

NOTE: These minutes reflect the notes of the recorder and are subject to correction and approval at a subsequent meeting of the Committee.

ZONING & LAND REGULATION COMMITTEE Dane County Board Of Supervisors

MINUTES OF THE JULY 27, 2004 PUBLIC HEARING

MEMBERS PRESENT: Hitzemann, Jensen, McDonnell, Pertzborn, Wendt.

OTHERS PRESENT: Allan, Conrad, Scribner

I. CALL TO ORDER:

Chairmen Hitzemann called the meeting to order at 7:30 p.m. in room 201 of the City-County Building.

II. PUBLIC COMMENT:

None

III. PUBLIC HEARING FOR REZONE AND CONDITIONAL USE PERMIT APPLICATIONS AND ORDINANCE AMENDMENTS:

1. PETITION # 8995 BY DAVID MELTON to amend the Deed Restrictions of Petition #3290 in the C-2 Commercial district on property located at 1447 County Highway B in part of the SW 1/4 SE 1/4 Section 19, Town of Christiana.

IN FAVOR: David Melton

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approve, with conditions

Motion by Pertzborn/Wendt to approve with the following conditions; carried, as amended, 5-0.

- 1) Deed restrict the property limiting the permitted used in the C-2 district exclusively to the following:
 - a. Major and minor repair to motor vehicles and farm machinery, and the sale of parts;
 - b. Sales of new and used autos and light trucks. A maximum of 60 such vehicles may be displayed;
 - c. Ten additional vehicles may be parked or stored on the Southern end of the property;
 - d. Service station (gasoline);
 - e. Warehouse;
 - f. Light manufacturing of small trailers, trailer hitches, boat lifts, and related items.

2. PETITION # 8996 BY DAVID & JULIE DRESEN to change the zoning from A-1EX Exclusive Agricultural to RH-2 Rural Homes on property located Southwest of 7440 Lodi-Springfield Road in part of the W 1/2 NW 1/4 Section 16, Town of Dane.

IN FAVOR: Dave Dresen

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, with conditions

Motion by Pertzborn/McDonnell to approve with the following conditions; carried, as amended, 5-0.

- 1) Deed restrict the remainder of parcel #090816185010 prohibiting non-farm development.

3. PETITION # 8997 BY STITH & CONSTANCE GOWER to change the zoning from A-1 EX Exclusive Agricultural to RH-1 Rural Homes on property located at 8320 West Mineral Point Road in part of the SW 1/4 SE 1/4 Section 23, Town of Cross Plains.

IN FAVOR: Harold Kranz

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by Pertzborn/Wendt to approve; carried, 5-0.

4. PETITION # 8999 BY BLAIR MOLDENHAUER to change the zoning from RH-4 Rural Homes to RH-1 Rural Homes on property located Southwest of 2873 Deer Creek in part of the NW 1/4 NW 1/4 Section 17, Town of Sun Prairie.

IN FAVOR: Blair Moldenhauer

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by Wendt/McDonnell to approve; carried, 5-0.

5. PETITION # 9000 BY KOLTES BROTHERS to change the zoning from A-1 EX Exclusive Agricultural to RH-1 Rural Homes on property located East of 5393 Daley Road in part of the NE 1/4 NE 1/4 Section 27, Town of Vienna.

IN FAVOR: John Koltes

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: No Town action

Motion by Wendt/Jensen to postpone; carried, 5-0.

6. PETITION # 9001 BY STEVEN WEYNAND to change the zoning from A-1 EX Exclusive Agricultural to R-3 Residential on property located at 2079 Skyline Drive in part of the NE 1/4 NW 1/4 Section 29, Town of Pleasant Springs.

IN FAVOR: Steve Weynanad

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: No Town action

Motion by Pertzborn/McDonnell to postpone; carried, 5-0.

7. PETITION # 9002 BY ARTHUR JESCHKE to change the zoning from A-1 EX Exclusive Agricultural to A-2(8) Agricultural and A-2 Agricultural on property located at 9236 Braun Road in part of the SW 1/4 SE 1/4 Section 7, and NW 1/4 NE 1/4 Section 18, Town of Cross Plains.

IN FAVOR: Jeff Grundwald

PRESENT: Jeff Plushcha

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by McDonnell/Wendt to approve; carried, 5-0.

8. PETITION # 9003 BY GLENN & ELAINE MORRICK to change the zoning from A-1 EX Exclusive Agricultural to A-2(2) Agricultural on property located Northwest of 7423 Montrose Road in part of the NE 1/4 NE 1/4 Section 29, Town of Montrose.

IN FAVOR: Kevin DeLorme

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, with conditions

Motion by Pertzborn/McDonnell to approve with the following conditions; carried, as amended, 5-0.

- 1) Deed restrict the A-2(2) property to limit the use of the property exclusively to:
 - a. Agricultural uses, including livestock limited to one (1) animal unit per full acre;
 - b. Single family residential uses as described in §10.126(2)(b), Dane County Code of Ordinances;
 - c. Accessory buildings.

9. PETITION # 9004 AND CONDITIONAL USE PERMIT # 1893 BY VERA REYNOLDS & THIRL REYNOLDS to change the zoning from R-1 Residential and A-1 Agricultural to B-1 Local Business and also allow outdoor games lighted at night on property located at 6295 Portage Road in part of the NW 1/4 NE 1/4 and NE 1/4 NW 1/4 Section 3, Town of Burke.

IN FAVOR: Vera Reynolds
OPPOSED: Mike Schmelzer
STAFF: P&D, HWY, EH
TOWN: No Town action

Motion by Pertzborn/McDonnell to postpone; carried, 5-0.

10. CONDITIONAL USE PERMIT # 1894 BY SACRED HEARTS OF JESUS & MARY CEMETERY ASSOCIATION to allow expansion of existing cemetery on property located South and East of 2000 Columbus Street in part of the SE 1/4 SW 1/4 Section 33, Town of Bristol.

IN FAVOR: Vern Suchomel
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, no conditions

Motion by Wendt/Pertzborn to approve; carried, 5-0.

11. PETITION # 9005 AND CONDITIONAL USE PERMIT # 1895 BY TUSCANY INVESTMENT PROPERTIES LLC to change the zoning from A-1 EX Exclusive Agricultural to C-2 Commercial and also allow residence for a watchman or caretaker on property located at 7622 US Highway 51 in part of the W 1/2 NW 1/4 Section 9, Town of Windsor.

IN FAVOR: Jim Belanger
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, with conditions

Motion by Pertzborn/Wendt to approve with the following conditions; carried, as amended, 5-0.

- 1) Condition that the applicant executes a Developer's Agreement with the Town of Windsor within 90 days of approval of the zoning by Dane County.
- 2) Condition that the applicant submit a signed copy of the Developers Agreement Dane County Zoning within 90 days of approval of the zoning by Dane County.

12. PETITION # 9006 BY MIDTHUN BROTHERS ET AL. to change the zoning from A-1 EX Exclusive Agricultural to RH-2 Rural Homes on property located at 6743 County Highway I in part of the NE 1/4 SE 1/4 Section 27, Town of Vienna.

IN FAVOR: Tony Hudson
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, no conditions

Motion by Wendt/Jensen to approve; carried, 5-0.

13. PETITION # 9007 AND CONDITIONAL USE PERMIT # 1896 BY LARRY D. JACOBSON LLC to change the zoning from B-1 Local Business to C-1 Commercial and also allow new car wash business on property located East of 3898 Steven Drive in part of the NE 1/4 NW 1/4 Section 3, Town of Burke.

IN FAVOR: Larry Jacobson
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, with conditions

Motion by Pertzborn/McDonnell to approve with the following conditions; carried, as amended, 5-0.

- 1) Deed restrict the C-1 property to limit the use of the property exclusively to an auto laundry. No other uses are permitted.

14. PETITION # 9008 BY FLOYD VINEY to change the zoning from A-1EX Exclusive Agricultural to RH-2 Rural Homes on property located at 7045 County Highway A in part of the N 1/2 NW 1/4 Section 22, Town of Montrose.

IN FAVOR: Floyd Viney
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, no conditions

Motion by Jensen/Pertzborn to approve; carried, 5-0.

15. PETITION # 9009 BY ROBERT & JANET WALTER ET AL. to change the zoning from R-1A Residential and A-1 EX Exclusive Agricultural to R-1A Residential, RH-1 Rural Homes and A-1 EX Exclusive Agricultural on property located at 5078 Walter Drive in part of the NE 1/4 SE 1/4 Section 2, Town of Westport.

IN FAVOR: Todd Doeing

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, with conditions

Motion by Wendt/Pertzborn to approve with the following conditions; carried, as amended, 5-0.

- 1) Condition that if not currently in place, gas, electric power and telephone facilities to serve the parcels to be rezoned must be installed within 6 months of the date of approval of the zoning by Dane County.
- 2) Deed restriction requiring maintenance of all current easements and restrictions.
- 3) Deed restriction requiring that all improvements, erosion control measures, stormwater drainage control measures and construction erosion and drainage control measures must comply with all applicable Town, City, County, State or Federal rules, regulations, and permit requirements.
- 4) Condition that a stormwater drainage plan approved by the Town Engineer and the Dane County Land Conservation Department be completed within 90 days of approval of the zoning by Dane County.
- 5) Condition that an erosion control plan specifying erosion control measures to be made in accordance with the Town's Erosion Control Ordinance, and approved by the Town Engineer and the Dane County Land Conservation Department by be completed within 90 days of approval of the zoning by Dane County.
- 6) Deed restriction requiring partition fences for lands abutting or adjacent to land used for farming or grazing purposes, including a covenant that such fences must be maintained pursuant to section 10-2-63 of the Westport Code of Ordinances.
- 7) Condition that dedications, notations or other information which should be added to the face of the CSM be completed within 90 days of the approval of the zoning by Dane County.
- 8) Condition that necessary approvals or permits from all applicable authorities for water and septic facilities are obtained within 90 days of the approval of the zoning by Dane County.
- 9) Condition that the driveway location approvals must be obtained from the Town Administrator within 90 days of the approval of the zoning by Dane County.
- 10) Condition that all special assessments and fees must be paid within 90 days of the approval of the zoning by Dane County.
- 11) Condition that the Petitioners shall pay all costs and fees incurred by the Town for an and all reviews, approval requests and document preparation by the Town Engineer and Town Attorney relating to the property, and shall enter into an agreement approved by the Town Attorney to pay these costs and fees within 90 days of the approval of the zoning by Dane County.
- 12) Condition that Walter Road vacation be completed within 90 days of the approval of the zoning by Dane County.
- 13) Deed restriction prohibiting each lot from further land division. Deed restriction allowing only one (1) single family residence on each lot.
- 14) Condition that the building envelope for the newly created lot must be shown on the CSM within 90 days of the approval of the zoning by Dane County.
- 15) Deed restriction on all of the property owned by the Petitioners, including property owned by the Walters family located along S.T.H. 19, prohibiting further land division and prohibiting additional building sites.
- 16) Condition that approval by the Town Attorney of the form of the Deed Restrictions must be obtained within 90 days of the approval of the zoning by Dane County.
- 17) Condition that the Petitioners must provide to the Town a recorded copy of the CSM within 90 days of the approval of the zoning by Dane County.
- 18) Condition that the Petitioner must provide proof of recording of the Deed Restrictions, including recording information, to the Town Administrator and Dane County Zoning within 90 days of the approval of the zoning by Dane County.

16. PETITION # 9010 BY HENRY STRAW ET AL. to change the zoning from A-2 Agricultural to RH-1 Rural Homes on property located at 8615 Schoepp Road in part of the N 1/2 NW 1/4 Section 3, Town of Roxbury.

IN FAVOR: Henry Straw

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions
Motion by Wendt/Pertzborn to approve; carried, 5-0.

17. PETITION # 9011 BY DUANE SWALHEIM to change the zoning from A-1 EX Exclusive Agricultural to RH-1 Rural Homes on property located South of 3187 North Star Road in part of the NE 1/4 NE 1/4 Section 4, Town of Pleasant Springs.
IN FAVOR: Joe Ellingston
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: No Town action
Motion by Pertzborn/Wendt to postpone; carried, 5-0.

18. PETITION # 9012 BY LEE WAAG to change the zoning from A-1 EX Exclusive Agricultural to R-1A Residential on property located West of 545 US Highway 51 in part of the NE 1/4 NW 1/4 Section 12, Town of Dunkirk.
IN FAVOR: Lee Waag
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: No Town action
Motion by McDonnell/Jensen to postpone; carried, 5-0.

19. PETITION # 9013 BY BRIAN LARSON to change the zoning from A-2 Agricultural and RH-1 Rural Homes to RH-3 Rural Homes and RH-4 Rural Homes on property located at 3572 Old Stone Road in part of the SW 1/4 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 and SE 1/4 NW 1/4 Section 23, Town of Rutland.
IN FAVOR: Brian Larson
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, no conditions
Motion by Wendt/Pertzborn to approve; carried, 5-0.

20. PETITION #9014 BY LEE WAAG to change the zoning from A-1 EX Exclusive Agricultural to R-1A Residential on property located Northwest of and across from 956 Veum Road in part of the SE 1/4 NW 1/4 Section 14, Town of Dunkirk.
IN FAVOR: Lee Waag
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: No Town action
Motion by Pertzborn/Jensen to postpone; carried, 5-0.

21. PETITION # 9015 BY THOMAS BARTLETT TRUST to change the zoning from A-1 EX Exclusive Agricultural to RH-1 Rural Homes and RH-3 Rural Homes on property located Northwest of 807 Bass Lake Road in part of the SW 1/4 SE 1/4 Section 13, and NW 1/4 NE 1/4 Section 24, Town of Rutland.
IN FAVOR: Julie Monte
PRESENT: Tom Martinson
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town denied, but indicated approval if approved with condition(s)
Motion by McDonnell/Jensen to postpone; carried, 5-0.

22. PETITION # 9016 BY THOMAS & JULIE BOLDEN to change the zoning from A-1 EX Exclusive Agricultural to A-2(8) Agricultural on property located East of 1009 Maple Grove Road in part of the NW 1/4 SW 1/4 Section 9, Town of Albion.
IN FAVOR: Tom Bolden
OPPOSED: None
STAFF: P&D, HWY, EH
TOWN: Town approved, no conditions
Motion by Wendt/Pertzborn to approve; carried, 5-0.

23. PETITION # 9017 BY MARVIN & HARRIET BREUNIG to change the zoning from RH-1 Rural Homes to R-1 Residential and A-2(1) Agricultural on property located East of 8825 County Highway Y in part of the N 1/2 NE 1/4 Section 21, Town of Roxbury.

IN FAVOR: Marvin Breunig

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, with conditions

Motion by Wendt/Pertzborn to approve with the following conditions; carried, as amended, 5-0.

- 1) Deed restrict the A-2(1) property limiting the use of the property exclusively to agriculture uses only;
- 2) Deed restrict the A-2(1) property and the remainder of parcel 09072118910 and parcel 09072118001 prohibiting non-farm development.

24. PETITION # 9018 BY RICHARD & CAROL LOSENEGGER to change the zoning from A-1 EX Exclusive Agricultural to RH-4 Rural Homes on property located at 2757 Erbe Road in part of the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 16, Town of Blue Mounds.

IN FAVOR: Richard Losenegger

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by Wendt/Jensen to approve; carried, 5-0.

25. PETITION # 9019 BY JAMES O. BRIGGSON to change the zoning from R-1 Residential to R-3 Residential on property located at 6022 Hagen Hill Road in part of the SE 1/4 SE 1/4 Section 3, Town of Burke.

IN FAVOR: Jim Briggson

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by McDonnell/Pertzborn to approve; carried, 5-0.

IV. PUBLIC HEARING FOR NON-METALLIC MINING RECLAMATION PLANS:

None

V. REZONE AND CONDITIONAL USE PERMIT APPLICATIONS FROM PREVIOUS MEETINGS:

VI. PLATS:

A. PRELIMINARY PLATS:

None

B. FINAL PLATS:

a. FIRST ADDITION TO HOLLAND FIELDS, Section 20, Town of Windsor.

Staff recommends approval subject to 15 conditions.

Motion by Wendt/Jensen to approve the plat, subject to the following conditions:

1. Compliance with Chapter 14, Dane County Code of Ordinances is required.
2. An erosion control-drainage control plan is to be submitted for review and Dane County Land Conservation Department approval is to be obtained.
3. Erosion control-drainage control surety in the amount of \$1,000 per lot is to be posted with the Town of Windsor. Said surety is to be established for a minimum time period of 24 months beyond the date of Dane County certification of the plat, and is to be specifically referenced to the approved erosion control-drainage control plan.
4. A copy of the executed public improvement contract is to be submitted.
5. Surety is to be posted with the Town of Windsor in an amount sufficient to guarantee the completion of the required public improvements in accordance with the executed public improvement contract. Said surety is to be established for a minimum time period of 24 months beyond the date of Dane County certification of the plat, and is to be specifically referenced to the executed public improvement contract.
6. Utility easements are to be provided.
7. All public land dedications are to be clearly designated "dedicated to the public."

8. Town of Windsor approval is to be obtained.
9. Village of DeForest approval is to be obtained (extraterritorial jurisdiction).
10. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
11. All lots and outlots are to meet the minimum area and width requirements of the zoning districts that are applicable.
12. Street names, consistent with Chapter 76, Dane County Code of Ordinances, are to be assigned.
13. All references to "Dane County Zoning and Natural Resources Committee" are to be changed to "Dane County Zoning and Land Regulation Committee."
14. Previously dedicated public lands are to be properly vacated and discontinued.
15. The Chair of the Dane County Zoning and Land Regulation Committee is to be correctly identified as "William E. Hitzemann."

Motion carried 5-0.

b. VERONA TECHNOLOGY PARK, City of Verona.

Staff recommends a certification of non-objection.

Motion by Jensen/Pertzborn to certify the plat as non-objectionable with respect to the provisions of S.236.12(2)(b), Wisconsin Statutes, subject to the conditions identified by the Dane County Department of Public Works, Highway and Transportation; carried 5-0.

c. SECOND ADDITION TO MIDTOWN COMMONS, City of Madison.

Staff recommends a certification of non-objection.

Motion by McDonell/Jensen to certify the plat as non-objectionable with respect to the provisions of S.236.12(2)(b), Wisconsin Statutes; carried 5-0.

d. VILLAGE AT AUTUMN LAKE, City of Madison.

Staff recommends a certification of non-objection.

Motion by McDonell/Pertzborn to certify the plat as non-objectionable with respect to the provisions of S.236.12(2)(b), Wisconsin Statutes; carried 5-0.

e. MATT'S PLAT TO THE VILLAGE OF CAMBRIDGE, Village of Cambridge.

Staff recommends a certification of non-objection.

Motion by Pertzborn/Jensen to certify the plat as non-objectionable with respect to the provisions of S.236.12(2)(b), Wisconsin Statutes; carried 5-0.

C. CERTIFIED SURVEY MAPS:

None

VII. RESOLUTIONS:

None

VIII. ORDINANCE AMENDMENTS:

None

IX. OTHER BUSINESS:

None

X. ADJOURN:

Motion by Hitzemann/McDonnell to adjourn at 9:00 p.m.; carried, 5-0.

Peter Conrad,
Recording Secretary

MINUTES FILED WITH THE COUNTY CLERK: AUGUST 2, 2004