

TOWN OF COTTAGE GROVE
PLAN COMMISSION
AUGUST 25, 2021

- 1) Notice of the meeting was posted at the Town Hall and on the Town's internet site. A quorum was present with Kris Hampton, Jerry Meylor, Troy Eickhoff, Mark Kudrna and Mike Klinger attending in person and Steve Anders attending virtually. Clerk Kim Banigan took minutes, and Planning Consultant Mark Roffers was also present. The meeting was accessible virtually through gotomeeting.com.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve minutes of previous meetings: **MOTION** by Meylor/Klinger to approve the minutes of the July 28, 2021 meeting as printed. **MOTION CARRIED 6-0.**
- 4) Public Concerns: None.
- 5) Duane Swalheim, applicant, Swalheim 2011 Rev. Tr., landowner, North Star Road – Parcel #0711-273-9000-6 – seeking concept plan approval for phased commercial development (continuation from July 28th appearance): Mr. Swalheim distributed paper copies of an updated version of his proposed concept plan, along with a preliminary certified survey map to create the first 4 lots (Exhibit A). Three lots would be up for sale; the fourth lot would be retained by Swalheim for later development based on demand. The plan showed two areas for stormwater retention, one on Lot 4 and another south of the proposed development area on land also owned by Swalheim. All would need to be built at the same time as the first three lots are developed. Roffers said that a deed restriction should be recorded along with the 4-lot CSM to define the areas and access rights for the stormwater facilities. He said that Lot 4 may or may not develop as shown in the concept plan, but the deed restriction can be revised as needed to accommodate whatever development occurs later. Roffers said that the CSM should also include a note to define the 75' wetland buffer on the east side of the property, including what can or cannot be done on it. There was discussion about improving the east-west segment of North Star Road that runs along the north edge of the property, which is currently only 49.5' wide. Roffers said it is customary for half of any additional right-of-way needed to widen the road to come from the owners on both sides of the road, measured from the centerline. Eickhoff asked about clearing of trees, Roffers suggested that any that can be left would provide screening from North Star Road. **MOTION** by Hampton/Meylor to recommend approval of the concept plan with land division for four lots to start with, with easements spelled out in a deed restriction and dedication for half of a 66' of right-of-way all along North Star Road. **MOTION CARRIED 6-0.**
- 6) Helen J Galarowicz Rev Living Tr., applicant and landowner, parcels #0711-193-9500-8, 0711-193-8320-0, 0711-193-8000-5 and 0711-192-9550-9 on Gala Way – seeking rezone of 37.93 acres from FP-35 to FP-1 to separate existing residential lot from agricultural land and divide ag land into two separate parcels: Robert Williamson was present virtually. He had provided a rezone map and a certified survey map (Exhibit B), and explained that Don and Karen Ehlenfeldt, owners of Lot 1 of the CSM, wish to purchase Lot 2, and they have a buyer for Lot 3. He acknowledged that there are no development rights remaining on any of the proposed lots, but mentioned that the buyer of Lot 3 may want to transfer a purchased one there eventually. **MOTION** by Anders/Klinger to recommend approval of the rezone of 37.93 acres from FP-35 to FP-1 to be divided into two parcels shown on the proposed CSM, noting that there are no development rights on the newly created parcels. **MOTION CARRIED 6-0.**
- 7) Donald Viney, applicant, Viney Acres, LLC, landowner, parcels #0711-363-9245-0 and 0711-363-9215-0 at 1834 Schadel Road – seeking rezone of 15 +/- acres from RR-4 and RM-8 to RR1 (1.837 acres), RR2 (2.056 acres) and FP-1 (10.459 acres) to create one new residential lot, separate the existing home and buildings, and better configure the remainder for farming: Don and Marilyn Viney were both present. They had provided a preliminary certified survey map (Exhibit C) showing the new requested lots. It was noted that there are actually two RDUs remaining on this property, which was formerly owned by the Hauge family

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(see minutes from 2-22-2017). They would like it go to on record that they will still have one available after this land division. **MOTION** by Eickhoff/Meylor to recommend approval of rezoning 1.837 acres from RR-4 and RM-8 to RR-1, 2.056 acres from RM-8 to RR-2, and 10.459 acres from RR-4 and RM-8 to FP1, noting that there is still one unused RDU with the property. **MOTION CARRIED 6-0.**

- 8) Continued discussion on the update to the Comprehensive Plan, focusing on potential adjustments to the Land Use chapter, Future Land Use map, and economic development programs: Roffers had prepared a memo to guide the tonight's discussion (Exhibit D). He began by reviewing the schedule for the Comprehensive Plan update. Next, landowner requests for changes to the future land use were reviewed:
- a) The Witte's submitted a request to designate 5.9 acres of wooded area east of their Neighborhood Development area between Hope Road and Wittewood Lane for Neighborhood development. Robert, David, and Andrew Witte, and Atty. Matt Fleming were present. They explained that they would like to have this area included in the Neighborhood Development area to facilitate conveyance of the property for development. Roffers thought only the portion closest to Hope Road could be buildable due to steep slopes, and it was also noted that there is a pipeline going through it. There were suggestions that it could be held jointly by a homeowner's association, or incorporated into larger lots at that end of the development. Roffers' recommendation was to approve the request. **MOTION** by Meylor/Kudrna to add the 5.9 acres to the Neighborhood Development area. **MOTION CARRIED 6-0.**
 - b) Ed Sprecher requested that ~116.8 acres he owns in Section 18 be re-designated from Ag-Preservation to Neighborhood Development. Mr. Sprecher had notified the Clerk that he would not be at the meeting, but he had been provided with Roffer's memo. Roffers said that lands on three sides of the 116 acres are planned as Ag-Preservation and zoned mostly FP-35. Door Creek Golf Course is to the North. About 2/3 of the area is within the Resource Protection Corridor where development is generally prohibited. Access from Vilas Hope Road is ¼ mile to the West. Roffers recommended against approval, but suggested that the Sprecher property (Oak Crest Farm) most likely has RDUs available, which could allow a few homes without any changes to the Future Land Use Map, and the TDR policy would also allow more RDUs to be transferred in on a 1:1 basis. **MOTION** by Hampton/Eickhoff to NOT change the designation of the 116.8 acres to Neighborhood Development. **MOTION CARRIED 6-0.**
 - c) Dale and Dwight Huston submitted a request to re-designate two areas from Ag-Preservation to Commercial Development, which are discussed separately below. Dale and Dwight were both present, along with Dennis Richardson.
 - i) 177 acres in the CTH N/Nora Road area: Roffers said the Huston's already own 60 adjacent acres that are planned for commercial but currently used for agriculture. Lands to the west are already designated and used for commercial, lands to the east are planned and used for agriculture. Roffers recommended only the 40 acres at the corner of CTH N and Nora Road be re-designated for commercial development at this time. Richardson questioned how often the comprehensive plan is updated, and asked where else in the Town would large commercial developers be able to go? Hampton said that North Star Road is the current focus, Dale Huston said that is a different application because it does not have direct access to a county highway. Anders questioned whether designating more land for commercial development would be a threat to farmland preservation. **MOTION** by Eichkoff/Meylor to follow Roffer's recommendation to re-designate the 40 acres at the corner of CTH N and Nora Road for future commercial development. **MOTION CARRIED 5-1** (Anders opposed).
 - ii) 300 acres south of the US Hwy. 12/18/N interchange. The Hustons own only a small fraction of the

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300 acres. Roffers said while this is an interesting suggestion that warrants further investigation, he does not believe this request should be honored before consulting with the other land owners, along with the Town Pleasant Springs, Dane County and maybe even the WDOT. Topography and existing homes could also cause conflict. Hampton suggested re-designating the 40 acres that contain property already under commercial use by the Hustons and Connery Construction, along with 32 adjacent acres owned by Dane County (right at the southern boundary of the Town). Dale Huston asked to include the land to the east of that as well, but Hampton said access would not be good since that end of North Star Road has not been improved. **MOTION** by Kudrna/Klinger to re-designate the 40 acres on the east side of CTH N at the southern boundary of the Town for Commercial Development. **MOTION CARRIED 6-0.**

The Land Use Chapter of the Conditions and Issues Volume were reviewed next. This volume provides the background information that policies are based on. Roffers noted that a new section discusses compliance with farmland preservation planning and zoning rules. Figure 5-2 shows areas of difference between existing land use, existing zoning and/or planned future land use. He suggested re-designating several collections of homes in the Ag-Preservation District as Neighborhood Development, and re-designating the Door Creek Golf Course from Ag-Preservation to Open Space and Recreation Area. This would help in maintaining the requirement that 80% of lands planned for Ag Preservation must be zoned for farmland preservation. Another new feature is Map 5, which shows deed restricted parcels. Supply and projected demand for both residential and commercial land are discussed beginning on page 29. The December 2, 2020 Future Land Use map shows adequate areas planned for both, however much of those is close to the Village of Cottage Grove or City of Madison where development in the Town is unlikely. An estimate of remaining RDUs shows that approximately 260 are remaining, which is 44% of the original total.

The Land Use Chapter of the Visions and Directions volume was discussed next. This volume contains the policies that guide land use decisions by the Plan Commission and Town Board. Results and quotes from responses to the community survey are included to support and justify policies. Roffers highlighted the following areas:

- A new section on page 22 designates two Intergovernmental Study Areas: 1) in the area that is included in discussions with the City of Madison about an Intergovernmental Agreement and 2) in the area south of USH 12/18 extending ½ mile east and west of CTH N. He suggested pausing planning efforts in these areas while intergovernmental studies and negotiations are in process.
- He questioned whether the language in item 2. a. on page 29 accurately captures the Town's intentions for accounting for farm residences built prior to May 15, 1982. Discussion was that the first sentence is confusing, he will re-write it.

Hampton asked for a more in-depth discussion about the challenges of balancing community interest in preservation of farmland and open space with landowner rights. He also questioned whether the 8:1 multiplier is still appropriate based on current market conditions. On page 28, he suggested striking *commercial uses* from the bullet point about maximum lot sizes for new lots intended for new residences. Roffers will address all of these with future updates.

Roffers then reviewed the proposed Future Land Use Map, on which he had included his recommended new commercial areas and changes to help in maintaining Farmland Preservation requirements discussed earlier. New features include suggested future roads and two Rural Neighborhood Expansion areas, meant to identify areas where future residential development would be most desirable and least likely to be objected to under ETJ based on his discussions with Village representatives.

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Roffers touched briefly on Figure 11. on page 50, Comprehensive Plan Priority Programs, and asked commission members to think about how these may have changed since the last update, for discussion at the October meeting. He opted not to delve into a discussion on Economic Development Programs due to the late hour, saving this for the October meeting as well.

- 9) Continued discussion on width requirements for future roads to allow for walking and/or bike paths: Hampton said a decision is needed about whether wider collector streets should be required for new developments, and whether the additional cost should all be borne by the developer, or there should be some accommodations made. Roffers suggested that criteria could be developed to identify which new roads should be wider with paths, and suggested connections to other areas or proximity to attractions as examples. He said the MPO staff may be able to help in developing the criteria. Hampton will contact them.
- 10) ADJOURNMENT: **MOTION** by Meylor/Klinger to adjourn. **MOTION CARRIED 6-0**. The meeting was adjourned at 9:44 P.M.

Submitted by: Kim Banigan, Clerk
Approved 09-22-2021