



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 9, 2018

6:30 PM

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

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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: Everson, Lane, Matulle, Standing, and Violante

Present 5 - MARY KOLAR, 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.

C. Consideration of Minutes

[2018](#) Minutes of the September 17, 2018 Zoning and Land Regulation
[MIN-236](#) Committee meeting

Attachments: [09-17-2018 ZLR meeting minutes](#)

A motion was made by BOLLIG, seconded by PETERS, that the minutes of the September 17, 2018 Zoning and Land Regulation Committee meeting be approved. 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

[11326](#)

PETITION: REZONE 11326
APPLICANT: TAMI AND TRACY BAHR
LOCATION: 996 STORYTOWN ROAD, SECTION 17, TOWN OF OREGON
CHANGE FROM: A-4 Agriculture District TO A-2 (8) Agriculture District
REASON: rezone to allow for a horse boarding facility

Attachments: [11326 Ord Amend](#)
[11326 CUP 2431 Staff Update](#)
[11326 Town](#)
[11326 Density](#)
[11326 Map](#)
[11326 APP](#)

Present: Tracy and Tami Bahr

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

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 2431](#) PETITION: CUP 02431
APPLICANT: TAMI AND TRACY BAHR
LOCATION: 996 STORYTOWN ROAD, SECTION 17, TOWN OF OREGON
CUP DESCRIPTION: HORSEBOARDING AND SANITARY FIXTURES

Attachments: [CUP 2431 - 11326 Staff Update](#)

[CUP 2431 Town](#)

[CUP 2431 Density](#)

[CUP 2431 Map](#)

[CUP 2431 APP](#)

[CUP #2431 pending](#)

A motion was made by BOLLIG, seconded by KNOLL, that this Conditional Use Permit be approved with 12 conditions. The motion carried by the following vote: 5-0.

1. No more than 20 horses shall be on the premises at any time.
2. All operations, access points, driveways, existing and proposed buildings, signage, lighting, parking areas and outdoor storage will conform to the site plan submitted with this application.
3. Hours of operation will be Monday through Saturday from 9 a.m. to 5 p.m., with occasional (no more than 3 per week) week nights operating until 8 p.m.
4. There will be no more than 8 full-time-equivalent employees.
5. All lighting must be downward-directed and designed to minimize spill onto neighboring properties.
6. No portion of the office, arenas, or other accessory buildings will be used as a residence.
7. No outside loudspeakers are permitted.
8. Off-street parking shall be provided pursuant to Dane County Code of Ordinances Section 10.18, Parking Requirements.
9. Parking shall be prohibited along Storytown Road.
10. The driveway shall be upgraded with a 36-foot long culvert.
11. Owner/Operator shall be responsible for instituting and complying with an animal waste plan in accordance with Dane County Code of Ordinances Chapter 14, Manure Management, as approved by Dane County Land Conservation.
12. Owner/Operation shall obtain the necessary sanitary permits for the installation of sanitary fixtures inside the accessory building(s) from the Dane County Sanitarian.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02437](#) PETITION: CUP 02437
APPLICANT: JANE C LIESS
LOCATION: 2660 US HIGHWAY 51, SECTION 10, TOWN OF DUNN
CUP DESCRIPTION: 130' communication tower (extendable to 160')

Attachments: [CUP 2437 Staff Update](#)
[CUP 2437 Town](#)
[CUP 2437 RF Engineering Report](#)
[CUP 2437 Map](#)
[CUP 02437 APP](#)
[CUP #2437](#)

A motion was made by PETERS, seconded by KNOLL, that this Conditional Use Permit be approved with 21 conditions. The motion carried by the following vote: 5-0.

1. The primary use of the communication tower permitted under Conditional Use Permit No. 2437 shall be for the transmission and reception of cellular/PCS wireless voice / data communications, and related telecommunications equipment.
2. The communication tower placed, constructed or modified under Conditional Use Permit No. 2437 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The initial height of the tower shall be 130' above ground level (138' including lighting rod). However, the tower shall be engineered to be extendable to a maximum height of 169 feet above ground level (including lighting rod). Extension beyond the maximum permitted height of 169 feet above ground level shall require amendment and approval of a new Conditional Use Permit.
3. The minimum of two (2) collocation sites required hereunder need not be available on the tower as initially placed, constructed, or modified, provided that the tower will support the later addition of the collocation sites as specified in condition #2, above.
4. Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2437 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.
5. The holder of Conditional Use Permit No. 2437 is permitted, if needed, to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Any other user collocating on the tower permitted herein is permitted to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to all conditions established for Conditional Use Permit No.2437, including locational requirements contained in the site plan.
6. The holder of Conditional Use Permit No. 2437 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with

the permitted tower for uses related to the use of the collocation sites required hereunder, including the construction and use of buildings as permitted under paragraph 5 herein.

7. The final site plan(s) and design drawings submitted with the CUP #2437 application materials, are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2437 is expressly conditioned upon compliance with those plans.

8. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2437 shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on Conditional Use Permit No. 2437, all reasonable costs and expenses associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

9. The holder of Conditional Use Permit No. 2437 shall within 30 days of any collocation on the permitted tower provide the committee with written notification of the identity of the collocater and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use. Any changes due to collocation or otherwise shall be reviewed by the Zoning Administrator prior to implementation to determine if permits are needed and to determine that such changes are in compliance with terms of the CUP and does not significantly alter the appearance or structural integrity of the tower approved and permitted under this CUP.

10. If at any time the communication tower permitted under Conditional Use Permit No. 2437 ceases to be used for the primary use, as identified in paragraph 1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower. If the tower is not removed within 30 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

11. Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the bond required hereunder.

12. If not already completed, the applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.

13. Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.
14. All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.
15. A Wisconsin-licensed Structural Engineer will approve and stamp the tower design, and certify that the tower can support up to three additional cellular/PCS voice / data antenna arrays.
16. All feed lines shall be installed within the support structure and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife
17. The proposed tower shall be galvanized and not painted any other color without approval of the town and county.
18. Applicant shall not begin construction until Federal SHPO/NEPA requirements are met.
19. Prior to permitting, Applicant shall provide (on Verizon or SBA letterhead) a statement of compliance with the FCC's rules on RF exposure and interference to other sources.
20. The tower lease area shall be surrounded by a security fence and, if required by the town of Dunn, landscaped screening which shall consist of a planted evergreen screen at least six (6) feet in width and initially landscaped with four (4) foot tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet in height and maintained with healthy shrubs.
21. Failure to comply with any of the aforesaid conditions shall be grounds for the committee to initiate revocation proceedings for Conditional Use Permit No. 2437.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-026](#) Land Division Waiver - Paul Haviland, 2- lot Certified Survey Map
Town of Pleasant Springs

Attachments: [map](#)

[20180911091831](#)

A motion was made by KNOLL, seconded by BOLLIG, that the Land Division waiver be approved to allow both lots to have less than 66' of required public road frontage. The motion carried by a voice vote, 5-0.

Finding of fact: This is a lot line adjustment of two platted lots and no new lots are being created.

[2018 LD-022](#) Land Division waiver - Diana Nelson, 2- lot Certified Survey Map
Town of Burke

Attachments: [map](#)
[Waiver](#)
[Land Division Variance Application Memo](#)
[Burke Nelson CSM 09_05_2018](#)
[Signed Variance Letter](#)

A motion was made by PETERS, seconded by KNOLL, that the Land Division waiver be approved to allow both proposed lots to have no public road frontage. The motion carried by a voice vote, 5-0.

Finding of fact: City of Madison lot (Outlot 1) divides the Nelson property. Both lots will utilize an existing shared access easement.

[2018 LD-023](#) Nelson 2-lot Certified Survey Map
Town of Burke

Attachments: [Report](#)
[20180904140011](#)

A motion was made by KNOLL, seconded by PETERS, that the Certified Survey Map be approved. The motion carried by a voice vote, 5-0.

[2018 LD-027](#) Final Plat - Chapel View
City of Madison
Staff recommends a certification of non-objection.

Attachments: [map](#)
[27927 Chapel View](#)

A motion was made by PETERS, seconded by KNOLL, that the final plat be certified with no objections. The motion carried by a voice vote, 5-0.

[2018 LD-028](#) Final Plat - Second Addition to Cathedral Point
City of Verona
Staff recommends a certification of non-objection.

Attachments: [map](#)
[27930 SECOND ADDITION TO CATHEDRAL POINT](#)

A motion was made by KNOLL, seconded by PETERS, that the final plat be certified with no objections. The motion carried by a voice vote, 5-0.

[2018 LD-029](#) Final Plat - Gordon A. Anderson (replat)
City of Sun Prairie
Staff recommends a certification of non-objection.

Attachments: [map](#)

[27931 GORDON A ANDERSON](#)

A motion was made by KNOLL, seconded by PETERS, that the final plat be certified with no objections. The motion carried by a voice vote, 5-0.

G. Resolutions

[2018
RES-273](#) AUTHORIZING RECLASSIFICATION OF A CLERK III POSITION IN THE
PLANNING & DEVELOPMENT DEPARTMENT TO A LAND RECORDS
TECHNICIAN

Attachments: [2018 RES-273](#)

[2018 RES-273 POLICY & FISCAL NOTE](#)

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

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2018
RPT-244](#) Proposed Zoning Ordinance Orientation

Attachments: [Proposed Ordinance Summary](#)

[Current vs Proposed land use descriptions](#)

[Zoning District conversions](#)

Senior Planner Standing presented a summary of the proposed zoning ordinance to the Committee.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by KNOLL, to adjourn the October 9, 2018 Zoning and Land Regulation Committee meeting at 7:53pm. The motion carried unanimously.

*Questions? Contact Majid Allan, Planning and Development Department, 267-2436,
Allan@countyofdane.com*