

Dane County



Minutes

Tuesday, September 29, 2015

7:00 PM

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

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting to order at 7:01pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante.

Youth Governance present: Haroldson.

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-470](#)

Public registrants for the September 29, 2015 Committee ZLR Meeting

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

[10885](#)

PETITION: REZONE 10885

APPLICANT: OAKRIDGE FARMS LLP

LOCATION: 9110 CURTIS KAHL ROAD, SECTION 29, TOWN OF BERRY

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

REASON: separating two existing residences from the farm land

Spoke in favor: Kendal Kahl

Spoke in opposition: None

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

1. The petition shall be amended to include a 30-acre remnant parcel located at the northwest corner of Kahl Road and Scherbel Road.
2. The 30-acre remnant parcel shall be assigned the zoning district classification of A-4 Small Lot Agriculture.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10886](#)

PETITION: REZONE 10886

APPLICANT: GARY M KARLS

LOCATION: WEST OF 10795 N. PERRY ROAD, SECTION 5, TOWN OF PERRY

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

REASON: creating one residential lot

Spoke in favor: Gary Karls

Spoke in 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 driveway permit shall be obtained from the Town of Blue Mounds for the access onto N. Perry Road.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10887](#)

PETITION: REZONE 10887

APPLICANT: ROBERT B WRASE

LOCATION: 1071 STARR SCHOOL ROAD, SECTION 13, TOWN OF RUTLAND

CHANGE FROM: RH-4 Rural Homes District TO A-2 Agriculture District, A-2 (8) Agriculture District TO A-2 Agriculture District, RH-4 Rural Homes District TO RH-1 Rural Homes District

REASON: shifting of property lines between adjacent land owners

A motion was made by MATANO, seconded by BOLLIG, that Zoning Petition 10887 be tabled. The motion carried by a voice vote. Time: 7:12pm.

A motion was made by MATANO, seconded by BOLLIG, that Zoning Petition 10887 be removed from the table. The motion carried by a voice vote. Time: 7:18pm.

Spoke in favor: Robert Wrase

Spoke in 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

[10888](#)

PETITION: REZONE 10888

APPLICANT: RANDY R KNICKMEIER

LOCATION: 750 FEET NORTH OF 1481 COUNTY HIGHWAY W, SECTION 5, TOWN OF ALBION

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

REASON: creating one residential lot

Spoke in favor: Randy Knickmeier

Spoke in opposition: None

A motion was made by SALOV, seconded by MATANO, 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 parcels 0512-061-9501-0, 0512-061-8165-0, 0512-052-9000-5, and 0512-052-8550-2 to prohibit residential development on the remaining A-1EX Exclusive Agriculture zoned lands. The housing density rights have been exhausted for the original farm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10889](#)

PETITION: REZONE 10889

APPLICANT: APRIL L MICKELSON

LOCATION: WEST OF 593 COUNTY HIGHWAY A, SECTION 3, TOWN OF ALBION

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

REASON: expansion of an existing residential lot

A motion was made by MATANO, seconded by SALOV, that Zoning Petition 10889 be tabled. The motion carried by a voice vote. Time: 7:17pm.

A motion was made by KOLAR, seconded by BOLLIG, that Zoning Petition 10889 be removed from the table. The motion carried by a voice vote. Time: 7:56pm.

A motion was made by SALOV, seconded by BOLLIG, that this Zoning Petition be postponed due to no representation and no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10890

PETITION: REZONE 10890

APPLICANT: RICHARD R RENZ

LOCATION: 2566 HAPPY VALLEY ROAD, SECTION 21, TOWN OF BRISTOL

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

REASON: creating one residential lot

Spoke in favor: Rodney Renz

Spoke in opposition: None

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

1. A deed notice shall be recorded on parcel 0911-213-9003-1 to prohibit residential development on the remaining A-1 Agriculture zoned lands.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10891

PETITION: REZONE 10891

APPLICANT: TIMOTHY E ANDREWS

LOCATION: 9751 WILKINSON ROAD, SECTION 1, TOWN OF MAZOMANIE

CHANGE FROM: A-1EX Agriculture District TO LC-1 Limited Commercial District

REASON: zoning change to allow a landscaping business

Spoke in favor: Tim Andrews

Spoke in opposition: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

CUP 2327

PETITION: CUP 02327

APPLICANT: TIMOTHY E ANDREWS

LOCATION: 9751 WILKINSON ROAD, SECTION 1, TOWN OF MAZOMANIE

CUP DESCRIPTION: Outdoor Storage and storage of more than 12 vehicles

Spoke in favor: Tim Andrews

Spoke in opposition: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10898](#)

PETITION: REZONE 10898

APPLICANT: HUSTON HOLDINGS LLC

LOCATION: N OF 2342 UPHOFF ROAD, SECTION 15, TOWN OF COTTAGE GROVE

CHANGE FROM: A-1EX Agriculture District TO RE-1 Recreational District

REASON: zoning change to allow recreational use (flying of model aircraft)

Spoke in favor: Dave Rush, President of the MARCS

Spoke in opposition: Dan Lynaugh, Betty Devine, and Chuck Devine. The neighbors expressed concerns regarding the annoying noise of the gas powered planes and the proposed hours of operation from dawn to dusk through the months of April through October. They were concerned that the activity may have a negative effect on their property values. They also questioned the actual benefit that the land use activity provides for the residents in the Town of Cottage Grove.

A motion was made by SALOV, seconded by BOLLIG, that this Zoning Petition be postponed due to public opposition and no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[CUP 2325](#)

PETITION: CUP 2325 - WITHDRAWN

APPLICANT: PORCHLIGHT INC

LOCATION: 1490 MARTIN STREET, SECTION 34, TOWN OF MADISON

CUP DESCRIPTION: governmental use, day resource center

No action taken by the Committee. The petition has been withdrawn.

[CUP 2326](#)

PETITION: CUP 2326

APPLICANT: LYNN M HULL

LOCATION: 1775 US HWY 51, SECTION 36, TOWN OF DUNN

CUP DESCRIPTION: equine boarding and riding stable

Spoke in favor: Julie Metcalfe

Spoke in opposition: None

A motion was made by MILES, seconded by KOLAR, that this Conditional Use Permit be approved with 7 conditions. The motion carried by the following vote: 5-0.

- 1) Business hours shall be 6:00 am - 10:00 pm 7 days per week.
- 2) There shall be a maximum of 10 full-time-equivalent employees.
- 3) The structures for the conditional use are limited to those shown on the site plan.
- 4) All parking must be accommodated on the property.
- 5) Owner/Operator shall be responsible for instituting and complying with a nutrient management plan and/or animal waste disposal plan written to NRCS 590 standards and approved by Dane County Land Conservation.
- 6) Bathroom facilities and plumbing fixtures shall be permitted in the stall barn.
- 7) The installation outdoor stadium/arena lighting is prohibited.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[2015
OA-016](#)

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING STATE CERTIFICATION OF THE FARMLAND PRESERVATION ZONING ORDINANCE

Spoke in favor: none
Spoke in opposition: none

A motion was made by MATANO, seconded by KOLAR, that this Ordinance be postponed to the November 10, 2015 Zoning & Land Regulation Committee meeting. 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

[10871](#)

PETITION: REZONE 10871
APPLICANT: TYLER SPIEGEL
LOCATION: 1222 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: amend restrictions to allow sale of motor vehicles and retail sales

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. The deed restriction shall be amended to limit the land uses to: auto body repair and painting; sandblasting business; neon art business; service and major repairs to motor vehicles, recreational equipment and contractor's machinery; sales of motor vehicles, recreational equipment, and contractor machinery; Parking and storage of motor vehicles. No more than 20 vehicles shall be visible at the front of the property at any one time.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

E. Plats and Certified Survey Maps

[2015 LD-034](#)

Land Division Waiver - Cahill 2- lot Certified Survey Map
Town of Blue Mounds & Town of Vermont

A motion was made by KOLAR, seconded by BOLLIG, that the Land Division waiver be approved for both lots and a condition was placed that a joint driveway agreement be recorded if the Town of Blue Mounds lot is separated from the Town of Vermont lot. The motion carried by a voice vote.

Finding of fact: Proposed lands to be sold as building site and viewing corridor are divided by municipal boundaries. In addition the lands can not be accessed due to Moen Creek running parallel with CTH JG.

[2015 LD-033](#) Final Plat - Village at Autumn Lake Replat
City of Madison
Staff recommends a certification of non-objection.

A motion was made by MATANO, seconded by BOLLIG, to certify the plat with no objections. The motion carried by a voice vote.

F. Resolutions

G. Ordinance Amendment

[2015
OA-016](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF
ORDINANCES,
REGARDING STATE CERTIFICATION OF THE FARMLAND
PRESERVATION ZONING ORDINANCE

See action above.

H. Items Requiring Committee Action

[2015
RPT-467](#) Discussion and possible action of the conditions of approval for Conditional Use Permit #2291, Enbridge pumping station. The Committee will decide to allow the conditions of approval as revised by the Dane County Zoning Administrator on July 24, 2015 or to retain the conditions of approval as approved by the Zoning and Land Regulation Committee on April 14, 2015 with notations of State Legislative changes.

A motion was made by KOLAR, seconded by MATANO, to direct the Zoning Administrator to have Conditional Use Permit #2291 reflect the exact conditions of approval as approved by the Zoning and Land Regulation Committee on April 14, 2015. A note shall be added to the conditional use permit which identifies that conditions 7 & 8 are unenforceable due to the State Budget Bill, 2015 Wisconsin Act 55, that was enacted on July 12, 2015. The Zoning Administrator did not have the authority to revise the conditions of approval as noted in the Zoning Administrator's letter dated 7/24/2015.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

I. Reports to Committee

[2015](#)
[RPT-468](#)

Committee update on an issue regarding the Oak Park Quarry, 3528 Oak Park Road, Section 29, Town of Deerfield

Zoning Administrator Lane provided information to the Committee regarding a complaint received on the Oak Park Quarry, 3528 Oak Park Road, Section 29, Town of Deerfield. Zoning Staff is in the process of ensuring that the conditions of approval under Conditional Use Permit #2103 are being met. Staff will be contacting agencies to see if all local, state, and federal permits have been obtained for the mineral extraction operation. Staff will update the Committee at a future meeting.

J. Other Business Authorized by Law

Chair Miles informed the Committee that the County Executive's budget will be coming out next week. This will start the budget process for 2016. The Committee will be reviewing the Planning and Development Department and Register of Deeds Department budgets at the October meetings.

K. Adjourn

A motion was made by KOLAR, seconded by BOLLIG, that the meeting be adjourned. The motion carried unanimously. Time: 8:32pm.

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.