



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, December 17, 2019

6:30 PM

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

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

A. Call to Order

Chair Bollig called the meeting of the December 17, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Everson, Lane, and Violante

Youth Governance member: Julia Amann - Excused

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

No comments made by the public.

[2019](#)
[RPT-476](#)

December 17th meeting registrants

Attachments: [December 17th registrants](#)

C. Consideration of Minutes

[2019](#)
[MIN-352](#)

Minutes of the November 26, 2019 Zoning and Land Regulation Committee meeting

Attachments: [11-26-19 ZLR Public Hearing minutes](#)

A motion was made by AUDET, seconded by WEGLEITNER, to approve the minutes of the November 26, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

[11498](#)

PETITION: REZONE 11498
APPLICANT: BRYCE B BRONSTAD
LOCATION: 1845 COUNTY HIGHWAY B, SECTION 25, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District AND A-2 (8) Agriculture District TO RH-1 Rural Homes District
REASON: increase size of existing residential lot

- Attachments:** [11498 Ord Amend](#)
[11498 Staff Report](#)
[11498 Town](#)
[11498 Density](#)
[11498 Map](#)
[11498 APP](#)

In favor: Bryce Bronstad
Opposed: None

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

1. A deed restriction shall be recorded on both properties to prohibit further division of the properties with no additional residential development permitted.

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[11499](#)

PETITION: REZONE 11499
APPLICANT: THADDEUS GARLEWSKI
LOCATION: CORNER OF KOSHKONONG DRIVE AND CHEROKEE DRIVE, SECTION 25, TOWN OF ALBION
CHANGE FROM: SFR-08 Single Family Residential District TO HAM-R Hamlet Residential District
REASON: allow reduced setback requirements for new home

- Attachments:** [11499 Staff Report](#)
[11499 Town](#)
[11499 Map](#)
[11499 APP](#)

In favor: No representation
Opposed: None

A motion was made by AUDET, seconded by PETERS, that the Zoning Petition be postponed due to no representation. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

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 Ord Amend](#)
[11464 Staff Update](#)
[11464 Town](#)
[11464 Revised Zoning Map](#)
[11464 Density](#)
[11464 Map revised](#)
[11464 APP](#)

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. The petition shall be amended to remove the SFR-08 and UTR Zoning Districts from the request. The petition adjusts the FP-35 and AT-35 boundaries to define the farmland preservation area and the future development area.

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[11500](#)

PETITION: REZONE 11500
APPLICANT: WINDSOR QUARRY LLC
LOCATION: 3973 VILAS HOPE ROAD, SECTION 18, TOWN OF COTTAGE GROVE
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-08 Single Family Residential District AND UTR Utility, Transportation and ROW District
REASON: 18 lot residential subdivision

Attachments: [11500 Staff Report](#)
[11500 Town](#)
[11500 Map](#)
[11500 APP](#)

*In favor: Mike Lawton, Dan Paulson, Cottage Grove Town Chair Kris Hampton
Opposed: Debra Tomesh expressed concerns regarding the lack of services to support a development in this area. Development is premature and future residents would be reluctant to support urban services if they had existing septic systems and private wells.*

A motion was made by WEGLEITNER, seconded by AUDET, that the Zoning Petition be postponed due to public opposition and staff concerns. The motion carried by the following vote: 4-0.

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

11501

PETITION: REZONE 11501
APPLICANT: CHARLES M BOWEN
LOCATION: 14 HILLSIDE ROAD, SECTION 36, TOWN OF ALBION
CHANGE FROM: RM-16 Rural Mixed-Use District and, RR-2 Rural Residential District TO RR-4 Rural Residential District and RR-2 Rural Residential District,
REASON: shifting of property lines between adjacent land owners

Attachments: [11501 Ord Amend](#)

[11501 Staff Report](#)

[11501 Town](#)

[11501 Map](#)

[11501 App](#)

*In favor: Ron Combs, Dorothy Bowen, and Martha Ekwurtze
Opposed: None*

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

1. 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,PETERSandWEGLEITNER

Excused: 1 - KNOLL

11502

PETITION: REZONE 11502
APPLICANT: DANIEL R LOTHE
LOCATION: 3562 STATE HIGHWAY 19, SECTION 2, TOWN OF BURKE
CHANGE FROM: RR-4 Rural Residential District TO SFR-1 Single Family Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11502 Staff Report](#)

[11502 Map](#)

[11502 APP](#)

*In favor: Dan Paulson
Opposed: None*

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

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[11503](#)

PETITION: REZONE 11503
APPLICANT: RICHARD J HOLLER
LOCATION: 2993 COUNTY HIGHWAY P, SECTION 4, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture District TO RM-8 and RM-16 Rural Mixed Use District
REASON: separation of residence and barns from farmland and creating an additional residential lot

- Attachments:** [11503 Ord Amend](#)
[11503 Staff Report](#)
[11503 Town](#)
[11503 Revised App](#)
[11503 Density](#)
[11503 Map](#)
[11503 APP](#)

In favor: Mark Nortman
Opposed: None

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

- 1. The landowner shall record a deed restriction on the proposed RM-8 and RM-16 lots prohibiting further re-division of property.**
- 2. A note shall be placed on the CSM which reads, "The RM-16 lot is subject to a town-approved building envelope, documentation on file in the Town Hall".**

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[11504](#)

PETITION: REZONE 11504
APPLICANT: TREK TRAILS LLC
LOCATION: 97 CANAL ROAD, SECTION 12, TOWN OF MEDINA
CHANGE FROM: FP-35 General Farmland Preservation District TO RE Recreational District
REASON: bike trails and future pavilion

- Attachments:** [11504 Ord Amend](#)
[11504 Staff Report](#)
[11504 Town](#)
[11504 Map](#)
[11504 APP](#)

In favor: Erwin Bessler
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 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

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

11484

PETITION: REZONE 11484
APPLICANT: TOKEN PROPERTIES LLC
LOCATION: 6332 PORTAGE ROAD, SECTION 3, TOWN OF BURKE
CHANGE FROM: HAM-M Hamlet Mixed-Use District AND SFR-08 Single Family Residential District TO HC Heavy Commercial District
REASON: create a commercial lot for mini storage units

Attachments: [11484 Ord Amend](#)
[11484 Staff Update](#)
[11484 Town](#)
[11484 Additional information](#)
[Sun Prairie staff report](#)
[11484 Map](#)
[11484 APP](#)

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

1. A deed restriction shall be recorded on the property. The deed restriction shall state the following:
 - a. There shall be no outdoor storage on the property until the principal buildings and fence are constructed.
 - b. Outdoor storage is limited to no more than ten (10) total of trailered boats and/or non-motorized campers, not to exceed 30 feet in length
 - c. The following uses of the property are prohibited: adult book store; cemeteries; colony houses; institutional residential; transient or tourist lodging; vehicle repair or maintenance services; contractor, landscaping or building trade operations; freight and bus terminals; outdoor sales, display or repair; and warehousing and distribution facilities
2. A copy of the recorded deed restriction shall be provided to the City within 30 days of approval by Dane County.
3. An 8-foot decorative fence shall be constructed along the west and north property lines. The fence shall be similar in nature to the rendering submitted as part of the request. Landscaping shall be installed to provide additional buffering of the outside storage area. A landscaping plan shall be approved the City of Sun Prairie Planning Department prior to the issuance a zoning permit for the development of the site.

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[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

Attachments: [11497 Ord Amend](#)
[11497 Staff Update](#)
[11497 Town](#)
[11497 Density](#)
[11497 Map](#)
[11497 DANE APP](#)

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 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

[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

Attachments: [CUP 2482 Staff Update](#)
[CUP 2482 Town](#)
[CUP 2482 Building Plans](#)
[CUP 2482 Neighbor Picture](#)
[CUP 02482 APP](#)
[CUP 2482 Neighborhood Plan](#)
[CUP 2482 Map](#)
[CUP #2482](#)

Brian Rathgeber spoke in opposition to the CUP. He stated that the applicant failed to meet standard B for obtaining a conditional use permit and the applicant did not provide substantial evidence to support the CUP. Jason Bree responded that the height of the building is only 3 feet higher than permitted, there is adequate landscaping to act as a buffer, and that adjacent houses are at least 80 feet away from the proposed structure.

A motion was made by WEGLEITNER, seconded by AUDET, that the Conditional Use Permit be approved with one condition. The request was found to meet the 8 standards for obtaining a conditional use permit. The modest height difference in relationship to the distance to other buildings is reasonable. The motion carried by the following vote: 4-0.

1. The accessory building shall be constructed up to a maximum height of 14.5 feet mean elevation with a peak height of 19.8 feet.

Ayes: 4 - AUDET,BOLLIG,PETERSandWEGLEITNER

Excused: 1 - KNOLL

F. Plats and Certified Survey Maps

[2019 LD-035](#) Land Division Waiver - Richard Walker
Town of Albion
Applicant is seeking a waiver from the public road frontage requirements as per Ch. 75.19(6)(b) for the existing homesites.

Attachments: [waiver report](#)
[SKMBT_36319120312560](#)

A motion was made by WEGLEITNER, seconded by PETERS, that the Land Division waiver be approved with a condition to allow the three proposed lots to not have frontage along a public road. The motion carried by a voice vote, 4-0.

Condition: A new shared access easement maintenance document be recorded at the time the CSM is recorded.

Finding of fact: No new lots are being created as this is a lot line adjustment and an existing access easement is currently serving the three lots.

[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)

Attachments: [Corp Counsel regarding Park Fee](#)
[TWIN ROCK PRELIMINARY PLAT \(8-20-19\)](#)
[conditional](#)
[town letter](#)

A motion was made by PETERS, seconded by BOLLIG, that the Land Division waiver be approved to allow the subdivision plat not dedicate lands to the public for parkland purposes. The motion carried by a voice vote, 4-0.

Finding of fact: The town of Verona is not requiring or accepting any lands to be dedicated to the public for park purposes.

[2019 LD-037](#) Preliminary Plat - Prairie Circle Extension
Town of Verona
Acceptance and schedule for future consideration.

Attachments: [acceptance](#)
[20191121130614](#)
[19-32](#)

A motion was made by AUDET, seconded by PETERS, to accept the preliminary plat and schedule for future consideration. The motion carried by a voice vote, 4-0.

[2019 LD-036](#) Final Plat - Fred - Maple Grove Drive
City of Madison
Staff recommends a certification of non-objection.

Attachments: [map](#)
[28133 20191125 Print](#)

A motion was made by PETERS, seconded by WEGLEITNER, to certify the plat with no objections. The motion carried by a voice vote, 4-0.

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2019](#) Report - Approved Certified Survey Maps
[RPT-432](#)

K. Other Business Authorized by Law

[2019](#) Initial discussion regarding the University of Minnesota Mapping Prejudice
[DISC-016](#) Project

Attachments: [Discussion Request](#)

Planning Director Violante explained the University of Minnesota Mapping Prejudice Project to the committee a commented on how the analysis could be performed in Dane County.

L. Adjourn

A motion was made by AUDET, seconded by WEGLEITNER, to adjourn the December 17, 2019 Zoning and Land Regulation Committee meeting at 8:15pm. The motion carried by unanimously.

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