



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

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Tuesday, September 26, 2017

6:30 PM

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

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

#### 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: Everson, Lane, and Violante

Youth Governance Members present: Sam Fischer.

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

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

No comments made by the public.

[2017](#) September 26th registrants  
[RPT-367](#)

**Attachments:** [September 26th registrants](#)

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

[11180](#) PETITION: REZONE 11180  
APPLICANT: JDC PROPERTIES LLC  
LOCATION: 263 RODNEY RD, SECTION 1, TOWN OF CHRISTIANA  
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District  
REASON: modification to existing deed restrictions

**Attachments:** [11180 Staff](#)  
[11180 Town](#)  
[11180 Map](#)  
[11180 APP](#)  
[11180 Ord Amend](#)

*In favor: Justin Spardin*  
*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: 5-0.**

**1) The existing deed restriction on the property shall be revised to reflect the following conditions: The land uses on the property shall be limited to metal working/engraving services and production, manufacturing, assembly, storage, distribution, display and sales of automotive diagnostic tools or other similar products; ancillary warehousing; and motor vehicle repair. Off-premise advertising signs shall be prohibited on the property.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11181](#) PETITION: REZONE 11181  
APPLICANT: SANDRA J HANSON  
LOCATION: 1200 WASHINGTON RD, SECTION 7, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District,  
A-2 (1) Agriculture District TO A-2 (2) Agriculture District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11181 Staff](#)  
[11181 Town](#)  
[11181 Ord Amend](#)

*In favor: Jason Carandante*  
*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11182](#)

PETITION: REZONE 11182  
APPLICANT: DAVID W SMITHBACK  
LOCATION: SOUTH OF 2449 CENTER AVENUE, SECTION 21, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District  
REASON: creating one residential lot

**Attachments:** [11182 Staff](#)

[11182 Town](#)

[11182 Density](#)

[11182 Ord Amend](#)

*In favor: Chris Miller*

*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: 5-0.

1. A deed restriction shall be recorded on parcels 0611-164-9001-0, 0611-164-9526-0, 0611-211-8501-8, and 0611-211-8000-4 to prohibit residential development on the property zoned A-1EX Exclusive Agriculture and A-4 Agriculture. The housing density rights for this portion of the original farm have been exhausted.
2. An agricultural access easement shall be recorded on the A-2 parcel to allow access to the fields to the east.
3. Site plan approval shall be granted from the Town Board prior to the issuance of a zoning permit for a residence on the A-2 zoned lot.

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11183](#)

PETITION: REZONE 11183  
APPLICANT: JOHN E CLICK  
LOCATION: SOUTH OF 10434 LAWS DR, SECTION 28, TOWN OF MAZOMANIE  
CHANGE FROM: RH-2 Rural Homes District TO A-4 Agriculture District  
REASON: rezoning to an agricultural lot

**Attachments:** [11183 Staff](#)

[11183 Town](#)

[11183 Ord Amend](#)

A motion was made by MILES, seconded by MATANO, to suspend ZLR Committee rules to accept the Town Action Report. The motion carried by the following vote: 5-0.

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

*In favor: John Click*

*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: 5-0.**

**1. A deed notice shall be recorded on the property which identifies that one housing density right is assigned to the property.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

11184

PETITION: REZONE 11184

APPLICANT: LAUFENBERG REV TR, ANTHONY P & ALYCE J

LOCATION: 5516 BOX ELDER RD, SECTION 23, TOWN OF MEDINA

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

REASON: separating existing farm residence from the farmland

**Attachments:** [11184 Staff](#)

[11184 Town](#)

[11184 Ord Amend](#)

*In favor: Joyce Knapton*

*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: 5-0.**

**1) A deed restriction shall be recorded on the property regarding the Town of Medina animal unit restrictions and the A-2(4) property shall be prohibited from further land divisions.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

11185

PETITION: REZONE 11185

APPLICANT: SCOTT J WILSON

LOCATION: 2861 HENSHUE RD.,, SECTION 7, TOWN OF DUNN

CHANGE FROM: C-1 Commercial District TO RH-2 Rural Homes District

REASON: bringing parcel into zoning compliance prior to sale

**Attachments:** [11185 Staff](#)

[11185 Town](#)

[11185 Ord Amend](#)

*In favor: None*

*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: 5-0.**

**1. A notice document shall be recorded to terminate the deed restrictions on the property.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11186](#)

PETITION: REZONE 11186  
APPLICANT: KENNETH L PARIS  
LOCATION: 5009 THORSON ROAD, SECTION 36, TOWN OF BURKE  
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture  
District  
REASON: change zoning to allow for a limited family business  
(landscaping business)

**Attachments:** [11186 Staff](#)  
[11186 Town](#)  
[11186 CUP 2386 Letter to ZLR](#)  
[11186 staff status letter](#)  
[11186 Town of Burke Future Land Use Map](#)  
[11186 Map](#)  
[11186 APP](#)  
[Burke Town Minutes](#)

*In favor:*

*Mark and Aleacia Bursaw explained the proposed landscaping business activities. He stated that it is a small business with no winter activities. The normal work hours are from 7:30 to 5. The 5 business trucks will be parked inside. Evergreens will be planted to screen activity from neighbors. There will be no employees on-site during the day. Pam Venenga stated that the business appears to be a good fit in the neighborhood.*

*Opposed:*

*Abe O'Brien stated that the approval of this proposal will set a precedence in the neighborhood which may attract more commercial activity. Elna Walsh submitted a petition by neighbors opposing the project. There will be too much noise and the business will negatively affect property values. The business is too large for the scope of a limited family business.*

**A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be postponed due to public opposition and to allow the petitioner time to see if the Town would be willing to reconsider their denial. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02386](#) PETITION: CUP 02386  
APPLICANT: KENNETH L PARIS  
LOCATION: 5009 THORSON ROAD, SECTION 36, TOWN OF BURKE  
CHANGE FROM: RH-2 Rural Homes District TO A-2 (4) Agriculture  
District  
REASON: change zoning to allow for a limited family business  
(landscaping business)

**Attachments:** [CUP 2386 Staff](#)  
[CUP 2386 Town](#)  
[11186 CUP 2386 Letter to ZLR](#)  
[CUP 2386 staff status letter](#)  
[11186 Map](#)  
[CUP 2386 APP](#)  
[Burke Town Minutes](#)

**A motion was made by MATANO, seconded by MILES, to take no action on the Conditional Use Permit. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11187](#) PETITION: REZONE 11187  
APPLICANT: KEVIN BRONKHORST  
LOCATION: 1858 MEADOW VIEW LANE & LANDS SE, SECTION 2,  
TOWN OF COTTAGE GROVE  
CHANGE FROM: R-1 Residence District TO R-3 Residence District,  
A-1EX Agriculture District TO R-3 Residence District  
REASON: zoning compliance for structures

**Attachments:** [11187 Staff](#)  
[11187 Town](#)  
[11187 Ord Amend](#)

*In favor: Kevin Bronkhorst*  
*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11188](#) PETITION: REZONE 11188  
APPLICANT: REGAS COMPANY LLC  
LOCATION: 202-206 REGAS RD, SECTION 4, TOWN OF BLOOMING GROVE  
CHANGE FROM: M-1 Industrial District TO C-2 Commercial District  
REASON: zoning to allow cup for kennel

**Attachments:** [11188 CUP 2387 Staff](#)  
[11188 Town](#)  
[11188 CUP 2387 City of Madison Concerns](#)  
[11187 Ord Amend](#)

*In favor: Judy Underwood*  
*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02387](#) PETITION: CUP 02387  
APPLICANT: REGAS COMPANY LLC  
LOCATION: 202-206 REGAS RD, SECTION 4, TOWN OF BLOOMING GROVE  
CHANGE FROM: M-1 Industrial District TO C-2 Commercial District  
REASON: zoning to allow cup for kennel  
CUP DESCRIPTION: KENNEL

**Attachments:** [11188 CUP 2387 Staff](#)  
[CUP 2387 Town](#)  
[11188 CUP 2387 City of Madison Concerns](#)  
[11188 Map](#)  
[CUP 02387 APP](#)  
[CUP #2387](#)

*In favor: Judy Underwood*  
*Opposed: None*

**A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with conditions and contingent upon Zoning Petition 11188 becoming effective. The motion carried by the following vote: 5-0.**

- 1. The conditional use permit is for operation of a Dog Kennel, Boarding, and Training facility.**
- 2. Any outdoor dog runs shall be fenced.**
- 3. Kennel operation shall have weekly refuse service, with dog waste disposed of in accordance with any applicable state or local guidelines.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11189](#)

PETITION: REZONE 11189  
APPLICANT: BANKS TR, BARBARA A E  
LOCATION: 1546 STARR SCHOOL RD, SECTION 1, TOWN OF RUTLAND  
CHANGE FROM: C-2 Commercial District TO RH-1 Rural Homes District, C-2 Commercial District TO A-1EX Agriculture District, M-1 Industrial District TO RH-4 Rural Homes District  
REASON: creating two residential lots

**Attachments:** [11189 Staff](#)  
[11189 Town](#)  
[11189 Ord Amend](#)

*In favor: Ron Lestikow*  
*Opposed: None*

**A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11190](#)

PETITION: REZONE 11190  
APPLICANT: RUTH A MURPHY  
LOCATION: 1397 RAMSEY RD, SECTION 6, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: separating existing residence from farmland

**Attachments:** [11190 Staff](#)  
[11190 Town](#)  
[11190 Density](#)  
[11190 Ord Amend](#)

*In favor: Ruth Murphy*  
*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN



[11191](#) PETITION: REZONE 11191  
APPLICANT: EILEEN M STATZ  
LOCATION: 4897 CARYA RD, SECTION 32, TOWN OF BERRY  
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District,  
A-1EX Agriculture District TO A-2 Agriculture District  
REASON: creating one residential lot

**Attachments:** [11191 Staff](#)  
[11191 Town](#)  
[11191 Density](#)  
[11191 Ord Amend](#)

*In favor: Eileen Statz*  
*Opposed: None*

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning  
Petition be recommended for approval. The motion carried by the following vote:  
5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11192](#) PETITION: REZONE 11192  
APPLICANT: LEIN ACRES LLC  
LOCATION: SECTION 26, TOWN OF CHRISTIANA  
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District,  
A-1EX Agriculture District TO A-2 (2) Agriculture District  
REASON: separating existing residence from farmland

**Attachments:** [11192 Staff](#)  
[11192 Town](#)  
[11192 Density](#)  
[11192 Ord Amend](#)

*In favor: Cindy Parme*  
*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:  
5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11193](#)

PETITION: REZONE 11193  
APPLICANT: MARILYN S SCHMITZ  
LOCATION: 3737 COUNTY HIGHWAY P, SECTION 27, TOWN OF  
CROSS PLAINS  
CHANGE FROM: B-1 Local Business District TO R-1 Residence District,  
R-1 Residence District TO R-1 Residence District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11193 Staff](#)

[11193 Town](#)

[11192 Ord Amend](#)

*In favor: Randy Larson*

*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: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11194](#)

PETITION: REZONE 11194  
APPLICANT: WISCONSIN FUEL LLC  
LOCATION: 2763 COUNTY HIGHWAY N, SECTION 9, TOWN OF  
PLEASANT SPRINGS  
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District  
REASON: expansion of an existing convenience store

**Attachments:** [11194 CUP 2389 Staff](#)

[11194 Town](#)

[11194 project drawings](#)

[11194 CUP 2389 Map](#)

[11194 APP](#)

*In favor: Eric Drazkowski*

*Opposed: None*

**A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed until 3 issues are resolved. The motion carried by the following vote: 5-0. (YGM Fischer - Nay)**

- 1) The landowner shall obtain a variance from the 75-foot wetland setback requirement.
- 2) Information shall be provided to show that the proposed on-site septic system (holding tank) will be allowed by the Dane County Health Department. Information shall be provided showing that the neighboring landowner will allow their existing on-site septic system to be removed from the septic easement area.
- 3) The landowner shall address the vehicular travel conflict on the west side of the building. The ingress and egress travel paths for tractor trailers conflict with the stacking queue area for the drive thru.

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02389](#) PETITION: CUP 02389  
APPLICANT: WISCONSIN FUEL LLC  
LOCATION: 2763 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District  
REASON: expansion of an existing convenience store  
CUP DESCRIPTION: DRIVE-IN ESTABLISHMENT

**Attachments:** [11194 CUP 2389 Staff](#)  
[CUP 2389 Town](#)  
[11194 CUP 2389 Map](#)  
[CUP 02389 project drawings](#)  
[CUP 02389 APP](#)

*In favor: Eric Drazkowski*  
*Opposed: None*

**A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be postponed. The motion carried by the following vote: 5-0 (YGM Fischer - Nay)**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11195](#) PETITION: REZONE 11195  
APPLICANT: ALBION, TOWN OF  
LOCATION: EAST OF TOWN HALL, 624 ALBION ROAD, SECTION 22, TOWN OF ALBION  
CHANGE FROM: A-2 (2) Agriculture District TO C-2 Commercial District  
REASON: accommodate concrete business and storage units

**Attachments:** [11195 Staff](#)  
[11195 Town](#)  
[11195 Ord Amend](#)

*In favor: Robert Venske and Gary Tellefson*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by MILES, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.**

**1. A deed restriction shall be recorded on the property with the following limitations: Limit the commercial uses exclusively to a concrete contracting business and mini-warehouses. Limit hours of operation of the concrete business to 6am to 9pm. Limit hours of operation of mini-warehouse business to 6am-10pm. Mini-warehouses shall be for storage of personal items only and not for business or commercial storage uses. Any outdoor storage of equipment or materials shall be behind existing buildings or otherwise screened from view of adjoining properties. Prohibit installation of off premises advertising (billboard) signs.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02388](#) PETITION: CUP 02388  
APPLICANT: CHRISTINE Z BORCHERS  
LOCATION: REINER ROAD JUST SOUTH OF BURKE INTERSECTION,  
SECTION 26, TOWN OF BURKE  
CUP DESCRIPTION: dumping of clean fill.

**Attachments:** [CUP 2388 Staff](#)  
[CUP 2388 Town](#)  
[CUP 2388 Map](#)  
[CUP 2388 APP](#)  
[CUP #2388](#)

*In favor: Paul Johnson*  
*Opposed: None*

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Conditional Use Permit be approved with 20 conditions. The motion carried by the following vote: 5-0.

- 1) The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing filling operations.
- 2) The applicant shall apply for and receive all other required local, state and federal permits.
- 3) The operator shall develop and operate the site according to the proposed site operations plan.
- 4) Operations shall cease no later ten (10) years from the date of the CUP approval.
- 5) Only clean filled is allowed. Hazardous material, garbage, etc. is prohibited.
- 6) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135.
- 7) All driveways shall be paved a minimum of 100 feet from road. "Paved" can include recycled asphalt applied over graveled drive. 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.
- 8) The operator and all haulers shall access the CUP site through the existing access points on the site.
- 9) The access to the driveways shall have gates securely locked when the site is not in operation. The site shall be signed "NO TRESPASSING."
- 10) There shall be no blasting or further excavation of sand or gravel on this site.
- 11) Hours of operation shall be as follows:
  - a. Operations may occur at 6:00 am through 7:00 pm Monday through Friday.
  - b. Saturday operations may occur from 6:00 am through 12:00 pm.
  - c. No operations shall take place on Sundays or legal holidays.
- 12) There shall be a safety fence around the entire area at all times. This fence shall be comprised of a basic farm fence with posts and "NO TRESPASSING" signs at regular intervals of at least 100 ft. around the entire perimeter of the anticipated disturbed area.
- 13) The operator shall spray the site with water if and when needed to control dust.
- 14) There shall be no bulk storage fuel tanks on site. The operator may only bring in temporary bulk fuel tanks on site during fill placement operations.

- 15) All equipment and vehicles shall be fueled, stored, serviced, and repaired on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
- 16) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
- 17) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
- 18) Dane County and the Town of Burke shall be listed as additional named insureds on the operator's 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 may commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Burke.
- 19) The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.
- 20) An annual road maintenance fee in the amount of \$2,000 shall be paid to the Town of Burke.

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02390](#) PETITION: CUP 02390  
APPLICANT: BETTY J STIVARIUS  
LOCATION: 460' SOUTHWEST OF 2349 SPRING ROSE RD, SECTION  
24, TOWN OF SPRINGDALE  
CUP DESCRIPTION: 135' monopole communication tower

**Attachments:** [CUP 2390 Staff Summary Rpt](#)  
[CUP 2390 staff memo](#)  
[CUP 2390 RF Engineering report](#)  
[CUP 2390 Map](#)  
[CUP 02390 APP Map](#)  
[CUP 02390 APP](#)

*In favor: Nathan Ward*

*Opposed:*

*Adrian Smith stated that the tower will be less than 300 feet from his house. He is concerned that the proposed tower will have a negative effect on the orderly developmet of the surrounding property and that he has concerns that the radio waves will have a negative effect on his family's health.*

*Theodore and Diane Smith stated that the proposed location of the tower is too close to residences. The tower will impare the enjoyment of his property.*

*John and Zimmer stated that the tower should be moved towards Highway 151. The tower will impact her livelyhood.*

**A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be postponed until town action is received. The Committee accepts the waiver of the 90-day decision requirement from the applicant. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02391](#) PETITION: CUP 02391  
APPLICANT: L&G INVESTMENTS LLC Petition Withdrawn by Applicant  
LOCATION: 715' SOUTH OF INTERSECTION OF BRONNER RD &  
AIRPORT RD, SECTION 5, TOWN OF MIDDLETON  
CUP DESCRIPTION: 150' monopole communication tower

**Attachments:** [CUP 02391 APP Withdrawn](#)  
[CUP 2391 Map](#)

*Petition withdrawn by applicant*

**The conditional use permit application was withdrawn by the applicant. No action taken by the Committee.**

[CUP 02392](#) PETITION: CUP 02392  
APPLICANT: ALBION, TOWN OF  
LOCATION: 597 ACADEMY DRIVE, SECTION 21, TOWN OF ALBION  
CUP DESCRIPTION: governmental use

**Attachments:** [2392 Staff](#)  
[CUP 2392 Town](#)  
[CUP #2392](#)

*In favor: Robert Venske*  
*Opposed: None*

**A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Conditional Use Permit be approved with 1 condition. The motion carried by the following vote: 5-0.**

**1. This Conditional Use Permit is for governmental uses, including but not limited to, public works facilities, and indoor and outdoor storage of materials, vehicles, and equipment.**

**Ayes:** 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

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



[CUP 02385](#) PETITION: CUP 02385  
APPLICANT: SUN PRAIRIE CONCRETE INC  
LOCATION: 5067 REINER ROAD, SECTION 26, TOWN OF BURKE  
CUP DESCRIPTION: dumping of clean fill

**Attachments:** [2385 Staff](#)  
[CUP 2385 Town](#)  
[2385 Map](#)  
[2385 CityOfMadison](#)  
[CUP 02385 App REVISED](#)  
[CUP 02385 App NULL](#)  
[CUP #2385](#)

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 20 conditions with condition #4 reading, "10 years".

The motion carried by the following vote: 5-0.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing filling operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. The operator shall develop and operate the site according to the proposed site operations plan.
4. Operations shall cease no later ten (10) years from the date of the CUP approval.
5. Only clean filled is allowed. Hazardous material, garbage, etc. is prohibited.
6. Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135.
7. All driveways shall be paved a minimum of 100 feet from road. "Paved" can include recycled asphalt applied over graveled drive. 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.
8. The operator and all haulers shall access the CUP site through the existing access points on the site.
9. The access to the driveways shall have gates securely locked when the site is not in operation. The site shall be signed "NO TRESPASSING."
10. There shall be no blasting or further excavation of sand or gravel on this site.
11. Hours of operation shall be as follows:
  - a. Operations may occur at 6:00 am through 7:00 pm Monday through Friday.
  - b. Saturday operations may occur from 6:00 am through 12:00 pm.
  - c.. No operations shall take place on Sundays or legal holidays.
12. There shall be a safety fence around the entire area at all times. This fence shall be comprised of a basic farm fence with posts and "NO TRESPASSING" signs at regular intervals of at least 100 ft. around the entire perimeter of the anticipated disturbed area.
13. The operator shall spray the site with water if and when needed to control dust.
14. There shall be no bulk storage fuel tanks on site. The operator may only bring in temporary bulk fuel tanks on site during fill placement operations.
15. All equipment and vehicles shall be fueled, stored, serviced, and repaired on

lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.

16. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.

17. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.

18. Dane County and the Town of Burke shall be listed as additional named insureds on the operator's 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 may commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Burke.

19. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.

20. An annual road maintenance fee in the amount of \$2,000 shall be paid to the Town of Burke.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

## E. Plats and Certified Survey Maps

[2017 LD-018](#) Preliminary Plat - Cherry Wood Ridge  
Town of Middleton  
Acceptance and schedule for future consideration.

**Attachments:** [map](#)  
[acceptance](#)  
[Prelim Plat of Cherry Wood Ridge](#)  
[CherryWoodRidgePrelim](#)

No action taken.

[2017 LD-030](#) Final Plat - Maple Ridge  
Village of Mount Horeb  
Staff recommends a certification of non-objection.

**Attachments:** [Untitled](#)  
[27717 Maple Ridge](#)

A motion was made by BOLLIG, seconded by MILES, to certify the final plat with no objections. Motion carried by a voice vote, 5-0.

[2017 LD-031](#) Preliminary Plat - Tumbledown Farm  
Town of Middleton  
Staff recommends acceptance and schedule for future consideration.

**Attachments:** [acceptance](#)  
[map](#)  
[1707101 Tumbledown Farm Preliminary Plat 2017.07.28](#)

A motion was made by MILES, seconded by MATANO, to accept the preliminary plat and schedule for future consideration. Motion carried by a voice vote, 5-0.

[2017 LD-032](#) Final Plat - Spruce Valley  
Town of Middleton  
Consideration of the 3/14/2017 conditional approval and execution of the plat document pursuant to established Committee policy.

**Attachments:** [2 28 17 conditional](#)  
[3 2017-02-10 SpruceValleySubdivisionPlanSet C1-1](#)  
[map](#)  
[Spruce Valley review memo](#)

A motion was made by BOLLIG, seconded by O'LOUGHLIN, to find that the final plat be signed as the conditional approval from 3/14/2017 has been met. The motion carried by a voice vote, 5-0. Chair KOLAR signed the plat.

[2017 LD-033](#) Land Division Variance - Manhart Certified Survey Map  
Town of Burke  
Additional lands dedicated from centerline as per Dane County Highway.

**Attachments:** [20170908071021](#)  
[map](#)

A motion was made by O'LOUGHLIN, seconded by MATANO, to approve the land division waiver to allow the 2-lot Certified Survey Map to dedicate 33' to the public for highway purposes along CTH CV, not the 60' as being requested by the Dane County Highway department. Motion carried by a voice vote, 5-0.

[2017 LD-034](#) Final Plat - Wellington Trace  
Town of Bristol  
Staff recommends a conditional approval.

**Attachments:** [conditions](#)

[2017-08-29 Final Plat](#)

[Hart Subdivision Bristol 31.06.13.2017](#)

[map](#)

[Wellington Trace Plat Approval Conditions \(00260346xB982A\)](#)

A motion was made by BOLLIG, seconded by O'LOUGHLIN, to approve the final plat subject to the following conditions:

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 public land dedications are to be clearly designated "dedicated to the public."
4. Proposed street names are to be reviewed with respect to Ch. 76 of the DCCO.
5. Utility easements are to be provided.
6. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Bristol.
7. The required approval certificates are to be satisfied.
  - Town of Bristol
  - City of Sun Prairie has waived their ETJ authority within this area.
  - Dane County
8. The town approval certificate shall include language accepting the public road dedications.
9. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
  - Approvals must be attained from the Dane County Land & Water Resources office prior to any land disturbance activities.
10. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
  - A stormwater permit is required and new development standards must be met.
11. All basement foundations shall be at least two feet above the highest ground water elevation.
12. A Dane County approval certificate shall be added and properly reference the chair of the Zoning & Land Regulation Committee as Mary Kolar.

[2017 LD-035](#) Final Plat - The Community of Bishops Bay, The Prairie & The Farm -  
Phase 5  
Town of Westport  
Staff recommends conditional approval

**Attachments:** [conditions](#)

[2017-8-18\\_CoBB Farm & Prairie Ph 5 - Final Plat](#)

[17-10](#)

[PrairieAndFarmPhase5 review memo](#)

[map](#)

[doc03659620170713072501](#)

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

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Several lots and street layouts do not meet the design standards requirements set forth within Ch. 75.19. This proposal falls under the City of Middleton Planned Unit Development.
  - Waiver was approved on June 27, 2017 by the ZLR Committee regarding Ch. 75.19(7).
3. The public park land appropriation requirement is to be satisfied.
4. Comments from the Dane County Highway department are to be satisfied:
  - CTH M is a controlled access highway.
  - Bishops Bay Parkway to be constructed as per plans approved by Highway Department. Preliminary plans have been submitted and reviewed. Intersection includes divided roadway to develop left turn lane, right turn lane and bike facilities.
  - 80 foot total right of way to be dedicated for highway purposes.
5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
6. Utility easements are to be provided.
7. 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 Westport.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
  - Approvals must be attained from the Dane County Land & Water Resources office prior to any land disturbance activities.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
  - Outlot 29, 4.5 acres, dedicated to the public for stormwater management. A stormwater permit is required and new development standards must be met.
10. The required approval certificates are to be satisfied.
  - Town of Westport
  - City of Middleton
  - Dane County

[2017 LD-036](#) Final Plat - Nature's Cove  
Town of Middleton  
Consideration of the 10/27/2015 conditional approval and execution of the  
plat document pursuant to established Committee policy.

**Attachments:** [conditional letter to ZLR](#)  
[Natures Cove Final Plat 2015.10.07](#)  
[Karls review memo - final](#)  
[aerial](#)

A motion was made by O'LOUGHLIN, seconded by MATANO, to find that the final  
plat be signed as the conditional approval from 10/27/2015 has been met. The  
motion carried by a voice vote, 5-0. Chair KOLAR signed the plat

## F. Resolutions

## G. Ordinance Amendment

## H. Items Requiring Committee Action

## I. Reports to Committee

[2017](#) Approved Certified Survey Maps  
[RPT-344](#)

**Attachments:** [Sep 2017](#)

No comments made by the Committee.

## J. Other Business Authorized by Law

## K. Adjourn

A motion was made by MILES, seconded by O'LOUGHLIN, to adjourn the  
September 26, 2017 Zoning and Land Regulation Committee meeting at 9:00pm.  
The motion carried unanimously.

*Questions? Contact Roger Lane, Planning and Development Department, 266-4266,  
[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)*