



Staff Report

Public Hearing: **May 22, 2018**

Petition: **Petition 11283**

Zoning Amendment:
**AT-35 Agriculture District TO
SFR-08 Single Family Residential
District and TDR-R Receiving
Area Overlay District**

Town/sect:
**COTTAGE GROVE,
Section 10**

Zoning and Land Regulation Committee

Acres: 21.1
Survey Req. No

Applicant
RIESOP FARMS LLC

Questions: Contact Majid Allan
Phone: 608-267-2536
Email: allan@countyofdane.com

Reason:
**16-LOT RESIDENTIAL
SUBDIVISION**

Location:
**EAST OF 2256
COTTAGE GROVE RD**



DESCRIPTION: The applicant proposes to rezone 21.1 acres of a larger ~80 acre property to SFR-08 (Single Family Residential) and TDR-R (Transfer of Development Rights – Receiving Area) to develop a 16 lot residential subdivision under the town of Cottage Grove’s Transfer of Development Rights program. The TDR program allows for development of 8 lots in a receiving area for every 1 “Residential Density Unit” (RDU) transferred. The current petition represents Phase I of a larger subdivision proposal that will expand to the north and include a total of 64 residential lots. Applicant is in the process of acquiring 2 RDUs to allow development of the 16 lots. Future transfer of an additional 6 RDUs would be needed to expand the development to a total of 64 lots.

OBSERVATIONS: The property is surrounded by residential development to the east and south and farmland to the north and west. The property is a little over a half of a mile (3,200’) from the Village of Cottage Grove boundary, and it is in the Village’s extraterritorial jurisdiction plat review (ETJ). Access to the subdivision would be from Kennedy Road, with no access from CTH BB.

TOWN PLAN: The subject property is in the *Neighborhood Development Area* of the town of Cottage Grove Comprehensive Plan. This area serves as a TDR receiving area where residential development may occur in accordance with the terms of the town’s TDR program. RDUs acquired from a sending area and transferred to a receiving area can be developed at a ratio of 1:8. To receive residential development units (RDUs) from sending areas of the town, the property must be rezoned with the TDR-R overlay zoning district as well as SFR-08.

RESOURCE PROTECTION: There are no sensitive natural features on the parcel.

PRIOR ZLR ACTION: The ZLR Committee postponed action at its public hearing on May 22, 2018 pending the applicant’s acquisition of 2 RDUs from a sending area of the town. Since the petition was originally submitted, the town of Cottage Grove has adopted the new county zoning code. The application has been updated to reflect the appropriate zonina desianations – SFR-08. and TDR-R.

STAFF UPDATE: The subject property has been identified as a TDR receiving area since the town first adopted its TDR program over 15 years ago. A prior owner attempted to develop the property under the TDR program, but abandoned the effort.

As indicated above, the applicant is in the process of finalizing acquisition of the 2 RDUs from farm properties located in section 36 of the town. See attached density studies from the sending properties.

The county's TDR-R overlay district requires that development proposals located wholly or partially within the extraterritorial plat review jurisdiction of an incorporated municipality must be consistent with both the town/county plan and the municipality's plan. The village plan identifies the property as future unsewered residential with densities, "generally between 1 dwelling per acre and 1 dwelling unit per 35 acres". Smaller individual lot sizes may be allowed so long as consistent with overall density and also authorized by the relevant town plan. Village of Cottage Grove staff have commented that the proposal appears consistent with the village plan and that the final plat is likely to be recommended for approval by the Village Board.

The TDR-R overlay district also requires that, prior to the issuance of zoning permits, appropriate recorded documentation be provided demonstrating that development rights have been acquired. This includes TDR agricultural conservation easements recorded on the sending area properties and notice documents recorded on the receiving area property specifying the number of development rights transferred, and referencing the sending area properties and recorded easements.

Staff recommends that the petition be approved with the following conditions:

1. TDR Agricultural conservation easements shall be recorded on the sending area properties prohibiting residential development:
 - Tax parcel 0711-364-9500-1 (SE 1/4 of the SE 1/4, Section 36, Town of Cottage Grove)
 - Tax parcel 0711-364-8500-3 (NW 1/4 of the SE 1/4, Section 36, Town of Cottage Grove)
2. A Notice Document shall be recorded on the receiving property that details the number of development rights transferred, describes the sending property or properties, and references the recorded document number of the TDR agricultural conservation easement.

TOWN: The Town Board approved the petition contingent upon the landowner securing 2 RDU's (residential density unit) and transferring them to this property.