

## STAFF REPORT

<b>Application:</b>	Interim Use Request to allow the placement of a cargo container in the Light Industrial zoning district.
<b>Applicant and Property Owner:</b>	Terry Fish
<b>Agenda Item:</b>	4(a)

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### Background Information:

- **Proposal:** The applicants are proposing to place a cargo container along the east side of an existing garage on their property which is zoned for Light Industrial, but has long been used as a residential property.
- **Location:**
  - Property address: 5229 Co Rd 82 SE
  - Sec/Twp/Range: 23-128-37
  - Parcel number(s): 03-1831-000
- **Zoning:** I - Light Industrial
- **Lot size:** Approx. 283140 sq ft (6.5 acres) according to Beacon GIS estimate.
- **Septic System Status:** The property is served by private water and ALASD sewer.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff. The lot does not contain steep slopes that would impact the proposed improvement(s) to the property.
  - Wetlands: There are wetlands on the property that could be impacted by the proposed improvement(s) to the property. They appear to be to the north and not in the area of the proposed cargo container.
  - Current Shoreline Conditions: N/A

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**Planning Commission Action:** The Planning Commission may recommend approval of the request, denial of the request(s), or tabling the request(s) if the Commission should need additional information from the applicant. If the Commission should recommend approval or denial of the request, the Commission should state its recommended findings which support either of these actions.

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### Staff Comments:

1. The cargo container would be most directly visible to the property to the east, which is a commercial foam insulation business. The property to the west and north are a bus garage and an auto scrap yard while property across County Road 82 to the south is an open field and a residential dwelling (slightly to the east). Existing trees both on the applicant's property and

neighboring properties generally screen the proposed cargo container site from view in all directions except for from the east, which is mostly screened from view by the building on that property.

2. The applicant does not have a known timeline for how long they wish to have the cargo container on the property. It would be used to store household goods and furniture. They indicate that they will be painting the container a similar color as that of the adjacent garage.

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**Staff Recommendation:** Based on the findings of fact and discussion listed below, Staff recommends approval of the proposed Interim Use.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. The cargo container shall be painted a neutral solid color the same, or complementary to, that of the adjacent garage.
2. The cargo container shall be maintained in a condition reasonably free of rust or decay.
3. The interim use allowing for the cargo container to remain in place shall remain in effect for \_\_\_ years. The applicant may request an extension of the timeframe at, or near, the time it expires.
4. The cargo container shall meet all property line setbacks applicable to a structure.
5. The cargo container shall not be used for anything other than storage of residential materials; storage of unusual amounts of flammable or explosive materials, materials related to a commercial business or use of the cargo container for the keeping of animals or as a living quarters shall be prohibited.

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**Applicable Statutes/Ordinances:** See Appendix A.

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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1) **The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.**

Findings Supporting Approval

The placement of a cargo container on the property will not create any additional burden on parks, schools, streets or other public facilities because it will not increase the population in the area or increase traffic or demand utilities.

Findings Supporting Denial

None

- 2) **The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.**

Findings Supporting Approval

The site is well screened by existing vegetation and existing buildings in all directions and should not be readily visible from public roads or adjacent properties in a way that would detract from development in the area. The area is already largely developed and not likely to be further subdivided.

Findings Supporting Denial

None

- 3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.**

Findings Supporting Approval

The proposed location for the cargo container is well screened from view by existing vegetation and buildings in relation to the two residential properties to the south.

Findings Supporting Denial

None

- 4) The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use.**

Findings Supporting Approval

Cargo containers, when well kept and prevented from being an eyesore, are a reasonable method of providing storage for property owners.

Findings Supporting Denial

None

- 5) The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.**

Findings Supporting Approval

Cargo containers are an allowable interim use in the Township zoning ordinance for the Light Industrial zoning district.

Findings Supporting Denial

None

- 6) The use is in conformance with the Comprehensive Plan of the Township.**

Findings Supporting Approval

The Township's Comprehensive Plan does not directly address the use of cargo containers.

Findings Supporting Denial

None

- 7) The use will not create a traffic hazard or congestion.**

Findings Supporting Approval

The placement of a cargo container on the property will do nothing to increase traffic in the area.

Findings Supporting Denial

None

- 8) **The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses; and**

Findings Supporting Approval

Cargo containers are an allowable interim use in the Township zoning ordinance for the Light Industrial zoning district and the proposed location would meet all property line setback requirements applicable to a structure.

Findings Supporting Denial

None

- 9) **The use will terminate upon a date or event that can be identified with certainty and/or clarity; and**

Findings Supporting Approval

The conditions of approval set a clear date of expiration for the interim use.

Findings Supporting Denial

None

- 10) **The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and**

Findings Supporting Approval

A cargo container is relatively easy and inexpensive to have moved should that need ever arise.

Findings Supporting Denial

None

- 11) **The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.**

Findings Supporting Approval

The conditions of approval require that the cargo container be kept in good condition, painted a color similar to that of the nearby building and reasonably free of rust.

Findings Supporting Denial

None

# Appendix A

## Applicable Statutes and Ordinances

### Alexandria Township/Douglas County Regulations

#### SECTION III. ZONING DISTRICT REGULATIONS

##### B. USES PERMITTED.<sup>1 2 3</sup>

The following set of tables establishes the uses permitted, permitted by conditional or interim use permit, or not permitted. **All uses are subject to the requirements or performance standards of this Ordinance.** Performance standards applicable to uses in all zoning districts are given in Section V.

Use Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.

Zoning District Key: RCR = Rural Conservation Residential; RR = Rural Residential; UR = Urban Residential; RS = Residential Shoreland; CS = Commercial Shoreland; C-U = Commercial-Urban; C-R = Commercial-Rural; I = Industrial.

COMMERCIAL/OTHER USES <sup>4</sup>	RCR	RR	UR	RS	CS	C-U	C-R	I
Cargo Containers (on parcels less than 10 acres) whether privately owned or part of a larger commercial development or business	X	X	X	X	X	IU/ CU	IU/ CU	IU/ CU
Cargo Containers (on parcels 10 acres or larger) whether privately owned or part of a larger commercial development or business	IU/ CU	IU/ CU	IU/ CU	X	X	IU/ CU	IU/ CU	IU/ CU

#### SECTION V. PERFORMANCE STANDARDS

##### J. ACCESSORY BUILDINGS/ATTACHED GARAGES

To provide a higher development standard and to control the size and number of accessory buildings in a residential setting. This section shall be applicable to all parcels of land within the Urban Residential<sup>5</sup> or shoreland districts that contain five acres or less.

<sup>1</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>2</sup> Amended 12/7/2009 (Resolution #09-05) to reflect addition of interim uses

<sup>3</sup> Amended 6/21/2023 (Resolution #23-04)

<sup>4</sup> All commercial uses listed below, even when marked as prohibited, can be considered as home occupations subject to the requirements of Section V.U and other applicable sections of this Ordinance and approval by the Township.

<sup>5</sup> Amended 7/2/2007 (Resolution #07-09)

Cargo Containers<sup>6</sup>. Cargo containers, where allowed, are subject to the same standards as accessory buildings relating to size, setbacks, height or other restrictions unless a specific, more restrictive standard is listed below:

i. Cargo containers shall require a conditional use permit or interim use permit, where allowed by this Ordinance. The Township shall determine whether to grant an approval for cargo containers as a conditional or interim use permit.

ii. In the granting of a conditional or interim use permit, the Township may add conditions relating to ensuring that the exterior appearance of the container is not detrimental to neighboring properties or the public, maintenance of the container in a reasonable condition of repair, screening of the container from view, size limitations, increased setbacks from property lines, the length of time the container is allowed on the property or other considerations as deemed appropriate.

ii. Exemptions: The following uses/location of cargo containers shall be considered exempt from the requirement of this ordinance and may be allowed in any zoning district and without the need for a conditional use/interim use permit or any other permits:

a) Cargo containers used for periods of up to six (6) months for the purpose of temporary storage related to the owner of a property moving into or out of a building, during the construction of a building or following the partial or complete destruction of a building from a natural disaster. Extensions of the original six (6) month time period shall require a written request to, and approval by, the Alexandria Town Board. Once the use justifying the exemption has ceased, the cargo container shall be removed unless a land use permit is applied for and granted. Cargo containers placed under this exemption need not meet setbacks from property lines but must be placed such that trespass does not occur when accessing the container.

b) Cargo containers which are completely enclosed within a building and not visible from adjacent streets, properties or public trails. When placed within a legally constructed building, property line setback requirements shall not apply.

c) Cargo containers which are displayed for rent or sale as part of a legally allowed commercial business and meet conditions imposed by any applicable interim or conditional use permit.

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<sup>6</sup> Section added 6/21/2023 (Resolution #23-04)