

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **January 24, 2023**

Petition 11918

Zoning Amendment Requested:

FP-1 Farmland Preservation District TO GC General Commercial District

Town/Section:

**COTTAGE GROVE,
Section 34**

Size: **6.2 Acres**

Survey Required: **Yes**

Applicant

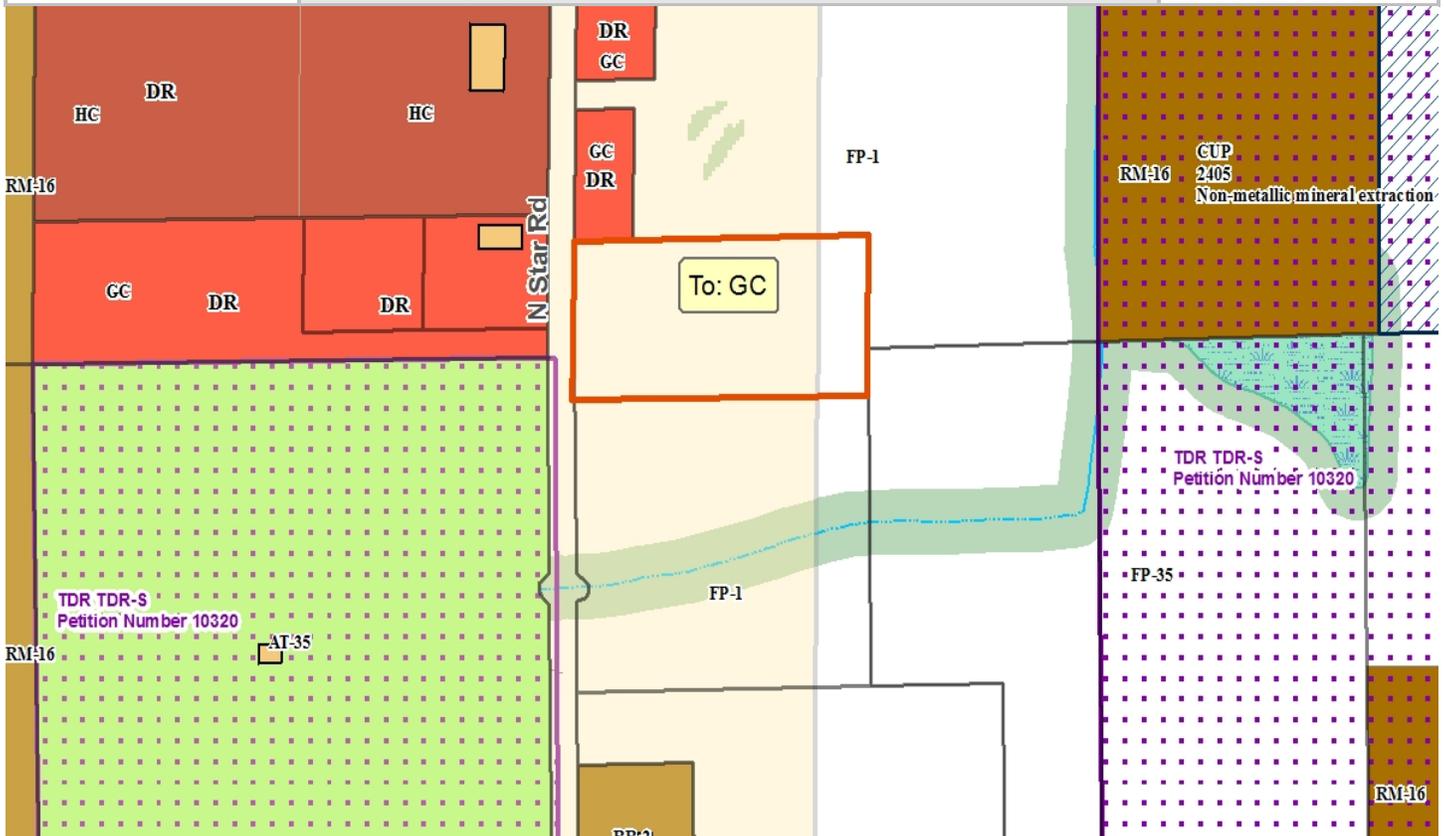
**CUMMINGS AND
TURK FARMS LLC**

Reason for the request:

Rezoning for commercial electrical contractor business

Address:

3436 NORTH STAR RD



DESCRIPTION: Applicant David Cummings, along with co-owner Jeff Turk, want to rezone a 6-acre portion of the existing 17.5-acre property from FP-1 to GC General Commercial, to create a new lot for their electrical contractor business CaT Electric. The proposed 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.

OBSERVATIONS: 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 conditional use permit (CUP), so is not permitted unless the owner applies for and gets approval of a CUP. The applicant has indicated a desire to store telephone poles, pipe, and junction boxes outside; however a CUP has not been requested at this time.

The existing shed building has historically been used for agricultural purposes and storage. In order to use the existing building for commercial, non-agricultural purposes, the owner will need to obtain a Change of Use permit and bring the building up to commercial building code, with a letter from the Town Building Inspector (see recommended conditions).

The proposed site plan meets the parking requirements in s. 10.102(8) of County ordinances. The applicant indicates there would be up to five company trailers on site. The proposed operating hours are Monday through Friday 6:00am to 6:00pm, and Saturday 6:00am to 12:00pm. Outdoor lighting would consist of dusk-to-dawn lights at building entrances,

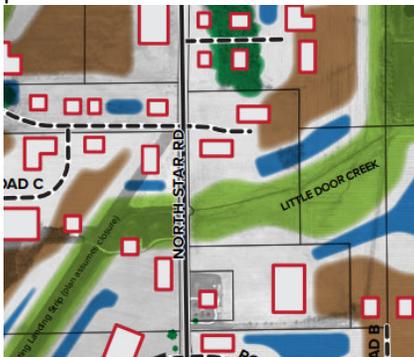
but no further details were provided. No business signage is currently proposed. Zoning requires that all lighting be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill. Screening requirements of zoning code s.10.270 are not applicable as there are no residences within 100 feet.

The Wisconsin DOT is currently using the property to stockpile material as part of a nearby DOT project. The applicant has submitted preliminary 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 indicated they have no major concerns at this time, though plans will need full review and approval prior to issuance of construction permits.

The property is roughly ¼ mile from an existing quarry to the east. The property is not subject to any city or village extraterritorial review jurisdiction (ETJ), due to the new ETJ boundaries established by the City of Madison in 2022.

TOWN PLAN: The subject property is in the Commercial Development future land use area. Pending the town's review of the proposed site plan, the proposal can be considered consistent with the town and county comprehensive plans.

The Town's long range plans includes a conceptual plan for a future business park in this area, with a future road planned extending east from North Star Road through the subject property. Town staff has indicated the proposed site plan will be reviewed and the Town will confirm if it is consistent with the Town's concept plan.



(For questions about the town plan, contact Senior Planner Alexandra Andros at (608) 261-9780 or andros@countyofdane.com)

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.

TOWN ACTION: On January 16th, the Town Board recommended approval of the rezone with the following conditions:

1. The driveway will be paved to just past the crest of the hill.
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.
3. A deed restriction will be placed on the property to a) require connection to sanitary sewer and water services when and if they become available and b) include a waiver to the normal right to object to assessments for such utility services.
4. The final CSM shall include at minimum a 75' setback from the edge of the creek, unless the creek is determined not to be a navigable waterway, and appropriate resource identification designations as directed by County and Town subdivision ordinances.

STAFF RECOMMENDATION: Staff believes the site plans submitted are adequate to recommend rezoning of the property. Detailed plans, including building design and lighting, will be required by the Town of Cottage Grove and by Dane County prior to issuance of zoning permits for construction. Unless the Town of Cottage Grove requires additional limitations on land uses, we do not recommend a deed restriction to limit the land uses beyond what the GC district requirements.

Pending any comments received at the public hearing, staff recommends approval of the rezone to GC subject to the applicant recording a certified survey map for the new lot, and the following conditions:

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 lighting be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
3. The driveway will be paved to just past the crest of the hill.
4. 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.
5. A deed restriction shall be recorded on the lot stating the following:
 - a. A connection to sanitary sewer and municipal water services shall be required if and when they become available.
 - b. The landowner waives the right to object to municipal assessments for such utility services.
6. The final Certified Survey Map shall include at minimum a 75' setback from the edge of the creek, unless the creek is determined not to be a navigable waterway, and appropriate resource identification designations as directed by County and Town subdivision ordinances.

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