

Village of Cottage Grove
Meeting

Notice of Public

PLAN COMMISSION

Wednesday, February 12, 2020
Village Hall

6:30 P.M.

221 E Cottage

Grove Rd.

1. Call To Order
2. Determination Of Quorum And That The Agenda Was Properly Posted
3. Pledge Of Allegiance
4. PUBLIC APPEARANCES-Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item
5. Discuss And Consider The Minutes From The Plan Commission Meeting Of January 8, 2020.

Documents:

[1-8-2020 PLAN COMMISSION MINUTES.PDF](#)

6. Discuss And Consider A Request From Farris Auto To Amend An Existing Conditional Use Permit For Their Facility At 212 W. Cottage Grove Road To Permit Construction Of An Additional Paved Area Bounded By A Privacy Fence And To Review Conditions Of The Existing Permit (Tabled At January 8, 2020 Meeting).

Documents:

[CG_FARRISBROS_PCMEMO_2020-02-06.PDF](#)
[ILL_FARRISBROS_PHASE01-REV_2020-01-30.PDF](#)
[ILL_FARRISBROS_PHASE02-REV_2020-01-30.PDF](#)
[ILL_FARRISBROS_PHASE03-REV_2020-01-30.PDF](#)

7. PUBLIC HEARING: Opportunity For Public To Provide Input Regarding A Request From Alejandro Ramirez For Approval Of A Conditional Use Permit For An 'Indoor Commercial Entertainment' Land Use (Don Maguey Mexican Restaurant) Serving Alcohol Located In The Existing Multi-Tenant Building At 1609 Landmark Drive.

Documents:

[CG_DONMAGUEYCUP_2020-02-05.PDF](#)
[DONMAGUEY-CUPAPP_2020-01-16.PDF](#)
[BLDGPLAN_2020-02-05.PDF](#)

8. Discuss And Consider A Request From Alejandro Ramirez For Approval Of A Conditional

Use Permit For An 'Indoor Commercial Entertainment' Land Use (Don Maguey Mexican Restaurant) Serving Alcohol Located In The Existing Multi-Tenant Building At 1609 Landmark Drive.

9. Discuss And Consider A Request From Nancy Hacker For Approval Of A Zero Lot Line Certified Survey Map To Split An Existing Duplex Parcel At 706 St. James Street Into Two Separate Parcels.

Documents:

[CG_HACKERZEROLOTLINE_2020-02-05.PDF](#)
[HACKERZEROLOTLINE_2020-02-05.PDF](#)

10. Presentation By Troy Hoekstra Of A Concept Plan For A Proposed Atwell Suites Hotel To Be Located On Highway TT Immediately West Of The DOT Park And Ride. For Feedback Only – No Formal Action Will Be Taken.

Documents:

[PLAT OF SURVEY_2019-12-10.PDF](#)
[ATWELL EXTERIOR INTERIOR COLOR RENDERING.PDF](#)
[PLAN_2020-01-07_ATWELLSUITES-V1.PDF](#)
[PLAN_2020-01-07_ATWELLSUITES-V2.PDF](#)

11. Presentation By Tim Olson Of A Request To Amend The Village Of Cottage Grove Comprehensive Plan To Change Parcels 0711-174-8500-3 And 0711-174-9002-4 Totaling 72 Acres From 'Future Development Area' To 'Planned Neighborhood.' For Feedback Only – No Formal Action Will Be Taken.

Documents:

[CG_OLSONCOMPPLAN_2020-02-05.PDF](#)
[OLSON_2020-01-03.PDF](#)

12. Future Agenda Items

13. Adjournment

This agenda has been prepared by Staff and approved by the Village President as Chair of the Plan Commission for use at the meeting as listed above. Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call 608-839-4704 at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

VILLAGE OF COTTAGE GROVE
PLAN COMMISSION
Wednesday, January 8, 2020

MINUTES

1. Call to order

The Plan Commission meeting for January 8, 2020 was called to order by Village President John Williams at 6:30 p.m.

2. Determination of quorum and that the agenda was properly posted.

It was noted that a quorum was present and that the agenda was properly posted. Roll Call was taken. Commission members present were: John Williams, Kyle Broom, Alex Jushchyshyn, Melissa Ratcliff, Fred Schulze. Absent and excused was Don Brinkmeier and Jennifer Pickel. Staff members present were Village Planner Erin Ruth, Village Administrator Matt Giese, Village Clerk Lisa Kalata and Village Engineer Kevin Lord.

3. Pledge of Allegiance

4. PUBLIC APPEARANCES – *Public's opportunity to speak about any subject that is not a specific agenda item.*
None

5. Discuss and consider the minutes from the Plan Commission meeting of November 13, 2019. Motion by Jushchyshyn to approve the minutes from the November 13, 2019 Plan Commission meeting, seconded by Ratcliff. **Motion** carried with a voice vote of 5-0-0.

6. PUBLIC HEARING: PUBLIC HEARING: Opportunity for Public to Provide Input Regarding A Request from Farris Auto to Amend an Existing Conditional Use Permit for Their Facility At 212 W. Cottage Grove Road to Permit Construction of An Additional Paved Area Bounded by A Privacy Fence and To Review Conditions of Operation.

Williams opened the public hearing at 6:31pm. Ruth explained the memo in the packet. Gerard Farris was present to explain the issues and how they plan to resolve the issues. They would do the improvements in three phases, with the first being the paved area with fence, second phase would be to remove the sheds and put up a new sales building and the last phase would be to pave the front and put in landscaping. Anita Zahorsky-443 Connie St was present to address concerns with of the appearance of the business in the middle of town and concerned with the number of cars located on the property and how this will be regulated. Warren Hillmer-445 Connie was present to address concerns of the appearance of the business and the regulations of the conditional use permit and would like that looked at before more is given. Williams closed the public hearing at 6:45 pm.

7. Discuss and Consider A Request from Farris Auto to Amend an Existing Conditional Use Permit for Their Facility At 212 W. Cottage Grove Road to Permit Construction of An Additional Paved Area Bounded by A Privacy Fence and To Review Conditions of The Existing Permit.

Jushchyshyn questioned what the commission was approving, the number of cars, fence or if this is creating a new limit of cars on the lot. Broom also questioned how many cars the lot will hold, because the words “for sale” are vague and how the back lot would be used and what type of fencing would be used. Gerard Farris indicated the back lot would be used to get vehicles ready and for trade in-vehicles and the fencing would be vinyl fence. Williams asked when the phasing would start. Gerard Farris indicated that they would work on phase one as soon as weather permits, and they would like to start on phase two this year however they do not have a plan for the building yet. Ratcliff indicated that the problem with the conditional use is that they may have a new car each week but does like that they are working on fixing the problems. Schulz indicated that he would like more information on what the fence will look like, the number of cars and just clarity on the project before they take action on the permit. **Motion** by Jushchyshyn to table until there is clarity on the fence, car count and how the car counts relate to the conditional use permit, seconded by Broom. Motion carried with a voice vote of 5-0-0.

8. PUBLIC HEARING: Opportunity for Public to Provide Input Regarding A Request from Greywolf For Approval of a General Development Plan for A Hotel, Located at Parcel #0711-041-2120-1 In the Commerce Park.

Williams opened the public hearing at 7:17 pm. Ruth introduced Todd Rizzo from Greywolf Partners and gave a brief overview of the project. The hotel will sit on the parcel between BB Jack's and Arby's on a parcel owned by Greywolf. The Hotel will be a Comfort Suites and will have an indoor pool, conference rooms and fitness room

and they would like to create a commons area between the buildings, but they are still working on the plan. Broom asked if there will be charging stations and if they have given any thought to public pool passes and if the parking will have additional lighting. This is the first step in the project and will require approval of a more detailed Precise Implementation Plan. The public hearing was closed at 7:41 pm.

9. Discuss and Consider A Request from Greywolf For Approval of a General Development Plan for A Hotel, Located at Parcel #0711-041-2120-1 In the Commerce Park.

Motion by Broom to approve the General Development Plan for a hotel located at parcel #0711-041-2120-1 in the Commerce Park for Greywolf, seconded by Jushchyshyn. **Motion** carried with a voice vote of 5-0-0.

10. PUBLIC HEARING: Opportunity for Public to Provide Input Regarding A Request from Doundrins Distilling for Conditional Use Permit for An Outdoor Seating Area at Their Facility Located At 300 Progress Drive.

Williams opened the public hearing at 7:42 pm. Ruth explained the information in the packet and introduced Abby and Nick Abramovich from Doundrins Distilling. They are looking for a conditional use for the outdoor seating area of the facility located at 300 Progress Drive. Ratcliff asked if this would be a summer use, which Abby indicated it would be as weather permits and it would not modify the current use it would just give more space. The public hearing was closed at 7:55 pm.

11. Discuss and Consider A Request from Doundrins Distilling for Conditional Use Permit for An Outdoor Seating Area at Their Facility Located At 300 Progress Drive.

Motion by Schulze to approve the Conditional Use Permit for an Outdoor Seating Area located at 300 Progress Drive with conditions in the staff report, seconded by Jushchyshyn. **Motion** carried with a voice vote of 5-0-0.

12. Discuss and Consider A Request from The Monona Grove School District for A Site Plan Amendment for An Approximately 1,500 Sq. Ft. Addition to The Glacial Drumlin Middle School Cafeteria, Located At 801 Damascus Trail.

Ruth introduced Maclain Schramm, Architect from Eppstein Uhen that was hired by Monona Grove School District to expand the cafeteria at Glacial Drumlin Middle School. They will be expanding the existing cafeteria to have more flexibility with seating and keeping the circulation open. Ratcliff questioned if they are adding to allow for more students to eat or to make it faster to serve. Maclain indicated that they are adding to have more function with the space. Jushchyshyn questioned if this was part of the referendum, which it was. **Motion** by Williams to approve the site plan amendment for approximately 1,500 Sq. Ft. addition at Glacial Drumlin Middle School Cafeteria, located at 801 Damascus Trail, seconded by Schulze. **Motion** carried with a voice vote of 4-0-1 with Jushchyshyn abstaining.

13. Discuss and Consider A Request from Village of Cottage Grove Park & Rec Dept. For Approval of a Site Plan Amendment for Bakken Park to Permit Installation of a New Shelter and Splash Pad.

Sean Brusegar, Parks, Recreation & Forestry Director and Dan Schmitt-Landscape Architect from MSA were present to give an overview of the site plan for the new shelter and splash pad at Bakken Park. Jushchyshyn questioned if the splash pad will only run during park hours, which it was indicated that it would. Williams asked about security at the park, which Brusegar indicated that they are working with TDS and they will install the services for free so they will have cameras up for security. **Motion** by Broom to approve the site plan amendment for Bakken Park to permit installation of a new shelter and splash pad, seconded by Schulze. **Motion** carried with a voice vote of 5-0-0.

14. PUBLIC HEARING: Opportunity for Public to Provide Input Regarding A Proposed Amendment of The Village of Cottage Grove Zoning Ordinance to Create A New Single-Family Residential Zoning District with Minimum Lot Size Of 7,500 Sq. Ft.

Williams opened the public hearing 8:37 pm. Ruth explained the memo in the packet. This was discussed during the amendment of the Comprehensive Plan which would allow for a zoning district with minimum lot size to be smaller than other districts. This would allow for smaller density and affordable housing. The public hearing was closed at 8:39 pm.

15. Discuss and Consider A Proposed Amendment of The Village of Cottage Grove Zoning Ordinance to Create A New Single-Family Residential Zoning District with Minimum Lot Size Of 7,500 Sq. Ft.

Motion by Broom to approve the amendment of the Village of Cottage Grove Zoning Ordinance to create a new Single-Family Residential Zoning District with minimum lot size of 7,500 sq. ft., seconded by Schulze. **Motion** carried with a voice vote of 5-0-0.

16. Future Agenda Items

Farris Auto, Hotel, Conditional Use for Mexican Restaurant

17. Adjournment

Motion by Schulze to adjourn at 8:41pm, seconded by Jushchyshyn. **Motion** carried with a voice vote of 5-0-0.

Lisa Kalata, Clerk
Village of Cottage Grove
Approved:

These minutes represent the general subject matter discussed in this meeting but do not reflect a verbatim documentation of the subjects and conversations that took place.

DRAFT



PLANNING STAFF REPORT

MEMO DATE: February 6, 2020
MTG. DATE: **FEBRUARY 12, 2020**

TO: Village of Cottage Grove Plan Commission

CC: Village of Cottage Grove Board of Trustees
Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Larry Konopacki – Village Attorney
Kevin Lord – Village Engineer

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: **Farris Auto – Conditional Use Permit Amendment**

BACKGROUND

Property Owner: Farris Auto

Location: 212 W. Cottage Grove Road

Area: 1.4 acres

Agent: Jon and Gerard Farris

Existing Zoning: PB, Planned Business

Proposed Zoning: PB, Planned Business

OVERVIEW

In April 2015, Farris Auto received a conditional use permit to operate a vehicle repair and sales business at 212 W. Cottage Grove Road subject to several conditions (see attached Village Action Report).

Since then, the owners Jon and Gerard Farris purchased the 0.75 acre parcel occupied by the garage (they had been leasing it from UW Credit Union), as well as the adjacent 0.65 acre parcel that had been leased by a lawn mower repair business.

Over the past few months the Village has received complaints regarding the number and condition of cars on the lot.



The conditional use permit limits the number of cars on sale on the property to five. The permit also states that “inoperable or salvage vehicles shall not be stored on site, except inoperable vehicles awaiting repair in the short term.”

At the time the permit was granted the business was expected to be primarily a customer-based repair shop where cars would pass through in a few days at most, with sales expected to be a minor aspect of the business. Since then, the business has begun purchasing cars to repair and resell. While those cars are also “awaiting repair” they do not move through the site as quickly and the site can get cluttered with cars.

Now that Farris Auto owns the site, this may be an opportune time to address the complaints with a plan for a more permanent solution that could allow the business to operate successfully while also fitting in with the neighborhood.

Jon and Gerard Farris have met with the Plan Commission to discuss potential options for the site, including a site plan prepared by Village Staff. They have since been working with paving and fencing contractors regarding the project. They are prepared to begin working to improve the site as soon as the weather allows in 2020.

CURRENT CONCEPT PLANS

The current concept is attached. The applicants are planning to improve the site in three phases in a manner that will allow them to continue operations through each phase.

Phase one includes a roughly 60' x 200' parking lot south of the existing buildings that would contain 34 parking spaces. The lot will be enclosed by A 6' privacy fence. Visible sides would include a mulched and landscaped band around the exterior of the fence. The applicants plan to implement this work as soon as paving can resume in the spring, including the parking space striping.

In phase two the applicants plan to remove two existing sheds on the west side of the site (formerly used by Cottage Grove Mower Repair). The structures would be replaced by a small, new sales office building. Also, in phase two the final segment of the privacy fence will be built between the new sales office and the existing repair shop. The applicants hope to perform this phase over the summer of 2020.

Phase three includes the repair/replacement of the existing paved area on the north side of the site along with landscaping improvements, new signage, and parking space striping.

STAFF RECOMMENDATION

The conditions in the existing conditional use permit were based on the site status as it existed at the time the permit was granted. The proposed site changes should lead to reconsideration of all conditions to ensure they are compatible with the new plans.



Staff recommends the amended Conditional Use Permit be **APPROVED WITH CONDITIONS**, with the following conditions replacing those of the original permit:

1. Signage related to auto sales shall be restricted to signage within the windows of the vehicles for sale on the property.
2. Inoperable vehicles shall not be stored on-site, except those awaiting repairs, and shall be stored within the fenced area. Salvage/junk vehicles shall not be stored on site.
3. No unpaved areas shall be used for vehicle parking, storage, or circulation.
4. Signage will require a permit via a separate application process.
5. The Conditional Use Permit shall apply only to Farris Auto at this location.
6. Phase 1 shall include the elements shown in the attached Phase 1 plan including paving, striping, fencing, and landscaping. Coordinate erosion control, stormwater management, and grading with the Village Engineer prior to issuance of a land disturbance permit. Phase 1 shall be completed no later than June 1, 2020.
7. Prior to initiating Phase 2, detailed building design drawings shall be provided for Plan Commission and Village Board approval.
8. Contact Village prior to initiation of Phase 3 to discuss scope of work and to determine necessary submittal and approval process, or Phase 3 review may be combined with Phase 2.
9. Phase 3 shall include striping parking spaces. If phase 2 and 3 are not to be completed in 2020, the existing lot shall be striped per the concept plan no later than November 1, 2020.
10. Cars awaiting repair shall be stored within the fenced area.
11. The seven parking spaces shown adjacent to the existing repair shop shall be dedicated for customer and employee parking. The spaces shall be striped to include one ADA space. Dedicated customer parking shall also be provided near the new sales building at a rate of 1 space per 300 sq. ft. of building area.
12. Parking spaces in the front lot not otherwise reserved for customers and employees may be used for vehicle sales.
13. No vehicles shall be parked anywhere on the site other than in a striped and paved parking space as shown on the proposed concept plans.



ADDITIONAL BACKGROUND

Comprehensive Plan Consistency

The Land Use Chapter of the Comprehensive Plan states, “some areas of existing businesses within the Village are expected to be appropriate for façade improvements, redevelopment, or rehabilitation to comply more closely with the Planned Business category over time... This type of revitalization typically involves a reinvestment in the building façade as well as landscaping and signage.”

The proposed project is intended to improve the aesthetics of the site and functionality of the business while also better integrating it into the neighborhood through the type of incremental improvements mentioned above.

Zoning Ordinance Consistency

The subject property is zoned PB, Planned Business. Per 325-40(B)(1)(a), “this district is intended to permit large and small scale commercial development that is compatible with the desired overall community character in the area in general.”

325-40(B)(1)(a) also states that “in order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.” The Ollie Street entrance to this property is across from another commercial use and may be maintained.

325-40(B)(2)(b) states that ‘vehicle repair and maintenance’ and ‘outdoor display’ are permitted as conditional uses in the PB district.

The ‘outdoor display’ land use is regulated by 325-49(D)(4). The ordinance specifically lists vehicle sales as an example of this land use. Regulations of particular applicability to this proposal include (a)(3) “in no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of 325-75”; and (a)(7) “inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.” The space used for parking any vehicles for sale shall not be included in the space allocated for required parking. Inoperable vehicles and vehicles used for salvage shall not be stored on site.

The ‘vehicle repair and maintenance service’ land use is regulated by 325-49(D)(17). Regulations include (a)(1) “storage of abandoned vehicles is prohibited”; (a)(2) “facility shall provide a bufferyard with a minimum opacity of 0.6 along all property boundaries abutting residentially zoned property”; and (b) “parking requirements one space per 300 sq. ft. of gross floor area.” The southern boundary of the subject property is adjacent to a residentially zoned property, and the existing landscape buffer meets the requirement. In addition, the applicants are planning a privacy fence in phase 1 of the proposed project that will block all views of the new rear lot from adjacent properties.



Conditional Use Permit Criteria

325-111(D)(2) of the zoning ordinance requires a proposed conditional use to be compliant with standards (a) to (f) of that section. In the opinion of staff, the proposed use is compliant with those standards as outlined below.

- a) *The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.*

The proposed uses (vehicle repair and sales) fill a niche in the Cottage Grove market and are not contrary to the plans and policies of the Village.

- b) *The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.*

The proposed project represents an opportunity to incrementally improve an aging property as recommended by the Comprehensive Plan.

- c) *The proposed conditional use, in its proposed location and as depicted on the required site plan, does not result in substantial or undue adverse impacts on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the public health, safety, or general welfare either as they now exist or as they may in the future be developed as a result of implementation of the provisions of this chapter, the Comprehensive Master Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the Village or other government agency having jurisdiction to guide development.*

The primary objections to the current business are related to the aesthetics of the site and the number of cars on the lot. Staff believes the proposed plan and conditions of approval will largely mitigate these issues. The privacy fence will block the view of many of the cars on the site from adjacent properties. Striping the parking area and the condition that all cars must be parked in designated parking spaces will keep the visible parking lot visually more orderly, safer due to easier access to all vehicles, and will cap the number of vehicles that can be on the site. The proposed new sales building will be subject to further review and will inevitably be more attractive than the dilapidated sheds currently occupying that portion of the site.

Outdoor music will be subject to an amplified noise permit.

- d) *The proposed conditional use maintains the desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property.*



The amount of pavement on the site is within the limits of the Planned Business district, as such properties are generally expected to have generous amounts of parking. Striping the parking lots, and the condition that all vehicles must be parked in a space, will keep the vehicles more orderly and will limit the number that can occupy the site.

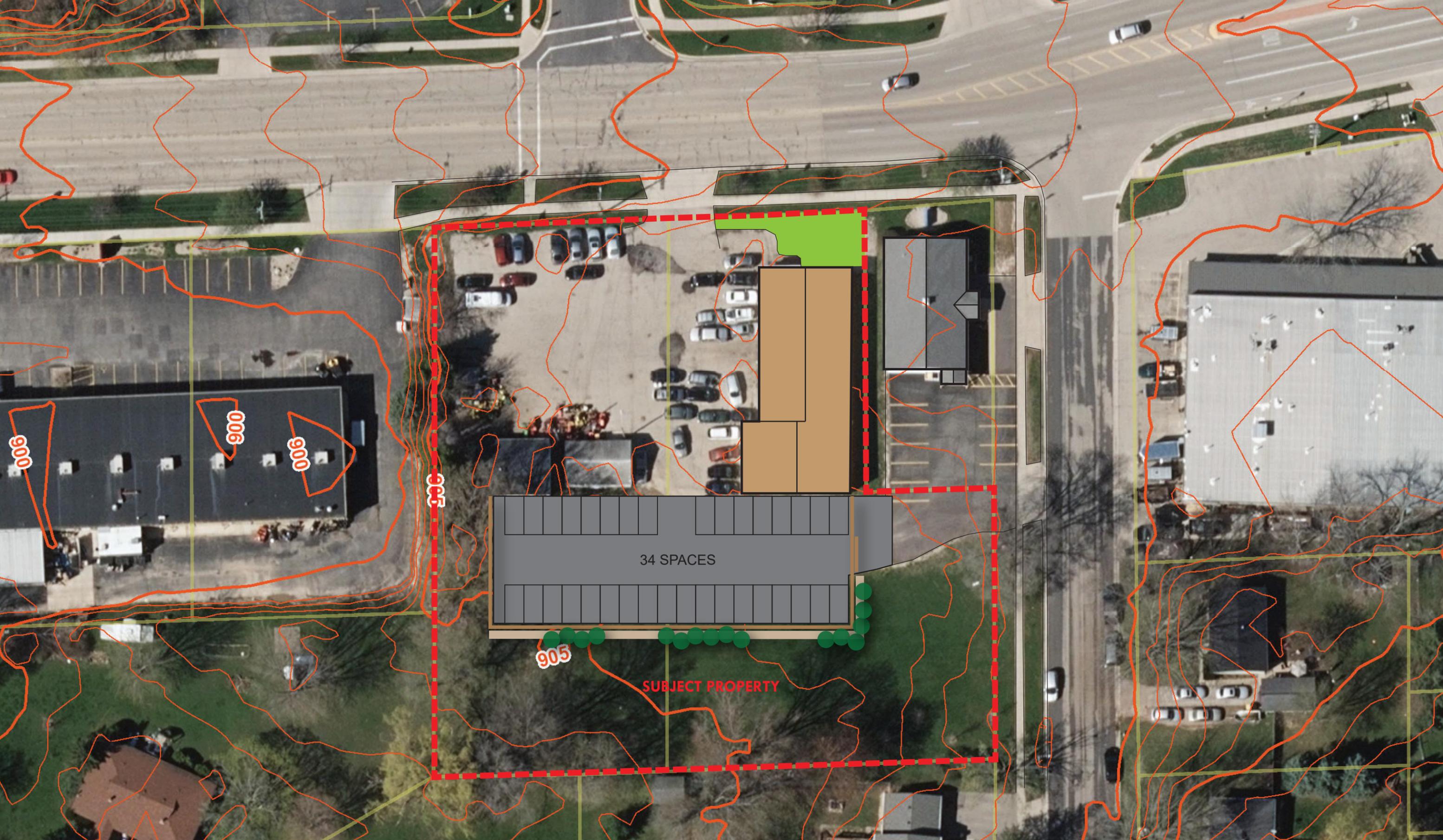
- e) *The proposed conditional use is located in an area that will be adequately served by, and will not impose and undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The full range of urban services are available at the subject property and to the existing building, and the proposed use will not add an undue burden to any public utility or service.

- f) *The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

The perceived negative impacts of the current business are largely aesthetic. The proposed project and conditions of approval attempt to address the aesthetics through the use of privacy fencing, parking lot striping, additional landscaping, and a new sales building.

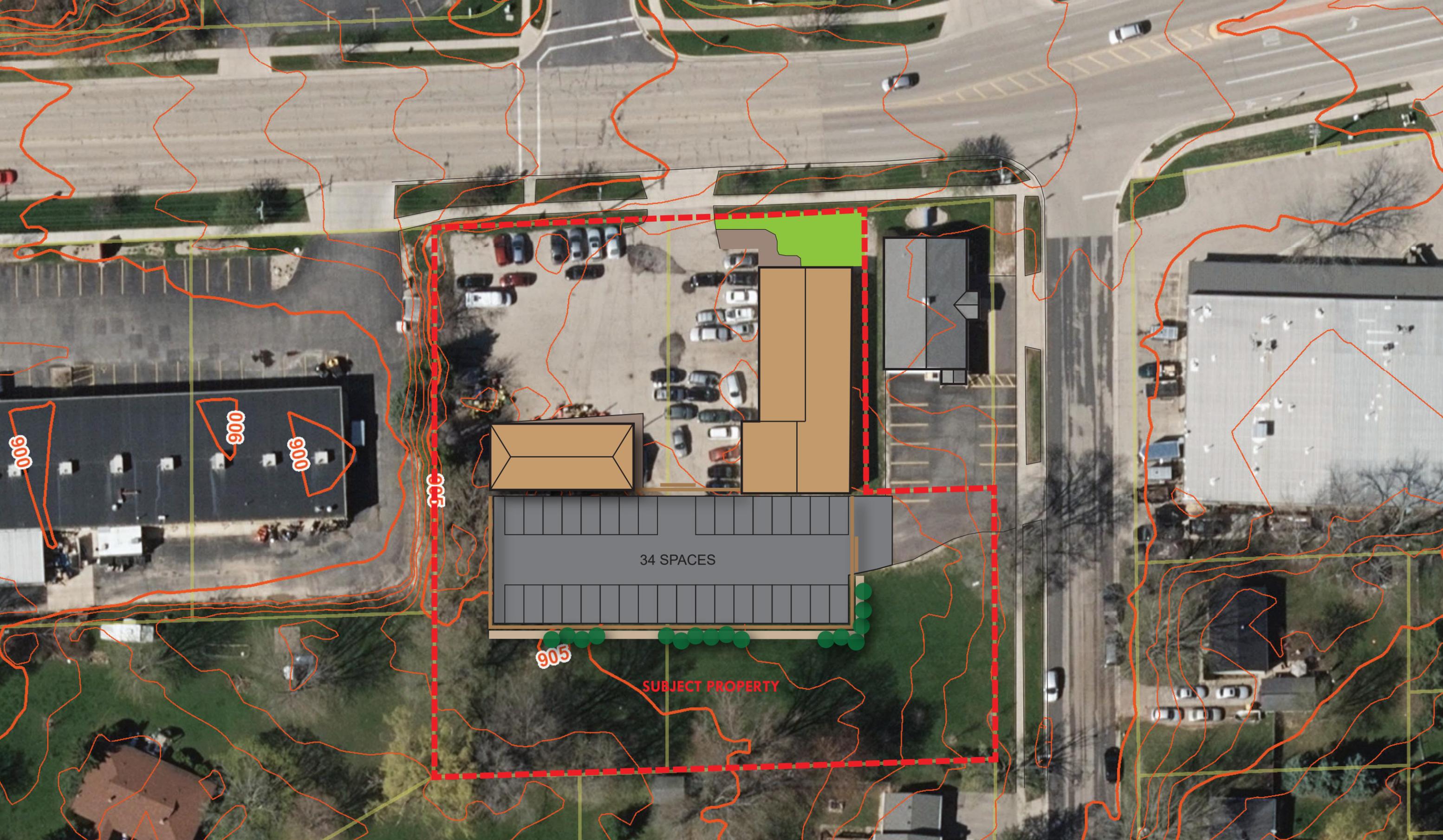
The benefits of the proposed project include the rehabilitation of a long under-utilized and unattractive site by owners who have and aim to continue investing in the community.



FARRIS AUTO CONCEPT PLAN - PHASE 1

Plan Commission Meeting - February 12, 2020

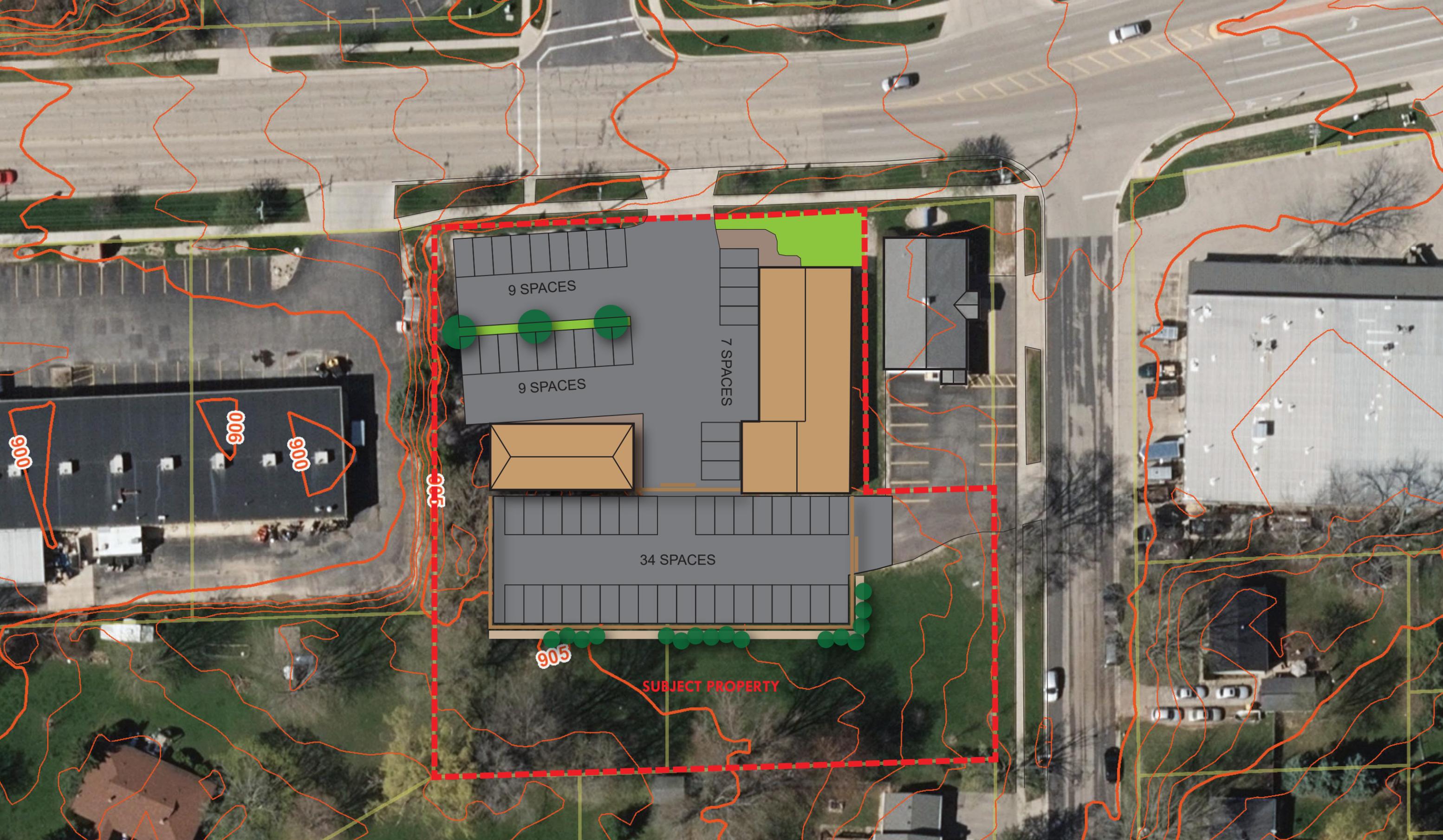




FARRIS AUTO CONCEPT PLAN - PHASE 2

Plan Commission Meeting - February 12, 2020





FARRIS AUTO CONCEPT PLAN - PHASE 3 (AFTER NEW SALES OFFICE)

Plan Commission Meeting - February 12, 2020





PLANNING STAFF REPORT

MEMO DATE: February 5, 2020
MTG. DATE: **FEBRUARY 12, 2020**

TO: Village of Cottage Grove Plan Commission

CC: Village of Cottage Grove Board of Trustees
Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Larry Konopacki – Village Attorney
Kevin Lord – Village Engineer

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: **Don Maguey Conditional Use Permit**

BACKGROUND

Property Owner: CG Silver Badger LLC

Location: 1609 Landmark Drive

Area: existing building

Agent: Alejandro Ramirez – Don Maguey Mexican Restaurant

Existing Zoning: Planned Office

Proposed Zoning: Planned Office

Future Land Use Plan: Planned Business

OVERVIEW

The applicant is seeking approval of conditional use permit for an indoor commercial entertainment land use that serves alcohol. The proposed Cottage Grove location would occupy approximately 2,850 square feet (including common restroom areas) within the existing multi-tenant Greywolf building located at 1609 Landmark Drive.



STAFF RECOMMENDATIONS

Staff recommends that the requested Conditional Use Permit be **APPROVED WITH CONDITIONS**, with the conditions as follows:

- 1) The permit shall be granted to Don Maguey for use at this location only. If granted, the permit will not transfer to a different business or to the same business at a new location.

COMPREHENSIVE PLAN CONSISTENCY

The proposed restaurant use is consistent with the Planned Business designation in the Comprehensive Plan.

ZONING ORDINANCE CONSISTENCY

The subject property is zoned PO, Planned Office, which is regulated by 325-39 of the Village Zoning Ordinance.

Per 325-39(B)(2)(b)(9), 'indoor commercial entertainment' is permitted as a conditional use in the Planned Office district, if the use is adjacent to residentially zoned property or if the subject business holds a liquor license. In this case, Don Maguey's proposed site is not adjacent to residentially zoned property, but they have applied and have been conditionally approved for a liquor license pending this CUP approval.

Per 325-49(D)(8)(b), parking requirements are 1 space for every three seats or patrons. The restaurant will have between 95 and 115 seats, requiring 32 to 38 spaces. At a recent meeting the ARC examined parking throughout the development area including the Greywolf Building, the future Comfort Suites Hotel, Arby's, and Kwik Trip. In total these properties provide 321 parking spaces.

The total required by all uses on the properties is 329 spaces when don Maguey is included. However, 10 of the spaces are required by office users that are only open during the day. Therefore, the number required in the evening is 319 which can be accommodated on the site.

CONDITIONAL USE PERMIT CRITERIA

325-111(D)(2) of the zoning ordinance requires a proposed conditional use to be compliant with standards (a) to (f) of that section. In the opinion of staff, the proposed use is compliant with those standards as outlined below.

- a) *The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of*



Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.

The site location is designated as 'Planned Business' on the Comprehensive Plan's Future Land Use map. The proposed use is consistent with those allowable within that designation.

- b) *The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.*

The proposed use in this specific location, in the opinion of staff, is in harmony with all the documents listed above. Specific examples of compliance with the Comprehensive Plan include:

- Land Use chapter, p. 64 – *“northern and western edges of the (Commerce) Park, with their visual exposure to I-94 and CTH N, are improved for Planned Business development which may consist of retail, high-quality office, and supporting uses...”* A restaurant is a desirable supporting use for other Commerce Park businesses.
 - Land Use chapter, p. 65 – *“encourage Planned Business development that occurs along major transportation routes to contribute toward establishing and enhancing a positive image for the Village.”* The proposed restaurant will occupy space in the Greywolf (formerly Ghidorzi) Building that has been vacant since the building was constructed. Filling another vacancy in that building improves the perception of the Village's business climate due to its prominent and highly visible location.
- c) *The proposed conditional use, in its proposed location and as depicted on the required site plan, does not result in substantial or undue adverse impacts on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the public health, safety, or general welfare either as they now exist or as they may in the future be developed as a result of implementation of the provisions of this chapter, the Comprehensive Master Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the Village or other government agency having jurisdiction to guide development.*

The Ghidorzi Building's site and the public ways leading to it were planned, designed, and implemented on the assumption the building would be fully rented. The site, prior to construction, was reviewed and approved based on all applicable Village plans and regulations. The proposed use is not inconsistent with the type of use expected for the building during planning, design, and prior approval processes. So while the restaurant will likely draw additional traffic to the immediate area, that traffic will be accommodated by the existing site and road network, and if anything the additional



traffic (and the potential customers associated with that traffic) will have a positive impact on the shopping center.

Any business serving alcohol has some potential to be disruptive. Concerns are largely mitigated in this case due to the family nature of the restaurant including a large game room, and the fact the facility will be open no later than 11 p.m. The property is not adjacent to any residentially zoned properties.

- d) *The proposed conditional use maintains the desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property.*

The proposed use will fit within an existing building. The existing building was reviewed and approved relative to all applicable Village plans and ordinances, and it maintains the desired consistency and intensity of use.

- e) *The proposed conditional use is located in an area that will be adequately served by, and will not impose and undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The full range of urban services are available at the subject property, and the proposed use will not add an undue burden to any public utility or service.

- f) *The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

The proposed use is not anticipated to create any adverse impacts on the Village or neighboring properties, while the potential public benefits are several, including:

1. The negative perception of the Village caused by the on-going vacancy of the Ghidorzi Building will be reduced. The proposed business will occupy approximately 1/3 of the building.
2. The proposed restaurant has the potential to passersby from I-94. In addition, the game room is an uncommon feature that may attract additional patrons from a wider radius. It will also serve the growing number of employees at other Commerce Park businesses, who have long sought additional restaurant options nearby.
3. The proposed bar/restaurant is an example of a 'third place', an informal place outside of home and work that provides the opportunity for social interaction. In a book on the topic, urban sociologist Ray Oldenburg describes third places as "anchors of community life" which "facilitate and foster broader, more creative interaction." Typical characteristics of a third place include 1) they are free or inexpensive, 2) food and drink are important, but not essential, 3) they are highly accessible, 4) they attract customers who



become regulars, 5) they are welcoming and comfortable, and 6) they are a place to meet both old and new acquaintances. In most areas, the number of third places has greatly decreased over the years. Clearly, the proposed project meets most of the criteria for a modern third place. Like many suburban areas dominated by post-war development, there have been relatively few 'third places' in the Village. This is changing and this proposal adds momentum to several recently built 'third places.'

CONDITIONAL USE PERMIT APPLICATION
VILLAGE OF COTTAGE GROVE

APPLICANT: Alejandro Ramirez

APPLICANT ADDRESS: 1050 Center St. Lake Mills WI 53551

APPLICANT TELEPHONE: 608-334-7139

APPLICANT EMAIL ADDRESS: alexandroramirez9@yahoo.com

Note: Applicant must be owner of the property where conditional use is requested, or signed letter from property owner acknowledging application must be provided. Cottage Grove

PROPERTY ADDRESS: 1609 Landmark Dr. Suite 101, WI, 53527

ZONING CLASSIFICATION: PO, PLANNED OFFICE

CONDITIONAL USE REQUESTED: INDOOR COMMERCIAL ENTERTAINMENT
(RESTAURANT W/ LIQUOR LICENSE)

Applicant Signature: Alejandro Ramirez Date: 1-16-20

PROVIDE THE FOLLOWING ITEMS:

1. Submittal materials per 325-111(C) of the Zoning Ordinance, as described on the following pages.
2. Fee of \$350.
3. Escrow-deposit of \$250 for consultant review. If actual review fees are less, excess will be returned. If actual review fees exceed escrow amount, applicant will be billed for the excess.

Mail or deliver the completed application form, submittal materials, and fees to the Village Hall.

Village of Cottage Grove
221 E. Cottage Grove Road
Cottage Grove, WI 53527
Telephone: (608) 839-4704
Office Hours: M-F 7:30 a.m. to 4:30 p.m.

For Office Use Only

Date Received:
Plan Commission meeting date:
Village Board meeting date:

DON MAGUEY MEXICAN RESTAURANT

January 15, 2020

Erin Ruth

Dear Erin

Don Maguey Mexican Restaurant is located at 1609 Landmark Dr STE 101 Cottage Grove , WI 53527. We will be providing the local area with a new modern style Mexican restaurant with authentic Mexican cuisine. We will also be serving alcohol and liquor (license pending approval). Our seating will have 95 to 115 and that figure is off of our present planning. We are looking to have up to 8 staff members on our busiest days and hopefully more depending on demand. Below you will see our opening times.

Monday thru Thursday's 11am -10 pm

Friday and Saturday 11am -10:30 pm

Sunday 11am -9pm

I would like to thank you for your time and help in this matter.

Alejandro Ramirez

Don Maguey Mexican Restaurant

1609 Landmark Dr STE 101

Cottage Grove , WI 53527

Tel: (608) 334-7139

**VILLAGE OF COTTAGE GROVE PROCEDURAL CHECKLIST FOR
CONDITIONAL USE REVIEW AND APPROVAL**

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the Village to process said application. Parts I and II should be used by the Applicant to submit a complete application; Part III should be used by the Village as a guide when processing said application.

I. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments. Submittal materials may be submitted as pdf files via email in lieu of printed copies by arrangement with the Village Planning Director.

Submittal Materials per 325-111(C)

Date: _____ by: _____

_____ ~~(a)~~ A map of the proposed conditional use:
_____ Showing all lands for which the conditional use is proposed;
_____ Showing all other lands within 400 feet of the boundaries of the subject property;
_____ Referenced to a list of the names and addresses of the owners of said lands as the same appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Cottage Grove).
_____ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains control;
_____ Map and all its parts are clearly reproducible with a photocopier;
_____ Map size 11" by 17" shall be at a scale which is not less than one inch equals 800 feet;
_____ All lot dimensions of the subject property provided;
_____ Graphic Scale and north arrow provided.

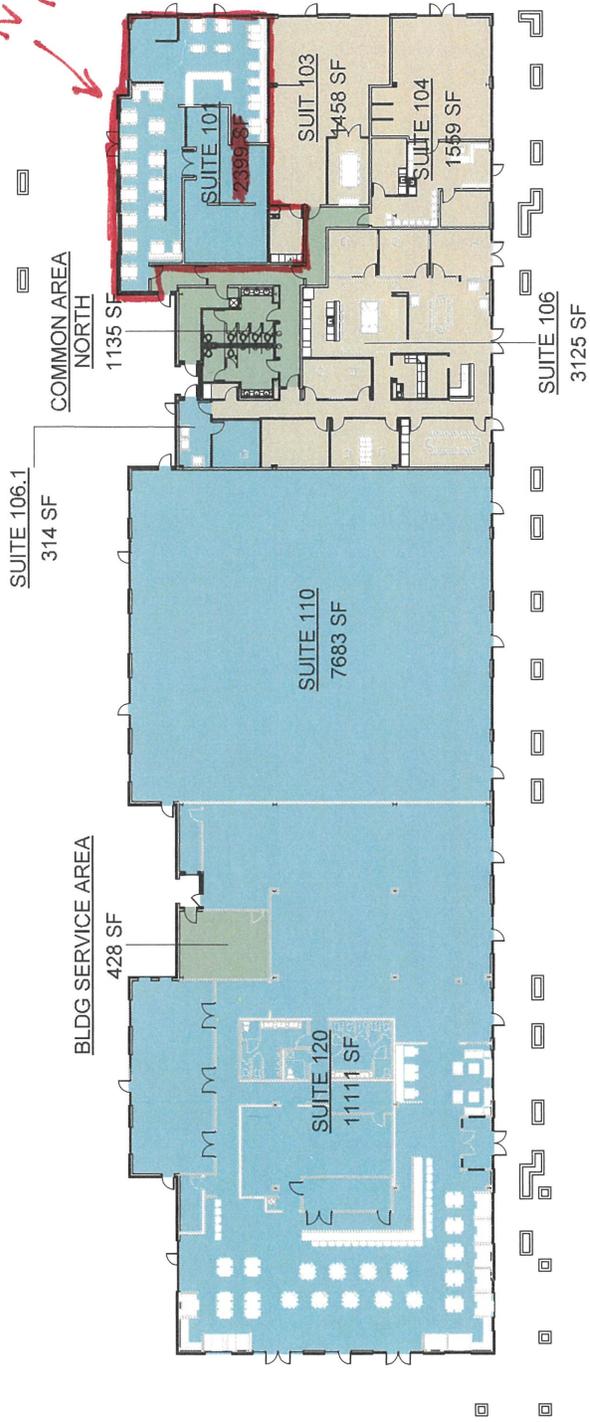
_____ ~~(b)~~ A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole;

_____ ~~(c)~~ A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;

_____ ~~(d)~~ A site plan of the subject property as proposed for development. Said Site plan shall conform to any and all the requirements of §325-803. If the proposed conditional use is a group development, a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan;

_____ ~~(e)~~ Written justification for the proposed conditional use:
_____ Provide written justification for the proposed conditional use consisting of the reasons why the Applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in §325-802D(2)(a) through (f).

*2850 RSF
Don Mague
Restavrenu*



Rentable Area Legend

- Building Common Area
- Floor Area
- Office Area

LEASABLE AREAS	
PLAN TYPE	AREA
SUITE 120	11111 SF
SUITE 110	7683 SF
SUITE 106.1	314 SF
SUITE 106	3125 SF
SUITE 104	1559 SF
SUITE 103	2289 SF
SUITE 101	2389 SF
SUITE 100	1458 SF
COMMON AREA NORTH	1135 SF
BLDG SERVICE AREA	427 SF
Grand total: 9	29389 SF

PREVIOUS

LEASABLE AREAS	
PLAN TYPE	AREA
SUITE 120	11111 SF
SUITE 110	7683 SF
SUITE 106.1	314 SF
SUITE 106	3125 SF
SUITE 104	1559 SF
SUITE 103	2289 SF
SUITE 101	2389 SF
SUITE 100	1458 SF
COMMON AREA NORTH	1135 SF
BLDG SERVICE AREA	428 SF
Grand total: 9	29214 SF

DIFFERENCE	
AREA	DIFFERENCE
SUITE 120	+39 SF
SUITE 110	-129 SF
SUITE 106.1	0 SF
SUITE 106	-44 SF
SUITE 104	-41 SF
SUITE 103	+16 SF
SUITE 101	+9 SF
SUITE 100	-9 SF
COMMON AREA NORTH	-1 SF
BLDG SERVICE AREA	-1 SF
Grand total: 9	-175 SF



JLA
ARCHITECTS

CONSTRUCTION DOCUMENTS

RETAIL LEASABLE AREAS PER ANSI/BOMA Z65.2-2012

06/06/2019

1" = 30'-0"

LA-101



PLANNING STAFF REPORT

MEMO DATE: February 5, 2020
MTG. DATE: **FEBRUARY 12, 2020**

TO: Village of Cottage Grove Plan Commission

CC: Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Larry Konopacki – Village Attorney
Kevin Lord – Village Engineer

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: **Hacker Zero Lot Line – 760 St. James Street**

BACKGROUND

Property Owner: Nancy Hacker

Location: 760 A & B St. James Street

Area: 15,072 sq. ft. parcel proposed to be split into 7,499 & 7,573 sq. ft. parcels

Agent: Nancy Hacker - owner
Dave Riesop - surveyor

Existing Zoning: TR-8, Two-Family Residential

Proposed Zoning: TR-8, Two-Family Residential

Future Land Use Plan: Two-Family Residential

OVERVIEW

The applicant owns a 15,072 square foot parcel with an existing duplex building. The applicant is seeking approval of a CSM to split the lot and building into two zero lot line parcels.

The parcel is located at 706 St. James Street, just south of E. Parkview Street (see location map on the following page).



LOCATION MAP



STAFF RECOMMENDATION

Staff recommends that the proposed Certified Survey Map be **APPROVED with CONDITIONS**, with the conditions as follows:

1. The applicant shall provide the Village with evidence that the submitted maintenance agreement has been recorded for each parcel.
2. The existing playhouse shall be relocated as needed to be in compliance with the zoning ordinance prior to the recording of the CSM.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is designated as Two-Family Residential on the Comprehensive Plan's Future Land Use Map. The existing land use, a duplex structure, reflects that designation. The proposed change in ownership arrangement does not impact the land use. Therefore, the CSM is consistent with the Comprehensive Plan.



ZONING ORDINANCE CONSISTENCY

The subject property is zoned TR-8, Two-Family Residential. This zoning would remain on each parcel if the current parcel is divided.

The parcels associated with each half of the structure must be at least 5,000 square feet, per the zoning ordinance. The smaller of the proposed lots is 7,499 square feet so the proposed parcels comply with the minimum lot size requirement.

Furthermore, the TR-8 zoning designation requires a minimum lot width of 40' and minimum street frontage of 50' for each unit. The width at the frontage of each lot is 59' and 60'.

There is an existing playhouse located such that it would straddle to new property line between the lots. The playhouse is considered an accessory structure and must be setback at least 3' from any property line. Therefore, creating the lot would put the playhouse in violation of the ordinance, as it not only violates the setback but actually encroaches on the other lot. The playhouse should be relocated as needed to bring it into compliance with the ordinance.

ZERO LOT LINE CONSIDERATIONS

Zero lot line conversions such as this proposed CSM require verification that each unit has its own separate water and sewer lateral. The applicant has submitted a letter from a licensed plumber verifying that the subject structure complies with this requirement.

Furthermore, a maintenance agreement must be recorded for each newly created parcel. Such an agreement has been submitted. The applicant shall provide evidence that the maintenance agreement has been recorded for each parcel.

VILLAGE OF COTTAGE GROVE
APPLICATION FOR ZERO LOT LINE

APPLICANT NAME: Nancy M Hacker
ADDRESS OF APPLICANT: 760B Saint James St, Cottage Grove, WI
TELEPHONE NUMBER: 608-206-2483 FAX: _____
EMAIL ADDRESS: nvhackerinc@gmail.com

ADDRESS OF SUBJECT PROPERTY: _____
760A Saint James St
Cottage Grove, WI 53527

ZONING OF PROPERTY: R-2

PROVIDE THE FOLLOWING ITEMS:

- 1.) Letter from licensed plumber indicating that each unit is served by separate sanitary sewer and water laterals with separate water curb stop valves accessible from outside the building.
- 2.) Certified Survey Map reflecting the proposed lot line, the location of the sanitary sewer and water laterals and water curb stop valves servicing each side of the duplex. The map must be signed by a licensed surveyor.
- 3.) Attached agreement is signed by all parties and filed at Register of Deeds.
- 4.) Review by Utility Commission, Plan Commission, and Village Board of the certified survey map depicting the sanitary sewer and water laterals and separate curb stop valves.
- 5.) Fee of \$100 + \$25 per parcel created (if any); \$250 deposit for engineering consultant fees.

Mail or deliver the completed application, fee, and documents listed above to the Village of Cottage Grove.

12-9-2019 _____
Date

Nancy M Hacker _____
Applicant Signature

Village of Cottage Grove
221 E. Cottage Grove Road
Cottage Grove, WI 53527
Telephone: 608-839-4704
Fax: 608-839-4698

Office Hours: M-F 7:30 a.m. to 4:30 p.m.

For office use only:

Date Received: _____
Utility Commission Meeting Date: _____
Planning Commission Meeting Date: _____
Village Board Meeting Date: _____



Uselman Plumbing LLC

5136 Pierceville Road
Cottage Grove, WI 53527
Phone: 608-839-3161
Email: uselmanplumbing@gmail.com

To: Whom it May Concern

From: Nick Uselman

Re: 760 St. James Units A & B

Date: December 17, 2019

Both units are served by their own water service, and each side has its own curb stop in the driveway and water meter in the basement. There is also a house cleanout on each side for the sewer lateral.

Nick Uselman

President

A handwritten signature in black ink, appearing to read 'N Uselman', written in a cursive style.

N. 1/4 COR., SECTION 9 ALUM. MON. FOUND, TIES UPDATED

N88°13'21"E (S88°26'04"E, PLATTED)

2677.36' (2677.36')

NE. 1/4 COR., SECTION 9 ALUM. MON. FOUND, TIES VERIFIED

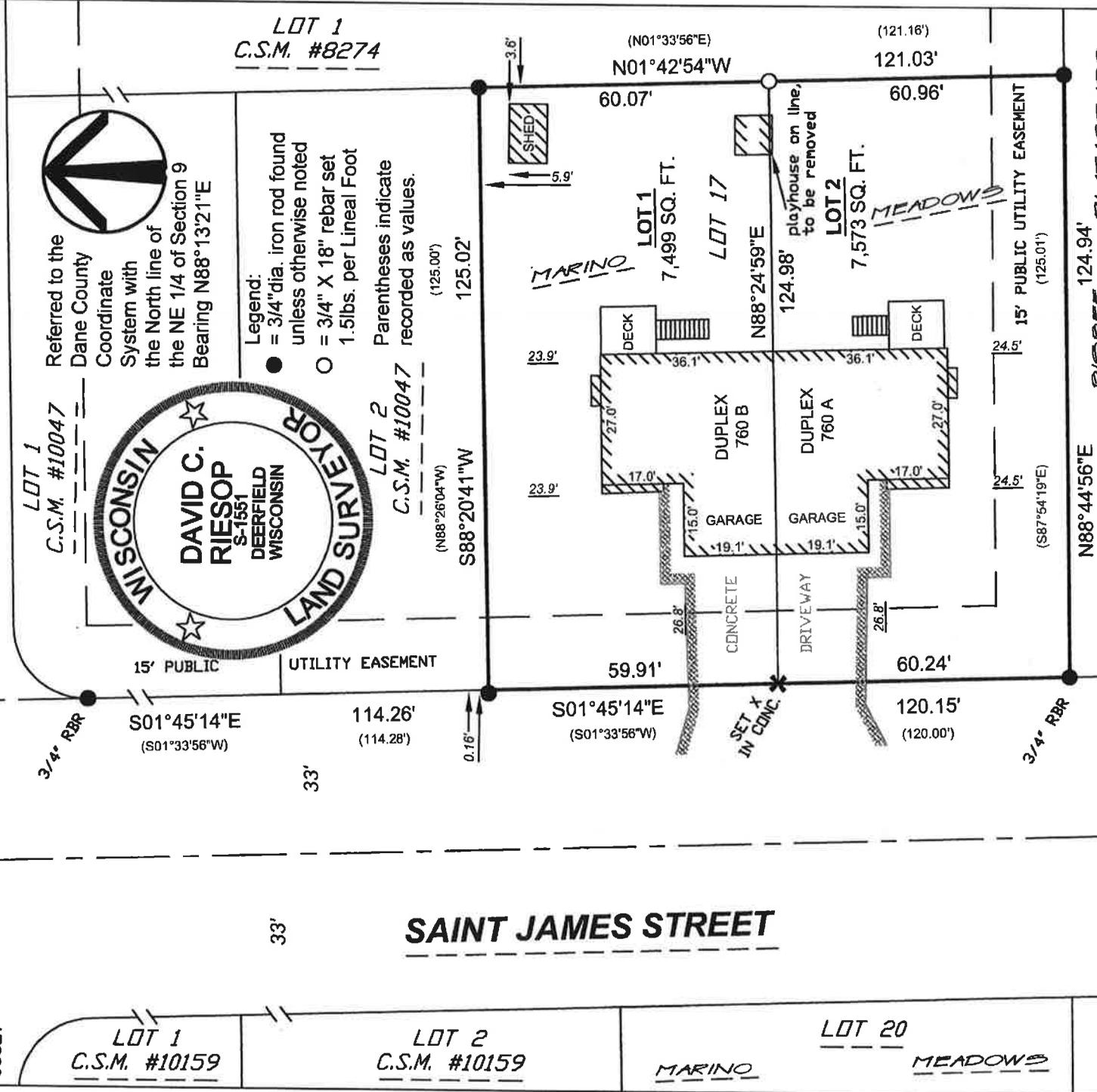
Certified Survey Map

LOT 17, MARINO MEADOWS, LOCATED IN THE NW. 1/4 OF THE NE. 1/4 OF SECTION 9, T.7N., R.11E., VILLAGE OF COTTAGE GROVE, DANE COUNTY, WISCONSIN.



PREPARED FOR:
Nancy Hacker
706B ST. James ST.
Cottage Grove, WI.
53527

EAST PARKVIEW STREET



LOT 1
C.S.M. #8274

LOT 2
C.S.M. #10047

LOT 1
C.S.M. #10159

LOT 2
C.S.M. #10159

LOT 20
MARINO MEADOWS

Wisconsin Mapping, LLC

surveying and mapping services
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Dwg. No. 5474-20
Sheet 1 of 2
Date 1/03/2020
Document No. _____
C. S. M. No. _____ V. _____ P. _____

PISBEE PLAT 1ST ADD.

Certified Survey Map

Owner's Certificate

As owner, I hereby certify that I have caused the land described on this certified survey to be surveyed, divided, and mapped as represented on this certified survey map. I also certify that this certified survey map is required to be submitted to the Village of Cottage Grove for approval.

Nancy M. Hacker

STATE OF WISCONSIN)
COUNTY OF DANE.)ss.

Personally came before me this ____ day of _____, 2020, the above named owner to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin
my commission expires _____.

Surveyor's Certificate

I hereby certify that in full compliance with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the Village of Cottage Grove, and by the direction of Nancy Hacker, I have surveyed, divided and mapped the lands described hereon, and that such map correctly represents the exterior boundaries of the lands surveyed and the division of that land, and that this land is located within and more fully described to wit:

Lot 17, plat of Marino Meadows, being further located in Part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Town 7 North, Range 11 East, Village of Cottage Grove, Dane County, Wisconsin,
Containing: 15,072 square feet.

David C. Riesop S-1551



Village Approval

I hereby certify that this Certified Survey Map was approved by the Planning Commission and the Village Board of the Village of Cottage Grove, and is approved for recording this ____ day of _____, 2020.

Village Clerk

Register of Deeds Certificate

Received for recording this ____ day of _____, 2020 at ____ o'clock ____ M.
and recorded in Volume ____ of Certified Surveys, Pages _____.

Kristi Chlebowski, Register of Deeds, Dane County

Wisconsin Mapping, LLC

Surveying and mapping services
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

Dwg. No. 5474-20 Date 1/03/2020
Sheet 2 of 2
Document No. _____
C. S. M. No. _____ V. _____ P. _____

**ZERO LOT LINE
MAINTENANCE AGREEMENT**

1. The Units are intended for residential purposes only as in presently or hereafter defined and permitted by the Village of Cottage Grove Zoning Ordinances and are restricted to that use. No nuisances shall be permitted to exist or operate within or on either unit.
2. The leasing or rental of the Units for residential purposes is not prohibited by this clause provided any such leases or rentals are made subject to and the tenants are bound by the provisions of this Declaration.
3. The parties agree this ZERO LOT LINE MAINTENANCE AGREEMENT has been provided by the Village for use As determined by the parties. The Village has not provided either party with counsel or representation.
4. Maintenance and Repair.
 - a. The owners of the Units shall maintain and repair the exterior surface of their dwelling portion of the duplex dwelling building and the driveway leading to their dwelling portion of the building, including without limitation, the painting of the same as often as necessary, the replacement of trim and caulking, and the maintenance and repair of the roof and driveway, and to be liable for the cost of any such maintenance or repairs made on their dwelling portion of the duplex dwelling building. If any unit owner considers the dwelling portion of the other unit owner to be in need of any such repair or maintenance, hereinafter referred to as "work", they shall give written notice thereof to the other unit owner. Such notice shall specify the nature and extent of the work considered to be needed. If the other unit owner fails or neglects to perform the requested work or disagrees in writing, both parties agree to utilize the Dispute Resolution outline herein.
 - b. Notwithstanding the above, in the event that repair of the duplex building, including all utility connections and laterals and sewer lines in case of backup, is required on an emergency basis and failure to make such repairs would result in further damage to the said building or result in the untenability of the same, either unit owner may repair the damage and be entitled to compensation from the other unit owner for the cost of any repairs made to the other unit owner's portion of the building.
 - c. In order to gain access to the Units in case of an emergency situation, each unit owner shall provide to the other unit owner a key to their unit, a person to contact other than the unit owner

Recording Area**Name and Return Address**

Village Attorney Leighton W. Boushea
Boushea, Segall & Kliminski
2945 Triverton Pike Drive, Suite 101
Madison, WI 53711

0711-091-2177-8

Parcel Identification Number (PIN)

that has access to their unit, or the location of a key to gain access to their unit. Said access shall only be used in an emergency situation.

5. Neither unit owner, without first obtaining written consent of the other, shall make or permit to be made any substantial structural alterations or improvements to the exterior of the duplex dwelling building or to his property. In connection therewith, alterations, changes or improvements exceeding an aggregate cost of One Thousand Dollars (\$1,000) shall be considered substantial.
6. Only dogs, cats, or other domesticated household pets may be kept by a unit owner on his property, provided that in no event shall such pets be kept, bred, or maintained for any commercial purpose. All such pets shall be housed wholly within the dwelling unit and no outside pens or structures shall be permitted unless otherwise agreed to in writing between the owners of the two units.
7. Unit owners shall maintain their property in good, sanitary and attractive condition, including but not limited to mowing the grass to a reasonable height, the removal of noxious weeds and removal of snow and ice from walkways and driveways.
8. Style, Color and Miscellaneous.
 - a. Any repairs or maintenance performed or allowed to be performed by a unit owner to the exterior of his dwelling porting of the duplex dwelling building shall employ materials uniform or consistent with those materials already incorporated into the building and improvements.
 - b. No unit owner shall change the color of the siding, trim or roof of his portion of the duplex dwelling building at any time without prior written agreement between the unit owners. Homogeneous roof, siding and trim colors shall be required at all times.
 - c. Outside doors, as to style, type and color, including garage doors, shall be identical at all times to each unit.
 - d. All outside areas shall be kept free from rubbish, debris, trash and other unsightly materials and shall not be obstructed, littered, defaced, or misused in any manner, nor shall any fire hazards be allowed to exist.
 - e. No garbage cans, supplies or other articles shall be placed outside of either of the dwelling units but rather shall be kept within the dwelling units or the attached garages except while the same shall be presently in use.
 - f. No outdoor storage of any kind shall be allowed upon the property without prior written agreement between the owners of the two dwelling units with the exception of a reasonable amount of firewood for a fireplace (if applicable) which shall be neatly stacked.
9. Unit owners shall not perform or allow to be performed any act or work which will impair the structural integrity or aesthetic appearance of the duplex dwelling building or the safety of the property of the other owner.
10. Any portion of a wall or roof of the duplex building placed on the dividing line between the respective properties shall constitutes a party wall and the general rules of law regarding party walls and of liability for damage due to negligent or willful acts or omissions shall apply thereto.
11. The owners of each of the Units are granted and shall have an easement over and across those portions of the property occupied by each of the Units for the purpose of access to the underground electrical

and, in addition, access to any curb boxes, water and sewer laterals, which together or separately service their respective Units, for the purpose of maintenance, repair and if necessary, replacement. The property shall be restored to the same condition as at the outset of any such maintenance, repair or replacement all at the cost to the Unit owner causing such repair, maintenance or replacement.

12. The owners of the individual dwelling units, their invitees, tenants, agents, personal representatives, successors and assigns, shall at all times abide by and be bound by any protective covenants, restrictions and easements of record that are effective as to the plat in which this property is located.

13. DISPUTE RESOLUTION

A. In the event of a Dispute both parties agree to negotiate in good faith to resolve the dispute. If the dispute is not resolved within sixty (60) days, the dispute shall be referred to mediation. Either party may terminate the extended Informal Dispute Process by providing written notice to the other party.

B. MEDIATION

(i) The parties agree to name a mediator within fourteen (14) days of the expiration of the time period to reach informal resolution.

If no mediator is agreed upon within said 14 days, each party shall name a third party and the third parties so named shall pick a mediator within 10 days. The parties shall present their dispute to the mediator within 60 days of the mediator being named.

(ii) The mediator shall not have the authority to add, change, alter or modify any of the terms or provisions of this Agreement.

(iii) The expense of the mediator shall be divided equally between the

14. ENFORCEMENT

Enforcement of the covenants and restrictions of this Declaration may be by any proceeding at law or in equity against any unit owner violating or attempting to violate any such covenant or restriction to restrain violation or to recover damages. Failure by any unit owner to enforce any covenant or restriction shall in no event be deemed to be a waiver of the right to do so thereafter.

15. The invalidity or unenforceability of any particular provision of this Declaration shall not affect the other provisions hereof and the Declaration shall be constructed in all respects as if such invalid or unenforceable provision was omitted.

16. In construing this Declaration, words used in any gender shall include the plural and vice versa, unless the context requires otherwise.

17. No amendment or modification of this Declaration shall be valid unless the same be in writing and signed by all the parties hereto in recordable form and that no such change, amendment or modification shall be effective until recorded in the office of the Register of Deeds for Dane County.

18. The unit owners shall, for themselves and for their respective successors, assigns, heirs and personal representatives and agents, each to and with the other, his or their successors, assigns, representatives and heirs, be bound by and observe this Declaration and the covenants and restrictions herein contained which shall be perpetual and run with the land, but no owner is to be responsible except for his acts or defaults while owner.

1/14/2020
Date

Mary P. Packer
Signature

Date

Signature

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above-named person(s).

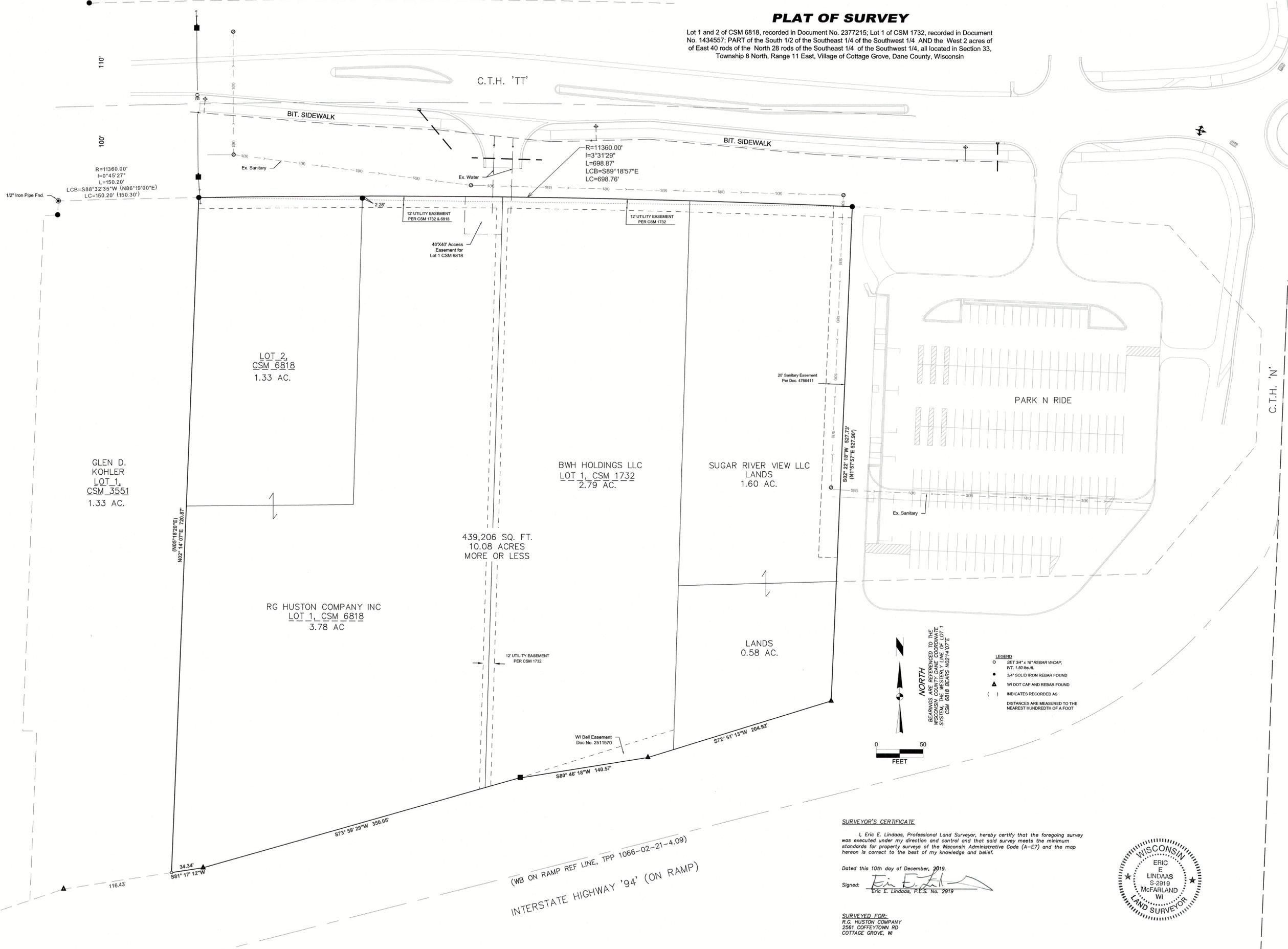
Signature of notary _____

Print or type name: _____

Title: _____ Date commission expires: _____

PLAT OF SURVEY

Lot 1 and 2 of CSM 6818, recorded in Document No. 2377215; Lot 1 of CSM 1732, recorded in Document No. 1434557; PART of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 AND the West 2 acres of East 40 rods of the North 28 rods of the Southeast 1/4 of the Southwest 1/4, all located in Section 33, Township 8 North, Range 11 East, Village of Cottage Grove, Dane County, Wisconsin



LEGEND

- SET 3/4" x 18" REBAR W/ CAP, WT. 1.50 lbs./ft.
- 3/4" SOLID IRON REBAR FOUND
- ▲ WI DOT CAP AND REBAR FOUND
- () INDICATES RECORDED AS

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT

NORTH

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY DANE COORDINATE SYSTEM THE WESTERLY LINE OF LOT 1 CSM 6818 BEARS N26°14'07"E

0 50 FEET

SURVEYOR'S CERTIFICATE

I, Eric E. Lindsaas, Professional Land Surveyor, hereby certify that the foregoing survey was executed under my direction and control and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief.

Dated this 10th day of December, 2019.

Signed: *Eric E. Lindsaas*
Eric E. Lindsaas, P.L.S. No. 2919



SURVEYED FOR:
R.G. HUSTON COMPANY
2551 COPPEY TOWN RD
COTTAGE GROVE, WI

INTERSTATE HIGHWAY '94' (ON RAMP)
(WB ON RAMP REF LINE, TPP 1066-02-21-4.09)

MARK	REVISION	DATE	BY
Engineer: EEL	Checked By: CHKD	Scale: 1" = 50'	
Technician: TECH	Date: 12-10-2019	T-R-S: T8N-R11E-S33	

PLAT OF SURVEY

VILLAGE OF COTTAGE GROVE, DANE COUNTY, WISCONSIN

SNYDER & ASSOCIATES, INC.

2727 S.W. SNYDER BLVD
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

SNYDER & ASSOCIATES

Project No: 119.1084.30
Sheet 1 OF 1

Exterior Entrance View

1

The canopy sign creates a confident sense of arrival. The blue neon light adds an interesting visual layer to the facade, inspired by our visual identity.

2

Stained wood-like material around entry doors provides warmth and natural texture.

3

Expansive windows give guests an intriguing glimpse of the two-story lobby from outside.

4

Mixtures of neutral tones and textures provide visual appeal around the exterior of the hotel.



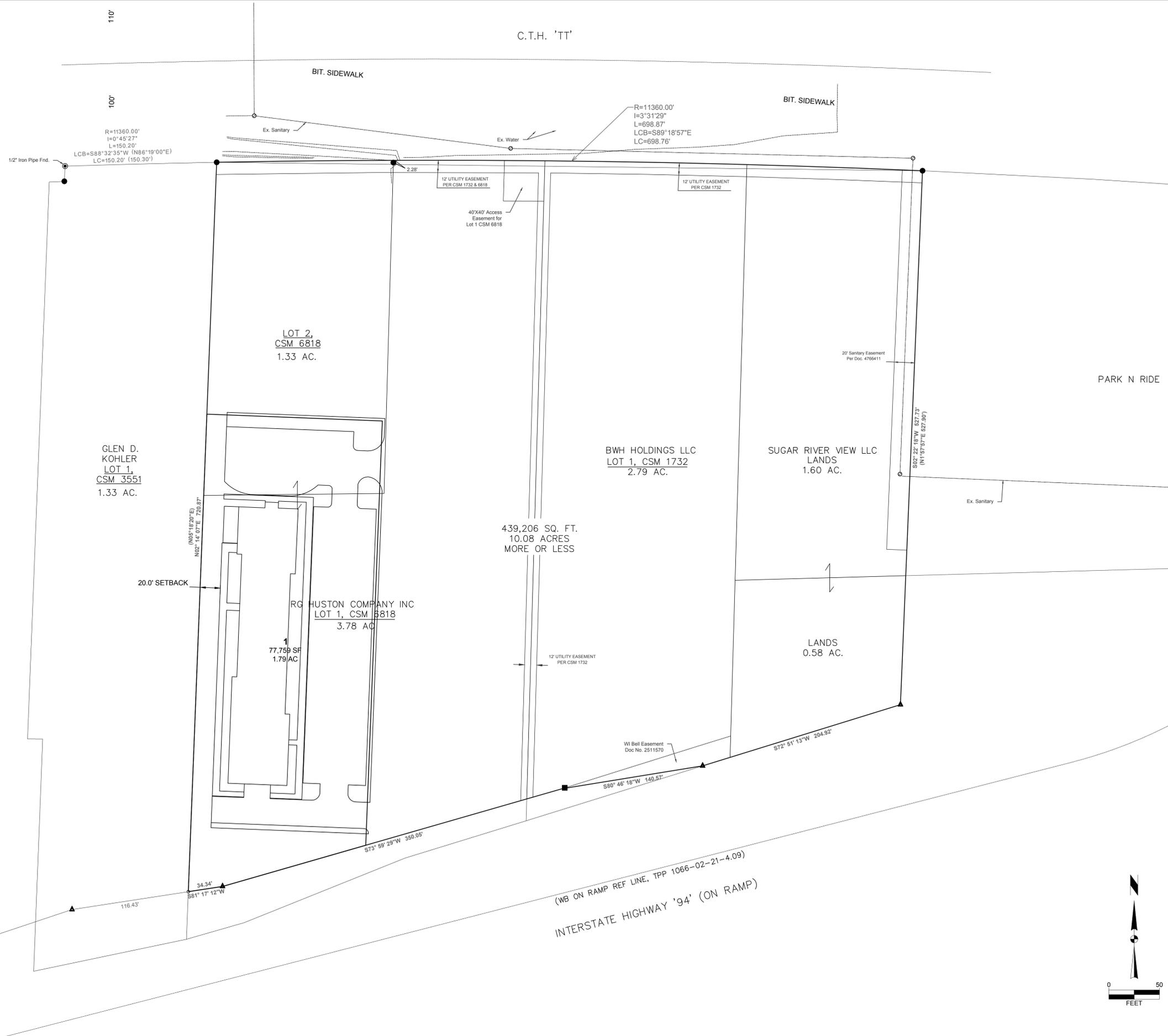
INTERIOR

SPACE TO SETTLE IN

Our lobby space mixes private and shared areas to perfectly suit the transition from work to leisure – creating a comfortable, welcoming feel any time of day.



This multifunctional approach follows through to our guest suites, with agile environments that cater to their different needs – giving them space to unwind, focus, connect and discover as they please.



ALIGNMENT= ALIGNMENT - (<WB RAMP>) (1)
 STATION= 395+00.00
 OFFSET= -82.35' L
 NORTHING= 495570.06
 EASTING= 868967.59



MARK	REVISION	DATE	BY
	Checked By: MLC	Scale: 1" =	
	Engineer: BCA	Date: 01-07-2020	T-R-S: TTN-RRW-SS
	Technician: BCA		

ATWELL SUITES
PRELIMINARY LAYOUT V2
SNYDER & ASSOCIATES, INC.

COTTAGE GROVE, WI

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

Project No: 119.1084.30



Project No: 119.1084.30
 Sheet



PLANNING STAFF REPORT

MEMO DATE: February 5, 2020
MTG. DATE: **FEBRUARY 12, 2020**

TO: Village of Cottage Grove Plan Commission

CC: Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Larry Konopacki – Village Attorney
Kevin Lord – Village Engineer

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: **Olson Comprehensive Plan Amendment Request**

BACKGROUND

Property Owner: 2001 Realty

Location: Parcels: 0711-174-8500-3 and 0711-174-9002-4

Area: 72 acres

Agent: Tim Olson – 2001 Realty

Future Land Use Plan: Future Development Area

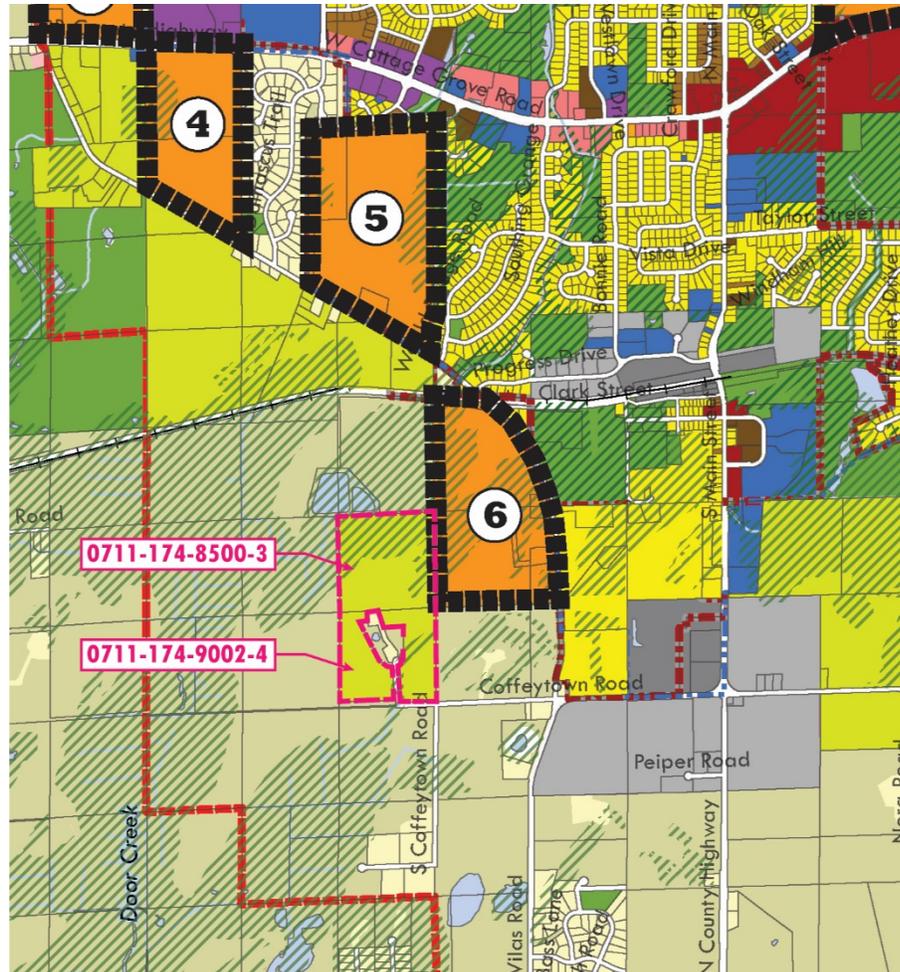
OVERVIEW

The applicant is requesting that the Village consider amending the Comprehensive Plan to redesignate two parcels they own (0711-174-8500-3 and 0711-174-9002-4) from 'Future Development Area' to 'Planned Neighborhood.'

The applicants own or control the parcels in the adjacent Planned Neighborhood Area #6, and They anticipate these parcels being planned in coordination with each other.



LOCATION MAP



STAFF RECOMMENDATION

The full statutory process is required to amend the Comprehensive Plan. Therefore, it cannot be decided to change the plan at this meeting.

Last year, the subject parcels were designated 'Future Development Area' to imply that this area would develop after Planned Neighborhood #6, and to allow for additional study of traffic and infrastructure implications.

If the Plan Commission is open to considering this request, staff should be directed to work with the applicant on the amendment process.

January 3, 2020

Village of Cottage Grove Planning Commission,

We are requesting that during your annual review of the Comprehensive Land Use Plan you consider designating the following parcel from Agricultural/Rural to Planned Neighborhood.

Owners: 2001 Realty
Approximate Acres: 72 acres
Parcel # 018/0711-174-8500-3
Parcel # 018/0711-174-9002-4

Thank-you for your consideration.

Sincerely,

Steve Wempner
General Partner
2001 Realty

Tim Olson
General Partner
2001 Realty