



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

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Tuesday, May 12, 2015

7:00 PM

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

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#### A. Call to Order

Chair Miles called the meeting to order at 7:00pm in Room 354.

Staff present: Allan, Everson, and Violante.

Youth Governance Members present: Boyce. Excused: Wilke and Wilson.

**Present** 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

[2015 RPT-120](#) Public registrants at the May 12th ZLR Committee meeting

**Attachments:** [Public Registrants.pdf](#)

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

No comments made by the public.

#### C. Consideration of Minutes

[2015 MIN-061](#) Minutes of the April 14, 2015 Zoning and Land Regulation Committee meeting

**Attachments:** [04-14-15 ZLR work meeting minutes.pdf](#)

A motion was made by MATANO, seconded by KOLAR, to approve the minutes of the April 14, 2015 ZLR Committee meeting. The motion carried by a voice vote.

[2015 MIN-062](#) Minutes of the April 28, 2015 Zoning and Land Regulation Committee meeting

**Attachments:** [04-28-15 ZLR Public Hearing minutes.pdf](#)

A motion was made by MATANO, seconded by KOLAR, to approve the minutes of the April 28, 2015 ZLR Committee meeting. The motion carried by the following vote: 4-0-1.

**Ayes:** 4 - BOLLIG, KOLAR, MATANO and MILES

**Abstain:** 1 - SALOV

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

### 10755

#### RECONSIDERATION OF REZONE PETITION 10755

APPLICANT: JCL RENTALS LLC

LOCATION: 297 RODNEY ROAD, SECTION 2, TOWN OF CHRISTIANA

CHANGE FROM: C-2 Commercial District TO C-2 Commercial District

REASON: amend deed restrictions allow outside storage and mini-warehouses

**Attachments:** [10755 staff update.pdf](#)  
[10755 Town Action revised.pdf](#)  
[10755 Letters of Opposition.pdf](#)  
[10755 Town.pdf](#)  
[10755 Town Clarification.pdf](#)  
[10755 Current Deed Restriction.pdf](#)  
[10755 map.pdf](#)  
[ZA letter to Christiana Dec 23rd.pdf](#)  
[10755 App.pdf](#)

A motion was made by KOLAR, seconded by SALOV, to reconsider zoning petition 10755. The motion carried by a voice vote.

A motion was made by SALOV, seconded by BOLLIG, to recommend approval of amendments to the deed restrictions as follows: The motion carried by a voice vote.

1. The deed restriction found under Dane County Register of Deeds document #4138178 shall be amended to the following restrictions:

- a. The property shall be limited exclusively to the following land uses: Contractor's offices and indoor storage of contractor's equipment, vehicles, and construction materials. Units #5 and #6 are permitted to be used for the indoor storage of personally owned recreational vehicles, subject to Section 2, below. Warehousing of personal belongings in all other units is prohibited. Unit spaces shall not be used for living quarters or act as residences.
- b. Outside storage of materials, equipment, bulk fuel tanks or vehicles is prohibited except for the specified areas as shown on the attached Site Development Plan (Part II) for the benefit of Unit #7 having dimensions of 100 x 40 feet and 30 x 80 feet. Business vehicles may be stored on the premises in the evening and during non-business hours.
- c. The building layout shall comply with the attached Site Development Plan. Construction of additional buildings or expansion of buildings is prohibited, but remodeling of existing structures without a footprint increase is permitted.
- d. There shall be a maximum of 8 condominium units located the property. The ownership units shall comply with boundary spaces as designated on the attached Site Development Plan. Unit spaces shall not be further divided or partitioned off to create separate ownership/rental spaces.
- e. With respect to the 8 condominium units, there shall be no more than 5 owners of those 8 units. Further, there shall be no more than 5 businesses in operation at any time within those 8 units. "Business" is defined as an ongoing commercial concern operating out of one or more units. Leasing of units shall be permitted provided the land use of the tenant is consistent with the deed restrictions.
- f. All Deed Restrictions shall terminate in the event that the subject property is annexed in the future to the Village of Cambridge, WI.

2. The Board of Directors or "Manager" of the JCL Condominium Association and Jolly Rogers of Cambridge, LLC, shall enter into an agreement with the Town of Christiana and Dane County acknowledging that occupants of Unit #1 and Unit #2 are in violation of the recorded deed restrictions for the property, subject to the following:

- a. The coffee warehousing business found within Unit #1 may remain lawfully in operation at said Unit #1 for so long as the current coffee warehousing business remains an ongoing concern. Upon termination or sale of said business, Unit #1 shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.
- b. Further, the owner of Unit #2 shall cause the termination of the current lease of said unit with the current tenant trucking company, based on a 90-days notice of termination, and after said 90 days, the current tenant shall be removed from the premises. The owner of Unit #2 shall give tenant notice of termination within 5 days of final approval of the rezone petition by the Dane County Board. The Notice shall be submitted to the Town and Dane County concurrent therewith.

3. The Board of Directors or "Manager" of the JCL Condominium Association and the Benno C. Fischer Trust, shall enter into an agreement with the Town of Christiana and Dane County acknowledging that occupants of Unit #5 and Unit #6 are in violation of the recorded deed restrictions for the property, subject to the

following: The personally owned recreational storage / use found within Unit #5 and #6 may remain lawfully in operation at said Units for so long as the current owner, or a related affiliate primarily owned by Mr. Ben Fisher, remains the owner. Upon sale of said Unit(s) to a party whose ownership is not primarily controlled by Ben Fischer, Unit #5 and #6, as applicable, shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.

4. The Board of Directors or "Manager" of the JCL Condominium Association shall enter into an agreement with the Town of Christiana and Dane County acknowledging the following:

a. The exterior of the most easterly building (Unit 8) shall be reconstructed in the following manner: The 12 existing 9x9 overhead doors located on west side of the building shall be reduced to a maximum of 2 overhead doors (removal of 10 doors). All doors on the east side of the building shall remain at their present location. There may be a total of 2 walk-in service doors. The Unit will not be used for mini-warehouse purposes. The physical changes required shall be completed within one year of adoption.

b. The owner of Units #2, #7, and #8 shall have the right to store a single personal recreational vehicle (e.g. motor home, camper, trailer or the like) within any one of those units.

5. The declaration of condominium of JCL Condominium which was recorded on August 28, 2008 as Document No. 4463293 in the Dane County Register of Deeds office shall be amended in the following fashion:

a. The JCL Condominium Plat shall be amended to designate a maximum of eight (8) condominium units as shown on the attached Site Development Plan. The Declaration shall reflect the restrictions specific in section 1.e., above, limiting the condominium to 8 units, 5 owners, and 5 businesses.

b. The Area Reserved for future expansion shall be revised to state that no expansion is permitted so long as the property is within the jurisdiction of the Town of Christiana and subject to Dane County zoning.

c. Language shall be added to the declaration requiring Town approval for any future amendments made to the declaration until such time as the property is annexed into the Village of Cambridge.

d. The language as found under Section 7 of the Declaration shall be amended to the following:

**Use of Property:**

The property shall be limited exclusively to the following land uses: Contractor's offices and indoor storage of contractor's equipment, vehicles, and construction materials. Warehousing of personal belongings in all other units is prohibited. Outside storage of materials is prohibited except for designated areas as shown on the Site Development Plan. Unit spaces shall not be used for living quarters or act as residences. Uses consistent with the deed restrictions for Lot 1 of Certified Survey Map 11614 are permitted, and said restrictions should be referenced for additional information. No such use may unreasonably interfere with the use and enjoyment of the Common Elements and their Units by other Unit Owner. There may be no storage or activity which increases the insurance rates of the Condominium.

6. The Town hereby stipulates that is aware of the current alleged violations of deed restrictions asserted by Dane County and that the Town agrees to the above-described changes in order to resolve the alleged violations affiliated with the subject property to its satisfaction.

7. The Town acknowledges that the enforceability of the above-described changes is contingent upon: (1) final approval of same by Dane County; and (2) dismissal by Dane County of Case No. 2015 CX 05.

8. The deed restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to these restrictions by the following who are named as grantees and beneficiaries with enforcement rights:

a. The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of the County zoning ordinance at the time the enforcement action is commenced, and;

b. The Town Government of the Town of Christiana, Dane County, provided that the lands are within the jurisdiction of said Town at the time the enforcement action is commenced.

c. The owner(s) of record of any lands that are located within 300 feet of the subject property.

CUP 1059

**REVIEW AND POSSIBLE REVOCATION OF CUP 1059 (CONCRETE BATCH PLANT)**

LANDOWNER: YAHARA MATERIALS, LLC

LOCATION: 4315 COUNTY HIGHWAY AB, SECTION 14, TOWN OF BLOOMING GROVE

VIOLATION: LOCATION VIOLATION, MATERIAL VIOLATION, AND TRAFFIC CONCERNS

**Attachments:** [CUP 1059 Staff Update.pdf](#)  
[Corp Counsel Opinion.pdf](#)  
[CUP 1059 Town Conditions.pdf](#)  
[CUP 1059 Town Letter.pdf](#)  
[Yahara response to CUP 1059 Review.pdf](#)  
[CUP 1059 info.pdf](#)  
[Letter to Yahara Materials on CUP 1059.pdf](#)  
[CUP 1059 photo.pdf](#)

A motion was made by KOLAR, seconded by SALOV, to amend Conditional Use Permit 1059 with the following conditions: The motion failed by the following vote: 2-3.

•When night work is being conducted, the lighting for the concrete batch plant is to be directed down into the quarry away from residential areas and public right-of-ways.

•The operator shall designate haul routes designed to reduce impacts on the surrounding neighborhood. The operator will notify the Town of Blooming Grove and the City of Madison of the designated traffic routes in January of each year.

**Ayes:** 2 - KOLARandSALOV

**Noes:** 3 - BOLLIG,MATANOandMILES

A motion was made by MATANO, seconded by KOLAR, to revoke Conditional Use Permit #1059 due to the land use operations no longer meeting Standards 1, 2, and 3. Motion withdrawn by Supervisor MATANO.

A motion was made by MATANO, seconded by \_\_\_\_\_, to postpone action until the July ZLR work meeting. Motion failed due to lack of second.

A motion was made by MILES, seconded by BOLLIG, to revise the conditions of Conditional Use Permit 1059 to include the following conditions: See action below.

1. When night work is being conducted, the lighting for the concrete batch plant is to be directed down into the quarry away from residential areas and public right-of-ways.
2. This conditional use permit for the operation of a concrete batch plant shall expire December 31, 2016.

A motion was made by SALOV, seconded by BOLLIG, to amend the previous motion having the conditional use permit expired on December 31, 2017. The motion failed by the following vote: 2-3.

**Ayes:** 2 - BOLLIGandSALOV

**Noes:** 3 - KOLAR,MATANOandMILES

A motion was made by MILES, seconded by BOLLIG, to revise the conditions of Conditional Use Permit 1059 to include the following conditions: Motion approved 5-0.

1. When night work is being conducted, the lighting for the concrete batch plant is to be directed down into the quarry away from residential areas and public right-of-ways.
2. This conditional use permit for the operation of a concrete batch plant shall expire on December 31, 2016.

## E. Plats and Certified Survey Maps

[2015 LD-007](#) Final Plat - Quarry Vista  
City of Fitchburg  
Staff recommends certification of non-objection.

**Attachments:** [aerial.pdf](#)  
[27263 Quarry Vista 0001.PDF](#)  
[27263 Quarry Vista 0002.PDF](#)  
[27263 Quarry Vista 0003.PDF](#)  
[27263 Quarry Vista 0004.PDF](#)  
[27263 Quarry Vista 0005.PDF](#)

Motion was made by KOLAR and seconded by BOLLIG to certify the final plat with no objections. Motion carried 5-0.

[2015 LD-010](#) Final Plat - Park Place  
(14 lots, 2.04 acres)  
Staff recommends certification of non-objection.

**Attachments:** [aerial.pdf](#)  
[27365 Park Place\\_0001.PDF](#)

**Motion was made by BOLIG and seconded by MATANO to certify the final plat with no objections. Motion carried 5-0.**

[2015 LD-009](#) Final Plat - Bear Tree Farms, Town of Windsor, Sections 28 and 33  
(375 lots, 227 acres)  
Staff recommends conditional approval.

**Attachments:** [conditional approval letter.pdf](#)  
[Bear Tree Farms Sh1 4-6-15.pdf](#)  
[Bear Tree Farms Sh2 4-6-15.pdf](#)  
[Bear Tree Farms Sh3 4-6-15.pdf](#)  
[Bear Tree Farms Sh4 4-6-15.pdf](#)  
[130451-FP Sh 5 \(5-1-15\).pdf](#)  
[Bear Tree Farms Sh6 4-6-15.pdf](#)  
[Bear Tree Farms Sh7 4-6-15.pdf](#)  
[10754 - planning staff report.pdf](#)  
[aerial.pdf](#)

Motion was made by KOLAR and seconded by MATANO to approve the final plat subject to the following conditions:

1. Rezone Petition #10754 is to become effective and all conditions established are to be timely satisfied.
  - Recording of a subdivision plat map.
  - Landowner shall comply with all the provisions with Town of Windsor town board resolution 2014-51.
2. Compliance with the Dane County Comprehensive Plan is to be established.
3. All public land dedications are to be clearly designated “dedicated to the public.”
4. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
5. Every lot or parcel shall front or abut a public street.
  - Conventional lots shall maintain a minimum frontage of 66-feet to facilitate the possible development of a public right-of-way that could serve additional lots. Cul-de-sac lots shall provide a minimum of 30 feet of frontage on a public street.
6. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
  - Dane County Surveyor approval has been obtained as of October 29, 2014 and May 4, 2015.
7. All lots and outlots are to meet the minimum area and width requirements of the zoning districts that are applicable.
8. Lot boundaries and zoning district boundaries are to be coterminous.
9. Utility easements are to be provided.
10. Village of DeForest corporate boundary lines are to be shown on the plat.
11. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
12. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
13. Town of Windsor approval is to be obtained.
14. Village of DeForest approval is to be obtained (extraterritorial jurisdiction).

Motion carried 5-0.



## F. Resolutions

## G. Ordinance Amendment

## H. Reports to Committee

[2015](#) Report of approved and recorded Certified Survey Maps.  
[RPT-091](#)

**Attachments:** [May.docx](#)

## I. Other Business Authorized by Law

## J. Adjourn

**A motion was made by KOLAR, seconded by MATANO, to adjourn the ZLR Committee meeting at 8:42pm. The motion carried unanimously.**

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, [lane.roger@countyofdane.com](mailto: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.*