

# Dane County



## Minutes

Tuesday, February 12, 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

Acting Chair Bollig called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Allan, Andros, Everson, and Violante

**Present** 4 - JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, and HEIDI WEGLEITNER

**Excused** 1 - MARY KOLAR

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

No comments made by the public.

[2018](#)  
[RPT-484](#)

February 12, 2019 ZLR Public Hearing Registrants

## C. Consideration of Minutes

[2018](#)  
[MIN-439](#)

Minutes of the December 18, 2018 Zoning and Land Regulation Committee meeting

No action taken by the committee.

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

[11371](#)

PETITION: REZONE 11371  
APPLICANT: MARIANNE GARDNER  
LOCATION: 8461 AIRPORT ROAD, SECTION 4, TOWN OF MIDDLETON  
CHANGE FROM: A-1 Agriculture District TO R-3 Residence District  
REASON: Reduced rear yard setback

*In Favor: Jim Gardner*

A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

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

**Excused:** 1 - KOLAR

[11372](#)

PETITION: REZONE 11372  
APPLICANT: IVERSON REV LIVING TR, DUANE A  
LOCATION: 1429 STATE HIGHWAY 78, SECTION 4, TOWN OF PERRY  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
and A-4 Agriculture District  
REASON: separating existing residence from farmland

**A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.**

**1. A deed notice shall be recorded on the property indicating that the housing density units have been exhausted (tax parcel #0506-043-9500-4).**

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

**Excused:** 1 - KOLAR

[11373](#)

PETITION: REZONE 11373  
APPLICANT: RONALD A LUND  
LOCATION: 900 FEET EAST OF RINDEN ROAD, SECTION 2, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: increasing size of residential lot

**A motion was made by Wegleitner, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

[11374](#)

PETITION: REZONE 11374  
APPLICANT: ANDREW A HAAG  
LOCATION: 9018 BRITT VALLEY ROAD, SECTION 8, TOWN OF PRIMROSE  
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District  
REASON: separating existing residence from farmland

*In Favor: Andrew Haag*

**A motion was made by Knoll, seconded by Peters, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

[11375](#)

PETITION: REZONE 11375  
APPLICANT: MARK R MCNAMEE  
LOCATION: 1300 MULLER ROAD, SECTION 8, TOWN OF YORK  
CHANGE FROM: RH-3 Rural Homes District TO RH-1 Rural Homes District, RH-3 Rural Homes District and C-2 Commercial District TO RH-2 Rural Homes District  
REASON: compliance for existing land uses

**A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.**

**1. A deed restriction shall be recorded on the property prohibiting the 3 parcels from being separately sold or conveyed.**

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

**Excused:** 1 - KOLAR

[11376](#)

PETITION: REZONE 11376  
APPLICANT: D & J ALME PARTNERSHIP  
LOCATION: 2394 LESLIE ROAD, SECTION 21, TOWN OF DUNKIRK  
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District  
REASON: separating existing residence from farmland

*In Favor: John Alme*

**A motion was made by Knoll, seconded by Wegleitner, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

[11377](#)

PETITION: REZONE 11377  
APPLICANT: LARRY THIEMANN  
LOCATION: 8187 W MINERAL POINT ROAD, SECTION 26, TOWN OF CROSS PLAINS  
CHANGE FROM: A-1EX Agriculture District and A-2 Agriculture District TO R-1A Residence District  
REASON: shifting of property lines between adjacent land owners

**A motion was made by Wegleitner, seconded by Peters, to suspend the rules to allow consideration of the town action report for petition 11377 which was submitted after the committee's deadline of 2/7/19.**

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

**Excused:** 1 - KOLAR

**A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

[11379](#)

PETITION: REZONE 11379  
APPLICANT: WATTS FAMILY TR  
LOCATION: 7701 W. MINERAL POINT ROAD, SECTION 30, TOWN OF MIDDLETON  
CHANGE FROM: RE-1 Recreational District TO B-1 Local Business District, RE-1 Recreational District TO R-1 Residence District, B-1 Local Business District TO RE-1 Recreational District, B-1 Local Business District TO R-1 Residence District  
REASON: residential subdivision plat

*In Favor: Kyle Haen*

*Applicant Haen informed the committee about the "Pioneer Pointe" proposal to create an 82 lot residential subdivision on the property formerly known as Tumbledown Golf Course. The developer is in discussions with the city of Madison to possibly extend sanitary sewer service to the property.*

*Allan informed the committee that staff is recommending postponement of the zoning petition pending consideration and adoption of a proposed amendment to the town of Middleton Comprehensive Plan designating the property for future residential / mixed use development. The property is currently designated as commercial recreation in the town/county comprehensive plan.*

**A motion was made by Peters, seconded by Wegleitner, to postpone action on the zoning petition pending consideration and action on a town comprehensive plan amendment. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

[11380](#)

PETITION: REZONE 11380  
APPLICANT: WINDSOR QUARRY LLC  
LOCATION: 3973 VILAS HOPE ROAD, SECTION 18, TOWN OF COTTAGE GROVE  
CHANGE FROM: A-1EX Agriculture District TO A-3 Agriculture District  
REASON: Dane County Farmland Preservation plan compliance.

*Allan informed the committee that the petition is to provide zoning compliance for the property which is no longer designated within the town of Cottage Grove farmland preservation area. No new development would result or be allowed as a result of the proposed rezoning to the A-3 Agriculture Transition district. Allan also informed the committee that concerns have been expressed by the city of Madison regarding future residential development on the property conflicting with the city's future growth plans and efforts to establish an intergovernmental agreement with the town of Cottage Grove.*

**A motion was made by Wegleitner, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

[11381](#)

PETITION: REZONE 11381

APPLICANT: CHRIS HENDRICKSON

LOCATION: 7595 W MINERAL POINT ROAD, SECTION 29, TOWN OF  
MIDDLETON

CHANGE FROM: B-1 Local Business District and A-1 Agriculture District  
TO C-1 Commercial District

REASON: expansion of existing land use (retail greenhouse)

*In Favor: Chris Hendrickson*

**A motion was made by Wegleitner, seconded by Peters, to postpone action on the zoning petition pending receipt of a town action report and consideration and action on a pending town comprehensive plan amendment. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

CUP 02447

PETITION: CUP 02447

APPLICANT: FOSEID FARM LLC

LOCATION: 9485 BRAUN ROAD, SECTION 13, TOWN OF VERMONT

CUP DESCRIPTION: limited family business-wholesale coffee

A motion was made by Peters, seconded by Knoll, to approve the Conditional Use Permit for a Limited Family Business in the A-2(2) zoning district with the following conditions. The motion carried by the following vote: 4-0.

1. No retail sales are permitted.
2. Vehicles transporting product will be limited to pickup trucks, automobiles and similar vehicles.
3. Hours of operation are from 9:00 a.m. to 5:00 p.m.
4. There will be no outdoor storage of product or equipment.
5. No accessory buildings shall be used for human habitation.
6. 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.
7. 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.
8. 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.
9. 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.
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 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.
12. 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.

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

**Excused:** 1 - KOLAR

[CUP 02448](#) PETITION: CUP 02448  
APPLICANT: LUCIE ARENDT  
LOCATION: 49 DANKS ROAD, SECTION 36, TOWN OF RUTLAND  
CUP DESCRIPTION: limited family business-art studio

**A motion was made by Wegleitner, seconded by Knoll, to approve the Conditional Use Permit for a Limited Family Business in the A-2(2) district with the following conditions. The motion carried by the following vote: 4-0.**

- 1. This Conditional Use Permit shall be for a Limited Family Business – Artist Studio.**
- 2. No accessory buildings shall be used for human habitation.**
- 3. Hours of operation shall be limited to 8am to 10pm daily.**
- 4. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.**

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

**Excused:** 1 - KOLAR

[CUP 02449](#) PETITION: CUP 02449  
APPLICANT: OAK PARK QUARRY LLC  
LOCATION: 1/4 1/4 NORTH AND SOUTH OF 3522 OAK PARK ROAD,  
SECTION 29, TOWN OF DEERFIELD  
CUP DESCRIPTION: mineral extraction

**A motion was made by Peters, seconded by Knoll, to accept into the official record for this Conditional Use Permit all documentary items provided by the applicant / supporters and opposition prior to and during the 2-12-19 ZLR Committee Public Hearing. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR



*In Favor: Jeff Furseth, Rachel Halverson, Jodi White, Susan Courter, Jeff Krumenauer, Kylie Nelson, Carrie Nelson, Jennifer Hanson, Scott MacWilliams.*

*In Opposition: LeRoylander Galien, Kenny Zickert, Steven Hauge, Alma Mikkelson, Evie Mikkelson, Susan Mikkelson, Sandra Mikkelson, James Mikkelson, Cindy Regan, Ken Frjelich, Bill Doubler, Michael Beck, Theresa Schuster, Ethel Lund, Alan Mikkelson, Mallory Frjelich, Dennis Mandt, Rachel Beck, Steve Wetzel, Roxann Engelstad, Sharon Holzapfel, David Wilkinson, Todd Birkrem, Rochelle Vander-Galien, Holly Slater, Michelle Jensen*

*The applicant outlined the Conditional Use Permit request to continue mineral extraction operations on the property over the 10 year permit period, including plans to move northward on the property, utilize a rerouted entrance to reduce traffic on Oak Park Road, and construct a new vision/noise berm at the current entrance. Applicant referenced supplemental information provided in support of the proposal and designed to address concerns raised at public meetings, including expert information about clean fill, traffic safety, groundwater and wells, property values and blasting and materials outlining procedures to be followed to ensure safety of operations and to mitigate impacts to neighboring properties. Speakers in support noted the long history of the Oak Park Quarry, the essential aggregate materials it provides to area residents, businesses, construction industry, and transportation projects, the direct and indirect benefits to the local and regional economy, family supporting jobs, and the operator's commitment to abiding by the town of Deerfield blasting ordinance and addressing concerns raised by neighboring residents and the St. Paul's Liberty Lutheran Church. Geologist Courter stated that the project would comply with town blasting limitations. Appraiser McWilliams summarized the findings of his review of property sales near the Oak Park quarry and also near the Cattell quarry in Cottage Grove, stating that he could find no pattern suggesting devaluation of, or increased marketing times for, properties in close proximity to the quarry.*

*Speakers in opposition noted that the proposed Conditional Use was inconsistent with town of Deerfield comprehensive plan goals and objectives related to cultural and historic resources, and did not meet standards 1, 2, and 3 for approving a Conditional Use Permit as found in the county zoning code. Speakers provided comments and documentation that home and property values have declined as a result of the quarry operation, including the Deerfield town assessor lowering property values upon request, contrary to the analysis provided by McWilliams. Speakers further commented on concerns with blasting impacts due to the unique glacial geology of the area; traffic congestion along Oak Park road; information and documentation alleging damage and deterioration of the nearby historic St. Paul's Lutheran church/cemetery and Schuster's round barn as well as several neighboring residences as a result of blasting at the quarry; claims of discrepancies in the operator's CUP application; evidence of past violations of town and state of Wisconsin blasting limitations. Several speakers read notarized letters from congregation members and neighbors attesting to first hand accounts of damage to structures resulting from prior blasting. Speakers provided additional statements and materials documenting that the church has encountered difficulty in finding historic restoration specialists to conduct renovations and damage repair due to concerns over ongoing quarry operations. Summary comments were provided along with references to the statutory stipulation that substantial evidence be provided to demonstrate a proposal can meet applicable Conditional Use Permit requirements.*

**A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be postponed due to public opposition and no town action. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

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

[11367](#)

PETITION: REZONE 11367  
APPLICANT: KATHERINE SPRING  
LOCATION: 997 NORLAND ROAD, SECTION 17, TOWN OF PRIMROSE  
CHANGE FROM: A-1EX Agriculture District and RH-3 Rural Homes  
District TO A-2 Agriculture District  
REASON: shifting of property lines between adjacent land owners

**A motion was made by Wegleitner, seconded by Peters, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.**

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

**Excused:** 1 - KOLAR

### **F. Plats and Certified Survey Maps**

[2018 LD-034](#)

Final Plat - Baker's Woods  
Village of Belleville  
Staff recommends a certification of non-objection.

**A motion was made by PETERS, seconded by KNOLL, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.**

[2018 LD-036](#)

Final Plat - 1000 Oaks Replat No. 1  
City of Madison  
Staff recommends a certification of non-objection.

**A motion was made by WEGLEITNER, seconded by KNOLL, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.**

[2018 LD-037](#)

Final Plat - 1000 Oaks Replat No. 2  
City of Madison  
Staff recommends a certification of non-objection.

**A motion was made by KNOLL, seconded by PETERS, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.**

[2018 LD-041](#)

Final Plat - Whispering Coves  
City of Verona  
Staff recommends a certification of non-objection.

**A motion was made by KNOLL, seconded by PETERS, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.**

[2018 LD-035](#) Certified Survey Map - Burger  
Town of Springdale, 3 lots

**A motion was made by KNOLL, seconded by PETERS, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.**

[2018 LD-038](#) Certified Survey Map - Jack Young  
Town of Middleton, 2 lots

**A motion was made by PETERS, seconded by KNOLL, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.**

[2018 LD-039](#) Certified Survey map - Curtis Jensen  
Town of Burke, 2 lots

**A motion was made by PETERS, seconded by KNOLL, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.**

[2018 LD-040](#) Land Division Waiver - Josh Ireland  
Town of Medina, Section 33  
Waiver request from s. 75.19(6)(b)

*Finding of fact: County records have always indicated this as a public road, but further evidence by the surveyor and county surveyor have recently indicated that this is not a public road. The property owners of proposed lot 1 do not own additional lands and proposed lot will be served by an existing access easement.*

**A motion was made by KNOLL, seconded by WEGLEITNER, that the Land Division Waiver be approved to allow the proposed lot to have no public road frontage. The motion carried by a voice vote, 4-0.**

## G. Resolutions

## H. Ordinance Amendment

## I. Items Requiring Committee Action

[2018](#) 2019-2021 Dane County Legislative Agenda - Zoning and Land Regulation  
[ACT-287](#) Committee Amendments

This Action Item was tabled.

## J. Reports to Committee

[2018](#) Report of approved Certified Survey Maps  
[RPT-438](#)

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by Knoll, seconded by Peters, to adjourn the meeting of the Zoning and Land Regulation Committee at 10:36 PM. The motion carried unanimously.

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