

Dane County



Minutes

Tuesday, May 8, 2018

6:30 PM

City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison
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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 Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Everson and Lane.

Youth Governance Members present: Sam Fischer.

Present 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and STEVEN PETERS

Excused 1 - HEIDI WEGLEITNER

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

No comments made by public.

C. Consideration of Minutes

[2018
MIN-024](#)

Minutes of the April 10, 2018 Zoning and Land Regulation Committee meeting

A motion was made by BOLLIG, seconded by KNOLL, to approve the minutes of the April 10, 2018 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

[2018
MIN-025](#)

Minutes of the April 24, 2018 Zoning and Land Regulation Committee meeting

A motion was made by BOLLIG, seconded by KNOLL, to approve the minutes of the April 24, 2018 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

[11273](#)

PETITION: REZONE 11273

APPLICANT: KEVIN R ZUMKEHR

LOCATION: 1194 COUNTY HIGHWAY A, SECTION 16, TOWN OF ALBION

CHANGE FROM: R-1 Residence District TO RH-1 Rural Homes District, A-1EX Agriculture

District TO RH-1 Rural Homes District, R-1A Residence District TO RH-1 Rural Homes District

REASON: compliance for existing structures and land uses

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11275](#)

PETITION: REZONE 11275

APPLICANT: MAXWELL FAMILY LLC

LOCATION: EAST AND SOUTH OF 11691 MID TOWN ROAD, SECTION 6, TOWN OF VERONA

CHANGE FROM: A-3 Agriculture District TO R-4 Residence District

REASON: develop a 29 unit land condominium project.

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

- 1. A condominium plat shall be recorded with the Register of Deeds within 90 days. The plat shall be the design as submitted to the Zoning and Land Regulation Committee with the revision date of April 23, 2018.**
- 2. A condominium declaration shall be recorded with the Register of Deeds within 90 days. The declaration shall be the final document dated April 28, 2018 as reviewed by the ZLR Committee. The declaration shall be subject to County Staff and Town of Verona approval prior to recording.**
- 3. A deed restriction shall be recorded with the Register of Deeds limiting the plat to a maximum of 29 single family dwellings having unit boundaries no smaller than 1.5 acres; 3 common areas (private road and two out lots); and with an easement for a road to connect to the property on the North and South.**
- 4. The zoning is contingent upon a development agreement being approved by the Town of Verona for the improvements necessary for the condominium development.**

Ayes: 4 - KOLAR, BOLLIG, KNOLL and PETERS

Excused: 1 - WEGLEITNER

[11276](#)

PETITION: REZONE 11276

APPLICANT: STEVEN P REINEN

LOCATION: NORTH AND WEST OF 6440 SUNSET DRIVE, SECTION 36, TOWN OF VERONA
CHANGE FROM: RH-1 Rural Homes District TO R-4 Residence District

REASON: Proposed 16-unit condo for single-family residential development

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

- 1. A condominium plat shall be recorded with the Register of Deeds within 90 days. The plat shall be the design as submitted to the Zoning and Land Regulation Committee with the revision date of April 23, 2018.**
- 2. A condominium declaration shall be recorded with the Register of Deeds within 90 days. The declaration shall be the final document dated May 2, 2018 as reviewed by the ZLR Committee. The declaration shall be subject to County Staff and Town of Verona approval prior to recording.**
- 3. A deed restriction shall be recorded with the Register of Deeds limiting the plat to a maximum of 16 single family dwellings having unit boundaries no smaller than 1.5 acres; 3 common areas (private road and two out lots) and with a private road to connect to the property on the East and West.**
- 4. The zoning is contingent upon a development agreement being approved by the Town of Verona for the improvements necessary for the condominium development.**
- 5. The developer shall provide cross sections for the private drive design at the intersection of Deer Haven Trail and Darby Fields Drive. The design shall be approved by the Town Engineer for safety purposes.**
- 6. The zoning is contingent upon developer negotiating and entering into an easement agreement with the Ice Age Trail Alliance within 60 days for the purposes of the Ice Age Trail. The easement agreement shall be signed by the Ice Age Trail Alliance and recorded with the Register of Deeds.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02413](#)

PETITION: CUP 02413

APPLICANT: MARK S ROSENBAUM

LOCATION: 3159 COUNTY HIGHWAY A, SECTION 18, TOWN OF DUNKIRK

CUP DESCRIPTION: mineral extraction

A motion was made by BOLLIG, seconded by KNOLL, that this Conditional Use Permit be approved with 22 conditions. The motion carried by the following vote: 4-0.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. The operator shall develop and operate the site according to the proposed site operations plan. Once extraction operations have reached 1,320 feet from the eastern boundary of the CUP area, 8' berms with 1:1 side slopes must be constructed for screening. The berms must be seeded in 14 days. When operations move beyond that point, the berms must be moved and reconstructed along the western edge of the site, wrapping around the NW and SW corners. The berms will be 8' with 1:1 slopes and shall be seeded in 14 days.
4. Operations shall cease no later than forty (40) years from the date of CUP approval.
5. The operation shall be conducted in phases with sand and gravel being extracted from approximately 3-5 acres at one time and reclaiming that area before moving on to the next phase.
6. Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135. The plan shall be an amendment to the reclamation plan for the existing site (NC site), showing the existing site and the expansion area (CUP#2413), treating it as one overall operation.
7. The following are prohibited on this 70 acre site: blasting, drilling, production of asphalt or concrete, storage of recycled material, permanent structures, additional water wells, lighting, vehicle storage or fuel storage.
8. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads. The operator will follow the Dust Control Plan.
9. Haul roads must be maintained for dust control.
10. The operator and all haulers shall access the CUP site through the existing access point (971 State Hwy 138).
11. The access to the driveways shall have gates securely locked when the extraction site is not in operation. The site shall be signed "NO TRESPASSING."
12. Hours of operation shall be as follows:
 - a. 6 am to 6 pm Monday through Friday
 - b. No operations shall take place on Saturdays, Sundays, or legal holidays
13. There shall be a safety fence around the entire extraction area at all times. This fence shall include "NO TRESPASSING" signs at regular intervals of at least 200' around the entire perimeter.
14. All vehicles shall be stored on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
15. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement. Trucks will be routed to avoid unnecessary back-ups.
16. The operator shall meet DNR standards for particulate emissions as described

in NR 415.075 and NR 415.076.

17. No minerals shall be excavated within 20 feet of the property boundaries with the exception of the east property line.

18. There shall be no alteration of topography within 5 feet of the property line, with the exception of the east property line.

19. Dane County and the Town of Dunkirk shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations may commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Dunkirk.

20. The owner/operator must post a copy of this conditional use permit #2413, including the list of all conditions, on the work site.

21. 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. Unless the operation is in reasonable compliance with these terms of approval, such approval is subject to amendment or revocation.

22. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-004](#) Final Plat - Southern Addition to Birchwood Point
City of Madison
Staff recommends a certification of non-objection.

A motion was made by BOLLIG, seconded by KNOLL, that the final plat be certified. The motion carried by a voice vote, 4-0.

[2018 LD-006](#) Final Plat - Eagle Trace
City of Madison
Staff recommends a certification of non-objection.

A motion was made by KNOLL, seconded by BOLLIG, that the final plat be certified. The motion carried by a voice vote, 4-0.

[2018 LD-008](#) Final Plat - Highlands of Netherwood
Village of Oregon
Staff recommends a certification of non-objection.

A motion was made by BOLLIG, seconded by KNOLL, that the final plat be certified. The motion carried by a voice vote, 4-0.

[2018 LD-010](#) Final Plat - First Addition to Stoner Prairie
City of Fitchburg
Staff recommends a certification of non-objection.

A motion was made by KNOLL, seconded by PETERS, that the final plat be certified. The motion carried by a voice vote, 4-0.

[2018 LD-009](#) Final Plat - Cardinal Prairie
Town of Middleton
Staff recommends conditional approval.

A motion was made by BOLLIG, seconded by PETERS, that the final plat be approved with the following conditions. The motion carried by a voice vote, 4-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied.
3. All streets shall be noted as dedicated to the public.
4. Outlot 3 lacks the required public road frontage. Minimum is 30 feet and/or 66 feet.
 - A note has been placed on the plat that states no development may occur on OL 3.
5. Utility easements are to be provided.
6. Proposed street names are to be reviewed with respect to Ch. 76 of the DCCO. Dane County Surveyor Dan Frick will need to approve.
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. Comments from the Public Health department are to be satisfied:
 - Recording an easement protecting the existing septic system on proposed lot 8 would be acceptable. The easement shall be shown on the plat as well.
9. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established prior to any land disturbing activity.
10. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
11. The required approval certificates are to be satisfied prior to the plat being recorded.
 - Town of Middleton
 - Dane County

[2018 LD-005](#) Jensen 2-Lot Certified Survey Map
Town of Verona

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-007](#) Connor proposed 1-Lot Certified Survey Map
Town of Springdale

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

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2018
ACT-018](#) ITEM: Planned Unit Development Concept Plan Review
APPLICANT: Alexander Company
LOCATION: 2779 Ski Lane, Section 35, Town of Madison
PROPOSAL: 160-unit residential apartment complex

Jessica Vaughn and Matthew Meier explained the project to the Committee.

A motion was made by KNOLL, seconded by PETERS, to approve the concept plan and allow the Planned Unit Development process to proceed. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by KNOLL, to adjourn the May 8, 2018 meeting of the Zoning and Land Regulation Committee at 7:10pm. The motion carried unanimously.

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