



Dane County

Minutes - Final Unless Amended by Committee Zoning & Land Regulation Committee

Tuesday, April 29, 2014

7:00 PM

City - County Building, ROOM 351
210 Martin Luther King Jr. Blvd., Madison

A. Call to Order

Supervisor Miles called the meeting to order at 7:05pm in Room 351.

Present 4 - JERRY BOLLIG, MARY KOLAR, AL MATANO, and PATRICK MILES

Excused 1 - BOB SALOV

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

No comments made by the public.

C. Election of Officers

Supervisor Miles called for nominations for Chair of the Zoning and Land Regulation Committee.

Supervisor Bollig nominated Supervisor Miles for Chair. No other nominations cast.

Moved by Kolar, seconded by Bollig to close nominations for Chair; motion carried, 4-0.

Supervisor Miles was elected as Chair of the Zoning and Land Regulation Committee by unanimous consent.

Chair Miles called for nominations for Vice-Chair of the Zoning and Land Regulation Committee.

Supervisor Bollig nominated Supervisor Kolar for Vice-Chair. Chair Miles nominated Supervisor Matano for Vice-Chair.

Moved by Bollig, seconded by Matano to close nominations for Vice-Chair; motion carried, 4-0.

Two votes were cast for Supervisor Kolar and two votes were cast for Supervisor Matano.

Moved by Matano, seconded by Bollig to postpone the election of Vice-Chair until the May 13th meeting; motion carried, 4-0.

Moved by Matano, seconded by Bollig to postpone the election of Secretary until the May 13th meeting; motion carried, 4-0.

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

[10659](#)

PETITION: REZONE 10659
APPLICANT: DAVID M BAUER
LOCATION: 4688 PIERCEVILLE ROAD, SECTION 34, TOWN OF SUN PRAIRIE
CHANGE FROM: R-1 Residence District TO C-2 Commercial District
REASON: allow the parking of a motor vehicle over 12,000 pounds

A motion was made by MATANO, seconded by KOLAR, that this Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

[10660](#)

PETITION: REZONE 10660
APPLICANT: BEJE TR
LOCATION: 4837 ENCHANTED VALLEY ROAD, SECTION 36, TOWN OF BERRY
CHANGE FROM: RH-3 Rural Homes District TO RH-2 Rural Homes District and RH-3 Rural Homes District TO A-4 Agriculture District
REASON: reduce size of residential lot

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval . The motion carried by a voice vote.

[10664](#)

PETITION: REZONE 10664
APPLICANT: CLIFFORD BARBIAN
LOCATION: NW OF 7815 CRYSTAL LAKE ROAD, SECTION 6, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District and A-2 Agriculture District
REASON: creation of two residential lots and separation of existing farm residence from farmland

A motion was made by MATANO, seconded by KOLAR, that this Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

[10665](#)

PETITION: REZONE 10665
APPLICANT: CLARICE A HINCHLEY
LOCATION: 108 STATE HIGHWAY 106, SECTION 24, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: separation of existing residence from farmland

A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

[10666](#)

PETITION: REZONE 10666
APPLICANT: LAVERNE R SUTTER
LOCATION: N OF 3751 COUNTY HIGHWAY F, SECTION 20, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creation of one residential lot

Motion by Matano to postpone this petition. Motion failed.

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended . The motion carried by a voice vote.

**Approval is conditioned upon the applicant obtaining:
Chapter 30 permit from Wisconsin DNR
Chapter 11 permit from Dane County Land and Water Resources
Chapter 14 permit from Dane County Land and Water Resources**

[10667](#)

PETITION: REZONE 10667
APPLICANT: WAYNE L ACE
LOCATION: S OF 1247 COUNTY HIGHWAY D, SECTION 8, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creation of one residential lot

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval . The motion carried by a voice vote.

[10668](#)

PETITION: REZONE 10668
APPLICANT: DUAINE A NIENDORF
LOCATION: W OF 9436 STATE HIGHWAY 19, SECTION 7, TOWN OF BERRY
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creation of two parcels for residential and agricultural use

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended . The motion carried by a voice vote.

The zoning classification for the easterly lot shall be amended to the A-4 Agriculture Zoning District.

[10669](#)

PETITION: REZONE 10669
APPLICANT: MDW INVESTMENTS LLC
LOCATION: 619 COUNTY HIGHWAY JG, SECTION 19, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creation of two residential parcels with one being for an existing residence

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

[10670](#)

PETITION: REZONE 10670
APPLICANT: MARIT C SATHRUM
LOCATION: 4204 COUNTY HIGHWAY P, SECTION 15, TOWN OF CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: allow limited family business on property

A motion was made by MATANO, seconded by KOLAR, that this Zoning Petition be recommended for approval . The motion carried by a voice vote.

[CUP 2269](#)

PETITION: CUP 2269

APPLICANT: MARIT C SATHRUM

LOCATION: 4204 COUNTY HIGHWAY P, SECTION 15, TOWN OF CROSS PLAINS

CUP DESCRIPTION: allow yoga classes - limited family business

A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be approved with the following conditions. The motion carried by a voice vote.

1. The business shall be limited to a yoga studio / yoga retreat facility.
2. Hours of operation shall be limited to 7am to 9pm daily.
3. Classes shall be limited to 25 per week. Class participants shall be limited to 30 persons.
4. Adequate parking facilities shall be located on the property. Parking on County Highway P is prohibited.
5. Any added outdoor lighting shall be dark sky compliant.
6. Outside loudspeakers are prohibited.
7. Signs shall comply with Dane County Code of Ordinances.
8. All employees, except one or one full-time equivalent, shall be a member of the family residing on the property.

[10671](#)

PETITION: REZONE 10671

APPLICANT: FOUR EMPTY MILK CANS LLC

LOCATION: W OF 6570 SUNSET, SECTION 36, TOWN OF VERONA

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

REASON: creation of one residential lot

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.

[10672](#)

PETITION: REZONE 10672

APPLICANT: STOUGHTON FARMS INC

LOCATION: 3768 OLD STAGE ROAD, SECTION 34, TOWN OF RUTLAND

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

REASON: creation of a 15-acre A-2(8) parcel

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be postponed to the Zoning & Land Regulation Committee until Town Action is received. The motion carried by a voice vote.

In favor: Bill White, Scott Brown, Reid Magnum, David Locke, David Lyshek, Dave Magnum, Dave Black, Bruce McNeill, Michael Screnock, Lindsay Wood Davis, Ruth Klahn, Bill Kortte, Terry Brenny, Lynn Kreyer, Philip Peterson, Donna Olson, Martin Wilamens, Scott Wegner, Richard Bergman, Eric Peterson, Marcel Thoma, Randy Olson, David Lysher, Michelle Eeg, Steve Peterson, Beverly Weiss, David Weiss, Mary Krykn, Lorena Ebell, Chali Pittman, James Littiebrant, Mark Kopus, Dave Trolinges, Lloyd Klahn, Sue Wollin.

In opposition: Jess Polakowski, Gail Simpson, Charles Birch, Cathy Royer, Andras Marta, Chris Zeltner, Andrew Laundrie, Aris Georgiades, Peter Vanderveer, James Danky, Christine Scheishorn, Nick Polakowski, Henry Boyer, Deana Zentner, Melvin Zentner.

Other: Town Chair Dale Beske

[CUP 2270](#)

PETITION: CUP 2270

APPLICANT: STOUGHTON FARMS INC

LOCATION: 3768 OLD STAGE ROAD, SECTION 34, TOWN OF RUTLAND

CUP DESCRIPTION: creating a parcel to allow a 486' tall FM broadcast radio tower

A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be postponed to the Zoning & Land Regulation Committee until Town Action is received. The motion carried by a voice vote.

[10673](#)

PETITION: REZONE 10673

APPLICANT: 2500 RIMROCK LLC

LOCATION: 2500 RIMROCK ROAD, SECTION 36, TOWN OF MADISON

CHANGE FROM: C-2 Commercial District TO PUD (Planned Unit Development) District

REASON: allow 4-story multi-use building; 12,000 sq ft retail space and 43 residential units

A motion was made by KOLAR, seconded by BOLLIG, that the General Development Plan for the 2500 Rimrock Planned Unit Development be recommended for approval . The motion carried by a voice vote.

[CUP 2267](#)

PETITION: CUP 2267

APPLICANT: DENNIS A SMITHBACK

LOCATION: 575 LONDON ROAD, SECTION 27, TOWN OF DEERFIELD

CUP DESCRIPTION: allow an indoor shooting range - limited family business

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with the following conditions. The motion carried by a voice vote.

1. The business shall be limited to a firearms dealership with an indoor shooting range.
2. Hours of operation shall be from 8am to 10pm.
3. The shooting range is for the purposes of customer use only. Tournaments or shooting expositions shall not be permitted on the property.
4. A minimum of 18 parking stalls shall be installed on the property as shown on the site plan. The parking area may be a gravel surface. The parking of vehicles is prohibited on London Road.
5. The shooting range shall be constructed to meet the Wisconsin Commercial Building Code.
6. The firearm dealership and shooting range shall maintain compliance with all local, state, and federal regulations relating to the sale of firearms and the discharge of firearms.
7. Signs shall comply with Dane County Code of Ordinances.
8. All employees, except one or one full-time equivalent, shall be a member of the family residing on the property.
9. The conditional use permit shall become null and void upon the sale of the property to an unrelated 3rd party.

[CUP 2268](#)

PETITION: CUP 2268

APPLICANT: HAROLD T EICHELKRAUT JR

LOCATION: SE OF 6742 SUN VALLEY PARKWAY, SECTION 11, TOWN OF MONTROSE

CUP DESCRIPTION: secondary residence for owner/operator of farm

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with the following conditions . The motion carried by a voice vote.

- 1.A deed restriction shall be recorded with the Dane County Register of Deeds identifying the limitations of the residence being used specifically for the farming operation. The restriction will require that a certified survey map be approved and appropriate zoning be acquired, if the residence is ever seperated from the from the 246-acre farm.
2. The residence may only be occupied by parents or children of the farm owner.
3. Rental of the residence to persons other than family members shall be considered a violation of this conditional use permit and will render the permit null and void.
4. The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd party

[10679](#)

PETITION: REZONE 10679

APPLICANT: TOWN OF BRISTOL

LOCATION: TOWN OF BRISTOL, VARIOUS SECTIONS

CHANGE FROM: A-B Agriculture Business District TO A-Ba Transitional Agriculture Business District **and** A-1 (Non-Exclusive) Agricultural District

REASON: allow implementation of the Dane County Farmland Preservation Plan for the Town of Bristol on various properties located in the Town of Bristol

A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be recommended for approval . The motion carried by a voice vote.

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

[CUP 2261](#)

PETITION: CUP 2261

APPLICANT: JOEL E HOUGAN

LOCATION: 2630 COUNTY HIGHWAY N, SECTION 16, TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: mineral extraction **(NOTE: Petition Withdrawn)**

Staff informed the Committee that this Conditional Use Permit was withdrawn by the petitioner.

No further action will be taken and the file closed.

[CUP 2262](#)

PETITION: CUP 2262

APPLICANT: OAK PARK QUARRY LLC

LOCATION: 3522 OAK PARK ROAD, SECTION 29, TOWN OF DEERFIELD

CUP DESCRIPTION: mineral extraction

A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be postponed for 60 days. Staff is instructed to work with the Town and the applicant to resolve concerns. The Town should hold additional public hearings on the matter. The motion carried by a voice vote.

F. Plats and Certified Survey Maps

[2014 LD-002](#)

Final Plat - Rivers Turn Second Addition, Village of DeForest, Section 19 (17 lots) (application deadline 5/01/14)

Staff recommends certification of non-objection

A motion was made by BOLLIG, seconded by KOLAR, to recommend certification of non-objection. The motion carried by a voice vote.

[2014 LD-003](#)

Final Plat - The Community of Bishops Bay, Callaway Court Addition, City of Middleton, Section 31

(9 lots) (application deadline 5/04/14)

Staff recommends certification of non-objection

A motion was made by KOLAR, seconded by BOLLIG, to recommend certification of non-objection. The motion carried by a voice vote.

G. Resolutions

H. Ordinance Amendment

K. Other Business Authorized by Law

[2014](#)
[RPT-034](#)

Review of Zoning and Land Regulation Committee Rules and Procedures

A motion was made by MATANO, seconded by BOLLIG, that this Report be postponed to the Zoning & Land Regulation Committee, due back by 5/13/2014. The motion carried by a voice vote.

L. Adjourn

A motion was made by BOLLIG, seconded by MATANO, that this meeting be adjourned. The motion carried by a voice vote. Time: 10:33pm.

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.