



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?

Monday, September 17, 2018

6:30 PM

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

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A. Call to Order

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

Staff present: Everson, Lane, and Violante

Present 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and STEVEN PETERS

Excused 1 - HEIDI WEGLEITNER

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

No comments made by the public.

[2018](#) September 17th ZLR meeting registrants
[RPT-233](#)

Attachments: [September 17th ZLR meeting registrants](#)

C. Consideration of Minutes

[2018](#) Minutes of the August 13, 2018 Zoning and Land Regulation Committee
[MIN-205](#) meeting

Attachments: [08-13-2018 ZLR meeting minutes](#)

A motion was made by BOLLIG, seconded by PETERS, to approve the minutes of the August 13, 2018 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

[2018](#) Minutes of the August 28, 2018 Zoning and Land Regulation Committee
[MIN-206](#) meeting

Attachments: [08-28-2018 ZLR meeting minutes](#)

A motion was made by KNOLL, seconded by PETERS, to approve the minutes of the August 28, 2018 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

[11332](#) PETITION: REZONE 11332
APPLICANT: TREVER G OTTO
LOCATION: 1371 STATE HIGHWAY 92, SECTION 11, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: shifting of property lines between adjacent land owners

Attachments: [11332 Ord Amend](#)

[11332 Staff](#)

[11332 Town](#)

[11332 Map](#)

[11332 APP](#)

In favor: Trever and Christen Otto

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

[11333](#)

PETITION: REZONE 11333
APPLICANT: MARK NELSON
LOCATION: 3196 COUNTY HIGHWAY A, SECTION 13, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO R-3 Residence District
REASON: Changing zoning district to allow for a reduced rear yard setback

Attachments: [11333 Ord Amend](#)
[11333 Staff](#)
[11333 Town](#)
[11333 Parcel Status Determination](#)
[11333 Map](#)
[11333 APP](#)

In favor: Lisa and Mark Nelson
Opposed: None

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 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

[11334](#)

PETITION: REZONE 11334
APPLICANT: WILLIAM J RICKERMAN
LOCATION: 2760 US HIGHWAY 12/18, SECTION 32, TOWN OF COTTAGE GROVE
CHANGE FROM: RH-2 Rural Homes District TO C-2 Commercial District
REASON: Allow warehousing business

Attachments: [11334 Ord Amend](#)
[11334 Staff CUP 2435](#)
[11334 Town](#)
[11334 Map](#)
[11334 APP](#)

In favor: William and Sheryl Rickerman
Opposed: None

A motion was made by BOLLIG, seconded by PETERS, 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 with the Register of Deeds to limit the land uses on the property to the following: Single-family residence, Warehousing Service Business, and the storage/parking of commercial vehicles up to 4 business vehicles. The commercial building shall have a maximum size of 40'x40'. There shall be no signs or external lighting except for exit illumination.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

[CUP 02435](#) PETITION: CUP 02435
APPLICANT: WILLIAM J RICKERMAN
LOCATION: 2760 US HIGHWAY 12/18, SECTION 32, TOWN OF
COTTAGE GROVE
CUP DESCRIPTION: residence in commercial district

Attachments: [CUP 2435 Staff 11334](#)

[CUP 2435 Town](#)

[CUP 2435 Map](#)

[CUP 02435 APP](#)

[CUP #2435 Pending](#)

In favor: William and Sheryl Rickerman

Opposed: None

A motion was made by BOLLIG, seconded by PETERS, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 4-0.

- 1. The conditional use permit (CUP) is to allow for the business owner's residence. The residence shall be occupied by the owner of the business. Rental of the residence shall be prohibited.**
- 2. The on-site sanitary system shall be in compliance with Dane County Code of Ordinances, Chapter 46, Private Sewage Systems.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

[11335](#) PETITION: REZONE 11335
APPLICANT: JEROME R BALLWEG
LOCATION: 8788 KATZENBUECHEL ROAD, SECTION 33, TOWN OF ROXBURY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO R-1 Residence District, R-1 Residence District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating two lots and shifting of property lines

Attachments: [11335 Ord Amend](#)

[11335 Staff](#)

[11335 Town](#)

[11335 Density](#)

[11335 Map](#)

[11335 APP](#)

In favor: Jerome Ballweg

Opposed: None

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 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11337](#) PETITION: REZONE 11337
APPLICANT: EDWARD J & CAROL KNAPTON
LOCATION: 4311 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-B Ag-Business District
REASON: zoning compliance for an existing garden center & farm

Attachments: [11337 Ord Amend](#)

[11337 Staff CUP 2436](#)

[11337 Town](#)

[11337 Map](#)

[11337 APP](#)

In favor: Edward and Carol Knapton

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02436](#) PETITION: CUP 02436
APPLICANT: EDWARD J & CAROL KNAPTON
LOCATION: 4311 VILAS HOPE ROAD, SECTION 7, TOWN OF
COTTAGE GROVE
CUP DESCRIPTION: zoning compliance for existing retail sales,
landscaping business, and residence

Attachments: [CUP 2436 Staff 11337](#)
[CUP 2436 Town](#)
[CUP 2436 Map](#)
[CUP 02436 APP](#)
[CUP #2436 Pending](#)

In favor: Edward and Carol Knapton
Opposed: None

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

- 1. The conditional use allows for agricultural related use to occur on the property. Specifically retails sales of gardening/seasonal products, and the operation of a landscaping/contracting company.**
- 2. The conditional use allows for a farm residence on the property. The house shall be used by the owner or persons working for the agricultural business.**
- 3. The owner is responsible for operating the business and following the information as explained in the conditional use permit application.**
- 4. The hours of operation shall be as follows:**
 - a. Garden Center: 8 am to 8 pm; and 8 am to 10 pm for special events (up to 4 events per year); and**
 - b. Landscaping operation: 6 am to 8 pm.**
- 5. Outside loudspeakers are prohibited on the property.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11339](#)

PETITION: REZONE 11339
APPLICANT: EDWARD MEACHEN & FRANCINE TOMPKINS
LOCATION: 975 FLINT ROAD, SECTION 16, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District, RH-1 Rural Homes District TO RH-2 Rural Homes District, RH-1
Rural Homes District TO A-1EX Agriculture District
REASON: creating residential lot for existing home

Attachments: [11339 Ord Amend](#)

[11339 Staff](#)

[11339 Town](#)

[11339 Density](#)

[11339 Map](#)

[11339 APP](#)

In favor: Edward Meachen and Francine Tompkins

Opposed: None

A motion was made by BOLLIG, seconded by PETERS, 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 0510-162-9570-0 and 0510-162-9001-0 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.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11340](#)

PETITION: REZONE 11340

APPLICANT: LINNERUD FARMS LTD PARTNERSHIP

LOCATION: NORTH OF 1824 SKYLINE DRIVE, SECTION 32, TOWN OF PLEASANT SPRINGS

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District

REASON: creating one residential lot

Attachments: [11340 Ord Amend](#)

[11340 Staff](#)

[11340 Town](#)

[11340 Density](#)

[11340 Map](#)

[11340 APP](#)

In favor: Shelby Hoops

Opposed: None

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

- 1. Three development rights will remain on the original farm.**
- 2. The certified survey map shall be approved by the Town of Pleasant Springs and shall meet specific Town conditions.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11341](#) PETITION: REZONE 11341
APPLICANT: LINDA ALTENBURG
LOCATION: 493 TAYLOR LANE, SECTION 29, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating existing residence from farmland

Attachments: [11341 Ord Amend](#)
[11341 Staff](#)
[11341 Town](#)
[11341 Density](#)
[11341 Map](#)
[11341 APP](#)

In favor: Robert Talarczyk
Opposed: None

A motion was made by KNOLL, seconded by PETERS, 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 0511-291-8070-6, 0511-291-8500-5, and 0511-292-8000-9 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.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[11342](#) PETITION: REZONE 11342
APPLICANT: THOMAS A SARBACKER
LOCATION: EAST OF 1560 RANGE TRAIL, SECTION 3, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating one residential lot

Attachments: [11342 Ord Amend](#)
[11342 Staff](#)
[11342 Town](#)
[11342 Density](#)
[11342 Map](#)
[11342 APP](#)

In favor: Ed Short
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02437](#) PETITION: CUP 02437
APPLICANT: JANE C LIESS
LOCATION: 2660 US HIGHWAY 51, SECTION 10, TOWN OF DUNN
CUP DESCRIPTION: 130' communication tower (extendable to 160')

Attachments: [CUP 2437 Staff](#)
[CUP 2437 RF Engineering Report](#)
[CUP 2437 Map](#)
[CUP 02437 APP](#)

In favor: Peter Schal

Opposed: Ken Brost expressed concerns regarding storm water runoff from the development of the site.

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

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

[11323](#) PETITION: REZONE 11323
APPLICANT: MULCAHY FAMILY TR, JAMES S
LOCATION: NORTH OF 6632 HYSLOP ROAD, SECTION 26, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District,
A-1EX Agriculture District TO A-4 Agriculture District
REASON: creating one residential lot

Attachments: [11323 Ord Amend](#)
[11323 Staff Update](#)
[11323 Town](#)
[11323 Density Sending](#)
[11323 Density](#)
[11323 Map TDR](#)
[11323 Map](#)
[11323 APP Revised](#)

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.

1. The appropriate paperwork shall be recorded with the Register of Deeds to document the transfer of development rights.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-022](#) Land Division waiver - Diana Nelson, 2- lot Certified Survey Map
Town of Burke

Attachments: [map](#)
[Waiver](#)

A motion was made by BOLLIG, seconded by KNOLL, that the Land Division waiver application be postponed due to no hardship presented. The motion carried by a voice vote, 4-0

[2018 LD-023](#) Nelson 2-lot Certified Survey Map
Town of Burke

Attachments: [Report](#)
[20180904140011](#)

A motion was made by BOLLIG, seconded by KNOLL, that the Land Division application be tabled until the waiver application has been acted on. The motion carried by a voice vote, 4-0.

[2018 LD-025](#) Final Plat - Madison Yards at Hill Farms
City of Madison
Staff recommends a certification of no objection.

Attachments: [map](#)
[27918 MADISON YARDS AT HILL FARMS](#)

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

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2018 RPT-207](#) Approval of the 2019 ZLR Committee meeting schedule

Attachments: [2019 ZLR Meeting Calendar DRAFT](#)
[2019 ZLR Meeting schedule DRAFT](#)

The Committee found that the 2019 Zoning and Land Regulation Committee meeting schedule to be acceptable.

J. Reports to Committee

[2018](#) Report of approved CSM's
[RPT-210](#)

Attachments: [Sept_2018](#)

K. Other Business Authorized by Law

L. Adjourn

A motion was made by JASON KNOLL, seconded by STEVEN PETERS, to adjourn the September 17, 2018 Zoning and Land Regulation Committee meeting at 7:15pm. The motion carried unanimously.

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