

Village of Cottage Grove

Notice of Public

Meeting

## PLAN COMMISSION

Wednesday, April 15, 2020

6:30 P.M.

*Due to the COVID-19 pandemic, this meeting will take place virtually via Zoom. Please join the meeting from your computer, tablet or smartphone by visiting <https://zoom.us/j/526520399?pwd=dWVjQIRVc0d3MCtEOFVSVVVxalNuZz09> . You can also participate via phone by dialing 1 312 626 6799 and use Meeting ID: 526 520 399 # When asked for your Participant ID, just press #*

*You may also choose to participate by providing public comment prior to the meeting via email to Village Clerk Lisa Kalata: [lkalata@village.cottage-grove.wi.us](mailto:lkalata@village.cottage-grove.wi.us)*

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 March 11, 2020.

Documents:

[3-11-2020 PLAN COMMISSION MINUTES.PDF](#)

6. Discuss And Consider Resolution 2020-02 Regarding The Consistency Of The Village's Proposed Urban Service Area Amendment With The Village Of Cottage Grove Comprehensive Plan.

Documents:

[RES 2020-02\\_USAA\\_TID 10-NORTH GROVE.PDF](#)

[RES 2020-02\\_EXA.PDF](#)

[RES 2020-02\\_EXB.PDF](#)

7. Discuss Request From Tim Olson 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\\_CPA-OLSON\\_2020-04-09.PDF](#)

8. Discuss Comprehensive Plan Future Land Use Designation Of Lots 86, 87, And 88 Of

Northlawn Estates 1st Addition. For Feedback Only – No Formal Action Will Be Taken.

Documents:

[CG\\_CPA-NLAWNPROP\\_2020-04-09.PDF](#)

9. Discuss Potential Zoning Ordinance Amendments Related To Conditional Use Permits. For Feedback Only – No Formal Action Will Be Taken.

Documents:

[CG\\_CUPORD\\_2020-04-15.PDF](#)

10. Discuss Invitation From The City Of Madison To Discuss A Potential Boundary Agreement Between The City Of Madison, Village Of Cottage Grove, And Town Of Cottage Grove.

Documents:

[CG\\_BNDAGR\\_2020-04-09.PDF](#)  
[DRAFT\\_IGA\\_030520.PDF](#)

11. Future Agenda Items

12. 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, March 11, 2020**

**MINUTES**

**1. Call to order**

The Plan Commission meeting for March 11, 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, Don Brinkmeier, Alex Jushchysyn, Jennifer Pickel, Melissa Ratcliff, Fred Schulze. Kyle Broom was absent and excused. Staff members present were Village Planner Erin Ruth, Village Administrator Matt Giese, Village Clerk Lisa Kalata, Public Works Director JJ Larson, Parks and Recreation Director Sean Brusegar, Village Engineer Kevin Lord and Village Attorney Larry Konopacki.

**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 February 12, 2020.**

**Motion** by Pickel to approve the minutes from the February 12, 2020 Plan Commission meeting, seconded by Jushchysyn. **Motion** carried with a voice vote of 6-0-0.

**6. Discuss and Consider A Request from Miracle League of Dane County for approval of a Site Plan for an ADA Accessible Baseball Field in Bakken Park.**

Andy Meesmann from Snyder & Associates was present to explain the plans for the Miracle League baseball field at Bakken Park. **Motion** by Pickel to approve the site plan with for an ADA accessible baseball field in Bakken Park for Miracle League of Dane County with conditions in staff report, seconded by Brinkmeier. **Motion** carried with a voice vote of 6-0-0.

**7. Discuss and Consider A Request from Johnson Health Tech for approval of a Site Plan Amendment to provide additional parking spaces to existing parking lots located at 1600 Landmark Drive in the Commerce Park.**

Todd Fossum from Johnson Health Tech was present to explain the need for additional parking and the plan for the 40 additional stalls. **Motion** by Pickel to approve a site plan amendment for Johnson Health Tech with conditions in staff report, seconded by Jushchysyn. **Motion** carried with a voice vote of 6-0-0.

**8. Discuss and Consider Final Plat for Kennedy Hills Subdivision located in the Town of Cottage Grove within the Village of Cottage Grove's Extraterritorial Jurisdiction.**

David Riesop was present to explain the first phase of Kennedy Hills subdivision which will be 16 lots. Ratcliff asked if this has been approved by the Town of Cottage Grove and Dane County, which David Riesop indicated that Dane County had approved last year, and the Town will meet at the end of the month. Attorney Konopacki questioned if the conservation easements were completed, which David Riesop indicated that they will be done by the end of the month and they are need before the Town can sign the final plat. **Motion** by Schulze to approve the final plat for Kennedy Hills subdivision located in the Town of Cottage Grove within the Village of Cottage Grove's Extraterritorial Jurisdiction, seconded by Jushchysyn. **Motion** carried with a voice vote of 6-0-0.

**9. Discuss Request from Tim Olson 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.**

Tim Olson was present to explain the development and asked for feedback on the plan. Jushchysyn questioned if Vilas Road could handle the additional traffic, which Giese indicated that there may be Village improvements, but it can handle the traffic. Williams also commented that this would solve the issue with multiple driveways onto Vilas Road and would avoid a turn around for fire trucks also.

**10. Update on Monona Grove School District elementary school project – No Formal Action Will Be Taken.**

Williams indicated that the commission was sent two memos from Ruth in response to Monona Grove School District. Attorney Konopacki indicated that what has happened is a difference of understanding of what was approved last year. The School Board was not aware of the improvements on Buss Road and have not budgeted

for those expenses. The conditions will remain, but it will be more of a timing of when the improvements will be completed. Brinkmeier indicated that this is a tactic of the District because Giese called out the road conditions when they were getting approvals from this commission last year, so that is not a true statement that they were not aware. Jushchyshyn commented that he brought up the roads at the plan review and they have put themselves in this situation.

**11. Discuss Potential Amendments to the Zoning Ordinance related to Conditional Use Permits – No Formal Action Will Be Taken.**

Ruth explained the memo in the packet and asked if they wanted to discuss one by one the board agreed they would look at them and continue the work them when there is not a long agenda.

**12. Discuss and Consider holding the next meeting on April 15, 2020 instead of the regularly scheduled April 8, 2020.**

Ruth asked if the board could meet on April 15<sup>th</sup> and the board was in agreement to move the date to April 15, 2020.

**13. Future Agenda Items**

Hotels, conditional use changes, and Tim Olson

**14. Adjournment**

**Motion** by Pickel to adjourn at 7:42pm, seconded by Ratcliff. **Motion** carried with a voice vote of 6-0-0.

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.

**RESOLUTION 2020-02**

**A RESOLUTION FINDING THAT THE PROPOSED NORTH GROVE  
URBAN SERVICE AREA EXPANSION IS CONSISTENT WITH THE  
VILLAGE OF COTTAGE GROVE COMPREHENSIVE PLAN**

WHEREAS, municipal sanitary sewer service in the Cottage Grove area may be extended only within the Cottage Grove Urban Service Area, as administered by the Capital Area Regional Planning Commission (CARPC) and the Wisconsin Department of Natural Resources; and

WHEREAS, the properties, as depicted on the attached Exhibit A, are owned by multiple property owners and they may desire to develop the property with the full range of municipal services, including sewer and water, that are provided by the Village of Cottage Grove; and

WHEREAS, the properties, as depicted on the attached Exhibit A, are designated as Planned Office/Industrial on the Village of Cottage Grove Comprehensive Plan's Future Land Use Map, and the property is proposed for office/industrial park development that is consistent with such designation in the Comprehensive Plan; and

WHEREAS, the properties, as depicted on the attached Exhibit B, are designated as Single-Family Residential on the Village of Cottage Grove

Comprehensive Plan's Future Land Use Map, and the property is already platted for such use; and

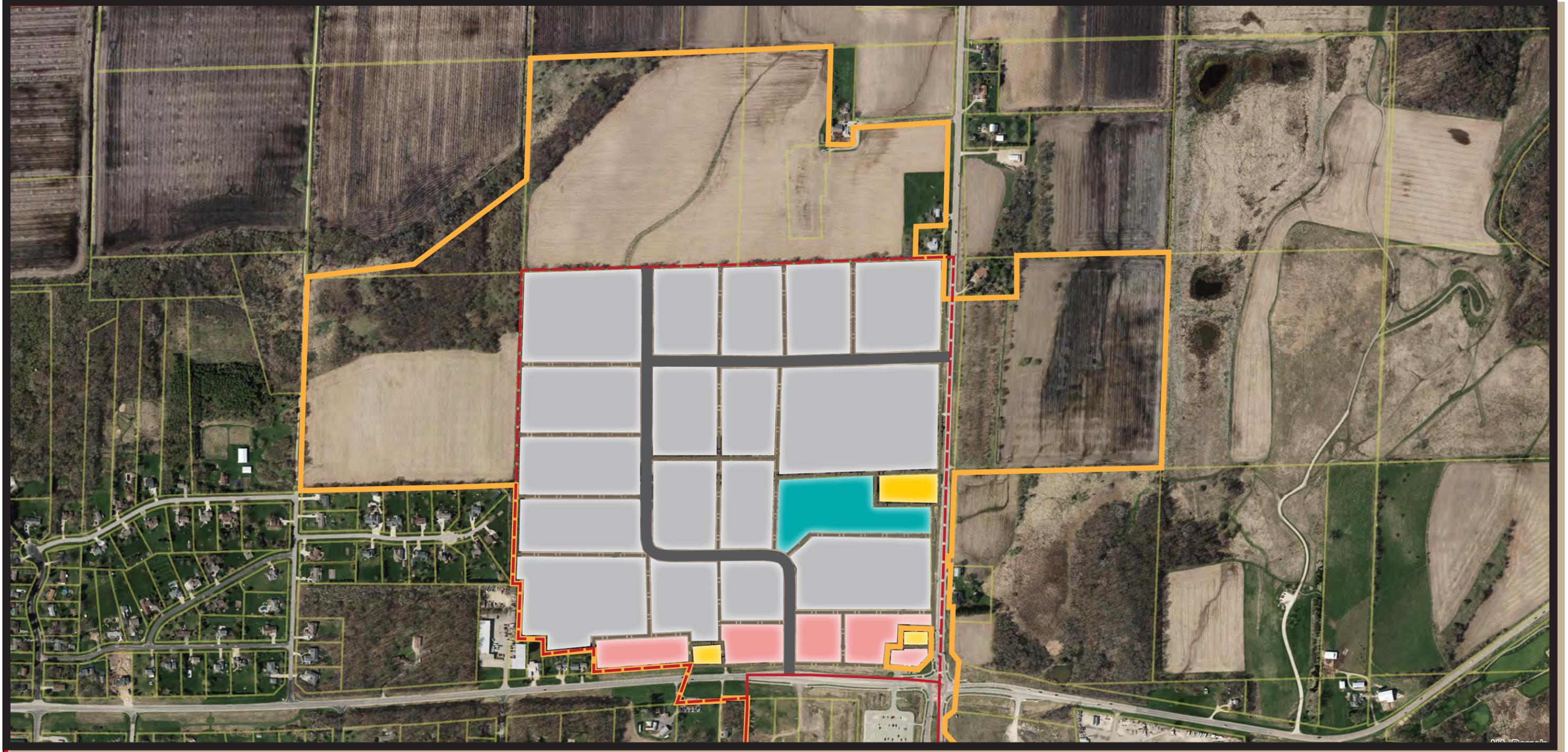
WHEREAS, the Capital Area Regional Planning Commission requires a resolution from the Plan Commission of the sponsoring municipality of any Urban Service Area Amendment application that includes a finding that the proposed amendment is consistent with the municipality's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Cottage Grove Board of Trustees finds the proposed amendment to be consistent with the Village's Comprehensive Plan.

Approved this 20th day of April, 2020.

\_\_\_\_\_  
Signed – John Williams, Village President

Attest: \_\_\_\_\_  
Village Clerk Lisa Kalata



**LEGEND**

-  Parcels
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary
-  Village of Cottage Grove Municipal Boundary

**PROPOSED LAND USES**

-  Light Industrial/Office
-  Commercial/Office
-  Exg. Single-Family Residential
-  Stormwater Management Facility

SCALE: 1" = 600'



DRAFT: March 30, 2020



LEGEND

-  Parcel Boundary
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary
-  Village of Cottage Grove Municipal Boundary

LAND USE

-  Single-Family Residential
-  Environmental Corridor
-  Right of Way

SCALE: 1" = 300'



DRAFT: March 30, 2020



# PLANNING STAFF REPORT

**MEMO DATE:** April 9, 2020

**MTG. DATE:** **APRIL 15, 2020**

**TO:** Village of Cottage Grove Plan Commission

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

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

**RE:** **Proposed Comprehensive Plan Amendment – Widen Olson**

## BACKGROUND

At the March meeting the Plan Commission discussed a proposed concept neighborhood map for the Widen Olson neighborhood, which includes an additional 80 acres that were previously shown as 'Future Development Area' on the Comprehensive Plan's Future Land Use Map.

## OVERVIEW

The attached map is unchanged from that presented in March as the Plan Commission reacted favorably to it. In the Comprehensive Plan the map is accompanied by text explaining the concept. Below is the proposed amended text for this Planned Neighborhood Area.

### Planned Neighborhood #6

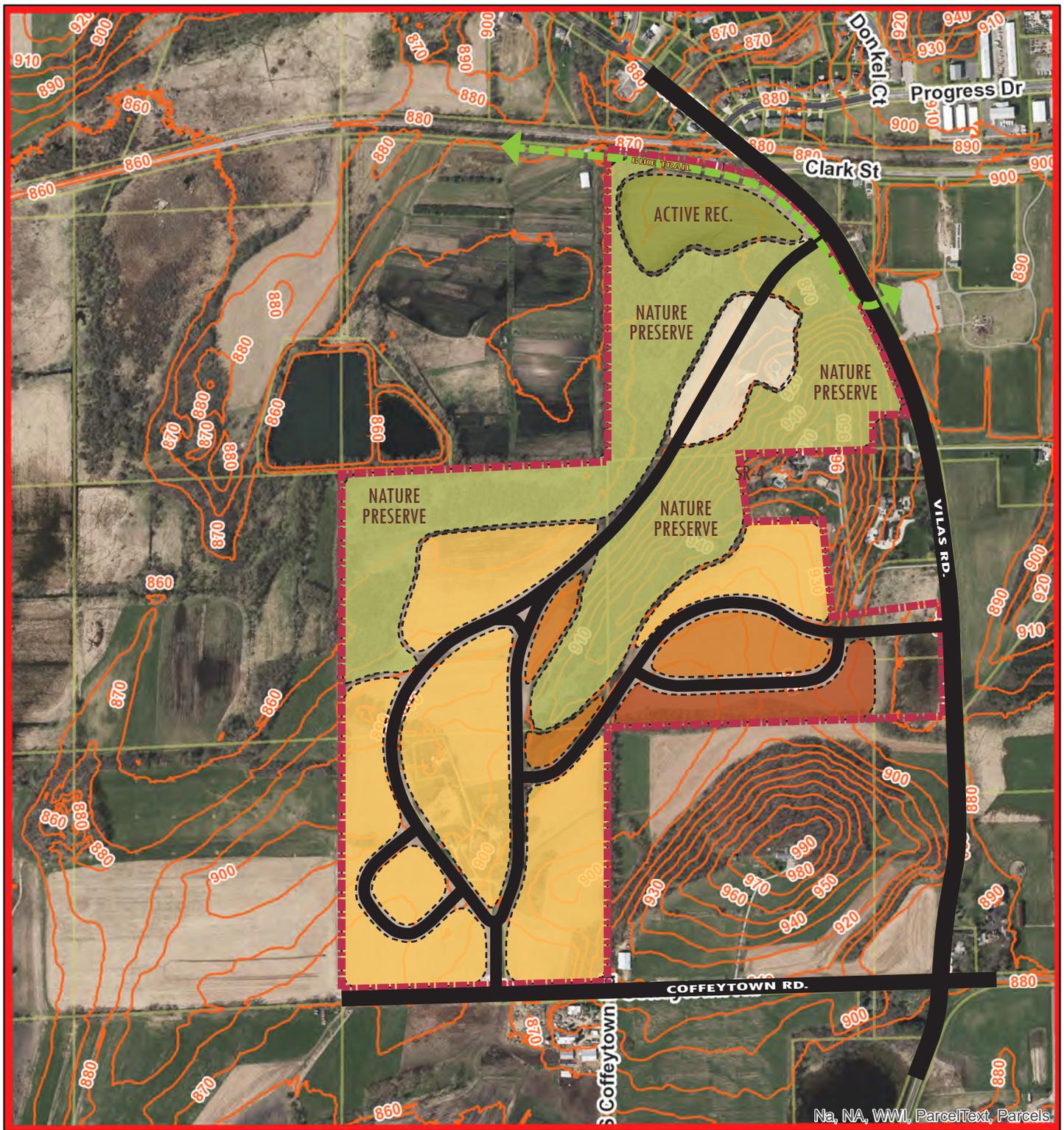
The multi-family portion of this neighborhood should be located near Vilas Road. The number of units should not exceed 10% of the total units in the neighborhood. These would likely be comprised of townhomes or small multiplexes in this neighborhood. A small number of duplexes may be incorporated into the single-family areas, not to exceed 10% of the total number of units.

A variety of single-family residential lot sizes are proposed throughout the neighborhood, with smaller lots near the multi-family area and larger lots in the northern portion of the neighborhood. This mix may be achieved through the application of SR-4 and SR-6 zoning or by developing the neighborhood as a Planned Unit Development. A Planned Unit Development may consider lots smaller than those allowed by SR-6 zoning in exchange for open preservation and amenities.



The Glacial Drumlin Trail shall be accommodated through this development as needed and treated as a design feature. A neighborhood bike/pedestrian trail should link the Glacial Drumlin Trail to Coffeytown Road through the neighborhood. The use of the active recreation area in the north end of the neighborhood should be coordinated with the Parks Department. The neighborhood features large areas of wetlands, woodlands, and steep slopes. These areas should generally be protected and used as a design feature.

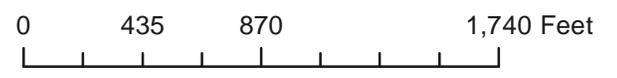
The road network shown is a suggestion and may be altered following more extensive design and engineering work. The final alignment should include no less than the three neighborhood access points shown (two on Vilas and one on Coffeytown Road). Any necessary public improvements to Coffeytown Road should be coordinated with the Town of Cottage Grove as they have a Transfer of Development Rights (TDR) receiving area shown on their Comprehensive Plan immediately to the west of this neighborhood that would also make use of Coffeytown Road.



Na, NA, WWI, ParcelText, Parcels.

**LEGEND**

- |  |                                 |  |                   |
|--|---------------------------------|--|-------------------|
|  | LARGE LOT SINGLE-FAMILY RES.    |  | NATURE PRESERVE   |
|  | STANDARD LOT SINGLE-FAMILY RES. |  | ACTIVE RECREATION |
|  | SMALL LOT SINGLE-FAMILY RES.    |  |                   |
|  | MULTI-FAMILY RES.               |  |                   |





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Larry Konopacki – Village Attorney  
Lisa Kalata – Village Clerk

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

**RE:** **Proposed Comprehensive Plan Amendment - Northlawn**

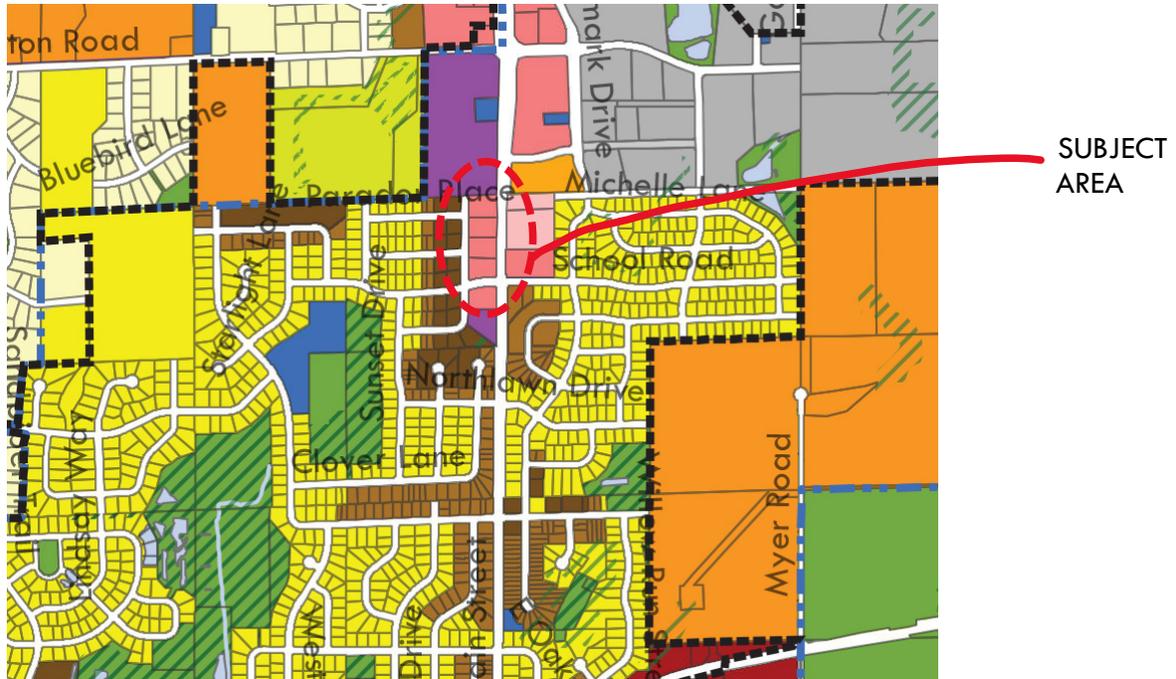
## BACKGROUND

Homburg Equipment is the owner of three approximately 1-acre parcels (Lots 86, 87, and 88) located between Highway N and Windsor Street, immediately north of the Stop N Go. Currently, these parcels are designated a Planned Business in the Comprehensive Plan's Future Land Use (see excerpt on next page).

These parcels have remained vacant since the Northlawn neighborhood was developed. The Homburgs have been approached by an entity seeking to develop a multi-family housing project in the Village. They are seeking feedback on whether the Plan Commission would consider amending the Comprehensive Plan to accommodate the project.



**FUTURE LAND USE MAP**



**Future Land Uses**

 Agriculture/Rural	 Planned Neighborhood	 Park & Open Space
 Future Development Area	 Planned Mixed Use	 Community Facility
 Single Family (Unsewered)	 Central Mixed Use	 Environmental Corridor
 Single Family (Sewered)	 Planned Business	 Surface Water
 Two Family	 Planned Office/Industrial	
 Multi-Family	 General Industrial	



# PLANNING STAFF REPORT

**MEMO DATE:** April 7, 2020

**MTG. DATE:** **APRIL 15, 2020**

**TO:** Village of Cottage Grove Plan Commission

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

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

**RE:** **Conditional Use Permits – Ordinance Review**

## BACKGROUND

2017 Wis. Act 67 changed state statutes regarding the issuance of conditional use permits (CUP). The main change is the shifting of the burden of proof regarding the suitability of a use from the applicant to the municipality. Previously, the applicant needed to prove that a proposed conditional use would not be problematic. Now a municipality must approve a conditional use permit application unless it can show the use will be problematic. Furthermore, it states that decisions to approve or deny a request must be based on 'substantial evidence' as defined in the statute and shall not be based on 'personal preferences or speculation.'

At its March meeting the Plan Commission began reviewing land uses requiring a conditional use permit per the current Zoning Ordinance. Staff made initial recommendations about how the various uses could be handled moving forward, including: 1) keeping it as a conditional use and establishing specific criteria, 2) creating an overlay district specific to the use, 3) permitting the use by right in certain districts, and 4) disallowing the use in certain districts.

Commissioners requested additional time to conduct a more thorough review of the list. In the meantime, staff has begun reviewing uses proposed to remain as conditional uses. These uses include:

- Commercial animal boarding
- Bed and breakfasts
- Payday lenders
- Communication towers
- Intermediate daycares
- Migrant labor camps



## OVERVIEW

### Commercial Animal Boarding

Staff researched whether any state licensing requirements are in place for animal boarding facilities. It appears that while related operations such as animal control facilities, animal shelters, and dog breeding facilities are licensed, animal boarding facilities are not.

Since there are no state mandated requirements, the Village should research best practices for potential CUP criteria including a minimum sq. ft. of indoor and outdoor space per animal and requirements for waste removal and other maintenance factors. Other issues such as parking and drop off requirements, fencing and landscape buffers, noise, and hours of operation should also be considered.

In addition, the Plan Commission should consider differentiating related State licensed uses by creating new land uses for them in the ordinance. These include:

- “Animal control facility” means a facility in this state for the care of animals operated under a contract with a political subdivision, per ATCP 16.01(2).
- “Animal shelter” means a facility or legal entity in this state that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals that is used to shelter at least 25 dogs in a license year and that is operated by a humane society, animal welfare society, animal rescue group, or other non-profit group, per ATCP 16.01(3).
- “Dog breeding facility” means a place in this state where dogs are bred and raised and from which at least 25 dogs are sold in a license year, per ATCP 16.01(6).

Staff recommends that these should also be conditional uses, as defined by the state and using the criteria established by the above referenced Wisconsin Administrative Codes. The codes regulate numerous aspects of such facilities including state inspections; veterinary inspections; record keeping; care, handling, and transportation of animals; sizes and types of enclosures among others.

### Bed and Breakfasts

The State of Wisconsin’s DATCP licenses bed and breakfasts under ATCP 73 of the Administrative Code. Per the state, a bed and breakfast is defined as “any place of lodging that provides eight or fewer rooms for rent to no more than 20 tourists for more than 10 nights in a 12 month period, is the owner’s personal residence, is occupied by the owner at the time of rental, and in which the only meal served is breakfast.”

State licensing considers criteria such as water supply and waste removal; toilet, handwashing, and bathing facilities; furnishings, equipment, and utensils; food; building safety; carbon monoxide detectors; and maintenance. Therefore, the zoning ordinance can simply require



that such facilities in the Village hold a valid state license rather than addressing and enforcing those criteria.

The DATCP also licensing tourist rooming houses which are defined by the Administrative Code as “all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients, or bed and breakfast establishments.” Examples would include homes listed on Airbnb or similar sites.

Currently, the Village’s Zoning Ordinance does not address tourist rooming houses. The Plan Commission discussed the issue a year or so ago but decided at the time not to regulate the use. Given the more widespread alterations to the ordinance that proposed, it may be time to include tourist rooming houses as a distinct land use. Similar to a bed and breakfast, the Zoning Ordinance could simply require a valid state license for such facilities in the Village.

#### Payday Lenders

Payday lenders are businesses that makes payday loans as those are defined by WI Statute 138.14(1)(k).

Per 62.23(7)(hi)(2) no payday lender “may operate in a city without a permit to do so from the city council, and the city council may not issue a permit if any of the following apply: a) the payday lender would be located within 1,500 feet of another payday lender; or b) the payday lender would be located within 150 feet of a single-family or 2-family residential zoning district.”

Per 62.23(7)(hi)(3), a “city may regulate payday lenders by enacting a zoning ordinance that contains provisions that are more strict than those specified in subd. 2.” Currently the Village Zoning Ordinance is consistent with the regulations above.

#### Migrant Labor Camps

Migrant labor camps are listed as a land use within the Village’s Zoning Ordinance and are addressed in the WI Statutes under zoning in Ch. 62. For context an historical overview of Wisconsin’s migrant housing laws can be found at the UW-Madison History Department’s ‘Wisconsin 101’ website:

<https://wi101.wisc.edu/2017/09/01/wisconsins-migrant-housing-laws/>

Migrant labor camps are not expected to occur in developed areas in the Village. They can be kept as a conditional use in the RH district.



### Communication Tower

The Village's Zoning Ordinance regulates communication towers without specifying the type of tower. Cell towers are subject to different standards under state law which strictly limits regulation on their placement.

Staff recommends separating cell towers from other communication towers within the ordinance and seeking current best practice regarding cell towers.

### Intermediate Daycare (9 to 15 Children)

Daycare facilities of this size are licensed by the WI Department of Children & Families (DCF). The use can remain a conditional use and criteria can reference state licensing requirements.



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Larry Konopacki – Village Attorney  
Lisa Kalata – Village Clerk

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

**RE:** **Proposed Boundary Agreement**

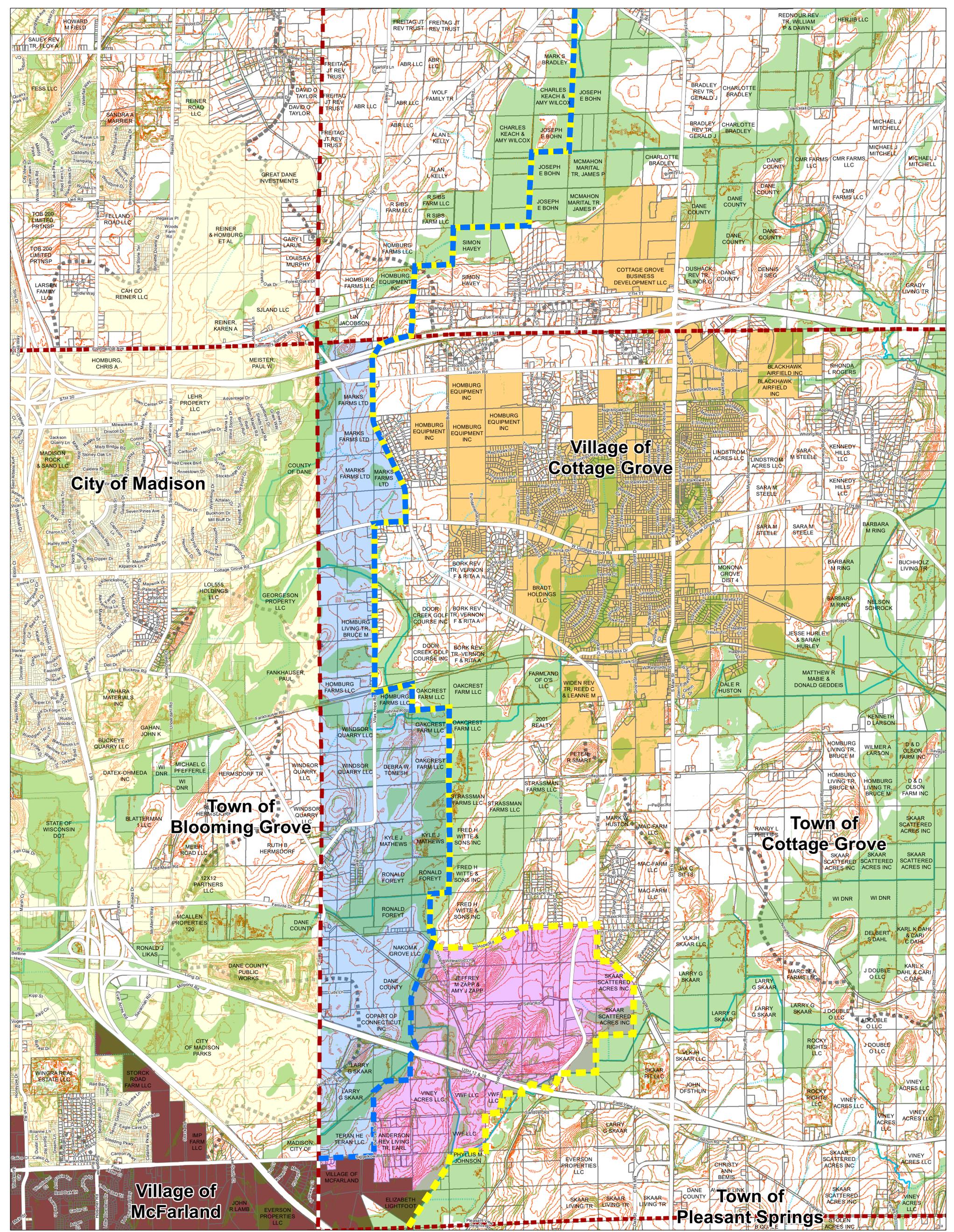
## BACKGROUND

The City of Madison reached out to reopen discussions about a potential boundary agreement between Madison, the Town of Cottage Grove, and the Village of Cottage Grove.

Discussions had been on hold after the election of Madison's new mayor, but now Mayor Rhodes-Conway is interested in moving forward.

## OVERVIEW

City of Madison staff provided the attached map. Staff is seeking feedback from the Plan Commission prior to meeting again with the communities involved.



**Conceptual IGA Boundary  
March 2020**

**City of Madison Planning Division**

- City of Madison
- Village of Cottage Grove
- Village of McFarland
- Initial Madison Boundary Proposal
- Current Madison Boundary Proposal
- Area A
- Area B
- Perennial Stream
- Intermittent Stream
- 10 Foot Contour Lines
- Natural Features  
(Wetland, Floodplain, Steep Topography, Hydic Soils)