



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, July 23, 2019

6:30 PM

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

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A. Call to Order

Chair Bollig called the July 23, 2019 Zoning & Land Regulation meeting to order at 6:30pm.

Staff present: Allan, Everson, Matulle, and Violante

Present 4 - JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, and KRISTEN AUDET

Excused 1 - HEIDI WEGLEITNER

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

No public comments made.

[2019](#) July 23, 2019 ZLR Public Hearing Registrants

[RPT-161](#)

Attachments: [July 23 ZLR public hearing registrants](#)

C. Consideration of Minutes

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

[11432](#)

PETITION: REZONE 11432
APPLICANT: CHARLES L SIEWERT
LOCATION: 301 WEST BELTLINE HIGHWAY, SECTION 35, TOWN OF
MADISON
CHANGE FROM: HC Heavy Commercial District TO HC Heavy
Commercial District
REASON: remove deed restrictions

Attachments: [11432 Staff Report](#)

[11432 Town](#)

[11432 Map](#)

[11432 APP](#)

In favor: Charles Siewart, Duane Steinhauer

A motion was made by Peters, seconded by Knoll, to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11433](#)

PETITION: REZONE 11433
APPLICANT: PETER & CHELSEA SACHS
LOCATION: 3285 NELSON ROAD, SECTION 24, TOWN OF BURKE
CHANGE FROM: NR-C Natural Resource - Conservation District TO RR-2
Rural Residential District
REASON: creating four residential lots

Attachments: [11433 Staff Report](#)

[11433 City of Madison letter of objection](#)

[11433 wetland determination](#)

[11433 Map](#)

[11433 APP](#)

In favor: Angel Helland (agent), Pete Sachs (applicant)

Opposed: Paul Biersach, Jim Biersach, Jim Page, Margie Biersach, Al Felt, Jerome Hornung. Opponents to the proposal expressed concern over the potential cost of installing public road and other improvements, worsening of drainage / runoff / flooding issues due to existing topography, soil conditions, and inadequate culvert sizes.

A motion was made by Knoll, seconded by Peters to postpone action on the petition due to lack of town action, and opposition from neighboring residents and city of Madison staff. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11434](#)

PETITION: REZONE 11434
APPLICANT: RONALD LUND
LOCATION: 1300 DROTNING ROAD, SECTION 8, TOWN OF
CHRISTIANA
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2
Rural Residential District
REASON: creating one residential lot

Attachments: [11434 Staff Report](#)

[11434 Town](#)

[11434 Density](#)

[11434 Map](#)

[11434 APP](#)

In favor: Chris Miller (agent)

A motion was made by Audet, seconded by Peters to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11435](#)

PETITION: REZONE 11435
APPLICANT: RICHARD I FRANDLE
LOCATION: SOUTH OF 5717 OAK PARK ROAD, SECTION 16, TOWN
OF MEDINA
CHANGE FROM: FP-1 Small Lot Farmland Preservation District TO RR-4
Rural Residential District
REASON: creating one residential lot

Attachments: [11435 Staff Report](#)

[11435 Town](#)

[11435 Density](#)

[11435 Map](#)

[11435 APP](#)

In favor: Victoria Frandle

A motion was made by Peters, seconded by Audet to recommend approval of the zoning petition with the following condition. The motion carried 4-0.

1. A deed restriction shall be recorded on the RR-4 parcel limiting the keeping of livestock to the town of Medina Animal Unit Restrictions.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11436](#)

PETITION: REZONE 11436
APPLICANT: JUSTAMERE FARMS INC
LOCATION: NORTHEAST OF 325 COUNTY HIGHWAY N, SECTION 27,
TOWN OF DUNKIRK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4
Rural Residential District
REASON: creating one residential lot

Attachments: [11436 Staff Report](#)

[11436 Density](#)

[11436 Revised Lot Layout](#)

[11436 Map](#)

[11436 APP](#)

In favor: Eric Grover (agent)

A motion was made by Peters, seconded by Knoll to postpone action on the petition due to no town action. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11437](#)

PETITION: REZONE 11437
APPLICANT: ERIC GROVER
LOCATION: EAST OF 1157 SUNRISE ROAD, SECTION 9, TOWN OF
RUTLAND
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-4 Rural
Residential District
REASON: creating two residential lots

Attachments: [11437 Staff Report](#)

[11437 Density \(TDR sending prop\)](#)

[11437 Map](#)

[11437 APP](#)

In favor: Eric Grover (applicant)

A motion was made by Knoll, seconded by Audet to postpone action on the petition due to no town action. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11438](#)

PETITION: REZONE 11438
APPLICANT: TODD A OLSON
LOCATION: NORTH AND EAST OF 541 ACADEMY DRIVE, SECTION 21, TOWN OF ALBION
CHANGE FROM: HAM-R Hamlet Residential District TO RR-4 Rural Residential District, RR-4 Rural Residential District TO TFR-08 Two Family Residential District
REASON: creating two single-family residential properties and two duplex residential properties

Attachments: [11438 Staff Report](#)

[11438 Town](#)

[11438 Map](#)

[11438 APP](#)

In favor: Todd Olson

A motion was made by Knoll, seconded by Peters to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11439](#)

PETITION: REZONE 11439
APPLICANT: LEO G WIPPERFURTH
LOCATION: 8253 COUNTY HIGHWAY V, SECTION 23, TOWN OF ROXBURY
CHANGE FROM: FP-35 Farmland Presevation District to RR-1 Rural Residential District
REASON: separating existing residence from farmland

Attachments: [11439 Staff Report](#)

[11439 Town](#)

[11439 Density](#)

[11439 Map](#)

[11439 APP](#)

In favor: Gary Wipperfurth

A motion was made by Audet, seconded by Knoll to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11440](#) PETITION: REZONE 11440
APPLICANT: JEFFERY A MONSON
LOCATION: 3185 TIMBER LANE, SECTION 6, TOWN OF VERONA
CHANGE FROM: RR-2 Rural Residential District, AT-35 Agriculture
Transition District TO RR-8 Rural Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11440 Staff Report](#)
[11440 Town](#)
[11440 Map](#)
[11440 APP](#)

In favor: Brian Monson

A motion was made by Knoll, seconded by Peters to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11441](#) PETITION: REZONE 11441
APPLICANT: DARCY L MULLINS
LOCATION: 4925 OAK PARK ROAD, SECTION 32, TOWN OF MEDINA
CHANGE FROM: FP-35 General Farmland Preservation District TO
RM-16 Rural Mixed-Use District AND RR-4 Rural Residential District
REASON: creating two residential lots

Attachments: [11441 Staff Report](#)
[11441 Town](#)
[11441 Density](#)
[11441 Map](#)
[11441 APP](#)

In favor: Eric Grover (agent), Shannon Shade (owner)

A motion was made by Knoll, seconded by Audet to recommend approval of the petition with the following condition. The motion carried 4-0.

1. A deed restriction shall be recorded on the balance of FP-35 zoned land from the original farm prohibiting further division or nonfarm development in accordance with town plan policies (parcel 0812-322-8000-4 and 0812-293-9770-7)

[11443](#) PETITION: REZONE 11443
APPLICANT: KENNETH WOLLERSHEIM
LOCATION: 8670 COUNTY HIGHWAY G & 1750 STATE HIGHWAY 92,
SECTION 34, TOWN OF SPRINGDALE
CHANGE FROM: A-1 Agriculture District TO R-3A Residence District
AND RH-2 Rural Homes District
REASON: creating two residential lots

Attachments: [11443 Staff Report](#)

[11443 Map](#)

[11443 APP](#)

In favor: Ed Short (agent)

A motion was made by Peters, seconded by Knoll to suspend the ZLR Rules to accept a town action report received by staff the day of the meeting. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

In favor: Ed Short (agent)

A motion was made by Knoll, seconded by Peters to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11445](#) PETITION: REZONE 11445
APPLICANT: PROPERTY OWNERS OF TOWN OF MADISON
LOCATION: TOWN OF MADISON, SECTIONS 12, 31, 35, 36, TOWN OF
MADISON
CHANGE FROM: Various Zoning Changes
REASON: blanket rezone to correct zoning district map

Attachments: [11445 Staff Report](#)

[11445 Town](#)

[11445 APP](#)

In favor: Staff

A motion was made by Audet, seconded by Knoll to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11446](#) PETITION: REZONE 11446
APPLICANT: PROPERTY OWNERS OF TOWN BLOOMING GROVE
LOCATION: TOWN OF BLOOMING GROVE, SECTIONS 13, 24, 26,
TOWN OF BLOOMING GROVE
CHANGE FROM: Various Zoning Changes
REASON: blanket rezone to correct zoning district map

Attachments: [11446 Staff Report](#)
[11446 Town](#)
[11446 APP](#)

In favor: Staff

A motion was made by Audet, seconded by Knoll to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11447](#) PETITION: REZONE 11447
APPLICANT: PROPERTY OWNERS OF TOWN OF BURKE
LOCATION: TOWN OF BURKE, SECTION 3, 7, 9, 15, TOWN OF BURKE
CHANGE FROM: Various Zoning Changes
REASON: blanket rezone to correct zoning district map

Attachments: [11447 Staff Report](#)
[11447 APP](#)

In favor: Staff

A motion was made by Audet, seconded by Peters to postpone action on the zoning petition due to no town action. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11448](#) PETITION: REZONE 11448
APPLICANT: PROPERTY OWNERS - COTTAGE GROVE, TOWN OF
LOCATION: TOWN OF COTTAGE GROVE, SECTIONS 2, 4, 5, 9, 11, 18,
19, 20, 23, 24, 27, 28, 29, 32, 33, 36, TOWN OF COTTAGE GROVE
CHANGE FROM: Various Zoning Changes
REASON: blanket rezone to correct zoning district map

Attachments: [11448 Staff Report](#)
[11448 Town](#)
[11448 APP](#)

In favor: Staff

A motion was made by Audet, seconded by Peters to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11449](#) PETITION: REZONE 11449
APPLICANT: PROPERTY OWNERS OF TOWN OF YORK
LOCATION: TOWN OF YORK, SECTIONS 1, 6, 7, 15, 22, 35, 36, TOWN
OF YORK
CHANGE FROM: Various Zoning Changes
REASON: blanket rezone to correct zoning district map

Attachments: [11449 Staff Report](#)
[11449 Town](#)
[11449 APP](#)

In favor: Staff

A motion was made by Knoll, seconded by Peters to recommend approval of the zoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

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

Attachments: [CUP 2473 Staff Report Revised 7-17-2019](#)

[CUP 2473 Map](#)

[CUP 02473 APP](#)

In favor: Nicole Schram

A motion was made by Audet, seconded by Knoll to postpone action on the petition due to no town action. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

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

[11427](#)

PETITION: REZONE 11427
APPLICANT: JEFFERY S MOERKE
LOCATION: EAST OF 4509 STATE HIGHWAY 73, SECTION 4, TOWN OF DEERFIELD
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District AND RR-8 Rural Residential District, FP-35 TO FP-1 Farmland Preservation, RR-4 Rural Residential District TO RR-8 Rural Residential District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [11427 Staff Update](#)
[11427 Town Action Update](#)
[11427 Density](#)
[11427 Revised Lot Layout](#)
[11427 Pages from Town Plan](#)
[11427 Map](#)
[11427 APP](#)
[11427 APP Revised](#)

In favor: Jeff Moerke

A motion was made by Knoll, seconded by Audet to recommend approval of the zoning petition with the following conditions. The motion carried 4-0.

- 1. The development restriction / "environmental setback line" currently shown on lots 3 and 4 of CSM #14796 shall be depicted in the same location on proposed lots 3 and 4 of the subdivision plat.**
- 2. Amend the requested zoning district classification to RR-8.**
- 3. Amend the zoning district boundaries as shown in the concept map submitted by the applicant's surveyor and dated 7/8/19.**
- 4. A subdivision plat shall be recorded with the Register of Deeds within 1 year of rezoning approval.**

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[11431](#)

PETITION: REZONE 11431
APPLICANT: MADISON GAS & ELECTRIC COMPANY
LOCATION: 5723 US HIGHWAY 51, SECTION 17, TOWN OF BURKE
CHANGE FROM: UTR Utility, Transportation and ROW District TO AT-35
Agriculture Transition District
REASON: land to be used for solar array farm

Attachments: [11431 Staff Report](#)

[11431 Town](#)

[11431 Map](#)

[11431 App](#)

In favor: Todd Montevideo

A motion was made by Knoll, seconded by Audet to recommend approval of the rezoning petition. The motion carried 4-0.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

[CUP 02472](#) PETITION: CUP 02472
APPLICANT: MADISON GAS & ELECTRIC COMPANY
LOCATION: 5723 US HIGHWAY 51, SECTION 17, TOWN OF BURKE
CUP DESCRIPTION: Solar Array Farm

Attachments: [CUP 2472 Staff Report](#)
[CUP 2472 Town](#)
[CUP 2472 Map](#)
[11431 CUP 2472 BURKE](#)

In favor: Todd Montevideo

A motion was made by Knoll, seconded by Audet to approve conditional use permit #2472 subject to the following conditions and contingent on rezoning petition #11431 becoming effective. The motion carried 4-0.

- 1) Any conditions required for specific uses listed under s.10.103 of County Ordinances;
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code;
- 4) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the county zoning administrator upon request;
- 5) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the county zoning administrator upon request;
- 6) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46 Dane County Code;
- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
- 8) Off-street parking must be provided, consistent with s. 10.102(8) of County Ordinances;
- 9) If Dane County Highway Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use;
- 10) The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site;
- 11) The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the Conditional

Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division;

12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours;

13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation;

14) Obtain approval from the FAA and compliance with any requirements thereof.

Ayes: 4 - BOLLIG,KNOLL,PETERSandAUDET

Excused: 1 - WEGLEITNER

F. Plats and Certified Survey Maps

[2019 LD-011](#) Certified Survey Map - Reynold's Properties
Town of Middleton, Section 25
Staff recommends approval of the land division.

Attachments: [Report](#)

[20190718082756](#)

[CSM10288MiddletonSection25](#)

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

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2019](#)
[ACT-091](#)

Annual review of the following Salvage Recycling Center Licenses pursuant to Dane County Code of Ordinances, Section 10.20(3):
Rowley, John, 1748 Springrose Rd., Verona WI 53593
Diehl, Richard, 5466 Norway Grove School Rd., Deforest WI 53532
Outhouse, Brian, 665 Dead End Rd., Mt Horeb WI 53572
Suter, Steven, 3317 Femrite Dr., Madison WI 53704
Mullarkey, John, 936 Glenway Rd., Oregon WI 53575
Cutrano, Michael, 300 United States Highway 12 & 18, Cambridge WI 53523
Every, Thayer, 298 STH 138, Stoughton, WI 53589
Toothman, David, 4365 Old Stone Rd., Oregon, WI 53575

Attachments: [map 2019](#)
[2019](#)

A motion was made by KNOLL, seconded by AUDET, that the Salvage Recycling Center licenses be approved. The motion carried by a voice vote, 4-0.

J. Reports to Committee

[2019](#)
[RPT-152](#)

Report of Approved CSM's

Attachments: [August 2019](#)

Staff provided a brief summary of CSMs approved since June. No action taken by committee.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by Peters, seconded by Knoll to adjourn the meeting at 8:07pm. The motion carried unanimously.

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

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

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