



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Tuesday, November 27, 2018

6:30 PM

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

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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, Matulle, Standing, and Violante

Present 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and HEIDI WEGLEITNER

Excused 1 - STEVEN PETERS

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

No comments made by the public.

[2018](#)
[RPT-366](#)

November 27th ZLR Committee registrants

Attachments: [Nov 27th ZLR registrants](#)

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

[11350](#)

PETITION: REZONE 11350
APPLICANT: MICHAEL D KNIGHT
LOCATION: 6420 SUNSET DRIVE, SECTION 36, TOWN OF VERONA
CHANGE FROM: RH-1 Rural Homes District TO R-1A Residence District
REASON: zoning compliance for existing lot

Attachments: [11350 Ord Amend](#)
[11350 Staff](#)
[11350 Town](#)
[11350 Map](#)
[11350 App REV 2](#)

In favor: Ed Short
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11352](#)

PETITION: REZONE 11352
APPLICANT: NORTMAN ENTERPRISES LLC
LOCATION: JUST WEST OF 10828 COUNTY HIGHWAY A, SECTION 18, TOWN OF PERRY
CHANGE FROM: A-2 Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Attachments: [11352 Ord Amend](#)
[11352 Staff](#)
[11352 Town](#)
[11352 Density](#)
[11352 Map](#)
[11352 APP](#)

In favor: John Halverson
Opposed: None

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

- 1. The petition shall be amended to assign the zoning district classification of A-4 Agriculture to the remaining 14 acres of land. The remaining land shall be part of the certified survey map.**
- 2. A deed notice shall be recorded on the remaining 14 acres of land to prohibit residential development.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11353](#)

PETITION: REZONE 11353

APPLICANT: PATRICK J HERMSEN

LOCATION: 5375 NETHERWOOD ROAD, SECTION 3, TOWN OF OREGON

CHANGE FROM: A-2 Agriculture District TO RH-1 Rural Homes District, RH-2 Rural Homes District, and CO-1 Conservancy District ; A-2 (8)

Agriculture District TO CO-1 Conservancy District,

REASON: separation of buildings from farmland and donate remaining land for park/conservancy

Attachments: [11353 Ord Amend](#)

[11353 Staff](#)

[11353 Town](#)

[11353 Density Studies](#)

[11353 Map](#)

[11353 APP](#)

In favor: Patrick Hermesen

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11354](#)

PETITION: REZONE 11354
APPLICANT: MICHAEL M MEISTER
LOCATION: 7066 GAFFNEY ROAD, SECTION 10, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: bring property into zoning compliance

Attachments: [11354 Ord Amend](#)

[11354 Staff](#)

[11354 Town](#)

[11354 Map](#)

[11354 APP](#)

In favor: Debbie Meyer

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11355](#)

PETITION: REZONE 11355
APPLICANT: JOHN E RANUM
LOCATION: 1059 COUNTY HIGHWAY H, SECTION 16, TOWN OF PERRY
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creating one residential lot

Attachments: [11355 Staff](#)

[11355 Map](#)

[11355 APP](#)

In favor: John Ranum

Opposed: None

A motion was made by KNOLL, seconded by WEGLEITNER, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11356](#)

PETITION: REZONE 11356
APPLICANT: STEVE J BANOVETZ SR
LOCATION: NORTH OF 3385 NORTH STAR ROAD, SECTION 28,
TOWN OF COTTAGE GROVE
CHANGE FROM: A-2 Agriculture District TO C-2 Commercial District
REASON: future business park development

- Attachments:** [11356 Ord Amend](#)
[11356 Staff](#)
[11356 Town](#)
[11356 Zoning analysis](#)
[11356 Map](#)
[11356 APP](#)

In favor: Steve Banovetz
Opposed: None

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

1. The petition shall be amended to assign the zoning district classification of C-1 Commercial to the property.
2. A deed restriction shall be recorded on the property to state the following:
 - a. The land uses occurring on the property shall be limited to the following: Agricultural Uses (no livestock); contractor or landscaper operations; indoor storage; offices; outdoor storage associated with a business; personal and professional services.
 - b. Prohibited Uses: Billboard signs and pylon signs.
 - c. All development of the property shall obtain site plan approval from the Town of Cottage Grove Board prior to the construction. The landowner shall be responsible for submitting a site plan of the property, which complies with TCG Ord. Section 12.08, and including proposed buildings, parking areas, outside storage areas, storm water detention, landscaping, lighting, open space areas, and septic field. The submittal shall include proposed building elevations. The landowner shall comply with the approved site plan.
 - d. If parking lot lighting is installed, the light fixtures shall be mounted no higher than 20 feet. All lighting shall be direct down-lighted fixtures being dark sky compliant. Wall mounted fixtures shall be full cutoff direct down lighted fixtures. The light fixtures shall not cause element glare to the surrounding properties.
 - e. All outdoor storage areas shall be screened from view to the greatest extent practical. The screening shall consist of a minimum of a 6-foot fence with a minimum opacity of 80%.
 - f. Landscaping design shall be reviewed by the Plan Commission and Town Board as part of site plan approval.
 - g. All trash receptacles shall be screened from view. The dumpsters shall be placed inside a walled enclosure using material similar to the building design.
 - h. A maximum of one wall sign shall be permitted for each business. The wall signs shall face the front of the building. A maximum of one monument sign shall be permitted per lot/unit. Pylon signs and off-premise billboard signs are prohibited.
 - i. The landowner of each lot/unit shall be responsible for storm water

management. The landowner shall be responsible for obtaining a storm water management permit from Dane County Land and Water Resources prior to development of the property.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11357

PETITION: REZONE 11357
APPLICANT: DALE N CHESTNUT
LOCATION: 2731, 2733 AND 2737 GUST ROAD, SECTION 12, TOWN OF SPRINGDALE
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: rezone to modify current deed restrictions

Attachments: [11357 Staff](#)
[11357 Siteplan](#)
[11357 Map](#)
[11357 Revised Application](#)

In favor: Juscha Robinson and Jessica Shrestha
Opposed: None

A motion was made by WEGLEITNER, seconded by KNOLL, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11358

PETITION: REZONE 11358
APPLICANT: MICHAEL F FONGER
LOCATION: NORTHEAST OF 2953 COUNTY HIGHWAY BB, SECTION 7, TOWN OF COTTAGE GROVE
CHANGE FROM: R-1A Residence District TO RH-2 Rural Homes District
REASON: compliance for illegal land division

Attachments: [11358 Ord Amend](#)
[11358 Staff](#)
[11358 Town](#)
[11358 Map](#)
[11358 APP](#)

In favor: Mike Fonger
Opposed: None

A motion was made by KNOLL, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.
1. The area shall be combined with Lot 3 of CSM #2739 through a certified survey map.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11359](#)

PETITION: REZONE 11359
APPLICANT: JOHN P ZIEGLER
LOCATION: 1256 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: LC-1 Limited Commercial District TO R-3 Residence
District
REASON: creating one residential lot

Attachments: [11359 Ord Amend](#)

[11359 Staff](#)

[11359 Town](#)

[11359 Map](#)

[11359 APP](#)

In favor: John Ziegler

Opposed: None

A motion was made by KNOLL, 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 the LC-1 parcel (proposed Lot 2) and R-1A parcel (Lot 2, CSM 14770) prohibiting the individual sale of either parcel and requiring that they must be sold together in the future.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11360](#)

PETITION: REZONE 11360
APPLICANT: DANIEL GOFF
LOCATION: 3019 COUNTY HIGHWAY BB, SECTION 7, TOWN OF
COTTAGE GROVE
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: amend deed restriction to allow service of automobiles

Attachments: [11360 Ord Amend](#)

[11360 Staff](#)

[11360 Town](#)

[11360 Siteplan](#)

[11360 Map](#)

[11360 APP](#)

In favor: Mike Johnson, Dane Goff, and Brady Johnson

Opposed: None

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

1. The current deed restriction of the property shall be replaced with a new deed restriction. The replacement will remove the current land use of general contracting, mechanical, and landscape business.
2. A deed restriction shall be recorded on the property listing the following:
 - a. The land uses on the property shall be limited to the following: Major repairs of motor vehicles and Sales of new and used motor vehicles.
 - b. There shall be a maximum of 12 vehicles displayed outside, with the exception of occasional parking of up to 4 other vehicles related to the business, i.e. employee vehicles.
 - c. Hours of business open for sales and service is limited to 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 2 p.m. on Saturday. Repairs can be made outside of business hours as long as the doors are closed and it does not disturb the neighbors. No Sunday hours allowed.
 - d. All inoperable vehicles must be kept inside, all service work must be performed inside buildings, and all hazardous waste must be handled within State and Federal specifications.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11361](#)

PETITION: REZONE 11361
APPLICANT: CRAZY ACRES II LLC
LOCATION: 23 STATE HIGHWAY 106, SECTION 24, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: separating existing residence from farmland

Attachments: [11361 Ord Amend](#)

[11361 Staff](#)

[11361 Town](#)

[11361 Density](#)

[11361 Map](#)

[11361 APP](#)

In favor: Ron Combs

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11362](#)

PETITION: REZONE 11362
APPLICANT: EAST KOSHKONONG EVANGELICAL LUTHERAN
CHURCH
LOCATION: 453 E CHURCH ROAD, SECTION 26, TOWN OF
CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture District,
A-1EX Agriculture District TO C-1 Commercial District
REASON: separating residence from church parking lot

Attachments: [11362 Ord Amend](#)

[11362 Staff](#)

[11362 Town](#)

[11362 Map](#)

[11362 APP](#)

In favor: Lars Lein

Opposed: None

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

**1. The petition shall be amended to assign the zoning district classification of
R-1A Residence to the 1.28-acre parcel containing the residence and CO-1
Conservancy to the parcel containing the parking lot.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

11363

PETITION: REZONE 11363
APPLICANT: JOHN PROSSER
LOCATION: INTERSECTION OF MARSHALL ROAD AND YORK
CENTER ROAD, SECTION 14, TOWN OF YORK
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District,
A-1EX Agriculture District TO RH-4 Rural Homes District
REASON: creating one residential lot and one small agriculture lot

Attachments: [11363 Ord Amend](#)

[11363 Staff](#)

[11363 Town](#)

[11363 Density](#)

[11363 Bldg Envelope](#)

[11363 Map](#)

[11363 APP](#)

In favor: John Prosser

Opposed: None

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

1. The wetland boundary shall be shown on the certified survey map.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[11364](#) PETITION: REZONE 11364
APPLICANT: ROBERT P RIEGE
LOCATION: EAST, WEST AND SOUTH OF 638 US HIGHWAY 12/18,
SECTION 3, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District,
A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX
Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots

Attachments: [11364 Staff](#)
[11364 Density](#)
[11364 Map](#)
[11364 APP](#)

In favor: No representation

Opposed: Dale Klemp was concerned with development being directly adjacent to his farm operation. He is concerned that there will be future complaints regarding noises and odors.

A motion was made by KNOLL, seconded by BOLLIG, that this Zoning Petition be postponed due to no town action and public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[CUP 02442](#) PETITION: CUP 02442
APPLICANT: CONTROLLED SURFACE FINISHING, INC
LOCATION: 830 US HIGHWAY 51, SECTION 3, TOWN OF DUNKIRK
CUP DESCRIPTION: auto repairs

Attachments: [CUP 2442 Staff](#)
[CUP 2442 Map](#)
[CUP 02442 APP](#)

In favor: No representation

Opposed: None

A motion was made by KNOLL, seconded by BOLLIG, that this Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[CUP 02443](#) PETITION: CUP 02443
APPLICANT: FAGAN LIVING TR, MICHAEL J & THERESA A
LOCATION: 9306 COUNTY HIGHWAY G, SECTION 32, TOWN OF
PRIMROSE
CUP DESCRIPTION: horse boarding

Attachments: [CUP 2443 Staff](#)
[CUP 2443 Town](#)
[CUP 2443 Map](#)
[CUP 02443 APP](#)
[CUP #2443](#)

In favor: Michelle Knapp
Opposed: None

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

- 1. This conditional use permit shall be for a horse boarding and training facility.**
- 2. Hours of operation shall be limited to 8am to 7pm daily.**
- 3. The total number of horses is limited to 23, including a maximum of 15 boarded horses.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

[2018 OA-020](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF
ORDINANCES, A COMPREHENSIVE REVISION OF THE DANE
COUNTY ZONING ORDINANCE

Sponsors: KOLAR, KNOLL, PETERS and WEGLEITNER

Attachments: [2018 OA -20](#)

[Chapter 10 Revised](#)

[Staff recommended edits to 2018 OA-020](#)

[Comments: Cynthia Richson Town of Middleton Chair](#)

[Comments: Ben Kollenbroich Town of Dunn](#)

[Comments: Mike Healy Town of Springdale](#)

[OrdinanceSummary](#)

[Town of Albion Zoning Map](#)

[Town of Black Earth Zoning Map](#)

[Town of Blooming Grove Zoning Map](#)

[Town of Burke Zoning Map](#)

[Town of Christiana Zoning Map](#)

[Town of Cottage Grove Zoning Map](#)

[Town of Cross Plains Zoning Map](#)

[Town of Dane Zoning Map](#)

[Town of Deerfield Zoning Map](#)

[Town of Dunkirk Zoning Map](#)

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[Town of Montrose Zoning Map](#)

[Town of Oregon Zoning Map](#)

[Town of Perry Zoning Map](#)

[Town of Pleasant Springs Zoning Map](#)

[Town of Primrose Zoning Map](#)

[Town of Roxbury Zoning Map](#)

[Town of Rutland Zoning Map](#)

[Town of Springdale Zoning Map](#)

[Town of Vermont Zoning Map](#)

[Town of Verona Zoning Map](#)

[Town of Vienna Zoning Map](#)

[Town of York Zoning Map](#)

Senior Planner Brian Standing provided a summary of the comprehensive revision to the Dane County Zoning Ordinance.

This was the first ever comprehensive revision of the Zoning Ordinance which was adopted in 1938. The zoning revision project took almost 3 years. There were 17 monthly Chapter 10 Subcommittee meetings; 5 Mineral Extraction Subcommittee meetings; 250

edits to initial zoning text suggested by DCTA, town government, general public; 19,456 notice postcards sent to landowners; 63 public meetings at town halls; and dozens of meetings with town, state, RPC and other staff. There were over 200 edits to the initial zoning maps, based on landowner and town plan commission feedback.

Staff is recommending additional edits before the ZLR Committee tonight, based on public feedback. The edits are to address public concerns related to regulations for "Air BnB's"; flexibility on "vegetative buffers"; restore current regulations for reduced sideyard setbacks for lots narrower than 60 feet in width; and minor amendments to the sign ordinance.

In favor: Renee Lauber, Dane County Towns Association

Opposed: Nicole Monahan was concerned that the RR-4 zoning district did not allow horse boarding facilities. John Lorimer and Scott Demario were concerned about the removal of reduced setback regulations for existing narrow lots.

A motion was made by KNOLL, seconded by BOLLIG, that this Ordinance be postponed to the December 18, 2018 Zoning & Land Regulation Committee to allow amendments be made to the proposed ordinance as discussed. The motion carried by the following vote: 4-0.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandWEGLEITNER

Excused: 1 - PETERS

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

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by WEGLEITNER, to adjourn the November 27, 2018 meeting of the Zoning and Land Regulation Committee at 7:30pm. The motion carried unanimously.

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