

## Dane County

## Meeting Agenda - Final-revised

## 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, August 22, 2023	6:30 PM	Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

## See below for additional instructions on how to attend the meeting and provide public testimony.

The August 22, 2023 Zoning and Land Regulation Committee meeting will be a hybrid meeting. Members of the public can either attend in person or virtually via Zoom.

The public can attend in person at Room 354, City County Building, 210 Martin Luther King Jr. Blvd, Madison, WI.

The public can access the meeting virtually with the Zoom application or by telephone.

To join the meeting in Zoom, click the following link (after you fill out the form, the meeting link and access information will be emailed to you): https://zoom.us/s/96935595672

This link will be active until the end of the meeting.

To join the meeting by phone, dial-in using the following toll-free phone number:

1-888-788-0099

When prompted, enter the following Webinar ID: 969 3559 5672

PROCESS TO PROVIDE PUBLIC COMMENT:

IN PERSON: Any members of the public wishing to register to speak on/support/oppose an agenda item can register in person at the meeting using paper registration forms. IT IS HIGHLY ENCOURAGED TO REGISTER VIA THE ZOOM LINK ABOVE EVEN IF YOU PLAN ON ATTENDING IN PERSON.

In person registrations to provide public comment will be accepted throughout the meeting.

VIRTUAL: Any members of the public wishing to register to speak on/support/oppose an agenda item MUST REGISTER USING THE LINK ABOVE (even if you plan to attend using your phone). Virtual registrations to provide public comment will be accepted until 30 minutes prior to the beginning of the meeting.

In order to testify (provide public comment) virtually, you must be in attendance at the meeting via Zoom or phone, you will then either be unmuted or promoted to a panelist and provided time to speak to the body.

If you want to submit a written comment for this meeting, or send handouts for board members, please send them to: plandev@countyofdane.com

Interpreters must be requested in advance; please see the bottom of the agenda for more information.

Los intérpretes deben solicitarse con anticipación; consulte el final de la agenda para obtener más información.

Yuav tsuam tau thov txog cov neeg txhais lus hau ntej; thov saib hauv qab kawg ntawm qhov txheej txheem rau cov ntaub ntawv ntxiv.

## A. Call to Order

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

### C. Consideration of Minutes

<u>2023 MIN-208</u> July 25, 2023 ZLR Committee Meeting Minutes

Attachments: 7-25-23 ZLR Public Hearing Minutes

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

11965 PETITION: REZONE 11965 APPLICANT: CRAIG A ZIEGLER AND TAMMY REEFE LOCATION: 5497 CUBA VALLEY ROAD, SECTION 34, TOWN OF VIENNA CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-1 Farmland Preservation District TO **RR-4 Rural Residential District** REASON: shifting of property lines between adjacent land owners Attachments: 11965 Staff Report 11965 Density 11965 Town Action 11965 VIENNA MAP 11965 APP PETITION: REZONE 11966 11966 APPLICANT: NATHANIEL AND MARTHA SNYDER LOCATION: 4300 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE CHANGE FROM: SFR-08 Single Family Residential District TO **TFR-08** Two Family Residential District REASON: zoning to allow for two-family residential use Attachments: 11966 Staff Report 11966 Town Action 11966 MAP 11966 APP 11967 PETITION: REZONE 11967 APPLICANT: ALLAN G & LORA S BREUNIG REV LIVING TR LOCATION: WEST OF 8230 COUNTY HIGHWAY Y, SECTION 14, TOWN OF ROXBURY CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 **Rural Residential District REASON:** creating one residential lot Attachments: <u>11967 Staff Report</u> 11967 Town Action 11967 Density

<u>11967 MAP</u>

<u>11967 APP</u>

<u>02600</u>	LOCATION: PLAINS	UP 02600 JAMES AND PRISCILLA L 8250 N RILEY RD, SECTIO	ON 35, TOWN OF CROSS
Attachmonts:	CUP 2600 Staf		
<u>Attachiments.</u>	<u>CUP 2600 Tow</u>		
		DSS PLAINS MAP	
	CUP 2600 APF		
		lic comment - Wilson	
		<u>lic comment - Yahr</u>	
		<u>lic comment - Riggs</u>	
	<u>CUP 2600 Pub</u>	<u>lic comment - Latimer</u>	
<u>02601</u>	PETITION: C	UP 02601	
	-	BRIAN AND JULIE OLSON	
		2091 LESLIE ROAD, SECT	FION 23, TOWN OF
		RIPTION: caretakers residen	as and limited outdoor
	storage	IF ITON. Carelakers residen	
A tto o han o n to i	<u>CUP 2601 Staf</u>	f Doport	
<u>Attachiments.</u>			
	CUP 2601 Tow		
	CUP 2601 DU		
	<u>CUP 2601 APF</u>	-	
<u>2023 OA-033</u>	ORDINANCE TOWN OF B	CHAPTER 82 OF THE DAN ES, INCORPORATING AME LACK EARTH COMPREHE ITY COMPREHENSIVE PL	NDMENTS TO THE NSIVE PLAN INTO THE
Sponsors:	DOOLAN and H	HUELSEMANN	
Attachments:	2023 OA-033		
		Plan Text with Edits	
	2023 OA-033 Staff Memo REVISED.pdf		
	Legislative His	-	referred to the Zerian O. L. J.
	6/16/23	County Board	referred to the Zoning & Land Regulation Committee
	This resolution	was referred to the Zoning & Lan	-

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

<u>11961</u>	PETITION: REZONE 11961 APPLICANT: UNDER THE OAK TREES LLC LOCATION: 3136 OAK ST, SECTION 4, TOWN OF PLEASANT SPRINGS CHANGE FROM: RR-4 Rural Residential District TO GC General Commercial District REASON: zoning to allow for institutional residential use		
<u>Attachments:</u>	<u>11961 Staff Update</u>		
	11961 Town Action		
	<u>11961 Deed Restriction - Under the Oak Trees LLC - DRAFT 06-29-23</u>		
	11961 RR-4 District Fact Sheet		
	11961 GC District Fact Sheet		
	<u>11961 MAP</u>		
	<u>11961 APP</u>		
	11961 Dane Co Sherrif Letter of Support		
	Legislative History		
	7/25/23Zoning & Land Regulation Committeepostponed to the Zoning & Land Regulation CommitteeA motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0. Passed		
<u>02598</u>	PETITION: CUP 02598 APPLICANT: UNDER THE OAK TREES LLC LOCATION: 3136 OAK STREET, SECTION 4, TOWN OF PLEASANT SPRINGS CUP DESCRIPTION: institutional residential and associated accessory uses		
<u>Attachments:</u>	CUP 2598 Staff Update		
	CUP 2598 Town Action		
	CUP 2598 ADDENDUM 7-5-23		
	CUP 2598 Site Plans 5-17-23 full size		
	<u>CUP 2598 MAP</u>		
	CUP 2598 APP rev		
	Legislative History		

 

 7/25/23
 Zoning & Land Regulation Committee
 postponed to the Zoning & Land Regulation Committee

 A motion was made by RATCLIFF, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 4-0. Passed

11962PETITION: REZONE 11962<br/>APPLICANT: MOUNT VERNON HILLS II LLC<br/>LOCATION: LANDS WEST OF COUNTY HWY G AND NORTH<br/>OF DAVIS STREET, SECTION 34, TOWN OF SPRINGDALE<br/>CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1<br/>Single Family Residential District, AT-35 Agriculture Transition<br/>District TO SFR-2 Single Family Residential District<br/>REASON: create 7 residential lots and 1 residential spot zone

Attachments: <u>11962 Staff Update</u>

11962 Town Action

11962 Density

11962 Concept Plan

11962 MAP

<u>11962 APP</u>

Legislative History

7/25/23Zoning & Land Regulation<br/>Committeepostponed to the Zoning & Land<br/>Regulation CommitteeA motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning<br/>Petition be postponed to allow for additional review of the access issues by the<br/>Highway Department. The motion carried by the following vote: 4-0. Passed

<u>02583</u>	PETITION: CUP 02583 - WITHDRAWN
	APPLICANT: ARIF M KHAN & SADIA ARIF
	LOCATION: 3486 COUNTY ROAD MN, SECTION 2, TOWN OF
	DUNN
	CUP DESCRIPTION: 174' monopole communication tower

<u>Attachments:</u>	CUP 2583 Withdrawn.pdf
	CUP 2583 - Staff update and recommendations 080323
	CUP 2583 - Town of Dunn Letter 080123
	CUP 2583 - Subject Property Owner-Applicant Signed Lease Agreement
	CUP 2583 Staff Update - 3-28-23
	CUP 2583 - CityScape Supplemental Memo (analysis of lower tower hei
	CUP 2583 CityScape RF Engineering Report
	CUP 2583 - Tower Photosimulations
	CUP 2583 - DISH RF Engineer Affidavit
	CUP 2583 - Site Plan
	CUP 2583 - Fall Zone Letter
	CUP 2583 - FCC Statement of Compliance for RF Emissions
	CUP 2583 Applicant response to CUP Standards
	<u>CUP 2583 Map</u>
	CUP 2583 - Applicant Property Value Study - McFarland Waukesha (rec
	CUP 2583 - Applicant Property Value Study - McFarland - Greendale (re
	CUP 2583 - Appliccant McFarland Property Map & List (recvd 021723)
	CUP 2583 DISH Site Plan Ground (recvd 022123)
	CUP 2583 - CTH MN Access Permit
	CUP 2583 - Applicant Town of Dunn CUP Response 020623
	CUP 2583 Full Application
	CUP 2583 Public Comment - Priscilla Riecks
	CUP 2583 Public Comment - Steve Riecks
	CUP 2583 Village of McFarland Opposition Ltr (recvd 022123)
	CUP 2583 Riecks photo.pdf
	CUP 2583 - McFarland Adopted Comp Plan Transportation Map
	CUP 2583 - McFarland-East-Side-Plan Proposed Street Network
	CUP 2583 - Additional neighborhood photos
	CUP 2583 - McFarland Future Land Use Map
	CUP 2583 - Subject property survey
	CUP 2583 - Applicant Search Ring Map
	CUP 2583 - Staff email 9-16-23 regarding prelim application
	CUP 2583 - 2023-03-14 Written Agreement to Extend 90-day Time Peric
	CUP 2583 - 2023-03-28 Written Agreement to Extend 90-day Time Peric
	CUP 2583 - 2023-04-18 Written agreement to extend timeframe for actio
	CUP 2583 - Written Agreement to Extend 90-day Time Period to August
	CUP 2583 - Written Agreement to Extend 90-day Time Period to August

Legislative History

 

 2/28/23
 Zoning & Land Regulation Committee
 postponed to the Zoning & Land Regulation Committee

 A motion was made by MCGINNITY, seconded by RATCLIFF, that the Conditional Use Permit be postponed due to public opposition and lack of town action. The motion carried by the following vote: 5-0. Passed

 

 3/14/23
 Zoning & Land Regulation Committee
 postponed to the Zoning & Land Regulation Committee

 A motion was made by MCGINNITY, seconded by RATCLIFF, to postpone action on the Conditional Use Permit until March 28th due to no Town Action.

 The motion carried by the following vote: 5-0. Passed

 

 3/28/23
 Zoning & Land Regulation Committee
 postponed to the Zoning & Land Regulation Committee

 A motion was made by RATCLIFF, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no Town action. The motion carried by the following vote: 4-0. Passed

5/9/23Zoning & Land Regulation<br/>Committeepostponed to the Zoning & Land<br/>Regulation CommitteeA motion was made by MCGINNITY, seconded by BOLLIG, that action on the<br/>Conditional Use Permit be postponed at the applicants' request. The motion<br/>carried by the following vote: 4-0-1 (Ratcliff abstaining) Passed

<u>2023 ACT-004</u>	RECONSIDERATION OF CUP 2578 FOR A 195' SELF-SUPPORTING COMMUNICATION TOWER LOCATED ON THE PROPERTY AT 1576 SPRING ROAD, SECTION 3, TOWN OF DUNKIRK		
<u>Attachments:</u>	s: CUP 2578 Reconsideration - staff update and recommendations		
	CUP 2578 Aviation Safety Compliance Report		
	CUP 2578 Reconsideration - Staff Update Memo		
	CUP 2578 - Opposition letters		
	CUP 2578 - Applicant Airspace Safety ASAC Consultant Report		
	CUP 2578 - Applicant proposed tower lighting details		
	CUP 2578 - WISDOT staff comments on concerns		
	CUP 2578 - WISDOT staff response RE_Summary of airport concerns v		
	CUP 2578 Corporation Counsel letter		
	CUP 2578 Iron Mountain Notice Letter		
	CUP 2578 RF Engineering Report		
	CUP 2578 Updated Photosimulations 112922		
	CUP 2578 Application package		
	CUP 2578 Supplement - Updated FAA No Hazard Determination		
	CUP 2578 Supplement - Updated Notarized Sworn Statement		
	CUP 2578 Supplement - Updated Construction Drawings and Site Plan (		
	Legislative History		

4/25/23Zoning & Land Regulation<br/>Committeepostponed to the Zoning & Land<br/>Regulation CommitteeA motion was made by BOLLIG, seconded by MCGINNITY, that action on this<br/>item be postponed to allow staff to work with the applicants. The motion<br/>carried by the following vote: 4-0. Passed

## F. Plats and Certified Survey Maps

## G. Resolutions

## H. Ordinance Amendment

<u>2023 OA-033</u>	AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF BLACK EARTH COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN			
<u>Sponsors:</u>	DOOLAN and HUELSEMANN			
<u>Attachments:</u>	2023 OA-033			
	2023 OA-033 Plan Text with Edits			
	2023 OA-033 Staff Memo REVISED.pdf			
	Legislative History			
	6/16/23	County Board	referred to the Zoning & Land Regulation Committee	
	This resolution	was referred to the Zoning & Lan	d Regulation Committee	
<u>2023 OA-010</u>	AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE DEFINITION OF "DAY CARE CENTER"			
<u>Sponsors:</u>	DOOLAN, KIEFER, ENGELBERGER, JOERS and GLAZER			
<u>Attachments:</u>	2023 OA-010 N	Iemo to ZLR w_Attachment		
	<u>2023 OA-010</u>			
	<u>2023 OA-010 F</u>	2023 OA-010 FISCAL NOTE		
	2023 OA-010 June 27 Newspaper Notice Email to Towns RE Dane County Zoning Ordinance Amendment, 2023 C 2023 OA-010 RE Definition of Day Care Center Memo to Towns 2023 OA-010 Town Board Action Form 2023 OA 10 Town Action Tally and Scanned Actions			
	Legislative His	story		
	5/5/23	County Board	referred to the Zoning & Land	
	Regulation Committee This resolution was referred to the Zoning & Land Regulation Committee			
	5/5/23	County Board	referred to the Personnel & Finance Committee	
	This resolution	was referred to the Personnel &	Finance Committee	
	6/27/23	Zoning & Land Regulation Committee	postponed to the Zoning & Land Regulation Committee	
	A motion was made by BOLLIG, seconded by MCGINNITY, that action on OA-010 be postponed to allow time for towns to take action. The motion carried by the following vote: 4-0. Passed			

## I. Items Requiring Committee Action

#### J. Reports to Committee

## <u>2023 RPT-211</u> Proposed updates to the Dane County FEMA FIRM maps

 Attachments:
 Proposed FEMA map amendment memo.pdf

 FEMA Flyer.pdf
 Map showing update areas

 FEMA notice letter
 FEMA notice letter

<u>2023 RPT-212</u> Update on Planning Division Regional Housing Strategy Project

### K. Other Business Authorized by Law

## L. Adjourn

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

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnub ua hauj lwm ua ntej yuav tuaj sib tham.

608-266-4266