

TOWN OF COTTAGE GROVE
PLAN COMMISSION MINUTES
APRIL 24, 2024

- 1) Notice of the meeting was posted at the Town Hall and on the Town's website. A quorum was present with Kris Hampton, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff, Mark Kudrna and Tom Banigan present. Clerk-Treasurer Kim Banigan took minutes.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Muehl/Meylor to approve the minutes of the March 20, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Mary Wick, petitioner, Mary Wick & James Schmidt, property owners: DCPREZ-2024-12053 to consolidate parcels 0711-243-9010-0 (2.60 acres zoned RR-2 at 1784 Leon Lane), 0711-243-9040-4 (3.48 acres zoned RR-2 at 1788 Leon Lane) and .49 acres from parcel 0711-243-9000-2 (26.84 acres zoned FP-35) into a single 6.5-acre lot zoned RR-4 to allow for requirements for solar panel installation and to square off lot with adjacent farmland: Ms. Wick and Mr. Schmidt were both present. Ms. Wick explained the reason they were seeking the rezone, stating that they do not want to cut down trees to put the ground mounted solar on the lot their house is on, and Alliant Energy will not allow energy credits if it is on a separate lot. **MOTION** by Anders/Banigan to recommend approval of the consolidation and rezone of 6.08 acres from RR-2 and .49 acres from FP-1 a single 6.57-acre lot zoned RR-4, to allow for solar installation on the same lot as the house, and to square off the lot. **MOTION CARRIED 7-0.**
- 6) John & Toni Skala, petitioners, Ben & Gwen Specht, property owners: DCPREZ-2024-12040 to divide parcel 0711-042-8290-7 at 2546 Gaston Road (2.56 acres zoned RR-2) into two lots, one to be 1.83 acres zoned RR-1 with the existing home, and a new SFR-08 lot zoned .73 acres for a new home: Mr. & Mrs. Skala were both present. Mr. Skala said part of the shed on the area proposed for the new lot will be raised, and a home with a similar look will be constructed. Ms. Skala said they will need to apply for a CUP since the remaining portion of the shed is taller than allowed in the SFF-08 zoning district. In anticipation of concerns over a driveway for the new parcel, the petitioners had Burse Engineering evaluate the stopping sight distances. Their conclusion was the driveway should be no further than 40-feet west of the new east lot line. The Skalas said they regularly use the existing driveway to the shed without incident. **MOTION** by Muehl/Kudrna to approve the rezone of 2.56 acres from RR-2 to 1.83 acres zoned RR-1 and .73 acres zoned SFR-08 to create a new home site. Gaston Road right-of-way shall be dedicated to the public. No RDU will be needed for the new lot since the property is within ¼ mile of the Village of Cottage Grove boundary and the original lot was created prior to 01/01/1981, as per items 3. and 5. under *Relationship to the Town's TDR Program* in Figure 8 of the Visions and Directions volume of the Town's Comprehensive Plan. **MOTION CARRIED 7-0.**
- 7) Brent Conwell, petitioner, Capitol Holdings, LLC, property owner: DCPREZ-2024-12049 to rezone parcel 0711-284-9740-0 (.5 acres zoned AT-35) to GC and combine with parcel 0711-284-9721-0 at 3475 North Star Road. No one from Capitol Underground was in attendance. The item was postponed to the end of the meeting, then **MOTION** by Anders/Eickhoff to table until the May 22nd meeting. **MOTION CARRIED 7-0.**
- 8) David Riesop, petitioner, Kennedy Hills, LLC, property owner: DCPREZ-2024-12048 to rezone 47.6 acres from AT-35 to SFR-08 to create 50 additional residential lots in the Kennedy Hills subdivision: David Riesop was present, as was Realtor David Dinkel, who did most of the talking. He noted that Phase 1 lots are all sold, and they are ready to proceed with the next two phases, proposed to be a total of 50 lots depicted by the concept plan he distributed (Exhibit A). This concept plan is slightly different than the one approved by the Town back in 2018, which only had a total of 64 lots, not 66, and showed

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different areas for stormwater facilities at the north end of the development. Mr. Dinkel said they know they need to develop stormwater control plan, and believe Phase 2 will drain in the Phase 1 ponds. Phase 3 will require additional facilities to be built somewhere in the north east corner of the property. There was discussion that the Town-owned areas adjacent to that corner do flood in wet seasons, and concerns that water from the development could overwhelm that area as well as homes on American Way and Conestoga. Anders was adamant that if any changes are needed to the Town owned land, the developer will be responsible for the cost.

Mr. Dinkel said they know they need to obtain development rights and DNR approval. At a 1:8 ratio, 6.25 RDUs would be required to create 50 lots. There was mention that another developer may have residual RDUs remaining from another subdivision for sale. The northern most tax parcel proposed for development appears to be within ¼ mile of the Village of Cottage Grove, which, as per item 3. under *Relationship to the Town's TDR Program* in Figure 8 of the *Visions and Directions* volume of the Town's Comprehensive Plan, would mean that parcel could be subdivided without RDUs. There was disagreement about this among Plan Commissioners. Hampton believed the "1/4 mile" policy applied. Eickhoff felt that allowing this did not follow the intent of the policy, which he stated is to block annexation into the Village. He would like the Plan Commission to reconsider this policy to make the intent clearer in the language. Banigan said he agreed with Eickhoff, and Muehl noted that there had always been the intent that the remaining phases of Kennedy Hills would require RDUs. The Clerk-Treasurer suggested that a precise measurement be made between the corner of the northern tax parcel and the closest Village property (a tail of a Blackhawk Airport property that provides the required frontage on a public road), to be sure the measurement she made using Access Dane is accurate. Since Mr. Riesop is a surveyor, consensus was for him to take the measurement.

Mr. Dinkel mentioned the wooded area and stated that efforts would be made to incorporate the trees into the lots there. He also noted that they had seen comments from the Town Engineer and Planner about needing Woodland Trail and Farmstead Road to be 70' wide.

Hampton said that lot 55 would be a problem with its driveway on Kennedy Road being too close to the Whiting Road intersection. Suggestions were to either give it a driveway on Homeland Drive or eliminate it and make lots 54 and 56 larger.

Public Comments/Questions:

- A virtual attendee (Brandon) asked about the development timeframe. Mr. Dinkel said they are scheduled for a County ZLR Committee hearing on May 29th, and are concurrently working on platting, engineering and RDU contracts. He thought if everything went smoothly the final plat should be ready for approval by mid-October, and Phase 2 physical work could begin this fall with building starting in January of 2025. Phase 3 would start once all of Phase 2 lots are sold, and he thought if that happened by next spring, depending on the market, Phase 3 could be complete by 2026-2027. Discussion was that the Town will not allow any work to begin until all approvals for both remaining phases are final.
- A virtual attendee (Tony Arts) asked if there is a way to limit the sales of lots from all going to a single home builder and becoming very standardized instead of the more country-like lots from Phase 1. Mr. Dinkel said the diversity of builders is an asset of the first phase, but did not go into how the remaining phases would be marketed. Mr. Arts also mentioned that only doing Phase 2 would force all construction traffic through Phase 1. Muehl suggested that Farmstead Road be required to be roughed in as a construction entrance for Phase 2.

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- Helen Czerepinski, 4552 Conestoga Trl, wondered what having more expensive homes go up will do to her taxes. Hampton explained that her taxes are based on the assessed value of her home, not any others around her. A gentleman who appeared to be with her but did not give his name expressed concern that any more water in that area will overwhelm their septic system.
- Dan Koppes, 2165 Independence Circle, expressed concerns about increased traffic at the Kennedy Road/CTH BB intersection, as well as water coming over the hill from the wooded area toward his property. He also asked why the parking lot planned for Outlot 3 was not centered on Sr. Dan Johnson Memorial Park, which it would be intended to serve based on a Parks Committee recommendation for the original concept plan.
- Jeff Page, 2166 Independence Circle, thinks the parking lot would be better placed where lot 49 or 50 are shown, noting that if it was at lot 50, it would only affect one homeowner.
- Richard Boyes, 4545 American Way, had several comments, including similar concerns that others had expressed over stormwater, questions about effects of all the wells and septic systems, and additional use of the Sr. Dan Johnson Park that abuts his property. He thought that additional park area should be created within Phases 2 and 3 rather than putting more pressure on existing parks, and thought that the parking lot would not be big enough to serve as a parking lot for the existing park. Discussion was that the Town subdivision ordinance dictates how much park land must be dedicated based on the number of lots created, and that in Phase 1, the developer exceeded the required amount, resulting in a credit. Virtual callers Brandon and CG Res were also wondering about additional parkland and walking paths. It was noted that the wider roads will allow for bike/walking paths.

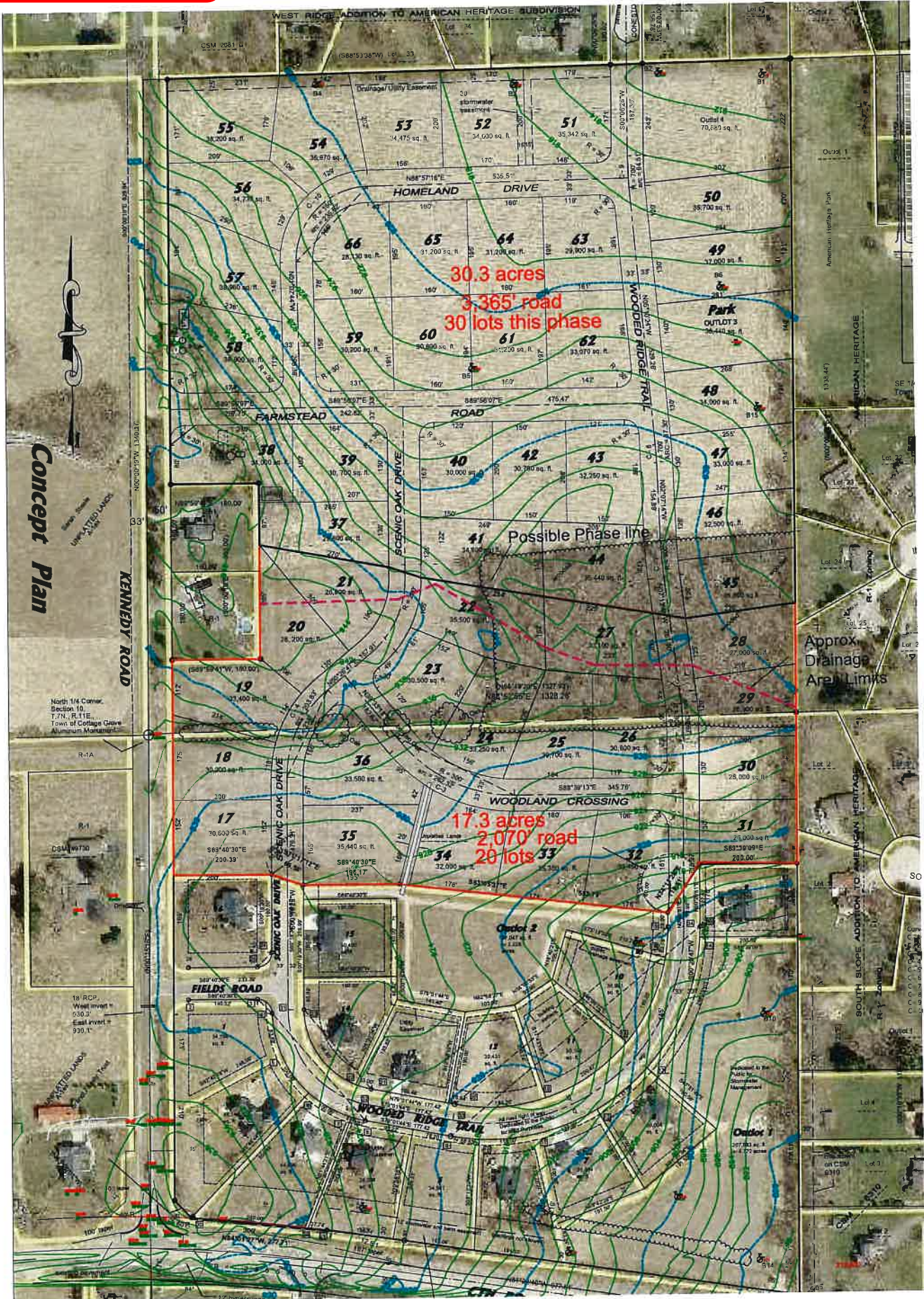
MOTION by Anders/Eickhoff to recommend approval of the rezone of 47.6 acres from AT-35 to SFR-08 to create up to 50 additional residential lots in the Kennedy Hills subdivision, contingent on the appropriate number of RDUs being acquired before zoning is final, and including a requirement that the distance between the northern tax parcel and the closest Village of Cottage Grove property be measured to see if it meets the policy stated in item 3. under *Relationship to the Town's TDR Program* in Figure 8 of the *Visions and Directions* volume of the Town's Comprehensive Plan. (RDUs required would either be 6.25 for the entire 50 lots proposed, or two for the 12 lots in the southern parcel if the ¼ mile policy is met by the northern parcel.) **MOTION CARRIED 6-1** (Hampton opposed).

9) **ADJOURNMENT: MOTION** by Eickhoff/Anders to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 8:54 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 05-22-2024

EXHIBIT A



Concept Plan

30.3 acres
3,365' road
30 lots this phase

17.3 acres
2,070' road
20 lots

Possible Phase line

Approx. Drainage Area Limits

North 1/4 Corner, Section 10, T.7N, R.11E, Town of Cottage Grove Aluminum Managment

18' RCP, West Invert = 630.7', East Invert = 930.1'

Included to the Public Use, Open Space Managment

SOUTH SLOPE ADDITION TO AMERICAN HERITAGE