



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Tuesday, September 24, 2019

6:30 PM

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

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A. Call to Order

Chair Bollig call the September 24, 2019 Zoning and Land Regulation Committee meeting to order at 6:30pm in Room 354.

Staff present: Everson, Lane, and Violante

Youth Governance Member present: Julia Amann

Present 5 - JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, HEIDI WEGLEITNER, and KRISTEN AUDET

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

No comments made by the public.

[2019
RPT-288](#)

Registrants at the Sept 24th ZLR Committee meeting

Attachments: [Sept 24th ZLR Registrants](#)

C. Consideration of Minutes

[2019
MIN-227](#)

Minutes of the September 10, 2019 Zoning and Land Regulation Committee meeting

Attachments: [9-10-19 ZLR Work meeting minutes](#)

A motion was made by AUDET, seconded by KNOLL, to approve the minutes of the September 10, 2019 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

[11469](#)

PETITION: REZONE 11469
APPLICANT: WISCONSIN ELECTRIC POWER CO
LOCATION: 5635 CHERRY LANE, SECTION 14, TOWN OF MEDINA
CHANGE FROM: FP-35 General Farmland Preservation District TO UTR
Utility, Transportation and ROW District, FP-35 General Farmland
Preservation District TO FP-1 Small Lot Farmland Preservation District
REASON: division of land between land owners

- Attachments:** [11469 Ord Amend](#)
[11469 Staff Report](#)
[11469 Town](#)
[11469 Map](#)
[11469 APP](#)

In favor: Craig Riley
Opposed: None

A motion was made by KNOLL, seconded by PETERS, that the Zoning Petition be recommended for approval.. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11470](#)

PETITION: REZONE 11470
APPLICANT: TOWN OF VERONA
LOCATION: SECTION 8, TOWN OF VERONA
CHANGE FROM: Various Zoning Changes
REASON: blanket rezone to correct zoning district map

- Attachments:** [11470 Staff Report](#)
[11470 Map NW](#)
[11470 Map SE](#)
[11470 Map SW](#)
[11470 Map NE](#)
[11470 APP REVISED](#)

In favor: None
Opposed: Buck Sweeney representing John and Jennifer Rowley.

A motion was made by KNOLL, seconded by AUDET, to postpone the petition due to public opposition and no town action. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11471](#)

PETITION: REZONE 11471
APPLICANT: STEVEN D NEUENSCHWANDER
LOCATION: 1325 HOBBY HORSE ROAD, SECTION 8, TOWN OF OREGON
CHANGE FROM: SFR-08 Single Family Residential District TO SFR-01 Single Family Residential District
REASON: compliance for acreage of property

- Attachments:** [11471 Ord Amend](#)
[11471 Staff Report](#)
[11471 Town](#)
[11471 Map](#)
[11471 APP](#)

In favor: Steve Neuenschwander
Opposed: None

A motion was made by WEGLEITNER, seconded by PETERS, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11472](#)

PETITION: REZONE 11472
APPLICANT: MARK A & JOANN M HALVERSON
LOCATION: 1061 HILLCREST ROAD, SECTION 4, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 General Farmland Preservation District TO RM-8 Rural Mixed-Use District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [11472 Staff Report](#)
[11472 Density](#)
[11472 Map](#)
[11472 APP](#)

In favor: None
Opposed: None

A motion was made by PETERS, seconded by KNOLL, to postpone action on the petition until the town action report is received. The motion carried by the following vote: 5-0

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11473](#)

PETITION: REZONE 11473
APPLICANT: KJELLAND FAMILY LLC
LOCATION: 4633 STATE HIGHWAY 138, SECTION 7, TOWN OF
RUTLAND
CHANGE FROM: HC Heavy Commercial District TO HC Heavy
Commercial District
REASON: removal of current deed restrictions

Attachments: [11473 Ord Amend](#)
[11473 Staff Report](#)
[11473 Town](#)
[11473 Map](#)
[11473 APP](#)

In favor: Adam Zickus
Opposed: None

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

- 1. The current deed restrictions on the property shall be amended to the following limitations:**
 - a. The land uses on the property shall be limited to: a retail store featuring outdoor and indoor recreational equipment (pools, hot tubs, chemicals, furniture, grills, fireworks); landscaping contractor; concrete contractor; general construction contractor; snow plowing and lawn service; outdoor storage (pools, materials, plants); pool display with fence, deck etc (in grass are in front of building); outdoor showroom and displays; servicing of recreational equipment; and servicing of fleet trucks and equipment owned by company.**
 - b. The installation of off-premise advertising signs (billboards) shall be prohibited.**

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11474](#)

PETITION: REZONE 11474
APPLICANT: STRAND FAMILY FARM LLC
LOCATION: NORTH OF 4278 VILAS HOPE ROAD, SECTION 7, TOWN
OF COTTAGE GROVE
CHANGE FROM: RM-16 Rural Mixed-Use District TO SFR-08 Single
Family Residential District
REASON: shifting of property lines between adjacent land owners

Attachments: [11474 Ord Amend](#)

[11474 Staff Report](#)

[11474 Town](#)

[11474 Map](#)

[11474 APP](#)

In favor: Tim Thorson

Opposed: None

**A motion was made by WEGLEITNER, seconded by AUDET, that the Zoning
Petition be recommended for approval. The motion carried by the following vote:
5-0.**

1. The road right-of-way shall be dedicated to the public.

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11475](#)

PETITION: REZONE 11475
APPLICANT: MALY REV TR
LOCATION: 5772 COUNTY HIGHWAY TT, SECTION 18, TOWN OF
MEDINA
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural
Residential District, RM-16 Rural Mixed-Use District TO FP-1 Small Lot
Farmland Preservation District
REASON: creating two residential lots and one small agriculture lot

Attachments: [11475 Ord Amend](#)

[11475 Staff Report](#)

[11475 Town](#)

[11475 Density](#)

[11475 Map](#)

[11475 APP](#)

In favor: Paul Maly

Opposed: None

**A motion was made by PETERS, seconded by AUDET, that the Zoning Petition be
recommended for approval. The motion carried by the following vote: 5-0**

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11476](#)

PETITION: REZONE 11476
APPLICANT: MANNING JT REV TR, MARK & FREDRICKA
LOCATION: 1515 HOMMEN ROAD, SECTION 19, TOWN OF DEERFIELD
CHANGE FROM: FP-1 Small Lot Farmland Preservation District TO FP-35 General Farmland Preservation District AND RR-2 Rural Residential District, RM-16 Rural Mixed-Use District TO FP-35 General Farmland Preservation District
REASON: shifting of property lines between adjacent land owners

Attachments: [11476 Staff Report](#)

[11476 Map](#)

[11476 APP](#)

In favor: Mark Manning

Opposed: None

A motion was made by AUDET, seconded by WEGLEITNER, to postpone action until the town action report is received. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11477](#)

PETITION: REZONE 11477
APPLICANT: EUGENE C AND LINDA R HENNING
LOCATION: 6567 DEANSVILLE ROAD, SECTION 32, TOWN OF YORK
CHANGE FROM: FP-35 General Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating existing residence from farmland

Attachments: [11477 Staff Report](#)

[11477 Town](#)

[11477 DENSITY](#)

[11477 Map](#)

[11477 APP](#)

In favor: None

Opposed: None

A motion was made by KNOLL, seconded by WEGLEITNER, to postpone action due to no representation. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[11478](#)

PETITION: REZONE 11478
APPLICANT: DOERFER BROTHERS INC
LOCATION: 6437 GRANDVIEW ROAD, SECTION 24, TOWN OF
VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO RR-8 Rural
Residential District AND RM-16 Rural Mixed Use District
REASON: creating one residential lot

Attachments: [11478 Ord Amend](#)
[11478 Staff Report](#)
[11478 Town](#)
[11478 Map](#)
[11478 APP REVISED](#)

In favor: Steve Forrer
Opposed: None

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

- 1. The second residence on the property shall be removed prior to the RR-8 zoning being assigned to the property.**
- 2. A deed restriction shall be recorded on the RM-16 property to prohibit residential development.**

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[CUP 02478](#) PETITION: CUP 02478
APPLICANT: KURT REV TR, SILVIN F & ROSEMARY C
LOCATION: 4558 RIDGE ROAD, SECTION 1, TOWN OF COTTAGE GROVE
CUP DESCRIPTION: creating 2nd farm residence

Attachments: [CUP 2478 Staff Report](#)
[CUP 2478 Town](#)
[CUP 2478 Map](#)
[CUP 02478 APP](#)
[CUP #02478](#)

In favor: Silvin and Rosemary Kurt
Opposed: None

A motion was made by WEGLEITNER, seconded by AUDET, that the Conditional Use Permit be approved with 4 conditions. The motion carried by the following vote: 5-0

- 1. This conditional use permit shall be for a secondary farm residence.**
- 2. The applicant/landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances Section 10.101(7)2.a., Standard Conditions, which apply to every conditional use permit (CUP).**
- 3. The applicant must meet requirements of the Town of Cottage Grove ordinances regarding the regulation of Manufactured and Mobile Homes limiting mobile homes outside of mobile home parks by special permit issued by the Town Board, and states that when issuing such permits, the Town Board must specify the duration of the permit.**
- 4. CUP 2478 shall expire 5 years from the effective date.**

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[CUP 02479](#) PETITION: CUP 02479
APPLICANT: DAKOTA J GRAY
LOCATION: 724 WASHINGTON ROAD, SECTION 19, TOWN OF ALBION
CUP DESCRIPTION: small engine repair (limited family business)

Attachments: [CUP 2479 Staff Report](#)

[CUP 2479 Town](#)

[CUP 2479 Map](#)

[CUP 02479 APP](#)

[CUP #02479](#)

In favor: Dakota Grey

Opposed: None

A motion was made by PETERS, seconded by AUDET, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote:

5-0

1. The Limited Family Business shall be for small engine and farm machinery repair.
2. Hours of operation shall be from 8:00am to 5:00pm, Monday through Friday, with no activity on the weekends.
3. Signs for the limited family business shall be prohibited.
4. The business shall be limited to a 40'x54' building.
5. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
6. Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings.
7. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
8. Operation of the conditional use shall comply with all applicable standard conditions of approval found in section 10.101(7)(d)2 of the Dane County Code of Ordinances.
9. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

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

F. Plats and Certified Survey Maps

[2019 LD-019](#) Preliminary Plat - Twin Rock
Town of Verona
Staff recommends accepting the plat and schedule for future consideration
(10/7/19)

Attachments: [acceptance](#)

[TWIN ROCK PRELIMINARY PLAT \(8-20-19\)](#)

A motion was made by AUDET, seconded by KNOLL, to accept the preliminary plat and schedule for future consideration. The motion carried by a voice vote.

[2019 LD-020](#) Preliminary Plat - Bittersweet
Town of Deerfield
Staff recommends conditional approval.

Attachments: [conditional approval](#)
[map](#)
[REVISED Bittersweet ac 5 lot](#)

A motion was made by AUDET, seconded by KNOLL, to conditionally approve the preliminary plat subject to the following conditions. The motion carried by the following vote: 5-0.

1. Rezone Petition #11427 is to become effective and all conditions established are to be timely satisfied.

- A subdivision plat shall be recorded with the Register of Deeds within 1 year of rezoning approval.

- The development restriction / “environmental setback line” currently shown on lots 3 and 4 of CSM #14796 shall be depicted on the subdivision plat to acknowledge the wetland complex on the east side of the properties.

- Amend the requested zoning district classification to RR-8 and assign FP-1 zoning to proposed lot 5.

- Amend the zoning district boundaries as shown in the concept map submitted by the applicant’s surveyor and dated 7/8/19, including the addition of 5.2 acres to proposed lot 2.

2. Each lot shall provide a minimum frontage of 66-feet abutting a public street.

- New shared driveway easement agreements meeting the requirements of DCCO S. 75.19(8)(f), shall be recorded that identifies the new lots within the subdivision plat.

- The access easement(s) shall be shown on the plat.

3. Comments from WisDOT shall be satisfied:

4. Comments from the Dane County Surveyor are to be satisfied:

5. An Owner’s approval certificate is to be included on the final plat and contain the following language:

- As owners we certify that we caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map. We also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee.

6. All owners of record are to be included in the owner’s certificate. A certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant.

7. The required approval certificates are to be included.

- Town of Deerfield
- Dane County Treasurer
- Dane County Zoning and Land Regulation committee

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[2019 LD-021](#) Preliminary Plat - Pioneer Pointe
Town of Middleton
Staff recommends conditional approval.

Attachments: [conditional approval](#)

[11379 Staff Update](#)

[180551 PrePlat of Pioneer Pointe Revised](#)

A motion was made by PETERS, seconded by KNOLL, to conditionally approve the preliminary plat subject to the following conditions. The motion carried by the following vote: 5-0

1. Rezone Petition #11379 is to become effective and all conditions are to be timely satisfied.
 - Recording of an approved plat.
 - The Wisconsin Department of Natural Resources approves the requested Urban Service Area Amendment for the property.
 - The town/city agreement for the extension of sanitary sewer service is approved.
 - A developer's agreement between the developer and town shall be approved and executed prior to recording of the final plat.
2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
 - The amount of land to be provided shall be at least 1,750 square feet of land for each proposed residential dwelling unit within the plat. 92 lots = 161,000 s.f.
 - Where the town agrees to accept money for park or recreation purposes in lieu of land, the specific amount of money shall be set as a general standard by the respective town board, but in no case should the minimum amount be less than the last official equalized value of the required public land area (1,750 square feet of land for each proposed residential dwelling unit within the plat).
3. All public land dedications are to be clearly designated "dedicated to the public."
4. Comments from the Dane County Highway department are to be satisfied:
5. Utility easements are to be provided.
 - Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
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 Middleton.
7. Dead-end streets shall not be permitted without suitable turn-around.
8. Comments from the Dane County Surveyor are to be satisfied:
 - Raleigh and Colonial cannot change on a curve. They will need to change at the intersection with Pioneer Pointe Pass.
 - Pioneer Pointe Pass is not recommended as Pointe and Pass are both recognized street types; however it is allowable.
 - Colonial may only be used as a street name once. Way and Court are street types and do not create separate names. The name is Colonial and may not be duplicated. Colonial Way can continue into the cul-de-sac if desired, or give Colonial Court a new name.
9. All street names shall be consistent with Chapter 76 of the Dane County Ordinances.
10. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established,

prior to any land disturbance.

11. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance

- Storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and which will present no hazard to life or property shall be installed in accordance with plans and specifications approved by the committee.

12. All owners of record are to be included in the owner's certificate. A certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant.

13. The required approval certificates are to be included.

- Town of Middleton
- City of Madison (extra-territorial jurisdiction)
- Dane County Treasurer
- Dane County Zoning and Land Regulation committee

Ayes: 5 - BOLLIG,KNOLL,PETERS,WEGLEITNERandAUDET

[2019 LD-022](#) Final Plat - Western Addition to 1000 Oaks
City of Madison
Staff recommends a certification of non-objection.

Attachments: [map](#)

[28103 20190912 Print](#)

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

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2019 RPT-277](#) 2020 ZLR Committee Meeting Schedule

Attachments: [2020 ZLR meeting calendar](#)

The Committee accepted the 2020 ZLR Committee Meeting Schedule. There will be no work meetings in the months of April and August due to election/holidays.

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by AUDET, seconded by PETERS, to adjourn the September 24, 2019 Zoning and Land Regulation Committee meeting at 7:27pm. The motion carried unanimously.

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