

Dane County



Minutes

Tuesday, March 27, 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

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

Staff present: Allan, Andros, Everson, and Lane

Youth Governance Members present: Sam Fischer.

Present 4 - JERRY BOLLIG, MARY KOLAR, AL MATANO, and DENNIS O'LOUGHLIN

Absent 1 - PATRICK MILES

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

No comments made by the public.

[2017](#)
[RPT-760](#)

March 27th ZLR Registrants

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

[11252](#)

PETITION: REZONE 11252

APPLICANT: LENOX LANDSCAPE AND SUPPLY LLC

LOCATION: 770 ALBION ROAD, SECTION 16, TOWN OF ALBION

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

REASON: change zoning to allow temporary concrete batch plant, to change back after project complete.

In favor: Alex Barkley and Michael Grubb

Opposed: None

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

Ayes: 4 - BOLLIG, KOLAR, MATANO and O'LOUGHLIN

Absent: 1 - MILES

CUP 02411

PETITION: CUP 02411

APPLICANT: LENOX LANDSCAPE AND SUPPLY LLC

LOCATION: 770 ALBION ROAD, SECTION 16, TOWN OF ALBION

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

REASON: change zoning to allow temporary concrete batch plant, to change back after project complete.

CUP DESCRIPTION: TEMPORARY CONCRETE BATCH PLANT

In favor: Alex Barkley and Michael Grubb

Opposed: None

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Conditional Use Permit be approved with 24 conditions. The motion carried by the following vote: 4-0.

1. The batch plant at this site may be used only for the I39/90 Project WISDOT 1007-11-74, I90/39 South Dane County Line to East Church Road Southbound Lanes.
2. Operator shall provide the WisDOT project ID and documentation from WisDOT showing that material from this site meets project specifications. This documentation will be provided to the Dane County Zoning division.
3. No mineral extraction, no crushing, and no aggregate washing shall occur on-site.
4. There shall be no blasting on the site.
5. Operations shall cease no later than December 1, 2018.
6. Hours of operation shall be as follows:
Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sunday. Limits established by the Township shall be included with the hours of operation.
7. The applicant shall follow the approved erosion control implementation plan (ECIP).
8. The operator shall use spray bars (water) and/or water truck to reduce dust and as requested by a representative of Lenox Landscape Supply. 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.
9. The applicant shall apply for and receive all other required local, state and federal permits. Copies of permits must be provided to the Town of Albion.
10. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
11. The operator shall develop and operate the site according to the site/operations plan submitted with the application materials.
12. A berm minimum of three (3) feet above the elevation of the site pad will be placed along all sides of the site except the interstate side.
13. The operator and all haulers shall access the CUP site via the interstate with tracking pad as noted on the Site/Operations Plan. The applicant shall resubmit exhibit with the title "Site/Operations Plan" and provide a date of the submittal on the map for acceptance.
14. Applicant will not use any Town of Albion roads for hauling to/from this site.
15. No bulk fuel storage on site.
16. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
17. Noise from site shall controlled by establishing a decibel limit with the County and the Town. The County to establish appropriate levels and monitoring details

with approval from the Town Board since noise from the Interstate does impact this area as well.

18. Outdoor lighting will be portable and will be directed away from property lines, neighboring parcels and roads to mitigate impacts. Light must be directed in a way that it will not leave the site.

19. Applicant will provide a well usage report any month the well is used for the duration of the CUP.

20. Edgerton Fire Protection District shall review applicant's plan for operations and provide input on any conditions it sees as necessary to protect the public.

21. The owner/operator must post a copy of this conditional use permit #2411, including the list of all conditions, on the work site.

22. Dane County and the Town of Albion shall be listed as primary additional named insureds on the Rock Road Companies, 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.

23. 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.

24. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

11254

PETITION: REZONE 11254

APPLICANT: ROBERT H JOHNSON

LOCATION: 275 US HIGHWAY 12 & 18, SECTION 2, TOWN OF CHRISTIANA

CHANGE FROM: A-2 (8) Agriculture District TO C-2 Commercial District, A-2 (8) Agriculture District TO A-2 (4) Agriculture District

REASON: Expansion of existing commercial lot

In favor: Jim Lawrey

Opposed: None

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

1. Deed restrict the C-2 property to limit uses exclusively to a trailer sales business and a single family residence.

2. Deed restrict the C-2 property to prohibit the installation of off-premises advertising (billboard) signs.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11255](#)

PETITION: REZONE 11255
APPLICANT: COFFEY TR, NANCY K
LOCATION: 7786 INAMA ROAD, SECTION 5, TOWN OF ROXBURY
CHANGE FROM: RH-1 Rural Homes District TO A-2 Agriculture District, A-2 (8) Agriculture District TO A-2 Agriculture District, A-1 Agriculture District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

In favor: Darrel and David Haas
Opposed: None

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

1. The two properties shall be deed restricted to prohibit further land divisions of the property.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11256](#)

PETITION: REZONE 11256
APPLICANT: ANGELA MILEY
LOCATION: 9559 COUNTY HIGHWAY Y, SECTION 24, TOWN OF MAZOMANIE
CHANGE FROM: RH-3 Rural Homes District TO C-1 Commercial District
REASON: small family business creating herbal remedies for organic livestock

In favor: Angela Miley
Opposed: None

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

1. A conditional use permit shall be obtained to address the residential component within the C-1 Commercial Zoning District. The application for the conditional use permit shall be submitted within 60 days.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11257](#)

PETITION: REZONE 11257
APPLICANT: GENE R & JUDY LAUBER
LOCATION: SOUTH OF 3887 GARFOOT ROAD, SECTION 19, TOWN OF CROSS PLAINS
CHANGE FROM: A-1 Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot

In favor: Gene Lauber
Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11258](#)

PETITION: REZONE 11258
APPLICANT: RICHARD A ANDERSON
LOCATION: 4551 PLEASANT VALLEY ROAD, SECTION 8, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: Richard Anderson

Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11259](#)

PETITION: REZONE 11259
APPLICANT: NIKOLE R JONES
LOCATION: 4190 OBSERVATORY ROAD, SECTION 16, TOWN OF CROSS PLAINS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-3 Rural Homes District
REASON: create 3 new lots and reconfigure existing parcel lines

In favor: None

Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed due to no representation. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11260](#)

PETITION: REZONE 11260
APPLICANT: LINDA A SWEENEY
LOCATION: 2778 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO RH-1 Rural Homes District, A-3 Agriculture District TO RH-2 Rural Homes District, A-3 Agriculture District TO RH-3 Rural Homes District, A-3 Agriculture District TO RH-4 Rural Homes District
REASON: subdivide land to 4 residential lots

In favor: None

Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be postponed due to no representation. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

11261

PETITION: REZONE 11261

APPLICANT: HRK LLC

LOCATION: SOUTHEAST OF 1242 STATE HIGHWAY 73, SECTION 10, TOWN OF ALBION

CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District

REASON: expansion of existing winery operation to include brewery and tasting room

In favor: Ryan Kratley

Opposed: None

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

1. Deed restrict the C-1 zoned parcel to limit commercial uses exclusively to wine and beer production facilities, tasting room / tavern, and retail sales of products produced on the premises. Hours of operation for the tasting room / tavern shall be limited to 11am-9pm, Tuesday through Sunday.

2. Deed restrict the C-1 zoned parcel to prohibit the installation of off-premises (billboard) signs.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

CUP 02412

PETITION: CUP 02412

APPLICANT: HRK LLC

LOCATION: SOUTHEAST OF 1242 STATE HIGHWAY 73, SECTION 10, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District

REASON: expansion of existing winery operation to include brewery and tasting room

CUP DESCRIPTION: winery, tasting room

In favor: Ryan Kratley

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. Conditional Use Permit #2412 is hereby issued for both a wine and beer tasting room (tavern) and agricultural uses in the C-1 Commercial zoning district.**
- 2. The wine and beer tasting rooms use shall be limited to offering alcoholic beverages produced on the premises, including retail sales.**
- 3. The tasting rooms shall not be open to the public outside the hours of 11am-9pm, Tuesday through Sunday.**
- 4. Both the wine and beer tasting rooms shall each be limited to no more than 800 square feet of floor space (total 1,600 square feet between the two).**
- 5. The building housing the wine and beer tasting room shall comply with state commercial building code requirements.**
- 6. Development of the property shall be comply with town design ordinance standards. Construction plans, including building design / layout, parking, landscaping, signage, and lighting shall be submitted to Town of Albion for review and approval prior to the issuance of zoning permits.**
- 7. Off street parking and interior traffic circulation shall comply with requirements of section 10.18 of the Dane County Zoning Ordinance, or applicable section of successor ordinance.**
- 8. Landowner shall comply with the information contained within the application.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11262](#)

PETITION: REZONE 11262
APPLICANT: HELEN M JAGGI / WEISENSEL
LOCATION: WEST OF 1627 FRITZ ROAD, SECTION 6, TOWN OF MONTROSE
CHANGE FROM: RH-4 Rural Homes District TO RH-2 Rural Homes District, RH-4 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture District TO RE-1 Recreational District
REASON: creating one residential lot and one agriculture lot and one recreational lot

In favor: Wade Wyse, Matt Fleming, and Andrew Kessenich
Opposed: None

A motion was made by O'LOUGHLIN, 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 restriction shall be recorded on the A-1Ex lot and the RE-1 lot to prohibit residential development. The housing density rights have been exhausted on the original farm.**
- 2. The existing driveway shall be relocated approximately 80 feet north along Fritz Road. Any new driveway shall meet Town requirements regarding slope, storm water, and width.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11263](#)

PETITION: REZONE 11263
APPLICANT: TOM & DONNA SAYRE FARMS LLC
LOCATION: WEST OF CHURCH STREET, SECTION 11, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot

In favor: Dana Doskocil
Opposed: None

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

- 1. The Certified Survey Map shall depict a building envelope area(s) located outside of the 12% and greater slopes.**
- 2. The Certified Survey Map shall depict the location of the driveway on the RH-2 property as shown on the town driveway permit.**
- 3. A deed restriction shall be recorded on the RH-2 property to prohibit further residential development or division of the property.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11264](#)

PETITION: REZONE 11264
APPLICANT: TOM & DONNA SAYRE FARMS LLC
LOCATION: EAST OF CHURCH STREET, SECTION 11, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: create one residential lot and one agricultural lot

In favor: Dana Doskocil

Opposed: None

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

- 1. The Certified Survey Map shall depict the location of the driveway on the A-2(1) property as shown on the town driveway permit.**
- 2. A deed restriction shall be recorded on the A-2(1) parcel to prohibit further development or division of the property.**
- 3. A deed restriction shall be recorded on parcels 0611-112-9500-7, 0611-112-8001-3, 0611-111-9195-9, 0611-023-9000-0, and 0611-023-8500-7 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.**

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11267](#)

PETITION: REZONE 11267
APPLICANT: SCOTT A KALSCHUR
LOCATION: WEST OF 5553 NETHERWOOD ROAD, SECTION 4, TOWN OF OREGON
CHANGE FROM: Wetland status to Non-wetland status
REASON: removing area from wetland map in order to construct a driveway

In favor: Gary Karls

Opposed: None

A motion was made by O'LOUGHLIN, seconded by O'LOUGHLIN, that this petition be recommended for approval. The motion carried by the following vote: 4-0. The Committee found that the wetland rezone did not adversely impact the following: (a) Storm and flood water storage capacity; (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland; (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters; (d) Shoreline protection against soil erosion; (e) Fish spawning, breeding, nursery or feeding grounds; (f) Wildlife habitat; or (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11277](#)

PETITION: REZONE 11277
APPLICANT:TOWN OF COTTAGE GROVE
LOCATION: VARIOUS PARCELS IN COTTAGE GROVE, SECTION 29, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: blanket rezone to implement amendments to the Town of Cottage Grove/Dane County comprehensive plan

In favor: Senior Planner Pam Andros

Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

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

[CUP 2396](#)

PETITION: CUP 02396

APPLICANT: THOMAS A MARTINSON

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

CUP DESCRIPTION: new 199' communication tower

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be denied base on the findings of fact and conclusions. The motion carried by the following vote: 4-0

FINDINGS OF FACT:

1. As detailed in the attached engineering report, the applicant has failed to substantiate the need for a new communication tower at the proposed location based on the objectives stated in the application materials.
2. The proposed site is located outside of the search ring submitted with the application. The applicant has provided conflicting and contradictory information regarding the identification of search rings.
3. The applicant failed to submit a search ring documenting the need for a tower at the proposed location to provide rural broadband internet services, failed to adequately document the area eligible to receive such services, and failed to adequately evaluate the feasibility of collocation on an existing tower within the federally designated broadband target area.
4. The proposal is inconsistent with the town/county comprehensive plan. Town plan policies seek to prevent the establishment of new, incompatible non-residential land uses near residential subdivisions and seek to preserve farmland and rural character. In addition, the town counts communication towers as a "split" against the density policy. As indicated on the attached density study report, the available density units on the Martinson property have been exhausted.

CONCLUSION:

The request fails to meet standards 2 and 6 of the standards to obtain a conditional use permit found in section 10.255(2)(h):

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. There are 20 residences located within 300'-1,300' of the proposed tower. Property owners from the neighboring residential subdivision have expressed their concerns the proposed conditional use will result in a substantial diminishment in uses, values, and enjoyment of their property.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located. The request does not conform to standard B for conditional uses in the certified farmland preservation zoning district (A-1EX). The request fails to meet standard (b) under section 10.123(5) for conditional uses in the A-1EX Exclusive Agriculture Zoning District:
(b) The use and its location in the A-1 Exclusive Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law. The applicant has failed to consider alternative locations within the originally provided search ring, including the 20 acre Reindahl site of previously approved CUP 2253 at 783 CTH MM, and also refused to adequately consider collocation options for the proposed broadband service.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

A motion was made by MATANO, seconded by BOLLIG, that the AT&T response submitted during the meeting be added to the official record. The motion carried by a voice vote.

[11229](#)

PETITION: REZONE 11229

APPLICANT: ARINGTON TREE FARM LLC

LOCATION: 1166 TILLUNG DRIVE, SECTION 8, TOWN OF CHRISTIANA

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District

REASON: rezone due to vacation of town road.

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until the April 10, 2018 meeting. The motion carried by the following vote:

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

E. Plats and Certified Survey Maps

[2017 LD-053](#)

Final Plat - Welcome Homes

Town of Middleton

Consideration of the 8/22/2017 conditional approval and execution of the plat document pursuant to established Committee policy.

Motion by BOLLIG, seconded by MATANO to find that the final plat be signed as the conditional approval from 8/22/2017 has been met. The motion carried by a voice vote, 4-0. Chair KOLAR signed the plat.

[2017 LD-057](#)

Final Plat - Replat of Lot 4 & 5 of Heim's Woods

City of Middleton

Staff recommends a certification of non-objection.

Motion by BOLLIG, seconded by O'LAUGHLIN to certify the final plat with no objections. The motion carried by a voice vote, 4-0. Chair KOLAR signed the plat.

F. Resolutions

G. Ordinance Amendment

H. Items Requiring Committee Action

I. Reports to Committee

[2017](#)
[RPT-737](#)

Report of approved Certified Survey Maps

J. Other Business Authorized by Law

K. Adjourn

A motion was made by O'LOUGHLIN, seconded by MATANO, to adjourn the March 27, 2018 Zoning and Land Regulation Committee meeting at 8:27pm. The motion carried unanimously.

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