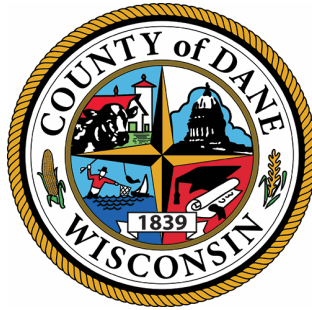


# Dane County



## Minutes

Tuesday, November 28, 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: Allan, Everson, and Violante

Youth Governance Members present: Ayomi Obuseh (Sam Fischer excused)

Matano arrived at 6:36 pm

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

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

No public comments made.

[2017](#)  
[RPT-517](#)

November 28, 2017 ZLR registrants

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

[11207](#)

PETITION: REZONE 11207

APPLICANT: FEBOCK BROTHERS LLC

LOCATION: SOUTH 3383 STATE HIGHWAY 134, SECTION 36, TOWN OF DEERFIELD

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

REASON: creating one residential lot

*In favor: Agent Michael Rumpf*

*Opposed: None*

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

1. A deed restriction shall be recorded on parcel 0712-361-9500-2 to prohibit further residential development on the remaining A-1EX Exclusive Agriculture zoned land. The housing density units for the original farm have been exhausted.

Ayes: 4 - BOLLIG, KOLAR, MILES and O'LOUGHLIN

Absent: 1 - MATANO

[11208](#)

PETITION: REZONE 11208  
APPLICANT: LATSCH IRREV TR, VICTORIA J  
LOCATION: 1439 KRABY ROAD, SECTION 6, TOWN OF CHRISTIANA  
CHANGE FROM: A-1EX Agriculture District TO R-2 Residence District,  
RH-2 Rural Homes District TO R-2 Residence District, A-4 Agriculture  
District TO R-2 Residence District  
REASON: shifting of property lines between adjacent land owners

*In favor: Victoria Latsch*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,KOLAR,MILESandO'LOUGHLIN

**Absent:** 1 - MATANO

[11210](#)

PETITION: REZONE 11210  
APPLICANT: DONALD L PARRELL  
LOCATION: EAST OF 4579 BLUE MOUNDS TRL, SECTION 3, TOWN  
OF VERMONT  
CHANGE FROM: RH-4 Rural Homes District TO A-1EX Agriculture District  
REASON: selling land to adjacent farm

*In favor: Dave Parrell*  
*Opposed: None*

**A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning  
Petition be recommended for approval as amended. The motion carried by the  
following vote: 5-0.**

- 1. Amend the requested zoning classification to the A-4 Small Lot Exclusive  
Agricultural district.**
- 2. Require recording of a deed restriction on the A-4 parcel to prohibit residential  
development.**
- 3. Require recording of a Notice document indicating that the development right  
associated with the 19.55 acre parcel is being assigned to owner's 18.7 acre  
property at 4543 Blue Mounds Trail – Lot 1 CSM 11526, parcel 0706-033-9070-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11211](#)

PETITION: REZONE 11211  
APPLICANT: INGRID WEST  
LOCATION: 1053 TAYLOR LN, SECTION 17, TOWN OF DUNKIRK  
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District  
REASON: less restrictive height for detached ag bldg

*In favor: Ingrid West*

*Opposed: None*

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11212](#)

PETITION: REZONE 11212  
APPLICANT: STEPHEN P SHANESY  
LOCATION: 4287 GIL'S WAY, SECTION 9, TOWN OF CROSS PLAINS  
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District  
REASON: shifting of property lines between adjacent land owners

*In favor: Agent John Halverson*

*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11213](#)

PETITION: REZONE 11213  
APPLICANT: PEOPLES COMMUNITY BANK  
LOCATION: JUST NORTH OF 4952 COUNTY HIGHWAY F, SECTION 33,  
TOWN OF BLACK EARTH  
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District  
REASON: rezoned for cropland less than 35 acres.

*In favor: Agent John Halverson*

*Opposed: None*

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11214](#)

PETITION: REZONE 11214  
APPLICANT: EHLING FAMILY TR  
LOCATION: 4968 REEVE RD, SECTION 31, TOWN OF BLACK EARTH  
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District,  
RH-1 Rural Homes District TO A-2 Agriculture District  
REASON: creating one residential lot

*In favor: Agent John Halverson*

*Opposed: None*

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11215](#)

PETITION: REZONE 11215  
APPLICANT: COONS CONSTRUCTION OF VERONA LLC  
LOCATION: 3151 SHADY OAK LANE, SECTION 5, TOWN OF VERONA  
CHANGE FROM: RH-4 Rural Homes District TO R-4 Residence District  
REASON: Creation of a condominium plat consisting of 13 single-family units

*In favor: Agent Jessica Vaughn; Brad Legreid*

*Opposed: Brad Legreid*

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.**

**Agent Jessica Vaughn noted that the town will be taking up the petition on December 5th. Vaughn also noted that several changes are being made to the proposal and that the staff recommendations would need to be revised based on those changes.**

**Neighboring property owner Brad Legreid spoke both in support and opposition to the proposal. Mr. Legreid expressed concerns with an increase in development in the area, but indicated his preference for the proposed 13 lot development over more dense urban style development that might otherwise possibly occur in the future.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11216](#)

PETITION: REZONE 11216  
APPLICANT: BRUCE HOLOUBEK  
LOCATION: 6636 PURCELL ROAD, SECTION 35, TOWN OF VERONA  
CHANGE FROM: RH-2 Rural Homes District TO RH-3 Rural Homes District, RH-3 Rural Homes District TO RH-2 Rural Homes District  
REASON: shifting of property lines between adjacent land owners

*In favor: Bruce Holoubek*

*Opposed: None*

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11217](#)

PETITION: REZONE 11217  
APPLICANT: STOLEN FARMS INC  
LOCATION: JUST SOUTH OF 1170 HILLSIDE ROAD, SECTION 11, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District  
REASON: creating one residential lot

*In favor: Peggy Luther Stolen*

*Opposed: None*

**A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11218](#)

PETITION: REZONE 11218  
APPLICANT: GARY E THALACKER  
LOCATION: 495 COUNTY HIGHWAY X, SECTION 29, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District  
REASON: separating farm land from residence and farm accessory buildings

*In favor: Agent Ron Combs*

*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02398](#) PETITION: CUP 02398  
APPLICANT: DOLORES KOKINOS  
LOCATION: 4447 GOODLAND PARK RD, SECTION 8, TOWN OF DUNN  
CUP DESCRIPTION: bed and breakfast

*In favor: Dolores Kokinos; Daniel Catlin*

*Opposed: None*

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

1. This Conditional Use Permit shall be for operation of a Bed & Breakfast.
2. Days of operation are limited to Thursday through Sunday.
3. Non-family employees are limited to one.
4. Guests are limited to 6 at one time.
5. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[2017 OA-039](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES,  
AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

**A motion was made by MATANO, seconded by MILES, that this Ordinance be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

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

[11141](#) PETITION: REZONE 11141  
APPLICANT: HOLTZMAN REV LIVING TR, JON E  
LOCATION: 3221 STATE HIGHWAY 134, SECTION 36, TOWN OF DEERFIELD  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: creating one residential lot

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.**

1. The zoning district designation is amended to A-2(1).

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11186](#)

PETITION: REZONE 11186  
APPLICANT: KENNETH L PARIS (Mark Bursaw)  
LOCATION: 5009 THORSON ROAD, SECTION 36, TOWN OF BURKE  
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District  
REASON: change zoning to allow for a limited family business (landscaping business)

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for denial based on the following findings. The motion carried by the following vote: 5-0.

1. The request for agricultural zoning is inconsistent with the Town of Burke Comprehensive Plan in which the Town Plan designates residential development for the property. The current Rural Homes Zoning District is consistent the Town Plan and should remain.
2. The request is inconsistent with town plan policies that seek to avoid siting incompatible uses in close proximity to one another.
3. The potential for conflicts and nuisance complaints regarding traffic, noise, and visual aesthetics between the proposed business use and existing adjoining rural residential uses.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11209](#)

PETITION: REZONE 11209  
APPLICANT: TROY A GRINDLE (JONATHAN HUFTON)  
LOCATION: NORTH 11049 RIVER FORK ROAD, SECTION 30, TOWN OF PERRY  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: creating two residential lots

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. The soil classification of the property shall be verified by Dane County Land and Water Resources.
2. A deed restriction shall be recorded on parcel 0506-303-9100-0 to prohibit further residential development on the remaining A-1EX Exclusive Agriculture zoned land. The eligible housing density units for the owner's portion of the original farm have been exhausted.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN



[02396](#)

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

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.

**Ayes:** 3 - BOLLIG,KOLARandO'LOUGHLIN

**Noes:** 2 - MATANOandMILES

## E. Plats and Certified Survey Maps

[2017 LD-041](#) Skrenes proposed 4-lot CSM  
Town of Bristol

A motion was made by BOLLIG, seconded by MILES, that the Land Division be approved with the condition that a Deed Restriction be recorded that states that lot's 1 and 2 can not be further divided and lot's 3 and 4 are to be combined and can not be separated. The motion carried by a voice vote, 5-0

[2017 LD-042](#) Final Plat - Tumbledown Farm  
Town of Middleton, Section 29 & 30  
Staff recommends conditional approval.

A motion was made by MILES, seconded by BOLLIG, that the final plat of Tumbledown Farm be approved with conditions. The motion carried by a voice vote, 5-0

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied.
  - All outlots are proposed as dedicated to the public either for stormwater management and recreational purposes.
3. All streets shall be noted as dedicated to the public.
4. Proposed street names are to be reviewed with respect to Ch. 76 of the DCCO.
  - Superior Oak Lane has obtained approval from Dan Frick, County Surveyor.
5. Outlots 3, 4, 5 and 6 do not meet the minimum lot area/or the frontage requirements along a public road.
  - A note shall be added to the plat that states Outlots 3, 4, 5 and 6 are prohibited from any type of development due to the fact that these outlots do not meet the minimum frontage requirements along a public road as per Ch. 75.19(6)(b).
  - Remove the note "reserved for future development on OL 3".
6. Utility easements are to be provided.
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. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. The required approval certificates are to be satisfied.
  - Town of Middleton
  - Dane County

## F. Resolutions

## G. Ordinance Amendment

[2017 OA-039](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES,  
AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

See motion above.

## H. Items Requiring Committee Action

[2017](#)  
[ACT-485](#)

Residential Site Plan Approval within the A-1Ex Exclusive Agriculture Zoning District  
Douglas Wigglesworth, 7171 Old Hwy 113, Section 24, Town of Dane

*In favor: Douglas Wigglesworth*

A motion was made by MILES, seconded by BOLLIG, to approve the residential site plan with the following condition. The motion carried by the following vote: 5-0.

1. The existing residence shall be removed within 6 months of occupancy of the new residence.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

## I. Reports to Committee

## J. Other Business Authorized by Law

## K. Adjourn

A motion was made by MILES, seconded by MATANO, to adjourn the November 28th Zoning and Land Regulation Committee at 7:54pm. The motion carried unanimously.

*Questions? Contact Majid Allan, Planning and Development Department, 267-2536, Allan@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.*