

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **June 28, 2022**

Petition 11838

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO GC General Commercial District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District

Town/Section:

COTTAGE GROVE, Section 27

Size: **7.47,27.93 Acres**

Survey Required: **Yes**

Applicant

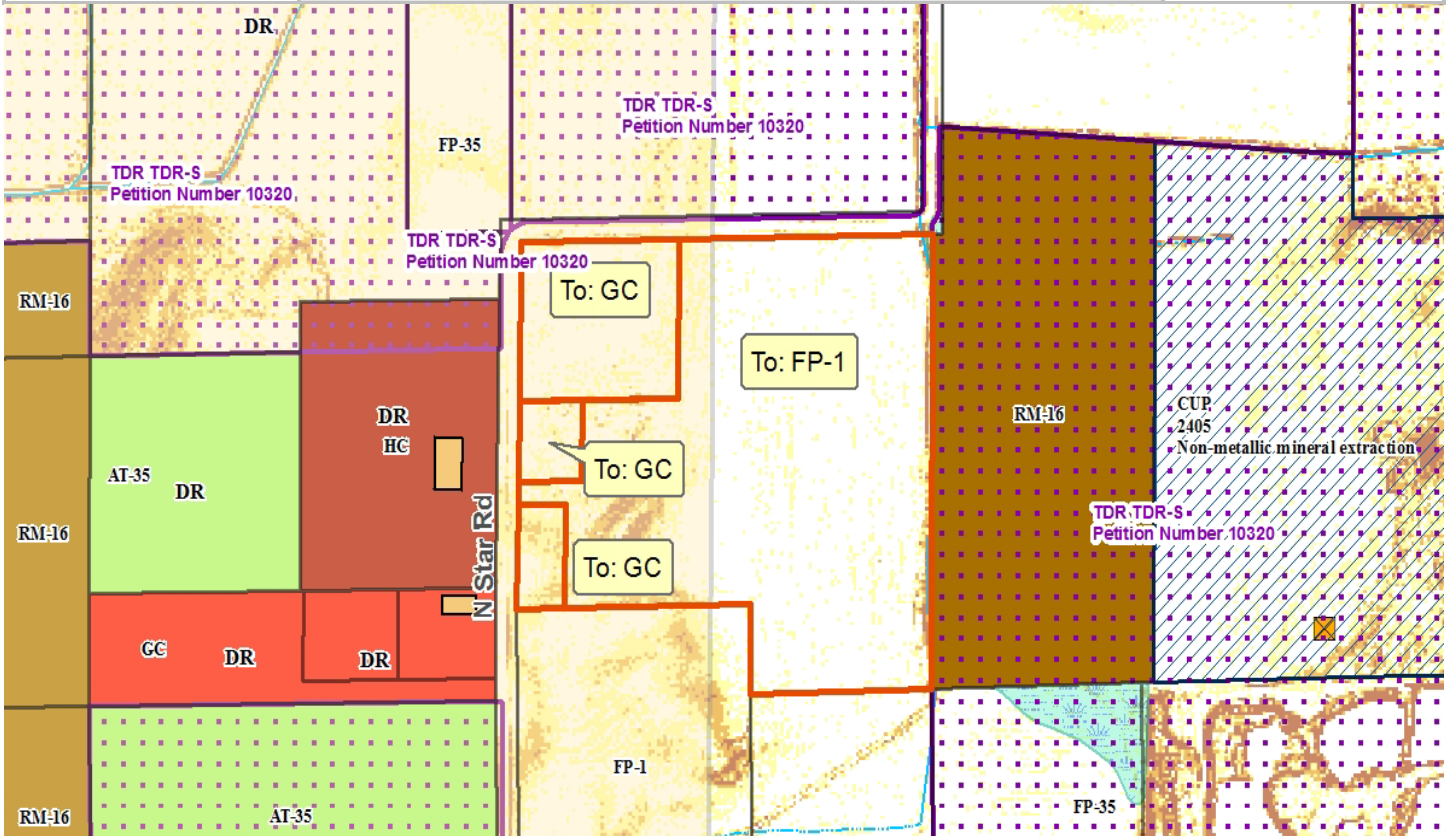
SWALHEIM 2011 REV TR, DUANE P & CANDACE J

Reason for the request:

Creating 3 commercial lots and one agricultural lot

Address:

EAST OF 3475 N STAR ROAD



DESCRIPTION: Applicant proposes to create 3 new GC (General Commercial) parcels for future unspecified commercial development. FP-1 (Farmland Preservation) zoning is requested for approximately 28 acres of remaining agricultural / open space land.

OBSERVATIONS: Current land uses of the subject property are agriculture / open space. Surrounding land uses to the north, south, and east are agriculture / open space and to the west are agriculture and commercial. A small, wooded glacial drumlin with areas of steep slope topography over 12% grade is located on the proposed FP-1 parcel. No sensitive environmental features observed on areas of the property proposed for future commercial development.

TOWN PLAN: The property is located in the town’s planned commercial area.

RESOURCE PROTECTION: No resource protection areas located on the property.

STAFF: The application materials for this petition do not specify any particular commercial use for the 3 proposed lots, but rather indicates that the lots are intended, “...to attract a range of businesses that are compatible with the permitted uses of the General Commercial District.” The GC zoning district allows the following permitted uses:

Permitted Uses 10.272(2)

- | | | |
|---|---|--|
| ▫ Contractor, landscaping or building trade operations | ▫ Office uses | ▫ Utility services associated with a permitted use |
| ▫ Undeveloped natural resource and open space areas | ▫ Indoor entertainment or assembly | ▫ Veterinary clinics |
| ▫ Day care centers | ▫ Indoor sales | ▫ Agriculture and accessory uses (livestock not permitted) |
| ▫ Governmental, institutional, religious, or nonprofit community uses | ▫ Indoor storage and repair | |
| ▫ Light industrial | ▫ Personal or professional service | |
| | ▫ A transportation, utility, communication, or other use required by law. | |
| | ▫ Transient or tourist lodging | |

General Commercial District Permitted Uses

As noted above, the property is located in the town's planned commercial area. Applicable policies for that planning area do not allow residential uses. The town of Cottage Grove has approved the petition with a deed restriction limiting the range of commercial uses to those permitted in the GC district, with the exception of day care centers, indoor entertainment or assembly, and transient or tourist lodging.

The proposal appears reasonably consistent with town plan policies. Pending any concerns raised at the ZLR public hearing, staff recommends approval of the petition with the following town conditions. Note that the conditions have been modified so as to be enforceable:

1. Owner shall record a deed restriction on the three proposed GC zoned parcels that states the following:
 - a. Uses of the GC zoned property are limited exclusively to the following:
 - Contractor, landscaping or building trade operations
 - Undeveloped natural resource and open space areas
 - Governmental, institutional, religious, or nonprofit community uses
 - Light industrial
 - Office uses
 - Indoor sales
 - Indoor storage and repair
 - Personal or professional service
 - A transportation, utility, communication, or other use required by law
 - Utility services associated with a permitted use
 - Veterinary clinics
 - Agriculture and accessory uses (livestock not permitted)
 - b. Residential use or residential related use of the property is expressly prohibited. The property is in a planned commercial area where residential uses are not permitted.
 - c. Evidence of compliance with Dane County stormwater management regulations shall be required prior to development, including arrangements for ongoing maintenance of the regional stormwater facilities.
2. The Certified Survey Map for the property shall include the following:
 - a. A road reservation for the cul-de-sac between proposed lots 1 and 2 that will accommodate truck traffic,
 - b. Dedication of 35 feet on the south side of the east-west segment of North Star Road,
 - c. A note indicating that access to the east-west segment of North Star Road from lots 3 and 4 (other than for agricultural use) is prohibited until that segment is improved to Town Road standards.

Any questions about this petition or staff report please contact Majid Allan at (608) 720-0167 or allan@countyofdane.com

TOWN: Approved with conditions (see above and attached town action report).