



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, January 12, 2016

7:00 PM

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

A. Call to Order

Chair Miles called the meeting of the Zoning and Land Regulation Committee to order at 7:04pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: Gustav Heiden

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

No comments made by the public.

[2015
RPT-688](#)

Registrants at the Jan 12th ZLR meeting

Attachments: [Jan 12th registrants](#)

C. Consideration of Minutes

[2015
MIN-529](#)

Minutes of the December 8, 2015 Zoning and Land Regulation Committee meeting

Attachments: [12-08-15 ZLR work meeting minutes](#)

A motion was made by MATANO, seconded by KOLAR, that the Minutes of the December 8, 2015 meeting be approved. The motion carried by a voice vote.

[2015
MIN-530](#)

Minutes of the December 22, 2015 Zoning and Land Regulation Committee meeting

Attachments: [12-22-15 ZLR Public Hearing minutes](#)

A motion was made by MATANO, seconded by KOLAR, that the Minutes of the December 22, 2015 be approved. The motion carried by a voice vote.

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

[CUP 2332](#)

PETITION: CUP 02332
APPLICANT: ST JOSEPH'S VENTURES LLC
LOCATION: 1906 W. BELTLINE HIGHWAY, SECTION 34, TOWN OF
MADISON
CUP DESCRIPTION: amend conditions of CUP 2297 to allow existing
cell tower

- Attachments:** [CUP 2332 Staff](#)
[CUP 2332 Town](#)
[CUP 2332 Map](#)
[CUP 2332 App](#)

A motion was made by SALOV, seconded by BOLLIG, that this Conditional Use Permit be approved with 20 conditions. The motion carried by the following vote: 5-0.

- 1.The primary use of the communication tower permitted under Conditional Use Permit No. 2232 shall be for the transmission and reception of cellular/PCS wireless voice / data communications, and related telecommunications equipment.
- 2.The communication tower placed, constructed or modified under Conditional Use Permit No. 2232 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The maximum height of the tower shall not exceed 150 feet above ground level.
- 3.The minimum of two (2) collocation sites required hereunder need not be available on the tower as initially placed, constructed, or modified, provided that the tower will support the later addition of the collocation sites as specified in condition #2, above.
- 4.Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2232 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.
- 5.The holder of Conditional Use Permit No. 2232 is permitted, if needed, to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Any other user collocating on the tower permitted herein is permitted to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to all conditions established for Conditional Use Permit No.2232, including locational requirements contained in the site plan.
- 6.The holder of Conditional Use Permit No. 2232 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with the permitted tower for uses related to the use of the collocation sites required hereunder, including the construction and use of buildings as permitted under paragraph 5 herein.
- 7.The final site plan(s) and design drawings dated 5/22/2014 and submitted with previous CUP #2297 application materials, are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2232 is expressly

conditioned upon compliance with those plans.

8. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2232 shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on Conditional Use Permit No. 2232, all reasonable costs and expenses associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

9. The holder of Conditional Use Permit No. 2232 shall within 30 days of any collocation on the permitted tower provide the committee with written notification of the identity of the collocator and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use. Any changes due to collocation or otherwise shall be reviewed by the Zoning Administrator prior to implementation to determine if permits are needed and to determine that such changes are in compliance with terms of the CUP and does not significantly alter the appearance or structural integrity of the tower approved and permitted under this CUP.

10. If at any time the communication tower permitted under Conditional Use Permit No. 2232 ceases to be used for the primary use, as identified in paragraph 1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower. If the tower is not removed within 30 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

11. Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the bond required hereunder.

12. The applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.

13. Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.

14. All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.

15. A Wisconsin-licensed Structural Engineer should approve and stamp the tower design, and certify that the tower can support up to three additional

cellular/PCS voice / data antenna arrays.

16.The applicant shall utilize a galvanized or painted finish on the tower to minimize visual impact, if permitted by the FAA.

17.The applicant shall paint steel appurtenances the same color as the tower to minimize visual impact.

18.The tower lease area shall be surrounded by a security fence with fabric privacy screening.

19.Failure to comply with any of the aforesaid conditions shall be grounds for the committee to immediately revoke Conditional Use Permit No. 2232.

20.The existing US Cellular self-support lattice tower located on property at 1762 W. Beltline Hwy shall be removed no later than May 1, 2016. Evidence of the tower removal shall be provided to the Dane County Zoning Administrator by May 31, 2016.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

CUP 2103

REVIEW AND POSSIBLE REVOCATION OF CUP #2103

Landowner: Oak Park Quarry, LLC

Location: 3522 Oak Park Road, Section 29, Town of Deerfield

Reason: compliance with conditions of approval and standards found in Dane County Code of Ordinances Section 10.255(2)(h)

Attachments: [Staff Report on the Oak Park Quarry](#)

[Update from Town of Deerfield](#)

[Update from Mineral Extraction Operator](#)

[Endpoint Solutions additional info on licensing](#)

[Endpoint Solutions letter 12-23-15](#)

[Halverson info from Dec 8th public hearing](#)

[Letter from Town Attorney to ZLR](#)

[Information from Halverson](#)

[Letters from State agencies](#)

[CUP #2103](#)

[CUP #2103 Boundaries](#)

[Emails and info submitted expressing concerns](#)

A motion was made by SALOV, seconded by BOLLIG, that the review and possible revocation of CUP #2103 be postponed to the April 26th Zoning & Land Regulation Committee meeting. Staff is instructed to provide a progress report to the Committee every 2 weeks. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

E. Plats and Certified Survey Maps

F. Resolutions

G. Ordinance Amendment

H. Reports to Committee

[2015](#) Report of approved Certified Survey Maps
[RPT-667](#)

Attachments: [January 2016](#)

I. Other Business Authorized by Law

[2015](#) Discussion of Wisconsin Senate Bill 479 relating to authorizing towns
[RPT-665](#) located in populous counties to withdraw from county zoning; requiring certain towns to enact a zoning ordinance and a comprehensive plan; removing plat and certified survey map approval authority from a county if the town in which the subdivision or land is located has withdrawn from county zoning; farmland preservation ordinances of towns that withdraw from county zoning and eligibility in those towns for the farmland preservation tax credit; and prohibiting restrictions on land that is not shoreland or that is not within a floodplain.

Attachments: [Senate Bill SB-479](#)

Mickey Beil, Dane County Legislative Lobbyist, provided information of where the bill is at in the legislative process.

J. Adjourn

A motion was made by SALOV, seconded by BOLLIG, to adjourn the Committee meeting at 9:02pm. The motion carried unanimously.

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