

# Dane County



## Minutes

Tuesday, July 25, 2023

6:30 PM

See below for additional instructions on how to attend the meeting and provide public testimony.  
Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

### 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 25, 2023 Zoning and Land Regulation Committee meeting to order at 6:30 PM.

Staff present: Violante, Allan, Holloway and Everson

**Present** 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and MELISSA RATCLIFF

**Excused** 1 - KATE MCGINNITY

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

No comments made by the public.

[2023](#)  
[RPT-206](#) July 25, 2023 ZLR Registrants

## C. Consideration of Minutes

**Present** 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and MELISSA RATCLIFF

**Excused** 1 - KATE MCGINNITY

[2023](#)  
[MIN-170](#) June 27, 2023 ZLR Committee Meeting Minutes

A motion was made by BOLLIG, seconded by RATCLIFF, that the June 27, 2023 ZLR Committee minutes be approved. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

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

[11957](#) PETITION: REZONE 11957  
APPLICANT: GLAUS PROPERTIES LLC  
LOCATION: 6942 COUNTY HWY KP, SECTION 21, TOWN OF ROXBURY  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-B Farmland Preservation Business District  
REASON: zoning to allow agriculture-related business use

*In support: Jeff and Tim Glaus*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

[11958](#)

PETITION: REZONE 11958  
APPLICANT: ARTHUR POST  
LOCATION: SOUTH OF 1573 STATE HWY 78, SECTION 3, TOWN OF PERRY  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District  
REASON: creating one residential lot

*In support: Duane Iverson, Arthur Post*

*Opposed: None*

**A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition for FP-1 and RR-2 zoning be recommended for approval with conditions. The motion carried by the following vote: 4-0.**

- 1. A deed restriction shall be recorded on tax parcels 0506-032-9120-7 and 0506-032-8540-1 stating the following:
  - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original farm have been exhausted per the Town Comprehensive Plan density policies.****
- 2. Applicant shall record a shared driveway maintenance agreement with the Dane County Register of Deeds for the shared driveway.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

[11959](#)

PETITION: REZONE 11959  
APPLICANT: JAMES O. NOTSTAD LIVING TRUST  
LOCATION: EAST OF NOTSTAD ROAD, SECTION 28, TOWN OF CHRISTIANA  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: creating one residential lot

*In support: Jim Notstad, Patricia Nemec*

*Opposed: None*

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

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

11960

PETITION: REZONE 11960  
APPLICANT: DUANE P & CANDACE J SWALHEIM 2011 REV TRUST  
LOCATION: NORTH OF 3436 N STAR ROAD, SECTION 27, TOWN OF COTTAGE GROVE  
CHANGE FROM: FP-1 Farmland Preservation District TO GC General Commercial District,  
FP-1 Farmland Preservation District TO UTR Utility, Transportation and ROW District  
REASON: zoning for a commercial business park development

*In support: Duane Swalheim*

*Opposed: None*

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

1. **A deed restriction shall be recorded on the lot stating the following:**
    - a. **Land uses on the property shall be limited exclusively to the following permitted uses:**
      - i. **Agricultural uses (livestock not permitted)**
      - ii. **Agricultural accessory uses (livestock not permitted)**
      - iii. **Contractor, landscaping or building trade operations**
      - iv. **Governmental, institutional, religious, or nonprofit community uses**
      - v. **Indoor sales**
      - vi. **Indoor storage and repair**
      - vii. **Light industrial**
      - viii. **Office uses**
      - ix. **Personal or professional service**
      - x. **A transportation, utility, communication, or other use that is:**
        1. **Required under state or federal law to be located in a specific place,**or;
      2. **Is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.**
    - xi. **Undeveloped natural resource and open space areas**
    - xii. **Utility services associated with, and accessory to, a permitted or conditional use**
    - xiii. **Veterinary clinics**
  - b. **Land uses on the property shall be limited exclusively to the following conditional uses:**
    - i. **Communication towers**
    - ii. **Outdoor Storage**
    - iii. **Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above**
    - iv. **Vehicle repair or maintenance service**
  - c. **Residential and associated accessory uses are prohibited.**
2. **The applicant shall submit a preliminary plat and final plat for the proposed lots to Dane County for review and approval, and shall record the final plat with the Dane County Register of Deeds.**
3. **The rezone will not become effective until a final plat and developer's agreement are approved and fully executed by the Town of Cottage Grove.**

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and RATCLIFF

**Excused:** 1 - MCGINNITY

[11961](#)

PETITION: REZONE 11961  
APPLICANT: UNDER THE OAK TREES LLC  
LOCATION: 3136 OAK ST, SECTION 4, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: RR-4 Rural Residential District TO GC General Commercial District  
REASON: zoning to allow for institutional residential use

*In support: Dan O'Callaghan, Marlene Sorenson, Kenton Sorenson, Jennifer Rettig, Diana Graham, Travis Dettinger*

*Opposed: None*

**A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

[02598](#)

PETITION: CUP 02598  
APPLICANT: UNDER THE OAK TREES LLC  
LOCATION: 3136 OAK STREET, SECTION 4, TOWN OF PLEASANT SPRINGS  
CUP DESCRIPTION: institutional residential and associated accessory uses

*In support: Dan O'Callaghan, Marlene Sorenson, Kenton Sorenson, Jennifer Rettig, Diana Graham, Travis Dettinger*

*Opposed: None*

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

[11962](#)

PETITION: REZONE 11962  
APPLICANT: MOUNT VERNON HILLS II LLC  
LOCATION: LANDS WEST OF COUNTY HWY G AND NORTH OF DAVIS STREET, SECTION 34, TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1 Single Family Residential District, AT-35 Agriculture Transition District TO SFR-2 Single Family Residential District  
REASON: create 7 residential lots and 1 residential spot zone

*In Support: Ronald Klaas*

*Opposed: None*

*Neither in Support nor Opposed: Alice Allen*

**A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be postponed to allow for additional review of the access issues by the Highway Department. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandRATCLIFF

**Excused:** 1 - MCGINNITY

[11963](#)

PETITION: REZONE 11963  
APPLICANT: ROBERT W BOVY  
LOCATION: 7648 COUNTY HWY PD, SECTION 8, TOWN OF VERONA  
CHANGE FROM: RR-4 Rural Residential District TO RR-8 Rural Residential District, AT-35  
Agriculture Transition District TO RR-8 Rural Residential District  
REASON: expand the size of an existing residential lot

*In support: Robert Bovy, Nathan Lockwood*

*Opposed: None*

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition for RM-8 zoning be recommended for approval with one condition. The motion carried by the following vote: 4-0.**

**1. Applicant shall prepare and record a new access easement agreement with the Dane County Register of Deeds.**

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and RATCLIFF

**Excused:** 1 - MCGINNITY

[11964](#)

PETITION: REZONE 11964  
APPLICANT: DUANE P & CANDACE J SWALHEIM 2011 REV TRUST  
LOCATION: NORTH OF 3436 N. STAR ROAD, SECTION 27, TOWN OF COTTAGE GROVE  
CHANGE FROM: GC General Commercial District TO GC General Commercial District  
REASON: amend existing deed restriction to allow outdoor storage as a conditional use

*In support: Amy Miles*

*Opposed: None*

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

**The existing deed restriction shall be terminated, and a new deed restriction shall be recorded on the lot stating the following:**

- 1. Uses of the GC zoned property are limited exclusively to the following:**
  - a. Contractor, landscaping or building trade operations**
  - b. Undeveloped natural resource and open space areas**
  - c. Governmental, institutional, religious, or nonprofit community uses**
  - d. Light industrial**
  - e. Office uses**
  - f. Indoor sales**
  - g. Indoor storage and repair**
  - h. Personal or professional service**
  - i. A transportation, utility, communication, or other use required by law**
  - j. Utility services associated with a permitted use**
  - k. Veterinary clinics**
  - l. Agriculture and accessory uses (livestock not permitted)**

**2. Land uses on the property shall be limited exclusively to the following conditional uses:**

- a. Outdoor Storage**

**3. Residential use or related use of the property is prohibited.**

**4. Evidence of compliance with Dane County stormwater management regulations shall be required prior to development, including arrangements for ongoing maintenance of the regional stormwater facilities.**

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and RATCLIFF

**Excused:** 1 - MCGINNITY

[02599](#)

PETITION: CUP 02599 -- **WITHDRAWN**  
APPLICANT: DAN AND MARLENE LA FLEUR  
LOCATION: 3440 MEADOW ROAD, SECTION 32, TOWN OF MIDDLETON  
CUP DESCRIPTION: small-animal boarding facility

*Assistant Zoning Administrator Rachel Holloway informed the Committee that the applicants have withdrawn CUP petition #2599 for dog boarding.*

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

### [11946](#)

PETITION: REZONE 11946  
APPLICANT: MATTHEW L LEWKE  
LOCATION: 42 MULLER ROAD, SECTION 12, TOWN OF YORK  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,  
FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating two residential lots (one for an existing residence) and one agricultural lot

*In support: Alysén Tierney, Matt Lewke*

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

1. The existing septic system shall be identified on the final recorded CSM.
2. A deed restriction shall be recorded on tax parcels 091212490000 and 091212495005 stating the following:
  - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the former Elmer Henning farm have been exhausted per the Town Comprehensive Plan density policies.
3. A deed restriction shall be recorded on the proposed FP-1 lots stating the following:
  - a. The FP-1 lots (Lots 2 and 3) are limited to 1 animal unit per acre unless a conditional use permit is obtained.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and RATCLIFF

**Excused:** 1 - MCGINNITY

## F. Plats and Certified Survey Maps

### [2023 LD-002](#)

Final Plat - Evan's Crossing  
Town of Middleton  
Consideration of the September 10, 2022 conditional approval and execution of the plat document pursuant to established committee policy.  
Staff recommends the chairperson to sign and date the final plat and proceed with recording.

**A motion was made by RATCLIFF, seconded by BOLLIG, that the final plat be approved and signed by the Chair. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and RATCLIFF

**Excused:** 1 - MCGINNITY

**G. Resolutions**

**H. Ordinance Amendment**

**I. Items Requiring Committee Action**

**J. Reports to Committee**

**K. Other Business Authorized by Law**

**L. Adjourn**

A motion was made by BOLLIG, seconded by RATCLIFF, to adjourn the meeting at 7:37pm. The motion carried unanimously.