

## **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, May 12, 2020

6:30 PM

Remote Meeting: Call 1-877-568-4106 Access Code: 825-214-021

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The May 12th Zoning and Land Regulation Committee meeting is being held remotely in accordance with public health requirements to protect our community from the COVID-19 pandemic. The public can access the meeting in the following manner:

Call 1-877-568-4106 Use access code: 825-214-021 Note: You will be placed on hold until the Host joins.

If you would like to speak on an agenda item, you must PRE-REGISTER in ADVANCE by calling 1-608-266-9078. Registrants must provide their full name, 10-digit phone number, and the agenda item they wish to speak about. Anyone wishing to speak is strongly encouraged to pre-register as soon as possible.

Registrations will be accepted until 30 minutes prior to the meeting. Staff will then call you into the meeting when the item is before the committee using the number provided.

If you have any questions regarding an agenda item, please contact the Zoning Administrator by phone at 1-608-266-9078, or by email at lane.roger@countyofdane.com.

#### A. Call to Order

Supervisor Bollig called the remote meeting of the May 12, 2020 Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

**Present** 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments made by the public.

2020 May 12th ZLR meeting registrants

**RPT-033** 

Attachments: May 12th Registrants

#### C. Election of Officers

**Bollig called for nominations for Committee Chair** 

Kiefer nominated Bollig for Committee Chair, seconded by Peters. No other nominations.

Vote: Bollig voted as Chair, 5-0.

**Bollig called for nominations for Committee Vice-Chair.** 

Kiefer nominated Peters for Committee Vice-Chair, seconded by Doolan. No

other nominations.

Vote: Peters voted as Vice-Chair, 5-0.

#### D. Consideration of Minutes

2020 Minutes of the April 6, 2020 Zoning and Land Regulation Committee meeting

MIN-001

Attachments: 4-06-20 ZLR meeting minutes.pdf

A motion was made by PETERS, seconded by DOOLAN, to approve the minutes of the April 6, 2020 Zoning and Land Regulation Committee meeting. The motion carried by the following vote: 2-0-3.

Ayes: 2 - BOLLIGandPETERS

Abstain: 3 - DOOLAN, KIEFER and SMITH

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

CUP 02492 PETITION: CUP 02492

APPLICANT: DOWNING 3094 CR MN LLC

LOCATION: SOUTHEAST QUADRANT OF I-39 AND COUNTY HIGHWAY AB INTERSECTION,

SECTION 6, TOWN OF PLEASANT SPRINGS CUP DESCRIPTION: concrete batch plant

Attachments: CUP 2492 Staff Report.pdf

CUP 2492 Town.pdf
CUP 2492 Map.pdf
CUP 2492 APP

In favor: Ryan Spies Opposed: None

CUP #2492.pdf

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 10 conditions. The motion carried by the following vote: 5-0.

- 1. The batch plant at this site may be used only for completing WisDOT Project #1007-12-74, I-90/I-39, CTH AB to USH 12/18 Interchange, northbound/ southbound (NB/SB) and other USH 12/18 Interchange projects.
- 2. Operations shall cease no later than December 31, 2021. The Town Plan Commission will review the conditional use permit in one year to see if a time extension is needed.
- 3. Hours of operation shall be as follows: Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday Saturday, and occasional Sundays.
- 4. The operator shall spray the site with water, if and when, needed to control dust.
- 5. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
- 6. No permanent structures on site.
- 7. No bulk fuel storage on site.
- 8. Outdoor lighting will be portable and will be directed away from property lines, neighboring parcels and roads to mitigate impacts. Light must be directed in a way that it will not leave the site.
- 9. The contractor/landowner shall conduct a well quality inspection if requested by the Town or the County. The report shall be submitted to the Town and the County for review. The contractor/landowner shall be responsible for the expense of the well inspection. Reports that are deemed a public hazard shall be cause for revocation of the conditional use permit.
- 10. The contractor shall conduct a well inspection at property located at 3145 County Highway AB if requested by the Town or the County. This inspection will yield results for the quality of the water if requested. The water quality test will test for Bacteria, Nitrates, Coliform, and E. Coli. (standard safe drinking water test) The well installed on the Downing Property has been tested on 4/10/2020 and all test were negative or within safe drinking water standards. If there is a problem with the function of the well located at 3145 County Highway AB producing enough water as a result of the Downing operations, the contractor will be responsible for a well inspection. The contractor will be responsible for the well inspection(s) in either case (quality or quantity). If an issue is identified

in the well inspection report, and found to be the contractors fault, the contractor will be responsible for resolving the issue at their expense.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11530 PETITION: REZONE 11530

APPLICANT: PETERSON TR, PHILIP L & CAROL L

LOCATION: LANDS WEST OF 5900 COUNTY HIGHWAY D, SECTION 5, TOWN OF OREGON CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential

District AND LC Limited Commercial District

REASON: creating one residential lot and separating buildings/woods from farmland

Attachments: 11530 Staff Report.pdf

11530 Town.pdf

11530 Site Information.pdf

11530 Density.pdf 11530 Map.pdf 11530 APP

In favor: Sheena Amble

Opposed: Kathy Rezac and Jeanne Hook. The neighbors expressed concerns regarding traffic on Sun Valley Parkway and Storytown Road; visual impact of the commercial activity; noise and dust generation; installation of screening; loss of property values; back-up alarms of equipment; and peace and quiet in the neighborhood.

A motion was made by KIEFER, seconded by SMITH, that the Zoning Petition be postponed to the May 26th Zoning & Land Regulation Committee meeting. The motion carried by the following vote: 5-0.

<u>11525</u> PETITION: REZONE 11525

APPLICANT: SWAN YOU SEE LLC

LOCATION: EAST OF 4234 MAPLE GROVE ROAD, SECTION 13, TOWN OF VERONA CHANGE FROM: RM-8 Rural Mixed-Use District TO HC Heavy Commercial District

REASON: mini-warehouses & outdoor storage

Attachments: 11525 Ord Amend.pdf

11525 Staff Report.pdf

11525 Town.pdf

Petition 11525 App

Petition 11525 App plans

Petition 11525 Environmental Information

Petition 11525 Review Correspondence

In favor: Jamie Lindau Opposed: None

A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval with the following condition. The motion carried by the following vote: 5-0.

A deed restriction be recorded on the property identifying the following limitations:

- 1. The land uses shall be limited exclusively to a personal storage facility; outdoor storage of vehicles and recreational vehicles; and offices in conjunction with the personal storage facility. Auctions associated with contents of storage spaces is permitted on an intermittent basis.
- 2. The physical development of the property shall be constructed per the site plan P-52104 dated 10/23/19 (attached). All phases of the project shall obtain site plan approval by the Town of Verona prior to construction.
- 3. The property has identified wetland areas. Development is prohibited in these areas unless the landowner obtains approval from the US Army Corp of Engineers and the area is rezoned out of the wetland classification by Dane County.
- 4. Landscaping shall be installed in accordance with the approved landscaping plan. The landscaping shall be installed within 1 year after a building permit is issued for the construction of the personal storage facility. All landscaping shall be maintained. Any landscaping that becomes diseases or dies shall be replaced within 30 days of notification. Landscaping plans shall be approved by the Town Board for subsequent phases of the project prior to construction.
- 5. Illumination of the property shall be installed in accordance with the approved lighting plan. The lighting shall be installed in a manner to not cause glare from viewed by US 151. Lighting plans shall be approved by the Town Board for subsequent phases of the project prior to construction.
- 6. The landowner shall obtain all necessary permits for erosion control and storm water management. The storm water management features shall be installed and maintained in accordance with permit approvals.
- 7. Signs on the property shall be limited to the signs identified as part of the approval. The internally illuminated signs shall be prohibited.
- 8. The installation of billboard signs (off-premise advertising) shall be prohibited.

APPLICANT: BROCKMANN REV LIVING TR, CLEO I

LOCATION: 9755 STATE HIGHWAY 19, SECTION 12, TOWN OF MAZOMANIE CHANGE FROM: FP-35 General Farmland Preservation District TO TFR-08 Two-Family

Residential District

REASON: creating one residential lot

Attachments: 11526 Ord Amend

11526 Staff Report AMENDED

11526 Town.pdf

11526 Density.pdf

11526 Deed Restriction.pdf

11526 Map.pdf

11526 APP

In favor: Randy Brockman

Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be placed on the proposed lot stating the following:
- a. The construction of a duplex is prohibited on the TFR-08 lot.
- b. The TFR-08 lot shall be prohibited on being re divided into additional lots.
- 2. A deed restriction shall be recorded on parcels 0806-114-9500-2, 0806-114-8330-0, and 0806-123-8501-0 to prohibit further residential development on the remaining FP□35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.

APPLICANT: JOSEPH PATRICK EUGSTER

LOCATION: 3865 STATE HIGHWAY 138, SECTION 10, TOWN OF RUTLAND CHANGE FROM: FP-35 General Farmland Preservation District TO FP-B Farmland

Preservation - Business District

REASON: expand agricultural accessory uses on the farm

Attachments: 11527 Ord Amend

11527 Staff Report

11527 Town 11527 Map 11527 App

In favor: Jacob Eugster Opposed: None

A motion was made by KIEFER, seconded by PETERS, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.

- 1. The existing deed restrictions on the general commercial zoned property shall be extended to the new FP-B land as follows:
- a. Limit the use of the property to exclusively the following: Selling agricultural related products such as fruits, vegetables, bedding plants, flowers, Christmas trees, dairy products, meats and eggs; Selling retail items such as pop, candy, agricultural toys, country crafts, candles, Halloween items, and country apparel such as sweaters, t-shirts and sweatshirts; and Selling bakery items and having a limited café service that might include such as items as chili, soup, barbeques, hot dogs or deli sandwiches.
- b. Other conditional uses will be subject to Town Board approval.
- c. Sound amplification shall be limited to the decibels of the human voice (60 decibels) as measured at the property line.

APPLICANT: TOWN OF BLACK EARTH

LOCATION: VARIOUS PARCELS, SECTION 36, TOWN OF BLACK EARTH

CHANGE FROM: Various zoning districts REASON: blanket rezone to correct zoning maps

Attachments: 11528 Ord Amend.pdf

11528 Staff Report.pdf

11528 Town.pdf 11528 Map.pdf

11528 Parcel List.pdf

11528 APP

In favor: Town of Black Earth

Opposed: None

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

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

**11529** PETITION: REZONE 11529

APPLICANT: CAROLINE A ALLEN

LOCATION: 909 COUNTY HIGHWAY V, SECTION 9, TOWN OF YORK

CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential

District

REASON: separating existing residence from farmland

Attachments: 11529 Ord Amend.pdf

11529 Staff Report 11529 Town.pdf 11529 Density 11529 Map.pdf 11529 APP

In favor: Caroline Allen Opposed: None

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

APPLICANT: ARINGTON TREE FARM LLC

LOCATION: EAST OF 2771 OLIA ROAD, SECTION 8, TOWN OF CHRISTIANA

CHANGE FROM: FP-35 General Farmland Preservation District TO RR-2 Rural Residential District, RR-8 Rural Residential District TO RR-2 Rural Residential District, SFR-08 Single

Family Residential District TO RR-8 Rural Residential District

REASON: creating two residential lots

Attachments: 11531 Ord Amend.pdf

11531 Staff Report

11531 Town

11531 Town 2

11531 Density

11531 Map

11531 APP

In favor: Cindy Cutrano Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.

- 1. Any proposed building on proposed lot 1 shall be located outside of the steep sloped area over 20% grade. The final CSM shall show the approximate location of steep slopes exceeding 20% grade, or alternatively a suitable building envelope located outside of the steep sloped areas shall be delineated.
- 2. Arington shall record a deed restriction on the balance of FP-35 zoned lands from the original farm unit prohibiting further non-farm development in accordance with town density policies. The restriction shall apply to the following tax parcels comprising ~109 acres: 061208185510, 061208281000, and 061208295002.
- 3. Kopf shall record a deed restriction on proposed lot 3 of the Certified Survey Map prohibiting further non-farm development (tax parcel 061208293200).
- 4. The planned cul-de-sac shall be shown and dedicated to the town in the final CSM. The cul-de-sac must be installed prior to dwelling occupancy.

APPLICANT: SCOTT D ZAHLER

LOCATION: EAST OF 1303 LAFOLLETTE ROAD, SECTION 8, TOWN OF PRIMROSE CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District

REASON: shifting of property lines between adjacent land owners

Attachments: 11532 Ord Amend.pdf

11532 Staff Report.pdf

11532 Town.pdf 11532 Map.pdf 11532 APP

In favor: Scott Zahler Opposed: None

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

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11533 PETITION: REZONE 11533

APPLICANT: STORAGE WORLD OF COTTAGE GROVE LLC

LOCATION: 3286 FIELD VIEW LANE, SECTION 33, TOWN OF COTTAGE GROVE CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing and Industrial District REASON: rezone to allow for mineral extraction with existing mini storage warehouses on

property

Attachments: 11533 Staff Report.pdf

11533 Map.pdf 11533 App.pdf

Mineral Extraction Proposal

In favor: None

In Opposition: Town of Cottage Grove Chair Kris Hampton

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 5-0.

APPLICANT: KAMEYT LLC

LOCATION: 3265 BERGUM ROAD, SECTION 35, TOWN OF VERMONT

CHANGE FROM: RM-16 Rural Mixed-Use District TO FP-1 Small Lot Farmland Preservation District AND RR-4 Rural Residential District, FP-35 General Farmland Preservation District TO

RR-4 Rural Residential District

REASON: separating existing residence from farmland and creating one residential lot

Attachments: 11534 Ord Amend.pdf

11534 Staff Report.pdf

11534 Town.pdf 11534 Density

11534 Map 11534 APP

In favor: Mark Schellpfeffer

Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.

- 1. Landowner will identify a building envelope for proposed Lot 1 in a site plan reviewed by the Town of Vermont and approved by the zoning administrator.
- 2. Any development proposed in a Ridgetop Protection Area must meet all applicable siting, tree removal and construction standards of the Town of Vermont / Dane Comprehensive Plan.
- 3. Driveway easements and appropriate shared driveway agreements to allow shared access to the existing driveway for the two RR-4 lots (Lots 1 and 2).
- 4. A deed restriction shall be recorded on the FP-1 lot to prohibit further division of the lot.

APPLICANT: REGIME INVESTMENTS LLC

LOCATION: 3190 COUNTY HIGHWAY N, SECTION 33, TOWN OF COTTAGE GROVE CHANGE FROM: HC Heavy Commercial District TO HC Heavy Commercial District

REASON: amend current deed restrictions on property

Attachments: 11535 Staff Report.pdf

11535 Town.pdf 11535 Map.pdf 11535 APP.pdf

11535 list of HC uses identified by Huston.pdf

In favor: Dennis Richardson, Cottage Grove Town Chair Kris Hampton.

Opposed: None

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.

- 1.The current deed restrictions on the property shall be terminated and replaced with a new deed restrictions as noted below.
- 2. A deed restriction shall be recorded on the property to limit the land uses to the following:
- a. Land uses shall be limited to the following: Agriculture and accessory uses (livestock not permitted); Contractor, landscaping or building trade operations; Indoor Sales; Light Industrial; Off-site parking; Office uses;Outdoor sales, display or repair; Outdoor storage; A transportation, utility or communication or other use required by law; Utility services; Vehicle repair or maintenance service; Veterinary clinics, Warehousing and distribution services.
- b. The construction or erection of off-premise advertising sign (billboards) shall be prohibited.

APPLICANT: CORY K CLEMENS

LOCATION: SOUTHWEST OF 7857 DUNROVEN ROAD, SECTION 6, TOWN OF VIENNA CHANGE FROM: FP-35 General Farmland Preservation District TO LC Limited Commercial

District

REASON: expansion of excavation business

Attachments: 11536 Ord Amend.pdf

11536 Staff Report.pdf

11536 Town.pdf 11536 Map.pdf 11536 APP

In favor: Cory Clemens Opposed: None

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval with the following condition. The motion carried by the following vote: 5-0.

1. Lot 1 and 2 of Certified Survey Map 13953 and the proposed lot shall be deed restricted to prohibit the properties from being sold separately.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

11537 PETITION: REZONE 11537

APPLICANT: BRENT K DARLEY

LOCATION: 2206 BRANDANCEE LANE, SECTION 19, TOWN OF VERONA

CHANGE FROM: AT-35 Agriculture Transition District TO RR-1 Rural Residential District

REASON: zoning compliance for existing residence

Attachments: 11537 Ord Amend.pdf

11537 Staff Report.pdf

11537 Town.pdf

11537 Map

11537 APP

In favor: Brent Darley Opposed: None

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

APPLICANT: VINEY ACRES LLC

LOCATION: NORTH OF 2883 SIGGELKOW ROAD, SECTION 31, TOWN OF COTTAGE GROVE CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District and

FP-1 Small Lot Farmland Preservation District

REASON: creating one residential lot

Attachments: 11538 Staff Report.pdf

11538 Town.pdf

11538 Madison letter of opposition.pdf

11538 Map.pdf 11538 APP

In favor: Donald Viney, Cottage Grove Town Chair Kris Hampton

Opposed: City of Madison

A motion was made by DOOLAN, seconded by SMITH, to postpone action on the Zoning Petition in order to allow time for the Town to change their

Comprehensive Plan. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

**11539** PETITION: REZONE 11539

APPLICANT: TOWN OF DUNN

LOCATION: VARIOUS PARCELS, VARIOUS SECTIONS, TOWN OF DUNN CHANGE FROM: RR-8 Rural Residential District TO RR-16 Rural Residential District

REASON: blanket rezone to new RR-16 district for zoning compliance

Attachments: 11539 Ord Amend.pdf

11539 Staff Report.pdf

11539 Town.pdf

11539 Dunn Blanket rezone parcel list

11539 Map 11539 APP

In favor: Town of Dunn

Opposed: None

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

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

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

APPLICANT: DAVID R ESSER

LOCATION: SOUTH OF 6587 HYSLOP ROAD, SECTION 35, TOWN OF DANE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating one residential lot

Attachments: 11422 Ord Amend.pdf

11422 Staff Report UPDATE

11422 Town

11422 Density

11422 Density 2

11422 Letter of Opposition

11422 Map UPDATE

11422 APP

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be recommended for approval with the following conditions. The motion carried by the following vote: 5-0.

1. The petition shall be amended to create one lot.

2. A deed restriction shall be recorded on parcels 0908-354-9601-4, 0908-354-8160-0, 0908-354-8840-7, 0908-354-9725-5, 0908-354-9800-3 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 5 - BOLLIG, PETERS, DOOLAN, KIEFER and SMITH

#### G. Plats and Certified Survey Maps

2020 LD-002 Final Plat - Prairie Circle Extension

Town of Verona

Staff recommends conditional approval.

Attachments: Staff recommended conditions

PRAIRIE CIRCLE PLAT (2-3-20)

Wetland Report

**Hwy Dept report** 

Site Map

parkland waiver

A motion was made by PETERS, seconded by DOOLAN, that the Final Plat for the Prairie Circle Extension Subdivision be approved with staff conditions. The motion carried by a voice vote.

- H. Resolutions
- I. Ordinance Amendment
- J. Items Requiring Committee Action
- K. Reports to Committee

2020 Approved Certified Survey Maps

**RPT-002** 

Attachments: May 2020

- L. Other Business Authorized by Law
- M. Adjourn

A motion was made by DOOLAN, seconded by SMITH, to adjourn the May 12, 2020 Zoning and Land Regulation Committee meeting at 8:30pm. The motion carried by unanimously.

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