# **Dane County**



## **Minutes**

Tuesday, October 27, 2020 6:30 PM

"BUDGET"

Remote Meeting: Call 1-877-309-2073 Access Code: 305-661-813

By Computer: https://global.gotomeeting.com/join/305661813

# **Zoning and 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 October 27, 2020 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:

By Phone: 1-877-309-2073 Access Code: 305-661-813

By Computer: https://global.gotomeeting.com/join/305661813

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. During the meeting, Staff will place you on mute until the petition item is before the committee. Registrants will have 5 minutes to express their concerns.

If you have any questions regarding an agenda item, please contact Zoning Administrator Roger Lane by phone at 1-608-266-9078, or by email at lane.roger@countyofdane.com

#### A. Call to Order

Chair Bollig called the October 27, 2020 meeting of the Zoning and Land Regulation Committee to order at 6:30pm.

 ${\bf Staff\ present:\ Allan,\ Andros,\ Everson,\ Kodl,\ Parry,\ Standing,\ and\ Violante}.$ 

YGM present: Baluck Deang.

**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 October 27th ZLR meeting registrants RPT-440

### C. Consideration of Minutes

2020 Minutes of the October 13, 2020 Zoning and Land Regulation CommitteeMIN-233 meeting

A motion was made by PETERS, seconded by DOOLAN, to approve the minutes of the October 13, 2020 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

11591 PETITION: REZONE 11591

APPLICANT: KENDALL C KAHL

LOCATION: 9933 CARTER ROAD, SECTION 14, TOWN OF MAZOMANIE

CHANGE FROM: RM-8 Rural Mixed-Use District TO RR-4 Rural Residential and LC Limited

Commercial District

REASON: dividing an existing lot into two lots to use the existing building for commercial

purposes

In favor: Kendall Kahl

In opposition: Jon and Meredith Beckman. Concerns were raised regarding the existing covenants on the property; the possibility of outdoor storage and a caretaker's residence;

lighting; noise; and traffic.

A motion was made by KIEFER, seconded by SMITH, to postpone action due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

**11592** PETITION: REZONE 11592

APPLICANT: MADISON VERONA SELF STORAGE LLC

LOCATION: SOUTHEAST OF 4234 MAPLE GROVE ROAD, SECTION 13, TOWN OF VERONA

CHANGE FROM: Wetland status to Non-Wetland Status

REASON: declassification of wetland pockets on a commercial development site

Registered in support: Camron Lindau

Opposed: None

A motion was made by PETERS, seconded by DOOLAN, to recommend approval of the ordinance amendment to declassify the wetland pockets on the property. The motion carried by the following vote: 5-0

1. All necessary permits shall be obtained for the filling and development of the wetland area.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

**11593** PETITION: REZONE 11593

APPLICANT: CHRISTOPHER R ROHDE-SZUDY

LOCATION: NORTH OF 6474 COOKE ROAD, SECTION 36, TOWN OF MAZOMANIE CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating one residential lot

Registered in support: C.R. Rhode Szudy

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

APPLICANT: TOWN OF DEERFIELD FOR VARIOUS PROPERTY OWNERS

LOCATION: TOWN OF DEERFIELD various sections

CHANGE FROM: FP-1 Farmland Preservation District TO FP-35 Farmland Preservation District REASON: blanket rezone to correct errors associated with the adoption of the revised Dane

County Zoning Ordinance

Registered in support: None

Opposed: None

A motion was made by PETERS, seconded by DOOLAN, to postpone due to no Town action. The motion carried by the following vote: 5-0

Aves: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

**11595** PETITION: REZONE 11595

APPLICANT: FLYNN CREEK FARMS LLC

LOCATION: 1142 FRITZ ROAD, SECTION 7, TOWN OF MONTROSE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District and

RR-4 Rural Residential District

REASON: creating two residential lots and separating the existing residence from the farmland

Registered in support: Richard Dohm and Ed Short

Opposed: None

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

1. A deed restriction shall be recorded on parcels 0508-074-9000-8, 0508-074-9530-7, 0508-083-9000-7 and 0508-181-8000-0 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, KIEFER and SMITH

**11596** PETITION: REZONE 11596

APPLICANT: DIANA M NELSON

LOCATION: 4927 FELLAND ROAD, SECTION 35, TOWN OF BURKE

CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District

REASON: division of an existing residential lot to create two smaller lots

A motion was made by KIEFER, seconded by DOOLAN, to take up land division request 2020 LD-017 prior to acting on Petition 11596. The motion carried by a voice vote.

Registered in support: Diana Nelson and Chris Stolinas

Opposed: None

A motion was made by KIEFER, seconded by SMITH, to postpone due to no Town action. The motion carried by the following vote: 5-0

APPLICANT: PHILLIP J VAN KAMPEN

LOCATION: 5418 HONEYSUCKLE LANE, SECTION 3, TOWN OF OREGON

CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District

REASON: adding additional lands onto an existing residential lot

Registered in support: Phillip Van Kampen

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, KIEFER and SMITH

11598 PETITION: REZONE 11598

APPLICANT: BRANDON T COOLEY

LOCATION: 3094 WAUCHEETA TRAIL, SECTION 5, TOWN OF DUNN

CHANGE FROM: SFR-2 Single Family Residential District TO SFR-08 Single Family

Residential District

REASON: dividing an existing residential lot to create a second lot

Registered in support: Clayton Christenson

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 1. The CSM shall show slopes over 20% grade and identify that buildings are prohibited in these areas.

2. A deed restriction shall be recorded on proposed Lot 2 (larger lot) to prohibit further land divisions.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11599 PETITION: REZONE 11599

APPLICANT: KOOS FAMILY TR

LOCATION: 10541 COUNTY HIGHWAY Y, SECTION 28, TOWN OF MAZOMANIE CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating one residential lot and one 43-acre agricultural lot

Registered in support: Ralph Koos

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

1. A deed restriction shall be recorded on parcels 0906-284-9000-0, 0906-284-8500-7, 0906-283-9500-6, 0906-283-8000-3, 0906-282-9791-6, and 0906-281-9200-1to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.

APPLICANT: JEFFERY D BELL

LOCATION: WEST OF 4464 OLD INDIAN TRAIL, SECTION 4, TOWN OF VERMONT CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

Registered in support: Jeffery Bell

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 1. The location of the house within the building envelope should be nearest corner post 1.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11601 PETITION: REZONE 11601

APPLICANT: RHODA SCHUSTER

LOCATION: 87 NORTH UNION ROAD, SECTION 34, TOWN OF RUTLAND

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: separating existing residence from farmland

Registered in support: Owen Fankhauser, Rhoda Schuster, and Ron Combs

Opposed: None

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

1. A deed restriction shall be recorded on parcels 0510-343-9001-0 and 0510-343-8501-3 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, KIEFER and SMITH

11602 PETITION: REZONE 11602

APPLICANT: RICHARD A EBERLE

LOCATION: 6354 COUNTY HIGHWAY DM, SECTION 12, TOWN OF DANE

CHANGE FROM: RM-16 Rural Mixed-Use District TO NR-C Natural Resource Conservation District and RR-8 Rural Residential District, RR-2 Rural Residential District TO RR-4 Rural

Residential District

REASON: creating a lot for an existing residence; reconfiguring an existing residential lot;

assigning conservancy district to pond

In favor: Richard Eberly

Opposed: Donna and Craig Kopp. Concerns were raised regarding egress from the

property.

A motion was made by KIEFER, seconded by DOOLAN, to postpone due to no town action. The motion carried by the following vote: 5-0

APPLICANT: TERRY LUND

LOCATION: 3274 UNION DANE ROAD, SECTION 34, TOWN OF RUTLAND

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,

RR-2 Rural Residential District, and FP-1 Farmland Preservation District

REASON: separating the existing residence from the farmland and creating two residential lots

Registered in support: Terry Lund and Ron Combs

Opposed: None

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

1. A deed restriction shall be recorded on the proposed FP-1 parcel prohibiting non-farm development in accordance with town plan density policies (proposed lot 4 of the Certified Survey Map).

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

**11605** PETITION: REZONE 11605

APPLICANT: GARY BRUNNER

LOCATION: 4597 COUNTY HIGHWAY P, SECTION 3, TOWN OF CROSS PLAINS

CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District and RM-8 Rural Mixed-Use District, RR-4 Rural Residential District TO RR-8 Rural Residential

District

REASON: separating the existing farmstead from the farmland and creating a residential lot

Registered in support: Gary Brunner and James Hartung

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, KIEFER and SMITH

11606 PETITION: REZONE 11606

APPLICANT: DAVID L MOYER

LOCATION: NW CORNER OF THE COUNTY HIGHWAY FF AND STANFIELD ROAD

INTERSECTION, SECTION 6, TOWN OF VERMONT

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

Registered in support: David and Julie Moyer

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

1. A deed restriction shall be recorded on parcel 0706-064-8050-2 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land.

<u>11607</u> PETITION: REZONE 11607

APPLICANT: VINEY ACRES LLC

LOCATION: WEST OF 2100 NORA ROAD, SECTION 27, TOWN OF COTTAGE GROVE CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

Registered in support: Don Viney

Opposed: None

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

1. A deed restriction shall be recorded on parcels 0711-274-8001-0 and 0711-271-9500-3 to prohibit non-farm development and further land divisions on the remaining FP-35 Farmland Preservation zoned land.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11608 PETITION: REZONE 11608

APPLICANT: JASON M CHANDLER

LOCATION: 1645 LAKE KEGONSA ROAD, SECTION 35, TOWN OF DUNN

CHANGE FROM: RR-16 Rural Residential District TO RR-8 Rural Residential District, RR-1

Rural Residential District TO RR-8 Rural Residential District REASON: adding additional lands onto an existing residential lot

Registered in support: Jason Chandler

Opposed: None

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

1. The CSM shall show slopes over 20% grade and identify that buildings are

prohibited in these areas.

2. A deed restriction shall be recorded on both properties to prohibit further land divisions.

Aves: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11609 PETITION: REZONE 11609

APPLICANT: VOGEL FAMILY REV LIVING TR

LOCATION: SOUTH OF 5718 COUNTY HIGHWAY TT, SECTION 18, TOWN OF MEDINA CHANGE FROM: RR-2 Rural Residential District TO RR-4 Rural Residential District

REASON: consolidating lots to create a buildable residential lot

Registered in support: Brad and Britt Topp

Opposed: None

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

CUP 02506

PETITION: CUP 02506 APPLICANT: LISA M NELSON

LOCATION: 172 STATE HIGHWAY 138, SECTION 31, TOWN OF DUNKIRK

CUP DESCRIPTION: 10.103(12) limited family business - hair salon

In favor: Lisa Nelson Opposed: None

A motion was made by KIEFER, seconded by DOOLAN, that the Conditional Use Permit be approved with 18 conditions. The motion carried by the following vote: 5-0

- 1. This conditional use permit is for a Limited Family Business Hair Salon.
- 2. Hours of operation shall be limited to 8:30am-8:30pm.
- 3. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
- 4. The business shall be located within an approximate 400-600 square foot area of the planned 2,400 square foot accessory building, as depicted on the site plan.
- 5. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
- 6. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

The following are standard conditions that apply to all Conditional Use Permit applications

- 7. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 8. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 9. 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 zoning administrator upon request.
- 10. 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 zoning administrator upon request.
- 11. 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.
- 12. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 13. Off-street parking must be provided, consistent with s. 10.102(8).
- 14. If the 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 15. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with

these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

16. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved 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.

17. 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.

18. 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 a reasonable opportunity to correct any violations prior to revocation.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

2020 OA-012 AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES.

> INCORPORATING THE Town of CROSS PLAINS Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

In favor: Town Chair Greg Hyer

Opposed: None

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

Aves: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

2020 OA-016 AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES. INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE **PLAN** 

> In favor: Town Chair Kris Hampton and Don Viney Opposed: None

A motion was made by KIEFER, seconded by SMITH, that the Ordinance be postponed to allow time to contact the County Supervisor of the district in order for her to comment on the proposed changes to the comprehensive plan. The motion carried by the following vote: 5-0

Aves: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

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

APPLICANT: THOMAS W SHANNON

LOCATION: 5525 PORTAGE ROAD, SECTION 21, TOWN OF BURKE

CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District

REASON: separating existing residences onto individual properties

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.

1. A septic system easement shall be recorded on the property to account for the existing septic system being on the proposed adjacent lot.

Aves: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

### F. Budget Discussion and Amendments

2020 ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2021 OPERATING BUDGET

Motion by Peters, seconded by Doolan to recommend approval of Budget change ZLR-O-01. Motion carried, 5-0.

The Committee members expressed their appreciation to Zoning Inspector Sarah Johnson for agreeing to take on additional duties and responsibilities regarding the processing of rezoning petitions in the absence of clerical staff in the Planning and Development Department.

2020 ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2021 CAPITAL BUDGET

### G. Plats and Certified Survey Maps

2020 LD-016 Chapter 75 Land Division variance request - Hamilton Town of Springdale

A motion was made by KIEFER, seconded by SMITH, that the Land Division waiver be approved to allow the lot to be created with no frontage along a public road. The motion carried by a voice vote, 5-0.

Finding of fact: The lot was created originally with no frontage and the lot is served by an existing access easement.

2020 LD-017 Chapter 75 Land Division variance request - Diana Nelson (11596)
Town of Burke

A motion was made by PETERS, seconded by DOOLAN, that the Land Division waiver be approved to allow the proposed lot 2 to be created with no frontage along a public road. The motion carried by a voice vote, 5-0.

Finding of fact: An existing access easement will serve the proposed lot through the City of Madison lot.

2020 LD-018 Pioneer Pointe - Final Plat

Town of Middleton

Consideration of the November 12, 2019 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 PETERS, seconded by DOOLAN, that the final plat be signed. The motion carried by a voice vote, 5-0. Daniel Everson signed the plat on behalf of the chair.

### H. Resolutions

### I. Ordinance Amendment

2020 OA-012 AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF

ORDINANCES.

INCORPORATING THE Town of CROSS PLAINS Comprehensive Plan

INTO THE DANE COUNTY COMPREHENSIVE PLAN

See motion above.

2020 OA-016 AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES. INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE **PLAN** 

See motion above.

- J. Items Requiring Committee Action
- K. Reports to Committee
- L. Other Business Authorized by Law
- M. Adjourn

A motion was made by KIEFER, seconded by SMITH, to adjourn the October 27, 2020 meeting of the Zoning and Land Regulation Committee at 8:30pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com