



Staff Report

Zoning and Land Regulation
Committee

Public Hearing: **November 27, 2018**

Petition: **Petition 11356**

Zoning Amendment:
**A-2 Agriculture District TO C-2
Commercial District**

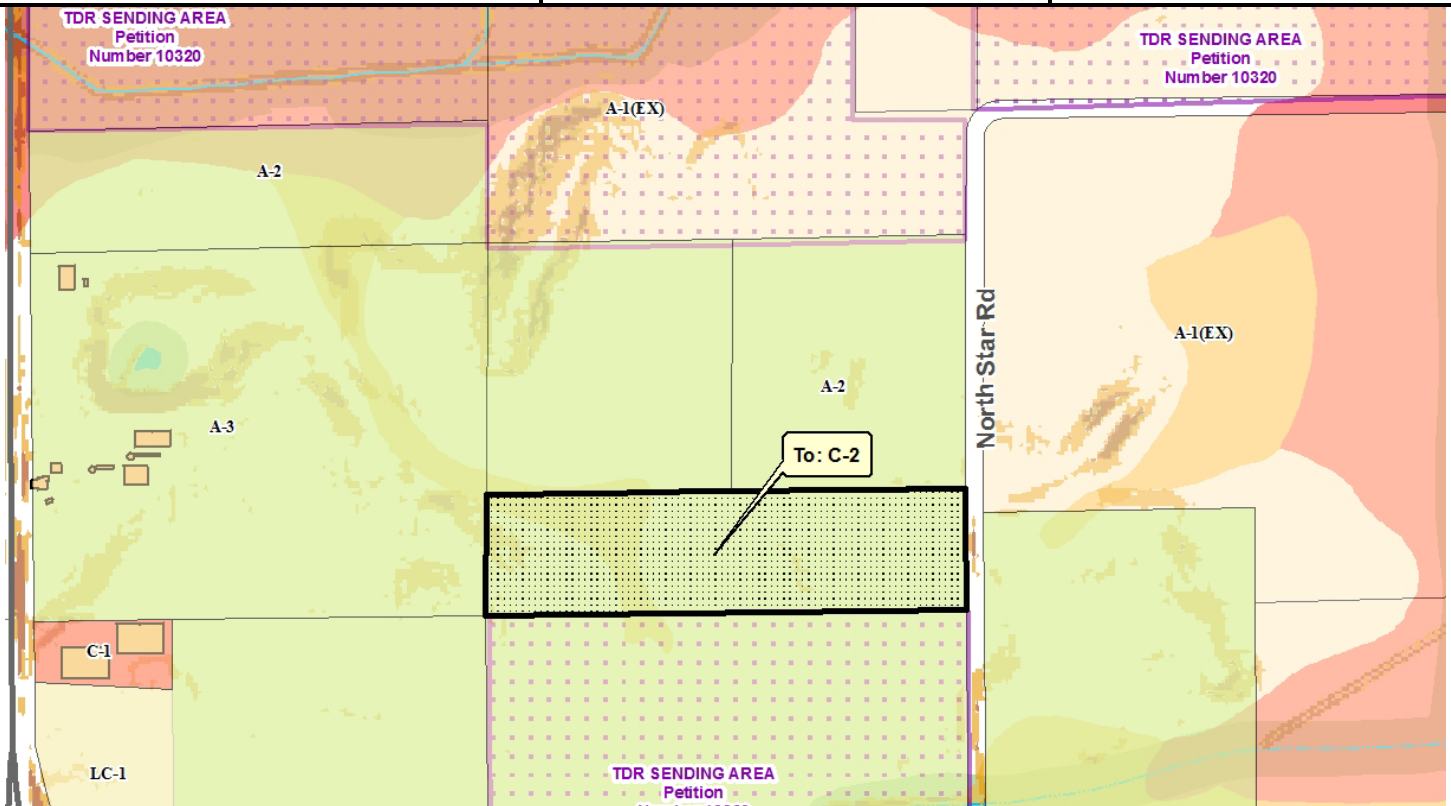
Town/sect:
**COTTAGE GROVE, Section
28**

Acres: 10
Survey Req. No

Applicant
STEVE J BANOVETZ SR

Reason:
**FUTURE BUSINESS PARK
DEVELOPMENT**

Location:
**NORTH OF 3385 NORTH
STAR RD**



DESCRIPTION: This application is for rezoning 10 acres from A-2 to C-2 Commercial zoning for an 8-lot commercial subdivision. The proposal includes a new town road that will provide access to the commercial lots (see attached site plan). The C-2 district allows for a large range of uses. The list of uses proposed uses in the application includes trades (carpentry, masonry, electrician, plumbing, HVAC, welding, landscaping, concrete, grading, septic/well); vehicle & equipment repair, rental and sales; product assembly, inventory, distribution and sales; and office uses. Although the submitted application provides “future business park development” as the purpose of the rezone, the immediate need is to resolve a zoning violation related to the applicant’s landscaping business. The applicant relocated his business from the Village of Cottage Grove to the land he purchased in the Town of Cottage Grove.

OBSERVATIONS: The property is located just south of a recent rezoning petition (#11317 8/28/2018 ZLR Public Hearing) by Larry Skaar for a contractor shop/yard. It is located a little under one half mile from US Highway 12/18, and fronts onto North Star Road. North Star is a partially improved roadway with a paved surface that turns to gravel 1,000 feet from the site. The site is not within an urban service area so it will have to be served by on-site septic systems and private wells. Because of the complexity of this proposal, the town requested assistance from the Zoning Division, Please see the summary provided by Roger Lane dated October 12, 2018.

TOWN PLAN: The subject property is located in the *Commercial Development Area* of the town of Cottage Grove Comprehensive Plan. The purpose of this area is to “enable a range of agricultural business, retail, commercial service, storage, light assembly, institutional, health care, research and development, and recreational uses”. The detailed policies are described on the next page:

RESOURCE PROTECTION: There are no environmentally sensitive features on the property.

STAFF: The proposal meets the dimensional standards of the zoning district and appears consistent with the Town Comprehensive Plan. If approved, Staff suggests that the approval be conditioned upon a certified survey map be recorded within 180 days of approval. The CSM would correct the current illegal land division. It appears that the Town conditions would address the development concerns.

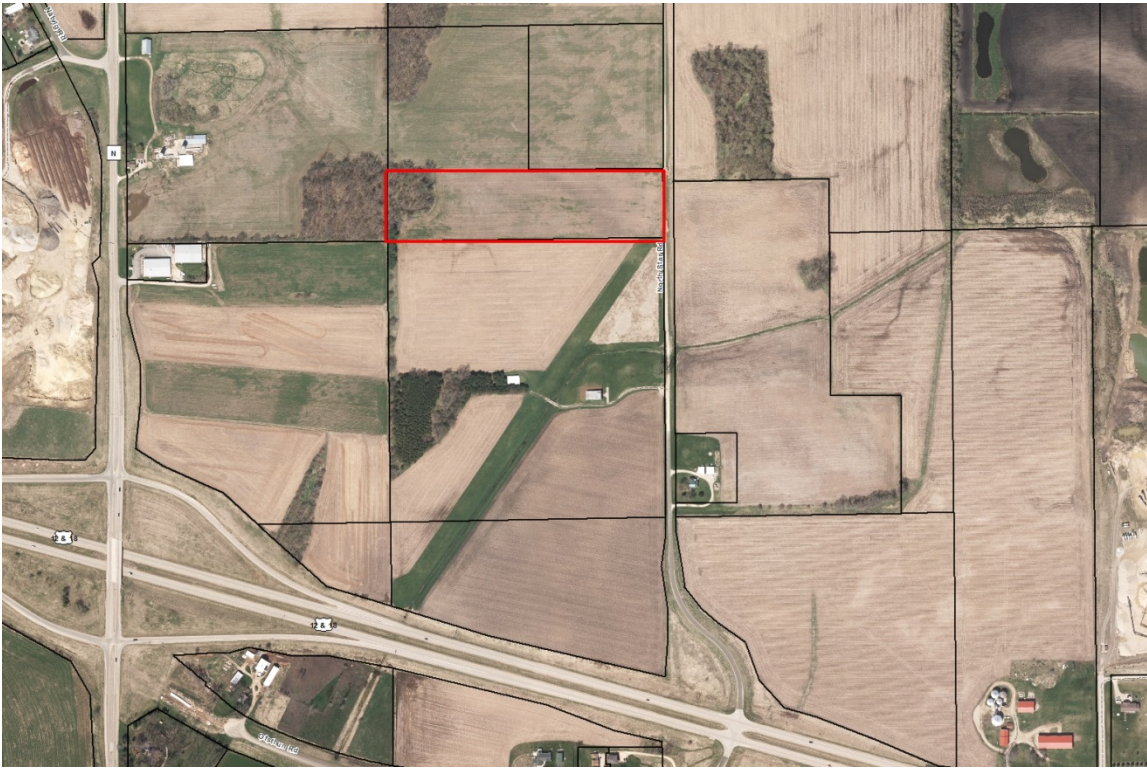
TOWN: The town approved with the following conditions:

1. A deed restriction limiting the uses in the C-1 district to only the following:
 - a. Allowed permitted by right uses in the C-1 district: agricultural uses (no livestock), contractor or landscaper operations, indoor storage, offices, outdoor storage associated with a business, and personal and professional services. Prohibited uses: billboard signs and pylon signs.
2. All development of the property shall obtain site plan approval from the Town of Cottage Grove Board prior to the construction. The landowner shall be responsible for submitting a site plan of the property that complies with Town of Cottage Grove (TGC) Ord. Section 12.08, and including proposed buildings, parking areas, outside storage areas, storm water detention, landscaping, lighting, open space areas, and septic field. The submittal shall include proposed building elevations. The landowner shall comply with the approved site plan.
3. If parking lot lighting is installed, the light fixtures shall be mounted no higher than 20 feet. All lighting shall be direct down-lighted fixtures being dark sky compliant. Wall mounted fixtures shall be full cutoff direct down lighted fixtures. The light fixtures shall not cause element glare to the surrounding properties.
4. All outdoor storage areas shall be screened from view to the greatest extent practical. The screening shall consist of a minimum of a 6-foot fence with a minimum opacity of 80%.
5. Landscaping design shall be reviewed by the Plan Commission and Town Board as part of site plan approval.
6. All trash receptacles shall be screened from view. The dumpsters shall be placed inside a walled enclosure using material similar to the building design.
7. A maximum of one wall sign shall be permitted for each business. The wall signs shall face the front of the building. A maximum of one monument sign shall be permitted per lot/unit. Pylon signs and off-premise billboard signs are prohibited
8. The landowner of each lot/unit shall be responsible for storm water management. The landowner shall be responsible for obtaining a storm water management permit from Dane County Land and Water Resources prior to development of the property.

Development Policies within Commercial Development Area

1. Encourage growth within Commercial Development Areas to enhance the tax base and job opportunities within the Town, making agricultural preservation elsewhere more feasible. Proposed development should not have a substantial adverse effect upon adjacent property (including values), the character of the area, or the public health, safety, and general welfare. Because of the intensity of anticipated non-residential uses in the Commercial Development Area, rezonings that would enable new residential development are discouraged.
2. Attempt to focus the three distinct Commercial Development Areas shown on Map 10: Future Land Use as follows:
 - a. Highway 12/18N Interchange. This modern interchange provides a well-placed opportunity for easily accessed development for businesses that enhance, promote, and support the continuation of agricultural production in the Town and in the region. Uses may be dedicated to local food production, agricultural research and experimental facilities, and sustainable non-agricultural uses. Other commercial uses may also locate in this area.
 - b. Southwest Corner of Town. Town Line/City of Madison ETJ. The western edge of the Town benefits from proximity to Interstate 39/90 and growth associated with the City of Madison. This may be an appropriate location for commercial development geared to the traveling public and for distribution uses. Expansion of the Central Urban Service Area would facilitate larger-scale industrial operations here. The Town will monitor and potentially build out of activities of the Ho-Chunk Nation in this area.
 - c. Town/Village Limits along N. The Village of Cottage Grove meets the Town boundary in such a way that promoting commercial growth provides opportunities and benefits for both communities and future growth in the area. Expansion of the Cottage Grove Urban Service Area would facilitate larger-scale commercial operations here.
3. Recognizing that all three of these areas are in the extrajurisdictional jurisdiction of either the City of Madison or Village of Cottage Grove, communicate with the respective incorporated communities concerning development prospects in these areas. Given its distance from both municipalities and its location, the Highway 12N interchange area may be the most promising location for future commercial development. The Town will consider a TID district in this area, following the lead of the Towns of Windsor, Springfield, and others that have taken advantage of Town TIDs under State law.
4. For new non-residential development, with each application for rezoning or conditional use permit approval, require submittal and review of conceptual site and building plans. Prior to building permit issuance, require that a detailed site and building plan be submitted that is laid out in accordance with section 12.08 of the Town's Site Plan Review Ordinance and this figure. As the Commercial Development Area is predominately mapped near main community entryways and other highly visible locations, the Town is particularly concerned that it contributes to the Town's aesthetic quality. Views to and from highways like 12, N, and AB are of particular importance to the Town.
5. Jointly work with the State Department of Transportation, the Dane County Highway and Transportation Department, and developers to ensure that adequate rights-of-way for future roadway expansions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided. Driveway cuts that impede the efficient and safe operations of roadways are prohibited. Shared driveways and frontage road access may be required. Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance.
6. Require developments to address off-site traffic, environmental, and neighborhood impacts.
7. If the business requires levels of service or roads greater than what the Town can provide, the proposal will have to be modified or it may be rejected.
8. As necessary, apply appropriate limitations preventing unacceptable future commercial or industrial uses of the site through a deed restriction.
9. Do not permit parking or storage of vehicles within the public road easement or right-of-way.
10. If the business is located within 100 feet of an adjacent residence or residential zoning district, buffer the side of the business site facing the residence.
11. Assure that development provides access and an attractive rear yard appearance and existing and future development behind these sites.
12. If the business is to operate at night, design all outdoor lighting so as not to create glare or shine directly on neighboring residences.

Petition 11356 Banovetz proposed Commercial Subdivision



Proposal

Mr. Banovetz would like to create an 8-lot commercial subdivision. The design would create lots under one acre in size (approximately 40,000 sqft.). The proposal includes the construction of a Town road which will provides public access to the proposed lots. The application does not provide any information on proposed storm water management for the entire development. The proposal lists a wide range of allowable land uses. The list includes retail sales businesses, restaurants, auto repair and sales, outdoor product sales, contractor businesses, landscaping businesses, light industrial manufacturing, and wholesale warehousing.

Property Condition

The 10-acre property is located approximately 4/10th of a mile north of US Highway 12/18. The intersection of North Star Road and US Hwy 12/18 is fully improved providing access to both east and west directions. The property fronts on North Star Road. North Star Road is a partially improved roadway. The paved surface ends approximately 1000 feet south of the property leaving a gravel roadway for access. The current condition of the road would not be suitable for retail sales businesses.

The topography of the property is fairly flat. There is a 5% slope in the center of the property which makes the property drain to the north. The land appears suitable for commercial development. The soils consist of Dodge Silt Loam and Kegonsa Silt Loam, Class I and II soils. The property is not located within an Urban Service Area, so on-site septic systems will be required along with private wells. No information has been provided showing soil capability. The 10-acre property currently is in violation of the land division regulations. The 10-acre property was created in 1988 described in a deed as Parcel "C". The property was further separated from the Skaar property in 2018.

The property is also in violation of the current assigned zoning district classification of A-2 given the minimum 16-acre minimum size of the district.

The property is located 2.5 miles from the City of Madison boundaries. Any land division will be subject to the City of Madison's extraterritorial jurisdiction review.

Town Plan

The property is located the Commercial Development Area. The plan allows for a wide range of commercial development with an emphasis on agricultural related businesses. Highway-oriented commercial development should be located in a logical location. The Town Plan policies require commercial lots to be a minimum of a 1-acre in size provided that adequate soils permit an on-site septic system. Holding tanks are prohibited. New commercial development is required to meet high standards for site, building, landscaping, storm water, and sign design. If the business requires levels of service or roads greater than what the Town can provide, the proposal will have to be modified or it may be rejected.

Analysis

1. The proposed development in its current state appears to conflict with the Town's Comprehensive Plan Policies. The lots sizes are under the minimum requirements. The development would not be a logical location for highway oriented businesses (retail businesses) given the gravel road and distance from a major corridor. It may be more suitable for the land uses to be limited to contractor businesses, warehousing, or light industrial land uses.
2. The creation of a subdivision plat may be problematic due to City of Madison's extraterritorial jurisdiction. The developer should have an initial conversation with the City of Madison Planning Department on land division possibilities before continuing. As an alternative, the developer may want to look into creating a condominium plat to create unit properties.
3. The proposal lacks the essential information regarding sub-division development. A preliminary plat should be provided showing actual lot sizes, public right-of-way, and preliminary storm water management features. Soil analysis should be provided to show that soils are suitable for septic systems. A concept plan should be provided showing general building, parking, and septic locations. A narrative should be provided explaining the overall vision of the development.

Suggestions

1. The proposal to zone the entire property to C-2 Commercial appears to be consistent with the Town Comprehensive plan if conditions are proposed. Given the current access (gravel road) it may be best to limit the land uses to utilitarian businesses and avoid retail or high traffic land uses.
 - a. A deed restriction could be placed on the property to limit the land uses to the following: offices, contractor businesses, light industrial, outdoor storage, and mini-warehouses. The deed restrictions could be amended in the future to allow other land uses.
 - b. To address aesthetics of the development, a deed restriction could include requirements on the design of buildings, screening of outdoor storage, landscaping, lighting, and construction of drive surfaces.
2. The developer may want to look into creating a condominium plat in the future to create additional building sites.
 - a. A condominium plat would avoid Madison ETJ review.
 - b. A private drive could be installed as an alternative to a public road.
3. In order for the current landowner to construct a commercial building on the property the following approvals are needed:
 - a. C-2 Commercial Zoning District assigned to the property.
 - b. A Certified Survey Map to be reviewed and recorded to correct land division violation.

Suggested Restrictions

Limited Land Uses (based on HC Heavy Commercial Zoning District)

Allowed permitted by right uses: Agricultural Uses (no livestock); contractor or landscaper operations; indoor storage; offices; outdoor storage associated with a business; personal and professional services; personal storage facilities (mini warehouses); and warehousing facilities. Allowed through a Conditional Use Permit: communication towers, and renewable energy generation.

Prohibited Uses: Billboard signs and pylon signs.

[NOTE: Retail, Entertainment, Auto sales/repair land uses have been omitted due to the access road being gravel.](#)

Site Plan Review

All development of the property shall obtain site plan approval from the Town of Cottage Grove Board prior to the construction. The landowner shall be responsible for submitting a site plan of the property which shows proposed buildings, parking areas, outside storage areas, storm water detention, landscaping, lighting, open space areas, and septic field. The submittal shall include proposed building elevations. The landowner shall comply with the approved site plan.

Parking

All parking areas, drive areas, and storage area shall be paved.

[NOTE: The Town Board will need to decide whether or not the drive surfaces should be paved or gravel.](#)

Lighting

If parking lot lighting is installed, the light fixtures shall be mounted no higher than 20 feet. All lighting shall be direct down-lighted fixtures being dark sky compliant. Wall mounted fixtures shall be full cutoff direct down lighted fixtures. The light fixtures shall not cause element glare to the surrounding properties.

Outdoor Storage

All outdoor storage areas shall be screened from view for the most extend practical. The screening shall consist of a minimum of a 6-foot fence with a minimum opacity of 80%.

Landscaping

Landscaping (shrubs/bushes) shall be installed along the front side of each building. There shall be a minimum of two deciduous trees, 2" caliper, installed along the roadway for each building lot or unit. Landscaping design shall be reviewed by the Town Board as part of site plan approval.

Screening

All trash receptacles shall be screened from view. The dumpsters shall be placed inside a walled enclosure using material similar to the building design.

Signs

A maximum of one wall sign shall be permitted for each business. The wall signs shall face the front of the building. A maximum of one monument sign shall be permitted per lot/unit. Pylon signs and off-premise billboard signs are prohibited

Storm water Management

The landowner of each lot/unit shall be responsibility for storm water management. The landowner shall be responsible for obtaining a storm water management permit from Dane County Land and Water Resources prior to development of the property.