# **Dane County**



## **Minutes**

**Tuesday, July 23, 2024** 

6:30 PM

See below for additional instructions on how to attend the meeting and provide public testimony.

Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

## **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.

### A. Call to Order

Chair DOOLAN called the July 23, 2024 Zoning and Land Regulation Committee meeting to order at 6:32 PM in Room 354 of the City-County Building.

Staff present: Violante, Lane, Standing, Holloway, Everson

Present 4 - MICHELE DOOLAN, JEFFREY KRONING, DON POSTLER, and MICHELE RITT

Excused 1 - JERRY BOLLIG

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

No comments made by the public.

<u>2024</u> July 23, 2024 ZLR Registrants RPT-191

### C. Consideration of Minutes

2024 July 9, 2024 ZLR Work Meeting Minutes MIN-138

A motion was made by KRONING, seconded by POSTLER, to approve the minutes of the July 9, 2024 ZLR meeting. The motion carried by the following vote: 4-0.

Aves: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

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

12060 PETITION: REZONE 12060

APPLICANT: RIPPLE TR & PHILIP GHILONI

LOCATION: 2854 & 2856 WILLIAMS DR, SECTION 9, TOWN OF PLEASANT SPRINGS CHANGE FROM: SFR-08 Single Family Residential District and RM-8 Rural Mixed-Use District TO RR-1 Rural Residential District, FP-35 Farmland Preservation District TO RM-8 Rural

Mixed-Use District

REASON: shifting of property lines between adjacent land owners

In support: Philip Ghiloni

Opposed: none

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

- 1. This rezone petition #12060 shall become effective only upon the Town Board approval to vacate the Lunde Lane road right-of-way.
- 2. A shared driveway easement and agreement shall be recorded for the two CSM lots.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12061 PETITION: REZONE 12061

APPLICANT: KIP R KALSCHEUR

LOCATION: EAST OF 9180 MINERAL POINT RD AND GARFOOT RD SOUTH OF MOEN RD,

SECTION 20, TOWN OF CROSS PLAINS

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

RR-1 Rural Residential District with TDR Overlay

REASON: create four new residential lots using transfer of development rights (TDR)

In support: Mike Coyle, Geoff Hansen

Opposed: Ralph Blum

Neither support or oppose: Greg Hartig

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to opposition. The motion carried by the following

vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12062 PETITION: REZONE 12062

APPLICANT: D&A FARM LLC (DOUG SLABY)

LOCATION: NORTH OF 1246 WASHINGTON ROAD, SECTION 7, TOWN OF ALBION CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

In support: Jonathan Errthum, Doug Slaby

Opposed: none

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

4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12063 PETITION: REZONE 12063

APPLICANT: STEVEN AND VERA ZYCH

LOCATION: EAST OF 75 COUNTY HIGHWAY N, SECTION 32, TOWN OF ALBION CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating one residential lot

In support: Dan Higgs, Katherine Venske

Opposed: none

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

4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

APPLICANT: MARC ROBERTSON & ANNE BOSCH

LOCATION: 3776 FORSHAUG ROAD, SECTION 23, TOWN OF VERMONT

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

FP-B Farmland Preservation Business District

REASON: creating one residential lot and zoning compliance for an existing business (woolen

mill)

In support: Anne Bosch

Opposed: none

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

1. The applicant records a deed restriction prohibiting further residential development on the balance of current parcel number 0706-233-9000-5 remaining in FP-35 zoning.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12065 PETITION: REZONE 12065

APPLICANT: FROSTWOOD FARM VI LLC

LOCATION: SOUTH OF 2565 TONTO TRAIL, SECTION 13, TOWN OF VERONA CHANGE FROM: AT-35 Agriculture Transition District TO MFR-08 Multi-Family Residential

District

REASON: change zoning to allow for a 16-lot single family residential condominium plat

In support: Lisa Steinhauer, David Emerich, Tomas Toro; Neither support or oppose: Timothy Reasa, Matt Moline

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

- 1. A developer's agreement shall be approved by the Town Board for the development of the property prior to the zoning becoming effective.
- 2. The Condominium Plat along with the Declaration of Covenants shall be approved by the Town Board prior to recording and the zoning becoming effective.
- 3. A deed restriction shall be recorded on the property limiting the land use to 16 single-family residences.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

APPLICANT: REGENTS OF UNIV OF WISCONSIN

LOCATION: NW OF 4070 OBSERVATORY RD, SECTION 16, TOWN OF CROSS PLAINS CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District

REASON: increase the size of an existing residential lot

In support: Andrew Lochner

Opposed: none

Neither support or oppose: Joann Rudie, Jim Tifft

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

1. The property shall be deed restricted to specify that no additional development of the property is enabled by approval of Rezone Petition #12066.

Aves: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12067 PETITION: REZONE 12067

APPLICANT: ROY AND LANA ALDERMAN

LOCATION: 689 COUNTY HIGHWAY U, SECTION 22, TOWN OF PRIMROSE

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

REASON: combining two residential lots and creating one new residential lot

In support: Lana Alderman

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12068 PETITION: REZONE 12068

APPLICANT: PRAIRIELAND DAIRY LLC

LOCATION: 689 COUNTY HIGHWAY U, SECTION 10, TOWN OF MONTROSE

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

REASON: separating existing residence from farmland

In support: Mark Fahey, Ed Short

Opposed: none

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

1. Lot must contain at least 2.0 acres exclusive of road right-of-way.

Ayes: 4 - DOOLAN,KRONING,POSTLERandRITT

APPLICANT: GERALD AND JOANN GEHIN

LOCATION: NORTH END OF ROSEVALE DRIVE, SECTION 22, TOWN OF MONTROSE CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: create three new residential lots

In support: Neal Gehin, Ed Short

Opposed: none

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

- 1. Applicants (Gehins) shall extend Rosedale Drive by 127 feet and construct a 66 foot radius cul-de-sac, to the satisfaction of the Town of Montrose, with all costs of the construction to be borne by the Gehins.
- 2. A deed restriction shall be recorded on the balance of tax parcels 050822385200, 050822295003, 050822290008, 050822288100, 050822280010 & 050822186103 that remain in FP-35 zoning stating the following:
- a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Floyd and Charlotte Viney farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12070 PETITION: REZONE 12070

APPLICANT: JE ACRES LLC

LOCATION: WEST OF 338 US HIGHWAY 51, SECTION 6, TOWN OF ALBION CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District

REASON: creating one residential lot

In support: Beth Anne Heneghan

Opposed: none

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

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

APPLICANT: JILL HERMANSON

LOCATION: 115 COUNTY HIGHWAY N, SECTION 32, TOWN OF ALBION

CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District, RM-16

Rural Mixed-Use District TO FP-1 Farmland Preservation District

REASON: separating existing residence from farmland

In support: Dan Higgs Opposed: none

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

1. Applicant shall record an access easement to provide continued access to the agricultural lands (proposed FP-1 lot).

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

12072 PETITION: REZONE 12072

APPLICANT: VALKYRIE FARM LLC (KERRI PHILLIPS)

LOCATION: 1580 & 1586 COUNTY HWY D, SECTION 4, TOWN OF OREGON

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

REASON: create one new residential lot and modify an existing residential lot

In support: Kerri Phillips Opposed: Todd Kluever

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be postponed due to no town action and opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

02624 PETITION: CUP 02624

APPLICANT: MATTHEW AND JADRIAN HOFELDT

LOCATION: SOUTH OF 7550 SUGAR RIDGE, SECTION 29, TOWN OF VERONA

CUP DESCRIPTION: private air strip (updates to existing)

In support: Matt Hofeldt

Opposed: none

A motion was made by KRONING, seconded by POSTLER, to approve the CUP 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: 4-0.

### **CONDITIONS:**

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103 (see below).
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8. Off-street parking must be provided, consistent with s. 10.102(8).
- 9. 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.
- 10. 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.
- 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.

Conditions specific to CUP #2624:

13. The uses of the air strip be limited to those as provided in the application.

Ayes: 4 - DOOLAN,KRONING,POSTLERandRITT

02625 PETITION: CUP 02625

APPLICANT: AMANDA K DILLE

LOCATION: 240 KOSHKONONG DR, SECTION 36, TOWN OF ALBION CUP DESCRIPTION: c.u.p. for transient or short-term lodging (short-term rental)

In support: Amanda Dille

Opposed: none

A motion was made by KRONING, seconded by POSTLER, to approve the CUP 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: 4-0

### **CONDITIONS:**

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103.
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8. Off-street parking must be provided, consistent with s. 10.102(8).
- 9. 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.
- 10. 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.
- 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.

Conditions specific to CUP # 2625:

13. The rental shall be limited to 6 overnight guests as requested in the  $\,$ 

application.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

02626

PETITION: CUP 02626

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

In Support: Francis Wisniewski

Opposed: none

A motion was made by KRONING, seconded by POSTLER, to approve the CUP 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: 4-0

### **CONDITIONS:**

Standard Conditions for all Conditional Use Permits from 10.101(7):

- 1. Any conditions required for specific uses listed under s. 10.103 (see below).
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8. Off-street parking must be provided, consistent with s. 10.102(8).
- 9. 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.
- 10. 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.
- 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.

Conditions specific to CUP # 2626:

- 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. All lighting must be dark sky compliant/downward facing. Any additional lighting would require an amendment to the conditional use permit.
- 18. Applicant shall provide adequate restroom facilities, in accordance with the Department of Health requirements.
- 19. Public hours of operation shall be limited to Sunday to Saturday 9:00am to 7:00pm year-round, with the option to extend to 9:00pm during fall festivals (once outdoor lighting or the farm store are completed).
- 20. Amplified music volume shall be limited to 60dbA at 100 feet from the speakers.
- 21. Landscaping shall be installed per Town requirements, subject to written confirmation from Town Planner Mark Roffers.
- 22. The CUP area may include the additional leased 5 acres as long as an active lease is in place.
- 23. Design review will be required by the Town upon application for a building permit for the farm store.

Aves: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

02627 PETITION: CUP 02627

APPLICANT: VALKYRIE FARM LLC (KERRI PHILLIPS)

LOCATION: 1580 COUNTY HIGHWAY D, SECTION 4, TOWN OF OREGON

CUP DESCRIPTION: transient or tourist lodging (short-term rental)

In support: Kerri Phillips Opposed: Todd Kluever

A motion was made by KRONING, seconded by POSTLER, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

2023 **OA-080** 

AMENDING CHAPTERS 15 AND CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, TO ESTABLISH A DANE COUNTY HERITAGE PRESERVATION COMMISSION

In support: Rick Bernstein

Opposed: none

A motion was made by KRONING, seconded by POSTLER, that the Ordinance Amendment be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

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

## F. Plats and Certified Survey Maps

2024 LD-012 Certified Survey Map - Rivera Town of Oregon Staff recommends denial.

In support: Nicholas Rivera

A motion was made by POSTLER, seconded by KRONING, that the Land Division application be denied. The motion carried by the following vote: 4-0.

The applicant may re-apply at a future time and staff will waive the application fees.

Aves: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

- G. Resolutions
- 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 KRONING, seconded by POSTLER, that the July 23, 2024 meeting be adjourned at 8:43 PM. The motion carried by the following vote: 4-0.

Ayes: 4 - DOOLAN,KRONING,POSTLERandRITT