
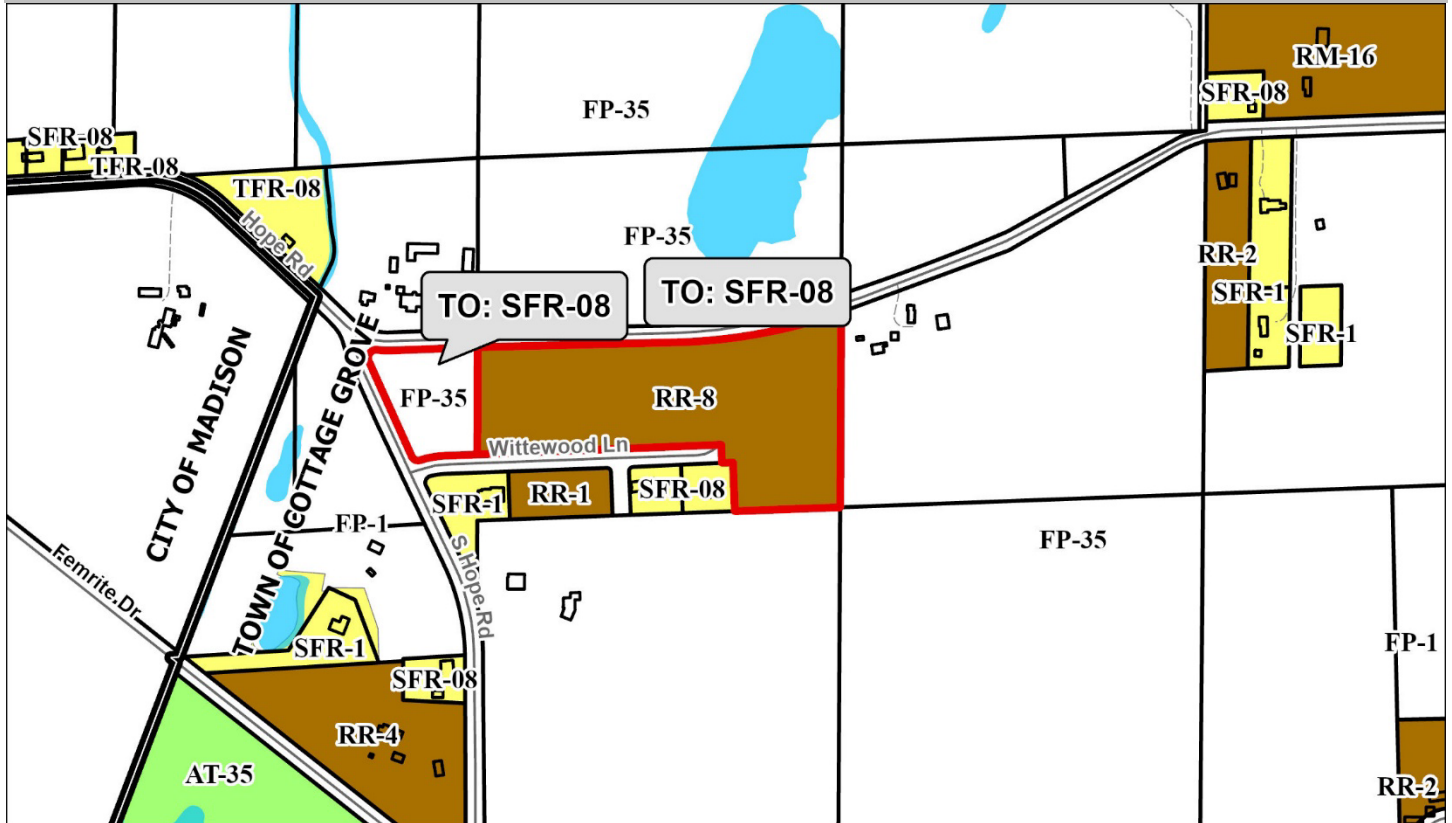


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>June 23, 2026</b>	<b>Petition 12295</b>
	<u>Zoning Amendment Requested:</u> <b>RR-8 Rural Residential District and FP-35 Farmland Preservation District TO SFR-08 Single Family Residential District</b>	<u>Town, Section:</u> <b>COTTAGE GROVE, Section 29</b>
	<u>Size:</u> <b>14.7,3.0 Acres</b>	<u>Survey Required:</u> <b>No</b>
	<u>Reason for the request:</u> <b>CREATING A 10-LOT RESIDENTIAL SUBDIVISION WITH A TRANSFER OF DEVELOPMENT RIGHTS (TDR)</b>	
		<u>Address:</u> <b>WITTEWOOD LN SOUTH OF 2924 HOPE RD</b>



**DESCRIPTION:** The Wittes would like to rezone 17.7 acres of land south of Hope Road, to enable a 10-lot single-family residential subdivision. The land is currently zoned RR-8 and FP-35. The proposal would involve a transfer of development rights (TDR), enabling a 1:10 ratio under the town’s agricultural preservation and TDR policies. If the zoning is approved, the development would require a preliminary and final plat, full engineering plans for site work and stormwater management, and a development agreement with the Town. The project also anticipates improvements to Wittewood Lane, subject to town road requirements.

**OBSERVATIONS:** The proposed lot configuration appears to meet county ordinance requirements, including lot size and public road frontage—subject to comments below.

1. **Residential lot zoning:** The lots are proposed for SFR-08 zoning; however, there is potential for different zoning districts to be approved here, and possibly adjustments to the plat based on site soil investigations and review by the Town and other agencies. (See Town Planner comments recommending SFR-1 zoning instead, due to lot sizes and other lot zoning in this area.)
2. **Outlot zoning and use:** Staff have noted that the proposed Outlot should be zoned either UTR or NR-C based on the proposed land use (SFR zoning is not a best fit). The precise zoning districts and boundaries will need to be confirmed based on the results of soil, wetland and floodplain investigations, which will determine the final zoning and lot boundaries. The UTR zoning district allows stormwater management facilities, but NR-C may be more appropriate if that land is primarily wetland and floodplain.

3. **Building envelopes and driveway access:** The proposed lots would be between 1.0 to 2.1 acres in size and would all have adequate public road frontage (provided the town allows some to have access on Hope Road). Lot 8 contains a gas line easement, which the applicants are aware of and believe will not be a barrier for future construction. They are not proposing to disturb that area and would place the building envelope away from the line. Proposed Lot 10 contains steep slopes which must be addressed with the town to determine if there can be suitable building and access on that lot. Dane County Highway estimates this development to generate 100 trips per day.
4. **Building setback lines:** Because the northerly lots would have frontage on two roads, each will have a front yard setback requirement. If the Town or Developer wishes to restrict access to one or the other right-of-way that could be accomplished on the subdivision plat. Driveway access locations are subject to Town approval. Staff expects that not all of the lots will be allowed to have driveways on Hope Road. Access restrictions will need to be shown on the plat based on the Town's requirements for access.
5. **Soil suitability:** There is potential for hydric soils in the west end. Applicants are doing soil testing and coordinating with LWRD to verify the extent of wetlands, floodplain, and suitable soils for development. This will determine the areas suitable for residential lots and the stormwater management facilities to serve the development. There is FEMA-mapped floodplain in this area. At the time of writing, it is not known if LWRD require a wetland delineation for the area in Outlot 1. The applicants have also been asked to verify if there is an existing stormwater basin in this area, or if it is just a low area.

The remnant lands north of Hope Rd remain in common ownership in excess of 35 acres and do not require rezoning out of FP-35, and therefore do not need to be included in the subdivision plat.

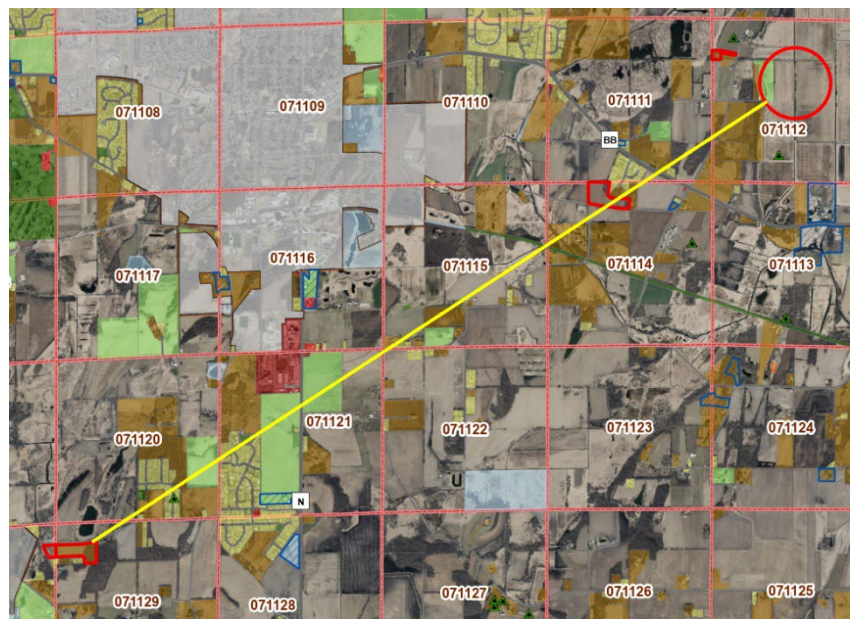
**COMPREHENSIVE PLAN:** This petition is in the town's neighborhood development planning area and is subject to the land use policies related to that designation. Such designated areas are eligible for higher density development, but only upon participation in the town's Transfer of Development Rights Program which allows for a density bonus of 10 lots for every 1 density unit transferred from a TDR sending area property. The applicant proposes to transfer a "residential density unit" (RDU) from property owned by Badger Farms LLC located in section 12 of the township, east of Ridge and Strawberry Roads to the subject property off Hope Road. As indicated on the attached density study report, the TDR sending property currently owned by Badger Farms LLC remains eligible for eight (8) RDUs. If this petition is approved, a minimum of 35 acres from the sending farm will be covered by an agricultural conservation easement and preserved for ongoing agricultural / open space use.

The proposed receiving area is located just outside of the city of Madison expansion area as defined in the town/city intergovernmental agreement. Under the agreement, the city does not exercise its extraterritorial plat review authority outside of the defined expansion area. So, the proposed plat will not be subject to city of Madison review.

Pending any concerns raised at the ZLR Public Hearing, or by the town in the course of its review, the proposal appears reasonably

consistent with comprehensive plan policies. Upon resolution of other outstanding issues noted elsewhere in this staff report, staff recommends any approval be conditioned on the following:

1. An agricultural conservation easement prohibiting nonfarm development on a minimum of 35 acres shall be recorded on the following identified sending property: Tax parcels 0711-122-9500-3 and 0711-123-8000-9 (Badger Farms LLC)



*Proposed Transfer of Development Rights*

2. The TDR-S (Sending Area) overlay zoning district shall be applied to tax parcels 0711-122-9500-3 and 0711-123-8000-9 (Badger Farms LLC).
3. The TDR-R (Receiving Area) overlay zoning district shall be applied to the portion of the proposed SFR-08 property corresponding to tax parcel 0711-292-8502-0.
4. Applicant shall record a Notice document on the receiving area property indicating that the SFR-08 zoned property was created as part of a transfer of development rights.

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:** As noted above, the west end of the property contains wetland indicators and regulatory floodplain. It is likely that wetlands exist in this area, but a delineation is needed to confirm the boundary. The floodplain was mapped in 2014, and revised through a FEMA Letter of Map Revision (18-05-3131P) which established a base flood elevation of 855 feet above mean sea level within the larger basin and S Hope Road ditch. Development below 855 ft in these mapped areas will be subject to floodplain development standards.

The development would require an erosion control and stormwater management permits from Dane County Land and Water Resources Department. The stormwater plan review process can take several months to complete. Applicants will need to provide a favorable Preliminary Review Letter from LWRD staff, prior to rezoning. For questions, please contact Elliott Mergen at Water Resource Engineering (608) 224-3730 / [Mergen.Elliott@danecounty.gov](mailto:Mergen.Elliott@danecounty.gov).

**TOWN ACTION:** Pending.

**STAFF RECOMMENDATION:** As noted above, the applicants are still doing site investigations and the Town of Cottage Grove is still reviewing the development proposal. The 5/19/26 review memo by the Town Planner provides several outstanding comments.

Staff **recommends ZLR postpone action** on the petition, until the outstanding issues are resolved.

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.