



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, May 10, 2016

7:00 PM

City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison

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A. Call to Order

Supervisor Kolar called the meeting of the ZLR Committee to order at 7:02pm in Room 201 of the City-County Building.

Staff present: Allan, Everson, Lane, and Violante

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

A1. Election of Officers

Supervisor Kolar called for nominations for Chair of the Zoning and Land Regulation Committee.

Supervisor Bollig nominated Supervisor Kolar for Chair. Supervisor Matano nominated Supervisor Oloughlin for Chair. Supervisor Oloughlin graciously declined the nomination. No other nominations cast. Supervisor Kolar closed the nominations for Chair.

Supervisor Kolar was elected as Chair of the Zoning and Land Regulation Committee by unanimous consent.

Chair Kolar called for nominations for Vice Chair of the Zoning and Land Regulation Committee.

Supervisor Miles nominated Supervisor Bollig for Vice Chair. No other nominations cast.

Supervisor Miles was elected as Vice-Chair of the Zoning and Land Regulation Committee by unanimous consent.

Chair Kolar thanked Supervisor Miles for his eight years of service as the Chair of the Zoning and Land Regulation Committee.

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

There were no comments made by the public.

[2016 RPT-087](#) Registrants at the May 10, 2016 ZLR Committee meeting

Attachments: [Registrants May 10th](#)

C. Consideration of Minutes

[2016 MIN-021](#) Minutes of the March 8, 2016 Zoning and Land Regulation Committee meeting

Attachments: [3-8-16 ZLR work meeting minutes](#)

A motion was made by BOLLIG, seconded by MATANO, that the Minutes of the March 8, 2016 Zoning and Land Regulation Committee meeting be approved. The motion carried by a voice vote.

[2016 MIN-022](#) Minutes of the March 22, 2016 Zoning and Land Regulation Committee meeting

Attachments: [3-22-16 ZLR Public Hearing minutes](#)

A motion was made by O'LOUGHLIN, seconded by MILES, that the Minutes of the March 22, 2016 Zoning and Land Regulation Committee meeting be approved. The motion carried by a voice vote.

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

[10957](#) PETITION: REZONE 10957
APPLICANT: STORLIE PROPERTIES LLC
LOCATION: 922 ZECHZER ROAD, SECTION 21, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO A-B Ag-Business District
REASON: Allow of an Agriculture Business

Attachments: [10957 CUP 2336 Staff](#)

[10957 Town](#)

[10957 Ord Amend](#)

In favor: Owen Storlie

Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2336](#)

PETITION: CUP 2336
APPLICANT: STORLIE PROPERTIES LLC
LOCATION: 922 ZECHZER ROAD, SECTION 21, TOWN OF DEERFIELD
CUP DESCRIPTION: Allow for a fertilizer/herbicide distribution business

Attachments: [10957 CUP 2336 Staff](#)
[CUP 2336 Town](#)
[CUP 2336 Village concern](#)
[CUP #2336](#)

In Favor: Owen Storlie
Opposition: None

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

- 1. Use is limited to the existing fertilizer and herbicide business.**
- 2. Fertilizer and herbicides shall be stored in accordance with all applicable local, state, and federal standards.**
- 3. Hours of operation shall be limited to 6am-10pm daily.**
- 4. Storage and parking areas shall be located as depicted on the site plan.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10958](#)

PETITION: REZONE 10958
APPLICANT: ROSE INVESTMENTS LLC
LOCATION: 2727 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: amend deed restrictions to include "auto towing facility and parking and storage of vehicles"

Attachments: [10958 Staff](#)
[10958 Map](#)
[10958 App](#)

In Favor: Todd Menzel
Opposition: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10960](#) PETITION: REZONE 10960
APPLICANT: PATRICIA L ANNEN
LOCATION: 6392 VIADUCT ROAD, SECTION 12, TOWN OF DANE
CHANGE FROM: R-3 Residence District TO A-2 (1) Agriculture District
REASON: rezoning to a district which allows for a taller shed

Attachments: [10960 Staff](#)
[10960 Town](#)
[10960 Ord Amend](#)

In Favor: Patricia Annen
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10961](#) PETITION: REZONE 10961
APPLICANT: MANCHESKI ACRES
LOCATION: EAST OF 366 LONDON ROAD, SECTION 26, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Attachments: [10961 Staff](#)
[10961 Town](#)
[10961 Density](#)
[10961 Ord Amend](#)

In Favor: Jim Lowrrey
Opposition: None

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

- 1. A deed notice shall be recorded on the property which states all residential density units have been exhausted on the property and further residential development is prohibited per Town and County Land Use Policies. The notice shall be recorded on parcel 0712-261-9000-9.**
- 2. A deed notice shall be recorded on the residential property which states that farm practices prevail for all rural lots in the Town of Deerfield.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10962](#)

PETITION: REZONE 10962
APPLICANT: JAMES A LOWREY
LOCATION: 2316 BERGE HINNY ROAD, SECTION 21, TOWN OF
CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District, A-1EX Agriculture District TO A-4 Agriculture District, RH-1
Rural Homes District TO RH-2 Rural Homes District
REASON: enlarge current residential lot

Attachments: [10962 Staff](#)
[10962 Town](#)
[10962 Ord Amend](#)

In Favor: Jim Lowrey
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10963](#)

PETITION: REZONE 10963
APPLICANT: JOAN I HALVERSON
LOCATION: 1109 ROTHIE ROAD, SECTION 5, TOWN OF
CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District
REASON: separating existing residence from farmland

Attachments: [10963 Staff](#)
[10963 Town](#)
[10963 Density](#)
[10963 Ord Amend](#)

**A motion was made by MATANO, seconded by MILES, to suspend the committee
rules to take up item 2015 LD - 058 out of turn. The motion carried by a voice
vote. See motion below.**

In Favor: Jim Lowrey
Opposition: None

**A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning
Petition be recommended for approval as amended. The motion carried by the
following vote: 5-0.**

**1. A deed restriction shall be recorded on parcel 0612-051-8000-6 to prohibit
further residential development on the remaining A-1EX Exclusive Agriculture
zoned lands. The housing density rights have been exhausted on the original
farm.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10964](#)

PETITION: REZONE 10964
APPLICANT: PATRICK M BUCHHOLZ
LOCATION: SOUTHWEST OF 2083 COUNTY HIGHWAY BB,
SECTION 10, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

Attachments: [10964 Staff](#)
[10964 Town](#)
[10964 Density](#)
[10964 Ord Amend](#)

In Favor: Patrick Buchholz
Opposition: None

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0711-113-8590-8, 0711113-8190-2, 0711-112-9250-8, and 0711-104-8000-2 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.
2. A deed restriction shall be recorded on the proposed A-2 zoned lot to prohibit land division of the property.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10965](#)

PETITION: REZONE 10965
APPLICANT: Z & L PROPERTIES LLC
LOCATION: 2581 STATE HIGHWAY 92, SECTION 13, TOWN OF BLUE MOUNDS
CHANGE FROM: LC-1 Limited Commercial District TO C-1 Commercial District
REASON: Allow a billboard to be painted onto an exiting silo

Attachments: [10965 Staff](#)
[10965 Town](#)
[County requirements](#)
[10965 Ord Amend](#)

In Favor: Scott Zaher
Opposition: None

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-1.

1. A deed restriction shall be recorded on the property to prohibit the construction of any new structures for the purposes of off-premise advertising signs within the C-2 Commercial zoning boundary. Off-premise advertising is limited to paintings on the existing silo.

Ayes: 4 - BOLLIG,KOLAR,MILESandO'LOUGHLIN

Noes: 1 - MATANO

[10966](#)

PETITION: REZONE 10966
APPLICANT: MICHAEL D SAMUEL
LOCATION: 440 STATE HIGHWAY 78, SECTION 29, TOWN OF PERRY
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District
REASON: creating one residential lot

- Attachments:** [10966 Staff](#)
[10966 Density](#)
[10966 Town](#)
[10966 Ord Amend](#)

In Favor: Michael Samuel
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10967](#)

PETITION: REZONE 10967
APPLICANT: DONALD A HOFFMAN
LOCATION: 6718 STATE HIGHWAY 19, SECTION 11, TOWN OF SPRINGFIELD
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District, A-B Ag-Business District TO R-1A Residence District, A-B Ag-Business District TO A-1EX Agriculture District

- Attachments:** [10967 Staff](#)
[10967 Town](#)
[10967 Density](#)
[10967 Ord Amend](#)

In Favor: Don Hoffman
Opposition: None

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

1. A shared driveway agreement shall be recorded on the property for the benefit of the new residence and the farm operation.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10968](#)

PETITION: REZONE 10968
APPLICANT: STEVE GANSER
LOCATION: WEST OF 5207 LINCOLN ROAD, SECTION 14, TOWN
OF OREGON
CHANGE FROM: A-3 Agriculture District TO RH-2 Rural Homes District,
RH-2 Rural Homes District TO A-4 Agriculture District
REASON: creating one residential lot

Attachments: [10968 APP](#)
[10968 Map](#)
[10968 Staff](#)

In Favor: Steve Ganser
Opposition: None

A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10969](#)

PETITION: REZONE 10969
APPLICANT: KENNETH S WADE
LOCATION: NORTH OF 3530 COUNTY HIGHWAY F, SECTION 29,
TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO CO-1 Conservancy
District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: conservancy uses

Attachments: [10969 Staff](#)
[10969 Town](#)
[10969 Density](#)
[10969 Ord Amend](#)

In Favor: Kenneth Wade
Opposition: None

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

1. A deed restriction shall be recorded on the parcels identifying the potential of a housing density right and acknowledging that the property will need to be evaluated to the Town Plan policies to determine if the property is suitable for residential development.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10970](#)

PETITION: REZONE 10970
APPLICANT: CHARLTON REV TRUST, SERENA
LOCATION: 3391 COUNTY HIGHWAY J, SECTION 35, TOWN OF
CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District,
R-1 Residence District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [10970 Staff](#)
[10970 Town](#)
[10970 Density](#)
[10970 Ord Amend](#)

In Favor: Serena Charlton
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10971](#)

PETITION: REZONE 10971
APPLICANT: DONALD HEWITT
LOCATION: 6559 COUNTY HIGHWAY P, SECTION 33, TOWN OF
DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture
District
REASON: separating existing residence from farmland

- Attachments:** [10971 Staff](#)
[10971 Town](#)
[10971 Density](#)
[10971 Ord Amend](#)

In Favor: Mike Hewitt
Opposition: None

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

1. A deed restriction shall be recorded on parcels 0908-343-8600-0, 0908-343-8570-7, 0908-343-8500-1, 0908-342-9190-6, 0908-334-8500-2, 0908-334-8000-7, 0908-331-9501-0, and 0908-331-9001-0 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: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10972](#)

PETITION: REZONE 10972
APPLICANT: DONALD HEWITT
LOCATION: 7555 BRERETON ROAD AND LANDS SOUTH, SECTION
29, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture
District
REASON: separating existing residence from farmland

Attachments: [10972 Staff](#)
[10972 Town](#)
[10972 Density](#)
[10972 Ord Amend](#)

In Favor: Mike Hewitt
Opposition: None

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10973](#)

PETITION: REZONE 10973
APPLICANT: ADAM C WENDORF
LOCATION: EAST OF 2036 & 2042 COUNTY HIGHWAY BN,
SECTION 27, TOWN OF PLEASANT SPRINGS
CHANGE FROM: RH-1 Rural Homes District TO LC-1 Limited
Commercial District
REASON: zoning to allow for a limited family business (building
contractor)

Attachments: [10973 Staff](#)
[10973 Map](#)
[10973 APP](#)

The petition withdrawn by applicant.

[10974](#)

PETITION: REZONE 10974
APPLICANT: TATYANA E BUDKER
LOCATION: 5141 SUNRISE RIDGE TRAIL, SECTION 31, TOWN OF
SPRINGFIELD
CHANGE FROM: R-1 Residence District TO R-3 Residence District
REASON: zoning change to allow for a reduced rear yard setback

- Attachments:** [10974 Staff](#)
[10974 Town](#)
[Emails in opposition](#)
[10974 Ord Amend](#)

A motion was made by BOLLIG, seconded by MILES, to suspend the committee rules in order to act on a petition with public opposition. The opposition was in the form of emails. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

*In Favor: Matthew Speer
Opposition: three emails*

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on the property to prohibit the construction of any accessory building, deck, or any addition to the dwelling within 25 feet of the easterly property line. The area shall remain open space.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10984](#)

PETITION: REZONE 10984
APPLICANT: CARR LIVING TRUST
LOCATION: 176 N UNION ROAD, SECTION 34, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District
REASON: creating one residential lot

- Attachments:** [10984 Staff](#)
[10984 Town](#)
[10984 Density \(Carr TDR Receiving Prop\)](#)
[10984 Density \(Nelson TDR Sending Prop\)](#)
[10984 Ord Amend](#)

In Favor: Carr Living Trust
Opposition: None

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

- 1. A deed restriction shall be recorded on parcel 0510-342-9500-3 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.**
- 2. A deed notice shall be recorded on the 199-acre Nelson Farm indicating that one housing density right has been transferred to the Carr property and the Nelson property remains eligible for 4 housing density rights.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2338](#)

PETITION: CUP 2338
APPLICANT: HALFWAY PRAIRIE LLC
LOCATION: 6053 STATE HIGHWAY 78, SECTION 10, TOWN OF MAZOMANIE
CUP DESCRIPTION: renew conditional use permit for an existing mineral extraction site

- Attachments:** [CUP 2338 Staff](#)
[CUP 2338 Staff Report](#)
[CUP 2338 Town](#)
[Opposition to CUP 2338](#)
[CUP 2338 WisDot Memo](#)
[CUP 2338 Map](#)
[CUP 2338 Registered Site Map](#)
[CUP 2338 App](#)

In Favor: Tim Geoghegan

Opposition: Gerald Olson, John Heintz, Bonnie Trainor, Larry Lichte

The neighborhood residents expressed concerns regarding dust control, the absence of trees on the berm, the reclamation of the site, truck and machinery noise, contamination of the wells, the amount of area opened at one time, the need for a buffer area for neighboring residents, the timeframe of the conditional use permit, and the activity does not meet the first three standards for obtaining a conditional use permit.

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be postponed due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2339](#)

PETITION: CUP 2339
APPLICANT: COUNTRY CREEK LEARNING CENTER PROPERTY LLC
LOCATION: 6187 PORTAGE ROAD, SECTION 3, TOWN OF BURKE
CUP DESCRIPTION: amend existing cup #2016 conditions to allow additional square feet and children

- Attachments:** [CUP 2339 Staff](#)
[CUP 2339 Town](#)
[CUP 2339 Map](#)
[2339 APP](#)

In Favor: No representation

Opposition: None

A motion was made by BOLLIG, seconded by MILES, that this Conditional Use Permit be postponed. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

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

[10915](#) PETITION: REZONE 10915
APPLICANT: STEPHEN FLACH
LOCATION: EAST OF 8716 RIDGE DRIVE, SECTION 27, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District
REASON: zoning compliance for an existing residential lot

Attachments: [10915 Staff Update](#)
[10915 Town](#)
[10915 Ord Amend](#)

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

1. A deed restriction shall be recorded on parcels 0507-281-9501-3, 0507-272-9100-9, and 0507-272-9060-8 to prohibit further land divisions or residential development on the properties.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10931](#) PETITION: REZONE 10931
APPLICANT: STEPHEN D CHAMPAGNE
LOCATION: 2059 RINDEN ROAD, SECTION 11, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: creating two residential lots

Attachments: [10931 Staff Update](#)
[Cert of Compliance](#)
[Town meeting minutes](#)
[Petitioner response to staff suggestions](#)
[Agent response](#)
[Sanitarian report](#)
[10931 Site Inspection](#)
[10931 Town](#)
[10931 Density](#)
[10931 Map](#)
[10931 App](#)

A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed until 5/24/2016. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10939](#)

PETITION: REZONE 10939
APPLICANT: MARSHALL BROTHERS
LOCATION: NORTH OF 296 UNION ROAD, SECTION 26, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: dividing farmland between owners

Attachments: [10939 Staff Update](#)

[10939 Town](#)

[10939 Density](#)

[10939 Ord Amend](#)

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10944](#)

PETITION: REZONE 10944
APPLICANT: V&B BUILDINGS LLC
LOCATION: 875 US HIGHWAY 51, SECTION 9, TOWN OF DUNKIRK
CHANGE FROM: B-1 Local Business District TO C-2 Commercial District
REASON: zoning compliance for existing uses and expansion of uses

Attachments: [10944 Staff Update](#)

[10944 Town Minutes](#)

[10944 Town](#)

[10944 Map](#)

[10943 Ord Amend](#)

**A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for denial. The motion carried by the following vote: 5-0.
Findings: The amendment conflicts with the policies of the Town of Dunkirk Comprehensive Plan and the City of Stoughton Comprehensive Plan.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10953](#)

PETITION: REZONE 10953
APPLICANT: DON WAHLIN (DCW INVESTMENTS LLC)
LOCATION: NORTH OF 3524 OLD STAGE ROAD, SECTION 35,
TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District
REASON: create a small agriculture lot for hunting

Attachments: [10953 Staff Update](#)
[10953 Town](#)
[10953 Density](#)
[10953 Ord Amend](#)

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

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[10956](#)

PETITION: REZONE 10956
APPLICANT: MARK A STROHMENGER
LOCATION: 1785 STROHMENGER LANE, SECTION 1, TOWN OF
SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture
District
REASON: separating existing residence from farmland

Attachments: [10956 Staff Update](#)
[10956 Town](#)
[10956 Ord Amend](#)

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1.Strohmenger Road shall remain a public road and that a cul-de-sac bulb be constructed at the end of the roadway to facilitate emergency vehicles by July 2017.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

CUP 2103

REVIEW AND POSSIBLE REVOCATION OF CUP #2103

Landowner: Oak Park Quarry, LLC

Location: 3522 Oak Park Road, Section 29, Town of Deerfield

Reason: compliance with conditions of approval and standards found in Dane County Code of Ordinances Section 10.255(2)(h)

Attachments: [Updated Staff Report on the Oak Park Quarry](#)

[Town Report](#)

[Updates from Town of Deerfield](#)

[Letters of opposition as of 3-22-16](#)

[Letters from landowner](#)

[Letter from Town Attorney to ZLR](#)

[Letters from Endpoint](#)

[Letters from State agencies](#)

[CUP #2103](#)

[CUP #2103 Boundaries](#)

[Oak Park response May 10th](#)

Supervisor Salov spoke in support of the revocation of Conditional Use Permit #2103. He base his support on the concerns of the Town, 112 person petition in favor of revocation, the operator challenging the lack of non-conforming status for the site, the Town being forced to create a blasting license in fear of the impact that the quarry poses on the neighboring properties, the numerous violations that have occurred on the property, and the concern in the operator's statement that the Deerfield blasting ordinances do not apply to the Oak Park Quarry site. For these reasons, the CUP should be revoked.

Attorney Sweeney, representing Oak Park Quarry LLC, stated that the owner has been very cooperative in addressing the concerns of the neighborhood. The owner has hired professional consultants to evaluate the blasting. The owner is willing to establish a neighborhood blasting committee to review the quarry on a regular basis. The owner is willing to comply with the Town's blasting ordinances and mineral extraction ordinances.

Pastor Holly Slater stated that Oak Park Quarry has not been very cooperative in addressing the Church's concerns regarding the damage to the church and cemetery grounds.

Town Supervisor Nick Brattlie stated that the Town of Deerfield has recently revised the blasting ordinances by placing a 0.2 ppv blasting limit to help protect historical structures. The Town Board felt that the limitation would be sufficient.

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be postponed until the ZLR Committee tours the quarry site, church, and possibly other structures in the area. Staff is instructed to explore a third party that could provide an analysis of the impact that the blasting has on the neighboring structures. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2334](#)

PETITION: CUP 02334
APPLICANT: WINGRA REAL ESTATE LLC
LOCATION: 201 COUNTY HIGHWAY MM, SECTION 36, TOWN OF OREGON
CUP DESCRIPTION: expand existing mineral extraction site

Attachments:

- [CUP 2334 Staff Update](#)
- [CUP 2334 Staff](#)
- [CUP 2334 Town](#)
- [CUP 2334 Map](#)
- [Tab 1 - Application and Legal Description](#)
- [Tab 2 - Submittal Requirements](#)
- [Tab 3 - Reclamation Plan Details](#)
- [Tab 4 - Supplemental Information](#)
- [Tab 5 - Proposed Conditions](#)
- [Tab 6 - Six Standards of a CUP](#)
- [Tab 7 - Operations & Reclamation Plan](#)
- [Tab 8 - Gravel Potential Map and Deposit Registration](#)
- [Tab 9 - Well Protection - Fugitive Dust Plan - SPCC Plan](#)
- [Village of Brooklyn comments](#)
- [P&D Response to the Village of Brooklyn Letter 3-17-16](#)
- [CUP #2334](#)

A motion was made by BOLLIG, seconded by MILES, that this Conditional Use Permit be approved with 25 conditions. The motion carried by the following vote: 5-0.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. The operator shall develop and operate the site according to the site/operations and phasing plan dated January 21, 2016.
4. Operations shall cease no later than thirty (30) years from the date of the CUP approval. For the duration of this CUP, primary operation is exclusive to Payne & Dolan, Inc., and Payne & Dolan will perform and/or direct all operations on the site.
5. Reclamation shall meet the requirements of Chapter 74 of the Dane County Code of Ordinances.
6. Reclamation must be completed within 12 months of the termination of the CUP.
7. The driveway accessing the site shall be paved. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
8. The operator and all haulers shall access the CUP site only through those points designated as entrances on the site/operations plan dated January 21, 2016.

9. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing".
10. Hours of mineral extraction shall be from 6:00 AM to 7:00 PM, Monday through Friday and 6:00 AM to 3:00 PM on Saturdays. No operations of any kind shall take place on Sundays or the following legal holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day. Maintenance and repairs may occur outside of the aforementioned operating hours. Trucking hours will be from 7:00 AM to 6:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturdays.
11. There shall be no blasting or drilling on the site.
12. There will be a safety fence around the entire extraction area at all times. That safety fence shall be a minimum of 5 ft. in height with a single strand of barbed wire on top.
13. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
14. No water shall be pumped or otherwise removed from the site.
15. Bulk fuel may be stored on site but is limited to no more than 1,000 gallons. Fuel must be stored in containment that meets all applicable state and federal regulations. Operator must have a spill prevention plan in place.
16. All excavation equipment, plants and vehicles shall be fueled, stored, serviced, and repaired on lands above three (3) feet in elevation above highest water table elevation to prevent against groundwater contamination from leaks or spills.
17. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
18. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
19. Applicant shall provide claims procedures and bond for private water wells within ½ mile of the site.
20. Berms shall be seeded and planted as described in the site/operations plan.
21. No permanent structures shall be erected.
22. Applicant shall conduct and annual review of the site operations with the Town of Oregon during the 4th quarter of each year.
23. Dane County and the Town of Oregon shall be listed as additional insureds on the Payne & Dolan, Inc. liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations may commence. The liability insurance policy shall remain in effect until reclamation is complete.
24. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with those 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.
25. All dump trucks hauling aggregate from the site must tarp their loads.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 2335](#)

PETITION: CUP 02335

APPLICANT: COUNTRY VIEW ENTERPRISES LLC

LOCATION: 1350 SOUTH FISH HATCHERY ROAD, SECTION 9,
TOWN OF OREGON

CUP DESCRIPTION: amending existing CUP for a kennel operation to
allow an outdoor play area and pasturing of large animals

Attachments: [CUP 2335 Staff Update](#)

[CUP 2335 Town](#)

[Vet Clinic Site Maps](#)

[CUP 2335 Map](#)

[2335 CUP App](#)

[CUP #2335](#)

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 20 conditions. The motion carried by the following vote: 5-0.

Large animal facility (keeping of livestock in the C-1 Commercial Zoning District)

- 1.Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.
- 2.One sign may be constructed for the large animal facility on the property.
- 3.All exterior lighting shall be directed toward the ground.
- 4.Land uses shall be restricted to a large animal veterinary hospital/grooming/training in an indoor facility.
- 5.A maximum of 4 animal units shall be outside during daylight hours and contained within the designated paddock/pasture area.
- 6.A public address system (PA) or outside loudspeakers are prohibited in the property.
- 7.Hours of operation shall be 6:30am to 6:00pm Monday through Friday, Saturday from 6:30am to 2:00pm. Emergency services may be provided 24 hours a day as needed.

Small animal facility (kenneling and animal day care)

- 1.The small animal facility shall have a Dane County manure management plan.
- 2.Signs for the small animal facility shall be limited to the existing free-standing and wall signs.
- 3.All exterior lighting shall be directed toward the ground.
- 4.A six-foot stockade fence shall be installed around the outdoor exercise area surrounded with evergreens at least 3-foot tall and spaced 7 feet on center providing and additional sound barrier.
- 5.Land uses shall be restricted to a small animal veterinarian hospital. Dog and cat boarding, kennels, grooming and canine daycare in allowed in an indoor facility
- 6.No dogs shall be kept outside overnight.
- 7.The business is limited to 36 dogs per day not including the canine patients. Excluding veterinary patients, a total of 50 small animal units shall be kept at any one time.
- 8.A limit of 10 dogs may go outside at a time and shall be supervised at all times.
- 9.A public address system (PA) or outside loudspeakers are prohibited in the property.
- 10.Training classes may be scheduled form 7:30am to 8:00pm, Saturday from

8:00am to 1:00pm. The classes may be indoors or outdoors, with a maximum of 12 dogs and must be handled by a one person to one dog ratio.

11. Boarding of dogs and dog patients may be taken outdoors to be relieved before their overnight boarding stay on a one handler to one dog ratio until 8:00pm.

12. Hours of operation shall be 6:30am to 6:00pm Monday through Friday, Saturday from 6:30am to 2:00pm. Emergency calls allowed on an as needed basis until 10:00pm daily.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

F. Plats and Certified Survey Maps

[2016 LD-002](#) Final Plat - The Turn

City of Madison

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)

[27486 The Turn_0002](#)

[27486 The Turn_0001](#)

A motion was made by MATANO, seconded by BOLLIG to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 5-0.

[2016 LD-001](#) Final Plat - Cardinal Glenn Replat No. 1

City of Madison

Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)

[27482 Cardinal Glenn Replat 1_0002](#)

[27482 Cardinal Glenn Replat 1_0001](#)

A motion was made by MATANO, seconded by MILES to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 5-0.

[2016 LD-008](#) Final Plat - Sixth Addition to Smith's Crossing
City of Sun Prairie
Staff recommends a certification of non-objection with regards to Ch.
75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)

- [27500 6th addn to Smiths Crossing_0001](#)
- [27500 6th addn to Smiths Crossing_0002](#)
- [27500 6th addn to Smiths Crossing_0003](#)
- [27500 6th addn to Smiths Crossing_0004](#)
- [27500 6th addn to Smiths Crossing_0005](#)
- [27500 6th addn to Smiths Crossing_0006](#)
- [27500 6th addn to Smiths Crossing_0007](#)
- [27500 6th addn to Smiths Crossing_0008](#)
- [27500 6th addn to Smiths Crossing_0009](#)
- [27500 6th addn to Smiths Crossing_0010](#)
- [27500 6th addn to Smiths Crossing_0011](#)
- [27500 6th addn to Smiths Crossing_0012](#)
- [27500 6th addn to Smiths Crossing_0013](#)

A motion was made by BOLLIG, seconded by MATANO to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 5-0.

[2016 LD-009](#) Final Plat - Meadow Crossing Replat No. 1
City of Sun Prairie
Staff recommends a certification of non-objection with regards to Ch.
75.08 and S. 236.12(2)(b).

Attachments: [aerial](#)

- [27499 Meadow Crossing Replat No. 1_0001](#)
- [27499 Meadow Crossing Replat No. 1_0002](#)

A motion was made by MATANO, seconded by MILES to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 5-0.

[2016 LD-003](#) Final Plat - Happy Valley Addition to Bristol Gardens
Town of Bristol, Section 30
Staff recommends conditional approval.

Attachments: [ZLR letter](#)

[2014 aerial](#)

[Final Plat](#)

[Bristol Happy Valley Addition to Bristol Gardens CSM 010716](#)

A motion was made by MATANO, seconded by MILES, to approve the final plat subject to the following conditions: The motion carried by the following vote: 5-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
3. All public land dedications are to be clearly designated "dedicated to the public."
4. Street names Karolina Way and Angelica Trail with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
5. Utility easements are to be provided.
6. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Bristol.
7. The required approval certificates are to be satisfied.
 - Town of Bristol
8. The intermittent stream shall be shown and labeled as Token Creek.
9. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
10. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.

[2016 LD-007](#) Final Plat - Aspen Meadow Estates
Town of Middleton, Section 32
Staff recommends conditional approval.

Attachments: [conditional](#)

[2014 aerial](#)

[FP-156911 \(04-13-15\) 11x17](#)

[AspenMeadowEstates review](#)

A motion was made by MATANO, seconded by MILES, to postpone action on the final plat due to recent modifications to the boundaries. The motion carried by the following vote: 5-0.

[2015 LD-058](#) Joan Halverson Certified Survey Map - Land Division Waiver
Town of Christiana, Section 5
Applicant is seeking a waiver from Ch. 75.19(6)(b) to allow proposed lot
to have no frontage on a public street.

Attachments: [2014_aerial](#)
[20160212094020](#)

A motion was made by MILES, seconded by MATANO, to approve the land
division waiver allowing Lot 1 to have no frontage on a public street. The motion
carried by the following vote: 5-0.

Finding of fact: The parcel of land is divided by two townships.

[2015 LD-059](#) Don Wahlin Certified Survey Map - Land Division Waiver
Town of Rutland, Section 35
Applicant is seeking a waiver from Ch. 75.19(6)(b) to allow proposed lot
to have no frontage on a public street.

Attachments: [20160212133636](#)
[2014_aerial](#)

A motion was made by O'LOUGHLIN, seconded by BOLLIG, to approve the land
division waiver allowing lot 1 to have no frontage on a public street. The motion
carried by the following vote: 5-0.

Finding of fact: The lot is being rezoned to A-4, agricultural, no development will
occur and lot will be served by a 15' access easement for hunting/recreational
activities.

G. Resolutions

[2015
RES-533](#) ACCEPTANCE OF SPONSORSHIP FUNDS AND ESTABLISHING AN
EXPENDITURE ACCOUNT FOR THE DANE COUNTY HOUSING
INITIATIVE (DCHI), AND ANNUAL HOUSING SUMMIT

Sponsors: WEGLEITNER and RITT

Attachments: [2015 RES-533](#)
[2015 RES-533 FISCAL NOTE](#)

A motion was made by MATANO, seconded by MILES, that this Resolution
Requiring 2/3rds Vote be recommended for approval. The motion carried by the
following vote: 5-0.

Ayes: 5 - BOLLIG, KOLAR, MATANO, MILES and O'LOUGHLIN

H. Ordinance Amendment

I. Reports to Committee

[2016](#)
[RPT-038](#) Status of pending Zoning Petitions

Attachments: [Status of Pending Zoning Petitions](#)

Zoning Administrator Lane reviewed the pending zoning petitions with the ZLR Committee.

J. Other Business Authorized by Law

[CUP 2159](#) REVIEW AND POSSIBLE REVOCATION OF CUP #2159
Landowner: HEPTA S LLC (Stanley Lien)
Location: 372 KoshKonong Road, Section 14, Town of Christiana
Reason: violation of conditions of approval of CUP #2159 and standards found under Dane County Code of Ordinances Section 10.255 and 10.191

Attachments: [Staff report on Lien Quarry](#)

[Response from landowner](#)

[CUP 2159 inspection](#)

[CUP 2159 Map](#)

Zoning Administrator Lane explained the violations occurring on the property. The operator has made great efforts in correcting the violations. The operator has submitted a conditional use permit to revise the conditions on the current conditional use permit.

Moved by Matano / Bollig to schedule a public hearing for May 24, 2016 regarding the revocation of CUP #2159.

Town Supervisor Jim Lowrey stated that the Town is in support of changing the conditions on the conditional use permit for non-metallic mineral extraction on this property.

Matano withdrew his motion.

The Zoning and Land Regulation Committee will hold a public hearing for the revision of the Conditional Use Permit on June 28th to bring the operation into compliance.

[2016](#)
[DISC-004](#) Discussion: Setting the ZLR Committee meeting starting time at 6:30pm

A motion was made by BOLLIG, seconded by O'LOUGHLIN, to change the meeting time of the Zoning and Land Regulation Committee from 7:00pm to 6:30pm. The change will start with the June meetings. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

K. Adjourn

A motion was made by MATANO, seconded by BOLLIG, to adjourn the Zoning and Land Regulation Committee meeting at 10:40pm. The motion carried unanimously.

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