

Dane County



Minutes

Tuesday, June 24, 2014

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 7:05pm in room 201 of the city-county building.

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

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

There was no public comment.

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

10687 **PETITION: REZONE 10687**
APPLICANT: DAVID W SMITHBACK
LOCATION: 500 FEET NORTH OF PEBBLE LN EAST OF CLEAR VIEW ROAD, SECTION 11, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

A motion was made by Kolar, seconded by Bollig to recommend approval of zoning petition 10687. The motion carried on a voice vote.

10688 **PETITION: REZONE 10688**
APPLICANT: RODNEY NELSON
LOCATION: 5361 & 5359 MAHOCKER RD, SECTION 19, TOWN OF BLACK EARTH
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District, A-1EX Agriculture District TO A-4 Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots for existing residences and creating one agricultural lot

A motion was made by Bollig, seconded by Matano to postpone action on the petition until town board action is received. The motion carried by a voice vote.

10690 **PETITION: REZONE 10690**
APPLICANT: MEDINA, TOWN OF
LOCATION: VARIOUS, SECTION 15, TOWN OF MEDINA
CHANGE FROM: A-1EX Agriculture District TO CO-1 Conservancy District
REASON: compliance with farmland preservation plan as required by ss. 91.38

A motion was made by Matano, seconded by Bollig to postpone until town board action is received. The motion carried by a voice vote.

10691 **PETITION: REZONE 10691**
APPLICANT: TOWN OF COTTAGE GROVE
LOCATION: TOWN OF COTTAGE GROVE, SECTION 16, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO Development District
REASON: compliance with farmland preservation plan as required by ss. 91.38

A motion was made by Matano, seconded by Salov to recommend approval of zoning petition 10691. The motion carried by a voice vote.

10692

PETITION: REZONE 10692

APPLICANT: DALE D SECHER

LOCATION: 1042 TIPPERARY RD., SECTION 16, TOWN OF OREGON

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

REASON: creating one residential lot

A motion was made by Bollig, seconded by Matano to recommend approval of petition 10692, as amended with conditions. The motion carried by a voice vote.

The applicant shall record an access easement and shared driveway agreement in compliance with the requirements of section 75.19(8) of the Dane County Subdivision Code.

10693

PETITION: REZONE 10693

APPLICANT: TOWN OF BERRY

LOCATION: WEST OF 4867 COUNTY HIGHWAY P, SECTION 35, TOWN OF BERRY

CHANGE FROM: A-1EX Agriculture District TO CO-1 Conservancy District

REASON: compliance with farmland preservation plan as required by ss. 91.38

A motion was made by Kolar, seconded by Bollig to recommend approval of zoning petition 10693. The motion carried by a voice vote.

10695

PETITION: REZONE 10695

APPLICANT: BRIAN HENNING

LOCATION: SOUTH OF 6663 COUNTY HIGHWAY TT, SECTION 33, TOWN OF YORK

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

REASON: creating one residential lot

A motion was made by Matano, seconded by Kolar to recommend approval of petition 10695, as amended. The motion carried by a voice vote.

The petition is subject to the following conditions of approval.

- 1. The applicant shall delineate any steep slope topography over 12% grade as a "no build" area on the Certified Survey Map.**
- 2. The applicant shall record a deed restriction prohibiting further residential development on the remaining A-1EX zoned land comprising the original 1980 farm unit.**

10696

PETITION: REZONE 10696

APPLICANT: BRENT H MOSHER

LOCATION: 5025 MISSOURI RD, SECTION 27, TOWN OF MEDINA

CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District, R-1 Residence District
TO RH-3 Rural Homes District, A-1EX Agriculture District TO RH-3 Rural Homes District

REASON: separating existing residence from farmland

A motion was made by Bollig, seconded by Kolar to recommend approval of the petition, as amended. The motion carried by a voice vote.

The petition is subject to the following conditions of approval.

1. The applicant shall file a deed restriction on the proposed RH-3 parcel prohibiting further residential development and limiting the number of animal units in accordance with the town of Medina's animal unit definition.

10697

PETITION: REZONE 10697

APPLICANT: SCOTT REAMER

LOCATION: 1292 W. MEDINA ROAD, SECTION 32, TOWN OF MEDINA

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

REASON: creating one residential lot

A motion was made by Matano, seconded by Kolar to recommend approval of the petition as amended. The motion carried by a voice vote.

The petition is subject to the following conditions.

1. The applicant shall record a deed restriction limiting the number of animal units on the property in accordance with the town of Medina's animal unit definition.

10698

PETITION: REZONE 10698

APPLICANT: WISCONSIN EDUCATION ASSOC

LOCATION: 45 NOB HILL RD.; 33 NOB HILL RD.; 345 COYIER LANE, SECTION 36, TOWN OF MADISON

CHANGE FROM: C-2 Commercial District TO C-1 Commercial District, B-1 Local Business District TO C-1 Commercial District

REASON: shifting of property lines between adjacent land owners

A motion was made by Kolar, seconded by Bollig to postpone action until the July 8 work meeting. The motion carried by a voice vote.

10699

PETITION: REZONE 10699

APPLICANT: ROMAN E HAAS

LOCATION: JUST NORTH OF 7807 FISH LAKE ROAD, SECTION 4, TOWN OF ROXBURY

CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District

REASON: creating one residential lot

A motion was made by Bollig, seconded by Salov to postpone action until the July 8 work meeting. The motion carried by a voice vote.

Staff was instructed to work with the applicant to address floodplain concerns and to review a possible alternative building site location proposed by the applicant.

10700

PETITION: REZONE 10700

APPLICANT: DAVID R MERTENS

LOCATION: 6427 COUNTY HIGHWAY A, SECTION 13, TOWN OF MONTROSE

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

REASON: shifting of property lines between adjacent land owners

A motion was made by Matano, seconded by Bollig to postpone until town board action is received. The motion carried by a voice vote.

10701

PETITION: REZONE 10701

APPLICANT: RICHARD S HERSCHLEB

LOCATION: 4389 COUNTY HIGHWAY DM, SECTION 5, TOWN OF WINDSOR

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

REASON: separating existing residence from farmland

A motion was made by Bollig, seconded by Salov to suspend the committee rules to allow consideration of town board action submitted after the deadline. The motion carried by a voice vote.

A motion was made by Bollig, seconded by Salov to recommend approval of zoning petition 10701, as amended. The motion carried by a voice vote.

The petition is subject to the following conditions of approval.

- 1. The applicant shall record a deed restriction on the proposed A-2(2) parcel prohibiting further development or division.**
- 2. The applicant shall satisfy the town of Windsor's park improvement and dedication fee requirements.**

10702

PETITION: REZONE 10702

APPLICANT: MAXWELL FAMILY LLC

LOCATION: 7711 MIDTOWN ROAD, SECTION 6, TOWN OF VERONA

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

REASON: reconfiguring two residential lots and creating two agricultural lots for farm educational facility

A motion was made by Bollig, seconded by Kolar to postpone the petition until the July 8 work meeting. The motion carried by a voice vote.

10703

PETITION: REZONE 10703

APPLICANT: JAMES J SKALITZKY

LOCATION: JUST WEST OF STATE HIGHWAY 19 AND TOWN HALL ROAD, SECTION 3, TOWN OF SUN PRAIRIE

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

REASON: rezoning for mini-warehouses.

A motion was made by Matano, seconded by Kolar to postpone the petition until the July 8th work meeting. The motion carried by a voice vote.

10704

PETITION: REZONE 10704

APPLICANT: WILLIAM J BUSS

LOCATION: 900 FEET EAST OF 2141 LESLIE ROAD, SECTION 23, TOWN OF DUNKIRK

CHANGE FROM: RH-3 Rural Homes District TO LC-1 Limited Commercial District, RH-3 Rural Homes District TO CO-1 Conservancy District

REASON: create lot to allow a concrete contractor business

A motion was made by Kolar, seconded by Salov to recommend approval of zoning petition 10704. The motion carried by a voice vote.

10708

PETITION: REZONE 10708

APPLICANT: STEVEN M WOLFE

LOCATION: 7233 COOPER ROAD, SECTION 18, TOWN OF YORK

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

REASON: separating existing residence from farmland

A motion was made by Bollig, seconded by Kolar to recommend approval of zoning petition 10708. The motion carried by a voice vote.

CUP 2274

PETITION: CUP 2274

APPLICANT: JOSEPH G PASKUS

LOCATION: 6515 SEYBOLD ROAD, SECTION 25, TOWN OF MIDDLETON

CUP DESCRIPTION: allow car wash

A motion was made by Bollig, seconded by Kolar to postpone until town board action is received. The motion carried by a voice vote.

Neighboring property owner, Renee Farley, spoke in opposition to the petition, noting concerns over potential impacts the proposed car wash could have on private wells in the area.

CUP 2275

PETITION: CUP 02275

APPLICANT: RICHARD A FIZZELL

LOCATION: 895 STORYTOWN ROAD, SECTION 17, TOWN OF OREGON

CUP DESCRIPTION: limited rural business-metal fabrication, welding, art and repairs.

A motion was made by Bollig, seconded by Matano to approve CUP 2275 with 4 conditions. The motion carried by a voice vote.

- 1. The business shall be limited to a metal fabrication, welding, repairs, and art sales business.**
- 2. Hours of operation shall be by appointment only.**
- 3. Signs shall comply with Dane County Code of Ordinances.**
- 4. Outside loudspeakers are prohibited.**

CUP 1613

REVIEW AND POSSIBLE REVOCATION OF CUP 1613 (LIMITED FAMILY BUSINESS)

LANDOWNER: KENNETH AND VICKI MARTINSON

LOCATION: 4614 COUNTY HIGHWAY A, SECTION 18, TOWN OF RUTLAND

VIOLATION: FAILURE TO INSTALL LANDSCAPE BUFFER PER APPROVED CONDITIONS

A motion was made by Matano, seconded by Bollig to postpone until the July 22nd meeting. The motion carried by a voice vote.

Staff were directed to advise the owner on possible amendments to the conditions of CUP 1613 that would address neighbor concerns with operation of the limited family business and existing zoning violations occurring on the property. Supervisors requested that Alliant Energy be contacted to determine what, if any, landscaping can be done within the utility easement area between the subject property and neighboring residential lots on Mesa Drive.

**2014
OA-019**

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF WINDSOR COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN AND THE DANE COUNTY FARMLAND PRESERVATION PLAN

A motion was made by Matano, seconded by Kolar to recommend approval of Ordinance Amendment 19. The motion carried by a voice vote.

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

CUP 2260

PETITION: CUP 2260

APPLICANT: CRAZY ACRES INC

LOCATION: WEST OF 983 STATE HIGHWAY 73, SECTION 15, TOWN OF ALBION

CUP DESCRIPTION: mineral extraction

A motion was made by Matano, seconded by Bollig to reconsider the committee's previous action on CUP 2260. The motion carried, 3-2.

Ayes: 3 - BOLLIG, MATANO and MILES

Noes: 2 - KOLAR and SALOV

A motion was made by Matano, seconded by Bollig to amend condition #23 on CUP 2260. The motion carried by a voice vote.

Condition #23 on CUP 2260 was amended to read as follows:

23. Pre-blast inspections on buildings and wells shall be performed on any property within $\frac{3}{4}$ mile of the extraction operation if requested by the property owner. The operator shall maintain records of the inspections and be made available to Dane County Zoning Division upon request. Well inspections shall be performed by a certified well driller or pump installer, shall include a pump test to determine the static water level and pumping water level, and shall be documented on a WDNR well inspection form. Property inspections shall be performed by a licensed home inspector and shall consist of the inspection, photographing and recorded description of pre-blast conditions of the interior and exterior of residences and other structures.

A motion was made by Matano, seconded by Kolar to approve CUP 2260 with 23 conditions, as amended. The motion carried by a voice vote.

1. This operation will provide materials for WisDOT projects associated with Hwy 73, Hwy 106 and/or I-39/90, and for any other municipal (town, city, village) projects taking place during the same timeframe as WisDOT projects. Operator must provide documentation related to state projects upon request to the Dane County Zoning Administrator.
2. Operations shall cease no later than 10 years from the date of CUP approval.
3. The applicant shall submit an erosion control and storm water management plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
4. The applicant shall apply for and receive all other required local, state and federal permits.
5. The operator shall develop and operate the site according to the site/operations and phasing plan dated 5-07-2014. This plan shows an active area of 29 acres within the CUP boundary.
6. The operator shall not remove any trees from the property.
7. The operator must follow noise control guidelines as defined in the Aggregate Processing Plant Sound Level Assessment submitted with the application
8. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
9. The driveway accessing the subject site shall be paved for a distance of at least 100 feet from the public road. 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. A 20' x 50' tracking pad shall be installed as designated on the Operations Plan map, dated 05/07/14..
10. The operator and all haulers shall access the CUP site from US Highway 73 as depicted on the operations plan dated 05-07-14.
11. 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."
12. Hours of operation will be 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturday. Exceptions to these hours would be when required by WisDOT to perform work on the Interstate which may require night work on a limited basis for the duration of a specific project. In the case of such an exception, Yahara Materials must provide documentation from WisDOT showing such requirements. Crushing of material shall be prohibited between the hours of 6:00pm and 6:00am.
13. Audible backup alarms shall not be used during the night hours. Strobe lights shall be used during night hours in conformance with OSHA standards.
14. Blasting shall be conducted as defined in the "Yahara Materials Blasting Procedure" as provided with the application materials. Blasting will be conducted by a licensed class 5, 6 or 7 Blaster; notifications will be made by either the Blasting Contractor and/or Yahara Materials twenty-four hours prior to any blast; a blasting log will be required for each blast; all blasting will be recorded by a properly calibrated seismograph; all seismograph records will be available anytime for review by the township; and all blasting will meet Wisconsin's Department of Commerce Administrative Code Chapter 7.
15. 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.
16. There shall be no bulk fuel stored on site.
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. The operator shall follow the Fugitive Emissions Plan, submitted with the application materials.

20. Dane County and the Town of Albion shall be listed as additional named insureds on the Yahara Materials 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 commence. The liability insurance policy shall remain in effect until reclamation is complete.

21. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these 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.

22. An annual inspection shall be conducted on the site by the Dane County Zoning Division to assure compliance with conditions of approval.

23. Pre-blast inspections on buildings and wells shall be performed on any property within ¼ mile of the extraction operation if requested by the property owner. The operator shall maintain records of the inspections and be made available to Dane County Zoning Division upon request. Well inspections shall be performed by a certified well driller or pump installer, shall include a pump test to determine the static water level and pumping water level, and shall be documented on a WDNR well inspection form. Property inspections shall be performed by a licensed home inspector and shall consist of the inspection, photographing and recorded description of pre-blast conditions of the interior and exterior of residences and other structures.

E. Plats and Certified Survey Maps

2014 LD-012 Final Plat - NORTH PARK FITCHBURG, City of Fitchburg
(12 lots) (application deadline 6/26/14)
Staff recommends certification of non-objection.

A motion was made by Bollig, seconded by Matano to approve with a certification of non-objection. The motion carried by a voice vote.

2014 LD-016 Final Plat - IRONWOOD ESTATES, City of Sun Prairie
(86 lots) (application deadline 7/06/14)
Staff recommends certification of non-objection.

A motion was made by Bollig, seconded by Matano to certify the final plat with no objections.

2014 LD-013 Gerald and Diane Endres proposed 2-lot Certified Survey Map
Town of Roxbury, Section 17

A motion was made by Bollig, seconded by Matano to approve the 2-lot Certified Survey map as per ZLR Committee rules and procedures.

2014 LD-014 Thomas and Kathleen Lehman proposed 2-lot Certified Survey Map
Town of Burke, Section 25

A motion was made by Matano, seconded by Bollig to approve the 2-lot Certified Survey Map as per ZLR Committee rules and procedures.

2014 LD-015 Rod Nelson, proposed 2-lot Certified Survey Map
Town of Black Earth, Section 19
Waiver request for proposed lots 1 and 2 of a 3-lot CSM from the public
highway frontage requirements as per S. 75.19(6)(b)

A motion was made by matano, seconded by Kolar to postpone the waiver request associated with rezone petition #10688.

F. Resolutions

G. Ordinance Amendment

**2014
OA-019** AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, INCORPORATING THE TOWN OF WINDSOR
COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE
PLAN AND THE DANE COUNTY FARMLAND PRESERVATION PLAN

See action above

H. Reports to Committee

I. Other Business Authorized by Law

J. Adjourn

A motion was made by Matano, seconded by Bollig to adjourn the meeting at 9:37pm. The motion carried by a voice vote.

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.