

# Dane County



## Minutes

Tuesday, March 8, 2022

6:30 PM

ZOOM Webinar ID: 969 8425 4831

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 March 8, 2022 ZLR Work Meeting at 6:30 PM

Staff present: Lane, Everson, Violante, Andros and Allan

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-963](#)

March 8, 2022 ZLR Work Meeting Registrants

## C. Consideration of Minutes

[2021](#)  
[MIN-667](#)

February 22, 2022 ZLR Committee Meeting Minutes

A motion was made by PETERS, seconded by DOOLAN, that the Minutes be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

[11784](#)

PETITION: REZONE 11784  
APPLICANT: REBECCA J MESDJIAN  
LOCATION: WEST OF 5607 NETHERWOOD ROAD, SECTION 4, TOWN OF OREGON  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: creating one residential lot

*In support: JON F. HAGEMAN*

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

1. A deed restriction being placed on the property to prohibit further division of the 5-acre property.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11788](#)

PETITION: REZONE 11788  
APPLICANT: THOMAS M AND JULIA A WILLAN  
LOCATION: 4407 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE  
CHANGE FROM: RR-2 Rural Residential District TO FP-B Farmland Preservation Business District  
REASON: change zoning to allow permitted uses in the Farmland Preservation Business FP-B Zoning District (land use unknown)

*In support: Tom and Julia Willan*

**A motion was made by PETERS, seconded by DOOLAN, to direct staff to enter the Willan emails from March 7, 2022 at 9:01am, March 7, 2022 at 10:36am, March 8, 2022 at 11:54am, and February 17, 2022 (including attachments) into the official record. The motion carried by the following vote: 4-0-1.**

**Ayes:** 4 - BOLLIG,PETERS,DOOLANandSMITH

**Abstain:** 1 - KIEFER

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for denial. The motion carried by the following vote: 4-0-1.**

**Findings:**

- 1. The current zoning district supports the current activities on the property.**
- 2. The landowner currently operates Ironman Buildings contracting business as a home occupation within the existing residence and has an opportunity to operate it from the existing accessory building within the current zoning of the property if a conditional use permit (CUP) is obtained for a limited family business.**
- 3. There is a lack of information presented to support the zoning change.**
- 4. The FP-B zoning district accommodates various commercial and industrial activities, a number of which can be very intensive and may be in conflict with surrounding residential properties. Due to the size and location of the property, potential traffic conflicts, potential parking issues, possible lighting issues, and noise issues may result by this zoning change.**

**Ayes:** 4 - BOLLIG,PETERS,DOOLANandSMITH

**Abstain:** 1 - KIEFER

[11791](#)

PETITION: REZONE 11791  
APPLICANT: SIMPLY HOMES PROPERTY MANAGEMENT LLC  
LOCATION: 533 WATERLOO ROAD, SECTION 15, TOWN OF MEDINA  
CHANGE FROM: SFR-08 Single Family Residential District TO HC Heavy Commercial District  
REASON: change zoning to allow for vehicle sales and repair

*In support: George Boyer, James McFadden*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be postponed to allow for a preliminary approval by Land & Water Resources with regards to the stormwater plan. The motion carried by the following vote: 5-0.**

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

[11795](#)

PETITION: REZONE 11795  
APPLICANT: DENNIS C MIDTHUN  
LOCATION: 2292 CTY HIGHWAY J, SECTION 23, TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District and  
SFR-1 Single Family Residential District  
REASON: creating one residential lot and one residential zoning boundary

**A motion was made by PETERS, seconded by DOOLAN, 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

[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*

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for denial. The motion carried by the following vote: 5-0  
Findings: The proposed development is inconsistent with adopted town/county comprehensive plan policies and with the Town lot design standards.**

**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

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

**1. A deed restriction shall be recorded on the property to prohibit further land division.**

**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*

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

**1. For any development proposal made while the subject properties remain under Town of Madison and Dane County land use jurisdiction, the owner / developer shall submit Specific Implementation Plan(s) in accordance with the requirements of section 10.291, Dane County Zoning Ordinance. Said Specific Implementation Plan(s) shall also be submitted to the City of Fitchburg for review and comment.**

**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 supprt: Gary Henshue*

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

- 1. The primary use of the self-support lattice style communication tower permitted under Conditional Use Permit No. 2553 shall be for the provision of fixed wireless internet service. Other cellular/PCS wireless voice / data communications, and related telecommunications equipment are also permitted via collocation on the tower.**
- 2. Final site plan(s) and design drawings for the proposed tower are subject to review and approval by the Town of Primrose prior to installation of the tower. The final site plan(s) and design drawings reviewed and approved by the Town of Primrose are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2553 is expressly conditioned upon compliance with those plans.**
- 3. The Applicant shall provide visual screening and/or landscaping to minimize the aesthetic impact of the tower and compound, to be reviewed and approved by the town of Primrose. Any such screening requirements shall be incorporated in the final approved site plans.**
- 4. The physical development and operation of the conditional use must conform, in all respects, to the final approved site and operations plans.**
- 5. The tower shall not exceed 195' in height (199' with lighting rod).**
- 6. The tower shall not be lighted nor shall it be painted a color incompatible with the environment.**
- 7. The communication tower placed, constructed or modified under Conditional Use Permit No. 2553 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The two required collocation spots must be made available above a height of 150' above ground level per section 10.103(9)(d). A Wisconsin-licensed Structural Engineer shall approve and stamp the tower design, and certify that the tower can support at least three users.**
- 8. Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2553 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.**
- 9. The Applicant shall provide a new fall-zone certification letter for a 195-foot tower revised for the proposed center of radiation antenna heights of 189, 177, 160 and 148 feet for the Applicant and future collocators.**
- 10. No lease or deed restriction on property that is proposed for the location of a mobile service support structure or mobile service facility shall preclude, either directly or indirectly, the owner or lessee from entering into agreements, leases, or subleases with other providers or prohibit collocation of other providers.**
- 11. The holder of Conditional Use Permit No. 2553 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with the permitted tower for uses related to the use of the collocation**

sites required hereunder.

12. Upon written inquiry by the committee, the holder of a Conditional Use Permit issued under this section shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all applicable standards and conditions placed upon the conditional use permit. Failure to establish compliance with the standards and conditions shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with the standards and conditions, all reasonable costs and expenses, except travel expenses, associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit. 13. If at any time the communication tower permitted under Conditional Use Permit No. 2553 ceases to be used for the primary use, as identified in condition #1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower. If the tower is not removed within 60 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

14. Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent in accordance with condition 17, above. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 60 days prior to the termination or expiration of the bond required hereunder.

15. If not already completed, the applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.

16. Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.

17. All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.

18. 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. A Wisconsin-licensed Structural Engineer shall approve and stamp the tower design.

19. 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.

20. 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.

21. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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

[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*

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

- 1. Capacity of the preschool shall be limited to 50 children during the school year. Summer enrollment shall be limited to 100 children.**
- 2. This approval does not include approval for any new site or building development. Any future building or related site expansion shall require a new Conditional Use Permit.**
- 3. Hours of operation of the preschool shall be limited to 7:00am to 6:00pm, Monday through Friday.**
- 4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 5. 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.**
- 6. 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.**
- 7. 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.**
- 8. 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.**
- 9. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 10. Off-street parking must be provided, consistent with s. 10.102(8).**
- 11. 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.**
- 12. 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.**
- 13. 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.

14. 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.

15. 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.

16. This Conditional Use Permit will expire upon the sale or termination of Fort Littlegreen (daycare center) by Luke or Kate Dennis.

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

## E. Plats and Certified Survey Maps

[2021 LD-017](#) Preliminary Plat - Olson's Bliven Road Addition  
Town of Albion  
Acceptance and schedule for future consideration.

A motion was made by PETERS, seconded by DOOLAN, that the 5 lot preliminary plat be accepted and schedule for future consideration. The motion carried by the following vote: 5-0.

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

## F. Resolutions

## G. Ordinance Amendment

## H. Items Requiring Committee Action

## I. Reports to Committee

[2021 DISC-062](#) DISCUSSION AND POSSIBLE ACTION ON REZONE APPLICATIONS IN THE TOWN OF MADISON PENDING ATTACHMENT

Senior Planner Pam Andros informed the Committee that the Town of Madison will be dissolved on October 31, 2022. Potential problems may arise with rezoning and conditional use permit applications that may be submitted.

## J. Other Business Authorized by Law

## K. Adjourn

A motion was made by KIEFER, seconded by DOOLAN, to adjourn the March 8, 2022 Zoning and Land Regulation Committee meeting at 7:52pm. The motion carried by the following vote: 5-0.

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