

# Dane County



## Minutes

Tuesday, December 17, 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 called the meeting of the December 17, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Everson, Lane, and Violante

Youth Governance member: Julia Amann - Excused

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

No comments made by the public.

[2019](#)  
[RPT-476](#)

December 17th meeting registrants

## C. Consideration of Minutes

[2019](#)  
[MIN-352](#)

Minutes of the November 26, 2019 Zoning and Land Regulation Committee meeting

A motion was made by AUDET, seconded by WEGLEITNER, to approve the minutes of the November 26, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

[11498](#)

PETITION: REZONE 11498

APPLICANT: BRYCE B BRONSTAD

LOCATION: 1845 COUNTY HIGHWAY B, SECTION 25, TOWN OF PLEASANT SPRINGS

CHANGE FROM: A-1EX Agriculture District AND A-2 (8) Agriculture District TO RH-1 Rural Homes District

REASON: increase size of existing residential lot

*In favor: Bryce Bronstad*

*Opposed: None*

A motion was made by PETERS, seconded by AUDET, that the Zoning Petition be recommended for approval with the following condition. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on both properties to prohibit further division of the properties with no additional residential development permitted.

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[11499](#)

PETITION: REZONE 11499  
APPLICANT: THADDEUS GARLEWSKI  
LOCATION: CORNER OF KOSHKONONG DRIVE AND CHEROKEE DRIVE, SECTION 25,  
TOWN OF ALBION  
CHANGE FROM: SFR-08 Single Family Residential District TO HAM-R Hamlet Residential  
District  
REASON: allow reduced setback requirements for new home

*In favor: No representation*

*Opposed: None*

**A motion was made by AUDET, seconded by PETERS, that the Zoning Petition be postponed due to no representation. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[11464](#)

PETITION: REZONE 11464  
APPLICANT: WINDSOR QUARRY LLC  
LOCATION: WEST OF VILAS HOPE ROAD, SECTION 18, TOWN OF COTTAGE GROVE  
CHANGE FROM: AT-35 Agriculture Transition District TO UTR Utility, Transportation and ROW  
District , SFR-08 Single Family Residential District TO FP-35 General Farmland Preservation  
District, FP-35 General Farmland Preservation District TO UTR Utility, Transportation and ROW  
District AND SFR-08 Single Family Residential District  
REASON: create 18 lot residential subdivision and 3 stormwater outlots

**A motion was made by WEGLEITNER, seconded by PETERS, that the Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.**

**1. The petition shall be amended to remove the SFR-08 and UTR Zoning Districts from the request. The petition adjusts the FP-35 and AT-35 boundaries to define the farmland preservation area and the future development area.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[11500](#)

PETITION: REZONE 11500  
APPLICANT: WINDSOR QUARRY LLC  
LOCATION: 3973 VILAS HOPE ROAD, SECTION 18, TOWN OF COTTAGE GROVE  
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-08 Single Family Residential District AND UTR Utility, Transportation and ROW District  
REASON: 18 lot residential subdivision

*In favor: Mike Lawton, Dan Paulson, Cottage Grove Town Chair Kris Hampton  
Opposed: Debra Tomesh expressed concerns regarding the lack of services to support a development in this area. Development is premature and future residents would be reluctant to support urban services if they had existing septic systems and private wells.*

**A motion was made by WEGLEITNER, seconded by AUDET, that the Zoning Petition be postponed due to public opposition and staff concerns. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[11501](#)

PETITION: REZONE 11501  
APPLICANT: CHARLES M BOWEN  
LOCATION: 14 HILLSIDE ROAD, SECTION 36, TOWN OF ALBION  
CHANGE FROM: RM-16 Rural Mixed-Use District and, RR-2 Rural Residential District TO RR-4 Rural Residential District and RR-2 Rural Residential District,  
REASON: shifting of property lines between adjacent land owners

*In favor: Ron Combs, Dorothy Bowen, and Martha Ekwurtze  
Opposed: None*

**A motion was made by PETERS, seconded by AUDET, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0.**

**1. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8).**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[11502](#)

PETITION: REZONE 11502  
APPLICANT: DANIEL R LOTHE  
LOCATION: 3562 STATE HIGHWAY 19, SECTION 2, TOWN OF BURKE  
CHANGE FROM: RR-4 Rural Residential District TO SFR-1 Single Family Residential District  
REASON: shifting of property lines between adjacent land owners

*In favor: Dan Paulson  
Opposed: None*

**A motion was made by WEGLEITNER, seconded by PETERS, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[11503](#)

PETITION: REZONE 11503  
APPLICANT: RICHARD J HOLLER  
LOCATION: 2993 COUNTY HIGHWAY P, SECTION 4, TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture District TO RM-8 and RM-16 Rural Mixed Use District  
REASON: separation of residence and barns from farmland and creating an additional residential lot

*In favor: Mark Nortman*

*Opposed: None*

**A motion was made by PETERS, seconded by AUDET, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0.**

- 1. The landowner shall record a deed restriction on the proposed RM-8 and RM-16 lots prohibiting further re-division of property.**
- 2. A note shall be placed on the CSM which reads, "The RM-16 lot is subject to a town-approved building envelope, documentation on file in the Town Hall".**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[11504](#)

PETITION: REZONE 11504  
APPLICANT: TREK TRAILS LLC  
LOCATION: 97 CANAL ROAD, SECTION 12, TOWN OF MEDINA  
CHANGE FROM: FP-35 General Farmland Preservation District TO RE Recreational District  
REASON: bike trails and future pavilion

*In favor: Erwin Bessler*

*Opposed: None*

**A motion was made by PETERS, seconded by WEGLEITNER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

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

[11484](#)

PETITION: REZONE 11484  
APPLICANT: TOKEN PROPERTIES LLC  
LOCATION: 6332 PORTAGE ROAD, SECTION 3, TOWN OF BURKE  
CHANGE FROM: HAM-M Hamlet Mixed-Use District AND SFR-08 Single Family Residential District TO HC Heavy Commercial District  
REASON: create a commercial lot for mini storage units

**A motion was made by PETERS, seconded by AUDET, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0.**

**1. A deed restriction shall be recorded on the property. The deed restriction shall state the following:**

**a. There shall be no outdoor storage on the property until the principal buildings and fence are constructed.**

**b. Outdoor storage is limited to no more than ten (10) total of trailered boats and/or non-motorized campers, not to exceed 30 feet in length**

**c. The following uses of the property are prohibited: adult book store; cemeteries; colony houses; institutional residential; transient or tourist lodging; vehicle repair or maintenance services; contractor, landscaping or building trade operations; freight and bus terminals; outdoor sales, display or repair; and warehousing and distribution facilities**

**2. A copy of the recorded deed restriction shall be provided to the City within 30 days of approval by Dane County.**

**3. An 8-foot decorative fence shall be constructed along the west and north property lines. The fence shall be similar in nature to the rendering submitted as part of the request. Landscaping shall be installed to provide additional buffering of the outside storage area. A landscaping plan shall be approved the City of Sun Prairie Planning Department prior to the issuance a zoning permit for the development of the site.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[11497](#)

PETITION: REZONE 11497  
APPLICANT: JOHNSON FAMILY TR, KENNETH J & ELEANOR D  
LOCATION: 6665 LEE ROAD, SECTION 11, TOWN OF DANE  
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-1 (Rural Residential, 1 to less than 2 acres) District  
REASON: separating existing residence from farmland

**A motion was made by PETERS, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

[CUP 02482](#)

PETITION: CUP 02482  
APPLICANT: JASON R BREE  
LOCATION: 2764 PHEASANT RUN, SECTION 5, TOWN OF COTTAGE GROVE  
CUP DESCRIPTION: residential accessory building between 12'-16' in height

*Brian Rathgeber spoke in opposition to the CUP. He stated that the applicant failed to meet standard B for obtaining a conditional use permit and the applicant did not provide substantial evidence to support the CUP. Jason Bree responded that the height of the building is only 3 feet higher than permitted, there is adequate landscaping to act as a buffer, and that adjacent houses are at least 80 feet away from the proposed structure.*

**A motion was made by WEGLEITNER, seconded by AUDET, that the Conditional Use Permit be approved with one condition. The request was found to meet the 8 standards for obtaining a conditional use permit. The modest height difference in relationship to the distance to other buildings is reasonable. The motion carried by the following vote: 4-0.**

**1. The accessory building shall be constructed up to a maximum height of 14.5 feet mean elevation with a peak height of 19.8 feet.**

**Ayes:** 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

**Excused:** 1 - KNOLL

## F. Plats and Certified Survey Maps

[2019 LD-035](#)

Land Division Waiver - Richard Walker  
Town of Albion  
Applicant is seeking a waiver from the public road frontage requirements as per Ch. 75.19(6)(b) for the existing homesites.

**A motion was made by WEGLEITNER, seconded by PETERS, that the Land Division waiver be approved with a condition to allow the three proposed lots to not have frontage along a public road. The motion carried by a voice vote, 4-0.**

**Condition: A new shared access easement maintenance document be recorded at the time the CSM is recorded.**

**Finding of fact: No new lots are being created as this is a lot line adjustment and an existing access easement is currently serving the three lots.**

[2019 LD-033](#)

Preliminary Plat - Twin Rock (Waiver Request)  
Town of Verona  
Waiver request from Ch. 75..11 (Dedication of lands for public recreation within residential plats)

**A motion was made by PETERS, seconded by BOLLIG, that the Land Division waiver be approved to allow the subdivision plat not dedicate lands to the public for parkland purposes. The motion carried by a voice vote, 4-0.**

**Finding of fact: The town of Verona is not requiring or accepting any lands to be dedicated to the public for park purposes.**

[2019 LD-037](#) Preliminary Plat - Prairie Circle Extension  
Town of Verona  
Acceptance and schedule for future consideration.

A motion was made by AUDET, seconded by PETERS, to accept the preliminary plat and schedule for future consideration. The motion carried by a voice vote, 4-0.

[2019 LD-036](#) Final Plat - Fred - Maple Grove Drive  
City of Madison  
Staff recommends a certification of non-objection.

A motion was made by PETERS, seconded by WEGLEITNER, to certify the plat with no objections. The motion carried by a voice vote, 4-0.

## G. Resolutions

## H. Ordinance Amendment

## I. Items Requiring Committee Action

## J. Reports to Committee

[2019 RPT-432](#) Report - Approved Certified Survey Maps

## K. Other Business Authorized by Law

[2019 DISC-016](#) Initial discussion regarding the University of Minnesota Mapping Prejudice Project

Planning Director Violante explained the University of Minnesota Mapping Prejudice Project to the committee and commented on how the analysis could be performed in Dane County.

## L. Adjourn

A motion was made by AUDET, seconded by WEGLEITNER, to adjourn the December 17, 2019 Zoning and Land Regulation Committee meeting at 8:15pm. The motion carried by unanimously.

*Questions? Contact Roger Lane, Planning and Development Department, 266-4266, [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)*