



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, October 27, 2015

7:00 PM

City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison

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A. Call to Order

Chair Miles called the meeting to order at 7:04pm in Room 201 of the City-County Building.

Staff present: Allan, Everson, and Violante.

Youth Governance present: Heiden.

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

There was no public comment.

[2015](#)
[RPT-559](#)

Public registrants for the October 27, 2015 ZLR Public Hearing

Attachments: [10-27-15 ZLR Public Hearing Registrants](#)

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

[10893](#)

PETITION: REZONE 10893
APPLICANT: LEE HOMES LLC
LOCATION: 4303 OLD STONE ROAD, SECTION 20, TOWN OF
RUTLAND
CHANGE FROM: RH-3 Rural Homes District TO RH-4 Rural Homes
District
REASON: shifting of property lines between adjacent land owners

Attachments: [10893 Staff](#)
[10893 Town](#)
[10893 Map](#)
[10893 Ord Amend](#)
[10893 App](#)

Spoke in favor: Travis Simplot
Spoke in opposition: None

A motion was made by Bollig, seconded by Salov that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10895](#)

PETITION: REZONE 10895
APPLICANT: DANIEL S BREUNIG
LOCATION: 6625 VIADUCT ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture
District
REASON: creating one residential lot

Attachments: [10895 Staff](#)
[10895 Density \(sending prop\)](#)
[10895 Density \(receiving prop\)](#)
[10895 Map](#)
[10895 App](#)

Spoke in favor: Daniel Breunig
Spoke in opposition: None

A motion was made by Salov, seconded by Matano to postpone action on the zoning petition until a comprehensive plan amendment is adopted by the town and county authorizing the intra-ownership transfer of density units. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10896](#)

PETITION: REZONE 10896

APPLICANT: IVAN J HELLENBRAND

LOCATION: EAST OF 7228 KICKABOO ROAD, SECTION 16, TOWN
OF SPRINGFIELD

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District

REASON: creating one residential lot

Attachments: [10896 Staff](#)

[10896 Town](#)

[10896 Density](#)

[10896 Map](#)

[10896 Ord Amend](#)

[10896 App](#)

Spoke in favor: Ivan Hellenbrand

Spoke in opposition: None

A motion was made by Bollig, seconded by Kolar that this zoning petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. Middleton Fire department review of driveway. If necessary, have MSA Engineering review an approved plan for driveway.
2. Provide a copy of the shared driveway and maintenance agreement and have it recorded on the deed.
3. A deed restriction shall be recorded on parcels 0808-161-9500-1, 0808-161-9000-6, and 0808-152-9100-6 to prohibit residential development on the remaining A-1EX Exclusive Agriculture zoned lands. The housing density rights have been exhausted for the original farm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10897](#) PETITION: REZONE 10897
APPLICANT: STEVEN F ANDRES
LOCATION: 2783 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA
CHANGE FROM: RH-2 Rural Homes District TO RH-1 Rural Homes
District
REASON: creating a residential lot from an existing residential lot

Attachments: [10897 Staff](#)
[10897 Town](#)
[10897 Map](#)
[10897 App](#)

Allan informed the committee that the petitioner was unable to attend the meeting and requests postponement until the December 8th work meeting.

A motion was made by Salov, seconded by Matano to postpone the zoning petition until the December 8th ZLR work meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10899](#) PETITION: REZONE 10899
APPLICANT: KENT J STAUDT
LOCATION: 4672 VILAS ROAD, SECTION 6, TOWN OF COTTAGE
GROVE
CHANGE FROM: R-2 Residence District TO A-2 (1) Agriculture District
REASON: zoning compliance to allow for the construction of an
accessory building

Attachments: [10899 Staff](#)
[10899 Map](#)
[10899 Town](#)
[10899 Ord Amend](#)
[10899 App](#)

*Spoke in favor: Kent Staudt
Spoke in opposition: None*

A motion was made by Salov, seconded by Matano that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10900](#)

PETITION: REZONE 10900
APPLICANT: PAUL H LENERZ
LOCATION: E OF 9500 STATE HIGHWAY 19, SECTION 7, TOWN OF BERRY
CHANGE FROM: RH-1 Rural Homes District TO A-4 Agriculture District,
A-4 Agriculture District TO RH-1 Rural Homes District
REASON: relocating the existing residential lot to the east of current location

Attachments: [10900 Staff](#)
[10900 Town](#)
[10900 Map](#)
[10900 Ord Amend](#)
[10900 App](#)

Spoke in favor: Paul Lenerz
Spoke in opposition: None

A motion was made by Kolar, seconded by Matano that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10901](#)

PETITION: REZONE 10901
APPLICANT: MATT HAMACHER
LOCATION: 3279 STATE HIGHWAY 138, SECTION 12, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District,
A-1EX Agriculture District TO C-1 Commercial District
REASON: creating one residential lot and one commercial lot for a lawn care business

Attachments: [10901 Staff](#)
[10901 Town](#)
[10901 Map](#)
[10901 App](#)

Spoke in favor: Matt Hamacher
Spoke in opposition: None

Staff noted concerns with the lot design and highway access issues. Staff will work with the applicant to address the issues.

A motion was made by Kolar, seconded by Bollig to postpone action until the November 10th work meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10902

PETITION: REZONE 10902
APPLICANT: JANET L BERGE
LOCATION: 935 NULAND ROAD, SECTION 33, TOWN OF
DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: separating the existing residence for the farmland

Attachments: [10902 Staff](#)
[10902 Town](#)
[10902 Density](#)
[10902 Map](#)
[10902 Ord Amend](#)
[10902 App](#)

Spoke in favor: Janet Berge
Spoke in opposition: None

A motion was made by Kolar, seconded by Matano that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10903

PETITION: REZONE 10903
APPLICANT: BROWN REV LIVING TRUST, GERALD W & LAUREL J
LOCATION: 468 LONDON ROAD, SECTION 26, TOWN OF
DEERFIELD
CHANGE FROM: RH-2 Rural Homes District TO A-1EX Agriculture
District
REASON: shifting of property lines between adjacent land owners

Attachments: [10903 Staff](#)
[10903 Town](#)
[10903 Map](#)
[10903 Ord Amend](#)
[10903 App](#)

A motion was made by Salov, seconded by Bollig to table the zoning petition and take up the frontage waiver request under 2015 LD-037. The motion carried by a voice vote.

A motion was made by Salov, seconded by Bollig to remove the petition from the table. The motion carried by a voice vote.

Spoke in favor: Gerald Brown
Spoke in opposition: None

A motion was made by Salov, seconded by Bollig that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10904

PETITION: REZONE 10904

APPLICANT: OAKRIDGE FARMS LLP

LOCATION: 9371 TURKEY ROAD, SECTION 19, TOWN OF BERRY

CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture

District and TO A-2 (2) Agriculture District

REASON: shifting of property lines between adjacent land owners and removing housing density rights from property

Attachments: [10904 Staff](#)

[10904 Town](#)

[10904 Map](#)

[10904 Map 2](#)

[10904 Ord Amend](#)

[10904 App](#)

Spoke in favor: Kendall Kahl

Spoke in opposition: None

A motion was made by Bollig, seconded by Salov that the zoning petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. Amend the petition to change the requested zoning classification for the subject property lying west of Turkey Road (lot 1, CSM 9791) from A-2(2) Agriculture to CO-1 Conservancy.

2. The applicant shall record a notice document on parcels 0807-202-9196-0, 0807-203-8500-4, 0807-203-9000-7, 0807-292-8500-7, 0807-292-8000-2, 0807-292-9501-4, and 0807-291-9001-0 comprising the original 1981 farm unit indicating that a total of 3 splits remain available under the town density policy.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10905](#)

PETITION: REZONE 10905
APPLICANT: JOHN EDERER
LOCATION: 8600 HORUNIG ROAD, SECTION 10, TOWN OF ROXBURY
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, R-1A Residence District TO A-1EX Agriculture District
REASON: relocating the existing residential lot to the north of the current location

Attachments: [10905 Staff](#)
[10905 Density](#)
[10905 Town](#)
[10905 Map](#)
[10905 Ord Amend](#)
[10905 App](#)

Spoke in favor: Mark Ederer
Spoke in opposition: None

A motion was made by Salov, seconded by Matano that this zoning petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0907-101-8500-5, 0907-101-9000-8, 0907-104-8500-2 to prohibit residential development on the remaining A-1EX Exclusive Agriculture zoned lands. The housing density rights have been exhausted for the original farm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10906](#)

PETITION: REZONE 10906
APPLICANT: RAPHAEL W WAGNER
LOCATION: 3131 SHADY OAK LANE AND LANDS SOUTHWEST OF PARCEL, SECTION 5, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO A-1EX Agriculture District
REASON: rezone to allow landowner to receive tax credits from the State farmland preservation program

Attachments: [10906 Staff](#)
[10906 Town](#)
[10906 Map](#)
[10906 Ord Amend](#)
[10906 App](#)

Spoke in favor: Ray Wagner
Spoke in opposition: None

A motion was made by Matano, seconded by Salov that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10908](#)

PETITION: REZONE 10908
APPLICANT: CHERYL L PATTY
LOCATION: 3033 CASTLETON CROSSING, SECTION 18, TOWN OF
BRISTOL
CHANGE FROM: A-1 Agriculture District TO R-3A Residence District
REASON: zoning compliance for existing duplex

Attachments: [10908 Staff](#)

[10908 Town](#)

[10908 Map](#)

[10908 CSM](#)

[10908 App](#)

Spoke in favor: Cheryl Patty

Spoke in opposition: None

Allan noted that town of Bristol chairman, Jerry Derr, requests that the petition be postponed to allow time for the applicant to work out a shared driveway agreement with the neighboring property owner.

A motion was made by Matano, seconded by Kolar to postpone action on the petition until no later than the December 8th work meeting. The motion carried by the following vote: 5-0.

Staff was directed to provide the applicant with examples of shared driveway agreements and to contact the town regarding the possibility of granting driveway access to the cul de sac lying to the east.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[CUP 2328](#)

PETITION: CUP 02328

APPLICANT: PERRY M DEPUE II

LOCATION: 3046 HIDDEN VIEW TRAIL, SECTION 2, TOWN OF
SPRINGDALE

CUP DESCRIPTION: dependency living arrangement

Attachments: [CUP 2328 Staff](#)

[CUP 2328 Town](#)

[CUP 2328 Map](#)

[CUP 2328 App](#)

Spoke in favor: Perry DePue

Spoke in opposition: None

A motion was made by Salov, seconded by Matano to approve conditional use permit #2328 with conditions. The motion carried by the following vote: 5-0.

1. The dependency living arrangement in the single family residence shall only be used by members of the immediate family (parents). In no event shall the space be used for general rental purposes.

2. The CUP shall expire upon sale of the property to an unrelated third party.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[2015](#)
[OA-018](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, AMENDING THE DANE COUNTY FARMLAND
PRESERVATION PLAN

Sponsors: MILES, KOLAR, BOLLIG, MATANO and SALOV

Attachments: [OA 18 Staff Memo](#)

[OA 18 15-82 Farmland Preservation081115](#)

[FPP 10 Farmland Preservation Plan Map Verona 2015 Amendment](#)

[OA 18 DATCP OrdCertOrderCLOctt2015-signed](#)

[OA 18 DATCP Dane Order- Signed](#)

A motion was made by Matano, seconded by Salov to recommend approval of Ordinance Amendment #18. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

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

E. Plats and Certified Survey Maps

[2015 LD-039](#) Final Plat - Nature's Cove
Town of Middleton, Section 18
Staff recommends conditional approval

Attachments: [conditional letter to ZLR](#)
[Natures Cove Final Plat 2015.10.07](#)
[Karls review memo - final](#)
[Karls 11x17](#)
[aerial](#)

A motion was made by MATANO, seconded by KOLAR, to approve the final plat of Nature's Cove with the following conditions. The motion carried by a voice vote.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Appropriate turn-around arrangements shall be made on the west end of Dream Catcher Way.
3. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
4. All public land dedications devoted for highway purposes are to be clearly designated "dedicated to the public."
5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
6. Utility easements are to be provided.
7. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Middleton.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. The required approval certificates are to be satisfied.

[2015 LD-037](#) Brown Revocable Trust CSM - Land Division Waiver application (public road frontage)
Town of Deerfield, Section 26

Attachments: [aerial](#)
[20151014095216](#)

A motion was made by SALOV, seconded by BOLLIG, to approve the land division waiver. The motion carried by a voice vote.

Finding of fact: Recorded driveway maintenance agreement exists between lots 2 and 3 of CSM 10920. No new development and existing 66' strip of land is currently being farmed.

[2015 LD-038](#) Carriage Ridge 1-lot CSM - Land Division Waiver application (road frontage requirements)
Town of Westport, Section 21

Attachments: [aerial](#)

[20151015111333](#)

A motion was made by SALOV, seconded by MATANO, to approve the land division waiver . The motion carried by a voice vote.

Finding of fact: Proposed Outlot will be dedicated to the public for parkland purposes as required by the Town of Westport. No development will occur on this lot due to the sensitive environmental features.

F. Resolutions

[2015
RES-254](#) 2016 DANE COUNTY OPERATING BUDGET APPROPRIATIONS
RESOLUTION

Sponsors: PERTL

Attachments: [2015 RES-254](#)

[AMNDS-ZLR-10-13-15-Operating](#)

[AMNDS-HHN 10-20-15-Operating](#)

[PWT 10-20-15 Operating](#)

[AMNDS-ZLR-10-27-15-Operating](#)

[AMNDS-PWT-10-27-15 Operating](#)

[AMNDS-PP&J-10-27-15-Operating](#)

[AMNDS-HHN 10-27-15-Operating](#)

[AMNDS-EANR-10-27-15-Operating](#)

[AMNDS-EXEC-10-29-15-Operating](#)

1. Motion by Kolar, seconded by Matano to recommend approval of budget amendment ZLR 2 to fund a contract for a countywide climate action plan. The motion carried by the following vote: 5-0

Registrants / speakers in support of the amendment: Mary Elliot, John Becker, Supervisor Wegleitner, Seth Nowak, Mitchell Brey.

Registrants / speakers in opposition of the amendment: None

[2015
RES-255](#) 2016 DANE COUNTY CAPITAL BUDGET APPROPRIATIONS
RESOLUTION

Sponsors: PERTL

Attachments: [2015 RES-255](#)
[AMNDS-PWT 10-20-15 Capital](#)
[AMNDS-PWT 10-27-15 Capital](#)
[AMNDS-HHN 10-27-15-Capital](#)
[AMNDS-EANR 10-27-15-Capital](#)
[AMNDS-EXEC-10-29-15-Capital](#)

No action taken

G. Ordinance Amendment

[2015
OA-018](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, AMENDING THE DANE COUNTY FARMLAND
PRESERVATION PLAN

Sponsors: MILES, KOLAR, BOLLIG, MATANO and SALOV

Attachments: [OA 18 Staff Memo](#)
[OA_18_15-82 Farmland Preservation081115](#)
[FPP 10 Farmland Preservation Plan Map Verona 2015 Amendment](#)
[OA 18 DATCP OrdCertOrderCLOct2015-signed](#)
[OA 18 DATCP Dane Order- Signed](#)

See motion above under section C.

[2015
OA-027](#) AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING ZONING FEES

Sponsors: MILES

Attachments: [2015 OA-027](#)
[2015 OA-027 fiscal and policy note](#)

A motion was made by Bollig, seconded by Kolar to recommend approval of Ordinance Amendment 27. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

H. Items Requiring Committee Action

[2015
RPT-540](#)

Consideration of the 2016 Zoning and Land Regulation Committee meeting schedule

Attachments: [2016 ZLR Committee Meeting Schedule](#)

A motion was made by Kolar, seconded by Bollig to postpone action on the 2016 ZLR meeting schedule until the November 10th meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

I. Reports to Committee

J. Other Business Authorized by Law

K. Adjourn

A motion was made by Kolar, seconded by Bollig to adjourn the meeting at 8:47pm. Motion carried by a voice vote.

Questions? Contact Majid Allan, Planning and Development Department, 267-2536, allan@countyofdane.com

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.