

TOWN OF COTTAGE GROVE
PLAN COMMISSION MINUTES
FEBRUARY 26, 2025

- 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl present. Town Planning Consultant Mark Roffers and Town Engineer Nick Bubolz were also 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/Eickhoff to approve the minutes of the December 18, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Review of Final Plat of Kennedy Hills First Addition: Developer Corey Clemens and his Engineer Christine Peltó were present. Roffers and Bubolz had each provided review letters to the Commission (Exhibits A and B). Peltó stated that the current revision of the plat, conveyed to the Clerk yesterday, addresses most of the comments in their letters. Culverts and ditching plans will be updated by next week, and progress is being made between the Town's and Developer's attorneys on the Development Agreement and Covenants. She is still waiting on a response from the Postmaster regarding mailbox locations, but they hope to cluster them with the ones from the first phase. Stormwater and erosion control permits from Dane County are in progress, as are financial security documents.

Roffers made comments regarding protection in the covenants for mature trees, particularly on lots 22-36 and the large oaks on lot 28 and between lots 26 and 27. A temporary hammerhead at the north end of Wooded Ridge Trail should be designed in lieu of a temporary cul-de-sac to have less effect on the trees there. He noted that park land dedicated with the first phase will satisfy requirements for this phase as well, however Recreation Impact fees will still be due, collectable from the property owners before a building permit is issued. Exterior lighting should be dark sky compliant, possibly with a lumen limit. There was discussion as to whether that should be per fixture or in total. Roffers thought it is easier to regulate per fixture. Eickhoff suggested a lumen limit per lineal foot.

Bubolz noted the requirement for 6' drainage easements to be labeled on all frontages with right-of-way, the need to finalize the temporary hammerhead adjacent to lots 36 and 23, and add a swale between the phases to protect the walking path.

A temporary construction access road to the north of this phase was discussed. Clemens would like it to follow the road layout for the next phase. Discussion was to show it in the plan and that Bubolz should confirm the sight distance.

- 6) Consider adoption of Plan Commission Resolution 2025-02-26 Recommending Conditional approval of the Final Plat of Kennedy Hills First Addition: **MOTION** by Anders/Kudrna to adopt the resolution, with the addition of item 1. h. v. Provide a temporary construction access to the north. **MOTION CARRIED 6-0-1** (Muehl abstained).
- 7) Donald Viney, Petitioner, Viney Acres, LLC, property owner, parcels 0711-331-800-7 and 0711-331-9502-8 on North Star Road: Petition for Comprehensive Development Plan Review for a commercial subdivision: Don and Marilyn Viney were present. Mr. Viney said they want to make changes to some of the lot sizes, as Roffers had suggested in his review (Exhibit C). There was

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discussion that by doing this, some of the roads may not need to be as long, or built at all. The important one is the east to west future Natvig Road connection. Mr. Viney noted that lot 5 may have a perk issue. He asked about access to North Star Road from some of the lots. Lot 11 would definitely need this. There must be 150' between driveways, but shared driveways might be a good option. It is important to consider what might go in on the east side of North Star Road as well. Stormwater will all flow to the outlots, which will be dedicated to the Town with costs of maintenance special assessed to the property owners. An additional 2' dedication adjacent to North Star Road was requested, to allow for a 70' right-of-way. General and Heavy Commercial zoning were discussed. Thoughts were that lots adjacent to Hwy 12/18 should be the most desirable due to visibility, and should be limited to General Commercial. Lots 9,5,6 could possibly be Heavy Commercial, and larger. The Clerk-Treasurer suggested that they postpone the zoning application already submitted to Dane County until they have worked this out further, and noted that zoning and preliminary platting can occur simultaneously. The Vineys will be back next month with their revisions.

- 8) ADJOURNMENT: **MOTION** by Eickoff/Anders to adjourn. **MOTION CARRIED 7-0**. The meeting ended at 8:20 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 03-26-2025



EXHIBIT A

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: February 19, 2025
RE: Kennedy Hills First Addition Final Plat

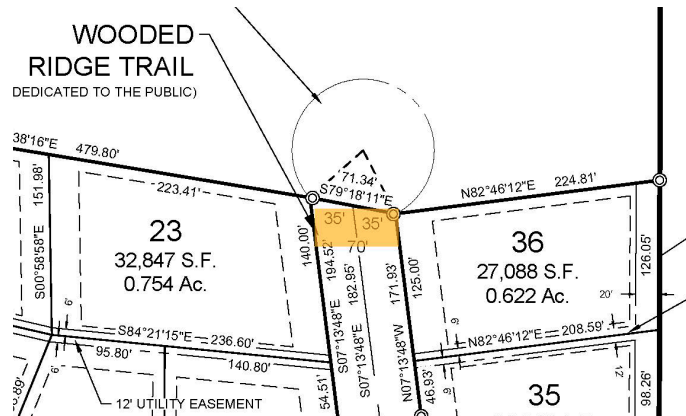
I received the following documents related to the Kennedy Hills First Addition development:

- Town application for final plat approval, dated 1/31/25
- Project engineer memo including responses to application checklist, dated 2/12/25
- Final plat map, dated 1/29/25
- “Kennedy Hills Plat Phase 2” engineering plans, plotted 1/23/25
- Town preliminary plat approval resolution with conditions, dated 11/6/24
- Town Engineer email on preliminary plat water drawdown condition, dated 11/5/24
- Project engineer memo updating progress on meeting Town conditions, dated 2/11/25
- Dane County preliminary plat approval conditions, dated 1/14/25

The following are my comments on these documents and on the final plat:

1. The final plat submittal and Town review to date address a number of conditions and concerns during the preliminary plat review stage. These include grading plan revisions to minimize tree/woodlot removal (but see below), Wooded Ridge Trail improvements to address Town “connector” road design standards, a gravel path from proposed Woodland Crossing to the public park to the south, other minor plat and engineering plan enhancements, and Town Engineer review of the groundwater drawdown concern.
2. There are 14 conservation neighborhood design standards in the Town Comprehensive Plan, of which 80% are to be met. With the plat and plan changes—and provided tree preservation matters I raise in this memo are addressed—it is my opinion that this plat meets enough of these standards.
3. The final plat and engineering plans continue to include a full, temporary cul-de-sac bulb at the north end of the to-be-extended Wooded Ridge Trail, despite the following condition of Town preliminary plat approval: “The Developer shall replace on the preliminary plat and engineering plans the current cul-de-sac bulb at the northern terminus of current Wooded Ridge Trail with a hammerhead turnaround within the dedicated right-of-way, of a design approved by the Town Engineer.” This condition was intended to minimize the removal of trees in a location that will prove unnecessary once Wooded Ridge Trail is extended further north in the future. The project engineer’s response seems to indicate need for further direction. My general thought was to

substitute a hammerhead turnaround in the area marked in gold on the plat crop to the right, but I welcome interaction between the project and Town engineers on final design with the dual goals of providing a reasonable temporary turnaround and limiting tree removal. In the meantime, the associated preliminary plat approval condition should be carried forward to the final plat approval.



4. With the preliminary plat, the developer presented contracts to obtain two Residential Density Units (RDUs)/development rights from TDR Sending Area parcels to entitle development in this final plat area and future additions to the north. Figure 4 of the Comprehensive Plan now suggests the following steps:
 - a. A “TDR Agricultural Conservation Easement” shall be executed and recorded over each Sending Area property. Each TDR Easement must meet requirements of Sections 10.004(153) and 10.304(4)(b)) of the County Zoning Ordinance.
 - b. A “TDR Notice Document” shall be recorded against all new lots in the final plat area. The TDR Notice Document must meet requirements of Sections 10.004(110) and 10.305(5)(c) of the County Zoning Ordinance.
 - c. The plat may be recorded only after evidence is provided that the required TDR Easement is recorded against the Sending Area parcels. Also, before obtaining zoning and building permits for new homes in the plat area, the developer must provide a recorded copy of the TDR Notice Document on the plat lots.

These Town requirements appear consistent with the County’s associated preliminary plat approval condition, and ought to be a condition(s) of Town final plat approval.

5. Per Town ordinance and direction during the preliminary plat stage, protective covenants were to be submitted with the final plat application but have not yet been submitted. These should ideally be submitted and reviewed before Town Board action on the final plat but minimally should be a condition of final plat approval. The following matters ought to be covered in the covenants:
 - a. During the review of the preliminary plat, some owners in the original plat expressed their opinion that lot owners in this new addition should share maintenance responsibilities for the stormwater management facilities serving both plat areas. This could perhaps be addressed in the covenants and/or in a separate stormwater management maintenance agreement.
 - b. To meet Town Plan conservation design standards, the covenants should include provisions to limit tree removal in Lots 22-26, 35, and 36.

- c. The Town Plan encourages covenants to include exterior lighting provisions intended to preserve the dark night sky and require new homes to incorporate specific energy efficiency techniques.
6. Preliminary plat approval conditions required that the developer obtain approval of the preliminary plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and with the Postmaster. I understand that the Fire and EMS Departments have received copies and have expressed no concerns. I also understand that the developer has consulted with the Postmaster, who has not yet had time to review. The associated preliminary plat approval condition ought to carry over.
7. I understand that the Town Attorney has delivered a draft development agreement to the subdivider but has yet to get a reply. The development agreement ought to accompany the final plat for Town Board action.
8. The Town has a park land impact fee (\$375 per dwelling unit) and a recreational improvement impact fee (\$1,160 per dwelling unit), adopted in 2020 (see Section 15.03(4)(d) of Town ordinance). The park land impact fee is applicable only where the subdivision plat does not dedicate any or sufficient public parkland. Where the Town desires public parkland, the ordinance requires 2,000 square feet of dedicated parkland per dwelling unit. The already-dedicated public park in the original Kennedy Hills final plat is 97,046 square feet, which covers Town parkland dedication requirements for 49 dwelling units/lots. There were 16 lots in the original plat and 20 lots in this new plat, suggesting to me that no park land impact fees are required in association with this new plat. The recreational improvement impact fees are another matter. It appears that the developer installed a gravel path through the park as part of original plat improvements, but it is my understanding that the Town later funded the play equipment and shelter now in this park. It appears that each of the 20 lots/units in this new plat are liable for the \$1,160 per unit recreational improvement impact fee. I advise that this matter be addressed in a final plat approval condition and/or the development agreement. Further, final plat note 2) should be adjusted so that it reads: "Each lot owner shall be obligated to pay a recreational improvement impact fee to the Town of Cottage Grove in the amount specified by Town ordinance at the time of application for a residential building permit."
9. The Town Land Division ordinance requires that final plats include "setbacks or building lines required by the Town Plan Commission." I interpret this to mean that plats show any unique setbacks or building lines that are NOT covered by basic zoning district rules. Zoning district setbacks can change but adding these setbacks to plats can complicate the effect of such future changes. Unless the County is requiring them, I recommend that the "building setback" lines and legend entry be removed from the final plat.
10. I have not reviewed the final plat for technical correctness (e.g., detailed legal description review, lines and curve review, bearing and distance review). I am for now assuming the Town Engineering and/or County will conduct such a review.

February 21, 2025

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

Subject: Proposed Kennedy Hills First Addition – Final Plat Submittal Review

Dear Kim:

We have received the Final 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 final plat documents are dated January 29, 2025. We have completed a review of the engineering and infrastructure aspects of the submittal. There are still a number of items, in part listed below, that should be satisfactorily resolved before the Town finally approves the Submittal. 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 and existing homes.
- The board has discussed Wooded Ridge Trail is part of the Neighborhood Connector Streets which includes a roadway detail with 5-foot bike lanes and a 70 foot right-of-way. This will set up a connection between American Heritage Park and Kennedy Hills Park.

Final Plat

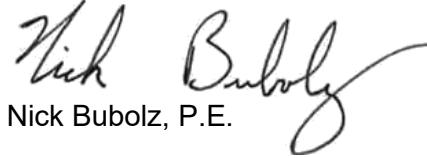
- Some of the roadway ditches extend into adjacent lots. A stormwater drainage easement of 6' shall be labeled on all frontages with right-of-way.
- The cul-de-sac adjacent to lots 23 and 36 shall be replaced with a temporary hammerhead. Additional space shall be available beyond the hammerhead to allow storage of snow removal. This change shall be approved by EMS/Fire Department.
- If setback lines are kept on the final plat, Lot 30 lines shall not overlap with path easement.

Plans

- Minimum driveway culvert diameters are required to be shown on the plans or an additional sheet for each driveway supplied to the Town and Town Engineer.
- A culvert at 401+80 RT is needed for the path connection to Scenic Oak Drive.
- The contours at 316+00 RT show a low area. This will either need a culvert or ditch modification.
- All slopes shall not exceed 4:1 nor have less than 1% flow.
- A small swale shall be constructed along the phase 2/1 limits to protect the existing gravel path and a drainage easement shall be shown on the final plat.
- A note shall be added to the plans requiring no equipment parked/staged in areas that show no grading disturbance to minimize compaction for future sanitary sewer drainage fields.
- Further discussion may require upgrading the new gravel path to an asphalt path which may be associated with the recreational improvement impact fee.
- Remove the preliminary label on the plans and add the current date after the last modifications to properly identify the most recent plan set.

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

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Nick Bubolz", written in a cursive style.

Nick Bubolz, P.E.

NRB:nrb

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TO: Town of Cottage Plan Commission

FROM: Mark Roffers, Town Planner

DATE: February 19, 2025

RE: Viney Acres Business Park Concept Plan/Comprehensive Development Plan

I reviewed a concept plan map for this proposed business park, submitted with a petition for change of land use to the Town dated 12/4/24, plus supplemental soil and environmental assessments generally submitted in January. Together, these submittals meet the Town Land Division ordinance submittal requirements for the “comprehensive development plan” review stage before a preliminary subdivision plat may be submitted.

My comments on this comprehensive development plan submittal are as follows:

1. This conceptual business park is consistent with the Town Comprehensive Plan, which advises this property as part of a larger planned “Commercial Development Area” in the North Star Road corridor, subject to the following comments:
 - a. Figure 9 of the Comprehensive Plan suggests uses “that emphasize storage (particularly outdoor storage) and outdoor display and activities should be minimized.” Within the Conceptual Rural Business Park Development Plan map (also part of the Comprehensive Plan), the north part of this proposed development (i.e., area of Lots 2-6, 9, 10) is indicated as acceptable for larger outdoor storage yards due to lower visibility. Covenants or conditional use permit requirements (like what applies under GC zoning) may limit outdoor storage uses on the other lots.
 - b. Within the future “Commercial Development Area” in the Town Plan, GC and HC zoning districts are listed among the “typical implementing zoning districts”. I advise rezoning to the GC district given the higher visibility of most of this development area. The Town Plan also advises that the Town will sometimes limit the range and scale of land uses in the GC or HC zoning districts through deed restrictions. This may not be necessary if only GC zoning is proposed, particularly given the added reach of the Town’s design review ordinance. However, if the developer desires HC zoning (and the Town agrees), I suggest that the HC district be limited to Lots 2-6, 9, and 10, and a deed restriction be applied to restrict against the most objectionable HC uses.

- c. The Town's Rural Business Park Development Plan suggests a future public road extending from North Star Road to the west end of this proposed development area, to eventually connect to Highway N at Natvig Road. The concept plat suggests a road that could meet this purpose, and its right-of-way is sized at 70 feet to meet the Town's "neighborhood connector" width standards.
2. The submitted environmental and soil documentation is intended to help identify any potential buildability issues up-front. The DNR endangered resources preliminary assessment suggests that the development site overlaps the Rusty Patched Bumble Bee High Potential Zone. Given that most of the proposed development site has been cropped, actual habitat may not be present. Regardless, the DNR assessment suggests a protocol going forward. The submitted soil evaluation report suggests that conditions are suitable for private on-site waste treatment systems, as opposed to holding tanks. Perhaps the Town Engineer can help interpret the findings of the separate stormwater infiltration report. Pending that interpretation—and appropriate drainageway/wetland setbacks as suggested—this site does not appear to present significant development limitations.
3. Once this conceptual review stage is complete, this development will be subject to a rezoning procedure and all of the subdivision platting procedural and substantive requirements in the Town's Land Division ordinance. This includes provision for a development agreement, security for public improvements such as a letter of credit, submittal of full sets of engineering and stormwater management plans, and preparation and recording of covenants. Following platting, Town design review will be required for building development on any of the lots, per Section 12.08 of Town ordinances.
4. As this comprehensive development plan evolves to a preliminary plat:
 - a. Additional technical requirements in the Town Land Division ordinance will apply.
 - b. Vision triangles should be provided at all public street corners.
 - c. An additional 2-4 feet of right-of-way dedication for North Star Road is advised, so that it might also eventually meet "neighborhood connector" road standards.
 - d. Per recent practice in multi-lot developments with public streets, stormwater Outlots 1 and 2 should be indicated as "dedicated to public for stormwater management."
 - e. I also advise that Outlot 3—the existing drainageway/wetland—also be dedicated to the public. If not, it is unclear who would appropriately maintain it in perpetuity. If this happens, then Outlots 1-3 could probably be combined into one larger stormwater outlot (maybe with the extreme north corner of Lot 14 also included).
 - f. It would be the responsibility of the developer to improve each of these outlot areas with stormwater facilities and appropriate vegetation before the Town would accept them. State law requires developer maintenance until 80% of the lots are sold and a

professional engineer has certified that each stormwater facility is in proper working condition, construction sediment has been removed and required plantings are fully-established and reasonably free of invasive species.

- g. The 75 foot setback shown around the wetland should be clearly noted on the plat to be a setback applying to all buildings and other impervious surfaces (including gravel), and the date and preparer of the wetland delineation should be indicated.
 - h. Per Section 8.02(2)(a)4. of the Town code, driveway access from Lots 1, 12, and 18 to North Star Road ought to be restricted.
 - i. The preliminary plat should be accompanied by sufficient stormwater management to verify that the outlot sizes and positioning are sufficient to handle projected stormwater, there is adequate conveyance routes from the new public streets and all lots to stormwater basins within the outlots, and there is adequate access for future basin maintenance.
5. Because this development is adjacent to a U.S. highway, the associated subdivision plat will have to be reviewed by the State Department of Transportation. The DOT will likely restrict access and require at least a 42 foot setback along Highway 12-18 in which it will allow no improvements potentially including no landscaping, all of which would be indicated on the plat.
6. The developer may wish to consider not platting—or at least not building with the first phase of improvements—the “future town road” intended to serve Lots 5-9. It could be that the developer is able to market that land area to one larger user as opposed to several smaller users, and then that road would not be required. In general, the developer and Town might expect—after initial platting—future lot consolidations, splits, and lot line adjustments by CSM to reflect specific needs of yet-unknown future users. This is normal.