



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?

Tuesday, February 26, 2019

6:30 PM

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

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A. Call to Order

Acting Chair Bollig called the meeting of the ZLR Committee to order at 6:30PM in room 354 of the City-County Building.

Staff present: Allan, Everson, Matulle, 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.

[2018](#)
[RPT-523](#) February 26, 2019 ZLR Registrants

Attachments: [February 26, 2019 ZLR Public Hearing Registrants](#)

C. Consideration of Minutes

[2018](#)
[MIN-439](#) Minutes of the December 18, 2018 Zoning and Land Regulation Committee meeting

Attachments: [12-18-2018 ZLR REVISED meeting minutes](#)

[2018](#)
[MIN-467](#) Minutes of the February 12, 2019 Zoning and Land Regulation Committee meeting

Attachments: [2-12-19 ZLR Public Hearing minutes](#)

A motion was made by Wegleitner, seconded by Knoll, to approve the minutes of the December 18, 2018 and February 12, 2019 ZLR Committee meetings. The motion carried unanimously by a voice vote.

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

[11382](#)

PETITION: REZONE 11382
APPLICANT: ROGER W HERMANSON
LOCATION: 127 COUNTY HIGHWAY N, SECTION 31, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation TO RR-2 Rural Residential District
REASON: separating residential buildings from farmland and farm buildings

Attachments: [11382 Staff Report](#)

[11382 Town](#)

[11382 Density](#)

[11382 Map](#)

[11382 APP](#)

In favor: Agent Ron Combs

A motion was made by Knoll, seconded by Peters, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11383](#)

PETITION: REZONE 11383
APPLICANT: LENOX LANDSCAPE AND SUPPLY LLC
LOCATION: 770 ALBION ROAD, SECTION 16, TOWN OF ALBION
CHANGE FROM: A-2 (4) Agriculture District TO RE-1 Recreational District
REASON: restore recreational zoning back to lands after a temporary concrete batch plant project

Attachments: [11383 Staff Report](#)

[11383 Town](#)

[11383 Map](#)

[11383 APP](#)

No action taken by the committee. Petition withdrawn by applicant.

[11384](#) PETITION: REZONE 11384
APPLICANT: MARSHA M RALSTON-EDLINGER
LOCATION: 8428 GRINDLE ROAD, SECTION 14, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Attachments: [11384 Staff Report](#)
[11384 Town](#)
[11384 Density](#)
[11384 Map](#)
[11384 APP](#)

In favor: Marsha Ralston-Edlinger

A motion was made by Peters, seconded by Wegleitner, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11385](#) PETITION: REZONE 11385
APPLICANT: BRENT A BRATTLIE
LOCATION: 1394 W MEDINA ROAD, SECTION 31, TOWN OF MEDINA
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland

Attachments: [11385 Staff Report](#)
[11385 Town](#)
[11385 Density](#)
[11385 Map](#)
[11385 APP](#)

In favor: Nick and Brent Brattlie

A motion was made by Knoll, seconded by Peters, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the A-2(2) parcel limiting the keeping of livestock to the town of Medina Animal Unit Restrictions.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11386](#)

PETITION: REZONE 11386
APPLICANT: R & R FARMS INC
LOCATION: SOUTH OF 2181 US HIGHWAY 51, SECTION 23, TOWN OF
DUNN
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots

Attachments: [11386 Staff Report](#)

[11386 Town](#)

[11386 Density](#)

[11386 Map](#)

[11386 APP](#)

In favor: Agent Michelle Burse

A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval with the following amendment. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the remaining farmland owned by the applicant indicating that all development rights have been exhausted and prohibiting additional land divisions for residential development on the property (tax parcels 0610-233-8660-2, 0610-233-9600-2, 0610-233-9000-8).

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11387](#)

PETITION: REZONE 11387
APPLICANT: TOM & DONNA SAYRE FARMS LLC
LOCATION: SOUTH OF 3046 KINNEY ROAD, SECTION 2, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Attachments: [11387 Staff Report](#)
[11387 Town](#)
[11387 Density \(TDR Sending Property\)](#)
[11387 Map](#)
[11387 APP](#)

In favor: Agent Dana Doskocil

A motion was made by Wegleitner, seconded by Knoll, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.

- 1. A deed restriction shall be recorded on the remaining A-1EX zoned lands of the sending farm property in sections 3 and 10 of the town prohibiting non-farm development (tax parcels 061103392300 and 061110285001).**
- 2. A notice document shall be recorded on the proposed RH-1 property indicating that the lot was created as a result of a Transfer of Development Rights from the sending property.**
- 3. The CSM shall show the designated area of home placement.**
- 4. Development shall meet RH-1 zoning district conditions.**
- 5. Development shall follow grading plan as listed on site plan drawing dated 12/19/2018, drawing # 5196e-18 to include drainage and proposed location of the home.**

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[11388](#)

PETITION: REZONE 11388
APPLICANT: EDGAR K MARKWARDT
LOCATION: EAST OF 1583 BERLIN ROAD, SECTION 6, TOWN OF
MEDINA
CHANGE FROM: A-1 Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

Attachments: [11388 Staff Report](#)
[11388 Town](#)
[11388 Town Restriction on Animal Units](#)
[11388 Density](#)
[11388 Map](#)
[11388 APP](#)

In favor: Agent Andrew Schultz

A motion was made by Knoll, seconded by Peters, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.

- 1. A deed restriction shall be recorded on the A-2 parcel prohibiting division of the property (tax parcels 0812-062-9250-5, 0812-063-8500-3, and 0812-063-9000-6).**
- 2. A deed restriction shall be recorded on the A-2 parcel limiting the keeping of livestock to the town of Medina Animal Unit Restrictions.**

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[02450](#)

PETITION: CUP 02450
APPLICANT: DEFOREST, VILLAGE OF
LOCATION: 4209 ANDERSON ROAD, SECTION 9, TOWN OF BURKE
CUP DESCRIPTION: amend conditions for an existing communication tower

Attachments: [CUP 2450 Staff Report](#)
[CUP 2450 Map](#)
[CUP 2450 - existing CUP 2032 showing condition to be amended](#)
[CUP 02450 APP](#)

In favor: Village of DeForest Attorney, Allen Reuter

Attorney Reuter noted the request is to amend condition #2 on existing CUP #2032 limiting the height of cellular antennas mounted on the water tower. The height limitation was placed on the permit due to the property being located within the airport Height Limitation Zoning Overlay district (HLZO). A variance to the height limitation is pending at the Board of Adjustment and an FAA study is being conducted to determine if there would be any hazard to air navigation as a result of the additional 12' in height being requested.

A motion was made by Peters, seconded by Wegleitner, to postpone action until the Board of Adjustment acts on the variance request and town action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[02451](#)

PETITION: CUP 02451

APPLICANT: SUSAN F POAST

LOCATION: 1990 HIDDEN RIVER ROAD, SECTION 29, TOWN OF
VERONA

CUP DESCRIPTION: second farm residence

Attachments: [CUP 2451 Staff Report](#)

[CUP 2451 Town](#)

[CUP 2451 Density](#)

[CUP 2451 Map](#)

[CUP 02451 APP](#)

In favor: Tom Poast

A motion was made by Knoll, seconded by Wegleitner, to approve the Conditional Use Permit with the following conditions. The motion carried by the following vote: 4-0.

1. The CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

2. Any Conditional Use Permit found to be in violation of the ordinance may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

3. A notice document shall be recorded with the Register of Deeds on the subject property notifying current and future owners of the provisions of conditions 1, and 2.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

[2018 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF VERONA COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: KNOLL, KOLAR, BOLLIG, BUCKINGHAM, CLAUSIUS, DANNER, DYE, EICHER, KILMER, KRAUSE, McCARVILLE, NELSON, NGUYEN-HILFIGER, SALOV, SCHAUER, WEGLEITNER and YOUNG

Attachments: [2018-OA-30](#)

[2018 OA-30 Community notice](#)

[2018 OA-30 staff memo Verona REVISED 2-13-19](#)

[2018 OA-30 Comprehensive Plan Document Town of Verona, Wisconsin](#)

[2018 OA-30 Planned Land Use Map](#)

In favor: Town of Verona Board Chair, Mark Geller

A motion was made by Knoll, seconded by Peters, that Ordinance Amendment #30 be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

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

[CUP 02444](#) PETITION: CUP 02444
APPLICANT: THOMAS W WATSON
LOCATION: 1746 STATE HIGHWAY 73, SECTION 34, TOWN OF
CHRISTIANA
CUP DESCRIPTION: agricultural entertainment

Attachments: [CUP 2444 Staff Update](#)
[CUP 2444 Town](#)
[CUP 2444 Highway access authorization](#)
[CUP 2444 Map](#)
[CUP 2444 APP](#)

In favor: Andy and Tom Watson

A motion was made by Wegleitner, seconded by Peters, to approve the Conditional Use Permit with the following conditions. The motion carried by the following vote: 4-0.

1. This conditional use permit shall be for the following seasonal agricultural entertainment activities to occur annually from May through October: farm to table dinners, including pizza nights on the farm.
2. Agricultural entertainment events (farm to table dinners and pizza nights) shall be limited to 24 events per year.
3. Cooking classes are permitted but shall have a limit of no more than 10 people
4. Hours of operation of the agricultural entertainment activities shall be limited, as follows:
 - a. Dinners/Pizza Nights: 4:30pm to 9:00pm, Sundays
 - b. Cooking classes: 4:00pm to 8:00pm, Monday, Tuesday, and Wednesday.
5. Applicant shall install any improvements that may be required by WISDOT to ensure safe ingress/egress.
6. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
7. 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.
8. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
9. Onsite or portable wastewater sewage disposal systems shall be provided to

accommodate the anticipated occupant load. The wastewater disposal system shall be approved by Dane County Department of Health.

10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

11. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-042](#) Land Division Waiver - Dale Chestnut
Town of Springdale, Section 12
Waiver request from s. 75.19(6)(b)

Attachments: [waiver report](#)
[waiver submittal](#)

A motion was made by Peters, seconded by Wegleitner, that the Land Division that the Land Division Waiver be approved to allow the proposed outlot to have no public road frontage. The motion carried by a voice vote, 4-0.

G. Resolutions

[2018 RES-537](#) AMENDING THE 2019 OPERATING BUDGET TO FUND LAND RECORDS BACK INDEXING

Sponsors: BOLLIG, CLAUSIUS, KOLAR, McCARVILLE, PETERS and SCHAUER

Attachments: [2018 RES-537](#)
[2018 RES-537 FISCAL NOTE](#)

A motion was made by Wegleitner, seconded by Peters, to recommend approval of Resolution 537. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

H. Ordinance Amendment

[2018 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF VERONA COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: KNOLL, KOLAR, BOLLIG, BUCKINGHAM, CLAUSIUS, DANNER, DYE, EICHER, KILMER, KRAUSE, McCARVILLE, NELSON, NGUYEN-HILFIGER, SALOV, SCHAUER, WEGLEITNER and YOUNG

Attachments: [2018-OA-30](#)
[2018 OA-30 Community notice](#)
[2018 OA-30 staff memo Verona REVISED 2-13-19](#)
[2018 OA-30 Comprehensive Plan Document Town of Verona, Wisconsin](#)
[2018 OA-30 Planned Land Use Map](#)

See committee action under section D, above.

I. Items Requiring Committee Action

[2018 ACT-287](#) 2019-2021 Dane County Legislative Agenda - Zoning and Land Regulation Committee Amendments

Attachments: [2019-2021 LEGISLATIVE AGENDA SUB TO 2018 RES-474 \(PROPOSED-CORRIGAN\)](#)
[2018 ACT-287 ZLR Leg Agenda Explanation of Suggested Edits](#)
[2019-2020 Leg Agenda Zoning and Land Regulation edits](#)

Violante recommended several edits to the legislative agenda.

A motion was made by Wegleitner, seconded by Knoll, to recommend approval of the the staff proposed edits to the 2019-2021 legislative agenda and to direct staff to upload the edits to legistar. The motion carried by the following vote, 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

J. Reports to Committee

K. Other Business Authorized by Law

Election of officers will be added to the next ZLR Committee agenda.

L. Adjourn

A motion was made by Wegleitner, seconded by Knoll, to adjourn the meeting of the Zoning and Land Regulation Committee at 7:46 PM. The motion carried unanimously.

*Questions? Contact Majid Allan, Planning and Development Department, 266-4266,
lane.roger@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.