

Dane County



Minutes

Monday, August 13, 2018

6:30 PM

City - County Building, ROOM 351

210 Martin Luther King Jr. Blvd., Madison
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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 Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 351 of the City-County Building.

Staff present: Everson, Lane, and Violante

Present 5 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, and HEIDI WEGLEITNER

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

NO comments made by the public.

C. Consideration of Minutes

[2018](#)
[MIN-161](#)

Minutes of the June 12, 2018 Zoning and Land Regulation Committee meeting

A motion was made by PETERS, seconded by BOLLIG, that the minutes of the June 12, 2018 Zoning and Land Regulation Committee be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[2018](#)
[MIN-162](#)

Minutes of the June 26, 2018 Zoning and Land Regulation Committee meeting

A motion was made by KNOLL, seconded by BOLLIG, that the minutes of the June 26, 2018 Zoning and Land Regulation Committee be approved. The motion carried by the following vote: 4-0-1.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Abstain: 1 - WEGLEITNER

[2018](#)
[MIN-163](#)

Minutes of the July 24, 2018 Zoning and Land Regulation Committee meeting

A motion was made by KNOLL, seconded by BOLLIG, that the minutes of the July 24, 2018 Zoning and Land Regulation Committee be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

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

[11311](#)

PETITION: REZONE 11311
APPLICANT: WISCONSIN POWER & LIGHT CO
LOCATION: WEST AND SOUTH OF 449 LAKE DRIVE ROAD, SECTION 35, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: to allow the construction of a WP&L substation

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

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[02428](#)

PETITION: CUP 02428

APPLICANT: WISCONSIN POWER & LIGHT CO

LOCATION: WEST AND SOUTH OF 449 LAKE DRIVE ROAD, SECTION 35, TOWN OF ALBION

CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District

CUP DESCRIPTION: To allow the construction of a WP&L substation

A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be approved with 4 conditions. The motion carried by the following vote: 5-0.

- 1. A Landscape plan will be in place and approved by Mr Harris(adjoining neighbor) and the Albion Plan Commission prior to completion of the project and be implemented within 6(six) months of completion of the project. Landscaping with be maintained per the plan.**
- 2. This Conditional Use Permit shall be for an electrical distribution substation.**
- 3. Development of the site, including outdoor lighting, access gate, security fencing, and location of buildings and facilities shall be consistent with the site and operations plan submitted with CUP# 2428.**
- 4. Hours of operation shall be 24 hours/day, 7 days/week, 365 days/year.**

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02416](#)

PETITION: CUP 02416

APPLICANT: MILLS STREET PARTNERS LLP

LOCATION: 5336 FELLAND ROAD, SECTION 23, TOWN OF BURKE

CUP DESCRIPTION: concrete batch plant

A motion was made by BOLLIG, seconded by WEGLEITNER, that this Conditional Use Permit be approved with 24 conditions. The motion failed by the following vote: 1-4.

- 1)The Conditional Use Permit is limited to the 12 acres described as follows: COMMENCING AT A POINT ALONG THE SOUTHERLY RIGHT OF WAY LINE OF NELSON ROAD THENCE S 35°00'47" W ALONG THE NORTHWESTERLY RIGHT OF WAY OF THE WISCONSIN AND SOUTHERN RAILROAD, 1172.59 FEET; THENCE N 90°00'00" W, 214.16 FEET; THENCE N 00°00'00" E, 978.75 FEET, THENCE N 89°41'46" E ALONG THE SOUTHERLY RIGHT OF WAY OF NELSON RD, 853.03 FEET TO THE POINT OF THE BEGINNING.
- 2)The operator shall operate the site in accordance with the submitted site operations plan and shall be required to follow the information contained within the operations narrative.
- 3)Hours of operation shall be 6:00 a.m. to 8 p.m. Monday through Friday and 6 a.m. to 2 p.m. on Saturday. Occasional operations may be necessary in the event of emergencies and to meet contractual obligations. If hours of operations are extended for a period of five (5) days or more, the operator shall provide a written notice to the Town Clerk no less than 24 hours in advance of extending the hours of operation.
- 4)The operator shall take reasonable measures to control dust on the property and shall comply with Wisconsin DNR Best Management Practices for fugitive dust. Interior roads and storage areas shall be swept and/or watered as necessary to reduce dust.
- 5)The operator shall meet DNR standards for particulate emissions as described in NR 415.
- 6)The operator shall obtain all permits for concrete production from the Wisconsin DNR regarding Wisconsin Pollutant Discharge Elimination System (WPDES) program prior to operation.
- 7)The applicant shall obtain permits regarding Dane County Code of Ordinances Chapter 14 for erosion control and storm water management. All storm water facilities shall be installed and maintained per approved plans.
- 8)Fuel storage tanks on site shall meet applicable State and Federal standards including spill prevention.
- 9)The applicant shall apply for and receive all other required local, state and federal permits.
- 10)The site and driveway shall be paved as designated on the operations plan.
- 11)Outdoor lighting on the property shall be down cast to minimize impact on neighboring properties. The light intensity shall be no more than 0.5 foot candles at the conditional use permit boundary line. The luminaires shall be installed at maximum height of 25 feet above the ground.
- 12)Landscaping screening shall be located in accordance with the operations plan. The evergreen trees and hardwood trees shall be planted prior to operation. The evergreens and hardwood trees shall be maintained and any dead trees removed and replaced. All existing trees within 25 feet of the east property line shall remain to provide additional screening.
- 13)The existing trees, shrubs, and berms (undisturbed area) within 150 feet of Nelson Road shall not be removed unless they interfere with the vision triangle of

the ingress and egress.

14)The operation of the concrete batch plant shall not exceed a noise limitation of 75 decibels DbA as measured along Nelson Road and Felland Road.

15)Outdoor loudspeakers are prohibited.

16)Any signs installed on the property shall comply with Dane County Sign Ordinances. Wall signs are prohibited on any buildings or towers.

17)An annual road maintenance fee of \$2,000 submitted to the municipality by December 31st of each year.

18)The site plan including driveway location, ingress, egress, turn lanes, etc. shall be approved by the Town Engineer prior to construction. The operator shall install any driveway improvement features as deemed necessary by the Town Engineer.

19)The operator and all haulers shall access the CUP site via Nelson Road as described in the operations plan.

20)The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.

21)A copy of the conditional use permit shall be kept on site.

22)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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

23)If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

24)The conditional use permit is limit to Zignego Ready Mix, Inc. Sale of the property or batch plant to another operator will terminate the conditional use permit.

Ayes: 1 - WEGLEITNER

Noes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

A motion was made by BOLLIG, seconded by PETERS, that this Conditional Use Permit be approved with 23 conditions. The motion carried by the following vote: 4-1.

1. The Conditional Use Permit is limited to the 12 acres described as follows: COMMENCING AT A POINT ALONG THE SOUTHERLY RIGHT OF WAY LINE OF NELSON ROAD THENCE S 35°00'47" W ALONG THE NORTHWESTERLY RIGHT OF WAY OF THE WISCONSIN AND SOUTHERN RAILROAD, 1172.59 FEET; THENCE N 90°00'00" W, 214.16 FEET; THENCE N 00°00'00" E, 978.75 FEET, THENCE N 89°41'46" E ALONG THE SOUTHERLY RIGHT OF WAY OF NELSON RD, 853.03 FEET TO THE POINT OF THE BEGINNING.
2. The operator shall operate the site in accordance with the submitted site operations plan and shall be required to follow the information contained within the operations narrative.
3. Hours of operation shall be 6:00 a.m. to 8 p.m. Monday through Friday and 6 a.m. to 2 p.m. on Saturday. Occasional operations may be necessary in the event of emergencies and to meet contractual obligations. If hours of operations are extended for a period of five (5) days or more, the operator shall provide a written notice to the Town Clerk no less than 24 hours in advance of extending the hours of operation.
4. The operator shall take reasonable measures to control dust on the property and shall comply with Wisconsin DNR Best Management Practices for fugitive dust. Interior roads and storage areas shall be swept and/or watered as necessary to reduce dust.
5. The operator shall meet DNR standards for particulate emissions as described in NR 415.
6. The operator shall obtain all permits for concrete production from the Wisconsin DNR regarding Wisconsin Pollutant Discharge Elimination System (WPDES) program prior to operation.
7. The applicant shall obtain permits regarding Dane County Code of Ordinances Chapter 14 for erosion control and storm water management. All storm water facilities shall be installed and maintained per approved plans.
8. Fuel storage tanks on site shall meet applicable State and Federal standards including spill prevention.
9. The applicant shall apply for and receive all other required local, state and federal permits.
10. The site and driveway shall be paved as designated on the operations plan.
11. Outdoor lighting on the property shall be down cast to minimize impact on neighboring properties. The light intensity shall be no more than 0.5 foot candles at the conditional use permit boundary line. The luminaries shall be installed at maximum height of 25 feet above the ground.
12. Landscaping screening shall be located in accordance with the operations plan. The evergreen trees and hardwood trees shall be planted prior to operation. The evergreens and hardwood trees shall be maintained and any dead trees removed and replaced. All existing trees within 25 feet of the east property line shall remain to provide additional screening.
13. The existing trees, shrubs, and berms (undisturbed area) within 150 feet of Nelson Road shall not be removed unless they interfere with the vision triangle of the ingress and egress.
14. The operation of the concrete batch plant shall not exceed a noise limitation of 75 decibels DbA as measured along Nelson Road and Felland Road.
15. Outdoor loudspeakers are prohibited.
16. Any signs installed on the property shall comply with Dane County Sign Ordinances. Wall signs are prohibited on any buildings or towers.

17. An annual road maintenance fee of \$2,000 submitted to the municipality by December 31st of each year.
18. The site plan including driveway location, ingress, egress, turn lanes, etc. shall be approved by the Town Engineer prior to construction. The operator shall install any driveway improvement features as deemed necessary by the Town Engineer.
19. The operator and all haulers shall access the CUP site via Nelson Road as described in the operations plan.
20. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
21. A copy of the conditional use permit shall be kept on site.
22. 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
23. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Noes: 1 - WEGLEITNER

[02426](#)

PETITION: CUP 02426

APPLICANT: WILLIAM H HASTINGS

LOCATION: 6890 PAOLI ROAD, SECTION 3, TOWN OF MONTROSE

CUP DESCRIPTION: outdoor entertainment activity, tavern and bed & breakfast

A motion was made by BOLLIG, seconded by WEGLEITNER, that this Conditional Use Permit be approved with 8 conditions. The motion carried by the following vote: 5-0.

1. This Conditional Use Permit is for a tavern, outdoor entertainment activities, and a bed and breakfast operation.
2. The permit holder is required to meet with the Town Plan Commission and/or Town Board every 3 years. The Town will review the conditions of approval and the overall operation for the continuation of the conditional use permit. Failure to comply with this condition will terminate the conditional use permit.
3. Outdoor music shall be limited to no later than 8pm, Sunday through Thursday, and no later than 11pm on Friday and Saturday.
4. All general outdoor activity shall cease no later than 11:30pm.
5. Amplified music or speakers shall not exceed 85 decibels measured at the northwest corner of the property.
6. Outdoor entertainment activities shall have a maximum capacity of 200 persons.
7. The existing parking areas, located on the north side and the west side of the mill, shall remain open and the areas used exclusively for parking.
8. Portable sanitary facilities shall be required for all wedding events or large gatherings.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-017](#) Final Plat - Ninth Addition to Blackhawk Subdivision
City of Madison
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, 5-0.

[2018 LD-018](#) Final Plat - Cardinal Prairie
Town of Middleton
Consideration of the May 8, 2018 conditional approval and execution of the plat document pursuant to established committee policy.

A motion was made by PETERS, seconded by KNOLL, to find that the final plat be signed as the conditional approval from 5/8/2018 has been met. The motion carried by a voice vote, 5-0. Chair KOLAR signed the plat.

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2018 RPT-173](#) Report of approved Certified Survey Maps

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by WEGLEITNER, to adjourn the August 13, 2018 Zoning and Land Regulation Committee meeting at 7:32pm. The motion carried unanimously.

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