



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, December 22, 2015

7:00 PM

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

A. Call to Order

Chair Miles called the meeting of the Zoning and Land Regulation Committee to order at 7:06pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: Gustav Heiden

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

[2015 RPT-658](#) Registrants at the December 22nd ZLR Committee meeting

Attachments: [Registrants at the Dec 22nd ZLR meeting](#)

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

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

[10919](#) PETITION: REZONE 10919
APPLICANT: DENNIS MIDTHUN
LOCATION: SOUTH OF 588 REMY ROAD, SECTION 26, TOWN OF MONTROSE
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District
REASON: rezone to allow agricultural business

Attachments: [10919 Staff](#)

[10919 Town](#)

[10919 Ord Amend](#)

In favor: Robin Mittenthal

Opposed: None

A motion was made by KOLAR, seconded by BOLLIG, that the ZLR Committee rules be suspended in order to act on the petition. The motion carried by a voice vote.

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

- 1)The property be assigned the zoning district classification of A-B Agri-business Zoning District.
- 2)A deed restriction shall be recorded on the property to limit the land uses to a pick your own wholesale fruit/vegetable operation. Ancillary sales of jams, jellies, juices, and pies from product grown on the property would be allowed.
- 3)A deed restriction shall be recorded on the property to prohibit residential development of the property.
- 4)Hours of operation for sales shall be limited to 8am to 8pm seasonally, May through November.
- 5)The number of employees shall be limited to no more than 4 full-time equivalent employees, in addition to the owner/operator.
- 6)Prior to operation, site plan approval shall be obtained from the Town Board to address adequate on-site parking for the operation and the maximum building size for the operation.
- 7)On-street parking along Butts Road shall be prohibited. The landowner shall be responsible for posting "no parking" signs along Butts Road.
- 8)Public Works Director shall evaluate the condition of the Butts Road and the ability of the roadway to support two-way traffic. If improvements are needed, the landowner shall be responsible for road improvements prior to the commencement of the operation.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10921](#)

PETITION: REZONE 10921
APPLICANT: WILLIAM HORKSTRA
LOCATION: 2445 GASTON ROAD, SECTION 4, TOWN OF COTTAGE GROVE
CHANGE FROM: RH-4 Rural Homes District TO R-1 Residence District
REASON: shifting of property lines between adjacent land owners

Attachments: [10921 Staff](#)
[Revised map](#)
[10921 Town](#)
[10921 Ord Amend](#)

In favor: William Hoekstra
Opposed: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10922](#)

PETITION: REZONE 10922
APPLICANT: SZUDY TR, LEONARD A
LOCATION: EAST OF 6474 COOKE ROAD, SECTION 36, TOWN OF MAZOMANIE
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: distribution of properties from trust to individual family members

Attachments: [10922 Staff](#)
[10922 Town](#)
[10922 Map](#)
[10922 App](#)

In favor: None
Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be postponed to the end of the meeting or to a future meeting. The motion carried by a voice vote.

[10923](#)

PETITION: REZONE 10923
APPLICANT: JAMES M LINK
LOCATION: 2979 BOSBEN ROAD, SECTION 1, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District,
R-1 Residence District TO A-1EX Agriculture District
REASON: shifting of property lines between adjacent land owners

Attachments: [10923 Staff](#)
[10923 Town](#)
[10923 Density](#)
[10923 Ord Amend](#)

In favor: Linda Link
Opposed: None

A motion was made by BOLLIG, 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

[10925](#)

PETITION: REZONE 10925
APPLICANT: HANDEL PROPERTY LLC
LOCATION: 4727 RUTLAND-DUNN TOWNLINE ROAD, SECTION 31,
TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District
REASON: separating existing residence from farmland

Attachments: [10925 Staff](#)

[10925 Town](#)

[10925 Ord Amend](#)

In favor: Susan Benjamin

Opposed: None

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

1) The petition is conditioned upon the transfer of the remaining A-1EX Exclusive Agriculture zoned land to the neighboring owner within 180 days of rezoning approval

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[PET 10898](#)

PETITION: CUP 02333
APPLICANT: JOAN L VOLENBERG
LOCATION: NORTH OF 2315 CTH W, SECTION 19, TOWN OF
CHRISTIANA
CUP DESCRIPTION: expand existing mineral extraction operation

Attachments: [CUP 2333 Staff](#)
[CUP 2333 Planning Report](#)
[CUP 2333 Map](#)
[02333 CUP App](#)
[CUP 2333 Town](#)
[CUP #2333](#)

In favor: Dennis Richardson
Opposed: None

A motion was made by SALOV, seconded by BOLLIG, that this Conditional Use Permit be approved with 25 conditions. The motion carried by the following vote: 5-0.

1. The applicant shall maintain the existing Dane County erosion control and storm water permit in active status for the entire site for the duration of the mineral extraction operation.
2. The operator shall apply for, and receive all other required local, state and federal permits and licenses.
3. The applicant shall meet DNR standards for particulate emissions as described in NR 415.075, Wisconsin Administrative Code.
4. The operator shall develop and operate the site according to the site and operations plan that is part of the application for this permit.
5. Operations shall cease no later than ten (10) years from the date of issuance of the conditional use permit.
6. Reclamation shall be completed within one year after operations have ceased, and shall be phased according to the operations and reclamation plan.
7. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances (DCCO).
8. The operator shall post and maintain at all times a bond or irrevocable letter of credit in favor of Dane County, as required by Chapter 74 of the DCCO, to ensure compliance with the reclamation plan.
9. The driveway accessing the site shall be maintained as paved and maintained in a dust free manner in accordance with local, state, and federal regulations; and the operator shall clean any dust or mud tracked onto public roads.
10. The operator and all haulers shall access the site only through the single access point on CTH W as shown on the operations plan.
11. The access to the driveway shall have gates securely locked when the extraction site is not in operation.
12. Township roads shall not be used for hauling to or from the site, either empty or full, unless the applicant or customers are serving a resident/business on the Township road. All other use of town roads requires Town Board approval.
13. The site shall be signed "No Trespassing".
14. The permit holders shall comply with all federal and state blasting and safety laws, ordinances and regulations at all times, including Wisconsin Department of Commerce Chapter 7.

15. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Saturday.
16. All blasting shall take place Monday through Friday, between the hours of 8 a.m. to noon and 1 pm to 4 pm. No blasting shall occur on weekends or holidays.
17. A 24-hour notice will be made to all residences/businesses within a ¼ mile radius of the corners of the property, including any parties that have requested notification either via mail or email prior to any blasting.
18. No water shall be removed from the site.
19. No bulk fuel will be stored in any permanent tanks on site.
20. The operator shall require all trucks and excavation equipment have muffler systems that meet or exceed the current industry standards for noise abatement.
21. The applicant or its customers hauling material from the site will not use jake-brakes unless necessary for an emergency.
22. Extraction area shall be set back 30 feet from Washington Street, 42 feet from CTH W, and 5 feet from all other property lines.
23. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these conditions of approval, such approval is subject to amendment or revocation. Anyone inspecting the property will be escorted by the operator and will comply with all safety rules.
24. The Town of Christiana may request documentation of any Dane County inspections and permit renewals.
25. Conditional Use Permit for mineral extraction is for the operator R.G. Huston only. CUP#2333 is non-transferrable to a different operator.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[2015
OA-029](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: SOLBERG

Attachments: [2015 OA-029](#)
[2015 OA-029 ZLR staff memo](#)

In favor: Town Chair Kris Hampton
Opposed: None

A motion was made by MATANO, seconded by KOLAR, that Ordinance Amendment OA-29 be recommended for approval. 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

[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

Attachments: [10889 Staff update](#)
[10889 Town](#)
[10889 Ord Amend](#)

A motion was made by BOLLIG, 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

[CUP 2329](#) PETITION: CUP 02329
APPLICANT: GARY TRULSON
LOCATION: 727 OAK DRIVE, SECTION 19, TOWN OF ALBION
CUP DESCRIPTION: secondary farm residence for family member

Attachments: [CUP 2329 Staff update](#)
[CUP 2329 Town](#)
[CUP 2329 Density](#)
[CUP 2329 Map](#)
[CUP 2329 App](#)
[CUP #2329](#)

A motion was made by BOLLIG, seconded by SALOV, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 5-0.

1.A deed notice shall be recorded with the Dane County Register of Deeds indicating that any violation of the provisions of section 10.123(4), regarding farm residences in the A-1EX district, will result in revocation of this conditional use permit and require that a certified survey map be approved and appropriate zoning be acquired. The deed notice shall be recorded within 90 days of the effective date of approval.

2.The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd party.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

E. Plats and Certified Survey Maps

[2015 LD-045](#) Final Plat - First Addition to North Park Fitchburg
City of Fitchburg
Staff recommends a certification of non-objection.

Attachments: [27446 1st Addn to North Park Fitchburg_0003](#)
[27446 1st Addn to North Park Fitchburg_0002](#)
[27446 1st Addn to North Park Fitchburg_0001](#)
[aerial](#)

A motion was made by MATANO, seconded by KOLAR, that the final plat be certified with no objections. The motion carried by a voice vote.

[2015 LD-044](#) Brooks Inc. proposed 2-lot Certified Survey Map
Town of Burke, Section 12
Division of existing lands and no associated rezone petition.

Attachments: [2014 Ortho](#)
[20151125120535](#)
[BURKE Brooks CSM 121015](#)

A motion was made by KOLAR, seconded by BOLLIG, that this Land Division be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

F. Resolutions

G. Ordinance Amendment

[2015](#)
[OA-029](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, INCORPORATING THE TOWN OF COTTAGE GROVE
COMPREHENSIVE PLAN INTO THE DANE COUNTY
COMPREHENSIVE PLAN

Sponsors: SOLBERG

Attachments: [2015 OA-029](#)
[2015 OA-029 ZLR staff memo](#)

See action above.

H. Reports to Committee

I. Other Business Authorized by Law

J. Adjourn

A motion was made by SALOV, seconded by BOLLIG, to adjourn the ZLR Committee meeting. The motion carried unanimously. Time: 8:18pm.

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