

Dane County



Minutes

Tuesday, June 28, 2016

6:30 PM

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

Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30 pm in Room 201 of the City-County Building.
Staff present: Everson and Violante

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

No comments.

[2016](#)
[RPT-181](#)

Registrants at the June 28, 2016 Zoning & Land Regulation Committee Public Hearing

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

[10990](#)

PETITION: REZONE 10990
APPLICANT: SCOTT ALLYN WAGNER
LOCATION: 2916 PEBBLE VALLEY COURT, SECTION 20, TOWN OF BRISTOL
CHANGE FROM: R-1 Residence District TO A-1 Agriculture District, A-1 Agriculture District TO R-1 Residence District
REASON: shifting of property lines between adjacent land owners

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the petition be recommended for approval. The motion carried by the following vote: 4-0.

[10991](#)

PETITION: REZONE 10991
APPLICANT: JOSEPH M CONWAY JR
LOCATION: 1923 NORA ROAD, SECTION 26, TOWN OF COTTAGE GROVE
CHANGE FROM: A-2 (4) Agriculture District TO A-2 (2) Agriculture District, A-2 (4) Agriculture District TO A-1EX Agriculture District
REASON: correct violation-reduce size of residential lot

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that the petition be recommended for approval. The motion carried by the following vote: 4-0.

[10992](#)

PETITION: REZONE 10992
APPLICANT: NORTH AMERICAN GROUP OF COMPANIES INC
LOCATION: 3695 COUNTY HIGHWAY N, SECTION 21, TOWN OF
COTTAGE GROVE
CHANGE FROM: A-2 (8) Agriculture District TO R-2 Residence District
REASON: create 16 residential lots

A motion was made by BOLLIG, seconded by MATANO, that the petition be postponed due to no town action and opposition. The motion carried by the following vote: 4-0.

Resident John Loeffler spoke in opposition with a variety of concerns about the proposal and the manner in which the town of Cottage Grove handled the proposal.

[10993](#)

PETITION: REZONE 10993
APPLICANT: RITA MAE KLUEVER
LOCATION: WEST OF 5553 NETHERWOOD ROAD, SECTION 4,
TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture
District
REASON: creating one residential lot

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the petition be recommended for approval. The motion carried by the following vote: 4-0.

[10994](#)

PETITION: REZONE 10994
APPLICANT: BUGLASS L LIVING TR, THOMAS
LOCATION: 425' EAST OF 5093 LINCOLN ROAD, SECTION 14,
TOWN OF OREGON
CHANGE FROM: A-3 Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

A motion was made by BOLLIG, seconded by MATANO, that the petition be recommended for approval. The motion carried by the following vote: 4-0.

[10995](#)

PETITION: REZONE 10995
APPLICANT: THE FOWLER COMPANY LLC
LOCATION: 4008 MILWAUKEE STREET, SECTION 4, TOWN OF BLOOMING GROVE
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: change zoning to allow auto repair center

A motion was made by BOLLIG, seconded by MATANO, that the petition be recommended for approval with the following conditions:

1. Recording of a Deed Restriction combining both parcels for use as a single zoning lot.
2. All exterior lighting shall be down shrouded to minimize light pollution onto adjoining properties.
3. Any proposed signage shall comply with the City of Madison sign requirements.

The motion carried by the following vote: 4-0.

[10996](#)

PETITION: REZONE 10996
APPLICANT: JASKANIEC JT REV TR, MICHAEL E & MARLENE H
LOCATION: NORTH OF 2889 ERBE ROAD, SECTION 9, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creating one residential lot

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the petition be recommended for approval.

The motion carried by the following vote: 3-1 Nay: Matano.

[10997](#)

PETITION: REZONE 10997
APPLICANT: REISELL LLC (CRAIG AND JULIE REISDORF)
LOCATION: SOUTH OF 10656 MAYFLOWER ROAD, SECTION 32, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

A motion was made by BOLLIG, seconded by MATANO, that the petition be postponed due to opposition. Resident Francois Tochon spoke in opposition due to future access to rear yard.

The motion carried by the following vote: 4-0.

[10998](#)

PETITION: REZONE 10998
APPLICANT: WPD INVESTMENTS, LLC
LOCATION: 8230 N RILEY ROAD, SECTION 35, TOWN OF CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District
REASON: separating existing residence from farmland

A motion was made by MATANO, seconded by O'LOUGHLIN, that the petition be postponed due to no town action. The motion carried by the following vote: 4-0.

[11001](#)

PETITION: REZONE 11001
APPLICANT: JOHN J RENZ JR
LOCATION: 5142 COUNTY HIGHWAY N, SECTION 28, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that the petition be recommended for approval. The motion carried by the following vote: 4-0.

[CUP 2345](#)

PETITION: CUP 2345
APPLICANT: HENRY LAND LLC
LOCATION: 7790 PATTON ROAD, SECTION 3, TOWN OF VIENNA
CUP DESCRIPTION: amend conditions of cup 2277 to extend days and hours of operation

A motion was made by MATANO, seconded by BOLLIG, that the Conditional Use Permit be approved, subject to the following conditions:

- 1. Sales of alcoholic beverages by the drink shall be limited to between 10am and 10pm daily, and shall be limited to within the existing building as shown on the site plan.**
- 2. Parking shall be limited to 2 areas proposed on the site plan.**
- 3. Use of outdoor loudspeakers shall not cause a nuisance to neighboring property owners.**
- 4. Outdoor lighting shall be limited to what is necessary for safety.**
- 5. Signage for the shall be limited to an entrance sign.**
- 6. The land use shall comply with all state and local licensing for the sale and distribution of alcohol.**
- 7. If there is an event in excess of 50 persons, the owner shall notify the Town of Vienna of the event. Noise complaints from large events shall be subject to revocation of the conditional use permit.**

The motion carried by the following vote: 4-0.

[CUP 2346](#)

PETITION: CUP 2346

APPLICANT: HEPTA S INC

LOCATION: 372 KOSHKONONG ROAD, SECTION 14, TOWN OF
CHRISTIANA

CUP DESCRIPTION: revise conditions for an existing mineral extraction
site

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the Conditional
Use Permit be approved, subject to the following conditions:

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 extraction operations.
2. The applicant shall apply for and receive all other required local, state, and federal permits.
3. The operator shall develop and operate the site according to the submitted site and operations plan.
4. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit.
5. Reclamation shall be completed within one year after operations have ceased, and shall be phased according to the revised operations and reclamation plan.
6. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
7. All drive aisles shall be either graveled or paved according to operations plans, and shall be maintained in a dust free manner in accordance with local, state, and federal regulations.
8. Open excavation area shall not exceed twenty (20) acres.
9. Hours of operation shall be as follows:
 - a. Operations shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturday. There shall be no Sunday operations.
 - b. Blasting shall be limited to 9:00 am to 4:30 pm Monday through Friday.
 - c. Crushing of stone shall be limited to 6:00 a.m. to 9:00 p.m., Monday through Friday. Crushing shall not be permitted on Saturday, Sunday or legal holidays.
 - d. For Wisconsin Department of Transportation (WisDOT) projects, hauling/transport of material will occur 24 hours per day/7 days per week, with the exception of Sunday evenings. Hauling for local municipal and/or commercial projects will be limited to 6:00 a.m. to 9:00 pm Monday through Friday, and 7:00 a.m. to 12:00 pm on Saturday.
10. There shall be a minimum of an 80 foot setback from all Township roadway right of way lines, and a minimum of a 200 foot setback from all property lines of other owners.
11. There shall be a safety fence around portions of the extraction area that contains high walls and/or steep slopes. That safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top. For areas that are not high walls or steep slopes, during operations, the edges of the extraction area shall be maintained at a slope no greater than 1:1. The site shall be signed "no trespassing".
12. All blasting shall be performed in strict accordance with State of Wisconsin rules and regulations. No explosives shall be stored on the quarry site.
13. The owner/operator shall notify, in writing, the Town of Christiana Clerk, local utility (Wisconsin Power and Light), and residents living within one-quarter mile

of the open excavation area of the quarrying activity, the dates of blasting at the quarry. Said notification shall be provided more than 72 hours prior to blasting.

14. 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.

15. The operator shall require all trucks, excavation, crushing, screening and washing equipment to have muffler systems which meet or exceed then current industry standards for noise abatement.

16. The applicant shall meet DNR standards for particulate emissions as described in NR 415.075, Wisconsin Administrative Code.

17. Owner/operator shall maintain liability insurance coverage in the amount of \$5,000,000 and maintained at that level until the quarry is closed or CUP 2346 expires. Dane County and the Town of Christiana shall be named as additional insureds on this insurance policy. Copies of appropriate insurance policies shall be filed with the Town of Christiana.

18. The Dane County 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.

19. The operator must post a copy of this conditional use permit (#2346), including the list of conditions, on the work site.

20. This Conditional Use Permit for mineral extraction is for the operator Bjoin Limestone only. CUP#2346 is non-transferrable to a different operator.

The motion carried by the following vote: 4-0.

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

[10976](#)

PETITION: REZONE 10976

APPLICANT: BOETZEL REV TR, DALE V & JUDITH A

LOCATION: 4656 OAK PARK ROAD, SECTION 5, TOWN OF DEERFIELD

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

REASON: creating one residential lot for existing house

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the petition be recommended for approval with the following condition:

1. Recording of a deed Notice to be placed on the remaining A-1EX zoned lands owned by the applicant indicating that the housing density rights have been exhausted on the property and that further residential development is prohibited under town and county land use planning policies (tax parcels 0712-042-9060-1 0712-051-8000-4 0712-051-8500-9 0712-051-9001-1 0712-051-9500-7)

The motion carried by the following vote: 4-0.

[10977](#)

PETITION: REZONE 10977
APPLICANT: LISA A ARINGTON-GLESINGER
LOCATION: 3008 MCCLAIN ROAD, SECTION 5, TOWN OF
CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District
REASON: increase size of existing lot

A motion was made by O'LOUGHLIN, seconded by MATANO, that the petition be recommended for approval. The motion carried by the following vote: 4-0.

E. Plats and Certified Survey Maps

[2016 LD-020](#)

Final Plat - Fahey Fields
City of Fitchburg
Staff recommends a certification of non-objection with regards to Ch.
75.08 and S. 236.12(12(2)(b)).

A motion was made by MATANO, seconded by BOLLIG, to find no objection to the final plat. The motion carried by a voice vote.

[2016 LD-019](#)

Preliminary Plat - Spruce Valley
Town of Middleton
Acceptance and schedule for future consideration (7/12/2016)

A motion was made by BOLLIG, seconded by MATANO, to accept the preliminary plat and schedule for future consideration. The motion carried by a voice vote.

[2016 LD-018](#)

Alan Kaplan CSM - Land Division Waiver application (public road
frontage)
Town of Blue Mounds, Section 9

A motion was made by BOLLIG, seconded by O'LOUGHLIN, to approve the land division waiver allowing the creation of lot 1 with no public road frontage. The motion carried by a voice vote 3-1. Nay: MATANO

Finding of fact: The land owner does not own any lands that touched North Erb Road and a joint driveway easement agreement has been recorded with the Register of Deeds.

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by MATANO, seconded by BOLLIG, to adjourn the ZLR Committee meeting at 7:50 pm. The motion carried unanimously.

Questions? Contact Majid Allan or Dan Everson, Planning and Development Department, 266-4266, Allan@countyofdane.com or Everson.daniel@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.