

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **February 27, 2024**

Petition 12009

Zoning Amendment Requested:

FP-1 Farmland Preservation District TO RR-2 Rural Residential, RR-4 Rural Residential, and NR-C Natural Resource Conservation Districts

Town/Section:

**COTTAGE GROVE,
Section 19**

Size: **2.0,4.12,10.66 Acres**

Survey Required: **Yes**

Applicant

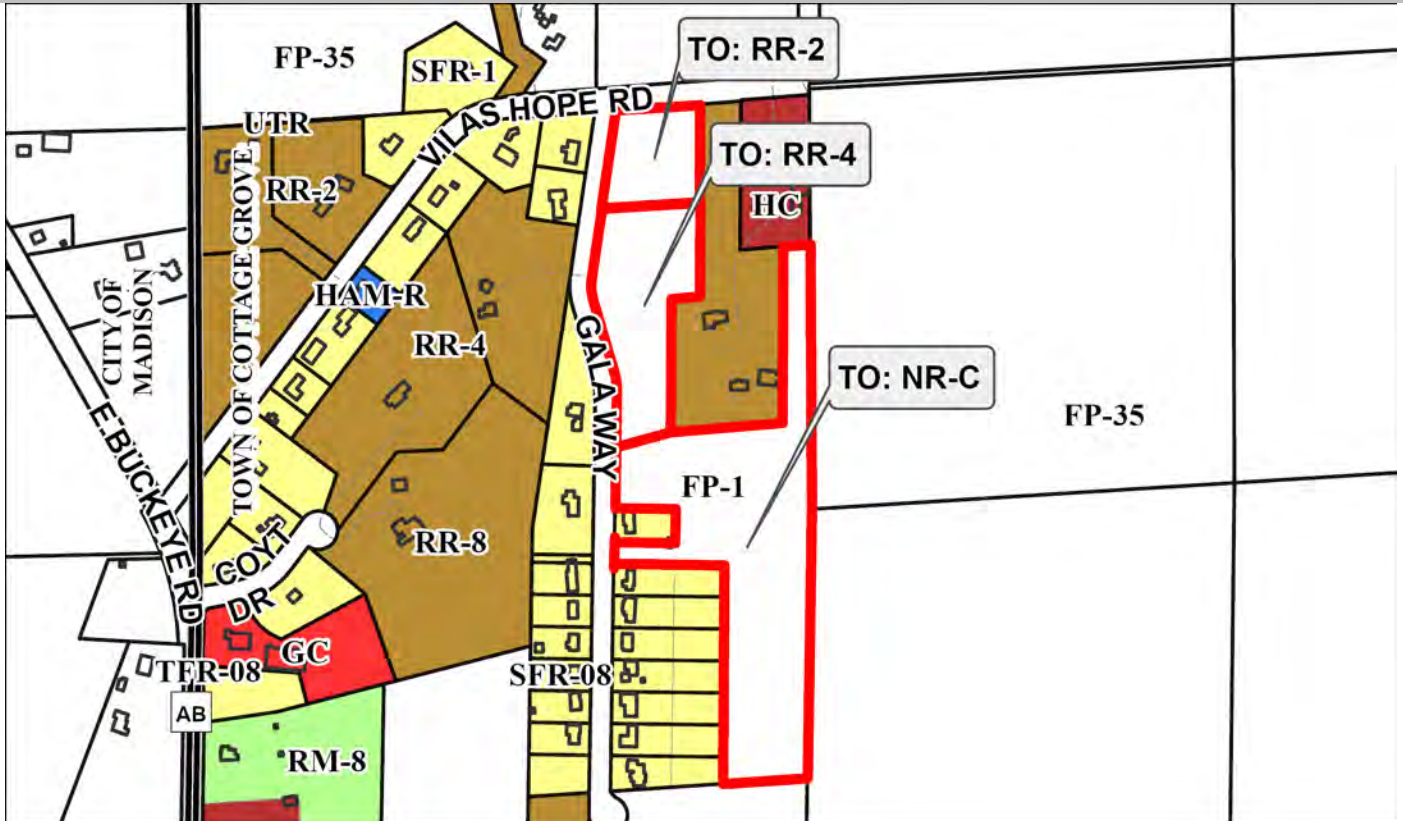
JEFF SCHLIECKAU

Reason for the request:

Create two residential lots and one agricultural lot

Address:

**NORTH OF 3830 GALA
WAY**



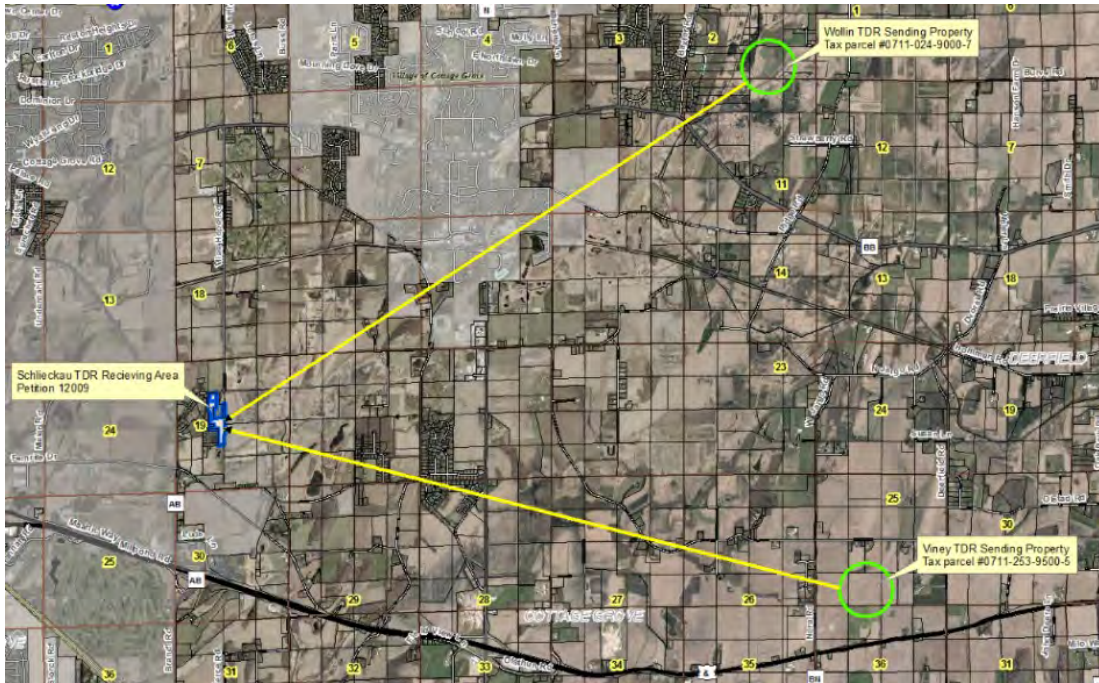
DESCRIPTION: Jeff Schlieckau proposes to divide a 16.8-acre parcel to create two residential lots (a 2.0-acre lot with RR-2 zoning and a 4.1-acre lot with RR-4 zoning), and one agricultural lot with NR-C zoning. One lot would be a location for him to build a new home; the other lot would be for sale. The land division would use a transfer of development rights, one from lands owned by Wollin (tax parcel 0711-024-9000-7) and one from Viney Acres LLC (parcel 0711-253-9500-5).

OBSERVATIONS: The proposed lots meet the requirements of the RR-2, RR-4 and NR-C zoning districts, provided that Lot 1 contains a minimum of two acres on the recorded CSM. The property is within the City of Madison’s extraterritorial jurisdiction for land division reviews.

The property was previously deed restricted when zoning petition #11752 used the last development right remaining on the farm. However this does not prohibit the landowner from purchasing development rights from elsewhere (see Comprehensive Plan section below).

COMPREHENSIVE PLAN: The property is located in a designated agricultural preservation area. The subject property is not eligible for any “Residential Density Units” (RDUs) and is proposing to transfer 2 RDUs from other farm properties – 1 RDU would be transferred from the ~158 acre Wayne and Patricia Wollin farm located in section 2, and 1 RDU would be transferred from the ~100 acre Viney Acres LLC property located in section 25. The graphic below shows the relative location of the TDR sending and receiving areas.

The TDR receiving area where the two new residential lots are proposed, is located in section 19 south of Vilas Hope Road and adjacent to a cluster of existing residential lots along Gala Road. The area is subject to an intergovernmental agreement between the Town of Cottage Grove and City of Madison. The city has indicated that the proposed transfer would not violate the terms of the intergovernmental agreement. Pending any concerns raised by the Town of Cottage Grove, or at the ZLR public hearing, the proposal appears reasonably consistent with comprehensive plan policies.



Staff has recommended several conditions to track the transfer of development rights, as indicated below. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: The far south end of the property is subject to shoreland zoning. Staff has no concerns as no development is proposed in this area.

TOWN ACTION: On December 4, 2023 the Town Board recommended approval of the rezone with the following conditions:

1. The third agricultural lot created by this rezone (10.66 acres) must be deed restricted against residential development.
2. RDUs purchased from WOLLIN (0711-024-9000-7) and Viney Acres LLC (0711-253-95005) will be transferred to create the 2 residential lots. These sending parcels must be have the usual TDR Agricultural Conservation Easement documents recorded against them.

In its approval action, the town also provided support for an exception to its lot size policies, noting that Lot 2 is permitted to exceed the usual 2-acre maximum size for a new residential parcel due to the odd shape of the parent parcel and the best location for a septic system.

STAFF RECOMMENDATION: Pending any comments at the public hearing, staff recommends approval of the petition subject to the CSM being recorded and the following conditions:

1. Owners of the TDR-S sending properties shall record deed restrictions prohibiting nonfarm development on a minimum of 35 acres, as follows:
 - a. Wayne and Patricia Wollin shall record a deed restriction prohibiting nonfarm development on tax parcel 0711-024-9000-7 (SW 1/4 of the SE 1/4, section 2, Town of Cottage Grove).
 - b. Viney Acres LLC shall record a deed restriction prohibiting nonfarm development on tax parcel 0711-253-9500-5 (SE 1/4 of the SW 1/4, section 25, Town of Cottage Grove).

2. A deed notice document shall be recorded on the proposed RR-2 and RR-4 lots (CSM Lots 1 and 2) to indicate they were created via a Transfer of Development Rights.
3. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be applied to the RR-2 and RR-4 lots.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com