



Dane County

Minutes - Final Unless Amended by Committee

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?

Tuesday, May 25, 2021

6:30 PM

Remote meeting

ZOOM Webinar Meeting ID: 846 7089 2792

A. Call to Order

Chair Bollig called the meeting of the May 25, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

Youth Governance Member 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.

[2021](#)

[RPT-141](#)

May 25th ZLR Committee meeting registrants

Attachments: [May 25th ZLR Registrants.pdf](#)

C. Consideration of Minutes

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

[11687](#)

PETITION: REZONE 11687
APPLICANT: TJM RES LLC
LOCATION: 2459 SPRING ROSE ROAD, SECTION 13, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-1 Rural Residential District, AT-35 Agriculture Transition District TO RR-4 Rural Residential District, AT-35 Agriculture Transition District TO RR-8 Rural Residential District
REASON: creating three new residential lots.

Attachments: [11687 Ord Amend.pdf](#)
[11687 Staff Report.pdf](#)
[11687 Density.pdf](#)
[11687 Town.pdf](#)
[11687 Map](#)
[11687 APP](#)

In favor: Todd Meinholz
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. Lot 4 (AT-35 lot) shall be deed restricted to prohibit further land division of the property.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11688](#)

PETITION: REZONE 11688
APPLICANT: NEW HEIGHTS LUTHERAN CHURCH
LOCATION: NORTHEAST CORNER OF THE US HWY 14 / STATE HWY 78 INTERSECTION, SECTION 15, TOWN OF MAZOMANIE
CHANGE FROM: FP-1 Farmland Preservation District TO GC General Commercial District
REASON: change zoning to allow for the construction of a church

Attachments: [11688 Ord Amend.pdf](#)
[11688 Staff Report.pdf](#)
[11688 Town](#)
[11688 Map](#)
[11688 APP](#)
[11688 Photometric Plan.pdf](#)

In favor: Gary Damaschke
Opposed: None

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

1. All lighting shall conform to DCCO 10.102(8)(d)7 and 10.102(5). To minimize lighting impact on the motorists on the highway the parking lot lights should be low to the ground (15-28 feet) and have direct downward lighting. Lighting on the building should be direct downward lights as well.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11689](#)

PETITION: REZONE 11689
APPLICANT: JEFFREY N HAAS
LOCATION: 7807 FISH LAKE ROAD, SECTION 4, TOWN OF ROXBURY
CHANGE FROM: FP-35 Farmland Preservation District TO SFR-1 Single Family Residential District
REASON: increasing the size of an existing residential lot in order to relocate the house

- Attachments:** [11689 Ord Amend.pdf](#)
[11689 Staff Report.pdf](#)
[11689 Town.pdf](#)
[11689 Map](#)
[11689 APP](#)

In favor: Chuck Bongard, Karen and Jeff Haas
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 driveway access easement shall be prepared and recorded to allow access to the property from Haas Road.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11690](#)

PETITION: REZONE 11690
APPLICANT: WICOMPANYII LLC
LOCATION: 4645 STATE HWY 138, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: HC Heavy Commercial District TO HC Heavy Commercial District
REASON: amend deed restrictions to allow outdoor storage area for recreational vehicles

- Attachments:** [11690 Staff Report](#)
[11690 Site Plan](#)
[11690 Existing Deed Restrictions](#)
[11690 DOT Letter](#)
[11690 LWRD Stormwater Prelim Review Ltr](#)
[11690 Petitioner's memo](#)
[11690 Neighbor support](#)
[11690 Map](#)
[11690 APP](#)
[11690 CUP 2518 Additional info from applicant](#)

In favor: Tara Pearson and Steve Suter
Opposed: None

A motion was made by SMITH, seconded by DOOLAN, to postpone the petition until town action is received. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11691

PETITION: REZONE 11691
APPLICANT: ADAM LEE CARRICO
LOCATION: EAST OF 8191 COUNTY HWY G, SECTION 25, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-2 Single Family Residential
District, AT-35 Agriculture Transition District TO RM-16 Rural Mixed-Use District
REASON: creating three residential lots

Attachments: [11691 Ord Amend.pdf](#)
[11691 Staff Report REVISED.pdf](#)
[11691 Town.pdf](#)
[11691 Town Site Approval.pdf](#)
[11691 Staff concern.pdf](#)
[11691 density.pdf](#)
[11691 APP](#)
[11691 Map](#)

In favor: Adam Carrico

Opposed: None

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

- 1. Lot 1 shall be reduced in size below 4 acres.**
- 2. A 2-acre spot zone area shall be located on the remaining AT-35 lands. The spot zone area shall be assigned the zoning district classification of RR-2.**
- 3. A deed restriction shall be recorded on the remaining AT-35 lands to prohibit further land division of the property.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11692](#)

PETITION: REZONE 11692
APPLICANT: VLKJH SKAAR LLC
LOCATION: EAST OF 3440 COUNTY HWY N, SECTION 28, TOWN OF COTTAGE GROVE
CHANGE FROM: AT-35 Agriculture Transition District TO HC Heavy Commercial District, AT-35 Agriculture Transition District TO RM-16 Rural Mixed-Use District
REASON: adjacent landowner purchasing additional lands for existing commercial business

Attachments: [11692 Ord Amend.pdf](#)
[11692 Staff Report.pdf](#)
[11692 Town.pdf](#)
[11692 Map](#)
[11692 APP](#)
[Petition 11317 approval.pdf](#)

**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 the HC Heavy Commercial zoned property to limit the land uses to the following: office buildings no more than 2 stories; repairs, storage, and service of contractors' machinery and equipment; and parking and storage of motor vehicles.**

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11693](#)

PETITION: REZONE 11693
APPLICANT: VERMONT ACRES LLC
LOCATION: SOUTH OF 4710 CEDAR HILL ROAD, SECTION 5, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural Mixed Use District
REASON: creating one residential lot

Attachments: [11693 Ord Amend.pdf](#)
[11693 Staff Report REVISED.pdf](#)
[11693 town.pdf](#)
[11693 density.pdf](#)
[11693 Map.pdf](#)
[11693 Wetland Status.pdf](#)
[11693 APP Revised.pdf](#)

*In favor: Karen Carlock
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

11694

PETITION: REZONE 11694
APPLICANT: VERMONT ACRES LLC
LOCATION: 4710 CEDAR HILL ROAD, SECTION 5, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District,
FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: separating existing residence from the farmland and creating a 2-acre residential
zoning boundary on the 206-acre property

Attachments: [11694 Ord Amend.pdf](#)
[11694 Staff Report.pdf](#)
[11694 Town.pdf](#)
[11694 density.pdf](#)
[11694 Wetland Status.pdf](#)
[11694 APP](#)
[11694 Map](#)

In favor: Karen Carlock
Opposed: None

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

1. The zoning district shall be revised to RR-2.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11695

PETITION: REZONE 11695
APPLICANT: WILLIAM R SCHMID
LOCATION: 2109 SCHMID LANE, SECTION 30, TOWN OF VERONA
CHANGE FROM: RR-8 Rural Residential District TO RR-16 Rural Residential District, AT-35
Agriculture Transition District TO RR-16 Rural Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11695 Ord Amend.pdf](#)
[11695 Staff Report.pdf](#)
[11695 Town.pdf](#)
[11695 Map](#)
[11695 App.pdf](#)

In favor: William Schmid and Paul Spetz
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.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11696](#)

PETITION: REZONE 11696
APPLICANT: CHEROKEE PARK INC
LOCATION: 5000 N SHERMAN AVENUE, SECTION 24, TOWN OF WESTPORT
CHANGE: wetland status to non-wetland status
REASON: golf course ecological restoration project - declassifying wetland

Attachments: [11696 Staff Report.pdf](#)
[11696 DNR Permit Application Receipt.pdf](#)
[11696 APP](#)
[11696 Map](#)

In favor: Dennis Tiziani, Charles Sweeney, Dave Olesczuk, and Jeff Kramer
Opposed: None

A motion was made by KIEFER, seconded by DOOLAN, to allow additional testimony from the applicant. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

A motion was made by KIEFER, seconded by SMITH, to postpone action until comments are received by the Wisconsin DNR and Dane County Land and Water Resources. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11697](#)

PETITION: REZONE 11697
APPLICANT: TOWN OF MEDINA
LOCATION: 5536 MISSOURI ROAD, SECTION 23, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District
REASON: change zoning to allow for a new town hall

Attachments: [11697 Ord Amend.pdf](#)
[11697 Staff Report.pdf](#)
[11697 Town.pdf](#)
[11697 Map](#)
[11697 APP](#)

In favor: Town Board and Town Plan Commission members
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

02518

PETITION: CUP 02518
APPLICANT: WICOMPANYII LLC
LOCATION: 4645 STATE HWY 138, SECTION 7, TOWN OF RUTLAND
CUP DESCRIPTION: allow for the construction of a personal storage facility
(mini-warehouses) in accordance with current deed restrictions on property

Attachments: [CUP 2518 Staff Report.pdf](#)
[CUP 2518 Site Plan revised.pdf](#)
[CUP 2518 DOT Letter](#)
[CUP 2518 LWRD Stormwater Prelim Review Ltr](#)
[CUP 2518 Neighbor support](#)
[CUP 2518 Map](#)
[CUP 2518 APP](#)
[11690 CUP 2518 Additional info from applicant](#)

In favor: Tara Pearson and Steve Suter

Opposed: None

A motion was made by PETERS, seconded by SMITH, to postpone the conditional use permit until town action is received. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

02519

PETITION: CUP 02519
APPLICANT: TOWN OF MEDINA
LOCATION: 5536 MISSOURI ROAD, SECTION 23, TOWN OF MEDINA
CUP DESCRIPTION: new town hall facility

Attachments: [CUP 2519 Staff Report.pdf](#)
[CUP 2519 Town.pdf](#)
[CUP 2519 Map](#)
[CUP 2519 APP](#)

In favor: Town Board and Town Plan Commission members
Opposed: None

A motion was made by KIEFER, seconded by PETERS, that the Conditional Use Permit be approved with 13 conditions. The motion carried by the following vote: 5-0.

- 1) Any conditions required for specific uses listed under s. 10.103.
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3) 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.
- 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 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 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 must be provided, consistent with s. 10.102(8).
- 9) 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.
- 10) 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.
- 11) 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.

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 a reasonable opportunity to correct any violations prior to revocation.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

Please note that a public hearing has already been held for the agenda items listed below. Additional testimony will not be taken on the items unless requested by the Committee members.

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

The ZLR Committee discussed in person meetings.

L. Adjourn

A motion was made by PETERS, seconded by SMITH, to adjourn the May 25, 2021 Zoning and Land Regulation Committee meeting at 7:56pm. The motion carried unanimously.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com