

Staff Report
**Zoning & Land
Regulation
Committee**

Public Hearing: **May 27, 2025**

Report updated for the October 28th ZLR Committee meeting

Zoning Amendment Requested:

AT-5 Agriculture Transition District TO SFR-08 Single Family Residential and NR-C Natural Resource Conservation Districts

Size: **9.89,1.09 Acres**

Survey Required: **No**

Reason for the request:

CREATING 7 RESIDENTIAL LOTS

Petition 12163

Town, Section:

MIDDLETON, Section 20

Applicant:

**ROGER J MEIER REV
LIVING TR**

Address:

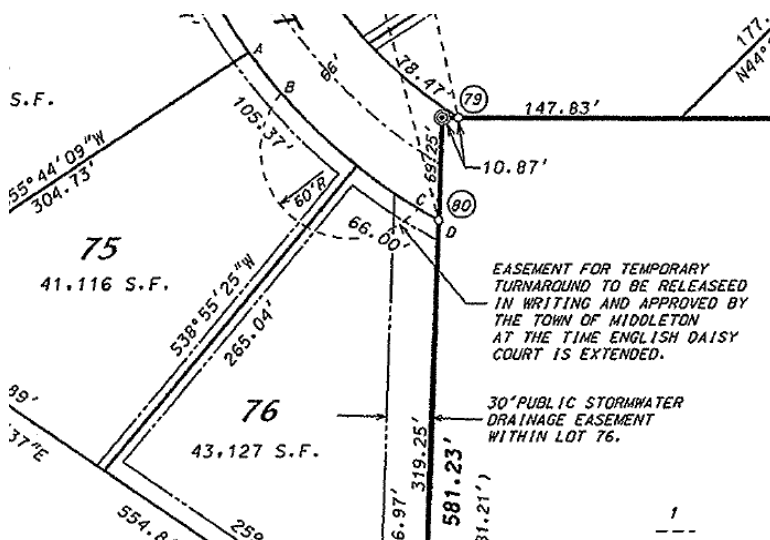
**7616 AND 7628 W.
MINERAL POINT RD**



DESCRIPTION: Roger Meier, via agent Wade Wyse of Wyser Engineering, proposes to rezone land from AT-5 to SFR-08 and NR-C as part of a 7-lot residential subdivision plat. The property is currently two certified survey map lots. This petition is a do-over of [rezone petition #11742](#) which was approved in 2021 conditioned on the subdivision plat being recorded. The conditional rezone approval expired in 2023 after the plat was not recorded. The preliminary and final plats were both approved by Dane County in 2021 and 2022, respectively.

OBSERVATIONS: This proposal is identical to the previous one except for one change – English Daisy Court, a town road cul-de-sac, was previously going to be extended into this property to provide the new lots with at least 66 feet of public road frontage (a County land division ordinance requirement). However, due to the cost of extending and rebuilding the bulb, the applicants now propose to leave the bulb in its current location west of the Meier property. This would leave the current bulb in place, which exists as a temporary right-of-way easement over Lots 75 and 76 of the Spruce Hollow plat (see images below).

The plat proposed with this petition would not provide the required 66 feet of frontage for Lots 6 and 7; the lots must be reconfigured to meet county ordinance requirements. See Staff Recommendation section below.



HIGHWAY/ROAD ACCESS: This portion of W. Mineral Point Road (also County Trunk Highway S) is under Dane County Highway's jurisdiction. Highway Staff commented that CTH S is a controlled access highway. No new access will be permitted on CTH S except for the existing accesses to Lot 4 and Lot 5 due to the reconfiguration of lots. Any future change of use of existing accesses would require a permit from Highway Department. No significant increase of traffic expected due to rezone. (Comments on plat not included in this review.) For questions please contact: Kevin Eslick 608-283-1486 eslick.kevin@danecounty.gov

COMPREHENSIVE PLAN: The Town Plan has this area planned for residential. Town policies include well designed residential development, preservation of semi-rural community and preservation of environmental features. The Town is in favor of all platted lots being rezoned to SFR-08. For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

RESOURCE PROTECTION: No sensitive environmental features on or within 300 feet of the subject property. An engineered drainage swale bisects the site from north to south; the swale is placed within the proposed outlot so that the proposed residential lots would not be impacted by the swale.

TOWN ACTION: On April 14th the Town Board recommended approval subject to the applicant submitting a final plat for Town and Dane County approval and recording of the same.

MAY 27TH ZLR COMMITTEE HEARING: At the public hearing, ZLR Committee postponed action to allow the applicants time to reconfigure the plat and present an amended proposal. Staff concerns at the time were the following:

Staff has discussed options with the applicants to reconfigure Lots 6 and 7 to meet the road frontage requirement. The option of re-platting Lots 75 & 76 of Spruce Hollow and the English Daisy Court right-of-way is not preferred by the applicants. The Town of Middleton has indicated they are willing to leave the temporary cul-de-sac bulb and easement at the end of English Daisy Court. Staff would prefer to see confirmation from the owners of Lots 75 and 76 that they are willing to leave the current configuration in place. The applicants may have an option to make Lot 6 or 7 of this plat into a "flag" configuration in order to provide frontage onto Mineral Point Road, and use a shared driveway easement for access. This would require approval from the Highway Department.

STAFF RECOMMENDATION (updated for Oct. 28th): In April, the Town Board conditionally approved a preliminary plat and directed the applicants to either (a) use a Certified Survey Map to secure fully dedicated 120-foot wide public road right-of-way bulb for the current dead end on English Daisy Court or (b) modify the plat to go back to the original 2-cul-de-sac layout previously approved. The first option was not feasible as it would create zoning violations for the existing homes on Lots 75 and 76 of Spruce Hollow. In September, the applicants submitted a revised plat that reflects the original layout with 2 cul-de-sacs extended to serve the development. The layout is nearly identical to the one approved for this property in 2023 (rezone petition 11742). Staff recommends approval of petition 12163 conditioned on the applicants submitting and recording the final plat.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.