

Dane County



Minutes

Tuesday, March 24, 2015

7:00 PM

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

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting to order at 7:00pm in Room 201.

Staff present: Allan, Everson, and Violante.

Youth Governance Members present: Boyce. Excused: Wilke and Wilson.

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

No comments made by the public.

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

10814

PETITION: REZONE 10814

APPLICANT: PATRICK J HANDRICK

LOCATION: 959 PRIMROSE CENTER ROAD, SECTION 16, TOWN OF PRIMROSE

CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District, RH-2 Rural Homes

District TO A-2 Agriculture District and RH-2 Rural Homes District TO A-1EX Agriculture District

REASON: rezone to create separate lot

A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. A deed restriction shall be recorded on the remaining A-1Exclusive zoned land to prohibit further land divisions.

Spoke in Favor: Pat Handrick

Opposed: None

10815

PETITION: REZONE 10815

APPLICANT: MICHAEL E JULSETH

LOCATION: 3766 HALVERSON ROAD, SECTION 27, TOWN OF DUNN

CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District

REASON: bring property into compliance for existing buildings and use

A motion was made by MILES, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

Spoke in Favor: Mike Julseth

Opposition: None

10816

PETITION: REZONE 10816

APPLICANT: CORY K CLEMENS

LOCATION: ACROSS THE STREET FROM 7858 DUNROVEN ROAD, SECTION 6, TOWN OF VIENNA

CHANGE FROM: LC-1 Limited Commercial District TO R-1A Residence District

REASON: creating one residential lot

A motion was made by BOLLIG, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. A deed restriction shall be recorded on the property to prohibit the proposed lot and the adjacent lot (LC-1) from being separated.

Spoke in Favor: Cory Clemens

Opposed: None

10817

PETITION: REZONE 10817

APPLICANT: MICKELSON REV TR, GAYLORD O

LOCATION: NORTH OF 10707 FESENFELD ROAD, SECTION 29, TOWN OF BLACK EARTH

CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District and RH-3 Rural Homes District TO A-1EX Agriculture District

REASON: creating one residential lot

A motion was made by BOLLIG, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. The Certified Survey Map depict a "buildable area" as shown on the presented map. A note shall be added to the Certified Survey Map stating that, "Buildings are prohibited outside the noted buildable area as part of the condition of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #10817".

Spoke in Favor: Derick Rettenmund

Opposed: None

10818

PETITION: REZONE 10818

APPLICANT: RONALD J ANDERSON

LOCATION: 279 COUNTY HIGHWAY A, SECTION 2, TOWN OF ALBION

CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District

REASON: separating existing residence from farmland

A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

Spoke in Favor: Ron Anderson

Opposed: None

10819

PETITION: REZONE 10819

APPLICANT: D & C RANCH LLC

LOCATION: WEST OF 4559 WEST RUTLAND RD, SECTION 30, TOWN OF RUTLAND

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

REASON: creating one residential lot

A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.
1. A deed restriction shall be recorded on the remaining A-1 Exclusive Agriculture zoned land to prohibit further residential development. The housing density rights have been exhausted on the original farm.

Spoke in Favor: Bradley Bavery

Opposition: None

10820

PETITION: REZONE 10820

APPLICANT: MATTHEW BALLWEG

LOCATION: 8053 BALLWEG ROAD, SECTION 25, TOWN OF ROXBURY

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District

REASON: separating existing residence from farmland

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.
1. A deed restriction shall be recorded on the proposed lot to limit the land use to Agricultural uses only.

Spoke in favor: Matt Ballweg and Nick Ganser

Opposition: None

CUP 2306

PETITION: CUP 2306

APPLICANT: MATTHEW BALLWEG

LOCATION: 8053 BALLWEG ROAD, SECTION 25, TOWN OF ROXBURY

CUP DESCRIPTION: unlimited livestock on 7.6-acre property

A motion was made by KOLAR, seconded by BOLLIG, that the Conditional Use Permit be approved with 2 conditions and contingent upon zoning petition 10820 becoming effective. The motion carried by a voice vote.

1. Animal units shall be limited to no more than 100 on the property.

2. Develop and implement a manure management plan, to be reviewed, approved, and filed with Dane County Land & Water Resources Department.

Spoke in Favor: Matt Ballweg and Nick Ganser

Opposition: None

10822

PETITION: REZONE 10822

APPLICANT: ALLAN L KELLY

LOCATION: NORTH OF 3577 BAILEY, SECTION 30, TOWN OF SUN PRAIRIE

CHANGE FROM: A-1EX Agriculture District TO A-B Ag-Business District

REASON: rezoning to ab for an agricultural nursery business

A motion was made by MATANO, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. A deed restriction shall be recorded on the property to limit the land uses to landscape supply or contracting business associated with a plant or tree nursery, and sales or storage of agricultural byproducts (composting).

Spoke in Favor: Susie Froehle

Opposition: None

CUP 2308

PETITION: CUP 2308

APPLICANT: ALLAN L KELLY

LOCATION: NORTH OF 3577 BAILEY, SECTION 30, TOWN OF SUN PRAIRIE

CUP DESCRIPTION: Sales & Storage of agricultural by-product

A motion was made by KOLAR, seconded by BOLLIG, that the Conditional Use Permit be approved with 5 conditions and contingent upon zoning petition 10822 becoming effective. The motion carried by a voice vote.

- 1. Conditional Use Permit is limited to sales or storage of agricultural byproducts.**
- 2. Outdoor lighting shall be limited to security lighting only.**
- 3. No outdoor loudspeakers shall be allowed.**
- 4. Access to the operation shall be from Bailey Road.**
- 5. Hours of operation limited to 7am – 7pm.**

Spoke in Favor: Susie Froehle

Opposition: None

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

10801

PETITION: REZONE 10801

APPLICANT: FLOY SAUEY REV TRUST

LOCATION: 3696 BURKE ROAD, SECTION 22, TOWN OF BURKE

CHANGE FROM: C-1 Commercial District TO A-1 Agriculture District

REASON: use property for agricultural purposes

A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

10810

PETITION: REZONE 10810

APPLICANT: ROBERT H JOHNSON

LOCATION: 282 RODNEY ROAD, SECTION 2, TOWN OF CHRISTIANA

CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District, A-2 (8) Agriculture District, and A-2 (2) Agriculture District

REASON: expand existing commercial lot, revise boundaries of existing residential lot, and create 2 additional residential lots

A motion was made by SALOV, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

- 1. The right-of-way for Rodney Road shall be extended south to facilitate the future extension of the road.**
- 2. The proposed addition of 2 acres to existing C-2 lot shall be added to proposed A-2(8) parcel:**
- 3. The proposed A-2(2) parcel shall be reconfigured to allow a minimum 66' of road frontage onto Rodney Road and the zoning for the proposed lot shall be amended to RH-1.**
- 4. The existing A-2(1) lot shall be expanded to 2 acres in size and the zoning shall be amended to RH-1.**
- 5. The acceptance of additional right of way for Rodney Road to the south, subject to future town review / approval of the CSM, and deferring any consideration of future installation of road improvements within that ROW until such time as the town, in its sole discretion, deems appropriate.**
- 6. A deed restriction and notice document shall be recorded on the sending and receiving properties, as specified under the town plan policy on intra-ownership transfers. The "sending" farm property will be subject to a deed restriction prohibiting residential development, and the notice document(s) will be applied to the 2 new "receiving" properties being created (the larger lot will be the future site of 2 of the farm splits, in accordance with the town's 5 year phasing requirement, and the 3.5 acre lot will be developable at any time after final zoning approval).**
- 7. The town action also specifies a 365 day "delayed effective date" for the petition.**

F. Plats and Certified Survey Maps

2014 LD-074 Final Plat - Autumn Ridge Reserve, City of Madison
(54 lots, 20.6 acres)
Staff recommends a certification of non-objection.

Motion was made by BOLIG and seconded by MATANO to certify the final plat with no objections. Motion carried 5-0.

- 2014 LD-077** Final Plat - Second Addition to Carriage Ridge, Town of Westport
(71 lots, 40.6 acres)
Staff recommends conditional approval.

Motion was made by KOLAR and seconded by BOLLIG to approve the final plat subject to the following conditions:

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. All public land dedications are to be clearly designated "dedicated to the public."
3. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
4. OL 3 is to be dedicated to the public for parkway purposes connecting to the existing parkway to the west.
5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
6. Utility easements are to be provided.
7. Village of Waunakee corporate boundary lines are to be shown on the plat.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. Town of Westport approval is to be obtained.
11. Village of Waunakee approval is to be obtained (extraterritorial jurisdiction).

Motion carried by a voice vote: 5-0.

- 2014 LD-075** Preliminary Plat - Bella Vista, Town of Springdale
(11 lots, 155 acres)
Staff recommends conditional approval.

Motion was made by BOLLIG seconded by KOLAR to approve the preliminary plat subject to the following conditions:

1. Compliance with the Dane County Comprehensive Plan is to be established.
Recording of a Deed Restriction prohibiting development on Outlots 1 and 2.
2. The plat shall show the intermittent stream and label it as such.
3. Comments from the Dane County Highway Department are to be satisfied:
 - No new access to CTH PD will be permitted.
 - Existing town road should be entered onto CTH PD at a 90 degree angle.
 - The intersection should be reconstructed to a type C intersection standards.
 - Dedication of right-of-way to 50 feet along the frontage of outlot 1 and remaining frontage.
4. The public park land appropriation requirement is to be satisfied.
 - The committee shall require the dedication of land or monies in lieu of land for public recreation purposes. (Private park land does not satisfy this requirement)
5. All public land dedications are to be clearly designated "dedicated to the public."
6. Utility easements are to be provided.
7. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
8. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
9. Town of Springdale approval is to be obtained.

Motion carried by a voice vote: 5-0.

- 2014 LD-076** Final Plat - Meadow Road Estates, Town of Middleton
(15 lots, 16 acres)
Staff recommends conditional approval

Motion was made by BOLLIG and seconded by MATANO to approve the final plat subject to the following conditions:

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Appropriate turn-around arrangements shall be made to the proposed dead end roads.
3. Distances to the centerline of all of the road right-of-ways are to be shown.
4. A note shall be placed on the final document that states that the Zoning and Land Regulation Committee on March 11, 2015 approved a variance to allow Outlot 2 to be less than the 66-feet of required public road frontage requirements as per Ch. 75.19(6)(b).
5. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
6. All public land dedications are to be clearly designated "dedicated to the public."
7. Proposed street names Harvest Glen Drive and Eaton Terrace are to be approved with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
8. Utility easements are to be provided.
9. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Middleton.
10. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
11. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
12. The required approval certificates are to be satisfied.

Motion carried by a voice vote: 5-0.

G. Resolutions

H. Ordinance Amendment

- 2014
OA-054** AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING PROCEDURE FOR CONDITIONAL USE
PERMIT APPEALS

A motion was made by KOLAR, seconded by BOLLIG, to adopt Sub 1 to Ordinance Amendment 54. The motion carried by a voice vote.

A motion was made by KOLAR, seconded by SALOV, that Ordinance Amendment 54 be recommended for approval as amended by Sub 1. The motion carried by a voice vote.

J. Reports to Committee

CUP 1059 **REVIEW AND POSSIBLE REVOCATION OF CUP 1059** (CONCRETE BATCH PLANT)
LANDOWNER: YAHARA MATERIALS, LLC
LOCATION: 4315 COUNTY HIGHWAY AB, SECTION 14, TOWN OF BLOOMING GROVE
VIOLATION: LOCATION VIOLATION, MATERIAL VIOLATION, AND TRAFFIC CONCERNS

Zoning Administer Lane updated the Committee on the information received from Corporation Counsel and the City of Madison. The Corporation Counsel's opinion states that the Committee could revise the conditions of an existing conditional use permit. The City of Madison's letter stated that they would welcome additional conditions on the conditional use permit so that the batch plant operates with the least impact possible on the surrounding community.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by MATANO, seconded by SALOV, to adjourn the meeting at 7:48pm. 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 pab hnuv ua hauj lwm ua ntej yuav tuaj sib tham.