

Staff Report

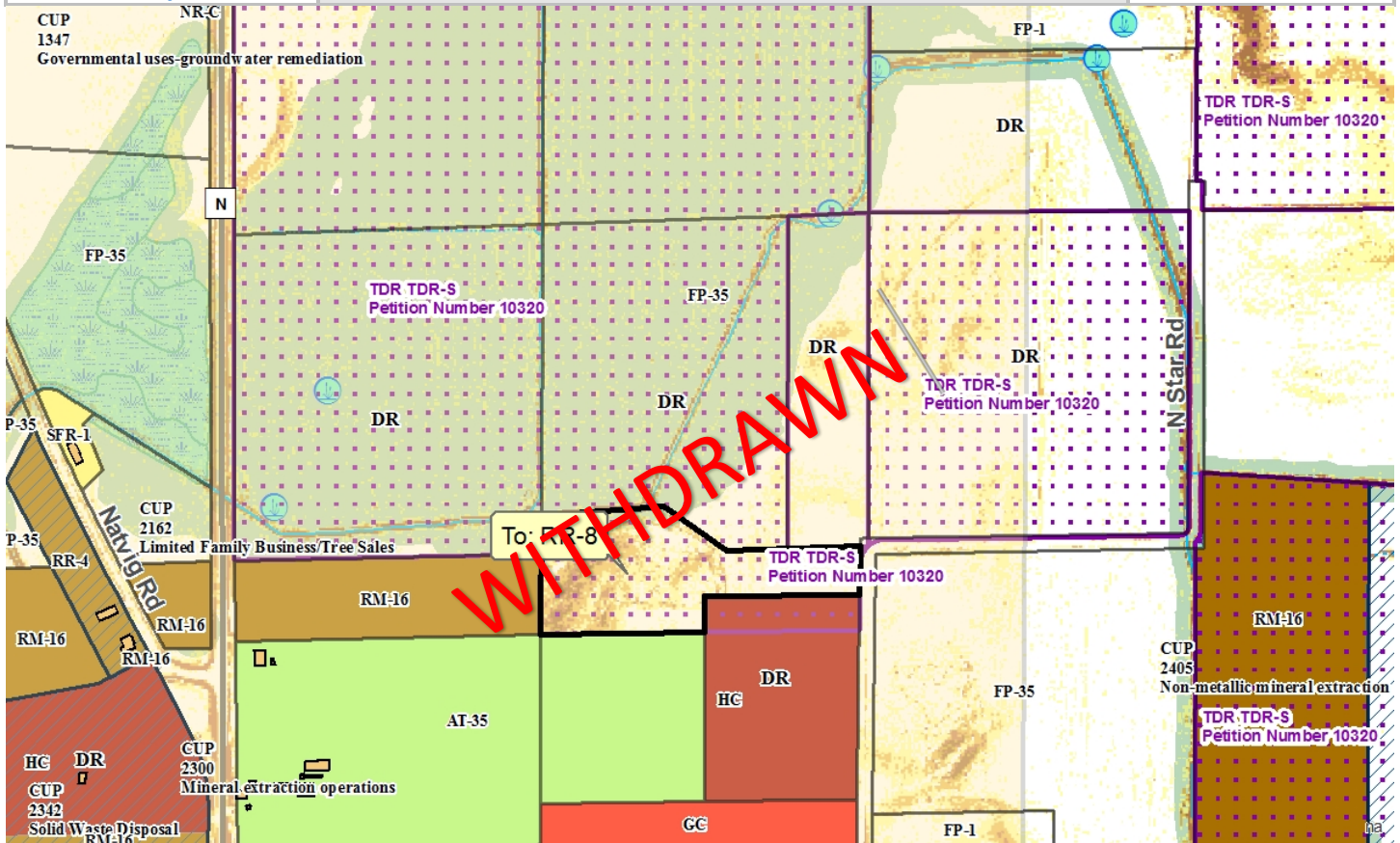


Zoning and Land Regulation Committee

Questions? Contact:
Majid Allan: 267-2536
allan@countyofdane.com

<i>Public Hearing:</i> November 24, 2020	
<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO RR-8 Rural Residential District	
<i>Size:</i> 10.6 Acres	<i>Survey Required:</i> Yes
<i>Reason for the request:</i> Creating one residential lot	

Petition 11615
<i>Town/Section:</i> COTTAGE GROVE, Section 28
<i>Applicant:</i> LARRY G SKAAR
<i>Address:</i> NORTH OF 3475 N STAR ROAD



DESCRIPTION: Applicant proposes to create a new 10.6 acre RR-8 (Rural Residential) parcel for future sale / development.

OBSERVATIONS: Existing use of the property is ag / open space and woodland. Surrounding land uses are currently ag / open space. Adjoining property to the south is zoned for future commercial development. A small area of 100 year floodplain associated with Little Door Creek encroaches on the northwesterly portion of the property.

TOWN PLAN: The property is in the town’s future commercial development area.

RESOURCE PROTECTION: An area of resource protection corridor associated with the 100 year floodplain of Little Door Creek is located along the northwesterly boundary of the proposed lot.

STAFF: This petition appears to be inconsistent with a number of town/county plan policies. Perhaps more importantly, the property is subject to a deed restriction prohibiting residential development. The 2012 deed restriction was a

condition of approval of previous zoning petition #10214 which resulted in a transfer of 3 RDUs (“splits”) from the property to a receiving area on Uphoff Road. See attached deed restriction and owner acknowledgement, below.

Owner TDR acknowledgment

February 15, 2012

To Whom It May Concern:

I, Larry Skaar, owner of the following tax parcels totaling approximately 110 acres, agree to the proposed transfer of three (3) development rights from my property to property owned by my brother, John Skaar (d/b/a VLKJH SKAAR LLC) on Uphoff Road in Cottage Grove, as proposed under zoning petition #10214. I also agree to record a deed restriction on my property as recommended by county staff to document the transfer of development rights.

- Parcel #0711-272-9190-8 (20.3 acres)
- Parcel #0711-273-8500-3 (40.5 acres)
- Parcel #0711-284-8001-0 (10.0 acres)
- Parcel #0711-284-8250-0 (39.8 acres)

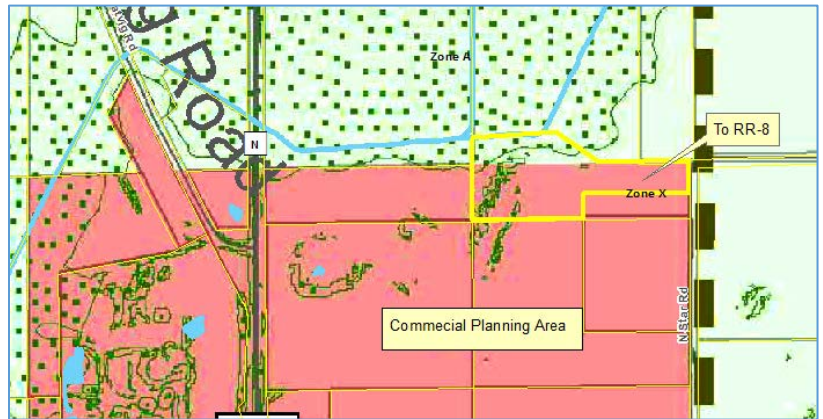
Signed: *Larry Skaar*

As noted above, the property is located in the town’s commercial development area. Residential development within the commercial area is discouraged due to the potential for incompatibility between neighboring uses.

Typical implementing zoning districts listed in the town plan does not include Rural Residential. For new residential lots in other areas of the town where such development is permitted, the maximum lot size for new parcels is 2 acres. The proposed 10.6 acre parcel would violate that standard, as well.

Staff recommends that this petition be denied based on the following findings:

1. The property is deed restricted to prohibit residential development. The Residential Density Units (RDUs) available to the property have been exhausted following a transfer of development rights in 2012.
2. The property is located in an area designated for future commercial development. Residential development in this area is inconsistent with adopted plan policies.



Excerpt from town future land use map

TOWN: Pending