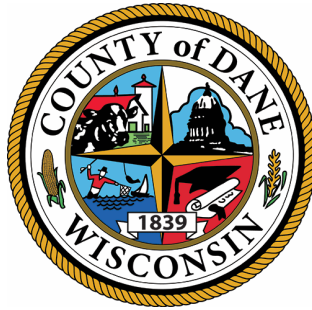


Dane County



Minutes

Tuesday, July 25, 2017

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

Zoning & Land Regulation Committee

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, Lane, and Violante

Youth Governance Members present: Ayomi Obuseh and Sam Fischer.

Present 3 - MARY KOLAR, AL MATANO, and PATRICK MILES

Excused 2 - JERRY BOLLIG, and DENNIS O'LOUGHLIN

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

Jean Mannerter expressed her displeasure with the activity level at the Goodman Jewish Community Campus located at 7762 County Highway PD in the Town of Verona. She stated that there are more children attending the summer camp. Loudspeakers are being used which are annoying. There an overly amount of noise being produced from the activities on the premises. She would like the activities to be moved more to the east of the property.

[2017
RPT-241](#)

Registrants at the July 25th meeting

C. Consideration of Minutes

[2017
MIN-185](#)

Minutes of the May 9, 2017 Zoning & Land Regulation Committee Meeting

A motion was made by MATANO, seconded by MILES, that the Minutes of the May 9th meeting be approved. The motion carried by a voice vote.

[2017
MIN-184](#)

Minutes of the May 23, 2017 Zoning & Land Regulation Committee meeting

A motion was made by MATANO, seconded by MILES, that the Minutes of the May 23rd meeting be approved. The motion carried by a voice vote.

[2017
MIN-186](#)

Minutes of the June 13, 2017 Zoning & Land Regulation Committee meeting

A motion was made by MATANO, seconded by MILES, that the Minutes of the June 13th meeting be approved. The motion carried by a voice vote.

[2017
MIN-187](#)

Minutes of the June 27, 2017 Zoning & Land Regulation Committee meeting

A motion was made by MATANO, seconded by MILES, that the Minutes of the June 27th meeting be approved. The motion carried by a voice vote.

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

11154

PETITION: REZONE 11154
APPLICANT: AMY C FROCHTZWEIG
LOCATION: 2277 RINDEN ROAD, SECTION 10, TOWN OF PLEASANT SPRINGS
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District
REASON: zoning to allow for a limited family business

In favor: Amy and Charles Frochtzweig
Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

CUP 02383

PETITION: CUP 02383
APPLICANT: AMY C FROCHTZWEIG
LOCATION: 2277 RINDEN ROAD, SECTION 10, TOWN OF PLEASANT SPRINGS
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District
CUP DESCRIPTION: LIMITED FAMILY BUSINESS (WELDING OPERATION)

In favor: Amy and Charles Frochtzweig
Opposed: None

A motion was made by MATANO, seconded by MILES, that this Conditional Use Permit be approved with 13 conditions. The motion carried by the following vote: 3-0.

1. The conditional use permit is for operation of a Limited Family Business – C&D Welding.
2. The proposed new building shall be built according to plans submitted with CUP #2383.
3. No signage shall be permitted.
4. No outside storage of business materials shall be permitted.
5. A bathroom with sanitary fixtures shall be allowed in the accessory building housing the welding shop. Prior to sale of the property to an unrelated 3rd party, the sanitary fixtures shall be removed, and the system shall be capped and disconnected from the septic system.
6. The building shall not be used as a dwelling unit under any circumstances. Violation of this condition shall be grounds for revocation of this Conditional Use Permit.
7. Utilities shall be single phase existing power.
8. Trash collection - remains the same and/or possible one additional recycling bin.
9. Business materials to be sent by US Postal Service.
10. Business materials sending, owner drives to FEDEX business site.
11. Business materials received through FEDEX delivery trucks, current preferred method.
12. Truck Traffic type - No change in typical truck traffic type on Rinden Road.
13. The conditional use permit shall expire upon sale of the property to an unrelated 3rd party.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11155](#)

PETITION: REZONE 11155
APPLICANT: KENNETH H SCHULENBERG
LOCATION: 3311 COUNTY HIGHWAY P, SECTION 33, TOWN OF CROSS PLAINS
CHANGE FROM: RH-3 Rural Homes District TO LC-1 Limited Commercial District
REASON: zoning to allow for lawn care company operations

In favor: Kenneth Schulenberg
Opposed: None

A motion was made by MILES, 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 Lots 1 and 2 to prohibit the lots from being sold separately.

Ayes: 3 - KOLAR,MATANOandMILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11156](#)

PETITION: REZONE 11156
APPLICANT: MARY P HENMAN
LOCATION: NORTH OF THUMPER ROAD, SECTION 34, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, RH-3 Rural Homes District TO A-1EX Agriculture District
REASON: changing residential building site

In favor: Mary Henman
Opposed: None

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

Ayes: 3 - KOLAR,MATANOandMILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11157](#)

PETITION: REZONE 11157
APPLICANT: JAMES LAPP
LOCATION: 3333 STATE HIGHWAY 138, SECTION 12, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District, B-1 Local Business District TO C-2 Commercial District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: rezone for large scale landscaping, snow and tree removal business with home for watchman/caretaker

In favor: James Lapp

Opposed: None

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

- 1. The petition shall be amended to assign the zoning district classification of A-2 to the proposed 32.5-acre parcel.**
- 2. A deed restriction shall be recorded on the A-2 parcel to prohibit land division of the property and require site plan approval from the Town Board prior to any development of the property.**
- 3. A deed restriction shall be recorded on the C-2 parcel to limit the land uses to the following: Limit the land uses exclusively to landscaping, snow removal, tree care and similar contracting businesses, repairs and storage of contractors vehicles, machinery, and equipment, outdoor storage of landscaping materials, and a residence for a watchman/caretaker. Outdoor storage areas shall be shielded from view from Highway 138. Prohibit off-premises (billboard) signage, lighted signage, and outdoor loudspeakers.**

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[CUP 02384](#)

PETITION: CUP 02384
APPLICANT: JAMES LAPP
LOCATION: 3333 STATE HIGHWAY 138, SECTION 12, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District, B-1 Local Business District TO C-2 Commercial District, A-1EX Agriculture District TO A-4 Agriculture District
CUP DESCRIPTION: REZONE FOR LARGE SCALE LANDSCAPING, SNOW AND TREE REMOVAL BUSINESS WITH HOME FOR WATCHMAN/CARETAKER

In favor: James Lapp

Opposed: None

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

- 1. The conditional use permit is for a residence for a watchman / caretaker.**
- 2. The conditional use permit shall expire at any time the residence ceases to be occupied by a watchman / caretaker of a business located on the property.**

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11158](#)

PETITION: REZONE 11158
APPLICANT: ANDREW HALVERSON
LOCATION: 2522 COUNTY ROAD A, SECTION 9, TOWN OF DUNKIRK
CHANGE FROM: R-1 Residence District TO A-2 (2) Agriculture District
REASON: change zoning district to allow for a taller accessory building

In favor: Andrew Halverson
Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11159](#)

PETITION: REZONE 11159
APPLICANT: VINEY ACRES LLC
LOCATION: 1994 US HIGHWAY 12 & 18, SECTION 35, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating one residential lot

In favor: Donald and Dan Viney
Opposed: None

A motion was made by MILES, 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 should be placed on the balance of parcel #071135295020 prohibiting further residential development. (The existing Notice document is sufficient to document the 2 transferable RDUs that remain "banked" on the property from zoning petition #10992.)**
- 2. The applicant must meet all town of Cottage Grove and WisDOT requirements regarding location and installation of the driveway providing access to the property.**

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11161](#)

PETITION: REZONE 11161
APPLICANT: MARK H NYHUS
LOCATION: 2009 MANHATTAN DRIVE, SECTION 28, TOWN OF VERONA
CHANGE FROM: RH-1 Rural Homes District TO R-2 Residence District
REASON: shifting of property lines between adjacent land owners

In favor: Susan Nyhus
Opposed: None

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11162](#)

PETITION: REZONE 11162
APPLICANT: BUHLER FAMILY IRREV TR
LOCATION: NORTH OF 6134 RIVER ROAD, SECTION 1, TOWN OF WESTPORT
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: shifting of property lines between adjacent land owners

In favor: Sichard Schmill
Opposed: None

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

1. Lot 2 shall be deed restricted to prohibit division of the property.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11163](#)

PETITION: REZONE 11163
APPLICANT: MARA K ZIMMERMAN
LOCATION: EAST OF 4203 TOWER ROAD, SECTION 16, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots

In favor: Mara Zimmerman and Erling Olson
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11164](#)

PETITION: REZONE 11164
APPLICANT: DELORES BEST
LOCATION: 129 COUNTY HIGHWAY DD, SECTION 36, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District and RH-1 Rural Homes District
REASON: creating two residential lots one being for an existing residence, and two agricultural lot

In favor: Ed Short
Opposed: None

A motion was made by MATANO, seconded by MILES, 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 Lot 2 and 3 to prohibit residential development. The housing density rights have been exhausted on the original farm.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11165](#)

PETITION: REZONE 11165
APPLICANT: BULLSI LLC
LOCATION: 4645 STATE HIGHWAY 138, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: RE-1 Recreational District TO C-2 Commercial District
REASON: allow commercial uses

In favor: Eric Grover
Opposed: None

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed until a development plan is created and the Town Comprehensive Plan is amended to reflect commercial development for the area. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR,MATANOandMILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11166](#)

PETITION: REZONE 11166
APPLICANT: SCREAMIN' NORWEGIAN FARMS LLC
LOCATION: JUST SOUTH OF 3475 SKARSTINDEN ROAD, SECTION 26, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District
REASON: creating one residential lot

In favor: Tim Thorson
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed until the property that will be sending the Residential Development Unit is identified. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR,MATANOandMILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11167](#)

PETITION: REZONE 11167
APPLICANT: JANET H HOOPES
LOCATION: 4690 COUNTY HIGHWAY J, SECTION 29, TOWN OF CROSS PLAINS
CHANGE FROM: RH-2 Rural Homes District TO A-2 Agriculture District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating three residential lots

In favor: Dan Birrenkott
Opposed: None

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR,MATANOandMILES

Excused: 2 - BOLLIGandO'LOUGHLIN

[11168](#)

PETITION: REZONE 11168
APPLICANT: HAACK TR
LOCATION: 1582 LIBERTY STREET, SECTION 3, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: 4 residential lots

In favor: William Haack

Opposed: None

Larry Lester expressed concerns regarding traffic. There were concerns raised on increased storm water.

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11169](#)

PETITION: REZONE 11169
APPLICANT: JAMES T HUTCHINS
LOCATION: NORTH OF LALLY ROAD, SECTION 28, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO R-3A Residence District
REASON: creating residential lot for duplex

In favor: Gary Palmer

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[CUP 02385](#)

PETITION: CUP 02385
APPLICANT: SUN PRAIRIE CONCRETE INC
LOCATION: 5067 REINER ROAD, SECTION 26, TOWN OF BURKE
CUP DESCRIPTION: EXPAND EXISTING MINERAL EXTRACTION SITE

In favor: John Belken and Paul Johnson

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

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

[11136](#)

PETITION: REZONE 11136
APPLICANT: SCREAMIN' NORWEGIAN FARMS LLC
LOCATION: 1924 US HIGHWAY 12 & 18, SECTION 35, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District, A-1EX Agriculture District TO R-3A Residence District
REASON: separating existing residences from farmland

A motion was made by MILES, 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 the 1864 US Hwy 12/18 lot which requires the removal of the secondary residence by July 31, 2018.**
- 2. A deed restriction shall be recorded on the 1924 US Hwy 12/18 lot which requires the removal of the secondary residences prior to the sale of the property.**

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11137](#)

PETITION: REZONE 11137
APPLICANT: LUCY S KURT-MANHART
LOCATION: 5899 COUNTY HIGHWAY CV, SECTION 8, TOWN OF BURKE
CHANGE FROM: A-1 Agriculture District TO RH-4 Rural Homes District, A-1 Agriculture District TO R-1 Residence District
REASON: separating existing residences from farmland

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11139](#)

PETITION: REZONE 11139
APPLICANT: ESSER FAMILY TR
LOCATION: 8456 PINE HILL ROAD, SECTION 14, TOWN OF CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District
REASON: shifting of property lines between adjacent land owners

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11144](#)

PETITION: REZONE 11144
APPLICANT: FURSETH FARMS INC
LOCATION: 731 BASS LAKE ROAD, SECTION 19, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: separating existing residence from farmland

A motion was made by MATANO, seconded by MILES, 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 parcels 0511-192-9000-8 and 0511-192-8550-5 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

[11148](#)

PETITION: REZONE 11148
APPLICANT: THOMAS L SCHALLER
LOCATION: SOUTH OF NORTH FAIR OAK ROAD, SECTION 23, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot

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

Ayes: 3 - KOLAR, MATANO and MILES

Excused: 2 - BOLLIG and O'LOUGHLIN

F. Plats and Certified Survey Maps

[2017 LD-021](#)

Final Plat - Shady Grove
Village of Cottage Grove
Staff recommends a certification of non-objection.

A motion was made by MILES, seconded by MATANO, that the plat be certified with no objections. The motion carried by a voice vote: 3-0

[2017 LD-022](#)

Final Plat - Daybreak Valley
Town of Middleton
Staff recommends signature of the final plat.

A motion was made by MATANO, seconded by MILES, that the plat be approved. The motion carried by a voice vote: 3-0.

KOLAR signed the final plat.

[2017 LD-019](#) Preliminary Plat - Wellington Trace
Town of Bristol
Staff recommends conditional approval.

A motion was made by MATANO, seconded by MILES, that the preliminary plat be postponed to allow for the town of Bristol to take action and the developer to submit a letter from the Dane County Land & Water office that addresses the erosion control and stormwater components. The motion carried by a voice vote: 3-0.

[2017 LD-020](#) Preliminary Plat - Cherry Wood Ridge
Town of Middleton
Acceptance and schedule for 8/08/2017 consideration.

A motion was made by MATANO, seconded by MILES, that the preliminary plat be accepted and schedule for future consideration. The motion carried by a voice vote: 3-0

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2017](#) Report of approved Certified Survey Maps
[RPT-196](#)

K. Other Business Authorized by Law

L. Adjourn

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

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