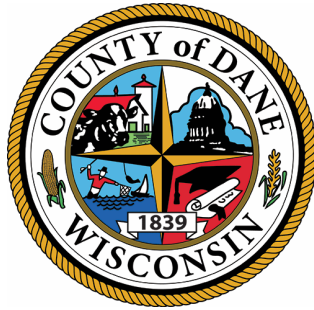


# Dane County



## Minutes

Tuesday, October 22, 2019

6:30 PM

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

### 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?*

## A. Call to Order

Chair Bollig called the meeting of the October 22, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

Youth Governance member present: Julia Amann

**Present** 4 - KRISTEN AUDET, JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

**Excused** 1 - STEVEN PETERS

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

No comments made by the public.

[2019  
RPT-352](#)

October 22nd ZLR meeting registrants

## C. Consideration of Minutes

[2019  
MIN-269](#)

Minutes of the October 7, 2019 Zoning and Land Regulation Committee meeting

A motion was made by AUDET, seconded by KNOLL, to approve the minutes of the October 7, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote. 4-0.

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

[11479](#)

PETITION: REZONE 11479

APPLICANT: STOUGHTON FARMS INC

LOCATION: NORTH OF 4198 OLD STONE ROAD, SECTION 21, TOWN OF RUTLAND

CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4 Rural Residential District

REASON: separation of residence and buildings from farmland and creating one new residential lot

*In favor: Tom Matson*

*Opposed: None*

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

1. A deed restriction shall be recorded on the lot south of Old Stone Road (lot 2) prohibiting any land division of the property.

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11480](#)

PETITION: REZONE 11480  
APPLICANT: MEINHOLZ LIVING TR  
LOCATION: 5461 MILLER FARM ROAD, SECTION 23, TOWN OF BLACK EARTH  
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District AND A-4 Agriculture District  
REASON: creating one residential lot

*In favor: Vern Meinholz*  
*Opposed: None*

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

**1. A deed restriction shall be recorded on Lot 2 (34.71 acres) to prohibit residential development on the property.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11481](#)

PETITION: REZONE 11481  
APPLICANT: TOWN OF COTTAGE GROVE  
LOCATION: VARIOUS PROPERTIES WITHIN THE TOWN OF COTTAGE GROVE  
CHANGE FROM: Various zoning districts  
REASON: Blanket Rezone to correct zoning district map

*In favor: Town Chair Kris Hampton*  
*Opposed: None*

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

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11482](#)

PETITION: REZONE 11482  
APPLICANT: CURTIS D ABEL  
LOCATION: WEST OF 19 COUNTY HIGHWAY A, SECTION 1, TOWN OF ALBION  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

*In favor: Curtis Abel*  
*Opposed: None*

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

**1. A deed restriction shall be recorded on parcel 0512-011-8001-5 to prohibit further residential development on the remaining FP-35 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11483](#)

PETITION: REZONE 11483  
APPLICANT: JUSTAMERE FARMS INC  
LOCATION: SOUTH OF 104 DANKS ROAD, SECTION 31, TOWN OF DUNKIRK  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4 Rural Residential District  
REASON: creating one residential lot

*In favor: Steven Olson*

*Opposed: None*

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

**1. Applicant shall record a deed restriction on the balance of FP-35 zoned land from the TDR sending property in section 27 prohibiting further non-farm development in accordance with town comprehensive plan policies (tax parcels 0511-273-8501-6, 0511-273-8000-2, 0511-274-8500-6, 0511-274-9001-8, and 0511-273-9501-4).**

**2. A notice document shall be recorded on the RR-4 receiving property (tax parcel 0511-313-8500-8) indicating that a density unit was transferred to the property.**

**3. A notice document shall be recorded on the ~240 acres of FP-35 zoned land comprising the Justamere Farms farm unit in section 31 indicating that 3 splits remain following the transfer of development rights approved pursuant to rezone petition 11483. (Tax parcels 0511-311-8570-0, 0511-311-9000-3, 0511-311-9500-8, 0511-312-9500-7, 0511-312-9000-2, 0511-313-8500-8, 0511-313-8000-3)**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11484](#)

PETITION: REZONE 11484  
APPLICANT: TOKEN PROPERTIES LLC  
LOCATION: 6332 PORTAGE ROAD, SECTION 3, TOWN OF BURKE  
CHANGE FROM: HAM-M Hamlet Mixed-Use District AND SFR-08 Single Family Residential District TO HC Heavy Commercial District  
REASON: create a commercial lot for mini storage units

*In favor: Tom Schultz*

*Opposed: None*

**A motion was made by KNOLL, seconded by WEGLEITNER, to postpone until Town action is received. Motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11485](#)

PETITION: REZONE 11485  
APPLICANT: DAVID J HRUBY  
LOCATION: SOUTH OF 6531 MATZ ROAD, SECTION 35, TOWN OF ROXBURY  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

*In favor: David Hruby*  
*Opposed: None*

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

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11486](#)

PETITION: REZONE 11486  
APPLICANT: LAUFENBERG REV TR, ANTHONY P & ALYCE J  
LOCATION: 5604 BOX ELDER ROAD, SECTION 14, TOWN OF MEDINA  
CHANGE FROM: FP-35 General Farmland Preservation District TO FP-1 Small Lot Farmland Preservation District AND RM-8 Rural Mixed-Use District  
REASON: separating existing residence from farmland

*In favor: Joyce Knapton*  
*Opposed: None*

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

**1. A deed restriction shall be recorded on the properties to reflect the Town of Medina's animal restrictions.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11487](#)

PETITION: REZONE 11487  
APPLICANT: CHARLES E BLACKBOURN  
LOCATION: 200 GOEDE ROAD, SECTION 35, TOWN OF ALBION  
CHANGE FROM: RR-8 Rural Residential District TO RR-8 Rural Residential District  
REASON: removal of deed restriction from existing lot

*In favor: None*  
*Opposed: None*

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

**1. A termination of deed restriction shall be recorded on the property to remove the prior recorded restriction.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11495](#)

PETITION: REZONE 11495  
APPLICANT: TOWN OF DUNN  
LOCATION: VARIOUS PARCELS THROUGHOUT TOWN OF DUNN  
CHANGE FROM: RM-16 (Rural Mixed-Use, 16 acres and up) District TO RR-4 (Rural Residential, 4 to 8 acres) District, RM-8 (Rural Mixed-Use, 8 to 16 acres) District TO FP-1 (Small-lot Farmland Preservation) District  
REASON: blanket rezoning to resolve town concerns with new ordinance designations

*In favor: None*  
*Opposed: None*

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

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[CUP 2480](#)

PETITION: CUP 02480  
APPLICANT: SANDRA S DAHL  
LOCATION: 3276 HIGH POINT ROAD, SECTION 35, TOWN OF MIDDLETON  
CUP DESCRIPTION: expansion of existing school

*In favor: Jenny Dahl, Matt Dahl, William Morgan, and Ron Klaas*  
*Opposed: Mary Ellen Weller. Ms. Weller was concerned regarding the safety of the intersection and High Point Road and Twinflower Drive. She suggested that a traffic signal be installed.*

**A motion was made by KNOLL, seconded by AUDET, to postponed action until the concerns regarding the sanitary system are resolved. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[2019 OA-011](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

*In favor: Town Chair Kris Hampton*  
*Opposed: None*

**A motion was made by AUDET, seconded by KNOLL, that the Ordinance be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[2019 OA-013](#) AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

*In favor: None*  
*Opposed: None*

**A motion was made by AUDET, seconded by KNOLL, that the Ordinance be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

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

[11458](#)

PETITION: REZONE 11458  
APPLICANT: BUCKYS PORTABLE TOILETS INC  
LOCATION: LANDS SOUTH OF 1185 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND  
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4 Rural Residential District AND HC Heavy Commercial District  
REASON: expansion of commercial district and creating a residential lot

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

**1. A deed restriction shall be recorded on the property with the following limitations:**

- a. Land Uses shall be limited to: portable toilet rental business; outdoor storage of portable toilet units in designated area (behind the existing building at the rear of the property at 1185 US Highway 14); offices and manufacturing facilities; office and warehousing for construction businesses; warehousing of business supplies; indoor storage of vehicles; and repair of lawn and garden equipment; personal or professional service (ex. gym/personal training/crossfit/rehab).
- b. Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini-warehousing).
- c. There shall be a maximum of 4 businesses operating on the property.
- d. Division of property through a condominium plat is prohibited.
- e. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC zoned property to allow the business to have a sign at the road.

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11472](#)

PETITION: REZONE 11472  
APPLICANT: MARK A & JOANN M HALVERSON  
LOCATION: 1061 HILLCREST ROAD, SECTION 4, TOWN OF CHRISTIANA  
CHANGE FROM: FP-35 General Farmland Preservation District TO RM-8 Rural Mixed-Use District  
REASON: shifting of property lines between adjacent land owners

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

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

[11478](#)

PETITION: REZONE 11478  
APPLICANT: DOERFER BROTHERS INC  
LOCATION: 6437 GRANDVIEW ROAD, SECTION 24, TOWN OF VERONA  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-8 Rural Residential District AND RM-16 Rural Mixed Use District  
REASON: creating one residential lot

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

- 1. The existing residence on hte proposed RR-8 lot (parcel B) shall be removed from the property prior to the zoning being established.**
- 2. A certified survey map shall be recorded to create the two lots.**

**Ayes:** 4 - AUDET,BOLLIG,KNOLLandWEGLEITNER

**Excused:** 1 - PETERS

## **F. Plats and Certified Survey Maps**



[2019 LD-027](#) Preliminary Plat - Twin Rock  
Town of Verona  
Staff recommends conditional approval

A motion was made by KNOLL, seconded by AUDET, that the preliminary plat be approved with conditions. The motion carried by a voice vote, 4-0.

1. Rezone Petition #11416 is to become effective and all conditions are to be timely satisfied.

(County Board approved Zoning Petition #11416 on August 15, 2019)

- Recording of an approved plat.
- The developer shall enter into a developer's agreement with the Town of Verona for the improvements required for the development. The agreement shall be approved by the Town Board.
- The zoning boundary is limited to the creation of 31 lots (27 residential lots, all equal to or greater than 1.5 acres, and 4 conservation outlots).
- The road layout for the subdivision shall conform to the concept plan dated April 3, 2019.
- All storm water detention ponds shall be on outlots.
- Any revisions or alterations of the plan shall be subject to review by the Town of Verona Plan Commission.
- A wetland delineation being conducted and the report submitted to the Town and the County prior to the preliminary plat.
- A preliminary storm water management plan shall be prepared and submitted to the Town prior to the preliminary plat.
- The roadway engineering plans shall be prepared and approved by the Town. Each cul-de-sac shall have an engineered circle with an appropriate radius and lots shall not include easements for cul-de-sac construction.
- A declaration of neighborhood covenants shall be prepared and approved by the Town which includes architecture design features for homes and accessory buildings and landscaping requirements for residential lots.
- Landscaping plans for the berm along Spring Road shall be submitted as part of the covenant document.
- A financial agreement shall prepared and approved by the Town of Verona for maintenance of the outlots which include storm water features.
- A subdivision plat shall be recorded with the Register or Deeds.
- The developer shall enter into a contract with the Dane County Highway Department for the necessary improvements for the intersection of County Highway G and Spring Rose Road (Type B2 intersection with a right turn lane, curb and gutter and tapers). The contract shall be in place prior to the zoning becoming effective. The improvements shall be installed within 2 years of the recording of the subdivision plat.

2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).

- The amount of land to be provided shall be at least 1,750 square feet of land for each proposed residential dwelling unit within the plat. 27 lots = 47,250 s.f.
- Outlots 1-4 (no indication of lands being dedicated to the public for park purposes)
- Town has indicated that they do not want lands dedicated for public purposes. Developer to pay fees in lieu of dedication of parkland.

3. All public land dedications are to be clearly designated “dedicated to the public.”
  - Outlot 1 designated for storm water pond/management.
  - Outlot 2 shown as open space, prairie restoration.
  - Outlot 3 shown as open space, landscape screening.
  - Outlot 4 shown as open space, landscape screening.
  
4. Comments from the Dane County Highway department are to be satisfied:
  - Upgrade intersection of CTH G and Spring Rose Road to a B2 intersection (WisDOT SDD 9A1-13a). Include 200 ft. right turn lane with curb and gutter.
  
5. Utility easements are to be provided.
  - Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
  
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 Verona.
  
7. Dead-end streets shall not be permitted without suitable turn-around. Appropriate arrangements shall be made for those parts of temporary turn-arounds outside of street right-of-way to revert to the abutting property owners at such time as streets shall be extended.
  
8. All street names shall be consistent with chapter 76 of the Dane County Ordinances.
  
9. Comments from the Dane County Surveyor are to be satisfied:
  - Road names and alignments are acceptable.
  
10. Comments from the Dane County Public Health department are to be satisfied:
  - No concerns.
  
11. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.
  
12. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance
  - a. Require shore land erosion control and stormwater permits.
  - b. Located in thermally sensitive area.
  - c. Recommend infiltration facilities be located away from southern end of site to prevent potential issues with hydric soils and/or groundwater.

## G. Resolutions

## H. Ordinance Amendment

[2019 OA-011](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

See motion above.

[2019 OA-013](#) AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

See motion above.

## I. Items Requiring Committee Action

### Budget Discussion and Amendments

[2019  
ACT-162](#) ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2020 OPERATING BUDGET

*ZLR-0-01: Motion by Wegleitner, seconded by Audet, that the amendment be approved. The motion carried by a voice vote 4-0.*

[2019  
ACT-163](#) ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2020 CAPITAL BUDGET

## J. Reports to Committee

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by AUDET, seconded by WEGLEITNER, to adjourn the October 22, 2019 Zoning and Land Regulation Committee meeting at 7:45pm. The motion carried unanimously.

*Questions? Contact Roger Lane, Planning and Development Department, 266-4266, [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)*