



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, February 12, 2019

6:30 PM

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

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A. Call to Order

Acting Chair Bollig called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Allan, Andros, Everson, and Violante

Present 4 - JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, and HEIDI WEGLEITNER

Excused 1 - MARY KOLAR

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

No comments made by the public.

[2018](#)
[RPT-484](#)

February 12, 2019 ZLR Public Hearing Registrants

Attachments: [ZLR Registrants 2-12-19](#)

C. Consideration of Minutes

[2018](#)
[MIN-439](#)

Minutes of the December 18, 2018 Zoning and Land Regulation Committee meeting

Attachments: [12-18-2018 ZLR REVISED meeting minutes](#)

No action taken by the committee.

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

[11371](#) PETITION: REZONE 11371
APPLICANT: MARIANNE GARDNER
LOCATION: 8461 AIRPORT ROAD, SECTION 4, TOWN OF MIDDLETON
CHANGE FROM: A-1 Agriculture District TO R-3 Residence District
REASON: Reduced rear yard setback

Attachments: [11371 Ord Amend](#)
[11371 Staff Report](#)
[11371 Town](#)
[11371 Map](#)
[11371 APP](#)

In Favor: Jim Gardner

A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11372](#) PETITION: REZONE 11372
APPLICANT: IVERSON REV LIVING TR, DUANE A
LOCATION: 1429 STATE HIGHWAY 78, SECTION 4, TOWN OF PERRY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
and A-4 Agriculture District
REASON: separating existing residence from farmland

Attachments: [11372 Ord Amend](#)
[11372 Staff Report](#)
[11372 Town](#)
[11372 Density](#)
[11372 Map](#)
[11372 APP](#)

A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.

1. A deed notice shall be recorded on the property indicating that the housing density units have been exhausted (tax parcel #0506-043-9500-4).

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11373](#) PETITION: REZONE 11373
APPLICANT: RONALD A LUND
LOCATION: 900 FEET EAST OF RINDEN ROAD, SECTION 2, TOWN
OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: increasing size of residential lot

Attachments: [11373 Ord Amend](#)
[11373 Staff Report](#)
[11373 Town](#)
[11373 Map](#)
[11373 APP](#)

A motion was made by Wegleitner, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11374](#) PETITION: REZONE 11374
APPLICANT: ANDREW A HAAG
LOCATION: 9018 BRITT VALLEY ROAD, SECTION 8, TOWN OF
PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District
REASON: separating existing residence from farmland

Attachments: [11374 Ord Amend](#)
[11374 Staff Report](#)
[11374 Town](#)
[11374 Density](#)
[11374 Map](#)
[11374 APP](#)

In Favor: Andrew Haag

A motion was made by Knoll, seconded by Peters, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11375](#) PETITION: REZONE 11375
APPLICANT: MARK R MCNAMEE
LOCATION: 1300 MULLER ROAD, SECTION 8, TOWN OF YORK
CHANGE FROM: RH-3 Rural Homes District TO RH-1 Rural Homes
District, RH-3 Rural Homes District and C-2 Commercial District TO RH-2
Rural Homes District
REASON: compliance for existing land uses

Attachments: [11375 Ord Amend](#)
[11375 Staff Report](#)
[11375 Town](#)
[11375 Map](#)
[11375 APP](#)

A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval with the following amendments. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the property prohibiting the 3 parcels from being separately sold or conveyed.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11376](#) PETITION: REZONE 11376
APPLICANT: D & J ALME PARTNERSHIP
LOCATION: 2394 LESLIE ROAD, SECTION 21, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: separating existing residence from farmland

Attachments: [11376 Ord Amend](#)
[11376 Staff Report](#)
[11376 Town](#)
[11376 Density](#)
[11376 Map](#)
[11376 APP](#)

In Favor: John Alme

A motion was made by Knoll, seconded by Wegleitner, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11377](#)

PETITION: REZONE 11377
APPLICANT: LARRY THIEMANN
LOCATION: 8187 W MINERAL POINT ROAD, SECTION 26, TOWN OF
CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District and A-2 Agriculture District
TO R-1A Residence District
REASON: shifting of property lines between adjacent land owners

Attachments: [11377 Ord Amend](#)
[11377 Staff Report](#)
[11377 Town](#)
[11377 Map](#)
[11377 APP](#)

A motion was made by Wegleitner, seconded by Peters, to suspend the rules to allow consideration of the town action report for petition 11377 which was submitted after the committee's deadline of 2/7/19.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

A motion was made by Peters, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11379](#)

PETITION: REZONE 11379
APPLICANT: WATTS FAMILY TR
LOCATION: 7701 W. MINERAL POINT ROAD, SECTION 30, TOWN OF MIDDLETON
CHANGE FROM: RE-1 Recreational District TO B-1 Local Business District, RE-1 Recreational District TO R-1 Residence District, B-1 Local Business District TO RE-1 Recreational District, B-1 Local Business District TO R-1 Residence District
REASON: residential subdivision plat

Attachments: [11379 Staff Report](#)

[11379 Town](#)

[11379 Narrative](#)

[11379 Map](#)

[11379 APP](#)

In Favor: Kyle Haen

Applicant Haen informed the committee about the "Pioneer Pointe" proposal to create an 82 lot residential subdivision on the property formerly known as Tumbledown Golf Course. The developer is in discussions with the city of Madison to possibly extend sanitary sewer service to the property.

Allan informed the committee that staff is recommending postponement of the zoning petition pending consideration and adoption of a proposed amendment to the town of Middleton Comprehensive Plan designating the property for future residential / mixed use development. The property is currently designated as commercial recreation in the town/county comprehensive plan.

A motion was made by Peters, seconded by Wegleitner, to postpone action on the zoning petition pending consideration and action on a town comprehensive plan amendment. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11380](#)

PETITION: REZONE 11380
APPLICANT: WINDSOR QUARRY LLC
LOCATION: 3973 VILAS HOPE ROAD, SECTION 18, TOWN OF
COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-3 Agriculture District
REASON: Dane County Farmland Preservation plan compliance.

Attachments: [11380 Ord Amend](#)
[11380 Staff Report](#)
[11380 Town](#)
[10380 City of Madison Opposition Letter](#)
[11380 Map](#)
[11380 APP](#)

Allan informed the committee that the petition is to provide zoning compliance for the property which is no longer designated within the town of Cottage Grove farmland preservation area. No new development would result or be allowed as a result of the proposed rezoning to the A-3 Agriculture Transition district. Allan also informed the committee that concerns have been expressed by the city of Madison regarding future residential development on the property conflicting with the city's future growth plans and efforts to establish an intergovernmental agreement with the town of Cottage Grove.

A motion was made by Wegleitner, seconded by Knoll, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[11381](#)

PETITION: REZONE 11381
APPLICANT: CHRIS HENDRICKSON
LOCATION: 7595 W MINERAL POINT ROAD, SECTION 29, TOWN OF
MIDDLETON
CHANGE FROM: B-1 Local Business District and A-1 Agriculture District
TO C-1 Commercial District
REASON: expansion of existing land use (retail greenhouse)

Attachments: [11381 Staff Report](#)
[11381 Site Plan Revised 10-9-18](#)
[11381 Letter of Concern](#)
[11381 Map](#)
[11381 App](#)

In Favor: Chris Hendrickson

A motion was made by Wegleitner, seconded by Peters, to postpone action on the zoning petition pending receipt of a town action report and consideration and action on a pending town comprehensive plan amendment. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[CUP 02447](#) PETITION: CUP 02447
APPLICANT: FOSEID FARM LLC
LOCATION: 9485 BRAUN ROAD, SECTION 13, TOWN OF VERMONT
CUP DESCRIPTION: limited family business-wholesale coffee

Attachments: [CUP 2447 Staff Report](#)

[CUP 2447 Town](#)

[CUP 2447 Map](#)

[CUP 02447 APP](#)

[CUP #2447 Pending](#)

A motion was made by Peters, seconded by Knoll, to approve the Conditional Use Permit for a Limited Family Business in the A-2(2) zoning district with the following conditions. The motion carried by the following vote: 4-0.

1. No retail sales are permitted.
2. Vehicles transporting product will be limited to pickup trucks, automobiles and similar vehicles.
3. Hours of operation are from 9:00 a.m. to 5:00 p.m.
4. There will be no outdoor storage of product or equipment.
5. No accessory buildings shall be used for human habitation.
6. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
7. 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.
8. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
9. 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.
10. 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.
11. 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.
12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[CUP 02448](#) PETITION: CUP 02448
APPLICANT: LUCIE ARENDT
LOCATION: 49 DANKS ROAD, SECTION 36, TOWN OF RUTLAND
CUP DESCRIPTION: limited family business-art studio

Attachments: [CUP 2448 Staff Report](#)

[CUP 2448 Town](#)

[CUP 2448 Map](#)

[CUP 2448 APP](#)

[CUP #2448](#)

A motion was made by Wegleitner, seconded by Knoll, to approve the Conditional Use Permit for a Limited Family Business in the A-2(2) district with the following conditions. The motion carried by the following vote: 4-0.

1. This Conditional Use Permit shall be for a Limited Family Business – Artist Studio.
2. No accessory buildings shall be used for human habitation.
3. Hours of operation shall be limited to 8am to 10pm daily.
4. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

[CUP 02449](#) PETITION: CUP 02449
APPLICANT: OAK PARK QUARRY LLC
LOCATION: 1/4 1/4 NORTH AND SOUTH OF 3522 OAK PARK ROAD,
SECTION 29, TOWN OF DEERFIELD
CUP DESCRIPTION: mineral extraction

Attachments: [CUP 2449 Staff Report 2 6 19](#)
[CUP 02449 MAP](#)
[CUP 02449 DEERFIELD APP](#)
[CUP 02449 Application Supplement](#)
[CUP 2449 St. Paul's Letter of opposition 020619](#)
[CUP 2449 Exhibits for St. Paul's Letter of opposition 020619](#)
[CUP 2449 QUARRY SUPPORT LETTERS Part1](#)
[CUP 2449 QUARRY SUPPORT LETTERS Part2](#)
[CUP 2449 QUARRY SUPPORT LETTERS Part3](#)
[CUP 2449 Opposition - Dana Kelly letter 011419](#)
[CUP 2449 Opposition - Schuster complaints 011619](#)
[CUP 2449 Support - PE Gubbe Comments of Public Hearing 160329](#)
[CUP 2449 Support - PE Gubbe Ltr to UW Dept Mech Engineering 160419](#)
[CUP 2449 Support - Aggregate Producers of Wisconsin Letter 190114](#)
[CUP 2449 Support - St Paul ltr W Kosh Pics B&W](#)
[CUP 2449 Support - Conrad Schmitt ZLR handout](#)
[CUP 2449 Opposition - Engelstad Rebuttal to Gubbe](#)
[CUP 2449 Opposition - Documents submitted at 2-12-19 public hearing](#)
[CUP 2449 Support - Documents submitted at 2-12-19 ZLR public hearing](#)
[CUP 2449 Support - Courter Resource Group letter](#)
[CUP 2449 Support - WMC letter](#)
[CUP 2449 Support - Jeff & Heidi Krumenauer letters](#)
[February 12, 2019 ZLR Public Hearing Audio Recording](#)

A motion was made by Peters, seconded by Knoll, to accept into the official record for this Conditional Use Permit all documentary items provided by the applicant / supporters and opposition prior to and during the 2-12-19 ZLR Committee Public Hearing. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

In Favor: Jeff Furseth, Rachel Halverson, Jodi White, Susan Courter, Jeff Krumenauer, Kylie Nelson, Carrie Nelson, Jennifer Hanson, Scott MacWilliams.

In Opposition: LeRoylander Galien, Kenny Zickert, Steven Hauge, Alma Mikkelson, Evie Mikkelson, Susan Mikkelson, Sandra Mikkelson, James Mikkelson, Cindy Regan, Ken Frjelich, Bill Doubler, Michael Beck, Theresa Schuster, Ethel Lund, Alan Mikkelson, Mallory Frjelich, Dennis Mandt, Rachel Beck, Steve Wetzel, Roxann Engelstad, Sharon Holzapfel, David Wilkinson, Todd Birkrem, Rochelle Vander-Galien, Holly Slater, Michelle Jensen

The applicant outlined the Conditional Use Permit request to continue mineral extraction operations on the property over the 10 year permit period, including plans to move northward on the property, utilize a rerouted entrance to reduce traffic on Oak Park Road, and construct a new vision/noise berm at the current entrance. Applicant referenced supplemental information provided in support of the proposal and designed to address concerns raised at public meetings, including expert information about clean fill, traffic safety, groundwater and wells, property values and blasting and materials outlining procedures to be followed to ensure safety of operations and to mitigate impacts to neighboring properties. Speakers in support noted the long history of the Oak Park Quarry, the essential aggregate materials it provides to area residents, businesses, construction industry, and transportation projects, the direct and indirect benefits to the local and regional economy, family supporting jobs, and the operator's commitment to abiding by the town of Deerfield blasting ordinance and addressing concerns raised by neighboring residents and the St. Paul's Liberty Lutheran Church. Geologist Courter stated that the project would comply with town blasting limitations. Appraiser McWilliams summarized the findings of his review of property sales near the Oak Park quarry and also near the Cattell quarry in Cottage Grove, stating that he could find no pattern suggesting devaluation of, or increased marketing times for, properties in close proximity to the quarry.

Speakers in opposition noted that the proposed Conditional Use was inconsistent with town of Deerfield comprehensive plan goals and objectives related to cultural and historic resources, and did not meet standards 1, 2, and 3 for approving a Conditional Use Permit as found in the county zoning code. Speakers provided comments and documentation that home and property values have declined as a result of the quarry operation, including the Deerfield town assessor lowering property values upon request, contrary to the analysis provided by McWilliams. Speakers further commented on concerns with blasting impacts due to the unique glacial geology of the area; traffic congestion along Oak Park road; information and documentation alleging damage and deterioration of the nearby historic St. Paul's Lutheran church/cemetery and Schuster's round barn as well as several neighboring residences as a result of blasting at the quarry; claims of discrepancies in the operator's CUP application; evidence of past violations of town and state of Wisconsin blasting limitations. Several speakers read notarized letters from congregation members and neighbors attesting to first hand accounts of damage to structures resulting from prior blasting. Speakers provided additional statements and materials documenting that the church has encountered difficulty in finding historic restoration specialists to conduct renovations and damage repair due to concerns over ongoing quarry operations. Summary comments were provided along with references to the statutory stipulation that substantial evidence be provided to demonstrate a proposal can meet applicable Conditional Use Permit requirements.

A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be postponed due to public opposition and no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

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

[11367](#) PETITION: REZONE 11367
APPLICANT: KATHERINE SPRING
LOCATION: 997 NORLAND ROAD, SECTION 17, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District and RH-3 Rural Homes
District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

Attachments: [11367 Ord Amend](#)
[11367 Staff Update](#)
[11367 Town](#)
[11367 APP](#)
[11367 Map](#)

A motion was made by Wegleitner, seconded by Peters, that this zoning petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandWEGLEITNER

Excused: 1 - KOLAR

F. Plats and Certified Survey Maps

[2018 LD-034](#) Final Plat - Baker's Woods
Village of Belleville
Staff recommends a certification of non-objection.

Attachments: [map](#)
[27978 Bakers Woods](#)
[20190103154439142](#)

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, 4-0.

[2018 LD-036](#) Final Plat - 1000 Oaks Replat No. 1
City of Madison
Staff recommends a certification of non-objection.

Attachments: [map](#)
[27989 100 OAKS REPLAT NO 1](#)

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

[2018 LD-037](#) Final Plat - 1000 Oaks Replat No. 2
City of Madison
Staff recommends a certification of non-objection.

Attachments: [map](#)
[27990 1000 OAKS REPLAT NO 2](#)

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

[2018 LD-041](#) Final Plat - Whispering Coves
City of Verona
Staff recommends a certification of non-objection.

Attachments: [27991 WHISPERING COVES](#)
[map](#)

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

[2018 LD-035](#) Certified Survey Map - Burger
Town of Springdale, 3 lots

Attachments: [Report](#)
[LD-035 Planning Staff Review Memo \(Burger CSM\)](#)
[20181226114141](#)

A motion was made by KNOLL, seconded by PETERS, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.

[2018 LD-038](#) Certified Survey Map - Jack Young
Town of Middleton, 2 lots

Attachments: [Report](#)
[20190114152345](#)
[Memo](#)

A motion was made by PETERS, seconded by KNOLL, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.

[2018 LD-039](#) Certified Survey map - Curtis Jensen
Town of Burke, 2 lots

Attachments: [Report](#)
[20190115090040](#)
[Burke Jensen CSM 02 12 2019](#)

A motion was made by PETERS, seconded by KNOLL, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.

[2018 LD-040](#) Land Division Waiver - Josh Ireland
Town of Medina, Section 33
Waiver request from s. 75.19(6)(b)

Attachments: [waiver report](#)
[waiver content](#)

Finding of fact: County records have always indicated this as a public road, but further evidence by the surveyor and county surveyor have recently indicated that this is not a public road. The property owners of proposed lot 1 do not own additional lands and proposed lot will be served by an existing access easement.

A motion was made by KNOLL, seconded by WEGLEITNER, that the Land Division Waiver be approved to allow the proposed lot to have no public road frontage. The motion carried by a voice vote, 4-0.

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2018](#) 2019-2021 Dane County Legislative Agenda - Zoning and Land Regulation
[ACT-287](#) Committee Amendments

Attachments: [2019-2021 LEGISLATIVE AGENDA SUB _____ TO 2018 RES-474 \(PROPOSED-CORRIGAN\)](#)
[2018 ACT-287 ZLR Leg Agenda Explanation of Suggested Edits](#)

This Action Item was tabled.

J. Reports to Committee

[2018](#) Report of approved Certified Survey Maps
[RPT-438](#)

Attachments: [Jan_2019](#)

K. Other Business Authorized by Law

L. Adjourn

A motion was made by Knoll, seconded by Peters, to adjourn the meeting of the Zoning and Land Regulation Committee at 10:36 PM. The motion carried unanimously.

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