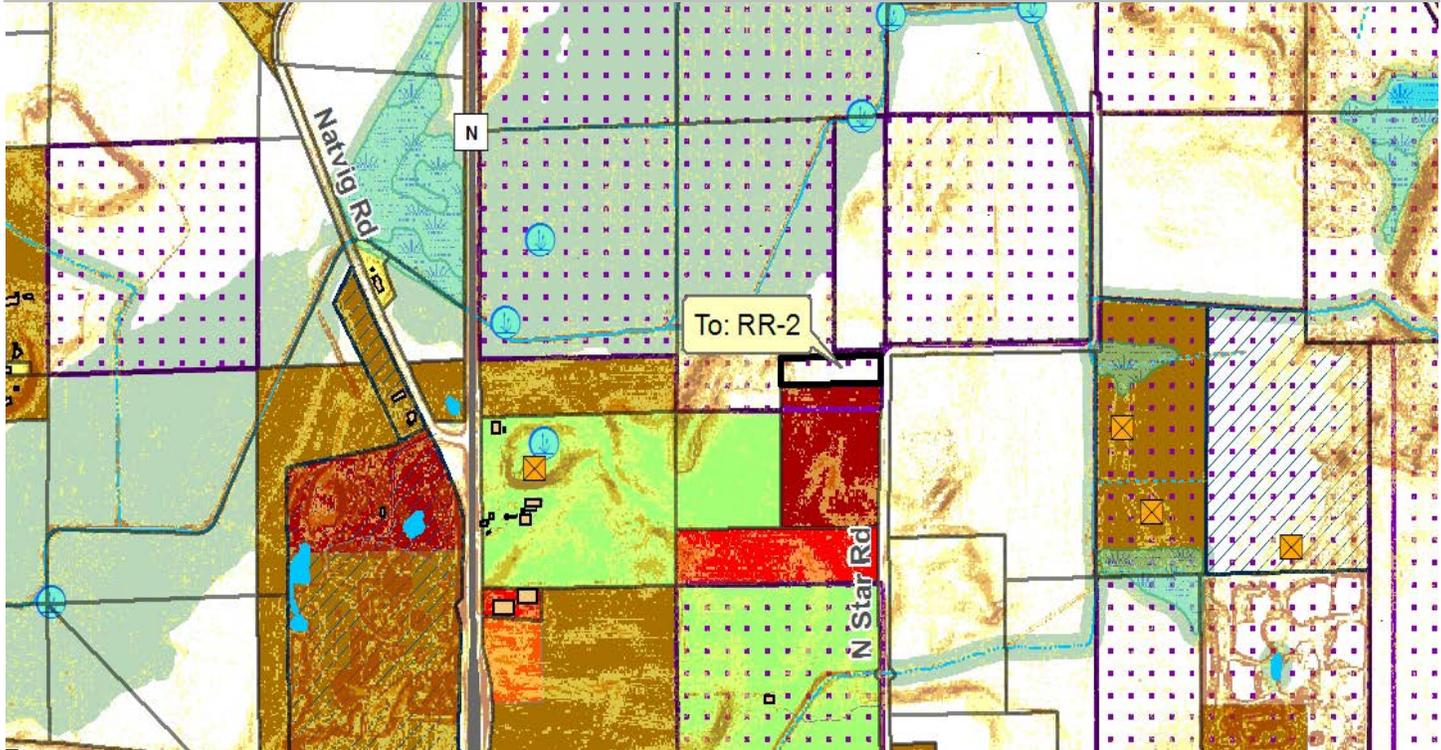


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>February 23, 2021</b>		<b>Petition 11652</b>
	<i>Zoning Amendment Requested:</i> <b>FP-35 Farmland Preservation District TO RR-2 Rural Residential District</b>		<i>Town/Section:</i> <b>COTTAGE GROVE, Section 28</b>
	<i>Size:</i> <b>2.31 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant:</i> <b>LARRY G SKAAR</b>
	<i>Reason for the request:</i> <b>Creating one residential lot</b>		<i>Address:</i> <b>NORTH OF 3475 N STAR ROAD</b>



**DESCRIPTION:** Applicant proposes to create a new 2.3 acre RR-2 (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 and being used for commercial development. No sensitive environmental features present on the site.

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

**RESOURCE PROTECTION:** No resource protection corridors located on the property. Resource protection corridor associated with the floodplain of Little Door Creek is located within 225’ to the northwest of the proposed RR-2 parcel.

**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 in the [legistar file](#) and owner acknowledgement, below.

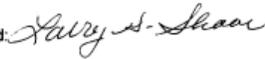
February 15, 2012

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:



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

The list of typical implementing zoning districts listed in the town plan for the commercial planning area does not include Rural Residential.

**The applicant's agent has indicated that the proposed RR-2 zoning district was requested in error and that a commercial zoning designation is actually what is desired.**

**RECOMMENDATION:** Since the public hearing notice has been published in the newspaper and sent to neighboring property owners, amending the zoning petition request from a residential to commercial zoning category would be inappropriate at this time. Staff recommends that action be postponed at the February 23 public hearing in order to provide time for the applicant to provide more detailed and accurate information regarding the proposal.

**TOWN:** Pending (property owner has not filed an application with the town as of yet).

Questions about this staff report? Contact Majid Allan – [allan@countyofdane.com](mailto:allan@countyofdane.com) / 608-267-2536.