



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, October 28, 2014

7:00 PM

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

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A. Call to Order

Chair Miles called the meeting to order at 7:15pm in Room 201.

Youth Governance in Attendance: Boyce

Staff in Attendance: Everson, Violante

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

[10755](#)

PETITION: REZONE 10755

APPLICANT: JCL RENTALS LLC

LOCATION: 297 RODNEY ROAD, SECTION 2, TOWN OF CHRISTIANA

CHANGE FROM: C-2 Commercial District TO C-2 Commercial District

REASON: amend deed restrictions allow outside storage and mini-warehouses

Attachments: [10755 Staff.pdf](#)

[10755 map.pdf](#)

[9346 Deed Restriction.pdf](#)

[10755 Letter of Opposition.pdf](#)

[10755 App.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be postponed until Town action is received. The motion carried by a voice vote.

Registrants in support: Steven Johnson (agent for Jeff Levake)

[10756](#)

PETITION: REZONE 10756

APPLICANT: PATRICK W COFFEY

LOCATION: 4452 RIDGE ROAD, SECTION 12, TOWN OF COTTAGE GROVE

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District

REASON: separating existing residence from farmland

Attachments: [10756 Staff Update.pdf](#)

[10756 Town.pdf](#)

[10756 Density Study.pdf](#)

[10756 map.pdf](#)

[10756 App.pdf](#)

A motion was made by KOLAR, seconded by MATANO that the zoning petition be postponed. The motion carried by a voice vote.

Registrants in support: Chris Miller (agent for owners)

[10757](#)

PETITION: REZONE 10757

APPLICANT: LINDA R GARDNER

LOCATION: 5293 COUNTY HIGHWAY KP, SECTION 28, TOWN OF BERRY

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District and RH-3 Rural Homes District

REASON: creating one residential lot

Attachments: [10757 Staff.pdf](#)

[10757 Town.pdf](#)

[10757 Map.pdf](#)

[10757 OA sheet.pdf](#)

[10757 App.pdf](#)

A motion was made by BOLLIG, seconded by MATANO to recommend approval of the zoning petition. The motion carried by a voice vote.

Registrants in support: Kathleen Kane (agent for Linda Gardner)

[10758](#)

PETITION: REZONE 10758

APPLICANT: GREGORY J MAIER

LOCATION: 7604 RILES ROAD, SECTION 20, TOWN OF SPRINGFIELD

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

REASON: separating existing residence from farmland

Attachments: [10758-2288 staff.pdf](#)

[10758-2288 town.pdf](#)

[10758 CUP 2288 Map.pdf](#)

[10758 Density Study.pdf](#)

[10758 OA sheet.pdf](#)

[10758 App.pdf](#)

A motion was made by BOLLIG, seconded by MATANO to recommend approval of this zoning petition. The motion carried by a voice vote.

[CUP 2288](#)

PETITION: CUP 2288

APPLICANT: GREGORY J MAIER

LOCATION: 7604 RILES ROAD, SECTION 20, TOWN OF SPRINGFIELD

CUP DESCRIPTION: UNLIMITED LIVESTOCK ON 3-16 ACRES

Attachments: [10758 CUP 2288 Map.pdf](#)

[CUP 2288 App.pdf](#)

A motion was made by BOLLIG, seconded by MATANO to approve conditional use permit #2288 contingent on zoning petition #10758 becoming effective and subject to the following conditions:

1. Limit the number of animal units to no more than 50.
2. Develop and implement a manure management plan, to be reviewed, approved, and filed with Dane County Land & Water Resources department.
3. The CUP shall expire 20 years from effective date.

[10759](#)

PETITION: REZONE 10759

APPLICANT: LARRY GERARD HAAS

LOCATION: THE NORTHEAST OF THE AAVANG ROAD/ WEST BLUE MOUNDS ROAD

INTERSECTION., SECTION 20, TOWN OF BLUE MOUNDS

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

REASON: zoning compliance for existing lot

Attachments: [10759 staff.pdf](#)

[10759 town.pdf](#)

[10759 Density Study.pdf](#)

[10759 Map.pdf](#)

[10759 OA sheet.pdf](#)

[10759 App.pdf](#)

A motion was made by BOLLIG, seconded by MATANO to recommend approval of the zoning petition, subject to the following conditions. The motion carried by a voice vote.

- 1. A "no build" area corresponding to slopes over 20% grade shall be shown on the final CSM.**

Registrants in support: Larry Haas

[10760](#)

PETITION: REZONE 10760

APPLICANT: JEFFREY J PONGRATZ

LOCATION: 7671 RILES ROAD, SECTION 19, TOWN OF SPRINGFIELD

CHANGE FROM: A-2 Agriculture District TO A-4 Agriculture District and RH-3 Rural Homes

District, RH-2 Rural Homes District TO RH-3 Rural Homes District,

REASON: shifting of property lines between adjacent land owners

Attachments: [10760 staff.pdf](#)

[10760 Map.pdf](#)

[10760 App.pdf](#)

A motion was made by KOLAR, seconded by MATANO to postpone the petition until town action is received. The motion carried by a voice vote.

[10761](#)

PETITION: REZONE 10761

APPLICANT: DOUGLAS K HINCHLEY

LOCATION: 769 WASHINGTON ROAD, SECTION 24, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District

REASON: separating existing residence from farmland

- Attachments:** [10761 staff.pdf](#)
[10761 CSM \(revised\).pdf](#)
[10761 town.pdf](#)
[10761density study.pdf](#)
[10761 Map.pdf](#)
[10761 OA sheet.pdf](#)
[10761 App.pdf](#)

A motion was made by SALOV, seconded by BOLLIG to recommend approval of the zoning petition subject to the following conditions. The motion carried by a voice vote.

1. Deed restrict the balance of A-1EX zoned land owned by the applicant to prohibit further residential development.

Registrants in support: Douglas Hinchley

[10762](#)

PETITION: REZONE 10762

APPLICANT: YOUNGS ENTERPRISE SERVICES LLC

LOCATION: 10539 COUNTY HIGHWAY Y, SECTION 28, TOWN OF MAZOMANIE

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

REASON: creating one residential lot

- Attachments:** [10762 staff.pdf](#)
[10762 town.pdf](#)
[10762 OA sheet.pdf](#)
[10762 Map.pdf](#)
[10762 App.pdf](#)

A motion was made by BOLLIG, seconded by SALOV to recommend approval of the zoning petition with the following conditions. The motion carried by a voice vote.

1. A "no build" area corresponding to the 100 year floodplain shall be shown on the final CSM.

REGISTRANTS IN SUPPORT:

Roger Sage, Attorney representing Youngs Enterprise Services, LLC

Paul Speth, Surveyor representing Youngs Enterprise Services, LLC

Troy Youngs, representing Youngs Enterprise Services, LLC

Travis Youngs, representing Youngs Enterprise Services, LLC

[10763](#)

PETITION: REZONE 10763

APPLICANT: RONALD J JOSEPHSON

LOCATION: 9835 COUNTY HIGHWAY A, SECTION 23, TOWN OF PERRY

CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District , A-2 (8) Agriculture District, and A-4 Agriculture District

REASON: creating three agricultural lots and one lot for an existing residence

Attachments: [10763 staff.pdf](#)

[PE 10763 \(Fred W Grame farm sec 23\) 2014.pdf](#)

[PE 10763 \(Fred W Grame farm sec 23\) DR 2014.pdf](#)

[10763 Map.pdf](#)

[10763 App.pdf](#)

A motion was made by BOLLIG, seconded by MATANO to postpone the zoning petition until town action is received. The motion carried by a voice vote.

REGISTRANTS IN SUPPORT:

Ronald Josephson

[10764](#)

PETITION: REZONE 10764

APPLICANT: JAMES THOMAS BARBER

LOCATION: PROPERTY SOUTH OF 1987 US HIGHWAY 51, SECTION 26, TOWN OF DUNN

CHANGE FROM: A-1EX Agriculture District TO B-1 Local Business District, R-4 Residence District TO B-1 Local Business District

REASON: zoning compliance for existing lot

Attachments: [10764 staff.pdf](#)

[10764 Map.pdf](#)

[Dunn Limited Service Area Plan Policies.pdf](#)

[10764 App.pdf](#)

A motion was made by MATANO, seconded by SALOV to postpone the zoning petition until town action is received.

REGISTRANTS IN SUPPORT:

**Joe Klein, representing James Thomas Barber
James Barber**

[10765](#)

PETITION: REZONE 10765
APPLICANT: DANE COUNTY
LOCATION: 4708 KENNEDY ROAD AND PROPERTY EAST OF 4708 KENNEDY ROAD,
SECTION 3, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-3 Agriculture District
REASON: county-initiated blanket rezone petition for consistency with farmland preservation
plan as required by s. 91.38 wis. stats.

Attachments: [10765 staff.pdf](#)
[10765 town.pdf](#)
[10765 OA sheet.pdf](#)
[10765 App.pdf](#)

A motion was made by KOLAR, seconded by BOLLIG to recommend approval of the zoning petition. The motion carried by a voice vote.

[10766](#)

PETITION: REZONE 10766
APPLICANT: TOWN OF WESTPORT
LOCATION: VARIOUS SECTIONS, TOWN OF WESTPORT
CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts
REASON: county-initiated blanket rezone petition for consistency with farmland preservation
plan as required by s. 91.38 wis. stats.

Attachments: [10766 staff.pdf](#)
[10766 town.pdf](#)
[10766 OA sheet.pdf](#)
[10766 Westport.pdf](#)

A motion was made by KOLAR, seconded by SALOV to recommend approval of the zoning petition. The motion carried by a voice vote.

[10767](#)

PETITION: REZONE 10767
APPLICANT: DANE COUNTY
LOCATION: 3487 COUNTY HIGHWAY T, SECTION 2, TOWN OF BLOOMING GROVE
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: county-initiated blanket rezone petition for consistency with farmland preservation
plan as required by s. 91.38 wis. stats.

Attachments: [10767 staff.pdf](#)
[10767 town.pdf](#)
[10767 App.pdf](#)
[10767 Revised App.pdf](#)

A motion was made by KOLAR, seconded by MATANO to postpone the zoning petition. The motion carried by a voice vote.

REGISTRANTS IN OPPOSITION:
Bob Gersbach

[CUP 2289](#)

PETITION: CUP 2289

APPLICANT: PAUL A CARDIS

LOCATION: EAST OF 5877 WHIPPOORWILL ROAD, SECTION 12, TOWN OF BERRY

CUP DESCRIPTION: installation of a wind tower

Attachments: [2289 staff.pdf](#)

[CUP 2289 Town.pdf](#)

[CUP 2289 Map.pdf](#)

[2289 App.pdf](#)

A motion was made by SALOV, seconded by MATANO to approve conditional use permit #2289 with no conditions. The motion carried by a voice vote.

[CUP 2290](#)

PETITION: CUP 2290

APPLICANT: RICHARD M STORY

LOCATION: 5291 FELLAND ROAD, SECTION 23, TOWN OF BURKE

CUP DESCRIPTION: residential use in C-1 Commercial Zoning District and Drive-in Establishment

Attachments: [2290 staff.pdf](#)

[CUP 2290 Map.pdf](#)

[CUP 2290 Letter from city planning staff.pdf](#)

[CUP 2290 plans.pdf](#)

[2290 App.pdf](#)

A motion was made by MATANO, seconded by BOLLIG to postpone the petition. The motion carried by a voice vote.

REGISTRANTS IN SUPPORT:

Brad Koning, representing Shulfer Architects

Dan Hoover

Mark Hoover

Tim Roehl, representing Richard M. Story Trust

[CUP 2291](#)

PETITION: CUP 2291

APPLICANT: WISCONSIN ELECTRIC POWER / ENBRIDGE ENERGY

LOCATION: 5635 CHERRY LANE, SECTION 14, TOWN OF MEDINA

CUP DESCRIPTION: pumping station for an existing petroleum pipeline

Attachments: [2291 staff.pdf](#)

[CUP 2291 Town.pdf](#)

[CUP 2291 Map.pdf](#)

[CUP 2291 Map 2.pdf](#)

[CUP 2291 Corp Counsel opinion on Pipeline Safety Act.pdf](#)

[2291 letter from Enbridge re bonding requirement.pdf](#)

[CUP 2291 Enbridge Presentation.pdf](#)

[CUP 2291 Sound Study.pdf](#)

[2291 App.pdf](#)

A motion was made by KOLAR, seconded by BOLLIG to postpone action on the conditional use permit due to opposition at the public hearing. The motion carried by a voice vote.

REGISTRANTS IN SUPPORT:

Lee Monthei, representing Enbridge Energy Limited Partnership

Aaron Madsen, representing Enbridge Energy Limited Partnership

Arshia, Javaherian, representing Enbridge Energy Limited Partnership

John Gunderman, representing Enbridge Energy Limited Partnership

Tim Anderson, representing Enbridge Energy Limited Partnership

Angela Black, representing Enbridge Energy Limited Partnership

Russell Enstrom, representing Enbridge Energy Limited Partnership

Jeff Vercauteren, representing Enbridge Energy Limited Partnership

James O'Brien, Steamfitters Local 601

Daniel Sperberg, Wisconsin Operating Engineers

Dave Branson, Building and Construction Trades Council of South Central

Wisconsin

Jeff Ehrhoft, Len Shelton, Sam Smith, Steve Kjornes, Bill Dionne, Jerry

Klubertanz, Mark Gauf, Jason Dieth, Douglas Weinkauff, Allen Weinkauff, Jeff

Crocker, Scott Watson, Joe Lotegeluaki, Casey Healy, Thomas Daniels, James

Meicher, Jim Foye, Terry Nelson, Steven Schulz, Brian Sullivan, Sam Anderson,

Dan Burke, Dennis O'Laughlin

REGISTRANTS IN OPPOSITION:

Laura Schlacter, representing 350 Madison

Carl Whiting, representing 350 Madison

Peter Anderson, representing 350 Madison

Don Hammes, representing Sierra Club - John Muir

Don Ferber, representing Four Lakes Group Sierra Club

Helgaleena Healingline, representing Reformed Druids of North America

Mary Beth Elliot, Steven Spieckerman, Kevin Coleman, Koffi Dogbevi, Beth Esser,

Robert Hoaas, Marilyn Feil, Kaja Rebane, Kathryn Schulte, Mary Jenny, Rebecca

Wahl, Bruce Noble, Harry Bennett, Kevin McGettigan, Laurie Van Caster, Miles

Kristan, Sierra Powers, Logan Byrne Robertson, Marilee Sushoreba

Joan Laurion, John Hellenbrand, Susan Nossal, Mitchell Brey, Nicole Spoon, Carol Buebur, Susan Adrian-Domask, Steve Books, Lynn Shoemaker, Kevin Pickering, Kathleen Cairns, Judith Stadler, Tim Jensen, Jodi Nachtwey, Paul Fieber, Lori Creswell, Dave Creswell, Nancy Harrison, James Page, Carole Briggs, Laura Green, Monika Blors, Susan Kiernan, Michelle Zahn, Judy Skog, Ktharine Odell, John Bayley, David Hildner, Michelle Kehl, Ann Aasg Kehl, Karen Geszrain, Aileen Paguio, Teresa Rademacher, Katya Whiterabbit, Lori Guderyon, Melissa Garecht, Maury Smith, David Griffeath, Cathy Loeb, Mary Jenny, Kate Schulte

[CUP 2294](#)

PETITION: CUP 2294

APPLICANT: TOWN OF MIDDLETON

LOCATION: 3957 PIONEER ROAD, SECTION 20, TOWN OF MIDDLETON

CUP DESCRIPTION: expansion of existing governmental uses

Attachments: [2294 staff.pdf](#)

[CUP 2294 Map.pdf](#)

[CUP 2294 Town.pdf](#)

[2294 App.pdf](#)

A motion was made by SALOV, seconded by KOLAR to approve conditional use permit #2294 subject to the following conditions. The motion carried by a voice vote.

1. The conditional use for governmental use shall be limited to salt storage and parking as depicted on the submitted site plan.
2. The on-site lighting shall be limited to the security lighting above doors.
3. Outdoor loudspeakers shall be prohibited.

[2014](#)
[OA-054](#)

AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING PROCEDURE FOR CONDITIONAL USE PERMIT APPEALS

Attachments: [2014 OA-054.pdf](#)

A motion was made by MATANO, seconded by KOLAR to postpone ordinance amendment #54, 2014-15. The motion carried by a voice vote.

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

[10748](#)

PETITION: REZONE 10748

APPLICANT: ROBERT E ALEXANDER

LOCATION: 9295 MOEN ROAD, SECTION 19, TOWN OF CROSS PLAINS

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

REASON: creation of one residential lot

Attachments: [10748 Staff.pdf](#)

[10748 town.pdf](#)

[10748 Map.pdf](#)

[10748 density.pdf](#)

[10748 OA sheet.pdf](#)

[10748 App.pdf](#)

A motion was made by KOLAR, seconded by MATANO to recommend approval of the zoning petition with the following conditions. The motion carried by a voice vote.

1. Deed restrict the parent parcel (0707-191-9210-0) to prohibit further division.

REGISTRANTS IN SUPPORT:

Darius VanFossen

E. Plats and Certified Survey Maps

2014 LD-042 Windsor Blue Preliminary Plat - Waiver request from Chapter 75.19(6)(b)

Lots 12 and 13 to be have less than 66-feet and Outlots 1 and 2 with no public road frontage.

Attachments: [waiver_content.pdf](#)
[preliminary_plat.pdf](#)

Motion by Salov, seconded by Kolar to grant the waiver request to allow outlots 1 and 2 to have no public road frontage and lots 12 and 13 to have less than the minimum 66 feet as per ch. 75.19(6)(b). Motion carried by a voice vote, 4-1, Nay: Matano

Fact of finding: No residential development on OL 1 and 2 and pre-existing development to the south of proposed lot 13.

REGISTRANTS IN SUPPORT:

Daniel Paulson

**2014 LD-040 Preliminary Plat - Windsor Blue,
Town of Windsor, Section 30
(16 lots, 10.77 acres)**

Attachments: Windsor Blue Plat Review 092314.pdf
conditional approval letter to ZLR.pdf
aerial.pdf
09-037 WINDSOR BLUE PRELIMINARY PLAT 12-18-13.pdf

Motion by Salov, seconded by Bollig to approve the preliminary plat conditionally. Motion carried by a voice vote.

**REGISTRANTS IN SUPPORT:
Daniel Paulson**

F. Resolutions

**[2014
RES-330](#)**

2015 DANE COUNTY OPERATING BUDGET APPROPRIATIONS RESOLUTION

Attachments: [Amnds EXEC 10-16-14.pdf](#)
[Amnds HHN 10-21-14.pdf](#)
[Amnds EANR 10-21-14.pdf](#)
[Amnds PWT 10-28-14.pdf](#)
[Amnds EANR 10-28-14.pdf](#)
[Amnds PP&J 10-28-14.pdf](#)
[2014 RES-330.pdf](#)
[Amnds P&F 11-3-14.pdf](#)
[Amnds P&F 11-5-14.pdf](#)

No action taken.

[2014
RES-331](#)

2015 DANE COUNTY CAPITAL BUDGET APPROPRIATIONS RESOLUTION

Attachments: [2014 RES-331.pdf](#)
[Amnds HHN 10-21-14.pdf](#)
[Amnds EANR 10-21-14.pdf](#)
[Amnds PWT 10-28-14.pdf](#)
[Amnds EANR 10-28-14.pdf](#)
[Amnds PP&J 10-28-14.pdf](#)
[Amnds P&F 11-3-14.pdf](#)
[Amnds P&F 11-5-14.pdf](#)

No action taken.

G. Ordinance Amendment

[2014
OA-054](#)

AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING PROCEDURE FOR CONDITIONAL USE PERMIT APPEALS

Attachments: [2014 OA-054.pdf](#)

See motion above.

H. Reports to Committee

I. Other Business Authorized by Law

J. Adjourn

A motion was made by SALOV, seconded by BOLLIG, to adjourn the meeting.
Time: 11:09 pm. 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.

Contact Roger Lane, Dane Zoning Division, 608-266-9078

Wisconsin Relay TTY 7-1-1