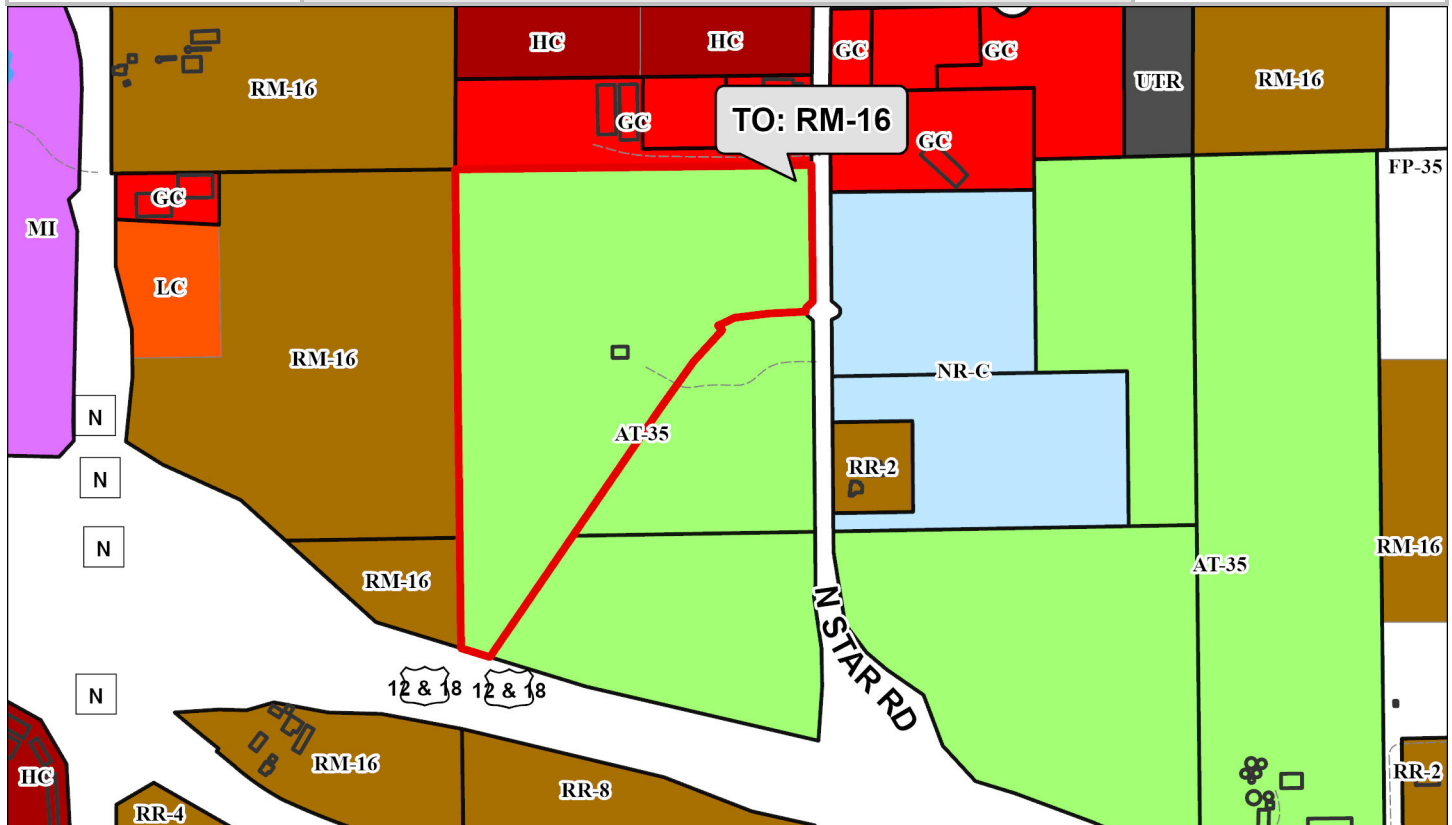


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> October 28, 2025		Petition 12208
	<u>Zoning Amendment Requested:</u> AT-35 Agriculture Transition District TO RM-16 Rural Mixed-Use District		<u>Town, Section:</u> COTTAGE GROVE, Section 33
	<u>Size:</u> 31.6 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> R G HUSTON COMPANY INC (WADE HUSTON)
	<u>Reason for the request:</u> Correct land division violation		<u>Address:</u> 3385 N STAR ROAD



DESCRIPTION: Applicant requests a rezone from AT-35 to RM-16, to resolve an illegal land division that resulted in a property mismatched with its zoning. This rezone would address the situation, which was created when Viney Acres LLC sold this land to Skaar Pit LLC.

This property is part of a larger commercial business park development that is being planned now for the Skaar Pit LLC property, which extends west to County Highway N. Another rezone petition is being submitted for the whole business park, which if approved would override this proposed RM-16 zoning. However, because the timeline for the business park is longer and the timing is less certain, the owners wish to continue with this petition to resolve the current violation in the meantime. In other words, the RM-16 zoning is intended as an “interim” zoning on the property.

OBSERVATIONS: The property is 31 acres in size and meets RM-16 zoning district requirements. The property does not need to be established as part of a Certified Survey Map, as long as it is incorporated into the larger Skaar Pit LLC property by a new deed and legal description that describes the land as one consolidated property.

Because no development is proposed with this rezone petition, no development plan was required as part of the application. Staff has discussed with the applicants and the Town of Cottage Grove that a deed restriction would be recommended, to limit the potential land uses and ensure consistency with applicable town and county ordinances and land use plans.

COMPREHENSIVE PLAN: The property is located in the town’s commercial planning area. As noted above, this petition is being proposed solely to resolve an illegal land division. Although the requested zoning would allow for the

development of a single family home, which town policies do not allow in the commercial planning area, the applicant has already submitted a subsequent petition requesting commercial zoning for the subject property, as well as other adjoining property under the same ownership. Staff believes the proposal is sufficiently consistent with plan policies given that the requested zoning will essentially serve as a placeholder until the subsequent petition is reviewed and acted upon.

In order to fully comply with town plan policies, staff is recommending a deed restriction be placed on the RM-16 parcel prohibiting residential development. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

RESOURCE PROTECTION: As noted above, no development is proposed with this petition. The property contains an intermittent stream along its southeastern border, and wetlands which were delineated as part of the development proposed on the adjacent Viney Acres LLC land (abutting N. Star Road, still zoned AT-35). A navigability determination was done in 2024; navigability begins downstream of the subject property just east of N Star Rd. Lands within 300 feet of the point of navigability remain within the shoreland zoning district, however the majority of the property falls outside this zone. The presence of wetlands, and the drainageway are being considered as part of development proposals that fall under other rezone petitions (petition #12170, and the pending application for the larger Skaar Pit LLC commercial business park).

TOWN ACTION: Pending.

STAFF RECOMMENDATION: Pending any concerns raised by the town in the course of its review, or at the ZLR public hearing, staff recommends approval with the following conditions:

1. The owner shall either record a new deed that describes the entire Skaar Pit LLC property with a single legal description, OR a record a one-lot CSM to establish the property as a legal lot.
2. The owner shall record a deed restriction on the RM-16 zoned land prohibiting residential development.

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