

# Dane County



## Minutes

Tuesday, May 12, 2020

6:30 PM

Remote Meeting: Call 1-877-568-4106, Access Code: 825-214-021

### 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?*

The May 12th Zoning and Land Regulation Committee meeting is being held remotely in accordance with public health requirements to protect our community from the COVID-19 pandemic. The public can access the meeting in the following manner:

Call 1-877-568-4106 Use access code: 825-214-021

Note: You will be placed on hold until the Host joins.

If you would like to speak on an agenda item, you must PRE-REGISTER in ADVANCE by calling 1-608-266-9078. Registrants must provide their full name, 10-digit phone number, and the agenda item they wish to speak about. Anyone wishing to speak is strongly encouraged to pre-register as soon as possible.

Registrations will be accepted until 30 minutes prior to the meeting. Staff will then call you into the meeting when the item is before the committee using the number provided.

If you have any questions regarding an agenda item, please contact the Zoning Administrator by phone at 1-608-266-9078, or by email at [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com).

#### A. Call to Order

Supervisor Bollig called the remote meeting of the May 12, 2020 Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments made by the public.

[2020](#)  
[RPT-033](#)

May 12th ZLR meeting registrants

#### C. Election of Officers

Bollig called for nominations for Committee Chair

Kiefer nominated Bollig for Committee Chair, seconded by Peters. No other nominations.

Vote: Bollig voted as Chair, 5-0.

Bollig called for nominations for Committee Vice-Chair.

Kiefer nominated Peters for Committee Vice-Chair, seconded by Doolan. No other nominations.

Vote: Peters voted as Vice-Chair, 5-0.

#### D. Consideration of Minutes

[2020](#)  
[MIN-001](#)

Minutes of the April 6, 2020 Zoning and Land Regulation Committee meeting

**A motion was made by PETERS, seconded by DOOLAN, to approve the minutes of the April 6, 2020 Zoning and Land Regulation Committee meeting. The motion carried by the following vote: 2-0-3.**

**Ayes:** 2 - BOLLIGandPETERS

**Abstain:** 3 - DOOLAN,KIEFERandSMITH

### **E. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments**

CUP 02492

PETITION: CUP 02492  
APPLICANT: DOWNING 3094 CR MN LLC  
LOCATION: SOUTHEAST QUADRANT OF I-39 AND COUNTY HIGHWAY AB INTERSECTION,  
SECTION 6, TOWN OF PLEASANT SPRINGS  
CUP DESCRIPTION: concrete batch plant

*In favor: Ryan Spies*

*Opposed: None*

**A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 10 conditions. The motion carried by the following vote: 5-0.**

- 1. The batch plant at this site may be used only for completing WisDOT Project #1007-12-74, I-90/I-39, CTH AB to USH 12/18 Interchange, northbound/ southbound (NB/SB) and other USH 12/18 Interchange projects.**
- 2. Operations shall cease no later than December 31, 2021. The Town Plan Commission will review the conditional use permit in one year to see if a time extension is needed.**
- 3. Hours of operation shall be as follows: Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sundays.**
- 4. The operator shall spray the site with water, if and when, needed to control dust.**
- 5. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.**
- 6. No permanent structures on site.**
- 7. No bulk fuel storage on site.**
- 8. Outdoor lighting will be portable and will be directed away from property lines, neighboring parcels and roads to mitigate impacts. Light must be directed in a way that it will not leave the site.**
- 9. The contractor/landowner shall conduct a well quality inspection if requested by the Town or the County. The report shall be submitted to the Town and the County for review. The contractor/landowner shall be responsible for the expense of the well inspection. Reports that are deemed a public hazard shall be cause for revocation of the conditional use permit.**
- 10. The contractor shall conduct a well inspection at property located at 3145 County Highway AB if requested by the Town or the County. This inspection will yield results for the quality of the water if requested. The water quality test will test for Bacteria, Nitrates, Coliform, and E. Coli. (standard safe drinking water test) The well installed on the Downing Property has been tested on 4/10/2020 and all test were negative or within safe drinking water standards. If there is a problem with the function of the well located at 3145 County Highway AB producing enough water as a result of the Downing operations, the contractor will be responsible for a well inspection. The contractor will be responsible for the well inspection(s) in either case (quality or quantity). If an issue is identified in the well inspection report, and found to be the contractors fault, the contractor will be responsible for resolving the issue at their expense.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11530](#)

PETITION: REZONE 11530

APPLICANT: PETERSON TR, PHILIP L & CAROL L

LOCATION: LANDS WEST OF 5900 COUNTY HIGHWAY D, SECTION 5, TOWN OF OREGON

CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District AND LC Limited Commercial District

REASON: creating one residential lot and separating buildings/woods from farmland

*In favor: Sheena Amble*

*Opposed: Kathy Rezac and Jeanne Hook. The neighbors expressed concerns regarding traffic on Sun Valley Parkway and Storytown Road; visual impact of the commercial activity; noise and dust generation; installation of screening; loss of property values; back-up alarms of equipment; and peace and quiet in the neighborhood.*

**A motion was made by KIEFER, seconded by SMITH, that the Zoning Petition be postponed to the May 26th Zoning & Land Regulation Committee meeting. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11525

PETITION: REZONE 11525  
APPLICANT: SWAN YOU SEE LLC  
LOCATION: EAST OF 4234 MAPLE GROVE ROAD, SECTION 13, TOWN OF VERONA  
CHANGE FROM: RM-8 Rural Mixed-Use District TO HC Heavy Commercial District  
REASON: mini-warehouses & outdoor storage

*In favor: Jamie Lindau*

*Opposed: None*

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

**A deed restriction be recorded on the property identifying the following limitations:**

- 1. The land uses shall be limited exclusively to a personal storage facility; outdoor storage of vehicles and recreational vehicles; and offices in conjunction with the personal storage facility. Auctions associated with contents of storage spaces is permitted on an intermittent basis.**
- 2. The physical development of the property shall be constructed per the site plan P-52104 dated 10/23/19 (attached). All phases of the project shall obtain site plan approval by the Town of Verona prior to construction.**
- 3. The property has identified wetland areas. Development is prohibited in these areas unless the landowner obtains approval from the US Army Corp of Engineers and the area is rezoned out of the wetland classification by Dane County.**
- 4. Landscaping shall be installed in accordance with the approved landscaping plan. The landscaping shall be installed within 1 year after a building permit is issued for the construction of the personal storage facility. All landscaping shall be maintained. Any landscaping that becomes diseased or dies shall be replaced within 30 days of notification. Landscaping plans shall be approved by the Town Board for subsequent phases of the project prior to construction.**
- 5. Illumination of the property shall be installed in accordance with the approved lighting plan. The lighting shall be installed in a manner to not cause glare from viewed by US 151. Lighting plans shall be approved by the Town Board for subsequent phases of the project prior to construction.**
- 6. The landowner shall obtain all necessary permits for erosion control and storm water management. The storm water management features shall be installed and maintained in accordance with permit approvals.**
- 7. Signs on the property shall be limited to the signs identified as part of the approval. The internally illuminated signs shall be prohibited.**
- 8. The installation of billboard signs (off-premise advertising) shall be prohibited.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11526](#)

PETITION: REZONE 11526  
APPLICANT: BROCKMANN REV LIVING TR, CLEO I  
LOCATION: 9755 STATE HIGHWAY 19, SECTION 12, TOWN OF MAZOMANIE  
CHANGE FROM: FP-35 General Farmland Preservation District TO TFR-08 Two-Family Residential District  
REASON: creating one residential lot

*In favor: Randy Brockman*  
*Opposed: None*

**A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.**

- 1. A deed restriction shall be placed on the proposed lot stating the following:**
  - a. The construction of a duplex is prohibited on the TFR-08 lot.**
  - b. The TFR-08 lot shall be prohibited on being redivided into additional lots.**
- 2. A deed restriction shall be recorded on parcels 0806-114-9500-2, 0806-114-8330-0, and 0806-123-8501-0 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11527](#)

PETITION: REZONE 11527  
APPLICANT: JOSEPH PATRICK EUGSTER  
LOCATION: 3865 STATE HIGHWAY 138, SECTION 10, TOWN OF RUTLAND  
CHANGE FROM: FP-35 General Farmland Preservation District TO FP-B Farmland Preservation - Business District  
REASON: expand agricultural accessory uses on the farm

*In favor: Jacob Eugster*  
*Opposed: None*

**A motion was made by KIEFER, seconded by PETERS, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.**

- 1. The existing deed restrictions on the general commercial zoned property shall be extended to the new FP-B land as follows:**
  - a. Limit the use of the property to exclusively the following: Selling agricultural related products such as fruits, vegetables, bedding plants, flowers, Christmas trees, dairy products, meats and eggs; Selling retail items such as pop, candy, agricultural toys, country crafts, candles, Halloween items, and country apparel such as sweaters, t-shirts and sweatshirts; and Selling bakery items and having a limited café service that might include such as items as chili, soup, barbeques, hot dogs or deli sandwiches.**
  - b. Other conditional uses will be subject to Town Board approval.**
  - c. Sound amplification shall be limited to the decibels of the human voice (60 decibels) as measured at the property line.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11528](#)

PETITION: REZONE 11528  
APPLICANT: TOWN OF BLACK EARTH  
LOCATION: VARIOUS PARCELS, SECTION 36, TOWN OF BLACK EARTH  
CHANGE FROM: Various zoning districts  
REASON: blanket rezone to correct zoning maps

*In favor: Town of Black Earth*  
*Opposed: None*

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

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11529](#)

PETITION: REZONE 11529  
APPLICANT: CAROLINE A ALLEN  
LOCATION: 909 COUNTY HIGHWAY V, SECTION 9, TOWN OF YORK  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District  
REASON: separating existing residence from farmland

*In favor: Caroline Allen*  
*Opposed: None*

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

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH



[11531](#)

PETITION: REZONE 11531  
APPLICANT: ARINGTON TREE FARM LLC  
LOCATION: EAST OF 2771 OLIA ROAD, SECTION 8, TOWN OF CHRISTIANA  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District, RR-8 Rural Residential District TO RR-2 Rural Residential District, SFR-08 Single Family Residential District TO RR-8 Rural Residential District  
REASON: creating two residential lots

*In favor: Cindy Cutrano*

*Opposed: None*

**A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.**

- 1. Any proposed building on proposed lot 1 shall be located outside of the steep sloped area over 20% grade. The final CSM shall show the approximate location of steep slopes exceeding 20% grade, or alternatively a suitable building envelope located outside of the steep sloped areas shall be delineated.**
- 2. Arington shall record a deed restriction on the balance of FP-35 zoned lands from the original farm unit prohibiting further non-farm development in accordance with town density policies. The restriction shall apply to the following tax parcels comprising ~109 acres: 061208185510, 061208281000, and 061208295002.**
- 3. Kopf shall record a deed restriction on proposed lot 3 of the Certified Survey Map prohibiting further non-farm development (tax parcel 061208293200).**
- 4. The planned cul-de-sac shall be shown and dedicated to the town in the final CSM. The cul-de-sac must be installed prior to dwelling occupancy.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11532](#)

PETITION: REZONE 11532  
APPLICANT: SCOTT D ZAHLER  
LOCATION: EAST OF 1303 LAFOLLETTE ROAD, SECTION 8, TOWN OF PRIMROSE  
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

*In favor: Scott Zahler*

*Opposed: None*

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

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11533](#)

PETITION: REZONE 11533  
APPLICANT: STORAGE WORLD OF COTTAGE GROVE LLC  
LOCATION: 3286 FIELD VIEW LANE, SECTION 33, TOWN OF COTTAGE GROVE  
CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing and Industrial District  
REASON: rezone to allow for mineral extraction with existing mini storage warehouses on property

*In favor: None*

*In Opposition: Town of Cottage Grove Chair Kris Hampton*

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11534](#)

PETITION: REZONE 11534  
APPLICANT: KAMEYT LLC  
LOCATION: 3265 BERGUM ROAD, SECTION 35, TOWN OF VERMONT  
CHANGE FROM: RM-16 Rural Mixed-Use District TO FP-1 Small Lot Farmland Preservation District AND RR-4 Rural Residential District, FP-35 General Farmland Preservation District TO RR-4 Rural Residential District  
REASON: separating existing residence from farmland and creating one residential lot

*In favor: Mark Schellpfeffer*

*Opposed: None*

**A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.**

- 1. Landowner will identify a building envelope for proposed Lot 1 in a site plan reviewed by the Town of Vermont and approved by the zoning administrator.**
- 2. Any development proposed in a Ridgetop Protection Area must meet all applicable siting, tree removal and construction standards of the Town of Vermont / Dane Comprehensive Plan.**
- 3. Driveway easements and appropriate shared driveway agreements to allow shared access to the existing driveway for the two RR-4 lots (Lots 1 and 2).**
- 4. A deed restriction shall be recorded on the FP-1 lot to prohibit further division of the lot.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11535](#)

PETITION: REZONE 11535  
APPLICANT: REGIME INVESTMENTS LLC  
LOCATION: 3190 COUNTY HIGHWAY N, SECTION 33, TOWN OF COTTAGE GROVE  
CHANGE FROM: HC Heavy Commercial District TO HC Heavy Commercial District  
REASON: amend current deed restrictions on property

*In favor: Dennis Richardson, Cottage Grove Town Chair Kris Hampton.*

*Opposed: None*

**A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.**

**1. The current deed restrictions on the property shall be terminated and replaced with a new deed restrictions as noted below.**

**2. A deed restriction shall be recorded on the property to limit the land uses to the following:**

**a. Land uses shall be limited to the following: Agriculture and accessory uses (livestock not permitted); Contractor, landscaping or building trade operations; Indoor Sales; Light Industrial; Off-site parking; Office uses; Outdoor sales, display or repair; Outdoor storage; A transportation, utility or communication or other use required by law; Utility services; Vehicle repair or maintenance service; Veterinary clinics, Warehousing and distribution services.**

**b. The construction or erection of off-premise advertising sign (billboards) shall be prohibited.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11536](#)

PETITION: REZONE 11536  
APPLICANT: CORY K CLEMENS  
LOCATION: SOUTHWEST OF 7857 DUNROVEN ROAD, SECTION 6, TOWN OF VIENNA  
CHANGE FROM: FP-35 General Farmland Preservation District TO LC Limited Commercial District  
REASON: expansion of excavation business

*In favor: Cory Clemens*

*Opposed: None*

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

**1. Lot 1 and 2 of Certified Survey Map 13953 and the proposed lot shall be deed restricted to prohibit the properties from being sold separately.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11537](#)

PETITION: REZONE 11537  
APPLICANT: BRENT K DARLEY  
LOCATION: 2206 BRANDANCEE LANE, SECTION 19, TOWN OF VERONA  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-1 Rural Residential District  
REASON: zoning compliance for existing residence

*In favor: Brent Darley*

*Opposed: None*

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

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11538](#)

PETITION: REZONE 11538  
APPLICANT: VINEY ACRES LLC  
LOCATION: NORTH OF 2883 SIGGELKOW ROAD, SECTION 31, TOWN OF COTTAGE GROVE  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District and FP-1 Small Lot Farmland Preservation District  
REASON: creating one residential lot

*In favor: Donald Viney, Cottage Grove Town Chair Kris Hampton*

*Opposed: City of Madison*

**A motion was made by DOOLAN, seconded by SMITH, to postpone action on the Zoning Petition in order to allow time for the Town to change their Comprehensive Plan. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11539](#)

PETITION: REZONE 11539  
APPLICANT: TOWN OF DUNN  
LOCATION: VARIOUS PARCELS, VARIOUS SECTIONS, TOWN OF DUNN  
CHANGE FROM: RR-8 Rural Residential District TO RR-16 Rural Residential District  
REASON: blanket rezone to new RR-16 district for zoning compliance

*In favor: Town of Dunn*

*Opposed: None*

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

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

## F. Zoning Map Amendments and Conditional Use Permits from previous meetings

[11422](#)

PETITION: REZONE 11422  
APPLICANT: DAVID R ESSER  
LOCATION: SOUTH OF 6587 HYSLOP ROAD, SECTION 35, TOWN OF DANE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

**A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.**

- 1. The petition shall be amended to create one lot.**
- 2. A deed restriction shall be recorded on parcels 0908-354-9601-4, 0908-354-8160-0, 0908-354-8840-7, 0908-354-9725-5, 0908-354-9800-3 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

## G. Plats and Certified Survey Maps

[2020 LD-002](#)

Final Plat - Prairie Circle Extension  
Town of Verona  
Staff recommends conditional approval.

**A motion was made by PETERS, seconded by DOOLAN, that the Final Plat for the Prairie Circle Extension Subdivision be approved with staff conditions. The motion carried by a voice vote.**

## H. Resolutions

## I. Ordinance Amendment

## J. Items Requiring Committee Action

## K. Reports to Committee

[2020  
RPT-002](#)

Approved Certified Survey Maps

## L. Other Business Authorized by Law

## M. Adjourn

**A motion was made by DOOLAN, seconded by SMITH, to adjourn the May 12, 2020 Zoning and Land Regulation Committee meeting at 8:30pm. The motion carried by unanimously.**

Questions? Contact Roger Lane, Planning and Development Department, 266-4266,  
[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)