



Dane County

Minutes - Final-revised

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, August 28, 2018

6:30 PM

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

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A. Call to Order

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

Staff present: Everson, Lane, and Violante

Present 3 - JERRY BOLLIG, JASON KNOLL, and STEVEN PETERS

Excused 1 - MARY KOLAR

Absent 1 - HEIDI WEGLEITNER

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

No comments made by the public.

[2018](#)
[RPT-198](#) August 28th ZLR meeting registrants

Attachments: [Aug 28th ZLR registrants](#)

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

[11314](#) PETITION: REZONE 11314
APPLICANT: KARL E WHISLER
LOCATION: NORTH OF 9007 COUNTY HIGHWAY A, SECTION 17,
TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District
REASON: creating one residential lot

Attachments: [11314 Ord Amend](#)

[11314 Staff](#)

[11314 Town](#)

[11314 Density](#)

[11314 Map](#)

[11314 APP](#)

In favor: Karl Whisler

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

1. A single driveway access shall be constructed to service the lot. The driveway shall be on either County Highway A or Norland Road.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11315](#) PETITION: REZONE 11315
APPLICANT: BENJAMIN M JOHNSON
LOCATION: 1088 UNION ROAD, SECTION 13, TOWN OF OREGON
CHANGE FROM: C-2 Commercial District TO LC-1 Limited Commercial
District, A-2 (1) Agriculture District TO LC-1 Limited Commercial District
REASON: downzone deed restricted commercial zoning to limited
commercial for landscaping business.

Attachments: [11315 Ord Amend](#)

[11315 CUP 2430 Staff](#)

[11315 Town](#)

[11315 Map](#)

[11315 APP](#)

In favor: Ben Johnson

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[CUP 2430](#)

PETITION: CUP 02430

APPLICANT: BENJAMIN M JOHNSON

LOCATION: 1088 UNION ROAD, SECTION 13, TOWN OF OREGON

REASON: allow residence in the LC-1 Zoning District

Attachments: [CUP #2430](#)

[CUP 2430 Staff 11315](#)

[CUP 2430 Town](#)

[CUP 2430 Map](#)

[CUP 02430 APP](#)

In favor: Ben Johnson

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 3-0.

1. The conditional use permit allows for the business owner's residence. The residence shall be occupied by the owner of the business. Rental of the residence shall be prohibited.

2. On-site sanitary system shall be in compliance with Dane County Code of Ordinances Chapter 46, Private Sewage Systems.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11316](#)

PETITION: REZONE 11316
APPLICANT: GREGORY G GARD
LOCATION: 7830 RIVERSIDE ROAD, SECTION 30, TOWN OF VERONA
CHANGE FROM: RH-1 Rural Homes District TO RH-2 Rural Homes
District, A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: increasing zoning district boundary to allow for additional
detached accessory building

Attachments: [11316 Ord Amend](#)

[11316 Staff](#)

[11316 Town](#)

[11316 Map](#)

[11316 APP](#)

In favor: Dave Weier

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11317](#) PETITION: REZONE 11317
APPLICANT: LARRY G SKAAR
LOCATION: NORTH OF 3385 NORTH STAR ROAD, SECTION 28,
TOWN OF COTTAGE GROVE
CHANGE FROM: A-2 Agriculture District TO C-2 Commercial District
REASON: zoning change to allow contractor shop / yard

Attachments: [11317 Ord Amend](#)

[11317 Staff](#)

[11317 Town](#)

[11317 Map](#)

[11317 APP](#)

In favor: Larry Skaar

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on the C-2 zoned property to limit the land uses to the following: office buildings no more than 2 stories; repairs, storage, and service of contractors machinery and equipment; and parking and storage of motor vehicles.

2. North Star Road right-of-way shall be dedicated to the public.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11318](#) PETITION: REZONE 11318
APPLICANT: LEON G WAGNER
LOCATION: 1848 US HIGHWAY 51, SECTION 25, TOWN OF DUNN
CHANGE FROM: R-3 Residence District TO R-1A Residence District
REASON: removal of deed restriction and create additional residential lot

Attachments: [11318 Ord Amend](#)

[11318 Staff](#)

[11318 Town](#)

[11318 Map](#)

[11318 APP](#)

In favor: Robert Lang

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

1. A joint driveway agreement shall be recorded with the Register of Deeds.
The drive access shall be approved by Wisconsin DOT.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

11319

PETITION: REZONE 11319
APPLICANT: DIANN L CAMPBELL
LOCATION: 1000 FEET EAST OF 8840 COUNTY HIGHWAY G,
SECTION 8, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: creating one residential lot

Attachments: [11319 Ord Amend](#)

[11319 Staff](#)

[11319 Town](#)

[11319 Density](#)

[11319 Map](#)

[11319 APP](#)

In favor: Diann Campbell

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on parcel 0507-084-8001-9 to identify that there is one (1) housing density right remaining on the property. The future residential lot may not exceed an area of 12 acres.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[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 Staff](#)
[11320 Map](#)
[11320 APP](#)

In favor: David Ellestad
Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11321](#)

PETITION: REZONE 11321
APPLICANT: AMY M FLUKE
LOCATION: 3098 HOPE HOLLOW TRAIL, SECTION 30, TOWN OF
COTTAGE GROVE
CHANGE FROM: B-1 Local Business District TO A-2 (2) Agriculture
District
REASON: Allow for residential use

Attachments: [11321 Ord Amend](#)
[11321 Staff](#)
[11321 Town](#)
[11321 Map](#)
[11321 APP](#)

In favor: Amy Fluke
Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11322](#)

[PETITION: REZONE 11322
APPLICANT: STIKLESTAD REV LIVING TR, DAVID & LYNN
LOCATION: 5571 BELLBROOK ROAD, SECTION 33, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: separating existing residence from farmland

Attachments: [11322 Ord Amend](#)

[11322 Staff](#)

[11322 Town](#)

[11322 Density](#)

[11322 Map](#)

[11322 APP](#)

In favor: David Stiklestad

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on parcels 0509-331-8001-0, 0509-331-9600-0, 0509-331-9000-4, 0509-331-8800-0, and 0509-331-8050-0 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11323](#)

PETITION: REZONE 11323

APPLICANT: MULCAHY FAMILY TR, JAMES S

LOCATION: NORTH OF 6632 HYSLOP ROAD, SECTION 26, TOWN OF DANE

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

REASON: creating one residential lot

Attachments: [11323 Ord Amend](#)

[11323 Staff Update](#)

[11323 Town](#)

[11323 Density Sending](#)

[11323 Density](#)

[11323 Map TDR](#)

[11323 Map](#)

[11323 APP Revised](#)

In favor: Sue Madigan

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11324](#) PETITION: REZONE 11324
APPLICANT: JANE M COOK
LOCATION: 105 COUNTY HIGHWAY N, SECTION 32, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District, A-2 (2) Agriculture District TO A-2 (2) Agriculture District
REASON: reconfiguring boundaries between two existing lots of record.

Attachments: [11324 Ord Amend](#)
[11324 Staff](#)
[11324 Town](#)
[11324 Density \(Easterly Parcel\)](#)
[11324 Density \(Westerly Parcel\)](#)
[11324 Map](#)
[11324 APP](#)

In favor: Bob & Jane Cook
Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11325](#) PETITION: REZONE 11325
APPLICANT: WILKEN INCOME TR, DAVID R
LOCATION: 3659 COUNTY HIGHWAY F, SECTION 29, TOWN OF VERMONT
CHANGE FROM: RH-3 Rural Homes District TO CO-1 Conservancy District
REASON: expansion of existing prairielands

Attachments: [11325 Ord Amend](#)
[11325 Staff](#)
[11325 Town](#)
[11325 Map](#)
[11325 APP](#)

In favor: David Wilken
Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[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 CUP 2431 Staff](#)

[11326 Density](#)

[11326 Map](#)

[11326 APP](#)

In favor: Gretchen Arndt Hoerwke

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[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 Staff 11326](#)

[CUP 2431 Density](#)

[CUP 2431 Map](#)

[CUP 2431 APP](#)

In favor: Gretchen Arndt Hoerwke

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11327](#)

PETITION: REZONE 11327
APPLICANT: DALE L SKAAR
LOCATION: 3272 DEERFIELD ROAD, SECTION 31, TOWN OF
DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: separating existing residence from farmland

Attachments: [11327 Ord Amend](#)

[11327 Staff](#)

[11327 Town](#)

[11327 Density](#)

[11327 Map](#)

[11327 APP](#)

In favor: Linda Skaar

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on parcels 0712-313-9000-5 and 0712-313-8500-2 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

2. The proposed westerly property line shall be located a minimum of 5 feet away from the tow of the drainage field. The septic system shall be depicted on the certified survey map.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11328](#)

PETITION: REZONE 11328
APPLICANT: RICHARD L KLINGER III
LOCATION: 2731 GUST ROAD, SECTION 12, TOWN OF SPRINGDALE
CHANGE FROM: A-1 Agriculture District TO LC-1 Limited Commercial District
REASON: zoning change to allow a landscaping business

Attachments: [11328 Ord Amend](#)
[11328 Staff](#)
[11328 Town](#)
[11328 Area Map](#)
[11328 Map](#)
[11328 APP revised](#)

In favor: Richard Klinger
Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on the property to limit the LC-1 Limited Commercial Zoning District to the following land uses and conditions:
 - a. Professional lawn care, mulch and stone installation, concrete flatwork and snow plowing/removal services. The business shall be an off-site service oriented business. Retail sales, manufacturing, or assembly of products are prohibited.
 - b. The hours of operation shall be Monday – Saturday, 7 a.m. - 5 p.m. in the summer and winter hours vary depending upon snow fall.
 - c. The number of employees shall be limited to six full-time equivalent employees with the number of hours tallied on-site to not exceed 40 hours per week per employee.
 - d. The vehicles and pieces of equipment used in the business shall be limited to 12.
 - e. No customers shall visit the site. No retail sales shall be conducted on the property. The business shall not be opened to the public.
 - f. The burning of landscaping material or business debris shall be prohibited on the property.
 - g. Remodeling or additions to the existing building shall be prohibited unless approved by the Town of Springdale.
 - h. Outdoor storage of material shall be prohibited.
 - i. Outdoor loudspeakers shall be prohibited.
 - j. Any signs placed on the property shall comply with the Town of Springdale Sign Ordinances.
 - k. Outdoor lighting, except for the required security lighting, shall be operational only during hours of operation. All lighting shall conform to the Town of Springdale Dark Sky Ordinance and shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmissions of light.
2. A certified survey map shall be recorded with the Register of Deed to correct the land division violation.

3. Appropriate building permits and zoning permits shall be obtained to correct buildings being constructed without a permit.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11329](#)

PETITION: REZONE 11329

APPLICANT: JAMES S GIBSON

LOCATION: WEST OF 70 DRAMMEN VALLEY ROAD, SECTION 31,
TOWN OF PERRY

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

REASON: creating two residential lots

Attachments: [11329 Ord Amend](#)

[11329 Staff](#)

[11329 Town](#)

[11329 Density](#)

[11329 Map](#)

[11329 APP](#)

In favor: James Gibson

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-0.

1. A deed restriction shall be recorded on parcels 0506-313-9500-7, 0506-313-9000-2, and 0506-313-8500-9 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[11330](#) PETITION: REZONE 11330
APPLICANT: WIS-PROPERTIES LLC
LOCATION: 6383 EVEREST DRIVE, SECTION 12, TOWN OF VERONA
CHANGE FROM: R-2 Residence District TO R-3A Residence District
REASON: zoning compliance for existing duplex

Attachments: [11330 Ord Amend](#)
[11330 Staff](#)
[11330 Town](#)
[11330 Map](#)
[11330 APP](#)

In favor: Jason Geiger
Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[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 Staff](#)
[11331 Town](#)
[11331 Map](#)
[GDP App](#)

In favor: Mary Gilbert
Opposed: Jim Hickey expressed concerns regarding outside music and events.

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[CUP 2429](#)

PETITION: CUP 02429

APPLICANT: TIMOTHY J FOULKER

LOCATION: 6538 SCHUMACHER ROAD, SECTION 33, TOWN OF VIENNA

CUP DESCRIPTION: landscape business and event barn

Attachments: [CUP 2429 Staff](#)

[CUP 2429 History](#)

[CUP 2429 Town](#)

[CUP 2429 Map](#)

[CUP 02429 APP](#)

[CUP #2429 Pending](#)

In favor: Tim Foulker, Jack Meffert, Anna Englebert, Steph Moran, Quinn Bogose, Aoife Moran, Avery Englebert, and Heidi Englebert

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Conditional Use Permit be approved with 16 conditions. The motion carried by the following vote: 3-0.

- 1. The conditional use permit shall expire after a 1 year period unless reviewed and approved by the Town Board. The facility will be reviewed on the safety of the operation and to ensure all of the conditions listed below are being followed.**
- 2. The Conditional Use Permit shall expire upon the transfer of ownership to an unrelated third party.**
- 3. A split rail fence shall be installed to surround the property to deter patrons from wandering off site.**
- 4. The operator shall acquire an Operator's Liquor License from the Town of Vienna.**
- 5. The number of events is limited to 30 per year.**
- 6. Outside loudspeakers are prohibited.**
- 7. All music shall be contained to the inside of the building. In no event shall the volume of music or amplified sounds exceed a decibel limit of 80 DbA measured at the property line.**
- 8. The hours of operation shall be from 9:00 am to 10:00 pm on Sunday through Thursday, and 9:00 am to 12:00 am on Friday and Saturday.**
- 9. The capacity shall be limited to 300 patrons per event based on available parking on site.**
- 10. The facility will be upgraded to provide ample bathroom facilities that would meet all sanitary regulations, including a larger septic tank and ADA bathrooms.**
- 11. The facility will be upgraded to meet the Commercial Building Code by means of plan submittal and inspections from Wisconsin Safety and Buildings Department. The facility shall not operate until building plans are approved by the State and the necessary improvements made to the structure.**
- 12. The applicant shall remove the outdoor deck and all outdoor seating areas. All activities shall be confined to the inside of the barn.**
- 13. The landowner shall obtain a storm water management permit from Dane County Land and Water Resources Department for the previous increase of impervious surface.**
- 14. The operator will have a traffic study conducted to determine road safety. The landowner will be responsible for the construction of required improvements.**

15. Parking on Schumacher Road shall be prohibited. No Parking signs shall be installed along the road by landowner as designated by the Town.

16. The all exterior lighting shall be down lighted and shall not cause a nuisance to neighboring properties.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[CUP 2432](#)

PETITION: CUP 02432

APPLICANT: ADAM W HOON

LOCATION: 7312 FELLOWS ROAD, SECTION 15, TOWN OF DANE

CUP DESCRIPTION: farm residence

Attachments: [CUP #2432](#)

[CUP 2432 Staff](#)

[CUP 2432 Town](#)

[CUP 2432 Density](#)

[CUP 2432 Map](#)

[CUP 02432 APP](#)

In favor: Adam Noon

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 3-0.

1. This Conditional Use Permit will become null and void if the horse boarding facility ceases operation. The property around the single-family residence shall be rezoned into a residential zoning category.

2. This Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

3. A deed notice document shall be recorded on the property to identify that a farm residence was allowed to be constructed on the property in conjunction with a farming operation (horse boarding facility). Appropriate residential zoning will need to be acquired if the horse boarding facility ceases to operate.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

[CUP 2434](#) PETITION: CUP 02434
APPLICANT: DUNN, TOWN OF
LOCATION: 4156 COUNTY HIGHWAY B, SECTION 21, TOWN OF DUNN
CUP DESCRIPTION: 60' broadband communications tower

Attachments: [CUP 2434 Staff](#)
[CUP 2434 Town](#)
[CUP 2434 RF Engineering Report](#)
[CUP 2434 Town Collocation Waiver Request](#)
[CUP 2434 Site Plan](#)
[CUP 2434 Photo Simulations](#)
[CUP 2434 Map](#)
[CUP 2434 APP](#)
[CUP #2434 Pending](#)

In favor: Andrew Hoyos

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be approved with 21 conditions. The motion carried by the following vote: 3-0.

1. The primary use of the communication tower permitted under Conditional Use Permit No. 2434 shall be for the provision of broadband internet services.
2. The communication tower placed, constructed or modified under Conditional Use Permit No. 2434 shall not exceed a maximum height of 100 feet above ground level. Extension beyond the maximum permitted height of 100 feet above ground level shall require amendment and approval of a new Conditional Use Permit.
3. The minimum of two (2) collocation sites as required under section 10.194 of the Dane County Code is hereby waived.
4. The Town of Dunn and Hoyos Consulting LLC shall sign a Memorandum of Understanding (MOU) detailing the operation and ownership of the tower.
5. The holder of Conditional Use Permit No. 2434 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.2434, including locational requirements contained in the site plan.
6. The holder of Conditional Use Permit No. 2434 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 4 herein.

7. Final site plan(s) and design drawings for the proposed tower are subject to review and approval by the town of Dunn prior to installation of the tower.
8. No graphic message or advertising may be permitted on the tower. This would not prohibit the use of warning or equipment information signs.
9. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2434 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. 2434, 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.
10. The holder of Conditional Use Permit No. 2434 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.
11. If at any time the communication tower permitted under Conditional Use Permit No. 2434 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.
12. 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 structural report by a Wisconsin professional engineer shall certify that proposed tower will be structurally adequate at the proposed height.
16. If applicable, 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 tower shall be light blue or gray, or other colors that are demonstrated to minimize visibility. The use of mottling as a camouflage is encouraged.
18. The tower and any antennas shall not be lighted except as required by the Federal Aviation Administration or other lawful authority.
19. Applicant shall not begin construction until Federal SHPO/NEPA requirements are met.
20. Applicant shall comply with any and all town of Dunn requirements for landscaping or security fencing around the base of the tower. Fencing and locks must be provided to secure the site. No barbed wire or razor wire fencing is permitted. No trespassing signs shall be posted on any security fencing.

21. Failure to comply with any of the aforesaid conditions may be grounds for the committee to initiate revocation proceedings for Conditional Use Permit No. 2434.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

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

E. Plats and Certified Survey Maps

[2018 LD-019](#) Dvorak proposed 3-lot Certified Survey Map
Town of Rutland
Staff recommends that the land division be approved.

Attachments: [Report](#)

[Rutland GN Land Holdings LLC CSM 08 16 2018](#)

[20180808120242](#)

**A motion was made by KNOLL, seconded by PETERS, that the 3 - lot Land Division be approved.
The motion carried by a voice vote, 3-0.**

[2018 LD-020](#) Land Division waiver - (see rezone petition 11325) David Wilken 2- lot Certified Survey Map
Town of Vermont
Staff recommends approval to allow proposed lot 2 to have no frontage along a public road.

Attachments: [map](#)

[WILKEN CSM \(6-15-18\)](#)

[DC Variance App & check](#)

A motion was made by KNOLL, seconded by PETERS, that the Land Division waiver be approved to allow lot 2 to have no public road frontage. The motion carried by a voice vote, 3-0.

Finding of fact: Lot 2 will be sold to the adjacent landowner to the south and the lot is being rezoned to CO-1, Conservancy. Therefore no development may occur on lot 2.

[2018 LD-021](#) Land Division waiver - (see rezone petition 11324) Jane Cook, 2- lot Certified Survey Map
Town of Albion
Staff recommends approval to allow both lots to have no frontage along a public road due to an existing access easement on file.

Attachments: [map](#)
[20180820135945](#)

A motion was made by PETERS, seconded by KNOLL, that the Land Division waiver to allow both lots to have no public road frontage. The motion carried by a voice vote, 3-0.

Finding of fact: Lot line adjustment between two existing grandfathered parcels and both have access via an access easement.

F. Resolutions

[2018 RES-206](#) AMENDING DANE COUNTY PLANNING AND DEVELOPMENT DEPARTMENTS 2018 BUDGET TO TRANSFER FUNDS TO THE DANE COUNTY CLERK'S 2018 BUDGET TO FACILITATE THE COMPLETION AND EXECUTION OF THE VOTER ID EDUCATION PLAN

Sponsors: MILES

Attachments: [2018 RES-206](#)
[2018 RES-206 FISCAL NOTE](#)

A motion was made by KNOLL, seconded by PETERS, that this Resolution Requiring 2/3rds Vote be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - KOLAR

Absent: 1 - WEGLEITNER

G. Ordinance Amendment

H. Items Requiring Committee Action

I. Reports to Committee

2018 DISC-009 Discussion of the adoption process for the new zoning ordinance

Attachments: Discuss the adoption process of the new zoning ordinance

Zoning Administrator Lane discussed the proposed schedule for the adoption of the new zoning ordinance with the Committee.

J. Other Business Authorized by Law

K. Adjourn

A motion was made by PETERS, seconded by KNOLL, to adjourn the August 28, 2018 Zoning and Land Regulation Committee meeting at 7:56pm. The motion carried unanimously.

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