



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?

This meeting is being conducted on land now known and recognized as Dane County, Wisconsin. We acknowledge that this land is at the same time the ancestral, traditional, & contemporary land of the Ho-Chunk, Sauk & Kickapoo nations.

Tuesday, June 13, 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: Todd Violante, Roger Lane, Dan Everson, Majid Allan, Rachel Holloway

Present 4 - JERRY BOLLIG, TIM KIEFER, KATE MCGINNITY, and MELISSA RATCLIFF

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

No comments

[2023
RPT-146](#)

June 13, 2023 ZLR Meeting Registrants

Attachments: [June 13 registrants final](#)

C. Consideration of Minutes

[2023
MIN-129](#)

May 23, 2023 ZLR Committee Meeting Minutes

Attachments: [5-23-23 ZLR Public Hearing Minutes](#)

A motion was made by RATCLIFF, seconded by MCGINNITY, that the minutes of the May 23, 2023 meeting be approved. The motion carried by the following vote:
5-0

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

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

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

[02594](#)

PETITION: CUP 02594
APPLICANT: TRIERWEILER CONSTRUCTION & SUPPLY COMPANY
LOCATION: 4381 MARSH ROAD, SECTION 26, TOWN OF
BLOOMING GROVE
CUP DESCRIPTION: temporary concrete batch plant in the Wingra
Quarry

Attachments: [CUP 2594 Staff Update](#)
[CUP 2594 DNR general permit](#)
[CUP 2594 Town Action](#)
[CUP 2594 Madison Letter](#)
[CUP 2594 DOT Project Map USH 12-18 and CTH AB](#)
[CUP 2594 Map](#)
[CUP 2594 APP](#)
[CUP 2594 Letter of opposition - CCRD.pdf](#)
[CUP 2594 Letter of opposition - Lost Creek.pdf](#)
[CUP #2594.pdf](#)

In Support: Nick Petit, Joseph Buttler

*Opposed: Lisa Crane, Julia Hunter, Connie Korth, Amanda Dwyer, Sabrina Tolley, Joy
Ableman, Jessica Shellenberger, Tony Gionata, Craig Clausen, Erick Miller, Liz DeVos,
Meredith Hughey, Jon Crane, Mitch Shellenberger*

Neither in Support nor Opposed: Michael Glowacki

**A motion was made by BOLLIG, seconded by MCGINNITY, to suspend the rules
to admit additional written testimony to the public record.**

**The motion and second were withdrawn after discussion that the Committee
heard sufficient testimony at the May 23rd public hearing.**

**A motion was made by BOLLIG, seconded by MCGINNITY, to approve the
Conditional Use Permit based on the findings of fact as noted in the staff report,
and it has been determined 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 that apply to all conditional uses

- 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).

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.

Conditions Specific to CUP 2594

13. The batch plant shall only be used for the WisDOT US 12/18 and County AB Interchange construction project.

14. The conditional use permit shall expire on December 31, 2024.

15. Water truck shall be present on-site to water down drive path in order to reduce dust for vehicular movement.

16. The operator shall comply with the requirements of DNR General Permit WI-0046507-6.

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

F. Plats and Certified Survey Maps

[2023 LD-001](#) Eugster Certified Survey Map Variance
Town of Rutland

Attachments: [Report](#)
[Eugster Revised CSM 6-1-23](#)
[Eugster variance app.pdf](#)

In Support: Jacob Eugster
Opposed: None

A motion was made by BOLLIG, seconded by MCGINNITY, that the Land Division waiver be approved to allow Lot 1 to maintain less than 66 feet throughout. The motion carried by the following vote: 5-0.

Finding of fact: Both proposed lots have ample public road frontage, but due to the number of approved access points along STH 138, a shared private access easement will be recorded for the benefit of both lots.

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

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2023](#)
[ACT-004](#)

RECONSIDERATION OF CUP 2578 FOR A 195' SELF-SUPPORTING COMMUNICATION TOWER LOCATED ON THE PROPERTY AT 1576 SPRING ROAD, SECTION 3, TOWN OF DUNKIRK

Attachments: [CUP #2578 REV.pdf](#)

[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 with cell tower at 1576 Spring Rd \(CUP 2578\)](#)

[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 \(092922\)](#)

[CUP 2578 - Final Tower Construction Drawings \(160' + 3' lightning rod\)](#)

Senior Planner Majid Allan provided an update to inform the Committee that staff has been working with the applicants after the item was postponed at the public hearing. Because there is still no agreement between the parties on the tower height, staff has selected a consultant as provided for by ordinance, to provide expertise on the matter of safety in relation to the nearby airport. Staff has informed the applicants of the county's intent to hire the consultant to conduct this review and provide a recommendation, the cost of which would be paid by the applicant. Allan noted that, per the ordinance, the applicant has the option to withdraw the application if they choose not to pay the costs.

J. Reports to Committee

[2023](#)
[RPT-133](#)

Status of pending rezoning petitions and conditional use permits

Attachments: [Status of pending rezoning petitions and CUP applications.pdf](#)

Zoning Administrator Roger Lane provide an update to the Committee on rezone and conditional use petitions that are still pending final action after having been postponed at the public hearing.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by RATCLIFF, seconded by BOLLIG, to adjourn the meeting at 7:07pm. The motion carried unanimously.