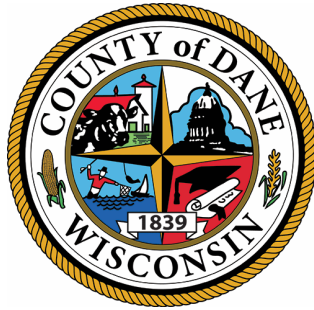


Dane County



Minutes

Tuesday, May 28, 2019

6:30 PM

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

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?

A. Call to Order

Chair Bollig call the May 28, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Everson and Lane

Present 3 - JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

Excused 1 - STEVEN PETERS

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

No comments made by the public.

[2019](#)
[RPT-080](#)

May 28th ZLR Committee meeting registrants

C. Consideration of Minutes

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

[11413](#)

PETITION: REZONE 11413

APPLICANT: BRUCE D HOLOUBEK

LOCATION: NORTH OF 6604 PURCELL ROAD, SECTION 35, TOWN OF VERONA

CHANGE FROM: RH-2 Rural Homes District TO RH-3 Rural Homes District

REASON: Adjusting lot lines for owner's properties

In favor: Bruce Holoubek

Opposed: None

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

1. The certified survey map shall note that Purcell Road is dedicated to the public.
2. The certified survey map shall show the private well location.
3. A joint driveway agreement shall be recorded with the Register of Deeds for the benefit of both lots.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11414](#)

PETITION: REZONE 11414
APPLICANT: SHERI BRUNNER
LOCATION: 1705 COUNTY HIGHWAY KP, SECTION 26, TOWN OF BLACK EARTH
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland

In favor: Sheri Brunner
Opposed: None

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

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11415](#)

PETITION: REZONE 11415
APPLICANT: BRET A SAALSAA
LOCATION: 7891 RIVERSIDE ROAD, SECTION 31, TOWN OF VERONA
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District, RH-1 Rural Homes District, and RH-3 Rural Homes District
REASON: creating four residential lots

In favor: Bret Saalsaa and Noa Prieve
Opposed: John Barnes was concerned with the amount of development destroying the natural environment.

A motion was made by KNOLL, seconded by WEGLEITNER, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11416](#)

PETITION: REZONE 11416
APPLICANT: ZURBUCHEN LIVING TR, MARILYN S
LOCATION: LANDS EAST OF 2216 SPRING ROSE ROAD, SECTION 30, TOWN OF VERONA
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District, RH-1 Rural Homes District, and CO-1 Conservancy District
REASON: Creating subdivision with 27 residential lots

In favor: Adam Carrico and Noa Prieve
Opposed: Brent Darley expressed concerns regarding the loss of agricultural lands and the development causing increased flooding due to runoff.

A motion was made by WEGLEITNER, seconded by KNOLL, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote:3-0.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11417](#)

PETITION: REZONE 11417
APPLICANT: DALE & DWIGHT D HUSTON
LOCATION: EAST OF 2342 UPHOFF ROAD, SECTION 15, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In favor: Dennis Richardson

Opposed: None

A motion was made by KNOLL, seconded by WEGLEITNER, 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 a 2-acre lot.**
- 2. A deed notice shall be recorded on parcel 0711-153-9001-0 to prohibit residential development on the remaining 1/4 1/4 section.**
- 3. Uphoff Road shall be dedicated to the public and any displaced survey markers shall be replaced.**

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11418](#)

PETITION: REZONE 11418
APPLICANT: SKI LANE PROPERTIES LLC
LOCATION: 2733 SKI LANE, SECTION 35, TOWN OF MADISON
CHANGE FROM: RR-2 Rural Homes District TO GC General Commercial District
REASON: commercial development of the property

In favor: Tom Jacobs

Opposed: Marie Danek, Michael Piechowski, Kiersten Kansteiner, and Brian Miller. The neighbors expressed concerns regarding the reduction of open space in the area, the lack of development plans, and the unknown quality of the development.

A motion was made by KNOLL, seconded by WEGLEITNER, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11419](#)

PETITION: REZONE 11419
APPLICANT: RONALD L TRACHTE
LOCATION: 1397 RAMSEY ROAD, SECTION 6, TOWN OF ALBION
CHANGE FROM: FP-35 General Farmland Preservation District TO RM-16 Rural Mixed-Use
REASON: zoning for domestic pet boarding

In favor: Ron Trachte

Opposed: None

A motion was made by KNOLL, seconded by WEGLEITNER, 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 property to prohibit the property from being divided.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[CUP 02467](#)

PETITION: CUP 02467
APPLICANT: RONALD L TRACHTE
LOCATION: 1397 RAMSEY ROAD, SECTION 6, TOWN OF ALBION
CUP DESCRIPTION: DOMESTIC PET BOARDING

In favor: Ron Trachte

Opposed: None

A motion was made by WEGLEITNER, seconded by KNOLL, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 3-0.

1. The conditional use permit shall be for a domestic pet boarding and grooming facility.

2. The facility and business shall comply with the site plan and operations plan (application narrative), as submitted.

3. All applicable standard conditions found in section 10.101(7)(d)2a.

4. All standards for operation of a domestic pet boarding facility found in 10.103(5).

a. The use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.

b. Each animal shall be provided with an indoor containment area. Indoor suites / rooms shall be insulated with noise minimizing materials.

c. Each animal shall be provided with adequate exercise space. Outdoor exercise spaces shall be fenced.

d. Applicant shall dispose of animal waste in a designated receptacle to be removed from the property weekly by a licensed sanitary business.

e. Dogs shall be kept inside between the hours of 9:00pm and 6:00am.

f. The total number of animals present at any one time on the property shall not exceed 40.

5. Any future expansion of the site or operation shall require an amendment to this CUP and approval by the town of Albion.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11420](#)

PETITION: REZONE 11420
APPLICANT: WTS HOLDINGS LLC
LOCATION: 99 W BELTLINE HIGHWAY, SECTION 36, TOWN OF MADISON
CHANGE FROM: MFR-08 Multi-Family Residential District TO HC Heavy Commercial District
REASON: match zoning of adjacent property to allow for future addition to existing building

In favor: Justin Temple

Opposed: None

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

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[11421](#)

PETITION: REZONE 11421
APPLICANT: ELIZABETH REINSTAD
LOCATION: 1924 COUNTY HIGHWAY A, SECTION 11, TOWN OF DUNKIRK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In favor: Peggy Jacobson

Opposed: None

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

1. The location of the septic system shall be shown on the certified survey map.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

[CUP 02466](#)

PETITION: CUP 02466

APPLICANT: WILLIAM K GARFOOT

LOCATION: 2161 SPRINGDALE CENTER ROAD, SECTION 28, TOWN OF SPRINGDALE

CUP DESCRIPTION: creating an airplane landing strip

In favor: William Garfoot and Dennis Kartman

Opposed: Ellen Bunn would like the Committee to approve the conditional use permit with the Town's 21 conditions.

A motion was made by WEGLEITNER, seconded by KNOLL, that this Conditional Use Permit be approved with 21 conditions. The motion carried by the following vote: 3-0.

1. The airstrip/airport shall be designated as a "Private Airstrip," Airport, and used for private purposes only. On the March, 2019 application for the CUP, the purpose statement by the applicant stated "The airport shall be used only by owners of the airstrip for private recreational purposes." The conditions of CUP # 02466 shall apply to Hecklers' Airstrip, (Federal Aviation Administration Site 27406.87*A) and 4 residential lots in proximity to Heckler's Airstrip and each lots designated one pilot. The Town will be furnished with an updated list and any change to, of these 4 pilots names. a. The western most duplex unit, Bill Garfoot's duplex, 2161 Springdale Center Road, Verona, WI 53593, part of parcel number 0607-281-8000-9, the 1.47 acre part of CSM lot 2877 zoned R-3A for duplex; b. The single-family residence Dennis Kartman's home at 2125 Springdale Center Road, Verona, WI 53593, part of parcel number 0607-281-8220-3; c. Lot 1 or 2 of preliminary CSM Lot Fred Runde has an offer to purchase, parcel number to be determined after recordation of the CSM, part of parcel number 0607-281-8075-0; d. Proposed single-family residence in a designated building envelope closest to the airstrip, as part of parcel number 0607-281-8220-3, Dennis Kartman's proposed building site.

(Note: The Town of Springdale shall provide the updated parcel/address information for the 4 residences involved in the CUP to Dane County Zoning in a timely fashion. The preliminary CSM lots have not been finalized at this time, 05/20/2019.)

- 2. No aircraft other than aircraft owned by 4 resident landowner pilots shall be permitted to use the Airport.**
- 3. For the purposes of servicing resident landowners' aircraft, an individual who holds an Airframe and/or Powerplant (A&P) certificate which is issued by the FAA shall be allowed use of the Airport.**
- 4. A maximum of 6 operational aircraft shall be stored within the CUP boundary, all aircraft shall be owned by resident landowners.**
- 5. All aircraft within the CUP boundary shall be stored inside.**
- 6. Only single-engine aircraft shall use the Airport. Ultra-light type of aircraft and twin prop aircraft shall not use the Airport.**
- 7. A maximum of 2 helicopters shall be permitted to be included in the maximum of 6 operational aircraft stored on the Airport, all owned by resident landowners**
- 8. The airstrip shall operate under FAA's "Visual Flight Rules." Night flying operations or lighting of the landing strip shall not be permitted.**
- 9. Hours of operation shall be one-half hour before sunrise and one-half hour after sunset.**
- 10. A maximum of 10 FAA defined "aircraft operations" shall be permitted per day. "Aircraft operation" is defined as one of either a take-off or a landing.**
- 11. 'Touch and go' landing operations shall not be permitted. Defined as landing on a runway and taking off again without coming to a full stop.**

12. Crop dusting operations shall not be permitted to use the Airport.
13. Commercial business/bartering, including the sale of fuel, shall not be permitted.
14. Changes to the topography of the airstrip shall not be permitted. The airstrip shall remain grass.
15. Educational training pertaining to airframe construction sanctioned by an accredited academic institution shall not exceed one event per year.
16. The premises shall be kept in a neat and orderly fashion.
17. Fuel for personal use shall be stored in appropriate containers.
18. Loudspeakers shall not be permitted.
19. Signage shall not be permitted.
20. The CUP shall expire when the Bureau of Aeronautics takes away the permit for the airstrip, OR no residential landowners use the CUP and the CUP becomes null and void.
21. The CUP shall be revoked upon failure to meet and continue to meet any requirements or conditions.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

A motion was made by KNOLL, seconded by WEGLEITNER, to enter the two letters of concern that were sent via email into the official record. The motion carried by a voice vote.

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

[CUP 02464](#)

PETITION: CUP 02464
APPLICANT: BURKE LUTHERAN CHURCH
LOCATION: 5720 PORTAGE ROAD, SECTION 15, TOWN OF BURKE
CUP DESCRIPTION: religious uses

A motion was made by KNOLL, seconded by WEGLEITNER, that this Conditional Use Permit be approved with 14 conditions. The motion carried by the following vote: 3-0.

- 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 born by the landowner. Costs born 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 must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.**
- 12. 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.**
- 13. 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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to**

revocation.

14. Outdoor lighting shall be limited to the entrances of the church, and directed in such a way to stop light from reaching the neighboring residence.

Ayes: 3 - BOLLIG,KNOLLandWEGLEITNER

Excused: 2 - PETERS

F. Plats and Certified Survey Maps

[2019 LD-003](#) Certified Survey Map - Robert Maurer
Town of Verona, Section 14

A motion was made by WEGLEITNER, seconded by KNOLL, that the Land Division be approved. The motion carried by a voice vote, 3-0.

[2019 LD-004](#) Certified Survey Map - William Garfoot
Town of Springdale, Section 28

A motion was made by KNOLL, seconded by WEGLEITNER, that the Land Division be approved. The motion carried by a voice vote, 3-0.

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 KNOLL, seconded by WEGLEITNER, to adjourn the May 28, 2019 Zoning and Land Regulation Committee meeting at 7:55pm. The motion carried unanimously.

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