

TOWN OF COTTAGE GROVE
PLAN COMMISSION MINUTES
SEPTEMBER 25, 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl present in person and Steve Anders present virtually. Clerk-Treasurer Kim Banigan took minutes. Town Engineer Brian Berquist also attended virtually.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Anders/Kudrna to approve the minutes of the August 28, 2024 meeting with a correction to the motion in item 3. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Dennis Richardson representing R.G. Huston, Inc., petitioner, Skaar Pit LLC, property owner of parcel 0711-283-9800-6 at 3355 County Road N, petitions to:
 - a) Rezone of 14.51 acres from HC and 31.01 acres from RM-16 to MI (Manufacturing and Industrial) to match existing land use to current zoning districts (DCPREZ #12109): Dennis Richardson was present virtually and noted that a copy of the MI zoning district fact sheet had been provided with the petition showing which permitted uses they do not want (Exhibit A). There was a question about how soon reclamation operations will begin, Richardson said probably not until after the other side if County Road N is developed. **MOTION** by Muehl/Banigan to recommend approval of the rezone of 14.51 acres from HC and 31.01 acres from RM-16 to MI to include only the permitted uses not crossed off on Exhibit A. **MOTION CARRIED 7-0.**
 - b) Extend current CUP #2342 for processing or composting of organic by-products or wastes, which was approved in 2016 and expires Feb. 25, 2025 (DCPCUP #2641): Hampton read the standards for approval and they were considered satisfied for both CUPs #2641 and #2642. **MOTION** by Anders/Muehl to recommend approval of extending the CUP for composting of organic by-products or wastes for 10 years. **MOTION CARRIED 7-0.**
 - c) Extend current CUP #2003 for non-metallic mining extraction, which was approved in 2015 and expires Feb. 25, 2025 (DCPCUP #2642): Hampton asked if the detention pond will need to be enlarged. Richardson thought it was likely that would be required by Dane County. **MOTION** by Muehl/Meylor to recommend approval of extending the CUP for non-metallic mining extraction for 10 years, noting that the standards for approval were considered satisfied. **MOTION CARRIED 7-0.**
- 6) Duane Swalheim, petitioner, DP & CJ Swalheim 2011 Revocable Trust, property owner: petition for Final Plat approval for Swalheim Business Park on parcel 0711-273-0044-0: Chris Casson of Birrenkott Surveying represented Mr. Swalheim. Town Engineer Nick Bubolz had provided a list of outstanding items on the plat, and a draft resolution included several other outstanding items. Anders questioned whether approval should be contingent on incomplete items being satisfied, or withheld until all are completed. The Clerk-Treasurer noted that the 60-day approval window for final plats ends on October 23rd, which does not give time for another Plan Commission meeting. There was discussion about possibly asking for a 30-day extension but ultimately the outstanding items were addressed, with Berquist advising which ones were met and which were still outstanding. **MOTION** by Muehl/Kudrna to approve the plat conditional on the three items on Bubolz's memo being incorporated into the plat. **MOTION CARRIED 7-0.**

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- 7) Consider adoption of Resolution 2024-09-25 recommending approval of the Final Plat of Swalheim Business Park: The Clerk-Treasurer marked up the draft resolution to cross off items that had already been satisfied as per Berquist's advice. **MOTION** by Muehl/Banigan to adopt resolution 2024-09-25 Recommending Conditional Approval of the Final Plat of Swalheim Business Park as amended tonight. **MOTION CARRIED 7-0.**
- 8) Cory Clemens, petitioner, Dunroven Ridge, LLC, property owner: petition for Preliminary Plat approval for Kennedy Hills First addition on parcels 0711-034-9001-0 and 0711-101-8502-0 on Kennedy Road: Mr. Clemens was present. Town Engineer Nick Bubolz and Town Planner Mark Roffers had both provided memos including their comments. The Clerk-Treasurer read Bubolz's memo (Exhibit B) and Casson stated all of the items on it are doable. The Clerk then read Roffer's memo (Exhibit C), and the following items were discussed:
- Roffers urged reconsideration of the proposal for tree removal, suggesting instead that the grading plan and/or lot sizes be revised to allow some tree/woodland preservation. Mr. Clemens said he does not want to clear cut the trees, but only plans to remove those in the way of roads and ditches. He was not sure how the clear-cutting plans got to be shown on page G4 of the plans submitted with the application. He was advised to re-submit without the clear-cutting stated in the plans. Tony Arts, 2231 Wooded Ridge Trail and Tood Christensen, 2195 Wooded Ridge Trail, felt that the trees would need to be cleared for the lots to work. Kathy Wollschlager, 2170 Independence Ct., felt that taking the trees down would impact neighboring properties. She also questioned impacts from stormwater and wells and septic systems. Hampton said no construction would occur until stormwater control is in place, and Berquist said the stormwater facilities installed with the first phase of Kennedy Hills will accommodate the run-off from this proposed phase. There was a question about whether the homeowners from this new phase will have their own set of covenants or will be incorporated into the existing covenants of the first 16 lots. The Clerk-Treasurer will follow up on this with the Town Attorney.
 - Tony Arts asked that a second entrance from Kennedy Road be allowed for construction purposes rather than all of the construction traffic coming through the first phase. It was noted that this had been discussed previously and would be possible. Arts and Christensen also questioned why the lots in the next phase are mostly smaller than the ones in the first phase. Hampton suggested different lots give choices and consume less farm land. Anders suggested that some of the lot sizes be reconsidered.
 - Sherri Burke, 4500 Kennedy Road, was present via phone and asked what improvements will be required on Kennedy Road to accommodate the additional vehicle and pedestrian traffic. Thoughts were that Kennedy Road improvements, including probably widening the roadway, will apply with Phase 3.
 - Hampton noted that the Town would want the old fence lines cleaned up.

MOTION by Banigan/Eickhoff to table until the October meeting to allow the petitioner to meet the unsatisfied items listed on the Town Engineer's and Planners lists dated September 16, 2024 lists.
MOTION CARRIED 7-0.

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- 9) Viney Acres LLC, petitioner and property owner: petition to rezone 0.190 acres from FP-1 to RR2 to adjust the lot line between parcel 0711-311-0011-0 and parcel 0711-311-8020-0 at 2876 Siggelkow Road. (DCPREZ #12112): Don and Marilyn Viney and Kevin and Mindi Kessenich were all present, and explained that they initially thought they could fit the new home on their lot easily, but have since run into shoreland zoning issues resulting in the house being right on the south lot line. **MOTION** by Muehl/Eickhoff to recommend the rezone 0.190 acres from FP-1 to RR2 to adjust the lot line between parcel 0711-311-0011-0 and parcel 0711-311-8020-0 at 2876 Siggelkow Road. **MOTION CARRIED 7-0.**
- 10) Discuss potential commercial development of part of parcel # 0711-331-8000-7 owned by Viney Acres, LLC on North Star Road: Don Viney presented a sketch of how the property might be developed (Exhibit D), including a north-south road serving approximately 3-acre commercial lots on either side. Access would come off of a new east-west road on property currently owned by Oremus 3447 LLC and North Star Road Investments, LLC. Wade Huston was present representing Skaar Pit, LLC, owner of the property to the west where a road connecting to Natvig Road could eventually be run. Viney wondered what the development process would be. Hampton thought the Town would need to purchase the land for the east-west road. Other discussion was that the road could also be on Viney's land, or split between the properties.
- 11) ADJOURNMENT: **MOTION** by Eickhoff/Meylor to adjourn. **MOTION CARRIED 7-0.** The meeting ended at 9:08 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 10-23-2024

MI Manufacturing & Industrial Zoning District **EXHIBIT A**

CH. 10-Zoning, [Section 10.282](#)

Purpose of the Manufacturing Industrial District 10.282(1)

The Manufacturing and Industrial Zoning District is intended to accommodate industrial, processing and extractive uses, where: primary activity occurs either indoors or outdoors; uses are intensive, and at relatively high densities and may produce a high volume of employee and freight traffic; uses require separation from residential uses; uses may require full urban services or create intensive electrical, water or other utility demand, and; uses are appropriate to an urbanized or industrial area.

Permitted Uses 10.282(2)

- o Undeveloped natural resource and open space areas
- ~~o Adult book stores, subject to s.10.103(2)~~
- ~~o Adult entertainment, subject to the provisions of the Adult Entertainment Overlay District (AED)~~
- o Agriculture and accessory uses (livestock not permitted)
- ~~o Animal boarding, domestic pets~~
- ~~o Animal boarding, large animal~~
- o Electric generating facilities
- o Fertilizer manufacture, mixing or blending
- o Freight and passenger bus terminals
- o Government, institutional, religious or nonprofit community uses
- o Drive-in establishments
- o Personal or professional service
- o Indoor entertainment and assembly
- o Indoor storage and repair
- o Indoor sales
- ~~o Marinas~~
- o Outdoor sales, display or repair
- o Heavy industrial uses
- o Light industrial uses
- o Contractor, landscaping or building trade operations
- o Off-site parking lot or garage
- o Office uses
- o Outdoor active recreation
- o Outdoor entertainment
- o Outdoor storage
- o Personal storage facilities
- o Utility services
- o Vehicle repair or maintenance services
- ~~o Veterinary clinics~~
- o Transportation, utility or communication use required by law
- o Warehousing and distribution facilities
- o Wastewater treatment facilities

Conditional Uses 10.282(3)

- o Asphalt and concrete production
- o Biodiesel and ethanol manufacturing
- o Biopower facilities for distribution & sales
- o Communication towers
- o Commercial processing or composting of organic by-products or wastes
- o Demolition material disposal sites
- o Dumping grounds
- o Incinerator sites
- o Manure processing facilities
- o Processing or composting of organic by-products or wastes
- o Mineral extraction operations
- o Salvage & salvage recycling operations
- o Solid waste disposal or recycling operations
- o Stockyards, livestock auction facilities
- o Storage of explosive materials
- o Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

MI Manufacturing & Industrial Zoning District CH. 10-Zoning, Section 10.282

Setbacks, Height, and Size requirements 10.282 (4) & (6)

Front setback for all structures from highway centerline / right-of-way line (whichever is greater)

State or Federal Highway: 100/42 feet minimum

County Highway: 75/42 feet minimum

Town Road: 63/30 feet minimum

Subdivision streets platted prior to ordinance: 20 feet minimum

All other streets: 30 feet minimum

Height: 50 feet maximum, not including tanks, storage bins, silos and towers.

Side Yards:

10 feet minimum each side

Rear Yards:

10 feet minimum

Lot Width & Area: 10.282(5)

Lots must have sufficient area to accommodate sanitary, stormwater, and parking for intended uses

September 16, 2024

Ms. Kim Banigan
Town Clerk
Town of Cottage Grove
4058 C.T.H. N
Cottage Grove, WI 53527

Subject: Proposed Kennedy Hills First Addition – Preliminary Plat Review

Dear Kim:

We have received the Preliminary Plat submittal for the Kennedy Hills First Addition, a proposed single-family subdivision located on the north side of CTH BB, just east of Kennedy Road. The documents are dated August 28, 2024 and were received on August 29, 2024. We have completed a review of the engineering and infrastructure aspects of the submittal. There are a number of items, in part listed below, that should be satisfactorily resolved before the Town finally approves the Preliminary Plat. We understand the Town Planner will be reviewing the submittal from a Zoning perspective.

General Comments

- Individual driveway permits will need to be submitted and approved for all new driveways prior to construction beginning.
- Stormwater Management and Erosion Control plans must be submitted and approved by Dane County prior to construction beginning.
- The developer should contact the local Postmaster to determine the required configuration and placement of mailboxes to serve the new homes.
- The board has discussed Kennedy Hills is part of the Neighborhood Connector Streets which includes a roadway detail with 5-foot bike lanes and a 70 foot right-of-way.

Sheet PP2

- We recommend the path be connected to Woodland Crossing. This will also require a culvert.

Sheet PP3

- The roadway (and ditchline) slope is proposed at 0.71%, which can make maintenance and mowing difficult over time. We recommend increasing the ditchline slope to at least 1.0% as quickly as possible.

Preliminary Plat Document

- Street “A” should be labelled as Woodward Crossing.

Please feel free to contact us with any questions or comments regarding this review.



EXHIBIT C

TO: Kim Banigan, Town of Cottage Grove Clerk
FROM: Mark Roffers, Town Planner
CC: Nick Bubolz, Town Engineer; Bill Cole and Chris Nelson, Town Attorney
DATE: September 16, 2024
RE: Kennedy Hills First Addition Preliminary Plat

I received the following documents related to the Kennedy Hills First Addition development:

- Preliminary plat application and attachments, dated August 9, 2024
- Preliminary plat map, dated August 5, 2024.
- “Kennedy Hills Plat Phase 2” engineering plans, dated August 9, 2024.

The following are my comments on the attached documents:

1. The engineering plans indicate the proposed removal of the entire woodlot near the east edge of the plat, plus two very large oak trees to their west. The applicant should indicate whether such full removal is essential, convenient, or something in between—in order to make site grading work or for what other reason. The proposal is unfortunate for the environment and fully removes a buffer from adjacent homeowners in American Heritage. The Town has no specific regulation against tree removal. However, Town Comprehensive Plan Figure 8 does indicate that subdividers meet at least 80% of the “conservation neighborhood design” standards listed in that figure, and two or three of these standards are applicable to this removal proposal. I urge reconsideration of this tree removal proposal, instead considering a revised grading plan and/or lot sizes that allow some tree/woodland preservation.
2. The following are the 14 conservation neighborhood design standards in the Town Comprehensive Plan, of which 80% are to be met. The standards are in italics and my opinion is in normal type. It is reasonable to consider the entirety of Kennedy Hills in this assessment—not just the current First Addition plat.
 - a. *Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields.* Vegetation and setbacks meet this standard along Highway BB, which is the “main road” adjacent to Kennedy Hills. The proposed woodlot removal does not affect visibility from BB. Standard met.
 - b. *Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas.* Standard met with original plat.

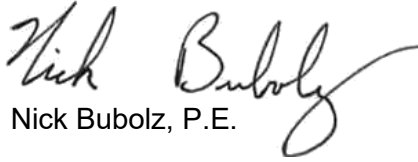
- c. *Preserve mature trees and tree lines wherever possible.* As proposed, the First Addition would remove two 36"+ trunk diameter oaks plus a significant woodlot near the east edge of the plat, and suggests removal of most/all of the remainder of the woodlot with the "Second Addition" plat to come. Standard not met.
- d. *Include an interconnected network of streets meeting Town road standards.* Roads are interconnected, but per the discussion in item 5 below, do not currently meet Town road standards. Standard not yet met.
- e. *Design streets and lot layouts to blend with natural land contours.* The preliminary plat shows existing contours, suggesting that the plat area ranges from about 928' to 942' feet. Elevation is generally highest near the northwest end and lowers to the southeast. The grading plan appears to suggest significant cutting and filling, with up to 12' of cut in some places. This likely corresponds to proposed tree and woodland removal. Standard not met.
- f. *Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use.* Standard met.
- g. *Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements.* Standard not met. Mature trees and woodland proposed for full removal.
- h. *Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands.* No apparent degraded natural areas. Not applicable.
- i. *Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites.* Not clear whether this standard has been met.
- j. *Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams.* No wetlands or streams. Not applicable.
- k. *Provide wide areas for public access to parks and common open spaces.* This First Addition plat would provide a third public access to the Town park to the immediate south, of a proposed 20 feet in width. This is probably wide enough if demarcation is provided along side lot lines and the developer improves a pathway within the dedication. Otherwise, the tendency is for such strips to be absorbed into adjacent lots for all practical purposes. Standard met if this condition satisfied.
- l. *Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements.* Overall plat will include two public parks, one of which would be an addition to an existing park to the northeast. Standard met.

- m. *Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town.* Standard met, if suggestion in k. above satisfied.
- n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development. Not clear whether these will be included in covenants, which have not yet been submitted.

At present, it seems that 50% of the applicable conservation neighborhood design standards are clearly met (6 of applicable 12). I ask the developer to indicate how at least four more will be achieved to meet this Comprehensive Plan policy.

- 3. Figure 4 of the Comprehensive Plan suggests that, “[p]rior to each rezoning and land division/subdivision application associated with a TDR transaction, the Town encourages the Receiving Area developer to first secure an option to purchase (or another legally recognized tool) to enable the future purchase of RDUs from a Sending Area owner.” I believe there was agreement that 2 acquired RDUs would be necessary for development of the rest of Kennedy Hills. These are most logically tied to this Phase 2 plat, which is beyond the ¼ mile buffer from the Village where transferred development rights are not required by Town Plan policy. I recommend that some verification that 2 RDUs are obtainable be provided now.
- 4. The Town land division ordinance indicates that “[i]f required by the Plan Commission, a draft of protective covenants which the subdivider intends to record regulating land use in the proposed subdivision or to otherwise protect the proposed development” is to be submitted with the preliminary plat. I am assuming the Commission did not ask for covenants now, as they are not part of the submittal. I advise that no final plat application be considered complete until covenants are submitted at the same time. These should both be compatible with the existing Kennedy Hills covenants and could be used to address some conservation neighborhood design standards listed above.
- 5. The Town land division ordinance now has standards for “neighborhood connector” streets where connecting to parks, for example. Neighborhood connector streets are to have a 70 foot wide right-of-way and 30 foot wide pavement that includes striped 5 foot wide bike/walking lanes on either side. Given their multiple park and trail connector functions, I recommend designating, sizing, and improving Wooded Ridge Trail as a “neighborhood connector” street. The submitted preliminary plat materials do not reflect this recommendation at present.
- 6. The Town has a park land impact fee and a recreational improvement impact fee, adopted in 2020. As part of the development agreement process, the relationship of those fees to this plat should be resolved.
- 7. There may be some lot numbering differences between the preliminary plat and preliminary engineering plans.
- 8. I advise a plat note that restricts access from proposed lots 17-19 to Kennedy Road.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.



Nick Bubolz, P.E.

NRB:nrb

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EXHIBIT D

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