

Dane County



Minutes

Tuesday, December 28, 2021

6:30 PM

ZOOM Webinar ID: 889 3456 6456

Virtual meeting

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 Bollig called the December 28, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Lane, Everson, and Violante.

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

Excused 1 - STEVEN PETERS

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

No comments made by the public.

[2021](#)
[RPT-751](#)

December 28th ZLR Committee meeting registrants

C. Consideration of Minutes

[2021](#)
[MIN-517](#)

Minutes of the December 14, 2021 Zoning and Land Regulation Committee meeting

A motion was made by SMITH, seconded by KIEFER, that the December 14, 2021 minutes be approved. The motion carried by a voice vote. 4-0.

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

[11766](#)

PETITION: REZONE 11766
APPLICANT: HOTTMANN INVESTMENTS INC
LOCATION: 9860 BLACKHAWK ROAD, SECTION 16, TOWN OF MIDDLETON
CHANGE FROM: AT-5 Agriculture Transition District TO SFR-08 Single Family Residential District
REASON: reconfiguring 3 existing residential lots

In support: David Hottmann

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 4-0.

1. Contingent on the recording of a CSM for the property.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11767](#)

PETITION: REZONE 11767
APPLICANT: CATHY ANN RASMUSSEN
LOCATION: 147 COUNTY HWY BB, SECTION 12, TOWN OF DEERFIELD
CHANGE FROM: SFR-08 Single Family Residential District TO RR-1 Rural Residential District,
FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: expand existing residential lot

In support: Cathy Rasmussen

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11768](#)

PETITION: REZONE 11768
APPLICANT: WILLIAM F MCCHESENEY
LOCATION: 7053 MADIGAN ROAD, SECTION 20, TOWN OF VIENNA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: separating existing residence from farmland

In support: William McChesney, Joyce McChesney

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 4-0.

1. A new driveway shall be built for direct access to the new parcel and new home. The existing driveway was shared with sibling and is outside the new CSM.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11769](#)

PETITION: REZONE 11769
APPLICANT: MARY OLSON
LOCATION: 5470 MISSOURI ROAD, SECTION 23, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District,
RR-2 Rural Residential District TO RR-8 Rural Residential District
REASON: expand existing residential lot

In support: Michelle Affatati

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11770](#)

PETITION: REZONE 11770
APPLICANT: ROBERT P SHANAHAN
LOCATION: 3315 NELSON ROAD, SECTION 24, TOWN OF BURKE
CHANGE FROM: RR-2 Rural Residential District TO RR-1 Rural Residential District, SFR-1 Single Family Residential District TO RR-2 Rural Residential District
REASON: reconfiguring existing residential lots

In support: Robert and Kathryn Shanahan

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11771](#)

PETITION: REZONE 11771
APPLICANT: TODD ELLIOTT
LOCATION: 3900 AMBER LANE, SECTION 19, TOWN OF DEERFIELD
CHANGE FROM: SFR-1 Single Family Residential District TO RR-1 Rural Residential District
REASON: changing zoning district to allow for a larger accessory building to be constructed

In support: Todd Elliot

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11772](#)

PETITION: REZONE 11772
APPLICANT: TOWN OF VERONA
LOCATION: PROPERTIES NORTH OF CROSS COUNTRY ROAD, SECTION 8, TOWN OF VERONA
CHANGE FROM: RR-1, RR-2, and RR-4 Rural Residential District TO SFR-1 and SFR-2 Single Family Residential District
REASON: town initiated blanket rezone of various properties will better accommodate existing land uses and provide more consistency amongst surrounding neighborhood and with the town/county comprehensive plan

In support: None

Opposed: Erik Bluemner

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be postponed due to opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11773](#)

PETITION: REZONE 11773
APPLICANT: BARBARA GRENLIE
LOCATION: EAST OF 9973 GREENWALD ROAD, SECTION 26, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,
RR-2 Rural Residential District TO RR-4 Rural Residential District
REASON: expand existing residential lot

In support: Barb Grenlie

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11774](#)

PETITION: REZONE 11774
APPLICANT: JASON W JASKULA
LOCATION: 76 HILLSIDE ROAD AND SURROUNDING PROPERTIES, SECTION 36, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-use District
REASON: expanding existing residential lot

In support: Ron Combs

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11775](#)

PETITION: REZONE 11775
APPLICANT: SMITHA CHINTAMANANI / LYNCH ESTATE
LOCATION: 5926 COUNTY HWY CV, SECTION 8, TOWN OF BURKE
CHANGE FROM: GC General Commercial District, RR-8 Rural Residential District TO HC Heavy Commercial District
REASON: consolidate zoning to allow for commercial development

In support: Khris Barber

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11776](#)

PETITION: REZONE 11776
APPLICANT: JAMES AESCHBACH
LOCATION: 4480 DAHMEN PASS, SECTION 10, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District, RR-4 Rural
Residential District TO RM-16 Rural Mixed-Use District
REASON: expand existing residential lot

In support: James Aeschbach

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11777](#)

PETITION: REZONE 11777
APPLICANT: MELVIN F SHOTLIFF JR
LOCATION: 791 US HWY 14, SECTION 19, TOWN OF RUTLAND
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

In support: Melvin & Kenda Shotliff

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

1. The CSM associated with this rezoning petition shall show two lots: a 5 acre RR-4 zoned lot, and a ~130 acre FP-35 zoned lot covering the entirety of the owners' adjoining lands and including lot 1 of CSM #15041. The larger lot will serve to erase the boundaries of the existing 3.76 acre CSM #15041.

2. Applicant shall obtain approval for the new driveway from the WISDOT.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11778](#)

PETITION: REZONE 11778
APPLICANT: TIMOTHY AND CHERYL KRAUSSE
LOCATION: 117 COUNTY HWY N, SECTION 32, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In support: Tim Krausse

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11779](#)

PETITION: REZONE 11779
APPLICANT: WARREN AND MARY ANN OLSEN
LOCATION: 6466 SUNSET DRIVE, SECTION 36, TOWN OF VERONA
CHANGE FROM: RR-2 Rural Residential District TO MFR-08 Multi-Family Residential District
REASON: creating a condominium plat for 4 single-family houses on one lot

In support: Ronald R Klaas In opposition: Kirsten Witte

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be postponed due to opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11780](#)

PETITION: REZONE 11780
APPLICANT: MARY & GARRET HANDEL
LOCATION: NORTH OF 5133 JOHN WILKINSON ROAD, SECTION 29, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District, RR-4 Rural Residential District TO RR-8 Rural Residential District, RR-4 Rural Residential District TO FP-1 Farmland Preservation District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: expanding existing residential lot

In support: Mary Handel In opposition: Peter Wood

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[11781](#)

PETITION: REZONE 11781
APPLICANT: DEER CREEK SPORT & CONSERVATION CLUB INC
LOCATION: 8475 MILLER ROAD, SECTION 10, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RE Recreational District
REASON: change zoning district to allow for the expansion of the existing shooting range

In support: Larry Konopacki, In opposition: Tim Kruse

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[02547](#)

PETITION: CUP 02547

APPLICANT: DEER CREEK SPORTSMANS CLUB

LOCATION: 8475 MILLER ROAD, SECTION 10, TOWN OF PRIMROSE

CUP DESCRIPTION: outdoor entertainment and indoor active recreation (shooting range and club house rental for events)

In support: Larry Konopacki, In opposition: Tim Kruse

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[02546](#)

PETITION: CUP 02546

APPLICANT: JEKY GOLF LLC

LOCATION: 3730 MANISTEE WAY, SECTION 29, TOWN OF MIDDLETON

CUP DESCRIPTION: outdoor active recreation (swimming pool, tennis courts, pickle ball courts) and outdoor entertainment (outdoor seating for bar/restaurant)

In support: Jeff Haen

A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 1.101(7)(d)2, as applicable.**
- 2. The CUP shall be reviewed by the Town in the event of a change in ownership of the property and/or a change to the operator of the restaurant facility. Outdoor Active Recreation activities are limited to swimming pool, tennis courts, and pickle ball courts.**
- 3. Outdoor Entertainment activities are limited to outdoor seating for the bar/restaurant.**
- 4. Both are subject to the following conditions:**
 - a. Hours of operation**
 - i. All general outdoor activity shall cease no later than midnight/12am, except amplified sound and/or music options**
 - ii. Pool and Golf course are open from 7 am to 9 pm 7 days a week.**
 - iii. Restaurant is open 11 am - Midnight weekdays**
 - iv. Restaurant is open 10 am - Midnight on weekends**
- 5. Outdoor entertainment activities shall have a maximum capacity of 250 persons.**
- 6. Outdoor lighting shall be downward-directed, designed to minimize ambient spill, and shall comply with all applicable requirements of the Town of Middleton. The light plan shall be consistent with the approved site plan.**
- 7. Amplified sound and/or music options:**
 - a. Outdoor music shall be limited to no later than 10pm, Sunday through Thursday, and no later than 11pm on Friday and Saturday.**
 - b. Under no circumstances should noise levels exceed 55 decibels DbA per the Environmental Protection Agency's (EPA) health and welfare standard, as measured at any of the property's boundaries.**
- 8. The operation shall be served by public sewer.**
- 9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 10. 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.**
- 11. 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.**
- 12. 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.**
- 13. All vehicles and equipment must access the site only at approved locations**

identified in the site plan and operations plan.

14. Off-street parking spaces must be provided, in a manner consistent with s. 10.102(8). [Refer to s. 10.102(8) standards for specific use, calculate appropriate number of spaces and insert that number into this condition]

15. 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 borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

16. The Zoning Administrator or designee may enter the premises of the operation during normal business hours 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.

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.

19. The landowner may, at their own initiative, apply for a new conditional use permit to revise or extend the use, at any time. Such application will go through the same process, including public notice and hearing, as any new conditional use permit.

20. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and SMITH

Excused: 1 - PETERS

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

[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

In support: Buck Sweeney

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

- 1. Prior to any land-disturbing activity, the landowner obtains erosion control, shoreland erosion control and/or stormwater management permits, that meet all applicable requirements of Chapters 11 and 14, Dane County Code.**
- 2. Prior to any fill or dredging within the General Floodplain District or the Flood Storage District, the landowner obtains floodplain zoning permits under Chapter 17, Dane County Code.**
- 3. All land-disturbing activities, fill, dredging or other development must comply with any wetland fill, discharge, erosion control and/or stormwater permits, including all conditions and mitigation, as required by the Wisconsin DNR or the U.S. Army Corps of Engineers.**

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

F. Plats and Certified Survey Maps

[2021 LD-013](#) Land Division Waiver - Aeschbach 2-lot Certified Survey Map
Associated with petition 11776
Town of Cross Plains
Staff recommends approval.

A motion was made by DOOLAN, seconded by KIEFER, that the Land Division waiver be approved to allow proposed lot 2 to be created with no frontage on a public road. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Excused: 1 - PETERS

[2021 LD-012](#) Preliminary Plat - Meier Farm
Town of Middleton
Staff recommends conditional approval

A motion was made by SMITH, seconded by DOOLAN, that the preliminary plat be approved with conditions. The motion carried by the following vote: 4-0.

1. Rezone Petition #11742 is to become effective and all conditions are to be timely satisfied.
(County Board approved the Petition on October 7, 2021)
 - Recording of an approved subdivision plat.
2. All public land dedications are to be clearly designated “dedicated to the public.”
 - English Daisy Court and Bell Vine Court extensions will be dedicated to the public.
3. Utility easements are to be provided.
 - Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
4. Comments from the Highway department are to be satisfied:
 - CTH S is a controlled access highway.
 - No access to be designated across the frontage of CTH S except in the area of the two permitted accesses.
 - Any change of use, from Private entrance, of two existing access requires a permit from the Highway Department.
 - Right of way appears to be correct.
5. Comments from the Dane County Surveyor are to be satisfied:
 - No comments
6. Comments from the Dane County Public Health department are to be satisfied:
 - Public Health has no objections to this preliminary plat.
7. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.
8. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and SMITH

Excused: 1 - PETERS

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by DOOLAN, seconded by SMITH, that the December 28, 2021 meeting be adjourned at 8:15 PM. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and SMITH

Excused: 1 - PETERS

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