

### **Dane County**

## Minutes - Final Unless Amended by Committee

## Zoning & Land Regulation Committee

Tuesday, May 24, 2016	7:00 PM	City - County Building, ROOM 201 210 Martin Luther King Jr. Blvd., Madison
	City - County Building, ROO	M 201
	210 Martin Luther King Jr. Blvd.	, Madison
A. Call to Order		
	Chair Kolar called the meeting of the ZLR Com 201 of the Clty-County Building. Staff present: Allan, Everson, Lane, and Violar	
Present	4 - JERRY BOLLIG, MARY KOLAR, AL MATA	ANO, and PATRICK MILES
Excused	1 - DENNIS O'LOUGHLIN	
B. Public comment	for any item not listed on the agenda	1
	No comments were made by the public.	
<u>2016</u> <u>RPT-116</u>	Registrants at the May 24, 2016 ZLR Co	mmittee meeting

Attachments: May 24th Registrants

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

 10976
 PETITION: REZONE 10976

 APPLICANT: BOETZEL REV TR, DALE V & JUDITH A

 LOCATION: 4656 OAK PARK ROAD, SECTION 5, TOWN OF

 DEERFIELD

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

 District

 REASON: creating one residential lot for existing house

#### Attachments: 10976 Staff

10976 Density

<u>10976 Map</u>

10976 Previous petition info (#8770)

10976 APP

In favor: Dale Boetzel Opposition: None

A motion was made by BOLLIG, seconded by MATANO, to postpone action until the Town Action Report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

10977PETITION: REZONE 10977<br/>APPLICANT: LISA A ARINGTON-GLESINGER<br/>LOCATION: 3008 MCCLAIN ROAD, SECTION 5, TOWN OF<br/>CHRISTIANA<br/>CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes<br/>District<br/>REASON: increase size of existing lot

#### Attachments: 10977 Staff

10977 Density

<u>10977 Map</u>

10977 APP

In favor: Michael Rumpf representing Glesinger. Opposition: None

A motion was made by MATANO, seconded by MILES, to postpone action until the Town Action Report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 10978
 PETITION: REZONE 10978

 APPLICANT: PAUL R KIENITZ

 LOCATION: 7423 MONTROSE ROAD, SECTION 29, TOWN OF

 MONTROSE

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

 REASON: shifting of property lines between adjacent land owners

#### Attachments: 10978 Staff

10978 Town

10978 Density

10978 Ord Amend

In favor: Paul Kienitz Opposition: None

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

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - O'LOUGHLIN

 10979
 PETITION: REZONE 10979

 APPLICANT: MICHAEL JOHN KNIPFER

 LOCATION: 1770 N JARGO ROAD, SECTION 13, TOWN OF

 COTTAGE GROVE

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

 REASON: creating one residential lot

#### Attachments: 10979 Staff

<u>10979 Town</u>

10979 Density

10979 Ord Amend

In favor: Mike Knipfer Opposition: None

A motion was made by MATANO, seconded by MILES, 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 0711-133-9500-0, 0711-133-9780-2, 0711-134-8690-2, and 0711-134-9000-4 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

2. A joint driveway agreement shall be recorded with the Register of Deeds for the benefit of both lots.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

#### Excused: 1 - O'LOUGHLIN

 10980
 PETITION: REZONE 10980

 APPLICANT: ARDEN BALLWEG

 LOCATION: 8175 BALLWEG ROAD, SECTION 25, TOWN OF

 ROXBURY

 CHANGE FROM: R-1A Residence District TO RH-1 Rural Homes

 District, A-1EX Agriculture District TO RH-1 Rural Homes District

 REASON: creating one residential lot for existing house

Attachments: 10980 Staff

10980 Town

10980 Density

10980 Ord Amend

In favor: Arden Ballweg 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 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

 10981
 PETITION: REZONE 10981

 APPLICANT: KIMBERLY M STURMAN

 LOCATION: 4786 CARDINAL LANE, SECTION 32, TOWN OF SUN

 PRAIRIE

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

 REASON: bring lot into compliance - reduced rear yard setback

#### Attachments: 10981 Staff

<u>10981 Town</u>

10981 Ord Amend

In favor: Kim Sturman Opposition: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 10982
 PETITION: REZONE 10982

 APPLICANT: GARY A GRUNDAHL

 LOCATION: 852 CLARKSON ROAD, SECTION 33, TOWN OF YORK

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

 District

 REASON: adding residence to existing CSM lot

#### Attachments: 10982 Staff

10982 Town

10982 Density

10982 Ord Amend

In favor: David Baehr representing Grundahl Opposition: 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: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

- 10983
   PETITION: REZONE 10983

   APPLICANT: RICHARD SCOTT MOONEY

   LOCATION: EAST OF 6645 HYSLOP ROAD, SECTION 35, TOWN OF

   DANE

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

   REASON: less restrictive rear yard setback
  - Attachments: 10983 Staff

<u>10983 Map</u>

10983 App

In favor: Richard Mooney

Opposition: Brad Madigan stated that the development of the parcel has always been problematic. The adjacent farm is active and the proposed house should be located at least 50 feet away from the farm (east) property line. The drive access will be problematic. Wells in the area contain high concentrations of nitrites.

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition and until the Town Action Report is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 10985
 PETITION: REZONE 10985

 APPLICANT: ROBERT E MCDOWELL

 LOCATION: 5343 OAK PARK ROAD, SECTION 20, TOWN OF

 MEDINA

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

 REASON: creating one residential lot

Attachments: 10985 Staff

<u>10985 Town</u>

10985 Density

10985 Map

10985 App

In favor: Robert McDowell

Opposition: Neil Burns stated that there should not be any housing density rights remaining on the original farm to allow the property to be rezoned. The drive access to the property will be problematic due to the steep topography. The previous petition to develop the property was denied.

A motion was made by MATANO, seconded by MILES, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

10986 PETITION: REZONE 10986 APPLICANT: MARTIN LIVING TR, GILBERT & DOROTHY LOCATION: 3727 BAILEY ROAD, SECTION 30, TOWN OF SUN PRAIRIE CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District REASON: separation of buildings from farmland

#### Attachments: 10986 Staff

<u>10986 Town</u>

10986 Ord Amend

In favor: David Baehr representing Martin Opposition: 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: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

 10987
 PETITION: REZONE 10987

 APPLICANT: TRACI J JONES
 LOCATION: 10804 KINGSLAND ROAD, SECTION 20, TOWN OF

 BLUE MOUNDS
 CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes

 District, RH-3 Rural Homes District TO RH-4 Rural Homes District
 REASON: shifting of property lines between adjacent land owners

#### Attachments: 10987 Staff

<u>10987 Town</u>

10987 Density

<u>10987 Map</u>

10987 APP

In favor: Greg Jones Opposition: Pat Bushert stated that he was opposed to any further residential development on the property.

A motion was made by BOLLIG, seconded by MILES, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

 10988
 PETITION: REZONE 10988

 APPLICANT: KALTENBERG TRUST

 LOCATION: 4989 COUNTY HIGHWAY TT, SECTION 34, TOWN OF

 SUN PRAIRIE

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

 District

 REASON: separating existing residence from farmland

Attachments: 10988 CUP 2341 Staff

<u>10988 CUP 2341 Map</u>

10988 CUP 2341 App

In favor: Joe Kaltenberg Opposition: Tom Wendorf was concerned on the size of the operation and having an agricultural operation next to a residential area.

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

CUP 2341 PETITION: CUP 2341 APPLICANT: KALTENBERG TRUST LOCATION: 4989 COUNTY HIGHWAY TT, SECTION 34, TOWN OF SUN PRAIRIE CUP DESCRIPTION: unlimited livestock on 3 to 16 acres

Attachments: 10988 CUP 2341 Staff

10988 CUP 2341 Map

CUP 2341 App

In favor: Joe Kaltenberg Opposition: Towm Wendorf (See above)

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN
- 10989PETITION: REZONE 10989<br/>APPLICANT: ROBERTS IRREV FAMILY TR 2012<br/>LOCATION: 2479 GLENN DRIVE, SECTION 21, TOWN OF<br/>PLEASANT SPRINGS<br/>CHANGE FROM: A-1EX Agriculture District TO C-1 Commercial District,<br/>C-1 Commercial District TO A-2 Agriculture District, A-1EX Agriculture<br/>District TO A-2 Agriculture District<br/>REASON: moving existing C-1 zoning east of its current location and<br/>rezoning remaining A1-EX to A2
  - Attachments: 10989 Staff

<u>10989 Town</u>

<u>10989 Map</u>

10989 App

Petition of Opposition

In favor: Jon Jaeck

Opposition: Audra Dalsoren submitted a formal petition in opposition from the neighboring residents (see attached). She expressed concerns regarding lighting, noise, traffic, safety, access for emergency services, the patrons may not like the neighboring agricultural smells, and the activity area should be shifted to the north.

A motion was made by BOLLIG, seconded by MILES, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

CUP 2340 PETITION: CUP 2340 APPLICANT: PATRICIA A FISCHBECK LOCATION: 5523 PORTAGE ROAD, SECTION 21, TOWN OF BURKE CUP DESCRIPTION: limited family business - bed and breakfast establishment

Attachments: CUP 2340 Staff

CUP 2340 Town

CUP 2340 Map

CUP 2340 previous CUP 1556

CUP 2340 App

CUP #2340

In favor: Heather Shannon Opposition: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.

1. The Limited Family Business shall be for operation of a Bed and Breakfast business.

2.Bed and Breakfast accommodations shall be limited to the existing residence on the property.

3. The Limited Family Business shall expire upon sale of the property to an unrelated 3rd party.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

CUP 2342 PETITION: CUP 2342 APPLICANT: HUSTON LIVING TR, DALE R & JOAN M LOCATION: 3355 COUNTY HIGHWAY N, SECTION 28, TOWN OF COTTAGE GROVE CUP DESCRIPTION: composting

Attachments: CUP 2342 Staff

CUP 2342 Town

CUP 2342 Map

CUP 2342 Site Plan

CUP 2342 DNR Permit

CUP 2342 APP

CUP #2342

In favor: Dennis Richardson Opposition: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 8 conditions. The motion carried by the following vote: 4-0.

1.Composting operations to be conducted in locations as depicted on site plan submitted with CUP 2342 application.

2.Manure limited to horse and cattle only.

3.No onsite storage of raw manure longer than 48 hours.

4.All DNR and County permits to be in effect for all allowed operations, with copies to be filed with the Town Clerk.

5.Hours of operation to be the same as those specified in the non-metallic CUP (M-F, 6am-6pm; Sat 8am-3pm).

6.Windrows limited to the C-2 zoning area only.

7.Composting CUP to expire in 9 years at the same time as the non-metallic mining CUP does (February 25, 2025), or at any time prior if the operator fails to maintain required DNR or County permits.

8.CUP to be reviewed every three years by the Town.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

CUP 2343 PETITION: CUP 2343 APPLICANT: DALE L STENJEM LOCATION: SOUTH OF 140 LAGOON DRIVE, SECTION 1, TOWN OF CHRISTIANA CUP DESCRIPTION: communication tower

Attachments: CUP 2343 Staff

CUP 2343 staff report - US Cellular cell tower (Town of Christiana)

<u>CUP 2343 Town</u>

<u>CUP 2343 Map</u>

CUP 2343 revised location

<u>CUP 2343 APP</u>

CUP 2343 RF Engineering Report

In favor: Todd Anderson

Opposition: John Bell, Luke Nelson. The neighborhood residents to the west of the site expressed concerns that the tower will detract from the natural beauty of the area. There has been no supporting evidence that an additional tower is needed in the area. The tower could be located further to the north or on the Cambridge water tower.

A motion was made by BOLLIG, seconded by MATANO, to postpone action due to public opposition. The motion carried by the following vote: 4-0.

- Ayes: 4 BOLLIG,KOLAR,MATANOandMILES
- Excused: 1 O'LOUGHLIN

# 2015AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OFOA-037ORDINANCES,<br/>AMENDING THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: MILES, DOWNING, HENDRICK and WEGLEITNER

Attachments: SC comp plan Vol1 2015p98

SC\_comp plan Vol1\_2015housing

LU3\_Planned\_Land\_Use

2015 OA-037 FISCAL NOTE

2015 OA-37 [Dane County Comp Plan]030416

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

# 2016 AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF OA-014 ORDINANCES, UPDATING FLOOD INSURANCE STUDY PROVISIONS

Sponsors: KOLAR, BOLLIG, MATANO and MILES

#### Attachments: 2016 OA-014

2016 OA-014 Fiscal Note

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

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

<u>10931</u>	PETITION: REZONE 10931
	APPLICANT: STEPHEN D CHAMPAGNE
	LOCATION: 2059 RINDEN ROAD, SECTION 11, TOWN OF
	PLEASANT SPRINGS
	CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture
	District
	REASON: creating two residential lots

Attachments: 10931 Staff Update

Cert of Compliance

<u>10931 Town</u>

10931 Density

10931 Ord Amend

A motion was made by MILES, seconded by BOLLIG, 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 0611-112-9000-2 and 0611-112-8500-9 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

2.A joint driveway agreement shall be record on the properties for the benefit of Lots 1 & 2 and the Certified Survey Map shall reflect the joint driveway access.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

10958 PETITION: REZONE 10958 APPLICANT: ROSE INVESTMENTS LLC LOCATION: 2727 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS CHANGE FROM: C-2 Commercial District TO C-2 Commercial District REASON: amend deed restrictions to include "auto towing facility and parking and storage of vehicles"

Attachments: 10958 Staff Update

10958 Town

10958 Ord Amend

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

A deed restriction shall be recorded on the property to amend the current deed restrictions. The restriction shall limit the land uses to the following: A 24-hour round towing facility with parking and storage of towed vehicles with a screened area; Repairs, storage or service of contractors machinery or equipment; Truck terminal; Retail sales, rental and service of trucking tractors and trailers within the existing facility and grounds; Sale of used cars and light duty trucks with a limit of 36 vehicles.

The restriction shall also set the following conditions:

1.Screened area to be along the south, east and north sides of the property and shall consist of 8 foot fence with stone columns and metal panels. The south area shall be screened with the stone columns and metal panels until the septic area and then shall be mesh/chain link fencing.

2. The west side of the property shall be enclosed with 8 foot wire mesh/chain link fencing.

3.Business hours of auto sales limited to 8am to 6pm, Monday through Friday. 4.No additional outside lighting shall be installed. The existing lighting is down shrouded.

5. Off-premise advertising signs (billboards) shall be prohibited on the property.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - O'LOUGHLIN

#### E. Plats and Certified Survey Maps

<u>2016 LD-011</u>	Final Plat - The Willows II City of Madison	
	Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(12(2)(b).	
Attachments:	<u>aerial</u>	
	27504 The Willows 2 0001	
	A motion was made by BOLLIG, seconded by MATANO to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 4-0.	
2016 LD-010	Final Plat - Village at Autumn Lake Replat No. 1	
	City of Madison	
	Staff recommends a certification of non-objection with regards to Ch. 75.08 and S. 236.12(12(2)(b).	
Attachments:	<u>aerial</u>	
	27502 Village at Autumn Lake Replat No. 1_0001	
	A motion was made by MILES, seconded by MATANO to certify the final plat with no objections in regards to the provisions of Ch. 236.12. The motion carried by a voice vote: 4-0.	
2016 LD-012	Arington Shared Access Easement	
	Town of Christiana, Section 5	
Attachments:	2014_aerial	
	20160309141710	
	No action required as this item is no longer needed. Applicant has revised the configuration of the lot and meets the public road frontage requirements as per ch. 75.	
F. Resolutions		
	dan su 4	
G. Ordinance Amendment		

<u>2015</u> OA-037	AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, AMENDING THE DANE COUNTY COMPREHENSIVE PLAN
<u>Sponsors:</u>	MILES, DOWNING, HENDRICK and WEGLEITNER
<u>Attachments:</u>	SC_comp plan Vol1_2015p98 SC_comp plan Vol1_2015housing LU3_Planned_Land_Use 2015 OA-037 FISCAL NOTE 2015 OA-37 [Dane County Comp Plan]030416
	See motion above.
<u>2016</u> OA-014	AMENDING CHAPTER 17 OF THE DANE COUNTY CODE OF ORDINANCES, UPDATING FLOOD INSURANCE STUDY PROVISIONS
-	
<u>Sponsors:</u>	KOLAR, BOLLIG, MATANO and MILES
	KOLAR, BOLLIG, MATANO and MILES 2016 OA-014

#### H. Reports to Committee

2016 Report of approved Certified Survey Maps

#### <u>RPT-088</u>

Attachments: April 2016

### I. Other Business Authorized by Law

#### J. Adjourn

A motion was made by MILES, seconded by BOLLIG, to adjourn the ZLR Committee meeting at 8:28pm. The motion carried unanimously.

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