



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, January 24, 2017

6:30 PM

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

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A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:35pm in Room 351 of the City-County Building.

Staff present: Everson, Kodl, Lane, and Violante

Youth Governance Members present: Harry Joseph Finkelmeyer. Garrett Stolen.

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

No comments made by the public.

[2016](#)
[RPT-626](#)

Registrants at the January 24th ZLR Committee meeting

Attachments: [Registrants at the Jan 24th ZLR meeting](#)

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

[11075](#)

PETITION: REZONE 11075

APPLICANT: NATHAN PAOLI

LOCATION: 815 CLARKSON ROAD, SECTION 4, TOWN OF MEDINA

CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District

REASON: zoning to allow for a limited family business

Attachments: [11075 CUP 2368 Staff](#)

[11075 town](#)

[11075 Ord Amend](#)

In Favor: Nathan Paoli

Opposed: None

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

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[CUP 2368](#)

CUP 2368

APPLICANT: NATHAN PAOLI

LOCATION: 815 CLARKSON ROAD, SECTION 4, TOWN OF MEDINA

CUP DESCRIPTION: retail sales of motor vehicles

Attachments: [11075 CUP 2368 Staff](#)

[CUP 2368 Town](#)

[CUP #2368](#)

In Favor: Nathan Paoli

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 8 conditions. The motion carried by the following vote: 4-0.

1. The limited family business shall be limited to car sales.
2. There shall be no more than 24 vehicles sold per year.
3. Hours of operation shall be by appointment only.
4. All vehicles for sale shall be stored indoors. Outside display of vehicles for sale or outdoor storage of vehicles or materials is prohibited.
5. One ground sign with a shielded light fixture shall be permitted on the property.
6. Vehicle repair, maintenance, and accessory installation are permitted for vehicles to be sold on the property. Repairs to vehicles not being sold on-site are prohibited.
7. Number of employees shall be limited to family members residing on the property plus one or one full-time equivalent person not residing on the premises.
8. The conditional use permit shall expire with the sale of the land or business to an unrelated third-party.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11076](#)

PETITION: REZONE 11076
APPLICANT: EMILY R SKALITZKY
LOCATION: 7555 STATE HIGHWAY 89, SECTION 11, TOWN OF YORK
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: separating existing residence from farmland

Attachments: [11076 Staff](#)
[11076 Town](#)
[11076 Density](#)
[11076 Ord Amend](#)

In Favor: Mark Tomasheck
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.
1. Zoning District amended to RH-2.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11077](#)

PETITION: REZONE 11077
APPLICANT: SCOTT M BRICKL
LOCATION: 8637 MACK ROAD, SECTION 15, TOWN OF ROXBURY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: adding additional lands to an existing residential lot

Attachments: [11077 Town](#)
[11077 Staff](#)
[11077 Map](#)
[11077 App](#)

In Favor: Scott Brickel
Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11079](#)

PETITION: REZONE 11079
APPLICANT: MARY F NORDLAND
LOCATION: NORTH OF 2022 KOSHKONONG ROAD, SECTION 13 &
14, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes
District
REASON: shifting property lines between adjacent landowners

Attachments: [11079 Staff](#)

[11079 Map](#)

[11079 App](#)

In Favor: Michael Rumpf

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until a Town Action Report is received from the Town. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11080](#)

PETITION: REZONE 11080
APPLICANT: JAMES A SKJOLAAS
LOCATION: SOUTH OF 1455 HILLSIDE ROAD, SECTION 2, TOWN
OF ALBION
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture
District and A-1EX Agriculture District TO A-4 Agriculture District
REASON: creating two residential lots

Attachments: [11080 Staff](#)

[11080 Density](#)

[11080 Map](#)

[11080 App](#)

In Favor: No representation

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be tabled. Time: 6:42pm. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11081](#)

PETITION: REZONE 11081
APPLICANT: TERRY M MCCAUGHEY
LOCATION: 4485 STATE HIGHWAY 73, SECTION 9, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District and A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: creating one residential lot

- Attachments:** [11081 Staff](#)
[11081 Town](#)
[11081 Density](#)
[11081 Ord Amend](#)

In Favor: Jim Lowrey
Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed notice shall be recorded on parcels 0712-092-8500-0, 0712-092-9000-3, and 0712-092-8000-5 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.
2. A shared driveway agreement shall be recorded with the Register of Deeds for the benefit of the three lots.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11082](#)

PETITION: REZONE 11082
APPLICANT: BARLIE FAM 4 LLC
LOCATION: 6433 NESBITT ROAD, SECTION 12, TOWN OF VERONA
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: Expand land uses to include storage/sales/repair of vehicles and machinery and bulk fuel storage/sales

- Attachments:** [11082 Staff](#)
[11082 Town](#)
[11082 Map](#)
[11082 App](#)

In Favor: No representation
Opposed: None

A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be tabled. Time: 6:57pm. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[CUP 02362](#) PETITION: CUP 2362
APPLICANT: MADISON CRUSHING AND EXCAVATION
LOCATION: 5185 REINER ROAD, SECTION 26, TOWN OF BURKE
CUP DESCRIPTION: allow the continuation of an existing mineral
extraction operation

Attachments: [CUP 2362 Staff](#)
[CUP2362 MnExt 01242017PH](#)
[CUP 2362 Narrative](#)
[CUP 2362 Operations Plan](#)
[CUP 2362 App](#)
[CUP 2362 distance map](#)
[CUP 2362 Map](#)

IN FAVOR:

Bill Ziegler, John Belkin, Paul Johnson. Mr. Johnson explained the proposal to the Committee. The operator has no objections to the conditions listed in the staff report.

OPPOSED:

Emma Godfrey: She stated that the operator has been found illegally expanding past their approved limits in the past. Once again the operator has let their CUP's expire and is asking for another expansion. She stated that there were prior determinations on the limits to mineral extraction site. 1989, a judge had determined that the quarry would go no further north than Sandy Lee Lane. This limitation has appeared to be lost with the passing of time.

Gale Zimmermann: In 1977, she purchased her property on Sandy Lee Lane. She was told that the quarry was abandoned and did not have any more material. The operation started back up in 1980 and has been operating ever since. She stated that the operation should not be allow to expand north past Sandy Lee Lane due to the close proximity to existing houses. She feels that the 20 year time limit is too long. She has been living through the blasting and the dust from the quarry for many years.

Brigit Parlow: When she purchase her house, she was never told that a mineral extraction operation was in the area. She has never received a blasting notice. She has noticed cracks in her house. She expressed her displeasure with the beeping of the back-up alarms of trucks, noise from the trucks, and the traffic they create. She stated that she was not allowed to speak at the Town's Plan Commission meeting regarding the matter. She noted that there is a daycare with 150 children located across the street from the quarry. She is concerned that the quarry is conflicting with the current development and future development of the area. There are many new residents surrounding the quarry. She would like to see the CUP be denied.

Kim McCain: She stated that she has asthma and the dust from the quarry is problematic. She has found issues with her house due to blasting. The blasting is annoying.

Julie Backenkeller: She stated that the neighborhood was not properly informed about the Town meeting and they were not allow to speak at the Town meeting. She does not receive blasting notices when blasting occurs. With the residential development around the site, the Town and the County should decide whether to have residential or mineral extraction as the land use for the area. The additional residents moving into the area appear to conflict with the quarry land use. She questioned whether the quarry had enough land as is or if they actually needed the expansion to the north. She would like to see pre-blast surveys be performed on houses prior to blasting commencing. She would also like well testing to be performed. Additional measures should be in place to address dust concerns. Blasting notices should distributed in a 1/2 mile radius.

Squawk boxes should be installed on all vehicles. Asphalt drives should be installed at entrances to control dust and not allow regrind material. She feels that the quarry has a negative impact on her property values and her enjoyment of her property. She feels that the CUP should be denied and the property reclaimed.

REBUTTAL:

Paul Johnson: The opposition has good points. The operator has been a good neighbor. The operations in the expired CUP areas have been shut down. The operator wishes to expand to make money. The quarry has been in operation for decades and is hard to miss when driving past. Reiner Road traffic has always been busy and the truck traffic from the quarry is not a major contributor. The operator is requesting a 20-year time limit in order to exhaust the resources in this area.

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be postponed until a Town Action Report is received from the Town . The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[CUP 2370](#)

PETITION: CUP 2370

APPLICANT: BLOOMING GROVE FIRE DEPT/ DANE COUNTY

LOCATION: 1880 S STOUGHTON ROAD, SECTION 16, TOWN OF BLOOMING GROVE

CUP DESCRIPTION: government uses- Dane County Governmental Offices

Attachments: [CUP 2370 Staff](#)

[CUP 2370 Town](#)

[CUP 2370 Map](#)

[CUP 2370 App](#)

In Favor: Tracy Herold

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.

1. This Conditional Use Permit shall be for governmental use by Dane County Library Service, Dane County Emergency Management and any other agency of county government, as well as any local units of government affiliated, or doing business, with Dane County.

2. Governmental uses shall be limited to offices; vehicle, equipment, and materials storage, maintenance, and repair; meeting space; and ancillary uses.

3. This Conditional Use Permit shall expire upon sale of the property to a non-governmental agency.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[2016
OA-041](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF DANE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: RIPP, BOLLIG, CHENOWETH, KILMER, KOLAR, McCARVILLE, MILES, NELSON, PERTL, RITT and SCHAUER

Attachments: [OA 41 2016 memo](#)
[Town TDR ordinance](#)
[Town Board Minutes](#)
[2016 OA 41](#)
[FISCAL NOTE](#)

In Favor: Richard Haag
Opposed: None

A motion was made by MATANO, seconded by MILES, that this Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[2016
OA-066](#)

AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF ORDINANCES, UPDATING OFFICIAL FLOODPLAIN MAPS TO REFLECT LETTER OF MAP REVISIONS

Sponsors: KOLAR and BOLLIG

Attachments: [Memo on Chapter 17 revisions](#)
[2016 OA-066](#)
[East Branch Starkweather Creek LOMR](#)
[Upper Badger Mill Creek LOMR](#)
[Hubble Road Box Culvert LOMR](#)
[Fiscal Note](#)

In Favor: None
Opposed: None

A motion was made by MATANO, seconded by MILES, that this Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

[2016
OA-067](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING CONDITIONAL USE PERMIT APPEALS

Sponsors: MILES, BOLLIG, KILMER, KOLAR, KRAUSE, MATANO, SCHMIDT, WILLETT,
WILLIAMS and ZWEIFEL

Attachments: [Memo for CUP appeal change](#)

[2016 OA-067](#)

[2016 OA-067 FISCAL NOTE](#)

In Favor: None

Opposed: None

**A motion was made by MILES, seconded by BOLLIG, that this Ordinance
Amendment be postponed until the February 28th ZLR Committee meeting. The
motion carried by the following vote: 4-0.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[2016
OA-073](#) AMENDING CHAPTER 15 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING PROCEEDINGS OF ADMINISTRATIVE
AGENCIES

Sponsors: DYE, CLAUSIUS, DOWNING, ERICKSON, FERRELL, JONES, KILMER, KRAUSE,
LEVIN, McCARVILLE, NELSON, PERTL, WEGLEITNER, YOUNG and ZWEIFEL

Attachments: [2016-OA-073 17-15subcommittees](#)

In Favor: None

Opposed: None

**A motion was made by MATANO, seconded by MILES, that this Ordinance
Amendment be forwarded without recommendation. The motion carried by the
following vote: 4-0.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

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

[11012](#)

PETITION: REZONE 11012
APPLICANT: ROBERT A VEUM
LOCATION: 366 LIEN VEUM ROAD, SECTION 35, TOWN OF
CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture
District
REASON: separating existing residence from farmland

Attachments: [11012 Staff Update](#)

[11012 Town](#)

[11012 Density](#)

[11012 Ord Amend](#)

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

1. The northerly property line shall be shifted south of the drainage ditch.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

[11059](#)

PETITION: REZONE 11059
APPLICANT: BAR DOWN LLC
LOCATION: 3159 SHADY OAK LANE, SECTION 5, TOWN OF
VERONA
CHANGE FROM: R-4 Residence District TO R-4 Residence District
REASON: revise deed restriction regarding 21-unit single-family
residential condominium

Attachments: [11059 Staff Update](#)

[11059 Town](#)

[11059 Ord Amend](#)

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

1. The current deed restriction on the property shall be amended to read: Restrict the property in keeping with the development agreement which allows the unit size to be calculated by adding the gross area of a designated unit to the area representing the units proportional interest in all common areas, thus allowing 20 units at two acres or more and one unit at 1.9 acres.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

E. Plats and Certified Survey Maps

[2016 LD-028](#) Preliminary Plat - Spruce Valley
Town of Middleton
Staff recommends approval subject to the attached conditions .

Attachments: [Spruce Valley review memo](#)
[11 x 17 RevisedPreliminaryPlat](#)
[map](#)
[1 24 17 conditional](#)

A motion was made by BOLLIG, seconded by MILES, that the preliminary plat of Spruce Valley be approved with conditions. The motion carried by a voice vote.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
3. All streets shall be noted as dedicated to the public.
4. The Bhawani 1-lot proposed certified survey map is to be recorded.
5. Appropriate turn-around arrangements are to be shown on the plat at the east and west end of Spruce Valley Drive.
6. Utility easements are to be provided.
7. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
8. 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.
9. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
10. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
11. The required approval certificates are to be satisfied:
 - Town of Middleton
 - Dane County

[2016 LD-049](#) McCaughey Land Division Waiver - Public road frontage requirements
Town of Deerfield

Attachments: [waiver](#)
[20170118092915](#)

A motion was made by MATANO, seconded by BOLLIG, that the Land Division waiver be approved. The motion carried by a voice vote.

Finding of fact: STH 73 is a controlled access with limited access points allowed and current structures prohibit lot 2 to have and maintain the minimum of 66' of frontage. A shared access easement will be created to allow for the parcels to utilize the existing driveway.

F. Resolutions

G. Ordinance Amendment

[2016
OA-041](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF DANE COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: RIPP, BOLLIG, CHENOWETH, KILMER, KOLAR, McCARVILLE, MILES, NELSON, PERTL, RITT and SCHAUER

Attachments: [OA 41 2016 memo](#)
[Town TDR ordinance](#)
[Town Board Minutes](#)
[2016 OA 41](#)
[FISCAL NOTE](#)

See motion above.

[2016
OA-066](#)

AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF ORDINANCES, UPDATING OFFICIAL FLOODPLAIN MAPS TO REFLECT LETTER OF MAP REVISIONS

Sponsors: KOLAR and BOLLIG

Attachments: [Memo on Chapter 17 revisions](#)
[2016 OA-066](#)
[East Branch Starkweather Creek LOMR](#)
[Upper Badger Mill Creek LOMR](#)
[Hubble Road Box Culvert LOMR](#)
[Fiscal Note](#)

See motion above.

[2016
OA-067](#)

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING CONDITIONAL USE PERMIT APPEALS

Sponsors: MILES, BOLLIG, KILMER, KOLAR, KRAUSE, MATANO, SCHMIDT, WILLET, WILLIAMS and ZWEIFEL

Attachments: [Memo for CUP appeal change](#)
[2016 OA-067](#)
[2016 OA-067 FISCAL NOTE](#)

See motion above.

H. Items Requiring Committee Action

I. Reports to Committee

J. Other Business Authorized by Law

K. Adjourn

A motion was made by MILES, seconded by MATANO, that the Zoning and Land Regulation Committee meeting be adjourned. Time: 8:00pm The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com