



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, October 23, 2018

6:30 PM

City - County Building, ROOM 354
2019 County Budget

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2019 County Budget

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Lane and Violante

Present 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

Excused 1 - STEVEN PETERS

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

No comments made by the public.

[2018](#) Oct 23rd ZLR meeting registrants

[RPT-286](#)

Attachments: [Oct 23rd ZLR meeting registrants](#)

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

[11343](#)

PETITION: REZONE 11343
APPLICANT: JOHNSON FAMILY TR, KENNETH J & ELEANOR D
LOCATION: 6630 LEE ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: creating one residential lot

Attachments: [11343 Ord Amend](#)

[11343 Staff](#)

[11343 Town](#)

[11343 Density](#)

[11343 Map](#)

[11343 APP](#)

In favor: Eric Johnson

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11344](#)

PETITION: REZONE 11344
APPLICANT: GREENSCAPES RE LLC
LOCATION: 5995 COUNTY HIGHWAY D, SECTION 17, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District,
LC-1 Limited Commercial District TO C-2 Commercial District
REASON: expand existing landscaping business to include retail sales of nursery stock and landscaping materials

Attachments: [11344 Staff](#)

[11344 Map](#)

[11344 APP](#)

In Favor: Jake Fleming

Opposed: None

A motion was made by BOLLIG, seconded by KNOLL, that this Zoning Petition be postponed due to lack of Town Action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11345](#) PETITION: REZONE 11345
APPLICANT: MULCAHY SURVIVORS TR, JEAN A
LOCATION: WEST OF 6405 LAVINA ROAD, SECTION 25, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: creating four lots

Attachments: [11345 Ord Amend](#)
[11345 Staff](#)
[11345 Town](#)
[11345 Density](#)
[11345 Map 2](#)
[11345 APP](#)

In favor: Steve Forrer
Opposed: None

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. The zoning petition shall be amended to assign the zoning district classification of A-2(1) Agriculture to the proposed boundary.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11346](#) PETITION: REZONE 11346
APPLICANT: JOSEPH G BESSETTI
LOCATION: 2621 COFFEYTOWN ROAD, SECTION 21, TOWN OF COTTAGE GROVE
CHANGE FROM: A-2 Agriculture District TO C-2 Commercial District
REASON: sale of 5.208 acres of land to neighboring parcel for expansion of construction business

Attachments: [11346 Ord Amend](#)
[11346 Staff](#)
[11346 Town](#)
[11346 Map](#)
[11346 APP](#)

In favor: Dennis Richardson
Opposed: None

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

1. The land uses allowed in the 5.2-acre zoning boundary shall include the repairs, storage, and service of contractor's machinery and all other land uses within the C-2 Commercial Zoning District.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11347

PETITION: REZONE 11347
APPLICANT: ALISEN E VETTER
LOCATION: SOUTH/SOUTHEAST & SOUTHWEST OF 10550 LAWS
DRIVE, SECTION 21, TOWN OF MAZOMANIE
CHANGE FROM: A-1EX Agriculture District TO CO-1 Conservancy
District, RH-1 Rural Homes District, A-4 Agriculture District
REASON: separating existing residence from farmland

Attachments: [11347 Ord Amend](#)

[11347 Staff](#)

[11347 Town](#)

[11347 Density](#)

[11347 Map](#)

[11347 APP](#)

A motion was made by BOLLIG, seconded by KNOLL, to suspend Committee rules to allow the receipt of the Town Action Report. The motion carried by a voice vote.

In favor: Ann Vetter

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11348](#) PETITION: REZONE 11348
APPLICANT: KAREN A MCWILLIAM
LOCATION: 983 HILLSIDE ROAD, SECTION 14, TOWN OF ALBION
CHANGE FROM: R-1 Residence District TO R-1A Residence District,
R-1A Residence District TO R-1 Residence District
REASON: creating two residential lots

Attachments: [11348 Ord Amend](#)
[11348 Staff](#)
[11348 Town](#)
[11348 Map](#)
[11348 APP](#)

In favor: Karen McWilliam
Opposed: None

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 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11349](#) PETITION: REZONE 11349
APPLICANT: MATHAIRE FIELD LLC
LOCATION: 7530 STATE HIGHWAY 73, SECTION 10, TOWN OF YORK
CHANGE FROM: A-2 Agriculture District TO RE-1 Recreational District
REASON: allow camping along with the existing skydiving operation

Attachments: [11349 CUP 2440 Staff](#)
[11349 CUP 2440 Map](#)
[11349 Revised Map and Legal Description](#)
[11349 APP](#)

In favor: Greg Porter
Opposed: None

A motion was made by KNOLL, seconded by BOLLIG, that this Zoning Petition be postponed due to no Town Action. The motion carried by the following vote:

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[CUP 02440](#) PETITION: CUP 02440
APPLICANT: MATHAIRE FIELD LLC
LOCATION: 7530 STATE HIGHWAY 73, SECTION 10, TOWN OF YORK
CUP DESCRIPTION: campground

Attachments: [CUP 2440 11349 Staff](#)
[CUP 2440 Revised Operations Plan](#)
[CUP 2440 Revised Map and Legal Description](#)
[CUP 2440 Map](#)
[CUP 2440 APP](#)

A motion was made by KNOLL, seconded by BOLLIG, that this Conditional Use Permit be postponed due to no Town Action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11351](#) PETITION: REZONE 11351 Withdrawn
APPLICANT: TYROL PROPERTIES, LLC
LOCATION: 3487 BOHN ROAD, SECTION 33, TOWN OF VERMONT
CHANGE FROM: RE-1 Recreational District TO RE-1 Recreational District
REASON: amend deed restrictions for the RE-1 and B-1 zoning district

Attachments: [11351 App - Withdrawn](#)

This Zoning Petition was withdrawn.

[CUP 02441](#) PETITION: CUP 02441
APPLICANT: TYROL PROPERTIES, LLC
LOCATION: 3487 BOHN ROAD, SECTION 33, TOWN OF VERMONT
CUP DESCRIPTION: expand recreational areas lighted at night

Attachments: [CUP 2441 Staff](#)
[Amended CUP Application- Revised 10-10-18](#)
[Current Deed Restrictions](#)
[tubing map with approx GPS points](#)
[Current-Proposed Lighting Plan](#)
[Example of lighting](#)
[Letter clarifying application](#)
[Letters in opposition](#)
[Tyrol Plat Map](#)
[CUP 1632](#)

A motion was made by KNOLL, seconded by BOLLIG, to direct staff to enter the 5 emails recieved into the public record per Committee rules. The motion carried by a voice vote.

*In favor: Nathan McGree, Brian Patrick, and Attorney Nicole Schram
Opposed: Caron Sutterlin, Jon Norris, Marc Brody, Ross Reinhold, Josh Kramer, and Andy Grimmer. The neighbors expressed concerns regarding light pollution, increased traffic, road conditions, increased noise, safety, the expansion beyond current approvals, conflicting with Town plan policies, impact on neighboring streams, and having a negative impact on neighboring property values.*

A motion was made by BOLLIG, seconded by KNOLL, that this Conditional Use Permit be postponed due to no town action and public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[CUP 02438](#) PETITION: CUP 02438
APPLICANT: STORE MASTER FUNDING I LLC
LOCATION: 4934 FELLAND ROAD, SECTION 35, TOWN OF BURKE
CUP DESCRIPTION: kennel, boarding, grooming and day camp

- Attachments:** [CUP 2438 Staff](#)
[CUP 2438 Town](#)
[CUP 2438 site-operations plan](#)
[CUP 2438 Map](#)
[CUP 2438 APP](#)
[CUP #2438](#)

In favor: Kristyn Goodsell

Opposed: None

A motion was made by WEGLEITNER, seconded by BOLLIG, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 4-0.

1. This Conditional Use Permit is for operation of a pet day care / pet grooming / pet kennel operation.
2. Operation of the business shall comply with the site plan submitted with the Conditional Use Permit application.
3. Office hours for the pet day care / grooming / kennel business shall be limited to:
Monday – Friday: 6:30am to 6:00 pm
Saturday: 6:30am to 6:00 pm
Sunday: 3:30pm to 5:30 pm
4. The kenneling operation shall be limited to no more than 160 domestic pets. At such time as the pet daycare operation ceases, the kenneling operation may be expanded to accommodate a total of up to 200 domestic pets. The prior deed restrictions recorded under document #4497738 shall be terminated. The town shall work with Dane County to enforce the conditions of this permit and ensure compliance with the Conditional Use Permit standards in section 10.255(2)(h) of the county code or successor provision.
5. A separate pet septic system shall be maintained on the site.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[CUP 02439](#) PETITION: CUP 02439
APPLICANT: RICHARD E RAMSDEN
LOCATION: 1346 STATE HIGHWAY 73, SECTION 3, TOWN OF ALBION
CUP DESCRIPTION: allow for the operation of a limited family business
(sawmill) and for the retail sales of wood (agricultural product)

Attachments: [CUP 2439 Staff](#)
[CUP 2439 Town](#)
[CUP 2439 Map](#)
[CUP 2439 APP](#)
[CUP #2439](#)

In favor: Richard Ramsden
Opposed: None

A motion was made by KNOLL, seconded by WEGLEITNER, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote:

- 1. The Limited Family Business CUP shall be for a sawmill with limited sales of wood and related products.**
- 2. The noise shall not to exceed 70 DbA decibels at the property line per Town's Commercial Design Ordinances.**
- 3. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

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

[11320](#)

PETITION: REZONE 11320

APPLICANT: DAVID J ELLESTAD

LOCATION: 8181 COYLE DRIVE, SECTION 25, TOWN OF CROSS
PLAINS

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District,
A-2 (2) Agriculture District TO A-2 (4) Agriculture District, A-2 (2)
Agriculture District TO A-2 (8) Agriculture District, A-2 (4) Agriculture
District TO A-2 (8) Agriculture District

REASON: adding lands to two existing lots

Attachments: [11320 Ord Amend](#)

[11320 Staff Update](#)

[11320 Town](#)

[11320 Map](#)

[11320 APP](#)

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11331](#)

PETITION: REZONE 11331
APPLICANT: LUCKY PUP LLC
LOCATION: 2515 US HIGHWAY 51, SECTION 15, TOWN OF DUNN
CHANGE: B-1 Business District to Planned Unit Development (PUD)
REASON: General Development Plan for dog park and restaurant

- Attachments:** [11331 Ord Amend](#)
[11331 Staff Update](#)
[11331 Town](#)
[11331 Map](#)
[Updated General Development Plan Oct 18](#)

A motion was made by KNOLL, seconded by BOLLIG, that the General Development Plan for a Planned Unit Development be recommended for approval. The motion carried by the following vote: 4-0.

1. The Specific Implementation Plan (SIP) shall be submitted for review within one year of GDP approval.
2. As part of the SIP, a deed restriction shall be recorded with the Register of Deeds which will detail decibel limits on outdoor entertainment, number of events, and hours of operation.
3. A storm water maintenance agreement shall be record with the Register of Deeds for the two bio-retention basins.
4. An on-site septic system shall be installed on the property to facility the development.
5. A highway access permit shall be obtained from the Wisconsin Department of Transportation regarding highway access and allowing parking in the existing gravel area which is located in the highway right-of-way.
6. As part of the SIP, detailed information will be presented for signs. One pylon sign shall be permitted on the property similar to the size of the existing sign. The new sign shall not be internally illuminated and meet dark sky requirements.
7. As part of the SIP, a deed restriction shall be recorded with the Register of Deeds to establish hours of operation for the bar/restaurant.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

E. Plats and Certified Survey Maps

F. Resolutions

G. Ordinance Amendment

[2018 OA-016](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: RATCLIFF, BUCKINGHAM, CHENOWETH, CLAUSIUS, ERICKSON, KILMER and SCHAUER

Attachments: [2018 OA-016](#)
[2018 OA-016 staff memo](#)

In favor: Kris Hampton and Michael Lawton

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2018 OA-019](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

Sponsors: KOLAR

Attachments: [2018-OA-19\[Farmland Preservation Plan\]091918](#)
[DanePMA2018CertOrderFinalCL](#)
[FPP Amendment Cover letter Dane County 2018](#)
[2018_FPP_amendments_Map](#)

In favor: None

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2018 OA-023](#) AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF
ORDINANCES, MODIFYING ZONING FEES

Sponsors: KOLAR

Attachments: [2018 OA-023](#)
[2018 OA-023 POLICY FISCAL NOTE](#)

In favor: None
Opposed: None

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

1. Line 14 and 19 shall be amended to read: "\$0.1" (10 cents).

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2018 OA-024](#) AMENDING CHAPTER 75 OF THE DANE COUNTY CODE OF
ORDINANCES, AMENDING SUBDIVISION FEES

Sponsors: KOLAR

Attachments: [2018 OA-024 Subdivision Review Fees](#)
[2018 OA-024 POLICY & FISCAL NOTE](#)

In favor: None
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

H. 2019 County Budget Discussion and Amendments

[2018](#)
[ACT-186](#) ZONING AND LAND REGULATION COMMITTEE AMENDMENTS TO
THE PROPOSED 2019 CAPITAL BUDGET

No amendments

[2018](#)
[ACT-187](#) ZONING AND LAND REGULATION COMMITTEE AMENDMENTS TO
THE PROPOSED 2019 OPERATING BUDGET

Attachments: [PWT Operating Amnds for P&F 10-29-18](#)

No amendments

I. Items Requiring Committee Action

[2018](#)
[ACT-215](#) Residential site plan review within the A-1Ex Exclusive Agriculture Zoning District
Mark and Lisa Nelson, 172 State Highway 138, Town of Dunkirk, Section 31

Attachments: [Site Review for Nelson in Dunkirk Sec 31](#)
[Site plan](#)

A motion was made by WEGLEITNER, seconded by KNOLL, that this Action Item be approved. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by KNOLL, to adjourn the October 23, 2018 Zoning and Land Regulation Committee meeting at 8:00pm. The motion carried unanimously.

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