

# **Dane County**



## **Minutes**

**Tuesday, August 23, 2016**

**6:30 PM**

**City - County Building, ROOM 201  
210 Martin Luther King Jr. Blvd., Madison  
City - County Building, ROOM 201  
210 Martin Luther King Jr. Blvd., Madison**

## **Zoning & Land Regulation Committee**

## A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 201 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: Harry Joseph Finkelmeyer and Garrett Stolen

**Present** 4 - MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

**Excused** 1 - JERRY BOLLIG

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

No comments made by the public.

[2016](#)  
[RPT-291](#)

Registrants at the August 23, 2016 Zoning & Land Regulation Committee Public Hearing

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

[11016](#)

PETITION: REZONE 11016

APPLICANT: NICHOLAS S JAMESON

LOCATION: 524 US HIGHWAY 51, SECTION 1, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District

REASON: expanding business to allow storage of trailers

*In favor: Nick Jameson*

*Opposition: 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 deed notice shall be recorded on the property to prohibit further development.

2. A deed restriction shall be recorded on the property to limit the land uses to the following: trailer sales and personal use.

3. A deed restriction shall be recorded on the property to prohibit the installation of off-premise advertising signs (billboards).

4. The joint well agreement and driveway access shall be revised to reflect the current use of the property.

5. Screening shall be provided to buffer the residential and commercial uses as per Dane County Code of Ordinances Section 10.16(7).

**Ayes:** 4 - KOLAR, MATANO, MILES and O'LOUGHLIN

**Excused:** 1 - BOLLIG

11017

PETITION: REZONE 11017  
APPLICANT: ERIN B DAMMEN  
LOCATION: 5571 RALPH ROAD, SECTION 16, TOWN OF OREGON  
CHANGE FROM: R-1 Residence District TO R-3 Residence District  
REASON: allow reduce setback for proposed addition

*In favor: Erin Dammen*  
*Opposition: 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: 4-0.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11018

PETITION: REZONE 11018  
APPLICANT: O'BRIEN FAMILY IRREV TR  
LOCATION: NORTH AND WEST OF 509 GLENWAY ROAD, SECTION 27, TOWN OF OREGON  
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District and A-2 (8) Agriculture District  
REASON: creating two residential lots

*In favor: Chase O'brien*  
*Opposition: 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: 4-0.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11019

PETITION: REZONE 11019  
APPLICANT: SUTER'S SOUTHEAST STORAGE LLC  
LOCATION: 3345 FEMRITE DRIVE, SECTION 24, TOWN OF BLOOMING GROVE  
CHANGE FROM: A-2 Agriculture District TO C-2 Commercial District, C-2 Commercial District TO A-2 (2) Agriculture District  
REASON: reconfiguring zoning boundaries for mini-warehouses

*In favor: Steve Suter*  
*Opposition: 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 landscaping along Femrite Drive, as shown on the site plan, shall be installed prior to the issuance of a zoning permit for the additions to the existing structures.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11020

PETITION: REZONE 11020  
APPLICANT: JEFFREY R NATVIG  
LOCATION: 3505 VILAS ROAD, SECTION 29, TOWN OF COTTAGE GROVE  
CHANGE FROM: RH-3 Rural Homes District TO RH-2 Rural Homes District, RH-3 Rural Homes District TO RH-4 Rural Homes District  
REASON: shifting of property lines between adjacent land owners

*In favor: No representation*

*Opposition: None*

**A motion was made by MILES, seconded by MATANO, that this Zoning Petition be postponed until a Town Action Report is received. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11021

PETITION: REZONE 11021  
APPLICANT: LUETKE REV TR, ARTHUR F  
LOCATION: EAST OF 10436 LAWS DRIVE, SECTION 28, TOWN OF MAZOMANIE  
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District  
REASON: creating one residential lot

*In favor: Scott Stokes*

*Opposition: Jessica Shrestha, representing Nancy Heiden, expressed concerns that the change to a residential home site was not an appropriate use for the land, recreational zoning would be more appropriate; the wetlands, floodplain, and ordinary highwater mark should be established prior to the change of zoning; and there are concerns regarding the access to the property which should be addressed prior to a zoning change.*

*John Click stated that residential housing is not an appropriate use for the land.*

**A motion was made by MATANO, seconded by MILES, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 4-0.**

**The Committee expressed concerns on access to the building site and the sensitive environmental features on the majority of the property.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

2016 LD-031

Land Division Waiver - Stokes proposed 1-lot CSM  
Town of Mazomanie  
Applicant is seeking a waiver from Ch. 75.19(6)(b), requiring new lots to have a minimum of 66' of public road frontage.

*In favor: Scott Stokes*

*Opposition: Jessica Shrestha, representing Nancy Heiden, expressed concerns that the applicant did not provide an adequate hardship in order to obtain a variance.*

**A motion was made by MATANO, seconded by MILES, that this Land Division be denied. The motion failed: 2-2.**

**Supervisor Miles stated that no hardship had been established.**

**Ayes:** 2 - MATANOandMILES

**Noes:** 2 - KOLARandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11022

PETITION: REZONE 11022  
APPLICANT: REGO FARM LLC  
LOCATION: WEST OF 1716 COUNTY HIGHWAY PB, SECTION 35, TOWN OF VERONA  
CHANGE FROM: A-3 Agriculture District TO RH-4 Rural Homes District  
REASON: creating one residential lot

*In favor: Daniel McGrath*

*Opposition: 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: 4-0.**

**1. Future development of the property shall be required to have a shared driveway onto Sunset Drive.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11023

PETITION: REZONE 11023  
APPLICANT: SCOTT K WEISMAN  
LOCATION: SOUTH OF 160 KASPER ROAD, SECTION 12, TOWN OF YORK  
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District  
REASON: creating one residential lot

*In favor: Erin Weisman*

*Opposition: None*

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

**1. The property shall be assigned the zoning district classification of Rural Homes RH-1.**

**2. A deed restriction shall be recorded on parcels 0912-122-8000-4, 0912-122-8502-0, and 0912-122-9000-2 to prohibit future residential development on the remaining lands zoned A-1Ex Exclusive Agriculture. The housing density rights have been exhausted on the original farm.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11024

PETITION: REZONE 11024  
APPLICANT: LARRY G SKAAR  
LOCATION: EAST OF 3310 COUNTY HIGHWAY N, SECTION 33, TOWN OF COTTAGE GROVE  
CHANGE FROM: A-2 Agriculture District TO C-2 Commercial District  
REASON: allow construction of mini-warehouses

*In favor: Robert Roth representing REMS llc*

*Opposition: None*

**A motion was made by MATANO, seconded by O'LOUGHLIN, 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 property to limit the land uses to the following: Offices with ancillary retail sales of supplies; mini-warehouses; and storage of motor vehicles on site.**
- 2. A deed restriction shall be recorded on the property to prohibit the installation or erection of off-premise advertising signs (billboards).**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11025

PETITION: REZONE 11025  
APPLICANT: JULIE MAHNKE  
LOCATION: 815 BASS LAKE ROAD, SECTION 24, TOWN OF RUTLAND  
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District  
REASON: separating existing residence from farmland

*In favor: Julie Manke*

*Opposition: None*

**A motion was made by MILES, seconded by O'LOUGHLIN, 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 parcels 0510-134-9191-0 and 0510-241-8550-0 to prohibit further residential development on the remaining A-1 Ex Exclusive zoned lands. The housing density rights have be exhaust on this portion of the original farm.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11026

PETITION: REZONE 11026  
APPLICANT: MEIER ROAD LLC  
LOCATION: 3395 MEIER ROAD, SECTION 24, TOWN OF BLOOMING GROVE  
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District  
REASON: zoning compliance for existing land use

*In favor: Jeanne Whitish*

*Opposition: None*

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

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

CUP 2353

PETITION: CUP 2353  
APPLICANT: MEIER ROAD LLC  
LOCATION: 3395 MEIER ROAD, SECTION 24, TOWN OF BLOOMING GROVE  
CUP DESCRIPTION: SOLID MATERIAL RECYCLING CENTER

*In favor: Jeanne Whitish*

*Opposition: None*

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 4-0.**

**1.The solid waste recycle operation shall be limited to composting of grass clipping, leaves, wood chips, and food wastes from grocery stores. The food waste from grocery stores shall be limited to fruit/vegetable waste or other plant waste less than 5,000 cubic yards.**

**2.The operation of the composting facility, including deliveries, shall be limited to the hours of 7am to 5pm, Monday through Friday, Saturday 7am to Noon.**

**3.The composting shall take place in windrows. The windrows shall be turned frequently to encourage aerobic activity and control odors.**

**4.The process of the compost material shall be monitored by a trained operator to assure proper C:N ratios, water content, internal temperature, and proper ph.**

**5.A NR 502.12 compost permit shall be obtained and maintained from Wisconsin Department of Natural Resources.**

**6.Storm water management permit shall be obtained from Dane County Land Conservation and the conditions of the permit shall be adhered.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

CUP 2351

PETITION: CUP 2351

APPLICANT: MEINHOLZ LLC

LOCATION: 6750 GREENBRIAR ROAD, SECTION 35, TOWN OF SPRINGFIELD

CUP DESCRIPTION: portable concrete batch plant

*In favor: Chris Kromm representing Yahara Materials*

*Opposition: None*

**A motion was made by O'LOUGHLIN, seconded by MATANO, that this Conditional Use Permit be approved with 9 conditions. The motion carried by the following vote: 4-0.**

- 1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of aggregate production operations that meets with the approval of the Dane County Land Conservation Department and receive approval of an erosion control permit from the Dane County Planning and Development Department before the aggregate production may commence.**
- 2. The applicant shall apply for and receive any other required local, state and federal permits before production commences and proof of such permits shall be filed with both Dane County Planning and Development Department and the Town of Springfield.**
- 3. Operations shall cease no later than November 30, 2026. The operator will conduct a mandatory review with the Town in 5 years (2021). The Town reserves the right to have an annual review if issues arise. The plant shall be removed within ten (10) days of cessation of operations. The operator may apply for renewal of this CUP before its expiration.**
- 4. Ordinary hours of operation will be: 6:00 a.m. to 7:00 p.m. Monday through Friday; 6:00 a.m. to 12:00 p.m. Saturdays; none on Sundays or state legal holidays. To accommodate the work schedules of construction projects, production may occur between 7:00 p.m., and 6:00 a.m., as needed to provide concrete for that project. Construction crews, equipment and vehicles not involved in batch plant operations may enter and leave the facility outside of the stated hours of production activities. Supplies and equipment may be loaded and unloaded from vehicles outside of the stated hours for noise-producing activities. In addition, equipment and vehicles may be repaired and maintained at the repair facilities outside of the stated hours for batch plant activities. Some equipment warm up and cool down time may also be required. The batch plant operation shall not generate more than 70 decibels of noise measured at the property line.**
- 5. The aggregate production facility, raw materials and vehicle paths shall be laid out with a "flow through" traffic pattern" which minimizes the need for vehicles to back up. The plant shall be no larger in capacity than the plant which was on the site in 2008. Limit night hours of operations to a maximum of 100 nights per season. Lighting for the concrete batch plant is to shine down into the quarry so as not to disturb the neighborhood when operating throughout the night.**
- 6. The operator shall meet DNR standards for particulate emissions as described in NR415.075 and NR415.076.**
- 7. The Zoning Administrator or designee may enter the premises of the operation to inspect those premises with reasonable advance notice to ascertain compliance or to investigate an alleged violation. Anyone inspecting the property will be escorted by Yahara Materials and will comply with all safety regulations.**
- 8. Unless required by Town of Springfield ordinance or other governmental regulation, all truck traffic will be directed to Highway 12 and not east to Green**



Briar Road. Yahara Materials shall notify the truck drivers doing business at the site of this condition. The operator shall designate a traffic route for each project which shows the route to be taken from the quarry to the destination of the trucks. Notification of routes, dates and projects to be provided to the Town and surrounding neighbors.

9. A spill prevention and emergency response plan shall be in place and apply to all operations on the site including subcontractors and suppliers.

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

CUP 2352

PETITION: CUP 2352

APPLICANT: DANIEL RINGELSTETTER

LOCATION: 7729 SHADY DRIVE, SECTION 2, TOWN OF BRISTOL

CUP DESCRIPTION: sanitary fixtures in accessory building

*In favor: Daniel Ringelstetter*

*Opposition: None*

**A motion was made by O'LOUGHLIN, seconded by MATANO, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 4-0.**

**1. The agricultural use shall be limited to an aquaponics greenhouse.**

**2. Retail sales of agricultural products on the property shall be prohibited.**

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

CUP 2355

PETITION: CUP 2355

APPLICANT: DONALD P SQUIRE JR

LOCATION: SE CORNER OF COUNTY HIGHWAY B AND SPRING ROAD, SECTION 27,  
TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: 125' monopole communication tower (extendable to 160')

*In favor: Nathan Ward and Rodney Carter representing Verizon Wireless*

*Opposition: Janine O'Rourke stated that the tower may impact an unimproved private airstrip.*

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be approved with 19 conditions. The motion carried by the following vote: 4-0.**

**1.The primary use of the communication tower permitted under Conditional Use Permit No. 2355 shall be for the transmission and reception of cellular/PCS wireless voice / data communications, and related telecommunications equipment.**

**2.The communication tower placed, constructed or modified under Conditional Use Permit No. 2355 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The initial height of the tower shall be 125' above ground level. However, the tower shall be engineered to be extendable to a maximum height of 160 feet above ground level. Extension beyond the maximum permitted height of 160 feet above ground level shall require amendment and approval of a new Conditional Use Permit.**

**3.The minimum of two (2) collocation sites required hereunder need not be available on the tower as initially placed, constructed, or modified, provided that the tower will support the later addition of the collocation sites as specified in condition #2, above.**

**4. Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2355 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.**

**5. The holder of Conditional Use Permit No. 2355 is permitted, if needed, to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Any other user collocating on the tower permitted herein is permitted to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to all conditions established for Conditional Use Permit No.2355, including locational requirements contained in the site plan.**

**6.The holder of Conditional Use Permit No. 2355 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with the permitted tower for uses related to the use of the collocation sites required hereunder, including the construction and use of buildings as permitted under paragraph 5 herein.**

**7.The final site plan(s) and design drawings submitted with the CUP #2355 application materials, are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2355 is expressly conditioned upon compliance**

with those plans.

8. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2355 shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on Conditional Use Permit No. 2355, all reasonable costs and expenses associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

9. The holder of Conditional Use Permit No. 2355 shall within 30 days of any collocation on the permitted tower provide the committee with written notification of the identity of the collocater and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use. Any changes due to collocation or otherwise shall be reviewed by the Zoning Administrator prior to implementation to determine if permits are needed and to determine that such changes are in compliance with terms of the CUP and does not significantly alter the appearance or structural integrity of the tower approved and permitted under this CUP.

10. If at any time the communication tower permitted under Conditional Use Permit No. 2355 ceases to be used for the primary use, as identified in paragraph 1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower. If the tower is not removed within 30 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

11. Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the bond required hereunder.

12. The applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.

13. Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.

14. All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.

15. A Wisconsin-licensed Structural Engineer will approve and stamp the tower design, and certify that the tower can support up to three additional cellular/PCS

voice / data antenna arrays.

16.The applicant shall utilize a galvanized or painted finish on the tower to minimize visual impact, if permitted by the FAA.

17.The applicant shall paint steel appurtenances the same color as the tower to minimize visual impact.

18.The tower lease area shall be surrounded by a security fence with fabric privacy screening.

19.Failure to comply with any of the aforesaid conditions shall be grounds for the committee to immediately revoke Conditional Use Permit No. 2355.

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

CUP 2356

PETITION: CUP 2356

APPLICANT: DONALD P SQUIRE JR

LOCATION: NE CORNER OF STATE HIGHWAY 51 AND PLEASANT HILL ROAD, SECTION 2, TOWN OF DUNKIRK

CUP DESCRIPTION: 155' monopole communication tower (extendable to 190')

*In favor: Nathan Ward and Rodney Carter representing Verizon Wireless*

*Opposition: None*

**A motion was made by MATANO, seconded by MILES, that this Conditional Use Permit be approved with 20 conditions. The motion carried by the following vote: 4-0.**

**1.The primary use of the communication tower permitted under Conditional Use Permit No. 2356 shall be for the transmission and reception of cellular/PCS wireless voice / data communications, and related telecommunications equipment.**

**2.The communication tower placed, constructed or modified under Conditional Use Permit No. 2356 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The initial height of the tower shall be 155' above ground level. However, the tower shall be engineered to be extendable to a maximum height of 190 feet above ground level. Extension beyond the maximum permitted height of 190 feet above ground level shall require amendment and approval of a new Conditional Use Permit.**

**3.The minimum of two (2) collocation sites required hereunder need not be available on the tower as initially placed, constructed, or modified, provided that the tower will support the later addition of the collocation sites as specified in condition #2, above.**

**4.Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2356 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.**

**5.The holder of Conditional Use Permit No. 2356 is permitted, if needed, to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Any other user collocating on the tower permitted herein is permitted to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to all conditions established for Conditional Use Permit No.2356, including locational requirements contained in the site plan.**

**6.The holder of Conditional Use Permit No. 2356 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with the permitted tower for uses related to the use of the collocation sites required hereunder, including the construction and use of buildings as permitted under paragraph 5 herein.**

**7.The final site plan(s) and design drawings submitted with the CUP #2356 application materials, are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2356 is expressly conditioned upon compliance with those plans.**

8. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2356 shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on Conditional Use Permit No. 2356, all reasonable costs and expenses associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.

9. The holder of Conditional Use Permit No. 2356 shall within 30 days of any collocation on the permitted tower provide the committee with written notification of the identity of the collocater and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use. Any changes due to collocation or otherwise shall be reviewed by the Zoning Administrator prior to implementation to determine if permits are needed and to determine that such changes are in compliance with terms of the CUP and does not significantly alter the appearance or structural integrity of the tower approved and permitted under this CUP.

10. If at any time the communication tower permitted under Conditional Use Permit No. 2356 ceases to be used for the primary use, as identified in paragraph 1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower. If the tower is not removed within 30 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

11. Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the bond required hereunder.

12. The applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.

13. Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.

14. All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.

15. A Wisconsin-licensed Structural Engineer will approve and stamp the tower design, and certify that the tower can support up to three additional cellular/PCS voice / data antenna arrays.

- 16.The applicant shall utilize a galvanized or painted finish on the tower to minimize visual impact, if permitted by the FAA.
- 17.The applicant shall paint steel appurtenances the same color as the tower to minimize visual impact.
- 18.The tower lease area shall be surrounded by a security fence with fabric privacy screening.
- 19.Failure to comply with any of the aforesaid conditions shall be grounds for the committee to immediately revoke Conditional Use Permit No. 2356.
- 20.Access to the tower site shall be from US Highway 51.

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

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

##### 11005

PETITION: REZONE 11005  
APPLICANT: DANIEL HOESLY  
LOCATION: 2538 STATE HIGHWAY 73, SECTION 15, TOWN OF CHRISTIANA  
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District  
REASON: zoning compliance for existing parcel

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

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

##### CUP 2354

PETITION: CUP 2354  
APPLICANT: DANIEL HOESLY  
LOCATION: 2538 STATE HIGHWAY 73, SECTION 15, TOWN OF CHRISTIANA  
CUP DESCRIPTION: SEASONAL STORAGE

**A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 4-0.**

- 1.The Conditional Use Permit shall be solely for seasonal storage of recreational vehicles in the two existing accessory buildings located on the property.
- 2.No additional buildings may be constructed for the seasonal storage of recreational vehicles.
- 3.Signage shall be limited to the existing business sign or a replacement sign not to exceed 32 square feet. No lighted signage permitted.
- 4.No outdoor loudspeakers shall be permitted.
- 5.Outdoor lighting shall be limited to security lighting and shall not cause a nuisance to neighboring property owners.
- 6.Outdoor storage of items, other than farm equipment, is prohibited.

**Ayes:** 4 - KOLAR,MATANO,MILESandO'LOUGHLIN

**Excused:** 1 - BOLLIG

11014

PETITION: REZONE 11014  
APPLICANT: DEBRA L DORN  
LOCATION: 500 FEET NORTH AND WEST OF 231 SUN PRAIRIE ROAD, SECTION 24,  
TOWN OF YORK  
CHANGE FROM: RH-3 Rural Homes District TO A-2 (8) Agriculture District  
REASON: allow agricultural accessory building

**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 - KOLAR, MATANO, MILES and O'LOUGHLIN

**Excused:** 1 - BOLLIG

## **E. Plats and Certified Survey Maps**

2016 LD-031

Land Division Waiver - Stokes proposed 1-lot CSM  
Town of Mazomanie  
Applicant is seeking a waiver from Ch. 75.19(6)(b), requiring new lots to have a  
minimum of 66' of public road frontage.

**See action above.**

## **F. Resolutions**

## **G. Ordinance Amendment**

## **H. Other Business Authorized by Law**

Supervisor Matano requested that County Staff prepare a report regarding the  
dissolution of particular towns (Madison, Burke, Blooming Grove) as part of  
Town/City intergovernmental agreements.

## **I. Adjourn**

**A motion was made by MILES, seconded by MATANO, to adjourn the ZLR  
Committee meeting at 7:30pm. The motion carried unanimously.**

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



*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.*