



Dane County

Meeting Agenda - Final

Zoning & Land Regulation Committee

Tuesday, March 27, 2018

6:30 PM

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

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

A. Call to Order

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

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

[11252](#)

PETITION: REZONE 11252

APPLICANT: LENOX LANDSCAPE AND SUPPLY LLC

LOCATION: 770 ALBION ROAD, SECTION 16, TOWN OF ALBION
CHANGE FROM: RE-1 Recreational District TO A-2 (4) Agriculture District

REASON: change zoning to allow temporary concrete batch plant, to change back after project complete.

Attachments: [11252 CUP 2411 Staff](#)

[11252 Town](#)

[11252 Map](#)

[11252 CUP 2411 APP](#)

[CUP 02411](#)

PETITION: CUP 02411

APPLICANT: LENOX LANDSCAPE AND SUPPLY LLC

LOCATION: 770 ALBION ROAD, SECTION 16, TOWN OF ALBION
CHANGE FROM: RE-1 Recreational District TO A-2 (4) Agriculture District

REASON: change zoning to allow temporary concrete batch plant, to change back after project complete.

CUP DESCRIPTION: TEMPORARY CONCRETE BATCH PLANT

Attachments: [11252 CUP 2411 APP](#)

[11254](#) PETITION: REZONE 11254
APPLICANT: ROBERT H JOHNSON
LOCATION: 275 US HIGHWAY 12 & 18, SECTION 2, TOWN OF CHRISTIANA
CHANGE FROM: A-2 (8) Agriculture District TO C-2 Commercial District, A-2 (8) Agriculture District TO A-2 (4) Agriculture District
REASON: Expansion of existing commercial lot

Attachments: [11254 Staff](#)
[11254 Town](#)
[11254 Map](#)
[11254 APP](#)

[11255](#) PETITION: REZONE 11255
APPLICANT: COFFEY TR, NANCY K
LOCATION: 7786 INAMA ROAD, SECTION 5, TOWN OF ROXBURY
CHANGE FROM: RH-1 Rural Homes District TO A-2 Agriculture District, A-2 (8) Agriculture District TO A-2 Agriculture District, A-1 Agriculture District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

Attachments: [11255 Staff](#)
[11255 Town](#)
[11255 Map](#)
[11255 APP](#)

[11256](#) PETITION: REZONE 11256
APPLICANT: ANGELA MILEY
LOCATION: 9559 COUNTY HIGHWAY Y, SECTION 24, TOWN OF MAZOMANIE
CHANGE FROM: RH-3 Rural Homes District TO C-1 Commercial District
REASON: small family business creating herbal remedies for organic livestock

Attachments: [11256 Staff](#)
[11256 Town](#)
[11256 Map](#)
[11256 APP](#)

[11257](#) PETITION: REZONE 11257
APPLICANT: GENE R & JUDY LAUBER
LOCATION: SOUTH OF 3887 GARFOOT ROAD, SECTION 19, TOWN
OF CROSS PLAINS
CHANGE FROM: A-1 Agriculture District TO RH-2 Rural Homes
District
REASON: creating one residential lot

Attachments: [11257 Staff](#)
[11257 Density](#)
[11257 Town](#)
[11257 Map](#)
[11257 APP](#)

[11258](#) PETITION: REZONE 11258
APPLICANT: RICHARD A ANDERSON
LOCATION: 4551 PLEASANT VALLEY ROAD, SECTION 8, TOWN
OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District
REASON: creating one residential lot

Attachments: [11258 Staff](#)
[11258 Town](#)
[11258 Density](#)
[11258 Map](#)
[11258 APP](#)

[11259](#) PETITION: REZONE 11259
APPLICANT: NIKOLE R JONES
LOCATION: 4190 OBSERVATORY ROAD, SECTION 16, TOWN OF
CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District, A-1EX Agriculture District TO RH-3 Rural Homes District
REASON: create 3 new lots and reconfigure existing parcel lines

Attachments: [11259 Staff](#)
[11259 map 1981](#)
[11259 town](#)
[11259 Map](#)
[11259 APP](#)

[11260](#) PETITION: REZONE 11260
APPLICANT: LINDA A SWEENEY
LOCATION: 2778 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO RH-1 Rural Homes District, A-3 Agriculture District TO RH-2 Rural Homes District, A-3 Agriculture District TO RH-3 Rural Homes District, A-3 Agriculture District TO RH-4 Rural Homes District
REASON: subdivide land to 4 residential lots

Attachments: [11260 Staff](#)
[11260 Map](#)
[11260 APP](#)

[11261](#) PETITION: REZONE 11261
APPLICANT: HRK LLC
LOCATION: SOUTHEAST OF 1242 STATE HIGHWAY 73, SECTION 10, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District
REASON: expansion of existing winery operation to include brewery and tasting room

Attachments: [11261 CUP 2412 Staff](#)
[11261 Town](#)
[11261 Map](#)
[11261 APP](#)

[CUP 02412](#) PETITION: CUP 02412
APPLICANT: HRK LLC
LOCATION: SOUTHEAST OF 1242 STATE HIGHWAY 73, SECTION 10, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District
REASON: expansion of existing winery operation to include brewery and tasting room
CUP DESCRIPTION: winery, tasting room

Attachments: [11261 CUP 2412 Staff](#)
[CUP 2412 Town](#)
[CUP 2412 Operations Plan](#)
[CUP 2412 Map](#)
[11261 & CUP 02412 App](#)

[11262](#) PETITION: REZONE 11262
APPLICANT: HELEN M JAGGI / WEISENSEL
LOCATION: WEST OF 1627 FRITZ ROAD, SECTION 6, TOWN OF MONTROSE
CHANGE FROM: RH-4 Rural Homes District TO RH-2 Rural Homes District, RH-4 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture District TO RE-1 Recreational District
REASON: creating one residential lot and one agriculture lot and one recreational lot

Attachments: [11262 Staff](#)
[11262 Town](#)
[11262 Map](#)
[11262 APP](#)

[11263](#) PETITION: REZONE 11263
APPLICANT: TOM & DONNA SAYRE FARMS LLC
LOCATION: WEST OF CHURCH STREET, SECTION 11, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot

Attachments: [11263 Staff](#)
[11263 Town](#)
[11263 Density](#)
[11263 Map](#)
[11263 APP](#)

[11264](#) PETITION: REZONE 11264
APPLICANT: TOM & DONNA SAYRE FARMS LLC
LOCATION: EAST OF CHURCH STREET, SECTION 11, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: create one residential lot and one agricultural lot

Attachments: [11264 Staff](#)
[11264 Town](#)
[11264 Density](#)
[11264 Map](#)
[11264 APP](#)

[11267](#)

PETITION: REZONE 11267
APPLICANT: SCOTT A KALSCHEUR
LOCATION: WEST OF 5553 NETHERWOOD ROAD, SECTION 4,
TOWN OF OREGON
CHANGE FROM: Wetland status to Non-wetland status
REASON: removing area from wetland map in order to construct a
driveway

Attachments: [11267 Staff](#)
[11267 Wetland Delineation Report](#)
[11267 Map](#)
[11267 APP](#)

[11277](#)

PETITION: REZONE 11277
APPLICANT:TOWN OF COTTAGE GROVE
LOCATION: VARIOUS PARCELS IN COTTAGE GROVE, SECTION
29, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: blanket rezone to implement amendments to the Town of
Cottage Grove/Dane County comprehensive plan

Attachments: [11277 Staff](#)
[11277 APP](#)
[11277 Map](#)

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

CUP 2396

PETITION: CUP 02396
APPLICANT: THOMAS A MARTINSON
LOCATION: NE OF 4614 COUNTY HIGHWAY A, SECTION 18,
TOWN OF RUTLAND
CUP DESCRIPTION: new 199' communication tower

Attachments:

- [CUP 2396 Staff Report update 032718](#)
- [CUP 2396 RF Engineering Report](#)
- [CUP 2396 Nov 28 2017 DCP Staff Rpt](#)
- [CUP 2396 Density](#)
- [CUP 2396 Town Memo \(FWD with no action\)](#)
- [CUP 2396 & CAF II Target Area Map](#)
- [CUP 2396 Initial Search Ring](#)
- [CUP 2396 Updated AT&T Search Ring and Site Location for Candidate :](#)
- [CUP 2396 Search Ring Verification Letter](#)
- [CUP 2396 AT&T Ltr to ZLR in response to RF Engineering Report 0302'](#)
- [CUP 2396 AT&T Letter to CityScope 3-19-18 post-conference cal](#)
- [CUP 2396 - Neighbor opposition letter](#)
- [CUP 2396 AT&T Martinson Proposal - Narrative with Propagation Maps](#)
- [CUP 2396 AT&T Updated Propagation Maps 12-13-17](#)
- [CUP 2396 AT&T Extension letter #3 \(extend to 3/30/18\) also alternative](#)
- [CUP 2396 AT&T Extension Letter#2 \(extend to 2-28-18\)](#)
- [CUP 2396 AT&T Extension Letter #1 \(extend to 1-23-18\)](#)
- [CUP 2396 RF Engineer Memo](#)
- [CUP 2396 Map](#)
- [CUP 2396 AT&T RF Letter 10-24-17](#)
- [CUP 02396 APP](#)

Legislative History

10/24/17	Zoning & Land Regulation Committee	postponed to the Zoning & Land Regulation Committee
----------	---------------------------------------	--

A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be postponed due to public opposition and no Town action. The motion carried by the following vote: 4-0. Passed

11/28/17

Zoning & Land Regulation
Committee

postponed to the Zoning & Land
Regulation Committee

A motion was made by O'LOUGHLIN, seconded by BOLLIG, to agree to the applicant's request to extend the deadline for action on the Conditional Use Permit application and to postpone until the January 23, 2018 ZLR Committee meeting to allow the applicant time to provide information requested by county staff and the 3rd party engineering consultant to enable a technical review of the proposal, and to address the concerns noted in the staff report. The motion carried by the following vote: 3-2 (Nay: Miles, Matano).

Staff provided a detailed summary of the concerns and issues with the proposed communication tower that lead to staff's recommendation that the Conditional Use Permit be denied. These include the following:

1. The need to site the proposed tower at the requested location and height has not been validated.

The 3rd party engineer was unable to conduct a technical review to determine if the location and height of the tower is justified based on stated objectives and information provided by the applicant.

2. The selected site is located outside of the search ring submitted by the applicant.

The proposed site is located approximately 0.6 miles outside of the 1/4 mile search ring originally submitted with the application, and approximately .3 miles outside of a 1/2 mile search ring subsequently provided. The search ring is the general area within which the mobile service support structure should be located to meet radio frequency engineering requirements.

3. The applicant has failed to provide information that demonstrates that the facility will satisfy stated rural broadband service provision obligations and objectives.

At the public hearing, the applicant indicated two objectives for the proposed tower – filling a mobile service (cellular) coverage gap to the west, and providing access to fixed wireless broadband services for households within a federally designated underserved target area located over 1.5 miles to the east. AT&T has received federal funding as part of the “Connect America Fund II” program that seeks to expand high speed broadband internet services to underserved rural areas.

Basic information, such as the anticipated broadband service area, or how many dwelling units in the federally designated target area would be eligible for service, has not been provided.

4. The applicant has not evaluated the feasibility of collocation to achieve its rural broadband service obligations and objectives in the federally designated area located over 1.5 miles to the east of the site.

Staff noted that there is an existing 180' tall communications tower located over a mile closer to the federally designated rural broadband service area where AT&T proposes to provide fixed wireless broadband internet service.

5. The proposed conditional use appears to be inconsistent with town comprehensive plan policies.

The subject property is located in the town's "medium density residential" planning area. The town plan states the following: "This district is intended to accommodate medium density residential uses at an average density of 1 dwelling per acre. The vast majority of dwelling units are single-family. Public facilities such as parks, open space, and trails are also found here."

The town counts communication towers as a "split" or development right toward their density limitation. The eligible development rights have been exhausted from the Martinson farm.

6. The proposed conditional use, based on information provided, does not satisfy the following standards found in sections 10.255(2)(h)2, and 10.255(2)(h)6 of the zoning code.

There are 20 residences located 300'-1,300' of the proposed tower. The tower will be visible from these neighboring residential properties resulting in aesthetic impacts to the property owners. Property owners from the neighboring residential subdivision have expressed their concerns about the impact the tower would have on the use and enjoyment of their properties, as well as concerns about property values.

Due to the inability to validate the need for the tower at the specific requested location, the proposed conditional use does not meet the standard in 10.123(5)(b).

Discussion ensued. Attorney Daniel O'Callaghan provided copies of a letter indicating that the applicant agrees to extend the state-imposed deadline for action on the Conditional Use Permit application.

Further discussion ensued. Committee members expressed concern that the town had not been provided an opportunity to take action on the petition and that information requested by staff and the 3rd party engineer had not been timely provided by the applicant. The Committee informed the applicant they should provide all requested information so that a detailed analysis can be conducted by staff and the 3rd party engineer in advance of the town and county taking action on the petition. Passed

H. Items Requiring Committee Action

I. Reports to Committee

[2017 RPT-737](#) Report of approved Certified Survey Maps

J. Other Business Authorized by Law

K. Adjourn

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.