



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, October 24, 2023

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 October 24, 2023 Zoning and Land Regulation Committee meeting to order at 6:30 PM in Room 354 of the City-County Building.

Staff present: Violante, Lane, Holloway, Everson

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, KATE MCGINNITY, and MELISSA RATCLIFF

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

No comments made by the public.

[2023
RPT-366](#)

October 24, 2023 ZLR Committee registrants

Attachments: [Oct 24 ZLR registrations](#)

C. Consideration of Minutes

[2023
MIN-355](#)

October 18, 2023 ZLR Committee Meeting Minutes

Attachments: [10-18-23 ZLR Work Meeting Minutes](#)

A motion was made by RATCLIFF, seconded by MCGINNITY, to approve the minutes of the October 18, 2023 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

[11978](#)

PETITION: REZONE 11978
APPLICANT: DIANE L. EVERSON TR
LOCATION: 120 AARBACK RD, SECTION 1, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural
Mixed-Use District, FP-35 Farmland Preservation District TO FP-1
Farmland Preservation District
REASON: separate existing residence from farmland and create one
agricultural lot

Attachments: [11978 Ord Amend](#)
[11978 Staff Report](#)
[11978 Town Action](#)
[11978 Density Study](#)
[11978 MAP](#)
[11978 APP](#)

In support: Dan Higgs
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: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11979](#)

PETITION: REZONE 11979
APPLICANT: JOHN AND SARA BOTHUM
LOCATION: 1450 PLEASANT HILL RD, SECTION 2, TOWN OF
DUNKIRK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural
Residential District
REASON: separating existing residence from farmland

Attachments: [11979 Ord Amend](#)
[11979 Staff Report](#)
[11979 Town Action](#)
[11979 Density Study](#)
[11979 MAP](#)
[11979 APP](#)

In support: John Bothum
Opposed: none

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

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11980](#)

PETITION: REZONE 11980
APPLICANT: KLAHN REV TRUST
LOCATION: 190 COUNTY HIGHWAY MM, SECTION 30, TOWN OF RUTLAND
CHANGE FROM: FP-35 Farmland Preservation District TO UTR Utility, Transportation and ROW District
REASON: lot line adjustment between owners to expand the electrical substation

Attachments: [11980 Ord Amend](#)
[11980 Staff Report](#)
[11980 Town Action](#)
[11980 MAP](#)
[11980 APP](#)

In support: Jessica Bahr
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: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11981](#)

PETITION: REZONE 11981
APPLICANT: DEER CREEK SPORT & CONSERVATION CLUB INC
LOCATION: 8475 MILLER RD, SECTION 10, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RE Recreational District
REASON: zoning to allow for recreational use (extension of an existing shooting range)

Attachments: [11981 Staff Report](#)
[11981 Town Action](#)
[11981 DEER CREEK plea for approval.pdf](#)
[11981 UW soil Lead-PAH report.pdf](#)
[11981 opposition - Reynolds.pdf](#)
[11981 opposition - S Kruse.pdf](#)
[11981 opposition - neighbors.pdf](#)
[11981 PRIMROSE](#)
[11981 MAP](#)

Motion by KIEFER to postpone action on the Zoning Petition, to allow the applicants time to work with the town to amend the petition. Motion failed due to lack of a second.

In support: Ray Gilden

Opposed: Martha Gibson, Glenn Reynolds, Rebecca Rankin, Sandy Kruse, JoAnn Bray, Brad Clerkin

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for denial, based on the town's recommendation for denial and the proposal being inconsistent with the Town of Primrose Comprehensive Plan policies.

KIEFER called for a roll call vote. The motion carried by the following vote: 4-1, KIEFER voting Nay.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Noes: 1 - KIEFER

[02607](#)

PETITION: CUP 02607 TOWN DENIED - NULL AND VOID
APPLICANT: DEER CREEK SPORT & CONSERVATION CLUB INC
LOCATION: 8475 MILLER RD, SECTION 10, TOWN OF PRIMROSE
CUP DESCRIPTION: REVISE ACTIVITIES FOR AN EXISTING SPORT AND CONSERVATION CLUB TO ALLOW INDOOR ENTERTAINMENT AND ACTIVE OUTDOOR RECREATION (CLUBHOUSE AND SHOOTING RANGE)

Attachments: [CUP 2607 Denial \(Deer Creek\) Primrose Sec 10](#)

[CUP 2607 Staff Report](#)

[CUP 2607 Town Action](#)

[CUP 2607 DEER CREEK plea for approval.pdf](#)

[CUP 2607 DEER CREEK BEST MANAGEMENT PRACTICES FOR LEAD.pdf](#)

[CUP 2607 EPA Shooting Range BMP](#)

[CUP 2607 UW soil Lead-PAH report.pdf](#)

[CUP 2607 opposition - Reynolds.pdf](#)

[CUP 2607 opposition - S Kruse.pdf](#)

[CUP 2607 opposition - T Kruse.pdf](#)

[CUP 2607 opposition - neighbors.pdf](#)

[CUP 2607 MAP](#)

[CUP 2607 APP](#)

In Support: Ray Gilden

Opposed: Sandy Kruse, Glenn Reynolds, Rebecca Rankin, JoAnn Bray, Tim Kruse, Brad Clerkin

Assistant Zoning Administrator Rachel Holloway informed the Committee that CUP petition #2607 has been rendered null and void due to the town's denial.

[02606](#)

PETITION: CUP 02606 TOWN DENIED--NULL AND VOID
APPLICANT: DAN AND MARLENE LA FLEUR
LOCATION: 3440 MEADOW ROAD, SECTION 32, TOWN OF
MIDDLETON
CUP DESCRIPTION: small-animal boarding facility for 150 dogs

Attachments: [CUP 2606 Denial \(La Fleur\) Middleton Sec 32](#)

[CUP 2606 Town Action](#)

[CUP 2606 Public comment - oppose Wiegel](#)

[CUP 2606 Public comment - oppose Cook](#)

[CUP 2606 MAP](#)

[CUP 2606 APP](#)

Assistant Zoning Administrator Rachel Holloway informed the Committee that CUP petition #2606 has been rendered null and void due to the town's denial.

[02608](#)

PETITION: CUP 02608

APPLICANT: RICHARD CLUTSON REV TRUST & PATRICIA ZIEBOL

LOCATION: 2229 WILLIAMS POINT DRIVE, SECTION 19, TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: allow an accessory building to be up to 16 feet in height

Attachments: [CUP 2608 Staff Report](#)

[CUP 2608 Town Action](#)

[CUP 2608 MAP](#)

[CUP 2608 APP](#)

[CUP #2608](#)

In Support: Marcia Tarrant, Margaret Stine

Opposed: None

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 5-0.

- 1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 2. 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.**
- 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 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 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 must be provided, consistent with s. 10.102(8).**
- 8. 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.**
- 9. 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.

10. 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.

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. 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.

13. The second floor of the accessory building shall not be used for habitable purposes.

Ayes: 5 - BOLLIG, DOOLAN, KIEFER, MCGINNITY and RATCLIFF

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

[11972](#)

PETITION: REZONE 11972
APPLICANT: DAVID R OLSON
LOCATION: CTH W / EAST OF 1326 KAASE RD, SECTION 31, TOWN
OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural
Residential District
REASON: creating one residential lot

- Attachments:** [11972 Ord Amend](#)
[11972 Staff Update](#)
[11972 Town Action](#)
[11972 Staff Report](#)
[11972 Density Study](#)
[11972 Revised Preliminary CSM](#)
[11972 CHRISTIANA MAP](#)
[11972 APP amended](#)

In Support: Jacob France

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

1. A deed restriction shall be recorded on tax parcels 061232390907, 061231495010, and 061231480800 stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original 1979 farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 5 - BOLLIG, DOOLAN, KIEFER, MCGINNITY and RATCLIFF

- F. Plats and Certified Survey Maps**
- G. Resolutions**
- H. Ordinance Amendment**
- I. Items Requiring Committee Action**
- J. Reports to Committee**
- K. Other Business Authorized by Law**

Zoning Administrator Roger Lane informed the Committee that the November 14th regular work meeting agenda will include an annual public forum to evaluate the performance of the Planning & Development and Register of Deeds departments, in accordance with Dane County's Chapter 7 ordinance.

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the meeting at 7:51 PM. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF