



Dane County

Minutes - Final Unless Amended by Committee

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?

This meeting is being conducted on land now known and recognized as Dane County, Wisconsin. We acknowledge that this land is at the same time the ancestral, traditional, & contemporary land of the Ho-Chunk, Sauk & Kickapoo nations.

Tuesday, November 19, 2024

6:30 PM

Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

See below for additional instructions on how to attend the meeting and provide public testimony.

A. Call to Order

Chair DOOLAN called the November 19, 2024 Zoning and Land Regulation meeting to order at 6:30 PM.

Staff present: Violante, Lane, Holloway, Everson

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, JEFFREY KRONING, DON POSTLER, and MICHELE RITT

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

No comments made by the public.

[2024
RPT-379](#)

November 19, 2024 ZLR Registrants

Attachments: [November 19 ZLR registrations](#)

C. Consideration of Minutes

[2024
MIN-295](#)

October 22, 2024 ZLR Committee Meeting Minutes

Attachments: [10-22-2024 ZLR Public Hearing Minutes](#)

A motion was made by KRONING, seconded by BOLLIG, to approve the minutes of the October 22, 2024 ZLR Committee meeting. The motion carried by the following vote: 5-0.

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

[12113](#)

PETITION: REZONE 12113
APPLICANT: GORDON AND ASHLEY BRUNNER
LOCATION: NORTH OF 4419 COUNTY HIGHWAY F, SECTION 7, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

Attachments: [12113 Ord Amend](#)

[12113 Staff Report](#)

[12113 Town Action](#)

[12113 Density](#)

[12113 APP](#)

[12113 Map](#)

In support: none

Opposed: none

A motion was made by BOLLIG, seconded by KRONING, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0.

1. The CSM shall be recorded within 6 months of County Board approval on the rezone (a 6 month “delayed effective date” per the applicant’s request).

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12114](#)

PETITION: REZONE 12114
APPLICANT: JAMES P GARFOOT
LOCATION: 9234 JIM GARFOOT CIRCLE AND SOUTH OF JIM GARFOOT ROAD, SECTION 17,
TOWN OF CROSS PLAINS
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District, FP-1
Farmland Preservation District TO RR-8 Rural Residential District
REASON: create one new residential lot using transfer of development rights and modify other
existing lot boundaries

Attachments: [12114 Ord Amend](#)
[12114 Staff Report](#)
[12114 Town Action](#)
[12114 Density Study \(sending property\)](#)
[12114 APP](#)
[12114 MAP](#)

In support: Mark Rooney

Opposed: none

A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 5-0.

- 1. An agricultural conservation easement shall be recorded on the TDR-S sending property (Tax parcel #070734380002).**
- 2. A deed restriction shall be recorded on the balance of FP-35 zoned land from the original Arnold Miller Trust farm prohibiting nonfarm development, as the housing density rights have been exhausted (tax parcel #s: 070734293900, 070734388500, 070734395005, and 070734390000).**
- 3. A deed restriction shall be recorded on the proposed FP-1 parcel owned by Garfoot prohibiting residential development (proposed lot 2 of the CSM, current tax parcel 0707-173-9300-0).**
- 4. A TDR-R notice document shall be recorded on the RR-2 receiving property (proposed lot 4 of the CSM) indicating that the resident lot was created via a transfer of development rights.**

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12115](#)

PETITION: REZONE 12115
APPLICANT: JOHN AND ELIZABETH BECKER
LOCATION: DAENTL ROAD EAST OF 4313 BUCKLEY RD, SECTION 8, TOWN OF BURKE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-8 Rural Residential District
REASON: creating one residential lot

Attachments: [12115 Staff Report](#)
[12115 City of Madison comments from 2021](#)
[12115 MAP](#)
[12115 APP](#)
[12115 site elevations](#)
[12115 wetland deliniation](#)

In support: John Becker, Charles Sweeney
Opposed: none

A motion was made by BOLLIG, seconded by KRONING, that the Zoning Petition be postponed to allow time for town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12116](#)

PETITION: REZONE 12116
APPLICANT: ZENTNER REV RETIREMENT TR
LOCATION: 97 SHADY WILLOW ROAD, SECTION 35, TOWN OF RUTLAND
CHANGE FROM: RM-8 Rural Mixed-Use District TO RR-4 Rural Residential District
REASON: creating one residential lot

Attachments: [12116 Ord Amend](#)
[12116 Staff Report](#)
[12116 Town Action](#)
[12116 APP](#)
[12116 MAP](#)

In support: Deana Zentner, John Blimling
Opposed: none

A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12117](#)

PETITION: REZONE 12117
APPLICANT: VILLAGE EDGE LLC
LOCATION: NORTH OF 1704 BLUE MOUNDS STREET, SECTION 26, TOWN OF BLACK EARTH
CHANGE FROM: RR-1 Rural Residential District, RM-8 Rural Mixed-Use District, AND FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating farm buildings from farmland

Attachments: [12117 Ord Amend](#)
[12117 Staff Report](#)
[12117 Town Action](#)
[12117 Density](#)
[12117 BLACK EARTH](#)
[12117 MAP](#)

In support: John Halverson
Opposed: none

A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0.

1. A shared driveway easement shall be recorded for the new lot, the home at 1704 Blue Mounds Street, and the adjacent farm land.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[12118](#)

PETITION: REZONE 12118
APPLICANT: DANIEL AND KAY BREUNIG
LOCATION: 6625 VIADUCT ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: GC General Commercial District TO FP-35 Farmland Preservation District, GC General Commercial District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: reconfiguring two existing residential lots and creating one residential lot - transfer of development right

Attachments: [12118 Staff Report](#)
[12118 Density Receiving](#)
[12118 Density Sending](#)
[12118 TDR MAP](#)
[12118 APP](#)
[12118 MAP](#)

In support: none
Opposed: none

A motion was made by BOLLIG, seconded by KRONING, that the Zoning Petition be postponed to allow time for town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

02641

PETITION: CUP 02641
APPLICANT: SKAAR PIT LLC
LOCATION: 3355 COUNTY HIGHWAY N, SECTION 28, TOWN OF COTTAGE GROVE
CUP DESCRIPTION: processing or composting of organic by-products or wastes

Attachments: [CUP 2641 Staff Report](#)
[CUP 2641 Town Action](#)
[CUP 2641 Application Questions full text](#)
[CUP 2641 APP](#)
[CUP 2641 MAP](#)

In support: Dennis Richardson

Opposed: none

A motion was made by KRONING, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

1. Any conditions required for specific uses listed under s. 10.103 (none).
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 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.

12. 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.

Conditions specific to CUP # 2641:

13. Composting operations to be conducted in locations as depicted on site plan submitted with CUP 2641 application.

14. Manure limited to horse and cattle only.

15. No on-site storage of raw manure longer than 48 hours.

16. All DNR and County permits to be in effect for all allowed operations, with copies to be filed with the Town Clerk.

17. Hours of operation to be the same as those specified in the non-metallic CUP (M-F, 6am-6pm; Sat 8am-1pm).

18. Windrows limited to the northern 750 feet of the property.

19. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit, or at any time prior if the operator fails to maintain required DNR or County permits.

20. CUP to be reviewed every three years by the Town.

21. CUP to become effective only upon Rezone Petition #12109 first becoming effective.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

02642

PETITION: CUP 02642
APPLICANT: SKAAR PIT LLC
LOCATION: 3355 COUNTY HIGHWAY N, SECTION 28, TOWN OF COTTAGE GROVE
CUP DESCRIPTION: non-metallic mineral extraction (extend existing permit)

Attachments: [CUP 2642 Staff Report](#)
[CUP 2642 Town Action](#)
[CUP 2642 Application Questions full text](#)
[CUP 2642 APP](#)
[CUP 2642 MAP](#)

In support: Dennis Richardson

Opposed: none

A motion was made by KRONING, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

1. Any conditions required for specific uses listed under s. 10.103 (see below).
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 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.

12. 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.

Conditions specific to CUP #2642:

13. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.

14. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit.

15. Topsoil shall be saved and stored on site for reclamation of the area. Reclamation shall be completed within one year after operations have ceased, and shall be phased according to the operations and reclamation plan.

16. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances (DCCO). The current reclamation plan on file with Dane County will need to be modified as per DCCO Ch. 74.231.

17. The operator shall post and maintain at all times a bond or irrevocable letter of credit in favor of Dane County, as required by Chapter 74 of the DCCO, to ensure compliance with the reclamation plan.

18. Hours of operations, except for crushing, screening, and washing shall be from 6 a.m. to 6 p.m., Monday through Friday, and from 8 a.m. to 1 p.m. on Saturday. Crushing, screening and washing shall not occur before 7 a.m. on Monday through Friday and 8 a.m. on Saturday. No operations of any kind shall take place on Sundays or legal holidays. Hours may be extended on a per need basis by approval of the Town Chair/Board, with written notification being given to Dane County Zoning.

19. Access with be paved a minimum of 150 feet.

20. Trucks shall exit the site onto Natvig Road where they can then access CTH N.

21. There shall be a safety fence with a minimum 4-foot height around the entire extraction area at all times. The existing right-of-way fence, located to the south and east of the property, shall be maintained.

22. The site shall be signed "no trespassing". When the extraction site is not open, the access road onto CTH N shall have gates securely locked.

23. There shall be no blasting or drilling on the site unless approved by the Township permitting process, and operator provides written evidence of Town permit to Dane County Zoning.

24. There shall be no bulk fuel stored on the site.

25. There shall be no high-capacity wells on site unless approved through appropriate WisDNR permitting process.

26. No mining shall take place within 300 feet of Little Door Creek.

27. All excavation shall be set back a minimum of 20' from any property line. Excavations below the grade of an abutting public street or highway shall be set back from the street or highway a distance at least equal to the distance that is required for buildings or structures under DCCO s. 10.17 (42 feet from Right of Way Line of CTH N and US HWY 12/18). 28. The operator shall require all trucks, excavation, crushing, screening and washing equipment to have muffler systems which meet or exceed then-current industry standards for noise abatement.

29. The applicant shall meet DNR standards for particulate emissions as described in NR 415.076, Wisconsin Administrative Code.
30. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.
31. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.
32. CUP to become effective only upon Rezone Petition #12109 first becoming effective.
33. This CUP is limited to RG Huston only and is not transferrable to a different operator.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

02643

PETITION: CUP 02643
APPLICANT: MATTHEW AND MARCIE SCHMIDT
LOCATION: 358 LAKE SHORE DRIVE, SECTION 25, TOWN OF ALBION
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

Attachments: [CUP 2643 Staff Report](#)

[CUP 2643 Town Action](#)

[CUP 2643 APP](#)

[CUP 2643 MAP](#)

[CUP #2643](#)

In support: Marcie Schmidt

Opposed: none

A motion was made by KRONING, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

1. Any conditions required for specific uses listed under s. 10.103 (none).
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 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.

12. 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.

Conditions specific to CUP # 2643:

13. The applicant shall comply with all licensing and permitting requirements for short-term rentals.

14. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.

15. The rental shall be limited to 6 overnight guests.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[02644](#)

PETITION: CUP 02644
APPLICANT: VILLAGE EDGE LLC
LOCATION: NORTH OF 1704 BLUE MOUNDS STREET, SECTION 26, TOWN OF BLACK EARTH
CUP DESCRIPTION: animal use exceeding one animal unit per acre

Attachments: [CUP 2644 Staff Report](#)
[CUP 2644 Town Action](#)
[CUP 2644 APP](#)
[CUP 2644 MAP](#)

In support: John Halverson
Opposed: none

A motion was made by BOLLIG, seconded by KRONING, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

1. Any conditions required for specific uses listed under s. 10.103 (see below).
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 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.

12. 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.

Conditions specific to CUP # 2644

13. Livestock use on the property shall be limited to a maximum of 50 head of cattle at any one time.

14. Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NR 151 standards and approved by Dane County Land and Water Resources, as applicable.

15. Owner/Operator shall maintain fencing along Vermont Creek, to keep animals from crossing the creek at undesignated (non-driveway) locations.

16. This conditional use permit shall only become effective upon Rezone Petition #12117 for RR-4 zoning becoming effective.

17. This conditional use permit shall expire in the event the property is sold or transferred to an unrelated third party.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

[02645](#)

PETITION: CUP 02645

APPLICANT: STEPHEN KUHN

LOCATION: 4216 MORRIS PARK ROAD, SECTION 8, TOWN OF DUNN

CUP DESCRIPTION: transient or tourist lodging

- Attachments:** [CUP 2645 Staff Report](#)
[CUP 2645 Town Action](#)
[CUP 2645 Letter in Opposition - Horn](#)
[CUP 2645 APP](#)
[CUP 2645 MAP](#)

In support: Stephen Kuhn

Opposed: Mike Horn

A motion was made by KRONING, seconded by BOLLIG, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KRONING,POSTLERandRITT

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

[12103](#)

PETITION: REZONE 12103
APPLICANT: TOWN OF VERMONT
LOCATION: MULTIPLE (SEE LIST), SECTION 32, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO FP-35 Farmland
Preservation District
REASON: Establishing an NR-I (Natural Resource Identification) Overlay Zoning
District for ridgetop protection areas

Attachments: [12103 Ord Amend](#)
[12103 Staff Update](#)
[12103 Town Ridgetop Protection Building form](#)
[12103 Town Action](#)
[12103 list of affected parcels](#)
[Online NR-I Overlay Zoning Viewer](#)
[12103 map](#)
[12103 APP](#)

In support: Town of Vermont Plan Commission Chair Tim Pierce

**A motion was made by KRONING, seconded by BOLLIG, that the Zoning Petition
be recommended for approval. The motion carried by the following vote: 5-0.**

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

[12106](#)

PETITION: REZONE 12106
APPLICANT: TOWN OF VERONA
LOCATION: MULTIPLE PROPERTIES (SEE LIST), SECTION 29, TOWN OF VERONA
CHANGE FROM: FP-35 Farmland Preservation District TO AT-35 Agriculture Transition District
REASON: Town-initiated blanket rezone for consistency with the Dane County Farmland
Preservation Plan and s. 91.38, Wisconsin Statutes

Attachments: [12106 Staff Report](#)
[12106 APP](#)
[12106 Map](#)

The Committee took no action on the petition; town action is still pending.

02640

PETITION: CUP 02640
APPLICANT: DAN AND MARLENE LAFLEUR
LOCATION: 3440 MEADOW ROAD, SECTION 32, TOWN OF MIDDLETON
CUP DESCRIPTION: small-animal boarding facility for 30 dogs

Attachments:

[CUP 2640 Staff Update](#)
[CUP 2640 Applicant Letter to ZLR Committee 11.10.24](#)
[CUP 2640 Town Action](#)
[3440 Meadow Road Zoning Notice](#)
[CUP 2640 DNR Concurrence Letter](#)
[CUP 2640 Town Sound Study](#)
[CUP 2640 Four Paws Sound Study 20240516](#)
[CUP 2640 Four Paws Sound Study 20230815](#)
[CUP 2640 APP](#)
[CUP 2640 MIDDLETON MAP](#)
[CUP 2640 Connelly email](#)
[CUP 2640 Devich email](#)
[CUP 2640 Dorosheff email](#)
[CUP 2640 Dumesic Letter](#)
[CUP 2640 Foellings email](#)
[CUP 2640 Froncek 2 email](#)
[CUP 2640 Froncek email](#)
[CUP 2640 Hankes email](#)
[CUP 2640 Johnson J email](#)
[CUP 2640 Johnson M email](#)
[CUP 2640 Komisarek email](#)
[CUP 2640 Mikalofsky J email](#)
[CUP 2640 Mikalofsky P email](#)
[CUP 2640 Radcliffe Letter](#)
[CUP 2640 Vu email](#)
[CUP 2640 Wiegel email](#)
[CUP 2640 Yunke email](#)
[CUP 2640 Froncek submittals to ZLR](#)
[CUP 2640 Public comments after public hearing](#)
[CUP #2640](#)

A motion was made by KRONING, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote:

5-0.

1. Any conditions required for specific uses listed under s. 10.103 (see below).
 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, building plans, 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 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.
 12. 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.
- Conditions specific to CUP # 2640:
13. That all Town Ordinances are complied with during the life of the CUP.
 14. The Conditional Use approval is limited to parcel number 038/0708-321-8211-1, located at 3440 Meadow Rd.
 15. This conditional use permit is for Dan and Marlene La Fleur, doing business as Four Paws Pet Services LLC located at 3440 Meadow Road. Specifically, for domestic pet animal boarding for dogs and cats and including pet daycare, overnight boarding. Ancillary pet grooming/training services are not included.

16. Quiet hours shall be 6:01 p.m. to 7:29 a.m., all days of the week.
17. Operating hours for the pet daycare business shall be limited to 7:30 am to 6:00 pm Monday-Friday, Saturday 10:00am-5:00pm, and Sunday 11:00am – 2:00pm.
18. The number of animals kept on site and/or kenneled overnight shall be limited to 30.
19. Any required upgrades to the well and / or septic system as determined by Public Health Madison and Dane County shall be made prior to CUP Petition #2640 implementation.
20. To meet the requirements of the Town's Long and Shared Driveway Ordinance §8.01(4)(b)(iv)(2) (page 154/510), one (1) driveway passing lane section fifty (50) feet long by twenty (20) ft wide shall be installed 300 ft from the property's Meadow Rd driveway access entrance. If this triggers Dane County Stormwater and / or Erosion Control requirements, review by the Town and Dane County shall occur and the Town shall require that the Town Stormwater and Erosion Control Ordinance is met.
21. Turnarounds required by Town Code are not required per §8.01(4)(v) (page 155/510) as the Battalion Chief for the Middleton Fire District in July 23, 2024 correspondence noted the acceptability of the current configuration.
22. The CUP expires 1-year after date of issuance. The landowner may renew the CUP by successfully obtaining a new CUP prior to the expiration date.
23. The planned parking is acceptable, as long as the number of stalls identified as handicap accessible meets ADA requirements.
24. Vehicle travel shall be one-way counterclockwise around the buildings.
25. Signage consisting of a minimum of three (3) "one-way" signs and a minimum of one (1) "do not enter" sign shall be installed prior to CUP Petition #2640 implementation to ensure the proposed traffic pattern is followed.
26. One (1) new unlit ground sign, replacing the existing ground sign for the CUP 1701 horse use in its existing location, is acceptable while meeting Dane County Sign Ordinance.
27. Applicant has indicated no new lighting for the building or signage is proposed. If lighting is considered in the future, it must be approved by the Town via a site plan review. Any new outdoor lighting shall be downward-directed, designed to minimize ambient spill, and shall comply with all applicable requirements of the Town of Middleton.
28. That the dog waste be responsibly disposed in a licensed, sanitary landfill.
29. Complete the sound dampening recommendations of Consonant Design, including:
 - a. Create airtight seal in building envelope using a barrier material equal to the average surface weight per square foot of the exterior wall and roof system and closed to an airtight seal using rod backer and permanently-resilient acoustical sealant.
 - b. Create a partition system at the west entrance to the barn so sound does not escape to the exterior when dogs are dropped off and retrieved. This would entail the construction of a complete north/south wall just interior of the barn facility and the creation of sound lock vestibules (two doors in series separated by a vestibule which includes sound absorbing materials) integral to the new wall system.
 - c. Create a porte cochere at the west entrance that will serve as a sound-dampening walkway between the parking lot and the interior of the facility. This includes a roofing system of at least five pounds per square foot.
 - d. Implement a calibrated sound monitoring system in the barn facility that includes visual feedback to employees, such as 1) Green light when sound levels

interior to the kennel are below acceptable values; 2) Yellow light when sound levels are approaching values which would be deemed unacceptable to the community; and 3) Red light when sound levels are excessive. Employees would then take appropriate actions to calm dogs and reduce noise.

30. If the animal boarding operation is abandoned for one (1) year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use permit shall require approval of a new conditional use permit.

31. This conditional use permit shall expire in the event the property is sold or transferred to an unrelated third party. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County. The Property Owner shall record a deed restriction that includes the conditions of approval, in a form approved by the Attorney for the Town.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

F. Plats and Certified Survey Maps

[2024 LD-018](#) Final Plat - Timber Lane Preserve
Town of Middleton

Consideration of the July 9, 2024 conditional approval and execution of the plat pursuant to established committee policy.

Staff recommends the chairperson to sign and date the final plat and proceed with recording.

Attachments: [conditional approval](#)

[2024-07-03 Timber Lane Preserve - Final Plat](#)

[TimberLanePreserveMiddletonSection31](#)

A motion was made by KRONING, seconded by BOLLIG, that the final plat be signed by the chairperson. The motion carried by the following vote: 5-0.

Chair DOOLAN signed the plat.

Ayes: 5 - BOLLIG, DOOLAN, KRONING, POSTLER and RITT

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

Supervisor Bollig requested an update from staff regarding a mineral extraction site in Rutland that has been generating comments from concerned town residents. Assistant Zoning Administrator Dan Everson provided an update on his site inspection and ongoing work with WDNR, Dane County Land and Water Resources, and the Town of Rutland.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG to adjourn the meeting at 7:43 PM. The motion carried unanimously.