

Dane County



Minutes

Tuesday, May 24, 2016

7:00 PM

City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 7:00pm in Room 201 of the City-County Building.

Staff present: Allan, Everson, Lane, and Violante

Present 4 - JERRY BOLLIG, MARY KOLAR, AL MATANO, and PATRICK MILES

Excused 1 - DENNIS O'LOUGHLIN

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

No comments were made by the public.

[2016](#)
[RPT-116](#)

Registrants at the May 24, 2016 ZLR Committee meeting

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

[10976](#)

PETITION: REZONE 10976
APPLICANT: BOETZEL REV TR, DALE V & JUDITH A
LOCATION: 4656 OAK PARK ROAD, SECTION 5, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot for existing house

In favor: Dale Boetzel

Opposition: None

A motion was made by BOLLIG, seconded by MATANO, to postpone action until the Town Action Report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[10977](#)

PETITION: REZONE 10977
APPLICANT: LISA A ARINGTON-GLESINGER
LOCATION: 3008 MCCLAIN ROAD, SECTION 5, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: increase size of existing lot

In favor: Michael Rumpf representing Glesinger.

Opposition: None

A motion was made by MATANO, seconded by MILES, to postpone action until the Town Action Report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[10978](#)

PETITION: REZONE 10978
APPLICANT: PAUL R KIENITZ
LOCATION: 7423 MONTROSE ROAD, SECTION 29, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: shifting of property lines between adjacent land owners

In favor: Paul Kienitz
Opposition: 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: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[10979](#)

PETITION: REZONE 10979
APPLICANT: MICHAEL JOHN KNIPFER
LOCATION: 1770 N JARGO ROAD, SECTION 13, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

In favor: Mike Knipfer
Opposition: None

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

1. A deed restriction shall be recorded on parcels 0711-133-9500-0, 0711-133-9780-2, 0711-134-8690-2, and 0711-134-9000-4 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. A joint driveway agreement shall be recorded with the Register of Deeds for the benefit of both lots.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[10980](#)

PETITION: REZONE 10980
APPLICANT: ARDEN BALLWEG
LOCATION: 8175 BALLWEG ROAD, SECTION 25, TOWN OF ROXBURY
CHANGE FROM: R-1A Residence District TO RH-1 Rural Homes District, A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot for existing house

In favor: Arden Ballweg
Opposition: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

10981

PETITION: REZONE 10981
APPLICANT: KIMBERLY M STURMAN
LOCATION: 4786 CARDINAL LANE, SECTION 32, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO R-3 Residence District
REASON: bring lot into compliance - reduced rear yard setback

In favor: Kim Sturman

Opposition: 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: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

10982

PETITION: REZONE 10982
APPLICANT: GARY A GRUNDAHL
LOCATION: 852 CLARKSON ROAD, SECTION 33, TOWN OF YORK
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: adding residence to existing CSM lot

In favor: David Baehr representing Grundahl

Opposition: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

10983

PETITION: REZONE 10983
APPLICANT: RICHARD SCOTT MOONEY
LOCATION: EAST OF 6645 HYSLOP ROAD, SECTION 35, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO R-3 Residence District
REASON: less restrictive rear yard setback

In favor: Richard Mooney

Opposition: Brad Madigan stated that the development of the parcel has always been problematic. The adjacent farm is active and the proposed house should be located at least 50 feet away from the farm (east) property line. The drive access will be problematic. Wells in the area contain high concentrations of nitrites.

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition and until the Town Action Report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[10985](#)

PETITION: REZONE 10985
APPLICANT: ROBERT E MCDOWELL
LOCATION: 5343 OAK PARK ROAD, SECTION 20, TOWN OF MEDINA
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

In favor: Robert McDowell

Opposition: Neil Burns stated that there should not be any housing density rights remaining on the original farm to allow the property to be rezoned. The drive access to the property will be problematic due to the steep topography. The previous petition to develop the property was denied.

A motion was made by MATANO, seconded by MILES, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[10986](#)

PETITION: REZONE 10986
APPLICANT: MARTIN LIVING TR, GILBERT & DOROTHY
LOCATION: 3727 BAILEY ROAD, SECTION 30, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separation of buildings from farmland

In favor: David Baehr representing Martin

Opposition: None

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

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[10987](#)

PETITION: REZONE 10987
APPLICANT: TRACI J JONES
LOCATION: 10804 KINGSLAND ROAD, SECTION 20, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District, RH-3 Rural Homes District TO RH-4 Rural Homes District
REASON: shifting of property lines between adjacent land owners

In favor: Greg Jones

Opposition: Pat Bushert stated that he was opposed to any further residential development on the property.

A motion was made by BOLLIG, seconded by MILES, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[10988](#)

PETITION: REZONE 10988
APPLICANT: KALTENBERG TRUST
LOCATION: 4989 COUNTY HIGHWAY TT, SECTION 34, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: separating existing residence from farmland

In favor: Joe Kaltenberg

Opposition: Tom Wendorf was concerned on the size of the operation and having an agricultural operation next to a residential area.

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[CUP 2341](#)

PETITION: CUP 2341
APPLICANT: KALTENBERG TRUST
LOCATION: 4989 COUNTY HIGHWAY TT, SECTION 34, TOWN OF SUN PRAIRIE
CUP DESCRIPTION: unlimited livestock on 3 to 16 acres

In favor: Joe Kaltenberg

Opposition: Tom Wendorf (See above)

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[10989](#)

PETITION: REZONE 10989
APPLICANT: ROBERTS IRREV FAMILY TR 2012
LOCATION: 2479 GLENN DRIVE, SECTION 21, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District, C-1 Commercial District TO A-2 Agriculture District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: moving existing C-1 zoning east of its current location and rezoning remaining A1-EX to A2

In favor: Jon Jaeck

Opposition: Audra Dalsoren submitted a formal petition in opposition from the neighboring residents (see attached). She expressed concerns regarding lighting, noise, traffic, safety, access for emergency services, the patrons may not like the neighboring agricultural smells, and the activity area should be shifted to the north.

A motion was made by BOLLIG, seconded by MILES, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

CUP 2340

PETITION: CUP 2340
APPLICANT: PATRICIA A FISCHBECK
LOCATION: 5523 PORTAGE ROAD, SECTION 21, TOWN OF BURKE
CUP DESCRIPTION: limited family business - bed and breakfast establishment

In favor: Heather Shannon

Opposition: None

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

- 1.The Limited Family Business shall be for operation of a Bed and Breakfast business.**
- 2.Bed and Breakfast accommodations shall be limited to the existing residence on the property.**
- 3.The Limited Family Business shall expire upon sale of the property to an unrelated 3rd party.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

CUP 2342

PETITION: CUP 2342
APPLICANT: HUSTON LIVING TR, DALE R & JOAN M
LOCATION: 3355 COUNTY HIGHWAY N, SECTION 28, TOWN OF COTTAGE GROVE
CUP DESCRIPTION: composting

In favor: Dennis Richardson

Opposition: None

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

- 1.Composting operations to be conducted in locations as depicted on site plan submitted with CUP 2342 application.**
- 2.Manure limited to horse and cattle only.**
- 3.No onsite storage of raw manure longer than 48 hours.**
- 4.All DNR and County permits to be in effect for all allowed operations, with copies to be filed with the Town Clerk.**
- 5.Hours of operation to be the same as those specified in the non-metallic CUP (M-F, 6am-6pm; Sat 8am-3pm).**
- 6.Windrows limited to the C-2 zoning area only.**
- 7.Composting CUP to expire in 9 years at the same time as the non-metallic mining CUP does (February 25, 2025), or at any time prior if the operator fails to maintain required DNR or County permits.**
- 8.CUP to be reviewed every three years by the Town.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[CUP 2343](#)

PETITION: CUP 2343
APPLICANT: DALE L STENJEM
LOCATION: SOUTH OF 140 LAGOON DRIVE, SECTION 1, TOWN OF CHRISTIANA
CUP DESCRIPTION: communication tower

In favor: Todd Anderson

Opposition: John Bell, Luke Nelson. The neighborhood residents to the west of the site expressed concerns that the tower will detract from the natural beauty of the area. There has been no supporting evidence that an additional tower is needed in the area. The tower could be located further to the north or on the Cambridge water tower.

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[2015
OA-037](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES,
AMENDING THE DANE COUNTY COMPREHENSIVE PLAN

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[2016
OA-014](#)

AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF
ORDINANCES, UPDATING FLOOD INSURANCE STUDY
PROVISIONS

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

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

[10931](#)

PETITION: REZONE 10931

APPLICANT: STEPHEN D CHAMPAGNE

LOCATION: 2059 RINDEN ROAD, SECTION 11, TOWN OF PLEASANT SPRINGS

CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District

REASON: creating two residential lots

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

1.A deed restriction shall be recorded on parcels 0611-112-9000-2 and 0611-112-8500-9 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.A joint driveway agreement shall be record on the properties for the benefit of Lots 1 & 2 and the Certified Survey Map shall reflect the joint driveway access.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[10958](#)

PETITION: REZONE 10958

APPLICANT: ROSE INVESTMENTS LLC

LOCATION: 2727 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS

CHANGE FROM: C-2 Commercial District TO C-2 Commercial District

REASON: amend deed restrictions to include "auto towing facility and parking and storage of vehicles"

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

A deed restriction shall be recorded on the property to amend the current deed restrictions. The restriction shall limit the land uses to the following: A 24-hour round towing facility with parking and storage of towed vehicles with a screened area; Repairs, storage or service of contractors machinery or equipment; Truck terminal; Retail sales, rental and service of trucking tractors and trailers within the existing facility and grounds; Sale of used cars and light duty trucks with a limit of 36 vehicles.

The restriction shall also set the following conditions:

1.Screened area to be along the south, east and north sides of the property and shall consist of 8 foot fence with stone columns and metal panels. The south area shall be screened with the stone columns and metal panels until the septic area and then shall be mesh/chain link fencing.

2.The west side of the property shall be enclosed with 8 foot wire mesh/chain link fencing.

3.Business hours of auto sales limited to 8am to 6pm, Monday through Friday.

4.No additional outside lighting shall be installed. The existing lighting is down shrouded.

5. Off-premise advertising signs (billboards) shall be prohibited on the property.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

E. Plats and Certified Survey Maps

[2016 LD-011](#) Final Plat - The Willows II
City of Madison
Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(12(2)(b)).

A motion was made by BOLLIG, seconded by MATANO to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 4-0.

[2016 LD-010](#) Final Plat - Village at Autumn Lake Replat No. 1
City of Madison
Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(12(2)(b)).

A motion was made by MILES, seconded by MATANO to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 4-0.

[2016 LD-012](#) Arington Shared Access Easement
Town of Christiana, Section 5

No action required as this item is no longer needed. Applicant has revised the configuration of the lot and meets the public road frontage requirements as per ch. 75.

F. Resolutions

G. Ordinance Amendment

[2015](#)
[OA-037](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES,
AMENDING THE DANE COUNTY COMPREHENSIVE PLAN

See motion above.

[2016](#)
[OA-014](#) AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF
ORDINANCES, UPDATING FLOOD INSURANCE STUDY
PROVISIONS

See motion above.

H. Reports to Committee

[2016](#)
[RPT-088](#)

Report of approved Certified Survey Maps

I. Other Business Authorized by Law

J. Adjourn

A motion was made by MILES, seconded by BOLLIG, to adjourn the ZLR Committee meeting at 8:28pm. The motion carried unanimously.

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