



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, March 12, 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 March 12, 2024 Zoning and Land Regulation Committee meeting to order at 6:30 PM

Staff present: Violante, Lane, Holloway and Everson

Present 2 - TIM KIEFER, and MELISSA RATCLIFF

Excused 2 - JERRY BOLLIG, and KATE MCGINNITY

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

No comments.

[2023](#)
[RPT-583](#)

March 12, 2024 ZLR Registrants

Attachments: [March 12th ZLR registrations](#)

C. Consideration of Minutes

[2023](#)
[MIN-534](#)

February 27, 2024 ZLR Committee Meeting Minutes

Attachments: [02-27-2024 ZLR Public Hearing Minutes](#)

A motion was made by RATCLIFF, seconded by KIEFER, that the February 27, 2024 minutes be approved. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, KIEFER and RATCLIFF

Excused: 2 - BOLLIG and MCGINNITY

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

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

[12002](#)

PETITION: REZONE 12002
APPLICANT: HALCYON TR (RON & SHEILA ENDRES)
LOCATION: 3269 MOUND VIEW RD, SECTION 31, TOWN OF MIDDLETON
CHANGE FROM: AT-5 Agriculture Transition District TO RR-4 Rural Residential District, AT-5 Agriculture Transition District TO NR-C Natural Resource Conservation District
REASON: shift property line between adjacent landowners to expand conservancy land

Attachments: [12002 Ord Amend](#)
[12002 Staff Update](#)
[12002 Town Action](#)
[12002 MIDDLETON MAP](#)
[12002 APP](#)
[REZONE PETITION 12002 SIGNED COPY](#)

In support: Ron and Sheila Endres, Kevin Thusius

A motion was made by RATCLIFF, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, KIEFER and RATCLIFF

Excused: 2 - BOLLIG and MCGINNITY

[12012](#)

PETITION: REZONE 12012
APPLICANT: ERIC O JOHNSON
LOCATION: 6630 LEE ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: RM-8 Rural Mixed-Use District TO RM-16 Rural
Mixed-Use District, FP-35 Farmland Preservation District TO RM-16
Rural Mixed-Use District, FP-35 Farmland Preservation District TO FP-1
Farmland Preservation
District
REASON: expand existing residential lot and create an agricultural lot

- Attachments:** [12012 Ord Amend](#)
[12012 Staff Update](#)
[12012 Town Action](#)
[12012 Density Study](#)
[12012 DANE MAP](#)
[12012 APP](#)
[REZONE PETITION 12012 SIGNED COPY](#)

In support: Eric Johnson

A motion was made by RATCLIFF, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN,KIEFERandRATCLIFF

Excused: 2 - BOLLIGandMCGINNITY

12015

PETITION: REZONE 12015
APPLICANT: COONS CONSTRUCTION OF VERONA LLC
LOCATION: EAST OF 7906 RIVERSIDE ROAD, SECTION 30, TOWN
OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1 Single
Family Residential District, AT-35 Agriculture Transition District TO
NR-C Natural Resource Conservation District
REASON: create a 17-lot residential subdivision with one outlet.

Attachments: [12015 Ord Amend](#)
[12015 Staff Update](#)
[12015 DC Hwy Email.pdf](#)
[12015 Town Action](#)
[12015 Navigability Determination](#)
[12015 VERONA MAP](#)
[12015 APP](#)
[Feb 27th Dane Co Hwy Dept Comments](#)
[REZONE PETITION 12015 SIGNED COPY](#)

In support: Jim Coons, Tom Mathies

Motion by RATCLIFF, seconded by KIEFER, to recommend approval of the Zoning Petition. No vote was taken on the motion.

A motion was made by KIEFER, seconded by DOOLAN, to postpone the zoning petition to allow for further clarification with regard to County Highway comments. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, KIEFER and RATCLIFF

Excused: 2 - BOLLIG and MCGINNITY

[02610](#)

PETITION: CUP 02610
APPLICANT: SN WINDY ACRES LLC (SCOTT NIEBUHR)
LOCATION: 3160 COUNTY HWY J, SECTION 1, TOWN OF
SPRINGDALE
CUP DESCRIPTION: renew CUP to allow transient or tourist lodging
(airbnb)

Attachments: [CUP 2610 Staff Update](#)
[CUP 2610 Town Action](#)
[CUP 2610 Previous CUP 2504](#)
[CUP 2610 SPRINGDALE MAP](#)
[CUP 2610 APP](#)
[CUP #2610](#)

In support: Scott Niebuhr

A motion was made by RATCLIFF, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 3-0.

CUP #2610 Conditions

Standard Conditions for all CUPs:

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code.
3. 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 county zoning administrator upon request.
4. 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 county zoning administrator upon request.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.
8. If 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.
9. The County Zoning Administrator or designee may enter the premises of

operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

10. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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.

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 reasonable opportunity to correct any violations prior to revocation.

13. If any use allowed by an approved conditional use permit is not commenced within one year of issuance of the permit or 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.

Conditions Specific to CUP 2610:

14. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health. Such license shall be obtained within 30 days of the effective date of this CUP.

15. Only one side of the duplex shall be rented as transient or tourist lodging. The northern-most unit shall be rented for transient or tourist lodging. The southern-most unit of the duplex may be rented as long-term rental.

16. No more than three bedrooms shall be rented for transient or tourist lodging.

17. No more than 12 people, including both transient guests and permanent residents, shall be on the premises at any one time. The transient or tourist lodging shall have a maximum of 8 people on the premises at any time.

18. No more than 6 vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage, with adequate access for emergency vehicles.

19. Quiet hours shall be observed between 10 p.m. and 9 a.m. on weekdays, and between 12 a.m. and 9 a.m. on weekends.

20. Peak noise levels shall not exceed 40 decibels [dB(a) scale], as measured at the property line, during quiet hours.

21. Peak noise levels shall not exceed 65 decibels [dB(a) scale], as measured at the property line, during hours other than quiet hours.

22. No more than two dogs, (including those belonging to permanent residents) may be on the premises at any one time. All dogs brought by guests must either be leashed or contained within adequate fenced areas while outside. Dogs must be kept indoors during quiet hours.

23. Landowner will maintain existing trees and other vegetation along the northern, western and southern property lines, or replace such vegetation with landscaping that provides a similar level of visual screening.

24. Any new outdoor lighting shall be downward-directed, designed to minimize ambient spill and shall comply with all applicable requirements of the Town of Springdale Dark Skies Ordinance.

25. The transient or tourist lodging operation shall automatically expire on the sale of the property or the business to an unrelated third party.

- 26. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.
- 27. Signage is prohibited.
- 28. Outdoor music and speakers for the amplification of sound or music outdoors are prohibited.
- 29. Commercial activities and business activities, other than transient or tourist lodging and duplex rental, are prohibited.
- 30. This Conditional Use Permit shall expire two years after the effective date. Landowner may renew the conditional use permit by successfully obtaining a new CUP prior to the expiration date.
- 31. All advertising for transient or tourist lodging must conform to the terms of this CUP.
- 32. Additional people beyond the number of allowed transient or tourist guests are prohibited on premises.

Ayes: 3 - DOOLAN,KIEFERandRATCLIFF

Excused: 2 - BOLLIGandMCGINNITY

F. Plats and Certified Survey Maps

[2023 LD-013](#) Preliminary Plat - Swalheim Business Park
Town of Cottage Grove
Acceptance of preliminary plat and schedule for future consideration.

Attachments: [acceptance](#)

[210194-Letter of Explanation](#)

[210194-Preliminary Plat Application 022724 signed](#)

[210194-Preliminary Plat v3 022724](#)

A motion was made by RATCLIFF, seconded by KIEFER, that the preliminary plat be accepted and schedule for future consideration. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN,KIEFERandRATCLIFF

Excused: 2 - BOLLIGandMCGINNITY

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 RATCLIFF, seconded by KIEFER, to adjourn the meeting at 7:12 PM. The motion carried unanimously.