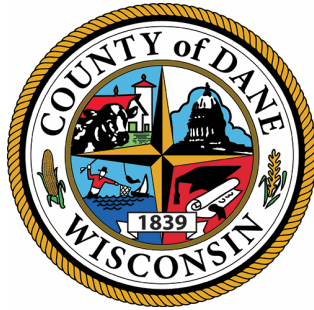


Dane County



Minutes

Tuesday, June 23, 2015

7:00 PM

City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting to order at 7:00pm in Room 201.

Staff present: Everson, Lane, and Standing.

Youth Governance: Gus Heiden

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

[2015](#)
[RPT-244](#)

Public registrants for the June 23, 2015 Committee ZLR Meeting

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

Jim Garfoot expressed his unhappiness with Planning and Development Staff on their interpretation of the Town of Cross Plains Comprehensive Plan which he feels led to the denial of his zoning petition, 10770, in January 2015.

C. Consideration of Minutes

[2015](#)
[MIN-123](#)

Minutes of the May 26, 2015 Zoning and Land Regulation Committee meeting

A motion was made by KOLAR, seconded by MATANO, that the Minutes of the May 26, 2015 ZLR Committee meeting be approved. The motion carried by a voice vote.

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

[10837](#)

PETITION: REZONE 10837

APPLICANT: TYLER B MADIGAN

LOCATION: 6459 HYSLOP ROAD, SECTION 35, TOWN OF DANE

CHANGE FROM: RH-2 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: shifting of property lines between adjacent land owners

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

In Favor: Brad Madigan

Opposed: None

[10847](#)

PETITION: REZONE 10847

APPLICANT: CYRIL FEINER

LOCATION: 3178 COUNTY HIGHWAY V, SECTION 1, TOWN OF WINDSOR

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

REASON: separating existing residence from farmland

A motion was made by MATANO, seconded by KOLAR, that the Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

In Favor: Scott Feiner

Opposed: None

[10848](#)

PETITION: REZONE 10848

APPLICANT: RICHARD TRICK

LOCATION: 1037 BINGHAM ROAD, SECTION 13, TOWN OF ALBION

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

REASON: separating existing residence from farmland

A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

In Favor: Cheri Trick

Opposed: None

[10849](#)

PETITION: REZONE 10849

APPLICANT: RICHARD E CLACK

LOCATION: 6679 HIGHLAND DRIVE, SECTION 30, TOWN OF WINDSOR

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

REASON: shifting of property lines between adjacent land owners

A motion was made by BOLLIG, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. The petition is subject to the conditions under Town of Windsor resolution 2015-39.

In Favor: Dan Paulson representing Clack

Opposed: None

[10850](#)

PETITION: REZONE 10850

APPLICANT: KARL E WHISLER

LOCATION: 9007 COUNTY HWY A, SECTION 20, TOWN OF PRIMROSE

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

REASON: separating existing residence from farmland

A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

In Favor: Karl Whisler

Opposed: None

[CUP 2313](#)

PETITION: CUP 2313

APPLICANT: ROSIE ACRES LLC

LOCATION: 2701 LUNDE LANE, SECTION 8, TOWN OF SPRINGDALE

CUP DESCRIPTION: limited family business - photography studio

A motion was made by BOLLIG, seconded by MATANO, that Conditional Use Permit #2316 be approved with 9 conditions. The motion carried by a voice vote.

In Favor: Krystal Lamberty

Opposed: None

- 1. The business activity is limited to a photo studio in the existing accessory building.**
- 2. Hours of operation shall be limited to 8 a.m. - 8 p.m. daily, by appointment only.**
- 3. Number of employees: The CUP shall conform to the limited family business requirement by which all employees, except one or one full-time equivalent, shall be a member of the family residing on the premises.**
- 4. Number of customers shall be limited to non more than 40 individuals a week. (Because the business may involve a photo shoot for a family of 10 individuals, this would be one (1) 'order' but involve 10 individuals.)**
- 5. Outside storage shall not be permitted.**
- 6. Outdoor lighting shall be dark-sky compliant.**
- 7. Outside loudspeakers shall not be permitted.**
- 8. Signage at the roadside shall be limited to a banner by the mailbox.**
- 9. Sanitary fixtures shall not be permitted in the photo studio/existing accessory building.**

[CUP 2316](#)

PETITION: CUP 2316

APPLICANT: WINDSOR RIDGE LANE LLC

LOCATION: 6722 WINDSOR RIDGE LANE, SECTION 29, TOWN OF WINDSOR

CUP DESCRIPTION: bring existing daycare into compliance

**A motion was made by MATANO, seconded by BOLLIG, that Conditional Use Permit #2316 be approved with 9 conditions. The motion carried by a voice vote. In Favor: Joshua Kindkeppel representing Zarn properties; Denise Thompson
Opposed: None**

- 1. The Conditional Use approval is limited to Tax Keys 0910-293-0502-0 and 0910-293-0514-0, approximately 0.891 acres.**
- 2. The Conditional Use approval is limited to ZARN Properties, LLC (d.b.a. The Ginger Bread House) to operate a daycare center.**
- 3. The Operational Plan shall reflect the hours of operation as: Monday - Friday, 6:30am to 6:00pm.**
- 4. The Operational Plan shall reflect a total of twelve (12) full-time employees or parttime equivalent.**
- 5. The Operational Plan shall prohibit the storage of materials outside on an enclosed building.**
- 6. The Operational Plan shall require the enclosure of the existing trash (dumpster) area with evergreen trees and shrubs, walls with materials related to and compatible with the building, or a combination.**
- 7. The Site Plan shall reflect a minimum of eighteen (18) parking stalls including one(1) handicap parking stall.**
- 8. The Site Plan shall reflect the construction of one (1) on-premise advertising sign and one (1) wall sign as presented to the Town of Windsor Plan Commission at its meeting on June 16,2015.**
- 9. The Petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Conditional Use, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.**

[CUP 2317](#)

PETITION: CUP 2317

APPLICANT: RUTLAND, TOWN OF

LOCATION: 785 CENTER ROAD, SECTION 21, TOWN OF RUTLAND

CUP DESCRIPTION: governmental use - adding additional lands to existing Town Hall and Public Works Facility

A motion was made by BOLLIG, seconded by KOLAR, that Conditional Use Permit #2317 be approved. The motion carried by a voice vote.

Staff will ensure that best management practices are used for stormwater management.

In Favor: Town Chair Jeanette Walker: Janet Keller would like to see that stormwater is address appropriately.

Opposed: None.

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

[10830](#)

PETITION: REZONE 10830

APPLICANT: WILLIAM K GARFOOT / JAMES NICHOLSON

LOCATION: WEST OF 8593 DAVIS STREET, SECTION 34, TOWN OF SPRINGDALE

CHANGE FROM: A-1 Agriculture District TO R-3 Residence District, R-3A Residence District TO R-3 Residence District, R-2 Residence District TO A-1 Agriculture District

REASON: shifting of property lines between adjacent land owners

A motion was made by MATANO, seconded by KOLAR, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

[CUP 2312](#)

PETITION: CUP 2312

APPLICANT: JAMES NICHOLSON

LOCATION: WEST OF 8593 DAVIS STREET, SECTION 34, TOWN OF SPRINGDALE

CUP DESCRIPTION: Limited Family Business - landscaping

A motion was made by MATANO, seconded by BOLLIG, that Conditional Use Permit #2312 be approved with 11 conditions. The motion carried by a voice vote.

- 1. The limited family business shall be limited to landscaping, lawn care and snow plow business.**
- 2. The business shall be conducted within the existing 2400 square foot accessory building. The building shall not be expanded; and no improvements of plumbing and office space shall be added.**
- 3. The hours of operation shall be Monday through Friday, from 7:30 a.m. to 4 p.m.**
- 4. Outside loudspeakers are prohibited.**
- 5. Outside signs are prohibited.**
- 6. All employees except one or one full-time equivalent, shall be a member of the family residing on the property.**
- 7. The conditional use permit shall become null and void upon sale of the property to an unrelated third party.**
- 8. No customers shall conduct business at the site. No retail sales shall be conducted on the property.**
- 9. Up to three trucks and three trailers, not to exceed 16' in length, shall be parked on the property.**
- 10. No open burning of material brought in from job sites shall be permitted.**
- 11. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.**

Note: On 6/1/2015, the calculation of the number of employees is based on information reported by J. Nicholson: J. Nicholson lives on the site and is the co-owner. His brother lives off -site and is co-owner. His brother comes to the site approximately 3 hours/week. One non-family member lives off-site and comes to the site approximately 2 hours/week. The total number of hours per week worked by employees who do not reside on the premises is 5 hours/week.

[10832](#)

PETITION: REZONE 10832

APPLICANT: RICHARD A EBERLE

LOCATION: 6354 COUNTY HIGHWAY DM, SECTION 12, TOWN OF DANE

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: creating one residential lot

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be postponed. The motion carried by a voice vote.

Staff expressed concerns regarding conflicts with the environmental policies of the Town Plan; illegal uses on the property; and substantial income not being generated to support the farm residence approval.

[10843](#)

PETITION: REZONE 10843

APPLICANT: RICHARD A EBERLE

LOCATION: NORTHEAST OF 6354 COUNTY HIGHWAY DM, SECTION 12, TOWN OF DANE

CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District

REASON: create lot for agricultural purposes

A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. The proposed lot boundary shall be shifted to the east property line as presented.

2. A deed restriction shall be placed on the property to prohibit residential development on the proposed lot.

3. The petition is conditioned upon the delinquent taxes being paid at time of closing.

[10840](#)

PETITION: REZONE 10840

APPLICANT: RICHARD E GROSSE

LOCATION: 3936 COUNTY HIGHWAY AB, SECTION 24, TOWN OF BLOOMING GROVE

CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District

REASON: to allow a contractor's office

A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. A deed restriction shall be recorded on the property to prohibit the installation of billboard signs and limiting the land use to construction contractor business or businesses owned by the Grosse Family.

[10842](#)

PETITION: REZONE 10842

APPLICANT: EPIC SYSTEMS CORP

LOCATION: 2645 COUNTRY VIEW ROAD, SECTION 17, TOWN OF VERONA

CHANGE FROM: A-3 Agriculture District TO LC-1 Limited Commercial District

REASON: to allow existing buildings to be used as maintenance shop

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

A deed restriction shall be recorded on the property to reflect the following conditions:

- **Outdoor stock piles of dirt, mulch, etc. are prohibited. If desired, a conditional use permit shall be obtained for the outdoor storage of materials.**
- **The hours of operation will be 7 AM to 8 PM with the exception of snow plowing which may start as early as 4:30 AM. Weekend hours shall be limited to 9:30am to 4:00 pm.**
- **Loud speakers are prohibited on the property.**
- **Outdoor lighting will be shielded and directed away from neighboring properties.**
- **The applicant will construct and maintain the required landscape screening as approved by the Town of Verona.**
- **In addition, a deed restriction will be recorded stating that the property is to be used exclusively for a grounds maintenance facility for Epic Systems.**

CUP 2311

PETITION: CUP 2311

APPLICANT: DANA BOWAR

LOCATION: 2400 ERB ROAD, SECTION 23, TOWN OF SPRINGDALE

CUP DESCRIPTION: continuation of existing mineral extraction operation

A motion was made by MATANO, seconded by KOLAR, that Conditional Use Permit #2311 be approved with 23 conditions. The motion carried by a voice vote.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing further extraction operations.
2. There shall be an additional element of this particular erosion control plan to be called a "dewatering plan" that will outline how water will be: stored and treated on-site (e.g. via an on-site catchment basin that would filter out large particulate matter from the water prior to pumping it off-site); removed from the site; and drained into and across the Ringgenberg field to the south. The applicant will need to demonstrate how any water to be pumped or otherwise removed from the site will be of a quality that meets with the Dane County Land Conservation Department's approval.
3. On the site plan (dated 12/14/98), there is a discharge pipe indicated in the south of the site that directs water, via a culvert under the lateral road running between Erb Road and Ringgenberg Drive, into Ringgenberg's field to the south. The prevailing surface water drainage course directs this water flow toward an intermittent stream course further to the south. This water discharge location shall be the only location from which water will be pumped or otherwise removed from the site.
4. The applicant shall apply for and receive all other required local, state and federal permits. In particular, the applicant shall contact Tom Harpt of the Wisconsin Department of Natural Resources (DNR) South-Central Region Office in Fitchburg at (608) 275-3285 and acquire the appropriate permit to discharge water from a non-metallic mining operation under the Wisconsin Pollutant Discharge Elimination System (WPDES).
5. The operator shall develop and operate the site according to the submitted site/operations plan, dated 12/14/98.
6. Operators shall cease no later than 15 years from the date of CUP approval, with a site inspection by Dane County Zoning in 7.5 years.
7. Reclamation shall be completed within one year after operations have ceased, and shall follow the operator's submitted reclamation plan. As each phase is completed, the restoration of that phase must be completed as much as possible before extracting in the next phase. Final reclamation of the 5.4 acre CUP area must be up to NR 135 standards and pertinent ordinances/regulations governing reclamation. A copy of the required reclamation plan shall be filed with both the Town of Springdale and Dane County Zoning.
8. To ensure compliance with the reclamation plan, the operator shall post and maintain a bond or irrevocable letter of credit in favor of Dane County in the amount of \$8,100 (\$1,500 per acre of subject site) until reclamation is satisfactorily completed.
9. The driveway accessing the subject site shall be paved. The operator shall maintain the driveway in a dust free manner in accordance with local, state and federal regulations, and shall clean any dust or mud tracked onto public roads.
10. The operator and all haulers shall access the CUP site only through the existing access point onto the nameless road south of the site running perpendicularly between Erb Road and Ringgenberg Drive, locally known as

Ringgenberg Drive.

11. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
12. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Friday. Saturday and Sunday operations are prohibited except for general maintenance and occasional trucking of material out of the quarry on Saturdays only. No operations of any kind shall take place on Sundays or legal holidays.
13. The operator shall comply with Subchapter VII – Blasting Resultants of the State of Wisconsin Department of Commerce Administrative Code and pertinent ordinances/regulations governing blasting.
14. In particular, blasting levels shall be kept below 0.5 inch/second peak particle velocity at frequencies below 40 Hz., as per the State of Wisconsin Department of Commerce Administrative Code, s. 7.64, Table 7.74-2.
15. The operator shall keep on file a seismographic record for every blast: This record shall be provided upon request (this is already the operator's practice).
16. There shall be a safety fence around the entire extraction area at all times. The safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top.
17. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
18. There shall be no bulk fuel stored on site. (In cases where the operator wishes to have bulk fuel stored on site, the operator should indicate why and provide a plan for spill containment that meets state regulations.)
19. All excavation equipment, plants and vehicles shall be fueled, stored, serviced and repaired on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
20. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
21. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076 and pertinent ordinances/regulations governing particulate emissions.
22. Dane County and the Town of Springdale shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Springdale.
23. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.

F. Plats and Certified Survey Maps

[2015 LD-015](#) Final Plat - Delores Lillge Subdivision
City of Madison
Staff recommends a certification of non-objection.

Motion was made by BOLIG and seconded by MATANO to certify the final plat with no objections. Motion carried 5-0.

[2015 LD-016](#) Final Plat - Rockweiler Plat
City of Verona
Staff recommends a certification of non-objection.

Motion was made by KOLAR and seconded by SALOV to certify the final plat with no objections. Motion carried 5-0.

[2015 LD-017](#) Final Plat - Blue addition to Lake Windsor (formerly Windsor Blue plat)
Town of Windsor, Section 30
Consideration of the 1/27/2015 conditional approval and execution of the final plat document pursuant to established committee policy.

A motion was made by KOLAR, seconded by BOLLIG to approve the final plat. The motion carried by a voice vote and Chair MILES signed the plat.

[2015 LD-018](#) Huepenbecker 2-lot CSM
Town of Middleton, Section 31

A motion was made by BOLLIG, seconded by KOLAR to approve the division of Lot 1 of Certified Survey Map 4922. Motion carried 5-0.

[2015 LD-019](#) Mark Halverson proposed 1-lot CSM Variance
Town of Pleasant Springs, Section 24
Applicant is seeking a variance of 33-feet from Ch.75.19 (6)(b).
This provision requires that conventional lots shall maintain a minimum frontage of 66-feet to facilitate the possible development of a public right-of-way that could serve additional lots.

A motion was made by KOLAR, seconded by MATANO to postpone the Land Division variance for the proposed 1-lot Certified Survey map. Motion carried 5-0.

[2015 LD-020](#) Rich Eberle - Land Division waiver
Town of Dane, Section 12
Proposed lot is seeking a waiver from Ch. 75.19(6)(b), which requires every new lot being to have a minimum of 66-feet of public road frontage.

A motion was made by KOLAR, seconded by BOLLIG to approve the Land Division waiver regarding having no public road frontage. Motion carried 5-0.

Finding of fact: The property has an existing 66' access easement to Viaduct Road and no additional parcels are being proposed for residential development.

H. Reports to Committee

[CUP 1059](#) **Status of the changes to CUP 1059 (CONCRETE BATCH PLANT)**
LANDOWNER: YAHARA MATERIALS, LLC
LOCATION: 4315 COUNTY HIGHWAY AB, SECTION 14, TOWN OF BLOOMING GROVE
VIOLATION: LOCATION VIOLATION, MATERIAL VIOLATION, AND TRAFFIC CONCERNS
Changes denied by the Town of Blooming Grove

Zoning Administrator Lane informed the Committee that the Town of Blooming Grove denied the amended conditions for CUP #1059 as approved at the May 12th meeting. The amendment was rendered null and void.

I. Other Business Authorized by Law

J. Adjourn

A motion was made by KOLAR, seconded by MATANO, to adjourn the meeting at 8:10pm. The motion carried unanimously.