

Dane County



Minutes

Tuesday, September 26, 2023

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: Todd Violante, Roger Lane, Dan Everson, Rachel Holloway

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, KATE MCGINNITY, and MELISSA RATCLIFF

Excused 1 - TIM KIEFER

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

No comments made by the public.

[2023](#)
[RPT-315](#)

September 26, 2023 ZLR Registrants

C. Consideration of Minutes

[2023](#)
[MIN-253](#)

Minutes of the August 22, 2023 Zoning and Land Regulation Committee meeting

A motion was made by MCGINNITY, seconded by BOLLIG, that the minutes of the August 22, 2023 ZLR Committee meeting be approved. The motion carried by the following vote: 4-0.

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

[11968](#)

PETITION: REZONE 11968

APPLICANT: BARBARA K GRENLIE TR

LOCATION: NORTH OF 9973 GREENWALD RD, SECTION 26, TOWN OF VERMONT

CHANGE FROM: FP-1 Farmland Preservation District TO RR-16 Rural Residential District

REASON: zoning to allow for residential use

In Support: Barbara Grenlie

Opposed: none

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval, with no conditions. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

11969

PETITION: REZONE 11969
APPLICANT: BARBARA K GRENLIE TR
LOCATION: WEST AND SOUTH OF 9973 GREENWALD RD, SECTION 26, TOWN OF VERMONT
CHANGE FROM: RM-16 Rural Mixed-Use District TO FP-1 Farmland Preservation District
REASON: transfer one development right to another property

In Support: Barbara Grenlie
Opposed: none

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval, for FP-35 zoning with no conditions. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

11970

PETITION: REZONE 11970
APPLICANT: JENNIFER L SCHEFFLER
LOCATION: WEST OF 3130 SUNNYSIDE ST, SECTION 18, TOWN OF PLEASANT SPRINGS
CHANGE FROM: NR-C Natural Resource Conservation District TO SFR-08 Single Family Residential District
REASON: zoning for residential use as part of lot combination

In Support: Dave Scheffler
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 Shoreland Zoning Permit, Floodplain Development Permit, and a Shoreland Erosion Control Permit shall be obtained prior to the redevelopment of the property.**
- 2. Crawlspace shall comply with FEMA Floodplain design requirements.**

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

11971

PETITION: REZONE 11971
APPLICANT: JAMES T COONS
LOCATION: 1552 STATE HWY 92, SECTION 2, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In Support: Jim Coons

Opposed: none

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

1. Shared driveway access easement(s) shall be recorded for the adjoining residence at 1548 State Highway 92, as well as for the agricultural building located on the adjacent farmland to the northeast.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

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

In Support: none

Opposed: none

A motion was made by MCGINNITY, 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,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

11973

PETITION: REZONE 11973
APPLICANT: CORRELL LIVING TR (PAUL CORRELL)
LOCATION: 4320 COUNTY HIGHWAY P, SECTION 10, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: zoning for one new residential home site using transfer of development rights (TDR)

In Support: Paul Correll

Opposed: none

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

- 1. An agricultural conservation easement prohibiting further nonfarm development shall be recorded on the ~53 acre FP-35 zoned sending property (tax parcels 070703492500, and 070710183200).**
- 2. The TDR-S (Sending Area) overlay zoning district shall be applied to tax parcel 070703492500.**
- 3. The TDR-R (Receiving Area) overlay zoning district shall be applied to the proposed RR-2 zoning lot.**
- 4. Applicant shall record a Notice document on the receiving area property indicating that the RR-2 zoning lot was created as part of a transfer of development rights. The area shall not be used as a building site unless a separate lot is created in accordance with Dane County Land Division Regulations.**

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

11974

PETITION: REZONE 11974
APPLICANT: R AND R LIVING TR (RAMI ABUROMIA)
LOCATION: 1993 STATE HIGHWAY 92, SECTION 29, TOWN OF SPRINGDALE
CHANGE FROM: AT-B Agriculture Transition Business District TO RM-8 Rural Mixed-Use District
REASON: lot line adjustment and zoning for short-term rental and farm business uses

In Support: Rami Aburomia

Opposed: none

Neither in Support nor Opposed: Lisa Grinde

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[02603](#)

PETITION: CUP 02603
APPLICANT: R AND R LIVING TR (RAMI ABUROMIA)
LOCATION: 1993 STATE HIGHWAY 92, SECTION 29, TOWN OF SPRINGDALE
CUP DESCRIPTION: tourist or transient lodging, and limited farm business

In Support: Rami Aburomia

Opposed: none

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

[11975](#)

PETITION: REZONE 11975
APPLICANT: D&J ALME PARTNERSHIP
LOCATION: 2355 LESLIE ROAD, SECTION 22, TOWN OF DUNKIRK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating existing residence from farmland

In Support: John Alme, Luann Alme

Opposed: none

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

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

02602

PETITION: CUP 02602

APPLICANT: D&J ALME PARTNERSHIP

LOCATION: 2324 LESLIE ROAD, SECTION 22, TOWN OF DUNKIRK

CUP DESCRIPTION: conditional use permit for more than one animal unit per acre (continued use up to 55 head of livestock)

In Support: John Alme, Luann Alme

Opposed: none

A motion was made by BOLLIG, seconded by RATCLIFF, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

CONDITIONS:

Standard Conditions for all Conditional Use Permits

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of 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 county 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 county 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 and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.
8. If 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 County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or 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 county zoning administrator, a placard with the approval of the 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 reasonable opportunity to correct any violations prior to revocation.

Conditions Unique to CUP 2602

13. Livestock use on the property shall be limited to a maximum of 55 head of cattle at any one time.

14. Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NR 151 standards and approved by Dane County Land and Water Resources, as applicable.

15. This conditional use permit shall expire in the event the property is sold or transferred to an unrelated third party.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

11976

PETITION: REZONE 11976

APPLICANT: ZACHARY BRUMM

LOCATION: 4307 ACKER RD, SECTION 8, TOWN OF BURKE

CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing Industrial District

REASON: zoning to allow for type 1 salvage yard business

Supervisor Bollig left the meeting at 7:02pm.

In Support: Zachary Brumm

Opposed: none

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

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

02604

PETITION: CUP 02604

APPLICANT: ZACHARY BRUMM

LOCATION: 4301 & 4307 ACKER RD, SECTION 8, TOWN OF BURKE

CUP DESCRIPTION: expand existing type 1 salvage operation

Supervisor Bollig returned to the meeting at 7:05pm.

In Support: Zachary Brumm

Opposed: none

A motion was made by MCGINNITY, seconded by RATCLIFF, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

CONDITIONS:

Standard Conditions for all Conditional Use Permits

1. Any conditions required for specific uses listed under s. 10.103, specifically, 10.103(17).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code.
4. 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 county zoning administrator upon request.
5. 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 county zoning administrator upon request.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.
9. If 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.
10. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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.

12. 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.

13. 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 reasonable opportunity to correct any violations prior to revocation.

Conditions Unique to CUP 2604

14. This conditional use is strictly for Zach Brumm, doing business as ZB Salvage & Recycling located 4307 Acker Road in the Town of Burke.

15. Owner must provide sanitary facilities such as well and septic.

16. Hours of operation shall be limited as follows:

a. 8:00 a.m. to 5:00 p.m. on Monday through Friday; 8:00 a.m. to 12:00 p.m. on Saturday.

b. No outdoor operations of any kind shall take place on Sundays or legal holidays.

17. Dismantling of vehicles shall take place inside the building.

18. There will be no car crushing at this location.

19. All business vehicles and machinery shall be kept in running condition and in good maintenance.

20. Driveway improvements must be permitted by the Town and must be with stormwater runoff in mind. Neighbor properties must not be negatively impacted. There shall be an apron, size and placement approved by Town engineer, to mitigate mud and gravel to travel out onto Acker Rd.

21. Property must contain lighting that avoids polluting neighborhood properties. Any outdoor lighting shall be in accordance with Dane County zoning ordinance section 10.102(5).

22. Outdoor signage must meet Dane County zoning requirements.

23. Owner shall meet DNR and DOT standards for indoor and outdoor storage of salvaged vehicles.

24. An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.

25. Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in a well-kept orderly manner.

26. There will be no vehicle storage (stacking) higher than fence height in front.

27. Property must be screened. The front fence shall be 8 feet in height (made of corrugated steel or similar).

28. The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.

29. All hazardous materials or liquids must be stored properly according to State regulations including the registration or opt-out certification with the DNR Refrigerant Recovery Program.

30. Business shall register with the DNR Stormwater program and complete the Stormwater Pollution Prevention Plan and operate in accordance with the requirement of the Wisconsin Pollutant Discharge Elimination System.

31. Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

32. The applicant shall apply for and receive all other required local, state, and federal permits including stormwater runoff permits for auto salvage.

33. The conditional use permit shall be for a Type 1 License Salvage Yard only.
34. The conditional use permit shall become void if the operator is found to be in violation of these conditions. The CUP shall expire upon sale of the property or upon ZB Salvage and Recycling ceasing to operate on the premises.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[11977](#)

PETITION: REZONE 11977

APPLICANT: KRISTINE LEON

LOCATION: EAST OF 3475 N STAR RD., SECTION 27, TOWN OF COTTAGE GROVE

CHANGE FROM: GC General Commercial District TO GC General Commercial District

REASON: modify existing deed restriction to allow vehicle repair or maintenance as a conditional use

In Support: Kristine Leon

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: 4-0.

An amendment of deed restrictions shall be recorded on the lot stating the following:

1. Land uses on the property shall be limited exclusively to the following permitted uses:

- a. Agricultural uses (livestock not permitted)
- b. Agricultural accessory uses (livestock not permitted)
- c. Contractor, landscaping or building trade operations
- d. Governmental, institutional, religious, or nonprofit community uses
- e. Indoor sales
- f. Indoor storage and repair
- g. Light industrial
- h. Office uses
- i. Personal or professional service
- j. A transportation, utility, communication, or other use that is:
 - i. Required under state or federal law to be located in a specific place, or;
 - ii. 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.
- k. Undeveloped natural resource and open space areas
- l. Utility services associated with, and accessory to, a permitted or conditional use
- m. Veterinary clinics

2. Land uses on the property shall be limited exclusively to the following conditional uses:

- a. Communication towers
- b. Outdoor Storage
- c. Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above
- d. Vehicle repair or maintenance service

3. Residential and associated accessory uses are 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, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

02605

PETITION: CUP 02605

APPLICANT: KRISTINE LEON

LOCATION: EAST OF 3475 N STAR RD., SECTION 27, TOWN OF COTTAGE GROVE

CUP DESCRIPTION: vehicle repair or maintenance operation

In Support: Kristine Leon

Opposed: none

A motion was made by RATCLIFF, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

CONDITIONS:

Standard Conditions for all Conditional Use Permits

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of 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 county 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 county 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 and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.
8. If 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 County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or 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 county zoning administrator, a placard with the approval of the 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 reasonable opportunity to correct any violations prior to revocation.

Conditions Unique to CUP 2605

13. Operating hours shall be limited to Monday-Saturday 7:30am to 5:30pm (Saturdays shall be limited to sales, by appointment only).

14. The landowner is responsible for obtaining site plan approval per the Town's Chapter 12 Design Review process. Exterior lighting, landscaping, and screening shall comply with the Town of Cottage Grove Chapter 12 ordinance requirements.

15. 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.

16. Outdoor display and sales of vehicles shall be limited to five (5) vehicles.

17. This CUP shall become effective upon Rezone petition 11977 becoming effective to modify the current deed restriction.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

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

[11923](#)

PETITION: REZONE 11923

APPLICANT: ADAM AND ANNE STEELE

LOCATION: 788 HOLY CROSS WAY, SECTION 34, TOWN OF BURKE

CHANGE FROM: HC Heavy Commercial District TO SFR-01 Single Family Residential District

REASON: zoning to allow for residential use

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Zoning Petition be recommended for approval, with no conditions. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

11935

PETITION: REZONE 11935

APPLICANT: DAHLK REV LIVING TR (HOWARD & CHRISTINE DAHLK)

LOCATION: 2134 COUNTY HIGHWAY J, SECTION 26, TOWN OF SPRINGDALE

CHANGE FROM: AT-35 Agriculture Transition District TO RR-1 Rural Residential District and
RR-4 Rural Residential District

REASON: creating 4 new residential lots

**A motion was made by BOLLIG, seconded by MCGINNITY, 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 balance of parcel 060726180020,
060726195030, and 060726480010 stating the following:**
 - a. Further nonfarm development is prohibited on the remaining AT-35 zoned
lands per the Town land use plan. The housing density rights on the
original
farm have been exhausted.**
- 2. A deed restriction shall be recorded on proposed Lot 2 stating the following:**
 - a. Commercial use of the accessory building is prohibited.**
- 3. A deed restriction shall be recorded on proposed Lots 1 – 4 stating the
following:**
 - a. Further division of the property is prohibited.**
- 4. A shared driveway access easement shall be recorded on the properties to
allow joint access. The agreement shall be approved by the Town.**

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

11950

PETITION: REZONE 11950

APPLICANT: BUCKYS PORTABLE TOILETS INC

LOCATION: 1185 US HWY 14, SECTION 7, TOWN OF RUTLAND

CHANGE FROM: FP-35 Farmland Preservation District TO HC Heavy Commercial District

REASON: add an additional 0.67 acres to an existing 9.25-acre spot zone in order to allow additional outdoor storage

A motion was made by BOLLIG, seconded by MCGINNITY, 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. The land uses on the property shall be limited exclusively to the following: Portable toilet rental business; outdoor storage of portable toilet units; storage of refuse dumpsters for use off-site; storage of empty portable storage containers for use off-site; outdoor storage of property maintenance vehicles and equipment; offices and manufacturing facilities; office and indoor warehousing for construction businesses; indoor warehousing of business supplies; indoor storage of vehicles; indoor repair of lawn and garden equipment; and personal or professional services (ex. gym/personal training/crossfit/rehab).**
- 2. Land uses expressly prohibited: outdoor storage of materials other than those listed above as permitted; permanent or on-site storage units storing personal belongings (mini warehousing). The portable storage units that are stored on the property shall not be used for the purposes of storage of personal belongings or construction materials. The storage container shall remain empty when stored on-site.**
- 3. There shall be a maximum of 5 businesses operating on the property.**
- 4. Outdoor storage of portable toilets, off site rental dumpsters, and off site portable shipping containers shall be limited to the area adjacent to the commercial building as depicted on the site and operations plan submitted as part of zoning petition 11950 dated August 16th, 2023. Outdoor storage limited only to fenced area, no stacking of off-site portable storage containers or dumpsters in excess of 8' tall.**
- 5. All outdoor business storage areas shall be screened from view by an 8' fence with privacy screening on all sides. No other outside storage permitted.**
- 6. Division of the property through a condominium plat is prohibited.**
- 7. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC property to allow the business to have a sign at the road.**
- 8. All exterior lighting to be downward facing lighting not to project towards neighboring properties.**

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

F. Plats and Certified Survey Maps

[2023 LD-003](#) Preliminary Plat - Mount Vernon Hills
Town of Springdale
Staff recommends acceptance and schedule for future consideration (October 10, 2023)

A motion was made by RATCLIFF, seconded by MCGINNITY, that the preliminary plat be accepted and scheduled for future consideration at the October 10, 2023 ZLR meeting. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[2023 LD-004](#) Final Plat - Glacier's Trail
Town of Middleton
Consideration of the March 14, 2023 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.

A motion was made by BOLLIG, seconded by RATCLIFF, that the final plat be approved and signed for recording. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

G. Resolutions

[2023](#)
[RES-157](#) CONTRACT FOR FLY DANE 2024 DIGITAL AERIAL ORTHO-IMAGERY
PROJECT

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

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

H. Ordinance Amendment

I. Items Requiring Committee Action

[2023](#)
[ACT-135](#)

Review 2024 Zoning and Land Regulation Committee meeting schedule

A motion was made by RATCLIFF, seconded by MCGINNITY, to approve the 2024 Zoning and Land Regulation Committee meeting schedule as presented with a modification of having one meeting in November on the 19th. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the September 26, 2023 Zoning and Land Regulation Committee meeting at 7:37pm.. The motion carried unanimously.