

## **Dane County**

## Minutes - Final Unless Amended by Committee

## **Zoning & Land Regulation Committee**

Tuesday, July 25, 2017

6:30 PM

City - County Building, ROOM 354 210 Martin Luther King Jr. Blvd., Madison

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#### A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room

354 of the Clty-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members present: Ayomi Obuseh and Sam Fischer.

Present 3 - MARY KOLAR, AL MATANO, and PATRICK MILES

Excused 2 - JERRY BOLLIG, and DENNIS O'LOUGHLIN

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

Jean Mannetter expressed her displeasure with the activity level at the Goodman Jewish Community Campus located at 7762 County Highway PD in the Town of Verona. She stated that there are more children attending the summer camp. Loudspeakers are being used which are annoying. There an overly amount of noise being produced from the activities on the premises. She would like the activities to be moved more to the east of the property.

**RPT-241** 

Registrants at the July 25th meeting

Attachments: July 25th Registrants

### C. Consideration of Minutes

2017 Minutes of the May 9, 2017 Zoning & Land Regulation Committee

MIN-185 Meeting

Attachments: 5-09-17 ZLR work meeting minutes

A motion was made by MATANO, seconded by MILES, that the Minutes of the

May 9th meeting be approved. The motion carried by a voice vote.

<u>2017</u> Minutes of the May 23, 2017 Zoning & Land Regulation Committee

MIN-184 meeting

<u>Attachments:</u> 5-23-17 ZLR public hearing minutes

A motion was made by MATANO, seconded by MILES, that the Minutes of the

May 23rd meeting be approved. The motion carried by a voice vote.

2017 Minutes of the June 13, 2017 Zoning & Land Regulation Committee

MIN-186 meeting

Attachments: 6-13-17 ZLR work meeting minutes

A motion was made by MATANO, seconded by MILES, that the Minutes of the

June 13th meeting be approved. The motion carried by a voice vote.

2017 Minutes of the June 27, 2017 Zoning & Land Regulation Committee

MIN-187 meeting

<u>Attachments:</u> 6-27-17 ZILR public hearing minutes

A motion was made by MATANO, seconded by MILES, that the Minutes of the  $\,$ 

June 27th meeting be approved. The motion carried by a voice vote.

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

11154 PETITION: REZONE 11154

APPLICANT: AMY C FROCHTZWEIG

LOCATION: 2277 RINDEN ROAD, SECTION 10, TOWN OF

PLEASANT SPRINGS

CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture

District

REASON: zoning to allow for a limited family business

Attachments: 11154 - CUP 2383 Staff

11154 Town

11154 Ord Amend

In favor: Amy and Charles Frochtzweig

Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

CUP 02383 PETITION: CUP 02383

APPLICANT: AMY C FROCHTZWEIG

LOCATION: 2277 RINDEN ROAD, SECTION 10, TOWN OF

PLEASANT SPRINGS

CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture

District

CUP DESCRIPTION: LIMITED FAMILY BUSINESS (WELDING

OPERATION)

Attachments: 11154 - CUP 2383 Staff

11154 - CUP 2383 Town

CUP #2383

In favor: Amy and Charles Frochtzweig

Opposed: None

A motion was made by MATANO, seconded by MILES, that this Conditional Use Permit be approved with 13 conditions. The motion carried by the following vote: 3-0.

- 1. The conditional use permit is for operation of a Limited Family Business C&D Welding.
- 2. The proposed new building shall be built according to plans submitted with CUP #2383.
- 3. No signage shall be permitted.
- 4. No outside storage of business materials shall be permitted.
- 5. A bathroom with sanitary fixtures shall be allowed in the accessory building housing the welding shop. Prior to sale of the property to an unrelated 3rd party, the sanitary fixtures shall be removed, and the system shall be capped and disconnected from the septic system.
- 6. The building shall not be used as a dwelling unit under any circumstances. Violation of this condition shall be grounds for revocation of this Conditional Use Permit.
- 7. Utilities shall be single phase existing power.
- 8. Trash collection remains the same and/or possible one additional recycling bin.
- 9. Business materials to be sent by US Postal Service.
- 10. Business materials sending, owner drives to FEDEX business site.
- 11. Business materials received through FEDEX delivery trucks, current preferred method.
- 12. Truck Traffic type No change in typical truck traffic type on Rinden Road.
- 13. The conditional use permit shall expire upon sale of the property to an unrelated 3rd party.

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: KENNETH H SCHULENBERG

LOCATION: 3311 COUNTY HIGHWAY P, SECTION 33, TOWN OF

**CROSS PLAINS** 

CHANGE FROM: RH-3 Rural Homes District TO LC-1 Limited

Commercial District

REASON: zoning to allow for lawn care company operations

Attachments: 11155 Staff

11155 Town

11155 Ord Amend

In favor: Kenneth Schulenberg

Opposed: None

A motion was made by MILES, 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 Lots 1 and 2 to prohibit the lots from

being sold seperately.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

11156 PETITION: REZONE 11156

APPLICANT: MARY P HENMAN

LOCATION: NORTH OF THUMPER ROAD, SECTION 34, TOWN OF

**VERMONT** 

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

REASON: changing residential building site

Attachments: 11156 Staff

<u>11156 Town</u>

11156 Ord Amend

In favor: Mary Henman Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: JAMES LAPP

LOCATION: 3333 STATE HIGHWAY 138, SECTION 12, TOWN OF

**RUTLAND** 

CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District,

B-1 Local Business District TO C-2 Commercial District, A-1EX

Agriculture District TO A-4 Agriculture District

REASON: rezone for large scale landscaping, snow and tree removal

business with home for watchman/caretaker

Attachments: 11157 - CUP 2384 Staff

11157 Town 11157 Density 11157 Ord Amend

In favor: James Lapp Opposed: None

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

- 1. The petition shall be amended to assign the zoning district classification of A-2 to the proposed 32.5-acre parcel.
- 2. A deed restriction shall be recorded on the A-2 parcel to prohibit land division of the property and require site plan approval from the Town Board prior to any development of the property.
- 3. A deed restriction shall be recorded on the C-2 parcel to limit the land uses to the following: Limit the land uses exclusively to landscaping, snow removal, tree care and similar contracting businesses, repairs and storage of contractors vehicles, machinery, and equipment, outdoor storage of landscaping materials, and a residence for a watchman/caretaker. Outdoor storage areas shall be shielded from view from Highway 138. Prohibit off-premises (billboard) signage, lighted signage, and outdoor loudspeakers.

Aves: 3 - KOLAR, MATANO and MILES

CUP 02384 PETITION: CUP 02384

APPLICANT: JAMES LAPP

LOCATION: 3333 STATE HIGHWAY 138, SECTION 12, TOWN OF

**RUTLAND** 

CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District,

B-1 Local Business District TO C-2 Commercial District, A-1EX

Agriculture District TO A-4 Agriculture District

CUP DESCRIPTION: REZONE FOR LARGE SCALE LANDSCAPING,

SNOW AND TREE REMOVAL BUSINESS WITH HOME FOR

WATCHMAN/CARETAKER

Attachments: 11157 - CUP 2384 Staff

CUP 2384 Town

11157 - CUP 2384 Map

CUP 02384 App

CUP #2384

In favor: James Lapp Opposed: None

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

3-0.

- 1. The conditional use permit is for a residence for a watchman / caretaker.
- 2. The conditional use permit shall expire at any time the residence ceases to be occupied by a watchman / caretaker of a business located on the property.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

11158 PETITION: REZONE 11158

APPLICANT: ANDREW HALVERSON

LOCATION: 2522 COUNTY ROAD A, SECTION 9, TOWN OF

**DUNKIRK** 

CHANGE FROM: R-1 Residence District TO A-2 (2) Agriculture District REASON: change zoning district to allow for a taller accessory building

Attachments: 11158 Staff

11158 Town
11158 Ord Amend

In favor: Andrew Halverson

Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: VINEY ACRES LLC

LOCATION: 1994 US HIGHWAY 12 & 18, SECTION 35, TOWN OF

COTTAGE GROVE

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

District

REASON: creating one residential lot

Attachments: 11159 Staff

11159 Town 11159 Density 11159 Ord Amend

In favor: Donald and Dan Viney

Opposed: None

A motion was made by MILES, 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 should be placed on the balance of parcel #071135295020 prohibiting further residential development. (The existing Notice document is sufficient to document the 2 transferable RDUs that remain "banked" on the property from zoning petition #10992.)
- 2. The applicant must meet all town of Cottage Grove and WisDOT requirements regarding location and installation of the driveway providing access to the property.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

11161 PETITION: REZONE 11161

APPLICANT: MARK H NYHUS

LOCATION: 2009 MANHATTAN DRIVE, SECTION 28, TOWN OF

**VERONA** 

CHANGE FROM: RH-1 Rural Homes District TO R-2 Residence District REASON: shifting of property lines between adjacent land owners

Attachments: 11161 Staff

11161 Town 11161 Ord Amend

In favor: Susan Nyhus Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: BUHLER FAMILY IRREV TR

LOCATION: NORTH OF 6134 RIVER ROAD, SECTION 1, TOWN OF

**WESTPORT** 

CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District REASON: shifting of property lines between adjacent land owners

Attachments: 11162 Staff

11162 Town

11162 Ord Amend

In favor: Sichard Schmill

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following

vote: 3-0.

1. Lot 2 shall be deed restricted to prohibit division of the property.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

11163 PETITION: REZONE 11163

APPLICANT: MARA K ZIMMERMAN

LOCATION: EAST OF 4203 TOWER ROAD, SECTION 16, TOWN OF

**DUNN** 

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

District

REASON: creating two residential lots

Attachments: 11163 Staff

11163 Map 11163 Density 11163 App

In favor: Mara Zimmerman and Erling Olson

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote:

3-0.

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: DELORES BEST

LOCATION: 129 COUNTY HIGHWAY DD, SECTION 36, TOWN OF

**MONTROSE** 

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

and RH-1 Rural Homes District

REASON: creating two residential lots one being for an existing

residence, and two agricultural lot

Attachments: 11164 Staff

11164 Town11164 Density11164 Ord Amend

In favor: Ed Short Opposed: None

A motion was made by MATANO, seconded by MILES, 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 Lot 2 and 3 to prohibit residential development. The housing density rights have been exhausted on the original farm.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

11165 PETITION: REZONE 11165

APPLICANT: BULLSI LLC

LOCATION: 4645 STATE HIGHWAY 138, SECTION 7, TOWN OF

**RUTLAND** 

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

REASON: allow commercial uses

Attachments: 11165 Staff

11165 Town 11165 Map

11165 Village of Oregon comments

11165 App

In favor: Eric Grover Opposed: None

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed until a development plan is created and the Town Comprehensive Plan is amended to reflect commercial development for the area. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

<u>11166</u> PETITION: REZONE 11166

APPLICANT: SCREAMIN' NORWEGIAN FARMS LLC

LOCATION: JUST SOUTH OF 3475 SKARSTINDEN ROAD, SECTION

26, TOWN OF COTTAGE GROVE

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

REASON: creating one residential lot

Attachments: 11166 Staff

11166 Town 11166 Map 11166 Density 11166 App

In favor: Tim Thorson Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed until the property that will be sending the Residential Development Unit is identified. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

11167 PETITION: REZONE 11167

APPLICANT: JANET H HOOPES

LOCATION: 4690 COUNTY HIGHWAY J, SECTION 29, TOWN OF

**CROSS PLAINS** 

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

A-1EX Agriculture District TO A-2 Agriculture District

REASON: creating three residential lots

Attachments: 11167 Staff

11167 Density 11167 Map 11167 App

In favor: Dan Birrenkott Opposed: None

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote:

3-0.

Aves: 3 - KOLAR, MATANO and MILES

APPLICANT: HAACK TR

LOCATION: 1582 LIBERTY STREET, SECTION 3, TOWN OF

**PRIMROSE** 

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

District

REASON: 4 residential lots

Attachments: 11168 Staff

11168 Map 11168 Density 11168 App

In favor: William Haack

Opposed: None

Larry Lester expressed concerns regarding traffic. There were concerns raised on

increased storm water.

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote:

3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

**11169** PETITION: REZONE 11169

APPLICANT: JAMES T HUTCHINS

LOCATION: NORTH OF LALLY ROAD, SECTION 28, TOWN OF

**DUNN** 

CHANGE FROM: A-1EX Agriculture District TO R-3A Residence District

REASON: creating residential lot for duplex

Attachments: 11169 Staff

11169 Map 11169 Density 11169 App

In favor: Gary Palmer Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote:

3-0.

Ayes: 3 - KOLAR, MATANO and MILES

CUP 02385 PETITION: CUP 02385

APPLICANT: SUN PRAIRIE CONCRETE INC

LOCATION: 5067 REINER ROAD, SECTION 26, TOWN OF BURKE CUP DESCRIPTION: EXPAND EXISTING MINERAL EXTRACTION

SITE

Attachments: CUP 02385 App

2385 CityOfMadison

2385 Map 2385 Staff

In favor: John Belken and Paul Johnson

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be postponed due to no town action. The motion carried by the following

vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

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

11136 PETITION: REZONE 11136

APPLICANT: SCREAMIN' NORWEGIAN FARMS LLC

LOCATION: 1924 US HIGHWAY 12 & 18, SECTION 35, TOWN OF

**COTTAGE GROVE** 

CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District,

A-1EX Agriculture District TO R-3A Residence District REASON: separating existing residences from farmland

Attachments: 11136 Staff

11136 Town 11136 Density 2 11136 Ord Amend

A motion was made by MILES, 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 the 1864 US Hwy 12/18 lot which requires the removal of the secondary residence by July 31, 2018.
- 2. A deed restriction shall be recorded on the 1924 US Hwy 12/18 lot which requires the removal of the secondary residences prior to the sale of the property.

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: LUCY S KURT-MANHART

LOCATION: 5899 COUNTY HIGHWAY CV, SECTION 8, TOWN OF

**BURKE** 

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

A-1 Agriculture District TO R-1 Residence District

REASON: separating existing residences from farmland

Attachments: 11137 Staff

11137 Town

11137 Ord Amend

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

**11139** PETITION: REZONE 11139

APPLICANT: ESSER FAMILY TR

LOCATION: 8456 PINE HILL ROAD, SECTION 14, TOWN OF CROSS

**PLAINS** 

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District REASON: shifting of property lines between adjacent land owners

Attachments: 11139 Staff

11139 Town

11139 Ord Amend

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

Ayes: 3 - KOLAR, MATANO and MILES

APPLICANT: FURSETH FARMS INC

LOCATION: 731 BASS LAKE ROAD, SECTION 19, TOWN OF

DUNKIRK

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

District

REASON: separating existing residence from farmland

Attachments: 11144 Staff

11144 Town 11144 Density 11144 Ord Amend

A motion was made by MATANO, seconded by MILES, 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 parcels 0511-192-9000-8 and

0511-192-8550-5 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

**11148** PETITION: REZONE 11148

APPLICANT: THOMAS L SCHALLER

LOCATION: SOUTH OF NORTH FAIR OAK ROAD, SECTION 23,

TOWN OF DEERFIELD

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

District

REASON: creating one residential lot

Attachments: 11148 Staff

11148 Town 11148 Density

11148 Historic plat of survey 11148 Historic Easement

11148 Ord Amend

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

Ayes: 3 - KOLAR, MATANO and MILES

### F. Plats and Certified Survey Maps

2017 LD-021 Final Plat - Shady Grove

Village of Cottage Grove

Staff recommends a certification of non-objection.

Attachments: Untitled

**Certified copy** 

A motion was made by MILES, seconded by MATANO, that the plat be certified

with no objections. The motion carried by a voice vote: 3-0

2017 LD-022 Final Plat - Daybreak Valley

Town of Middleton

Staff recommends signature of the final plat.

Attachments: 2014 aerial

conditional approval letter

Daybreak Valley Final Plat 2016.11.21

A motion was made by MATANO, seconded by MILES, that the plat be approved.

The motion carried by a voice vote: 3-0.

KOLAR signed the final plat.

2017 LD-019 Preliminary Plat - Wellington Trace

Town of Bristol

Staff recommends conditional approval.

Attachments: 7.25.17 conditions

map

Hart Subdivision Bristol 31 06 13 2017

Bird St. Wetland Investigation Results Letter (1)

Septic System Map

Soil Boring Logs

Water Table Exhibit (1)

20170516092311

A motion was made by MATANO, seconded by MILES, that the preliminary plat be postponed to allow for the town of Bristol to take action and the developer to submit a letter from the Dane County Land & Water office that addresses the erosion control and stormwater components. The motion carried by a voice vote: 3-0.

2017 LD-020 Preliminary Plat - Cherry Wood Ridge

Town of Middleton

Acceptance and schedule for 8/08/2017 consideration.

Attachments: acceptance

**CherryWoodRidgePrelim** 

map

Prelim Plat of Cherry Wood Ridge

A motion was made by MATANO, seconded by MILES, that the preliminary plat be accepted and schedule for future consideration. The motion carried by a voice

vote: 3-0

- G. Resolutions
- **H. Ordinance Amendment**
- I. Items Requiring Committee Action
- J. Reports to Committee

2017 Report of approved Certified Survey Maps

RPT-196

Attachments: June 2017

### K. Other Business Authorized by Law

### L. Adjourn

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

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com