

Dane County



Minutes

Tuesday, January 23, 2024

6:30 PM

See below for additional instructions on how to attend the meeting and provide public testimony.
Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

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?

A. Call to Order

Chair Doolan called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Violante, Lane, Holloway, Everson and Allen

Present 3 - JERRY BOLLIG, MICHELE DOOLAN, and TIM KIEFER

Excused 2 - KATE MCGINNITY, and MELISSA RATCLIFF

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

No comments made by the public.

[2023](#)
[RPT-495](#)

January 23, 2024 ZLR Registrants

C. Consideration of Minutes

[2023](#)
[MIN-460](#)

January 9, 2024 ZLR Committee Meeting Minutes

A motion was made by BOLLIG, seconded by KIEFER, that the January 9, 2024 meeting minutes be approved. The motion carried by the following vote: 3-0.

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

[11997](#)

PETITION: REZONE 11997

APPLICANT: GREG DUCKERT IRREV TRUST

LOCATION: 2296 TOWER ROAD, SECTION 24, TOWN OF PLEASANT SPRINGS

CHANGE FROM: RR-16 Rural Residential District TO RM-16 Rural Mixed-Use District

REASON: change zoning district to allow an expanded set of land uses for future buyers

In Support: Greg Duckert, Toni Gardner

Opposed: none

A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed due to no town action and to allow time for the violation to be corrected. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[11998](#)

PETITION: REZONE 11998
APPLICANT: VALCON LLC (JEFF VALENTINE)
LOCATION: 8330 US HWY 14, SECTION 11, TOWN OF CROSS PLAINS
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District
REASON: create residential lot to correct land use violation

In Support: Jeff Valentine

Opposed: none

A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed to allow time for the applicant to get Wisconsin DOT access approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[11999](#)

PETITION: REZONE 11999
APPLICANT: JOHN AND CLARISE KALSCHEUR (C/O KIP KALSCHEUR)
LOCATION: EAST OF 9180 W. MINERAL POINT RD, SECTION 20, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In Support: none

Opposed: none

A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed to allow time for town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[12000](#)

PETITION: REZONE 12000
APPLICANT: BARMAN LIVING TR (JOE BARMAN)
LOCATION: 3818 GARFOOT RD, SECTION 20, TOWN OF CROSS PLAINS
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District
REASON: create two residential lots via transfer of development rights (TDR), transferring a density unit from property owned by Ziegler in section 10 (parcels 070710183200 & 070703492500) to the Barman property

In Support: Joseph Barman

Opposed: none

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

1. A deed notice shall be recorded on CSM Lots 1 and 2 that indicates they were created by a transfer of development rights.
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the new residential CSM lots.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

12001

PETITION: REZONE 12001
APPLICANT: ELIZABETH J KRANTZ (C/O WAYNE KRANTZ)
LOCATION: 3419 CTH P, SECTION 34, TOWN OF CROSS PLAINS
CHANGE FROM: FP-1 Farmland Preservation District TO RR-4 Rural Residential District, FP-1
Farmland Preservation District TO RR-8 Rural Residential District
REASON: create two residential lots and one agricultural lot

In Support: Wayne Krantz

Opposed: none

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

- 1. The recorded certified survey map shall designate access points as approved by the County Highway Department.**
- 2. Public road right of way along Lots 1 and 2 shall be dedicated for highway use a minimum of 40 feet from the centerline of CTH J.**

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

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

In Support: Kevin Thusius

Opposed: none

Neither in Support nor Opposed: Chad Ge

A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed to allow time for town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[12003](#)

PETITION: REZONE 12003
APPLICANT: SCREAMIN' NORWEGIAN FARMS LLC (PUNKY SKAAR)
LOCATION: 1885 SKAAR RD, SECTION 26, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO SFR-1 Single Family Residential District
REASON: create two residential lots via transfer of development rights (TDR) from owner's other parcels 0711-354-9500-3 & 0711-361-9000-9

In Support: Neli Skaar

Opposed: none

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

- 1. Owner shall record a deed restriction on the sending property (tax parcel 0711-361-9000-9) stating the following:
 - a. Residential development is prohibited on the remaining FP-35 zoned land (NE 1/4 of the NE 1/4, section 36, Town of Cottage Grove). The housing density rights for the original Steven and Gary Swalheim farm have been exhausted per the Town Comprehensive Plan density policies.****
- 2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be applied to the two SFR-1 lots.**
- 3. A deed notice document shall be recorded on the two SFR-1 lots being created by Certified Survey Map indicating the lots were created by a transfer of development rights.**

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[12004](#)

PETITION: REZONE 12004
APPLICANT: KRISTEN AND RANDY SWENSON
LOCATION: 2326 SKAALLEN RD, SECTION 34, TOWN OF PLEASANT SPRINGS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, RR-2 Rural Residential District TO RR-4 Rural Residential District
REASON: expand the size of a residential lot

In Support: Kristen Swenson

Opposed: none

A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be recommended for approval with no conditions. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[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)

In Support: Scott Niebuhr
Opposed: none

A motion was made by KIEFER, seconded by BOLLIG, that the Conditional Use Permit be postponed to allow time for town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

[2023 OA-068](#)

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS AND REZONES

A motion was made by KIEFER, seconded by BOLLIG, to amend the Ordinance Amendment by modifying text in lines 235-236 to insert the words "If the owner operates a business that is open to the public" before the current condition language.

The motion failed by the following roll call vote: 1-2 (Ayes KIEFER, Noes DOOLAN and BOLLIG)

In Support: Renee Lauber, Town of Verona Supervisor Tom Mathies
Opposed: none

A motion was made by KIEFER, seconded by BOLLIG, that the Ordinance Amendment be postponed to allow the statutory 30 days for town actions. The motion carried by the following roll call vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandKIEFER

Excused: 2 - MCGINNITYandRATCLIFF

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

F. Plats and Certified Survey Maps

[2023 LD-011](#) Preliminary Plat - Swalheim Business Park
Town of Cottage Grove
Staff recommends denial based on issues with Land Suitability, Ch. 75.13

A motion was made by KIEFER, seconded by BOLLIG, that the preliminary plat be denied. The motion carried by the following vote: 3-0.

Finding of fact: The plat was determined to be unsuitable per Ch. 75.13 for the following reasons:

1. Lots 3, 4, 5, 6, 9, and 10 do not have the adequate soils to support an on-site septic systems. Holding tanks are not permitted for new commercial development per the Town Plan policies.
2. Lots 4 and 5 have the potential of future flooding. The lots are directly adjacent to wetlands and approximately 2 to 4 feet above the pond level on the adjacent lot. The Soil Evaluator identified standing water on lots 4 and 5. The area is being artificially drained with drain tile which could present flooding issues when disturbed by development.

Ayes: 3 - BOLLIG, DOOLAN and KIEFER

Excused: 2 - MCGINNITY and RATCLIFF

G. Resolutions

H. Ordinance Amendment

4. [2023 OA-068](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS AND REZONES

No action taken, see actions above under the public hearing item.

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by KIEFER, seconded by BOLLIG, to adjourn the meeting at 8:30pm. The motion carried unanimously.