

Dane County



Minutes

Tuesday, March 26, 2019

6:30 PM

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

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?

A. Call to Order

Chair Bollig called the March 26, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Everson, Lane, and Violante.

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

Excused 1 - HEIDI WEGLEITNER

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

Pastor Holly Slater read a letter from the Saint Paul's Liberty Lutheran Church regarding concerns with the processing of Conditional Use Permit #2449.

2018
DISC-028 Letter from Saint Paul's Liberty Lutheran Church

A motion was made by PETERS, seconded by KNOLL, to direct staff to enter the letter from Saint Paul's Liberty Lutheran Church into the official record of CUP #2449 . The motion carried by a voice vote.

[2018](#)
[RPT-584](#) Registrants of the March 26, 2019 ZLR Committee meeting

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

[11389](#) PETITION: REZONE 11389
APPLICANT: GERALD G PLATT
LOCATION: 1616 SAND HILL ROAD, SECTION 32, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: separating two existing residences from the farmland and creating one agricultural lot

In favor: Gerald Platt

Opposed: None

A motion was made by KNOLL, seconded by PETERS, to postpone action until town action is received. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11390](#)

PETITION: REZONE 11390
APPLICANT: RUSSELL J POHLMAN
LOCATION: 131 COUNTY HIGHWAY BB, SECTION 12, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO LC-1 Limited Commercial District
REASON: creating residential lot and small business on the family farm

In favor: David Dinkel

Opposed: None

A motion was made by KNOLL, seconded by PETERS, to postpone action until town action is received. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02462](#)

PETITION: CUP 02462
APPLICANT: RUSSELL J POHLMAN
LOCATION: 131 COUNTY HIGHWAY BB, SECTION 12, TOWN OF DEERFIELD
CUP DESCRIPTION: single family residence for caretaker / owner of business

In favor: David Dinkel

Opposed: None

A motion was made by PETERS, seconded by KNOLL, to postpone action until town action is received. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11391](#)

PETITION: REZONE 11391
APPLICANT: LARRY G SKAAR
LOCATION: EAST OF 3380 NORTH STAR ROAD, SECTION 34, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-1 Farmland Preservation District TO RM-16 Rural Mixed Use District
REASON: creating one residential lot

The applicant withdrew the petition due to the Town recommending denial of the request.

No action taken.

[11392](#)

PETITION: REZONE 11392
APPLICANT: RICHARD L GRAMS
LOCATION: 271, 272, AND 279 COUNTY HIGHWAY BB, SECTION 12, TOWN OF DEERFIELD
CHANGE FROM: RH-1 Rural Homes District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO A-2 Agriculture District, RH-1 Rural Homes District TO A-2 Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: shifting property lines of existing lots and creating one agricultural lot

In favor: Bruce Gjermo
Opposed: None

A motion was made by KNOLL, seconded by PETERS, to postpone action until town action is received. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11393](#)

PETITION: REZONE 11393
APPLICANT: BROOKS L VROOMAN
LOCATION: 3428 BLUTO BOULEVARD, SECTION 36, TOWN OF VERMONT
CHANGE FROM: RH-3 Rural Homes District AND A-1EX Agriculture District TO A-2 Agriculture District, A-1EX Agriculture District AND RH-3 Rural Homes District TO RH-4 Rural Homes District
REASON: shifting of property lines between adjacent land owners

In favor: Brooks Vrooman
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 - WEGLEITNER

[11394](#)

PETITION: REZONE 11394
APPLICANT: MATTHEW J PLENDL
LOCATION: 5992 CUBA VALLEY ROAD, SECTION 29, TOWN OF VIENNA
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4 Rural Residential, 4 to 8 acres, District
REASON: shifting of property lines between adjacent land owners

In favor: Matthew Plendl
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 - WEGLEITNER

[11395](#)

PETITION: REZONE 11395
APPLICANT: FELIPE G SOLACHE
LOCATION: 1017 RIDGEWOOD WAY, SECTION 35, TOWN OF MADISON
CHANGE FROM: R-3 Residence District TO R-4 Residence District
REASON: converting single family residence to 3 apartments

In favor: Felipe and Holga Solache

Opposed: Jennifer Fleishman stated that the area is an established single-family neighborhood and multi-family should not be allowed.

A motion was made by PETERS, seconded by KNOLL, to postpone action due to public opposition. The motion carried by the following vote: 3-0.

The Committee will allow time for the applicant to discuss amending the petition to allow for a two-family unit with the Town.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11396](#)

PETITION: REZONE 11396
APPLICANT: DAVID D WOOD
LOCATION: 3200 LARSEN ROAD, SECTION 31, TOWN OF BLOOMING GROVE
CHANGE FROM: RR-2 Rural Residential District, TFR-08 Two Family Residential District, and RM-16 Rural Mixed Use District TO GC General Commercial District
REASON: allow commercial uses for wedding/reception facility

In favor: Julie and Dave Wood

Opposed: David Brandly, Kelen Koppes, Guy Gorsky, Mike Lemke, and Donna Fero. The neighboring landowners expressed concerns regarding traffic, noise generation, parking lot lighting, and that the proposal will disrupt the rural nature of the area. It was suggested that the land uses be limited exclusively to an event venue rather than all uses in the commercial district.

A motion was made by KNOLL, seconded by PETERS, to postpone action due to public opposition. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02453](#)

PETITION: CUP 02453
APPLICANT: DAVID D WOOD
LOCATION: 3200 LARSEN ROAD, SECTION 31, TOWN OF BLOOMING GROVE
CUP DESCRIPTION: OUTDOOR ENTERTAINMENT & RESIDENTIAL USES

In favor: Julie and Dave Wood

*Opposed: David Brandly, Kelen Koppes, Guy Gorsky, Mike Lemke, and Donna Fero.
The neighboring landowners expressed concerns regarding traffic, noise generation,
parking lot lighting, and that the proposal will disrupt the rural nature of the area. It was
suggested that the land uses be limited exclusively to an event venue rather than all uses
in the commercial district.*

A motion was made by KNOLL, seconded by PETERS, to postpone action due to public opposition. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11397](#)

PETITION: REZONE 11397
APPLICANT: KIPPLEY REV LIVING TR, RALPH W & ETHEL T
LOCATION: 9054 COUNTY HIGHWAY Y, SECTION 17, TOWN OF ROXBURY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland

In favor: Ralph Kippley

Opposed: None

A motion was made by PETERS, seconded by KNOLL, to suspend the committee rules to accept the town action report after the deadline. The motion carried by a voice vote.

A motion was made by KNOLL, seconded by PETERS, to postpone action to allow time for staff to review the housing density for the farm. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11398](#)

PETITION: REZONE 11398
APPLICANT: POSSIN LIVING TR, ORIS & ELAINE A
LOCATION: 1345 TOWER ROAD, SECTION 2, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: shifting of property lines between adjacent land owners

In favor: Dale Beske

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 - WEGLEITNER

[11399](#)

PETITION: REZONE 11399
APPLICANT: CHADWICK IRREV TR, BETTY J
LOCATION: SOUTH OF 1466 SCHADEL ROAD, SECTION 6, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: None
Opposed: None

A motion was made by PETERS, seconded by KNOLL, to postpone until Town action is received. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11400](#)

PETITION: REZONE 11400
APPLICANT: BRETT MYERS
LOCATION: WEST OF 8790 COUNTY HIGHWAY G, SECTION 9, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District
REASON: creating one residential lot

In favor: Brett Myers
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 0507-092-8811-0, 0507-092-9002-0, and 0507-093-8620-0 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.**
- 2. The home and any other new construction will be limited to the area identified as "proposed building site" in the site plan submitted with the application for this petition.**
- 3. A deed restriction shall be recorded on the property limiting livestock to one animal unit per acre.**

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11401](#)

PETITION: REZONE 11401
APPLICANT: RUSSELL DAHL
LOCATION: 1406 BURVE ROAD, SECTION 6, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: Tim Dahl
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 - WEGLEITNER

[11402](#)

PETITION: REZONE 11402
APPLICANT: CATHY S LEVERENZ
LOCATION: 5610 ALPINE ROAD, SECTION 33, TOWN OF OREGON
CHANGE FROM: RR-8 Rural Residential District TO RM-8 Rural Mixed-Use District
REASON: needs RM-8 zoning to be in compliance with agricultural uses-ag entertainment with revised ordinance.

In favor: Branden Leverenz
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 - WEGLEITNER

[CUP 02455](#)

PETITION: CUP 02455

APPLICANT: CATHY S LEVERENZ

LOCATION: 5610 ALPINE ROAD, SECTION 33, TOWN OF OREGON

CUP DESCRIPTION: AGRICULTURE ENTERTAINMENT ACTIVITIES WITH REVISED ORDINANCE-OCCURRING 10 DAYS OR MORE PER CALENDAR YEAR, IN AGGREGATE.

In favor: Brandon Leverenz

Opposed: None

A motion was made by PETERS, seconded by KNOLL, that this Conditional Use Permit be approved with 17 conditions. The motion carried by the following vote: 3-0.

- 1. This conditional use permit for agricultural entertainment shall terminate upon the sale of the property.**
- 2. Hours of operation are from 10:00 a.m. to 6:00 p.m. The entertainment activities shall be limited from June through November.**
- 3. There shall be no more than 5 employees for the operation.**
- 4. There will be no outdoor lighting or loudspeakers.**
- 5. Fireworks are prohibited on the property.**
- 6. Off-street parking must be provided, consistent with standards in the Chapter 10, for a minimum of 50 vehicles.**
- 7. Customer parking along Alpine Road is prohibited.**
- 8. Landowner will maintain a trash removal plan with the zoning administrator.**
- 9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 10. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.**
- 11. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.**
- 12. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.**
- 13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 14. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.**
- 15. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.**
- 16. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the**

public during business hours.

17. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11403](#)

PETITION: REZONE 11403

APPLICANT: WISCONSIN TELEPHONE COMPANY

LOCATION: 2449 RINDEN ROAD, SECTION 9, TOWN OF PLEASANT SPRINGS

CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District, A-1EX Agriculture District TO A-4 Agriculture District

REASON: compliance for existing structures and land uses

In favor: Patrick Cowell

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 the A-4 lot prohibiting development of the property.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02452](#)

PETITION: CUP 02452

APPLICANT: WISCONSIN POWER AND LIGHT COMPANY

LOCATION: SOUTH OF 2519 COUNTY HIGHWAY W, SECTION 18, TOWN OF CHRISTIANA

CUP DESCRIPTION: WP&L electric transmission substation

In favor: Jerome Lund

Opposed: None

A motion was made by PETERS, seconded by KNOLL, to postpone until Town action is received. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02454](#)

PETITION: CUP 02454
APPLICANT: JAMES R LE VOY
LOCATION: 10379 COUNTY HIGHWAY Y, SECTION 28, TOWN OF MAZOMANIE
CUP DESCRIPTION: caretaker/single family residence in the C-2 Commercial district

In favor: James Le Voy
Opposed: None

A motion was made by KNOLL, seconded by PETERS, to suspend committee rules to allow a Town action report to be received after the deadline. The motion carried by a voice vote.

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

- 1. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.**
- 2. This Conditional Use Permit for a residence for the business owner shall expire if/when a commercial use ceases to be operated on the property. Upon expiration of the Permit, the property shall be rezoned to an appropriate zoning category to bring the single family residence into zoning compliance.**
- 3. Rental of the residence is prohibited.**

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02456](#)

PETITION: CUP 02456
APPLICANT: DENNIS V NOLDEN
LOCATION: IMMEDIATELY EAST OF 484 FRITZ ROAD, SECTION 30, TOWN OF MONTROSE
CUP DESCRIPTION: 250' communication tower (lighted)

In favor: Jay Wendt
Opposed: Kevin Pollard from SBA Communications stated that there is an existing cell tower approximately 1 mile southwest that has space for co-location. Sharon and David Robinson stated that the cell tower would detract from the rural character of the area.

A motion was made by KNOLL, seconded by PETERS, to postpone at the request of the applicant and due to public opposition. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[2018 OA-033](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of MIDDLETON Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

In favor: None

Opposed: None

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

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

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

E. Plats and Certified Survey Maps

[2018 LD-046](#) Final Plat - Kettle Park West - North Addition
City of Stoughton
Staff recommends a certification of non-objection.

A motion was made by PETERS, seconded by KNOLL, that the final plat be certified with no objections. The motion carried by a voice vote, 3-0.

[2018 LD-047](#) Final Plat - Smith's Crossing McCoy Addition
City of Sun Prairie
Staff recommends a certification of non-objection.

A motion was made by KNOLL, seconded by PETERS, that the final plat be certified with no objections. The motion carried by a voice vote, 3-0.

F. Resolutions

G. Ordinance Amendment

[2018 OA-033](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of MIDDLETON Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

See motion above.

H. Items Requiring Committee Action

[2018](#)
[ACT-377](#)

Site Plan approval for the relocation of a farm residence
Moerke property located at 4509 State Highway 73,
Section 4, Town of Deerfield

In favor: Jeff Moerke

Opposed: None

A motion was made by KNOLL, seconded by PETERS, to approve the replacement of a farm residence for Jeff Moerke at 4509 State Highway 73, Section 4, Town of Deerfield. A deed restriction shall be recorded on the property prohibiting the existing residence from being used for human habitation or used as a residence. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

I. Reports to Committee

J. Other Business Authorized by Law

K. Adjourn

A motion was made by KNOLL, seconded by PETERS, to adjourn the March 26, 2019 Zoning and Land Regulation Committee meeting at 8:55pm. The motion carried unanimously.

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