

Dane County



Minutes

Tuesday, April 24, 2018

6:30 PM

City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Acting Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff in attendance: Everson, Lane, Violante

Present 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

Excused 1 - STEVEN PETERS

B. Election of Officers

Acting Chair Kolar called for the nominations for a Committee Chair.

Bollig nominated Supervisor Kolar for Committee Chair. Seconded by Knoll.

No other nominations were received.

Supervisor Kolar was elected as Committee Chair on a 4-0 vote.

Chair Kolar called for the nomination for a Vice-Chair.

Knoll nominated Supervisor Bollig for Vice-Chair.

No other nominations were received.

Supervisor Bollig was elected as Vice-Chair on a 4-0 vote.

The Committee decided not to elect a secretary for the Committee.

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

No comments made by the public.

[2018](#)
[RPT-013](#)

April 24th ZLR Registrants

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

[11265](#)

PETITION: REZONE 11265

APPLICANT: GRANT WILLRETT

LOCATION: 4209 OBSERVATORY ROAD, SECTION 16, TOWN OF CROSS PLAINS

CHANGE FROM: RH-2 Rural Homes District TO RH-2 Rural Homes District, RH-3 Rural Homes District TO RH-2 Rural Homes District

REASON: lot line adjustment, also change zoning from RH-2 and one RH-3 parcel to two RH-2 parcels

In favor: James Graham

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11266](#)

PETITION: REZONE 11266
APPLICANT: RANDY A EHLE
LOCATION: 2432 COUNTY HIGHWAY BN, SECTION 14, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: separating existing residence from farmland

In favor: Jason Ehle
Opposed: None

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

- 1. A shared driveway agreement shall be recorded with the Register of Deeds to provide access to the residence and the farm fields.**
- 2. A deed restriction shall be recorded with the Register of Deeds to prohibit further residential development on the A-2(4)property.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11268](#)

PETITION: REZONE 11268
APPLICANT: JAMES R KOPATZ
LOCATION: 3305 SUGAR VALLEY ROAD, SECTION 32, TOWN OF CROSS PLAINS
CHANGE FROM: R-1 Residence District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District, RH-2 Rural Homes District TO RH-1 Rural Homes District
REASON: shifting of property lines between adjacent land owners

In favor: Jim Kopatz
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11269](#)

PETITION: REZONE 11269
APPLICANT: DAVE TOOTHMAN
LOCATION: 4365 OLD STONE ROAD, SECTION 20, TOWN OF RUTLAND
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District
REASON: salvage recycling center coming into compliance.

In favor: Dave Toothman
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

CUP 02415

PETITION: CUP 02415
APPLICANT: DAVE TOOTHMAN
LOCATION: 4365 OLD STONE ROAD, SECTION 20, TOWN OF RUTLAND
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture District
CUP DESCRIPTION: SALVAGE RECYCLING CENTER COMING INTO COMPLIANCE.

In favor: Dave Toothman

Opposed: None

A motion was made by BOLLIG, seconded by WEGLEITNER, that this Conditional Use Permit be approved with 7 conditions. The motion carried by the following vote: 4-0.

- 1. This Conditional Use Permit is for a salvage recycling center.**
- 2. Outdoor storage of salvage materials, merchandise, vehicles and equipment shall be done in a manner that does not impede vehicular access from the single family home to Old Stone Road.**
- 3. Outdoor storage areas shall be maintained in an orderly manner that enables vehicle and equipment circulation around the property.**
- 4. The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.**
- 5. No hazardous materials or liquids may be stored on the property.**
- 6. No business signage shall be permitted.**
- 7. This conditional use permit shall automatically expire upon sale of the property.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11270

PETITION: REZONE 11270
APPLICANT: RUDISILL LLC
LOCATION: SECTION 36, TOWN OF ALBION
CHANGE FROM: R-3 Residence District TO A-2 Agriculture District, A-1EX Agriculture District TO A-2 Agriculture District, R-3 Residence District TO A-1EX Agriculture District, R-3 Residence District TO A-2 (8) Agriculture District
REASON: creating 2 residential lots, the remainder to be zoned A-1EX

In favor: Ron Combs

Opposed: None

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

- 1. The final Certified Survey Map shall depict the location of the burial mounds on the property.**
- 2. The final Certified Survey Map shall show the general location of the environmentally sensitive features (wetlands, slopes exceeding 20% grade).**
- 3. The 2.88 acre area being rezoned to A-1EX shall be transferred to the adjoining owner (Jaskula) within 30 days of recording of the final Certified Survey Map.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11271

PETITION: REZONE 11271
APPLICANT: SCOTT F SCHALLER
LOCATION: NORTH OF 7757 SHALLER ROAD, SECTION 6, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating one residential lot

In favor: Scott Schaller

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11272

PETITION: REZONE 11272
APPLICANT: DARCEY HAGEMANN & MARK SINGEL
LOCATION: 6403 COUNTY HIGHWAY M, SECTION 25, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

In favor: Mark Singel and Darcy Hagemann

Opposed: None

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

1. A deed restriction shall be recorded with the Register of Deeds to limit the land uses to the following: Single family residences, home occupation, agricultural uses, accessory building, and utility services. The following may be permitted with a conditional use permit: Horse boarding and riding stables, horseshows/events, training of horses at a horse boarding facility, hay and sleigh rides, retail sales of bridles, saddle, grooming supplies and related items at horse boarding and riding stables, dependency living arrangements, limited family businesses, and/or communication towers.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11273](#)

PETITION: REZONE 11273
APPLICANT: KEVIN R ZUMKEHR
LOCATION: 1194 COUNTY HIGHWAY A, SECTION 16, TOWN OF ALBION
CHANGE FROM: R-1 Residence District TO RH-1 Rural Homes District, A-1EX Agriculture District TO RH-1 Rural Homes District, R-1A Residence District TO RH-1 Rural Homes District
REASON: compliance for existing structures and land uses

In favor: Kevin Zumkehr
Opposed: None

A motion was made by BOLLIG, seconded by KNOLL, to postpone action until town action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11274](#)

PETITION: REZONE 11274
APPLICANT: HELGELAND FAMILY FARM LLC
LOCATION: 2608 GASTON ROAD. SECTION 4, TOWN OF COTTAGE GROVE
CHANGE FROM: A-2 (8) Agriculture District TO A-2 (4) Agriculture District, A-2 (8) Agriculture District TO A-2 (2) Agriculture District
REASON: creating two residential lots

In favor: Jason and Jessica Helgeland
Opposed: None

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

1. The 8.51-acre lot shall be assigned the zoning district classification of A-4 Small Lot Agriculture.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11275](#)

PETITION: REZONE 11275
APPLICANT: MAXWELL FAMILY LLC
LOCATION: EAST AND SOUTH OF 11691 MID TOWN ROAD, SECTION 6, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO R-4 Residence District
REASON: develop a 29 unit land condominium project.

In favor: Ron Klaas
Opposed: None

A motion was made by BOLLIG, seconded by KNOLL, to postpone action until the May 8th meeting. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11276](#)

PETITION: REZONE 11276
APPLICANT: STEVEN P REINEN
LOCATION: NORTH AND WEST OF 6440 SUNSET DRIVE, SECTION 36, TOWN OF VERONA
CHANGE FROM: RH-1 Rural Homes District TO R-4 Residence District
REASON: Proposed 16-unit condo for single-family residential development

In favor: Steve Reinen, Ron Klaas, and Robert Procter explained the proposed development to the Committee.

Opposed: Rosemary Bodolay stated that she was concerned about development on steep slopes, protection of the woodland, some of the lots not being 1.5 acres and conflicting with Town policies, and the increased traffic on Sunset Drive which is a bike conduit. Hans Pigorsch stated that the development was too dense and the increased traffic due to the development would be a danger to bike traffic. Susan Pigorsch stated that she was concerned about development on steep slopes and was concerned about proper stormwater management. Mark Singel stated that the development was too dense, future home owners may trespass onto his property, and that the unique features of the land (woods and kettles) may be destroyed as part of the development.

Rebuttal: Robert Procter stated that the project is low density and the kettles will be protected as part of the development.

A motion was made by KNOLL, seconded by BOLLIG, to postpone action until the May 8th Committee meeting. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR, BOLLIG, KNOLL and WEGLEITNER

Excused: 1 - PETERS

A motion was made by WEGLEITNER, seconded by BOLLIG, to accept the email from Warren and Mary Ann Olson and make it part of the official record. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR, BOLLIG, KNOLL and WEGLEITNER

Excused: 1 - PETERS

[11278](#)

PETITION: REZONE 11278
APPLICANT: HASTINGS REV TRAIL, PHILLIP
LOCATION: 1013 COUNTY HIGHWAY BB, SECTION 9, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO LC-1 Limited Commercial District, LC-1 Limited Commercial District TO A-1EX Agriculture District
REASON: reducing the size of an existing LC-1 boundary

In favor: Phill Hastings

Opposed: None

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

Ayes: 4 - KOLAR, BOLLIG, KNOLL and WEGLEITNER

Excused: 1 - PETERS

[CUP 02413](#)

PETITION: CUP 02413

APPLICANT: MARK S ROSENBAUM

LOCATION: 3159 COUNTY HIGHWAY A, SECTION 18, TOWN OF DUNKIRK

CUP DESCRIPTION: mineral extraction

In favor: Mark Rosenbaum

Opposed: Todd Leis stated that he was concerned regarding ground water contamination, lake levels, reduction on land values, and noise.

A motion was made by BOLLIG, seconded by KNOLL, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

CUP 02414

PETITION: CUP 02414
APPLICANT: MARK S ROSENBAUM
LOCATION: 971 STATE HIGHWAY 138, SECTION 18, TOWN OF DUNKIRK
CUP DESCRIPTION: concrete batch plant

In favor: Mark Rosenbaum

Opposed: None

A motion was made by BOLLIG, seconded by KNOLL, that this Conditional Use Permit be approved with 15 conditions. The motion carried by the following vote: 4-0.

1. No mineral extraction, no crushing, and no aggregate washing shall occur on-site.
2. There shall be no blasting on the site.
3. Hours of operation shall be as follows: 5:00 am to 6:00 pm 7 days a week during spring, summer and fall. Winter hours (5 am to 6 pm) are on an as needed basis, weather permitting.
4. The applicant shall update their Dane County Chapter 14 erosion control/storm water management permit.
5. The operator shall apply for and receive a concrete product operations general permit (GP) from the Wisconsin DNR.
6. The operator shall use spray bars (water) and/or water truck to reduce dust. The driveway shall be maintained in a dust free manner using a crushed asphalt or paved surface.
7. The applicant shall apply for and receive all other required local, state and federal permits.
8. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
9. The operator shall develop and operate the site according to the site/operations plan submitted with the application materials.
10. The operator and all haulers shall access the CUP site via the current driveway off of State Hwy 138.
11. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
12. The owner/operator must post a copy of this conditional use permit #2414, including the list of all conditions, on the work site.
13. Dane County and the Town of Dunkirk shall be listed as primary additional named insureds on the Rosenbaum, Inc. liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. 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 operations cease.
14. 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.
15. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2017 OA-046](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE Town of CROSS PLAINS Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

In favor: Town Chair Greg Hyer

Opposed: None

A motion was made by BOLLIG, seconded by KNOLL, to postpone action until the language of the comprehensive plan is corrected. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2017 OA-047](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE Town of VERMONT Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

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

F. Plats and Certified Survey Maps

[2017 LD-060](#) Hellenbrand proposed 1-lot Certified Survey Map
Town of Springdale

A motion was made by BOLLIG, seconded by KNOLL, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.

[2018 LD-001](#) Freitag proposed 4-Lot Certified Survey Map
Town of Springdale, Section 12

A motion was made by BOLLIG, seconded by KNOLL, that the Certified Survey Map be approved. The motion carried by a voice vote, 4-0.

[2018 LD-002](#) Final Plat - Fifth Addition to Merri-Hill Addition
Village of Oregon
Staff recommends a certification of non-objection.

A motion was made by BOLLIG, seconded by KNOLL, that the Final Plat be certified with no objections. The motion carried by a voice vote, 4-0.

[2018 LD-003](#) Final Plat - Rivers Turn Third Addition
Village of DeForest
Staff recommends a certification of non-objection.

A motion was made by BOLLIG, seconded by KNOLL, that the Final Plat be certified with no objections. The motion carried by a voice vote, 4-0.

G. Resolutions

H. Ordinance Amendment

[2017 OA-046](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE Town of CROSS PLAINS Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

See motion above.

[2017 OA-047](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE Town of VERMONT Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

See motion above.

I. Items Requiring Committee Action

J Reports to Committee

[2018 RPT-004](#) Report of approved Certified Survey Maps

K. Other Business Authorized by Law

L. Adjourn

A motion was made by WEGLEITNER, seconded by KNOLL, to adjourn the April 24th ZLR Committee meeting at 7:50pm. The motion carried unanimously.

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