

# Dane County



## Minutes

Tuesday, November 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 meeting of the November 26, 2019 Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Allan, Everson, and Violante

Youth Governance: Julia Amann - Excused

**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](#)  
[RPT-424](#)

Nov 26th ZLR meeting registrants

## C. Consideration of Minutes

[2019](#)  
[MIN-319](#)

Minutes of the October 22, 2019 Zoning and Land Regulation Committee meeting

A motion was made by KNOLL, seconded by WEGLEITNER, that the minutes of the October 22, 2019 Zoning and Land Regulation Committee meeting be approved. The motion carried by a voice vote.

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

[11488](#)

PETITION: REZONE 11488  
APPLICANT: JOSEF FESSEL  
LOCATION: 9290 BRAUN ROAD, SECTION 7, TOWN OF CROSS PLAINS  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District, RR-2 Rural Residential District TO FP-35 General Farmland Preservation District  
REASON: relocation of existing residential zoning boundary

*In favor: Josef Fessel*

*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.

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11489](#)

PETITION: REZONE 11489  
APPLICANT: HUBBARD TR, NORTON B & MARIE E  
LOCATION: 4601 EVERGREEN ROAD, SECTION 4, TOWN OF MIDDLETON  
CHANGE FROM: AT-5 (Agriculture Transition, 5 acres) District TO SFR-08 (Single Family Residential, small lots) District  
REASON: creating four residential lots

*In favor: Noa Prieve*

*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

[11490](#)

PETITION: REZONE 11490  
APPLICANT: ALLAYNE C TURK  
LOCATION: SOUTHWEST OF BLACKBERRY ROAD, SECTION 25, TOWN OF BLACK EARTH  
CHANGE FROM: A-1EX Agriculture District TO RR-8 (Rural Residential, 8 to 16 acres) District  
REASON: creating three residential lots

*In favor: Kendall Kahl*

*Opposed: Craig Johnson retracted his opposition.*

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

- 1. A deed restriction shall be recorded on parcels 0806-254-9000-8, 0806-254-8501-4, and 0806-253-9702-0 to prohibit residential development on the FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.**
- 2. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8).**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11491](#)

PETITION: REZONE 11491  
APPLICANT: STEVEN J JOHNSON  
LOCATION: NORTH AND EAST OF 7442 LATHAM ROAD, SECTION 7, TOWN OF DANE  
CHANGE FROM: RR-4 (Rural Residential, 4 to 8 acres) District TO NR-C (Natural Resource - Conservation) District, RR-4 (Rural Residential, 4 to 8 acres) District TO RM-8 (Rural Mixed-Use, 8 to 16 acres) District, FP-1 (Small Lot Farmland Preservation) District TO RM-8 (Rural Mixed-Use, 8 to 16 acres) District  
REASON: creating one residential lot

*In favor: Steve Johnson*

*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.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11492](#)

PETITION: REZONE 11492  
APPLICANT: AARON L JACOB  
LOCATION: 2301 WILLIAM DRIVE, SECTION 20, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: B-1 Local Business District TO RH-4 Rural Homes District, RE-1  
Recreational District TO RH-4 Rural Homes District  
REASON: zoning compliance for existing residence

*In favor: Dana Doskocil and Joe Kellerman*

*Opposed: None*

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

- 1. The zoning petition shall be amended to rezone the 11.69 acre RE-1 zoned portion of the applicant's property lying south of Williams Drive to the CO-1 zoning district.**
- 2. A deed notice document shall be recorded on each of the 2 lots in the Certified Survey Map that states: "All residential development units / splits have been exhausted on the property."**
- 3. The existing residence shall be removed from the property in accordance with applicable township regulations and within 90 days of county issuance of a certificate of compliance for the new residence.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11493](#)

PETITION: REZONE 11493  
APPLICANT: DOERFER BROTHERS INC  
LOCATION: 6458 WHALEN ROAD, SECTION 24, TOWN OF VERONA  
CHANGE FROM: AT-35 (Agriculture Transition) District TO RR-2 (Rural Residential, 2 to 4 acres) District, RR-1 (Rural Residential, 1 to 2 acres) District TO RR-2 (Rural Residential, 2 to 4 acres) District  
REASON: enlarge existing residential lot

*In favor: John Krebs*

*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.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11494](#)

PETITION: REZONE 11494  
APPLICANT: ROBERT J PURNELL III  
LOCATION: 168 HILLSIDE ROAD, SECTION 36, TOWN OF ALBION  
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RM-16 (Rural Mixed-Use, 16 acres and up) District, FP-35 (General Farmland Preservation) District TO RM-8 (Rural Mixed-Use, 8 to 16 acres) District  
REASON: creating lot for an existing residence and creating a new residential lot

*In favor: Ron Combs*

*Opposed: None*

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

**1. Future development on the RM-16 parcel shall occur outside of environmentally sensitive areas. The Certified Survey Map shall depict the general location of the floodplain boundary.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11496](#)

PETITION: REZONE 11496  
APPLICANT: TIMOTHY F H ALLEN  
LOCATION: 4321 STATE HWY 138, SECTION 8, TOWN OF RUTLAND  
CHANGE FROM: RR-8 (Rural Residential, 8 to 16 acres) District TO RM-8 (Rural Mixed-Use, 8 to 16 acres) District  
REASON: change district to allow for large animal boarding

*In favor: None*

*Opposed: None*

**A motion was made by WEGLEITNER, 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

[CUP 02483](#)

PETITION: CUP 02483  
APPLICANT: TIMOTHY F H ALLEN  
LOCATION: 4321 STATE HWY 138, SECTION 8, TOWN OF RUTLAND  
CUP DESCRIPTION: plumbing inside boarding stable

*In favor: None*  
*Opposed: None*

**A motion was made by KNOLL, seconded by WEGLEITNER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.**

- 1. Approval of Conditional Use Permit #2483 is contingent on approval of rezoning petition #11496.**
- 2. The Conditional Use Permit shall be for large animal boarding to occur in the existing barn as identified on the site plan submitted with the petition.**
- 3. Installation of a bathroom facility in the existing barn is permitted.**
- 4. Hours of operation of the horse boarding operation shall be limited to 8 am to 8 pm, daily.**
- 5. No more than one employee is permitted.**
- 6. No more than 5 customers is permitted.**
- 7. Pursuant to the requirements of section 10.103(6) regarding large animal boarding, the committee and town board impose the following limit on the total number of animals that may be present at any one time, as appropriate to the site and neighboring land uses: no more than 10 horses allowed.**
- 8. Adequate storage and lighting shall be provided. Any outdoor lighting shall be down-shrouded to prevent light pollution onto adjoining properties.**
- 9. No special events, signage, or outdoor loudspeakers permitted.**
- 10. Compliance required with all applicable standard conditions of approval found in section 10.101(7)(d)2 and 10.103(6).**
- 11. Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.**
- 12. Each animal shall be provided with adequate exercise space.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11497](#)

PETITION: REZONE 11497  
APPLICANT: JOHNSON FAMILY TR, KENNETH J & ELEANOR D  
LOCATION: 6665 LEE ROAD, SECTION 11, TOWN OF DANE  
CHANGE FROM: FP-35 (General Farmland Preservation) District TO RR-1 (Rural Residential, 1 to less than 2 acres) District  
REASON: separating existing residence from farmland

*In favor: Eric Johnson and Kristine Patterson*  
*Opposed: None*

**A motion was made by WEGLEITNER, seconded by KNOLL, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

CUP 02481

PETITION: CUP 02481  
APPLICANT: RANDY RAY KNICKMEIER  
LOCATION: APPROXIMATELY 400' NORTH OF 869 COUNTY HIGHWAY A, SECTION 4, TOWN OF ALBION  
CUP DESCRIPTION: 260' self support communication tower

*In favor: Tillman / AT&T / Verizon Wireless Representatives: Attorney Rodney Carter, Attorney Paul Jonas, Andrew Flowers, Jim Jermain, John Wallace*

*In opposition: Town of Albion Representatives: Abigail Staff (Supervisor), Lawrence Beck (Plan Commissioner / Supervisor), Pat Tesar (Supervisor), Kim Olson (Plan Commission Chair)*

*Kevin Pollard (Attorney representing SBA Communications)*

*Applicant's agent, Attorney Rodney Carter, provided a packet containing several documents for the committee's consideration. Mr. Carter indicated that Tillman Infrastructure was willing to amend its communication tower request to a tower under 200' in height to address concerns with night time lighting and would accept the same conditions of approval as those currently applying to the existing SBA Communications tower. Mr. Carter indicated that the applicant was not supportive of the county enforcing the condition SBA's conditional use permit which requires that collocation spots be made available on the tower at prevailing market rates and upon contractual provisions which are standard in the industry. Mr. Carter commented that 3 of the 4 carriers currently on the SBA tower have indicated an interest in relocating the proposed Tillman tower. Mr. Carter commented further that building the Tillman tower would result in cost savings for AT&T and Verizon over a 20+ year period of approximately \$4 million, and \$1.18 million, respectively. Attorney Paul Jonas noted that the packet of information provided to committee included an email from county staff dated August 27, 2019 regarding acceptance of the application materials.*

*Several town of Albion representatives registered and spoke in opposition to the proposed conditional use. Town Supervisor, Abigail Staff stated that it did not make sense to her to place a new tower in such close proximity to an existing tower and explained that it was her opinion that the issue was really a disagreement between two private businesses over the terms of a lease agreement, and not a matter that should be decided by the town of Albion.*

*Town Supervisor Lawrence Beck also spoke in opposition and also indicated that it was his opinion that the proposal was not warranted and appeared to be a private matter for AT&T and SBA to resolve on their own.*

*Town Supervisor Pat Tesar stated that he believed the proposal did not meet the ordinance standards.*

*Town Plan Commission Chair Kim Olson noted that Tillman and AT&T have a joint agreement to build new towers nationwide which is designed to benefit AT&T and that any comparison of costs was unfair.*

*Attorney Kevin Pollard representing SBA Communications indicated that the company had offered and was still willing to renegotiate the terms of AT&T's lease, but that AT&T did not respond. He also commented that the county could deny the requested permit as*

*recommended in the staff report, and cited a recent court of appeals decision (Eco-Site LLC v. Town of Cedarburg) that upheld the community's denial of a conditional use permit for a new tower.*

*Staff stated that the town of Albion had forwarded the CUP to the county with no action. Staff provided a summary of the information and findings presented in the full staff and engineer's report and indicated that staff is recommending denial based on those findings. Staff also commented that the applicant's willingness to revise the requested tower height to under 200' validates the findings of the engineering consultant that applicant had failed to substantiate the need for a tower height of 260'.*

*Staff mentioned that the applicant's first approached staff in February of 2019 regarding the possibility of building a new tower within 400' of the existing SBA tower based on a claim of economic burden. Staff informed the applicant's agents at the time that the county ordinance and state law emphasize collocation as a preferred siting option, and that application for a new tower would be problematic without first exhausting the enforcement mechanism available over SBA's existing permit to address any allegation of economically burdensome lease terms or rates.*

*Staff noted that, as detailed in the staff report, the applicant's claim of economic burden was not supported by substantial evidence, nor did the applicant provide substantial evidence to demonstrate that the proposed conditional use meets all applicable requirements of the county ordinance. Staff also stated that the applicant had failed to evaluate the feasibility of continued collocation on the SBA tower, including refusing to follow up on SBA's stated offer to renegotiate the lease at a lower rate.*

*Staff addressed the issue of the application date as raised by the applicant. As indicated on the signed CUP application form, the date of application is September 4, 2019, which gives the county until December 3rd to take action. Staff further commented that the state law's 90 day "shot clock" is clearly designed to ensure that municipalities do not unnecessarily delay consideration of applications, and that at no time during staff's many interactions with the applicant's agents since February 2019 had any concern been expressed regarding the county's conditional use permit process or timeline.*

*Committee members asked several questions of the applicant's agents, town officials, and staff. Supervisor Wegleitner stated that it was her opinion after reviewing the application materials and listening to testimony that the applicant's claim of economic burden was not supported by substantial evidence. Supervisor Audet asked the applicant's agents what they planned to do regarding their claim that the county had already surpassed the deadline for action on the application, to which the agents indicated they would weigh their options.*

**Motion by Wegleitner, second by Knoll, to deny the conditional use permit based on the following findings of fact. Motion carried, 4-0.**

- 1. As detailed in the attached engineering report, the applicant has failed to substantiate justification for the proposed new tower based on the requirements of the county ordinance and state statutes.**
- 2. As detailed in the attached engineering report, the applicant has failed to substantiate the need for a tower exceeding 195' in height.**
- 3. The applicant has not provided substantial evidence demonstrating that the proposed conditional use satisfies all requirements and conditions required by**



county ordinance.

4. The applicant is currently collocated on an existing tower approved under Conditional Use Permit #1683 and has refused to evaluate the feasibility of continued collocation on the existing communication tower located within the applicant's search ring.

5. The applicant failed to provide substantial evidence demonstrating that the proposal satisfies standards b, c, f, and g for approval of a Conditional Use Permit found in section 10.101(7)(d)1 and further detailed in the staff report:

b. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

f. That the conditional use shall conform to all applicable regulations of the district in which it is located.

g. That the conditional use is consistent with the adopted town and county comprehensive plans.

6. The applicant failed to provide substantial evidence demonstrating that the proposal meets standard 2 under section 10.220(1)(a) for conditional uses in the FP-1 Farmland Preservation zoning district:

2. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02482](#)

PETITION: CUP 02482  
APPLICANT: JASON R BREE  
LOCATION: 2764 PHEASANT RUN, SECTION 5, TOWN OF COTTAGE GROVE  
CUP DESCRIPTION: residential accessory building between 12'-16' in height

*In favor: Jason Bree*

*Opposed: Brian and Loan Rathgeber stated that the accessory building would be too high for the backyard.*

**A motion was made by KNOLL, seconded by WEGLEITNER, that the Conditional Use Permit be postponed due to public opposition. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

A motion was made by AUDET, seconded by KNOLL, to direct staff to enter the opponent's submitted pictures into the official record. The motion carried by a voice vote.

[CUP 02484](#)

PETITION: CUP 02484  
APPLICANT: AREA 52 LLC  
LOCATION: 1850 SPRINGDALE STREET, SECTION 7, TOWN OF SPRINGDALE  
CUP DESCRIPTION: vehicle repair or maintenance service

*In favor: Vicki Anderson representing the Town of Springdale*  
*Opposed: None*

A motion was made by KNOLL, seconded by AUDET, that the Conditional Use Permit be approved with conditions. The motion failed by the following vote: 4-0.

1. The conditional use permit is for the operation of a vehicle repair or maintenance service.
2. The vehicle repair use shall conform to the existing footprint and operation as it exists as of the date of this conditional use permit.

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02486](#)

PETITION: CUP 02486  
APPLICANT: SUTTER FAMILY FARM LLC  
LOCATION: 2039 SUTTER DRIVE, SECTION 29, TOWN OF SPRINGDALE  
CUP DESCRIPTION: agriculture entertainment activities or special events occurring 10 days or more per calendar year, in aggregate

*In favor: Vicki Anderson representing the Town of Springdale*  
*Opposed: None*

A motion was made by KNOLL, seconded by AUDET, that the Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 4-0.

1. Retail sales are limited to agricultural products, produce grown on the farm, fresh and preserved fruits and vegetables, baked goods produced on-site, non-alcoholic beverages, assorted meats, and artwork.
2. Hour of operation for retail sales are limited to daylight hours during the growing season.
3. Fall festival activities shall be limited to the last weekend in September and weekends in October. Hours of operation for all festival activities shall be limited to 9 a.m. to 5 p.m.
4. Outdoor lighting associated with agricultural entertainment activities is prohibited.
5. Signage shall be on-site, unlit, and limited in size to 2 feet by 3 feet, or less.
6. No parking or storage of vehicles within the street right-of-way.

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02487](#)

PETITION: CUP 02487  
APPLICANT: ANDREA J & JAMES A MUELLER  
LOCATION: 8772 COUNTY HIGHWAY PD, SECTION 16, TOWN OF SPRINGDALE  
CUP DESCRIPTION: vehicle repair or maintenance service, outdoor sales

*In favor: Andrea Mueller, Vicki Anderson representing the Town of Springdale*  
*Opposed: None*

**A motion was made by KNOLL, seconded by AUDET, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.**

**1. The conditional use permit is for vehicle repair and maintenance services including outdoor sales, display, and repair.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02488](#)

PETITION: CUP 02488  
APPLICANT: SEESHELL PROPERTY LLC  
LOCATION: 7984 COUNTY HIGHWAY PD, SECTION 12, TOWN OF SPRINGDALE  
CUP DESCRIPTION: vehicle repair or maintenance services

*In favor: Vicki Anderson representing the Town of Springdale*  
*Opposed: None*

**A motion was made by AUDET, seconded by KNOLL, that the Conditional Use Permit be approved with 14 conditions. The motion carried by the following vote: 4-0.**

- 1. The business shall be limited to an automotive repair shop with up to 20 vehicles on site (including personal vehicles and loaner vehicles for customers).**
- 2. The sale of vehicles shall be prohibited.**
- 3. The proposed building, parking, landscaping, etc. shall conform to the submitted "Turn Two Auto Repair Site Plan" dated 11/02/2015.**
- 4. Retail sales shall be prohibited except for incidental sales to automotive repair customers.**
- 5. The hours of operation shall be 8 a.m. to 5:30 p.m., Monday - Saturday.**
- 6. The number of employees shall be limited to six employees, not including the owner.**
- 7. Outside storage of materials and vehicles is prohibited except for vehicles listed in #1 above.**
- 8. Sustained outdoor activities are prohibited.**
- 9. All new lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance.**
- 10. Outdoor speakers are prohibited.**
- 11. Signage shall be limited to an area approximately 2 x 14 along the face of the rock wall where individual letters will be mounted.**
- 12. Two dumpsters for the proper disposal of recyclables and trash shall be placed between the existing building and the proposed parking area.**
- 13. The existing residence on the property shall remain for single-family dwelling use for a watchman or caretaker.**
- 14. The conditional use permit shall remain in effect until such time as the auto repair business is abandoned or terminated for a period over 3 years.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

CUP 02490

PETITION: CUP 02490  
APPLICANT: ROGER F DISCH  
LOCATION: 2415 SPRING ROSE ROAD, SECTION 24, TOWN OF SPRINGDALE  
CUP DESCRIPTION: vehicle repair or maintenance services, caretaker residence

*In favor: Vicki Anderson representing the Town of Springdale*

*Opposed: None*

**A motion was made by KNOLL, seconded by WEGLEITNER, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.**

**1. The conditional use is for the operation of a vehicle repair or maintenance service and a caretaker's residence.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

2019 OA-020

AMENDING CHAPTER 10 THE DANE COUNTY CODE OF ORDINANCES,  
REVISING VARIOUS PROVISIONS OF THE DANE COUNTY ZONING CODE

*In favor: Renee Lauber representing Dane County Towns Association, Cathy Hasslinger representing the Town of Dunn, and David Ffeiffer representing the Town of Pleasant Springs.*

*Opposed: None*

**A motion was made by WEGLEITNER, seconded by KNOLL, that the Ordinance be postponed until the January 14, 2020 meeting. 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**

11450

PETITION: REZONE 11450  
APPLICANT: GALINA I POWERS  
LOCATION: 1665 HILLSIDE DRIVE, SECTION 35, TOWN OF CHRISTIANA  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

**A motion was made by WEGLEITNER, 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

[11476](#)

PETITION: REZONE 11476  
APPLICANT: MANNING JT REV TR, MARK & FREDRICKA  
LOCATION: 1515 HOMMEN ROAD, SECTION 19, TOWN OF DEERFIELD  
CHANGE FROM: FP-1 Small Lot Farmland Preservation District TO FP-35 General Farmland Preservation District AND RR-2 Rural Residential District, RM-16 Rural Mixed-Use District TO FP-35 General Farmland Preservation District  
REASON: shifting of property lines between adjacent land owners

**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 the FP-35 parcel (Lot 1) that states: "Residential development is prohibited on the property. The housing density rights have been exhausted on the original farm per Town Comprehensive Plan policies."**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 02474](#)

PETITION: CUP 02474  
APPLICANT: DANIEL S SCHMITT  
LOCATION: 7699 STATE HIGHWAY 113, SECTION 10, TOWN OF DANE  
CUP DESCRIPTION: limited family business-Farm equipment repair business

**A motion was made by AUDET, seconded by KNOLL, that the Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.**

**1. The landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances Section 10.101(7)2.a., Standard Conditions, which apply to every conditional use permit (CUP).**

**2. The conditional use permit shall be for a Limited Family Business for trucking and hauling business.**

**3. The truck maintenance shall limited to the businesses associated with the family farm. Truck maintenance shall not be perform on business vehicles not associated with the family farm.**

**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

**A motion was made by KNOLL, seconded by AUDET, that the Conditional Use Permit be approved with 8 conditions. The motion carried by the following vote:4-0.**

- 1. The applicant/landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances Section 10.101(7)2.a., Standard Conditions, which apply to every conditional use permit (CUP).**
- 2. The conditional use permit shall be for a daycare and private school operation.**
- 3. The school shall employ no more employees than 43 employees at this time.**
- 4. There shall be a maximum of 275 students enrolled in the existing facility.**
- 5. Sanitary facilities shall be maintained for expected capacity, when daily census reaches 190 students and 22 staff Kid's express will need to modify septic capacity or connect to the sewerage system.**
- 6. The school's hours of operations shall be limited to 7:30 am to 5:30 pm. As stated by the applicant;**
- 7. The school shall use staggered start times for students to mitigate traffic congestion during peak times;**
- 8. A traffic attendant shall be present in the parking lot to assist parents and children during busy drop-off and pick-up times.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

## **F. Plats and Certified Survey Maps**

[2019 LD-034](#) Shared Access Easement - Turk (Rezone 11490)  
Town of Black Earth

**A motion was made by WEGLEITNER, seconded by KNOLL, that the public road frontage requirements for the proposed land division be waived and allow for a shared access easement that meets the requirements set forth within Ch. 75 of the DCCO. The motion carried by a voice vote, 4-0.**

[2019 LD-033](#) Preliminary Plat - Twin Rock (Waiver Request)  
Town of Verona  
Waiver request from Ch. 75..11 (Dedication of lands for public recreation within residential plats)

**A motion was made by WEGLEITNER, seconded by AUDET, to postpone the waiver request from the requirements of Ch. 75.11 (Parkland Dedication) for the proposed subdivision plat. The motion carried by a voice vote, 4-0.**

[2019 LD-028](#) Final Plat - Bittersweet  
Town of Deerfield  
Staff recommends conditional approval.

A motion was made by AUDET, seconded by KNOLL, to conditionally approve the final plat subject to the following conditions. The motion carried by the following vote: 4-0.

1. Rezone Petition #11427 is to become effective and all conditions established are to be timely satisfied.
  - A subdivision plat shall be recorded with the Register of Deeds within 1 year of rezoning approval.
  - The development restriction / “environmental setback line” currently shown on lots 3 and 4 of CSM #14796 shall be depicted on the subdivision plat to acknowledge the wetland complex on the east side of the properties.
  - Amend the requested zoning district classification to RR-8 and assign FP-1 zoning to proposed lot 5.
  - Amend the zoning district boundaries as shown in the concept map submitted by the applicant’s surveyor and dated 7/8/19, including the addition of 5.2 acres to proposed lot 2.
2. Each lot shall provide a minimum frontage of 66-feet abutting a public street.  
S. 75.19(6)(b)
  - New shared driveway easement agreements meeting the requirements of DCCO S. 75.19(8)(f), shall be recorded that identifies the new lots within the subdivision plat. (Previous recorded documents describe the lots within a Certified Survey Map)
  - The access easement(s) shall be shown on the plat.
3. Error within the legal description, line 4. Distance to the “SE corner thereof” is incorrect.
4. All owners of record are to be included in the owner’s certificate. Spouse’s signatures and middle initials are required and a certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant.  
County records indicate the following owners:
  - KYLE L NELSON & COURTNEY M NELSON
  - JEFFERY S MOERKE & ELIZABETH TEBON-MOERKE
  - SCOTT A TETZLAFF & LORI B TETZLAFF
  - NATHAN HARROLD & AMBER HARROLD
5. The required approval certificates are to be satisfied.
  - Town of Deerfield
  - Dane County Treasurer
  - Dane County Zoning and Land Regulation committee

[2019 LD-029](#) Final Plat - Pioneer Pointe  
Town of Middleton  
Staff recommends conditional approval.

A motion was made by AUDET, seconded by WEGLEITNER, to conditionally approve the final plat subject to the following conditions. The motion carried by the following vote: 4-0.

1. Rezone Petition #11379 is to become effective and all conditions are to be timely satisfied.
  - Recording of an approved plat.
  - The Wisconsin Department of Natural Resources approves the requested Urban Service Area Amendment for the property.
  - The town/city agreement for the extension of sanitary sewer service is approved.
  - A developer's agreement between the developer and town shall be approved and executed prior to recording of the final 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. 92 lots = 161,000 s.f.
  - No lands within the plat are being dedicated to the public for park purposes.
  - Where the town agrees to accept money for park or recreation purposes in lieu of land, the specific amount of money shall be set as a general standard by the respective town board, but in no case should the minimum amount be less than the last official equalized value of the required public land area (1,750 square feet of land for each proposed residential dwelling unit within the plat).
  - NOTE ON PLAT: All outlots are to be privately held and maintained with the lands being used for a golf course with easements given to the public for stormwater management across portions of them.
3. All public land dedications are to be clearly designated "dedicated to the public."
4. Comments from the Dane County Highway department are to be satisfied:
  - 150 ft. vision corners required at Welcome Drive intersection with CTH S.
  - No access along frontage of CTH S.
5. Utility easements are to be provided.
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 Middleton.
7. Comments from the Dane County Surveyor are to be satisfied:
  - Raleigh and Colonial cannot change on a curve. They will need to change at the intersection with Pioneer Pointe Pass.
  - Pioneer Pointe Pass is not recommended as Pointe and Pass are both recognized street types; however it is allowable.
  - Colonial may only be used as a street name once. Way and Court are street types and do not create separate names. The name is Colonial and may not be duplicated. Colonial Way can continue into the cul-de-sac if desired, or give Colonial Court a new name.
  - (All changes have been made and updated on the final plat)
8. All street names shall be consistent with Chapter 76 of the Dane County Ordinances.
  - County Surveyor approval has been satisfied.



9. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.

10. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance

- Storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and which will present no hazard to life or property shall be installed in accordance with plans and specifications approved by the committee.

11. All owners of record are to be included in the owner's certificate. A certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant.

County records indicate the following owners:

- JEKY LLC
- WATTS FAMILY TR

12. The required approval certificates are to be included and satisfied.

- Town of Middleton
- City of Madison (extra-territorial jurisdiction)
- Dane County Treasurer
- Dane County Zoning and Land Regulation committee

[2019 LD-030](#) Land division waiver - Richard Grams 4-lot Certified Survey Map  
Town of Deerfield

A motion was made by AUDET, seconded by KNOLL, that the public road frontage requirements for the proposed land division be waived. The motion carried by a voice vote, 4-0.

Finding of fact: No new development is occurring as this is a lot line adjustment and an existing shared access easement is in place serving the residential lots.

[2019 LD-031](#) Certified Survey map - Nizamuddin 4-lot  
Town of Springdale  
Staff recommends denial.

A motion was made by WEGLEITNER, seconded by AUDET, that the land division application be denied due to inconsistencies with the land use plan for the town of Springdale. The motion carried by a voice vote, 4-0.

[2019 LD-032](#) Final Plat - Whispering Coves  
City of Verona  
Staff recommends a certification of non-objection.

A motion was made by KNOLL, seconded by AUDET, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.

## G. Resolutions

## H. Ordinance Amendment

[2019 OA-020](#) AMENDING CHAPTER 10 THE DANE COUNTY CODE OF ORDINANCES,  
REVISING VARIOUS PROVISIONS OF THE DANE COUNTY ZONING CODE

See above.

**I. Items Requiring Committee Action**

**J. Reports to Committee**

**K. Other Business Authorized by Law**

**L. Adjourn**

A motion was made by KNOLL, seconded by AUDET, to adjourn the November 26, 2019 Zoning and Land Regulation Committee meeting at 8:45pm. The motion carried unanimously.

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