



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

Attachments: [July 25th Registrations](#)

C. Consideration of Minutes

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

Excused 1 - KATE MCGINNITY

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

Attachments: [6-27-23 ZLR Public Hearing 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, KIEFER and RATCLIFF

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

Attachments: [11957 Ord Amend](#)

[11957 Staff Report](#)

[11957 Town Action](#)

[11957 Density](#)

[11957 ROXBURY MAP](#)

[11957 Parking Plan](#)

[11957 APP](#)

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, KIEFER and RATCLIFF

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

Attachments: [11958 Ord Amend](#)
[11958 Staff Report](#)
[11958 Town Action](#)
[11958 Density](#)
[11958 MAP rev](#)
[11958 APP rev](#)

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, KIEFER and RATCLIFF

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

Attachments: [11959 Ord Amend](#)
[11959 Staff Report](#)
[11959 Town Action](#)
[11959 Density Study](#)
[11959 MAP](#)
[11959 APP](#)

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, KIEFER and RATCLIFF

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

Attachments: [11960 Ord Amend](#)
[11960 Staff Report](#)
[11960 Town Action](#)
[11960 LWRD Stormwater approval](#)
[11960 MAP](#)
[11960 APP](#)

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,KIEFERandRATCLIFF

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

- Attachments:** [11961 Staff Report](#)
[11961 Deed Restriction - Under the Oak Trees LLC - DRAFT 06-29-23](#)
[11961 RR-4 District Fact Sheet](#)
[11961 GC District Fact Sheet](#)
[11961 MAP](#)
[11961 APP](#)
[11961 Dane Co Sherrif Letter of Support](#)

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

Attachments: [CUP 2598 Staff Report](#)
[CUP 2598 ADDENDUM 7-5-23](#)
[CUP 2598 Site Plans 5-17-23 full size](#)
[CUP 2598 MAP](#)
[CUP 2598 APP rev](#)

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

Attachments: [11962 Staff Report](#)
[11962 Town Action](#)
[11962 Density](#)
[11962 Concept Plan](#)
[11962 MAP](#)
[11962 APP](#)

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

Attachments: [11963 Ord Amend](#)
[11963 Staff Report](#)
[11963 Town Action](#)
[11963 Bovy Access Easement Exhibit](#)
[11963 VERONA MAP](#)
[11963 APP](#)

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,KIEFERandRATCLIFF

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

- Attachments:** [11964 Ord Amend](#)
[11964 Staff Report](#)
[11964 Town Action](#)
[11964 MAP](#)
[11964 APP](#)

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

Attachments: [CUP 2599 Town Action](#)
[CUP 2599 Staff Report](#)
[CUP 2599 Site and Parking Plan](#)
[CUP 2599 Interior Floor Plan](#)
[CUP 2599 MIDDLETON MAP](#)
[CUP 2599 APP](#)
[CUP 2599 Pubic comment - opposition](#)
[CUP 2599 Pubic comment - Smarrella Ogden opposition](#)

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

Attachments: [11946 Ord Amend](#)
[11946 Staff Update](#)
[11946 Town Action](#)
[11946 Density](#)
[11946 Revised CSM](#)
[11946 MAP](#)
[11946 YORK rev](#)

In support: Alysen 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.

Attachments: [conditional approval](#)

[220912_Final Plat \(08-17-22\)](#)

[planning](#)

[map](#)

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.