



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 22, 2019

6:30 PM

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

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A. Call to Order

Chair Bollig called the meeting of the October 22, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

Youth Governance member present: Julia Amann

Present 4 - KRISTEN AUDET, JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

Excused 1 - STEVEN PETERS

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

No comments made by the public.

[2019](#) October 22nd ZLR meeting registrants

[RPT-352](#)

Attachments: [October 22nd ZLR meeting registrants](#)

C. Consideration of Minutes

[2019](#) Minutes of the October 7, 2019 Zoning and Land Regulation Committee meeting

[MIN-269](#)

Attachments: [10-7-19 ZLR Work meeting minutes](#)

A motion was made by AUDET, seconded by KNOLL, to approve the minutes of the October 7, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote. 4-0.

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

[11479](#)

PETITION: REZONE 11479
APPLICANT: STOUGHTON FARMS INC
LOCATION: NORTH OF 4198 OLD STONE ROAD, SECTION 21, TOWN
OF RUTLAND
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4
Rural Residential District
REASON: separation of residence and buildings from farmland and
creating one new residential lot

Attachments: [11479 Ord Amend](#)
[11479 Staff Report](#)
[11479 Town](#)
[11479 Density](#)
[11479 Map](#)
[11479 APP](#)

In favor: Tom Matson
Opposed: None

A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the lot south of Old Stone Road (lot 2) prohibiting any land division of the property.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11480](#) PETITION: REZONE 11480
APPLICANT: MEINHOLZ LIVING TR
LOCATION: 5461 MILLER FARM ROAD, SECTION 23, TOWN OF
BLACK EARTH
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District
AND A-4 Agriculture District
REASON: creating one residential lot

Attachments: [11480 Ord Amend](#)
[11480 Staff Report](#)
[11480 Town](#)
[11480 Density](#)
[11480 Map](#)
[11480 APP](#)

In favor: Vern Meinholz
Opposed: None

**A motion was made by KNOLL, seconded by WEGLEITNER, that the Zoning
Petition be recommended for approval. The motion carried by the following vote:
4-0.**

**1. A deed restriction shall be recorded on Lot 2 (34.71 acres) to prohibit
residential development on the property.**

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11481](#) PETITION: REZONE 11481
APPLICANT: TOWN OF COTTAGE GROVE
LOCATION: VARIOUS PROPERTIES WITHIN THE TOWN OF COTTAGE
GROVE
CHANGE FROM: Various zoning districts
REASON: Blanket Rezone to correct zoning district map

Attachments: [11481 Ord Amend](#)
[11481 Staff Report](#)
[11481 Town](#)
[11481 MAP](#)
[11481 APP](#)

In favor: Town Chair Kris Hampton
Opposed: None

**A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be
recommended for approval. The motion carried by the following vote: 4-0.**

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11482](#)

PETITION: REZONE 11482
APPLICANT: CURTIS D ABEL
LOCATION: WEST OF 19 COUNTY HIGHWAY A, SECTION 1, TOWN OF
ALBION
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2
Rural Residential District
REASON: creating one residential lot

Attachments: [11482 Ord Amend](#)
[11482 Staff Report](#)
[11482 Town](#)
[11482 Density](#)
[11482 Map](#)
[11482 APP](#)

In favor: Curtis Abel
Opposed: None

A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on parcel 0512-011-8001-5 to prohibit further residential development on the remaining FP-35 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11483](#)

PETITION: REZONE 11483
APPLICANT: JUSTAMERE FARMS INC
LOCATION: SOUTH OF 104 DANKS ROAD, SECTION 31, TOWN OF
DUNKIRK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4
Rural Residential District
REASON: creating one residential lot

Attachments: [11483 Ord Amend](#)
[11483 Staff Report](#)
[11483 Town](#)
[11483 Density \(TDR Sending Property\)](#)
[11483 Density \(TDR Receiving Property\)](#)
[11483 Dunkirk Limited TDR policy](#)
[11483 Map](#)
[11483 APP](#)

In favor: Steven Olson
Opposed: None

A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

- 1. Applicant shall record a deed restriction on the balance of FP-35 zoned land from the TDR sending property in section 27 prohibiting further non-farm development in accordance with town comprehensive plan policies (tax parcels 0511-273-8501-6, 0511-273-8000-2, 0511-274-8500-6, 0511-274-9001-8, and 0511-273-9501-4).**
- 2. A notice document shall be recorded on the RR-4 receiving property (tax parcel 0511-313-8500-8) indicating that a density unit was transferred to the property.**
- 3. A notice document shall be recorded on the ~240 acres of FP-35 zoned land comprising the Justamere Farms farm unit in section 31 indicating that 3 splits remain following the transfer of development rights approved pursuant to rezone petition 11483. (Tax parcels 0511-311-8570-0, 0511-311-9000-3, 0511-311-9500-8, 0511-312-9500-7, 0511-312-9000-2, 0511-313-8500-8, 0511-313-8000-3)**

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11484](#) PETITION: REZONE 11484
APPLICANT: TOKEN PROPERTIES LLC
LOCATION: 6332 PORTAGE ROAD, SECTION 3, TOWN OF BURKE
CHANGE FROM: HAM-M Hamlet Mixed-Use District AND SFR-08 Single
Family Residential District TO HC Heavy Commercial District
REASON: create a commercial lot for mini storage units

Attachments: [11484 Staff Report](#)

[11484 Map](#)

[11484 APP](#)

In favor: Tom Schultz

Opposed: None

**A motion was made by KNOLL, seconded by WEGLEITNER, to postpone until
Town action is received. Motion carried by the following vote: 4-0.**

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11485](#) PETITION: REZONE 11485
APPLICANT: DAVID J HRUBY
LOCATION: SOUTH OF 6531 MATZ ROAD, SECTION 35, TOWN OF
ROXBURY
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2
Rural Residential District
REASON: creating one residential lot

Attachments: [11485 Ord Amend](#)

[11485 Staff Report](#)

[11485 Town](#)

[11485 Density](#)

[11485 Map](#)

[11485 APP](#)

In favor: David Hruby

Opposed: None

**A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be
recommended for approval. The motion carried by the following vote: 4-0.**

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11486](#) PETITION: REZONE 11486
APPLICANT: LAUFENBERG REV TR, ANTHONY P & ALYCE J
LOCATION: 5604 BOX ELDER ROAD, SECTION 14, TOWN OF MEDINA
CHANGE FROM: FP-35 General Farmland Preservation District TO FP-1
Small Lot Farmland Preservation District AND RM-8 Rural Mixed-Use
District
REASON: separating existing residence from farmland

Attachments: [11486 Ord Amend](#)
[11486 Staff Report](#)
[11486 Town](#)
[11486 Density](#)
[11486 Map](#)
[11486 APP](#)

In favor: Joyce Knapton
Opposed: None

A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the properties to reflect the Town of Medina's animal restrictions.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11487](#) PETITION: REZONE 11487
APPLICANT: CHARLES E BLACKBOURN
LOCATION: 200 GOEDE ROAD, SECTION 35, TOWN OF ALBION
CHANGE FROM: RR-8 Rural Residential District TO RR-8 Rural
Residential District
REASON: removal of deed restriction from existing lot

Attachments: [11487 Ord Amend](#)
[11487 Staff Report](#)
[11487 Town](#)
[11487 Map](#)
[11487 APP](#)

In favor: None
Opposed: None

A motion was made by AUDET, seconded by KNOLL, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. A termination of deed restriction shall be recorded on the property to remove the prior recorded restriction.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11495](#)

PETITION: REZONE 11495
APPLICANT: TOWN OF DUNN
LOCATION: VARIOUS PARCELS THROUGHOUT TOWN OF DUNN
CHANGE FROM: RM-16 (Rural Mixed-Use, 16 acres and up) District TO
RR-4 (Rural Residential, 4 to 8 acres) District, RM-8 (Rural Mixed-Use, 8 to
16 acres) District TO FP-1 (Small-lot Farmland Preservation) District
REASON: blanket rezoning to resolve town concerns with new ordinance
designations

Attachments: [11495 Ord Amend](#)
[11495 Staff Report](#)
[11495 Town](#)
[11495 Town Statement](#)
[11495 Dunn Blanket Rezone Parcel List](#)
[11495 Map NW](#)
[11495 Map SE](#)
[11495 Map SW](#)
[11495 Map NE](#)
[11495 APP](#)

In favor: None
Opposed: None

A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[CUP 2480](#) PETITION: CUP 02480
APPLICANT: SANDRA S DAHL
LOCATION: 3276 HIGH POINT ROAD, SECTION 35, TOWN OF
MIDDLETON
CUP DESCRIPTION: expansion of existing school

Attachments: [CUP 2480 Staff Report](#)
[CUP 2480 Town](#)
[CUP 2480 Map](#)
[CUP 02480 APP](#)
[CUP 02480 Additional info](#)

In favor: Jenny Dahl, Matt Dahl, William Morgan, and Ron Klaas
Opposed: Mary Ellen Weller. Ms. Weller was concerned regarding the safety of the intersection and High Point Road and Twinflower Drive. She suggested that a traffic signal be installed.

A motion was made by KNOLL, seconded by AUDET, to postponed action until the concerns regarding the sanitary system are resolved. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2019 OA-011](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF
COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE
COUNTY COMPREHENSIVE PLAN

Sponsors: RATCLIFF and ERICKSON

Attachments: [2019 OA-011](#)
[2019 OA-011 staff report](#)

In favor: Town Chair Kris Hampton
Opposed: None

A motion was made by AUDET, seconded by KNOLL, that the Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2019 OA-013](#) AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

Sponsors: BOLLIG, AUDET, CHAWLA, DOWNING, EICHER, KRAUSE, KUHN, MILES, PETERS, RATCLIFF, RITT, SALOV, SCHAUER and WEGLEITNER

Attachments: [2019-OA-13](#)
[FPP Amendment Cover letter Dane County 2019](#)
[2019_FPP_amendments](#)

In favor: None
Opposed: None

A motion was made by AUDET, seconded by KNOLL, that the Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

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

[11458](#)

PETITION: REZONE 11458
APPLICANT: BUCKYS PORTABLE TOILETS INC
LOCATION: LANDS SOUTH OF 1185 US HIGHWAY 14, SECTION 7,
TOWN OF RUTLAND
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4
Rural Residential District AND HC Heavy Commercial District
REASON: expansion of commercial district and creating a residential lot

- Attachments:** [11458 Ord Amend](#)
[11458 Staff Update](#)
[11458 Town](#)
[11458 Density](#)
[11458 Map](#)
[11458 APP](#)

A motion was made by KNOLL, seconded by AUDET, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the property with the following limitations:
 - a. Land Uses shall be limited to: portable toilet rental business; outdoor storage of portable toilet units in designated area (behind the existing building at the rear of the property at 1185 US Highway 14); offices and manufacturing facilities; office and warehousing for construction businesses; warehousing of business supplies; indoor storage of vehicles; and repair of lawn and garden equipment; personal or professional service (ex. gym/personal training/crossfit/rehab).
 - b. Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini-warehousing).
 - c. There shall be a maximum of 4 businesses operating on the property.
 - d. Division of property through a condominium plat is prohibited.
 - e. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC zoned property to allow the business to have a sign at the road.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11472](#)

PETITION: REZONE 11472
APPLICANT: MARK A & JOANN M HALVERSON
LOCATION: 1061 HILLCREST ROAD, SECTION 4, TOWN OF
CHRISTIANA
CHANGE FROM: FP-35 General Farmland Preservation District TO RM-8
Rural Mixed-Use District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [11472 Ord Amend](#)
[11472 Staff Update](#)
[11472 Town](#)
[11472 Density](#)
[11472 Map](#)
[11472 APP](#)

A motion was made by AUDET, seconded by KNOLL, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11478](#)

PETITION: REZONE 11478
APPLICANT: DOERFER BROTHERS INC
LOCATION: 6437 GRANDVIEW ROAD, SECTION 24, TOWN OF
VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO RR-8 Rural
Residential District AND RM-16 Rural Mixed Use District
REASON: creating one residential lot

- Attachments:** [11478 Ord Amend](#)
[11478 Staff Update](#)
[11478 Town](#)
[11478 Map](#)
[11478 APP REVISED](#)

A motion was made by KNOLL, seconded by WEGLEITNER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. The existing residence on hte proposed RR-8 lot (parcel B) shall be removed from the property prior to the zoning being established.
2. A certified survey map shall be recorded to create the two lots.

Ayes: 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

F. Plats and Certified Survey Maps

[2019 LD-027](#) Preliminary Plat - Twin Rock
Town of Verona
Staff recommends conditional approval

Attachments: [19-22](#)

[TWIN ROCK PRELIMINARY PLAT \(8-20-19\)](#)
[conditional](#)

A motion was made by KNOLL, seconded by AUDET, that the preliminary plat be approved with conditions. The motion carried by a voice vote, 4-0.

1. Rezone Petition #11416 is to become effective and all conditions are to be timely satisfied.

(County Board approved Zoning Petition #11416 on August 15, 2019)

- Recording of an approved plat.
- The developer shall enter into a developer's agreement with the Town of Verona for the improvements required for the development. The agreement shall be approved by the Town Board.
- The zoning boundary is limited to the creation of 31 lots (27 residential lots, all equal to or greater than 1.5 acres, and 4 conservation outlots).
- The road layout for the subdivision shall conform to the concept plan dated April 3, 2019.
- All storm water detention ponds shall be on outlots.
- Any revisions or alterations of the plan shall be subject to review by the Town of Verona Plan Commission.
- A wetland delineation being conducted and the report submitted to the Town and the County prior to the preliminary plat.
- A preliminary storm water management plan shall be prepared and submitted to the Town prior to the preliminary plat.
- The roadway engineering plans shall be prepared and approved by the Town. Each cul-de-sac shall have an engineered circle with an appropriate radius and lots shall not include easements for cul-de-sac construction.
- A declaration of neighborhood covenants shall be prepared and approved by the Town which includes architecture design features for homes and accessory buildings and landscaping requirements for residential lots.
- Landscaping plans for the berm along Spring Road shall be submitted as part of the covenant document.
- A financial agreement shall prepared and approved by the Town of Verona for maintenance of the outlots which include storm water features.
- A subdivision plat shall be recorded with the Register or Deeds.
- The developer shall enter into a contract with the Dane County Highway Department for the necessary improvements for the intersection of County Highway G and Spring Rose Road (Type B2 intersection with a right turn lane, curb and gutter and tapers). The contract shall be in place prior to the zoning becoming effective. The improvements shall be installed within 2 years of the recording of the subdivision plat.

2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).

- The amount of land to be provided shall be at least 1,750 square feet of land for each proposed residential dwelling unit within the plat. 27 lots = 47,250 s.f.

- Outlots 1-4 (no indication of lands being dedicated to the public for park purposes)
 - Town has indicated that they do not want lands dedicated for public purposes. Developer to pay fees in lieu of dedication of parkland.
3. All public land dedications are to be clearly designated “dedicated to the public.”
- Outlot 1 designated for storm water pond/management.
 - Outlot 2 shown as open space, prairie restoration.
 - Outlot 3 shown as open space, landscape screening.
 - Outlot 4 shown as open space, landscape screening.
4. Comments from the Dane County Highway department are to be satisfied:
- Upgrade intersection of CTH G and Spring Rose Road to a B2 intersection (WisDOT SDD 9A1-13a). Include 200 ft. right turn lane with curb and gutter.
5. Utility easements are to be provided.
- Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
6. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Verona.
7. Dead-end streets shall not be permitted without suitable turn-around. Appropriate arrangements shall be made for those parts of temporary turn-arounds outside of street right-of-way to revert to the abutting property owners at such time as streets shall be extended.
8. All street names shall be consistent with chapter 76 of the Dane County Ordinances.
9. Comments from the Dane County Surveyor are to be satisfied:
- Road names and alignments are acceptable.
10. Comments from the Dane County Public Health department are to be satisfied:
- No concerns.
11. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.
12. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance
- a. Require shore land erosion control and stormwater permits.
 - b. Located in thermally sensitive area.
 - c. Recommend infiltration facilities be located away from southern end of site to prevent potential issues with hydric soils and/or groundwater.

G. Resolutions

H. Ordinance Amendment

[2019 OA-011](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: RATCLIFF and ERICKSON

Attachments: [2019 OA-011](#)
[2019 OA-011 staff report](#)

See motion above.

[2019 OA-013](#) AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

Sponsors: BOLLIG, AUDET, CHAWLA, DOWNING, EICHER, KRAUSE, KUHN, MILES, PETERS, RATCLIFF, RITT, SALOV, SCHAUER and WEGLEITNER

Attachments: [2019-OA-13](#)
[FPP Amendment Cover letter Dane County 2019](#)
[2019 FPP amendments](#)

See motion above.

I. Items Requiring Committee Action

Budget Discussion and Amendments

[2019 ACT-162](#) ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2020 OPERATING BUDGET

Attachments: [Operating Amends 10-22-19](#)
[Operating Amends 10-22-19 post meeting](#)

ZLR-0-01: Motion by Wegleitner, seconded by Audet, that the amendment be approved. The motion carried by a voice vote 4-0.

[2019 ACT-163](#) ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2020 CAPITAL BUDGET

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by AUDET, seconded by WEGLEITNER, to adjourn the October 22, 2019 Zoning and Land Regulation Committee meeting at 7:45pm. The motion carried unanimously.

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