



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 9, 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.

A. Call to Order

Chair Doolan called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Rachel Holloway, Roger Lane, Olivia Parry, Todd Violante

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, KATE MCGINNITY, and MELISSA RATCLIFF

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

No comments made by the public.

[2023](#)
[RPT-094](#)

May 9, 2023 ZLR Registrants

Attachments: [May 9, 2023 ZLR registrants](#)

C. Consideration of Minutes

[2023](#)
[MIN-063](#)

April 25, 2023 ZLR Committee Meeting Minutes

Attachments: [4-25-23 ZLR Public Hearing Minutes.pdf](#)

A motion was made by MCGINNITY, seconded by RATCLIFF, that the minutes of the April 25, 2023 ZLR Committee meeting be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

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

[11938](#)

PETITION: REZONE 11938
APPLICANT: TOWN OF MONTROSE C/O JOHN SAYLES
LOCATION: 1415 RANGE TRAIL, SECTION 3, TOWN OF MONTROSE
CHANGE FROM: LC Limited Commercial District TO HAM-M Hamlet
Mixed-Use District, NR-C Natural Resource Conservation District TO
HAM-M Hamlet Mixed-Use District
REASON: bring property into compliance with existing land use (town
public works facility)

- Attachments:** [11938 Ord Amend](#)
[11938 Staff Update](#)
[11938 HAM-M draft land uses](#)
[11938 Elevation map](#)
[11938 Flooding affidavit](#)
[11938 Town Action](#)
[11938 APP](#)
[11938 Map](#)

In support: John Sayles, Brian Brown
Opposed: None

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

A deed restriction shall be recorded on the lot stating the following:

- 1. The land uses on the property shall be limited exclusively to the following:**
 - a. Permitted uses:**
 - i. Office uses
 - ii. Governmental, institutional, religious or nonprofit community uses
 - iii. Undeveloped natural resource and open space areas
 - iv. Utility services associated with a permitted use
 - v. Transportation, utility, communication or other uses required by law
 - b. Conditional uses:**
 - i. Reduction of side yard setback to less than 10 feet total
 - ii. Outdoor sales events
 - iii. Transportation, utility, communication or other uses not required by law
- 2. Any development on the property shall comply with the "Standards for Development in the Floodfringe District" under Chapter 17 of Dane County ordinances.**

Ayes: 5 - BOLLIG, DOOLAN, KIEFER, MCGINNITY and RATCLIFF

[02583](#)

PETITION: CUP 02583

APPLICANT: ARIF M KHAN & SADIA ARIF

LOCATION: 3486 COUNTY ROAD MN, SECTION 2, TOWN OF DUNN

CUP DESCRIPTION: 174' monopole communication tower

- Attachments:** [CUP 2583 Staff memo and recommended findings](#)
[CUP 2583 Staff Update - 3-28-23](#)
[CUP 2583 - CityScape Supplemental Memo \(analysis of lower tower height\)](#)
[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](#)
[CUP 2583 Map](#)
[CUP 2583 - Applicant Property Value Study - McFarland Waukesha \(recvd 021723\)](#)
[CUP 2583 - Applicant Property Value Study - McFarland - Greendale \(recvd 021723\)](#)
[CUP 2583 - Applicant 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 Period SIGNED](#)
[CUP 2583 - 2023-03-28 Written Agreement to Extend 90-day Time Period - SIGNED](#)
[CUP 2583 - 2023-04-18 Written agreement to extend timeframe for action \(to 6-9-23\)](#)

A motion was made by MCGINNITY, seconded by BOLLIG, that action on the Conditional Use Permit be postponed at the applicants' request. The motion carried by the following vote: 4-0-1 (Ratcliff abstaining)

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Abstain: 1 - RATCLIFF

[02592](#)

PETITION: CUP 02592
APPLICANT: WARM BELLY NOBLE LLC (FRANCIS WISNIEWSKI)
LOCATION: 4305 & 4311 VILAS HOPE ROAD, SECTION 7, TOWN OF
COTTAGE GROVE
CUP DESCRIPTION: agricultural entertainment for events more than 10
calendar days per year

Attachments:

[CUP 2592 Staff Update](#)

[CUP 2592 Town Action](#)

[CUP 2592 Revised Event Plan - 2023-05-09](#)

[CUP 2592 Revised Narrative FINAL - 2023-05-09](#)

[CUP 2592 Warm Belly Adventure Farm SITE LIGHTING PLAN -
2023-05-09](#)

[CUP 2592 Narrative and Event Plan](#)

[CUP 2592 Site Plans 02-16-2023](#)

[CUP 2592 Email in support - Willan.pdf](#)

[CUP 2592 Map](#)

[CUP 2592 APP](#)

[CUP 2592](#)

A motion was made by BOLLIG, seconded by KIEFER, to accept the email from Tom Willan received April 25, 2023 to the record for this agenda item. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, DOOLAN, KIEFER, MCGINNITY and RATCLIFF

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be approved, finding that the proposal meets the standards for obtaining a CUP with the conditions as noted in the staff report. The motion carried by the following vote: 5-0.

CONDITIONS:

Standard Conditions for all Conditional Use Permits

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
2. 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.
3. 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.
4. 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.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8). Since the number of patrons has not been identified, if parking capacity becomes an issue this CUP may be reviewed and possibly revoked.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

Other Conditions Specific to CUP 2592

13. There shall be no parking on either side of Vilas Hope Road. The applicant shall be responsible for the installation of “No Parking” signs and shall coordinate with the Town Highway Superintendent to determine the signage location and details. The applicant shall be responsible for the cost of the signage.

14. A stormwater management plan shall be approved by Dane County Land and Water Resources Department. The management features shall be installed prior to the use of the rear parking lot.

15. The applicant shall be responsible for any driveway improvements required by the Town Highway Superintendent including but not limited to size of the culvert and the design of the driveway where it meets Vilas Hope Road.

16. The applicant shall install “No Parking” signs on the traffic lane on the north side of the buildings.

17. The exterior lighting shall conform to the operations plan, as well as Dane County and Town of Cottage Grove ordinances. Any additional lighting would require an amendment to the conditional use permit.

18. The petitioners have asked to reserve the option to replace the portapotties with a restroom building in the future. Both options are suitable, subject to condition #5.

19. Outdoor amplified sound is prohibited. Any proposed amplified sound will require an amendment to the conditional use permit.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

F. Plats and Certified Survey Maps

G. Resolutions

[2023
RES-023](#)

AMENDING THE 2023 OPERATING BUDGET AND AUTHORIZING A CONTRACT AMENDMENT FOR THE DANE COUNTY REGIONAL HOUSING STRATEGY WITH SB FRIEDMAN DEVELOPMENT ADVISORS, LLC

Sponsors: RATCLIFF, HUELSEMANN and ENGELBERGER

Attachments: [2023 RES-023](#)
[2023 RES-023 Fiscal Note](#)
[2023 RES-023 CONTRACT #14791A](#)

A motion was made by RATCLIFF, seconded by BOLLIG, that the Resolution be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2021](#)
[DISC-069](#) Discussion regarding the definition and design of single-family residences

Attachments: [Memo on Single-family dwelling design.pdf](#)
[Examples of residences.pdf](#)
[Policy on defining Single Family Residences.pdf](#)
[Types of dwellings.pdf](#)
[Possible Deed Restriction.pdf](#)

Zoning Administrator Lane explained that there is a rising trend in single-family house designs which are causing conflicts between zoning inspectors and builders. The introduction of additional kitchens and duplicate living spaces are raising concerns of whether the house designs are a single-family residence or a two-family dwelling.

[2023](#)
[DISC-001](#) Discussion regarding motions for Conditional Use Permits

Attachments: [Memo on CUP motions.pdf](#)

Zoning Administrator Lane provided information regarding ordinance language on actions for conditional use permits.

[2022](#)
[DISC-036](#) 2021-2023 Legislative Agenda

Attachments: [2020 RES-429 2021-2023 Legislative Agenda](#)
[2022 DISC-036 Agenda broken up for PP&J 03-20-2021](#)
[2022 DISC-036 PP&J Updated Language 05-09-2023](#)

A motion was made by KIEFER, seconded by RATCLIFF, to identify Broad Band Infrastructure and Climate Change as priority topics of the 2021-2023 Legislative Agenda. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, DOOLAN, KIEFER, MCGINNITY and RATCLIFF

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by RATCLIFF, to adjourn the meeting at 8:00pm. The motion carried unanimously.