



## Dane County Planning & Development Land Division Review

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January 4, 2018

Badger Surveying  
525 W. Prairie St.  
Columbus, WI 53925

Re: Agate (CSM 10066)  
Town of Cottage Grove, Section 19  
(1 lot, 4.59 acres)  
Zoning Petition #11198, LC-1, R-1A, A-1EX to A-2(4)

*The Dane County Board approved Zoning Petition #11198 on November 9, 2017.*

Attn: Mark Gerhardt, S-1983

The proposed CSM is hereby conditionally approved as follows:

1. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. Rezone Petition #11198 is to become effective and all conditions established are to be timely satisfied.
  - *Recording of an approved CSM.*
  - *A deed restriction shall be recorded on the proposed lot to prohibit further residential development or division of the property.*
  - *The road right-of-way shall be dedicated to the public.*
3. The location of the existing driveway is to be shown.
4. All owners of record are to be included in the owner's certificate. Middle initials, spouse's signature are required and a certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant.

County records indicate the following owners:

  - *RONALD H FOREYT & CAROL J FOREYT*
  - *JOSHUA F AGATE & LINDY L AGATE*
5. Owner's certificate is to reference the dedication.
6. The required approval certificates are to be executed.
  - *Town of Cottage Grove*
  - *City of Madison*
  - *Dane County*

7. The town approval certificate shall include language accepting the public highway dedication.
8. Comments from the Dane County Surveyor are to be satisfied:
  - *Add "Lot 1 of CSM 2488 and other lands in the" to the location heading at the top of the page and in the Surveyors Certificate. 236.34(1m)(c)*
  - *Use a broken line type for the right-of-way line within the CSM boundary to show that no dedication is intended and ownership continues to the section line. Also remove the r/w division line at the southwest corner of the underlying CSM. 236.20(2)(a)*
  - *List the lot areas in square feet. 236.20(2)(j)*
  - *Label the full distance between the section corner monuments. 236.20(3)(b)*
  - *Underscore "LOT 1 C.S.M. NO. 2488" with a dashed or dotted line. 236.20(3)(d)*
9. The recordable document is to be submitted for review and approval.

When the above conditions have been fully satisfied, the original document along with a copy of this letter may be submitted for final review and the Dane County approving signature will be affixed. Please allow for ten (10) working days for approving signature. Any questions regarding this letter, please contact myself.

Sincerely,

Daniel Everson  
Assistant Zoning Administrator  
267.1541

CC:  
Clerk, Town of Pleasant Springs  
City of Madison Planning – Tim Parks

**Dane County Board of Supervisors  
Amending Chapter 10 of the Dane County Code of Ordinances  
Zoning Map Amendment Petition 11198**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

**Town Map:** Town of Cottage Grove

**Location:** Section 19

**Zoning District Boundary Changes**

**LC-1, R-1A, A-1EX to A-2(4)**

PART OF THE SW 1/4 OF THE SE 1/4 AND IN THE SE 1/4 OF THE SW 1/4, ALL IN SECTION 19, T7N, R11E, TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S 1/4 CORNER OF SAID SECTION 19; THENCE EAST, 497.53 FEET; THENCE N 07°46'40"E, 66.52 FEET; THENCE WEST, 18.00 FEET; THENCE N 07°46'40"E, 99.99 FEET; THENCE WEST, 870.49 FEET; THENCE SOUTH, 263.52 FEET; THENCE S 89°54'45"E, 354.90 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.23 ACRES INCLUDING R/W.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. The zoning district classification of A-2(4) shall be assigned to the proposed lot.
2. The road right-of-way shall be dedicated to the public.

**DEED RESTRICTION REQUIRED**

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. A deed restriction shall be recorded on the proposed lot to prohibit further residential development or division of the property.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **October 24, 2017**

Petition: **Petition 11198**

Zoning Amendment:  
**LC-1 Limited Commercial Dist TO  
RH-2 Rural Homes District, R-1A  
Residence District TO RH-2 Rural  
Homes District, A-1EX  
Agriculture District TO RH-2  
Rural Homes District**

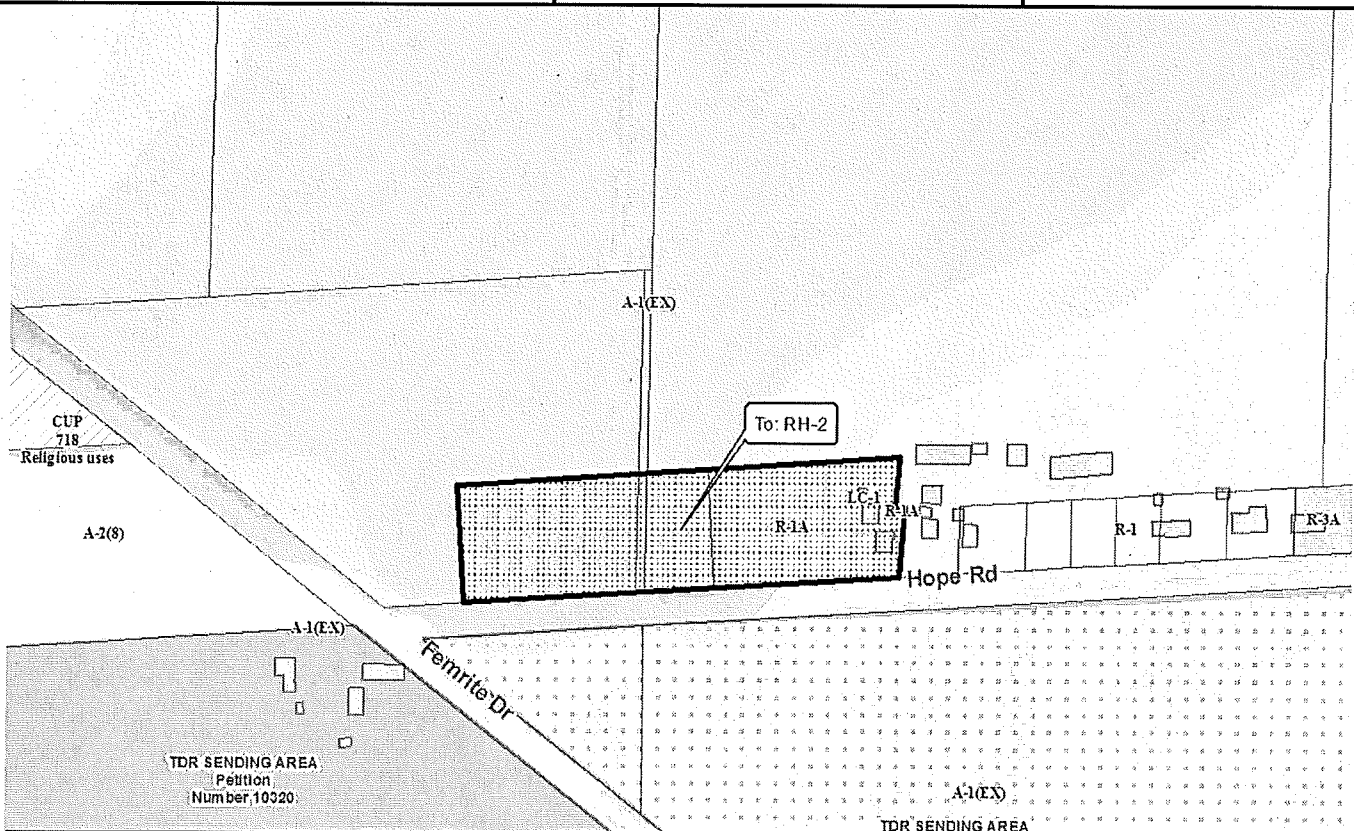
Town/sect:  
**COTTAGE GROVE,  
Section 19**

Acres: 0.49, 1.46, 2.80  
Survey Req. Yes

Applicant  
**JOSHUA F AGATE**

Reason:  
**EXPANDING EXISTING LOT**

Location:  
**3010 HOPE RD**



**DESCRIPTION:** The applicant proposes to expand the size of the existing 2.23 acre R-1A/LC-1 zoned parcel by adding an additional ~2.8 acres. The resulting RH-2 zoned parcel would total roughly ~5 acres. No new development is proposed.

**OBSERVATIONS:** A perennial stream is located approximately 400' to the north of the property. Over 95% of the ~2.8 acres being added to the existing parcel is located within the floodplain of the perennial stream as shown on FEMA Flood Insurance Rate Maps.

**TOWN PLAN:** The property is located in the Town's XX planning district in the Town of XX Plan.

**RESOURCE PROTECTION:** An area of resource protection corridor associated with a mapped floodplain is located across the westerly half of the subject property. As noted above, no new development is proposed.

**STAFF:** The proposal satisfies the dimensional standards of the RH-2 zoning district and appears consistent with the town comprehensive plan. As indicated on the attached density study report, the proposal will not affect the remaining available splits on the Foreyt farm.

**TOWN:** Approved amending the zoning district classification to A-2(4).

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. **Failure to submit the final certified survey within the 90 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

# TOWN OF COTTAGE GROVE

4058 County Road N  
COTTAGE GROVE, WISCONSIN 53527

October 25, 2017

RE: Agate/Foreyt land division 3010 Hope Road

TO WHOM IT MAY CONCERN

The Town of Cottage Grove Plan Commission and Board of Supervisors have both reviewed and approved a land division and rezone to A-2(4) to expand the property owned by Joshua and Lindy Agate at 3010 Hope Road to 4.59 acres (excluding road right-of-way, which is to be dedicated to the Town) by attaching property currently owned by Ronald Foreyt.

Sincerely,

TOWN OF COTTAGE GROVE



Kim Banigan  
Clerk