



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

*Consider:*

*Who benefits? Who is burdened?*

*Who does not have a voice at the table?*

*How can policymakers mitigate unintended consequences?*

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Tuesday, May 14, 2019

6:30 PM

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

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#### A. Call to Order

Chair Bollig called the meeting of the May 14, 2019 Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Everson, Lane, and Violante

Present 4 - JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, and HEIDI WEGLEITNER

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

No comments made by the public.

[2019](#)  
[RPT-052](#) May 14th ZLR Committee meeting registrants

**Attachments:** [May 14th ZLR registrants](#)

#### C. Consideration of Minutes

[2019](#)  
[MIN-020](#) Minutes of the April 9, 2019 Zoning and Land Regulation Committee meeting

**Attachments:** [4-09-19 ZLR Work meeting minutes](#)

A motion was made by KNOLL, seconded by PETERS, to approve the minutes of the April 9, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

[2019](#)  
[MIN-019](#) Minutes of the April 30, 2019 Zoning and Land Regulation Committee meeting

**Attachments:** [4-30-19 ZLR Public Hearing minutes](#)

A motion was made by KNOLL, seconded by PETERS, to approve the minutes of the April 30, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

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

[11283](#) PETITION: REZONE 11283  
APPLICANT: RIESOP FARMS LLC  
LOCATION: EAST OF 2256 COTTAGE GROVE ROAD, SECTION 10,  
TOWN OF COTTAGE GROVE  
CHANGE FROM: AT-35 Agricultural Transition District TO SFR-08  
Single-family Residence District  
REASON: 16-lot residential subdivision

**Attachments:** [11283 Ord Amend](#)  
[11283 Staff Update](#)  
[11283 Town](#)  
[11283 Phase I Plat](#)  
[11283 Density Sending Property #1](#)  
[11283 Density Sending Property #2](#)  
[11283 Full Plat Proposal](#)  
[Cottage Grove Land Use Plan](#)  
[11283 Map](#)  
[11283 APP](#)

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

1. TDR Agricultural conservation easements shall be recorded on the sending area properties prohibiting residential development:
  - Tax parcel 0711-364-9500-1 (SE 1/4 of the SE 1/4, Section 36, Town of Cottage Grove)
  - Tax parcel 0711-364-8500-3 (NW 1/4 of the SE 1/4, Section 36, Town of Cottage Grove)
2. A Notice Document shall be recorded on the receiving property that details the number of development rights transferred, describes the sending property or properties, and references the recorded document number of the TDR agricultural conservation easement.
3. A sub-division plat shall be recorded with the Register of Deeds.

**Ayes:** 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11407](#)

PETITION: REZONE 11407

APPLICANT: TIMOTHY P SWEENEY

LOCATION: 2778 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA

CHANGE FROM: RH-4 Rural Homes District TO RH-1 Rural Homes District, RH-4 Rural Homes District TO CO-1 Conservancy District, A-3 Agriculture District TO RH-2 Rural Homes District, A-3 Agriculture District TO RH-1 Rural Homes District, A-3 Agriculture District TO RH-3 Rural Homes District

REASON: creation of residential subdivision

**Attachments:** [11407 Ord Amend](#)

[11407 Staff Update](#)

[11407 Wetland Map](#)

[11407 Town](#)

[11407 Map](#)

[11407 APP](#)

[Memo from Town](#)

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

1. The developer shall enter into a contract with the Dane County Highway Department for the necessary improvements needed for the intersection of County Highway PD and Prairie Circle. The improvement shall be installed within 2 years of the recording of the subdivision plat.
2. The developer shall enter into a developer's agreement with the Town of Verona for the improvements required for the development. The agreement shall be approved by the Town Board.
3. The zoning boundary is limited to the creation of 15 lots (14 residential lots, all equal to or greater than 2.0 acres, and one conservation outlot). The road layout for the subdivision shall conform to the concept plan dated March 3, 2019. All storm water detention ponds shall be on outlots. Any revisions or alterations of the plan shall be subject to review by the Town of Verona Plan Commission.
4. The zoning shall be contingent upon:
  - a. A wetland delineation being conducted and the report submitted to the Town and the County prior to the preliminary plat.
  - b. A preliminary storm water management plan shall be prepared and submitted to the Town prior to the preliminary plat.
  - c. The roadway engineering plans shall be prepared and approved by the Town. Each cul-de-sac shall have an engineered circle with an appropriate radius and lots shall not include easements for cul-de-sac construction.
  - d. A declaration of neighborhood covenants shall be prepared and approved by the Town which includes architecture design features for homes and accessory buildings and landscaping requirements for residential lots.
  - e. A financial agreement shall prepared and approved by the Town of Verona for maintenance of the outlots which include storm water features.
5. A subdivision plat shall be recorded with the Register or Deeds.

**Ayes:** 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11408](#) PETITION: REZONE 11408  
APPLICANT: LARRY F DONAHUE  
LOCATION: NORTH OF 6535 BEST ROAD, SECTION 36, TOWN OF  
MONTROSE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential  
REASON: creating one residential lot

**Attachments:** [11408 Ord Amend](#)  
[11408 Staff Update](#)  
[11408 Town](#)  
[11408 Density](#)  
[11408 Map](#)  
[11408 APP REVISED](#)

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

**Ayes:** 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02456](#) PETITION: CUP 02456  
APPLICANT: DENNIS V NOLDEN  
LOCATION: IMMEDIATELY EAST OF 484 FRITZ ROAD, SECTION 30,  
TOWN OF MONTROSE  
CUP DESCRIPTION: 250' communication tower (lighted)

**Attachments:** [CUP 2456 Staff Report](#)  
[CUP 2456 RF Engineering Report](#)  
[CUP 2456 Elevation Map](#)  
[CUP 2456 Map](#)  
[CUP 2456 APP](#)  
[CUP 2456 APP Addendum #1 \(Affidavit and RF Analysis SDR  
010819\)](#)  
[CUP 2456 APP Addendum #2 \(Interference Letter SDR 010919\)](#)  
[CUP 2456 APP Addendum #3 \(Montrose RF Analysis and Affidavit  
Scott Reiter 111618\)](#)  
[CUP 2456 APP Addendum #4\(Tower Propagation Map 101518\)](#)  
[CUP 2456 APP Addendum #5 \(Dane Montrose-Zoning Letter 101518\)](#)  
[CUP 2456 SBA letter on co-location](#)  
[CUP 2456 Bug Tussel Economically Burdensome Letter 4 22 19](#)

**No action taken by the Committee.**

[CUP 02459](#) PETITION: CUP 02459  
APPLICANT: JEFF J OLSON  
LOCATION: 718 HILLCREST LANE, SECTION 21, TOWN OF OREGON  
CUP DESCRIPTION: sanitary plumbing fixtures in an accessory  
building-agricultural use-raises bees for honey production

**Attachments:** [CUP 2459 Staff Update](#)  
[CUP 2459 Additional Information](#)  
[CUP 2459 Town](#)  
[CUP 2459 incomplete app](#)  
[CUP 2459 Map](#)  
[CUP 02459 APP](#)  
[CUP #2459](#)

A motion was made by WEGLEITNER, seconded by KNOLL, that this Conditional Use Permit be approved with 4 conditions. The motion carried by the following vote: 4-0.

1. The sanitary fixtures in the agricultural accessory building shall be limited to a toilet and a sink. Tubs or showers are prohibited.
2. The building containing the sanitary fixtures shall be used for agricultural purposes only. Using the building for residential living purposes is prohibited.
3. The design and the installation of the sanitary fixtures shall comply with the Wisconsin Plumbing Code. The onsite septic system serving the sanitary fixtures shall be designed and maintained to meet Dane County Code of Ordinances, Chapter 46, Private Sewage System Ordinance.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.

**Ayes:** 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02465](#) PETITION: CUP 02465  
APPLICANT: COACHMAN'S INN ENTERPRISES INC  
LOCATION: 986 COUNTY HIGHWAY A, SECTION 8, TOWN OF ALBION  
CUP DESCRIPTION: 26 Unit residential condo plat

**Attachments:** [CUP 2465 Staff Update](#)  
[CUP 2465 Additional Information](#)  
[CUP 2465 Town](#)  
[CUP 2465 Map](#)  
[CUP 2465 APP](#)

A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be approved with 7 conditions. The motion carried by the following vote: 4-0.

1. The layout of the property and building sizes shall conform to the plans submitted with the conditional use permit application. The units shall be no larger than 1420 square feet as presented.
2. The landowner shall be responsible for the installation and costs for the necessary improvements to County Highway A as determined by the Dane County Highway Department. A Class "B" intersection shall be installed prior to the occupancy of the residential units.
3. The landowner shall be responsible for the installation of an on-site community wastewater system which complies with the nitrate-nitrogen standard established by the federal Maximum Contaminant Level (MCL) and the Wisconsin Groundwater Enforcement Standard (ES). The federal MCL is found in §40 CFR 141.62. The Wisconsin Groundwater Enforcement Standard is found in Wisconsin Administrative Code NR 140.10. The septic system shall be maintained in accordance with Dane County Code of Ordinances, Section 46, On-site Sewage System Regulations.
4. The landowner shall obtain approval from Dane County Land and Water Resource Department for the stormwater management as presented as part of the application. The system shall be maintained in accordance with Dane County Code of Ordinances, Chapter 14, Subchapter II, Erosion Control and Stormwater Management.
5. The applicant shall obtain approval from The Edgerton Fire District regarding space for emergency operations and secondary access. The landowner shall be responsible for the installation of a secondary emergency access from the site to Maple Grove Road prior to the occupancy of the residential units.
6. The applicant shall obtain site design approval from the Town Plan Commission and Town Board in accordance with the Town of Albion's Commercial Design Review. All design requirements shall be installed as per the approved plans.
7. Failure to comply with the site plan as presented or the site design approval from the Town of Albion will be cause for revocation of the conditional use permit.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

## F. Plats and Certified Survey Maps

[2019 LD-001](#) Land Division Waiver - Sweeney/Dimaggio (associated with rezone #11407)  
Town of Verona, Section 7  
Waiver request from Ch. 75.19(1)(p) (length of dead end road)

**Attachments:** [road extension waiver report](#)  
[Dane County Variance application](#)  
[Plat Concept Plan - 3-3-2018](#)

A motion was made by KNOLL, seconded by PETERS, that the Land Division waiver be approved to allow Prairie Circle to exceed 1000 feet. The motion carried by a voice vote, 4-0.

**Finding of fact:**

1. Lots 2 through 5 can not be sold or developed until the east-west road is installed as per the developer's agreement with the Town of Verona.
2. The proper turn lanes installed at the intersection of CTH PD and Prairie Circle within two years.

## G. Resolutions

## H. Ordinance Amendment

[2018 OA-035](#) AMENDING CHAPTER 12 THE DANE COUNTY CODE OF ORDINANCES, CLARIFYING REFERENCES TO ZONING DISTRICTS

**Sponsors:** BOLLIG, CLAUSIUS, McCARVILLE, NELSON, PETERS and WEGLEITNER

**Attachments:** [2018 OA-035](#)

A motion was made by WEGLEITNER, seconded by KNOLL, that this Ordinance be recommended for approval. The motion carried by the following vote: 3-0.

**Ayes:** 3 - KNOLL, PETERS and WEGLEITNER

**Excused:** 1 - BOLLIG

## I. Items Requiring Committee Action

## J. Reports to Committee

[2019 RPT-041](#) Report of Approved CSM's

**Attachments:** [May 2019](#)

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by KNOLL, seconded by WEGLEITNER, to adjourn the May 14, 2019 Zoning and Land Regulation Committee meeting at 7:40pm. The motion carried unanimously.

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