

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 11692

Dane County Zoning & Land Regulation Committee Public Hearing Date 5/25/2021

Whereas, the Town Board of the Town of Cottage Grove having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): **Approved** **Denied** **Postponed**

Town Planning Commission Vote: 7 in favor 0 opposed 0 abstained

Town Board Vote: 5 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. *Deed restriction* limiting use(s) in the HC zoning district to **only** the following:
Uses and restrictions to be the same as on adjacent parcel #0711-284-9950-0 owned by Capitol Holdings LLC. (see petition #11317)
2. *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
3. *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
4. *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
5. *Other Condition(s)*. Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Kim Banigan, as Town Clerk of the Town of Cottage Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 5/3/2021

Town Clerk Kim Banigan Date: 5/4/2021

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- 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, Steve Anders, Jerry Meylor, Dave Muehl, Troy Eickhoff, Mark Kudrna and Phil Bultman in attendance. Clerk Kim Banigan took minutes, and Planning Consultant Mark Roffers was also present. Due to the COVID-19 emergency, public participation in person was limited and the meeting was accessible through gotomeeting.com, however during the first 10 minutes, the audio from the meeting room was not working so virtual attendees could not hear through the beginning of the discussion with Duane Swalheim below.
- 2) Chair Kris Hampton called the meeting to order at 7:00 P.M.
- 3) Approve Minutes of Previous Meetings: **MOTION** by Anders/Eickhoff to approve the March 24, 2021 minutes as printed. **MOTION CARRIED 7-0.**
- 4) Public Concerns:
 - a) Duane Swalheim shared a concept plan for 16 commercial lots on land he owns on North Star Road, and asked how he should go about getting started with development there. Roffers' associate Nick Johnson was present virtually and was able to display the draft conceptual plan for a rural business park on North Star Road. Roffers said what Mr. Swalheim is proposing generally fits into that plan, and there are two approaches that can be taken: 1) create a number of lots knowing that buyers may want just one or multiple or 2) create giant lots with the understanding that the area will need to be re-divided based on what buyers want. Mr. Swalheim was advised to conceptualize a stormwater plan for the property, and narrow down the uses in the commercial zoning districts to fit the types of businesses he hopes to attract before applying for a rezone. He was also advised that it might be good to have a potential buyer or two lined up before moving forward.
 - b) Miodrag Petrovic is looking at property at the corner of Vilas Hope Road and Gala Way with hopes of putting a home and a 100' x 100' outbuilding to store equipment related to his food concessions business there. He has been in contact with Dane County Planning and Development, who advised him that he should ask the Town whether the area could be planned for commercial development in the comprehensive plan (it is currently planned as agricultural preservation). He noted that adjacent property is already zoned commercial. Robert Williamson, representative for landowner Galarowicz Rev. Living Trust, was present virtually and wondered why commercial zoning was needed to store equipment when no customers would be coming to the site. Commission members explained that any storage of items used in a business is considered commercial use. Hampton said while the Plan Commission could consider the change as part of the update to the comprehensive plan they are currently working on, he felt it was unlikely to be approved, and even it is approved, the update will take most of the year to complete. He suggested contacting the owner of a farm house for sale on Field View Lane that has commercial property across the road that may also be for sale.
- 5) Discuss/Consider application by Birrenkott Surveying, Inc. – Bryan Stueck, applicant, VLKJH Skaar LLC – Vicki Kraus, landowner, to rezone 10 acres of parcel #0711-284-9700-0 from AT-35 to HC for sale to Capital Holdings, LLC to expand existing commercial use, and to rezone 28.6 acres of parcel #0711-284-9160-0 from AT-35 to RM-16 for zoning compliance: Vicki and Otto Kraus were present in person, and Gordon Morauske and Brent Conwell from Capital Holdings, LLC were present virtually. Ms. Kraus said it makes sense that the 10 acres should be combined with Capital Holdings' commercial property, and she has no plans to sell the remainder proposed to be rezoned as RM-16. Roffers thought this would be consistent with the plan for the area, and recommended that right-of-way for future roads be obtained as development occurs. **MOTION** by Anders/Meylor to recommend approval of the rezone of 10 acres from AT-35 to HC

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with the same restrictions and allowable uses as the adjacent commercial property owned by Capital Holdings, LLC, and the rezone 28.6 acres AT-35 to RM-16 for zoning compliance. **MOTION CARRIED 7-0.**

6) Discuss/Consider application by Copart of Connecticut, Inc. for site approval of an ~6-acre expansion of the Copart facility to offset loss of land taken by WisDOT for their safety improvement project: Robert Harley, Dan Privette, and Chris White were present virtually to represent Copart. A revised set of plans had been provided showing an additional 6-acre area for vehicle storage on the eastern side of the property to compensate for some of the area lost to the WisDOT. Discussion included:

- Hampton asked about a non-catalogued archeological site shown on them maps, Harley said they are in consultation with the State Historical Society about it.
- Hampton said an electronic gate will be needed at the Luds Lane entrance, along with a Knox box, and the code and key must be provided to the fire department.
- The fence will continue around this section, but since the terrain drops down from the property line, no berm will be needed there.
- The Town will ask the WisDOT about putting a berm along the new ramp for CTH AB on the southwest portion of the property.
- There is a triangle of property outside of the fence on the west end of the property that could have plantings to dress it up when viewed from the new CTH AB.

MOTION by Anders/Bultman to recommend approval of the site plan as amended, with the addition of evergreen plantings in the triangle outside of the fence on the west side adjacent to the new CTH AB. **MOTION CARRIED 7-0.**

7) Discuss/Consider application by Viney Acres, LLC – parcels #0711-274-8501-0 and 0711-274-8220-0 on Nora Road - rezone of 6.69 acres from FP-35 to RR-2 and 13.27 acres from FP-35 to FP-1 to create 3 residential lots and 2 agricultural lots: Don Viney and Chris Miller were present in person, and Surveyor Dan Birrenkott was present virtually. The proposed zoning map would create 5 lots, which would mean a plat vs. a CSM. Discussion included the possibility of a second CSM to combine what is shown as Lot 4 with the adjacent ag land, and combining the shared driveway with lot 3, so there would only be 4 lots and a CSM could be used. A shared driveway agreement will be needed, as will a turn-around of some sort for emergency services. Buildable areas should be identified on the map due to the steep slopes. Anders cautioned that the long driveways could lead to stormwater management requirements due to the amount of impervious surface. **MOTION** by Anders/Meylor to table until the applicant comes back with a revised zoning map. **MOTION CARRIED 7-0.**

8) 2021 Comprehensive Plan Update: Roffers began by reviewing the timeline, and suggested that a meeting should be scheduled soon to invite property owners to learn about the plan and provide their input. The County can probably help to identify landowners by the number of acres owned, and a mailing of some sort should be sent to those most likely to be affected by the update. He will work with the Clerk to identify them. A second meeting could specifically target owners of property on North Star Road.

a) Review community survey results: Johnson displayed the survey results. There have been 212 responses, and the survey will remain open through Friday or perhaps Monday. The final results will be posted on the project page on the MD Roffers web site. Roffers said there was a lot of support for open

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space preservation, quite a bit for farmland preservation, some support for commercial development, and mixed feelings about more residential development, with a lot of concern over encroachment by the City of Madison. Overall respondents felt new lot sizes should stay the same, with a few comments suggesting they should be larger. Of the six areas identified by the survey, respondents generally thought areas 5 and 6 (east side of the Town) should remain as open space, area 4 (south of the Village) should be mixed development, area 3 (Hwy 12 & 18 corridor) should be commercial, and areas 1 and 2 (west side of the Town) should be residential and open.

- b) Review Draft #1 of updated Conditions and Issues volume, including associated analyses: Johnson highlighted some of the additions to this volume, including:
- Figure 5-2 shows where there are notable differences between existing land use and planning districts, and suggested these should be looked at with the update.
 - Map 5 will show deed restrictions in the Town, which Roffers said will be useful to know when assigning planning districts. Hampton suggested asking the County for some language to state how they will defend deed restrictions if the property is annexed. Roffers has heard they may not survive unless there is a third-party holder involved.
 - Figures 5-3 and 5-4 project acres needed for residential and commercial development in the next 25 years.
 - Potential impacts of the US Hwy 12 & 18 Freeway Conversion and CTH AB intersection projects are discussed on page 34.
 - Chapter 9 addresses intergovernmental cooperation and potential conflicts.
- c) Revisit Plan vision statement: Roffers suggested holding this discussion for another time.
- 9) ADJOURNMENT: Prior to adjournment, Hampton thanked Phil Bultman for his service on the Plan Commission, and there was a round of applause. **MOTION** by Anders/Eickhoff to adjourn. **MOTION CARRIED 7-0.** The meeting was adjourned at 9:35 P.M.

Submitted by: Kim Banigan, Clerk
Approved 05-26-2021