
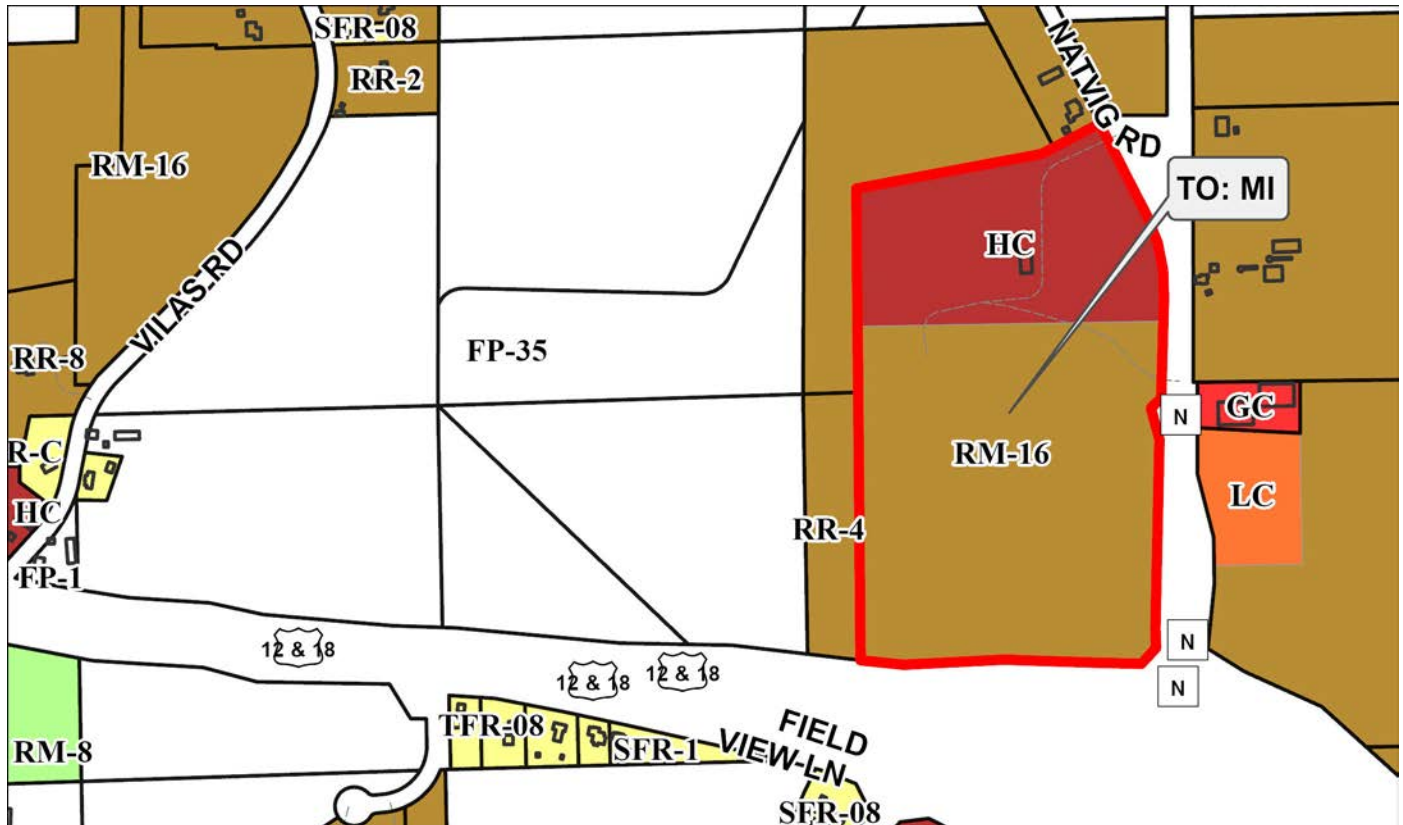


fStaff Report  Zoning & Land Regulation Committee	<i>Public Hearing:</i> October 22, 2024	Petition 12109
	<i>Zoning Amendment Requested:</i> HC Heavy Commercial District and RM-16 Rural Mixed-Use District TO MI Manufacturing and Industrial District	<i>Town, Section:</i> COTTAGE GROVE, Section 28
	<i>Size:</i> 14.1,31 Acres	<i>Survey Required:</i> No
	<i>Reason for the request:</i> REZONE TO MATCH EXISTING LAND USE TO CURRENT ZONING DISTRICTS	
		<i>Address:</i> 3355 COUNTY HIGHWAY N



DESCRIPTION: Applicants request to rezone an existing parcel with mixed zoning (HC and RM-16) to MI Manufacturing and Industrial, to better match the zoning to the current use of the property, enable the extension of existing uses (permits), and also to enable future development. The current land uses, Mineral Extraction and Composting, are allowed in the MI zoning district with a Conditional Use Permit (CUP).

The applicants have submitted separate applications ([CUP 2300](#) and [CUP 2342](#)) to renew the existing permits for mineral extraction and composting, which will expire in February of 2025.

The MI zoning district allows a much wider range of land uses than the current zoning, including some land uses that may be unsuitable or cause a nuisance if allowed at this location. The applicants indicate that the town seems supportive of MI zoning but would likely deed restrict the allowable land uses to a narrower list than what MI typically allows. The applicants propose to deed restrict the property to a specific set of land uses (see [applicant's mark-ups on the MI Zoning District Fact Sheet](#) contained in the application).

OBSERVATIONS: The current sand and gravel pit has been in operation since 1998 (existing CUP #2015-02300). The operation involves the mining, recycling and processing of aggregates and soils for local construction projects. The current composting business has been operating since 2016 (existing CUP #2016-02342). It involves the composting, recycling, and processing of agricultural wastes to produce a product used for engineered soils, rain garden mix, etc. The composting activity is done entirely outdoors.

Before the zoning code rewrite in 2019, the property was zoned C-2 Commercial and A-2 Agricultural (done in 2005 and 2012, respectively, to accommodate existing and proposed uses of the site at the time). As part of the 2005 rezone, the property was deed restricted to limit the allowable land uses (see recorded [document #4227822](#)). The current restriction limits the land uses to the following:

1. Light industry (e.g. machine shops);
2. Rental business;
3. Recreational activities;
4. Veterinary services;
5. Equipment repair;
6. Bottling plants;
7. Sale of new and used recreational, motor vehicle, or contractor's machinery and equipment or the like.

If this rezone is approved, the current deed restriction would be replaced with a new one to reflect the will of the town and the landowner, as well as the current land use listings for the MI district in the Chapter 10 zoning ordinance.

The site abuts County Highway N as well as Natvig Road, a town road. The existing site access off of Natvig Road was improved in past years in coordination with the Town of Cottage Grove and the Dane County Highway Department.

COMPREHENSIVE PLAN: The property is located in the town's commercial planning area. Although the MI district is not listed in the town's comprehensive plan as an appropriate zoning category for anticipated uses in the commercial planning area, it was identified by the township as the most appropriate category to accommodate the existing land uses as conditional uses. The town intends to restrict the range of land uses in the MI district to ensure any future development aligns with town objectives for the commercial planning area.

Pending receipt of the town's action specifying restrictions limiting the range of land uses, the proposal appears reasonably consistent with comprehensive plan policies.

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

RESOURCE PROTECTION: The site does not contain any sensitive environmental features. Little Door Creek, a perennial stream, is located roughly 300 feet away to the northwest of the property. Mapped regulatory floodplain is located on the property and development within the floodplain is subject to floodplain development standards.

TOWN ACTION: The Town Board recommends approval of the rezone subject to a deed restriction that allows all the uses permitted in the MI zoning district except for the following (matching the applicants' request):

1. Adult book stores
2. Adult entertainment
3. Animal boarding, domestic pets
4. Animal boarding, large animal
5. Marinas
6. Veterinary clinics

STAFF RECOMMENDATION: The town has approved the same land use restrictions requested by the applicants. The Zoning Division prefers to use "positive" wording for deed restrictions, listing the land uses that are allowed. The land uses listed below includes all the land uses allowed in the MI district except for the ones excluded above. Pending any comments at the public hearing, staff recommends approval subject to the applicants recording a Certified Survey Map (CSM) for the property and the following conditions:

A deed restriction shall be recorded on the lot stating the following:

1. Land uses on the property shall be limited exclusively to the following permitted uses:
 - a. Undeveloped natural resource and open space areas
 - b. Agriculture and accessory uses (livestock not permitted)

- c. Electric generating facilities
- d. Fertilizer manufacture, mixing or blending
- e. Freight and passenger bus terminals
- f. Government, institutional, religious or nonprofit community uses
- g. Drive-in establishments
- h. Personal or professional service
- i. Indoor entertainment and assembly
- j. Indoor storage and repair
- k. Indoor sales
- l. Outdoor sales, display or repair
- m. Heavy industrial uses
- n. Light industrial uses
- o. Contractor, landscaping or building trade operations
- p. Off-site parking lot or garage
- q. Office uses
- r. Outdoor active recreation
- s. Outdoor entertainment
- t. Outdoor storage
- u. Personal storage facilities
- v. Utility services
- w. Vehicle repair or maintenance services
- x. Transportation, utility or communication use required by law
- y. Warehousing and distribution facilities
- z. Wastewater treatment facilities

2. The conditional uses listed in the MI zoning district are not restricted.

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