



Dane County

Minutes - Final Unless Amended by Committee

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?

Tuesday, August 27, 2019

6:30 PM

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

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A. Call to Order

Chair Bollig called the August 27, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm in Room 354.

Staff present: Lane and Violante

Youth Governance Member: Julia Amenn

Present 4 - JERRY BOLLIG, STEVEN PETERS, HEIDI WEGLEITNER, and KRISTEN AUDET

Excused 1 - JASON KNOLL

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

[2019](#) August 27th ZLR meeting registrants
[RPT-235](#)

Attachments: [August 27th ZLR registrants](#)

C. Consideration of Minutes

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

[11444](#) PETITION: REZONE 11444
APPLICANT: ROBERT LANGE
LOCATION: SOUTH OF 1026 COUNTY HIGHWAY N, SECTION 16,
TOWN OF DUNKIRK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2
Rural Residential District
REASON: creating one residential lot

Attachments: [11444 Staff Report](#)

[11444 Density](#)

[11444 Map](#)

[11444 APP](#)

In favor: Robert Lange

Opposed: None

A motion was made by WEGLEITNER, seconded by PETERS, to postpone until the town action report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[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

Attachments: [11450 Staff Report](#)

[11450 Density](#)

[11450 Letter from applicant](#)

[11450 Map](#)

[11450 APP](#)

In favor: Thaddeus Garlauski

Opposed: None

A motion was made by AUDET, seconded by PETERS, to postpone until the town action report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11451](#)

PETITION: REZONE 11451
APPLICANT: RYAN DEDOLPH
LOCATION: NORTH OF 97 MOUND DRIVE, SECTION 36, TOWN OF
ALBION
CHANGE FROM: RM-8 Rural Mixed-Use District TO RM-16 Rural
Mixed-Use District
REASON: creating one residential lot

Attachments: [11451 Ord Amend](#)
[11451 Staff Report](#)
[11451 Town](#)
[11451 Map](#)
[11451 APP](#)

In favor: Ron Combs
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11452](#)

PETITION: REZONE 11452
APPLICANT: JOEL G GRANT
LOCATION: 2416 SPRING ROSE ROAD, SECTION 19, TOWN OF
VERONA
CHANGE FROM: A-4 Agriculture District TO C-2 Commercial District
REASON: expand landscaping operation

Attachments: [11452 Ord Amend](#)
[11452 Staff Report](#)
[11452 Town](#)
[11452 Map](#)
[11452 APP](#)
[11452 Town](#)

In favor: Joel Grant
Opposed: None

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

- 1. Amend the zoning district classification to HC - Heavy Commercial**
- 2. A deed restriction shall be recorded on the property with the following limitations:**
 - a. The land uses shall be limited to agriculture and agriculture accessory uses (livestock not permitted); Undeveloped and natural resource use; Outdoor parking, not to exceed 70 vehicles; Outdoor storage, limited to plants and bulk landscaping materials.**
 - b. The installation of billboard signs shall be prohibited.**
 - c. The existing landscape buffer along Spring Rose Road shall be maintained.**
 - d. All development shall conform to the site plan submitted with the petition application.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11453](#)

PETITION: REZONE 11453
APPLICANT: PROPERTY OWNERS IN THE TOWN OF MIDDLETON
LOCATION: TOWN OF MIDDLETON, SECTIONS 20, TOWN OF MIDDLETON
CHANGE FROM: Various Zoning Changes
REASON: Blanket Rezone to correct zoning district map

Attachments: [11453 Ord Amend](#)
[11453 Staff Report](#)
[11453 Town](#)
[11453 Middleton letter](#)
[11453 APP](#)

A motion was made by PETERS, seconded by AUDET, to suspend the Committee rules in order to receive a late town action report. The motion carried by a voice vote.

In favor: None
Opposed: None

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

Note: The Laufenber/Hubbard property was not included as part of the blanket rezone.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11454](#)

PETITION: REZONE 11454
APPLICANT: BRENT A & NICK BRATTLIE
LOCATION: 4933 KNUDSON DRIVE, SECTION 31, TOWN OF MEDINA
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11454 Ord Amend](#)
[11454 Staff Report](#)
[11454 Town](#)
[11454 Map](#)
[11454 APP](#)

In favor: Brent Brattlie
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11455](#)

PETITION: REZONE 11455
APPLICANT: DAKOTA J GRAY
LOCATION: 724 WASHINGTON ROAD, SECTION 19, TOWN OF ALBION
CHANGE FROM: SFR-08 Single Family Residential District AND FP-35 General Farmland Preservation District TO RR-8 Rural Residential District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [11455 Ord Amend](#)
[11455 Staff Report](#)
[11455 Town](#)
[11455 Density](#)
[11455 Map](#)
[11455 APP](#)

In favor: Ron Combs
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11456](#)

PETITION: REZONE 11456
APPLICANT: BAUER LIVING TR, ROBERT C & PAULA A
LOCATION: 3716 COUNTY HIGHWAY B, SECTION 22, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District AND RH-1 Rural Homes District TO R-1 Residence District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [11456 Ord Amend](#)
[11456 Staff Report](#)
[11456 Town](#)
[11456 Density](#)
[11456 Map](#)
[11456 APP](#)

In favor: Ron Combs
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11457](#)

PETITION: REZONE 11457
APPLICANT: TIMOTHY HERBSLEB
LOCATION: 6392 VIADUCT ROAD, SECTION 12, TOWN OF DANE
CHANGE FROM: RR-4 Rural Residential District TO RR-1 Rural Residential District AND RR-2 Rural Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11457 Ord Amend](#)
[11457 Staff Report](#)
[11457 Town](#)
[11457 Map](#)
[11457 APP](#)

In favor: Nicole and Tim Herbsleb
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11458](#)

PETITION: REZONE 11458
APPLICANT: BUCKYS PORTABLE TOILETS INC
LOCATION: LANDS SOUTH OF 1185 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4 Rural Residential District AND HC Heavy Commercial District
REASON: expansion of commercial district and creating a residential lot

Attachments: [11458 Staff Report](#)
[11458 Density](#)
[11458 Map](#)
[11458 APP](#)

In favor: Chuck Kerns
Opposed: None

A motion was made by WEGLEITNER, seconded by AUDET, to postpone until the town action report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11459](#)

PETITION: REZONE 11459
APPLICANT: BRENT BRATTLIE
LOCATION: 4107 BANNON ROAD, SECTION 14, TOWN OF
DEERFIELD
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2
Rural Residential District
REASON: creating one residential lot

Attachments: [11459 Ord Amend](#)
[11459 Staff Report](#)
[11459 Town](#)
[11459 Density](#)
[11459 Map](#)
[11459 APP](#)

In favor: Brent Brattlie
Opposed: None

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

1. The applicant shall record a deed restriction on the balance of FP-35 zoned land from the original farm unit prohibiting further nonfarm development or division (tax parcels 071215480000, 071215195006, 071214385008, 071214380003, 071214296908, and 071214291903). The housing density rights have been exhausted.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11460](#)

PETITION: REZONE 11460
APPLICANT: ANTHONY E HENSEN
LOCATION: 6743 COUNTY HIGHWAY I, SECTION 27, TOWN OF VIENNA
CHANGE FROM: RR-4 Rural Residential District AND FP-35 General
Farmland Preservation District TO RR-8 Rural Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11460 Ord Amend](#)
[11460 Staff Report](#)
[11460 Town](#)
[11460 Density](#)
[11460 Map](#)
[11460 APP](#)

In favor: Dan Paulson
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11461](#)

PETITION: REZONE 11461
APPLICANT: DQ DEVELOPMENT LLC
LOCATION: 3624 PIONEER ROAD, SECTION 29, TOWN OF
MIDDLETON
CHANGE FROM: LC Limited Commercial District TO GC General
Commercial District
REASON: compliance for existing structures and land uses

Attachments: [11461 Staff Report](#)
[11461 Map](#)
[11461 APP](#)

The petition was withdrawn by the applicant. The Committee took no action on the petition.

[11462](#)

PETITION: REZONE 11462
APPLICANT: WALTER R JOBE
LOCATION: 2416 COUNTY HIGHWAY MN, SECTION 33, TOWN OF
COTTAGE GROVE
CHANGE FROM: RR-2 Rural Residential District TO GC General
Commercial District
REASON: Zoning compliance for an existing pet boarding facility and
crematorium

Attachments: [11462 Ord Amend](#)
[11462 Staff Report](#)
[11462 Town](#)
[11462 Map](#)
[11462 APP](#)

In favor: Ben Larson

Opposed: None

**A motion was made by PETERS, seconded by WEGLEITNER, that the 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 the property limiting the land uses to
the following: Veterinary clinic, domestic pet boarding, pet crematorium, and a
single family caretaker residence.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[CUP 02475](#) PETITION: CUP 02475
APPLICANT: WALTER R JOBE
LOCATION: 2416 COUNTY HIGHWAY MN, SECTION 33, TOWN OF
COTTAGE GROVE
CUP DESCRIPTION: Domestic Pet Boarding; Single Family Residence;
Crematorium

Attachments: [CUP 2475 staff report](#)
[CUP 2475 Town](#)
[CUP 2475 Map](#)
[CUP 2475 APP](#)
[CUP #02475 pending](#)

In favor: Ben Larson
Opposed: None

A motion was made by WEGLEITNER, seconded by PETERS, that the Conditional Use Permit be approved with 22 conditions. The motion carried by the following vote: 4-0.

- 1) Any conditions required for specific uses listed under s.10.103 of County Ordinances;
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code;
- 4) 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 county zoning administrator upon request;
- 5) 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 county zoning administrator upon request;
- 6) 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;
- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
- 8) Off-street parking must be provided, consistent with s. 10.102(8) of County Ordinances;
- 9) If 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 borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use;
- 10) The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting

- inspections or investigations will comply with any applicable workplace safety rules or standards for the site;
- 11) The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division;
 - 12) 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;
 - 13) 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 reasonable opportunity to correct any violations prior to revocation;
 - 14) The facility shall run as described in the pet boarding facility
 - 15) Hours of operation shall be Mon-Fri 6 to 9 a.m. and 4 to 6 p.m.; Saturday 7-9 a.m. and Sunday 4 to 6 p.m.
 - 16) The number of employees shall not exceed 6.
 - 17) The maximum number of boarded pets is 50.
 - 18) There shall be no outside storage.
 - 19) Outdoor activities are limited to a fenced in play area for dogs and a swimming pool for dogs.
 - 20) Outdoor lighting will be limited to one fixture.
 - 21) Signage is limited to the one existing sign to stay in its current location in front of the property facing CTH N.
 - 22) The single family residence is for a caretaker only.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

11463

PETITION: REZONE 11463
APPLICANT: VERMONT, TOWN OF
LOCATION: TOWN OF VERMONT, SECTION 15, TOWN OF VERMONT
CHANGE FROM: Various Parcels
REASON: Blanket Rezone to correct zoning district map

Attachments: [11463 Ord Amend](#)
[11463 Staff Report](#)
[11463 Town](#)
[11463 APP](#)

In favor: None
Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11464](#)

PETITION: REZONE 11464
APPLICANT: WINDSOR QUARRY LLC
LOCATION: WEST OF VILAS HOPE ROAD, SECTION 18, TOWN OF
COTTAGE GROVE
CHANGE FROM: AT-35 Agriculture Transition District TO UTR Utility,
Transportation and ROW District , SFR-08 Single Family Residential
District TO FP-35 General Farmland Preservation District, FP-35 General
Farmland Preservation District TO UTR Utility, Transportation and ROW
District AND SFR-08 Single Family Residential District
REASON: create 18 lot residential subdivision and 3 stormwater outlots

Attachments: [11464 Staff Report](#)

[11464 Town](#)

[11464 Density](#)

[11464 APP](#)

[11464 Map](#)

In favor: Dan Paulson, Michael Lawton, and Town Chair Kris Hampton
Opposed: None

A motion was made by WEGLEITNER, seconded by AUDET, to postpone to allow time for County Staff to meet with the applicant to resolves their differences. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11465](#)

PETITION: REZONE 11465
APPLICANT: POSSIN LIVING TR, ORIS & ELAINE A
LOCATION: 439 US HIGHWAY 51, SECTION 7, TOWN OF ALBION
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-1
Rural Residential District
REASON: separating existing residence from farmland

Attachments: [11465 Ord Amend](#)
[11465 Staff Report](#)
[11465 Town](#)
[11465 Density](#)
[11465 Map](#)
[11465 APP](#)

In favor: Dale Beske
Opposed: None

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

1. A shared driveway agreement shall be recorded for the benefit of the new lot.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11466](#)

PETITION: REZONE 11466
APPLICANT: ALTEMUS POSSIN SCIENCE FUND INC
LOCATION: 1421 TOWER DRIVE, SECTION 2, TOWN OF DUNKIRK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-1
Rural Residential District
REASON: separating existing residence from farmland

Attachments: [11466 Ord Amend](#)
[11466 Staff Report](#)
[11466 Town](#)
[11466 Density](#)
[11466 Map](#)
[11466 APP](#)

In favor: Dale Beske
Opposed: None

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

- 1. A shared driveway agreement shall be recorded on the property for the benefit of the new lot. The agreement shall have a maintenance clause, so that the driveway is maintained by the farm owner/operator for the benefit of the homeowner.**
- 2. The existing septic system shall be identified on the Certified Survey Map and be located within the boundary lines of the new lot.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11467](#)

PETITION: REZONE 11467
APPLICANT: SLATER J DIEDERICH
LOCATION: 10267 COUNTY HIGHWAY Y, SECTION 27, TOWN OF
MAZOMANIE
CHANGE FROM: RR-4 Rural Residential District TO LC Limited
Commercial District
REASON: limited commercial for zoning compliance of a tree service
operation

Attachments: [11467 Ord Amend](#)
[11467 Staff Report](#)
[11467 Town](#)
[11467 Map](#)
[11467 APP](#)

In favor: Slater Diederich
Opposed: None

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

The petition shall be subject to the following conditions:

- 1. Commercial uses shall be limited to the existing tree service business.**
- 2. There will be no increase to existing outdoor storage, no outdoor
loudspeakers, and no additional outdoor lighting.**
- 3. The property shall be kept to town residential standards, subject to the town's
concurrence.**
- 4. An operations plan for the Tree Service was submitted as part of CUP 2476.
The Tree Service Operations (hours, employees, site plan, and etc.) comply with
the details of that operations plan as submitted.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[CUP 02476](#) PETITION: CUP 02476
APPLICANT: SLATER J DIEDERICH
LOCATION: 10267 COUNTY HIGHWAY Y, SECTION 27, TOWN OF
MAZOMANIE
CUP DESCRIPTION: single family residence within a commercial zoning
district

Attachments: [CUP 2476 Staff Report](#)
[CUP 2476 Operations Plan](#)
[CUP 2476 Map](#)
[CUP 2476 APP](#)

In favor: Slater Diederich
Opposed: None

A motion was made by WEGLEITNER, seconded by PETERS, to postpone the conditional use permit application until the town action report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11468](#) PETITION: REZONE 11468
APPLICANT: OUNLA THONGSAVANH
LOCATION: 2154 RINDEN ROAD, SECTION 3, TOWN OF PLEASANT
SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: zoning district change to allow CUP for religious uses

Attachments: [11468 Staff Report](#)
[11468 Density](#)
[11468 Map](#)
[11468 APP](#)

In favor: Ounla Thongsavanh
Opposed: None

A motion was made by AUDET, seconded by WEGLEITNER, to postpone until the town action report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[CUP 02477](#) PETITION: CUP 02477
APPLICANT: OUNLA THONGSAVANH
LOCATION: 2154 RINDEN ROAD, SECTION 3, TOWN OF PLEASANT
SPRINGS
CUP DESCRIPTION: religious uses

Attachments: [CUP 2477 Staff Report](#)
[CUP 2477 Map](#)
[CUP 2477 APP](#)

In favor: Ounla Thongsavanh

Opposed: Matt Hansen and Michelle Marolis. The neighbors expressed concerns regarding the unknown intensity of the project, road safety, adequate septic system, driveway access, adequate parking, dust created by vehicle movement, noise, light, and potential water supply issues.

A motion was made by AUDET, seconded by PETERS, to postpone action due to public opposition and no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

A motion was made by AUDET, seconded by PETERS, to direct staff to enter the letter from Matt Hansen into the official record. The motion carried by a voice vote.

[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

Attachments: [CUP 2474 Staff Report](#)
[CUP 2474 Map](#)
[CUP 02474 APP](#)

In favor: Dan Schmitt

Opposed: None

A motion was made by PETERS, seconded by WEGLEITNER, to postpone the conditional use permit application due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

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

[11406](#)

PETITION: REZONE 11406

APPLICANT: STEVEN N COWAN

LOCATION: NORTH OF 4567 COUNTY HIGHWAY JJ, SECTION 2,
TOWN OF VERMONT

CHANGE FROM: A-2 Agriculture District TO A-2 (4) Agriculture District,
A-2 Agriculture District TO A-2 (8) Agriculture District, A-1EX Agriculture
District TO A-2 (4) Agriculture District

REASON: creating two residential lots

Attachments: [11406 Staff Update](#)

[11406 Town](#)

[11406 Revised CSM](#)

[11406 Density](#)

[11406 Map](#)

[11406 Previous Restrictions](#)

[11406 APP](#)

**A motion was made by PETERS, seconded by AUDET, to postpone action to
allow time for Staff to contact the applicant. The motion carried by the following
vote: 4-0.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11364](#)

PETITION: REZONE 11364
APPLICANT: ROBERT P RIEGE
LOCATION: EAST, WEST AND SOUTH OF 638 US HIGHWAY 12/18,
SECTION 3, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District,
A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX
Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots

Attachments: [11364 Staff Update](#)
[11364 Town](#)
[11364 Revised 3 lot CSM](#)
[11364 Density](#)
[11364 Map](#)
[11364 APP](#)

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

- 1) 38.5 acres of FP-35 Farmland Preservation District shall be changed to FP-1 Farmland Preservation District to allow the creation of Lots 1 and 2 on the north side of US Hwy 12/18.**
- 2) 4.1 acres of FP-35 Farmland Preservation District shall be changed to RR-4 Rural Residential District to allow the creation of Lot 3 on the south side of US Hwy 12.18.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[11427](#)

PETITION: REZONE 11427

APPLICANT: JEFFERY S MOERKE

LOCATION: EAST OF 4509 STATE HIGHWAY 73, SECTION 4, TOWN
OF DEERFIELD

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural
Residential District AND RR-8 Rural Residential District,
FP-35 TO FP-1 Farmland Preservation, RR-4 Rural Residential District TO
RR-8 Rural Residential District

REASON: shifting of property lines between adjacent land owners

Attachments: [11427 Staff Update](#)

[11427 Second revision to Plat](#)

[11427 Town Action](#)

[11427 Density](#)

[11427 Revised Lot Layout](#)

[11427 Pages from Town Plan](#)

[11427 Map](#)

[11427 APP](#)

[11427 APP Revised](#)

**A motion was made by WEGLEITNER, seconded by PETERS, to postpone action
at the petitioner's request. The motion carried by the following vote: 4-0.**

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[CUP 02473](#) PETITION: CUP 02473
APPLICANT: TYROL PROPERTIES LLC
LOCATION: 3487 BOHN ROAD, SECTION 28, TOWN OF VERMONT
CUP DESCRIPTION: outdoor assembly / entertainment

Attachments: [CUP 2473 Staff Update](#)

[CUP 2473 Town](#)

[CUP 2473 Map](#)

[CUP 02473 APP](#)

[CUP #2473](#)

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

1. Outdoor assembly events in the RE zoning district are limited to:
 - a. A “haunted tour” occurring Fridays and Saturdays in October, October 31, and the first Friday and first Saturday of November, and;
 - b. A “Christmas village” occurring the third and fourth Friday and Saturday in November and the first and second Friday and Saturday in December.
2. Hours of operation for the haunted tour use are limited to 6:30 p.m. to midnight, with all guests out of the facility by midnight.
3. Hours of operation for the Christmas Village are limited to noon to 5:00 p.m.
4. No more than 1,200 guests shall be onsite at any one time for either new outdoor assembly event.
5. Guests for the haunted tour shall travel in groups no larger than 6 people, monitored by employees to keep groups spread out, and to keep them moving through the site. Employees will have communication equipment to notify supervisors of emergencies or concerns.
6. Outdoor event-specific amplified speakers or sound equipment are limited to the areas indicated on the preapproved event operations plan. For the haunted tour, outdoor amplified sound is limited to (1) the ticket and waiting area as shown on the approved site plan, and (2) to low-volume “special effect” sounds (e.g. to simulate thunder) within five (5) feet of the tour path. Under no circumstances should noise levels for either of the events exceed 77 db(a), as measured at any of the property’s boundaries.
7. Outdoor lighting associated with events shall be as indicated on the preapproved event operations plan. Outdoor event-specific lighting for the haunted tour will be limited to low-level pathway lighting, shielded to direct light downward, not to exceed 1 lux intensity and amber or yellow (not blue or white) in color. Lighting will be turned off after guests depart.
8. The physical development and operation of the haunted tour, including tour routes, temporary tent or building locations, portable restrooms, designated parking and temporary or permanent signage, must conform, in all respects, to the approved site plan, operational plan and phasing plan.
9. Event plans:
 - a. At least thirty days prior to the start of any outdoor assembly events in each calendar year, the landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues:
 - the number of events proposed each year
 - the maximum expected attendance at each event
 - off-street parking, to meet standards in s. 10.102(8)

- days and hours of operation
- ingress and egress
- sanitation
- trash / recycling collection and disposal
- proposed signage
- other public safety issues

b. Event plans must be filed with the following:

- the zoning administrator,
- town clerk,
- servicing fire department,
- emergency medical service provider,
- Dane County Sheriff's Department and
- any local law enforcement agency.

10. New and existing permanent buildings proposed to house the 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.

11. 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.

12. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including town liquor licenses. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.

13. 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.

14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

15. Off-street parking must be provided, consistent with s. 10.102(8).

16. 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.

17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

18. 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.

19. 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.

20. This conditional use permit shall expire two years after the effective date. An operations review with the Town of Vermont shall take place November 2019 to

review the Haunted Tour Event. Continued operation of the conditional use after the permit expiration date will require approval of a new conditional use permit by the Town of Vermont and Dane County.

21. The landowner may, at their own initiative, apply for a new conditional use permit to revise or extend the use, at any time. Such application will go through the same process, including public notice and hearing, as any new conditional use permit.

22. The cost of a traffic study shall be shared between the Town of Vermont and Tyrol if requested by the Town of Vermont.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

F. Plats and Certified Survey Maps

[2019 LD-014](#) Preliminary Plat - Bittersweet (lot line adjustment of CSM #14796)
Town of Deerfield
Staff recommends acceptance and schedule for future consideration
(9/10/2019)

Attachments: [acceptance](#)
[Density report](#)
[REVISED Bittersweet ac 5 lot](#)
[map](#)

A motion was made by AUDET, seconded by PETERS, to postpone action on the preliminary plat. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

[2019 LD-015](#) Hubbard Trust 4-lot Certified Survey Map
Town of Middleton

Attachments: [Report](#)
[20190814111729](#)
[CSM10302MiddletonSection04](#)

A motion was made by AUDET, seconded by PETERS, to postpone action on the certified survey map. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,WEGLEITNERandAUDET

Excused: 1 - KNOLL

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by PETERS, seconded by AUDET, to adjourn the meeting of the Zoning and Land Regulation Committee at 8:56pm. The motion carried unanimously.

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

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.