

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JANUARY 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 Anders/Meylor to approve the minutes of the December 27, 2023 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: Duane Swalheim was looking for guidance since the plat for his 10-lot business park on North Star Road was denied by the County due to some of the lots being unsuitable for septic systems, and the Town's prohibition of holding tanks. He pointed out an approximate 3-acre triangle of property to the south of the proposed plat that he said is higher ground and wondered if a joint septic field would be a possibility. Other ideas discussed included the Town changing the policy to consider holding tanks on a case-by-case basis, possibly allowing them until sewer service reaches the area. Hampton thought the Town may have an answer within 30-60 days about whether sewer service could be coming to a nearby property, but there would be additional expense and time before it could be extended to the Swalheim plat. Another thought was to reduce the plat to include only the lots that would accommodate septic systems (lots 1,2,7 and 8, although 8 is not contiguous with the others and cannot be developed until the east-west segment of North Star Road is improved). Mr. Swalheim has a meeting with Dane County Zoning Administrator Roger Lane this Friday, and will present the three options discussed (shared septic, holding tanks, smaller plat).
- 5) Tom Morauske/Gordy Morauske/Joe Morauske, Applicants, Capitol Holdings, Landowner, Parcel #0711-284-9721 at 3475 North Star Road: Design Review for new storage building: No one was present to represent Capitol Holdings. **MOTION** by Anders/Eickhoff to table until the February 28<sup>th</sup> meeting.
- 6) ADJOURNMENT: **MOTION** by Banigan/Muehl to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:30 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 02-26-2024

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
FEBRUARY 29, 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 Anders/Meylor to approve the minutes of the January 24, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Tom Morauske/Gordy Morauske/Joe Morauske, Applicants, Capitol Holdings, Landowner, Parcel #0711-284-9721 at 3475 North Star Road: Design Review for new storage building: No one was present to represent Capitol Holdings: Joe Morauske was present, and stated that the exterior materials and color of the proposed 40' w x 60' l by 16' h new storage building would be exactly the same as the existing buildings. It would have a concrete floor, be insulated/heated, and have water but no bathroom. Hampton said a landscaping plan is needed, discussion that trees/shrubs should be planted along the north lot line. No lighting plan was submitted either, but Morauske confirmed it would be dark sky compliant. **MOTION** by Anders/Banigan to approve the design of the new building as presented, with the exterior matching the existing buildings, conditional on submittal of a landscape plan that is acceptable to Hampton, and dark sky compliant exterior lighting. **MOTION CARRIED 7-0.**
- 6) Travis Leaser, petitioner, John Donlon/Tracy Teske, property owners, parcels 0711-231-9500-1, 0711-242-9120-8, 0711-231-9800-8 and 0711-231-8140-9 at 3685 Ridge Road: DCPREZ 2024-12018 petition to restructure/rezone 4 parcels into 2 lots to correct an illegal parcel per Dane County: 20.54 acres from FP-35 to FP-1, 2.46 acres from RR-2 to RR-16, 9.6 acres from FP-1 to RR-16: Mr. Leaser was present virtually and said that the applicants have worked closely with Dane County Zoning Administrator Roger Lane to restructure the lots in remedy of one of them being illegally created due to a faulty CSM. There was discussion about making the residential portion smaller, but that would not allow for it to have the required frontage on the Town road. **MOTION** by Muehl/Banigan to approve the rezone as presented, noting that the residential parcel exceeds 2 acres due to topography. Ridge Road right-of-way should be dedicated to the Town with the CSM. **MOTION CARRIED 7-0.**
- 7) ADJOURNMENT: **MOTION** by Eickhoff/Meylor to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 7:28 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 03-20-2024



TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
MARCH 20, 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. Town Planner Mark Roffers and Town Engineer Nick Bubolz were present virtually. There were technical difficulties and the meeting was not recorded.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Anders/Meylor to approve the minutes of the February 29, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Discuss/Consider recommendation regarding revised preliminary plat for Swalheim Business Park: Both Roffers and Bubolz had provided punch lists of items needed to make the preliminary plat acceptable. Ryan Quam, representing Duane Swalheim, provided handouts including his responses to the punch and plat and planning maps (Exhibit A). He began by addressing Roffers' punch list item by item. See the Exhibit for his written comments. Other discussion is below:
  1. Quam talked about plans Swalheim has for a plat north of North Star Road, although he was not sure that Swalheim would proceed with the purchase of the property given the challenges presented by soil and drainage conditions. He also talked about the plans to improve the east-west segment of North Star Road, which would require that Swalheim either purchase or obtain easements for some land on the north side of it. The plans showed a cul-de-sac extending to the North, Roffers asked if it could be offset to the south on Swalheim's property instead. Quam said that would be possible.
  2. See Exhibit A.
  3. Quam said Swalheim plans to establish a "Homeowner's Association" to be responsible for the stormwater outlot. (Swalheim will take responsibility for the first 10 years.) Bubolz suggested another way to handle it might be to put deed restrictions on the lots indicating that they will be assessed for any work needed to maintain the stormwater facilities. (The Town would inspect and cause the appropriate work to be done.) Roffers cautioned to be sure that recordable versions of the HOA or deed restrictions are in order before the Town signs the final plat. Anders expressed his opinion that the Town not be involved in maintaining the stormwater facilities at all, that it be solely the responsibility of the business park property owners.
  4. See Exhibit A.
  5. Swalheim is not interested in planting any trees, however individual lots will be required to provide landscaping and planting plans under design review.
  6. Quam said that Swalheim has no intention to build the east-west segment of North Star Road any time soon, and did not think security for that purpose should be required at this point. Roffers said a deed restriction should be placed on Lot 4 so that potential buyers would know they cannot build on the lot until the road is improved.
  7. After hearing Quam's response to this question, Roffers withdrew this question.
  8. Bubolz said the letter of credit amount for the original plat was \$1.7 million, with discussion that once it was put in place, it could quickly be reduced for work already done as soon as approvals are complete and he is able to make a site visit. Quam thought the amount should be reduced for completed work prior to the letter of credit being issued.

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PLAN COMMISSION MINUTES  
MARCH 20, 2024

Roffers said that after this discussion, only items 1,3,6 and 8 remain outstanding.

Next Quam addressed Town and Country Engineering's punch list. See Exhibit A for his written response. Other discussion included:

- Quam said that utility and drainage easements can be talked through between himself, Bubolz and Birrenkott.
- Bubolz called for Reinforced Concrete Pipe (RCP) for all culverts. Quam said that HDPE pipe was approved by Dane County and used for the stormwater pond. Bubolz said HDPE is fine as long as the Town never plans to take over maintenance responsibilities.

Hampton turned the discussion to Birrenkott's letter to Roger Lane explaining the new plat proposal. (Exhibit B). Tom Banigan noted that the previous proposed plat was turned down due to the water table being too high for septic systems, and asked if there is something on the new plat to indicate water levels. Quam said all the filling that was done (using materials from elsewhere on the site) brought the grade to 8' above the groundwater (he later said it might be 6' closer to Outlot 1). He said Swalheim plans to revisit perk testing this spring to see if there may be other areas where septic systems could be placed.

**MOTION** by Hampton/TBanigan to require all the items on the Town and Country Engineering punch list to be addressed to Bubolz's satisfaction, and items 1, 3,6 and 8 on Roffers' punch list be addressed to his satisfaction. Once that is true, the next steps of approval by the Plan Commission and Town Board can be scheduled. **MOTION CARRIED 7-0.**

- 6) Discuss/Consider recommendation regarding revisions to Section 15.04(2)(b) of the Town's Land Division and Planning Code., Section 12.08(1) of the Town's Design Review Ordinance, and the Petition for Change of Land Use application form to better integrate Conditional Use Permit and Design Review: Roffers had provided a memo outlining his suggested approach to address the potential disconnect between what may have been approved or expected as part of a CUP approval vs. what may later be required by the design review process. (Exhibit C). This included revising sections 15.04(2)(b) and 12.08(1) of the Town Code and revising the Petition for Change of Land Use (Exhibit D). **MOTION** by Anders/TBanigan to recommend incorporating Roffers' recommendations into the Petition for Change of Land Use, and revisions to sections 15.04(2)(b) and 12.08(1) of the Town Code as presented. **MOTION CARRIED 7-0.**
- 7) Discuss/Consider requests for amendments to the Comprehensive Plan: Roffers had provided a memo listing and addressing the requests that were received (Exhibit E). Discussion was as follows:
  - A request from K. Johnson included revisions to the Town's building code regarding dark sky lighting, and policies to limit tree growth for solar access and to clarify where snow may be deposited. Discussion was that design review for new commercial properties already includes a requirement for dark sky compliance. Language could be added to the Comprehensive Plan to suggest that covenants for new residential developments require dark sky compliance as well. As for the tree and snow removal concerns, these were deemed to be private matters between neighbors that the Town has no jurisdiction over.
  - Duane Swalheim submitted a request to designate all of his land in section 34 as future commercial. This is already true. Ryan Quam thought Swalheim was making this request for land to the north of North Star Road since Swalheim had him do extensive work to evaluate development potential there. That does not seem to be what Swalheim's written request refers

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to, but the Clerk-Treasurer will clarify with Mr. Swalheim.

- Duane Swalheim also requested that the policy prohibiting new holding tanks be reconsidered. Tom Banigan and Anders said they would support consideration of holding tanks on a case-by-case basis. Hampton recalled that back in the 80s or 90s there were problems with maintenance of holding tanks, which led to the Town policy prohibiting them. Roffers will look into what County and DNR regulations and oversight are.
  - Last summer Anders provided photos of commercial buildings he thought would be good examples of what the Town would like to see in the North Star Road commercial area. Roffers said these could be incorporated into the Comp Plan.
  - Roffers said language could be added to the Comp Plan to support extending sewer service into the Hwy 12/18 and CTH N interchange area, which regulatory agencies may be looking for when approval is sought.
  - Roffers has ideas to respond to the Village of McFarland's East Side Plan, which includes lands currently in the Town.
  - Hampton asked for language in the Comp Plan to acknowledge and adapt to the new County landfill site.
  - Roffers said he will provide an update or actual language for the updates at next month's meeting; however, he thought the potential sewer service extension in the works will drive the timing of the update.
- 8) ADJOURNMENT: **MOTION** by Anders/Eickhoff to adjourn. **MOTION CARRIED 7-0**. The meeting was adjourned at 9:07 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 04/24/2024



**TO:** Town of Cottage Grove Plan Commission  
**FROM:** Mark Roffers, Town Planner  
**DATE:** March 13, 2024  
**RE:** Swalheim Business Park Preliminary Plat

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I offer the following comments on the 2/27/24 Swalheim Business Park preliminary plat. I apologize if some of these matters have been resolved; I was last involved with this development in June 2023.

1. Under Section 15.07(3) of the Town Land Division and Planning Code, the applicant is supposed to submit with the preliminary plat a street plan and profile for Venture Circle (and arguably the east-west segment of North Star Road—see below) showing existing ground surface and proposed and established street grades, and meeting the approval of the Town Engineer. I am not sure whether this has been submitted. *The Plan and Profile for Venture Circle has been submitted and engineering review comments have been addressed. The plan and profile for the east-west segment of North Star Road is completed and can be submitted but partially relies on the development of lands to the north or easements over the lands to the north for grading, drainage, and cul-de-sac.*
2. There also should be enough detail at this stage to first verify that the outlot size and position is sufficient to handle projected stormwater, and that there is adequate conveyance routes from the new public street and all lots to proposed stormwater basin(s) within that outlot. Perhaps this has already been verified but I do not have this information. *The stormwater report was submitted to Dane County staff and approved. The ditches and ponds have been constructed in accordance with the approved report as shown in the attached Grading and Erosion Control Plan. The revised plat has been prepared to overlay the as-built ditches and pond.*
3. I understand that the Town prefers that stormwater outlots remain in private hands. If that is the case here, then the eventual development agreement and recommended covenants should make it clear that the lot owners in common are responsible for maintaining the outlot, and what the standards for ongoing maintenance will be. In my opinion, expecting business owners to maintain a common stormwater outlot may be a bigger ask than expecting homeowners to do the same. The proposed outlot ownership (e.g., “to remain privately held” or “dedicated to the public”) should also be indicated on the final plat.

The note "Privately Held" will be added to the plat by Birrenkott Surveying staff. A Homeowners Association will be established with the responsibility to provide maintenance.

*DONE BEFORE SIGNING*

- X* Within the Town's Business Park Development Plan, the woodlot near the west side of the plat (Lot 1 and 3 area) is indicated as a "woodland retention and landscape emphasis area." To the extent not already removed, the grading plan and a recommended set of covenants submitted with a final plat should consider some tree preservation here to meet this Town Plan objective. Mass grading was required to prepare the lots for development and to allow drainage. As a part of the mass grading all of the trees have been removed and the disturbed areas have been restored with matting and seed.
- X* The final plat should include a planting plan for Outlot 1, focused on low maintenance wet prairie type vegetation. Presuming that some trees in the woodlot near the west edge of the plat will be removed, parts of the outlot area not in stormwater basins or wetland could also be used for some tree planting to mitigate tree loss. The disturbed areas have been restored and vegetation has been established per the approved Erosion Control and Stormwater Management Report. Trees can be added to the lots as they develop but the Developer does not intend to plant trees in the outlot. *ND*
6. Because this subdivision plat will require business access to the east-west segment of North Star Road, provisions should be included in the final engineering plans, development agreement, and security for the improvement of that segment of North Star Road—at least through the east end of proposed Lot 4. The owner of land to the north of this road segment should perhaps be responsible for some of those costs. The Town Plan anticipates future commercial development along the northern frontage of this east-west North Star Road segment. The preliminary design for the east-west segment of North Star Road has been completed (see attached North Star Plan and Profile) as well as the Concept Plan for the development of the lands to the north (see attached Concept Plan). The Developers Agreement should contain language similar to the previous development agreement that Lot 4 cannot be developed until the east-west segment of North Star Road has been approved.
- X* I understand that the Town continues to explore the extension of sanitary sewer service to the North Star Road area. I recommend that the final engineering for this subdivision consider the future extension of sanitary sewer, potentially up to and including a dry sewer main within the proposed Venture Circle. I also recommend the recommended covenants with the final plat include a waiver of the rights of the future owners of the lots to contest any future assessment for sanitary sewer service, and a requirement for connection when such sewer is made available. (Connection at such time may also be required by State law.) The Developer feels that the lots adjacent to Venture Circle will not benefit from the extension of sanitary sewer and are being sold to businesses that will only require septic fields and is therefore not agreeable to a waiver of the rights of the future owners. *?*

8. The final platting process should include 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, submittal, and eventual recording of covenants addressing matters raised above. The Plan Commission has the authority to require covenants under the Town Land Division and Planning Code, and there are enough issues here that warrant them. The Developer will work with the Town to update the Development Agreement, Letter of Credit, and Covenants and Restrictions and will submit the engineering plans. The stormwater management report has been previously been approved and is sufficient for the revised Plat.







March 19, 2024

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

Subject: Proposed Swalheim Business Park Construction Plan  
Review#2

Dear Kim:

We have received the proposed revised construction plans dated October 24, 2023 and proposed preliminary plat dated February 27, 2024 for a development proposed to be located at the southeast corner of North Star Road. The proposed plat is subject to Chapter 15 of the Town's code of Ordinances – Land Division and Planning Code (Revised 03-07-2022). There are a number of items, in part listed below, that should be satisfactorily resolved before approving the construction plans. However, the documents could be approved contingent upon said items.

**Plat Documents**

- Verify drainage easements are appropriate size compared to designed ditches shown in the construction plans. This can be verified and the plat will include easements and/or Outlots that are sufficient to cover the approved and constructed ditches.
- Property markers shall be installed at each corner. Birrenkott Surveying will install the property markers upon Final Plat approval.
- Street names and building numbers shall be assigned in accordance with the provisions of Ch. 76 of the Dane County Ordinances and consistent with any other Town ordinance or policy. Please let the Developer know what needs to be done to establish building numbers.
- We assume that parkland dedication issues or fees in lieu of such parkland dedication have been addressed in previous discussions with the Town. Agreed.
- The code requires construction plan as part of plat approvals. These plans have been submitted and are under review. Any plat approvals should be contingent upon Town approval of the plans. The Venture Circle plans have been submitted and the review comments below will be addressed as noted in green. The East-west portion of North Star Road will be submitted for review and approval.
- A final developer's agreement is required as part of plat approvals. Understood.
- The plat should show public drainage and public utility easements along each lot line (actually on each parcel). Public utility easements and public drainage easements will be added as needed to each parcel. Note that public drainage easements will not be required in many instances because the ditches and ponds are contained in



Outlot 1.

- The Town may wish to require that the vision corner areas should be shown on lots at the intersections of streets. Vision corners can be added to the Plat and/or plans.
- The swales will require driveway culverts. Plat notes should call out who is responsible for maintenance and future replacement of culverts (the Town or individual property owners). In addition, sizing calculations should be submitted to confirm the 18-inch proposed size is adequate. The plat notes will be revised by Birrenkott Surveying and the calculations will be provided by Quam Engineering.
- Lot 4 shall be unbuildable until plans are supplied and approved for North Star Road (East/West Segment) Agreed.
- Outlot 1 shall identify the owner on final plat. Birrenkott Surveying staff will address this comment.

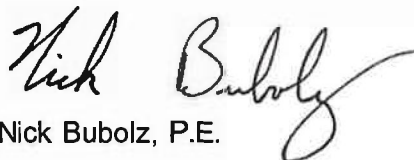
Sheet C-4 and C-5

- Roadway detail shall label pavement and base thicknesses. Quam Engineering will provide the revised plans.
- The Developer should confirm the connection with North Star Road will meet sight distance standards per Chapter 11 of the WisDOT FDM. Quam Engineering will provide the sight distance evaluation.
- Culverts shall be Reinforced Concrete Pipe (RCP), including the wet pond discharge piping. The Venture Circle culverts have been removed and replaced to be reinforced concrete pipe as previously requested. The wet pond discharge piping was approved by Dane County as HDPE and installed as approved. HDPE storm sewer is the commonly used material for pond discharge pipes and the Homeowners Association will not incur any maintenance issues or costs with leaving this culvert as HDPE. The Developer does not agree with the need to change the approved and constructed pond discharge pipe.
- Revise property lines to match the preliminary plat Quam Engineering will revise the plans to reflect the current preliminary plat.
- Fire and EMS services should provide confirmation that they are comfortable with the current configuration. Agreed, please forward this confirmation as soon as it is received or let the Developer know who to contact.

MAY BE OK  
W/ HOME OWER  
ASS.

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

this review. Very truly yours,  
TOWN & COUNTRY ENGINEERING, INC.



Nick Bubolz, P.E.

cc: Mr. Kris Hampton, Town of Cottage Grove (via email)  
Mr. Dan Dresen, Town of Cottage Grove (via email)  
Mr. Adam Ryan, P.E., Quam Engineering, LLC (via email)

NRB:nrb

J:\JOB#S\Cottage Grove\CG-46-M6 Swalheim Development\2. Client Correspondence\Review Letter - 2nd.docx







COTTAGE GROVE RURAL BUSINESS LOTS  
GRADING AND EROSION CONTROL PLAN  
SHEET: C-2  
DATED: JULY 6, 2023

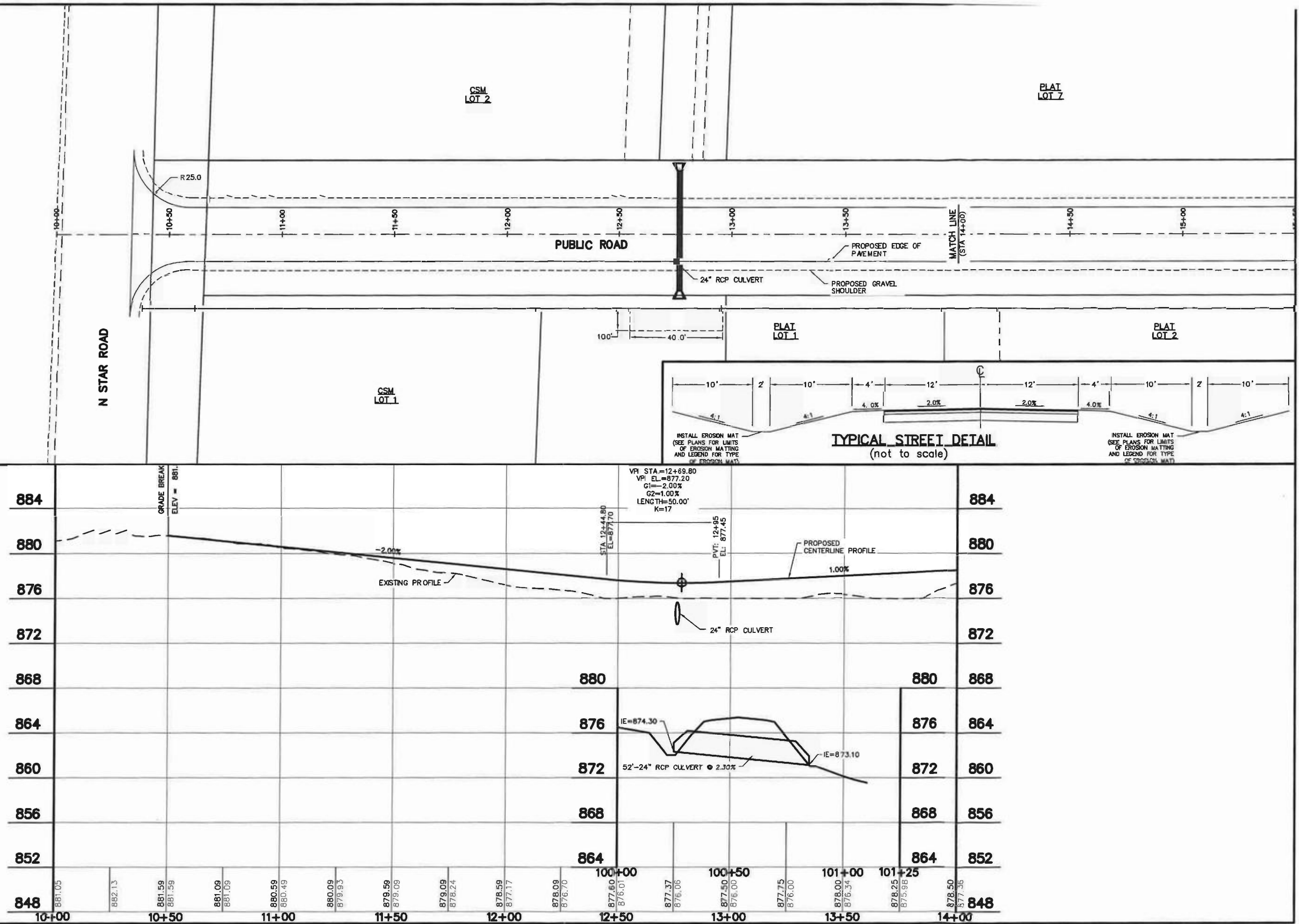
QUAMENGINEERING, LLC  
Residential Commercial Design Consultants



[www.quamengineering.com](http://www.quamengineering.com)

4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558  
Phone (608) 838-7750; Fax (608) 838-7752







# **BIRRENKOTT SURVEYING**

## *Land Surveying and Soil Testing*

**EXHIBIT B**

P.O. Box 237 • 1677 N. Bristol Street • Sun Prairie, WI 53590 • (608) 837.7463 • Fax (608) 837.1081 • [www.birrenkottsurveying.com](http://www.birrenkottsurveying.com)

February 27, 2024

RE: Preliminary plat – Swalheim Business Park

Hello, Dan, Roger:

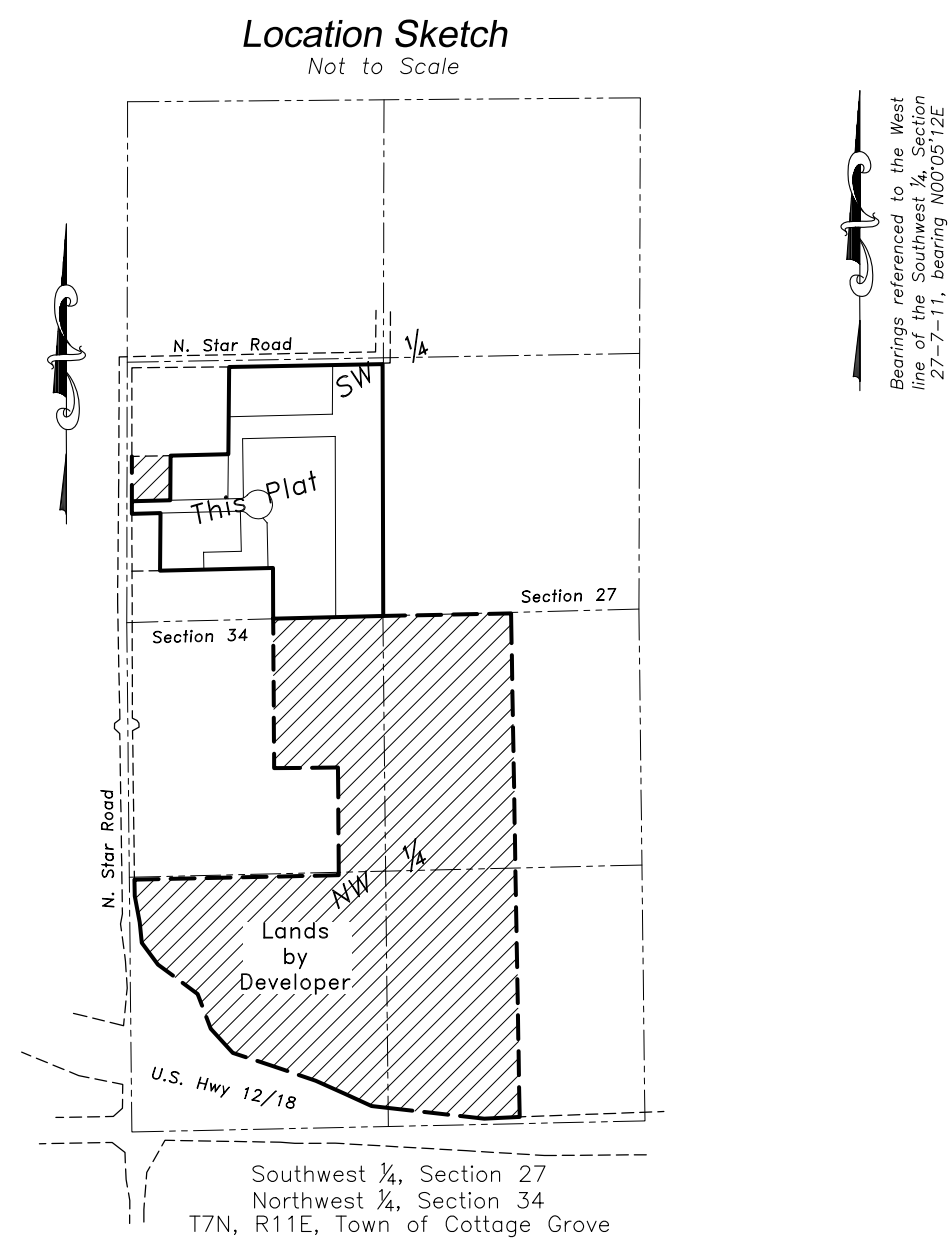
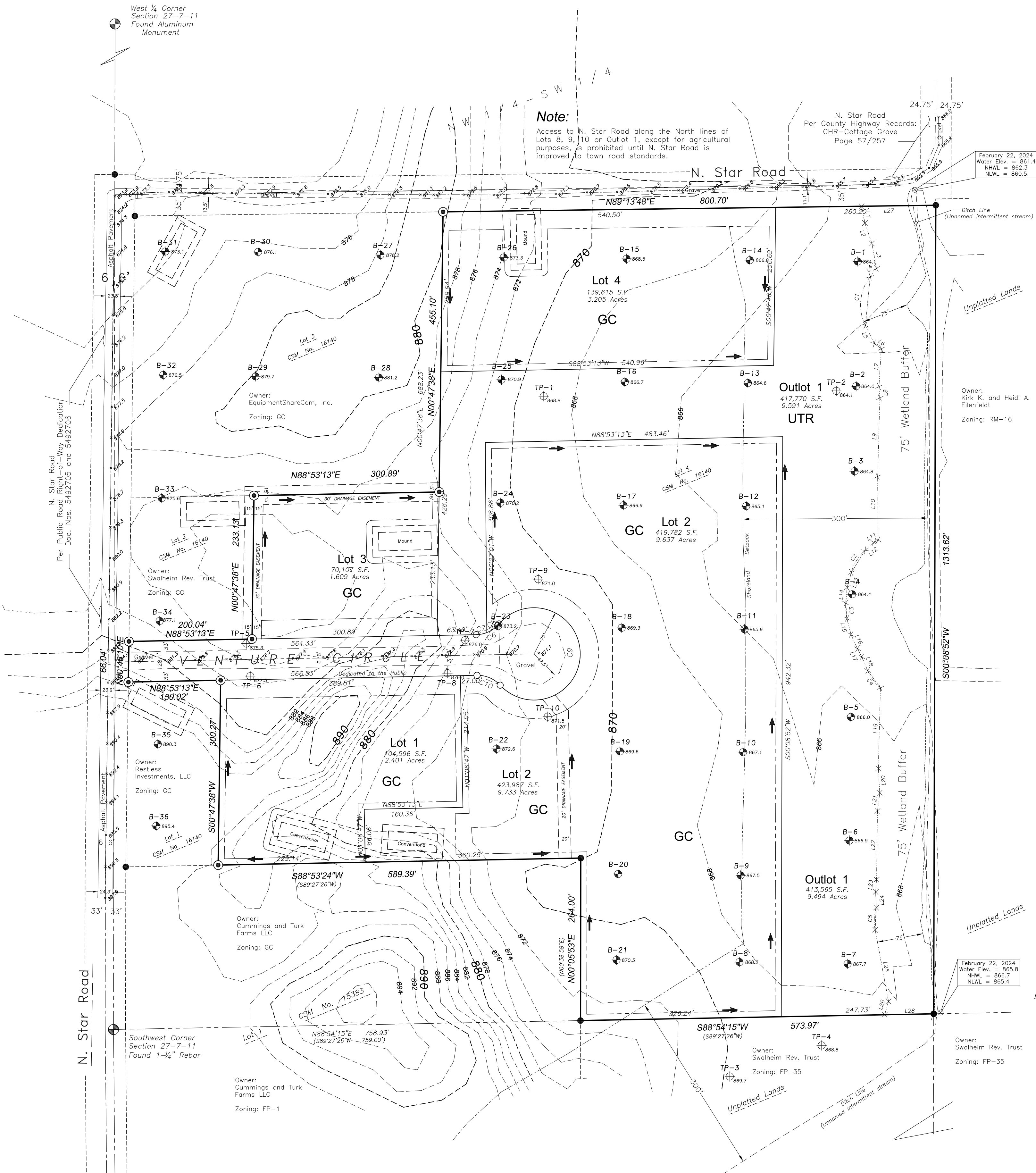
This letter accompanies a revised preliminary plat for the Swalheim Business Park. Several changes have been made since the earlier preliminary plat submission.

These are:

1. The lots have been reconfigured. The plat now comprises four lots and one outlot. Lot 1 and part of Lot 2 of the previous version are now Lot 1. The remainder of prior Lot 2 and prior Lots 3, 4, 5 and 6 are now Lot 2. Prior Lot 7 is now Lot 3. Prior Lots 8, 9 and 10 are now Lot 4. These changes were made to remedy the septic-availability issue. The four newly configured lots all have acceptable septic areas.
2. Water elevations have been obtained. These elevations, along with the approximated high and low water elevations, have been added.
3. The septic areas and their suitable systems, i.e., conventional or mound, are shown.
4. According to Ryan Quam of Quam Engineering, “the site was mass graded and reshaped to create the ponds and lower/raise some lots but no fill was brought to the site.”
5. The zoning boundaries have been altered slightly to provide space for the storm water ponds (please see the preliminary plat mark-up to see these changes).

Regards,

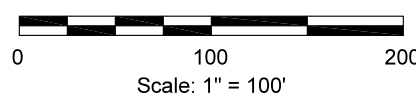
Mark Pynnonen



Preliminary Plat

**SWALHEIM  
BUSINESS PARK**

Lot 4, Certified Survey Map No. 16140, recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135 as Document No. 5870098, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin



**Surveyor's Certificate:**

I, Mark A. Pynnotin, Professional Land Surveyor S-2538, do hereby certify that in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the Town of Cottage Grove Code of Ordinances, and under the direction of the owners listed hereon, I have surveyed, divided and mapped SWALHEIM BUSINESS PARK and that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed and is a parcel of land as described below:

Lot 4, Certified Survey Map No. 16140, as recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin; Containing 1,208,422 square feet, or 27.742 acres.

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Mark A. Pynnonen, PLS No. 2538

*Notes:*

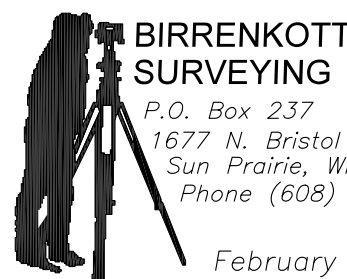
1. The proposed number of lots is 4 with one outlot.
2. Gross area in this preliminary plat is 1,208,422 square feet, or 27,742 acres.
3. This survey is subject to any and all agreements and easements of record and those that may have not been recorded.
4. Before any boring or construction, etc., is done on or near the lands in this subdivision, Diggers Hotline shall be called at 1-800-242-8511 for the safety and liability purposes for all involved.
5. The lands within this subdivision shall be served by underground utilities.
6. The lands within this subdivision are located in UNSHADED ZONE X, areas determined to be outside 0.2% annual chance floodplain, per FEMA Flood Insurance Rate Map, Map No. 55025C0462H, Revised September 17, 2014.
7. Property currently zoned FP-1, Proposed zoning GC, General Commercial District; and UTR, Utility, Transportation and ROW District; per Petition Number DCPREZ-2023-11960 pending approval.
8. Contour interval is 2 foot. Vertical datum NAVD '88 ('91). Contours shown are pre-development.
9. Street name Venture Circle to be approved by Dane County.
10. Utility easements shall be added as required by appropriate utility companies.
11. Venture Circle to be dedicated to the public for storm purposes.
12. This is a PRELIMINARY PLAT. All distances and areas are approximate and subject to change upon final platting.
13. Lands encompassed by this plat currently used for agricultural purposes.
14. Future lot owners are hereby notified of farming activities in the vicinity.
15. Vehicular access to N. Star Road from Lot 4 or Outlot 1 prohibited except for agricultural purposes until N. Star Road is improved to town road standards.
16. Outlot 1 to be dedicated to the public for storm water management.
17. Wetlands delineation per report prepared by Taylor Conservation LLC, dated June 11, 2021.
18. Individual lot owners responsible for driveway culvert maintenance.
19. Septic areas approximate. Individual lots require testing for precise septic system type and placement.
20. Setbacks for GC zoning: Front/Road, 30 feet; Side, 10 feet; Rear, 10 feet; Septic area/10 feet.

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C6	50.00'	42.23'	48°23'40"	N64°41'23"E	40.99'
C7	50.00'	17.62'	20°11'23"	N78°47'31"E	17.53'
C8	50.00'	24.61'	28°12'16"	N54°35'41"E	24.37'
C9	75.00'	362.32'	276°47'19"	N01°06'47"W	99.60'
C10	50.00'	42.23'	48°23'40"	N66°54'57"W	40.99'

75' Wetland Buffer line					
CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C1	75.00'	83.98'	64°09'08"	S05°39'46"W	79.66'
C2	75.00'	43.26'	33°02'47"	N31°49'30"E	42.66'
C3	75.00'	25.14'	19°12'21"	N04°27'41"W	25.02'
C4	75.00'	35.19'	26°52'50"	N36°25'13"W	34.86'
C5	75.00'	36.39'	27°48'11"	N02°39'08"E	36.04'

75' Wetland Buffer line	LINE	BEARING	DISTANCE
L1	11°11'22.2"E	29.89'	
L2	S18°55'14.5"E	35.17'	
L3	S10°17'55"E	41.05'	
L4	S36°57'14"W	16.82'	
L5	S26°24'48"E	32.63'	
L6	S52°46'48"E	14.22'	
L7	S14°14'14"W	25.66'	
L8	S04°49'54"E	18.38'	
L9	S01°36'57"W	127.60'	
L10	S00°22'50"E	103.46'	
L11	S60°16'07"W	7.60'	
L12	S48°20'53"W	19.39'	
L13	S12°13'06"W	25.66'	
L14	S05°08'29"W	25.66'	
L15	S14°03'52"E	27.02'	
L16	S24°47'13"E	25.09'	
L17	S27°34'42"E	15.21'	
L18	S23°16'24"E	24.10'	
L19	S27°27'56"E	30.82'	
L20	S03°37'14"E	13.92'	
L21	S07°03'49"W	29.72'	
L22	S00°46'12"W	111.58'	
L23	S04°09'11"W	20.10'	
L24	S01°54'54"E	25.32'	
L25	S10°33'23"E	118.36'	
L26	S07°03'14"E	13.92'	
L27	N89°13'48"E	120.62'	
L28	N88°51'45"E	79.70'	

<b>OWNER/SUBDIVIDER</b>	<b>ENGINEER</b>
Duane P. and Candace J. Swalheim 2011 Revocable Trust (Swalheim Rev. Trust) 436 Connie Street Cottage Grove, WI 53527 608-335-4057	Quam Engineering 4604 Siggelkow Road McFarland, WI 53558 608-838-7750



February 27, 2024

L:\2021\210194-Swalheim\210194-Preliminary Plat v2

Sheet 1 of 1  
Office Map No. **210194**





# **BIRRENKOTT SURVEYING**

## *Land Surveying and Soil Testing*

**EXHIBIT B**

P.O. Box 237 • 1677 N. Bristol Street • Sun Prairie, WI 53590 • (608) 837.7463 • Fax (608) 837.1081 • [www.birrenkottsurveying.com](http://www.birrenkottsurveying.com)

February 27, 2024

RE: Preliminary plat – Swalheim Business Park

Hello, Dan, Roger:

This letter accompanies a revised preliminary plat for the Swalheim Business Park. Several changes have been made since the earlier preliminary plat submission.

These are:

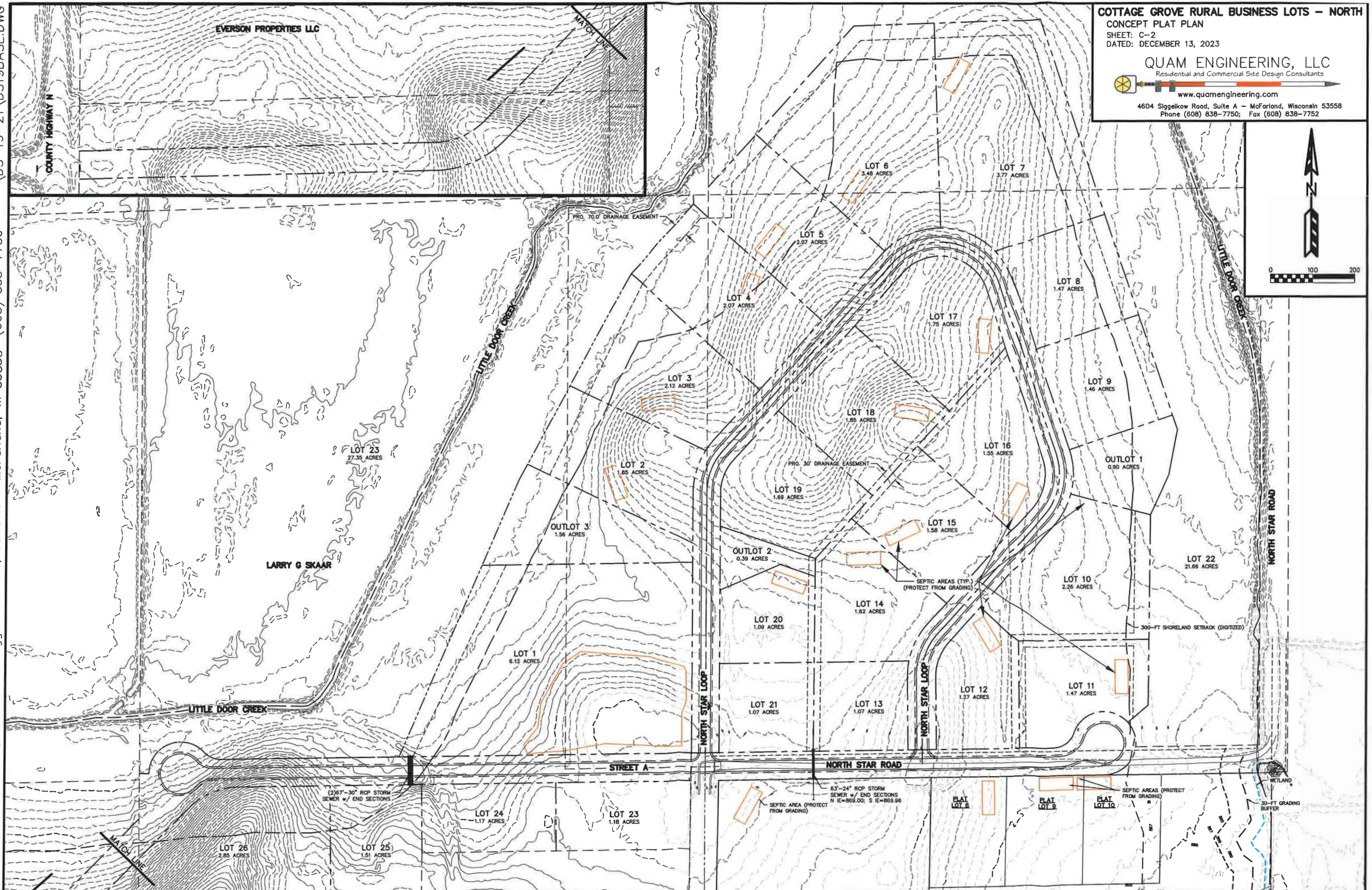
1. The lots have been reconfigured. The plat now comprises four lots and one outlot. Lot 1 and part of Lot 2 of the previous version are now Lot 1. The remainder of prior Lot 2 and prior Lots 3, 4, 5 and 6 are now Lot 2. Prior Lot 7 is now Lot 3. Prior Lots 8, 9 and 10 are now Lot 4. These changes were made to remedy the septic-availability issue. The four newly configured lots all have acceptable septic areas.
2. Water elevations have been obtained. These elevations, along with the approximated high and low water elevations, have been added.
3. The septic areas and their suitable systems, i.e., conventional or mound, are shown.
4. According to Ryan Quam of Quam Engineering, “the site was mass graded and reshaped to create the ponds and lower/raise some lots but no fill was brought to the site.”
5. The zoning boundaries have been altered slightly to provide space for the storm water ponds (please see the preliminary plat mark-up to see these changes).

Regards,

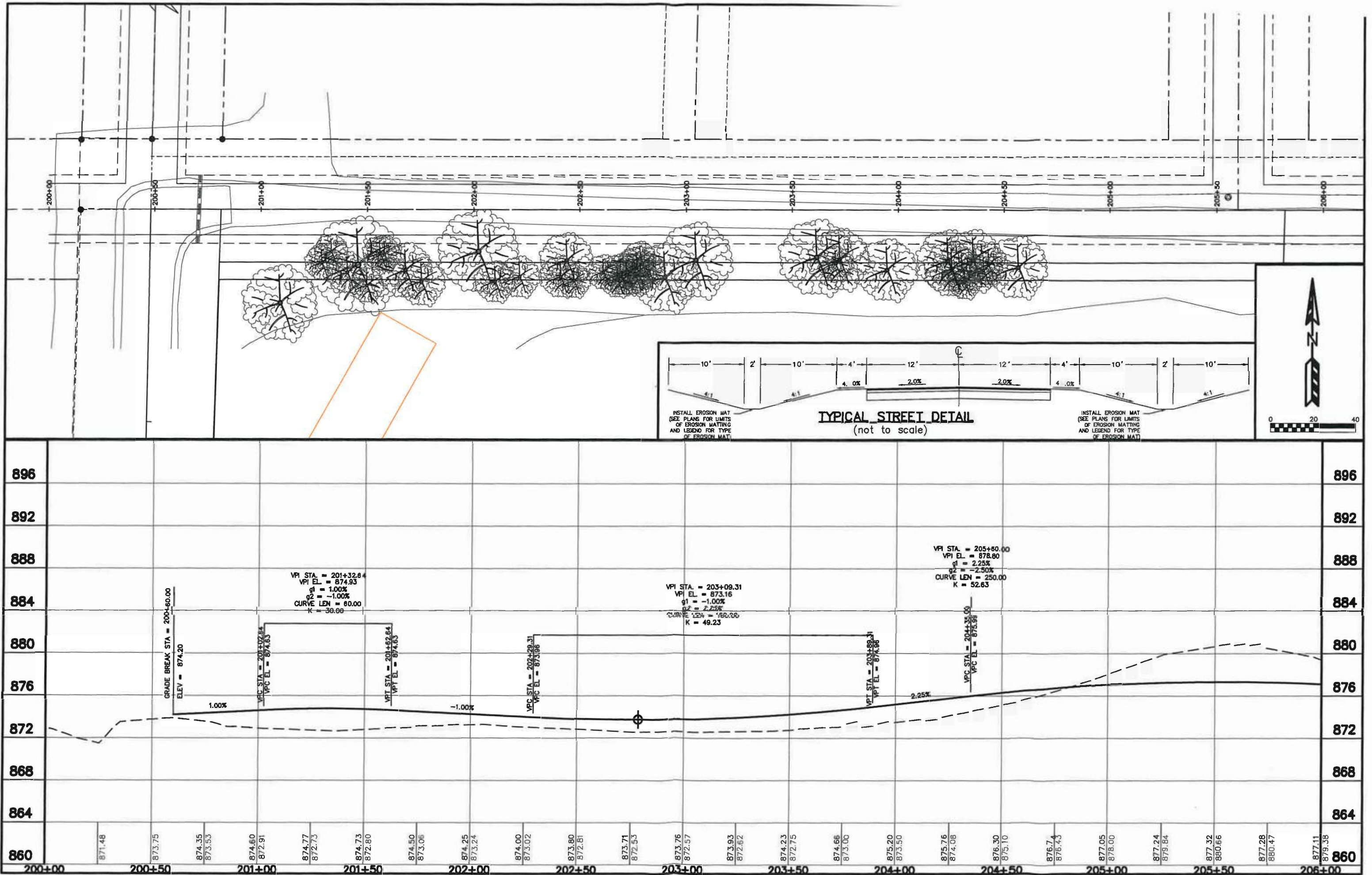
Mark Pynnonen

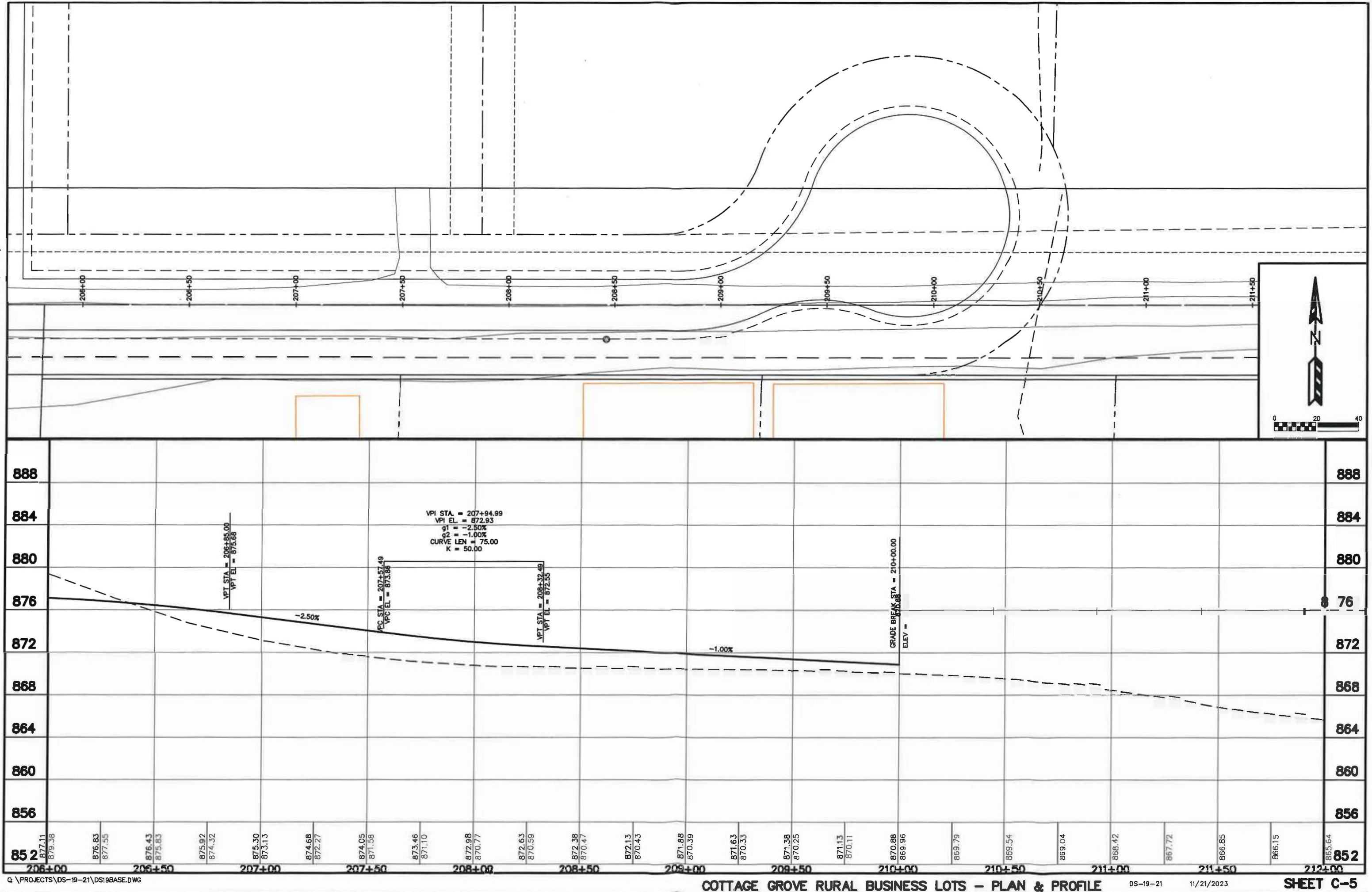
















## **EXHIBIT C**

To: Town of Cottage Grove Plan Commission  
From: Mark Roffers, AICP, Town Planner  
Date: January 23, 2024  
Re: Ideas for Better Integrating Conditional Use Permit and Design Review

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I have been asked to propose ideas to better integrate the Town's review of Conditional Use Permit requests involving site and building improvements with the Town's design review process. Current challenges, as I understand them, are insufficient design- and operational-related information submitted with certain conditional use permit applications, and often a disconnect between what may have been approved (or expected) as part of conditional use permit with what may later be required as part of the Town's Design Review process.

My ideas, presented below and attached, would encourage simultaneous applications for Conditional Use Permit and Design Review approvals. This would allow all issues under both processes to be revealed and discussed at the same time. I do not recommend requiring simultaneous review. Particularly for larger projects, the cost and risk to the petitioner is often too great. Often, such petitioners understandably want to make sure their proposed use will be acceptable, and under what general parameters, before proceeding to a much more expensive set of architectural, site/engineering, and stormwater plans required as part of the Design Review stage.

The heart of the proposal would alter the Town's "Petition for Change of Land Use" form in the manner attached by the proposed 1/23/24 version of that form. The first set of changes appear on page 2, encouraging simultaneous CUP and Design Review applications and pointing each CUP petitioner to a new application page that lays out the Town's new CUP requirements. Page 5 of the attached Petition is that proposed new page. It includes a list of Town expectations with each CUP application—particularly those that include or require site or building improvements. This list was prepared in collaboration with County staff, and with reference to some of the more complete CUP applications that have recently been submitted. A collection of good examples of operational and site plans, suitable for the CUP stage, have also been assembled and could be made available on-line and to applicants that may otherwise need support.

They Town may want additional ordinance language to support these (and any future) proposed Petition for Change of Land Use form changes to provide a legal means to ensure compliance. This may include the following Town ordinance changes:

- Amend Section 15.04(2)(b) of the Town's Land Division and Planning Code to read as follows:  
“(b) The petitioner for Change of Land Use shall submit a Petition for Change of Land Use form and payment of the associated Change of Land Use fee per TCG §15.19 to the Town Clerk, along with a copy of all materials specified on the form and otherwise submitted to the Dane County

Zoning Division under (a) above, at least 21 days prior to the meeting of the Plan Commission at which action is desired, or such alternate timeframe if specified elsewhere in this chapter. [The Petition for Change of Land Use form shall be subject to Plan Commission approval before its use, including any amendments to such form. Upon such approval, each applicant is required to fully complete such form and submit all listed materials for the requested action, in order for the petition to be considered complete. Any incomplete petition is grounds for Town delay of the following steps or rejection of the petition.](#)” As an amendment to the Town’s land division ordinance, under Section 236 of Wisconsin Statutes it would require a recommendation from the Plan Commission, a Class 2 notice in advance of a public hearing before the Town Board, a Board hearing, and Board adoption of an amendatory ordinance with this language included.

- Amend Section 12.08(1) in the Town’s Design Review ordinance to read as follows: “The purpose of this section is to promote the public health, safety, and welfare pursuant to the authority in TCG § 12.01(1) by guiding site and building development in the Town of Cottage Grove according to the Town’s goals, objectives, and policies expressed in this section and the Plan. [Where a project requires both Design Review under this section and a Conditional Use Permit for a use or project including or requiring site and/or building improvements, the Town encourages simultaneous submittal of both Design Review and Conditional Use Permit applications.](#)” Since this provision is merely expressing a preference rather than a requirement, it is not critical given the proposed changes to the form. Still, if the Town is contemplating changes to Section 12.08 anyway, these could be added.

Please let me know if the Commission has any questions or concerns.

**EXHIBIT D**

# PETITION FOR CHANGE OF LAND USE

4058 County Road N; Cottage Grove, WI 53527  
[clerk@towncg.net](mailto:clerk@towncg.net) ♦ 608-839-5021

This is the Town of Cottage Grove, Wisconsin's unified petition for Town Plan Commission and/or Town Board review and/or approval of a land development or land use proposal in the Town. This form includes pages 2-4, which must be completed by all Petitioners. It also includes other pages to be completed or referenced only for the type of development approval petition indicated on the top of the associated page.

Each completed petition, fee, and digital copy of a full set of required materials must be provided to the Town Clerk at the email address shown above no later than the 1<sup>st</sup> Wednesday of the month for the matter to be placed on the next agenda of the Town Plan Commission. The Commission generally meets on the 4<sup>th</sup> Wednesday. 10 hard copies of all materials in packet form must be provided to the Town Clerk no later than the 3<sup>rd</sup> Tuesday, which allows adjustments after the digital submittal without having to reprint.

Certain development proposals in the Town also require Dane County, nearby village or city, and/or state or federal approvals. It is the responsibility of each Petitioner to secure all such approvals. Each petition that also requires Dane County approval shall first be submitted to the County, following initial consultation with the Town.

## For Town of Cottage Grove Office Use Only

Date completed petition received: \_\_\_\_\_

Date other required materials received: Digital copy: \_\_\_\_\_ 10 hard copies in packet form: \_\_\_\_\_

Application fee paid: Date: \_\_\_\_\_ Amount paid: \_\_\_\_\_ Check #: \_\_\_\_\_

Dates scheduled to appear: Town Plan Commission: \_\_\_\_\_

Town Board (if necessary): \_\_\_\_\_

Comments:

# GENERAL INFORMATION

(Pages 2-4 must be completed by all petitioners)

## Petitioner information:

Person's Name(s): \_\_\_\_\_

Firm Name (if any): \_\_\_\_\_

Relationship (check one): ☐ Owner ☐ Tenant ☐ Prospective Owner/Tenant ☐ Representing: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office/Home Phone #: \_\_\_\_\_ Mobile Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

## Property owner information:

Name(s): \_\_\_\_\_

Ownership (check one): ☐ Individual ☐ Trust ☐ Partnership ☐ Corporation/LLC ☐ Other: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office/Home Phone #: \_\_\_\_\_ Mobile Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

## Parcel number or legal description of property:

\_\_\_\_\_  
\_\_\_\_\_

## Address or street boundaries of property:

\_\_\_\_\_  
\_\_\_\_\_

## Number of acres in property:

\_\_\_\_\_ Public road(s) providing access: \_\_\_\_\_

## Current zoning district(s):

\_\_\_\_\_ Proposed zoning district(s) (if different): \_\_\_\_\_

## Current and proposed uses of subject property (check all applicable uses, and whether each is a current use, proposed use, or both):

- |   |   |
|---|---|
| <input type="checkbox"/> agriculture                                | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> natural area or open space                 | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> FEMA-designated floodplain                 | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> DNR- or field-delineated wetland           | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> navigable waterway on or next to land      | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> slopes of between 12% and 20%              | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> slopes of 20% or greater                   | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> single-family home(s)                      | ( <input type="checkbox"/> current use # _____ <input type="checkbox"/> proposed use # _____) |
| <input type="checkbox"/> commercial service or retail               | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> manufacturing/storage/contractor           | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> agricultural-related business or structure | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> commercial recreational use                | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> tourist rooming house                      | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> institutional or utility use               | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> driveway to a public road                  | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |
| <input type="checkbox"/> other use: _____                           | ( <input type="checkbox"/> current use <input type="checkbox"/> proposed use)                 |

Summary of  
proposed project  
(e.g., how will  
land use change,  
why?). For  
complicated  
proposals, attach  
additional pages.

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**Type of development review(s) requested (check all that apply, and submit check(s) payable to the Town of Cottage Grove along with application fee per the Town Fee Schedule and listed below):**

- ☐ **Rezoning.** Petitioner must submit to Town a \$300 application fee plus all materials required by Dane County for a rezoning application. A rezoning is required where the Petitioner's intended land use is not allowed under the current zoning district.
- ☐ **Conditional Use Permit (CUP).** Petitioner must submit to Town a \$300 application fee plus all materials required by Dane County for a CUP application [and listed in the CUP checklist attached to this petition](#). A CUP is required for all conditional uses in the associated zoning district as required under the Dane County zoning ordinance. [Where a project requires both CUP and Design Review approval, the Town encourages submittal of both applications at the same time; redundant materials may be consolidated.](#)
- ☐ **Certified Survey Map (CSM).** Petitioner must submit to the Town an application fee of \$125 plus all materials listed in the CSM checklist attached to this petition.
- ☐ **Design Review.** Petitioner must submit to Town a \$175 application fee plus all materials listed in the Design Review checklist attached to this petition. Design review is required prior to building permit issuance for development of:
  - ☐ Any project serving a commercial, industrial, utility, or institutional use, including any concentrated animal feeding operation but not any other permitted use in a farmland preservation zoning district.
  - ☐ Any non-metallic mineral extraction operation, which is also subject to [TCG Chapter 17](#).
  - ☐ Any residential land use consisting of three or more attached dwelling units per building.
  - ☐ Any 5+ space parking lot serving any of the above uses or developments.
  - ☐ Most expansions to any of the above uses/developments of at least 10% in building floor area, outdoor storage or display area, loading area, or parking—via one expansion project or two or more expansion projects occurring from 11/5/2001 forward. See [TCG § 12.08](#) for exceptions.
- ☐ **Comprehensive Development Plan (CDP)/Concept Plan Review.** Required before submittal of a preliminary subdivision plat and advised in advance of other formal development proposals. Where associated with a proposed subdivision, see CDP checklist attached to this petition for materials required. For all other requested concept plan reviews, submit preliminary plans of sufficient detail to allow an understanding of development intent.
- ☐ **Preliminary or Final Subdivision Plat (circle one).** Petitioner must submit to the Town an application fee of \$350 for the initial lot plus \$20 per additional lot plus all materials listed in the Preliminary Plat or Final Plat checklist attached to this petition. Petitioner may also be required to execute a predevelopment agreement with the Town regarding pre-payment and reimbursement for Town expenses associated with plat review.
- ☐ **Variance, Exception, or Waiver to Ordinance Requirement.** Petitioner must site the specific ordinance requirement by section; include the reasons for the request; and indicate the exceptional or undue hardship that would result were the variance, waiver, or modification not granted.
- ☐ **Other:** \_\_\_\_\_  
(check with Town Clerk for any required fee & materials)



## Reimbursement for Development Review Services, Special Meetings, and Publication Expenses:

The Town Planner, Town Engineer, Town Attorney, and other third-party consultants may expend time in the administration, investigation, and processing of the development review petition, for which they will invoice the Town. Further, the Town may incur publication expenses, costs associated with special meetings, and costs associated with Town employees who perform special tasks associated with the petition. The signing and submittal of this petition shall be construed as an agreement to pay for any and all professional consulting services, staff services, publication expenses, and special meeting costs associated with the administration, investigation, and processing of this petition and the associated development review and approval request.

Reimbursable costs from third-party consultants shall be based on actual invoices submitted to the Town using the same rates as the Town routinely pays those consultants. Costs associated with Town employees who perform special tasks associated with the petition shall be twice the actual hourly pay of the associated Town employee. The Petitioner shall pay all reimbursable costs within 30 days of receipt of one or more invoices from the Town, following the execution of the development review or publication expenses associated with the petition. In the event the Petitioner fails to pay such costs, the responsibility shall pass to the property owner, if different, under the same terms. Such costs that are assigned to the Petitioner or property owner, but that are not actually paid within 30 days, may then be imposed by the Town as a special charge on the affected property.

## Acknowledgements and Signatures:

By signing and dating below, I/We:

1. To the best of my/our knowledge, submitted a petition that is true, correct, complete, and meets the requirements of applicable ordinances and the [Town Comprehensive Plan](#).
2. Read, understand, and accept my/our responsibilities under the reimbursement section above.
3. Acknowledge that Town officials, employees, and consultants may, in the performance of their functions, enter upon the subject property to inspect or gather information necessary to process this petition.
4. Understand that all meeting dates are tentative and may be postponed by the Town for the reason of incomplete submittals or other administrative reasons.
5. If this petition is approved, agree to abide by this petition, approved plans, and required conditions associated with approval in the development of the subject property.
6. Understand that submittal of this petition and payment of the proper fee does not mean that requested development approval is imminent or guaranteed.
7. Understand that Town ordinances and/or the conditions of development approval may specify timeframes within which I/we must take certain actions related to the development of the subject property, or risk having the approval being nullified.
8. Understand that the approval(s) sought under this petition do not qualify as, nor replace the necessity for proper permitting for the proposed project or for other required governmental approvals.

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Signature of Petitioner

---

Date

---

Printed Name of Petitioner

---

Signature of Property Owner (if different)

---

Date

---

Printed Name of Property Owner (if different)

# **ADDITIONAL SUBMITTAL REQUIREMENTS FOR CONDITIONAL USE PERMIT (CUP) PETITIONS**

**\*\*\* NOT REQUIRED FOR DIFFERENT TYPES OF PETITIONS \*\*\***

All petitions for a CUP shall be accompanied by the following materials:

- ☐ A completed copy of the Dane County Conditional Use Permit Application, and all materials required by the County pursuant to that application.
- ☐ Color photographs to illustrate current site and building conditions.
- ☐ A written, titled, and dated operational plan describing the type, duration, and density of activities, events (if any), buildings, and structures proposed for the site and their general locations; expected maximum number of employees, customers, and/or residents that would be at the facility at any one time; expected hours of operation; expected outdoor storage, display, and operational activities (including locations); expected traffic volumes including trucking (including vehicle weights/sizes); any likely or possible lighting, noise, odors, dust, or vibrations that may be experienced outside the site; sanitary and solid waste disposal plan; whether any hazardous materials would be kept on site and where (including spill prevention and mitigation plan); proposed timing and phasing for the conditional use; and other unique operational characteristics.
- ☐ If site and/or exterior building alterations are proposed, or are required by County or Town ordinance, preliminary site and building plans including the following information on one or more plan sheets:
  - ☐ Scale of drawings (e.g., 1" = 50'), north arrow, preparation date, landowner and business names, and contact information. All plans must be drawn to scale, whether machine- or hand-drawn.
  - ☐ Existing buildings and improvements clearly marked and distinguished from proposed changes.
  - ☐ Preliminary building exterior plans, focusing on building walls that will be visible from public streets and adjacent properties, illustrating proposed architectural features, design details, and materials, and including existing and proposed building square footage by function (e.g., office, storage).
  - ☐ Preliminary site layout, indicating the following:
    - All property lines and adjacent streets.
    - Location and type of septic system, well, and environmental features including waterways, drainage corridors, floodplain, wetland, 12%+ slopes, and mature trees.
    - Existing and proposed building footprints for all buildings, indicating setbacks from all property lines and waterways.
    - Existing and proposed parking, circulation, and loading areas and driveways, including connections to public street and proposed surfacing.
    - Existing and proposed outdoor storage, display, and activity areas, if any, including proposed materials stored, surfacing, and method of screening from public streets and adjacent properties.
    - The general type, expected height, and location of any proposed fencing.
    - Generalized proposal for stormwater management, including drainageways and detention.
    - Generalized proposal for retaining existing trees and for future landscaping to aid in screening and improve site aesthetics.
    - General lighting plan intended to sufficiently light site without impacting neighbors or dark sky.
- ☐ Preliminary plans for new public streets or other public facilities, or alterations to existing public streets and facilities (e.g., intersection improvements), where proposed or required by County or Town ordinance.

# **ADDITIONAL SUBMITTAL REQUIREMENTS FOR CERTIFIED SURVEY MAP (CSM) PETITIONS**

**\*\*\* NOT REQUIRED FOR DIFFERENT TYPES OF PETITIONS \*\*\***

The following information is required for a complete petition for CSM approval under [TCG Chapter 15 - Land Division and Planning Code](#):

- ☐ Certified Survey Map, which shall include:
  - ☐ All the information required by Wis. Stats. §236.34.
  - ☐ All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
  - ☐ Any unique setbacks or building lines required by the Town Plan Commission.
  - ☐ All lands to be dedicated to the public or reserved for future acquisition.
  - ☐ Date of the map.
  - ☐ Graphic scale.
  - ☐ Name and address of the owner, land, divider, and surveyor.
  - ☐ Certification that the surveyor has fully complied with all the provisions of the Town Land Division and Planning Code.
- ☐ Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present and proposed zoning of the land and all lands adjacent thereto.
- ☐ If required by the Town Engineer, where sanitary sewers are unavailable, borings and soundings in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table.
- ☐ If new public streets or other public facilities are proposed, associated plans, profiles, and specifications required by TCG § 15.07(3), 15.11(1) and by the results of any tests required by TCG § 15.07(4).
- ☐ If required by the Plan Commission, a draft of protective covenants or restrictions which the subdivider intends to or may be required to record regulating land use and/or density in the proposed CSM area or to otherwise protect the proposed development.
- ☐ If requested by the Town Clerk, verification via a County density study or otherwise that the land from which the residential division is proposed has sufficient Residential Density Units (RDUs, or “splits”) to accommodate the proposal.

# ADDITIONAL SUBMITTAL REQUIREMENTS FOR DESIGN REVIEW PETITIONS

\*\*\* NOT REQUIRED FOR DIFFERENT TYPES OF PETITIONS \*\*\*

The purpose of Design Review is to promote the public health, safety, and welfare pursuant to the authority in [TCG Chapter 12](#), by ensuring, to the extent practicable, that future development of land in the Town of Cottage Grove proceeds according to the Town's goals, objectives, and policies expressed in said Chapter 12 (especially its TCG § 12.08) and the Town Comprehensive Plan.

All petitions for Design Review shall be accompanied by the following plans drawn to a recognized scale, and including a north arrow, date of preparation, landowner and business names, and contact information:

- ☐ Building plans sufficient to illustrate all exterior building walls, doors, windows, and roofs, including heights, dimensions, colors, and materials (including calculations to verify compliance with associated building design requirements), along with building mounted lighting, signs, and mechanical units.
- ☐ If required by the Plan Commission, building material samples.
- ☐ Color photographs to illustrate current site conditions, including from adjacent public road rights-of-way and the boundary of any adjacent land used or zoned for residential or public open space purposes, including buildings and other existing features. Photos may also be provided to illustrate installations on other sites that are similar to the Petitioner's proposal.
- ☐ A site plan, containing, on one or more plan sheets, the following information:
  - ☐ Location of site and address if available and parcel number if not.
  - ☐ All property and street pavement lines, labeling dimensions.
  - ☐ Existing and proposed contours. For minor projects, the Town Engineer may accept a spot grading plan without proposed contours.
  - ☐ Gross area of lot and all buildings stated in square feet, including building square footage divided by function (e.g., office, storage).
  - ☐ Current zoning classification.
  - ☐ Adjacent streets and land uses, including road centerlines.
  - ☐ The percentage of the site that will remain in open space and the percentage that will be under buildings following development.
  - ☐ Setbacks for side, front, and rear yards, for buildings and other hard surfaces, and setback from ordinary high-water mark, if applicable.
  - ☐ Boundaries for all wetlands, floodplains, and shoreland setbacks and zoning areas.
  - ☐ Calculations for determining the minimum required number of off-street parking spaces by zoning ordinance, plus the number of spaces actually proposed.
  - ☐ The maximum number of employees, customers, and/or residents that would be at the facility at any one time.
  - ☐ Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of directional signs or other motorist's aides (if any).
  - ☐ Calculations for determining the number of trees to be placed within the Development Site Area (as defined in TCG § 12.08(3)), as well as the designation of any required bufferyards.
  - ☐ All existing trees with a trunk diameter at breast height of over six inches or over 40 feet tall, or the limits of woodlots within which at least 50 percent of the trees meet at least one of these two size criteria.

- Existing landscaping that will be retained (including proposed protection measures) and proposed landscaping, which shall be differentiated and shown on the plan. Indicate the type, size, number, and spacing of all proposed plantings.
- Location, dimensions, and floor area of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the site's boundaries.
- Location of all existing (to remain) and proposed lighting standards.
- Location of all other existing and proposed structures, outdoor storage or display areas, parking areas, dumpsters, fencing, and ground-mounted signs (including if proposed to be lit), including distances from all lot lines.
- A scaled drawing and/or catalog pages of the proposed exterior lighting, including all specifications including size and height, lighting intensity such as a photometric plan, materials and colors, and ground or wall anchorage details.

## **ADDITIONAL SUBMITTAL REQUIREMENTS FOR COMPREHENSIVE DEVELOPMENT PLAN PETITIONS**

**\*\*\* NOT REQUIRED FOR DIFFERENT TYPES OF PETITIONS \*\*\***

The first step of the subdivision platting process is a Comprehensive Development Plan (CDP), which determines whether the proposed layout/subdivision of land is satisfactory from the standpoint of the public interest and fits within the broader context of the Petitioner's contiguous ownership and the surrounding area. The Town requires the following information to be included with each CDP petition associated with a proposed or potential subdivision plat:

- ☐ A soil suitability report completed by a soil/environmental scientist, suggesting the suitability of the land for building sites and on-site wastewater treatment systems of the types, locations, and densities contemplated.
- ☐ Information indicating typical, high, and low subsurface distances to groundwater and bedrock.
- ☐ A complete WDNR Natural Heritage Inventory (NHI) preliminary assessment.
- ☐ A plan map, drawn to a scale of 1" to 200' except where otherwise approved by the Town Engineer, showing:
  - ☐ All lands under the control of the Petitioner that are contiguous or separated only by existing public roads or railroad rights-of-way from the lands anticipated for subdivision.
  - ☐ Proposed road(s) layout, including shared driveways and public roads.
  - ☐ Topography (2' contours), highlighting slopes of 12-20% and 20%+.
  - ☐ Location of all existing and proposed lots.
  - ☐ Proposed stormwater ponds with discharge locations.
  - ☐ Identification of areas of existing and proposed vegetation.
  - ☐ Environmental features, including all wetlands, waterways, floodplains.
  - ☐ Any shoreland zoning, including shoreland zone and shoreland setback boundaries.
  - ☐ Location of existing drainage tiles with flow direction indicated.
  - ☐ Density calculations.
  - ☐ Open space percentage (if applicable).
  - ☐ All common amenities, including proposed parks, trails, etc.
- ☐ If a waiver of Town subdivision design standards is requested, details showing the proposed deviation from the standards and the reasons for them.
- ☐ Projected number of lots and housing units broken down into single-family homes and any other types of housing units anticipated.
- ☐ A development schedule clearly indicating the time of completion for the proposed development and each anticipated phase.
- ☐ If requested by the Town Clerk, verification via a County density study or otherwise that the land from which the residential division is proposed has sufficient Residential Density Units (RDUs, or "splits") to accommodate the proposal, including through transfer of development rights if required.

Petitioners are also advised to review the [Town Comprehensive Plan](#), including its policies for Neighborhood Development Areas and for Transfer of Development Rights, in the preparation of each Comprehensive Development Plan and associated plat thereafter.

# ADDITIONAL SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLAT PETITIONS

\*\*\* NOT REQUIRED FOR DIFFERENT TYPES OF PETITIONS \*\*\*

Following Town review of a Comprehensive Development Plan, a Preliminary Plat shall be required for all subdivisions, prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch, comply with the [TCG Chapter 15 - Land Division and Planning Code](#), and show correctly on its face the following information:

- ☐ Title under which the proposed subdivision is to be recorded.
- ☐ Location of subdivision by government lot, quarter-quarter section, township, range, county, and state.
- ☐ Location map showing the relationship between the plat and its surrounding area and existing streets.
- ☐ Date, scale, and north point.
- ☐ A description of the material of which the corner marker is composed.
- ☐ Names and addresses of the owner, subdivider, surveyor, engineer, and planner involved preparation.
- ☐ The entire area contiguous to the proposed plat owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development.
- ☐ The present zoning and any proposed zoning change for the plat and all land adjacent thereto.
- ☐ Location and elevation of any land situated within a flood plain, wetland, shoreland, and shoreland setback area.
- ☐ Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- ☐ Contours at vertical intervals of not more than two feet where average slope is less than 5% or 5 feet where slope is 5% or greater. Elevations shall be marked on such contours based upon United States Geological Survey (USGS).
- ☐ Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.
- ☐ Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- ☐ Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- ☐ Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
- ☐ Location, size, and invert elevation of any existing storm sewers, culverts, and drainpipes; location of manholes, catch basins, hydrants, power and telephone poles; and location and size of any existing sanitary sewer, water, and gas mains and underground utilities within the exterior boundaries of the plat or immediately adjacent thereto.
- ☐ Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- ☐ Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.

- Any proposed lake and stream improvement or relocation.
- Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines, and in such event, it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.
- Existing zoning on and adjacent to the proposed subdivision.
- Corporate limits lines.
- Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- Approximate dimensions of all lots and outlots together with proposed lot, outlot, and block numbers.
- Certification that the surveyor has fully complied with all applicable provisions of the Town Land Division and Planning Code.

The following additional information shall be submitted with a Preliminary Plat for a complete petition:

- Street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data and plans and profiles shall meet the approval of the Town Engineer.
- If required by the Town Engineer, where sanitary sewers are unavailable, borings and soundings in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table.
- If 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.

Finally, prior to final approval of the Preliminary Plat, the Petitioner is required to provide confirmation that the site is suitable for a private onsite wastewater treatment system in compliance with Wisconsin Admin. Code Ch. SPS 383 and 385, and any other applicable Department of Safety and Professional Services or Department of Natural Resources administrative regulation.



# **ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAT PETITIONS**

**\*\*\* NOT REQUIRED FOR DIFFERENT TYPES OF PETITIONS \*\*\***

Each Final Plat shall be prepared by a land surveyor registered in this state, be consistent with the Preliminary Plat and all approval conditions, comply with the [TCG Chapter 15 - Land Division and Planning Code](#), and correctly show on its face:

- ☐ All information required under §§ 236.15 and 236.20, Wis. Stats., TCG § 15.05, and as required by Preliminary Plat approval.
- ☐ Exact length and bearing of the centerline of all streets.
- ☐ Exact street width along the line of any obliquely intersecting street.
- ☐ Railroad rights-of-way within and abutting the plat.
- ☐ Any unique setbacks or building lines as may be required by the Town Plan Commission.
- ☐ All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, and other lands dedicated to the public for common use.
- ☐ Special restrictions required by the Town Plan Commission, Town ordinance, or County or State law relating to access control along public ways or to the provision of planting or buffer strips.
- ☐ The rural fire number to be assigned to each lot, unless assignments cannot be made at such time.
- ☐ The surface water run-off statement shown in TCG § 15.08(4).
- ☐ All certificates required by §236.21 Wis. Stats., plus certification that the surveyor has fully complied with the Town Land Division and Planning Code.

The following additional information shall be submitted with a Final Plat for a complete petition:

- ☐ Verification that the Petitioner has submitted the plat to all private utilities, communication providers, and post office serving the plat area for identification of appropriate easements and mailbox/cluster box placements to deliver the associated services.
- ☐ Plans, profiles, and specifications required by TCG § 15.07(3), 15.11(1) and by the results of any tests required by TCG § 15.07(4).
- ☐ If required by the Plan Commission, protective covenants which the subdivider intends to record regulating land use in the proposed subdivision or to otherwise protect the proposed development.



## EXHIBIT E

To: Town of Cottage Grove Plan Commission  
From: Mark Roffers, Town Planning Consultant  
Date: March 13, 2024  
Re: Discussion of Potential Comprehensive Plan Amendments

As part of the Town's now every-other-year Comprehensive Plan amendment cycle, the Plan Commission has received the following requests for potential amendments to the Plan:

#	Requestor	General Area	Acres	Summary Description
1	K. Johnson	Townwide	N/A	Adjust Town policies for "dark sky" lighting, limit tree growth for solar access, and clarify where snow may be deposited.
2	Swalheim	North of Hwy 12, east of North Star Rd	78.15	Desire to have this undeveloped "land remaining in agricultural zoning...[to] be potential commercial land."
3	Swalheim	"Commercial Development Area"	~600 acres	Reconsider current policy against holding tanks for sanitary waste, which appears in "New Lot Sizes" section of Plan's Figure 9.
4	Anders/Roffers	Highways 12/18/N Area	~300 acres	Incorporate photos of desired commercial building designs as a supplement to Town's design review ordinance requirements.
5	Roffers	Highways 12/18/N Interchange Area	60-300 acres initially	The Town has been exploring for over a year extending sanitary sewer service to all or part of this Interchange Area. Agencies that would need to approve that extension generally require local comprehensive plan consistency, which Town could enhance.
6	Roffers	Southwest part of Town	~150	Potentially respond 2023 Village of McFarland East Side Plan in some manner.
7	Hampton	Southwest part of Town		Acknowledge and adapt to new landfill siting.

The first step is for the Plan Commission to evaluate these amendment requests, which are detailed in the rest of this memo. For amendments the Commission believes merit further consideration, I can then complete any further desired research and prepare the specific proposed Plan amendment for Commission recommendation at a subsequent meeting.

## 1. Exterior Lighting, Solar Access, and Snow Storage Amendment Requests

Ms. Johnson's primary requests relate to requiring "dark sky" exterior lighting, where lighting is desired by owners or businesses. Her primary focus appears to be on the Town's Design Review ordinance (Section 12.08 of Building Code), which generally applies to new and expanded non-residential developments in the Town. Subsection (d) of that ordinance reads as follows:

- Exterior lighting shall be established, directed, and maintained so that the source of illumination is not visible from lands used or zoned for residential or public open space purposes.
- All exterior light fixtures over 150 watts incandescent (or LED equivalent illumination) and not in public road rights-of-way or easements shall be completely Page 14 of 18 shielded or recessed into canopies, with the fixtures mounted parallel to the ground (not tilted-up).
- The maximum illumination level at all lot lines (or opposite lines of street rights-of-way) shall be one footcandle, the average illumination level within the lot shall be no greater than 3 footcandles, and the maximum illumination level at any point on the lot shall be 20 footcandles, except where the applicant demonstrates that different light levels will meet the standards of the Illuminating Engineering Society of North America for areas with dark surroundings.
- The Plan Commission may specify certain hours within which illumination of signs or exterior light fixtures is permitted or prohibited.

Figure 9 of the Comprehensive Plan has the following additional policy: "If the business is to operate at night, design all outdoor lighting so as not to create glare or shine directly on neighboring residences." This policy would probably be better located in the Design Review ordinance with the others bulleted above.

Ms. Johnson suggests a set of updated standards that would tend to reduce the amount of light-spill over onto adjacent properties and the night sky, and better enforcement. She may be desiring tighter, or at least some, lighting requirements in mainly residential areas.

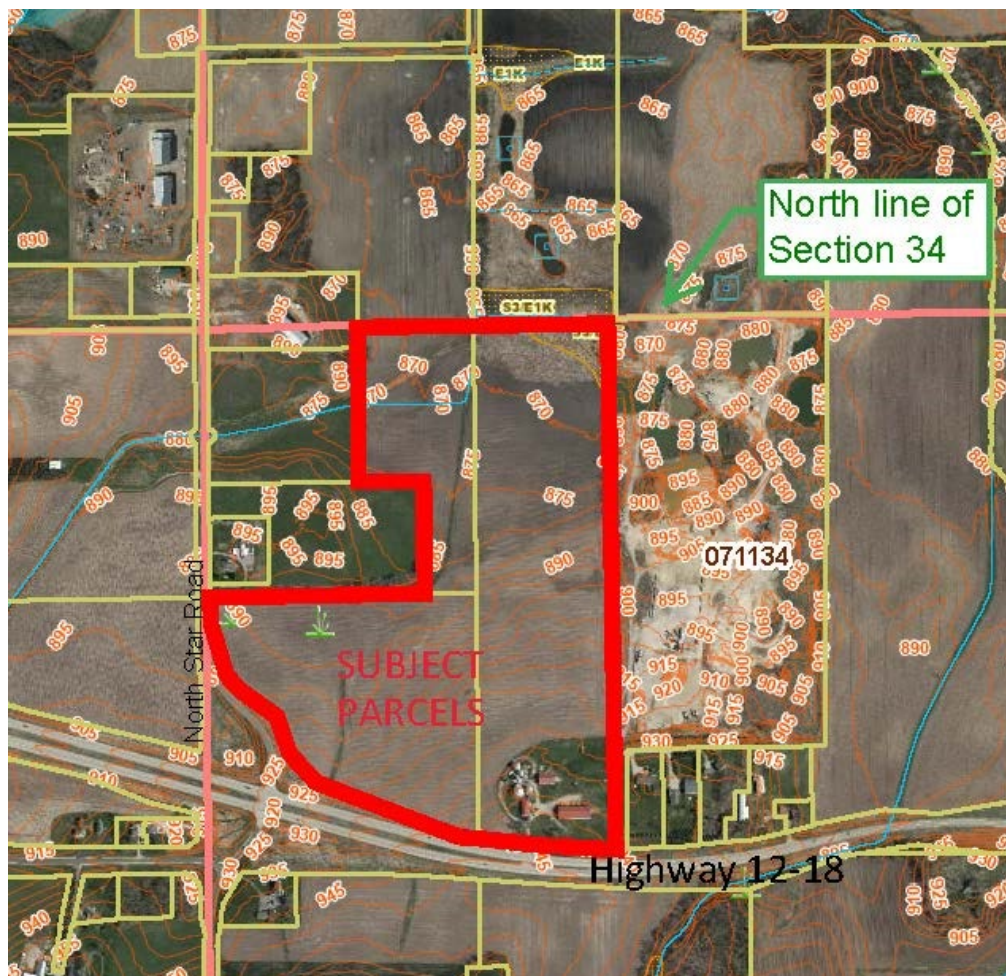
The Town could certainly upgrade its exterior lighting requirements in its Design Review ordinance. I have written these for other municipalities. Inspections of commercial projects for compliance with approved lighting plans is also important. Few municipalities regulate lighting in residential areas, instead relying on education.

Beyond this, a policy could be added to the Cultural Resources section of the Town Plan, something like: “Promote the preservation and restoration of dark skies in Cottage Grove through the Town’s Design Review ordinance, residential subdivision covenants to limit exterior lighting spillover, education of Town residents and contractors, and best lighting practices on Town government facilities.”

Regarding her desire for improved solar access, Section 700.41 of Wisconsin Statutes includes Statewide requirements for preventing obstructions to solar access, but these do not apply to trees. Her snow storage request seems like more of an inter-property owner issue.

## 2. North Star Road Future Use Amendment Request

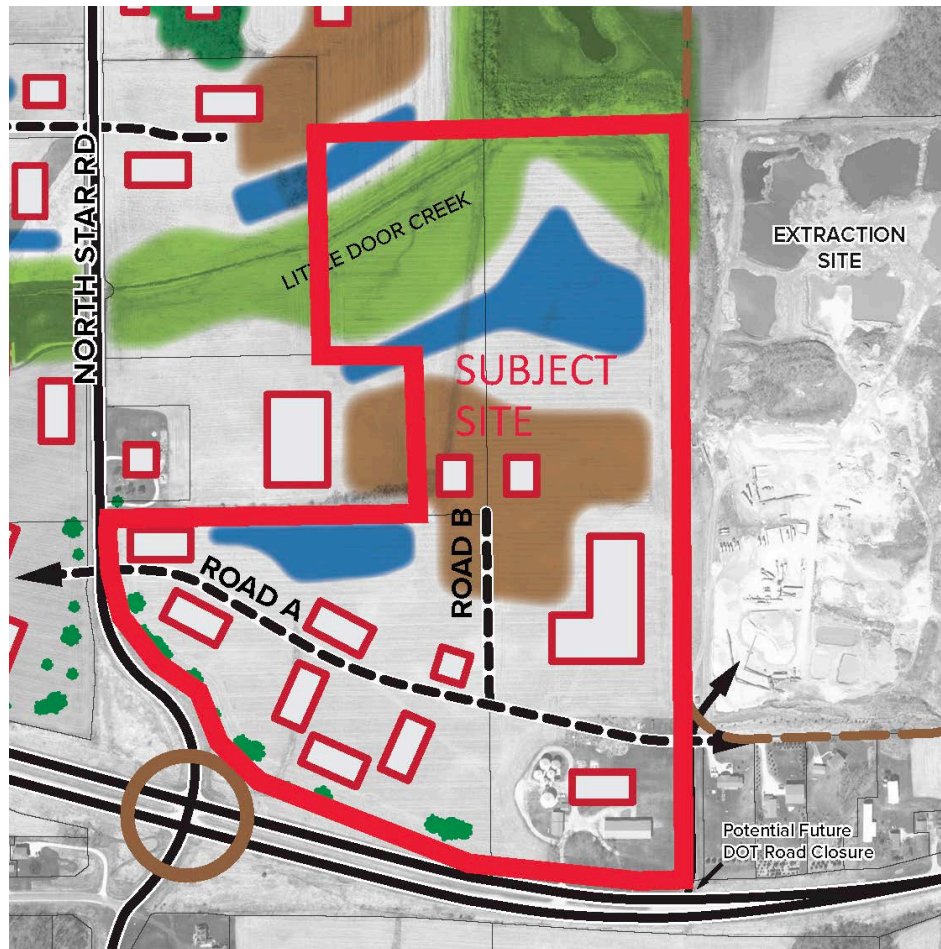
The land Mr. Swalheim appears to be referencing spans 78 acres northeast of the Highway 12-18/North Star Road intersection, outlined in red below:



All of this land, totaling 78.15 acres, is already planned as part of the “Commercial Development Area” on the attached Future Land Use and Transportation map in in the Town’s



Comprehensive Plan. Similarly, the Conceptual Rural Business Park Development Plan from the Comprehensive Plan suggests future business development on these lands, except for a Little Door Creek “Resource Protection Corridor” and a conceptual stormwater management area just south of this corridor, as such:



These 78 acres are currently zoned Exclusive Agriculture. It would be atypical and I would not recommend “pre-zoning” this land into the GC or HC Commercial districts before further site investigation and a development proposal is also forthcoming.

Perhaps Mr. Swalheim had a different idea behind this particular request and, if so, he can relay that at the Commission meeting.

### **3. Holding Tanks Amendment Request**

Mr. Swalheim also is asking that “the holding tank issue needs to be reconsidered.” He may be suggesting that the Town’s policy to not allow holding tanks in the planned “Commercial Development Area” be repealed or altered in some way. As written in the Comprehensive

Plan's Figure 9, that policy reads "New holding tanks not permitted." Also, policy 5 on page 48 of the Plan reads: "The Town does not consider holding tanks an acceptable form of sewage disposal in new construction. Holding tanks may be permitted for existing structures if no other sewage treatment system is feasible."

There are also likely County rules related to holding tanks that the Town has little control over. I did not have a chance to research these before preparing this memo.

I am no expert in sanitary waste treatment or disposal. I do know they are relatively inexpensive and simple. Many consider them an environmental risk, especially if not pumped every few weeks by a qualified firm. Expenses associated with regular pumping also can negate their cheaper up-front costs. On the flip side, allowing holding tanks may open up more land for development. Still, without soils to even handle a mound or alternative waste treatment system, I wonder if these are the right soils on which to allow development anyway.

#### **4. Aspirational Commercial Building Design Images**

In June 2023, Supervisor/Commissioner Anders provided photos of area commercial/industrial buildings that he thought may provide a good standard for the Highways 12/18/N Interchange (North Star Road) Area. The Commission discussed whether these were reasonable standards for this area. My opinion is that it is reasonable and appropriate to include aspirational images, such as in the Town Comprehensive Plan, to help communicate Town "wants" even if they are above minimum ordinance "needs."

The Town Design Review ordinance also currently indicates that building and site design has to meet any applicable standards in the Comprehensive Plan, including those in Map 17 and Figure 9. There are four photos already on Map 17. One idea would be to further enhance that map and/or figure with a collection of images (photos) of building designs that both meet Section 12.08(4)(b) and the Town's broader aspirations for the Interchange Area. That may provide a stronger basis for Town decisions under the ordinance and may lead to clearer up-front understanding of what the Town wants. We could use one or two of Supervisor Ander's shared images in such a montage, along with others I already have in my library.

#### **5. Potential Amendments Related to Possible Sanitary Sewer Service and Tax Incremental District**

The current Town Plan has a collection of policies and initiatives that support its ongoing investigation to possibly extend sanitary sewer service to at least part of the Highways 12/18/N Interchange (Commercial Development) Area. This include Plan references that the Town may

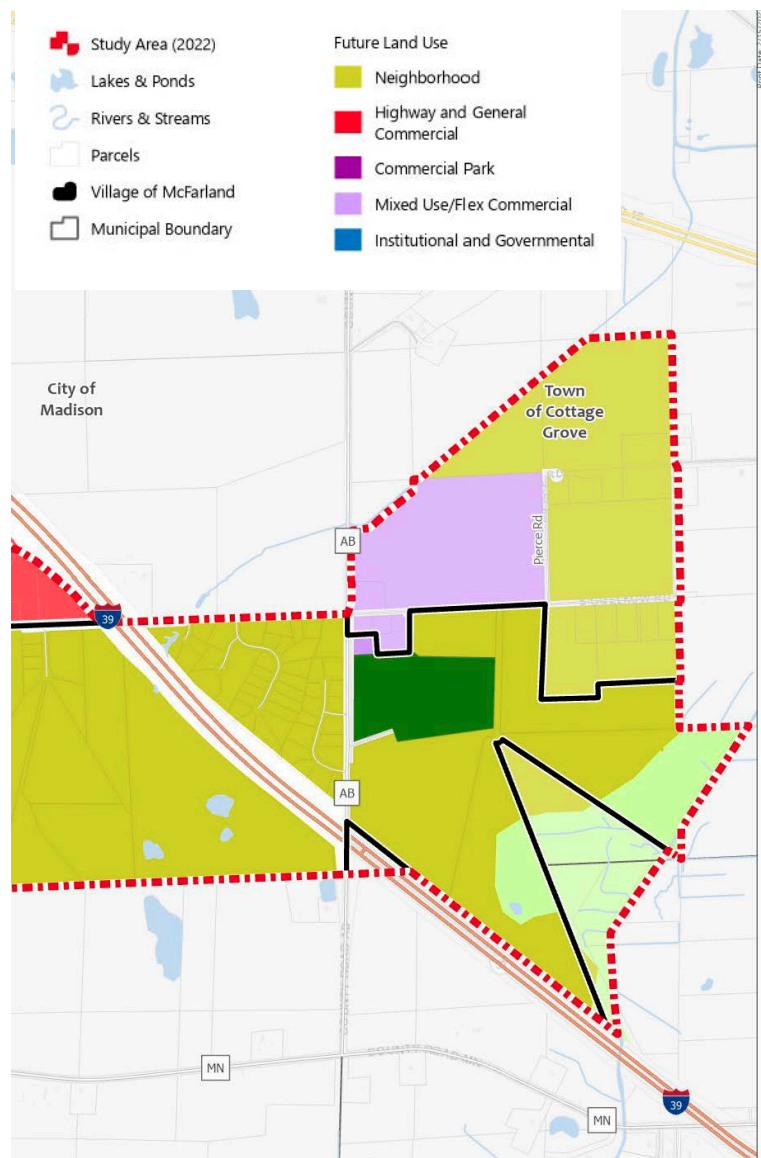
consider a utility or sanitary district and that the Town will investigate creating a tax incremental district (TID) and consider incentives under a TID for commercial development.

If ongoing discussions to bring sanitary sewer service to the Interchange Area come to a head this Spring, I recommend that the Town refine its Comprehensive Plan in a manner that clearly supports the decision. This will help document the Town's decision and next steps. Perhaps more importantly, regional and state agencies that must approve different aspects of the Town's decision to extend sewer will require Town Comprehensive Plan consistency. A specific Plan initiative could be crafted to possibly replace or enhance one or both of the current "Focus Commercial Development at the Highway 12/18/N Interchange Area" and "Investigate a Tax Incremental District" initiatives in the Plan's Economic and Housing Development chapter. Supportive adjustments to other chapters and to Maps 16 and 17 may also be warranted.

I appreciate that this is relatively general at this point. Resolution of this current discussions may also drive the timing of other Plan amendments being considered—none of which appears particularly time-sensitive.

## 6. Respond to Village of McFarland's 2023 East Side Plan

In April 2023, the McFarland Board adopted a plan for new development and expansion at and beyond that Village's eastern edge. McFarland's East Side Plan covers over 1,500 acres, including land annexed from the Town of Cottage Grove in the past few years plus lands to their north including larger undeveloped lands owned by Teran (~50 acres), Ewing (~50 acres), and Anderson (~30 acres). The map to the right is a section of the future land use map from McFarland's Plan.



This 2023 Plan does not seem to make much mention of how the Village may intend to approach these property owners or the Town, or the projected development timing.

Interestingly, the western part of this area is also within City of Madison expansion area, as agreed under the 2022 City-Town intergovernmental agreement. The Town's Future Land Use and Transportation map (attached) identifies the eastern part as a mix of planned commercial development and agricultural preservation. The agricultural preservation designation was as advised by the Ewings themselves in 2020.

There is good reason to be confused as to what the best Town response might be.

One possible response is none at all. A second is to acknowledge the new McFarland East Side Plan in the Conditions & Issues volume of the Town Plan. Yet another could be to change the Town Future Land Use and Transportation Map to amend parcels east of the Madison expansion boundary for future residential use (like the Village plan) instead of commercial use, except probably for the Ewing parcel unless the Ewings have had a change of heart since 2020. Still another response would be to expand upon the current suggested approach for interacting with McFarland in the Town Plan's Intergovernmental Cooperation chapter. With respect to McFarland, that chapter currently reads: "The Town is also interested in intergovernmental boundary agreements with the Village of Cottage Grove and the Village of McFarland. The Village of McFarland appears willing to discuss a potential boundary agreement with the Town. Both the Town and the City of Madison are required to inform the other when negotiating an agreement with either of these two villages, and to only enter agreements that are consistent with the executed Town-City agreement."

We could as a next step, if directed, approach the Village's Community Development Director or even the affected property owners, which may further inform an appropriate course(s) of action. I welcome the Commission's input.

## **7. Respond to Landfill Siting**

Chair Hampton will be in a better position to update the Commission on this matter than me. I understand that Dane County is currently working on design and permitting for the new landfill site south of Highway 12-18. There is a related planning effort for a Sustainability Campus, including a Waste Education Center and waste recycling, reuse, and processing opportunities.

At present, the only mention of the landfill in the Town Plan is a policy to "remain actively involved in any proposals for the future vertical and/or horizontal expansion of the County landfill and solar field, advocating for Town interests." That policy could be enhanced. Most of the affected area in the Town is designated as an "Agricultural Transition Area" in the Town Plan because it is slated to eventually be annexed by Madison as part of the 2022 agreement. No Town Future Land Use map amendments appear to be warranted.



- Legend
- Future Land Use Categories
- Agricultural Preservation Area

Agricultural Transition

Open Space and Recreation Area

Neighborhood Development Area

Commercial Development Area

Resource Protection Corridor

Rural Neighborhood Expansion Area

Existing Off-Street Trails

Planned Trails

Conceptual Future Roads

Preliminary Highway 12/CTH AB Interchange Design

Parcels (May 2022)

Potential Madison Expansion Area (per 2022 IGA)

Town of Cottage Grove Limits (May 2022)

Surface Water

Note: Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area once the Town designates such lands as appropriate for more intensive development, may serve as the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units between parcels in the Agricultural Preservation Area. See Land Use chapter for details and limits.

Sources: MDRoffers Consulting, Strand Associates, FEMA, WI DNR, WI DOT & Dane County LIO

Date: June 29, 2022

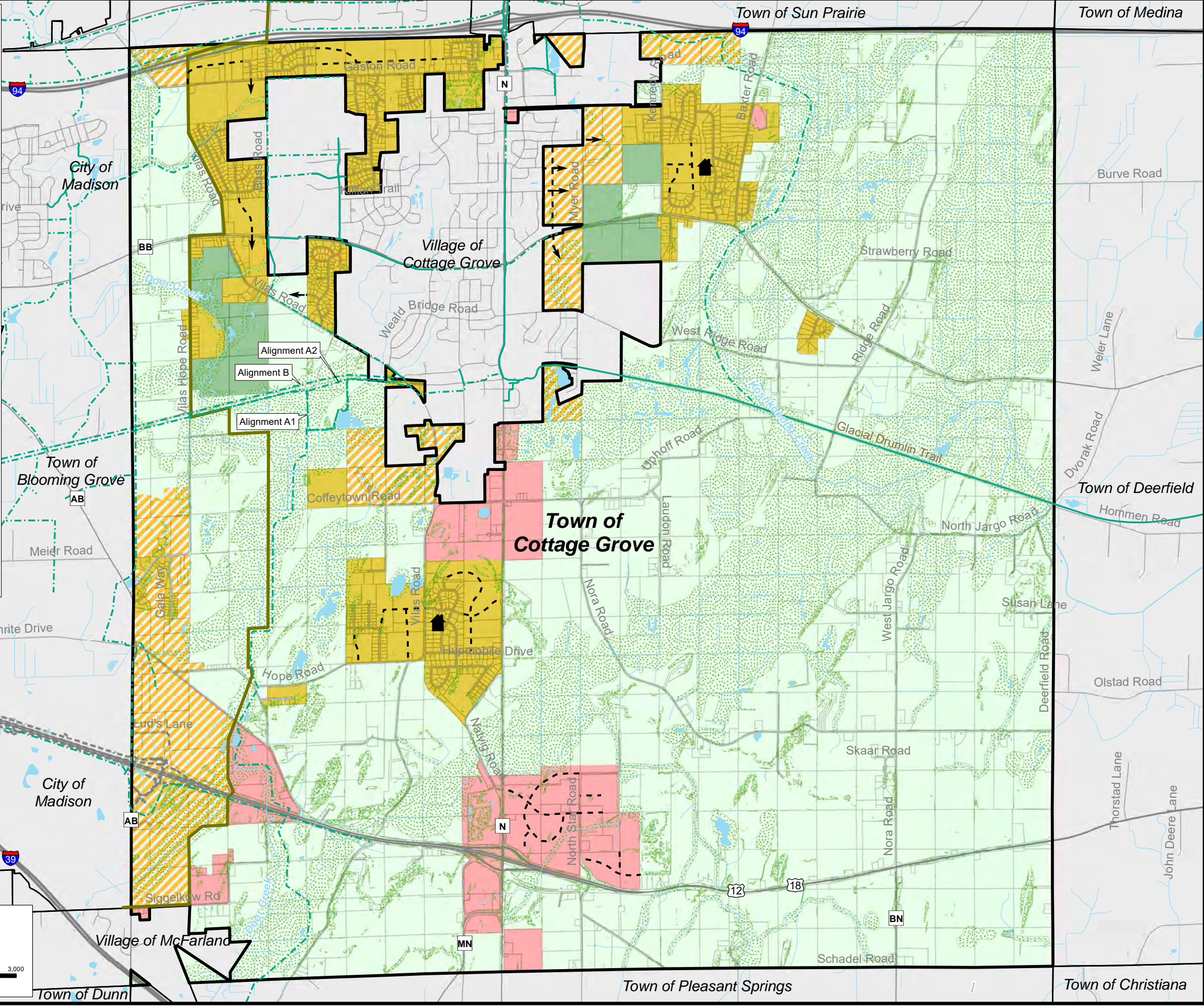
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TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
APRIL 24, 2024

- 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 22<sup>nd</sup> 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 29<sup>th</sup>, 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).

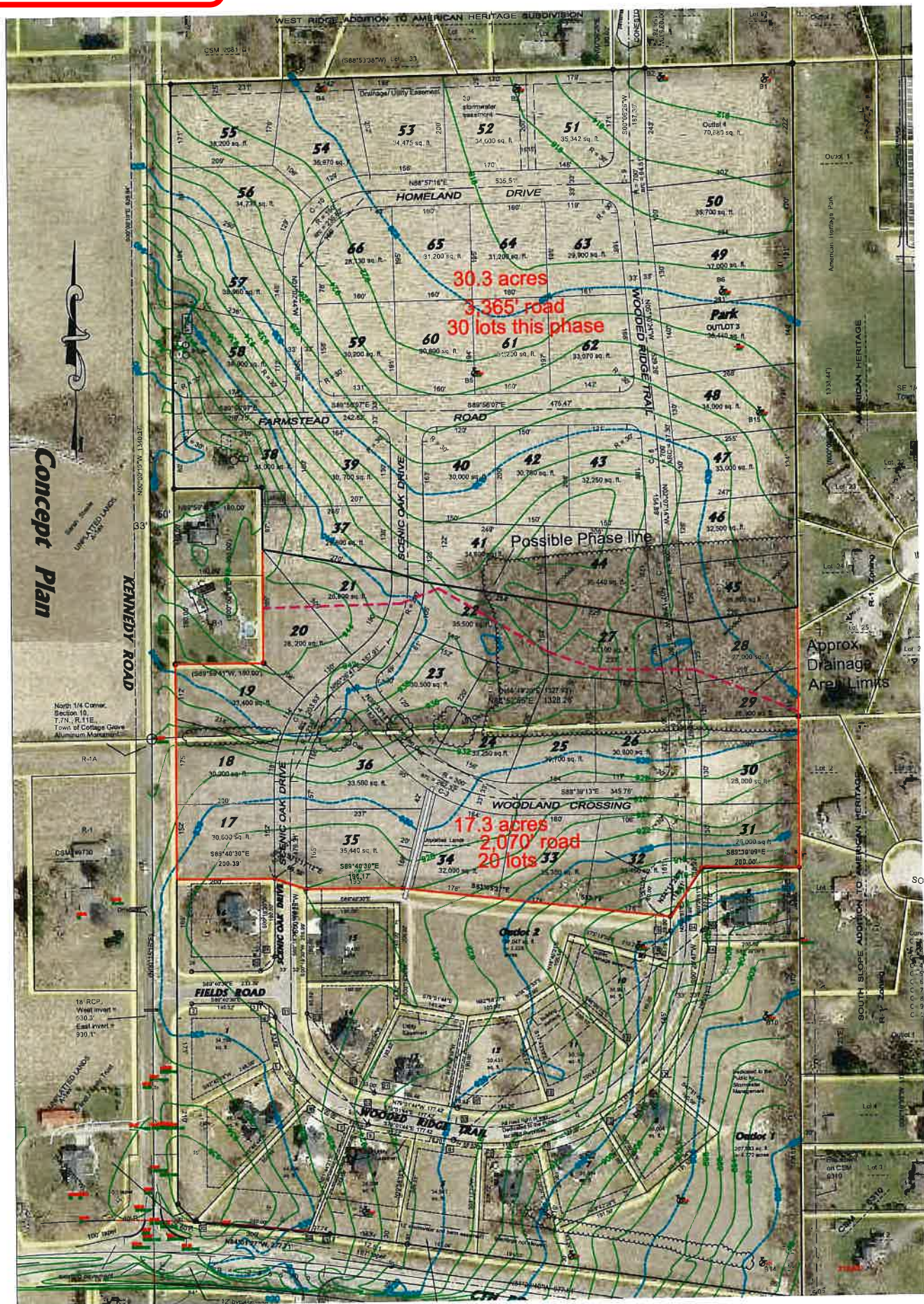
9) **ADJOURNMENT:** **MOTION** by Eickhoff/Anders to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 8:54 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 05-22-2024



## Concept Plan





TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
MAY 22, 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, 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/Anders to approve the minutes of the April 24, 2024 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: Anders asked that the Commission consider including design standards for the commercial development area in the comprehensive plan. As an example, he said that recent commercial developments have complied with requirements for trees by planting small trees, he would like to see size requirements so that the trees make more of a difference sooner.
- 5) Brent Conwell, petitioner, Capitol Holdings, LLC, property owner: DCPREZ-2024-12049 to rezone parcel 0711-284-9740-0 (.5 acres zoned AT-35) to HC and combine with parcel 0711-284-9721-0 at 3475 North Star Road. No one from Capitol Underground was in attendance. Joe Mourauski represented Capitol Underground. He said they are asking to join this half-acre strip with their current 22-acre parcel zoned HC because Dane County wants the property lines straightened out. The County rezone application said it was inadvertently left out of the current CSM. **MOTION** by Anders/Banigan to recommend approval of the rezone of .510 acres from AT-35 to HC, and combine it with parcel 0711-284-9721-0. **MOTION CARRIED 6-0.**
- 6) Prior to adjournment, Hampton said he had a request from Jesse Hurley, who is currently in violation of his FP-35 zoning at 2293 W Ridge Road for having four businesses operating out of the ag buildings there, to hold a special Plan Commission meeting to consider allowing him to rezone the property as commercial. The property is in the Ag Preservation area of the Town, so a rezone to commercial would not be allowable without a change to the Comprehensive Plan. Comments were that the Town may not want to do that considering that the Village has plans for residential development across the street, as well as because of the precedent it could set. There was no support for a special meeting.
- 7) **ADJOURNMENT: MOTION** by Anders/Eickhoff to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:24 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 06-26-2024

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JUNE 26, 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, 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/Eickhoff to approve the minutes of the May 22, 2024 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: David Morrow, 4667 Meadowlark St, informed the Commission that he learned that a review of his CUP #2005 is part of a county-wide audit of all CUPs to be sure they are all still in business and meeting their approved conditions.
- 5) Francis Wisniewski, applicant, Warm Belly Noble, LLC, property owner, parcels 0711-073-8090-2 and 0711-073-8390-9 at 4311 Vilas Hope Road: Design Review and update to CUP 2592 with the following (DCP-CUP 2626):
  - a) Add amplified music and background music during festival hours, and small scale live musical acts during the fall season: Mr. Wisniewski said he forgot to apply for music with the original CUP. It would be mainly background music that would be 60 db or less at the edges of the field (90 db at the center of the field). The stage would be 300 meters from the closest homes, with speakers facing inward. Muehl thought he might be under-asking on this.
  - b) Add a dedicated building zone for a storage and farm related building, as well as playground equipment. See Site Plan attached as Exhibit A.
  - c) Add five acres of leased adjacent farmland (parcel 0711-073-9531-6 owned by Bruce Homburg) to allow 10 days/year or more of Agricultural Entertainment: Wisniewski said the lease is year-to-year, discussion was that the CUP conditions should state that the five acres is included only if an active lease is in effect.

It was determined that conditions for CUP 2592 have been met: Stormwater requirements are met, driveway has been widened, and the Town Highway Superintendent has not seen the need for any signage to prohibit parking on Vilas Hope Road at this time. Wisniewski said they have not installed the lighting that was approved nor have they built the storefront proposed with the former CUP.

Hampton asked for a copy of the event plan, specifically wondering about the number of events planned each year. Wisniewski said there are no events per say, but rather regular business. Muehl asked if parking has been adequate; Wisniewski said they have not been short on parking spots, even when they had 3,000 people for their vendor fair this spring, and because they sell tickets for their fall festival, they can limit how many will attend at any one time.

A review letter by Town Planner Mark Roffers (Exhibit B) included suggestions for landscaping requirements. Wisniewski said he had a phone conversation with Roffers about that, and given the fact that Wisniewski wants the site to keep the look of farm land, and be able to revert to farm land, Roffers was OK with landscaping being part of the building permit process. Discussion was focused on the entrance along Vilas Hope Road and around the house also owned by Warm Belly Noble, LLC in front of the property. Wisniewski said it is important that those look nice to attract the public. Minimal landscaping to the west of the proposed Ag building was discussed, with further

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JUNE 26, 2024

landscape requirements to be determined when he is ready to build the farm store.

Mr. Wisniewski said the lighting plan is the same as the original CUP. All lights to be dark sky compliant, mounted parallel to the ground.

Ed and Marge Eklof, 4293 Vilas Hope Road, and Greg Zukowski, 4281 Vilas Hope Road, spoke in support of Warm Belly Farms, saying the business has been a good neighbor and good for the community. They have not seen traffic problems, and are glad to see the site active again.

The 8 standards for conditional use permits were all considered satisfied, including the additional standards for properties in the Farmland Preservation district.

**MOTION** by Muehl/Anders to recommend approval of the CUP amendment, including:

- Amplified music with volume limited to 60 db at 100' from the speakers.
- A dedicated building zone for a storage and farm related building and playground equipment, with landscaping plan to be as per written confirmation from Town Planner Mark Roffers regarding what he and Mr. Wisniewski discussed over the phone.
- The addition of five acres owned by Bruce Homburg to the CUP area, as long as an active lease is in place.

It was noted that all standards of CUP approval were considered satisfied. All lighting must be dark sky compliant/downward facing. Design review will be required upon application for a building permit for the farm store. **MOTION CARRIED 6-0.**

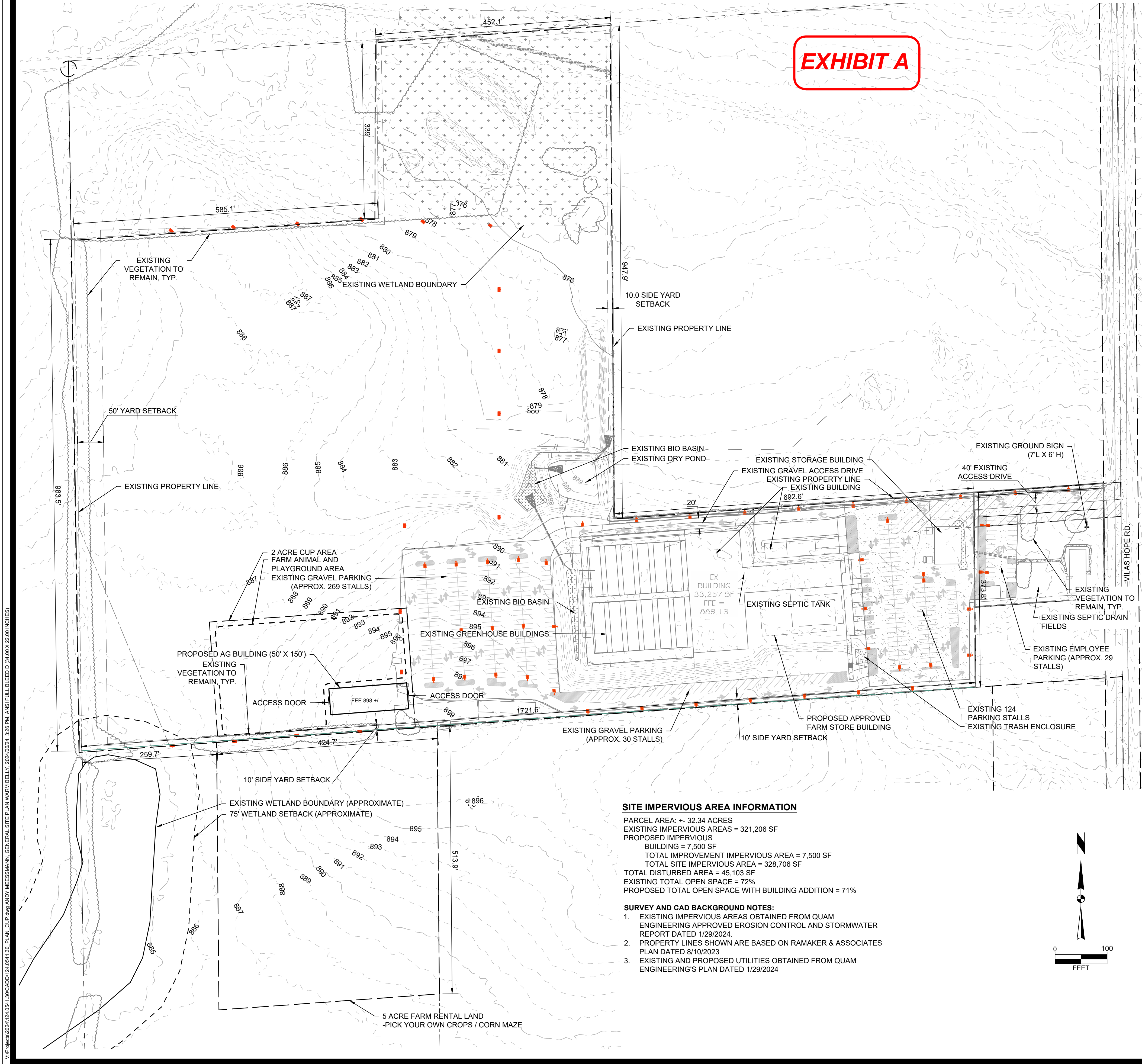
6) **ADJOURNMENT: MOTION** by Muehl/Eickhoff to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 7:45 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 07/24/2024



V:\Projects\2024\124.0541.30 PLAN ANDY HESSMANN GENERAL SITE PLAN WARM BELLY 20240924 3.26 PM ANSI FULL BLEED 0.34 0.00 X 22.00 INCHES



**SITE IMPERVIOUS AREA INFORMATION**

PARCEL AREA: +/- 32.34 ACRES  
EXISTING IMPERVIOUS AREAS = 321,206 SF  
PROPOSED IMPERVIOUS BUILDING = 7,500 SF  
TOTAL IMPROVEMENT IMPERVIOUS AREA = 7,500 SF  
TOTAL SITE IMPERVIOUS AREA = 328,706 SF  
TOTAL DISTURBED AREA = 45,103 SF  
EXISTING TOTAL OPEN SPACE = 72%  
PROPOSED TOTAL OPEN SPACE WITH BUILDING ADDITION = 71%

**SURVEY AND CAD BACKGROUND NOTES:**

- EXISTING IMPERVIOUS AREAS OBTAINED FROM QUAM ENGINEERING APPROVED EROSION CONTROL AND STORMWATER REPORT DATED 1/29/2024.
- PROPERTY LINES SHOWN ARE BASED ON RAMAKER & ASSOCIATES PLAN DATED 8/10/2023
- EXISTING AND PROPOSED UTILITIES OBTAINED FROM QUAM ENGINEERING'S PLAN DATED 1/29/2024

**EXHIBIT A**



**PROPOSED BUILDING IMAGE**

**BUILDING NOTES**

- NOTES:
- PROVIDER: SUIHE LIMITED
  - SIZE / MODEL: 50'W X 150'L X 23'H
  - FRAME: DOUBLE TRUSSED GALVANIZED TUBE
  - FABRIC COVER: WHITE PVC
  - NO BUILDING MOUNTED LIGHTS, SIGNS, OR MECHANICAL UNITS TO BE INCLUDED ON STRUCTURE

**SITE INFORMATION NOTES:**

- SITE ADDRESS OF IMPROVEMENTS: 4311VILAS HOPE ROAD
- SITE PARKING: APPROXIMATELY 452 STALLS
- MAXIMUM NUMBER OF CUSTOMERS: 4,000 WITH AVERAGE STAY TIME OF THREE HOURS (ASSUMED 2-4 CUSTOMERS PER VEHICLE TO DETERMINE PARKING COUNTS)
- MAXIMUM NUMBER OF EMPLOYEES: LONG-TERM GROWTH PLAN OF 10 EMPLOYEES, WITH APPROXIMATELY 10 TO REMAIN FULL TIME YEAR-ROUND (20 TOTAL AT PEAK SEASON)
- LIGHTING DRAWING SUBMITTED WITH THE THIS PACKAGE IS PRELIMINARY ONLY. LIGHTING DESIGN TO BE COMPLETED DURING CONSTRUCTION DRAWINGS AND BUILDING PERMIT PHASE.
- ALL IMPROVEMENTS ARE TO OCCUR ON FARMLAND - NO EXISTING TREES ARE TO BE REMOVED WITH PROPOSED PLAN.

**PROPOSED AREA LIGHT**

- ALL FLOOD LIGHTS FROM PRIOR PLANS SHALL BE REPLACED WITH A DOWNWARD LIGHT AS SHOWN BELOW OR SIMILAR.

**D-Series Size 0 LED Area Luminaire**

**Specifications**

EPA: 0.44 ft<sup>2</sup> (0.04 m<sup>2</sup>)  
Length: 26.18" (66.3 cm)  
Width: 14.06" (35.7 cm)  
Height H1: 2.26" (57 mm)  
Height H2: 7.46" (190 mm)  
Weight: 22.8 lbs (10.4 kg)

**Introduction**

The modern styling of the D-Series features a highly refined aesthetic that blends seamlessly with its environment. The D-Series offers the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire.

The photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. D-Series outstanding photometry aids in reducing the number of poles required in area lighting applications, with typical energy savings of 70% and expected service life of over 100,000 hours.

**Ordering Information**

EXAMPLE: DSX0 LED P6 40K 70CRI T3M MVOLT SPA NLTAR2 PIRHN DOBXD

Series	LEDs	Color temperature	Color Rendering Index	Distribution	Mounting
DSX0 LED	P1 P5	30K 3000K	70CRI	AFR Automotive Street	SPR Square pole mounting (8' drilling 1/2" min. 30-pole)
	P2 P6	30K 3000K	70CRI	T15 Type 1 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P3 P7	30K 3000K	70CRI	T24 Type 2 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P4 P8	30K 3000K	70CRI	T3M Type 3 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P9 P10	30K 3000K	70CRI	T4M Type 4 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P11 P12	30K 3000K	70CRI	T5M Type 5 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P13 P14	30K 3000K	70CRI	T6M Type 6 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P15 P16	30K 3000K	70CRI	T7M Type 7 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P17 P18	30K 3000K	70CRI	T8M Type 8 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P19 P20	30K 3000K	70CRI	T9M Type 9 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P21 P22	30K 3000K	70CRI	T10M Type 10 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P23 P24	30K 3000K	70CRI	T11M Type 11 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P25 P26	30K 3000K	70CRI	T12M Type 12 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P27 P28	30K 3000K	70CRI	T13M Type 13 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P29 P30	30K 3000K	70CRI	T14M Type 14 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P31 P32	30K 3000K	70CRI	T15M Type 15 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P33 P34	30K 3000K	70CRI	T16M Type 16 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P35 P36	30K 3000K	70CRI	T17M Type 17 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P37 P38	30K 3000K	70CRI	T18M Type 18 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P39 P40	30K 3000K	70CRI	T19M Type 19 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P41 P42	30K 3000K	70CRI	T20M Type 20 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P43 P44	30K 3000K	70CRI	T21M Type 21 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P45 P46	30K 3000K	70CRI	T22M Type 22 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P47 P48	30K 3000K	70CRI	T23M Type 23 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P49 P50	30K 3000K	70CRI	T24M Type 24 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P51 P52	30K 3000K	70CRI	T25M Type 25 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P53 P54	30K 3000K	70CRI	T26M Type 26 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P55 P56	30K 3000K	70CRI	T27M Type 27 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P57 P58	30K 3000K	70CRI	T28M Type 28 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P59 P60	30K 3000K	70CRI	T29M Type 29 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P61 P62	30K 3000K	70CRI	T30M Type 30 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P63 P64	30K 3000K	70CRI	T31M Type 31 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P65 P66	30K 3000K	70CRI	T32M Type 32 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P67 P68	30K 3000K	70CRI	T33M Type 33 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P69 P70	30K 3000K	70CRI	T34M Type 34 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P71 P72	30K 3000K	70CRI	T35M Type 35 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P73 P74	30K 3000K	70CRI	T36M Type 36 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P75 P76	30K 3000K	70CRI	T37M Type 37 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P77 P78	30K 3000K	70CRI	T38M Type 38 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P79 P80	30K 3000K	70CRI	T39M Type 39 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P81 P82	30K 3000K	70CRI	T40M Type 40 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P83 P84	30K 3000K	70CRI	T41M Type 41 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P85 P86	30K 3000K	70CRI	T42M Type 42 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P87 P88	30K 3000K	70CRI	T43M Type 43 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P89 P90	30K 3000K	70CRI	T44M Type 44 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P91 P92	30K 3000K	70CRI	T45M Type 45 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P93 P94	30K 3000K	70CRI	T46M Type 46 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P95 P96	30K 3000K	70CRI	T47M Type 47 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P97 P98	30K 3000K	70CRI	T48M Type 48 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P99 P100	30K 3000K	70CRI	T49M Type 49 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)
	P101 P102	30K 3000K	70CRI	T50M Type 50 street	SPA Round pole mounting (8' drilling 1/2" min. 30-pole)

**Shipped installed**

DSX0 LED P6 40K 70CRI T3M MVOLT SPA NLTAR2 PIRHN DOBXD

**Shipped separately**

DSX0 LED P6 40K 70CRI T3M MVOLT SPA NLTAR2 PIRHN DOBXD

**WARM BELLY ADVENTURE FARM**

**GENERAL SITE PLAN WARM BELLY TOWN OF COTTAGE GROVE, DANE, WISCONSIN**

**SNYDER & ASSOCIATES, INC.**



Project No: 124.0541.30

Sheet EXH 1

5010 VOICES ROAD  
MADISON, WISCONSIN 53718  
608-838-0444 | www.snyder-associates.com

Sheet EXH 1



# EXHIBIT B



The following are responses to comments provided by MDRoffers Consulting from 6/19/2024. Responses provided by Snyder & Associates are in bold text.

**TO:** Town of Cottage Plan Commission

**FROM:** Mark Roffers, Town Planner

**DATE:** June 19, 2024

**RE:** Amended Conditional Use Permit and Design Review, Warm Belly Farm

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I received a conditional use permit and design review application to enable amplified music, a storage building and playground, and addition of 5 acres of adjacent land for pick-your-own crops and a corn maze—all associated for this agricultural entertainment operation for which a conditional use permit was originally granted in 2023.

In general, while the conditional use permit action may be timely, action on the design review application is not timely. My comments, particularly those relative to the Town design review ordinance (Chapter 12.08), are as follows:

1. Whenever reviewing an amendment to a previously approved conditional use permit, I suggest asking an applicant to verify that approved plans associated with the original conditional use permit have been executed and all approval conditions met. The 2023 approval conditions focused particularly on driveway, parking, traffic management, and associated stormwater management issues. Satisfaction of some of these conditions was supposed to be coordinated with the Town Highway Superintendent. While it appears much has been done to implement 2023 plans, I suggest that the applicant verify compliance with all approved plans *and* conditions, and indicate where and why some may not have yet been executed if applicable.

**Response: Drawings were submitted and approved through the Town and will be provided with the submittal. The stormwater was recently constructed and asbuilt records are being completed for final approval and bonding. Regarding unexecuted portions of the approved plans, the plans submitted are high level and are being implemented based on strategic financial planning to accommodate the necessary number of guests and crop production, rotation and harvesting times.**

2. The expansion of evening hours, associated lighting, and amplified music might impact nearby residential neighbors without reasonable controls. Submitted materials indicate that “fall and winter agritourism festival hours may be expanded until 9 p.m.,” which seems

to be a reasonable closing time. Still, the frequency and size of “festivals” and other larger events that could keep the facility open until 9 p.m. might have a bigger impact on neighbors than that suggested closing time itself. The operational plan seems to suggest that activities could extend until 9 p.m. up to 7 days per week, and the expected number of larger events seems fairly vague from my read of the materials. I advise that these aspects be discussed further. The application also indicates that amplified music would not exceed 60 decibels (e.g., loudness of normal conversation) within 100 feet of any speaker, and no speaker would be placed within 200 feet of any lot line. This appropriate noise standard ought to be a conditional use permit approval condition, along with the 9 p.m. closing time, plus perhaps some limit on the frequency of larger events requiring significant evening lighting.

**Response:**

**This CUP and plan will be the maximum possible with our current buildings and land. Usually, nighttime activities would be indoors in the garden center or outdoors in the back part of the property.**

**The schedule below provides a tentative outline of events and hours.**

**May- Tulip festival: Usually right before Mother’s Day, 2 weeks, 2-3 weekends. Very few possibilities for night time activities, would be held in back field.**

**Mother’s Day (second Sunday in May): The two weeks after Mother’s Day is busiest for garden center. Very few possibilities for nighttime activities. Activities would be held inside garden center.**

**August, Sunflowers, Date Nights at night: More intimate experience as smallish crowds. 1 or 2 times a week**

**September: Beginning of fall festival with medium crowds. Night activities, if any, would be Saturdays.**

**October: If we reach maximums on weekends, we would expand during the week. Any nighttime activities would be on Fridays and Saturdays.**

**November- December Christmas festival: Parking would be at the front or back parking lot. 3 weekends beginning after Thanksgiving. It gets dark really early. We would be selling Christmas trees, pictures with Santa, hot cocoa, donuts, family activities.**

**Most of the lighting use will be to extend the short nights in the fall when it starts getting dark before 6pm.**

**A sound study was conducted at 90+db in the center of the fields and were unnoticeable under normal conditions at any residence nearby.**

3. I was not involved with the original conditional use permit in 2023. I understand that Town design review approval may not have (yet) been received for any of this project, including the 2023 proposal, pursuant to Section 12.08 of Town ordinances. Aspects of the project for which Town design approval are technically required include:

- a. New gravel parking lot to west of main building cluster, which is about 2.5 acres, and part of the 2023 conditional use permit approval.

**Response: Approved documents are provided.**

- b. New employee parking lot near Vilas Road, which is about 0.2 acre, and also part of the 2023 conditional use permit approval.

**Response: Approved documents are provided.**

- c. Proposed 6,000 square foot farm store between the main cluster of existing buildings and the new employee parking lot, labeled “proposed approved farm store building” on the submitted site plan sheet.

**Response: Similar to comment one, unexecuted portions of the approved CUP were intended for high level approval and will be executed if financially feasible. The Farm Store building will be built per building code and the necessary drawings for approval will be provided at the time it moves forward.**

- d. Newly proposed 2-acre area about ¼ mile west of Vilas Road, within which a 7,500 square foot unlit vinyl hoop shed and a farm animal and playground area are proposed. (This area would be directly north of the 5-acre leased area on the Homburg farm for pick-your-own crops and a corn maze, and directly west of the large parking area approved in 2023.)

**Yes, based on the approval of this CUP, the necessary drawings will be created for approval.**

4. Given its location distant from public roads and residences, it is my opinion that the proposed hoop building meets associated Town design review ordinance requirements. For the “proposed approved farm store building” much closer to Vilas Road, the applicant should supply proposed exterior building elevations indicating proposed exterior materials. Given its location much closer to Vilas Road and existing residences, it should have a much more finished design than the hoop building per Section 12.08(4)(b) of the design review ordinance.

**Response: Similar to comment one, the building will be built when financially feasible based on site visitors. All necessary drawings will be completed at that time. The originally approved lighting plan has been provided with this submittal.**

5. The Town design review ordinance requires submittal of a landscape plan, which should be a scaled plan that indicates the type, size, number, and spacing of all proposed plantings. I am not aware of a landscape plan being submitted with this current application or with the 2023 application. Per Section 12.08(4)(c), new landscape plantings ought to be focused

near the forward parts of the site closest to Vilas Road and nearby residential properties. However, tree plantings in other parts of the site (e.g., in pet/playground area, near farm store walls) would also seem appropriate. As a baseline, plantings are by Town ordinance supposed to consist of the following quantities of planting per each acre of newly-disturbed site area:

- a. Four canopy deciduous trees with a trunk diameter at breast height of at least two inches at time of planting.
- b. Eight ornamental deciduous or evergreen trees, or some combination, with a height of at least four feet at time of planting.
- c. Twenty shrubs with a height of at least eighteen inches at time of planting, perennial planting bed(s) of at least 300 square feet in area, or a combination.

By my measurements in analysis point #3 above, the portion of this site that is “newly-disturbed” under the 2023 conditional use permit and this new request appears to be just under 5 acres, which per 5a-c would require a large number of plantings. It is hard to judge whether there is sufficient site area for this many plantings, unclear how many permanent trees and shrubs are already planted, and uncertain whether the Town feels the parking lot improvements approved under the 2023 conditional use permit are “water under the bridge.” Further, the out-of-the-way location and likely pervious surfaces of many of the “newly-disturbed” areas could be considered. In total, some reduction in the normally-required number of plantings is likely in order. Section 12.08(8) does allow the Town Plan Commission to modify the normal landscaping requirement where undue hardship may result from strict compliance, and this seems reasonable to allow preparation of an appropriate landscape plan for the property. I suggest 7-10 canopy trees, 13-20 ornamental/evergreen trees, and 35-50 shrubs or perennial bed equivalent might be reasonable targets for a new landscape plan (about 1/3 to ½ the normal requirement considering all 2023 and current approvals).

**Response: A design goal of the site is to remain as close to agricultural farmland as possible in terms of use, function, and overall aesthetics. The additional requirement to add landscape based on newly-disturbed site area will impact the ability for the proposed hoop building and farm animal and play area to function for agricultural purposes. There is a large stand of fence row trees we are preserving with this plan that could help justify the need for any further landscaping on the site and help maintain the consistency of traditional farm field aesthetics. Further, added landscape would be a challenge to maintain with the potential of farm animals consuming added landscape.**

**Additional landscape is currently being designed and installed on the east side of the property, immediately adjacent to Vilas Hope Road and the existing single-family home (owner’s residence).**

**Existing tree massing has been included on the an updated site plan indicating significant**



**stands or canopy.**

6. Section 12.08(4)(d) of the Town design review ordinance also indicates that an exterior lighting plan is required and sets standards to promote dark night skies and minimize neighbor impacts. The latest lighting plan appears to be from May 2023, but the lower right hand corner of the new site plan indicating the proposed expansion also includes a “proposed flood light” exhibit. The relationship between the two should be explained. The Town’s standards require that all lighting over 2600 lumens (the LED equivalent of 150 watts) be “completely shielded or recessed into canopies, with the fixtures mounted parallel to the ground (not tilted-up).” The May 2023 plan includes a number of perimeter flood lights proposed at 3500 to 4000 lumens, generally reflected on the new plan too. It does not seem that these flood lights would be mounted parallel to the ground, as normally required by Town ordinance. If not, these flood lights should be replaced with Town-compliant lighting or reduced in intensity to 2600 lumens to become exempt from these Town standards. Another option would be for the Plan Commission to grant a modification to this normal standard, which I cannot recommend. The May 2023 exterior lighting plan otherwise appears compliant with Town ordinance standards, though I recommend a specific approval condition to require all light fixtures to be mounted at 90 degree angles to their poles/parallel to the ground (not tilted up). Tilting up is often an option for light fixtures, which would be inconsistent with the Town ordinance.

**Response: The approved lighting plan has been submitted with this updated CUP and included the 100% build out of what might be needed on the site. This proposed CUP will revise lighting to include a downward pointing area light (see updated plan with cutsheet) throughout the site instead of an area floodlight. The revised fixture is similar to what was proposed at the parking area on the approved CUP from 2023.**

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JULY 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl present. Clerk-Treasurer Kim Banigan and Town Engineer Nick Bubolz were also in attendance.
- 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 June 26, 2024 meeting as printed. **MOTION CARRIED 6-0-1** (Meylor abstained).
- 4) Public Concerns: None.
- 5) Discuss/Consider adoption of Resolution PC2024-07-24 Recommending Approval of the Swalheim Business Park 4-lot preliminary plat: Developer Duane Swalheim was present and the July 16<sup>th</sup> version of the preliminary plat was reviewed (Exhibit A). Discussion items:
  - A memo from Town Planner Mark Roffers suggested that preliminary plat notes 15 and 21 regarding restrictions on Lot 4 be consolidated, and that all 4 lots require tree planting above normal Town ordinance requirements because of trees that were advised to be retained.
  - Bubolz said that a new revision of the plat he received today addressed all of the open items on his Review Letter #4. Two points on his letter were addressed to the Town to decide: 1) He recommended that sight distances on North Star Road indicate a 30-mph speed limit is appropriate and 2) He recommended that North Star Road should be classified as a Neighborhood Connector Street which has a 70' right-of-way. The plat does allow for 35' of right-of-way on the south side of the east-west segment that still needs to be built to Town Road Standards, however the north half is only 24' and does not belong to the developer. Bubolz said the roadway could still be constructed in the available width, with the additional right-of-way dedication to be required with future development to the North. Swalheim said he had a signed agreement to purchase the land to the north, but the seller backed out because he wants to farm it longer. Plan Commission members urged him to pursue purchasing at least the additional right-of-way needed to build the road to the full 70' wide.
  - The half-cul-de-sac that reduces Lot 4 was discussed in depth. Thoughts were that it should be all the way at the east end of North Star Road, however that area is very low. There was a suggestion that the sharp bend when North Star turns to the north could be smoothed out in the future, which could affect the shape of the cul-de-sac. It was suggested that the half cul-de-sac be allowed to remain gravel rather than requiring it to be paved as the rest of the road will be.
  - The 20' drainage easement that splits Lot 2 would reduce buildable area, and was thought to maybe be a residual from a lot line on the earlier 10-lot plat. Bubolz did not think it was necessary, and will talk to the developer's engineer about removing it.
  - Several of the drainage direction arrows seemed to be pointing in the wrong direction, Bubolz will also talk to the developer's engineer about correcting those.

**MOTION** by Muehl/Anders to adopt Resolution PC2024-07-24 Recommending Approval of the Swalheim Business Park 4-lot preliminary plat with the following conditions:

- On the final plat, or in separate restrictions recorded with the final plat, consolidate and reconcile preliminary plat notes 15 and 21. If addressed in separate restrictions, reference those restrictions on the final plat.

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
JULY 24, 2024

- With the final plat, to compensate for the removal of trees advised to be retained by the Town Comprehensive Plan, the final plat shall be accompanied by restrictions that require with the development of Lots 1-4, tree planting above normal Town ordinance requirements.
- The 20' drainage easement that divides lot 2 should be removed if possible.
- Drainage direction arrows should be corrected.
- The east-west segment of North Star Road shall be considered a Neighborhood Connector Street with a 70' right-of-way but bike lanes will not be required, and the half-cul-de-sac does not need to be paved.

**MOTION CARRIED 7-0.**

- 6) Town of Cottage Grove, Applicant, as recommended by Dane County Planning and Development for consistency with the Dane County Farmland Preservation Plan and s. 91.38 Wisconsin Statutes: Rezone of 151.3 acres from FP-35 to AT-35, Rezone of 2.39 acres from FP-35 to NR-C, 22.8 acres from FP-1 to NR-C, and Rezone of 8.51 acres from FP-1 to UTR. See attached list for specific parcels: The Clerk-Treasurer stated that she had mailed notice of tonight's meeting, the proposed rezones, and before and after zoning district fact sheets to each of the affected property owners. She had contact from three of them prior to the meeting, including David Cummings, who was present. He questioned whether the change would have any effect on the assessment of his property, or would lead to any further restrictions related to proximity of the creek. It was stated that assessed value is based on use, not zoning, and that the DNR regulates use around the creek, not zoning. **MOTION** by Anders/Banigan to recommend approval of Rezone of 151.3 acres from FP-35 to AT-35, Rezone of 2.39 acres from FP-35 to NR-C, 22.8 acres from FP-1 to NR-C, and Rezone of 8.51 acres from FP-1 to UTR, see Exhibit B for specific parcels. **MOTION CARRIED 7-0.**
- 7) **ADJOURNMENT: MOTION** by Muehl/Eickhoff to adjourn. **MOTION CARRIED 7-0.** The meeting ended at 8:20 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 08-28-2024

**TOWN OF COTTAGE GROVE  
PLAN COMMISSION RESOLUTION 2024-07-24**

**RECOMMENDING CONDITIONAL APPROVAL OF THE  
PRELIMINARY PLAT OF SWALHEIM BUSINESS PARK**

**WHEREAS**, Duane Swalheim (the “Developer”), on behalf Swalheim 2011 Revocable Trust, which owns the property described as Lot 4, Certified Survey Map No. 16140 (the “Subject Property”) has requested approval of a preliminary plat for the Subject Property; and,

**WHEREAS**, the Developer submitted an application for preliminary plat approval and the preliminary plat review fee to the Town of Cottage Grove (the “Town”); and,

**WHEREAS**, the proposed preliminary plat, Swalheim Business Park, attached hereto as Exhibit A, consists of Lots 1-4 for commercial business development, Outlot 1, and a new street, and is located in the S W ¼ of the SW ¼ of Section 27, T7N, R11E, in the Town; and,

**WHEREAS**, the Plan Commission recommends approval of the Preliminary Plat to the Town Board subject to conditions;

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Town of Cottage Grove as follows:

The Town of Cottage Grove Plan Commission recommends approval of the Swalheim Business Park Preliminary Plat subject to the following conditions:

1. The Developer is required to develop the Preliminary Plat in compliance with all applicable State statutes and Town ordinances and in accordance with generally acceptable engineering standards in the Town, as determined by the Town Engineer.
2. The Developer shall satisfy to the satisfaction of the Town Engineer all items listed in the Town Engineer’s review letter dated June 3 2024, attached hereto as Exhibit B.
3. The Developer shall execute and record one or more temporary grading and construction easement agreements as determined necessary by the Town Engineer, and as approved in form by the Town Attorney.
4. The Developer shall execute and record one or more drainage easement agreements as determined necessary by the Town Engineer, and as approved in form by the Town Attorney.
5. The Developer shall obtain from County Land and Water Resources Department (“LWRD”) all reviews and permits necessary for: (a) soil and erosion control within the Preliminary Plat; and, (b) stormwater management facilities that fully satisfy County requirements and address stormwater runoff issues related to the Preliminary Plat.

6. The Developer shall provide the Town written certification from the Developer's engineer, in the same format as required by County LWRD, that the stormwater management facilities as-built are in compliance with all applicable permits and are operating in accordance with the approved design.
7. The Developer shall establish design requirements and construction standards for the street improvements within the Plat and the improvements to North Star Road related to this Preliminary Plat in accordance with Town specifications as approved by the Town Engineer.
8. The Developer shall enter a Development Agreement with the Town regarding the development of the Preliminary Plat acceptable to the Town Attorney. The Development Agreement shall be drafted by the Town Attorney and reviewed by the Town Engineer and Town Board. When approved by the Town Board, the Development Agreement shall be executed by and between the Developer and Town. The Final Plat shall not be signed by the Town until the Development Agreement is fully executed.
9. The Developer shall obtain written confirmation from the Town Engineer of "no objection" to the Construction Plans and Specifications for all public improvements prior to construction.
10. The Developer shall obtain approval of the Preliminary Plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and present such approval to the Town.
11. The Developer shall obtain written confirmation of appropriate rezoning of the Preliminary Plat from Dane County and present such confirmation to the Town.
12. In addition to those outlined above, the Developer shall obtain all required approvals from other approving authorities, as required by law.
13. The Developer shall promptly reimburse the Town for all costs and expenses incurred by the Town in connection with the review and approval of the Preliminary and Final Plat, including, but not limited to, the costs of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings, or other related professional services.
14. The Plan Commission's recommendation for approval of the Preliminary Plat expires one hundred eighty (180) days from the date of adoption of this Resolution unless the Developer has satisfied all conditions of approval stated herein. Time is of the essence. If the Developer encounters an unforeseen development delay, it shall immediately advise the Town Clerk and may request an extension.



The above and foregoing Resolution was adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 24th day of July, 2024, by a vote of 7 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE PLAN COMMISSION**

  
Kris Hampton, Plan Commission Chair

Attested:

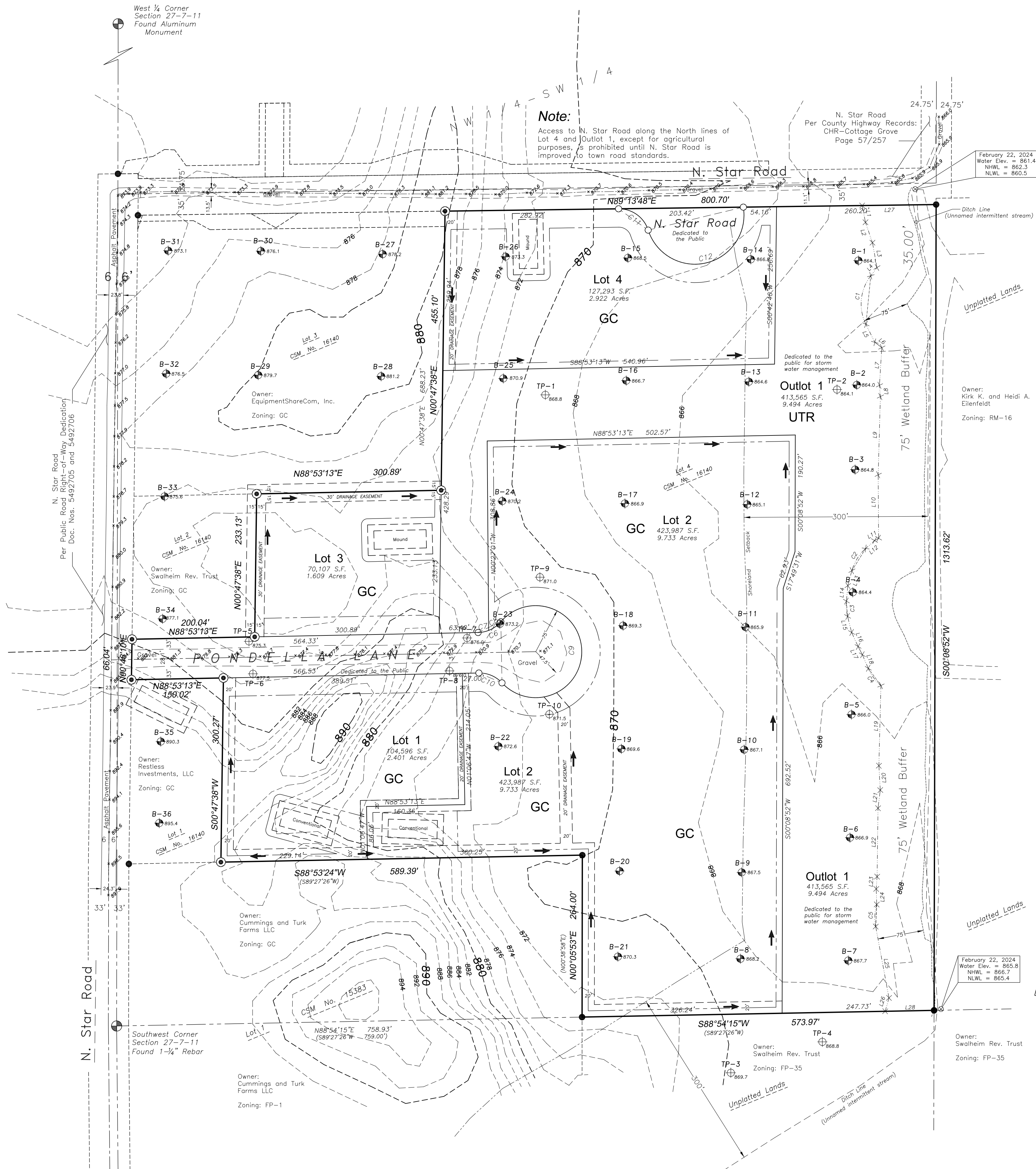
  
Tracy R. Erickson  
Plan Commission Member

Incorporated by Reference:

- Exhibit A Preliminary Plat for Swalheim Business Park
- Exhibit B Town Engineer Review Letter dated July 23, 2024



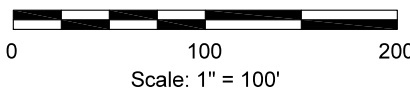
**EXHIBIT A**



## Preliminary Plat

# SWALHEIM BUSINESS PARK

Lot 4, Certified Survey Map No. 16140, recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135 as Document No. 5870098, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin



**Surveyor's Certificate:**

I, Mark A. Pynnönen, Professional Land Surveyor S-2538, do hereby certify that in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the Town of Cottage Grove Code of Ordinances, and under the direction of the owners listed herein, I have surveyed, divided and mapped SWALHEIM BUSINESS PARK and that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed and is a parcel of land as described below:

Lot 4, Certified Survey Map No. 16140, as recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin; Containing 1,208,422 square feet, or 27.742 acres.

Mark A. Pynnonen, PLS No. 2538

**Notes:**

1. The proposed number of lots is 4 with one outlot.
2. Gross area in this preliminary plat = 1,208,422 square feet, or 27,742 acres.
3. This survey is subject to any and all agreements and easements of record and those that may have not been recorded.
4. Before any digging, boring, construction, etc., is done on or near the lands in this subdivision, Diggers Hotline shall be called at 1-800-242-8511 for the safety and liability purposes for all involved.
5. The lands within this subdivision shall be served by underground utilities.
6. The lands within this subdivision are located in UNSHADED ZONE X, areas determined to be outside 0.2% annual chance floodplain, per FEMA Flood Insurance Rate Map, Map No. 55025C0462H, Revised September 17, 2014.
7. The lands within this subdivision are zoned FP-1, Properly zoned for General Commercial District; and UTR, Utility Transportation and ROW District; per Petition Number DCPREZ-2023-11960 pending approval.
8. Contour interval = 2 foot. Vertical datum NAVD '88 ('91). Contours shown are pre-development.
9. Street name Pondella Lane to be approved by Dane County.
10. Utility easements shall be added as required by appropriate utility companies.
11. Pondella Lane and N. Star Road to be dedicated to the public for street purposes.
12. This is a PRELIMINARY PLAT. All distances and areas are approximate and subject to change upon final platting.
13. Lands encompassed by this plat currently used for agricultural purposes.
14. Future lot owners are hereby notified of farming activities in the vicinity.
15. Vehicular access to N. Star Road from Lot 4 or Outlot 1 prohibited except for agricultural purposes until N. Star Road is improved to town road standards.
16. Outlot 1 to be dedicated to the public for storm water management.
17. Wetlands delineation per report prepared by Taylor Conservation LLC, dated June 11, 2021.
18. Individual lot owners responsible for driveway culvert maintenance and/or replacement.
19. Septic areas approximate. Individual lots require testing for precise septic system type and placement.
20. Setbacks for GC zoning: Front/Road, 30 feet; Side, 10 feet; Rear, 10 feet; Septic area/10 feet.
21. Lot 4 to remain unbuildable (no building permits granted) until plans are supplied and approved for the section of N. Star Road along the northern plat line (See Note 15 above).

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C6	50.00'	42.23'	48°23'40"	N64°41'23"E	40.99'
C7	50.00'	17.62'	20°11'23"	N78°47'31"E	17.53'
C8	50.00'	24.61'	28°12'16"	N54°35'41"E	24.37'
C9	75.00'	362.32'	276°47'19"	N01°06'47"W	99.60'
C10	50.00'	42.23'	48°23'40"	N66°54'57"W	40.99'
C11	50.00'	63.71'	73°00'14"	N54°16'05"E	59.48'
C12	80.00'	239.64'	171°37'51"	S76°25'06"E	159.57'

75' Wetland Buffer line

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C1	75.00'	83.98'	64°09'08"	S05°39'46"W	79.66'
C2	75.00'	43.26'	33°02'47"	N31°49'30"E	42.66'
C3	75.00'	25.14'	19°12'21"	N04°27'41"W	25.02'
C4	75.00'	35.19'	26°52'50"	N36°25'13"W	34.86'
C5	75.00'	36.39'	27°48'11"	N02°39'08"E	36.04'

OWNER/SUBDIVIDER

Duane P. and Candace J.  
Swalheim 2011 Revocable Trust  
(Swalheim Rev. Trust)  
436 Connie Street  
Cottage Grove, WI 53527  
608-335-4057

ENGINEER

Quam Engineering  
4604 Siggelkow Road  
McFarland, WI 53558  
608-838-7750

BIRRENKOTT  
SURVEYING

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI 53590  
Phone (608) 837-7463

July 16, 2024

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Sheet 1 of 1

Office Map No. 210194



July 23, 2024

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

Subject: Proposed Swalheim Business Park Construction Plan Review #4

Dear Kim:

We have received the proposed revised construction plans dated July 17, 2024 and proposed preliminary plat dated July 16, 2024 for a development proposed to be located at the southeast corner of North Star Road. The proposed plat is subject to Chapter 15 of the Town's code of Ordinances – Land Division and Planning Code (Revised 03-07-2022). There are a number of items, in part listed below, that should be satisfactorily resolved before approving the construction plans. However, the documents could be approved contingent upon said items.

**Plat Documents**

- The swales will require driveway culverts. Sizing calculations should be submitted to confirm the 18-inch proposed size is adequate for lots 3 and 4.

**Sheet C-4 and C-5**

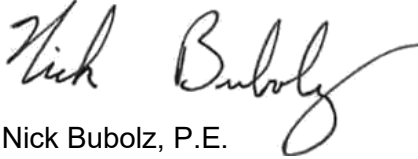
- Roadway detail shall have an asphaltic binder thickness of 2.25".
- The Developer's connection with North Star Road sight distance standards for the connection with North Star Road indicated 30 mph. It is recommended the speed be adjusted.

**Sheet C-6 and C-9**

- Provide the necessary sheet showing the permanent drainage easement going north for the culvert at station 231+25 to a water of the state.
- Roadway detail shall have an asphaltic binder thickness of 2.25".
- With the cul-de-sac not constructed at the end of the parcel, it could hinder future development. The Town can decide to address this when the field north of North Star Road (east/west segment) is developed.
- The board shall discuss if N. Star Road should be classified as part of the Neighborhood Connector Streets for a roadway detail including 5-foot bike lanes with the potential to connect to Nora Road and/or Natvig Road.

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, reading "Nick Bubolz". The signature is fluid and cursive, with the first name "Nick" and last name "Bubolz" clearly legible.

Nick Bubolz, P.E.

cc: Mr. Kris Hampton, Town of Cottage Grove (*via email*)  
Mr. Dan Dresen, Town of Cottage Grove (*via email*)  
Mr. Adam Ryan, P.E., Quam Engineering, LLC (*via email*)

NRB:nrb

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**Plan Commission Resolution 2024-07-24**  
**Recommending Conditional approval of the Preliminary Plat of**  
**Swalheim Business Park**

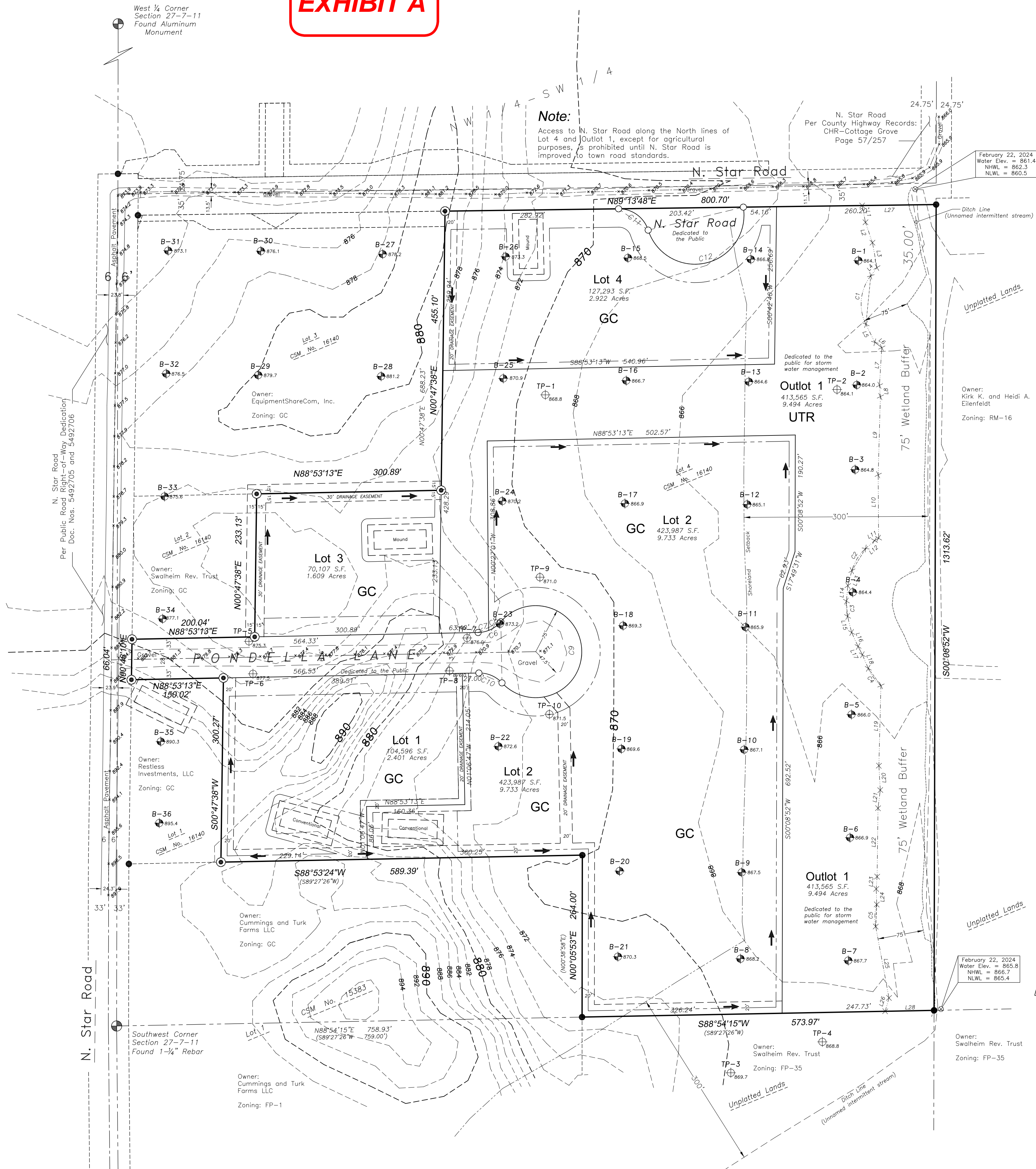
Anber Steele  
Deputy Clerk

(print name)

Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_



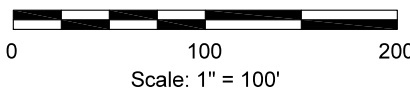
# EXHIBIT A



## Preliminary Plat

# SWALHEIM BUSINESS PARK

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6. The lands within this subdivision are located in UNSHADED ZONE X, areas determined to be outside 0.2% annual chance floodplain, per FEMA Flood Insurance Rate Map, Map No. 55025C0462B, Revised September 17, 2014.
7. Properly currently zoned FP-1. Proposed zoning GC, General Commercial District, for UTR, Transportation and ROW District; per Petition Number DCPREZ-233-11960 pending approval.
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July 16, 2024

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Sheet 1 of 1

Office Map No. 210194



**TOWN OF COTTAGE GROVE  
PLAN COMMISSION RESOLUTION 2024-07-24**

**RECOMMENDING CONDITIONAL APPROVAL OF THE  
PRELIMINARY PLAT OF SWALHEIM BUSINESS PARK**

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**WHEREAS**, the Developer submitted an application for preliminary plat approval and the preliminary plat review fee to the Town of Cottage Grove (the “Town”); and,

**WHEREAS**, the proposed preliminary plat, Swalheim Business Park, attached hereto as Exhibit A, consists of Lots 1-4 for commercial business development, Outlot 1, and a new street, and is located in the S W ¼ of the SW ¼ of Section 27, T7N, R11E, in the Town; and,

**WHEREAS**, the Plan Commission recommends approval of the Preliminary Plat to the Town Board subject to conditions;

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Town of Cottage Grove as follows:

The Town of Cottage Grove Plan Commission recommends approval of the Swalheim Business Park Preliminary Plat subject to the following conditions:

1. The Developer is required to develop the Preliminary Plat in compliance with all applicable State statutes and Town ordinances and in accordance with generally acceptable engineering standards in the Town, as determined by the Town Engineer.
2. The Developer shall satisfy to the satisfaction of the Town Engineer all items listed in the Town Engineer’s review letter dated June 3 2024, attached hereto as Exhibit B.
3. The Developer shall execute and record one or more temporary grading and construction easement agreements as determined necessary by the Town Engineer, and as approved in form by the Town Attorney.
4. The Developer shall execute and record one or more drainage easement agreements as determined necessary by the Town Engineer, and as approved in form by the Town Attorney.
5. The Developer shall obtain from County Land and Water Resources Department (“LWRD”) all reviews and permits necessary for: (a) soil and erosion control within the Preliminary Plat; and, (b) stormwater management facilities that fully satisfy County requirements and address stormwater runoff issues related to the Preliminary Plat.

6. The Developer shall provide the Town written certification from the Developer's engineer, in the same format as required by County LWRD, that the stormwater management facilities as-built are in compliance with all applicable permits and are operating in accordance with the approved design.
7. The Developer shall establish design requirements and construction standards for the street improvements within the Plat and the improvements to North Star Road related to this Preliminary Plat in accordance with Town specifications as approved by the Town Engineer.
8. The Developer shall enter a Development Agreement with the Town regarding the development of the Preliminary Plat acceptable to the Town Attorney. The Development Agreement shall be drafted by the Town Attorney and reviewed by the Town Engineer and Town Board. When approved by the Town Board, the Development Agreement shall be executed by and between the Developer and Town. The Final Plat shall not be signed by the Town until the Development Agreement is fully executed.
9. The Developer shall obtain written confirmation from the Town Engineer of "no objection" to the Construction Plans and Specifications for all public improvements prior to construction.
10. The Developer shall obtain approval of the Preliminary Plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and present such approval to the Town.
11. The Developer shall obtain written confirmation of appropriate rezoning of the Preliminary Plat from Dane County and present such confirmation to the Town.
12. In addition to those outlined above, the Developer shall obtain all required approvals from other approving authorities, as required by law.
13. The Developer shall promptly reimburse the Town for all costs and expenses incurred by the Town in connection with the review and approval of the Preliminary and Final Plat, including, but not limited to, the costs of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings, or other related professional services.
14. The Plan Commission's recommendation for approval of the Preliminary Plat expires one hundred eighty (180) days from the date of adoption of this Resolution unless the Developer has satisfied all conditions of approval stated herein. Time is of the essence. If the Developer encounters an unforeseen development delay, it shall immediately advise the Town Clerk and may request an extension.



The above and foregoing Resolution was adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 24th day of July, 2024, by a vote of 7 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE PLAN COMMISSION**

  
Kris Hampton, Plan Commission Chair

Attested:

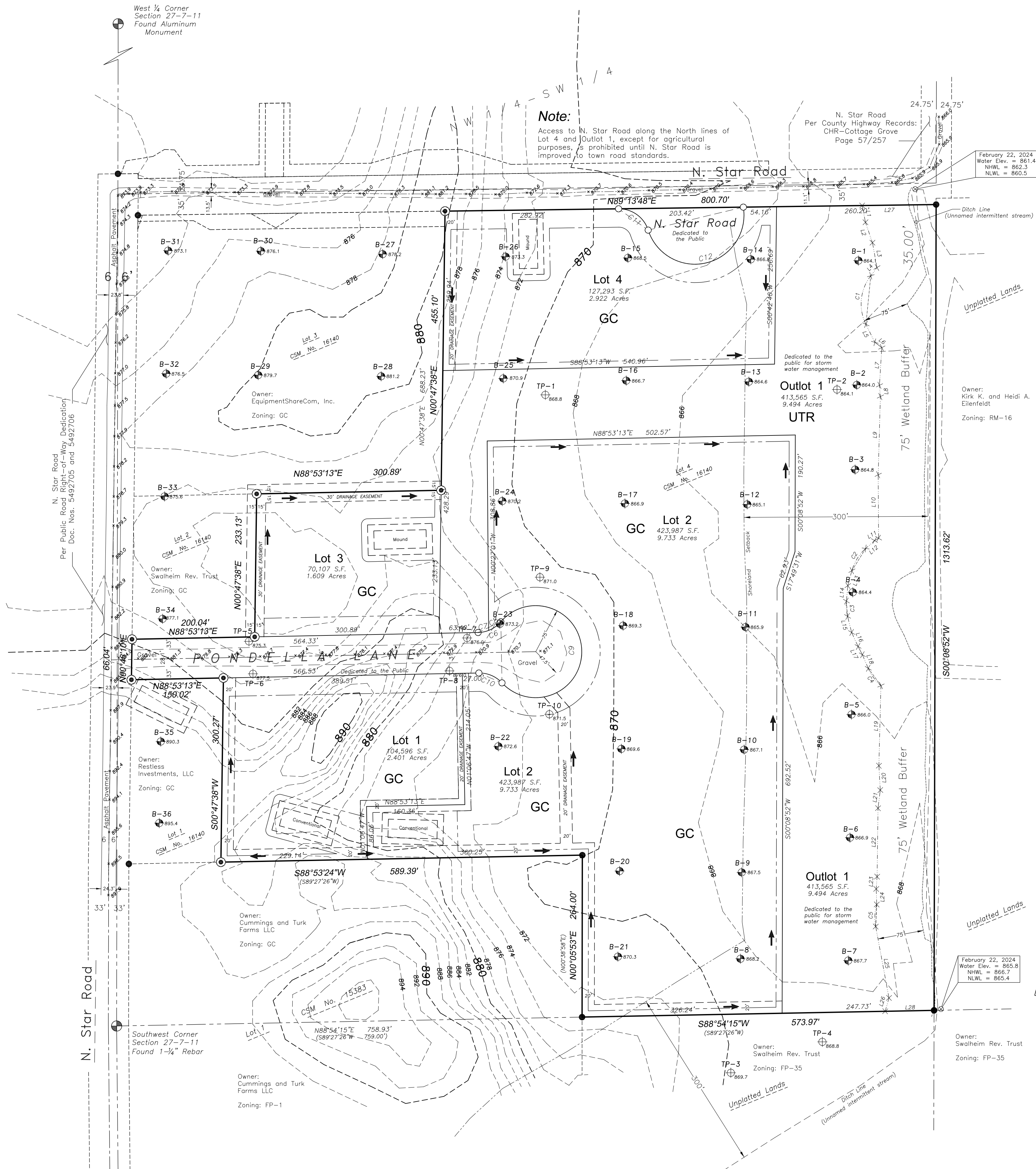
  
Tracy R. Erickson  
Plan Commission Member

Incorporated by Reference:

- Exhibit A Preliminary Plat for Swalheim Business Park
- Exhibit B Town Engineer Review Letter dated July 23, 2024



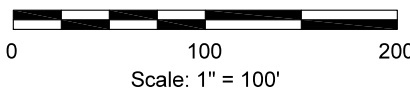
**EXHIBIT A**



## Preliminary Plat

# SWALHEIM BUSINESS PARK

Lot 4, Certified Survey Map No. 16140, recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135 as Document No. 5870098, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin



**Surveyor's Certificate:**

I, Mark A. Pynnönen, Professional Land Surveyor S-2538, do hereby certify that in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the Town of Cottage Grove Code of Ordinances, and under the direction of the owners listed herein, I have surveyed, divided and mapped SWALHEIM BUSINESS PARK and that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed and is a parcel of land as described below:

Lot 4, Certified Survey Map No. 16140, as recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin; Containing 1,208,422 square feet, or 27.742 acres.

Mark A. Pynnonen, PLS No. 2538

**Notes:**

1. The proposed number of lots is 4 with one outlot.
2. Gross area in this preliminary plat = 1,208,422 square feet, or 27,742 acres.
3. This survey is subject to any and all agreements and easements of record and those that may have not been recorded.
4. Before any digging, boring, construction, etc., is done on or near the lands in this subdivision, Diggers Hotline shall be called at 1-800-242-8511 for the safety and liability purposes for all involved.
5. The lands within this subdivision shall be served by underground utilities.
6. The lands within this subdivision are located in UNSHADED ZONE X, areas determined to be outside 0.2% annual chance floodplain, per FEMA Flood Insurance Rate Map, Map No. 5502SC0462H, Revised September 17, 2014.
7. The lands within this subdivision are zoned FP-1, Professional General Commercial District; and UTR, Utility Transportation and ROW District; per Petition Number DCPREZ-2023-11960 pending approval.
8. Contour interval = 2 foot. Vertical datum NAVD '88 ('91). Contours shown are pre-development.
9. Street name Pondella Lane to be approved by Dane County.
10. Utility easements shall be added as required by appropriate utility companies.
11. Pondella Lane and N. Star Road to be dedicated to the public for street purposes.
12. This is a PRELIMINARY PLAT. All distances and areas are approximate and subject to change upon final platting.
13. Lands encompassed by this plat currently used for agricultural purposes.
14. Future lot owners are hereby notified of farming activities in the vicinity.
15. Vehicular access to N. Star Road from Lot 4 or Outlot 1 prohibited except for agricultural purposes until N. Star Road is improved to town road standards.
16. Outlot 1 to be dedicated to the public for storm water management.
17. Wetlands delineation per report prepared by Taylor Conservation LLC, dated June 11, 2021.
18. Individual lot owners responsible for driveway culvert maintenance and/or replacement.
19. Septic areas approximate. Individual lots require testing for precise septic system type and placement.
20. Setbacks for GC zoning: Front/Road, 30 feet; Side, 10 feet; Rear, 10 feet; Septic area/10 feet.
21. Lot 4 to remain unbuildable (no building permits granted) until plans are supplied and approved for the section of N. Star Road along the northern plat line (See Note 15 above).

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C6	50.00'	42.23'	48°23'40"	N64°41'23"E	40.99'
C7	50.00'	17.62'	20°11'23"	N78°47'31"E	17.53'
C8	50.00'	24.61'	28°12'16"	N54°35'41"E	24.37'
C9	75.00'	362.32'	276°47'19"	N01°06'47"W	99.60'
C10	50.00'	42.23'	48°23'40"	N66°54'57"W	40.99'
C11	50.00'	63.71'	73°00'14"	N54°16'05"E	59.48'
C12	80.00'	239.64'	171°37'51"	S76°25'06"E	159.57'

75' Wetland Buffer line

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C1	75.00'	83.98'	64°09'08"	S05°39'46"W	79.66'
C2	75.00'	43.26'	33°02'47"	N31°49'30"E	42.66'
C3	75.00'	25.14'	19°12'21"	N04°27'41"W	25.02'
C4	75.00'	35.19'	26°52'50"	N36°25'13"W	34.86'
C5	75.00'	36.39'	27°48'11"	N02°39'08"E	36.04'

OWNER/SUBDIVIDER

Duane P. and Candace J.  
Swalheim 2011 Revocable Trust  
(Swalheim Rev. Trust)  
436 Connie Street  
Cottage Grove, WI 53527  
608-335-4057

ENGINEER

Quam Engineering  
4604 Siggelkow Road  
McFarland, WI 53558  
608-838-7750



L:\2021\210194-Swalheim\210194-Preliminary Plat v6

Sheet 1 of 1

Office Map No. 210194



July 23, 2024

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

Subject: Proposed Swalheim Business Park Construction Plan Review #4

Dear Kim:

We have received the proposed revised construction plans dated July 17, 2024 and proposed preliminary plat dated July 16, 2024 for a development proposed to be located at the southeast corner of North Star Road. The proposed plat is subject to Chapter 15 of the Town's code of Ordinances – Land Division and Planning Code (Revised 03-07-2022). There are a number of items, in part listed below, that should be satisfactorily resolved before approving the construction plans. However, the documents could be approved contingent upon said items.

**Plat Documents**

- The swales will require driveway culverts. Sizing calculations should be submitted to confirm the 18-inch proposed size is adequate for lots 3 and 4.

**Sheet C-4 and C-5**

- Roadway detail shall have an asphaltic binder thickness of 2.25".
- The Developer's connection with North Star Road sight distance standards for the connection with North Star Road indicated 30 mph. It is recommended the speed be adjusted.

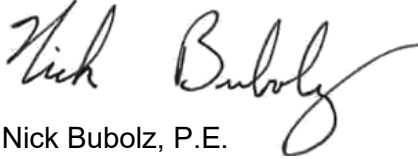
**Sheet C-6 and C-9**

- Provide the necessary sheet showing the permanent drainage easement going north for the culvert at station 231+25 to a water of the state.
- Roadway detail shall have an asphaltic binder thickness of 2.25".
- With the cul-de-sac not constructed at the end of the parcel, it could hinder future development. The Town can decide to address this when the field north of North Star Road (east/west segment) is developed.
- The board shall discuss if N. Star Road should be classified as part of the Neighborhood Connector Streets for a roadway detail including 5-foot bike lanes with the potential to connect to Nora Road and/or Natvig Road.



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, reading "Nick Bubolz". The signature is fluid and cursive, with the first name "Nick" and last name "Bubolz" clearly legible.

Nick Bubolz, P.E.

cc: Mr. Kris Hampton, Town of Cottage Grove (*via email*)  
Mr. Dan Dresen, Town of Cottage Grove (*via email*)  
Mr. Adam Ryan, P.E., Quam Engineering, LLC (*via email*)

NRB:nrb

J:\JOB#S\Cottage Grove\CG-46-M6 Swalheim Development\2. Client Correspondence\Review Letter - 4th.docx

[illegible]

Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
AUGUST 28, 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl present. Clerk-Treasurer Kim Banigan took minutes. Town Planner Mark Roffers 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 July 24, 2024 meeting as printed. **MOTION CARRIED 6-0-1** (Meylor abstained).
- 4) Public Concerns: Donald Viney, 2093 US Hwy 12/18, said he has purchased approximately 56 acres at the south-west corner of North Star Road at US Hwy 12/18, and would like to commercially develop approximately 21 acres of it, leaving the other 35 acres as farmland. He provided a preliminary map showing where the division between commercial and agricultural use of the property may be. He asked if the Plan Commission had ideas about how they would like to see the commercial portion configured/divided. He was advised by the Plan Commission and Roffers to talk to the Hustons to find out where they may be planning a road to the east that could be connected to his in order to provide a through road between Natvig and North Star Roads, and to get an understanding of the market to minimize the need to rezone/redivide the property lot by lot as they sell (realizing this is difficult to predict). He was also advised that he will need to begin with a Comprehensive Development/Concept Plan for entire property he purchased. He should review the permitted uses in the General Commercial zoning district to be ready to state which he would/would not want allowed on the property he sells. Roffers also advised that part of the property has "wetland indicators" and his first step should be to have a wetland delineation performed.
- 5) Silvin Kurt, Petitioner, Silvin F & Rosemary C Kurt Rev Tr, property owner: Petition to renew CUP 2478 for a secondary farm residence at 4558 Ridge Road (DCPCUP-2024-02638): Silvin, Doug and Tyler Kurt were all in attendance. It was stated that a previous CUP from the 1990s allowed for a secondary farm residence (mobile home) that Doug's family occupied until 2004. That was removed and the current CUP was approved five years ago with a five-year expiration date. The current mobile home is occupied by Tyler Kurt's family, and they asked if it could be permanent. The 8 standards for CUP review were all considered satisfied. **MOTION** by Anders/Eickhoff to approve the renewal of the CUP for a secondary farm residence at 4558 Ridge Road for as long as it is occupied by a farm employee. **MOTION CARRIED 7-0.**
- 6) Discuss/Consider adoption of Resolution 2024-08-28 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan: Roffers presented his memo (Exhibit A) outlining the proposed revisions. Discussion was had regarding the following items:
  - Holding Tank Amendments: Anders asked if a business could ever be too big for a holding tank to be allowed. Roffers said that above a certain size, when there is industrial waste involved, Dane County Public Health does not review it anymore, but it gets kicked up to the WDNR.
  - Increasing the Transfer of Development Rights ration from 8:1 to 10:1: Eickhoff asked how Roffers came with his recommendation of 10:1. Roffers said it is not a perfect science, but he took into consideration that the price to develop land has gone up higher than the rate of inflation, and whether we have been getting the amount of development activity we would like to see at the current level. Hampton asked if leftover RDUs can be banked and sold to another developer in the Neighborhood Development area (i.e. developer who does not have enough land to use all 8 – or 10 if the ratio is



TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
AUGUST 28, 2024

increased). Roffers said this was prohibited with the 2022 amendment to the Comprehensive Plan at the strong urging of County planning staff due to the accounting challenges.

- The ¼ mile radius around the Village of Cottage Grove that can be developed without transfer of development rights: Discussion was that portions of future phases of Kennedy Hills being eligible under this policy were a surprise, and thoughts were that eligible parcels should be mapped to show a clearer picture of what they were. The question was whether parcels should be required to be all-in or partially in.

**MOTION** by Eickhoff/Anders to table until the September 25<sup>th</sup> meeting, and directing Roffers to draft a map showing eligible parcels, which were defined as having more than 50% of their area within ¼ mile of the Village of Cottage Grove boundary as of July 5, 2022. **MOTION CARRIED 7-0.**

- 7) **ADJOURNMENT: MOTION** by Anders/Eickhoff to adjourn. **MOTION CARRIED 7-0.** The meeting ended at 8:40 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 09-25-2024

To: Town of Cottage Grove Plan Commission

From: Mark Roffers, Town Planning Consultant

Date: August 20, 2024

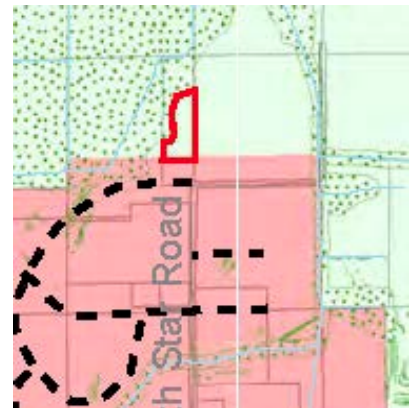
Re: Recommendation on Potential Comprehensive Plan Amendments

Early this year, as part of the Town's every-other-year Comprehensive Plan amendment cycle, the Plan Commission received a handful of requests for potential Plan amendments. At its March meeting, the Commission provided advice on how to handle those requests and suggested a couple of others including direction on associated research. Since then, we have completed such research, attempted to reach out to property owners at the north end of North Star Road, and waited for the proposal to extend sanitary sewer service to the Highway 12/18/N interchange area to resolve.

I am now prepared to share a set of proposed Comprehensive Plan amendments for the Commission's consideration, included in the attached Resolution 2024-8-28 that the Commission could adopt (or adapt and adopt). This resolution would be the Commission's tool to recommend Plan changes to the Town Board, before which a public hearing notice would need to be posted. The following is a description and rationale for the proposed amendments:

### Map Amendments

- Items 1, 2, 15, 16 in Exhibit A to the attached resolution.
- Amendments to Maps 1 and 2 of the Conditions and Issues volume of the Comprehensive Plan are intended to keep those background maps fresh and correct.
- One proposed amendment to Map 16—Future Land Use and Transportation would illustrate the  $\frac{1}{4}$  radius from the Village of Cottage Grove within which transferred RDUs are not required to develop residential subdivisions, per a policy change the Town previously adopted.
- The second proposed amendment would redesignate the remaining developable acreage of parcel 0711-284-8001-0 (owned by Dave Zielke) to the "Commercial Development Area" as outlined in red on the map crop to the right. The Town Clerk also asked Larry Skaar, the owner of parcel



0711-284-8500-3 to its immediate east, if he had similar interest, and he did not. That parcel's northern frontage along the underimproved east-west segment of North Star Road is already planned for future commercial use.

#### **County Landfill Related Amendments**

- Items 3, 19, 20 in Exhibit A to the attached resolution.
- Item 3 attempts to relay my current understanding of the status of the siting of the new landfill southwest of the Highway 12/18/AB interchange.
- Items 19 and 20 are general policy approaches the Town may consider going forward.

#### **McFarland East Side Plan Related Amendments**

- Items 4 and 21 in Exhibit A to the attached resolution.
- Item 4 attempts to relay my current understanding of this 2023 McFarland Plan affecting lands near the southwest corner of the Town, including its differences with the Town Plan and the Madison-Cottage Grove intergovernmental agreement.
- Item 21 reinforces a statement of interest from the Town for a boundary agreement with McFarland, enhancing the short list of issues described in the 2022 Town Plan with new issues that McFarland's 2023 plan seems to raise.

#### **Transfer of Development Rights (TDR) Ratio Change**

- Items 5, 6, 7, 8, 9 of Exhibit A to the attached resolution.
- My research and opinion suggests that a modest TDR ratio increase from 8:1 to 10:1 for rights transferred to the planned "Neighborhood Development Area" is in order.
- Contributing factors include land and building price increases that have outstripped inflation, higher interest rates that are unlikely to reach sub-3% levels for many years, very limited TDR and subdivision activity in the Town over the past several years, and proximity of other towns in the area (e.g., Bristol) where rural subdivisions are allowed without requiring transferred development rights.
- I am not certain that this modest increase will be sufficient to change some of the above dynamics. I do know that once a policy gets loosened, it is hard to go back if the mark is overshot.

#### **Dark Sky Lighting Amendments**

- Items 10, 11 of Exhibit A to the attached resolution.
- Proposed changes refer to addressing residential lighting through private covenants and commercial lighting mainly by reference to the Town's Design Review Ordinance.



### **High-Quality Commercial Building Promotion Amendments**

- Items 12, 17 of Exhibit A to the attached resolution.
- Refers to already existing photos in the Plan and adds two new photos to provide a visual representation of the Town's ideal for new commercial buildings along North Star Road and elsewhere.
- I advise that any further upgrades to commercial building and site/landscape design standards take the form of amendments to the Town's Design Review ordinance if the Plan Commission would like to pursue them.

### **Holding Tank Allowance Amendments**

- Items 13, 14, 18 of Exhibit A to the attached resolution.
- Would allow holding tanks as a "system of last resort" for new commercial development only, subject to up-front agreements and the ability of the Town and County to direct pumping and other maintenance if the owner would fail to do so.
- Based on research of Dane County sanitary ordinance (Chapter 46) and my interview with a County Sanitarian, who was familiar with the interest along North Star Road.

I will be prepared to answer questions about any of these proposed amendments at the August Plan Commission meeting.

Attachment: Proposed Plan Commission resolution recommending amendments to the Town Comprehensive Plan

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 of 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 23<sup>rd</sup>, 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.**

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
SEPTEMBER 25, 2024

- 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.**



TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
SEPTEMBER 25, 2024

- 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

**TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
RESOLUTION 2024-09-25**

**RECOMMENDING CONDITIONAL APPROVAL OF THE  
FINAL PLAT OF SWALHEIM BUSINESS PARK**

**WHEREAS**, the Town Board for the Town of Cottage Grove (the “Town”) granted preliminary plat approval for the Swalheim Business Park plat on August 5, 2024;

**WHEREAS**, Duane Swalheim and Candace Swalheim, collectively the “Developer”, have submitted an application for final plat approval to the Town; and,

**WHEREAS**, the proposed final plat for Swalheim Business Park generally conforms to the requirements of Wis. Stat. § 236.20 and Town Ordinance § 15.05, but requires additional modifications to fully comply with State statutes, preliminary plat approval conditions, Town Ordinances and the applicable Development Agreement, to be approved by the Town Board, and to be recorded with the Dane County;

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Town of Cottage Grove as follows:

1. The Plan Commission recommends conditional approval of the final plat for Swalheim Business Park to the Town Board, subject to the following conditions:
  - a. The Developer shall submit the proposed final plat to all private utilities, communications providers, and the post office serving the plat area for identification of easements to deliver services to the Plat and provide verification of such submission to the Town.
  - b. The Developer shall submit the plans, profiles, and specifications required by Town Ordinances §§ 15.07(3), 15.11(1) to the Town.
  - c. The Developer shall submit any tests required under Town Ordinance § 15.07(4) to the Town Engineer.
  - d. The Developer shall verify the drainage arrows along the south and west property lines for Lot 1 and along the east property line for Lot 4.
  - e. The Plat shall depict the drainage easement at the southwest corner of the Pondella Lane.
  - f. The Developer shall provide a Declaration of the Covenants for the Plat for review and approval by the Town Attorney and Town Board, which shall be recorded upon such approval and prior to any lot sale or building permit.

- g. A note shall be added to the Plat stating that "The costs of maintenance for the stormwater management facilities located on the Plat shall be the responsibility of the following lots: TBD. If the Town performs the maintenance, the costs will be special assessed to the benefitting lots." The Developer shall verify and input the lots that will use the stormwater management facilities in the Plat.
2. The Final Plat shall not be submitted for recording until the Town has verified the Developer's compliance with each of the conditions set forth herein.

This Resolution was duly adopted by the Plan Commission of the Town of Cottage Grove, Dane County, Wisconsin at a meeting on September 25, 2024, by a vote of 7 in favor, 0 opposed, and 0 not voting.

TOWN OF COTTAGE GROVE PLAN COMMISSION

By: Kris Hampton  
Kris Hampton, Chair of Plan Commission

Attested by:

Kim Banigan  
Kim Banigan, Town Clerk

Incorporated by Reference:

- Final Plat for Swalheim Business Park

# MI Manufacturing & Industrial Zoning District

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

**EXHIBIT A**

## 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)

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

## Conditional Uses 10.282(3)

- Asphalt and concrete production
- Biodiesel and ethanol manufacturing
- Biopower facilities for distribution & sales
- Communication towers
- Commercial processing or composting of organic by-products or wastes
- Demolition material disposal sites
- Dumping grounds
- Incinerator sites
- Manure processing facilities
- Processing or composting of organic by-products or wastes
- Mineral extraction operations
- Salvage & salvage recycling operations
- Solid waste disposal or recycling operations
- Stockyards, livestock auction facilities
- Storage of explosive materials
- 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

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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.

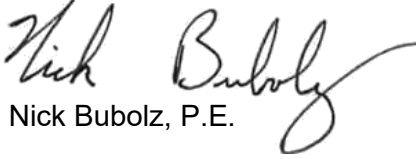


- m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town. Standard met, if suggestion in k. above satisfied.*
- n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into 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.

A handwritten signature in black ink, reading "Nick Bubolz". The signature is fluid and cursive, with the first name "Nick" and last name "Bubolz" clearly distinguishable.

Nick Bubolz, P.E.

NRB:nrb

J:\JOB#S\Cottage Grove\CG-48-M6 Kennedy Hills Phase 2\2. Client Correspondence\Review Letter 2.docx

N

# EXHIBIT D

W

E



S

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
OCTOBER 23, 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl present. Clerk-Treasurer Kim Banigan took minutes. Town Engineer Nick Bubolz and Town Planner Mark Roffers were also present.
- 2) Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Anders/Meylor to approve the minutes of the September 25, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) 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 (Tabled from the September 25<sup>th</sup> meeting): Clemens and his engineer Christine Pelto from MSA were present. Town Engineer Bubolz stated his review letter dated 10/21/2024 (Exhibit A) included just a few outstanding items, none of them major, and that approval contingent to them being addressed would be ok with him. He had conversed with the developer's engineer regarding temporary ponds to manage any stormwater runoff toward the north before the larger ponds are built for the third phase. Pelto confirmed they are working with the County on the stormwater plan and street names.

Graydon Giesfeldt, 4535 Sundance Ct, stated that a study showed the ground water table in the American Heritage area dropped 25' between 1978 and 2005, which he attributed to new homes built during that time. He asked that a study be done to determine what effect Kennedy Hills will have on the groundwater level, and wanted to know who will pay for deeper wells for existing homes if it falls below them.

Tony Arts, 2231 Wooded Ridge Trail, thought wells in phase one were 250-270 feet deep. He wanted to know if First Addition homeowners would join phase one covenants for maintenance of stormwater Outlot 1, or have their own covenants. Comments were that they would join in responsibility for maintaining Outlot 1.

Barbara Pauplis, owner of 2177 Wooded Ridge Trail, wanted mature trees on the east side of the First Addition to be maintained for separation from American Heritage.

- 6) Discuss/Consider adoption of Resolution 2024-10-23a Recommending Conditional Approval of the Preliminary Plat for Kennedy Hills First Addition: **MOTION** by Anders/Banigan to adopt Resolution 2024-10-23a Recommending Conditional Approval of the Preliminary Plat of Kennedy Hills First Addition, adding the following as item p: The Town Engineer, at the developer's expense, shall investigate historical groundwater levels and what impact these additional homes may have on it. **MOTION CARRIED 6-0-1** (Muehl abstained).
- 7) Discuss/Consider adoption of Resolution 2024-10-23b Recommending Amendments to the Town of Cottage Grove Comprehensive Plan: Roffers presented his recommendation memo (Exhibit B). Discussion topics:
  - Map 16 illustrates the ¼ mile radius from the Village of Cottage Grove 2022 limits within which transferred RDUs are not required for residential development. The related language states that a majority of the parcel must be within the radius, and Roffers said he has the data to measure



TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
OCTOBER 23, 2024

individual parcels as they come up. Eickhoff wondered if the total qualifying acres under this parcel are known. Roffers said he has not figured that out.

- Increasing the RDU ratio from 8:1 to 10:1: Eickhoff wondered if it was necessary, Hampton agreed with Roffers' suggestion that building and interest rates justify it.
- Redesignating parcel 0711-284-8001-0 to the Commercial Development Area. This was due to a request by the property owner. Eickhoff was opposed to this.
- Roffers suggested that if the Plan Commission adopts the resolution tonight, he could run it past Dane County Planning staff before it goes to the Town Board in case they have objections that could be addressed first.

**MOTION** by Anders/Muehl to adopt Resolution 2024-10-23b as drafted. **MOTION CARRIED 6-1-0** (Eickhoff opposed based on parcel 0711-284-8001-0).

- 8) **ADJOURNMENT: MOTION** by Eickhoff/Muehl to adjourn. **MOTION CARRIED 7-0**. The meeting ended at 8:15 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 11-26-2024

**TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
RESOLUTION 2024-10-23a**

**RECOMMENDING CONDITIONAL APPROVAL OF THE  
PRELIMINARY PLAT OF KENNEDY HILLS FIRST ADDITION**

**WHEREAS**, Dunroven Ridge, LLC (the “Developer”) has submitted an application for preliminary plat approval to the Town, for Kennedy Hills First Addition, a single-family residential development;

**WHEREAS**, the proposed Kennedy Hills First Addition preliminary plat attached hereto as Exhibit A, consists of Lots 17-36 for single family residential development, an Outlot, and public street improvements, and is located in part of the SW ¼ of the SE ¼ of Section 3 and part of the NW ¼ of the NE ¼ of Section 10, Town 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin;

**WHEREAS**, the proposed Kennedy Hills First Addition preliminary plat has been reviewed by the Town Engineer and Town Planner, who have determined the Developer’s proposed preliminary plat meets the Town’s requirements for preliminary plat approval;

**WHEREAS**, the proposed Kennedy Hills First Addition preliminary plat generally conforms to the requirements of Town Ordinance§ 15.07;

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Town of Cottage Grove as follows:

1. The Plan Commission recommends approval of the preliminary plat for Kennedy Hills First Addition subject to the following conditions:
  - a. The Developer is required to develop the preliminary plat in compliance with all applicable State statutes and Town ordinances and in accordance with generally accepted engineering standards and practices;
  - b. The Developer shall include on the preliminary plat any drainage or utility easement as determined necessary by the Town Engineer;
  - c. The Developer shall obtain from County Land and Water Resources Department (“LWRD”) all reviews and permits necessary for: (a) soil and erosion control within the preliminary plat; and, (b) stormwater management facilities that fully satisfy County requirements and address stormwater runoff issues related to the preliminary plat.
  - d. The Developer shall provide the Town written certification from the Developer’s engineer, in the same format as required by County LWRD, that the stormwater

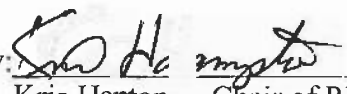
management facilities as-built are in compliance with all applicable permits and are operating in accordance with the approved design.

- e. The Developer shall establish design requirements and construction standards for the street improvements within the preliminary plat in accordance with Town specifications as approved by the Town Engineer.
- f. The Developer shall enter a Development Agreement with the Town regarding the development of the preliminary plat acceptable to the Town Attorney. The Development Agreement shall be drafted by the Town Attorney and reviewed by the Town Engineer and Town Board. When approved by the Town Board, the Development Agreement shall be executed by and between the Developer and Town. The Final Plat shall not be signed by the Town until the Development Agreement is fully executed.
- g. The Developer shall obtain approval of the preliminary plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and present such approval to the Town.
- h. The Developer shall obtain written confirmation of appropriate rezoning of the preliminary plat from Dane County and present such confirmation to the Town.
- i. 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.
- j. The Developer shall contact the local Postmaster to determine the required configuration and placement of mailboxes to serve the new homes in the plat;
- k. In addition to those outlined above, the Developer shall obtain all required approvals from other approving authorities, as required by law.
- l. The Developer shall promptly reimburse the Town for all costs and expenses incurred by the Town in connection with the review and approval of the preliminary plat, including, but not limited to, the costs of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings, or other related professional services.
- m. All street names on the preliminary plat must be reviewed and approved by the Dane County Surveyor;
- n. The Developer shall address all of the Town Engineer's comments in his letter dated October 21, 2024, to the satisfaction of the Town Engineer;


- o. The Plan Commission's recommendation for approval of the preliminary plat expires one hundred eighty (180) days from the date of adoption of this Resolution unless the Developer has satisfied all conditions of approval stated herein. Time is of the essence. If the Developer encounters an unforeseen development delay, it shall immediately advise the Town Clerk and may request an extension.
- p. The Town Engineer, at the developer's expense, shall investigate historical groundwater levels and what impact these additional homes may have on it.

This Resolution was duly adopted by the Plan Commission of the Town of Cottage Grove, Dane County, Wisconsin at a meeting on October 23, 2024 by a vote of 7 in favor, 0 opposed, and 0 not voting.

TOWN OF COTTAGE GROVE PLAN COMMISSION

By:   
Kris Hampton, Chair of Plan Commission

Attested by:

  
Kim Banigan, Town Clerk

Incorporated by Reference:  
Preliminary Plat for Kennedy Hills First Addition



# PRELIMINARY PLAT OF KENNEDY HILLS FIRST ADDITION

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 3 AND PART OF THE  
NW1/4 OF THE NE1/4 OF SECTION 10, TOWN 7 NORTH, RANGE 11 EAST,  
TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN.

CURVE	LENGTH	RADIUS	DELTA	CH. BEAR	CH. DIST.	TAN IN	TAN OUT
C1	232.72'	266.00'	50°07'42"	S25°23'21"W	225.37'	S50°27'12"W	S00°19'30"W
C2	72.77'	266.00'	15°40'27"	S8°09'44"W	72.54'	S15°59'57"W	S00°19'30"W
C3	114.80'	266.00'	24°43'41"	S28°21'48"W	113.91'	S40°43'38"W	S15°59'57"W
C4	45.15'	266.00'	9°43'34"	S45°35'25"W	45.10'	S50°27'12"W	S40°43'38"W
C5	147.32'	167.00'	50°32'42"	S25°10'51"W	142.59'	S00°05'30"E	S50°27'12"W
C6	205.78'	233.00'	50°36'06"	N25°09'09"E	199.16'	N00°08'54"W	N50°27'12"E
C7	105.40'	233.00'	25°55'07"	N12°48'39"E	104.50'	N00°08'55"W	N25°46'12"E
C8	100.38'	233.00'	24°41'00"	N38°06'42"E	99.60'	N25°46'12"E	N50°27'12"E
C9	47.13'	30.00'	90°00'25"	N5°26'59"E	42.43'	N50°27'12"E	N39°33'13"W
C10	233.47'	267.00'	50°06'01"	N64°36'13"W	226.10'	N39°33'13"W	N89°39'14"W
C11	51.22'	267.00'	10°59'31"	N45°02'58"W	51.14'	N39°33'13"W	N50°32'44"W
C12	158.97'	267.00'	34°06'47"	N67°36'07"W	156.63'	N50°32'44"W	N84°39'31"W
C13	23.28'	267.00'	4°59'42"	N87°09'22"W	23.27'	N84°39'31"W	N89°39'14"W
C14	47.12'	30.00'	90°00'00"	S45°20'47"W	42.43'	N89°39'13"W	S00°20'47"W
C15	35.04'	265.00'	7°34'35"	S3°26'30"E	35.02'	S00°20'47"W	S07°13'48"E
C16	44.30'	335.00'	7°34'35"	N3°26'30"W	44.26'	N07°13'48"W	N00°20'47"E
C17	47.12'	30.00'	90°00'00"	S44°39'13"E	42.43'	S89°39'13"E	S00°20'47"W
C18	291.18'	333.00'	50°06'00"	S64°36'13"E	281.99'	S39°33'13"E	S89°39'13"E
C19	9.53'	333.00'	1°38'22"	S88°50'02"E	9.53'	S89°39'13"E	S88°00'51"E
C20	165.66'	333.00'	28°30'12"	S73°45'45"E	163.96'	S88°00'51"E	S59°30'39"E
C21	21.01'	333.00'	3°36'56"	S57°42'11"E	21.01'	S59°30'39"E	S55°53'43"E
C22	94.98'	333.00'	16°20'30"	S47°43'28"E	94.66'	S55°53'43"E	S39°33'13"E
C23	50.20'	30.00'	95°52'32"	S87°30'03"E	44.55'	N44°33'41"E	S39°33'47"E
C24	154.41'	200.06'	44°13'20"	N22°26'38"E	150.61'	N00°19'56"E	N44°33'16"E

LINE	BEARING	LENGTH
L1	S00°05'30"E	22.20'
L2	N50°27'12"E	6.65'
L3	S89°56'07"E	43.95'

- NOTE:
- 1) OUTLOT 1 IS DEDICATED FOR TRAIL/PARK ACCESS PURPOSES
  - 2) OUTLOT 2 IS PLANNED FOR FUTURE PLATTING PHASES
  - 3) EACH LOT OWNER SHALL BE OBLIGATED TO PAY PARK IMPACT FEES TO THE TOWN OF COTTAGE GROVE AT THE TIME A BUILDING PERMIT IS ISSUED FOR THEIR LOT.
  - 4) ACCESS RESTRICTION: NO DIRECT VEHICULAR ACCESS TO LOTS 17-19 FROM KENNEDY RD.

CURRENT OWNER AND SUBDIVIDER:  
DUNROVEN RIDGE LLC  
7857 DUNROVEN RD  
DANE, WI 53529

SURVEYOR:  
BRADLEY TISDALE, PLS  
MSA PROFESSIONAL SERVICES, INC.  
1702 PANKRATZ STREET  
MADISON, WI 53704

ENGINEER:  
MSA PROFESSIONAL SERVICES, INC.  
1702 PANKRATZ STREET  
MADISON, WI 53704

## SYMBOL LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- EXISTING RIGHT-OF-WAY
- CENTERLINE
- EASEMENT LINE
- EXISTING LOT LINE
- ACCESS RESTRICTION

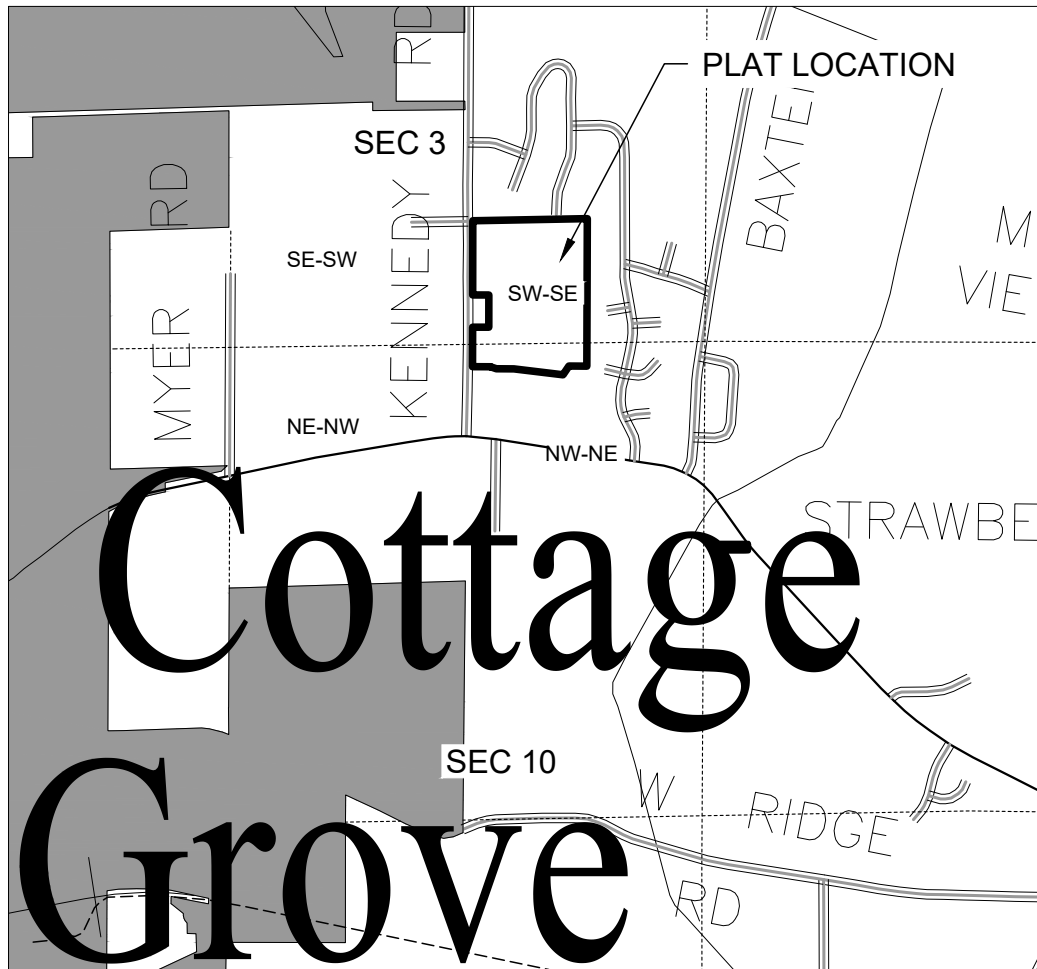
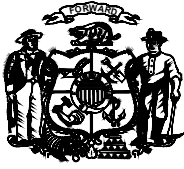
- SECTION CORNER AS SHOWN
- FOUND 1" IRON PIPE
- FOUND 3/4" IRON REBAR
- FOUND 1 1/4" IRON REBAR

- SET 1 1/4" BY 24" IRON REBAR WEIGHING 4.30 LBS./FT.
- ALL OTHER LOT AND OUTLOT CORNERS ARE 3/4" X 24" IRON REBAR WEIGHING 1.50 LBS./FT.

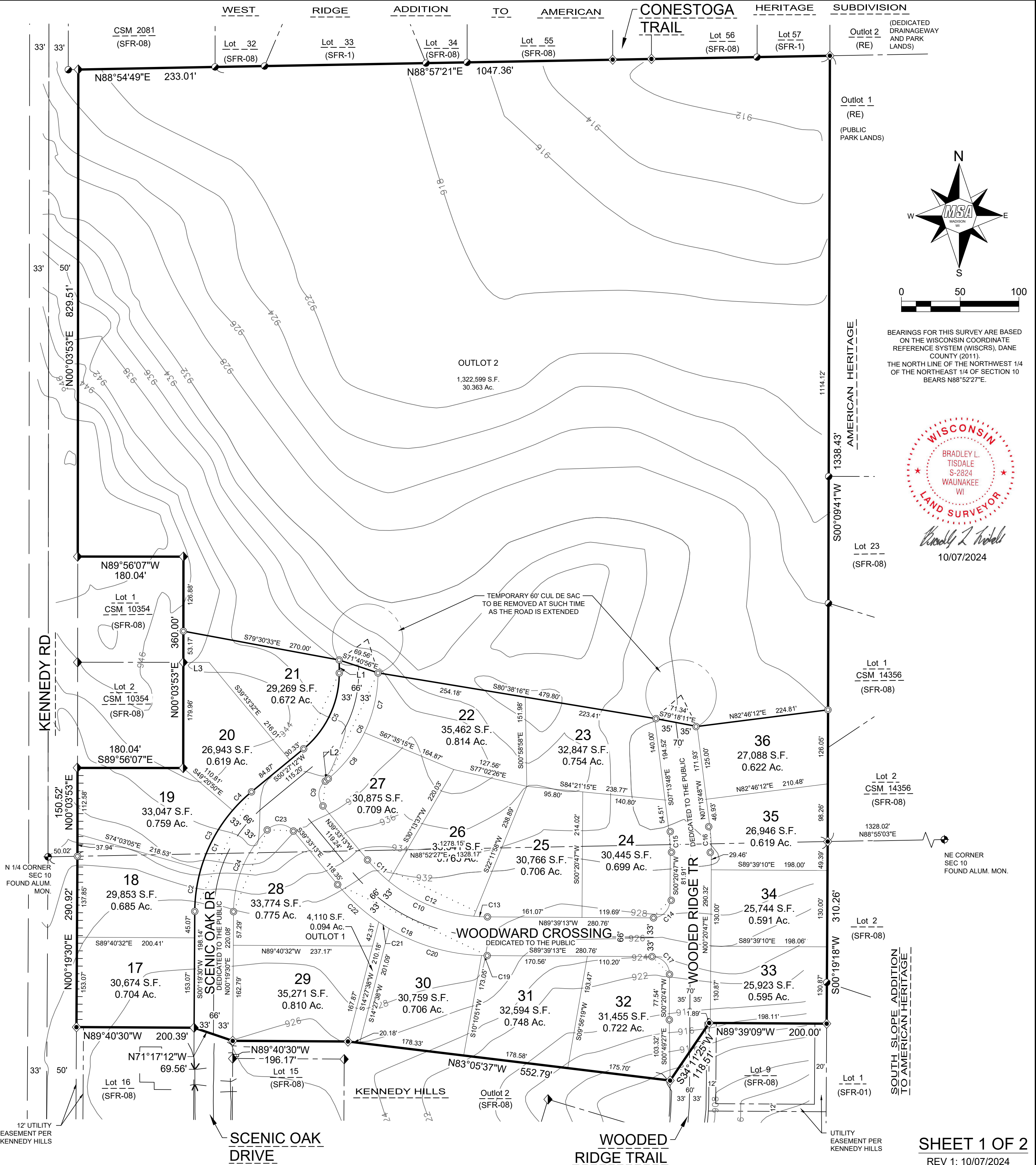
There are no objections to this plat with respect to  
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),  
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration



VICINITY MAP





[illegible]

Notary Public, State of Wisconsin  
My Commission expires:



**TOWN OF COTTAGE GROVE**  
**PLAN COMMISSION RESOLUTION 2024-10-23** *b*

**RECOMMENDING AMENDMENTS TO THE**  
**TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**

**WHEREAS**, on July 5, 2022, the Town of Cottage Grove Board adopted an updated Town of Cottage Grove Comprehensive Plan (hereinafter “Plan”), under Section 66.1001(4), Wisconsin Statutes, in two volumes, with one volume titled Conditions and Issues and the second volume titled Vision and Directions; and

**WHEREAS**, Section 66.1001(4), Wisconsin Statutes and Chapter 7 of the Vision and Directions volume of the Plan establish the required procedure for the Town to amend its Plan; and

**WHEREAS**, the Town of Cottage Grove Plan Commission has the authority and responsibility to recommend amendments to the Plan to the Town Board, under Section 66.1001(4)(b); and


**WHEREAS**, as a result of the Town’s every-other-year Plan amendment process, the Plan Commission recommends that the Town Board amend the Plan, consisting of amendments to both volumes of the Plan as are reflected in the attached Exhibits A and B.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the Town of Cottage Grove hereby recommends that the Town Board adopt an ordinance to constitute official Town approval of the amendments to the Town of Cottage Grove Comprehensive Plan that are indicated in Exhibits A and B.

The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Town of Cottage Grove held on the 23<sup>rd</sup> day of October, 2024, by a vote of 6 in favor and 1 opposed.

**TOWN OF COTTAGE GROVE PLAN COMMISSION**

  
\_\_\_\_\_  
Kris Hampton, Plan Commission Chair

*Attested by*  
  
\_\_\_\_\_  
Kim Banigan, Town Clerk

**Incorporated by Reference**

Exhibit A: Text Amendments to Town of Cottage Grove Comprehensive Plan

Exhibit B: Amended Maps for Town of Cottage Grove Comprehensive Plan



**EXHIBIT A**  
**TEXT AMENDMENTS TO TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**

Amendments to Conditions and Issues Volume

1. Within Chapter Seven: Utilities and Community Facilities, replace the second paragraph under “Trash Collection, Recycling Services, and Solid Waste Disposal Sites” on pages 46-47 with the following:

“At the time of Plan writing, the Dane County Landfill (Rodefild site), located northwest of the Highway 12/18/AB interchange near the southwest corner of the Town, was experiencing capacity issues. To accommodate additional capacity, the County has proposed to expand landfill operations south of Highway 12/18 to 230 acres of the current Yahara Hills Golf Course, just west of Highway AB. Dane County is currently working on design and permitting for the new landfill site south of Highway 12-18. In February 2024, the engineering team submitted a Feasibility Report to the Wisconsin Department of Natural Resources (WisDNR), and in April 2024 WisDNR determined that the Feasibility Report was incomplete. At time of writing, the team was working to address WisDNR comments. Once WisDNR provides a determination that the proposed landfill is feasible, permitting will move to the final step, the Plan of Operation, anticipated for 2025. Landfill construction is anticipated to start in 2027 or 2028 so that the proposed site is ready to accept waste prior to the Rodefild site reaching capacity.

A Local Negotiated Agreement (LNA) process, administered by the State, is required as part of the Feasibility Report process. The LNA process allowed for neighboring municipalities to negotiate directly with Dane County about operational concerns and/or compensation for economic impacts. The Dane County Landfill No. 3 Local Negotiated Agreement Committee included representatives from Dane County, City of Madison, Village of McFarland, and Town of Cottage Grove. After several meetings, the Committee in June 2024 approved the negotiated agreement. The agreement addresses matters such as transportation access and haul routes; source of waste; hours of operation; golf course operations; odor, dust, and litter control; visual impact and screening; drainage, leachate, and erosion control; environmental compliance and reporting; complaint resolution; height limitations (maximum 1,136 feet); final use; compensation and property value guarantees for nearby residential owners; and compensation to municipalities. The agreement indicates that the Town of Cottage Grove is to be paid an annual siting fee of \$50,000 to Town within 60 days of the beginning of solid waste acceptance at the facility. The Town Board accepted the agreement at its August 5, 2024 meeting.

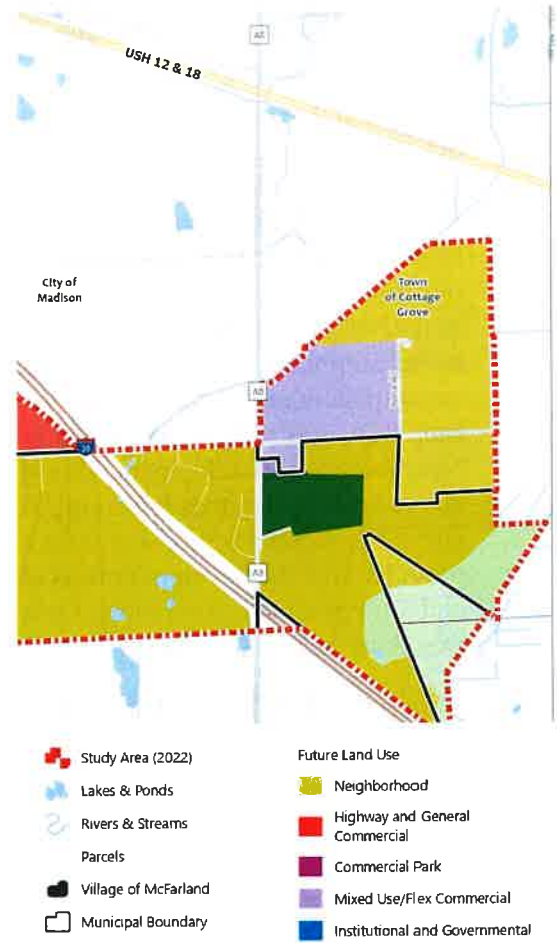
There is a related planning effort for a Sustainability Campus, including a Waste Education Center and waste recycling, reuse, and processing opportunities. Construction of some elements of the Sustainability Campus, including a Waste Education Center (and Administrative Building) are proposed to start by 2025 or 2026. Also, upon the closure of the current Rodefild site, up to 150 acres of land will be available for public recreation.”

2. Within Chapter Nine: Intergovernmental Cooperation, replace all information under “Village of McFarland” heading on page 63 with the following:

“The Village of McFarland is located directly southwest of the Town of Cottage Grove. In 2019, the Village annexed approximately 120 acres in the Town northeast of Interstate 39/90. This was the first time Town lands had been annexed by the Village of McFarland. This annexation was not anticipated in the Village’s plans adopted at the time. The annexed land includes a 9-acre parcel owned by the McFarland School District just east of the Siggelkow Road and CTH AB intersection and a 26-acre parcel immediately to its south owned by the Village of McFarland, intended for athletic field development.

In April 2023, the McFarland Board adopted a plan for new development and expansion at and beyond that Village’s eastern edge. McFarland’s East Side Plan covers land annexed from the Town of Cottage Grove in 2019 plus lands to their north including larger undeveloped lands owned at the time by Teran (~50 acres), Ewing (~50 acres), and Anderson (~30 acres). The map to the right is a section of the future land use map from McFarland’s Plan. This 2023 Plan does not indicate how the Village may approach these property owners or the Town, or the projected development timing.

McFarland’s recommended future uses in the planning area differ in most places from the Town’s recommendations. The Town’s Future Land Use and Transportation map (Map 16 in Vision and Directions volume) identifies the eastern part of this planning area for a mix of planned commercial development and agricultural preservation, rather than the future “neighborhood” (mostly residential) development recommendation in the Village’s plan. The Town’s agricultural preservation designation was as advised by the Ewings themselves in 2020. Further, the western part of McFarland’s planned development area is also within City of Madison expansion area, as agreed under the 2022 City-Town intergovernmental agreement. All of these factors present a confusing future land use picture for this area.”



### Amendments to Vision and Directions Volume

3. Within Chapter Two—Agricultural, Natural & Cultural Resources, under the Expand Activity in Town’s Transfer of Development Rights (TDR) Program on page 10, repeal the final bullet point that begins with “Reconsidering the maximum 8-to-1 transfer ratio” and amend the second paragraph to read as follows:

“In general, the Town seeks to keep residential development density in planned Agricultural Preservation Areas below a density of one home per 35 acres. This is accomplished by allowing landowners within these areas to sell their rights to develop new homes to property owners in other parts of the Town. These other parts of Town are designated as “Neighborhood Development Areas” or “Agricultural Transition Areas” on Map 16 in the

Land Use chapter. Within these TDR receiving areas, except where exempted per associated Land Use chapter figures, each transferred “residential density unit” enables the development of ten additional homes. In 2020, the Town introduced another TDR option that allowed limited transfers between lands planned in the Agricultural Preservation Area, at a 1-to-1 transfer ratio. Figures 3 and 4, within Chapter Three of this Vision and Directions volume, provide more detail.”

4. Within Chapter Three—Land Use, amend Figure 4: Transfer of Development Rights, TDR Receiving Areas policy 3 on page 26 to read as follows:

“For permitted RDU transfers to a Neighborhood Development Area, or to an Agricultural Transition Area where the Town Board has determined that the land is ripe for more intense development per Figure 6 and will remain in the Town following development, a transfer ratio incentive is built in so that landowners and RDU buyers have an incentive to transfer RDUs to such Receiving Areas. These are areas where compact housing development is more appropriate than Agricultural Preservation Areas. The incentive is that someone can buy one RDU from a Sending Area and develop more than one housing unit with that RDU in the Neighborhood Development Area or Agricultural Transition Area. Based on a 2024 technical review and public input, the Town of Cottage Grove has determined that an economically reasonable transfer ratio is 10-to-1. A transfer ratio of 10-to-1 means that, for each RDU transferred from a Sending Area to a Receiving Area that is also designated as a Neighborhood Development Area or Agricultural Transition Area on Map 16 (subject to the above limitations), that Receiving Area developer would be able to develop 10 housing units above the number of housing units allocated to the May 15, 1982 parcel (see Figure 3), provided that the developer meets all other applicable regulations and policies. See Figures 6 and 8 for potential exemptions for Agricultural Transition Areas and Neighborhood Development Areas close to the Village of Cottage Grove.”

5. Within Chapter Three—Land Use, amend Figure 4: Transfer of Development Rights, TDR Receiving Areas policy 5 on page 26 to read as follows:

“RDUs must either be used on-site or transferred from a specific Sending Area parcel to a specific Receiving Area parcel. Where RDUs are legally transferred, but not immediately used for the development of housing units on a Receiving Area parcel, the ability to construct such housing units may remain with that Receiving Area parcel for future use there. For example, if the owner or developer of a Neighborhood Development Receiving Area parcel acquired two RDUs from a Sending Area parcel, but did not initially subdivide lots for all of the 20 additional housing units enabled by the transfer, he or she could hold to a later date the ability to build the remaining housing units on the Receiving Area parcel. Except where expressly allowed prior to January 18, 2021, no remainder housing units may be transferred by the Receiving Area parcel owner to a different Receiving Area parcel, whether or not the different parcel is owned by the same entity.”

6. Within Chapter Three—Land Use, amend Figure 6: Agricultural Transition Area Purpose and Policies, Relationship to Town’s TDR Program policy 4 on page 31 to read as follows:

“Once the Town designates an Agricultural Transition Area tax parcel that is mostly further than ¼ mile from the Village of Cottage Grove as of July 5, 2022 as appropriate for more intensive development per policy #4 below, such parcel may qualify as a TDR Receiving Area with an 10-to-1 transfer ratio. Where the majority of an Agricultural Transition Area tax parcel designated as appropriate for more intensive development is instead within ¼ mile from that Village’s boundary as of July 5, 2022, transferred RDUs are not required to obtain Town approval for development of that parcel with more than the number of housing units

(RDUs) allocated to the May 15, 1982 tax parcel. Map 16 shows that ¼-mile radius. Regardless of location, the Town and County may need to rezone any such parcels away from the TDR-R Receiving Area Overlay Zoning District to the extent they are already zoned in that manner.”

7. Within Chapter Three—Land Use, amend Figure 8: Neighborhood Development Area Purpose and Policies, Relationship to Town’s TDR Program policy 4 on page 31 to read as follows:

“To build one or more residences on any new lot zoned residential and created after January 1, 1981, the parcel owner must have an RDU based on the acreage he or she owns as further described in Figure 3: Residential Density Unit (RDU) Principle, obtain an RDU originating from a TDR Sending Area, or both, except transferred RDUs are not required where the majority the tax parcel is within ¼ mile of the Village of Cottage Grove as of July 5, 2022 (with such ¼-mile radius shown on Map 16). For each RDU assigned to the Neighborhood Development Area parcel per Figure 3, one housing unit will be allowed, subject to compliance with other applicable policies of this Plan and Town ordinances. For each RDU obtained from a TDR Sending Area, the 10-to-1 transfer ratio incentive in Figure 4 shall apply. So, for example, an owner of an undeveloped 80 acres in the Neighborhood Development Area sufficiently distant from the Village of Cottage Grove who acquires two RDUs from a TDR Sending Area is allowed 20 housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 10), plus two additional housing units assigned to the 80-acre parcel land area as a base under the RDU principle in Figure 3, for a maximum of 22 housing units.”

8. Within Chapter Three—Land Use, amend Figure 8: Neighborhood Development Area Purpose and Policies, adding a policy 9 in the Development Policies for Neighborhood Development Area policy on page 32 to read as follows:

“Require submittal and recording of a declaration of covenants with each residential subdivision plat, including matters such as continued maintenance of shared private facilities and exterior lighting provisions intended to preserve the dark night sky.”

9. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, Development Policies within Commercial Development Area, policy 11 on page 34 to read as follows:

“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.”

10. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, Development Policies within Commercial Development Area, policy 3 on page 34 to read as follows:

“For new non-residential development, with each application for rezoning or conditional use permit approval, require submittal and review of conceptual site and building plans. Prior to building permit issuance, require that a detailed site and building plan be submitted that is laid out in accordance with Section 12.08 of the Town’s Design Review Ordinance and this figure. As the Commercial Development Area is predominately mapped near main community entryways and other highly visible locations, the Town is particularly concerned that it contributes to the Town’s aesthetic quality. Views to and from highways like 12, N, AB, and North Star Road are of particular importance to the Town. See Map 17 and the photographs in the “Focus Commercial Development at the Highway 12/18/N Interchange



Area” program in the Economic Development chapter for desired commercial building characteristics.”

11. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, New Lot Sizes policy on page 33 to read as follows: “Minimum lot size is one acre.”
12. Within Chapter Three—Land Use, amend Figure 9: Commercial Development Area Purpose and Policies, adding a policy 12 in the Development Policies within Commercial Development Area policy on page 34 to read as follows:

“Assuming public sewer is not available, generally require use of on-site waste treatment systems as the means of sanitary waste treatment and disposal. Work with the County Sanitarian to permit holding tanks in the Commercial Development Area only as a system of last resort, provided that, prior to permit issuance, the applicant executes:

  - a. A service contract with a WisDNR licensed pumper, and provides a signed copy of that contract to the County and Town. The pumper must file semiannual reports of service on the tank to the County and Town thereafter, and keep all pumping records.
  - b. A holding tank agreement with the Town, which among other provisions shall require the owner to pay all charges and costs incurred by Dane County or the Town for inspection; pumping, hauling, or otherwise servicing and maintaining the holding tank; and that if such charges are not paid the Town will place the charges on the tax roll as a special charge.”
13. Within Chapter Four—Housing and Economic Development, exchange the following photographs for the first and last photo within the “Focus Commercial Development at the Highway 12/18/N Interchange Area” program on page 38, and replace the caption associated with those photos with the following: “The above images, plus those included on Map 17, represent the Town’s desired building quality in the Highway 12/18/N Interchange Area.”



14. Within Chapter Five—Transportation, Utilities, and Community Facilities, amend “Utilities and Community Facilities” policy 5 on page 48 to read as follows:

“The Town does not consider holding tanks an acceptable form of sewage disposal in new residential construction. Holding tanks may be permitted for existing structures and in the planned Commercial Development Area if no other sewage treatment system is feasible. See Figure 9 for additional information.”
15. Within Chapter Five—Transportation, Utilities, and Community Facilities, replace “Utilities and Community Facilities” policy 7 on page 48 to read as follows:

“Continue to monitor the approval and implementation process for the siting of a new Dane County Landfill southwest of the Highway 12/18/AB interchange, and to advocate for Town interests before, during, and after construction.”

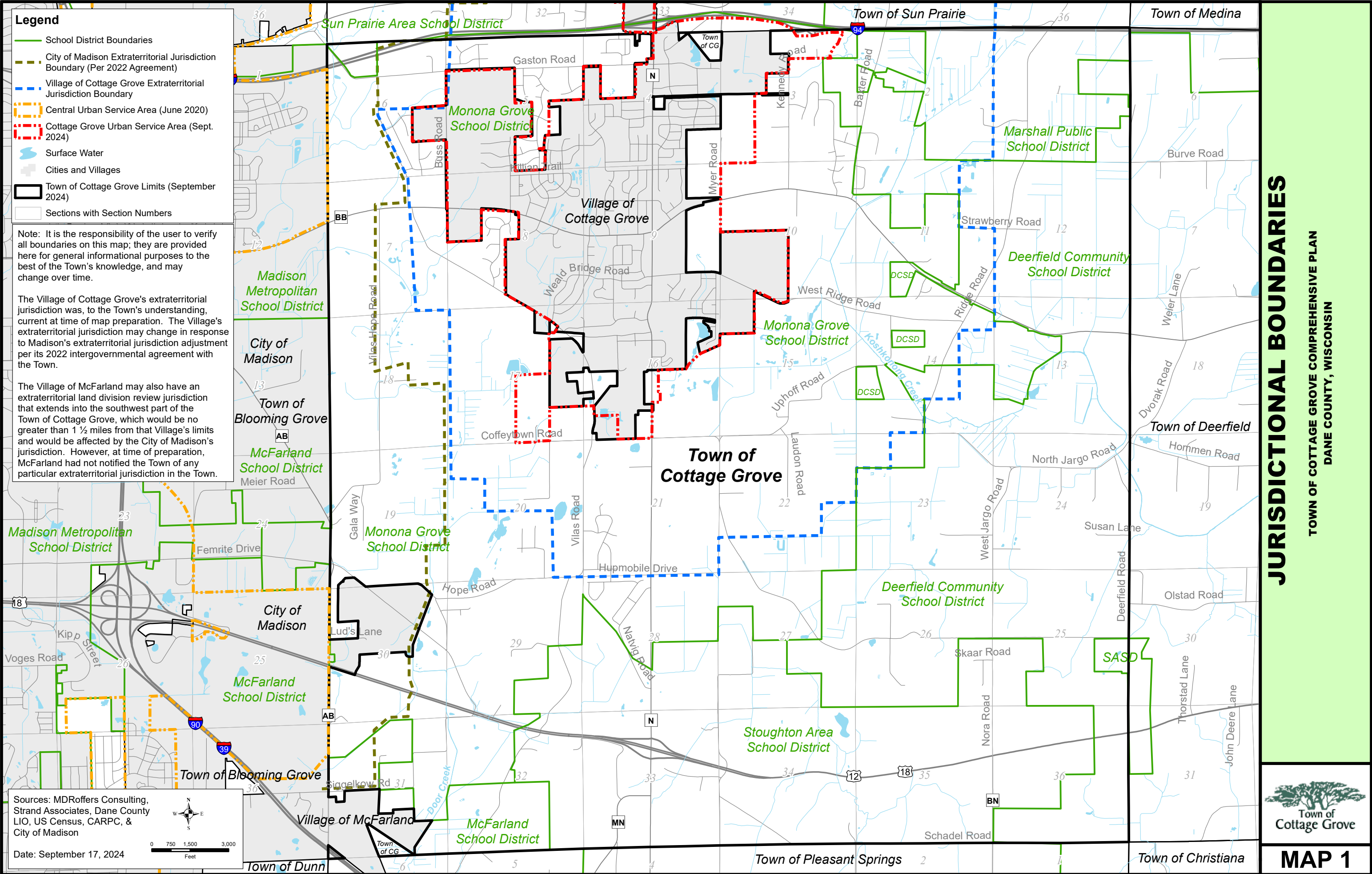
16. Within Chapter Five—Transportation, Utilities, and Community Facilities, amend the following two rows of “Figure 11: Utilities and Community Facilities Timetable” on page 49 to read as follows:

Utility or Facility	Improvement Timeframe	Comments
Recycling/Trash Collection	Rebid/renew contract when expires	In 2024, Town Board approved a new collection contract with a private hauler.
Solid Waste Disposal	New landfill construction proposed to begin in 2027 or 2028.	Town desires to be actively involved the continued planning and implementation of a new landfill near Town’s southwest corner.

17. Within Chapter Nine: Intergovernmental Cooperation, replace the final paragraph on page 55 under the “Pursue Intergovernmental Agreements with Neighboring Municipalities” heading with the following:

“The Town is also interested in intergovernmental boundary agreements with the Village of Cottage Grove and the Village of McFarland. Both the Town and the City of Madison are required to inform the other when negotiating an agreement with either of these two villages, and to only enter agreements that are consistent with the executed Town-City agreement. The Town and Village of Cottage Grove have discussed an agreement, including as recently as the past five years, but such discussions have not advanced. In the early 2020s, Village of McFarland staff had expressed willingness to discuss a potential boundary agreement with the Town. McFarland’s 2023 East Side Plan suggested the Village’s further expansion into the Town in a manner that does not fully comport with either this Town Comprehensive Plan or the 2022 agreement between the Town and the City of Madison. The extent of McFarland’s extraterritorial land division review jurisdiction into the Town is also uncertain. These could be topics of conversation and potential agreement.”

**EXHIBIT B**  
**AMENDED MAPS FOR TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**



**Legend**

- School District Boundaries
- City of Madison Extraterritorial Jurisdiction Boundary (Per 2022 Agreement)
- Village of Cottage Grove Extraterritorial Jurisdiction Boundary
- Central Urban Service Area (June 2020)
- Cottage Grove Urban Service Area (Sept. 2024)
- Surface Water
- Cities and Villages
- Town of Cottage Grove Limits (September 2024)
- Sections with Section Numbers

Note: It is the responsibility of the user to verify all boundaries on this map; they are provided here for general informational purposes to the best of the Town's knowledge, and may change over time.

The Village of Cottage Grove's extraterritorial jurisdiction was, to the Town's understanding, current at time of map preparation. The Village's extraterritorial jurisdiction may change in response to Madison's extraterritorial jurisdiction adjustment per its 2022 intergovernmental agreement with the Town.

The Village of McFarland may also have an extraterritorial land division review jurisdiction that extends into the southwest part of the Town of Cottage Grove, which would be no greater than 1 ½ miles from that Village's limits and would be affected by the City of Madison's jurisdiction. However, at time of preparation, McFarland had not notified the Town of any particular extraterritorial jurisdiction in the Town.


Sources: MDROffers Consulting, Strand Associates, Dane County LIO, US Census, CARPC, & City of Madison

Date: September 17, 2024

0 750 1,500 3,000 Feet

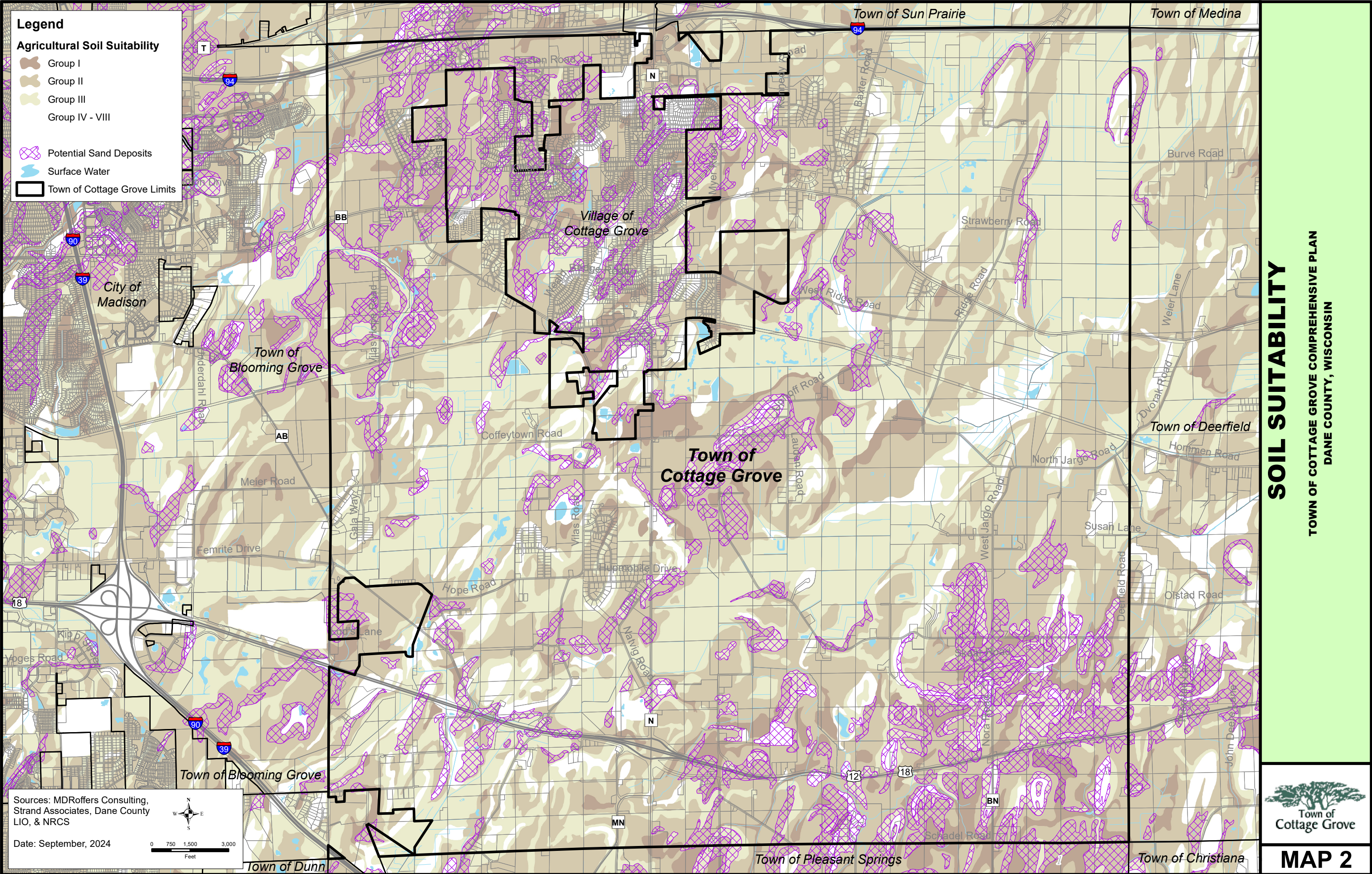
**JURISDICTIONAL BOUNDARIES**

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN

Town of Cottage Grove

**MAP 1**





**Legend**

**Agricultural Soil Suitability**

- Group I
- Group II
- Group III
- Group IV - VIII

Potential Sand Deposits

Surface Water

Town of Cottage Grove Limits

Sources: MDROffers Consulting, Strand Associates, Dane County LIO, & NRCS

Date: September, 2024

0 750 1,500 3,000 Feet

N  
W E  
S

**SOIL SUITABILITY**

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN





Legend

Future Land Use Categories<sup>1</sup>

Agricultural Preservation Area

Agricultural Transition Area

Open Space and Recreation Area

Neighborhood Development Area

Commercial Development Area

Resource Protection Corridor

Rural Neighborhood Expansion Area

Existing Off-Street Trails

Planned Trails

Conceptual Future Roads

Preliminary Highway 12/CTH AB Interchange Design

1/4-mile radius from 2022 Village limits<sup>2</sup>

Parcels (Sept. 2024)

Potential Madison Expansion Area (per 2022 intergovernmental agreement)

Town of Cottage Grove Limits (Sep 2024)

Surface Water

Notes:

1. Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area once the Town designates such lands as appropriate for more intensive development, may serve as the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units (RDUs) between parcels in the Agricultural Preservation Area. See Land Use chapter for details and limits.

2. If the majority of a tax parcel designated as a Neighborhood Development Area or Agricultural Transition Area is within ¼ mile from the Village of Cottage Grove boundary and tax parcels as of July 5, 2022 (with such ¼-mile radius shown on this map), transferred RDUs are not required to obtain Town approval of a development on that parcel with greater than the number of housing units (RDUs) allocated to the May 15, 1982 tax parcel.

Sources: MDRoffers Consulting, Strand Associates, FEMA, WI DNR, WI DOT & Dane County LIO

Date: October 15, 2024

0

750

1,500

3,000

Feet

A detailed map of Cottage Grove, Wisconsin, illustrating future land use and transportation plans. The map is color-coded by land use: light green for Agricultural Preservation Areas, orange with diagonal lines for Agricultural Transition Areas, dark green for Open Space and Recreation Areas, yellow for Neighborhood Development Areas, pink for Commercial Development Areas, and green with dots for Resource Protection Corridors. A thick black line outlines the Town of Cottage Grove's limits as of September 2024. A red outline indicates a 1/4-mile radius from the 2022 village limits. The map shows various roads, including major highways like I-94 and I-39, and local roads such as Meier Road, Hope Road, and North Star Road. Water features like Door Creek and Glacial Drumlins are also depicted. Surrounding municipalities are labeled, including the City of Madison, Town of Sun Prairie, Town of Medina, Town of Deerfield, Town of Christiana, Town of Pleasant Springs, Town of Dunn, and Town of Blooming Grove. Specific areas like the Village of Cottage Grove and Village of McFarland are also identified. The map includes a legend, notes, and a scale bar.

FUTURE LAND USE AND TRANSPORTATION

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN

DRAFT

The logo for the Town of Cottage Grove, featuring a stylized tree and the text "Town of Cottage Grove".

MAP 16

Path: S:\MAD\3600--3699\3688\003\Data\GIS\Figures\Map 16 Future Land Use Sept 2024 11x17.mxd User: danc Date: 10/14/2024 Time: 4:03:55 PM



October 21, 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 – Revised Preliminary Plat Submittal Review

Dear Kim:

We have received the Revised 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 October 8, 2024 and were received on October 9, 2024. 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 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.

**Title Sheet**

- The utility contact information should be filled in.

**Sheet ST1**

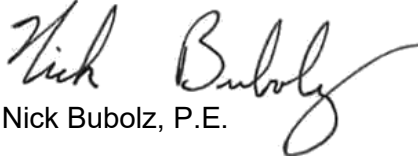
- The grading north of Woodland Crossing shows the ditches flowing northward. At least a temporary pond may be required to manage stormwater runoff towards that direction.

**Sheet PP2**

- A culvert is needed for the path connection to Woodland Crossing.

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". The signature is fluid and cursive, with the first name "Nick" and last name "Bubolz" clearly distinguishable.

Nick Bubolz, P.E.

NRB:brb

J:\JOB#S\Cottage Grove\CG-48-M6 Kennedy Hills Phase 2\2. Client Correspondence\Review Letter 3.docx





## ***EXHIBIT B***

To: Town of Cottage Grove Plan Commission

From: Mark Roffers, Town Planning Consultant

Date: October 15, 2024

Re: Recommendation on Potential Comprehensive Plan Amendments

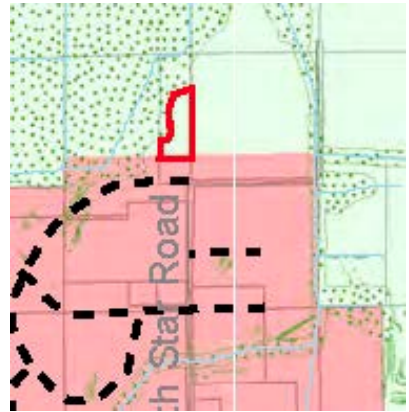
Early this year, as part of the Town's every-other-year Comprehensive Plan amendment cycle, the Plan Commission received a handful of requests for potential Plan amendments. At its March meeting, the Commission provided advice on how to handle those requests and suggested a couple of others including direction on associated research. From March to August, we completed such research, reached out to property owners at the north end of North Star Road, and waited for the proposal to extend sanitary sewer service to the Highway 12/18/N interchange area to resolve. The Commission reviewed the proposed amendments at its August meeting, and postponed action seeking revisions and clarification to a provision exempting parcels from having to use transferred development rights if within ¼ mile from the Village of Cottage Grove. There was also discussion about whether to move from an 8:1 to a 10:1 development rights transfer ratio for new residential development.

I have revised the set of proposed Comprehensive Plan amendments for the Commission's consideration, included in the attached Resolution 2024-10-23 that the Commission could adopt (or further adapt then adopt). This resolution would be the Commission's tool to recommend Plan changes to the Town Board, before which a public hearing notice would need to be posted. The following is a description and rationale for the proposed amendments:

### **Map Amendments**

- Included as Exhibit B to the attached resolution.
- Amendments to Maps 1 and 2 of the Conditions and Issues volume of the Comprehensive Plan are intended to keep those background maps fresh and correct.
- One proposed amendment to Map 16—Future Land Use and Transportation illustrates the ¼-mile radius from the Village of Cottage Grove 2022 limits within which transferred RDUs are not required to develop residential subdivisions, per a policy change the Town previously adopted but would be refined (see below). A new proposed map note also summarizes that policy, helping to interpret what that 1/4-mile radius means right on that map.

- The second proposed amendment would redesignate the remaining developable acreage of parcel 0711-284-8001-0 (owned by Dave Zielke) to the “Commercial Development Area” as outlined in red on the map crop to the right. The Town Clerk also asked Larry Skaar, the owner of parcel 0711-284-8500-3 to its immediate east, if he had similar interest, and he did not. Still, the Skaar parcel’s northern frontage (~150-200’ deep) along the underimproved east-west segment of North Star Road is already planned for future commercial use.



### **County Landfill Related Amendments**

- Covered in items 1, 15, 16 in Exhibit A to the attached resolution.
- Item 1 relays my current understanding of the status of the siting of the new landfill southwest of the Highway 12/18/AB interchange.
- Items 15 and 16 are general landfill-related policies the Town may consider.

### **McFarland East Side Plan Related Amendments**

- Covered in items 2 and 17 in Exhibit A to the attached resolution.
- Item 2 relays my current understanding of McFarland’s 2023 Plan affecting lands near the southwest corner of the Town, including its differences when compared with the Town Plan and the Madison-Cottage Grove intergovernmental agreement.
- Item 17 reinforces a statement of interest from the Town for a boundary agreement with McFarland, enhancing the short list of issues described in the 2022 Town Plan with new issues that McFarland’s 2023 plan seems to raise.

### **Transfer of Development Rights (TDR) Ratio Change**

- Covered items 3, 4, 5, 6, 7, and 9 of Exhibit A to the attached resolution.
- My research and opinion suggests that a modest TDR ratio increase from 8:1 to 10:1 for rights transferred to the planned “Neighborhood Development Area” is in order.
- Contributing factors include land and building price increases that have outstripped inflation, higher interest rates that are unlikely to reach sub-3% levels for many years, very limited TDR and subdivision activity in the Town over the past several years, and proximity of other towns in the area (e.g., Bristol) where rural subdivisions are allowed without requiring transferred development rights.

- I am not certain that this modest increase will be sufficient to change some of the above dynamics. I do know that once a policy gets loosened, it is hard to go back if the mark is overshot.
- Also raised at the August Plan Commission meeting was a concern that being able to develop 10 homes for each acquired development right may be more technically challenging than being able to use 8 rights, which could lead to more unused dwelling units once rights are transferred.

#### **Dark Sky Lighting Amendments**

- Covered in items 8 and 9 of Exhibit A to the attached resolution.
- Proposed changes address residential lighting through encouraging private covenant provisions and commercial lighting mainly by reference to the Town's Design Review Ordinance.

#### **High-Quality Commercial Building Promotion Amendments**

- Covered in items 10 and 13 of Exhibit A to the attached resolution.
- Refers to already existing photos in the Plan and adds two new photos to provide a visual representation of the Town's ideal for new commercial buildings along North Star Road and elsewhere.
- I advise that any further upgrades to commercial building and site/landscape design standards take the form of amendments to the Town's Design Review ordinance if the Plan Commission would like to pursue them.

#### **Holding Tank Allowance Amendments**

- Covered in items 11, 12, and 14 of Exhibit A to the attached resolution.
- Would allow holding tanks as a "system of last resort" for new commercial development only and pre-existing structures, subject to up-front agreements and the ability of the Town and County to direct pumping and other maintenance if the owner would fail to do so.
- These proposed changes are based on research of Dane County sanitary ordinance (Chapter 46) and my interview with a County Sanitarian, who was familiar with the interest along North Star Road.

I will be prepared to answer questions about any of these proposed amendments at the October Plan Commission meeting.

Attachment: Revised Plan Commission resolution recommending amendments to the Town Comprehensive Plan, including Exhibit B map attachments

TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
NOVEMBER 26, 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl present. Clerk-Treasurer Kim Banigan took minutes. Town Planner Mark Roffers was present virtually.
- 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 October 23, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Randall & Maureen Gaber, petitioners and landowners, parcels 0711-192-8600-0 and 0711-192-8290-0 at 3895 Vilas Hope Road – petition for rezone of 34.14 acres from FP-35 to FP-1, .97 acres from FP-35 to RR-2, and .01 acres from RR-2 to FP-1 to adjust lot line to include driveway and outbuilding in the residential lot (DCPREZ-#12121): Mr. Gaber said since they originally rezoned for the new house, they discovered that the driveway is half on the residential lot and half on the ag lot. In addition, the power source for an outbuilding on the ag lot comes from the residential lot. They want to clean this up with this rezone. Another newer outbuilding will remain on the ag lot. **MOTION** by Anders/Kudrna to recommend approval of rezoning 34.14 acres from FP-35 to FP-1, .97 acres from FP-35 to RR-2, and .01 acres from RR-2 to FP-1. **MOTION CARRIED 7-0.**
- 6) Discuss/Consider adoption of Resolution 2024-11-26 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan and Replacing Resolution 2024-10-23b: Roffers reported that he, Hampton and Banigan had met with County Planning staff members Majid Allan and Rachel Halloway regarding the proposed amendments. See Exhibit A. The main topic was holding tanks, with the outcome being a suggestion to limit circumstances where holding tanks could be allowed for commercial development, and to head off such circumstances when practical. See Exhibit A. It is important that siting of development where on-site waste treatment is possible is addressed as early as possible, during the rezoning stage, not at the platting stage.  
  
Eickhoff asked if the owners of the 10-acre parcel at the north end of North Star Road should be required to demonstrate suitability for on-site waste treatment before it is added to the Commercial Development area. Roffers displayed a wetland map and noted that there is an area of high ground in the portion proposed for the Commercial Development area. It was decided that it should be left in this revision to include it in the Commercial Development area.  
  
**MOTION** by Anders/Muehl to adopt Resolution 2024-11-26 Recommending Amendments to the Town of Cottage Grove Comprehensive Plan and Replacing Resolution 2024-10-23b. **MOTION CARRIED 7-0.**
- 7) Set date for December Plan Commission meeting: There was general agreement to reschedule the meeting to December 18<sup>th</sup>.
- 8) ADJOURNMENT: **MOTION** by Anders/Eickhoff to adjourn. **MOTION CARRIED 7-0.** The meeting ended at 7:33 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 12/18/2024



TOWN OF COTTAGE GROVE  
PLAN COMMISSION MINUTES  
DECEMBER 18, 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, Tom Banigan, Troy Eickhoff, Mark Kudrna, Jerry Meylor and Dave Muehl 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 Anders/Meylor to approve the minutes of the November 26, 2024 meeting as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns: None.
- 5) Brian Korfmacher, applicant, Roger & Lynn Korfmacher, property owners, parcels 0711-293-8660-0, 0711-293-9003-0 and 0711-293-9440-0 on Femrite Drive: Petition for rezone of 16.7 acres from FP-35 to FP-1 and 7.4 acres from NR-C to FP-1. (DCPREZ-12128): Mr. Korfmacher explained that some of the property was rezoned to NR-C with the County's 2019 blanket rezone, they want to rezone it all to FP-1 to make it easier for his parents to possibly sell in the future. He hopes to purchase the new 5 acre lot. There was a discrepancy in the acreage of FP-35 and NR-C between his application to Dane County and the petition, although the total acreage was the about the same. The Clerk-Treasurer will try to clear that up before this comes to the Town Board. **MOTION** by Muehl/Kudrna to recommend approval of rezoning ~24 acres from FP-35 and NR-C to FP-1 to create two agricultural lots. **MOTION CARRIED 7-0.**
- 6) Discuss/Consider recommendation Dane County OA-23 regarding the review process for conditional use permits: Hampton noted that the DCTA is recommending approval of this amendment. **MOTION** by Anders/Meylor to recommend approval of Dane County OA-23. **MOTION CARRIED 7-0.**
- 7) ADJOURNMENT: **MOTION** by Anders/Meylor to adjourn. **MOTION CARRIED 7-0.** The meeting ended at 7:37 P.M.

Submitted by: Kim Banigan, Clerk-Treasurer

Approved 2/26/2025