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 10626
   APPLICANT: MICHAEL A ZAUNER
   LOCATION: 5769 HAUSER ROAD, SECTION 28, TOWN OF VIENNA
   CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District
   REASON: separation of the prairie lands from the farmland

2. PETITION: REZONE 10627
   APPLICANT: GARY H ZIEGLER
   LOCATION: 5048 THORSON ROAD AND SOUTH OF 5028 THORSON ROAD, SECTION 30, TOWN OF SUN PRAIRIE
   CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District, A-1EX Agriculture District TO R-1 Residence District
   REASON: zoning compliance for structures

3. PETITION: REZONE 10628
   APPLICANT: RONALD MEINHOLZ
   LOCATION: EAST OF 7472 COUNTY HIGHWAY K, SECTION 29, TOWN OF SPRINGFIELD
   CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
   REASON: creating on one residential lot

4. PETITION: REZONE 10629 and CUP 02255
   APPLICANT: TIMOTHY J FOULKER
   LOCATION: 6538 SCHUMACHER ROAD, SECTION 33, TOWN OF VIENNA
   CHANGE FROM: RH-2 Rural Homes District TO LC-1 Limited Commercial Dist
   REASON: rezone to allow landscape business
   CUP DESCRIPTION: residence for business owner
5. **PETITION: REZONE 10630**  
APPLICANT: SHARON T EDWARDS  
LOCATION: 7226 PINE ROW ROAD, SECTION 28, TOWN OF VERONA  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, A-2 Agriculture District TO RH-2 Rural Homes District, A-2 Agriculture District TO A-2 (8) Agriculture District  
REASON: expansion of existing residential lot

6. **PETITION: REZONE 10631**  
APPLICANT: F LOUISE FOSTER  
LOCATION: 4565 SPRECHER ROAD, SECTION 2, TOWN OF BLOOMING GROVE  
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-1EX Agriculture District TO R-1 Residence District  
REASON: creating one residential lot

7. **PETITION: REZONE 10632**  
APPLICANT: MITCHELL A SIGMUND  
LOCATION: 5582 SHEIL DRIVE, SECTION 16, TOWN OF OREGON  
CHANGE FROM: R-1 Residence District TO R-3 Residence District  
REASON: obtain a less restrictive rear yard setback

8. **PETITION: REZONE 10633**  
APPLICANT: KLM GROVE HOLDINGS LLC  
LOCATION: NORTH OF 4713 COUNTY HIGHWAY N, SECTION 4, TOWN OF COTTAGE GROVE  
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District  
REASON: compliance for existing land uses

9. **PETITION: REZONE 10634**  
APPLICANT: DENNIS D SHERVEN  
LOCATION: 689 STATE HIGHWAY 78, SECTION 20, TOWN OF PERRY  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: separation of existing residence from farmland

10. **PETITION: REZONE 10635**  
APPLICANT: DWIGHT J TRUTTMANN  
LOCATION: 9399 NESS ROAD, SECTION 31, TOWN OF PRIMROSE  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: expansion of existing residential lot

11. **PETITION: REZONE 10636 and CUP 02257**  
APPLICANT: CRESS SPRING FARM INC  
LOCATION: 4035 RYAN ROAD, SECTION 18, TOWN OF VERMONT  
CHANGE FROM: C-1 Commercial District TO C-1 Commercial District  
REASON: amend deed restrictions to allow take-out pizza restaurant  
CUP DESCRIPTION: allow the sale of beer and wine

12. **PETITION: REZONE 10637**  
APPLICANT: DUANE A IVESON  
LOCATION: W OF 1159 STATE HIGHWAY 78, SECTION 8, TOWN OF PERRY  
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District  
REASON: creating on one residential lot

13. **PETITION: REZONE 10638**  
APPLICANT: GERALD SCOTT POLSTER  
LOCATION: SOUTH OF 616 COUNTY HIGHWAY B, SECTION 27, TOWN OF CHRISTIANA  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO A-4 Agriculture District  
REASON: creating two residential lots and two small agriculture lots
14. **PETITION: REZONE 10639 and CUP 02258**  
**APPLICANT:** WAUBESA BEACH CLUB LLC  
**LOCATION:** 2952 WAUBESA AVENUE, SECTION 5, TOWN OF DUNN  
**CHANGE FROM:** B-1 Local Business District TO C-1 Commercial District, R-3 Residence District TO C-1 Commercial District  
**REASON:** expansion of existing land uses  
**CUP DESCRIPTION:** Tavern, lighted outdoor volleyball, outdoor entertainment

15. **PETITION: REZONE 10640**  
**APPLICANT:** ROBERT RIEGE  
**LOCATION:** SOUTH OF 3811 RIEGE LANE, SECTION 23, TOWN OF DEERFIELD  
**CHANGE FROM:** A-2 (2) Agriculture District TO A-1EX Agriculture District, A-1EX Agriculture District TO A-2 (2) Agriculture District  
**REASON:** reconfigure existing residential lots to remove public road frontage

16. **PETITION: REZONE 10642**  
**APPLICANT:** MONTROSE, TOWN OF  
**LOCATION:** VARIOUS SECTIONS, TOWN OF MONTROSE  
**CHANGE FROM:** A-1EX Agriculture District TO A-2 (4) Agriculture District and A-3 Agriculture District  
**REASON:** allow implementation of the Dane County Farmland Preservation Plan for the Town of Montrose for various properties located in the Town of Montrose. For a detailed listing of properties and zoning, visit the following website: [http://www.countyofdane.com/plandev/zoning/news.aspx](http://www.countyofdane.com/plandev/zoning/news.aspx) under the title “Town of Montrose Blanket Rezone 10642”, visit the Town of Montrose at 1341 Diane Ave, Belleville, WI, (608) 424-3848 or contact Dane County Zoning Division at (608) 266-4251.

17. **PETITION: REZONE 10645**  
**APPLICANT:** PLEASANT SPRINGS, TOWN OF  
**LOCATION:** VARIOUS SECTIONS, TOWN OF PLEASANT SPRINGS  
**CHANGE FROM:** A-1EX Agriculture District TO CO-1 Conservancy District  
**REASON:** allow implementation of the Dane County Farmland Preservation Plan for the Town of Pleasant Springs for various properties located in the Town of Pleasant Springs. For a detailed listing of properties and zoning, visit the following website: [http://www.countyofdane.com/plandev/zoning/news.aspx](http://www.countyofdane.com/plandev/zoning/news.aspx) under the title “Town of Pleasant Springs Blanket Rezone 10645”, visit the Town of Pleasant Springs, 2354 County Road N, Stoughton, WI, (608) 873-3063 or contact Dane County Zoning Division at (608) 266-4251.

18. **PETITION: REZONE 10650**  
**APPLICANT:** CHRISTIANA, TOWN OF  
**LOCATION:** VARIOUS SECTIONS, TOWN OF CHRISTIANA  
**CHANGE FROM:** A-1EX Agriculture District TO RE-1 Recreational District  
**REASON:** allow implementation of the Dane County Farmland Preservation Plan for the Town of Christiana for various properties located in the Town of Christiana. For a detailed listing of properties and zoning, visit the following website: [http://www.countyofdane.com/plandev/zoning/news.aspx](http://www.countyofdane.com/plandev/zoning/news.aspx) under the title “Town of Christiana Blanket Rezone (Rezone Petition 10650)”, visit the Town of Christiana, 773 Koshkonong Road, Cambridge, WI, (608) 423-3816 or contact Dane County Zoning Division at (608) 266-4251.

19. **PETITION: CUP 2256**  
**APPLICANT:** AMY L JESTER  
**LOCATION:** 8403 COUNTY HIGHWAY PD, SECTION 11, TOWN OF SPRINGDALE  
**CUP DESCRIPTION:** use existing accessory building for a photography studio

20. **PETITION: CUP 2259**  
**APPLICANT:** WESLEY A STATZ  
**LOCATION:** 5768 COUNTY HIGHWAY VV, SECTION 14, TOWN OF SUN PRAIRIE  
**CUP DESCRIPTION:** farm residence in the agriculture district


22. **ORD. AMEND. 27, 2013-2014:** Amending Chapter 82 of the Dane County Code of Ordinances, Incorporating the Town of Burke Comprehensive Plan into the Dane County Comprehensive Plan.
23. **PETITION: REZONE 10641**  
APPLICANT: ANTHONY R SCHMITT  
LOCATION: 7023 LAVINA ROAD, SECTION 34, TOWN OF DANE  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: creation of one residential lot

24. **PETITION: REZONE 10643**  
APPLICANT: HELENA CHEMICAL COMPANY  
LOCATION: 156 COUNTY HIGHWAY N, SECTION 30, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO A-B Ag-Business District and A-4 Agriculture District  
REASON: expansion of existing business

25. **PETITION: REZONE 10644**  
APPLICANT: SCOTT T BJORGE  
LOCATION: SOUTH OF 2090 E BLUE MOUNDS ROAD, SECTION 26, TOWN OF BLUE MOUNDS  
CHANGE FROM: A-2 (1) Agriculture District TO A-2 (8) Agriculture District and A-1EX Agriculture District TO A-2 (8) Agriculture District  
REASON: adding lands onto existing residential lot

26. **PETITION: REZONE 10646**  
APPLICANT: TOWN OF VIENNA  
LOCATION: VARIOUS SECTIONS IN THE TOWN OF VIENNA  
CHANGE FROM: A-1EX Agriculture District TO VARIOUS ZONING DISTRICTS  
REASON: allow implementation of the Dane County Farmland Preservation Plan for the Town of Vienna on various properties located in the Town of Vienna. For a detailed listing of properties and zoning, visit the following website: [http://www.countyofdane.com/plandev/zoning/news.aspx](http://www.countyofdane.com/plandev/zoning/news.aspx) under the title “Town of Vienna Blanket Rezone (Rezone Petition 10646)”, visit the Town of Vienna at 7161 County Highway I, Deforest WI, 53532, (608) 846-3800 or contact Dane County Zoning Division at (608) 266-4266.

27. **PETITION: REZONE 10647**  
APPLICANT: DEBRA PETERSEN  
LOCATION: 3119 GASTON ROAD, SECTION 6, TOWN OF COTTAGE GROVE  
CHANGE FROM: R-1A Residence District TO R-3A Residence District  
REASON: zoning compliance for existing duplex

28. **PETITION: REZONE 10648**  
APPLICANT: PETER L DUNN  
LOCATION: 4237 STATE HIGHWAY 138 & WEST OF, SECTION 8, TOWN OF RUTLAND  
CHANGE FROM: A-2 Agriculture District TO A-2 (8) Agriculture District  
REASON: adjustment of lot lines between two residential lots

29. **PETITION: REZONE 10649**  
APPLICANT: WINDSOR GOLF VENTURES INC  
LOCATION: 4628 GOLF DRIVE, SECTION 30, TOWN OF WINDSOR  
CHANGE FROM: RE-1 Recreational District TO R-1 Residence District and R-3A Residence District; A-1EX Agriculture District TO R-1 Residence District  
REASON: creation of thirteen residential lots

30. **PETITION: REZONE 10651**  
APPLICANT: DENNIS W MANDT  
LOCATION: 1191 LIBERTY ROAD, SECTION 29, TOWN OF DEERFIELD  
CHANGE FROM: RH-2 Rural Homes District TO A-1EX Agriculture District  
REASON: zoning compliance for use (mineral extraction); reduce size of residential lot to allow mineral extraction

31. **PETITION: CUP 2260**  
APPLICANT: CRAZY ACRES INC  
LOCATION: WEST OF 983 STATE HIGHWAY 73, SECTION 15, TOWN OF ALBION  
CUP DESCRIPTION: mineral extraction
32. **PETITION: CUP 2261**  
APPLICANT: JOEL E HOUGAN  
LOCATION: 2630 COUNTY HIGHWAY N, SECTION 16, TOWN OF PLEASANT SPRINGS  
CUP DESCRIPTION: mineral extraction

33. **PETITION: CUP 2262**  
APPLICANT: OAK PARK QUARRY LLC  
LOCATION: 3522 OAK PARK ROAD, SECTION 29, TOWN OF DEERFIELD  
CUP DESCRIPTION: mineral extraction

**IV. AGENDA ITEMS FROM PREVIOUS MEETINGS**

1. None.

**V. PLATS AND CERTIFIED SURVEY MAP**

1. **PRELIMINARY PLATS**  
None

2. **FINAL PLATS**  
a. Vroman Family Farm, City of Fitchburg, Section 17/20  
(5 lots) (application deadline 2/26/14)  
Staff recommends a certification of non-objection.

b. Shoppes at Prairie Lakes, City of Sun Prairie, Section 11  
(8 lots) (application deadline 3/04/14)  
Staff recommends a certification of non-objection.

c. Wood Ger Development, Town of Burke, Section 24  
(12 lots) (52 acres)  
Consideration of the 3/19/2013 conditional approval and execution of the plat document pursuant to established Committee policy.

3. **CERTIFIED SURVEY MAPS**  
a. Waiver request for Waubesa Beach Club, LLC, Town of Dunn, Section 5, from Ch. 75.19(6)(b) for proposed lot 2 of a 2-lot Certified Survey Map to have less than 66’ of public road frontage.

**VI. RESOLUTIONS**

1. None.

**VII. ORDINANCE AMENDMENTS**


**VIII. OTHER BUSINESS AUTHORIZED BY LAW**

**IX. ADJOURN**

Supervisor Patrick Miles, Chair, Zoning & Land Regulation Committee  
AGENDA POSTED: February 20, 2014
Blank Page
DESCRIPTION: The applicant would like to sell off the prairie area of their 80-acre parcel and retain the tillable land. In order to do so, two agricultural lots need to be created. The prairie area is approximately 45 acres.

OBSERVATIONS: The center portion of the property has rolling topography with some slopes exceeding 20% grade. The western and eastern portions of the property consist of Class II soils and are currently being tilled. There is an active non-conforming mineral extraction site located just north of the property. The extraction site consists of 137 acres. No other sensitive environmental features observed.

TOWN PLAN: The property is designated within the Agricultural Preservation Area under the Town Plan. Housing density is limited to one home site per 75 acres. See density report regarding the status of the density rights remaining on the original farm. No additional home sites are being created.

RESOURCE PROTECTION: The Town Plan notes slopes over 12% grade as an area of resource protection. Most of the steep topography is located within the center portion of the property.

STAFF: The proposal meets the dimensional standards of the zoning districts. Note: There is no limit to the amount of animal units (livestock) for the A-2 parcel due to its size.

TOWN: Approved with no conditions.
Regarding Petition # DCPREZ-2013-10626

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

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: 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.

I, 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 11/18/2013

Town Clerk Shawn Haney Date: 1/14/2014
DRAFT: FOR DISCUSSION PURPOSES 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.

<table>
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<tr>
<th>Public Hearing Date</th>
<th>Petition Number</th>
<th>Applicant</th>
</tr>
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<tbody>
<tr>
<td>01/28/2014</td>
<td>10626</td>
<td>Michael &amp; Suzanne Zauner</td>
</tr>
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<table>
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<tr>
<th>Town</th>
<th>Section</th>
<th>Density Study Date</th>
<th>A-1EX Adoption 01/01/1984</th>
<th>Orig Farm Owner</th>
<th>Density Number</th>
<th>Original Farm Acres</th>
<th>Available Density Unit(s)</th>
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<td>28, 29</td>
<td>01/02/2014</td>
<td></td>
<td></td>
<td>75</td>
<td>78.03</td>
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</table>

Reasons/Notes:

[1] Original Split
Separation of the existing farm buildings may not count against the density policy, if part of the farming operation. If determined by the Town to be part of the farm, [1] split remains, otherwise [0] no splits left.

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 the original farm acreage, NOT acreage currently owned.

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<tr>
<th>Parcel #</th>
<th>Acres</th>
<th>Owner Name</th>
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<td>090928285003</td>
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<tr>
<td>090929180007</td>
<td>39.48</td>
<td>MICHAEL A ZAUNER &amp; SUZANNE ZAUNER</td>
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</tbody>
</table>
ZONING CHANGE MAP

BEING THE NW 1/4 OF THE NW 1/4 OF SECTION 28 AND THE NE 1/4 OF THE NE 1/4 SECTION 29, T9N, R9E, TOWN OF VIENNA, DANE COUNTY, WISCONSIN

NOTE: REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY Soil Survey.

LEGEND
- DANE COUNTY SECTION CORNER (FOUND) (AS NOTED)
- 3/4" IRON RE-BAR (FOUND) (UNLESS NOTED)
- 3/4" x 24" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)

( ) "RECORDED AS" INFORMATION

DRAFTED BY: T.W.P.
FILE NO. 13-117

SHEET 1 OF 3
### Staff Report

#### Zoning and Land Regulation Committee

**Public Hearing:** January 28, 2014  
February 25, 2014

**Petition:** Rezone 10627

**Zoning Amendment:**  
A-1EX Exclusive Agriculture District to A-2 Agriculture District and R-1 Residence District

**Town/sect:**  
Sun Prairie  
Section 30

**Acres:** 25.1, 1.033  
Survey Req. No

**Applicant:**  
Gary Ziegler

**Location:**  
5048 Thorson Road  
and south of 5028 Thorson Road

---

**DESCRIPTION:** The landowner would like to bring two existing legal non-conforming parcels into conformance with current zoning standards. The 1-acre parcel is proposed to be sold on the open market. The applicant requests that a certified survey map not be required as part of the condition of approval.

**OBSERVATIONS:** The parcel is located at the edge of the Town of Sun Prairie and adjacent to the boundary of the City of Madison. The parcels shown have been legally created in 1999 as part of a will. Also in 1999, the ZLR (ZNR) Committee had approved this same zoning request. But due to circumstances, the petition was rendered null and void. The property consists primarily of Class II soils. No other sensitive environmental issues observed.

**TOWN PLAN:** The property is located within the Town’s Agricultural Preservation Area. The Town limits housing density to 10 to 12 home sites per year. Given the legal non-conforming status of the parcels, the rezoning would not be considered an increase in housing density or count against housing density noted in the Town Plan.

**RESOURCE PROTECTION:** The Town identifies sensitive water features as part of their resource protection area. The Dane County Farmland Preservation Plan notes slopes over 20% grade as an area of resource protection. The property does not have either of these resource protection features.

**STAFF:** The proposal meets the dimensional standards of the zoning districts. The applicant would like to retain the metes and bounds descriptions of the properties as noted on the personal representative’s deed and avoid the Certified Survey Map process with Madison ETJ authority.

**TOWN:** Approved with no conditions.
January 31, 2014

Gary Zeigler
5048 Thorson Road
Sun Prairie, WI 53590

Re: Parcel status determination
Town of Sun Prairie, Section 30
Parcel # 0811-303-9002-5

Dear Mr. Zeigler,

This letter is to clarify the status of parcel of land that is identified as "Lot E" on a plat of survey created by Birrenkott Surveying, Office Map No. 94690. This parcel is also noted in a Representative's Deed recorded in the Dane County Register of Deeds under Document 2844290. This parcel of land was created in 1997 and was subject to the requirements found under the Dane County Land Division Regulations.

A question arose of whether the parcel of land was legally created under Dane County Land Division Regulations.

I have reviewed the history surrounding the creation of this lot. The parcel was created through the last will and testament of Iva M. Ziegler that was filed with Dane County Circuit Court on September 19, 1995. The will was validated by Daniel Breunig, Register in Probate. The 1.04 acre parcel (including ROW easement) was created for Boyd A. Ziegler as part of the will.

Under Dane County Code of Ordinances, Land Division Regulations, Section 75.14, the transfers of interests in land by will or pursuant to court order, is exempt from the land division regulations.

It has been determined that this parcel of land has been legally created and thus considered a legal lot of record. Further, the parcel is considered a legal non-conforming A-1 Exclusive parcel and falls under the provisions afforded by Dane County Code of Ordinance Section 10.16(3). The parcel may be used as a building site for the construction of a single-family dwelling.

Please note that the Town of Sun Prairie may need to review the location of the driveway or dwelling prior to installation of such improvements.

If you have any questions or concerns, please call me directly at (608) 266-9078.

Sincerely,

Roger Lane
Dane County Zoning Administrator

CC: Town of Sun Prairie Clerk
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition #10627

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

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

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

Town Board Vote: 3 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.

Jo Ann Ramsfield, as Town Clerk of the Town of Sun Prairie, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 1/27/2014.

Town Clerk: Jo Ann Ramsfield

Date: 1/28/2014
Dane County Application for Change in Zoning or CUP

ZONING PETITION #: 7459  CUP #: None
APPLICANT: Gary Ziegler, et al.

AREA: 28.70 acres  DELAYED EFFECTIVE DATE: Yes

CHANGE: From the A-1 EX Exclusive Agricultural to the A-2 Agricultural

PROPOSED USE: sale of land - proposed use residential - proposed number of lots 3

HEARING DATE: 01/26/99  ITEM#: 19.
TOWN / SECTION: Sun Prairie 30
LOCATION: at 5043 Thorson Road

NULL & VOID

TOWN ACTION RECOMMENDATION:
- Approved: January 11, 99
- DENY

SUBJECT TO:
- Conditions: No
- Amended: No

IF CUP:
- Conditions: None

ZNR COMMITTEE ACTION - REZONING
- Postponed
- Approve: Cond/Amend Town
- Cond/Amend. Comm.
- As Condition

- Amended
- Changed Zone Dist
- Changed Boundary Description
- DENY

ZNR CUP APPROVAL
- Approved: As Specified by Town
- Con by ZNR: Yes
- DENY

COUNTY BOARD ACTION REZONING
- Referred
- Approved: Amended on Floor
- DENY

COUNTY BOARD AGENDA ITEM #
**DESCRIPTION:** The applicant would like to create a residential lot in order for a family member to construct a new single-family residence on the 77-acre farm.

**OBSERVATIONS:** The proposal is just west of the Scenic Ridge Subdivision. The majority of the parcel consists of Class II soils. No sensitive environmental features observed.

**TOWN PLAN:** The property is designated within the Agricultural Preservation Area under the Town Plan. Housing density is limited to one home site per 35 acres. It appears that 2 housing density rights are allocated for the original 77-acre farm. If approved, one housing density right will remain.

**RESOURCE PROTECTION:** The Town identifies sensitive water features and slopes over 20% grade as part of their resource protection area. The proposed parcel is outside the resource protection area.

**STAFF:** The proposal meets the dimensional standards of the zoning district. A 33-foot wide strip of land will be reserved for future right-of-way along the east property line of the proposed CSM to accommodate Rocky Hill Road becoming a public street in the future.

**TOWN:** Approved with no conditions.
DRAFT: FOR DISCUSSION PURPOSES 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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<td>Ron &amp; Helen Meinholz</td>
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<th>Orig Farm Owner</th>
<th>Ron Meinholz</th>
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Reasons/Notes:

[2] Original Splits
None used to date.
Farm Residences built prior to 1979 do not count against the density policy. If approved, 10628 will remove 1 split.

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 the 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>
</table>
Regarding Petition # 10628

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Springfield 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: 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:

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.

Carolyn Hacker, as Town Clerk of the Town of Springfield, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/17/2013

Town Clerk Carolyn Hacker Date: 1/21/2014
Blank Page
**DESCRIPTION:** The applicant would like to expand the use of his existing residential lot to include his landscaping business. The applicant currently resides on the property. In order for the business to be allowed, the zoning needs to change to LC-1. In addition, a conditional use permit is needed for: a residence for the business owner, outside storage of materials, and the storage of over 12 pieces of equipment.

**OBSERVATIONS:** There is an existing residence and various outbuildings located on the property. Majority of the property consists of Class II soils. No sensitive environmental features observed. The nearest neighboring residential property is approximately 1000 feet away from the site.

**TOWN PLAN:** The Town Plan identifies the property as an existing residential site. The property is surrounded by the Agricultural Preservation Area. The Town Plan allows the reuse of agricultural buildings for commercial purposes as long as the business does not conflict with surrounding agricultural production or create a nuisance to neighboring residences. There will be no change to housing density as part of this petition.

**RESOURCE PROTECTION:** The Town identifies sensitive water features and slopes over 12% grade as part of their resource protection area. The proposed parcel is outside the resource protection area.

**STAFF:** The proposal meets the dimensional standards of the Zoning District. Staff has prepared a list of suggested conditions for the Conditional Use Permit. See attached.

**TOWN:** The Town approved the Zoning Petition and the Conditional Use Permit with no conditions.
## Public Hearing Date
01/28/2014

### Petition Number
10629

### Applicant
TIMOTHY J FOULKER

<table>
<thead>
<tr>
<th>Town</th>
<th>Vienna</th>
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<tr>
<td>Section</td>
<td>33</td>
</tr>
<tr>
<td>Density Study Date</td>
<td>01/02/2014</td>
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</table>

| A-1EX Adoption | 01/01/1984          |
| Orig Farm Owner | Hellenbrand, Mary T. |
| Density Number | 75                  |
| Original Farm Acres | 158.12            |
| Original Splits | 2.11                |
| Available Density Unit(s) | 2                  |

### Reasons/Notes:
No Density Implications

---

**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 the original farm acreage. NOT acreage currently owned.

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<td>4.93</td>
<td>TIMOTHY J FOULKER</td>
<td>05388</td>
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</table>
TOWN BOARD ACTION REPORT – REZONE

DCPREZ-2013-10629

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: 0 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. Plan Commission sent to Town Board with no recommendation, as they felt the Town Plan was not clear about LC-1 in rural areas. The Town Board passed it with no conditions

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 10/21/2013

Date: 1/14/2014
TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # DCPUR-2013-00255 Dane County ZLR Committee Public Hearing Tuesday, January 28, 2014

Whereas, the Town Board of the Town of Vienna 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: 5 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, 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 Monday, October 21, 2013.

Shawn Haney Town Clerk
Tuesday, January 14, 2014
Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

   Using for storage of equipment, vehicles and materials.

2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

   Have been storing equipment at same location for 5 years and no problems. Equipment kept away from neighbouring fields and roads.

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

   Everything is kept on property.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

   Keeping things maintained with no major changes to property.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

   Limited traffic to property - only employees and self. Minimizing traffic in and out of property at any given time.

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

   Abiding by stat. that are applied for property. Will reside at location to make sure they are abided by.
DAINE COUNTY
CONDITIONAL USE PERMIT #2255

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

GRANT Conditional Use Permit #2255 for a residence in the LC-1 Zoning District, outdoor storage of landscape materials, and outdoor storage of multiple vehicles 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: 6538 Schumacher Road, Section 33, Town of Vienna

LEGAL DESCRIPTION: Lot 1 of Certified Survey Map #5388, Section 33, Town of Vienna, Dane County, Wisconsin.

CONDITIONS:

1. The single-family residence may only be occupied by the business owner or caretaker.
2. Hours of operation shall be from 6 am to 6 pm, Monday through Saturday.
3. Up to 50 vehicles may be stored outside along the east property line or as noted on the attached site plan. The vehicles and/or equipment shall be arranged in a neat and orderly fashion.
4. Outdoor storage of landscape materials shall be permitted as shown on the attached site plan. Material shall be kept in a neat and orderly fashion.
5. Sanitary facilities are permitted in outbuilding.
6. There shall be no retail sales of landscaping materials.
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.
(Description continued)
of said Sec. 33; Thence S. 89° 22' E. 555.0 feet; Thence S. 0° 38' W. 392.5 feet; Thence N. 89° 22' W. 555.0 feet to the west line of the S.E. ¾ N.W.¼ Sec. 33 and p.o. b. The west 8.25 feet of said S.E. ¾ N.W.¼ is subject to a public P.O.W.

OWNERS CERTIFICATE

We, as owners, 

________________________

do hereby certify that we have caused the land described on this certified survey map to be surveyed, mapped, and dedicated as represented on this map.

Signed and sworn to before me this 24th day of November, 1987

James W. Widhalm
Notary Public
My commission is permanent

X/Marvin J. Hellenbrand
X/Aurthur Hellenbrand
X/Robert Hellenbrand
X/Thomas A. Ziegler
X/Mary Ann Ziegler

MAP SHOWING LOCATION OF IMPROVEMENTS ON LOT 1

Scale 1" = 100'

CSM 5388
V. 24, 08, 291
Sheet 2 of 2 sheets
DESCRIPTION: The applicant would like to expand an existing residential lot in order to keep livestock (horses).

OBSERVATIONS: The 2-acre parcel was created in 1975 under Certified Survey Map #1850. There is an existing single-family residence and a detached two-car garage on the property. The adjacent property has an existing single family residence and a barn. There is a band of steep slope topography located in the center of the proposed expansion area. This area is wooded. The major of the area consists of Class II soils. The properties are located within the City of Verona Urban Service Area.

TOWN PLAN: The property is located within the Agricultural Preservation Area. Housing density is limited to one home site per 35 acres. The will be no increase to housing density as part of this petition.

RESOURCE PROTECTION: The Town Plan identifies sensitive water features as part of their resource protection area. The Dane County Farmland Preservation Plan notes slopes over 20% grade as an area of resource protection. Areas on the property containing slopes exceeding 20% grade would be considered areas of resource protection.

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

Note: The new side property line shall be kept a minimum of 50 feet away from barn if used to house livestock (10.04(1)(b)6.)

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

DCPREZ-2013-10630

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

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

Town Planning Commission Vote: 3 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.

I, __________________________, as Town Clerk of the Town of _______ Verona _______, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/3/2013

Town Clerk: John Wright Date: 12/4/2013
CERTIFIED SURVEY MAP

I, Thom R. Grenier, hereby certify that this survey is in compliance with Chapter 236.34 of Wisconsin Statutes.
I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation of all exterior boundaries of the land surveyed and the division of that land with the information provided.

Thom R. Grenier, Registered Land Surveyor

SURVEYED FOR: SHARON EDWARDS FROM DICKINSON 845-8962
7726 PINE ROW, VERONA, WI 53593
DESCRIPTION-LOCATION: PT NW 1/4, NE 1/4, SEC. 28,
(TEX, CSM 1850 & LOT 2, CSM 6436) IN T6N, R6E,
TOWN OF VERONA, DANE CO., WI
APPROVED FOR RECORDING PER DANE COUNTY ZONING & LAND
REG. COMM. action of

REGISTER OF DEEDS CERTIFICATE
DAN EVERSON
Received for recording this
and recorded in Volume of Certified Survey
Maps of Dane County on Page

DOCUMENT # CERTIFIED SURVEY MAP # Vol. Page

OFFICE MAP NO. 9390

SURVEYOR'S CERTIFICATE
State of Wisconsin
County of Dane

P. I. N. 0608 281 8590 6
0608 281 8700 0

SOIL:
40% CLASS I
50% CLASS II
10% CLASS IV

REZONING DESCRIPTIONS: NOT APPLICABLE

LOT 1: FROM A-2X TO RH-2; ALL OF CSM 1850, IN TOWN OF VERONA, DANE CO., WI.
FROM A-2 TO RH-2; PART OF CSM NO. 6436, IN NW 1/4 OF THE NE 1/4 OF SECTION 28,
T6N, R6E, TOWN OF VERONA, DANE CO., WI, DESCRIBED THUSLY: BEGINNING AT THE SOUTH-WEST CORNER OF SAID LOT 2, CSM 6436; THENCE NORTH 613'; THENCE WEST 220'; THENCE SOUTH 613'; THENCE EAST 220' TO POINT OF BEGINNING.

LOT 2: FROM A-2 TO A-2(8); PART OF LOT 2, CSM 6436, IN THE NW 1/4 OF THE NE 1/4 OF SECTION 28, T6N, R6E, TOWN OF VERONA, DANE CO., WI, DESCRIBED THUSLY: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 613'; THENCE WEST 918'; THENCE SOUTH 613'; THENCE EAST 918' TO POINT OF BEGINNING.

SCALE: 1 inch = 100 ft.

Legend:
- Iron stake found
- 1"x24" iron pipe set
min. wt. = .384 lb. ft.
SURVEYOR'S CERTIFICATE
State of Wisconsin )
County of Dane ) SS.

I, Thom R. Grenlie, hereby certify that this survey is in compliance with Chapter 236.34 of Wisconsin Statutes.
I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided.

Thom R. Grenlie, Registered Land Surveyor

Certified Survey Map

SURVEYED FOR: JEAN KING/276-8234

SURVEYED FOR: JEAN KING/276-8234
7222 PINE ROW RD VELENA WI 53593
DESCRIPTION-LOCATION: PART OF THE NW 1/4 OF

THE NE 1/4 OF SECTION 28, TAN, RBE, TOWN
OF VERONA, DANE COUNTY, WISCONSIN.

APPROVED FOR RECORDING PER DANE CO., ZONING AND

REGISTER OF DEEDS CERTIFICATE: N. SCRAMFA, AGENT

Received for recording the 12 day of June, 1992 at 1:43 o'clock A.M.
DESCRIPTION: The applicant would like to bring two properties into compliance with current zoning regulations and “clean up” the legal description of the properties due to a condemnation of a portion of the property by the City of Madison.

OBSERVATIONS: The parcel is part of a town island consisting of approximately 45 acres. The land is located within the City of Madison Urban Service Area. The City of Madison condemned a corridor through the applicant’s parcel in order to create a greenway leaving two separated parcels. There is an existing single-family residence on the northerly parcel and the southerly parcel is vacant. 50% of the property consists of Class II soils. An intermittent stream (stormwater) bisects the property.

TOWN PLAN: The property is located in a Neighborhood Residential Area. The area is noted to have 3 housing units per acre.

RESOURCE PROTECTION: There is a mapped environmental corridor that bisects the property as part of the City of Madison Urban Service Area.

STAFF: The proposal meets the dimensional standards of the Zoning Districts. Note: One portion of the northerly parcel may be less than 66 feet in width and may need a waiver as part of the land division approval.

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

Regarding Petition # DC PREZ-2013-10631

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Blooming Grove 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: 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.

I, __________________, as Town Clerk of the Town of Blooming Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 1/14/2014

Town Clerk Mike Wolf Date: 1/15/2014
REZONE EXHIBIT LOT 1

PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 02, TOWN 07 NORTH, RANGE 10 EAST, TOWN OF BLOOMING GROVE, DANE COUNTY, WISCONSIN.

SCALE: ONE INCH = ONE HUNDRED FIFTY FEET

FOUND BRASS CAP MONUMENT AT THE EAST QUARTER CORNER OF SECTION 02-07-10 N 401.264 R. 6 E 2195.565

BEARINGS ARE BASED UPON WISCONSIN COORDINATE SYSTEM 1983

GRID NORTH

LA N D S

EXISTING 15' WIDE PUBLIC SANITARY SEWER EASEMENT DOC. NO. 397769

EXISTING 32' WIDE ELECTRIC LINE EASEMENT DOC. NO./'S 2094458 AND 2108612

LANDS

LOT AREA TABLE

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FIND 1 1/4" REBAR IN MONUMENT BOX AT THE SOUTHEAST CORNER OF SECTION 02-07-10 N 2963266.722 E 2185967.90

SURVEYED FOR:
F. LOUISE FOSTER
4553 SPREDER ROAD
MADISON, WISCONSIN 53718

SURVEYED BY:
Burse

surveying & engineering

1400 E. Washington Ave, Suite 158
Madison, WI 53703  608.250.9263
Fax: 608.250.9266
email: M11306@3SE.INC.net
www.burse_surveying.com

MAP NO. ______________
DOCUMENT NO. ______________
VOLUME ______________ PAGES ______________

DATE: 11/08/2013
PLOT VIEW: Sheet
PROJECT: BSE1693\dwg\BSE1693 Rezone Exhibits.dwg

SHEET 1 OF 2
CERTIFIED SURVEY MAP No.

PART OF THE NORTH QUARTER AND THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 02, TOWN 07 NORTH, RANGE 10 EAST, TOWN OF
BLOOMING GROVE, DANE COUNTY, WISCONSIN.

SCALE: ONE INCH = ONE HUNDRED FIFTY FEET

BEARINGS ARE BASED ON THE MICHIGAN GRID NORTH SYSTEM, U.S. GEODETIC DATUM OF 1927.

SURVEYED BY:
Burse
surveying & engineering

1400 E. Washington Ave, Suite 150
Madison, WI 53703 608.250.9263
Fax: 608.250.9266
email: Mikeburs@BSF-INC.net
www.burse surveying.com

MAP NO: ____________

DOCUMENT NO: ____________

VOLUME: ____________ PAGES: _________

Date: 11/06/2013
Plot View: Sheet

SURVEYED FOR:
F. Louise Foster
4585 Sprecher Rd.
Madison, WI 53718

SHEET 1 OF 4
DESCRIPTION: The applicant would like to change the property’s zoning district classification in order obtain a reduced rear yard setback for a future expansion of the existing single-family residence. The applicant would like to change the zoning on the adjacent vacant parcel as well.

OBSERVATIONS: The property is located in the Hillcrest Heights Subdivision which was created in 1971. There is an existing single-family residence on the property. The property to the east is vacant. No sensitive environmental features observed. Several other properties within the neighborhood have changed their zoning in order to obtain 35-foot rear yard setback.

TOWN PLAN: The Town Plan designates this area as a Rural Development Traditional Neighborhood. The Plan allows for R-3 Residence Zoning District in this area.

RESOURCE PROTECTION: The Town Plan identifies sensitive water features as part of their resource protection area. The Dane County Farmland Preservation Plan notes slopes over 20% grade as an area of resource protection. The property is not located within a resource protection area.

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

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

Regarding Petition # DCPREZ-2013-10632
Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2013

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

Town Planning Commission Vote: 7 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 (e.g., 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.

Denise Arnold, as Town Clerk of the Town of Oregon, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/3/2013

Date: 12/5/2013
DESCRIPTION: The applicant would like to bring the existing property into compliance with current zoning regulations.

OBSERVATIONS: The property is located on the western edge of the Village of Cottage Grove. The southerly portion of the property is used as a pasture and the northern portion of the property is wooded. This wooded area contains slopes between 12% and 22% grade. Approximately 30% of the property consists of Class II soils. No structures exist on the property.

TOWN PLAN: This property is within a Rural Residential area in the *Town of Cottage Grove / Dane County Comprehensive Plan* and within a Non-Farmland Preservation Area in the *Dane County Farmland Preservation Plan*. A-4 zoning is not appropriate within such areas under Chapter 91, Wisconsin Statutes. The petition should be amended to the A-2(8) zoning district. If necessary, deed restrictions to prohibit residential development should be recorded on the property.

RESOURCE PROTECTION: The Town Plan identifies sensitive water features as part of their resource protection area. The Dane County Farmland Preservation Plan notes slopes over 20% grade as an area of resource protection. There are a few portions of the northwest corner of the property that have slopes exceeding 20% grade.

STAFF: Staff suggests that the zoning be amended to A-2(8) to comply with farmland preservation policies.

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

Regarding Petition #10633

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Cottage Grove 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.

Kim Banigan, as Town Clerk of the Town of Cottage Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 1/6/2014

Kim Banigan

Date: 1/9/2014
Part of the Northeast 1/4 of the Northwest 1/4 (NE-NW) of Section 4, Town 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin.
Legend

Steep Slopes
- 12 to 20% grade
- greater than 20%

Petition 10633
KLM Grove Holdings
### DESCRIPTION
The applicant would like to separate the existing single-family residence from the 208-acre farm.

### OBSERVATIONS
The house is located at the base of a hill. The hillside has slopes of 30% grade. The majority of the proposed parcel is wooded. No other sensitive environmental features observed.

### TOWN PLAN
The property is located in an Agricultural Preservation Area. Housing density is limited to one home site per 35 acres. There are six housing density rights currently available for the farm.

### RESOURCE PROTECTION
The Town Plan identifies water features plus specific slopes in conjunction with significant soil types as part of the resource protection area. The Dane County Farmland Preservation Plan notes slopes over 20% grade as an area of resource protection. It appears that the entire proposed lot is within the resource protection area.

### STAFF
The proposal meets the dimension standards of the zoning district.

### TOWN
Approved conditioned on a deed restriction being placed on the property to prohibit further development (construction of buildings) on the steep slope areas.
DRAFT: FOR DISCUSSION PURPOSES 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>Petition Number</th>
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<td>10634</td>
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Reasons/Notes:

Homesites created to date:
NONE

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 the original farm acreage, NOT acreage currently owned.

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TOWN BOARD ACTION REPORT – REZONE
DCPREZ-2013-10634
Regarding Petition #

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Perry 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:  3  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 RH-2 zoning district to only the following: no further development on steep soils

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.

Mary Price, as Town Clerk of the Town of Perry, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/10/2013

Mary Price
Town Clerk

Date: 12/16/2013
CERTIFIED SURVEY MAP

I, Thom R. Grenlie, hereby certify that this survey is in compliance with Chapter 236.34 of Wisconsin Statutes.
I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation of all exterior boundaries of the land surveyed and the divisions of that land with the information provided.

Thom R. Grenlie, Registered Land Surveyor

REZONING DESCRIPTION: FROM A-1 EX TO RH-2

DEED YES

PART OF THE NE1/4 OF THE SW1/4 OF SECTION 20, T5N, R6E, TOWN OF PERRY, DANE CO, DESCRIBED AS FOLLOWS: BEGINNING 2400' NORTH OF THE SOUTH 1/4 CORNER OF SEC. 20; THENCE N50°W 560'; THENCE S40°W 370'; THENCE S50°E 550'; THENCE N40°E 370' TO P.O.B.

CONTAINS 5 ACRES.

REASON: TO SEPARATE EXISTING HOME FROM REST OF FARM.

LEGEND

Scale: 1 inch = 200 ft.
• iron stake found
○ 1"x24" iron pipe set

SURVEYED FOR: DENNIS & KATHLEEN SHERRY 523-1969
693 MARY 78, MT. HORES, WI 53572

DESCRIPTION-LOCATION: PART SEC. 20, TOWN OF PERRY (ABOVE)

APPROVED FOR RECORDING PER DANE CO. ZONING & LAND REG.

REGISTER OF DEEDS CERTIFICATE

Received for recording this day of __________ day of ___ month, 20___.
Maps of Dane County on Page_________

DOCUMENT #________
CERTIFIED SURVEY MAP #________ Vol.: _______ Page: _______
Legend

**Significant Soils**  **Steep Slopes**

- **Class 1**
- **12 to 20% grade**

- **Class 2**
- **greater than 20%**

**Petition 10634**

**Sherven**
Legend

- Resource_Protection_Corridors
- 10 foot Intervals

Petition 10634
Sherven
Resource Protection
DESCRIPTION: The applicant would like to add an additional acre of land to the existing residential lot to facilitate the construction of a detached garage and to include other features, septic system and garden, to the property.

OBSERVATIONS: There is an existing residence and shed on the property. There are slopes exceeding 20% grade within the northern portion of the property. An intermittent stream is located approximately 100 feet to the east of the property which makes the area fall under the shoreland regulations.

TOWN PLAN: The property is located in the Agricultural Preservation area. There is no increase in housing density as part of this petition. No density study conducted.

RESOURCE PROTECTION: The Town identifies sensitive water features and slopes over 20% grade as part of their resource protection area. The portion of the existing parcel contains areas of resource protection due to steep slopes.

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

TOWN: Pending.
Blank Page
DESCRIPTION: Cress Spring Farm owns and operates a bakery on the C-1 zoned property and would like to amend existing deed restrictions to allow operation of a seasonal take-out pizza restaurant. A conditional use permit is also requested to allow sales of beer and wine during the hours of restaurant operation, pending receipt of a liquor license from the town. The pizza take out operation would operate seasonally, with outdoor, picnic-style seating only. Portable sanitary facilities will be provided for patrons. The existing conditional use permit for a residence in the C-1 district will remain in effect.

OBSERVATIONS: No new structures are proposed as part of the restaurant operation. The C-1 zoning lot includes areas of steep slope topography behind the existing building housing the bakery.

TOWN PLAN: The property is located in the town’s rural preservation area. Town policies support the development and continuation of small “cottage industries / businesses” that fit with the rural character of the town.

RESOURCE PROTECTION: There is an area of resource protection corridor associated with an unnamed intermittent stream located to the south and east of the C-1 zoning lot. No new development is proposed.

STAFF: The proposal appears consistent with town plan policies. Staff recommends that the existing deed restriction be amended to read as follows: “Limit commercial uses of the C-1 zoning lot exclusively to a bakery, food processing facility, and take out restaurant with outdoor seating only. Appropriate sanitary facilities shall be provided for patrons.” See attached preliminary CUP for recommended conditions on sale of beer and alcoholic beverages.

TOWN: Approved, with conditions.
TOWN BOARD ACTION REPORT - REZONE

Regarding Petition # DCPREZ-2013-10636

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Vermont 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: 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 C-1 zoning district to only the following:
   Deed restriction to be amended to "The only use that shall be allowed in the C-1 zoning district is the bakery. In addition to operating as a food processing plant, the bakery may operate as a take-out restaurant, with no indoor seating provided."

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.

I, ____________________________ as Town Clerk of the Town of Vermont, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/9/2013

Town Clerk  Marc Robertson  Date: 12/12/2013
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DPCUP-3013-02257

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Vermont, 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: 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:
The CUP is to allow the sale of beer and wine. It is the intent of the Board to permit Class B sales, with Dane County to provide specific CUP wording. If any is required, to attain that objective.

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.

Marc Robertson, as Town Clerk of the Town of Vermont, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/9/2013

Town Clerk: Marc Robertson
Date: 12/12/2013
Zoning Change Application

Items that must be submitted with your application:

- **Written Legal Description of the proposed Zoning Boundaries**
  Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

- **Scaled Drawing of the location of the proposed Zoning Boundaries**
  The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

---

Owner's Name: Cross Spring Farm Cooperative  
Agent's Name: Jeff Ford
Address: 4035 Ryan Rd, Blue Mounds 53517  
Address: same
Phone: 608-767-3875  
Phone: same
Email: csbakery@merr.com  
Email: same

Town: Vermont  
Parcel numbers affected: 070618480016, 070618485002
Section: 01 18  
Property address or location: 4035 Ryan Rd, Blue Mounds 53517
Zoning District change: (To / From / # of acres) C-1, one acre. No change in zoning, we are requesting an amended deed restriction.

Soil classifications of area (percentages)  
Class I soils: ____%  
Class II soils: ____%  
Other: ____%

---

**Narrative. (reason for change, intended land use, size of farm, time schedule)**
- Separation of buildings from farmland
- Creation of a residential lot
- Compliance for existing structures and/or land uses
- Other:

  We currently operate a bakery on this parcel. We have a deed restriction that states that the bakery is the only allowed use in the C-1 zoning district. We would like to amend this deed restriction to allow a take-out pizza restaurant. No indoor seating would be provided but customers would be allowed to picnic on the lawn. We would only operate one night a week, from May through October. If possible, we hope to apply for a liquor license to sell beer and wine.

---

I authorize that I am the owner or have permission to act on behalf of the owner of the property.  
Submitted By: Jeff Ford  
Date: 11/18/13
We have been operating a bakery at this location since 1996. We would like to apply for a restaurant license and serve pizza one night a week. This would be a carry-out operation, with seating available on the lawn. Customers would need to bring their own blankets or lawn chairs, and their own plates and utensils if they choose to picnic on the lawn. We would also like to apply for a liquor license in order to sell beer and wine.

Our intent at this point is to be open on Wednesday evenings, approximately 5:00 - 9:00 pm, from May through October. Since only outdoor seating will be available, we will not be open during the colder months. We currently employ three people in the bakery - we anticipate adding up to three more to operate the restaurant. We hope to serve up to 200 customers per night.

We do not anticipate any additional outside storage being necessary. We may provide acoustic music or other entertainment, but no amplified music or loudspeakers. We do not anticipate providing any outdoor lighting - it is our expectation that customers will leave when it becomes dark.

We would initially provide a port-a-potty for customers use. If successful, we may consider adding a more permanent bathroom facility, although the health department has informed us that this is not required for a take-out operation. We already have an oversized commercial septic system for the bakery.

We are not visible from the road, and currently do not have a sign advertising our business. If this is approved, we would expect to install a small sign near the road, following any applicable regulions.

Although we expect little waste to be generated, we provide our own trash removal, using the Town of Mazomanie transfer site.
Proposed Amendment to Deed Restriction

The owners of Cress Spring Farm hereby request the following amendment to the deed restriction imposed on the C-1 zoning district located at 4035 Ryan Road in the Town of Vermont, Dane County.

Section III, part 2, states: “The only use that shall be allowed in the C-1 zoning district is the bakery.”

We would like to amend this to state: “The only use that shall be allowed in the C-1 zoning district is the bakery. In addition to operating as a food processing plant, the bakery may operate as a take-out restaurant, with no indoor seating provided.”

We are open to other suggestions as to the exact wording of the amended restriction.
Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare. We will be required to meet all operating requirements for a restaurant license, in addition to our existing food processing plant license. We are quite secluded from the road and do not anticipate any impact on our neighbors.

2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. Our location is not visible to any of our neighbors and we do not anticipate any significant noise from our operation. The only foreseeable impact will be an increase in traffic on our road one night a week, perhaps 50 cars spread out over a four hour period.

3. That the establishment of the 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 have been or are being made. These improvements have already been made for the operation of our bakery. We don't anticipate any significant changes to our building. We will mow a small parking area adjacent to our driveway.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Our driveway opens onto an isolated town road. We do not anticipate enough traffic to create any congestion on the road.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located. We will conform to all local ordinances in addition to maintaining our food processing, restaurant, and liquor licenses.
Dane County Zoning Division  
City-County Building  
210 Martin Luther King, Jr., Blvd., Room 116  
Madison Wisconsin 53703  
(608) 266-4266/266-9083  Fax (608) 267-1540

**DAKE COUNTY **  
**CONDITIONAL USE PERMIT #2257**

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 #2257 for a tavern in the C-1 Zoning District pursuant to Dane County Code of Ordinance Sections 10.13(2)(c) 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:** 4035 Ryan Road, Section 18, Town of Vermont

**LEGAL DESCRIPTION:**
Part of the N 1/2 of the SE 1/4 of Section 18, Town of Vermont described as follows: Commencing at the South quarter corner of Section 18; the N 84° 42' 08" East 37.93 feet; thence N 03° 12' 22" West 965.81 feet; thence N 79° 48' 10" East 693.48 feet; thence S 86° 30' 00" East 623.70 feet; thence N 01° 10' 00" West 423.0 feet, to the point of beginning; thence S 74° 04' 55" West 91.95 feet, thence N 15° 00' 00" West 160.0 feet, thence N 75° 00' 00" East 80.0 feet, thence North 215.00 feet, thence East 155.0 feet, thence South 285.0 feet, thence S 52° 00' 00" West 130.00 feet to the point of beginning.

**CONDITIONS:**

1. The tavern shall be operated seasonally in concert with the take-out pizza operation.
2. The tavern shall be operated in accordance with the Class B liquor license issued by the town.
3. Only outdoor seating shall be provided to patrons.
4. Appropriate sanitary facilities shall be provided.
5. 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.
Legend

Significant Soils  Steep Slopes

- Class 1
- Class 2
- 12 to 20% grade
- greater than 20%

Floodplain

Petition 10636
CUP 2257
Cress Spring Farm
DESCRIPTION: The applicant would like to create a 3-acre lot for a single-family residence from a recorded outlot in an assessor’s plat. The remainder of the outlot will be added to an adjacent ¼ section to create a second lot.

OBSERVATIONS: The proposal is part of Outlot 1 of the Assessor’s Plat of Daleyville that was recorded in 1944. The proposed lot has been located outside many of the environmental features of the property. Only a small portion (north and south boundaries) have slopes of 12% grade.

TOWN PLAN: The property is located in an Agricultural Preservation Area. The outlot is a legal lot of record and would be afforded one housing density right under the Town Density policies.

RESOURCE PROTECTION: The Town Plan identifies water features plus specific slopes in conjunction with significant soil types as part of the resource protection area. The Dane County Farmland Preservation Plan notes slopes over 20% grade as an area of resource protection. It appears that the proposal is outside the resource protection areas.

STAFF: The proposal meets the dimensional standards of the zoning district. Staff suggests amending the zoning to RH-1 Rural Homes, to match the Town’s approval.

TOWN: Approved conditioned upon the 3-acre parcel being rezoned to the RH-1 Rural Homes Zoning District.
TOWN BOARD ACTION REPORT – REZONE  
DCPREZ-2013-10637

Regarding Petition # ________________

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Perry, 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: 3 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:

Defense from A-1Ex to RH-2

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.

Mary Price, as Town Clerk of the Town of Perry, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 12/10/2013

Town Clerk: Mary Price  Date: 12/16/2013
DESCRIPTION: Applicant proposes to create two new residential parcels and two agricultural parcels. The prospective buyer of the easterly residential lot will need to obtain a density unit from the neighboring farm owner in order to create the building lot. The buyer proposes to farm approximately 7 acres of the proposed 12 acre easterly A-4 parcel.

OBSERVATIONS: The majority of the property is wooded. The western 2/3 of the property consists of Class II soils. No other sensitive environmental features observed.

TOWN PLAN: The property is located in the town’s agricultural preservation area. The town plan includes a provision allowing for transfers of density units between different properties on a case-by-case basis, provided any such transfer promotes the town’s goal of protecting farmland. Note that the town does not count A-4 zoned parcels as a split.

RESOURCE PROTECTION: There is a small area of resource protection corridor located on the ~19 acre A-4 parcel. No development is proposed on that parcel.

STAFF: The property owner is eligible to create one (1) residential lot on the ~40 acre parcel (westerly RH-1 lot). The prospective buyer of the easterly RH-1 and A-4 lots is purchasing a density unit from the neighboring farm owner, who is eligible for five (5) splits from the same original farm unit (Munson). Attached are the relevant provisions of the town plan addressing transfers of density units. The proposed purchase / transfer of a density unit appear to meet the town’s criteria for such transfers. Staff recommends that approval of the petition be conditioned upon recording of notice documents and deed restrictions on the sending and receiving properties as specified in the town plan.

TOWN: Approved as amended, with conditions. Note: The request has been revised to expand the easterly A-4 parcel from 5 acres to 12 acres.
Applicant: Ellery Jensen

Town: Christiana  A1-EX Adoption: 7/19/79  Orig. Farm Owner: Munson Farms, Inc
Section: 27  1 Split Per 35 Acres Owned  Original Farm Acres: 289.65
Previous Density Study: 4/23/13  Original Splits: [289.65 / 35 = 8.31]  Remaining Splits: 8

Reasons/Notes:

The original Munson farm remains eligible for a total of 8 splits.

In the absence of a formal agreement regarding the allocation of remaining splits among current owners of the original farm unit, the town of Christiana allocates splits on a proportional basis. Staff could find no such agreement for the original Munson farm.

It appears that a proportional allocation of the remaining splits would be as follows:

1 split goes to Munson / Turnbull (~40 ac)
2 splits go to Olson (~70 ac)
5 splits go to Hinchley (~180 ac)

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.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2013-10638

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/28/2014

Whereas, the Town Board of the Town of Christiana 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 1 abstained

Town Board Vote: 2 in favor 0 opposed 1 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:

See minutes from 1/16/14 Special Town Board Meeting

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.

_________________________ Sandy Everson
Town Clerk

_________________________ Christiana

1/21/2014

Sandy Everson

1/16/2014

Town Clerk
TOWN OF CHRISTIANA

SPECIAL TOWN BOARD MEETING

January 16, 2014

a. Discussion/Possible action on Scott Polster rezone.

Originally, he was going to trade approximately 7 acres to Duane Hinchley for a building right for the 8-acre lot that he wanted to sell off from the 40-acre parcel that he bought from the Munson farm (lots 3&4). He has asked to amend the petition. He is going to keep the entire farm together and he has a buyer for lots 3 & 4. That buyer, John and Marsha, have agreed to purchase outright the split from the Hinchley property, which would restrict Hinchley from a building site for 5 years, which Duane knows. This would mean lots 3&4 would be a total of about 15 acres from what was originally proposed. Jim Lowrey made a motion to approve the amended petition, seconded by Chairman Gary Rattman.

MOTION APPROVED 2-0
April 24, 2013

Ellery Jensen
2980 Arapahoe Dr.
Madison, WI 53719

Dear Ellery,

Attached is a density study report for property owned by Carl Munson and Barbara Turnbull in section 27 of the Town of Christiana. The property is located in the town's Agricultural Preservation District, where the density of non-farm residential development is limited to 1 lot or non-farm use (a/k/a "split") per 35 acres of land owned as of May 3, 1979. The property was part of larger property owned by Munson Farms, Inc., which totaled approximately 290 acres as of May 3, 1979, making the property eligible for eight (8) splits for non-farm development.

No splits have been taken from the original Munson farm since 1979, leaving all 8 potential splits remaining. The original farm is now owned by several different parties. I could find no recorded documentation as to the allocation of the splits among the current owners. As noted on the density study report, in the absence of such documentation, the town allocates splits on a proportional basis among current owners based on acreage owned. It appears that the splits would be allocated as follows:

- Munson / Turnbull (~40 acres) = 1 split
- Olton (~70 acres) = 2 splits
- Hinchley (~180 acres) = 5 splits

Please note that this density analysis does not guarantee or preclude town or county approval of a particular land division, rezone, or development proposal. The Town of Christiana Plan Commission and Board of Supervisors review all applications to rezone property, and apply interpretations, standards and criteria as set forth in the town land use plan to guide their decisions. Such standards include considerations for soil type, environmental features, site characteristics, compatibility with neighboring uses, proposed location of driveways and utility extensions, and proposed lot size and location. In addition, all rezones are subject to county Zoning Committee, Board, and Executive approval. A copy of this density analysis is being forwarded to the Town of Christiana for their information.

If you have any questions about this density analysis, please contact me by phone at 608-257-2536, or email at allan@countyofdane.com.

Sincerely,

Majid Allan
Senior Planner

cc: Town of Christiana
appropriate legal descriptions of the properties involved, and must be recorded with the Dane County Register of Deeds.

B. Transfers between multiple owners.

i. The town may consider transfers of splits between multiple owners on a case-by-case basis. Any such transfer must further the goal of preserving large tracts of productive farmland.

ii. Transfers of splits to substandard parcels may also be considered, provided that any such transfer would satisfy the town’s 1.5 acre minimum lot size requirement for all resulting lots, and be compatible with the overall density and character of the area.

iii. Appropriate documentation must accompany any transfer, including, at a minimum, a deed restriction and/or agricultural conservation easement on the sending parcel identifying a minimum 35 acres of land, or amount of land commensurate to the number of splits transferred, to be preserved exclusively for long-term agricultural use. Such documentation shall also indicate the number of splits remaining, if any, on the remaining lands of the sending property.

Receiving parcels shall also be accompanied by a notice document indicating that the property received a split(s) from the sending property. All such documents must include appropriate legal descriptions of the properties involved, and must be recorded with the Dane County Register of Deeds.

iv. The town may, at its sole discretion, deny any proposed transfer to a substandard parcel.
January 14, 2014

Statement of Land Use for Township of Christiana, WI

My name is John Barnes, and I am proposing to buy property from Scott Polster at 27-6N-12E in Christiana Township for the purposes of building a residence, and for farming approximately 7± acres. Farming on a small plot has been a dream of mine for most of my life. Although I was not raised on a farm, both of my parents and their parents were, and my father was the County Agricultural Extension Director for Harvey County, Kansas, for 35 years. From the age of 10 or 12, I’ve worked on farms including 2 dairies and 3 different wheat/cattle farms in Kansas. I was also a 4-H member, and helped my father run the Harvey County 4-H Fair, as well as harvesting his experimental wheat crops for years. From 16-18 years old I also worked for my father running the county soil testing laboratory in Newton, KS, and continued to do that work into my freshman year at Kansas State University at the agronomy soil lab.

After graduation with my B.S. degree in engineering, I worked for two years for Deere and Company in Iowa designing farm equipment. (I left that job only for the opportunity to work on the Space Shuttle project at Martin Marietta Astronautics)

My plan for the 7 acres of farmland for the first 2-3 years of ownership is to lease it to a local farmer (for example, Duane Hinchley) until I am ready with equipment to take it over. During that period of time, I will assess the soil chemistry and determine what is necessary to prepare the land for hay (either alfalfa or an alfalfa/grass mixture). Almost certainly, that will involve at least an annual application of lime to raise pH, but also perhaps replacement of some other nutrients as well.

Knowing that this particular 7± acres lies on a slope, and has experienced some erosion problems with row crops, such as corn and soybeans, it would seem an improvement to move it into a forage crop. I would like to keep this small acreage in a hay crop once I start farming it, and work to optimize the yields I can achieve over the years through proper management and staying in touch with the latest UW research. This will be a hobby for me (I don’t expect to make significant income from it), and being a technical professional I will approach this as a challenge to see how successful I can be with it.

[Signature]

Thank You,

John Barnes
Dane County Planning and Development,

The purpose of this letter is to confirm that I am the adjoining land owner and that I am in agreement with the land and split transfer to Gerald Polster. (Parcel number 0612-271-8691-5) This transaction will need to be completed during the requested 365 day delayed effective date. This transfer would result in my gaining 7 acres on the east side of the Polster’s land and me transferring 1 acre of my land on the south side of the Polster’s. Along with the land I will be transferring one of my housing density units (Splits) to the Polster’s.

This is all contingent on the zoning approval.

I authorize Mr. Polster to do submit the zoning petition involving the portion of my property.

Sincerely,

Duane Hinchley
Hello Dane County Planning and Development,

This is the narrative portion of the zoning change application for the creation of two residential lots. The areas that I am trying to rezone are wooded and follow the Town of Christiana Land Use Plan of trying to preserve tracts of farmland. (Parcel number 0612-271-8691-5)

There are two items that I am trying to accomplish with this rezoning.

1.-----complete two land transfers between the same adjacent land owners.

2.-----create a four lot survey to make two buildable areas. (One for my home and one to sell) The two additional lots proposed would go with the building sites and be restricted against any development.

The proposed land transfers would result in 7 acres of tillable land on the east side of my property going to the adjoining owner, Duane Hinchley. (I already lease the farmland to the Hinchley’s) Also 1 acre of Hinchley’s land on the south side of my property would transfer to me in order to straighten my south side line. In exchange for the land I’m transferring to the Hinchley’s, I would receive one of Hinchley’s housing density units. As per the Density Study Report provided by Dane County, I have one split and the Hinchley’s have five.

The current zoning of my land and Hinchley’s land is A-1 exclusive.

The second part of the proposal is to create two building sites on the wooded portion of my property. The first area of the rezone will be for my home site and it will be rezoning 3.9 acres to RH-1 (lot 1) and +/- 20.1 acres around it to A-4 (lot 2). Proposed lot 2 includes 1 acre being acquired from Hinchley to straighten my south lot line. The second building site would be 2.9 acres to be zoned RH-1 (lot 3) on the east side of my property. The 5.1 acres around it going to A-4 (lot 4). Lots 2 and 4 will not be developed.

The proposed building sites are under the town maximum lot size of 4 acres. The actual location of the home sites on the parcels will be chosen to save as many trees as possible. It will probably be a few years before I build.

I am requesting a 365 day “delayed effective date” for this petition. The additional time is needed for me to complete the land transfer negotiations with the Hinchley’s and a prospective buyer of proposed lots 3 and 4.

Thank you for your consideration!

Best regards,

[Signatures]

Gerald S. Polster
Brenda K. Polster
Legend

Significant Soils  Steep Slopes

- Class 1
- 12 to 20% grade
- Class 2
- greater than 20%

Petition 10638
Polster
DESCRIPTION: Christy's Bar would like to expand their existing volleyball court and bring their existing non-conforming use (tavern) into compliance with current zoning regulations. The request would bring the existing tavern into compliance, allow two lighted outdoor volleyball courts, and define the amount of outdoor events. The request is part of a corrective action for a pending zoning violation (expansion of volleyball court without prior approvals).

PROPOSAL: The owner would like to reconfigure the outside area to allow for two volleyball courts. The zoning boundary is proposed to be shifted slightly to the west to account for the existing fence location that separates the property’s residential structure from the commercial activity. New lighting will be installed to illuminate the volleyball court area. Limited outdoor activities will be defined as part of the Conditional Use process. The double residential lot will be reconfigured into a single lot.

OBSERVATIONS: The property is located in the Second Addition of Waubesa Beach Subdivision which was platted in 1911. Waubesa Beach Club LLC owns five of the subdivision lots which contain Christy's Bar and a single family residence located west of the bar. The tavern has been in operation for over 77 years.

In 1950, the property was zoned to B-1 Business Zoning District to identify the existing tavern land use. In 1987, a conditional use permit was obtained for an illuminated outdoor volleyball court as part of a tavern expansion. In 1992, Dane County changed the land uses listed under the B-1 Business Zoning District which deleted taverns and lighted outdoor activities within the district. This made the existing tavern and outdoor volleyball a legal non-conforming use.
In August of 2013, Dane County found that the existing non-conforming use (volleyball courts) was being expanded. A stop work order was issued and the expansion was halted. The applicant was given the opportunity to obtain the necessary approvals for the expansion to occur.

The property is located on the shores of Lake Waubesa and subject to Shoreland Regulations. The shallow water along the shoreline is identified as aquatic bed wetland. The lands are outside the flood hazard area as shown on the 2009 FEMA Floodplain maps.

**TOWN PLAN:** The property is located in the Waubesa Limited Service Area and identified as an existing commercial land use on the 2007 land use map. The Town Plan does not allow properties to be zoned to C-1 Commercial. It appears that the proposal meets the intent of the Town's Comprehensive Plan under the provision to allow an existing use to continue operation if the Board finds the land use to be in existence prior to September 1, 1979.

**RESOURCE PROTECTION:** The Town identifies sensitive water features and slopes over 20% grade as part of their resource protection area. The portion of the existing parcel contains areas of resource protection due to being on the shores of Lake Waubesa.

**STAFF:** The proposal meets the dimensional standards of the C-1 Commercial Zoning District, however, the newly configured residential lot will need a waiver from the minimum lot frontage width and minimum building setback width requirements found in the Land Division Regulations. The new residential lot configuration will also need a variance from Shoreland Regulations due to lot frontage requirements.

Staff has work with the Town of Dunn Staff to prepare a list of suggested conditions to mitigate potential nuisances from the proposed land use. The conditions limit the hours of operation, limit the number of events held each year, define maximum noise levels, identify specific illumination levels, and require screening to be installed to limit illumination spill to neighboring properties.

**TOWN:** Approved Zoning and CUP. See below.

**Zoning Amendment:** Approval of Dane County Zoning Petition number 10639 conditioned upon the approval of the Certified Survey Map submitted in conjunction with the petition, and conditioned upon a deed restriction limiting the C-1 district permitted uses on the property to allow only marinas, and rental businesses only to the extent rentals of watercraft or equipment occur incidental to marina operations or outdoor recreation activities conducted as a permitted or conditional use. This restriction is not intended to limit approved conditional uses on the property.

**Conditional Use Permit:** Recommended conditions:

1. Hours of operation shall be from 9:00am until 2:00am on Sunday through Thursday, 9:00am until 2:30am on Friday and Saturday.
2. The number of parking spaces shall be maintained at the existing 55 parking stalls. Waubesa Beach Club LLC shall maintain these parking areas. On-site parking shall not be reduced in any fashion.
3. There shall be no more than two volleyball courts on the property. The courts shall be located as depicted on the attached site plan.
4. The exterior lighting design shall be installed as per the attached lighting plan.
5. Court screening: Screening shall be installed as required in section 10.16(7) of the Dane County Code of Ordinances. In addition, a 12’ tall privacy screen that blocks 90% of light shall be installed as shown on the attached site plan, and shall be in the raised position during volleyball play after dark and lowered after volleyball play.
6. Hours of operation (both courts and lighting of courts): Limited to from 8:00 am to 10:00 pm.
7. Noise: Use of whistles must be limited and used only to stop play.
8. Prohibit picnic tables and portable toilets in the area indicated on the attached site plan.
9. Number of Events per year: Music events shall be limited to 25 per year.
10. Hours of operation for events: Events on Thursdays Fridays, and Saturdays limited to 9:00 pm. Events on Sundays limited to 8:00pm. A maximum of 5 identified events limited to 10:00pm.
11. Amplified noise levels: Amplified sounds shall be limited to 85 decibels DbA at property lines.
12. CUP approval conditioned upon approval of Rezone Petition # 10639.
Petition information

Regarding petition number 10639

Dane County Zoning & Land Regulation Committee Public Hearing Date: 01/28/2014

Town of DaneCountyPlanning

Petition is

- Approved
- Denied
- Postponed

Town Planning Commission vote

5 in favor
0 opposed
0 abstained

Town Board vote

3 in favor
0 opposed
0 abstained

Conditions

- Deed restriction limiting uses in the C-1 zoning district to only the following:
  and conditioned upon a deed restriction limiting the C-1 district permitted uses on the property to allow only marinas, and rental businesses only to the extent rentals of watercraft or equipment occur incidental to marina operations or outdoor recreation activities conducted as a

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

☐ 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):

☐ Other Condition(s). Please specify:

conditioned upon the approval of the Certified Survey Map submitted in conjunction with the petition

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:

Certification

I, Cathy Hasslinger, as Town Clerk of the Town of Dunn, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 01/21/2014.

Town Clerk: Cathy Hasslinger
Date: 1/22/2014

Submit

Revised: March 17, 2010
Conditional Use Permit Report

Petition information

Regarding petition number 02258

Dane County Zoning & Land Regulation Committee Public Hearing Date: 01/28/2014

Town of Dunn

Petition is

- [ ] Approved
- [ ] Denied

Town Planning Commission vote

5 in favor
0 opposed

Town Board vote

3 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

Conditions

The conditional use permit is subject to the following condition(s):

Tavern: 1. Hours of operation shall be from 9:00am until 2:00am on Sunday through Thursday, 9:00am until 2:30am on Friday through Saturday. 2. Noise levels shall be kept to 85 decibels DbA at property lines.

General: 1. CUP approval conditioned upon approval of Rezone Petition # 10639.

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:
Certification

I, Cathy Hasslinger, as Town Clerk of the Town of Dunn, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 1/21/2014.

Town Clerk: Cathy Hasslinger
Date: 1/22/2014

Submit

Revised: March 17, 2010
DANE COUNTY
CONDITIONAL USE PERMIT #2258

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 #2258 for a tavern, lighted outdoor volleyball, and outdoor
entertainment activity under Dane County Code of Ordinances Section 10.13(2) and subject to
any conditions contained herein.

Effective Date of Permit: Pending

The Conditional Use Shall Be Located On The Property Described As
Follows:

2952 Waubesa Avenue, Town of Dunn
<<<insert legal description>>>>

Conditions of Approval:

Tavern:
1. Hours of operation shall be from 9:00am until 2:00am on Sunday through Thursday, 9:00am until 2:30am on
   Friday and Saturday.
2. The number of parking spaces shall be maintained at the existing 55 parking stalls. Waubesa Beach Club LLC
   shall maintain these parking areas. On-site parking shall not be reduced in any fashion.

Lighted Volleyball Court:
1. There shall be no more than two volleyball courts on the property. The courts shall be located as depicted on the
   attached site plan.
2. The exterior lighting design shall be installed as per the attached lighting plan.
3. Court screening: Screening shall be installed as required in section 10.16(7) of the Dane County Code of
   Ordinances. In addition, a 12’ tall privacy screen that blocks 90% of light shall be installed as shown on the
   attached site plan, and shall be in the raised position during volleyball play after dark and lowered after volleyball
   play.
4. Hours of operation (both courts and lighting of courts): Limited to from 8:00 am to 10:00 pm.
5. Noise: Use of whistles must be limited and used only to stop play.
6. Prohibit picnic tables and portable toilets in the area indicated on the attached site plan.

Outdoor Entertainment Activity:
1. Number of Events per year: Music events shall be limited to 25 per year.
2. Hours of operation for events: Events on Thursdays Fridays, and Saturdays limited to 9:00 pm. Events on
   Sundays limited to 8:00pm. A maximum of 5 identified events limited to 10:00pm.
3. Amplified noise levels: Amplified sounds shall be limited to 85 decibels DbA at property lines.
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.
No tables, seating, or portable toilets in this area.
CERTIFIED SURVEY MAP NO. ______

LOTS 3, 4 AND 5, SECOND ADDITION TO WAUBESA BEACH,
LOCATED IN GOVERNMENT LOT 2 OF FRACTIONAL SECTION 5,
T.6N., R.10E., OF THE 4TH P.M., TOWN OF DUNN, DANE COUNTY,
WISCONSIN.

OWNER
WAUBESA BEACH CLUB, LLC
2902 WAUBESA AVE.
WAUKESHA, WI 53186

LEGEND:

O SET IRON PIN, 3/4"x 1 1/2"x 2 1/2"
O FOUNDATION PIPE
O FOUND CAST IRON MONUMENT
O X FENCE
O RC MEANDER CORNER

GRAPHIC SCALE 1"=100

NOTE: ASSUMED M'89 SIG'91 ALONG THE WEST LINE OF THE
SHOP 1/4 OF SECTION 5-6-10.

Project No. 112-339
For WAUBESA BEACH CLUB
SHEET 1 OF 3 SHEETS
Legal Description: Lots 1, 2, 3 Blk 3, First Addition Waubesa Beach.

Operations Plan: This application is to obtain approval to install and operate a second lighted volleyball court and to continue to provide occasional live entertainment.

Christy’s Landing has operated for over 77 years as a tavern and marina and has provided occasional outdoor live entertainment for over 40 years. Tavern hours of operation will continue to be 9am – 2am Sunday through Thursday, 9am – 2:30am Friday & Saturday. Christy’s Landing employs approximately 40 persons in the high season (April through September) and a staff of approximately 20 persons the balance of the year.

Christy’s Landing has an established customer base, gained from over 77 years of family run operation and support of the Waubesa Beach and Dane County community.

Aside from the addition of one sand volleyball court, operations will essentially continue as they have for many years. No increased impact on the surrounding neighborhood will be experienced. The following two activities prompt this application.

A. Volleyball. Outdoor lighted volleyball leagues have been provided on a single court for approximately 25 years in accordance with Conditional Use Permit No. 621. Volleyball currently concludes by approximately 10:00pm. We intend to operate a second volleyball court for which we have been informed a new or amended Conditional Use Permit is necessary. Property is fenced and bordered to the south by residential property owned by a related entity, Waubesa Land Corp. Shielded lighting is to be directed on to the court in northerly, easterly and westerly directions. This light arrangement, along with screening provided by the tavern itself, retractable privacy screening along the south fence line, and the adjacent structure on the property owned by Waubesa Land Corp, will prevent any direct light spillage on to neighboring properties. (See site plan).

B. Outdoor live entertainment. Outdoor live entertainment has been featured May through September with up to 2 events per week. Always concluding by 10:00pm, most before 8:00pm. Many of these events have benefitted
such organizations as The Lake Waubesa Conservation Association, Waubesa Beach Neighborhood Association, Clean Lakes Alliance and many more. It has been our understanding that this activity, if not permitted under the zoning code, was legal nonconforming use. Dane County staff has taken the position that a Conditional Use Permit is necessary. We intend to maintain the existing use. No new loudspeakers are to be added.

**Six Standards of a Conditional Use Permit:**

1. The CUP will continue to enhance the neighborhood’s sense of community and provide healthy recreational opportunities with no detriment to public health, safety, comfort or general welfare. The second volleyball court will have proper lighting and screening to prevent any adverse impact on neighboring property. Otherwise, there will be no change in operations. Approximately 25 members of the immediate neighborhood participated in volleyball leagues in 2013. Many members of the immediate neighborhood requested to add a second volleyball court to accommodate two levels of play per night. Neighborhood attendance for live entertainment is very strong and supported by many.

2. All uses will remain essentially the same as in the past 30 years. Christy’s Landing has always been an integral part of the Waubesa Beach neighborhood that has long been regarded as both a residential and recreational area with many cottages, a dance hall, and community center. The addition of one volleyball court will not detract from existing uses.

3. CUP will not affect impede the normal and orderly development of surrounding properties. All surrounding properties are currently developed and the addition of one volleyball court will not materially impact any neighboring property.

4. All existing roads and drainage are in proper condition and need not be altered or supplemented by the addition of one volleyball court.
5. Adequate on-site parking (55 stalls) and ample street parking is available. Parking is restricted to West side of Waubesa Avenue in anticipation of larger events (usually occurring 2-3 times/calendar year). The addition of one volleyball court will not increase traffic congestion.

6. Christy’s Landing, established as a tavern, marina, boat rental and outdoor entertainment facility, has been family owned since 1936 and has a strong history of compliance with all applicable regulations and laws cooperation with local officials.
Addendum to CUP request: Waubesa Beach Club, Eric R. Christenson

In response to your request for more information.

1. There is seating for approximately 100 persons in the tavern with an additional 90-100 outdoors.
2. The adjacent parking lot has 55 stalls. There is also adequate street parking on 3rd street and along Waubesa Avenue. **In peak season approximately 50% of customers arrive by water.** We supply docking for approximately 25 - 30 watercraft. We have worked very successfully with Town and county officials to relieve parking issues during our largest events by opening private property for parking and restricting parking to the West side of Waubesa Avenue. Additional winter events include: Waubesa Snowbirds Radar Run(registration at Christy’s), Golf event on Lake, 2 kickball tournaments on Lake Waubesa.
3. In a typical summer season we host about 20-25 live music events with amplification. Only two of these events last until 10:00pm with those occurring on Saturday night. The balance being held on Thursday, Friday or Saturday afternoons/evening concluding by 8:00pm and Sunday afternoon concluding around 7:00pm.
4. To follow.
5. To follow.

Ideally with two volleyball courts we would be hosting 16 teams/night as opposed to 10 with one volleyball court. Last start time being 8:40 instead of 9:00pm. This would increase attendance by 30-36 people per evening over a four hour period. Roughly 6 cars/hour.
December 30, 2013

Chairman Edmond Minihan
Town of Dunn
4156 County Road B
MCFarland, WI 53558

Dear Chairman Minihan:

The intent of this correspondence is to outline the professional contacts and interaction between the Dane County Sheriff's Office and the management and staff of Christy's Landing, 2952 Waubesa Ave, Madison at the request of Eric Christenson, owner of Christy's Landing.

It has been the experience of the Dane County Sheriff's Office Southeast Precinct and the Marine and Trail Enforcement Unit (MATE) that staff and management of Christy's Landing have been good partners in ensuring public safety and public peace. From assisting the MATE Unit in messaging to boat owners during slow no wake periods on Lake Waubesa to taking a strong role in keeping drunken boaters and drivers from getting behind the wheel of a boat or vehicle. As well, even in light of several unfounded noise complaints our Southeast Precinct deputies have responded to, on-duty staff has continually monitored noise levels in an effort to prevent repeated calls for service and we believe contributed to public peace with neighbors who closely border this business.

If I or my staff can be of any assistance with this or any other matter of concern to you or members of the Town Board, please feel free to contact me directly at anytime.

Sincerely,

David J. Mahoney
Sheriff of Dane County

DJM/Slm
January 20, 2014

Dane County Board
210 Martin Luther King Jr. Blvd #106 B
Madison, WI

Town of Dunn
4156 County Road B
McFarland, WI

RE: Waubesa Beach Club LLC – Christy’s Landing

This letter is provided in support of the Waubesa Beach Club request to expand the volleyball court (from one court to two) and continue outdoor music performances.

We live in close proximity to Christy’s Landing and find the events held at Christy’s to be of benefit to the entire neighborhood. Specifically, expanding the volleyball courts will provide opportunities for more people to enjoy the sport and benefit from outdoor exercise. We have lived in the neighborhood for over 19 years and have never had an issue with the volleyball events at Christy’s, thus, we are in full support of the expansion.

With respect to concerns regarding outdoor music, we find the music to be very enjoyable. The bands have never been too loud (and our home is only 10 doors from Christy’s) or offensive to us in any way. The performances often bring the neighborhood together and offer a chance for people to get to know one another while enjoying some great performances. Further, some of the bands bring in revenue for various charities (Clean Lakes Alliance, Waubesa Beach Neighborhood Association, etc.) that benefit the community.

In short, we strongly encourage the Boards to approve the above mentioned requests. Please feel free to contact us should you have any questions or need additional information regarding our support.

Sincerely,

Brian and Dorothy Kilgore
2930 Waubesa Avenue
Madison, WI 53711
12/30/2014

Town of Dunn

My name is Shane Hughes; I live at 2938 Waubesa Ave, six (6) houses SW of Christy’s Landing. Last week I spoke with Eric Christenson, in regards to adding an additional volleyball court and outside music. In our conversation he mentioned that he needed the Town of Dunn’s approval in order to make the above said additions, considering all that Christy’s does for the community, I would hope that whoever makes the decision would keep the following in mind.

Christy’s Landing is a family run business with ownership that lives in the community and always keeps its neighbors best interest in mind when making any decisions that would affect the Waubesa Beach Neighborhood. Christy’s offers quality entertainment to all ages, you can take your family to dinner, play a game of volleyball or just relax sitting by the fire. It would be hard to find such an establishment that works harder at accommodating, all of its guests as well as Christy’s. In addition Christy’s offers not only quality entertainment to those outside of the Waubesa Beach Community, it is the staple to our community and a commodity to all who surround it, a landmark; that has a prestige like no other on any of the Madison lakes, and is respected as one of the finest establishments throughout the Madison Area. Just ask anyone if they know of Christy’s Landing, regardless of what generation; and immediately a smile comes to their face; as if you were talking about an old friend!

Sincerely,

Shane Hughes
Eric,

I just wanted to take a minute to write you a quick note. Living next to Christy’s has been such a joy for our entire family. We have great friends and the neighborhood has such a community sense. Christy’s is the reason behind that. Our neighborhood is such a better place because of how you and your family manage Christy’s. Living 3 houses down from Christy’s, you have always made a conscientious effort to make sure we are happy. You are always making sure you are taking the proper steps to make sure our lifestyle is not disrupted in any way by Christy’s. We really enjoy Christy’s and the presence Christy’s brings to the neighborhood.

Thank you for updating me on the 2nd volleyball court permit process. I really appreciate your effort to keep the neighbors informed. I know you have spent considerable time and money trying to get this process done. I love the strategy of having the 2nd volleyball court. I like the fact that the games will be done earlier. As a fellow business owner, often times we put our businesses first. Christy’s is the exception to that theory. You and your family have gone above and beyond to make sure the local homeowners’ lifestyles will not be disrupted. I just want to extend a thank you to you and your family for taking into consideration the neighborhood. I know adding the 2nd volleyball court is costing you considerable time and money and the benefit really is to us homeowners.

As a family of four with two young children, we feel extremely fortunate to live next to a place like Christy’s. Between the entertainment, activities/events, volleyball courts and outdoor music we feel like we are benefitting from Christy’s activities. We enjoy the outdoor music every chance we get and hope there will be more next year. It’s like having a free concert. It doesn’t stop with the entertainment. The activities that Christy’s hosts are ones that I nor my kids will ever forget. Between the boat show, the radar run and Veteran’s run we look forward to any and all events Christy’s puts on.

Christy’s is a real asset to our community. We can’t thank you enough for all the hard work you put in to make it such a wonderful place!

Sincerely,

Shawn Healy
2958A Waubesa Ave.
Madison, WI 53711
December 31, 2013

Dear Eric Christenson,

My name is Dan Esenther and I live at 2944 Waubesa Avenue in the Town Of Dunn.

I am writing this letter to show my **strong** support for your proposal to rezone and get a Conditional Use Permit for a second volleyball court, your volleyball lighting and to have outdoor live music.

Sincerely,

[Signature]

Dan Esenther
Dan and Kari Newcomer  
2960 Waubesa Avenue  
Madison, WI 53711

January 6, 2014

To Whom It May Concern,

We are writing to show our support for Christy’s Landing’s proposed expansion project. Christy’s is an asset to the Waubesa Beach Community and the addition of a volleyball court and continuance of live entertainment outdoors adds to the enjoyment of living here.

If you have any questions, please feel free to contact us at the above address.

Sincerely,
Dan and Kari Newcomer
As a long time neighborhood resident (over 20 years), I wanted to send you a note of support for the new volleyball courts.

Similar to you, we reside just a few doors from the restaurant (5 to be exact). Christy’s Landing has been a positive local fixture for years; even before I purchased the property. We enjoy the occasional live music venue and are able to socialize with neighbors that we may not normally see as frequently. Since the expansion of the volleyball courts earlier this year, we have witnessed no negative impact on the neighborhood – no additional noise levels, no additional traffic past the house, and no additional litter in the lakes or streets. Further, the summertime music wraps up at a reasonable hour, allowing us to resume our evening family atmosphere in our own back yard.

We are happy to support a local, family owned, small business and look forward to participating in your future engagements.

Bernhard ("Fritz") & Terri Mautz
2940 Waubesa Ave
Madison, WI 53711
Legend

Petition 10639
CUP 2258
Waubesa Beach Club