to address the complaints with a plan for a more permanent solution that could allow the business to operate successfully while also fitting in with the neighborhood.

Jon and Gerard Farris have met with the Plan Commission to discuss potential options for the site, including a site plan prepared by Village Staff. They have since been working with paving and fencing contractors regarding the project. They are prepared to begin working to improve the site as soon as the weather allows in 2020.

CURRENT CONCEPT PLANS

The current concept is attached. The applicants are planning to improve the site in three phases in a manner that will allow them to continue operations through each phase.

Phase one includes a roughly 60' x 200' parking lot south of the existing buildings that would contain 34 parking spaces. The lot will be enclosed by A 6' privacy fence. Visible sides would include a mulched and landscaped band around the exterior of the fence. The applicants plan to implement this work as soon as paving can resume in the spring, including the parking space striping.

In phase two the applicants plan to remove two existing sheds on the west side of the site (formerly used by Cottage Grove Mower Repair). The structures would be replaced by a small, new sales office building. Also, in phase two the final segment of the privacy fence will be built between the new sales office and the existing repair shop. The applicants hope to perform this phase over the summer of 2020.

Phase three includes the repair/replacement of the existing paved area on the north side of the site along with landscaping improvements, new signage, and parking space striping.

STAFF RECOMMENDATION

The conditions in the existing conditional use permit were based on the site status as it existed at the time the permit was granted. The proposed site changes should lead to reconsideration of all conditions to ensure they are compatible with the new plans.



Staff recommends the amended Conditional Use Permit be **APPROVED WITH CONDITIONS**, with the following conditions replacing those of the original permit:

1. Signage related to auto sales shall be restricted to signage within the windows of the vehicles for sale on the property.
2. Inoperable vehicles shall not be stored on-site, except those awaiting repairs, and shall be stored within the fenced area. Salvage/junk vehicles shall not be stored on site.
3. No unpaved areas shall be used for vehicle parking, storage, or circulation.
4. Signage will require a permit via a separate application process.
5. The Conditional Use Permit shall apply only to Farris Auto at this location.
6. Phase 1 shall include the elements shown in the attached Phase 1 plan including paving, striping, fencing, and landscaping. Coordinate erosion control, stormwater management, and grading with the Village Engineer prior to issuance of a land disturbance permit. Phase 1 shall be completed no later than June 1, 2020.
7. Prior to initiating Phase 2, detailed building design drawings shall be provided for Plan Commission and Village Board approval.
8. Contact Village prior to initiation of Phase 3 to discuss scope of work and to determine necessary submittal and approval process, or Phase 3 review may be combined with Phase 2.
9. Phase 3 shall include striping parking spaces. If phase 2 and 3 are not to be completed in 2020, the existing lot shall be striped per the concept plan no later than November 1, 2020.
10. Cars awaiting repair shall be stored within the fenced area.
11. The seven parking spaces shown adjacent to the existing repair shop shall be dedicated for customer and employee parking. The spaces shall be striped to include one ADA space. Dedicated customer parking shall also be provided near the new sales building at a rate of 1 space per 300 sq. ft. of building area.
12. Parking spaces in the front lot not otherwise reserved for customers and employees may be used for vehicle sales.
13. No vehicles shall be parked anywhere on the site other than in a striped and paved parking space as shown on the proposed concept plans.



ADDITIONAL BACKGROUND

Comprehensive Plan Consistency

The Land Use Chapter of the Comprehensive Plan states, “some areas of existing businesses within the Village are expected to be appropriate for façade improvements, redevelopment, or rehabilitation to comply more closely with the Planned Business category over time... This type of revitalization typically involves a reinvestment in the building façade as well as landscaping and signage.”

The proposed project is intended to improve the aesthetics of the site and functionality of the business while also better integrating it into the neighborhood through the type of incremental improvements mentioned above.

Zoning Ordinance Consistency

The subject property is zoned PB, Planned Business. Per 325-40(B)(1)(a), “this district is intended to permit large and small scale commercial development that is compatible with the desired overall community character in the area in general.”

325-40(B)(1)(a) also states that “in order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.” The Ollie Street entrance to this property is across from another commercial use and may be maintained.

325-40(B)(2)(b) states that ‘vehicle repair and maintenance’ and ‘outdoor display’ are permitted as conditional uses in the PB district.

The ‘outdoor display’ land use is regulated by 325-49(D)(4). The ordinance specifically lists vehicle sales as an example of this land use. Regulations of particular applicability to this proposal include (a)(3) “in no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of 325-75”; and (a)(7) “inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.” The space used for parking any vehicles for sale shall not be included in the space allocated for required parking. Inoperable vehicles and vehicles used for salvage shall not be stored on site.

The ‘vehicle repair and maintenance service’ land use is regulated by 325-49(D)(17). Regulations include (a)(1) “storage of abandoned vehicles is prohibited”; (a)(2) “facility shall provide a bufferyard with a minimum opacity of 0.6 along all property boundaries abutting residentially zoned property”; and (b) “parking requirements one space per 300 sq. ft. of gross floor area.” The southern boundary of the subject property is adjacent to a residentially zoned property, and the existing landscape buffer meets the requirement. In addition, the applicants are planning a privacy fence in phase 1 of the proposed project that will block all views of the new rear lot from adjacent properties.



Conditional Use Permit Criteria

325-111(D)(2) of the zoning ordinance requires a proposed conditional use to be compliant with standards (a) to (f) of that section. In the opinion of staff, the proposed use is compliant with those standards as outlined below.

- a) *The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.*

The proposed uses (vehicle repair and sales) fill a niche in the Cottage Grove market and are not contrary to the plans and policies of the Village.

- b) *The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.*

The proposed project represents an opportunity to incrementally improve an aging property as recommended by the Comprehensive Plan.

- c) *The proposed conditional use, in its proposed location and as depicted on the required site plan, does not result in substantial or undue adverse impacts on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the public health, safety, or general welfare either as they now exist or as they may in the future be developed as a result of implementation of the provisions of this chapter, the Comprehensive Master Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the Village or other government agency having jurisdiction to guide development.*

The primary objections to the current business are related to the aesthetics of the site and the number of cars on the lot. Staff believes the proposed plan and conditions of approval will largely mitigate these issues. The privacy fence will block the view of many of the cars on the site from adjacent properties. Striping the parking area and the condition that all cars must be parked in designated parking spaces will keep the visible parking lot visually more orderly, safer due to easier access to all vehicles, and will cap the number of vehicles that can be on the site. The proposed new sales building will be subject to further review and will inevitably be more attractive than the dilapidated sheds currently occupying that portion of the site.

Outdoor music will be subject to an amplified noise permit.

- d) *The proposed conditional use maintains the desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property.*



The amount of pavement on the site is within the limits of the Planned Business district, as such properties are generally expected to have generous amounts of parking. Striping the parking lots, and the condition that all vehicles must be parked in a space, will keep the vehicles more orderly and will limit the number that can occupy the site.

- e) *The proposed conditional use is located in an area that will be adequately served by, and will not impose and undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The full range of urban services are available at the subject property and to the existing building, and the proposed use will not add an undue burden to any public utility or service.

- f) *The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

The perceived negative impacts of the current business are largely aesthetic. The proposed project and conditions of approval attempt to address the aesthetics through the use of privacy fencing, parking lot striping, additional landscaping, and a new sales building.

The benefits of the proposed project include the rehabilitation of a long under-utilized and unattractive site by owners who have and aim to continue investing in the community.