Dane County



Minutes

Tuesday, July 26, 2022 6:30 PM

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?

A. Call to Order

Chair DOOLAN called the July 26, 2022 ZLR meeting to order at 6:33 PM.

Staff present: Everson, Lane, Violante.

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

Excused 1 - MELISSA RATCLIFF

B. Public comment for any item not listed on the agenda

No comments

2022 July 26th ZLR Committee meeting registrants RPT-237

C. Consideration of Minutes

<u>2022</u> Minutes of the June 28, 2022 Zoning and Land Regulation Committee meeting MIN-169

A motion was made by KIEFER, seconded by BOLLIG, that the June 28, 2022 Minutes be approved. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

<u>2022</u> Minutes of the July 12, 2022 Zoning and Land Regulation Committee meeting MIN-170

Verona Town Supervisor Tom Mathias expressed concerns regarding the conditions noted under CUP 2567.

A motion was made by BOLLIG, seconded by KIEFER, that the July 12, 2022 Minutes be postponed. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

D. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

11852 PETITION: REZONE 11852

APPLICANT: RAYMOND L & DELORES DAHL

LOCATION: 1333 HOLZHUETER ROAD. SECTION 6. TOWN OF DEERFIELD

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District,

FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: separating existing residence from the farmland and creating one residential lot

In support: Kathleen Dahl

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0.

- 1. Amend the petition to rezone the remaining ~31 acres of the applicant's land lying north of Holtzhueter Road to FP-1 (Small Lot Farmland Preservation). The ~31 acres shall be shown as a lot on the Certified Survey Map.
- 2. The size of the proposed RR-2 parcel shall be adjusted to meet the maximum 10% building to accommodate the existing buildings.
- 2. The surveyor shall delineate the approximate extent of the steep slope topography exceeding 20% grade on the CSM for the proposed RR-4 parcel. The steep slope area shall include a note that states, "no build area".

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11853 PETITION: REZONE 11853

APPLICANT: KEVIN W HAHN

LOCATION: 439 CENTER ROAD, SECTION 28, TOWN OF RUTLAND

CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District

REASON: creating one residential lot

In support: Kevin Hahn

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0.

1. Deed restrict the two proposed RR-4 parcels to prohibit further division or nonfarm development.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

<u>11854</u> PETITION: REZONE 11854

APPLICANT: NORBERT REPKA

LOCATION: 2014 MANHATTAN DRIVE, SECTION 28, TOWN OF VERONA

CHANGE FROM: RR-4 Rural Residential District TO MFR-08 Multi-Family Residential District

REASON: creating a condominium plat for 4 single-family residences

In support: Norbert Repka

A motion was made by MCGINNITY, seconded by KIEFER, that the Zoning Petition be postponed. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11855 PETITION: REZONE 11855

APPLICANT: G&G BROTHERS PROPERTIES LLC

LOCATION: 495 COUNTY HWY X, SECTION 29, TOWN OF ALBION

CHANGE FROM: RM-8 Rural Mixed-Use District TO FP-B Farmland Preservation Business

District, RM-8 Rural Mixed-Use District TO RR-1 Rural Residential District

REASON: creating one residential lot

No persons in support or in opposition.

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be postponed. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11856 PETITION: REZONE 11856

APPLICANT: JOHAN STOKSTAD

LOCATION: EAST AND WEST OF 1111 MAPLE GROVE ROAD, SECTION 8, TOWN OF ALBION CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,

FP-35 Farmland Preservation District TO RR-16 Rural Residential District

REASON: creating one residential lot and one agricultural lot

In support: Johan Stockstad

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be postponed. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

11857 PETITION: REZONE 11857

APPLICANT: HELLENBRAND LIVING TR

LOCATION: EAST OF 7240 LODI SPRINGFIELD ROAD, SECTION 20, TOWN OF DANE CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating one residential lot

In support: David Hellenbrand

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0.

1. a deed restriction to prohibit any further residential development. (Parcels 090817390000, 090817395005, 090820285001, 090820185806, 090820295009, and 090820190809.)

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11858 PETITION: REZONE 11858

APPLICANT: JOHN RUPCICH

LOCATION: WEST OF 6190 COUNTY HWY J, SECTION 20, TOWN OF VERMONT CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District REASON: adding additional lands onto an existing residential zoning boundary on a 56-acre

property

In support: John Rupcich

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

<u>11859</u> PETITION: REZONE 11859

APPLICANT: RON JENKINS

LOCATION: 5400 W. NETHERWOOD ROAD, SECTION 3, TOWN OF OREGON

CHANGE FROM: AT-35 Agriculture Transition District TO RR-8 Rural Residential District, RR-4

Rural Residential District TO RR-2 Rural Residential District

REASON: separating the existing residence from the farmland and shifting lot lines between

two existing residential lots

In support: Ron Jenkins

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following

vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11860 PETITION: REZONE 11860

APPLICANT: DANIEL & JACKLYN KALTENBERG

LOCATION: SOUTHEAST OF 6645 PATTON ROAD, SECTION 34, TOWN OF VIENNA CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

In support: Daniel Kaltenberg

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0.

1. A deed restriction prohibiting any further residential development on the balance of the FP-35 property. (Parcel numbers 090934385009, 090934390002.)

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

<u>11861</u> PETITION: REZONE 11861

APPLICANT: BRINK FAMILY TR

LOCATION: South of 8289 COUNTY HWY G, SECTION 26, TOWN OF SPRINGDALE CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District

REASON: creating 4 residential lots

In support: Eric Grover

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0.

- 1. a deed restriction prohibiting further division be recorded on the following parcels:
- 0607-261-9200-9, 0607-264-8500-5, and 0607-264-9001-0

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

11862 PETITION: REZONE 11862
APPLICANT: CODY HELMER

LOCATION: 791 LAKE KEGONSA ROAD, SECTION 22, TOWN OF RUTLAND

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District,

FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District

REASON: creating a residential lot and separating the existing residence from the farmland

In support: Eric Grover and Brian Adamski

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:3-1

- 1. The petition shall be amended to zone proposed Lot 2 to the RR-8 (Rural Residential) zoning district.
- 2. The Certified Survey Map shall delineate the 1% annual flood hazard area. No structural development shall be allowed within the flood hazard area.
- 3. The CSM shall establish a shared driveway easement across Lot 1 (RR-2) for the benefit of Lot 2 (RR-8).
- 4. The owner shall record a deed restriction on the balance of FP-35 zoned land prohibiting nonfarm development in accordance with town plan policies, as the density units have been exhausted (tax parcels 051022180010 and 051022185001).

Aves: 3 - BOLLIG, DOOLAN and MCGINNITY

Noes: 1 - KIEFER

Excused: 1 - RATCLIFF

11863 PETITION: REZONE 11863

APPLICANT: JEFF & CHARITY SWINEHART

LOCATION: NORTH OF 1397 SUNRISE ROAD, SECTION 5, TOWN OF RUTLAND CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,

FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District

REASON: creating one residential lot

In support: Eric Grover and Jeff Swinehart

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0

1. Owner shall record a deed restriction on the proposed FP-1 parcel prohibiting nonfarm development or land division, as the density units have been exhausted (proposed lot 2 of the Certified Survey Map).

Aves: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

11864 PETITION: REZONE 11864

APPLICANT: NICHOLAUS THOMPSON

LOCATION: NORTHWEST OF 8350 KRUCHTEN ROAD, SECTION 11, TOWN OF ROXBURY CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

In support: Nicholas Thompson

A motion was made by MCGINNITY, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0

1. A deed restriction against any further residential development on the remaining FP-35 property. (parcel # 090711285002)

Aves: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11865 PETITION: REZONE 11865

APPLICANT: KEITH & TRISHA REOPELLE

LOCATION: 579 FISCH ROAD, SECTION 27, TOWN OF YORK

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: expanding existing residential zoning boundary

In support: Keith Reopelle

A motion was made by MCGINNITY, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11866 PETITION: REZONE 11866

APPLICANT: WILLIAM K GARFOOT

LOCATION: WEST OF 2161 SPRINGDALE CENTER ROAD, SECTION 28, TOWN OF

SPRINGDALE

CHANGE FROM: AT-35 Agriculture Transition District TO RM-16 Rural Mixed-Use District

REASON: creating one residential lot

In support: William Garfoot

A motion was made by MCGINNITY, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote:4-0

- 1. A deed restriction shall be record on the lot to prohibit further division of the
- 2. The proposed home site that was presented with the application material does not reflect the Town approved building envelope for the property. As part of any zoning permit application, the landowner shall provide copies of any necessary site plan approvals from the Town for any structure to be constructed on the property.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11867 PETITION: REZONE 11867

APPLICANT: ZACHARY BRUMM

LOCATION: 4301 ACKER ROAD, SECTION 8, TOWN OF BURKE

CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing and Industrial District

REASON: allow the operation of a type 1 salvage yard

In support: Zachary Brumm, Robert Proctor

In opposition: Charles and Linda Meinholz, Laurel Clary, and Haley Bradford

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be postponed. The motion carried by the following vote:4-0.

Aves: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

02570 PETITION: CUP 02570

APPLICANT: ZACHARY BRUMM

LOCATION: 4301 ACKER ROAD, SECTION 8, TOWN OF BURKE

CUP DESCRIPTION: salvage yard

In support: Zachary Brumm, Robert Proctor

In opposition: Charles and Linda Meinholz, Laurel Clary, and Haley Bradford

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be postponed. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

02569 PETITION: CUP 02569

APPLICANT: WISCONSIN POWER & LIGHT CO

LOCATION: 4017 TIMBER LANE. SECTION 13. TOWN OF CROSS PLAINS

CUP DESCRIPTION: electrical distribution substation

In support: Jerome Lund

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be approved with 13 conditions. The motion carried by the following vote:4-0.

- 1. Any conditions required for specific uses listed under s. 10.103. (Note: no such conditions for utility services use.)
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8. Off-street parking must be provided, consistent with s. 10.102(8).
- 9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site. 11. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 13. Failure to comply with any imposed conditions, or to pay reasonable county

costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

E. Zoning Map Amendments and Conditional Use Permits from previous meetings

02562 PETITION: CUP 02562

APPLICANT: TYROL PROPERTIES LLC

LOCATION: 3502 COUNTY HWY JG, SECTION 34, TOWN OF VERMONT

CUP DESCRIPTION: transient and tourist lodging

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote:4-0.

- 1. The conditional use permit shall expire upon the sale of the property.
- 2. Occupancy shall be limited to no more than two adult guests for each bedroom in the residence (8 adults). This limitation is based upon the designed / approved septic system capacity.
- 3. If the landowner provides to the zoning administrator a sanitary system inspection report, completed by a licensed plumber, which shows the sanitary system is capable of adequately handling additional demand, occupancy limits may be increased. Under such circumstances, occupancy shall be determined by the capacity of the sanitary system.
- 4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 5. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
- 6. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 7. The transient and tourist lodging operation must obtain and continue to maintain a short-term rental license approved by the Dane County Division of Environmental Health. The use must also comply with all other legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 8. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 9. Off-street parking spaces must be provided, consistent with s. 10.102(8) (one per bedroom).
- 10. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 11. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site. 12. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

- 13. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 14. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

11796 PETITION: REZONE 11796

APPLICANT: SCOTT & CARLA FISCHER

LOCATION: 5408 LANGER ROAD, SECTION 20, TOWN OF MEDINA

CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District

REASON: creating one residential lot

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote:4-0.

- 1. Amend the petition to apply the TDR-S (Sending Area) overlay zoning district to the sending area property (tax parcels 081207195001 and 081207480010).
- 2. Amend the petition to apply the TDR-R (Receiving Area) overlay zoning district to the subject property (Lot 1 CSM 7084 / tax parcel 081220385101).
- 3. Applicant shall record an agricultural conservation easement with the Register of Deeds office that meets the requirements of section 10.304(4)(b) of the county zoning code on tax parcels 081207195001 and 081207480010.
- 4. Applicant shall record a TDR-R notice document on the RR-4 zoned property indicating that the additional residential lot was established as the result of a Transfer of Development Rights.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

F. Plats and Certified Survey Maps

2022 LD-005 Preliminary Plat - Evan's Crossing

Town of Middleton

Staff recommends acceptance and schedule for future consideration.

A motion was made by BOLLIG, seconded by MCGINNITY, that the preliminary plat be accepted for future consideration. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

2022 DISC-010 Discussion of Planning and Development Department's office hours

Supervisor Kiefer raised the concern that the Planning and Development Department office hours, as advertised, may not be in compliance with Dane County Code of Ordinance Section 6.09. The ordinance reads that all offices of Dane County government shall be open between the hours of 7:45am until 4:30pm. Discussion ensued. Director Violante will be looking into updating the department's information regarding office hours and contact information.

2021 DISC-069 Discussion regarding the definition and design of single-family residences

A motion was made by KIEFER, seconded by BOLLIG, that the Discussion Item be postponed. The motion carried by the following vote:4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the July 26, 2022 Zoning and Land Regulation Committee meeting at 9:27pm. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnub ua hauj lwm ua ntej yuav tuaj sib tham.