

### **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, June 28, 2022 6:30 PM Virtual meeting

Zoom Webinar ID: 956 7052 6593

#### A. Call to Order

Chair DOOLAN called the June 28, 2022 Zoning and Land Regulation Committee

meeting to order at 6:30 PM

Staff present: Violante, Andros and Everson

**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.

KIEFER made a motion to adjourn the meeting due to possible violation of county ordinance 7.22(4) on meeting conduct. The motion failed for lack of a second.

KIEFER made a second motion to adjourn the meeting due to possible violation with state open meeting laws under Chapter 19 of the Wisconsin Statutes. The

motion failed for lack of a second

<u>2022</u>

June 28, 2022 Registrants

RPT-159

Attachments: June 28 ZLR PH Registrants

#### C. Consideration of Minutes

2022 June 14, 2022 ZLR Work Meeting Minutes

MIN-134

Attachments: 6-14-22 ZLR Work Meeting Minutes

A motion was made by BOLLIG, seconded by RATCLIFF, that the June 14, 2022 Minutes be approved. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

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

11836 PETITION: REZONE 11836

APPLICANT: COUNTY OF DANE - C/O SHARENE SMITH

LOCATION: NORTHWEST OF 2960 WOODS ROAD, SECTION 4, TOWN OF VERONA CHANGE FROM: AT-35 Agriculture Transition District TO NR-C Natural Resource Conservation

District

REASON: creating two parkland lots

Attachments: 11836 Ord Amend

11836 Staff Report.pdf

11836 Town Action Report

11836 App 11836 Map

In support: Sharene Smith

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:

4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11837** PETITION: REZONE 11837

APPLICANT: BALLWEG LIVING TRUST

LOCATION: 7462 RAULS ROAD, SECTION 32, TOWN OF DANE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: separating existing residence from farmland

Attachments: 11837 Ord Amend

11837 Staff Report

11837 Town Action Report

11837 Density Study

11837 App 11837 Map

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:

4-0-1.

Aves: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: SWALHEIM 2011 REV TR, DUANE P & CANDACE J

LOCATION: EAST OF 3475 N STAR ROAD, SECTION 27, TOWN OF COTTAGE GROVE CHANGE FROM: FP-35 Farmland Preservation District TO GC General Commercial District,

FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District

REASON: creating 3 commercial lots and one agricultural lot

Attachments: 11838 Ord Amend

11838 Staff Report

11838 Town Action Report

11838 App 11838 Map

In support: Duane Swalheim

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0-1.

- 1. Owner shall record a deed restriction on the three proposed GC zoned parcels that states the following:
- a. Uses of the GC zoned property are limited exclusively to the following:
- · Contractor, landscaping or building trade operations
- · Undeveloped natural resource and open space areas
- · Governmental, institutional, religious, or nonprofit community uses
- Light industrial
- Office uses
- Indoor sales
- · Indoor storage and repair
- Personal or professional service
- · A transportation, utility, communication, or other use required by law
- · Utility services associated with a permitted use
- Veterinary clinics
- Agriculture and accessory uses (livestock not permitted)
- b. Residential use or residential related use of the property is expressly prohibited. The property is in a planned commercial area where residential uses are not permitted.
- c. Evidence of compliance with Dane County stormwater management regulations shall be required prior to development, including arrangements for ongoing maintenance of the regional stormwater facilities.
- 2. The Certified Survey Map for the property shall include the following:
- a. A road reservation for the cul-de-sac between proposed lots 1 and 2 that will accommodate truck traffic.
- b. Dedication of 35 feet on the south side of the east-west segment of North Star Road,
- c. A note indicating that access to the east-west segment of North Star Road from lots 3 and 4 (other than for agricultural use) is prohibited until that segment is improved to Town Road standards.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11839** PETITION: REZONE 11839

APPLICANT: WILLIAM L MYHRE

LOCATION: SOUTH OF 1260 COUNTY HWY A, SECTION 21, TOWN OF ALBION CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District,

FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District

REASON: create one residential lot and one agricultural lot

Attachments: 11839 Staff Report

11839 Town Action Report

11839 Density Study

11839 Letter in Support - Bleiler

11839 App 11839 Map

11839 Ord Amend

In support: William Myhre

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11840** PETITION: REZONE 11840

APPLICANT: FRENCHTOWN FARMS LLC

LOCATION: 530 EDGEHILL LANE, SECTION 25, TOWN OF MONTROSE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland

Preservation District TO RR-8 Rural Residential District

REASON: separating existing residence from the farmland and creating 2 residential lots

Attachments: 11840 Ord Amend

11840 Staff Report

11840 Town Action Report

11840 Density 11840 App 11840 Map

In support: Ed Short

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: CRAZY ACRES INC

LOCATION: 425 EDGERTON ROAD, SECTION 27, TOWN OF ALBION

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: separating existing residence from farmland

Attachments: 11841 Staff Report

11841 Town Action Report

11841 Density Study

11841 App 11841 Map

11841 Ord Amend

A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11842** PETITION: REZONE 11842

APPLICANT: DANE COUNTY

LOCATION: 1200 E. VERONA AVENUE, SECTION 14, TOWN OF VERONA

CHANGE FROM: RM-16 Rural Mixed-Use District TO GC General Commercial District REASON: update zoning to accommodate existing land use (badger prairie needs network)

Attachments: 11842 Staff Report.pdf

11842 Town Action Report

11842 App 11842 Map

11842 Ord Amend

In support: Robert and Marcia Kasiata

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0-1.

1. Recording a deed restriction limiting the GC –zoned area to Governmental, Institutional, Religious or Non Profit Community Uses.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: ROBERT & KIM RIEGE

LOCATION: WEST OF 168 FAIR OAK ROAD, SECTION 24, TOWN OF DEERFIELD CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District

REASON: Creating 4 Residential lots - Transfer of Development Rights

Attachments: 11843 Ord Amend

11843 Staff Report

11843 Town Action Report

11843 Density Study - Subject Property

11843 Density Study - TDR Sending Property

11843 App 11843 Map

In support: Bob Riege

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0-1.

- 1. Owner shall record a deed restriction on the FP-35 zoned sending property prohibiting nonfarm development in accordance with town plan policies (tax parcels 071224486750; 071224195010; 071224190010; 071224185009; 071224181400).
- 2. The TDR-S (Transfer of Development Rights Sending) overlay zoning district shall be assigned to the sending property (tax parcels 071224486750; 071224195010; 071224190010; 071224185009; 071224181400).
- 3. A deed notice shall be recorded on the four proposed residential lots indicating that they were created as part of a Transfer of Development Rights.
- 4. The TDR-R (Transfer of Development Rights Receiving) overlay zoning district shall be assigned to the four proposed residential lots.
- 5. The petition shall be amended to zone proposed lot 1 to the RR-2 zoning district.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: JELINEK TRUST

LOCATION: COUNTY HWY B, 2200 FEET WEST OF STATE HWY 73, SECTION 21, TOWN OF

CHRISTIANA

CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District

REASON: creating one residential lot

Attachments: 11844 Staff Report

11844 Town Action Report

11844 Density Study

11844 Hwy Access Permit

11844 App 11844 Map

11844 Ord Amend

In support: Thomas Jelinek

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11845** PETITION: REZONE 11845

APPLICANT: RANDY & LINDA KAHL

LOCATION: EAST OF 8639 LUST ROAD, SECTION 34, TOWN OF SPRINGDALE

CHANGE FROM: AT-35 Agriculture Transition District TO RM-8 Rural Mixed-Use District, AT-35 Agriculture Transition District TO RM-16 Rural Mixed-Use District, RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District, RR-2 Rural Residential District TO RM-16 Rural

Mixed-Use District

REASON: shifting of property lines between adjacent land owners

Attachments: 11845 Staff Report.pdf

11845 Town Action Report

11845 App 11845 Map

11845 Ord Amend

In support: Randy Kahl

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0-1.

1. The proposed Lots 1, 2 & 3 be deed restricted to prohibit further division.

Aves: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11846** PETITION: REZONE 11846

APPLICANT: WILLIAM & JANINE DEATLEY

LOCATION: 1440 COUNTY HWY JG, SECTION 7, TOWN OF PRIMROSE

CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District

REASON: shifting of property lines between adjacent land owners

Attachments: 11846 Ord Amend

11846 Staff Report

11846 Town Action Report

11846 App 11846 Map

In support: Bill Deatley

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: ROBERT & JULIE STRASBURG

LOCATION: 5546 LANGER ROAD, SECTION 20, TOWN OF MEDINA

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: separating existing residence from farmland

Attachments: 11847 Ord Amend

11847 Staff Report

11847 Town Action Report

11847 Density Study

11847 Survey Information

11847 App 11847 Map

In support: ROBERT & JULIE STRASBURG

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0-1.

- 1. Surveyor shall confirm that the owner's remaining lands are over 35 net acres. If necessary, the proposed RR-2 parcel size shall be adjusted downward to no less than 2 net acres.
- 2. Owner shall record a deed restriction on the remaining FP-35 zoned parcel prohibiting further nonfarm development in accordance with town plan policies, as the housing density units have been exhausted.
- 3. Owner shall record a deed restriction on the proposed RR-2 parcel limiting the keeping of livestock in accordance with the town of Medina animal unit restrictions.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: DENNIS V NOLDEN

LOCATION: WEST OF 7869 MONTROSE ROAD, SECTION 30, TOWN OF MONTROSE CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District,

FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District

REASON: creating one residential lot and two agricultural lots

Attachments: 11849 Ord Amend

11849 Staff Report

11849 Town Action Report

11849 App 11849 Map

In support: Ed Short

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0-1.

1. A deed restriction on the FP-1 parcels prohibiting residential development (lots 1 and 3).

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

**11850** PETITION: REZONE 11850

APPLICANT: GARY L NOLDEN

LOCATION: NORTH OF 726 FRITZ ROAD, SECTION 19, TOWN OF MONTROSE CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating one residential lot

Attachments: 11850 Staff Report

11850 Town Action Report

11850 Density 11850 App 11850 Map

11850 Ord Amend

In support: Ed Short

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

APPLICANT: BRIAN R KORFMACHER / TARA RIPP

LOCATION: 2896 FEMRITE DRIVE, SECTION 29, TOWN OF COTTAGE GROVE CHANGE FROM: RR-2 Rural Residential District TO RR-8 Rural Residential District, RR-4

Rural Residential District TO RR-8 Rural Residential District

REASON: consolidate existing residential lots

Attachments: 11851 Staff Report

11851 Town Action Report

11851 App 11851 Map

11851 Ord Amend

In support: Brian Korfmacher

A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

02565 PETITION: CUP 02565

APPLICANT: GREGORY & DAWN CLARK

LOCATION: 109 WALNUT STREET, SECTION 25, TOWN OF ALBION CUP DESCRIPTION: accessory building between 12 and 16 feet in height

Attachments: CUP 2565 Staff Report

CUP 2565 Town Action Report

CUP 2565 Site Plan

<u>CUP 2565 App</u> <u>CUP 2565 Map</u>

In support: Gregory A & Dawn M Clark

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0-1.

- 1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan.
- 2. The mean height of the accessory building shall not exceed 13 feet.
- 3. The accessory building shall be constructed to meet all standards of the applicable building code.
- 4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits associated with the construction. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5. 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.
- 6. If the accessory building is torn down, removed or collapses and is not rebuilt, in compliance with these conditions, for a period of one year or more, this conditional use permit shall be terminated. Future reestablishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

02566 PETITION: CUP 02566

APPLICANT: CASEY AND MELISSA HELBACH

LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF MIDDLETON

CUP DESCRIPTION: transient or tourist lodging

Attachments: CUP 2566 Staff Report

CUP 2566 Town Action Report

CUP 2566 Septic Sys Limit

CUP 2566 Written Opposition - Zilavy & Ross

CUP 2566 Opposition - Lenz

<u>CUP 2566 Map</u> <u>CUP 2566 App</u>

In support: Casey & Melissa Helbach

A motion was made by BOLLIG, seconded by KIEFER, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 5-0.

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

02567 PETITION: CUP 02567

APPLICANT: CURT & DEB HERFEL

LOCATION: 1977 STATE HWY 69, SOUTH OF 2005 STATE HWY 69, SECTION 28, TOWN OF

**VERONA** 

CUP DESCRIPTION: allow crushing at an existing non-metallic mineral extraction site

Attachments: CUP 2567 Staff Report

**CUP 2567 Email in Opposition** 

<u>CUP 2567 Map</u> <u>CUP 2567 App</u>

A motion was made by BOLLIG, seconded by MCGINNITY, to allow additional information be submitted for the record.. The motion carried by the following

vote: 5-0.

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

In support: Bill Buglass, Clint Weninger; In opposition: Ron Hellenbrand

A motion was made by BOLLIG, seconded by KIEFER, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 5-0.

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

02568 PETITION: CUP 02568

APPLICANT: SHARON FUCCILE

LOCATION: 4500 RUSTIC DRIVE, SECTION 2, TOWN OF BLOOMING GROVE

CUP DESCRIPTION: daycare center

Attachments: CUP 2568 Staff Report

CUP 2568 Town Action Report
CUP 2568 FAQ Supplement

CUP 2568 Map CUP 2568 App

In support: Rebecca Katzenmeyer; In opposition: William Stark

A motion was made by KIEFER, seconded by BOLLIG, that the Conditional Use Permit be postponed due to concerns from an interested party. The motion carried by the following vote: 5-0.

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

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

11830 PETITION: REZONE 11830

APPLICANT: 5211 SOUTHERN AVENUE LLC

LOCATION: 3445 KELLIHER ROAD, SECTION 32, TOWN OF VERMONT

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,

RR-2 Rural Residential District TO RR-4 Rural Residential District

REASON: expanding an existing residential lot

Attachments: 11830 Staff Update

11830 Town Action Report

11830 Request to postpone.pdf

11830 Map 11830 App

In support: Marc Brody

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote:

4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

#### F. Plats and Certified Survey Maps

#### G. Resolutions

#### H. Ordinance Amendment

#### I. Items Requiring Committee Action

#### J. Reports to Committee

2022 Salvage Yard License renewals

**RPT-133** 

Attachments: Salvage Yards

2022 Report

A motion was made by BOLLIG, seconded by MCGINNITY, that the (6) Salvage Yard Licenses be renewed. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

#### K. Other Business Authorized by Law

KIEFER to request discussion of Planning and Development office hours on future agenda.

#### L. Adjourn

A motion was made by BOLLIG, seconded by RATCLIFF, that the June 28, 2022 meeting be adjourned at 8:18 PM. The motion carried by the following vote: 5-0.

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

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 hnub ua hauj lwm ua ntej yuav tuaj sib tham.