



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, February 23, 2016

7:00 PM

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

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A. Call to Order

Chair Miles called the meeting of the Zoning and Land Regulation Committee to order at 7:03pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: Heiden

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

No comments made by the public.

[2015](#)
[RPT-788](#)

Registrants at the February 23, 2016 ZLR Committee meeting

Attachments: [Feb 23rd ZLR Registrants](#)

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

[10934](#)

PETITION: REZONE 10934
APPLICANT: ERFURTH, MARGARET A
LOCATION: NORTH OF 1765 LAKE KEGONSA ROAD, SECTION 35,
TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District
REASON: creating one residential lot

Attachments: [10934 Staff](#)
[10934 Town](#)
[10934 Density](#)
[10934 Ord Amend](#)

In Favor: Mark Riese
Opposition: None

A motion was made by MILES, seconded by KOLAR, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on the remaining A-1Ex Exclusive Agriculture lands prohibiting land divisions for residential development.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10935](#)

PETITION: REZONE 10935
APPLICANT: AREE WATTS LLC
LOCATION: 2450 LALOR ROAD, SECTION 18, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District
REASON: creating two residential lots for existing homes

Attachments: [10935 Staff](#)
[10935 Town](#)
[10935 Ord Amend](#)

In Favor: Aree Watts
Opposition: None

A motion was made by MILES, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10936](#)

PETITION: REZONE 10936
APPLICANT: KIRKING SURVIVOR'S TR, JEAN B
LOCATION: 7501 STATE HWY 113, SECTION 10, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District
REASON: separating existing residence from farmland

- Attachments:** [10936 Staff](#)
[10936 Town](#)
[10936 Density](#)
[10936 Ord Amend](#)

In Favor: Ann Kirking Post
Opposition: None

A motion was made by KOLAR, seconded by SALOV, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.
1. The zoning classification shall be amended to A-2(2) Agriculture.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10937](#)

PETITION: REZONE 10937
APPLICANT: DEBORAH W PIENKOWSKI
LOCATION: NORTHEAST OF 9332 TURKEY ROAD, SECTION 19,
TOWN OF BERRY
CHANGE FROM: RH-1 Rural Homes District TO RH-2 Rural Homes
District, CO-1 Conservancy District TO RH-2 Rural Homes District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [10937 Staff](#)
[10937 Town](#)
[10937 Ord Amend](#)

In Favor: Deborah Pienkowski
Opposition: 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: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10938](#) PETITION: REZONE 10938
APPLICANT: EDWARD JOHN O'CONNOR
LOCATION: NORTH OF 523 FELLER ROAD, SECTION 29, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Attachments: [10938 Staff](#)
[10938 Town](#)
[10938 Density](#)
[10938 Map](#)
[10938 Ord Amend](#)

In Favor: Ed Short representing Mr. O'Connor
Opposition: None

A motion was made by KOLAR, seconded by SALOV, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10939](#) PETITION: REZONE 10939
APPLICANT: MARSHALL BROTHERS
LOCATION: NORTH OF 296 UNION ROAD, SECTION 26, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: dividing farmland between owners

Attachments: [10939 Staff](#)
[10939 Density](#)
[10939 Map](#)
[10939 App](#)

In Favor: Jason Marshall
Opposition: None

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be postponed until a Town Action Report is received from the Town of Oregon. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10940](#)

PETITION: REZONE 10940
APPLICANT: DONALD A HAHN
LOCATION: 7605 PATTON ROAD, SECTION 9, TOWN OF VIENNA
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture
District
REASON: creating one residential lot

Attachments: [10940 Staff](#)
[10940 Town](#)
[10940 Density](#)
[10940 Ord Amend](#)

In Favor: Don Hahn
Opposition: None

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1.A deed restriction shall be recorded on the surrounding 75-acre portion of property to prohibit future residential building sites. (Parcels 090-091-8000-9 and 0909-091-8500-4)

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10941](#)

PETITION: REZONE 10941
APPLICANT: CHRISTENSEN REV TR
LOCATION: 1391 FRITZ ROAD, SECTION 6, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes
District, RH-3 Rural Homes District TO A-1EX Agriculture District
REASON: shifting of property lines between adjacent land owners

Attachments: [10941 Staff](#)
[10941 Town](#)
[10941 Ord Amend](#)

In Favor: Susan Christensen
Opposition: None

A motion was made by SALOV, seconded by KOLAR, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on the proposed 35-acre lot to prohibit further residential development.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10942](#)

PETITION: REZONE 10942
APPLICANT: DALE R PUISTO
LOCATION: 3274 SOUTH LEE COURT, SECTION 36, TOWN OF BLOOMING GROVE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: creating a lot for and existing residence and one new residential lot

Attachments: [10942 Staff](#)
[10942 Town](#)
[10942 Density](#)
[10942 Ord Amend](#)

In Favor: Catherine Puisto
Opposition: None

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5.0.

- 1. The proposed 13-acre lot shall be assigned the zoning district classification of RH-3 Rural Homes. The proposed 2.5-acre lot shall be assigned the zoning district classification of RH-1 Rural Homes.**
- 2. The 200-foot noise overlay district along I-39 which prohibits residential housing shall be shown on the recorded certified survey map.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10943](#)

PETITION: REZONE 10943
APPLICANT: MID-TOWN CENTER LLC
LOCATION: 2779 SKI LANE, SECTION 35, TOWN OF MADISON
CHANGE FROM: RH-1 Rural Homes District TO C-1 Commercial District
REASON: rezone to allow land use consistency as part of novation campus master plan

Attachments: [10943 Staff](#)
[10943 Town](#)
[10943 Ord Amend](#)

In Favor: Chris Day
Opposition: None

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be placed on the property to prohibit the erection/placement of off-premise advertising signs (billboards).**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10944](#) PETITION: REZONE 10944
APPLICANT: V&B BUILDINGS LLC
LOCATION: 875 US HIGHWAY 51, SECTION 9, TOWN OF DUNKIRK
CHANGE FROM: B-1 Local Business District TO C-2 Commercial
District
REASON: zoning compliance for existing uses and expansion of uses

Attachments: [10944 Staff](#)
[10944 Town](#)
[10944 App](#)
[10944 Map](#)

In Favor: Jim Hammis
Opposition: Ed Ott and John Hubbard

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be postponed to allow time for the applicant to work with the Town of Dunkirk regarding the denial. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10945](#) PETITION: REZONE 10945
APPLICANT: MICHAEL SCHMIDT
LOCATION: 4617 OLD INDIAN TRL, SECTION 4, TOWN OF
VERMONT
CHANGE FROM: A-2 Agriculture District TO A-2 (8) Agriculture District,
A-2 Agriculture District TO CO-1 Conservancy District
REASON: creating a small parcel for an adjacent landowner to acquire
road access

Attachments: [10945 Staff](#)
[10945 Town](#)
[10945 Ord Amend](#)

If Favor: Donald Sands representing Michael Schmidt
Opposition: None

A motion was made by KOLAR, seconded by SALOV, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10946](#)

PETITION: REZONE 10946
APPLICANT: JOHN R HAUGEN
LOCATION: 603 COUNTY HIGHWAY X, SECTION 20, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: separating existing residence from farmland

Attachments: [10946 Staff](#)
[10946 Town](#)
[10946 Density](#)
[10946 Ord Amend](#)

In Favor: John Haugen
Opposition: None

A motion was made by SALOV, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10947](#)

PETITION: REZONE 10947
APPLICANT: JONATHAN S SCHUMANN
LOCATION: PARCEL EAST OF 357 PERRY CENTER RD, SECTION 26, TOWN OF PERRY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District AND R-1A Residence District TO A-1EX Agriculture District
REASON: moving home site location to the west side of the property

Attachments: [10947 Staff](#)
[10947 Town](#)
[10947 Density](#)
[10947 Ord Amend](#)

In Favor: Trevor Runkle
Opposition: None

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

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

[10909](#)

PETITION: REZONE 10909
APPLICANT: BARBER'S BAY INC
LOCATION: 1984 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CHANGE FROM: RE-1 Recreational District TO R-3 Residence District
REASON: creating 3 residential lots

Attachments: [10909 Staff Update](#)
[10909 Town](#)
[10909 Treasurer Memo](#)
[10909 Ord Amend](#)

A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. The zoning district classification of R-3 shall be assigned to the lands as noted as proposed Lots 1 and 2. The lands of proposed Lot 3 shall remain under the RE-1 Recreation Zoning District.
2. The building envelope areas shall be depicted on the recorded certified survey map. The certified survey map shall depict a 100-foot building setback from the identified wetlands on the property.
3. The zoning district changes shall not become effective for the property until such time as the delinquent property taxes, as identified in the letter dated February 17, 2016 from the Dane County Treasurer, are paid in full.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

E. Plats and Certified Survey Maps

[2015 LD-061](#) Final Plat - The Community of Bishops Bay, The Back Nine - Phase 4 City of Middleton
Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)
[27467 Community Bishops Bay Back 9 Phase 4 0001](#)

A motion was made by BOLLIG, seconded by KOLAR, to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by the following vote: 5-0.

[2015 LD-057](#) Final Plat - Liberty Square West Addition
City of Sun Prairie
Staff recommends a certification of non-objection with regards to Ch.
75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)

- [liberty square revised_0001](#)
- [liberty square revised_0002](#)
- [liberty square revised_0003](#)
- [liberty square revised_0004](#)
- [liberty square revised_0005](#)

A motion was made by KOLAR, seconded by BOLLIG, to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by the following vote: 5-0.

[2015 LD-056](#) Final Plat - First Addition to 1000 Oaks
City of Madison
Staff recommends a certification of non-objection with regards to Ch.
75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)

- [27466 1st Addn to 1000 Oaks_0001](#)
- [27466 1st Addn to 1000 Oaks_0002](#)
- [27466 1st Addn to 1000 Oaks_0003](#)
- [27466 1st Addn to 1000 Oaks_0004](#)
- [27466 1st Addn to 1000 Oaks_0005](#)
- [27466 1st Addn to 1000 Oaks_0006](#)
- [27466 1st Addn to 1000 Oaks_0007](#)
- [27466 1st Addn to 1000 Oaks_0008](#)

A motion was made by SALOV, seconded by BOLLIG, to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by the following vote: 5-0.

[2015 LD-062](#) Land Division Waiver - Aspen Meadow Estates, Outlot 3
Town of Middleton, Section 32
Applicant is seeking a waiver from Ch. 75.19(6)(b) to allow the proposed
outlot to have less than the required frontage on a public street.

Attachments: [2014_aerial](#)
[156911-P-Plat](#)
[20160215 Aspen Meadow Estates Variance application](#)
[_subdivision ordinance](#)

A motion was made by KOLAR, seconded by BOLLIG, to approve the land
division waiver allowing Outlot 3 to have less than the 66-feet of frontage on a
public street. The motion carried by the following vote: 5-0.

Finding of fact: The outlot is recommended by the township to be used as open
space. The outlot will not serve additional lots.

[2015 LD-060](#) Preliminary Plat - Aspen Meadow Estates
Town of Middleton, Section 32
Staff recommends conditional approval.

Attachments: [conditional approval](#)
[156911-P-Plat](#)
[2014_aerial](#)
[AspenMeadowEstates review](#)

A motion was made by BOLLIG, seconded by KOLAR, to approve the preliminary
plat subject to the following conditions: The motion carried by the following
vote: 5-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Appropriate turn-around arrangements are shown at the end of Keystone Lane
and Pioneer Road. Both streets meet the minimum width requirements and all
public land dedications devoted for highway purposes are to be clearly
designated as dedicated to the public.
3. Outlot 3 is being shown as "Open Space" and the width will need to be
amended or a land division waiver granted in order to allow the lot to have less
than the required frontage along a public street.
4. The public park land appropriation requirement is to be satisfied (private park
land does not satisfy this requirement).
5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances
are to be assigned.
6. Utility easements are to be provided.
7. Grading and surfacing. All streets shall be graded and surfaced in accordance
with plans, specifications and requirements of the Dane County Highway
Commission and the Town of Middleton.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be
established.
10. The required approval certificates are to be satisfied.

Town of Middleton
City of Madison

F. Resolutions

[2015
RES-465](#) ACKNOWLEDGING RECEIPT OF THE FIRST DANE COUNTY
SUSTAINABLE OPERATIONS PLAN AND PLANNING NEXT STEPS
FOR IMPLEMENTATION

Sponsors: ERICKSON, CHENOWETH, DOWNING, GILLIS, KOLAR, KRAUSE, LEVIN, MATANO,
McCARVILLE, MILES, NELSON, PAN, RICHMOND, RITT, RUSK, SALOV, SCHAUER,
SCHMIDT, STUBBS, VELDRAN and WEGLEITNER

Attachments: [2015 RES-465](#)
[2015 RES-465 Sustainable Ops Plan](#)

*Lisa MacKinnon, Dane County Sustainability Coordinator / Audit Analyst, provided an
overview of Resolution 465.*

**A motion was made by MATANO, seconded by KOLAR, that this Resolution be
recommended for approval. The motion carried by the following vote: 5-0.**

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and SALOV

G. Ordinance Amendment

H. Reports to Committee

[2015
RPT-564](#) Status Report in regards to Conditional Use Permit #2103, Oak Park
Quarry
Town of Deerfield, Section 29

Attachments: [Feb 9 email update](#)
[Feb 9th Status Report](#)
[Staff Report on the Oak Park Quarry](#)
[CUP #2103](#)
[CUP #2103 Boundaries](#)
[Quarry map 2](#)

**Zoning Administrator Lane updated the Committee on the status of the Oak Park
Quarry matter. A neighborhood meeting was conducted by Mindy Ochs on
February 16th. The neighbors expressed their concerns with the quarry. A
public hearing on the Blasting License and Mineral Extraction License is
scheduled at the Town of Deerfield Town Board Meeting on March 1 at 7:00pm.**

I. Other Business Authorized by Law

J. Adjourn

**A motion was made by MATANO, seconded by SALOV, to adjourn the Zoning and
Land Regulation Committee meeting at 8:25pm. The motion carried
unanimously.**

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 hnuv ua hauj lwm ua ntej yuav tuaj sib tham.