

## Lane, Roger

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**From:** Lane, Roger  
**Sent:** Friday, January 3, 2020 8:21 AM  
**To:** 'Robert C. Procter'  
**Cc:** Greg DiMiceli (GDiMiceli@town.middleton.wi.us); Kodl, Curt  
**Subject:** RE: Town of Middleton  
**Attachments:** 11521 Map.pdf

Dear Mr. Proctor,

In the initial review of this petition it appears that there is a remnant piece of LC-1 zoning to the south of the proposed lot. Is this intentional or an oversight? If this is an oversight, the petition will need to be revised to reflect that the remnant portion of the LC-1 zoning will rezoned back to AT-5 zoning district.

There is a strip of land that is between the proposed lot and Lot 1 of CSM 9793. What is the relevance of this configuration?

Pursuant to Dane County Code of Ordinance section 10.101(6), a site plan is required to be submitted if LC-1 zoning is proposed. Please provide the following to avoid delays.

(6) Site Plans.

(a) Site plans required. Applicants must submit site plans with any of the following applications:

1. Any Zoning Permit application within the CO-1, NR-I or UTR zoning districts.
2. Any Conditional Use Permit application.
3. Any rezone petition to the HAM-R, HAMM, LC, GC, HC, RI or MI zoning districts.
4. Any rezone petition within the NR-I overlay zoning district, except for petitions to rezone to the FP-35, FP-1 or NR-C districts.

(b) Information included. Site plans must be drawn to a scale large enough to show sufficient detail on 11" by 17" paper, that includes, at a minimum the following information, as applicable:

1. A small vicinity map that clearly identifies the site's location within Dane County.
2. Location of subject property, tax parcel number(s), and any relevant certified survey (CSM) or plat information related to the identification of the property.
3. Scale and north arrow.
4. Date the site plan was created and/or last revised.
5. Existing subject property lot lines and dimensions.
6. Existing and proposed wastewater treatment systems and wells.
7. All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer. Existing and proposed uses must be clearly labeled.
8. All dimensions and required setbacks, side yards and rear yards.
9. Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways. Traffic flow patterns must be indicated.
10. Location and dimensions of any existing utilities, easements or rights-of-way.
11. Parking lot layout in compliance with s. 10.102(8).
12. Proposed loading/unloading areas.
13. Zoning district boundaries in the

immediate area. All districts on the property and on all neighboring properties must be clearly labeled.

14. All relevant natural features, including but not limited to:

a. Navigable waters, including ordinary  
highwater marks and shoreland setbacks

required under Chapter 11, Dane County Code, for all lakes, ponds, rivers, streams (including intermittent streams) and springs within 300 feet  
of the property.

b. Non-navigable water features, including drainage ditches, culverts and stormwater conveyances  
c. Floodplain boundaries and field-verified elevations, including floodfringe, floodway, flood storage and general floodplain districts as described in Chapter 17, Dane County Code  
d. Delineated wetland areas, including wetland setbacks required under Chapter 11, Dane County Code  
e. Natural drainage patterns  
f. Archaeological features and  
g. Slopes over 12% grade.

15. If required by s. 10.102(12), location and type of proposed screening, landscaping, berms or buffer areas.

16. The zoning administrator may require, at his or her discretion, site plans to show additional detail, including, but not limited to contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, and possible future expansion areas.

Roger Lane  
Dane County Zoning Administrator

-----Original Message-----

From: Robert C. Procter <RProcter@axley.com>  
Sent: Friday, January 3, 2020 7:45 AM  
To: Lane, Roger <lane.roger@countyofdane.com>  
Subject: Town of Middleton

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Hi Roger,

Kyle Walser submitted this application on the 19th. Is there anything else he needs submitted?

Robert C. Procter

Attorney

Phone: 608.283.6762 | Mobile: 608.692.8270

Email: RProcter@axley.com | [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.axley.com&d=DwIGaQ&c=TF2U4ckipsZU1iyatko1Ztuc8pmH43loaleEsWXLKkk&r=zE\\_kHZp652VDakeDjVPH8KHOE\\_qW0YL44bf7ICXIQ0I&m=kgM-UtE4P3K4NohgfWoi8SyUgGse1QMzv8Aj1YmDNW0&s=dSLyjAeAmgtaxPs4yAPGE6vW9iqPTZAI01PIVdXP4Qg&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axley.com&d=DwIGaQ&c=TF2U4ckipsZU1iyatko1Ztuc8pmH43loaleEsWXLKkk&r=zE_kHZp652VDakeDjVPH8KHOE_qW0YL44bf7ICXIQ0I&m=kgM-UtE4P3K4NohgfWoi8SyUgGse1QMzv8Aj1YmDNW0&s=dSLyjAeAmgtaxPs4yAPGE6vW9iqPTZAI01PIVdXP4Qg&e=)

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## Lane, Roger

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**From:** Lane, Roger  
**Sent:** Tuesday, December 10, 2019 2:35 PM  
**To:** 'Kyle Walser'  
**Cc:** Robert C. Procter; Kodl, Curt; Greg DiMiceli (GDiMiceli@town.middleton.wi.us); Widish, Shawn  
**Subject:** RE: 4622 Rocky Dell Road

Dear Kyle,

The 1-acre LC-1 zoning boundary is associated with a 67-acre property. The LC-1 zoning boundary may be developed with one of the permitted land uses listed within the zoning district. Building setbacks shall be to the LC-1 zoning boundaries. All provisions of the LC-1 Zoning District apply. All components (buildings, parking, stormwater management, and septic) to support the commercial development will need to fit within the existing boundary.

This zoning is very old and comes with its own issues. It appears that one of the barns maybe encroaching into the zoning boundary. Since the zoning was established in the 1960's, it looks like they were aiming for the existing barn. The zoning boundaries are mapped correctly in ArcGis per the legal description provided.

Roger Lane  
Dane County Zoning Administrator

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**From:** Kyle Walser <kyle@walserelectric.com>  
**Sent:** Tuesday, December 10, 2019 1:31 PM  
**To:** Lane, Roger <lane.roger@countyofdane.com>  
**Cc:** Robert C. Procter <RProcter@axley.com>; Kodl, Curt <Kodl@countyofdane.com>; Greg DiMiceli (GDiMiceli@town.middleton.wi.us) <GDiMiceli@town.middleton.wi.us>  
**Subject:** Re: 4622 Rocky Dell Road

Roger, if I were to purchase the 1 acre of LC and the adjacent property I would like to confirm that I can build on the site without performing a CSM & redone. I also want to confirm that the well, septic and Stormwater management does not have to be on the 1 acre of LC. The new building would be on the LC however; some of other mentioned items maybe be adjacent land. Thanks Kyle

Sent from my iPhone

On Dec 5, 2019, at 11:28 AM, Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)> wrote:

Correct. All buildings in total shall not exceed 10,000 square feet.

Roger Lane  
Dane County Zoning Administrator

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**From:** Kyle Walser <[kyle@walserelectric.com](mailto:kyle@walserelectric.com)>  
**Sent:** Thursday, December 5, 2019 11:20 AM

**To:** Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
**Cc:** Robert C. Procter <[RProcter@axley.com](mailto:RProcter@axley.com)>; Kodl, Curt <[Kodl@countyofdane.com](mailto:Kodl@countyofdane.com)>; Greg DiMiceli  
([GDIMiceli@town.middleton.wi.us](mailto:GDIMiceli@town.middleton.wi.us)) <[GDIMiceli@town.middleton.wi.us](mailto:GDIMiceli@town.middleton.wi.us)>  
**Subject:** Re: 4622 Rocky Dell Road

So the maximum building size is 10,000 ft.<sup>2</sup> and not 15,246?

Sent from my iPhone

On Dec 5, 2019, at 9:26 AM, Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)> wrote:

That would be incorrect.

The Limited Commercial Zoning District is intended for very small scale contracting operations. The key word here is "limited". The ordinance limits the scope of the commercial activity by the size of the space under roof. There is a maximum of 10,000 square feet total. The maximum square footage is for all buildings total.

With regards to the site, the existing LC-1 zoning seems out of character with the orderly development of the area. The spot zone was placed on the property in the 1960's. It appears that the landowner may have operated a side business out of the barn on the farm. It appears that there has been no commercial operation there for a long time.

The Town Comprehensive Plan shows this as a future residential development area. If the property is to be developed further than what is existing, the future plans are required to comply with the Town Plan policies. If you are proposing residential development of the property, the LC-1 spot zoning should be removed to allow the orderly residential development in the area.

Respectfully,

Roger Lane  
Dane County Zoning Administrator

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**From:** Kyle Walser <[kyle@walserelectric.com](mailto:kyle@walserelectric.com)>  
**Sent:** Thursday, December 5, 2019 8:46 AM  
**To:** Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
**Cc:** Robert C. Procter <[RProcter@axley.com](mailto:RProcter@axley.com)>  
**Subject:** 4622 Rocky Dell Road

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Roger,

I met you on Monday of this week when I stopped in and talked to you about the 1 acre of LC at this location. I have a question regarding the size of build or buildings I can build on this site. If I understand the LC correct no one building can be over 10,000 sqFt and the total of buildings cannot exceed 35% of the lot size. Is that correct?

If so I would be allowed to build two buildings as long as each building in under 10,000 SqFt and the total SqFt of the building does not exceed 15,246 SqFt ( $43,560 \times .35 = 15,246$ ) Is this correct?

Thanks,

Kyle

Walser Electric Inc.  
8609 Fairway Place  
Middleton, WI 53562  
Main 608-831-3706  
Direct 608-821-1130

<image001.jpg>

<image002.png>