DANE COUNTY BOARD OF SUPERVISORS
ZONING & LAND REGULATION COMMITTEE
PUBLIC HEARING AGENDA

Date: Tuesday, July 31, 2012       Time: 7:30 P.M.

Location: ROOM 351, City-County Building, 210 MLJK Jr. Boulevard, Madison

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnub ua hauj lwm ua ntej yuav tuaj sib tham.

Contact Information: Zoning Office, Planning & Development Department, 266-4266, or 266-9138 (TDD)

ITEMS TO BE CONSIDERED

I. CALL TO ORDER

II. PUBLIC COMMENT

III. PUBLIC HEARING FOR ZONING MAP AMENDMENTS, CONDITIONAL USE PERMIT APPLICATIONS, RESOLUTIONS, AND ORDINANCE AMENDMENTS

1. PETITION: REZONE 10446
   APPLICANT: SKAAR SCATTERED ACRES INC
   LOCATION: WEST OF 2509 COUNTY HIGHWAY BN, SECTION 14, TOWN OF PLEASANT SPRINGS
   CHANGE FROM: A-1EX Agriculture District TO A-2(2) Agriculture District
   REASON: reconfigure existing certified survey map

2. PETITION: REZONE 10447
   APPLICANT: DONALD J RIPP
   LOCATION: 9751 COUNTY HIGHWAY KP, SECTION 36, TOWN OF BLACK EARTH
   CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
   REASON: separation of existing residence from farmland

3. PETITION: REZONE 10448 and CUP 02207
   APPLICANT: CHARLES L BRONKHORST
   LOCATION: 398 SUN PRAIRIE ROAD, SECTION 23, TOWN OF YORK
   CHANGE FROM: RH-2 Rural Homes District TO LC-1 Limited Commercial District
   REASON: allow a limited rural business with single-family residence
   CUP DESCRIPTION: welding and equipment/vehicle repair business with residence
4. PETITION: REZONE 10449  
APPLICANT: TOWN OF WINDSOR, MHG PROPERTIES  
LOCATION: REVERE TRAILS CONDOMINIUM PLAT, SECTION 33, TOWN OF WINDSOR  
CHANGE FROM: Wetlands to non-wetland status  
REASON: proposed roadway crossing wetland area

5. PETITION: REZONE 10450  
APPLICANT: MICHAEL D KNIGHT  
LOCATION: 6420 SUNSET DRIVE, SECTION 36, TOWN OF VERONA  
CHANGE FROM: RH-1 Rural Homes District TO A-2(1) Agriculture District  
REASON: zoning compliance for minimum lot size

6. PETITION: REZONE 10451  
APPLICANT: TMS INVESTMENTS LLC  
LOCATION: NW CORNER OF BURKE ROAD AND REINER ROAD, SECTION 23, TOWN OF BURKE  
CHANGE FROM: R-1A Residence District TO R-4 Residence District  
REASON: proposed multi-family buildings

7. PETITION: REZONE 10452  
APPLICANT: NANCY J SCHOEFFLING  
LOCATION: 7621 MARSHALL ROAD, SECTION 10, TOWN OF YORK  
CHANGE FROM: RH-1 Rural Homes District TO A-2 (1) Agriculture District and A-1EX Agriculture District  
REASON: remove cropland from existing residential lot

8. PETITION: REZONE 10453  
APPLICANT: KALSCHEUR LIVING TR, JAMES L & KAY  
LOCATION: SOUTH OF 7236 CLEMENS ROAD, SECTION 18, TOWN OF VIENNA  
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District  
REASON: creating one residential lot

9. PETITION: REZONE 10454  
APPLICANT: GOODWILER REV TR, CARL F,  
LOCATION: 9838 DUNLAP HOLLOW ROAD, SECTION 35, TOWN OF MAZOMANIE  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District and A-4 Agriculture District  
REASON: creating one residential lot

10. PETITION: REZONE 10455  
APPLICANT: TERESA L STATZ  
LOCATION: NORTH OF 5840 ENCHANTED VALLEY ROAD, SECTION 13, TOWN OF BERRY  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: creating one residential lot

11. PETITION: CUP 02208  
APPLICANT: 2500 RIMROCK LLC  
LOCATION: 2504 RIMROCK ROAD, SECTION 36, TOWN OF MADISON  
CUP DESCRIPTION: drive-in establishment, car wash


13. Annual review of the following Salvage Recycling Center licenses pursuant to Dane County Code of Ordinance, Section 10.20(3):  
a. Permit #2012-01, John Rowley, 1748 Springrose Rd, Verona WI 53593 (Town of Verona)  
b. Permit #2012-02, Richard Diehl, 5478 Norway Grove School Rd, Deforest WI 53532 (Town of Vienna)  
c. Permit #2012-03, Brian Outhouse, 665 Dead End Rd, Mt Horeb WI 53572 (Town of Perry)  
d. Permit #2012-04, Steven Suter, 3333 Femrite Dr, Madison WI 53704 (Town of Blooming Grove)  
e. Permit #2012-05, John Mullarkey, 936 Glenway Rd, Oregon WI 53575 (Town of Oregon)  
f. Permit #2012-07, Michael Cutrano, 300 USH 12 & 18, Cambridge WI 53523 (Town of Christiana)
IV. REZONE AND CONDITIONAL USE PERMIT APPLICATIONS FROM PREVIOUS MEETINGS

1. None.

V. PLATS AND CERTIFIED SURVEY MAPS

1. PRELIMINARY PLATS:
   a. JOHN WILKINSON CROPLAND, Town of Black Earth, Section 28 & 29
      (2 lots) (33.2 acres) (Application deadline is 09/24/2012)
      Staff recommends conditional approval.

2. FINAL PLATS:
   a. RIVERS TURN FIRST ADDITION, Village of DeForest, Section 19
      (16 lots) (application deadline 7/31/12)
      Staff recommends a certification of non-objection.
   b. MIDDLETON RIDGE AT MISTY VALLEY, City of Middleton, Section 35
      (85 lots) (application deadline 8/9/12)
      Staff recommends a certification of non-objection.

3. CERTIFIED SURVEY MAPS:
   a. None

VI. RESOLUTIONS

1. None.

VII. ORDINANCE AMENDMENTS

1. ORDINANCE AMENDMENT 6, 2012-2013: Amending Chapter 82 of the Dane County Code of Ordinances,
   Incorporating the Town of Mazomanie Comprehensive Plan into the Dane County Comprehensive Plan.

2. ORDINANCE AMENDMENT 8, 2012-2013: Amending Chapter 82 of the Dane County Code of Ordinances,
   Incorporating the Town of Cottage Grove Comprehensive Plan into the Dane County Comprehensive Plan.

VIII. OTHER BUSINESS

1. Annual review of the following Salvage Recycling Center licenses pursuant to Dane County Code of Ordinance,
   Section 10.20(3):
   f. Permit #2012-01, John Rowley, 1748 Springrose Rd, Verona WI  53593 (Town of Verona)
   g. Permit #2012-02, Richard Diehl, 5478 Norway Grove School Rd, Deforest WI  53532 (Town of Vienna)
   h. Permit #2012-03, Brian Outhouse, 665 Dead End Rd, Mt Horeb WI  53572 (Town of Perry)
   i. Permit #2012-04, Steven Suter, 3333 Femrite Dr, Madison WI  53704 (Town of Blooming Grove)
   j. Permit #2012-05, John Mullarkey, 936 Glenway Rd, Oregon WI  53575 (Town of Oregon)
   f. Permit #2012-07, Michael Cutrano, 300 USH 12 & 18, Cambridge WI  53523 (Town of Christiana)

IX. ADJOURN

AGENDA POSTED: July 26, 2012
Supervisor Patrick Miles, Chair, Zoning & Land Regulation Committee
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**Staff Report**

Zoning and Land Regulation Committee

**Public Hearing:** July 31, 2012  
**Petition:** Rezone 10446

<table>
<thead>
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<th>Zoning Amendment:</th>
<th>Town/sect:</th>
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<tr>
<td>A-1 EX Agriculture to A-2(2) Agriculture</td>
<td>Pleasant Springs Section 14</td>
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<tr>
<th>Petitioner:</th>
<th>Survey Req.:</th>
<th>Reason:</th>
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<tr>
<td>Skaar Scattered Acres Inc</td>
<td>Yes</td>
<td>Reconfigure existing certify survey map</td>
<td>West of 2509 County Highway BN</td>
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</tbody>
</table>

**Acres:** 1.0

**Staff Report**

**Zoning and Land Regulation Committee**

**Reason:** Reconfigure existing certify survey map

**Location:** West of 2509 County Highway BN

**DESCRIPTION:** The petitioner would like correct a land transaction that occurred in 2008. The owner purchased an additional acre of land when the 2-acre certified survey map parcel was purchased in 2008. The additional acreage needs to be rezoned and added to the existing lot.

**OBSERVATIONS:** There is an existing single-family residence on the property. The additional acreage is mostly wooded with rolling topography. The westerly portion of the additional acreage is Class II soils.

**TOWN PLAN:** The property is in the Agricultural Preservation Area. No additional density is being created. The proposal appears to meet Town Plan policies.

**STAFF:** The proposal meets the dimensional standards of the zoning district. If approved, the petition will correct a violation of the land division regulations.

**TOWN ACTION:** Approved with no conditions.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10446

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/31/2012

Whereas, the Town Board of the Town of Pleasant Springs having considered said zoning petition,
be it therefore resolved that said petition is hereby (check one): ☐ Approved ☐ Denied ☐ Postponed

Town Planning Commission Vote: 6 in favor 0 opposed 0 abstained

Town Board Vote: 5 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. ☐ Deed restriction limiting use(s) in the __________ zoning district to only the following:

2. ☐ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. ☐ Deed restrict the applicant’s property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. ☐ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. ☐ Other Condition(s). Please specify:

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

1. Cassandra Clerkkin, as Town Clerk of the Town of Pleasant Springs, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 7/17/2012

Town Clerk Cassandra Clerkkin Date: 7/23/2012
Surveyor's Certificate
I hereby certify that this survey is in compliance with A-E 7 of Wisconsin Administrative Code.

I further certify that I have surveyed and mapped the lands described hereon, and that this map is a correct representation in accordance with the information furnished.

Erich W. Sandess, Professional Land Surveyor S-2476

Zoning Change Map
Part of the SE 1/4 and the SW 1/4 of the NW 1/4 of Section 14, T06N, R11E, Town of Pleasant Springs, Dane County, Wisconsin

Scale 1" = 50'

Description of Lands to be Zoned A-2(2)
Part of the Southeast 1/4 and the Northwest 1/4 of Section 14, Township 06 North, Range 11 East, Town of Pleasant Springs, Dane County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 corner of said Section 14;
Thence S 69°16'55" E, 173.59 feet along the East-West 1/4 line of said Section 14 to the Westerly line of Certified Survey Map Number 12375;.
Thence N 00°14'00" E, 94.04 feet along said Westerly line;
Thence continuing along said Westerly line N 69°40'12" W, 170.00 feet, to the point of beginning of the description;
Thence N 08°24'00" W, 267.34 feet;
Thence S 70°00'00" W, 84.03 feet;
Thence S 82°00'00" W, 55.77 feet;
Thence N 01°25'40" E, 183.70 feet;
Thence S 69°11'45" E, 175.50 feet;
Thence S 42°50'00" E, 175.53 feet;
Thence N 86°00'00" E, 79.00 feet to the Northwesterly corner of Certified Survey Map Number 12375;
Thence S 00°14'00" W, 97.04 feet, along the Westerly line of said Certified Survey Map, to the point of beginning of this description.

Said parcel contains 43,841 square feet or 1.00 acres.
March 30, 2012

Attorney Joseph Klein
131 West Wilson Street, Suite 904
Madison, Wisconsin 53703

RE: Register of Deeds document #4478632
Deed between Wesley Skaar (Skaar Scattered Acres) and Roloff

Dear Attorney Klein,

Please be aware that the Dane County Zoning Division is in receipt of a deed instrument that was prepared by your office. This deed was identified by the current landowner due to peculiarities in its configuration and was sent to Dane County Zoning Division for review for compliance with Dane County Code of Ordinances.

In researching this deed, it appears that Mr. Skaar sold Mr. Roloff one-acre of land, which currently holds the zoning district classification of A-1 Exclusive Agriculture. Further, the warranty deed details the "inadvertently omitted" land, which does not include the originally purchased land.

Under Dane County Code of Ordinances, Chapter 75, Land Division Regulations, a land division which creates a parcel under 35 acres in size is required to have a certified survey map prepared and approved. The warranty deed violates Dane County Code of Ordinance Section, 75.17.

Under Dane County Code of Ordinances, Chapter 10, Zoning Regulations, Section 10.126(5)(a), the minimum size for a lot in the A-1 Exclusive Agriculture Zoning District is 35 acres. The warranty deed violates Dane County Code of Ordinance Section 10.123(5)(a).

This letter serves as notice that the transaction that has occurred under Register of Deeds document #4478632 is in violation of the Dane County Codes of Ordinance sections as stated. A parcel of land was created under 35 acres in size without being part of a Certified Survey Map. Further, the property did not receive approvals for the necessary zoning district classification or for the creation of the lot.

In order to correct the situation, a petition needs to be submitted to amend the zoning district map to designate the appropriate zoning classifications for the properties. In addition, a Certified Survey Map will need to be submitted that describes the new property boundaries.

You are hereby instructed to submit the aforesaid information within 30 day of the date of this letter to avoid further enforcement action.

Your cooperation is appreciated in this matter.

Sincerely,

Roger Lane
Dane County Zoning Administrator

CC: Tom Rollof, 2509 County Highway BN, Stoughton, WI 53589
Legend

Significant Soils  Steep Slopes

Class  Percent Slope

Class 1  12 to less than 20
Class 2  20 and greater

10446
Skaar
Blank Page
DESCRIPTION: The petitioner would like to separate the residence from the 293-acre farm for estate planning.

OBSERVATIONS: There is an existing residence on the property. The area consists entirely of Class II soils. No other sensitive environmental features observed. The house is located approximately 800 feet from the Village limits. The proposal abuts a zoning boundary of A-B Agriculture Business.

TOWN PLAN: The property is located in the Agricultural Preservation Area. The Village of Black Earth shows this area as being a planned residential area. No additional housing density is being created.

STAFF: The proposal meets the dimensional standards of the zoning district. As part of the new certified survey map, the property zoned A-B Agricultural Business (adjacent) will be created as a second lot.

TOWN ACTION: Approved with no conditions.
DRAFT: FOR DISCUSSION PURPOSE ONLY

IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HEREFIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (E.G. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSMS, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.

Public Hearing Date: 7/31/12  Petition Number: 10447  Applicant: Donald J. Ripp

Town: Black Earth  A1-EX Adoption: 8/15/81  Orig. Farm Owner: Ripp, Donald J
Section: 36  1 Split Per 35 Acres Owned  Original Farm Acres: 198.63
Previous Density Study: 7/31/12  Original Splits: [198.63 / 35 = 5.68]  Remaining Splits: 5

Reasons/Notes:
Per Rounding [6] original splits available.
[-1] CSM 9011
Separation of existing farm home exempt.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

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TOWN BOARD ACTION REPORT

Regarding Zoning Petition #2012-10447  Public Hearing 7/3/12

Whereas, the Town Board of the Town of Black Earth having considered said zoning petition, be it therefore resolved that said petition is hereby (Approved/Denied).

The Town Planning Commission,
consisting of 5 members voted 5 in favor and 0 opposed.

The Town Board,
consisting of 3 members voted 2 in favor and 0 opposed.

Don Ripp abstained

The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)

Note: Don Ripp is a member of the Planning Commission and did not participate or vote at Roll Call

(attach additional page(s) as required)

Please note: If the proposed rezoning is approved by the Town Board, but this rezone does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for the Zoning Committee and the County Board in their consideration of the petition.

(attach additional page(s) as required)

Please note: The following space (and additional pages as required) are reserved for comment by the minority voter(s).

________________________________________________________________________

1. Barab Parcell, as Town Clerk of the Town of Black Earth, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on July 3, 2012.

Barab Parcell  Date: July 3, 2012

Town Clerk
Legend

- 100-year floodplain
- Floodway Areas in Zone AE

Significant Soils

Class

- Class 1
- Class 2

Town of Black Earth
DESCRIPTION: The petitioner would like to conduct various repair activities on farm equipment and various types of vehicles. The primary activity includes repair of farm tractors and equipment which is generally done off-site. The petitioner would like to expand his business into the repair of semi-tractors, lawn equipment, recreational equipment, and automobiles, sometime in the future. There may be several employees at that time.

OBSERVATIONS: There is an existing residence on the property with various outbuildings. The property consists almost entirely of Class II soils, but is not currently being cropped.

TOWN PLAN: The property is located in the Agricultural Preservation District. The plan allows commercial development if the Agricultural Preservation Area as long as it helps supports agricultural activities.

STAFF: The zoning change to LC-1 will allow the applicant to conduct commercial businesses inside an enclosed building. The Conditional Use Permit will allow the applicant to reside on the premise and would allow a limited rural business to occur. A Limited Rural Businesses could include all types of land uses found in the A-B, B-1, C-1, and C-2 Zoning Districts. This particular property will be restricted to auto repairs (permitted in the C-2) with up to 4 full-time employees. See attached suggested conditions.

TOWN ACTION: Approved.
May 10, 2012
Charlies Repair, LLC
Charlie Bronkhorst
398 Sun Prairie Rd
Waterloo, WI 53594

My business hours are normally 7:30-4:30, sometimes I start later and work later or once in a while, instead of working during the day, I work a few hours at night to accommodate people.

Generally, I do all of the work at the shop, I may test a battery or something like that at someone’s house, but then the vehicle is brought to my shop. I work on peoples cars and trucks, do brake work, axle work, suspension work, bearings, most vehicle related repairs. I also do some farm equipment repairs, have done some tractor repair on an engine, and repair on a disc – putting on new bearings and replacing some broken discs, and welding cracks on equipment. I have fixed/welded some gates for farmers. Have serviced some bobcats/ skid steers. Also, I have worked on farmers trucks/cars. Also work on my own vehicles in my shop. My nephew has come over a couple times and I have helped him work on his vehicle- brakes, oil change. But, now he has his own shop to work in.
April 11, 2012

Mr. Charles L. Bronkhorst
398 Sun Prairie Road
Waterloo WI 53594

RE: Land use at 398 Sun Prairie Road
Parcel # 070/0912-234-9220-1

Dear Mr. Bronkhorst:

Thank you for your time and thank you for your cooperation.

This letter is to summarize our meeting, April 10, 2012, on your property.

You stated that your welding skill and training with an arc welder, wire-feed welder and torch are used to repair and service farm tractors and implements. Your skills allow you to repair and service farm equipment in the following ways:

- Change brake lines;
- Repair U-joints;
- Repair and service ball-joints;
- Replace broken springs;
- Service CV-axles;
- Repair and replace tie-rod ends;
- Service suspensions.

You also stated that your nephew was repairing the semi-tractor on your property and that your friends from the area bring their motor vehicles to your property for repairs and service.

I provided you with application materials for a change of zoning district classification, a Conditional Use Permit and the following copies of the Dane County Code of Ordinances (DCCO):

1. Section 10.121, A-B Agriculture Business;
2. Section 10.126, A-2 Agriculture District;
3. Section 10.192, Limited Family Business;
4. Section 10.111, Limited Commercial District;
5. Section 10.01(30g) Limited Rural Business.

Please contact Mr. John Prosser, Chairman, Town of York, 920-623-2411, to schedule a meeting with the Town of York Plan Commission and Town Board within thirty (30) days of the date of this letter, May 12, 2012.

Sincerely,

Russell L. Bartlett, bartlett@countyofdane.com, 608-267-3960, Zoning Inspector, County of Dane

Cc: Town Chairman
1. Agricultural Preservation District

Objective:
The Town has established the Agricultural Preservation District as a means of preserving agricultural lands and rural character throughout the Town while providing opportunities for limited non-farm development. This designation will also serve to promote continued investment in agricultural operations by ensuring that incompatible land uses are directed to areas that will minimize interference with farming activities. The primary land use policy within this district is the density policy, which limits the density of residential development to one dwelling unit per 75 acres. This district encompasses the most land within the town and includes productive farmlands, farm dwellings and other agricultural land uses, pastureland, woodlots, and scattered non-farm single-family dwellings. The policies for this district allow for a limited amount of nonfarm residential and commercial development in keeping with the overall goals and objectives of the Town to preserve agriculture and rural character.

Policies & Programs:

1. .......

13. **Commercial & Industrial Development:** The Town shall follow the following policies regarding proposed new, or expansion of existing, commercial and industrial development within the Agricultural Preservation District:
   
i. To allow such commercial and industrial development as is needed to support existing agricultural activities where it will not result in environmental degradation or conflict with farming operations.
   
ii. To limit rezoning to that portion of land which is necessary for the commercial or industrial use contemplated.
   
iii. To avoid any substantial expenditure of public funds and the incurrence of municipal debt for the construction or provision of municipal improvements and services usually associated with commercial and industrial development.
   
iv. To avoid speculation and ensure compliance with previous policies, the applicant must request a specific use. Due to the permitted uses in the A-B Agri-Business and Commercial districts, the Town may require a condition on the rezoning to allow only the specific use as delineated on an approved site plan. This allows the Town to set specific limits and to review any expansion or new uses.
DANE COUNTY
CONDITIONAL USE PERMIT #2207

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2207 for Residence in the LC-1 Zoning District and Limited Rural Business pursuant to Dane County Code of Ordinance Sections 10.111(3) and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: PENDING

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

ADDRESS: 398 Sun Prairie Road, Town of York

LEGAL DESCRIPTION: Lot 1 of Certified Survey Map #8872, Section 23, Town of York, Dane County, Wisconsin.

CONDITIONS:

1. The Limited Rural Business shall be limited welding and repairs to farm vehicles/equipment, recreational/construction equipment, automobiles, semi-tractors/construction vehicles.
2. Hours of operation shall be from 7 am to 5 pm, 7 days a week.
3. Up to 12 vehicles may be stored outside in a neat and orderly fashion.
4. Sanitary facilities are permitted in the building.
5. All employees working on the property shall be members of the family residing on the premises and up to four full-time employees.
6. Owner of the business shall reside on the property.
7. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:
1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.

2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.

3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.

5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

**EXPIRATION OF PERMIT**

In addition to any time limit established as a condition in granting this CUP, Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.
Previous submittal of Petition # 10315 that was denied by the County Board September 1, 2011.

DESCRIPTION: The petitioner request approval to place a public street through an area identified as being part of a wetland. The proposed roadway will permit access from the Terrace Park Subdivision, to the North, to Highway 19.

OBSERVATIONS: There is a pending violation occurring due to the developer constructing a culvert for Revere Pass without the necessary approvals. The DNR and Army Corps of Engineering are currently dealing with this violation.

TOWN PLAN: The Town Plan shows this area as part of the planned street system for the area.

STAFF: In order to remove areas from wetlands, the ZLR Committee must find that the removal does not adversely impact items noted in DCCO 11.10(2). See attached.

DNR: The WDNR has issued a Notice of Water Quality Certification (after-the-fact permit) for the installation of culverts and grading within a wetland in this area.

TOWN: Approved with no conditions.
RESOLUTION 2011-32

TOWN OF WINDSOR

A RESOLUTION FOR CERTIFICATE OF LAND ACTION REPORT APPROVING PLANS AND ROAD CROSSING OF WETLAND IN REVERE TRAILS PLAT

WHEREAS, Revere Trails is requesting approval of a road crossing of wetland in the Revere Trails Plat;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor that the Town of Windsor hereby approved the attached Certificate of Land Action Report Approving Plans and Road Crossing of Wetland in Revere Trails Plat.

The above and foregoing resolution was duly adopted by the Town Board of the Town of Windsor, Dane County, Wisconsin at a meeting held on the 13th day of July, 2011, by a vote of 5 ayes and 0 nays.

Town of Windsor

Robert E. Wipperfurth, Town Chairman

Donald G. Madelung, Town Supervisor

Bruce R. Stravinski, Town Supervisor

Alan Buchner, Town Supervisor

Monica M. Smith, Town Supervisor

Attest: Tina Butteris, Clerk-Treasurer
Memo

To: ZLR Committee
From: Pamela Andros, AICP
CC: Roger Lane, Zoning Administrator
Date: June 15, 2011
Re: Petition No. 10945 10449

Chapter 11 of the DCCO, describes standards that the ZLR will have to meet for a wetland rezone. As stated in Section 11.10(2) "A wetland, or a portion thereof, in the shoreland-wetland or inland-wetland district shall not be rezonned if the proposed rezone may result in a significant adverse impact upon any of the following:

(a) Storm and flood water storage capacity;
(b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
(c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
(d) Shoreline protection against soil erosion;
(e) Fish spawning, breeding, nursery or feeding grounds;
(f) Wildlife habitat; or
(g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

Please note that the applicant bears the burden of proof that none of these will be impacted, and that the standard is "may" result in significant impact, not "shall." In the event, fill or other activity took place prior to the rezone action, the wetland must be evaluated as it existed before such fill occurred. It should also be noted that the ZLR and County Board are not bound by any decision the Wisconsin DNR or the Army Corps of Engineers makes or does not make with respect to a wetland fill permit.
May 17, 2012

To Dane County Planning and Development Department:

MHG Properties, LLC, for itself and the Town of Windsor, is submitting the accompanying materials seeking a wetland rezoning for construction of a town road in compliance with the Dane County Shoreland-Wetland Ordinance, in conjunction with the proposed plat of Revere Trails. This property is located in section 33, T9N, R10E, Town of Windsor, and was the subject of a similar rezoning petition in the Fall of 2012, which was denied because the plat was not approved at that time. The location and description of the wetland to be rezoned for the public road crossing is the same as contained in the petition filed last year. However, substantial changes have been made in the accompanying plat of Revere Trails that will be served by the public road since that time, and a copy of the proposed plat accompanies this letter. This proposed plat reduces the number of lots significantly, and proposes other changes which we believe will remove previous objections to the plat. In addition, we want to confirm that we will have covenants and restrictions which will limit the lowest basement elevations to a level which will prevent any water problems, which was a concern previously voiced. The wetland crossing has been approved by the Wisconsin Department of Natural Resources.

If there are any questions or concerns, please let us know.

MHG PROPERTIES, LLC

[Signature]

Michael J. Lawton, Agent for MHG Properties, LLC

P.O. Box 1507

Madison, WI 53701

Telephone 608-286-7236

Fax 608-257-1507

Email: mlawton@boardmanclark.com
Notice of Water Quality Certification
Docket # txtDocket1

Randall Grobe, 5413 Tonyawatha Trail, Monona, WI 53716, has filed an after-the-fact application with the Wisconsin Department of Natural Resources for water quality certification under Section 281.36, Wisconsin Statutes, Section 281.15 and 281.37, Wisconsin Statutes, and Chapter NR 299, Wisconsin Administrative Code.

The project is located in the in the SE1/4 of the SE1/4 of Section 33, Township 9 North, Range 10 East, Town of Windsor, Dane County. The applicant applied for certification to fill in 0.026 acres of wetland to allow extension of a road that will serve a residential subdivision.

The Department has evaluated this proposal and determined that this activity will meet the standards found in Section NR 299.04, Wis. Admin. Code, and certification is granted.

If you would like to know more about this project, contact Dan Hunt, N7725 Hwy 28, , Horicon, 53032. Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

The following conditions are part of the certification:

1. The applicant shall notify the Wisconsin Department of Natural Resources of his intent to start the road project at least five business days prior to the beginning of the project. Within 5 business days after the completion of the project, the applicant shall notify the Department of Natural Resources of the projects completion.

2. The applicant shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.

3. The applicant is responsible for obtaining any permit or approval required by municipal zoning ordinances or by the Corps of Engineers before starting the project.

4. Authorization hereby granted by the Department is not transferable.

5. No other portion of the wetland may be disturbed beyond the area designated in the plans plotted June 7, 2011. Any fill that was previously placed in the wetland and was not shown on the plans plotted June 7, 2011 must be removed.

6. That portion of the wetland that was illegally filled must be restored to its original topographic elevations.
7. Final site stabilization of that portion of the wetland where fill is removed requires the re-establishment of native wetland vegetation and must not contain any exotic species.

8. Final site stabilization of the filled and non-wetland areas requires the re-establishment of native vegetation and must not contain any exotic species.

FINDINGS OF FACT

1. Randall Grobe has filed an after-the-fact application for permission to impact a federal wetland connected to a tributary to Token Creek, located in the Town of Windsor, Dane County, also described as SE1/4-SE1/4, Section 33, T 9 N-R 10 E.

2. The project will consist of filling in 0.026 acres of wetland for the purpose of extending a road that will serve a residential subdivision.

3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.

4. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.

5. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 1.11, 281.15, 281.36, Wisconsin Statutes and Chapters NR 103, 150 and 299 of the Wisconsin Administrative Code.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats. and s. NR 299.05, Wis. Admin. Code, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921.
A request for a contested case hearing must follow the service requirements found in s. NR 2.03 and the form prescribed in s. NR 2.05(5), Wis. Admin. Code, and must include the following information:

1. A description of the Department’s action or inaction which is the basis for the request;
2. The substantial interest of the petitioner which is injured in fact or threatened with injury by the Department’s action or inaction;
3. Specific information explaining why the petitioner’s interests are adversely affected by the Department’s determination;
4. Evidence of a lack of legislative intent that this interest is not to be protected;
5. An explanation of how the injury to the petitioner is different in kind or degree from the injury to the general public caused by the Department’s action or inaction;
6. That there is a dispute of material fact, and what the disputed facts are;
7. The statute or administrative rule other than s. 227.42, Wis. Stats., which accords a right to a hearing;
8. Specific reasons why the proposed activity violates the standards under s. NR 299.04(1)(b), Wis. Admin. Code;
9. A statement that the petitioner will appear and present information supporting its objections in a contested case hearing.

This determination becomes final in accordance with the provisions of s. NR 299.05(7), Wis. Admin. Code, and is judicially reviewable when final. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and to serve the petition on the Secretary of the Department of Natural Resources. The petition must name the Department of Natural Resources as the respondent.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Dated at Horicon Service Center on June 20, 2011

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Dan Hunt
Water Management Specialist
DESCRIPTION: The adjacent land owners would like to incorporate an existing sub-standard lot into their properties. Tentatively, the existing lot will be split 60%-40%.

OBSERVATIONS: The property is an existing lot of record. Zoning was assigned to the parcel under a "blanket zoning" in the '80's (Thus, sub-standard lots in the RH-1 Zoning District). There are existing residences on the adjacent lots. The property is wooded with rolling topography. The majority of the property has slopes exceed 20% grade.

TOWN PLAN: The property is located in the Rural Residential Area. The maximum density for this area shall be one dwelling unit per two acres of land. It appears that the proposal will make the existing lots more consistent with the Town policies for the area.

STAFF: The proposal meets the dimensional standards of the zoning district.

TOWN ACTION: The petition has been postponed at Town Plan Commission meeting due to the landowners desires to reconfigure the property lines.
5-17-2012

To Whom It May Concern:

On behalf of Michael and Dagny Knight, Exeter Design Inc., is asking for a petition to rezoning the parcel number 0608-364-85208 and the westerly 40% of parcel number 0608-634-85002.

Zoning of both parcels is currently RH-1. Since the combination of the two areas mentioned above does not meet the required 2 acre minimum, the Knights are requesting a zoning change to A-2(1).

A Certified Survey Map has been conducted (see attached) and is waiting the zoning change so the document can be recorded.

Sincerely
Ed Short
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### Staff Report

**Zoning and Land Regulation Committee**

**Public Hearing:** July 31, 2012

**Petition:** Rezone 10451

**Zoning Amendment:**
R-1A Residence to R-4 Residence

**Town/sect:** Burke
Section 23

**Acres:** 23
Survey Req. No

**Reason:**
Multi-family buildings

**Applicant**
TMS Investment LLC

**Location:**
NW Corner of Burke Rd and Reiner Rd

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### DESCRIPTION:
The applicant would like to acquire multi-family zoning on the parcel to construct a proposed eight-unit building. No plans were submitted for the development.

### OBSERVATIONS:
There is an intermittent stream that bisects the eastern side of the property. The property will be subject to Shoreland Regulations. The subject property consists entirely of Class II soils. The eastern 50% of the property contains hydric soils. The area is outside the urban service area and will need a private septic system.

### TOWN PLAN:
The Town of Burke Comprehensive plan designates this area for Highway Commercial / Business Park. The area is intended for light industrial, office, commercial land uses. The City of Madison Comprehensive Plan designates the area around the intersection of Reiner Road / Burke Road as a Neighborhood Mixed Use Area. There are no set neighborhood plans for this area given that development of this area is far off in the future.

### STAFF:
County Staff has requested that the applicant submit a conceptual site plan for the property. No plans have been submitted. Staff feels that the proposal is inconsistent with current adopted plans. Staff is also concerned that the development will have a negative impact on the sensitive environmental features on the land that include hydric soils, potential for wetlands, and the Shoreland District.

### City of Madison:
The Planning Division is opposed to the proposal given that urban development is premature for the location and that no development should occur until neighborhood plans have been prepared.

### TOWN ACTION:
No town action. See attached email from clerk.
Hello Roger-

I wanted to let you know that no action has been taken by the Town on the above petition nor will the Town take action prior to the County Public Hearing on July 31.

On April 11 Mr. Thompson appeared before the Plan Commission for a preliminary consultation to gather information and determine the Town’s receptiveness to his proposal. No action was taken at that time. Recently (within the last month) Mr. Thompson contacted me regarding getting his rezone on the Board agenda. I explained that he would have to appear before the Plan Commission for a recommendation to the Town Board. I also explained that I would need a letter of intent with a more definitive plan for the property than previously given and a rezone fee prior to placing the rezone on the Plan Commission agenda. To date, I have not received anything from Mr. Thompson.

Thanks-

Brenda Ayers
Clerk/Treasurer
Town of Burke
5365 Keiner Road
Madison, WI 53718
P: 608.825.8420
F: 608.825.8422
E: townofburke@frontier.com
July 23, 2012

Dane County Zoning and Land Regulation Committee
 c/o Dane County Zoning Division
 City-County Building, Room 116
 210 Martin Luther King, Jr. Blvd.
 Madison, Wisconsin 53710

RE: Rezoning Petition 10451, NW Corner of Burke Road and Reiner Road

Dear Chairperson Miles:

The City of Madison has received notification of the public hearing on an application to rezone property located at the northwest corner of Burke Road and Reiner Road in the Town of Burke from the R-1A Residence District to the R-4 Residence District. It appears that the applicant is proposing to construct an eight-unit apartment on the site, but no site or building plans were included with the application. The City of Madison Planning Division has reviewed the application materials and recommends against the requested rezoning for several reasons.

The site proposed for rezoning is located within the Boundary Adjustment Area-Madison (BAA-M) defined in the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan adopted in January 2007. All lands within the BAA-M will eventually be in the City of Madison, and the intent of the Cooperative Plan is that development in this area should be consistent with detailed City plans prepared to guide future urban development—including recommendations regarding land use and density, development staging and the provision of urban services. At this time, the City has not prepared or adopted a neighborhood plan covering the proposed development site, and in the absence of a detailed plan to guide future development, any consideration of more-intensive uses in this area is premature at best.

The applicant included excerpts from the City of Madison’s Northeast Neighborhoods Development Plan with his rezoning application, but it is important to note that this plan, adopted in October 2009, does not cover the site proposed for rezoning. The overall Northeast Neighborhoods planning area extends from Interstate 94 to north of Nelson Road, but the Phase 1 area for which recommendations were adopted only covers the area extending between Interstate 94 to midway between Lien Road and Burke Road—half-a-mile south of the subject site. The entire planning area comprises 2,861 acres, with about two-thirds within the Phase 1 portion. Just the Phase 1 area will accommodate many years’ of urban development, and a schedule for preparation of a plan for the Phase 2 area has not been established at this time. Planning Division staff consider multi-family development to be an inappropriate use on an isolated site that is neither urban, nor expected to be urban, in the foreseeable future.

Because there is no detailed plan for the area, it is also unknown whether or not multi-family development will be the most appropriate use for the subject site at the future time when this general area is developed more intensively. Although the City of Madison Comprehensive Plan conceptually illustrated a neighborhood mixed-use node at this intersection, a preliminary land use evaluation conducted during preparation of the Northeast Neighborhoods plan suggests that the location may not be well-suited for this use after all, partly due to potential environmental constraints. No proposed development plan for the site was included with the application, but even if a detailed development plan had been included, there is no planning context within which to evaluate the proposed development.
This site is not served with public sewer, public water or most other urban-level public services. The City of Madison does not support urban development at locations where these services are not available—particularly relatively-intensive uses such as multi-family housing. Staff also question whether the hydric soils and other environmental constraints on this property (see below) make it suitable for on-site septic systems, in any case.

An intermittent stream which has been identified as navigable crosses the eastern edge of the site, which also has areas of hydric soils. At the appropriate time, development of this site with more intensive uses should only occur in conjunction with a thorough evaluation and careful planning for the future treatment of this drainage course, which also affects the northeast and southeast quadrants of the Burke/Reiner intersection.

Reiner Road is an important regional arterial roadway, which ultimately will be at least four lanes wide with additional turning lanes possible at major intersections. Similar to the situation with potential environmental constraints, future more intensive development of the subject site should only occur in conjunction with detailed planning for the two adjacent roadways. At this time, detailed designs for a future, more-urban intersection at Burke and Reiner Roads have not been prepared, and potential right-of-way requirements and access restrictions have not been determined. For example, if detailed neighborhood planning recommended relatively less-intensive development at this intersection, a roundabout rather than a traffic signal might be considered as a traffic control mechanism—which would require a different right-of-way configuration.

And finally, at this time, and for the foreseeable future, the property proposed for rezoning is essentially an isolated site in a semi-rural area characterized by a random mix of existing land uses, including a scattering of single-family houses, an active quarry, a couple of commercial-service uses and agricultural fields. The site is not part of a residential neighborhood, and other than the Town park about a quarter-mile north, there is no community gathering place, convenience or general shopping, social services, or any other residential amenity anywhere near the site. The area has no bus service and no service is anticipated in the near- to mid-term anytime soon, if ever. In the present situation, the Planning Division considers the site to be an inappropriate location for multi-family development. The City has learned through long experience that isolated apartment developments where residents, and particularly children, have nothing to do and no way to get around have a tendency to become problematic.

For the reasons summarized above, the City of Madison does not support the proposed rezoning of the property located at the northwest corner of Reiner Road and Burke Road, and recommends that Rezoning Petition 10451 not be approved. The proposed apartment development is simply premature at this location, and intensive development of this property should not occur until such time as detailed plans have been prepared to guide urban development and the full range of urban services is available.

Thank you for your consideration of these comments. If you have any questions about the information in this letter, please give me a call at 267-8732.

Sincerely,

[Signature]

Rick Roll
Senior Planner

c. Gregory Thompson, TMS Investments, LLC
Kevin Viney, Chairman, Town of Burke
Paul R. Soglin, Mayor, City of Madison
Bradley J. Murphy, Planning Unit Director
Dane County Zoning

5/17/2012

I would like to change the zoning on Parcels 0810-234-9850-5 and 0810-234-9900-4 from R-1A to R-4. The parcels are 1.81 acres and 0.15 acres respectively for a total of 1.96 acres. I have attached the exact metes and bounds description of each individual parcel.

The area is “smaller” so I have included a larger scale site plan drawing.

The property is in the City of Madison Northeast Neighborhood Planning area and has been described as a Neighborhood Mixed Use district (NMU). It is envisioned that it will include a mix of multi-story buildings occupied by retail, office, service, residential and institutional uses. The plan encourages residential uses as part of the mixed-use developments.

The Town of Burke Comprehensive plan which has been adopted by Dane County identifies this area as a business/industrial park. I have been before the Town of Burke Plan Commission for a conceptual review of the proposed rezone and received positive feedback to proceed.

The Town of Burke and the City of Madison have entered into a boundary agreement which provides a guide for planning both now and in the future as the town of Burke is absorbed into the City of Madison. My proposed rezone and plan places more emphasis on the City of Madison plan and recognizes that the current town plan may be considered somewhat outdated. Again, the town plan commission has given the proposal a favorable review.

The proposal allows for limited residential development today while not compromising the desired higher intense residential and commercial uses for the future. The plan is to construct no more than an eight-unit apartment while the property is unsewered and to complete the development when sewer and water become available in the future. The site plan shows a master planned development however, the request for the rezone is specific to only the 8 unit residential use. The future development is expected to comply with the ordinances in effect in the future whether it’s the City of Madison or Dane County zoning ordinances. This phased approach provides me with the opportunity to utilize the property today and not compromise a planned orderly development. The alternative is to construct a single family home and this is not consistent with the future plans.

I hope to get started this year with the construction.

Thank you for your consideration

Greg Thompson
6810 cross country rd
Verona wi 53593
608 444 1515
General Land Use Plan
City of Madison
Northeast Neighborhood

See Page 14 in text.
similar to those in the Neighborhood Mixed-use District. However, the Community Mixed-Use District is intended to be larger in size and have a higher density and intensity than the Neighborhood Mixed-use District. Development in this District should meet the design recommendations for the Neighborhood Mixed-use District as well as the standards listed below:

- In general, when designing the Community Mixed-use District, the design emphasis should be on "place making"—creating an identity and focal point for the planning area. This can be achieved by high quality architectural designs, and building materials; building placements and street designs that create a strong sense of spatial enclosure, urban landscaping, comfortable public gathering spaces, and visually interesting, lively, pedestrian-oriented streets and pathways, among others.
- Creation of a strong "sense of place" in the early stages of the project is essential to the success of this District. Two sided streets and enclosed public spaces should be completed in the first phase of the development to establish a sense of place.
- The District should have a center of gravity. This may be a main street, fountain, plaza, village green, clock tower or some other place to which people are drawn.
- A strong emphasis should be placed on creating interesting, diverse community gathering places that provide areas for meeting, mingling, relaxing and conversing.
- The design of the District should enhance the gateway to Madison via Interstate 94. High quality architecture, strategic building placement and superior site design can help achieve this recommendation.
- Underground and structured parking is encouraged.

Figure 1: Reiner Road/CTH T Town Center Illustration shows a conceptual development concept for the northwest quadrant of the Community Mixed-use District. The concept shows potential street, block and lot patterns, building placement, streetscape treatments, and public and private greenspaces overlaid on the recommended Land Use and Street Plan. The concept illustrates how the area could be developed to create a compact, mixed-use development area. Buildings are placed close to the tree-lined streets to create a feeling of spatial enclosure, which fosters pedestrian activity and helps establish a unique sense of place. Linked public and private village greens and squares provide focal points for the area and provide terminal views down primary travel corridors in the Community Mixed-use District. These areas create attractive gathering spots that enhance the area's sense of place and provide active and passive recreation opportunities for the community and visitors. A green corridor links the central green with a small urban park. The green corridor could include community gardens, rain gardens, walkways, bicycle paths and attractive "front yards" for homes fronting it. Commercial uses on the ground floor of mixed-use buildings create visual interest and generate pedestrian activity.

A wide range of housing unit types are recommended in the Community Mixed-use District including single-family houses, duplexes, rowhouses, townhouses and multi-family dwellings. Figure 1: Reiner Road/CTH T Town Center Illustration illustrates the design principle of placing buildings close to the street to create a well-defined pedestrian realm and frame views to and from key destinations (such as parks and greens) within the District. Parking is placed underneath, behind or beside buildings.

b) Neighborhood Mixed-Use Districts

Neighborhood Mixed-use Districts are recommended in two locations in the planning area. The largest Neighborhood Mixed-use District is recommended where the future extension of Lien Road will intersect Reiner Road. The District includes all four quadrants of the intersection and comprises approximately 20 acres. This District is a major focal point for adjacent neighborhoods. It is envisioned that it will front on Reiner Road and Lien Road and will include a mix of multi-story buildings occupied by retail, office, service, residential and institutional uses.

DRAFT: June 18, 2009

NORTHEAST NEIGHBORHOODS DEVELOPMENT PLAN
A small Neighborhood Mixed-use District is recommended at the intersection of Lien Road and Thorson Road. The area extends along Lien Road along the first block west of Thorson Road. It is envisioned that this District could include small mixed-use buildings that are two to three stories in height. Recommended uses include restaurants, coffee shops, small retail shops,
personal and professional services and similar neighborhood serving uses. Auto oriented uses such as gas stations, are not recommended at this location. This small mixed-use area could also be developed with flex space buildings that could accommodate either residential or non-residential uses, depending on market conditions. Careful site design will be required to provide a smooth transition between this mixed-use area and adjacent residential areas.

**Recommended Uses**

Commercial development within the Neighborhood Mixed-use District is intended to accommodate relatively small-scale businesses primarily providing convenience goods and services to neighborhood residents. Anchor uses such as a small grocery store, or pharmacy may be desirable to support smaller commercial uses. Smaller uses might include a bakery, bank, bicycle shop, clothing store, coffee shop, dry cleaner, fitness center, florist, hardware store, salon, restaurant and video store.

Residential uses are encouraged as part of mixed-use developments that also include neighborhood-serving businesses, services or civic uses. Residential uses above storefronts on the ground floor of multi-story buildings are particularly encouraged at appropriate locations. The appropriateness of including residential uses in a specific development will depend to some extent on the location of the site and the opportunities to design a project with sufficient amenity to provide an engaging residential environment. Because the Neighborhood Mixed-use Districts have frontage on future four-lane arterial roadways, residential opportunities may be more attractive somewhat farther back from that street rather than right up to it. Residences could be located around a street-side or interior courtyard, for example. Buildings up to four stories in height are recommended, but developments with residential components will need to consider the potential need to provide usable open space or other on-site amenities. Development densities and intensities will need to be carefully considered in order to achieve a development pattern that successfully blends residential and non-residential uses.

It is recommended that relatively higher density residential uses be included within the District. Residential uses would add vibrancy to the District, especially in the evenings and on weekends when some non-residential uses are not in operation. Residential dwellings could be part of exclusively residential buildings or located within mixed-use buildings with ground floor retail, service, or office uses and upper floor residential uses. The Residential Housing Mix 4 District dwelling unit types would be the most appropriate residential uses. A net density of 20 dwelling units per acre is being used to estimate the number of dwelling units in this District. This number could vary based on detailed planning for the area.

**Design Recommendations**

High quality design is a very important element of successful mixed-use development. A combination of “design-oriented” or form-based” zoning standards and deed and plat restrictions will be necessary to successfully implement high quality mixed-use projects. The Neighborhood Mixed-use Districts are planned to become focal points for neighborhood activities and neighborhood-oriented commerce. It is recommended that the Districts be developed as mixed-use, pedestrian-friendly nodes with an “urban” character and closely integrated with the higher density residential development both on the site and adjacent properties. There should be a very strong pedestrian linkage between the Districts and adjacent areas. The following design elements are recommended as guidelines for future development in the Neighborhood Mixed-use Districts and should be reflected as appropriate in individual project proposals:

- An emphasis on creating integrated neighborhood business and activity centers, as distinct from an aggregation of essentially separate business sites.
- Multi-story buildings are strongly recommended, especially at corner sites. Buildings up to three stories in height may be appropriate. In general, buildings should not be less than two stories in height.
• Building massing should be used to create a definable public space.
• High quality building materials, such as brick or stone, are recommended.
• Building design and facade characteristics similar to those that are commonly found along the Monroe Street business district and in other urban mixed-use areas such as Cannery Square in downtown Sun Prairie are examples of the type of design character that is envisioned for this District.
• Mixed-use development is encouraged, such as office or residential uses above retail uses.
• Buildings are located close to the sidewalk, with parking lots to the rear or the interior of sites rather than in front of buildings.
• On-street parking is recommended.
• Small plazas or courtyards as gathering places for visitors and employees.
• Minimal “gaps” in the street-level retail and business frontage.
• High levels of pedestrian amenity in public and private areas, including street trees and other landscaping, walkways connecting public sidewalks and parking areas to building entrances or activity areas, benches and other street furniture, and special lighting.
• High levels of bicycle amenity in public and private areas, including linkages to the neighborhood and safe access to convenient bicycle parking located near building entrances and activity areas.
• Neighborhood Mixed-use Districts should be designed to include transit-oriented development standards, such as those described in the City of Madison Comprehensive Plan.

c) Potential Mixed-Use Districts

Several areas are shown as Potential Mixed-Use development areas on the Land Use and Street Plan in addition to having an underlying recommended land use. These are indicated as Potential Mixed-Use development areas because they are located at prominent intersections or locations within the planning area where mixed-use development might be feasible. Having additional mixed use development areas within the planning area would be desirable as it would increase the convenience for nearby residents. These areas will be evaluated further as the planning area develops. The land use and design recommendations for the Neighborhood Mixed-Use District should be used in these areas.

3. Employment District

An Employment District comprising approximately 90 acres is recommended for an area adjacent to CTH T and Interstate 94. This district is intended to provide high-quality employment opportunities for the planning area and the region. Recommended land uses include corporate and business offices, research facilities and laboratories, hospitals, medical clinics and similar uses. Complementary uses that primarily serve District employees and users are also recommended. These uses include business services, conference centers, childcare, restaurants and lodging facilities. The District should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional companies.

In general, the Employment District should be designed as a compact, integrated district rather than a string of low-density suburban-style developments, although some users may require relatively large sites. Design and development standards are recommended for this District. Buildings up to 10 stories tall are recommended along Interstate 94 south of CTH T. Buildings up to 6 stories tall are recommended north of CTH T where the district abuts recommended residential development.

The exact block and street pattern within the Employment District is intended to be somewhat flexible in order to accommodate the needs of businesses that may require sites that are larger than those reflected on the Land Use and Transportation Plan map. If larger sites are needed, public streets should be provided. Private streets are not recommended.
To: Roger Lane,

I oppose the rezone 10451. I own the property all along the South side of this property. Our neighborhood is more conducive to single family homes for which it is zoned for now. I don't think that piece of land could support apartment buildings and septic systems as the land is wet on the west part. This year is so dry and it is the first year they have been able to mow the western part of that lot in the 32 years I have lived here. There is about ½ acre if they tried to mow they would get stuck and have to be pulled out.

My property is listed under William R. Godfrey & Emma J. Godfrey Revocable Living Trust Parcel No. 0810-252-86605. This map doesn't not show all the houses in this area. There are 6
house on my road. Two on the corner of Burke Rd and Reimer. Only the house on the East side of this property is shown. My neighbors tell me they didn’t get a notice of this rezone change.

I don’t understand what the areas hopped off with dot lines represent or the ______ mean.

This map is not a good representation of our neighborhood.

Thank you taking my input.

I oppose,

Sincerely,

Emma Godfrey
Staff Report

Zoning and Land Regulation Committee

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<thead>
<tr>
<th>Public Hearing:</th>
<th>July 31, 2012</th>
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<td>Petition:</td>
<td>Rezone 10452</td>
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<th>Zoning Amendment:</th>
<th>RH-1 Rural Homes to A-2(1) Agriculture and A-1EX Exclusive Agriculture</th>
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<tr>
<td>Town/sect:</td>
<td>York Section 10</td>
</tr>
<tr>
<td>Acres:</td>
<td>1.15 and .84</td>
</tr>
<tr>
<td>Survey Req.:</td>
<td>Yes</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Nancy J Schoeffling</td>
</tr>
<tr>
<td>Location:</td>
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</tr>
</tbody>
</table>

**Reason:** Removing a portion of cropland from and existing residential lot

**Description:** Mr. Krantz would like to reconfigure an existing residential lot to place the southerly 1 acre back onto the 76-acre farm.

**Observations:** The one-acre area consists entirely of Class I soils and is currently being cropped.

**Town Plan:** The property is located in the Agricultural Preservation Area. There will be no change to housing density for the area.

**Staff:** The proposal meets the dimensional standards of the zoning districts. A new 2-lot CSM will incorporate the one-acre portion into the 76-acre farm. See CSM 7858.

**Town Action:** Approved.
LOT 2
75.98 ACRES GROSS
75.36 ACRES NET
3283091 SQ. FT. NET

Sheet two of three
Office Map No. 9509
Document No. 9509
Certified Survey Map No. 11355
vol. 47 pa. 230
DESCRIPTION: The petitioner would like to create a residential lot for retirement on the 220-acre farm (70 acres of which is in the Town of Dane.)

OBSERVATIONS: The majority of the farm consists of Class II soils. No other sensitive environmental features observed.

TOWN PLAN: The property is located in the Agricultural Preservation District. If approved, one housing density right will remain on the original farm.

STAFF: The proposal meets the dimensional standards of the zoning district.

TOWN ACTION: Approved with no conditions.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2012-10453

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/31/2012

Whereas, the Town Board of the Town of **Vienna** having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): ○ Approved  ○ Denied  ○ Postponed

Town Planning Commission Vote: 4 in favor 0 opposed 0 abstained
Town Board Vote: 4 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. □ Deed restriction limiting use(s) in the _________ zoning district to only the following:

2. □ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. □ Deed restrict the applicant’s property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. □ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. ✓ Other Condition(s). Please specify:
   1 split remains based on total acreage of farm.

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

---

1. Shawn Haney, as Town Clerk of the Town of Vienna, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 6/18/2012

   Town Clerk Shawn Haney Date: 6/19/2012
imported note: acreage values and ownership herein are derived from historical and current records located at the dane county department of planning and development (e.g. gis, plat books, zoning permit data, csm's, etc). density policies vary among towns and may require interpretation.

<table>
<thead>
<tr>
<th>Public Hearing Date:</th>
<th>7/31/12</th>
<th>Petition Number:</th>
<th>10453</th>
<th>Applicant:</th>
<th>Kalscheur Living TR James L &amp; Kay</th>
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<tbody>
<tr>
<td>Town:</td>
<td>Vienna</td>
<td>A1-EX Adoption:</td>
<td>1/1/84</td>
<td>Orig. Farm Owner:</td>
<td>Kalscheur, James L.</td>
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<td>Section:</td>
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<td>1 Split Per 75 Acres Owned</td>
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<td>Original Farm Acres:</td>
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<td>Previous Density Study:</td>
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<td>Original Splits:</td>
<td>[155.19 / 75 = 2.07]</td>
<td>Remaining Splits:</td>
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</table>

reasons/notes:
none taken to date.

note: parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. density study is based on this original farm acreage, not acreage currently owned.

<table>
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<tr>
<th>Parcel #</th>
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CERTIFIED SURVEY MAP
WILLIAMSON SURVEYING AND ASSOCIATES, LLC

Located in the SW 1/4 of the SW 1/4 of Section 18, T9N, R9E, Town of Vienna, Dane County, Wisconsin.

WEST 1/4 CORNER
SECTION 18-9-9

[Diagram of survey map with measurements and notes]

NOTES:
1) This survey was prepared without benefit of a title report for the subject tract or adjoining tract and is therefore subject to any easements, agreements, restrictions and statement of facts revealed by examination of such documents.
2) Wetlands, if present, have not been delineated or shown.
3) Flood plain, if present, has not been located or shown.

PREPARED FOR:
JAMES & KAY KALSCHEUR
7236 CLEMENS RD
DAVE, WI 53569

SURVEYORS SEAL
Rev. 5-15-12
PRELIMINARY FOR REVIEW

DOCUMENT NO.
CERTIFIED SURVEY MAP NO. 12W-135
Sheet 1 of 3
DESCRIPTION: The petitioner would like to create two parcels from the 238-acre farm. The A-4 parcel will be sold to an adjacent landowner for agricultural purposes. The RH-2 parcel will be sold as a residential lot.

OBSERVATIONS: The majority of the A-4 parcel consists of Class II soils. The RH-2 consists entirely of steep slope topography with the majority having slopes exceeding 20%. There is a small area on the east side of the property with slopes that only exceed 12%.

TOWN PLAN: The Town Plan designates this area a Hillside Area. The plan states, “Slopes between 12% and 20% grade generally present challenges for building site development. Slopes that exceed a 20% grade are not recommended as development sites. Town Policy 8 (page 53): “Discourage development on sites with slopes in excess of 12 percent. Slopes in excess of 20 percent shall not be disturbed for driveways.”

STAFF: The proposed RH-2 property appears to be in conflict with Town Plan Policies. The A-4 property meets the dimensional standards of the zoning district.

TOWN ACTION: Approved with conditions.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition #DCPREZ-2012-10454

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/31/2012

Whereas, the Town Board of the Town of Mazomanie having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): ☐ Approved ☐ Denied ☐ Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained
Town Board Vote: 5 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. ☑ Deed restriction limiting use(s) in the A-4 zoning district to only the following: the 19.8 acre A-4 lot should be restricted from further residential development

2. ☑ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. ☐ Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. ☐ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. ☐ Other Condition(s): Please specify:

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Maria Van Cleve, as Town Clerk of the Town of Mazomanie, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 5/15/2012

Town Clerk Maria Van Cleve Date: 5/22/2012
**DRAFT: FOR DISCUSSION PURPOSE ONLY**

**IMPORTANT NOTE:** ACREAGE VALUES AND OWNERSHIP HEREIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (EG. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.

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<th>7/31/12</th>
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<th>Goodwiler REV TR, Carl F</th>
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<td>Section: 35</td>
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<td>Previous Density Study:</td>
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**A1-EX Adoption:** 3/29/79  
**Orig. Farm Owner:** Carl F. Goodwiler

**1 Split Per 40 Acres Owned**  
**Original Farm Acres:** 424.10

**Remaining Splits:** 3

**Reasons/Notes:**
- 10 original splits
- [-1] CSM 06979
- [-1] CSM 08916
- [-1] CSM 08917
- [-3] CSM 12241
- [-1] CSM 13199

[3] Remaining HDU's

if approved

10454 will remove 1 HDU

**NOTE:** Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

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<tr>
<th>Parcel #</th>
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NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

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Dear Zoning Commission:

May 16, 2012

The Goodwiler Trust is applying for rezone of two parcels of land located in the NW ¼ and NE ¼ of the NE ¼ of Section 2, T8N, R6E, and in part of the SE ¼ of the SE ¼ of Section 35, and the SW ¼ of the SW ¼ of Section 36, T9N, R6E, all in the Town of Mazomanie, Dane County, Wisconsin. The purpose of this rezone is to create one new residential building site which will be zoned RH-2. The second parcel being rezoned is to sell to an adjoining farmer for crop land and will be rezoned to A-4 land to comply with county ordinances. Both parcels will become lots in a CSM to complete the rezone boundaries. The current use of the land is agricultural lands and un-farmable waste lands. The plans to develop the building site will be finalized once the CSM is recorded and the new owners take over the lot.

Per application guidelines, I am providing the following information:

1. **Existing uses of property:**
   The current use of the land is agricultural lands and un-farmable waste lands.

2. **Existing uses of all neighboring properties:**
   This parcel is surrounded by rural residential lots, agricultural lands and a campground.

3. **Proposed uses of the rezoned area:**
   The proposed use is to create one new residential house site and one agricultural use site.

4. **Time schedule for development:**
   Once the CSM is completed the new building site and an agricultural lot will be sold to potential new owners.

5. **Parcels affected by rezone:**
   0906-354-9575-0 & 0906-363-9116-0

Property owner: Goodwiler Trust
C/O: Jim Goodwiler
29425 Town Hall Rd
Muscoda, WI 53573
608-574-0999

Agent: Chris Adams or Noa Prieve
Williamson Surveying and Associates LLC
REZONE MAP

A parcel of land located in part of the NW 1/4 and NE 1/4 of the NE 1/4 Section 2, TBN, R6E, Town of Mazonic, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South 1/4 corner of said Section 35; thence N 89°42'17" W, 1,485.74 feet to the point of beginning.

Thence continue S 02°17'32" E, 1,513.96 feet; thence along an arc of a circle concave southerly having a radius 2,780.00 feet and a long chord bearing of S 76°17'04" W a distance of 426.75 feet; thence S 72°00'32" W, 432.26 feet; thence along the arc concave southerly having a radius of 1,375.00 feet and a long chord bearing E 67°40'10" W a distance, 217.80 feet; thence N 64°37'59" E, 146.93 feet; thence N 38°16'43" E, 198.83 feet; thence N 01°43'17" E, 130.41 feet; thence N 89°52'36" E, 420.44 feet to the point of beginning. This parcel contains 735 acres and is subject to a road right of way of 33.00 feet over the most easterly part thereof.

DELAYED EFFECTIVE DATE REQUESTED

A-IX TO A-4

A parcel of land located in part of the SE 1/4 of the SE 1/4 Section 35, and SW 1/4 of the SW 1/4 of Section 36, all in TBN, R6E, Town of Mazonic, Dane County, Wisconsin being more particularly described as follows:

Beginning at the Southeast corner of said Section 35; thence S 89°42'17" W, 581.78 feet; thence N 03°41'59" W, 842.00 feet; thence N 89°37'29" E, 109.50 feet; thence S 89°26'02" E, 846.38 feet; thence S 89°31'19" W, 432.92 feet to the point of beginning. This parcel contains 24.44 acres and is subject to a road right of way of 33.00 feet over the most easterly part thereof.

DELAYED EFFECTIVE DATE REQUESTED

12W-102
**DESCRIPTION:** The applicant would like to create a residential lot for their son from a 39-acre property.

**OBSERVATIONS:** No sensitive environmental features observed.

**TOWN PLAN:** The property is located in the Agricultural Preservation Area. Three housing density rights remain on the original farm.

**STAFF:** The proposal meets the dimensional standards of the zoning district.

**TOWN ACTION:** Approved with no conditions.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2012-10455

Dane County Zoning & Land Regulation Committee Public Hearing Date: 7/31/2012

Whereas, the Town Board of the Town of Berry having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): ☐ Approved ☐ Denied ☐ Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 5 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S): (Check all appropriate boxes):

1. ☐ Deed restriction limiting use(s) in the ___________ zoning district to only the following:

2. ☐ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. ☐ Deed restrict the applicant’s property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. ☐ Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. ☐ Other Condition(s). Please specify.

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Brenda Kahl, as Town Clerk of the Town of Berry, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 5/21/2012

Town Clerk Brenda Kahl Date: 5/24/2012
DRAFT: FOR DISCUSSION PURPOSE ONLY

IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HERELN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (EG. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.

Public Hearing Date: 7/31/12  Petition Number: 10455  Applicant: Teresa L Statz

Town: Berry  A1-EX Adoption: 12/12/81  Orig. Farm Owner: James Michael Statz

Section: 14  1 Split Per 35 Acres Owned  Original Farm Acres: 237.77

Previous Density Study: 7/31/12  Original Splits: [237.77 / 35 = 6.79]  Remaining Splits: 3

Reasons/Notes:
Per Town Rounding Policy
[-4] CSM 10182
Farm home [CSM 12210] and
2nd home at the end of the road
pre-date 4/13/81 and are
exempted.

[3] Housing Density Units remain
If approved, 10455 would remove
1 HDU.

NOTE: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on this original farm acreage, not acreage currently owned.

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Acres</th>
<th>Owner Name</th>
<th>CSM</th>
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<tbody>
<tr>
<td>080714180850</td>
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<td>080713292700</td>
<td>8.32</td>
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DANE COUNTY
PLANNING & DEVELOPMENT
DESCRIPTION: The Alexander Company would like to continue the redevelopment of a brownfield site, Novation Campus, located just south of the beltline along Rimrock Road. This portion of the redevelopment consists of the removal of a convenience store/strip mall and replacing it with a new convenience store with in-house restaurant, car wash, and gas pump island.

OBSERVATIONS: This project was previously approved in 2008. Due to delays in construction, the conditional use permit expired. The revised plans removes the restaurant drive-thru window aspect of the proposal. There is an existing multi-family development across Rimrock Road that is approximately 200 feet away.

TOWN PLAN: The subject property falls with an area that will ultimately be annexed into the City of Fitchburg. In general, the proposal is compatible with local plans. The convenience store is part of the Novation Campus redevelopment plan.

STAFF: See Staff suggested conditions concerning hours of operation, noise, and lighting due to the proximity of residential dwellings.

TOWN ACTION: Approved with no conditions.
TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # CD.UUP-2012-02499 Dane County ZLR Committee Public Hearing Tuesday, July 31, 2012

Whereas, the Town Board of the Town of Madison having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): ☑ APPROVED
☐ DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 0 In Favor 0 Opposed

TOWN BOARD VOTE: 2 In Favor 0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate findings of fact that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

☑ SATISFIED
☐ NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Renee Schwass , as Town Clerk of the Town of Madison , County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Wednesday, June 20, 2012.

Renee Schwass
Town Clerk

Wednesday, June 20, 2012
Date
May 16, 2012

Dane County Planning and Development
City County Building, Room 116
210 Martin Luther King Jr. Blvd
Madison, WI 53703

RE: Conditional Use Permit – Written Statement for Capitol Petroleum at 2500 Rimrock Road

Project Owner: Capitol Petroleum LLC; Architect: Aro Eberle Architects LLC; Civil Engineer: Professional Engineering LLC.

Project Contact:
Doug Pahl c/o Aro Eberle Architects
116 King Street, Suite 202
Madison, WI 53703
Phone: 608-204-7464

Site Information: Lot Size: 1 Acre; Building GSF: (6571 C-store), (1140 Carwash); Zoning: C2
Lot: Part of Lot 5 of Novation Campus II Plat; Tax Parcel Number: 0709-363-2245-0

The proposed project at 2500 Rimrock Road comprises a new convenience store, restaurant tenant space, an office space for the operator, a carwash, and retail fuel sale dispensers.

Presently, the site is occupied by a strip mall type building, convenience store and fuel dispensary, spanning a large lot that is being subdivided according to the attached rezone exhibit. The existing buildings are in poor physical condition from an aesthetical, efficiency, and functional standpoint. The cost to renovate and modify the buildings to a new use is not practical and so the buildings are planned for demolition.

The subject property will be bordered to the North by a Commercial (C2) property and to the West by a Business (B1) property. The Northern parcel will be razed and remain vacant until a new project is planned and the West property is currently undeveloped. The development of all four lots is being overseen by The Alexander Company as part of the Novation Campus Development. Lot 4 will be owned and operated by Capitol Petroleum LLC; however the design and operational plan must be approved by The Alexander Company to ensure a cohesive campus environment.

This project will undoubtedly compliment the Novation Campus. It will provide useful services for the businesses on the campus and convenience to the residents in the nearby neighborhoods. Capitol
Petroleum will replace the currently operational Open Pantry, however the goal is to improve on the service currently provided. The operator plans to carry an expanded selection of small grocery items and produce in addition to the normal retail offerings one would find at a typical convenience store. A possible seasonal display of produce grown at the Charter School under construction across the street is planned if and when it is available.

**Schedule:** Construction is planned to commence in August of 2012 and last approximately 90 to 120 days.

Capitol Petroleum will operate the convenience store between the hours of 6:00am and 11:00pm. The carwash and fuel dispensers will be open for the same hours as the Convenience Store. The restaurant tenant space will operate between 7:00am and 10pm, and a secure control point will be provided between the two spaces allowing the C-store to operate safely without the risk of individuals entering restaurant space while it is closed. The C-store will be staffed by 2 individuals at all times. The Office on the second floor will accommodate about 5 staff dedicated to the administration of Capitol Petroleum LLC. The restaurant space would probably be staffed by two or three.

Thank you for your consideration,

Sincerely,

[Signature]

Douglas Pahl
Aro Eberle Architects, Inc.
DANE COUNTY
CONDITIONAL USE PERMIT #2208

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.14(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2208 for a Drive-in Gas Station and Car Wash subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: PENDING

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS: ______ Rimrock Road, Madison, WI and Novation Campus Subdivision Plat Lot 3, CSM 13312, Section 36, Town of Madison, Dane County, Wisconsin

Conditions:
1. Hours of operation shall be from 6:00am to 12:00am including gasoline dispensing.
2. Exterior lighting shall be full-cutoff or direct-down lighting. Parking lot lighting and canopy lighting shall be limited to 0.5 foot candles at the property line.
3. Loudspeakers or amplified sounds shall not exceed 25 dbA decibels at the property line.
4. Carwash dryer noise shall not exceed 70 dbA decibels at the south property line.
5. The parking area shall not be used for the outside storage of materials or goods.
6. The trash enclosure shall be screened with materials similar to the main building materials.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.

5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

EXPIRATION OF PERMIT
In addition to any time limit established as a condition in granting this CUP, Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.
In order to help clarify some ambiguity the 2012 Town of Mazomanie Comprehensive Plan with respect to implementation (Impacting TDR, Land Division, and Zoning Changes, etc.), the Town of Mazomanie Board approved the following text edits.

"Contiguity" was removed to help address a limited transfer of splits option, but it is needed for calculating the number of splits. The Town's TDR program now addresses the transfer of splits options, so the Town Board agreed to reinstate most of the wording to leave density (i.e. the number of splits) unchanged. Modify Page 26(contiguity):

4. Within planned Agricultural Preservation Areas, restrict new non-farm development to a density of one (1) building site per 40 adjacent acres owned as of March 29, 1979, exclusive of the original farm residence. Example: A 160-acre farm with residence and farm buildings would be entitled to four (4) development sites in addition to the original farm residences as of March 29, 1979. The following policies will apply when calculating the permitted number and size of non-farm development sites.

Modify Page 27(contiguity):

a. The number of divisions will be based on acreage of adjacent ownership as of March 29, 1979, using the Town's 1979 tax assessment roll as a guide to ownership on that date. For purposes of this plan, adjacent ownership is defined as parcels sharing a common boundary with roads, easements and rights of way not affecting adjacency. Parcels that meet only at one corner will be counted as adjacent in determining the number of divisions or lots.

The Town Board decided there were too many reasons to list on what makes one property more or less suitable for agriculture. The Town agreed it would communicate "case-by-case" decisions with the County outlining what reasoning it was using for each transfer. Add to Page 59(TDR):

✓ For each transfer, the Town of Mazomanie will provide a memo to Dane County outlining the criteria it uses for "less suitable" on a case-by-case basis. (soils, slopes, any number of criteria may be used.)

✓ All splits, transfers or not must abide by the 2 acre minimum lot size.

With a 2 acre minimum lot size, it might be possible to put as many as 15 lots on a given 40 acre parcel, completely changing the "feel" of an area. The Town Board, hoping to eliminate any unplanned "subdivision" type areas, (10 new neighbors) decided it wanted to put a cap the density of possible splits in a given area. Modify Page 59 3rd bullet (TDR Density Limits):

✓ In the Agriculture Preservation Planning Area, the average density of splits, transfers or not shall not exceed 3 splits per 40 acres (1 house per 5 acres maximum density)

Town Board Chair

Date 7-24-12

Town Clerk Maria Van Cleve

Date 7/24/2012
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TO: ZONING AND LAND REGUALTIONS COMMITTEE; DANE COUNTY BOARD, DANE COUNTY EXECUTIVE, TOWN OF MAZOMANIE BOARD

FROM: CURT KODL – SENIOR PLANNER

SUBJECT: OA #6 (12-13) TOWN OF MAZOMANIE COMPREHENSIVE PLAN UPDATE

DATE: 07/26/2012

CC: TODD VIOLANTE DPD - DIRCTOR, ROGER LANE – ZONING ADMINISTRATOR; JOSH WESCOTT

This memo describes proposed update to the Town of Mazomanie’s element of the Dane County Comprehensive Plan and Dane County Farmland Preservation Plan. Because town plans are components of the Dane County Farmland Preservation Plan authorized by Chapter 91 of the Wisconsin Statutes and part of Chapter 82 DCCO(Dane County Comprehensive Plan), any amendments to town plans must be adopted by the County Board of Supervisors and signed by the County Executive before they become effective. To assist county officials in their decision making, the Planning Division prepares written information describing any proposed town plan amendments. You may direct any questions about this report to Curt Kodl at 266-4183.

I. SUMMARY

On May 15th, 2012, the Town Board of the Town of Mazomanie adopted the update to the Town of Mazomanie Comprehensive Plan. The update satisfies the requirements of the Wisconsin Statutes and reinforced by the Town Comprehensive Plan. The update also proposes a Town of Mazomanie Transfer of Development Rights Program.

The Town Board adopted the comprehensive plan pursuant to Sections 62.23 and 66.1001 of Wisconsin Statutes. That plan served as a complete update to and replacement of the Town of Mazomanie Comprehensive Plan that was originally adopted in 2002 as part of the Highway 12 project.

II. BACKGROUND

A. Plan Amended: If adopted, Ordinance Amendment #6 would amend the Town of Mazomanie’s element of the Dane County Farmland Preservation Plan.

B. Action required: The County Board and the County Executive must approve Ordinance Amendment #6 for it to become effective.

C. Town adoption: The Town of Mazomanie Board of Supervisors adopted the proposed amendment on May 15, 2012.

A. ZLR public hearing: The Zoning and Land Regulation Committee (ZLR) advises the County Board on proposed plan amendments. The ZLR Committee will hold a public hearing on Ordinance Amendment #6, (12-13) on June 26, 2012.
B. Sponsors: Ordinance Amendment #6 was submitted by County Board Supervisors Schlict, Ferrell, Salov, and Wiganowsky on May 17, 2012.

III. DESCRIPTION / ANALYSIS

A. Ordinance Amendment #6 would provide updated information for the Town of Mazomanie.

B. The “Contiguity” section of the Density Policy has been removed which may reconfigure some original farms and change the outcome of previous density studies. The town should clarify if all acreage owned in the Town by one person is considered 1 large farm or each piece is considered one of many small farms. The vagueness of the policy leaves room for differing interpretations.

C. Additionally there is the new Town of Mazomanie TDR Program. This program allows for limited transfer between any 2 land owners in the Ag Preservation Area provided the receiving area is “less suitable”.

The policy covers many of the details of the process how to Transfer the Rights and conditions that apply when it happens. It would be helpful if there were slightly more detail should be put into the part of the TDR policy on IF the transfer should happen. For example:

“Therefore the parcel to which the dwelling unit rights are to be transferred should be less suitable for agricultural use than the parcel(s) from which the dwelling unit rights are to be transferred”

Adding a simple soil classification (the transfer must be from better soils to worse soils) would be the quickest way to get to an Ag based policy that was easy to interpret. If the Town intends a different measurement of “less suitable” they should be clear on that.

D. The plan continues to use the 2002 planned land use map.

E. The plan is broken into four sections: Issues and Opportunities; Goals, Objectives and Policies, Plan Recommendations and Implementation.

IV. COMMENTS BY OTHER LOCAL GOVERNMENTS OR STATE AGENCIES

As of the date of this report, no other towns, cities, villages, or agencies have formally commented on this proposed amendment.
TO: County Board Supervisors
   County Executive Joseph Parisi
   Town of Cottage Grove Supervisors
   Town of Cottage Grove Planning Commission
   All Other Interested Parties

FROM: Pamela Andros, AICP, Senior Planner

SUBJECT: Town of Cottage Grove Comprehensive Plan - OA #8, 2012-13

DATE: July 10, 2012

CC: Todd Violante, Director of Planning & Development
    Roger Lane, Zoning Administrator
    Karin Petersen-Thurlow, County Board Staff

This memo describes an amendments to the Dane County Comprehensive Plan proposed by the Town of Cottage Grove. Under intergovernmental cooperation policies of the Dane County Comprehensive Plan, town plans must be adopted by the Dane County Board and signed by the County Executive before they can be used to make county zoning decisions. To assist county officials in their decision making, the Planning Division prepares written information describing any proposed town plan amendments. Please contact me with any questions at 261-9780, or by email at andros@co.dane.wi.us.

I. SUMMARY
On April 25, 2012, the Town of Cottage Grove Board of Supervisors adopted amendments to the Town of Cottage Grove Smart Growth Comprehensive Plan - 2030. The Town Board has requested that the Dane County Board of Supervisors adopt this amended Town of Cottage Grove Smart Growth Comprehensive Plan - 2030, as an amendment to the Dane County Comprehensive Plan.

II. BACKGROUND
A. Ordinance and Plan Amended: If adopted, Ordinance Amendment #8, 2012-13 would amend Chapter 82, Subchapter II of the Dane County Code of Ordinances to incorporate the Town of Cottage Grove Smart Growth Comprehensive Plan - 2030 as part of the Dane County Comprehensive Plan.

B. Action required: The County Board and the County Executive must approve Ordinance Amendment #8, 2012-13 for it to become effective. Town comprehensive plans are adopted as part of the Dane County Comprehensive Plan under s.10.255(1)(d), Dane County Code and Intergovernmental Cooperation Policies for Town Governments (pp. 77-78) of the Dane County Comprehensive Plan. The Dane County Comprehensive Plan is adopted under Chapter 82, Subchapter II, Dane County Code, s. 59.69, Wis. Stats, and s. 66.1001, Wis. Stats.

C. ZLR public hearing: The Zoning and Land Regulation Committee (ZLR) advises the County Board on proposed Comprehensive Plan amendments. The ZLR Committee has scheduled a public hearing on Ordinance Amendment #8, 2012-13 for July 31, 2011.
D. **Sponsors:** Ordinance Amendment #8, 2012-13 was submitted by County Board Supervisors Solberg and Wiganowsky on June 7, 2012.

### III. DESCRIPTION

A. Ordinance Amendment #8 would amend the *Dane County Comprehensive Plan* by incorporating the *Town of Cottage Grove Smart Growth Comprehensive Plan - 2030*, as adopted by the Town of Cottage Grove Board of Supervisors on April 25, 2012.

B. The town made a change to the Land Use Plan Map (Map J-3). In it, one 9.5 acre parcel (parcel number 0711-023-8690-0 outlined below) was changed from the *Agricultural* land use district to the *Medium Family Residential* land use district. Residential land uses exist to the north, west and south of the subject parcel. There are no changes to the plan text.

### IV. ANALYSIS & RECOMMENDATIONS

A. **Consistency with Dane County Comprehensive Plan:**
   - **Housing:** No significant conflicts.
   - **Transportation:** No significant conflicts.
   - **Utilities and Community Facilities:** No significant conflicts.
   - **Agricultural, Natural & Cultural Resources:** No significant conflicts.
   - **Economic Development:** No significant conflicts.
• **Land Use**: No significant conflicts.
• **Intergovernmental Cooperation**: No significant conflicts.

V. **COMMENTS BY OTHER LOCAL GOVERNMENTS OR STATE AGENCIES**
No other Towns, Villages, Cities, or state agencies have commented on the proposed amendment as of the date of this memo.