

Dane County



Minutes

Tuesday, June 27, 2017

6:30 PM

**City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

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

Staff present: Everson, Lane, and Violante

Youth Governance Members present: Ayomi Obuseh and Sam Fischer.

Miles arrived at 6:41 pm.

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](#)
[RPT-201](#)

Registrants at the June 27, 2017 ZLR Committee meeting

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

[11139](#)

PETITION: REZONE 11139

APPLICANT: ESSER FAMILY TR

LOCATION: 8456 PINE HILL ROAD, SECTION 14, TOWN OF CROSS PLAINS

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

REASON: shifting of property lines between adjacent land owners

In favor: Michelle Fuller

Opposed: None

A motion was made by MATANO, seconded by O'LOUGHLIN, to postpone the petition due to lack of town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11140](#)

PETITION: REZONE 11140

APPLICANT: DONALD H ESSER

LOCATION: EAST OF 6600 KOPP ROAD, SECTION 1, TOWN OF SPRINGFIELD

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: creating one residential lot

In favor: Don Esser

Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

11141

PETITION: REZONE 11141
APPLICANT: HOLTZMAN REV LIVING TR, JON E
LOCATION: 3221 STATE HIGHWAY 134, SECTION 36, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: John Holtzman
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, to postpone the petition due to lack of town action. The motion carried by the following vote: 5-0.

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

11142

PETITION: REZONE 11142
APPLICANT: JOHN W BREUNIG
LOCATION: 1957 GREENWAY ROAD, SECTION 26, TOWN OF BRISTOL
CHANGE FROM: A-1 Agriculture District TO A-2 (1) Agriculture District
REASON: change zoning to allow for a taller accessory building

In favor: John Breunig
Opposed: None

A motion was made by MILES, 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

11144

PETITION: REZONE 11144
APPLICANT: FURSETH FARMS INC
LOCATION: 731 BASS LAKE ROAD, SECTION 19, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District
REASON: separating existing residence from farmland

In favor: No representation
Opposed: None

A motion was made by MATANO, seconded by BOLLIG, to postpone this petition due to lack of town action and representation. The motion carried by the following vote: 5-0.

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

11145

PETITION: REZONE 11145
APPLICANT: BLUE VISTA FARM LLC
LOCATION: 350 FEET EAST OF 5664 BELL BROOK ROAD, SECTION 28, TOWN OF OREGON
CHANGE FROM: RH-4 Rural Homes District TO A-1EX Agriculture District, RH-4 Rural Homes District TO RH-3 Rural Homes District, RH-4 Rural Homes District TO RH-2 Rural Homes District
REASON: shifting of property lines between adjacent land owners

In favor: Eric Grover

Opposed: None

A motion was made by BOLLIG, 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

11146

PETITION: REZONE 11146
APPLICANT: LEONARD REV TR, ALEXANDER & KRISTINE
LOCATION: NORTH OF 4915 PINE SPRING ROAD, SECTION 36, TOWN OF VIENNA
CHANGE FROM: CO-1 Conservancy District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

In favor: Daniel Paulson

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.

1. Any land use changes to the property shall be brought before the Town Plan Commission.

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

11147

PETITION: REZONE 11147
APPLICANT: PAUL A MORRISON
LOCATION: 1207 SOUTH FISH HATCHERY ROAD, SECTION 9, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District and RH-1 Rural Homes District TO A-2 Agriculture District, A-1EX Agriculture District to A-4 Agriculture District
REASON: separating existing residence from farmland

In favor: Paul Morrison

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 petition shall be amended by assigning the zoning district classification of A-4 Agriculture to the proposed southerly lot, Lot 2.

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

11148

PETITION: REZONE 11148
APPLICANT: THOMAS L SCHALLER
LOCATION: SOUTH OF NORTH FAIR OAK ROAD, SECTION 23, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating one residential lot

In favor: None
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, to postpone this petition due to lack of town action. The motion carried by the following vote: 5-0.

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

11149

PETITION: REZONE 11149
APPLICANT: JELLE SUNNY RIDGE LLC
LOCATION: SOUTH OF 2000 STATE HIGHWAY 78, SECTION 27, TOWN OF BLUE MOUNDS
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: creating one residential lot

In favor: Dennis Jelle
Opposed: None

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

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

11150

PETITION: REZONE 11150
APPLICANT: SUSAN K BARBER
LOCATION: 1987 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CHANGE FROM: RE-1 Recreational District TO PUD Planned Unit, B-1 Local Business District
TO PUD Planned Unit, R-3 Residence District TO PUD Planned Unit
REASON: indoor warehousing and single family dwelling along with wetland restoration

In favor: Robert Brownell and Paul Schlieve
Opposed: None

A motion was made by MILES, seconded by MATANO, to postpone this petition due to lack a town action and addressing staff's concerns. The motion carried by the following vote: 5-0.

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

11151

PETITION: REZONE 11151
APPLICANT: COMPLETE PHYTOCHEMICAL SOLUTIONS LLC
LOCATION: 275 RODNEY ROAD, SECTION 2, TOWN OF CHRISTIANA
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: changing deed restrictions from prior rezone approval

In favor: Christian Krueger
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 deed restriction on the property shall be amended to the following: The land uses on the C-2 Commercial property shall be limited exclusively to experimental laboratories for natural products and for consultant service business (office). Outside storage of materials is prohibited on the property. Division of the property via certified survey map or condominium document is prohibited.

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

11152

PETITION: REZONE 11152
APPLICANT: KURT LESLIE
LOCATION: SOUTH OF 4380 BLUE MOUNDS TRAIL, SECTION 9, TOWN OF VERMONT
CHANGE FROM: RH-3 Rural Homes District TO A-2 (8) Agriculture District
REASON: zoning change to allow agriculture accessory building

In favor: Kurt Leslie
Opposed: None

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

1. Agricultural activities shall be present on the property prior to the construction of an agricultural accessory building.

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

11153

PETITION: REZONE 11153
APPLICANT: GETCHEL LIVING TR
LOCATION: 1997 COUNTY HIGHWAY PB, SECTION 26, TOWN OF VERONA
CHANGE FROM: B-1 Local Business District TO RH-1 Rural Homes District, RH-2 Rural Homes District TO RH-1 Rural Homes District
REASON: creation of 3 parcels

In favor: Daniel Paulson
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

CUP 2381

PETITION: CUP 2381

APPLICANT: JOEL E HOUGAN

LOCATION: 500 FEET EAST OF 2488 KOSHKONONG ROAD, SECTION 9, TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: ready mix concrete batch plant

In favor: Brooks Fechhelm

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Conditional Use Permit be approved with 12 conditions. The motion carried by the following vote: 5-0.

1. The applicant shall submit an erosion control plan covering the area to be disturbed and receive approval of an erosion control permit prior to commencing extraction 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 site/operations plan submitted with the application materials.
4. Operations shall cease no later than December 31, 2019.
5. The operator and all haulers shall access the CUP site only through those points currently used for the mineral extraction site.
6. Hours of operation shall be as follows:
 - General daytime hours will be 6:00 am to 8:00 pm Monday through Friday
 - Weekend hours will be intermittent as necessary also 6:00 to 8:00 pm
 - Only when WisDOT project mandated, operations may occur overnight.
7. Outdoor lighting will be portable and will be directed away from property lines, neighboring parcels and roads to mitigate impacts. A lighting plan shall be submitted to Dane County Zoning for review and approval prior to the operation of the lighting.
8. Operator shall provide the WisDOT project ID and documentation from WisDOT showing that material from this site meets project specifications. This documentation will be provided to the Dane County Zoning division.
9. If the operator of the batch plant changes during the duration of this permit, any new operator must follow the conditions of this permit (CUP# 2381).
10. The owner/operator must post a copy of this conditional use permit #2381, including the list of all conditions, on the work site.
11. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
12. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

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

CUP 2382

PETITION: CUP 2382

APPLICANT: PETTIT PROPERTIES LLC

LOCATION: 318 GOEDE ROAD, SECTION 26, TOWN OF ALBION

CUP DESCRIPTION: outdoor storage of more than 12 vehicles and pieces of construction equipment

In favor: Ginger Hagemann

Concerned: Daryl Good reviewed conditions of approval.

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: 5-0.

- 1. The CUP is limited to outdoor storage of equipment, machinery, trucks, and other vehicles associated with Pettit Trucks & Equipment.**
- 2. Screening shall be installed along the length of the shared property boundary with the RH-1 parcel to the west. Said screening shall consist of either a planted evergreen screen at least six (6) feet in width and initially landscaped with four (4) foot tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet in height and maintained with healthy shrubs, or a decorative wall or fence without signs and impervious to sight not less than six (6) feet nor more than eight (8) feet in height.**
- 3. Storage and display areas shall be limited exclusively to within 150' of the eastern and southern property boundaries.**
- 4. No outdoor lighting shall be permitted. If a building is constructed on the LC-1 zoned property, outdoor security lighting shall be permitted, but must be down-shrouded or otherwise directed away from adjoining properties and public rights of way.**
- 5. The property shall be maintained in a clean and orderly manner.**
- 6. The CUP shall expire upon sale of the property to an unrelated 3rd party.**

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

CUP 2092

Revocation of Conditional Use Permit #2092

Jon and Wendy Steinhauer

1861 Sandy Ridge Court, Section 34, Town of Springdale

Reason: violation of conditions of approval for a limited family business (auto repair)

In opposition of revocation: Jon Steinhauer, Ron Trachtenberg, Eugene Woller, Tim Woller, Jeff Hilliard, Bob Schultz, and Noel Hutton.

In support of revocation: Vicki Anderson, Town Supervisor John Bosenbaum, Dan Allen, and Alice Allen.

A motion was made by MILES, seconded by MATANO, to revoke conditional use permit #2092 effective December 11, 2017 for failure to comply with conditions of approval and the business no longer meeting standards for a conditional use permit. Motion carried, 4-1 (O'Loughlin - Nay). Youth Governance Member Sam Fischer - Nay.

Finding of Fact: Conditional Use Permit #2092 was based on the information provided by the applicant which identifies the land use as a "part time job since I already maintain a full time job, and used only as a[n] invite only for the repair[s] of family and friends [vehicles]." The land use is now a full-time auto repair shop offering services to anyone. The current land use as an auto repair shop is not permitted in the A-1 Agriculture Zoning District and should be in a commercial zoning district as other auto repairs shops in the Town. The land use has expanded past this description and goes beyond the scope of a limited family business as noted in Dane County Code of Ordinance Section 10.192. The property was found in violation of Conditions 3 and 4 of Conditional Use Permit #2092. The business expansion from the letter of intent fails to meet Standard 2 and Standard 6 of the standards to obtain a conditional use permit as noted under Dane County Code of Ordinance Section 10.255(2)(h).

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Noes: 1 - O'LOUGHLIN

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

E. Plats and Certified Survey Maps

2017 LD-011

Land Division Waiver - Public road frontage requirements

Town of Primrose

Stephen Flach 4-lot Certified Survey Map

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that the Land Division waiver be approved to allow lot 1 to have no frontage along a public road. The motion carried by a voice vote, 5-0.

Finding of fact: No proposed development, A-4 Zoning designation.

[2017 LD-012](#) Land Division Waiver - Ch.75 Design Standards
The Community of Bishops Bay, Phase 5 - Preliminary Plat
Town of Westport

A motion was made by MILES, seconded by MATANO, to approve allowing the requirements and standards to be waived from the design standards set forth within Ch. 75 DCCO. The motion carried by a voice vote, 5-0.

Finding of fact: Planned Development District approved by City of Middleton and Town of Westport.

[2017 LD-013](#) Preliminary Plat - The Community of Bishops Bay
Town of Westport
Staff recommends conditional approval

A motion was made by BOLLIG, seconded by MATANO, that the preliminary plat be approved with conditions. The motion carried by a voice vote, 5-0.

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.
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.
5. 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 Middleton.
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. The required approval certificates are to be satisfied.
 - Town of Westport
 - City of Middleton
 - Dane County

[2017 LD-014](#) Preliminary Plat - Welcome Homes
Town of Middleton
Staff recommends conditional approval

A motion was made by MILES, seconded by MATANO, that the preliminary plat be approved with conditions. The motion carried by a voice vote, 5-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. The public park land appropriation requirement is to be satisfied.
3. All streets shall be noted as dedicated to the public.
4. Outlot 2 does not meet the minimum frontage along a public road.
 - A note shall be placed on the plat that indicates no development on Outlot 2.
5. Outlots appear to be reserved for stormwater management.
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 Middleton.
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.
 - A stormwater permit is required and new development standards must be met.
10. The required approval certificates are to be satisfied.
 - Town of Middleton
 - Dane County

[2017 LD-016](#) Preliminary Plat - Wellington Trace
Town of Bristol

A motion was made by MILES, seconded by MATANO, that the preliminary plat be postponed to allow for additional information to be submitted regarding the high water table throughout the proposed plat. The motion carried by a voice vote, 5-0

[2017 LD-015](#) Final Plat - Cross Point Estates
City of Verona
Staff recommends a certification of non-objection.

A motion was made by BOLLIG, seconded by MATANO, that the final plat be certified with no objections. The motion carried by a voice vote, 5-0.

F. Resolutions

G. Ordinance Amendment

H. Items Requiring Committee Action

I. Reports to Committee

[2017](#)
[RPT-196](#)

Report of approved Certified Survey Maps

J. Other Business Authorized by Law

K. Adjourn

A motion was made by BOLLIG, seconded by MATANO, to adjourn the meeting of the June 27th Zoning and Land Regulation Committee at 9:06pm. The motion carried unanimously.

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