

Dane County



Minutes

Tuesday, February 23, 2016

7:00 PM

City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting of the Zoning and Land Regulation Committee to order at 7:03pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: 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-788](#)

Registrants at the February 23, 2016 ZLR Committee meeting

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

[10934](#)

PETITION: REZONE 10934

APPLICANT: ERFURTH, MARGARET A

LOCATION: NORTH OF 1765 LAKE KEGONSA ROAD, SECTION 35, TOWN OF DUNN

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

REASON: creating one residential lot

In Favor: Mark Riese

Opposition: None

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

1. A deed restriction shall be recorded on the remaining A-1Ex Exclusive Agriculture lands prohibiting land divisions for residential development.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10935](#)

PETITION: REZONE 10935

APPLICANT: AREE WATTS LLC

LOCATION: 2450 LALOR ROAD, SECTION 18, TOWN OF DUNN

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

REASON: creating two residential lots for existing homes

In Favor: Aree Watts

Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10936](#)

PETITION: REZONE 10936

APPLICANT: KIRKING SURVIVOR'S TR, JEAN B
LOCATION: 7501 STATE HWY 113, SECTION 10, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland

In Favor: Ann Kirking Post
Opposition: None

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

1. The zoning classification shall be amended to A-2(2) Agriculture.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10937](#)

PETITION: REZONE 10937

APPLICANT: DEBORAH W PIENKOWSKI
LOCATION: NORTHEAST OF 9332 TURKEY ROAD, SECTION 19, TOWN OF BERRY
CHANGE FROM: RH-1 Rural Homes District TO RH-2 Rural Homes District, CO-1 Conservancy District TO RH-2 Rural Homes District
REASON: shifting of property lines between adjacent land owners

In Favor: Deborah Pienkowski
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10938](#)

PETITION: REZONE 10938

APPLICANT: EDWARD JOHN O'CONNOR
LOCATION: NORTH OF 523 FELLER ROAD, SECTION 29, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In Favor: Ed Short representing Mr. O'Connor
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10939](#)

PETITION: REZONE 10939

APPLICANT: MARSHALL BROTHERS
LOCATION: NORTH OF 296 UNION ROAD, SECTION 26, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: dividing farmland between owners

In Favor: Jason Marshall
Opposition: None

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be postponed until a Town Action Report is received from the Town of Oregon. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10940](#)

PETITION: REZONE 10940

APPLICANT: DONALD A HAHN
LOCATION: 7605 PATTON ROAD, SECTION 9, TOWN OF VIENNA
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating one residential lot

In Favor: Don Hahn
Opposition: None

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

1.A deed restriction shall be recorded on the surrounding 75-acre portion of property to prohibit future residential building sites. (Parcels 090-091-8000-9 and 0909-091-8500-4)

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10941](#)

PETITION: REZONE 10941

APPLICANT: CHRISTENSEN REV TR
LOCATION: 1391 FRITZ ROAD, SECTION 6, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District, RH-3 Rural Homes District TO A-1EX Agriculture District
REASON: shifting of property lines between adjacent land owners

In Favor: Susan Christensen
Opposition: None

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

1. A deed restriction shall be recorded on the proposed 35-acre lot to prohibit further residential development.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10942](#)

PETITION: REZONE 10942

APPLICANT: DALE R PUISTO

LOCATION: 3274 SOUTH LEE COURT, SECTION 36, TOWN OF BLOOMING GROVE

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO A-2 (8) Agriculture District

REASON: creating a lot for and existing residence and one new residential lot

In Favor: Catherine Puisto

Opposition: None

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5.0.

1. The proposed 13-acre lot shall be assigned the zoning district classification of RH-3 Rural Homes. The proposed 2.5-acre lot shall be assigned the zoning district classification of RH-1 Rural Homes.

2. The 200-foot noise overlay district along I-39 which prohibits residential housing shall be shown on the recorded certified survey map.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10943](#)

PETITION: REZONE 10943

APPLICANT: MID-TOWN CENTER LLC

LOCATION: 2779 SKI LANE, SECTION 35, TOWN OF MADISON

CHANGE FROM: RH-1 Rural Homes District TO C-1 Commercial District

REASON: rezone to allow land use consistency as part of novation campus master plan

In Favor: Chris Day

Opposition: None

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

1. A deed restriction shall be placed on the property to prohibit the erection/placement of off-premise advertising signs (billboards).

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10944](#)

PETITION: REZONE 10944

APPLICANT: V&B BUILDINGS LLC

LOCATION: 875 US HIGHWAY 51, SECTION 9, TOWN OF DUNKIRK

CHANGE FROM: B-1 Local Business District TO C-2 Commercial District

REASON: zoning compliance for existing uses and expansion of uses

In Favor: Jim Hammis

Opposition: Ed Ott and John Hubbard

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be postponed to allow time for the applicant to work with the Town of Dunkirk regarding the denial. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10945](#)

PETITION: REZONE 10945

APPLICANT: MICHAEL SCHMIDT

LOCATION: 4617 OLD INDIAN TRL, SECTION 4, TOWN OF VERMONT

CHANGE FROM: A-2 Agriculture District TO A-2 (8) Agriculture District, A-2 Agriculture District
TO CO-1 Conservancy District

REASON: creating a small parcel for an adjacent landowner to acquire road access

If Favor: Donald Sands representing Michael Schmidt

Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10946](#)

PETITION: REZONE 10946

APPLICANT: JOHN R HAUGEN

LOCATION: 603 COUNTY HIGHWAY X, SECTION 20, TOWN OF ALBION

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District

REASON: separating existing residence from farmland

In Favor: John Haugen

Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10947](#)

PETITION: REZONE 10947

APPLICANT: JONATHAN S SCHUMANN

LOCATION: PARCEL EAST OF 357 PERRY CENTER RD, SECTION 26, TOWN OF PERRY

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

Residence District TO A-1EX Agriculture District

REASON: moving home site location to the west side of the property

In Favor: Trevor Runkle

Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

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

[10909](#)

PETITION: REZONE 10909

APPLICANT: BARBER'S BAY INC

LOCATION: 1984 BARBER DRIVE, SECTION 26, TOWN OF DUNN

CHANGE FROM: RE-1 Recreational District TO R-3 Residence District

REASON: creating 3 residential lots

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

1. The zoning district classification of R-3 shall be assigned to the lands as noted as proposed Lots 1 and 2. The lands of proposed Lot 3 shall remain under the RE-1 Recreation Zoning District.

2. The building envelope areas shall be depicted on the recorded certified survey map. The certified survey map shall depict a 100-foot building setback from the identified wetlands on the property.

3. The zoning district changes shall not become effective for the property until such time as the delinquent property taxes, as identified in the letter dated February 17, 2016 from the Dane County Treasurer, are paid in full.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

E. Plats and Certified Survey Maps

[2015 LD-061](#)

Final Plat - The Community of Bishops Bay, The Back Nine - Phase 4
City of Middleton

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(2)(b).

A motion was made by BOLLIG, seconded by KOLAR, to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by the following vote: 5-0.

[2015 LD-057](#)

Final Plat - Liberty Square West Addition
City of Sun Prairie

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(2)(b).

A motion was made by KOLAR, seconded by BOLLIG, to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by the following vote: 5-0.

[2015 LD-056](#)

Final Plat - First Addition to 1000 Oaks
City of Madison

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(2)(b).

A motion was made by SALOV, seconded by BOLLIG, to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by the following vote: 5-0.

[2015 LD-062](#) Land Division Waiver - Aspen Meadow Estates, Outlot 3
Town of Middleton, Section 32
Applicant is seeking a waiver from Ch. 75.19(6)(b) to allow the proposed outlot to have less than the required frontage on a public street.

A motion was made by KOLAR, seconded by BOLLIG, to approve the land division waiver allowing Outlot 3 to have less than the 66-feet of frontage on a public street. The motion carried by the following vote: 5-0.

Finding of fact: The outlot is recommended by the township to be used as open space. The outlot will not serve additional lots.

[2015 LD-060](#) Preliminary Plat - Aspen Meadow Estates
Town of Middleton, Section 32
Staff recommends conditional approval.

A motion was made by BOLLIG, seconded by KOLAR, to approve the preliminary plat subject to the following conditions: The motion carried by the following vote: 5-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Appropriate turn-around arrangements are shown at the end of Keystone Lane and Pioneer Road. Both streets meet the minimum width requirements and all public land dedications devoted for highway purposes are to be clearly designated as dedicated to the public.
3. Outlot 3 is being shown as "Open Space" and the width will need to be amended or a land division waiver granted in order to allow the lot to have less than the required frontage along a public street.
4. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
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
City of Madison

F. Resolutions

[2015
RES-465](#)

ACKNOWLEDGING RECEIPT OF THE FIRST DANE COUNTY
SUSTAINABLE OPERATIONS PLAN AND PLANNING NEXT STEPS FOR
IMPLEMENTATION

Lisa MacKinnon, Dane County Sustainability Coordinator / Audit Analyst, provided an overview of Resolution 465.

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

G. Ordinance Amendment

H. Reports to Committee

[2015
RPT-564](#)

Status Report in regards to Conditional Use Permit #2103, Oak Park Quarry
Town of Deerfield, Section 29

Zoning Administrator Lane updated the Committee on the status of the Oak Park Quarry matter. A neighborhood meeting was conducted by Mindy Ochs on February 16th. The neighbors expressed their concerns with the quarry. A public hearing on the Blasting License and Mineral Extraction License is scheduled at the Town of Deerfield Town Board Meeting on March 1 at 7:00pm.

I. Other Business Authorized by Law

J. Adjourn

A motion was made by MATANO, seconded by SALOV, to adjourn the Zoning and Land Regulation Committee meeting at 8:25pm. The motion carried unanimously.

Questions? Contact Roger Lane, 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.