

Dane County



Minutes

Wednesday, March 11, 2015

7:00 PM

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

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting to order at 7:08pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante.

Youth Governance Members present: Boyce, and Wilson.

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

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

No comments made by the public.

C. Consideration of Minutes

**2014
MIN-620** Minutes of the February 10, 2015 Zoning and Land Regulation Committee meeting

A motion was made by KOLAR, seconded by MATANO, to approve the minutes of the February 10, 2015 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

**2014
MIN-621** Minutes of the February 24, 2015 Zoning and Land Regulation Committee meeting

A motion was made by KOLAR, seconded by MATANO, to approve the minutes of the February 24, 2015 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

10779 **PETITION: REZONE 10779**
APPLICANT: SOLEIL DEVELOPMENT CORP
LOCATION: 4996 ENCHANTED VALLEY ROAD, SECTION 31, TOWN OF SPRINGFIELD
CHANGE FROM: CO-1 Conservancy District TO A-2 (4) Agriculture District
REASON: shifting of property lines between adjacent land owners

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

10807

PETITION: REZONE 10807

APPLICANT: WATTS FAMILY TRUST

LOCATION: SOUTH OF 7685 WEST MINERAL POINT ROAD, SECTION 30, TOWN OF MIDDLETON

CHANGE FROM: A-1 Agriculture District TO C-1 Commercial District, R-1 Residence District, and RE-1 Recreational District

REASON: Create lot for existing driving range and create additional lot for commercial use

A motion was made by BOLLIG, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

1. The applicant shall comply with all the requirements in the Vierbicher letter dated February 3, 2015.
2. The proposed rezoning of proposed Lot 1 to C-1 and proposed Lot 3 to RE-1 is acceptable to the Board. Lot 2 shall remain A-1.
3. The Board finds the proposed commercial rezoning is in substantial conformance with the Town's Comprehensive Plan and the Tumbledown Neighborhood Plan. Recordable Deed Restrictions shall be placed on Lot 1 limiting uses to:
All uses permitted in the LC-1 Limited Commercial District; Retail and service uses including grocery stores, drugstores, hardware stores, appliance and furniture stores; barbershops and beauty shops without limitation as to size; Self-service laundries and dry cleaning establishments; Warehousing and storage incidental to a permitted use; Medical, dental and veterinary clinics; Banks, offices, office buildings and condominium office buildings not more than (2) floors to office space; Utility services; Bakeries; Bicycle sales and service; Rental businesses except for motor vehicles and construction machinery and equipment; Sales and repair of lawn and garden equipment; Outdoor games (not lighted); and Off-site parking of motor vehicles.
4. A deed restriction be placed on Lot 2 that states that no further development will occur on Lot 2 until Welcome Drive is extended to Lot 2 as a public right of way.
5. A deed restriction shall be recorded and placed on the face of the CSM against lots 1-3 that states that no further development of these lots will be allowed that is not consistent with the Tumbledown Neighborhood Plan.
6. The required Joint Driveway Easement for access to the three lots shall also include a restriction that the south access to proposed Lot 2 be limited to Ag uses only.
7. Two park fees (\$2,250 each) shall be collected as there are two tax parcels but only one buildable lot. If Dane County determines there are two buildable lots, only one park fee shall be collected.
8. A 30' Public Recreational Trail easement will be provided to the Town over the current constructed Public Recreational Trail located within the limits of the CSM; the Public Recreational Trail Easement and Trail may be relocated in the future if approved by the Town.
9. No additional trail easements will be required outside the limits of the CSM as the applicant stated that he would be willing to consider another trail easement at the time of development.
10. An area plan shall not be required, as the proposal is in substantial agreement with and conforms to the Tumbledown Neighborhood Plan.
11. Any potential wetlands that have not already been officially delineated as wetlands by the Wisconsin Department of Natural Resources do not need to be shown on the CSM. Official delineation will occur at the

time of development.

12. A storm water easement encompassing the drainage ways across the CSM do not need to be shown on the CSM at this time, as they would be highly theoretical, and would almost certainly need to be change.

13. A deed restriction shall be recorded on the C-1 Commercial zoning lot to prohibit the installation of billboard (off-premise advertising) signs.

CUP 1059

REVIEW AND POSSIBLE REVOCATION OF CUP 1059 (CONCRETE BATCH PLANT)
LANDOWNER: YAHARA MATERIALS, LLC
LOCATION: 4315 COUNTY HIGHWAY AB, SECTION 14, TOWN OF BLOOMING GROVE
VIOLATION: LOCATION VIOLATION, MATERIAL VIOLATION, AND TRAFFIC CONCERNS

Zoning Administrator Lane explained the inconsistencies observed with the approval of Conditional Use Permit #1059.

Registrants in support: Tiffani Roltgen, Madison Alter Denise DeMarb, Tanya Hamilton-Nisbet, Justin Mehr,

Registration in opposition: Blooming Grove Plan Chair Ron Bristol, Mike Lawton, Larry Burcalow, Tim Geoghegan, Don Tierney, Richard Becker, Chris Kromm, Renee Burcalow, Robin Loger, Michael ---, Harvey Witte, Paul Burcalow, David Decker, Andrew Disch

Supervisor Matano questioned who would have the annual meeting once the property is annexed into the city. Supervisor Bollig expressed interest in obtaining the Town's opinion on the revocation of the conditional use permit. Supervisor Kolar expressed concern on the process of the review of the conditional use permit.

Ron Bristol, Blooming Grove Plan Commission Chair, stated that the Town Plan Commission is opposed to the revocation of the conditional use permit.

Supervisor Bollig questioned Attorney Lawton of the intent of his March 10, 2015 letter. Attorney Lawton responded that he would like the committee to keep the conditional use permit the way it stands now. He stated that the Town should have an opportunity to weigh in on the matter. Also he stated that the Committee has options to add conditions or amend the conditions of approval as they see fit.

Miles suggested that the conditions of the conditional use permit should be revised to limit the conditional use permit to a time certain.

Supervisor Matano questioned Madison Alterperson DeMarb on the complaints received from her constituents. She stated that she received approximately 25 complaints regarding the lighting, hours of operation, and truck traffic from the batch plant. She would like to permit to be removed.

Supervisor Salov questioned whether the batch plant is in compliance with the current conditional use permit. Zoning Administrator Lane stated that condition of the Town annual review was not being complied with, the plant was observed to be outside the boundaries of the conditional use permit, and the batch plant was to be for a limited duration per county ordinances.

Supervisor Kolar stated that the Town annual inspection should not be taken into account in this review. Yahara Materials should not be held responsible for a municipal action or lack thereof. Also, the duration of the batch plant should not

be taken into account due to the duration not being specified as part of the conditional use permit. The Committee should concentrate on other issues.

Tim Geoghegan, Yahara Materials, stated that the batch plant was not located in the quarry every year for the past 22 years. The plant was only operated in the quarry when a road project was in close proximity to the site. The last project was the reconstruction of the beltline highway.

Supervisor Schmidt commented that she has been receiving complaints regarding this property since 2010 regarding lights and hours of operation. This batch plant has a significant impact on the neighborhood.

A motion was made by MATANO to revoke Conditional Use Permit #1059. Motion failed due to lack of second.

A motion was made by MATANO, seconded by BOLLIG, postpone action on Conditional Use Permit #1059 until the May 12th meeting. The motion carried by the following vote:

The Committee would like County Staff to obtain input from the Town and obtain documentation from the City of Madison with the regards to specific conditions or concerns that they would have with the batch plant. Supervisor Matano expressed again that the conditional use permit should be revoked due to the complaints and the duration of the land use. Supervisor Miles stated that he would like to see the conditions of approval be revised to reflect current concerns keeping in mind that the batch plant has been located there over the past for 22 years. Supervisor Bollig agreed with Supervisor Miles.

Ayes: 4 - BOLLIG,KOLAR,MILESandSALOV

Noes: 1 - MATANO

F. Plats and Certified Survey Maps

2014 LD-062 Land Division Variance - Outlot 2 of Preliminary Plat Meadow Road Estates Town of Middleton, Section 32

A motion was made by BOLLIG, seconded by MATANO, to approve the variance request to allow Outlot 2 to have less than 66' of public road frontage. The motion carried by a voice vote.

Fact of finding: Outlot 2 will be reserved for open space and stormwater management. Will not be used as a builable lot.

- 2014 LD-073** Preliminary Plat - Meadow Road Estates, Town of Middleton, Section 32
(15 lots, 16 acres)
staff recommends conditional approval.

A motion was made by BOLLIG, seconded by MATANO, to approve the preliminary plat subject to the following conditions:

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Appropriate turn-around arrangements shall be made on the south end of Harvest Glen Drive.
 - Ch. 75.19(q) – Dead-end streets shall not be permitted without suitable turn-around.
3. Distances to the centerline of all of the road right-of-ways are to be shown.
4. Outlot 2 is to be re-designed to meet the minimum public road frontage requirements as per Ch. 75.19(6)(b) or a land division variance is to be approved by the ZLR Committee.
 - The following note shall be placed on the final plat - Variance granted by the Dane County Zoning & Land Regulation Committee on March 11, 2015 from Ch. 75.19(6)(b), Dane County Code of Ordinances to allow Outlot 2 to have less than the required 66' of frontage along a public street.
5. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
 - The minimum amount of land to be dedicated is 22,750 square feet, based upon 13 residential dwelling unit.
 - The committee may require monies in lieu of land for public recreational purposes.
6. All public land dedications are to be clearly designated "dedicated to the public."
7. Proposed street names Harvest Glen Drive and Eaton Terrace are to be approved with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
 - Dane County Surveyor approval obtained on February 13, 2015.
8. Utility easements are to be provided.
9. 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.
10. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
11. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
12. The required approval certificates are to be satisfied.

The motion carried by a voice vote.

- 2014 LD-072** Preliminary Plat - Wolf Hollow at Pleasant Prairie Creek, Town of Windsor, Sections 29 & 32
(68 lots, 40.9 acres)
Staff recommends conditional approval.

A motion was made by **MATANO**, seconded by **KOLAR**, to approve the preliminary plat subject to the following conditions:

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. All public land dedications are to be clearly designated "dedicated to the public."
 - OL 1 and 2 are being shown as dedicated to the public for stormwater management and parkland purposes.
3. The public park land appropriation requirement is to be satisfied.
 - 587,165 square feet of land shown as dedicated to the public
4. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
 - Dane County Surveyor approval has been obtained.
5. All lots and outlots are to meet the minimum area and width requirements of the zoning districts that are applicable.
6. Lot boundaries and zoning district boundaries are to be coterminous.
7. Utility easements are to be provided.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. Town of Windsor approval is to be obtained.
11. Village of DeForest approval is to be obtained (extraterritorial jurisdiction).

The motion carried by a voice vote.

- 2014 LD-067** Final Plat - The Community of Bishops Bay, The Back Nine - Phase 3
City of Middleton, 44 lots, 28.1 acres.
Staff recommends certification of non-objection.

A motion was made by **BOLLIG**, seconded by **MATANO**, to certify the plat with no objections. The motion carried by a voice vote.

- 2014 LD-068** Final Plat - Juniper Ridge
Village of McFarland, 198 lots, 74 acres
Staff recommends certification of non-objection.

A motion was made by **MILES**, seconded by **MATANO**, to certify the plat with no objections. The motion carried by a voice vote.

- 2014 LD-069** Steffen proposed 2-lot CSM, Town of Roxbury, Section 28/29
(2 lots, 8.77 acres)
Applicant is requesting division of an existing platted lot with no associated rezone petition.

A motion was made by **BOLLIG**, seconded by **MATANO**, to approve the proposed 2-lot Certified survey Map. The motion carried by a voice vote.

2014 LD-070 Baker proposed 3-lot CSM, Town of Pleasant Springs, Section 32
3 lots, 1.67 acres
Applicant is requesting division of an existing platted lot with no associated
rezone petition.

A motion was made by **MATANO**, seconded by **KOLAR**, to approve the proposed
3-lot Certified survey Map. The motion carried by a voice vote.

I. Items Requiring Committee Action

**2014
ACT-447** AUTHORIZATION OF THE EXTENSION OF THE CITY OF MADISON
URBAN NUMBERING SYSTEM FOR MID TOWN RD IN THE TOWN OF
MIDDLETON AND TOWN OF VERONA

A motion was made by **KOLAR**, seconded by **BOLLIG**, to approve the extension
of the urban numbering system for Mid Town Road to take effect on July 15,
2015. The motion carried by a voice vote.

H. Ordinance Amendment

**2014
OA-054** AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF
ORDINANCES, REGARDING PROCEDURE FOR CONDITIONAL USE
PERMIT APPEALS

A motion was made by **KOLAR**, seconded by **BOLLIG**, that the Ordinance be
postponed to the 3/24/2015 meeting. The motion carried by a voice vote.

J. Reports to Committee

CUP 2291 PETITION: CUP 2291
APPLICANT: WISCONSIN ELECTRIC POWER / ENBRIDGE ENERGY
LOCATION: 5635 CHERRY LANE, SECTION 14, TOWN OF MEDINA
CUP DESCRIPTION: pumping station for an existing petroleum pipeline

Zoning Administrator Lane informed the Committee that the County has
contracted with David Dybdahl of American Risk Management Resources
Network to review Enbridge's insurance. Mr. Dybdahl held a preliminary meeting
with Enbridge's representative, Aaron Madsen, on Tuesday March 10th, and will
be meeting with Enbridge's insurance person on Tuesday, March 17th. A draft
report may be ready in 10 days after meeting with Enbridge.

**2014
RPT-682** Report of approved Certified Survey Maps

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by KOLAR, to adjourn the meeting at 8:20pm. The motion carried unanimously.

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.