



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, February 22, 2022

6:30 PM

Virtual meeting

ZOOM Webinar ID: 940 9478 4464

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

Attachments: [Feb 22nd ZLR Registratants Final](#)

C. Consideration of Minutes

[2021](#)

[MIN-638](#)

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

Attachments: [2-08-22 ZLR Work Meeting Minutes.pdf](#)

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, KIEFER and SMITH

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

Attachments: [11797 Staff Report.pdf](#)
[11797 Town Action Report.pdf](#)
[11797 APP](#)
[11797 Map](#)
[11797 Letter of Opposition - Keen.pdf](#)
[11797 Letter of Opposition - Wilson.pdf](#)
[11797 Letter of Opposition - Ambler.pdf](#)

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

Attachments: [11798 Staff Report.pdf](#)
[11798 Density.pdf](#)
[11798 Map](#)
[11798 APP](#)

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

Attachments: [11799 Ord Amend](#)
[11799 Staff Report REVISED 2022-02-17.pdf](#)
[11799 Town.pdf](#)
[11799 Condo Plat.pdf](#)
[11799 Shared driveway easement checklist.pdf](#)
[11799 Easement.pdf](#)
[11799 Map](#)
[11799 APP](#)

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

- Attachments:** [11800 Ord Amend](#)
[11800 Staff Report](#)
[11800 Town Action Report](#)
[11800 Map](#)
[11800 APP](#)

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

Attachments: [11801 Staff Report](#)
[11801 Town Action Report](#)
[11801 Email in opposition.pdf](#)
[11801 General Development Plan \(GDP\)](#)
[11801 Southdale Plan Map](#)
[11801 Map](#)
[11801 APP](#)

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

Attachments: [11802 Staff Report.pdf](#)
[11802 Town Action Report.pdf](#)
[11802 APP](#)
[11802 Map](#)
[11802 Ord Amend](#)

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

Attachments: [11803 Ord Amend](#)
[11803 Staff Report](#)
[11803 Town Action Report](#)
[11803 Density](#)
[11803 Map](#)
[11803 APP](#)

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)

Attachments: [CUP 2553 Staff Report](#)
[CUP 2553 RF Engineering Report](#)
[CUP 2553 Tower photo simulations](#)
[CUP 2553 Site and construction plans 12-10-2021](#)
[CUP 2553 Density](#)
[CUP 2553 Map](#)
[CUP 2553 APP](#)

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

Attachments: [CUP 2554 Staff Report](#)
[CUP 2554 Map](#)
[CUP 2554 APP](#)

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

Attachments: [CUP 2555 Staff Report](#)
[CUP 2555 Revised project description Feb 17.pdf](#)
[CUP 2555 Revised site plan Feb 17.pdf](#)
[CUP 2555 City of Madison Letter](#)
[CUP 2555 Map](#)
[CUP 2555 APP](#)
[CUP 2555 Letter of Opposition - Kong.pdf](#)
[CUP 2555 Letter of Opposition - Beutel.pdf](#)

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."

Sponsors: KIEFER and DOOLAN

Attachments: [2021 OA-058](#)
[2021 OA-58 Email Summary](#)
[2021 OA-058 Staff Memo](#)

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

Sponsors: BOLLIG and RIPP

Attachments: [2021 RES-379](#)
[2021 RES-379 FISCAL NOTE](#)

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

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

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.