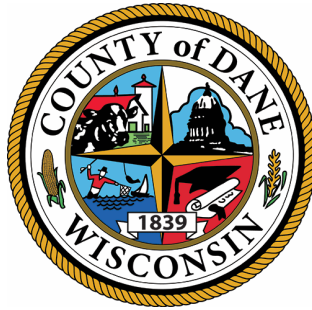


Dane County



Minutes

Tuesday, December 13, 2016

6:30 PM

City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison
City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison

Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 201 of the City-County Building.

Staff present: Allan, Everson, and Lane

Youth Governance Members: Harry Joseph Finkelmeyer and Garrett Stolen

Present 3 - JERRY BOLLIG, MARY KOLAR, and AL MATANO

Excused 2 - PATRICK MILES, and DENNIS O'LOUGHLIN

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

No comments made by the public.

[2016](#)
[RPT-556](#)

Registrants at the December 13, 2016 Zoning & Land Regulation Committee Public Hearing

C. Consideration of Minutes

[2016](#)
[MIN-384](#)

Minutes of the November 7, 2016 Zoning and Land Regulation Committee meeting

A motion was made by MATANO, seconded by BOLLIG, that the Minutes of the November 7, 2016 ZLR Committee meeting be approved. The motion carried by a voice vote.

[2016](#)
[MIN-385](#)

Minutes of the November 22, 2016 Zoning and Land Regulation Committee meeting

A motion was made by MATANO, seconded by BOLLIG, that the Minutes of the November 22, 2016 ZLR Committee meeting be approved. The motion carried by a voice vote.

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

[11063](#)

PETITION: REZONE 11063
APPLICANT: PAUL MARKHARDT PROPERTIES LLC
LOCATION: 2263 COUNTY HIGHWAY Z, SECTION 19, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District, A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating two residential lots

A motion was made by BOLLIG, seconded by MATANO, that ZLR Committee rules for accepting Town Action Reports no later than the Thursday before the meeting be suspended . The motion carried by a voice vote.

In Favor: Paul Markhardt
Opposed: None

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

- 1. The existing barn shall remain.**
- 2. There shall be a 66-foot right-of-way between lots with a 60-foot radius bulb at the west end of the roadway.**
- 3. The westerly property lines shall be shifted west to allow for a single-family residence on the northerly lot and a 50-foot separation between the property line and the barn on the southerly lot.**

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

11064

PETITION: REZONE 11064
APPLICANT: DANE COUNTY GROWERS PARTNERSHIP
LOCATION: 481 EDGERTON ROAD, SECTION 27, TOWN OF ALBION
CHANGE FROM: RH-1 Rural Homes District TO A-4 Agriculture District, RH-1 Rural Homes District TO R-3 Residence District
REASON: separating existing residence from farmland

In Favor: Richard Moen
Opposed: None

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

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

11065

PETITION: REZONE 11065
APPLICANT: LUCAS PROCTOR
LOCATION: 1755 STATE HIGHWAY 92, SECTION 34, TOWN OF SPRINGDALE
CHANGE FROM: R-2 Residence District TO A-1 Agriculture District
REASON: zoning to allow for a limited family business

In Favor: Lucas Proctor
Opposed: None

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

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[CUP 2365](#)

PETITION: CUP 2365
APPLICANT: LUCAS PROCTOR
LOCATION: 1755 STATE HIGHWAY 92, SECTION 34, TOWN OF SPRINGDALE
CUP DESCRIPTION: Artisan Blacksmith Shop

In Favor: Lucas Proctor

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 10 conditions. The motion carried by the following vote: 3-0.

1. The Limited Family Business shall be limited to a blacksmith shop to be operated out of an accessory building to be constructed on the property.
2. Hours of operation shall be limited to 7am-6pm daily
3. There shall be no employees other than Lucas Proctor, the owner.
4. No retail sales shall be conducted on the property. The business shall not be open to the public.
5. All blacksmith activities shall be conducted within the accessory building. There shall be no outdoor storage of materials for the business on the property.
6. Outside loudspeakers are prohibited.
7. Outside signs are prohibited.
8. Outdoor lighting, except for required security lights shall be operational only during hours of operation. All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.
9. No plumbing is permitted within the accessory structure.
10. The conditional use permit shall expire upon the sale of the property or business to an unrelated third party.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11066](#)

PETITION: REZONE 11066
APPLICANT: DAVID W KARLS
LOCATION: 6645 HYSLOP ROAD, SECTION 35, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District
REASON: zoning compliance for a residential home

In Favor: Michael Emberson

Opposed: 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: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11067](#)

PETITION: REZONE 11067
APPLICANT: THAYER E EVERY
LOCATION: 298 STATE HIGHWAY 138, SECTION 30, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: zoning to allow for a salvage recycling center

In Favor: Thayer Every
Opposed: None

A motion was made by BOLLIG, 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 parcel #0511-304-9000-2 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights this portion of the original farm have been exhausted.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[CUP 2366](#)

PETITION: CUP 2366
APPLICANT: THAYER E EVERY
LOCATION: 298 STATE HIGHWAY 138, SECTION 30, TOWN OF DUNKIRK
CUP DESCRIPTION: Salvage Recycle center

In Favor: Thayer Avery
Opposed: None

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

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11068](#)

PETITION: REZONE 11068
APPLICANT: CHAD CATLIN
LOCATION: 2771 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: zoning to allow vehicle rental

In Favor: Deborah Summers
Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed due to no town action and outstanding items as indicated by Staff. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11069](#)

PETITION: REZONE 11069
APPLICANT: MICHAEL L DORROUGH
LOCATION: 5500 LINCOLN ROAD, SECTION 10, TOWN OF OREGON
CHANGE FROM: A-2 (8) Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland

In Favor: None
Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed due to lack of Town Action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11070](#)

PETITION: REZONE 11070
APPLICANT: BARBARA J HELLENBRAND
LOCATION: 5441 ENCHANTED VALLEY ROAD, SECTION 23, TOWN OF BERRY
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot

In Favor: Paul Spetz
Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to lack of Town Action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11071](#)

PETITION: REZONE 11071
APPLICANT: VETESNIK ENTERPRISES LLC
LOCATION: 4246 DAENTL ROAD, SECTION 5, TOWN OF BURKE
CHANGE FROM: A-2 (2) Agriculture District TO C-2 Commercial District
REASON: compliance for outdoor sales display

In Favor: Rachel Holloway and George Vetesnik presented the proposal.
Opposed: Joe Murray stated that the placement of building structures on the property create an unsafe environment of the surrounding neighborhood. There is no lighting, fencing, or gates for the storage area. People have been viewed living in the sheds for shelter.

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until such time as the City of Madison approves the termination of the existing deed restriction prohibiting temporary or permanent structures on the property. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11072](#)

PETITION: REZONE 11072
APPLICANT: ROBERT P RIEGE
LOCATION: EAST OF 140 FAIR OAK ROAD, SECTION 24, TOWN OF DEERFIELD
CHANGE FROM: RH-3 Rural Homes District TO A-1EX Agriculture District
REASON: reduce the size of a residential lot

In Favor: David Dinkel
Opposed: None

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

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11073](#)

PETITION: REZONE 11073
APPLICANT: ALEX MCKENZIE
LOCATION: 9808 GREENWALD ROAD, SECTION 23, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland and creating a zoning boundary for a new residence

In Favor: Alex and Mary Lee McKenzie
Opposed: Gini Hendrickson submitting a letter of opposition

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until the January 10, 2017 Committee meeting. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[11074](#)

PETITION: REZONE 11074
APPLICANT: WAYNE A MASEK
LOCATION: 688 EDGERTON ROAD, SECTION 22, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO A-4 Agriculture District, R-1A Residence District TO RH-2 Rural Homes District
REASON: creating two residential lots

In Favor: Wayne Masek
Opposed: None

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

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

CUP 2363

PETITION: CUP 2363

APPLICANT: MADISON SPEEDWAY INC.

LOCATION: 1122 SUNRISE ROAD, SECTION 9, TOWN OF RUTLAND

CUP DESCRIPTION: continuation of an existing racetrack under new ownership

In Favor: Gregg MdKarns

Opposed: None

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

1.This Conditional Use Permit shall be for a racetrack facility including emergency vehicle training and shall expire on sale of property or the business to an unrelated third party.

2.The conditions of approval are set forth under the "Amended Restrictions Agreement" found in document #5051009 recorded in the office of the Register of Deeds, and attached herein for reference.

3.Violation of any conditions found under this agreement shall be deemed sufficient grounds for revocation of this Conditional Use Permit.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

[CUP 2364](#)

PETITION: CUP 2364
APPLICANT: DANA HONGISTO
LOCATION: 1008 SEVERSON ROAD, SECTION 13, TOWN OF MONTROSE
CUP DESCRIPTION: horse boarding

In Favor: Dana Hongisto
Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 12 conditions. The motion carried by the following vote: 3-0.

- 1) This conditional use permit is for horse boarding and horse training activities on the property.
- 2) Business hours shall be 7:00 am - 8:00 pm 7 days per week.
- 3) There shall be a maximum of 10 full-time-equivalent employees.
- 4) Horse boarding operations shall be limited to a maximum of 30 horses at any one time.
- 5) The structures for the conditional use are limited to those shown on the site plan, and additional accessory structures, including horse shelters.
- 6) All parking must be accommodated on the property. Parking is prohibited on Severson Road
- 7) Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NRCS 590 standards and approved by Dane County Land Conservation.
- 8) Bathroom facilities and plumbing fixtures in the existing accessory buildings shall be permitted.
- 9) The installation outdoor stadium/arena lighting is prohibited.
- 10) Outdoor loudspeakers are prohibited.
- 11) Any future horse shows shall require a minimum two week advance notification, and filing of an event plan with the town of Montrose. Said event plan shall, at a minimum, include information on the number of anticipated patrons, event hours/days, and address patron parking on site, provision of sanitary facilities, manure management, and any temporary signage.
- 12) The conditional use permit has been issued to Dana Hongisto. The conditional use permit shall expire upon future sale of the property or the change of business ownership.

Ayes: 3 - BOLLIG, KOLAR and MATANO

Excused: 2 - MILES and O'LOUGHLIN

[11078](#)

PETITION: REZONE 11078
APPLICANT: JONATHAN J HALVERSON
LOCATION: SOUTH OF 410 HAUGEN ROAD, SECTION 27, TOWN OF ALBION
CHANGE FROM: C-2 Commercial District TO A-2 (4) Agriculture District
REASON: ready mix concrete plant

In Favor: None
Opposed: None

A motion was made by BOLLIG, seconded by MATANO, to accept the applicant's request to withdraw the petition. The motion carried by the following vote: 3-0

Ayes: 3 - BOLLIG, KOLAR and MATANO

Excused: 2 - MILESandO'LOUGHLIN

CUP 2367

PETITION: CUP 2367
APPLICANT: JONATHAN J HALVERSON
LOCATION: SOUTH OF 410 HAUGEN ROAD, SECTION 27, TOWN OF ALBION
CUP DESCRIPTION: concrete batch plant

In Favor: None
Opposed: None

A motion was made by BOLLIG, seconded by MATANO, to accept the applicant's request to withdraw the application. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

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

11051

PETITION: REZONE 11051
APPLICANT: HEINEMANN RENTALS & INVESTMENTS LLC
LOCATION: 4587 COUNTY HIGHWAY TT, SECTION 33, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District
REASON: shifting of property lines between adjacent land owners

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0. 1.Any additional paving or impervious surfaces to be placed on the property shall require Town Board approval prior to the installation.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

CUP 2360

PETITION: CUP 2360
APPLICANT: HAROLD W SPAHN
LOCATION: 4996 ENCHANTED VALLEY ROAD, SECTION 31, TOWN OF SPRINGFIELD
CUP DESCRIPTION: unlimited livestock 3 - 16 acres

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be denied. The motion carried by the following vote: 3-0. Findings of Fact: 1. The property is located in the Residential Neighborhood Planning Area as designated within the Town of Springfield Comprehensive Plan. The keeping of numerous livestock in this area is inconsistent with the policies found within the Town of Springfield Comprehensive Plan. 2. The landowner does not meet the manure management requirements as found under Dane County Code of Ordinances, Chapter 14. 3. The request failed to meet Standards 1, 2, 3, 4, and 6.

Ayes: 3 - BOLLIG,KOLARandMATANO

Excused: 2 - MILESandO'LOUGHLIN

F. Plats and Certified Survey Maps

[2016 LD-044](#) Dane County Growers, Jim Wileman - Land Division Waiver
Town of Albion, Section 27

A motion was made by BOLLIG, seconded by MATANO, that the Land Division waiver be approved to allow proposed lot 2 to have no frontage along a public road. Finding of fact: Proposed lot 2 is being rezoned to the A-4 District, no development.

The motion carried by a voice vote 3-0, Miles and O'Loughlin excused.

G. Resolutions

H. Ordinance Amendment

I. Reports to Committee

[2016 RPT-548](#) Report of approved Certified Survey Maps

No comments made by the Committee.

[2016 PRES-112](#) Progress report on CUP 2334, Payne and Dolan Mineral Extraction Site, Section 36, Town of Oregon

Bill Buglass, Payne & Dolan, presented a video that showed the activities of the sand and gravel operation in Section 36 in the Town of Oregon.

J. Other Business Authorized by Law

K. Adjourn

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

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.