



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, September 8, 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 to order at 7:08pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante.

Youth Governance present: Haroldson, Heiden.

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-429](#)

Public registrants for the September 8, 2015 Committee ZLR Meeting

Attachments: [September 8th registrants](#)

C. Consideration of Minutes

1. [2015
MIN-293](#) Minutes of the August 11, 2015 Zoning and Land Regulation Committee meeting

Attachments: [08-11-15 ZLR work meeting minutes](#)

A motion was made by MATANO, seconded by BOLLIG, that the minutes of the August 11, 2015 Zoning and Land Regulation Committee meeting be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and SALOV

2. [2015
MIN-294](#) Minutes of the August 25, 2015 Zoning and Land Regulation Committee meeting

Attachments: [08-25-15 ZLR Public Hearing minutes](#)

A motion was made by MATANO, seconded by BOLLIG, that the minutes of the August 25, 2015 Zoning and Land Regulation Committee meeting be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and SALOV

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

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

1. [10841](#) **PETITION: REZONE 10841**
APPLICANT: JOANN M TORKE
LOCATION: 2701RIMROCK ROAD, SECTION 36, TOWN OF MADISON
CHANGE FROM: RH-1 Rural Homes District TO B-1 Local Business District
REASON: to allow offices and contractor storage

Attachments: [10841 Staff Update](#)
[10841 Town.pdf](#)
[10841 Southdale Future Land Use Map.pdf](#)
[10841 Southdale neighborhood plan.pdf](#)
[10841 Ord Amend](#)

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

Reason: The area is covered by City of Fitchburg's Comprehensive Plan which is part of the Dane County Comprehensive Plan. The plan designates this area for Urban Residential Use. The proposed commercial development is inconsistent with the policies contained within the approved comprehensive plan covering this area.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

2. [10847](#) **PETITION: REZONE 10847**
APPLICANT: CYRIL FEINER
LOCATION: 3178 COUNTY HIGHWAY V, SECTION 1, TOWN OF WINDSOR
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland

Attachments: [10847 Staff Update](#)
[10847 Town](#)
[10847 Density.pdf](#)
[10847 Ord Amend](#)

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

1. The approval is condition upon the conditions found under the Town of Windsor resolution 2015-70.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

3. [10853](#) **PETITION: REZONE 10853**
APPLICANT: FEBOCK FARM REV TR
LOCATION: 3557 STATE HIGHWAY 134, SECTION 25, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: separating three existing residences from the farmland

Attachments: [10853 Staff Update](#)
[10853 Town.pdf](#)
[10853 Density.pdf](#)
[10853 Ord Amend](#)

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 petition shall be amended to remove the two proposed R-1 Residence Zoning lots. The zoning map shall be amended to create one 1.6-acre lot which will be assigned the zoning district classification of A-2(1) Agriculture.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

4. [10858](#) **PETITION: REZONE 10858**
APPLICANT: PERRY J HALVERSON
LOCATION: 2251 WASHINGTON ROAD, SECTION 24, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland

Attachments: [10858 Staff Update](#)
[10858 Town](#)
[10858 Density.pdf](#)
[10858 Ord Amend](#)

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 applicant shall obtain a 33-foot variance from the 66-foot required road frontage provision.
2. Hagen road shall be vacated within 90 days of the rezoning approval.
3. A joint driveway agreement shall be recorded for the benefit of the proposed lot and parent parcel.
4. The note pertaining to the 16.5-foot strip of land shall be removed from the final certified survey map.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

5. [10862](#)

PETITION: REZONE 10862

APPLICANT: JAYSON D JONES

LOCATION: 5337 REINER ROAD, SECTION 23, TOWN OF BURKE

CHANGE FROM: A-1 Agriculture District TO C-2 Commercial District

REASON: zoning compliance for existing land uses - trucking company and residence

Attachments: [10862 CUP 2321 Staff Update](#)

[10862 CUP 2321 Town](#)

[10862 City of Madison Comments.pdf](#)

[10862 Ord Amend](#)

A motion was made by MATANO, seconded by BOLLIG, 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 the property to limit the land uses to a single-family dwelling and residential accessory buildings. Commercial activities are prohibited.

2. A deed restriction shall be recorded on the property to prohibit the construction/erection of off-premise advertising signs (billboards).

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

6. [CUP 2321](#)

PETITION: CUP 2321

APPLICANT: JAYSON D JONES

LOCATION: 5337 REINER ROAD, SECTION 23, TOWN OF BURKE

CUP DESCRIPTION: RESIDENCE FOR A CARETAKER OR WATCHMAN

Attachments: [10862 CUP 2321 Staff Update](#)

[10862 CUP 2321 Town](#)

[CUP 2321 Map.pdf](#)

[CUP 2321 Revised app.pdf](#)

[CUP #2321](#)

A motion was made by MATANO, seconded by BOLLIG, that this Conditional Use Permit be approved with 2 conditions. The permit shall be contingent upon Petition 10862 becoming effective. The motion carried by the following vote: 5-0.

1. The conditional use permit shall be for a residence for a watchman / caretaker of Burke Truck and Equipment.

2. The conditional use permit shall expire upon sale of the property to an unrelated third party, or at any time the residence ceases to be occupied by a watchman / caretaker of Burke Truck and Equipment.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

7. [10870](#) PETITION: REZONE 10870
APPLICANT: CORY W GEHLING
LOCATION: 6400 LODI-SPRINGFIELD ROAD, SECTION 33, TOWN OF DANE
CHANGE FROM: LC-1 Limited Commercial Dist TO A-2 (8) Agriculture District, A-1EX
Agriculture District TO LC-1 Limited Commercial Dist, A-1EX Agriculture District TO A-2 (8)
Agriculture District
REASON: correct LC-1 zoning map boundaries and bring property into compliance

Attachments: [10870 Staff Update](#)
[10870 Town](#)
[10870 Ord Amend](#)

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

8. [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

Attachments: [10871 Staff Update](#)
[10871 Town](#)
[10871 Map](#)
[10871 Map 2](#)
[10871 App](#)

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed until the 9/29/2015 meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

9. [10878](#) PETITION: REZONE 10878
APPLICANT: 6343 NESBITT ROAD LLC
LOCATION: 6343 NESBITT ROAD, SECTION 12, TOWN OF VERONA
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: major & minor repairs to motor vehicles

Attachments: [10878 Staff Update](#)
[10878 Town](#)
[10878 Ord Amend](#)

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 restriction shall be recorded on the property to limit the land uses to all uses listed in the C-1 zoning district, retail and services uses, major repairs to motor vehicles, parking and storing or motor vehicles, and storage and processing of scrap materials inside a building.
2. A deed restriction shall be recorded on the property to prohibit the construction/erection of off-premise advertising signs (billboards).

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10. [10879](#) PETITION: REZONE 10879
APPLICANT: PARKER J ELLINGSON JR
LOCATION: 1905 BARBER DR, SECTION 26, TOWN OF DUNN
CHANGE FROM: A-2 (8) Agriculture District TO R-2 Residence District
REASON: shifting of property lines between adjacent land owners

Attachments: [10879 Staff Update](#)
[10879 Town](#)
[10879 Ord Amend](#)

A motion was made by MILES, 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

11. [CUP 2323](#) PETITION: CUP 2323
APPLICANT: NANCY D TURCOTTE
LOCATION: 4560 RUSTIC DRIVE, SECTION 2, TOWN OF BLOOMING GROVE
CUP DESCRIPTION: daycare in RH-1 Rural Homes district

Attachments: [CUP 2323 Staff Update](#)

[CUP 2323 site plan](#)

[CUP 2323 Town](#)

[Letters of opposition](#)

[CUP 2323 Map](#)

[CUP 2323 App](#)

[CUP #2323](#)

A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be approved with 10 conditions. The motion carried by the following vote: 5-0.

1. The enrollment at the daycare center shall be limited to 40 children.
2. Hours of operation shall be from 7:00am to 6:00pm Monday through Friday.
3. Arrival and departure times shall be staggered to minimize traffic.
4. The parking area on the south side of the building shall be devoted to employee parking. The driveway shall be widened to a minimum of 24 feet and the parking area installed per the presented plan prior to the operation of the daycare center.
5. The proposed parking area on the north side of the facility shall be installed at the time the facility exceeds 8 children. The parking area shall be designed to one parking space per 2.5 students. The parking area shall have a minimum of 28 feet wide drive aisle with 9'x18' stalls.
6. Parking shall be prohibited along Rustic Road or until such time as a sidewalk is installed along the east side of Rustic Drive.
7. The sanitary system shall be approved by the Department of Health for the operation of the daycare facility prior to opening.
8. Exterior lighting shall conform to the presented site plan.
9. A change of use permit shall be obtained from the Dane County Zoning Division to convert the duplex into a daycare facility.
10. All signs shall comply with Dane County Code of Ordinances.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

F. Plats and Certified Survey Maps

[2015 LD-030](#) Final Plat - First Addition to Quarry Vista
City of Fitchburg
Staff recommends a certification of non-objection.

Attachments: [aerial](#)
[27403 1st Addn to Quarry Vista_0001](#)
[27403 1st Addn to Quarry Vista_0002](#)
[27403 1st Addn to Quarry Vista_0003](#)

A motion was made by BOLLIG, seconded by MATANO, that the final plat be certified with no objections. The motion carried by a voice vote. 5-0.

[2015 LD-031](#) Final Plat - Iver Munson Replat
Village of DeForest
Staff recommends a certification of non-objection.

Attachments: [aerial](#)
[27407 Iver Munson Replat_0001](#)

A motion was made by MATANO, seconded by BOLLIG, that the final plat be certified with no objections. The motion carried by a voice vote. 5-0.

G. Resolutions

H. Ordinance Amendment

I. Reports to Committee

[2015 LD-032](#) Report of approved Certified Survey Maps

Attachments: [September1](#)

The Committee had no comments on the approved Certified Survey Maps.

J. Other Business Authorized by Law

1. [2015 RPT-409](#) Discuss letter from 350-Madison regarding the reconsideration of CUP #2291, Enbridge Pumping Station

Attachments: [350-Madison letter](#)
[Corp Counsel opinion on CUP 2291](#)

A motion was made by MATANO, seconded by KOLAR, suspend the rules of the Zoning and Land Regulation Committee to allow 2 representative from each side (support/opposition) to speak and express their views. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

Mary Beth Elliott and Peter Anderson stated that the Zoning and Land Regulation Committee should reconsider the approval of Conditional Use Permit #2291 based on the letters received by 350-Madison.

Jeff Vercauteren, representing Enbridge Energy, summarized why Conditional Use Permit #2291 should not be reconsidered.

The Committee took not action on the matter.

K. Adjourn

A motion was made by MATANO, seconded by BOLLIG, to adjourn the meeting at 8:38pm. The motion carried unanimously.

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