

# Dane County



## Minutes

Tuesday, February 22, 2022

6:30 PM

ZOOM Webinar ID: 940 9478 4464

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 February 22, 2022 ZLR meeting to order at 6:30 PM

Staff present: Allan, Everson 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

[2021  
RPT-898](#)

February 22, 2022 Zoning and Land Regulation meeting registrants

## C. Consideration of Minutes

[2021  
MIN-638](#)

Minutes of the February 8, 2022 Zoning and Land Regulation Committee meeting

A motion was made by DOOLAN, seconded by SMITH, that the February 8, 2022 minutes be approved. The motion carried by the following vote: 4-0 (Peters abstaining).

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandSMITH

Abstain: 1 - PETERS

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

[11797](#)

PETITION: REZONE 11797

APPLICANT: NORBERT REPKA

LOCATION: 2014 MANHATTAN DRIVE, SECTION 28, TOWN OF VERONA

CHANGE FROM: RR-4 Rural Residential District TO SFR-1 Single Family Residential District

REASON: creating 3 residential lots

*In support: Norbert Repka*

*In opposition: Bill Keen*

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be postponed due to opposition and requesting additional information from the town's decision to deny the petition. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11798](#)

PETITION: REZONE 11798  
APPLICANT: SAALSAA BROS REAL ESTATE LLC  
LOCATION: NORTH OF 2239 SPRING ROSE ROAD, SECTION 24,  
TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural  
Residential District  
REASON: creating one residential lot

*In support: Noa Prieve*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.**

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

[11799](#)

PETITION: REZONE 11799  
APPLICANT: LEE STILWELL  
LOCATION: 1730 BEACH ROAD, SECTION 36, TOWN OF VERONA  
CHANGE FROM: RM-16 Rural Mixed-Use District TO MFR-08  
Multi-Family Residential District  
REASON: creating a condominium plat for 4 single-family houses on one  
lot

*In support: Lee Stillwell, Noa Prieve*

**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.**

**Within 90 days of county board approval of Petition 11799, the applicant shall record the following with the Dane County Register of Deeds :**

- 1. A condominium plat, as submitted to the Zoning and Land Regulation Committee, dated November 29, 2021.**
- 2. A condominium declaration, as approved by the Zoning Administrator and the Town of Verona.**
- 3. A deed restriction that:**
  - a. Limits the plat to a maximum of 4 units with no unit area being smaller than 3 acres;**
  - b. Limits the use to no more than one detached, single family residence on each unit;**
  - c. All buildings must be within the setback area identified in the condominium plat;**
  - d. One common area for the shared driveway will be provided as part of the plat.**
- 4. A shared driveway maintenance agreement, that, in the opinion of the Zoning Administrator, substantially complies with the "Shared Driveway Easement Checklist" included in the application packet for this petition.**
- 5. A development agreement, as approved by the Town of Verona for the improvements necessary for the condominium development.**

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

[11800](#)

PETITION: REZONE 11800

APPLICANT: CRAIG & RENAE SHERVEN

LOCATION: THE SOUTHWEST CORNER AND THE WEST SIDE OF THE US 51 AND MAHONEY ROAD INTERSECTION, SECTION 16, TOWN OF DUNN

CHANGE FROM: SFR-1 Single Family Residential District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO NR-C Natural Resource Conservation District, FP-1 Farmland Preservation District TO NR-C Natural Resource Conservation District

REASON: separating the existing residence from the farmland and rezoning the remaining lands for conservation purposes

*In support: Jim Welsh*

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

**1. Within 90 days of Dane County approval of the rezone petition, the transfer of the roughly 32 acres to Groundswell Conservancy shall be conducted via a quit claim deed, which adds this land to Groundswell's neighboring properties through a lot line adjustment.**

**2. For the new RR-4 zoned property:**

**a. Approval of a Certified Survey Map with a 2 acre building and driveway envelope depicted on the map. All buildings and driveways constructed on the property shall be located within the building envelope area.**

**b. A deed restriction shall be recorded on the property, stating the following:**

**i. Future land divisions of the property is prohibited.**

**ii. The development rights for the property have been exhausted and further residential development of the property is prohibited.**

**3. For the new NR-C zoned property:**

**a. A deed restriction shall be recorded on the property, stating the following:**

**i. All structures on land within Section 10 of the Town of Dunn may be no taller than 14 feet in height (mean of roof) in order to help mitigate impacts to views from Lower Mud Lake and better protect the Town's Lower Mud Lake Viewshed.**

**ii. Any future parks on this property shall only be for outdoor passive recreational uses that do not require a developed site or facilities to participate. Future parking lots and nonresidential buildings or structures accessory to any permitted use are allowed with proper permitting and Town siting approval.**

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

[11801](#)

PETITION: REZONE 11801  
APPLICANT: ALEXANDER COMPANY  
LOCATION: LOTS 7, 8, 9, 10, 11, 12 NOVATION CAMPUS, SECTION 36, TOWN OF MADISON  
CHANGE FROM: GC General Commercial District TO PUD Planned Development District  
REASON: allowing a 5-foot street setback for various lots in the novation campus development

*In support: Brian Munson*

*In opposition: Steven Cloyd*

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be postponed due to opposition. The motion carried by the following vote: 5-0.**

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

[11802](#)

PETITION: REZONE 11802  
APPLICANT: DAVID ACE  
LOCATION: 6732 HENRY ROAD, SECTION 14, TOWN OF MONTROSE  
CHANGE FROM: RR-4 Rural Residential District TO HAM-M Hamlet Mixed-Use District, HAM-R Hamlet Residential District TO HAM-M Hamlet Mixed-Use District  
REASON: shifting of property lines between adjacent land owners

*In support: David Ace*

**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

[11803](#)

PETITION: REZONE 11803  
APPLICANT: DONALD V DAVEY  
LOCATION: EAST OF 8054 BURR OAK TRAIL, SECTION 1, TOWN OF  
CROSS PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural  
Mixed-Use District, RR-4 Rural Residential District TO FP-1 Farmland  
Preservation District, UTR Utility, Transportation and ROW District TO  
FP-1 Farmland Preservation District  
REASON: creating three residential lots

*In support: Don Davey, Bruce Hollar*

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

- 1. Amend the petition to zone the 3 large lots to RR-8 instead of the requested RM-8.**
- 2. Deed restrict the proposed FP-1 parcel and balance of the FP-35 zoned property owned by the applicant to prohibit non-farm development (tax parcel #070701485005), as the housing density units for the property are being exhausted.**
- 3. Owner shall record a shared driveway easement agreement meeting the requirements of Chapter 75 specifically for the three residential lots coming off of Burr Oak Road.**
- 4. The driveway serving the three RR-8 lots shall be paved to town road standards and include a suitable turn-around area at the entrance to the property.**
- 5. Erosion control & stormwater permits shall be required prior to development.**

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

[02553](#)

PETITION: CUP 02553  
APPLICANT: JEFFREY L WEBBER  
LOCATION: 9108 RIDGE DR, SECTION 29, TOWN OF PRIMROSE  
CUP DESCRIPTION: 195' telecommunication tower (self-support lattice)

*In support: Gary Henshue*

**A motion was made by PETERS, seconded by SMITH, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 5-0.**

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

[02554](#)

PETITION: CUP 02554  
APPLICANT: DAVID & CLAUDIA ANDERSON  
LOCATION: 2402 ROBERT STREET, SECTION 9, TOWN OF DUNKIRK  
CUP DESCRIPTION: expansion of an existing daycare center from 50 children to 100 children

*In support: Kate Dennis, Matt Roethe*

**A motion was made by DOOLAN, seconded by PETERS, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 5-0.**

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

[02555](#)

PETITION: CUP 02555  
APPLICANT: MADISON CRUSHING & EXCAVATING INC  
LOCATION: 3262 NELSON ROAD, SECTION 24, TOWN OF BURKE  
CUP DESCRIPTION: temporary concrete batch plant for airport expansion project

*In support: William R. Vachon*

*In opposition: Stacy Beutel, Zac Carson, Lori Kong*

**A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be postponed due to no town action and opposition presented. The motion carried by the following vote: 5-0.**

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

[2021 OA-058](#)

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE DEFINITION OF A "DAY CARE CENTER."

**A motion was made by KIEFER, seconded by DOOLAN, that OA 58 be postponed to allow for the required amount of time for towns to respond. The motion carried by the following vote: 5-0.**

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

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

## **F. Plats and Certified Survey Maps**

## **G. Resolutions**

[2021  
RES-379](#)

AMENDING CONTRACT 14520 BETWEEN AYRES ASSOCIATES AND DANE COUNTY

*In Support: Fred lausly, Dane County Land Information Office*

**A motion was made by PETERS, seconded by SMITH, that the Resolution Requiring 2/3rds Vote be approved. The motion carried by the following vote: 5-0.**

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

## 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 KIEFER, seconded by PETERS, that the meeting be adjourned at 8:30 PM. The motion carried by the following vote: 5-0.**

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

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*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 hnuv ua hauj lwm ua ntej yuav tuaj sib tham.*