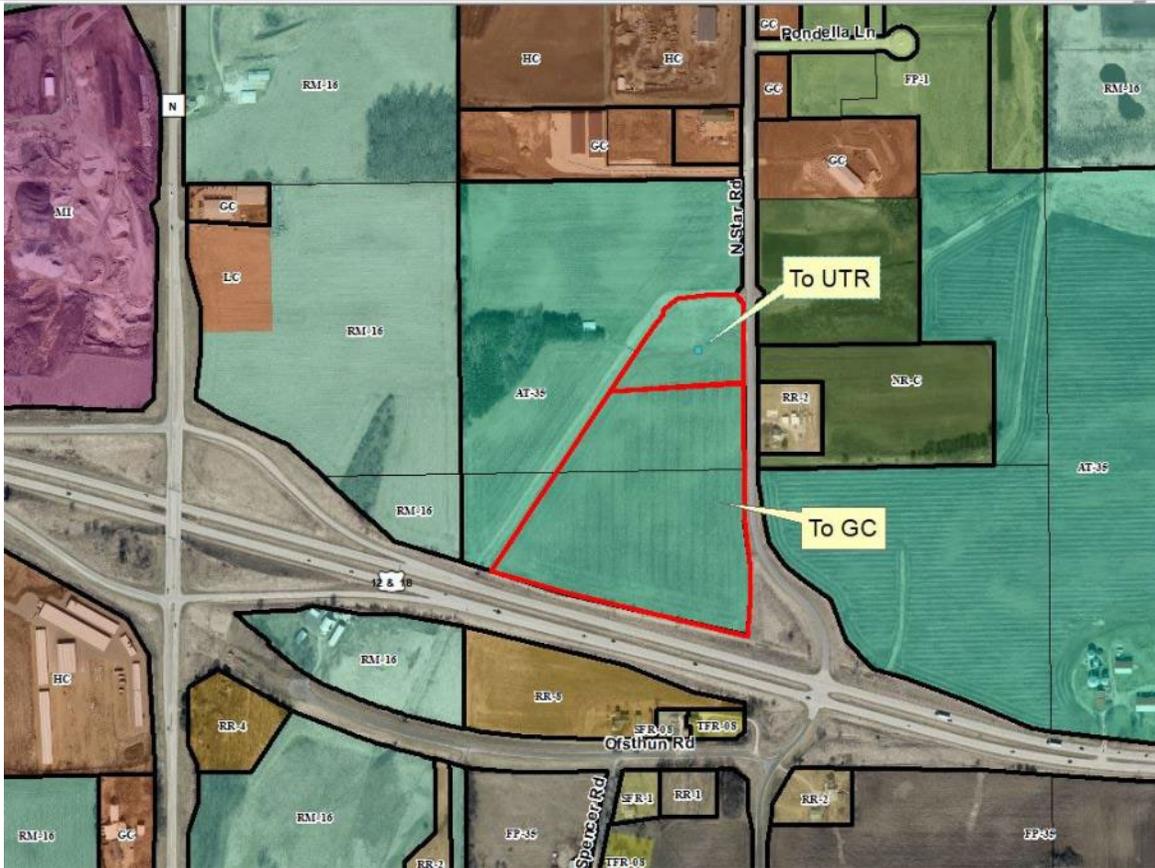


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>June 24, 2025</b>	<b>Petition 12170</b>
	<u>Zoning Amendment Requested:</u> <b>AT-35 Agriculture Transition District TO GC General Commercial District and the UTR Utility, Transportation and ROW District</b>	<u>Town, Section:</u> <b>COTTAGE GROVE, Section 33</b>
	<u>Size:</u> <b>21.76,3.99 Acres</b>	<u>Survey Required:</u> <b>No</b>
	<u>Reason for the request:</u> <b>Create 7-lot commercial subdivision</b>	
		<u>Address:</u> <b>3385 N STAR ROAD</b>



**DESCRIPTION:** The applicant is proposing to create a 7-lot commercial subdivision as part of the Town of Cottage Grove’s emerging business and industrial park along North Star Road. The requested GC-General Commercial zoning is intended for indoor commercial activity. The application states that there will be no outside storage of materials for the development.

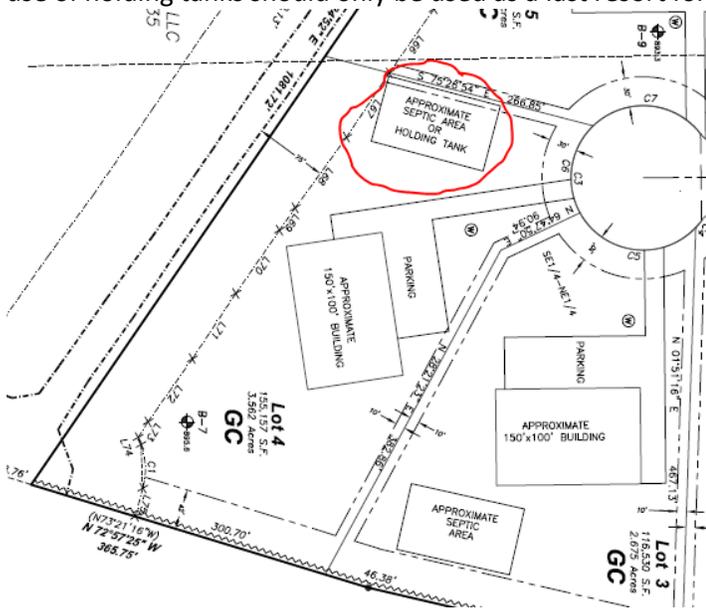
**OBSERVATIONS:** The property is currently a cropped agricultural field. There are 4 commercial businesses to the north with an additional 7 commercial lots that are platted. The location is highly visible from US Highway 12/18. The area is outside of an urban service area, meaning, development will need to install their own on-site septic systems and private wells. The only access to the area is from N Star Road which is a dead-end road. The intersection that allows access onto N Star Road from US Highway 12/18 currently does not have turn lanes nor is it designed for commercial traffic.

When the rezoning application was accepted in April, County Staff pointed out 4 issues that needed more information. Very little information regarding the proposal has been submitted. Only the wetland issue has been addressed. The remaining issues are: 1) on-site septic for all lots; 2) stormwater management; 3) traffic estimates and safety of the N Star Road-US Hwy 12/18 intersection.

Issue 1

Any commercial proposals are required to submit a development plan for the project. This plan provides for a conceptual view for building layout, parking, stormwater management features, and septic locations. The development

plan for Lot 4 has a note that the lot may not be capable of being supported by an on-site septic system (see note below). Staff feels any lot that is slated for development should be capable of supporting an on-site septic system. Additional information should be provided that ensure that all lots are capable of support on-site septic systems. The use of holding tanks should only be used as a last resort for post-development situations, not for new development.



### Issue 2

The application contains a simple soil study that states that the soil is capable of stormwater infiltration. The application does not contain any information how stormwater will be handled for the development. Additional information, in the form of a preliminary Stormwater Management Plan, should be provided to show where stormwater features will be and how stormwater from the lots will be routed. The information should be reviewed by the Dane County Land and Water Resources Department and a preliminary review letter obtained.

### Issue 3

Staff is very concerned about a potential traffic safety issue with the development of N Star Road. The road is a dead-end and is the only access to this area north of Hwy 12/18. It does not appear that the intersection at Hwy 12/18 has adequate measures to support additional development. There are no acceleration/deceleration lanes or turning lanes that are commonly found for commercial developments. The picture below shows the intersection. Staff has requested that a traffic impact analysis be submitted by the developer to estimate the impacts the development will have at this intersection, so that safety improvements can be planned accordingly.





The town is aware that WisDOT will also review the plat and consider traffic as part of its purview. A traffic study will provide more solid estimates of the anticipated traffic based on commonly used engineering standards. The proposed plat contains 7 lots, each with buildings estimated at 15,000 square feet each. The applicants estimate the traffic to be between 50 and 100 vehicle trips per day, including employee trips. This number is very low considering that, based on engineering standards used in the ITE manual, 7 *single family homes* would be expected to generate 10 trips per day each (70 total trips). The types of businesses most likely to locate in this business park are contractor and light industrial businesses, which would be expected to generate roughly 29 to 105 trips per day, per business (using the 15,000 square foot size estimate). At 7 lots this could mean 200 to 735 trips per day for this plat.

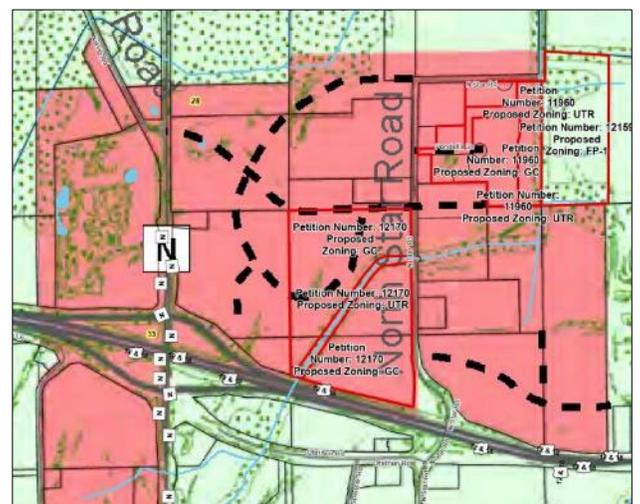
**OTHER ISSUE**

Currently, the entire Viney Acre property is zoned AT-35 and contains 57 acres. The applicant has been made aware that the proposed request does not account for the remaining 29 acres owned by Viney Acres. The northerly area would need to be rezoned and be part of the subdivision plat in order to comply with the zoning ordinance requirements and land division regulations. The applicant has not responded to the request.

**COMPREHENSIVE PLAN:** The property is located in the town’s commercial planning area. The town has established a range of purposes for the commercial area, along with detailed policies intended to ensure development occurs in a responsible manner that respects the character of the area and protects the public health, safety, and general welfare.

The plan identifies GC zoning as a typical implementing zoning designation that may require the use of deed restrictions to limit the range of commercial uses. Plan policies also require the submittal of detailed information to be submitted with rezoning applications, including conceptual site and building plans.

If property includes wetlands or wetland indicators, or soils with limited potential for septic systems, plan policies require that the applicant provide a report by a “soil/environmental”



Cottage Grove Commercial Planning Area

scientist evaluating the suitability of the property for the, *“...building sites and on-site wastewater treatment systems of the types, locations, and densities contemplated.”*

The applicant has provided some [general information](#) regarding the types of land uses which are anticipated. Preliminary soil study information has also been provided confirming that portions of the property are suitable for conventional or mound systems sanitary systems, but as indicated in the application, additional study / interpretation may be needed.

A recently adopted amendment to the town’s comprehensive plan underscores the town’s interest in ensuring commercial development protect the rural atmosphere and natural resources of the area:

*“As the Commercial Development Area is predominately mapped near main community entryways and other highly visible and sometimes wetter locations, the Town is particularly concerned that commercial development contributes to the Town’s aesthetic quality and environmental health. Maximizing commercial development served by conventional on-site waste treatment systems and maintaining attractive views to and from highways like 12, N, AB, and North Star Road are of particular importance to the Town.”*

The following are applicable town plan policies and requirements to ensure town objectives are achieved:

- 4. Jointly work with the Wisconsin Department of Transportation, the Dane County Highway and Transportation Department, and developers to ensure that adequate rights-of-way for future roadway expansions and extensions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided...*
- 5. Require developments to address off-site traffic, environmental, and neighborhood impacts.*
- 6. If the business requires levels of service or roads greater than what the Town can provide, the proposal will have to be modified, it may be rejected, or it may be required to fund required service or road improvements.*
- 7. As necessary, apply appropriate limitations preventing unacceptable future commercial or industrial uses (or conditions such as outdoor storage) on an approved development site through a deed restriction.*
- 11. If the business is to operate at night, design all outdoor lighting so as not to create glare, not to shine directly on neighboring residences or into the dark sky, and otherwise to meet Town Design Review Ordinance requirements*
- 12. [G]enerally require use of on-site waste treatment systems as the means of sanitary waste treatment and disposal, and direct new development to sites and to portions of sites that allow for onsite waste treatment wherever practical. Work with the County Sanitarian to permit holding tanks in the Commercial Development Area only as a system of last resort...”*

The town’s [building code ordinance](#) includes detailed design review requirements that would apply to the proposed development.

At least two other recent commercial GC rezoning proposals were subject to deed restrictions prohibiting residential use and limiting land uses 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)

The developer might propose a list of allowable land uses for this business park, which could be limited through a deed restriction and restrictive covenants. This would reinforce the town’s own development standards, and ensure that future lot owners are made aware of the town’s standards as well as any responsibility for shared facilities within the development. The application states that no outdoor storage is anticipated; however, this may or may not be the case given the types of businesses that have been attracted to and recently approved to locate along N Star Road. The GC zoning district allows for outdoor storage yards as a conditional use.

The prior approvals also included a requirement addressing stormwater management: *“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.”*

The town's plan includes a conceptual rural business park mock up that presents a preferred development pattern for the North Star Road commercial planning area. That hypothetical concept plan recommends a number of strategies to carry out the plan's objectives, including suggesting buildings along the highways and main roads rather than large outdoor storage yards in order to both establish a favorable image and maximize tax base. For any businesses with outdoor storage yards near the US 12/18 and North Star intersection, screening is recommended.

The concept plan suggests four zones spread over different ownerships where larger outdoor yards would have reduced visibility and were selected to enable screening via existing and future buildings, deeper locations in the site, and existing woodlots and other natural resources.



As indicated elsewhere in this report, additional information is needed from the applicant to adequately determine compliance with other applicable ordinances. Pending receipt of that information, this report will be updated with additional commentary and recommendations.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [Allan.Majid@danecounty.gov](mailto:Allan.Majid@danecounty.gov).

**RESOURCE PROTECTION:** The property contains a drainageway that was determined to be non-navigable. The property would not be subject to Shoreland Regulations. However, wetlands have been identified along the length of the drainageway and development (including any impervious surfaces) will need to be located a minimum of 75 feet away from the wetland boundary.

The ZLR Committee may want to consider having Outlot 1 extended south in order to provide protection to the wetland area including providing provisions for a buffer.

**TOWN ACTION:** On June 2<sup>nd</sup>, the Town Board recommended approval of the GC zoning, to allow all permitted uses except for day care centers, indoor entertainment or assembly and transient/tourist lodging.

The Town Action does not list conditional uses making outdoor storage and outdoor commercial activities prohibited.

**STAFF RECOMMENDATION:** Staff recommends that the petition be denied based on the fact that the developer failed to provide adequate research in addressing the concerns and is failing to follow the policies found in the Commercial Development Area of the Town Comprehensive Plan. Denial of the petition would require the developer to wait one year to submit a new application. The Committee may want to consider postponement to allow the developer to address the outstanding concerns. The list includes:

- Adding lands into rezoning and subdivision request to account for remaining property
- Addressing the safety concerns with the Intersection of US Hwy 12/18 and N Star Road
- Providing proof that all lots are capable of having on-site septic systems
- Addressing stormwater management for the property adequately
- Providing additional information on how the developer will ensure that town design policies will be met
- Providing adequate measures to ensure the protection of the wetlands (outlot)

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.