



Notice of Public Hearing

Zoning and Land Regulation Committee

Public Hearing: **July 25, 2017**

Zoning Amendment:
**A-1EX Agriculture District TO A-2
(2) Agriculture District**

Acres: 2.4
Survey Req. Yes

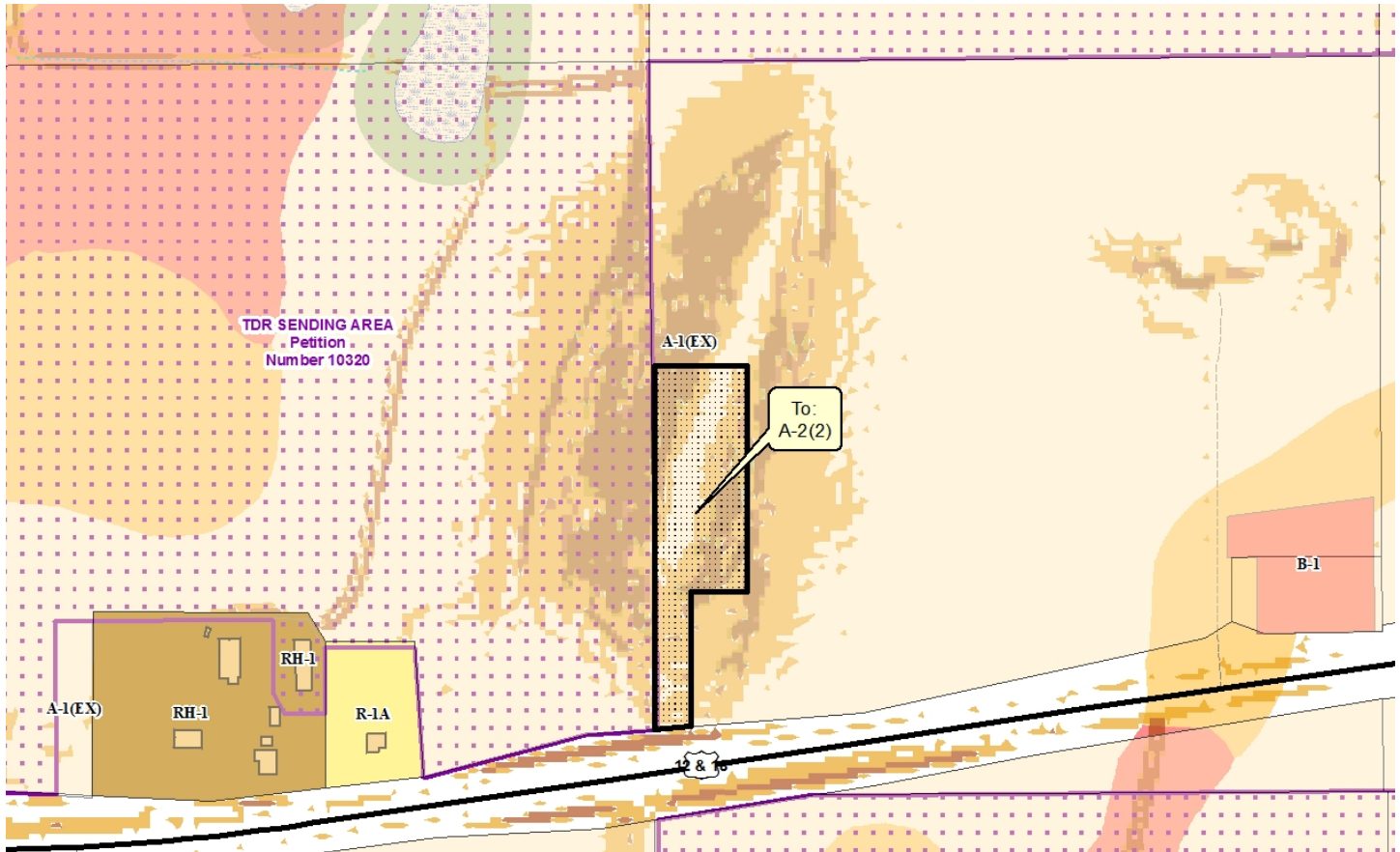
Reason:
Creating one residential lot

Petition: **Petition 11159**

Town/sect:
**COTTAGE GROVE,
Section 35**

Applicant
VINEY ACRES LLC

Location:
**1994 US HIGHWAY 12
& 18**



DESCRIPTION: The applicant wishes to create one lot for residential development.

OBSERVATIONS: No significant environmental features observed.

TOWN PLAN: The subject property is located in the agricultural preservation land use district. In this district, a density policy of one residential dwelling unit (RDU) is allowed per 35 acres owned as of 5/15/1982. The plan also includes a transfer of development rights (TDR) policy. In this case, the subject "Wood farm" was eligible for 2 original RDUs, one of which was sent via the TDR program, to develop 8 lots in a subdivision located in Section 21 of the town. An RDU was also sent from another farm to develop the same subdivision.

As part of that petition (#10992), in accordance with town policy, 2 leftover RDUs were "banked" and assigned to the subject property (parcel #071135295020). A deed notice (doc#5316552) was filed to document the banking of the 2 RDUs on the subject property, as well as a conservation easement being placed on the "back 40" of the Wood farm (parcel #071135280002, doc#5305449). For this reason, the density study shows 3 RDUs remaining, one from the Wood farm and two banked. The difference between original RDUs versus banked RDUs is that banked RDUs must be sent to a TDR-R receiving area to be used for development. Only RDUs associated with the original farm can be used on the original farm. This zoning petition will use the one RDU that can be used on the original farm, leaving two that can be sent from the subject property to a receiving area elsewhere in the town.

RESOURCE PROTECTION: No areas of resource protection corridor located on the property.

TOWN: The town board action report states: "A 35 acre parcel of the Viney's and county's choice must be deed restricted to provide the RDU for this new lot"; and "The WisDOT has approved a new joint driveway between this new lot and 2064 US Hwy 12 & 18, which will provide a safer shared access to the two residences and the field. The current driveway for 2064 US Hwy 12&18 will be abandoned". Also noted was that "the Town approves allowing this lot to exceed the usual 2 acre limit for new residential lots in the ag preservation district to allow for distance from US Hwy 12&18 should the highway ever be widened".

STAFF: The proposal meets dimensional requirements of the A-2(2) zoning district. The proposal appears to be reasonably consistent with the Town and County Comprehensive Plan. As indicated above, the proposal will exhaust the one RDU available from the original farm. Staff recommends the following conditions of approval:

1. A deed restriction should be placed on the balance of parcel #071135295020 prohibiting further residential development. (The existing Notice document is sufficient to document the 2 transferrable RDUs that remain "banked" on the property from zoning petition #10992.)
2. The applicant must meet all town of Cottage Grove and WisDOT requirements regarding location and installation of the driveway providing access to the property.