

# Dane County



## Minutes

Tuesday, October 23, 2018

6:30 PM

City - County Building, ROOM 354

2019 County Budget

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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: Lane and Violante

**Present** 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

**Excused** 1 - STEVEN PETERS

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

No comments made by the public.

[2018](#)  
[RPT-286](#)

Oct 23rd ZLR meeting registrants

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

[11343](#)

PETITION: REZONE 11343

APPLICANT: JOHNSON FAMILY TR, KENNETH J & ELEANOR D

LOCATION: 6630 LEE ROAD, SECTION 11, TOWN OF DANE

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District

REASON: creating one residential lot

*In favor: Eric Johnson*

*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11344](#)

PETITION: REZONE 11344

APPLICANT: GREENSCAPES RE LLC

LOCATION: 5995 COUNTY HIGHWAY D, SECTION 17, TOWN OF OREGON

CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District, LC-1 Limited

Commercial District TO C-2 Commercial District

REASON: expand existing landscaping business to include retail sales of nursery stock and landscaping materials

*In Favor: Jake Fleming*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KNOLL, that this Zoning Petition be postponed due to lack of Town Action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11345](#)

PETITION: REZONE 11345  
APPLICANT: MULCAHY SURVIVORS TR, JEAN A  
LOCATION: WEST OF 6405 LAVINA ROAD, SECTION 25, TOWN OF DANE  
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District  
REASON: creating four lots

*In favor: Steve Forrer*

*Opposed: None*

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

**1. The zoning petition shall be amended to assign the zoning district classification of A-2(1) Agriculture to the proposed boundary.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11346](#)

PETITION: REZONE 11346  
APPLICANT: JOSEPH G BESSETTI  
LOCATION: 2621 COFFEYTOWN ROAD, SECTION 21, TOWN OF COTTAGE GROVE  
CHANGE FROM: A-2 Agriculture District TO C-2 Commercial District  
REASON: sale of 5.208 acres of land to neighboring parcel for expansion of construction business

*In favor: Dennis Richardson*

*Opposed: None*

**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.**

**1. The land uses allowed in the 5.2-acre zoning boundary shall include the repairs, storage, and service of contractor's machinery and all other land uses within the C-2 Commercial Zoning District.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11347](#)

PETITION: REZONE 11347  
APPLICANT: ALISEN E VETTER  
LOCATION: SOUTH/SOUTHEAST & SOUTHWEST OF 10550 LAWS DRIVE, SECTION 21, TOWN OF MAZOMANIE  
CHANGE FROM: A-1EX Agriculture District TO CO-1 Conservancy District, RH-1 Rural Homes District, A-4 Agriculture District  
REASON: separating existing residence from farmland

**A motion was made by BOLLIG, seconded by KNOLL, to suspend Committee rules to allow the receipt of the Town Action Report. The motion carried by a voice vote.**

*In favor: Ann Vetter*  
*Opposed: None*

**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,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11348](#)

PETITION: REZONE 11348  
APPLICANT: KAREN A MCWILLIAM  
LOCATION: 983 HILLSIDE ROAD, SECTION 14, TOWN OF ALBION  
CHANGE FROM: R-1 Residence District TO R-1A Residence District, R-1A Residence District TO R-1 Residence District  
REASON: creating two residential lots

*In favor: Karen McWilliam*  
*Opposed: None*

**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 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11349](#)

PETITION: REZONE 11349  
APPLICANT: MATHAIRE FIELD LLC  
LOCATION: 7530 STATE HIGHWAY 73, SECTION 10, TOWN OF YORK  
CHANGE FROM: A-2 Agriculture District TO RE-1 Recreational District  
REASON: allow camping along with the existing skydiving operation

*In favor: Greg Porter*  
*Opposed: None*

**A motion was made by KNOLL, seconded by BOLLIG, that this Zoning Petition be postponed due to no Town Action. The motion carried by the following vote:**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02440](#)

PETITION: CUP 02440  
APPLICANT: MATHAIRE FIELD LLC  
LOCATION: 7530 STATE HIGHWAY 73, SECTION 10, TOWN OF YORK  
CUP DESCRIPTION: campground

**A motion was made by KNOLL, seconded by BOLLIG, that this Conditional Use Permit be postponed due to no Town Action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11351](#)

PETITION: REZONE 11351 **Withdrawn**

APPLICANT: TYROL PROPERTIES, LLC

LOCATION: 3487 BOHN ROAD, SECTION 33, TOWN OF VERMONT

CHANGE FROM: RE-1 Recreational District TO RE-1 Recreational District

REASON: amend deed restrictions for the RE-1 and B-1 zoning district

**This Zoning Petition was withdrawn.**

[CUP 02441](#)

PETITION: CUP 02441

APPLICANT: TYROL PROPERTIES, LLC

LOCATION: 3487 BOHN ROAD, SECTION 33, TOWN OF VERMONT

CUP DESCRIPTION: expand recreational areas lighted at night

**A motion was made by KNOLL, seconded by BOLLIG, to direct staff to enter the 5 emails recieved into the public record per Committee rules. The motion carried by a voice vote.**

*In favor: Nathan McGree, Brian Patrick, and Attorney Nicole Schram*

*Opposed: Caron Sutterlin, Jon Norris, Marc Brody, Ross Reinhold, Josh Kramer, and Andy Grimmer. The neighbors expressed concerns regarding light pollution, increased traffic, road conditions, increased noise, safety, the expansion beyond current approvals, conflicting with Town plan policies, impact on neighboring streams, and having a negative impact on neighboring property values.*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02438](#)

PETITION: CUP 02438  
APPLICANT: STORE MASTER FUNDING I LLC  
LOCATION: 4934 FELLAND ROAD, SECTION 35, TOWN OF BURKE  
CUP DESCRIPTION: kennel, boarding, grooming and day camp

*In favor: Kristyn Goodsell*  
*Opposed: None*

**A motion was made by WEGLEITNER, seconded by BOLLIG, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 4-0.**

**1. This Conditional Use Permit is for operation of a pet day care / pet grooming / pet kennel operation.**

**2. Operation of the business shall comply with the site plan submitted with the Conditional Use Permit application.**

**3. Office hours for the pet day care / grooming / kennel business shall be limited to:**

**Monday – Friday: 6:30am to 6:00 pm**

**Saturday: 6:30am to 6:00 pm**

**Sunday: 3:30pm to 5:30 pm**

**4. The kenneling operation shall be limited to no more than 160 domestic pets. At such time as the pet daycare operation ceases, the kenneling operation may be expanded to accommodate a total of up to 200 domestic pets. The prior deed restrictions recorded under document #4497738 shall be terminated. The town shall work with Dane County to enforce the conditions of this permit and ensure compliance with the Conditional Use Permit standards in section 10.255(2)(h) of the county code or successor provision.**

**5. A separate pet septic system shall be maintained on the site.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02439](#)

PETITION: CUP 02439  
APPLICANT: RICHARD E RAMSDEN  
LOCATION: 1346 STATE HIGHWAY 73, SECTION 3, TOWN OF ALBION  
CUP DESCRIPTION: allow for the operation of a limited family business (sawmill) and for the retail sales of wood (agricultural product)

*In favor: Richard Ramsden*  
*Opposed: None*

**A motion was made by KNOLL, seconded by WEGLEITNER, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote:**

**1. The Limited Family Business CUP shall be for a sawmill with limited sales of wood and related products.**

**2. The noise shall not to exceed 70 DbA decibels at the property line per Town's Commercial Design Ordinances.**

**3. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

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

##### 11320

PETITION: REZONE 11320  
APPLICANT: DAVID J ELLESTAD  
LOCATION: 8181 COYLE DRIVE, SECTION 25, TOWN OF CROSS PLAINS  
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-2 (2) Agriculture District TO A-2 (4) Agriculture District, A-2 (2) Agriculture District TO A-2 (8) Agriculture District, A-2 (4) Agriculture District TO A-2 (8) Agriculture District  
REASON: adding lands to two existing lots

**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,KNOLLandWEGLEITNER

Excused: 1 - PETERS

##### 11331

PETITION: REZONE 11331  
APPLICANT: LUCKY PUP LLC  
LOCATION: 2515 US HIGHWAY 51, SECTION 15, TOWN OF DUNN  
CHANGE: B-1 Business District to Planned Unit Development (PUD)  
REASON: General Development Plan for dog park and restaurant

**A motion was made by KNOLL, seconded by BOLLIG, that the General Development Plan for a Planned Unit Development be recommended for approval. The motion carried by the following vote: 4-0.**

- 1. The Specific Implementation Plan (SIP) shall be submitted for review within one year of GDP approval.**
- 2. As part of the SIP, a deed restriction shall be recorded with the Register of Deeds which will detail decibel limits on outdoor entertainment, number of events, and hours of operation.**
- 3. A storm water maintenance agreement shall be record with the Register of Deeds for the two bio-retention basins.**
- 4. An on-site septic system shall be installed on the property to facility the development.**
- 5. A highway access permit shall be obtained from the Wisconsin Department of Transportation regarding highway access and allowing parking in the existing gravel area which is located in the highway right-of-way.**
- 6. As part of the SIP, detailed information will be presented for signs. One pylon sign shall be permitted on the property similar to the size of the existing sign. The new sign shall not be internally illuminated and meet dark sky requirements.**
- 7. As part of the SIP, a deed restriction shall be recorded with the Register of Deeds to establish hours of operation for the bar/restaurant.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

**E. Plats and Certified Survey Maps**

**F. Resolutions**

**G. Ordinance Amendment**

[2018 OA-016](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

*In favor: Kris Hampton and Michael Lawton*  
*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[2018 OA-019](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

*In favor: None*  
*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[2018 OA-023](#) AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF ORDINANCES, MODIFYING ZONING FEES

*In favor: None*  
*Opposed: None*

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

**1. Line 14 and 19 shall be amended to read: "\$0.1" (10 cents).**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER



Excused: 1 - PETERS

[2018 OA-024](#) AMENDING CHAPTER 75 OF THE DANE COUNTY CODE OF ORDINANCES,  
AMENDING SUBDIVISION FEES

*In favor: None*  
*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

## H. 2019 County Budget Discussion and Amendments

[2018  
ACT-186](#) ZONING AND LAND REGULATION COMMITTEE AMENDMENTS TO THE  
PROPOSED 2019 CAPITAL BUDGET

*No amendments*

[2018  
ACT-187](#) ZONING AND LAND REGULATION COMMITTEE AMENDMENTS TO THE  
PROPOSED 2019 OPERATING BUDGET

*No amendments*

## I. Items Requiring Committee Action

[2018  
ACT-215](#) Residential site plan review within the A-1Ex Exclusive Agriculture Zoning  
District  
Mark and Lisa Nelson, 172 State Highway 138, Town of Dunkirk, Section 31

**A motion was made by WEGLEITNER, seconded by KNOLL, that this Action Item  
be approved. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

## J. Reports to Committee

## K. Other Business Authorized by Law

## L. Adjourn

**A motion was made by BOLLIG, seconded by KNOLL, to adjourn the October 23,  
2018 Zoning and Land Regulation Committee meeting at 8:00pm. The motion  
carried unanimously.**

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