



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?

Tuesday, April 12, 2022

6:30 PM

Virtual Meeting

ZOOM Webinar ID: 913 4640 0522

A. Call to Order

Chair BOLLIG called the April 12, 2022 Zoning and Land Regulation Committee meeting to order at 6:30 PM

Staff in attendance: Chlebowski, Everson, Lane, and Violante

Present 4 - JERRY BOLLIG, STEVEN PETERS, TIM KIEFER, and SARAH SMITH

Excused 1 - MICHELE DOOLAN

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

No comments made by the public.

C. Consideration of Minutes

[2021
MIN-716](#)

Minutes of the March 22, 2022 Zoning and Land Regulation Committee meeting

Attachments: [3-22-22 ZLR Public Hearing minutes.pdf](#)

A motion was made by PETERS, seconded by SMITH, that the Minutes be approved. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

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

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

[11748](#)

PETITION: REZONE 11748
APPLICANT: RANDY J BOLLIG
LOCATION: 1535 COUNTY HIGHWAY Z, SECTION 6, TOWN OF PERRY
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural
Residential District
REASON: creating one residential lot

Attachments: [11748 Ord Amend](#)
[11748 Staff Update](#)
[11748 Town Action Report](#)
[11748 Bollig CSM draft 3-22-2022](#)
[11748 Map Update.pdf](#)
[11748 Map](#)
[11748 APP](#)

In support: Garrison Bollig

A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 3-0-1 BOLLIG Obtained

1. The petition shall be amended to rezone the owner's remaining lands lying north and south of the proposed new 8 acre RR-8 parcel to the FP-1 zoning district. Proposed Lots 1 and 3 of the CSM shall be zoned to the FP-1 district, and Lot 2 to the RR-8 district.

Ayes: 3 - PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

Abstain: 1 - BOLLIG

11791

PETITION: REZONE 11791

APPLICANT: SIMPLY HOMES PROPERTY MANAGEMENT LLC

LOCATION: 533 WATERLOO ROAD, SECTION 15, TOWN OF MEDINA

CHANGE FROM: SFR-08 Single Family Residential District TO HC Heavy Commercial District

REASON: change zoning to allow for vehicle sales and repair

Attachments:

[11791 Ord Amend](#)

[11791 Staff Update](#)

[11791 Updated site, landscaping, signage, lighting plans \(2-25-22\)](#)

[11791 Updated operations plan and statement of intent \(2-25-22\)](#)

[11791 Updated civil engineering plans](#)

[11791 LWR Preliminary review letter.pdf](#)

[11791 Town Action Report.pdf](#)

[11791 Staff concerns and applicant's response](#)

[11791 Map](#)

[11791 APP](#)

[11791 Letter of Opposition Paradise Crossing Condo](#)

[11791 Letter of Opposition - Village of Marshall.pdf](#)

In support: James McFadden, George Boyer

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

1. Within 90 days of county board approval of the zoning petition, the property owner shall record a deed restriction on the HC-zoned property that states the following:
 - a. Land uses are limited exclusively to a business that offers used car sales and maintenance.
 - b. Development of the site and operation of the business shall be done in strict compliance with the operations, site, landscaping, lighting, screening, and signage plans submitted and dated 2/25/2022.
 - c. Hours of operation are limited to 9:00AM to 5:00PM, Monday through Saturday.
 - d. Signage shall be limited to one 4'x8' wall sign as depicted on the site plan dated 2/25/2022. The installation of off-premises (billboard) signage is prohibited.
2. Site development and construction activities shall not occur outside the hours of 7:00AM – 7:00PM Monday-Friday, or 8:00AM-5:00PM Saturday-Sunday.
3. All setbacks and required yards in the approved site plan meet those of the Heavy Commercial district as specified in s. 10.273;
4. The existing building shall be brought into compliance and maintained to meet current requirements of the Wisconsin Commercial Building Code.
5. The applicant shall obtain erosion control and storm water management permits meeting the requirements of Chapter 14, Dane County Code of Ordinances, prior to development.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

[11795](#)

PETITION: REZONE 11795
APPLICANT: DENNIS C MIDTHUN
LOCATION: 2292 CTY HIGHWAY J, SECTION 23, TOWN OF
SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural
Residential District and SFR-1 Single Family Residential District
REASON: creating one residential lot and one residential zoning boundary

Attachments: [11795 Ord Amend](#)
[11795 Staff Report REVISED 4-5-2022.pdf](#)
[11795 Density.pdf](#)
[11795 Town Action Report.pdf](#)
[11795 APP revised.pdf](#)
[11795 Map revised.pdf](#)

In support: Dennis Midthun

A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 4-0.

1. The balance of PIN 0607-234-8000-6 remaining after the SFR-1 lot is created be deed restricted to prohibit further land divisions.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

[11807](#)

PETITION: REZONE 11807
APPLICANT: JASON DIAZ
LOCATION: SOUTH OF 277 WILDERNESS WAY, SECTION 33, TOWN
OF OREGON
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural
Residential District
REASON: creating two residential lots

Attachments: [11807 Ord Amend](#)
[11807 Staff Report REVISED 4-5-2022.pdf](#)
[11807 density.pdf](#)
[11807 Navigability.pdf](#)
[11807 Town Action Report.pdf](#)
[11807 APP](#)
[11807 Map](#)

In support: JasonDiaz and Jeff Bartig

A motion was made by PETERS, seconded by SMITH, 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 parcels 0509-332-9500-8, 0509-331-9070-0, 0509-332-8341-0 & 0509-331-8721-0 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.
2. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8) to allow for 1 lot to be created without public road frontage. The agreement shall include access to the other residential lot being created and the remaining agricultural property. Within 90 days, the application shall be approved by Dane County Zoning Division or the zoning shall become null and void.
3. A driveway permit shall be approved by the Town of Oregon prior to obtaining a zoning permit. The driveway design shall comply with all requirements of the Town of Oregon Driveway Ordinance including culvert, build-up to cul-de-sac, and bump out requirements.
4. Storm water management permit and erosion control permit shall be obtained from Dane County Land and Water Resources Department prior to obtaining a zoning permit.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

[2557](#)

PETITION: CUP 02557
APPLICANT: 17 OBRIEN CT LLC
LOCATION: 4114 TOWER ROAD, SECTION 9, TOWN OF DUNN
CUP DESCRIPTION: transient and tourist lodging

Attachments: [CUP 2557 Staff Update](#)
[CUP 2557 Town Action Report](#)
[CUP 2557 Email opposition](#)
[CUP 2557 House Rental Rules](#)
[CUP 2557 APP](#)
[CUP 2557 Map](#)

In support: Brian Spanos

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

1. The rental period shall be between a minimum of 7 days to a maximum of 29 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 2 guests over 12 years old and no more than 5 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. 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.
11. 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.
12. 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.

13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

F. Plats and Certified Survey Maps

[2021 LD-018](#) Preliminary Plat - Olson's Bliven Road Addition
Town of Albion
Staff recommends conditional approval

Attachments: [conditional approval](#)
[olson preliminary](#)
[2021 LD-017 Olson Plat Planning Staff Memo](#)

A motion was made by PETERS, seconded by SMITH, that the preliminary plat be approved with conditions. The motion carried by the following vote: 4-0.

1. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. Lots will be served by municipal sewer. Minimum lot size requires each lot to be not less than 8,000 square feet.
 - Average lot size: 23,079 square feet or 0.529 acres
3. Utility easements are to be provided.
 - Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
4. Subdivisions where public sanitary sewers are available at the time of platting, sanitary sewers shall be provided to each lot within the subdivision.
5. All public land dedications are to be clearly designated "dedicated to the public."

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

G. Resolutions

[2021 RES-365](#) APPROVING CONTRACT ADDENDUM #1 (CONTRACT #13206A) WITH FIDLAR TECHNOLOGIES INC

Sponsors: BOLLIG

Attachments: [2021 RES-365](#)
[2021 RES-365 FISCAL NOTE](#)
[2021 RES-365 CONTRACT #13206A](#)

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

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

[2021
RES-411](#) IN SUPPORT OF NAMING BIG HILL SAVANNA

Sponsors: DOWNING

Attachments: [2021 RES-411](#)
[2021 RES-411 FISCAL NOTE](#)

A motion was made by PETERS, seconded by SMITH, that the Resolution be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

H. Ordinance Amendment

[2021 OA-058](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE DEFINITION OF A "DAY CARE CENTER."

Sponsors: KIEFER and DOOLAN

Attachments: [UPDATE on 2021 OA-058 Staff Memo RE Definition of Day Care Center \(003\).pdf](#)
[2021 OA-058 Staff Memo RE Definition of Day Care Center w Attachment.pdf](#)
[2021 OA-58 Town Action Tally.pdf](#)
[2021 OA-058 Staff Memo](#)
[2021 OA-058](#)
[2021 OA-58 Email Summary](#)
[2021 OA-58 Blooming Grove.pdf](#)
[2021 OA-58 Cottage Grove.pdf](#)

A motion was made by KIEFER, seconded by PETERS, that the Ordinance Amendment be postponed until such time as a new public hearing can be arranged. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

I. Items Requiring Committee Action

J. Reports to Committee

[2021](#)
[DISC-069](#)

Discussion regarding the design of single-family residences

Attachments: [Memo on Single-family house design.pdf](#)
[Examples of residences.pdf](#)
[Policy on defining Single Family Residences.pdf](#)
[Types of dwellings.pdf](#)
[Possible Deed Restriction.pdf](#)

A motion was made by KIEFER, seconded by PETERS, that the Discussion Item be postponed until such time as it can be brought before the new ZLR Committee at the appropriate time as designated by staff. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

K. Other Business Authorized by Law

L. Adjourn

A motion was made by PETERS, seconded by SMITH, that the meeting be adjourned at 7:42 PM. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,KIEFERandSMITH

Excused: 1 - DOOLAN

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com.