

Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, December 13, 2016	6:30 PM	City - County Building, ROOM 201 210 Martin Luther King Jr. Blvd., Madison
City - County Building, ROOM 201		
210 Martin Luther King Jr. Blvd., M		Madison

A. Call to Order

	Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Roor		
	201 of the Clty-County Building.		
	Staff present: Allan, Everson, and Lane		
Youth Governance Members: Harry Joseph Finkelmeyer and Garrett Stolen			
Present	3 - JERRY BOLLIG, MARY KOLAR, and AL MATANO		

Excused 2 - PATRICK MILES, and DENNIS O'LOUGHLIN

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

No comments made by the public.

<u>2016 </u>	Registrants at the December 13, 2016 Zoning & Land Regulation
<u>RPT-556</u>	Committee Public Hearing

Attachments: December 13th ZLR Registrants

C. Consideration of Minutes

<u>2016</u>	Minutes of the November 7, 2016 Zoning and Land Regulation
MIN-384	Committee meeting

Attachments: 11-07-16 ZLR work meeting minutes

A motion was made by MATANO, seconded by BOLLIG, that the Minutes of the November 7, 2016 ZLR Committee meeting be approved. The motion carried by a voice vote.

2016Minutes of the November 22, 2016 Zoning and Land RegulationMIN-385Committee meeting

Attachments: 11-22-16 ZLR Public Hearing minutes

A motion was made by MATANO, seconded by BOLLIG, that the Minutes of the November 22, 2016 ZLR Committee meeting be approved. The motion carried by a voice vote.

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

11063PETITION: REZONE 11063
APPLICANT: PAUL MARKHARDT PROPERTIES LLC
LOCATION: 2263 COUNTY HIGHWAY Z, SECTION 19, TOWN OF
BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture
District, A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating two residential lots

Attachments: 11063 Staff

<u>11063 Town</u>

11063 Density

11063 Ord Amend

A motion was made by BOLLIG, seconded by MATANO, that ZLR Committee rules for accepting Town Action Reports no later than the Thursday before the meeting be suspended . The motion carried by a voice vote.

In Favor: Paul Markhardt Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. The existing barn shall remain.

2. There shall be a 66-foot right-of-way between lots with a 60-foot radius bulb at the west end of the roadway.

3. The westerly property lines shall be shifted west to allow for a single-family residence on the northerly lot and a 50-foot separation between the property line and the barn on the southerly lot.

Ayes: 3 - BOLLIG,KOLARandMATANO

 11064
 PETITION: REZONE 11064

 APPLICANT: DANE COUNTY GROWERS PARTNERSHIP

 LOCATION: 481 EDGERTON ROAD, SECTION 27, TOWN OF

 ALBION

 CHANGE FROM: RH-1 Rural Homes District TO A-4 Agriculture District,

 RH-1 Rural Homes District TO R-3 Residence District

 REASON: separating existing residence from farmland

Attachments: 11064 Staff

<u>11064 Town</u>

11064 Ord Amend

In Favor: Richard Moen Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 2 MILESandO'LOUGHLIN
- 11065
 PETITION: REZONE 11065

 APPLICANT: LUCAS PROCTOR

 LOCATION: 1755 STATE HIGHWAY 92, SECTION 34, TOWN OF

 SPRINGDALE

 CHANGE FROM: R-2 Residence District TO A-1 Agriculture District

 REASON: zoning to allow for a limited family business
 - Attachments: 11065 CUP 2365 Staff

<u>11065 Town</u>

11065 Ord Amend

In Favor: Lucas Proctor Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 2 MILESandO'LOUGHLIN

CUP 2365 PETITION: CUP 2365 APPLICANT: LUCAS PROCTOR LOCATION: 1755 STATE HIGHWAY 92, SECTION 34, TOWN OF SPRINGDALE CUP DESCRIPTION: Artisan Blacksmith Shop

Attachments: 11065 CUP 2365 Staff

CUP 2365 Town

CUP #2365

In Favor: Lucas Proctor Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 10 conditions. The motion carried by the following vote: 3-0.

1. The Limited Family Business shall be limited to a blacksmith shop to be operated out of an accessory building to be constructed on the property.

2. Hours of operation shall be limited to 7am-6pm daily

3. There shall be no employees other than Lucas Proctor, the owner.

4. No retail sales shall be conducted on the property. The business shall not be open to the public.

5. All blacksmith activities shall be conducted within the accessory building. There shall be no outdoor storage of materials for the business on the property.

6. Outside loudspeakers are prohibited.

7. Outside signs are prohibited.

8. Outdoor lighting, except for required security lights shall be operational only during hours of operation. All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.

9. No plumbing is permitted within the accessory structure.

10. The conditional use permit shall expire upon the sale of the property or business to an unrelated third party.

Ayes: 3 - BOLLIG,KOLARandMATANO

 11066
 PETITION: REZONE 11066

 APPLICANT: DAVID W KARLS

 LOCATION: 6645 HYSLOP ROAD, SECTION 35, TOWN OF DANE

 CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes

 District

 REASON: zoning compliance for a residential home

Attachments: 11066 Staff

11066 Town

11066 Density

11066 Ord Amend

In Favor: Michael Emberson Opposed: None

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

- 11067
 PETITION: REZONE 11067

 APPLICANT: THAYER E EVERY

 LOCATION: 298 STATE HIGHWAY 138, SECTION 30, TOWN OF

 DUNKIRK

 CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture

 District

 REASON: zoning to allow for a salvage recycling center
 - Attachments: 11067 CUP 2366 Staff

11067 CUP 2366 Town

11067 Density

11067 Ord Amend

In Favor: Thayer Every Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on parcel #0511-304-9000-2 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights this portion of the original farm have been exhausted.

Ayes: 3 - BOLLIG,KOLARandMATANO

CUP 2366 PETITION: CUP 2366 APPLICANT: THAYER E EVERY LOCATION: 298 STATE HIGHWAY 138, SECTION 30, TOWN OF DUNKIRK CUP DESCRIPTION: Salvage Recycle center

Attachments: 11067 CUP 2366 Staff

11067 CUP 2366 Town

11067 Density

<u>11067 CUP 2366 Map</u>

<u>CUP 2366 App</u>

CUP #2366

In Favor: Thayer Avery Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with conditions. The motion carried by the following vote: 3-0.

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 2 MILESandO'LOUGHLIN
- 11068
 PETITION: REZONE 11068

 APPLICANT: CHAD CATLIN

 LOCATION: 2771 COUNTY HIGHWAY N, SECTION 9, TOWN OF

 PLEASANT SPRINGS

 CHANGE FROM: C-1 Commercial District TO C-2 Commercial District

 REASON: zoning to allow vehicle rental
 - Attachments: 11068 Staff

<u>11068 Map</u>

11068 CTH-N-Option-B

<u>11068 App</u>

In Favor: Deborah Summers Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed due to no town action and outstanding items as indicated by Staff. The motion carried by the following vote: 3-0.

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 2 MILESandO'LOUGHLIN

 11069
 PETITION: REZONE 11069

 APPLICANT: MICHAEL L DORROUGH

 LOCATION: 5500 LINCOLN ROAD, SECTION 10, TOWN OF

 OREGON

 CHANGE FROM: A-2 (8) Agriculture District TO A-2 (2) Agriculture

 District

 REASON: separating existing residence from farmland

Attachments: 11069 Staff

11069 Revised CSM

11069 Map

11069 Density

11069 App

In Favor: None Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed due to lack of Town Action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

 11070
 PETITION: REZONE 11070

 APPLICANT: BARBARA J HELLENBRAND

 LOCATION: 5441 ENCHANTED VALLEY ROAD, SECTION 23, TOWN

 OF BERRY

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

 District

 REASON: creating one residential lot

Attachments: 11070 Staff

<u>11070 Map</u>

11070 Density

<u>11070 App</u>

In Favor: Paul Spetz Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to lack of Town Action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

 11071
 PETITION: REZONE 11071

 APPLICANT: VETESNIK ENTERPRISES LLC

 LOCATION: 4246 DAENTL ROAD, SECTION 5, TOWN OF BURKE

 CHANGE FROM: A-2 (2) Agriculture District TO C-2 Commercial District

 REASON: compliance for outdoor sales display

Attachments: 11071 Staff

<u>11071 Town</u>

11071 Violation Letter

<u>11071 App</u>

In Favor: Rachel Holloway and George Vetesnik presented the proposal. Opposed: Joe Murray stated that the placement of building structures on the property create an unsafe environment of the surrounding neighborhood. There is no lighting, fencing, or gates for the storage area. People have been viewed living in the sheds for shelter.

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until such time as the City of Madison approves the termination of the existing deed restriction prohibiting temporary or permanent structures on the property. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

 11072
 PETITION: REZONE 11072

 APPLICANT: ROBERT P RIEGE

 LOCATION: EAST OF 140 FAIR OAK ROAD, SECTION 24, TOWN OF

 DEERFIELD

 CHANGE FROM: RH-3 Rural Homes District TO A-1EX Agriculture

 District

 REASON: reduce the size of a residential lot

Attachments: 11072 Staff

11072 Town

11072 Map

11072 App

11072 Ord Amend

In Favor: David Dinkel Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG, KOLARand MATANO

<u>11073</u>	PETITION: REZONE 11073
	APPLICANT: ALEX MCKENZIE
	LOCATION: 9808 GREENWALD ROAD, SECTION 23, TOWN OF
	VERMONT
	CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
	District, A-1EX Agriculture District TO RH-1 Rural Homes District
	REASON: separating existing residence from farmland and creating a
	zoning boundary for a new residence

Attachments: 11073 Staff

<u>11073 Map</u>

11073 Density

11073 Shared Driveway Easement Agreement

<u>11073 App</u>

Letter of Opposition

In Favor: Alex and Mary Lee McKenzie Opposed: Gini Hendrickson submitting a letter of opposition

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until the January 10, 2017 Committee meeting. The motion carried by the following vote: 3-0.

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 2 MILESandO'LOUGHLIN

11074PETITION: REZONE 11074
APPLICANT: WAYNE A MASEK
LOCATION: 688 EDGERTON ROAD, SECTION 22, TOWN OF
ALBION
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District, A-1EX Agriculture District TO A-4 Agriculture District, R-1A
Residence District TO RH-2 Rural Homes District
REASON: creating two residential lots

Attachments: 11074 Staff

<u>11074 Town</u>

11074 Density

11074 Ord Amend

In Favor: Wayne Masek Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

CUP 2363 PETITION: CUP 2363 APPLICANT: MADISON SPEEDWAY INC. LOCATION: 1122 SUNRISE ROAD, SECTION 9, TOWN OF RUTLAND CUP DESCRIPTION: continuation of an existing racetrack under new ownership

Attachments: CUP 2363 Staff

CUP 2363 Town

CUP #2363

In Favor: Gregg MdKarns Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 3-0.

1. This Conditional Use Permit shall be for a racetrack facility including emergency vehicle training and shall expire on sale of property or the business to an unrelated third party.

2.The conditions of approval are set forth under the "Amended Restrictions Agreement" found in document #5051009 recorded in the office of the Register of Deeds, and attached herein for reference.

3.Violation of any conditions found under this agreement shall be deemed sufficient grounds for revocation of this Conditional Use Permit.

Ayes: 3 - BOLLIG,KOLARandMATANO

CUP 2364 APPLICANT: DANA HONGISTO LOCATION: 1008 SEVERSON ROAD, SECTION 13, TOWN OF MONTROSE CUP DESCRIPTION: horse boarding

Attachments: CUP 2364 Staff

<u>CUp 2364 Town</u>

<u>CUP 2364 Map</u>

CUP 2364 App

<u>CUP #2364</u>

In Favor: Dana Hongisto Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 12 conditions. The motion carried by the following vote: 3-0.

1)This conditional use permit is for horse boarding and horse training activities on the property.

2)Business hours shall be 7:00 am - 8:00 pm 7 days per week.

3)There shall be a maximum of 10 full-time-equivalent employees.

4)Horse boarding operations shall be limited to a maximum of 30 horses at any one time.

5)The structures for the conditional use are limited to those shown on the site plan, and additional accessory structures, including horse shelters.

6)All parking must be accommodated on the property. Parking is prohibited on Severson Road

7)Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NRCS 590 standards and approved by Dane County Land Conservation.

8)Bathroom facilities and plumbing fixtures in the existing accessory buildings shall be permitted.

9)The installation outdoor stadium/arena lighting is prohibited.

10)Outdoor loudspeakers are prohibited.

11)Any future horse shows shall require a minimum two week advance notification, and filing of an event plan with the town of Montrose. Said event plan shall, at a minimum, include information on the number of anticipated patrons, event hours/days, and address patron parking on site, provision of sanitary facilities, manure management, and any temporary signage.
12)The conditional use permit has been issued to Dana Hongisto. The conditional use permit shall expire upon future sale of the property or the change of business ownership.

Ayes: 3 - BOLLIG,KOLARandMATANO

11078PETITION: REZONE 11078
APPLICANT: JONATHAN J HALVERSON
LOCATION: SOUTH OF 410 HAUGEN ROAD, SECTION 27, TOWN
OF ALBION
CHANGE FROM: C-2 Commercial District TO A-2 (4) Agriculture District
REASON: ready mix concrete plant

Attachments: 11078 CUP 2567 Staff

11078 CUP 2367 Full Staff Report

11078 Town

11078 CUP 2367 Map

11078 CUP 2367 Vico Plastics opposition

11078 CUP 2367 Daryl Good Opposition

<u>11078 App</u>

<u>Withdraw</u>

In Favor: None Opposed: None

A motion was made by BOLLIG, seconded by MATANO, to accept the applicant's request to withdraw the petition. The motion carried by the following vote: 3-0

Ayes: 3 - BOLLIG,KOLARandMATANO

PETITION: CUP 2367 CUP 2367 APPLICANT: JONATHAN J HALVERSON LOCATION: SOUTH OF 410 HAUGEN ROAD, SECTION 27, TOWN OF ALBION CUP DESCRIPTION: concrete batch plant Attachments: 11078 CUP 2567 Staff 11078 CUP 2367 Full Staff Report CUP 2367 Town 11078 CUP 2367 Map 11078 CUP 2367 Vico Plastics opposition 11078 CUP 2367 Daryl Good Opposition CUP 2367 App Revised CUP 2367 App withdraw In Favor: None Opposed: None A motion was made by BOLLIG, seconded by MATANO, to accept the applicant's

A motion was made by BOLLIG, seconded by MATANO, to accept the applicant's request to withdraw the application. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

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

 11051
 PETITION: REZONE 11051

 APPLICANT: HEINEMANN RENTALS & INVESTMENTS LLC

 LOCATION: 4587 COUNTY HIGHWAY TT, SECTION 33, TOWN OF

 SUN PRAIRIE

 CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District

 REASON: shifting of property lines between adjacent land owners

Attachments: 11051 Staff Update

<u>11051 Town</u>

<u>11051 Map</u>

<u>11051 App</u>

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0. 1.Any additional paving or impervious surfaces to be placed on the property shall require Town Board approval prior to the installation.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

CUP 2360 PETITION: CUP 2360 APPLICANT: HAROLD W SPAHN LOCATION: 4996 ENCHANTED VALLEY ROAD, SECTION 31, TOWN OF SPRINGFIELD CUP DESCRIPTION: unlimited livestock 3 - 16 acres

Attachments: CUP 2360 Staff Update

CUP 2360 Town

CUP 2360 L&WR condtions

CUP 2360 Letter to ZLR 11.16.16

CUP 2360 Map

CUP 2360 App

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be denied. The motion carried by the following vote: 3-0. Findings of Fact: 1. The property is located in the Residential Neighborhood Planning Area as designated within the Town of Springfield Comprehensive Plan. The keeping of numerous livestock in this area is inconsistent with the policies found within the Town of Springfield Comprehensive Plan. 2. The landowner does not meet the manure management requirements as found under Dane County Code of Ordinances, Chapter 14. 3. The request failed to meet Standards 1, 2, 3, 4, and 6.

- Ayes: 3 BOLLIG,KOLARandMATANO
- Excused: 2 MILESandO'LOUGHLIN

F. Plats and Certified Survey Maps

2016 LD-044 Dane County Growers, Jim Wileman - Land Division Waiver Town of Albion, Section 27

Attachments: 2014 aerial

20161202105205

A motion was made by BOLLIG, seconded by MATANO, that the Land Division waiver be approved to allow proposed lot 2 to have have no frontage along a public road. Finding of fact: Proposed lot 2 is being rezoned to the A-4 District, no development.

The motion carried by a voice vote 3-0, Miles and O'Loughlin excused.

G. Resolutions

H. Ordinance Amendment

I. Reports to Committee

<u>2016</u>	Report of approved Certified Survey Maps
DDT 540	

<u>RPT-548</u>

Attachments: Dec 2016

No comments made by the Committee.

2016Progress report on CUP 2334, Payne and Dolan Mineral Extraction Site,PRES-112Section 36, Town of Oregon

Attachments: CUP 2334 Map

Tab 7 - Operations & Reclamation Plan

CUP #2334

Bill Buglass, Payne & Dolan, presented a video that showed the activities of the sand and gravel operation in Section 36 in the Town of Oregon.

J. Other Business Authorized by Law

K. Adjourn

A motion was made by BOLLIG, seconded by MATANO, to adjourn the meeting of the Zoning and Land Regulation Committee. The motion carried unanimously. Time:8:00pm

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@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 hnub ua hauj lwm ua ntej yuav tuaj sib tham.