

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, January 26, 2021

6:30 PM Town of Christiana Town Board and Plan Commission attending

ZOOM meeting Webinar ID: 895 3468 6356

A. Call to Order

Chair Bollig called the January 26, 2021 meeting of the Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Andros, Everson, Lane, and Violante Youth Governance member present: Baluck Deang

Present 4 - JERRY BOLLIG, STEVEN PETERS, TIM KIEFER, and SARAH SMITH

Excused 1 - MICHELE DOOLAN

Call to order of the Town of Christiana Town Board

Town of Christiana Chair Maureen Lien call to order the January 26, 2021 meeting of the Town Board to conduct a public hearing regarding Conditional Use Permit #2509. Members present: Chair Maureen Lien, Jim Lowrey, and Jeff Notstad.

Call to order of the Town of Christiana Plan Commission

Town Supervisor Jim Lowrey called to order the January 26, 2021 meeting of the Town of Christiana Plan Commission to conduct a public hearing regarding Conditional Use Permit #2509. Members present: Jim Lowrey, Cindy Cutrano, Adam Travis, and Tom Jelinek. Excused: Duane Henchley.

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

No comments made by the public.

2020 RPT-699 Jan 26th ZLR meeting registrants

Attachments: Jan 26th ZLR Registrants.pdf

C. Consideration of Minutes

<u>2020</u> Minutes of the January 12, 2021 Zoning and Land Regulation Committee

MIN-385 meeting

Attachments: 1-12-21 ZLR work meeting minutes.pdf

A motion was made by KIEFER, seconded by PETERS, that the minutes of the January 12, 2021 meeting of the Zoning and Land Regulation Committee be approved. The motion carried unanimously. The motion carried by a voice vote.

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

CUP 2509 PETITION: CUP 02509

APPLICANT: JAMES NOTSTAD LIVING TRUST

LOCATION: EAST I 39/90 BETWEEN COUNTY HIGHWAY B AND CHURCH ROAD, SECTION

29, TOWN OF CHRISTIANA

CUP DESCRIPTION: mineral extraction

Attachments: CUP 2509 Staff Report

CUP 2509 MAP.pdf

CUP 2509 APP

Nelson opposition

Knudson Letter.pdf

Lien Letter.pdf

In favor: Jeff Furseth, Jerry Connley, Rachael Halverson, Jodi White Opposed: Jeremy Knudson, Carie Nelson, Karen Paxson, Brett Daggett, Kerry Marren, and Jim Notstad. The speakers expressed concerns regarding trucking routes going through a populated area (hamlet of Utica); intensity of truck traffic; impact of neighboring residences on County Highway B; changing the driveway to East Church Road; the site being too large and the 20 year length of the CUP being too long; the hours of operation should detail specific activities (truck traffic); the truck traffic on County Highway B will be dangerous; the impact on home prices surrounding the quarry; conducting pre-blast surveys of the neighboring houses; monitoring of the blasting; what the extraction of gravel will do to the water table; and the intensity of the activities impact on neighboring properties.

Town Concerns: Jim Lowrey expressed concerns regarding the amount of dust that would be generated from the driveway. He suggested that the crushed asphalt be installed on the driveway. He believes the time period of 20 years is too long. He would like to see the size of the operation be reduced. Seismographs be placed at the Paxson, Juleseth, and Nelson properties during blasting. Blasting reports should be provided to the Town right after a blast occurs. He expressed concerns regarding the selection of blasting companies.

A motion was made by KIEFER, seconded by SMITH, that the Conditional Use Permit be postponed in ordered for the applicant to respond to the concerns raised. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

Town of Christiana Plan Commission - close of public hearing and adjournment

Motion by Lowrey, seconded by Cutrano, to close the public hearing regarding CUP #2509 and adjourn the Town of Christaina Plan Commission meeting, motion carried, 4-0.

Town of Christiana Town Board - close of pubic hearing and adjournment

Motion by Lowrey, seconded by Lien, to close the public hearing regarding Conditional Use Permit #2509 and adjourn the Town Board meeting, motion carried, 3-0.

11629 PETITION: REZONE 11629

APPLICANT: WESLEY HALVERSON

LOCATION: NORTH OF 1002 NULAND ROAD AND SOUTH OF US HWY 12&18, SECTION 33,

TOWN OF DEERFIELD

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

REASON: creating one residential lot

Attachments: 11629 Ord Amend.pdf

11629 Staff Report.pdf

11629 Town.pdf

11629 Density.pdf

11629 Map

11629 APP

In favor: None Opposed:None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: WILLIAM T ROCKWELL

LOCATION: 925 GLENWAY ROAD, SECTION 15, TOWN OF OREGON

CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District,

RR-4 Rural Residential District TO RR-8 Rural Residential District REASON: shifting of property lines between adjacent land owners

Attachments: 11630 Ord Amend.pdf

11630 Staff Report.pdf

11630 Town.pdf

11630 Map 11630 APP

In favor: William and Elizabeth Rockwell

Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11631 PETITION: REZONE 11631

APPLICANT: HAHN LIVING TR

LOCATION: 7205 PATTON ROAD, SECTION 16, TOWN OF VIENNA

CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,

FP-1 Farmland Preservation District TO RR-4 Rural Residential District

REASON: separating existing residence from farmland

Attachments: 11631 Ord Amend.pdf

11631 Staff Report

11631 Town 11631 Density 11631 Map

11631 APP

In favor: Dan Paulson, surveyor

Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: KATHRYN SEVERSON NYGAARD

LOCATION: 379 PERRY CENTER ROAD, SECTION 27, TOWN OF PERRY

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

REASON: separating existing residence from farmland

Attachments: 11632 Ord Amend.pdf

11632 Staff Report.pdf

11632 Town.pdf 11632 density.pdf 11632 Map.pdf 11632 APP

In favor: None Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11633 PETITION: REZONE 11633

APPLICANT: RUSSELL G WIPPERFURTH

LOCATION: 6520 COOKE ROAD, SECTION 35, TOWN OF MAZOMANIE

CHANGE FROM: RR-2 Rural Residential District TO RR-4 Rural Residential District, FP-35

Farmland Preservation District TO RR-4 Rural Residential District REASON: adding 1.17 acres to an existing residential lot

Attachments: 11633 Ord Amend.pdf

11633 Staff Report

11633 Town 11633 APP 11633 Map

In favor: Russell Wipperfurth

Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: KRANTZ REAL ESTATE LLC

LOCATION: 2650 N NINE MOUND ROAD, SECTION 16, TOWN OF VERONA CHANGE FROM: LC Limited Commercial District TO GC General Commercial District REASON: changing zoning district to allow for an additional building to be constructed for an

existing electrical contracting business

Attachments: 11634 Staff Report.pdf

11634 Town.pdf

11634 Letters of opposition.pdf

11634 Map

11634 APP.pdf

In favor: Scott Krantz

Opposed: Julia and Brian Fischer, and Ray Schroeder. The neighbors expressed concerns regarding light pollution; the removal of personal storage places on the property; additional landscaping needed for buffering; and the height of the proposed building.

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

Aves: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11635 PETITION: REZONE 11635

APPLICANT: KEICHINGER FAMILY FARMS LLC

LOCATION: 7046 COUNTY HWY P, SECTION 27, TOWN OF DANE

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

REASON: separating existing residence from farmland

Attachments: 11635 Ord Amend.pdf

11635 Staff Report

11635 Town

11635 Density.pdf

11635 Map 11635 APP

In favor: Robert Keichinger

Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: SCOTT L SCHIELDT

LOCATION: SOUTHWEST OF 1728 HAMMOND ROAD, SECTION 25, TOWN OF DUNKIRK CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District

REASON: creating one residential lot

Attachments: 11636 Ord Amend.pdf

11636 Staff Report.pdf

11636 Town.pdf

11636 Density.pdf

11636 Map 11636 APP

In favor: Scott Schieldt Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11637 PETITION: REZONE 11637

APPLICANT: DAHL HOMESTEAD LLC

LOCATION: 7614 INAMA ROAD, SECTION 9, TOWN OF ROXBURY

CHANGE FROM: RR-4 Rural Residential District TO FP-35 Farmland Preservation District

REASON: shifting of property lines between adjacent land owners

Attachments: 11637 Ord Amend.pdf

11637 Staff Report

11637 Town 11637 Map 11637 APP

In favor: Thomas Dahl Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: JAMIE J DAHLK

LOCATION: 4423 BLUE MOUNDS TRAIL, SECTION 9, TOWN OF VERMONT

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

REASON: creating one residential lot

Attachments: 11638 Ord Amend.pdf

11638 Staff Report.pdf

11638 Town.pdf 11638 density.pdf

11638 Map 11638 APP

In favor: Jamie Dahlk Opposed: None

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

Aves: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11639 PETITION: REZONE 11639

APPLICANT: JOHN J BEUTHIN

LOCATION: 5848 BEUTHIN ROAD, SECTION 13, TOWN OF MAZOMANIE

CHANGE FROM: FP-35 Farmland Preservation District TO GC General Commercial District

REASON: creating a lot for existing agricultural buildings to allow indoor storage

Attachments: 11639 Ord Amend.pdf

11639 Staff Report

11639 Town 11639 Map 11639 APP

In favor: John Beuthin Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: DANFORTH REV TR, MARILYN J

LOCATION: 10317 COUNTY HIGHWAY Y, SECTION 28, TOWN OF MAZOMANIE CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District

REASON: divide an existing residential lot into two lots

Attachments: 11640 Staff Report

11640 Town 11640 Map 11640 APP

In favor: Jonathan Danforth

Opposed: None

A motion was made by PETERS, seconded by SMITH, postpone action until February 9th due to pending zoning violation. The motion carried by the

following vote: 4-0.

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: DUCKERT IRREV TR, GREGORY H

LOCATION: 2296 TOWER DRIVE, SECTION 24, TOWN OF PLEASANT SPRINGS CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District

REASON: dividing an existing lot into two residential lots

Attachments: 11641 Ord Amend.pdf

11641 Staff Report.pdf

11641 Town.pdf

11641 Density (TDR Sending Property)

11641 Map

11641 APP

11641 App Detailed Statement.pdf

11641 Updated App.pdf

In favor: Greg Duckert Opposed: None

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

- 1. A deed restriction shall be recorded on Lots 1 and 2 to prohibit further division of the properties.
- 2. A notice document shall be recorded on the southerly RR-16 zoned property (proposed lot 2 on CSM) indicating that the lot was created as a result of a transfer of development rights.
- 3. The TDR-S Sending area overlay zoning district shall be applied to the ~80 acre MW Olson farm in section 2 (tax parcels: 061102485006 and 061102490009).
- 4. The owner of the sending property shall record a deed restriction on the ~80 acre property prohibiting further non-farm development in accordance with town plan policies (tax parcels: 061102485006 and 061102490009).

Aves: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: DAVID L MOYER

LOCATION: NORTH AND SOUTH OF 4693 COUNTY HWY FF, SECTION 6, TOWN OF

VERMONT

CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,

FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District

REASON: creating a residential lot for an existing house and creating an agricultural lot for

future residential development

Attachments: 11642 Ord Amend.pdf

11642 Staff Report.pdf

11642 Town.pdf 11642 density.pdf 11642 Map revised 11642 APP revised.pdf

In favor: Julie and David Moyer

Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11643 PETITION: REZONE 11643

APPLICANT: STEVE & SUSAN SMITH

LOCATION: WEST OF 4012 COUNTY HWY JJ, SECTION 22, TOWN OF VERMONT CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating a 3-acre residential spot zone on the 85-acre property

Attachments: 11643 Ord Amend.pdf

11643 Staff Report.pdf

11643 Town.pdf 11643 density.pdf 11643 Map revised 11643 APP revised.pdf

In favor: None Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: CRAIG LAPLANTE

LOCATION: WEST OF 4012 COUNTY HWY JJ, SECTION 22, TOWN OF VERMONT CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District

REASON: creating a 4-acre residential spot zone on the 82-acre property

Attachments: 11644 Ord Amend.pdf

11644 Staff Report.pdf

11644 Town.pdf

11644 density.pdf

11644 Map

11644 APP

In favor: Craig LaPlante

Opposed: None

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

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

11645 PETITION: REZONE 11645

APPLICANT: JPC REAL ESTATE LLC

LOCATION: 7331 US HWY 12, SECTION 18, TOWN OF ROXBURY

CHANGE FROM: RR-8 Rural Residential District TO RR-2 Rural Residential District, HC Heavy

Commercial District TO RR-2 Rural Residential District

REASON: dividing an existing residential lot into three residential lots

Attachments: 11645 Ord Amend.pdf

11645 Staff Report

11645 Town

11645 Map

11645 APP

In favor: Joe De Young, surveyor

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: 4-0.

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: CAVILL 2012 IRREVOCABLE TR, MICHAEL J

LOCATION: 4161 BARLOW ROAD, SECTION 17, TOWN OF CROSS PLAINS

CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland

Preservation District TO RR-8 Rural Residential District

REASON: creating three residential lots

Attachments: 11646 Ord Amend.pdf

11646 Staff Report.pdf

11646 Town.pdf

11646 deed restriction report.pdf

11646 Map 11646 APP

In favor: Ron Klaas, surveyor

Opposed: None

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

- 1. The proposed RR-16 zoning be revised to RM-16 zoning to allow for continued agricultural use in the future and for compatibility with the surrounding area.
- 2. The landowner records a deed restriction prohibiting further residential development on the following parcels 070717480418, 070717196002, 070717195923, 070717190008, and 070717180019.
- 3. A shared driveway agreement shall be recorded on the properties pursuant to Dane County Code of Ordinance Section 75.19(8) to allow for 2 lots to be created without public road frontage.

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

APPLICANT: S E N K HOLDINGS LLC

LOCATION: 4537 COUNTY HWY P, SECTION 3, TOWN OF CROSS PLAINS

CHANGE FROM: LC Limited Commercial District TO FP-B Farmland Preservation Business

District

REASON: changing zoning to allow for the construction of a building for the storage and

maintenance of farm equipment

Attachments: 11647 Ord Amend.pdf

11647 Staff Report.pdf

11647 Town.pdf 11647 Map.pdf 11647 APP.pdf

In favor: John Hartung Opposed: None

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

1. A deed restriction shall be recorded on the property to limit the land uses exclusively to the storage and maintenance of agricultural equipment.

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

CUP 2512 PETITION: CUP 02512

APPLICANT: JEFFREY L WEBBER

LOCATION: 9108 RIDGE DR, SECTION 29, TOWN OF PRIMROSE

CUP DESCRIPTION: 195' telecommunication tower (guyed)

Attachments: CUP 2512 Staff Report

CUP 2512 Town

CUP 2512 CltyScape RF Engineering Report

CUP 2512 Density
CUP 2512 APP
CUP 2512 Map

Senior Planner Allan explained that the Town of Primrose had denied the

conditional use permit.

The Committee took no action.

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

CUP 2507 PETITION: CUP 2507

APPLICANT: DANIEL D SOMERS

LOCATION: 8752 W MINERAL POINT ROAD, SECTION 21, TOWN OF CROSS PLAINS CUP DESCRIPTION: allow for the construction of a taller accessory building (16 feet mean

elevation)

Attachments: CUP 2507 Staff Update.pdf

CUP 2507 Town.pdf

CUP 2507 Map.pdf

CUP 2507 APP.pdf

A motion was made by PETERS, seconded by SMITH, that the Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 4-0.

- 1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan.
- 2. The height of the accessory building shall not exceed 13 feet, 8 inches.
- The accessory building shall be constructed to meet all standards of the applicable building code.
- 4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits associated with the construction. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- 6. If the accessory building is torn down, removed or collapses and is not rebuilt, in compliance with these conditions, for a period of one year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Aves: 4 - BOLLIG, PETERS, KIEFER and SMITH

- F. Plats and Certified Survey Maps
- G. Resolutions
- H. Ordinance Amendment

8. 2020 OA-034 AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF

ORDINANCES, REGARDING ZONING FEES

Sponsors: BOLLIG

Attachments: 2020 OA-034

2020 OA-034 FISCAL NOTE

Sub 1 to 2020 OA-34 (Proposed ZLR)

A motion was made by KIEFER, seconded by PETERS, that the Sub 1 to Ordinance Amendment 2020 OA-034 be recommended for approval. The motion

carried by the following vote: 4-0

Ayes: 4 - BOLLIG, PETERS, KIEFER and SMITH

Excused: 1 - DOOLAN

I. Items Requiring Committee Action

J. Reports to Committee

2020 Report of approved CSM's

RPT-669

Attachments: Jan 2021

Assistant Zoning Administrator Everson reviewed the list of recently recorded Certified Survey Maps with the Committee.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by KIEFER, seconded by SMITH, to adjourn the January 26, 2021 Zoning and Land Regulation Committee at 8:30pm. The motion carried unanimously.

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