


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <del>May 28, 2024</del> June 18, 2024		<b>Petition 12048</b>
	<u>Zoning Amendment Requested:</u> <b>AT-35 Agriculture Transition District TO SFR-08 Single Family Residential District</b>		<u>Town/Section:</u> <b>COTTAGE GROVE, Section 3</b>
	<u>Size:</u> <b>47.6 Acres</b>	<u>Subdivision Plat Required:</u> <b>Yes</b>	<u>Applicant:</u> <b>KENNEDY HILLS LLC</b>
	<u>Reason for the request:</u> <b>creating 50 additional residential lots for the Kennedy Hills subdivision</b>		<u>Address:</u> <b>EAST OF 4500 KENNEDY ROAD</b>



**DESCRIPTION:** The applicant would like to obtain zoning in order to start construction on Phase II & III of the Kennedy Hills Subdivision. Zoning for the Phase I of the subdivision was approved in 2019 under rezoning petition 11283. Residential Development Units (RDU) will need to be acquired by the landowner and transferred to this location in order for additional development to occur under the Town Comprehensive Plan policies.

**OBSERVATIONS:** The proposal is for the continuation of the Kennedy Hills subdivision. Mostly all of the lots in Phase I have been developed. The property is bordered by residential development on the north, east, and south sides. The land to west, across Kennedy Road, is currently cropped. The land is under 1/4 mile (1300') from the eastern edge of the Village of Cottage Grove boundary.

**COMPREHENSIVE PLAN:** The subject property is within a Neighborhood Development Area under the [Town of Cottage Grove / Dane County Comprehensive Plan](#). Residential development is allowed on lots ranging from 20,000 square feet to 1 acre in area. The Comprehensive plan identifies this property as a TDR receiving area where residential development may occur in accordance with the terms of the town’s TDR program. Residential Density Units (RDUs) acquired from a sending area can be transferred to this area resulting in a development ratio of 8:1. Meaning, a transfer of one RDU from a designated TDR sending area will allow eight residential lots to be platted and developed in the TDR receiving area.

Town policies for Neighborhood Development Areas also provide that tax parcels within ¼ mile of the corporate limits of the Village of Cottage Grove are not subject to the TDR program requirements. [Per policy #3:](#)

3. For each Residential Density Unit (RDU) transferred from a TDR Sending Area to a Neighborhood Development Area, the developer is able to develop eight housing units above the number of housing units (RDUs) allocated to the May 15, 1982 parcel, provided that the developer meets all other applicable regulations and policies. However, if any part of a tax parcel in the Neighborhood Development Area is within ¼ mile from the Village of Cottage Grove boundary as of July 5, 2022, *transferred RDUs are not required* to obtain Town approval of a residential development that is above the number of housing units (RDUs) allocated to that May 15, 1982 tax parcel. The Town and County may need to rezone such parcels away from the TDR-R Receiving Area Overlay Zoning District to the extent they are already zoned in that manner.

The southern parcel (tax parcel #0711-101-8502-0) is beyond a ¼ mile of the Village boundary. Two transferrable RDUs will need to be identified and obtained in order for the proposal to be consistent with comprehensive plan policies. The applicant has not yet identified the RDU sending properties or obtained the 2 required RDUs.

Drainage and stormwater management concerns have been raised by other nearby property owners. The applicant should obtain a preliminary review letter from Dane County Land and Water Resources to verify that applicable stormwater management requirements can be satisfied.

*(For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [allan.majid@danecounty.gov](mailto:allan.majid@danecounty.gov).)*

**RESOURCE PROTECTION:** There are no sensitive natural features on the parcel. The natural flow of storm water in this area is to the northeast.

**TOWN ACTION:** Approved with a condition requiring 2 RDUs to be obtained/transferred to the subject property:

“Approval was for up to 50 residential lots. Two RDUs will need to be transferred for the 12 lots on parcel 0711-101-8502-0 (ratio is one RDU for each 8 lots created). Parcel 0711-034-9001-0 will not need RDUs since it is within 1/4 mile of the Village of Cottage Grove, as per item 3. under *Relationship to the Town’s TDR Program* in Figure 8 of the Visions and Directions volume of the Town’s Comprehensive Plan.”

**STAFF RECOMMENDATION:** Staff recommends POSTPONEMENT of the petition due to anticipated opposition at the ZLR public hearing, and to allow time for the applicant to provide documentation on the acquisition of the 2 required transferrable RDUs. The applicant has provided information regarding the purchase of one of the 2 required RDUs for the project. See RDU contract agreement.

As noted above, the applicant is advised to obtain a preliminary review letter from Dane County Land and Water Resources regarding stormwater management requirements.

Any questions regarding this petition or the staff report can be directed to Roger Lane at (608) 266-9078 or [lane.roger@danecounty.gov](mailto:lane.roger@danecounty.gov).

