

Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, August 26, 2014

7:00 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

A. Call to Order

Chair Miles called the meeting to order at 7:12 pm in Room 201.

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

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

No comments made by the public.

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

10722 PETITION: REZONE 10722

APPLICANT: JACOBS TRUST

LOCATION: 4437 GOODLAND PARK ROAD, SECTION 8, TOWN OF

DUNN

CHANGE FROM: B-1 Local Business District TO R-3A Residence

District

REASON: correct violation and rezone to multi family zoning - allow 2

homes on site

Attachments: 10722 Staff.pdf

10722 town.pdf 10722 Map.pdf

10722 Ord Amend.pdf

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

APPLICANT: KALTENBERG REV TRUST

LOCATION: 5202 EASY STREET, SECTION 35, TOWN OF VIENNA CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture

District

REASON: separating existing residence from farmland

Attachments: 10723 CUP 2278 Staff.pdf

<u>10723 Town.pdf</u> <u>10723 Density.pdf</u>

10723 CUP 2278 Map.pdf 10723 Ord Amend.pdf

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

CUP 2278 PETITION: CUP 2278

APPLICANT: KALTENBERG REV TRUST

LOCATION: 5202 EASY STREET, SECTION 35, TOWN OF VIENNA

CUP DESCRIPTION: unlimited livestock

Attachments: 10723 CUP 2278 Staff.pdf

CUP 2278 Town.pdf

10723 CUP 2278 Map.pdf 10723 CUP 2278 App.pdf CUP #2278 proposed.pdf

A motion was made by BOLLIG, seconded by MATANO, that the Conditional Use Permit be approved with 2 conditions. The motion carried by a voice vote.

- 1. Livestock shall be limited to 300 animal units maximum.
- 2. Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.

APPLICANT: DAVID W SMITHBACK

LOCATION: 1401 COUNTY HIGHWAY B, SECTION 19, TOWN OF

CHRISTIANA

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

District and RE-1 Recreational District

REASON: creating one residence lot and one recreational lot

Attachments: 10724 Staff.pdf

<u>10724 Town.pdf</u> <u>10724 Map.pdf</u>

10724 Ord Amend.pdf

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

1. Lot 2 (RE-1 lot) shall be deed restricted to prohibit residential development.

10726 PETITION: REZONE 10726

APPLICANT: RODNEY M BRICKSON

LOCATION: EAST OF 325 COUNTY HIGHWAY N, SECTION 34,

TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture

District

REASON: separating existing residence from farmland

Attachments: 10726 Staff.pdf

10726 Town.pdf 10726 Density.pdf 10726 Map.pdf

10726 Ord Amend.pdf

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

10727 PETITION: REZONE 10727

APPLICANT: TOWN OF DUNN

LOCATION: VARIOUS SECTIONS, TOWN OF DUNN

CHANGE FROM: A-1EX Agriculture District TO VARIOUS ZONING

DISTRICTS

REASON: compliance with the adopted dane county farmland

preservation plan per wis stats 91.38

Attachments: 10727 Staff.pdf

<u>10727 Town.pdf</u>

10727 Ord Amend.pdf

A motion was made by MILES, seconded by MATANO, that the Zoning Petition be

recommended for approval. The motion carried by a voice vote.

APPLICANT: LOUIS L KWIATKOWSKI JR

LOCATION: 3383 SIGGELKOW ROAD, SECTION 36, TOWN OF

BLOOMING GROVE

CHANGE FROM: A-1EX Agriculture District TO R-3A Residence District

REASON: rezone to district allowing for a duplex

Attachments: 10728 Staff.pdf

10728 Town.pdf 10728 Map.pdf

10728 Ord Amend.pdf

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

1. The parcel shall be deed restricted to prohibit further land divisions.

10730 PETITION: REZONE 10730

APPLICANT: TOWN OF ALBION

LOCATION: VARIOUS SECTIONS, TOWN OF ALBION

CHANGE FROM: A-1 EX Agriculture TO Various Zoning Districts REASON: compliance with the adopted Dane County Farmland

Preservation Plan per Wisc Stats 91.38

Attachments: 10730 Staff.pdf

10730 Town.pdf

Albion FPZ 2014 Rezone Application complete.pdf
FPZ Rezone Petition 2014 notice to landowners.pdf

FPZAlbion joined PARCEL.pdf

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

1. Parcel 0512-223-2282-2, owned by Roger Olson, shall be assigned the zoning district classification of A-2(1).

APPLICANT: TOWN OF BLOOMING GROVE

LOCATION: VARIOUS SECTIONS, TOWN OF BLOOMING GROVE CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland

Preservation Plan per Wisc Stats 91.38

Attachments: 10732 Staff.pdf

10732 Town.pdf 10732 App.pdf

<u>City of Madison comments 8 15 2014.pdf</u> FPZBloomingGrove joined PARCEL.pdf

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

1. The proposed alternate zoning shall be assigned to the specified parcels as noted in the parcel spreadsheet.

<u>10733</u> PETITION: REZONE 10733

APPLICANT: TOWN OF SPRINGFIELD

LOCATION: VARIOUS SECTIONS, TOWN OF SPRINGFIELD

CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland

Preservation Plan per Wisc Stats 91.38

Attachments: 10733 Staff.pdf

10733 Town.pdf 10733 App.pdf

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.

Town Chair Hoffman stated that the Town would like to change the zoning district classification on one parcel.

Tom Ripp stated that he was opposed the zoning change for his parcel.

APPLICANT: WARREN M SCHMIDT

LOCATION: 4965 ROMES CORNERS ROAD, SECTION 24, TOWN

OF OREGON

CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District REASON: separating existing residence from the farmland and creating

one residential lot

Attachments: 10734 Staff.pdf

10734 Density.pdf 10734 Town.pdf 10734 Map.pdf 10734 App.pdf

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

1. A deed restriction shall be recorded on parcels 0509-243-9070-7 and 0509-243-8570-4 to prohibit residential development on the A-1 Exclusive Agriculture zoned land. The housing density rights have been exhausted from the original farm.

10735 PETITION: REZONE 10735

APPLICANT: MICHAEL B DEMINTER

LOCATION: 2963 WYNDWOOD WAY. SECTION 19. TOWN OF

BRISTOL

CHANGE FROM: R-1 Residence District TO A-1 Agriculture District REASON: allow 16 feet maximum height for an accessory building

Attachments: 10735 Staff.pdf

10735 Town.pdf 10735 Map.pdf 10735 App.pdf

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

APPLICANT: LYNELLE J HEIMZEROTH

LOCATION: NORTH OF 1057 COUNTY HIGHWAY N, SECTION 9,

TOWN OF DUNKIRK

CHANGE FROM: R-2 Residence District TO R-3A Residence District

REASON: allow for a single-family or two-family dwelling

Attachments: 10736 Staff.pdf

10736 Map.pdf

10736 Wetland Delineation.pdf

10736 App.pdf

A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014.

The motion carried by a voice vote.

The petition was postponed due to no town action.

10737 PETITION: REZONE 10737

APPLICANT: TOWN OF BLACK EARTH

LOCATION: VARIOUS SECTIONS, TOWN OF BLACK EARTH

CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland

Preservation Plan per Wisc Stats 91.38

Attachments: 10737 Staff.pdf

10737 Town.pdf 10737 App.pdf

10737 Deed Notice Example

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

1. A deed notice shall be placed on the changed parcels identifying that Town of Black Earth approvals are required for any development of the parcel.

APPLICANT: TOWN OF RUTLAND

LOCATION: VARIOUS SECTIONS, TOWN OF RUTLAND CHANGE FROM: A-1EX Agriculture District TO Various Districts REASON: compliance with the adopted Dane County Farmland

Preservation Plan per Wisc Stats 91.38

Attachments: 10738 Staff.pdf

10738 Town.pdf 10738 App.pdf

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

1. A deed notice shall be placed on the changed parcel identifying that the zoning change does not constitute a loss of a housing density right from the original farm.

<u>10739</u> PETITION: REZONE 10739

APPLICANT: TODD H TREICHEL

LOCATION: 6658 HARVEST HILL ROAD, SECTION 11, TOWN OF

SPRINGFIELD

CHANGE FROM: R-1 Residence District TO A-2 (1) Agriculture District REASON: allow maximum height of 35 feet for an accessory building

Attachments: 10739 Staff.pdf

10739 Town.pdf 10739 Map.pdf 10739 App.pdf

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

1. A deed restriction shall be placed on the property limiting accessory buildings to a mean height of 18 feet and to a maximum size of 1200 square feet.

APPLICANT: DCW INVESTMENTS LLC

LOCATION: 3614 OLD STAGE ROAD, SECTION 35, TOWN OF

RUTLAND

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, RH-2 Rural Homes District, and A-4 Agriculture District

REASON: separating existing residence from farmland and creating two

residential lots

Attachments: 10740 Staff.pdf

10740 Density.pdf 10740 Town.pdf 10740 Map.pdf 10740 App.pdf

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

10741 PETITION: REZONE 10741

APPLICANT: TODD M MENZEL

LOCATION: 1815 BRISTOL ROAD, SECTION 1, TOWN OF BRISTOL CHANGE FROM: A-1 Agriculture District TO A-2 (2) Agriculture District

REASON: allow the keeping of livestock on the property

Attachments: 10741 Staff.pdf

10741 Town.pdf 10741 Map.pdf 10741 App.pdf

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

APPLICANT: ROBERT A SWITZKY

LOCATION: WEST OF 5441 COUNTY HIGHWAY A, SECTION 22,

TOWN OF OREGON

CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes

District

REASON: creating one residential lot

Attachments: 10742 Staff.pdf

10742 Density.pdf 10742 Town.pdf 10742 Map.pdf 10742 App.pdf

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

1. A deed restriction shall be place on the remaining A-1 Exclusive Agriculture zone land prohibiting residential development. The housing density rights have been exhausted for this portion of the original farm.

<u>10743</u> PETITION: REZONE 10743

APPLICANT: AMY M FLUKE

LOCATION: 3098 HOPE HOLLOW TRAIL, SECTION 30, TOWN OF

COTTAGE GROVE

CHANGE FROM: A-2 (1) Agriculture District TO B-1 Local Business

District

REASON: zoning to allow an event auditorium

Attachments: 10743 Staff.pdf

10743 Town.pdf 10743 Map.pdf 10743 App.pdf

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014.

The motion carried by a voice vote.

The petition was postponed to allow time for the Town to address outside entertainment concerns.

APPLICANT: AP WHALEY LLC

LOCATION: NORTHEAST OF 1926 SYVRUD ROAD, SECTION 26,

TOWN OF BLUE MOUNDS

CHANGE FROM: RH-4 Rural Homes District TO A-B Ag-Business

District

REASON: allow seed production business

Attachments: 10746 Staff.pdf

10746 Town.pdf 10746 Map.pdf 10746 App.pdf

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

CUP 2277 PETITION: CUP 2277

APPLICANT: HENRY LAND LLC

LOCATION: 7790 PATTON ROAD, SECTION 3, TOWN OF VIENNA CUP DESCRIPTION: agricultural entertainment activities exceeding 45

days per year - spirit tasting

Attachments: CUP 2277 Staff.pdf

CUP 2277 Town.pdf
CUP 2277 Map.pdf
2277 App.pdf

A motion was made by BOLLIG, seconded by KOLAR, that the Conditional Use Permit be approved with 6 conditions. The motion carried by a voice vote.

- 1. Sales of alcoholic beverages by the drink shall be limited to between 10am and 8pm (Thursday Sunday), and shall be limited to within the existing building as shown on the site plan.
- 2. Parking shall be limited to 2 areas proposed on the site plan.
- 3. Outdoor loudspeakers are prohibited.
- 4. Outdoor lighting shall be limited to what is necessary for safety.
- 5. Signage for the shall be limited to an entrance sign.
- 6. Use shall comply with all state and local licensing for the sale and distribution of alcohol.

CUP 2279 PETITION: CUP 2279

APPLICANT: DANE COUNTY

LOCATION: 1000 -1220 EAST VERONA AVENUE, SECTION 14,

TOWN OF VERONA

CUP DESCRIPTION: Allow governmental, institutional, religious or nonprofit community uses within the A-3 Agriculture Zoning District

Attachments: CUP 2279 Staff.pdf

CUP 2279 Town.pdf CUP 2279 Map.pdf

2279 App.pdf

A motion was made by MATANO, seconded by SALOV, that the Conditional Use Permit be approved with 1 condition. The motion carried by a voice vote.

1. Land uses shall be limited to governmental, institutional, religious and non profit community uses.

CUP 2280 PETITION: CUP 2280

APPLICANT: L&S LLC

LOCATION: 2275 FLORENCE DRIVE, SECTION 34, TOWN OF

BRISTOL

CUP DESCRIPTION: mineral extraction operation

Attachments: CUP 2280 Staff.pdf

CUP 2280 Town.pdf
CUP 2280 Map.pdf
CUP 2280 App.pdf

A motion was made by KOLAR, seconded by BOLLIG, that the Conditional Use Permit be approved with 15 conditions. The motion carried by a voice vote.

- 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 extraction operations.
- 2. The applicant shall apply for and receive all other required local, state and federal permits.
- 3. Operations shall cease no later than 10 years from the date of CUP approval.
- 4. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
- 5. 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.
- 6. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
- 7. Hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 4:00 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays.
- 8. The owner or operator shall notify residents living within $\frac{1}{2}$ mile of the pit of the dates and times for blasting.
- 9. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
- 10. No water shall be pumped or otherwise removed from the site.
- 11. There shall be no bulk fuel stored on site.
- 12. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
- 13. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
- 14. Dane County and the Town of Bristol shall be listed as additional named insureds on the [name of operator] 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 commence. The liability insurance policy shall remain in effect until reclamation is complete.
- 15. 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.

CUP 2281 PETITION: CUP 2281

APPLICANT: FIRST RATE RESORTS LLC

LOCATION: 2671 CIRCLE DRIVE, SECTION 20, TOWN OF

PLEASANT SPRINGS

CUP DESCRIPTION: sale of alcoholic beverage by the glass

Attachments: CUP 2281 Staff.pdf

CUP 2281 Town.pdf
CUP 2281 Map.pdf
CUP 2281 App.pdf

A motion was made by MATANO, seconded by KOLAR, that the Conditional Use Permit be postponed to the Zoning & Land Regulation Committee, due back by

9/9/2014. The motion carried by a voice vote.

In Favor: Bert Davis and Pete Hagen.

Opposed: Connie Terry, Fern Hosfeld, and Richard Hosfeld. Concerns were raised regarding the safety of the site and the intensification of commercial

activity in the rural neighborhood.

CUP 2282 PETITION: CUP 2282

APPLICANT: MANDY M THOMAS

LOCATION: 2796 WHITE CROSSING ROAD, SECTION 7, TOWN OF

VERONA

CUP DESCRIPTION: unlimited livestock - horse boarding

Attachments: CUP 2282 Staff.pdf

CUP 2282 Map.pdf

CUP #2282 proposed.pdf

CUP 2282 App.pdf

A motion was made by BOLLIG, seconded by MATANO, that the Conditional Use Permit be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion corried by a voice vote

9/9/2014. The motion carried by a voice vote.

The Conditional Use Permit was postponed due to no representation and no

town action.

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

F. Plats and Certified Survey Maps

2014 LD-029 St. Joseph's Ventures 2-lot Certified Survey Map

Town of Madison, section 34

Attachments: aerial layout.pdf

Madison StJoeseph Ventures LLC CSM Review 080714.pdf

sheet 1.pdf

Motion by Matano, seconded by Bollig to approve the proposed 2-lot Certified

Survey Map. The motion carried by a voice vote.

2014 LD-030 Dettman proposed 4-lot CSM, Shared Driveway Easement

Town of Cross Plains, Section 15

Attachments: aerial layout.pdf

<u>Donofrio</u> 14080816 52 36.pdf <u>Donofrio</u> 14080816 52 56.pdf

Motion by Bollig, seconded by Matano to postpone to allow time for staff to work with the applicant and the town of Cross Plains to address the purpose of the shared access easement provision. The motion carried by a voice vote.

2014 LD-031 Dale Secher proposed 2-lot CSM, Shared access Easement

Town of Oregon, Section 16

Attachments: secher shared driveway agreement.PDF

Motion by Kolar, seconded by Bollig to postpone to allow time for staff to work with the applicant and the town of Oregon to address the purpose of the shared

access easement provision. The motion carried by a voice vote.

2014 LD-032 Ehle proposed 2-lot CSM

Town of Dunkirk, Section 8

Proposed Lot 2 is seeking approval with no public road frontage.

Attachments: aerial layout.pdf

content.pdf

Motion by Matano, seconded by Bollig to approve the waiver for lot 2 having no

public road frontage. The motion carried by a voice vote.

Fact of finding: No new lots are being created as this land division is a rear lot line adjustment. The subject parcel has an existing access easement from Quinn

Lane and will continue to do so.

G. Resolutions

H. Ordinance Amendment

OA-042

2014 AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

Supervisor MILES, Supervisor MATANO, Supervisor KOLAR, Supervisor RIPP,

Supervisor McCARVILLE, Supervisor KRAUSE, Supervisor CHENOWETH, Supervisor WEGLEITNER, Supervisor O'LOUGHLIN, Supervisor PAN, Supervisor STUBBS, Supervisor SOLBERG, Supervisor CLAUSIUS, Supervisor ZWEIFEL, Supervisor NELSON, Supervisor SALOV, Supervisor PERTL, RITT, Supervisor BOLLIG,

Supervisor LEVIN and Supervisor RUSK

Attachments: 2014 OA-042.pdf

Farmland Preservation Plan Text changes

DATCP 2014 DaneCo FPP 2014 complete.pdf
FPP 10 Farmland Preservation Plan Map.pdf

A motion was made by KOLAR, seconded by BOLLIG, that the Ordinance be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.

The ordinance amendment was postponed to allow time for the Department of Agriculture, Trade, and Consumer Protection to review the plan changes.

I. Items Requiring Committee Action

2014 Fund Transfer Request for Clean Air Inventory- POS

FTR-050

Attachments: FundTransferAirProject 2014.pdf

A motion was made by MATANO, seconded by KOLAR, that the Fund Transfer be recommended for approval. The motion carried by a voice vote.

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by KOLAR, seconded by MATANO, to adjourn the meeting. The motion carried unanimously. Time: 8:55pm.

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 hnub ua hauj lwm ua ntej yuav tuaj sib tham.